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Volume 8 | INDEX, *July 1943* | Nos. 129–151

A

Page

ACCOUNTS BUREAU. *See* Treasury Department.

ADMINISTRATIVE PERSONNEL (TITLE 5):
- Civil Service Commission:
  - War overtime pay regulations (Part 20) 9483
  - War service regulations (Part 18) 9317, 9900, 10297

AGRICULTURAL ADJUSTMENT AGENCY:
- Conservation program:
  - Insular; Alaska, Hawaii, Puerto Rico, 1943 10055, 10298
  - National, 1943 9439
- Marketing quotas:
  - Tobacco:
    - Burley, 1943–44:
      - Regulations; acreage allotments 9599
    - Dark air-cured, 1943–44:
      - Regulations; acreage allotments 9599
    - Fire-cured, 1943–44:
      - Regulations; acreage allotments 9599
    - Flue-cured:
      - Quota, national, 1944–45 9641
      - Regulations, 1943–44; acreage allotments 9600
- Parity payment regulations, 1942 9900

AGRICULTURAL CREDIT (TITLE 6):
- Commodity Credit Corporation:
  - Rye, barley, and grain sorghums loans, 1943 (Part 238) 10340
- Farm Credit Administration:
  - Administrative officers, functions (Part 3) 9099
  - Federal land banks (Part 10) 9437, 10595
  - Fees and charges on bank and Commissioner loans (Part 19) 10595
  - Regional Agricultural Credit Corporation of Washington, D. C., at Kansas City, Mo.; agricultural loans and advances for maximum war production (Part 96) 9099

Page

AGRICULTURAL CREDIT (TITLE 6)—Continued.
- Farm Security Administration:
  - Flood restoration loans (Part 390) 10597

AGRICULTURE (TITLE 7):
- Agricultural Adjustment Agency:
  - Conservation programs:
    - Insular, 1942 (Part 702) 10055, 10298
    - National (Part 701) 9439
  - Parity payment regulations, 1942 (Part 741) 9900
  - Tobacco:
    - Burley (Part 724) 9599
    - Fire-cured and dark air-cured (Part 726) 9599
    - Flue-cured (Part 727) 9600, 9641
- Entomology and Plant Quarantine Bureau:
  - Plants or plant products, importation by mail (Part 351) 9317
- Federal Crop Insurance Corporation:
  - Wheat crop insurance regulations, 1942 (Part 402) 9175
- Office of the Secretary:
  - Farm Security Administration, authorization to make loans for flood relief 10599
- War Food Administration:
  - Animal foods (Part 1403) 9102
  - Beans and peas (Part 1491) 9106
  - Canned fruits and vegetables (grading and certification) (Part 52) 10297
  - Cocoa beans (Part 1433) 9642
  - Dairy products (Part 1401) 9102, 9904
  - Delegations of authority (Part 1400) 9600
  - Eggs and egg products (Part 1495) 9108
  - Farm machinery and equipment (Part 1202) 9100, 9101, 10343
  - Fats and oils (Part 1460) 9042, 9043, 9103, 9104, 9105, 9177, 9483, 9487, 10389, 10479.
  - Fertilizer (Part 1206) 9271, 9275, 9440

Page

AGRICULTURE (TITLE 7)—Con.
- War Food Administration—Con.
  - Fish and shellfish (Part 1465) 9488, 9735
  - Food products, miscellaneous (Part 1490) 9906
  - Fruits and vegetables (Part 1405) 9041, 9177, 9641, 9733, 9905, 10061, 10477, 10604
  - Grains (Part 1468) 10480
  - Imported foods (Part 1415) 9103
  - Livestock and meats (Part 1410) 8989, 9041, 9108, 9112, 9275, 9319, 9641, 10605
  - Milk, handling in various marketing and sales areas:
    - Cincinnati, Ohio (Part 922) 10537
    - Louisville, Ky. (Part 946) 10599
    - New York Metropolitan (Part 927) 9862
    - Shreveport, La. (Part 952) 9862
  - Pears, handling of designated varieties; Oregon, Washington and California (Part 939) 9733
  - Rice (Part 1432) 9863
  - Spices (Part 1455) 9177
  - Sugar (Part 1430) 10605, 10606
  - Suspension orders (Part 1590) 9177, 9349, 10062
  - Tobacco (Part 1450) 10479

AGRICULTURE DEPARTMENT:
- *See Agricultural Adjustment Agency.*
- *Animal Industry Bureau.*
- *Commodity Credit Corporation.*
- *Entomology and Plant Quarantine Bureau.*
- *Farm Credit Administration.*
- *Farm Security Administration.*
- *Federal Crop Insurance Corporation.*
- *Forest Service.*
- *Rural Electrification Administration.*
- *War Food Administration.*
- Office of the Secretary:
  - Farm Security Administration, authorization to make loans for flood relief 10599

89000 43 —1

ALASKA:
- Airports of entry. *See* Customs Bureau.
- Conservation programs. *See* Agricultural Adjustment Agency.
- Fishery and game regulations. *See* Fish and Wildlife Service.
- Price regulation. *See* Price Administration.
- Public lands, Indian reservations, etc. *See* General Land Office; Indian Affairs Office.
- State certificates, acceptance of. *See* Children's Bureau.

ALIEN PROPERTY CUSTODIAN:
- Certificate of appointment:
  - Crowley, S. James 9088
- Divesting orders:
  - Skiaky, D 10516
  - Sturbelle, L 10516
- Subordination orders:
  - Amber Mines, Inc 10045
  - Byk, Inc 10046
  - Steffens, Jones & Co., Inc 10046
- Vesting orders:
  - Abe, Kentaro 10633
  - Abe Appliances 10033
  - Adlanco X-Ray Corp 10041
  - Aginski, Paul 9582
  - Ahrenkiel, Christian F., and Anne 9471
  - Akomfina A. G 10584
  - Alber, Margareta 10042
  - Albers, Mary 10035
  - Alessandrini, Agostino 9245
  - Alfa-Romeo, S. A 10033
  - Amber Mines, Inc 9469
  - Amer, Elizabeth B 10042
  - American Felsol Co 10035
  - Anaka, Peter 10633
  - Anker-Werke A. G 10629
  - Arpad Gerecs 10521
  - Baessler, Anna 10035
  - Batzouroff & Cie 9076
  - Bauer Type Foundry, Inc 10309
  - Baumann, Werner 10525
  - Bausch & Lomb Optical Co 10625
  - Benes, Stephen 10036
  - Berdele, Emilie 10634
  - Berger, Bertha 10043
  - Bier, Siegfried Max 9252
  - Bischof, Fred 10634
  - Bisleri, S. A. Felice, & Cia 10589
  - Blanc, Gian Alberto 10631
  - Bowdoin, Harry W. C 9081
  - Brand, Augusta Von Hagen 9245
  - Brandt, Edgar William 10525
  - Breburda, Alex 10634
  - Buhlmann, A. W., Inc 9245
  - Buss Aktiengesellschaft 10582
  - Camplese, Maria 9074
  - Candido, Samuel 9253
  - Cantale, Natale 10036
  - Capocciamo, John 10043
  - Carrera, Fiorentino 10037
  - Centrale des Matieres Colorantes 10632
  - Chamois, Paul 9246
  - Chemische Fabrik Gruenau A. G 10581
  - Chinoin Chemical and Pharmaceutical Works Co., Ltd 10587
  - Christian, Jacob E 9081
  - Colussi, Pacificio 10636
  - Corn Exchange Bank Trust Co 10635, 10637, 10641
  - "Corrado" Societa Anonima Di Navigazione 10033
  - Crzellitzer, Ruth Sara, Stefan Peter, and Camillo-Georg 9582
  - Cuneo, Vittorio 10043
  - Daly, Margaret P 10044, 10635, 10637, 10641
  - Davis, Horace 10044
  - DeMatteo, Joseph A 9246
  - De Paolo, Angelo 9251
  - Deutsche Celluloidfabrik Aktiengesellschaft 10587
  - Deutsches Haus, Inc 10679
  - Dierich, Franz 9246
  - DiGiovanni, Enrico 10636
  - Doerfert, Helen Ward 9078
  - Donnini, Adelmo 9078
  - Dundek, Mary 10045
  - Eckert, Emma H 10045
  - Eckert, Peter 9080
  - Eicher, Philip 10636
  - Etten, Joseph 10309
  - Fabisch, Charles 9247
  - Fassio, Lorenzo 10679
  - Fassnacht, George M 9247
  - Faust, Edwin G., and Paul D. 10037
  - Faust, George F., and William K 10310
  - Ferrantino, Anna 10680
  - Fischer, George, and Hans 9243
  - Foldi, Zoltan 10521
  - Forster, Helen 9253
  - Fratelli Branca & Co., Inc 10518
  - Friedman, Nathaniel E 10037
  - Fujii Junichi Shoten, Ltd. 9469, 9470
  - Gambini, D 9254
  - Garbo, John 9246
  - Gausebeck, Beatrice 9243
  - Gigliotti, Vincenzo 9247
  - Girten, Michael F 10038
  - Gold, Rose 9248
  - Greisert, Marie 9081
  - Guth, Philipp 9248
  - Haensroth, Edward 9249
  - Harlan, Samuel, Jr 10310
  - Harrah, Georgina Balfour 9082
  - Heidmann, Henry C. A 9244
  - Heinze, Clara 9079
  - Helmke, Emma Juliane 10038
  - Heraeus-Vacuumschmelze Aktiengesellschaft 10580
  - Herr, Lena C 9253
  - Herzfeld, Hugo 10311
  - Hesse, Holger 10034
  - Hessling, Johanna 9082
  - Hildebrand, John, and Mary 9075
  - Hilprecht, Herman Vollrath 10311
  - Hirsch, Isaac E 10637
  - Hofer, Berta 9083
  - Hofmeister, Gustav Otto Richard 9077, 9583
  - Holderried, Alfred 9083
  - Holland-Letz, Friedrich Wilhelm 10586
  - Horn, Eliza 9073
  - Horneff, August 9249
  - Horter, Charles 10637
  - Horwitz, Orville 10638
  - Humpfner, Adolph 10638
  - I. G. Farbenindustrie Aktiengesellschaft 10375, 10519, 10522, 10524, 10587, 10625, 10628
  - Igersheimer, Adolph 10038
  - Ilse, Ludwig 10311
  - Imhoff, Karl 10523
  - Industrieele Maatschappij Activit N. V 10520
  - Integrity Trust Co 10638
  - Inventions. *See* Patents.
  - Jacobi, Hugo 10312
  - Jager, Harry C 10639
  - Jahre, Richard 10630
  - Jenaer Glaswerk Schott & Genossen 10520
  - Jourdan, Felix 10631
  - Junkers & Co., G. m. b. H 10580
  - K. Samura Shoten, Ltd. 9072, 9073
  - Kalle & Co., A. G 10588, 10629
  - Kasai, Tadaichi 9249
  - Kato, Kumeo 9472
  - Kaufmann, Baruch 10312
  - Keller, Ida A 10313
  - Keller, William 10639
  - Kempf, Heinrich, and Mrs. Heinrich 9474
  - Keppler, Frederick L 10640
  - Kiyono, Tsukasa 9080
  - Klesse, Armand 10039
  - Klinke, Oskar 10680
  - Koppers August 10588
  - Krause, Auguste 9250
  - Krebs, Edouard 10632
  - Kunze, Aifred 10640
  - Kupka, Emma Louise 10640
  - Lang, Louise 9254
  - Lange, Bruno 10627
  - Ledeboer Jeremias H 10522
  - Leitz, Ernst 10625
  - Lembo, Fitro 10039
  - Linz, Albert 9254
  - Lobstein, J 10517
  - Loew, Mathilde 10313
  - Loforte, Salvator 10517
  - Lohse, John H 10313
  - Lorenz, C. Aktiengesellschaft 10630
  - Lubbe, August 10314
  - Luckmann, Willy and Kaethe 9473
  - Luhn, Oskar 10627
  - Lurgi Gesellschaft Fur Chemie und Huttenwesen m. b. H 10627
  - Maierle, Augusta 9083
  - Manci, Henry 9250
  - Mantovani, Ernesto 9250
  - Mayer, C 10517
  - Mazzuca, John 9084
  - Meduna, Nori Rosa Aileen 10681
  - Metallgesellschaft A. G. 10626, 10627
  - Mideuropean Food Package Service, Inc 9472
  - Molitor, Alfrieda Johanna Eichholz 10039
  - Moritz, Mathilde 9251
  - Mugnaini, Giuseppe 10040
  - N. V. Internationale Alfol Maatschappij 10628
  - Naccarato, Fred and Sara 10314
  - Nannit, Gaetano 9578
  - Narr, Christian 10681
  - Neuhuettler, Joseph 10040
  - Nimmerfroh, Vincent 10315
  - Octrooien Maatschappij Activit 10522
  - Okura & Co. (Trading) Ltd 9243
  - Oostendorp, Johanna, Jr 10308
  - Opitz, Henry C 10681
  - Pacific Bank 9244
  - Pacsmag, Lydia 10315
  - Parker, W. W 9084
  - Pasca, Antonio 9084
  - Pass and Company 9074
  - Patents and patent applications of foreign nationals in enemy or enemy-occupied countries:
    - Austria 10527
    - Belgium 9579, 10582
    - Czechoslovakia 9579, 10582
    - Denmark 9579
    - France 9579, 10526, 10582, 10630
    - Germany 9580, 10517, 10527, 10631
    - Greece 10582
    - Hungary 9580, 10527, 10631
    - Italy 9580, 10527
    - Japan 9580, 10527, 10631
    - Netherlands 9579, 10582
    - Norway 9579
    - Poland 9579
  - Patin, Albert 10525
  - Permutit S. A., Industrieele Maatschappij Activit 10522
  - Petriella, Pietro 10682
  - Petroff, Michael 10682
  - Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft 10626
  - Pia, Ernest 10682
  - Pinchetti, Carlo 9251
  - Pipitone, Guiseppe 10315
  - Pirondini, Maria Scaramellini 9077
  - Plack, Eric 9243
  - Poll, Max 10316
  - Pospischil, Kathe 10041
  - Potter Title and Trust Co 10316
  - Pukall, Karoline 10317
  - Quarzlampen Gesellshaft 10519
  - Reimers, Paul 10683
  - Reinhafdt, Gottlob 9252
  - Renault, Henri 9582
  - Resinous Products & Chemical Co., Inc 10519
  - Rhodius Koenigs Handels Maatschappij 10628
  - Richter, M 10683
  - "Ringfeder" G. m. b. H 10584
  - Rinker, Emelia C 9085
  - Ritter, H. F., & Co., Inc 10678
  - Robling, Frank J., and Margaret L 10683
  - Roder, Joseph 10684
  - Rosenberg, Wm 10317
  - Rosetto, Margherita 10678
  - Rucellai, Bronson 10319
  - Rutgerswerke A. G 10586
  - S. Hata Shoten, Ltd 9469
  - Sarazin, Raoul R. R 10583
  - Sasaoka, K 9470
  - Sautter, Augusta 10317
  - Schaedlich, Agnes B 10684
  - Schaefer, John Gabriel 10041
  - Schaus, William 10685
  - Schiwek, Charlotte 9475
  - Schlaf, Alfred Daniel 9085
  - Schlichting, Otto 10628
  - Schmidt, Henry H 10685
  - Schmitt, Bertha 10319
  - Schroeder, Caroline 9085
  - Seilern, Antoinette 9086
  - Seitz, Margaretha 9073
  - Sidenstucker, William, and Henry 9074
  - Siemens & Halske A. G 10034
  - Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H 10626
  - Siemens-Schuckert Werke A. G 10626
  - Silesia, Verein Chemischer Fabriken 10586
  - Societa Italiana Pirelli 10521
  - Societe Anonyme de Matieres Colorantes et Produits Chimiques Francolor 10632
  - Societe Anonyme Des Usines Renault 9072
  - Societe Internationale de Carottage Electrique Procedes Schlumberger 10583
  - Staple Fiber Corporation 9076
  - Staudinger, Professor Dr 10523
  - Stegmuller, Wilhelmina 9086
  - Stocke, Henry Louis 9255
  - Strack, Otto 10626
  - Struve, August W 9086
  - Suhrbier, Christina 10318
  - Sumida, T., & Co., Ltd 10032
  - Sumitomo Bank of Hawaii 9244
  - Swift, Louise M 9087
  - Tangee, Marjorie Leppla 9474
  - Toepfer, Ernst W. C 10678
  - Tohma, Hans 10625
  - Usbeck, Georg Hermann 10524
  - Van der Grinten, Frans 10629
  - Vasilach, Serge 9582
  - Vitoux, Pierre 10580
  - Wacker, Dr. Alexander, Gesellschaft fur Elektrochemische Industrie, G. m. b. H 10626
  - Webers, Henry 10318
  - Weisz, Arthur 10521
  - Wikander, Oscar R 10584
  - Windmoller & Holscher 10584
  - Wollschlaeger, Daniel 9087
  - Yokohama Specie Bank, Ltd. (Honolulu) 10032
  - Zanier, John 9256
  - Zeiss, Carl 10526, 10579, 10585, 10585
  - Zeiss-Aerotopograph, G. m. b. H 10526
  - Zernetsch, Lena 9088

ALIENS AND ENEMY NATIONALS:
- Duty to register. *See* Selective Service System.
- Employment of aliens; joint statement by Secretary of War, Attorney General, Secretary of the Navy, and Chairman of the Maritime Commission 9924
- Non-resident; withholding tax, exemption. *See* Internal Revenue Bureau.
- Property. *See* Alien Property Custodian.

ALIENS AND NATIONALITY (TITLE 8):
- Alien Property Custodian:
  - General Orders (Part 503) 9178
- Immigration and Naturalization Service:
  - Certificates:
    - Arrival (Part 363) 10393
    - Naturalization for veterans of allied forces (Part 378) 10393
    - Naturalization papers replaced (Part 382) 10393
    - Naturalization records or information, certification (Part 383) 10393
  - Special classes of persons who may be naturalized:
    - Alien enemies (Part 335) 10392
    - Children (Part 324) 10391
    - Former United States citizens (Part 330) 10391
    - Puerto Ricans (Part 347) 10392
    - Veterans of United States armed forces (Part 334) 10391
    - Virgin Islanders (Part 348) 10392

ANIMAL INDUSTRY BUREAU:
- Goats, recognized breed and book of record 9735

ANIMALS AND ANIMAL PRODUCTS (TITLE 9):
- Animal Industry Bureau:
  - Recognition of breeds and purebred animals (Part 151) 9735
- War Food Administration:
  - Authorization for inspection of livestock (Part 203) 9601
  - Posted stockyards and live poultry markets (Part 204) 9319, 10482, 10537

ARMY: WAR DEPARTMENT (TITLE 10):
- Aid of civil authorities and public relations:
  - Decorations, manufacture of (Part 7) 9440
  - Safeguarding technical information (Part 5) 9178
- Claims and accounts:
  - Payment of bills and accounts (Part 35) 10651
- Military education:
  - Citizens' Military Training Camps (Part 41) 9601
- Military reservations and national cemeteries:
  - Exchanges (Part 54) 9179
  - Military reservations, regulations (Part 52) 10105
- Organized Reserves:
  - Reserve Officers' Training Corps (Part 62) 10539
- Personnel:
  - Army Nurse Corps (Part 70) 9349
  - Commissioned officers, warrant officers, and chaplains, appointment (Part 73) 8989, 10105
  - Medical and dental attendance (Part 77) 10062
  - Recruiting and induction for Army of United States (Part 71) 10651

ARMY: WAR DEPARTMENT (TITLE 10)—Continued. Page
Personnel—Continued.
Uniform, prescribed service (Part 79) 9179, 9349
Women's Army Auxiliary Corps (Part 79b) 9179
Procurement and disposal of equipment and supplies:
Military supplies and animals, procurement (Part 81) 8989, 9908, 10653
Surplus and unserviceable property (Part 83) 9929
ARMY REGULATIONS. *See* War Department.

B

BANKS AND BANKING (TITLE 12):
Federal Reserve System, Board of Governors:
Extension and maintenance of credit, brokers, dealers, and members of National Securities Exchanges (Part 220) 10539
BITUMINOUS COAL DIVISION:
Bituminous Coal Act of 1937, expiration:
Applications and petitions, dismissed or cancelled 9571, 10026, 10447, 10514, 10575, 10621, 10675.
Statement of the Director 10026
District boards, termination of functions 10539
Minimum price schedules, relief orders. *See* Mineral Resources.
Notices, hearings, orders:
Appalachian Coals, Inc 9572
Beare, R. L., Jr 10307
Beare Fuel Co 10307
Beccaria Coal Mining Co 9238
Bradley, Francis 10026
Brown Fuel Co 9572
Butterworth Coal Co 9339
Cable, John J 9239
Cable, Taylor 10092
Cable Coal Mine 10093
Central States Collieries, Inc 10091
Cincinnati, Ohio 10369
Clark, J. P 10307
Coe, Campbell 9571
Coe, Campbell, Coal Co 9237, 9572
Consolidated Coal Co 9571
Consumers' Counsel 10091
Corley, W. D., Jr 9240, 10447
DeBardeleben Coal Corp 9070, 10575
District Board 2 9235, 9238
District Board 7 9340, 9427
District Board 10 9572, 10576
District Board 11 10306
District Board 12 9427, 9464
District Board 13 9071, 9168
District Board 15 9306
District Board 16 9239
District Board 18 9069, 9168
District Board 23 9236, 9240, 10575
Eagle Boat Store Co 10575
Edie, W. A. and Harold C 10092
Edie, W. A., and Son 10092
England, A. H 9235
Ewell, Frank David, Jr 10307
Ewell Fuel Co 10307
Fannon, C. J 10091
Flat Creek Coal Co 9571, 10447

BITUMINOUS COAL DIVISION—Continued. Page
Notices, hearings, orders—Con.
Garfield Coal Co 9571
Gilliam, J. W 10307
Gilmore, Freda 9571
Golden Cycle Corp., Pikes Peak Fuel Division 9237
Goodrich, B. F., Co 10025
Greenman, Geo. H., Coal Co., et al 9239
Griffith-Consumers Co 9241
Hansen, George M 10026
Henry, Earl and D 10307
Henry Coal Co 10307
Hicks, Carl, Dale and Melvin 9571
Hicks & Sons 9571
Hoskins Coal and Dock Corp 10091
Hoyt, Clyde H., Co 9575
Kane, Thomas Joseph 9239
Kirkpatrick Coal Co 10307
Kolarich, Charly 10092
Lackey Coal Co 9239
Lackey, Vaden 9239
Logan Clay Products Co 9069, 10026
Lytton, Harry 9239
Lytton Fuel Co 9239
Meeks, Edgar 10306
Michaels, Joseph G 9571
Mid-Western Fuel Co 9239
Mitchell, Charles S 10369
Morrisdale Coal Co 9235
Oakland Coal Co 10025
Olson, E. K. and W. F 10026
Parke, Elza 9428, 9572
Pine Hill Mining Co., et al 9571
Pittsburgh and Midway Coal Mining Co 10577
Red Top Coal Co., Inc 9571
Rio Grande Coal Co 10026
Scott, Walter 9671
Smokeless Coal Co., Inc 9571
Southern Coal Co 10306
Southwest Coal Sales 9573
Stanton, H. B 9239
Stanton, H. B., Coal Co 9239
Steffey and Findlay, Inc 10576
Studerus Coal Co 9571
Summit Coal Mining Co 9428
Superior Coal Co 9240, 10576
Talarico, Ralph 9307
Truax-Traer Coal Co., et al 10091
Truck Coal Association of Western Pennsylvania 10025
Tway, R. C., Coal Sales Co 9571
Twombly, John W 9239
United Electric Coal Companies 10091
Valier Coal Co 9464, 10447
Werner Brothers 10574
Whited, E. P. and J. B 10092
Williamson, J. A 10307
Worden Coal Co 9306
York and Park 9241
Zero Ice Co 9239
Reports, monthly tonnage; District 3 9182
BLOCKED NATIONALS:
Proclaimed list:
Revision V, Cumulative Supplement 3 9181
BOARD OF LEGAL EXAMINERS. *See* Civil Service Commission.
BUSINESS CREDIT (TITLE 13):
Reconstruction Finance Corporation:
Petroleum Reserves Corporation, charter 9044

C

CANADA: Page
Government freight shipments to or through; permits 9067, 9068
Tires and tubes, importation from 9492, 9868
CANAL ZONE. *See* Panama Canal.
CEILING PRICES. *See* Price Administration.
CENSUS BUREAU:
Foreign trade statistics; Government supplies shipped abroad 9936
CHILDREN'S BUREAU:
Personnel standards; maternal and child-health services 10674
State certificates, acceptance of:
Alaska, proof of age 8990
Nevada 9116
CIVIL AERONAUTICS ADMINISTRATOR:
Civil airways, designation, etc 9864, 10654
Construction on or near civil airways, notice required 9489
Control airports, designation of 9112, 9489, 10654,
Cancellation 9112
Port Columbus Airport, Columbus, Ohio, waiver of weather requirement for certain test flights 10677
CIVIL AERONAUTICS BOARD:
Air carrier rules:
Altitude recording device 9181
Approach limitation 10653
Air traffic rules:
Light and signal rules, aircraft on ground 9936
Position lights, waiver of requirement for certain military aircraft 10653
Revisions preparatory to reprinting 9181
Applications for exemptions from requirements 10653
Notices, hearings, etc.:
Delta Air Corp 9169
Investigation of aircraft accidents occurring at or near:
Omaha, Neb 9850
Northwest Airlines, Inc 9071
Pan American Airways, Inc 9888
Transcontinental & Western Air, Inc 9340
United Air Lines Transport Corp 9340
Western Air Lines, Inc 9340
Pilots' certificates and ratings; assistant airline transport pilots, qualifications 9112
CIVIL AVIATION (TITLE 14):
Civil Aeronautics Administrator:
Construction or alteration of structures on or near civil airways (Part 525) 9489
Designation of airway traffic control areas, etc. (Part 601) 9112, 9489, 10654
Designation of civil airways (Part 600) 9864, 10654

CIVIL AVIATION (TITLE 14)—Continued. Page
Civil Aeronautics Board:
Air traffic rules (Part 60) 9181, 9936, 10653
Airline transport pilot rating (Part 21) 9112
Classification and exemptions (Part 292) 10653
Scheduled air carrier rules (Part 61) 9181, 10653
CIVIL SERVICE:
Payment of overtime compensation 9483
War service regulations:
Reappointment 10297
Recruitment and placement; procedure in filling vacancies 9900
Restoration of persons having reemployment rights; discharged from military or naval service 9317
CIVIL SERVICE COMMISSION:
Board of Legal Examiners, providing for the functions of (Executive Order 9358) 9175
CLASSIFICATION, draft. *See* Selective Service System.
COAL, transportation tax on. *See* Internal Revenue Bureau.
COAL MINES, Government control. *See* Interior Department.
COAST GUARD:
Inspection and navigation:
Bays, sounds, and lakes other than Great Lakes:
Inspection of vessels; alarm bells 9067
Emergency regulations:
Boats, rafts, etc.:
Lifeboat davits 9840
Life buoy construction 9067
Life preservers, construction 9840
Life raft equipment 9840
Inspection and certification:
Electrical installations 9067
Equipment approved, miscellaneous items 9067, 9305, 9840, 10023
Great Lakes:
Inspection of vessels; alarm bells 9067
Marine engineering:
Construction; boiler installation 10023
Materials, marking 9840
Ocean and coastwise:
Licensed officers and certificated men:
Alarm bells and loud speaker system 9067
Rivers:
Inspection of vessels; alarm bells 9067
Tank vessels; operation:
Sea valves, closing of 9305
Warning signals 9305
War business, vessels engaged in; waiver of navigation and inspection laws 9164

COMMERCE (TITLE 15): Page
Census Bureau:
Foreign trade statistics (Part 30) 9936
COMMERCE DEPARTMENT:
See Census Bureau.
Civil Aeronautics Administrator.
Civil Aeronautics Board.
Cross-License Agreement (Buna Rubber) 10647
Secretary of Commerce; functions with respect to certain RFC corporations concerned with foreign economic affairs, transferred to Office of Economic Warfare (Executive Order 9361) 9861
COMMERCIAL PRACTICES (TITLE 16):
Federal Trade Commission:
Cease and desist orders (Part 3). *See* Federal Trade Commission.
COMMODITY AND SECURITIES EXCHANGES (TITLE 17):
Securities and Exchange Commission:
Securities Exchange Act of 1934 (Part 240) 9349
COMMODITY CREDIT CORPORATION:
Regional Director, authority delegated to with respect to requisitioning of corn 9316
Rye, barley, and grain sorghums loans, 1943; instructions 10340
Vice President, authority delegated to with respect to purchase and sale of farmers' stock peanuts, 1943 crop 10647
COMMUNICATIONS. *See* Federal Communications Commission.
COMMUNITY CEILING PRICES. *See* Price Administration.
CONSCIENTIOUS OBJECTORS. *See* Selective Service System.
CONSERVATION PROGRAMS. *See* Agricultural Adjustment Agency.
CONTRACTS, GOVERNMENT. *See also* War Department.
Employment of aliens; joint statement by Secretary of War, Attorney General, Secretary of the Navy, and Chairman of the Maritime Commission 9924
CONTROLLED MATERIALS PLAN. *See* War Production Board.
COORDINATOR OF FISHERIES. *See* Fisheries Coordinator, Office of.
COURT-MARTIAL CASES. *See* War Department.
CUSTOMS BUREAU:
Airports of entry, temporary; redesignation:
Fort Yukon, Alaska 9351
Niagara Falls, N. Y 9351
Ports at which marine documents may be issued 9044

CUSTOMS DUTIES (TITLE 19): Page
Customs Bureau:
Air commerce regulations (Part 6) 9351
Customs districts and ports (Part 1) 9044, 9115

D

DANGER ZONES, regulations. *See* War Department.
DEFENSE SUPPLIES CORPORATION, purchases and sales:
New commercial motor vehicles 9388
Pine tar and pine tar oil 9026
DEFENSE TRANSPORTATION, OFFICE OF:
Akron Transportation Co., certain operations suspended and adjusted 10454
Canada, freight shipments to. *See* Traffic movement direction.
Delegations of authority:
Assistant director; to issue approvals of sale; transfer, and charter of vessels 9887
Division of Local Transport; to issue special permits for taxi service 9571
Division of Motor Transport; to issue special permits 9034, 9037
Division of Petroleum and Other Liquid Transport 9631
Intercity passenger services, recommendation for joint action plans 10453, 10475
Motor equipment conservation:
Certificates of war necessity, issuance of 9034
Taxicabs and taxi service 9231, 9270
Motor vehicle services, coordination:
Freight services:
Adams Transfer & Storage Co 9583
Austgen Express & Storage Co., et al 10453, 10475
Baltimore Storage Co., et al 10319
Chief Freight Lines Co 9584
Darling Transfer 9476
Dixie Ohio Express Co 9256
Fogarty Bros. Transfer, Inc 9172, 10528
Georgia Highway Express, Inc 9256
Georgia Motor Express, Inc 10529
Haeckl's Express, Inc 9257
Hall Bros. Truck Lines 9585
Kansas Transport Freight Lines 9585
Knaus Truck Lines, Inc 9584
Manley Transfer Co 9585
Mercury Express, Inc 10529
Red Ball Transfer Co 9476
Reimann Truck Service 9258
Riss & Co., Inc 9584
St. Johns River Line Co 10528
Salem Navigation Co 9258
Santa Fe Trail Transportation Co 9583
Schlairet, E. A., Transfer Co 9257
Tamiami Trail Tours, Inc 9173

Page

DEFENSE TRANSPORTATION, OFFICE OF—Continued.
Motor vehicle services, coordination—Continued.
Household goods motor carriers, registration offices; Baltimore, Md. 10319
Joint action plans:
Carriers of property by motor vehicle; Chicago, Ill. 10453, 10475
Dairies:
Calumet-Indiana-Illinois area 9433
Dubois, Pa. 9635, 9639
Oswego, N. Y. 10453, 10475
Prairie du Chien, Wisc. 9635, 9639
Florists; Cuyahoga County, Ohio 9586, 9597
Freight services; names of companies. *See* Freight services, above.
Groceries; Prairie du Chien, Wisc. 9635, 9639
Ice cream and related products distributors; Philadelphia, Pa. 10378, 10387
Milk distributors:
Watertown, N. Y. 10641, 10647
West Salem, Wisc. 9432, 9436
Taxicab operators:
Grenada, Miss. area 10530
Starkville, Miss. area 10046
Petroleum and petroleum products, transportation on Ohio River:
Inland Waterways Corp. 10454
Marine Transportation Co. 10454
Puerto Rico, freight shipments to. *See* Traffic movement direction.
Rail equipment conservation, exceptions:
Carload freight traffic; perishable products, transportation of 9887
Merchandise traffic; cotton consigned to or shipped from compress facilities or warehouses 10023
Traffic movement direction:
Government freight shipments, permits:
Canada 9067
Puerto Rico 9570
Tank cars, exceptions:
Certain listed commodities, movement of; permits 10445
Loading of 10446
Vessels, sale, transfer and charter of; joint statement with War Shipping Administration 9164, 9167

E

ECONOMIC AFFAIRS, foreign; unification of agencies concerned with (Executive Order 9361) 9861
ECONOMIC STABILIZATION, OFFICE OF:
Emergency Board, National Railway Labor Panel; recommendations for wage increases:
Chicago, North Shore and Milwaukee Railroad Co. 9477
Pacific Electric Railway Co. 10292

Page

ECONOMIC WARFARE, BOARD OF:
See also Economic Warfare, Office of.
Export control:
Licenses:
General:
Countries, lists 8993, 9745
Empty containers, return of to foreign country 8993
In transit licenses 8993, 9745
Metal drums and containers 8993
Personal baggage; automobiles 8993
Individual:
Commodities, list 8994
Unlimited:
Commodities and countries of destination, list 8993, 9745
Termination (Executive Order 9361) 9861
Ratification of orders, licenses, etc., by Office of Economic Warfare 9938
ECONOMIC WARFARE, OFFICE OF:
See also Economic Warfare, Board of.
Establishment in Office for Emergency Management (Executive Order 9361) 9861
Export-Import Bank of Washington, Petroleum Reserve Corporation, Rubber Development Company, and U. S. Commercial Company, transferred to (Executive Order 9361) 9861
Ratification of orders, licenses, etc., of Board of Economic Warfare and certain corporations 9938
EIGHT-HOUR LAW, suspension of. *See* Interior Department.
EMPLOYEES' BENEFITS (TITLE 20):
Social Security Board:
Federal old-age and survivors insurance (Part 403) 9491
EMPLOYMENT OF LEARNERS. *See* Wage and Hour Division.
EMPLOYMENT STABILIZATION. *See* Economic Stabilization, Office of; War Manpower Commission.
ENGINEERS CORPS. *See* War Department.
ENTOMOLOGY AND PLANT QUARANTINE BUREAU:
Importation of plants or plant products by mail 9317
ESSENTIAL ACTIVITIES, employment. *See* War Manpower Commission.
EXPLOSIVES, transportation. *See* Interstate Commerce Commission.
EXPORTS, control of. *See* Economic Warfare.
EXECUTIVE ORDERS:
Civil Service; Board of Legal Examiners, providing for functions of (No. 9358) 9175

Page

EXECUTIVE ORDERS—Con.
Commerce Department; functions of Secretary of Commerce with respect to certain RFC corporations concerned with foreign economic affairs; transferred to Office of Economic Warfare (No. 9361) 9861
Court-martial cases. *See* War Department.
Economic affairs, foreign; unification of agencies concerned with (No. 9361) 9861
Economic Warfare, Board of, terminated (No. 9361) 9861
Economic Warfare, Office of:
Established in the Office for Emergency Management (No. 9361) 9861
U. S. Company, Rubber Development Company, Petroleum Reserve Corporation, and Export-Import Bank of Washington, transferred to (No. 9361) 9861
Eight-hour law. *See* Interior Department.
Export-Import Bank of Washington, transferred to Office of Economic Warfare (No. 9361) 9861
Federal Communications Commission; lands in Hawaii, transferred to jurisdiction of the Navy Department (No. 9362) 10339
Federal Works Agency; functions of Public Works Administration transferred to Federal Works Administrator (No. 9357) 9041
Hawaii, lands transferred from jurisdiction of Federal Communications Commission to jurisdiction of Navy Department (No. 9362) 10339
Interior Department; suspension of eight-hour law as to laborers and mechanics employed on public works (No. 9360) 9437
Judge Advocate General. *See* War Department.
Navy Department; lands in Hawaii, transferred from jurisdiction of Federal Communications Commission (No. 9362) 10339
Panama Canal Zone, employment in; suspending certain statutory provisions relating to (No. 9359) 9175
Petroleum Reserve Corporation, transferred to Office of Economic Warfare (No. 9361) 9861
Public Works Administration. *See* Federal Works Agency.
Reconstruction Finance Corporation; certain corporations and functions pertaining to foreign economic affairs, transferred to Office of Economic Warfare (No. 9361) 9861
Rubber Development Corporation, transferred to Office of Economic Warfare (No. 9361) 9861

Page

EXECUTIVE ORDERS—Con.
State Department, foreign policy; Office of War Mobilization to arrange for unification of activities of Federal Government relating to foreign economic affairs in conformity with (No. 9361) 9861
United States Commercial Company, transferred to Office of Economic Warfare (No. 9361) 9861
War Department:
Court-martial cases; redistributing certain functions of Secretary of War and Judge Advocate General with respect to (No. 9363) 10389
Women's Army Corps, prescribing the strength of (No. 9364) 10477
Women's Army Corps Service Medal (No. 9365) 10651
War Mobilization, Office of; foreign economic affairs, authority over unification of activities relating to (No. 9361) 9861
Women's Army Corps. *See* War Department.
EXPORT-IMPORT BANK OF WASHINGTON, transferred to Office of Economic Warfare (Executive Order 9361) 9861
Orders, licenses, etc., ratified by Office of Economic Warfare 9938

F

FARM CREDIT ADMINISTRATION:
Administrative officers, functions:
Real estate, authorization to approve holding by Federal land banks of title for more than 5 years 9099
Federal land bank and Commissioner loans:
Fees and charges, regulations 10595
Insurance requirements 9437, 10595
Regional Agricultural Credit Corporation of Washington, D. C.; advances to finance extraordinary production of essential commodities 9099
FARM MACHINERY AND EQUIPMENT:
Production, etc. *See* War Production Board.
Rationing. *See* Rationing.
FARM SECURITY ADMINISTRATION:
Flood restoration loans:
Authority delegated by Secretary of Agriculture to administer 10599
Regulations 10597
FEDERAL COMMUNICATIONS COMMISSION:
Charges for photo services by wire or radio 9577
Fixed public and fixed public press services, modifications of licenses 9241

Page

FEDERAL COMMUNICATIONS COMMISSION—Continued.
Hearings and orders, etc.:
KCMO Broadcasting Co. 9465
Nebraska Continental Telephone Co., et al. 9170
Postal Telegraph, Inc. 10290, 10308
Postal Telegraph-Cable Co. 10371
Press Wireless, Inc. 9577
Public Utilities California Corp. 10372
Western Union Telegraph Co. 9729, 10290, 10308, 10371
Lands in Hawaii, transferred to jurisdiction of the Navy Department (Executive Order 9362) 10339
Rules and regulations:
Broadcast services and stations, high frequency and standard; notices to licensees 9463
Broadcast services other than standard, television, and noncommercial educational broadcast stations; notices to licensees 9463
Commercial radio operators, suspension of requirements 9166
Government communications by telegraph, rates and charges 9165
National defense, free service by common carriers to Government agencies 10305
Negotiations with foreign administrations or companies, reports 9167
Preservation of records, telegrams and ship messages 9167
FEDERAL CROP INSURANCE CORPORATION:
Wheat crop insurance regulations, 1940 9175
FEDERAL DEPOSIT INSURANCE CORPORATION:
Calls for reports on condition:
Nonmember mutual savings banks 9465
Nonmember State banks 9465
Certified statement by insured banks 9465
FEDERAL HOME LOAN BANK ADMINISTRATION:
Executive Officers, duties of 9865
FEDERAL POWER COMMISSION:
Hearings, etc.:
Cities Service Gas Co., et al. 10372
Cities Service Transportation and Chemical Co. 10372, 10677
Hope Natural Gas Co. 9242, 9850
Interstate Power Co. of North Dakota 9577
Jersey Central Power and Light Co 10030
Ohio Fuel Gas Co 9242
Ohio Public Service Co. 10677
Otter Tail Power Co. 9577
Panhandle Eastern Pipe Co. 9242
Prince Georges Gas Corp. 9465, 10308
Southern Natural Gas Co. 9432
Tennessee Gas and Transmission Co 9340
Washington Gas Light Co. 9466, 10308

Page

FEDERAL RESERVE SYSTEM:
Brokers, dealers, and members of National Securities Exchanges, extension and maintenance of credit 10539
Federal Reserve banks, use of as depositary banks. *See* Treasury Department.
FEDERAL SAVINGS AND LOAN SYSTEM:
Conservators and receivers:
Appointment and powers 10346
Conduct of conservatorships 10346
FEDERAL SECURITY AGENCY:
See Food and Drug Administration.
Public Health Service.
Social Security Board.
FEDERAL TRADE COMMISSION:
Cease and desist orders:
Alexander, J. D. 9276
Alexander Film Co 9276
Allied Laboratories 10395
American Button Mould Manufacturers Assn, Inc. 10105
American Rug and Carpet Co., Inc. 10344
Associated Laboratories, Inc. 10395
Association of Advertising Film Companies 9276
Atlantic Packing Co 10346
Atlantic Packing Co., Distributors 10346
Baritz, Sidney 10106
Beals, Guy C. 10107
C & C Button & Trimming Co., Inc. 10106
Cauger, A. V., Service, Inc. 9276
Central Sales Co 10345
Certified Tailoring Co 10395
Chalfin, Harry 10106
Dearborn Supply Co 10343
Defiance Button Machine Co. 10106
Empire Peat Soil Sponge Co. 9113
Fair, Albert E. 9276
Field, J. C., & Son 10395
Fisher Nut and Chocolate Co. 10298
Fling, John H. 10345
Freedom Chemical Co., Inc. 9114
Gallia Laboratories, Inc. 9114
General Screen Advertising, Inc 9276
Gibson, W. Z., Inc. 10395
Handy Button Machine Co. of N. Y., Inc. 10106
Illinois Brokerage Co 10299
International Trustees 10106
Jaffe, Elias and Solomon 10106
Jaffe & Jaffe 10106
Kadet, Benjamin, and Ada 9490
Kadet Art & Frame Co 9490
Kellner, M. J., Brokerage Co. 10299
Kellner, Maurice J. 10299
Kelp-A-Malt Co 10395
Klein, Victor 9490
Kola Astier Corp 9113
Lekas and Drivas, Inc. 10299
Liberty Die & Button Mould Co., Inc. 10106
Luloff, Samuel 10106
Mabry, C. J. 9276
Mahaney, William B. 10345
Motion Picture Advertising Service Co., Inc. 9276
O-K Sales Co 10299
Perloff, Samuel, Harry, Earl and Morris 10346
Pioneer Tailoring Co 10395
Premier Cone Baking Co. 9113

Page

FEDERAL TRADE COMMISSION—Continued.
Cease and desist orders—Con.
Progress Tailoring Co. 10394
Rabinowitz, Jacob, Inc. 10106
Ray-Bell Films, Inc. 9276
Rhode Island Plush Mills, Inc. 10344
Rossitto, Gaetano 9113
Screen Broadcast Corp. 9276
Seedol Co. 10395
Spiegel, Inc. 10107
Stone-Field Corp. 10395
United Art Studios 9489
United Film Ad Service, Inc. 9276
Urban, Bertha M. 10394
Weidhorn, Isidore A. 10106
Hearings, etc.:
Blackstone College of Law, Inc., et al. 10579
Book Give-Away Plan 10624
Callaway Mills 10450
Catalog Jewelry and Giftware Industry 10515
Chicago Union Advertising Agency, Inc. 10624
Harvin Co. 10624
Helena Volay Cosmetics 10624
Hoeck, Helen E. 10624
Jasper, Lynch & Fishel, Inc. 10624
Lorillard, P., Co., Inc. 9577, 9730
Milwaukee Importing Co. 10579
Minneapolis-Honeywell Regulator Co. 9578
National Biscuit Co. 10450
Ruberoid Co. 10623
Siegel and Alenikoff 10579
Tennessee Tufting Co. 10450
Warner, William R., & Co., Inc. 9578
Zabin, Alfred, and Juliette 10624
Zo-Ak Co., Inc. 10624

FEDERAL WORKS AGENCY:
Public Works Administration; transfer of functions of, to Administrator (Executive Order 9357) 9041

FISCAL SERVICE. *See* Treasury Department.

FISH AND WILDLIFE SERVICE:
Alaska fisheries, regulations amended:
Alaska Peninsula area 9233, 10091
Chignik area 9233
Kodiak area 9233, 10091
Prince William Sound area 9233, 9571
Southeastern Alaska area 9233, 10091
Alaska game regulations 9841
Guides; employment, licenses 9426
Licenses; hunting, trapping, and fishing 9426
Poison, designation and use 9426
National wildlife refuges:
Hart Mountain, Oreg.; hunting 10620
Lake Mason, Mont.; hunting 9850
Santee, S. C., fishing 9850
Swan Lake, Mo.; fishing 10023

FISHERIES COORDINATOR, OFFICE OF:
Alaska salmon canning industry 10024
Pilchard, coordinated production plan; permits 9233

FLOOD RESTORATION LOANS. *See* Farm Security Administration.

Page

FOOD ADMINISTRATION. *See* War Food Administration.

FOOD AND DRUG ADMINISTRATION:
Definitions and standards 9937
Conformity 9936
Wheat flour and related products 9115, 9170
Insulin, certification of batches of drugs composed wholly or partly of; hearing 9466
Wine Institute of California; monochoracetic acid in wines, hearing 10449

FOOD AND DRUGS (TITLE 21):
Food and Drug Administration:
Definitions and standards (Part 10) 9937
Federal Food, Drug, and Cosmetic Act, regulations for enforcement (Part 2) 9936
Wheat flour and related products (Part 15) 9115

FOREIGN RELATIONS (TITLE 22):
Proclaimed list of blocked nationals:
Revision V, Cumulative Supplement 3 9181

FOREST SERVICE:
Cochetopa National Forest; removal of trespassing cattle 9569

G

GENERAL LAND OFFICE:
Cedarvale, N. Mex., sale of town lots 9429
Five-acre tract classifications:
Buffalo, Wyo. 10578
Los Angeles, Calif. 10577
Land withdrawals, transfers, etc.:
Alaska 10371
California 10027
Florida 9429
Idaho 10093
Nevada 10027
South Dakota 10578
Utah 10093, 10371
Salt Plains National Wildlife Refuge, Okla., enlargement 9430

GOVERNMENT EMPLOYEES. *See* Civil Service.

GRAZING SERVICE:
Field employees:
Wage Board establishment and wage fixing procedure 10027
Wage rates per hour, listed 10028

H

HAWAII:
Conservation programs. *See* Agricultural Adjustment Agency.
Lands, transferred from jurisdiction of Federal Communications Commission to jurisdiction of Navy Department (Executive Order 9362) 10339

HOUSING CREDIT (TITLE 24):
Federal Home Loan Bank Administration:
Federal Home Loan Administration (Part 6) 9865

Page

HOUSING CREDIT (TITLE 24)—Continued.
Federal Savings and Loan System:
Appointment of conservator or receiver (Part 206) 10346
Conservators and receivers, appointment following request (Part 205) 10346
Powers of conservator and conduct of conservatorships (Part 207) 10346

I

ICING OF FRUITS AND VEGETABLES IN TRANSIT. *See* Interstate Commerce Commission.

IMMIGRATION AND NATURALIZATION SERVICE:
Nationality regulations, amendments:
Certificates 10391
Special classes of persons who may be naturalized 10391

IMPORTS OF STRATEGIC MATERIALS. *See* War Production Board.

INCOME TAX. *See* Internal Revenue.

INDIAN AFFAIRS OFFICE:
Flathead Indian Project, Mont., operations and maintenance charges 9735
Loans from industry among Indians and tribal funds; eligibility, application and requests 9937
Reservations:
Designation of Native Village of Wales, Alaska 9464
Provisional courts, judges detailed 10606
Tanacross, Alaska; land reserved 9464

INDIANS (TITLE 25):
Indian Affairs Office:
Law and order on Indian reservations (Part 161) 10606
Loans from industry among Indians and tribal funds (Part 29) 9937
Operation and maintenance charges (Part 130) 9735

INTERIOR DEPARTMENT:
See Bituminous Coal Division.
Fish and Wildlife Service.
Fisheries Coordinator, Office of.
General Land Office.
Grazing Service.
Indian Affairs Office.
Mines Bureau.
National Park Service.
Petroleum Administration for War.
Reclamation Bureau.
Solid Fuels Administration for War.
Eight-hour law, suspension of, as to laborers and mechanics employed on public works (Executive Order 9360) 9437
Office of the Secretary:
Coal mines, Government control:
Compliance with health and safety regulations 9340

Page

INTERIOR DEPARTMENT—Con.
Office of the Secretary—Con.
Coal mines, Government control—Continued.
Delegations of authority:
Coal Mines Administrator 10578
Deputy Coal Mines Administrator 10578
Patent policies and procedure; delegation of authority to First Assistant Secretary 10023
Potash permits and leases 10090
Transfer of jurisdiction over certain lands in Petersburg National Military Park, Va., to Secretary of War 10090
Wage fixing procedures:
Grazing Service, field employees 10027
Reclamation Bureau, field employees 10578

INTERNAL REVENUE (TITLE 26):
Bureau of Internal Revenue:
Administrative provisions common to various taxes:
Section 3804 of Internal Revenue Code, regulations (Part 472) 9602
Estate and gift taxes:
Estate taxes, regulations (Part 81) 9602
Excise taxes, miscellaneous:
Transportation of property (Part 143) 9642
Income and excess profits taxes:
Excess Profits Tax Act of 1940, regulations (Part 30) 10396
Income tax under Internal Revenue Code (Part 19) 9351, 9601, 9602, 10347, 10482
Income tax under Revenue Act of 1936 (Part 3) 9601

INTERNAL REVENUE BUREAU:
Administrative provisions common to various taxes:
Time for performing certain acts postponed by reason of war, regulations under section 3804 of Internal Revenue Code 9602, 10347
Coal, transportation tax. *See* Transportation of property.
Estate taxes:
Powers of appointment, release of 9602
Excess Profits Tax Act of 1940, regulations:
Nontaxable income from certain mining and timber operations 10396
Income taxes:
Aliens, non-resident; withholding tax, exemption 9602
Annuities. *See* Employees' trusts.
Corporation tax:
Credit for income subject to excess profits tax in case of application of general excess profits tax relief 9601

Page

INTERNAL REVENUE BUREAU—Continued.
Income taxes—Continued.
Employees' trusts, pensions, annuities, etc.; employers' deductions 9351
Estates and trusts; income of, distributed to legatees and beneficiaries 10482
Income from:
Sources without United States, period for which deductions and credits taken 9602
Military and naval forces of United States:
Postponement of certain acts due to war. *See* Administrative provisions, above.
Pension trusts. *See* Employees' trusts.
Period for which deductions and credits taken in case of restrictions by foreign country 9602
Trusts:
Employees'. *See* Employees' trusts.
Income of distributed to legatees, etc. *See* Estates and trusts.
War conditions, postponement of certain acts due to 9602, 10347
Withholding at source on wages; nonresident aliens working in United States, exemption 9602
Transportation of property:
Coal, transportation from mine to preparation plant 9642

INTERSTATE COMMERCE COMMISSION:
Bills of lading, uniform 9841
Car service:
Demurrage charges, flat cars 10369
Fruits and vegetables:
Icing or reicing, special permits, etc. *See* Icing or reicing, below.
Potatoes:
Cars held for diversion, reconsignment, or orders 9231, 10289
Movement under permit 9230, 9339
Refrigerator cars, icing of. *See* Icing or reicing.
Grain, rice classified as; agents appointed to issue permits for movement of 10674
Mexican border points, demurrage charges 9569
Rice. *See* Grain.
Explosives, transportation of:
List, amended 9425
Shipping regulations 9426
Container specifications 9426
Rail carriers 9426
Freight traffic, rerouting in flood areas 9231, 9729, 10289, 10452

Page

INTERSTATE COMMERCE COMMISSION—Continued.
Icing or reicing 9308
Corn 9172
Fruits and vegetables 9728, 10291
Potatoes 9033, 9171, 9230, 9308, 9309, 9341, 9851, 9852, 9888, 10030, 10031, 10094
Special permits, individual companies:
Alton Railroad Co. 10094, 10095
Atchison, Topeka and Santa Fe Railway Co. 9634, 9851, 9852, 10095
Atlantic Coast Line Railroad Co. 10292
Baltimore and Ohio Railroad Co. 9634
Chicago and North Western Railway Co. 10291
Chicago, Burlington & Quincy Railroad Co. 9037, 9171, 9633, 9634, 10094, 10095, 10291.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co. 9243, 9852, 10292
Chicago, Rock Island and Pacific Railway Co. 9308, 9730, 9851, 10094, 10095
Delaware, Lackawanna and Western Railroad Co. 10292
Erie Railroad Co. 9633
Indiana Harbor Belt Railroad Co. 10292
Kansas City Southern Railway Co. 9037, 9308, 9633, 9634, 10094, 10291
Lehigh Valley Railroad Co. 9852
Louisiana and Arkansas Railway Co. 10031
Louisville and Nashville Railroad Co. 9171, 10292
Missouri - Kansas - Texas Railroad Co. 10094, 10291
Missouri Pacific Railroad Co. 9170, 9171, 9308, 9309, 9341, 9633, 9634, 9851, 10093, 10094, 10095, 10291.
New York, Chicago and St. Louis Railway Co. 10095, 10292
North Western Railway Co. 9634
Northern Pacific Railway Co. 9308
Pacific Electric Railway Co. 10095
Pennsylvania Railroad Co. 9634, 10291
Pere Marquette Railway Co. 9171, 10095
Prattsburgh Railway Corp. 9633
St. Louis-San Francisco Railway Co. 9633, 10093, 10292
Southern Pacific Co. 9633, 9634, 9730, 10094, 10095, 10291, 10292.
Southern Railway Co. 10292
Toledo, Peoria & Western Railroad 10094, 10095
Union Pacific Railroad Co. 9171, 9633, 9634, 9730, 10094, 10095, 10291, 10292.
Wabash Railway Co. 9730, 10095

IRRIGATION PROJECTS. *See* Reclamation Bureau.

J

JAPANESE. *See* Aliens and Enemy Nationals. Page

JOINT ACTION PLANS. *See* Defense Transportation.

JUDGE ADVOCATE GENERAL. *See* War Department.

JUDICIAL ADMINISTRATION (TITLE 28):
- Justice Department:
  - Foreign Agents Registration Act, administration (Part 5) 10063

JUSTICE DEPARTMENT:
- Foreign Agents Registration Act: certain news services, radio services, etc., exemption of agents 10063

L

LABOR (TITLE 29):
- Children's Bureau:
  - State certificates, acceptance of (Part 402) 8990, 9116
- National War Labor Board:
  - General orders (Part 803) 10405, 10606, 10607
- War Manpower Commission:
  - Policies for employment stabilization including exercise of hiring controls in manpower shortage areas (Part 907) 9182
  - Regulation governing appeals (Part 906) 10107
  - Restricting transfer of workers (Part 904) 9277

LABOR DEPARTMENT:
- *See Children's Bureau.*
- *Wage and Hour Division.*

LAND BANKS. *See* Farm Credit Administration.

LAND WITHDRAWALS, etc. *See* General Land Office; Reclamation Bureau.

LEARNER EMPLOYMENT. *See* Wage and Hour Division.

LICENSES, explosives. *See* Mines Bureau.

M

MIGRATORY BIRDS, regulations amended; proclamation 9897

MINERAL RESOURCES (TITLE 30):
- Bituminous Coal Division:
  - District boards, termination of functions (Part 306) 10539
  - Minimum price schedules, relief orders:
    - District 1 (Part 321) 9614, 10063, 10654
    - District 2 (Part 322) 8991, 9735, 9739, 10484, 10485, 10486
    - District 3 (Part 323) 8992, 9278, 10487, 10488
    - District 7 (Part 327) 9741
    - District 8 (Part 328) 9615, 9742, 10489, 10490, 10539
    - District 10 (Part 330) 9736, 9937, 10541
    - District 11 (Part 331) 10542, 10545
    - District 12 (Part 332) 9743, 10542

MINERAL RESOURCES (TITLE 30)—Continued. Page
- Bituminous Coal Division—Con.
  - Minimum price schedules, relief orders—Continued.
    - District 13 (Part 333) 9737, 10064, 10300
    - District 14 (Part 334) 9278, 10543
    - District 15 (Part 335) 9617, 10066, 10543
    - District 19 (Part 339) 10544
    - District 20 (Part 340) 10545
  - Reports and records (Part 308) 9182
- Solid Fuels Administration for War:
  - General orders and directives (Part 602) 9441

MINES BUREAU:
- Licenses, suspended:
  - Friedrich, Otto A., et al 10621
  - Suckow Borax Mines Consolidated, Inc 10621
- Sodium nitrate and ammonium nitrate used as fertilizer, general purchaser's license for 9183

MONEY AND FINANCE; TREASURY (TITLE 31):
- Fiscal Service:
  - Payments through depositary banks of funds withheld as taxes (Part 212) 9044, 10347
  - Surety companies (Part 226) 9183
- Monetary Offices:
  - Appendix A; checks, drafts, etc., regulations relating to imports and exports (General Ruling 5A) 9320
  - Appendix B; property in foreign countries, filing of reports by persons within and outside United States 9745
- Foreign funds control (Part 131):
  - General License 86 9320
  - General License 87 10656
- Foreign moneys, value of (Part 129) 9182
- Special regulations under Executive Orders 8389 and 9193; property in foreign countries, reports (Part 137) 9744

MOTOR VEHICLES, equipment, operations, etc. *See* Defense Transportation.

N

NATIONAL DEFENSE (TITLE 32):
- *See Defense Supplies Corporation.*
- *Economic Stabilization, Office of.*
- *Economic Warfare, Board of.*
- *Economic Warfare, Office of.*
- *Federal Works Agency.*
- *Mines Bureau.*
- *Petroleum Administration for War.*

NATIONAL DEFENSE (TITLE 32)—Continued. Page
- *See Price Administration, Office of.*
- *Selective Service System.*
- *War Manpower Commission.*
- *War Production Board.*

NATIONAL LABOR RELATIONS BOARD:
- Run-off elections; hearing 10031

NATIONAL PARK SERVICE:
- Saint Paul's Church, Eastchester, Mount Vernon, N. Y., designation as national historic site 10090

NATIONAL RAILWAY LABOR PANEL:
- Emergency Board, recommendations for wage increases:
  - Chicago, North Shore and Milwaukee Railroad Co. 9477
  - Pacific Electric Railway Co. 10292

NATIONAL WAR LABOR BOARD:
- Pay rate adjustments for employees:
  - Federal Reserve System 10606
  - U. S. Employment Service 10607
- Wages of non-profit hospital employees, general order 10405

NATIONAL YOUTH ADMINISTRATION:
- Property, surplus; disposal of by Procurement Division, Treasury Department 10366

NAVIGATION AND NAVIGABLE WATERS (TITLE 33):
- Engineers Corps, War Department:
  - Danger zone regulations (Part 204) 9839
  - Navigation regulations (Part 207) 10674

NAVIGATION REGULATIONS. *See* War Department.

NAVY (TITLE 34):
- Navy Department:
  - Naval Reserve (Part 6); amended and revised 9643, 9712, 10573

NAVY DEPARTMENT:
- Collaboration agreement between Bendix Aviation Corp. and American Bosch Corp. regarding naval equipment production, approved by War Production Board 10387
- Lands in Hawaii, transferred from jurisdiction of Federal Communications Commission (Executive Order 9362) 10339
- Legal assistance for naval personnel 9631
- Committees on war work and legal aid assistance, listed 9632
- Naval Reserve, regulations revised:
  - Subpart A—Administration and organization 9646
  - Subpart B—Procurement 9662

NAVY DEPARTMENT—Con. Page
- Naval Reserve, regulations revised—Continued.
  - Subpart C—Promotion 9674
  - Subpart D—Transfers 9683
  - Subpart E—Instructions and training 9685
  - Subpart F—Discipline, discharges, resignations, and retirements 9691
  - Subpart G—Pay, allowances, and compensation 9693
  - Subpart H—Maintenance 9697, 10573
  - Subpart I—Fleet Reserve 9702
  - Subjart J—Naval Reserve Aviators 9706, 10573
  - Subpart K—Naval Reserve Nurse Corps 9710
  - Subpart L—Women's Reserve 9711

P

PANAMA CANAL ZONE:
- Employment in; suspending certain statutory provisions relating to (Executive Order 9359) 9175

Rationing. *See* Rationing.

PARKS AND FORESTS (TITLE 36):
- Forest Service:
  - Trespass (Part 261) 9569
- National Park Service:
  - Areas administered by (Part 1); national historic site 10090

PETERSBURG NATIONAL MILITARY PARK, VA., transfer of jurisdiction over certain lands in from Secretary of Interior to Secretary of War 10090

PETROLEUM:
- Production, etc. *See* Petroleum Administration for War; War Production Board.
- Transportation on Ohio River. *See* Defense Transportation.

PETROLEUM ADMINISTRATION FOR WAR:
- Marketing, motor fuel; deliveries for specified uses 9630
- Petroleum industry; materials redistribution program No. 2 9460
- Preference ratings; petroleum products or production materials. *See* War Production Board.
- Production operations:
  - Materials:
    - Redistribution program 9460
    - Secondary recovery for 9066
  - Oil well drilling; N. Y., Penn., W. Va., Eastern Ohio, Ky 9728

PETROLEUM RESERVES CORPORATION:
- Charter 9044
- Transferred to Office of Economic Warfare (Executive Order 9361) 9861
- Orders, licenses, etc., ratification 9938

POST OFFICE DEPARTMENT:
- Mail from foreign countries involving customs revenue; collection of fines or duties; examination of articles 9840

POSTAL SERVICE (TITLE 39): Page
- Post Office Department:
  - Mail from foreign countries involving customs revenue (Part 22); duties or fines; examination of articles 9840

POTATOES, transportation of. *See* Interstate Commerce Commission.

PRICE ADMINISTRATION, OFFICE OF:
- Administration and procedure:
  - Adjustments for wage increases approved by War Labor Board before April 8, 1943 9026
- Authority, delegation of:
  - Hearing Administrator and Hearing Commissioners, to exercise certain functions with respect to suspension orders 10096
  - Regional Administrators and District Directors, to issue subpoenas and inspection requirements in rent and price investigations 9037
  - Regional Offices, to fix community ceiling prices 9434
  - Territorial Directors, to act for Price Administrator 10685
- General maximum price regulation:
  - Adjustable pricing 9991
  - Applications, clarification of procedure 9423
  - Cost-of-living commodities, filing of prices 9025
  - Excepted commodities and services 9016, 9025, 9066, 9218, 9219, 9880, 10002, 10304, 10573.
  - Modifications of maximum prices established 9787 (*See also names of commodities.*)
  - Transportation of property, tax imposed by Revenue Act of 1942 9521
- Price regulation, various commodities and services:
  - Air-conditioning and refrigeration equipment; commercial refrigeration equipment 9568
  - Airplanes, services 10573
  - Alaska, delegation of authority to Territorial Director 10685
  - Alcohol:
    - Butyl, and esters 9884, 10672
    - Ethyl 9016
  - Alfalfa hay, transportation by truck in California 9854
  - Alfalfa meal:
    - California, Arizona, Nevada, Oregon, and Washington 9638
    - Nevada 9636
    - Washington and Oregon 9637
  - Aluminum scrap and secondary ingot 9330
  - Apparel:
    - Fall and winter outerwear, manufacturers' prices 10503

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
- Price regulation, various commodities and services—Con.
  - Apparel—Continued.
    - Men's and boys' tailored clothing 10559
    - Uniforms, specified military 10661
    - Women's, girls', children's and toddlers' outerwear garments; manufacturers' prices 9122, 10001, 10304
  - Bakery products 10559
  - Fruit cake 10566
  - Bananas, imported fresh; sales except at retail 10659
  - Batteries, experimental dry cell; manufacturers' sales of small quantities 10457
  - Beans:
    - Dry edible 9335
    - Processed 9775
  - Bicycle tires and tubes. *See* Tires.
  - Building materials 9836, 10433
    - Construction and maintenance services and sales of building and industrial equipment and materials on installed or erected basis 9334
    - Hinges and butt hinges 9774
    - Ladle brick 9636
  - Burial caskets and innersealers 10433
  - Butter. *See* Dairy products.
  - Cable. *See* Wire.
  - Camelback 10566
  - Canned foods:
    - Cider vinegar 10358
    - Fruit preserves, jams and jellies 9201
    - Packed food products 9291, 10304, 10558
    - Asparagus 10558
    - Potatoes, white, canned in tin 9016, 10002
    - Salmon, sales by canners 9380
  - Carrier services; motor vehicle carriers:
    - Los Angeles area 9891
    - San Francisco Bay area 9890
  - Castings, iron and steel. *See* Iron and steel.
  - Charcoal 9628
  - Chemicals; guanidine carbonate 10433
  - Cherries. *See* Fruits, etc.
  - Chrome ores 9787
  - Chromium metal 9024
  - Cleansers. *See* Soap.
  - Clothing. *See* Apparel.
  - Coal. *See* Fuels, solid.
  - Coke. *See* Fuels, solid; Petroleum.
  - Color pigments 10432
  - Commodities and services, general maximum price regulation 9787 (*See also* Administration, *above, and commodity names.*)
  - Community ceiling prices:
    - Authority delegation 9434
    - Lists of orders filed 9312, 9477, 9635, 9636, 9853, 10050, 10335, 10384, 10530, 10603.

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Price regulation, various commodities and services—Con.
Construction:
Building and industrial equipment and materials. *See* Building materials.
Construction and road maintenance equipment. *See* Machinery.
Consumer durable goods, used 9877
Consumers' goods other than apparel 9836, 10433
Containers:
Glass, wide mouth 10618
Syrup barrels, reconditioned used:
Alabama-Georgia Syrup Co 10102
Roddenbery, W. B., Co 10380
Wooden:
Eastern and Central agricultural 9381
Bruce box cleats 10530
Citrus field boxes 10530
James sweet potato crates 10530
Materials for 9026
Tight cooperage stock and sawed tight cooperage 9516
Used fruit and vegetable 10086
Western agricultural 9380, 9778
Cooking and heating equipment; domestic cooking and heating stoves 9218
Cooperage. *See* Containers.
Copper scrap and alloy scrap 9388
Corebinder 9218
Corn 9300
Products for animal consumption 9775
Corn cribbing. *See* Farm equipment.
Cotton:
Carded yarns, and processing thereof 9750
Combed yarn, and processing thereof 9285
Price adjustments for certain producers 10456
Court reporting 9066
Dairy products 10667
(*See also* Foods.)
Butter 9229
Cheeses 10667
Ice cream and ice cream mix 10513
Cochise County, Ariz 9854
Milk and cream 9386, 9387, 9521, 9835, 9883, 10514
Purchases from producers for resale as fluid milk 9884
Regional office orders:
Arizona, California, Oregon, Idaho, and Washington 9478
California 9347, 10048, 10049
Transportation of manufacturing milk 9892

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Price regulation, various commodities and services—Con.
Dairy products—Continued.
Milk and cream—Con.
Regional office orders—Continued.
Colorado 10331
Georgia 10381, 10382
Idaho 10330
Illinois, Mt. Vernon 10688, 10689
Indiana 10324, 10325
Iowa 10532, 10533
Kentucky 10325–10328
Maine 10460, 10462, 10463
Massachusetts 9259, 10098, 10099, 10321
Montana 10466, 10467
Nevada 9587, 9588, 9589
New Hampshire 10457, 10459, 10460
New Mexico 9173, 10334, 10465, 10466, 10468, 10470, 10471, 10472, 10690–10692
New York, Dutchess and Putnam Counties 10101
North Dakota, Minot 10531, 10534
Ohio, sales to Cleveland Board of Education 10104
Oregon 9589, 9590, 9591
Region III, trade practices 10103
Rhode Island 9889, 9890, 10100
South Dakota, Rapid City 10532, 10534
Utah 9038, 9039, 10331, 10334, 10335
Vermont 10463
Virginia; Blackstone, Nottoway County 10381
Washington, Seattle 9853, 9854
Wisconsin 10533, 10534
Wyoming 9038, 9173, 10328, 10333
Sold in specified areas:
Baltimore - Annapolis, etc. 9386, 9387
Southern states, designated 9885
Whey powder 9380
Drug sundries, rubber. *See* Rubber.
Eating and drinking establishments. *See* Restaurants.
Eggs and egg products 9027, 9300, 9460, 9879
(*See also* Foods: perishable.)
Regional office orders:
Denver, Colo., sales to armed forces 9172
Louisiana 10102
Spokane, Wash 9347
Export prices 9998
(*See also* commodity names.)
Farm equipment:
Manufacturers' and wholesale prices 9997
Wood slat corn cribbing 9623
Retail prices 10503

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Price regulation, various commodities and services—Con.
Fats and oils:
Linseed oil shortening 9778
Marine animal oils 9331
Olive oil 9727
Feed screenings 9135
Feedingstuffs:
Animal feeding salt, Denver region 9039
Animal product 9626
Corn products for animal consumption 9775
Fish meal and scrap 9286
Mixed feeds for animals and poultry 9530, 10435
Wheat mill feeds 9563
Fence posts 10436
Split cedar; Oregon 9855
Ferrochromium and chromium metal 9024
Fertilizers:
Mixed, superphosphate and potash 10572
Nitrogenous fertilizer materials 9515
Firewood:
Fuel wood; Republic, Wash. 9892
Hardwood; Massachusetts 9259, 9261, 10097
Montana 10467
Nevada 9638
State firewood, Washington 9855, 9856
Tennessee, Lawrenceburg 10384
Fish and seafood:
Black sable cod, frozen; Pueblo, Colo 10692
Canned. *See* Canned foods.
Fish meal and fish scrap 9286
Florida caught salt-cured herring 10383
Fresh fish and seafood 9366, 10086, 10513
Retail 10267
Shrimp, sun-dried 9286
Tuna fish, fresh 9380
Flooring: maple, birch, and beech 10079
Flour, from wheat, semolina and farina; sold by millers and blenders 9159, 10362
Fluorspar 9162
Food and drink sold for immediate consumption. *See* Restaurants.
Food and food products:
Fixed mark-up regulation:
Retail 9019, 9365
Wholesale 9019 9331
Perishable:
Sales at retail 9299, 9365, 9460, 10568
Sales except at retail 9160, 9995
Retail ceiling prices:
Group 1 and Group 2 stores (independent stores doing less than $250,000 annual business) 9407, 10570
Group 3 and Group 4 stores 9395, 10569
Seasonal and miscellaneous 9201, 10568
Seasonal products:
Retail 10559
Wholesale 10559

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Price regulation, various commodities and services—Con.
Food and food products—Con.
Specialty products, certain food and beverage 10668
Specific 9386, 9521, 9883, 10513
Wholesale ceiling prices 9388, 10569
Forest products. *See* Wood products.
Forgings, ferrous 10682
Freight car materials, sold by car builders 9021
Fruit cake 10566
Fruits, berries, vegetables:
(*See also* Foods.)
Bananas, imported fresh, sales except at retail 10659
Beans:
Dry edible 9335
Processed 9775
Canned. *See* Canned foods.
Citrus fruits, sales by packers, brokers, auction markets, terminal sellers and intermediate sellers 10432
Corn 9300
Dried vegetables, beans 9335
Fresh 10568
For processing 9303, 9879
For table use, sales except at retail 9546, 9568, 9727, 10571, 10673
Frozen (1943 pack and after) 9298
Fruit preserves, jams, and jellies 9201
Maraschino cherries 10590
Onions 9160, 9995
Potatoes 9016, 9160, 9891, 9995, 10002
Regional office orders:
Colorado and Wyoming 9343
Florida, citrus fruits packing services 10101
Idaho, Boise 10328
Illinois, Wisconsin, South Dakota, North Dakota, Iowa, Minnesota, Nebraska, and Lake County, Ind. 10644, 10645, 10646
Indiana (except Lake County), Kentucky, Michigan, Ohio, and West Virginia 10641, 10643
Fuels, solid:
Bituminous coal:
Delivered from mine or preparation plant 9018
Export prices 9998
Regional office orders:
Bernalillo County, N. Mex 9342
Metropolitan Boston area 10096
Uintah County, Utah 9342
Delivered from producing facilities 9992, 10358
Petroleum coke 10432
Regional office orders:
Middlesex County, N. J. 10100, 10101

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Price regulation, various commodities and services—Con.
Fuels, solid—Continued.
Regional office orders—Con.
Richmond and Henrico County, Va., bagged coal 10379
Twin Cities area, Minn. 10686
Sold and delivered by dealers 10358
Furfural, agricultural components used in manufacture of 9025
Gardening and related services 10573
Gasoline, aviation 9025, 10304
Guanidine carbonate 10433
Hawaiian sales and deliveries 10270, 10666
Jewelry and certain other articles 10269
Territorial Director, delegation of authority 10685
Heels:
Hardwood heel blocks and finished hardwood heels 9331, 9567
Rubber. *See* Rubber.
Hinges and butt hinges 9774
Honey, extracted 9218
Hosiery, women's rayon 9521, 9839
Ice 10514
California 10048
Nevada, Clark County 9344
North Carolina:
Anson County 10379
Norlina area 9342
Sampson County 10103
Ice boxes, new 9062
Ice cream. *See* Dairy products.
Iron and steel:
Castings:
High alloy 10302
Steel 9750
Products, resale 9530, 9750
Jellies, jams, etc. *See* Canned foods.
Laundry and cleaning services, Los Angeles area 9345
Lime, producers' prices 9309
Linseed oil. *See* Fats and Oils.
Liquors; malt beverages, Oklahoma 10385, 10464
Logging. *See* Lumber.
Lumber (*See also* Wood.)
Adjustable pricing 10568
Appalachian hardwood 9998
Central hardwood 9417
Douglas fir and other West Coast lumber 9519
Firewood. *See* Firewood.
Flooring; maple, birch, and beech 10079
Hardwood distribution yard sales 10047
Hardwood cordwood and firewood, Massachusetts 10097
Logging services, contract; Oregon and Washington 9386, 10433
Logging services and stumpage, purchasers; joint action program 10047, 10053

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Price regulation, various commodities and services—Con.
Lumber—Continued.
Logs and bolts 9515, 10023
Northeastern hardwood 10660
Northeastern softwood 9779
Northern softwood 9382, 9779
Regional office orders:
Colorado, Wyoming, Utah, and New Mexico 10469
Colorado Western Slope area 10689, 10690
Softwood-slabwood; Paris, Lewiston, Auburn, and Sanford, Maine 10100
Southern hardwood 10590
Tobacco sticks 9550
West Coast logs 9381, 10660
Wooden container materials 9026
Macaroni products 9775
Machine tools. *See* Tools.
Machinery and transportation equipment:
Construction and road maintenance equipment, rental prices and maintenance charges 9140
Ferrous forgings 10662
Freight car materials, sold by car builders 9021
Machines and parts and machinery services 9520, 10662
Floor surfacing and floor maintenance (industrial) 9139
Magnesium and magnesium alloy ingot 10667
Scrap and remelt ingot 10433
Malt beverages. *See* Liquors.
Matches, wood 9520
Meat:
Beef:
Carcasses and wholesale cuts 9066, 9300, 9995, 10362, 10363, 10671
Retail ceiling prices 9366
Critical shortage areas:
California, San Diego and Imperial Counties 10591
Nevada 10591
New Mexico and Texas 9586
Horsemeat 10660
Denver, Colo 10692
Lamb and mutton:
Carcasses and cuts at wholesale and retail 9066, 10444
Retail ceiling prices 9366
Pork:
Dressed hogs and wholesale pork cuts 9998, 10571
Retail ceiling prices, pork cuts 9366
Processed meat products, retail ceiling prices 9366
Sausage products, for war procurement agencies 10079
Variety meats and edible by-products, retail ceiling prices 9366

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Price regulation, various commodities and services—Con.
Meat—Continued.
Veal:
Carcasses and wholesale cuts 9066, 9300, 9995, 10362, 10363, 10671
Retail ceiling prices 9366
Military field equipment 9219
Military vehicles, services 10573
Milk. *See* Dairy products.
Motor vehicles:
Carriers. *See* Carrier services:
Dump trucks, rental 10671
New commercial, sales by Defense Supplies Corporation 9388
Noodle products 9775
Oils. *See* Fats and Oils.
Olive oil. *See* Fats and oils.
Onions 9160, 9995
(*See also* Foods: perishable.)
Paints. *See* Protective coatings.
Paper and paper products:
Converted paper products 10431
Paperboard products 10656
Pulpwood:
Cut from stump; Kentucky, Virginia, North Carolina (Southeastern states) 9993
Produced in eastern Virginia 9993
Produced in North Carolina and Virginia 9837
Woodpulp 10558
Peanuts and peanut butter 10264
Petroleum and petroleum products 9331, 9515, 9774, 9876
Coke 9331
Crude 9365
Ethyl gasoline 9530
Fuel oil, kerosene, etc 9331
Services, purchase or sales 10670
Transportation 9880
Phonographs. *See* Radios and phonographs.
Piece goods. *See* Textiles.
Pigments. *See* Color pigments.
Pine tar and pine tar oil, purchases and sales by Defense Supplies Corporation 9026
Potatoes 9160, 9995
(*See also* Foods; perishable.)
Transportation; Kern County, Calif 9891
White, canned in tin 9016, 10002
Poultry 9061, 9298, 9299
(*See also* Foods: perishable.)
Prices of cost-of-living commodities, filing 9025
Protective coatings:
Color pigments 10432
Paints, certain ready mixed exterior and interior 9037
Puerto Rican sales and deliveries 9532
Territorial Director, delegation of authority 10685

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Price regulation, various commodities and services—Con.
Pulpwood. *See* Paper.
Radios and phonographs, assembled 9971
Railroad equipment; freight car materials, sold by car builders 9021
Rayon:
Hosiery. *See* Hosiery.
Textiles. *See* Textiles.
Tops and noils 9331
Refrigeration equipment. *See* Air-conditioning.
Refrigerators:
Ice boxes, new 9062
Used household mechanical refrigerators 9779, 10079
Restaurant prices, food and drink sold for immediate consumption:
Arkansas, Pulaski County 10439, 10442
Eastern states (New York, New Jersey, Pennsylvania, Delaware, Maryland and District of Columbia) 10436
Kentucky, Jefferson County 10668
Massachusetts, designated counties 9550
Michigan, designated counties 9336, 10513
Ohio, designated counties 10001, 10512
Rhode Island 9335, 9459
Southern states, designated 9339
Western states, designated 9339
Road maintenance equipment: *See* Machinery.
Rubber and rubber products 9997, 10419
Drug sundries:
Manufacturers' prices 9203
Retail and wholesale prices 9212
Heels 9135
Mechanical goods 9751
Purchased for Governmental use 10419, 10434
Raincoats 9997
Scrap 9017
Synthetic 9025, 10304
Tires and tubes. *See* Tires.
Rugs, knotted oriental; chemical processing 9025
Salt, animal feeding; Denver region 9039
Sanforizing machine blankets 9025
Services 9386, 10433, 10670, 10671
Shoe heels. *See* Heels.
Shrimp, sun-dried 9286
Silver:
Newly mined domestic 10566
Treasury 10674
Soaps and cleansers, household; sold by retail food stores 9380
Solvents: alcohol. *See* Alcohol.
Stoves. *See* Cooking and heating equipment.

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Price regulation, various commodities and services—Con.
Sugars, direct-consumption 9288, 10079
Sales of new grades and packages by primary distributors 10686
Syrup barrels. *See* Containers.
Tanks, services 10573
Tea bags and packaged tea 9334
Textiles:
Finished piece goods 9023, 9088
Woolen and worsted civilian apparel fabrics 9569
Tires and tubes:
Bicycle 10419
Used 10432
Camelback. *See* Camelback.
New, Federal Government purchases 10558
Used 9300
Tobacco:
Flue-cured, 1943 crop 10443
Georgia and Florida shade grown, 1943 crop 10264
Tobacco sticks 9550
Toluene 9025, 10304
Tools, machine; second-hand 10116
Transportation equipment. *See* Machinery and transportation equipment.
Trucks. *See* Motor vehicles.
Tuna fish. *See* Fish.
Typewriters, used; sale and rental 9779
Uniforms. *See* Apparel.
Used consumer durable goods 9877
Vinegar, cider 10358
Virgin Islands 9996
Territorial Director, delegation of authority 10685
Wheat mill feeds 9563
Whey powder. *See* Dairy products.
Wire, cable, and cable accessories 10656
Wood and wood products (*see also* Lumber.)
Fence posts 9855, 10436
Firewood. *See* Firewood.
Western primary forest products 10560
Woodpulp. *See* Paper.
Wool:
Raw and processed waste materials 9530
Textiles. *See* Textiles.
Regulations by document designation:
Export price regulations, maximum:
2nd revision, amendment 3 9998
General maximum price regulation:
Amendment 55, correction 9423
Amendment 56 9025
Amendment 57 9991
Supplementary regulations:
No. 1 revised:
Amendment 16 9025
Amendment 17 9025
Amendment 18 9218
Amendment 19 9016, 10002
Amendment 20 9219
Amendment 21 10304

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Regulations by document designation—Continued.
General maximum price regulation—Continued.
Supplementary regulations—Continued.
No. 11 revised:
Amendment 27 9025
Amendment 28 9066
Amendment 29 9880
Amendment 30 10573
Amendment 31 10573
No. 14:
Amendment 192 9334
Amendment 193 9387
Amendment 194 9387
Amendment 195 9835
Revised 9787
Amendment 1 9880
Amendment 2 10432
Amendment 3 10566
Amendment 4 10433
Amendment 5 10566
Amendment 6 10668
Amendment 11 10674
No. 14A 9835
Amendment 1 9885
Amendment 2 10514
No. 15:
Amendment 7 9026
Amendment 8 9026
General orders:
No. 32 revised, amendment 6 10685
No. 46, amendment 2 10096
No. 51, amendment 3 9434
No. 53 9037
Price regulations, maximum:
No. 1 10116
No. 2, amendment 1 9330
No. 20, amendment 2 9388
No. 26 revised, amendment 1 9519
No. 28, amendment 3 9016
No. 33, amendment 4 9750
No. 37:
Amendment 6 9884
Amendment 7 10672
No. 74, revised 9626
No. 107; amendment 12, correction 9300
No. 108 revised, amendment 1 9515
No. 114, amendment 8 10558
No. 120, amendment 56 9018
No. 121:
Amendment 19 9992
Amendment 20 10358
Amendment 21 10432
No. 122 revised, amendment 9 10358
No. 123, amendment 6 9530
No. 126, revised 9162
No. 127, amendment 12 9023
No. 131:
Amendment 4 10567
As amended July 27, 1943 10566
No. 133, amendment 5 10503
No. 134:
Amendment 9 9140
As amended July 1, 1943 9140
No. 135 revised, amendment 4 10572
No. 136 as amended:
Amendment 94 9139
Amendment 95 9520
Amendment 96 10662

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Regulations by document designation—Continued.
Price regulations, maximum—Continued.
No. 139 revised:
Amendment 1 9779
Amendment 2 10079
No. 146, amendment 13 9998
No. 148, revised:
Amendment 5, correction 9998
Amendment 8 10571
No. 149, amendment 12 9751
No. 154 as amended, amendment 5 10514
No. 155, amendment 7 9417
No. 161 revised:
Amendment 5 9381
Amendment 6 10660
No. 162, revised 9779
No. 163, amendment 13 9569
No. 165 as amended:
Amendment 25 10671
Supplementary Service Regulation 7, amendment 1 10670
Supplementary Service Regulation 16:
Amendment 1 9386
Amendment 2 10433
No. 169 revised:
Amendment 19 9066, 9300
Amendment 20 10362
Amendment 21 9995
Amendment 22 10363
Amendment 23 10671
No. 173, revised 9563
No. 174, amendment 3 9021
No. 177, amendment 6 10559
No. 180, amendment 2 10432
No. 183, revised 9532
No. 186 revised:
Amendment 7 9380
Amendment 8 9778
No. 187, amendment 5 10656
No. 188:
Amendment 16 9836
Amendment 17 10433
No. 200, amendment 9 9135
No. 214, amendment 1 10302
No. 219 revised, amendment 2 9779
No. 220:
Amendment 10 9997
Amendment 11 10419
No. 222 revised:
Amendment 1 9779
Correction 9382
No. 226, amendment 7 9201
No. 237, revised:
Amendment 5 9019
Amendment 6 9331
No. 238 revised:
Amendment 5 9019
Amendment 6 9365
No. 239 revised:
Amendment 6 9066
Amendment 7 10444
No. 246:
Amendment 7 9623
Amendment 8 9997
No. 249, amendment 5 10559
No. 250, amendment 5 10559
No. 251, amendment 2 9334
No. 258, amendment 3 9787

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Regulations by document designation—Continued.
Price regulations, maximum—Continued.
No. 262:
Amendment 7 9201
Amendment 8 10568
No. 265, amendment 2 9380
No. 268 revised:
Amendment 5 9365
Amendment 6 9299
Amendment 7 9460
Amendment 8 10568
No. 269 revised:
Amendment 10 9061
Amendment 11 9299
No. 270 revised, amendment 6 9335
No. 271 revised:
Amendment 3 9160
Amendment 4 9995
No. 275; amendment 5, correction 9218
No. 280:
Amendment 28 9521
Amendment 29 9386
Amendment 30 9883
Amendment 31 10513
No. 284 revised, amendment 1 10560
No. 285, amendment 3 10659
No. 286, amendment 4 10079
No. 287, revised 9122, 10304
Amendment 1 10001
No. 289:
Amendment 17 9380
Amendment 18 9229
Amendment 19 10667
No. 292, amendment 4 10432
No. 296; amendment 4, correction 9159, 10362
No. 300:
Amendment 9 9203
As amended July 2, 1943 9203
No. 301:
Amendment 7 9212
As amended July 2, 1943 9212
No. 302, amendment 2 10433
No. 306:
Amendment 9 9291, 10304
Amendment 10 10558
No. 314, amendment 3 10667
No. 319, amendment 5 10559
No. 320, amendment 5 9381
No. 324 revised, amendment 1 10436
No. 325; amendment 1, correction 9331
No. 329, amendment 12 9884
No. 333:
Amendment 9 9027, 9300
Amendment 10 9300
Amendment 11 9879
No. 335 revised, amendment 1 10264
No. 336, amendment 7 9366
No. 339:
Amendment 4 9521
Amendment 5 9839
No. 346 revised, amendment 3 9300
No. 348:
Amendment 5 9515
Amendment 6 10023
No. 351, amendment 4 10662
No. 355, amendment 8 9366
No. 359, amendment 3 10431

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Regulations by document designation—Continued.
Price regulations, maximum—Continued.
No. 365, amendment 1 9520
No. 366, revocation 9380
No. 367, amendment 3 10660
No. 368, amendment 2 10660
No. 373:
Amendment 7 10270, 10666
Amendment 8 10666
No. 374, amendment 1 10269
No. 378:
Amendment 2 9530
Amendment 3 10435
No. 382, amendment 2 10618
No. 385, amendment 2 10661
No. 388, amendment 2 9993
No. 390, amendment 2 9380
No. 395, amendment 2 9996
No. 399, amendment 1 9062
No. 401, amendment 1 9775
No. 403:
Amendment 1 10419
Amendment 2 10434
No. 407, amendment 1 9024
No. 409, amendment 1 9298
No. 413, amendment 1 9774
No. 415, amendment 1 10558
No. 417 9135
No. 418 9366
Amendment 1 10086
Amendment 2 10513
No. 419 9286
No. 420 9331
Amendment 1 9567
No. 421 9388
Amendment 1 10569
No. 422 9395
Amendment 1 10569
No. 423 9407
Amendment 1 10570
No. 424 9516
No. 425 9303, 9879
No. 426 9546
Amendment 1 9568
Amendment 2 9727
Amendment 3 10673
Correction 10571
No. 427 9775
No. 428 10358
No. 429 9877
No. 430 9971
No. 431 9628
No. 432 10079
No. 433 9837
No. 434 10086
No. 435 10419
No. 437 9993
No. 438 10503
No. 439 10267
No. 440 10264
No. 441 10443
Restaurant MPR's:
No. 1–1:
Amendment 1 9335
Amendment 2 9459
No. 1–4, amendment 1 9550
No. 2–1 10436
No. 3–1, amendment 2 10668
No. 3–5:
Amendment 1 10001
Amendment 2 10512
No. 3–6 9336
Amendment 1 10513
No. 4–1, amendment 2 9339

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Regulations by document designation—Continued.
Price regulations, maximum—Continued.
Restaurant MPR's—Con.
No. 5–1 10439
Amendment 1 10442
No. 7–1 revised, amendment 1 9339
Price schedules, revised:
No. 7, amendment 11 9285
No. 41, amendment 7 9750
No. 49:
Amendment 17 9750
As amended April 8, 1943, correction 9530
No. 53:
Amendment 36 9331
Amendment 37 9778
Amendment 38 9727
No. 60:
Amendment 9 9288
Amendment 10 10079
As amended July 5, 1943 9288
No. 64, amendment 8 9218
No. 73, amendment 3 9286
No. 82, amendment 4 10656
No. 87 as amended, amendment 7 9017
No. 88:
Amendment 79, correction 9515
Amendment 112 9331
Amendment 113 9331
Amendment 114 9365
Amendment 115 9530
Amendment 116 9774
Amendment 117 9876
Procedural regulations:
No. 4, amendment 3 10085
Ration orders:
No. 1A:
Amendment 35 9017
Amendment 36 9018
Amendment 37 9218
Amendment 38 9752
Amendment 39 10079
Amendment 40 10085
Amendment 41 10264
Amendment 42 10430
Amendment 43 10430
As amended July 14, 1943 9752
No. 1B 9551
No. 3:
Amendment 70 9011
Amendment 71 9304
Amendment 72 9458
Amendment 73 10304
Amendment 74 10512
Seventh Rev. Zoning Order 1 10084
No. 5B, amendment 18 9531
No. 5C:
Amendment 55, correction 9787
Amendment 56 9021
Amendment 57 9022
Amendment 59 9065
Amendment 60 9202
Amendment 61 9304
Amendment 62 9334
Amendment 63 9219
Amendment 64 9457
Amendment 65 9531
Amendment 66 9531
Amendment 67 10082

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Regulations by document designation—Continued.
Ration orders—Continued.
No. 5C—Continued.
Amendment 68 10364
Amendment 69 10365
Amendment 70 10511
Supplement 1, amendment 7 9457
No. 5E 9975
No. 6A:
Amendment 1 9458
Amendment 2 9458
No. 9, amendment 7 10668
No. 11:
Amendment 67 9137
Amendment 68 9059
Amendment 69 9219, 10304
Amendment 70 9458
Amendment 71 9382, 10089
Amendment 72 10032
Amendment 73 10435
Supplement 1, amendment 6 9061
No. 12:
Amendment 44 9024
Amendment 45 9305
Amendment 46 9459
Amendment 47 10672
No. 13:
Amendment 40 9024
Amendment 41 9012
Amendment 42 9012
Amendment 43 9216
Amendment 44 9216
Amendment 45 9305
Amendment 46 9459
Amendment 47 9629
Amendment 48 10511
Amendment 49 10665
Supplement 1 revised:
Amendment 11 9203
Amendment 12 10085
Amendment 13 10089
No. 14:
Amendment 1 9010, 9879
Amendment 2 10022
No. 16:
Amendment 38, correction 9024
Amendment 41 9025
Amendment 42 9014
Amendment 43 9014
Amendment 44 9217
Amendment 45 9217
Amendment 46 9305
Amendment 47 9886
Amendment 48 10085
Amendment 49 10432
Amendment 50 10511
Amendment 51 10665
Supplement 1:
Amendment 10 9203
Amendment 11 10090
No. 17:
Amendment 24 9062
Amendment 25 9062
Amendment 26 9422
Amendment 27 9567
Amendment 28 9884
Amendment 29 10269
Ration orders, general:
No. 3, amendment 3 9456
No. 3B, amendment 1 9457

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Regulations by document designation—Continued.
Ration orders, general—Con.
No. 5:
Amendment 31 10020
As amended July 17, 1943 10002
No. 8, amendment 2 9626
No. 9, amendment 1 10079
No. 11 9008
Amendment 1 9625
Amendment 2 10419
Rent designations and declarations:
No. 25, amendment 14 9021
No. 27, amendment 3 9021
No. 32 10365
Rent regulation for hotels and rooming houses:
Amendment 1 9019
Amendment 2 10618
Correction 9021
Rent regulation for housing:
Amendment 1 9020
Amendment 2 9020
Amendment 3 10618
Correction 9021
Restriction orders:
No. 4:
Amendment 7 9299
Amendment 8 9459
Supplementary orders:
No. 31, amendment 3 9521
No. 32 10377
No. 50 10568
Rent control:
Authority to issue subpoenas and inspection requirements in rent investigations, delegation to Regional Administrators and District Directors 9037
Designations of defense-rental areas, various states:
Delaware 9021
Hawaii, Oahu 10365
New Jersey 9021
Pennsylvania 9021
Regulations:
Hotels and rooming houses 9021, 10618
Arkansas 9019
Delaware 9019
New Jersey 9019
Pennsylvania 9019
Housing 9020, 9021, 10618
Arkansas 9020
Delaware 9020
New Jersey 9020
Pennsylvania 9020
Renting to family in landlord's residence 10618
Special orders:
Adjustments, exceptions, etc., lists of orders filed 9310, 9477, 9586, 9587, 10047, 10050, 10096, 10302, 10379, 10457, 10531, 10592, 10685, 10686.
Alabama-Georgia Syrup Co 10102
Allis Foundry Products, Inc 10590
Baxter, H. C., and Bro 9624
Belding Heminway Corticelli 9835
Ben-Hur Products, Inc 10571
Bigelow-Sanford Carpet Co., Inc 9229

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Special orders—Continued.
Black, S. L 10433
Blades, Harry L 10432
Bruce box cleat manufacturers 10530
Butler Bros 9139
California Roasters Co 9996
Chicago Mill and Lumber Co 9026
Citrus field box manufacturers 10530
Columbia Motor Service Co 9625
Columbia Transfer Co 10302
Commercial refrigeration equipment manufacturers 9568
Conners Marine Co., Inc 10571
Cotton producers 10456
Dairy Products Group 9624
Defense Supplies Corp 9026, 9388
Dry cell battery manufacturers 10457
Edwards Manufacturing Co 10592
Elk Transportation Co 10302
Finished piece goods manufacturers 9088
Ford-Harvey Illuminating Co 9623
Fred's Motor Transportation 10671
Friend Bros., Inc 9836
Furst-M'Ness Co 9992
General Foods Sales Co., Inc 10022
Gerosa Haulage and Warehouse Corp 10364
Gulf Coast Towing Co., Inc 9203
Harvey, Ford 9855
Hegeler Zinc Co 9625
Hullfish, Russell, et al 9550
Industrial Container Co 9727
James sweet potato crate manufacturers 10530
Jordan's Truck Line 9217
Kentucky Transport Corp 9625
Ladle brick producers 9636
Lewis, G. B., Co 9623
Lignum Chemical Works 9065
Lime producers 9309
Lumber sellers 10590
Lynn Stewart Co 9218
M'Cormick and Co 9996
M'Goldrick, Hugh F 9140
Maraschino cherry producers 10590
Maule Industries 9287
Moliterno Bros., Inc 10363
Mower Lumber Co 9879
N. D. Q. Specialty Corp 9217, 10433
National Pressure Cooker Co., et al 10456
Paint Manufacturers 9037
Petroleum Transport, Inc 10671
Quaker Oats Co 10571
Ritter, W. M., Lumber Co 9992
Roddenbery, W. B., Co 10380
San Francisco Iron Foundry 10590
Shamrock Towing Co 9064
Southern California Food Co 9837
Standard Trucking Co 10364
Stores Delivery Service, Inc 10363
Tobacco sticks manufacturers, dealers and distributors 9550
U. S. Industrial Chemicals, Inc 9520
Underwood Veneer Co 9026
Virgin Islands Co 9218

PRICE ADMINISTRATION, OFFICE OF—Continued. Page
Special orders—Continued.
Walter, B., and Co., Inc 9992
Washington Excelsior and Mfg. Co., et al 9624
White Star Trucking Lines 10512
Wilson Veneer Co 9027
PRIORITY ORDERS. *See* War Production Board.
PROCLAMATIONS:
Migratory birds, regulations amended (No. 2589) 9897
Third War Loan Drive (No. 2590) 10537
PROPERTY, surplus. *See* Treasury Department: Procurement Division.
PUBLIC CONTRACTS (TITLE 41):
Procurement Division:
Loans to non-Federal vocational education authorities of surplus personal property of National Youth Administration (Part 38) 10366
PUBLIC DEBT BUREAU. *See* Treasury Department.
PUBLIC HEALTH (TITLE 42):
Children's Bureau:
Maternal and child health (Part 201) 10674
Public Health Service:
Payments to provide training for nurses (Part 28) 9423
PUBLIC HEALTH SERVICE:
Nurses' training, payments for 9423
PUBLIC LANDS: INTERIOR (TITLE 43):
Office of the Secretary:
Delegation of authority (Part 4) 10023
Petersburg National Military Park, Va.; jurisdiction over certain lands transferred to Secretary of War 10090
Potash permits and leases (Part 194) 10090
PUBLIC WORKS ADMINISTRATION. *See* Federal Works Agency.
PUERTO RICO:
Conservation programs. *See* Agricultural Adjustment Agency.
Freight shipments to. *See* Defense Transportation.
Rationing. *See* Rationing.

R

RAILROAD RETIREMENT BOARD:
Municipal Docks Railway, Jacksonville, Fla.:
Examiner appointed 10050
Status; hearing 9261
RAILROADS. *See* Defense Transportation; Interstate Commerce Commission.

RATIONING:
Administration and procedure:
Banking:
Banks ... 9456
Exempt agencies ... 9457
Food rationing in Puerto Rico, Virgin Islands, and Panama Canal Zone; delegation of authority by War Food Administration to Office of Price Administration ... 9600
General prohibitions and penalties; acquisition, use, transfer, or possession of ration document ... 9626
Replacement of rationed foods used in products acquired by designated Government agencies ... 9008, 9625, 10419
Suspension orders:
Delegation of authority ... 10096
Issuance ... 10085
Coffee ... 9305, 9459, 10672
Green ... 9024, 10672
Ration periods ... 9024
Farm machinery and equipment ... 9100, 9101, 10343
Firewood ... 9010, 9879, 10022
Foods, processed ... 9012, 9024, 9216, 9305, 9629, 10511, 10665
Fountain fruits ... 9459
Point values ... 9203
Fruit juice ... 10085
Ration periods ... 10089
Foods used in products acquired by designated Government agencies, replacement ... 9008, 9625, 10419
(*See also names of individual products.*)
Footwear. *See* Rubber footwear; Shoes.
Fuel oil ... 9059, 9061, 9137, 9219, 9382, 9458, 10082, 10089, 10304, 10435
Gasoline ... 9021, 9022, 9065, 9202, 9219, 9304, 9334, 9457, 9531, 9787, 10082, 10364, 10365, 10511.
Puerto Rico. *See* Puerto Rico.
Vacation travel ... 9531
Institutional users, food rationing ... 10002
Meat, fats, fish, and cheeses ... 9014, 9024, 9025, 9217, 9305, 10432, 10511, 10665.
Butter ... 9217
Canned milk and soft cheeses ... 10085
Point values ... 9203
Ration periods ... 10090
Veterans' Administration and Coast and Geodetic Survey allotments ... 9886
Panama Canal Zone, delegation of authority over food rationing ... 9600
Puerto Rico:
Fertilizer, chemical ... 9275, 9440
Food, delegation of authority ... 9600
Gasoline ... 9531, 9975
Lard ... 9459
Rice ... 9299
Tires ... 9551
Rubber boots and work shoes, men's ... 9458
Servicemen:
On leave or furlough, food allotments ... 10079
Rationed commodities for. *See under commodity names.*

RATIONING—Continued.
Shoes ... 9062, 9422, 9884, 10269
Odd-lot release ... 9567
Stoves, heating ... 10668
Sugar ... 9011, 9304, 9458, 10304
Ration periods ... 10512
Zones ... 10084
Tires, tubes, recapping and camelback ... 9017, 9018, 9218, 9752, 10085, 10264, 10430
Further delegation of authority by War Production Board to Office of Price Administration ... 9492, 9868
Importation ... 9492, 9868
Puerto Rico. *See* Puerto Rico.
Spare tires ... 10079
Virgin Islands, delegation of authority over food rationing ... 9600

RECLAMATION BUREAU:
First form withdrawals:
Bear River Storage Projects:
Idaho ... 10307
Utah ... 9464
Wyoming ... 10307, 10448
Boise Project, Idaho ... 9169
Colorado River Storage Project, Colo. and Utah ... 9307, 10370, 10448
Columbia Basin Project, Wash ... 10448
Columbia River Storage Project ... 10623
Santa Barbara County Project, Calif ... 9575
Wage fixing procedures, field employees ... 10578
Wage rates, employees on various projects:
Colorado River Project, Wash ... 10622
Yakima Project, Wash ... 10621
Yuma Project, Ariz.-Calif ... 10622

RECONSTRUCTION FINANCE CORPORATION:
Certain corporations and functions pertaining to foreign economic affairs, transferred to Office of Economic Warfare (Executive Order 9361) ... 9861
Petroleum Reserves Corp., charter ... 9044

REGIONAL AGRICULTURAL CREDIT CORPORATION. *See* Farm Credit Administration.

RENT CONTROL. *See* Price Administration.

ROYALTIES. *See* War Department.

RUBBER DEVELOPMENT CORPORATION, transferred to Office of Economic Warfare (Executive Order 9361) ... 9861
Orders, licenses, etc., ratified by Office of Economic Warfare ... 9938

RUBBER RESERVE COMPANY:
Buna rubber; cross-license agreement with private corporations assisting in synthetic rubber program, form approved by War Production Board ... 10647

RUBBER RESERVE COMPANY—Continued.
Butadiene plant facilities construction; cooperative action plan among certain oil companies approved by War Production Board ... 10647

RURAL ELECTRIFICATION ADMINISTRATION:
Allocation of funds for loans:
Alaska ... 10448
Arizona ... 9036
Idaho ... 10677
Iowa ... 10448
Kentucky ... 9036
Minnesota ... 9036, 9169, 10448, 10676
Mississippi ... 10448
Missouri ... 9169, 10448
North Carolina ... 9036, 9169
Oklahoma ... 9036
Oregon ... 9036
Pennsylvania ... 9036
Tennessee ... 10448
Utah ... 10676
Virginia ... 9036, 9169
Washington ... 9169
Wisconsin ... 10448

S.

SAINT PAUL'S CHURCH, Eastchester, Mount Vernon, N. Y., designation as national historic site ... 10090

SECURITIES AND EXCHANGE COMMISSION:
Notices, hearings, orders:
Aladdin Gold Mining Co., Ltd. ... 10473
Alliance Investment Corp ... 10593
American Gas and Power Co. ... 9347
American Power and Light Co ... 9596
American Public Service Co ... 9595
Arkansas Louisiana Gas Co ... 9596
Arkansas Natural Gas Corp ... 9859
Associated Electric Co ... 9593, 10693
Associated Gas and Electric Co ... 9262, 9595
Associated Gas and Electric Corp ... 9262, 9268
Associated General Utilities Co ... 10474
Associated Utilities Corp ... 9096
Atlantic Coast Line Co ... 9856
Beckwith, Earl Porter ... 10336
Boston Stock Exchange ... 9594
Braddock Light & Power Co., Inc ... 9261, 9857
Brentlinger and Hosea, Inc ... 9594
Buffalo, Niagara and Eastern Power Corp ... 9090
California Public Service Co ... 10696
Carver, William R ... 10052
Central and South West Utilities Co ... 9595
Central Arkansas Public Service Corp ... 9596, 9859
Central Power and Light Co ... 9269
Central Public Utility Corp ... 10293, 10646
Cities Service Co ... 9859
Cities Service Power & Light Co ... 9859
Commonwealth & Southern Corp. (Del.) ... 9857, 10051
Community Gas and Power Co ... 9347
Community Power and Light Co ... 9094

SECURITIES AND EXCHANGE COMMISSION—Continued.
Notices, hearings, orders—Con.
Connecticut and Passumpsic Rivers Railroad Co ... 9096, 10052
Consolidated Electric and Gas Co ... 9857, 10293, 10593, 10646
Consolidated Gas and Electric Co ... 10592
Consolidated Natural Gas Co ... 9267
Consumers Gas Co ... 9267
Coughlin, Christopher H ... 10646
Crawford, W. T ... 10646
Dominion Gas and Electric Co ... 9089, 9094
Eastern Iowa Electric Co ... 10474
Electric Advisers, Inc ... 9859
Electric Bond and Share Co ... 9266
Electric Power and Light Corp ... 9434
Engineers Public Service Co ... 9592
Federal Advisers, Inc ... 9859
Federal Light and Traction Co ... 9596, 9859
Foundation Industrial Engineering Co., Inc ... 9348
Gas Advisers, Inc ... 9859
General Gas and Electric Co ... 10051
General Gas and Electric Corp ... 10592
General Public Utilities, Inc ... 9094
General Water Gas & Electric Co ... 9858
Hartt, Jay Samuel ... 9436
Holding Company System ... 9261
Hubbard, Howard H ... 9269
Hughes, Charles, & Co., Inc ... 10292
Idaho Power and Electric Power and Light Corp ... 9434
Indian Hydro-Electric Co ... 10386
Indian Territory Illuminating Oil Co ... 9435
Indiana Hydro-Electric Power Co ... 9089, 10386
Industrial Gas Corp ... 10694
International Utilities Corp ... 9089, 9094, 9095, 9270, 10051, 10473
Interstate Power Co ... 9348, 10474, 10593
Islands Gas and Electric Co ... 10593
Jacksonville Gas Corp ... 9268
Jefferson, Floyd ... 9269
K-T Electric and Water Co ... 10693
Kentucky Utilities Co ... 9269
Los Angeles Stock Exchange ... 10472
Lubbe, Frances J ... 9479
M. U. Securities Corp ... 9436
McClellan, Patrick H ... 10053
Manufacturers Trust Co ... 9858
Martin, Lester ... 9269
Middle West Corp ... 9268, 9595
Midland United Co ... 9089, 9436, 10386
Midland Utilities Co ... 9436
Milwaukee Electric Railway & Transport Co ... 9089
Moore-Coney Corp ... 10052
Morris, Hugh M ... 9089, 9436, 10386
Nash, A., Co ... 10052
New England Power Assn ... 9592, 10694
New England Public Service Co ... 9269
New Jersey Power & Light Co ... 9096
New Premier Consolidated Mines Co ... 10693
New York Curb Exchange ... 9269, 9730

SECURITIES AND EXCHANGE COMMISSION—Continued.
Notices, hearings, orders—Con.
Niagara Hudson Power Corp ... 9090
North American Co ... 9093, 9261
North American Light & Power Co ... 9093, 9261, 10695
North American Light & Power Holding-Company System ... 9093
North Boston Lighting Properties ... 9592, 10694
North Continent Utilities Corp ... 9095
Northern Indiana Public Service Co ... 9093, 10593
Northern Power Co ... 9596
Northern States Power Co. (Del.) ... 9267
Northern States Power Co. (Minn.) ... 9267
NY PA NJ Utilities Co ... 9096
Ogden Corporation ... 9478
Owensboro Gas Co ... 10693
Pacific Gas and Electric Co ... 9730
Panhandle Public Service Co ... 9593
Pennsylvania Electric Co ... 10336
Peoples Light and Power Co ... 10696
Petersen, Fred F., Co., Inc ... 9434
Petroleum Advisers, Inc ... 9859
Philadelphia Stock Exchange ... 10337
Public Utilities Management Corp ... 9347
Reorganized Broken Hills Silver Corp ... 10473
Richfield Oil Corp ... 9730
Rio Grande Valley Gas Co ... 10473
Rochester Gas and Electric Corp ... 9096
Rockland Gas Co., Inc ... 9858
Scranton-Spring Brook Water Service Co ... 9262, 9893
Shawmut Association ... 9858, 10592
South Carolina Electric and and Gas Co ... 10051, 10592
Southerland, Clarence A ... 9436
Southern Union Gas Co., et al ... 9593
Southwestern Public Service Co., et al ... 9094
Spatcher, William S ... 9269
Standard Power and Light Corp ... 9435
Suburban Gas and Electric Co ... 9592, 10694
Superior Water, Light and Power Co ... 9596
Sylvania Electric Products, Inc ... 9594
Texas Public Service Co ... 10696
Texas Public Service Farm Co ... 10696
Tri-City Utilities Co ... 10693
Tri-Continental Corp ... 9094
United Gas Pipe Line Co ... 9096
Walton, Gus B ... 9596
Warner, Rawleigh ... 10646
West Coast Power Co ... 10696
West Texas Utilities Co ... 9268
Western States Utilities Co ... 10696
Wisconsin Electric Power Co ... 9089
Rules and regulations:
Securities Exchange Act of 1934; short sales ... 9349

SELECTIVE SERVICE SYSTEM:
Alien, nondeclarant, not residing in United States; duty and responsibility to register ... 9361

SELECTIVE SERVICE SYSTEM—Continued.
Classification:
Man accepted for limited service (L) ... 9866
Man not accepted (IV-F) ... 9866
Man separated from the land or naval forces (I-C) ... 9866
Member of land or naval forces of United States (Class I-C) ... 9866
Officials deferred by law (Class IV-B) ... 9866
Separated or disqualified men; instruction ... 9866
Upon induction (I-C) ... 9866
Classification procedure:
Local board physical examination not required ... 9937
Waiver of physical examination ... 9184
Conscientious objectors:
Acceptability of persons; local board action following final-type physical examination of Class IV-E registrants ... 9867
Projects established:
East Lansing Project, Mich ... 9270
Minnesota Agricultural Experiment Project ... 9639
Mount Weather Project, Va ... 9893
Reception at camps and separation classification ... 9867
Duty and responsibility to register; nondeclarant alien not residing in United States ... 9361
Forms prescribed, revised, etc.:
Delivery list (151) ... 9868
Discontinuance of designated forms (120, 129) ... 9441
Employee notification (82) ... 10067
Medical identification card (210) ... 9867
Property list (253) ... 10067
Replacement list (319) ... 9361
Replacement schedule title sheet (320) ... 9361
Replacement summary (318) ... 9361
State monthly accumulative report of inductions and rejections (275) ... 10546
New York City; five boroughs established as one appeal board area ... 10475
Work of national importance under civilian direction. *See* Conscientious objectors.

SHIPPING (TITLE 46):
Coast Guard: Inspection and Navigation:
Bays, sounds, and lakes other than Great Lakes:
Inspection of vessels (Part 97) ... 9067
Emergency regulations:
Boats, rafts, and lifesaving appliances (Part 153) ... 9067, 9840
Inspection and certification (Part 156) ... 9067
Equipment approved, miscellaneous items ... 9067, 9305, 9840, 10023

SHIPPING (TITLE 46)—Con. Page
Coast Guard: Inspection and Navigation—Continued.
Great Lakes:
Inspection of vessels (Part 79) 9067
Marine engineering:
Construction (Part 52) 10023
Materials (Part 51) 9840
Ocean and coastwise:
Licensed officers and certificated men (Part 62) 9067
Rivers:
Inspection of vessels (Part 116) 9067
Tank vessels:
Operation (Part 35) 9305
War business, vessels engaged in; waiver of navigation and inspection laws 9164
War Shipping Administration:
Contracts for carriage on owned or chartered vessels (Part 303) 10286
Contracts with vessel owners (Part 302) 9029
Labor (Part 304) 10620
Ship warrant rules and regulations (Part 341) 9230
SOCIAL SECURITY BOARD:
Certifications to:
Idaho Industrial Accident Board 10449
Maine Unemployment Compensation Commission 10450
Maryland Unemployment Compensation Board 10449
Old-age and survivors insurance:
Extension of time and revision 9491
SOLID FUELS ADMINISTRATION FOR WAR:
Coal, anthracite and bituminous:
Producers, wholesalers, etc., order directing filing of information 9441
STATE DEPARTMENT:
Blocked nationals, proclaimed list. *See* Blocked Nationals.
Foreign policy: Office of War Mobilization to arrange for unification of activities of Federal Government relating to foreign economic affairs in conformity with (Executive Order 9361) 9861
STOP CONSTRUCTION ORDERS. *See* War Production Board.

T

TAXES. *See* Internal Revenue Bureau.
TAXICAB SERVICES, coordination of. *See* Defense Transportation.
TELECOMMUNICATION (TITLE 47):
Federal Communications Commission:
Broadcast services other than standard (Part 4) 9463
Commercial radio operators (Part 13) 9166
General rules and regulations (Part 2) 10305

TELECOMMUNICATION (TITLE 47)—Continued. Page
Federal Communications Commission—Continued.
Government communications by telegraph, rates and charges 9165
Preservation of records of telegrams and ship messages (Part 42) 9167
Reports, rules for filing information, contracts, etc. (Part 43) 9167
Standard and high-frequency broadcast stations (Part 3) 9463
TELEGRAPH SERVICE. *See* Federal Communications Commission.
THIRD WAR LOAN DRIVE, proclamation 10537
TRANSPORTATION AND RAILROADS (TITLE 49):
Defense Transportation, Office of:
Administration (Part 503) 9034, 9068, 9571, 9631, 9887
Motor equipment conservation (Part 501) 9033, 9231
Rail equipment conservation:
Exceptions, permits, special directions (Part 520) 9887, 10023
Traffic movement direction (Part 502) 9067, 9167, 9570
Exceptions, permits and special directions (Part 522) 10445, 10446
Interstate Commerce Commission:
Car service (Part 95) 9033, 9230, 9231, 9339, 9569, 9728, 10289, 10369, 10674.
Routing of traffic (Part 97) 9729, 10289
Transportation of explosives (Parts 72, 73, 75, 82) 9425
Uniform bills of lading and livestock contracts (Part 31) 9841
TREASURY DEPARTMENT:
Accounts Bureau:
Surety companies:
Employers Mutual Casualty Co., issuance of certificate of authority 9183
Taxes, funds withheld for; payment through depositary banks 9044
Federal Reserve banks, functions regarding 9046
Government depositaries:
Accounts, forms and procedure 9045
Designation 9045, 10347
Provisions for offsetting costs 9046, 10348
Qualifications 9045, 10347
Termination 9046
Internal Revenue collectors; receipts of withheld taxes 9046
Monetary Offices:
Foreign funds control:
General License 86 9320
General License 87 10656
Foreign moneys, value of 9182

TREASURY DEPARTMENT—Continued. Page
Procurement Division:
Property; loans to non-Federal vocational education authorities: surplus personal property of National Youth Administration 10366
Public Debt Bureau:
Treasury bonds; 2% depositary bonds, secondary series 9069
Treasury certificates; Series D–1944, 7/8% 10305
Treasury notes; Savings notes, Series C 10514

U

UNITED STATES COMMERCIAL COMPANY, transferred to Office of Economic Warfare (Executive Order 9361) 9861
Orders, licenses, etc., ratified by Office of Economic Warfare 9938

V

VESSELS. *See also* Coast Guard; War Shipping Administration.
Sale, transfer and charter. *See* Defense Transportation; War Shipping Administration.
VESTING ORDERS. *See* Alien Property Custodian.
VETERANS' ADMINISTRATION:
Vocational handicaps, determination procedure, etc 9480
VIRGIN ISLANDS, rationing. *See* Rationing.

W

WAGE AND HOUR DIVISION:
Committee appointments, or resignations, various industries:
Fruit and vegetable packing and farm products assembling 9431, 10029
Meat, poultry, and dairy products 9431, 9576
Employment of learners:
Issuance of certificates, various industries:
Apparel 9036, 9307, 9431, 9576, 10028, 10515
Candy 9576
Canvas products 10371
Cigar 9308, 9432, 10029
Glove 9036, 9308, 9432, 9576
Hosiery 9036, 9308, 9432, 9576, 10029, 10515
Knitted wear 9036, 9432, 10515
Millinery 9576
Paper box 9432
Telephone 9308, 10515
Textile 9308, 9576, 10029, 10515
Wooden ice refrigerators 10028
Minimum wage rates, various industries:
Wholesaling, warehousing, other distribution industries; appointment of industry committee 10488
WAGE RATES. *See* Economic Stabilization Office; Interior Department; Reclamation Bureau.

WAR DEPARTMENT: Page
Appointment of commissioned officers, warrant officers, and chaplains:
Enlistment or reenlistment. *See* Enlistment.
Terminations:
Flight officers 10105
Methods of separation 8989
Army Nurse Corps; married nurses, appointment of 9349
Citizens' Military Training Camps; regulations suspended 9601
Court martial cases; redistributing certain functions of Secretary of War and Judge Advocate General with respect to (Executive Order 9363) 10389
Decorations, manufacture of for public sale 9440
Engineers Corps:
Danger zone regulations; Chesapeake Bay gunnery ranges 9839
Navigation regulations; discharge of water ballast into coastal waters of United States 10674
Enlistment and reenlistment of men on active duty as Reserve Officers or discharged to accept commissions as officers or appointments as warrant officers 10651
Exchanges, Army. *See* Military reservations.
Medals:
Manufacture and sale of. *See* Decorations.
Women's Army Corps Service Medal. *See* Women's Army Corps.
Medical and dental attendance:
Civilian medical attendance; individual surgical and orthopedic appliances 10062
Military areas:
Western Defense Command; Total Exclusion Area 3 established 10289
Military information, responsibility of Government contractors for safeguarding 9178
Military reservations:
Exchanges, Army; taxicab and bus operations, authorized activities 9179
Regulations; rights not granted without specific authority 10105
Motor-propelled passenger-carrying vehicles, approval of purchases or exchanges 10574
Payment of bills and accounts; telegraph and cable service outside United States 10651
Petersburg National Military Park, Va.; jurisdiction over certain lands transferred from Secretary of Interior to Secretary of War 10090
Procurement of military supplies and animals:
Contracts and purchases 9908
Bonds and insurance 8989
Forms 9925

WAR DEPARTMENT—Con. Page
Procurement of military supplies and animals—Con.
Contracts and purchases—Continued.
Instructions, general and miscellaneous 9925
Royalty adjustment orders. *See* Royalty adjustment orders.
Supplies, procurement of:
Interbranch and interdepartmental purchases 9914
Labor:
Aliens, employment of 9924
Copeland ("anti-kickback") Act 9914, 10653
Wage and salary adjustments 9915
Walsh-Healey Public Contracts Law 9915
Property, disposition of:
Serviceable:
Industrial 9933
Military and miscellaneous 9932
Surplus and unserviceable 9929
Reserve Officers' Training Corps; commutation for purchasing uniforms 10539
Royalty adjustment orders:
Les Fils de J. Kahn, et al 10024, 10091
Terminations of appointment. *See* Appointment.
Uniforms:
Clothing:
Footgear, officers' and warrant officers'; boots, dress and semidress 9349
Overcoats, winter, for certain officers and contract surgeons 9179
Insignia, manufacture and sale of. *See* Decorations.
Women's Army Auxiliary Corps:
Appointment of officers 9180
Enrollment 9179
Women's Army Corps:
Strength of, prescribed (Executive Order 9364) 10477
Women's Army Corps Service Medal (Executive Order 9365) 10651
WAR FOOD ADMINISTRATION:
Authority delegations to:
Administration officials:
Fertilizer, restrictions on deliveries and use of; Deputy Administrator in charge of Office of Materials and Facilities 9274
Meat, slaughter permits and quotas; regional administrators 9639
Pears, restrictions on shipment of; Merritt A. Clevenger, Donald R. Rush, Harry M. Cleaver and Harold A. Brock 10604
Commodity Credit Corporation:
Regional Director; requisitioning of corn 9316
Vice President; purchase and sale of farmers' 1943 crop stock peanuts 10647

WAR FOOD ADMINISTRATION—Con. Page
Authority delegations to—Con.
Office of Price Administration; rationing of food in Puerto Rico, Virgin Islands, Panama Canal Zone 9600
Commodities and supplies; restrictions, handling, etc.:
Animal pet foods 9102
Beans and peas 9106
Butter 9904
Canned and processed foods:
Fish and shellfish 9488, 9735
Fruits and vegetables, inspection; fees for laboratory services 10297
Cashew nut shell liquid. *See* Oil.
Castor oil. *See* Oil.
Cheese; Cheddar 9904
Chicory 9906
Cocoa beans 9642
Eggs, shell 9108
Farm machinery and equipment, rationing. *See* RATIONING.
Fats 9483, 10389
Tallow and grease, inedible 10479
Fertilizer 9271, 9440
Chemical, in Puerto Rico. *See* RATIONING.
Figs 9177
Fish:
Canned. *See* Canned foods.
Oil. *See* Oil.
Fruits:
Alcoholic products, conversion into 10477
Canned. *See* Canned foods.
Figs. *See* Figs.
Peaches. *See* Peaches.
Pears. *See* Pears.
Plums. *See* Plums.
Grains; malted grains and malt syrups 10480
Livestock and meats:
Delivery restrictions 9108, 9275
Quotas established 9112, 9319
Meat set aside:
Beef 8989, 10605
Permits for slaughter:
Beef quotas 9041
Pork quotas 9041
Veal, lamb and mutton quotas 9641
Meat. *See* Livestock and meats.
Milk:
Dried skim milk 9904
Handling in various marketing and sales areas:
Cincinnati, Ohio 10537
Duluth-Superior 9903
Louisville, Ky 10599
New York Metropolitan 9862
Shreveport, La 9862
License suspensions and terminations:
Battle Creek, Mich 9270
Kalamazoo, Mich 9097
Marketing economies 9102
Mustard seed oil. *See* Oil.
Oil 9483
Cashew nut shell liquid 9043
Castor 9043
Fish 9105
Crude 9104

WAR FOOD ADMINISTRATION—Continued. Page
Commodities and supplies; restrictions, handling, etc.—Continued.
Oil—Continued.
Linseed 9487
Mustard seed 9103
Oiticica 9043
Rapeseed 9103
Sperm 9104, 9177
Tung 9042
Oiticica oil. *See* Oil.
Peaches, clingstone, California 9733
Pears grown in Oregon, Washington, and California 9733, 9905
Delegation of authority 10604
Peas. *See* Beans and peas.
Pet foods. *See* Animal pet foods.
Plums, California 10061
Potatoes, Irish 9041, 9641
Rapeseed oil. *See* Oil.
Rice 9863
Sperm oil. See Oil.
Spices 9177
Sugar, raw; distribution and allotments 10605, 10606
Tea quotas, packaging, etc 9103
Tobacco, cigar filler and binder types 10479
Tung oil. *See* Oil.
Vegetables:
Beans and peas. *See* Beans and peas.
Canned. *See* Canned foods.
Potatoes, Irish. *See* Potatoes.
Designation of persons to hold hearings, sign subpenas, administer oaths, etc 9174
Farm Products Inspection Act. *See under* Commodities and supplies.
Packers and Stockyards Act:
Authorization for inspection of livestock; North Dakota Stockmen's Assn 9601
Notices, orders, etc.:
Bowman Cattle Co 9319
Mississippi Valley Stock Yards Co 9481
Patterson, J. W., Commission Co 10537
Phillips Commission Co 9319
Platte Valley Livestock Cooperative Marketing Assn 10482
Regional areas, designated 9315
Suspension orders:
Houston Cattle Co 9177, 9349
Olympic Confectionery 10062
War Production Board suspension orders revoked:
Cambridge Coffee Co 9859
Coffee Corp. of America 9859
De Witt-Nash Co 9859
Star Coffee Co 9859
WAR MANPOWER COMMISSION:
Appeals from workers or employers, procedure and regulations 10107
Employment stabilization; hiring of incompetent workers 9182
Essential activities, list of 9277

WAR MANPOWER COMMISSION—Continued. Page
Transfer of workers, restricted:
Chemicals, allied products and derivatives; production of 9277
Governmental services 9277
WAR MOBILIZATION, OFFICE OF; foreign economic affairs, authority over unification of activities relating to (Executive Order 9361) 9861
WAR PRODUCTION BOARD:
Authority of Chairman regarding proposals for return of requisitioned property; Regulations under Requisitioning Acts amended 8994
Buna rubber, cross-license agreement between Rubber Reserve Co. and private corporations assisting in synthetic rubber program; form approved 10647
Butadiene, production of; cooperative action plan among certain oil companies approved 10647
Certificates:
Commerce, Secretary of; cross-license agreement (buna rubber) between Rubber Reserve Co. and private corporations assisting in synthetic rubber program, form approved 10647
Defense Transportation, Office of; motor carrier operations:
Conservation of equipment:
Taxicabs and taxi service 9270
Joint action plans 9436, 9597, 9639, 10387, 10647
Navy, Secretary of; collaboration agreement between Bendix Aviation Corp. and American Bosch Corp. regarding naval equipment production, approved 10387
Office of Price Administration; joint action program by purchasers of logging services and stumpage 10053
Rubber Reserve Co.:
Buna rubber; cross-license agreement with private corporations assisting in synthetic rubber program, form approved 10647
Butadiene plant facilities construction; cooperative action plan among certain oil companies approved 10647
Tank cars, revocation of transportation request 9639
Transportation and storage of specified materials, haulage request 9730
War production associations approved:
Automotive Steel Tank and Metal Fabricating Assn 9436

WAR PRODUCTION BOARD—Continued. Page
Certificates—Continued.
War production associations approved—Continued.
Barre Granite War Industries, Inc 9316
Charak Furniture Co. War Production Assn 9436
Fisher Instrument Company Pool 9316
Consent orders. *See* Suspension orders and consent orders.
Delegations of authority to:
Office of Price Administration: further delegation regarding rationing of tires, casings, tubes, etc 9492, 9869
War Production Board officials:
Interpretations of regulations and orders, issuance of 10405
Military rating procedure 9745
Naval equipment production; agreement between Bendix Aviation Corp. and American Bosch Corp. approved 10387
Preference ratings. *See* Priority orders.
Priorities system operation, regulations 9189, 9872
Assignment of rated order or contract, effect on sequence of delivery 10406
Farm supplies 8998, 9184
Preference ratings, uniform method of application and extension 8995, 9869
Rejection of rated orders for failure to meet established prices and terms 8994
Signature of endorsements or certifications 9321
Special sales of industrial materials 10067
Priority orders:
Abrasive; manufactured crude, and abrasive grain 9057, 10612
Bonded and coated abrasive products 10300
Air conditioning equipment. *See* Refrigeration and air conditioning equipment.
Alcohol, ethyl 9747
Aluminum, oxide, fused. *See* Abrasive.
Ammunition 9951
Aniline. *See* Chemicals.
Apparel:
Footwear. *See* Footwear.
Hosiery. *See* Hosiery.
Men's work clothing 9185
Textiles for. *See* Textiles.
Automotive supplies. *See* Motor vehicles.
Aviation supplies; suppliers' inventory limitations 9496
Baby carriages 9451
Bags. *See* Containers.
Benzene. *See* Chemicals.
Blowers, for removal of dust. *See* Machines.

WAR PRODUCTION BOARD—Continued. Page
Priority orders—Continued.
Boilers:
Low pressure cast iron 9052
Power 9055
Brewing machinery and equipment. *See* Machines.
Bristles, pigs' and hogs' 9325
Burial vaults. *See* Caskets, etc.
Burners, oil. *See* Oil burners.
Butadiene. *See* Chemicals.
Buttons. *See* Fasteners.
Cadmium 10495
Caffeine. *See* Chemicals.
Canning machinery. *See* Machines.
Cans:
Tinplate, terneplate, blackplate, or waste 9957
Capital equipment and machine tools, military rating procedure 9745
Carbon black, furnace type. *See* Chemicals.
Caskets, shipping cases, and burial vaults 10416
Cellulose esters. *See* Chemicals.
Chains 10412
Tire, automotive and tractor 9508
Chemicals and drugs 10414
Aniline 9192
Aromatic petroleum solvents 10550
Benzene 10350
Butadiene, cooperative action plan. *See* Certificates.
Caffeine 9324
Carbon black, furnace type 10076
Cellulose esters; sheets, rods, tubes, and molding powder 9454
Citric acid 9006
Glycol ethers 9725
Penicillin 9455
Pyridine 10608
Sulfamic acid and derivatives 9325
Tannic acid U. S. P 9000
Theobromine 9324
Toluene 10348
Chlorinated hydrocarbon refrigerants. *See* Refrigerants.
Citric acid. *See* Chemicals.
Clippers, hair. *See* Cutlery.
Closures. *See* Containers; Fasteners.
Clothing. *See* Apparel.
Cocoa 10352
Communications; telephone and telegraph equipment 10357
Construction 10496
Builders' and construction supplies; suppliers' inventory limitations 9496
Builders' finishing hardware. *See* Hardware.
Controlled materials plan. *See* Controlled materials plan.
Machines and machinery. *See* Machines.

WAR PRODUCTION BOARD—Continued. Page
Priority orders—Continued.
Construction—Continued.
Military, preference rating procedure 9745
Shipways 9047
Stop construction orders, preference ratings, etc., revoked, amended, restored 9348, 9860, 10337, 10338, 10475, 10535, 10649
Used equipment 10409
Consumers' goods inventories. *See* Inventories.
Containers:
Bags:
Textile 9965, 10115
Cans. *See* Cans.
Glass, quotas 9055
Shipping:
Paper sacks 9723
Steel drums 9722, 9967
Wooden and fibre 9746, 9968, 10355
Controlled materials plan:
Allotments, schedules, etc 9189, 9194, 9453, 9507, 9722
Construction and facilities, regulation 9001
Maintenance, repair, and operating supplies 9454, 9508, 9951, 10556
Construction, relationship between CMP regulation and conservation order 10612
For governmental agencies and institutions 9875
Warehouses and distributors, sales by 9949, 9951
Cooking and heating equipment. *See also* Plumbing and heating equipment.
Electrical appliances. *See* Electrical supplies.
Extended surface heating equipment 10548, 10549
Food dehydrators, domestic. *See* Food dehydrators.
Furnaces. *See* Furnaces.
Heat exchangers. *See* Heat exchangers.
Oil burners. *See* Oil burners.
Space heaters, oil and gas burning domestic 9621
Sterilizer equipment. *See* Sterilizer equipment.
Cooking utensils. *See* Kitchen articles.
Cotton:
Combed yarn 10352
Linters and hull fibre 10405
Textiles. *See* Textiles.
Cutlery 9049
Dairy machinery and equipment. *See* Machines.
Dairy supplies, suppliers' inventory limitations 9496
Dehydrators, food. *See* Food dehydrators.
Displays, advertising, etc. *See* Paper.
Distilled spirits 9443, 9510

WAR PRODUCTION BOARD—Continued. Page
Priority orders—Continued.
Dry cleaning equipment. *See* Machines.
Dyestuffs and organic pigments 9190, 10616
Electrical supplies, etc.:
Appliances 9361
Fuses 9501
Indicating instruments. *See* Instruments.
Inventory limitations, suppliers' 9496
Wiring, farmstead, material for 9047, 9189
Electronic equipment 10352
Elevators 10607
Ethyl alcohol. *See* Alcohol.
Farm machinery, equipment, and supplies 8998, 9184, 9185, 9712, 10300, 10343
Suppliers' inventory limitations 9496
Farmstead wiring material. *See* Electrical supplies.
Fasteners (for clothing) 10406
Fats and oils; linseed, fish, etc., oil for protective coatings. *See* Protective coatings.
Fence posts, steel. *See* Iron and steel.
Files. *See* Tools.
Film:
Photographic, and film base 9874
35 mm 9872
Food dehydrators, domestic 9364
Food processing:
Cutlery. *See* Cutlery.
Machinery. *See* Machines.
Footwear 10553
Forks. *See* Cutlery.
Foundry equipment:
Suppliers' inventory limitations 9496
Furnaces 10546, 10547
Gages. *See* Tools.
Generators; turbine propelled. *See* Turbines.
Glass containers. *See* Containers.
Glycol ethers. *See* Chemicals.
Grain, abrasive. *See* Abrasive.
Grain elevator supplies, suppliers' inventory limitations 9496
Graphite 9748
Crucible simplification 10494
Hardware:
Builders' finishing 10109
Locks and padlocks 10109
Suppliers' inventory limitations 9496
Haulage conservation 9053, 9730
Heat exchangers 9451, 9514
Heating equipment. *See* Cooking and heating equipment; Plumbing and heating equipment.
Hoes. *See* Tools.
Hogs' bristles. *See* Bristles.
Honey 10076
Hooks and eyes. *See* Fasteners.

WAR PRODUCTION BOARD—Continued. Page
Priority orders—Continued.
Hosiery; men's, women's, children's, and infants' 9327
Household articles. *See* Kitchen, household, etc., articles.
Imports of strategic materials 9000
Industrial machinery and equipment. *See* Machines.
Industrial supplies, suppliers' inventory limitations 9496
Insecticides, rotenone 9322
Instruments:
Electrical indicating 9501
Industrial type instruments, valves, regulators 9508
Inventories:
Consumers' goods 9501
Suppliers' limitations 9496
Iron and steel:
Alloy, heat-resistant chromium or chromium nickel 10492
Alloy scrap, segregation 9322
Controlled materials plan. *See* Controlled materials plan.
Steel:
Chrome, corrosion and heat resistant 9190
Fence posts, emergency specifications 9325
Plates 9185
Jewel bearings 9048
Kitchen, household, etc., articles:
Cooking appliances. *See* Cooking and heating equipment; Plumbing and heating equipment.
Cooking utensils, miscellaneous 9939
Cutlery. *See* Cutlery.
Electrical appliances. *See* Electrical supplies.
Knives. *See* Cutlery.
Laboratory equipment 9942, 10552
Laundry equipment. *See* Machines.
Leather bags. *See* Luggage.
License plates, metallic 9190
Locks. *See* Hardware.
Locomotives. *See* Railroad equipment.
Luggage 10501
Machines and machinery:
Auxiliary equipment for steam turbines for land use 10552
Blowers, for removal of dust 9282
Construction 9118
Used equipment 10409
Floor finishing and maintenance 9282
Food, etc., processing 9953
Industrial; motors, fractional horsepower 9719
Laundry, dry cleaning, and tailors' pressing 9280
Office 9511
Rug scrubbing 9282

WAR PRODUCTION BOARD—Continued. Page
Priority orders—Continued.
Machines and machinery—Continued.
Refrigeration and air conditioning. *See* Refrigeration and air conditioning equipment.
Tools. *See* Tools.
Turbines. *See* Turbines.
Vacuum cleaners, industrial 9282
Manila rope, waste 9117
Medical equipment and supplies:
Furniture, medical and surgical 9621
Military ratings of capital equipment and machine tools, procedure 9745
Molasses 10107
Motor vehicles:
Haulage conservation. *See* Haulage conservation.
License plates. *See* License plates.
Powercycles. *See* Powercycles.
Trucks, industrial power 9498, 9500
Motors and generators. *See* Machines; Turbines.
Nutgalls 9000
Office machinery. *See* Machines.
Oil and gas burning domestic space heaters. *See* Cooking and heating equipment.
Oil burners 9497
Oils; linseed, fish, etc., oil for protective coatings. *See* Protective coatings.
Paper and paperboard:
For production of displays 9329
Print paper 9194, 9721, 10406
Production 9719
Specialty papers 10353
Penicillin. *See* Chemicals and drugs.
Petroleum and petroleum products:
Exclusion of restricted products from certain provisions 9363
Production, transportation, refining and marketing 9443, 9449
Materials Redistribution Program. *See* Petroleum Administration for War.
Solvents, aromatic. *See* Chemicals.
Pigments, organic. *See* Dyestuffs.
Pigs' bristles. *See* Bristles.
Pilchard 10409
Plumbing and heating equipment:
Boilers. *See* Boilers.
Cooking appliances, domestic 10607, 10614
Stoves, domestic heating 10614
Suppliers' inventory limitations 9496
Water heaters 10556

WAR PRODUCTION BOARD—Continued. Page
Priority orders—Continued.
Poultry machinery and equipment. *See* Machines.
Powercycles 10357
Precision measuring tools. *See* Tools.
Print paper. *See* Paper.
Protective coatings; linseed, fish, etc., oils used for 10502
Public sanitation. *See* Sewerage facilities.
Pyridine. *See* Chemicals.
Radio receivers; tubes 10499
Railroad equipment; locomotives 9941
Rakes. *See* Tools.
Refrigerants, chlorinated hydrocarbon 9493, 10607
Refrigeration and air conditioning equipment, industrial and commercial:
Drinking water coolers, self-contained 9450
Refrigeration supplies; suppliers' inventory limitations 9496
Refrigerators, domestic ice 8998, 8999
Resins, natural 10547
Restaurant supplies; suppliers' inventory limitations 9496
Rope, Manila. *See* Manila rope.
Rotenone. *See* Insecticides.
Rubber and rubber products:
Buna rubber, cross-license agreement. *See* Certificates.
Tires and tubes. *See* Tires and tubes.
Safety equipment 10408
Sanitation services, public 9514
See also Sewerage facilities.
Scissors. *See* Cutlery.
Sewerage facilities, public; maintenance, repair and operating supplies 9194
Shears. *See* Cutlery.
Shipments, controlled. *See* Haulage conservation.
Shipways construction. *See* Construction.
Silicon carbide. *See* Abrasive.
Silver 10609
Slippers. *See* Footwear.
Solvents, aromatic petroleum. *See* Chemicals.
Spoons. *See* Cutlery.
Steel. *See* Iron and steel.
Sterilizer equipment 9283
Stoves. *See* Cooking and heating equipment; Plumbing and heating equipment.
Sugar processing machinery and equipment. *See* Machines.
Sulfamic acid. *See* Chemicals.
Tailors' pressing machinery. *See* Machines.
Tannic acid. *See* Chemicals.

WAR PRODUCTION BOARD—Continued. Page
Priority orders—Continued.
Telephone and telegraph equipment. *See* Communications.
Textiles:
Cotton:
Male work clothing 9187
Production 9121, 10350
Mill supplies; suppliers' inventory limitations 9496
Wiping cloths, industrial 10557
Theobromine. *See* Chemicals.
Tin cans. *See* Cans.
Tires and tubes 9456, 10557
Rationing. See RATIONING.
Tobacco processing machinery. *See* Machines.
Toluene. *See* Chemicals.
Tools:
Files 9943
Gages and precision measuring 10410
Hand; forks, rakes, hoes, etc 9618
Machine tools 9197
Military rating procedure 9745
Transmission supplies; suppliers' inventory limitations 9496
Transportation. *See* Haulage conservation; Motor vehicles; Railroad equipment.
Trucks, industrial power. *See* Motor vehicles.
Trunks. *See* Luggage.
Tubes:
Radio. *See* Radio receivers.
Rubber. *See* Tires and tubes.
Turbines, turbine-generators, and generators 9718
Steam turbines for land use, auxiliary equipment 10552
Utilities; communications. *See* Communications.
Vacuum cleaners, industrial. *See* Machines.
Vaults, burial. *See* Caskets, etc.
Wiping cloths, industrial. *See* Textiles.
Water coolers. *See* Refrigeration and air conditioning equipment.
Welding and plating equipment:
Resistance welding equipment 9514, 10500
Supplies, welding and cutting; suppliers' inventory limitations 9496
X-ray 10612
Zinc 9509
Property, requisitioned; Regulations under Requisitioning Acts amended regarding return of 8994

WAR PRODUCTION BOARD—Continued. Page
Regulations by document designation:
CMP regulations:
No. 1:
As amended May 28, 1943, amendment 1 9189
Direction 15, as amended July 5, 1943 9194
Direction 20 9194
Direction 21 9453
Direction 22 9507
Interpretation 11 9722
No. 4:
As amended July 17, 1943 9949
Brass Mill Warehouse Direction 1, revocation 9951
Supp. Brass Mill Warehouse Direction 1-a, revocation 9951
Wire Mill Warehouse Direction 1, revocation 9951
No. 5:
As amended May 14, 1943, amendment 2 9508
Direction 9 9454
Direction 10 10556
Interpretation 8 9951
Interpretation 9 10612
No. 5A, Direction 1 9875
No. 6 9001
Certificates:
No. 27, revocation 9639
No. 86 9270
No. 87 9316
No. 88 9316
No. 89 9436
No. 90 9436
No. 91 9436
No. 92 9597
No. 93 9730
No. 94 9639
No. 95 9639
No. 96 10053
No. 97 10387
No. 98 10387
No. 99 10475
No. 100 10475
No. 101 10475
No. 102 10647
No. 103 10647
No. 104 10647
Directives:
No. 1 Q:
As amended February 15, 1943, amendment 1 9492
As amended July 1, 1943 9868
No. 23, as amended July 15, 1943 9745
E-1-b, as amended July 5, 1943 9197
E-5-a, as amended July 26, 1943 10410
L-7-c:
As amended June 30, 1943 8998
Schedule IV 8999
L-22, as amended July 28, 1943 10546
L-22-a, revocation 10547
L-23, revocation 10607
L-23-c, as amended July 29, 1943 10614
L-30-d, as amended July 17, 1943 9939

WAR PRODUCTION BOARD—Continued. Page
Regulations by document designation—Continued.
L-32-a 9190
L-41, as amended July 27, 1943 10496
L-54-c, as amended July 12, 1943 9511
L-63 as amended July 10, 1943 9496
L-64, as amended July 26, 1943 10416
L-65, as amended July 8, 1943 9361
L-68, as amended July 26, 1943 10406
L-74, as amended July 10, 1943 9497
L-76, as amended July 27, 1943 10499
L-89 as amended, interpretation 1 10607
L-91, as amended July 6, 1943 9280
L-97, as amended July 17, 1943 9941
L-99-a:
As amended July 2, 1943 9121
As amended July 23, 1943 10350
As amended July 28, 1943 10547
L-103-b 9055
L-107:
As amended July 28, 1943 10548
Schedule I 10549
L-112, as amended July 10, 1943 9498
L-112-a, as amended July 10, 1943 9500
L-114, as amended July 26, 1943 10408
L-123 as amended, interpretation 3 9719
L-126, Schedule I as amended July 10, 1943 9450
L-140-a 9049
L-144 as amended, interpretation 1 9942
L-144-a, revocation 10552
L-152, Schedule II 9451
L-154, Schedule VI 10552
L-157, Schedule V as amended July 13, 1943 9618
L-161, interpretation 1 9501
L-172, as amended July 9, 1943 9451, 9514
L-173, as amended July 13, 1943 9621
L-178, as amended July 16, 1943 9872
L-181, as amended July 3, 1943 9186
L-185, as amended July 28, 1943 10556
L-187, as amended July 1, 1943 9052
L-192, as amended July 2, 1943 9118
L-196, as amended July 26, 1943 10409
L-197, as amended July 14, 1943 9722
L-201, as amended July 10, 1943 9508
L-203, Interpretation 1 9501

WAR PRODUCTION BOARD—Continued. Page

Regulations by document designation—Continued.

L-206 as amended, interpretation 1 10612
L-211, Schedule 14 9325
L-214, Schedule 3 9621
L-216, Schedule V 9943
L-219, as amended July 10, 1943 9501
L-222, as amended July 6, 1943 9282
L-232, as amended July 23, 1943 10355
L-233, as amended July 16, 1943 9874
L-236, Schedule I as amended July 21, 1943 10109
L-240:
As amended July 5, 1943 9194
As amended July 14, 1943 9721
Interpretation 1 10406
L-257:
Amendment 1 10300
As amended July 14, 1943 9712
L-265, as amended July 23, 1943 10352
L-266, as amended July 6, 1943 9283
L-272, interpretation 1 9508
L-274, as amended July 7, 1943 9327
L-279, as amended July 14, 1943 9723
L-284, as amended July 27, 1943 10501
L-286, as amended July 17, 1943 9951
L-292, as amended July 17, 1943 9953
L-294 9329
L-298 9514
As amended July 27, 1943 10500
L-299 9055
L-301 10357
L-302, as amended July 26, 1943 10412
L-308 9364
L-312 10557
M-11-1, as amended July 12, 1943 9509
M-12, as amended July 24, 1943 10405
M-21-c, revocation 9185
M-21-d, as amended July 5, 1943 9190
M-21-g, as amended July 27, 1943 10492
M-24-c, as amended July 6, 1943 9322
M-28:
As amended July 19, 1943 9493
Interpretation 1 10607
M-30, as amended July 15, 1943 9747
M-34, as amended July 23, 1943 10348
M-50, as amended July 1, 1943 9048
M-51, as amended July 7, 1943 9325
M-54, as amended July 21, 1943 10107
M-56, revocation 10547
M-61, as amended July 15, 1943 9748
M-61-a 10494
M-63-c, revocation 9000

WAR PRODUCTION BOARD—Continued. Page

Regulations by document designation—Continued.

M-63-e, revocation 9000
M-65-a, as amended July 27, 1943 10495
M-69:
As amended October 13, 1942, amendment 1 9443
As amended July 9, 1943 9510
M-76, as amended July 14, 1943 9718
M-81, as amended July 17, 1943 9957
M-103:
As amended July 5, 1943 9190
As amended July 29, 1943 10616
M-118, revocation 10076
M-133, as amended July 6, 1943 9322
M-137, as amended July 23, 1943 10350
M-145 series, revocation 10352
M-150, as amended July 28, 1943 10550
M-155 as amended, revocation 10352
M-184, as amended July 5, 1943 9192
M-185, as amended July 29, 1943 10608
M-199, as amended July 29, 1943 10609
M-201, as amended July 8, 1943 9363
M-204, as amended June 30, 1943 9000
M-206, revocation 10409
M-207, Schedule I as amended July 3, 1943 9187
M-217, as amended July 28, 1943 10553
M-221, as amended July 17, 1943 9965, 10115
M-222, as amended July 6, 1943 9324
M-241, as amended July 14, 1943 9719
M-242, revocation 9325
M-244, as amended July 20, 1943 10076
M-255, as amended July 17, 1943 9967
M-286, as amended July 23, 1943 10353
M-294, as amended July 2, 1943 9117
M-319:
As amended July 1, 1943 9057
As amended July 29, 1943 10612
M-319-a 10300
M-321, as amended June 30, 1943 9006
M-326-a, as amended July 9, 1943 9454
M-330, Supplement 2 as amended July 3, 1943 9185
M-332, as amended July 27, 1943 10502
M-335 9007
M-336, as amended July 14, 1943 9725
M-338 9455
M-340 10414
P-14-a; revocation, amendment 9047
P-14-b; revocation, amendment 9047

WAR PRODUCTION BOARD—Continued. Page

Regulations by document designation—Continued.

P-98-b, as amended July 9, 1943 9443
P-98-c, as amended July 9, 1943 9449
P-140:
As amended May 28, 1943, amendment 1 9746
As amended July 14, 1943 9963
P-141, as amended July 5, 1943 9194
P-141-a, revocation 9514
P-144:
Amendment 1 and extension 1 9047
As amended June 30, 1943 9189
Priorities regulations:
No. 1:
As amended, interpretation 4 9189
Interpretation 3 8994
Interpretation 5 10406
No. 3:
As amended June 30, 1943 8995
As amended July 16, 1943 9869
Direction 1 9872
No. 7, as amended July 6, 1943 9321
No. 13, as amended July 19, 1943 10067
No. 19:
As amended June 8, 1943, amendment 1 8998
As amended June 30, 1943 9184
R-1:
Amendment 1 9456
Amendment 2 10557
T-1, as amended July 1, 1943 9053
U-5, as amended July 23, 1943 10357
WPB Regulation 2 (Requisitioning acts), as amended July 24, 1942; amendment 1 8994
WPB Regulation 3 10405
Suspension orders and consent orders:
See also War Food Administration for revocation of certain orders.
Alexander's Department Stores, Inc 9894
Ashbach and Rubloff 9893
Baer Brothers 9938
Brook Electrical Supply Co. 10349
Chaplow, B. A., Lumber Co 9441
Connecticut Heat and Fuel Co 10349
Cutting Room Appliances Corp 9938
Dartboard Equipment Co 10076
Derbes, George 9117
Domestic Distributing Co 9893
Gersh, M. L., Furniture Co 9893
Goldsmith, Henry 9894
Guardian Steel Corp 9492
Hader Roofing and Furnace Co 10546
Hedberg, J. N 8994
Hoffman, Michael, Fuel Co., Inc 10349
Jackson Industries 9894

WAR PRODUCTION BOARD—Continued. Page

Suspension orders and consent orders—Continued.

Jackson Radio Sales and Service 9894
Kenny, James A 9117
Landis, Benjamin J 10494
McKimmie, T. G 10494
Manning and Wink, Inc 8994
May Co., The 10076
Miner, J. R 9442
Morgan County Rural Electric Assn 9442
National Bottling Co 9712
Newburgh Steel Co 9442
Palder, S. & J 9047
Pashelinsky, M., & Sons 10406
Pennsylvania Independent Oil Co 9117
Photo Process Engraving Co 10494
Richter Metalcraft Corp 10076, 10406
Segil, L. J., Co 10349
Standard Cycle and Auto Supply Co 9895
Standard Motor Co 10656
Stewart, Lynn, Co 9894
Vescera Distributing Co 9492
Wink, Inc 8994
Zynda Brewing Co 9939

WAR SHIPPING ADMINISTRATION: Page

American, Panamanian, and Honduran flag vessels; employment of training organization school graduates 10620
Contracts:
For carriage on owned or chartered vessels; uniform sugar charter for transportation of Cuban sugar 10287
With vessel owners; requisition bare-boat charter, combination cargo and passenger vessels 9029
Requisitioned vessels, payment on account:
Lithuanian vessel "Denny" 10104
Lois Nancy II 10338
Ship warrant rules and regulations:
Rate ceilings suspended, vessels of less than 1,000 tons 9230
Vessel priorities, Port Everglades, Fla 9230
Vessels, sale, transfer, and charter of; joint statement with Office of Defense Transportation 9164, 9167

WELL DRILLING. *See* Petroleum Administration for War. Page

WILDLIFE (TITLE 50):
Coordinator of Fisheries, Office of:
Production of fishery commodities or products (Part 401) 9233, 10024
Fish and Wildlife Service:
Alaska fisheries, general regulations (Parts 205, 207, 208, 211, 223, 227) 9233, 9571, 10091
Alaska Game Commission (Part 92) 9426
Alaska game regulations (Part 91) 9841
National wildlife refuges, various regions:
Mountain (Part 22) 9850
Pacific region (Part 21) 10620
Southeastern (Part 27) 9850
West Central Region (Part 24) 10023

WILDLIFE REFUGES. *See* Fish and Wildlife Service; General Land Office.

WOMEN'S ARMY CORPS. *See* War Department.

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Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 28 2, Amdt. 1]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Food Distribution Order No. 28–2 (8 F.R. 8045), § 1410.12, issued by the Director of Food Distribution on June 11, 1943, is amended as follows:

1. By deleting (a) and substituting, in lieu thereof, the following:

(a) Each slaughterer subject to the provisions of Food Distribution Order 28 shall set aside, reserve, and hold for delivery to the Army, Navy, Marine Corps and Coast Guard of the United States, War Shipping Administration, and contract schools and ship operators as defined in Food Distribution Regulation 2 (8 F.R. 7523) and subject to the provisions thereof, 45 percent of the conversion weight of each week's production of beef obtained from the slaughter of steers and heifers, the carcasses of which meet Army specifications for carcass beef or frozen boneless beef.

2. By deleting from (d) thereof the words "ship operators, as defined in Food Distribution Regulation 2,".

This order shall become effective at 12:01 a. m., e. w. t., June 29, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 28, 8 F.R. 2787)

Issued this 29th day of June 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43–10482; Filed, June 29, 1943; 5:05 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS AND CHAPLAINS

METHODS OF SEPARATION

Section 73.215 is amended to read as follows:

§ 73.215 *Methods of separation.* (a) Appointments in the Army of the United States under the provisions of the Act of 22 September 1941 (55 Stat. 728), may be terminated by death or by resignation. Such appointments may, in accordance with the provisions of this law, be terminated by the President by discharge or dismissal.

(b) Any officer appointed under the provisions of the above-mentioned act who has entered upon active duty under such appointment, may have his appointment terminated by discharge at any time when information is revealed which, if known at the time of his appointment, would have made him ineligible for such appointment. Any misstatement of fact or any material omission in original application or attendant papers may be made the basis for the discharge of such officers at any time.

(55 Stat. 728; 10 U.S.C. Sup. 484)

[Pars. 23 and 26a, AR 605–10, 30 December 1942, as amended by C 7, 16 June 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–10489; Filed, June 30, 1943; 10:22 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

Correction

The second line in § 81.410 (b) appearing on page 8634 of the issue for

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
District Board 22 (2 documents)	9034, 9035
Ontario Gas Coal Corp. of Va.	9035
Minimum price schedules amended:	
District 2	8991
District 3	8992
BOARD OF ECONOMIC WARFARE:	
General licenses, miscellaneous amendments	8993
Personal baggage	8993
Individual licenses, applications	8994
Unlimited licenses to Amtorg Trading Corp. and Middle East destinations in British Empire, cancellation	8993
CHILDREN'S BUREAU:	
Acceptance of state certificates, proof of age in Alaska	8990
INTERSTATE COMMERCE COMMISSION:	
Chicago, Burlington & Quincy Railroad Co., et al., icing of vegetables	9037
Potatoes in refrigerator cars, reicing	9033
OFFICE OF DEFENSE TRANSPORTATION:	
Administration, delegation of authority to Motor Transport Division (2 documents)	9034, 9037
Motor equipment conservation, certificates of war necessity for commercial vehicles (Gen. Order ODT 21, Am. 8)	9033
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Chicago Mill and Lumber Co.	9026
Defense Supplies Corporation	9026
Paint manufacturers	9037
Underwood Veneer Co.	9026
Wilson Veneer Co.	9027
Alcohol, ethyl (MPR 28, Am. 3)	9016
Coal, bituminous, delivered from mine or preparation plant (MPR 120, Am. 56)	9018

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
- Coffee rationing (RO 12, Am. 44) 9024
- Containers, wooden materials (SR 15, Am. 7) 9026
- Cost-of-living commodities, filing of maximum prices (GMPR, Am. 56) 9025
- Eggs and egg products (MPR 333, Am. 9) 9027
- Ferrochromium and chromium metal (MPR 407, Am. 1) 9024
- Firewood rationing (RO 14, Am. 1) 9010
- Food and food products:
  - Fixed mark-up regulations:
    - Retail (Rev. MPR 238, Am. 5) 9019
    - Wholesale (Rev. MPR 237, Am. 5) 9019
  - Processed foods, rationing:
    - (RO 13, Am. 40) 9024
    - (RO 13, Am. 41) 9012
    - (RO 13, Am. 42) 9012
  - Replacement of rationed foods used in products acquired by designated agencies (Gen. RO 11) 9008
- Freight car materials sold by car builders (MPR 174, Am. 3) 9021
- Gasoline, aviation, and components (Rev. SR 1, Am. 16) 9025
- Gasoline rationing:
  - (RO 5C, Am. 56) 9021
  - (RO 5C, Am. 57) 9022
- Meat, fats, fish and cheeses; rationing:
  - (RO 16, Am. 38) 9024
  - (RO 16, Am. 41) 9025
  - (RO 16, Am. 42) 9014
  - (RO 16, Am. 43) 9014
- Potatoes, canned white (Rev. SR 1, Am. 19) 9016
- Regional office orders:
  - Animal feeding salt, Denver region 9039
- Milk:
  - In half-pint containers:
    - Utah 9038
    - Wyoming 9038
  - Skim milk and buttermilk, Utah 9039
- Rent regulations:
  - Defense-rental area designations: Delaware, Pennsylvania, New Jersey (2 documents) 9021
  - Hotels and rooming houses (2 documents) 9019, 9021
  - Housing (3 documents) 9020, 9021
- Rubber, scrap (RPS 87, Am. 7) 9017
- Rugs, chemical processing (Rev. SR 11, Am. 27) 9025
- Sanforizing machine blankets (Rev. SR 1, Am. 17) 9025
- Subpoenas and inspection requirements, in rent and price investigations; delegation of issuance authority to Regional Administrators and District Directors (Gen Order 53) 9037
- Sugar rationing (RO 3, Am. 70) 9011
- Textiles, finished piece goods (MPR 127, Am. 12) 9023
- Tires, tubes, recapping, and camelback; rationing:
  - (RO 1A, Am. 35) 9017
  - (RO 1A, Am. 36) 9018
- Wage increases before April 8, adjustment provision (SR 15, Am. 8) 9026

RURAL ELECTRIFICATION ADMINISTRATION:
- Allocation of funds for loans (2 documents) 9036

WAGE AND HOUR DIVISION:
- Learner employment certificates, issuance to various industries 9036

WAR DEPARTMENT:
- Appointment of commissioned officers, warrant officers, and chaplains; methods of separation 8989
- Procurement of military supplies and animals, miscellaneous amendments (Correction) 8989

WAR FOOD ADMINISTRATION:
- Beef, set-aside requirements (FDO 28–2, Am. 1) 8989

WAR PRODUCTION BOARD:
- Citric acid (M–321) 9006
- Controlled materials plan, construction and facilities (CMP Reg. 6) 9001

WAR PRODUCTION BOARD—Con. Page
- Imports of strategic materials:
  - (M–63–c, revocation) 9000
  - (M–63–e, revocation) 9000
- Nutgalls and tannic acid U. S. P. (M–204) 9000
- Priorities system operation:
  - Farm supplies (PR 19, Am. 1) 8998
  - Rejection of rated orders for failure to meet established prices and terms (PR 1, Int. 3) 8994
  - Uniform method of application and extension of preference ratings (PR 3) 8995
- Refrigerators, domestic ice:
  - (L–7–c) 8998
  - (L–7–c, Sch. IV) 8999
- Requisitioning Acts, regulations (Am. 1) 8994
- Rosin, stabilized (M–335) 9007
- Stop construction orders (2 documents) 9040
- Suspension orders:
  - Hedberg, J. N. 8994
  - Manning and Wink, Inc., et al 8994

WAR SHIPPING ADMINISTRATION:
- Forwarding and transportation of waterborne foreign commerce of the United States 9032
- Requisition bareboat charter 9029

Thursday, June 24, 1943, should read "officer should commence substantially as follows:"

On page 8639 the fourth figure in the column headed "Annual premium" of Table I in § 81.440 (e) (2) should be $100,000 instead of $10,000.

On page 8658 the item in § 81.497 (t) reading "Was award entered in the case?" should read, "Was award or judgment entered in the case?"

TITLE 29—LABOR

Chapter IV—Children's Bureau, Department of Labor

[Regulation 25]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

PROOF OF AGE IN ALASKA

Whereas, section 3 (l) of the Fair Labor Standards Act provides that oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Chief of the Children's Bureau certifying that such person is above the oppressive child labor age, and

Whereas, it has not been possible to establish a practicable procedure for the issuance of Federal or State certificates in the Territory of Alaska, as provided by Child Labor Regulation No. 1,[1] due to difficulties of transportation and communication existing there, and

Whereas it is desirable that employers in the Territory of Alaska be afforded the protection provided by section 3 (l) of the Act as aforesaid.

Now, therefore, by virtue of and pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938, c. 676, 52 Stat. 1060, 29 U.S.C., sec. 201, the following regulation is prescribed for the administration of the child labor provisions of the Fair Labor Standards Act of 1938 relating to certificates of age in the Territory of Alaska.

§ 402.2 *Designation of Territory of Alaska.* I hereby designate the Territory of Alaska as a State in which any of the following documents shall have the same force and effect as Federal certificates of age issued under Child Labor Regulation No. 1:[1]

(a) A birth certificate or attested transcript thereof, or a signed statement of the recorded date and place of birth issued by a registrar of vital statistics or other officer charged with the duty of recording births, or

(b) A record of baptism or attested transcript thereof showing the age of the minor.

[1] Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938, published at 3 F.R. 2487, Oct. 15, 1938; republished at 4 F.R. 1361, March 29, 1939.

This regulation shall become effective upon publication in the FEDERAL REGISTER and shall remain in effect until amended or repealed by regulation hereafter made and published by the Chief of the Children's Bureau.

Dated: June 30, 1943.

MARTHA M. ELIOT,
Acting Chief.

[F. R. Doc. 43-10509; Filed, June 30, 1943; 11:13 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2035]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of changes in and additions to railroad shipping points for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of changes in and additions to railroad shipping points for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I and § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: June 21, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size Nos.]

Mine index No.	Code member	Mine name	Seam	Sublist No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2584	Collins & Schweinberg & Company (Raymond Schweinberg).	Sal Ray #3 (s).	Pittsburgh	7	Large, Pa.[3]	P&WV	[3] 75	(†)	(†)	(†)	(†)	(†)	F	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2641	Conchy Brothers (Thomas Conchy).	Joyce	Pittsburgh	7	Houston, Pa.	Canonsburg, Pa.[1] PRR	74	C	C	C	C	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2703	Didion & Barnhart (R. B. Barnhart).	Campbells Run #2 (s).	Pittsburgh	7	Oakdale, Pa., Imperial, Pa.[1]	PRR-Mont	[3] 77	C	C	C	C	C	F	F	F	F	(†)	(†)	(†)	(†)	E	E	E
2666	Grant, Antonette (Peacock Coal Company).	Grant #2 (d)	Pittsburgh	2	Apollo, Pa., Avonmore, Pa.[1]	PRR	90	E	E	D	D	D	D	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2331	Guseman, A. Ray	Ray (d)	Sewickley	3	Fairchance, Pa.[1]	PRR	[3] 31	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2261	Harding, John (Humble Bee Coal Co.).	Love	Sewickely	3	Hope Mine,[1] Siding, Shoaf, Pa.	B&O-PRR	[3] 114	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
887	McCormick Coal Co.	McCormick	Kittanning	1	Butler, Pa.	B&LE-PRR	[3] 53	E	E	D	D	C	C	D	D	D	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications in these size groups.
[1] Indicates change in Shipping Point.
[3] Indicates change in Freight Origin Group No.

NOTE.—The above classifications are applicable only via the respective railroads, shipping points and freight origin groups shown. Railroads, shipping points and freight origin groups previously assigned are no longer applicable.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II

In § 322.9 (c) in Minimum Price Schedule No. 1 add the mine index numbers shown. Group No. 2: 2584, 2641, 2703; Group No. 8: 2201, 2331; Group No. 15: 887; Group No. 20: 2666.

[F. R. Doc. 43-10421; Filed, June 29, 1943; 11:00 a. m.]

[Docket No. A-2015]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for certain mines and for change in the rail shipping points for certain other mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines, for change in the rail shipping point for certain other mines and for change of name of the code member operating Mine Index No. 762 in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes; all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Petitioner requested the establishment of price classifications and minimum prices for the Glen #1 Mine, of Glen Falls Coal Company, C. E. Potter, Trustee. However, no relief is granted herein with respect to said mine for the reason no proper code membership acceptance has been filed by the said trustee.

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1417	Alsted Coal Company	Alsted	Pittsburgh	Willard Branch Junction, W. Va.	B&O	61	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
1418	Donegan Coal & Coke Company.	Donegan #2	Sewell	Fenwick, W. Va.	B&O	10	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
446	Fairpoint Construction Co.	Bridgeport (s)	Pittsburgh	Lodgeville, W. Va.[2]	B&O	[1]60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
490	Hagedorn, Carl	Rexroad	Pittsburgh	Rock Forge, W. Va.	B&O	70	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1006	Lanham, W. L.	Lanham	Pittsburgh	Rock Forge, W. Va.	B&O	70	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
912	Medrick, Andy (Medrick Coal Co.).	Hartman Run	Pittsburgh	Rock Forge, W. Va.	B&O	70	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
703	Medrick, Joseph (Medrick Coal Co.).	Perrots	Pittsburgh	Rock Forge, W. Va.	B&O	70	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
227	Moore Brothers Coal Co. (Francis Moore).	Sprague	Pittsburgh	Rock Forge, W. Va.[2]	B&O	[1]70	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
762	Pardee & Curtin Lumber Co.[1]	Bolair	H. V. Kitt	{Bolair, W. Va. / Webster Springs, W. Va.}	{B&O / WM}	26	D	D	D	D	D	D	D	D	D	D	B	B	B	B	B	B
1419	Potter, Charles E. (Winchester Coal Co.).	Winchester #5	Pittsburgh	Bingamon Junction, W. Va.	WM	65	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
775	Varejis, Nick	Varejis	Pittsburgh	Rock Forge, W. Va	B&O	70	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1420	Virginia & Pittsburgh Coal & Coke Company, The.	Kingmont Jr #3.	Pittsburgh	Kingmont, W. Va.	B&O	50	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
1420	Virginia & Pittsburgh Coal & Coke Company, The	Kingmont Jr. #3.	Pittsburgh	Kingmont, W. Va.	Monon	River	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B

†Indicates no classifications in these size groups.
[1] Indicates change in name
[2] Indicates change in shipping points.
[3] Indicates change in freight origin group.

NOTE: The above prices are applicable only via the respective freight origin groups, shipping points and railroads shown for the respective mines. Freight origin groups, shipping points and railroads previously assigned to these mines are no longer applicable.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule No. 1: Group No. 1: 227, 446, 490, 703, 775, 912, 1006, 1417, 1419, 1420; Group No. 3: 762; Group No. 5: 1418.

NOTE: Mine Index No. 1420 will take the same prices for river coals for By-Product, Horizontal and Vertical Retort or Water Gas use to all destinations on the Monongahela River from Morgantown, West Virginia, upstream to headwaters of the river, both inclusive, as shown in Docket No. A-1632.

NOTE: For River and Ex-River Shipments, Mine Index Number 1420 will take the same prices as mines having Index Numbers, 42 (a), 54, 100, 106, 113, 119, 121, 127, 130, 132, 1219, 1226 and 1233, as shown in § 323.8 (e) and § 323.8 (f) in the Effective Minimum Price Schedule for District No. 3 and Docket No. A-1059, with adjustments thereto, with the following exceptions:

(1) When shipments of Classification "D" coals are made from the above mines the prices in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule No. 1 for District No. 3 must be increased ten cents (10¢) per net ton.

(2) When shipments of Classification "E" coals are made from the above mines the prices in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule No. 1 for District No. 3 must be increased five cents (5¢) per net ton.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes; all ports*—Supplement R–III

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule No. 1. Group No. 1: 227, 446, 490, 703, 775, 912, 1006, 1417, 1419, 1420; Group No. 3: 762; Group No. 5: 1418.

§ 323.23 *General prices*—Supplement T

FOR TRUCK SHIPMENTS

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	County	Size groups: Lump over 2", Egg over 2" bottom size (1)	Lump 2"–Egg 2" but not over 1¼" (2)	Lump 1¼" and under, egg 1¼" and under bottom size (3)	All run, and lump over 2" (4)	Run of mine, prepared over 2" (5)	1¼" and 2" slack (6)	¾" slack (7)
Alsted Coal Company	1417	Alsted	Pittsburgh	Harrison	243	238	238	213	213	198	188
Donegan Coal & Coke Company.	1418	Donegan #2	Sewell	Nicholas	273	268	268	243	243	233	213
Pardee & Curtin Lumber Co.[1]	762	Bolair	H. V. Kitt	Webster	228	223	223	198	198	188	178
Potter, Charles E. (Winchester Coal Co.).	1419	Winchester #5	Pittsburgh	Marion	243	238	238	213	213	198	188
Virginia & Pittsburgh Coal & Coke Company, The.	1420	Kingmont Jr. #3	Pittsburgh	Marion	243	238	238	213	213	198	188

[1] Indicates change in name.

[F. R. Doc. 43-10420; Filed, June 29, 1943; 10:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 74]

PART 803—UNLIMITED LICENSES

CANCELLATION OF UNLIMITED LICENSES TO AMTORG TRADING CORPORATION (UNION OF SOVIET SOCIALIST REPUBLICS) AND TO MIDDLE EAST DESTINATIONS IN THE BRITISH EMPIRE

Section 803.2 *Commodities and countries of destination* is hereby amended by deleting therefrom all of paragraphs (a) and (c).

Exportations of commodities designated in the release certificates issued by the Amtorg Trading Corporation prior to the effective date of this amendment may be made until July 31, 1943, under previous unlimited license. Exportations of commodities designated in release certificates issued by the British Ministry of Supply Mission prior to the effective date of this amendment may be made during the validity of such release certificate under previous general license. This amendment shall become effective June 30, 1943.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529)

Dated: June 26, 1943.

C. VICTOR BARRY, *Chief of Office, Office of Exports.*

[F. R. Doc. 43-10485; Filed, June 30, 1943; 10:00 a. m.]

[Amendment 75]

PART 802—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Part 802—General Licenses is hereby amended in the following particulars:

1. Paragraph (a) of § 802.3 *General license country groups* is hereby amended by placing before the name of the country Union of Soviet Socialist Republic the letter "a" wherever the name of said country appears in this section.

2. Subparagraph (1) of paragraph (b) of § 802.9 *General in transit licenses* is hereby amended by deleting from the list of designated countries of origin and destination for which general in transit licenses are issued the following:

	General License Designations
From British Empire to U. S. S. R.	GIT—A/R
From U. S. S. R. to U. S. S. R.	GIT—R/R
From Western Hemisphere to U. S. S. R.	GIT—B/R

3. Section 802.14 *Metal drums and containers* is hereby amended in the following particulars:

Paragraph (a) is hereby amended to read as follows:

(a) General licenses are hereby granted authorizing the exportation to all destinations except Union of Soviet Socialist Republics of metal drums and containers having a capacity of ten gallons or less when filled with commodities, the exportation of which has been authorized by export license: *Provided*, That the drums and containers are of a type reasonably suited for the exportation of such commodities.

Paragraph (b) is hereby amended by deleting from said paragraph the country Union of Soviet Socialist Republics.

Paragraph (d) is hereby amended by deleting therefrom the country Union of Soviet Socialist Republics.

Paragraph (e) is hereby amended to read as follows:

(e) General licenses are hereby granted for exportation to all destinations, except Union of Soviet Socialist Republics, included in Country Group K of metal drums and containers regardless of capacity when filled with any commodity which may be exported under general license to destinations included in said Group K.

4. Section 802.19 *Return of empty containers, etc.* is hereby amended to read as follows:

§ 802.19 *Return of empty containers to foreign country.* General licenses are hereby granted authorizing the exportation to all destinations except Union of Soviet Socialist Republics in Country Group K, of metal drums, gas cylinders, bags and other containers which previously have been used in shipping commodities to the United States: *Provided*, That they are exported empty to the country from which they were imported into the United States.

Shipments of commodities destined to the Union of Soviet Socialist Republics which are on dock, on lighter, laden aboard the exporting carrier or in transit to a port of exit pursuant to an actual order prior to the effective date of this amendment may be exported under previous general license provisions. Such shipments moving to a vessel subsequent to the effective date of this amendment, pursuant to Office of Defense Transportation permits, may be exported under previous general license provisions.

This amendment shall become effective July 31, 1943.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47 (8 F.R. 8529)

Dated: June 25, 1943.

C. VICTOR BARRY, *Chief of Office, Office of Exports.*

[F. R. Doc. 43-10486; Filed, June 30, 1943; 10:00 a. m.]

[Amendment 76]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE

Paragraph (a) of § 802.11 *Personal baggage* is hereby amended in the following particulars:

1. Subparagraph (4) is hereby amended to read as follows:

(4) Passenger automobiles when the property of a permanent resident of the United States or the property of a nonresident of the United States if temporarily brought into the United States by the person exporting the same.

2. The following paragraph is hereby added:

(5) Motor vehicles and trailers when the property of persons residing in the United States departing therefrom to

take permanent residence in a foreign country, provided such vehicles were acquired prior to December 31, 1942.

This amendment shall become effective July 1, 1943.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529)

Dated: June 25, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-10487; Filed, June 30, 1943; 10:00 a. m.]

[Amendment 77]

PART 804—INDIVIDUAL LICENSES

APPLICATIONS FOR LICENSES

Paragraph (c) of § 804.2 *Applications for licenses* is hereby amended by adding to the commodities listed in Group No. 137 therein "Boat propellers and blades, Schedule B No. 7999.93."

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529)

Dated: June 25, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-10488; Filed, June 30, 1943; 10:00 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 902—REGULATIONS UNDER THE REQUISITIONING ACTS

[Amdt. 1]

Pursuant to the authority vested in the Chairman of the War Production Board by Executive Order No. 9024 of January 16, 1942 and Executive Order No. 9040 of January 24, 1942, the Regulations under Requisitioning Acts issued by the Chairman of the War Production Board on July 24, 1942, are hereby amended as follows:

Section 902.2 (d) is amended to read as follows:

(d) In any case in which any Requisitioning Authority which has requisitioned property pursuant to paragraph 4 of Executive Order 8942, as amended by Executive Order 9138, determines that property requisitioned by it and retained is no longer needed by it for the defense of the United States and proposes to return it to the original owner thereof under section 2 of the Act of October 16, 1941, as amended, it shall submit to the Chairman of the War Production Board a proposal for the return of such property. The proposal shall contain a certification that the property is no longer needed by the Requisitioning Authority for the defense of the United States. The proposal shall be in such form as may be approved by the General Counsel of the War Production Board and shall set forth all pertinent facts with respect to the property which it is proposed to return. The Chairman of the War Production Board shall thereupon determine whether such property is needed for the defense of the United States and whether the proposal to return the property is consistent with the priorities and allocations program and the general production and supply plan of the Chairman of the War Production Board. The determination of the Chairman of the War Production Board and any advice as to the disposition of the property shall be transmitted in writing to the Requisitioning Authority.

Issued this 28th day of June 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-10479; Filed, June 29, 1943; 5:00 p. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-232]

J. N. HEDBERG

J. N. Hedberg of San Jose, California has appealed from the provisions of Suspension Order S-232, issued February 4, 1943. After a review of the case, it has been determined that the appeal be denied, but that Suspension Order S-232 be modified so as to permit J. N. Hedberg to deliver articles containing aluminum, under certain circumstances particularly described in amended paragraph (c), hereafter set forth.

In view of the foregoing; *It is hereby ordered*, That Paragraph (c) of § 1010.232, *Suspension Order S-232*, issued February 4, 1943 is hereby amended to read as follows:

(c) J. N. Hedberg, his successors and assigns, shall not transfer or deliver articles heretofore produced by him which contain aluminum except to the Army, Navy, or Maritime Commission, and to fill orders with an AA-2 or higher rating, and except as specifically authorized by the War Production Board.

Issued this 29th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10480; Filed, June 29, 1943; 5:00 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-353]

MANNING AND WINK, INC., ET AL.

Manning and Wink, Inc., and Wink, Inc., Etowah, Tennessee, own and operate a number of motion picture theatres in Georgia and Tennessee. Subsequent to June 6, 1942, the applicable date of Supplementary Conservation Order L-41-a, they continued construction of a building primarily for the amusement of the public containing a theatre, two stores and a restaurant, known as the Wink Theatre, Dalton, Georgia. The total estimated cost of this theatre building project at the time of its commencement was $150,000, and subsequent to June 6, 1942, $22,000 was expended in further construction of the building. Respondents knew, or as a result of the business experience of its responsible officers should have known of Supplementary Conservation Order L-41-a. Such conduct must be deemed wilful violations of this order; they have diverted critical materials to uses unauthorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing; *It is hereby ordered*, That:

§ 1010.353 *Suspension Order S-353.* (a) Neither Manning and Wink, Inc., nor Wink, Inc., nor their successors or assigns, nor any other person, directly or indirectly, shall order, purchase, accept delivery, withdraw from inventory, or in any other manner secure or use any material or construction plant in order to begin or continue any "construction" (as "construction" is defined in Conservation Order L-41-a as amended), whether heretofore commenced or not, on the building known as Wink Theater in Dalton, Georgia, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Manning and Wink, Inc., nor Wink, Inc., nor their successors or assigns, from any restriction, prohibition, or provision contained in any other order or Regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 4, 1943.

Issued this 29th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10481; Filed, June 29, 1943; 5:00 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 3 of Priorities Reg. 1]

REJECTION OF RATED ORDERS FOR FAILURE TO MEET ESTABLISHED PRICES AND TERMS

The following official interpretation is hereby issued with respect to Priorities Regulation No. 1 (§ 944.2):

(a) Section 944.2 of Priorities Regulation No. 1 states that a seller must sell his product to any person who presents him with a rated order. Five exceptions under which rated orders may be refused are specified in sub-section (b) of that section. The third exception is where a buyer does not "meet regularly established prices and terms of sale or payment". This exception applies to a seller who receives a rated order for quantities which are less than the minimum which he regularly sells. For example, a manufacturer who has been selling only in carload lots may reject a rated order for a less than carload lot.

(b) The exception also applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels.

(c) It should be noted that the above exception includes the requirement that "there shall be no discrimination . . . in establishing such prices or terms". This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders from other customers. However, if a manufacturer or wholesaler has an exclusive distributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10493; Filed, June 30, 1943; 10:52 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 3, as Amended June 30, 1943]

UNIFORM METHOD OF APPLICATION AND EXTENSION OF PREFERENCE RATINGS

§ 944.23 *Priorities Regulation 3*—(a) *Definitions.* For the purposes of this regulation:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under the authority of the War Production Board, of the right to use such rating.

(4) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the War Production Board, and includes the initial issuance by any governmental agency, under authority of the War Production Board, of a preference rating certificate rating a delivery or the use of facilities directly to or for such agency.

(5) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(b) *General provisions.* (1) Any person may apply a preference rating assigned to him by any regulation, preference rating certificate or preference rating order issued to him in his name or as one of a class, and, subject to the provisions of this regulation, any person may extend any rating which has been applied or extended to deliveries to be made by him.

(2) A preference rating may be applied by a person to whom it is assigned only to the specific quantities and kinds of material authorized (or to the minimum required amounts of material when no specific quantities are authorized) or to the particular use of facilities specified.

(3) No person shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers for delivery of material to which he has applied or extended a rating, in such manner that the amount of the material ordered exceeds the amount to which he is authorized to apply or extend the rating, even though he intends to cancel or reduce his purchase orders to the authorized amount prior to completion of delivery.

(c) *Restrictions upon the application or extension of ratings for the use of facilities.* Ratings may be applied or extended to obtain the use of facilities only, in the following cases:

(1) A rating which has been specifically assigned by the War Production Board to permit a named person to obtain the use of specified facilities only may be applied only by the person named and only to obtain the use of the specified facilities.

(2) When a person is authorized to apply or extend a rating to obtain material which he will deliver (or which will be physically incorporated in material to be produced or delivered) he may apply or extend the same rating to obtain the processing by a concern regularly engaged in such business of the material to be produced or delivered or of material which will be physically incorporated therein, regardless of the fact that the material to be so processed may be the property of the customer for whom the processing is to be done. As used in this paragraph (c) (2) the term "processing" includes manufacturing and fabricating operations which are incidental to the production of finished material, but does not include processing of goods after their production is completed. For example, it includes industrial dyeing for manufacturers when such dyeing is incidental to the preparation of goods or material for sale but does not include the dyeing of clothing after it has been sold by the manufacturer.

(3) A person to whom a rating has been applied or extended pursuant to paragraphs (c) (1) and (2) to obtain the use of his facilities only may not extend the rating for any purpose. The person applying or extending a rating for the use of facilities only shall place upon the purchase order an endorsement substantially as follows: "For the use of facilities only; may not be extended by you for any purpose".

(d) *Extension of ratings for material.* The following provisions of this paragraph (d) shall be applicable to all *extensions* of preference ratings originally applied by any person to obtain deliveries of material, notwithstanding any inconsistent provisions of the preference rating certificate or preference rating order assigning the rating. No preference rating may be extended to the delivery of any material except:

(1) Material which will itself be delivered by the person extending the rating on a delivery bearing the rating which is being extended, or which will be physically incorporated into material to be so delivered, including the portion of such material normally consumed or converted into scrap or byproducts in the course of processing; or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design or substitutions of less scarce materials, which in any case do not substantially alter the purpose for which the same is to be used.

A person may not extend a rating to any materials in excess of the quantities specified in this paragraph (d), nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance, repair or operating supplies.

(e) *CMP Regulation 3 and Priorities Regulation 11.* Nothing contained in paragraphs (b) or (d) above shall be deemed to enlarge or limit or to alter in any way any of the provisions or restrictions contained in CMP Regulation 3 (§ 3175.3) or Priorities Regulation 11 (§ 944.32).

(f) *Restrictions upon application and extension of ratings.* The following provisions are designed to eliminate or limit the use of preference ratings with respect to certain materials and products as to which such use is inappropriate because of adequate supply, specialized needs or other particular factors:

(1) *Items as to which preference ratings have no effect: List A.* Any item on List A attached to this regulation may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) *Items to which MRO ratings do not apply: List B.* Items on List B attached to this regulation are not subject to preference ratings assigned by any regulation or order of the War Production Board for maintenance, repair or operating supplies (including CMP Regulation 5 and CMP Regulation 5A), and no person shall apply or extend any such rating for such a purpose. Ratings

assigned for purposes other than maintenance, repair and operating supplies may, however, be used to acquire items on List B. If any person receives an order for any item on List B bearing a rating assigned for maintenance, repair or operating supplies (as shown by the symbol MRO or other prescribed identification, or which he otherwise knows to have been assigned for that purpose) he shall not give effect to such rating, and such rating shall be void.

(3) *Illustration* A manufacturer of a product listed on Schedule II of CMP Regulation 5 is assigned a rating of AA-2 for operating supplies. He may not use the rating to buy wooden shelving for his own use since it is on List B. A contractor has received an order bearing a rating of AA-3 to install wooden shelving in an Army camp. He may extend that rating to obtain the wooden shelving from the manufacturer since in this case the shelving is production material as to him and not operating supplies. If, however, wooden shelving were on List A instead of List B, neither rating could be used.

(4) *Items to which only ratings assigned under specified orders apply: List C.* No person may apply or extend any preference rating to the delivery of any item on List C attached to this regulation, unless the rating is assigned or authorized by the particular order specified after that item on the list. No person shall give any effect to any rating in delivering any such item unless the purchase order bears the specific endorsement or certification required by the order assigning the rating; or, if no such endorsement or certification is required by the order, unless the purchase order bears a notation substantially as follows: "This rating has been assigned by Order No. ------".

(g) *Method of application or extension.* (1) Any person authorized to apply or extend preference ratings may do so:

(i) On a written contract or order by endorsing on or attaching to it a certification in substantially the form prescribed by CMP Regulation No. 7 (Section 3175.7), or substantially as follows, if preferred:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar.

(Name of Purchaser and PRP Certificate No. if Purchaser is a PRP Unit)

(Address)

By ---
(Signature and Title of Duly Authorized Officer)

(Date)

The certification which is used shall be signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for that purpose.

(ii) On a purchase order placed by telegraph, by including in the telegram the following abbreviated certification: "Ratings certified". The requirements for manual signature or authorization under Priorities Regulation No. 7 (§ 944.27) will be satisfied in such case if the copy of the outgoing telegram retained by the person placing the order is signed or authorized in the manner provided in that regulation.

(iii) On a purchase order placed by telephone and requiring shipment within seven days, by stating to the supplier at the time of placing the order the substance of either certification authorized in subdivision (i) of this paragraph (g) (1): provided, however, in such case, that the person making the statement is an official duly authorized to make such certification, and the person making the statement furnishes to the supplier within fifteen days after placing the purchase order confirmation in writing describing the material ordered and bearing a certification of such preference rating substantially in one of the forms authorized by subdivision (i) of this paragraph (g) (1). No preference rating received by telephone shall be extended by the supplier to replace in inventory any material delivered, until receipt by the supplier of the written confirmation herein required. On or before the twentieth day of each month, any supplier who has received in the prior month a preference rating applied or extended by telephone shall notify the War Production Board, Compliance Division, of any case in which a purchaser has failed to furnish to him the written certification when due.

(iv) The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying or extending a rating must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply or extend such rating, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. In addition thereto, each person applying or extending a rating shall execute and file with the War Production Board all reports and questionnaires required by the applicable preference rating certificate or preference rating order and such other reports and questionnaires as said Board shall from time to time request.

(2) Such certification may be used in lieu of any other form of certification required by the terms of any regulation, preference rating order or preference rating certificate (including, without limitation, the instructions accompanying Forms PD-1A, PD-3A and PD-25A) as a means of applying or extending a preference rating and in lieu of furnishing any copy of any preference rating order required thereby; except that the provisions of Priorities Regulation No. 9 (§ 944.30) with respect to the method of applying (but not extending) preference ratings covering certain types of exports must be complied with when ratings are applied pursuant to that regulation.

(3) Notwithstanding the requirements of any applicable preference rating order or certificate,

(i) A person may defer extending any rating for a period of not more than three months after he becomes entitled to extend the same;

(ii) Ratings of the same grade assigned by different preference rating certificates or orders may be combined and extended to a single delivery; and

(iii) Ratings of different grades, whether assigned by the same or different preference rating certificates or orders, may be extended to deliveries under a single purchase order provided the amount of each material to which a particular grade of rating is extended is shown either as a separate item, or on a percentage basis where the material involved is of such type and in such quantities that the supplier can readily determine, from percentage figures alone, the exact effect of the extension of the rating on his production and delivery schedule. To the extent necessary to avoid production or delivery of material in quantities smaller than the minimum commercially practicable, items to which ratings of different grades might be extended may be combined and the rating of the lowest grade extended to the total production or delivery.

(4) In addition to complying with the foregoing requirements of this paragraph (g), any person applying or extending a preference rating shall include on his purchase order or contract such information (except designation of the number or serial number of the preference rating certificate or preference rating order assigning the rating) as may be required by the terms of any applicable order of the War Production Board and which the person placing the purchase order is able to furnish.

(h) *Applicability of other restrictions.* Except as expressly otherwise provided in paragraphs (d) and (g) of this regulation, the application or extension of any rating shall be subject to any applicable restrictions contained in any order of the War Production Board assigning the preference rating in question or regulating transactions in the material or the use of the facilities involved, including, without limitation, restrictions as to the kind and amount of material to which preference ratings may be applied or extended, requirements of countersignature or other written approval of particular transactions, and restrictions on the use of material or facilities.

(i) *Effect on existing certificates and orders.* All existing forms of preference rating certificates issued by or under authority of the Office of Production Management or the War Production Board are continued in full force and effect, and additional certificates on such forms may continue to be issued by the persons now or hereafter authorized to issue the same until such authority is revoked or amended, subject to the provisions of this and other regulations of the War Production Board. All certificates and all existing orders of the Office of Production Management or the War Production Board are to be deemed amended by this regulation only where and to the extent that the provisions of this regulation indicate that it is to control.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: Item 13 added, and item 6 revoked, June 16, 1943; items 14 through 21 added June 30, 1943.

The following items may be delivered without regard to preference ratings of any kind:

1. Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry, as petroleum industry is defined in Preference Rating Order P-98-b:
   a. Anti oxidants (gum inhibitors) for motor fuels.
   b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.
   c. Chemical additives and compound bases for hypoid gear oils.
   d. Synthetic catalysts for oil cracking operation.
   e. Synthetic catalysts for cumene and codimer manufacture.
   f. Synthetic catalysts for petroleum isomerization operations.
   g. Synthetic catalysts for petroleum sweetening operations.
2. Communications services.
3. Dental burs.
4. Dental units and dental chairs.
5. Electric energy.
6. [Revoked]
7. Gas, manufactured.
8. Gas, natural.
9. Petroleum—restricted products as defined in Order M-201.
10. Steam heating, central.
11. Sterilizer equipment, as defined in Order L-266.
12. Track-laying Tractor Repair Parts (See Limitation Order L-53-b).
13. Ice.
[1] 14. Tobaccos.
[1] 15. Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible, and including their by-products and residues (whether resulting from refining, distillation, saponification, pressing or settling).
[1] 16. Sulfated, sulfonated, and sulfurized fats and oils.
[1] 17. Tall oil.
[1] 18. Wool grease.
[1] 19. Soap (other than metallic).
[1] 20. Fatty acids.
[1] 21. Glycerine.

LIST B

NOTE: Item 21 amended and items 34 through 40 added June 16, 1943; items 10 amended and items 41, 42 added June 30, 1943.

Preference ratings assigned to the delivery of maintenance, repair and operating supplies may not be used to obtain the following items:

1. Anti-freeze, all types.
2. Automotive maintenance equipment as defined in Limitation Order L-270.
3. Automotive replacement batteries as defined in Limitation Order L-180.
4. Automotive replacement parts as defined in Limitation Order L-158.
5. Cellophane and cellulose acetate film less than three one thousandths (0.003) of one inch thick, or cellulose caps or bands of any gauge.
6. Chinaware.
7. Clocks and watches.
8. Construction machinery costing in excess of $100.00.
9. Containers, fabricated, other than shipping reels and skids (in knock-down or set-up forms whether assembled or unassembled) required for packaging products to be shipped or delivered, including but not limited to:
   a. Cans, as defined in Order M-81.
   b. Closures for glass containers.
   c. Corrugated and solid fibre sheets not constituting "shipping containers" or "parts" as defined in Order P-140
   d. Fibre cans, fibre tubes (except shell containers), fibre bottles, and fibre mailing cases.
   e. Folding and set-up boxes (paperboard).
   f. Glass containers.
   g. Grocers and variety bags.
   h. Gummed stay and sealing tape, paper and cloth.
   i. Ice cream cans (paperboard), and paraffin cartons and pails.
   j. Paper and paperboard bottle caps, closures and hoods.
   k. Paper cups and paper food containers.
   l. Paper milk containers.
   m. Paper shipping sacks.
   n. Specialty bags and envelopes, including bags partly or wholly made of transparent films.
   o. Textile bags.
10. Cutlery, as defined in any order of the L-140 series.
11. Enameled ware, as defined by Limitation Order L-30-b.
12. Filing Cabinets, wooden.
13. Fire protective equipment, including
   a. Couplings, playpipes and allied fittings;
   b. Fire hose, hose dryers, racks and reels;
   c. Fire hydrants;
   d. Fire pumps;
   e. Fire sprinkler systems;
   f. Foam generators;
   g. Indicator posts;
   h. Lightning rod systems;
   i. Piped extinguishing systems;
   j. Portable fire extinguishers;
   k. Stirrup pumps;
   l. Water spray nozzles.
14. Frying pans.
15. Furniture for use in offices, factories or industrial establishments.
16. Galvanized ware, as defined by Limitation Order L-30-a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout oil measures).
17. Glass tableware.
18. Glass tumblers.
19. Kitchen ware, heavy duty:
   a. Bakery utensils;
   b. Butcher blocks;
   c. Butcher benches;
   d. Canopies or hoods;
   e. Carriers, food;
   f. Carriers, tray;
   g. Coffee mills and grinders;
   h. Counters, cafeteria, lunch and serving;
   i. Cutters, meat, bone and fish;
   j. Counter protectors;
   k. Cutters, french fry;
   l. Dispensers, milk and cream;
   m. Dough dividers;
   n. Dough troughs;
   o. Display racks;
   p. Knife sharpeners and grinders;
   q. Pans, cold;
   r. Potato mashers;
   s. Potato and vegetable parers or peelers;
   t. Racks, bread (bakery);
   u. Racks, pans (bakery);
   v. Racks, dump (bakery);
   w. Sandwich units;
   x. Slicers, meat and bread;
   y. Toaster stands;
   z. Trucks, food;
   aa. Tables, cooks, chef, salad and work;
   bb. Tables, soiled and clean dish;
   cc. Tables, bakers;
   dd. Tray stands;
   ee. Urn stands.
20. Kitchen household and miscellaneous articles, as defined by Limitation Order L-30-d.
21. Laboratory instruments and equipment (except ratings assigned by Preference Rating Order P-43, P-89 and P-98-b).
22. Lockers, wooden, for offices and factories.
23. Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment), including,
   a. Anaesthesia and oxygen equipment and accessories;
   b. Atomizers;
   c. Clinical thermometers;
   d. Crutches;
   e. Dental consumable supplies;
   f. Dental equipment and appliances;
   g. Diagnostic instruments and apparatus;
   h. Electric light bulbs for diagnostic instruments;
   i. Hearing aids;
   j. Hospital and medical rubber drug sundries;
   k. Hospital enamelware and stainless steel ware;
   l. Hypodermic needles and syringes;
   m. Operating and examining room furniture;
   n. Operating and examining room lights;
   o. Ophthalmic goods;
   p. Orthopedic appliances including splints, belts and trusses;
   q. Physical therapy equipment and supplies;
   r. Sterilizers;
   s. Surgical dressings;
   t. Suture needles;
   u. Sutures;
   v. X-ray equipment and supplies.
24. Medical, surgical and dental instruments.
25. Medicinal preparations, including vitamins.
26. Photographic film, sensitized, as controlled by Order L-233.
27. Pails and tubs, wooden, including wooden mop pails.
28. Printing and publishing:
   a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;
   b. Processed printing plates;
   c. Type metal, stereotyping metal and electrotype backing-metal;
   d. Printing paper, paperboard and binders' board;
   e. Book cloth;
   f. Blankbook and loose-leaf binders, metal parts and units;
   g. Mechanical bindings.
29. Signal and alarm equipment, including:
   a. Central Station, proprietary, auxiliary and automatic fire alarms;
   b. Watchman's time recording, burglar, bank vault, holdup and intrusion systems.
30. Utensils, cast iron, as defined by Limitation Order L-30-c.
31. Wooden factory and industrial equipment.
32. Wooden shelving.
33. Any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:
   a. Air raid warnings or detection of the presence of enemy aircraft; or
   b. Blackouts or dimouts; or
   c. The protection of civilians, either individually or collectively, against enemy action or attack.

[1] Subject to FD Reg. No. 1 of the War Food Administration. Any rating purporting to be applied or extended on or after June 30, 1943 to any such item is void. However, delivery before July 20, 1943, under any rated orders placed before June 30, 1943 is expressly permitted.

34. Flatware
35. Fuel
36. Pens, Fountain
37. Pencils, Mechanical
38. Pencils, Wood Cased
39. Pen Nibs, Steel
40. Pen Holders
41. Adhesive tape backed with cellophane or similar transparent material derived from cellulose.
42. Cellulose caps or bands of any gauge.

LIST C

NOTE: Items 4, 6, 12, 15 amended June 9, 1943.

Only the ratings assigned or authorized by the particular orders specified may be used to obtain any of the following items:

1. Animal bristles and hair and products made primarily therefrom, M–328.
2. Closures, apparel. M–328; P–131.
3. Clothing, footwear, hats, gloves and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics. M–328. This item is not intended to include the following types when specifically designed and used to furnish protection against specific occupational hazards (other than weather):
   a. Asbestos clothing.
   b. Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
   c. Metal mesh gloves, aprons and sleeves.
   d. Other safety leather gloves or mittens, but only if steel stitched or steel reinforced.
   e. Plastic and fibre safety helmets.
   f. Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.
   g. Safety industrial leather clothing other than gloves or mittens.
   h. Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.
4. Combinations of cotton, wool or synthetic yarn, or cotton, wool or synthetic woven, felted, knitted or braided fabrics. M–73; M–148; M–166; M–298; M–328; P–131.
5. Containers: "Shipping Containers" or "Parts" as defined in Order P–140. P–140.
6. Cotton yarn or cotton woven, knitted or braided fabric. P–116; P–131; M–107; M–134; M–148; M–166; M–207; M–218; M–293; M–328; L–282.
7. Dyestuffs. M–328.
8. Eyelets, metal. M–328; P–131.
9. Findings, shoe. M–328.
10. Hides, skins, furs, leather and products made primarily from any of the foregoing, excepting transmission belting, hydraulic packing, mechanical and textile leather. M–328.
11. Sponges. M–328.
12. Synthetic yarn or synthetic woven, knitted or braided fabric. M–148; M–166; M–328; P–131.
13. Tacks, cut steel. M–328.
14. Textile or cordage fibers, (animal or vegetable) and products made primarily therefrom. M–328; M–85.
15. Wool, wool yarn or wool woven, knitted, felted or braided fabric. M–73; M–148; M–328; P–131.

INTERPRETATION 2

The restrictions on the use of ratings for the items on Lists A, B and C, which were added to the regulation by the amendment of June 4, 1943, apply to orders for such items which had been placed before June 4 but were not yet filled.

Paragraph (f) provides that no person shall give effect to any rating the use of which is restricted by that paragraph, in filling an order. It follows, therefore, that (1) all outstanding ratings on unfilled orders for items on List A are cancelled; (2) all outstanding ratings assigned for maintenance, repair or operating supplies which have been applied on unfilled orders for items on List B are cancelled; and (3) all outstanding ratings other than those specifically authorized by List C on unfilled orders for items on that list are cancelled. [Issued June 12, 1943]

INTERPRETATION 3

FIRE PROTECTIVE EQUIPMENT

Preference ratings assigned to the delivery of maintenance, repair and operating supplies (MRO ratings) may be used to obtain repair parts and materials for existing fire protective equipment, but may not be used to obtain end items of fire protective equipment. The term "Fire protective equipment", item 13 on List B attached to Priorities Regulation 3, includes only end items and does not include materials or parts required for the repair or maintenance of existing fire protective equipment.

For example, a fire extinguisher or a fire hose coupling is an end item of fire protective equipment and therefore may not be obtained on MRO ratings, whereas a part required to repair an extinguisher or coupling is not an end item and therefore may be obtained on MRO ratings. Similarly, MRO ratings may not be used to obtain a fire sprinkler system nor to extend an existing sprinkler system, but such ratings may be used to repair or replace sprinkler heads which have been opened up by fire or damaged in any other way. However, MRO ratings may not be used to repair or replace new equipment which is still usable. [Issued June 17, 1943]

[F. R. Doc. 43–10494; Filed, June 30, 1943; 10:53 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 19 as Amended June 8, 1943, Amdt. 1]

FARM SUPPLIES

Section 944.40 *Priorities Regulation No. 19*, is hereby amended in the following respects:

1. Paragraphs (d) (3), (d) (4) and (d) 5) are renumbered (d) (4), (d) (5) and (d) (6) respectively.

2. A new paragraph (d) (3) is added reading as follows:

(3) In the special case of a dealer, such as a farmers' cooperative, all of whose sales of listed farm supplies are made at cost or at a mark-up not exceeding 3% of cost, the provisions of paragraph (d) (1) apply except that such a dealer can get priority on replacement supplies on a dollar-for-dollar basis using the following certificate in place of that provided in paragraph (d) (2):

I certify, subject to criminal penalties for misrepresentation, that the dollar amount of this order is not more than the sales price of farm supplies which I have sold at cost or within 3% of cost under Priorities Regulation No. 19 against farmers' certificates now in my possession and that I have not used the same certificates as the basis for getting a priority on any other order.

3. The date "July 1, 1943," appearing in paragraph (d) (4) is deleted and "July 17, 1943," is substituted therefor.

4. The word "either" in paragraph (d) (5) is deleted and the word "one" is substituted therefor.

5. The phrase "farmer or dealer" in paragraph (f) is deleted and the word "person" substituted therefor.

6. The item "Harness, hardware" on the list in paragraph (j) is deleted and "Harness hardware" is substituted therefor.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–10495; Filed, June 30, 1943; 10:53 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS

[Supplementary Limitation Order L–7–c, as Amended June 30, 1943]

§ 993.4 *Supplementary Limitation Order L–7–c*—(a) *Definitions.* For the purpose of this order:

(1) "Domestic ice refrigerator" means any non-mechanical ice chest or ice box designed for home use.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(3) "Iron and steel content" means the aggregate weight of iron and carbon steel contained in a finished domestic ice refrigerator, including but not limited to, latches, hinges, screws, nails, rivets, bolts, sheet steel, binder strips, drain tubes, drip pans and shelving.

(4) "Net ice capacity" means the maximum amount of standard scored ice which the ice chamber of a domestic ice refrigerator will hold.

(5) "Hardboard" means a homogeneous board having a specific gravity in excess of 1.0 which is composed of wood fibre with or without artificial binders.

(b) *General restrictions.* (1) No person shall produce any domestic ice refrigerator:

(i) Containing any rubber (crude, synthetic or reclaimed) or any metal other than iron and carbon steel (except metal used in galvanizing, plating, soldering, or coating steel);

(ii) Having a net ice capacity of other than 50 or 75 pounds, except that it may vary ten percent from either of these amounts; or

(iii) Having iron and carbon steel content of more than 6 pounds; or

(iv) Containing more hardboard than 50 square feet.

(2) (i) No person shall produce any domestic ice refrigerator except in accordance with a production quota assigned to him in a schedule issued by the War Production Board pursuant to this order. Such production quotas shall be assigned for periods of time to be specified in the schedule, and shall expire on the last day of the period for which they are assigned. Any person desiring to obtain a production quota shall file with the War Production Board at least 30 days before the expiration date of the schedule in effect at that time a written application to be assigned a production quota for such period as the War Production Board shall specify.

(ii) Such application should contain a statement as to the amount of iron and carbon steel, hardboard and other critical materials to be contained in each domestic ice refrigerator the applicant proposes to produce during such period. Whenever production quotas are assigned by the War Production Board, it will take into consideration the amount of iron and carbon steel, hardboard and other critical materials to be used by each applicant, the extent to which the domestic ice refrigerators which each applicant proposes to produce conforms to the performance specifications contained in Appendix A attached to this Order, as established by tests of the National Bureau of Standards, the labor and transportation situation in the area where the plant of each applicant is located and such other factors as the War Production Board shall deem appropriate.

(iii) In addition to the number of domestic ice refrigerators which specified persons may produce in accordance with an applicable schedule, each person named in such a schedule may produce during the period the schedule remains in effect an additional number of domestic ice refrigerators pursuant to orders bearing preference ratings of AA–5 or higher, provided that such domestic ice refrigerators are delivered prior to the expiration date of such schedule.

(c) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board limits the use of any material in the production of domestic ice refrigerators to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of regulations.* This order (and any schedules issued pursuant thereto) and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(e) *Avoidance of excessive inventories.* No person authorized to produce domestic ice refrigerators shall accumulate for use in the production of such domestic ice refrigerators inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order and any schedules issued pursuant thereto.

(f) *Records.* All persons affected by this order or any schedule issued pursuant thereto, shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Each person who produces any domestic ice refrigerators shall file with the War Production Board, not later than 10 days after the end of each calendar month in which he produced any domestic ice refrigerator, a report on Form PD–655, showing all domestic ice refrigerators which he produced during such month. Each person, before he offers for sale any new model of domestic ice refrigerator, shall file with the War Production Board a report on Form PD–531, setting forth a bill of material for such model. Each person affected by this order, or any schedule issued pursuant thereto, shall file such other reports and answers to questionnaires as the War Production Board shall from time to time require.

(i) *Violations.* Any person who wilfully violates any provision of this order, or of any schedule issued pursuant thereto, or who, in connection with this order, or any such schedule, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any appeal from the restrictions contained in paragraph (b) (1) of this Order should be made on Form WPB–1477 (formerly PD–500) and filed with the Consumers Durable Goods Division, War Production Board, Washington, D. C.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, or any schedule issued pursuant thereto, shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref.: L–7–c.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

PERFORMANCE SPECIFICATIONS FOR DOMESTIC ICE REFRIGERATORS

I. *Temperature & Ice Meltage Performance*

1. The refrigerator shall maintain with no load in the food compartment an average food compartment temperature of 48° F. or less and a temperature of 46.5° F. or less in the milk storage space at 60% of initial ice load with the room at an average temperature of 85° F. plus or minus 1° F.

2. The temperature at a point two inches above the bottom of the food compartment and two inches from the sidewall, located in the vertical plane perpendicularly bisecting a return air duct shall not be higher than the temperature of the air entering the return air duct. (The return air duct is defined as the duct or ducts through which the air in the refrigerator returns from the food compartment to the ice compartment.)

3. Ice meltage at 60% initial ice load for food compartment volumes between 2.75 and 5.5 cubic feet shall not exceed the value, in lbs/day, computed from the following formula:

M equals 7.28 plus 3.3V

where M is the ice meltage in lbs/day and V is the volume of the food compartment in cubic feet. Note: This formula applies only under the following conditions: Room temperature 85° F.; Average food compartment temperature 48° F.; and Food Compartment volumes ranging between 2.75 cubic feet and 5.5 cubic feet.

II. *Construction Performance*

4. Box deformation: The box shall show no permanent vertical deformation in excess of 3/16" per 3 feet of vertical elevation when subjected to a horizontal load of 350 pounds applied along one diagonal of the top from front to back with the box fastened to the floor at all four legs.

5. Door damage: The door and hinges shall show no permanent damage when the door is subjected to a vertical load of 100 pounds applied to the upper outside corner 2 inches from the outside vertical edge of the door with the door open and at an angle of 90° with the front of the box.

6. Ice shelf: The ice shelf shall be able to support a load of 200% of the normal ice load without fracturing the shelf or supports or causing permanent sagging of more than 1/16" at the center, sides and back.

7. Food shelves: Full width food shelves shall have sufficient strength to support an evenly distributed load of 50 pounds without fracturing or permanently sagging more than 1/16" at the center. Fractional width shelves around the milk storage space shall have sufficient strength to support an evenly distributed load of 25 pounds without fracturing or permanently sagging more than 1/16" at the center.

8. The back of the ice compartment shall withstand without damage an impact of 40 ft. lbs.

9. The refrigerator door shall withstand without damage to the door, hinges and latch a closing of 100 consecutive times from a fully opened position (opened through an angle of 180°) by an impact of 40 ft. lbs. applied at the center of door.

[F. R. Doc. 43–10497; Filed, June 30, 1943; 10:52 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS

[Schedule IV to Supplementary Limitation Order L–7–c]

§ 993.8 *Schedule IV to Supplementary Limitation Order L–7–c.* Pursuant to paragraph (b) (2) of Supplementary Limitation Order L–7–c, the following production quotas for domestic ice refrigerators are hereby established for the period from July 1, 1943 to September 30, 1943, inclusive. During that period each person named is authorized to produce without limit as to number, domestic ice refrigerators pursuant to orders bearing preference ratings of AA–5 or higher, provided that he delivers such domestic ice refrigerators to the person placing such orders prior to October 1, 1943, and in addition, each person named is authorized to produce the number of domestic ice refrigerators set forth below opposite his name:

Name	No. of domestic ice refrigerators
Advance Manufacturing Company, Boston, Mass	900
Alaska Refrigerator Company, Brooklyn, N. Y	5,418

Name	No. of domestic ice refrigerators
American Fixture & Manufacturing Co., St. Louis, Mo.	12,500
Atkins Table & Cabinet Company, Brooklyn, New York	4,000
Brunswick Refrigerator Company, Brooklyn, New York	4,000
Chattanooga Stamping & Enameling Co., Chattanooga, Tenn.	5,000
Coleman Furniture Company, Pulaski, Virginia	5,000
Colson Metal Products Company, Kansas City, Missouri	5,000
Coolerator Company, Duluth, Minnesota	46,000
George H. Dean, Incorporated, Norwood, Rhode Island	1,500
Dratch's Victory Refrigerator Box, Brooklyn, New York	2,500
Durasteel Company, Hannibal, Missouri	5,000
Empire Cabinet & Table Co., Incorporated, Brooklyn, N. Y.	1,000
Fleetwood Craftsmen, Incorporated, Fleetwood, Pa.	5,000
Fy-Boro Metal Products Company, Inc., Brooklyn, N. Y.	8,172
Getz Bros. & Company, San Francisco, California	5,000
Globe Wood Products Company, Brooklyn, New York	3,000
Ice Cooling Appliance Corporation, Morrison, Illinois	16,065
Iceland Refrigerator Company, Inc., Brooklyn, New York	5,000
King Refrigerator Corporation, Brooklyn, New York	5,000
Lorraine Woodworking Company, Inc., Brooklyn, New York	5,000
Maine Manufacturing Company, Nashua, New Hampshire	15,000
Minton Lumber Company, Mountain View, California	5,000
Modern Refrigerator Company, Brooklyn, New York	5,400
Modern Refrigerator Works, Glendale, California	4,500
C. Nelson Manufacturing Company, St. Louis, Missouri	5,000
Progress Refrigerator Company, Louisville, Kentucky	6,843
L. D. Reeder Company, Los Angeles, California	1,000
Sanitary Refrigerator Company, Fond du Lac, Wisconsin	25,800
Seeger Refrigerator Company, St. Paul, Minnesota	18,177
Sheridan Store Equipment Company, Kansas City, Missouri	5,000
Stoddard Manufacturing Company, Mason City, Iowa	8,000
Success Manufacturing Company, Gloucester, Mass.	5,004
Victory Manufacturing Corporation, Baltimore, Maryland	3,500
Ward Refrigerator & Manufacturing Company, Los Angeles, Cal.	11,229
R. P. Williams Lumber Company, Dorchester, Massachusetts	2,500

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10498; Filed, June 30, 1943; 10:52 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Revocation of Supplemental General Imports Order M-63-c]

The substantive matter of this supplemental order having been incorporated in General Imports Order M-63 by the amendment thereto of December 17, 1942, which eliminated entirely the exception in favor of imports under existing contracts then provided by paragraph (b) (3) thereof, and sufficient time having elapsed since the issuance of the supplemental order to permit the importation of all shipments which were excepted by the terms of the supplemental order:

Section 1042.4 *Supplemental General Imports Order M-63-c* (7 F.R. 7773) is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-63-c.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10499; Filed, June 30, 1943; 10:52 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Revocation of Supplemental General Imports Order M-63-e]

The substantive matter of this supplemental order having been incorporated in General Imports Order M-63 by the amendment thereto of December 17, 1942, which eliminated entirely the exception in favor of imports under existing contracts then provided by paragraph (b) (3) thereof, and sufficient time having elapsed since the issuance of the supplemental order to permit the importation of all shipments which were excepted by the terms of the supplemental order:

Section 1042.6 *Supplemental General Imports Order M-63-e* (7 F.R. 9882) is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-63-e.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10500; Filed, June 30, 1943; 10:52 a. m.]

PART 3035—NUTGALLS AND TANNIC ACID U. S. P.

[General Conservation Order M-204 as Amended June 30, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of nutgalls and tannic acid U. S. P. for the war effort, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3035.1 *General Conservation Order M-204* — (a) *Definitions.* For the purposes of this order:

(1) "Nutgalls" means the excrescenses or galls obtained from the young twigs of *Quercus infectoria Olivier* and other allied species of *Quercus* (Fam. *Fagaceae*) or from the leaves of *Rhus semialata Murray* or *R. javanica L.*

(2) "Tannic acid U. S. P." means gallotannic acid or so-called tannin meeting U. S. P. requirements.

(b) *General restrictions.* Except as provided in paragraph (c) of this order, after August 8, 1942.

(1) No person shall process, combine with other materials or use:

(i) Any nutgalls except for the maximum production of tannic acid U. S. P.

(ii) Any tannic acid U. S. P. except

(*a*) For the treatment of burns, or for the manufacture of a product to be used exclusively for the treatment of burns, or

(*b*) As an analytical reagent for use in analytical, control and research laboratories, or

(*c*) As an antidote for internal administration in the treatment of poisoning, or

(*d*) In the extemporaneous compounding by licensed pharmacists of individual prescriptions of licensed physicians, dentists or veterinarians, or in the extemporaneous compounding of medicines by licensed physicians, dentists or veterinarians for their own patients.

(2) No person shall sell, transfer or deliver, or purchase or accept transfer or delivery of, any nutgalls or tannic acid U. S. P. which he knows, or has reason to believe, is to be processed, combined with other materials or used for purposes other than those permitted by paragraph (b) (1).

(3) Except in the case of a sale, transfer or delivery of tannic acid U. S. P. to a person exempted from the restrictions of this order by paragraph (c) (3), no person shall sell, transfer or deliver any nutgalls or tannic acid U. S. P. until he has received a certificate signed by the person purchasing or accepting transfer or delivery, or a duly authorized official, in substantially the following form, but adopting only the pertinent parts:

The undersigned hereby certifies that the material ordered in connection herewith will not be processed, combined with other materials or used:

In the case of nutgalls, except for the maximum production of tannic acid U. S. P.;

In the case of tannic acid U. S. P. except

(1) For the treatment of burns, or for the manufacture of a product to be used exclusively for the treatment of burns, or

(2) As an analytical reagent for use in analytical, control and research laboratories, or

(3) As an antidote for internal administration in the treatment of poisoning, or

(4) In the extemporaneous compounding by licensed pharmacists of individual prescriptions of licensed physicians, dentists or veterinarians, or in the extemporaneous compounding of medicines by licensed physicians, dentists or veterinarians for their own patients.

Such material will not be sold, transferred or delivered by the undersigned for any purpose other than those specified herein. This certification is made in accordance with the terms of Order M-204 with which the undersigned is familiar.

Quantities ordered in connection herewith:

Material	Quantity
Nutgalls	
Tannic Acid (U. S. P.)	

Name_____
By_____
Date_____ Address_____

Such certification shall constitute a representation to the War Production Board and the seller or supplier of the facts stated therein. The seller or supplier shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(c) *Applicability of restrictions.* The restrictions contained in paragraph (b) of this order shall not apply to:

(1) Any stock of nutgalls consisting of less than five pounds physically located at any one place on August 8, 1942; but any stock weighing five pounds or more physically located at any one place on said date shall, in its entirety, be subject to said restrictions.

(2) Any transaction affecting, or any use of, any nutgalls or tannic acid U. S. P. which on August 8, 1942, had been combined or compounded with other materials; but any transaction affecting, or any use of, any nutgalls or tannic acid U. S. P. which has been combined or compounded with other materials after said date shall be subject to said restrictions.

(3) Any person who uses tannic acid U. S. P. or a product containing tannic acid U. S. P. for a medicinal purpose and does not resell such material in any form; but this exemption shall not relieve any person who sells or delivers such material to an exempted person from liability for violation of the provisions of paragraph (b) (2) of this order.

(d) *Reports.* (1) Every person having in his possession or control at any one place on August 8, 1942, any stock of nutgalls consisting of five pounds or more, or any stock of tannic acid U. S. P. consisting of two pounds or more shall make a report on Form PD-623, which shall be filed with the War Production Board (Reference M-204) before August 31, 1942. (In calculating the weight of a stock of tannic acid U. S. P., any tannic acid U. S. P. which has been combined or compounded with other materials on August 8, 1942, shall not be included.)

(2) All persons affected by this order shall file such other reports as may be required from time to time by the War Production Board.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales, and shall also preserve any certificates received in accordance with the terms of this order.

(f) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M-204.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10501; Filed, June 30, 1943; 10:52 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 6]

CONSTRUCTION AND FACILITIES

This regulation is arranged according to the following headings:

GENERAL PROVISIONS

(a) Purpose and scope.
(b) Definitions.
(c) Basic allotment procedure.

APPLICATIONS FOR ALLOTMENTS

(d) Applications by prime consumers.
(e) Applications by secondary consumers.
(f) Waiver of applications.
(g) Materials for B products not to be included.
(h) When materials for maintenance and repair to be included.
(i) When applications not required.

MECHANICS OF ALLOTMENTS

(j) How allotments are made.
(k) Forms in which controlled materials are allotted.
(l) Alternative procedure for simultaneous allotments.
(m) Limitations on use of allotments.
(n) Transfers of allotments.
(o) Grouping of allotments by major programs.

CHANGES IN ALLOTMENTS

(p) Correction of over-statements and over-allotments.
(q) Adjustment for requirements filled without use of allotments.
(r) Adjustment for changes in requirements.
(s) Method of cancelling or reducing allotments.

EXEMPTIONS FROM ALLOTMENT PROCEDURE

(t) Small orders.
(u) Purchases of Class A products from distributors.

PLACING ORDERS

(v) Placement of orders with controlled materials producers or controlled materials warehouses.
(w) Restrictions on placing orders.

PREFERENCE RATINGS FOR CONSTRUCTION

(x) Assignment of ratings to prime consumers.
(y) Extension of ratings to secondary consumers.
(z) Limitations on use of ratings.

MISCELLANEOUS

(aa) Other War Production Board regulations and orders.
(bb) Records and reports.
(cc) Appeals and applications for relief.
(dd) Penalties.

General Provisions

§ 3175.6 *CMP Regulation No. 6*—(a) *Purpose and scope.* (1) This regulation explains how to get materials for construction, and for facilities acquired in connection with construction, under the Controlled Materials Plan. It does not cover facilities not related to construction.

(2) Consumers manufacturing Class A products off the site may receive allotments under this regulation, but their use of these allotments is governed by CMP Regulation No. 1.

(3) Controlled materials for the manufacture of Class B products are not obtained under this regulation.

(b) *Definitions.* The following definitions apply to this regulation:

(1) "Controlled materials" means carbon and alloy steel (including wrought iron), copper (including copper base alloys) and aluminum, in each case only in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(2) "Claimant agency" means the following government offices and any others that may be designated from time to time. (Identifying symbols are indicated in parentheses.)

(A) Department of Agriculture.
(C) Aircraft Resources Control Office (agent for Army Air Forces and Bureau of Aeronautics of United States Navy).
(E) Board of Economic Warfare.
(H) National Housing Agency.
(L) Office of Lend-Lease Administration
(M) Maritime Commission.
(N) Navy Department.
(O) War Department (Ordnance).
(P) Petroleum Administrator for War.
(R) Office of Rubber Director.
(S) Office of Civilian Requirements.
(T) Office of Defense Transportation.
(U) Office of War Utilities Director.
(W) War Department (except Ordnance).

The symbol (F) will be used by several claimant agencies to identify certain construction programs; the symbol (D) will be used to identify certain programs in the Dominion of Canada; the symbol (RO) will be used by regional offices of the War Production Board, and the symbol (SO) will be used to identify small orders as defined in paragraph (t). The symbols (F), (D), (RO) and (SO) constitute claimant agency symbols for purposes of this regulation.

(3) "Construction" means the erection, construction, reconstruction, restoration, or remodeling of any structure or project or any extensions or alterations of the same.

(4) "Facility" means any machinery or equipment acquired in connection with construction.

(5) "Prime consumer" means a person who receives an allotment of controlled material for construction from a claimant agency. In most cases he is the person who is to be the owner of the structure or project and not the general contractor. There are certain exceptions to this rule including:

(i) In the case of structures or projects to be owned by the Army or the Navy, the person who contracts with the Army or Navy for the construction is the prime consumer.

(ii) In the case of foreign projects the person holding the export license for the materials required for the construction is the prime consumer.

(iii) In the case of projects financed through Defense Plant Corporation, the prime consumer is the person designated as such by Defense Plant Corporation.

(6) "Secondary consumer" means a person who receives an allotment of controlled material from a prime consumer or another secondary consumer.

(7) "Class A product" means a product which is not on the "Official CMP Class B Product List" of the War Production Board and which contains steel, copper or aluminum fabricated or assembled beyond the basic forms and shapes specified in Schedule I of CMP Regulation No. 1. For this purpose, however, steel, copper or aluminum contained in a component part or subassembly of the product is disregarded if the part or subassembly is on the list.

(8) "Class B product" means a product on the "Official CMP Class B Product List" of the War Production Board which contains steel, copper or aluminum fabricated or assembled beyond the basic forms and shapes specified in Schedule I of CMP Regulation No. 1.

(9) "Delivery order" means a purchase order or contract which constitutes a complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given.

(c) *Basic allotment procedures*—(1) *Allotments by claimant agencies to prime consumers.* Each claimant agency will distribute allotments received by it from the Requirements Committee of the War Production Board by making allotments to prime consumers. The allotments will designate the amount of each form of controlled material available to a prime consumer, during each quarter (or, in the case of small projects authorized by Regional Offices, during whatever period is specified) for use by the prime consumer or allotment to secondary consumers.

(2) *Allotments by prime and secondary consumers.* A prime consumer receiving an allotment may use as much of it as he needs to get controlled materials for the construction, and must allot the rest to his secondary consumers to cover their requirements for controlled materials. Allotments by secondary consumers to secondary consumers may be made in the same way.

(3) *Advance allotments.* Advance allotments by claimant agencies to prime consumers may be made within specified limits before receipt of allotment from the Requirements Committee in order to assure fulfillment of long-term construction schedules. Prime consumers receiving such advance allotments may, in turn, make allotments to their secondary consumers and secondary consumers may make further allotments, in the same way as in the case of ordinary allotments, but no consumer shall make any allotment in advance of receiving his own allotment.

(4) *Allotment numbers.* (i) Allotments to prime consumers will be identified by allotment numbers consisting of a Claimant Agency letter symbol and a digit or digits indicating the program, and, in some cases, the schedule and project involved. The claimant agency symbol is indicated before the name of each agency in paragraph (b) (2) of this regulation.

(ii) Allotments to secondary consumers must be identified by an abbreviated allotment number consisting of a major program identification. The major program identification consists of the claimant agency letter symbol followed by the first digit only of the program number. The numerical identification of months and quarters previously used has been changed. Allotments must show the quarter for which the allotment is valid—for example, "3rd quarter 1943." This may be abbreviated as "3Q43" and should appear immediately following the allotment number. Orders for controlled materials must indicate the month delivery is required instead of a month number—for example "July 1943." The change from the numerical system shall take effect on July 1, 1943, but does not apply to orders placed, or allotments made, before then. For example, where an allotment to a prime consumer for the third quarter of 1943 is designated N–1234–567, the allotment to a secondary consumer will be N–1–3Q43, meaning an allotment for major program number 1 of the Navy Department valid for placing authorized controlled material orders calling for shipment of controlled materials during the third quarter of 1943.

Applications for Allotments

(d) *Applications by prime consumers.* Exhibit A lists, for information purposes, application forms to be used by prime consumers in applying for allotments. In most cases these forms are the same as required to obtain authorization to begin construction under Conservation Order L–41. It should be borne in mind that except as provided in L–41, no construction may be carried on unless authorized by the War Production Board. An allotment of controlled materials is not in itself authorization to begin construction. The prime consumer in addition to applying for authorization to begin construction, where required by L–41, must apply for an allotment of all controlled materials which he needs and which are required by his secondary consumers.

(e) *Application by secondary consumers.* Each secondary consumer must, upon request of the person from whom he is to receive his allotment, file an application on Form CMP–4A with such person for an allotment of the controlled materials required by him and his secondary consumers for the part of the construction for which they are responsible.

(f) *Waiver of applications.* Any consumer making an allotment may waive the furnishing of an application for an allotment if he has other information as to the actual requirements of his secondary consumers. The waiver, however, should only be given if the person has information sufficiently detailed to enable him to make application for the allotment.

(g) *Materials for B products not to be included.* In no case shall a prime or secondary consumer include in his application for allotment, materials required for the manufacture of Class B products. The manufacturer of Class B products will obtain his requirements by application to the appropriate Industry Division of the War Production Board.

(h) *When materials for maintenance and repair to be included.* When maintenance and repair work is being performed on a structure or project as part of a construction job for which, under L–41, specific authorization to begin construction must be obtained, controlled materials required for the work must be included in the application of the prime consumer, since under L–41 no building operation or job may be part construction and part maintenance, and repair. No controlled materials or other materials or products needed for maintenance and repair work of this type, or needed for construction, the cost of which is in excess of the cost limitations in L–41, may be obtained under CMP Regulation No. 5 or CMP Regulation No. 5A, unless specifically authorized by the War Production Board.

(i) *When applications not required.* In the case of maintenance or repair work or of minor capital additions where there is no construcuton of the kind which must be authorized under L–41, the necessary materials may be obtained under CMP Regulations Nos. 5 and 5A within the limits indicated in those regulations.

Mechanics of Allotments

(j) *How allotments are made.* A consumer may make an allotment on such form (including Form CMP–5 described in Schedule II of CMP Regulation No. 1 as may be specified for the purpose. Allotments may be made by telegraphing the information required and confirming it with the appropriate written form.

(k) *Forms in which controlled materials are allotted.* Each allotment, whether made by a claimant agency, industry division or a consumer must specify the form of controlled material allotted. Except as may be otherwise specified allotments of steel, shall be in terms of (1) carbon steel (including wrought iron) and (2) alloy steel, without further breakdown, and allotments of copper and aluminum shall be broken down as indicated on Schedule I of CMP Regulation No. 1. A supplier may make allotments only in the forms of controlled materials which have been allotted to him.

(l) *Alternative procedure for simultaneous allotments.* A consumer who has several secondary consumers in different degrees of remoteness and finds it impracticable to determine the exact allotments to be made to each of his immediate suppliers, for their needs and those of their suppliers, may, at his option, make simultaneous direct allotments to each supplier, of all degrees of remoteness. In such case, the person who is to make the allotment must request each supplier, of all degrees of remoteness, to file an application for an allotment directly with him rather than with the supplier from whom he would otherwise receive his allotment. If this procedure is followed, each supplier shall include in his application only his own requirements for controlled materials and not those of his suppliers.

(m) *Limitations on use of allotments.* (1) No consumer shall make an allotment in advance of receiving his own allotment.

(2) No consumer shall make an allotment of more controlled materials than remains allotted to him after deducting all other allotments which he has made and all orders for controlled materials which he has placed.

(3) No consumer shall make any allotment for the production of Class B products and no person shall accept an allotment for the production of Class B products from a consumer.

(4) A consumer who receives an allotment for construction must not use it for any purpose except (i) to get materials needed for the construction for which the allotment was made or (ii) to replace in inventory materials used for the construction, but his inventory may not exceed a practicable working minimum or the limits provided in CMP Regulation No. 2. The use of any allotment is subject to any specific limitations which may be placed on it by the War Production Board or Claimant Agency making the allotment.

(n) *Transfers of allotments.* No person shall transfer any allotment, (as distinct from making an allotment to a secondary consumer) unless the transfer is approved in writing by the person who made the allotment; furthermore transfers of allotments by prime consumers shall not be made unless the transfer of the related authorization to begin construction is approved by the authorizing agency.

(o) *Grouping allotments by major program.* The holder of an allotment may combine in a single allotment to a supplier requirements for different construction jobs which are identified by the same major program number of a particular Claimant Agency as described in paragraph (c) (4) (ii). He must not, however, use any allotment to procure for any project, any item other than those approved on the authorization to begin construction.

Changes in Allotments

(p) *Correction of over-statements and over-allotments.* (1) Any person who discovers that (by inadvertence or otherwise) he has substantially overstated his requirements for controlled material, or those of his suppliers, must immediately report the error to the person to whom the statement of requirements was furnished. If he has received an allotment based on the overstatement, he must immediately cancel or reduce the allotment (or an equivalent amount of other allotments received for the construction) and report the cancellation or reduction to the person who made the allotment or, if for any reason he is unable to make a cancellation, he must immediately make a full report to the person who made the allotments, sending a copy of the report to the appropriate claimant agency or industry division.

(2) If any person receives a statement of requirements which he knows or has reason to believe, to be substantially excessive (either by inadvertence or otherwise) he must withhold any allotment based on the statement (at least to the extent of any possible excess) until satisfied that the statement is not excessive or that it has been corrected. If he is unable to obtain sufficient information or a correction, he must promptly report the matter to the appropriate claimant agency or industry division. Failure to withhold allotments or to make a report in these circumstances shall be considered participation in the offense.

(3) If, after making any allotment, a person finds or has reason to believe that it was substantially greater than actual requirements, he must either (i) cancel or reduce the allotment or other allotments made by him to the same supplier or (ii) report the matter promptly to the appropriate claimant agency. Failure to make such correction or report shall be deemed participation in the offense.

(4) An inadvertent over-statement of requirements shall be deemed substantially excessive for purposes of subparagraphs (1), (2), and (3) of this paragraph if it is either 25 percent or more of the material allotted or is greater than the minimum mill quantity of such material specified in Schedule IV of CMP Regulation No. 1, whichever is less.

(q) *Adjustment for requirements filled without use of allotments.* A person receiving an allotment must reduce it to the extent that he fills a substantial portion of the requirements which it covers by a method not involving use of the allotment. For the purposes of this paragraph, a "substantial portion" means 25 percent or more of the quantity allotted or the minimum mill quantity of such material specified in Schedule IV of CMP Regulation No. 1, whichever is less. No reduction need be made for purchases made under the small order procedure described in paragraph (t).

(r) *Adjustment for changes in requirements.* If a person's requirements for controlled materials or Class A products are increased after he receives his allotment, he should apply to the source from which he received his allotment for an additional allotment. If his requirements decrease, for any reason, he must promptly cancel or reduce his allotment. If a consumer requires controlled materials or Class A products in a quarter other than authorized, he must apply for an additional allotment.

(s) *Method of cancelling or reducing allotments.* A person who has made an allotment may cancel or reduce it by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce it by making an appropriate notation on the document carrying the allotment and by notifying the person from whom it was received. If a person's allotment is cancelled, he must cancel all allotments which he has made and all orders for controlled materials which he has placed on the basis of the allotment; and if a person's allotment is reduced he must cancel or reduce allotments which he has made or orders for controlled materials which he has placed to the extent that they exceed the reduced allotment. If such cancellation or reduction is not practicable, he may make equivalent cancellations or reductions of other allotments received by him for the same construction. If he considers this alternative impracticable, he shall immediately report to the appropriate claimant agency or industry division for instructions.

Exemptions from Allotment Procedure

(t) *Small orders.* (1) A person who places a delivery order for Class A products, or a contract or subcontract covering construction work, where the amount of each controlled material required to produce the Class A products or to fill the contract or subcontract, is less than the amount specified in subparagraph (2) of this paragraph may, instead of making an allotment, place on his order the applicable allotment number followed by the symbol SO, but no person shall subdivide his requirements for the purpose of coming within this provision.

(2) This procedure may not be used where the aggregate amount of any one controlled material required to fill a single delivery order for Class A products or to fulfill a single construction contract or subcontract exceeds the following:

Carbon steel (including wrought iron)	1 ton
Alloy steel	400 lbs.
Copper and copper base alloys	100 lbs.
Aluminum	20 lbs.

(3) A person who receives orders or contracts placed under this paragraph may obtain his requirements of controlled materials to fill the same by placing authorized controlled material orders in the same manner as if he had received an allotment, except that instead of an allotment number, he must use the symbol SO. Use of this symbol constitutes a representation, subject to the criminal penalties of section 35 (A) of the United States Criminal Code, that the controlled materials ordered are required to fill orders or contracts accepted in good faith.

(4) No person receiving orders, contracts or subcontracts under this paragraph shall be required to furnish his customer with an application for allotment or equivalent information, other than a statement, if requested, that the controlled materials required come within the limits of a small order.

(5) A claimant agency or industry division may, instead of making allotments for construction, authorize a prime consumer to obtain controlled materials needed for the construction by using the SO symbol in those cases where the aggregate quantity of no one controlled material needed for the entire construction project exceeds the quantities specified in subparagraph (2) of this paragraph.

(u) *Purchases of Class A products from distributors.* A person who purchases a Class A product from a distributor under the conditions specified in paragraph (k–1) of CMP Regulation No. 1 need make no allotment but must reduce his allotment as required in paragraph (q) of this regulation.

Placing Orders

(v) *Placement of orders with controlled materials producers or controlled materials warehouses.* (1) A delivery order placed with a controlled materials producer, warehouse or distributor for controlled material shall be deemed an authorized controlled material order if, but only if, it complies with the provisions of this paragraph or is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board.

(2) A person who has received an allotment may place an authorized controlled material order with a controlled materials warehouse or distributor (within the limitations of CMP Regulation No. 4) or with any controlled materials producer, unless otherwise specifically directed. An allotment to a prime consumer may include a direction to place delivery orders for controlled materials with one or more designated controlled materials producers. In such event the consumer shall use the allotment only to obtain controlled materials from the designated controlled materials producer or producers or to make allotments to suppliers, designating only producers named in the allotment received by him. (Except as required by the allotment which he has received, no consumer shall impose any such restriction in any allotment made by him.)

(3) Every authorized controlled material order must be identified by an endorsement including an allotment number or symbol. Unless another form of endorsement is specifically prescribed by an order or regulation of the War Production Board, the endorsement must be in substantially the following form (or in the form prescribed in CMP Regulation No. 7), and must be signed manually or as provided in Priorities Regulation No. 7:

The undersigned certifies, subject to the criminal penalties of Section 35 (A) of the U. S. Criminal Code, that he has received an allotment or allotments of controlled materials (or delivery orders not requiring allotments) authorizing him pursuant to CMP Regulation No. 6, to place an authorized controlled material order in the amount herein indicated for delivery in the month specified, and that he is authorized to use the allotment number ————.

The allotment number included in the endorsement must be the abbreviated allotment number described in paragraph (c) (4) (ii) of this regulation, and must be followed by the abbreviated quarter designation. Each such order must call for delivery in a specific month in the quarter for which the allotment is valid. The endorsement on an authorized controlled material order placed under paragraph (t) of this regulation, relating to small orders, must include the symbol SO.

(4) A delivery order for controlled material must be in sufficient detail to permit entry on mill schedules, and, if placed with a controlled materials producer, must be received at such time in advance as is specified in Schedule III of CMP Regulation No. 1. The controlled material producer may relax this requirement to the extent that he finds it practicable to do so, but he must not discriminate between customers in accepting or rejecting late orders.

(w) *Restrictions on placing orders.* No consumer shall request delivery of any controlled material in a greater amount or on an earlier date than needed to complete the construction, or in an amount so large or on a date so early that receipt of the amount on the requested delivery date would result in his having an inventory of controlled materials greater than that permitted under CMP Regulation No. 2. No consumer shall, however, be required by the provisions of this paragraph to reduce a delivery order below the minimum mill quantity specified in Schedule IV of CMP Regulation No. 1. He must, however, have an allotment to support any authorized controlled material order placed by him.

Preference Ratings for Construction

(x) *Assignment of rating to prime consumers.* Where an allotment is made to a prime consumer for construction, preference ratings will be assigned either by the War Production Board or Claimant Agency making the allotment (depending on the type of project) for obtaining materials other than controlled materials needed in the construction.

(y) *Extension of ratings to secondary consumer.* In each case where an allotment is made to a secondary consumer the person making the allotment must apply or extend the rating or ratings he received for the construction. Preference ratings to be used in connection with authorized production schedules for a supplier producing a Class A product in connection with the construction will be applied in the same manner as provided in CMP Regulation No. 1. Such ratings may be applied or extended with the appropriate allotment number as provided in CMP Regulation No. 3.

(z) *Limitations on use of ratings.* A prime consumer who is assigned preference ratings for construction may use the ratings to purchase those materials, and only those materials, shown on his application as approved or on the instrument assigning the ratings, and must comply with any conditions which may be placed on the use of the ratings in the approved application or instrument assigning them. The ratings must be identified by the abbreviated allotment number identifying the construction. In applying or extending ratings the certificate provided in paragraph (g) of CMP Regulation No. 3 or the certificate provided in CMP Regulation No. 7 or the certificate provided in Priorities Regulation No. 3 may be used. The certificate must be signed manually or as provided in Priorities Regulation No. 7.

Miscellaneous

(aa) *Other War Production Board regulations and orders.* Nothing in this regulation relieves any person from complying with any applicable regulation or order of the War Production Board (including priorities regulations, and orders in the "E", "L", "M", "P", "R", "T", and "U" series).

(bb) *Records and reports.* (1) A person making or receiving any allotment of controlled materials must maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his direct secondary consumers. Such records must be kept separately by abbreviated allotment numbers, as provided in paragraph (c) (4) (ii) and must include entries under each number for each customer, claimant agency or industry division from whom allotments are received.

(2) Each prime and secondary consumer must retain for two years at his regular place of business all documents on which he relies as entitling him to make or receive allotments or to deliver or accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of the War Production Board, or claimant agencies, or filed in such manner that they can be readily segregated and made available for such inspection.

(cc) *Appeals and applications for relief.* (1) Any person who is subject to any requirement of any regulation, order or other action under the Controlled Materials Plan, may appeal for relief by filing a letter in triplicate with the appropriate claimant agency or industry division, setting forth the pertinent facts and the reasons why he considers he is entitled to relief.

(2) In case of any disagreement between any persons as to the interpretation of any provision of this regulation or any other regulations, direction or order under the Controlled Materials Plan, the matter should be referred to the CMP Division, War Production Board, Washington, D. C.

(dd) *Penalties.* Any person who willfully purports to make any allotment of controlled materials or to place authorized controlled material orders in excess of the amount allotted to him, or violates any other provision of this regulation, or any other regulation, direction or order under the Controlled Materials Plan, or who knowingly or willfully makes any false or fraudulent statement or representation with respect to requirements for controlled materials or in any other matter under the jurisdiction of any agency of the United States under the Controlled Materials Plan, is guilty of a crime and, upon conviction, may be punished by a fine up to $10,000 or imprisonment, or both. In addition, any such person may be prohibited from making or obtaining further deliveries or allotments of controlled material or from making or obtaining any further deliveries of or from processing or using, any material under priorities control and may be deprived of priorities assistance.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A—CMP REG. 6

This Exhibit A of CMP Reg. 6 lists the application and authorization procedure for construction projects which *require* allotment of controlled materials or priority assistance.

Type of construction	To obtain authorization to begin construction and controlled materials allotment		
	Application forms	To whom submitted	Authorization and allotment form
1. (a) Residential as defined in L–41, except farm dwellings.	WPB–2596 (formerly PD–105 and PD–105–A).	Local FHA field office except publicly financed conversions included in the HOLC program which are filed with HOLC Regional Office.	CMPL–127 if non-war housing and cost under $10,000.
(b) Multiple residential war housing.			CMPL–224 if non-war housing and cost $10,000 or over. If privately owned war housing P–55–b for authorization, plus CMP–11–1 for allotment.
2. War housing owned by F. P. H. A.	By letter	War Production Board, Washington, D. C.	For authorization P–19–h, plus CMP–11–1 for allotment.
3. Agricultural and farm dwellings	WPB–2570 (formerly PD–200c) if cost under $10,000; WPB–617 (formerly PD–200) if cost over $10,000.	Local U. S. D. A. County War Board.	CMPL–127 if cost under $10,000; CMPL–224 if cost over $10,000.
4. Public Roads	PR 1–PA plus PR–101	State Highway Department.	CMPL–127 if cost under $10,000; CMPL–224 if cost over $10,000.
5. Construction of water, gas, steam, electricity, telephone and telegraph facilities for use of public.	WPB–2774	Office of War Utilities	WPB–2774.
6. Railroad tracks with necessary operating facilities.	WPB–617 (formerly PD–200).	War Production Board, Washington, D. C.	CMPL–224.
7. Other restricted construction as defined in L–41 where cost of construction is less than $10,000 except— (a) Types of construction listed elsewhere in this exhibit. (b) Construction applied for under provision of WPBI–43 (formerly PDL 362). (c) Lumber camps, logging roads, and facilities for drying lumber. (d) Mining facilities. (e) Hospital facilities. (f) Substantial increases in agricultural storage and processing facilities, and all food processing facilities of industrial nature. (g) Any project financed in whole or part with Federal funds.	WPB–2570 (formerly PD–200c).	Local War Production Board.	CMPL–127.
8. Command: (a) War Department projects	None for authorization; CMP–OCE No. 1 for allotment.	Area Engineers, Corps of Engineers.	PD 3A for Authorization.
(b) Navy Department projects	None for Authorization; CMP–4A for Allotment.	Bureau of Yards and Docks, Materials Requirements Division, 521 Fifth Avenue, New York.	Controlled Materials are obtained on allotment form CMPL–150.
9. Petroleum construction not restricted under L–41.	(See applicable P. A. W. Orders and Regulations).		
10. Foreign construction	(Follow instructions issued by Claimant Agency).		
11. Shipyards and shipways	CMP–14 for allotments for construction already authorized. Applications for authorization by letter no onger accepted.	Maritime Commission, Washington, D. C.	P–14–a or P–14–b (for authorization) plus CMPL–150 (Maritime) for allotment.
12. All other construction restricted by L–41 and not provided for above.	WPB–617 (formerly PD–200).	War Production Board, Washington, D. C.	CMPL–224.

[F. R. Doc. 43–10496; Filed, June 30, 1943; 10:53 a. m.]

PART 3257—ALIPHATIC-HYDROXY-CARBOXYLIC ACIDS

[Allocation Order M-321 as Amended June 30, 1943]

CITRIC ACID

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of citric acid for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3257.1 *Allocation Order M-321, Citric acid*—(a) *Definitions.* For the purpose of this order:

(1) "Citric acid" means hydroxy tricarballylic acid from whatever source derived, in dry form only.

(2) "Producer" means any person who produces citric acid.

(3) "Refiner" means any person who refines citric acid.

(4) "Distributor" means any person who purchases citric acid from a producer or refiner for resale as citric acid without further processing or admixing.

(5) "Supplier" means any producer, refiner or distributor of citric acid.

(b) *Restrictions on use and delivery of citric acid.* (1) On and after July 1, 1943, no supplier shall use citric acid except for the purpose of refining, and no supplier shall deliver citric acid for any purpose (including refining) except as specifically authorized in writing by the War Production Board upon application pursuant to paragraph (e).

(2) No person shall accept delivery from all suppliers of more than 5000 pounds of citric acid in the aggregate during July, 1943, or during any calendar month thereafter, except as specifically authorized by the War Production Board upon application pursuant to paragraph (e).

(3) Unless otherwise specifically directed by the War Production Board, each person who is authorized to accept delivery of citric acid or who furnishes a use certificate as required by paragraph (d), shall use or dispose of such citric acid or products made therefrom, or an equivalent amount thereof, only for the purpose authorized or certified. Any citric acid not so used may be delivered by such person to any supplier without specific authorization.

(4) The War Production Board, at its discretion, may from time to time issue special directions to any person with respect to use, refining, production, or delivery of citric acid, or of products made from citric acid allocated to such person.

(c) *Small order exemption.* Notwithstanding the provisions of paragraph (b) (1):

(1) Any person may accept delivery of, and any supplier may use, 125 pounds or less of citric acid in the aggregate during any calendar month without specific authorization.

(2) Any supplier may deliver in any calendar month, in lots of not more than 125 pounds to any one person, the aggregate quantity of citric acid which he has been specifically authorized by the War Production Board to deliver for small orders during that month upon application pursuant to paragraph (e) (2).

(d) *Use certificate.* (1) Each person seeking delivery of between 125 and 5,000 pounds of citric acid during July, 1943, or during any calendar month thereafter, shall, upon placing any purchase order for such delivery, furnish his supplier with a certificate specifying the end use of such citric acid. Such certificate may be placed on the purchase order and shall be substantially in the following form, signed manually or as provided in Priorities Regulation No. 7:

(Description of Primary Product and End Use—See instructions in paragraph (e) (1) for columns 3 and 4 of Form PD-600)

Pursuant to Allocation Order M-321, the undersigned hereby certifies to the seller and to the War Production Board that the citric acid covered by the accompanying purchase order, or an equivalent amount thereof, will be used solely for the purpose listed above.

(Name of purchaser)	(Address)
By ——— (Signature and title of duly authorized officer)	(Date)

(2) Distributors purchasing from producers and refiners may certify as their end use "Redelivery upon specific authorization of the War Production Board."

(3) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided such purchase order specifies the Lend-Lease contract or requisition number, shall constitute a use certificate for the purpose of paragraph (d) (1).

(e) *Applications and reports.* (1) Each person, including any supplier, seeking authorization to accept delivery of more than 5,000 pounds of citric acid in the aggregate from all suppliers during any one calendar month, and each supplier seeking authorization to use any quantity of citric acid, shall file application on Form PD-600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. Applications shall be made in time to ensure that copies will have reached the supplier (or the War Production Board, if application is made for use only) on or before the 10th day of the month preceding the month for which authorization for use or acceptance of delivery is sought, except that distributors may apply on Form PD-600 on or before the 12th day of the month.

Number of copies. Five copies shall be prepared, of which one shall be retained by the applicant, one (in which Tables II, III and IV may be left blank) shall be forwarded to the supplier, and three certified completely filled out copies shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Reference, M-321. The supplier's copy is not necessary where application is sought only for use from inventory.

Number of sets. A separate set of PD-600 application forms shall be submitted for each supplier, for each delivery destination or plant of the applicant, and for each grade of citric acid sought.

Heading. Under name of chemical, specify citric acid; under War Production Board order number, specify M-321; under unit of measure, specify pounds; and otherwise fill in as indicated.

Table I. Specify in the heading, the month and year for which authorization for use or acceptance of delivery is sought.

Column 1. Specify grade in terms of the following (only one grade for each set of forms):

Crude, technical, anyhydrous, crystalline, granular, U. S. P., C. P., reagent, or other specified grade.

Column 2. Specify separately quantities in pounds required for each primary product and product use.

Column 3. Fill in as follows:
Liquid beverages.
Beverage powders.
Foods.
Sodium citrate.
Potassium citrate.
Ferric Ammonium citrate.
Ammonium citrate.
Citrate of magnesia.
Effervescent salts.
Other (specify).
Export (as citric acid).
Resale (as citric acid).
Inventory (as citric acid).

NOTE: "Citro carbonate" revoked from Column 3 June 30, 1943.

Column 4. Opposite each primary product listed in Column 3 specify in Column 4 the consuming industry, such as foods or pharmaceutical (except where liquid beverages, beverage powders or foods are specified in Column 3), and indicate percent of product required for each of the following:
Direct Army or Navy contracts.
Post exchanges.
Ship service stores.
Commissaries.
Canteens.
Civilian.
Export.
Lend-Lease.

Opposite "Resale" in Column 3, suppliers shall write into Column 4 "upon further authorization" or "for paragraph (c) small orders."

Opposite "Export" specify in Column 4 the name of the individual company or governmental agency to whom or for whose account the material will be exported, the country of destination and governing export license or contract numbers, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Inventory" in Column 3, leave Column 4 blank.

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated.

Only the grade listed in Table I (Column 1) shall be reported in Table II.

In reporting inventory on Form PD-600 applicants (whether consumers or suppliers) shall report only quantities of citric acid which have been allocated to them for their own use (including allocated inventory).

Table III. Fill in as indicated.

Table IV. Leave blank.

(2) Each supplier seeking authorization to make delivery of citric acid shall file application on Form PD-602, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-602. Copies of Form PD-602 may be obtained at local field offices of the War Production Board.

Time. Applications on Form PD-602 shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to make delivery or to use is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three certified copies shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Reference: M-321.

Number of sets. Each producer shall file a separate set of PD-602 applications for each of his plants and for each different grade of citric acid.

Heading. Under name of material, specify citric acid; under War Production Board order number, specify M-321; specify grade; specify delivery month; specify unit of measure as pounds; and otherwise fill in as indicated.

Table I. First, in Column 1 list names of customers who have filed PD-600 forms with the applicant and in Column 1 (a) specify "PD-600". Second, list names of customers who have filed use certificates with the applicant and in Column 1 (a) transcribe the uses stated in such certificates. Third, specify in Column 1 "aggregate small order deliveries" and leave Column 1 (a) blank. Fill in other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock requirements.

Table II. Fill in as indicated. Inventory of citric acid previously allocated for the supplier's own use should not be reported on Form PD-602.

(3) Each person seeking authorization to use or accept delivery of citric acid in excess of 125 lbs. shall mail to or file with the War Production Board a report of inventory and past use on Form WPB-2772 at least ten days prior to the initial filing of a certificate of use or a PD-600 form, pursuant to this order, whichever is filed first.

(4) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to preparing and filing Forms PD-600 and PD-602 and certificates pursuant to paragraph (d).

(f) *Allocations for inventory.* Citric acid allocated for inventory shall not be used for any purpose, except as specifically directed by the War Production Board or except to fill orders for authorized uses pending arrival of the citric acid allocated to fill such orders. Upon arrival of such citric acid, the allocated inventory shall be restored.

(g) *Suppliers' intra-company deliveries.* Specific authorization shall not be required for intra-company deliveries of citric acid between sub-divisions of any supplier, notwithstanding the provisions of § 944.12 of Priorities Regulation No. 1, as amended.

(h) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of the requirements of this order and of all amendments hereto, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Reference: M-321.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10502; Filed, June 30, 1943; 10:52 a. m.]

PART 3275—STABILIZED ROSIN

[General Preference Order M-335]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of stabilized rosin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3275.1 *General Preference Order M-335*—(a) *Definitions.* (1) "Stabilized rosin" means rosin stabilized by hydrogenation, dehydrogenation, or disproportionation, but not polymerization nor condensation.

(2) "Soap" means the product commonly known by that term, including all types of shaving creams, excluding, however, soap used for nondetergent purposes, including the processing of textiles.

(3) "Producer" means any person engaged in the production of stabilized rosin and includes any person who has it produced for him pursuant to toll agreement.

(4) "Distributor" means any person who buys stabilized rosin for resale without further processing.

(5) "Supplier" means a producer or distributor.

(b) *Restrictions on delivery.* (1) No supplier shall deliver stabilized rosin to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of stabilized rosin which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form PD-602 which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver stabilized rosin to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, he must immediately notify War Production Board, Chemicals Division, Washington, D. C., Ref: M-335, and shall not deliver to any one else, or use, the stabilized rosin until he receives further instructions.

(c) *Exceptions for small deliveries.* Specific authorization in writing of War Production Board is not required for the delivery by any supplier to any person in any calendar month of not more than 100 pounds of stabilized rosin; *Provided, however,* That the aggregate quantity which any supplier may deliver in any calendar month pursuant to this paragraph (c) shall not exceed the quantity which War Production Board shall in writing specifically authorize or direct such supplier to deliver in such month under this paragraph (c), on application made by such supplier (in the normal case on Form PD-602 filed pursuant to paragraph (g) hereof).

(d) *Restrictions on use.* (1) No supplier shall use stabilized rosin except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for stabilized rosin furnishes his supplier with a certificate of use as required by paragraph (e), shall use the stabilized rosin received on such order only as specified in such certificate.

(3) War Production Board may from time to time issue directions as to the use or uses which may or may not be made of stabilized rosin to be delivered to, or then in the inventory of, the prospective user.

(e) *Customer to furnish certificate of use.* No supplier shall in any calendar month beginning with August, 1943, deliver to any person more than 100 pounds of stabilized rosin unless he shall have received from such person a certificate as to the use for which such person is ordering stabilized rosin. Such certificate must be substantially in the form indicated in Appendix A to this order. The certificate must be received by supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver stabilized rosin where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(f) *Use in soap prohibited.* No person shall use stabilized rosin in the manufacture or preparation of soap.

(g) *Applications by suppliers.* (1) Each supplier requiring authorization to make delivery of, or to use, stabilized rosin during any calendar month, beginning with August, 1943, shall file application on or before the 20th day of the preceding month. Applications respecting deliveries or use in June or July, 1943, shall be filed as soon as possible. In any case, the application shall be made on Form PD–602 in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B to this order. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) War Production Board may issue other and further directions with respect to preparing and filing Form PD–602.

(h) *Miscellaneous provisions.* (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref: M–335.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M–335, that the stabilized rosin hereby ordered for delivery in ----------, 194---, will be used by him
Month
in the manufacture or preparation of the following product(s), and that such product(s), on the basis of an order or orders filed with the undersigned, will be put to the following end use(s):

	Pounds	Primary Product	End Use
(A)	----------	----------	----------
(B)	----------	----------	----------

---------- Name of purchaser

------ By ---------- ------
Date Duly authorized official Title

INSTRUCTIONS FOR CUSTOMER'S CERTIFICATE

(1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) The purchaser will specify under "Primary Product", the product or products in manufacture of which he will use stabilized rosin; for example, "adhesives". Under "End Use", purchaser will specify the ultimate or end use to which the product manufactured by him will be put. "Pressure sensitive adhesive tape", for example, is not a sufficient description of ultimate use. The certificate must show, rather, the type of pressure sensitive adhesive tape and the use to which it will be put; for example, "marking tape for Army Air Force" or "surgical tape for Army Medical Corps." Where the ultimate user is the Army, Navy or other government agency, or the product made by purchaser is ultimately to be delivered pursuant to the Lend-Lease Act, purchaser should set forth specification and contract numbers.

(3) If purchase is for resale, specify "Resale" under "Primary Product" and leave blank "End Use" column.

APPENDIX B

SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM PD–602

(1) Copies of Form PD–602 may be obtained at local field offices of the War Production Board.

(2) Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington, D. C., Ref.: M–335, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) In the heading, under "Name of material", specify "Stabilized rosin"; leave blank the space following "Grade"; under "WPB Order No.", specify "M–335"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure", specify "Pounds"; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(4) In Column 1 (except for small orders as explained in (6) below), list names of customers from whom orders for delivery during the month to which the application relates have been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on last sheet, which is the only one that need be certified.

(5) In Column 1–a (except for small orders as explained in (6) below), specify the product or products in the manufacture or preparation of which stabilized rosin will be used by your customer, the end use to which such product or products will be put, and Army, Navy or other Government agency or Lend-Lease specification and contract numbers, all as indicated by the certificates obtained under paragraph (e) of this order. The quantity of stabilized rosin used in the manufacture or preparation of each product for each product use shall be shown separately. If the stabilized rosin ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of stabilized rosin ordered for each use.

(6) It is not necessary to list the name of any customer to whom not more than 100 pounds of stabilized rosin is to be delivered in the applicable month, nor, in the case of any such delivery, the name of the product or the end use. Instead, write in Column 1 "Total small order deliveries (estimated)", and in Column 4, specify the total estimated quantity so to be delivered.

(7) A producer requiring permission to use a part or all of his own production of stabilized rosin shall list his own name as customer in Column 1 on Form PD–602, specifying quantity required and product manufactured. Written approval of War Production Board on such Form PD 602 shall constitute authority to the producer to use stabilized rosin in the quantity and for the purposes indicated in such approved form.

(8) Leave Column 6 blank.

(9) Each producer will report production, deliveries and stocks as required by Table II, Columns 9 and 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will leave Column 8 blank.

[F. R. Doc. 43–10503; Filed, June 30, 1943; 10:52 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 11]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

§ 1305.67 *General Ration Order No. 11.* Under the authority vested in the Administrator by Executive Orders 9125 and 9280, issued by the President on April 7, 1942 and December 5, 1942, respectively, Directive No. 1, issued by the War Production Board on January 24, 1942, and Supplementary Directives thereto, and Food Directives Nos. 1, 3, 5, 6 and 7 issued by the Secretary of Agriculture, General Ration Order No. 11 (Replacement of Rationed Foods Used in Products Acquired by Designated Agencies), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1305.67 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7, F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471.

GENERAL RATION ORDER NO. 11—REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

ARTICLE I—PURPOSE AND SCOPE

Sec.
1.1 Scope of this order.
1.2 Designated agencies.

ARTICLE II—REPLACEMENT

2.1 Users who may obtain replacement.
2.2 Last industrial user who makes the application for replacement.
2.3 Applicant must notify other users and obtain certifications from them before he submits application.
2.4 Contents of application.

ARTICLE III—ADVANCE

3.1 Users who may obtain an advance: Who must apply.
3.2 Applicant must notify other users and obtain certifications from them before he submits application.
3.3 Contents of application.
3.4 Procedure to be followed if there is a difference between amount advanced and amount used.

ARTICLE IV—ISSUANCE OF CHECKS

4.1 Issuance of checks.

ARTICLE V—MISCELLANEOUS

5.1 Records.
5.2 Ration bank account.
5.3 Allotment increased.
5.4 Representation to the Office of Price Administration.
5.5 Sugar obtained on provisional allowance or for bulk condensed milk not covered.
5.6 General provisions and penalties.
5.7 Definitions.

ARTICLE I—PURPOSE AND SCOPE

SECTION 1.1. *Scope of this order.* (a) This order covers the replacement of rationed foods used in manufacturing products acquired by certain designated agencies.

SEC. 1.2. *Designated agencies.* (a) The designated agencies are the Army, Navy, Marine Corps or Coast Guard of the United States; Army Exchanges, Army Exchange Service, Post Exchanges of the Marine Corps, Ships Service Activities of the Navy or Coast Guard; other activities designated by the Army, Navy, Marine Corps or Coast Guard; Food Distribution Administration, and Ships Service Stores of the Training Organization of the War Shipping Administration.

ARTICLE II—REPLACEMENT

SEC. 2.1. *Users who may obtain replacement.* (a) Any industrial user who used a rationed food in products which are acquired on or after July 1, 1943, by any of the designated agencies, may obtain replacement of such rationed food.

SEC. 2.2. *Last industrial user makes the application for replacement.* (a) The last industrial user using a rationed food in the products acquired by the designated agency, whether or not they have passed through another person's hands, may apply for replacement. In case of doubt as to who was the last industrial user, the persons claiming to be the last industrial user must select one of them to make the application on behalf of all.

SEC. 2.3. *Applicant must notify other users and obtain certifications from them before he submits application—(a) Notice and certification.* If the last industrial user wishes to apply for replacement, he must first notify any other industrial user who used a rationed food in the products for which replacement is desired. Upon receipt of this notice, that industrial user, if he wishes replacement of the rationed food used by him in the products, must certify to the last industrial user the amount in pounds of each item of rationed food so used.

(b) *What the certification must contain.* The certification shall contain:

(1) The name and address of the user;

(2) The nature and the amount in pounds of each item of rationed food used by him in products acquired by the designated agency;

(3) A statement that replacement or an advance of the rationed food used, for which the application is to be made, has not previously been obtained or applied for.

(c) *Records.* Each industrial user making such a certification must keep a copy for his records. The last industrial user must keep each certification received by him from any other industrial user.

SEC. 2.4. *Contents of application.* (a) The application for replacement shall be made in writing within 60 days after the designated agency has acquired the products and must be signed by the last industrial user or an authorized agent. The application shall be made to the designated agency and shall contain:

(1) The name and address of the applicant;

(2) The name and address of each industrial user for whom replacement is sought;

(3) The nature and amount of the products acquired by the designated agency, the date of acquisition, and the name of the person from whom they were acquired;

(4) The amount, in pounds, of each item of rationed food used by the applicant in the products;

(5) The amount, in pounds, of each item of rationed food used by any other industrial user in the products. This statement shall be based on the certification received by the applicant from the user of the rationed food;

(6) A statement that replacement or advance of the rationed food used, for which the application is made, has not previously been obtained or applied for;

(7) A statement that any ration evidences received by the applicant to replace rationed food used by another industrial user will be given to that user and will not be used by the applicant.

(b) A copy of each application shall be retained by the applicant as part of his records.

ARTICLE III—ADVANCE

SEC. 3.1. *Users who may obtain an advance; who must apply.* (a) An industrial user, who has a contract with or an order from a designated agency for the manufacture of products to be acquired by the designated agency, may obtain in advance the amount of rationed food which he must use in those products. (Such an industrial user is called the last industrial user in this and the next Article). Any other industrial user who has a contract with or an order from the last industrial user for the manufacture of products to be included in those products, may also obtain in advance the amount of rationed food which he must use in those products.

(b) Application for the advance may be only by the last industrial user, but he may apply both for himself and for the other industrial users.

SEC. 3.2. *Applicant must notify other users and obtain certifications from them before he submits application—(a) Notice and certification.* If the last industrial user wishes to apply for an advance, he must first notify each industrial user, with whom he has a contract or to whom he has given an order, who is to use a rationed food in the products for which the advance is desired. Upon receipt of this notice, that industrial user, if he wishes an advance of the rationed food to be used by him, must certify to the last industrial user the amount in pounds of each item of rationed food to be so used.

(b) *What the certification must contain.* The certification shall contain:

(1) The name and address of the user;

(2) The nature and the amount in pounds of each item of rationed food to be used by him in those products manufactured pursuant to a contract with or an order from the last industrial user;

(3) A statement that an advance of the rationed food for which the application is to be made has not previously been obtained or applied for.

(c) *Records.* Each industrial user making such a certification must keep a copy for his records. The last industrial user must keep each certification received by him from any other industrial user.

SEC. 3.3. *Contents of application.* (a) The application for the advance shall be in writing and shall be signed by the

last industrial user or an authorized agent. The application shall be made to the designated agency and shall contain:

(1) The name and address of the applicant;

(2) The name and address of any other industrial user for whom an advance is requested;

(3) The nature and amount of the products which are to be manufactured;

(4) A statement that the applicant has a contract with or an order from the designated agency for these products, and an identification of that contract or order;

(5) The amount, in pounds, of each item of rationed food to be used by the applicant in the products;

(6) The amount, in pounds, of each item of rationed food to be used in these products by any other industrial user, with whom the applicant has a contract or to whom he has given an order. This statement shall be based on the certification received from such industrial user;

(7) A statement that any ration evidences received by the applicant as an advance to another industrial user will be given to that user and will not be used by the applicant;

(8) A statement that the advance for which the application is made has not previously been obtained or applied for.

(b) A copy of each application shall be retained by the applicant as part of his records.

SEC. 3.4. *Procedure to be followed if there is a difference between amount advanced and amount used.* (a) If any part of the rationed food advanced to an industrial user under this order is not used by him for the purpose for which it was advanced, he must return ration evidences or otherwise account for that part to the agency which made the advance.

(b) If the industrial user uses a greater quantity of rationed foods in the products acquired by the designated agency than the amount advanced, he may apply for replacement of the balance under Article II of this order.

(c) Any advance which is obtained by an industrial user under this or any other order shall be in lieu of any right of replacement which he may have under this order.

ARTICLE IV—ISSUANCE OF CHECKS

SEC. 4.1. *Issuance of checks.* (a) If the designated agency finds:

(1) That the products were acquired in the amounts and on the dates stated, or that the applicant has a contract with or order from that agency for the manufacture of the products specified in the application; and

(2) That rationed foods, in the amount stated, were used in such products, or that rationed foods, in the amount stated, will be used in such products pursuant to a contract with or an order from that agency or the applicant; and

(3) That the other statements made in the application are true,

it may in its discretion issue a check payable to the applicant for each rationed food used or to be used in such products, equal to the point value (at the time of issuance) or the weight value of such rationed food.

(b) The applicant must issue a check to each industrial user for the amount of each rationed food for which replacement or advance has been obtained on his behalf. The applicant shall note on his copy of the application the date and amount of that check. Each industrial user receiving such a check shall note its date and amount on his copy of his certification.

(c) A designated agency having a limited ration bank account may not, in any period, issue checks under this order in excess of the amount that it has been authorized to draw against that account for the purpose of advance or replacement for that period.

(d) No check shall be issued under this order for a fraction of a point or pound. If the fraction is less than one-half, the fraction is to be dropped; if the fraction is one-half or more, the check shall be issued for a full point or pound.

ARTICLE V—MISCELLANEOUS

SEC. 5.1. *Records.* (a) Every industrial user must retain, for at least two years, all records which this order requires him to keep. He must keep them either at his principal business office or at the establishment for which application is made.

(b) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative, or by the designated agencies.

SEC. 5.2. *Ration bank account.* (a) No industrial user may apply for replacement or an advance on behalf of another industrial user, unless the applicant has a ration bank account for each rationed food for which replacement or an advance is requested. The applicant may open a ration bank account as an industrial user even for a rationed food as to which he is not an industrial user under the order rationing that food.

SEC. 5.3. *Allotment increased.* (a) The allotment of any industrial user for the allotment period in which checks are issued to him under this order for his own use shall be deemed increased by the amount of the checks.

SEC. 5.4. *Representation to Office of Price Administration.* (a) Any representation made in an application or certification under this order is a representation made to the Office of Price Administration and to the designated agency.

(b) The last industrial user may not make an application based on a certification from any other industrial user if he knows or has reason to believe that the statements contained in the certification are not true.

SEC. 5.5. *Sugar obtained on provisional allowance or for bulk condensed milk not covered.* (a) The provisions of this order do not apply to sugar obtained as a provisional allowance or for the manufacture of condensed milk to be packaged in containers holding more than one gallon.

SEC. 5.6. *General prohibitions and penalties.* (a) The provisions of General Ration Order 8,[1] setting forth certain uniform prohibitions and penalties, apply to this order.

SEC. 5.7. *Definitions.* When used in this order:

"Acquire" means obtain possession or document of title.

"Check" means a ration check, in the form prescribed by the Office of Price Administration, drawn against a ration bank account and payable to the account of a named person.

"Industrial user," with respect to a rationed food, has the meaning given to that term in the order rationing that food. An industrial user of any rationed food is treated, for the purposes of this order, as an industrial user of all rationed foods.

"Rationed food" means sugar, foods covered by Ration Order No. 16 or processed foods.

"Sugar", "Processed foods" and "Foods covered by Ration Order No. 16" have the meaning given to those terms in Rationing Order No. 3, and Ration Orders Nos. 13 and 16 respectively.

Effective Date

This general ration order shall become effective July 1, 1943.

NOTE: All reporting and record-keeping requirements of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10414; Filed, June 28, 1943; 5:06 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 14,[1] Amdt. 1]

FIREWOOD

A rationale for this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 14 is amended in the following respects:

1. Section 1.3a is added, to read as follows:

SEC. 1.3a. *Deliveries after June 28, 1943 are restricted.* (a) After the 28th day of June 1943, no dealer may deliver firewood to any consumer and no consumer may accept any delivery of firewood from a dealer, unless the consumer at the time of placing his order gives the dealer the following information:

(1) The kinds of fuels he uses (such as coal, fuel oil, firewood or other kinds of fuel), and the purposes for which they are used; and

(2) The amount of each kind of fuel (except fuel oil) he has on hand and his estimated annual fuel needs for each kind of fuel (except fuel oil) in cords, tons, or other appropriate units.

(b) Within seven (7) days after placing his order for firewood, the consumer must send to the dealer a signed statement confirming the information given to the dealer under paragraph (a).

(c) If a consumer who has not received delivery of the entire amount of firewood ordered by him from a dealer places an order for the same kind of firewood with another dealer, he must immediately cancel his earlier order, and within 72 hours thereafter must send to the dealer a signed statement confirming such cancellation. No consumer who has placed an order for firewood may accept delivery of the same kind of firewood under an earlier order placed by him with another dealer, and no dealer may make a delivery of firewood on an order that has been cancelled. No dealer may deliver firewood to a consumer who he knows has outstanding with another dealer an order for the same kind of firewood.

(d) So long as an order for firewood placed in accordance with paragraph (a) remains unfilled, the consumer must send written notification to the dealer having such order of any increase in the amount of fuels (except fuel oil) on hand.

(e) Each dealer shall retain at his place of business for at least sixty (60) days from the date of its receipt each statement or notice he receives from a consumer.

(f) In making deliveries of firewood to consumers who have furnished the required information, dealers must deliver in the following order of preference:

(1) Consumers who need firewood for any purpose other than heat, domestic hot water or domestic cooking, in the amounts needed, but not beyond an amount necessary to bring their total inventory of all fuels to their annual fuel needs for such purposes.

(2) Consumers who need firewood for heat, domestic hot water or domestic cooking (except consumers who use fuel oil, gas or electricity primarily for such purposes), and whose total fuel on hand is less than one-fourth (¼) of their estimated annual fuel needs, to the extent necessary to bring their total inventory of all fuels to one-fourth (¼) of their annual fuel needs for such purposes.

(3) Consumers who need firewood for heat, domestic hot water or domestic cooking (except consumers who use fuel oil, gas or electricity primarily for such purposes), and whose total fuel on hand is more than one-fourth (¼) but less than one-half (½) of their estimated annual fuel needs, to the extent necessary to bring their total inventory of all fuels to one-half (½) of their annual fuel needs for such purposes.

(4) Consumers who need firewood for heat, domestic hot water or domestic cooking (including consumers who use fuel oil primarily for such purposes), and whose total fuel on hand is more than one-half (½) but less than their estimated annual fuel needs, to the extent necessary to bring their total inventory of all fuels to their annual fuel needs for such purposes.

(5) Consumers who use gas or electricity primarily for heat, domestic hot water, or domestic cooking, to the extent necessary to bring their total inventory of all fuels to their annual fuel needs for such purposes.

(g) If conservation of labor or efficiency of transportation will be served thereby, nothing in this order shall be deemed to prohibit any single delivery to a consumer of a full load of firewood by means of a truck or other transportation facility, customarily used in delivering firewood to such consumer, even though such delivery brings the total amount of fuels in the consumer's possession to more than the amounts to which he would be entitled under paragraph (b).

(h) For purposes of determining the amount of fuel on hand and estimated annual fuel needs under this section, a ton of coal and a cord or unit of firewood shall be deemed of equal value.

2. Section 1.4 is amended, to read as follows:

SEC. 1.4. *Regional Administrator may issue emergency orders.* Whenever the Regional Administrator finds that conditions affecting the supply or distribution of firewood in a locality or localities in the limitation area so require, he may from time to time issue orders, supplemental to and not conflicting with the provisions of section 1.3a, effective in such locality or localities, and for such periods, as may be stated in the orders:

(a) Allocating or giving priorities to deliveries of firewood, upon such conditions as he may designate;

(b) Directing that dealers accept orders for and deliver dry wood to the extent that they have dry wood on hand, before accepting orders for or making deliveries of green wood.

3. Section 1.6 is amended, to read as follows:

SEC. 1.6. *Prohibited acts.* Regardless of any agreement or commitment:

(a) No dealer shall discriminate in the delivery of firewood among consumers entitled to receive deliveries under this order or any order issued hereunder by the Regional Administrator.

(b) After the 28th day of June 1943, no person shall deliver any firewood, acquired, owned or held by him as a consumer, to any other consumer, and no consumer shall accept any such delivery.

(c) No person shall deliver or receive a delivery of firewood except in accordance with this order and with any order issued hereunder by the Regional Administrator.

(d) No person shall make any false or misleading statement or entry in any document or record required to be filed or kept under this order or any order issued hereunder by the Regional Administrator.

(e) No person shall offer, solicit, attempt or agree to do any act in violation of this order or any order issued hereunder by the Regional Administrator.

This amendment shall become effective on June 28, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 597, 77th Cong.; Pub. Law 421, 77th Cong.; W.P.E. Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1-U, 8 F.R. 1835; E.O. 9125, 7 F.R. 2719)

Issued this 28th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10413; Filed, June 28, 1943; 5:05 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 70]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.166 (b) is amended to read as follows:

(b) A registered industrial user, or other person authorized by the Office of Price Administration, hereinafter in this paragraph referred to as transferor, may surrender a check or certificate without obtaining sugar or may deliver sugar without obtaining stamps, certificates, or checks to a registered industrial user, hereinafter referred to as transferee, for the production of a product to be delivered to the transferor and for which the sugar so delivered, or the sugar authorized to be delivered by such check or certificate, could have been used by the transferor pursuant to Rationing Order No. 3. Except as the Office of Price Administration may otherwise authorize, the provisions of this paragraph shall apply only if the transferor is not one of the persons or agencies named in section 1.2 of General Ration Order 11, and only if: (1) the transferor delivered sugar between January 1, 1941, and December 31, 1941, to another industrial user to be used for the manufacture of the same product, or (2) the means of production of the transferor have been temporarily so disrupted that production is impracticable.

2. Section 1407.183a is added to read as follows:

§ 1407.183a *Products containing sugar delivered to certain persons on or after July 1, 1943.* (a) Notwithstanding anything to the contrary contained in §§ 1407.183, 1407.184, 1407.185, and 1407.186:

(1) No certificate or check shall be issued pursuant to Rationing Order No. 3, for the replacement of sugar contained in products delivered to any person or agency on or after July 1, 1943;

(2) No replacement, pursuant to §§ 1407.183, 1407.184, or 1407.186, shall be made of sugar contained in products delivered prior to July 1, 1943, unless

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3783, 5677.

[1] 8 F.R. 2595.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5909, 5846, 6135, 6442.

application for such replacement is made on or before August 1, 1943.

(3) No checks shall be issued pursuant to § 1407.185 for the replacement of sugar contained in products delivered prior to July 1, 1943, unless application for such replacement is made on or before September 1, 1943.

(b) Sugar contained in products delivered on or after July 1, 1943, shall be replaced only in accordance with the provisions of General Ration Order 11.

This amendment shall become effective July 1, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1 and Supp. Dir. 1E, 7 F.R. 562, 2965; Food Dir. 3, 8 F.R. 2005)

Issued this 28th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10416; Filed, June 28, 1943; 5:06 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 41]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. The third sentence of section 23.3 (a) is amended by inserting, between the words "foods" and the word "will", the words ", and for replacement or advance under General Ration Order 11,".

2. Section 23.6 is amended to read as follows:

SEC. 23.6. *Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.* (a) Any "industrial user" who, before July 1, 1943, transfers to any exempt agency any products which he manufactured after February 28, 1943, in the manufacture of which he used processed foods may apply to and obtain from his board a "certificate" equal in point value to the processed foods used by him in such products. The application shall be made on OPA Form R-315, on or before August 1, 1943, and shall set forth the nature and amount of the products, the time when the products were manufactured, the date when such products were transferred and the amount of processed foods he used in such products. The application shall be accompanied by such evidence of transfer to the exempt agency as the board may require. If a certificate is issued under this section, the industrial user's allotment for the allotment period in which it is issued shall be considered increased by the amount of the certificate.

(b) Any industrial user who used a processed food in products which are acquired on or after July 1, 1943, by any of the designated agencies covered by General Ration Order 11, may apply for replacement or advance of such processed foods under the conditions and in accordance with the procedure set forth in General Ration Order 11.

This amendment shall become effective July 1, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 28th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10415; Filed, June 28, 1943; 5:06 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 42]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. Section 25.1 (b) (4) is amended to read as follows:

(4) The serial number of the Non-Resident Alien's Border Crossing Identification Card, if any, or of the passport, if any, bearing either a visa for entry into the United States or a notation showing that such a visa has been issued for use by the applicant, and of any cards or passports issued for use by the persons included in the application. The applicant shall present them, if any have been issued, to the board (or Customs Officer) at the time he makes his application. He shall also give any other information which the board or Customs Office may request.

2. Section 25.1 (c), (d), (e), (f), (g), (h) and (i) are amended to read as follows:

(c) If the board (or Customs Officer) finds that the persons covered by the application reside in Mexico, within the area described in paragraph (a), and desire to acquire processed foods in the United States, it shall grant the application and shall issue yellow punch cards (OPA Form R-184) as provided in this article. (Applicants who have received certificates for a period prior to July 1, 1943, may obtain yellow punch cards for a subsequent period by returning to the board (or Customs Officer) the duplicate copies of such certificates, in accordance with paragraph (m).)

(d) The monthly ration of processed foods for each of the persons for whom the application is granted shall be 48 points. Yellow punch cards shall be issued for periods of two calendar months, beginning July 1, 1943. However, a card shall be issued for only one calendar month, if it is issued in August 1943 or in any second month thereafter, unless it is then issued for the next two month period. The full monthly ration shall be allowed for the month in which the application is made regardless of the time of the month when it is made, if a ration is desired for that month.

(e) One yellow punch card shall be issued for all persons included in the application. However, if there are more than 5 such persons, one additional yellow punch card shall be issued for each additional 5 persons or less. The board (or Customs Officer) shall indicate the number of persons for whom the card is issued by perforating the appropriate box on the top of the card. For each person fewer than 5 for whom a card valid for two months is issued, the board (or Customs Officer) shall remove two of the horizontal strips, each containing the numbers 1 to 48, starting at the bottom of the card. For each person fewer than 5 for whom a card valid for one month is issued, the board (or Customs Officer) shall remove horizontal strips starting at the bottom of the card, in sufficient number to leave as many strips attached to the card as there are persons for whom the card is issued.

(f) The board (or Customs Officer) shall indicate the period for which the yellow punch card is valid by perforating the appropriate boxes under the words "Ration for". The name and address of the applicant and of the retailer, wholesaler, processor, country shipper or grower from whom the processed foods will be acquired shall be written by the board (or Customs Officer) in the spaces on the card provided for that purpose. If the applicant has a Non-Resident Alien's Border Crossing Identification Card, or passport bearing either a visa for entry into the United States or a notation showing that such a visa has been issued, the board (or Customs Officer), at the time a yellow punch card is issued, shall endorse the letter "R" upon these immigration papers and upon the immigration papers, if any, of the other persons included in the application. A validation stamp (OPA Form R-123) shall be pasted on the reverse side of each yellow punch card issued.

(g) If the board (or Customs Officer) which issued a yellow punch card is not the board for the area in which the supplier designated on the card is located it shall notify the supplier's board of the issuance by following the procedure indicated below:

(1) If the card is issued pursuant to an application on OPA Form R-183, it shall send to the supplier's board a copy of the application, with a notation of its action.

(2) If the card is issued upon surrender of an expired certificate or yellow punch card, without a new application on OPA Form R-183, as provided in paragraph (m), it shall send the expired card or certificate to the supplier's board.

(h) Between the 10th and the 15th of July 1943, and between the 10th and 15th day of every second month thereafter, each board shall send a "certificate" to each retailer, wholesaler, processor, country shipper or grower within its area entitled thereto, who has been designated on yellow punch cards for which he has not previously been given a certificate. However, no certificate shall be issued to any such supplier until he has submitted to the board the reports required by section 25.3.

(i) Each certificate issued under paragraph (h) in July 1943, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the yellow punch cards on which the supplier has been designated, issued prior to July 10, 1943;

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes, is the total number of points given him by certificates previously issued under this Article, less the point value of all processed foods transferred by him to residents of Mexico, prior to July 1, 1943.

3. A new section 25.1 (j), (k), (l), (m) and (n) are added to read as follows:

(j) Each certificate issued under paragraph (h) in September 1943, or in any second month thereafter, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the yellow punch cards on which the supplier has been designated, issued before the 10th day of the current month and after the 9th day of the second preceding month, and for which no certificate has previously been issued.

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes is the total number of points given him by all certificates previously issued to him under this Article, less the point value of all processed foods transferred by him to residents of Mexico, up to the end of the preceding month, pursuant to this Article.

(k) For the purposes of paragraphs (i) and (j) only, a yellow punch card issued by a Customs Officer or a board other than the supplier's board shall be considered issued on the date when the supplier's board receives the information as to issuance, as provided in paragraph (g).

(l) A retailer or wholesaler designated on any yellow punch card issued to an applicant at any time other than between the 1st day and the 9th day of July 1943, or of any second month thereafter, may apply to his board for a certificate to cover that card. His application need not be on any particular form. He must show that he will be unable to acquire sufficient processed foods to meet consumer demand under rationing if he waits until the next regular period for issuance of certificates under paragraph (h). The board may give him a certificate for the number of points allowed by any such cards.

(m) Upon the expiration of a certificate issued under section 25.1 (c) as it read prior to July 1, 1943, or of any yellow punch card, the board (or Customs Officer) shall issue a yellow punch card for a subsequent period, but only if the applicant returns the expired duplicate certificate or card to it. The applicant shall, within five days after the expiration of any certificate or yellow punch card issued to him, return the duplicate of the certificate, or the card, to the board (or Customs Officer), either in person or by mail. However, if the duplicate certificate or yellow punch card has been lost, destroyed or stolen, a supplier's statement given to the applicant before July 1, 1943 under section 25.2 as it read prior to that date, or a white punch card given to the applicant by his supplier as provided in section 25.2 as amended, may be returned to the board (or Customs Officer) instead. If the applicant has not received such a statement or a white card, a board may waive compliance with this requirement. No new application is required for the issuance of a yellow punch card to replace an expired yellow punch card or an expired certificate issued for a period prior to July 1, 1943, unless, since the date of the last application, there has been a change in the number of members of the applicant's household related to him by blood, marriage or adoption who wish to acquire processed foods. Acceptance by applicant of a yellow punch card to replace an expired card or certificate shall constitute a representation by the applicant that the number of such persons has not been reduced

(n) An applicant may apply to the board (or Customs Officer) where his original application was made, to change the retailer, wholesaler, processor, country shipper or grower from whom he acquires processed foods. However, no application for such a change shall be made with respect to any currently valid yellow punch card unless the supplier designated on the card refuses to transfer processed foods against it under section 25.2. Any yellow punch card thereafter issued to the applicant by the board (or Customs Officer) shall be issued with the name and address of the new supplier written on it in the space provided for that purpose.

4. Section 25.2 (a) is amended to read as follows:

(a) Each supplier who has been designated by an applicant as the person from whom processed foods are to be acquired, may transfer to the applicant to whom a yellow punch card has been issued, or to his authorized agent, and the applicant (or his agent) may acquire from the supplier, processed foods up to the number of points allowed by the yellow punch card, at any time during the valid period indicated on the card.

5. A new section 25.2 (b), (c) and (d) are added to read as follows:

(b) A supplier who transfers processed foods against a yellow punch card shall, at or before the time of his first transfer against that card, make an exact copy of it on a white punch card which will be furnished to him by his board.

(c) Each time a supplier transfers processed foods against a yellow punch card he shall indicate, on the transferee's yellow punch card and upon the duplicate white punch card made out by the supplier, the point value of the processed foods transferred. This is to be done by perforating the appropriate box in the horizontal strip, or crossing out the number in that box, beginning at the bottom of the card, and by removing one strip for each 48 points of processed foods transferred. (For example, if the processed foods first transferred have a point value of 44 points, the supplier is required to perforate the box in the first horizontal strip containing the number 44 or to cross out that number. If the second transfer is for 24 points, the supplier is required to remove the first strip and to perforate the box in the second horizontal strip containing the number 20 or to cross out that number.)

(d) No transfer may be made unless the yellow punch card is presented to the transferor. However, if the applicant or his agent fails to present the yellow punch card on the ground that it has been lost, destroyed or stolen, the supplier may make an exact copy of his white punch card on another white punch card. He shall sign the white punch card which he makes out in this manner. This card may then be used in place of the lost, destroyed or stolen yellow punch card.

6. Section 25.3 is amended to read as follows:

SEC. 25.3. *Records and reports by supplier from whom processed foods are to be acquired.* (a) Any retailer, wholesaler, processor, country shipper or grower who has been designated by an applicant as the supplier from whom processed foods are to be acquired shall maintain and keep at his place of business the white punch card which he is required by section 25.2 (b) to make out for each such applicant. Not later than the 10th day of September 1943 and not later than the 10th day of every second month thereafter the supplier must give his board a written statement showing the total number of points given to him by certificates issued under this Article during the two preceding calendar months and the total number of unused points left on yellow punch cards valid for those months, on which he has been designated as supplier.

7. Section 25.4 is amended to read as follows:

SEC. 25.4. *Records and reports by suppliers who transferred processed foods to residents of Mexico before July 1, 1943.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 5318, 5342, 5480, 5568, 5757, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7267, 7268, 7380, 7353, 8276, 7490, 7589, 8357, 8705.

(a) Any retailer, wholesaler, processor, country shipper or grower to whom a certificate has been issued under this Article prior to July 1, 1943, shall maintain and keep at his place of business a record showing the name of each applicant for whom he has received such certificate, the point value of each certificate and of all processed foods transferred against it and the dates of such transfers. Before the 10th day of July 1943, he must give to his board a written statement showing the total point value of all certificates received by him for June 1943 and the total point value of all transfers of processed foods made under such certificates during that month.

This amendment shall become effective 12:01 a. m., July 1, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 28th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10407; Filed, June 28, 1943; 5:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 42]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The third sentence of section 22.3 (a) is amended by inserting between the word "order" and the word "will", the words ", and for replacement or advance under General Ration Order 11,".

2. Section 22.6 is amended to read as follows:

SEC. 22.6. *Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.* (a) Any "industrial user" who, before July 1, 1943, transfers to any exempt agency any products which he manufactured after March 28, 1943, in the manufacture of which he used foods covered by this order, may apply to and obtain from his board a "certificate" equal in point value to the foods used by him in such products. The application shall be made on OPA Form R-315, on or before August 1, 1943, and shall set forth the nature and amount of the products, the time when the products were manufactured, the date when such products were transferred and the amount of foods covered by this order he used in such products. The application shall be accompanied by such evidence of transfer to the exempt agency as the board may require. If a certificate is issued under this section, the industrial user's allotment for the allotment period in which it is issued shall be considered increased by the amount of the certificate.

(b) Any industrial user who used a food covered by this order in products which are acquired on or after July 1, 1943, by any of the designated agencies covered by General Ration Order 11, may apply for replacement or advance of such foods under the conditions and in accordance with the procedure set forth in General Ration Order 11.

This amendment shall become effective July 1, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F. R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562 and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 28th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10409; Filed, June 28, 1943; 5:07 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 43]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 25.1 (b) (4) is amended to read as follows:

(4) The serial number of the Non-Resident Alien's Border Crossing Identification Card, if any, or of the passport, if any, bearing either a visa for entry into the United States or a notation showing that such a visa has been issued for use by the applicant, and of any cards or passports issued for use by the persons included in the application. The applicant shall present them, if any have been issued, to the board (or Customs Officer) at the time he makes his application. He shall also give any other information which the board or Customs Officer may request.

2. Section 25.1 (c), (d), (e), (f), (g), (h) and (i) are amended to read as follows:

(c) If the board (or Customs Officer) finds that the persons covered by the application reside in Mexico, within the area described in paragraph (a), and desire to acquire foods covered by this order in the United States, it shall grant the application and shall issue green punch cards (OPA Form R-185) as provided in this Article. (Applicants who have received certificates for a period prior to July 1, 1943, may obtain green punch cards for a subsequent period by returning to the board (or Customs Officer) the duplicate copies of such certificates, in accordance with paragraph (m)).

(d) The monthly ration of all foods covered by this order for each of the persons for whom the application is granted shall be 16 points. Green punch cards shall be issued for periods of two calendar months, beginning July 1, 1943. However, a card shall be issued for only one calendar month, if it is issued in August 1943 or in any second month thereafter, unless it is then issued for the next two month period. The full monthly ration shall be allowed for the month in which the application is made regardless of the time of the month when it is made, if a ration is desired for that month.

(e) One green punch card shall be issued for all persons included in the application. However, if there are more than 5 such persons, one additional green punch card shall be issued for each additional 5 persons or less. The board (or Customs Officer) shall indicate the number of persons for whom the card is issued by perforating the appropriate box on the top of the card. For each person fewer than 5 for whom a card valid for two months is issued, the board (or Customs Officer) shall remove two of the horizontal strips, each containing the numbers 1 to 64 starting at the bottom of the card. For each person fewer than 5 for whom a card valid for one month is issued, the board (or Customs Officer) shall remove horizontal strips starting at the bottom of the card, in sufficient number to leave as many strips attached to the card as there are persons for whom the card is issued.

(f) The board (or Customs Officer) shall indicate the period for which the green punch card is valid by perforating the appropriate boxes under the words "Ration for". It shall also indicate that the card provides a monthly ration of 16 points for each of the persons for whom it is issued, by perforating the square on the card containing the words "Ration is for fats alone if this square is punched." The name and address of the applicant and of the retailer, wholesaler or primary distributor from whom the foods covered by this order will be acquired shall be written by the board (or Customs Officer) in the spaces on the card provided for that purpose. If the applicant has a Non-Resident Alien's Border Crossing Identification Card, or passport bearing either a visa for entry into the United States or a notation showing that such a visa has been issued, the board (or Customs Officer), at the time a green punch card is issued, shall endorse the letter "R" upon these immigration papers and upon the immigration papers, if any, of the other persons included in the application. A validation stamp (OPA Form R-1237 shall be pasted on the reverse side of each green punch card issued.

(g) If the board (or Customs Officer) which issues a green punch card is not the board for the area in which the supplier designated on the card is located it shall notify the supplier's board of the issuance by following the procedure indicated below:

(1) If the card is issued pursuant to an application on OPA Form R-183, it shall send to the supplier's board a copy of the application, with a notation of its action.

(2) If the card is issued upon surrender of an expired certificate or green punch card, without a new application on OPA Form R-183, as provided in paragraph (m), it shall send the expired card or certificate to the supplier's board.

(h) Between the 10th and the 15th of July, 1943, and between the 10th and 15th day of every second month thereafter, each board shall send a "certificate" to each retailer, wholesaler or primary distributor within its area entitled thereto, who has been designated on green punch cards for which he has not previously been given a certificate. However, no certificate shall be issued to any such supplier until he has submitted to the board the reports required by section 25.3.

(i) Each certificate issued under paragraph (h) in July 1943, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the green punch cards on which the supplier has been designated, issued prior to July 10, 1943;

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes is the total number of points given him by certificates previously issued under this Article, less the point value of all foods covered by this order transferred by him to residents of Mexico, prior to July 1, 1943.

3. A new section 25.1 (j), (k), (l), (m) and (n) are added to read as follows:

(j) Each certificate issued under paragraph (h) in September 1943, or in any second month threafter, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the green punch cards on which the supplier has been designated, issued before the 10th day of the current month and after the 9th day of the second preceding month, and for which no certificate has previously been issued;

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes is the total number of points given him by all certificates previously issued to him under this Article, less the point value of all foods covered by this order transferred by him to residents of Mexico, up to the end of the preceding month pursuant to this Article.

(k) For the purposes of paragraphs (i) and (j) only, a green punch card issued by a Customs Officer or a board other than the supplier's board shall be considered issued on the date when the supplier's board receives the information as to issuance, as provided in paragraph (g).

(l) A retailer or wholesaler designated on any green punch card issued to an applicant at any time other than between the 1st day and the 9th day of July 1943, or of any second month thereafter, may apply to his board for a certificate to cover that card. His application need not be on any particular form. He must show that he will be unable to acquire sufficient foods covered by this order to meet consumer demand under rationing if he waits until the next regular period for issuance of certificates under paragraph (h). The board may give him a certificate for the number of points allowed by any such cards.

(m) Upon the expiration of a certificate issued under section 25.1 (c) as it read prior to July 1, 1943, or of any green punch card, the board (or Customs Officer) shall issue a green punch card for a subsequent period, but only if the applicant returns the expired duplicate certificate or card to it. The applicant shall, within five days after the expiration of any certificate or green punch card issued to him, return the duplicate of the certificate, or the card, to the board (or Customs Officer), either in person or by mail. However, if the duplicate certificate or green punch card has been lost, destroyed or stolen, a supplier's statement given to the applicant before July 1, 1943 under section 25.2 as it read prior to that date, or a white punch card given to the applicant by his supplier as provided in section 25.2 as amended, may be returned to the board (or Customs Office) instead. If the applicant has not received such a statement or a white card, a board may waive compliance with this requirement. No new application is required for the issuance of a green punch card to replace an expired green punch card or an expired certificate issued for a period prior to July 1, 1943, unless, since the date of the last application, there has been a change in the number of members of the applicant's household related to him by blood, marriage or adoption who wish to acquire foods covered by this order. Acceptance by applicant of a green punch card to replace an expired card or certificate shall constitute a representation by the applicant that the number of such persons has not been reduced.

(n) An applicant may apply to the board (or Customs Officer) where his original application was made, to change the retailer, wholesaler or primary distributor from whom he acquires foods covered by this order. However, no application for such a change shall be made with respect to any currently valid green punch card unless the supplier designated on the card refuses to transfer foods covered by this order against it under section 25.2. Any green punch card thereafter issued to the applicant by the board (or Customs Officer) shall be issued with the name and address of the new supplier written on it in the space provided for that purpose.

4. Section 25.2 (a) is amended to read as follows:

(a) Each supplier who has been designated by an applicant as the person from whom foods covered by this order are to be acquired, may transfer to the applicant to whom a green punch card has been issued, or to his authorized agent, and the applicant (or his agent) may acquire from the supplier, foods covered by this order up to the number of points allowed by the green punch card, at any time during the valid period indicated on the card. The card allows 16 points per month for each person for whom it is issued. No numbers above 16 on any horizontal strip on the card are deemed to authorize the transfer of any foods and all such numbers are to be ignored.

5. A new section 25.2 (b), (c) and (d) are added to read as follows:

(b) A supplier who transfers foods covered by this order against a green punch card shall, at or before the time of his first transfer against that card, make an exact copy of it on a white punch card which will be furnished to him by his board.

(c) Each time a supplier transfers foods covered by this order against a green punch card he shall indicate, on the transferee's green punch card and upon the duplicate white punch card made out by the supplier, the point value of the foods covered by this order transferred. This is to be done by perforating the appropriate box in the horizontal strip, or crossing out the number in that box, beginning at the bottom of the card, and by removing one strip for each 16 points of foods covered by this order transferred. (For example, if the foods covered by this order first transferred have a point value of 14 points, the supplier is required to perforate the box in the first horizontal strip containing the number 14 or to cross out that number. If the second transfer is for 8 points, the supplier is required to remove the first strip and to perforate the box in the second horizontal strip containing the number 6 or to cross out that number).

(d) No transfer may be made unless the green punch card is presented to the transferor. However, if the applicant or his agent fails to present the green punch card on the ground that it has been lost, destroyed or stolen, the supplier may make an exact copy of his white punch card on another white punch card. He shall sign the white punch card which he makes out in this manner. This card may then be used in place of the lost, destroyed or stolen green punch card.

6. Section 25.3 is amended to read as follows:

SEC. 25.3. *Records and reports by supplier from whom foods covered by this order are to be acquired.* (a) Any retailer, wholesaler or primary distributor who has been designated by an applicant as the supplier from whom foods covered

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5819, 5847, 6046, 6138, 6181, 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7381, 7281, 7589, 7455, 7491, 8357, 8540, 8614.

[1] 8 F.R. 3591, 3715, 3940, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5819, 5847, 6046, 6138.

by this order are to be acquired shall maintain and keep at his place of business the white punch card which he is required by section 25.2 (b) to make out for each such applicant. Not later than the 10th day of September 1943 and not later than the 10th day of every second month thereafter the supplier must give his board a written statement showing the total number of points given to him by certificates issued under this Article during the two preceding calendar months and the total number of unused points left on green punch cards valid for those months, on which he has been designated as supplier.

7. Section 25.4 is amended to read as follows:

SEC. 25.4. *Records and reports by suppliers who transferred foods covered by this order to residents of Mexico before July 1, 1943.* (a) Any retailer, wholesaler or primary distributor to whom a certificate has been issued under this Article prior to July 1, 1943 shall maintain and keep at his place of business a record showing the name of each applicant for whom he has received such a certificate, the point value of each certificate and of all foods covered by this order transferred against it and the dates of such transfers. Before the 10th of July 1943, he must give to his board a written statement showing the total point value of all certificates received by him for June 1943 and the total point value of all transfers of foods covered by this order made under such certificates during that month.

This amendment shall become effective 12:01 a. m., July 1, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562 and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 28th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10406; Filed, June 28, 1943; 5:01 p. m.]

PART 1412—SOLVENTS

[MPR 28,[1] Amdt. 3]

ETHYL ALCOHOL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1412.263 (h) is amended to read as follows:

(h) *Sales of grain distilled ethyl alcohol to the Defense Supplies Corporation.* (1) The maximum price for the sale by any plant to the Defense Supplies Corporation of ethyl alcohol of 190 proof distilled from grain shall be the maximum price set forth in paragraphs (a) to (d) of this section, or a maximum price computed pursuant to the following formula:

Maximum price per gallon of 190 proof ethyl alcohol f. o. b. works shall be the sum of the following cost items per gallon, less the recovered value of dried feed, fusel oil and the like, plus a margin for profit computed pursuant to subparagraph (2):

(i) Direct materials.
(ii) Direct labor.
(iii) Miscellaneous direct production charges.
(iv) Indirect production expenses.
(v) Miscellaneous direct expenses.
(vi) An allowance of $.03 per gallon for selling and general and administrative expenses.

(2) The per gallon margin of profit shall be allowed on the alcohol produced in each plant as follows: For each gallon produced and sold to the Defense Supplies Corporation during a calendar quarterly period, up to and including 750,000 gallons, 4 cents per gallon; for each gallon produced and sold during a calendar quarterly period over 750,000 gallons and up to and including 1,500,000 gallons, 3 cents per gallon; and for each gallon produced and sold during a calendar quarterly period over 1,500,000 gallons, 2 cents per gallon.

(3) Maximum prices computed pursuant to the formula contained in subparagraph (1) of this paragraph shall be determined for the ethyl alcohol produced during each calendar quarterly period and shall be based upon the actual costs of producing such ethyl alcohol. Until the actual costs for a quarterly period are determined, the price shall be an estimated price. Within twenty days after the end of each calendar quarterly period, each seller computing a maximum price pursuant to the formula contained in subparagraph (1) shall submit to the Office of Price Administration, Washington, D. C., upon a form to be obtained from that Office upon request, a report of the actual costs of producing the ethyl alcohol sold to the Defense Supplies Corporation during such period. The estimated price shall be adjusted upward or downward in accordance with the report of actual costs filed with the Office of Price Administration. A maximum price so determined shall be subject to disapproval in writing at any time by the Office of Price Administration, and if a maximum price reported pursuant to this paragraph is revised downward by the Office of Price Administration and if any payment has been made at a price higher than the price approved by the Office of Price Administration, the seller shall refund the excess.

(4) All cost computations and maximum price determinations and reports made pursuant to the formula contained in subparagraph (1) of this paragraph shall be on the basis of a gallon of 190 proof ethyl alcohol. Where ethyl alcohol of a proof other than 190 proof is sold, it shall be billed and paid for on the basis of an equivalent gallonage of 190 proof ethyl alcohol.

(5) Where a converted alcoholic beverage distillery determined a maximum price for sales to the Defense Supplies Corporation for the calendar quarterly period ended June 30, 1943, under § 1412.263 (h) as it existed prior to July 1, 1943, such converted distillery may at its option adopt as its maximum price for the period ended June 30, 1943, the maximum price so previously determined or a maximum price computed on the basis of its actual costs during the calendar quarterly period ended June 30, 1943.

(6) This paragraph (h) shall not apply to ethyl alcohol produced as a by-product in the manufacture of fermentation butyl alcohol.

This amendment shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10384; Filed, June 28, 1943; 3:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1[1] to GMPR[2] Amdt. 19]

CANNED (IN TIN) WHITE POTATOES

A statement of the considerations involved in the issuance of this Amendment No. 19 to Revised Supplementary Regulation No. 1 has been issued and filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 (§ 1499.26) is amended in the following respect:

1. Section 4.3 is amended by adding the following new paragraph:

(j) Canned (in tin) white potatoes.

This amendment shall become effective June 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 28th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10410; Filed, June 28, 1943; 5:07 p. m.]

* Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2339, 4256, 4852.

[1] 8 F.R. 4978, 6065, 6363, 6547, 6615, 6842, 6964, 7261, 7270, 7349, 7592, 7600, 7668, 8710, 8754.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978 4848, 6047, 6962.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 87, as Amended,[1] Amdt. 7]

SCRAP RUBBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1263 (a) is amended by amending Table I and Table II to read as follows:

TABLE I

[Dollars per short ton]

Kind of scrap rubber	Maximum prices at consuming centers						
	Akron, Ohio	Buffalo, N. Y.	Naugatuck, Conn.	East St. Louis, Ill.	Memphis, Tenn.	Gadsden, Ala.	Los Angeles, Calif.
Pneumatic tire casings: [1]							
Mixed passenger tires [2]	$20.00	$19.50	$18.50	$18.40	$17.50	$16.00	$14.00
Beadless passenger tires [3]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
Passenger dykes [4]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
Passenger S. A. G. [5]	20.50	20.00	19.00	18.90	18.00	16.50	14.50
Mixed truck tires [6]	20.00	19.50	18.50	18.40	17.50	16.00	14.00
Beadless truck tires [7]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
Truck dykes [8]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
No. 1 truck S. A. G. [9]	18.50	18.00	17.00	16.90	16.00	14.50	12.50
No. 2 truck S. A. G. [10]	18.50	18.00	17.00	16.90	16.00	14.50	12.50
Solid tires [11]	36.00	35.50	33.50	33.00	31.50	29.00	25.50

[1] *Pneumatic tire casings:* Shall consist of whole pneumatic tire casings and shall be free from bicycle tires, hard, oxidized, burnt, filled, strip, and non-pneumatic tires, and from leather and metal.

[2] *Mixed passenger tires:* This kind shall consist of pneumatic tire casings having six plies or less. A maximum of 10 percent may consist of roadworn tires.

[3] *Beadless passenger tires:* This kind shall consist of mixed passenger tires from which the beads have been removed but which conform otherwise to the specifications for mixed passenger tires.

[4] *Passenger dykes:* This kind shall consist of beadless passenger tires from which two or more layers of fabric have been removed.

[5] *Passenger S. A. G.:* This kind shall consist of pieces of mixed passenger tires from which the treads and beads have been removed, but may contain sidewall rubber or beads from which the wire has been removed.

[6] *Mixed truck tires:* This kind shall consist of pneumatic tire casings having seven plies or more. A maximum of 10 percent may consist of roadworn tires.

[7] *Beadless truck tires:* This kind shall consist of mixed truck tires from which the beads have been removed but which conform otherwise to the specifications for mixed truck tires.

[8] *Truck dykes:* This kind shall consist of beadless truck tires from which two or more layers of fabric have been removed.

[9] *No. 1 truck S. A. G.:* This kind shall consist of pieces of mixed truck tires from which the treads and beads have been removed, but may contain sidewall rubber or beads from which the wire has been removed.

[10] *No. 2 truck S. A. G.:* This kind shall consist of a mixture of passenger S. A. G. and No. 1 truck S. A. G.

[11] *Solid tires:* This kind shall consist of solid motor truck tires and shall be free from oxidized tires, metal, hard bases, fibre bases and cloth bases.

TABLE II

Kind of scrap rubber	Maximum prices at consuming centers	
	Akron, Ohio; Buffalo, N. Y.; East St. Louis, Ill.; Gadsden, Ala.; Memphis, Tenn.; Naugatuck, Conn.	Los Angeles, Calif.
	Dollars per short ton	*Dollars per short ton*
No. 1 passenger peelings [1]	$52.25	$44.00
No. 2 passenger peelings [2]	33.00	24.75
No. 3 passenger peelings [3]	30.25	22.00
No. 1 truck peelings [4]	52.25	41.25
No. 1A truck peelings [5]	55.00	42.60
No. 2 truck peelings [6]	33.00	24.75
No. 3 truck peelings [7]	30.25	22.00
No. 1 light colored (zinc) carcass [8]	57.75	44.00
No. 2 light colored carcass [9]	55.00	42.60
Gray carcass [10]	52.25	41.25

[1] *No. 1 passenger peelings:* This kind shall consist of treads stripped from Pneumatic Tire Casings having six plies or less. The material shall be free from fabric, metal, leather, and from hard, burnt or oxidized treads.

[2] *No. 2 passenger peelings.* This kind shall consist of treads stripped from Pneumatic Tire Casings having six plies or less. The material may contain cushion rubber, breaker fabric, and sidewalls, plus not more than one full ply of carcass fabric.

[3] *No. 3 passenger peelings (Hald Head Peelings):* This kind shall consist of No. 2 Passenger Peelings from which a part of the tread has been removed.

[4] *No. 1 truck peelings:* This kind shall consist of treads stripped from Pneumatic Tire Casings having seven plies or more. The material may contain cushion rubber but shall be free from fabric, metal, leather and from hard burnt or oxidized treads. This grade may contain not more than 10 percent of No. 1 Passenger Peelings.

[5] *No. 1A truck peelings:* This kind shall be the same as No. 1 Truck Peelings, except that it shall be free from cushion rubber.

[6] *No. 2 truck peelings:* This kind shall consist of treads stripped from Pneumatic Tire Casings having seven plies or more. The material may contain cushion rubber, breaker fabric, and sidewalls, plus not more than one full ply of carcass fabric.

[7] *No. 3 truck peelings (Hald Head Peelings):* This kind shall consist of No. 2 Truck Peelings from which a part of the tread has been removed.

[8] *No. 1 light colored (Zinc) carcass:* This kind shall consist of all white zinc carcass fabric and shall be free from black edges and from any other colored rubber.

[9] *No. 2 light colored carcass:* This kind shall consist of light colored carcass fabric such as white, pink, light gray, pure gum, and light brown carcass fabric, and shall be free from all dark colored rubber, from black edges and from black rubber.

[10] *Gray carcass:* This kind shall consist of colored carcass fabric too dark for delivery under No. 2 Light Colored Carcass, and shall be free from black edges and from black rubber.

	Cents per pound	Cents per pound
Passenger tubes: [11]		
No. 2 passenger tubes [12]	7¼	7¼
Light colored No. 2 passenger tubes [13]	8¼	7¾
Red passenger tubes [14]	7½	7
Black passenger tubes [15]	6¾	6¼
Mixed passenger tubes [16]	6½	6
Truck tubes: [17]		
No. 2 truck tubes [18]	7½	7
Red truck tubes [19]	7¼	6¾
Black truck tubes [20]	6½	6
Mixed truck tubes [21]	6¼	5¾
Two-toned black-gold tubes [22]	6¾	6¼
Two-toned red-black tubes [23]	6½	6
Miscellaneous inner tubes [24]	6	5½

[11] *Passenger tubes:* Shall consist of inner tubes for pneumatic tire casings having six plies or less, and shall be free from puncture-proof tubes, from crusty and oxidized tubes, and from metal and punchings. All passenger tubes, except Mixed Passenger Tubes, shall be free from metal valves. All Passenger Tubes, except Mixed Passenger Tubes and Black Passenger Tubes, shall be free from black rubber valve cots and from the bases of such valves.

[12] *No. 2 passenger tubes:* This kind shall consist of all Passenger Tubes except black, red, and Two-Toned Passenger Tubes.

[13] *Light colored No. 2 passenger tubes:* This kind shall consist of No. 2 Passenger Tubes specially selected as to color by agreement between the buyer and seller.

[14] *Red passenger tubes:* This kind shall consist of strictly red Passenger Tubes.

[15] *Black passenger tubes:* This kind shall consist of strictly black Passenger Tubes.

[16] *Mixed passenger tubes:* This kind shall consist of Passenger Tubes of various colors and qualities.

[17] *Truck tubes:* Shall consist of inner tubes for pneumatic tire casings having seven plies or more, and shall be free from puncture proof tubes, from crusty and oxidized tubes, and from metal and punchings. All Truck Tubes, except Mixed Truck Tubes, shall be free from metal valves. All Truck Tubes, except Mixed Truck Tubes and Black Truck Tubes, shall be free from black rubber valve cots and from the bases of such valves.

[18] *No. 2 truck tubes:* This kind shall consist of all Truck Tubes except Black, Red and Two-Toned Truck Tubes.

[19] *Red truck tubes:* This kind shall consist of strictly red Truck Tubes.

[20] *Black truck tubes:* This kind shall consist of strictly black Truck Tubes.

[21] *Mixed truck tubes:* This kind shall consist of Truck Tubes of various colors and qualities.

[22] *Two-toned black-gold tubes:* This kind shall consist of two-toned black and gold Passenger or Truck Tubes.

[23] *Two-toned red-black tubes:* This kind shall consist of two-toned red and black Passenger or Truck Tubes.

[24] *Miscellaneous inner tubes:* This kind shall consist of all kinds of inner tubes for pneumatic tires, not elsewhere listed in Table II, and miscellaneous lots of any kinds of unsorted inner tubes for pneumatic tires, and may or may not contain metal valve stems.

This amendment shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10463; Filed, June 29, 1943; 4:29 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 35]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.401 (d) is hereby revoked.

2. Section 1315.503 (c) is amended to read as follows:

(c) *Eligibility determined on basis of adjusted ration.* When the Board has adjusted the applicant's mileage requirements pursuant to paragraphs (a) and (b) of this section, it shall determine the applicant's eligibility for a tire or tube in the following manner, exclusive of any special ration:

(1) In the gasoline shortage area, as defined in § 1394.7551 (a) (44) of Ration

[1] 7 F.R. 9160, 9392, 9724, 10072, 10336, 8 F.R. 435, 606, 1585, 1628, 1629, 1839, 2030, 2348, 2152, 2670, 2595, 2600, 2719, 3071, 3314, 3521, 3702, 3837, 4179, 4628, 4769, 4849, 5483, 5477, 5565, 6735, 6736, 7198, 7488, 7660, 7670, 8275.

Order No. 5C, an applicant whose total rationed mileage is more than 90 miles per month but less than 241 miles per month may be issued a certificate for a Grade III tire. Any applicant whose total rationed mileage is less than 241 miles per month may be issued a certificate for a new tube.

(2) Outside the gasoline shortage area, as defined in § 1394.7551 (a) (44) of Ration Order No. 5C, an applicant whose total rationed mileage is 240 miles per month or less may be issued a certificate for a new tube, but may only be issued a certificate for a Grade III tire if any of the purposes for which his vehicle is used constitute occupational mileage, as defined in § 1394.7551 (a) (27) of Ration Order No. 5C, and if the Board would be entitled to allow him such occupational mileage under provisions of § 1394.7704 of Ration Order No. 5C.

(3) An applicant whose total allowed mileage is 241 miles per month or more may be issued a certificate for a Grade I or Grade III tire at the applicant's option, or for a new tube.

(4) An applicant operating fleet or official passenger automobiles, for which interchangeable gasoline ration books have been currently issued, may be issued a certificate for a Grade III tire or a new tube; if the applicant establishes that the particular vehicle will be operated for 241 miles per month or more, then a certificate for a Grade I tire may be issued.

3. Section 1315.503 (d) (4) is amended to read as follows:

(4) An applicant who is eligible under § 1315.503 (c) may be granted a certificate for a Grade III tire in any area where recapping facilities are unavailable or inadequate, upon turning in a recappable tire carcass.

4. Section 1315.503 (d) (5) is amended to read as follows:

(5) An applicant for a passenger automobile, which is not driven by gasoline as defined in § 1394.7551 (a) (12) of Ration Order No. 5C, or which has been issued a currently valid Non-highway ration in accordance with § 1394.7904 of Ration Order No. 5C, may be eligible only if the mileage driven in the vehicle and the purposes for which it is used are within § 1315.503 (c); such an applicant may be granted a certificate for a new tube and for the grade of tire provided for in § 1315.503 (c).

This amendment shall become effective July 1, 1943.

(Pub. Law No. 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10468; Filed, June 29, 1943; 4:35 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 36]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.505 (a) (14) is amended to read as follows:

(14) For transportation of the following kinds of property:

(i) Ice, fuel and milk.

(ii) Materials and equipment for necessary construction projects or for necessary mechanical, plumbing, electrical, heating, structural, or highway maintenance or repair.

(iii) Waste and scrap materials such as waste paper, scrap iron, scrap rubber, and similar commodities which may be used again in production.

(iv) Such other property, including foods and farm products, as is essential to the war effort or to the public health and safety.

(v) Newspapers.

Provided, however, That no certificate shall be issued for a tire, new tube or recapping service for a commercial motor vehicle, except to a common carrier which meets the requirements of § 1315.505 (a) (13), used: first, for transportation to the ultimate consumer of the property described in subdivisions (iv) and (v) for personal, family, or household use; second, for transportation to any person of alcoholic beverages, soft drinks and similar beverages, tobacco products, ice cream, confections, candy, flowers, toys, novelties, jewelry, furs, radios, phonographs, musical instruments, or any luxury goods; or third, for furnishing transportation for incidental maintenance service or for the purpose of installing or repairing any such effects, equipment, furniture or machines as are portable, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or other establishment; except as such transportation or deliveries can be made without diverting the vehicle from its normal route or schedule while engaged in transportation for any of the other purposes described in § 1315.505 (a).

2. A headnote to § 1315.507 is added to read as follows:

§ 1315.507 *Eligibility for emergency reserve of tires and tubes.*

3. A headnote to § 1315.513 is added to read as follows:

§ 1315.513 *Eligibility for allotment of rear-wheel tractor-type tires and tubes.*

4. A headnote to § 1315.602 (a) is added to read as follows:

(a) *Tires and tubes for consumers.*

5. A headnote to § 1315.802 (a) is added to read as follows:

(a) *Mounting or use generally.*

6. Section 1315.804 (c) (2) is amended by deleting the last sentence.

7. Section 1315.804 (d) (3) is amended by deleting the last sentence.

8. A headnote to § 1315.806 (o) is added to read as follows:

(o) *Repossession by dealer or manufacturer.*

9. A headnote to § 1315.1005 (e) is added to read as follows:

(e) *Records of temporary transfers of used tires.*

10. A headnote to § 1315.1005 (f) is added to read as follows:

(f) *Records of tires, tubes or camelback acquired by repossession.*

This amendment shall become effective July 6, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10462; Filed, June 29, 1943; 4:35 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 56]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1340.212 (b) (3) (i) (b) is added, to read as follows:

(b) Maximum Prices for Size Group 3 coals for railroad fuel use purchased by the Huntingdon and Broad Top Mountain Railroad and Coal Company and produced at mines in the Broad Top region of District No. 1 shall be $3.05 per net ton for coal produced in the Kelly seam and $3.20 per net ton for coal produced in the Barnett and Fulton seams.

This Amendment No. 56 to Maximum Price Regulation No. 120 shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10464; Filed, June 29, 1943; 4:32 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724, 10072, 10336; 8 F.R. 435, 606, 1585, 1628, 1629, 1839, 2152, 2080, 2348, 2600, 2670, 3071, 2595, 2719, 3314, 8521, 3702, 3837, 4179, 4682, 4769, 4849, 5483, 5477, 5565, 6735, 6736, 7198, 7488, 7660, 7670, 8275.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6281, 6265, 6272, 6472, 6325, 6524, 6744, 6898, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10591, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1629, 1679, 1747, 1971, 2023, 2030, 2273, 2284, 2501, 2497, 2713, 2873, 2920, 2921, 2997, 3216, 3855.

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 237,[1] Amdt. 5]

FIXED MARK-UP REGULATIONS FOR SALES OF CERTAIN FOOD PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 237 is amended in the following respects:

1. Subparagraph (19) of paragraph (c) of Appendix A is amended to read as follows:

(19) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready to eat types, including but not limited to, bran flakes, farina, popped rice, rolled oats, hominy grits and flakes. Excluded are barley, corn meal, rice and wheat bran flour, dry baby cereals and wheat germ.

2. Subparagraph (20) of paragraph (c) of Appendix A is amended to read as follows:

(20) "Fruits, berries, and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, fruit mixtures, cranberry sauce, fountain fruits, maraschino cherries, fruit nectars, pineapple, rhubarb, and bulk apple cider, processed or frozen, in any container, whether or not hermetically sealed. Excluded are apple butter, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, quick-frozen fruits, canned citrus fruits and juices, canned Cuban pineapple and canned Cuban pineapple juice.

This amendment shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10444; Filed, June 29, 1943; 4:25 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6120, 6424, 7384, 7661.

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 238,[1] Amdt. 5]

FIXED MARK-UP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 238 is amended in the following respects:

1. Subparagraph (19) of paragraph (c) of Appendix A is amended to read as follows:

(19) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready to eat types, including but not limited to, bran flakes, farina, popped rice, rolled oats, hominy grits and flakes. Excluded are barley, corn meal, rice and wheat bran flour, dry baby cereals and wheat germ.

2. Subparagraph (20) of paragraph (c) of Appendix A is amended to read as follows:

(20) "Fruits, berries, and fruit juices, canned or quick-frozen" includes, but is not limited to apple sauce, apple cider, berry juices, concentrated fruit juices, fruit mixtures, cranberry sauce, fountain fruits, maraschino cherries, fruit nectars, pineapple, rhubarb, and bulk apple cider, processed or frozen, in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, canned citrus fruits and juices, canned Cuban pineapple and canned Cuban pineapple juice.

This amendment shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10443; Filed, June 29, 1943; 4:25 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6125, 6424, 7661, 7766.

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Hotels and Rooming Houses, Amdt. 1]

Schedule A of Rent Regulation for Hotels and Rooming Houses (8 F.R. 7334) is amended in the following respects:

1. Item (52) relating to the Dover-Seaford Defense-Rental Area is hereby revoked to add the Counties of Kent and Sussex in this defense-rental area to the Delaware Defense-Rental Area.

2. Item (188) relating to the Bridgeton-Millville Defense-Rental Area is hereby revoked to add Cumberland County in this defense-rental area to the Southern New Jersey Defense-Rental Area.

3. Item (189) relating to the Cape May Defense-Rental Area is hereby revoked to add Cape May County in this defense-rental area to the Southern New Jersey Defense-Rental Area.

4. Item (26) relating to the Stuttgart Defense-Rental Area (to terminate the applicability of the Rent Regulation for Hotels and Rooming Houses to the Northern District of Prairie County consisting of the Townships of Des Arc, Bullard, Calhoun, Hickory Plain, Union, White River, and Upper Surrounded Hill) is amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(26) Stuttgart [1]	Arkansas	Arkansas County and the Southern District of Prairie County consisting of the Townships of Beleher, Center, Hazen, Lower Surrounded Hill, Roe Roe, Tyler, and Watensaw.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

[1] This regulation is applicable only to that portion of the Defense-Rental Area set forth in the third column of this Schedule A

5. Item (188a) relating to the Southern New Jersey Defense-Rental Area is added and item (53) relating to the Wilmington, Delaware, Defense-Rental Area (to eliminate Salem County from this defense-rental area to be included in the Southern New Jersey Defense-Rental Area, to add the Counties of Kent and Sussex to this defense-rental area, and to redesignate this defense-rental area as the Delaware Defense-Rental Area) and item (266) relating to the Philadelphia Defense-Rental Area (to eliminate the Counties of Burlington, Camden, and Gloucester from this defense-rental area to be included in the Southern New Jersey Defense-Rental Area) are amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(53) Delaware	Delaware	New Castle	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Delaware	Kent and Sussex	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(188a) Southern New Jersey.	New Jersey	Burlington, Camden, and Gloucester.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	New Jersey	Salem	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	New Jersey	Cape May and Cumberland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(266) Philadelphia	Pennsylvania	Bucks, Chester, Delaware, Montgomery, and Philadelphia.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942

This amendment shall become effective July 1, 1943. This amendment shall not release or extinguish any penalty, duty, or liability incurred under the Rent Regulation for Hotels and Rooming Houses.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10477; Filed, June 29, 1943; 4:28 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Housing, Amdt. 1]

Schedule A of Rent Regulation for Housing (8 F.R. 7322) is amended in the following respects:

1. Item (52) relating to the Dover-Seaford Defense-Rental Area is hereby revoked to add the Counties of Kent and Sussex in this defense-rental area to the Delaware Defense-Rental Area.

2. Item (188) relating to the Bridgeton-Millville Defense-Rental Area is hereby revoked to add Cumberland County in this defense-rental area to the Southern New Jersey Defense-Rental Area.

3. Item (189) relating to the Cape May Defense-Rental Area is hereby revoked to add Cape May County in this defense-rental area to the Southern New Jersey Defense-Rental Area.

4. Item (26) relating to the Stuttgart Defense-Rental Area (to terminate the applicability of the Rent Regulation for Housing to the Northern District of Prairie County consisting of the Townships of Des Arc, Bullard, Calhoun, Hickory Plain, Union, White River, and Upper Surrounded Hill) is amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(26) Stuttgart [1]	Arkansas	Arkansas County and the Southern District of Prairie County consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roe Roe, Tyler, and Watensaw.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

[1] This regulation is applicable only to that portion of the defense-rental area set forth in the third column of this Schedule A.

5. Item (188a) relating to the Southern New Jersey Defense-Rental Area is added and item (53) relating to the Wilmington, Delaware Defense-Rental Area (to eliminate Salem County from this Defense-Rental Area to be included in the Southern New Jersey Defense-Rental Area, to add the Counties of Kent and Sussex to this defense-rental area, and to redesignate this defense-rental area as the Delaware Defense-Rental Area) and item (266) relating to the Philadelphia Defense-Rental Area (to eliminate the Counties of Burlington, Camden, and Gloucester from this defense-rental area to be included in the Southern New Jersey Defense-Rental Area) are amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(53) Delaware	Delaware	New Castle	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Delaware	Kent and Sussex	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(188a) Southern New Jersey.	New Jersey	Burlington, Camden, and Gloucester.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	New Jersey	Salem	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	New Jersey	Cape May and Cumberland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(266) Philadelphia	Pennsylvania	Bucks, Chester, Delaware, Montgomery, and Philadelphia.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942

This amendment shall become effective July 1, 1943. This amendment shall not release or extinguish any penalty, duty, or liability incurred under the Rent Regulation for Housing.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10467; Filed, June 29, 1943; 4:27 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Housing, Amdt. 2]

Rent Regulation for Housing (8 F.R. 7322) is amended in the following respects:

1. Section 4 (j) is added to read as follows:

(j) *Changed on or after July 1, 1943, from unfurnished to furnished.* For housing accommodations changed on or after July 1, 1943 from unfurnished to fully furnished, the first rent for such accommodations after such change. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

Within 30 days after the accommodations are first rented fully furnished, the landlord shall register the accommodations as provided in Section 7. If the landlord fails to file a registration statement within the time specified, the rent received from the time of such first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). In such case, the order under section 5 (c) (1) shall be effective to decrease the maximum rent from the time of such first renting. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

2. Section 5 (c) (1) is amended to read as follows:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations under paragraph (c), (d), (e), (g), or (j) of section 4 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective July 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10449; Filed, June 29, 1943; 4:27 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,[1] Amdt. 14]

CERTAIN AREAS IN DELAWARE, PENNSYLVANIA, AND NEW JERSEY

Designation and Rent Declaration No. 25 is amended in the following respects:

1. The title is amended to read as follows: "Designation and Rent Declaration 25."

2. Item (129) relating to the Bridgeton-Millville Defense-Rental Area in the table in § 1388.1201 is hereby revoked to add Cumberland County in this defense-rental area to the Southern New Jersey Defense-Rental Area.

3. Item (36) relating to the Wilmington, Delaware Defense-Rental Area (to eliminate Salem County from this defense-rental area to be included in the Southern New Jersey Defense-Rental Area, to add the Counties of Kent and Sussex to this defense-rental area, and to redesignate this defense-rental area as the Delaware Defense-Rental Area) and item (182) relating to the Philadelphia Defense-Rental Area (to eliminate the Counties of Burlington, Camden, and Gloucester from this defense-rental area to be included in the Southern New Jersey Defense-Rental Area) in the table in § 1388.1201 are amended and item (264) relating to the Southern New Jersey Defense-Rental Area is added to the said table to read as follows:

(36) Delaware	Delaware	Counties of Kent, New Castle, and Sussex.
(182) Philadelphia	Pennsylvania	Counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia.
(264) Southern New Jersey	New Jersey	Counties of Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem.

This amendment shall become effective July 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10475; Filed, June 29, 1943; 4:28 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 27,[1] Amdt. 3]

CERTAIN AREAS IN DELAWARE AND NEW JERSEY

The table in § 1388.1301 of Designation and Rent Declaration No. 27 is amended in the following respects:

1. Item (2) relating to the Dover-Seaford Defense-Rental Area is hereby revoked to add the Counties of Kent and Sussex in this defense-rental area to the Delaware Defense-Rental Area.

2. Item (9) relating to the Cape May Defense-Rental Area is hereby revoked to add Cape May County in this defense-rental area to the Southern New Jersey Defense-Rental Area.

This amendment shall become effective July 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10476; Filed, June 29, 1943; 4:28 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Correction to Rent Regulation for Hotels and Rooming Houses]

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, the following correction of the Rent Regulation for Hotels and Rooming Houses (8 F.R. 7334) is hereby issued.

The reference in items (223) and (224) of Schedule A to "April 1, 1942" is deleted and replaced by a reference to "April 1, 1941."

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10465; Filed, June 29, 1943; 4:32 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Correction to Rent Regulation for Housing]

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, the following correction of the Rent Regulation for Housing (8 F.R. 7322) is hereby issued.

The reference in item (338) of Schedule A to "March 1, 1941" is deleted and replaced by a reference to "March 1, 1942."

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10466; Filed, June 29, 1943; 4:32 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 174,[1] Amdt. 3]

FREIGHT CAR MATERIALS SOLD BY CAR BUILDERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1390.58 is amended to read as follows:

§ 1390.58 *Effective date and termination date.* This Maximum Price Regulation No. 174 (§§ 1390.51 to 1390.58, inclusive), shall become effective July 2, 1942, and shall terminate on December 31, 1943.

This amendment shall become effective June 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10439; Filed, June 29, 1943; 4:24 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 56]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7551 (a) (17) is amended to read as follows:

(17) "Licensed distributor" means any person who transfers, receives or uses gasoline in such manner as to be required to account for the State motor fuel taxes imposed thereon directly to the motor fuel tax administration of a State. Such person is a licensed distributor only in that State to which he is required to account directly for motor fuel taxes. The term shall include all persons who are licensed or bonded by the State for this purpose and all facilities of a licensed distributor, as defined in § 1394.7551 (a) (56), except those persons who acquire gasoline solely for their own use and who have received permission to operate as consumers. Persons who acquire gasoline solely for their own use may apply to the Office of Price Administration, Washington, D. C., for permission to operate as consumers. Such application shall be in writing, in duplicate, and shall contain the applicant's name, business name and address, the nature of his operations, the state or states in which he is licensed and in which he desires to operate only as a consumer, and a statement that all gasoline acquired will be used by him. The Office of Price Administration may grant to such an applicant permission to operate as a consumer and may fix the date and conditions upon which such permission shall become effective.

2. Section 1394.7551 (a) (56) is added to read as follows:

(56) "Facilities of a licensed distributor" shall include all places of busi-

[1] 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228, 4779, 5738.

[1] 7 F.R. 4232; 8 F.R. 1228, 1748.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5061, 8739, 8948; 8 F.R. 155.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2720, 2780, 3096, 3201, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680.

ness from which gasoline is transferred to other persons and which are operated by, or receive gasoline only on consignment from a licensed distributor located in the same state, unless:

(i) Title to such gasoline passes from the licensed distributor before transfer from such facility; or

(ii) State motor fuel taxes are paid upon the physical delivery of gasoline to such facility.

3. Section 1394.8201 (c) is amended by deleting the figure "(17)" and substituting therefor the figure "(56)".

4. Section 1394.8206b (a) (6) is added to read as follows:

(6) Any emergency receipt (Form OPA R–555).

5. Section 1394.8217 (a) is amended to read as follows:

(a) Every dealer and intermediate distributor shall be accountable for all gasoline, ration credits, gasoline deposit certificates, coupons and other evidences received by him. Gasoline deposit certificates, coupons and other evidences received at or for a place of business shall be, at all times when the dealer or distributor is open to transact business, retained by him at the place of business for which they were received, or deposited in a ration bank account maintained for that place of business, until such time as they are surrendered to a dealer or distributor in exchange for gasoline, or otherwise surrendered pursuant to Ration Order No. 5C. The aggregate gallonage value of gasoline deposit certificates, coupons and other evidences on hand or on deposit for each place of business of a dealer or intermediate distributor, shall, at all times, be equal to, but not in excess of, the number of gallons of gasoline which would be required to fill the storage capacity of such place of business, as shown by the current certificate of registration, except for:

(1) Any shortage of such quantity of gasoline as the dealer or distributor may be able to account for by reason of evaporation, handling, contraction, accident, theft, absentee deliveries pursuant to § 1394.8209, deliveries made under the conditions enumerated in § 1394.8153 (c) (1) (i) and (ii) or other extraordinary circumstances;

(2) Any excess of such quantity of gasoline as the dealer or distributor may be able to account for by reason of expansion, deliveries made to him pursuant to § 1394.8209, or other extraordinary circumstances;

(3) Any shortage of ration credits, gasoline deposit certificates, coupons or other evidences for which the dealer or distributor may be able to account by reason of theft or unavoidable loss, or by a surrender of coupons or a ration check or other evidences pursuant to § 1394.8209 in advance of a transfer of gasoline, or by failure to receive all inventory coupons to which he was entitled at the time of registration, or other extraordinary circumstances;

(4) Any excess of ration credits, gasoline deposit certificates, coupons or other evidences for which the dealer or distributor may be able to account by delivery to consumers of less gasoline than the unit value of a coupon, in accordance with § 1394.8153 (a) (1), by absentee deliveries made to him, or by coupons, ration checks or other evidences surrendered to him in advance of transfers of gasoline, pursuant to § 1394.8209, or by other extraordinary circumstances.

6. Section 1394.8218 (d) is amended to read as follows:

(d) Every licensed distributor shall be accountable for all gasoline, gasoline deposit certificates, coupons and other evidences received by him. He shall at all times have in his possession or control, or on deposit in a ration bank account maintained by him, gasoline deposit certificates, ration credits, coupons and other evidences having an aggregate gallonage value which, when added to the gallonage represented by exchange certificates and ration checks which have been transmitted to the State motor fuel tax administration, shall be equal to, but not in excess of, the number of gallons of gasoline which he has transferred on or after December 1, 1942 (or, on or after July 22, 1942, in the limitation area) and for which the receipt by him of coupons or other evidences was required, except for:

(1) Any shortage of gasoline deposit certificates, ration credits, coupons or other evidences for which the distributor may be able to account by reason of theft, unavoidable loss, absentee transfers of gasoline pursuant to § 1394.8209 or transfers of gasoline made under the conditions enumerated in § 1394.8153 (c) (1) (i) and (ii), or coupons or other evidences which have been surrendered by him for transfers of gasoline made to him by consumers, dealers or intermediate distributors, or by other extraordinary circumstances;

(2) Any excess of ration credits, coupons or other evidences which may be accounted for by delivery to consumers of less gasoline than the unit value of a coupon in accordance with § 1394.8153 (a) (1); coupons or other evidences surrendered to him in advance of a transfer of gasoline to be made by him, ration credits, coupons or other evidences held by him for surrender to a person who has transferred gasoline to him pursuant to § 1394.8209, or other extraordinary circumstances.

This amendment shall become effective July 1, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10446; Filed, June 29, 1943; 4:26 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 57]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.8102 (a) is amended to read as follows:

(a) All Class A coupons and coupons in Basic Class D books shall expire at the end of the respective valid periods provided in § 1394.7652. Except as otherwise provided in § 1394.8103 (c) all transport rations whether represented by Class T coupons, bulk coupons, gasoline deposit certificates or credits in a ration bank account, shall expire at midnight of the last day of the calendar quarterly period for which they are issued except that transport rations issued for use prior to January 1, 1943, shall expire at midnight, March 31, 1943, and transport rations issued by a Board in the restricted area for use during the second calendar quarter of 1943 shall not expire in the Restricted Area until 12:01 A. M. July 26, 1943. Other rations shall expire as noted on the books or applications. Within five days after a ration expires for any of the reasons set out in this paragraph, the person to whom such ration was issued shall surrender to the issuing Board all unused coupons representing such ration, except that he shall surrender all unused coupons representing transport rations to the district office of the Office of Defense Transportation which has jurisdiction with respect to the certificate of war necessity for the vehicle for which the ration was issued. If the expired ration is evidenced by credits in a ration bank account the person to whom it was issued shall, within five days after expiration of the ration, issue a check for the net balance in such account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. A check issued for this purpose shall not be certified. If the expired ration is a transport ration the check shall be made payable to the Office of Defense Transportation and surrendered to the district office of the Office of Defense Transportation which has jurisdiction with respect to the certificate of war necessity. Otherwise the check shall be made payable to the Office of Price Administration and shall be surrendered to the issuing Board. Any check so surrendered shall be endorsed by the Board or office to which it was surrendered, and returned promptly to the bank on which it is drawn. The Office of Defense Transportation shall give the ration holder a receipt for all coupons or other evidences surrendered pursuant to this paragraph, and shall destroy all coupons so surrendered.

2. Section 1394.8206b (a) (2) is amended and §1394.8206b (a) (6) is added to read as follows:

§ 1394.8206b *Deposits.* (a) Every distributor shall deposit in his account all gasoline coupons or other evidences (including checks) received by him, except as provided in paragraph (c) hereof: *Provided,* That a distributor shall not deposit:

* * * * *

(2) Any Class A coupon before it has become valid or more than twenty (20) days after the date of expiration of such coupon, except that Class A book coupons numbered "3" may be deposited on or before March 20, 1943.

* * * * *

(6) After July 20, 1943, any Class T coupon printed on Form OPA R–532A or on Form OPA R–533A (coupons which do not bear the printed double letters "TT" on the face of each coupon) which he received as the result of a transfer of gasoline made by him or a dealer to a consumer outside of the restricted area. He shall not deposit after August 14, 1943, any such coupon which he acquired as the result of a transfer of gasoline made by him or a dealer to a consumer within the restricted area.

3. Section 1394.8206c (d) is amended to read as follows:

§ 1394.8206c *Issuance of checks.* A depositor may not issue a check except to the following persons:

* * * * *

(d) To his own account, for the purpose of transferring ration credits from one of his accounts as a licensed distributor to another of his accounts as a licensed distributor, or from one of his accounts as a bulk consumer to another of his accounts as a bulk consumer.

4. Section 1394.8215 (c) is amended to read as follows:

(c) Within ten days after the end of the valid period of Class A ration coupons, each dealer who has in his possession or control any Class A ration coupons which he received in exchange for a transfer of gasoline before the end of their valid period shall either surrender them to a distributor in exchange for a transfer of gasoline, or shall surrender them, summarized on Form OPA R–541, to the Board having jurisdiction over the area where his place of business is located. The Board shall issue to the dealer in exchange for such coupons inventory coupons equal in gallonage value to the coupons so surrendered. After ten days have elapsed after the end of the valid period no gasoline may be transferred to or accepted by a dealer in exchange for such coupons and no Board shall issue inventory coupons or other evidences to a dealer in exchange for such coupons. Within twenty days after the end of the valid period of Class A coupons, each distributor who has in his possession or control any Class A ration coupons which he received in exchange for a transfer of gasoline to a consumer before the end of their valid period or any Class A ration coupons which he received in exchange for a transfer of gasoline to a dealer before ten days have elapsed after the end of their valid period, shall deposit them in a ration bank account maintained by him. No Class A coupon shall be valid for any purpose after twenty days have elapsed after its expiration date. After December 15, 1942, Class S ration coupons are void and may not be used for any purpose.

5. Section 1394.8215 (n) is added to read as follows:

(n) Each dealer who has in his possession Class T coupons issued on Form OPA R–532A or Form OPA R–533A (coupons which do not have the printed double letters "TT" on the face of each coupon) which he acquired before July 1, 1943 in exchange for lawful transfers of gasoline made outside the restricted area, shall, before July 11, 1943, surrender such coupons to a distributor in exchange for a transfer of gasoline, or surrender them, summarized on Form OPA R–541, to the Board having jurisdiction over the area in which his place of business is located. Each dealer who has in his possession any such coupons which he acquired before July 26, 1943 in exchange for lawful transfers of gasoline made in the restricted area shall, before August 5, 1943, either surrender such coupons to a distributor in exchange for a transfer of gasoline, or surrender them, summarized on Form OPA R–541, to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to the dealer, in exchange for such coupons, inventory coupons equal in gallonage value to the coupons so surrendered.

6. Section 1394.8215 (o) is added to read as follows:

(o) After July 10, 1943, no distributor shall accept from any dealer any Class T coupons issued on Form OPA R–532A or Form OPA R–533A (Class T coupons which do not bear the printed double letters "TT" on the face of the coupons) which were received by the dealer in exchange for a transfer of gasoline made outside the restricted area after June 30, 1943, nor shall the distributor make any transfers of gasoline to a dealer in exchange for such coupons. After August 4, 1943, no distributor shall accept from any dealer any Class T coupons issued on Form OPA R–532A or R–533A which were received by the dealer in exchange for a transfer of gasoline made inside the restricted area after July 25, 1943, nor shall the distributor make any transfer in exchange for such coupons. Any such coupons which have been received by a distributor in exchange for a lawful transfer of gasoline on or before July 10, 1943, or August 4, 1943, as the case may be, shall be deposited by him in a ration bank account as provided in § 1394.8206b. After August 14, 1943, no such coupon shall be valid for any purpose.

This amendment shall become effective June 29, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10456; Filed, June 29, 1943; 4:35 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 127,[1] Amdt. 12]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 127 is amended in the following respects:

1. Section 1400.78 (l) is added as follows:

(l) Sales of better rayon fabrics by a converter whose total sales of finished piece goods and other fabrics during the years 1939, 1940, and 1941, or during such part of those years as he acted as a converter, consisted predominantly of better rayon fabrics.

"Better rayon fabrics" are finished piece goods which

(1) Are composed of 75% or more of rayon, and

(2) Are sold to dress manufacturers whose minimum price line for rayon dresses, at the time of the sale, is $16.75, or

(3) Are sold to retail outlets and,

(i) Are of the same construction and finish as fabrics sold to such dress manufacturers, or

(ii) Are plain dyed goods of a type which sold at a price of 85 cents or more per yard or printed goods of a type which sold at a price of one dollar or more per yard during 1942.

Any converter exempted by this paragraph (l), shall file his name and address with the Office of Price Administration, Washington D. C. and shall certify that he comes within the provisions of this exemption.

2. Section 1400.80 (b) is revoked.

NOTE: The reporting provision of this amendment has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective July 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10457; Filed, June 29, 1943; 4:29 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3057, 4851, 6181.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1262, 1366, 1318, 1388, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5268, 5267, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390.

PART 1405—FERRO ALLOYS

[MPR 407,[1] Amdt. 1]

FERROCHROMIUM AND CHROMIUM METAL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Maximum Price Regulation No. 407 is amended in the following respects:

1. In the table in section 1 (B) premiums of $.015 and $.0275 per pound are added for sales of chromium metal in carload lots for delivery in the Central and Western Zones, respectively.

2. A new section 6a is added as follows:

SEC. 6a. *Sales by independent warehousemen.* The maximum price at which an independent warehouseman may sell ferrochromium or chromium metal shall be the maximum price at which the quantity and grade sold by him could be sold by a producer for delivery to his warehouse, plus the following differentials or premiums:

500 lbs. and over—10% to price determined as above.
Less than 500 lbs., down to 100 lbs.—15% to price determined as above.
100 lbs. and less—20% to price determined as above.

The maximum price for independent warehousemen is f. o. b. warehouse with no allowance for freight.

For the purpose of this section "Independent warehouseman" means a private seller, other than a manufacturer of ferrochromium or chromium metal or a subsidiary or affiliate thereof, who renders the service of maintaining a stock of ferrochromium or chromium metal for the convenience of buyers who desire to purchase small quantities or to receive quick delivery.

This amendment shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10458; Filed, June 29, 1943; 4:30 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,[2] Amdt. 44]

COFFEE RATIONING REGULATION

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 12 is amended in the following respects:

1. Section 1407.1041 is amended to read as follows:

§ 1407.1041 *Transfer and acquisition of green coffee.* Any person, otherwise eligible to acquire green coffee, may acquire green coffee at any time and irrespective of his allowable inventory.

2. Section 1407.1091 is amended by adding two new items as follows:

Ration period	*Coffee stamp valid during ration period*
• • • • •	
July 1, 1943 to July 21, 1943, inclusive	Coffee Stamp No. 21
July 22, 1943 to August 11, 1943 inclusive	Coffee Stamp No. 22

This amendment shall become effective July 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. 3, 8 F.R. 2005)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10459; Filed, June 29, 1943; 4:36 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 40]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. The last two sentences of section 4.6 (c) (1) (ii) are amended to read as follows:

These points include all which he has on hand, all in his ration bank account (except those for which ration checks are outstanding), all which he already has given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not shipped, or points he owes for processed foods already shipped to him, are not included.

2. The last two sentences of section 5.8 (c) (1) (ii) are amended to read as follows:

These points include all which he has on hand, all in his ration bank account, if any (except those for which ration checks are outstanding), all which he has already given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not yet shipped, or points he owes for processed foods already shipped to him, are not included.

3. Section 9.5 (c) is amended to read as follows:

(c) *When points must be given up.* (1) The transferor must get the points from the transferee, and the transferee must give them up, at or before the time when the transfer is made. Exceptions to this rule are stated in the next two subparagraphs.

(2) If the transfer is made through shipment by railroad or any other public carrier, the transferor may arrange to have the carrier get the points for him from the transferee at the time of actual delivery, or to have the points obtained for him by anyone in exchange for the bill of lading or other document entitling its holder to take possession of the processed foods.

(3) The points may be given up later, but not more than ten days after the time when the transfer is made, if the conditions of this subparagraph are satisfied. A transferee may not accept the transfer in this case unless he has points on hand (excluding points not yet surrendered for processed foods bought or acquired) or in his ration bank account (excluding the amounts of ration checks issued which have not yet been cleared) equal to the point value of the processed foods transferred. The transferor must, at or before the time he transfers the processed foods to the transferee, prepare and keep a memorandum showing the name of the transferee, the date of transfer of the processed foods, a description of the items, and their point value. If the transferor does not get the points within the time required by this subparagraph, he must immediately notify the district (or State) office for the place where the transfer was made, of the default. As long as the transferee is in default, he must not acquire any processed foods and no transferor who has knowledge of the default may transfer such foods to him. (However, he may continue to acquire processed foods and transferors may continue to transfer such foods to him, pursuant to Article X.)

(4) Points which are mailed are considered given up when the envelope containing them is postmarked.

This amendment shall become effective July 6, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10440; Filed, June 29, 1943; 4:24 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Correction to Amdt. 38]

MEAT, FATS, FISH AND CHEESE

Section 15.3 (a) (4) is corrected by deleting the word "points" and inserting the word "pounds" in its place.

This correction shall become effective July 6, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10460; Filed, June 29, 1943; 4:35 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 41]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 10.5 (d) (3) is amended to read as follows:

(3) The points may be given up later, but not more than ten days after the time when the transfer is made, if the conditions of this subparagraph are satisfied. A transferee may not accept the transfer in this case unless he has points on hand (excluding points not yet surrendered for foods bought or acquired) or in his ration bank account (excluding the amounts of ration checks issued which have not yet been cleared) equal to the point value of the foods transferred. The transferor must, at or before the time he transfers the foods to the transferee, prepare and keep a memorandum showing the name of the transferee, the date of transfer of the foods, a description of the items, and their point value. If the transferor does not get the points within the time required by this subparagraph, he must immediately notify the district (or State) office for the place where the transfer was made, of the default. As long as the transferee is in default, he must not acquire any foods covered by this order, and no transferor who has knowledge of the default may transfer such foods to him. (However, he may continue to acquire foods covered by this order, and transferors may continue to transfer such foods to him, pursuant to Article XI.)

2. The second sentence of section 22.2 (b) is amended by deleting the word "at" and inserting the word "by" in its place.

This amendment shall become effective July 6, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5819, 5847, 6046, 6138.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562 and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10461; Filed, June 29, 1943; 4:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR,[1] Amdt. 56]

FILING MAXIMUM PRICES OF COST-OF-LIVING COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.13 (b) is amended to read as follows:

(b) On or before July 1, 1942, every person offering to sell cost-of-living commodities at retail shall file with the "appropriate war price and rationing board" of the Office of Price Administration a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it.

This amendment shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10471; Filed, June 29, 1943; 4:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, Amdt. 16]

AVIATION GASOLINE AND COMPONENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The first paragraph of section 2.5 (b) is amended to read as follows:

(b) Aviation gasoline and components, synthetic rubber and components, toluene manufactured from petroleum, and agricultural components used in the manufacture of furfural, as set forth below:

This amendment shall become effective July 6, 1943.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10470; Filed, June 29, 1943; 4:29 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 17]

SANFORIZING MACHINE BLANKETS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 is amended in the following respects:

1. Section 2.12 (a) (2) is amended to read as follows:

(2) "Waste materials" does not include used all-wool sanforizing machine blankets, used all-wool Palmer machine blankets, scrap burlap or scrap bagging or bale coverings composed of jute, hemp, istle, sisal or similar fibers, nor cotton mill waste (defined to mean all cotton waste produced in the process of converting raw cotton into yarn and yarn into cloth, except jute bagging removed from cotton bales and except any kind of scrap burlap or bagging), nor fat-bearing and oil-bearing animal waste materials.

2. Section 3.2 (b) (2) is amended to read as follows:

(2) Sales and deliveries of used all-wool sanforizing machine blankets, used all-wool Palmer machine blankets, scrap burlap, and scrap bagging or bale coverings composed of jute, hemp, istle, sisal or similar fibers.

This amendment shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10474; Filed, June 29, 1943; 4:31 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 27]

EXCEPTIONS FOR CHEMICAL PROCESSING OF CERTAIN RUGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.46 (b) (124) is added to read as follows:

§ 1499.46 *Exceptions for certain services.* • • •

(b) The provisions of the General Maximum Price Regulation shall not ap-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8075, 8550.

[2] 8 F.R. 3400, 3843, 4486, 4519, 4892, 4977, 5312, 5318, 5480, 5486 5818, 5846, 7198, 7267, 7344, 7380, 7601, 7767, 7825, 8679.

[1] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 5318, 5342, 5480, 5568, 5757, 5818, 5819, 5847, 6046, 6137, 6138, 6181.

[1] 8 F.R. 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7281, 7455, 7491, 7589, 8357, 8540, 8614.

ply to the rates, fees, charges, or compensation for the following services:

* * * * *

(124) Chemical processing of knotted oriental rugs for importers and wholesalers.

This amendment shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10448; Filed, June 29, 1943; 4:27 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 15[1] to GMPR,[2] Amdt. 7]

WOODEN CONTAINERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.75 (a) is amended by adding a new sub-paragraph (6) to read as follows:

(6) The Office of Price Administration may adjust the maximum price of any wooden material subject to the General Maximum Price Regulation which is to be used in a container made principally of wood which is subject also to the General Maximum Price Regulation, when the following conditions are met:

(i) The unit cost of producing the material is higher than the maximum price permitted by the General Maximum Price Regulation;

(ii) The appropriate divisions of the War Production Board have designated as essential both the particular container for which the material is to be used and the product to be packaged;

(iii) The buyer of the material has stated that he will not use the increased cost as the basis for asking an increase in the maximum price of his own product, or for resisting otherwise justifiable decreases in that maximum price.

This amendment shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10469; Filed, June 29, 1943; 4:31 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 15[1] to GMPR,[2] Amdt. 8]

WAGE INCREASES APPROVED BEFORE APRIL 8, 1943

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith.*

Supplementary Regulation 15 to the General Maximum Price Regulation is amended by the addition of the following subparagraph to § 1499.75 (a).

(7) *Special adjustment provision for certain wage increases approved before April 8, 1943.* An adjustment in the maximum price of any commodity subject to the General Maximum Price Regulation sold by any person may be made in any case in which the following conditions are met:

(i) A wage increase has been approved by the War Labor Board prior to April 8, 1943.

(ii) The increased labor cost resulting from the increase in wage rates cannot be absorbed by the petitioner out of profits.

(iii) The increase in the price will not be passed on by the purchaser of the commodity which the petitioner sells.

(iv) The increase in the adjusted maximum price will not exceed the increase in labor costs resulting from the increase in wage rates.

(v) The application for adjustment is received by the Office of Price Administration within 15 days after July 6, 1943.

This amendment shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10445; Filed, June 29, 1943; 4:26 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under SR 15 to GMPR]

UNDERWOOD VENEER COMPANY

Approval of maximum price under § 1499.75 (a) (6) of Supplementary Regulation 15 to the General Maximum Price Regulation, Order No. 1.

Underwood Veneer Company, Wausau, Wisconsin, has made application for adjustment of maximum prices on veneer to be sold to Verdi Bros. Cooperage Company, North Bergen, New Jersey. Due consideration has been given the application, and an opinion in support of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register. Under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is ordered:*

§ 1499.2001 *Approval of maximum price on rotary cut maple beer keg stave blank veneer.* (a) On and after the effective date of this order Underwood Veneer Company, Wausau, Wisconsin, may sell and deliver to Verdi Bros. Cooperage Company, North Bergen, New Jersey, and Verdi Bros. Cooperage Company, may buy and receive from Underwood Veneer Company rotary cut maple beer keg stave blank veneer at a price not to exceed $28.50 per M square feet, f. o. b. mill.

(b) This order may be amended or revoked by the Price Administrator at any time.

The effective date of this order shall be July 6, 1943.

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10472; Filed, June 29, 1943; 4:36 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 2 Under SR 15 to GMPR]

CHICAGO MILL AND LUMBER COMPANY

Approval of maximum price under § 1499.75 (a) (6) of Supplementary Regulation 15 to the General Maximum Price Regulation, Order No. 2.

Chicago Mill and Lumber Company, Chicago, Illinois, has made application for adjustment of maximum prices on veneer to be sold to Verdi Bros. Cooperage Company, North Bergen, New Jersey. Due consideration has been given the application and an opinion in support of this Order, issued simultaneously herewith, has been filed with the Division of the Federal Register. Under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, it is ordered:

§ 1499.2002 *Approval of maximum prices on beer keg stave blank veneer.* (a) On and after the effective date of this Order, Chicago Mill and Lumber Company, Chicago, Illinois, may sell and deliver to Verdi Bros. Cooperage Company, North Bergen, New Jersey, and Verdi Bros. Cooperage Co. may buy and receive from Chicago Mill and Lumber Company beer keg stave blank veneer at prices per thousand square feet, f. o. b. mill not to exceed the following:

5/32" Gum (Red)	$27.75
9/64" Gum (Red)	25.25
1/8" Oak	33.70

(b) This order may be amended or revoked by the Price Administrator at any time.

The effective date of this Order shall be July 6, 1943.

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10473; Filed, June 29, 1943; 4:31 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 30 Under § 1499.29 of GMPR]

DEFENSE SUPPLIES CORPORATION

For the reasons set forth in an opinion issue simultaneously herewith, *It is ordered:*

§ 1499.430 *Adjustment of maximum prices for sales of pine tar and pine tar oil to the Defense Supplies Corporation by certain manufacturers thereof and for sales of such pine tar and pine tar oil by Defense Supplies Corporation.*

(a) (1) Notwithstanding anything to the contrary contained in the General Maximum Price Regulation, the following named persons may sell to Defense Supplies Corporation and that Corporation may buy from such persons at prices no higher than those set forth opposite their names, pine tar and pine tar oil produced by such persons:

	Zones			
	A Price per gallon, delivered	B Price per gallon, delivered	C Price per gallon f. o. b. producer's plant	D Price per gallon, delivered
	Cents	*Cents*	*Cents*	*Cents*
Southern Pine Extract Co., Tallahassee, Fla.	26¾	24¾	21¾	28⅝
Liberty Pine Products Co., Allenhurst, Ga.	27	25	22.5	29⅜
Pine Tar Products Co., Fort Myers, Fla.	27	25	22.5	29⅜
Atlanta Pine Products, Kissimmee, Fla.	29	27	24.5	31⅜
Southern Pine Chemical Co., Fayettesville Plant, Fayettesville, N. C.	29	27	24.5	31⅜
Collins Plant, Collins, Ga.	29	27	24.5	31⅜
Gull Point Plant, Gull Point, Fla.	29	27	24.5	31⅜

Zone A shall consist of that part of the continental United States east of the eastern boundary of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas except the cities of Gadsden, Alabama; Memphis, Tennessee; and Natchez, Mississippi.

Zone B shall consist of the cities of Gadsden, Alabama; Memphis, Tennessee; and Natchez, Mississippi.

Zone C shall consist of that part of the continental United States west of the eastern boundary of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas except the cities of Los Angeles and San Francisco, California; and Seattle, Washington.

Zone D shall consist of the cities of Los Angeles and San Francisco, California; and Seattle, Washington.

(2) For all sales in drums or barrels the following differentials shall be added to the prices set forth in subparagraph (1):

Carload, drums	Add 5¾¢ per gal. (drums extra, returnable).
Less than carload, drums.	Add 7¼¢ per gal. (drums extra, returnable).
Carload, wood barrels.	Add 8¾¢ per gal. (barrel included).
Less than carload, wood barrels.	Add 10¼¢ per gal. (barrel included).

(b) Defense Supplies Corporation may sell and deliver, and any person may buy and receive pine tar and pine oil from that Corporation, which it has purchased pursuant to paragraph (a), at prices no higher than the prices paid by Defense Supplies Corporation for such pine tar or pine tar oil.

(c) Any of the above named persons who sells or delivers pine tar or pine tar oil to Defense Supplies Corporation pursuant to paragraph (a) must file with the Office of Price Administration in Washington, D. C., between October 1, 1943 and October 15, 1943, and between January 1, 1944 and January 15, 1944, a report for the three months' period prior thereto containing the following information:

A. Profit and loss statement for three month period before income taxes.
1. Net sales of pine tar and pine tar oil.
2. Net sales of charcoal.
3. Other sales.
4. Total cost of wood.
5. Total direct and indirect labor costs exclusive of delivered wood costs.
6. Factory overhead or burden.
7. Administrative and sales expense.
8. Other expense.

B. Total production of charcoal in pounds.

C. Total production of pine tar and pine tar oil in gallons.

D. Total wood consumption in cords.

E. Average cost of wood per cord delivered at plant.

(d) This Order No. 30 may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10441; Filed, June 29, 1943; 4:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 31 Under § 1499.29 of GMPR]

WILSON VENEER COMPANY

Wilson Veneer Company, Wilson, North Carolina, has made application for approval of maximum prices on rotary cut gum veneer under § 1499.29 (b) of the General Maximum Price Regulation and in accordance with Procedural Regulation No. 6. Due consideration has been given the application, and an opinion in support of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register. Under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is ordered:*

§ 1499.431 *Approval of maximum prices on rotary cut gum veneer.* (a) On and after the effective date of this order, Wilson Veneer Company may sell and deliver rotary cut gum veneer in lengths of 50 inches or longer pursuant to government contract or sub-contract at prices, f. o. b. mill, not to exceed the following:

	Per M sq. ft.
1/24"	$8.00
1/20"	9.00
1/18"	10.50
1/16"	11.50
1/14"	12.50
1/10"	17.00
1/8"	21.00
3/16"	30.00

(b) Any charges made for these products in excess of the prices contained in this order must be refunded to the purchasers.

(c) This order may be amended or revoked by the Price Administrator at any time.

The effective date of this order shall be March 8, 1943.

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10442; Filed, June 29, 1943; 4:25 p. m.]

PART 1429—POULTRY AND EGGS

[MPR 333,[1] Amdt. 9]

EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 333 is amended in the following respects:

1. Section 1429.70 (e) is amended to read as follows:

(e) *Maximum base prices in cents per pound for frozen whole eggs, frozen whites, frozen 45% yolks, frozen sugared or salted yolks, and frozen reconstituted eggs in the Cities of New York, Seattle, Los Angeles, San Francisco, San Diego, Phoenix, Tucson, and Portland, Oregon.*

TABLE E

Month	1944 Jan.	Feb.	Mar.	Apr.	May	1943 June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Whole frozen eggs and reconstituted eggs	34.3	33	31.3	31.6	31.7	32.0	32.3	32.7	33.0	33.3	33.7	34.0
Frozen whites	26.3	25	23.3	23.3	23.7	24.0	24.3	24.7	25.0	25.3	25.7	26.0
45% yolks	47.8	46.5	44.8	44.8	45.2	45.5	45.8	46.2	46.5	46.8	47.2	47.5
Sugared and salted yolks (10% sugar or salt)	42.5	41.2	39.5	39.5	39.9	40.2	40.5	40.9	41.2	41.5	41.9	42.2

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8959, 9819, 10584, 11006; 8 F.R. 1201, 6443, 8614.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2488, 3002, 3070, 3735.

32. Section 1429.70 (g) is amended to read as follows:

(g) *Maximum base prices in cents per pound for frozen whole eggs, frozen whites, frozen 45% yolks, frozen sugared or salted yolks, and frozen reconstituted eggs in Kansas City, Missouri and for use in pricing in "Eastern Area" (but not to be used as a "basing point city" for calculating prices in "Area 2".)*

TABLE F

Month	1944 Jan.	Feb.	Mar.	Apr.	May	1943 June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Whole frozen eggs and reconstituted eggs	32.9	31.6	29.9	29.9	30.3	30.6	30.9	31.3	31.6	31.9	32.3	32.6
Frozen whites	24.9	23.6	21.9	21.9	22.3	22.6	22.9	23.3	23.6	23.9	24.3	24.6
45% yolks	46.4	45.1	43.4	43.4	43.8	44.1	44.4	44.8	45.1	45.1	45.8	46.1
Sugared and salted yolks (10% sugar or salt)	41.1	39.8	38.1	38.1	38.5	38.8	39.1	39.5	39.8	40.1	40.5	40.8

3. Section 1429.70 (h) is amended to read as follows:

(h) *Maximum prices for variations of percentage of solids in yolks.* (1) For each 1 percent in excess of 45 percent in solids in yolks, not containing sugar or salt, the seller may add .85 cent per pound to the prices in Tables E and F above.

(2) For each 1 percent or fraction of 1 percent less than 45 percent in solids in yolks not containing sugar or salt, the seller shall deduct .85 cent per pound from the prices in Tables E and F above.

(3) For each 1 percent in excess of 43 percent in solids in yolks containing sugar or salt, the seller may add .75 cent per pound to the prices in Tables E and F above.

4. Section 1429.71 (b) is amended to read as follows:

(b) *Table G: Maximum permitted increases for sales of liquid and frozen egg products in less than carlot quantities.* Users whose total purchases f. o. b. and deliveries of all frozen and liquid egg products from all sellers for the calendar month immediately preceding the particular sale average a number of pounds weekly within a range of pounds indicated below may be charged in the particular sale the increase in cents per pound shown opposite thereto below.

Quantity sales	Maximum increase in cents per lb. above base price at warehousing point: F. O. B. warehouse	Delivered within 25 miles
Users whose weekly purchases average—		
3,001 to 20,000 lbs., inclusive	½	¾
1,501 to 3,000 lbs.	1	1¼
501 to 1,500 lbs.	2	2¼
500 lbs. or less	3	3¼

5. Section 1429.71 (c) is amended to read as follows:

(c) *Maximum charge for delivery of less than 200 pounds.* A maximum delivery charge of 50 cents shall be allowed for each delivery of less than 200 pounds of such frozen egg products.

6. The head-note of § 1429.74 is amended to read as follows:

§ 1429.74 *Maximum prices for dried whole eggs, dried egg yolks, flaked dried albumen, and spray dried or powdered albumen to any purchaser in quantities of more than 3,000 pounds.*

TABLE H

	1944 Jan.	Feb.	Mar.	Apr.	May	1943 June 1-15	June 16-30	July	Aug.	Sept.	Oct.	Nov.	Dec.
Dried yolks	1.17	1.10	1.03	1.03	1.03	1.03	1.03	1.05	1.07	1.09	1.11	1.13	1.15
Flaked dried albumen	1.92	1.85	1.78	1.78	1.78	1.78	1.78	1.80	1.82	1.84	1.86	1.88	1.90
Spray dried or powdered albumen	1.97	1.90	1.83	1.83	1.83	1.83	1.83	1.85	1.87	1.89	1.91	1.93	1.95
Dried whole eggs	1.36	1.165	1.13	1.13	1.13	1.13	1.15	1.18	1.21	1.24	1.27	1.30	1.33

7. Section 1429.74 (a) is amended to read as follows:

(a) *Maximum prices in the Cities of New York and Seattle.* The maximum prices for dried whole eggs, dried egg yolks, flaked dried albumen and spray dried or powdered albumen sold and delivered to any purchaser in quantities of more than 3,000 pounds at his customary receiving point shall be the prices per pound for each dried egg product set forth for the particular city in Table H of this section and for the month in which delivered.

8. Section 1429.74 (d) is amended to read as follows:

(d) *Maximum prices in cents per pound for dried whole eggs, dried egg yolks, and flaked dried albumen and spray dried or powdered albumen in the Cities of New York and Seattle.*

9. A new § 1429.74a is added to read as follows:

§ 1429.74a *Permitted increases in maximum prices for dried egg products for sales of quantities of 3,000 pounds or less sold and delivered to purchasers other than the United States or any agency thereof*—(a) *When delivered from a warehouse or the premises of a manufacturer.* Where any of the dried egg products named in § 1429.74 are sold and delivered from a warehouse or from the premises of a manufacturer in quantities of 3,000 pounds or less, there may be added to the maximum price for such product in more than 3,000 lb. quantities, provided by § 1429.74 hereof, the amount per pound set forth in Table I below.

In calculating such maximum price in more than 3,000 lb. quantities (to be used as the base for quantities of 3,000 pounds or less in the paragraph immediately above), the price from Table H in § 1429.74 for the month in which the delivery of the 3,000 pounds or less quantity is made shall be used.

(b) *Table I: Maximum permitted increases for sales of dried egg products in quantities of 3,000 pounds or less to purchasers other than the United States or any agency thereof.* Users other than the United States or any agency thereof whose total purchases and deliveries of all dried egg products from all sellers for the calendar month immediately preceding the particular sale average a number of pounds weekly within the range of pounds indicated below may be charged in the particular sale the increase in cents per pound shown opposite thereto below.

Quantity sales	Maximum increase in cents per lb. above base price at warehousing point: Dried whole eggs and dried egg yolks	Flaked dried albumen and spray dried or powdered albumen
Users whose weekly purchases average—		
1,001 to 3,000 lbs., inclusive	3	5
101 to 1,000 lbs.	6	8
100 lbs. or less	10	12

10. A new § 1429.76 (a) (1) is added to read as follows:

(1) If the complete container or package or any separate part of any container or package of an egg item is returned to the seller or delivered to another at the seller's request or direction, deduction shall be made from the maximum price of the egg item at the rate of the maximum price of the complete container or package or separate part so returned or delivered or, if no maximum price for the complete container, package, or separate part has been established, then deduction shall be made from the maximum price of the egg item at the rate of the current market price of the complete container, package, or separate part, and the reduced amount shall be the maximum price for the sale and delivery of the particular egg item.

This amendment shall be effective as of June 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10447; Filed, June 29, 1943; 4:26 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 33]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

REQUISITION BAREBOAT CHARTER

§ 302.60 *Requisition bareboat charter for combination cargo and passenger vessels.* Bareboat charters entered into by the United States of America, acting by and through the Administrator, War Shipping Administration, for combination cargo and passenger vessels consisting of two parts, designated, respectively, Part I and Part II, shall be as follows:

Form No. 110 Contract No. WSA—
6/11/43
WARSHIPDEMISE
(Passenger Form)

WAR SHIPPING ADMINISTRATION, REQUISITION BAREBOAT CHARTER FOR COMBINATION CARGO AND PASSENGER VESSELS

[PART I]

Requisition Bareboat Charter, dated as of 194--, between ---------- address ---------- owner of the SS MS ---------- (herein called the "Vessel"), and United States of America, Charterer:

Whereas, pursuant to section 902 of the Merchant Marine Act, 1936, as amended, and the President's Executive Orders Nos. 9054 and 9244, the Administrator, War Shipping Administration, has requisitioned the use of the Vessel.

Now, therefore, pursuant to said section 902, the Administrator, War Shipping Administration, hereby transmits to the Owner this Charter, consisting of Part I and Part II, setting forth the terms which, in the Administrator's judgment, should govern the relations between the Charterer and the Owner and a statement of the rate of hire which, in the Administrator's judgment, will be just compensation for the use of the Vessel under the terms of this Charter:

CLAUSE A. *Period of charter.* From the time of delivery to the time of expiration of the voyage current at the end of the emergency proclaimed by the President of the United States on May 27, 1941; provided, however, that either party may sooner terminate this Charter upon not less than thirty (30) days' written or telegraphic notice to the other. In either case the Vessel shall be redelivered as hereinafter provided.

CLAUSE B. *Trading limits.* As and where the Charterer may from time to time determine.

CLAUSE C. *Hire.* The Owner is hereby given an election either (I) to accept the rate of hire hereinafter set forth in Option I, which states the rate which in the Administrator's judgment will be just compensation for the use of the Vessel under the terms of this Charter; or (II) to reject such rate of hire and to have the amount of just compensation judicially determined. If the Owner elects Option I, hire at the rate therein stated shall be paid by the Charterer to the Owner in the manner provided in Part II. If the Owner does not accept the rate of hire set forth in Option I, but elects Option II, the right of the Owner to pursue whatever legal remedy it may have to recover just compensation under the laws and Constitution of the United States shall not be impaired or prejudiced either by the execution and delivery of this Charter, or by the acceptance of 75 per centum of the rate of hire set forth in Option I, and this Charter in any such event shall then be deemed an agreement governing only the relations between the Owner and the United States in respect to matters other than the amount of just compensation for the use of the Vessel under the terms of this Charter.

Option I. The rate of hire shall be $------ per day and pro rata for any portion thereof.

Option II. The Charterer shall pay to the Owner just compensation, to be judicially determined, for the use of the Vessel, and shall pay on account of just compensation a sum equal to 75 per centum of the rate of hire set forth in Option I above, as the same may from time to time be due under the terms of this Charter, and the Owner shall be entitled to sue the United States to recover such further sum as added to such 75 per centum will make up such amount as will be just compensation for the use of the Vessel under the terms of this Charter. The term "just compensation" as used in this Clause C and elsewhere in this Charter shall be deemed to include interest, if any, to which the Owner would be entitled under the laws and Constitution of the United States if the owner had rejected this Charter.

Time of election between options. The Owner shall elect between Option I and Option II on the execution of this Charter, unless a rate has not then been inserted in Option I. In the latter case, such election shall be made by the Owner in writing within thirty (30) days after receipt of written notice from the Charterer of the rate to be so inserted. In the event of the Owner's failure to elect Option I at the time of execution, or within such 30-day period, as the case may be, Option II shall apply: *Provided, however,* That at any time after election has been made of either Option I or Option II, but before redelivery and before commencement of suit for just compensation, the Owner may change such election to the other Option in such manner and under such conditions as the Charterer may determine.

Payment on account. Prior to initial election as between Option I and Option II above, the Charterer, upon application of the Owner, shall pay at least once in each month on account of hire $------ per day, and the Owner may accept such payments on account without prejudice to the rights of either party under this Charter or otherwise.

Rate revision (option I only). At any time after October 1, 1943, but not more often than once every 120 days, either party may request a redetermination of the rate of charter hire upon thirty (30) days' written or telegraphic notice to the other. If a revised rate is determined and agreed upon within such 30-day period, it shall become effective as of the date specified in the determination and shall continue for the balance of the period of this Charter, subject to further redetermination in accordance with the provisions of this paragraph. If a revised rate is not determined and agreed upon within such 30-day period, then the rate of hire in effect at the time of such notice shall apply only until noon (EWT) of the day after the end of such 30-day period, and the Charterer shall make a redetermination of the rate of hire as to which the provisions of Option II of this Clause C shall apply for the balance of the period of this Charter. A change in the rate of charter hire under this paragraph shall not terminate the period of or otherwise modify the provisions of this Charter, and any such change shall be without prejudice to the rights of either party to terminate this Charter as provided in Clause A, Part I.

CLAUSE D. *Total loss liability.* In the event of the actual or constructive total loss of the Vessel as provided in Part II of this Charter, the Charterer shall pay to the Owner a sum to be mutually agreed upon but failing such agreement, shall pay just compensation for the loss of the Vessel. In the latter event, the Owner may accept 75 per centum of the sum determined and tendered by the Charterer and shall be entitled to sue the United Staes to recover such further sum as added to such 75 per centum will make up such further amount as will be just compensation under the laws and Constitution of the United States.

CLAUSE E. *Port of delivery.*

CLAUSE F. *Time and date of delivery.*

CLAUSE G. *Port of redelivery.* Not less favorable to either party than the port of delivery, unless otherwise agreed: *Provided, however,* That at Owner's option, redelivery shall be made at the U. S. continental port where the Owner maintains its principal operating headquarters.

CLAUSE H. *Notice of redelivery.* Not less than twenty (20) days' written or telegraphic notice.

CLAUSE I. *Uniform terms.* This Charter consists of this Part I and Part II, conforming to the Requisition Bareboat Charter for Combination Cargo and Passenger Vessels, published in the FEDERAL REGISTER of ---------- 1943.

Unless in this Part I otherwise expressly provided, all of the provisions of said Part II shall be part of this Charter as though fully set forth herein.

CLAUSE J. *Prior charter or requisition.* Execution and delivery of this Charter by the Owner shall not impair any rights or obligations of either the Charterer or the Owner existing at the time of delivery of the Vessel under this Charter and in connection with the use or operation of the Vessel or any services relating thereto under any prior Charter or requisition of the Vessel or otherwise, but with respect to any rights or obligations in connection with the use or operation of the Vessel or any services relating thereto after delivery of the Vessel under this Charter, the terms of this Charter shall govern.

CLAUSE K. *Special provisions.*

In witness whereof, the Owner has executed this Charter in quadruplicate the ------ day of ---------- 19--, and has elected Hire Option ---------- (election to be deferred if rate not inserted in Part I), and the Charterer has executed this Charter in quadruplicate the ----- day of ----------, 19--.

By: ----------
As to execution for Owner:
Attest:
----
or if not incorporated
In the presence of:

Witness
and

Witness

UNITED STATES OF AMERICA,
By: E. S. LAND, *Administrator,*
War Shipping Administration.

By: ----------
For the Administrator

Approved as to form:

Assistant General Counsel

[PART II]

CLAUSE 1. The Vessel shall be delivered to the Charterer in the port of delivery at such safe place as the Charterer may designate. Unless otherwise noted on the delivery receipt or survey report mutually taken hereunder, and subject to the provisions of this Clause 1, the Charterer shall accept the Vessel in whatever condition she may be at the time of delivery thereof, without any agreement, representation of warranty, expressed or implied, by the Owner as to its physical condition, equipment, seaworthiness, or fitness for any purposes whatsoever. The Vessel, unless lost, shall be redelivered by the Charterer to the Owner after she has been restored by the Charterer to the same or equivalent condition as that in which accepted, subject to the provisions of Clause 7, ordinary wear and tear excepted.

If, at the time of delivery, the Vessel has outstanding classification requirements or has sustained unrepaired damage of an insurable nature, the cost of repairing such unrepaired damage or of satisfying the outstanding classification requirements shall be for the Owner's account and, if the Charterer is not reimbursed for such cost by the Owner, such cost shall be deducted by the Charterer from the charter hire due hereunder and, in either event, during the time required for such repairs, the Vessel shall be off-hire.

CLAUSE 2. Unless otherwise agreed, the Charterer may, at its expense and on its time, install any equipment, gear or armament and make any alterations or additions to the Vessel. Such equipment, gear or armament so installed are to be considered Charterer's property. The Charterer shall, before redelivery and at its expense and on its time, remove any equipment, gear and armament installed by or at the request of the Charterer and restore the Vessel to her condition prior to any installations, alterations, additions or changes made by or at the request of the Charterer, whether such installations, alterations, additions or changes were made under this Charter or prior to delivery under this Charter, except as may be otherwise provided in Clause 7, Part II.

CLAUSE 3. If the Owner elects Hire Option I, the Charterer (except as otherwise expressly provided in this Charter) shall pay hire for the use of the Vessel at the rate provided in Option I of Clause C of Part I of this Charter per day of twenty-four hours and pro rata for any part of a day, and if the Owner elects Hire Option II of Clause C of Part I or such Option II becomes otherwise applicable, the Charterer shall similarly make payments to the Owner per day or pro rata for any portion thereof on account of just compensation in accordance with Option II, in either case for the period beginning with the time of the Vessel's delivery under this Charter and continuing until the time of her redelivery under this Charter to the Owner at the port of redelivery, or if the Vessel shall be lost as an actual total loss, hire shall continue until the time of her loss, if known; or if the date of loss cannot be ascertained or if the Vessel is unreported, hire shall continue for one-half the calculated time necessary for the Vessel to proceed from her last known position to the next port of call, but not exceeding 14 days; or if the Vessel is a constructive total loss under the terms of this Charter, hire shall continue until noon (EWT) of the day of the last casualty resulting or causing or contributing to her loss, except as provided in Clause 18C, Part II. Such hire shall be due and payable on the first day of each calendar month for the preceding month or portion thereof.

CLAUSE 4. If, pursuant to any applicable laws of the United States or any agreements entered into pursuant thereto, the Owner is required because of the operation of the Vessel under this Charter to make any payment to the United States by way of reimbursement for construction differential subsidy or payment of additional interest, then the Charterer shall pay to the Owner as additional charter hire a sum equal to any amount so paid.

CLAUSE 5. The Charterer, at its own expense, shall maintain the Vessel in at least as good condition, working order and repair as said Vessel was in at the time of her delivery to the Charterer under this Charter ordinary wear and tear excepted: *Provided, however*, That repairs necessary to maintain the Vessel in the condition described above may be deferred but shall be accomplished prior to redelivery. The Charterer at its own expense shall drydock the Vessel and clean and paint her underwater parts when necessary and not less than once every eight months. The Charterer shall, if practicable, give the Owner notice of the time and place of drydocking fifteen (15) days in advance thereof and afford the Owner the opportunity to inspect the Vessel while drydocked.

CLAUSE 6. The Vessel shall be drydocked and surveyed jointly by representatives of the Charterer and the Owner before delivery at the expense of the Charterer. Should the Charterer elect to waive drydocking or fail to drydock the Vessel before delivery, any damage to the Vessel's bottom found on redelivery shall be presumed, in the absence of proof to the contrary, to have occurred subsequent to the date of delivery, and all expenses in repairing such damages shall be for the account of the Charterer to the extent that the Owner is unable to recover as to the insured damage.

CLAUSE 7. Before redelivery the Vessel shall be surveyed jointly by representatives of the Charterer and the Owner, or by a surveyor satisfactory to both the Charterer and the Owner, to determine the condition of the Vessel. If the survey is by such surveyor, the results of his survey shall be conclusive on both parties. Such survey shall include drydocking to determine the condition of the underwater parts, which drydocking shall be at the expense and on the time of the Charterer if drydocking for cleaning and painting bottom is due, or if underwater damage is found, or if there is evidence that since the last drydocking the Vessel has been involved in a grounding or underwater contact or a collision; otherwise such expense shall be paid by the Owner. Before redelivery, the Charterer, at its own expense, and on its time, shall restore the Vessel to at least as good condition and class as upon delivery, ordinary wear and tear excepted, and do all work and make all repairs necessary to satisfy any outstanding classification or steamboat inspection requirements necessary to place her in such condition and class, and perform all work required by Clause 2, Part II: *Provided, however*, That the Charterer shall not be required to make any Owner's repairs deferred upon delivery, or to satisfy any classification or steamboat inspection requirements for Owner's account outstanding at the time of delivery. For the purpose of Clause 5, Part II, and of this Clause 7, the condition upon delivery shall be deemed to include any repairs which were for the Charterer's account under any prior Charter or requisition but were still unexecuted on delivery under this Charter: *Provided, further*, That at the Charterer's option, redelivery of the Vessel to the Owner may be made prior to satisfying such requirements or prior to completion of such repairs or work, in which event the Charterer shall pay to the Owner the amount reasonably expended to place the Vessel in such class and condition, and to perform the work of restoration under Clause 2, Part II, and in addition thereto shall pay (a) an amount equal to the hire payable under this Charter for the use of the Vessel for the period of time necessary for such restoration work and repairs including any time lost awaiting available facilities; and (b) any such further amount necessarily expended by the Owner for insurance, wages and subsistence of the Master, officers and crew, and other Vessel expenses incurred during such period of time for restoration work and repairs, the Owner at all times to use due diligence, dispatch and economy: *Provided, further, however*, That if the Charterer and the Owner agree, the Charterer's obligation under this Clause 7 and under Clause 2, Part II, may be discharged by a lump sum payment to the Owner at the time of redelivery of the Vessel to the Owner, or other mutually satisfactory agreement. "Ordinary wear and tear," wherever used in this Charter, shall mean only such ordinary wear and tear to which the Vessel would be subject in normal commercial trading as a commercial passenger liner: *Provided, however*, That if correction of such wear and tear is required by the Vessel's classification society or by local inspectors, such wear and tear shall not be deemed to be "ordinary wear and tear".

CLAUSE 8. A complete inventory of the Vessel's entire outfit, equipment, hotel equipment, furniture, furnishings, appliances, spare and replacement parts and of all consumable stores, fuel oil and fresh water on board as of the time of the Vessel's delivery shall be jointly taken by representatives of the Charterer and the Owner, and mutually agreed upon by them as to items and as to price with respect to all consumable stores, fuel oil and fresh water, but if it is impracticable to make such inventory, then the Charterer will accept the Owner's inventory or reasonable estimates as to items and as to reasonable prices where pricing is required at the time of delivery, or as soon thereafter as may be possible, and a similar inventory shall be so jointly taken and mutually agreed upon immediately after redelivery but, if practicable, before redelivery.

CLAUSE 9. The Charterer shall accept and pay for all unbroached consumable stores and fuel oil on board at the time of delivery, and the Owner shall accept and pay for all unbroached consumable stores and fuel oil on board on redelivery at the current market prices at the ports of delivery and of redelivery, respectively, on the respective dates of the delivery and redelivery thereof; *Provided, however*, That the Owner shall not be required to accept and pay for such unbroached consumable stores and fuel in excess of the Vessel's normal peacetime requirements. "Consumable stores" within the meaning of this paragraph are all consumable and subsistence stores (but not radio supplies, expendable equipment, scrap and junk) listed in United States Maritime Commission Voyage Stores Reports, Forms 7915A, 7916A, 7918A and 7919A (Revised Forms 1939).

CLAUSE 10. The Charterer shall have the use of all outfit, equipment, hotel equipment, furniture, furnishings, appliances, spare and replacement parts on board the Vessel from the time of delivery under this or any previous Charter without extra cost and the same or their substantial equivalent shall be returned to the Owner on redelivery in the same good order and condition as when received, any such items lost, destroyed, damaged, or so worn in service as to be unfit for use in the Owner's regular passenger service, to be replaced or made good by the Charterer in kind before redelivery or in value at the time of redelivery. The Charterer shall also have the benefit of all apparatus and appliances and spare replacement parts on shore, at prices to be mutually agreed upon, and the Owner shall furnish the Charterer forthwith a list of such parts and equipment.

CLAUSE 11. The Owner may, and upon demand of the Charterer shall, prior to the first departure of the Vessel from its port of delivery under this or any prior Charter, and thereafter at any reasonable time, remove such equipment on board as is not required for the intended employment of the Vessel, but the Charterer shall reimburse the Owner for the expense of such removal, of the transportation and storage of and insurance on the removed equipment during the term of this Charter, unless sooner removed from storage, and of replacing or reinstalling such equipment on the Vessel at the termination of this Charter. If such property is stored on the premises of the Owner of any subsidiary or affiliate or holding company, then the amount allowed for such storage will be that determined to be fair and reasonable by the Charterer, but in no event more than the cost of storage in comparable facilities or in a public warehouse, whichever is the lesser. However, the Charterer, at its option, may purchase such equipment at any time during the currency of this Charter at its fair and reasonable value if such storage charges exceed such value.

CLAUSE 12. During the period hereof, the Charterer shall at its own expense, or by its own procurement, man, victual, navigate, operate, supply, fuel, and repair the Vessel and pay all charges and expenses of every kind and nature whatsoever incident thereto, it being understood that the Owner retains no control, possession or command whatsoever during the period of the Charter, but that the Charterer shall have exclusive possession, control and command of said Vessel during the period of this Charter.

CLAUSE 13. A. Beginning with the delivery of the Vessel under this Charter and continuing until her redelivery, the Charterer, directly and also as insurer, assumes the risks of and hereby insures the Owner against loss of or damage to the Vessel, the loss, if any, being payable to the person entitled thereto, and assumes and insures the Owner against liabilities arising out of or in connection with the use of the Vessel by the Charterer.

The Charterer assumes and insures the Owner against war, marine and all other risks or liabilities of whatsoever nature or kind, including, without limitation, all liabilities for breach of statute or contract, or for loss of or damage to property including cargo and other vessels, or for personal injuries or death of any persons whatsoever, and in addition, the Charterer shall indemnify and save harmless the Owner and the Vessel against and from any and all loss, liability, damage, and expense (including costs of court and reasonable attorneys' fees) on account of such risks or liabilities arising out of any matter occurring during the currency of this Charter. The Charterer having assumed and insured the Owner against all risks of loss of or damage to the Vessel, then in the event of total or constructive total loss of the Vessel the Charterer shall pay to the person entitled thereto the agreed valuation of the Vessel, but if no valuation of the vessel has been agreed to, the Charterer shall pay just compensation for such loss to the extent the person entitled thereto is not otherwise reimbursed through policies of insurance. The amount of the just compensation shall be determined by the Administrator and paid by the Charterer as soon as practicable after the loss but if the amount of just compensation so determined is unsatisfactory to the person entitled thereto, the Charterer shall pay to such person 75 per centum of the amount so determined, and such person shall be entitled to sue the United States to recover such further sum as, added to said 75 per centum, will make up such amount as will be just compensation for the Vessel. The Charterer shall not, however, by reason of the operation of this Clause, be liable for any damage of an insurable nature incurred prior to delivery under this Charter, or under any prior charter with the Charterer.

B. In addition to the insurances provided by the Charterer pursuant to this Clause 13, the Owner shall have the privilege of procuring, at its own expense, and for its own account, insurance upon anticipated charter hire in such amounts and subject to such terms and conditions as may now or hereafter be permitted by General Order of the Charterer.

CLAUSE 14. A. (1) The Owner shall and does hereby waive all claims for general average, salvage, collision or demurrage against any vessel owned by the United States, or under charter to the United States on terms which would make the United States liable for such claims.

(2) The Owner shall and does hereby waive all claims for general average, salvage, collision or demurrage against any other vessel owned by or under charter to any Government, and against any cargo carried on any such vessel or on any vessel described in subparagraph (1) above, to the extent such waiver may be required by the Charterer in any specific case or cases in order to give effect to any agreement for mutual or reciprocal waiver of claims entered into by the United States on behalf of vessels owned by or under charter to it.

(3) The waivers provided in this paragraph A shall not relieve the Charterer of any liability it may have to the Owner solely as insurer of the Vessel;

B. The Owner shall and does hereby waive any claim against any ship repairer, based on negligence or otherwise, arising out of repair or custody of the Vessel during the period of this Charter, to the extent that such claim, if not waived, would ultimately be borne by the United States under contract or insurance arrangement between the United States and the repairer: *Provided, however*, That such waiver shall not preclude recovery by the Owner against the repairer for amounts less than the customary contractual limit of $300,000 on the repairer's liability, nor for any claim by the Owner for proper replacement of defective workmanship or material in connection with any repairs which are for the Owner's account under the terms of this Charter. The Owner shall and does hereby also waive any claim against any stevedore to the extent that such claim, if not waived, would ultimately be borne by the United States under contract or insurance arrangement between the United States and the stevedore.

C. The Charterer shall indemnify and hold the Owner harmless for and against any loss or damage suffered by the Owner for which claim is waived under the provisions of paragraphs A or B of this Clause 14 and which is not recovered by the Owner under any other provisions of this Charter: *Provided, however*, That if a valuation of the Vessel has been agreed to this indemnity shall not entitle the Owner to recover for loss of or damage to the Vessel an aggregate sum in excess of the agreed valuation: *And provided further*, That this indemnity shall not entitle the Owner to recover for any period of detention or loss of use of the Vessel an aggregate sum in excess of the amount which would be payable to the Owner under the other terms of this Charter for such period.

CLAUSE 15. A. The Owner shall forever indemnify, hold harmless and defend the Charterer against any liens, claims, demands, or liabilities of whatsoever nature by whomsoever asserted (including costs and reasonable attorneys' fees paid or incurred in defending such lien, claim or demand, whether or not it shall be found to be valid, and also including reasonable compensation for loss of use resulting therefrom) upon the Vessel at the time of her delivery under this Charter, or arising out of the use or operation of the Vessel prior to her delivery under this Charter, unless the amount thereof is properly chargeable to the Charterer by reason of any preexisting charter of the Vessel or requisition of her by the Charterer. The Charterer shall forever indemnify, hold harmless and defend the Owner against any liens of whatsoever nature by whomsoever asserted and against any claim of lien (including costs and reasonable attorneys' fees paid or incurred in defending any such claim, whether or not the claim be found to be valid and also including reasonable compensation for loss of use resulting therefrom), whenever and by whomsoever asserted, upon the Vessel at the time of her redelivery under this Charter, and for which the Owner is not responsible as aforesaid. The Charterer shall also indemnify, hold harmless and defend the Owner and the Vessel against any claims, demands, or liabilities against them or either of them (including costs and reasonable attorneys' fees in defending such claim or demand, whether or not the claim or demand be found to be valid, and also including reasonable compensation for loss of use resulting therefrom) arising out of the use or operation of the Vessel by the Charterer or any subcharterer or out of any act or neglect of the Charterer or any subcharterer in relation to the Vessel, or out of any obligation or liability incurred by the Charterer or any subcharterer. Each party shall give to the other prompt notice of the assertion of any such lien, claim, demand or liability.

B. If after redelivery the Vessel is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, or operation of the Vessel by the Charterer, or any subcharterer, the Charterer undertakes to use its best efforts to cause the release of the Vessel under the Suits in Admiralty Act or any other special remedy available to the Charterer.

CLAUSE 16. This Charter shall be subject to all applicable valid laws and government rules and regulations (including Executive Orders) and the terms of any governmental preferred mortgage on the Vessel, and the Charterer shall indemnify the Vessel and the Owner against any loss, claim, liability, damage or expense on account of the violation by the Charterer of any such law, rule, or regulation.

CLAUSE 17. The Charterer shall at all times have the right to subcharter the Vessel in accordance with Section 902 (e) of the Merchant Marine Act of 1936, as amended, or any other applicable law or Executive order, without prejudice to this Charter, but the Charterer shall always remain responsible for the due fulfillment of this Charter in all its terms and conditions.

CLAUSE 18. A. In case of serious damage or injury to the Vessel during the period of this Charter, to the extent that the Charterer shall consider her to be a constructive total loss, the Charterer shall have the option of declaring her a constructive total loss by so notifying the Owner in writing as soon as practicable after the occurrence causing such damage or injury. In the event of such a declaration by the Charterer, the Charterer shall forthwith pay or cause to be paid to the Owner as though the Vessel were an actual total loss the amount to be determined in accordance with the provisions of Clause 13, Part II. Against such payment the Owner will give the Charterer such releases and instruments granting the Vessel or the property of her remaining as the Charterer may require.

B. If the Charterer delays declaring the Vessel a constructive total loss beyond six months after hire terminated under Clause 3, Part II, the Charterer shall pay hire for such period in excess of six months.

C. The Owner shall be entitled to receive additional hire equal to 3½ per centum per annum of the just compensation value of the Vessel, or the agreed value, as the case may be, for the period between the date of the

last casualty resulting in or causing or contributing to the loss of the Vessel and the date of declaration of a constructive total loss under this Clause 18, but in no event, however, shall the Owner be entitled to receive such additional amount for any period during which hire is payable.

CLAUSE 19. A. If immediately prior to delivery under this Charter the Vessel shall have been under charter pursuant to requisition or otherwise to the Charterer, then the term of this Charter shall commence coincidentally with the termination of the prior charter and there shall not be an interval between the two.

B. The Charterer shall reimburse the Owner for its actual out-of-pocket expenses, including all taxes with respect thereto, for which the Owner is responsible by reason of the Ship's Articles or collective bargaining agreements with the crew, for transportation, wages and subsistence, or payments in lieu thereof, incurred in returning the officers and crew to the port, place or area of signing off named in or contemplated by the terms of the Articles, if such expenses are incurred by reason of delivery of the Vessel under this Charter, pursuant to orders or directions of the Charterer, at a port, place or area other than that named in or contemplated by the Articles for termination of the voyage during which delivery of the Vessel is made.

CLAUSE 20. Unless otherwise provided in this Charter or mutually agreed upon, all payments, notices and communications from the Charterer to the Owner, pursuant to the terms of or in connection with this Charter shall be made or addressed to the Owner at the address provided in Part I and all payments, notices and communications from the Owner to the Charterer, pursuant to the terms of or in connection with this Charter, shall be made or addressed to the Charterer at its offices in Washington, District of Columbia.

CLAUSE 21. No member of or delegate to Congress or Resident Commissioner is or shall be admitted to any share or part of this Charter, or to any benefit that may arise therefrom, except to the extent allowed by Title 18 U. S. Code, Section 206. The Owner agrees not to employ any member of or delegate to Congress or Resident Commissioner, either with or without compensation, as an attorney, agent, officer or director.

CLAUSE 22. The Owner warrants that it has not employed any person to solicit or secure this Charter upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Charterer the right to annul this Charter or, in its discretion, to deduct from any sums payable under this Charter the amount of such commission, percentage, brokerage or contingent fees. This warranty shall not apply to commissions payable by the Owner upon agreements or sales secured or made through bona fide established commercial or selling agencies maintained by the Owner for the purpose of securing business.

CLAUSE 23. A. In the event that this form of bareboat charter is modified by the Charterer at any time prior to October 1, 1943, the Owner shall, at its option, have the benefit of any such modifications, subject to the assumption by the Owner, at the request of the Charterer, of any obligations imposed in conjunction with such modifications. Said option shall be exercised within such reasonable time as the Charterer may prescribe, and, upon such exercise, the modification shall become effective as of the date of this Charter. In the event of non-exercise by the Owner of said option, this Charter shall remain in full force and effect in accordance with its original terms.

B. This Charter may be amended, modified or terminated at any time by mutual agreement between the parties hereto.

CLAUSE 24 This Charter consists of this Part II and Part I which incorporates this Part II therein by reference. In the event of conflict between the provisions of this Part II and those of Part I, the provisions of Part I shall govern to the extent of such conflict.

(E.O. 9054; 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

JUNE 29, 1943.

[F. R. Doc. 43-10438; Filed, June 29, 1943; 4:10 p. m.]

[Directive 5, Revision 2]

PART 321—DIRECTIVES

FORWARDING AND TRANSPORTATION OF WATERBORNE FOREIGN COMMERCE

To all persons (including departments, agencies and officers of the United States) engaged in the procurement, transportation or forwarding of Lend-Lease cargo, or cargo procured, transported or forwarded for the government of any country whose defense has been deemed by the President to be vital to the defense of the United States pursuant to the Act of March 11, 1941 (which government is hereinafter referred to as a Lend-Lease government); and to all departments, agencies, officers, governmental corporations and other instrumentalities of the United States engaged in or concerned with the procurement, transportation or forwarding of cargo for delivery overseas.

By virtue of the authority vested in the President by the act of March 11, 1941 (Public Law 11, 77th Congress), and delegated to the Lend-Lease Administrator pursuant to Executive Order 8926, dated October 28, 1941 as amended; and by virtue of the authority vested in the Administrator, War Shipping Administration by the Act of March 14, 1942 (Public Law 498, 77th Congress), and by Executive Order 9054, dated February 7, 1942, as amended, it is hereby directed:

Section 321.5, Directive 5, as revised (8 F.R. 3739, 3860), is revised to read:

§ 321.5 *Directive with respect to forwarding and transportation of waterborne foreign commerce of the United States issued jointly by the Lend-Lease Administrator and the Administrator, War Shipping Administration.* (a) Pursuant to Directive No. 1 of the Lend-Lease Administrator, dated November 11, 1942 (7 F.R. 9359) and to Directive No. 4 of the Administrator, War Shipping Administration revised January 26, 1943 (8 F.R. 1321) the ocean bill of lading issued by any vessel (without regard to the nationality of the vessel) for the ocean carriage of any cargo included within the scope of the aforesaid directives, and required by the Administrator to be consigned to him, shall be in the following form:

The terms of this Bill of Lading are also stated on the reverse side hereof

Lend-Lease 2
7-1-43

STRAIGHT BILL OF LADING
Not negotiable—(Short form)

U. S. Export
Declaration No. -------- B/L No. --------
Delivering Carrier in the U. S. ----------
(Port of Loading)
Car ---------- F. A. S. No. ---------- ( )
ship { M. S. / S. S. ---------- Voy --------
Loading Pier ----------
Shipper *War Shipping Administrator*, on behalf of ----------
U. S. Procurement Agency or Lend-Lease Govt. Agency if procured direct
Port of Discharge from Ship ----------
Consignee and address ----------

Final Destination (If goods are to be transshipped at port of discharge)

PARTICULARS FURNISHED BY THE SHIPPER

Marks and numbers	U. S. Commodity Code No.	Statement of net quantity	Number and kind of packages, description of merchandise	Gross weight

Warning. Disclosure of the contents of this bill of lading to *any unauthorized person* may involve offense against the *Espionage Act* of the United States (50 U. S. C., 31 and 32, as amended), or against the *Official Secrets Act*, 1911 and 1920, or the *Defense (General) Regulations*, of the United Kingdom.

Requisition or Certificate No.

---------- Dated ( ) ----------

Name of Company designated to be inserted here

---------- @ ------ per 2240 lbs. $-----
---------- @ ------ per 100 lbs. $-----
---- Ft. ---- in. @ ------ per 40 cu. ft. $-----
---- Ft. ---- in. @ ------ per cu. ft. $-----
---------- $-----
---------- ---------- Total $-----

In witness whereof, the Master of the said ship has affirmed to ( ) bills of lading, all of this tenor and date, ONE of which being accomplished, the others to stand void.

FOR THE MASTER,

By: ----------
As Agent for the Master.

By: ----------

STRAIGHT BILL OF LADING

Not Negotiable—(Short Form)

Received for shipment from the shipper named on the reverse side hereof the goods, or packages, said to contain goods, described by the shipper on the reverse side hereof in apparent good order and condition unless otherwise indicated in this bill of lading, to be transported to the port of discharge and there to be delivered or transshipped on the terms herein stated. In every contingency whatsoever and even in case of deviation or of unseaworthiness of the ship at time of loading or at any subsequent time; the rights and obligations, whatsoever they may be, of each and every person having any interest or duty whatsoever in respect of the receipt, care, custody, carriage, delivery or transshipment of the goods whether as shipper, consignee, holder or endorsee of the bill of lading, receiver or owner of the goods, master of the ship, carrier, shipowner, demise charterer, time charterer, operator, agent, bailee, warehouseman, fowarder, or otherwise howsoever, shall be subject to and governed by the terms of the regular bill of lading of the company designated herein, which shall be deemed to be incorporated herein, including any amendments thereto or special provisions thereof which may be in effect at the time the goods are received for shipment and applicable to the intended voyage. Copies of such Bill of Lading may be obtained on application to the Agent or the Master at the port of shipment or port of discharge or to the Administrator, War Shipping Administration, Washington. This shipment shall have effect subject to the provisions of the Carriage of Goods by Sea Act of the United States, approved April 16, 1936, which shall be deemed to be incorporated herein and nothing herein contained shall be deemed a surrender by the carrier of any of its rights or immunities or an increase of any of its responsibilities or liabilities under said Act. The provisions stated in said Act shall (except as may be otherwise specifically provided in the bill of lading referred to above) govern before the goods are loaded on and after they are discharged from the ship and throughout the entire time the goods are in the custody of the carrier. Nothing herein contained, whether by express statement, reference, implication or otherwise, shall be deemed a surrender of any rights or immunities or an increase of any responsibilities or liabilities which the ship, her owner, charterer, operator, agent or master or any carrier, bailee, warehouseman or forwarder of the goods or the agent of any of them would have in the absence of this bill of lading. None of the terms of this bill of lading shall be deemed to have been waived by any person unless by express waiver signed by such person, or his duly authorized agent.

If the ship is not owned by or chartered by demise to the Company designated herein (as may be the case notwithstanding anything that appears to the contrary) this bill of lading shall take effect only as a contract with the owner or demise charterer, as the case may be, as principal, made through the agency of the Company designated herein which acts as agent only and shall be under no personal liability whatsoever in respect thereof.

In accepting this bill of lading, the shipper, consignee, pledgee, holder or endorsee of this bill of lading, receiver, owner of the goods and each of them agree that all freight engagements, dock receipts or other agreements whatsoever in respect of the shipment of the goods are superseded by this bill of lading, and agree to be bound by all its terms whether written, printed or stamped on the front or back thereof or incorporated by reference therein, any local customs or privileges to the contrary notwithstanding.

If requested, one signed bill of lading duly endorsed must be surrendered to the agent of the ship at the port of discharge in exchange for delivery order.

(over)

(b) The carrier, master of the vessel or agent of the vessel or of the carrier at the port of shipment shall note upon such number of original bills of lading as may be required by the War Shipping Administrator or his Agents, the name of the ship upon which the material was loaded, and the date when such loading was completed. Such notation shall be made prominently upon the face of the bill of lading by rubber stamp in the following form:

I certify that the goods herein described were loaded on board the vessel named herein at the port specified in this bill of lading.

---------- By ----------
(Date) (Master of vessel or his agent)

(c) Such bill of lading shall be of a size not smaller than 8 inches by 10 inches, and not larger than 10 inches by 16 inches, and shall be printed in type not smaller than 6 point.

(d) If preferable in the particular trade or service, the bill of lading prescribed by this directive may be printed entirely on one side, the reverse side remaining blank.

(e) The Administrator, War Shipping Administration, may approve such other forms of bills of lading or clauses as are appropriate in special circumstances.

(f) This directive as hereby revised shall become effective July 1, 1943.

Lend-Lease Administrator concurs in this revision.

E. S. LAND,
Administrator.

JUNE 29, 1943.

[F. R. Doc. 43-10484; Filed, June 30, 1943; 9:20 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 126, Amdt. 3]

PART 95—CAR SERVICE

REICING OF POTATOES IN REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of June, A. D. 1943.

It appearing, that weather conditions have enhanced the perishable characteristics of potatoes originating in the States of Florida, Georgia, and South Carolina, so that they require icing; that the acute shortage of ice in this territory precludes full icing privileges for such traffic, or any icing or reicing of such traffic originating in Delaware, Maryland, New Jersey, North Carolina, Tennessee, or Virginia when moving in refrigerator cars; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That § 95.308 is hereby amended to read as follows:

§ 95.308 *Refrigerator cars.* (a) (1) *Cars of potatoes originating in Delaware, Maryland, New Jersey, North Carolina, Tennessee, or Virginia not to be iced or reiced.* Notwithstanding the provisions of Service Order No. 123, as amended (§ 95.307 of this part, 8 F.R. 6481); effective 12:01 a. m. June 29, 1943, and until further order of the Commission, no common carrier by railroad subject to the Interstate Commerce Act shall ice or reice or permit to be iced or reiced a refrigerator car or cars loaded with potatoes originating at points in the States of Delaware, Maryland, New Jersey, North Carolina, Tennessee, or Virginia. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(2) *Cars of potatoes originating in Florida, Georgia, or South Carolina to be initially iced.* Effective 12:01 a. m. June 29, 1943, and until further order of the Commission, all common carriers by railroad may initially ice or permit to be initially iced a refrigerator car or cars loaded with potatoes originating in the States of Florida, Georgia, or South Carolina, but not in excess of 5,000 pounds of ice per car: *Provided, however*, That where a refrigerator car is equipped for half-stage icing, such ice, but not to exceed 5,000 pounds per car, shall be placed in the upper half of the bunkers with grates set for half-stage icing. This order shall not be construed to permit any reicing.

(b) *Charges to be assessed.* Charges to be assessed for icing prescribed in paragraph (a) (2) of this section shall be as now provided in Rule 240 of Agent Quinn's Perishable Protective Tariff, No. 12, I.C.C. No. 19, supplements thereto or reissues thereof.

(c) *Announcement of suspension.* Each of such railroads or its agent shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension and establishing the substitute provisions above set forth.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-10510; Filed, June 30, 1943; 11:16 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 21, Amdt. 8]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART M—CERTIFICATES OF WAR NECESSITY FOR AND CONTROL OF COMMERCIAL MOTOR VEHICLES

Pursuant to Executive Orders 8989 and 9156, paragraph (c) of § 501.93, General

Order ODT 21, as amended (7 F.R. 7100, 9006, 9437, 10025, 8 F.R. 551, 2510, 7357, 7880), is hereby amended to read as follows:

§ 501.93 *Issuance of certificate of war necessity.* * * *

(c) Such certificate, when issued in respect of a single commercial motor vehicle, shall at all times be carried on such vehicle. When such certificate is issued in respect of a fleet of commercial motor vehicles, a fleet unit certificate shall at all times be carried on each commercial motor vehicle covered by such fleet certificate: *Provided*, That the provisions of this paragraph (c) shall not apply in respect of any period of time during which such certificate, or such fleet unit certificate, as the case may be, is in the possession of the Office of Defense Transportation, or the Office of Price Administration, pursuant to a request or requirement made or established by either of such agencies.

This amendment shall become effective on June 30, 1943.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349)

Issued at Washington, D. C., this 30th day of June 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-10505; Filed, June 30, 1943; 11:05 a. m.]

[Administrative Order ODT 1, Amdt. 3]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY TO DIVISION OF MOTOR TRANSPORT

Pursuant to Executive Orders 8989 and 9156, § 503.2 of Administrative Order ODT 1 (8 F.R. 6001, 7285, 7620) is hereby amended by adding to paragraph (a) thereof a subparagraph numbered (20), reading as hereinafter set forth:

§ 503.2 *Division of Motor Transport.* (a) * * *

(20) To execute and issue, in his discretion, and subject to such terms and conditions as he may prescribe, and in the name of the Director of the Office of Defense Transportation, special permits as provided by § 501.348 of General Order ODT 37 (8 F.R. 5854) or as hereafter amended. The authority conferred by this subparagraph may be exercised by such Director through such members of the staff of the Division of Motor Transport as he may designate.

(E. O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349)

This Amendment 3 to Administrative Order ODT 1 shall become effective on June 29, 1943.

Issued at Washington, D. C., this 29th day of June 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-10504; Filed, June 30, 1943; 11:05 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1959]

DISTRICT BOARD 22

ORDER DENYING MOTION TO MODIFY TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 22 for the establishment of additional price classification and minimum prices for certain coals produced in Subdistricts 1 and 2 in District No. 22.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with the Division by the above-named party, requesting the establishment, both temporary and permanent, of a price classification and minimum prices for 3" x 1⅝" nut coal, to be designated as Size Group 6–A, produced by code members in Subdistricts 1 and 2 in District No. 22, for shipment by rail to destinations in certain specified market areas.

On April 30, 1943, a memorandum opinion and order granting temporary relief was issued in this matter wherein it was found that the original petition did not contain facts sufficient to warrant the temporary or permanent establishment of a new size group to be designated as Size Group 6–A, as requested by petitioner, without a hearing; that the minimum prices proposed by petitioner for the 3" x 1⅝" nut coal produced in Subdistrict 2 for shipment by rail did not appear to maintain a proper differential with respect to the minimum prices previously established for Size Group 7 coals produced in Subdistrict 2 for rail shipments. Accordingly, pending a hearing and the final disposition of the original petition in this matter, the temporary relief requested in the original petition was granted except that no new size group was established and the temporary minimum prices established for 3" x 1⅝" nut coals produced in Subdistrict 2 are lower than those proposed in the original petition.

On June 4, 1943, the Bituminous Coal Consumers' Counsel filed with the Division a Petition of Intervention and Motion to Modify Temporary Relief, contending that, while there is no objection to the establishment of the new size group as requested by the original petition, the preparation of the new nut size would result in the making of additional sizes not heretofore produced in Subdistricts 1 and 2 which would fall into size groups carrying minimum prices higher than are proper for such additional sizes and that any relief granted to the original petitioner should be accompanied by new classifications for such additional sizes; that it is discriminatory as among consumers to establish minimum prices for 3" x 1⅝" nut coal for shipment into certain market areas to the exclusion of other market areas; and that the minimum prices requested by the petitioner for shipments of this nut coal from Subdistrict 2 appear too high, and the minimum prices temporarily established by the Order entered on April 30, 1943, for shipments from Subdistrict 2 seem more properly to reflect the relative market value for such nut size coal. The Bituminous Coal Consumers' Counsel requests (a) that such adjustments in size groups and prices be made as may appear necessary to establish proper minimum prices for lump and egg coal with a bottom size of 3" and for slack and double-screened coal with a top size of 1⅝" produced in Subdistricts 1 and 2; (b) that all minimum prices established in this proceeding be made effective for shipment to all destinations; (c) that the temporary relief granted by the Order entered on April 30, 1943, be modified accordingly; and (d) that the minimum prices for the nut size, 3" x 1⅝", for shipments from Subdistrict 2, temporarily established by the Order entered on April 30, 1943, be made permanent rather than those requested by the petitioner.

It appears, therefore, that the Bituminous Coal Consumers' Counsel supports the temporary relief heretofore granted in this matter and in addition thereto, requests that such relief be broadened and that additional temporary relief be granted. With respect to the broadening of the existing temporary relief and the establishment of additional temporary relief, however, no showing of the necessity therefor is made.

Now, therefore, It is orderd, That the aforesaid motion of the Bituminous Coal Consumers' Counsel be, and the same hereby is, denied, without prejudice to the right of the Bituminous Coal Consumers counsel or any other party to this proceeding to renew the said motion upon the hearing in this matter.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on July 28, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, at the Billings Commercial Club, Billings, Montana.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 23, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to:

(a) The petition of District Board No. 22 for the establishment of the following additional price classification and minimum prices in cents per net ton for 3" x 1⅝" nut coal, to be designated as Size Group 6–A, produced by code members in Subdistricts 1 and 2 in District No. 22, for shipment by rail to destinations in the market area specified:

Market areas:	*Size Group 6–A*
237 (Idaho) and 240	260
237 (Washington) 238, 239 and 247–254	

(b) The Petition of Intervention of the Bituminous Coal Consumers' Counsel requesting (a) that such adjustments in size groups and prices be made as may appear necessary to establish minimum prices for lump and egg coal with a bottom size of 3" and for slack and double-screened coal with a top size of 1⅝" produced in Subdistricts 1 and 2; (b) that the minimum prices for the nut size, 3" x 1⅝" produced in Subdistrict 2 for shipments by rail temporarily established by the Order entered on April 30, 1943, be made permanent rather than those requested by the petitioner; and (c) that the minimum prices established in this proceeding be made effective for shipments to all destinations.

Dated: June 29, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10490; Filed, June 30, 1943; 10:50 a. m.]

[Docket No. A-1981]

DISTRICT BOARD 22

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 22 for the establishment of price classifications and minimum prices for the coals of the Carlson Mine for shipment by rail.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the Rules of the Division be held on July 28, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, at the Billings Commercial Club, Billings, Montana.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 23, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 22 for (1) the establishment of price classifications and minimum prices for coals produced from the Carlson Mine, Mine Index No. 128, of code member G. J. Jeffries (Jeffries Coal Co.) located in Subdistrict 9 in District No. 22, for rail shipment into all market areas, and (2) the establishment of the following additional price classification and minimum prices in cents per ton for 3" x 1⅝" nut coal, to be designated as Size Group 6–A, produced from the Carlson Mine, Mine Index No. 128, for shipment by rail to destinations in specified market areas:

Market areas:	*Size Group 6–A*
237 (Idaho) and 240	270
237 (Washington), 238, 239 and 247–254	290

Dated: June 29, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10491; Filed, June 30, 1943; 10:50 a. m.]

[Docket No. A-2037]

ONTARIO GAS COAL CORP. OF VIRGINIA

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of Ontario Gas Coal Corporation of Virginia for the establishment of minimum prices and price classifications for the coals of Tidewater No. 1 Mine, Mine Index No. 289, located in District No. 7.

A petition, pursuant to the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of its Tidewater No. 1 Mine, Mine Index No. 289, in District No. 7.

Petitioner requests that the same prices as those that have been previously established in Docket No. A–1572 for the coals produced at the Tidewater No. 2 Mine, Mine Index No. 316, be established for the coals of this mine. The minimum prices and price classifications established in Docket No. A–1572 were temporarily granted, and a hearing was held concerning the matter of final relief. Final relief in the matter has not been granted and at the present time is being considered by the Director. Therefore, any final relief granted in Docket No. A–2037, effecting the Tidewater No. 1 Mine, Mine Index No. 289, should be made contingent upon the decision of the Director in Docket No. A–1572. Accordingly, temporary relief is granted in this matter pending the final determination of the Director in Docket No. A–1572.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief, that no petitions of intervention have been filed with the Division in the above-entitled matter, opposing the granting of temporary relief, and that the granting of temporary relief is necessary in order to effectuate the purposes of the Act.

Now, therefore, It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 7 for all shipments except truck and for truck shipments are supplemented to include the price classifications and minimum prices set forth in the schedules marked Temporary Supplement R and Temporary Supplement T, annexed hereto and made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: June 29, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10492; Filed, June 30, 1943; 10:50 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 765]

ALLOCATION OF FUNDS FOR LOANS

JUNE 15, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Kentucky 3049B2 Clark	$10,000
Minnesota 3071D2 Blue Earth	25,000
Minnesota 3085A2 Todd	20,000
North Carolina 3016D2 Edgecombe	15,000
North Carolina 3–2036B2 Randolph	10,000
Oklahoma 3012B2 Alfalfa	33,000
Oklahoma 3024B3 Lincoln	75,000
Oklahoma 3025C3 Rogers	20,000
Oregon 3026B2 Wasco	8,000
Pennsylvania 3017C2 Armstrong	20,000
Virginia 3028D2 Lancaster	25,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 43–10507; Filed, June 30, 1943; 11:10 a. m.]

[Administrative Order 766]

ALLOCATION OF FUNDS FOR LOANS

JUNE 15, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Arizona 3014C1 Cochise	$345,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 43–10508; Filed, June 30, 1943; 11:10 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Union Underwear Company, Inc., Frankfort, Kentucky; Men's and boys' cotton shorts and drawers; 30 learners (A. T.); effective June 28, 1943, expiring May 12, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Union Underwear Company, Inc., Frankfort, Kentucky; Men's and boys' cotton shorts and drawers; 30 learners A. T.); effective June 28, 1943, expiring May 12, 1944.

Keansburg Garment Company, Incorporated, 232 Creek Road, Keansburg, New Jersey; Children's cotton dresses and blouses; 6 learners (T); effective June 26, 1943, expiring June 26, 1944.

The Manhattan Shirt Company, South Norwalk, Connecticut; Men's dress and Army shirts; 10 percent (T); effective June 30, 1943, expiring June 30, 1944.

The Manhattan Shirt Company, Americus, Georgia; Men's dress shirts; 10 percent (T); effective June 28, 1943, expiring June 28, 1944.

D. L. Marx Company, Cairo, Illinois; Jackets and work clothes; 6 learners (T); effective July 1, 1943, expiring July 1, 1944.

Rex Manufacturing Company, Inc., 3725 Dauphine Street, New Orleans, Louisiana; Cotton work shirts, pants and uniforms; 150 learners (A. T.); effective June 30, 1943, expiring December 30, 1943. (This certificate replaces the one previously issued to you effective September 21, 1942, and terminating September 21, 1943.)

Sheppton Sportswear Company, Sheppton, Pennsylvania: Ladies' blouses; 20 learners (A. T.); effective June 28, 1943, expiring December 28, 1943.

Triangle Raincoat Company, Inc., 461 East Federal Street, Youngstown, Ohio; WAAC utility coats, bush shirts, gabardines; 20 percent (A. T.); effective June 30, 1943, expiring December 30, 1943.

Wyoming Dress Company, 133 East 8th Street, Wyoming, Penn.; Dresses; 25 learners (E); effective June 28, 1943, expiring December 28, 1943.

Gloves Industry

The Glove Corporation, Alexandria, Indiana; Work gloves; 15 learners (A. T.); effective June 30, 1943, expiring November 30, 1943.

Good Luck Glove Company, Washington & College Streets, Carbondale, Illinois; Work gloves; 25 learners (A. T.); effective June 30, 1943, expiring November 19, 1943.

Hosiery Industry

Athens Hosiery Mills, Athens, Tennessee; Seamless hosiery; 17 learners (A. T.); effective June 28, 1943, expiring March 8, 1944.

Danville Knitting Mills, Danville, Virginia; Seamless hosiery; 5 percent (A. T.); effective June 28, 1943, expiring October 8, 1943.

Industrial Hosiery Mills, Inc., 424 Guilford Street, Lebanon, Pennsylvania; Seamless hosiery; 5 learners (A. T.); effective June 28, 1943, expiring April 22, 1944.

Lynchburg Hosiery Mills, Inc., Lynchburg, Virginia; Seamless and full-fashioned hosiery; 10 percent (A. T.); effective June 30, 1943, expiring June 30, 1944.

Miller-Smith Hosiery Mills, Delano, Tennessee; Full-fashioned Hosiery; 5 percent (A. T.); effective June 30, 1943, expiring November 30, 1943.

Vestal Mills, Inc., Athens, Tennessee; Seamless hosiery; 10 learners (A. T.); effective June 28, 1943, expiring November 9, 1943.

Knitted Wear Industry

Louis Gallet Knitting Mills, Penn Craft, East Millsboro, Penn.; Ladies' all-wool sweaters; 10 learners (E); effective June 28, 1943, expiring February 1, 1944.

Signed at New York, N. Y., this 29th day of June 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43–10483; Filed, June 30, 1943; 9:06 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 3 Under Service Order 133]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO., ET AL.

REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Chicago, Burlington & Quincy Railroad Company or connection to initially ice or reice with both bunker and top or body ice IC 55735, loaded with vegetables in mixed lots, destined Sioux City, Iowa; also for the Chicago, Burlington & Quincy Railroad Company to initially ice or reice with both bunker and top or body ice WRC 15159 and PFE 73397, loaded with vegetables in mixed lots, destined Sioux Falls, South Dakota; also for The Kansas City Southern Railway Company to initially ice or reice with both bunker and top or body ice PFE 29198 and SFRD 31133, loaded with vegetables in mixed lots, destined Camp Crowder, Missouri, originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43–10511; Filed, June 30, 1943; 11:16 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Administrative Order ODT 1–3]

DESIGNATED MEMBERS OF STAFF OF DIVISION OF MOTOR TRANSPORT

DELEGATION OF AUTHORITY

Pursuant to § 503.2 (a) (20) of Administrative Order ODT 1, as amended (8 F.R. 6001, 7285, 7620):

1. Each Regional Manager and each District Manager, of the Division of Motor Transport, Office of Defense Transportation, within his respective region or district, is hereby authorized to execute and issue, in his discretion and subject to such terms and conditions as he may prescribe, and in the name of the Director of the Office of Defense Transportation, special permits as provided by § 501.348 of General Order ODT 37 (8 F.R. 5854), or as hereafter amended.

2. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director of the Office of Defense Transportation and the Director, Division of Motor Transport, Office of Defense Transportation.

Issued at Washington, D. C., this 29th day of June 1943.

JOHN L. ROGERS,
Director, Division of Motor Transport, Office of Defense Transportation.

[F. R. Doc. 43–10506; Filed, June 30, 1943; 11:05 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 465 Under MPR 188]

CERTAIN READY MIXED EXTERIOR AND INTERIOR PAINTS

AUTHORIZATION OF MAXIMUM PRICES

Order No. 465 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.158, *It is ordered:*

(a) The following classes of ready mixed paints are subject to this order:

Flats including interior emulsion paints.
Gloss and semi-gloss paints and interior trim enamels.
Interior floor enamels and combination interior-exterior floor enamels, interior household enamel and combination interior-exterior enamels, machinery enamels.
Wall primers and undercoats.
Interior varnishes and combination interior-exterior varnishes.
Exterior enamels and exterior varnishes (sold exclusively for exterior work).
Emulsion paints for exterior purposes.
Mill Whites for industrial maintenance.

(b) Changes in the formula of a paint coming within one of the classes listed in paragraph (a) may be made by the manufacturer thereof, without a reduction in the maximum prices therefor, *Provided*, That the changes are necessitated by an order of the War Production Board, and the new formula gives fairly equivalent serviceability, and meets the following requirements:

(1) Brushing, flowing, spreading, leveling and drying properties shall be substantially maintained.

(2) The non-volatile matter in the vehicle of the new formula shall not be less than the amount of the non-volatile matter in the original formula less 10% of the weight of the non-volatile matter in the vehicle of the original formula.

Example: If the non-volatile matter in the vehicle of an original flat wall paint is 30%, the minimum non-volatile matter of the revised paint shall be 30%, less 10% of 30 or 30−3=27%.

(3) The hiding power (opacity) shall not be decreased.

(4) There shall be substantially maintained:

(i) Washability of flat wall paint.

(ii) Resistance of floor enamels and floor varnishes to abrasion and imprint.

(iii) Alkali resistance of interior varnishes.

(iv) Water resistance of varnishes and floor enamels.

(v) Sealing properties of wall primers and undercoats.

(vi) Flexibility of dried film of each class of paint.

(5) Viscosity of varnishes shall be maintained within 0.3 poise.

(6) The total cost of raw materials in the revised formula shall not be reduced in excess of 5% or 5 cents per gallon, whichever is greater.

(c) Any manufacturer changing the formula for any paint under the provisions of this order shall submit a report to the Office of Price Administration, Washington, D. C., within thirty days after making such changes, giving the following information:

(1) Color and brand or trade name of the paint.

(2) Total current costs of raw materials before the changes.

(3) Total current costs of raw materials after the changes.

The change in formula without a reduction in maximum price shall be considered approved unless within twenty days after the mailing of the report the Office of Price Administration specifically disapproves it. Such approval shall be subject to revocation at any time.

(d) Each manufacturer making changes in formulae of paints in accordance with the provisions of this order shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete records showing the formula and the physical properties set forth in paragraph (b) on both the old paint and the new paint as indicated by the results of tests made by the manufacturers' customary methods.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 30, 1943, and shall terminate on December 31, 1943.

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10455; Filed, June 29, 1943; 4:33 p. m.]

[General Order 53]

REGIONAL ADMINISTRATORS AND DISTRICT DIRECTORS

DELEGATION OF AUTHORITY TO ISSUE RENT AND PRICE SUBPOENAS AND INSPECTION REQUIREMENTS

Pursuant to the authority conferred upon the Administrator by the Emergency Price Control Act of 1942, as amended the following order is prescribed:

(a) *Order delegating authority to issue subpoenas and inspection requirements in rent and price investigations.* In con-

nection with any investigation related to the administration or enforcement of the Emergency Price Control Act of 1942 as amended, or any regulation or order issued thereunder, the several Regional Administrators and the several District Directors of the Office of Price Administration are each authorized within their respective Regions, or Districts to (1) issue subpoenas, signed by the Administrator, requiring any person to appear and testify or to appear and produce documents, or both, at any designated place; (2) issue inspection requirements, signed by the Administrator, requiring any person who is engaged in the business of dealing with any commodity, or who rents or offers for rent or acts as broker or agent for the rental of any housing accommodation, to permit the inspection and copying of records and any other documents and to permit the inspection of inventories or defense-rental area housing accommodations, or both.

(b) The terms used herein shall have the same meaning as in the Emergency Price Control Act.

Issued and effective this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10454; Filed, June 29, 1943; 4:32 p. m.]

Regional Office Orders.

[Region VII Order G-31]

FLUID MILK SOLD IN HALF PINT CONTAINERS IN THE STATE OF UTAH

Order No. G-31, issued under § 1499.18 (c) of the General Maximum Price Regulation. Docket No. VII-18 (c)-71.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that the maximum prices for fluid milk sold at retail in half pint glass bottles or paper containers, in the State of Utah, as now established by the General Maximum Price Regulation or any individual or general adjustment order heretofore issued by this Regional Office shall be and the same hereby are modified as set forth below.

(a) *Maximum prices for fluid milk sold in half pint bottles or paper containers at retail by purveyors of meals or beverages in the State of Utah.* The maximum prices for fluid milk sold in glass bottles or paper containers at retail by hotels, restaurants, soda fountains, bars, cafes, caterers or any other purveyor of milk as a beverage anywhere in the State of Utah shall, from and after the effective date of this Order, be as follows:

6 cents per ½ pint of milk.

(b) *Definitions:* For the purpose of this general order:

(1) "Milk" means cow's milk produced, processed or raw, distributed and sold at retail in ½ pint glass bottles or paper containers as whole milk and having a butterfat content of not less than 3.25 percent and being of approved grade and used as a beverage on the seller's premises.

(2) Insofar as the same are not contradictory of or inconsistent with any of the terms and provisions of this Order No. G-31, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation shall apply to and are hereby deemed to be a part of this Order No. G-31 to the same extent as if rewritten herein.

(c) *Higher established maximum prices may be maintained.* Any seller subject to this order who has, under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or under Maximum Price Regulation No. 280 or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as Amended, or under any individual or general adjustment order heretofore made and promulgated by this Regional Office established a maximum price for fluid milk sold in half pint bottles or paper containers to be consumed as a beverage on the premises which is higher than the price established by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(d) *Right to amend or revoke.* This general order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(e) *Effective date.* This general order becomes effective at 12:01 A. M. on April 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-10453; Filed, June 29, 1943; 4:38 p. m.]

[Region VII Order G-32]

FLUID MILK SOLD IN HALF PINT CONTAINERS IN THE STATE OF WYOMING

Order No. G-32, issued under § 1499.18 (c) of the General Maximum Price Regulation. Docket No. VII-18 (c)-71.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that the maximum prices for fluid milk sold at retail in half pint glass bottles or paper containers, in the State of Wyoming, as now established by the General Maximum Price Regulation or any individual or general adjustment order heretofore issued by this Regional Office shall be, and the same hereby are, modified as set forth below.

(a) *State of Wyoming divided into two districts.* For the purpose of this order, the State of Wyoming is hereby divided into two districts to be known as District No. 1 and District No. 2 as hereinafter defined.

(b) *Maximum prices for fluid milk sold in half pint bottles or paper containers at retail by purveyors of meals or beverages in the State of Wyoming.* The maximum prices for fluid milk sold in glass bottles or paper containers at retail by hotels, restaurants, soda fountains, bars, cafes, caterers or any other purveyor of milk as a beverage anywhere in the State of Wyoming shall, from and after the effective date of this order, be as follows:

(1) In District No. 1—6 cents per ½ pint of milk.

(2) In District No. 2—5 cents per ½ pint of milk.

(c) *Definitions.* For the purpose of this general order:

(1) "Milk" means cow's milk produced, processed or raw, distributed and sold at retail in ½ pint glass bottles or paper containers as whole milk and having a butterfat content of not less than 3.25 per cent and being of approved grade and used as a beverage on the seller's premises.

(2) "District No. 1" means all that area within the State of Wyoming contained within the geographical boundaries of the Counties of Sheridan, Campbell, Crook, Weston, Niobrara, Goshen, Platte, Laramie, Johnson, Uinta, Park, Big Horn, Washakie, Hot Springs, Fremont, Lincoln, Converse, Albany, Sweetwater, Natrona and Carbon Counties of the State of Wyoming.

(3) "District No. 2" means all that area within the State of Wyoming contained within the geographical boundaries of the Counties of Sublette and Teton of the State of Wyoming.

(4) Insofar as the same are not contradictory of or inconsistent with any of the terms and provisions of this Order No. G32, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation shall apply to and are hereby deemed to be a part of this Order No. G32 to the same extent as if rewritten herein.

(d) *Higher established maximum prices may be maintained.* Any seller subject to this Order who has, under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or under Maximum Price Regulation No. 280 or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as Amended, or under any individual or general adjustment order heretofore made and promulgated by this Regional Office established a maximum price for fluid milk sold in half-pint bottles or paper containers to be consumed as a beverage on the premises which is higher than the price established by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(e) *Right to amend or revoke.* This general order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(f) *Effective date.* This general order becomes effective at 12:01 A. M. on April 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-10452; Filed, June 29, 1943; 4:37 p. m.]

[Region VII Order G-33]

ANIMAL FEEDING SALT IN THE DENVER REGION

Order No. G-33 under § 1499.18 (c) of the General Maximum Price Regulation. Docket No. VII-18 (c)-59.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, the prices for salt used for animal feeding purposes are hereby modified as set forth below.

(a) *Specific maximum prices.* From and after the effective date of this order the maximum prices to be charged by wholesalers, distributors and dealers for animal feeding salt sold to buyers for animal feeding purposes shall, from and after the effective date of this order, be as follows:

(1) The seller shall first determine his net cost of each particular shipment of salt received by him from a customary supplier by the customary means of transportation and at his customary receiving point by adding to the price actually paid by him to his supplier, f. o. b. point of origin, the actual transportation costs paid by him and the actual amount paid out by him for bags if the salt is sold bagged, not, however, to exceed the maximum price established by Maximum Price Regulation No. 55 for second-hand bags if second-hand bags are used, and not to exceed the maximum price established by Maximum Price Regulation No. 151 for new bags if new bags are used, and to his net costs thus built up he may add a flat margin of $2.00 per ton, or 10¢ per hundred for sales in less than one ton lots on all deliveries made by him to buyers direct from the railroad car in which the shipment is received by him; and if the salt is unloaded by the seller from the railroad car and placed in his warehouse or other storage place, then he may add to his net cost a flat margin of $3.00 per ton or 15¢ per hundred for sales in less than one ton lots and the prices thus determined shall be the seller's maximum prices for sales made from a railroad car from his warehouse, respectively.

(2) If a seller receives a shipment of salt in block form, then the cost of bags shall be eliminated as a factor in the determination of his net cost, and for sales where delivery is made direct from a railroad car the seller shall add to his net cost a flat margin of $2.00 per ton, or 7¢ per block as to sales made in less than one ton lots; and for sales made from his warehouse or other storage place, the seller may add to his net cost a flat margin of $3.00 per ton, or 10¢ per block as to sales made in less than one ton lots.

(3) The seller shall add nothing to his net cost beyond the items hereinabove expressly specified, and the expense of bagging, if he receives salt in bulk and bags the same, and the expense of unloading salt from a railroad car and transporting it to his warehouse or other storage place, shall be absorbed by him.

(b) *Geographical applicability.* This Order No. G-33 shall be applicable throughout the entire Seventh Region, and any person who at any place in this Seventh Region sells salt in bulk, in bags or in blocks for animal feeding purposes, shall, as to such transactions, be governed hereby.

(c) *Applicability of other regulations.* All of the terms and provisions of the General Maximum Price Regulation not inconsistent with or inapplicable to this order No. G-33 shall apply to all transactions covered hereby and be deemed to be a part hereof to the same extent and with like force, operation and effect as if rewritten herein.

(d) *Right to revoke or amend.* This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(e) *Effective date.* This order shall become effective as of 12:01 A. M. on April 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-10450; Filed, June 29, 1943; 4:37 p. m.]

[Region VII Order G-34]

SKIM MILK AND BUTTERMILK IN THE UTAH SPECIAL DEFENSE AREA OF THE STATE OF UTAH

Order No. G-34 under § 1499.18 (c) of the General Maximum Price Regulation. Docket No. VII-18 (c)-36.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, the price for skim milk and buttermilk sold at wholesale and retail in glass bottles, paper containers or in bulk, in the Utah Special Defense Area of the State of Utah, are hereby modified as set forth below:

(a) *Specific maximum prices.* From and after the effective date of this order the maximum prices to be charged for skim milk and buttermilk, sold at wholesale or retail in glass bottles, paper containers or in bulk shall be as follows:

(1) Skim Milk:
15¢ per gallon wholesale.
23¢ per gallon retail.
7¢ per quart wholesale.
9¢ per quart retail.

(2) Buttermilk:
28¢ per gallon wholesale.
37¢ per gallon retail.
9¼¢ per quart wholesale.
11½¢ per quart retail, out of stores.
12¢ per quart retail, delivered by route carrier.

(b) *Higher established maximum prices may be maintained.* Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as Amended, that are higher than the prices fixed by this general order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(c) *Customary discounts and differentials need not be maintained.* From and after the effective date of this order it shall not be obligatory upon any seller of skim milk or buttermilk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(d) *Definitions.* For the purpose of this order:

(1) "Skim milk" means cow's milk from which substantially all of the butterfat content has been extracted, but leaving therein substantially all of the other milk solids.

(2) "Buttermilk" means the by-product derived from churning cream into butter, and skim milk which has been inoculated with lactic acid forming bacterior, or in which lactic acid forming bacteria have been incubated through normal processes until a lactic acid content of ½ of 1% or more is obtained.

(3) "Utah Special Defense Area" means all that area of the State of Utah contained within the boundaries of the counties of Salt Lake, Utah, Davis and Weber, and within the corporate limits and a distance of three miles beyond at all points of Grantsville, Tooele, Stockton and Park City, and all that part of Box Elder County lying south of a line drawn east and west through the most northerly point of the corporate limits of the municipality of Garland.

(e) *Applicability of other regulations.* Unless contradictory of or inconsistent with the terms and provisions of this general order, all of the terms and provisions of the General Maximum Price Regulation, and particularly the definitions set forth in § 1499.20 thereof, shall apply to and be deemed to be a part of this general order to the same extent and with like force and effect as if rewritten herein.

(f) *Right to revoke or amend.* This order may be revoked, amended or corrected at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This order shall become effective as of 12:01 a. m. on April 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-10451; Filed, June 29, 1943; 4:37 p. m.]

WAR PRODUCTION BOARD.

NOTICES TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping construction of the projects, affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued: June 28, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-55	468 7033-00468 (6 units of 13).	John M. Daeb, 1118 Greentree Rd., Pittsburgh, Pa.	Newport Drive bet. Hampton Ave. and end of St. end of Plan, Baldwin Twp., Allegheny County, Pa. Rolling Hills Plan I.	6-10-43
P-55	042 77-014-52 (8 units of 29).	Slocum & Ulrich, 384 Breckenridge St., Buffalo, N. Y.	Onondaga, Brookside and Wooderest Sts., West Seneca, N. Y.	6-10-43
P-55	484 77-034-00456 (2 units of 34).	Haverford Construction Co., 840 Lancaster Ave., Bryn Mawr, Pa.	Martin and Railroad Ave., bet. Rubgy Rd. and Preston Ave., Bryn Mawr, Delaware County, Pa.	6-22-43

[F. R. Doc. 43-10401; Filed, June 28, 1943; 4:51 p. m.]

NOTICES TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued: June 28, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference Rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-19-e	18038-A	Alabama State Highway Department., Montgomery, Ala.	Mobile, Ala	6-19-43

[F. R. Doc. 43-10402; Filed, June 28, 1943; 4:51 p. m.]

Reference

JUL 6 '43

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 8 NUMBER 130

Washington, Friday, July 2, 1943

The President

EXECUTIVE ORDER 9357

TRANSFERRING THE FUNCTIONS OF THE PUBLIC WORKS ADMINISTRATION TO THE FEDERAL WORKS ADMINISTRATOR

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), and as President of the United States, it is ordered as follows:

1. All functions, powers, and duties of the Public Works Administration and of the Commissioner of Public Works, in the Federal Works Agency, together with all records, property (including office equipment, contracts, and other assets), and personnel of the Public Works Administration, and the unexpended balances of the appropriations, allocations, or other funds available or to be made available for the exercise and performance of the said functions, powers, and duties, are hereby transferred to the office of the Federal Works Administrator, and such functions, powers, and duties shall be administered by or under the direction and supervision of the Federal Works Administrator: *Provided*, that any personnel found by the Federal Works Administrator to be in excess of the personnel necessary for the administration of such functions, powers, and duties shall be retransferred under existing law to other positions in the Government or separated from the service.

2. This order shall become effective on July 1, 1943.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 30, 1943.

[F. R. Doc. 43-10601; Filed, July 1, 1943; 11:31 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 49, Amdt. 2]

PART 1405—FRUITS AND VEGETABLES

RESTRICTIONS RELATIVE TO IRISH POTATOES

Food Distribution Order No. 49, as amended (8 F.R. 4859, 5700), § 1405.4, issued under authority of the War Food Administrator on April 13, 1943, is amended by deleting the provisions in (c) thereof and inserting, in lieu thereof, the following:

(c) *Territorial scope.* This order is applicable to any shipment of Irish potatoes from any State or portion thereof specified by the Director.

With respect to any violations of said Food Distribution Order No. 49, as amended, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Order No. 49, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This order shall become effective as of 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-10613; Filed, July 1, 1943; 11:59 a. m.]

[FDO 27-2, Amdt. 1]

PART 1410—LIVESTOCK AND MEATS

BEEF AND PORK QUOTAS

Pursuant to the provisions of Food Distribution Order No. 27 (8 F.R. 2785, 4227, 5700, 7739, 8795) and to effectuate the purposes of such order, Food Distribution Order No. 27-2 (8 F.R. 7185) is amended as follows:

1. By amending § 1410.10 (b) thereof to read as follows:

(b) *Swine quotas.* The swine quota for each local slaughterer for each month shall be 85 percent of (1) the total live weight of swine which he slaughtered in the corresponding month of 1941, or (2) any other quota base for swine established for such slaughterer for such period under the provisions of Food Distribution Order No. 27.

2. By adding the following new provision:

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page
Public Works Administration, transfer of functions to Federal Works Administrator ---------- 9041

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Crowley, S. James, certificate of appointment ---------- 9088
Vesting orders:
Batzouroff & Cie ---------- 9076
Bowdoin, Harry W. C ---------- 9081
Camplese, Maria ---------- 9074
Christian, Jacob E ---------- 9081
Doerfert, Helen Ward ---------- 9078
Donnini, Adelmo ---------- 9078
Eckert, Peter ---------- 9080
Greisert, Marie ---------- 9081
Harrah, Georgina Balfour ---------- 9082
Heinze, Clara ---------- 9079
Hessling, Johanna ---------- 9082
Hildebrand, John and Mary ---------- 9075
Hofer, Berta ---------- 9083
Hofmeister, Gustav Otto Richard ---------- 9077
Holderried, Alfred ---------- 9083
Horn, Eliza, and Margaretha Seitz ---------- 9073
K. Samura Shoten, Ltd. (2 documents) ---------- 9072, 9073
Kiyono, Tsukasa ---------- 9080
Maierle, Augusta ---------- 9083
Mazzuca, John ---------- 9084
Parker, W. W. ---------- 9084
Pasca, Antonio ---------- 9084
Pass & Co ---------- 9074
Pirondini, Maria Scaramellini ---------- 9077
Rinker, Emelia C ---------- 9085
Schlaf, Alfred Daniel ---------- 9085
Schroeder, Caroline ---------- 9085
Seilern, Antoinette ---------- 9086
Sidenstucker, William and Henry ---------- 9074
Societe Anonyme des Usines Renault ---------- 9072
Staple Fiber Corp ---------- 9076
Stegmuller, Wilhelmina ---------- 9086
Struve, August W ---------- 9086
Swift, Louise M ---------- 9087
Wollschlaeger, Daniel ---------- 9087
Zernetsch, Lena ---------- 9088

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
DeBardeleben Coal Corp	9070
District Board 13	9071
District Board 18	9069
Logan Clay Products Co	9069
CIVIL AERONAUTICS BOARD:	
Northwest Airlines, Inc., hearing	9071
COAST GUARD:	
Amendments to regulations and approval of equipment	9066
CUSTOMS BUREAU:	
Ports at which marine documents may be issued	9044
FEDERAL COMMUNICATIONS COMMISSION:	
United States Government telegrams, rates	9071
FEDERAL POWER COMMISSION:	
Northern Natural Gas Co., hearing	9088
OFFICE OF DEFENSE TRANSPORTATION:	
Carload and truckload shipments to or through Canada (Gen. Order ODT 38A)	9067
Shipping permits, application and issuance procedure (Admin. Order ODT 2A)	9068
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Finished piece goods manufacturers	9088
Lignum Chemical Works	9065
Shamrock Towing Co., Inc.	9064
Court reporting services (Rev. SR 11, Am. 28)	9066
Fuel oil rationing:	
(RO 11, Am. 68)	9059
(RO 11, Supp. 1, Am. 6)	9061

CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Gasoline rationing (RO 5C, Am. 59)	9065
Ice boxes, new (MPR 399, Am. 1)	9062
Meat:	
Beef and veal carcasses and wholesale cuts (Rev. MPR 169, Am. 19)	9066
Lamb and mutton carcasses and cuts, wholesale and retail (Rev. MPR 239, Am. 6)	9066
Poultry (Rev. MPR 269, Am. 10)	9061
Shoes, rationing:	
(RO 17, Am. 24)	9062
(RO 17, Am. 25)	9062
PETROLEUM ADMINISTRATION FOR WAR:	
Petroleum production operations, material for secondary recovery	9066
RECONSTRUCTION FINANCE CORPORATION:	
Petroleum Reserves Corporation, charter	9044
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Community Power and Light Co., Inc., et al	9094
Connecticut and Passumpsic Rivers Railroad Co	9096
Indiana Hydro-Electric Power Co	9089
International Utilities Corp	9095
International Utilities Corp. and Dominion Gas and Electric Co. (2 documents)	9089, 9094
Milwaukee Electric Railway & Transport Co. and Wisconsin Electric Power Co	9089
Niagara Hudson Power Corp., et al	9090
North American Light & Power Co. Holding-Company System, et al	9093
North Continent Utilities Corp., et al	9095
Northern Indiana Public Service Co	9093
Rochester Gas and Electric Corp., et al	9096
Tri-Continental Corp	9094
United Gas Pipe Line Co	9096
TREASURY DEPARTMENT:	
2 Percent Depositary Bonds, Second Series	9069
Funds withheld as taxes, payment through depositary banks	9044
WAR FOOD ADMINISTRATION:	
Beef and pork quotas (FDO 27-2, Am. 1)	9041
Fats and oils:	
Cashew nut shell liquid (FDO 36-1)	9043
Castor oil (FDO 32-1)	9043
Oiticica oil (FDO 31-1)	9043
Tung oil (FDO 39-1)	9042
Kalamazoo, Mich., sales area; termination of milk license (License 70)	9097
Potatoes, Irish (FDO 49, Am. 2)	9041

CONTENTS—Continued

	Page
WAR PRODUCTION BOARD:	
Abrasive, manufactured crude, and abrasive grain (M-319)	9057
Boilers:	
Low pressure cast iron (L-187)	9052
Power (L-299)	9055
Containers, glass; quotas (L-103-b)	9055
Cutlery (L-140-a)	9049
Farmstead wiring material (P-144, Am. 1 and Ext. 1)	9047
Haulage conservation (T-1)	9053
Jewel bearings (M-50)	9048
Shipways construction material:	
(P-14-a, revocation)	9047
(P-14-b, revocation)	9047
Suspension orders:	
Palder, S. & J	9047

(e) *Quotas for butchers; beef quotas.* Notwithstanding any other quota base, permit to slaughter, temporary quota, increase or adjustment in quota or exception granted, the quota of cattle for each butcher for each month shall be (1) the number of cattle which he slaughtered in the corresponding month of 1941, or (2) if he did not slaughter cattle during the corresponding month in 1941, 50 percent of his average monthly slaughter of cattle during the months in which he slaughtered from January 1, 1942, to September 30, 1942. No provision of this paragraph (e) shall be construed to increase any quota previously granted to any person under any provision of Food Distribution Order No. 27, as amended.

This order shall become effective at 12:01 a.m., e. w. t., July 1, 1943.

With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, all provisions of Food Distribution Order No. 27-2 in effect prior to this amendment shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 27, 8 F.R. 2785, 4227, 5700, 7739, 8795)

Issued this 30th day of June 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-10607; Filed, July 1, 1943; 11:58 a. m.]

[FDO 39-1]

PART 1460—FATS AND OILS

TUNG OIL

Pursuant to the authority vested in me by Food Distribution Order 39, dated March 19, 1943 (8 F.R. 3482), and to effectuate the purposes of such order: *It is hereby ordered*, As follows:

§ 1460.21 *Applications for acceptance of delivery, use, or processing of tung oil.* (a) Every person required by § 1460.5 (e) (1) of Food Distribution Order 39, to file War Production Board Form PD-600, shall file, in lieu thereof, three copies of Form FDA-478 ("Consumers' Application for Delivery and Use"). Every person filing such form shall attach to the three copies thereof one properly prepared copy of Form FDA-477 ("Suppliers' Authorization to Deliver") for each supplier named on Form FDA-478.

(b) Every producer desiring authorization to deliver a specified maximum quantity of tung oil in any month, pursuant to the provisions of § 1460.5 (d) of Food Distribution Order 39, shall file an application for such authorization on Form FDA-478, on or before the 15th day of the preceding month.

(c) Every producer of tung oil required by § 1460.5 of Food Distribution Order 39, to file War Production Board Form PD-601 shall file, in lieu thereof, one copy of Form FDA-476.

(d) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) All reports required hereunder and all requests for report forms shall, unless otherwise directed, be addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C., Ref.: FD-39.

(f) This order shall become effective on the 1st day of July, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 39, 8 F.R. 3482)

Issued this 30th day of June 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-10608; Filed, July 1, 1943; 11:58 a. m.]

[FDO 32-1]

PART 1460—FATS AND OILS

CASTOR OIL

Pursuant to the authority vested in me by Food Distribution Order No. 32, dated March 19, 1943 (8 F.R. 3473), and to effectuate the purposes of such order; *It is hereby ordered*, As follows:

§ 1460.22 *Applications for delivery, acceptance of delivery, use, blending, or processing of castor oil.* (a) Every person required by § 1460.4 (e) (1) of Food Distribution Order No. 32 to file War Production Board Form PD-600, shall file, in lieu thereof, three copies of Form FDA-478 ("Consumers' Application for Delivery and Use"). Every person filing such form shall attach to the three copies thereof one properly prepared copy of Form FDA-477 ("Suppliers' Authorization to Deliver") for each supplier named on Form FDA-478.

(b) Every producer desiring authorization to deliver a specified maximum quantity of castor oil in any month, pursuant to the provisions of § 1460.4 (d) of Food Distribution Order No. 32, shall file on or before the 15th day of the preceding month an application for such authorization on Form FDA-478, with respect to the following:

(i) Delivery of 40 pounds or less of castor oil to any one consumer.

(ii) Delivery to any person for use or resale for use as castor oil for medicinal purposes.

(c) Every producer of castor oil required by § 1460.4 (e) (2) or Food Distribution Order No. 32 to file War Production Board Form PD-601 shall file, in lieu thereof, one copy of Form FDA-476. Every such producer shall show in item 3 of Form FDA-476 the quantity delivered during the preceding month for use or resale for use as castor oil for medicinal purposes, separately from the quantity delivered in lots of 40 pounds or less for uses other than medicinal.

(d) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) All reports required hereunder and all requests for report forms shall, unless otherwise directed, be addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C., Ref: FD-32.

(f) This order shall become effective on the 1st day of July 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 32, 8 F.R. 3473)

Issued this 30th day of June 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-10606; Filed, July 1, 1943; 11:58 a. m.]

[FDO 36-1]

PART 1460—FATS AND OILS

CASHEW NUT SHELL LIQUID

Pursuant to the authority vested in me by Food Distribution Order 36, dated March 19, 1943 (8 F.R. 3480), and to effectuate the purposes of such order; *It is hereby ordered*, As follows:

§ 1460.24 *Applications for acceptance of delivery, or use of cashew nut shell liquid.* (a) Every person required by § 1460.12 (b) of Food Distribution Order 36, to file War Production Board Form PD-271 shall file, in lieu thereof, three copies of Ford FDA-478 ("Consumers' Application for Delivery and Use"). Every person filing such form shall attach to the three copies thereof one properly prepared copy of Form FDA 477 ("Suppliers' Authorization to Deliver") for each supplier named on Form FDA-478.

(b) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(c) All reports required hereunder and all requests for report forms shall, unless otherwise directed, be addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C., Ref: FD-36.

(d) This order shall become effective on the 1st day of July 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 36, 8 F.R. 3480)

Issued this 30th day of June 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-10610; Filed, July 1, 1943; 11:58 a. m.]

[FDO 31-1]

PART 1460—FATS AND OILS

OITICICA OIL

Pursuant to the authority vested in me by Food Distribution Order No. 31, dated March 19, 1943 (8 F.R. 3471), and to effectuate the purposes of such order: *It is hereby ordered*, As follows:

§ 1460.23 *Applications for delivery, acceptance of delivery, use, or processing of oiticica oil.* (a) Every person required by § 1460.6 (e) (1) of Food Distribution Order No. 31 to file War Production Board Form PD-600, shall file, in lieu thereof, three copies of Form FDA-478 ("Consumers' Application for Delivery and Use"). Every person filing such form shall attach to the three copies thereof one properly prepared copy of Form FDA-477 ("Suppliers' Authorization to Deliver") for each supplier named on Form FDA-478.

(b) Every producer desiring authorization to deliver a specified maximum quantity of oiticica oil in any month, pursuant to the provisions of § 1460.6 (d) of Food Distribution Order No. 31, shall file an application for such authorization on Form FDA-478, on or before the 15th day of the preceding month.

(c) Every producer of oiticica oil required by § 1460.6 (e) (2) of Food Distribution Order No. 31 to file War Production Board Form PD-601 shall file, in lieu thereof, one copy of Form FDA-476.

(d) Reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) All reports required hereunder and all requests for report forms shall, unless otherwise directed, be addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C., Ref: FD-31.

(f) This order shall become effective on the 1st day of July, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 31, 8 F.R. 3471)

Issued this 30th day of June, 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-10609; Filed, July 1, 1943; 11:59 a. m.]

TITLE 15—BUSINESS CREDIT

Chapter I—Reconstruction Finance Corporation

CHARTER OF PETROLEUM RESERVES CORPORATION

Reconstruction Finance Corporation hereby declares:

First, that pursuant to the authority contained in section 5d of the Reconstruction Finance Corporation Act, as amended, at the request of the Secretary of Commerce, with the approval of the President, there has been created a corporation under the name of Petroleum Reserves Corporation (hereinafter referred to as the "Corporation").

Second, that the location of the principal office of the Corporation shall be in the City of Washington, District of Columbia.

Third, that the objects and purposes of the Corporation shall be to buy or otherwise acquire reserves of crude petroleum from sources outside the United States, including the purchase or acquisition of stock in corporations owning such reserves or interests therein, and to store, transport, produce, process, manufacture, sell, market, and otherwise dispose of such crude petroleum and the products derived therefrom; and the Corporation shall have the power and authority to do and perform all acts and things whatsoever necessary thereto, including, but without limitation, the power to borrow money and issue its secured or unsecured obligations therefor; to adopt and use a corporate seal; to make contracts; to sue and be sued; and to construct and operate outside the United States such refineries, pipe lines, storage tanks and other facilities as are necessary in connection with carrying out the objects and purposes of the Corporation as above stated.

Fourth, that the Corporation, including its franchise, its capital, reserves, surplus, income and assets shall be exempt from all taxation now or hereafter imposed by the United States, or any dependency or possession thereof, or by any state, county, municipality or local taxing authority except that any real property owned by the Corporation shall be subject to state, county, municipal or local taxation to the same extent according to its value as other real property is taxed.

Fifth, that the Corporation shall be an instrumentality of the United States Government, shall be entitled to the free use of the United States mails, and shall in all other respects be possessed of the privileges and immunities that are conferred upon the Reconstruction Finance Corporation under the Reconstruction Finance Corporation Act, as amended.

Sixth, that the total authorized capital stock of the Corporation shall be one million dollars ($1,000,000). Such stock shall be of one class, shall have a par value of $100 per share, and shall be issued for cash only.

Seventh, That the Corporation shall have existence until dissolved by Reconstruction Finance Corporation or by Act of Congress.

Eighth, That the stockholder shall not be liable for the debts, contracts, or engagements of the Corporation except to the extent of unpaid stock subscriptions.

Ninth, That the affairs and business of the Corporation shall be managed by a board of directors who shall be appointed by Reconstruction Finance Corporation pursuant to the provisions of this Charter and the By-Laws of the Corporation.

Tenth, That this Charter and the By-Laws may be amended at any time by Reconstruction Finance Corporation.

In witness whereof, Reconstruction Finance Corporation has caused this Charter to be signed by its executive officer, Vice-Chairman of its Board of Directors, attested by its Secretary, and has caused its seal to be hereunto affixed this 30th day of June 1943.

[SEAL] RECONSTRUCTION FINANCE CORPORATION,
By H. A. MULLIGAN,
Vice-Chairman.

Attest:
A. J. HOBSON,
Secretary.

[F. R. Doc. 43-10559; Filed, June 30, 1943; 2:33 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50886]

PART 1—CUSTOMS DISTRICTS AND PORTS

PORTS AT WHICH MARINE DOCUMENTS MAY BE ISSUED

JUNE 29, 1943.

Section 1.1 of the Customs Regulations of 1943 (19 C. F. R. 1.1) is hereby amended as follows:

§ 1.1 *Customs collection districts and ports.* • • •

The port of Hyder, in the district of Alaska (No. 31), and the port of Provincetown, in the district of Massachusetts (No. 4), are not ports at which marine documents may be issued, and the asterisk preceding the name of each is hereby deleted.

The following ports are ports at which marine documents may be issued and an asterisk is hereby inserted before the name of each:

Dist. No.	and name of dist.:	*Ports of entry*
23	Laredo	Brownsville.
4	Massachusetts	Plymouth.
7	St. Lawrence	Cape Vincent.
30	Washington	Port Townsend.
37	Wisconsin	Milwaukee.

The foregoing amendment to the Customs Regulations of 1943 (filed with the Division of the Federal Register, May 27, 1943), shall be effective on July 1, 1943.

(R.S. 161; 5 U.S.C. 22)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: June 29, 1943.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-10519; Filed, June 30, 1943; 12:33 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

Subchapter A—Bureau of Accounts

[1943 Dept. Circ. 714 [1]]

PART 212—PAYMENT THROUGH DEPOSITARY BANKS OF FUNDS WITHHELD AS TAXES IN ACCORDANCE WITH THE PROVISIONS OF THE CURRENT TAX PAYMENT ACT OF 1943

Pursuant to section 10 of the Act of June 11, 1942 (56 Stat. 356; 12 U.S.C., Sup. 2, 265) and section 1631 of the Internal Revenue Code, as added by the Current Tax Payment Act of 1943 (Public Law 68, approved June 9, 1943), the following regulations governing the payment through depositary banks of funds withheld as taxes are hereby prescribed:

Sec.
212.1 Instructions of Commissioner of Internal Revenue relative to payment of taxes.
212.2 Authority to use insured banks as depositaries of public money.
212.3 Authority to use Government depositaries in connection with payment of taxes.
212.4 Designation of Government depositaries in connection with payment of taxes.
212.5 Qualification of Government depositaries in connection with payment of taxes.
212.6 Accounts, forms and procedure of depositaries for withheld taxes.
212.7 Provision for offsetting costs of depositaries for withheld taxes.
212.8 Termination of the qualification of a depositary for withheld taxes.
212.9 Treatment by collectors of internal revenue of withheld taxes received by depositaries.
212.10 Functions of Federal Reserve Banks, regarding withheld taxes.
212.11 Amendment of regulations.

AUTHORITY: §§ 212.1 to 212.11, inclusive, issued under 56 Stat. 356; 12 U.S.C. 265; Pub. Law 68, 78th Cong.

§ 212.1 *Instructions of Commissioner of Internal Revenue relative to payment of taxes.* The Commissioner of Internal Revenue has issued Circular WT, dated June 1943,[2] with reference to the collection of income tax at source on wages, in which employer's duties under the provisions of the Current Tax Payment Act of 1943 are explained. The circular contains, in part, the following information:

19. *Payment of tax.* It will be the duty of every employer who withheld more than $100 during the month to pay, within 10 days after the close of each calendar month, to a depositary and financial agent authorized by the Secretary of the Treasury to receive deposits of withheld taxes, pursuant to section 1631 of the Internal Revenue Code as added by the Current Tax Payment Act of 1943, all funds withheld as taxes during that calendar month. (All banks insured by the Federal Deposit Insurance Corporation are eligible to qualify as depositaries and financial agents.) On or before the last day of the month following the close of each quarter of each calendar year, every employer shall make a return on Form W-1 to the collector of his district, covering the aggregate amount of taxes withheld during that quarter, and attach to such return, as payment for the taxes shown thereon, receipts in the form approved by the Secretary of the Treasury, issued by the authorized depositary and financial agent evidencing the payment of funds withheld as taxes: *Provided, however,* That for taxes withheld during the last month of the quarter the employer may, at his election, in lieu of this method of payment, include with his return direct remittance to the collector for the amount of the taxes withheld during such last month of the quarter. The employer may obtain from his local bank the names and locations of the nearby depositaries and financial agents authorized to receive deposits of withheld taxes. A list of the depositaries and financial agents will be furnished each bank by the Federal Reserve Bank of the District.

§ 212.2 *Authority to use insured banks as depositaries of public money.* Section 10 of the Act approved June 11, 1942 (56 Stat. 356; 12 U.S.C., Sup. II, 265), provides in part as follows:

All insured banks designated for that purpose by the Secretary of the Treasury shall be depositaries of public money of the United States • • • and the Secretary is hereby authorized to deposit public money in such depositaries, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government as may be required of them • • •.

§ 212.3 *Authority to use Government depositaries in connection with payment of taxes.* Section 1631 of the Internal Revenue Code as added by the Current Tax Payment Act of 1943 provides as follows:

The Secretary may authorize incorporated banks or trust companies which are depositaries or financial agents of the United States to receive any taxes under this chapter in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times and conditions under which the receipt of such taxes by such depositaries and financial agents is to be treated as payment of such taxes to the collectors.

§ 212.4 *Designation of Government depositaries in connection with payment of taxes.* All incorporated insured banks, within the meaning of section 10 of the Act of June 11, 1942, referred to in § 212.2 of this part, are hereby designated, subject to the provisions of this part, as depositaries and financial agents of the Government for receiving from employers or other persons, hereinafter referred to as employers, funds withheld as taxes pursuant to the Current Tax Payment Act of 1943; *Provided,* That no insured bank shall perform any of the acts covered by this designation until it has qualified so to act in the manner herein prescribed.

Banking institutions which have heretofore been designated as depositaries and financial agents of the Government for the performance of certain classes of fiscal duties will be required to qualify under the terms of this part in order to act as Depositaries for Withheld Taxes.

Incorporated banks or trust companies located in the territories and insular possessions of the United States, which are not insured banks within the meaning of section 10 of the Act approved June 11, 1942, but which are otherwise eligible for designation as depositaries or financial agents of the United States, may be specifically designated by the Secretary of the Treasury under other applicable statutes governing depositaries outside of the continental United States, to act as depositaries for withheld taxes upon qualification substantially in accordance with the provisions of § 212.5 hereof. Applications for such designation should be transmitted to the Federal Reserve bank of the district through which clearances and settlements for the account of the Treasurer of the United States are customarily made.

§ 212.5 *Qualification of Government depositaries in connection with payment of taxes.* Any designated bank which desires to qualify, under the terms of this part, for receiving from employers funds withheld as taxes pursuant to the Current Tax Payment Act of 1943, should apply for qualification through the Federal Reserve bank of the district in which the insured bank is located. Such application shall be made on Application-Agreement, Depositary for Withheld Taxes (Form No. 411) shown as Exhibit A of this part.[2] Copies of this form and instructions regarding the application may be obtained from the Federal Reserve bank. No designated bank which has made application for qualification shall act as a Government depositary and financial agent under the terms of this part until it receives from the Federal Reserve bank notice of approval of the application. Upon receipt of such notice each designated bank is hereby authorized to receive funds withheld as taxes pursuant to section 1622 of the Internal Revenue Code, as added by the Current Tax Payment Act of 1943. Depositaries and financial agents qualified pursuant to the terms of this part will be known as "Depositaries for Withheld Taxes" and will hereinafter be referred to as depositaries.

§ 212.6 *Accounts, forms, and procedure of depositaries for withheld taxes.* Each depositary shall open and maintain on its books a special account entitled "Withheld Taxes" in the name of the Federal Reserve bank of the district in which the depositary is located, as fiscal agent of the United States. Such Federal Reserve bank will hereinafter be referred to as the Federal Reserve bank. To this special account on the books of the depositary shall be credited all withheld taxes received by the depositary from employers.

Deposits in the special account will be permitted to accumulate until a balance of $5,000 is reached, at which time the depositary must remit, not later than the following business day, the entire balance to the Federal Reserve bank for credit to the account of the Treasurer of the United States. Remittances to the Federal Reserve bank, however, are not required to be made more frequently than once each day. The entire balance in the special account on the last business day in each month, regardless of the size of the balance, must be remitted to the Federal Reserve bank not later than the following business day. Each remittance to the Federal Reserve bank must be accompanied by the first carbon copies of the depositary receipts for withheld taxes, issued by the depositary as hereinafter provided, with regard to the funds constituting the remittance. When a remittance to the Federal Reserve bank is made, it is essential that the accompanying depositary receipts be in the exact aggregate amount of such remittance and that they relate exclusively to the withheld taxes thus remitted. All remittances must be made in funds immediately available at the Federal Reserve bank point.

The depositaries will receive through the Federal Reserve Banks more detailed information regarding the procedure to be followed in connection with the remittance of, and accounting for, withheld taxes received by the depositaries under the provisions of this part.

The depositary shall issue to each employer for each payment of withheld taxes received by the depositary from such employer a Depositary Receipt for Withheld Taxes (Form No. 410), hereinafter referred to as the depositary receipt. The prescribed form of depositary receipt is shown as Exhibit B of this part. All depositary receipts issued must be in this form and no other. Each depositary receipt will be executed by the depositary in triplicate and disposition of the original and copies shall be made by the depositary as follows:

Original: delivered to the employer to evidence the payment of withheld taxes to the depositary;

First copy: forwarded to the Federal Reserve bank at the time the funds represented by the receipt are remitted to the Federal Reserve bank;

Second copy: retained by the depositary, as its record of the payment of the withheld taxes by the employer to the depositary.

[1] Sections 212.1 to 212.11, inclusive, correspond respectively with sections 2 to 12, inclusive, of Treasury Department Circular No. 714, dated June 25, 1943.

[2] Copies may be obtained by addressing the nearest Collector of Internal Revenue, requesting Circular WT.

[2] Filed as part of the original document.

Supplies of the printed form of depositary receipt will be furnished to, or procured by, each depositary, and will be controlled, under instructions issued through the Federal Reserve bank.

The depositary will not be required to accept from employers, as payment of withheld taxes, funds which are not immediately available to the depositary at the time of such payment. Treasury Notes, Tax Series, or other public debt securities of the United States, will not be accepted by depositaries from employers as payment of withheld taxes under this part. Each depositary receipt will be dated as of the day the funds are credited in the special account "Withheld Taxes" in the name of the Federal Reserve bank as fiscal agent of the United States.

The original and Federal Reserve bank copy of each depositary receipt must be signed by a duly authorized officer or employee acting on behalf of the depositary. This signature may be in any one of the following forms: (1) a manual signature of a duly authorized officer or employee followed by the title of such officer or employee; (2) a rubber stamp impression containing the name of the depositary supported by the manual initial of the receipting officer or employee and followed by his title; (3) facsimile or rubber stamp impression signature of a duly authorized officer over his official title, supported by the manual initial of such officer or the employee receiving the deposit; or (4) a facsimile or rubber stamp impression signature of a duly authorized employee over his official title, supported by the manual initial of such employee. All initials or manual signatures should be in ink.

In the event the original of a depositary receipt is lost, stolen, or destroyed before it is forwarded to a collector of internal revenue, the employer concerned will be issued a duplicate receipt upon proper application and the submission of required evidence to the Federal Reserve bank of the district in which the depositary which issued the original receipt is located. Such issuance of duplicate receipts will be governed by requirements and procedure to be prescribed by the Secretary of the Treasury.

§ 212.7 *Provision for offsetting costs of depositaries for withheld taxes.* For the purpose of offsetting additional costs incurred by depositaries in receiving from employers payments of withheld taxes and remitting the funds thus collected to Federal Reserve banks as required herein, two alternative methods are provided by which a depositary may purchase 2% depositary bonds issued pursuant to Department Circular No. 660, First Supplement.

Under one method, the depositary will be permitted to purchase 2% depositary bonds with its own funds. Such bonds will be issued in the name of the Federal Reserve bank as fiscal agent of the United States in trust for the depositary, and will be required to be held by such Federal Reserve bank in safekeeping while the depositary is qualified for receiving payments of withheld taxes.

Under the other method, the Treasury will agree to place with the depositary a balance to the credit of the Treasurer of the United States, provided that such balance will be used by the depositary for the purchase of an equal amount of 2% depositary bonds. Such bonds will be issued in the name of the Federal Reserve bank as fiscal agent of the United States, in trust for the depositary, and will be held as collateral security for such deposit balance.

The amount of 2% depositary bonds which the depositary will be permitted to purchase under either of the alternative methods will be in proportion to the business transacted under this part, as set forth in the attached schedule of 2% depositary bond allotments and Treasury balances (Exhibit C).[1]

In case an insured bank qualifies as a depositary for withheld taxes on or before July 31, 1943, its initial 2% depositary bond allotment or Treasury balance under the method elected by the depositary will be calculated on the basis of the business transacted under this part by the depositary during the month of August 1943. The same general rule will be applied in the case of insured banks qualifying during each month after July 1943. For example, in the case of an insured bank qualifying as a depositary during the month of August 1943, the initial 2% depositary bond allotment or Treasury balance will be based upon the business such depositary transacts under this part during the month of September 1943.

Appropriate adjustments in 2% depositary bond allotments or Treasury balances will be considered periodically on the basis of fluctuations in the business transacted after the initial allotments or Treasury balances are established. The first of such adjustments will be made at the close of the three-month period of operations of a depositary after its initial allotment or Treasury balance is established. Thereafter, appropriate adjustments will be made at the close of each six-month period ending on June 30 and December 31. The adjustments will be considered on the basis of the average business transacted monthly during the period under review, in relation to the schedule of 2% depositary bond allotments and Treasury balances then in effect. A depositary will be permitted to change from one alternative method to the other on the adjustment dates of June 30 and December 31.

Matters concerning the allotment of 2% depositary bonds under the terms of this part will be handled by the Treasury Department through the Federal Reserve banks.

§ 212.8 *Termination of the qualification of a depositary for withheld taxes.* The Secretary of the Treasury, upon notification through the Federal Reserve banks, may terminate at any time the qualification of any depositary for withheld taxes. Likewise, any depositary for withheld taxes may terminate its qualification upon 30 days' notice to the Secretary of the Treasury, through the Federal Reserve bank. Upon termination of the qualification of a depositary the amount of 2% depositary bonds purchased by it pursuant to these regulations will be redeemed on not less than 30 days' or more than 60 days' notice by the Secretary of the Treasury.

§ 212.9 *Treatment by collectors of internal revenue of withheld taxes received by depositaries.* The receipt of withheld taxes by depositaries shall be treated as payment of such taxes to collectors of internal revenue upon the filing of the return for the withheld taxes and the presentation therewith to such collectors of properly executed depositary receipts. Collectors of internal revenue will promptly deposit all such depositary receipts as internal revenue collections with the Federal Reserve bank of the district in which the collector's head office is located. Each such deposit shall be accompanied by an appropriate certificate of deposit which shall not include any other class of remittances.

In any case in which a depositary receipt is received by a Federal Reserve bank and it is determined that the employer failed to pay to the depositary the amount stated therein, the Federal Reserve banks may return such item to the collector of internal revenue, under procedure prescribed by the Secretary of the Treasury.

§ 212.10 *Functions of Federal Reserve Banks regarding withheld taxes.* In accordance with instructions from the Secretary of the Treasury, the Federal Reserve banks, as fiscal agents of the United States, will perform the following functions:

The Federal Reserve banks will receive from depositaries remittances of withheld taxes and from collectors of internal revenue depositary receipts for appropriate credit and clearance in the account of the Treasurer of the United States.

The Federal Reserve banks will maintain such records and perform such other functions as may be necessary for the purpose of: (a) Determining that the required copies of depositary receipts are received from the depositaries in support of all remittances by such depositaries of withheld taxes; and (b) properly balancing or matching the depositary receipts deposited by the collectors of internal revenue with the corresponding copies of the depositary receipts received from the depositaries, in order to prove or reconcile credits allowed employers by the collectors of internal revenue with the depositaries' remittances of withheld taxes.

The Federal Reserve banks will perform such additional functions relating to withheld taxes, including the rendition of reports, as may be required by the Secretary of the Treasury.

The Federal Reserve banks are authorized to utilize the facilities of their branches in performing the functions required under this part.

§ 212.11 *Amendment of regulations.* The Secretary of the Treasury may withdraw or amend at any time or from time to time any or all provisions of this part.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 43-10593; Filed, July 1, 1943, 10:35 a. m.]

[1] Filed as part of the original document.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-357]

S. & J. PALDER

S. & J. Palder is a partnership which operates a service station at 1207 Columbus Avenue, Boston, Massachusetts. During the months of April, May and June, 1942, and while its regular supplier was delivering its full quota, S. & J. Palder accepted the delivery of approximately 27,000 gallons of motor fuel in excess of the amount it was permitted to accept by the provisions of Limitation Order L-70. S. & J. Palder received these excessive amounts from another supplier, although it knew that its regular supplier was delivering motor fuel to it pursuant to an L-70 quota and that in all probability its purchases from the other supplier were improper. These excess receipts of motor fuel were made under such circumstances as to constitute wilful violations of the order.

These violations have hampered and impeded the war effort of the United States by diverting motor fuel in a manner unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.357 *Suspension Order No. S-357.* (a) During each of the months of July, August, September and October, 1943, S. & J. Palder, its successors or assigns, shall not accept from any source the delivery of more than 5000 gallons of motor fuel, as defined in Limitation Order L-70, at its said service station.

(b) Nothing contained in this order shall be deemed to relieve S. & J. Palder, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect July 1, 1943.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10558; Filed, June 30, 1943; 2:23 p. m.]

PART 951—MATERIAL AND EQUIPMENT ENTERING INTO THE CONSTRUCTION OF SHIPWAYS

[Amendment of Revocation of Preference Rating Order P-14-a]

The order of revocation of Preference Rating Order P-14-a, issued June 25, 1943, is hereby amended to read as follows:

Section 951.1 *Preference Rating Order P-14-a*, is hereby revoked, as follows:

a. No new copy of Preference Rating Order P-14-a shall hereafter be issued or addressed to any shipyard or accepted by any shipyard.

b. On or before August 1, 1943, every shipyard and rated subcontractor to which copies of Preference Rating Order P-14-a have been issued or extended shall return all such copies of Preference Rating Order P-14-a to War Production Board, Shipbuliding Division, Washington, D. C.

c. After August 1, 1943, no shipyard to which a copy of Preference Rating Order P-14-a was issued shall apply or extend any preference rating which was assigned thereby or any rerating thereof. Rated subcontractors and suppliers, however, may continue to extend such ratings in the manner and subject to the conditions provided in Priorities Regulation No. 3.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10574; Filed, June 30, 1943; 5:09 p. m.]

PART 951—MATERIAL AND EQUIPMENT ENTERING INTO THE CONSTRUCTION OF SHIPWAYS

[Amendment of Revocation of Preference Rating Order P-14-b]

The order of revocation of Preference Rating Order P-14-b, issued June 25, 1943, is hereby amended to read as follows:

Section 951.2 *Preference Rating Order P-14-b*, is hereby revoked, as follows:

a. No new copy of Preference Rating Order P-14-b shall hereafter be issued or addressed to any shipyard or accepted by any shipyard.

b. On or before August 1, 1943, every shipyard and rated subcontractor to which copies of Preference Rating Order P-14-b have been issued or extended shall return all such copies of Preference Rating Order P-14-b to War Production Board, Shipbuilding Division, Washington, D. C.

c. After August 1, 1943, no shipyard to which a copy of Preference Rating Order P-14-b was issued shall apply or extend any preference rating which was assigned thereby or any rerating thereof. Rated subcontractors and suppliers, however, may continue to extend such ratings in the manner and subject to the conditions provided in Priorities Regulation No. 3.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10575; Filed, June 30, 1943; 5:09 p. m.]

PART 3240—MATERIAL FOR FARMSTEAD WIRING

[Amdt. 1 and Ext. 1 of Preference Rating Order P-144]

Section 3240.1 *Preference Rating Order P-144*, is hereby amended as follows:

1. Paragraph (c) shall read:

(c) *Records.* (1) Except as provided in paragraph (c) (2) hereof, each supplier shall forward to the U. S. D. A. County War Board which certified the purchaser's eligibility, a copy, endorsed by such supplier, of each purchase order or contract to which the rating assigned hereby has been applied or extended. The U. S. D. A. County War Board shall retain such copy for a period of two years for inspection by representatives of the War Production Board. This requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) No supplier is required to forward such copy in the case of sales made to other suppliers.

2. Paragraph (e) shall read:

(e) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to War Food Administration, Washington, D. C., Ref.: P-144.

3. Paragraph (g) shall read:

(g) *Expiration date.* This order shall expire July 31, 1943.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10573; Filed, June 30, 1943; 5:09 p. m.]

PART 1023—JEWEL BEARINGS

[Conservation Order M-50, as Amended July 1, 1943]

Whereas, national defense requirements have created a shortage of jewel bearings (as hereafter defined) for the combined needs of defense and private account, and the supply of jewel bearings now is and will be insufficient for defense and essential civilian requirements, unless the supply of jewel bearings and jewel bearing material (as hereinafter defined) is conserved and their use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest to promote the defense of the United States, to conserve the supply and direct the distribution and use thereof.

Now, therefore, it is hereby ordered, That:

§ 1023.1 *Conservation Order M-50*—(a) *Definitions.* For the purpose of this order:

(1) "Jewel bearing material" means any natural sapphire or ruby of industrial quality, any synthetic sapphire, ruby, or spinel, or any other material of similar chemical composition and physical properties. Natural spinel is not included.

(2) "Jewel bearing" means any jewel bearing material which has been processed in any manner for use where friction occurs, including vees, rings, cups, endstones, pallet stones, roller pins, needles, stylii, cutters, nozzles, supports, tool bits, and dies.

(3) "Substitute jewel bearing" means a metal, agate, garnet, glass, or other bearing designed to replace or to substitute for a large ring bearing or a vee bearing of sapphire, ruby, or synthetic spinel.

(4) "Large ring bearing" means any jewel bearing or substitute jewel bearing through which a hole has been pierced from one parallel face to the other which has the following dimensions:

Outside diameter greater than	0.050 inch (1.270 mm.)
Thickness greater than	0.012 inch (.305 mm.)
Hole diameter greater than	0.006 inch (.152 mm.)

(5) "Vee bearing" means any jewel bearing or substitute bearing which has a conically shaped cavity in one of the parallel faces.

(6) "Supplier" means any person who has engaged in the importation or processing of jewel bearings, substitute jewel bearings, or jewel bearing material, since January 14, 1942.

(7) "Consumer" means any person who uses jewel bearings or substitute jewel bearings in the manufacture of any article

(8) "Processing" means manufacturing, fabricating, polishing, or modifying in any manner jewel bearing material or material designed to substitute therefor.

(9) "Blank" means preparage, rondel, cylinder, or prism made from jewel bearing material for the purpose of fabrication of a jewel bearing but which has not been drilled or formed.

(10) "Use" of a jewel bearing or substitute jewel bearing means to mount the jewel bearing in a screw or other setting, or to incorporate physically the mounted or unmounted bearing in a device where its normal bearing surface may be subjected to friction from a moving part or object.

(11) "Semi-fabricated jewel bearing" means any jewel bearing processed beyond the blank stage but on which additional processing is necessary before it is ready to be used by a consumer.

(12) "Finished bearing" means any jewel bearing or substitute jewel bearing which has been processed to a point where it can immediately be used by a consumer.

(13) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament, weapons, ships, tanks, and military vehicles), and any parts, assemblies, and materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(b) *Restrictions on delivery, processing, use, and sale.* (1) On and after November 2, 1942, each supplier shall set aside his entire stock, receipts, and production of finished jewel bearings, jewel bearing material, semi-fabricated jewel bearings, and blanks as a reserve for the fulfillment of present and future defense orders, and such other orders and uses as may be authorized from time to time by the War Production Board.

(2) No supplier shall make deliveries or withdrawals from such reserve either to his customers or for purposes of his own use, except as authorized by the War Production Board. The War Production Board will from time to time allocate the supply of finished jewel bearings, of semi-fabricated jewel bearings, of blanks, and of jewel bearing material; and may specifically direct the manner and quantities in which deliveries to or by particular persons or for particular uses shall be made or withheld. It may also direct, limit, or prohibit processing of jewel bearing material, blanks and semi-fabricated jewel bearings. It may also direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of jewel bearings in the hands of consumers. It may also allocate the supply of finished substitute jewel bearings, or any particular kind thereof, in the hands either of suppliers or consumers, and may direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of substitute jewel bearings. Such allocations and directions will be made to insure the satisfaction of the defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the War Production Board, without regard to any preference ratings assigned to particular contracts or purchase orders.

(3) Unless specifically directed or authorized by the War Production Board, no person shall sell or deliver to any person for any purpose vee bearings or large ring bearings of sapphire or ruby, except:

(i) That any person may sell such bearings to the person from whom he originally acquired them; and

(ii) That a wholesaler or distributor (but not a supplier) may sell or deliver large ring bearings to persons who will use such large ring bearings solely in the repair of watches or aeroplane instruments.

(c) *Additional restrictions on consumers*—(1) *Use of vee bearings and large ring bearings.* Unless specifically directed or authorized by the War Production Board, no person shall use vee bearings or large ring bearings of sapphire or ruby in the manufacture of any article other than:

(i) "Implements of war" as defined in this order, which are being produced for the Army or the Navy of the United States, the Maritime Commission, the War Shipping Administration, or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of vee bearings or large ring bearings of sapphire or ruby to the extent employed is required by the latest issue of government specifications (including performance specifications, unless otherwise directed by the War Production Board) applicable to the contract, subcontract, or purchase order; or such other articles or products being produced for any of the foregoing services, agencies, or foreign governments, as may be from time to time approved and designated by the War Production Board by means of supplementary orders: *Provided, however,* That no person in the manufacture of implements of war or other articles or products covered by this paragraph (c) (1) (i) shall use a vee bearing or a large ring bearing of sapphire or ruby in any place or application where the governmental contracting agency 30 days or more previously has issued a written statement to such person permitting the use of a substitute jewel bearing in such place or application: *Provided, further,* That any person who uses vee bearings or large ring bearings of sapphire or ruby, in order to meet performance specifications in the manufacture of any article or product covered by this paragraph (c) (1) (i), shall furnish such information with respect to such article or product and the specifications applicable thereto as may be requested from time to time by the War Production Board.

(ii) Instruments for use in aeroplanes and ships.

(iii) Machine tools.

(iv) Dial indicator gages, being mechanisms for amplifying and measuring the displacement of a movable contact point, thereby measuring a dimension or variations from a standard dimension, each such gage comprising essentially a case with means for mounting the indicator, a spindle carrying the contact point, an amplifying mechanism, a pointer, and a graduated dial.

(v) Railroad standard watches, as such term is used and defined in Order L-175 of the War Production Board

(2) *Use of substitute bearings.* On and after 30 days after November 2, 1942, unless specifically directed or authorized by the War Production Board, no person shall use jewel bearings of any type in the manufacture or repair of any article, other than those described in paragraph (c) (1) (i), in any place where it would be practicable, considering performance requirements, to use substitute jewel bearings, and in the repair of any such article no person shall replace a jewel bearing with a jewel bearing of any type if the bearing being replaced can be repaired or if it would be practicable, considering performance requirements, to use a substitute jewel bearing in its place.

(d) *General exception.* The prohibitions and restrictions contained in this order shall not apply to any jewel bearing which on or after November 2, 1942, without violating any order of the War Production Board, had been physically incorporated in a device in which, without further assemblage, its normal bearing surface was subjected to friction from a moving part or object.

(e) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of jewel bearings conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in triplicate, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(f) *Reports.* (1) Each supplier shall file with the War Production Board, Reference M-50, all information required on Form WPB-482 (formerly PD-235) on or before the dates therein prescribed.

(2) Each consumer shall file with the War Production Board, Reference M-50, all information required on Form WPB-465 (formerly PD-236) on or before the dates therein prescribed.

(3) Any person producing or offering for sale jewel bearing material shall file with the War Production Board, Reference M-50, all information required on Form WPB-675 (formerly PD-338) on or before the dates therein prescribed.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington, D. C. Ref.: M-50.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10585; Filed, July 1, 1943; 10:23 a. m.]

PART 1257—CUTLERY

[General Limitation Order L-140-a]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals used in the production of cutlery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1257.2 *General Limitation Order L-140-a*—(a) *Definitions.* For the purposes of this order:

(1) "Cutlery" means any professional food processing cutlery, as defined in Schedule A, any professional kitchen cutlery, as defined in Schedule B, any household kitchen cutlery, as defined in Schedule C, any household table cutlery, as defined in Schedule D, any pocket cutlery, as defined in Schedule E, any scissors, shears and trimmers, as defined in Schedule F, any hand hair or fetlock clippers, as defined in Schedule G, any industrial cutlery, as defined in Schedule H, and any hunting or fixed blade sheath knife, any carving sets, any poultry shears, any implement designed or intended for manicuring, for pedicuring or for extracting blackheads, including but not limited to nail files, nail nippers, nail clippers, pushers, picks, cuticle scissors, cuticle pushers, cuticle clippers and cuticle nippers, and any other hand operated, fixed or folding, cutting blade or fork with a handle or handles of any material attached so as to become an integral part of the implement. "Cutlery" shall not include any articles of flatware, as defined in Order L-140-b, when issued, or any of the articles subject to Order L-30-d, as amended from time to time, or surgical instruments.

(2) "Manufacturer" means any person engaged in the business of fabricating or assembling any new cutlery from any raw material, purchased parts or previously used or fabricated material, or who performs any hand or mechanical fabricating or assembling operation on an article of cutlery.

(3) "Process" means the first change by a manufacturer in the form of material (whether raw material, semi or fully fabricated material or finished parts) from that form in which it is received by him, or the first assembly by a manufacturer of material which is not changed in form by him. Any manufacturer who did not maintain records during the base period as to his processing of metals in terms of weight, but who maintained records in terms of units of cutlery only, may apply all percentages contained in this order and schedules in terms of units rather than in terms of weight.

(4) "Base period" means the period beginning July 1, 1940 and ending June 30, 1941, inclusive.

(5) Gauges when referred to in this order, are subject to commercial tolerances.

(b) *Restrictions on kinds of cutlery which may be manufactured.* No manufacturer shall process any metal for new cutlery which is not of a type defined in a schedule in this order.

(c) *Restrictions on quantity of cutlery produced.* No manufacturer shall process more metal in the production of any new cutlery than the amount specified for that class of cutlery in the appropriate schedule attached to this order.

(d) *Exceptions for military orders.* In addition to the production permitted by paragraph (c) above a manufacturer may process sufficient additional amounts of metal to fill purchase orders or contracts for cutlery to be delivered by him to or for the account of

(1) The War Shipping Administration,

(2) The United States Maritime Commission,

(3) The United States Navy (excluding purchase orders placed by or for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specifically authorize on Form WPB-1319 (formerly PD-556), pursuant to an application filed on said Form, the filling of purchase orders for cutlery for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale within but for use outside the 48 United States and the District of Columbia. In completing said form supply all information called for in section I, and information called for in parts (a), (d), (e) and (f) of section II. Omit parts (b) and (c) of section II. In section III supply information called for in parts (1) (A) and (8). Omit information called for in parts (1) (B), (2), (3), (4), (5), (b) and (7) of section III. Form WPB-1319 (formerly PD-556) is to be filed and executed only by the Bureau of Naval Personnel, Navy Department, Washington, D. C., and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified in section I of said form.

(4) The United States Army (excluding purchase orders placed by or for delivery to United States Army post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specifically authorize on Form WPB-1319 (formerly PD-556), pursuant to an application filed on said form, the filing of purchase orders for cutlery for delivery to and use by post exchanges located in areas designated by the United States Army as "staging areas." In completing said form supply all information called for in section I, and information called for in parts (a), (d), (e) and (f) of section II. Omit parts (b) and (c) of section II. In section III supply information called for in parts (1) (A) and (8). Omit information called for in

parts (1) (B), (2), (3), (4), (5), (b) and (7) of section III. Form WPB–1319 (formerly PD–556) is to be filed and executed only by the Army Exchange Service of New York, and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified in section I of said form.

(e) *Specifications.* No manufacturer shall process any metal for the production of any new cutlery which does not conform to the specifications contained in the applicable schedules in this order except that these specifications do not apply to orders for household table cutlery, pocket cutlery and hunting or fixed blade sheath knives, or orders for other cutlery accepted by the manufacturer prior to July 1, 1943: *Provided*, That such orders are for the agencies specified above in paragraph (d).

(f) *Metal restrictions.* No manufacturer shall process any metals other than iron, carbon steel, gold and silver in the production of cutlery, except

(1) Lead for rivets and bolsters for paring knives as provided in Schedule B of this order;

(2) Metal for bolsters as provided in Schedule D of this order;

(3) Chromium for plating of household table cutlery and hand hair clippers;

(4) Zinc as provided in Schedule G and H of this order subject to the restrictions contained in the M-11 series, as amended from time to time.

(g) *Hardness of knife blades and sharpening steels.* No manufacturer shall process any steel for the production of:

(1) Knife blades for cutlery which when finished tests less than 45, Rockwell C Scale;

(2) Sharpening steel which when finished tests less than 62, or more than 68, Rockwell C Scale.

(h) *Cutlery for advertising.* No manufacturer shall process metal for the production of any cutlery which is designed or intended for distribution free, or for a nominal consideration, in connection with advertising, sales promotion or similar use.

(i) *Packaging.* No manufacturer shall package cutlery in such a way as to indicate an intent to sell two or more pieces as a set to ultimate consumers.

(j) *Restrictions on distribution.* (1) No manufacturer, wholesaler or jobber shall sell or deliver any item of cutlery manufactured after June 30, 1942 which is intended for distribution free or for a nominal consideration, in connection with advertising, sales promotion or similar use.

(2) Notwithstanding the provisions of applicable regulations of the War Production Board, no manufacturer shall give any force or effect to any preference ratings, no matter how assigned, accompanying orders for cutlery which require the shipment of less than his regular standard package of that item of cutlery.

(k) *Partial revocation of L–140.* On and after July 1, 1943, the restrictions contained in L–140 are hereby superseded and L–140 is hereby revoked in so far as it applies to the production of any cutlery other than silver plated flatware restricted in paragraph (b) (5) of that order.

(l) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the production of cutlery inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production as permitted by this order.

(m) *Reports.* (1) Prior to July 15, 1943, every manufacturer of cutlery shall execute and file in duplicate with the War Production Board, Washington, D. C., Ref: L–140–a, a report as to the aggregate amount of all metals processed by that manufacturer during the base period and grouped in accordance with the classes as specified in the definitions contained in the individual schedules attached to this order. Manufacturers who compute their processing of metals in units in accordance with paragraph (a) (3) of this order may file such report in units. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington, D. C., Ref.: L–140–a, on or before the 10th day of July, 1943, and on or before the 10th day of each calendar month thereafter, Form WPB–1600 (formerly PD–655).

(n) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time, except as provided in paragraph (j) (2).

(o) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(p) *Appeals.* Any appeal from this order shall be made by filing Form WPB–1477 (formerly PD–500).

(q) *Communications.* All reports to be filed hereunder or communications concerning this order should be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref: L–140–a.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—PROFESSIONAL FOOD PROCESSING CUTLERY

Definitions. "Professional food processing cutlery" means any hand operated knives, cleavers, splitters, sharpening steels, beef tiers, ham stringers, coring hooks, canning or pitting spoons, and other hand cutlery designed for, but not limited to, use in packing houses, quick-freezing plants, canneries and dehydrating plants for slaughtering, cleaning, dressing, boning and otherwise processing meats, poultry, fish, vegetables, fruits, and other food stuffs; and also hand cutlery designed for, but not limited to, use in butcher shops and provision markets for the further processing of meats and other foods.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon, and does not apply to the grind or finish of the blade or bowl, or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional food processing cutlery except that which conforms to the following specifications:

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Length in inches	Gauge of metal stock
Butcher knife	1	4	6	Not lighter than [illegible] in thickness
Steak knife (Scimitar shape)	1	2	10	
Trimming or heading knife	1	1		
Ribbing knife	1	1		
Boning knife (Straight blade)	2	2		
Boning knife (Curved blade)	1	1		
Sticking knife	1	1	6	
Sticking knife (chicken)	1	1		
Sticking knife (turkey)	1	1		
Skinning knife	2	1		
Pinners knife (pinfeather)	1	1		
Sharpening steels	1	3		
Fish slitting or gutting knife	1	1		
Fish splitting knife	1	1		
Fish slitting knife	1	1		
Fish filet knife	1	1		
Clam knife	1	1		
Oyster knife	2	1		
Scallop knife	1	1		
Sponge or fisherman's sheath knife	1	1		
Ham stringer	1	1		
Beef tier	1	1		
Fruit canning knife (California type)	1	3		
Canning knife (California type)	1	1		
Tomato knife	1	1		
Beet topping knife	1	1		
Pitting spoon	3	1		
Tomato spoon	1	1		
Coring hook	2	1		
Cleavers	2	1		
Splitters	2	1		

No cutlery in the foregoing schedule, with the exception of patterns with round tangs, shall be finished without at least one rivet or one pin driven through at least one side of the handle and through the tang.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional food processing cutlery more iron and steel in the aggregate than 225% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional food processing cutlery.

SCHEDULE B—PROFESSIONAL KITCHEN CUTLERY

Definitions. "Professional kitchen cutlery" means any hand operated knives, forks, scrapers, turners and spatulas used in the preparation of food, designed for, but not limited to, use in the bakery trade and in kitchens of hotels, restaurants, cafeterias, hospitals, institutions and other public eating places.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length," unless otherwise specified, means the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Length in inches	Gauge of metal stock
Butcher knife	1	2	8" Maximum	Not heavier than .072" in thickness, nor lighter than .065" in thickness.
Cook's knife (Sabatier shape no heel, no bolster)	1	2	8" Minimum	
Meat slicer	2	1	10" Minimum	
Utility slicer	2	1	8" Maximum	
			8" Minimum	
Paring knife	2	1	3½" Maximum.	
Cook's fork (forged blade)	1	1	14" including handle.	
Cook's fork (blanked blade, hardened and tempered).	1	1		
Spatula	1	3	8" Minimum	
Baker's scraper	1	1		1 weight of blade only.
Cake turner (spatula type)	1	1		
Hamburg turner (spatula type)	1	1		

No cutlery in the foregoing schedule, with the exception of patterns with round tangs, shall be finished without at least one rivet or one pin driven through at least one side of the handle and through the tang.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional kitchen cutlery more iron and steel in the aggregate than 75% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional kitchen cutlery.

Use of lead. Manufacturers may process lead for rivets and bolsters for paring knives.

SCHEDULE C—HOUSEHOLD KITCHEN CUTLERY

Definitions. "Household kitchen cutlery" means hand operated knives and forks used in the preparation and serving of food, and designed for use in home kitchens.

"Pattern" means the outline shape of the blade of a knife or fork. It does not apply to the grind or finish of the blade or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household kitchen cutlery except that which conforms to the following specifications:

[illegible]tion of items	Maximum No. of patterns	Maximum No. of lengths per pattern	Length in inches
Slicer	2	1	9" maximum
Cook's fork (blanked blade, hardened and tempered).	1	1	10½" maximum (including handle).

No cutlery in the foregoing schedule, with the exception of patterns with round tangs, shall be finished without at least one rivet or one pin driven through at least one side of the handle and through the tang.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household kitchen cutlery more iron and steel in the aggregate than 35% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household kitchen cutlery.

SCHEDULE D—HOUSEHOLD TABLE CUTLERY

Definitions. "Household table cutlery" means any knife, fork, spoon or any other cutlery of plated or unplated metal, with handles made of other material than metal, designed for the actual serving and eating of food in the home, other than all metal flatware.

"Pattern" means the outline shape of the blade of a knife or fork or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household table cutlery except that which conforms to the following specifications:

Description of item	Maximum No. of patterns	Maximum No. of lengths per pattern
Table knife	1	1
Dessert fork	1	1
Dessert spoon	1	1
Teaspoon	1	1

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Metal for bolsters. Manufacturers may process lead, carbon steel or bolster metal in accordance with Order M–43, as amended from time to time, in the production of the household table cutlery specified in this schedule, provided that no lead, carbon steel or bolster metal is processed for such cutlery unless necessary to provide a serviceable junction between the blade and handle.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household table cutlery more iron and steel in the aggregate than 50% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household table cutlery.

Chromium plating. Chromium plating for household table cutlery is permitted pursuant to paragraph (f) (3) of this order.

SCHEDULE E—POCKET CUTLERY

Definitions. "Pocket cutlery" means any folding blade knife.

"Pattern" means the outline shape of the skeleton or frame. It does not apply to the shape of, number of or finishes of blades, or to the type of material, finish or color of the handle.

"Length", unless otherwise specified, means the outside measurement of the skeleton or frame of the knife, subject to a tolerance (plus or minus) of 1/16th inch.

"Number of blades per knife" refers only to the number of blades which may be fastened directly or indirectly to each skeleton or frame and does not refer to the shape or finish of the blades. Different styles of blades may be mounted on the same pattern of skeleton or frame. For instance, the specifications state that not more than one blade may be fastened to each skeleton or frame of a pruning, maize or navy knife. The manufacturer may produce as many styles of blades for such pruning, maize or navy knives as he wishes, so long as each completed knife contains only a single blade, irrespective of its style.

Permissible types. No manufacturer shall process metal in the production of pocket cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	No. of blades per knife	Maximum No. of weights
General utility knife	1	1	Maximum 4	
Premium stock knife or cattle knife	3	1	Maximum 3	
Jack knife	1	3	2 only	2
Pruning, maize or navy knife	1	1	1 only	
Budding or grafting knife	1	1	1 only	
Electrician's knife	1	1	2 only	
Scout knife	1	1	4 only	
Self opening knife	1	2	1 only	

No item in the foregoing list may be made with a handle less than 3⅜ inches in length nor less than ⅜ of an inch in thickness at the narrowest point.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of pocket cutlery more iron and steel in the aggregate than 60% of the average quarterly amount of iron, steel and other metals in the aggregate processed by that manufacturer during the base period in his production of pocket cutlery.

SCHEDULE F—SCISSORS; SHEARS AND TRIMMERS

Definitions. "Scissors" means any two bladed, hand operated cutting implement having two rings, each of a size sufficient to accommodate not more than one finger or thumb in each ring, designed for use in industrial plants, schools, dressmakers' establishments, department stores, homes, etc., for cutting cloth, paper and miscellaneous materials; including nail scissors, but excluding surgical scissors and barber shears and scissors.

"Shears and trimmers" means any two bladed, hand operated cutting implement having one ring of a size sufficient to accommodate two or more fingers and a second ring which is smaller and barber shears or scissors possessing a protruding finger rest, but not including animal and agricultural shears and trimmers or metal cutting shears or snips.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of scissors more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of scissors.

During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of shears and trimmers more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of shears and trimmers.

SCHEDULE G—HAND HAIR CLIPPERS

Definitions. "Hand hair clippers" means clippers operated b hand, designed for but not limited to use in barber shops, beauty parlors, hospitals or homes for cutting human hair, and including fetlock clippers.

"Length" means the over-all measurement of the article from the tip of the stationary handle to the tip of the cap or head.

"Pattern" means the outline shape of the head, cap and handles, including horns and finger rests of the completed article, without the plates. It does not refer to the finish, color or weight of the article.

Permissible types. No manufacturer shall process metal in the production of any hand hair clippers except those which conform to the following specifications:

General description	Maximum No. of patterns	Maximum No. of lengths
Large heavy duty clippers	1	1
Light weight clippers	1	1
Fetlock clippers	1	1

Permissible amount of metal. During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new large heavy duty hand hair clippers and fetlock clippers more iron, steel and zinc in the aggregate than 45% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new large heavy duty hand hair clippers, and fetlock clippers.

During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new light weight hand hair clippers more iron, steel and zinc in the aggregate than 25% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new light weight hand hair clippers.

Restrictions on distribution. On and after July 1, 1943, no manufacturer shall transfer the physical possession of or title to any new light weight hand hair clipper produced after that date except to or for the account of persons acquiring such light weight hand hair clippers for export to and consumption or use in a foreign country.

Chromium plating. Chromium plating for hand hair clippers is permitted pursuant to paragraph (f) (3) of this order.

SCHEDULE H—INDUSTRIAL CUTLERY

Definitions. "Industrial cutlery" means hand operated knives or similar articles designed for use primarily in, but not limited to, shoe, rubber, linoleum, electrical and other manufacturing plants; and in the shipbuilding, storage battery, automotive, tire repair, painting, furniture, office supply and other trades; including but not limited to putty knives, scrapers, wallpaper trimmers, paper hangers' knives, casing knives, corner knives, linoleum knives, roofing knives, manual training knives, wood carving knives, pattern makers' knives, stencil knives, rubber knives, shoe knives, cotton sampling knives, broom corn knives, and similar industrial knives; and also adjustable knife blades with detachable handles designed for essential cutting operations.

Permissible amounts of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of industrial cutlery more iron, steel, and zinc in the aggregate than 200% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of industrial cutlery.

[F. R. Doc. 43-10586; Filed, July 1, 1943; 10:23 a. m.]

PART 3046—LOW PRESSURE CAST IRON BOILERS

[Limitation Order L-187 as Amended July 1, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3046.1 *General Limitation Order L-187*—(a) *Definitions.* For the purposes of this order:

(1) "Low pressure cast iron boiler" means any boiler designed for the purpose of heating water so as to provide heat for the interior of a building by means of circulating steam or hot water, which boiler:

(i) Operates at a maximum working pressure not exceeding fifteen pounds per square inch of steam pressure or thirty pounds per square inch of water pressure, and

(ii) Is composed preponderantly of cast iron.

(2) "Parts" includes all materials used as repair parts for low pressure cast iron boilers.

(3) "Military low pressure cast iron boiler" means any low pressure cast iron boiler which is manufactured for delivery to or for the account of the Army,

Navy, War Shipping Administration or the Maritime Commission of the United States or the Defense Plant Corporation.

(4) "War housing low pressure cast iron boiler" means any low pressure cast iron boiler which is manufactured on a specific contract or order for use in a building rated under Preference Rating Order P-55, P-110, or any order in the P-19 series.

(b) *Restrictions.* (1) No person shall manufacture, fabricate or assemble any low pressure cast iron boiler, and no person shall manufacture or fabricate any component parts of such boilers, except that:

(i) The manufacture, fabrication or assembly of military or war housing low pressure cast iron boilers built to use solid fuel, or of low pressure cast iron boilers built to use solid fuel for use in a hospital constructed, to be constructed or under construction, may be specifically authorized by the War Production Board on Form PD-704; and

(ii) During the first six months of 1943, any manufacturer of low pressure cast iron boilers may manufacture or fabricate such component parts as he can manufacture or fabricate by using an aggregate weight of iron and steel not in excess of 13% of the total weight of iron and steel which he put into process in the manufacture or fabrication of such component parts during the calendar year 1940; and

(iii) Any manufacturer of low pressure cast iron boilers may, in addition, manufacture or fabricate such component parts as may be necessary to replace in his inventory component parts manufactured pursuant to (ii) above which were used to manufacture low pressure cast iron boilers pursuant to (i) above; and

(iv) Any manufacturer of low pressure cast iron boilers who shall not have used the weight of iron and steel permitted under (ii) and (iii) above, or any portion thereof, during the first six months of 1943, may use that weight or such unused portion during the remainder of 1943; and

(v) Any person may assemble such boilers shipped or to be shipped in accordance with paragraphs (2) (ii) and (iii) below, and

(vi) During the month of July and each succeeding month thereafter of 1943 any manufacturer of low pressure cast iron boilers may manufacture, fabricate or assemble such component parts as he can manufacture or fabricate by using an aggregate weight of iron and steel not in excess of 100% of the total weight of iron and steel which he put into process in the manufacture or fabrication of such component parts during the corresponding calendar month of 1940.

(2) No manufacturer of low pressure cast iron boilers may ship any low pressure cast iron boilers built to use solid fuel, whether assembled or in sets of component parts, except that;

(i) Any such manufacturer may ship any such boilers authorized under paragraph (b) (1) (i); and

(ii) Any such manufacturer may ship in the first six months of 1943 a number of such boilers the total weight of iron and steel of which will not exceed 4½% of the weight of iron and steel which he put into process in the manufacture, fabrication or assembly of component parts of low pressure cast iron boilers during the calendar year 1940; provided that nothing in this order shall restrict the shipment of such boilers as have been or may hereafter be assembled from parts in the inventory of any manufacturer on January 1, 1943; and

(iii) Any such manufacturer who shall not have shipped in the first six months of 1943 boilers permitted under (ii) above may ship those boilers or any unshipped number thereof during the remainder of 1943; and

(iv) Any such manufacturer may ship any such boilers authorized under paragraph (b) (1) (vi).

(c) *Manufacture of parts.* Nothing in this order shall restrict the use of iron and steel in the manufacture of parts designed for converting low pressure cast iron boilers to solid fuel burning from oil or gas burning, or of repair parts for military or hospital low pressure cast iron boilers.

(d) *Avoidance of excessive inventories.* No person shall accumulate, for use in the manufacture of low pressure cast iron boilers, inventories of any materials (whether raw, semi-processed or processed) in the excess of the minimum amounts necessary to maintain production at the rates permitted by this order.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board on or before the tenth day of each calendar month a report on Form PD-639, and shall keep a copy of such monthly report in their own files for a period not less than two years.

(h) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(k) *Applicability of other orders.* Insofar as any other order issued by the War Production Board, or to be issued by it hereafter, limits the use of any material to a greater extent than the limitations imposed by this order, the restriction of such other order shall govern unless otherwise specified therein.

(l) *Communications.* All reports, to be filed, appeals and other communications concerning this order, shall be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref.: L-187.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10587; Filed, July 1, 1943; 10:23 a. m.]

PART 3157—HAULAGE CONSERVATION

[General Haulage Conservation Order T-1 as Amended July 1, 1943]

Part 3157, "Controlled Shipments" is hereby redesignated to be "Haulage Conservation."

Section 3157.1 *General Transportation Order T-1* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials and facilities for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3157.1 *General Haulage Conservation Order T-1*—(a) *Definitions.* For the purpose of this order (and any lists, supplements or schedules hereto, unless otherwise indicated):

(1) "Controlled delivery" means any delivery (including reconsignment) of any material specified on List 1 or 2 annexed hereto, or on any supplement or schedule hereto, where the delivery is to be made under the conditions specified for such material in such list, supplement or schedule.

(2) "Originate" means to load or to tender or offer to a carrier for delivery.

(3) Any distance or mileage which is specified in any list, schedule or supplement to this order, shall be measured over the shortest route over which carload freight may be transported without transfer of lading.

(4) The boundary of any city or village specifically referred to in any list,

schedule or supplement hereto, shall be deemed to include the railroad switching limits as established in duly published rail tariffs.

(b) *List 1 materials.* (1) No person shall originate a controlled delivery of any List 1 material, except as specifically authorized or directed in writing by the War Production Board.

(2) Any person seeking authorization to originate a controlled delivery of any List 1 material may make application on Form WPB–2188 (Formerly PD–782), or, in emergency, by telegram, containing substantially the information called for by such form.

(c) *List 2 materials.* (1) Each person shall report on Form WPB–2188 (formerly PD–782) on or before the 20th day of each calendar month all controlled deliveries of List 2 materials which he then intends to originate during the succeeding calendar month.

(2) Each person shall report on Form WPB–2188 (formerly PD–782) on or before the 10th day prior to originating such delivery any controlled delivery of List 2 materials which he then intends to originate and has not previously reported.

(3) Any person may originate a controlled delivery of List 2 materials reported pursuant to paragraph (c) (1) or (2), unless otherwise specifically directed in writing by the War Production Board.

(4) No person shall originate a controlled delivery of List 2 materials which has not been reported pursuant to paragraph (c) (1) or (2), except as specifically directed or authorized in writing by the War Production Board. Application for such authorization may be made on Form WPB–2188 (formerly PD–782), or, in emergency, by telegram containing substantially the information called for by such form.

(d) *Deliveries originating outside United States.* With respect to any delivery terminating within the forty-eight states or the District of Columbia, but in fact originating elsewhere, the delivery shall, for the purpose of this order and any supplements or schedules hereto, be deemed to have been originated by the consignee at the point of entry.

(e) *Materials covered by supplements and schedules.* The War Production Board may from time to time issue supplements or schedules to this order prescribing conditions governing controlled deliveries of particular materials specified thereon. On and after the effective date of any such supplement or schedule, no person shall make a controlled delivery of any such material except as specified in such supplement or schedule.

(f) *Nonapplicability of order.* This order shall not apply to any carrier when acting in the capacity of a carrier, nor shall it operate as an assignment of, or right to obtain, transportation equipment.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Applicability of other orders.* Nothing contained in this order shall be construed to limit the requirements of any other War Production Board order now or hereafter issued.

(3) *Appeals.* Any appeal from denials of applications or from directions pursuant to this order, or any supplement or schedule hereto, shall be made by filing a letter in triplicate, referring to the particular action appealed from and stating fully the grounds of the appeal.

(4) *Violations.* Any person who wilfully violates any provision of this order, or any supplement or schedule hereto, or who, in connection therewith wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order or any supplement or schedule hereto, shall unless otherwise directed be addressed to: War Production Board, Washington, D. C., Ref.: T–1 (Specify commodity).

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1

ZONED DELIVERIES OF MATERIALS IN BULK (NOT IN CONTAINERS), LOADED OR UNLOADED IN LIQUID FORM

1. *Molasses.* Deliveries to any point 200 miles or more distant from the point of origin, originating on or after July 1, 1943, of beet, blackstrap, invert, edible or hydrol molasses. The term molasses shall be construed to include the residuum of such molasses.

2. *Caustic soda (liquid).* Deliveries, originating on or after July 1, 1943, from any point in any one of the following zones to a point in any other such zone, except that

(a) Producers in Zone 2 may originate controlled deliveries without authorization to any point in Area A as defined below,

(b) Producers in Zones 2 and 3 may originate controlled deliveries without authorization to any point in Area B as defined below,

(c) Producers in Zones 2 and 3, except those in Virginia, may originate controlled deliveries without authorization to any point in Area C as defined below,

(d) Producers in Zones 3, 4, and 6, except those in Virginia, may originate controlled deliveries without authorization to any point in Area D as defined below, and

(e) Producers in Zones 5 and 6 may originate controlled deliveries without authorization to any point in Area E as defined below.

First caustic soda zone: The states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York and Delaware; that portion of Pennsylvania east of but not including the counties of Warren, Elk, Clearfield, Centre, Mifflin, Juniata and Franklin; and that portion of Maryland east of but not including the counties of Frederick, Montgomery, Prince Georges, Calvert and St. Marys.

Second caustic soda zone: The District of Columbia; that portion of Pennsylvania and Maryland not included in Zone 1; that portion of Virginia north of the James River as far west as Nelson County, and that portion north of but not including the counties of Nelson and Augusta, plus that portion of Virginia included in the Richmond, Virginia, switching limits as described in duly published tariffs; also South Richmond and Ampthill, Virginia, that portion of West Virginia north of but not including the counties of Pocahontas, Greenbrier, Nicholas, Kanawha, Putnam, Cabell; and that portion of Ohio east of but not including the counties of Adams, Highland, Clinton, Greene, Clark, Champaign, Logan, Auglaize, Allen, Hancock, Seneca, Huron and Erie.

Third caustic soda zone: The states of North Carolina and South Carolina; that portion of Virginia and West Virginia not included in Zone 2; that portion of Kentucky south of but not including the counties of Mason, Bracken, Pendleton, Grant, Owen, Henry, Oldham and Jefferson, and that portion of Kentucky east of but not including the counties of Crittenden, Caldwell, Christian and Todd; that portion of Tennessee east of but not including the counties of Montgomery, Cheatham, Davidson, Williamson, Maury and Lawrence; that portion of Alabama east of but not including the counties of Lauderdale, Lawrence, Winston, Walker, Jefferson, Shelby, Coosa, Elmore, Montgomery, Bullock, Barbour, Henry and Houston; and that portion of Georgia east and north of but not including the counties of Clay, Calhoun, Baker, Mitchell and Grady.

Fourth caustic soda zone: The states of Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Iowa and Indiana; that portion of Kentucky not included in Zone 3 or 5; that portion of the State of Ohio not included in Zone 2; and that portion of Illinois north of but not including the counties of Union, Johnson, Pope and Hardin; and that portion of Missouri north of but not including the counties of Bates, St. Clair, Hickory, Dallas, Laclede, Texas, Shannon, Reynolds, Carter, Butler, Stoddard and Cape Girardeau.

Fifth caustic soda zone: The states of Arkansas, Louisiana, Florida, and Mississippi; that portion of Missouri and Illinois not included in Zone 4; that portion of Kentucky not included in Zone 3 or 4; that portion of Tennessee, Georgia and Alabama not included in Zone 3; that portion of Oklahoma east of but not including the counties of Kay, Noble, Payne, Lincoln, Pottawatomie, Pontotoc, Johnston and Bryan; that portion of Texas east of but not including the counties of Fannin, Hunt, Rains, Van Zandt, Smith, Cherokee, Angelina, Tyler, Hardin and Jefferson.

Sixth caustic soda zone: That portion of Oklahoma and Texas not included in Zone 5.

Seventh caustic soda zone: The state of Montana, Idaho, Wyoming, Colorado, Utah, Arizona and New Mexico, and that portion of the State of Nevada east of but not including the counties of Humboldt, Pershing, Churchill, Mineral and Esmeralda.

Eighth caustic soda zone: The states of Washington, Oregon and California and that portion of Nevada not included in Zone 7.

Caustic soda Area A: The state of New Jersey, the counties of Delaware, Philadelphia, Montgomery and Bucks in Pennsylvania, the counties of Putnam, Westchester, Rockland, Bronx, New York, Richmond, Kings, Queens, Nassau and Suffolk in New York, and Fairfield County in Connecticut.

Caustic soda Area B: The District of Columbia, the states of Delaware and Maryland; that portion of Virginia north of the James River as far west as the county of Amherst, and that portion of Virginia north of but not including the counties of Amherst, Rockbridge, Botetourt and Craig; that portion of West Virginia north of but not including the counties of Monroe, Summers, Raleigh, Boone, Logan and Mingo, but not including the counties of Marshall, Ohio, Brock and Hancock; the counties of Boyd and Greenup in Kentucky; and that portion of Ohio east and south of but not including the counties of Scioto, Jackson, Vinton, Hocking, Perry, Morgan, Noble and Monroe.

Caustic soda Area C: The counties of Jefferson, St. Louis and St. Charles in Missouri, the counties of Monroe, St. Clair, Madison, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Effingham, Clay, Wayne, Hamilton, White, Edwards, Richland, Jasper, Cumberland, Clark, Crawford, Lawrence and Wabash in Illinois; the counties of Jefferson, Oldham, Trimble, Henry, Carroll, Owen, Gallatin, Grant, Boone, Kenton, Campbell, Pendleton, Bracken and Mason in Kentucky; that portion of Indiana south of but not including the counties of Vermillion, Parke, Putnam, Morgan, Hendricks, Boone, Hamilton, Tipton, Grant, Wells, and Adams; and that portion of Ohio south and west of but not including the counties of Van Wert, Allen, Hardin, Union, Madison, Fayette, Ross, Pike and Scioto.

Caustic soda Area D: The portion of Missouri east and south of but not including the counties of Ripley, Carter, Wayne, Bollinger and Perry; the portion of Illinois south of but not including the counties of Jackson, Williamson, Saline, and Gallatin; the portion of Kentucky west and south of but not including the counties of Union, Webster, Hopkins, Muhlenberg, and Logan; and the portion of Tennessee west of but not including the counties of Robertson, Sumner, Wilson, Rutherford, Marshall and Giles.

Caustic soda Area E: The portion of Texas east and south of but not including the counties of Matagorda, Wharton, Austin, Waller, Grimes, Walker, Trinity, Angelina, San Augustine and Sabine, and the portion of Louisiana south and west of but not including the counties of Sabine, Natchitoches, Rapides, Allen, Jefferson Davis and Vermilion.

LIST 2

REPORTED DELIVERIES OF MATERIALS IN BULK (NOT IN CONTAINERS), LOADED OR UNLOADED IN LIQUID FORM

Deliveries of any of the following materials to any point 200 miles or more distant from the point of origin, originating on or after July 1, 1943:

1. *Acetone.*
2. *Corn syrup (glucose).*
3. *Ethyl alcohol (including denatured ethyl alcohol)* (except deliveries to or by Defense Supplies Corporation, or of specially denatured ATU Formula No. 18).

[F. R. Doc. 43–10588; Filed, July 1, 1943; 10:24 a. m.]

PART 3262—POWER BOILERS

[Limitation Order L–299]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3262 *Limitation Order L–299*—(a) *Definition.* For the purposes of this order "power boiler" means any vessel or pressure part thereof, constructed of steel for a design pressure exceeding 15 pounds per square inch, in which steam is generated by the application of heat resulting from the combustion of fuel, except boilers for locomotives or marine service, or miniature boilers as defined in Section V "Miniature Boiler" of the American Society of Mechanical Engineers Boiler Construction Code.

(b) *Restrictions on specifications.* No person shall produce, fabricate, or deliver any power boiler except as permitted by paragraph (d) hereof, having a greater metal thickness or quantity of steel than needed to meet the minimum thickness requirements of Section I (Edition 1940) of the American Society of Mechanical Engineers Boiler Construction Code, Addenda thereto and Interpretations thereof (including Case No. 968) issued prior to July 1, 1943.

(c) *Acceptance of delivery.* No person shall accept delivery of any power boiler which he knows or has reason to believe was produced, fabricated or delivered in violation of the provisions of paragraph (b) of this order.

(d) *Exceptions.* (1) The provisions of paragraph (b) shall not apply to any power boiler:

(i) Which has been produced or fabricated before July 1, 1943, or which before such date has been processed in such manner and to such extent that processing to conform to such provisions would be impracticable, or

(ii) To the extent that any of the materials have been procured, or approved by the War Production Board for entry on a mill schedule, prior to July 1, 1943.

(2) The provisions of paragraph (b) shall not apply to any power boiler to the extent:

(i) That, to promote plate thickness simplification, the ordered thickness of any plate may be greater than the thickness established by paragraph (b), but in no case to exceed 1/32 inch greater, or

(ii) That the thickness of any plate having a hole into which a tube is rolled may be increased to the thickness necessary to secure satisfactory seating of the tubes, or

(iii) That the wall thickness of any tube may be increased to the thickness needed to meet the service conditions or the construction requirements.

(e) *Records.* Each person fabricating a power boiler shall retain records including detail of exceptions as provided in paragraph (d). Such records shall be available for inspection by duly authorized representatives of the War Production Board.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Power Division, Washington, D. C., Ref.: L–299.

(i) *Regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–10589; Filed, July 1, 1943; 10:23 a. m.]

PART 3270—CONTAINERS

[Supplementary Order L–103–b]

GLASS CONTAINER QUOTAS

§ 3270.36 *Supplementary Order L–103–b*—(a) *Definitions.* For the purposes of this supplementary order:

(1) "Glass container" means any machine made bottle, jar or tumbler which is made of glass and which is suitable for packing any product.

(2) "Commercial user" means any person who uses glass containers for commercially packing any class of listed products in the continental United States (the 48 States and the District of Columbia).

(3) "Class of listed products" means any class of products listed in Schedule I of this order. Food and drug products listed in Schedules I and II of Order M–104 are not included in Schedule I of this Order, and therefore glass containers for such products are not subject to the restrictions of this order.

(4) "Quota period" means the 4-month period from July 1 through October 31, 1943, inclusive. This is the period during which the restrictions below will operate.

(5) "Base period" means whichever of the following two periods a commercial user chooses: Base Period A (July 1–October 31, 1942, inclusive), Base Period B (January 1–December 31, 1942, inclusive). The number of empty new glass containers and metal cans accepted during this period will be used in computing quotas under the restrictions below.

Quota and Related Restrictions

(b) *Quota restriction.* During the quota period (July 1–October 31, 1943), no commercial user shall accept delivery of, have manufactured, or have set aside by suppliers for his account, more empty new glass containers for packing any class of listed products than his quota for that purpose. The amount of the quota shall be computed by applying the appropriate quota percentage (as specified in Schedule I for that class) to the amount of his base quantity. The amount of the base quantity shall be computed in accordance with paragraphs (c) or (d) below:

(c) *Computing base quantity (except for beverages).* A commercial user's base

quantity for any class of listed products other than beverages (as defined in Schedule I of this order) shall be whichever of the following two amounts he chooses:

(1) *Choice #1.* The number of new glass containers and metal cans accepted by him during Base Period A (July 1–October 31, 1942) for packing that class of products; or

(2) *Choice #2.* One-third of the number of new glass containers and metal cans accepted by him during Base Period B (January 1–December 31, 1942) for packing that class of products.

(d) *Computing base quantity for beverages.* A commercial user's base quantity for beverages (as defined in Schedule I of this order) shall be whichever of the following two amounts he chooses:

(1) *Choice #1.* The number of new returnable glass containers accepted by him during Base Period A (July 1–October 31, 1942) for bottling beverages plus 5% of the number of new non-returnable glass containers and metal cans accepted by him during that period for bottling beverages; or

(2) *Choice #2.* One-third of the number of new returnable glass containers accepted by him during Base Period B (January 1–December 31, 1942) for bottling beverages plus 5% of one-third of the number of new non-returnable glass containers and metal cans accepted by him during that period for bottling beverages.

(e) *Restrictions on July–August acceptances.* During July 1943, no commercial user shall accept delivery of more than 35% of his quota for any class of listed products. During August 1943, no commercial user shall accept delivery of more than the following portion of that quota: 60% of that quota minus the number of containers accepted by him against that quota during July 1943. During September and October 1943, he may accept delivery of whatever portion of that quota he did not accept during July and August 1943. If the amount permitted for acceptance during either July or August 1943 is less than a carload, he may accept up to a carload during such month, provided that amount is within his quota for the class of listed products. This paragraph shall not be construed as in any way increasing the amount of any quota.

Restrictions on Using Larger Sizes

(f) *Maximum capacity increase.* The total capacity of all empty new glass containers accepted by any commercial user during the quota period for packing any class of listed products shall not exceed the following maximum: (1) 140% of the total capacity of the number of empty new glass containers and metal cans accepted by him for that class of listed product during Base Period A or, if he has chosen Base Period B for computing his quota, (2) 140% of the total capacity of one-third of the number of empty new glass containers and metal cans accepted by him for that class of listed product during Base Period B. Capacity shall be computed in terms of gallons or pounds, whichever is the customary measure for the particular class of products.

(g) *Restriction on large sizes.* No commercial user shall accept delivery of more ½-gallon or larger empty new glass containers for packing any class of listed products than the following maximum: (1) the total number of all such sizes of empty new glass containers and metal cans accepted by him for that class of listed product during Base Period A or, if he has chosen Base Period B for computing his quota, (2) one-third of the total of all such sizes of empty new glass containers and metal cans accepted by him for that class of listed product during Base Period B. The amount of such glass containers which he may accept is subject to the other restrictions of this order, including those of paragraph (f) above.

Applicability of Order L–103–a

(h) *Applicability of Order L–103–a.* In addition to the restrictions of this order, every commercial user shall comply with the maximum inventory restrictions (60-day supply) of Supplementary Order L–103–a.

Exceptions

(i) *Small-user exception.* The restrictions of this order shall not apply to any commercial user who accepts no more than a total of $1,000 worth (cost price to him) of empty new glass containers for all classes of listed products for the entire quota period.

(j) *Exception for stocks in transit.* The restrictions of this order shall not apply to any empty new glass containers placed in transit to a commercial user before July 1, 1943, even though received by him on or after July 1, 1943. This exception shall not apply to any empty new glass containers set aside for a commercial user before July 1, 1943 by a supplier but not placed in transit to him until on or after that date.

(k) *Assignment of special quota (malt beverages).* A special quota may be assigned by the War Production Board to any malt beverage bottler if the new containers accepted by him during his base period were principally non-returnable bottles, and if the quota computed on the resulting base quantity is inadequate for his operations at a rate consistent with the reductions generally contemplated by the quota restrictions of this order.

(l) *Multiple-unit users.* Any commercial user who uses glass containers at more than one plant may choose to compute and apply a separate quota for each plant (or groups of plants) or a collective quota for all such plants.

Quota-Exemptions

(m) *Quota-exemptions (except for beverages).* In addition to his quota of glass containers for any class of listed products (other than beverages as defined in Schedule I) and free of the restrictions of paragraphs (e) and (f) above, any commercial user may accept delivery of the number of glass containers used, or actually to be used, during the quota period for delivering that class of listed products to or for any of the following persons:

(1) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(2) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(3) American Red Cross, United Service Organizations, or such other nonprofit Defense Recreation Committees, engaged in the operation of recreation centers in the forty-eight states of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph by the Office of Defense Health and Welfare Services, OEM.

(4) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(n) *Quota-exemptions for beverages.* In addition to his quota of glass containers for beverages (as defined in Schedule I) and free of the restrictions of paragraphs (e) and (f) above, any commercial user may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the quota period for delivering beverages to or for any of the persons listed under paragraph (m) above:

(1) *Export shipment.* The full amount of glass containers for delivering beverages to or for any such person for shipment to points outside the continental United States.

(2) *Domestic consumption.* 5% of the full amount of glass containers for delivering beverages to or for any such person for use or distribution within the continental United States.

Miscellaneous Provisions

(o) *Restriction on changing choices.* After choosing his base period and the method of computing quotas for multiple-unit organizations, no commercial user shall thereafter change his choice, unless authorized by the War Production Board.

(p) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(q) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Containers Division, Washington, D. C., Ref.: L–103–b.

(r) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(s) *Expiration.* This order shall expire at the close of business October 31, 1943, unless previously revoked or extended.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I—LISTED PRODUCTS AND QUOTA PERCENTAGES

Acceptances of empty new glass containers for packing the classes of products listed in Column 2 below are subject to the quota restrictions of Order L–103–b. The percentage listed in Column 3 below for each class is the quota percentage to be used in computing the quota for that class, as provided for in paragraph (b) of the Order.

Class No. (1)	Class of product (2)	Quota percentage (3)
		Percent
I	Chemicals, household and industrial-supply (only the items listed in Schedule III of Order M–104).	80
II	Beverages (malt and non-alcoholic beverages as defined in Schedule IV of Order M–104).	65
III	All other products (except (a) products listed in Schedules I and II of Order M–104, and (b) products designated under class IV below).	65
IV	Products designated by the War Production Board from time to time.	(1)

[1] To be designated.

[F. R. Doc. 43–10590; Filed, July 1, 1943; 10:23 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES [1]

[Conservation Order M–319 as Amended July 1, 1943]

MANUFACTURED CRUDE ABRASIVE AND ABRASIVE GRAIN

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of manufactured crude abrasive and abrasive grain for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3274.91 *Conservation Order M–319* [1]—(a) *Definitions.* For the purpose of this order:

(1) "Manufactured crude abrasive" means silicon carbide or fused aluminum oxide. Unfused or levigated alumina, and natural abrasives such as emery, garnet, corundum, and flint are not subject to this order.

(2) "Silicon carbide" means that product which results from combining silica and coke in a resistance-type electric furnace.

(3) "Fused aluminum oxide" means that product resulting from the fusion of alumina, or the fusion and purification of bauxite in an electric furnace, reduced by sledging or crushing to ungraded lumps or fine particles.

(4) "Abrasive grain" means:

(i) Any manufactured crude abrasive which has been classified as to particle size by mechanical, hydraulic, pneumatic, or other methods, and

(ii) Abrasive optical finishing powders, abrasive flours, blasting grain, reclaimed grain, refractory grain, firesand, and other manufactured abrasive and refractory grain specialties, whether or not classified as to particle size.

(5) "Abrasive optical finishing powders" means abrasive grain classified in standard sizes containing a maximum concentration of particles of a particular size within the over all range of 22½ to 4 microns inclusive, which produces a uniform grain depth pattern or mat finish on glass so that successive operations with rouge produce an optical finish.

(6) "Reclaimed grain" means:

(i) Any abrasive grain recovered from wheel stubs or other baked or fired abrasive or refractory stock, including lathe room turnings and dressings. The term does not include green shavings,

(ii) Any abrasive grain recovered from coated abrasive products,

(iii) Any abrasive grain previously used in grain form or on wheels, in blasting, grinding, or polishing operations.

NOTE: Paragraphs (7) through (12) redesignated July 1, 1943.

(7) "Producer" means any person who produces manufactured crude abrasive or abrasive grain.

(8) "Importer" means any person who imports manufactured crude abrasive or abrasive grain from sources outside the United States.

(9) "Branch outlet" means any branch store, branch warehouse, or other direct agent of a producer or importer, used for purposes of distributing manufactured crude abrasive or abrasive grain.

(10) "Distributor" means any purchaser of manufactured crude abrasive or abrasive grain for purposes of resale without further processing.

(11) "Ultimate consumer" means any purchaser of manufactured crude abrasive or abrasive grain other than a distributor.

(12) "Period of authorization" means the period in which any producer or importer is authorized to use, and any person is authorized to accept delivery of manufactured crude abrasive or abrasive grain pursuant to authorization on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain). Each period of authorization shall be of two calendar months' duration. The first period of authorization shall be for the months of July and August, 1943; the second period shall be for the months of September and October, 1943, etc.

(b) *Restrictions on use and delivery of manufactured crude abrasive and abrasive grain.* (1) Except as permitted by paragraph (d) of this order, on and after July 1, 1943, notwithstanding any contract, agreement or preference rating to the contrary:

(i) No producer or importer shall himself use, and no producer, importer, branch outlet, or distributor shall deliver to any person any manufactured crude abrasive or abrasive grain except pursuant to specific authorization granted by the War Production Board on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain); and

(ii) No person shall accept delivery of any manufactured crude abrasive or abrasive grain, except pursuant to specific authorization granted by the War Production Board on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain).

(2) An order which has been authorized by the War Production Board on Form WPB 2779 [Form PD–888] (manufactured crude abrasive) or Form WPB–2781 [PD–886] (abrasive grain) must be accepted by the producer, importer, branch outlet, or distributor, and the producer, importer, branch outlet, or distributor must make delivery under it unless it does not meet his regularly established prices and terms (in accordance with Priorities Regulation No. 1): *Provided, however,* That within any given two-month period of authorization, delivery of orders for manufactured crude abrasive or abrasive grain may be scheduled without regard to preference ratings in the sequence best suited to maximum production and customers' needs. For the purposes of this order, delivery shall be deemed to have been made when the bill of lading covering the particular shipment has been signed by the carrier.

(3) No producer or importer authorized to use, and no person authorized to accept delivery of abrasive grain by an authorization on Form WPB–2781 [Form PD–886] shall use such abrasive grain for any purposes other than the purposes authorized on said Form WPB–2781 [Form PD–886] except as otherwise specifically directed by the War Production Board.

(b) (4) Notwithstanding any other provisions of this order, on and after July 1, 1943, no person shall purchase or

[1] Formerly Part 3248, § 3248.1.

accept delivery of any abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size 80 or coarser for use as loose grain for any of the purposes listed on Schedule A hereto attached, nor shall any person sell, transfer, or deliver any such abrasive grain which he knows or has reason to believe is intended for use as loose grain for any of the purposes listed on said Schedule A.

(c) *Applications for authorization.* (1) Any producer or importer who desires to use, and any person who desires to accept delivery of, manufactured crude abrasive during the months of July and August, 1943, (which constitute the first period of authorization), shall apply on or before June 15, 1943, for authorization to use or accept delivery of that quantity of manufactured crude abrasive which will be required by the applicant during the months of July and August, 1943. Thereafter, on or before August 15, 1943, and on or before the 15th day of the month preceding each subsequent two-month period of authorization, any producer or importer who desires to use, and any person who desires to accept delivery of manufactured crude abrasive during such subsequent two-month period of authorization, shall apply for authorization to use or accept delivery of that quantity of manufactured crude abrasive which will be required by the applicant during such subsequent period of authorization. All applications for authorization to use or accept delivery of manufactured crude abrasive shall be made on Form WPB 2779 [Form PD 888] in the manner prescribed therein. Copies of Form WPB 2779 [Form PD 888] may be obtained at local Field Offices of the War Production Board.

(2) Except as provided in paragraphs (c) (3), (d) (1), and (d) (2) of this order, any producer or importer who desires to use, and any person who desires to accept delivery of, abrasive grain during the months of July and August, 1943 (which constitute the first period of authorization), shall apply on or before June 10, 1943, for authorization to use or accept delivery of that quantity of abrasive grain which will be required by the applicant during the months of July and August, 1943. Thereafter, except as provided in paragraphs (c) (3), (d) (1), and (d) (2) of this order, on or before August 10, 1943, and on or before the 10th day of the month preceding each subsequent two-month period of authorization, any producer or importer who desires to use, and any person who desires to accept delivery of, abrasive grain during such subsequent two-month period of authorization, shall apply for authorization to use or accept delivery of that quantity of abrasive grain which will be required by the applicant during such subsequent period of authorization. All applications for authorization to use, or accept delivery of, abrasive grain shall be made on Form WPB 2781 [Form PD 886] in the manner prescribed therein. Copies of Form WPB 2781 [Form PD 886] may be obtained at local Field Offices of the War Production Board.

(3) In the event that an ultimate consumer desires to buy abrasive grain from a distributor or branch outlet during any period of authorization, the ultimate consumer shall apply on or before the first day of the month preceding the period of authorization in which delivery is required in the manner prescribed in Form WPB 2781 [Form PD 886]. No further application by the distributor or branch outlet shall be required for such abrasive grain, but the War Production Board, when acting on such ultimate consumer's application, will simultaneously grant or deny to such distributor or branch outlet authorization to accept delivery for, and to redeliver to, such ultimate consumer.

(4) Failure by any person to file an application pursuant to the provisions of this paragraph (c) may be construed as notice to the War Production Board that such person does not desire authorization to use, or accept delivery of, manufactured crude abrasive or abrasive grain, as the case may be, in the period of authorization for which such application is required.

(5) Whenever any order for manufactured crude abrasive or abrasive grain, previously authorized on Form WPB 2779 [Form PD–888] (manufacturer crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain), is cancelled, the producer, importer, branch outlet, or distributor, with whom such order was placed, shall immediately notify the War Production Board of such cancellation.

(d) *Small grain order exemptions.* (1) Any producer or importer who has not been specifically authorized on Form WPB 2781 [Form PD 886] to use, and any ultimate consumer who has not been specifically authorized on Form WPB 2781 [Form PD 886] to accept delivery of, abrasive grain during any given two-month period of authorization may use or accept delivery of a small quantity of abrasive grain during such two-month period of authorization without specific authorization on Form WPB 2781 [Form PD 886]: *Provided, however,* That in no event shall the total quantity of abrasive grain used by such producer or importer, or accepted by such ultimate consumer from all sources during such two-month period of authorization without authorization on Form WPB 2781 [Form PD 886], exceed the following maximum amounts:

(i) A quantity of abrasive grain manufactured from silicon carbide (other than abrasive optical finishing powders) having a value of $350 list price; and/or

(ii) A quantity of abrasive grain manufactured from fused aluminum oxide (other than abrasive optical finishing powders) having a value of $225 list price, and/or

(iii) A quantity of abrasive optical finishing powders manufactured from silicon carbide or fused aluminum oxide having a value of $100 list price.

(2) Subject to the inventory limitations contained in paragraph (f) of this order, any branch outlet or distributor may accept delivery of abrasive grain for stock to fill small orders therefor, pursuant to paragraph (d) (1) of this order. No specific authorization on Form WPB 2781 [Form PD 886] shall be required for such branch outlet or distributor to accept delivery of such abrasive grain, but each order for such abrasive grain placed by a branch outlet or distributor with a producer, importer, or another branch outlet, must be accompanied by a certification by such branch outlet or distributor, signed manually, or as provided by Priorities Regulation No. 7, substantially as follows:

> The abrasive grain specified on this purchase order is required by the undersigned for stock to fill small orders pursuant to paragraph (d) (1) of Conservation Order M–319, with the terms of which the undersigned is familiar. Delivery of this order will not increase the undersigned's inventory of the specified sizes and types of abrasive grain beyond a supply required under the undersigned's current practices for resale on such small orders during a period of sixty days.
>
> ---
> (Name and address of distributor or branch outlet)
>
> By ---
> (Authorized signature)

(3) Any producer, importer, branch outlet, or distributor, may deliver a quantity of abrasive grain manufactured from silicon carbide, other than abrasive optical finishing powders, not to exceed $350 list price in value, and/or a quantity of abrasive grain manufactured from fused aluminum oxide, other than abrasive optical finishing powders, not to exceed $225 list price in value, and/or a quantity of abrasive optical finishing powders manufactured from silicon carbide or fused aluminum oxide not to exceed $100 in value, to any person without specific authorization on Form WPB–2781 [Form PD–886], and any producer, importer, or branch outlet may deliver to any branch outlet or distributor abrasive grain on orders placed pursuant to paragraph (d) (2) of this order and accompanied by the certification required by said paragraph: *Provided,* That:

(i) The total quantity of abrasive grain (other than abrasive optical finishing powders), delivered by any producer or importer without specific authorization pursuant to this paragraph (d) (3) during any two-month period of authorization, shall not exceed 5 per cent of such producer's or importer's estimated total tonnage production and/or purchases of such abrasive grain for such period, and

(ii) The total quantity of abrasive optical finishing powders manufactured from silicon carbide or fused aluminum oxide delivered by any producer or importer without specific authorization pursuant to this paragraph (d) (3), during any two-month period of authorization, shall not exceed 5 per cent of such producer's or importer's estimated total tonnage production and/or purchases of such abrasive optical finishing powders for such period.

The percentage limitations established above may be applied by any producer or importer on a size by size or an overall basis at his election.

(e) [Revoked July 1, 1943]

(f) *Limitation on inventories.* On and after June 1, 1943, no person other than a producer or importer shall purchase or accept delivery of any size and type of abrasive grain if his inventory thereof is, or will by virtue of such purchase or acceptance become, greater than the quantity of such size and type of abrasive grain which will be required under his current practices for use or resale during a period of sixty days: *Provided, however,* That the delivery of abrasive grain pursuant to the following designated types of purchase orders shall be permitted to effect such an increase;

(1) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Purchase orders placed by the Army, Navy, or Maritime Commission for abrasive grain required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes, or to supply such bases or supply depots outside the continental United States.

(3) Any other purchase order specifically excepted from this restriction by the War Production Board.

(g) *Proposed production and importation schedules to be filed.* On or before June 15, 1943, and bi-monthly thereafter on or before the 15th day of each alternate succeeding calendar month, each producer or importer shall file with the War Production Board his proposed schedule of production and importation of manufactured crude abrasive and/or abrasive grain for the next succeeding two calendar months. Proposed schedules for the production and importation of manufactured crude abrasive shall be filed on Form WPB 2782 [Form PD 885] in the manner prescribed therein. Proposed schedules for the production and importation of abrasive grain shall be filed on Form WPB 2780 [Form PD 887] in the manner prescribed therein.

(h) *Other allocation and scheduling directions.* Notwithstanding any other provisions of this order, the War Production Board may at any time:

(1) Direct the return or cancellation of any order for manufactured crude abrasive or abrasive grain;

(2) Direct or change any schedule of production or delivery of manufactured crude abrasive or abrasive grain;

(3) Allocate orders for manufactured crude abrasive or abrasive grain placed with one person to another person;

(4) Revoke any authorization to use or accept delivery of manufactured crude abrasive or abrasive grain, granted pursuant to this order;

(5) Take such other action as it deems necessary with respect to the placing of orders for, or the production, use, or delivery of, manufactured crude abrasive or abrasive grain.

(i) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of manufactured crude abrasive and abrasive grain shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section, of a single integrated enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(j) *Notification to customers.* Each producer, importer, branch outlet, or distributor, shall, as soon as practicable, notify each of his regular customers of the requirements of this order, but failure to give or receive such notice shall not excuse any such person from complying with the terms hereof.

(k) *Reports.* All producers, importers, branch outlets, or distributors, affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time request, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(l) *Applicability of regulations.* All transactions affected by this order are subject to applicable provisions of the regulations of the War Production Board as amended from time to time.

(m) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(n) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(o) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Tools Division, Washington, D. C. Ref: M–319.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Schedule A added July 1, 1943.

The use of abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size of 80 or coarser for the following purposes is prohibited:

1. Blasting or polishing operations for all stone and monumental work.
2. Lithographic plate graining.
3. Glass grinding.
4. Hulling operations.
5. Non-slip purposes, including non-slip treads of all kinds, non-slip cement or concrete, phenolic resin non-slip paint, non-slip surfaces for air or watercraft, etc.

[F. R. Doc. 43–10591; Filed, July 1, 1943; 10:24 a. m.]

Chapter XI—Office of Price Administration

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 68]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5001 (a) (16) is amended to read as follows:

(16) "Heating year" means the period from October 1, 1942, to September 30, 1943, inclusive, which is also sometimes referred to as "the 1942–43 heating year". The term "1943–44 heating year" means the period from October 1, 1943, to September 30, 1944, inclusive.

2. Section 1394.5001 (a) (36) is amended to read as follows:

(36) "Unit," as applied to a coupon means the amount of fuel oil, as fixed from time to time, by order or direction of the Office of Price Administration, for which a coupon bearing the imprint "one unit" or "1 unit" may be exchanged.

3. Section 1394.5201 (d) is amended to read as follows:

(d) Class 1 and Class 2 coupon sheets shall be issued as rations for heat or both heat and hot water in any premises, for the 1942–43 heating year only.

4. Section 1394.5253 (b) is amended to read as follows:

(b) Each dealer or supplier who furnishes certifications specified in paragraph (a) of this section shall (in addition to any records required to be kept pursuant to Ration Order No. 11) retain at his place of business, for a period of at least two (2) years from the date of such certifications, all records on the basis of which such certifications were made.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8490, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 374, 535, 439, 444, 607, 608, 977, 1203, 1316, 1235, 1292, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2598, 2781, 2720, 2942, 2942, 2993, 2887, 3106, 3521, 3628, 3734, 3848, 3848, 3948, 4255, 4137, 4350, 4784, 4851, 5678.

5. Section 1394.5255 (a) is redesignated § 1394.5255.

6. Section 1394.5255 (b) is deleted.

7. Section 1394.5256 (d) (1) is amended by adding after the period at the end of the subparagraph the sentence, "However, with respect to the ration for the 1942–43 heating year, the application may not be made after June 30, 1943."

8. Section 1394.5309 (b) is amended by deleting the sentence: "The Board shall make the entries required by § 1394.5452 on the coupon sheet issued and shall affix a validating stamp thereto."

9. Section 1394.5310 is amended by adding a new paragraph (e) to read as follows:

(e) No supplemental ration may be issued for use after September 30, 1943.

10. The text of § 1394.5451 is amended by inserting after the phrase "issuing a ration" the parenthetical phrase "(other than a renewed ration for heat or hot water, or both, for the 1943–44 heating year under § 1394.5280)."

11. Section 1394.5452 (a) is amended by deleting the parenthetical phrase "(or October 1, 1942, in the case of an application made prior to November 1, 1942 and in "Area A" February 1, 1943 in the case of an application made prior to March 16, 1943; and in "Area B" March 17, 1943, in the case of an application made prior to April 13, 1943)".

12. Section 1394.5452 (b) is deleted.

13. Section 1394.5455 is amended to read as follows:

§ 1394.5455 *Signature on coupon sheet.* An applicant shall sign each coupon sheet issued to him, and no coupon shall be valid until the coupon sheet to which it is attached has been signed as required.

14. Section 1394.5458 (a) is amended by substituting for the phrase "Class 1 or Class 2 coupon sheet" the phrase "Class 1, 2, 4, 5 or 6 coupon sheet".

15. Section 1394.5458 (c) is deleted.

16. Section 1394.5460 (c) is amended by deleting the sentence: "The Board shall make the entries required by § 1394.5452 on the new coupon sheet and shall affix a validating stamp thereto."

17. Section 1394.5461 is amended by adding after the period at the end of the paragraph the sentence: "No fuel oil ration record card shall be issued for use after June 30, 1943."

18. Section 1394.5502 (c) is amended to read as follows:

(c) Upon change in ownership of, or control over, such equipment. However, a ration issued to any person for the operation of oil burning equipment furnishing heat, or hot water, or both, to any premises, shall not expire upon a change in ownership of such premises, if there is no change in the occupancy thereof and if such person or a member of the family retains control over such equipment.

19. Section 1394.5503 (b) is amended to read as follows:

(b) Within twenty (20) days after the expiration of any ration, the person to whom it was issued shall, except as provided in paragraph (e) of this section, surrender to the issuing Board all coupon sheets containing coupons (and all unused delivery receipts and the stubs to which they are attached) representing such ration.

20. Section 1394.5503 (c) and (d) are revoked.

21. The headnote to § 1394.5504 is amended to read: "*Application for a continuation of ration on change of ownership or control.*"

22. Section 1394.5504 (a) is amended to read as follows:

(a) If a ration has expired by reason of a change in ownership of, or control over, oil burning equipment furnishing heat, or hot water, or both, to any premises, but such change in ownership or control involves no change in the occupancy of such premises, the person acquiring ownership or control (or his agent) may apply to the issuing Board for a continuation of such ration. Such person may not obtain a ration (other than an auxiliary ration) for the operation of such equipment during the balance of the period for which such expired ration was issued, except in the manner provided in this Section.

23. Section 1394.5504 (b) (6) is amended to read as follows:

(6) A request that the expired ration be continued and issued to him.

24. Section 1394.5505 is amended to read as follows:

§ 1394.5505 *Issuance of continuation of ration.* (a) Upon application for a continuation of a ration pursuant to § 1394.5504, the Board shall issue to the applicant coupon sheets containing the same number and kind of coupons as were contained on the expired coupon sheets at the time of expiration.

(b) After such issuance, the applicant may use any fuel oil in the fuel supply tank of such equipment, or in a storage tank or other container maintained for supplying such equipment, without any further surrender of coupons.

25. Section 1394.5506 is amended to read as follows:

§ 1394.5506 *Issuance of new rations.* Except as otherwise provided in this Ration Order No. 11, a transferee of any oil burning equipment shall be required to make a new application for a ration therefor, on his own behalf, in the same manner as an original application. However, a transferee may not obtain a ration unless a transfer in good faith is involved.

26. The undesignated center headnote preceding § 1394.5551 is amended to read as follows: "Issuance of Further Rations."

27. The headnote to § 1394.5551 is amended to read: "*Further rations for use after expiration date of current rations*".

28. Section 1394.5551 (a) is amended by adding after the period at the end of the paragraph the sentence: "This section does not apply to rations for heat or hot water, or both, except rations for hot water under §§ 1394.5268 and 1394.5269."

29. Section 1394.5553 (e) is added to read as follows:

(e) This section shall not apply to rations issued for the 1943–44 heating year, and the issuance of a substitute ration shall not affect a previously issued renewed ration for the 1943–44 heating year.

30. Section 1394.5554 (c) is added to read as follows:

(c) This section shall not apply to rations issued for the 1943–44 heating year, and the issuance of a substitute ration shall not affect a previously issued renewed ration for the 1943–44 heating year.

31. Section 1394.5602 is amended to read as follows:

§ 1394.5602 *Rations not transferable.* No ration shall be transferred or assigned and no person shall accept such transfer or assignment except a transfer to a member of the family who retains control of the equipment.

32. The text of § 1394.5653 is amended by substituting the phrase "1, 2, 3, 4, 5 or 6 coupon sheets" for the phrase "1, 2 and 3 coupon sheets".

33. Section 1394.5653 (d) is deleted.

34. The text of § 1394.5653 (e) is amended to read as follows:

(e) No transfer of fuel oil may be made in exchange for a coupon if such coupon was detached from the coupon sheet prior to the transfer.

35. Section 1394.5653 (e) (1), (2) and (3) are revoked.

36. Section 1394.5654 (a) is amended by substituting the phrase "primary supplier" for the word "supplier".

37. Section 1394.5654 (b) is amended to read as follows:

(b) Within forty-eight (48) hours after the expiration of a coupon sheet so deposited (or within forty-eight (48) hours after all coupons on such sheet have been detached in accordance with the provisions of § 1394.5653), the dealer or primary supplier with whom it was deposited shall return such coupon sheet to the consumer who deposited it with him.

38. Section 1394.5654 (c) is amended by substituting the phrase "primary supplier" for the word "supplier".

39. Section 1394.5654 (d) is amended to read as follows:

(d) Within forty-eight (48) hours after the expiration of the period of validity of the delivery receipt, as shown on the delivery receipt stub, or within forty-eight (48) hours after delivery has been made of the total amount of fuel oil authorized to be transferred, as shown on such stub, the dealer or primary supplier with whom it was deposited shall return all delivery receipt stubs and all delivery receipts, if any, to the consumer who deposited them with him. If any stub contains any inaccurate statement with respect to the date or amount of fuel oil transferred to him, or in the calculations, the consumer shall report all such inaccuracies in writing to the issuing Board.

40. Section 1394.5656 is amended to read as follows:

§ 1394.5656 *Records to be kept by dealers and primary suppliers.* Every dealer and primary supplier shall keep a record of each transfer to a consumer of a quantity of fuel oil in excess of ten (10) gallons. Such record shall show the name and address of the transferee, the date of the transfer, the amount of fuel oil transferred, the place where delivered and the number and value of coupons detached or the amount of any ration check received for such transfer. Such records shall be preserved for at least one (1) year.

41. Section 1394.5707 (a) is amended by deleting the phrase "bearing an inscribed serial number".

42. Section 1394.5782 is amended by substituting the phrase "Class 1, 2, 4, 5 and 6 coupon sheets" for the phrase "Class 1 and 2 coupon sheets".

This amendment shall become effective on July 1, 1943.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive 1, 7 F.R. 562; Supp. Directive 1–0, as amended, 7 F.R. 8416, E.O. 9125, 7 F.R. 2719)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10563; Filed, June 30, 1943; 4:47 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Supp. 1 to RO 11, Amdt. 6]

FUEL OIL REGULATIONS

Supplement 1 to Ration Order No. 11 is amended in the following respects:

1. Section 1394.9101 (a) (4) (iv) is amended by adding after the word "Kentucky" a comma and the phrase "Oregon, Washington and that part of the State of Idaho which lies in Thermal Zone A,".

2. Section 1394.9101 (a) (5) (i) is amended by adding after the word "Kentucky", the phrase "and that part of the state of Idaho which lies in Thermal Zone A".

3. Section 1394.9101 (b) is redesignated § 1394.9101 (c) and a new subparagraph (7) is added thereto to read as follows:

(7) Amendment No. 6 to Supplement No. 1 (§ 1394.9101) shall become effective on July 1, 1943.

4. A new § 1394.9101 (b) is added to read as follows:

(b) The units represented by coupons on Class 4, 5 and 6 coupons sheets shall have the following values for the transfer of fuel oil to a consumer and shall retain such values thereafter:

(1) The value of one unit represented by coupons numbered "1" on Class 4 coupon sheets, and the value of five units represented by coupons numbered "1" on Class 5 coupon sheets, and the value of twenty-five units represented by coupons numbered "1" on Class 6 coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred and fifty (250) gallons of fuel oil, respectively.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1–0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10564; Filed, June 30, 1943; 4:46 p. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269,[1] Amdt. 10]

POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 269 is amended in the following respects:

1. Section 1429.19 (h) (5) is amended to read as follows:

(5) *Application of prices for all poultry items in packaged form.* The maximum base prices established for dressed, drawn, and quick-frozen eviscerated poultry in Table A of this section may be charged only when such poultry is sold in box-packed or barrel-packed form: *Provided,* That: All "wholesalers" and "hotel supply houses" may sell less than wholesale quantities of dressed, drawn, and quick-frozen eviscerated poultry in loose form to retailers, hotels, restaurants, clubs, dining cars, steamship companies, or institutional users, at the maximum base prices established for such poultry in Table A of this section, plus the permitted increases established in Table B of § 1429.21 of this regulation. In all other cases all dressed, drawn, and quick-frozen eviscerated poultry sold in loose form shall be sold at a discount of one cent per pound below the maximum base prices established for such poultry in Table A of this section.

No additional charge shall be added to the prices established for all poultry items in Table A of this section for the wrapping, packaging, or boxing of such poultry items.

2. The text of item (1a) of Table B of § 1429.21 (a) (2) is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792.

TABLE B.—MAXIMUM PERMITTED INCREASES FOR SALES OF POULTRY ITEMS

Seller and type of sale made	Buyer	Quantity and form of sale	Item sold	Base price to which increase is added	Maximum increase in cents per pound for "wholesaler" and "hotel supply house" only		
					Non-delivered sales	Delivered within 25 miles	Delivered beyond 25 miles
					Cents	*Cents*	*Cents*
(1a) All "wholesalers" who buy and sell live poultry items, and who have either transported such live poultry items to their place of business, or else have paid out a permitted increase to a live poultry transporter for transporting such live poultry items to their place of business.	All "wholesalers", individual retail stores, or commercial, industrial, or governmental users located in the same metropolitan area where the seller maintains his place of business.	Less than 10,000 lbs.	Any live poultry item.	Maximum base price at seller's shipping point, plus permitted increase established for actual distance live poultry was transported to seller's place of business, in a sum not to exceed 2¢ per lb.	1½	1¾	2

This amendment shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

Approved: June 28, 1943.

JESSE W. TAPP,
Acting War Food Administrator.

[F. R. Doc. 43-10568; Filed, June 30, 1943; 4:46 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 24]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.*

Section 1.7b is added to read as follows:

SEC. 1.7b *Operators of recreational facilities may obtain athletic shoes for rental.* (a) Any person operating a bowling alley open to the general public or operated primarily for use by members of the armed services may obtain sufficient certificates to enable him to have in stock, for loan or rental to his patrons, ten pairs of bowling shoes per alley for the first four alleys and seven pairs of bowling shoes per alley for every alley above four.

(b) A person operating any other recreational facility open to the general public or operated primarily for use by members of the armed services may obtain certificates to acquire the number of pairs of athletic shoes of a particular type needed to maintain the supply of such shoes which he had on February 7, 1943 for loan or rental to his patrons.

(c) Application should be made (on OPA Form R-1702) to the District Office for the area in which the shoes are to be used and should contain all information needed to establish eligibility under paragraph (a) or (b) above and the number of pairs for which he is eligible. Shoes acquired with certificates in this manner and shoes held for loan or rental on February 7, 1943, may be loaned or rented without collecting ration currency. However, they may not be loaned or rented to any person for use off the applicant's premises nor for a period longer than twelve hours at a time to the same person. The applicant must keep title to the shoes and they may not be transferred as "used" shoes under section 1.13.

This amendment shall become effective July 7, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3853, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 5756, 6046, 6687, 7198, 7261, 8061, 8064, 8357, 8601.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supp. Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10566; Filed, June 30, 1943; 4:48 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 25]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 2.11 (a) (3) is added to read as follows:

(3) Shoes completed, packaged, and shipped from the factory before July 16, 1943, made wholly of materials other than leather (which may however use leather as top lifts) and the sole of which is of one of the following constructions:

(i) A sole made principally of rope, fabric or fiber in which rubber is used primarily as a binder; (ii) a sole made principally of wood, in which rubber is used only as toe or heel inserts, or both, covering not more than 25 percent of the area of the bottom of the sole.

2. Section 2.13 (b) (8) and (9) are added to read as follows:

(8) Records, which shall be attached to its inventory (OPA Form R-1701) within five days after the event, showing the date and amount of each increase or decrease of its inventory resulting from an adjustment of its inventory, or a loan, or advance of ration currency granted by the District Office, or from the repayment of a loan or advance, pursuant to section 2.17.

(9) Records, which shall be attached to its inventory (OPA Form R-1701) within five days after the event showing:

(i) In the case of a release of shoes from rationing by order of the Office of Price Administration, a list of the type and number of pairs so released which the establishment had in inventory, or in transit to it, or in storage for it at a place other than an establishment, at the time of such release.

3. Section 2.18 (a) is amended by inserting after the words "after April 15, 1943," in the first sentence of the paragraph the following: "and on one shoe of each pair of the types specified in section 2.11 (a) (3) which is completed, packaged, or shipped from the factory after July 15, 1943,"

4. The definition of "rubber" is added in section 3.13 (a) to read as follows: "Rubber" includes crude rubber, latex, reclaimed rubber, scrap rubber, and synthetic rubber.

5. The definition of "shoes" in section 3.13 is amended to read as follows: Shoes means any footwear made in whole or in part of leather or which contain any rubber in the sole, except: burial slippers; boudoir or house slippers; ballet slippers; evening slippers made in the United States, or imported before July 7, 1943, which at the time of manufacture were made with uppers of gold or silver leather or imitation leather with gold or silver finish; baseball, track and football shoes; men's and women's knee-height riding boots made in the United States, or imported before July 7, 1943 (including boots without lacing and with lacing only over the instep but not including full lace boots, jodhpurs or cowboy boots); infant footwear of size 4 or smaller; overshoes; and waterproof and snow or water repellent rubber footwear. (For the purposes of this definition, footwear is deemed not to be made in whole or in part of leather if leather is used only as hinges, tabs, heel inserts, or other non-skid or soundproofing features covering not more than 25 percent of the area of the bottom of the sole. Furthermore, footwear is deemed not to contain rubber in the sole where rubber is used only as a cement or adhesive to the extent necessary to attach a sole or platform to each other or to the upper.)

This amendment shall become effective July 7, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

NOTE: The record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10567; Filed, June 30, 1943; 4:48 p. m.]

PART 1444—ICE BOXES

[MPR 399,[1] Amdt. 1]

NEW ICE BOXES

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 399 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What ceiling prices are fixed by this regulation.* This regulation fixes ceiling prices for sales of new ice boxes at retail (including sales by mail order houses and ice companies) and at wholesale. A sale at retail is a sale by a person other than the manufacturer to a person who buys for use. A sale at wholesale is a sale by a person other than the manufacturer to a person who buys for resale. Sales by manufacturers are covered by Maximum Price Regulation No. 188. Ice boxes not listed in the table below (except those whose

[1] 8 F.R. 7448.

ceiling price is fixed by the General Maximum Price Regulation as explained below) may not be sold at wholesale or retail unless an order has been issued under this section establishing ceiling prices for such sales. Orders will be issued by the Office of Price Administration, Washington, D. C., upon application.

Ceiling prices for ice boxes which were in the hands of wholesalers or retailers on June 8, 1943, and which are models of ice boxes not now being offered for sale by the manufacturer of such ice boxes are fixed by the General Maximum Price Regulation.

2. Section 3 is amended to read as follows:

SEC. 3. *Ceiling prices for wholesalers.* Ceiling prices for sales at wholesale are 60% of the retail base price as shown in Column I of Table C plus the difference between the base price and the retail ceiling price for the state in which the wholesaler's warehouse is located. The wholesale ceiling price is f. o. b. the distributor's city.

3. Section 14, Table A, "Retail Ceiling Prices in Each State for Sales of Ice Boxes by Ice Companies and Retail Establishments Controlled by Ice Companies," is amended by changing the ceiling prices shown therein for The Coolerator Company's Model V-6 ice box, and by adding ceiling prices for eight new models of ice boxes, as set forth below.

TABLE A

RETAIL CEILING PRICES IN EACH STATE FOR SALES OF ICE BOXES BY ICE COMPANIES AND RETAIL ESTABLISHMENTS CONTROLLED BY ICE COMPANIES

[No amount may be added to these ceiling prices for delivery to the buyer]

Manufacturer	Brand	Model	Rated ice capacity (pound)	Retail base price	Ala.	Ariz.	Ark.	Calif.	Col.	Conn.	Del.	D. C.	Fla.	Ga.	Idaho	Ill.	Ind.
The Coolerator Co.	Coolerator	V-6	75	$68.75	$69.50	$70.00	$69.50	$70.00	$69.50	$69.75	70.00	$69.75	$70.25	$69.75	$70.00	$68.75	$69.25
Getz Bros. & Co., Inc.	Getz-Kold	F-60	50	46.25	46.50	46.25	46.25	46.25	46.25	46.75	46.75	46.75	47.00	46.50	46.25	46.50	46.50
C. Nelson Mfg. Co.	Nelco Artic.	V-41	75	57.25	57.25	58.25	57.25	58.25	57.50	57.25	57.25	57.25	57.50	57.25	58.25	57.25	57.25
Stoddard Mfg. Co.	Lockerator	6	75	58.00	58.75	59.75	59.00	60.25	59.00	58.75	58.75	58.75	59.75	59.25	59.50	58.00	58.00
Success Mfg. Co.	Success	VG-5S	75	52.00	52.00	53.50	52.25	53.50	53.50	52.00	52.00	52.00	52.00	52.75	53.50	52.00	52.00
Ward Ref. & Mfg. Co.	Olympic	V-603	75	73.50	75.00	73.50	74.75	73.50	74.50	75.25	75.25	75.25	75.75	75.00	75.25	74.75	75.00
Ward Ref. & Mfg. Co.	Olympic	V-600	75	73.50	75.00	73.50	74.75	73.50	74.50	75.25	75.25	75.25	75.75	75.00	75.25	74.75	75.00
Ward Ref. & Mfg. Co.	Olympic	V-300	50	51.50	52.00	51.50	51.75	51.50	51.50	52.25	52.25	52.25	52.75	52.25	52.25	52.00	52.00
Ward Ref. & Mfg. Co.	Olympic	V-303	50	51.50	52.00	51.50	51.75	51.50	51.50	52.25	52.25	52.25	52.75	52.25	52.25	52.00	52.00

Manufacturer	Brand	Model	Rated ice capacity (pound)	Retail base price	Iowa	Kans.	Ky.	La	Maine	Md.	Mass.	Mich.	Minn	Miss.	Mo.	Mont
The Coolerator Co.	Coolerator	V-6	75	$68.75	$68.75	$69.25	$69.00	$70.00	$70.25	$69.75	$70.00	$69.00	$68.75	$69.50	$68.75	$70.00
Getz Bros. & Co., Inc.	Getz-Kold	F-50	50	46.25	46.25	46.25	46.50	46.25	46.75	46.75	46.75	46.50	46.25	46.50	46.25	46.25
C. Nelson Mfg. Co.	Nelco Artic.	V-41	75	57.25	57.25	57.25	57.25	57.25	57.50	57.25	57.25	57.25	57.25	57.25	57.25	58.25
Stoddard Mfg. Co.	Lockerator	6	75	58.00	60.00	60.00	60.00	59.50	59.00	58.75	59.00	58.00	58.00	58.75	58.00	59.25
Success Mfg. Co.	Success	VG-5S	75	52.00	52.00	52.50	52.00	52.50	52.00	52.00	52.00	52.00	52.25	52.25	52.00	53.50
Ward Ref. & Mfg. Co.	Olympic	V-603	75	73.50	74.75	74.50	75.00	74.75	75.25	75.25	75.25	74.75	75.00	75.00	74.75	75.50
Ward Ref. & Mfg. Co.	Olympic	V-600	75	73.50	74.75	74.50	75.00	74.75	75.25	75.25	75.25	74.75	75.00	75.00	74.75	75.50
Ward Ref. & Mfg. Co.	Olympic	V-300	50	51.50	51.75	51.75	52.00	51.75	52.25	52.25	52.25	52.25	52.00	52.00	51.75	52.50
Ward Ref. & Mfg. Co.	Olympic	V-303	50	51.50	51.75	51.75	52.00	51.75	52.25	52.25	52.25	52.25	52.00	52.00	51.75	52.50

Manufacturer	Brand	Model	Rated ice capacity (pound)	Retail base price	Nebr.	Nev.	N. H.	N. J.	N. Mex.	N. Y	N. C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.
The Coolerator Co.	Coolerator	V-6	75	$68.75	$69.00	$70.00	$70.00	$69.75	$70.00	$69.50	$69.75	$68.75	$69.25	$69.50	$70.00	$69.50
Getz Bros. & Co., Inc.	Getz-Kold	F-50	50	46.25	46.25	46.25	46.75	46.75	46.25	46.75	46.75	46.25	46.50	46.25	46.25	46.75
C. Nelson Mfg. Co.	Nelco Artic.	V-41	75	57.25	57.25	58.25	57.25	57.25	58.25	57.25	57.25	57.50	57.25	57.25	57.25	57.25
Stoddard Mfg. Co.	Lockerator	6	75	58.00	58.00	59.75	59.00	58.75	59.75	58.50	59.25	58.50	58.25	58.75	59.75	58.50
Success Mfg. Co.	Success	VG-5S	75	52.00	52.50	53.50	52.00	52.00	53.50	52.00	52.00	52.75	52.00	52.50	53.50	52.00
Ward Ref. & Mfg. Co.	Olympic	V-603	75	73.50	74.50	74.50	75.25	75.25	74.25	75.25	75.25	74.75	75.00	74.50	74.50	75.25
Ward Ref. & Mfg. Co.	Olympic	V-600	75	73.50	74.50	74.50	75.25	75.25	74.25	75.25	75.25	74.75	75.00	74.50	74.50	75.25
Ward Ref. & Mfg. Co.	Olympic	V-300	50	51.50	51.75	51.75	52.25	52.25	51.75	52.25	52.25	51.75	52.00	51.75	51.75	52.25
Ward Ref. & Mfg. Co.	Olympic	V-303	50	51.50	51.75	51.75	52.25	52.25	51.75	52.25	52.25	51.75	52.00	51.75	51.75	52.25

Manufacturer	Brand	Model	Rated ice capacity (pounds)	Retail base price	R. I.	S. C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.
The Coolerator Co.	Coolerator	V-6	75	$68.75	$70.00	$69.75	$69.00	$69.25	$70.00	$70.00	$70.00	$70.00	$70.00	$69.50	$68.75	$69.50
Getz Bros. & Co., Inc.	Getz-Kold	F-50	50	46.25	46.75	46.75	46.25	46.50	46.25	46.25	46.75	46.75	46.25	46.75	46.50	46.25
C. Nelson Mfg. Co.	Nelco Artic.	V-41	75	57.25	57.25	57.25	57.25	57.25	57.50	58.25	57.25	57.25	58.25	57.25	57.25	57.75
Stoddard Mfg. Co.	Lockerator	6	75	58.00	58.00	58.25	58.25	58.50	59.25	59.50	59.00	58.75	58.75	58.50	58.00	59.00
Success Mfg. Co.	Success	VG-5S	75	52.00	52.00	52.00	52.75	52.00	52.50	53.50	52.00	52.00	53.50	52.00	52.00	53.00
Ward Ref. & Mfg. Co.	Olympic	V-603	75	73.50	75.25	75.25	74.75	75.00	74.50	74.75	75.25	75.25	74.25	75.25	74.75	74.50
Ward Ref. & Mfg. Co.	Olympic	V-600	75	73.50	75.25	75.25	74.75	75.00	74.50	74.75	75.25	75.25	74.25	75.25	74.75	74.50
Ward Ref. & Mfg. Co.	Olympic	V-300	50	51.50	52.25	52.25	52.00	52.00	52.00	51.75	52.25	52.25	51.50	52.25	52.00	51.75
Ward Ref. & Mfg. Co.	Olympic	V-303	50	51.50	52.25	52.25	52.00	52.00	52.00	51.75	52.25	52.25	51.50	52.25	52.00	51.75

4. Section 16, Table C, "Ceiling Prices in Each State for All Other Sales of Ice Boxes at Retail," is amended by changing the ceiling prices for The Coolerator Company's Model V–6 ice box and by adding ceiling prices for eight new models of ice boxes, as set forth below.

TABLE C

CEILING PRICES IN EACH STATE FOR ALL OTHER SALES OF ICE BOXES AT RETAIL

[No amount may be added to these ceiling prices for delivery to the buyer]

Manufacturer	Brand	Model	Rated ice capacity (pounds)	Retail base price	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	D. C.	Fla.	Ga.	Idaho	Ill.	Ind.
The Coolerator Co.	Coolerator	V–6	75	$72.75	$75.00	$75.50	$74.75	$75.50	$75.00	$75.25	$75.25	$75.25	$75.75	$75.25	$75.50	$73.75	$74.50
Getz Bros. & Co., Inc.	Getz-Kold	F–50	50	52.50	54.25	53.75	54.00	53.00	54.00	54.50	54.50	54.50	54.50	54.25	53.75	54.00	54.25
C. Nelson Mfg. Co.	Nelco Artic.	V–41	75	63.95	65.00	66.50	65.00	66.50	65.50	65.25	65.25	65.25	65.50	65.25	66.25	64.50	64.50
Stoddard Mfg. Co.	Lockerator	6	75	65.50	67.75	68.75	67.75	69.00	67.75	67.75	67.75	67.50	68.75	68.00	68.50	66.50	67.00
Success Mfg. Co.	Success	VG–5S	75	55.95	57.25	58.75	57.75	58.75	58.50	56.50	56.75	56.75	57.50	57.25	58.75	57.25	57.00
Ward Ref. & Mfg. Co.	Olympic	V–603	75	82.95	85.75	84.50	85.50	83.75	85.25	86.25	86.25	86.25	86.75	85.75	86.00	85.50	85.75
Ward Ref. & Mfg. Co.	Olympic	V–600	75	82.95	85.75	84.50	85.50	83.75	85.25	86.25	86.25	86.25	86.75	85.75	86.00	85.50	85.75
Ward Ref. & Mfg. Co.	Olympic	V–300	50	58.25	60.25	59.25	60.00	58.75	60.00	60.50	60.50	60.50	60.75	60.25	60.50	60.00	60.25
Ward Ref. & Mfg. Co.	Olympic	V–303	50	58.25	60.25	59.25	60.00	58.75	60.00	60.50	60.50	60.50	60.75	60.25	60.50	60.00	60.25

Manufacturer	Brand	Model	Rated ice capacity (pounds)	Retail base price	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss	Mo.	Mont.
The Coolerator Co.	Coolerator	V–6	75	$72.75	$73.75	$74.50	$74.50	$75.25	$75.50	$75.25	$75.25	$74.50	$73.75	$75.00	$73.75	$75.50
Getz Bros. & Co., Inc.	Getz-Kold	F–50	50	52.50	54.00	54.00	54.25	54.00	54.50	54.50	54.50	54.00	54.00	54.25	54.00	54.00
C. Nelson Mfg. Co.	Nelco Artic.	V–41	75	63.95	64.75	65.00	64.75	65.25	65.50	65.25	65.50	64.75	65.00	65.00	64.50	66.25
Stoddard Mfg. Co.	Lockerator	6	75	65.50	67.00	67.25	67.25	68.25	68.00	67.50	67.75	66.75	66.50	67.75	66.50	68.25
Success Mfg. Co.	Success	VG–5S	75	55.95	57.50	58.00	57.25	58.00	56.50	56.75	56.25	57.00	57.75	57.50	57.25	58.75
Ward Ref. & Mfg. Co.	Olympic	V–603	75	82.95	85.50	85.25	85.75	85.50	86.25	86.25	86.25	85.75	85.75	85.75	85.50	86.25
Ward Ref. & Mfg. Co.	Olympic	V–600	75	82.95	85.50	85.25	85.75	85.50	86.25	86.25	86.25	85.75	85.75	85.75	85.50	86.25
Ward Ref. & Mfg. Co.	Olympic	V–300	50	58.25	60.00	60.00	60.25	60.00	60.50	60.50	60.50	60.00	60.25	60.25	60.00	60.50
Ward Ref. & Mfg. Co.	Olympic	V–303	50	58.25	60.00	60.00	60.25	60.00	60.50	60.50	60.50	60.00	60.25	60.25	60.00	60.50

Manufacturer	Brand	Model	Rated ice capacity (pounds)	Retail base price	Nebr.	Nev.	N. H.	N. J.	N. Mex.	N. Y.	N. C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.
The Coolerator Co.	Coolerator	V–6	75	$72.75	$74.25	$75.50	$75.25	$75.25	$75.50	$75.00	$75.00	$74.25	$74.75	$74.75	$75.50	$75.00
Getz Bros. & Co., Inc.	Getz-Kold	F–50	50	52.50	54.00	53.50	54.50	54.50	54.00	54.50	54.50	54.00	54.25	54.00	53.50	54.25
C. Nelson Mfg. Co.	Nelco Artic.	V–41	75	63.95	65.00	66.50	65.50	65.25	66.50	65.25	65.25	65.50	64.75	65.25	66.50	65.25
Stoddard Mfg. Co.	Lockerator	6	75	65.50	66.75	68.50	67.75	67.50	68.75	67.50	68.00	67.25	67.50	67.75	68.75	67.50
Success Mfg. Co.	Success	VG–5S	75	55.95	57.75	58.75	56.50	56.75	58.75	56.75	57.00	56.75	57.00	58.00	58.75	56.75
Ward Ref. & Mfg. Co.	Olympic	V–603	75	82.95	85.25	85.50	86.25	86.25	85.25	86.25	86.25	85.50	85.75	85.25	85.50	86.00
Ward Ref. & Mfg. Co.	Olympic	V–600	75	82.95	85.25	85.50	86.25	86.25	85.25	86.25	86.25	85.50	85.75	85.25	85.50	86.00
Ward Ref. & Mfg. Co.	Olympic	V–300	50	58.25	60.00	60.00	60.50	60.50	59.75	60.50	60.50	60.00	60.25	60.00	60.00	60.25
Ward Ref. & Mfg. Co.	Olympic	V–303	50	58.25	60.00	60.00	60.50	60.50	59.75	60.50	60.50	60.00	60.25	60.00	60.00	60.25

Manufacturer	Brand	Model	Rated ice capacity (pounds)	Retail base price	R. I.	S. C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.
The Coolerator Co.	Coolerator	V–6	75	$72.75	$75.25	$75.25	$74.25	$74.50	$75.25	$75.50	$75.25	$75.25	$75.50	$75.00	$73.75	$75.00
Getz Bros. & Co., Inc.	Getz-Kold	F–50	50	52.50	54.50	54.50	54.00	54.25	54.00	53.50	54.50	54.50	53.50	54.00	54.00	54.00
C. Nelson Mfg. Co.	Nelco Artic.	V–41	75	63.95	65.50	65.25	65.25	64.75	65.50	66.25	65.50	65.25	66.50	65.00	64.75	65.75
Stoddard Mfg. Co.	Lockerator	6	75	65.50	67.75	68.00	67.00	67.25	67.00	68.00	68.25	68.75	68.75	67.25	66.25	67.75
Success Mfg. Co.	Success	VG–5S	75	55.95	56.25	57.00	58.00	57.25	57.75	58.75	56.50	57.00	58.75	57.00	57.25	58.50
Ward Ref. & Mfg. Co.	Olympic	V–603	75	82.95	86.25	86.25	85.50	85.75	85.25	85.50	86.25	86.25	85.00	86.25	85.50	85.25
Ward Ref. & Mfg. Co.	Olympic	V–600	75	82.95	86.25	86.25	85.50	85.75	85.25	85.50	86.25	86.25	85.00	86.25	85.50	85.25
Ward Ref. & Mfg. Co.	Olympic	V–300	50	58.25	60.50	60.50	60.00	60.25	60.00	60.00	60.50	60.50	59.75	60.50	60.00	60.00
Ward Ref. & Mfg. Co.	Olympic	V–303	50	58.25	60.50	60.50	60.00	60.25	60.00	60.00	60.50	60.50	59.75	60.50	60.00	60.00

5. Section 16, Table C, "Ceiling Prices in Each State for All Other Sales of Ice Boxes at Retail," is amended to correct two errors appearing in the original document.

a. The "Retail base price" in the second reference to Fy-Boro Metal Products Company's Model 650 is corrected to read "$47.95," instead of "49.95".

b. The retail ceiling price for the Maine Manufacturing Company's Model 1557 in the State of New Jersey is corrected to read "$31.00."

This amendment shall become effective July 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, 8 F.R. 4681)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10569; Filed, June 30, 1943; 4:45 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 69 Under SR 15 to GMPR]

SHAMROCK TOWING COMPANY

Order No. 69 under § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation; Docket No. GF3–3325.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1369 *Adjustment of Maximum Prices for Contract Carrier Services by Shamrock Towing Company, Inc., for the City of New York.* (a) Shamrock Towing Company, Inc., Pier 93, Foot of West 53rd Street, New York, New York, may sell and deliver to the City of New York towing services at prices not to exceed those specified in a certain contract between Shamrock Towing Company, Inc., and the City of New York which provides the terms and conditions pursuant to which Shamrock Towing Company, Inc., shall tow refuse material in scows or barges owned by the City of New York between certain points in the City of New York and points in the Harbor and Port of New York for the period from July 1, 1943, to and including June 30, 1944.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 69 (§ 1499.1369) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 69 (§ 1499.1369) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 69 (§ 1499.1369) shall become effective June 30, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10570; Filed, June 30, 1943; 4:47 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 under SR 15 to GMPR]

THE LIGNUM CHEMICAL WORKS

Order No. 1 Under § 1499.75 (a) (7) of Supplementary Regulation No. 15 to the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, there is ordered:

§ 1499.2051 *Adjustment of maximum prices for sales of wood flour and sawdust, sold by the Lignum Chemical Works.* (a) The Lignum Chemical Works, New York, N. Y., may sell and deliver, and any person may buy and receive from the Lignum Chemical Works, wood flour and sawdust at prices not higher than those set forth below:

	Maximum prices
(1) Polishing and plating sawdust:	
Rock Maple: (Hardwood—consisting mainly of Maple)	*Per 2 bu. bag*
#14—12 mesh	$0.85
#24W—20 mesh	.95
#30—24 mesh	1.05
	Per ton
Any grade, by the ton	$25.50
Spruce: (Softwood—consisting mainly of Spruce)	*Per 2 bu. bag*
#14—12 mesh #24W—20 mesh #30—24 mesh	$0.85
	Per ton
Any grade, by the ton	$25.50
(2) Wood flour:	
40 x M—Softwood—40 mesh (90%)*	35.50
Blowo B—Briarwood—200 mesh (90%)	45.50
Blowo M—Hardwood—150 mesh (90%)	40.50
F & B—White Birch—40 mesh (90%)	43.50
40M—Hardwood (mostly Maple)—40 mesh (90%)	28.00
100H—Hickory—100 mesh (90%)	50.50
40R—Briarwood—40 mesh (90%)	30.50
(3) Fur dressing sawdust:	*Per 80 lb. bag*
Red Tag	$1.25
White Tag	1.20
Manila Tag	1.15
Green Tag	1.10
Purple Tag	1.00

*The 90% referred to above means that should the product be screened through the stated mesh, at least 90% would pass through the mesh.

The above maximum prices include delivery to any point in the Metropolitan area of New York, N. Y., and where sold for delivery at points beyond that area, are f. o. b. cars or truck.

(4) *Discounts:* The above maximum prices are subject to the following discounts:

Polishing and Plating Sawdust—1% for cash payment in 10 days.

Wood Flour—2% C. O. D., or 1% for cash payment in 10 days.

Fur Dressing Sawdust—10% C. O. D., or 10 percent for cash payment by Thursday following delivery. Also subject to following refunds if purchases in calendar month total—

500 bags	3%
1000 bags	5%
1500 bags	6%

(b) This Order No. 1 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 1 shall become effective July 7, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10571; Filed, June 30, 1943; 4:45 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 59]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7704 (a) (5) is added to read as follows:

(5) An application for a supplemental ration for driving by an officer, agent, representative or employee of a government or government agency for carrying on the official business of such government or government agency must be certified, as indicated thereon, by a government mileage administrator (or by his authorized agent) if one has been designated by such government or government agency to exercise authority to certify such applications on behalf of the unit of government or the specified branch thereof in respect to which the application is made. If no such government mileage administrator has been designated, such application must be certified by an officer who is empowered to authorize or supervise travel for such government or government agency.

2. Section 1394.7706 (a) is amended to read as follows:

(a) By an agent, officer, representative or employee of a Federal, State, local or foreign government or government agency, who either holds an elective office or who is compensated by such government or government agency for his personal services or for travel expenses incurred in the travel for which preferred mileage is sought, for performing the official business or carrying out an official function of such government or government agency.

(1) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business or carrying out an official function.

(2) Except for daily or periodic travel between home or lodgings and a fixed place of work, travel by members of Federal or State legislative bodies between their places of residence and the city or town of legislative session, or within such city or town and within their respective legislative districts in connection with their functions as legislators, or elsewhere in pursuit of legislative business, shall be deemed the carrying out of an official function.

3. Section 1394.7706 (x) is added to read as follows:

(x) By the following persons for the following purposes:

(1) A duly authorized official, employee, agent or representative of the American Red Cross, either in a passenger automobile or motorcycle owned or leased by the American Red Cross, or in a passenger automobile or motorcycle not owned or leased by the American Red Cross if compensation is paid by the American Red Cross for the performance of such business and for the use of such passenger automobile or motorcycle.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business.

(2) A member of a War Price and Rationing Board, for travel between home or lodgings and the place at which such Board conducts its business.

(3) A member of a Selective Service Board, an appeal agent or a member of an Appeal Board of the Selective Service System, for travel between home or lodgings and the place at which the business of the Selective Service System is conducted.

(4) A volunteer fireman (including a member of the Forest Fire Fighters Service of the Office of Civilian Defense), a volunteer policeman, or a member of a State, County or local committee organized by the United States government or an agency thereof to promote the sale of United States government securities, for the performance of their official duties.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official duties.

(ii) No preferred mileage shall be allowed for travel on which the applicant is not exclusively engaged in the performance of his official duties.

(5) A member of the staff unit of the United States Citizens Defense Corps of the Office of Civilian Defense who is certified by the commander of that unit to be a member thereof, for travel on official business of the Office of Civilian Defense.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall be deemed performance of official business.

4. Section 1394.7753 is amended by designating the present text paragraph (a) and adding paragraph (b) to read as follows:

(b) Each application for official rations must be certified by a Government Mileage Administrator (or by his authorized agent) if one has been designated by the government or government

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1026, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2096, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 8680, 7455, 8009, 8180.

agency to exercise authority to certify such applications on behalf of the unit of government or the specified branch thereof which owns or leases the vehicle for which application is made. If no such Government Mileage Administrator has been designated, such application must be certified by an officer empowered to authorize or supervise travel for the government or government agency which owns or leases the vehicle for which the ration is sought.

This amendment shall become effective July 7, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10565; Filed, June 30, 1943; 4:48 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,[1] Amdt. 19]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1364.468 (b) is amended to read as follows:

(b) *Quantity discounts.* (1) For all veal carcasses and/or veal wholesale cuts, and/or other meat items subject to this subpart C delivered in a straight or mixed carload shipment or sold as part of a straight or mixed carload sale, the the seller shall deduct 50¢ per cwt. from the applicable zone price.

(2) For veal carcasses and/or veal wholesale cuts sold to a wholesaler in a straight or mixed less-than-carload sale, the seller shall deduct 50¢ per cwt. from the applicable zone price.

This amendment shall become effective June 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10562; Filed, June 30, 1943; 4:46 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 239,[2] Amdt. 6]

LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. Section 1364.171 (a) is amended to read as follows:

(a) *Sales to wholesalers.* For all lamb or mutton carcasses or cuts sold or delivered to wholesalers or jobbers in less than carload quantities, the seller shall deduct $0.50 per cwt.

2. Section 1364.171 (c) is added to read as follows:

(c) *Carload sales.* For all lamb or mutton carcasses and cuts sold or delivered in carload lots the seller shall deduct $0.75 per cwt.

This amendment shall become effective June 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10561; Filed, June 30, 1943; 4:46 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 28]

EXCEPTIONS FOR CERTAIN SERVICES; COURT REPORTING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.46 (b) (22) is amended by deleting the parenthetical phrase "(except when a transcript is furnished)".

This amendment shall be effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10572; Filed, June 30, 1943; 4:45 p. m.]

Chapter XIII—Petroleum Administration for War

[PAO 11 as Amended June 30, 1943, Supp. Order 6]

PART 1515—PETROLEUM PRODUCTION OPERATIONS

MATERIAL FOR SECONDARY RECOVERY

General exception pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11.

§ 1515.12 *Supplementary Order No. 6 to Petroleum Administrative Order No. 11*—(a) *Scope of this order.* Except as otherwise modified by the provisions of any other order issued as a supplement to Petroleum Administrative Order No. 11 or by the provisions of any exception issued pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11, the provisions of this order shall, to the extent provided herein, be applicable to secondary recovery crude oil production operations in the United States, its territory or possessions, but not elsewhere, and to the delivery, acquisition, or use of material for such operations.

(b) *Definitions.* The definitions of Petroleum Administrative Order No. 11 shall apply in this order.

(c) *Acquisition and use of material for secondary recovery.* Pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11, any person may accept delivery of, acquire, or use material for secondary recovery crude oil production operations (including the drilling of production and injection wells but excluding pressure maintenance operations, salt water disposal operations, or high-pressure cycling operations) by the injection of air, gas, or water into the producing formation for the purpose of increasing or sustaining production therefrom: *Provided,* That this authorization shall extend only to the operator who actually conducts the specific injection program or to those operators who contribute money, property, or services as participants in the specific secondary recovery program, and *Provided further,* That, as to the drilling of production wells, this authorization shall extend only to such operations conducted within a radius of 2000 feet of any air or gas injection well or within a radius of 1000 feet of any water injection well.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of June 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-10598; Filed, July 1, 1943; 10:42 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417, 4417a, 4418, 4426, 4482, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167, 1028 (46 U.S.C. 375, 391, 391a, 392, 404, 475, 481, 489, 367, 526-526t, 463a), and Executive Order 9083, dated February 28, 1943 (7 F.R. 1609), the following amendments to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

Section 62.20 (a) is amended to read as follows:

§ 62.20 *Alarm bells and loud speaker system*—(a) *Alarm bells*—(1) *New vessels.* All vessels over 100 gross tons the construction of which is begun on and after September 1, 1943, shall have all sleeping accommodations, public spaces, and machinery spaces equipped with a sufficient number of alarm bells so located as to warn all occupants. The system shall operate from a continuous source of electric energy capable of supplying the system for a period of at least 8 hours without being dependent upon the main, auxiliary or emergency generating plants. Each bell shall produce a signal of a tone distinct from that of other bell signals in the vicinity and shall be independently fused with each of these fuses located above the bulkhead deck. The bells shall be controlled by a manually-operated contact maker located in the pilothouse, or, if specific approval is given by the Commandant, in the fire control station. The characteristics of the contact maker shall be such that it possesses:

(i) Positive contact

(ii) Watertightness (when located in open spaces subject to weather)

(iii) Means whereby its electrically open or closed position can be determined by sense of touch

(iv) Means to effect a make-and-break circuit for signaling, and

(v) Self-maintaining contacts.

(2) *Existing vessels.* All existing vessels over 100 gross tons and such vessels the construction of which is begun prior to September 1, 1943, shall have all sleeping accommodations equipped with a sufficient number of alarm bells so located as to warn all the occupants. The alarm bells, if electric, shall be operated from an open switch from the pilot house or bridge. The bells shall be of such size, character, and construction, as to provide an alarm throughout the spaces for which they are provided.

Subchapter H—Great Lakes: General Rules and Regulations

PART 79—INSPECTION OF VESSELS

Section 79.15 is amended to read as follows:

§ 79.15 *Alarm bells*—(a) *New vessels.* All vessels over 100 gross tons the construction of which is begun on and after September 1, 1943, shall have all sleeping accommodations, public spaces, and machinery spaces equipped with a sufficient number of alarm bells so located as to warn all occupants. The system shall operate from a continuous source of electric energy capable of supplying the system for a period of at least 8 hours without being dependent upon the main, auxiliary or emergency generating plants. Each bell shall produce a signal of a tone distinct from that of other bell signals in the vicinity and shall be independently fused with each of these fuses located above the bulkhead deck. The bells shall be controlled by a manually-operated contact maker located in the pilothouse, or, if specific approval is given by the Commandant, in the fire control station. The characteristics of the contact maker shall be such that it possesses:

(i) Positive contact.

(2) Watertightness (when located in open spaces subject to weather).

(3) Means whereby its electrically open or closed position can be determined by sense of touch.

(4) Means to effect a make-and-break circuit for signaling, and

(5) Self-maintaining contacts.

(b) *Existing vessels.* All existing vessels over 100 gross tons and such vessels the construction of which is begun prior to September 1, 1943, shall have all sleeping accommodations equipped with a sufficient number of alarm bells so located as to warn all the occupants. The alarm bells, if electric, shall be operated from an open switch from the pilothouse or bridge. The bells shall be of such size, character, and construction, as to provide an alarm throughout the spaces for which they are provided.

Subchapter I—Bays, Sounds and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 97—INSPECTION OF VESSELS

Section 97.13 is amended to read as follows:

§ 97.13 *Alarm bells.* * * * (See § 79.15 of this chapter which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 116—INSPECTION OF VESSELS

Section 116.12 is amended to read as follows:

§ 116.12 *Alarm bells.* * * * (See § 79.15 of this chapter which is identical with this section.)

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS AND LIFESAVING APPLIANCES: REGULATIONS DURING EMERGENCY

Section 153.9 is amended by the addition of a new paragraph (c) reading as follows:

§ 153.9 *Construction of ring life buoys.* * * *

(c) *Balsa wood.* The balsa wood shall be of the genus Ochroma, kiln-dried to a moisture content not exceeding 12 percent and shall weigh not more than 12 pounds per cubic foot. It shall be sound and free from rot, dote, large or unsound knots, worm holes, and other injurious defects.

PART 156—INSPECTION AND CERTIFICATION

Section 156.3 (a) is amended to read as follows:

§ 156.3 *Electrical installations.* * * *

(a) The type of electrical equipment and the types of electric cables to be used in the various parts of all vessels constructed after 1 July, 1943, may be in accordance with "A. I. E. E. Standard No. 45A, April 1, 1943—Modification of and Supplement to A. I. E. E. Standard No. 45 (1940 Edition with Addenda of Feb. 16, 1942); Recommended Practice for Electrical Installations on Shipboard; To Apply During National Emergency Only". Repairs, alterations, or extensions to the electrical installations on existing vessels may be made in accordance with the provisions of this section for new construction.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Thread for Life Preservers

3/10 Drednaut Duo (Natural), 4 10 Drednaut Silowax (Natural), 4 10 Drednaut Duo (Natural), Cotton threads for use in the construction of life preservers, manufactured by Great Lakes Thread Company, Detroit, Mich.

Life Preserver Cleaning Process

Cleaning process No. 111 for cleaning approved kapok life preservers, Sinclair and Valentine Company, New York, N. Y.

R. R. WAESCHE,
Commandant.

JUNE 30, 1943.

[P. R. Doc. 43-10576; Filed, July 1, 1943; 9:12 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 38A]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART J—CARLOAD AND TRUCKLOAD SHIPMENTS TO OR THROUGH THE DOMINION OF CANADA

Pursuant to Executive Orders 8989 and 9156, and in order to coordinate and direct domestic traffic movements to prevent traffic congestion; to assure the orderly and expeditious movement of materials and supplies of war; and to maintain a maximum flow of traffic, the attainment of which purposes is essential to the successful prosecution of the war, General Order ODT 38, as amended, (§§ 502.135 to 502.142) shall be superseded, and, *It is hereby ordered,* That:

Sec.

502.135 General outline of order.
502.136 Definitions.
502.137 Applicability.
502.138 ODT shipping permits required.
502.139 Application for and issuance of ODT shipping permits.
502.140 Issuance of special or general permits.
502.141 Procedures; delegation of authority.
502.142 Records and reports.
502.143 Communications.

AUTHORITY: §§ 502.135 to 502.143, inclusive, issued under E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349.

§ 502.135 *General outline of order.* This order establishes a control over certain carload and truckload shipments

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4097, 4786, 4844, 5170, 5478, 5634, 6058, 6427, 7199, 7200, 8011, 7109, 6945, 7199, 7675, 8011, 8677, 8756.

[2] 7 F.R. 10688; 8 F.R. 3589, 4786, 4786, 7679, 8677.

moving from points in the United States to or through points in the Dominion of Canada. Section 502.138 provides that the following shipments are subject to the provisions of the order: carload or truckload shipments consigned to a Government agency and destined to any point in the Dominion of Canada; carload or truckload shipments consigned by or to a Government agency to any point in the Dominion of Canada for export therefrom; and carload or truckload shipments consigned by a Government agency or transported on a United States Government bill of lading to Churchill, Manitoba, Edmonton, Alberta, or any point on the line of the Northern Alberta Railways Company. The term "Government agency" is defined in the order as any agency or department of the United States including any corporation organized and controlled by the United States. Section 502.139 provides that application for an ODT shipping permit shall be made by the interested Government procuring agency in accordance with the provisions of an administrative order, Administrative Order ODT 2A, which outlines procedures to be followed in the application for and issuance of ODT shipping permits, is being issued simultaneously with General Order ODT 38A. The primary purpose of General Order ODT 38A is to avoid traffic congestion by establishing a control which will assure the orderly movement of the traffic subject to the order. The order supersedes General Order ODT 38, as amended.

§ 502.136 *Definitions.* As used in this order (§§ 502.135–502.143), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity;

(b) "Government agency" means any agency or department of the Government of the United States and includes any corporation organized and controlled by the United States;

(c) "Property" means anything, except passengers, capable of being transported in or on a freight car or motor truck;

(d) "Carrier" means any rail carrier or motor carrier which is engaged or which may engage, in the transportation of property;

(e) "Carload shipment" means property which is transported by a rail carrier in or on a railway freight car at a carload rate;

(f) "Truckload shipment" means property which is transported by a motor carrier in or on a motor truck (1) at a truckload rate, or, (2) in a quantity the weight of which is 10,000 pounds or more;

(g) "Motor truck" means (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled by mechanical power, when used in the transportation of property;

(h) "ODT shipping permit" means a permit issued by the Office of Defense Transportation, or for the Office of Defense Transportation by a duly authorized agent or agency;

(i) "Continental United States" means the forty-eight States and the District of Columbia.

§ 502.137 *Applicability.* The provisions of this order shall be applicable only within the continental United States.

§ 502.138 *ODT shipping permits required.* No person shall offer for transportation at any point within the continental United States and no carrier shall accept for transportation at, or transport from, any point within the continental United States any carload or truckload shipment (a) which is consigned to a Government agency and is destined to any point within the Dominion of Canada, (b) which is consigned by a Government agency to, or is consigned to a Government agency at, any port in the Dominion of Canada for export therefrom, or (c) which is consigned by a Government agency or transported on a United States Government bill of lading to Churchill, Manitoba, Edmonton, Alberta, or any point on the line of the Northern Alberta Railways Company, unless a valid and effective ODT shipping permit authorizing the transportation of such shipment is outstanding, and the number of such permit has been endorsed or inscribed upon the face of the waybill, bill of lading, or other shipping documents, or unless such permit or a certified copy thereof accompanies such shipment when offered for transportation and while in transit.

§ 502.139 *Application for and issuance of ODT shipping permits.* Application for an ODT shipping permit covering the transportation of carload or truckload shipments subject to this order shall be made by the interested Government procuring agency in accordance with any administrative order issued as hereinafter provided. If the transportation of the shipment or shipments covered by such an application will not result in or contribute to traffic congestion, an ODT shipping permit authorizing the transportation of such shipment or shipments will be issued. Any such permit will be subject to suspension or cancellation when a change in shipping conditions requires such action, or if the permit was issued in error.

§ 502.140 *Issuance of special or general permits.* The provisions of this order shall be subject to any special permit issued by the Director, Division of Traffic Movement, Office of Defense Transportation, or to any general permit issued by the Office of Defense Transportation, to meet specific needs or exceptional circumstances or to prevent undue hardships.

§ 502.141 *Procedures; delegation of authority.* The Director, Division of Traffic Movement, Office of Defense Transportation, is hereby authorized and directed to issue such administrative orders as may be required to establish procedures to be followed with respect to applications for and the issuance of ODT shipping permits referred to in §§ 502.138 and 502.139 of this order. The Director, Division of Traffic Movement, may issue such permits through such officials or agencies of the United States as he shall designate in any such administrative order.

§ 502.142 *Records and reports.* The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Specific recording or reporting requirements subsequently prescribed in connection with this order will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 502.143 *Communications.* Communications concerning this order should refer to "General Order ODT 38A" and, unless otherwise directed, should be addressed to the Office of Defense Transportation, Washington, D. C.

This General Order ODT 38A shall become effective July 1, 1943.

General Order ODT 38, as amended (8 F.R. 6483, 6626), is hereby revoked as of the effective date of this General Order ODT 38A.

Issued at Washington, D. C., this 1st day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation

[F. R. Doc. 43-10599; Filed, July 1, 1943; 11:04 a. m.]

[Administrative Order ODT 2A]

PART 503—ADMINISTRATION

PROCEDURES FOR APPLICATION FOR AND ISSUANCE OF ODT SHIPPING PERMITS

Pursuant to § 502.141 of General Order ODT 38A, issued July 1, 1943 (this issue), Administrative Order ODT 2 (§§ 503.75 to 503.77) shall be superseded, and, *It is hereby ordered,* That:

Sec.
503.75 Application for ODT shipping permits.
503.76 Issuance of ODT shipping permits.
503.77 Suspension and cancellation of ODT shipping permits.

AUTHORITY: §§ 503.75 to 503.77, inclusive, issued under General Order ODT 38A, this issue.

§ 503.75 *Application for ODT shipping permits.* Application for the issuance of an ODT shipping permit authorizing the transportation of carload or truckload shipments subject to the provisions of General Order ODT 38A should be made by the Government procuring agency to the Traffic Control Division, Office of the Chief of Transportation, Army Service Forces, War Department, Washington, D. C. Such application should be made upon a form prescribed by the Office of Defense Transportation.

§ 503.76 *Issuance of ODT shipping permits.* Upon receipt of such an application, the Traffic Control Division shall transmit the application to the Transportation Control Committee for consideration. The Transportation Control Committee is hereby authorized to direct the Traffic Control Division to issue an ODT shipping permit covering the transportation of the shipment or shipments covered by such application when the Transportation Control Committee finds that the transportation of such shipment or shipments will not result in, or contribute to, traffic congestion.

§ 503.77 *Suspension and cancellation of ODT shipping permits.* The Office of Defense Transportation or the Transportation Control Committee may direct the Traffic Control Division to suspend or cancel any ODT shipping permit issued pursuant to the provisions of this Administrative Order ODT 2A, when a change in shipping conditions warrants such action, or if the permit was issued in error.

This Administrative Order ODT 2A shall become effective on July 1, 1943.

Administrative Order ODT 2 (8 F.R. 6484), is hereby revoked as of the effective date of this Administrative Order ODT 2A.

Issued at Washington, D. C., this 1st day of July 1943.

H. F. MCCARTHY, *Director,*
Division of Traffic Movement,
Office of Defense Transportation.

[F. R. Doc. 43-10600; Filed, July 1, 1943; 11:04 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service; Bureau of Public Debt.

[1943 Dept. Circ. 660, 1st Supp.]

2 PERCENT DEPOSITARY BONDS, SECOND SERIES

I. OFFERING OF BONDS

JUNE 29, 1943.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, gives notice of an additional special issue of bonds of the United States, designated 2 Percent Depositary Bonds, Second Series. These bonds may be subscribed for at par only by depositaries for withheld taxes qualified under Department Circular No. 714, dated June 25, 1943. The amounts of the allotments and adjustments thereof will be made on the bases specified in that circular. Two Percent Depositary Bonds, Second Series, will be issued and redeemed, and interest thereon, when due, will be paid by Federal Reserve Banks, as fiscal agents of the United States acting for the Secretary of the Treasury.

II. DESCRIPTION OF BONDS

1. The bonds of this issue will be dated July 1, 1943. They will bear interest at the rate of 2 percent per annum, payable on a semiannual basis on January 1 and July 1 in each year until the principal amount becomes payable. Each bond will be issued as of, and will bear interest from, the date payment therefor is received, and will mature twelve years from such date, but may be redeemed at the option of the United States or the depositary for withheld taxes, in whole or in part, at par and accrued interest at any time, upon not less than 30 nor more than 60 days' notice in writing given by either party to the other. From the date of redemption designated in any such notice, interest on the bond or bonds or any part thereof to be redeemed shall cease, and the unredeemed portion, if any, shall be reissued bearing the same issue date as the bond surrendered. Any such notice of redemption given by a depositary for withheld taxes shall be addressed to the Federal Reserve Bank of the district.

2. The income derived from the bonds shall be subject to all Federal taxes now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will not be acceptable for any purposes except those provided for in Department Circular No. 714. They will be issued only in the name of the Federal Reserve Bank of the district in which the depositary for withheld taxes is located as fiscal agent of the United States in trust for such depositary and will not be transferable. They will be subject to the genera' regulations of the Treasury Department with respect to United States bonds, so far as applicable.

III. GENERAL PROVISIONS

1. The Secretary of the Treasury may, at any time, or from time to time, prescribe supplemental or amendatory rules and regulations with respect to this issue of bonds, and he may terminate the issue at any time without notice.

2. Federal Reserve Banks, as fiscal agents of the United States, are authorized to perform all necessary acts herein, in accordance with such instructions as from time to time may be given by the Secretary of the Treasury, or by his direction.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-10592; Filed, July 1, 1943; 10:29 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1847, Part II]

DISTRICT BOARD 18

ORDER RESCHEDULING HEARING AND REDESIGNATING TRIAL EXAMINER

In the matter of the petition of District Board No. 18 for revision of the boundaries of District No. 18 to include therein all coal producing counties in the State of Arizona.

A hearing in the above-entitled matter having been scheduled to commence at a hearing room of the Bituminous Coal Division at Washington, D. C. on March 15, 1943, pursuant to an Order of the Director issued on February 12, 1943, and having been subsequently postponed by an order of the Director issued on March 12, 1943, pending further order; and

Said order of February 12, 1943, having designated W. A. Cuff, or any other officer or officers of the Bituminous Coal Division, to preside at the hearing in such matter; and

It appearing that the time and place for the holding of the hearing in this matter should be redesignated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter heretofore scheduled to be held at a hearing room of the Bituminous Coal Division at Washington, D. C. be held on August 7, 1943, at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division at the Franciscan Hotel, Albuquerque, New Mexico.

It is further ordered, That Charles O. Fowler, or any other duly designated officer or officers of the Bituminous Coal Division, shall preside at the hearing in such matter vice W. A. Cuff.

It is further ordered, That the notice of and order for hearing herein dated February 12, 1943, shall in all other respects remain in full force and effect.

Dated: June 29, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10594; Filed, July 1, 1943; 10:44 a. m.]

[Docket No. 1525-FD]

LOGAN CLAY PRODUCTS CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of the Logan Clay Products Company for a determination of the status of the coal produced at the Logan Clay Products Mine No. 1, Hocking County, Ohio, in District No. 4, pursuant to section 4–A of the Bituminous Coal Act of 1937.

An application for a determination of the status of coal produced at the Logan Clay Products Mine No. 1, in Hocking County, Ohio, in District No. 4, has been filed with this Division by The Logan Clay Products Company, of Logan, Ohio, pursuant to the second paragraph of section 4–A of the Bituminous Coal Act of 1937.

Now, therefore, it is ordered, That a hearing in the above entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 20, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advice as to the room where such hearing will be held.

It is further ordered, That Travis Williams, or any other officer of officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct such hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all the duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity desiring to be admitted as a party to the proceedings herein and eligible under section VII (i) of the rules of practice and procedure before the Division, shall file a petition of intervention not later than fifteen (15) days after the date of the issuance of this notice of and order for hearing.

Notice is hereby given that:

1. Within fifteen (15) days from the date of the issuance of this notice of and order for hearing, the applicant and each other interested party shall file with the Division a concise statement in writing of the facts expected to be proved by such person at the hearing. Other interested parties shall also file a written petition of intervention, in compliance with section VIII of the said rules of practice and procedure. The statements of facts shall be considered as pleadings and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to their respective statements of facts;

2. If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen (15) day period, in the absence of extenuating circumstances the application shall be deemed to have been withdrawn on the expiration of said period, in accordance with section VII (g) of the said rules of practice and procedure;

3. If the applicant does not appear and offer evidence in support of its statement of facts, in the absence of extenuating circumstances the application shall be deemed to have been withdrawn, in accordance with the provisions of the said section VII (g);

4. The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein may concern, in addition to the matters specifically alleged in the application, other matters necessarily incidental and related thereto, which may be raised by amendment to the application, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of The Logan Clay Products Company, pursuant to section 4-A of the Act, for a determination of the status of the coals produced at the Logan Clay Products Mine No. 1, Hocking County, Ohio, in District No. 4. The application alleges that such coals are exempt from section 4 of the Act because they are consumed by the applicant, the producer thereof, or transported by applicant, the producer thereof, to itself for consumption by it, within the meaning of section 4 II (1) of the Act.

Dated: June 29, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10595; Filed, July 1, 1943; 10:44 a. m.]

[Docket No. A-2044]

DEBARDELEBEN COAL CORP.

ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of DeBardeleben Coal Corporation for establishment of price classifications and minimum prices for Size Group No. 5 coals of the Hull Mine, Mine Index No. 44, District No. 13.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals in Size Group No. 5 produced at the Hull Mine, Mine Index No. 44, of DeBardeleben Coal Corporation, in Sub-District No. 1 of District No. 13, for shipment by railroad, applicable for all uses, except railroad locomotive fuel, steamship vessel fuel and blacksmithing.

The prayer of the original petition requested the establishment of a minimum price of $2.80 for Size Group No. 5 coals produced at Mine Index No. 22. All the allegations and facts set forth in the petition, however, refer to the establishment of minimum prices for the coals of the Hull Mine, Mine Index No. 44. The reference to Mine Index No. 22 in the prayer of the petition appears, therefore, to be a typographical error and it is presumed, in accordance with information submitted to the Division by the petitioner, that the petition intended to request relief for the coals produced at the Hull Mine, Mine Index No. 44.

The petition requests specifically that a minimum price be established for coals in Size Group No. 5. Size Group No. 5 includes coals of a top size of 4" and larger than 3", and a bottom size of 1½" and larger than ½", and is applicable solely to coals produced at Mine Index Nos. 9, 11 and 17. Coals of the same size dimensions produced at other mines of District No. 13 are included in Size Group No. 4. Since no minimum prices or price classifications have been heretofore established for the coals of Mine Index No. 44 in Size Groups Nos. 4 or 5, relief granted herein pertains to coals of the said mine in Size Group No. 4, thereby including coals of the size dimensions embraced in Size Group No. 5.

The particular minimum price requested for the coals involved for rail shipments into Market Area No. 147 is $2.80 per net ton, and into all other market areas "to bear the same relation to Size Group No. 2 coals" produced at Mine Index No. 44. The temporary minimum prices established in each price table for Size Group No. 4 coals produced at Mine Index No. 44 are 10 cents per ton less than the minimum prices established for coals of said mine in Size Group No. 2. These minimum prices are uniformly 10 cents per net ton less than the minimum prices requested by petitioner for the reason that minimum prices established for comparable and analogous coals produced by the other mines in District No. 13 in Size Group No. 4 are 10 cents per net ton less than the minimum prices established for Size Group No. 2 coals.

Reasonable showing of necessity having been made for the granting of temporary relief in the manner hereinafter set forth; no petitions of intervention having been filed with the Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending further order, temporary relief is granted as follows: Commencing forthwith, coals in Size Group No. 4 produced at the Hull Mine, Mine Index No. 44, of the DeBardeleben Coal Corporation in Sub-District 1 of District No. 13 shall have in each respective price table for shipment by rail, applicable to all uses except railroad locomotive fuel, steamship vessel fuel, and blacksmithing, a minimum price of 10 cents per net ton less than the minimum prices heretofore established for the coals in Size Group No. 2 produced at the said Mine Index No. 44.

It is further ordered, That pleadings in opposition to the original petition in the above entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on August 3, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminus Coal Division on or before July 29, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of DeBardeleben Coal Corporation, a code member, for the establishment of price classifications and minimum prices for coals in Size Group No. 5 produced at Hull Mine, Mine Index No. 44, for rail shipments to all market areas the same as the price classifications and minimum prices established for the coals of the said Mine Index No. 44 in Size Group No. 2 for such shipments.

Dated: June 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F R. Doc. 43-10596; Filed, July 1, 1943; 10:44 a. m.]

[Docket No. A-1943, Part II]

DISTRICT BOARD 13

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for Mine Index Nos. 1466, 1564, and 1743 for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 3, 1943 at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 29, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 13 requesting the establishment for shipments by rail for all uses except railroad locomotive fuel, steamship bunker fuel, and blacksmithing of:

Minimum prices for Size Group 18 coals produced by Connellsville Drift Mine, Mine Index No. 1466 of Harry Reynolds (Harry Reynolds Coal & Coke Co.) to all market areas the same as are applicable to the coals of Bradford Mine, Mine Index No. 77 of Alabama By-Products Corp. in this size group for such shipments to the respective market areas.

Minimum prices of $4.05, $3.30, $3.20, $3.15, $3.15, $3.15, $3.00, $2.90, $3.05, $3.05, $2.90 and $2.80 per ton for Size Groups 2, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22 and 23, respectively, for coals produced by Nauvoo Strip Mine, Mine Index No. 564 of Sam Alread (Sam Alread & Sons) for shipment to Market Area No. 147 and for shipments to all other market areas as follows: for Size Groups 2, 12, 13, 17, 18, 22 and 23 the same minimum prices as are applicable to coals of the same size groups, respectively, produced by Bonner & Wideman Mine, Mine Index No. 984 of Cleo Bonner; for Size Group 14, 10 cents per ton higher than the minimum price for the coals of Size Group 19 heretofore established for Mine Index No. 564; for Size Groups 20 and 21 the same minimum prices as are applicable to coals of the same size groups, respectively, produced by Swindle Mine, Mine Index No. 910 of F. L. Swindle; for Size Groups 15 and 16, 10 cents per ton higher respectively, than the minimum prices applicable to Size Groups 20 and 21 coals, respectively, produced by the Swindle Mine, Mine Index No. 910, of F. L. Swindle.

Minimum prices of $3.35, $3.35, $3.25, $2.80, $2.70, $2.65, $2.55, $2.55, $2.55, $2.35, $2.35, $2.25, $2.20, $1.85, and $2.80 per net ton for Size Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, respectively, for coals produced by Gambill Mine, Mine Index No. 1743, of D. B. McLain for shipment to Market Area No. 113 and for shipment to all other market areas minimum prices 10 cents per ton less than the minimum prices applicable to coals in the same size groups, respectively, produced by mines in Price Group 1 for shipments to the respective market areas.

Dated: June 29, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10597; Filed, July 1, 1943; 10:44 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 849]

NORTHWEST AIRLINES, INC.

NOTICE OF FURTHER HEARING

In the matter of the proceeding relating to the fixing of fair and reasonable rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over routes Nos. 3 and 45.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing, which was opened and adjourned on June 9, 1943, is assigned for July 12, 1943, at 10:00 a. m. (eastern war time) in Conference Room C, Commerce Department Auditorium, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Berdon M. Bell.

By the Civil Aeronautics Board.

Date: June 11, 1943.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-10605; Filed, June 12, 1943; 11:32 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6512]

UNITED STATES GOVERNMENT TELEGRAMS

ORDER FIXING RATES

In the matter of rates for United States Government Telegrams under the Post Roads Act of 1866, as amended.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of June, 1943;

The Commission, having under consideration the record of the proceeding herein;

It is ordered, That Commission Order No. 116 be, and it is hereby, adopted as the order of the Commission fixing rates for United States Government communications by telegraph for the period beginning on the 1st day of July 1943, and ending on the 30th day of June 1944, both dates inclusive.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-10602; Filed, July 1, 1943; 11:31 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 172]

K. SAMURA SHOTEN, LTD.

Re: 91.906% of the capital stock of K. Samura Shoten, Ltd.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

3,350 shares (which constitute a substantial part, namely, 91.906% of all outstanding shares) of $10 par value common capital stock of K. Samura Shoten, Ltd., an Hawaiian corporation, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses:	*Number of shares*
Kensuke Samura, Kobe, Japan	700
Sadako Samura, Kobe, Japan	700
Chieko Samura, Kobe, Japan	700
Hiroko Samura, Kobe, Japan	700
Kyoichi Nakano, Hiroshima, Japan	550
Total	3,350

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "nationals", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10521; Filed, June 30, 1943; 1:54 p. m.]

[Vesting Order 594]

SOCIETE ANONYME DES USINES RENAULT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Societe Anonyme des Usines Renault, a corporation organized under the laws of France with its principal place of business at Billancourt, France, is the owner of certain personal property now in storage at Rochester, New York, Cincinnati, Ohio and New York, New York and particularly described in Exhibit A attached hereto and made a part hereof;

2. Determining that said Societe Anonyme des Usines Renault is controlled by or acting or purporting to act directly or indirectly for the benefit of or on behalf of a designated enemy country (Germany) or a person within such country;

3. Determining that to the extent that said corporation is a person not within a designated enemy country, the national interest of the United States requires that it be treated as a national of the aforesaid designated enemy country (Germany);

4. Determining, therefore, that said corporation is a national of such designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 1 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 30, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Description of property	Location	Manufacturer	Invoice No.	Warehouse receipt No.
1 Model 6-DT-294 engine B&M 10 004 Serial No. 5026 cast iron, steel, and brass.	Baker & Williams, 519 W. 20th St., New York City.	Buda Co. Harvey, Ill.	23869	7341
250 sheets of carborundum brand silicon carbide paper 24-E—coated on both sides 81/4" x 21".	Baker & Williams, 519 W. 20th St., New York City.			7342
1 set of die equipment for French quenching press.	Baker & Williams, 519 W. 20th St., New York City.	Gleason Works, Rochester, N. Y.	6-5669	7343
4 machine parts (Terrope drives and their guards).	Baker & Williams, 519 W. 20th St., New York City.	Jones & Lamson, Machine Co., Springfield, Vt.	V-54714	7344
1 alloy muffle 35-15	Baker & Williams, 519 W. 20th St. New York City.	Surface Combustion Corp., Toledo, Ohio.	184749	7345
12 model 545 indicators type 42—2,000 r. p. m.—ratio 2 to 1.	Baker & Williams, 519 W. 20th St., New York City.	Weston Electrical Instrument Corp., Newark, N. J.	98055	7346
1 set of gearings, cut teeth, some hardened and ground; others copper-plated, hardened and ground; others not hardened.	Gleason Works, Rochester, N. Y.	Gleason Works, Rochester, N. Y.	2-6973	
38 cases of machine parts of unfinished machinery.	Security Storage Co., Cincinnati, Ohio.	R. K. LeBlond Machine Tool Co., Cincinnati, Ohio.	U-1710-11-A and U-1357-58-A.	
2 die blocks FS-22 1/16 x 11 5/8 x 8 21/16.	New York Foreign Trade Zone Operators, Pier 74, North River, New York City.	A. Finkl & Sons, Chicago, Ill.	101059	7352
1 Renault limousine (new) (dummy engine).	Manhattan Storage & Warehouse Co., 52nd & 7th Ave., New York City.	Renault		
1 Renault convertible coach (new).	Manhattan Storage & Warehouse Co., 52nd & 7th Ave., New York City.	Renault		

EXHIBIT A—Continued

Description of property	Location	Manufacturer	Invoice No.	Warehouse receipt No.
1 Renault coupe (new)	Manhattan Storage & Warehouse Co., 52nd & 7th Ave., New York City.	Renault		
13 die blocks FX: 4 22 1/16 x 41 3/8 x 8 21/16 T4, 6 17 3/4 x 41 3/8 x 8 21/16 T3; 1 19 13/16 x 35 7/16 x 7 41/16 T3; 2 19 13/16 x 35 7/16 x 7 61/64 T4.	New York Foreign Trade Zone Operators, Pier 74, North River, New York City.	A. Finkl & Sons Co., Chicago, Ill.	101060; 100944; 101706	7438
10 forged alloy steel piston rods, quenched & tempered rough turned to finish to blueprints.	New York Foreign Trade Zone Operators, Pier 74, North River, New York City.	Neppenstall Co., Pittsburgh, Pa.	15947	7439
4 forged special 2 C 30 alloy steel rams, heat treated—rough machined to finish to blueprints.	New York Foreign Trade Zone Operators, Pier 74, North River, New York City.	Neppenstall Co., Pittsburgh, Pa.	11596	7573
2 roller cylinders 20 1/2" x 72"	New York Foreign Trade Zone Operators, Pier 74, North River, New York City.	Midvale Co., Nicetown, Philadelphia, Pa.	5937	7435
4 roller cylinders 20 1/2" x 72"	New York Foreign Trade Zone Operators, Pier 84, North River, New York City.	Midvale Co., Nicetown, Philadelphia, Pa.	8161 and 8879	7436
1 roller cylinder 20 3/4" x 72"	New York Foreign Trade Zone Operators, Pier 84, North River, New York City.	Midvale Co., Nicetown, Philadelphia, Pa.	8218	7437
3 Renault sedans (used)	1 at Vanecura Machine Co., Long Island City, 2 at Manhattan Storage & Warehouse Co., 52d & 7th Ave., New York City	Renault		

[F. R. Doc. 43-10522; Filed, June 30, 1943; 1:55 p. m.]

[Vesting Order 599]

ELIZA HORN AND MARGARETHA SEITZ

Re: Interests of Eliza Horn and Margaretha Seitz in a certain mortgage covering real property in Brooklyn, New York.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Eliza Horn, whose last known address was represented to the undersigned as being Bavaria, Germany, and Margaretha Seitz, whose last known address was represented to the undersigned as being Hessen, Germany, are citizens of Germany and are nationals of a designated enemy country (Germany);

2. Finding that the property described as follows:

All right, title, interest, estate and claim of any name or nature whatsoever of said Eliza Horn and Margaretha Seitz, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, which are secured by a second mortgage executed by Raymond Marte and Maria Marte on January 2, 1932 and recorded in Kings County Register's Office in Liber 7725, mp. 265, which mortgage covers the lot and improvements situated at 375 Bleecker Street, Brooklyn, New York, including but not limited to all rights in and to any and all collateral (including the aforesaid second mortgage) for any or all of such obligations and the right to enforce and collect such obligations;

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

3. Determining that to the extent that any or all of such nationals are persons not within enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 30, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10523; Filed, June 30, 1943; 1:57 p. m.]

[Vesting Order 1228]

K. SAMURA SHOTEN, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 172 of September 28, 1942, that K. Samura Shoten, Ltd., an Hawaiian corporation, Honolulu, Territory of Hawaii, is a business enterprise within the United States and is a national of a designated enemy country (Japan);

2. Finding that Shigeo Oshima is a subject of Japan, at present in an Alien Detention Camp awaiting repatriation to Japan, and is a national of a designated enemy country (Japan);

3. Finding that 50 shares of $10 par value common capital stock of said K. Samura Shoten, Ltd., are registered in the name of, and owned by, said Shigeo Oshima;

4. Finding, therefore, that said 50 shares are the property of a national of a designated enemy country (Japan) and represent an interest in said business enterprise;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 50 shares of stock referred to in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with

a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10524; Filed, June 30, 1943; 1:55 p. m.]

[Vesting Order 1332]

PASS & COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that C. Gustav A. Pass, whose last known address is Eberhardstrasse 12, Romscheid, Germany, is a citizen of the United States presently residing in Germany, and is a national of a designated enemy country (Germany);

2. Finding that Pass & Company, whose principal place of business is located in Brooklyn, New York, is a co-partnership organized under the laws of and doing business in the State of New York, composed of Rita M Howard and C. Gustav A. Pass, and is a business enterprise within the United States;

3. Finding that Rita M. Howard, as a copartner in Pass & Company, is acting directly or indirectly for the benefit of and on behalf of C. Gustav A. Pass, and to that extent is a national of a designated enemy country (Germany);

4. Finding that Pass & Company is controlled by C. Gustav A. Pass;

5. Finding, therefore, that Pass & Company is a national of a designated enemy country (Germany);

6. Finding that 25 shares of the capital stock of Anaconda Copper Mining Company, registered in the name of C. Gustav A. Pass, are beneficially owned by, and property of, the said Pass & Company;

7. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to Pass & Company,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

8. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

9. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

10. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraphs 6 and 7 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination by the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10525; Filed, June 30, 1943; 1:55 p. m.]

[Vesting Order 1412]

WILLIAM AND HENRY SIDENSTUCKER

Re: Real property and claim, owned by William and Henry Sidenstucker.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that William Sidenstucker and Henry Sidenstucker are citizens of Germany, whose last known addresses are Kreis Worbis, Zwinge, Germany, and are nationals of a designated enemy country (Germany);

2. Finding that William Sidenstucker and Henry Sidenstucker are the owners of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of William Sidenstucker and Henry Sidenstucker, and each of them, in and to each and all of the parcels of real property hereinafter described, situated in Hamilton County, Iowa, together with all fixtures, improvements and appurtenances thereto, and any and all claims of William Sidenstucker and Henry Sidenstucker, and each of them, for rents, refunds and benefits or other payments received from the ownership of said real property, such parcels being particularly described as follows:

(i) The South six inches of Lot No. Twelve (12) and all of Lot No. Thirteen (13), in Block No. Two (2), Addition to Jewell Junction, Iowa,

(ii) Lot No. Eighteen (18), in Block No. Eight (8), King and Edward's Addition to Jewell Junction, Iowa.

b. All right, title, interest and claim of any name or nature whatsoever of William Sidenstucker and Henry Sidenstucker, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to them, and each of them, and held to their credit by Sterling Alexander, 713 Des Moines Street, Webster City, Iowa, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10526; Filed, June 30, 1943; 1:53 p. m.]

[Vesting Order 1547]

MARIA CAMPLESE

Re: Real property and claim owned by Maria Camplese.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Maria Camplese is a resident of Italy, whose last known address is Atri, Province of Teramo, Italy and is a national of a designated enemy country (Italy);

2. Finding that Maria Camplese is the owner of the property described in subparagraph 3 hereof;

3 Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Maria Camplese in and to the real property situated at 1940 Watkins Street, Philadelphia, Pennsylvania, particularly described in Exhibit "A", attached hereto, and by reference made a part hereof, together with all the fixtures, improvements and appurtenances thereto, and any and all claims of Maria Camplese for rents, refunds, benefits or other payments arising from the ownership of such property,

b All right, title, interest and claim of any name or nature whatsoever of Maria Camplese, in and to any and all obligations, contingent or otherwise and whether or not matured owing to Maria Camplese by the Zaccaria Realty Company, 1705 South 20th Street, Philadelphia, Pennsylvania and represented on the books of Zaccaria Realty Company as a credit balance due Maria Camplese, including but not limited to all security rights, in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4 Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot or piece of ground with the buildings and improvements thereon erected situate on the South side of Watkins Street at the distance of two hundred and eighty-two feet Westward from the West side of Nineteenth Street in the Thirty-sixth Ward of the City of Philadelphia.

Containing in front or breadth on the said Watkins Street fourteen feet and extending southwardly in length or depth between lines parallel with said Nineteenth Street forty-seven feet to a certain four feet wide alley which leads East and West and communicates at each end thereof with two other four feet wide alleys extending from Watkins Street to Pierce Street

[F. R. Doc. 43-10527; Filed, June 30, 1943; 1:57 p. m.]

[Vesting Order 1549]

JOHN AND MARY HILDEBRAND

Re: Real property, bank account and claim owned by John Hildebrand and Mary Hildebrand, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that John Hildebrand and Mary Hildebrand, his wife, are residents of Germany, whose last known addresses are Nollenwald Strasse, Gengenbach, Baden, Germany, and are nationals of a designated enemy country (Germany);

2. Finding that John Hildebrand and Mary Hildebrand, his wife, are the owners of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of John Hildebrand and Mary Hildebrand, his wife, and each of them, and of every other national of a designated enemy country in and to each and all of the parcels of real property hereinafter described, together with all the fixtures, improvements, and appurtenances thereto, and any and all claims of John Hildebrand and Mary Hildebrand, his wife, and each of them, and of every other national of a designated enemy country, for rents, refunds, benefits or other payments received from the ownership of such property, such parcels being particularly described as followa:

(i) That certain real property in the City of Cleveland, Cuyahoga County, Ohio, more particularly described in Exhibit A attached hereto and by reference made a part hereof,

(ii) That certain real property in the city of Cleveland, Cuyahoga County, Ohio, more particularly described in Exhibit B attached hereto and by reference made a part hereof,

b. All right, title, interest and claim, of any name or nature whatsoever of John Hildebrand and Mary Hildebrand, his wife, and each of them, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured owing to John Hildebrand and Mary Hildebrand, his wife, by the Cleveland Trust Company, Payne Avenue and East 55th Street, Cleveland, Ohio, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations and including particularly that certain bank account in the Cleveland Trust Company, Payne Avenue and East 55th Street, Cleveland, Ohio, in the name of Miss Elizabeth Schroeder, which is due and owing to and held for said John Hildebrand and said Mary Hildebrand, his wife,

c. All right, title, interest and claim of any name or nature whatsoever of John Hildebrand and Mary Hildebrand, his wife, and each of them, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to John Hildebrand and Mary Hildebrand, his wife, and each of them, by Union Properties, Inc., Cleveland, Ohio, and represented on the books of Union Properties, Inc., as a credit due John Hildebrand and Mary Hildebrand, his wife, including but not limited to all security rights in and to any and all collateral for any or all such obigations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance and safeguarding of other propertly (namely, that hereinbefore described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodan to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determned that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together

with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that lot or parcel of land situated in the City of Cleveland, County of Cuyahoga and State of Ohio, described as follows:

Subiot No. 116 in L. M. Southern's re-subdivision of part of L. M Southern's subdivision of part of original one hundred acre lots Nos. 358, 359, 365 and 366 as shown by the recorded plat of said re-subdivision in Volume 31 of Maps, Page 13 of Cuyahoga County Records and being 34 feet front on the South Westerly side of Forest Park Avenue (now known as Arbor Roard N.E.) and extending back of equal width 100 feet deep along the Northerly side of an alley as appears by said plat.

EXHIBIT B

All that lot or parcel of land lying or being in the City of Cleveland, County of Cuyahoga and State of Ohio, described as follows:

Sub Lot No. 85 in Luther Moses' subdivision of a part of original East Cleveland Township lot No. 340 being 40 feet front on Sixth Avenue (now Whittier Avenue) and extending back of equal width 180 feet according to the plat, of said subdivision recorded in volume 7 of maps, page 13 of Cuyahoga County records, be the same more or less, but subject to all legal highways.

[F. R. Doc. 43–10528; Filed, June 30, 1943; 1:53 p. m.]

[Vesting Order 1583]

BATZOUROFF & CIE.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Batzouroff & Cie. whose principal place of business is located at Sofia, Bulgaria, is a co-partnership organized under the laws of Bulgaria, and is a national of a designated enemy country (Bulgaria);

2. Finding that said Batzouroff & Cie. has an established agency or branch office at New York, New York, engaged in the conduct of business within the United States and therefore is, to that extent, a business enterprise within the United States;

3. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of, or on account of, or owing to said Batzouroff & Cie.,

is property of a business enterprise within the United States which is a national of the aforesaid designated enemy country (Bulgaria);

4 Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Bulgaria);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of Batzouroff & Cie. to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10529; Filed, June 30, 1943; 1:55 p. m.]

[Vesting Order 1585]

STAPLE FIBER CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Heineken and Vogelsang, a partnership, whose principal place of business is Bremen, Germany, is a national of a designated enemy country (Germany);

2. Finding that Staple Fiber Corporation is a corporation organized under the laws of, and doing business in, the State of New York and is a business enterprise within the United States;

3. Finding that 51 shares of no par value common stock and 500 shares of $100 par value preferred stock of Staple Fiber Corporation are registered in the names of the following persons, as nominees, in the amounts appearing opposite each name, and are beneficially owned by Heineken and Vogelsang:

Names	Number of shares	
	Common stock	Preferred stock
Philip F. Farley	1	
Anna H. Isenschmid	1	
William J. Topken	49	
Total	51	

4. Finding that said 51 shares of common stock constitute a substantial part (namely, 51%) of all the oustanding common stock, and that said 500 shares of preferred stock constitute all of the outstanding preferred stock of Staple Fiber Corporation and represent control thereof;

5. Finding, therefore, that Staple Fiber Corporation is a national of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of the Staple Fiber Corporation to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10530; Filed, June 30, 1943; 1:55 p. m.]

[Vesting Order 1595]

MARIA SCARAMELLINI PIRONDINI

Re: Real property and bank account owned by Maria Scaramellini Pirondini.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Maria Scaramellini Pirondini, also known as Maria Scaramellini fu Delana, is a resident of Italy, whose last known address is San Cassiano, Sondrio, Italy, and is a national of a designated enemy country (Italy);

2. Finding that said Maria Scaramellini Pirondini is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Maria Scaramellini Pirondini, also known as Maria Scaramellini fu Delana, and of every other national of a designated enemy country, in and to that certain real property particularly described as the Southwest Quarter (SW¼) and the Southeast Quarter (SE¼) and the South One-Half (S½) of the Northeast Quarter (NE¼) of Section Five (5) in Township Eight (8) North of Range Fifty-Two (52) West of Sixth (6th) P. M. in Logan County, Colorado, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Maria Scaramellini Pirondini, also known as Maria Scaramellini fu Delana, and of every other national of a designated enemy country, for rents, refunds, benefits or other payment arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of Maria Scaramellini Pirondini in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Maria Scaramellini Pirondini by The Security State Bank, Sterling, Colorado, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly the account in said bank which is due and owing to, and held for, Maria Scaramellini Pirondini, in the name of L. G. Giacomini, Agent,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4 Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5 Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7 Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10531; Filed, June 30, 1943; 1:57 p. m.]

[Vesting Order 1596]

GUSTAV OTTO RICHARD HOFMEISTER

Re: Real property situated in Bergen County, New Jersey, bank account and a fire insurance policy owned by Gustav Otto Richard Hofmeister.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Gustav Otto Richard Hofmeister is a resident of Germany, whose last known address is 67 Adolph Hitler Strasse, Hamburg 39, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Gustav Otto Richard Hofmeister is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Gustav Otto Richard Hofmeister, and of every other national of a designated enemy country, in and to that certain real property situated at 2 North Demarest Avenue, Bergenfield, County of Bergen, New Jersey, particularly described in Exhibit "A" attached hereto and made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Gustav Otto Richard Hofmeister for rents, refunds and benefits or other payments arising from the ownership of said real property,

b. All right, title and interest of Gustav Otto Richard Hofmeister and of every other national of a designated enemy country in and to a certain fire insurance policy No. 859343 issued by the American Insurance Company, insuring premises at 2 North Demarest Avenue, Bergenfield, Bergen County, New Jersey,

c. All right, title, interest and claim of any name or nature whatsoever of Gustav Otto Richard Hofmeister, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Gustav Otto Richard Hofmeister by Closter National Bank and Trust Company, Closter, New Jersey, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations and including particularly the account in said bank, which account is due and owing to and held for and in the name of Gustav Otto Richard Hofmeister,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraphs 3–b and 3–c hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3–a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10532; Filed, June 30, 1943; 1:57 p. m.]

[Vesting Order 1598]

HELEN WARD DOERFERT

Re: Real property in Brooklyn, New York, claim and insuranc policies owned by Helen Ward Doerfert.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1 Finding that Helen Ward Doerfert is a resident of Germany, whose last known address is Kuhgraben, Lemgo, Lippe, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Helen Ward Doerfert is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Helen Ward Doerfert, and of every other national of a designated enemy country in and to that certain real property situated in Brooklyn, New York, particularly described in Exhibit "A" attached hereto and made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Helen Ward Doerfert, and of every other national of a designated enemy country, for rents, refunds and benefits or other payments arising from the ownership of said real property,

b. All right, title, interest and claim of any name or nature whatsoever of Helen Ward Doerfert, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Helen Ward Doerfert by Richter & Kaiser, Inc., 186 Remsen Street, Brooklyn, New York, and represented on the books of said Richter & Kaiser, Inc. as a credit balance due Helen Ward Doerfert, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to sue for and collect such obligations.

c. All right, title and interest of Helen Ward Doerfert, and of every other national of a designated enemy country, in and to War Damage Corporation Certificate No. 596-54-5231, issued to the Estate of William Schlemeier, effective July 22, 1942 for one year, in the amount of $5,500, Pacific Fire Insurance Company of New York, fiduciary agent; Fire Insurance Policy No. 631483 issued by the New Hampshire Fire Insurance Company of Manchester, New Hampshire, insuring the Estate of William Schlemeier, expiring April 18, 1944, in the amount f $5,500; and Residence and Family Liability Policy No. LF 20395, Renewal Certificate No. RC 33854, issued by the Sun Indemnity Company of New York, insuring the Estate of William Schlemeier in the amount of $5,000/ $10,000 and expiring November 5, 1943,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain plot, piece or parcel of land with the buildings thereon erected or to be erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the westerly side of West 5th Street distant three hundred twenty-seven feet and thirty-two one hundredths of a foot (327.32') northerly from the corner formed by the intersection of the westerly side of West 5th Street and the northerly side of Neptune Avenue; running thence westerly at right angles to West 5th Street, part of the distance through a party wall, fifty-seven feet and thirty-one one-hundredths of a foot (57.31') to land now or formerly of Court Van Sicklen; thence northerly along said land now or formerly of Court Van Sicklen, sixteen feet and two one-hundredths of a foot (16.02'); thence easterly at right angles to West 5th Street, fifty-six feet and sixty-five one hundredths of a foot (56.65') along the westerly side of West 5th Street; and thence southerly along the westerly side of West 5th Street, sixteen (16') feet to the point or place of beginning.

[F. R. Doc. 43-10533; Filed, June 30, 1943; 1:57 p. m.]

[Vesting Order 1600]

ADELMO DONNINI

Re: Real property and bank accounts owned by Adelmo Donnini.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Adelmo Donnini (also spelled Doninni) is a citizen of the United States, and a resident of Italy, whose last known address is Viale, Littorio No. 42, Barga, Province of Lucca, Italy, and is a national of a designated enemy country (Italy);

2. Finding that said Adelmo Donnini is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Adelmo Donnini in and to each and all of the parcels of real property hereinafter described, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Adelmo Donnini for rents, refunds, benefits or other payments arising from the ownership of said real property, such parcels being particularly described as follows:

(i) That certain real property situated at 3008 Parkwood Avenue, Richmond, Virginia, particularly described in "Exhibit A" attached hereto and by reference made a part hereof,

(ii) That certain real property situated in Richmond, Virginia, particularly described in "Exhibit C" attached hereto and by reference made a part hereof, and

(iii) That certain real property situated in Rudee Heights, County of Princess Anne, Virginia, particularly described in "Exhibit "D", attached hereto and by reference made a part hereof,

b. All right, title, interest and estate, both legal and equitable of Adelmo Donnini in and to an undivided one-half (½) interest in that certain real property situated on the southeast corner of Sheppard and Broad Streets, Richmond, Virginia, particularly described in "Exhibit B", attached hereto and by reference made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Adelmo Donnini for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. All right, title, interest and claim of any name or nature whatsoever of Adelmo Donnini in and to any and all obligations contingent or otherwise and whether or not matured, owing to him by the Broad Street Branch, State Planters Bank & Trust Company, Richmond, Virginia, and the Morris Plan Bank of Virginia, Richmond, Virginia, and each of them, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations and including particularly:

(i) The bank account in the Broad Street Branch, State Planters Bank & Trust Company, Richmond, Virginia, which bank account is due and owing to and held for, and in the name of Adelmo Donnini, and

(ii) The bank acccunt in the Morris Plan Bank of Virginia, Richmond, Virginia, which bank account is due and owing to and held for Adelmo Donnini, in the name of A. Donnini, Blocked Account,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that the property described in subparagraph 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraphs 3-a and 3-b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7 Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land, with all improvements thereon, and known as No. 3008 Taylor Street, lying and being in the City of Richmond, Virginia, on the north line of Taylor Street between Sheppard and West Streets, and bounded and described as follows, to-wit:

Commencing at a point on the said north line of Taylor Street, distant one hundred and seven (107) Feet, two (2) inches west of the intersection of said Taylor Street with the western line of Sheppard Street; thence running westwardly along the said north line of Taylor Street and fronting thereon Twenty-eight (28) Feet, Four (4) Inches; thence back northwardly from said front between parallel lines One Hundred and Twenty (120) Feet to an alley in the rear Eighteen (18) Feet wide. Being the same real estate conveyed to the said Emma E. Haun by deed from Inez Franceschi and husband and Angelo Fibbiani, dated April 21st, 1917, and duly recorded in the Clerk's Office of the Richmond Chancery Court in D. B. 243-B, page 420.

EXHIBIT B

All that certain lot, piece or parcel of land, lying and being in the City of Richmond, Virginia, on the south line of Broad Street between Sheppard Street and the Boulevard, and bounded and described as follows, to-wit:

Beginning at the point of interesection of the South line of Broad Street and the east line of Sheppard Street, thence running eastwardly along the south line of Broad Street and fronting thereon Fifty (50') Feet, and extending back southwardly from said front and between parallel lines, the western being the east line of Sheppard Street, the depth of one hundred and twenty nine (129') feet to an alley twenty (20') feet wide; being designated as lot No. 19 and the western Twenty (20') feet of lot No. 18 in section 3 on the plat of Sheppard's Addition made by James T. Redd & Sons, of record in the Clerk's Office of Henrico Circuit Court in Plat Book No. 6, page 68.

EXHIBIT C

All that certain lot of land, lying and being in the County of Henrico, Va., designated as lot five (5) in Block Nine (9) of the plan of Colonial Place, Section "A" of record in the Clerk's Office of Henrico County in Plat Book 9 page 73, and bounded and described as follows:

Beginning on the northern line of Patterson Avenue at a point distant thereon one hundred (100) feet westwardly from the point of its intersection with the western line of Westmoreland Street, thence running westwardly along and fronting on the northern line of Patterson Avenue a distance of twenty-five (25) feet, and from said front extending back northwardly, between parallel lines a distance of one hundred and thirty (130) feet to an alley fifteen (15') feet wide.

Being the same property conveyed to Thomas J. Puryear by deed from F. Wesley Lowe and wife, dated December 10, 1924, and recorded in the Clerk's Office of Henrico County in Deed Book 230A page 274.

EXHIBIT D

All that certain lot, piece or parcel of land, situate, lying and being on the north-western side of Rudee Boulevard, between Hobart Avenue and Northside Road, in the County of Princess Anne, in said State, and known, numbered and designated as lot numbered twenty-one (21) in Block "C" on the plat of "Rudee Heights", which said plat is duly of record in the Clerk's Office of said county, in Map Book Numbered seven (7), at page one hundred and sixty-nine (169) and which said lot is bounded, with reference to said plat, as follows, to wit:

Beginning on the north-western line of Rudee Boulevard, at a point distant in a north-easterly direction, measured along the said north-western line of Rudee Boulevard, two hundred (200) feet, more or less, from the intersection of the said north-western line of Rudee Boulevard, with the north-eastern line of Hobart Avenue; which said point of beginning is at the intersection of the said north-western line of Rudee Boulevard with the north-eastern line of lot numbered twenty-two (22) in said block; running thence in a north-easterly direction, along the said north-western line of Rudee Boulevard, fifty (50) feet, more or less to the south-western line of lot numbered twenty (20) in said block; thence in a north-westerly direction, along the said south-western line of said lot numbered twenty (20), one hundred (100) feet, more or less, to the middle line of the block (which is also the south-eastern line of lot numbered five (5) in said block); thence in a south-westerly direction, along the said last mentioned line fifty (50) feet, more or less, to the north-eastern line of said lot numbered twenty-two (22); and thence in a south-easterly direction, along the said north-eastern line of said lot numbered twenty-two (22) one hundred (100) feet, more or less, to the point or place of beginning; together with all and singular the appurtenances thereunto belonging or in any wise appertaining; being part of the same property which was conveyed to the said Leo Judson by Virginia Beach Holding Corporation, by its deed bearing date the twenty-fourth (24th) day of February in the year nineteen hundred and ten (1910) and duly of record in said Clerk's Office in deed book numbered eighty-five (85) at page four hundred and eighty-three (483);

[F. R. Doc. 43-10534; Filed, June 30, 1943; 1:53 p. m.]

[Vesting Order 1641]

CLARA HEINZE

Re: First mortgage on real property, a fire insurance policy and a claim owned by Clara Heinze, also known as Clara Lejeune-Dirichlet.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Clara Heinze, also known as Clara Lejeune-Dirichlet, is a resident of Germany, whose last known address is Klein-Brettken, Post Angerapp, Preussen, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Clara Heinze, also known as Clara Lejeune-Dirichlet, is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title and interest of Clara Heinze, also known as Clara LeJeune-Dirichlet, and of every other national of a designated enemy country, in and to any and all obligations secured by a first mortgage which was executed on the 31st day of March, 1923, by Dora O. Pettinati, and recorded in the Register's Office of Bronx County, New York, in Liber 677 of Mortgages at page 435, which mortgage was assigned to Rudolph and Anna Heinze by the Bond & Mortgage Guarantee Company by an unrecorded assignment dated October 24, 1923, and thereafter assigned by Anne Heinze to Clara Heinze by an unrecorded assignment dated March 17, 1930, including but not limited to all rights of Clara Heinze, also known as Clara Lejeune-Dirichlet, and of every other national of a designated enemy country, in and to any and all collateral (including the aforesaid first mortgage) for any or all such obligations and the right to enforce and collect such obligations, and the right to the possession of all instruments evidencing such obligations,

b. All right, title, interest and claim of Clara Heinze, also known as Clara Lejeune-Dirichlet, and of every other national of a designated enemy country, in and to fire insurance policy No. 35-16693 issued by the American Equitable Assurance Company covering the improvements on real property located at 827 South Oak Drive, Bronx, New York City, and

c. All right, title, interest and claim of any name or nature whatsoever of Clara Heinze, also known as Clara Lejeune-Dirichlet, and of every other national of a designated enemy country, in and to any and all obligations contingent or otherwise and whether or not matured owing to the said Clara Heinze, also known as Clara Lejeune-Dirichlet, by Manufacturers Trust Company, 55 Broad Street, New York, New York, including but not limited to all security rights in and to any and all collateral for any or all such obligations, and the right to enforce and collect such obligations, including particularly any and

all claims against said bank arising out of the management of the mortgage described in subparagraph 3-a hereof.

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10535; Filed, June 30, 1943; 1:55 p. m.]

[Vesting Order 1673]

TSUKASA KIYONO

Re: Real property owned by Tsukasa Kiyono.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Tsukasa Kiyono is a resident of Japan whose last known address is 170 Nichome, Harajiku, Shibuya, Tokyo, Japan, and is a national of a designated enemy country (Japan);

2. Finding that said Tsukasa Kiyono, also known as T. Kiyono, is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

4. The real property situated in the County of Mobile, Alabama, more particularly described as South Half of the Northwest Quarter of Section 22, Township 3 South, Range 3 West, together with all the fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to and excepting therefrom, the reservation of mineral rights reserved in favor of Clay Sheffield in the deed from Clay Sheffield and wife, to Tsukasa Kivono, dated August 4, 1922, and recorded in the Probate Court Records, Mobile County, Alabama, in Deed Book 195, N. S., page 330, and also subject to the liens against Tsukasa Kiyono in favor of the Collector of Internal Revenue of the United States, dated February 7, 1940, March 7, 1940 and January 3, 1942, and recorded on February 8, 1940, March 8, 1940 and November 2, 1942, respectively, in the Probate Court Records, Mobile County, Alabama, in Miscellaneous Book 87, page 76, Miscellaneous Book 87, page 452 and Miscellaneous Book 105, page 394, respectively;

b. The real propery situated in the County of Mobile, Alabama, more particularly described as All that portion of the East Half of the Northeast Quarter of Section 23, Township 3 South, Range 3 West, lying North and East of the right of way of the paved highway known as Moffat Road, together with all fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to the liens against Tsukasa Kiyono in favor of the Collector of Internal Revenue of the United States, dated February 7, 1940, March 7, 1940 and January 3, 1942, and recorded on February 8, 1940, March 8, 1940, and November 2, 1942, respectively, in the Probate Court Records, Mobile County, Alabama, in Miscellaneous Book 87, page 76, Miscellaneous Book 87, page 452 and Miscellaneous Book 105, page 394, respectively;

c. The real property situated in the County of Mobile, Alabama, more particularly described as The South Half of the Southeast Quarter of the Southeast Quarter, in Section 14, Township 3 South, Range 3 West, together with all fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to the liens agains Tsukasa Kiyono in favor of the Collector of Internal Revenue of the United States, dated February 7, 1940, March 7, 1940 and January 3, 1942, and recorded on February 8, 1940, March 8, 1940 and November 2, 1942, respectively, in the Probate Court Records, Mobile County, Alabama, in Miscellaneous Book 87, page 76, Miscellaneous Book 87, page 452 and Miscellaneous Book 105, page 394, respectively;

is property within the United States owned by a national of a designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons other than Tsukasa Kiyono, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10536; Filed, June 30, 1943; 1:53 p. m.]

[Vesting Order 1675]

ESTATE OF PETER ECKERT

In re: Estate of Peter Eckert, deceased; File D-9-100-28-1804; E. T. sec. 1064.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bertha Ewald, Executrix, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Italy and Germany, namely,

Nationals:	*Last known address*
Katherine Hess	Germany.
Wilhelm Hess	Germany.
Johann Hess	Germany.
Katherine Helm	Germany.
Elsie Tobasso Vottera	Italy

And determining that—

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany, and Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Katherine Hess, Wilhelm Hess, Johann Hess, Katherine Helm, and Elsie Tobasso Vottera and each of them in and to the Estate of Peter Eckert, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10537; Filed, June 30, 1943; 1:58 p. m.]

[Vesting Order 1676]

ESTATE OF HARRY W. C. BOWDOIN

In re: Estate of Harry W. C. Bowdoin, deceased; File No. D-38-1111; E. T. sec. 2540.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James Sullivan Bowdoin, Executor, acting under the judicial supervision of the Probate Court, Suffolk County, Massachusetts;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Natale Gullotta	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Natale Gullotta, in and to the estate of Harry W. C. Bowdoin, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10538; Filed, June 30, 1943; 1:58 p. m.]

[Vesting Order 1677]

ESTATE OF JACOB E. CHRISTIAN

In re: Estate of Jacob E. Christian, deceased; File D-28-1631; E. T. sec. 513.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Litchfield Bank and Trust Company, 301 North State Street, Litchfield, Illinois, Executor, acting under the judicial supervision of the County Court of the State of Illinois, in and for the County of Montgomery;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Christian Christen	Hartha Saxony, Germany.
Person or persons, names unknown, the heirs at law of Christian Christen.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Christian Christen and person or persons, names unknown, the heirs at law of Christian Christen, in and to the estate of Jacob E. Christian, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10539; Filed, June 30, 1943; 1:58 p. m.]

[Vesting Order 1678]

ESTATE OF MARIE GREISERT

In re: Estate of Marie Greisert, deceased; File D-28-2196; E. T. sec. 3239.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the

process of administration by Colorado National Bank, Executor, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Martha Tingler	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Martha Tingler in and to the Estate of Marie Greisert, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10540; Filed, June 30, 1943; 1:58 p. m.]

[Vesting Order 1679]

ESTATE OF GEORGINA BALFOUR HARRAH

In re: Estate of Georgina Balfour Harrah, deceased; File No. D 28–1944; E. T. sec. 1850.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ernest Harrah, McLain Street, Mount Kisco, New York, and Florence H. Wood, Gray's Lane, Haverford, Pennsylvania, as Executor and Executrix under the Last Will and Testament of Georgina Balfour Harrah, deceased, acting under the judicial supervision of the Surrogate's Court, Westchester County, in the State of New York;

(2) Such property and interests are payable or deliverable to or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Eunice Harrah Michaelles	Germany.
Lineal descendants of Eunice Harrah Michaelles.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Eunice Harrah Michaelles, and her lineal descendants, and each of them, in and to the Estate of Georgina Balfour Harrah, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10541; Filed, June 30, 1943; 1:58 p. m.]

[Vesting Order 1680]

ESTATE OF JOHANNA HESSLING

In re: Estate of Johanna Hessling, deceased; File D–28–5089; E. T. sec. 5027.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York, depositary, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anna Langenberg	Germany.
Maria Kloetgen	Germany.
Wilhelm Bernard Hessling	Germany.
Gerhard Hess	Germany.
Bernard Emil Hessling	Germany.
Herman Hessling	Germany.
Johann Hessling	Germany.
Heinrich Hessling	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Langenberg, Maria Kloetgen, Wilhelm Bernard Hessling, Gerhard Hess, Bernard Emil Hessling, Hermann Hessling, Johann Hessling and Heinrich Hessling and each of them in and to the Estate of Johanna Hessling, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10542; Filed, June 30, 1943; 1:58 p. m.]

[Vesting Order 1681]

ESTATE OF BERTA HOFER

In re: Estate of Berta Hofer, deceased; File D–28–3788; E. T. sec. 6421.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Marian E. Stearns, Executrix of the estate of Berta Hofer, deceased, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Frau Arnold Klugkist	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frau Arnold Klugkist in and to the estate of Berta Hofer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10543; Filed, June 30, 1943; 1:58 p. m.]

[Vesting Order 1682]

ESTATE OF ALFRED HOLDERRIED

In re: Estate of Alfred Holderried, deceased; File No. D–28–3521; E. T. sec. 5748.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Rose M. Kohler	Germany.
Florian Holderried	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Rose M. Kohler in the sum of $496.45 and Florian Holderried in the sum of $496.45, which amounts were deposited with the Treasurer of Cook County, Illinois, on June 4, 1940, pursuant to order of the court of June 4, 1940, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10544; Filed, June 30, 1943; 1:59 p. m.]

[Vesting Order 1683]

ESTATE OF AUGUSTA MAIERLE

In re: Estate of Augusta Maierle, deceased; File D–28–3660; E. T. sec. 5987.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Robert B. Leonhardt, Executor, 146 Hawthorne Avenue, Elmhurst, Illinois, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Du Page;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anna Barz	108 Bergmanstrasse South West 29, Berlin, Germany.
(Mrs.) Elsie Brand	41 Fennerstrasse, Landsberg, Warthe, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Anna Barz and (Mrs.) Elsie Brand, and each of them, in and to the estate of Augusta Maierle, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds therof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10545; Filed, June 30, 1943; 1:59 p. m.]

[Vesting Order 1684]

ESTATE OF JOHN MAZZUCA

In re: Estate of John Mazzuca, deceased; File D–38–280; E. T. sec. 59.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Salvatore Carbone, Executor, acting under the judicial supervision of the District Court of the Ninth Judicial District of the State of Montana, in and for the County of Glacier;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Antonio Mazzuca	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Antonio Mazzuca in and to the Estate of John Mazzuca, deceased, and in and to the Trust created under the will of John Mazzuca, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10546; Filed, June 30, 1943; 1:59 p. m.]

[Vesting Order 1685]

ESTATE OF W. W. PARKER

In re: Estate of W. W. Parker, also known as Wm. W. Parker, also known as William Parker, also known as William Witold Parker, also known as Witold Schubert, deceased; File D–28–2317; E. T. sec. 3118.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Frank M. Ratto, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Contra Costa;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Marie Schubert	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interests, and claim of any kind or character whatsoever of Marie Schubert in and to the Estate of W. W. Parker, also known as Wm. W. Parker, also known as William Parker, also known as William Witold Parker, also known as Witold Schubert, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10547; Filed, June 30, 1943; 1:59 p. m.]

[Vesting Order 1686]

ESTATE OF ANTONIO PASCA

In re: Estate of Antonio Pasca, deceased; File D–38–1097; E. T. sec. 3123.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anthony Gallerano, substituted administrator, acting under the judicial supervision of the Union County Orphans' Court, Union County in the State of New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Raffaele Pasca	Italy.
Giovanni Pasca	Italy.
Attilio Pasca	Italy

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Raffaele Pasca, Giovanni Pasca and Attilio Pasca and each of them in and to the Estate of Antonio Pasca, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10548; Filed, June 30, 1943; 2:00 p. m.]

[Vesting Order 1687]

ESTATE OF EMELIA C. RINKER

In re: Estate of Emelia C. Rinker, deceased; File D–28–1503; E. T. sec. 350.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by F. M. Kruger, Litchfield, Illinois, Administrator, acting under the judicial supervision of the County Court of the State of Illinois, in and for the County of Montgomery;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Bertha Touby	Germany.
Erna Rehm	Germany.
Adolph Rinker	Germany.
Martha Mand	Germany.
Mrs. Henrich Zentmaier	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Bertha Touby, Erna Rehm, Adolph Rinker, Martha Mand and Mrs. Henrich Zentmaier, and each of them, in and to the estate of Emelia C. Rinker, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10549; Filed, June 30, 1943; 2:00 p. m.]

[Vesting Order 1688]

ESTATE OF ALFRED DANIEL SCHLAF

In re: Estate of Alfred Daniel Schlaf, also known as Alfred O. Schlaf and Albert D. Schlaf, deceased; File No. D–28–2055; E. T. sec. 2391.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Horace E. Allen, Administrator, acting under the judicial supervision of the Probate Court, Hampden County, Massachusetts;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Hedwig Bauerfeind geb Thummler	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Hedwig Bauerfeind geb Thummler, in and to the estate of Alfred Daniel Schlaf, also known as Alfred O. Schlaf and Albert D. Schlaf, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10550; Filed, June 30, 1943; 2:00 p. m.]

[Vesting Order 1689]

TRUST UNDER WILL OF CAROLINE SCHROEDER

In re: Trust under will of Caroline Schroeder, also known as Carolina Schroeder, deceased; File D–28–1849; E. T. sec. 1417.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William J. Wooda, 1252 East 28th Street, Brooklyn, New York, Successor Trustee, acting under the judicial supervision of the Surrogate's Court, Kings County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Johannes Muller	Germany.
Katherine Schreiner	Germany.
Margaretha Boheim	Germany.
And their children, whose names are unknown.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such

persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johannes Muller, Katherine Schreiner, Margaretha Boheim and their children, whose names are unknown, and each of them, in and to the Trust created under the Last Will and Testament of Caroline Schroeder, also known as Carolina Schroeder, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein sha" have the meaning prescribed in Section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10551; Filed, June 30, 1943; 2:00 p. m.]

[Vesting Order 1690]

TRUST UNDER WILL OF ANTOINETTE SEILERN

In re: Trust under the will of Antoinette Seilern, deceased; File No. D–9–100–28–2072; E. T. sec. 2367.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the United States Trust Company of New York, as trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York.

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Karl Ammon	Germany.
Louise Muller	Germany.
Emma Deines	Germany.
Bertha Berlinger	Germany.
Heinz Ammon	Germany.
Richard Ammon	Germany.
Brigitte Ammon	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever, of Karl Ammon, Louise Muller, Emma Deines, Bertha Berlinger, Heinz Ammon, Richard Ammon and Brigitte Ammon, and each of them, in and to the trust created for the benefit of Charles Sellern Aspang under the Last Will and Testament of Antoinette Sellern, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10552; Filed, June 30, 1943; 2:01 p. m.]

[Vesting Order 1691]

ESTATE OF WILHELMINA STEGMULLER

In re: Estate of Wilhelmina Stegmuller, deceased; File D–38–1220; E. T. sec. 5300.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Girard Trust Company and Charles Braun, Executors of the estate of Wilhelmina Stegmuller, deceased, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
William Oser	Germany.
Gustave Oser	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of William Oser and Gustave Oser and each of them, in and to the estate of Wilhelmina Stegmuller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10553; Filed, June 30, 1943; 2:02 p. m.]

[Vesting Order 1692]

ESTATE OF AUGUST W. STRUVE

In re: Estate of August W. Struve, deceased; File No. D–28–3587; E. T. sec. 5793.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook of State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Alfrieda Struve	Vriedel, Hanover, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Alfrieda Struve in the sum of $3,422.09, which amount was deposited with the Treasurer of Cook County, Illinois, on February 25, 1942, pursuant to order of the court of February 2, 1942, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10554; Filed, June 30, 1943; 2:02 p. m.]

[Vesting Order 1693]

ESTATE OF LOUISE M. SWIFT

In re: Estate of Louise M. Swift, deceased; File D–66–652; E. T. sec. 5320.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Register of Wills and Clerk of the Probate Court, District Court House, Washington, D. C., Depositary, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Helene Ahrens	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Helene Ahrens in and to the Estate of Louise M. Swift, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10555; Filed, June 30, 1943; 2:02 p. m.]

[Vesting Order 1694]

ESTATE OF DANIEL WOLLSCHLAEGER

In re: Estate of Daniel Wollschlaeger, deceased; File D–28–3766; E. T. sec. 6364.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Chicago City Bank and Trust Company, acting under the judicial supervision of Probate Court of Cook County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Karl Wollschlaeger	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Karl Wollschlaeger in and to the estate of Daniel Wollschlaeger, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10556; Filed, June 30, 1943; 2:02 p. m.]

[Vesting Order 1695]

ESTATE OF LENA ZERNETSCH

In re: Estate of Lena Zernetsch, or Magdalena Zernetsch, or Magdalena Elbert, deceased; File D-28-2390; E. T. sec. 4313.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Peoples-Pittsburgh Trust Company, Fourth Avenue and Wood Street, Pittsburgh, Pennsylvania, Custodian acting under the judicial supervision of the Orphans' Court of Allegheny County, State of Pennsylvania;

(2) Such property and interests are payable or deliverable to or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Johan Zernetsch	Germany.
Benedict Zernetsch	Germany.
Wilhelm Zernetsch	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Johan Zernetsch, Benedict Zernetsch and Wilhelm Zernetsch, and each of them, in and to the estate of Lena Zernetsch, or Magdalena Zernetsch, or Magdalena Elbert, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10557; Filed, June 30, 1943; 2:02 p. m.]

S. JAMES CROWLEY

CERTIFICATE OF APPOINTMENT

Know all men by these presents, that, I, Leo T. Crowley, Alien Property Custodian, pursuant to the authority vested in me by the Trading with the Enemy Act, as amended, and by Executive Orders issued thereunder, designate, appoint and authorize S. James Crowley, Chief of the Division of Business Operations, as my agent and attorney in fact,

(a) To sell, transfer, assign, and lease; to contract to sell, transfer, assign, and lease; to grant options to purchase; and to manage, care for, maintain, conserve, and protect any property of any kind, nature, or description, whether real, personal or mixed, and

(b) To accept payment of any mortgage, lien, or other encumbrance or charge of any nature, and to give a discharge thereof, and

(c) To endorse checks, drafts, and bills of exchange for deposit or for collection in bank accounts in my name; and to sign, execute, and draw checks upon said accounts, and

(d) To sign, execute, acknowledge, and deliver, without warranties or covenants of any kind, such instruments in writing as may be necessary or proper to evidence, or to effectuate, the exercise of the foregoing powers,

in my name and on my behalf with the same force and effect as though done by myself.

The said S. James Crowley, Chief of the Division of Business Operations, shall have power to appoint and revoke the appointment of substitutes to whom he may delegate the powers granted in paragraphs (c) and (d) of this instrument.

In testimony whereof, I have hereunto set my hand and seal this 29th day of May, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10520; Filed, June 30, 1943; 1:54 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-480]

NORTHERN NATURAL GAS COMPANY

ORDER FIXING DATE OF HEARING

JUNE 29, 1943.

Upon consideration of the application filed June 25, 1943, by Northern Natural Gas Company for authority under section 7 of the Natural Gas Act, as amended, to acquire and operate certain facilities of applicant's wholly owned subsidiary, Argus Natural Gas Company, Inc., which facilities are now interconnected with applicant's facilities and are used in supplying gas to the towns of Cimarron, Copeland, Dodge City, Elkhart, Ensign, Fowler, Garden City, Hugoton, Meade, Montezuma, Moscow, Plains, Rolla, Satanta, and Sublette, all of which towns are located in the State of Kansas, and in supplying gas to other industrial and main line customers, which industrial and main line customers will be retained by Argus Natural Gas Company, Inc., upon consummation of the proposed acquisition;

The Commission orders that:

(A) A public hearing be held commencing on July 16, 1943, at 9:45 a. m. (e. w. t.), in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding;

(B) Interested State commissions may participate in this proceeding as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-10584; Filed, July 1, 1943; 10:03 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 8 Under MPR 127, Amdt. 2]

FINISHED PIECE GOODS

GRANTING EXCEPTION TO PETITIONS

Amendment No. 2 to Order 8 under Maximum Price Regulation No. 127—Finished Piece Goods.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, Order No. 8 under Maximum Price Regulation No. 127 is amended in the following respects:

1. Subparagraphs (2) and (3) of paragraph (b) are redesignated subparagraphs (4) and (5).

2. Subparagraphs (2) and (3) are added to paragraph (b) to read as follows:

(2) In the event that at the expiration of the period designated in subparagraph (1) a petitioner has exceeded the percentage of jobbing permitted in paragraph (f), the excess sales upon which a jobber's markup was charged by such petitioner shall be determined in the following manner: (i) Multiply the total dollar volume of sales of finished piece goods during the period by the percentage appearing opposite the petitioner's name in paragraph (f), Appendix A; (ii) Subtract the amount determined pursuant to (i) from the total dollar volume of finished piece goods sold by the petitioner as a jobber; (iii) Those sales of finished piece goods sold by the petitioner as a jobber or any portion of such sales which were last made during that period and which are equal to the difference obtained pursuant to (ii) shall be excess sales in violation of this Order No. 8.

(3) For the purpose of this Order No. 8, sales of jobbed goods by a petitioner at a price not in excess of the established maximum price which is a converter of such goods is permitted to charge shall not be considered a sale by such petitioner as a jobber nor shall such sales be included in determining the volume of finished piece goods sold by a converter-jobber.

3. In paragraph (f) Appendix A the percentages listed for the following petitioners are corrected to read as follows:

Docket No., name and address:	*Percent*
3127-400, Cageao & Co., 362 Broadway, New York, N. Y.	92
3127-524, Milton B. Hartman Co., 1441 Broadway, New York, N. Y.	8
3127-53, Schuffman Bros., 214 West 39th St., New York, N. Y.	89

4. Paragraph (f) Appendix A is amended further by adding a footnote to the percentage figure directly opposite the name of Bauman & Reich and by adding a percentage for H. P. Greenberg Co., as follows:

Docket No., name and address:	*Percent*
3127-37, Bauman & Reich, 512 7th Ave., New York, N. Y.	[1]19
3127-265-700, H. P. Greenberg Co., 350 Broadway, New York, N. Y.	83

[1] This percentage does not apply to the period beginning July 1, 1942 and ending June 30, 1943. For the period beginning July 1, 1942 and ending June 30, 1943, petitioner's jobbing business in relation to its total sales of finished piece goods shall not exceed 56%.

This Amendment No. 2 shall become effective June 30, 1943.

(Pub. Laws 421 and 729, 77th Cong; E.O. 9250, 7 F.R. 7871 E.O. 9328, 8 FR. 4681)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10604; Filed, July 1, 1943; 11:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-64, 59-60]

INDIANA HYDRO-ELECTRIC POWER COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th of June 1943.

In the matter of Indiana Hydro-Electric Power Company, File No. 54-64; in the matter of Indiana Hydro-Electric Power Company, Hugh M. Morris, trustee of the Estate of Midland United Company, File No. 59-60.

Indiana Hydro-Electric Power Company, a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of the plan of recapitalization of said Indiana Hydro-Electric Power Company; and the Commission having instituted proceedings under sections 11 (b) (2), 15 (f), and 20 (a) with respect to Indiana Hydro-Electric Power Company and Hugh M. Morris, Trustee of the Estate of Midland United Company, and having consolidated said matters for hearing; and certain hearings having been held on said matters, and said hearings having been continued to July 13, 1943; and

Indiana Hydro-Electric Power Company having requested that the continued hearing in this matter be postponed; and the Commission deeming it appropriate that the continued hearing be postponed to July 27, 1943;

It is ordered, That the continued hearing in this matter previously scheduled for July 13, 1943, at 10:30 a. m., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be and hereby is postponed to July 27, 1943, at the same hour and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10517; Filed, June 30, 1943; 12:17 p. m.]

[File No. 31-84]

INTERNATIONAL UTILITIES CORPORATION AND DOMINION GAS AND ELECTRIC COMPANY

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of June, A. D. 1943.

The Commission having heretofore on June 12, 1941, after opportunity for hearing, ordered, pursuant to sections 3 (a) (5) and 3 (b) of the Public Utility Holding Company Act of 1935, that: (1) Dominion Gas and Electric Company, a registered holding company and a subsidiary company of International Utilities Corporation, a registered holding company, be exempt to June 30, 1943, to the extent specified, from sections 13 (a) and 13 (b) of said Act applicable to it as a registered holding company and subsidiary company; and (2) Canadian Western Natural Gas, Light, Heat and Power Company, Limited, Northwestern Utilities, Limited, Canadian Utilities, Limited, North West Fidelity Trust Company, Limited, Domalta Petroleum, Limited, and Altoba Gas Exploration Company, Limited, all subsidiary companies of Dominion Gas and Electric Company, be exempt, to the extent specified, from certain provisions of said Act applicable to them as subsidiary companies; and

Dominion Gas and Electric Company, having on June 9, 1943, filed an application pursuant to sections 3 (a) (5) and 3 (b) of said Act seeking an extension of time during which such previous order should be effective; and

The Commission having considered such application and it appearing that the circumstances upon which such original order of exemption was issued still exist and that a further extension of the time during which such order of exemption shall be effective will not be detrimental to the public interest or the interests of investors or consumers;

It is therefore ordered, That the time during which such order of exemption shall be effective be, and hereby is, extended to the extent and subject to the conditions heretofore designated in our order of June 12, 1941, until December 31, 1943, without prejudice to the right of Dominion Gas and Electric Company to apply for a further extension of the time during which such order shall be effective and to apply at any time for such enlargement of any provision of such order as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10516; Filed, June 30, 1943; 12:17 p. m.]

[File No. 70-733]

THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT COMPANY AND WISCONSIN ELECTRIC POWER COMPANY

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of June 1943.

The Milwaukee Electric Railway & Transport Company, a wholly owned subsidiary of Wisconsin Electric Power Company, and Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company, having filed a joint declaration and application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, relating to (1) the proposal of The Milwaukee Electric Railway & Transport Company to purchase for cash at par from Wisconsin Electric Power Company 8,000 shares of its own common capital stock having a par value of $100 per share or an aggregate par value of $800,000 and to retire the stock so to be purchased by it; and (2) the proposal of Wisconsin Electric Power Company to sell to The Milwaukee Electric Railway & Transport Company the said 8,000 shares of the common capital stock of The Milwaukee Electric Railway & Transport Company for the consideration above specified; and

Said joint declaration and application having been filed on the 31st day of May 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said joint declaration and application within the period specified in such notice, or otherwise, and not having entered a hearing thereon; and

The Commission finding that the requirements of sections 10, 12 (c) and 12 (f) and Rules U-42 and U-43 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to approve said application and to permit said declaration to become effective;

It is hereby ordered, That, pursuant to said Rule U-23 and the applicable provisions of said Act, said application be and the same is hereby approved and said joint declaration be and the same is hereby permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations, and subject to the further condition (to which The Milwaukee Electric Railway & Transport Company has agreed) that if from time to time in the future additional common stock is retired by said company, its bonds will be retired to the extent necessary in order that the aggregate par amount of stock outstanding will at least equal two and one-half times the aggregate principal amount of the outstanding bonds.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10514; Filed, June 30, 1943; 12:16 p. m.]

[File Nos. 54-79, 59-52]

NIAGARA HUDSON POWER CORPORATION, ET AL.

NOTICE OF FILING AND ORDER FOR HEARING ON PLAN AND ORDER CONSOLIDATING SUCH PROCEEDING WITH PENDING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of June 1943.

In the matters of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation, applicants, File No. 54-79; Niagara Hudson Power Corporation and its subsidiary companies, respondents, File No. 59-52.

Notice is hereby given that Niagara Hudson Power Corporation, a subsidiary of The United Corporation, a registered holding company, and Buffalo, Niagara and Eastern Power Corporation, a subsidiary of Niagara Hudson Power Corporation, have filed a "Plan of Reorganization of the Niagara Hudson System" under section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of effecting compliance with the provisions of section 11 (b) of said Act, providing for the payment of accruals of dividends on the Preferred Stocks of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation, placing certain of the System's operating utility properties in one operating company, and for the taking of related action.

All interested persons are referred to said Plan, which is on file in the office of this Commission, for a full statement of the transactions therein proposed, which fall into four principal parts, each of which may be summarized as follows:

Part I

Part I of the Plan provides for the consolidation of Buffalo, Niagara and Eastern Power Corporation, its four direct subsidiary companies, The Niagara Falls Power Company, Buffalo Niagara Electric Corporation, Niagara, Lockport and Ontario Power Company, The Lockport and Newfane Power and Water Supply Company, and Central New York Power Corporation and New York Power and Light Corporation, both direct subsidiaries of Niagara Hudson Power Corporation, into The Niagara Falls Power Company under the name of "The Niagara Hudson Company, Incorporated" (hereinafter referred to as "The Operating Company"). It is proposed that The Operating Company's authorized capital stock, upon consummation of the Plan, shall be $325,000,000, to consist of 1,250,000 shares of Preferred Stock of the par value of $100 per share and 10,000,000 shares of Common Stock of the par value of $20 per share. Of said shares of authorized capital stock it is proposed to issue in the aggregate, in the consummation of all phases of the Plan, (1) not to exceed 955,171 shares of Preferred Stock, 5% Series, of which 868,811.25 shares are to be issued initially upon the consolidation, and 86,359.75 shares in connection with Part II of the Plan as hereinafter set forth; and (2) not to exceed 4,867,716 shares of Common Stock, of which 4,341,803 shares are to be issued initially upon the consolidation, and 525,913 shares in connection with Part II of the Plan, as hereinafter set forth.

The Plan provides that the holders of shares of the Preferred Stock, 5% Series, shall be entitled, among other things, to (1) $100 per share plus accrued dividends upon the voluntary or involuntary dissolution, liquidation, or winding up of The Operating Company; (2) cumulative dividends from the date of consolidation; (3) $105 per share upon redemption; (4) one vote per share: *Provided, however*, That if and when dividends payable on the Preferred Stock shall be in default in an amount equivalent to six (6) full quarterly dividends on all shares of Preferred Stock then outstanding, and until all such dividends then in default shall have been paid or declared and set apart for payment, the holders of all shares of such Preferred Stock, voting separately as a class, shall be entitled to elect the smallest number of directors necessary to constitute a majority of the full Board of Directors of The Operating Company. Holders of Preferred Stock are accorded no preemptive rights in respect of shares of the stock, or any rights or options to, or of any securities convertible into any stock, of The Operating Company which it may issue or sell. It is stated that the detailed provisions of the Preferred and Common Stocks of The Operating Company will include certain additional protective provisions for the benefit of the Preferred Stock, as set forth in the Certificate of Consolidation which will be filed by amendment; preliminary copies are available for inspection at the office of Niagara Hudson Power Corporation, 15 Broad Street, New York, N. Y., and of Buffalo, Niagara and Eastern Power Corporation, Electric Building, Buffalo, New York.

It is proposed to distribute the shares of stock of The Operating Company to the holders of shares of stock of the constituent companies, outstanding at the effective date of consolidation, in the following manner:

(a) *Common Stocks of The Niagara Falls Power Company, Buffalo Niagara Electric Corporation, Niagara, Lockport and Ontario Power Company, and The Lockport and Newfane Power and Water Supply Company.* Buffalo, Niagara and Eastern Power Corporation, which owns all of the issued and outstanding shares of Common Stock of The Niagara Falls Power Company, Buffalo Niagara Electric Corporation, Niagara, Lockport and Ontario Power Company and The Lockport and Newfane Power and Water Supply Company, shall surrender the certificates representing such shares for cancellation and such certificates shall be cancelled and no shares of stock of The Operating Company shall be distributed to the holder thereof.

(b) *Common Stock of Buffalo, Niagara and Eastern Power Corporation.* Each holder of shares of the Common Stock of Buffalo, Niagara and Eastern Power Corporation outstanding at the effective date of the consolidation shall become the holder of $\frac{207,595}{2,020,125}$ shares of the Common Stock of The Operating Company for each share of Common Stock of Buffalo, Niagara and Eastern Power Corporation so held.

(c) *Class A Stock of Buffalo, Niagara and Eastern Power Corporation.* Each holder of shares of the Class A Stock of Buffalo, Niagara and Eastern Power Corporation outstanding at the effective date of the consolidation shall become the holder of $\frac{51,535}{501,493}$ shares of the Common Stock of The Operating Company for each share of Class A Stock of Buffalo, Niagara and Eastern Power Corporation so held.

(d) *Common Stock of Central New York Power Corporation.* Each holder of shares of the Common Stock of Central New York Power Corporation outstanding at the effective date of the consolidation shall become the holder of $\frac{1,240,130}{1,331,358}$ shares of Common Stock of The Operating Company for each share of Common Stock of Central New York Power Corporation so held.

(e) *Common Stock of New York Power and Light Corporation.* Each holder of shares of the Common Stock of New York Power and Light Corporation outstanding at the effective date of the consolidation shall become the holder of $\frac{745,818}{1,057,895}$ shares of Common Stock of The Operating Company for each share of Common Stock of New York Power and Light Corporation so held.

(f) *$5 Cumulative First Preferred Stock of Buffalo, Niagara and Eastern Power Corporation.* Each holder of shares of the $5 Cumulative First Preferred Stock of Buffalo, Niagara and Eastern Power Corporation outstanding at the effective date of the consolidation shall become the holder of 1 share of Preferred Stock, 5% Series, of The Operating Company for each share of $5 Cumulative Preferred Stock of Buffalo, Niagara and Eastern Power Corporation so held.

(g) *$1.60 Cumulative Preferred Stock of Buffalo, Niagara and Eastern Power Corporation.* Each holder of shares of the $1.60 Cumulative Preferred Stock of Buffalo, Niagara and Eastern Power Corporation outstanding at the effective date of the consolidation shall become the holder of 1 share of Common Stock of The Operating Company for each share of the $1.60 Cumulative Preferred Stock of Buffalo, Niagara and Eastern Power Corporation so held.

(h) *5% Cumulative Preferred Stock of Central New York Power Corporation.* Each holder of shares of the 5% Cumulative Preferred Stock of Central New York Power Corporation outstanding at the effective date of the consolidation shall become the holder of 1 share of Preferred Stock, 5% Series, of The Operating Company for each share of 5% Cumulative Preferred Stock of Central New York Power Corporation so held.

(i) *7% Cumulative Preferred Stock of New York Power and Light Corporation.* Each holder of shares of the 7% Cumulative Preferred Stock of New York Power and Light Corporation outstanding at the effective date of the consolidation shall become the holder of 1.15 shares of Preferred Stock, 5% Series, of The Operating Company for each share of 7% Cumulative Preferred Stock of New York Power and Light Corporation so held.

(j) *$6 Cumulative Preferred Stock of New York Power and Light Corporation.* Each holder of shares of the $6 Cumulative Preferred Stock of New York Power and Light Corporation outstanding at the effective date of the consolidation shall become the holder of 1.05 shares of Preferred Stock, 5% Series, of The Operating Company for each share of $6 Cumulative Preferred Stock of New York Power and Light Corporation so held.

On the basis of the foregoing proposed distribution, Niagara Hudson Power Corporation, as the holder of all the Class A stock, substantially all of the Common Stock and 12,545¼ shares of $1.60 Preferred Stock of Buffalo, Niagara and Eastern Power Corporation, 36,019 shares of 7% Preferred Stock, 19,181 shares of $6 Preferred Stock and all of the Common Stock of New York Power and Light Corporation; 41,515$\frac{17}{20}$ shares of 5% Preferred Stock and all of the Common Stock of Central New York Power Corporation, will receive 103,077.75 shares of the Preferred Stock, 5% Series, and 2,257,622.56 shares of Common Stock of The Operating Company. Niagara Hudson Power Corporation, as a part of the Plan, will agree to cancel $20,550,000 of advances owed to it by New York Power and Light Corporation.

The Plan further provides that each holder of shares of the Preferred Stocks of New York Power and Light Corporation, Central New York Power Corporation and Buffalo, Niagara and Eastern Power Corporation, outstanding at the effective date of the consolidation, shall receive in cash an amount equal to the accrued and unpaid dividends to such date, on such Preferred Stocks.

As an integral part of the Plan, it is proposed that The Operating Company, upon the consolidation becoming effective as provided in Part I of the Plan, will undertake to effect substantial savings by refunding its then outstanding callable mortgage debt. The principal amount of such mortgage debt at December 31, 1942, excluding the principal amount maturing or called for redemption in 1943, is $208,912,500. Application has been made for exemption from the competitive bidding requirements of Rule U-50 in respect of the issuance or sale of all securities under the Plan.

Part II

Part II of the Plan provides that, immediately upon the consummation of Part I, The Operating Company will agree to purchase from Niagara Hudson Power Corporation certain properties and shares of stock of subsidiaries of Niagara Hudson Power Corporation, as follows:

(a) The physical assets comprising the nine operating hydro-electric plants owned by Northern Development Corporation and presently leased to Central New York Power Corporation, subject to outstanding reservoir liability of Northern Development Corporation in the approximate amount of $180,000, which will be assumed by The Operating Company;

(b) 100 shares of the capital stock of The Oswego Canal Company, comprising all its entire outstanding capital stock;

(c) The physical assets comprising the two operating hydro-electric plants owned by Union Bag & Paper Power Corporation, subject to reservoir liability of Union Bag & Paper Power Corporation in the approximate amount of $806,000, which will be assumed by The Operating Company;

(d) 67,000 shares of the capital stock of Hudson Valley Fuel Corporation, comprising all its outstanding capital stock;

(e) 4,000 shares of the capital stock of St. Lawrence Power Company, Limited, comprising all its outstanding capital stock;

(f) All of the assets of Old Forge Electric Corporation, subject to its liabilities other than its liabilities to Niagara Hudson Power Corporation, which will be cancelled;

(g) 842 shares of the capital stock of Noreau Manufacturing Company, comprising one-third of its outstanding capital stock, and all advance thereto held by Niagara Hudson Power Corporation.

In consideration for the acquisition of the foregoing assets, properties and shares of stock, it is proposed that The Operating Company issue to Niagara Hudson Power Corporation 86,359.75 shares of the Preferred Stock, 5% Series, and 525,913 shares of The Common Stock of The Operating Company. In this connection, the Plan reserves to Niagara Hudson Power Corporation the right to acquire any one or more of the foregoing items, and, in connection with the properties described in paragraphs (a), (c) and (f) above, to deliver such properties directly to The Operating Company or to segregate such properties into separate subsidiaries and deliver the stocks of such subsidiaries to The Operating Company. It is contemplated that any assets or stocks not acquired by The Operating Company will be acquired or retained by Northern Development Corporation, as set forth in Part III of the Plan.

Part III

Part III of the Plan provides for the consolidation of Frontier Corporation into Northern Development Corporation, both wholly-owned direct subsidiaries of Niagara Hudson Power Corporation. It is proposed that the authorized capital stock of Northern Development Corporation, upon consummation of this consolidation, shall be $958,101 to consist of 958,101 shares of common stock of the par value of $1 per share. It is further proposed that Niagara Hudson Power Corporation become the holder of all such shares of capital stock upon surrendering for cancellation all the issued and outstanding capital stock of the two constituent companies now held by it.

Immediately upon consummation of the consolidation provided in Part III of the Plan, it is proposed that Northern Development Corporation acquire all of the assets of Niagara Hudson Power Corporation other than those to be distributed to the stockholders of Niagara Hudson Power Corporation as provided in Part IV of the Plan. Among such assets to be acquired by Northern Development Corporation are 43,552.86 shares of Common Stock of The Operating Company, 13,898 shares of Common Stock of Central Hudson Gas & Electric Corporation, and 12,062.5 shares of Common Stock of Consolidated Edison Company of New York, Inc. As part of the consideration for such acquisition, it is proposed that Northern Development Corporation agree to pay and discharge all obligations and liabilities of Niagara Hudson Power Corporation not otherwise provided for, and to indemnify and save harmless the Directors, officers and agents of Niagara Hudson Power Corporation against all loss, cost, expense or liability which might be incurred by any of them in connection with or arising out of the Plan.

The Certificate of Consolidation in respect of Part III of the Plan, copies of a preliminary draft of which are available for inspection in the office of Niagara Hudson Power Corporation, will be filed by amendment.

Part IV

Part IV of the Plan provides for the dissolution of Niagara Hudson Power Corporation and the distribution to its stockholders of the assets remaining after consummation of all other phases of the Plan. Such assets will consist of cash; 189,437.5 shares of the Preferred Stock, 5% Series, and 2,739,982.7 shares of the Common Stock of The Operating Company; 431,840 shares of Common Stock of Central Hudson Gas & Electric Corporation; 189,437.5 shares of the Common Stock of Consolidated Edison Company of New York, Inc.; and 958,100.85 shares of the capital stock of Northern Development Corporation. It is proposed to pay in cash all the liabilities of Niagara Hudson Power Corporation, including the costs and expenses attributable to it in connection with the development and consummation of the Plan.

It is proposed to distribute the foregoing assets of Niagara Hudson Power Corporation to the holders of the shares of its outstanding capital stock in the following manner:

(a) *First Preferred Stock Cumulative, $100 Par Value—5% Series.* Each holder of shares of the First Preferred Stock of Niagara Hudson Power Corporation (378,875 shares are presently outstanding) shall be entitled to receive $10.50 in cash, one share of Common Stock of The Operating Company (subject, however, to the exercise of subscription rights provided in paragraph (f) below), ½ share of Preferred Stock, 5% Series, of The Operating Company, one share of the Common Stock of Central Hudson Gas & Electric Corporation, ½ share of the Common Stock of Consolidated Edison Company of New York, Inc. for each share of such First Preferred Stock of Niagara Hudson Power Corporation and an amount in cash equal to the dividends accrued and unpaid on such First Preferred Stock to the date to be fixed for distribution.

(b) *Second Preferred Stock Cumulative, $100 Par Value—5% Series A and 5% Series B.* Each holder of shares of the Second Preferred Stock, Series A (90,281 shares are presently outstanding) or Series B (15,649 shares are presently outstanding) of Niagara Hudson Power Corporation shall be entitled to

receive $9 in cash, 4⅓ shares of Common Stock of The Operating Company (subject, however, to the exercise of subscription rights provided in paragraph (f) below), ½ share of the Common Stock of Central Hudson Gas & Electric Corporation, for each share of Second Preferred Stock of Niagara Hudson Power Corporation, and an amount in cash equal to the dividends accrued and unpaid on such Second Preferred Stock to the date to be fixed for distribution.

(c) *Common Stock.* Each holder of shares of Common Stock of Niagara Hudson Power Corporation shall be entitled to receive ⅕ share of Common Stock of The Operating Company and 1/10 share of Capital Stock of Northern Development Corporation for each share of Common Stock of Niagara Hudson Power Corporation.

(d) *Class A and Class B Option Warrants.* No distribution will be made to holders of outstanding Class A Option Warrants and Class B Option Warrants entitling the holders thereof to purchase respectively 2,784,-905 13/24 shares of Common Stock of Niagara Hudson Power Corporation at $105 per share to October 1, 1944, and 497,191½ shares of Common Stock at $50 for 1⅛ shares at any time without limit.

(e) *Scrip Certificates.* Holders of Scrip Certificates for fractional shares of stock of Niagara Hudson Power Corporation, upon surrendering the same and other Scrip Certificates totaling one or more full shares, will be entitled to the distribution accorded holders of an equal number of full shares of stock of the same class of Niagara Hudson Power Corporation.

(f) *Subscription Rights of Holders of Common Stock.* It is proposed that, prior to the foregoing proposed distributions, the holders of shares of the Common Stock of Niagara Hudson Power Corporation will be given pro rata rights to subscribe, at the price of $20.50 per share, to shares of Common Stock of The Operating Company owned by Niagara Hudson Power Corporation and otherwise allocable to the holders of the Preferred Stocks of Niagara Hudson Power Corporation in the ratio of 8/100 share of Common Stock of The Operating Company for each share of Common Stock of Niagara Hudson Power Corporation held of record as of a date to be determined by the Board of Directors of Niagara Hudson Power Corporation. Such rights will be evidenced by transferable Subscription Warrants and will expire within such time (not later than three weeks) as the Board of Directors of Niagara Hudson Power Corporation shall fix. In addition, it is proposed that all shares of Common Stock of The Operating Company allocable to the holders of the Preferred Stocks of Niagara Hudson Power Corporation and not so subscribed for pursuant to such subscription rights will be offered to the holders of shares of Common Stock of Niagara Hudson Power Corporation, subject to allotment, at the price of $20.50 per share. To the extent such rights are exercised and purchases made, the cash received therefrom will be distributed first to holders of the First Preferred Stock of Niagara Hudson Power Corporation, and any balances remaining to the holders of the Second Preferred Stock in substitution for Common Stock of The Operating Company provided for in paragraphs (a) and (b) above, and for this purpose such Common Stock will be valued at $20.50 per share.

Other General Provisions of the Plan

Consummation of the Plan, or of any part thereof, is made subject to the approval of this Commission, and insofar as Parts I and II are concerned the Public Service Commission of the State of New York. Such consummation is also subject to the obtaining of a satisfactory closing agreement with the United States Treasury as to taxes. The Boards of Directors of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation reserve the right to amend, alter or modify the Plan at any time, in whole or in part.

The Plan further provides that, upon approval by the regulatory bodies having jurisdiction, the Plan will be submitted to the stockholders of Niagara Hudson Power Corporation and of Buffalo, Niagara and Eastern Power Corporation entitled to vote thereon, and if the Plan is approved by the requisite votes, as required by New York law, of the outstanding voting stock, voting together as a class, of each of said corporations, the necessary steps will be taken to consummate the Plan. Such vote will include, among other things, ratification and approval of the Plan, of the action of the respective Boards of Directors, and, in the case of the stockholders of Niagara Hudson Power Corporation in respect of the dissolution of Niagara Hudson Power Corporation. The Plan further provides for requisite stockholders' meetings or consents of stockholders of the several constituent companies in connection with the consolidations proposed under Parts I and III of the Plan and of The Operating Company, if necessary, in respect of the proposed refunding of callable mortgage debt.

It is stated that it is intended to consummate all parts of the Plan, including the refunding operation, as nearly simultaneously as possible. The right is reserved, upon approval of the Plan by this Commission, to request the Commission, pursuant to Section 11 (e) of the Act, to apply to a Federal Court to enforce and carry out the terms and provisions of the Plan or any part thereof, and, if such an application is made, the consummation of the Plan will be subject to the approval of such Court. Upon the plan being declared effective by the Boards of Directors of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation, the Plan provides that the outstanding shares of stock affected thereby shall represent no rights other than the rights accorded to the holders thereof under the Plan, and all other rights of such holders with respect to such stock shall thereupon cease and become void.

II

By order dated August 28, 1942, this Commission instituted a proceeding with respect to Niagara Hudson Power Corporation and its subsidiary companies (File No. 59–52) pursuant to sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of the Act. Hearings were held from time to time, and on March 23, 1943, the evidence was completed with respect to certain issues relating to Buffalo, Niagara and Eastern Power Corporation. Such issues have not been determined, and the hearings have not been completed with respect to all the issues in the proceeding instituted by our Order of August 28, 1942.

III

The Commission being required by the provisions of section 11 (c) of the Act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or modified, is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby; and

It appearing to the Commission that it is appropriate, in the public interest and in the interests of investors and consumers, that a hearing be held with respect to said plan; and

It further appearing to the Commission that the proceeding with respect to such plan and the proceeding instituted by the Commission's order of August 28, 1942 involve common questions of law and fact and that both proceedings should be consolidated for hearing and for consideration by the Commission;

It is ordered, That said proceedings be consolidated and that a hearing under the applicable provisions of the Act and the rules promulgated thereunder be held on the 19th day of October 1943 at 10 a. m. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing-room clerk in Room 318.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this Notice and Order forthwith by registered mail to the above-captioned parties, as well as to all other parties and persons previously granted the right to be heard and participate in the above-described proceeding instituted by the Commission's Order of August 28, 1942; and that notice of said hearing is hereby given to all security holders of Niagara Hudson Power Corporation, Buffalo, Niagara and Eastern Power Corporation and their subsidiary companies, to all States, municipalities and foreign countries, or political subdivisions of States or foreign countries in which are located any of the assets of the Niagara Hudson Power Corporation holding company system, or under the laws of which said subsidiary companies are incorporated; to all State commissions or other regulatory bodies, and all agencies, authorities or instrumentalities of any State or foreign country and to all other interested persons, such notice to be given by a general release by the Commission distributed to the press and mailed to the mailing list for releases issued under the Act, and by publication of this Notice and Order in the FEDERAL REGISTER.

It is further ordered, That Niagara Hudson Power Corporation, Buffalo, Niagara and Eastern Power Corporation, Central New York Power Corporation and New York Power and Light Corporation mail a copy of this Notice and Order, together with a copy of the "Plan of Reorganization of the Niagara Hudson System" described above, to each of its stockholders at his last known address at least 30 days prior to the 19th day of October 1943.

It is further ordered, That any person desiring leave to be heard in connection with these proceedings or permission to intervene therein shall, on or before the 14th day of October, 1943, file a written application with the Secretary of the Commission in accordance with the provisions of Rule XVII of the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented at the consolidated proceeding, particular attention will be directed at the hearing to the following matters:

(1) Whether the proposed plan filed pursuant to section 11 (e) of the Act is necessary to effectuate the provisions of section 11 (b) of said Act;

(2) Whether the proposed plan is fair and equitable to the persons affected thereby;

(3) Whether the transactions proposed in said Plan comply with all of the requirements of the applicable provisions of the Act and Rules promulgated thereunder;

(4) Whether the fees, expenses and other considerations to be paid or received, directly or indirectly, in connection with the proposed plan and the transactions incidental thereto, are for necessary services or purposes, reasonable in amount and properly allocated;

(5) Whether, in connection with the issuance or sale of all securities under the Plan, it is appropriate and in the public interest to grant an exemption from the competitive bidding requirements of Rule U–50;

(6) Whether and to what extent the plan should be modified or terms and conditions imposed to ensure adequate protection of the public interest and the interests of investors and consumers and compliance with all applicable provisions of the Act.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with this proceeding other filings or matters pertaining to said Plan or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–10512; Filed, June 30, 1943; 12:16 p. m.]

[File Nos. 59-39, 54-50, 59-10]

NORTH AMERICAN LIGHT & POWER HOLDING-COMPANY SYSTEM, ET AL.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of June, A. D. 1943.

In the matter of North American Light & Power Company Holding-Company System and The North American Company, File No. 59–39; North American Light & Power Company, File No. 54–50; The North American Company, et al., File No. 59–10.

APPEARANCES

Frederick Zazove, for the Public Utilities Division of the Commission.

Sydney K. Schiff of Pam, Hurd & Reichman, and M. B. Kennedy of Mayer, Meyer, Austrian & Platt, for Illinois Iowa Power Company.

Lawrence R. Condon, for Nellie B. Walters and others, holders of preferred stock of North American Light & Power Company.

Clayton E. Kline, for North American Light & Power Company.

Stoddard M. Stevens, Jr., and Houston H. Wasson of Sullivan & Cromwell, for The North American Company.

On December 28, 1942, we entered an interim order suspending the payment of interest due January 1, 1943, by North American Light & Power Company (Light & Power) on $5,623,500 principal amount of Light & Power's debentures owned by its parent, The North American Company (North American). Said debentures represent all the outstanding debentures of Light & Power. The reasons which necessitated the entry of the interim order were fully stated in our opinion accompanying such order. (Holding Company Act Release No. 4023.)

The next regular date for the payment of interest on the debentures is July 1, 1943, and, therefore, we are again presented with the question of whether this interest payment and all subsequent payments that may become payable during the pendency of the liquidation of Light & Power should likewise be prohibited. Accordingly, a hearing was held pursuant to appropriate notice to determine whether a further interim order should issue and, if so, whether Light & Power should again be required to segregate from its other funds a sum equal to the amount of such interest, such sum to be held subject to the further order of the Commission.[1]

The extent of North American's right to receive either principal or interest on the debentures is still an open question; and, similarly, various claims asserted against Light & Power and North American by their subsidiary, Illinois Iowa Power Company, have not, as yet, been determined either as to their validity or their amount, if any.[2] Hearings on these questions are proceeding but are not completed. It is obvious that, since the same reasons presently exist which required the entry of our previous order, a further interim order prohibiting Light & Power from paying to North American the interest due on July 1, 1943 is necessary. Since it is impossible to determine at this time when the proceedings will be ultimately concluded, our order will also be directed to all interest on said debentures that may become payable during the pendency of the liquidation proceedings of Light & Power. We will again require that such funds be segregated from the other funds of Light & Power and held subject to our further order.

In accordance with the requirement of our previous order prohibiting the payment of the interest due January 1, 1943, Light & Power has deposited approximately $154,000 in a non-interest bearing special deposit. Light & Power now requests that it be permitted, in the alternative, to pay the interest due on its debentures to North American with the proviso that North American will repay the same if it is ultimately determined that North American is not entitled thereto; or, that it be permitted to invest the segregated funds in interest bearing securities. We deem it advisable and in accordance with the standards of the Public Utility Holding Company Act of 1935, particularly sections 11 (b), 11 (d), 11 (e), and 12 (f) thereof, to permit Light & Power to invest the segregated funds in obligations of the United States Government.

It is therefore ordered, That North American Light & Power Company be, and it hereby is, (a) prohibited until further order of the Commission, from paying to The North American Company, its agents, representatives, assigns, or transferees, the interest due on July 1, 1943, and also all interest which may thereafter become payable on the debentures of North American Light & Power Company now held by The North American Company; and (b) required to segregate from its other funds a sum equal to the interest so to be withheld, which funds together with the funds heretofore segregated by virtue of our previous order of December 28, 1942, may be invested by North American Light & Power Company in obligations of the United States Government, such funds or securities to be held subject to the further order of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–10518; Filed, June 30, 1943; 12:17 p. m.]

[1] See our Notice of June 21, 1943, Holding Company Act Release No. 4367.

[2] We have heretofore held that we have jurisdiction to determine the issues with respect to the claims of Illinois Iowa Power Company. See Holding Company Act Release No. 4066.

[File No. 70-751]

NORTHERN INDIANA PUBLIC SERVICE COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of June 1943.

Notice is hereby given that an application has been filed pursuant to the Public Utility Holding Company Act of 1935 by Northern Indiana Public Service Company, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company;

All interested persons are referred to said application, which is on file in the offices of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

Northern Indiana Public Service Company proposes to issue and sell First Mortgage Bonds, Series C, dated August 1, 1943, due August 1, 1973, in the aggregate principal amount of $45,000,000,

bearing interest at the rate of not more than 3¼%, per annum, from the date thereof, payable semi-annually.

The proceeds to be derived from the sale of such securities are to be used for the purpose of redeeming the company's presently outstanding First Mortgage Bonds, Series A, 3¾%, dated August 1, 1939, due August 1, 1969, in the principal amount of $45,000,000.

The application indicates that the company proposes to offer the bonds for competitive bidding pursuant to Rule U–50 promulgated under the Public Utility Holding Company Act of 1935.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters and that the application shall not be granted except pursuant to further order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on July 19, 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in room 318 will at that time advise. At such hearing cause shall be shown why such application shall be granted. Any person desiring to be heard or otherwise participate in the proceedings should file with the Secretary of the Commission, on or before the 14th day of July 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by the application otherwise to be considered in these proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether it is in the public interest and the interest of investors and consumers and in conformity with the applicable provisions of the Act to grant the application.
2. Whether all fees in connection with the proposed transactions are fair and reasonable.
3. Whether and to what extent it is appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions with respect to the proposed transactions.
4. Generally, whether the proposed transactions meet the appropriate provisions of the Act and Rules and Regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–10513; Filed, June 30, 1943; 12:16 p. m.]

[File No. 812–316]

TRI-CONTINENTAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of June, A. D. 1943.

Tri-Continental Corporation, a registered management investment Company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said Act a transaction in which applicant proposes to grant an irrevocable option to O. L. Brooks, President of Globe and Rutgers Fire Insurance Company, to purchase from applicant at $13.75 per share 2,500 shares of the common stock of Globe and Rutgers Fire Insurance Company. The option may be exercised in whole or in part at any time on or before February 26, 1948, provided O. L. Brooks is in the employ of Globe and Rutgers Fire Insurance Company at the time of the exercise of the option. Tri-Continental Corporation is an affiliated person of Globe and Rutgers Fire Insurance Company of which O. L. Brooks is an affiliated person.

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on July 5, 1943, at 10:15 o'clock, a. m., Eastern War Time in Room 318 Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to Tri-Continental Corporation, and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–10515; Filed, June 30, 1943; 12:16 p. m.]

[File No. 70–745]

INTERNATIONAL UTILITIES CORP. AND DOMINION GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of June, A. D. 1943.

International Utilities Corporation, a registered holding company, and its subsidiary, Dominion Gas and Electric Company, also a registered holding company, having filed declarations pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder, relating to the proposal of International Utilities Corporation to make a capital contribution to the capital surplus of Dominion Gas and Electric Company of $100,000 by delivering to Dominion $100,000 in principal amount of the 6½% Collateral Trust Bonds of Dominion; and

Said declarations having been filed on the 21st day of June 1943, and amended on the 28th day of June 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of sections 12 (b) and 12 (c) and Rules U-42 and U-45 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the said declarations be and the same are hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–10581; Filed, July 1, 1943; 10:02 a. m.]

[File No. 70–282]

COMMUNITY POWER AND LIGHT CO., ET AL.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of June, A. D., 1943.

In the matter of Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company, et al.; File No. 70–282.

The Commission having entered its order in the above styled and numbered proceedings on July 8, 1942 approving a voluntary plan of reorganization and simplification submitted by the above-named companies pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and having directed in said order that within one year from the date thereof, Southwestern Public Service Company, the surviving company, should take such action as might be necessary to divest itself of all ownership and all control of certain specified securities and physical assets;

Notice is hereby given that on June 21, 1943 Southwestern Public Service Company filed an application requesting the entry of an order by this Commission extending for one year the time in which to comply with the directions contained in said order of July 8, 1942.

All interested persons are referred to said application which is on file in the office of the Commission for full details concerning the contents thereof.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said application and for other purposes;

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania at 2 p. m., e. w. t. on July 15, 1943, in such room as may be designated on such day by the hearing room clerk.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by Rule XVII of the Commission's Rules of Practice on or before July 8, 1943.

It is further ordered, That, without limiting the scope of the issues presented by said application, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether Southwestern Public Service Company has exercised due diligence in its efforts to comply with the directions contained in the Commission's order of July 8, 1942, and

(2) Whether an extension of time for compliance with the directions contained in said order is necessary or appropriate in the public interest or for the protection of investors or consumers

It is further ordered, That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of this order by mailing a copy thereof by registered mail to Southwestern Public Service Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–10579; Filed, July 1, 1943; 10:02 a. m.]

[File No. 70–754]

INTERNATIONAL UTILITIES CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of June, A. D., 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than July 14, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request, that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

International Utilities Corporation, a registered holding company, proposes to pay out of capital or unearned surplus a regular quarterly dividend on its $3.50 Prior Preferred Stock at the rate of 87½¢ per share on the 95,946 shares of such stock presently outstanding. The aggregate amount of this dividend will be $83,952.75.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–10583; Filed, July 1, 1943; 10:02 a. m.]

[File Nos. 54–74, 59–69]

NORTH CONTINENT UTILITIES CORP., ET AL.

NOTICE OF FILING AMENDMENT AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of June A. D. 1943.

In the matter of North Continent Utilities Corporation and subsidiary companies, File No. 54–74; in the matter of North Continent Utilities Corporation and subsidiary companies, File No. 59–69.

Notice is hereby given that North Continent Utilities Corporation, a registered holding company, has filed an amendment to its application heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan to effectuate the provisions of section 11 (b) of the Act. This Commission on May 20, 1943 instituted proceedings directed to North Continent and its subsidiary companies pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the Act, which proceedings were consolidated by order dated May 20, 1943 with the proceedings relating to the plan filed under section 11 (e).

All interested persons are referred to said amendment which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

North Continent proposes the disposition of its interests in its subsidiary companies, either through the sale of their securities or their assets, and the liquidation and dissolution of North Continent. The proceeds of such sales are first to be used to retire or redeem its First Lien Collateral and Refunding 5½% Bonds, due 1948, and thereafter, to retire, on a fair and equitable basis, its $7 non-cumulative convertible preferred stock. If, when all of the outstanding bonds and preferred stock shall have been retired, there should be any remaining assets, such remaining assets will be distributed (either in kind or after sale, the proceeds thereof) pro rata among the holders of the common stock.

In connection with the said sale of subsidiary securities or assets and the retirement of the said bonds, North Continent proposes in the said amendment to its plan to deposit the proceeds of any such sales with the trustee under the bond indenture. The trustee, within forty-five days thereafter, is to apply said proceeds towards making ratable payments in the amount of $5.00 or any multiple thereof, from time to time, on the principal of the bonds or to the payment of accrued interest to the extent hereinafter provided. In the event that the amount of the proceeds of such sales deposited with the trustee is insufficient to make a ratable payment in the amount of $5.00 or any multiple thereof, North Continent may deposit other funds available therefor with the Trustee for the purpose of making possible a ratable payment as above stated.

Interest shall continue to accrue on the unpaid principal of the bonds at the rate of 5½%, which is the present coupon rate of the bonds. Interest shall cease to accrue (1) on the paid-up principal amount of the bonds, and (2) as of the date set for the distribution to bondholders, on that portion of the unpaid principal amount with respect to which funds have been deposited with the Trustee for the said distribution.

If North Continent should be in default of its obligation to deposit with the Trustee, on or prior to January 1st and July 1st, respectively, in each year, funds for the payment of accrued interest to said dates, the Trustee is to apply the proceeds of such sales deposited with it, first, to the payment of accrued interest, and, secondly, to the payment of unpaid principal. Any sinking fund moneys deposited with the Trustee shall be applied to the payment of principal of the bonds through the medium of ratable payments as provided by the plan as amended, except that such sinking fund moneys shall not be applied to the payment of accrued interest.

Within ten days after the plan becomes effective, North Continent proposes that notices be published in both Chicago and New York newspapers stating that the plan has become effective, that ratable payments on principal and accrued interest will thereafter be made to the registered owners of the North Continent bonds, and requesting

that the bonds be temporarily surrendered to the trustee for registration. After such registration no transfer of the bonds shall be valid unless made on the registration books and similarly noted upon the bonds. Each bond so surrendered shall have stamped or affixed thereto by the trustee under the bond indenture, an appropriate legend and/or certificate setting forth a summary of the terms and provisions of the plan.

It is proposed that all payments of principal or interest will thereafter be made by check, at the office of the trustee, payable to the registered owners, as of the date on which such distribution is payable, without presentation of bonds for endorsement of payments thereon; however, the final payment of the principal and interest shall be made only upon surrender of the bonds.

The net proceeds from sales of the unpledged assets of North Continent shall be deposited with the trustee and applied ratably as above provided.

No premiums are to be paid on account of the retirement of the bonds prior to the maturity date thereof.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing be reconvened with respect to the said plan, as amended, and the said proceedings instituted under sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the Act;

It is therefore ordered, That the hearing in these proceedings shall be reconvened on July 13, 1943 at 10:00 a. m., e. w. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On that date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Willis E. Monty, or any other officer or officers designated by the Commission to preside at such hearing, shall exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues otherwise to be considered in these proceedings, particular attention will be directed at the reconvened hearings, in addition to the matters specified in the notice of hearing dated May 20, 1943, to the following questions:

(1) Whether the terms of the amended plan are fair and equitable to the persons affected thereby.

(2) Whether the proposed method of satisfying and retiring the said bonds is feasible and practical;

Notice of such hearing is hereby given to North Continent Utilities Corporation and each of its subsidiary companies, City National Bank and Trust Company, Trustee of the said North Continent bonds, and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall notify the Commission to that effect by letter or telegram received by the Commission on or before July 10, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10578; Filed, July 1, 1943; 10:02 a. m.]

[File No. 70-720]

ROCHESTER GAS AND ELECTRIC CORP., ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of June, 1943.

In the matter of Rochester Gas and Electric Corporation, NY PA NJ Utilities Company, Associated Utilities Corporation, and New Jersey Power & Light Company.

A declaration having been filed with this Commission, pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42, promulgated thereunder, by Rochester Gas and Electric Corporation, a subsidiary of NY PA NJ Utilities Company, a registered holding company, which, in turn, is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company; and said declaration being in regard to the redemption, as of September 1, 1943, at the call price of 105% of the par amount thereof, plus accrued dividends to the redemption date, of certain of the preferred stock of the declarant, as follows: (a) the entire issue of 27,000 shares of 6% Cumulative Preferred Stock, Series C ($100 par value), of which 9,217 shares are owned by associate companies and 17,783 shares are publicly owned; and (b) 11,871 shares (to be selected by lot) of the 171,871 shares of 6% ($100 par value) Cumulative Preferred Stock, Series D (of which 805 shares are owned by associate companies and 171,066 are publicly owned); the funds for the redemption to be provided by the company from cash in its treasury; and

Said NY PA NJ Utilities Company, and its wholly-controlled subsidiary, New Jersey Power & Light Company, and Associated Utilities Corporation, a registered holding company, which is wholly owned by said Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, having jointly requested that they be made parties declarant to these proceedings; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its findings and opinion therein;

It is ordered, That said NY PA NJ Utilities Company, New Jersey Power & Light Company, and Associated Utilities Corporation be, and hereby are, made parties to these proceedings as declarants herein; and

It is further ordered, That pursuant to the applicable provisions of said Act the aforesaid declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10580; Filed, July 1, 1943; 10:02 a. m.]

[File No. 1-618]

THE CONNECTICUT AND PASSUMPSIC RIVERS RAILROAD CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of June, A. D. 1943.

In the matter of The Connecticut and Passumpsic Rivers Railroad Company First Mortgage 4% Bonds, due April 1, 1943.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the First Mortgage 4% Bonds, due April 1, 1943, of The Connecticut and Passumpsic Rivers Railroad Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 9, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10577; Filed, July 1, 1943; 10:03 a. m.]

[File No. 70-747]

UNITED GAS PIPE LINE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of June, A. D. 1943.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Gas Pipe Line Company, a wholly-owned subsidiary of United Gas Corporation, a subsidiary of Electric Power & Light Corporation, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company. All interested persons are referred to the said document which is on file in the office of this Commission for a statement of the transaction therein proposed which is summarized as follows:

United Gas Pipe Line Company proposes to acquire from Willmut Gas & Oil Company an 8⅝" natural gas transmission line, approximately eighty-four miles in length, extending from the Jackson Gas Field in Rankin County, Mississippi to a point near Hattiesburg, Forrest County, Mississippi for a purchase price of $350,000; $100,000 to be paid at the date said transmission line is conveyed and the balance of $250,000 to be payable in installments as follows: $100,000 on January 15, 1944, $50,000 on January 14, 1945, $50,000 on January 15, 1946, and $50,000 on January 15, 1947, such installments to bear no interest except after maturity and then at the rate of 6% per annum.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters and that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on July 20, 1943 at 10:00 A. M., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-mentioned declarant or applicant and to all interested persons, said notice to be given to said declarant or applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER;

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before July 18, 1943, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission;

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's rules of practice;

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration proposed to be paid is reasonable and bears a fair relation to the sums invested in or the earning capacity of the assets proposed to be acquired.

2. Whether the proposed acquisition will serve the public interest by tending toward the economical and efficient development of an integrated public utility system and will not be detrimental to the carrying out of the provisions of section 11 of the Act.

3. Whether the proposed accounting treatment of the transaction on the books of the applicant or declarant is proper.

4. What, if any, terms and conditions with respect to such acquisition should be prescribed in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10582; Filed, July 1, 1943; 10:03 a. m.]

WAR FOOD ADMINISTRATION.

[License No. 70]

ORDER TERMINATING THE LICENSE FOR MILK, KALAMAZOO, MICHIGAN, SALES AREA

The license for milk in Kalamazoo, Michigan, sales area, issued by the Secretary of Agriculture on June 30, 1934, pursuant to powers vested in him by the terms and provisions of Public Act No. 10, 73rd Congress, May 12, 1933 (which license was suspended by the Secretary of Agriculture on July 31, 1941[1] is hereby terminated effective as of the date of the execution hereof.

Done at Washington, D. C., this 29th day of June, 1943.

[SEAL] JESSE W. TAPP, *Acting War Food Administrator.*

[F. R. Doc. 43-10560; Filed, June 30, 1943; 11:10 a. m.]

[1] 6 F.R. 5323.

Reference

THE NATIONAL ARCHIVES
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1934
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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

[FCA Order 378]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

HOLDING BY FEDERAL LAND BANKS OF TITLE TO REAL ESTATE FOR A PERIOD LONGER THAN 5 YEARS

Section 3.9 of Title 6, Code of Federal Regulations, as amended (6 F.R. 2347), is further amended to read as follows:

§ 3.9 *Authorization to approve the holding by Federal land banks of title to real estate for a period longer than 5 years.* Authorization is given, severally and not jointly, to any deputy land bank commissioner, and to the Chief, Assistant Chief, and Farm Service Analyst of the Loan Service and Real Estate Section, to approve, on such terms as he shall direct, the holding by Federal land banks of title and possession of real estate for a period longer than 5 years pursuant to paragraph Fourth (b) of section 13 of the Federal Farm Loan Act (39 Stat. 372, 12 U.S.C. 781 "Fourth" (b)), as amended. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940)

[SEAL] A. G. BLACK,
Governor.

[F R Doc. 43-10651; Filed, July 2, 1943; 10:17 a. m.]

PART 96—AGRICULTURAL LOANS AND ADVANCES BY THE REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C., at KANSAS CITY, MISSOURI, FOR MAXIMUM WAR PRODUCTION

ADVANCES TO FINANCE EXTRAORDINARY PRODUCTION OF ESSENTIAL AGRICULTURAL COMMODITIES

Pursuant to section 201 (e) of the Emergency Relief and Construction Act of 1932 (47 Stat. 713, 12 U.S.C. 1148); Executive Order 6084, dated March 27, 1933; section 33 (b) of the Farm Credit Act of 1937 (50 Stat. 717, 12 U.S.C. (7 F.R. 10179) 1148c (b)); Executive Order No. 9280, dated December 5, 1942; Memorandum No. 1065 of the Secretary of Agriculture, dated January 20, 1943; Food Production Memorandum No. 2 signed by the Director of Food Production and approved by the Secretary of Agriculture January 22, 1943; Executive Order No. 9322, dated March 26, 1943 (8 F.R. 3807), as amended by Executive Order No. 9334, dated April 19, 1943 (8 F.R. 5423); and Memorandum No. 1086 of the Secretary of Agriculture, dated April 26, 1943;

Sections 96.200 (b) and 96.201 of Title 6, Code of Federal Regulations, are amended:

1. Whereas, the form of "Promissory Note Evidencing Special War Crop Advance" (Form RACC-FP4), taken by the Regional Agricultural Credit Corporation for advances made under Subpart B of Part 96, provides that the Regional Agricultural Credit Corporation may designate some other agency or person, instead of the County War Board, to make the certification required in § 96.200 (b), and specifies that the facts so required to be certified shall be those stated in the following amendment of that section;

Section 96.200 (b) (8 F.R. 8291) is amended to read as follows:

§ 96.200 *Introduction.* • • •

(b) Such advances may be made on the following terms: The borrower shall undertake production of a specified quantity of essential war crops and shall be personally liable for the full amount of the advances; except that if the District Vice President of the Regional Agricultural Credit Corporation certifies, upon the recommendation of the County War Board, that:

(1) The borrower has used the amount advanced for producing the crops for the production of which the advances were made;

(2) The borrower has provided for insurance on such crops to the extent and in the manner required by the Regional Agricultural Credit Corporation to protect its interest in such crops;

(3) The borrower, in good faith, has diligently applied principles of good husbandry to the production of such crops;

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
District Board 13	9168
District Board 18	9168
CHILDREN'S BUREAU:	
Nevada, acceptance of state certificates	9116
CIVIL AERONAUTICS ADMINISTRATION:	
Ogden, Utah, designation of control airports:	
Hinckley Field	9112
Ogden Airport, cancellation	9112
CIVIL AERONAUTICS BOARD:	
Assistant airline transport pilot certificates, issuance to designated class of pilots	9112
Delta Air Corp., notice of oral argument	9169
COAST GUARD:	
Vessels engaged in business connected with conduct of war, waiver of navigation and vessel inspection laws	9164
CUSTOMS BUREAU:	
Customs districts and ports (Correction)	9115
FARM CREDIT ADMINISTRATION:	
Holding by Federal Land Banks of title to real estate for more than 5 years, approval authorization	9099
Regional Agricultural Credit Corporation of Washington, D. C., advances to finance extraordinary production of essential agricultural commodities	9099
FEDERAL COMMUNICATIONS COMMISSION:	
Commercial radio operators, suspension of previous-service requirement	9166
Government communications by telegraph, rates and charges	9165
Nebraska Continental Telephone Co. et al., filing of plan and hearing	9170
Negotiations with foreign administrations or companies, reports	9167
Preservation of records, telegrams and ship messages	9167

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
FEDERAL TRADE COMMISSION:	
Cease and desist orders:	
Empire Peat Soil Sponge Co.	9113
Freedom Chemical Co., Inc.	9114
Kola Astier Corp., et al.	9113
Premier Cone Baking Co.	9113
FOOD AND DRUG ADMINISTRATION:	
Addition of nutritive ingredients to foods, statement of policy	9170
Wheat flour, etc., definitions and standards of identity	9151
INTERSTATE COMMERCE COMMISSION:	
Icing and reicing of vegetables:	
Green corn, common carriers by railroad	9172
Mixed vegetables:	
Chicago, Burlington & Quincy Railroad Co. and Missouri Pacific Railroad Co.	9171
Union Pacific Railroad Co. and Chicago, Burlington & Quincy Railroad Co	9171
Potatoes:	
Common carriers by railroad	9171
Louisville and Nashville Railroad Co.	9171
Missouri Pacific Railroad Co	9170
Pere Marquette Railway Co.	9171
OFFICE OF DEFENSE TRANSPORTATION:	
Tamiami Trail Tours, Inc. and Fogarty Bros. Transfer, Inc., coordinated operations in Florida	9172
Vessels; sale, transfer, and charter (Gen. Order ODT 40)	9167
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Butler Bros.	9139
McGoldrick, Hugh F.	9140
OFFICE OF PRICE ADMINISTRATION—Continued.	
Apparel; women's, girls', children's and toddlers' outerwear garments (Rev. MPR 287)	9122
Construction and road maintenance equipment rentals and service charges (MPR 134, incl. Am. 9)	9140
Feed screenings (MPR 417)	9135
Flour; wheat, semolina and farina, sold by millers and blenders (MPR 296, Am. 4, Corr.)	9159
Fluorspar (Rev. MPR 126)	9162
Fuel oil rationing (RO 11, Am. 67)	9137
Machines and parts, and machinery services (MPR 136, Am. 94)	9139
Potatoes and onions (Rev. MPR 271, Am. 3)	9160
Regional office orders:	
Eggs, sold to Armed Forces, Denver, Colo.	9172
Fluid milk:	
New Mexico, Roswell-Artesia area (2 documents)	9173
Wyoming, certain areas (2 documents)	9173
Rubber heels and attaching of heels (MPR 200, Am. 9)	9135
RECLAMATION BUREAU:	
Boise project, Idaho, first form withdrawal	9169
RURAL ELECTRIFICATION ADMINISTRATION:	
Allocation of funds for loans	9169
WAR FOOD ADMINISTRATION:	
Beans, peas, and split-peas (FDO 45, Am. 1)	9106
Designation of persons to hold hearings, sign and issue subpenas, and administer oaths or affirmations	9174
Eggs, shell (FDO 40–1, Am. 1)	9108
Farm machinery and equipment, new:	
(FPO 3, Am. 3)	9100
(FPO 3, Am. 4)	9101
Fats and oils:	
Fish oil (FDO 60)	9105
Crude (FDO 59)	9104
Rapeseed and mustard seed oils (FDO 35–1)	9103
Sperm oil (FDO 37–1)	9104
Livestock and meats, restrictions on delivery (FDO 61)	9108
Establishment of quotas (FDO 61–1)	9112
Milk marketing economies (FDO 11, Am. 3)	9102
Pet foods (FDO 58)	9102
Tea quotas, packaging restrictions, etc.:	
(FDO 18, Am. 3)	9103
(FDO 18–3, Am. 1)	9103
WAR PRODUCTION BOARD:	
Construction machinery and equipment (L–192)	9118
Manila rope, waste (M–294)	9117
Suspension orders:	
Derbes, George	9117
Kenny, James A.	9117
Pennsylvania Independent Oil Co	9117
Textiles, cotton (L–99–a)	9121
WAR SHIPPING ADMINISTRATION:	
Sale, transfer, and charter of vessels	9164

(4) The borrower has applied to the repayment of the advances an amount equal to all proceeds of such crops, including the proceeds of any incentive or other similar payments made by the United States on such crops and the proceeds of any insurance on such crops; and

(5) Such amount has been insufficient to repay the advances in full,

then the Regional Agricultural Credit Corporation will not look to other assets of the borrower for the repayment of that part of the advances which exceeds such proceeds but will cancel the borrower's obligation for the balance of the advances.

2. Section 96.201 (8 F.R. 8291) is amended by adding the following to the list of "essential war crops" designated therein:

§ 96.201 *Essential war crops.* * * *

Sea Island cotton

Corn and grain sorghums to be planted in rows and cultivated as cash grain crops in the counties in Arkansas, Illinois, Indiana, Kansas, Missouri, and Oklahoma, designated by the American Red Cross.

Food or feed crops to mature in 1943 planted on land which has been flooded in areas designated by the United States Department of Agriculture State War Boards in the Fourth, Sixth, and Ninth Farm Credit Districts.

[SEAL] REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C.,
By J. E. WELLS, Jr.,
Acting President.

Approved:

A. G. BLACK,
Governor.

[F. R. Doc. 43-10652; Filed, July 2, 1943; 10:17 a. m.]

TITLE 7—AGRICULTURE

Chapter X—War Food Administration

[Amdt. 3 to FPO 3 as Amended May 6, 1943]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

A change is made in § 1202.214 of Food Production Order 3 as amended May 6, 1943 (8 F.R. 5963), and the provisions of that order relating to metal milk cans and covers are revised.

Section 1202.214 is amended by adding to paragraph (b) thereof the following: "*Provided*, That the provisions of this paragraph (b) shall apply to metal milk cans and covers only to the extent provided for in subparagraphs (6) (ii) and (6) (vii) of Part A of Schedule I."

Paragraph (b) will then read as follows:

(b) No Federal Government agency desiring any Schedule I equipment or person desiring to acquire Schedule I equipment for export from and consumption or use outside the continental United States may acquire Schedule I equipment which is rationed or otherwise allocated under this order for both farm and nonfarm use, unless such person applies to the Deputy Administrator for authority to acquire such equipment and is granted such authority pursuant to the provisions of § 1202.232: *Provided*, That the provisions of this paragraph (b) shall apply to metal milk cans and covers only to the extent provided for in subparagraphs (6) (ii) and (6) (vii) of Part A of Schedule I.

The special provisions of Food Production Order 3 which relate to milk cans and covers are revised and incorporated in Part A of Schedule I. To this end:

Section 1202.213 is deleted from Food Production Order 3 as amended May 6, 1943.

Schedule I of Food Production Order 3 as amended May 6, 1943, is amended by deleting subparagraph (6) of Part A thereof and inserting in its place the following:

(6) Metal milk cans and covers are hereinafter referred to as milk cans. The words "milk cans" shall not refer to milk can covers which are transferred apart from the cans but shall refer to milk cans transferred apart from the covers.

Milk cans are subject to the provisions of this order, regardless of whether they are for farm or non-farm use.

The Deputy Administrator hereby authorizes any manufacturer to transfer milk cans in accordance with the following regulations.

(i) Any manufacturer of milk cans is authorized to transfer during each calendar quarter named below the designated percentage of such manufacturer's production of milk cans authorized to be produced during such period under applicable War Production Board regulations. The percentage of such manufacturer's authorized production which is not hereby authorized for transfer shall hereinafter be referred to as his reserve.

Calendar quarter commencing—	Authorized for distribution	Reserve
	Percent	*Percent*
July 1, 1943	85	15
Oct. 1, 1943	85	15
Jan. 1, 1944	70	30
Apr. 1 1944	70	30

Any manufacturer of milk cans shall transfer his reserve pursuant to orders which may be subsequently issued by the Deputy Administrator: *Provided*, That if the Deputy Administrator has not, by the fifteenth day before the end of any calendar quarter, authorized the distribution or specifically prohibited the distribution of any manufacturer's reserve, such manufacturer may transfer his reserve, without further authorization from the Deputy Administrator, in accordance with the distribution pattern set forth in subparagraph (6) (iii).

(ii) Any person who wishes to transfer or to receive a transfer of milk cans for the purpose of handling milk or milk products in the United States shall, if such milk cans comprise part of a manufacturer's reserve, appeal to the Deputy Administrator through the State board for the State in which such person resides for permission to make such transfer. The Deputy Administrator in his discretion may grant or deny such application. No Federal government agency desiring any milk cans or person desiring to acquire or transfer milk cans for any purpose other than handling milk or milk products in the United States may acquire or transfer such milk cans unless such government agency or person applies to the Deputy Administrator for authority to acquire or transfer such equipment and is granted such authority pursuant to the provisions of § 1202.232.

(iii) Each manufacturer may transfer in each State during each calendar quarter a percentage of the milk cans which he is authorized by this order to distribute; such percentage shall not be greater than the percentage of his aggregate production of milk cans in the calendar years 1941 and 1942 transferred by him in such State. In order to determine the maximum number of milk cans which he may transfer in any particular State during any calendar quarter, a manufacturer shall make the following calculations:

(1) Determine his total production of milk cans in the calendar years 1941 and 1942.

(2) Calculate the percentage of his total production which he transferred in such State in 1941 and 1942.

(3) Determine the number of milk cans which he is authorized under applicable War Production Board regulations to produce during the calendar quarter.

(4) Multiply the answer to (3) above by the percentage of his production which, according to subparagraph (6) (i) above, he may transfer during the calendar quarter.

(5) Multiply the percentage found in (2) by the answer to (4) in order to determine the maximum number of milk cans which he is hereby authorized to transfer in such State during the calendar quarter. If a manufacturer during any calendar quarter is unable to distribute to any State all the milk cans which he is authorized by this order or subsequent orders to distribute to such State, he may transfer such milk cans to such State during the following calendar quarter.

(iv) Each manufacturer of milk cans shall, within 10 days after the commencement of any calendar quarter, furnish the Deputy Administrator with a report in the form indicated below. The first such report shall be filed on or before October 10, 1943, and shall cover the calendar quarter commencing July 1, 1943. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

REPORT ON MILK CAN SHIPMENTS

Manufacturer's Name _____ Calendar quarter commencing _____

Name of State, possession, territory, or other[1]	Number of cans transferred during years 1941 and 1942	Number of cans authorized to be transferred other than from reserve	Number of cans transferred other than from reserve	Number of cans transferred from reserve
Total				

[1] Other includes Federal Government agencies and foreign countries. (Name country involved or Government agency.)

_____
Name of Company

By _____
Signature

(v) The State boards shall act as the county farm rationing committees in the rationing of milk cans to dairies and farmers' cooperatives which operate in two or more counties or in a county in which there is no county farm rationing committee established. Applications shall be received by the State boards which shall act upon such applications as if they were the county farm rationing committees. The State boards shall perform the functions and carry out the duties prescribed in this order for county farm rationing committees, and, in so doing, shall follow the procedures established for county farm rationing committees.

(vi) Any State board may designate one or more areas within its State and may appoint a committee to be responsible for the execution of the provisions of this subparagraph (6) in each such area. Any committee appointed under this subparagraph (6) (vi) shall, in rationing milk cans, operate in accordance with the provisions of this subparagraph (6) relating to State boards, except that appeals from the action of such committee shall be made directly to the State board.

(vii) For purposes of this subparagraph (6) the United States shall include the forty-eight States, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and all other territories and possessions of the United States, and the word "State" shall refer to the District of Columbia or any one of the United States or its territories and possessions.

This Amendment No. 3 to Food Production Order 3 as amended May 6, 1943, shall become effective July 1, 1943.

Issued this 30th day of June 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-10614; Filed, July 1, 1943; 11:59 a. m.]

[Amdt. 4 to FPO 3 as Amended May 6, 1943]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Part A of Schedule I of Food Production Order 3 as amended May 6, 1943 (8 F.R. 5963) is amended by deleting from subparagraph (2) thereof and by adding to subparagraph (1) thereof the following:

DOMESTIC WATER SYSTEMS

War Production Board No.	
	Deep well:
213	Deep well, reciprocal.
214	Deep well, jet pumps.

War Production
Board No.
Shallow well:
215 250–499 gals. per hour.
216 500 gals. per hour and over.
Power pumps:
217 Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

Part A is further amended by deleting from subparagraph (3) thereof and adding to subparagraph (1) thereof the following:

FARM PUMPS AND WINDMILLS

War Production
Board No.
221 Windmill pumps (including combination hand and windmill.
224 Pump jacks.

Subparagraphs (1), (2) and (3) of Part A of Schedule I of Food Production Order No. 3 will then read as follows:

(1) The Administrator has authorized and does hereby authorize any manufacturer to transfer the Schedule I equipment listed in this subparagraph (1) which was manufactured by such manufacturer prior to the effective date of, or in compliance with, the provisions of War Production Board Order L–26 (7 F.R. 1795, 2940, 4331, 5396, 6148, 8460) and 100 percent of such manufacturer's authorized production of such equipment under War Production Board Order L–170.

IRRIGATION EQUIPMENT

War Production
Board No.
Irrigation pumps:
227 Turbine pumps, 0 to 1,200 GPM.
228 Turbine pumps, 1,200 GPM and up, belt driven.
229 Centrifugal pumps.
Distribution equipment:
231 Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditchers, draglines and other self-powered machines).
232 Portable pipe and extensions, sprinklers.

SPRAYERS, DUSTERS, AND ORCHARD HEATERS

119 Spray pumps, power.

CULTIVATORS AND WEEDERS

103 Rod weeders, horse or tractor drawn.

FARM ELEVATORS AND BLOWERS

188 Elevators (portable).
189 Elevators (stationary).
190 Blowers (grain and forage).

MACHINES FOR PREPARING CROPS FOR MARKET OR USE

171 Stationary hay balers, horse.

DAIRY FARM MACHINES AND EQUIPMENT

237 Milking machines.
238 Farm cream separators, capacity 250 lbs. per hour or less.
239 Farm cream separators, capacity 251 lbs. up to and including 800 lbs. per hour.
Farm milk coolers:
241 Immersion type.
242 Surface or tubular type.

DOMESTIC WATER SYSTEMS

Deep well:
213 Deep well, reciprocal.
214 Deep well, jet pumps.
Shallow well:
215 250–499 gals. per hour.
216 500 gals. per hour and over.
Power pumps:
217 Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

FARM PUMPS AND WINDMILLS

War Production
Board No.
221 Windmill pumps (including combination hand and windmill).
224 Pump jacks.

(2) The Schedule I equipment originally listed in this subparagraph (2) has been transferred to subparagraph (1).

(3) The Administrator has authorized and does hereby authorize any manufacturer to transfer Schedule I equipment listed in this subparagraph (3) which was produced by such manufacturer prior to the effective date of, or in compliance with, the provisions of War Production Board Order L–26 and 80 percent of such manufacturer's authorized production of such equipment under War Production Board Order L–170.

FARM PUMPS AND WINDMILLS

War Production
Board No.
222 Windmill heads.
223 Windmill towers.

Issued this 30th day of June 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–10615; Filed, July 1, 1943; 11:59 a. m.]

Chapter XI—War Food Administration

[FDO 11, Amdt. 3]

PART 1401—DAIRY PRODUCTS

MILK MARKETING ECONOMIES

Food Distribution Order No. 11, § 1401.21 (c) (2) (8 F.R. 1090), issued by the Secretary of Agriculture on January 21, 1943, as amended, is further amended to read as follows:

(2) Until such time as the Director shall hereafter designate, the provisions of § 1401.21 (b) (2) shall not be applicable in the area consisting of the City of New York and the counties of Nassau, Suffolk, Westchester, and Rockland in the State of New York; that portion of the county of Fairfield in the State of Connecticut lying south and west of a line projected from Fairfield northwesterly to the nearest point on the New York State line; the counties of Hudson, Bergen, Passaic, Essex, Union, Middlesex, Somerset, and Morris in the State of New Jersey; and that portion of Monmouth and Ocean Counties in the State of New Jersey bordering on the Atlantic Ocean, including the coastal area designated as the north shore resort section and the municipalities of Morgan, Keyport, Red Bank, Long Branch, Asbury Park, Toms River, and points south to Brigantine Inlet which separates the counties of Ocean and Atlantic in the State of New Jersey.

This order shall become effective at 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179, E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–10643; Filed, July 1, 1943; 4:15 p. m.]

[FDO 58]

PART 1403—ANIMAL FOODS

MANUFACTURE OF PET FOODS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of pet foods for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1403.1 *Manufacture of pet foods restricted*—(a) *Definitions.* (1) "Manufacturer of pet foods" means any person who is engaged in commercially manufacturing, processing, making or preparing pet foods.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and shall include any agent, agencies, or any person acting for or on behalf of any of the foregoing as well as the United States, its departments and agencies, and States or any political subdivision or agencies thereof.

(3) "Pet food" means any foodstuffs, rations, processed meat products or other substances specially prepared or packaged for consumption by dogs, cats, or any other fur-bearing animals used as pets.

(4) "Animal protein" means protein from any animal or aquatic source.

(5) "Dry weight" means the weight of the ingredients in pet food expressed in terms of a water content of eight per centum by weight.

(6) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the War Food Administration designated by the Director.

(b) *Protein content of pet food.* Notwithstanding the terms of any contract of sale or purchase or other commitment, whenever made, no manufacturer of pet food shall manufacture, process, make or prepare any pet food containing (1) animal protein in excess of eight per centum by dry weight, or (2) total protein in excess of twenty-four per centum by dry weight: *Provided, however,* That the provisions of this paragraph (b) shall not apply to any pet food made pursuant to a contract with the United States Army, Navy, Marine Corps, or Coast Guard, the Tennessee Valley Authority or any other agency of the United States Government, or any State or political subdivision thereof.

(c) *Quotas.* Notwithstanding the terms of any contract of sale or purchase or other commitment, whenever made, no manufacturer of pet food shall during any calendar year manufacture, process, make or prepare pet foods in a quantity greater than the quantity by dry weight of pet foods manufactured, processed, made or prepared by him during the calendar year 1941 or four times the quantity by dry weight of pet foods manufactured, processed, made or prepared by him during the last quarter of the calendar year 1942, whichever is greater.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) Each manufacturer of pet food shall keep and preserve, for not less than two years, accurate records concerning inventories, production and sales of pet foods and the animal and other protein ingredients thereof. (This record keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942).

(e) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of pet food of any person, and to make such investigations, as may be neecssary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(f) *Violations.* The War Food Administrator, may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using any animal or other protein material, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(h) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director of Food Distribution, War Food Administration. The Director of Food Distribution is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington 25, D. C., Ref. FD–58.

(j) *Territorial scope.* The provisions of this order shall apply only within the 48 states and the District of Columbia.

(k) *Effective date.* This order shall become effective 12:01 a. m., EWT, July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–10618; Filed, July 1, 1943; 12:11 p. m.]

[FDO 18, Amdt. 3]

PART 1415—IMPORTED FOODS

TEA QUOTAS

Food Distribution Order No. 18, § 1415.2 (a) (4), issued by the Secretary of Agriculture on February 6, 1943, as amended (8 F.R. 8388), is hereby further amended to read as follows:

(4) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; sales commissaries; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing tea in accordance with said Food Distribution Regulation 2.

This order shall take effect at 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–10617; Filed, July 1, 1943; 12:11 p. m.]

[FDO 18–3, Amdt. 1]

PART 1415—IMPORTED FOODS

TEA QUOTAS, PACKAGING RESTRICTIONS, REPORTS, AND RECORDS FOR PACKERS AND WHOLESALERS

Director Food Distribution Order No. 18.3, § 1415.6, issued by the Acting Director of Food Distribution, War Food Administration, on June 17, 1943 (8 F.R. 8389), is amended as follows:

(1) By amending (a) (3) thereof to read as follows:

(3) The term "net deliveries" means the total number of pounds of tea delivered by a packer, exclusive of deliveries of tea made by such packer to governmental agencies pursuant to (c) (1) hereof, or the total number of pounds of tea accepted by a wholesale receiver, minus the total of any deliveries of tea made by such wholesale receiver to governmental agencies pursuant to (c) (1) hereof.

(2) By amending (a) (6) thereof to read as follows:

(6) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; sales commissaries; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. 18, 8 F.R. 8388)

Issued this 30th day of June 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43–10616; Filed, July 1, 1943; 12:11 p. m.]

[FDO 35–1]

PART 1460—FATS AND OILS

RAPESEED AND MUSTARD SEED OILS

Pursuant to the authority vested in me by Food Distribution Order No. 35, dated March 19, 1943 (8 F.R. 3478), and to effectuate the purposes of such order, *It is hereby ordered,* As follows:

§ 1460.25 *Applications for delivery, acceptance of delivery, use, processing, or blending of rapeseed oil and mustard seed oil.* (a) Every person required by § 1460.7 (e) (1) of Food Distribution Order No. 35 to file War Production Board Form PD–600 shall file, in lieu thereof, three copies of Form FDA–478 ("Consumers' Application for Delivery and Use"). Every person filing such form shall attach to the three copies thereof one properly prepared copy of Form FDA–477 ("Suppliers' Authorization to Deliver") for each supplier named on Form FDA–478.

(b) Every producer desiring authorization to deliver a specified maximum quantity of rapeseed oil and mustard seed oil in any month, pursuant to the provisions of § 1460.7 (d) of Food Distribution Order No. 35, shall file an application for such authorization on Form FDA–478, on or before the 15th day of the preceding month.

(c) Every producer of rapeseed oil and of mustard seed oil required by § 1460.7 (e) (2) of Food Distribution Order No. 35 to file War Production Board Form PD–601 shall file, in lieu thereof, one copy of Form FDA–476.

(d) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) All reports required hereunder and all requests for report forms shall, unless otherwise directed, be addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C., Ref: FD–35.

(f) This order shall become effective on the 1st day of July, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F. D. O. 35, 8 F.R. 3478)

Issued this 30th day of June 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43–10611; Filed, July 1, 1943; 11:58 a. m.]

[FDO 37–1]

PART 1460—FATS AND OILS

SPERM OIL

Pursuant to the authority vested in me by Food Distribution Order 37, dated March 19, 1943 (8 F.R. 3481), and to effectuate the purposes of such order, *It is hereby ordered*, As follows:

§ 1460.26 *Applications for acceptance of delivery, use, or processing of sperm oil.* (a) Every person required by § 1460.8 (b) of Food Distribution Order 37 to file War Production Board Form PD–481 shall file, in lieu thereof, three copies of Form FDA–478 ("Consumers' Application for Delivery and Use") on or before the 15th day of the month preceding the month during which the oil is desired. Every person filing such form shall attach to the three copies thereof one properly prepared copy of Form FDA–477 ("Suppliers' Authorization to Deliver") for each supplier named on Form FDA–478.

(b) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(c) All reports required hereunder and all requests for report forms shall, unless otherwise directed, be addressed to Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C., Ref: FD–37.

(d) This order shall become effective on the 1st day of July 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. 37, 8 F.R. 3481)

Issued this 30th day of July 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43–10612; Filed, July 1, 1943; 11:59 a. m.]

[FDO 59]

PART 1460—FATS AND OILS

CRUDE FISH OIL

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of crude fish oil for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.18 *Crude fish oil required to be set aside*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Crude fish oil" means any oil, which has not been refined, produced by the reduction of the whole or any part, including offal, of any fish of the following species, commonly known as: California Sardine, Oregon and Washington Pilchard, Menhaden, and Alaska Herring.

(3) "Producer" means any person engaged in the production of crude fish oil.

(4) "Tank car of crude fish oil" means a quantity of crude fish oil weighing 60,000 pounds. The crude fish oil produced, by each producer, on or after July 1, 1943 and prior to July 1, 1944, in each plant operated by him, shall be considered as being segregated into consecutively numbered tank cars, that is to say, the first 60,000 pounds so produced shall be designated as the first tank car of crude fish oil, the second 60,000 pounds so produced shall be designated as the second tank car of crude fish oil, and so forth.

(5) "Governmental agency" means the Food Distribution Administration, War Food Administration, or any other governmental agency designated by the Director.

(6) "Offer to sell" means to offer crude fish oil for sale, prior to the time it is produced, to a governmental agency on the following terms and conditions:

(i) The offer shall be made by telegram or letter addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C.;

(ii) The purchase price shall not exceed the ceiling price established by the Office of Price Administration;

(iii) Delivery of the oil to a carrier shall be made within ten days after the oil is produced;

(iv) The offer shall remain open for acceptance for seven days after the receipt thereof by a governmental agency;

(v) The offer shall be made with respect to the tank cars of crude fish oil hereinafter specified, however, if delivery is made to a tank car the offeror shall be permitted a tolerance of 2,000 pounds with respect to each tank car of crude fish oil so delivered, and may, when authorized by the Director, substitute a tank car of crude fish oil not covered by the offer for one which is covered by the offer.

(7) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on the sale, delivery, use, consumption, and processing of crude fish oil.* Unless specifically authorized by the Director, or except as provided in paragraph (c) of this order, no producer shall sell, contract to sell, deliver, use, consume, or process the following tank cars of crude fish oil produced by him on or after July 1, 1943 and prior to July 1, 1944, in each plant operated by him, to wit:

(1) The second,

(2) The sixth, and

(3) Each sixth car thereafter, that is to say, the twelfth, eighteenth, and so forth.

(c) *Exceptions.* Notwithstanding the provisions of paragraph (b) of this order:

(1) A producer may sell, contract to sell, or deliver any tank car of crude fish oil, subject to the restrictions of paragraph (b) hereof, produced by him to a governmental agency, without specific authorization from the Director; and

(2) A producer may, without specific authorization from the Director, sell, contract to sell, deliver, use, consume, or process any tank car of crude fish oil, subject to the restrictions of paragraph (b) hereof, produced by him which he has offered to sell to a governmental agency, if such offer is not accepted by a governmental agency within seven days after the receipt thereof.

(d) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(e) *Other food distribution orders.* The restrictions of this order shall be construed as being supplemental to the restrictions of any other food distribution order.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of crude fish oil of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using crude fish oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD 59.

(k) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, the District of Columbia, and the Territory of Alaska.

(l) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–10619; Filed, July 1, 1943; 12:11 p. m.]

[FDO 60]

PART 1460—FATS AND OILS

CONSERVATION AND DISTRIBUTION OF FISH OIL

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of fish oil for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.16 *Delivery, use, consumption, and processing of fish oil restricted*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Fish oil" means any oil produced by the reduction of the whole or any part, including offal, of any fish of the following species, commonly known as: California Sardine, Oregon and Washington Pilchard, Menhaden, Alaska Herring, West Coast Mackerel, Tuna, and Salmon. The term shall include any such oil, whether crude, or refined or otherwise chemically or physically processed, and the by-products of such processing, except pitch: *Provided, however,* The term shall not include—

(i) Any oil produced as crude oil prior to June 1, 1943, without regard to when it may be refined or processed, and

(ii) Any oil produced as crude oil on or after June 1, 1943, and which is refined or otherwise chemically or physically processed prior to July 1, 1943, or the by-products of such processing.

(3) "Quota period" means the twelve-month period beginning on July 1, of any year and ending on June 30, of the following year. For the purposes of this order, the first quota period shall begin on July 1, 1943.

(4) "Calendar quarter" means the several three-month periods of the year beginning on January 1, April 1, July 1, and October 1. For the purpose of this order, the first calendar quarter shall begin on July 1, 1943.

(5) "Processor" means a person who refines or otherwise chemically or physically processes fish oil.

(6) "Director" means the Director of Food Distribution, War Food Administration, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on use and consumption.* Except as provided for in paragraphs (c) and (d) of this order, no person shall use or consume fish oil in the manufacture of any product other than fish oil as such, unless and except as specifically authorized by the Director.

(c) *Exceptions.* Notwithstanding the provision of paragraph (b) of this order, specific authorization by the Director shall not be required for:

(1) The use or consumption by any person in each of the following classes of use, in any quota period, of an amount of fish oil, other than Alaska Herring oil, equal to not more than 40 percent of the yearly average amount of fish oil used or consumed by such person in such class of use during the calendar years of 1940 and 1941—

(i) The manufacture of shortening;

(ii) The manufacture of water soluble soap;

(iii) The manufacture of paints, varnishes, lacquers and other protective coating, except alkyd resins;

(iv) The manufacture of linoleum, felt base floor covering and oil cloth used for floor covering;

(v) The manufacture of printing ink, including lithographic, offset, silk screen, and other processing inks;

(vi) The manufacture of oil cloth for all purposes other than floor covering and all other coated fabrics. A quota established hereunder for one class of use may not be transferred to another class of use.

(2) The use or consumption by any person of fish oil, other than Alaska herring oil, in the following classes of use—

(i) The manufacture of vitamin feeding oil to be used for poultry feeding, if such oil is fortified to contain a guaranteed minimum potency of 400 A. O. A. C. Units of Vitamin D per gram;

(ii) The manufacture of medicinals or pharmaceuticals for human or animal consumption;

(iii) The manufacture of lubricating oils and greases including metal working compounds, other than core oils;

(iv) For the processing of leather, exclusive of imitation leather;

(v) For terne plating and galvanizing;

(vi) The manufacture of alkyd resins;

(vii) The manufacture of core oils for aluminum and magnesium castings where fish oil is not used in excess of 40 percent by weight of the fatty oil content (excluding rosin, resins, or gums) of the finished core oil, but in no case shall the finished core oil contain fish oil in excess of 20 percent by weight.

(3) The use or consumption by any person of salmon oil in the packing of salmon, and

(4) The use or consumption by any person of Alaska herring oil in the processing of leather or the manufacture of cutting oils.

(d) *Exceptions in favor of small users.* Notwithstanding any other provision of this order, any person, who, in any quota period, uses or consumes not more than 4,000 pounds of fish oil in the aggregate for all purposes, may use or consume 1,000 pounds or less of fish oil in each calendar quarter in such quota period, for any purpose, without obtaining specific authorization from the Director.

(e) *Restrictions on deliveries.* (1) No person, who, in any quota period, uses or consumes not more than 4,000 pounds of fish oil in the aggregate for all purposes, shall accept delivery of more than 1,000 pounds of fish oil in each calendar quarter of such quota period, unless specifically authorized by the Director.

(2) No person, who, in any quota period, uses or consumes more than 4,000 pounds of fish oil in the aggregate for all purposes, shall accept delivery of fish oil, during such quota period, for use or consumption in any class of use set forth in paragraph (c) (1) of this order, in excess of the amount he is permitted to use or consume in such class of use in such quota period, under the provisions of paragraph (c) (1) of this order, unless specifically authorized by the Director.

(3) Every person restricted by the provisions of paragraphs (e) (1) or (e) (2) of this order, prior to the acceptance of delivery of any fish oil, shall deliver to his supplier a certificate properly filled out and manually signed by an authorized official in substantially the following form:

The undersigned hereby certifies to_____ supplier and the War Food Administration, United States Department of Agriculture, that he is familiar with the terms of FDO 60, and that the delivery to him on or before ____ day of _____ 194 ____, of ____ pounds of fish oil, in connection with which this certificate is furnished, will not, taken with all other fish oil delivered or to be delivered to him on or before said date, exceed the amount of fish oil which he may accept delivery of prior to said date, under the terms of said order.

_____
Name of deliveree

_____
Date

By_____
(Authorized official)

The receipt of such certificate shall not authorize the delivery of fish oil by a supplier where he knows or has reason to believe the same to be false, but in the absence of such knowledge or belief, he may rely on the certificate.

(f) *Restrictions on processing.* Unless specifically authorized by the Director, no processor shall process fish oil except in the manner or for the purposes set forth below:

(1) With respect to Alaska Herring oil, in such a manner as to render it suitable for use or consumption in a class of use set forth in paragraph (c) (4) hereof, or

(2) With respect to salmon oil, in such a manner as to render it suitable for use or consumption in a class of use set forth in paragraph (c) (3) hereof, or

(3) With respect to fish oil, other than Alaska Herring oil, in such a manner as to render it suitable for use or consumption in a class of use set forth in paragraph (c) (1) and (2) hereof, or

(4) To fill an order from a person authorized to use, consume, and accept delivery of fish oil so processed, under the terms of paragraphs (d) and (e) hereof.

(g) *Applications for authorizations.* Any person who is required by the terms of this order to obtain an authorization for the use or consumption of fish oil shall apply for such authorization to the Director on Forms FDA 477, and 478, or such other form or forms as the Director may prescribe.

(h) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(i) *FDO 42.* This order shall not be construed as superseding any part of Food Distribution Order 42.

(j) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of fish oil of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(k) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(l) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(m) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(n) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using fish oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliverfes of, or using materials subject to the priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(o) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD–60.

(p) *Territorial extent.* This order shall apply only to the forty-eight States of the United State., the District of Columbia, and the Territory of Alaska.

(q) *Exception with respect to fish liver oil.* None of the provisions of this order shall apply to oil produced solely from the livers of fish of any species named in paragraph (a) (2) hereof.

(r) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-10620; Filed, July 1, 1943; 12:12 p. m.]

PART 1491—BEANS AND PEAS

[FDO 45, Amdt. 1]

RESTRICTIONS ON DELIVERIES OF BEANS, PEAS, AND SPLIT-PEAS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of beans and peas for defense, for private account, and for export; and it is deemed necessary and appropriate in the public interest, and to promote the national defense to amend Food Distribution Order No. 45 (8 F.R. 4228), issued on April 1, 1943, and the same hereby is amended to read as follows:

§ 1491.1 *Beans and peas required to be set aside*—(a) *Definitions.* When used in this order unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "beans" means dry threshed beans of the following classes, as defined in the United States Standards for Beans, as revised, effective September 1, 1941: pea beans; Great Northern beans; small white beans; flat small white beans; light red kidney beans; dark red kidney beans; western red kidney beans; cranberry beans; small red beans; pink beans; pinto beans; and baby lima beans.

(2) The term "peas" means dry threshed peas of the following classes, as defined in the United States Standards for Dry Peas, as revised, effective July 20, 1937: Alaska; Scotch Green; White Canada; First and Best; and Marrowfat.

(3) The term "split-peas" means split-peas of the following classes, as defined in the United States Standards for Split-Peas, effective August 10, 1937: Green split-peas and yellow split-peas.

(4) The term "authorized purchaser" means any person who holds an existing contract to sell or deliver to a governmental agency products prepared, in whole or in part, from beans or peas.

(5) The term "country shipper" means any person whose total deliveries of beans, peas, or split-peas, exclusive of his deliveries thereof to another country shipper, during any month of the calendar year 1943, has exceeded or exceeds 20,000 pounds, and who (i) owns beans, peas, or split-peas, in whole or in part, which he has caused to be screened, sorted, hand-picked, polished, or otherwise cleaned for delivery in the dry, uncooked state, whether for his own account or the joint account of himself and another; or (ii) purchases for his own account or the joint account of himself and another, beans, peas, or split-peas from a grower who caused such beans or peas to be split, or screened, sorted, hand-picked, polished, or otherwise cleaned for delivery in the dry, uncooked state. Any person who once qualifies as a country shipper within this definition shall thereafter be deemed to be a country shipper and subject to the terms and conditions of this order, regardless of the volume of his deliveries in succeeding months.

(6) The term "delivery" means the physical transfer of beans or peas from a country shipper to a buyer. The transfer of beans or peas by a country shipper to a carrier, truck, railroad car, or other vehicle for transportation to the buyer, regardless of the ownership or control of the carrier or vehicle being used for such transportation, shall constitute a delivery.

(7) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(8) The term "Director" means the Director of Food Distribution, War Food Administration.

(9) The term "governmental agency" means (i) the Armed Services of the United States (however, for the purposes of this order United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations shall not be deemed part of the Armed Services of the United States); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing beans, peas, or split-peas in accordance with Food Distribution Regulation 2.

(10) The term "Armed Services of the United States" means the Army, Navy, Marine Corps, and Coast Guard of the United States.

(b) *Restrictions on country shippers.* (1) Each country shipper shall, during each calendar month, set aside and thereafter hold for delivery to governmental agencies or authorized purchasers a quantity of beans equal to at least 150 percent of his total deliveries thereof during such calendar month, exclusive of deliveries to governmental agencies, authorized purchasers in accordance with the provisions of this order, and to other country shippers, of all beans of the classes listed in (a) (1) hereof.

(2) Each country shipper shall, during each calendar month, set aside and thereafter hold for delivery to governmental agencies or authorized purchasers a quantity of peas equal to at least 150 percent of his total deliveries thereof during such calendar month, exclusive of deliveries to governmental agencies, authorized purchasers in accordance with the provisions of this order, and to other country shippers, of all peas of the classes listed in (a) (2) hereof.

(3) Each country shipper shall, during each calendar month, set aside and hold for delivery to governmental agencies or authorized purchasers a quantity of whole peas of any of the classes listed in (a) (2) hereof equal to 180 percent of his total deliveries of all split-peas during such calendar month, exclusive of deliveries to governmental agencies, authorized purchasers in accordance with the provisions of this order, and to other country shippers.

(4) The beans or peas, respectively, set aside pursuant to the provisions hereof shall be of U. S. No. 2 grade or better, as specified in the United States Standards for the respective commodities.

(5) The beans or peas set aside pursuant to the provisions hereof may be offered for sale by country shippers at no more than the ceiling prices established by the Office of Price Administration to governmental agencies, in response to announcements or notices issued by such agencies to the effect that offers for beans or peas will be received on specified dates, or to authorized purchasers.

(6) The beans or peas set aside in accordance with the provisions hereof may be sold to any governmental agency or authorized purchaser: *Provided, however,* That no beans or peas set aside pursuant to this order shall be sold to any authorized purchaser unless such purchaser shall furnish a certificate in conformity with the provisions of (b) (7) hereof.

(7) Each authorized purchaser who purchases beans or peas which have been set aside pursuant to the provisions of this order for use in the fulfillment of an existing contract with a governmental agency shall furnish to the country shipper from whom he buys such beans or peas a certificate, signed by an authorized official, in substantially the form attached hereto as Exhibit A, which shall constitute a certification to the War Food Administrator that such authorized purchaser is familiar with the terms of this order (as originally issued or subsequently amended), and that the purchase of beans or peas which have been set aside under this order has been authorized by this order, as amended, and that he will use the beans or peas purchased in the fulfillment of existing contracts with governmental agencies. No country shipper shall, however, be entitled to rely on any such certificate if he knows or has reasonable cause to believe it to be false.

(8) The restrictions hereof shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of beans or peas made prior to the effective date hereof. This order shall not, however, be construed as reducing the amount of beans, peas, or split-peas which any person is required to set aside or deliver or to have set aside and held for delivery to governmental agencies under the provisions of this order prior to the effective date of this amendment or any existing contract made with a governmental agency, but any quantity of beans or peas delivered after the effective date of this order to any governmental agency or authorized purchaser, except beans or peas required to be set aside pursuant to the provisions of this order prior to the effective date of this amendment for delivery to governmental agencies, shall be allowed as a credit to such person in determining the quantity of beans and peas required to be set aside and held for delivery to governmental agencies pursuant to the provisions hereof.

(9) Nothing herein shall be construed as applying to beans or peas sold and delivered exclusively for seed purposes in compliance with State and Federal seed laws.

(c) *Prior restrictions modified.* Beans, peas, or split-peas in quantities less than a carlot (80,000 pounds) which have been set aside pursuant to the provisions of this order prior to the effective date of this amendment, may be sold and delivered to a country shipper if such country shipper certifies to the seller (and such certification shall be deemed to be a representation to an agency of the United States) that he will set aside and hold such beans, peas, or split-peas or a quantity of beans or peas equivalent thereto, for delivery to a governmental agency in addition to the quantity of beans or peas he is otherwise required to set aside under this order, as amended. Beans, peas, or split-peas set aside prior to the effective date of this amendment in quantities in excess of a carlot (80,000 pounds) may be sold and delivered in accordance with the provisions of (b) (5), (6), and (7) of this order, as amended.

(d) *Records and reports.* Every country shipper shall keep all certificates furnished under (b) (7) of this order and shall maintain and keep such other records as the Director may require for a period of two years (or for such further periods of time as the Director may designate). The Director shall be entitled to obtain such information from, and require such reports and the keeping of such other records by, any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises, or stocks of beans, peas, or split-peas, of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Applicability of order.* The provisions of this order shall apply only to operations conducted within any of the 48 States or the District of Columbia.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition the Director, in writing, for relief, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using beans, peas, or split-peas, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other agencies of the United States. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by or to enforce any violation of any provision of this order.

(j) *Authority to release beans or peas.* The Director is hereby authorized, not-

withstanding any of the provisions hereof, to release by general order or by written notices, any or all of the beans or peas set aside by any country shipper pursuant to the provisions of this order.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed: The War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref.: FD–45.

(l) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(m) *Effective date.* This order shall take effect July 1, 1943.

With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this order, all provisions of this order in effect prior to this amendment shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 1st day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

EXHIBIT A—AUTHORIZED PURCHASER'S CERTIFICATE

Certificate required by paragraph (b) (7) of Food Distribution Order No. 45, as amended. One copy of this certificate is to be delivered to each country shipper from whom the authorized purchaser requires set aside beans or peas and one copy is to be retained by the authorized purchaser. A certificate shall be given for each specific purchase of set aside beans or peas.

Commodity and class	Date
Grade	Purchaser's name
Quantity	Purchaser's address
	Name of Government agency and Contract Number

In accordance with paragraph (b) (7) of Food Distribution Order No. 45 to assure an adequate supply and efficient distribution of beans or peas to meet war and essential civilian needs, the undersigned hereby certifies, and this shall constitute a certification to the War Food Administrator, that the undersigned purchaser is familiar with the terms of Food Distribution Order No. 45 (as originally issued or subsequently amended) and that the purchase of beans or peas described above from _____, _____, _____, _____, is authorized under the terms of Seller and provisions of Food Distribution Order No. 45, and that the purchaser will use the beans or peas purchased in fulfillment of the contracts with the governmental agency specified herein.

_____
Legal Name of Authorized Purchaser

By _____
Title of Person Executing Certificate

Section 35a of the United States Criminal Code (18 U.S.C. 80) makes it a criminal offense to make a false statement or representation to any Department or agency of the United States as to any matter within its jurisdiction.

[F. R. Doc. 43–10677; Filed, July 2, 1943; 11:40 a. m.]

[FDO 40–1, Amdt. 1]

PART 1495—EGGS AND EGG PRODUCTS

SALE AND STORAGE OF SHELL EGGS

Pursuant to the authority vested in me by Food Distribution Order No. 40, issued on March 22, 1943, as amended (8 F.R. 7211), Director Food Distribution Order No. 40–1, effective June 1, 1943 (8 F.R. 7212), is amended to read as follows:

§ 1495.3 *Reports required of persons owning or operating refrigerated storage space in which shell eggs are stored.* (a) Each person owning or operating refrigerated storage space, totalling 7500 cubic feet or more in a single structure, in which shell eggs are stored on July 1, 1943, shall, on or before July 10, 1943, correctly complete Form F. D. O. 40–1 for each such structure and file such completed form with the Director of Food Distribution, War Food Administration, Washington, D. C., Ref. FD–40. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(b) This order shall become effective at 12:01 a. m., e. w. t., July 1, 1943. With respect to any violations of said Director Food Distribution Order No. 40–1, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Director Food Distribution Order No. 40–1 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. No. 40, 8 F.R. 7211)

Issued this 1st day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–10675; Filed, July 2, 1943; 11:41 a. m.]

PART 1410—LIVESTOCK AND MEATS

[FDO 61]

RESTRICTIONS ON DELIVERY

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of meat for defense, for private account, and for export; and it is deemed necessary and appropriate in the public interest and to promote the national defense that Restriction Order 1,[1] which shall hereafter be known and referred to as Food Distribution Order 61, be amended to read as follows:

§ 1410.13 *Restrictions on delivery of meat.*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the United States, or any agency thereof, any State or political subdivision or agency thereof, and any other government or agency thereof.

(2) The term "livestock" means cattle, calves, sheep, lambs and swine.

(3) The term "controlled meat" means the carcasses of livestock (including the following four types of meat derived therefrom: (i) beef, (ii) veal, (iii) lamb or mutton, and (iv) pork), and any processed or unprocessed edible part, cut, or trimming, regardless of how prepared or packaged; excluding, however, scrapple, souse, and other similar products, offal, oils, lards, rendering fats, raw leaf, casings, by-products not ordinarily used for human consumption, and skins of swine when prepared for use in leather, glue, and gelatin.

(4) The term "conversion weight" means the dressed weight equivalent of the controlled meat derived from the slaughter of livestock, determined as prescribed in (m) hereof.

(5) The term "dressed carcass" means a carcass dressed in accordance with normal trade custom and in the following state:

(i) In the case of beef, with the kidney knob in;

(ii) In the case of veal, with the hide on or off;

(iii) In the case of pork, with the leaf fat and kidney out, the jowls on, and the head off;

(iv) In the case of lamb and mutton, with pluck out.

(6) The term "slaughterer" includes (i) "commercial slaughterer" as herein defined, and (ii) "local slaughterer", "butcher", and "farm slaughterer" as those terms are defined in Food Distribution Order 27, as amended.[2]

(7) The term "commercial slaughterer" means:

(i) Any person whose four quota bases, as established under this order (Restriction Order 1) as originally issued or subsequently amended, total 2,000,000 pounds or more;

(ii) Until August 1, 1943 and not thereafter, any person who is registered under this order and whose four quota bases, as established under this order (Restriction Order 1 as originally issued or subsequently amended, total less than 2,000,000 pounds;

(iii) Any person subject to Food Distribution Order 27, as amended, whose quota bases under that order total 2,000,000 pounds or more for a calendar year; and

(iv) Any person who is specifically authorized under (o), (p) or (w) hereof to deliver controlled meat.

(8) The term "custom slaughter" means the killing, for meat production, of livestock for the owner by any person other than such owner.

(9) The term "armed services of the United States" means the Army, Navy, Marine Corps, or Coast Guard of the United States.

(10) The term "governmental agency" means (i) the armed services of the United States (excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships, service departments, United States Marine Corps post exchanges, sales commissaries, and similar organizations), (ii) the Food Distribution Administration, War Food Administration, (including but not restricted to the Federal Surplus Commodities Corporation), (iii) the War Shipping Administration, (iv) the Veterans Administration, (v) contract schools and ship operators, as defined in Food Distribution Regulation 2,[3] when purchasing controlled meat in accordance with the provisions of Food Distribution Regulation 2, (vi) any hospital, asylum, orphanage, prison, or other similar institution, which is operated by any Federal, State, or local government or agency thereof, which took delivery of controlled meat in the year 1941 under contracts awarded upon the basis of competitive bids, and (vii) any other person designated by the War Food Administrator.

(11) The term "Director" means the Director of Food Distribution, War Food Administrator, or any employee of such Administration designated by the Director.

(12) The term "authorized purchaser" means:

(i) Any person who is under contract to sell or deliver, to a governmental agency, controlled meat, or products prepared in whole or in part therefrom;

(ii) Any person who has delivered, to a governmental agency, controlled meat, or products prepared in whole or in part therefrom, and has not replaced the controlled meat so delivered, or contained in the products so delivered, by a purchase without charge against quota under the provisions of (j) hereof; and

(iii) Any person who is authorized by the Director to purchase controlled meat.

(13) The term "deliver" means to transfer physical possession of controlled meat. The transfer of controlled meat by a slaughterer to a unit or department of his establishment for use in the preparation or manufacture of any product other than controlled meat, the use of controlled meat for such purpose without any such transfer, or the transfer or shipment of controlled meat to any branch house of a slaughterer, shall constitute a delivery. The placing of controlled meat in a public warehouse solely for the purpose of storage shall not be deemed a delivery, but the withdrawal of such meat from such warehouse by any person other than the slaughterer shall be deemed a delivery.

(14) The term "veal" means controlled meat derived from calves the dressed carcasses of which have the veal or calf characteristics defined by the United States Department of Agriculture (A. M. A. Reg. 114, Official U. S. Standards for Grades of Veal and Calf Carcasses 1940), and weighs with the hide off not more than 275 pounds.

(b) *Registration.* (1) No commercial slaughterer shall deliver any controlled meat unless he has, prior to the effective date hereof, filed with the Office of Price Administration or with the Department of Agriculture, a registration statement executed on Form No. RSO 1, or unless he shall hereafter be registered in accordance with (b) (2) hereof.

(2) Any person who becomes a commercial slaughterer by virtue of the provisions of (a) (7) (iii) or (iv) hereof shall, within 30 days thereafter, file with the Director a signed registration statement, executed in duplicate, showing the conversion weight of controlled meat derived from livestock owned by him at the time of slaughter. Such conversion weight shall be shown separately for each type of livestock for each base period. Such person shall not be deemed to be registered under this order until a number has been assigned to him by the Director.

(3) The registration of any person whose four quota bases, as established under this order (Restriction Order 1) as originally issued or subsequently amended, total less than 2,000,000 pounds, is vacated effective August 1, 1943.

(c) *Deliveries.* (1) Except as otherwise provided herein:

(i) No commercial slaughterer shall, during any quota period, deliver or offer to deliver more controlled meat of any type than his quota for such type of controlled meat for such period; and

(ii) No local slaughterer, butcher, or farm slaughterer shall, during any quota period, deliver or offer to deliver more controlled meat of any type derived from livestock owned by him at the time of slaughter than his quota for such type of controlled meat for such period.

(2) Deliveries of any type of controlled meat by a slaughterer in excess of his quota for such type of meat for any quota period shall be charged against his quota for such type of meat for the subsequent quota period, and in addition thereto shall subject the slaughterer to such other actions, penalties or proceedings as may be prescribed by law or imposed pursuant to this order.

(3) Any slaughterer who, during any quota period, does not deliver his entire quota of controlled meat of any type as authorized for such quota period, may carry over an amount of such unused quota, not to exceed 5 percent of his entire quota for such period, to the next succeeding quota period, and his authorized deliveries for that period shall be increased in that amount.

(d) *Quotas for commercial slaughterers.* The quota of any commercial slaughterer for each type of controlled meat for any quota period shall be the conversion weight obtained by multiplying the quota base for such type of meat by such percentages as are specified from time to time by the Director, and by adjusting the result by deductions or additions as required or authorized by (c) (2) and (c) (3) hereof, and by any adjustments, exemptions, or authorizations granted by the Director.

(e) *Quotas for local slaughterers, butchers, and farm slaughterers.* The quota of any local slaughterer, butcher, or farm slaughterer for each type of controlled meat for any quota period shall be the amount of controlled meat obtained from livestock of such type owned by him at the time of slaughter and slaughtered in accordance with the provisions of Food Distribution Order No. 27, as amended.

(f) *Base and quota periods.* (1) There are hereby established the following base periods:

(i) October 1, 1941, to December 31, 1941, inclusive;

(ii) January 1, 1941, to March 31, 1941, inclusive;

(iii) April 1, 1941, to June 30, 1941, inclusive;

(iv) July 1, 1941, to September 30, 1941, inclusive.

(2) There are hereby established the following quota periods:

(i) Quota Period 4: July 1, 1943, to September 30, 1943, inclusive; and

(ii) Each subsequent calendar quarter shall constitute a quota period and shall be consecutively numbered.

(g) *Corresponding base period.* The term "corresponding base period" means that calendar quarter of 1941 the months of which coincide with a given quota period.

(h) *Substituted base and quota periods.* If the accounting periods used by a commercial slaughterer during 1941 do not correspond to the base and quota periods established by this order, he may substitute his accounting periods for such base and quota periods: *Provided,* That—

(1) The accounting periods so substituted for base periods contain the same number of calendar days as the accounting periods so substituted for quota periods.

(2) The accounting periods so substituted shall end on Saturday or Sunday, and shall begin and end within seven (7) days of the beginning and end of the corresponding base periods established by this order.

(i) *Permanent quota bases.* (1) The quota base, for each type of controlled meat, for any person who is a commercial slaughterer by virtue of the provisions of (a) (7) (i) or (ii) hereof, shall remain as heretofore established under this order on or prior to June 30, 1943.

(2) The quota base, for each type of controlled meat for each quota period, of any person who is a commercial slaughterer by virtue of the provisions of (a) (7) (iii) hereof, shall be the sum total

[1] 7 F.R. 7839; 8 F.R. 3201, 3328, 3372, 3416, 4151, 7006.

[2] 8 F.R. 2785, 4227, 5700, 7739, 8795.

[3] 8 F.R. 7523.

of such person's bases for the corresponding months, as established under Food Distribution Order No. 27, as amended.

(j) *Deliveries without charge against quotas; certificates.* (1) Any slaughterer may deliver controlled meat without charge against his quota to:

(i) Any governmental agency with which he has a written contract calling for the delivery of such meat;

(ii) Any governmental agency where such delivery is not covered by a written contract, any authorized purchaser, or any owner of livestock which is custom slaughtered: *Provided*, That the person or agency receiving such controlled meat executes a certificate in accordance with the provisions of (j) (3) hereof and submits the same to such slaughterer within ten (10) days after delivery.

(2) Any commercial slaughterer may deliver controlled meat without charge against his quota to any other commercial slaughterer who executes a certificate in accordance with the provisions of (j) (3) hereof and submits the same to such commercial slaughterer within ten (10) days after delivery.

(3) Certificates executed by governmental agencies, authorized purchasers, or owners of livestock which has been custom slaughtered, who receive deliveries of controlled meat under (j) (1) (ii) hereof, or by commercial slaughterers who receive deliveries of controlled meat under (j) (2) hereof, may be signed by the governmental agency, authorized purchaser, owner, or commercial slaughterer, as the case may be, or an authorized representative of any of them, and shall contain the following:

(i) An acknowledgment of receipt of such controlled meat;

(ii) The name and address of the governmental agency, authorized purchaser, owner of custom slaughtered livestock, or commercial slaughterer, to whom delivery is made;

(iii) The date or dates of delivery;

(iv) The total weight of each type of controlled meat, and a description thereof permitting conversion in accordance with the provisions of (m) hereof;

(v) In the case of an authorized purchaser as defined in (a) (12) (i) hereof, a statement that the controlled meat delivered to him, or an equivalent amount of meat of the same type and grade, will be or has been used in the fulfillment of a contract with a governmental agency, and that such contract was entered into prior to the date of delivery to the authorized purchaser and unfulfilled at such date;

(vi) In the case of an authorized purchaser as defined in (a) (12) (ii) hereof, a statement that the authorized purchaser has delivered controlled meat, or products prepared in whole or in part therefrom, to a governmental agency, and has not replaced such controlled meat by a purchase without charge against the quota of the deliverer under the provisions of (j) hereof;

(vii) In the case of an authorized purchaser as defined in (a) (12) (iii) hereof, a reference, by date or number, or both, to the Director's designation of such person as an authorized purchaser, together with a statement that the controlled meat delivered to him, or an equivalent amount of controlled meat of the same type and grade, will be used for the purposes authorized by such designation;

(viii) In the case of an owner of livestock which has been custom slaughtered, the registration number or slaughter permit number of such owner (or, if the owner is a farm slaughterer who has no slaughter permit, a statement that the meat is for home consumption) together with a statement acknowledging ownership, at the time of slaughter, of the livestock from which the controlled meat was derived, and a statement that such meat will be charged against the quota of such owner, unless it is delivered without charge against his quota in accordance with the provisions of this order;

(ix) If the delivery is made under (j) (2) hereof, a statement by the commercial slaughterer receiving delivery that such meat will be charged against his quota;

(x) Any other information which the Director may require.

All certificates shall be retained by the slaughterer for delivery to the Director upon request. All statements contained in or accompanying such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(k) *Deliveries through intermediate persons.* Any person, other than a slaughterer, who delivers controlled meat to a governmental agency, pursuant to a contract between himself and such agency for the delivery of such meat, may execute and sign a certificate which shall contain the contract number of the contract with such governmental agency, together with the information specified under (j) (3) (i), (ii), (iii), and (iv), above. Any such person who, in the absence of a written contract, makes deliveries of controlled meat to a governmental agency, may obtain the applicable certification in accordance with the provisions of (j) (3) hereof. Certificates so executed or obtained may be passed through one or more persons to a slaughterer, who may, in exchange for such certificate, deliver to the holder thereof, without charge against quota, an amount of controlled meat of the same type and grade equivalent, on a conversion weight basis, to the controlled meat described in such certificate.

(l) *Slaughterers owning retail establishments.* A retail establishment, owned by a commercial slaughterer who owns 5 or more establishments selling controlled meat principally at retail, shall, for the purposes of this order, be deemed to be a separate person or entity.

(m) *Conversion weight factors.* (1) The conversion weight of swine slaughtered during a period shall be determined exclusively by computing the average live purchase weight of all swine slaughtered (less condemnations) and multiplying the total live purchase weight of such swine by the conversion factor set forth below for the weight range within which the average live purchase weight falls: *Provided*, That, if the average live purchase weight of swine slaughtered during any quota period is within 30 pounds of the average live purchase weight of swine slaughtered during the corresponding base period, the conversion weight factor used shall be the factor applicable to the weight range which includes the average live purchase weight of swine slaughtered during the corresponding base period:

Weight range:	*Conversion factor*
200 lbs., and under	.55
201–240 lbs	.57
241–300 lbs	.59
301 lbs., and over	.61

(2) For the purpose of computing the conversion weight of all livestock slaughtered, except swine, and for the purpose of computing deliveries of all controlled meat, the conversion weight of carcasses, and of cuts and trimmings of controlled meat derived therefrom, and of meat products produced therefrom, shall be determined by multiplying the weight thereof by the appropriate conversion factor set forth below:

Type of controlled meat and description of product	*Conversion factor (multiplier)*
BEEF	
Dressed carcasses and cuts, not boned, fresh (chilled) or frozen	1.00
Boned beef and trimmings, fresh (chilled) or frozen	1.41
Cured other than dried—not boned	.95
Cured other than dried—boned	1.34
Dried (including smoked)	2.20
VEAL	
Dressed carcasses hide off, and cuts, not boned, fresh (chilled) or frozen	1.00
Dressed carcasses hide on, fresh (chilled) or frozen	.90
Boned, fresh (chilled) or frozen	1.41
LAMB AND MUTTON	
Dressed carcasses pluck out, and cuts, not boned, fresh (chilled) or frozen	1.00
Dressed carcasses pluck in, fresh (chilled) or frozen	.90
Boned, fresh (chilled) or frozen	1.41
Telescoped carcass lambs (shanks off)	1.03
Telescoped carcass sheep (shanks off, kidney out)	1.05
PORK	
Dressed carcasses (with cutting fats on), fresh (chilled) or frozen	.83
Cuts:	*Not boned* / *Boned*
Fresh (chilled)	1.00 / 1.15
Wiltshire sides, fresh or cured	1.00 / ----
Cured	1.00 / 1.10
Smoked	1.10 / 1.20
Cooked	1.20 / 1.45
Pork loins	---- / 1.33
Fatted, skinless hams and shoulders	---- / 1.33
Fatted, skinless picnics	---- / 1.45
Trimmings:	
Fresh (chilled) or frozen	---- / 1.00
CANNED MEATS PRODUCED FROM CONTROLLED MEAT	
Chopped ham	1.28
Luncheon meat	1.35
Corned pork	2.22
Tushonka	1.80
Issue bacon	1.18
Sliced bacon	1.25
Dehydrated pork (10% maximum moisture content)	4.75
Dehydrated beef (10% maximum moisture content)	5.00

The term "boned" describes cuts from which 50 percent or more of the bone by weight has been removed by the process of boning, and the term "not boned" describes cuts from which none or less than 50 percent of the bone, by weight, has been removed, and primal cuts which contain no bone.

(3) The conversion weight of controlled meat of any type used in the preparation of sausage, or in the preparation of canned meat or any other meat product not specified above, shall be computed by determining, on the basis of the manufacturing formula, the net weight of controlled meat of such type used in the processing thereof, and multiplying such net weight by the applicable conversion factor set forth above for such type of controlled meat. The net weight of controlled meat which is cooked and used in the preparation of canned meat not specified above shall be the weight thereof before cooking.

(n) *Markings required on meat.* (1) Every slaughterer shall, prior to delivery, mark each accessible wholesale cut of meat, whether in the entire carcass or detached therefrom, in a plain and conspicuous manner one or more times as hereinafter directed. This requirement shall not apply to meat transferred by a slaughterer to a unit or department of the slaughterer for use in the preparation, manufacture, or production of any product or commodity other than controlled meat. In the case of veal carcasses delivered with the skin on, marks shall be placed on the hind shanks and brisket. Marks may be made with a pencil approved for Kosher marking or with a stamp or stencil and marking fluid conforming to the approved formula for violet branding fluid, which is as follows:

	Ounces
Water	3.5
Grain alcohol—95%	2.5
Cane sugar	1.0
Methyl violet	0.1

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

(2) Where the slaughterer's establishment has been assigned an establishment number by a federal, state, county or city inspecting authority, he may use the number so assigned.

(3) Where a commercial slaughterer's establishment has no establishment number assigned by an inspecting authority, marks shall be made, in letters at least one-quarter inch in height and width, with a number which will be assigned to him upon application by him to the War Food Administration, United States Department of Agriculture.

(4) Where the slaughterer is subject to Food Distribution Order 27, as amended, he shall comply with the marking requirements of that order, and such compliance shall be deemed to satisfy the marking requirements of this order.

(o) *Adjustments, exceptions, consolidation.* (1) Any person who considers that an adjustment or exception should be made in his case to facilitate procurement by governmental agencies, or to prevent spoilage of meat, relieve transportation facilities, promote greater efficiency and dispatch in the war effort, may apply, in writing, to the Director, setting forth the pertinent facts and the reasons why he considers that an adjustment or exception should be made, and the precise nature of the adjustment or the exception desired. In cases of emergency, application may be made by the most convenient means of communication and a written application shall be filed within ten (10) days thereafter. Upon receipt of such application, the Director may take such action as he shall deem necessary or appropriate, which action shall be final.

(2) Any incorporated slaughterer may apply to the Director for consolidation of its quotas with the quotas of any one or more of its wholly owned subsidiaries.

(p) *Quotas; quota bases; establishment, revision, suspension or revocation by the Director.* (1) The Director, upon application, may fix for any slaughterer a quota base for a quota period for any type of controlled meat not delivered by such slaughterer during the corresponding base period.

(2) The Director is authorized, if he deems it necessary to assure efficient distribution of meat for essential war and civilian needs, to establish, adjust, or revise quotas or quota bases for any individual slaughterer or for any class or group of slaughterers, at any time, within any area, and with respect to any type or grade of controlled meat.

(3) Any quota base or quota heretofore or hereafter granted may be suspended, revoked, or adjusted by the Director upon a determination that such quota base or quota has been erroneously granted or is based upon false or erroneous information.

(q) *Records and reports.* (1) Every commercial slaughterer shall forward to the Director, within 10 days after the close of each monthly accounting period, a report showing deliveries made during such monthly accounting period. Such report shall contain the information provided for in, and shall be in accordance, with Form FDO 61–1.

(2) The registration number of every commercial slaughterer shall appear on all reports required to be submitted to the Director under this order.

(3) Every slaughterer shall keep accurate records substantiating all information contained in any report required to be submitted under this order.

(4) All records required to be kept under this order shall be preserved for a period of not less than two years or for such other periods of time as the Director may designate.

(5) The Director shall be entitled to obtain such information from, and to require the submission of such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(r) *Contracts.* The provisions of this order, or of any order or instruction issued pursuant thereto, shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

(s) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(t) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of meat of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(u) *Prohibited acts.* No person shall deliver, or offer to deliver, to any person, and no person shall accept or offer to accept delivery from any person, or use, any controlled meat with knowledge or reason to believe that such delivery or use is or will be in violation of this order, or in violation of or contrary to any statement contained in any certificate or authorization furnished or provided pursuant to this order.

(v) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using meat or meat products, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using material subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(w) *Petition for relief from hardship.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship on him may apply, in writing to the Director for relief, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(x) *Delegation of authority.* The administration of this order, and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(y) *Territorial scope.* The provisions of this order shall apply within the 48 States and the District of Columbia.

(z) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are

issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington 25, D. C., Ref: FD–61.

(aa) This order shall become effective at 12:01 a. m., e. w. t., July 1, 1943.

With respect to violations, rights accrued, injunctions outstanding, appeals taken, or liabilities incurred prior to the effective date of this amendment, Restriction Order 1, as amended, shall be deemed to be in full force and effect for the purposes of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, injunction, appeal, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423.)

Issued this 1st day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–10672; Filed, July 2, 1943; 11:40 a. m.]

PART 1410—LIVESTOCK AND MEATS

[FDO 61–1]

ESTABLISHMENT OF QUOTAS

Pursuant to the provisions of Food Distribution Order No. 61 (supra) (formerly known as Restriction Order 1, 7 F.R. 7839; 8 F.R. 3021, 3328, 3372, 3416, 4151, 7006), and to effectuate the purposes of such order, *It is hereby ordered*, as follows:

§ 1410.14 *Quotas established*—(a) *Definitions.* When used in this order unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "Federally inspected" means inspected and passed in an establishment having Federal inspection pursuant to the Act of March 4, 1907, 34 Stat. 1260, as amended (21 U.S.C. 1940 ed. 71), and as extended by Public Law 602, 77th Cong., 2d Sess., approved June 20, 1942, 56 Stat. 351.

(2) The term "cutter and canner grades of beef" means controlled meat conforming to the specifications for cutter and canner grades of steer, heifer, and cow carcass beef set forth in Service and Regulatory Announcement No. 99, Official United States Standards for Grades of Carcass Beef, United States Department of Agriculture, Agricultural Marketing Administration, reprinted with amendments March 1942.

(b) *Quotas.* The quota of a commercial slaughterer for each type of controlled meat for any Quota Period shall be the conversion weight obtained by multiplying the quota base for such type of controlled meat by the percentage set forth below:

Type of controlled meat:	*Percentage*
Beef	65
Veal	65
Lamb and mutton	80
Pork	85

(c) *Deliveries of cutter and canner grades of beef further restricted.* (1) No slaughterer having Federal inspection shall deliver, during any quota period, to persons other than governmental agencies or authorized purchasers more than 30 percent of the total conversion weight of all controlled meat of cutter and canner grades of beef delivered by such slaughterer during such period.

(2) No slaughterer not having Federal inspection shall deliver, during any quota period, more than 30 percent of his quota of beef for such period in cutter and canner grades of beef.

(d) *Limitation upon deliveries within quota periods.* No commercial slaughterer shall deliver, during any monthly accounting period in any quota period, more controlled meat of any type than the percentages of his quotas set forth below:

Accounting periods in quota period:	*Percentage*
Calendar month	37
Four-week accounting period	34
Five-week accounting period	42

(e) *Reports.* Every slaughterer shall file, not later than 30 days after the close of Quota Period 3 (period ending June 30, 1943), with the Director of Food Distribution, War Food Administration, Washington, D. C., on Office of Price Administration Form No. RS01:2, the information called for therein pertaining to deliveries of controlled meat during such quota period (this reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942).

(f) *Effective date.* This order shall become effective at 12:01 a. m., EWT, July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 61)

Issued this 1st day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–10676; Filed, July 2, 1943; 11:41 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 278]

PART 21—AIRLINE TRANSPORT PILOT RATING

ISSUANCE OF "ASSISTANT AIRLINE TRANSPORT PILOT CERTIFICATES" TO DESIGNATED CLASS OF PILOTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 25th day of June, 1943.

The following special civil air regulation is made and promulgated to become effective July 1, 1943.

An airman certificate of assistant airline transport pilot grade may be issued by the Administrator of Civil Aeronautics to pilots listed in the operations specifications of scheduled air carriers engaged in overseas or foreign air transportation: *Provided*, That such pilots are holders of currently effective commercial pilot certificates with appropriate aircraft and instrument ratings: *Provided further*, That such certificates shall authorize these pilots to serve as first pilots in scheduled air transportation carrying cargo and mail but shall not authorize them to carry persons for hire in such transportation.

This regulation shall terminate on December 31, 1943. (52 Stat. 984, 1007; 49 U.S.C. 425, 551)

NOTE. This regulation replaces Regulation No. 236 which expires June 30, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43–10644; Filed, July 2, 1943; 10:07 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 37 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS AND RADIO FIXES

DESIGNATION OF HINCKLEY FIELD, OGDEN, UTAH AS CONTROL AIRPORT

JUNE 22, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City:	*Name of airport*
Ogden, Utah	Hinckley Field.

This amendment shall become effective 0001 e. w. t., July 1, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43–10624; Filed, July 1, 1943; 3:06 p. m.]

[Amdt. 38 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

CANCELLATION OF DESIGNATION OF OGDEN, UTAH, AIRPORT AS CONTROL AIRPORT

JUNE 22, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to cancel the designation of the following airport as a control airport:

City:	*Name of airport*
Ogden, Utah	Ogden Airport (Ayres).

This amendment shall become effective 0001 e. w. t., June 30, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43–10625; Filed, July 1, 1943; 3:06 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4641]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EMPIRE PEAT SOIL SPONGE COMPANY

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of respondent's peat, using the words "peat moss" or "moss peat", or any other words of similar import, to designate or describe any peat not derived from Sphagnum moss; or otherwise representing, directly or by implication, that any peat is moss peat when such peat is not derived from Sphagnum moss; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Empire Peat Soil Sponge Company, Docket 4641, June 28, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of June, A. D. 1943.

In the Matter of Gaetano Rossitto, an Individual Doing Business as Empire Peat Soil Sponge Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Gaetano Rossitto, individually and trading as Empire Peat Soil Sponge Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's peat in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the words "peat moss" or "moss peat", or any other words of similar import, to designate or describe any peat not derived from Sphagnum moss; or otherwise representing, directly or by implication, that any peat is moss peat when such peat is not derived from Sphagnum moss.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43–10669; Filed, July 2, 1943; 11:39 a. m.]

[Docket No. 4947]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THE PREMIER CONE BAKING CO.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of ice cream cones, or other merchandise, (1) selling, etc., ice cream cones so molded, packed or assembled that sales to the general public of ice cream or other merchandise, when packed in said ice cream cones are to be made or, due to the manner in which said ice cream cones are molded, packed, or assembled at the time they are sold by respondent, may be made, by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with ice cream cones, some of which are molded with a star or other means of identification, together with a sales plan whereby such cones are to be used, or may be used, in distributing extra cones or containers of ice cream or other merchandise by lot or chance; or (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Premier Cone Baking Co., Docket 4947, June 24, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of June, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, The Premier Cone Baking Co., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of ice cream cones or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing ice cream cones so molded, packed, or assembled that sales to the general public of ice cream or other merchandise, when packed in said ice cream cones, are to be made or, due to the manner in which said ice cream cones are molded, packed, or assembled at the time they are sold by respondent, may be made, by means of a game of chance, gift enterprise, or lottery scheme.

2. Supplying to or placing in the hands of others ice cream cones, some of which are molded with a star or other means of identification, together with a sales plan whereby such cones are to be used, or may be used, in distributing extra cones or containers of ice cream or other merchandise by lot or chance.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent, The Premier Cone Baking Co., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order to cease and desist.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43–10670; Filed, July 2, 1943; 11:39 a. m.]

[Docket No. 4682]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KOLA ASTIER CORPORATION, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondents' "Kola Astier" medicinal or other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' said preparation, which advertisements represent, directly or through inference, that respondents' preparation (1) has any therapeutic value in the treatment of any disorder or condition resulting from exhausted nerves other than that afforded by a mild, temporary stimulant; (2) is a tonic or that its use will restore lost energy or lost strength or that it will sustain or promote nerve-force; (3) constitutes a competent or effective treatment for poor digestion or insomnia; or (4) has any reliable therapeutic value or beneficial effect upon heart action or the circulatory system; or which advertisements represent, as aforesaid, (5) that the diuretic action of respondents' preparation is sufficient to have therapeutic value in activating the liver and kidneys; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kola Astier Corporation, et al., June 24, 1943]

In the Matter of Kola Astier Corporation, a Corporation; and Gallia Laboratories, Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of June, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Kola Astier Corporation, a corporation, and Gallia Laboratories, Inc., a corporation, and their respective officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of their medicinal preparation designated "Kola Astier," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisements by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or through inference,

a. That respondents' preparation has any therapeutic value in the treatment of any disorder or condition resulting from exhausted nerves other than that afforded by a mild, temporary stimulant.

b. That respondents' preparation is a tonic or that its use will restore lost energy or lost strength or that it will sustain or promote nerve-force.

c. That respondent's preparation constitutes a competent or effective treatment for poor digestion or insomnia.

d. That respondents' preparation has any reliable therapeutic value or beneficial effect upon heart action or the circulatory system.

e. That the diuretic action of respondents' preparation is sufficient to have therapeutic value in activating the liver and kidneys.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce directly or indirectly the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondents' medicinal preparation, Kola Astier, which advertisement contains any of the representations prohibited in paragraph 1 hereof and the respective subdivisions thereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-10668; Filed, July 2, 1943; 11:39 a. m.]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

[Docket No. 4905]

FREEDOM CHEMICAL COMPANY, INC.

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (c 5) *Neglecting, unfairly or deceptively, to make material disclosure—Qualities or properties:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "60 Below" or any other similar anti-freeze solution, and among other things, as in order set forth, representing, directly or by implication, (1) that respondent's product, "60 Below", is a perfect permanent anti-freeze; that it is non-corrosive to automotive metals; that it is non-gelatinous, non-gummous, and will not crawl or seep; that "60 Below" is not corrosive to iron, steel, bronze, solder, copper, brass, or aluminum; that "60 Below" is less corrosive than tap water, that "60 Below" anti-corrosion performance compares favorably with any known premium quality anti-freeze marketed in the United States; that "60 Below" is superior to anti-freeze products which have proven ruinous and costly in use; or (2) that it contains a chemical called "calcium bichlorinate"; or (3) representing "60 Below" as an anti-freeze preparation for use in the cooling systems of automotive engines, without disclosing that said product is highly corrosive when in contact with metals such as iron, steel, bronze, solder, copper, brass, and aluminum; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112: 15 U.S.C., sec. 45b) [Cease and desist order, Freedom Chemical Company, Inc., Docket No. 4905, June 24, 1943]

§ 3.6 (l) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (ee 5) *Advertising falsely or misleadingly—Tests and investigations:* § 3.18 *Claiming indorsements or testimonial falsely.* In connection with offer, etc., of respondent's "60 Below" or any other similar anti-freeze solution, and among other things as in order set forth, representing, directly or by implication, (1) that tests conducted by the United States Bureau of Standards show that respondent's product, "60 Below", is non-corrosive to cooling systems, metals, pumps, gaskets or rubber; or (2) that respondent's anti-freeze product, "60 Below", has been approved by the laboratories of Northwestern University, Purdue University, Firestone Tire and Rubber Company, or Pittsburgh Plate Glass Company, as a result of tests of respondent's product; or that said product has been approved by any commercial or university laboratory, when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Freedom Chemical Company, Inc., Docket No. 4905, June 24 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of June, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondent) and a stipulation as to the facts entered into by and between counsel for the Commission and counsel for the respondent upon the record; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Freedom Chemical Company, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its anti-freeze solution designated "60 Below," or any other anti-freeze solution of substantially similar composition or possessing substantially similar chemicals or ingredients, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent's product, "60 Below," is a perfect permanent anti-freeze; that it is non-corrosive to automotive metals; that it is non-gelatinous, non-gummous, and will not crawl or seep; that "60 Below" is not corrosive to iron, steel, bronze, solder, copper, brass, or aluminum; that "60 Below" is less corrosive than tap water, that "60 Below" anti-corrosion performance compares favorably with any known premium quality anti-freeze marketed in the United States; that "60 Below" is superior to anti-freeze products which have proven ruinous and costly in use.

2. Representing, directly or by implication, that tests conducted by the United States Bureau of Standards show that respondent's product, "60 Below," is non-corrosive to cooling systems, metals, pumps, gaskets or rubber.

3. Representing, directly or by implication, that respondent's anti-freeze product, "60 Below," has been approved by the laboratories of Northwestern University, Purdue University, Firestone Tire and Rubber Company, or Pittsburgh Plate Glass Company, as a result of tests of respondent's product; or that said product has been approved by any commercial or university laboratory, when such is not the fact.

4. Representing, directly or by implication, that respondent's product, "60 Below," contains a chemical called "calcium bichlorinate."

5. Representing "60 Below" as an anti-freeze preparation for use in the cooling systems of automotive engines, without disclosing that said product is highly corrosive when in contact with metals such as iron, steel, bronze, solder, copper, brass, and aluminum.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-10671; Filed, July 2, 1943; 11:39 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

PART 1—CUSTOMS DISTRICTS AND PORTS

Correction

In the table appearing in § 1.1 (8 F.R. 8099), the entry under "Florida" for "Fernandina (including St. Mary's Ga.)" should be preceded by an asterisk.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC-21(a)]

PART 15—WHEAT FLOUR AND RELATED PRODUCTS

AMENDMENTS TO DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of amended definitions and standards of identity for enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina.

NOTE: A supplemental order will issue with respect to the proposal for an amended definition and standard of identity for enriched farina.

Order

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U.S.C. 341, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C. 133–133v (Supp. V, 1939)); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); upon the basis of evidence of record herein; and upon consideration of exceptions filed to the proposed order issued by the Acting Federal Security Administrator on June 4, 1943 (8 F.R. 7511), the following order is hereby promulgated:

Findings of Fact

1. Since the hearings were held upon which were based the findings contained in the order prescribing the present definitions and standards of identity for enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina, reports of extensive investigations have become available on the content of nutritive factors in the diets of various income groups and of the population as a whole, and on the daily allowances of various vitamins and minerals needed for adequate nutrition. This new information shows that the consumption of enriched flours complying with the present requirements will not result in the degree of nutritional improvement expected by nutritionists at the time the prior hearings were held and which consumers are entitled to expect from publicity regarding such products.

2. Based upon all available results of investigations into the daily quantities of the various nutritional factors required by man, including clinical investigations of deficiency diseases, it is the consensus of opinion of qualified experts in nutrition that the average per capita daily food supply should contain, in the products actually consumed, the quantities specified for the vitamins and minerals indicated in the table below under "Recommended Daily Allowances." In this table are also given the amounts of the same nutritional factors in the average of the daily per capita food supply purchased for home consumption, as shown by a nation-wide survey in the spring of 1942; they are not adjusted for losses in preparation and cooking or through discarding uneaten portions (see Finding 6). The foods containing the amounts of nutritional factors shown by the figures under "As Purchased" include an average of 0.27 pound flour, bromated flour, and self-rising flour purchased as such or as yeast-raised bread or rolls, some of which was enriched to the present required levels; those under "Present Enrichment" are based on the assumption that all such flours are enriched to the minimum levels of thiamine (vitamin B_1), niacin, or niacin amide (nicotinic acid or nicotinic acid amide), riboflavin, and iron required by the present definitions and standards of identity; and those under "Proposed Enrichment" are based on the assumption that all such flours are enriched to the minimum levels prescribed by the proposed amendments to such definitions and standards upon which the hearing was held, including the proposal that calcium be a required ingredient. All amounts shown in the table are expressed as milligrams.

	Recommended daily allowances	As purchased	Present enrichment	Proposed enrichment
Thiamine	1.6	1.76	2.04	2.14
Niacin	16.0	15.6	15.9	18.7
Riboflavin	2.3	2.08	2.3	2.3
Iron	12.0	15.1	15.2	17.1
Calcium	900.0	1000.0	1000.0	1061.0

3. The survey made in the spring of 1942 was preceded by a similar but more comprehensive survey in 1936, when income levels generally were lower than in 1942. The following table, based on the 1936 survey, is directly comparable with the table in finding 2; however, enriched flours and bread were not then available:

	Recommended daily allowances	As purchased	Present enrichment	Proposed enrichment
Thiamine	1.6	1.6	2.04	2.15
Niacin	16.0	15.0	15.4	18.6
Riboflavin	2.3	1.85	2.17	2.17
Iron	12.0	14.2	14.7	16.9
Calcium	900.0	870.0	870.0	936.0

4. The average amounts of these nutritional factors in the foods of the low-income groups are less than the average amounts in the foods of the population as a whole, and the low-income groups need a greater supplementation of such nutritional factors. However, flour, bromated flour, and self-rising flour constitute a larger proportion of the diet of the low-income groups and such flours, if enriched to the levels proposed, will not only tend to satisfy the more urgent needs of such groups, but will be almost as effective in correcting their deficiencies of these factors as in correcting such deficiencies for the average of the population. For example, in the spring of 1942 the average per capita daily consumption of such flours by the group with annual family incomes of $500 to $1,000 was 0.33 pound, and the following table shows, along with the recommended daily allowances, the amounts of the specified nutrients in the daily per capita food supply, as purchased, when only part of the flours were enriched, when they are enriched to the present minimum levels (including that for riboflavin), and when they are enriched to the proposed minimum levels:

	Recommended daily allowances	As purchased	Present enrichment	Proposed enrichment
Thiamine	1.6	1.59	1.97	2.06
Niacin	16.0	13.5	14.1	17.3
Riboflavin	2.3	1.63	1.91	1.91
Iron	12.0	14.5	14.8	17.0
Calcium	900.0	940.0	940.0	1027.0

5. The following table, based on the 1936 survey of families in the $500 to $1,000 income group, is directly comparable with the table in Finding 4:

	Recommended daily allowances	As purchased	Present enrichment	Proposed enrichment
Thiamine	1.6	1.42	1.87	1.98
Niacin	16.0	12.8	13.3	16.6
Riboflavin	2.3	1.64	1.97	1.97
Iron	12.0	12.9	13.4	15.6
Calcium	900.0	793.0	793.0	868.0

6. Some of the vitamins and minerals specified in the above tables are lost in preparing and cooking foods and through discarding uneaten portions. In the case of thiamine, an additional loss occurs through baking and toasting. Although the average diet containing no enriched flour supplies somewhat more than the recommended daily allowance of iron, there is strong evidence from recent clinical observations that nutritional anemia (caused by a deficiency in iron) is more widespread than previously believed. A factor contributing to this situation is the variation in assimilability of the iron naturally present in foods. If all such flours are enriched to the levels proposed, the excesses of thiamine, niacin, and iron over the recommended daily allowances are reasonable factors of safety to insure that the diet of most persons who consume enriched flour will contain adequate quantities of these nutrients.

7. The surveys, especially that of 1936, show that the calcium content of

the food consumed by a large proportion of the population is less than the recommended daily allowance. Although clinical evidence of disease caused by calcium deficiency is not impressive, this may be due to insufficient clinical studies and to the inadequacy of diagnostic methods for relating disease conditions to insufficiency of calcium intake. Deficiency in calcium contributes to osteoporosis, dental caries, and retardation of growth. Nutritionists generally recommend that calcium deficiency be corrected through greater consumption of milk and its products, particularly since this will supply other needed nutritional factors. However, there is no prospect of any early increase in milk production to levels that will furnish adequate calcium for all segments of the population. Flours enriched with calcium would tend to correct the deficiency in the diet of those segments which, because of insufficient milk supplies or for other reasons, do not obtain enough calcium.

8. In both home baking and commercial baking of white bread calcium may be added through the use of milk and milk products in making the dough, or, in certain areas, through the use of water from supplies which are high in calcium. In many commercial bakeries so-called dough improvers, yeast foods, and rope inhibitors containing calcium are used in such quantities that the calcium content of the finished bread prepared with skim milk solids usually exceeds 200 milligrams per pound, and frequently approaches and may exceed 300 milligrams per pound, which is about the minimum that results from baking bread from a dough made of yeast, salt, low-calcium water, and flour containing 500 milligrams of calcium per pound. If such calcium-enriched flour is used with the other calcium-bearing ingredients commonly employed in commercial baking, the calcium content of the finished bread will approximate 600 milligrams per pound, or even 700 milligrams per pound.

9. The use of calcium at these higher levels, in the form of some of its available salts, presents certain technological problems in baking yeast-leavened bread. Some of these salts affect the gluten of the flour to an extent that causes difficulties in handling the dough and impairment of quality of the finished bread. Some lower the hydrogen-ion concentration (expressed as a higher pH) and thus increase the possibility of losses from "rope" (spoilage by certain bacteria). Many bakers are familiar with the action of monocalcium phosphate in bread through its use as a yeast food and rope inhibitor; this salt of calcium and dicalcium or tricalcium phosphate, in appropriate mixtures that produce a desirable hydrogen-ion concentration, are the calcium salts most suitable for enriching flour but because of present military needs for large quantities of phosphates there is now available only about one-tenth of the quantity that would be needed for enriched flour, enriched bromated flour, and enriched white bread if calcium is a required ingredient, since all white bread is now required to be enriched by Food Distribution Order No. 1, and a requirement that all family flour be enriched is in prospect. Large bakeries ordinarily use plain flour and add enriching ingredients to the dough, whereas small bakeries may depend largely on the use of enriched flour to make enriched bread. The difficulties involved in using at the higher levels the calcium salts now available are more likely to occur in small bakeries and in home baking than in large bakeries. Technical control such as is generally available only to large bakeries is necessary to the use at the higher levels of those calcium salts that can now be obtained in adequate quantities. It would be unreasonable to require calcium in enriched flour and enriched bromated flour under present conditions because such a requirement would place an undue burden on small bakeries and might also cause difficulties in home baking of yeast-leavened bread. The evidence does not show that the same or comparable burdens or difficulties would be involved in baking the products for which self-rising flour is used. The leavening agent in self-rising flour usually consists of a mixture of sodium bicarbonate and monocalcium phosphate (Finding 24, order prescribing definitions and standards of identity for wheat flour and related products, 6 F.R. 2575). There is no evidence that the available supply of monocalcium phosphate is insufficient for this purpose.

10. The quality of each of the various vitamins and minerals naturally present in flour varies to some extent, depending on the variety of wheat used, the milling process, and other factors. In the usual mill practice of adding sufficient enriching ingredients to insure compliance with the prescribed minima, the total quantity of any such ingredient does not usually exceed the required minimum by as much as 25 percent, except that in the case of calcium in enriched self-rising flour, some of the leavening ingredients may raise the calcium content to nearly 1500 milligrams per pound. An unnecessarily wide spread between minima and maxima would likely lead to competitive increases between manufacturers, accompanied by such advertising claims as would confuse consumers as to their nutritional needs and the value of enriched flours in supplying those needs. Consumer understanding of the value of enriched flour will be promoted by requiring its composition to be as nearly uniform as practicable as to both quantities and kinds of nutritional factors present.

11. The following are reasonable limits, expressed as milligrams per pound, for thiamine, niacin, and iron as required ingredients in enriched flour, enriched bromated flour, and enriched self-rising flour:

	Minimum	Maximum
Thiamine	2.0	2.5
Niacin	16.0	20.0
Iron	13.0	16.5

A reasonable maximum limit for riboflavin as a required ingredient in enriched flour, enriched bromated flour, and enriched self-rising flour is 1.5 milligrams per pound. A reasonable maximum limit for calcium as an optional ingredient in enriched flour and enriched bromated flour is 625 milligrams per pound, and reasonable minimum and maximum limits for calcium as a required ingredient in enriched self-rising flour are, respectively, 500 and 1500 milligrams per pound.

On the basis of the foregoing findings of fact it is concluded that each of the following amendments to the definitions and standards of identity for enriched flour, enriched bromated flour, and enriched self-rising flour, will promote honesty and fair dealing in the interest of consumers, and such amendments are hereby promulgated:

Section 15.010 is amended by changing paragraph (a) to read as follows:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacin amide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe);

Section 15.010 is further amended by changing the maximum content of calcium prescribed by paragraph (c) from 2,000 milligrams to 625 milligrams.

Section 15.030 is amended by inserting after "§ 15.010," the words "as amended,".

Section 15.060 is amended by changing paragraph (a) to read as follows:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacin amide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe), not less than 500 milligrams and not more than 1,500 milligrams of calcium (Ca);

Section 15.060 is further amended by striking out paragraph (c), and by changing the designations of paragraphs (d), (e), and (f) to (c), (d), and (e), respectively.

The regulations hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

Dated: July 1, 1943.

[SEAL] WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 43-10656; Filed, July 2, 1943; 11:13 a. m.]

TITLE 29—LABOR

Chapter IV—United States Department of Labor, Children's Bureau

[Child Labor Reg. 24a, Amdt.]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

NEVADA ADDED TO LIST

By virtue of and pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938 (c. 676, 52 Stat. 1060, 29 U.S.C., sec. 201), I hereby amend § 402.1, Part 402, Title 29 of the Code of Federal Regulations, by adding the State of Nevada to the States previously designated therein in which State age, employment or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 2, 1943.

MARTHA M. ELIOT,
Acting Chief.

[F. R. Doc. 43-10660; Filed, July 2, 1943; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Amdt. 2 to Suspension Order S-268]

JAMES A. KENNY

James A. Kenny, Philadelphia, Pennsylvania, has appealed from the provisions of Suspension Order S-268 issued April 20, 1943 and amended May 14, 1943. After a review of the case it has been determined that the appeal be denied, but that Suspension Order S-268 as amended May 14, 1943 be modified to permit an increased production by the Company.

In view of the foregoing facts, paragraph (a) of § 1010.268 of Suspension Order S-268 as amended May 14, 1943, is amended to read as follows:

(a) James A. Kenny, his successors and assigns, shall not use any metal whatsoever in the production of more than 565 caskets and 375 shipping cases and burial vaults during any calendar month except as hereafter specifically authorized in writing by the War Production Board.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10640; Filed, July 1, 1943; 4:57 p. m.]

PART 1010—SUSPENSION ORDERS

[Amdt. 1 to Suspension Order S-297]

PENNSYLVANIA INDEPENDENT OIL COMPANY

Pennsylvania Independent Oil Company, Allentown, Pennsylvania, has appealed from the provisions of Suspension Order S-297, issued April 30, 1943. After a review of the case it has been determined that the appeal be denied but that Suspension Order S-297 be modified so as to remove the restriction upon the Company's accepting delivery of motor fuel and to increase the amounts which it is permitted to deliver to its service stations. It was further determined that the stay of the provisions of Suspension Order S-297, granted May 6, 1943, be lifted and the Suspension Order as modified become effective July 1, 1943.

In view of the foregoing, § 1010.297 Suspension Order S-297, issued April 30, 1943, is hereby amended to read as follows:

(a) Pennsylvania Independent Oil Company, its successors and assigns, shall make no deliveries of motor fuel, as defined in Limitation Order L-70, to its twenty-five service stations in excess of the total amount of 188,500 gallons during the month of July, 1943; 188,500 gallons during the month of August, 1943; and 175,500 gallons during the month of September, 1943; the said Company to allocate these totals among its twenty-five service stations at its own discretion. The aforesaid service stations shall not accept delivery of any motor fuel in excess of those amounts.

(b) Nothing contained in this order shall be deemed to relieve Pennsylvania Independent Oil Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 1, 1943 and shall expire on September 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10641; Filed, July 1, 1943; 4:57 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-356]

GEORGE DERBES

Georges Derbes is the owner of the premises situated at 402 Mahantongo Street, Pottsville, Pennsylvania. Subsequent to December 5, 1942, he began construction on the remodeling of these premises into apartments at an estimated cost in excess of $200.00 without authority from the War Production Board and in violation of the order. At the time he began construction, he either had knowledge that such construction work was restricted or from frequent contact with the orders of the War Production Board he should have had such knowledge. These acts must therefore be deemed to constitute a wilful violation of Conservation Order L-41.

This violation of Conservation Order L-41 has diverted scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.356 *Suspension Order S-356.* (a) Neither George Derbes nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any manner secure or use material or construction plant in order to continue or complete construction on the remodeling of the premises situated at 402 Mahantongo Street, Pottsville, Pennsylvania, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve George Derbes from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 6, 1943.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10642; Filed, July 1, 1943; 4:57 p. m.]

PART 977—MANILA FIBRE AND MANILA CORDAGE

[General Conservation Order M-294, as Amended July 2, 1943]

WASTE MANILA ROPE

Section 977.6 *General Conservation Order M-294* is hereby amended to read as follows:

§ 977.6 *General Conservation Order M-294*—(a) *Definitions.* For the purpose of this order:

(1) "Waste manila rope" means used manila rope, which is acquired for any purpose whatsoever excepting only that which is acquired for reuse as rope. The material resulting from any shredding, parting or other type of separation of the strands or fibres of used manila rope shall be deemed to be "waste manila rope".

(2) "Permitted use" means with respect to each grade or type of paper designated on List A, the uses described for such paper on List A.

(3) "No. 1 large waste manila rope" means solid, clean, dry, sound manila rope not less than ¾" in diameter, free from any inferior or objectionable materials, such as tarred and transmission ropes; dirty, black, painted, greasy, oily, oil smeared, and latex treated rope or coal dust; rope wholly or partly composed of fibers other than manila and such materials as tender fiber, knots, nets, yarns, strands, shakings, cord, string, or other unsound fibers.

(4) "No. 1 small waste manila rope" means the same rope as defined in paragraph (a) (3), except that the rope may be less than ¾" in diameter.

(5) "Uncut manila fenders" means uncut manila fenders obtained from boats and docks, packed separately and free of mats, iron, grease, rubber, tender and other foreign materials.

(b) *Limitations on use of waste manila rope.* (1) From and after March 19, 1943, no person shall use waste manila rope as a raw material in the manufacture of any product or products other than in the manufacture of rope or in the manufacture of paper.

(2) From and after March 19, 1943, no person shall use waste manila rope in the manufacture of any grade or type of paper other than the grades and types of paper shown on List A.

(c) *Limitation on use of grades and types of paper shown on List A.* From and after March 19, 1943, no person who accepts delivery of any grade or type of

paper shown on List A in which waste manila rope is used as a raw material shall use the same for any purpose or use other than the permitted uses for such grade or type of paper shown on List A, except that this restriction shall not apply to any grade or type of paper containing waste manila rope, manufactured prior to March 19, 1943.

(d) *Limitations on use of waste manila rope in the manufacture of flour and cereal sack papers.* (1) No person shall use waste manila rope in the manufacture of paper for flour or cereal products sacks to an extent in excess of 35% of the total fibre content of such paper; *Provided, however,* That the amount of waste manila rope used by him in the manufacture of such paper during any one month shall not exceed 35% of the amount used by him in the manufacture of such paper during the month of December 1942.

(2) No person shall use No. 1 large waste manila rope (as defined in paragraph (a) (3)) or No. 1 small waste manila rope (as defined in paragraph (a) (4)) or uncut manila fenders (as defined in paragraph (a) (5) of this order), to an extent in excess of 25% of the total fibre content of such paper; *Provided, however,* That the amount of No. 1 large waste manila rope, No. 1 small waste manila rope or uncut manila fenders used by him in the manufacture of such paper during any one month shall not exceed 25% of the amount used by him in the manufacture of such paper during the month of December 1942.

(e) *Limitation on use of waste manila rope in the manufacture of abrasive paper.* (1) No person shall use waste manila rope in the manufacture of abrasive paper to an extent in excess of 25% of the total fibre content of such paper, and none of the waste manila rope so used shall be of the grades known as No. 1 large old manila rope or No. 1 small old manila rope or uncut manila fenders.

(f) *Obligation to examine and refuse certain orders.* From and after March 19, 1943:

(1) No person using waste manila rope in the manufacture of the grades and types of paper shown on List A shall sell or deliver any such paper which he knows or has reason to know will be used for any other purpose or use other than a permitted use .

(g) *Exceptions.* Specific authorization may be granted by the War Production Board for use of waste manila rope in the manufacture of any product or products for delivery to the Armed Forces or for use in the manufacture of any material or equipment for delivery to the Armed Forces when such product or products, material or equipment cannot be satisfactorily produced from other available fibres. Applications for such authorization shall be made by filing a letter with the War Production Board, Pulp and Paper Division, Reference M–294, stating fully reasons for requesting such authorization.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds for appeal.

(j) *Communications.* All reports required to be filed hereunder, all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed be addressed to War Production Board, Pulp and Paper Division, Washington, D. C., Ref.: M–294.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 2d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Grade or type of paper:	*Permitted use*
Insulating papers	In the manufacture of insulation for communication wiring and cables, for electrical wiring and cables, and other types of electrical insulation.
Gasket base papers	In the manufacture of gaskets.
Artificial leather base papers.	In the manufacture of artificial leather for delivery to shoe manufacturers.
Flour and cereal products sack papers.	For use in the manufacture of sacks for packaging flour or other cereal products, for human consumption, in quantities of 25 pounds or more.
Tag papers	In the manufacture of casualty tags, shipping tags and identification tags for delivery to the Armed Forces.
Abrasive paper	In the manufacture of industrial abrasive papers and belts.

[F. R. Doc. 43–10648; Filed, July 2, 1943; 10:27 a. m.]

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Limitation Order L–192 as Amended July 2, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of rubber and other materials used in the production of construction machinery and equipment and repair parts; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1157.10 *Limitation Order L–192*—(a) *Revocation of Limitation Order L–82 and L–82–a.* This order, as of November 30, 1942, supersedes Limitation Orders Nos. L–82 and L–82–a. Notwithstanding the revocation of Limitation Orders Nos. L–82 and L–82–a issued November 7th, 1942, every person subject to the terms thereof immediately prior to such date shall abide by the terms of such orders until November 30, 1942, as though their text were fully incorporated in this order.

(b) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable Regulations of the War Production Board, as amended from time to time.

(c) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of equipment.

(3) "Equipment" means that construction machinery and equipment listed in Schedules A, B, C, and D attached hereto, but shall not include any equipment on rubber tired chassis or running gear built for or usable for the transportation of commodities or persons.

(4) "New", when applied to equipment, means any equipment which has never been received or accepted by any person acquiring it for use.

(5) "Repair part" means any part manufactured for use in the repair and maintenance of equipment; but does not include components or attachments which change the functional operations of the equipment as originally shipped.

(6) "War agency" means the Army, Navy, Maritime Commission, War Shipping Administration, Canadian Department of Munitions and Supply, and the government of any foreign country receiving aid pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(7) "Essential project" means a construction project undertaken by, or contracted by or for the account of a war agency or the Defense Plant Corporation, or any other construction project granted a preference rating of A–1–k or higher under any order in the P–19 series; but does not include any mine operating under a serial number of Preference Rating Order P–56.

(8) "Rubber" means all kinds of natural, reclaimed and synthetic rubber.

(9) "Dealer or distributor" means any person located within the forty eight states of the United States or the District of Columbia who is engaged in the business of purchasing equipment or repair parts for the purpose of resale.

(d) *Procedure for placing and receiving equipment orders*—(1) *For Schedule A equipment.* No person shall place or accept any order for new equipment listed in Schedule A, except according to the following procedure:

(i) Every person, except a war agency, desiring to place such an order shall file an application for authorization to purchase on Form PD–556 in quintuplicate with the War Production Board regional office in the region in which such person desires to use such equipment. Such application when approved by the War Production Board shall establish all conditions under which such order may be placed with the supplier including the assignment of preference ratings if not previously granted.

(ii) Every person, except a war agency, who applies for such equipment by filing Form PD–556, thereby makes representation that he has complied with all the terms of Limitation Order L–196 as amended.

(iii) A war agency shall furnish the Construction Machinery Division, War Production Board, Washington, D. C. with Form PD–556 made out in duplicate at the time that any order for such equipment is placed with a producer.

(iv) No person shall accept an order for such equipment from any person except a war agency, unless such order is accompanied by such authorization on Form PD–556.

(2) *For Schedule B equipment.* Nothing in this order shall prevent any person from placing or accepting an order for new equipment listed in Schedule B, subject to all applicable regulations of the War Production Board.

(3) *For Schedule C equipment.* (i) No person, except a war agency, may place an order for new equipment listed on Schedule C, and no person may accept such an order unless it is placed by a war agency and accompanied by an authorization to purchase on Form PD–556.

(ii) A war agency must file an application for authorization to purchase such equipment on Form PD–556 in quadruplicate with the Construction Machinery Division, War Production Board, Washington, D. C. A war agency may also file such an application for such equipment for use by a prime contractor on a construction project for such agency.

(4) Except as provided in paragraph (e) (2), nothing in this order shall prevent any person from placing or accepting an order for new equipment listed in Schedule D, subject to all applicable regulations of the War Production Board.

(e) *Restrictions on production of equipment.* (1) No producer shall use or put into process any materials for the production or assembly of

(i) Any new equipment except in accordance with such production schedules as may be approved by the War Production Board as provided in paragraph (f) hereof;

(ii) Any new equipment designed for or requiring rubber tires except to fill an order placed by a war agency or unless the authorization on Form PD–556 required by paragraph (d) hereof specifically so provides;

(iii) Any parts to be physically incorporated into new equipment in excess of those required by approved production schedules: *Provided,* That this subparagraph (e) (1) (iii) shall not apply to the production of repair parts or components or attachments;

(iv) Any new equipment listed in Schedule C, except to fill an order authorized by the War Production Board on Form PD–556 pursuant to paragraph (d) (3) hereof.

(2) In addition to such limitations and prohibitions as may be imposed by Order L–217 and all schedules thereto, on and after May 1, 1943, no producer shall use or put into process any materials for the production or assembly of any equipment listed in Schedule D.

(f) *Production schedules.* (1) On or before November 25, 1942, and on or before the 15th day of each succeeding calendar month, every producer shall file in quadruplicate on Form PD–697 a statement of his production for the previous month and his proposed production schedule of all new equipment projected for all additional monthly periods for which production may be planned. Approval or modification of such production schedule of all new equipment for the three calendar months succeeding such filing, or for such shorter time as production may be planned, will be indicated on an approved copy of said Form PD–697 returned to such producer prior to the first day of the calendar month succeeding such filing. Except as provided in paragraph (f) (2) hereof, no producer shall change his production schedules as approved or changed by the War Production Board without specific authorization of the War Production Board.

(2) Any producer of new equipment listed in Schedule B may produce all or any one or more items of such equipment appearing on his approved production schedules on Form PD–697 at any time during the months for which the schedules were approved, and need not therefore in that regard produce in strict accordance or sequence with the individual monthly production schedules approved: *Provided,* That the total quantity of each item produced during such period shall not exceed that authorized on such approved schedules.

(g) *Inventory reports.* On or before November 25, 1942, and on or before the 15th day of each succeeding calendar month, every producer shall file in quadruplicate on Form PD–697, a statement of finished unsold inventory, as of the last day of the preceding calendar month, of new equipment including that in the possession of his dealers and distributors. Every dealer and distributor, on the fifth day of the month, shall report his inventory of new equipment as of the last day of the preceding calendar month to the producer from whom such equipment was purchased, or, if not purchased, to the producer for whom the distributor or dealer is acting as agent.

(h) *Prohibiting transfer and use of new equipment.* On and after November 30, 1942, no producer shall use for other than experimental or demonstration purposes, or sell, lease, trade, lend, deliver, ship or transfer, any new equipment and no person shall accept the same unless

(1) Such equipment is then in transit to such person, or

(2) Such use, sale, lease, trade, loan, delivery, shipment or transfer has been specifically approved by the War Production Board as follows:

(i) On or before November 25, 1942, and on or before the 15th day of each succeeding calendar month, every producer shall file in quadruplicate on Form PD–697 a statement showing his proposed delivery schedule of all unfilled orders of new equipment, his shipments made during the calendar month previous to filing, and also his shipments during the current month to the date of filing. Approval of a delivery schedule of all new equipment for the calendar month succeeding such filing, whether or not such equipment is actually shipped during that month, will be indicated on an approved copy of said form returned to such producer prior to the first day of that month.

(ii) The delivery of all new equipment as scheduled for delivery on or before November 30, 1942, and previously authorized under Limitation Orders L–82 and L–82–a, shall be deemed to be authorized, unless the War Production Board shall otherwise direct.

(iii) The War Production Board may at any time revoke any delivery authorization provided for in subparagraphs (h) (2) (i) or (h) (2) (ii) above as to any or all new equipment included therein, direct or change the schedule for deliveries of any new equipment, allocate any order for any new equipment listed on a producer's Form PD–697 to any other producer, or direct the delivery of any new equipment to any other person, at regularly established prices and terms.

(iv) Except as provided in subparagraph (h) (2) (v) hereof, and notwithstanding any preference rating heretofore or hereafter granted, no producer shall change his schedule of deliveries of any new equipment as approved or changed by the War Production Board, without specific authorization of the War Production Board.

(v) Any producer may deliver any item of new equipment listed in Schedule B to the amount permitted by approved production schedules regardless of his schedule of deliveries of such equipment as listed on his current Form PD–697. Such deliveries shall be subject to all applicable Regulations of the War Production Board.

(i) *Restrictions on resale, rental and use.* (1) Every person, except a war agency, to whom delivery of any new equipment listed in Schedule A or C has been authorized pursuant to this order, must use such equipment on the project described in the authorization to purchase and will be subject to the provisions of paragraphs (i) (2) and (i) (3) hereof.

(2) Every person except a war agency, thirty days prior to the sale, lease or use on any other project of such equipment, shall complete, sign and return Form WPB 1333 to the Used Construction Machinery Regional Specialist in the War Production Board Regional office in the region in which the PD–556 was originally approved for such equipment.

(3) The War Production Board at any time on two weeks' written notice, may require any such person who owns such equipment to sell, lease, or use such equipment as directed.

(4) Nothing in this order shall be deemed to affect the applicability of Limitation Order L–196.

(j) *Procedure and restrictions on sale and delivery of repair parts*—(1) *Re-*

pairs for actual or impending breakdown or maintenance. (i) No producer, dealer, or distributor shall sell or deliver repair parts for actual or impending breakdown or for maintenance of equipment in sound working condition to any person other than another producer, dealer, or distributor, unless such person has furnished the information and certification called for below in a writing signed by such person and in substantially the following form:

This order covers Repair Parts needed for actual or impending breakdown or maintenance of _____ which has been registered under L–196. Model Number _____ Serial Number _____ Rating _____ Project Identification _____ (Under project identification, if for War Agency give prime contract number of project otherwise state type of work for which parts are intended, e. g., mining, highway construction, housing, etc.)
in accordance with Limitation Order L–192 with the terms of which I am familiar.
Date_____ _____
Purchaser
By: _____

Such certification shall constitute a representation to the War Production Board that such repair parts are required for the purpose of repair of actual or impending breakdown or maintenance of the particular equipment, and, unless the applicant is a war agency, that the applicant does not have parts available or on order for this purpose and that such applicant has registered the equipment for which the repair parts are sought in accordance with the provisions of Limitation Order L–196 providing for registration of used construction equipment. This certification shall, for the purposes of this order, supplant the certification required in Preference Rating Order P–100.

(ii) No person, except a producer, dealer, distributor, or a war agency, shall purchase for stock or inventory repair parts (in excess of that required for the purpose of repair of impending breakdown or for maintenance of equipment in sound working condition on the current job), without specific authorization of the War Production Board on Form PD–556, submitted in duplicate. On such Form PD–556 the applicant must supply under section 5 thereof, adequate reasons why this stock or inventory must be acquired, which shall include the following information: quantity, make and model number of equipment for which parts are intended, present inventory of such parts, duration and preference rating of project on which such equipment is now working, and the distance from normal source of supply for such repair parts.

(iii) All orders for repair parts for actual or impending breakdown or maintenance of equipment in use on essential projects, as defined in paragraph (c) (7) hereof, shall carry the highest preference rating of such project. However, this subparagraph (j) (1) (iii) shall not be construed to prevent the use of any higher individual rating which may be authorized for emergency repairs pursuant to any regulation, order, or directive of the War Production Board.

(2) *Repair parts for reconditioning or rebuilding used equipment.* No producer, dealer, or distributor shall sell or deliver repair parts for purposes of reconditioning or rebuilding used equipment (except to a war agency, or to a person who has contracted to recondition or rebuild equipment owned by a war agency and to whom such war agency has properly extended a preference rating, or to a mine operating under a serial number of preference rating Order P–56), unless the order for such repair parts is accompanied by an authorization of the War Production Board, application for which shall be on Form PD–556 submitted in duplicate listing individually the repair parts requested and their approximate value.

(3) *Spares.* Orders for repair parts intended to be used as spares for new equipment listed in Schedules A and C shall be placed with the producer at the same time as the order for such new equipment, and shall be listed on the Form PD–556 on which such new equipment is requested.

(4) No producer shall deliver to war agencies in any one month, any repair part whatsoever in excess of seventy-five (75) percent of his combined production and inventory of such repair part during such month if such delivery would prevent deliveries of such repair part to fill orders properly placed by other persons, pursuant to provisions of paragraphs (j) (1), (2), and (3) above, without specific authorization of the War Production Board on Form PD–556. "Other persons" as used in this paragraph (j) (4) shall not include dealers or distributors who have ordered such repair part for their stock or to fill orders not yet sold.

(k) *Substitution and conservation of critical materials.* In the manufacture of any item of equipment or repairs parts, no producer shall use any alloy steel, stainless steel, aluminum, magnesium, copper, brass, bronze, zinc, nickel, tin, cadmium, or fabricated rubber products where the use of other less critical materials will not impair the efficiency of operation of such item.

(l) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, purchases, production and sale.

(m) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(p) *Communications.* All communications concerning this order, except where specific reference is made therein to the contrary, shall be addressed to Construction Machinery Division, War Production Board, Washington, D. C., Ref: L–192.

Issued this 2d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Schedule A as amended July 2, 1943.

Angledozers and modifications thereof
Bulldozers and modifications thereof
Conveyors, construction material, portable belt type and for portable plants
Cranes, crawler mounted power
Cranes, tractor mounted power and modifications thereof
Cranes, rubber tired mounted power except freight handling lift trucks
Crushers, jaw (sizes 9" x 14" to 30" x 44" openings, inclusive); except those intermediate sizes as indicated in Schedule D (Ref. L–217), and except those sizes of a type designed exclusively for mining and smelting
Crushers, roll, construction aggregates, portable type, except those sizes and types as indicated in Schedule D (Ref. L–217)
Crushing plants, portable type
Derricks, guy, contractors and material handling, stationary type
Derricks, stiff leg, contractors and material handling, stationary type
Distributors, bituminous
Ditchers, ladder
Ditchers, wheel
Draglines (see cranes)
Draglines, slack line
Draglines, walking
Drilling machines, blast hole drills, churn drill type
Drilling machines, rock portable mounted
Dryers, construction aggregate
Excavators (see power shovels)
Finishers, concrete paving
Finishers, bituminous paving
Finishers and rodding machines for wet concrete
Grapples
Hammers, pile
Heaters, and circulators, tank car
Jacks, mud
Loaders, portable bucket (other than coal)
Loaders, portable snow
Logging arches, tractor drawn
Mixers, aggregate pulverizer
Mixers, agitator concrete truck type, except those sizes and types as indicated in Schedule D (Ref. L–217)
Mixers, concrete truck mounted with elevating towers
Mixers, concrete construction, above 7 cubic feet except those sizes and types as indicated in Schedule D (Ref. L–217)
Pavers, concrete
Plants, stabilizing
Plants, asphalt, including travel mix type
Plants, bituminous patch, hot or cold mixer type (more than 10 ton per hour capacity)
Plows, snow (rotary and blower types)
Power control units for tractors (both cable and hydraulic)
Pumps, concrete, except for well cementing
Pumps, portable engine or electric-motor-driven pumping units mounted on skids, with or without handles, or trailer mounted larger than 90,000 gallons per hour, self-priming centrifugal pumps, horizontal or vertical triplex piston road pumps, ordinarily used for contractor's purposes or by contractors for dewatering and supply, except those sizes and types as indicated in Schedule D (Ref. L–217)

Rippers, road
Scrapers, carrying and hauling, both drawn and self-propelled, except sizes listed in Schedule D
Shovels, crawler mounted power
Shovels, rubber tired mounted power
Shovels, tractor mounted power
Sprayers, (maintenance units) bituminous material (over 300 gallon capacity)
Spreaders, concrete paving
Wagons, contractors crawler
Wagons, logging
Winches, tractor mounted

SCHEDULE B

NOTE: Schedule B as amended July 2, 1943.

Backfill tampers
Breakers, paving
Buckets, clamshell
Buckets, concrete
Buckets, dragline
Buckets, orange peel
Buckets, scraper (bottomless) for dragline operation
Clay diggers
Concrete surfacing machines, hand carried type
Derricks, small stiff leg, guy, pole, tripod, and setter types with hand power hoists or winches of not over 4 ton maximum capacity
Drills, jack hammer
Drills, rock, except portable mounted
Form tamping and pulling machines
Heaters, asphalt surface
Heaters, concrete mixer
Hoists, contractors and material handling, hand type and power driven having specifications not exceeding 6,000 pounds line pull at 200 FPM line speed or not exceeding 1,300,000 foot pounds effort based on second wrap of cable
Joint and crack filling machines
Kettles, bituminous heating
Mixers, concrete construction, 7 cubic feet and smaller; except those sizes and types as indicated in Schedule D (Ref. L–217)
Mixers, plaster and mortar
Paving breakers
Plants, bituminous patch, hot or cold mixer type (10 ton per hour capacity and under)
Post hole diggers, vertical auger type (power driven)
Pumps, portable engine or electric motor driven pumping units, mounted on skids, with or without handles, or trailer mounted 90,000 gallons per hour and smaller self-priming centrifugal pumps, plunger pumps, or diaphragm pumps ordinarily used for contractors purposes or by contractors for dewatering and supply, excluding farm type, industrial type and underwriters approved fire fighting pumps; except those sizes and types as indicated in Schedule D (Ref. L–217)
Screen, rotary, vibrator and gravity types, other than coal, mining, industrial or those for screening mud on well drilling, used as a component part of or replacement for a portable crushing, screening or mashing plant.
Sprayers, (maintenance units) bituminous material (300 gallon capacity and smaller)
Spreaders, construction material
Vibrators, concrete
Winches, contractor (see hoists)

SCHEDULE C

NOTE: Schedule C as amended July 2, 1943.

The items of equipment appearing in Schedule C may be ordered and produced only for military purposes as provided in paragraphs (d) (3) and (e) (1) (iv).

Batchers, construction material
Batching plants, construction type
Bins, construction material, portable
Bins, construction material, stationary
Brooms, contractors rotary
Buggies and carts, concrete hand operated
Buggies and carts, concrete power propelled
Chutes, concrete handling
Concrete surfacing machines, highway type
Discs, road, harrow type for construction work
Discs, road, wheel mounted type
Distributors, water (street sprinklers and flushers)
Ditchers, blade
Dredges and dredge equipment, except mining
Drilling machines, portable water well, churn drill type
Earth boring machines, vertical auger type (except post hole diggers)
Finegraders and subgraders, self-propelled type
Forms, concrete road
Graders, blade or pull type earth moving
Graders, elevating earth moving
Graders, self-propelled earth moving
Hoists, contractor and material handling exceeding 6,000 pounds line pull at 250 FPM line speed or exceeding 1,300,000 foot pounds effort based on second wrap of cable
Hoppers, portable concrete
Maintainers, road
Maintainers, shoulder
Plows, cable laying
Plows, snow (V and blade types—truck, tractor, grader or railroad mounted, including wings)
Rollers, road portable
Rollers, road pneumatic tired
Rollers, road tandem
Rollers, road three wheeled
Rollers, tamping and sheepsfoot
Scarifiers—complete machines not attachments
Screening plants, portable type
Sweepers, street
Sweepers, street motor pick-up
Towers, concrete placing
Towers, material elevating
Washing and screening plants, portable type

SCHEDULE D

The manufacture of items of equipment appearing in Schedule D will be discontinued in accordance with paragraph (e) (2).

Any item to the extent prohibited by any schedule to Limitation Order L–217
Finegraders and subgraders, drawn type
Graders, under truck type
Joint levellers
Scrapers, carrying and hauling, over 15 cu. yd. struck capacity
Scrapers, drag, fresno and rotary, except those under jurisdiction of Limitation Order L–170

[F. R. Doc. 43–10649; Filed, July 2, 1943; 10:27 a. m.]

PART 1193—COTTON TEXTILE PRODUCTION

[Supplementary Limitation Order L–99–a, as Amended July 2, 1943]

Supplementary Limitation Order L–99–a is amended to read as follows:

§ 1193.2 *Supplementary Limitation Order L–99–a*—(a) *80 squares.* No producer or converter of cotton textiles shall sell or deliver any 39" 80/80 4.00 yard print cloth or pro rata widths thereof, gray or finished, except to fill orders bearing a preference rating of AA–5 or better. This restriction shall not apply to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or converter's production of the cloth referred to in this paragraph.

(b) *Bandage cloth.* No producer or converter of cotton textiles shall process or convert any 38½" 44/36 8.60 yard or 38½" 44/40 8.20 yard print cloth, or pro rata widths thereof, gray or finished, except to render the same suitable for manufacture into surgical dressings or cheese bandages. No producer, converter, or jobber (one who sells to a manufacturer, or for resale) shall sell or deliver such cloth, knowing or having reason to believe that such cloth will be used other than for manufacture into such dressings or bandages. These restrictions shall not apply to specific orders for delivery to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or converter's production of the cloth referred to in this paragraph.

(c) *Bandage cloth loom assignment.* Any looms which, on July 2, 1943, operated on or were assigned to 38½" 44/36 8.60 yard print cloth or pro rata widths thereof shall not operate on or be assigned to any other construction. Any looms which on July 2, 1943, operated on or were assigned to 38½" 40/32 9.80 yard or 38½" 48/44 7.46 yard print cloths, or pro rata widths thereof, may operate on or be assigned only to one or more of the three constructions mentioned in this paragraph (c), or pro rata widths thereof.

(d) *Diaper cloth.* No person shall sell, deliver, buy or accept any gauze diaper cloth or birdseye diaper cloth, any new product made therefrom or new diapers, knowing or having reason to believe that the same will be used for industrial purposes, and no manufacturer or processor of any product shall use gauze diaper cloth or birdseye diaper cloth, any new product made therefrom or new diapers for industrial purposes. This restriction shall not apply to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or manufacturer's production of diaper cloth and diapers.

Issued this 2d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–10650; Filed, July 2, 1943; 10:27 a. m.]

Chapter XI—Office of Price Administration

PART 1389—APPAREL

[Rev. MPR 287]

MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS', CHILDREN'S AND TODDLERS' OUTERWEAR GARMENTS

Maximum Price Regulation 287[1] is redesignated Revised Maximum Price Regulation 287 and is revised and amended to read as follows:

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for manufacturers of certain women's, girls', children's, and toddlers' outerwear garments. The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1389.351 *Maximum manufacturers' prices for women's, girls', children's, and toddlers' outerwear garments.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised MPR 287, (Manufacturers' Prices for Women's, Girls', Children's, and Toddlers' Outerwear Garments) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: §1389.351 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7671, E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 287—MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS', CHILDREN'S, AND TODDLERS' OUTERWEAR GARMENTS

ARTICLE I—INTRODUCTION

Sec.
1. Scope of this regulation.
2. How to use this regulation.

ARTICLE II—MANUFACTURERS OF GARMENTS WHICH WERE COVERED BY MPR 287 PRIOR TO JUNE 29, 1943

8. Spring Pricing Chart.
4. Fall Pricing Chart.
5. Special provisions.

ARTICLE III—MANUFACTURERS OF TODDLERS' GARMENTS, OR BLOUSES UNDER SIZE 30 OR SLACKS AND SLACK SUITS

6. Spring Pricing Chart.
7. Explanation of terms used in section 6.
8. Fall Pricing Chart.
9. Manufacturers who did not deliver any toddlers' garments or blouses under size 30, or slacks and slack suits during March 1942.

ARTICLE IV—GENERAL PROVISIONS

Sec.
10. Pricing rules.
11. Special provisions for manufacturing-retailers.
12. Manufacturers who cannot price by Rules 1, 2 and 3.
13. Special provisions for manufacturers who have not received acknowledgment of the filing of their pricing charts.
14. How to amend a pricing chart.
15. Prohibitions.
16. Posting of selling price lines by manufacturers.
17. Records.
18. Transfers of business.
19. Invoices, sales slips and receipts.
20. Licenses.
21. Enforcement.
22. Relation of this regulation to other maximum price regulations.
23. Geographical applicability of this regulation.
24. How this regulation may be amended.
25. Definitions.
26. Effective date.
27. Appendix A: What garments must be priced under this regulation.
28. Appendix B: Examples of Pricing Charts.
29. Appendix C: Maximum allowable margins for selling price lines at discounts lower than 8%.
30. Appendix D: Cost records.
31. Appendix E: How manufacturers pricing under Rule 3 find their highest permissible selling price lines for new category numbers.
32. Appendix F: Maximum allowable margins for new manufacturers other than manufacturing-retailers.

Article I—Introduction

SECTION 1. *Scope of this regulation.* This regulation tells manufacturers how to find their ceiling prices for the women's, girls', children's and toddlers' outerwear garments which are described and identified by a category number in Appendix A (Sec. 27). A "manufacturer" is a person who sells a garment fabricated by him or by an agent or contractor for him. (Note, however, that the regulation does not apply to sales by custom tailors or dressmakers, who continue to price under sections 2 and 3 of the General Maximum Price Regulation.[2] A "custom tailor" or "dressmaker" is a manufacturer who sells to ultimate consumers, from his own regular establishment, garments he has fabricated to the individual specifications and at the special order of the consumers.)

SEC. 2. *How to use this regulation.* If you have been operating under Maximum Price Regulation 287 prior to June 29, 1943, Article II (below) will tell you about pricing charts for garments which were covered by the regulation prior to that date. If you manufacture toddlers' garments, or blouses under size 30, or slacks and slack suits, you will find information about these garments in Article III. Article IV contains pricing rules and other provisions applicable to all manufacturers.

If prior to June 29, 1943 you did not deliver any garments covered by this regulation, you must not make sales or deliveries until you have received authorization from the OPA to establish your ceiling prices. Section 12 tells how to apply for this authorization.

Article II—Manufacturers of Garments Which Were Covered by MPR 287 Prior to June 29, 1943

SEC. 3. *Spring Pricing Chart.* If you have been pricing under Rules 1, 2, 3, 5 or 7 of MPR 287, the pricing chart you filed pursuant to § 1389.353 (a), together with any supplement filed pursuant to Rule 11 (§ 1389.356a (c)), is now called your "Spring Pricing Chart" and is to be used throughout the year. (If you were authorized to establish ceiling prices under Rule 6 or Rule 9 of MPR 287, your Spring Pricing Chart is the OPA order of authorization.)

SEC. 4. *Fall Pricing Chart.* You may have delivered garments during the period between July 1 and November 1, 1942 at selling price lines higher than those listed in your Spring Pricing Chart, or in category numbers not listed in your Spring Pricing Chart. If so, you are permitted to use those Fall selling price lines after June 29, provided you first prepare a Fall Pricing Chart showing each selling price line delivered during that Fall period which is (a) higher than those listed in your Spring Pricing Chart, or (b) in a category number not listed in your Spring Pricing Chart. (Note that "selling price line" is defined in section 7 (a).)

This privilege to use Fall selling price lines does not apply to garments put into process after December 15th (except recuts and reorders of garments put into process prior to December 15th) or to any garments delivered after February 1st. (Manufacturing-retailers may substitute March 1st for February 1st.)

The maximum allowable margins for the selling price lines shown on your Fall Pricing Chart are found by selecting either of the following options. (Note, however, that the option selected must be used for all selling price lines and all category numbers in the Fall Pricing Chart. You must also state on the chart the option selected):

Option 1: Calculate your maximum allowable margin for each of the higher selling price lines in each category number by adding together all the maximum allowable margins which are listed for that category number on your Spring Pricing Chart and dividing the total by the number of selling price lines listed on the Spring Pricing Chart for that category number.

For example: You listed misses' and juniors' suits (Category No. 7) at $10.75, $14.75 and $16.75 on your Spring Pricing Chart, with maximum allowable margins of 32%, 37% and 36%, respectively. During the period from July 1 to November 1, 1942 you delivered misses' and juniors' suits at $10.75, $16.75 and $22.75. To calculate the maximum allowable margin for $22.75 suits on your Fall Pricing Chart, you add the maximum allowable margins on the three Spring selling price lines (32%+37%+36%) and divide the sum (105%) by 3. Applying the result (35%) to the $22.75 selling price line, you find that the minimum allowable cost for your $22.75 suit is $14.79 ($22.75×35%=$7.96; $22.75−$7.96=$14.79).

If during the period between July 1 and November 1, 1942 you delivered garments in a category number not listed on your Spring Pricing Chart, calculate your maximum allowable margin for that category number under this option by adding together all the maximum allowable margins for all category numbers listed on your Spring Pricing Chart and dividing the total by the number of selling price lines.

For example: On your Spring Pricing Chart you listed Category No. 24 (girls' dresses) in three selling price lines having maximum allowable margins of 32%, 29% and 41%; you also listed Category No. 8 (teen-age suits) in two selling price lines having maximum allowable margins of 34% and 37%. You listed no other category numbers on your Spring Pricing Chart. However, in August 1942 you delivered teen-age dresses (Category No. 23) at $7.75. Under Option 1 you calculate your maximum allowable margins for these teen-age dresses by adding together all the maximum allowable margins listed on your Spring Pricing Chart for every category number (32%+29%+41%+34%+37%) and dividing the sum (173%) by 5. The result (34.6%) is the maximum allowable margin on your teen-age dresses. Therefore, applying the 34.6% margin to your $7.75 selling price line, you find that the minimum allowable cost for your $7.75 teen-age dresses is $5.07 ($7.75×34.6%=$2.68; $7.75—$2.68=$5.07).

Option 2: First calculate the average initial percentage margin taken on each of the Fall selling price lines in each category number (substituting the period between July 1 and November 1, 1942 for March 1942) and then calculate the maximum allowable margins, in accordance with the instructions contained in section 7.

In Appendix B (section 28) you will find forms showing the information which must appear on the Fall Pricing Chart. Two signed copies must be filed with the appropriate district or state office of the OPA; an additional copy must be preserved for your own use.

SEC. 5. *Special provisions*—(a) *Changed category numbers.* The following manufacturers, before preparing their Fall Pricing Charts, are required to amend their Spring Pricing Charts. Two signed copies of the amended chart must be filed on or before August 5, 1943 with the appropriate district or state office of the OPA; an additional copy must be preserved by the manufacturer for his own use:

(1) *Two-piece dresses.* Every manufacturer who included in his Spring Pricing Chart, in Category Numbers 6 to 10, garments which are properly "two-piece dresses" as defined in Appendix A (section 27) must file an amended Spring Pricing Chart in which two-piece dresses are omitted from Category Numbers 6 to 10 and are included in Category Numbers 21 to 25. These manufacturers must recalculate the average initial percentage margins, maximum allowable margins, and minimum allowable costs of selling price lines in Category Numbers 6 to 10 and 21 to 25 accordingly, by including in their calculations for Category Numbers 6 to 10 only those styles of garments which are properly "suits" as defined in Appendix A (section 27) and by including in their calculations for Category Numbers 21 to 25 those styles of garments which are properly two-piece dresses.

(2) *Snowsuits.* Every manufacturer whose Spring Pricing Chart did not include, in Category Number 27, all snowsuits in sizes 1 to 6 and in Category Number 28, all snowsuits in sizes 7 to 16 (excluding misses' and junior misses' sizes) must file an amended Spring Pricing Chart in which all those snowsuits are included and appropriate recalculations are made.

(b) *Couturier manufacturers.* Couturier manufacturers are entitled to use maximum allowable margins calculated in accordance with section 7 (c) (3).

(c) *Manufacturers who priced under Rule 5, 6, or 9 of MPR 287 and who during the period between July 1 and October 1, 1942 did not deliver garments which were covered by MPR 287 prior to June 29, 1943.* If you have been pricing under Rule 5, 6, or 9 of MPR 287, and if during the period between July 1 and October 1, 1942 you did not deliver any garments covered by MPR 287 prior to June 29, 1943, you may apply to the appropriate district or state office of the OPA for authorization to establish higher Fall selling price lines. Three copies of this application should be filed, setting forth the following:

(1) Your name and address.

(2) Category numbers of garments for which you wish to establish higher Fall selling price lines.

(3) Highest Fall selling price lines desired for garments in each category number listed in (2).

The application should also state under which rule of MPR 287 you have been pricing prior to June 29, 1943, and, if you have been pricing under Rule 5, should contain a list of the names and addresses of your five closest competitors.

Article III—Manufacturers of Toddlers' Garments, or Blouses Under Size 30, or Slacks and Slack Suits

SEC. 6. *Spring Pricing Chart.* Before delivering any garments of Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b or 32–39, you must prepare a Spring Pricing Chart for those garments which contains the following:

(a) A list of the category numbers delivered during March 1942.

(b) A list of each of the "selling price lines" delivered during March 1942, in each category number.

(c) The "average initial percentage margin" taken on each selling price line listed in (b).

(d) The "maximum allowable margin" for each selling price line listed in (b).

(e) The "minimum allowable cost" for each selling price line listed in (b).

(f) Your terms of sale for each selling price line listed in (b) (that is, your customary discounts, allowances and trade differentials for each class of purchaser).

NOTE: If a style was actually delivered during March 1942 at a price to your general trade exceeding your selling price line (which is defined in section 7 (a) as the price at which you first offered the style to your general trade on the occasion of its first cutting), you may also list that March price as a selling price line on your Spring Pricing Chart. To distinguish the March price from your first cutting price, you must write the symbol "(M)" in front of it. For a maximum allowable margin you use the maximum allowable margin for the next lower selling price line listed in (b) for the same category number.

For example: You listed under (b) and (d) women's slack suits (Category No. 36) at the following selling price lines and maximum allowable margins: $14.75 with a 46% margin, $10.75 with a 32% margin, $8.75 with a 41% margin, and $5.75 with a 20% margin. You also sold women's slack suits in March 1942 at $13.75, $11.75, $9.75 and $7.75. Each of these prices may be listed on your Spring Pricing Chart, preceded by the symbol "(M)". The maximum allowable margins for the $13.75, $11.75, $9.75 and $7.75 selling price lines are 32%, 32%, 41% and 20%, respectively.

You will find a form showing the information which must appear on the Spring Pricing Chart in Appendix B (section 28). Two signed copies must be filed before August 5, 1943 with the appropriate state or district office of the OPA; an additional copy must be preserved for your own use.

SEC. 7. *Explanation of terms used in section 6*—(a) *"Selling price line"* means the price at which a manufacturer first offered for sale to his general trade a style of garment on the occasion of its first cutting. Subsequent offers to sell, or sales, of the same style at higher

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10460, 8 F.R. 323, 492, 859, 1365, 1740, 4514.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 6047, 6962.

or lower prices are not to be considered as establishing separate selling price lines. Selling prices which differ from the prices customarily established for the general trade because of discounts, allowances, or price differentials for different classes of purchasers do not constitute selling price lines. Sample sales or accommodation sales shall not be considered as establishing a selling price line.

(b) *"Average initial percentage margin"* is calculated in the following manner:

Step 1: Take all styles delivered during March 1942 in each category number and find the "selling price line" (as defined above) for each style.

Step 2: Group together all styles which belong in the selling price line for which you are calculating a margin and find the direct cost of each style. "Direct cost" means the cost of materials, trimmings and direct labor, at the time of the first cutting, calculated in accordance with the instructions contained in Appendix D (section 30). Note that the direct cost of each style delivered during March 1942 must be calculated as of the time of the first cutting even if the first cutting of the style was prior to March 1942.

Step 3: Find the total direct cost of all styles in the selling price line by adding together the direct costs (Step 2) of each style.

Step 4: Find the average cost of garments in the selling price line by dividing the total direct cost (Step 3) by the number of styles in the line.

Step 5: Find the average initial dollar margin of garments in the selling price line by subtracting the average cost (Step 4) from the selling price line.

Step 6: Divide the average initial dollar margin (Step 5) by the selling price line. The result is the average initial percentage margin.

Example: A manufacturer during March 1942 delivered three styles in his $10.75 selling price line for Category No. 1. After calculating material, trimmings and direct labor costs in accordance with the instructions contained in Appendix D (section 30) he finds that the direct cost of Style 1 was $8.60, Style 2, $8.91, and Style 3; $9.10. The total direct cost of all styles in the selling price line is, therefore, $26.61. The average cost is $8.87 ($26.61 divided by 3). The average initial dollar margin is $1.88 ($10.75 less $8.87), and the average initial percentage margin is 17½% ($1.88 divided by $10.75).

(c) *"Maximum allowable margin" where the selling price lines have an 8% or higher discount to the general trade.* (1) If a manufacturer's average initial percentage margin on a selling price line is 22% or less, then his maximum allowable margin for that selling price line shall be the same as his average initial percentage margin.

(2) If a manufacturer's average initial percentage margin on a selling price line is higher than 22%, then his maximum allowable margin for that selling price line shall be 90% of his average initial percentage margin or 22%, whichever is higher: *Provided*, That in no event shall his maximum allowable margin for any selling price line be higher than 46%.

(3) *Special provision for couturier manufacturers.* A manufacturer is a "couturier manufacturer" if he meets both of the following conditions: (i) the average of all the average initial percentage margins listed on his Spring Pricing Chart is higher than 51.1%; (ii) 70% of the selling price lines listed on his Spring Pricing Chart are equal to or higher than the selling price lines listed below:

Category number:	Selling price line
1 and 2	$39.75
3	18.75
4	16.75
5	14.75
6 and 7	22.75
8	16.75
9	14.75
10	10.75
11 and 12	16.75
13	8.75
14	7.75
15	5.75
16 and 17	12.75
18	6.75
19	4.75
20	3.00
21 and 22	22.75
23	8.75
24	4.75
25	3.75
26	6.75
27	10.75
28	16.75
29	18.75
30	8.75
31	6.75
32 and 33	14.75
34	6.75
35	3.75
36 and 37	22.75
38	8.75
39	4.75

If a manufacturer is a couturier manufacturer, as above defined, the limitation of all maximum allowable margins to 46% or less shall not apply to his margins; and his maximum allowable margin for each selling price line shall be 90% of the average initial percentage margin for that selling price line.

Example 1: If a manufacturer listed five selling price lines on his Spring Pricing Chart, $45 and $39.75 for women's coats (Category No. 1), and $22.75, $18.75 and $16.75 for misses' suits (Category No. 7), he is not a couturier, since only 60% of his selling price lines are equal to or higher than the prices listed above for category numbers 1 and 7; and this subparagraph does not apply. None of his maximum allowable margins, therefore, may exceed 46%.

Example 2: If a manufacturer has listed on his Spring Pricing Chart average initial percentage margins of 47%, 43%, 56%, 39%, 44%, and 54%, the average of all his average initial percentage margins is only 47.2%, and this subparagraph does not apply to him. Therefore, none of his maximum allowable margins may exceed 46%. His maximum allowable margins are, respectively, 42.3%, 38.7%, 46%, 35.1%, 39.6% and 46%.

Example 3: If a manufacturer listed eight selling price lines on his Spring Pricing Chart, $29.75, $25, and $18.75 for women's suits (Category No. 6), $18.75 and $16.75 for women's separate jackets (Category No. 11) and $9.75, $6.75 and $5.75 for misses' blouses (Category No. 26), 75% of all his selling price lines are equal to or higher than the selling price lines listed above for the respective category numbers. Therefore, he is a couturier. If, in addition, his average initial percentage margins were 42%, 57%, 39%, 62%, 52%, 49%, 54%, and 59%, then the average of all his average initial percentage margins is 51.75%, and this subparagraph applies. His maximum allowable margins even in those selling price lines whose average initial percentage margins were higher than 51.1% are, therefore, equal to 90% of the average initial percentage margins. Thus, his maximum allowable margins are, respectively, 37.8%, 51.3%, 35.1%, 55.8%, 46.8%, 44.1%, 48.6%, and 53.1%.

(d) *"Maximum allowable margin" where the selling price lines are on a discount less than 8% to the general trade.* The percentage margins stated in subparagraph (c), (1) and (2) namely 22% and 46%, are to be used only where the selling price lines have an 8% or higher discount to the general trade. If the selling price line is on a net basis or on any discount less than 8%, the percentage margins stated in subparagraph (c), (1) and (2) shall be adjusted as explained in Appendix C (section 29).

(e) *"Minimum allowable cost"* is calculated by multiplying the selling price line by the maximum allowable margin and subtracting the result from the selling price line.

Example: If a manufacturer's maximum allowable margin on his $10.75 selling price line is 30%, he multiplies $10.75 by 30% and subtracts the result ($3.23) from $10.75. The difference, $7.52, is the minimum allowable cost.

SEC. 8. *Fall Pricing Chart.* Before delivering any garments of Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, or 32–39, you must also prepare a Fall Pricing Chart for those garments, following the instructions contained in section 4.

SEC. 9. *Manufacturers who did not deliver any toddler garments, or blouses under size 30, or slacks and slack suits during March 1942*—(a) *Manufacturers who made no deliveries prior to April 1, 1943 but did make deliveries between April 1 and June 29, 1943.* If you did not deliver any garments in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, or 32–39 prior to April 1, 1943, but did deliver garments in those category numbers between April 1 and June 29, 1943, you may, at your option, either file a Spring Pricing Chart or apply to the OPA for authorization to establish maximum prices under section 12.

If you elect to file a Spring Pricing Chart, you use as your base period in preparing the chart the period between (1) the date of your first delivery of garments in a particular category number and (2) June 29, 1943. You must file two signed copies of this Spring Pricing Chart with the appropriate district or state office of the OPA on or before August 5, 1943 and keep an additional copy for your own use. You must also file two signed copies of a statement showing the date of commencement of business, the dates of the first delivery of garments in each category number, and a list of the names and addresses of your five closest competitors.

Even if you have elected to file a Spring Pricing Chart pursuant to the above paragraph, you may still file an application under section 12 for authorization to establish maximum prices, provided you file the application prior to August 15, 1943. The application should contain a statement that the Spring Pricing Chart previously filed is rescinded.

(b) *Manufacturers who delivered garments in March 1943*—(1) *Spring Pricing Chart.* If you did not deliver any garments in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, or 32–39, during March 1942, but did deliver garments in those category numbers during March 1943, you use March 1943 as the base period in preparing your Spring Pricing Chart.

(2) *Fall Pricing Chart.* If you did not deliver any garments in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, or 32–39 during March 1942, but did deliver garments in those category numbers during the period between July 1 and November 1, 1942, you use that period in preparing your Fall Pricing Chart.

(c) *Manufacturers who did not deliver garments prior to October 1, 1942.* If you did not deliver any garments in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, or 32–39 prior to October 1, 1942, you may apply to the appropriate district or state office of the OPA for authorization to establish higher Fall selling price lines. You should include in the application the information required in applications made pursuant to section 5 (c).

(d) *Adjustments of pricing charts.* At any time within 6 months after the filing of a pricing chart prepared pursuant to (a) or (b) above, the OPA may adjust the selling price lines or maximum allowable margins listed thereon.

Article IV—General Provisions

SEC. 10. *Pricing rules*—(a) *Rule 1: Sales at selling price lines listed on the pricing chart in effect on the date of delivery.* A manufacturer may sell garments in any selling price line listed on his pricing chart for garments of the same category number, but he may not sell in a selling price line higher than the highest listed on his pricing chart in effect on the date of delivery for garments of the same category number.

Garments of a category number and in a selling price line listed on a manufacturer's pricing chart must contain a direct cost no less than the minimum allowable cost for that category number and selling price line.

For example, if a manufacturer's minimum allowable cost for his $4.75 selling price line in Category No. 22 is $3.60, then every garment in Category No. 22 sold in a $4.75 selling price line must contain a direct cost of $3.60 or more.

However, a garment which contains the minimum allowable cost may be sold at a lower price than the selling price line.

For example, this same manufacturer may sell a garment in Category No. 22 which contains a direct cost of $3.60 or more at $4.50, or at any other price lower than $4.75. Customary discounts, allowances and trade differentials may not be changed, however, if the change would result in a higher net price.

(b) *Rule 2: Sales at selling price lines different from those listed on the pricing chart.* A manufacturer may, at his option, sell a garment in a selling price line different from those listed on his pricing chart: *Provided,* The garment contains the minimum allowable cost for the selling price line: *And provided also,* That the selling price line is not higher than the highest selling price line listed on his pricing chart in effect on the date of delivery for a garment of the same category number. The maximum allowable margin for the optional selling price line is the maximum allowable margin listed on the pricing chart for a garment of the same category number in either the next higher or the next lower selling price line, whichever margin is lower. The minimum allowable cost is calculated by multiplying the optional selling price line by the lower maximum allowable margin thus selected and subtracting the result from the optional selling price line.

For example: A manufacturer's Fall Pricing Chart contains selling price lines for misses' coats (Category No. 2) of $16.75 and $18.75, having maximum allowable margins of 32% and 36% respectively. If, in October, he chooses to sell misses' coats at $17.50, he calculates his maximum allowable margin for these $17.50 coats by taking the lower of the maximum allowable margins listed on his Fall Pricing Chart for his $16.75 and $18.75 selling price lines. The maximum allowable margin on his $17.50 coats is, therefore, 32%; and the minimum allowable cost for such coats is $11.90 ($17.50×32% = $5.60; $17.50 − $5.60 = $11.90).

If the manufacturer selects a selling price line lower than the lowest selling price line listed on his Spring Pricing Chart for a garment of the same category number, he must use, as his maximum allowable margin, the maximum allowable margin of that lowest selling price line.

For example: A manufacturer wants to sell misses' dresses (Category No. 22) at $2.75. The lowest selling price line for misses' dresses listed on his Spring Pricing Chart is $3.75, and the maximum allowable margin for $3.75 dresses is 20%. Misses' dresses which he now sells at $2.75 must contain a minimum allowable cost of $2.20. ($2.75×20% = $.55; $2.75 − $.55 = $2.00.)

(c) *Rule 3: Pricing garments of a category number not listed in the pricing chart in effect on the date of delivery.* A manufacturer who wishes to sell garments of a different category number from those listed on his pricing chart in effect on the date of delivery must price by this rule.

He finds the highest selling price line in which he may sell garments of a new category number by referring to the instructions in Appendix E (section 31). He may then sell garments in the new category number at any selling price line equal to or lower than the highest selling price line so found. He fixes maximum prices for the garments by taking a margin over direct cost no higher than the average of the maximum allowable margins for every selling price line in every category number listed on his Spring Pricing Chart. (The average of the maximum allowable margins is determined by finding the total of all the maximum allowable margins for all selling price lines listed on the Spring Pricing Chart and dividing the total by the number of selling price lines.)

For example: (a) A manufacturer listed on his Spring Pricing Chart 6 selling price lines, 3 for women's dresses (Category No. 21) having maximum allowable margins of 35%, 32%, and 41%, and 3 for misses' dresses (Category No. 22) having maximum allowable margins of 44%, 37%, and 30%. His maximum allowable margin for garments in a new category number is 36.5%. This is calculated by adding together all the maximum allowable margins on his Spring Pricing Chart (35% + 41% + 44% + 32% + 37% + 30% = 219%) and dividing the sum by 6 (219% ÷ 6 = 36.5%).

(b) If the selling price lines listed by the manufacturer in the above example were $7.75, $6.75 and $4.75 for women's dresses, and $6.75, $5.75 and $4.75 for misses' dresses, and he now wishes to make women's coats (Category No. 1), the Table in Appendix E indicates that he would use Group I. He could then sell women's coats in a $16.75 selling price line. Thus, his minimum allowable cost in that selling price line would be $10.64. This is calculated by taking a maximum allowable margin of 36½% on the $16.75 selling price line ($16.75×36.5 = $6.11; $16.75 − 6.11 = $10.64). He may also sell women's coats at any price lower than $16.75.

SEC. 11. *Special provisions for manufacturing-retailers.* A "manufacturing-retailer" is a manufacturer who maintains one or more establishments selling at retail, or who otherwise sells substantially all of the garments that he manufactures to ultimate consumers. Manufacturing-retailers must prepare special pricing charts for garments which they sell to ultimate consumers. These charts should include only garments which were delivered to ultimate consumers during the base period. (If other garments were delivered, they are the basis of pricing charts which must be used for sales to persons who are not ultimate consumers.)

In preparing special pricing charts for garments which are sold to ultimate consumers, manufacturing-retailers calculate their maximum allowable margins as follows:

(a) If the average initial percentage margin for a selling price line is 30% or less, the average initial percentage margin is also the maximum allowable margin.

(b) If the average initial percentage margin is higher than 30%, the maximum allowable margin is 97% of the average initial percentage margin or 30%, whichever is higher.

However, a manufacturing-retailer may not under any circumstances sell any garment manufactured by him at a selling price line higher than the highest selling price line listed for a garment of the same category number on his pricing chart in effect on the date of delivery.

No retail establishment maintained by a manufacturing-retailer may sell any garment manufactured by him at a selling price line higher than (1) the highest selling price at which that retail establishment during the appropriate base period under this regulation, delivered a garment of the same category number manufactured by the manufacturing-retailer, or (2) the highest selling price at which that retail establishment may

deliver a garment of the same category number under Rules 1, 2 or 3 of MPR 330, whichever selling price is higher.

SEC. 12. *Manufacturers who cannot price by Rules 1, 2 and 3.* (a) *Manufacturers not in business prior to June 29, 1943.* Except in the case of transfers of business as provided in section 18, a manufacturer who, prior to June 29, 1943, did not deliver garments covered by this regulation may not sell or deliver garments until he has received authorization from the OPA to establish maximum prices. Three signed copies of an application for authorization to establish maximum prices shall be filed with the appropriate district or state office of the OPA, setting forth the following:

(1) Applicant's name and address.

(2) Date of commencement of business.

(3) Names of all owners, officers or principals of applicant.

(4) Previous business connections of all owners, officers or principals of applicant.

(5) Category numbers of garments desired to be sold.

(6) Highest selling price lines for each category number of garments desired to be sold. (These may not be higher than those listed in Appendix E (section 31)).

(7) Maximum margins desired for each category number and terms of sale.

(8) A list of the names and addresses of five manufacturers whose methods of operation are most nearly like the methods of operation by which applicant intends to operate.

(9) Information with regard to the following:

(i) Type of trade to which garments are to be distributed (retail stores, mail order houses, etc.).

(ii) Proposed method of distribution (showroom sales, traveling salesmen, advertising, etc.).

(iii) Proposed methods of manufacturing (contractors, inside shop, section work, piece work, etc.).

(iv) Methods of styling (number of designers, etc.). If authorization is given, it will be accompanied by instructions as to a method for establishing maximum prices of the garments to be sold. These instructions may be revised at any time by the OPA.

A maximum allowable margin will not be authorized to any manufacturer, other than a manufacturing-retailer, that is higher than the maximum allowable margins listed in Appendix F (section 32).

(b) *Other manufacturers who cannot price by Rules 1, 2 and 3.* A manufacturer who cannot determine his maximum price under any of the previous sections shall not sell or deliver any garments until he has received specific authorization from the OPA. He shall file with the appropriate district or state office of the OPA three signed copies of an application setting forth in detail the reasons why he cannot price under any of the rules set forth in this regulation, and a statement of the category numbers and the highest selling price line and maximum allowable margin for each category number that he requests permission to sell.

If the authorization is given it will be accompanied by instructions as to the method of establishing maximum prices. These instructions may be revised at any time by the OPA.

(c) *Changes in ownership of manufacturers who have been granted orders under this section or Rule 6 of Maximum Price Regulation 287.* A manufacturer who has received an order under this section, or under Rule 6 of Maximum Price Regulation 287, authorizing him to establish maximum prices must report any change in ownership to the district or state office of the OPA which granted the order. This report should include the names of any new owners or principals and their previous business connections.

SEC. 13. *Special provision for manufacturers who have not received acknowledgment of the filing of their pricing charts*—(a) *Required pricing charts.* This paragraph applies on and after June 29, 1943 to manufacturers who have not received an acknowledgment from the OPA of the filing of any pricing chart which should have been filed under Maximum Price Regulation 287 prior to June 29, 1943. It also applies on and after August 15, 1943 to manufacturers of garments in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b and 32–39 who have not received an acknowledgment from the OPA of the filing of both their Spring and Fall Pricing Charts.

These manufacturers must use the appropriate pricing rule in Article IV, except that the maximum allowable margin on every selling price line shall be 15% until the manufacturer has received an acknowledgment from the OPA of the filing of the required pricing charts.

(b) *Optional pricing charts.* This paragraph applies on and after August 1, 1943 to manufacturers who prior to June 29, 1943 received an acknowledgment from the OPA of the filing of their Spring Pricing Charts but have not received an acknowledgment of the filing of their Fall Pricing Charts. Until this acknowledgment has been received, these manufacturers may not sell or deliver any garments (except those in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b and 32–39 which are provided for in paragraph (a) above) in selling price lines higher than the highest selling price line listed for a garment of the same category number on their Spring Pricing Charts.

SEC. 14. *How to amend a pricing chart.* Any manufacturer who has filed a pricing chart and then finds that the pricing chart filed was incorrect may file two signed copies of an amended pricing chart setting forth the inaccuracies and the reasons therefor. Until he has received an acknowledgment from the OPA of the receipt of this amended pricing chart, however, he shall not sell in a higher selling price line or take a higher maximum allowable margin than those previously reported.

SEC. 15. *Prohibition.* On and after June 29, 1943, regardless of any contract or other obligation:

(a) No manufacturer shall deliver any garments in a selling price line higher than the highest selling price line listed for a garment of the same category number on his pricing chart in effect on the date of delivery.

(b) No manufacturer shall sell or deliver garments on which he obtains a margin higher than the maximum allowable margins permitted by this regulation.

(c) No manufacturer shall sell or deliver garments at a price higher than the maximum prices fixed by this regulation.

(d) No manufacturer shall change his customary discounts, allowances, or other price differentials if the change would result in a higher net price.

(e) No manufacturer shall make a sale of garments which is conditioned directly or indirectly on the purchase of any other commodity or service. (Matched sets, however, may be sold at a unit price unless the sale is prohibited by any order of the War Production Board.)

(f) No person in the course of trade or business shall buy or receive any garment which was sold in violation of paragraphs (a), (b), (c), (d) or (e) of this section.

(g) No person shall agree, offer, solicit or attempt to do any of the acts prohibited in paragraphs (a), (b), (c), (d), (e) and (f) of this section.

(h) No person shall, for the purposes of evading the price limitations set forth in this regulation, sell, purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, controlled by, controlling or otherwise affiliated with the seller. No person shall do any other act which directly or indirectly increases the consideration paid for any garment. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright raising of the maximum price. This applies to devices making use of commissions, services, transportation arrangements, premiums, discounts, special privileges, tying agreements, trade understandings and all similar practices.

SEC. 16. *Posting of selling price lines by manufacturers.* On or before July 10, 1943, every manufacturer must display a statement in a prominent place in his showroom which lists separately the highest selling price lines for each category number shown on his Spring Pricing Chart and on his Fall Pricing Chart, and each category number priced under Rule 3.

SEC. 17. *Records.* Every manufacturer shall maintain and keep available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect the records required by § 1389.8 of Maximum Price Regulation 153, as amended, and by Maximum Price Regulation 287, and also the following records:

(a) *Cutting ticket.* A separate cutting ticket shall be prepared for each cutting of materials which shall contain the following information: (1) date of cutting, (2) style number of garment, (3) number of garments cut, (4) sizes cut, (5) actual yardage used, and (6) piece goods number of the materials used or, if the materials had no piece goods number, the name or quality of materials used and the number of the invoice on which the material was billed.

(b) *Cost record.* Upon each cutting of a style of garment, a manufacturer shall prepare a record showing his cost. This record shall contain at least the information provided for in Appendix D (section 30) and shall be prepared in accordance with the instructions therein set forth.

A manufacturer may, at his option, continue to maintain his records in his customary form: *Provided*, That they contain, on a single record, a summary of all of the information required in Appendix D.

(c) *Purchase record.* A separate record of all purchases by type of material or trimming shall be kept which will indicate the following: (1) firm name of the supplier of materials and trimmings, (2) the date the materials and trimmings were received, (3) invoice number, (4) number of yards, dozens or units received, (5) cost of freight, if freight is borne by manufacturer of garment, (6) gross price of materials and trimmings received, (7) percent and dollar discounts, (8) net price of materials and trimmings received, and (9) net price per yard, dozen or unit of materials and trimmings received.

SEC. 18. *Transfers of business.* (a) If a subtantial part of the business, assets or stock in trade of any business shall be or shall have been sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his tranferer would have been subject if no such transfer had taken place, except as provided in pargraphs (b) and (c) of this section, and his obligation to keep records sufficient to verify such prices shall be the same. The transferer shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer, which are necessary to enable the transferee to comply with the record provisions of this regulation.

(b) No person shall buy, sell, transfer, lease or exchange the business, assets or stock in trade of a business for the purpose of securing higher or different selling price lines, higher or more advantageous margins, or for the purpose of securing any other benefit which may be prohibited to him by this regulation.

(c) If after December 14, 1942 two or more manufacturers merge or combine and continue to operate as one manufacturer, the manufacturer who continues to operate shall establish his price under this regulation as if he were the manufacturer who had the largest dollar volume of sales during the twelve months immediately preceding the combination or merger.

SEC. 19. *Invoices, sales slips and receipts*—(a) *Manufacturers selling to others than ultimate consumers.* Every manufacturer shall, in connection with every sale of garments, except sales to ultimate consumers, deliver an invoice showing: (1) the date, (2) the name and address of the seller and purchaser, (3) the style number of each of the different styles of garments sold, (4) the quantities of each different style of garment sold, (5) the price contracted for or charged by the seller for each different style of garment sold, and (6) all discounts, allowances and other price differentials. Each style sold must be separately itemized. The manufacturer shall keep a duplicate copy of each invoice delivered.

(b) *Manufacturers selling to ultimate consumers.* Every manufacturer selling to ultimate consumers who has customarily given to the ultimate consumer a sales slip, receipt or similar evidence of purchase, shall continue to do so. Upon request from an ultimate consumer, any such seller, regardless of previous custom, shall give the purchaser a receipt showing: (1) the date, (2) the name and address of the seller, (3) the name or description of each garment sold, and (4) the price received for it.

Duplicate copies of all such sales slips, receipts, or similar evidences of purchase shall be kept by the manufacturer.

SEC. 20. *Licenses*—(a) *Licenses required.* A license, as a condition of selling, is hereby required of every manufacturer now or hereafter making a sale of a garment for which a maximum price is established by this regulation. The person whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall not, during the period of suspension, sell any garment as to which his license to sell is suspended.

(b) *Licenses granted.* Every person now or hereafter making a sale of any garment for which a maximum price is established by this regulation or by any amendment thereto (except manufacturing-retailers who are licensed under the General Maximum Price Regulation), is hereby granted a license as a condition of selling such garment. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of this regulation, or when any such person becomes subject to the provisions of this regulation, and shall unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, continue in force as long as such regulation or any amendment or supplement thereto remains in effect.

SEC. 21. *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for the suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation or order, issued by the OPA, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the OPA.

SEC. 22. *Relation of this regulation to other maximum price regulations.*—(a) *Maximum Price Regulation 287*[3] *and 153, as amended.*[4] This regulation shall be considered as an amendment to Maximum Price Regulation 287 and Maximum Price Regulation 153, as amended, for all purposes, except that it shall be known as Revised Maximum Price Regulation 287.

(b) *Maximum Price Regulation 157.*[5] Maximum Price Regulation 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes, shall apply and this regulation shall not apply to garments made according to military specifications and sold, directly or indirectly, to any war procurement agency of the United States.

(c) *Maximum Price Regulation 172.*[6] Maximum Price Regulation 172, Charges of Contractors in Apparel Industry, shall apply and this regulation shall not apply to transactions for which maximum prices are established by Maximum Price Regulation 172.

(d) *Second Revised Maximum Export Price Regulation.*[7] Second Revised Maximum Export Price Regulation shall apply and this regulation shall not apply to sales or deliveries for which maximum prices are established by second Revised Maximum Export Price Regulation.

(e) *General Maximum Price Regulation.*[8] (1) A manufacturer may, at his option, deliver prior to August 15, 1943 any garments in category numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, and 32–39 at prices no higher than the maximum prices established under the General Maximum Price Regulation. He may also price under the General Maximum Price Regulation garments in those cate-

[3] *Supra*, note 1.

[4] 7 F.R. 4381, 5869, 7010, 7535, 8946, 10081, 8878, 8946, 10091; 8 F.R. 129, 1139, 1394, 2209.

[5] 7 F.R. 4273, 4541, 4613, 5180, 5716, 6004, 6424, 8948, 8 F.R. 3948, 7507.

[6] 7 F.R. 4882, 6684, 8351, 8948, 10864.

[7] 8 F.R. 4132, 5987, 7662.

[8] *Supra*, note 2.

gory numbers delivered prior to September 15, 1943 which are fabricated from materials purchased under written contracts entered into on or before June 1, 1943.

(2) Except as provided in (1) of this paragraph, the General Maximum Price Regulation shall not apply and this regulation shall apply on and after June 29, 1943 to sales and deliveries of the women's, girls', children's and toddlers' outerwear garments for which prices are established by this regulation. However, the following section of the General Maximum Price Regulation is made a part of this regulation, and each seller must comply with it: Federal and State taxes (§ 1499.7).

SEC. 23. *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States, and to the District of Columbia, but not the territories and possessions of the United States.

SEC. 24. *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 [9] issued by the OPA.

SEC. 25. *Definitions.* (a) "Pricing chart in effect on the date of delivery" means the Spring Pricing Chart alone from February 1st (March 1st for manufacturing-retailers) to June 15th, and the Spring and the Fall Pricing Charts taken together from June 15th to February 1st (March 1st for manufacturing-retailers) except that for garments put into process after December 15th which are not recuts or reorders of garments put into process on or before that date, only the Spring Pricing Chart is in effect.

(b) "Contractor" is defined in Maximum Price Regulation 172.[10]

(c) For the purposes of this regulation, where authorizations are to be granted, or prices are to be adjusted, the references to the OPA shall mean any regional office of the OPA or such other office as may be authorized by order, issued by the appropriate regional office, of the OPA.

(d) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation,[11] shall apply to the terms used in this regulation.

SEC. 26. *Effective date.* This Revised Maximum Price Regulation 287 (Sec. 1389.351) shall become effective June 29, 1943.

SEC. 27. *Appendix A: What garments must be priced under this regulation.* This regulation covers the garments listed below, if fabricated from yard goods (including knitted fabrics and laces). It does not cover garments fabricated from materials obtained by the assignment of an A-2 preference rating by the War Production Board, pursuant to Limitation Order M-207; nor does it cover uniforms and women's work clothing which would ordinarily be purchased only for wear in industrial, commercial, institutional or agricultural occupations. Note, however, that sports wear and utility wear suitable for general use are covered.

(a) *Coats.* "Coats" include all feminine outerwear garments commonly known as coats, usually worn over other outer apparel, untrimmed, trimmed and fur-trimmed, sport and dress, including capes and wraps, but not including rainwear garments or garments made of artificial leather. "Rainwear garments" are those which are commonly regarded as having their chief use as protection against rain.

Category numbers:
- #1—"Women's"—all sizes.
- #2—"Misses'" and "Jr. misses'"—sizes from 9 to 20, inclusive.
- #3—"Teen age"—sizes from 10 to 16, inclusive.
- #4—"Girls'"—sizes from 7 to 14, inclusive.
- #5—"Children's"—sizes from 3 to 6, inclusive.
- #5a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(b) *Suits.* "Suits" include all two-piece feminine outerwear garments, untrimmed, trimmed and fur-trimmed, consisting of a "separate jacket" and "separate skirt" fabricated of either matching or contrasting material to be sold at a unit price. Two-piece dresses, however, are not included.

Category numbers:
- #6—"Women's"—all sizes.
- #7—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
- #8—"Teen age"—sizes from 10 to 16, inclusive.
- #9—"Girls'"—sizes from 7 to 14, inclusive.
- #10—"Children's"—sizes from 3 to 6, inclusive.
- #10a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(c) *Separate jackets.* "Separate jackets" include all feminine outerwear garments commonly known as jackets which can be opened from neck to hem and which ordinarily are not worn tucked into a skirt, slacks, shorts, etc. Note that this includes ski jackets, skating jackets and other sport jackets. Garments made of artificial leather are, however, excepted. Boleros, jerkins and other garments of the same type are considered to be jackets.

Category numbers:
- #11—"Women's"—all sizes.
- #12—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
- #13—"Teen age"—sizes from 10 to 16, inclusive.
- #14—"Girls'"—sizes from 7 to 14, inclusive.
- #15—"Children's"—sizes from 3 to 6, inclusive.
- #15a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(d) *Separate skirts.* "Separate skirts" include all feminine outerwear garments commonly known as skirts, including skating skirts, but excluding culottes.

Category numbers:
- #16—"Women's"—all sizes.
- #17—"Misses'" and "jr. misses'"—sizes 9 to 20, inclusive.
- #18—"Teen age"—sizes from 10 to 16, inclusive.
- #19—"Girls'"—sizes from 7 to 14, inclusive.
- #20—"Children's"—sizes from 3 to 6, inclusive.
- #20a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(e) *Dresses.* "Dresses" include all feminine outerwear garments commonly known as dresses, whether made in one-piece models or in two-piece models consisting of a skirt and a separate blouse, or separate unlined jacket, and sold at a unit price. Such garments include dresses used for street, evening, house or utility wear. Jumpers, pinafores, brunch coats, smocks and similar garments are considered dresses.

Category numbers:
- #21—"Women's"—all sizes.
- #22—"Misses'", and "jr. misses'"—sizes from 9 to 20, inclusive.
- #23—"Teen age"—sizes from 10 to 16, inclusive.
- #24—"Girls'"—sizes from 7 to 14, inclusive.
- #25—"Children's"—sizes from 3 to 6, inclusive.
- #25a—"Toddlers'"—sizes from 6 months to 3 years, inclusive.

(f) *Blouses.* "Blouses" include all feminine outerwear garments, commonly known as blouses or shirtwaists.

Category numbers:
- #26—"Women's" and "misses'"—all sizes
- #26a—"Teen age" and "girls'"—sizes from 7 to 16, inclusive.
- #26b—"Children's" and "toddlers'"—sizes from 6 months to 6 years, inclusive.

(g) *Snowsuits.* "Snowsuits" include all (1) toddlers' and children's (including boys'), (2) girls' and (3) teen age outerwear garments commonly known as snowsuits or ski suits.

Category numbers:
- #27—"Children's" and "toddlers'" one and two-piece snowsuits (with or without a matching hat)—sizes from 1 to 6, inclusive.
- #28—"Teen age" and "girls'" one and two-piece snowsuits (with or without a matching hat)—sizes from 7 to 16, inclusive.

(h) *Legging sets and separate leggings.* "Legging sets" and "separate leggings" include all (1) toddlers' and children's (including boys'), and (2) girls' outerwear garments commonly known as legging sets and separate leggings, but excluding garments made of artificial leather.

Category numbers:
- #29—Legging sets—sizes from 1 to 14, inclusive.
- #30—Separate leggings—sizes from 1 to 14, inclusive.

(i) *Separate ski pants.* "Separate ski pants" include all (1) toddlers' and children's (including boys'), (2) girls' and (3) teen age outerwear garments commonly known as ski pants.

Category number:
- #31—Separate ski pants—sizes from 1 to 16, inclusive.

[9] 7 F.R. 8961; 8 F.R. 3313, 3533, 6773.
[10] *Supra*, note 6.
[11] *Supra*, note 2.

(j) *Separate slacks.* "Separate slacks" include all women's, girls' and children's outerwear garments commonly known as slacks, and usually cut in the same style as men's trousers, reaching from waist to calf or below and having long loose legs, including slacks with any attached sleeveless bodice commonly known as "overalls" or "jumperalls", but excluding culottes.

Category numbers:
- #32—"Women's"—all sizes.
- #33—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
- #34—"Teen age" and "girls'"—sizes from 7 to 16, inclusive.
- #35—"Children's" and "toddlers'" (including boys', except boys' tailored pants which are covered by MPR 177[12])—sizes from 6 months to 6 years, inclusive.

(k) *Slack suits.* "Slack suits" include women's, girls' and children's outerwear garments commonly known as slack suits or slack sets, consisting of a slack and separate jacket, or a slack and separate or attached blouse, sold at a unit price. Garments commonly known as "coveralls" are included.

Category numbers:
- #36—"Women's"—all sizes.
- #37—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
- #38—"Teen age" and "girls'"—sizes from 7 to 16, inclusive.
- #39—"Children's" and "toddlers'" (including boys', except boys' tailored suits which are covered by MPR 177)—sizes from 6 months to 6 years, inclusive.

SEC. 28. *Appendix B: Examples of pricing charts.*—(a) *Spring pricing chart.* This is an example of a Spring Pricing Chart prepared by a manufacturer of women's slacks and slack suits, as directed in section 6.

SPRING PRICING CHARTS

Category number	Selling price line	Terms	Average initial percentage margin	Maximum allowable margin	Minimum allowable cost
36	$14.	All terms 8/10/EOM; 15% off for wholesalers	54%	46%	$7.97
	(M) 13.75		32%	32%	9.35
	(M) 11.75		32%	32%	7.99
	10.75	35.6%	32%	32%	7.31
	(M) 9.75		41%	41%	5.75
	8.75	45.6%	41%	41%	5.16
	(M) 7.75		20%	20%	6.20
	5.75		20%	20%	4.60
82	3.75	Net	15%	15%	3.19
	4.75	Net	60%	41.3%	2.79
	5.75	Net, 3/10/EOM; to chains	43%	38.7%	3.52

Firm Name _____
By: _____ (Owner, partner or officer)
(Signed)

(b) *Fall Pricing Chart.*—(1) *Option 1 chart.* This is an example of a Fall Pricing Chart prepared by a manufacturer who selected Option 1.

FALL PRICING CHART (OPTION SELECTED: 1)

Category number	Fall selling price lines	Terms	Maximum allowable margin	Minimum allowable cost
7	$18.75	8/10/EOM	35%	$12.19
	22.75	8/10/EOM	35%	14.79
22	8.75	8/10/EOM	30.75%	6.06
	10.75	8/10/EOM	30.75%	7.44

Firm Name _____
By: _____ (Owner, partner or officer)
(Signed)

(2) *Option 2 chart.* This is an example of a Fall Pricing Chart prepared by a manufacturer who selected Option 2:

FALL PRICING CHART (OPTION SELECTED: 2)

Category number	Fall selling price lines	Terms	Average initial percentage margin	Maximum allowable margin	Minimum allowable cost
7	$18.75	8/10/EOM	34%	30.6%	$13.01
	22.75	8/10/EOM	42%	37.8%	14.15
22	8.75	8/10/EOM	29%	26.1%	6.47
	10.75	8/10/EOM	37%	33.3%	7.17

Firm Name _____
By: _____ (Owner, partner or officer)
(Signed)

[12] 7 F.R. 5182, 7475, 6792, 7100, 7944, 8940, 9000, 8948.

SEC. 29. *Appendix C: Maximum allowable margins for selling price lines at discounts lower than 8%.* If the selling price line for which the maximum allowable margin is being calculated is based on discount terms lower than 8%, the following table is to be used to adjust the margin limitations set forth in section 7 (c) (1) and (2):

Terms	Basic margin	Over-riding margin
Net	15.2	4.13
1	16.1	41.5
2	16.9	42.1
3	17.8	43.6
4	18.6	44.2
5	19.5	44.8
6	20.3	44.9
7	21.2	45.4
8 and up	22.0	46.0

SEC. 30. *Appendix D: Cost records.*—(a) *Instructions for preparing cost records.* A separate cost record must be kept for each cutting of any garment covered by this regulation. A "cutting" is considered a group of garments of the same style that are put into production as one lot, or on one order, and are completed at approximately the same time. Garments may be considered as in the same cutting even though the size of the lot or order requires the fabric to be physically cut in two or more lays. On second and subsequent cuttings detailed entries are not necessary, except to specify changes in cost which have occurred.

The following items are to be included in the required records:

(1) *Category number.* Section 20 lists forty-six categories. State the number of the category which describes the garment.

(2) *"Selling price line"* should be determined in accordance with section 7 (a).

(3) *Terms of sale.* State the customary discounts offered to each class of trade.

(4) *"Maximum allowable margin"* and *"minimum allowable cost"* are to be calculated as required in section 7.

(5) *Price rule used.* This regulation provides 3 rules for pricing. Record the number of the pricing rule used.

(6) *"Style number of garment and description"* must include an identification of the style and type of garment.

(7) *"Date first cut for stock or order"* shall be the date of the first cutting of the style, excluding the cutting of samples or duplicate samples.

(8) *Cost of materials.* The following data relating to materials cost must be recorded: cutting ticket number or other identification, description of materials used, total number of yards used, net cost per yard, total cost of materials in all garments cut, and the average cost per unit or per dozen garments.

The following instructions relate to calculations of costs of materials:

(i) Total cost of materials shall be calculated at (*a*) actual net cost of materials, or (*b*) the maximum price, at the time of cutting, that the regulations of the OPA permit your customary source

of supply to charge for the materials, whichever of the two is lower.

(ii) Only net cost of materials shall be used in your calculations. Net cost is the amount paid for the materials after deducting all discounts. Incoming transportation on uncut yard goods may be added to net cost if paid by you. Storage, warehousing and insurance charges shall not be included in the cost of materials.

(iii) In no case shall you include in your cost any amount charged or expense established by means of or resulting from a fictitious sale, fictitious billing or fictitious valuation of materials.

(iv) On a cutting where materials consist of lots purchased at different costs, the quantities of materials at each cost shall be calculated in determining the net cost of materials used.

(v) When woolen materials are used, you may add to the cost of materials the actual net cost of shrinking and examining paid by you, but not included as part of the purchase price of the woolens. If the woolen fabrics used in the garments were shrunk after purchasing, state the number of yards used and the net cost on the basis upon which you purchased the fabric from your supplier of the material.

(9) *Cost of trimmings.* The following data relating to trimmings cost must be recorded: a description sufficient to identify accurately each trimming and accessory used in the manufacture of the garments (including all work such as pleating, embroidery, fagoting, etc., not performed in your plant), the total quantity used in yards, dozens or units, the net cost per yard, dozen or unit, the total cost of trimmings in all garments cut, and the cost per unit or dozen garments.

The instructions for calculating the net cost of materials shall apply to the calculation of net trimming cost.

(10) *"Direct labor costs"* shall be calculated on the basis of wage rates paid by you on March 31, 1942, plus any subsequent increase thereto pursuant to a collective bargaining contract or other wage agreement, which contract was entered into on or before July 1, 1942, and provides for an unconditional increase of wage rates of a fixed amount or per cent. If you paid wage rates at the time of cutting in excess of the above basis, proper downward adjustments shall be made in calculating the labor costs for the garments. The following additional instructions relate to calculations of direct labor costs:

(i) No make-up or overtime shall be included in calculating labor costs.

(ii) The following operations are examples of what shall be considered direct labor: cutting, pattern grading, marking, assorting or dividing, operating or sewing, pressing or ironing, finishing by hand, factory examining of garments and similar costs.

(iii) Items of indirect labor or overhead costs shall not be included in calculating the direct labor cost of the garments. Examples of what shall be considered indirect labor are: foremen, floor men, supervisory examination of garments, repairing and maintenance personnel, designers, sample room employees, porters, watchmen, piece goods clerks, buyers, receiving room employees, clerical employees, shipping room employees, etc.

(iv) The following are examples of overhead costs: unemployment insurance, social security, pension contribution, contributions to welfare funds, health or accident insurance, workmen's compensation, and any present or future tax upon, or measured by, wages, etc.

(v) Overhead, administration expenses or factory burden shall not be included in direct cost of the garments. Examples of these are: insurance, storage, warehousing, outgoing freight, transportation to and from contractors, factory supplies, light, power, machine supplies, machine part replacements, and repairs, rent, taxes, etc.

(vi) General administrative expenses shall not be included. Examples of these are: executive and officers' salaries, telephone, telegrams, stationery, printing, postage, traveling expenses, legal and professional fees, donations, etc.

(vii) Contractor's overhead and profit allowance shall not be included in the direct labor cost of the garments. If you have garments produced by contractors, you shall maintain complete records at your principal place of business showing the contractor's costs of direct labor. At manufacturers' request, contractors are required to furnish all data on labor and trimmings costs necessary to enable the manufacturer to prepare the records required by this regulation.

(11) *"Direct cost of each garment"* shall be the total of the material, trimming, and direct labor costs specified above. If the total direct cost of all the garments in a cutting shall be equal to or greater than the sum of the minimum allowable cost for the garment multiplied by the number of garments cut, then for the purpose of this regulation, every garment in that cutting shall be considered to have the minimum allowable cost.

(12) *Size differences.* If a style is manufactured to sell in a size range and garments of the average size in that size range contain the minimum allowable cost, then on subsequent cuttings of that style, garments which are lower in cost than the average size, only because different sizes are cut, shall be considered to have the minimum allowable cost.

(13) *Tolerance.* If a manufacturer finds that his estimated calculations of the direct cost in a cutting are inaccurate, then for the purposes of this regulation, each garment in that cutting will be deemed to have the minimum allowable cost, if the direct cost is no less than 97% of the minimum allowable cost for that selling price line in that category number.

(14) *Privilege to estimate week-work costs.* A manufacturer may use estimates in calculating the cost of any direct labor operation paid on a time basis if a week-work chart is prepared and kept with the manufacturer's cost records. The estimates shown in the chart are the maximum amounts which may be used in calculating the minimum allowable cost. If a manufacturer finds that his estimates are too low, he may amend his chart by means of a notation on the chart showing the revised estimates and the date of the notation: but the revised estimates may not be regarded as effective for any period prior to the date of the notation.

If the estimate for any craft exceeds the manufacturer's actual direct labor cost, determined by reference to the records of (i) total wages paid to employees in the craft, and (ii) total garments manufactured during an accounting period chosen by the manufacturer and shown on the chart, the manufacturer's actual direct labor cost must be used in determining whether garments contain the minimum allowable cost.

(15) *Week-work chart.* The week-work chart required by the above provision must be prepared in accordance with the following instructions:

(i) Select an accounting period which will enable you reasonably to test the accuracy of your estimates, by reference to records showing your total payroll and total production. This period may not exceed five months. The first period may begin on any date after December 14, 1942; but if the chart is prepared after April 24, 1943, the first period must begin on the date of preparation.

(ii) Then list the crafts which you pay on a time basis and determine what a fair estimate of your direct labor cost (per unit or per dozen), by craft, would be for the accounting period specified. For example, your past experience may show that for such a period your cutting averages 10¢ per unit, your sewing 65¢, your finishing 20¢ and your pressing 15¢.

(iii) The use of one estimate for each craft, regardless of category numbers and selling price lines, is permissible. For example, your past experience may show that an estimate of 10¢ for cutting could be used for all your garments. However, estimates for different category numbers and selling price lines, are also permissible.

For example: Your past experience may show that cutting for women's suits (Category No. 6) costs more than for women's dresses (Category No. 21), and that cutting for $8.75 dresses costs more than for $3.50 dresses. Your cutting estimates might be 14¢ for suits, 12¢ for $8.75 dresses and 7¢ for $3.50 dresses.

(iv) Your week-work chart must be kept with your cost records and must show each estimate, the length of your accounting period and the date set as the beginning of the first period. The amounts shown in the chart are the most that can be used for the crafts listed in determining whether your garments contain the minimum allowable cost.

For example: If your week-work chart shows a 10¢ estimate for cutting, and if your minimum allowable cost on a certain line is $3.12, garments in that line must contain at least $3.02 in addition to the cutting cost. If you find that your estimate was too low, and that 12¢ would be a fairer figure for cutting, you may not use 12¢ in your cost records until you have amended your chart by means of a notation in the chart showing the revised estimate (12¢) and the date of the notation. The revised estimate may be used only for garments cut after the date of the notation.

(v) At the close of each accounting period you must calculate and record in the chart your actual direct labor cost, determined by reference to the records of (a) total wages and (b) total garments manufactured. The records must be broken down in the same way as your estimates.

For example: If you have used only one cutting estimate for all category numbers and all selling price lines, you merely divide your cutters' payroll by the number of garments cut. On the other hand, if you have used cutting figures of 14¢ for suits, 7¢ for $3.50 dresses and 12¢ for $8.75 dresses, your records must show the relation between the cutters' payroll and the number of suits, $3.50 dresses and $8.75 dresses produced.

(vi) At the close of each accounting period you must also record your estimate for the next accounting period, on a different line in the chart, or on a new chart. If your payroll and production records for the old period show that your estimate for that period was too high, you should revise your estimate for the new period accordingly.

(vii) You may alter the length of your accounting period if the new period begins on the day following the last day of the period specified in your chart and does not exceed five months, and if you prepare a new chart. The old chart must be preserved.

(viii) Your week-work chart must be prepared in the following form: (Copies will not be furnished by the OPA).

WEEK-WORK CHART

Firm Name_____

Address_____

Week-work estimates and costs per _____ (unit or dozen) garments for accounting periods of _____ (specify) months.

Date estimates were prepared	Category number	Selling price line	Crafts paid on a time basis											
			Cutting		Operating or sewing		Finishing		Pressing or ironing		Other (specify)		Other (specify)	
			Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual

(b) Together with the cost record shall be kept a record of each cutting, showing the date of the cutting, the total number of garments cut, and the actual yardage used.

(c) A suggested form for keeping the cost records required by section 17 is set forth below. A manufacturer may, at his option, continue to keep his customary records, provided all the information required by this section is summarized in one record.

SUGGESTED COST RECORD FORM FOR MANUFACTURERS OF WOMEN'S, MISSES' AND CHILDREN'S OUTERWEAR GARMENTS

[This form may be duplicated. Copies will not be furnished by the Office of Price Administration]

Category number_____	Style number of garment_____
Selling price line $__ per unit (__) doz. (__)_____	Description_____
Terms of sale_____	
Maximum allowable percentage margin_____	
Minimum allowable cost, $_____	Size range cut:
Price rule used, #_____	Date first cut for stock or order_____

Data for cutting recorded below:

Date of cutting _____ Number of garments cut _____.

Cost data below were based on: (check one) per unit (__); per dozen garments (__).

I. Cost of materials:

Cutting ticket number or other identification	Description of materials	For all garments cut: Total number of yds. used (1)	For all garments cut: Net cost per yard (2)	For all garments cut: Total costs cols. 1 x 2 (3)	Cost per unit or dozen (4)
Actual net cost of shrinking and examining woolens					
Total material cost of all garments in this cutting					
Average material cost per unit or dozen garments					

II. Costs of trimmings:

Descriptions of items, and other identification	Quantity used in yards, dozens or units	Net cost per yard, dozen or unit	Total costs	Cost per unit or dozen
Total trimming cost of all garments in this cutting				
Average trimming cost per unit or dozen garments				

III. Direct labor costs:

	Check one: Piece work	Check one: Week work	Cost per unit or dozen
Cutting			
Operating or sewing			
Pressing or ironing			
Finishing by hand			
All other direct labor listed by craft or operation			
Total direct labor costs per unit or dozen garments			

IV. Total direct cost per ..... garments ..... (Unit or dozen)

SEC. 31. *Appendix E: How manufacturers pricing under Rule 3 find their highest permissible selling price lines for new category numbers*—(a) *Instructions.* (1) The table in paragraph (b) of this appendix contains several groups of selling price lines. Each group includes one selling price line for each category number covered by the regulation.

To find your highest permissible selling price line for garments of a category number not listed on your pricing chart in effect on the date of delivery, you start with the selling price line included in Group A for that category number and run your finger across the table until you come to the group which gives you the highest price for that new category number but still includes a selling price line for an old category number listed on your pricing chart in effect on the date of delivery. You may price a garment in a new category number at the selling price line shown in the proper group or at any lower selling price line.

For example: a dress manufacturer wants to go into the coat business. The highest selling price lines listed on his Spring Pricing Chart are $5.50 for women's dresses (Category No. 21) and $3.75 for misses' and juniors' dresses (Category No. 22). To find his highest permissible selling price line for women's coats (Category No. 1), he starts with the $4.75 selling price line included in Group A for women's coats and runs his finger across the table until he comes to Group H. Group H gives him a women's coat price of $14.75 to correspond with his women's dress price of $5.50. He may not go higher than $14.75 because none of the groups above Group H includes a selling price line listed on his pricing chart for an old category number. Note, however, that he doesn't have to stop at Group F, which includes his $3.75 price for misses' and juniors' dresses, because he is entitled to use the highest group which includes any of his category numbers. He may use Group H for misses' and juniors' coats (Category No. 2) and for any other category number not listed on his pricing chart in effect on the date of delivery. He may also sell garments in new category numbers of any price lower than those listed in Group H.

Suppose this manufacturer had a $8.75 selling price line for women's dresses on his Fall Pricing Chart. In that case he would be permitted to go to Group J, which gives him a women's coat price of $10.75, during the period when his Fall Pricing Chart is in effect.

There are two exceptions: (i) If the selling price line (for an old category number) which gives you the highest selling price line for the new category number is not listed in the table, you use the group which has the next lower selling price line for an old category number.

For example, if the dress manufacturer discussed in the previous example had a $5.75 selling price line listed in his Spring Pricing Chart for women's dresses, he still uses Group H (because no group contains a $5.75 price for women's dresses, and Group H has the next lower price).

Similarly, if a manufacturer of better dresses wants to go into the coat business, he cannot go beyond Group O even though his chart contains selling price lines for women's dresses higher than $19.75.

(ii) If the selling price line (for an old category number) which gives you the highest selling price line for the new category number appears in more than one group, you use the lowest group.

For example, a children's dress manufacturer wants to go into the blouse business. The highest selling price line listed in his pricing chart is $1.87½ for children's dresses. He uses Group F, which gives him a girls' blouse price of $1.31¼. He cannot use Group G or Group H, although children's dresses at $1.87½ appear in both of those groups, because Group F is lower.

(2) Use Column II in each group for all garments except suits, jackets, skirts or slacks which are fabricated from materials other than pile fabrics or woolens. For those garments use Column I. ("A "pile fabric" is a three dimensional fabric composed of backing warp, filling and pile warp woven at right angles to the backing warp and filling. A "woolen" is a fabric containing 25% or more new, reused or processed wool.)

(3) Any manufacturer may use the selling price lines included in Group A for category numbers not listed on his pricing chart in effect on the date of delivery.

(b) *Table of permissible selling price lines for new category numbers.*

Category No.	Garments	Group A I	Group A II	Group B I	Group B II	Group C I	Group C II	Group D I	Group D II	Group E I	Group E II	Group F I	Group F II	Group G I	Group G II	Group H I	Group H II
	COATS																
1	"Women's"	-------	$4.75	-------	$5.75	-------	$6.75	-------	$7.75	-------	$8.75	-------	$10.75	-------	$12.75	-------	$14.75
2	"Misses'" and "Jr. misses'"	-------	4.75	-------	5.75	-------	6.75	-------	7.75	-------	8.75	-------	10.75	-------	12.75	-------	14.75
3	"Teen age"	-------	3.75	-------	4.75	-------	4.75	-------	5.75	-------	6.75	-------	7.75	-------	8.75	-------	10.75
4	"Girls'"	-------	3.75	-------	3.75	-------	4.75	-------	4.75	-------	5.75	-------	6.75	-------	7.75	-------	8.75
5	"Children's"	-------	2.75	-------	2.75	-------	3.75	-------	3.75	-------	4.75	-------	4.75	-------	5.75	-------	6.75
5A	"Toddlers'"	-------	2.50	-------	2.50	-------	2.75	-------	2.75	-------	3.75	-------	3.75	-------	4.75	-------	5.75
	SUITS																
6	"Women's"	$1.87½	4.75	$2.25	5.75	$2.25	6.75	$2.87½	7.75	$3.50	8.75	$3.75	10.75	$4.75	12.75	$5.50	14.75
7	"Misses'" and "Jr. misses'"	1.87½	4.75	2.25	5.75	2.25	6.75	2.87½	7.75	3.50	8.75	3.75	10.75	4.75	12.75	5.50	14.75
8	"Teen age"	1.31¼	3.75	1.31¼	4.75	1.87½	4.75	1.87½	5.75	2.50	6.75	2.50	7.75	3.00	8.75	3.75	10.75
9	"Girls'"	.87½	3.75	1.31¼	3.75	1.31¼	4.75	1.31¼	4.75	1.87½	5.75	1.87½	6.75	2.50	7.75	3.00	8.75
10	"Children's"	.87½	2.75	.87½	2.75	1.00	3.75	1.31¼	3.75	1.31¼	3.75	1.87½	4.75	1.87½	4.75	1.87½	4.75
10A	"Toddlers'"	.68¾	2.50	.68¾	2.50	.87½	2.75	1.00	2.75	1.25	2.75	1.31¼	3.75	1.31¼	3.75	1.87½	3.75
	JACKETS																
11.	"Women's"	1.31¼	2.75	1.31¼	2.75	1.87½	3.75	2.50	3.75	2.50	4.75	2.50	4.75	3.00	5.75	3.00	6.75
12.	"Misses'" and "Jr. Misses'"	1.31¼	2.75	1.31¼	2.75	1.87½	3.75	2.50	3.75	2.50	4.75	2.50	4.75	3.00	5.75	3.00	6.75
13.	"Teen Age"	.87½	2.50	.87½	2.50	1.31¼	3.00	1.31¼	3.00	1.31¼	3.75	1.87½	3.75	1.87½	4.75	2.50	5.75
14.	"Girls'"	.87½	2.50	.87½	2.50	.87½	2.50	1.31¼	2.50	1.31¼	3.00	1.31¼	3.00	1.31¼	3.75	1.87½	4.75
15.	"Children's"	.68¾	1.31¼	.68¾	1.87½	.87½	1.87½	.87½	1.87½	.87½	2.50	1.31¼	2.50	1.31¼	3.00	1.31¼	3.00
15a.	"Toddlers'"	.54⅓	.87½	.54⅓	1.31¼	.68¾	1.31¼	.68¾	1.31¼	.68¾	1.87½	.87½	1.87½	.87½	2.50	1.31¼	2.50
	SKIRTS																
16.	"Women's"	1.31¼	1.87½	1.31¼	1.87½	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.50	1.87½	3.00	1.87½	3.75	1.87½	4.75
17.	"Misses'" and "Jr. Misses'"	1.31¼	1.31¼	1.31¼	1.31¼	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.50	1.87½	3.00	1.87½	3.75	1.87½	4.75
18.	"Teen Age"	.87½	1.31¼	.87½	1.31¼	.87½	1.31¼	.87½	1.87½	1.31¼	2.50	1.31¼	2.50	1.31¼	3.00	1.31¼	3.75
19.	"Girls'"	.68¾	1.31¼	.68¾	1.31¼	.68¾	1.31¼	.68¾	1.31¼	.87½	1.87½	.87½	1.87½	1.31¼	2.50	1.31¼	3.00
20.	"Children's"	.68¾	.87½	.68¾	.87½	.68¾	1.31¼	.68¾	1.31¼	.87½	1.31¼	.87½	1.50	.87½	1.50	.87½	1.87½
20a.	"Toddlers'"	.54⅓	.68¾	.54⅓	.68¾	.54⅓	1.00	.68¾	1.00	.68¾	1.25	.68¾	1.31¼	.68¾	1.31¼	.87½	1.50
	DRESSES																
21.	"Women's"	-------	1.87½	-------	2.25	-------	2.25	-------	2.87½	-------	3.50	-------	3.75	-------	4.75	-------	5.50
22.	"Misses'" and "Jr. Misses'"	-------	1.87½	-------	2.25	-------	2.25	-------	2.87½	-------	3.50	-------	3.75	-------	4.75	-------	5.50
23.	"Teen Age"	-------	1.31¼	-------	1.31¼	-------	1.87½	-------	1.87½	-------	2.50	-------	2.50	-------	3.00	-------	3.75
24.	"Girls'"	-------	.75	-------	1.31¼	-------	1.31¼	-------	1.31¼	-------	1.87½	-------	1.87½	-------	2.50	-------	3.00
25.	"Children's"	-------	.75	-------	.87½	-------	1.00	-------	1.31¼	-------	1.31¼	-------	1.87½	-------	1.87½	-------	1.87½
25a.	"Toddlers'"	-------	.68¾	-------	.68¾	-------	.87½	-------	1.00	-------	1.25	-------	1.31½	-------	1.31¼	-------	1.87½
	BLOUSES																
26	Sizes 30 and up	-------	.68¾	-------	.87½	-------	1.00	-------	1.31¼	-------	1.31¼	-------	1.87½	-------	1.87½	-------	2.00
26a	Sizes 7 to 16	-------	.68¾	-------	.68¾	-------	.87½	-------	.87½	-------	1.00	-------	1.31¼	-------	1.31¼	-------	1.50
26b	Sizes 1 to 6	-------	.54⅓	-------	.54⅓	-------	.68¾	-------	.68¾	-------	.68¾	-------	.87½	-------	.87½	-------	1.00
	SNOW SUITS																
27	Sizes 1 to 6	-------	2.00	-------	2.50	-------	2.75	-------	3.75	-------	3.75	-------	4.75	-------	4.75	-------	5.75
28	Sizes 7 to 16	-------	3.00	-------	3.75	-------	4.75	-------	4.75	-------	5.75	-------	6.75	-------	7.75	-------	8.75
29	Legging sets (sizes 1 to 14)	-------	3.75	-------	3.75	-------	4.75	-------	5.75	-------	6.75	-------	6.75	-------	7.75	-------	8.75
30	Separate leggings (sizes 1 to 14)	-------	1.37½	-------	1.37½	-------	1.75	-------	1.75	-------	2.00	-------	2.00	-------	2.50	-------	2.50
31	Ski pants (sizes 1 to 16)	-------	1.37½	-------	1.37½	-------	1.37½	-------	2.00	-------	2.00	-------	2.25	-------	2.50	-------	3.00
	SLACKS																
32	"Women's"	1.31¼	2.00	1.87½	2.00	1.87½	2.50	1.87½	2.50	1.87½	3.00	2.50	3.75	2.50	4.75	3.00	5.75
33	"Misses" and "Jr. Misses"	1.31¼	1.87½	1.87½	1.87½	1.87½	2.50	1.87½	2.50	1.87½	3.00	2.50	3.75	2.50	4.75	3.00	5.75
34	"Teen Age" and "Girls"	.87½	1.87½	1.00	1.87½	1.00	2.50	1.31¼	2.50	1.31¼	3.00	1.31¼	3.75	1.87½	3.75	1.87½	4.75
35	"Child's" and "Toddlers"	.54⅓	1.00	.68¾	1.00	.68¾	1.31¼	.87½	1.31¼	.87½	1.50	1.00	1.87½	1.31¼	1.87½	1.31¼	2.00
	SLACK SUITS																
36	"Women's"	-------	1.87½	-------	2.50	-------	3.00	-------	3.75	-------	4.75	-------	5.75	-------	5.75	-------	6.75
37	"Misses" and "Jr. Misses"	-------	1.87½	-------	2.50	-------	3.00	-------	3.75	-------	4.75	-------	5.75	-------	5.75	-------	6.75
38	"Teen Age and Girls"	-------	1.00	-------	1.31¼	-------	1.87½	-------	2.50	-------	2.50	-------	3.00	-------	3.75	-------	3.75
39	"Child's and Toddlers"	-------	.68¾	-------	1.00	-------	1.31¼	-------	1.31¼	-------	1.87½	-------	2.50	-------	2.50	-------	3.00

Table of permissible selling price lines for new category numbers—Continued

Category No.	Garments	Group I		Group J		Group K		Group L		Group M		Group N		Group O		Group P		Group Q	
		I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II
	COATS																		
1.	"Women's"	------	$16.75	------	$19.75	------	$22.75	------	$24.75	------	$29.75	------	$32.75	------	$39.75	------	$42.75	------	$45.00
2.	"Misses'" and "Jr. Misses'"	------	16.75	------	19.75	------	22.75	------	24.75	------	29.75	------	32.75	------	39.75	------	42.75	------	45.00
3.	"Teen age"	------	12.75	------	14.75	------	16.75	------	------	------	------	------	------	------	------	------	------	------	------
4.	"Girls'"	------	10.75	------	12.75	------	14.75	------	------	------	------	------	------	------	------	------	------	------	------
5.	"Children's"	------	8.75	------	10.75	------	10.75	------	------	------	------	------	------	------	------	------	------	------	------
5.a.	"Toddlers'"	------	6.75	------	8.75	------	8.75	------	------	------	------	------	------	------	------	------	------	------	------
	SUITS																		
6.	"Women's"	$6.75	16.75	$8.75	19.75	$10.75	22.75	$12.75	24.75	$14.75	26.75	$16.75	29.75	$19.75	29.75	------	29.75	------	29.75
7.	"Misses'" and "Jr. Misses'"	6.75	16.75	8.75	19.75	10.75	22.75	12.75	24.75	14.75	26.75	16.75	29.75	19.75	29.75	------	29.75	------	29.75
8.	"Teen Age"	4.75	12.75	5.75	12.75	6.75	12.75	------	------	------	------	------	------	------	------	------	------	------	------
9.	"Girls'"	3.75	10.75	3.75	10.75	4.75	10.75	------	------	------	------	------	------	------	------	------	------	------	------
10.	"Children's"	2.50	5.75	3.00	6.75	3.75	8.75	------	------	------	------	------	------	------	------	------	------	------	------
10.a.	"Toddlers'"	2.00	4.75	2.50	5.75	3.00	6.75	------	------	------	------	------	------	------	------	------	------	------	------
	JACKETS																		
11.	"Women's"	3.75	7.75	4.75	8.75	4.75	10.75	5.75	------	------	------	------	------	------	------	------	------	------	------
12.	"Misses'" and "Jr. Misses'"	3.75	7.75	4.75	8.75	4.75	10.75	5.75	------	------	------	------	------	------	------	------	------	------	------
13.	"Teen Age"	3.00	5.75	3.00	6.75	3.75	6.75	------	------	------	------	------	------	------	------	------	------	------	------
14.	"Girls'"	2.50	4.75	2.50	5.75	2.50	5.75	------	------	------	------	------	------	------	------	------	------	------	------
15.	"Children's"	1.87½	3.75	1.87½	4.75	2.50	4.75	------	------	------	------	------	------	------	------	------	------	------	------
15. a	"Toddlers'"	1.31¼	3.00	1.87½	3.75	1.87½	3.75	------	------	------	------	------	------	------	------	------	------	------	------
	SKIRTS																		
16.	"Women's"	2.50	4.75	2.50	5.75	3.00	6.75	3.75	------	------	------	------	------	------	------	------	------	------	------
17.	"Misses'" and "Jr. Misses'"	2.50	4.75	2.50	5.75	3.00	6.75	3.75	------	------	------	------	------	------	------	------	------	------	------
18.	"Teen Age"	1.31¼	3.75	1.87½	4.75	2.50	4.75	------	------	------	------	------	------	------	------	------	------	------	------
19.	"Girls'"	1.31¼	3.00	1.31¼	3.00	1.87½	3.75	------	------	------	------	------	------	------	------	------	------	------	------
20.	"Children's"	.87½	1.87½	1.00	2.00	1.31¼	2.00	------	------	------	------	------	------	------	------	------	------	------	------
20. a	"Toddlers'"	.87½	1.50	1.00	1.87½	1.31¼	2.00	------	------	------	------	------	------	------	------	------	------	------	------
	DRESSES																		
21.	"Women's"	------	6.75	------	8.75	------	10.75	------	12.75	------	14.75	------	16.75	------	19.75	------	------	------	------
22.	"Misses'" and "Jr. Misses'"	------	6.75	------	8.75	------	10.75	------	12.75	------	14.75	------	16.75	------	19.75	------	------	------	------
23.	"Teen Age"	------	4.75	------	5.75	------	6.75	------	------	------	------	------	------	------	------	------	------	------	------
24.	"Girls'"	------	3.75	------	3.75	------	4.75	------	------	------	------	------	------	------	------	------	------	------	------
25.	"Children's"	------	2.50	------	3.00	------	3.75	------	------	------	------	------	------	------	------	------	------	------	------
25. a	"Toddlers'"	------	2.00	------	2.50	------	3.00	------	------	------	------	------	------	------	------	------	------	------	------
	BLOUSES																		
26.	Sizes 30 and up	------	2.50	------	3.00	------	3.75	------	4.75	------	5.75	------	6.75	------	------	------	------	------	------
26a.	Sizes 7 to 16	------	1.87½	------	2.00	------	2.50	------	3.00	------	------	------	------	------	------	------	------	------	------
26b.	Sizes 1 to 6	------	1.00	------	1.31¼	------	1.50	------	1.87½	------	------	------	------	------	------	------	------	------	------
	SNOWSUITS																		
27.	Sizes 1 to 6	------	6.75	------	7.75	------	8.75	------	------	------	------	------	------	------	------	------	------	------	------
28.	Sizes 7 to 16	------	9.75	------	10.75	------	12.75	------	------	------	------	------	------	------	------	------	------	------	------
29.	Legging sets (sizes 1 to 10)	------	10.75	------	12.75	------	14.75	------	------	------	------	------	------	------	------	------	------	------	------
30.	Separate leggings (sizes 1 to 10)	------	3.00	------	3.75	------	4.75	------	------	------	------	------	------	------	------	------	------	------	------
31.	Ski pants (sizes 3 to 16)	------	3.00	------	3.50	------	4.00	------	------	------	------	------	------	------	------	------	------	------	------
	SLACKS																		
32.	"Women's"	3.00	6.75	3.75	7.75	4.75	8.75	5.75	10.75	6.75	12.75	8.75	------	------	------	------	------	------	------
33.	"Misses" and "Jr. Misses"	3.00	6.75	3.75	7.75	4.75	8.75	5.75	10.75	6.75	12.75	8.75	------	------	------	------	------	------	------
34.	"Teen age and girls'"	2.50	4.75	2.50	4.75	3.00	5.75	3.75	6.75	------	------	------	------	------	------	------	------	------	------
35.	"Children's and toddlers"	1.50	2.50	1.87½	2.50	1.87½	3.00	2.50	3.75	------	------	------	------	------	------	------	------	------	------
	SLACK SUITS																		
36.	"Women's"	------	7.75	------	8.75	------	10.75	------	12.75	------	14.75	------	16.75	------	------	------	------	------	------
37.	"Misses'" and "Jr. Misses"	------	7.75	------	8.75	------	10.75	------	12.75	------	14.75	------	16.75	------	------	------	------	------	------
38.	"Teen age and girls'"	------	4.75	------	5.75	------	6.75	------	------	------	------	------	------	------	------	------	------	------	------
39.	"Child's and toddlers"	------	3.75	------	3.75	------	------	------	------	------	------	------	------	------	------	------	------	------	------

SEC. 32. *Appendix F: Maximum allowable margins for new manufacturers other than manufacturing-retailers.* (a) The maximum allowable margins which may be authorized for any manufacturer under section 12 shall be as follows:

Categories of garments	*Maximum allowable margin (percent)*
Category Nos. 1 to 20a, both inclusive:	
All selling price lines	32
Category Nos. 21 and 22:	
Selling price lines to and including $3.75	27
Selling price lines above $3.75 to and including $5.75	31
Selling price lines over $5.75	36
Category Nos. 23, 24, 25 and 25a:	
All selling price lines	34
Category Nos. 26, 26a and 26b:	
All selling price lines	34
Category Nos. 27 to 31, both inclusive:	
All selling price lines	32

These maximum allowable margins shall not apply to manufacturing-retailers.

(b) Those margins are to be applied to selling price lines based on 8% or higher discount terms. If the discount terms are less than 8%, appropriate adjustments will be made in the margins listed in this section.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall become effective June 29, 1943.

Issued this 29th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10478; Filed, June 29, 1943; 4:34 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 200,[1] Amdt. 9]

RUBBER HEELS, RUBBER HEELS ATTACHED AND ATTACHING OF RUBBER HEELS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1420 (g) (5) is amended by adding the following brand of heel and manufacturer's name in the table in such a manner that the brand of heel will appear alphabetically: "Verticord" and "O'Sullivan Rubber Company."

This amendment shall become effective July 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10626; Filed, July 1, 1943; 3:34 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 417]

FEED SCREENINGS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended and Executive Orders 9250 and 9328, that maximum prices for the sale or delivery of feed screenings be established by a maximum price regulation to replace the maximum prices established for the sale or delivery of said commodity under the General Maximum Price Regulation.

The maximum prices established by this maximum price regulation are generally fair and equitable and will effectuate the purposes of the said Act, as amended, and of said Executive Orders. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* So far as practicable the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

§ 1351.359 *Maximum prices for feed screenings.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 417 (Feed Screenings), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.359 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 417—FEED SCREENINGS

CONTENTS

Sec.
1. Prohibition against sales above the maximum prices.
2. Less than maximum prices.
3. Applicability.
4. Definitions.
5. Maximum prices of producers.
6. Maximum grinder's service charge.
7. Maximum commission merchant's service charge.
8. Maximum prices for jobbers.
9. Maximum prices for wholesalers.
10. Maximum prices for retailers.
11. Maximum prices for truckers.
12. Sales sacked.
13. Maximum price where different lots of feed screenings are confused.
14. Prohibition on cumulative markups.
15. Records.
16. Enforcement.
17. Adjustable pricing.
18. Protests and petitions for amendment.

SECTION 1. *Prohibition against sales above the maximum prices.* While this regulation is in effect, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell, offer for sale, or delivery, any feed screeings at prices higher than the maximum prices specified in this Maximum Price Regulation No. 417, and no person in the course of trade shall buy, solicit or receive any such feed screenings at a price higher than the maximum prices specified in this Maximum Price Regulation No. 417; and no person shall agree, solicit or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those provided for in this Maximum Price Regulation No. 417 may be charged, demanded, paid or offered.

SEC. 3. *Applicability.* (a) This regulation applies to all sales and deliveries, whether for immediate or future delivery, within the 48 States and the District of Columbia of domestic and imported feed screenings.

(b) This regulation shall have no application to oleaginant screenings used for oil extraction purposes, nor to cracked or broken grain by-product containing 15 per cent or less of foreign material or weed seed, nor to screenings from beans, peas and lentils.

SEC. 4. *Definitions.* (a) When used in this regulation:

(1) "Person" includes any individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States or any other government and any political subdivision or agency of any of the foregoing.

(2) "Feed screenings" consist of materials obtained in the process of cleaning grain or seed and for which no official grain or seed standards have been promulgated by the Secretary of Agriculture pursuant to the United States Grain Standards Act.

(3) "Oleaginant screenings" include all oil bearing screenings obtained in the manner above described.

(4) "Jobber" is a person who has an established place of business for the buying and/or selling of feed screenings therein and therefrom and who buys feed screenings and resells the same without unloading into a warehouse. A producer selling at a point other than the plant where the feed screenings in question is produced may be a jobber.

(5) "Producer" is a person producing ground or unground feed screenings.

(6) "Commission merchant" is a person who arranges for the inspection and weighing of feed screenings and who negotiates the first sale thereof on an organized grain exchange in one of the following cities, to wit:

Amarillo, Tex.	Dallas, Tex.
Chicago, Ill.	Fort Worth, Tex.
Peoria, Ill.	Sioux City, Iowa
Minneapolis, Minn.	Atchison, Kans.
Kansas City, Mo.	Hutchinson, Kans.
Omaha, Nebr.	Salina, Kans.
St. Joseph, Mo.	Wichita, Kans.
St. Louis, Mo.	Buffalo, N. Y.
Indianapolis, Ind.	Baltimore, Md.
Duluth, Minn.	Philadelphia, Pa.
Toledo, Ohio	Milwaukee, Wis.
Enid, Okla.	Denver, Colo.

(7) "Wholesaler" is a person who has a warehouse or other established place of business for the storage and/or buying and selling of feed screenings therein and therefrom and who buys feed screenings, unloads his purchase before resale, and resells the same except at retail. It includes a producer so selling feed screenings from such a place of business not located at the plant where said feed screenings were produced.

(8) "Retailer" is a person who has a store or other established place of business for the storage and/or buying and selling of feed screenings therein and therefrom and who sells feed screenings to a feeder. It includes a producer so selling feed screenings to a feeder from the plant where said feed screenings were produced or from another established place of business not located at his mill.

(9) "Feeder" is a person who feeds feed screenings to livestock.

(10) "Grinder" is a person who produces ground feed screenings from unground feed screenings.

(11) "Trucker" is a person engaged in the transportation of feed screenings by truck but who does not have an elevator, warehouse, store, office or other established place of business for the storage and/or buying and selling of feed screenings therefrom or therein.

(12) "Transportation charges" mean: (i) The lowest common carrier rate including the 3 per cent provided for in section 620 of the Revenue Act of 1942, as amended, for the billing or shipment in question; or (ii) if there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not exceeding any maximum prices established therefor.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1461, 4917, 6842.

(b) This regulation in speaking of sales or purchases at a given point means that the purchaser shall receive manual delivery of the feed screenings in question at said point. If the feed screenings in question is physically located at said point at the time of sale and there delivered to said purchaser (sometimes referred to as a sale f. o. b. said point), the purchaser may thereafter arrange and pay (in addition to the maximum price for the feed screenings at said point) for its transportation elsewhere; and the purchaser may engage the seller as his agent to procure such transportation. If the feed screenings in question is not physically located at said point at the time of the sale, the maximum price shall include and cover all transportation charges required to effectuate such a delivery of said feed screenings to the purchaser at said point. Thus if the buyer pays the seller the full maximum price, the seller must secure and pay all said transportation charges required to effectuate such a delivery to said purchaser at said point; and if this is not done, there has been a violation of this regulation. If the buyer pays any part of said transportation charges required to effectuate such a delivery as aforesaid, all said transportation charges so paid by the buyer must be deducted from the said maximum price to determine the amount the seller may actually receive in such a case; and if such deduction is not made, there has been a violation of this regulation.

(c) The weights per bushel mentioned in section 5 hereof are to be determined in the manner prescribed in the Handbook of Official Grain Standards of the United States prepared by the Agricultural Marketing Service of the United States Department of Agriculture as the standard method of making test weight-per-bushel determination.

SEC. 5. *Maximum prices of producers.* (a) The maximum price for a sale by any producer of unground feed screenings, bulk, shall be as follows:

(1) At Minneapolis and Duluth:

$17.50 per ton for feed screenings weighing up to and including 20 pounds per bushel.

$21.50 per ton for feed screenings weighing over 20 pounds and up to and including 35 pounds per bushel.

$24.50 per ton for feed screenings weighing over 35 pounds.

(2) At any given point in Area A, to wit: the States of Montana, North Dakota, South Dakota, or Minnesota (except Minneapolis and Duluth), the maximum price at Minneapolis less the lowest carload flat rail rate transportation charges from said point to Minneapolis or Duluth, whichever is lower: *Provided,* (i) Where the point in question is a non-rail point, the maximum price shall be the maximum price at the rail point nearest thereto; and (ii) that the maximum price for a sale to any mixed feed manufacturer for use at his production plant located in this Area A shall be the maximum price at Minneapolis less the transit balance on a shipment of a carload quantity of feed screenings from said plant to Minneapolis or Duluth, whichever is lower.

(3) At any given point in Area B, to wit: the States of Arizona, California, Colorado, Idaho, New Mexico, Oregon, Washington, Wyoming and Utah, the maximum price at Minneapolis plus transportation charges actually incurred for the distance transported within Area B to the point of destination. As used in this subparagraph (3), the "point of destination" is a point in Area B, either the buyer's receiving point or a rate point selected to secure favorable transit balances.

(4) At any given point in Area C, to wit: any area not hereinbefore mentioned, the maximum price at Minneapolis plus the lowest domestic carload proportional all rail rate (or if none, the lowest carload flat all rail rate) from Minneapolis to the point of destination. As used in this subparagraph (4) the "point of destination" is any point other than a point in Area A or B, either that rail point constituting or nearest to the buyer's receiving point or a rate point selected to secure favorable transit rates. Further, whenever feed screenings purchased under this subparagraph (4) (or purchased with reference to this subparagraph where said subparagraph is a part of a formula to fix a maximum price for a sale by a person other than a producer) has moved from the immediate seller (either producer or other person where this subparagraph (4) is a part of a formula to fix a maximum price for a sale by a person other than a producer) to said point of destination in whole or in part by water, the foregoing maximum price shall be reduced by an amount equal to the difference between the actual water rate and said rail rate for the distance so moved by water.

(b) The foregoing maximum prices may be increased for a sale by a producer of ground feed screenings, bulk, at the rate of $4.00 per ton.

SEC. 6. *Maximum grinder's service charge.* (a) The maximum service charge of a grinder for the grinding of a ton of unground feed screenings into ground feed screenings shall be $4.00.

(b) All regulations or parts thereof establishing a maximum price for such service are hereby superseded and repealed.

SEC. 7. *Maximum commission merchant's service charge.* (a) The maximum service charge for the services of a commission merchant in connection with a first sale of feed screenings as above provided shall be 50 cents per ton. This service charge shall be in addition to the appropriate maximum price of the feed screenings so sold.

(b) All regulations or parts thereof establishing a maximum price for such service are hereby superseded and repealed.

SEC. 8. *Maximum price for jobbers.* The maximum price for the sale of feed screenings, bulk, by a jobber shall be one of the following maximum markups:

(a) 50 cents per ton for ground feed screenings; and

(b) $1.00 per ton for unground feed screenings,

over the maximum price for a like sale at a like point by a producer or commission merchant from whichever he purchased the lot so sold by him.

SEC. 9. *Maximum prices for wholesalers.* The maximum price for the sale of ground or unground feed screenings, bulk, by a wholesaler shall be $2.50 per ton (maximum markup) over: (a) the maximum price of the producer, commission merchant or jobber (from whichever he purchased the lot from out of which the sale is made) for a like sale at the wholesaler's place of unloading plus transportation charges actually incurred from said place of his unloading to his buyer's receiving point not exceeding a distance of 100 miles; or (b) in the case of sales in carload quantities for delivery within Area C, the maximum price of a producer for the lot in question at Minneapolis plus the lowest domestic carload proportional rate (or if none, the lowest carload flat all rail rate) from Minneapolis to the buyer's receiving point.

SEC. 10. *Maximum prices for retailers.* The maximum price for the sale of ground or unground feed screenings, bulk, by a retailer shall be $3.00 per ton (maximum markup) over the maximum price of the producer, commission merchant, jobber or wholesaler (from whom he purchased the lot from out of which the sale is made) for a like sale at his store or place of business plus transportation charges actually incurred from said retailer's store or place of business to the buyer's receiving point not exceeding a distance of 100 miles.

SEC. 11. *Maximum prices for truckers.* (a) The maximum price for any sale or delivery by any trucker of any feed screenings owned by him shall be the maximum price for a like sale by the person from whom he purchased.

(b) This section is the exclusive mode of sale of feed screenings by a trucker.

SEC. 12. *Sales sacked.* Whenever any seller sacks feed screenings, the foregoing maximum prices may be increased as follows:

(a) In seller's new or used sacks, by the reasonable market value (not exceeding any maximum price thereon) of the sacks, plus 50 cents per ton.

(b) In buyer's new or recleaned sacks by 50 cents per ton.

(c) In buyer's sacks of any other kind by $1.00 per ton.

SEC. 13. *Calculations by mixed feed manufacturers.* (a) Hereafter feed screenings shall be deemed to be a commodity listed in sections 6 (a) (1) and 7 (a) (1) of Maximum Price Regulation 378 with like effect as if specifically named therein.

(b) Whenever oleaginant screenings are used in mixed feed, the same shall be deemed to be feed screenings and subject to like calculation as to "cost" by a mixed feed manufacturer as provided in paragraph (a) hereof with respect to other feed screenings.

SEC. 14. *Prohibition on cumulative markups.* (a) For one and the same transaction, no commission merchant shall also receive a markup as a jobber, wholesaler or retailer on any lot of feed screenings.

(b) The maximum price of any lot of feed screenings to any ultimate consumer (either processor or feeder) shall never include more than one each of a commission merchant's, jobber's, wholesaler's and retailer's permitted markups, respectively, irrespective of the number of said persons of each class who may have handled the lot in question.

SEC. 15. *Records.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of feed screenings after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.[1]

SEC. 16. *Enforcement.* Persons violating any provision of this regulation are subject to the licenses revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942 as amended.

SEC. 17. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be granted by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 18. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provision of this regulation may do so in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.[2]

This Maximum Price Regulation No. 417 shall become effective July 8, 1943.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10627; Filed, July 1, 1943; 3:33 p. m.]

[1] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 67]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5001 (a) (10a) is added to read as follows:

(10a) "Depositor" means a person who has a fuel oil ration bank account.

2. Section 1394.5001 (a) (12a) is added to read as follows:

(12a) "Establishment" when used for ration banking purposes means:

(i) As to a primary supplier, any establishment included in his primary supplier's registration;

(ii) As to a dealer, his place of business as included in his dealer's registration; and

(iii) As to a consumer, each place where fuel oil is used by him.

3. Section 1394.5001 (a) (13) as amended to read as follows:

(13) "Evidence" means a token designated by the Office of Price Administration to represent a right to receive a transfer of fuel oil, and exchangeable for such fuel oil. The term includes coupons, ration checks, acknowledgments of delivery, inventory coupons, exchange certificates and export certificates. The term does not include delivery receipts (Form OPA R-1125) or fuel oil deposit certificates (Form OPA R-1170).

4. Section 1394.5001 (a) (24) is amended to read as follows:

(24) "Ration" as the context requires, means either a right to use, or to acquire and use fuel oil, evidenced by coupons, delivery receipts or fuel oil deposits certificates issued by a Board.

5. Section 1394.5462 is added as follows:

§ 1394.5462 *When fuel oil deposit certificates will be issued as rations other than for heat or hot water.* (a) The issuance of fuel oil deposit certificates as a renewal ration for heat or hot water for the 1943-44 heating year is covered by § 1394.5288.

(b) If application for a ration is made on Form OPA R-1102 and the amount of fuel oil which the applicant may acquire during any 3 month period beginning on or after July 1, 1943 is between 5,000 gallons and 12,500 gallons, inclusive, a fuel oil deposit certificate will be issued, instead of coupons, if requested by the applicant. If the amount is more than 12,500 gallons, a fuel oil deposit certificate must be issued.

(c) If application for a ration is made on Form OPA R-1103 or OPA R-1103A and the amount of fuel oil which the applicant may acquire during any 6 month period beginning on or after July 1, 1943 is between 10,000 gallons and 25,000 gallons, inclusive, a fuel oil deposit certificate will be issued, instead of coupons, if requested by the applicant. If the amount is more than 25,000 gallons, a fuel oil deposit certificate must be issued.

(d) Coupons instead of fuel oil deposit certificates will be issued if an exemption is granted under § 1394.5682 (d).

(e) Any consumer, other than one to whom a ration has been issued for heat or heat and hot water, may, on or after July 1, 1943, obtain a fuel oil deposit certificate if the gallonage value of his unexpired coupons and unused delivery receipts issued as a ration to commence before July 1, 1943 is 5,000 gallons or more. A fuel oil deposit certificate equal in gallonage value to the unexpired coupons and unused delivery receipts will be issued in exchange for the coupon sheets and delivery receipts (and stubs) representing the ration.

6. Section 1394.5463 is added as follows:

§ 1394.5463 *A depositor may bank all rations for the same establishment.* Any applicant for a ration who is already a depositor as to an establishment or to

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9427, 9430, 9621, 9478, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1204, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2730, 2887, 2942, 2993, 2887, 3105, 3521, 3628, 3734, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6960.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

whom a fuel oil deposit certificate has already been issued for an establishment may receive fuel oil deposit certificates, instead of coupons, for any ration to be issued for the same establishment regardless of the amount of the ration to be issued.

7. An undesignated center headnote is added preceding § 1394.5680, to read as follows: "Ration Banking."

8. Sections 1394.5680 to 1394.5688 are added, as follows:

§ 1394.5680 *What a ration bank account is.* A fuel oil ration bank account (for convenience called a "ration bank account") is similar to an ordinary dollar checking account. It is an account opened in a regular commercial bank and coupons, ration checks and other evidences and fuel oil deposit certificates are deposited in the account and ration checks are drawn against it. (General rules for the opening, closing and use of a ration bank account are given in General Ration Order 3A.[2])

§ 1394.5681 *The number of accounts in one bank or for one establishment is limited.* (a) Not more than one account may be opened for any one establishment. (The term "establishment" is explained in § 1394.5001 (a) (12A)).

(b) Any primary supplier, dealer or consumer who wishes to open more than one ration bank account for any one establishment or an account for a related activity of an establishment or an account in a bank other than one in which he has a dollar checking account may forward an application to the Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., for authority to open such ration bank accounts. He must state in his application all the facts he claims show his need for such ration bank accounts.

§ 1394.5682 *Who must open a ration bank account*—(a) *Primary suppliers.* Every registered primary supplier must, during the month of July 1943 (or if he applies for registration after July 31, 1943, within 10 days after the date of application), open at least one ration bank account for all the establishments included in each primary supplier registration. He may open a separate account for each establishment or for any group of them included in the same registration.

(b) *Dealers.* (1) Every registered dealer who during any consecutive 12 month period after June 1, 1942 has sold at least 250,000 gallons of fuel oil must, during the month of July 1943, open at least one ration bank account for all his dealer establishments. If he is not eligible during the month of July 1943, he must open the account within 30 days after he becomes eligible. If he has more than one establishment, he may open a separate account for each or for any group of them; however, no separate account may be opened for any single establishment, or for any group of them, at which less than 250,000 gallons of fuel oil was sold during any consecutive 12 month period after June 1, 1942.

(2) Any person who becomes a registered dealer after October 1, 1942, and who is not required to become a depositor under the preceding paragraph, may, on or after July 1, 1943, open a ration bank account for each one of his dealer establishments, or for any group of them, at which he has sold at least 35,000 gallons of fuel oil during any period of 30 consecutive days. If he opens an account, he must become a depositor as to all his dealer establishments.

(c) *Consumers.* Every consumer who receives a fuel oil deposit certificate from his Board must, on or after July 1, 1943, open a ration bank account for the establishment. If he receives fuel oil deposit certificates for more than one establishment, he may open a separate account for each establishment or for any group of them. However, no additional account may be opened for an establishment for which the consumer has a dealer or primary supplier account.

(d) Exemptions. If no bank is accessible to a person who is required to open a ration bank account, or if the use of ration banking would impose a hardship upon a dealer, he may obtain an exemption from the requirements of this section from the appropriate District Director.

§ 1394.5683 *Where primary suppliers and dealers must deposit evidences*—(a) *Primary suppliers.* Every evidence received by a primary supplier who is a depositor, in exchange for a transfer, or as a refund in connection with a transfer, of fuel oil, may be deposited only in the ration bank account carried for the establishment at or from which he made the transfer or in the account carried for any establishment included in the same registration.

(b) *Dealers.* Every evidence received by a dealer who is a depositor, in exchange for a transfer, or as a refund in connection with a transfer, of fuel oil, must be deposited in the ration bank account carried for the establishment at or from which he made the transfer.

§ 1394.5684 *When primary suppliers and dealers must deposit evidences.* (a) Unit value coupons of Class 4, 5 and 6 coupon sheets may be deposited at any time after the date they become valid, but not after the following dates:

Coupons numbered:	*Last day for deposit*
1	February 2, 1944.
2	March 8, 1944.
3	April 13, 1944
4	October 30, 1944.
5	October 30, 1944.

(b) Definite value coupons, ration checks, exchange certificates, export certificates, and acknowledgments of delivery may be deposited at any time.

(c) No delivery receipts or unit value coupons of Class 1 or Class 2 coupon sheets may be deposited in any ration bank account.

§ 1394.5685 *Where consumers deposit fuel oil deposit certificates.* (a) A consumer must endorse and deposit every fuel oil deposit certificate issued as a ration (and each ration check received as a refund) for a specified establishment in the ration bank account for that establishment.

(b) No coupons or other evidences or delivery receipts may be deposited in a consumer's ration bank account.

§ 1394.5686 *To whom ration checks may be issued.* A depositor may not issue a ration check except to the following persons:

(a) To the person who transfers fuel oil to him, in exchange for the fuel oil transferred.

(b) To a person from whom he has received evidences to make any necessary adjustment between the amount of evidences received and the amount of fuel oil transferred to such person in exchange for such evidences. However, no ration check may be issued to make an adjustment to a consumer who is not a depositor.

(c) To the Office of Price Administration or to any Office or Board thereof.

§ 1394.5687 *Issuance of checks.* (a) Whenever a dealer or primary supplier issues a ration check to the Office of Price Administration or to any office or board thereof to accompany a report required by this order, or to any person in exchange for a transfer of fuel oil, the check must be drawn upon the account carried for the establishment included in the report or receiving the transfer, as the case may be, except that a primary supplier may draw his check upon the account carried for any establishment included in the same registration.

(b) A transfer of fuel oil may be made to a consumer who is a depositor in exchange for a ration check issued by the transferee in an amount equal to the fuel oil transferred. The check must be issued at the time of, or at the option of the transferor within 72 hours after, the transfer, except that where a transfer of 2,000 gallons or more of fuel oil is made to a consumer in a single transportation facility generally used for such purpose, the transferor may, at his option, permit the consumer to issue his check for such fuel oil within a period not exceeding 15 days from the date of transfer.

(c) If a transfer is made to a consumer who is a depositor, in the absence of the consumer or his agent, or by common or contract carrier or pipeline, the consumer shall, within 72 hours after the transfer, issue a ration check to the transferor for the fuel oil transferred. However, if the transfer is 2,000 gallons or more in a single transportation facility, the transferor may, at his option, permit the consumer to issue his check for such fuel oil within a period not exceeding 15 days.

(d) When a person issues a ration check, he must, in addition to making all other proper entries, indicate on his check stub, check register or similar record, the amount of fuel oil for which it is issued, the address where the fuel oil was delivered, and if he is a consumer, the ration against which the check is issued.

§ 1394.5688 *Acceptance of ration checks.* (a) When a ration check is received by a person who neither is nor is required to be a depositor, he may use it only to acquire fuel oil in the amount for which the check has been drawn. In such case, he must endorse the check and transfer it to the person from whom the fuel oil is acquired.

(b) A ration check may be accepted by a transferor of fuel oil either if it is made payable to him and is drawn by his transferee, or if the transferee is not a depositor, if it is endorsed both by his transferee and the person to whom the check is issued.

9. Section 1394.5507 (a) is amended by inserting the phrase "ration checks, fuel oil deposit certificates" between the phrase "export certificates" and the phrase "and delivery receipts", and by inserting the phrase "ration check, fuel oil deposit certificate" between the phrase "export certificate" and the phrase "and delivery receipt".

This amendment shall become effective on July 1, 1943.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive 1, 7 F.R. 562; Supp. Directive 1–0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10629; Filed, July 1, 1943; 3:34 p. m.]

[2] 8 F.R. 1130.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136[1] as Amended, Amdt. 94]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 136, is amended in the following respects:

1. In § 1390.32 (c) the following item is added in alphabetical order:

Floor Surfacing and Floor Maintenance Machinery (Industrial).

2. In § 1390.35 (c) the following item is added in alphabetical order:

	Depreciation rate per annum (per cent)
Floor Surfacing and Floor Maintenance Machinery (Industrial)	10

This amendment shall become effective July 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10628; Filed, July 1, 1943; 3:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 247 Under § 1499.18 (b) of GMPR]

BUTLER BROTHERS

Order No. 247 under § 1499.18 (b) of the General Maximum Price Regulation; Docket No. GF3–2738.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1847 *Adjustment of maximum prices for men's shirts sold by Butler Brothers.* (a) Butler Brothers, of Randolph and Canal Streets, Chicago, Illinois, may sell and deliver and any person may buy and receive from that corporation men's shirts in white and fancy patterns at prices not in excess of the following:

$12.00 per dozen net for Valor and Big Brother shirts for shipment from factory.

$12.24 per dozen less the seller's customary discount of 2% for Valor and Big Brother shirts shipped from its distribution houses located in Chicago, Illinois, St. Louis, Missouri, Baltimore, Maryland, New York, New York, and Minneapolis, Minnesota.

$14.35 per dozen net for Valor DeLuxe and Big Brother DeLuxe shirts for shipment from factory.

Nothing contained in this order shall deprive the applicant of the right to charge a higher maximum price than the prices contained in this order where such higher maximum price has been established under the General Maximum Price Regulation for shipments of the Valor and Big Brother shirts from its distribution houses at Dallas, Texas and San Francisco, California, and of the Valor DeLuxe and Big Brother DeLuxe shirts from any distribution house other than the factory.

(b) The maximum prices set forth in paragraph (a) herein shall be subject to petitioner's customary discounts and trade practices, including practices relating to shipping and shipping charges.

(c) Butler Brothers shall cause the following written notice to be sent to all persons to whom it sells men's shirts under the terms of this order.

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of Valor and Big Brother men's shirts in white and fancy patterns to $12.00 a dozen (or $12.24 less 2% discount) and for the Valor DeLuxe and Big Brother DeLuxe in white and fancy patterns to $14.35 a dozen. The amount of the increase in these prices over any previous maximum prices represents only that part of the cost increases which we are unable to absorb and was granted with the understanding that retail prices would not be raised. The Office of Price Administration is not permitting you or any other seller to raise the maximum price on a resale of any of these items.

(d) All prayers in the petition not granted herein are denied.

(e) This Order No. 247 may be revoked or amended by the Administrator at any time.

(f) This Order No. 247 (§ 1499.1847) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 247 (§ 1499.1847) shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10631; Filed, July 1, 1943; 3:35 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058, 1382, 2270, 3314, 3370, 3848, 4341, 4476, 4515, 4516, 4524, 4787, 5567, 5306, 5746, 5818, 6359, 6614, 7106, 7197, 7260, 7261.

PART 1499—COMMODITIES AND SERVICES

[Order 66 Under SR 15 to GMPR]

HUGH F. M'GOLDRICK

Order No. 66 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3163.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1366 *Adjustment of maximum prices for contract carrier services by Hugh F. McGoldrick, of 58 Ravine Road, West Medford, Massachusetts.* (a) Hugh F. McGoldrick, of 58 Ravine Road, West Medford, Massachusetts, may sell and deliver contract carrier services to The Flintkote Company, Inc., at prices not to exceed the maximum prices established in a contract with said company on May 12, 1942.

(b) All requests of the applicatnon not granted herein are denied.

(c) This Order No. 66 (§ 1499.1366) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 66 (§ 1499.1366) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 66 (§ 1499.1366) shall become effective July 2, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10630; Filed, July 1, 1943; 3:35 p. m.]

PART 1399—CONSTRUCTION, OIL FIELD, MINING, AND RELATED MACHINERY

[MPR 134[1] incl. Amdt. 9]

CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND CHARGES FOR OPERATING AND MAINTENANCE OR REPAIR AND REBUILDING SERVICES

Sections 1399.1, 1399.2, 1399.3, 1399.5, 1399.6, 1399.12 (a) (5), (9), 1399.15 were amended, §§ 1399.14, 1399.16 were added, and §§ 1399.7 through 1399.13a were redesignated by Amendment 9, effective July 1, 1943, so that Maximum Price Regulation No. 134 shall read as follows:

In the judgment of the Price Administrator the rental prices for construction and road maintenance equipment have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has further ascertained and given due consideration to the rental prices of construction and road maintenance equipment prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum rental prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations[2] involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 134 is hereby issued.

Sec.

1399.1 Prohibition against furnishing equipment, or supplying services, at prices in excess of maximum prices.
1399.2 Maximum rental prices.
1399.3 Rate bases: Most favorable to apply.
1399.4 Minimum rental period.
1399.5 Maximum charges for operating and maintenance and repair and rebuilding services.
1399.6 Contracts on a "fully operated" or similar basis.
1399.7 Less than maximum prices.
1399.8 Evasion.
1399.9 Records and reports.
1399.10 Petitions for amendment.
1399.11 Enforcement.
1399.12 Definitions.
1399.13 Effective date.
1399.13a Effective dates of amendments.
1399.14 Rental rates—General provisions.
1399.15 Appendix A: Table of rates for construction and road maintenance equipment.
1399.16 Appendix B: Table of rates for dump trucks and truck and trailer mounted equipment.

AUTHORITY: §§ 1399.1 to 1399.16, inclusive, issued pursuant to Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

[Except as otherwise noted, the title and §§ 1399.1 to 1399.15, inclusive, appear as amended and § 1399.16 as added, by Amendment 9, effective 7-1-43.]

§ 1399.1 *Prohibition against furnishing equipment, or supplying services, at prices in excess of maximum prices.* Regardless of any contract, lease or agreement: (a) No person shall lease, or furnish for use, and no person in the course of trade or business shall rent, or receive for use, any construction or road maintenance equipment on a bare basis, or make or receive payment for any such equipment, at a price in excess of the maximum rental price established by this regulation for such equipment.

(b) No person shall supply, and no person in the course of trade or business shall accept, any operating and maintenance or repair and rebuilding service, or make or receive payment for any such service, at a price in excess of the maximum charge established by, or under, this regulation for such service.

(c) No person shall lease, or furnish for use, and no person in the course of trade or business shall rent, or receive for use, any construction or road maintenance equipment on a fully or partially operated basis, or make or receive payment for any such equipment, at a price in excess of the sum of the maximum rental price for such equipment established by this regulation and the maximum charge for any operating and maintenance service supplied in connection with such equipment, established by, or under, this regulation.

(d) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in paragraphs (a), (b), and (c) of this section.

(e) The provisions of paragraphs (a) and (c) of this section, as to receiving for use any construction or road maintenance equipment on a bare, or fully or partially operated basis, or making payment therefor, and the provisions of paragraph (b) as to accepting any operating and maintenance, or repair and rebuilding service, or making payment therefore, shall not be construed to apply to (1) any war procurement agency of the United States or any contracting or paying officer thereof, or (2) the government of any country the defense of which the President of the United States deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or to any agency of any such government. Any such war procurement agency or any contracting or paying finance officer thereof and any such government, or any agency thereof shall be relieved of any and every liability, civil or criminal, imposed by this Regulation, or by the Emergency Price Control Act of 1942, as amended.

§ 1399.2 *Maximum rental prices*—(a) *Daily rental rates.* For any construction or road maintenance equipment:

(1) Which is not in actual use for more than 8 hours during one daily period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per day" in the Table of Rates set forth in Appendices A, B (b), or B (c), unless otherwise specifically provided therein.

(2) Which is in actual use for more than 8 hours during one daily period, the maximum additional rental price for each additional hour, or part of an hour, of such actual use shall be the rental price calculated upon the basis of 1/16 of such applicable rate "per day".

(b) *Weekly rental rates.* For any construction or road maintenance equipment:

(1) Which is not in actual use for more than 48 hours during one weekly period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per week" in the Table of Rates set forth in Appendices A, B (b), or B (c), unless otherwise specifically provided therein.

(2) Which is in actual use for more than 48 hours during one weekly period, the maximum additional rental price for each additional hour, or part of an hour, of such actual use shall be the rental price calculated upon the basis of $\frac{1}{56}$ of such applicable rate "per week."

(3) Which remains in the possession of the lessee for a part of a weekly period beyond one or more full weekly periods, the maximum rental price for such part of the weekly period shall be the rental price calculated upon the basis of the higher of the following: (i) $\frac{1}{7}$ of the applicable rate "per week" for each daily period, or part thereof, of possession, or (ii) $\frac{1}{48}$ of the applicable rate "per week" for each hour, or part thereof, of actual use. If such equipment is in actual use during such part of a weekly period for more than 48 hours, the maximum rental price shall be the rental price calculated in accordance with subparagraphs (1) and (2) of this paragraph.

(c) *Monthly rental rates.* For any construction or road maintenance equipment:

(1) Which is not in actual use for more than 240 hours during one monthly period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per month" in the Table of Rates set forth in Appendices A, B (b), or B (c), unless otherwise specifically provided therein.

(2) Which is in actual use for more than 240 hours during one monthly period, the maximum additional rental price for each additional hour, or part of an hour, of such actual use shall be the rental price calculated upon the basis of $\frac{1}{480}$ of such applicable rate "per month".

(3) Which remains in the possession of the lessee for a part of a monthly period beyond one or more full monthly periods, the maximum rental price for such part of the monthly period shall be the rental price calculated upon the basis of the higher of the following:

(i) $\frac{1}{30}$ of the applicable rate "per month" for each daily period, or part thereof, of possession, or (ii) $\frac{1}{240}$ of the applicable rate "per month" for each hour, or part thereof, of actual use. If such equipment is in actual use during such part of a monthly period for more than 240 hours, the maximum rental price shall be the rental price calculated in accordance with subparagraphs (1) and (2) of this paragraph;

(4) Which is to remain in the possession of the lessee for one or more full monthly periods, and for which the lessee desires to have the rental prorated for any part of a monthly period preceding the full monthly periods, the maximum rental price for an initial fractional part of a monthly period shall be the rental price calculated in accordance with subparagraph (3) of this paragraph.

§ 1399.3 *Rate bases: Most favorable to apply.* (a) Except where otherwise specifically provided in §§ 1399.15 and 1399.16, set forth as Appendices A and B of this regulation, irrespective of whether construction or road maintenance equipment is leased by the hour, day, week, month, or on any other basis, the maximum rental price of any such equipment shall be:

(1) Calculated on a daily rate basis in accordance with paragraph (a) of § 1399.2 if equipment is in lessee's possession for not more than 4 consecutive daily periods; except that where the rental price so calculated exceeds the price calculated upon a weekly basis, the maximum price shall be the rental price determined upon a weekly rate basis in accordance with paragraph (b) of § 1399.2;

(2) Calculated on a weekly rate basis in accordance with paragraph (b) of § 1399.2 if the equipment is in lessee's possession for more than 4 consecutive daily periods but not more than 3 consecutive weekly periods; except that where the rental price so calculated exceeds the price calculated upon a monthly basis the maximum rental price shall be the rental price determined upon a monthly rate basis in accordance with paragraph (c) of § 1399.2;

(3) Calculated on a monthly rate basis in accordance with paragraph (c) of § 1399.2 if such equipment is in lessee's possession for more than 3 consecutive weekly periods.

(b) Paragraph (a) of this section shall apply even where the periods of rental are not consecutive, if the lessee in such case is willing to rent the equipment continuously and the interval between the termination of the initial period of rental and the commencement of the subsequent period of rental to the same lessee does not exceed 30 days. In such case, the maximum rental price shall be calculated as if the periods of rental were consecutive.

§ 1399.4 *Minimum rental period.* Notwithstanding the provisions of §§ 1399.1 and 1399.2, a lessor who, on April 15, 1942, observed an established practice of requiring a minimum period of rental for any construction or road maintenance equipment may continue the same practice for such equipment: *Provided,* That such lessor shall, on or before August 1, 1943, unless he has already done so, file a report with the Office of Price Administration, Washington, D. C., explicitly setting forth the nature of such practice, the construction or road maintenance equipment to which such practice applies, and copies of leases, invoices, or published rental lists and other relevant proof showing that such practice was in effect on April 15, 1942.

§ 1399.5 *Maximum charges for operating and maintenance and repair and rebuilding services*—(a) *General provisions.* On or after July 1, 1943, no person shall make, or receive, payment for any operating and maintenance, or repair and rebuilding, service unless the supplier thereof has established a maximum charge therefor by filing a report of his proposed charge with the Office of Price Administration, Washington, D. C., and, where necessary, by having a charge approved or not disapproved by the Office of Price Administration as provided by this regulation; or unless a maximum charge for such service has been established by a general order of the Office of Price Administration; except that any supplier of such service who was not in business within a period of 90 days before July 1, 1943, shall have 90 days from the date on which he began business to establish a maximum charge for any such service supplied by him, in accordance with the requirements of this regulation.

(b) *Maximum charges for operating and maintenance services.* (1) For any operating and maintenance service for which the lessor has heretofore established a general maximum charge with the Office of Price Administration, Washington, D. C., the maximum price for such service shall be the charge which is filed with, and approved, or not disapproved, by the Office of Price Administration.

(2) For any operating and maintenance service, for which the lessor has not established a general maximum charge with the Office of Price Administration, the maximum price for all work for which a report is filed as hereafter provided and for all similar work thereafter to be performed by such lessor, shall be a charge calculated by the supplier: (i) according to the method which he used on March 31, 1942, or if he had no method at that time, by a method appropriate to the service and resulting in a price proportionate to competitiv prices for simillar services on March 31, 1942, (ii) using labor rates and material prices, not exceeding applicable maximum prices, prevailing on March 31, 1942 in the area

[1] 7 F.R. 3203.

[2] Statements of considerations also are issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

[3] Revised: 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

where the services are to be rendered, and rates for determining overhead and markup which the lessor had in effect on March 31, 1942, and (iii) which has been reported to, and approved, or not disapproved, by the Office of Price Administration, Washington, D. C., pursuant to subparagraph (3) hereof. Such report shall state the type of work in connection with which the services are to be rendered and shall show the proposed charge for each item of equipment broken down on an hourly basis to reflect all the elements of cost and profit comprising the charge, submitted as nearly as possible in the form set forth in the following illustration:

Item	Per operating hour
Operator's wages	$------
Social Security taxes and Insurance	$------
Fuel	$------
Oil	$------
Lubrication	$------
Repairs (other than for normal wear and tear)	$------
Total direct expenses	$------
Indirect expense and markup (attach separate schedule)	$------
Total hourly service charge requested	$------

(The above figures must be at March 31, 1942, rates.)

(3) After filing the report required in subparagraph (2), the supplier may quote, contract, or perform services at the proposed charge, but no payment shall be made or received for such services except in accordance with the final action or acquiescence of the Office of Price Administration in respect to such report. The Office of Price Administration may disapprove the proposed charge in writing within 30 days after receiving such report. Upon such disapproval, the supplier shall, unless he wishes to accept a maximum charge suggested by the Office of Price Administration, recompute the charge in accordance with subparagraph (2) and any suggestion of the Office of Price Administration accompanying the disapproval, and report the same as in the first instance. Any recomputed charge reported by a supplier shall be subject to the same action by the Office of Price Administration as a charge initially reported. Upon disapproval of a proposed charge the supplier shall not quote, contract, perform, or receive payment for, services at a charge in excess of any charge suggested by the Office of Price Administration. Reports hereby required shall contain, in addition to the calculations required by subparagraph (2), a clear description of the nature of the services and the item of equipment to which such calculations apply and evidence substantiating the data submitted. The Office of Price Administration may require such additional explanation or evidence as it considers necessary to dispose of any report. Any established maximum charge may be adjusted, without retroactive effect, by the Office of Price Administration at any time it appears that such charge was computed on inaccurate evidence.

(4) For any operating and maintenance service, to be rendered in connection with a type of work which is not similar to that for which a lessor has established a charge with the Office of Price Administration, the maximum charge shall be a charge which is calculated by the lessor and reported to, and approved, or not disapproved, by the Office of Price Administration in accordance with the provisions of subparagraphs (2) and (3) of this paragraph, all of which provisions shall apply to, and control, the establishment and use of any such maximum charge as aforesaid.

(5) The Office of Price Administration, Washington, D. C., may at any time by order, establish specific maximum charges for operating and maintenance services, in line with the general level of charges established under this regulation, applicable to any type of work and to any group of lessors, or all lessors, for (i) a designated geographical area, or (ii) specified construction or road maintenance equipment. Any such specific maximum charges established by the Office of Price Administration shall supersede individual maximum charges established by all lessors affected by the general action.

(c) *Maximum charges for repair or rebuilding services.* (1) For any repair and rebuilding service for which the supplier has heretofore established, a general maximum charge with the Office of Price Administration, Washington, D. C., the maximum price for such service shall be the charge which is filed with, and approved, or not disapproved, by the Office of Price Administration.

(2) For any repair or rebuilding service, for which a supplier has not established a general maximum charge with the Office of Price Administration, the maximum price shall be a charge: (i) calculated by the supplier in accordance with the method of calculating such charges which he used on March 31, 1942, and if he had no such method, by a method usual in the industry, appropriate to the service and resulting in a price proportionate to competitive prices for similar services on March 31, 1942, using (ii) labor rates and material prices, not exceeding applicable maximum prices, which were in effect on March 31, 1942, in the area where the supplier is located, and rates for determining overhead and markup which the supplier had in effect on March 31, 1942, and which has been (iii) reported to, and approved, or not disapproved by the Office of Price Administration, Washington, D. C., pursuant to subparagraph (3) hereof.

(3) The provisions of subparagraph (3) of paragraph (b) apply to the report required by subparagraph (2) of this paragraph (c).

(4) No person may establish a maximum charge for repairs of equipment only which is to be calculated according to the operating hours of the equipment.

(d) *Maximum flat charges for groups of repair and rebuilding services.* (1) If any supplier desires, or is required by an agency of the United States, to establish a flat hourly charge for any group of repair and rebuilding services, the maximum charge for each service in such group, shall be a charge: (i) which has been calculated so as to accomplish no increases in the supplier's gross income from the sale of all services in such group and which has been (ii) reported by the supplier to, and approved, or not disapproved by, the Office of Price Administration, Washington, D. C., pursuant to subparagraph (2) hereof.

(2) The report required by subparagraph (1) shall contain a clear description of each of the services for which a flat charge is requested, the proposed flat charge, the charge for each of the services in the group in effect on March 31, 1942, or subsequently established with the Office of Price Administration, data showing that use of the flat rate will not increase the supplier's gross income from the sale of all services to which it will be applied, evidence substantiating such data, and a statement of the proportion of the supplier's total business represented by each service in such group. After filing the report, the supplier may quote, contract, or perform any of the services in the designated groups at the proposed flat charge, but final settlement shall be made only in accordance with the action of the Office of Price Administration. The Office of Price Administration may disapprove the proposed charge in writing within 30 days after receiving such report. Upon such disapproval the supplier shall, unless he wishes to accept a charge suggested by the Office of Price Administration, recompute the charge as required by subparagraph (1) and any suggestion accompanying the disapproval and report the same as in the first instance. Any recomputed charge reported by a supplier shall be subject to the same action by the Office of Price Administration as a charge initially reported. Upon disapproval of a proposed charge, the supplier shall not quote, contract, or perform, or receive payment for, services at a charge in excess of any charge that may be suggested by the Office of Price Administration. As to any report required hereby, the Office of Price Administration may require such additional explanation or evidence as it finds necessary to dispose of such report. At any time after approving, or failing to disapprove, a flat charge for a group of services, the Office of Price Administration may require the supplier to submit evidence showing that his gross income has not been increased by use of the flat charge and, if the evidence indicates there has been such increase, the Office of Price Administration may require revision of the flat charge.

(e) *Adjustment of established service charges.* The provisions of § 1390.25a (b) of Maximum Price Regulation No. 136, as amended—Machines and Parts, and Machinery Services—are hereby incorporated herein as a part of this regulation. Application for an adjustment of a general maximum charge for operating and maintenance, or repair and rebuilding, service shall be filed in accordance with those provisions and such a maximum price may be adjusted in accordance with those provisions.

§ 1399.6 *Contracts on a "fully operated" or similar basis.* If any construction or road maintenance equipment is leased on a "fully-operated" or similar basis, whereby the consideration to be paid represents payment both for the rental of such equipment and any operating and maintenance service, or services, the consideration paid shall not exceed the aggregate of the maximum rental price provided by this regulation for such equipment and the maximum charge established with, or by, the Office of Price Administration, Washington, D. C., for such service, or services, and the lessor shall separately itemize on his invoices his charges for rental and his charges for services. This section shall apply in every instance, irrespective of whether or not lessors used "fully operated" or similar lump sum contracts on March 31, 1942, except where the Office of Price Administration, Washington, D. C., specifically approves in writing a combination charge for rental and services and relieves the lessor of the necessity of stating separately his charges for each.

§ 1399.7 *Less than maximum prices.* Lower rental prices and lower charges for operating or maintenance services than those set forth in this Maximum Price Regulation No. 134, may be charged, demanded, paid, or offered.

§ 1399.8 *Evasion.* It shall be a violation of this Maximum Price Regulation No. 134, to effect a price increase above the applicable maximum rental price or maximum service charge by making a charge for transportation of construction or road maintenance equipment to or from the job on a basis not heretofore customarily used, by hereafter establishing or extending a minimum rental period for any construction or road maintenance equipment, by changing an adjunct or an accessory tool of any construction or road maintenance equipment to obtain a capacity higher than the manufacturer's rated capacity for such equipment, or by way of commission, service, or other charge or requirement, or by way of premium or other privilege, or in any other manner. It shall also be a violation of this Maximum Price Regulation No. 134 for any lessee of construction or road maintenance equipment to pay to any person, or for any lessor of such equipment to receive, any fees, commissions, or other compensation, whether for broker's services or otherwise, which, when added to the price paid for rental of such equipment or the rendering of operating or maintenance services in connection therewith, would result in a total sum exceeding the maximum price established by this regulation for such rental or services.

[Last sentence added by Amendment 8, 8 F.R. 5931, effective 5-11-43]

§ 1399.9 *Records and reports*—(a) *Records.* Persons subject to this Maximum Price Regulation No. 134, shall keep available for inspection by representatives of the Office of Price Administration for a period of two years records of the following:

(1) *By the lessor of construction or road maintenance equipment.* Records of each lease or agreement subject hereto showing the name and address of the lessee, the items of equipment leased, the date of the lease, the actual period of lease, the total rental price paid, the method by which it was calculated, the construction project or locality for which the equipment was leased, and any payments to the lessor, in connection with such equipment, in addition to the rental price.

(2) *By the supplier of operating and maintenance or repair and rebuilding services.* Records of all such services performed after the effective date of this Maximum Price Regulation No. 134, showing the name of the person for whom such services were performed, the date of the transaction, identification of the services providing a reference to a price list or to production records, and the net charge therefor, and, in addition, records showing as precisely as possible the basis upon which maximum charges for operating and maintenance or repair and rebuilding services are determined.

(b) *Additional or substituted records and reports.* Every person subject to this Maximum Price Regulation No. 134, shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for records and reports herein required.

§ 1399.10 *Petitions for amendment*—(a) *Amendments.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 134 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[Paragraph (a) amended by Supplementary Order 26, 7 F.R. 8948]

(b) *Special amendments*—(1) *Counties of the State of Michigan.* Notwithstanding the provisions of § 1399.2, the maximum rental price for any construction or road maintenance equipment leased or furnished to the State of Michigan by the Board of County Road Commissioners of any County of the State of Michigan shall be the rental price agreed upon between the State of Michigan and its Counties on July 21, 1942, as set forth in the rate sheets filed with the Office of Price Administration on August 17, 1942.

(2) [Amendment 4 afforded relief to the Sierra Tractor & Equipment Co., 7 F.R. 9054.]

(3) *U. S. Army Engineers, Alaska.* Notwithstanding any provisions of this Maximum Price Regulation No. 134 or of Maximum Price Regulation No. 194,* the maximum rental price per month for any construction or road maintenance equipment leased or furnished by any person to the United States Army Engineers for use in connection with the Alaska Western Railways Survey in the Territory of Alaska shall be the applicable monthly rate set forth in § 1399.15, Appendix A, plus 100% of such rate, irrespective of the number of hours that such equipment may be used.

[Paragraph (3) added by Amendment 6, 8 F.R. 1975, effective 2-15-43]

(4) *Construction equipment used in Alaska.* Except as provided in § 1399.10 (b) (3), and notwithstanding any contrary provision of this Maximum Price Regulation No. 134, or of Maximum Price Regulation No. 194, the maximum monthly rental rate for any construction or road maintenance machinery used in the Territory of Alaska shall be the applicable monthly rate set forth in § 1399.15, Appendix A of Maximum Price Regulation No. 134, plus 25% of such rate.

[Paragraph (4) added by Amendment 7, 8 F.R. 3789, effective 3-31-43]

§ 1399.11 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 134, are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 134, or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State, or Regional Office of the Office of Price Administration or its principal Office in Washington, D. C.

§ 1399.12 *Definitions.* (a) When used in this Maximum Price Regulation No. 134, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Construction or road maintenance equipment" means any machinery or equipment specifically set forth in the Tables of Rates, incorporated herein as §§ 1399.15, 1399.16.

(3) "Rental price" means the amount charged for the use or possession of any construction or road maintenance equipment.

(4) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department and the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Company, Metals Reserve Company, Defense Plant Corporation, and Defense Supplies Corporation, or any agency of any of the foregoing.

(5) (i) "Operating and maintenance service" means the supplying by a lessor

*7 F.R. 5909, 6268, 6744, 8023, 8358, 8947, 9195, 10231, 10790, 11012; 8 F.R., 856.

of construction or road maintenance equipment, in connection with the rental thereof, of any or all of the following services, or supplies, required in the operation of such equipment: Operator, mechanic, oiler, fuel, oil, lubrication, repairs (other than repairs due to normal wear and tear), and any other services incidental thereto.

(i) "Repair and rebuilding service" means the supplying by any person of any service in connection with the repair, overhaul or rebuilding of construction and road maintenance equipment, independent of the rental of such equipment and irrespective of whether such service is supplied in the shop or on the job.

(6) "Daily period" means a period of 24 consecutive hours.

(7) "Weekly period" means a period of 7 consecutive daily periods.

(8) "Monthly period" means the period from any day in one month to the corresponding day in the succeeding month, if any, or if none, to the end of such succeeding month; except that for the purposes of § 1399.3 the term "monthly period" means a period of 30 daily periods.

(9) (i) "Bare" basis refers to any lease, contract, or understanding (except such as is described in (iii) below), regardless of whether the same is denominated a rental agreement, or forms a part of another agreement, whereby one party undertakes to furnish another party with any construction or road maintenance equipment, without supplying any operating and maintenance services required in connection therewith, for any use and for any consideration, regardless of how such consideration is determined.

(ii) "Fully operated" basis refers to any lease, contract, or understanding (except such as is described in (iii) below), regardless of whether the same is denominated a rental agreement, or forms a part of another agreement, whereby one party undertakes to furnish for the use of, or use for, another party any construction or road maintenance equipment and to supply all operating and maintenance services required in connection therewith, for any purpose and for any consideration, regardless of how such consideration is determined. "Partially operated" basis refers to the same sort of lease, contract or understanding as aforesaid, except that the part furnishing the equipment does not supply all, but only some, of the operating and maintenance services required in connection therewith.

(iii) Neither of the foregoing definitions embrace, nor does this regulation apply to, a situation wherein the party furnishing to or using for another party any construction or road maintenance equipment is, pursuant to the terms of a written contract and according to the laws of the State where the work is to be performed, an independent contractor, liable to the other contracting party only for a particular result in respect to such work and is not subject to the control of such other party as to the means or methods by which such result is to be accomplished.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used herein.

§ 1399.13 *Effective date.* This Maximum Price Regulation No. 134, (§§ 1399.1 to 1399.10 inclusive) shall become effective May 11, 1942.

[Issued April 28, 1942]

§ 1399.13a *Effective dates of amendments.* [Effective dates of amendments are shown in notes indicating parts amended.]

§ 1399.14 *Rental rates; General provisions.* Rental rates as set forth in the following Tables of Rates (§§ 1399.15 and 1399.16) are for "bare" equipment, unless otherwise specifically provided, and do not include charges for operator, mechanic, oiler, fuel, oil, lubricants, repairs or maintenance (except repairs or maintenance due to normal wear and tear), or any other charge which is properly a part of any "operating and maintenance service", as herein defined. The rental rates set forth in these Tables do include allowance for the cost of all repairs and overhaul required as a result of normal wear and tear of equipment. This means that: (a) When equipment is on bare rental and breaks down as a result of normal wear and tear, lessor cannot charge lessee with the cost of repairs, or any rental for time lost while repairs are being made. (b) Where equipment is on bare rental and breaks down as a result of any cause other than normal wear and tear, lessor can charge lessee with the cost of repairs and with rental for possession of equipment during time while repairs are being made. (c) However, where equipment is on bare rental, the lessee may at his own expense always make minor repairs, regardless of the cause of breakdown, where such repairs are necessary to keep the job going, but he may not charge the cost of such repairs to the lessor or deduct the time lost for making repairs from the rental period without the lessor's consent. (d) In any instance where there is a breakdown of equipment on "bare" rental, the cause of such breakdown is a question of fact that must be determined between the lessor and the lessee. (e) In any instance where there is a breakdown of equipment on "fully operated" rental, the lessor cannot charge the lessee with any rental, or for any "operating and maintenance service", for the time lost during the breakdown, or with the costs of any repairs occasioned thereby.

§ 1399.15 *Appendix A: Table of rates for construction and road maintenance equipment.*

NOTE: Unless otherwise specified manufacturers' ratings shall be used to classify equipment listed in this Appendix for determining applicable rental rates.

AIR COMPRESSORS—PORTABLE

[Two Stage and New Design Single Stage—Water Cooled or Air Cooled]

HIGH-PRESSURE—GASOLINE

Free air delivered at 100 pounds		Per month	Per week	Per day
From and not including (cubic feet)	To and including (cubic feet)			
.....	60	$60.00	$30.00	$7.50
60	65	100.00	33.00	8.25
65	85	115.00	38.00	9.50
85	105	140.00	47.00	11.75
105	160	185.00	62.00	15.50
160	210	260.00	87.00	21.75
210	315	360.00	120.00	30.00

HIGH-PRESSURE—DIESEL

.....	105	$162.00	$54.00	$13.50
105	160	224.00	75.00	19.00
160	210	298.00	99.00	25.00
210	315	414.00	138.00	34.50
315	365	450.00	150.00	37.50
365	425	495.00	165.00	41.00
425	500	608.00	203.00	51.00
500	600	730.00	243.00	61.00

SINGLE STAGE (OVER 5 YEARS)

Maximum rental per month $1.00 per cu. ft. of free air delivered at 100 lbs. pressure. Maximum rate per week ¼ of maximum rate per month. Maximum rate per day ⅓₀ of maximum rate per month.

AIR COMPRESSORS—STATIONARY

HIGH PRESSURE WITH ELECTRIC MOTOR AND BELT OR COUPLING

Piston displacement		Per month	Per week	Per day
From and not including—(cubic feet)	To and including—(cubic feet)			
.....	46	$46.00	$15.00	$3.50
46	55	50.60	17.00	4.50
55	72	60.00	20.00	5.00
72	95	80.00	27.00	7.00
95	125	92.00	31.00	7.75
125	160	125.00	42.00	10.50
160	215	156.00	52.00	13.00
215	270	188.00	63.00	15.75
270	370	220.00	70.00	19.25
370	470	250.00	83.00	21.00
470	570	280.00	93.00	23.00

LOW PRESSURE WITH ELECTRIC MOTOR AND BELT OR COUPLING

[40 LBS. AND UNDER]

Piston displacement		Per month	Per week	Per day
From and not including—(cubic feet)	To and including—(cubic feet)			
.....	900	$250.00	$83.00	$21.00
900	1200	365.00	121.00	30.00

AIR COMPRESSORS—PORTABLE—Continued

HIGH PRESSURE WITH GASOLINE-ENGINE AND BELT OR COUPLING

Piston displacement		Per month	Per week	Per day
From and not including—(cubic feet)	To and including—(cubic feet)			
.....	30	$40.00	$13.00	$3.50
30	46	60.00	20.00	5.00
46	55	75.00	25.00	6.50
55	72	85.00	28.00	7.00
72	95	100.00	33.00	8.50
95	125	130.00	43.00	10.75
125	160	163.00	54.00	13.50
160	215	220.00	73.00	18.25
215	270	267.00	89.00	22.00
270	370	350.00	117.00	29.00
370	470	450.00	150.00	37.00
470	570	550.00	183.00	46.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without any one or more of the following: idler, unloader, automatic oiler, starter.

AIR RECEIVERS

From and not including (cubic feet)	To and including (cubic feet)	Per month	Per week	Per day
.....	3½	$3.15	$1.05	$0.25
3½	8	3.85	1.25	0.30
8	15	6.30	2.10	0.50
15	25	9.10	3.00	0.75
25	40	11.90	4.00	1.00
40	75	15.40	4.75	1.25
75	125	23.00	7.75	2.00
125	185	31.00	10.25	2.50
185	245	42.00	14.00	3.50
245	350	49.00	16.25	4.00
350	500	66.00	22.00	5.50
500	625	86.00	29.00	7.25

AIR TOOLS

	Per month	Per week	Per day
Chippers	$20.00	$6.00	$2.50
Clay spades (one scoop) small	20.00	10.00	2.50
Clay spades (one scoop) large	25.00	12.00	3.00
Drifters	65.00	22.00	6.00
Grinders	30.00	12.00	3.00
Hoists—air 1 to 1500 lbs. inclusive, single drum	50.00	18.00	4.50
Hoists—air 1501 to 2500 lbs. inclusive, single drum	65.00	22.00	5.50
Hoists—air 1500 to 2500 lbs. inclusive, double drum	80.00	27.00	6.50
Hose—air up to and including ⅜ in., per 50' length	5.00	2.50	1.00
Hose—air over ⅜ in.-1 in., per 50' length	6.00	3.00	1.50
Hose whip	3.00	1.00	.50
Jack hammer 1 to 50 lbs. inclusive	30.00	14.00	3.50
Jack hammer 51 to 68 lbs. inclusive	35.00	16.00	3.75
Jack hammer 69 to 80 lbs. inclusive	40.00	18.00	4.00
Mounted jack hammer	60.00	20.00	5.00
Paving breakers 1 to 69 lbs. inclusive	30.00	14.00	3.50
Paving breakers 70 to 90 lbs. inclusive	35.00	15.00	3.50
Rivet bucker-up	14.00	5.00	1.50
Rivet hammers	25.00	10.00	3.50
Saws—air	50.00	20.00	5.00
Sheeting drivers—air	54.00	18.00	4.50
Stopers	60.00	20.00	5.00
Tampers	25.00	12.50	3.50
Vibrators, concrete (small)	30.00	12.00	3.00
Vibrators, concrete (medium)	45.00	18.00	4.50
Vibrators, concrete (large)	65.00	22.00	5.50
Wagon drills (with air hoist)	165.00	50.00	10.00

All above air hose includes couplings, on both ends. Tools do not include air hose which is separate item.

AIR TOOLS—Continued

DRILL STEELS

From and not including		To and including		Per month	Per week
Feet	Inches	Feet	Inches		
.....	.....	3	⅞	$1.00	$0.50
3	⅞	5	⅞	1.25	.60
5	⅞	7	⅞	2.00	.80
7	⅞	9	⅞	2.25	1.00
9	⅞	11	⅞	2.50	1.25

Drill steels have rose point bits or are threaded for jackbits. Rates include threads on steel.

MOIL POINTS

	Per month	Per week
Moil points	$1.75	$1.25

SHARPENING EQUIPMENT—FORGE

From and not including inches diameter	To and including inches diameter	Per month	Per week	Per day
.....	18	$30.00	$10.00	$2.50
18	28	40.00	13.00	3.50

SHARPENING EQUIPMENT—FORGING MACHINE

Maximum diameter of steel (inch)	Per month	Per week	Per day
1¼	$75.00	$25.00	$6.50
1¾	125.00	42.00	10.50
1½	175.00	58.00	15.00

Dies included.

ANGLEDOZERS

For tractor of		Per month	Per week	Per day
From and not including—(Drawbar H. P.)	To and including—(Drawbar H. P.)			
.....	42	$105.00	$35.00	$8.50
42	66	135.00	45.00	11.00
66	89	148.00	49.00	12.00
89	135	175.00	55.00	14.00

When angledozer is rented with tractor, tractor and tractor winch or hydraulic pump rental may be added.

BACKFILLERS

CRAWLER TRACTION—GASOLINE OR DIESEL MOTORED

From and not including—(Belt H. P.)	To and including (Belt H. P.)	Per month	Per week	Per day
24	38	$325.00	$108.00	$27.00
38	46	385.00	128.00	32.00
46	56	555.00	185.00	46.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without any one or more of the following: scraper, tamper and necessary accessories.

BACKFILLER ATTACHMENTS

FOR CRAWLER TRACTORS

For tractor of—		Per month	Per week	Per day
From and not including (draw-bar horsepower)	To and including (draw-bar horsepower)			
30	40	$300.00	$100.00	$25.00

BATCHERS WEIGHING, BIN GATES, BINS

Maximum monthly rates on weighing batchers, bin gates or bins shall not exceed 9% of the highest maximum price established by the Office of Price Administration for the sale of the nearest equivalent new weighing batchers, bin gates or bins to any domestic class of purchasers. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate. The maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

BOILERS

The following rates are maximum regardless of the number of hours used within the rental period:

VERTICAL

From and not including (boiler horsepower)	To and including (boiler horsepower)	Per month	Per week	Per day
.....	18	$40.00	$13.00	$3.25
18	24	75.00	25.00	6.25
24	32	87.50	29.00	7.25
32	55	100.00	33.00	8.50
55	90	125.00	42.00	10.50

HORIZONTAL—LOCOMOTIVE TYPE

From and not including—(boiler H. P.)	To and including—(boiler H. P.)	Per month	Per week	Per day
55	55	$100.00	$33.00	$8.50
55	70	110.00	37.00	9.00
70	90	125.00	42.00	10.50
90	125	175.00	58.00	15.00
125	175	200.00	67.00	17.00

BROOMS, ROAD TOWED

ENGINE-DRIVEN

Monthly	Weekly	Daily
$82.00	$27.25	$6.80

TRACTION-DRIVEN

$64.00	$21.25	$5.25

NOTE: Brush wear may be invoiced in addition to rental rate.

BUCKETS

CLAMSHELL

Cubic yards	Per month	Per week	Per day
¼	$62.00	$20.00	$5.00
⅜	67.00	22.00	5.50
½	75.00	25.00	6.25
⅝	80.00	26.00	6.50
¾	90.00	30.00	7.50
1	105.00	35.00	8.75
1¼	125.00	42.00	10.50
1½	140.00	46.00	11.50
1¾	148.00	47.00	11.75
2	155.00	52.00	13.00
2¼	210.00	70.00	17.50
2½	225.00	75.00	18.75
3	275.00	92.00	23.00
4	350.00	117.00	29.25

CONCRETE—BOTTOM DUMP

Cubic yards	Per month	Per week	Per day
Under ½	$10.00	$3.50	$1.00
½	20.00	6.75	1.75
¾	23.00	7.75	2.00
1	35.00	11.50	3.00
1½	40.00	13.25	3.25
2	50.00	16.75	4.25
3	71.00	24.00	6.00
4	105.00	35.00	8.75

TIP OVER

From and not including—(cubic feet)	To and including—(cubic feet)	Per month	Per week	Per day
	16	$15.00	$5.00	$1.25
16	26	18.00	6.00	1.50
26	38	20.00	6.75	1.75
38	53	23.00	7.75	2.00
53	70	30.00	10.00	2.50

DRAGLINE

Cubic yards	Per month	Per week	Per day
⅜	$50.00	$17.00	$4.25
½	55.00	18.25	4.50
⅝	66.00	22.00	5.50
¾	75.00	25.00	6.25
1	85.00	28.00	7.00
1¼	95.00	32.00	8.00
1½	105.00	35.00	8.75
1¾	116.00	37.00	9.00
2	125.00	42.00	10.50
2¼	133.00	44.00	11.00
2½	140.00	47.00	11.75
3	150.00	50.00	12.50
3½	158.00	53.00	13.25
4	165.00	55.00	13.75

ORANGE PEELS

From and not including—(cubic feet)	To and including—(cubic feet)	Per month	Per week	Per day
	6	$75.00	$25.00	$6.25
6	16	100.00	33.00	8.25
16	22	125.00	42.00	10.50
22	33	150.00	50.00	12.50

Cubic yards			
1¼	175.00	58.00	14.50
1½	200.00	67.00	16.50
2	225.00	75.00	18.75
2½	250.00	83.00	21.00
3	275.00	92.00	23.00

BUCKETS—Continued

TOWER

From and not including—(cubic feet)	To and including—(cubic feet)	Per month	Per week	Per day
	11	$15.00	$5.00	$1.50
11	19	25.00	8.50	2.00
19	36	30.00	10.00	2.50

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without top and bottom switches.

BULLDOZERS

For tractor of—				
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)	Per month	Per week	Per day
	42	$88.00	$29.00	$7.25
42	66	110.00	37.00	9.25
66	89	120.00	40.00	10.00
89	135	145.00	48.00	12.00

When bulldozer is rented with tractor, tractor and tractor winch all hydraulic pump rental may be added.

CAGES—MATERIAL

WITH SHEAVES

	Per month	Per week	Per day
All sizes—single	$20.00	$7.00	$2.00
All sizes—double	30.00	10.00	2.50

CARTS

CONCRETE

	Per month	Per week
6 cu. ft. with legs steel wheels	$6.00	$2.00
6 cu. ft. with rubber-tired wheels	12.00	4.00
9–11 cu. ft. inclusive with rubber-tired wheels	15.00	5.00

CEMENT PLANTS—BULK

WITH MECHANICAL HANDLING EQUIPMENT

Maximum monthly rates on bulk cement plants with mechanical handling equipment shall not exceed 11% of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new cement plants with mechanical handling equipment to any domestic class of purchasers. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate, the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

CHUTES

CONCRETE—SWIVEL HEAD

From and not including—(feet)	To and including—(feet)	Per month	Per week
	15	$5.00	$2.00
15	25	10.00	3.00
25	35	15.00	5.00

COLUMN CLAMPS

Size of clamp, from and not including (inches)	To and including (inches)	Per month	Per week
		Per set	*Per set*
	40	$0.25	$0.10
40	50	.30	.10
50	60	.35	.10

The above rates are maximum regardless of the number of hours used within the rental period.

CONVERTERS

ROTARY

	Per month	Per week	Per day
1,000 watt, 110 DC to 110 AC	$15.00	$5.00	$1.50

CRANES

(1) All crane rates are for cranes complete with factory length boom and do not include buckets.

(2) If the lessee requires and the lessor furnishes a boom longer than factory standard or other special accessories, the maximum additional rental rate with respect to all types of cranes listed in this Appendix A, shall be (a) on a monthly basis, 5½% per month of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new such additional length boom or special accessories to any domestic class of purchasers, (b) on a weekly basis, ⅓ of the foregoing maximum monthly rate, (c) on a daily basis, 1/12 of the foregoing maximum monthly rate.

(3) Crawler crane capacities are based upon 75% of tipping load, without outriggers. Locomotive crane capacities are based upon 83% tipping load, without outriggers.

CRAWLER—GASOLINE ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	5	10	$350.00	$117.00	$29.00
5	6½	10	400.00	133.00	33.00
4½	7½	12	450.00	150.00	38.00
7½	8½	12	500.00	167.00	42.00
8½	14½	12	600.00	200.00	50.00
14½	19½	12	675.00	225.00	56.00
19½	24½	12	750.00	250.00	62.00
24½	33½	12	975.00	325.00	81.00
15	18½	20	1,200.00	400.00	100.00
18½	26	20	1,400.00	467.00	117.00
8	9½	45	1,700.00	567.00	142.00
9½	14½	45	2,000.00	667.00	167.00

CRAWLER—DIESEL ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	5	10	$350.00	$117.00	$29.00
5	6½	10	450.00	150.00	38.00
4½	7½	12	500.00	167.00	42.00
7½	8½	12	600.00	200.00	50.00
8½	14½	12	700.00	233.00	58.00
14½	19½	12	800.00	267.00	67.00
19½	24½	12	900.00	300.00	75.00
24½	33½	12	1,050.00	350.00	88.00
15	18½	20	1,500.00	500.00	125.00
18½	26	20	1,700.00	567.00	142.00
8	9½	45	2,000.00	667.00	167.00
9½	14½	45	2,220.00	747.00	187.00
14½	20	45	2,725.00	908.00	227.00

CRANES—Continued

CRAWLER—STEAM ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	9	10	$400.00	$133.00	$33.00
9	13½	10	475.00	158.00	40.00
13½	18½	12	600.00	200.00	50.00
18½	24½	12	725.00	242.00	60.00
24½	30½	12	950.00	317.00	79.00
30½	40½	12	1,400.00	467.00	117.00

LOCOMOTIVE—GASOLINE ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	17	10	$900.00	$300.00	$75.00
17	22	10	1,050.00	350.00	88.00
22	27	12	1,100.00	367.00	92.00
27	32	12	1,300.00	430.00	108.00
32	37	12	1,500.00	500.00	125.00
37	42	12	1,700.00	567.00	142.00

LOCOMOTIVE—DIESEL ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	17	10	$980.00	$327.00	$82.00
17	22	10	1,100.00	367.00	92.00
22	27	12	1,200.00	400.00	100.00
27	32	12	1,400.00	467.00	116.00
32	37	12	1,600.00	530.00	133.00
37	42	12	1,725.00	575.00	144.00

LOCOMOTIVE—STEAM ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	17	12	$850.00	$283.00	$71.00
17	22	12	975.00	325.00	81.00
22	27	12	1,020.00	340.00	85.00
27	32	12	1,180.00	393.00	98.00
32	37	12	1,315.00	438.00	109.00
37	42	12	1,500.00	500.00	125.00

TRUCK, GASOLINE OR DIESEL ENGINE POWERED

COMPLETE WITH BOOM AND MOUNTED ON TRUCK BUT NOT INCLUDING BUCKET

Manufacturer's rating—						
From and not including—pounds	To and including—pounds	Radius (feet)	Per month (equipment only)	Per week (equipment only)	Per day (equipment only)	Hourly operating services
5,000	9,500	10	$500.00	$167.00	$41.75	$5.00
9,500	14,000	10	555.00	185.00	46.25	5.25
14,000	18,000	10	700.00	230.00	58.25	5.50
18,000	24,000	10	780.00	260.00	65.00	5.75
24,000	28,000	10	925.00	300.00	77.00	6.00
28,000	40,000	10	1,200.00	400.00	100.00	6.25

Monthly, weekly and daily truck crane rates do not include any operating or maintenance service.

Hourly operating service rates include fuel, lubrication, operating crew of two, taxes and insurance based upon payroll, repairs in excess of normal wear and tear and markup. The maximum hourly rental period may begin when truck crane leaves for job and cease when truck crane returns to warehouse.

When the lessor is required to pay his truck crane operating crew overtime wages because of overtime operation of the crane the lessor may make an additional charge equal to the amount paid in excess of straight-time wages plus taxes and insurance on the additional amount.

CRUSHERS-JAW

[No accessories—without power]

	Per month	Per week	Per day
Opening 6 x 12	$55.00	$18.00	$4.50
Opening 8 x 15	66.00	22.00	5.50
Opening 9 x 16	85.00	28.00	7.00
Opening 8 x 24	110.00	37.00	9.50
Opening 9 x 24	165.00	55.00	14.00
Opening 9 x 36	195.00	65.00	16.50
Opening 10 x 16	135.00	45.00	11.00
Opening 10 x 20	155.00	52.00	13.00
Opening 10 x 30	190.00	63.00	16.00
Opening 10 x 36	210.00	70.00	17.50
Opening 10 x 40	225.00	75.00	19.00
Opening 12 x 24	220.00	73.00	18.00
Opening 12 x 36	265.00	88.00	22.00
Opening 12 x 38	360.00	120.00	30.00
Opening 18 x 36	440.00	147.00	37.00

The above rates include crusher being furnished with good, serviceable manganese jaws and equipment must be returned with jaws in the same condition.

If jaws are worn out or broken during job, replacement must be made by lessee.

These crusher rates do not include such equipment as elevators, screens or motive power. Elevators and screens are not generally rented and in no case are they rented except with a crusher. When they are rented the maximum monthly rate shall not exceed 10% of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new elevators and screens to any domestic class of purchasers. The maximum weekly rate may not exceed ⅓ of the maximum monthly rate, the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

[Paragraphs as amended by Amendment 5, 7 F.R. 9785, effective 10-22-42]

DERRICKS

STIFF LEG—WITH SILLS

From and not including—(tons)	To and including—(tons)	Boom length (feet)	Mast height (feet)	Per month	Per week	Per day
	4	30–60	38 and under	$100.00	$33.00	$8.25
4	6	50–80	38 and under	215.00	72.00	18.00
		70–100	Over 38	285.00	95.00	24.00
6	9	50–80	38 and under	225.00	75.00	18.75
		70–100	Over 38	300.00	100.00	25.00
9	11	50–80	38 and under	255.00	85.00	21.00
		70–100	Over 38	335.00	112.00	28.00
11	13	50–80	38 and under	295.00	98.00	25.00
		70–100	Over 38	315.00	105.00	26.00
13	17	50–80	38 and under	305.00	102.00	25.00
		70–100	Over 38	390.00	130.00	33.00
17	22	50–80	38 and under	355.00	118.00	29.00
		70–100	Over 38	415.00	138.00	35.00
22	27	50–80	38 and under	405.00	135.00	34.00
		70–100	Over 38	450.00	150.00	37.00
27	32	50–80	38 and under	455.00	152.00	38.00
		70–100	Over 38	490.00	163.00	41.00
32	42	50–80	38 and under	530.00	177.00	44.00
		70–100	Over 38	555.00	185.00	46.00
42	52	50–80	38 and under	590.00	197.00	49.00
		70–100	Over 38	625.00	208.00	52.00

STIFF LEG—WITHOUT SILLS

From and not including—(tons)	To and including—(tons)	Boom length (feet)	Mast height (feet)	Per month	Per Week	Per day
	4	30–60	38 and under	$90.00	$30.00	$7.50
4	6	50–80	38 and under	180.00	60.00	15.00
		70–100	Over 38	230.00	77.00	19.25
6	9	50–80	38 and under	185.00	62.00	15.50
		70–100	Over 38	240.00	80.00	20.00
9	11	50–80	38 and under	215.00	72.00	18.00
		70–100	Over 38	270.00	90.00	22.00
11	13	50–80	38 and under	240.00	80.00	20.00
		70–100	Over 38	300.00	100.00	25.00
13	17	50–80	38 and under	260.00	87.00	22.00
		70–100	Over 38	325.00	108.00	28.00
17	22	50–80	38 and under	300.00	100.00	25.00
		70–100	Over 38	365.00	122.00	30.00
22	27	50–80	38 and under	365.00	122.00	30.00
		70–100	Over 38	405.00	135.00	34.00
27	32	50–80	38 and under	410.00	137.00	35.00
		70–100	Over 38	440.00	147.00	36.00
32	42	50–80	38 and under	475.00	158.00	39.00
		70–100	Over 38	500.00	167.00	42.00
42	52	50–80	38 and under	530.00	177.00	44.00
		70–100	Over 38	560.00	187.00	47.00

CIRCLE SWING

From and not including—(lbs.)	To and including—(lbs.)	Per month	Per week	Per day
	1,400	$15.00	$5.00	$1.50
1,400	2,200	17.00	6.00	1.50
2,200	3,000	20.00	7.00	2.00

Maximum rental prices calculated upon the basis of the above rates shall apply to equipment with the following items: winch, cable and load block.

POLE

	Per month	Per week	Per day
4 x 6—22 foot	$10.00	$4.00	$2.00
6 x 6—22 foot	12.50	4.00	4.00
6 x 8—22 foot	15.00	4.50	4.50
8 x 8—22 foot	17.50	5.00	5.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with the following items: winch, cable and load block.

DERRICKS—Continued

GUY

From and not including—(tons)	To and including—(tons)	Boom length (feet)	Mast height (feet)	Per month	Per week	Per day
	5½	50–80	Under 90	$115.00	$38.00	$9.50
		70–100	90 and over	170.00	57.00	14.25
5½	8½	50–80	Under 90	135.00	45.00	11.25
		70–100	90 and over	185.00	62.00	15.50
8½	10½	50–80	Under 90	155.00	52.00	13.00
		70–100	90 and over	195.00	65.00	16.25
10½	13	50–80	Under 90	175.00	58.00	14.50
		70–100	90 and over	215.00	72.00	18.00
13	17	50–80	Under 90	195.00	65.00	16.25
		70–110	90 and over	245.00	82.00	20.00
17	22	50–80	Under 90	230.00	77.00	19.25
		70–110	90 and over	275.00	92.00	23.00
22	27	50–80	Under 95	290.00	97.00	24.00
		70–110	95 and over	340.00	113.00	28.00
27	35	50–90	Under 105	340.00	113.00	28.00
		80–110	105 and over	380.00	127.00	32.00
35	45	50–90	Under 105	400.00	133.00	33.00
		100–120	105 and over	450.00	150.00	37.00
45	55	50–90	Under 105	475.00	158.00	40.00
		90–120	105 and over	520.00	173.00	43.00

SETTER

	Per month	Per week	Per day
22-foot top point	$15.00	$5.00	$3.00
22-foot regular	15.00	5.00	3.00

Maximum rental prices calculated upon the basis of the above rates shall include winch, cable, and load block.

STIFF LEG—WOOD

From and not including—(tons)	To and including—(tons)	Per mouth	Per week	Per day
	1½	$35.00	$12.00	$3.00
1½	2½	50.00	17.00	4.50
2½	3½	75.00	25.00	6.50
3½	4½	100.00	33.00	8.50
4½	5½	125.00	42.00	10.50
5½	12½	150.00	50.00	12.50
12½	30	200.00	67.00	17.00

TOWER

	Per month	Per week	Per day
Any size	$25.00	$8.50	$2.00

Cable not included.

TRIPOD

Width (feet)	Capacity	Per month	Per week	Per day
12	2—4,000 lbs	$20.00	$7.00	$2.00
14	2—4,000 lbs	25.00	8.50	2.00

Maximum rental prices calculated upon the basis of the above rates shall apply to equipment with the following items included: cable, load block, and hand winch.

DRAGLINE EXCAVATORS

GASOLINE ENGINE DRIVEN—BUCKET INCLUDED

Capacity of machine when used as a power shovel (cubic yards)	Per month	Per week	Per day
¾	$415.00	$138.00	$35.00
⅞	500.00	167.00	42.00
1	525.00	175.00	44.00
1¼	600.00	200.00	50.00
1½	750.00	250.00	52.00
1¾	860.00	287.00	72.00
2	1,025.00	342.00	85.00
2¼	1,250.00	417.00	104.00
2½	1,500.00	500.00	125.00
3	2,100.00	700.00	175.00

DRAGLINE EXCAVATORS

DIESEL ENGINE DRIVEN—BUCKET INCLUDED

Capacity of machine when used as power shovel (cubic yards)	Per month	Per Week	Per day
¾	$500.00	$167.00	$42.00
⅞	525.00	175.00	44.00
1	580.00	193.00	48.00
1¼	675.00	225.00	56.00
1½	890.00	297.00	74.00
1¾	1,010.00	337.00	84.00
2	1,150.00	383.00	96.00
2¼	1,600.00	533.00	133.00
2½	1,800.00	600.00	150.00
3	2,350.00	783.00	196.00
3½	2,850.00	950.00	238.00
	3,150.00	1,050.00	262.00

STEAM—BUCKET INCLUDED

Capacity of machine when used as power shovel (cubic yards)	Per month	Per week	Per day
¾	$485.00	$162.00	$40.00
⅞	545.00	182.00	46.00
1	600.00	200.00	50.00
1¼	860.00	287.00	72.00
1½	1,000.00	333.00	83.00
2	1,400.00	467.00	116.00

Where the dragline is not convertible into a shovel, the maximum rental rate may not exceed the corresponding crane rate (based upon 75% of tipping load) plus the applicable bucket rate, as established in this regulation.

DRILLS—ROTATING

AIR—WOOD

From and not including—(inches)	To and including—(inches)	Per month	Per week
	1½	$10.00	$3.50
1½	3	20.00	7.00
3	5	30.00	10.00

AIR—METAL

Inches	Per month	Per week
½	$12.00	$4.00
⅝	15.00	5.00
1¼	25.00	8.50
2	35.00	12.00
3	40.00	13.00

DRILLS—ROTATING—Continued

AIR—CLOSE QUARTER

Inches	Per month	Per week
⅞	$15.00	$5.00
1¼	25.00	8.50
2	35.00	12.00

Maximum rental prices calculated upon the basis of the above rates shall apply to equipment with boring chuck mandrel or plate for attaching or holding these items included. However, drill bits, augers, or grinding wheels are not included.

ELECTRIC

Inches	Per month	Per week
¼	$6.00	$2.00
½	8.00	2.75
⅝	11.00	3.75
¾	12.00	4.00
⅞	13.00	4.25
1	17.00	5.75

Maximum rental prices calculated upon the basis of the rates shall apply to equipment with standard length electric cable included.

DUMP CARS

24" TO 36" GAUGE

From and not including—(cubic yard)	To and including—(cubic yard)	Per month	Per week
	⅞	$20.00	$7.00
⅞	1¼	25.00	8.50
1¼	1¾	35.00	12.00
1¾	2¼	45.00	15.00

ELEVATING GRADERS

POWER

Belt width (inches)	Per month	Per week	Per day
42	$350.00	$117.00	$29.00
48	400.00	133.00	33.00

GEAR-DRIVEN

	Per month	Per week	Per day
40 in. to 44 in. inclusive, hand control	$100.00	$33.00	$8.50

TAKE-OFF

	Per month	Per week	Per day
45 in. and under, power control	$275.00	$92.00	$23.00
Over 45 in. to 52 in. inclusive, power control	300.00	100.00	25.00
32 in. to 40 in. inclusive, hand control	225.00	75.00	19.00

ENGINES

SINGLE CYLINDER—GASOLINE

From and not including continuous rating (H. P.)	To and including continuous rating (H. P.)	Per mouth	Per week	Per day
	1½	$10.00	$3.50	$1.00
1½	2½	12.00	4.00	1.00
2½	3½	14.00	4.50	1.25
3½	4½	16.00	5.50	1.50
4½	5½	18.00	6.00	1.50
5½	6½	20.00	7.00	2.00

ENGINES—Continued

2, 4 OR 6 CYLINDER WITH CLUTCH—GASOLINE

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	18	$26.00	$8.00	$2.00
18	22	40.00	13.00	3.50
22	30	50.00	17.00	4.50
30	40	60.00	20.00	5.00
40	55	70.00	23.00	6.00
55	70	90.00	30.00	7.50
70	90	127.00	42.00	10.50
90	115	180.00	60.00	15.00
115	140	245.00	82.00	20.00
140	165	320.00	107.00	27.00

DIESEL—WITH CLUTCH

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	18	$37.00	$12.50	$3.25
18	22	60.00	20.00	5.00
22	30	75.00	25.00	6.50
30	40	90.00	30.00	7.50
40	55	105.00	35.00	9.00
55	70	135.00	45.00	11.00
70	90	210.00	70.00	17.50
90	115	245.00	82.00	20.00
115	140	295.00	98.00	24.00
140	165	445.00	148.00	37.00
165	185	515.00	172.00	43.00
185	210	635.00	212.00	53.00
210	235	785.00	262.00	65.00

STEAM-VERTICAL

	Per mouth	Per week	Per day
4 to 20 H. P., inclusive	$20.00	$7.00	$2.00

STEAM-SWING

	Per month	Per week	Per day
4 inch bore by 6 inch stroke	$35.00	$12.00	$3.00
6½ inch bore by 8 inch stroke	50.00	16.50	4.50

EXTRACTORS, PILE

Manufacturer	Model	Per month	Per week	Per day
McKiernan Terry Corp. Union	E2	$126.00	$42.00	$10.50
	E4	198.00	66.00	16.50
	200A	100.00	33.25	8.25
	400A	130.00	43.25	10.75
	800A	220.00	73.25	18.25

Trade names are mentioned to indicate size. Extractors of manufacturers not mentioned shall be subject to the same rates as similar sizes and types of trade names mentioned.

FINEGRADERS

SELF-POWERED

Maximum cutting width From and not including—(feet)	Maximum cutting width To and including—(feet)	Per month	Per week	Per day
	11	$600.00	$166.75	$41.75
11	16	650.00	216.75	54.25
16	26	850.00	283.25	70.75

FINISHING MACHINES

CONCRETE FLOOR-TROWEL GASOLINE OR ELECTRIC

	Per month	Per week	Per day
All sizes	$60.00	$20.00	$5.00

CONCRETE ROAD MACHINE

(ENGINES, TAMPING ATTACHMENT)

From and not including (feet)	To and including (feet)	Per month	Per week	Per day
9	12	$424.00	$141.25	$35.25
12	18	447.00	149.00	37.25
18	24	454.00	151.25	37.75
24	30	495.00	165.00	41.25
30	35	519.00	173.00	43.25

VIBRATORS FOR FINISHING MACHINE

Double pan From and not including—(feet)	Double pan To and including—(feet)	Per month	Per week	Per day
12	12	$165.00	$55.00	$14.00
12	18	190.00	63.00	16.00
18	24	215.00	72.00	18.00
24	30	275.00	92.00	23.00
30	35	312.00	104.00	26.00
Single pan all sizes		132.00	44.00	11.00

BITUMINOUS SPREADER AND FINISHER MACHINE—GASOLINE ENGINE DRIVEN

	Per month	Per week	Per day
All sizes	$750.00	$250.00	$63.00

FLOATS

CONCRETE FLOOR

Compactor size From and not including—(inches)	Compactor size To and including—(inches)	Per month	Per week	Per day
	18	$40.00	$13.00	$3.50
18	22	65.00	22.00	5.50
22	36	75.00	25.00	6.50

FORMS

SIDEWALK AND ROAD

Depth (inch)	Base	Length (feet)	Price per ft. per month
4	6 inches or less	10	$0.07
5	6 inches or less	10	.09
6	6 inches or less	10	.10
7	6 inches or less	10	.10
8	6 inches or less	10	.11
9	6 inches or less	10	.12
10	6 inches or less	10	.13
12	6 inches or less	10	.16
7	7 inches	10	.12
7	8 inches	10	.13
8	8 inches	10	.14
9	8 inches	10	.15
9	9 inches	10	.16
10	8 inches	10	.16
10	10 inches	10	.17
4 inch cross plates for sidewalk divisions			.04

The above rates are maximum regardless of the number of hours used without the rental period.

FORMGRADERS

	Per month	Per week	Per day
All sizes	$350.00	$116.75	$29.25

GENERATORS

ELECTRIC—NO POWER OR SWITCHBOARD

From and not including—(kilowatt)	To and including—(kilowatt)	Per month	Per week	Per day
	1½	$15.00	$5.00	$1.50
1½	3½	18.00	6.00	1.50
3½	6	27.00	8.00	2.00
6	8	32.00	11.00	3.00
8	12½	40.00	13.00	3.50
12½	17½	48.00	16.00	4.00
17½	22½	55.00	18.00	4.50
22½	32½	60.00	20.00	5.00
32½	42½	70.00	23.00	6.00
42½	62½	85.00	28.00	7.00

When generators are rented with gasoline, Diesel or electric power units, the maximum rental price of the complete unit will be the sum of the rentals of the separate units. An additional charge may be made for any necessary assembling or dismantling, provided such charge does not exceed the actual cost of the necessary work performed.

GRADERS—MOTOR

SELF-PROPELLED, GASOLINE, PNEUMATIC TIRED

	Per month	Per week	Per day
Single drive, light (8,000 to 14,000 lbs. inclusive)	$275.00	$92.00	$23.00
Tandem drive, medium weight (1 to 18,999 lbs inclusive)	400.00	133.00	33.00
Tandem drive, heavy duty (19,000 to 21,000 lbs. inclusive)	470.00	156.00	39.00
All wheel drive and steer	527.00	175.00	43.00

SELF-PROPELLED, DIESEL, PNEUMATIC TIRED

	Per month	Per week	Per day
Lightweight (1 to 16,500 lbs. inclusive)	$342.00	$113.00	$28.00
Medium weight (16,501 to 18,500 lbs. inclusive)	460.00	153.00	38.00
Extra heavy duty (18,501 to 21,500 lbs. inclusive)	525.00	173.00	42.00
All wheel drive and steer	580.00	193.00	48.00

GRADERS

TOWED—MANUALLY OPERATED

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	7	$50.00	$17.00	$4.50
7	9	100.00	33.00	8.50
9	11	150.00	50.00	12.50
11	13	175.00	58.00	15.00

TOWED—POWER OPERATED

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	9	$125.00	$42.00	$10.50
9	11	190.00	63.00	15.75
11	13	225.00	75.00	18.75

HAMMERS

ELECTRIC

From and not including—(inches)	To and including—(inches)	Per month	Per week	Per day
	¾	$42.00	$14.00	$3.50
¾	1¼	60.00	20.00	5.00
1¼	1¾	72.00	24.00	6.00
1¾	2½	84.00	25.00	7.00

HAMMERS—Continued

GASOLINE

	Per month	Per week	Per day
All sizes	$75.00	$25.00	$6.50

PILE—DROP

From and not including—(pounds)	To and including—(pounds)	Per month	Per week	Per day
	1,500	$15.00	$5.00	$1.50
1,500	2,250	20.00	7.00	2.00
2,250	3,000	25.00	8.00	2.00
Cap for above		7.00	2.00	1.00

PILE STEAM

Manufacturer	Model	Per month	Per week	Per day
McKiernan Terry Corp.	0	$44.00	$14.50	$3.75
	1	48.00	16.00	4.00
	2	60.00	20.00	5.00
	3	65.00	21.75	5.50
	5	87.00	29.00	7.25
	6	106.00	35.25	8.75
	7	140.00	46.75	11.75
	9B 2 or 3	207.00	69.00	17.25
	10B 2 or 3	270.00	90.00	22.50
	11B 2 or 3	325.00	108.25	27.00
Union Iron Works	9	36.00	12.00	3.00
	8	52.00	17.25	4.25
	7A	75.00	25.00	6.25
	6	84.00	28.00	7.00
	5	102.00	34.00	8.50
	4	115.00	38.25	9.50
	3	130.00	43.25	10.75
	3A	150.00	50.00	12.50
	2	165.00	55.00	13.75
	1½A	204.00	68.00	17.00
	1A	244.00	81.25	20.25
	1	232.00	77.25	19.25
	0A	630.00	210.00	52.00
Vulcan	3	190.00	63.25	15.75
	2	225.00	75.00	18.75
	1	290.00	96.75	24.25
	0	405.00	135.00	33.75
	00	405.00	135.00	33.75
	0R	435.00	145.00	36.25
	4	65.00	21.75	5.50
	18C	175.00	58.25	14.50
	30C	242.00	80.75	20.25
	50C	315.00	105.00	26.25
	80C	422.00	140.75	35.25
	140C	873.00	291.00	73.50
	200C	674.00	224.75	56.25
	1800	232.00	77.25	19.25
	3000	300.00	100.00	25.00
	5000	410.00	136.75	34.25
	8000	605.00	201.75	50.50
	14000	872.00	290.75	72.75
	20000	1034.00	344.75	86.25

Trade names are mentioned to indicate size. Hammers of manufacturers not mentioned shall be subject to the same rates as similar sizes and types of trade names mentioned.

HEATERS

CONCRETE

For mixer		Per month	Per week	Per day
From and not including	To and including			
	7 S	$25.00	$8.00	$2.50
7 S	21 S	35.00	10.00	3.50

TANK CAR

[PORTABLE—ON TWO TO FOUR WHEELS]

	Per month	Per week	Per day
1-car capacity	$150.00	$50.00	$12.50
2-car or 3-car capacity	210.00	75.00	20.00

HOISTS

GASOLINE—SINGLE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	8	$35.00	$12.00	$3.00
8	14	55.00	18.00	4.50
14	22	60.00	20.00	5.00
22	29	75.00	25.00	6.50
29	42	95.00	32.00	8.00
42	55	130.00	43.00	11.00
55	65	140.00	47.00	12.00
67	78	160.00	53.00	13.00
78	92	190.00	63.00	16.00
92	112	250.00	83.00	21.00

GASOLINE—DOUBLE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	22	$80.00	$27.00	$7.00
22	28	100.00	33.00	8.50
28	45	125.00	42.00	10.50
45	55	160.00	53.00	13.00
55	65	175.00	58.00	15.00
65	75	185.00	62.00	16.00
75	90	220.00	73.00	18.00
90	110	270.00	90.00	22.00

GASOLINE—THREE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	42	$130.00	$43.00	$10.75
42	57	190.00	63.00	15.75
57	72	230.00	77.00	19.25
72	87	295.00	98.00	25.00
87	112	340.00	113.00	28.00
112	127	400.00	133.00	33.00

ELECTRIC—SINGLE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	12	$48.00	$16.00	$4.00
12	17	60.00	20.00	5.00
17	27	75.00	25.00	6.50
27	37	100.00	33.00	8.50
37	47	115.00	38.00	9.50
47	57	130.00	43.00	11.00
57	67	150.00	50.00	12.50
67	92	160.00	53.00	13.00
92	112	200.00	67.00	17.00
112	137	300.00	100.00	25.00
137	177	380.00	127.00	32.00
177	222	440.00	137.00	37.00

ELECTRIC—DOUBLE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	12	$58.00	$19.00	$5.00
12	17	72.00	24.00	6.00
17	27	90.00	30.00	7.50
27	37	120.00	40.00	10.00
37	47	138.00	46.00	11.50
47	57	156.00	52.00	13.00
57	67	171.00	57.00	14.00
67	92	192.00	64.00	16.00
92	112	240.00	80.00	20.00
112	137	350.00	117.00	29.00
137	177	450.00	150.00	37.00
177	222	525.00	175.00	44.00

HOISTS—Continued

ELECTRIC—THREE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	37	$123.00	$41.00	$10.25
37	47	165.00	55.00	13.75
47	57	185.00	62.00	15.50
57	67	235.00	78.00	20.00
67	82	295.00	98.00	25.00
82	112	360.00	120.00	30.00
112	137	485.00	162.00	40.00
137	177	545.00	182.00	45.00
177	222	620.00	207.00	52.00

The above electric hoist rates include grid resistor and drum type controller and are based on normal range of line speeds.

HOIST STEAM

WITHOUT BOILERS

Class	Rates	
	Per month	Per week
Single drum:		
4¾ x 6	$40.00	$13.25
7 x 10	50.00	16.75
8¾ x 10	70.00	23.25
8 x 12	76.00	25.25
9 x 10	80.00	26.75
10 x 12	111.00	37.00
Double drum:		
7 x 10	60.00	20.00
8¾ x 10	85.00	28.25
9 x 10	95.00	31.75
10 x 12	126.00	42.00
Three drum:		
7 x 10	80.00	26.75
8¾ x 10	100.00	33.25
9 x 10	110.00	36.75
10 x 12	141.00	47.00

WITH BOILERS

Single drum:		
4¾ x 6	$60.00	$20.00
7 x 10	100.00	33.25
8¾ x 10	125.00	41.75
9 x 10	137.00	45.75
10 x 12	174.00	58.00
Double drum:		
7 x 10	125.00	41.75
8¾ x 10	150.00	50.00
9 x 10	162.00	54.00
10 x 12	199.00	66.25
Three drum:		
7 x 10	150.00	50.00
8¾ x 10	175.00	58.25
9 x 10	187.00	62.25
10 x 12	224.00	74.75

AIR

	Per month	Per week	Per day
1–1,500 lbs. inclusive, single drum	$50.00	$18.00	$4.50
1,501 lbs. to 2,500 lbs. inclusive, single drum	65.00	22.00	5.50
1,500 lbs. to 2,500 lbs. inclusive, double drum	80.00	27.00	6.50

Air hoist rates do not include hose.

CHAIN

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	1½	$15.00	$5.00	$1.50
1½	2½	20.00	7.00	2.00
2½	4	25.00	8.50	2.00
4	6½	30.00	10.00	2.50
6½	9	50.00	17.00	4.50
9	12	60.00	20.00	5.00

HOPPERS

FLOOR—SINGLE GATE—WITHOUT LEGS

	Per month	Per week	Per day
30 cu. ft. and under	$15.00	$5.00	$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	20.00	7.00	2.00

FLOOR-SINGLE GATE—WITH LEGS

	Per month	Per week	Per day
30 cu. ft. and under	$18.00	$6.00	$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	24.00	8.00	2.00

FLOOR—DOUBLE GATE—WITHOUT LEGS

	Per month	Per week	Per day
30 cu. ft. and under	$15.00	$6.00	$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	24.00	8.00	2.00

FLOOR—DOUBLE GATE—WITH LEGS

	Per month	Per week	Per day
30 cu. ft. and under	$22.00	$7.50	$2.00
Over 30 cu. ft. to 60 cu. ft., inclusive	30.00	10.00	2.50

TOWER

	Per month	Per week	Per day
30 cu. ft. and under	$15.00	$5.00	$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	20.00	7.00	2.00
30 cu. ft. and under	$15.00	$5.00	$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	20.00	7.00	2.00

TRUCK MIXER—WITH LEGS

	Per month	Per week	Per day
Special, double gate, 2- to 4-yard	$60.00	$20.00	$5.00

HOSE, DISCHARGE

COUPLINGS ATTACHED

Diameter (inch)	Length (feet)	Per month	Per week	Per day
1½	10	$2.00	$0.65	$0.15
	15	2.75	.90	.25
	20	3.75	1.25	.30
2	10	2.45	.80	.20
	15	3.50	1.15	.30
	20	4.75	1.60	.40
2½	10	3.20	1.05	.25
	15	4.30	1.45	.35
	20	6.00	2.00	.50
3	10	4.00	1.35	.30
	15	4.65	1.55	.40
	20	6.75	2.25	.55
4	10	5.30	1.75	.45
	15	7.15	2.40	.60
	20	9.00	3.00	.75
6	10	11.20	3.75	.90
	15	15.30	5.10	1.30
	20	20.00	6.65	1.65

For lengths greater than 20 feet, rental rates are determined by using unit rate of 20 feet length multiplied by the number of feet in excess and added to 20 foot rental rate.

HOSE, JETTING

COUPLINGS ATTACHED

Diameter (inch)	Length	Per month	Per week
2½	Per foot	$0.33	$0.11
3	Per foot	.90	.30

HOSE-SUCTION

COUPLINGS ATTACHED

Diameter (inch)	Length (feet)	Per month	Per week	Per day
1½	10	$3.40	$1.10	$0.30
1½	12	4.00	1.30	0.35
1½	15	4.80	1.60	0.40
1½	20	6.25	2.10	0.50
2	10	4.20	1.40	0.35
2	12	4.90	1.60	0.40
2	15	6.00	2.00	0.50
2	20	7.75	2.60	0.65
2½	10	5.25	1.75	0.45
2½	12	6.10	2.00	0.50
2½	15	7.40	2.50	0.60
2½	20	9.60	3.20	0.80
3	10	6.00	2.00	0.50
3	12	7.00	2.30	0.60
3	15	8.50	2.80	0.70
3	20	11.00	3.75	0.90
4	10	8.00	2.75	0.65
4	12	9.40	3.10	0.80
4	15	11.25	3.75	0.95
4	20	14.50	4.80	1.20
6	10	16.50	5.50	1.40
6	12	22.00	7.20	1.80
6	15	23.00	7.75	1.95
6	20	30.00	10.00	2.50

For length greater than 20 feet, rental rates are determined by using unit rate of 20-foot length multiplied by the number of feet in excess and added to 20 foot rental rate.

JACKS

BRIDGE

(Geared screw or heavy hydraulic)

From and not including (tons)	To and including (tons)	Per month	Per week
	20	$13.50	$4.50
20	30	18.00	6.00
30	42	25.50	8.50
42	62	28.50	9.50
62	87	37.50	12.50
87	115	56.25	18.75

HYDRAULIC

	10	$2.75	$1.00
10	16	3.00	1.00
16	35	9.00	3.00
35	60	15.25	5.00

JOURNAL

	12	$3.75	$1.25
12	20	4.50	1.50
20	30	6.75	2.25
30	42	9.75	3.25
42	60	16.75	5.50

RATCHET

	12	$3.75	$1.25
12	17	6.25	2.00
17	22	7.50	2.50

JACKS—Continued

SCREW

	25	$1.75	$0.50

TRACK

(Single acting)

12	17	$4.25	$1.50

TRENCH

(Without fillers)

1½ x 12 per doz		$6.00	$2.00
1½ x 18 per doz		7.00	2.25
1½ x 24 per doz		7.75	2.50
2 x 18 per doz		13.50	4.50

The above rates are maximum regardless of the number of hours used within the rental period.

KETTLES—TAR AND ASPHALT HEATING

OIL BURNING—STATIONARY

From and not including—(gals.)	To and including—(gallons)	Per month	Per week	Per day
	45	$19.00	$6.00	$1.50
45	85	22.00	7.50	1.75
85	135	28.00	8.00	2.00
135	185	26.00	8.50	2.25
185	255	30.00	10.00	2.50
255	355	42.00	14.00	3.50

OIL BURNING—PORTABLE

From and not including—(gals.)	To and including—(gallons)	Per month	Per week	Per day
	45	$20.00	$6.75	$1.75
45	85	28.00	9.25	2.25
85	135	31.00	10.25	2.50
135	185	33.00	11.00	2.75
185	255	40.00	13.25	3.25
255	355	52.00	17.25	4.25

WOOD BURNING—PORTABLE OR STATIONARY

From and not including—(gals.)	To and including—(gallons)	Per month	Per week	Per day
	45	$15.00	$5.00	$1.25
45	85	20.00	6.50	1.50
85	135	22.00	7.50	1.75
135	185	24.00	8.00	2.00

LIGHTING PLANTS

GASOLINE OR DIESEL ENGINE POWERED—AC OR DC

From and not including—(watts)	To and including—(watts)	Per month	Per week	Per day
	1,100	$40.00	$13.00	$3.50
1,100	1,750	50.00	17.00	4.50
1,750	2,900	60.00	20.00	5.00
2,900	4,500	75.00	25.00	6.25
4,500	6,000	90.00	30.00	7.50
6,000	9,000	110.00	37.00	9.00
9,000	12,000	150.00	50.00	12.00
12,000	17,000	175.00	58.00	14.50
17,000	22,000	200.00	67.00	16.25

LIGHTS

CARBIDE

	Per month	Per week	Per day
No. 2 Carbic or equivalent	$10.00	$3.50	$1.00

LOADERS—BUCKET

From and not including—(cu. yds. per minute)	To and including—(cu. yds. per minute)	Per month	Per week	Per day
	1¾	$245.00	$82.00	$20.00
1¾	2¼	335.00	112.00	28.00
2¼	3¼	485.00	162.00	40.00
3¼	4	560.00	187.00	47.00
4	6	745.00	238.00	62.00
6	8	810.00	270.00	68.00

LOADERS—FRONT END

WHEEL TYPE TRACTOR COMPLETE WITH ATTACHMENTS

Size (cubic yards)	Per month	Per week	Per day
½–¾	$300.00	$100.00	$25.00
¾–1	325.00	108.00	27.00
1	460.00	153.00	38.00

LOADER ATTACHMENTS—FRONT END

FOR CRAWLER TRACTORS

For tractor of—					
From and not including (drawbar horse power)	To and including (drawbar horse power)	Bucket capacity cu. yd.	Per month	Per week	Per day
20	30	½	$115.00	$38.25	$9.50
30	40	½ or ¾	145.00	48.25	12.00
40	65	1¼	300.00	100.00	25.00
65	85	2 or 3½	425.00	141.00	35.00
85	135	2.7 to 9	615.00	205.00	51.25

LOADERS—PORTABLE BELT

GAS OR ELECTRIC POWERED—LENGTH OF BELT 16–62 FEET

Width of Belt				
From and not including—(inches)	To and including—(inches)	Per month	Per week	Per day
	15	$125.00	$42.00	$10.50
15	19	160.00	53.00	13.25
19	23	165.00	54.00	13.75
23	27	170.00	55.00	14.25
27	32	180.00	56.00	15.00

MIXERS—BITUMINOUS

CENTRAL BITUMINOUS PLANT—GASOLINE OR DIESEL ENGINE

(With Gradation Control Unit)

Minimum factory rating				
From and not including—(tons per hour)	To and including—(tons per hour)	Per month	Per week	Per day
	30	$1,127.00	$376.00	$94.00
30	50	1,573.00	524.00	131.00
50	70	2,018.00	672.00	168.00
70	90	2,217.00	739.00	185.00
90	110	3,500.00	1,166.00	292.00

MIXERS—BITUMINOUS—Continued

CENTRAL BITUMINOUS PLANT—GASOLINE OR DIESEL ENGINE

(Without Gradation Control Unit)

Minimum factory rating				
From and not including—(tons per hour)	To and including—(tons per hour)	Per month	Per week	Per day
	30	$680.00	$193.00	$48.00
30	50	900.00	300.00	75.00
50	70	1,410.00	470.00	117.00

TRAVELING BITUMINOUS PLANT—SELF PROPELLING—GASOLINE OR DIESEL ENGINE—WITHOUT DRYER AND GRADATION CONTROL UNIT.

Maximum factory rating				
From and not including—(cu. yds. per minute)	To and including—(cu. yds. per minute)	Per month	Per week	Per day
	1¼	$765.00	$255.00	$64.00
1¼	1¾	1085.00	362.00	90.00
1¾	4	1200.00	400.00	100.00

TRAVELING BITUMINOUS PLANT—NON-SELF PROPELLING—GASOLINE OR DIESEL WITHOUT DRYER AND GRADATION CONTROL UNITS

Maximum factory rating				
From and not including—(cu. yds. per minute)	To and including—(cu. yds. per minute)	Per month	Per week	Per day
	1¼	$470.00	$157.00	$39.00
1¼	1¾	670.00	223.00	56.00
1¾	2½	875.00	292.00	73.00

The capacities of the plants are figured for Hot Mix Asphaltic Concrete using aggregate weighing 90 lbs. per cubic foot, the aggregate being mixed 1½ minutes.

HOT ASPHALTIC MIX

Maximum rental $0.25 per ton produced. Bituminous Mixers may be leased on either a tonnage or time basis.

COLD ASPHALTIC MIX

Maximum rental $0.13 per ton produced. Bituminous Mixers may be leased on either a tonnage or time basis.

MIXERS—CONCRETE

PORTABLE

	Per month	Per week	Per day
4½ S and under Low Charger	$35.00	$12.00	$3.00
4½ S and under Power Charger	47.00	15.00	4.00
Over 4½ S to 6 S inclusive, Low Charger	52.00	17.50	4.50
Over 4½ S to 6 S inclusive, Power Charger	65.00	21.00	5.00
Over 6 S to 8½ S inclusive, Low Charger	71.00	24.00	6.00
Over 6 S to 8½ S inclusive, Power Charger	85.00	28.00	7.00
Over 8½ S to 12 S inclusive, Low Charger	90.00	30.00	7.50
Over 8½ S to 12 S inclusive, Power Charger	120.00	40.00	10.00
Over 12 S to 16 S inclusive, Power Charger	155.00	52.00	13.00
Over 25 S to 30 S inclusive, Batch Hopper	210.00	70.00	17.50

MIXERS—CONCRETE—Continued

Rates include measuring tank but do not include batchmeter or pump.

Add for Batchmeter	$5.00	$3.00	$0.50
Add for Pump	4.00	1.50	0.70

PAVING

GASOLINE OR DIESEL ENGINE

Size	Per month	Per week	Per day
21E	$300.00	$100.00	$25.00
27E (Old style)	525.00	175.00	44.00
27E single and dual drum	935.00	311.75	78.00
34E single drum	1,335.00	445.00	111.25
34E dual drum	1,570.00	523.25	130.75

First serial no. of new 27E:

Rex	G9254
Koehring	15574
Ransome	9073
Foote	4334

MIXERS—MORTAR OR PLASTER

	Per month	Per week	Per day
One bag	$60.00	$20.00	$5.00
Two bags	80.00	27.00	6.50

MIXERS OR AGITATORS—TRUCK

Separate Gasoline Engine Drive No Trucks Included

LESSEE DOES OWN MOUNTING

Capacity (cubic yards)	Per month	Per week	Per day
1	$175.00	$58.00	$14.50
1½	200.00	67.00	16.25
2	255.00	85.00	21.00
2½	280.00	93.00	23.00
3	320.00	107.00	27.00
3½	335.00	112.00	28.00
4	380.00	127.00	32.00
4½	400.00	133.00	33.00
5	426.00	142.00	36.00
5½	455.00	152.00	38.00
6	475.00	158.00	40.00

MOTORS—ELECTRIC

SQUIRREL CAGE

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	6	$10.00	$3.50	$1.00
6	9	15.00	5.00	1.50
9	17½	20.00	7.00	2.00
17½	27½	40.00	13.50	3.50
27½	45	50.00	17.00	4.50
45	55	60.00	20.00	5.00
55	75	75.00	25.00	6.50
For motors over 75 H. P., rate per H. P.		1.00	.35	.10

A maximum of 10 percent of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new motor starting equipment to any domestic class of purchasers may be added to each month's rental rate when panels are included with the motor. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate; the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

[Paragraph as amended by Amendment 5, 7 F.R. 9785, effective 10-22-42]

MOTORS—ELECTRIC—Continued

CONSTANT OR VARIABLE SPEED WOUND ROTOR (SLIP RING TYPE)

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	17½	$25.00	$8.00	$2.00
17½	27½	50.00	16.50	4.00
27½	45	65.00	22.00	5.50
45	55	75.00	25.00	6.50
55	75	95.00	32.00	8.00
For motors over 75 H. P., rate per H. P.		1.25	.40	.10

A maximum of 10 percent of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new motor starting equipment to any domestic class of purchasers may be added to each month's rental rate when starting motor equipment is included with the motor. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate; the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

[Paragraph as amended by Amendment 5, 7 F.R. 9785, effective 10-22-42]

PIPELAYER ATTACHMENTS

For Tractor of—				
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)	Per month	Per week	Per day
20	40	$165.00	$55.00	$14.00
40	60	200.00	67.00	16.75
60	85	235.00	78.00	19.50
85	135	310.00	103.00	26.00

Where pipelayer attachment is rented with tractor, tractor rates may be added.

PUMP FOR HYDRAULIC TRACTOR ACCESSORIES

	Per month	Per week	Per day
1 or 2 valve	$55.00	$18.25	$4.50
3 valve	70.00	23.00	5.75

PUMPCRETES—GASOLINE ENGINE DRIVEN

	Per month	Per week	Per day
Model 160, single cylinder without remixer	$466.00	$155.25	$38.75
Model 160, single cylinder with remixer	531.00	177.00	44.25
Model 160, double cylinder without remixer	853.00	284.25	71.00
Model 160, double cylinder with remixer	1,037.00	345.75	86.50
Model 200, single cylinder without remixer	611.00	203.75	51.00
Model 200, single cylinder with remixer	779.00	259.75	65.00
Model 200, double cylinder without remixer	1,128.00	376.00	94.00
Model 200, double cylinder with remixer	1,322.00	440.75	110.25

PUMPCRETES—ELECTRIC DRIVEN

	Per month	Per week	Per day
Model 160, single cylinder without remixer	$493.00	$164.00	$41.00
Model 160, single cylinder with remixer	558.00	186.00	46.50
Model 160, double cylinder without remixer	909.00	303.00	75.75
Model 160, double cylinder with remixer	1,093.00	364.00	91.00
Model 200, single cylinder without remixer	684.00	228.00	57.00
Model 200, single cylinder with remixer	852.00	284.00	71.00
Model 200, double cylinder without remixer	1,211.00	403.50	101.00
Model 200, double cylinder with remixer	1,405.00	468.00	117.00

PUMPCRETE PIPE

	Per month	Per week	Per day
6" pipe per foot including necessary ells and fittings	$0.34	$0.11	$0.03
7" pipe per foot including necessary ells and fittings	.40	.13	.03
8" pipe per foot including necessary ells and fittings	.46	.15	.04

PUMPS

NOTE: In lieu of the maximum monthly rental rates in the following tables, the lessor may arrive at a maximum monthly rental rate by applying 9% of the highest maximum price established by the Office of Price Administration for the sale of the nearest equivalent new pump-units listed below to any domestic class of purchasers; the maximum rate per week shall not exceed ⅓ of the maximum monthly rate; the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

CAISSON—STEAM

Suction (inch)	Discharge (inch)	Per month	Per week	Per day
3	2	$35.00	$12.00	$3.00
4	3	45.00	15.00	4.00
5	4	60.00	20.00	5.00
6	5	75.00	25.00	6.50
7	6	100.00	33.00	8.50

PUMPS—Continued

CENTRIFUGAL—GASOLINE ENGINE DRIVEN

[Self-priming]

	Per month	Per week	Per day
1½ inch 3 M	$35.00	$12.00	$3.00
2 inch 7 to 10 M	40.00	13.00	3.00
3 inch 15 to 20 M	50.00	17.00	4.50
4 inch 30 to 40 M	80.00	27.00	7.00
6 inch 75 to 90 M	125.00	42.00	10.50
8 inch 125 M	195.00	65.00	16.00
10 inch 175 to 225 M	240.00	80.00	20.00

PUMPS—Continued

CENTRIFUGAL—NO POWER

[Single stage—Standard not self-priming for belt drive or direct connection]

Discharge openings	Per month	Per week	Per day
Up to 1 inch, inclusive	$15.00	$5.00	$1.00
1¼ inch to 2 inch, inclusive	25.00	8.50	1.75
2¼ inch to 3 inch, inclusive	35.00	12.00	2.50
3½ inch to 4 inch, inclusive	50.00	17.00	3.00
5 inch to 6 inch, inclusive	65.00	21.00	4.50

For three months or more rental no additional charge shall be made for mounting engine on pump.

For multi-stage pumps (no power) the rates shall not exceed the single stage rates plus the following percentages:

	Percent
For 2 stage	50
For 3 stage	75
For 4 stage	100

DIAPHRAGM

	Per month	Per week	Per day
Hand Power	$8.00	$5.00	$1.00

DIAPHRAGM—GASOLINE ENGINE DRIVEN

[Force or open top]

Size (inch)	Action	From and not including H. P.	To and including H. P.	Per month	Per week	Per day
3	Single		4½	$35.00	$12.00	$5.00
		4½	9	55.00	18.00	5.00
3	Double		4½	50.00	17.00	5.00
		4½	9	70.00	23.00	5.75
4	Single		4½	40.00	13.00	5.00
		4½	9	60.00	20.00	5.00
4	Double		4½	60.00	20.00	5.00
		4½	9	80.00	27.00	6.50

JETTING (SELF PRIMING)

G. p. m. 100 pounds per square inch		Per month	Per week
From and not including g. p. m.	To and including g. p. m.		
350	450	$150.00	$50.00
450	650	160.00	53.00
650	750	345.00	115.00

PLUNGER

Size (inch)	From and not including H. P.	To and including H. P.	Per month	Per week	Per day
2		5	$20.00	$17.00	$4.25
2	5	13	65.00	22.00	5.50
3		5	75.00	25.00	6.25
3	5	11	85.00	28.00	7.00
3	11	20	125.00	42.00	12.00
4		5	80.00	27.00	6.75
4	5	11	90.00	30.00	7.50
4	11	20	130.00	43.00	12.50

SUMP—PNEUMATIC

	Per month	Per week	Per day
Small	$45.00	$17.00	$5.00
Medium	55.00	21.00	5.50
Tandem	70.00	23.00	8.00

For any pump-unit not listed in the foregoing table, the maximum monthly rate shall not exceed 9% of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new pump-unit to any domestic class of purchasers. The maximum rate per week for such pump-unit shall not exceed ⅓ of the maximum monthly rate; the maximum daily rate shall not exceed 1/12 of such maximum monthly rate.

[Tables on Pumps added by Amendment 5, 7 F.R. 9785, effective 10-22-42]

WELLPOINT SYSTEM

	MONTH								
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
6" Wellpoint pump	$160.00	$145.00	$130.00	$110.00	$80.00	$75.00	$75.00	$70.00	$70.00
8" Wellpoint pump	220.00	200.00	180.00	150.00	110.00	100.00	100.00	100.00	100.00
10" Wellpoint pump	280.00	255.00	230.00	190.00	135.00	130.00	130.00	130.00	120.00
Jet Pump	160.00 per month or $50.00 per week								
Jet Hose per foot	.20 per month								
Suction Hose per foot	.60	.40	.30	.30	.30	.30	.30	.30	.30
Wellpoint with riser and swing joint connection, each	4.00	3.00	1.40	1.20	1.20	.80	.80	.80	.80
6" Discharge pipe per ft. with couplings	.20	.10	.05	.05	.05	.05	.05	.05	.05
6" Header pipe per ft. with couplings	.37	.13	.07	.05	.05	.05	.05	.05	.05
8" Discharge pipe with couplings, per ft.	.30	.15	.07	.07	.07	.07	.07	.07	.07
8" Header pipe with couplings, per ft	.56	.17	.11	.07	.07	.07	.07	.07	.07
10" Discharge pipe with couplings, per ft.	.40	.20	.10	.10	.10	.10	.10	.10	.10
10" Header pipe with couplings, per ft	.74	.26	.13	.10	.10	.10	.10	.10	.10
6" Gate Valves	6.20	3.80	3.00	2.50	2.50	2.50	2.50	2.50	2.50
8" Gate Valves	9.80	6.20	4.25	4.25	4.25	4.25	4.25	4.25	4.25
10" Gate Valves	15.50	9.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75
6" and under Jet Dry Pump (combination)	160.00	145.00	130.00	110.00	80.00	75.00	75.00	70.00	70.00
8" Jet Dry Pump (comb.)	220.00	200.00	180.00	150.00	110.00	100.00	100.00	100.00	100.00
Wellpoint mop with 20' of 2" suction hose and swing joint	10.00	10.00	10.00	5.00	5.00	5.00	5.00	5.00	5.00
Sanding Casing	25.00	25.00	25.00	25.00	15.00	15.00	15.00	15.00	15.00
Hole Puncher	125.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00

With the exception of gate valves, such fittings as elbows, tees, caps, and reducers necessary to fill out a complete system, will be supplied with header and discharge pipe without additional charge.

The above rates are maximum regardless of the number of hours used within the rental period.

PUSHDOZERS

MOVABLE-CABLE

For tractor of—		Per month	Per week	Per day
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)			
45	65	$55.00	$18.00	$4.50
65	90	65.00	22.00	5.50
90	135	75.00	25.00	6.25

MOVABLE-HYDRAULIC

For tractor of—		Per month	Per week	Per day
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)			
65	90	$110.00	$38.00	$9.50
90	135	140.00	47.00	11.75

RIGID

	Per month	Per week	Per day
All types	$25.00	$8.25	$2.00

The maximum monthly rate for pusher blocks for mounting on bulldozers or angledozers, blade or frame, may not exceed 8½% of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new pusher blocks to any domestic class of purchasers. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate, the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

QUARRY SKIP BUCKET CARRIER

Cubic yards	Per month	Per week	Per day
1½	$94.00	$31.00	$7.75
2	124.00	41.00	10.25
2½	138.00	44.00	11.00
3	147.00	46.00	11.50
4	188.00	47.00	11.75

BUCKETS (EACH)

Cubic yards	Per month	Per week	Per day
1¼	$12.00	$4.00	$1.00
2	16.00	5.25	1.25
2½	18.50	6.00	1.50
3	22.00	7.25	1.75
4	33.00	11.00	2.75

ROLLERS—ROAD

PORTABLE—GASOLINE ENGINE DRIVEN—2 PNEUMATIC TIRES

	Per month	Per week	Per day
4 tons and under	$150.00	$50.00	$12.50

ROLLERS—ROAD—Continued

2 WHEEL TANDEM

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	3½	$125.00	$42.00	$10.50
3½	5	200.00	67.00	17.00
5	9½	250.00	83.00	21.00
9½	12½	300.00	100.00	25.00
12½	17½	325.00	108.00	27.00
17½	22½	525.00	175.00	44.00

3 WHEEL TANDEM

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
6½	9½	$260.00	$87.00	$22.00
9½	14½	335.00	112.00	28.00
14½	19½	385.00	128.00	32.00

3 WHEEL

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	5½	$170.00	$57.00	$14.00
5½	6½	200.00	67.00	16.00
6½	7½	245.00	82.00	20.00
7½	9	270.00	90.00	22.00
9	11	385.00	128.00	32.00
11	13	425.00	142.00	35.00
13	17	550.00	183.00	46.00

STEAM-ENGINE DRIVEN

The maximum rental rates for steam engine driven road rollers are 80% of the above applicable rates.

DIESEL ENGINE DRIVEN

2 WHEEL TANDEM

From and not including (tons)	To and including (tons)	Per month	Per week	Per day
3½	5	$264.00	$88.00	$22.00
5	9½	315.00	105.00	26.00
9½	12½	362.00	121.00	30.00
12½	17½	389.00	130.00	33.00

3 WHEEL

	5½	$213.00	$71.00	$18.00
5½	6½	242.00	81.00	20.00
6½	7½	291.00	97.00	24.00
7½	9	319.00	106.00	27.00
9	11	436.00	145.00	36.00
11	13	475.00	158.00	40.00

ROLLERS—TAMPING

SHEEPSFOOT—ANY NUMBER OF FEET

	Per month	Per week	Per day
Single drum	$65.00	$22.00	$5.50
Double drum	90.00	30.00	7.50
Triple drum	175.00	58.00	14.00

ROLLERS—TAMPING—Continued

RUBBER TIRED

	Per month	Per week	Per day
All sizes	$100.00	$33.00	$8.25

ROOTERS

	Per month	Per week	Per day
Light, 3,500 lbs. and under	$50.00	$17.00	$4.50
Medium, 3,501 lbs. to 7,000 lbs., inclusive	100.00	33.00	8.00
Heavy, 7,001 lbs. to 11,000 lbs., inclusive	150.00	50.00	12.50
Extra heavy, 11,001 to 15,000 lbs., inclusive	175.00	57.00	14.00

SAND BLAST OUTFITS

	Per month	Per week	Per day
Tank and 50 feet of hose, nipples and one hood without air or sand supply	$50.00	$17.00	$4.50

SAWS

ELECTRIC-HAND

Blade		Per month	Per week	Per day
From and not including—(inches)	To and including—(inches)			
7	7	$25.00	$8.00	$2.00
7	9	30.00	10.00	2.50
9	11	40.00	13.00	3.50
11	13	50.00	17.00	4.50

ELECTRIC—FIXED OR TILTING TABLE

Blade		Per month	Per week	Per day
From and not including—(inches)	To and including—(inches)			
13	13	$45.00	$15.00	$3.50
13	19	65.00	22.00	5.50

GASOLINE—FIXED OR TILTING TABLE

Blade		Per month	Per week	Per day
From and not including—(inches)	To and including—(inches)			
13	13	$45.00	$15.00	$3.50
13	19	65.00	22.00	5.50

ELECTRIC—SWING

From and not including—(H. P.)	To and including—(H. P.)	Saw diameter	Per month	Per week	Per day
¾	¾	12 in.	$30.00	$10.00	$2.50
1	1¼	14 in.	35.00	12.00	3.00
1½	1¾	14 in.	40.00	13.00	3.50
1¾	2½	16 in.	45.00	15.00	4.00
2½	4	16 in.	50.00	17.00	4.50
4	6	16 in.	60.00	20.00	5.00
6	9	16 in.	75.00	26.00	6.50

SCALES—WHEELBARROW

Number of beams	Number of aggregates	Per month	Per week	Per day
3	2	$25.00	$8.00	$2.00
4	3	35.00	12.00	3.00
5	4	50.00	17.00	4.50

SCARIFIERS

	Per month	Per week	Per day
Medium	$30.00	$10.00	$2.50
Heavy	35.00	12.00	3.00

SCRAPERS

[Without power units]

Struck		Heaped		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)	From and not including—(cu. yds.)	To and including—(cu. yds.)			
	3¾		5	$145.00	$48.00	$12.00
3¾	5	5	7	175.00	58.00	14.50
5	7½	7	10	250.00	85.00	21.00
7½	10	10	13½	350.00	115.00	29.00
10	13½	13½	17	450.00	150.00	38.00
13½	16	17	22	575.00	190.00	48.00
16	20½	22	29	790.00	260.00	66.00
20½	27	29	37	1,025.00	340.00	85.00
27	36	37	50	1,575.00	525.00	131.00
36	50	50	70	1,725.00	575.00	144.00

SHEARS

BAR CUTTING

	Per month	Per week	Per day
7/8 in. round and under	$5.00	$2.00	$0.50
Over 7/8 in.-1¼ in. round, inclusive	10.00	3.50	1.00

SHEAVES

	Per month	Per week	Per day
Bottom swivel	$10.00	$3.50	$1.00
Top tower sets	10.00	3.50	1.00

SHORES

	Per month	Per week	Per day
Adjustable	$0.35	$0.10	$0.05

SHOVELS AND BACK HOES

GASOLINE ENGINE DRIVEN—DIPPER INCLUDED

Shovel capacity (cubic yards)	Per month	Per week	Per day
¾	$440.00	$147.00	$37.00
½	495.00	165.00	41.00
⅝	523.00	174.00	44.00
¾	605.00	201.00	50.00
1	715.00	238.00	60.00
1¼	880.00	293.00	73.00
1½	1,100.00	367.00	92.00
1¾	1,375.00	458.00	115.00
2	1,650.00	550.00	138.00
2¼	2,100.00	700.00	175.00
2½	2,100.00	700.00	175.00

SHOVELS AND BACK HOES—Continued

DIESEL ENGINE DRIVEN—DIPPER INCLUDED

Shovel capacity (cubic yards)	Per month	Per week	Per day
⅜	$550.00	$183.00	$46.00
½	578.00	193.00	48.00
⅝	605.00	202.00	50.00
¾	715.00	238.00	60.00
1	880.00	293.00	73.00
1¼	1,045.00	348.00	87.00
1½	1,210.00	403.00	101.00
1¾	1,760.00	587.00	147.00
2	1,980.00	660.00	165.00
2½	2,350.00	780.00	195.00
2¼	2,350.00	780.00	195.00
2½	2,850.00	950.00	238.00
3	3,150.00	1,050.00	262.00

STEAM—DIPPER INCLUDED

Shovel capacity (cubic yards)	Per month	Per week	Per day
½	$475.00	$158.00	$40.00
¾	570.00	190.00	48.00
1	620.00	210.00	52.00
1¼	850.00	283.00	71.00
1½	1,050.00	350.00	88.00
2	1,470.00	490.00	122.00

ATTACHMENTS AND COMBINATIONS

Where the lessee requires the use of an additional attachment, accessory, or combination of attachments and/or accessories (shovel, backhoe, dragline, clamshell, crane, skimmer scoop, gantry, jib extension, boom segment, clamshell and jib, dragline and gantry, or gantry, jib and boom segment, etc), the maximum monthly rate shall not exceed 5½% of the highest maximum price established by the Office of Price Administration for the sale of the nearest equivalent new foregoing attachments and/or accessories to any domestic class of purchasers. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate. The maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

HAND

	Per month	Per week	Per day
All hand shovels, long or short handle, round or square points, up to and including No. 5 scoops (per ½ dozen)	$7.50	$2.50	$0.65

SPREADERS

ASPHALT, STONE OR CHIP

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
.....	9	$40.00	$13.50	$3.50
9	11	60.00	20.00	5.00
11	13	70.00	23.00	6.00

BITUMINOUS PRESSURE DISTRIBUTORS

From and not including—(gallons)	To and including—(gallons)	Per month	Per week	Per day
.....	800	$246.00	$82.00	$20.00
800	1,400	273.00	91.00	23.00
1,400	2,100	300.00	100.00	25.00

CONCRETE

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
10	12	$310.00	$103.00	$26.00
12	15	340.00	113.00	28.00
15	22	580.00	193.00	43.00
22	26	600.00	200.00	50.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without vibrators to be used with these machines.

SURFACERS

WALL-ELECTRIC

	Per month	Per week	Per day
Model A Berg, or equal	$45.00	$15.00	$4.00

HIGHWAY

	Per month	Per week	Per day
With gasoline engine	$85.00	$28.00	$7.00

Carborundum and cutting stone not included with surfacer.

SURVEYING INSTRUMENTS

LEVELS

	Per month	Per week	Per day
All models	$20.00	$8.00	$5.00

TRANSITS

	Per month	Per week	Per day
All models	$25.00	$9.00	$5.00

TOWER EQUIPMENT—WOOD

HOPPERS—VERTICAL BACK

	Per month	Per week	Per day
28 cubic feet and under	$15.00	$5.00	$1.50
Over 28 cubic feet to 60 cubic feet, inclusive	20.00	7.00	2.00

Top and bottom switches, when necessary, are included in above hopper and bucket rental prices.

TOWER EQUIPMENT—WOOD—Continued

SHEAVES—TOP TOWER, SET OF TWO

	Per month	Per week	Per day
12 inch to 16 inch	$10.00	$3.50	$1.00

BOTTOM SWIVEL

	Per month	Per week	Per day
12 inch to 16 inch	$10.00	$3.50	$1.00

TOWERS—STEEL TUBULAR

LIGHT TYPE—MAXIMUM LIVE LOAD 3,000 POUNDS OR 18 CUBIC FEET—CONCRETE BUCKET, 2 OR 3 WHEELBARROWS

Height	Per month	Per week
SINGLE TOWER		
39'	$17.00	$5.75
52'	23.00	7.75
71' 6"	31.50	10.50
84' 6"	37.50	12.50
104'	44.00	14.75
123' 6"	49.00	16.25
130'	50.50	16.75
DOUBLE TOWER		
39'	30.00	10.00
52'	40.00	13.25
71' 6"	55.00	18.25
84' 6"	65.00	21.75
104'	77.00	25.75
123' 6"	87.00	29.00
130'	92.00	30.75

INTERMEDIATE TYPE—MAXIMUM LIVE LOAD 3,500 POUNDS OR 28 CUBIC FEET—CONCRETE BUCKET—2 OR 3 WHEELBARROWS

Height	Per month	Per week
SINGLE TOWER		
39'	$19.00	$6.25
52'	25.50	8.50
71' 6"	35.00	11.75
84' 6"	41.00	13.75
104'	49.00	16.25
123' 6"	57.00	19.00
130' 6"	62.00	20.75
156'	71.00	23.75
169'	77.00	25.75
201' 6"	92.00	30.75
DOUBLE TOWER		
39'	32.50	10.75
52'	43.50	14.50
71' 6"	60.00	20.00
84' 6"	70.50	23.50
104'	83.50	27.75
123' 6"	96.00	32.00
130' 6"	104.00	34.75
156'	118.50	39.50
169'	128.50	42.75
201' 6"	153.00	51.00

HEAVY TYPE—MAXIMUM LIVE LOAD 5,000 POUNDS OR 35 CUBIC FEET—CONCRETE BUCKET—2 OR 3 WHEELBARROWS

Height	Per month	Per week
SINGLE TOWER		
39'	$23.50	$8.00
52'	31.50	10.50
71' 6"	43.00	14.25
84' 6"	50.50	16.75
104'	61.00	20.25
123' 6"	70.50	23.50
130' 6"	77.00	25.75
156'	87.00	29.00
169'	94.00	31.25
201' 6"	112.00	37.25
234'	130.50	43.50
266' 6"	148.50	49.50
299'	166.50	55.50

TOWERS—STEEL TUBULAR—Continued

Height	Per month	Per week
DOUBLE TOWER		
39'	$39.00	$13.00
52'	52.00	17.25
71' 6"	71.50	23.75
84' 6"	84.50	28.25
104'	99.50	33.25
123' 6"	115.00	38.25
136' 6"	126.50	42.25
156'	145.00	48.25
169'	157.00	52.25
201' 6"	187.00	62.25
234'	217.00	72.25
266' 6"	247.50	82.50
299'	277.50	92.50

TRACTORS

CRAWLER—GASOLINE ENGINE

From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)	Per month	Per week	Per day
20	33	$200.00	$67.00	$16.50
33	41	265.00	88.00	22.00
41	52	315.00	105.00	26.00
52	66	390.00	130.00	32.00
66	85	525.00	142.00	35.00
85	105	500.00	167.00	42.00

CRAWLER—DIESEL ENGINE

From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)	Per month	Per week	Per day
20	33	$268.00	$90.00	$22.00
33	41	325.00	108.00	27.00
41	46	360.00	120.00	30.00
46	52	410.00	137.00	34.00
52	62	475.00	158.00	40.00
62	72	550.00	183.00	46.00
72	89	645.00	215.00	54.00
89	135	775.00	258.00	65.00

4-WHEELED, RUBBER TIRED, GASOLINE ENGINE

From and not including—(brake H. P.)	To and including—(brake H. P.)	Per month	Per week	Per day
10	16	$63.00	$21.00	$5.25
16	24	90.00	30.00	7.50
24	33	117.00	39.00	9.75
33	45	135.00	45.00	11.25
45	50	153.00	51.00	12.75
50	60	192.00	64.00	16.00
60	75	232.00	77.25	19.25

4 WHEELED RUBBER TIRED—DIESEL

From and not including—(belt H. P.)	To and including—(belt H. P.)	Per month	Per week	Per day
38	47	$175.00	$58.25	$14.50
47	50	224.00	74.75	18.75
50	60	250.00	83.25	20.75
93	103	330.00	175.00	45.00
103	115	735.00	245.00	60.00
140	160	855.00	285.00	70.00
190	210	1,200.00	400.00	100.00

2 WHEELED RUBBER TIRED—DIESEL POWERED

From and not including—(brake H. P.)	To and including—(brake H. P.)	Per month	Per week	Per day
80	100	$710.00	$236.00	$59.00
145	160	780.00	260.00	65.00
130	145	1,260.00	430.00	107.00
195	210	1,385.00	461.00	115.00
180	195	1,675.00	558.00	139.00

TRACTOR TRAILER UNITS

2 WHEELED TRACTOR WITH 2 WHEELED CABLE SCRAPER

Tractor		Scraper				Per month	Per week	Per day
		Struck		Heaped				
From and not including—(engine H. P.)	To and including—(engine H. P.)	From and not including—(cu. yds.)	To and including—(cubic yards)	From and not including—(cu. yds.)	To and including—(cubic yards)			
85	105	6	10	9	13	$1,100.00	$367.00	$92.00
145	155	10	14	13	17	1,270.00	423.00	106.00
135	145	13	17	17	21	2,000.00	667.00	166.00
195	205	13	17	17	21	2,150.00	717.00	179.00
185	205	16	20	21	25	2,370.00	790.00	197.00
185	195	21	25	28	32	2,580.00	860.00	215.00

4 WHEELED TRACTOR WITH CABLE SCRAPER

Tractor (Engine H. P.)	Scraper				Per month	Per week	Per day
	Struck		Heaped				
	From and not including—(cu. yds.)	To and including—(cu. yds.)	From and not including—(cu. yds.)	To and including—(cu. yds.)			
103 to 111—Gas, inclusive	5.0	8.75	7.5	11.0	$1,000.00	$330.00	$80.00
103 to 111—Diesel, inclusive	5.0	8.75	7.5	11.0	1,160.00	390.00	91.00
94 to 102—Diesel, inclusive	6.0	10.5	9.0	13.0	950.00	317.00	79.00
103 to 111—Gas, inclusive	8.75	11.0	11.0	14.0	1,130.00	377.00	94.00
103 to 111—Diesel, inclusive	8.75	11.0	11.0	14.0	1,275.00	425.00	106.00
70 to 95—Gas, inclusive	5.5	8.5	6.5	9.5	830.00	277.00	69.00
70 to 95—Diesel, inclusive	5.5	8.5	6.5	9.5	975.00	325.00	80.00

4 WHEELED TRACTOR WITH HYDRAULIC SCRAPER

Tractor (engine H. P.)	Scraper		Per month	Per week	Per day
	Struck—(cu. yds.)	Heaped—(cu. yds.)			
94 to 102, Diesel, inclusive	6 to 11, inclusive	9 to 13, inclusive	$960.00	$317.00	$79.00

2 WHEELED TRACTOR—DUMP TRAILER

Tractor (engine H. P.)	Wagon				Per month	Per week	Per day
	Struck		Heaped				
	From and not including—(cu. yds.)	To and including—(cu. yds.)	From and not including—(cu. yds.)	To and including—(cu. yds.)			
100 to 100, inclusive	7.5	11.5	10	14	$1,210.00	$403.00	$101.00
150 to 180, inclusive	19	23	28	32	2,350.00	783.00	196.00
180 to 200, inclusive	24	28	33	37	2,910.00	970.00	242.00

4 WHEELED TRACTOR—DUMP TRAILER—GASOLINE POWERED

Wagon-Struck		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
11	16	$900.00	$300.00	$75.00
16	20	1,150.00	380.00	95.00
20	24	1,750.00	580.00	145.00
		1,850.00	650.00	162.00

4 WHEELED TRACTOR—DUMP TRAILER—DIESEL POWERED

Wagon-Struck		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
8½	11	$775.00	$258.00	$63.00
11	16	1,020.00	340.00	85.00
16	20	1,220.00	410.00	102.00
20	24	1,950.00	650.00	162.00
		2,060.00	687.00	172.00

TRACTOR ACCESSORY WINCH

	Per month	Per week	Per day
For any size tractor, single drum	$50.00	$17.00	$4.50
For any size tractor, double drum	75.00	25.00	6.50
For any size tractor, four drum	160.00	53.00	13.00

TRENCHING MACHINE

LADDER AND VERTICAL BOOM TYPE—GASOLINE ENGINE DRIVEN

Maximum manufacturer's ratings (depth)		Maximum manufacturer's ratings (width)		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)	From and not including—(inches)	To and including—(inches)			
.....	10	8	42	$675	$225	$56
10	14	10	30	829	276	69
10	14	30	42	943	314	79
14	17	18	54	1,282	427	107
17	21	20	52	1,600	533	133
21	26	20	52	2,600	867	217

LADDER AND VERTICAL BOOM TYPE—DIESEL ENGINE DRIVEN

Maximum manufacturer's ratings (depth)		Maximum manufacturer's ratings (width)		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)	From and not including—(inches)	To and including—(inches)			
.....	10	8	42	$776	$259	$65
10	14	10	30	895	298	75
10	14	30	42	1,040	347	87
14	17	18	54	1,410	470	118
17	21	20	52	1,757	586	147
21	26	20	52	2,796	932	233

WHEEL TYPE—GASOLINE ENGINE DRIVEN

Max. Mfrs. Ratings-Depth		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)			
3½	5	$375.00	$125.00	$31.00
5	5½	600.00	200.00	50.00
5½	6½	1,000.00	333.00	83.00
6½	8½	1,450.00	483.00	121.00

WHEEL TYPE—DIESEL ENGINE DRIVEN

Maximum manufacturer's ratings (depth)		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)			
3½	5	$451.00	$150.25	$37.50
5	5½	673.00	224.25	56.00
5½	6½	1,105.00	368.25	92.00
6½	8½	1,545.00	515.00	128.75

VIBRATORS

CONCRETE

ELECTRIC & HYDRAULIC POWERED

From and not including (H. P.)	To and including (H. P.)	Shafting length—feet	Per month	Per week	Per day
	1½	32	$22.00	$7.25	$1.75
1½	2½	32	30.00	10.00	2.50
2½	1¾	38	40.00	13.25	3.25
1¾	2¾	38	45.00	15.00	3.75
2¾	4¼	38	50.00	16.75	4.25
4¼	6¼	38	70.00	23.00	5.75

GASOLINE POWERED

From and not including (H. P.)	To and including (H. P.)	Shafting length—feet	Per month	Per week	Per day
	1½	28	$35.00	$11.75	$3.00
1½	2½	32	45.00	15.00	3.75
2½	3½	38	55.00	18.25	4.50
3½	4½	46	60.00	20.00	5.00
4½	6	46	70.00	23.00	5.75

All above gasoline driven units include vibrator heads.

PNEUMATIC POWERED—FLEXIBLE TYPE

From and not including—	To and including—	Per month	Per week	Per day
20 lbs	35 lbs	$30.00	$10.00	$2.50
35 lbs	65 lbs	40.00	13.25	3.25
65 lbs	115 lbs	50.00	16.75	4.25

RIGID TYPE

	Per month	Per week	Per day
All sizes	$50.00	$16.75	$4.25

WAGONS—CRAWLER

DIRECT HITCH—BOTTOM DUMP

Heaped capacity		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
	6½	$165.00	$55.00	$13.75
6½	9½	200.00	67.00	16.75
9½	12½	240.00	80.00	20.00
12½	14½	260.00	87.00	22.00
14½	20½	370.00	123.00	31.00

DIRECT HITCH—HYDRAULIC SIDE DUMP

Heaped capacity		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
	12	$310.00	$103.00	$26.00
12	15	400.00	133.00	33.00
15	18	475.00	158.00	40.00

WAGONS—CRAWLER—Continued

DIRECT HITCH—MANUAL SIDE DUMP

Heaped capacity		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
	12	$235.00	$78.00	$19.50
12	15	300.00	100.00	25.00
15	18	355.00	118.00	30.00

WELDING MACHINES

GASOLINE ENGINE DRIVEN

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
	250	$74.00	$25.00	$6.00
250	350	104.00	35.00	8.50
350	500	114.00	38.00	9.50
500	700	174.00	58.00	14.50

60 CYCLE ELECTRIC MOTOR DRIVEN

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
	250	$35.00	$12.00	$3.00
250	350	47.00	16.00	4.00
350	500	56.00	19.00	4.50
500	700	74.00	25.00	6.00

25 CYCLE ELECTRIC MOTOR DRIVEN

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
	250	$41.00	$14.00	$3.50
250	350	56.00	19.00	4.50
350	500	65.00	22.00	5.50
500	700	86.00	29.00	7.00

D. C. ELECTRIC MOTOR DRIVEN

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
	250	$47.00	$16.00	$4.00
250	350	65.00	22.00	5.50
350	500	76.00	25.00	6.50
500	700	101.00	34.00	8.50

DIESEL ENGINE DRIVEN

	Per month	Per week	Per day
350 Amperes and under	$163.00	$54.00	$13.50
Over 350 Amperes to 500 Amperes, inclusive	194.00	65.00	16.00

The above rates cover skid or wheel mountings without brakes or springs.

No additional charge to the above rates may be made for helmets, holders, 60 ft. of ground and welding cable when required by the lessee.

When additional cable in excess of 60' is required or when cable is rented separately, the rental charge per foot shall not exceed $0.07 per month, $0.025 per week, $0.005 per day.

NOTE.—For mountings other than skid or wheel without springs or brakes add the following:

	Per month	Per week	Per day
Wheels with springs	$8.00	$2.75	$0.75
Wheels with springs and brakes	13.00	4.25	1.00

WHEELBARROWS—ALL SIZE TRAYS

	Per month	Per week	Per day
Steel Wheel	$3.00	$1.00	$0.25
Rubber Tired	5.00	2.00	.50

WINCHES—TOWING

For tractor of—		Per month	Per week	Per day
From and not including—(Drawbar horsepower)	To and including—(Drawbar horsepower)			
20	33	$70.00	$23.00	$6.00
36	41	80.00	27.00	7.00
41	52	85.00	28.00	7.00
52	66	90.00	30.00	7.50
66	89	170.00	57.00	14.00
89	145	190.00	63.00	16.00

§ 1399.16 *Appendix B: Table of rates for dump trucks and truck and trailer mounted equipment*—(a) *Dump trucks: fully-operated basis.* (1) The maximum rental price for any dump truck rented on a fully-operated basis shall be a price calculated on the basis of hours of actual use of such truck multiplied by an hourly rate which is the sum of (i) the applicable charge per hour, according to the capacity of such truck, set forth in the following Schedule, plus (ii) 135% of the hourly wage for the operator of such truck at the rate prevailing on March 31, 1942, in the area of the job-site where such truck is used. "Rate" or "rates" as used in this paragraph means the sum of the aforesaid items.

SCHEDULE

From and including (cubic yards)	Up to but not including (cubic yards)	Charge per hour (less operator's wages) A	B	C
	3	$1.50	$1.20	$1.35
3	4	1.80	1.45	1.62
4	5	2.25	1.80	2.05
5	6	2.40	1.95	2.17
6	7	2.65	2.15	2.40
7	8	3.25	2.60	2.95
8	10	3.65	2.95	3.30
10	12	4.40	3.55	3.95
12		4.70	3.75	4.20
Over 12 cubic yards, add for each cubic yard		.30	.20	.25
On all 3 axle, 10 tire trucks with drive on two rear axles, add		.40	.40	.40

(2) The capacity of any truck shall be determined by using the water-level capacity of the permanent body, exclusive of the capacity added by sideboards, or other removable extensions or additions. It shall be a violation of this regulation for any lessor to refuse to supply sideboards, on any type of work where he has customarily supplied the same, in order to obtain greater aggregate rental for his trucks.

(3) Column A rates apply where the loading is performed by power loading devices except where the material is processed sand, gravel, crushed stone, or other processed materials in stock piles at a commercial producing plant, at point of construction or at an intermediate point of transfer. A hopper, chute, bunker, or conveyor shall not be deemed to be a power loading device.

Column B rates apply where the loading is performed by hand and where the average mileage of the vehicle does not exceed 8 miles per hour for the period of time the vehicle is in use each day.

Column C rates apply where transportation or loading is performed under conditions other than those described for application of Column A or B rates. Column C rates apply where the loading is by hopper, chute, bunker, or conveyor.

(4) On any job where the lessee finds it impossible or impracticable, because of the shifting of trucks from one type of loading to another, to calculate the rental according to the several services rendered by each truck, the lessee may pay, as a maximum rental price for the job, a price calculated on the basis of any rate, or combination of rates, which do not exceed the applicable rates set forth in Column A above.

(5) Irrespective of the basis of contract, in no event shall any rental paid or received for dump trucks exceed the maximum rental permitted by application of the foregoing hourly rates.

(6) In every instance, the foregoing maximum hourly rates shall apply irrespective of the length of time that a truck is on the job, except that where the lessor is required to pay his truck operator overtime wages on any job because of overtime operation of the truck, there may be added to the maximum rental the dollar amount, determined according to wage rates in effect on March 31, 1942, of so much of the excess of overtime wages over straight time wages as is actually paid the operator because of overtime operation of the truck.

(7) In every instance, rental for any dump truck rented on a fully operated basis shall be calculated, in accordance with this paragraph, as beginning from the time the truck arrives on the job ready for use and as ending when the truck is finally released on the job for return to the lessor, except that where the truck must be moved daily to and from the job, the lessor may charge the lessee an additional hour's rent at the applicable maximum rate for each day that the truck is moved to and from the job.

(8) The Office of Price Administration, or any Regional Office of the Office of Price Administration, or any district office duly authorized by a Regional Office, may authorize for a particular job, an increase in the rental provided by the foregoing hourly rates, not exceeding 10% of the applicable maximum, where the lessor, prior to charging the higher rental, has satisfactorily shown that his equipment is to be used on such job more than 25 miles from his yard and that his costs will be materially increased by reason of such use.

(9) The Office of Price Administration may at any time by order authorize maximum rental rates for dump trucks rented on a fully operated basis, other than those provided by this paragraph, applicable to any group of lessors, or all lessors, for (i) a designated geographical area, or (ii) a specified type of work.

(10) The following sections of the regulation, where relevant, shall apply to dump trucks rented on a fully operated basis: §§ 1399.1, 1399.4, 1399.7, 1399.8, 1399.9, 1399.10, 1399.11, and 1399.12.

(b) *Dump trucks: bare basis.* (1) The maximum rental price for any dump truck rented on a bare basis shall be a price calculated on the basis of a monthly rate equal to the applicable percentage, according to the value of such trucks, as set forth on the Schedule below, of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale to any domestic class of purchasers of the nearest equivalent new dump truck, or the nearest equivalent new truck chassis and the nearest equivalent new extra, special, or optional equipment which may have been added to complete the rented truck: The maximum rate per week shall not exceed ⅓ of the maximum rate per month; the maximum rate per day shall not exceed 1/12 of the maximum rate per month:

SCHEDULE

Maximum price of truck, or chassis and equipment	A	B	C
	Per-cent	Per-cent	Per-cent
Up to and including $4,500.00	9	7	8
Over $4,500.00 to $8,500.00	8	6.5	7
Over $8,500.00	7	5.5	6.3
Half-track dump trucks	9	8	7

(2) Determination of truck capacities and application of the foregoing rates shall be governed by the provisions of paragraphs (a) (1), (2), (3), and (7) of this section.

(3) In every instance, rental for dump trucks leased on a bare basis shall be calculated as beginning at the time trucks are delivered into possession of the lessee, and as terminating at the time when trucks are delivered back into the possession of the lessor.

(4) The following sections of the regulation, where relevant, shall appy to, and govern, the rental of dump trucks rented on a bare basis: §§ 1399.1, 1399.2, 1399.3, 1399.4, 1399.7, 1399.8, 1399.9, 1399.10, 1399.11, and 1399.12.

(5) Maximum charges for partial operating and maintenance services supplied by lessors in connection with the rental of dump trucks, not amounting to a fully operated service, shall be charges established in accordance with the applicable provisions of § 1399.5.

(c) *Truck and trailer mounted equipment.* (1) The maximum rental price for any combination machine consisting of any construction or road maintenance equipment mounted on automotive trucks or trailers and rented on a bare basis shall be a price calculated on the basis of a monthly rate which shall be equal to the sum of the following: (i) the maximum monthly rental rate for such equipment in accordance with § 1399.15, Appendix A, and (ii) a maximum monthly rental rate for the truck or trailer equal, for trucks to 7% and for trailers to 5½%, of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale, to any domestic class of purchaser, of the nearest equivalent new truck or trailer or the nearest equivalent new truck or trailer chassis and the nearest equivalent new extra special, or optional equipment which may have been added to complete the rented truck or trailer. Maximum weekly rental rates shall not exceed ⅓, and maximum daily rates shall not exceed 1/12, of the foregoing maximum monthly rates.

(2) Maximum charges for operating and maintenance services supplied by lessors in connection with rental of truck or trailer mounted equipment, whether amounting to a fully, or partially, operated service shall be charges established in accordance with the application provisions of § 1399.5.

(3) The following sections of the regulation shall, where relevant, apply to, and govern, the rental of truck or trailer mounted equipment, whether on a bare, or a fully or partially operated, basis: §§ 1399.1 to 1399.12, inclusive.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10638; Filed, July 1, 1943; 4:29 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 296, Amdt. 4]

FLOUR FROM WHEAT, SEMOLINA AND FARINA SOLD BY MILLERS AND BLENDERS

Correction

In § 1351.1666 (XVI) of the document appearing on page 7599 of the issue for Tuesday, June 8, 1943, the first line of the second table in paragraph (f) should read: "Outside jute envelopes (1 to 2 cwt.) ---------- 17½".

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 271,[1] Amdt. 3]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 271 is amended in the following respects:

1. Section 6 is amended to read as follows:

SEC. 6. *Purposes.* The purposes of this regulation are to establish maximum prices for table stock potatoes, for certified and selected seed potatoes, and for onions, for all sales except sales at retail.

2. Section 8 (a) (3) is amended to read as follows:

(3) "Country shipper" means any person, including a grower or grower's sales agent, who makes sales from a farm or other country shipping point to any other person.

3. Section 8 (a) (10) is amended to read as follows:

(10) "Country shipping point" means a farm or other place in or near the producing area from which potatoes and onions are sold, shipped, delivered, or otherwise transferred to any person, or at which potatoes and onions are prepared for sale, shipment, delivery, or other transfer to any person. "Prepared" means, but is not limited to, loading, sacking, grading, sizing or harvesting.

4. Section 8 (a) (17) is amended to read as follows:

(17) "Cost of transportation" means:

(i) If shipment is by a common carrier whose maximum rates and charges are regulated by the Interstate Commerce Commission or other Federal or State regulatory body, the amount actually paid to the carrier, in conformance with its lawfully established rates and charges, including charges for precooling, icing and other protective or accessorial services actually performed. Any allowance made by the carrier to a shipper or consignee for performing pre-cooling or other services may, nevertheless, be included in "cost of transportation" and may be retained by the person performing the services for which the allowance is made. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(ii) If shipment is by a carrier for hire other than a common carrier (such as a contract carrier) the amount actually paid to the carrier but not in excess of the maximum charges as determined by the General Maximum Price Regulation, amendments, and supplementary regulations thereto, or such other regulations of the Office of Price Administration as may be applicable to the services of such carrier at the time of movement. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(iii) If shipment is by a carrier other than described in (i) and (ii) above (such as an unregulated common carrier or a private carrier) the amount actually paid to the carrier but not in excess of an amount computed by applying to the actual weight of the shipment the lowest published rail carload rate between the rail stations nearest to the points of origin and destination plus rail charges for protective and accessorial services if equivalent services are performed. If the shipment is less than 20,000 pounds, an additional charge of 2 cents per 100 pounds may be made, provided that the total charge for a shipment of less than 20,000 pounds shall not exceed the charge for a shipment of 20,000 pounds. In applying rail accessorial and protective charges which are stated in amounts per car, the per car charge may be made against a shipment of 20,000 pounds or more moving in a single conveyance, but only the proportion of such per car charge which the weight of the shipment bears to 20,000 pounds, may be made against a shipment of less than 20,000 pounds. When precooling or icing, not included in the carrier rates and charges, is performed by or for account of the shipper, the cost of this service, but not to exceed maximum prices prescribed by Maximum Price Regulation 165, may be added.

(iv) If shipment is by a means owned or controlled by the seller an amount not in excess of the lowest of the rates mentioned in (i), (ii), or (iii) above, available to the seller.

The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, may be added, if the shipment is subject to that tax.

5. Section 8 (a) (19) is amended to read as follows:

(19) A "carlot sale" or a "trucklot sale" means a sale of a quantity of potatoes or onions shipped in one car or truck or other conveyance at one time, out of which 75% or more by weight is sold to one person. The sale of the remaining quantity to another person or persons may be considered a less-than-carlot sale or less-than-trucklot sale. The sale of that proportion of potatoes or onions moving in a mixed carload or mixed truckload with another commodity or commodities must be on the basis of a "carlot sale" or "trucklot sale" if the entire carload or truckload or 75% thereof by weight is sold to one person.

6. Section 9 (b) (2) is amended to read as follows:

(2) For sales of potatoes and onions by country shippers on a delivered basis in the terminal market or other wholesale receiving point, the maximum price per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) shall be the maximum price f. o. b. country shipping point, plus the cost of transportation (as defined in section 8 (a) (17), from the country shipping point to the terminal market or other wholesale receiving point, plus

6 cents per cwt. for potatoes.
4 cents per 50 pounds for onions.

7. Section 9 (h) is added to read as follows:

(h) Every country shipper making a sale to any person shall either furnish an invoice or other document of sale, or shall attach a tag or label to each sack or bag of potatoes or onions, on which shall be stated the state in which the potatoes or onions were grown, and the month and year of the sale.

8. Section 9 (g) is amended to read as follows:

(g) If any person makes sales at terminal auction, the maximum price for such sales shall be the maximum price computed under section 9 (a) and 9 (b) (1) and (2) plus a commission to the seller not exceeding 15 cents per cwt. for potatoes, or 10 cents per 50 pounds for onions. All expenses of the sale, including charges of the auction market, shall be paid out of the commission, and the amount of the commission shall not be added to the intermediate seller's base price.

9. Section 10 is amended to read as follows:

SEC. 10. *Maximum prices for carlot or trucklot distributors.* If any person other than a country shipper (a) purchases potatoes or onions in carlots and resells such potatoes or onions in carlots in a terminal market or other wholesale receiving point or (b) purchases potatoes or onions in trucklots and resells such potatoes or onions in trucklots (without breaking the original trucklot) at a terminal market or other wholesale receiving point, the maximum price per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) shall be the maximum price f. o. b. country shipping point plus the cost of transportation (as defined in section 8 (a) (17)) from the country shipping point to the terminal market or other wholesale receiving point plus

14 cents per cwt. for potatoes.
8 cents per 50 pounds for onions.

10. The text of section 11 is amended to read as follows:

SEC. 11. *Maximum prices for intermediate sellers—(a) Base prices for intermediate sellers.* A seller's "base price" shall be the maximum price f. o. b. country shipping point per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) plus the cost of transportation (as defined in section 8 (a) (17)) from the country shipping point to the terminal market or other wholesale receiving point, plus (but only if applicable and actually paid):

11. Section 11 (c) (7) is amended to read as follows:

(7) The maximum dollar-and-cents markups provided herein for intermediate sellers include all items of cost involved in making local deliveries within a metropolitan area or city limits. Any intermediate seller delivering potatoes or onions to institutions or retail stores outside his free delivery zone may charge different delivered prices in such other areas or zones in which deliveries are made as follows: (i) He first determines his delivered prices for each of these areas or zones by adding to the prices established by this regulation an amount not exceeding the average cost of delivery to the institution or retailers in the area or zone. (ii) In determining the average cost of delivery to the retailers in the area or zone no rate shall be used which is in excess of the lowest common or contract carrier rate for available transportation. (iii) If such a delivery charge is made, the amount of this delivery charge shall be included as part of the maximum price established by this regulation. Before using such a zone differential, the intermediate seller shall report it in writing to the nearest regional, state or district office of the Office of Price Administration having jurisdiction over the seller. If a particular class of intermediate sellers have normally operated on the basis of markups which are lower than the markups provided by this regulation, the regional office of the Office of Price Administration having jurisdiction over the seller or the sellers or such District Office as may be authorized by the appropriate Regional Office shall reduce the maximum prices for such intermediate sellers. However, in no case shall the maximum prices provided by this regulation be increased.

12. Section 13 is amended to read as follows:

SEC. 13 *Prohibition against joint accounts and/or sharing of margins.* All joint account arrangements between persons covered by this regulation are hereby prohibited.

Except as provided in sections 9 (c) and 9 (g), no grower or country shipper may share in or receive any part of any brokerage, commission or other markup permitted, established or allowed by this regulation.

13. In Table 1 of section 24 the prices $2.45 for Minnesota red skinned potatoes for May 1943 and June 1943 are amended to read $2.35.

14. Table III, section 24 is amended as follows:

TABLE III—WHITE FLESH POTATOES (1943 CROP) [1]

[Maximum price per 100 pounds, U. S. No. 1 Grade, sacked and loaded on carrier, all varieties]

State	Producing area	July 1943	August 1943	September 1943
NORTH ATLANTIC				
Maine	All	$2.60	$2.60	$2.25
New Hampshire	All	2.95	2.85	2.60
Vermont	All	2.95	2.85	2.60
Massachusetts	All	2.95	2.85	2.60
Rhode Island	All	2.95	2.85	2.60
Connecticut	All	2.95	2.85	2.60
New York	Long Island	2.85	2.75	2.50
	Rest of State	2.75	2.65	2.50
New Jersey	All	2.75	2.65	2.50
Pennsylvania	All	2.80	2.70	2.55
EAST NORTH CENTRAL				
Ohio	All	2.95	2.85	2.55
Indiana	All	2.95	2.85	2.55
Illinois	All	2.95	2.85	2.55
Michigan	All	2.85	2.75	2.40
Wisconsin	All	2.65	2.45	2.30
WEST NORTH CENTRAL				
Minnesota	Red River Valley	2.80	2.30	2.15
	Southeastern District	2.65	2.45	2.30
	Rest of State	2.65	2.45	2.30
Iowa	All	2.80	2.65	2.45
Missouri	All	2.80	2.65	2.45
North Dakota	All	2.80	2.30	2.15
South Dakota	All	2.80	2.60	2.40
Nebraska	All	2.80	2.60	2.45
Kansas	All	2.60	2.43	2.30

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7017, 7494, 8075.

TABLE III—WHITE FLESH POTATOES (1943 CROP)—Continued

State	Producing area	July 1943	August 1943	September 1943
SOUTH ATLANTIC				
Delaware	All	$2.70	$2.70	$2.50
Florida	All	2.70	2.70	2.50
Georgia	All	2.70	2.70	2.50
Maryland	All	2.70	2.70	2.50
North Carolina	All	2.70	2.70	2.50
South Carolina	All	2.70	2.70	2.50
Virginia	All	2.70	2.70	2.50
West Virginia	All	2.70	2.70	2.50
SOUTH CENTRAL				
Kentucky	All	2.70	2.70	2.50
Tennessee	All	2.70	2.70	2.50
Alabama	All	2.70	2.70	2.50
Mississippi	All	2.70	2.70	2.50
Arkansas	All	2.70	2.70	2.50
Louisiana	All	2.70	2.70	2.50
Oklahoma	All	2.70	2.70	2.50
Texas	All	2.70	2.70	2.50
WEST				
Montana	Madison, Gallatin, Beaverhead Counties	2.60	2.40	2.25
	Rest of State	2.80	2.60	2.45
Idaho	All	2.60	2.40	2.25
Wyoming	All	2.60	2.40	2.25
Colorado	San Luis Valley	2.60	2.40	2.25
	Greeley District	2.60	2.40	2.25
	Western Slope	2.55	2.35	2.20
New Mexico	All	2.55	2.35	2.20
Arizona	All	2.75	2.55	2.50
Utah	All	2.50	2.30	2.15
Nevada	All	2.75	2.55	2.40
Washington	All	2.60	2.50	2.35
Oregon	Malheur County	2.60	2.40	2.25
	Curry, Jackson, Josephine, Klamath, Lake, Harney Counties	2.50	2.53	2.45
	Rest of State	2.70	2.50	2.35
California	Modoc and Siskiyou Counties	2.50	2.55	2.45
	Counties of San Luis Obispo, Kern, San Bernardino and all south thereof	2.40	2.40	2.30
	Rest of State	2.50	2.75	2.60

[1] The following differentials for certain grades, sizes, packages and types of pack shall be applicable to country shippers of White potatoes.

(a) Grade differentials:

(1) For White potatoes U. S. Extra No. 1 grade or better, packed in bags, the country shipper may add 10¢ per cwt. to the maximum price for U. S. No. 1 grade.

(2) For White potatoes which grade below U. S. No. 1 grade, but which are 85% U. S. No. 1, U. S. Commercial, or better, packed in bags, the country shipper shall subtract 10¢ from the maximum prices for U. S. No. 1 grade.

(3) For White potatoes of grades lower than 85% U. S. No. 1, U. S. Commercial or better, including ungraded and unclassified White potatoes packed in bags, the country shipper shall subtract 30¢ per cwt. from the maximum prices for U. S. No. 1 grade.

(4) For size B White potatoes, the country shipper shall subtract 30¢ per cwt. from the maximum prices stated above.

(b) Size differentials applicable to all grades (except as noted):

(1) For White potatoes, 2-inch minimum size, packed in bags, the country shipper may add 15¢ per cwt. to the maximum price for each grade except U. S. Extra No. 1 grade or better. Potatoes which are both 2-inch minimum and size A are entitled to only the 10¢ differential

15. In Table IV of section 24, the period "June 1, 1943 through June 30, 1943" is amended to read "June 1, 1943 through July 15, 1943."

This amendment shall become effective this 1st day of July 1943.

Issued this 30th day of June 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-10632; Filed, July 1, 1943; 3:33 p. m.]

PART 1376—FLUORITE

[Rev. MPR 126]

FLUORSPAR

Maximum Price Regulation No. 126, as amended,[1] is redesignated Revised Maximum Price Regulation No. 126 and is revised and amended to read as set forth herein.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, it is necessary and proper in so far as practicable to establish a uniform system of determining maximum prices for the commercial grades of fluorspar. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

§ 1376.1 *Maximum prices for fluorspar.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 126 (Fluorspar), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1376.1 issued under Pub. Laws 421 and 729, 77th Cong.: E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 126—FLUORSPAR

CONTENTS

Sec.
1. Prohibition against selling fluorspar at prices above maximum prices.
2. Exemption of fluorspar ores and toll agreements
3. Maximum prices for metallurgical grade fluorspar.
4. Maximum prices for acid and ceramic grades of fluorspar.
5. Maximum prices for sales of lead-free fluorspar to the International Nickel Company, Inc.
6. Packing charges and L. C. L. handling charges.
7. Discount and credit provisions.
8. Imports.
9. Export sales.
10. Idle or frozen materials.
11. Less than maximum prices.
12. Adjustable pricing.
13. Prohibited evasive practices.
14. Records and reports.
15. Enforcement.
16. Applications for adjustment and petitions for amendment.
17. Agreements with Office of Price Administration.
18. Definitions.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3189, 8948.

SECTION 1. *Prohibition against selling fluorspar at prices above maximum prices.* On and after July 1, 1943, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver any fluorspar and no person shall buy or receive any fluorspar in the course of trade or business from any seller at a price in excess of the maximum prices established by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Exemption of fluorspar ores and toll agreements*—(a) *Fluorspar ores.* The provisions of this Revised Maximum Price Regulation No. 126 and of the General Maximum Price Regulation shall not apply to the sale or delivery of any crude fluorspar ores.

(b) *Toll agreements.* The provisions of Revised Maximum Price Regulation No. 126 and of the General Maximum Price Regulation shall not apply to any agreement or contract which provides for the milling, grinding, or other processing of fluorspar ore.

SEC. 3. *Maximum prices for metallurgical grade fluorspar*—(a) *Prior to August 30, 1943.* (1) Prior to August 30, 1943, the maximum price f. o. b. a consumer's plant on any shipment of metallurgical grade fluorspar shall be the price for the effective CaF_2 content as listed in the following table, plus either (i) railroad freight on such shipment from the producer's shipping point to the consumer's plant, or (ii) railroad freight on such shipment from Rosiclare, Illinois, to the consumer's plant, whichever is lower:

Effective CaF_2 content:	Base price per short ton
70% or more	$33.00
65% but less than 70%	32.00
60% but less than 65%	31.00
Less than 60%	30.00

(2) The maximum price f. o. b. a producer's railroad or waterway shipping point shall be his maximum delivered price as determined under subparagraph (1) less freight from such shipping point to the consumer's plant.

(3) The effective CaF_2 content shall be determined by deducting $2\frac{1}{2}$ times the SiO_2 content from the CaF_2 content. (Example: The effective CaF_2 content of fluorspar with the specifications of 85% CaF_2 and 5% SiO_2 is determined as follows: $85 - 2\frac{1}{2} \times 5 = 72\frac{1}{2}$).

(4) Examples: The maximum price per ton f. o. b. shipping point at Marion, Kentucky, on a carload sale of metallurgical grade fluorspar with an 84% CaF_2 and 5% SiO_2 content to a consumer at Pittsburgh would be $33.00. This price is obtained by first calculating the effective CaF_2 content which is $84 - 2\frac{1}{2} \times 5$, or $71\frac{1}{2}$%, for which the above table establishes a maximum base price of $33.00. Next, to this should be added the lower of the railroad freights from Marion to Pittsburgh and from Rosiclare to Pittsburgh respectively. Since these are both $5.78, the delivered price is $33.00 plus $5.78, or $38.78. To obtain the f. o. b. shipping point price, the freight of $5.78 from Marion to Pittsburgh is deducted from the delivered price of $38.78 which results in a maximum f. o. b. shipping point price of $33.00.

If this shipment were made from Salida, Colorado, to Pittsburgh, the maximum delivered price would be $38.78, since the freight of $5.78 from Rosiclare to Pittsburgh is less than the freight of $11.22 from Salida to Pittsburgh. The maximum price f. o. b. the seller's shipping point would be $27.56, that is, $38.78 minus $11.22.

Similarly, if the shipment were made from Salida to Longview, Washington, the maximum delivered price would be $43.60, representing $33.00 plus freight of $10.60 from Salida to Longview, which is less than the freight of $18.80 from Rosiclare to Longview. The maximum price f. o. b. the seller's shipping point would be $33.00, that is, $43.60 minus $10.60.

For simplification, the 3% transportation tax has been disregarded in setting forth the above examples. In practice, however, it must be considered as an addition to the freight rate in each instance.

(b) *On and after August 30, 1943.* (1) On and after August 30, 1943 the maximum price f. o. b. a consumer's plant on any shipment of metallurgical grade fluorspar shall be $30.00 per short ton, plus either (i) railroad freight on such shipment from the producer's shipping point to the consumer's plant, or (ii) railroad freight on such shipment from Rosiclare, Illinois, to the consumer's plant, whichever is lower: *Provided, however,* That on a sale or delivery with respect to which the Steel Division of the War Production Board has certified in writing to the producer that one of the higher grades of metallurgical fluorspar specified in the table set forth in subparagraph (a) (1) above is required by the purchaser, the maximum price shall be computed by using, in place of $30.00, the applicable base price set forth in said table for the respective grade of fluorspar so certified.

SEC. 4. *Maximum prices for acid and ceramic grades of fluorspar.* (a) The maximum price f. o. b. a consumer's plant for any shipment of acid or ceramic grade fluorspar shall be $37.00 per ton, plus either (1) railroad freight on such shipment from the seller's shipping point to the consumer's plant or (2) railroad freight on such shipment from Rosiclare, Illinois, to the consumer's plant, whichever is lower: *Provided,* That on all sales or deliveries made by the Metals Reserve Company of acid grade fluorspar and on all sales or deliveries of acid grade fluorspar to a buyer who has customarily bought on a premium and penalty basis, the maximum price for any sale or delivery shall be computed by taking as the base price the maximum price established in this section for a base analysis of 97.5% CaF_2 and 1.5% SiO_2 and applying thereto in the case of sales or deliveries to a buyer who has customarily bought on a premium and penalty basis the premiums and penalties customarily applied by such buyer, and in the case of sales or deliveries by the Metals Reserve Company the following premiums and penalties:

PREMIUMS

CaF_2 above 97.5%—3% of the delivered price, established in this paragraph, for each 1%.

SiO_2 below 1.5%—10% of the delivered price, established in this paragraph, for each 1%.

PENALTIES

CaF_2 below 97.5%—3% of the delivered price, established in this paragraph, for each 1%.

SiO_2 above 1.5%—10% of the delivered price, established in this paragraph, for each 1%.

Fractions of percentages may be calculated proportionately.

Each seller, except the Metals Reserve Company, shall file with the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., all such premiums and penalties to which he is subject on or before August 1, 1943, unless such seller has already filed such information with that Office, and thereafter within 10 days after he becomes subject to any new or different premiums or penalties. Any seller who first becomes subject to any premiums or penalties after the effective date of this regulation shall file such premiums and penalties with the Non-Ferrous Metals Branch of the Office of Price Administration, Washington, D. C., within 30 days after the first sale or delivery of fluorspar subject to such premiums and penalties.

(b) The maximum price f. o. b. a producer's railroad or waterway shipping point for acid or ceramic grade fluorspar shall be his maximum delivered price as determined under paragraph (a) of this section, less freight from such shipping point to the consumer's plant.

SEC. 5. *Maximum prices for sales of lead-free fluorspar to the International Nickel Company, Inc.* Any person may sell or deliver to the International Nickel Company, Inc., Huntington, West Virginia, and the International Nickel Company, Inc., may buy and receive from any person, lead-free fluorspar at a price not in excess of $3.75 per ton above the maximum prices established by this Regulation for the applicable grade.

SEC. 6. *Packing charges and less-than-carload handling charges.* Each seller may add to the maximum prices established in this Regulation his customary charges for fluorspar when packed in bags, or otherwise specially packaged, or when shipped in less-than-carload lots.

SEC. 7. *Discount and credit provisions.* In determining a maximum price, as provided in this Regulation, "maximum price" shall mean "net price", i. e. subject to all discounts for cash payments and other credit provisions applicable on January 2, 1942.

SEC. 8. *Imports.* The maximum prices established by this Regulation shall apply to all import purchases and subsequent sales or deliveries of fluorspar imported into the forty-eight states of the United States or the District of Columbia.

SEC. 9. *Export sales.* Export sales of fluorspar shall be subject to the provisions of the Second Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration and any additions thereto and revisions thereof.

SEC. 10. *Idle or frozen materials.* The maximum price at which any person may sell or deliver idle or frozen fluorspar shall be determined in accordance with the provisions of Maximum Price Regulation No. 204[3] on Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

SEC. 11. *Less than maximum prices.* Lower prices than those established by this Regulation may be charged, demanded, paid or offered.

SEC. 12. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution of production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. *Prohibited evasive practices.* The price limitations set forth in this Revised Maximum Price Regulation No. 126 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to fluorspar, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 14. *Records and reports.* (a) Every person making sales or deliveries of fluorspar, and every person making purchases or accepting delivery of fluorspar in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, purchase, or delivery showing the date thereof, the name of the purchaser or seller, the quantity and grade of fluorspar sold, purchased, or delivered, and the price received or paid therefor.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

SEC. 15. *Enforcement.* Persons violating any provision of this Revised Maximum Price Regulation No. 126 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 16. *Applications for adjustment and petitions for amendment*—(a) *Applications for adjustment.* Whenever it appears that a producer of metallurgical or acid grade fluorspar is unable to maintain or to expand his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1,[4] or on its own motion, adjust his maximum price by an amount necessary to permit the maintenance or expansion of such production upon a reasonable operating margin. In determining such margin, consideration will be given to such factors as:

(1) Revenue from sales of metallurgical or acid grades of fluorspar and from all other sources, and

(2) Mining, development, milling, and transportation costs, administrative and sales expenses, depreciation and depletion charges, taxes (excluding Federal and State income taxes), and capital investment.

Before filing an application for adjustment, it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

(b) *Petitions for amendment.* Any person seeking amendment of any provision of this Revised Maximum Price Regulation No. 126 may file a petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC. 17. *Agreements with Office of Price Administration.* This Revised Maximum Price, Regulation No. 126 supersedes any agreements previously made and any orders or regulations previously issued by the Office of Price Administration with regard to fluorspar prices.

SEC. 18. *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 126, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any

[2] 8 F.R. 4132, 5987, 7662.

[3] 7 F.R. 6479, 7366, 8948.

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" includes persons who mine, or otherwise remove fluorspar from the place where it is naturally found, and persons who purchase fluorspar, mill the same, and resell it.

(3) "Fluorspar" includes only commercial grades of fluorspar and shall not include any extremely fine grades sometimes referred to as the "optical grades."

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

NOTE: The reporting and record keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Revised Maximum Price Regulation No. 126 shall become effective July 1, 1943.

Issued this 1st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10639; Filed, July 1, 1943; 4:29 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

VESSELS ENGAGED IN BUSINESS CONNECTED WITH THE CONDUCT OF THE WAR

WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS

Pursuant to the authority vested in me by the order of the Acting Secretary of the Navy, dated October 1, 1942, 7 F.R. 7979, and to simplify the procedure for making effective the waiver of compliance with the navigation and vessels inspection laws made by such order of the Acting Secretary and thus avoid delays in the departure of vessels engaged in business connected with the conduct of the war, bring about a proper balance between military urgency and safety at sea, make the penalties provided by law inoperative with respect to certain vessels which unavoidably sail without having fully complied with such laws, or which for military reasons may be navigated not in compliance therewith, and otherwise further the conduct of the war, I find, in the case of vessels engaged in business connected with the conduct of the war, that the waiver of compliance with the navigation and vessel inspection laws administered by the Coast Guard is necessary in the conduct of the war, to the extent and in the manner and upon the terms and conditions set forth in the succeeding numbered paragraphs:

1. An application requesting that the waiver made by the Acting Secretary of the Navy, dated October 1, 1942, 7 F.R. 7979, be made effective with respect to a particular vessel engaged in business connected with the conduct of the war, may be made by any authorized representative of an agency of the United States Government or any other interested person (including the master, agent, or owner of the vessel involved). Except as provided in paragraph 3, the application shall be in writing. The application shall be delivered to the District Coast Guard Officer or his designated representative at the port where the vessel is located (or, in the case of vessels in foreign ports at which the Coast Guard has established facilities, to the designated representative of the Commandant). Every application shall contain a statement of the particular provisions of law with respect to which waiver of compliance is requested, a certification that the waiver of compliance with such laws with respect to the vessel involved is necessary in the conduct of the war, and an outline of the facts upon which such certification is based. The District Coast Guard Officer (or his designated representative, or the designated representative of the Commandant, as the case may be) shall promptly examine every application for the purpose of determining whether the necessity for prompt action is such as to require that the waiver be made effective by him without reference to Headquarters. In any case in which it appears to the Coast Guard officer concerned that reference of the application to Headquarters for action would not delay the sailing of the vessel or otherwise impede the war effort, the application shall be so referred. In all other cases such Coast Guard officer shall give immediate consideration to the application and if he reaches the conclusion that military urgency outweighs the marine hazard involved, then such waiver shall be effective in regard to such vessel to the extent and under the circumstances specified by him.

2. The Coast Guard officer making such waiver effective pursuant to paragraph 1 shall immediately prepare, in triplicate, an order setting forth the name of the vessel involved, the laws with respect to which the waiver is effective, the extent to which compliance with such laws is waived, and the period for which the waiver shall be effective. If practicable, one copy of this order shall be delivered to the master of the vessel involved before such vessel sails. In cases where the order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the order shall be transmitted to Headquarters and the remaining copy kept on file.

3. In cases of extreme urgency the application for waiver may be made orally, and if the District Coast Guard Officer or such representative reaches the conclusion referred to in paragraph 1, the waiver shall be effective without further delay, subject to a condition subsequent that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the order.

No penalty shall be imposed because of failure to comply with any provision of law the waiver of which has been made effective pursuant hereto.

Nothing contained herein shall be deemed to supersede the Conditional Waiver of Manning Requirements contained in 8 F.R. 4736.

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard, Commandant.

JULY 1, 1943.

[F. R. Doc. 43-10646; Filed, July 2, 1943; 9:19 a. m.]

Chapter IV—War Shipping Administration

[General Order 27, Revised]

PART 301—GENERAL REGULATIONS

SALE, TRANSFER, AND CHARTER OF VESSELS

Pursuant to Executive Orders numbered 8989, 9054, and 9244, and in order to assure maximum utilization of the facilities, services, and equipment of carriers by watercraft for the preferential transportation of materials of war, and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to expedite the movement and provide for the maximum flow of such traffic; and to assure the most effective utilization of the shipping of the United States and to conserve and providently utilize the transportation facilities and services of carriers by watercraft, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

Sec.
301.4 Definitions.
301.5 Sale, transfer and charter of vessels.
301.6 Exemptions.
301.7 Ship Warrants Act and Shipping Act, 1916, not affected.
301.8 Revocation.
301.9 Federal Reports Act of 1942.
301.10 Communications.

AUTHORITY: §§ 301.4 to 301.10, inclusive, issued under E.O. 8989, 9054, 9244; 6 F.R. 6725, 7 F.R. 837, 7327.

§ 301.4 *Definitions.* As used in this order (§§ 301.4–301.10), or in any order, direction, permit, regulation or approval issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Vessel" means any watercraft or other artificial contrivance of whatever description having a gross tonnage of 500 tons or more, or having power of 150 horsepower or more, (1) which is documented as a vessel of the United States, allocated to the United States, or owned or controlled by a citizen of the United States, and (2) which is designed or converted for use, which is used, or which is capable of being used, or is intended to be used as a means of transporting property or persons by water.

§ 301.5 *Sale, transfer, and charter of vessels.* (a) No person shall buy, sell, transfer, or charter any vessel, or enter into any contract or agreement in contemplation of such purchase, sale, transfer, or charter without first securing approval thereof from either the Office of Defense Transportation or the War Shipping Administration, as the case may be, as hereinafter provided.

(b) Application for approval with respect to the following vessels shall be made to the War Shipping Administration in the form set forth in the appendix hereto: (1) vessels owned by or chartered or allocated to the War Shipping Administration, (2) vessels engaged in trade to or from Alaska, Puerto Rico, and the Hawaiian Islands, or vessels the last employment of which was in such trade, and (3) vessels, other than vessels operated exclusively on the Great Lakes, engaged in foreign trade or the last employment of which was in such trade.

(c) Application for approval with respect to all vessels not designated in § 301.5 (b) shall be made to the Office of Defense Transportation in the form hereto annexed.

§ 301.6 *Exemptions.* The provisions of this order shall not apply to (a) the requisition, sale, transfer, charter, or entry into a contract or agreement in contemplation of such requisition, sale, transfer, or charter by or with the Maritime Commission or the War Shipping Administration, or (b) vessels principally used or held for use for pleasure purposes or fishing, (c) vessels operated exclusively on the Great Lakes and which are equipped with a belt conveyor self-unloading device or which have been certified by the Office of Defense Transportation as capable of transporting iron ore, (d) the charter of vessels engaged in domestic trade when such charter is for a single voyage or will expire within 60 days after its execution and which does not contain an option for renewal, or (e) the charter of self-propelled tankers of 1000 gross tons or more operated other than on the Great Lakes and of other vessels described in § 301.5 (b) hereof, when such charter is filed with the War Shipping Administration by an applicant for a warrant pursuant to the Ship Warrants Act (Public Law 173, 77th Congress), the Ship Warrant Rules and Regulations of the War Shipping Administration (War Shipping Administration General Order No. 25; 8 F.R. 279), and any orders, conditions, rules and regulations heretofore or hereafter issued pursuant thereto.

§ 301.7 *Ship Warrants Act and Shipping Act, 1916, not affected.* Nothing in this order shall be construed to conflict with the Act of July 14, 1941 (Public Law 173, 77th Cong.) or any of the provisions of the Shipping Act, 1916, as amended (39 Stat. 728, Chap. 451, approved Sept. 7, 1916), or any rule or regulation issued thereunder.

§ 301.8 *Revocation.* War Shipping Administration General Order No. 27 (7 F.R. 9789) dated November 23, 1942, and War Shipping Administration General Order No. 27, Supplement No. 1 (7 F.R. 10299) dated December 8, 1942, are hereby revoked.

§ 301.9 *Federal Reports Act of 1942.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Specific reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 301.10 *Communications.* Communications concerning this order should be addressed to the Assistant Director in Charge Waterway Transport, Office of Defense Transportation, Washington, D. C., or Executive Assistant, Ship Operations, War Shipping Administration, Washington, D. C.

This order shall become effective July 2, 1943.

Issued at Washington, D. C., this 2d day of July 1943.

E. S. LAND,
Administrator,
War Shipping Administration.
JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

Budget Bureau Approval No. 05-R081
Approval expires Dec. 31, 1943

APPENDIX TO GENERAL ORDER 27, REVISED

APPLICATION FOR APPROVAL OF THE SALE, TRANSFER OR CHARTER OF A VESSEL PURSUANT TO A GENERAL ORDER ISSUED BY THE OFFICE OF DEFENSE TRANSPORTATION AND THE WAR SHIPPING ADMINISTRATION

(To be submitted in triplicate)

Date_____

I. Name of owner_____ Address_____
II. Name of purchaser
charterer_____ Address_____
III. Name of vessel_____ Official No._____
type_____ age_____ flag_____ size (gross)_____ (d. w. t.)_____ in operation_____ where_____ laid up_____ where_____ how long_____ are any preferred mortgages recorded against vessel_____
IV. If vessel to be sold:
(a) State business of purchaser_____
(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests_____
(c) Describe trade in which vessel to be employed by purchaser_____
(d) Sales price_____ Terms_____
V. If vessel to be chartered:
(a) State business of charterer_____
(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests_____
(c) Form of charter____ Duration____
Charter rate_____
(d) Trading limits_____
(e) Commodities to be carried_____
(f) Loading date_____

NOTE: Applicant must submit certified copy of executed charter party with application, if possible. Advance approval may be obtained, however, in case of urgency, of above details submitted by telegram and later confirmed by letter with copy of charter party.

_____
(Signature of applicant)

[F. R. Doc. 43-10657; Filed, July 2, 1943; 11:29 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Commission Order 116]

RATES AND CHARGES FOR GOVERNMENT COMMUNICATIONS BY TELEGRAPH

The Commission having under consideration the matter of rates and charges for Government communication by telegraph:

It is ordered:

1. That the charges for telegraph communications between the several departments of the Government and their officers, relating exclusively to the public business in their transmission over the lines or circuits of any telegraph company subject to the Post Roads Act, approved July 24, 1866, 14 Stat. 221, as amended (U.S.C. Title 47), shall not exceed eighty (80) per centum of the charges applicable to commercial communications of the corresponding classification, of the same length, and between the same points in the United States, which shall be deemed herein to include Alaska, subject to the following:

(a) The minimum charge for Day Messages (telegrams) shall be 25 cents, for Day Letters 45 cents, for Night Messages 20 cents, for Night Letters 30 cents, for Serial messages 54 cents, for serial Longrams 60 cents and for Day Letter/Longrams 45 cents, unless any of these amounts shall be greater than the minimum for a corresponding commercial message in which event the provision set forth in paragraph 4 below shall apply;

(b) A Day Letter shall be charged for as a Day Letter or a Day Message, according to which of these classifications shall produce the lower charge for the particular message;

(c) A Day Letter Longram shall be charged for as a Day Letter Longram or as a Day Message, according to which of these classifications shall produce the lower charge for the particular message;

(d) An overnight message shall be charged for as a Night Message or a Night Letter, according to which of these two classifications shall produce the lower charge for the particular message;

(e) When the first section of a Serial message is not followed by another on the same day, it shall be charged for as a Day Message; when more than one section is filed on the same day, the sections shall be charged for at the Serial rates or such section shall be charged for as a Day Message, according to which of these classifications shall produce the lower total charge;

(f) When the first section of a serial Longram is not followed by another on the same day, it shall be charged for as a Day Letter Longram or as a Day Message, according to which of these two classifications shall produce the lower charge for the particular message; when more than one section of a serial Longram is filed on the same day, the sections shall be charged for at serial Longram rates or at Serial rates, or each section of the serial Longram shall be charged for as a Day Letter/Longram or as a Day Message, according to which

of these four classifications shall produce the lowest total charge; and

(g) The provisions of this paragraph shall apply only to Government messages filed as Day Messages, Day Letters, Day Letter Longrams, Night Messages, Night Letters, Serial messages, and serial Longrams.

2. That the rates and charges for telegraph communication between the several departments of the Government and their officers, relating exclusively to the public business between points in the United States and points in possessions of the United States, between points in different possessions, and between points in the United States including such possessions and points in foreign countries and ships at sea, transmitted by any carrier or carriers subject to the Post Roads Act, or subject to the terms of a permit or license granted by the President of the United States giving the Postmaster General authority to fix rates for Government communications by telegraph (such a carrier being hereinafter called a domestic carrier) shall, between all points embraced within the scope of such Act, permit or license, not exceed fifty (50) per centum of the full ordinary charges applicable to commercial communications of the same length and between the same points, except that charges for Government code messages shall not exceed fifty (50) per centum of the charges for like commercial code messages, subject to the following:

(a) In cases where Government messages are transmitted between any of such points in part over the facilities of any domestic carrier and in part over the facilities of any other carrier, or administration, (hereinafter called a foreign carrier), the charges for Government communications shall not exceed the following:

(1) For Government communications between points in the United States and Mexico or Canada, the amounts derived by applying the percentages stated in the first ordering paragraph herein, to the prevailing commercial charges between the points of origin or destination in the United States and the border, plus the prevailing charges applicable to United States Government messages between points of origin or destination in Mexico or Canada and the border; and

(2) For Government communications between all other points, the amounts derived by applying the percentages specified in this paragraph, to the full portion of the commercial charges accruing to the domestic carriers, plus the charges actually made for United States Government communications by foreign carriers;

(b) The charges for Government ordinary messages between the following named points, shall be:

	Per word
Between Fisherman's Point, Guantanamo Bay, Cuba and Canal Zone	$0.09
Between Limon, San Jose, and Puntarenas, C. R., and Canal Zone	.075
Between Manila and China:	
Shanghai	.10
Hongkong	.0575
Kwangsi, Kwangtung Provinces	.11
Macao	.11
Manchuria (Other than Japanese Offices)	.15
All other places	.15
Between Manila and Japan:	
Formosa	$0.23
All other places, including Caroline Islands, Chosen-Corea, Jaluit (Marshall Islands), Japanese Saghalien, Kwangtung Peninsula (China), Palaos Islands, Pescadores Islands, Saipan (Marianne Islands) and Japanese Office in Manchuria	.235

and the charges for Government code messages between the foregoing points shall be 60 per centum of the charges above specified for Government ordinary messages;

(c) With respect to Government messages to and from ships at sea the percentages specified shall not apply to the coastal station and ship station charges; and

(d) With respect to Government night messages to and from points in Canada or Mexico transmitted by carriers having both night message and night letter classifications in effect to and from such points but having only night letter classifications in effect between points in the United States, such Government night messages shall be regarded as night letters for the purpose of determining the prevailing commercial charges for such messages to and from points in the United States and the border.

3. That if any new service shall be established, a supplementary order may be issued fixing the Government charge for such service.

4. That in no case shall the charge for a Government message exceed the charge for a corresponding commercial message.

5. That in cases where the charge for a Government message, as determined herein, shall include a fraction of a cent, such fraction, if less than one-half, shall be disregarded, if one-half or more, it shall be counted as one cent; except that the charge for Government code messages shall be rounded up to the next higher half cent, if the fraction be less than one-half and to a full cent, if the fraction be more than one-half.

6. That every Government message shall have priority over all other messages of the same classification, and every Government day message, serial message, ordinary message and code message shall also have priority over all other messages regardless of the classification; and every Government message shall, unless otherwise provided herein, be subject to the classifications, practices and regulations applicable to the corresponding commercial communications.

7. That every domestic carrier which is subject to the Communications Act of 1934, shall immediately file with this Commission all schedules of charges applicable to Government communications established pursuant to this order, said schedules to be filed in full compliance with the requirements of section 203 of the Communications Act of 1934, and with Part 61 of the Commission's Rules and Regulations (Title 47—Telecommunication), to be constructed in such manner and form that the full charges for all Government messages from origins to destinations can be exactly and readily ascertained therefrom, and to name effective dates as of July 1, next ensuing: *Provided, however,* That if schedules applicable to Government messages are already on file and in effect and are in accord with the provisions of this order, new and revised schedules need not be filed.

8. That in every case where any schedule containing charges applicable to commercial messages shall be changed, or the charges made by any foreign carrier shall be changed, the schedule containing the charges applicable to Government messages shall be correspondingly changed, effective on the same date.

9. That nothing herein contained shall apply to charges fixed by agreement between any department of the United States Government and the companies performing the service if such agreement be authorized in any statute of the United States.

10. That nothing herein contained shall be construed to give Government messages priority over radio communications or signals which are given a higher priority under section 321 (b) of the Communications Act of 1934, as amended; or under Article 26 of the General Radio Regulations (Cairo Revision, 1938) Annexed to the International Telecommunications Convention (Madrid, 1932); nor shall anything contained herein be construed to give Government messages priority over messages given a higher priority under any order of the Board of War Communications.

This order shall become effective on the first day of July, 1943, and shall continue in effect until June 30, 1944, both dates inclusive, unless subsequently changed by order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-10621; Filed, July 1, 1943; 11:31 a. m.]

[Order 83-D]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

SUSPENSION OF REQUIREMENTS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 29th day of June, 1943;

The Commission having under further consideration the matter of the shortage of radiotelegraph operators possessing six months' previous service as a qualified operator in a station on board a ship or ships of the United States, and having in mind the related provisions of Sections 351 and 353 of the Communications Act of 1934, as amended; and

It appearing that the Commission by Orders Nos. 83, 83-A, 83-B, and 83-C suspended for the periods July 9, 1941 to January 9, 1942, January 9, 1942 to July 9, 1942, July 9, 1942 to January 9, 1943, and January 9, 1943 to June 30, 1943, respectively, the requirements of six months' previous service contained in section 353 (b) of said Act and subparagraphs (c) (3) and (d) (2) of § 13.61 of the rules and regulations; and

It appearing further that a shortage of radiotelegraph operators available for assignment as qualified operators on board cargo ships of the United States, who possess six months' previous service, will continue to exist subsequent to June 30, 1943, and accordingly, further suspension of the foregoing requirement is necessary;

It is ordered, Pursuant to Public Law No. 85, 78th Congress, approved June 22, 1943, that the aforesaid requirements contained in section 353 (b) of the Communications Act of 1934, as amended, and in subparagraphs (c) (3) and (d) (2) of § 13.61 of the rules and regulations be, and the same are hereby, suspended for a further period beginning July 1, 1943 and ending December 31, 1943.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-10678; Filed, July 2, 1943; 11:54 a. m.]

PART 42—PRESERVATION OF RECORDS

TELEGRAMS AND SHIP MESSAGES

The Commission, on June 29, 1943, effective immediately, amended § 42.91 *Records described; applicability; permanent records* as follows:

83. *Telegrams (other than ship messages) and cablegrams.* (a) All classes of original filed telegraph and cable messages transmitted at public tariff rates. This item also covers the original transcript of messages received over telephones for transmission—3 months (but see note).

(b) Tissue or carbon copies, made at destination offices, of messages covered by item (a) above—3 months (but see note).

* * * * *

84. *Ship messages.* (a) All classes of original filed ship messages (meaning messages transmitted by maritime mobile stations), transmitted at public tariff rates; also tissue or carbon copies of such messages made at coast and ship destination stations—15 months (but see note).

The following note was added at the bottom of the pages on which items 83 and 84 appear:

NOTE: Commission Order No. 78-C, effective July 1, 1942, requires retention by each carrier engaged in international or maritime mobile communication, until further order of the Commission, of originals or copies of all messages filed since December 31, 1940, and transmitted by it to, or received by it from, (1) points beyond the continental United States and (2) maritime mobile stations. (Sec. 4 (i), 48 Stat. 1068; 47 U. S. C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-10679; Filed, July 2, 1943; 11:54 a. m.]

PART 43—REPORTS (RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.)

NEGOTIATIONS WITH FOREIGN ADMINISTRATIONS OR COMPANIES

The Commission, on June 29, 1943, effective immediately, adopted the following new section:

§ 43.55 *Negotiations with foreign administrations or companies.* Each carrier engaging or participating in foreign telegraph or telephone communication shall file with the Commission, in duplicate, a statement of all current negotiations, written or oral, with any foreign administration, agency or carrier, for the establishment of a circuit between the United States and any foreign point, and shall file with the Commission, in duplicate, a statement of all negotiations, written or oral, with any foreign administration, agency or carrier, for any new foreign traffic contract, arrangement or understanding or any change or modification in any existing foreign traffic contract, arrangement or understanding, relating to traffic affected by the provisions of the Communications Act of 1934, as amended. A statement as to all pending negotiations not previously filed shall be filed within 30 days after the adoption of this rule, and statement as to negotiations in the future shall be filed currently as the negotiations occur. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-10680; Filed, July 2, 1943; 11:54 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 40]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART K—SALE, TRANSFER, AND CHARTER OF VESSELS

Pursuant to Executive Orders numbered 8989, 9054, and 9244, and in order to assure maximum utilization of the facilities, services, and equipment of carriers by watercraft for the preferential transportation of materials of war, and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to expedite the movement and provide for the maximum flow of such traffic; and to assure the most effective utilization of the shipping of the United States and to conserve and providently utilize the transportation facilities and services of carriers by watercraft, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

Sec.
502.155 Definitions.
502.156 Sale, transfer and charter of vessels.
502.157 Exemptions.
502.158 Ship Warrants Act and Shipping Act, 1916, not affected.
502.159 Revocation.
502.160 Federal Reports Act of 1942.
502.161 Communications.

AUTHORITY: §§ 502.155 to 502.161, inclusive, issued under E.O. 8989, 9054, 9244; 6 F.R. 6725, 7 F.R. 837, 7327.

§ 502.155 *Definitions.* As used in this order (§§ 502.155–502.161), or in any order, direction, permit, regulation or approval issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Vessel" means any watercraft or other artificial contrivance of whatever description having a gross tonnage of 500 tons or more, or having power of 150 horsepower or more, (1) which is documented as a vessel of the United States, allocated to the United States, or owned or controlled by a citizen of the United States, and (2) which is designed or converted for use, which is used, or which is capable of being used, or is intended to be used as a means of transporting property or persons by water.

§ 502.156 *Sale, transfer, and charter of vessels.* (a) No person shall buy, sell, transfer, or charter any vessel, or enter into any contract or agreement in contemplation of such purchase, sale, transfer, or charter without first securing approval thereof from either the Office of Defense Transportation or the War Shipping Administration, as the case may be, as hereinafter provided.

(b) Application for approval with respect to the following vessels shall be made to the War Shipping Administration in the form set forth in the appendix hereto: (1) vessels owned by or chartered or allocated to the War Shipping Administration, (2) vessels engaged in trade to or from Alaska, Puerto Rico, and the Hawaiian Islands, or vessels the last employment of which was in such trade, and (3) vessels, other than vessels operated exclusively on the Great Lakes, engaged in foreign trade or the last employment of which was in such trade.

(c) Application for approval with respect to all vessels not designated in § 502.156 (b) shall be made to the Office of Defense Transportation in the form set forth in the appendix hereto.

§ 502.157 *Exemptions.* The provisions of this order shall not apply to (a) the requisition, sale, transfer, charter, or entry into a contract or agreement in contemplation of such requisition, sale, transfer, or charter by or with the Maritime Commission or the War Shipping Administration, or (b) vessels principally used or held for use for pleasure purposes or fishing, (c) vessels operated exclusively on the Great Lakes and which are equipped with a belt conveyor self-unloading device or which have been certified by the Office of Defense Transportation as capable of transporting iron ore, (d) the charter of vessels engaged in domestic trade when such charter is for a single voyage or will expire within 60 days after its execution and which does not contain an option for renewal, or (e) the charter of self-propelled tankers of 1000 gross tons or more operated other

than on the Great Lakes and of other vessels described in § 502.156 (b) hereof, when such charter is filed with the War Shipping Administration by an applicant for a warrant pursuant to the Ship Warrants Act (Public Law 173, 77th Congress), the Ship Warrant Rules and Regulations of the War Shipping Administration (War Shipping Administration General Order No. 25; 8 F.R. 279), and any orders, conditions, rules and regulations heretofore or hereafter issued pursuant thereto.

§ 502.158 *Ship Warrants Act and Shipping Act, 1916, not affected.* Nothing in this order shall be construed to conflict with the Act of July 14, 1941 (Public Law 173, 77th Congress) or any of the provisions of the Shipping Act, 1916, as amended (39 Stat. 728, Chap. 451, approved Sept. 7, 1916), or any rule or regulation issued thereunder.

§ 502.159 *Revocation.* War Shipping Administration General Order No. 27 (7 F.R. 9789) dated November 23, 1942, and War Shipping Administration General Order No. 27, Supplement No. 1 (7 F.R. 10299) dated December 8, 1942, are hereby revoked.

§ 502.160 *Federal Reports Act of 1942.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Specific reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 502.161 *Communications.* Communications concerning this order should be addressed to the Assistant Director in Charge Waterway Transport, Office of Defense Transportation, Washington, D. C., or Executive Assistant, Ship Operations, War Shipping Administration, Washington, D. C.

This order shall become effective July 2, 1943.

Issued at Washington, D. C., this 2d day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

E. S. LAND,
Administrator, War Shipping Administration.

Budget Bureau Approval No. 05-R081
Approval expires Dec. 31, 1943

APPENDIX TO GENERAL ORDER ODT 40

APPLICATION FOR APPROVAL OF THE SALE, TRANSFER OR CHARTER OF A VESSEL PURSUANT TO A GENERAL ORDER ISSUED BY THE OFFICE OF DEFENSE TRANSPORTATION AND THE WAR SHIPPING ADMINISTRATION

(to be submitted in triplicate)

Date_____

I. Name of owner_____; address_____
II. Name of purchaser charterer_____; address_____
III. Name of vessel_____; official no._____; type_____; age____; flag_____; size (gross)_____(d.w.t.)_____; in operation_____; where_____; laid up_____; where_____; how long_____; are any preferred mortgages recorded against vessel____
IV. If vessel to be sold:
(a) State business of purchaser_____
(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests_____
(c) Describe trade in which vessel to be employed by purchaser_____
(d) Sales price_____ Terms_____
V. If vessel to be chartered:
(a) State business of charterer_____
(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests_____
(c) Form of charter____ Duration____ Charter rate_____
(d) Trading limits_____
(e) Commodities to be carried_____
(f) Loading date_____

NOTE: Applicant must submit certified copy of executed charter party with application, if possible. Advance approval may be obtained, however, in case of urgency, of above details submitted by telegram and later confirmed by letter with copy of charter party.

_____
(Signature of Applicant)

[F. R. Doc. 43-10659; Filed, July 2, 1943; 11:29 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1846, Part II]

DISTRICT BOARD 18

ORDER RESCHEDULING HEARING AND REDESIGNATING TRIAL EXAMINER

In the matter of the petition of District Board No. 18 for the establishment of certain price classifications and minimum prices for coals produced in Subdistrict 1 of District No. 18.

A hearing in the above-entitled matter having been scheduled to commence at a hearing room of the Bituminous Coal Division at Washington, D. C. on April 2, 1943, pursuant to an order of the Director issued on March 9, 1943, and having been subsequently postponed by an order of the Director issued on March 25, 1943, pending further order;

Said order of March 9, 1943, having designated Travis Williams, or any other officer or officers of the Bituminous Coal Division, to preside at the hearing in such matter; and

It appearing that the time and place for the holding of the hearing in this matter should be redesignated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter heretofore scheduled to be held at a hearing room of the Bituminous Coal Division in Washington, D. C. be held on August 7, 1943, at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division at the Franciscan Hotel, Albuquerque, New Mexico.

It is further ordered, That Charles O. Fowler, or any other duly designated officer or officers of the Bituminous Coal Division, shall preside at the said hearing in such matter vice Travis Williams.

It is further ordered, That the notice of and order for hearing herein, dated March 9, 1943, shall in all other respects remain in full force and effect.

Dated: June 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10653; Filed, July 2, 1943; 11:03 a. m.]

[Docket No. A-1989, Part II]

DISTRICT BOARD 13

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for Mine Index Nos. 38, 1526, 1527, 1641, 1760, 1766, 1776 and 1780.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 3, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 20, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may

be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 13 requesting the establishment of minimum prices of $4.15, $4.15, $3.90, $3.65, $3.45, $3.45, $3.35, $3.40, $3.30, $3.20, $3.05, $2.95, $2.95, $2.55, $3.20, $3.20, and $3.20 per ton for coals in Size Groups 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 17, 22, 18, 23, 24, 25, and 26, respectively, produced by Radiant Strip Mine, Mine Index No. 1780, of McWilliams Dredging Company for shipments by truck.

The petition also requests the establishment for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing of:

Minimum prices of $2.65 per ton for coals in Size Groups 13, 19, and 20 produced by Powhatan No. 2 Mine, Mine Index No. 1760 and Powhatan No. 6 Mine, Mine Index No. 1766, of Franklin Coal Mining Company for shipments by rail to Market Area 147, and minimum prices ten cents per ton less, respectively, than the minimum applicable to coals in these size groups produced by Powhatan Mine, Mine Index No. 53 of Franklin Coal Mining Company for rail shipments to all other market areas.

Minimum prices for Size Group 18 coals produced by Sayreton Mine, Mine Index No. 38 and Sayre Mine, Mine Index No. 1527 of the Republic Steeel Corporation, for rail shipments to all market areas the same as are applicable to the coals produced by Praco Mine, Mine Index No. 54 of Alabama By-Products Corporation, in the same size group for such shipments to the respective market areas.

Minimum prices for Size Group 18 coals produced by Virginia Mine, Mine Index No. 1526 of Republic Steel Corporation for rail shipments to all market areas the same as are applicable to coals in the same size group produced by Blossburg E Mine, Mine Index No. 71 of Brookside-Pratt Mining Company for such shipments to the respective market areas.

Minimum prices of $4.05, $4.05, $3.95, $3.65, $3.20, $3.20, $3.00, $2.90, $3.05, $2.90, $2.80 and $3.30 per ton for coals in Size Groups 1, 2, 4, 6, 10, 13, 17, 18, 19, 22, 23, and 26, respectively, for coals produced by Radiant Strip Mine, Mine Index No. 1780 of McWilliams Dredging Company, for shipments by rail to Market Area 147 and for shipments by rail to all other market areas, as follows: For Size Groups 1, 2, 4, 6, 10, 13, 17, 18, 19, and 26, the same minimum prices as are applicable to the coals in the same size groups produced by Radiant Mine, Mine Index No. 15, of Nauvoo Black Creek Coal Company and for Size Groups 22 and 23, minimum prices ten cents per ton less than minimum prices applicable to Size Groups 17 and 18 coals produced by Mine Index No. 15.

Minimum prices for coals in Size Groups 6 and 18, respectively, produced by Holcomb Hill No. 4 Mine, Mine Index No. 1641 of Dickinson & McGuire (Leon Dickinson) for rail shipments to all market areas, the same as are applicable to coals produced by Mine Index No. 18 (Brilliant Mine of Brilliant Coal Company) in the same size groups, for such shipments to the respective market areas.

Minimum prices of $3.35, $3.35, $3.25, $2.80, $2.70, $2.65, $2.55, $2.55, $2.55, $2.35, $2.35, $2.25, $2.20, $1.85, and $2.80 per ton for coals in Size Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, respectively, produced by Abeel No. 2 Mine of Grant & Mayes (Joe Grant) for shipments by rail to Market Area 113 and for shipments by rail to all other market areas, minimum prices ten cents per ton less than the minimum prices applicable to coals for shipment to the respective market areas in the same size groups respectively, produced by mines in Price Group No. 1.

Dated: June 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10654; Filed, July 2, 1943; 11:03 a. m.]

Bureau of Reclamation.

BOISE PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

The SECRETARY OF THE INTERIOR.

Sir: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), and that Departmental Order of April 8, 1935, establishing Idaho Grazing District No. 1, be modified and made subject to the withdrawal effected by this order.

BOISE PROJECT

BOISE MERIDIAN, IDAHO

T. 5 N., R. 2 W.,
Sec. 18, lot 1, NE¼NW¼.
T. 5 N., R. 3 W.,
Sec. 4, lot 1, SE¼NE¼;
Sec. 8, SW¼SE¼;
Sec. 17, NW¼SW¼;
Sec. 27, NE¼NE¼.
T. 6 N., R. 3 W.,
Sec. 6, lot 4;
Sec. 15, lots 1, 2, S½NW¼, N½SW¼;
Sec. 19, NE¼SE¼, S½SE¼;
Sec. 26, SW¼SW¼;
Sec. 27, NW¼SE¼;
Sec. 28, SW¼NE¼, NE¼NW¼, W½SE¼;
Sec. 29, S½S½;
Sec. 30, N½NE¼;
Sec. 31, S½SE¼;
Sec. 34, W½NE¼, E½NW¼.
T. 5 N., R. 4 W.,
Sec. 1, lots 3, 4, SW¼NW¼, NW¼SW¼.
T. 6 N., R. 4 W.,
Sec. 1, lot 1, SE¼NE¼;
Sec. 11, N½, N½SW¼;
Sec. 12, E½NW¼;
Sec. 13, N½SW¼;
Sec. 23, NE¼NE¼, SE¼SW¼;
Sec. 25, N½SE¼.
T. 7 N., R. 4 W.,
Sec. 27, NW¼SW¼.
T. 6 N., R. 5 W.,
Sec. 35, SW¼NE¼, SE¼NW¼.
T. 7 N., R. 5 W.,
Sec. 22, SE¼SW¼, S½SE¼;
Sec. 23, NW¼NW¼;
Sec. 26, N½NE¼, SW¼NE¼;
Sec. 27, SE¼SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur June 7, 1943.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur June 16, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JUNE 23, 1943.

[F. R. Doc. 43-10647; Filed, July 2, 1943; 10:17 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 767]

ALLOCATION OF FUNDS FOR LOANS

JUNE 24, 1943.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	*Amount*
Minnesota 3063F1 Scott	$61,000
Missouri 3023B2 Lewis	25,000
Missouri 3026C2 Ralls	15,000
North Carolina 3-2032B3 Person	10,000
Virginia 3011G6 Rockingham	28,000
Washington 3031A3 Chelan*	8,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-10673; Filed, July 2, 1943; 11:41 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 832]

DELTA AIR CORPORATION

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and services connected therewith of Delta Air Corporation over Routes Nos. 24 and 54.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to

be held on July 5, 1943, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated July 1, 1943, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 43-10645; Filed, July 2, 1943; 10:07 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

NEBRASKA CONTINENTAL TELEPHONE CO., ET AL.

ORDER FOR FILING PLAN AND NOTICE OF HEARING

In the matter of telephone plant continuing property records.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June, 1943;

The Commission having under consideration a petition filed on May 13, 1943, by the Nebraska Continental Telephone Company, and a petition filed on May 16, 1943, by The Home Telephone and Telegraph Company, requesting exemption from the requirements of § 31.2-26 of the Commission's Rules and Regulations with respect to telephone plant continuing property records, or, if the Commission does not see fit thus to exempt the petitioners, that the Commission extend, for a reasonable time after the end of the war, the dates for filing the required plans and for completion of the required records; and

The Commission having also under consideration a petition filed on June 14, 1943, by the United States Independent Telephone Association making a similar request on behalf of the Class A and Class B "Independent" Telephone Companies generally; and

It appearing, that the Class A and Class B telephone carriers subject to the Communications Act of 1934, as amended, were required by the Uniform System of Accounts applicable to them to begin the preparation of continuing property records not later than January 1, 1937:

It is ordered, That Class A and Class B "Independent" Telephone Companies on whose behalf the above petitions have been filed except any such Company which has been found by the Commission, after public hearings, to be directly or indirectly controlling or controlled by, or under direct or indirect common control with, a Bell System Telephone Company, be, and they are hereby, allowed until January 1, 1944, in which to file a plan, or a concurrence, as required by paragraphs (b) and (c) of § 31.2-26 of the Commission's rules and regulations;

It is further ordered, That a conference shall be promptly held, at a date to be hereafter fixed, for the purpose of considering means of facilitating and expediting compliance by the carriers on whose behalf such petitions were filed with the requirements of § 31.2-26 of the Commission's rules and regulations.

By the Commmission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-10681; Filed, July 2, 1943; 11:54 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

STATEMENT OF POLICY WITH RESPECT TO THE ADDITION OF NUTRITIVE INGREDIENTS TO FOODS

The labeling or advertising of a food as enriched with vitamins and minerals is an implied promise to consumers that it contains, in addition to the normal constituents of the unenriched food, sufficient vitamins and minerals to make a substantial contribution to the nutritional welfare of persons eating the enriched food in customary amounts. In order to promote honesty and fair dealing by fulfilling this implied promise, it is necessary that the kinds and quantities of enriching ingredients be determined in the light of deficiencies of the various nutritional factors in the diets of the population in general and of significant population groups, the place occupied by the food in such diets, and the suitability and effectiveness of the food as a carrier of the enriching ingredients without undue separation or loss before consumption.

Honesty and fair dealing will best be promoted if such enriched foods as are made available to consumers serve to correct such deficiencies and furnish a reasonable margin of safety. Enrichment above the levels required to accomplish this end is wasteful and contrary to the interest of most consumers; nutrient factors in concentrated form are available for use in those special cases of deficiencies in the diets of persons who do not constitute significant population groups. Enrichment of foods with nutrients that are supplied in adequate quantities by the diets of all significant population groups is not only wasteful but tends to confuse consumers as to their nutritional needs.

Knowledge of the roles in human nutrition of various components of food, particularly the vitamins, is incomplete. There is reason to believe that as new information is developed food factors not now recognized as essential may be shown to be necessary to adequate nutrition.

Most natural foods contain a wide variety of needed factors in significant amounts. It is highly probable that a diet of unenriched foods so chosen as to contain the required quantities of the presently known needed vitamins and other factors would more nearly supply all needed factors, known and unknown, than a diet which is raised by enrichment to adequacy in the vitamins and minerals now known to be needed.

Even though adequate nutrition could be better assured through the choice of natural foods than through reliance on enrichment, unenriched foods of the kinds and in the quantities necessary for adequate nutrition are not now available to substantial parts of the population and are not likely to be available soon; nor are most consumers sufficiently educated on nutritional questions to enable them to make an intelligent choice of combinations of unenriched foods on the basis of nutritional values.

Because of the lack of adequate production of a number of foods high in certain nutrients and the lack of consumer knowledge of nutrition, appropriate enrichment of a few foods widely consumed by the population in general or by significant population groups will contribute substantially to the nutritional welfare of consumers and to meeting their expectations of benefit. Enrichment of those foods which are not a substantial part of the dietary of any significant group tends to confuse and mislead consumers through giving rise to conflicting claims of nutritional values and by creating an exaggerated impression of the benefits to be derived from the consumption of such foods.

If the customary process of manufacturing a staple food refines it so as to remove significant quantities of nutritive factors present in the natural product from which the food is made, and if the refined food is a suitable and efficient carrier of the factors so removed, some nutritionists advocate the restoration of such factors to the levels of the natural product as the most desirable basis of enrichment. To the extent that restoration serves to correct deficiencies of such factors, it is consistent with the promotion of honesty and fair dealing that refined foods be enriched on a restoration basis. However, when the evidence shows that the restoration levels are too low to correct deficiencies, or that deficiencies exist in other factors for which the refined food is an efficient carrier, the promotion of honesty and fair dealing may require the inclusion of corrective quantities of nutritive factors in the enriched food even though such factors are present in smaller quantities or wholly lacking in the natural product from which the food is made. Similar considerations may require the enrichment of unrefined foods.

[SEAL] WATSON B. MILLER, *Acting Administrator.*

JULY 1, 1943.

[F. R. Doc. 43-10655; Filed, July 2, 1943; 11:13 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 23 Under Service Order 123]

MISSOURI PACIFIC RAILROAD COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or connection, but not both, to reice once in transit after the first or initial icing ART 73004, ART 17068 or ART 17078, containing potatoes from Benton Wholesale Grocery Co., Benton, Arkansas, consigned Balsano Fruit & Produce Co., St. Louis, Missouri; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or connection, but not both, to reice once in transit after the first or initial icing WRX 9600 from Gerry Horton, Famoso, California, consigned Balsano Fruit & Produce Co., St. Louis, Missouri; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or connection, but not both, to reice once in transit after the first or initial icing NRC 16015 from Jones Brothers, Spiro, Oklahoma, consigned to G. A. Marsh, St. Louis, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of June 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-10665; Filed, July 2, 1943; 11:35 a. m.]

[Special Permit 24 Under Service Order 123]

LOUISVILLE AND NASHVILLE RAILROAD CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first odering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Louisville and Nashville Railroad Company to reice once in transit after the first or initial icing ART 16552, NRC 17035, MDT 18362, and MDT 19548 or 18548 containing potatoes from Arkansas and Oklahoma origins shipped by T. O. Cole, Fort Smith, Arkansas, and consigned The Castellini Co., Cincinnati, Ohio.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 28th day of June 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-10666; Filed, July 2, 1943; 11:35 a. m.]

[Special Permit 25 Under Service Order 123]

PERE MARQUETTE RAILWAY COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Pere Marquette Railway Company to reice once after the first or initial icing MDT 19571 containing potatoes from Cedars, Oklahoma, shipped by T. O. Cole, Fort Smith, Arkansas, and consigned J. A. Besteman or S. B. Davis, Grand Rapids, Michigan.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 29th day of June 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-10667; Filed, July 2, 1943; 11:35 a. m.]

[Special Permit 1 Under Service Order 126]

COMMON CARRIERS BY RAILROAD

INITIAL ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

Common carriers by railroad to initially ice or permit to be initially iced a refrigerator car or cars loaded with potatoes originating in Virginia and consigned to installations of the Armed Forces of the Federal Government located at points in the States of Alabama, Florida, Georgia, or South Carolina, but not in excess of 5,000 pounds of ice per car: *Provided, however*, That where a refrigerator car is equipped for half-stage icing, such ice, but not to exceed 5,000 pounds per car shall be placed in the upper half of the bunkers with grates set for half-stage icing.

This permit shall not be construed to allow any reicing.

Not more than eight (8) refrigerator cars shall be loaded for shipment under this permit in any one day.

Waybills shall show reference to this special permit.

Unless sooner cancelled, changed, or extended, this permit shall expire at 12:01 A. M. August 1, 1943.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 1st day of July 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-10661; Filed, July 2, 1943; 11:35 a. m.]

[Special Permit 4 Under Service Order 133]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO. AND MISSOURI PACIFIC RAILROAD CO.

REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Chicago, Burlington & Quincy Railroad Company to initially ice or reice with both bunker and top or body ice PFE 75225, loaded with vegetables in mixed lots, destined Woodlawn, Nebraska; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to initially ice or reice with both bunker and top or body ice PFE 40969, loaded with vegetables in mixed lots, destined Great Bend, Kansas, originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 28th day of June 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-10662; Filed, July 2, 1943; 11:35 a. m.]

[Special Permit 5 Under Service Order 133]

UNION PACIFIC RAILROAD CO. AND CHICAGO, BURLINGTON AND QUINCY RAILROAD CO.

REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Union Pacific Railroad Company to initially ice or reice with both bunker and top or body ice PFE 98590, loaded with vegetables in mixed lots, destined Fort Riley, Kansas; also for the Chicago, Burlington & Quincy Railroad Company, or connection, to initially ice or reice with both bunker and top or body ice PFE 42475, loaded with vegetables in mixed lots, destined Sergeant Bluff, Iowa; also for the Chicago, Burlington & Quincy Railroad Company to initially ice or reice with both bunker and top or body ice MDT 3470, loaded with vegetables in mixed lots, destined Sioux Falls, South Dakota, originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 29th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10663; Filed, July 2, 1943; 11:35 a. m.]

[Special Permit 6 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF GREEN CORN IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

Common carriers by railroad to ice and reice, with both bunker and top or body ice, green corn in straight shipments loaded in standard refrigerator cars RS type (without collapsible bunkers).

The bills of lading and waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 1st day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10664; Filed, July 2, 1943; 11:36 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-33]

TAMIAMI TRAIL TOURS, INC. AND FOGARTY BROTHERS TRANSFER, INC.

COORDINATED OPERATIONS BETWEEN POINTS IN FLORIDA

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of shipments between points in Florida, filed with the Office of Defense Transportation by Tamiami Trail Tours, Inc., and Fogarty Brothers Transfer, Inc., both of Tampa, Florida, designated herein as Tamiami and Fogarty, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Tamiami shall suspend local service to all points between Tampa and Sarasota, including Sarasota, Florida, on its route over U. S. Highway 41, and divert to Fogarty all shipments moving to such points through Tampa or Sarasota.

2. Fogarty shall:

(a) Accept and transport to destination all shipments diverted to it by Tamiami pursuant to paragraph 1 hereof;

(b) Perform warehousing and collection service in respect of shipments tendered to it on bills of lading of Tamiami in the Bradenton-Sarasota area and destined to points south or east of Sarasota; and

(c) Perform delivery service in Bradenton and Sarasota in respect of shipments destined to those points and originating on the lines of Tamiami south of Sarasota.

3. The carrier to which a shipment has been diverted shall transport such shipment pursuant to the lawfully applicable rates, charges, rules and regulations of the diverting carrier.

4. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

5. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

7. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

8. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

9. Communications concerning this order should refer to "Supplementary Order 3, Revised-33", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

10. This order shall become effective July 16, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-10658; Filed, July 2, 1943; 11:36 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional Office Orders.

[Region VII Order G-1]

EGGS SOLD TO THE ARMED FORCES IN DENVER, COLORADO

Order No. G-1, under § 1499.18 (c) as amended, of the General Maximum Price Regulation (formerly Order No. 1).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for eggs sold to the armed forces on bids requested by the Quartermasters Market Center of the Department of War at the Denargo Market, Denver, Colorado.* The maximum prices for eggs sold and delivered to the armed forces on bids requested by the Quartermasters Market Center of the Department of War at the Denargo Market in Denver, Colorado, shall be from and after the effective date of this order, as follows:

(a) Eggs that grade Export 2 or Export 3, 44½¢ per dozen, f. o. b. Denver, Colorado, packed in cases according to specifications stated in bid.

(b) Eggs that grade Export 4, 44¢ per dozen, f. o. b. Denver, Colorado, packed in cases according to specifications stated in bid.

(2) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time; and it shall, without affirmative action of any sort whatsoever, cease and terminate immediately upon the effective date of any Maximum Price Regulation hereafter issued by the Office of Price Administration governing sales of eggs to the Armed Forces in the Colorado Area.

(3) This order becomes effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-10633; Filed, July 1, 1943; 3:40 p. m.]

[Region VII Order G-2]

FLUID MILK IN ROSWELL-ARTESIA AREA, NEW MEXICO

Order No. G-2 (formerly Order No. 2) under § 1499.18 (c) as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk in bottles or paper containers sold at wholesale and retail in the Roswell-Artesia area of the State of New Mexico.* The maximum prices for fluid milk in bottles or paper containers sold at wholesale and retail in the Roswell-Artesia area of the State of New Mexico shall be, from and after the effective date of this order, as follows:

(a) Commodity in bottles or paper containers:

Grade	Wholesale price	Retail price
	Cents	*Cents*
1 quart fluid milk approved	12	14
1 pint fluid milk approved	7	9
1 gallon fluid milk approved	42	49

(2) The customary differential of 1 cent per quart reduction in price on sales of 4 quarts or more at retail is hereby abolished and discontinued.

(3) *Definitions.* The Roswell-Artesia area means all that portion of the Pecos River Valley lying south of a line drawn east and west through a point three miles north of the corporation limits of Roswell, New Mexico, and north of a line drawn east and west through a point three miles south of the corporate limits of Artesia, New Mexico.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-10634; Filed, July 1, 1943; 3:40 p. m.]

[Region VII Order G-2, Amdt. 1]

FLUID MILK IN ROSWELL-ARTESIA AREA, NEW MEXICO

Amendment No. 1 to Order No. G-2 under § 1499.18 (c) as amended, of the General Maximum Price Regulation (formerly Order No. 2).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

Paragraph (3) of said Order No. G-2 is hereby amended to read as follows:

(3) *Definition.* The "Roswell-Artesia area" means all of the respective area lying within the geographical boundaries of the Counties of Eddy and Chavez in the State of New Mexico.

This amendment becomes effective at 12:01 o'clock a. m. on January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-10635; Filed, July 1, 1943; 3:40 p. m.]

[Region VII Order G-3]

FLUID MILK IN CERTAIN AREAS IN WYOMING

Order No. G-3 (formerly Order No. 3) under § 1499.18 (c) as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(1) The maximum prices of fluid milk sold and delivered at wholesale and retail in bottles or paper containers, in Platte and Goshen Counties of the State of Wyoming, shall be, from and after the effective date of this order, as follows:

Fluid milk	Wholesale	Retail
	Cents	*Cents*
½ pint	3½	5
Pint	6	7
Quart	10	12
½ gallon	20	22
Gallon	38	42

(2) Any person making a first sale of milk to any consumer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

Maximum prices established for fluid milk in Platte and Goshen Counties, Wyoming, by Order No. 3 issued by the Regional Administrator and effective December 5, 1942.

Fluid milk	Wholesale	Retail
	Cents	*Cents*
½ pint	3½	5
Pint	6	7
Quart	10	12
½ gallon	20	22
Gallon	38	42

(3) All sellers and distributors of milk who purchase their supplies or any part thereof direct from the producer shall file with the State Office of the Office of Price Administration at Cheyenne, Wyoming, on or before the 20th day of each month, beginning with January, 1942, a statement showing the prices actually paid by such seller or distributor to the producers of milk from whom he purchased any quantity during the preceding month.

(4) All differentials and quantity discounts heretofore established and maintained by any seller, either at wholesale or retail, are hereby abolished: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(5) *Definitions.* For the purpose of this order:

(i) "Milk" means cow's milk produced, processed or unprocessed, distributed and sold in bottles or paper containers for consumption in fluid form as whole milk.

(ii) "Platte and Goshen Counties of the State of Wyoming" mean all the respective areas lying within the geographical boundaries of those counties.

(6) This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(7) This order becomes effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 5th day of December 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-10636; Filed, July 1, 1943; 3:40 p. m.]

[Region VII Order G-3, Amdt. 1]

FLUID MILK IN CERTAIN AREAS IN WYOMING

Amendment No. 1 to Order No. G-3 (formerly Order No. 3) under § 1499.18 (c) as amended of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and

under the authority vested in the Regional Administrator by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(1) Paragraph (3) of Order G–3 is hereby amended to read as follows:

(3) All sellers and distributors of milk who purchase their supplies or any part thereof direct from the producer shall file with the State Office of the Office of Price Administration at Cheyenne, Wyoming, on or before the 20th day of each month, beginning with January, 1943, a statement showing the prices actually paid by such seller or distributor to the producers of milk from whom he purchased any quantity during the preceding month.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued and effective this 17th day of December 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–10637; Filed, July 1, 1943; 3:40 p. m.]

WAR FOOD ADMINISTRATION.

DESIGNATION OF PERSONS TO HOLD HEARINGS, TO SIGN AND ISSUE SUBPENAS, AND TO ADMINISTER OATHS OR AFFIRMATIONS

Pursuant to the power vested in the War Food Administrator (Executive Orders 9280, 9322, and 9334; 7 F.R. 10179, 8 F.R. 3807, 5423), the names of James M. Carl, John J. Murray, Charles F. Neylan, Richard F. Roche, George R. Springborg, and F. W. Woodley, in addition to the names of persons added by a document issued under authority of the War Food Administrator on May 21, 1943 (8 F.R. 6741), are hereby added to the list of persons appearing in paragraph (A) of the "Designation of Persons to Hold Hearings, to Sign and Issue Subpenas, and to Administer Oaths or Affirmations", issued by the Secretary of Agriculture of the United States on March 13, 1943 (8 F.R. 3222), and each of the persons so listed in paragraph (A) thereof is authorized to perform any of the acts and exercise any of the powers specified in such designation.

Done at Washington, D. C., this 1st day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–10674; Filed, July 2, 1943; 11:40 a. m.]

Reference

JUL 7 '43

FEDERAL REGISTER

VOLUME 8 NUMBER 132

Washington, Tuesday, July 6, 1943

The President

EXECUTIVE ORDER 9358

PROVIDING FOR THE FUNCTIONS OF THE BOARD OF LEGAL EXAMINERS

By virtue of and pursuant to the authority vested in me by the Constitution, by section 1753 of the Revised Statutes, and by the Civil Service Act of January 16, 1883, it is hereby ordered as follows:

Pending action by the Congress with respect to the continuance of the Board of Legal Examiners created in the Civil Service Commission by Executive Order No. 8743 of April 23, 1941[1] and until further order, the administration of the civil service laws in their application to attorney positions in the classified civil service and to the incumbents of such positions shall vest in the Civil Service Commission. The Commission shall have authority to determine the regulations and procedures governing the recruitment and examination of applicants for attorney positions and the selection, appointment, promotion, and transfer of attorneys in the classified civil service and shall have discretion to give effect to such of the provisions of sections 3 (c) and 3 (e)-3 (h), inclusive, of Executive Order No. 8743 as amended by Executive Order No. 9230 of August 20, 1942,[2] as it deems appropriate. Subject to the provisions of this order, Executive Order No. 8743 as amended shall remain in effect.

This order shall become effective on July 1, 1943.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 1, 1943.

[F. R. Doc. 43-10698; Filed, July 2, 1943; 4:28 p. m.]

EXECUTIVE ORDER 9359

SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 2 of the War Department Civil Appropriation Act, 1944 (Public Law 64, 78th Congress), section 7 of the Military Appropriation Act, 1944, and section 108 of the Naval Appropriation Act, 1944, relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the respective effective dates of said acts, compliance with the provisions of the said sections during the continuance of any of the wars in which the United States is now engaged.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 1, 1943.

[F. R. Doc. 43-10697; Filed, July 2, 1943; 4:27 p. m.]

[1] 6 F.R. 2117.
[2] 7 F.R. 6665.

Regulations

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 402—1940 WHEAT CROP INSURANCE REGULATIONS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended, the 1940 Wheat Crop Insurance Regulations are amended as follows:

Section 402.64 of the 1940 Wheat Crop Insurance Regulations is amended by deleting the semicolon at the end of paragraph (a) thereof, inserting a comma, and adding the following provision:

unless the Corporation determines that all or part of such threshed wheat was unmerchantable, in which case the amount to be included in the total production representing the unmerchantable wheat may be determined by appraisal;

(Secs. 506 (e), 516 (b); 52 Stat. 73, 77, 7 U.S.C. 1940 ed., 1506 (e), 1516 (b); E.O. 9322, E.O. 9334)

(Continued on p. 9177)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDERS: Page

Board of Legal Examiners, transfer to Civil Service Commission ---------- 9175

Employment in Canal Zone, suspension of certain statutory provisions---------- 9175

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:

Reports of royalties due and payable under vested interests in works subject to copyright---------- 9178

Vesting orders:

Alessandrini, Agostino------ 9245
Bier, Siegfried Max--------- 9252
Brand, Augusta von Hagen-- 9245
Buhlmann, A. W., Inc------- 9245
Candido, Samuel------------ 9253
Chamois, Paul--------------- 9246
DeMatteo, Joseph A., vs. John Garbo, et al---------- 9246
De Paolo, Angelo----------- 9251
Dierich, Franz------------- 9246
Fabrisch, Charles---------- 9247
Fassnacht, George M-------- 9247
Fischer, George and Hans--- 9243
Forster, Helen------------- 9253
Gambini, D----------------- 9254
Gausebeck, Beatrice-------- 9243
Gigliotti, Vincenzo-------- 9247
Gold, Rose----------------- 9248
Guth, Philipp-------------- 9248
Haensroth, Edward---------- 9249
Heidmann, Henry C. A------ 9244
Herr, Lena C--------------- 9253
Horneff, Auugst------------ 9249
Kasai, Tadaichi------------ 9249
Krause, Auguste------------ 9250
Lang, Louise--------------- 9254
Linz, Albert--------------- 9254
Manci, Henry--------------- 9250
Mantovani, Ernesto--------- 9250
Moritz, Mathilde----------- 9251
Okura & Co. (Trading) Ltd-- 9243
Pacific Bank--------------- 9244
Pinchetti, Carlo----------- 9251
Plack, Eric---------------- 9243
Reinhardt, Gottlob--------- 9252
Stocke, Henry Louis-------- 9255
Sumitomo Bank of Hawaii--- 9244
Zanier, John--------------- 9256

(Continued on p. 9176)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
BITUMINOUS COAL DIVISION:	
District 3, relief from filing monthly tonnage reports	9182
Hearings, etc.:	
Beccaria Coal Mining Co	9238
Cable, John J	9239
Coe, Campbell, Coal Co	9237
Corley, W. D., Jr	9240
District Board 2 (2 documents)	9235, 9238
District Board 16	9239
District Board 23 (2 documents)	9236, 9240
England, A. H	9235
Golden Cycle Corp., Pikes Peak Fuel Division	9237
Greenman, Geo. H., Coal Co., et al	9239
Griffith-Consumers Co	9241
Morrisdale Coal Co	9235
Superior Coal Co	9240
York & Park	9241
CIVIL AERONAUTICS BOARD:	
Air traffic rules, revisions preparatory to reprinting	9181
Scheduled air carrier rules, altitude recording device	9181
FEDERAL COMMUNICATIONS COMMISSION:	
Fixed public and fixed public press services, modifications of licenses	9241
FEDERAL CROP INSURANCE CORPORATION:	
Wheat crop insurance regulations, 1940, amendment	9175
FEDERAL POWER COMMISSION:	
Hearings, etc.:	
Hope Natural Gas Co	9242
Ohio Fuel Gas Co. v. Panhandle Eastern Pipe Co	9242
FISH AND WILDLIFE SERVICE:	
Alaska commercial fisheries, salmon traps	9233
FISHERIES COORDINATOR:	
Pilchard, coordinated production plan	9233
INTERSTATE COMMERCE COMMISSION:	
Freight traffic, rerouting in flood conditions	9231
Green peas, icing in transit by common carriers by railroad	9243
Potatoes:	
Holding of cars for diversion, reconsignment, or orders	9231
Movement from Maine	9230
Reicing:	
Arizona and California	9230
Chicago, Milwaukee, St. Paul and Pacific Railroad Co	9243
MINES BUREAU:	
General purchaser's license, sodium nitrate and ammonium nitrate for use as fertilizer	9183
OFFICE OF DEFENSE TRANSPORTATION:	
Georgia Highway Express, Inc., and Dixie Ohio Express Co., coordinated operations in Georgia	9256
Motor equipment conservation, taxicabs and taxi service (Gen. Order ODT 20A)	9231
Salem Navigation Co. and Reimann Truck Service, joint freight service in Washington and Oregon	9258
Schlairet, E. A., Transfer Co. and Haeckl's Express, Inc.; coordinated operations in Ohio	9257
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Bigelow-Sanford Carpet Co., Inc	9229
Gulf Coast Towing Co., Inc	9203
Jordan's Truck Line	9217
Lynn Stewart Co	9218
N. D. Q. Specialty Corp	9217
Virgin Island Co	9218
Corebinder (Rev. SR 1, Am. 18)	9218
Dairy products (MPR 289, Am. 18)	9229
Food and food products:	
Processed, rationing:	
(RO 13, Am. 43)	9216
(RO 13, Am. 44)	9216
(RO 13, Rev. Supp. 1, Am. 11)	9203
Seasonal and miscellaneous food commodities (MPR 262, Am. 7)	9201
Fruit preserves, jams, and jellies (MPR 226, Am. 7)	9201
Fuel oil rationing (RO 11, Am. 69)	9219
Gasoline rationing:	
(RO 5C, Am. 60)	9202
(RO 5C, Am. 63)	9219
Honey, extracted (MPR 275, Am. 5)	9218
Meat, fats, fish and cheeses; rationing:	
(RO 16, Am. 44)	9217
(RO 16, Am. 45)	9217
(RO 16, Supp. 1, Am. 10)	9203
Military field equipment (Rev. SR 1, Am. 20)	9219
OFFICE OF PRICE ADMINISTRATION—Continued.	
Regional, district, and state office orders:	
Fluid milk, special sales in Massachusetts	9259
Hardwood - cordwood and firewood, Massachusetts (2 documents)	9259, 9261
Rubber drug sundries:	
Manufacturers' prices (MPR 300, incl. Am. 9)	9203
Retail and wholesale prices (MPR 301, incl. Am. 7)	9212
Stoves, domestic cooking and heating (RPS 64, Am. 8)	9218
Tires, tubes, recapping, and camelback; rationing (RO 1A, Am. 37)	9218
RAILROAD RETIREMENT BOARD:	
Municipal Docks Railway, Jacksonville, order reopening initial determination	9261
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Associated Gas and Electric Corp	9268
Braddock Light & Power Co., Inc	9261
Central Power and Light Co., et al	9269
Clarke, Stanley, et al	9262
Consolidated Natural Gas Co	9267
Consumers Gas Co	9267
Electric Bond and Share Co	9266
International Utilities Corp	9270
Jacksonville Gas Corp	9268
New England Public Service Co	9269
North American Light & Power Co. Holding-Company System, and North American Co	9261
Northern States Power Co. (Del.) and Northern States Power Co. (Minn.)	9267
Scranton-Spring Brook Water Service Co	9262
West Texas Utilities Co. and Middle West Corp	9268
SELECTIVE SERVICE SYSTEM:	
East Lansing project, Mich., establishment for conscientious objectors	9270
Waiver of physical examination by local board examining physician	9184
STATE DEPARTMENT:	
Blocked nationals, proclaimed list	9181
TREASURY DEPARTMENT:	
Employers Mutual Casualty Co., certificate of authority	9183
Values of foreign moneys, 1943	9182
WAR DEPARTMENT:	
Army exchanges, taxicab and bus operations	9179
Prescribed service uniform, officers' overcoats	9179
Safeguarding technical information, responsibility of Government contractors	9178
Women's Army Auxiliary Corps, regulations	9179
WAR FOOD ADMINISTRATION:	
Battle Creek, Mich., sales area, suspension of milk license	9270
Figs (FDO 62)	9177

(Continued on next page)

CONTENTS—Continued

	Page
WAR FOOD ADMINISTRATION—Con.	
Houston Cattle Co., suspension order	9177
Sperm oil (FDO 37-1, Corr.)	9177
Spices (FDO 19-2, Corr.)	9177
WAR MANPOWER COMMISSION:	
Policies for employment stabilization programs which include the exercise of hiring controls in areas of manpower shortage	9182
WAR PRODUCTION BOARD:	
Aniline (M-184)	9192
Apparel, men's work clothing (L-181)	9186
Cotton textiles for (M-207, Sch. I)	9187
Chrome steel, corrosion and heat resistant (M-21-d)	9190
Controlled materials plan (CMP Reg. 1, Am. 1)	9189
BEW and Lend-Lease orders (CMP Reg. 1, Direction 20)	9194
Mill stocks of steel (CMP Reg. 1, Direction 15)	9194
Dyestuffs and organic pigments (M-103)	9190
Farm supplies:	
Farmstead wiring material (P-144)	9189
Machinery and equipment (M-330, Supp. 2)	9185
Priorities system operation (PR 19)	9184
Iron and steel, plates (M-21-c)	9185
License plates, metallic (L-32-a)	9190
Machine tools, production and delivery (E-1-b)	9197
Printing and publishing (L-240)	9194
Priorities system operation (PR 1, Int. 4)	9189
Public sanitary sewerage facilities; maintenance, repair, and operating supplies (P-141)	9194
Taxi service (Certificate 86)	9270
WAR SHIPPING ADMINISTRATION:	
Port Everglades, Florida; vessel priorities	9230
Suspension of rate ceilings	9230

Adopted by the Board of Directors on April 10, 1942.

M. CLIFFORD TOWNSEND,
Chairman of the Board.

Approved: July 2, 1943.

MARVIN JONES,
Administrator, War Food Administration.

[F. R. Doc. 43-10739; Filed, July 3, 1943; 2:11 p. m.]

Chapter XI—War Food Administration

[FDO 19-2]

PART 1455—SPICES

RESTRICTED QUOTAS

Correction

In the document appearing on page 8918 of the issue for Wednesday, June 30, 1943, the section number should be 1455.3 instead of 14.55.3. In the table of restricted spices listed in § 1455.3 the entry "Gloves" should read "Cloves."

[FDO 37-1]

PART 1460—FATS AND OILS

SPERM OIL

Correction

The issuance date of the document appearing on page 9104 of the issue for Saturday, July 3, 1943, should read "June 30" instead of "July 30".

[FDO 62]

PART 1405—FRUITS AND VEGETABLES

FIGS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of figs for defense and private account; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.12 *Restrictions relative to the use of figs*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "figs" means figs in the fresh or partially dried form, customarily marketed as the Calimyrna, Adriatic, Kadota, and Black Mission varieties produced in Butte, Colusa, Contra Costa, Fresno, Glenn, Kern, Kings, Madera, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Tehama, Tulare, Yuba, and Yolo Counties in the State of California.

(2) The term "dried figs" means figs preserved by the removal of a part of the natural moisture and includes such fruit in the processed or unprocessed condition.

(3) The term "person" means any individual, partnership, corporation, association, or other business entity.

(4) The term "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions.* (1) No person may, unless specifically authorized by the Director, purchase, accept delivery of, or use figs or dried figs for conversion into brandy, alcohol, any concentrate, syrup, scent, flavoring, animal feed, or any other by-product.

(2) No person may sell or deliver figs or dried figs with knowledge or reason to believe that such figs or any portion thereof thus sold or delivered are to be used in violation of this order.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of figs of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using figs, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the War Food Administrator, be addressed to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref. FD-62.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., July 6, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 3d day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-10823; Filed, July 5, 1943; 11:02 a. m.]

[Suspension Order Docket No. FDA-SW-1]

PART 1590—SUSPENSION ORDERS

HOUSTON CATTLE CO.

Roland Mason, an individual doing business as Houston Cattle Company, Missouri City, Texas, hereinafter referred to as "respondent," was duly served with a Statement of Charges and Procedure informing him that he was charged with a violation of Food Distribution Order 27 (8 F.R. 2785), issued by the Secretary

of Agriculture on March 5, 1943, as amended. The respondent answered the charge and requested a hearing. Pursuant to this request, a hearing was held at Houston, Texas, on May 12, 1943, before a duly authorized presiding officer. The respondent appeared at the hearing and was represented by counsel. Data and information pertaining to the violation alleged in the Statement of Charges were presented on behalf of the interested parties. The War Food Administrator, acting under authority conferred upon him by Executive Order No. 9322 (8 F.R. 3807), as amended by Executive Order No. 9334 (8 F.R. 5423), and having considered all of the data and information, including the answer filed by the respondent, pertaining to the alleged violation by the respondent of the provisions of said food distribution order, hereby determines, That:

(a) Respondent, an individual, is a local slaughterer within the meaning of that term as it is defined in said food distribution order, doing business as a local slaughterer under the trade name of Houston Cattle Company, at Missouri City, Texas.

(b) Pursuant to the provisions of said food distribution order, the Fort Bend County War Board, Richmond, Texas, issued to the respondent a permit authorizing the slaughter of livestock for the delivery of meat, in accordance with the provisions of the said order. Under respondent's quota for April 1943, he was authorized to slaughter a sufficient number of cattle to obtain for delivery not more than 44,000 pounds of beef.

(c) Respondent has violated said food distribution order in that during the period from April 1 to April 30, 1943, more particularly between April 1 and April 15, 1943, inclusive, respondent slaughtered cattle and obtained therefrom and delivered approximately 183,879 pounds of beef, which was approximately 139,879 pounds in excess of the amount of his beef quota for the aforesaid quota period.

Because of the great scarcity of livestock for the fulfillment of the meat requirements of the United States for defense, for private account, and for export, and the importance of having meat distributed in a manner to assure an adequate supply and efficient distribution of meat for war and civilian needs, the aforesaid violation by the respondent has impeded the war effort and has, therefore, been contrary to public interest. It also appears to the War Food Administrator that further violations by the respondent are likely unless appropriate action is taken: *It is therefore ordered*, That:

§ 1590.1 *Suspension order against Roland Mason, an individual doing business as Houston Cattle Company.* (a) The respondent, his agents, successors, or assigns shall not, in any manner, directly or indirectly, (1) slaughter livestock, or cause livestock to be slaughtered, for delivery of meat; or (2) receive or accept delivery of meat for the purpose of resale or redelivery thereof to others.

(b) No person shall, in any manner, directly or indirectly, (1) transfer to the respondent, his agents, successors, or assigns any livestock for the purpose of having said livestock slaughtered by the respondent, his agents, successors, or assigns for the delivery of meat; or (2) transfer or deliver to the respondent, his agents, successors, or assigns any meat for the purpose of sale or disposition by or through the respondent, his agents, successors, or assigns.

(c) Nothing contained in this order shall be deemed to relieve the respondent, his agents, successors, or assigns from any restriction, prohibition or provision contained in any order or regulation of the War Food Administrator, except insofar as the same may be inconsistent with the provisions hereof.

(d) Any terms used in this order that are defined in Food Distribution Order 27 (8 F.R. 2785), issued by the Secretary of Agriculture on March 5, 1943, as amended, shall have the meaning therein given to them, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(e) This order shall become effective 12:01 a. m., c. w. t., July 15, 1943, and, unless sooner terminated, shall expire 12:01 a. m., c. w. t., Sept. 13, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 3d day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-10824; Filed, July 5, 1943; 11:02 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

[General Order 23]

PART 503—GENERAL ORDERS

REPORTS OF ROYALTIES DUE AND PAYABLE UNDER VESTED INTERESTS IN WORKS SUBJECT TO COPYRIGHT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.23 *General Order No. 23.* (a) In all cases in which the Alien Property Custodian is entitled to receive royalties by virtue of having vested an interest in a work subject to copyright, the persons who are obliged to pay such royalties shall execute and file in duplicate with the Office of Alien Property Custodian, Washington, D. C., reports on Forms APC–45 and APC–46, which are hereby adopted and made a part of this regulation; such reports shall be accompanied by the payment of royalties due and payable and shall be executed as follows:

(1) Royalties which became due and payable prior to the date of vesting shall be reported on Form APC–45 and paid, within thirty days after receipt of demand from the Alien Property Custodian for such report and payment;

(i) Federal withholding taxes on such royalties shall be paid in the usual manner by the Reporter directly to the Collector of Internal Revenue;

(ii) Commissions and other charges may be deducted by the Reporter if authorized by the agreement under which the royalties are payable. No other amounts may be deducted; but claims for refund of such amounts may be filed on Form APC–1, copies of which will be supplied on request.

(2) Royalties which become due and payable subsequent to the date of vesting shall be reported on Form APC–46 and paid, within ten days after the date they become due and payable;

(i) Federal withholding taxes on such royalties shall not be paid by Reporter to the Collector of Internal Revenue and the amounts ordinarily withheld for such purposes shall be included in the payments to the Alien Property Custodian;

(ii) Commissions and other charges may be deducted if authorized by the agreements under which the royalties are payable. Charges which are incurred *subsequent* to vesting and which are not authorized by the agreement shall not be deducted unless approved by the Alien Property Custodian in writing.

(b) For the purposes of this regulation, the definitions contained in General Order No. 14 of the Alien Property Custodian shall be applicable; "royalties" shall be deemed to include, but not by way of limitation, fees, serial or other payments, shares of profits, and any and all other emoluments or compensation.

(c) The reporting requirements in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(40 Stat. 411; 50 U.S.C. App.; 55 Stat. 839, 50 U.S.C. App. (Supp. 1941); E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on June 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10622; Filed, July 5, 1943; 9:32 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 5—SAFEGUARDING TECHNICAL INFORMATION

RESPONSIBILITY OF GOVERNMENT CONTRACTORS

Section 5.20 (c) is rescinded as follows:

§ 5.20 *Responsibility of Government contractors.* * * *

(c) [Rescinded] (R.S. 161; 5 U.S.C. 22) [Par. 61, AR 380–5, 28 September 1942 as amended by C 12, 26 June 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-10780; Filed, July 5, 1943; 9:59 a. m.]

Chapter V—Military Reservations and National Cemeteries

PART 54—ARMY EXCHANGES

CERTAIN TAXICABS AND BUS OPERATIONS

Section 54.5 (a) (25) (iii) (8 F.R. 5431) is amended as follows:

§ 54.5 *Activities*—(a) *Authorized activities.* * * *

(25) Taxicab and bus operations subject to the following limitations:

* * * * *

(iii) The contract under (ii) above requires the permission of the commanding general of the service command. (R.S. 161; 5 U.S.C. 22) [Par. 10*a*, AR 210–65, 19 March 1943 as amended by C 1, 17 June 1943]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–10781; Filed, July 5, 1943; 9:57 a. m.]

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

OFFICERS' OVERCOATS

Section 79.2 (a) (1) (iv) is rescinded as follows:

§ 79.2 *Adopted standards of cloths.*[1] The standards of cloths are as follows:

(a) *For officers, warrant officer, flight officers, and contract surgeons*—(1) *For winter uniform.* * * *

(iv) *Overcoats.* [Rescinded] (R.S. 1296; 10 U.S.C. 1391) [Par. 2, AR 600–35, 10 November 1942, as amended by C 24, 25 June 1943]

* * * * *

Section 79.9 (c) (1) is rescinded as follows:

§ 79.9 *Coat.*[2] * * *

(c) *Overcoat*—(1) *Long, for officers and warrant officers.* [Rescinded] (R.S. 1296; 10 U.S.C. 1391) [Par. 9, AR 600–35, 10 November 1942, as amended by C 24, 25 June 1943]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R Doc. 43–10782; Filed, July 5, 1943; 9:59 a. m.]

PART 79b—WOMEN'S ARMY AUXILIARY CORPS

Sections 79b.1 to 79b.12 are rescinded and the following §§ 79b.1 to 79b.16 are substituted therefor.

These regulations are also contained in Women's Army Auxiliary Corps Regulations, June 1943, the particular paragraphs being shown in brackets at end of sections.

[1] 7 F.R. 11, 2987, 10755, 11107; 8 F.R. 8798.
[2] 7 F.R. 11, 2987, 4246, 4637, 7989, 10359; 8 F.R. 5132, 8798.

GENERAL PROVISIONS

Sec.
79b.1 Definitions.
79b.2 Mission.
79b.3 Military status.
79b.4 Assignment.

ENROLLMENT

79b.5 Eligibility.
79b.6 Term of service.
79b.7 Inactive duty status.
79b.8 Physical examination.
79b.9 Reenrollment.

OFFICER CANDIDATES FROM CIVILIAN STATUS

79b.10 Qualifications of officer candidates from civilian status.
79b.11 Selection.
79b.12 Disposition of nongraduates.

APPOINTMENT OF OFFICERS

79b.13 Appointment.
79b.14 Distribution of grades of officers.
79b.15 Reappointment.

ALLOWANCES

79b.16 Travel allowances.

AUTHORITY: Act of 14 May 1942, 56 Stat. 278, as amended by act of 26 October 1942, 56 Stat. 988; 10 U.S.C. Sup. 1701–1718.

GENERAL PROVISIONS

§ 79b.1 *Definitions.* Wherever the following terms are used they will be construed as noted below:

(a) *Officers.* The term "officer" will include the Director, Assistant Directors, Field Directors, First Officers, Second Officers, and Third Officers appointed in the Women's Army Auxiliary Corps.

(b) *Enrolled women.* The term "enrolled women" will include all members of the WAAC in the grades of Chief Leader, First Leader, Technical Leader, Staff Leader, Technician Third Grade, Leader, Technician Fourth Grade, Junior Leader, Technician Fifth Grade, Auxiliary First Class, and Auxiliary. The term "auxiliary" will be used only to refer to enrolled women of the Sixth and Seventh Grades.

(c) *Members.* The word "members" is a general term used to include all officers and enrolled women of the WAAC. [Par. 1]

§ 79b.2 *Mission.* The mission of the Women's Army Auxiliary Corps is to further the war effort by releasing soldiers in the Army of the United States from non-combatant duties, and by making available to the Army the knowledge, skill, and special training of the women of the nation. Inherent in the mission is the careful procurement, selection, classification, training, and utilization of the personnel of the Corps necessary to insure the Army the highest possible efficiency in the performance of such duties as the Secretary of War may direct. [Par. 3]

§ 79b.3 *Military status.* The WAAC will not be part of the Army but will be only a women's organization authorized to serve with the Army exclusive of the Army Nurse Corps. Members of the WAAC will be subject to military law pursuant to the second article of war, when applicable. [Par. 9]

§ 79b.4 *Assignment.* Officers and enrolled women in the WAAC are subject to orders to duty at any place where their services may be required. They may be assigned to any noncombatant duties for which they are qualified. [Par. 15]

ENROLLMENT

§ 79b.5 *Eligibility*—(a) *Original enrollment.* Original enrollment in the WAAC will be in the grade of auxiliary and will be made from women volunteers between the ages of 21 and 45 years who are citizens of the United States, of excellent character, and in good physical health. Exceptions are as noted in §§ 79b.10, 79b.11 and 79b.12.

(b) *Restriction on enrollment of women with dependents.* (1) No applicant will be accepted for enrollment in the WAAC if she has anyone dependent upon her for financial support unless such support car be met entirely by means other than that derived from her pay as a member of the Women's Army Auxiliary Corps.

(2) No applicant will be accepted for enrollment in the Women's Army Auxiliary Corps if she has one or more children under 14 years of age. [Par. 16]

§ 79b.6 *Term of service.* The term of service of all officers and enrolled women of the Women's Army Auxiliary Corps will be for the period of the war plus 6 months thereafter unless sooner terminated by proper authority. [Par. 17]

§ 79b.7 *Inactive duty status.* (a) Officers and enrolled women may be relieved from active duty or recalled thereto at any time during their period of service.

(b) Members of the WAAC, while in inactive duty status, will not by reason solely of their appointments, oaths, commissions, enrollments, or status as such members, or any duties or functions performed, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit, or discharging any official function under or in connection with any department of the Government of the United States, nor will they be entitled to pay, or allowances in lieu of quarters, or subsistence, or to any benefit or allowance by reason of being a member of the WAAC, nor will they wear the uniform of the WAAC except pursuant to the orders issued by the Director. [Par. 18]

§ 79b.8 *Physical examination of members of WAAC*—(a) *General.* The physical fitness of applicants for admission to the WAAC will be determined by one or more medical officers.

(b) *Physical standards.* (1) In general, due consideration being given the difference in sex, the standards prescribed for general military service will apply except as regards those pertaining to height, weight, and chest measurements. The following table is the average weight for age and height for applicants for admission to the WAAC:

Height (inches)	Weight according to age period				
	21 to 25	26 to 30	31 to 35	36 to 40	41 to 45
60	114	117	120	123	126
61	117	120	123	126	129
62	120	123	126	129	132
63	123	126	129	132	135
64	127	130	133	136	139
65	131	134	137	140	143
66	135	138	141	144	147
67	139	142	145	148	151
68	143	146	149	152	155
69	147	150	153	156	159
70	151	154	157	160	163
71	155	158	161	164	167
72	159	162	165	168	171

NOTE: Height and weight to be taken without shoes and with surgical gown or sheet in lieu of dress, minimum standard height is 5 feet, maximum 6 feet; minimum of weight is 100 pounds.

(2) Permissible variation in weight below the standard for age is 15 pounds, and overweight above the standard is 16⅔ percent, with the exception that no applicant will be accepted whose weight is less than 100 pounds. In applying the percentage variation, fractions of less than ½ pound will be dropped, those of ½ pound or more will be counted as an additional pound. A candidate whose weight falls at the extremes of either the maximum or minimum range should be accepted only when the individual is obviously active, of firm musculature, and evidently vigorous and healthy. Waivers of minor physical defects may be granted by the commanding generals of service commands.

(3) The minimal visual standard for general service will be 20/400 in one or both eyes without glasses, if correctible with glasses to at least 20/40 in each eye, and provided that no organic disease of either eye exists, and asthenopia is not present.

(c) *Causes for rejection.* In addition to the conditions common to both men and women which are listed as causes for rejection for general military service, pregnancy and certain diseases or defects peculiar to women are additional causes for rejection for service in the WAAC. [Par. 21]

§ 79b.9 *Reenrollment.* (a) Enrolled women honorably discharged from the WAAC (including those discharged for physical disability) are eligible for reenrollment in the WAAC subject to all requirements for original enrollment.

(b) In case of reenrollment within 60 days after honorable discharge, the enrolled woman may be enrolled in the same grade she held when last discharged from the WAAC.

(c) The reenrollment of a married member previously discharged without prejudice by reason of pregnancy will be authorized provided she meets all requirements for original enrollment. Such enrollment may be in the same grade as held at the time of discharge provided a vacancy exists. [Par. 22]

OFFICER CANDIDATES FROM CIVILIAN STATUS

§ 79b.10 *Qualifications for officer candidates from civilian status.* In addition to general WAAC enrollment requirements, the following qualifications will govern the selection of candidates:

(a) *Age limits.* From twenty-first birthday, inclusive, to fiftieth birthday, exclusive.

(b) *Mental.* Minimum mental alertness test score of 110.

(c) *Education and experience.* At least 4 years of experience beyond the high school level in work, study, social, or civic fields entailing responsibility, initiative, resourcefulness, and other qualifications of leadership. This experience should show successful accomplishment in one or more positions of responsibility not subject to close and immediate supervision. Successful completion of 1 or more years of college work, in which the applicant has demonstrated the qualities listed above, will be taken as equivalent to the same number of years of the experience above described.

(d) *Personal characteristics.* The ideal candidate will have in high degree the ability to work easily and effectively with others. She will have emotional stability and be able to adapt herself quickly and easily to changing conditions. She will be able to subordinate personal views and interests to the welfare of the Corps as a whole. [Par. 24]

NOTE: In addition to civilian applicants, any enrolled woman in active service who has completed basic training may apply to attend WAAC officer candidate school. [Par. 33]

§ 79b.11 *Selection*—(a) *Applications.* Applications will be submitted in writing to any recruiting office authorized to enroll women in the Women's Army Auxiliary Corps. Applications that indicate possession of the qualifications set forth in § 79b.10 (a) (b) and (c), will be forwarded to an examining board for review, with recommendations, and with all pertinent papers incident to the applications attached.

(b) *Procedure.* The examining boards will interview and evaluate the qualifications of those applicants whose papers indicate that they may be suitable officer candidates. Each board will maintain a record of qualified applicants whose cases it has considered, arranged in order of merit. This order will govern in the designation or recommendation of individuals to be selected as officer candidates. [Par. 26]

§ 79b.12 *Disposition of nongraduates.* Officer candidates who are not commissioned may be honorably discharged from the Corps for the convenience of the Government, or, upon written applications, may be retained in the Women's Army Auxiliary Corps as enrolled women if they meet all requirements for enrolled members. Applications for retention in the Corps will be submitted within 10 days of the date of receipt of notification of failure from officer candidate school. [Par. 27]

APPOINTMENT OF OFFICERS

§ 79b.13 *Appointment* — (a) *Authority.* The Secretary of War may appoint from time to time, from women citizens of the United States to serve during his pleasure, a Director and such numbers of officers in the grades of assistant director, field director, first officer, second officer, and third officer, as may be deemed necessary for the proper administration of the Corps.

(b) *Sources.* Officers of the Women's Army Auxiliary Corps will be appointed from the following sources:

(1) Enrolled women who are selected from those competing within the ranks of the Corps for attendance at officer candidate school.

(2) Women who, because of outstanding qualifications, are enrolled specifically for attendance at an officer candidate school.

(3) Women over 45 years of age may be selected as officer candidates to attend an extended course of officer candidate training, and during such attendance will be entitled to receive the pay and other benefits provided for officer candidates by section 3, act 14 May 1942 (56 Stat. 278), as amended by act 26 October 1942 (56 Stat. 988).

(c) *Original appointments.* (1) Original appointments of Women's Army Auxiliary Corps medical officers will be made in a grade not lower than second officer.

(2) Those candidates who successfuly complete the course of instruction at an officer candidate school if otherwise qualified, will be appointed third officer. [Par. 49]

§ 79b.14 *Distribution of grades of officers.* Distribution of grades of officers in the Women's Army Auxiliary Corps in the order of their precedence, with pay periods and corresponding Army grades, is as follows:

WAAC grade	Pay period	Army grade
Director	Sixth	Colonel.
Assistant director	Fifth	Lieutenant colonel.
Field director	Fourth	Major.
First officer	Third	Captain
Second officer	Second	First lieutenant.
Third officer	First	Second lieutenant.

[Par. 51]

§ 79b.15 *Reappointment.* Officers honorably discharged from the WAAC (including those discharged for physical disability) are eligible for reappointment in the WAAC subject to all requirements for original appointment, upon approval of the Director, and provided that a vacancy exists. [Par. 54]

ALLOWANCES

§ 79b.16 *Travel allowances*—(a) *Applicants for enrollment.* The travel allowances of applicants for enrollment in the WAAC will be the same as those of applicants for enlistment in the Army. See § 71.14.

(b) *On discharge.* Travel allowances to members of the WAAC on discharge or dismissal are payable from the place of discharge or dismissal to the place of acceptance for enrollment or appointment. [Par. 137]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-10713; Filed, July 3, 1943; 9:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60-19]

PART 60—AIR TRAFFIC RULES

REVISIONS PREPARATORY TO REPRINTING

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of June, 1943.

Effective July 1, 1943, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.0 to read as follows:

§ 60.0 (Unassigned).

2 By amending § 60.102 to read as follows:

§ 60.102 *Civil airway.* Civil airway means a path through the navigable airspace of the United States identified by an area on the surface of the earth, designated or approved by the Administrator as suitable for interstate, overseas or foreign air commerce.

NOTE: By regulation of the Administrator effective April 1, 1943, "Each civil airway shall include the navigable airspace of the United States above all that area on the surface of the earth lying within five miles of the center line prescribed for each such airway, but shall not include any of the airspace of an airspace reservation set apart as provided in section 4 of the Air Commerce Act of 1936.

3. By amending §§ 60.104 through 60.110, inclusive, to read as follows:

§§ 60.104, 60.105, 60.106, 60.107, 60.108, 60.109, 60.110 (Unassigned).

4. By amending § 60.123 to read as follows:

§ 60.123 *Airport traffic control tower.* An airport traffic control tower is an establishment properly situated and equipped to allow an operator thereof to adequately control air traffic in the immediate vicinity of the airport on or adjacent to which such airport traffic control tower is located.

5. By amending § 60.1331 (e) to read as follows:

(e) The proposed cruising altitude or altitudes and the route to be followed.

6. By amending § 60.1331 (h) to read as follows:

(h) Transmitter frequency.

7. By amending § 60.1331 (k) to read as follows:

(k) The alternate airport or airports.

8. By amending § 60.1331 (l) to read as follows:

(l) Any other pertinent information which the pilot deems useful for control purposes or which may be requested by an airway traffic control center.

9. By amending § 60.134 to read as follows:

§ 60.134 *Approved flight plan.* An approved flight plan is a plan of flight, containing the information required by § 60.133, which has been approved solely with respect to known air traffic conditions by an airway traffic control center of the Administrator.

10. By amending § 60.22 to read as follows:

§ 60.22 (Unassigned).

11. By amending the title of § 60.3 to read as follows:

§ 60.3 *General flight rules.* • • •

12. By deleting from §§ 60.4 and 60.5 the following phrase: "or control zone of intersection."

13. By amending § 60.531 to read as follows:

§ 60.531 (Unassigned).

14. By amending § 60.571 to read as follows:

§ 60.571 *Communications contracts.* The pilot shall maintain a continuous listening watch on the appropriate radio frequency and shall, by radio, contact and report as soon as possible to the appropriate communication station the time and altitude of passing each radio fix or other check point designated by the Administrator or specified in the flight plan together with unanticipated weather conditions being encountered and any other information pertinent to the aircraft movement.

15. By amending § 60.580 to read as follows:

§ 60.580 *Flight altitudes along green or red civil airways.* The following rules will govern the altitude at which aircraft shall fly when making flights along green or red civil airways:

16. By amending § 60.5800 to read as follows:

§ 60.5800 *Eastbound flights.* Aircraft making good a true course of from 0° (or 360°) to, but not including, 180° shall fly at an odd thousand-foot level above sea level (such as 3,000, 5,000, or 7,000 feet).

17. By amending § 60.5801 to read as follows:

§ 60.5801 *Westbound flights.* Aircraft making good a true course of from 180° to, but not including, 360° or (0°) shall fly at an even thousand-foot level above sea level (such as 2,000, 4,000, or 6,000 feet).

18. By amending § 60.581 to read as follows:

§ 60.581 *Flight altitudes along blue or amber civil airways.* The following rules will govern the altitude at which aircraft shall fly when making flights along blue or amber civil airways.

19. By amending § 60.5810 to read as follows:

§ 60.5810 *Northbound flights.* Aircraft making good a through course of from 270° to, but not including, 90° shall fly at an odd thousand-foot level above sea level (such as 3,000, 5,000, or 7,000 feet).

20. By amending § 60.5811 to read as follows:

§ 60.5811 *Southbound flights.* Aircraft making good a through course of from 90° to, but not including, 270° shall fly at an even thousand-foot level above sea level (such as 2,000, 4,000, or 6,000 feet).

21. By amending §§ 60.582 through 60.5851 inclusive to read as follows:

§§ 60.582, 60.5820, 60.5821, 60.583, 60.5830, 60.5831, 60.584, 60.5840, 60.5841, 60.58410, 60.58411, 60.5842, 60.58420, 60.58421, 60.58422, 60.5843, 60.58430, 60.585, 60.5850 (a), 60.5851 (b) (Unassigned).

22. By amending 60.586 to read as follows:

§ 60.586 *Crossing a civil airway:* Unless otherwise instructed by an airway traffic control center of the Administrator, a civil airway shall not be crossed at an angle of less than 45° to such airway.

23. By amending the title of § 60.94 to read as follows:

§ 60.94 *Foreign flight authorization.* • • •

24. By amending the table of contents to conform to this amendment.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-10792; Filed, July 5, 1943; 10:33 a. m.]

[Civil Air Regs., Amdt. 61-10]

PART 61—SCHEDULED AIR CARRIER RULES

ALTITUDE RECORDING DEVICE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of June 1943.

Effective July 1, 1943, § 61.341 *Altitude recording device* of the Civil Air Regulations is amended by striking the word July from said regulation and inserting in lieu thereof the word November.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-10793; Filed, July 5, 1943; 10:33 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supp. 3, to Rev. V of April 23, 1943]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 3 containing certain additions to, amend-

ments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision V of April 23, 1943 (8 F.R. 5435), is hereby promulgated.[1]

By direction of the President:

CORDELL HULL,
Secretary of State.
RANDOLPH PAUL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director, Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

JULY 2, 1943.

[F. R. Doc. 43-10738; Filed, July 3, 1943; 12:24 p. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

PART 907—POLICIES FOR EMPLOYMENT STABILIZATION PROGRAMS WHICH INCLUDE THE EXERCISE OF HIRING CONTROLS IN AREAS OF MANPOWER SHORTAGE

INCOMPETENT WORKERS

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279 (7 F.R. 2919, 10177), Part 907 (8 F.R. 7227) is hereby amended, effective February 1, 1943, by adding the following subparagraph (6) to § 907.4 (e):[2]

(6) Insofar as it will not interfere with the effective prosecution of the war, no employer shall be obliged to retain in his employ a worker who is incompetent to perform the work to which he has been assigned or other suitable work offered him by the employer; or who fails to conform to reasonable shop rules or standards of conduct.

PAUL V. MCNUTT,
Chairman.

JUNE 30, 1943.

[F. R. Doc. 43-10819; Filed, July 5, 1943; 11:11 a. m.]

[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State

[2] This subparagraph originally appeared in "Policies for employment stabilization programs which include the exercise of hiring controls in areas of manpower shortage," 8 F.R. 1604 (February 4, 1943).

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Order No. 356]

PART 308—REPORTS AND RECORDS

FILING OF MONTHLY TONNAGE REPORTS BY DISTRICT 3 CODE MEMBERS

An order relieving code members within District No. 3 from filing monthly tonnage reports required by the rules and regulations prescribed by order in General Docket No. 24.

The Bituminous Coal Producers Board for District No. 3 having requested that the code members within said district be relieved from filing the monthly tonnage reports required to be filed pursuant to the rules and regulations requiring tonnage reports from code members, established by order in General Docket No. 24, dated April 7, 1942, 7 F.R. 2894, and having shown good cause why such request should be granted;

It is ordered, That § 308.26 (*Rules and regulations requiring tonnage reports from code members to facilitate the levying and collection of code assessments by district boards*) be amended to provide that code members within District No. 3 be, and they are hereby relieved, until further order of the Division, from filing with the Statistical Bureau for District No. 3 monthly tonnage data on Form B. C. D. No. 718, with respect to coal produced on and after June 1, 1943. (Sec. 10 (a) 50 Stat. 88; 15 U.S.C. Supp. 840 (a); sec. 2 (a) 50 Stat. 72; 15 U.S.C. 829 (a)).

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10797; Filed, July 5, 1943; 10:41 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

[1943 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

JULY 1, 1943.

§ 129.6 *Calendar year 1943.* * * *

(c) *Quarter beginning July 1, 1943.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1943, expressed in any such foreign monetary units: *Provided, however*, That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

(Sec. 25, 28 Stat. 522; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372)

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

VALUES OF FOREIGN MONETARY UNITS (AT PAR AS REGARDS GOLD UNITS; NONGOLD UNITS HAVE NO FIXED PAR WITH GOLD)

Country	Monetary unit	Value in terms of U. S. money	Remarks
Argentine Republic	Peso	$1.6335	Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929.
Australia	Pound	8.2397	Control of gold stocks and exports authorized Dec. 17, 1929.
Belgium	Belga	.1695	By decree of Mar. 31, 1936. One belga equals 5 Belgian francs. The Anglo-Belgian financial agreement of June 7, 1940, fixed the rate of exchange of the Belgian franc and the franc of the Belgian Congo at 176.625 francs for £1 sterling.
Bolivia	Boliviano	.6180	Conversion of notes into gold suspended Sept. 23, 1931.
Brazil	Cruzeiro (Milreis)	.0606	Based upon official rate for cruzeiro in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930. Under decree law of October 6, 1942, the cruzeiro became the unit of currency, replacing the milreis.
British Honduras	Dollar	1.6931	Conversion of notes suspended.
Bulgaria	Lev	.0122	Exchange control established Oct. 15, 1931.
Canada	Dollar	1.6931	Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933.
Chile	Peso	.2060	Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for one gold peso. Conversion of notes suspended July 30, 1931.
China	Yuan	----------	Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for yuan fixed at 20 to the U. S. dollar by Stabilization Board of China, July 10, 1942.
Hong Kong	Dollar	----------	Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate.
Colombia	Peso	.5714	Obligation to sell gold suspended Sept. 24, 1931. New gold content of .56424 grams of gold 9/10 fine established by monetary law of Nov. 19, 1938, effective Nov. 30, 1938.
Costa Rica	Colon	.7879	Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932.
Cuba	Peso	1.0000	By law of May 25, 1934.
Czechoslovakia	Koruna	----------	

VALUES OF FOREIGN MONETARY UNITS (AT PAR AS REGARDS GOLD UNITS; NONGOLD UNITS HAVE NO FIXED PAR WITH GOLD)—Continued

Country	Monetary unit	Value in terms of U. S. money	Remarks
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Dollar	1.0031	U. S. money is principal circulating medium.
Ecuador	Sucre	.3386	Conversion of notes into gold suspended Feb. 9, 1932.
Egypt	Pound (100 piasters)	8.3692	Conversion of notes into gold suspended Sept. 21, 1931.
Estonia	Kroon	.4537	Conversion of notes into gold suspended June 28, 1933.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
France	Franc	----------	Provisions of monetary law of Oct. 1, 1936, providing for gold content of franc, superseded by decree of June 30, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies.
Germany	Reichsmark	.4033	Exchange control established July 13, 1931.
Great Britain	Pound Sterling	8.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Greece	Drachma	.0220	Conversion of notes into gold suspended Apr. 26, 1932.
Guatemala	Quetzal	1.0031	Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Honduras	Lempira	.8466	Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar.
Hungary	Pengö	.2961	Exchange control established July 17, 1931.
India [British]	Rupee	.6180	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Indo-China	Piaster	----------	Piaster pegged to French franc at the rate of 1 piaster = 10 French francs; conversion of notes into gold suspended Oct. 2, 1936.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Italy	Lira	.0526	New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936.
Japan	Yen	.8440	Embargo on gold exports Dec. 13, 1931.
Latvia	Lat	----------	Currency pegged to sterling Sept. 28, 1936, at 2,522 lati = £100; on Sept. 13, 1939, a law was passed providing that if the pound sterling should depreciate by more than 5 percent with respect to the United States dollar, or the Swedish krona, the Bank of Latvia shall take steps to keep the rate of exchange of the lat stable by basing it on gold or some other monetary unit.
Liberia	Dollar	1.0031	U. S. money is principal circulating medium.
Lithuania	Litas	.1693	Free export of gold suspended Oct. 1, 1935.
Mexico	Peso	----------	Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law.
Netherlands and colonies.	Guilder (florin)	.6806	Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936; gold export prohibition repealed by decree June 28, 1938; prohibition restored by Act of Nov. 25, 1938. The Anglo-Netherlands financial agreement of June 14, 1940, established the official rate of exchange between the Netherlands Indies guilder and the pound sterling at 7.60 guilders for £1 sterling. By act of September 20, 1940, the Netherlands Indies Volksraad decided, subject to later ratification by law, that the Java Bank shall fix the value of its stocks of gold coin and bullion at Fl. 2.121 per kilogram fine.
Newfoundland	Dollar	1.0031	Newfoundland and Canadian notes legal tender.
New Zealand	Pound	8.2397	Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931.
Nicaragua	Cordoba	1.0033	Embargo on gold exports Nov. 13, 1931.
Norway	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Panama	Balboa	1.0000	U. S. money is principal circulating medium.
Paraguay	Peso (Argentine)	1.0335	Paraguayan paper currency is used; exchange control established June 28, 1932.
Persia (Irau)	Rial	.0824	Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932.
Philippine Islands	Peso	.5000	By act approved Mar. 16, 1935.
Poland	Zloty	.1899	Exchange control established Apr. 27, 1936.
Portugal	Escudo	.0749	Gold exchange standard suspended Dec. 31, 1931.
Rumania	Leu	.0101	Exchange control established May 18, 1932.
Salvador	Colon	.8466	Conversion of notes into gold suspended Oct. 7, 1931.
Spain	Peseta	----------	
Straits Settlements	Dollar	.9613	British pound sterling and Straits dollar and half dollar legal tender.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Switzerland	Franc	----------	Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold.
Thailand (Siam)	Baht (Tical)	.7491	Conversion of notes into gold suspended May 11, 1932.
Turkey	Piaster	.0744	100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930.
Union of South Africa	Pound	8.2397	Conversion of notes into gold suspended Dec. 28, 1932.
Union of Soviet Republics.	Chervonetz	8.7123	One chervonetz equals 10 rubles. Notes not convertible into gold.
Uruguay	Peso	.6583	Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .585018 grams of pure gold per peso established by monetary law of Jan. 12, 1935.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.
Yugoslavia	Dinar	.0298	Exchange control established Oct. 7, 1931.

[F. R. Doc. 43-10721; Filed, July 3, 1943; 10:54 a. m.]

Chapter II—Fiscal Service

Subchapter A—Bureau of Accounts

PART 226—SURETY COMPANIES

ISSUANCE OF CERTIFICATE OF AUTHORITY TO EMPLOYERS MUTUAL CASUALTY CO., DES MOINES, IOWA

[1943 2d Supp., Dept. Circ. 570, Rev. April 20, 1943]

JULY 1, 1943.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved August 13, 1894, 28 Stat. 279–80, as amended by the Act of Congress approved March 23, 1910, 36 Stat. 241, (U.S. Code, title 6, secs. 6–13) as an acceptable surety on Federal bonds. An underwriting limitation of $144,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be procured from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington, D. C.

Name of company, location of principal executive office and State in which incorporated:

Iowa

Employers Mutual Casualty Co., Des Moines.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-10722; Filed, July 3, 1943; 10:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

[General License 6, as Amended]

PART 303—GENERAL LICENSE PERTAINING TO EXPLOSIVES

SODIUM NITRATE AND AMMONIUM NITRATE FOR USE AS FERTILIZER

General License No. 6 (§ 303.6) [1] is amended to read as follows:

§ 303.6 *General Purchaser's License for sodium nitrate and ammonium nitrate as fertilizer.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (55 Stat. 863), as amended, to any person as defined therein who, as owner, manager,

[1] 7 F.R. 4760, 6670, 10925; 8 F.R. 564, 1938.

tenant or sharecropper, operates a tract of land for the production of food, fiber, medicinal herbs, tobacco, or inedible oils, authorizing him to purchase and possess sodium nitrate and ammonium nitrate for use as a fertilizer on that tract of land and to use them for that purpose thereon.

This general license relieves those covered by it only from the duty of applying for and securing an individual license. It does not relieve them or anyone else from the duty of keeping records on the acquisition and disposition of sodium nitrate and ammonium nitrate, as prescribed by the regulations issued under the act, or from any other obligation imposed upon them by the act or the regulations. It expires at the close of business on December 31, 1943, unless sooner terminated.

R. R. SAYERS,
Director.

The foregoing license as amended is approved, and all regulations inconsistent therewith are waived.

MICHAEL W. STRAUS,
First Assistant Secretary,
Department of the Interior.

JUNE 30, 1943.

[F. R. Doc. 43-10783; Filed, July 5, 1943; 9:57 a. m.]

Chapter VI—Selective Service System

[Amdt. 160, 2d Ed.]

PART 623—CLASSIFICATION PROCEDURE

WAIVER OF PHYSICAL EXAMINATION

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 623.35 to read as follows:

§ 623.35 *Waiver of physical examination by local board examining physician.* (a) The Director of Selective Service, as to such registrants as he designates or describes, may waive the requirement that such registrants be physically examined by a local board examining physician under the provisions of this part.

(b) The State Director of Selective Service may waive the requirement that an individual registrant be physically examined by a local board examining physician under the provisions of this part when it is not practicable to give such examination to such registrant.

(c) When the requirement that a registrant be physically examined by a local board examining physician is waived by the Director of Selective Service or the State Director of Selective Service, classification of such registrant shall be completed in the manner provided in paragraph (f) of § 623.51.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 3, 1943.

[F. R. Doc. 43-10741; Filed, July 3, 1943; 3:22 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 19, as Amended June 30, 1943 [1]]

FARM SUPPLIES

§ 944.40 *Priorities Regulation No. 19*—(a) *What this regulation does.* This regulation tells how a farmer gets a priority to buy farm supplies from a dealer and how a dealer gets a priority to maintain his stock of farm supplies. The kinds of farm supplies which are covered by this regulation are only those listed in paragraph (j) of this regulation.

(b) *How a farmer gets farm supplies from his dealer.* Whenever a farmer orders farm supplies on the list from a dealer who has them in stock, the dealer must fill the order if the farmer gives him a signed certificate as follows:

I certify to the War Production Board that I am a farmer and that the supplies covered by this order are needed now and will be used for the operation of a farm.

The dealer may sell the supplies to the farmer without a certificate, but the dealer must get a certificate at the time he sells if he wants to use it to get a priority for replacing the supplies in his inventory, as explained in paragraph (d) below.

(c) *Farmers' certificates must be approved by rationing committees in the case of large purchases.* If a farmer wants to use a certificate to buy more than $25 worth at one time of any item on the list, he must first get his certificate approved in writing by the County Farm Rationing Committee.

(d) *How the dealer gets his stock of farm supplies.* (1) A dealer can use the farmers' certificates which he has received to get priority on his own orders for listed farm supplies. For each dollar's worth of supplies sold against certificates at retail prices, the dealer can get a priority on 75 cents' worth of replacement supplies ordered by him at wholesale prices. He does not have to use the certificates to get the same kind of supplies as those he has sold, but can use them to get any kind of farm supplies on the list, except the special items mentioned in paragraph (e) below.

(2) To get the priority, the dealer signs the following statement on the purchase order which he places with his supplier:

I certify, subject to criminal penalties for misrepresentation, that the dollar amount of this order is not more than 75% of the sales price of farm supplies which I have sold under Priorities Regulation No. 19 against farmers' certificates now in my possession, and that I have not used the same certificates as the basis for getting a priority on any other order.

(3) In the special case of a dealer, such as a farmers' cooperative, all of whose sales of listed farm supplies are made at cost or at a mark-up not exceeding 3% of cost, the provisions of paragraph (d) (1) apply except that such a dealer can get priority on replacement supplies on a dollar-for-dollar basis using the following certificate in place of that provided in paragraph (d) (2):

I certify, subject to criminal penalties for misrepresentation, that the dollar amount of this order is not more than the sales price of farm supplies which I have sold at cost or within 3% of cost under Priorities Regulation No. 19 against farmers' certificates now in my possession and that I have not used the same certificates as the basis for getting a priority on any other order.

NOTE: Following paragraphs (4), (5), (6) redesignated June 30, 1943.

(4) Each dealer must keep for at least two years all farmers' certificates which he receives, and whenever he uses a certificate as a basis for a priority he must mark the certificate to show which of his own orders he has used it for.

(5) Up to July 17, 1943, a dealer who expects to receive farmers' certificates but has not yet received enough of them to place an order with his supplier, may get priority on farm supplies on the list in an amount which will bring his inventory up to a normal one month's supply by signing the following written statement on his purchase order to his supplier:

I certify, subject to criminal penalties for misrepresentation, that I expect to sell the goods covered by this order as farm supplies under Priorities Regulation No. 19. The receipt of these goods, together with others on hand or on order, will not give me more than a one month's supply.

(6) Orders placed by dealers bearing one of the above certifications are rated AA-5, and the suppliers with whom they are placed must fill them accordingly.

(e) *Dealers use different methods in getting certain items.* (1) A dealer cannot use farmers' certificates as a basis for getting the following steel mill or wire mill products: bale ties, cable, corrugated roofing, fencing, nails, netting, pipe, poultry flooring, staples and wire; and he cannot use certificates received for these items as a basis for getting any other farm supplies on the list. He will get his supply of these items under other War Production Board regulations or or-

[1] This document is a restatement of Amendment 1 to Priorities Regulation 19 which appeared in the FEDERAL REGISTER of July 1, 1943, page 8998, and reflects the order in its completed form as of June 30, 1943.

ders, which his supplier should explain to him. Since a certificate for one of these items cannot be used by the dealer to replace his stock, he should not ask the farmer to sign a certificate for them unless he is not willing to sell because he thinks the farmer's order calls for too large a part of his stock. In that case, he can refuse to sell unless the farmer gives him a certificate and, if the sale covers more than $25 worth of one of these items, the farmer must get the certificate approved as explained in paragraph (c) above.

(2) The War Production Board may issue orders or regulations making priorities inapplicable to certain items. If any items on the list become subject to these special rules, the dealer's supplier cannot recognize the dealer's certificate as giving him a priority on them. Farmers' certificates can still be used to buy such items from the dealer and the dealer can use the certificates as a basis for a priority for buying other items on the list under paragraph (d) above.

(f) *Penalty for violations.* Any person who makes a false statement in a certificate to get a priority on farm supplies is guilty of a crime and may be punished by a fine or imprisonment.

(g) *What is meant by "farmer".* As used in this regulation, "farmer" means a person who engages in farming as a business, by raising crops, livestock, bees or poultry. It also includes a custom operator who uses farm supplies in performing services for farmers. It does not include a person who just has a "victory garden" or raises food or other agricultural products entirely for his own use.

(h) *What is meant by "dealer".* "Dealer" means any person engaged in the business of selling farm supplies directly to farmers, including a mail order house.

(i) *Effective date.* This regulation becomes effective June 7, 1943. It does not apply to purchases and sales made before that date.

(j) *What farm supplies are covered.* This regulation covers only the following farm supplies and does not include second hand items:

NOTE: "Copper wire" and "Pipe of the following kinds" amended; "Drawn wire" and "Poultry flooring" added, June 8, 1943.

Auger bits.
Axes.
Bale ties.
Barbed wire.
Baskets.
Batteries for the following purposes:
  Flashlights.
  Radios.
  Fences.
  Telephones.
  Ignition.
Belt fasteners, metal.
Bit braces.
Blacksmith's pincers.
Blacksmith's hoof knives.
Blow torches.
Blowers and forges.
Bolts and nuts.
Boxes.
Brooder thermometers.
Brushes for motor repair.
Bull rings.
Burlap bags.
BX or non-metallic sheath cable up to 75 ft. in length.
Calf weaners.
Cans, five gallon kerosene and gasoline.
Chains of the following kinds:
  Halter and cow tie chains.
  Tie out chains.
  Harness chains.
  Log chains.
  Tractor tire chains.
  Welded coil under ½".
  Repair links.
Clevises and swivels.
Cold chisels, standard.
Copper wire, insulated, up to 75 ft. in length, but not for household use.
Crates.
Curry combs.
Drawn wire
Drills of the following kinds:
  Breast drills.
  Hand drills.
  Post drills.
  Carbon steel blacksmith drills.
  Carbon steel bit stock drills.
  Carbon steel straight shank drills.
Eave troughs and conductors.
Egg cases.
Feed troughs.
Fencing.
Files.
Food choppers.
Forks, agricultural.
Grain scoops.
Grease fittings and oil cups.
Grease guns, hand operated, including hose and adapter.
Grind stones, mounted.
Grinders for sharpening tools.
Hacksaw blades.
Hacksaw frames.
Hames.
Hammers.
Hampers.
Hand cultivators.
Hand sprayers.
Handles for small tools.
Handles for steel goods.
Harness, leather.
Harness hardware.
Hoes.
Hog rings.
Hoof rasps.
Hoof snippers.
Horsecollars.
Horseshoe nails and calks.
Horseshoes.
Horseshoe tongs.
Husking pins and hooks.
Jacks for farm tractors.
Knives of the following kinds:
  Butcher knives.
  Corn knives.
  Grafting knives.
  Hay knives.
  Hoof knives.
  Stockmen's knives.
Lanterns.
Mattocks.
Mauls.
Meat choppers.
Milk pails.
Milk strainers.
Motors, fractional under 1 HP.
Motor starters under 1 HP.
Mule shoes.
Nails.
Oilers.
Padlocks.
Pails, galvanized.
Picks.
Pipe of the following kinds:
  Standard black or galvanized merchant pipe, 8½" O. D. and under
  Well casing
Pipe fittings.
Pliers of the following kinds:
  Fence pliers.
  Slip joint pliers.
Plow bolts.
Plow shares.
Post hole diggers.
Potato forks.
Potato hooks.
Poultry flooring
Poultry hardware.
Poultry netting.
Pump cylinders.
Pump rods and couplings.
Punches of the following kinds:
  Machine punches.
  Pin punches.
Rakes, hand.
Ridge roll.
Rivets and burrs.
Roofing, corrugated.
Rope (1" and under).
Safety switches.
Saws and saw blades.
Screw drivers.
Shovels.
Staples.
Stock watering tanks.
Tackle blocks, wood.
Tin snips.
Tire gauges, low pressure.
Tire pumps, hand operated.
Tubs, galvanized.
Valley tin.
Valves.
Vises.
Wagon hardware.
Wagon wood stock.
Wedges.
Welding rods and electrodes.
Well points.
Wheelbarrows.
Wire screen.
Wiring fittings.
Wrenches.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10728; Filed, July 3, 1943; 11:01 a. m.]

PART 962—IRON AND STEEL

[Revocation of Supplementary Order M-21-c]

PLATES

Supplementary Order M-21-c (§ 962.4) is hereby revoked, effective July 1, 1943.

Issued this 3d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10723; Filed, July 3, 1943; 11:00 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Supplement 2 as Amended July 3, 1943 to General Preference Order M-330]

The following supplemental order is issued pursuant to paragraph (c) of General Preference Order M-330.

§ 1029.32 (a) *Distributors to maintain temporary farm supplies reserves.* (1) As to each item on the attached List A, each distributor who regularly supplies farm distribution outlets must segregate as a farm supplies reserve the percentage of his inventory of that item

which is indicated after it on the list. The percentage is to be calculated against the physical quantity of the item in inventory as of June 22, 1943, or, if that is not practicable, the latest date before then for which inventory figures are available. The reserve must be segregated either physically or by book record.

(2) Every such distributor must segregate in the same proportion all supplies received after June 22, 1943.

(b) *Restrictions on sale from reserve.* After June 22, 1943, and before September 1, 1943, no distributor shall make any delivery from the reserve referred to in paragraph (a) above except to farm distribution outlets or to fill orders rated AAA. Orders for listed farm supplies in excess of this reserve shall be treated in accord with War Production Board regulations.

(c) *Equitable distribution from reserve.* If a distributor's orders from farm distribution outlets for any item on List A call for deliveries in excess of the reserve provided for, he may prorate deliveries under such orders up to the amount of his reserve on the basis of normal shipments regardless of preference ratings (other than AAA).

NOTE: Following paragraph (d) redesignated July 3, 1943.

(d) *Appeals.* If any distributor is of the opinion that he will not be able to sell his total reserve to farm distribution outlets within a reasonable time he may appeal for a modification of the requirements of this supplemental order. The appeal should be filed as provided in paragraph (i) of order M–330.

Issued this 3d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Item	*Percentage*
Auger bits	25
Batteries:	
Flashlight	25
Farm radio	75
Individual or multiple for	60
Telephone	
Ignition for power operating machinery	
Fence	
Belt fasteners, metal	25
Chains:	
Halter, cow tie and tie out	95
Harness, trace, breast, heel and butt	95
Log	75
Tractor tire	90
Welded coil under ½"	85
Repair links (other than drop forge)	75
Cold chisels, standard	25
Drills, carbon steel:	
Blacksmith	50
Bit stock	25
Straight shank	25
Grain scoops	85
Grease fittings and oil cups	50
Grease guns, hand operated, including hose and adapters	50
Handles:	
Small tool (hickory and oak)	50
Steel goods (ash)	85
Harness made from leather	90
Harness hardware	95
Hoes (field and garden)	85
Motors, fractional under 1 HP	50
Oilers (farm machinery)	75
Pails, galvanized	50
Pipe fittings (cast or malleable iron in sizes up to and including 2 inch)	80
Pliers:	
Fence	95
Slip joint	25
Plow bolts	60
Punches:	
Machine	25
Pin	25
Screwdrivers, regular pattern, wood handle	25
Shovels:	
Round pointed #2 regular	60
Round pointed #2 irrigating	85
Square point #2 regular	60
Tire gauge, low pressure	50
Tire pumps, hand operated	50
Tubs, galvanized	75
Valves (brass, bronze or iron body gate, globe, angle or check in sizes up to and including 2 inch).	6
Wagon wood stock	95
Wrenches:	
Adjustable	25
General Purpose	25
Pipe Wrenches	25

[F. R. Doc. 43–10725; Filed, July 3, 1943; 11:00 a. m.]

PART 3024—MEN'S WORK CLOTHING

[Limitation Order L–181 as Amended July 3, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of men's work clothing for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3024.1 *General Limitation Order L–181*—(a) *Definitions.* For the purpose of this order:

(1) "Men's work clothing" means any of the following garments, customarily graded as men's:

Waistband overalls or dungarees.
Bib overalls.
Overall jumpers or coats.
One-piece work suits.
Work pants.
Work shirts, (whether separate or in ensembles, but excluding uniform shirts).

(2) "Put into process" means the first cutting operation of material in the manufacture of any men's work clothing.

(3) Pro rata widths—where a certain width material is specified—narrower or wider width material shall be figured in pro rata yardages allowed or restricted.

(4) Measurements set forth refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment.

(5) Yards specified "to the dozen" shall mean the average yardage, over any 90 day period after August 15, 1942, consumed in the cutting of each type of garment.

(6) Yards specified "to the dozen" may be exceeded proportionately in the manufacture of sizes larger than specified herein to meet the needs of oversize persons.

(7) All terms used in this order shall have their usual and customary trade meanings unless stated otherwise.

(b) *General exceptions.* The prohibitions and restrictions of this order shall not apply to:

(1) Sales and deliveries by, to or for the account of the ultimate consumers by any person who does not put cloth into process for the manufacture of work clothing.

(2) Men's work clothing put into process or manufactured prior to August 15, 1942.

(3) Drills, twills, or jeans used for pocketing or waistbanding in the inventory of the manufacturer on August 15, 1942.

(4) Men's work clothing to fill purchase orders placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development and the Defense Supplies Corporation.

(5) Men's work clothing made and sold to conform with state, county or municipal safety laws, codes or regulations: *Provided,* That such laws, codes or regulations were in existence on August 15, 1942, and specifically required the use of work clothing not made in conformity with the provisions of this order.

(6) Garments manufactured in the home except when made for sale or for a contractor or jobber or other person who sells such garments.

(c) *General curtailments.* No person shall, after August 15, 1942, put into process, or cause to be put into process by others for his account, any material for the manufacture of, and no person shall, after the said date, sell or deliver any men's work clothing, the material for which was put into process after August 15, 1942, with:

(1) False or more than double stitching:

(2) [Revoked July 3, 1943]

(3) Pockets of more than single thickness.

(d) *Additional curtailments.* No person shall after August 8, 1942, put into process, or cause to be put into process by others for his account, any material for the manufacture of, and no person shall sell or deliver any of the following men's work clothing, the cloth for which was put into process after August 15, 1942.

(1) *Waistband overalls or dungarees* with:

(i) More than two front or swing pockets, two hip pockets, one rule pocket and one watch pocket.

(ii) Suspender buttons or with more than four fly buttons and one button or snap fastener on waistband.

(iii) Back buckle or strap.

(iv) More than nine bartacks or rivets exclusive of those needed on belt loops.

(v) Sizes other than 26 to 50 waist and 27 to 36 inseam.

(vi) More than 33½ yards or less than 31 yards to the dozen of 28/29 inch material: *Provided, however,* That for the sole purpose of allowing such garments when made for miners (and each miner's

garment shall be designated as such by label or other marking thereon) to include not more than two front leg patch reinforcements, one double seat and one additional leg pocket, the yardage per dozen for such garments shall be not more than 45 yards or less than 37 yards to the dozen of 28/29 inch material, the extra yardage to be used, however, only for such purpose.

(2) *Bib overalls* with:

(i) More than one large or two small bib pockets, two front swing or patch pockets, two hip patch pockets, one rule pocket and one hammer loop.

(ii) More than one button on each side opening, two bib suspender buttons, one button or one snap fastener on bib, two buttons on fly through size 38 or three buttons on fly on size 40 and up.

(iii) More than fifteen bartacks.

(iv) Sizes other than 26 to 50 waist and 27 to 36 inseam;

(v) More than an average of 46 yards or less than 39 yards to the dozen of 28/29 inch material for both the bib overall and the overall jacket.

Provided, however, For the sole purpose of allowing:

(*a*) *Bib overalls for carpenters* to include not more than two double knee or leg patch reinforcements, two side leg pockets, an apron with necessary divisions, one hand axe loop, the yardage per dozen for such garments shall be not more than 66½ yards or less than 60½ yards to the dozen of 28/29 inch material, and such garments may have 15 additional bartacks.

(*b*) *Bib overalls for painters or paperhangers* to include one brush loop and one leg pocket, the yardage per dozen for such garments shall be not more than 47½ yards or less than 41½ yards to the dozen of 28/29 inch material.

(*c*) *Bib overalls for steel workers* to include not more than two knee patch reinforcements, two leg pockets, one additional hammer loop, the yardage per dozen for such garments shall be not more than 57 yards or less than 51 yards to the dozen of 28/29 inch material, and such garments may have six additional bartacks.

Each such garment shall be designated as such by label or other marking thereon and the additional yardages shall only be used for the respective purposes specified above.

(3) *Overall jumpers or coats* with:

(i) More than two patch pockets.

(ii) More than four buttons on front and one button on each cuff.

(iii) Sizes other than 34 to 50.

(iv) Blanket-lining heavier than 16 ounce, 54 to 56 inch width, of cotton or of cotton and reused wool.

(4) *One-piece work suits* with:

(i) More than two front swing or patch pockets, two breast pockets, two-patch or swing hip pockets, one rule pocket and one hammer loop.

(ii) More than four front buttons, one breast pocket button, three fly buttons and one button on each cuff.

(iii) More than 17 bartacks, exclusive of those needed on belt loops.

(iv) Sizes other than 34 to 50.

(v) More than 72 yards or less than 66 yards to the dozen of 28/29 inch material.

(5) *Work pants* with:

(i) More than two front swing pockets, two hip patch or swing pockets and one watch pocket.

(ii) Tunnel loops.

(iii) Suspender buttons on sizes other than 38 and up.

(iv) More than 11 bartacks exclusive of those needed on belt loops.

(v) Side buckle and straps.

(vi) Self belt or extension waistband.

(vii) Pleats.

(viii) More than five fly buttons, including waistband. on sizes through 38 and more than six fly buttons, including waistband, on sizes 40 and up, and with more than one hip pocket button.

(ix) Cuffs where 30 inch 2.50 gray width and weight basis material and heavier is used.

(x) More than 1½ inch hem.

(xi) More than 1½ inch cuff on material lighter than 30 inch 2.50 gray width and weight basis.

(xii) Sizes other than 26 to 50 waist and 27 to 36 inseam.

(xiii) (*a*) More than 27½ yards or less than 24½ yards to the dozen of 36 inch material weighing less than 8 ounces per yard of 36 inch width material, or

(*b*) More than 28 yards or less than 25 yards to the dozen of any heavier material.

(6) *Work shirts* with:

(i) Other than one or two plain patch pockets but only button through or open.

(ii) More than single thickness lining in collar.

(iii) More than six buttons on front, one button each cuff and one button on each pocket.

(iv) Lined cuffs.

(v) More than four bartacks.

(vi) Eyelets or vents.

(vii) Reinforced elbow, shoulder, back or front.

(viii) [Revoked May 8, 1943]

(ix) [Revoked May 8, 1943]

(x) Sizes other than 13 to 19 or sizes small, medium and large.

(xi) More than 29½ yards or less than 26 yards to the dozen of 36-inch material on long sleeve models, or more than 24 yards or less than 23 yards to the dozen of 36-inch material on half-sleeve models. On regular or mill finish material or on 36-inch 2.85 material and heavier a total of a half yard to the dozen additional yardage may be used.

(e) *Certification.* No person, who has before August 8, 1942, or shall after August 8, 1942, put into process or cause to be put into process by others for his account any men's work clothing, shall after August 8, 1942, sell such work clothing without furnishing to his purchaser (when other than an ultimate consumer) a certification, signed by an individual duly authorized to sign for such person, in substantially the following form:

The undersigned hereby certifies to his purchaser and the War Production Board that the men's work clothing covered by his invoice No. ---------- dated ---------- (or the annexed invoice) has been manufactured or sold in accordance with the curtailment and/or exceptions of General Limitation Order L–181.

(f) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of men's work clothing conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Reference L–181, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(g) *Records and inspections.* (1) Each person affected by the order shall keep and preserve for a period of not less than two years accurate and complete records of his applicable inventories, certifications, production, sales and transactions. (2) All records required to be kept by the order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports and communications.* (1) Each person affected by the order shall execute and file with the War Production Board such reports and questionnaires as may be requested by the Board from time to time. (2) All reports required hereunder, and all communications concerning the order, shall be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference: L–181.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 3d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–10727; Filed, July 3, 1943; 11:00 a. m.]

PART 3045—COTTON TEXTILES FOR WORK APPAREL

[Schedule I to General Preference Order M–207 as Amended July 3, 1943]

MALE WORK CLOTHING

§ 3045.2 *General Preference Order M–207*—(a) *Definitions.* For the purposes of this schedule:

(1) "Male work clothing" shall mean any garments designed for male workers' wear while engaged in their occupations

and of the type customarily sold as one of the following:

Waistband overalls or dungarees.
Bib overalls.
Overall jumpers or coats.
Blanket-lined overall jumpers or coats.
One-piece work suits.
Work pants.
Work breeches.
Cossack jackets.
Work shirts.
Work aprons.
Oilskin jackets, coats, hats or apron overalls.
Lined work coats.
Doctors', dentists', internes' or orderlies' gowns, suits or coats.
Druggists' coats.
Slaughter house workers' coats.
Butchers', fish handlers' or dairy workers' coats or apron sets.
Cooks' coats.
Safety garments made expressly to meet particular safety needs and to conform with safety codes.
Shop and work caps.

(2) "Work clothing textiles" shall mean

(i) Cotton waistbands, cotton trouser curtains, cotton sewing thread and the following fabrics made wholly of cotton, except as hereinafter expressly provided, either in the gray original mill or regular finish or converted state, including seconds but excluding all cuts of less than twenty (20) yards as produced in the ordinary course of fabric manufacture:

Denims:
White back, 28" to 29" width basis:

Regular finish weight basis	or	*Shrunk weight basis*
1.60 yard		11 ounce.
1.78 yard		10 ounce.
2.00 yard		9 ounce.
2.20 yard		8 ounce.
2.45 yard		2.20 yard.
3.00 yard		2.70 yard.

Denim stripes, 28" to 29" with basis:
2.20 yard---------- 8 ounce.
Pin checks:
38" to 40"—2.40 to 2.85 yard, regular finish weight basis.
Chambrays:
36" 3.90 yard, fine yarn, regular finish weight basis.
Coverts:
36" 3.90 yard, fine yarn, regular finish weight basis.
36" 3.20 yard, coarse yarn, regular finish weight basis.
36" 1.65 yard, shrunk weight basis.
36" 2.00 yard, shrunk weight basis.
36" 2.40 yard, shrunk weight basis.
Whipcords:
33" 1.65 yard, shrunk weight basis.
36" 1.45 yard, shrunk weight basis.
36" 1.35 yard, shrunk weight basis.
Cottonades:
36" 1.65 yard, shrunk weight basis.
36" 1.45 yard, shrunk weight basis.
Woven shirting flannels:
Plains and fancies.
36" 3.00 yard, regular finish weight basis.
36" 2.30 yard, regular finish weight basis.
Blanket linings:
54" to 56" 16 ounce maximum weight, made of cotton or of cotton and reused wool.
Moleskins:
Finished weight basis:
30" 7¾ to 8¼ ounce, plain ground.
36" 9½ to 10 ounce, plain ground.
30" 8¾ to 9¼ ounce, plain ground.
30" 7½ to 7¾ ounce, black and white.
30" 8 to 8½ ounce, black and white.
30" 8¾ to 9¼ ounce, black and white.
Warp sateen:
54", not lighter than 1.30 yard.
Corduroys:
36" 12 to 13 ounce thickset, finished weight basis.
Suedes:

Gray width and weight basis:	*Finished widths*
40 to 40½" 1.60 to 1.65 yard	35 to 36"
40 to 40½" 3.00 yard	35 to 36"

Poplins:
Gray width and weight basis:
38 to 39" 2.50 yard---------- 35 to 36"
38 to 39" 2.85 yard---------- 35 to 36"
38 to 39" 3.25 yard---------- 35 to 36"
Drills:
Gray width and weight basis:
30" 72 to 76 sley, 48 to 60 pick 2.50 yard---------- 28 to 29"
37" 68x40, 2.75 yard.
Twills:
Gray width and weight basis:
39" minimum count 88x42, 1.60 and 1.90 yard---------- 35 to 36"
30" 88x56 2.10 to 2.20 yard---- 28"
31/32" 1.90 yard
39" 2.00 yard not less than 170 threads per sq. in----- 35 to 36"
39" 2.50 yard not less than 170 threads per sq. in----- 35 to 36"
39" 68x76 4.00 yard.
Jeans:
Gray width and weight basis:
38 to 39" 96x64 2.85 yard---- 35 to 36"
Print cloth yarn fabrics:
Gray width and weight basis:
36" 20x16 21.00 yard.
36" 28x24 15.00 yard.
36" 32x28 13.00 yard.
38½" 44x36 8.60 yard.
38½" 44x40 8.20 yard.
38½" 60x48 6.25 yard.
38½" 64x60 5.35 yard.
40" 80x92 3.50 yard for use in oilskin processing only.
Sheetings:
36" 48x48 2.85 yard.
40" 48x48 2.85 yard.
40" 64x68 3.15 yard.
40" 48x44 3.75 yard.
40" 44x40 5.50 yard.

Any sheeting over 46" not exceeding 76 picks per inch, produced on looms normally weaving wide bed sheeting.

(ii) Pro rata widths of like count and weight to the above constructions, provided such other width fabrics, wider or narrower, are produced for the purpose of utilizing maximum productive width of looms or augmenting the supply of square yardage in fabric widths suitable for economical use in the manufacture of male work clothing.

(3) "Work clothing processor" shall mean:

(i) A person who purchases work clothing textiles for manufacturing, or to be manufactured for his account, into male work clothing for sale or rental, and any Federal, State, County, or Municipal institution engaged in the manufacture of male work clothing.

(ii) The manufacturer of waistbands or trouser curtains, to be used in male work clothing, for sale to a manufacturer of male work clothing.

(iii) The converter or finisher of work clothing textiles who bleaches, finishes or processes work clothing textiles for sale to a processor of male work clothing as defined in paragraph (a) (3) (i).

(4) "Inventory" shall mean the total quantity of work clothing textiles or of work clothing textiles in process of manufacture into male work clothing or of male work clothing owned by any work clothing processor and held by him in any mill, warehouse, place of storage or manufacturing plant.

(b) *Manufacture of denims.* The denims specified in paragraph (a) (2) (i) which are manufactured after October 31, 1942, and which are sold and delivered pursuant to the application of the rating assigned in paragraph (c) shall be woven 36 to 37" wide *pro rata*, to the extent that loom width permits.

(c) *Assignment of preference rating.* Purchase or manufacturing orders for work clothing textiles placed by work clothing processors are hereby assigned a preference rating of A–2.

(d) [Revoked July 3, 1943]

(e) *Application of preference rating.* Any work clothing processor, in order to apply the preference rating assigned by paragraph (c) to deliveries of material to him, must endorse on or attach to each purchase or manufacturing order placed by him to which the rating is applied, a certificate in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser hereby certifies to the seller and the War Production Board that he is entitled to apply the preference rating indicated opposite the items shown on the attached purchase order and that such application is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar. Furthermore, the undersigned certifies that the fabrics hereby ordered will be used in the manufacture of male work clothing or otherwise disposed of only as permitted in General Preference Order No. M–207 and/or Schedule I thereto.

----------	----------
(Name of work clothing processor)	(Address)
By----------	----------
(Signature and title of duly authorized officer)	(Date)

Such endorsement shall constitute a representation to the War Production Board and the supplier with whom the contract or purchase order is placed that such contract or purchase order is duly rated in accordance herewith.

Each person applying ratings must maintain at his regular place of business all documents, including purchase or manufacturing orders, preference rating orders and certificates, upon which he relies as entitling him to apply or extend such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(f) *Restrictions on inventory.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14):

(1) No manufacturer of the following garments of male work clothing:

Waistband overalls or dungarees.
Bib overalls.

Overall jumpers or coats.
One-piece work suits.
Work pants other than of cotton moleskin or cotton corduroy.
Work breeches.
Work shirts other than of cotton flannel or cotton suede.
Work aprons.
Doctors', dentists', internes' or orderlies' gowns, suits or coats.
Druggists' coats.
Slaughter house workers' coats.
Butchers', fish handlers' or dairy workers' coats or apron sets.
Cooks' coats.
Safety garments as defined in paragraph (a) (1)

shall after August 22, 1942 hold in his inventory a total quantity of work clothing textiles for such garments, such textiles in process of manufacture into such garments and such completed garments in excess of such a total quantity as will be delivered out of his inventory within 150 days after the receipt of any delivery of such textiles to his inventory.

(2) No manufacturer of waistbands or trouser curtains and no converter or finisher of work clothing textiles shall after August 22, 1942, hold in his inventory any work clothing textiles, except cotton suedes, cotton corduroys and cotton moleskins, in excess of the total quantity of such textiles, including such textiles in process, which will be delivered out of his inventory within 90 days.

Issued this 3d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10726; Filed, July 3, 1943; 11:00 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Amdt. 1 to CMP Reg. 1 as Amended May 28, 1943]

Section 3175.1 *CMP Regulation No. 1* is hereby amended in the following respects:

(1) By striking the second sentence of paragraph (t) (8) of said section and inserting in lieu thereof the following:

If a controlled materials producer requires delivery of controlled materials from other controlled materials producers, to be processed by him and sold to his customers in another form or shape constituting a controlled material, such delivery may be made or accepted only pursuant to a specific direction as provided in subparagraph (3) (iii) of this paragraph (t) or by an allotment as provided in CMP Regulation No. 8. Specific instructions will inform a controlled materials producer whether to apply for a direction by letter or for an allotment pursuant to CMP Regulation No. 8.

(2) By striking the period appearing at the end of the item "Powder (copper and copper base alloy)" appearing in Schedule I of said section and adding the following: "(After September 30, 1943)"

NOTE—This amendment means that copper and copper base alloy powder is not a controlled material during the third quarter of 1943, but will become a controlled material for the fourth and subsequent quarters.

Issued this 3d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10724; Filed, July 3, 1943; 11:00 a. m.]

PART 3240—MATERIAL FOR FARMSTEAD WIRING

[Preference Rating Order P-144 as Amended June 30, 1943 [1]]

§ 3240.1 *Preference Rating Order P-144.* For the construction of farmstead wiring on approved farms, a preference rating of AA-3 is hereby assigned to deliveries of farmstead wiring material to builders upon the following terms:

(a) *Definitions.* (1) "Farmstead wiring material" means electrical wiring, including not more than 75 pounds of non-ferrous metal in conductor as well as necessary fixtures and accessories, required to carry electrical energy from the terminal of the utility's facilities to the point or points of use on an approved farm, not including wiring which would be exclusively used to furnish electricity for household lighting.

(2) "Approved farm" means a farm to which a utility has been authorized to furnish electric service under the terms of Supplementary Utilities Order U-1-c, as amended.

(3) "Builder" means the person named as eligible for electric service in the USDA County War Board's certification under Supplementary Utilities Order U-1-c, as amended.

(b) *Application and extension of preference ratings.* (1) Notwithstanding any provision of Priorities Regulation 3, as amended, the ratings assigned by this order shall be applied by a builder only by his endorsing on, or attaching to, each contract or purchase order placed by him a certification in substantially the following form:

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply the preference rating of AA-3 to the items shown on this purchase order. In addition, the undersigned certifies that he is the person named as eligible for electric service in the USDA County War Board's certification under Supplementary Utilities Order U-1-c, a copy of which certification is attached to this contract or purchase order for farmstead wiring material.

---------- ----------
(Name of purchaser) (Address)

(Date)

(2) No supplier may sell farmstead wiring to a builder, notwithstanding a certification as above, if he knows or has reason to believe that such certification is false. In the absence of such knowledge or belief, however, a supplier may rely on such certification.

(3) The ratings assigned by this order may be extended to the extent permitted by Priorities Regulation 3.

(c) *Records.* (1) Except as provided in paragraph (c) (2) hereof, each supplier shall forward to the U. S. D. A. County War Board which certified the purchaser's eligibility, a copy, endorsed by such supplier, of each purchase order or contract to which the rating assigned hereby has been applied or extended. The U. S. D. A. County War Board shall retain such copy for a period of two years for inspection by representatives of the War Production Board. This requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) No supplier is required to forward such copy in the case of sales made to other suppliers.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from process or use of, material under priority control, and may be deprived of priorities assistance.

(e) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to War Food Administration, Washington, D. C., Ref.: P-144.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(g) *Expiration date.* This order shall expire July 31, 1943.

Issued this 30th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10729; Filed, July 3, 1943; 11:01 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Interpretation 4 of Priorities Regulation 1 as Amended]

The following official interpretation is hereby issued with respect to §§ 944.2 and 944.7 of Priorities Regulation No. 1, as amended May 15, 1943:

Section 944.2 provides for the compulsory acceptance of defense and other preference rated orders for the use of facilities, and § 944.7 provides for the sequence of deliveries on such orders. With respect to all such orders placed with producers of controlled materials, the provisions of these sections are applicable only to the extent that they do not interfere with the acceptance, production and delivery of orders for controlled materials in accordance with production directives issued

[1] This document is a restatement of Amendment 1 and Extension 1 of P-144 which appeared in the FEDERAL REGISTER of July 2, 1943, page 9047, and reflects the order in its completed form as of June 30, 1943.

under paragraph (t) (1) of CMP Regulation No. 1.

Issued this 5th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10825; Filed, July 5, 1943; 10:59 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-d, as Amended July 5, 1943]

CORROSION AND HEAT RESISTANT CHROME STEEL

§ 962.5 *Supplementary Order M-21-d*—(a) *Restrictions on deliveries, use, etc.* Except pursuant to specific authorization or direction of the War Production Board, no person shall consume, use, process, fabricate, or deliver corrosion or heat resistant alloy iron or alloy steel containing 4 per cent or more of chromium except in accordance with the following:

(1) The above prohibition shall not apply to material to be delivered by the holder on a preference rating of AA-5 or higher or on an authorized controlled material order, or to material acquired on a preference rating of AA-5 or higher or on an authorized controlled material order.

(2) The above prohibition shall not apply to material acquired prior to November 18, 1942 on a preference rating of A-1-k or higher.

(3) The above prohibition shall not apply to fully fabricated articles. It shall apply to raw steel stock in the form received, or cut to size for further processing or fabrication.

(b) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(c) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(d) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington, D. C. Ref.: M-21-d.

Issued this 5th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

Paragraph (a) (3) of the order (§ 962.5) provides that its prohibitions shall not apply to fully fabricated articles. For the purposes of this order, formed molding is considered to be a fully fabricated article. (Issued September 9, 1942.)

INTERPRETATION 2

Paragraph (a) of Supplementary Order M-21-d (§ 962.5) places certain restrictions on the use and delivery of corrosion and heat resistant chrome steel except where specific authorization or direction has been given by the War Production Board. For the purposes of this order, the approval of an order for melting or delivery on form PD-391 constitutes specific authorization or direction by the War Production Board. Therefore, an order for such steel rated lower than AA-5 can be melted, processed and shipped, if approved on form PD-391, and the purchaser can use such steel in his own operations or processes or complete fabrication of articles from such steel and ship to his customer. (Issued Dec. 11, 1942.)

INTERPRETATION 3

Paragraph (a) of Supplementary Order M-21-d (§ 962.5) places certain restrictions on the use and delivery of corrosion and heat resistant chrome steel except where specific authorization or direction has been given by the War Production Board. For the purposes of this order, the approval of an order for melting or delivery on forms PD-391 or PD-707 constitutes specific authorization or direction by the War Production Board. Therefore, an order for such steel rated lower than AA-5 can be melted, processed and shipped, if approved on forms PD-391 or PD-707, and the purchaser can use such steel in his own operations or processes or complete fabrication of articles from such steel and ship to his customer. (Issued Jan. 9, 1943.)

[F. R. Doc. 43-10826; Filed, July 5, 1943; 10:58 a. m.]

PART 1062—METALLIC LICENSE PLATES

[Supplementary Limitation Order L-32-a]

§ 1062.2 *Supplementary Limitation Order L-32-a*—(a) *Definitions.* For the purpose of this order:

(1) "1942 license plate" means any metallic license plate for motor vehicles designed to be used for the licensing year which began after June 30, 1941, and before July 1, 1942.

(2) "1944 license plate" means any metallic license plate for motor vehicles designed to be used for the licensing year which begins after June 30, 1943, and before July 1, 1944.

(b) *Permitted use of 1944 license plates.* Any governmental unit may manufacture or cause to be manufactured, and issue 1944 license plates only subject to the following conditions:

(1) Such license plates shall not exceed, in area or dimension, the 1942 license plates issued by such governmental unit.

(2) Only one 1944 license plate shall be issued for the same motor vehicle except in replacement of a plate which has been lost, stolen or so damaged as to be no longer serviceable.

(3) The total quantity of 1944 license plates manufactured by or for any governmental unit shall not exceed fifty per cent in number of the license plates issued by such governmental unit for the licensing year 1942, except that any governmental unit which, for such license year, issued only one 1942 license plate for each motor vehicle, may manufacture as many 1944 license plates as such governmental unit issued for the license year 1942.

(4) 1944 license plates shall be manufactured only, (i) from metal owned by such governmental unit on July 5, 1943; or, (ii) from sheet or strip metal not heavier than 22 gauge and which has been reported as idle or excess inventory to the War Production Board, through the Steel Recovery Corporation, Pittsburgh, Pennsylvania, and which has been acquired by such governmental unit pursuant to specific authorization by the War Production Board. Application for such authorization shall be made by letter addressed to the Government Division, War Production Board, Washington, D. C., Ref: L-32-a, stating the following information:

(i) The size and gauge of metal used Bonds, Series A, 3¾% due August 1, issued by such governmental unit.

(ii) The total quantity of metal, by weight, used in the manufacture of 1942 license plates issued by such governmental unit.

(iii) The number of 1942 license plates issued by such governmental unit.

(iv) The dimensions of such license plates.

(v) The quantity, by weight, of metal now on hand.

(vi) The number of 1944 license plates which can be manufactured from metal now on hand.

(vii) The quantity of metal, by weight, needed for the manufacture of 1944 license plates as permitted in this order exclusive of metal on hand.

(viii) A description of the kind of metal suitable for the manufacture of 1944 license plates. Give gauge and size of strips or sheets.

NOTE: The foregoing requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order does not constitute an authorization to purchase or accept delivery of metal for the manufacture of 1944 license plates, but specific authorization from the War Production Board must be obtained.

Issued this 5th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10827; Filed, July 5, 1943; 10:58 a. m.]

PART 1162—DYESTUFFS AND ORGANIC PIGMENTS

[Conservation Order M-103, as Amended July 5, 1943]

Section 1162.1 *Conservation Order M-103*, as amended May 24, 1943 is amended as follows:

§ 1162.1 *Conservation Order M-103*—(a) *Definitions.* For the purposes of this order:

(1) "Dyestuffs" means any organic or partially organic coloring matter. The term does not include inorganic pigments extended or otherwise processed

with resinates, dispersing agents, or other substantially colorless organic material.

(2) "Class A dyestuffs" means the anthraquinone vat dyes appearing on List A attached hereto.

(3) "Class B dyestuffs" means all anthraquinone vat dyes other than those appearing on said List A. The term includes Fast Red A. L. Salt, which shall be considered an anthraquinone vat dye of single strength.

(4) "Class C dyestuffs" means all anthraquinone dyes other than anthraquinone vat dyes.

(5) "Class D dyestuffs" means all other dyestuffs, except—

(i) Those derived from vegetable or animal sources;

(ii) Lithol Red CI 189, Azo Bordeaux CI 88, Alphanaphthylamine Maroon CI 82 or Pigment Green B; or

(iii) Dyestuffs certified under the provisions of the Federal Food, Drug and Cosmetic Act (Ch. 9, Title 21, U. S. Code) and sold and used exclusively for use in food, drugs and cosmetics, as defined in said Act.

(6) "Value" means the dollar value computed from the domestic consumer's contract sales price as of January 1, 1943.

(7) "United States" means the 48 States, the District of Columbia and the Territory of Alaska.

(b) *Restrictions on delivery*—(1) *Class A.* No person shall deliver or accept delivery of any Class A dyestuffs, except for export within the limitations prescribed in paragraph (c) (*Restrictions on export*) and except as provided in paragraph (d) (*General exceptions*).

(2) *Class B, C and D quotas.* Except as provided in paragraph (d) (*General exceptions*), no person shall, in any calendar quarter, deliver or accept delivery of any Class B, C or D dyestuffs for use in the United States or Canada, in excess of the quantities specified in the following schedule:

	May deliver	*May accept delivery*
Class B	15% of combined amount of Class A and B dyestuffs delivered to all persons in 1941.	15% of combined amount of Class A and B dyestuffs received from all sources in 1941.
(For the purpose of Class B quota, calculate in pounds of equivalent single strength Anthraquinone vat dyes. The poundage may be increased to equal 25 or a multiple thereof.)		
Class C	15% of value of Class C dyestuffs delivered to all persons in 1941.	$100, or 15% of value of Class C dyestuffs received from all sources in 1941, whichever is higher.
Class D	15% of value of Class D dyestuffs delivered to all persons in 1941.	$100, or 15% of value of Class D dyestuffs received from all sources in 1941, whichever is higher.
(For the purpose of Class D quota, in determining the value of dry and wet dispersions of organic pigments, only the organic pigment content for such dispersions shall be considered and it shall be based on the value of a comparable dry pigment.)		

(3) *Quota adjustments.* For the purpose of the Class B, C and D quotas, referred to in the above schedule—

(i) *Use by producer.* Amounts of dyestuffs which are or have been used by a producer in any calendar quarter or in 1941, shall be considered as having been delivered to such person in such quarter or in 1941, as the case may be.

(ii) *Credit for returned dyestuffs.* Amounts of dyestuffs returned to a vendor prior to the 22nd day after the end of the calendar quarter in which they were delivered, shall not be charged as delivered or accepted.

(iii) *Carry-over of undelivered quota.* Amounts of dyestuffs which a person may deliver or accept which have not been delivered or accepted in any calendar quarter, may be delivered or accepted prior to the 22nd day after the end of such quarter.

(c) *Restrictions on export.*—(1) *General restrictions.* No producer shall export or deliver for export from the United States to any place other than Canada any dyestuffs produced by him, except either upon orders accompanied by individual export licenses issued by the Board of Economic Warfare (the applications for which show thereon the corresponding current domestic sales price of such dyestuffs), or upon orders authorized by general export licenses issued by the Board of Economic Warfare. The total value, exclusive of the exceptions provided in paragraph (d), of dyestuffs so expected or delivered in any quarter shall not exceed:

(i) ¾ of 1% of the total value of all dyestuffs delivered by him in 1941 plus

(ii) 15% of the total value of dyestuffs exported or delivered for export by him from the United States to all places other than Canada in 1941.

(2) *Further restrictions on Class A, B and C.* The amount of dyestuffs, exclusive of the exceptions provided in paragraph (d), produced by him which a producer may export or deliver for export from the United States to all places other than Canada in any calendar quarter, shall not exceed:

(i) As to Class A dyestuffs, ¾ of 1% of the total value of all Class A dyestuffs delivered by him in 1941;

(ii) As to a total of Class A, B and C dyestuffs, 2% of the total value of all Class A, B and C dyestuffs delivered by him in 1941.

(3) *Carry-over of undelivered portion of export quota.* Amounts of any dyestuffs which a producer may export or deliver for export from the United States to all places other than Canada in any calendar quarter and which are not exported or delivered in such quarter, may be carried over to the following quarter and increase to that extent the quota for such class in the subsequent quarter. For the purposes of this subparagraph (3), all dyestuffs, other than Class A, B or C, shall be considered one class.

(d) *General exceptions.* The restrictions in subparagraphs (1) and (2) of paragraph (b) (*Restrictions on delivery*) and the restrictions in paragraph (c) (*Restrictions on export*) shall not apply to the delivery or acceptance of delivery of dyestuffs—

(1) To or by the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the United States Post Office, the Government Printing Office or the Bureau of Engraving and Printing;

(2) For ultimate delivery to any of the agencies mentioned in subparagraph (1) of this paragraph (d), or for use, to the extent specified in the prime contract, in the manufacture of any item which is being produced for any of said agencies;

(3) For use in the manufacture of officers' uniform materials for officers' uniforms as defined in Preference Rating Order P–131, as amended from time to time;

(4) Between or among producers and exclusive sales agents of producers;

(5) For coloring gasoline and tractor fuels;

(6) For chemical indicators or bacteriological stains;

(7) For medicinal, therapeutic or diagnostic uses;

(8) For redyeing used apparel or used household furnishings;

(9) For ultimate delivery to or by a retailer (who for this purpose means one who sells dyestuffs and other merchandise directly to the general public for its consumption. E. g. a general store, a drug store, etc.) of dyestuffs in containers not exceeding 8 ounces in content; or

(10) To replace in inventory amounts which, although not acquired for any of the uses referred to in any of the subparagraphs of this paragraph (d), were nevertheless used for one or more of such purposes.

Provided, That all deliveries of dyestuffs exempted from the restrictions of said paragraphs (b) and (c) by subparagraphs (2), (3), (4), (5), (6), (7), (8) or (10) of this paragraph (d) shall be made only upon the receipt by the vendor from the purchaser of a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the dyestuffs to be delivered on the annexed purchase order will be used for one or more of the purposes specified in paragraph (d) of Conservation Order M–103, or will replace inventory so used.

(e) *Treatment of mixtures.* In the case of physical mixtures of different classes of dyestuffs containing a component or components of one class to the extent of at least 90% of the value of such mixture, such mixtures shall be considered as belonging to the class to which said component or components belong. In the case of all other physical mixtures of dyestuffs, the classes of components shall be considered separately.

(f) *Restrictions on use of specific dyestuffs.* No person shall use any:

(1) Meta-toluylene diamine (including Amanil Developer B, Pontamine Developer TN, Developer D, Developer DB, Developer MT, Developer MTD or Developer TD) in the developing of diazotized dyes already present on textile fibers. This provision shall not prohibit the use of such Meta-toluylene diamine in the manufacture of dyestuffs.

(2) Anthraquinone in any physical form in discharging (including color and white discharge), stripping or destroying naphthol (azolic), vat or other dyes already present on textile fibers. This provision shall not prohibit the use of Anthraquinone in the manufacture of dyestuffs.

(3) Annato or annato extracts for coloring any materials other than food products.

(g) *Restrictions on inventory.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14), no person shall accept delivery of any Class A dyestuffs which will increase his inventory thereof beyond an amount which, to the best of his knowledge and belief, will be used by him in the next 45 days.

(h) *General prohibitions.* No person shall deliver or accept delivery of any dyestuffs, if he knows, or has reason to believe, such material is to be used or is to be delivered or accepted in violation of the terms of this order.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(l) *Communications to the War Production Board.* All communications concerning this order, shall, unless otherwise directed in writing, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference: M–103.

Issued this 5th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

PART I—TECHNICAL NAMES

1. Brown R CI 1151.
2. Brown G CI 1152.
3. Olive R CI 1150.
4. Golden orange R CI 1097
5. Khaki 2G Pr 122.
6. Olive T.
7. Olive GGL.
8. Olive green B.
9. Yellow 3RD.

PART II—TRADE NAMES

Amanthrene olive R CI 1150.
Amanthrene olive green B.
Calcoloid golden orange RRTD CI 1097.
Calcosol brown G CI 1152.
Calcosol brown R CI 1151.
Calcosol brown RP CI 1151.
Calcosol golden orange RRTD CI 1097.
Calcosol golden orange RRTP CI 1097.
Calcosol khaki G Pr 122.
Calcosol olive R CI 1150.
Carbanthrene brown AR CI 1151.
Carbanthrene brown AG CI 1152.
Carbanthrene golden orange RRT CI 1097.
Carbanthrene prtg. golden orange RRT CI 1097.
Carbanthrene khaki 2G Pr 122.
Carbanthrene olive R CI 1150.
Cibanone brown BG CI 1152.
Cibanone brown GR CI 1151.
Cibanone golden orange 2R CI 1097.
Cibanone olive 2R CI 1150.
Indanthrene brown FRA CI 1151.
Indanthrene brown GA CI 1152.
Indanthrene brown GAF CI 1152.
Indanthrene brown GAP CI 1152.
Indanthrene brown GWF CI 1152.
Indanthrene brown GWP CI 1152.
Indanthrene brown RA CI 1151.
Indanthrene brown RAP CI 1151.
Indanthrene brown RWP CI 1151.
Indanthrene khaki 2GA Pr 122.
Indanthrene khaki 2GF Pr 122.
Indanthrene khaki 2GWP Pr 122.
Indanthrene olive green BA.
Indanthrene olive RA CI 1150.
Indanthrene olive RAP CI 1150.
Indanthrene olive RW CI 1150.
Indanthrene olive RWF CI 1150.
Indanthrene orange RRTA CI 1097.
Indanthrene orange RRTF CI 1097.
Indanthrene orange RRTP CI 1097.
Indanthrene orange RRTW CI 1097.
Indanthrene yellow 3RD.
Indanthrene olive T.
Ponsol brown AG CI 1152.
Ponsol brown AR CI 1151.
Ponsol brown ARS CI 1151.
Ponsol green 2BL.
Ponsol golden orange RRT CI 1097.
Ponsol golden orange RRTS CI 1097.
Ponsol khaki 2G Pr122.
Ponsol olive AR CI 1150.
Ponsol olive ARS CI 1150.
Ponsol olive GGL.

[F. R. Doc. 43–10828; Filed, July 5, 1943; 10:59 a. m.]

PART 1295—ANILINE

[Allocation Order M-184, as Amended July 5, 1943]

The order title "Conservation Order M–184" is hereby amended to read "Allocation Order M–184".

Section 1295.1 is hereby amended to read as follows:

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of aniline, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1295.1 *Allocation Order M–184*—(a) *Definitions.* (1) "Aniline" means aniline, aniline oil, and the salts of aniline.

(2) "Supplier" means any person who produces or imports aniline, or who buys aniline for resale as aniline.

(b) *Restrictions on delivery and acceptance of delivery of aniline.* (1) No supplier shall deliver aniline to any person except as specifically authorized in writing by the War Production Board, upon application pursuant to Exhibit A annexed.

(2) No person shall accept delivery of 5,000 pounds or more of aniline in the aggregate from all suppliers during August 1943, or during any calendar month thereafter, except as specifically authorized in writing by the War Production Board, upon application pursuant to Exhibit B annexed.

(3) No person shall accept delivery of between 500 and 5,000 pounds of aniline in the aggregate from all suppliers during August 1943, or during any calendar month thereafter, or place any purchase order for such delivery, unless and until he shall have furnished each supplier with a use certificate pursuant to Exhibit C annexed.

(c) *Restrictions on use of aniline.* No person (including any supplier) shall use any aniline except as follows:

(1) As specifically authorized in writing by the War Production Board, upon application pursuant to Exhibit B annexed; or

(2) For the purpose stated in a use certificate furnished with the purchase order for such aniline, pursuant to Exhibit C annexed; or

(3) Without restriction, by any person using 500 pounds or less in the aggregate during any calendar month.

(d) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of aniline; or

(2) Production of aniline; or

(3) Preparation and filing of forms and certificates required by Exhibits A, B and C annexed.

(e) *Use of stocks of aniline.* (1) All stocks of aniline are subject to the use restrictions of this order.

(2) Aniline in inventory may be used for an authorized use pending acceptance of delivery of the aniline allocated for such use (which shall be used to replace the inventory).

(f) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of aniline shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(3) *Approval of reporting requirements.* The reporting requirements of Exhibits A, B, and C annexed to this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) *Confirmation of previous allocations.* The amendment to this order on July 5, 1943, does not affect authorizations issued under this order prior to said date.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction

may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(6) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Reference M-184.

Issued this 5th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

INSTRUCTIONS FOR FILING APPLICATIONS FOR SPECIFIC AUTHORIZATION TO MAKE DELIVERY OF ANILINE

Each supplier seeking authorization to make delivery of aniline, may file application on Form WPB 2947 (formerly PD-602) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form. Copies of Form WPB 2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.

Time of filing. Applications on Form WPB 2947 (formerly PD-602) shall be filed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to make delivery is sought.

Number of copies. Four copies shall be prepared, of which one may be retained by the applicant, and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington, D. C., Reference M-184.

Number of sets. Each supplier shall file a separate set of WPB 2947 (formerly PD-602) applications for each of his plants and for each different grade or type of aniline.

Heading. Under name of material, specify aniline; under War Production Board order number, specify M-184; specify the grade or type; specify pounds as unit of measure; and otherwise fill in as indicated.

Table I. In Column 1, first list customers who have filed WPB 2945 (formerly PD-600) forms with the applicant, and in Column 1-a specify "WPB-2945"; second, list customers who have filed use certificates with the applicant, and in Column 1-a enter the end uses stated in such certificates; third, specify in Column 1, "aggregate uncertified small orders (500 lbs. or less)", and leave Column 1-a blank. Fill in other columns as indicated.

Rolling stock. Fill in as indicated.

Table II. Fill in as indicated. In Columns 8 and 11 enter only those stocks of aniline not authorized for use or delivery on the dates specified.

Special instructions for small distributors. Any distributor may deliver aniline on uncertified small orders of 500 pounds or less without application to, or authorization from, the War Production Board, if he himself acquired such aniline on an uncertified small order of 500 pounds or less, or if he acquired it pursuant to specific authorization or certification for the purpose of filing uncertified small orders of 500 pounds or less.

EXHIBIT B

INSTRUCTIONS FOR FILING APPLICATIONS FOR SPECIFIC AUTHORIZATION TO USE OR ACCEPT DELIVERY OF ANILINE

Specific authorization by the War Production Board is required:

(1) For use of any quantity of aniline, except the use of aniline for the purpose for which it was allocated on a certified purchase order pursuant to Exhibit C, or the use of aniline by a person using not more than 500 pounds per month, and

(2) For acceptance of delivery of 5,000 pounds or more of aniline from all suppliers in any calendar month.

Application for such specific authorization may be made on Form WPB 2945 (formerly PD-600), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form. Copies of Form WPB 2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the tenth day of the month preceding the month for which authorization for use or acceptance of delivery is sought.

Number of copies. Five copies shall be prepared, of which one copy may be retained by the applicant, one copy shall be forwarded to the supplier, and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Reference M-184.

Number of sets. A separate set of applications on Form WPB 2945 (formerly PD-600) shall be submitted for each supplier and for each delivery destination or plant of the applicant, and separate sets shall be submitted for aniline and for aniline salts.

Heading. Under name of chemical, specify aniline or aniline salts, as the case may be; under War Production Board order number, specify M-184; under unit of measure, specify pounds; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for use or acceptance of delivery is sought.

Column 1. Specify technical, water-white, or other specified grade.

Column 2. Specify separately the quantities (in pounds) required for each primary product and product use specified in Columns 3 and 4.

Column 3. Specify primary products in terms of the following:

Diphenylamine.
Dimethylaniline.
Monoethylaniline.
Hydroquinone.
Acetanilide.
Chemical Warfare.
Dyes, colors and intermediates.
Resins and plastics.
Petroleum additives (identify).
Aniline salts.
Inks (laundry, printing, writing, etc.).
Other products (specify).
Export (as aniline).
Resale (as aniline).
Inventory (as aniline).

Column 4. Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, in the case of diphenylamine, Order M-75).

Opposite any primary product in Column 3 which is not under allocation, specify end use in as detailed and complete a manner as possible, giving Army or Navy or Lend-Lease specification or contract numbers when available.

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom or for whose account the materials will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Resale" in Column 3, suppliers shall write into Column 4 "upon further authorization" or "for uncertified small orders of 500 pounds or less."

Opposite "inventory" in Column 3, leave Column 4 blank.

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated for the type of aniline referred to in the heading of the application and for each grade referred to in Column 1 of the application.

Suppliers shall report only quantities of aniline which have been allocated to them for their own use.

Table III. Fill in as indicated.

Table IV. Leave blank.

EXHIBIT C

INSTRUCTIONS FOR FILING CERTIFICATES OF USE WITH PURCHASE ORDERS FOR ANILINE, FOR PERSONS ORDERING BETWEEN 500 AND 5000 POUNDS PER MONTH FROM ALL SUPPLIERS

(1) Each person seeking delivery of between 500 and 5000 pounds of aniline during August, 1943, or during any calendar month thereafter, shall, when placing any purchase order for such delivery, furnish the supplier with a certificate specifying the end use of such aniline. Such certificate shall be endorsed on, or attached to, the purchase order and shall be substantially in the following form, signed by an authorized official, either manually, or as provided in Priorities Regulation No. 7:

(List of quantities of aniline ordered for each intended end use—see instructions in Exhibit B for Columns 3 and 4)

Pursuant to the War Production Board Order M-184, the Undersigned Hereby Certifies That the Aniline Covered by the Accompanying Purchase Order Will Be Used Solely as Specified Above.

(Name of purchaser)	(Address)
By (Signature and title of duly authorized officer)	(Date)

The above certificate shall constitute a representation to, but shall not be filed with, the War Production Board.

(2) In the event that two or more end uses are involved in a single purchase order, the amount of aniline required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the supplier to advise his customers, by purchase order number and item number, as to the action taken on the supplier's application for authorization to make delivery.

(3) Each supplier shall notify his customers as soon as possible of denial in whole or in part by the War Production Board of any item or items for which certified purchase orders have been tendered by such customers.

(4) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided such purchase order specifies the Lend-Lease contract or requisition number, shall constitute a use certificate for the purpose of this order.

[F. R. Doc. 43-10829; Filed, July 5, 1943; 10:59 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L–240 as Amended July 5, 1943]

Section 3133.6 *Limitation Order L–240* is hereby amended to read as follows:

§ 3133.6 *Limitation Order L–240*—(a) *Definitions.* For the purpose of this order:

(1) "Newspaper" shall include any publication usually recognized as a newspaper in the newspaper industry regardless of the frequency of issuance.

(2) "Printing" means the act or process of impressing or otherwise transferring onto print paper any ink, color, pigment, mark, character or delineation.

(3) "Publisher" shall include, but not by way of limitation, any person issuing a newspaper.

(4) "Print paper" means any grade or quality of paper used in the printing of a newspaper, or used in the printing of material physically incorporated into a newspaper.

(5) "Net paid circulation" means the sales of a publisher's newspapers audited, or otherwise verified, in accordance with the standards of the Audit Bureau of Circulations of January 1, 1942.

(b) *General restrictions.* (1) No publisher, and no person for the account of any publisher, shall purchase, acquire or in any manner accept delivery of print paper except for the printing of the publisher's newspapers.

(2) In each calendar quarter commencing July 1, 1943, no publisher shall use or cause to be used for his account print paper for the publication of his newspapers in excess of his quarterly quota, which shall be determined as follows:

(i) Ascertain the gross weight of print paper which was used in printing the net paid circulation of the publisher's newspapers during the corresponding calendar quarter of 1941.

(ii) Add 3% to compensate for print paper used as wrappers and paper lost through damage in transit or printing spoilage.

(iii) If this figure is 500 tons or more, deduct 5%; if it is less than 500 tons, deduct 5% of the amount in excess of 25 tons.

(c) *Exceptions.* The provisions of paragraph (b) (1) and (2) hereof shall not apply to:

(1) Any newspaper which shall use 25 tons or less of print paper in any calendar quarter. The publisher of any such newspaper is authorized, in addition, to deduct from the tonnage of print paper used by him in any calendar quarter the amount of print paper used in copies of the said newspaper which he shall furnish to the armed services of the United States.

(2) Any newspaper of eight pages or less which is authorized to be admitted to the mails as second class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39 U.S.C. sec. 229), pertaining to the publications of benevolent, fraternal, tradesunion, professional, literary, historical, and scientific organizations or societies.

(d) *Loans of print paper.* Any loan of print paper made by a publisher shall be reported by addressing a letter in triplicate to the War Production Board on or before the 30th day following the date of the loan. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(3) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington, D. C. Ref.: L–240.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 5th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–10830; Filed, July 5, 1943; 10:58 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 15 as Amended July 5, 1943 to CMP Reg. 1]

MILL STOCKS OF STEEL

Direction 15 to CMP Regulation No. 1 (§ 3175.1) is hereby amended to read as follows:

A producer of controlled materials who on January 1, 1943, maintained a mill stock of steel products at any location may continue to maintain a mill stock at such location, provided title to such stock has not been transferred to a consumer of steel or a warehouse, and provided further the quantity of any steel product maintained in such stock does not exceed the average inventory of such product maintained in such stock between January 1 and May 1, 1943. A shipment made by a producer from mill stock may be replaced from mill rollings provided such replacement is made of the product shipped and within a period not exceeding 60 days from the date of such shipment. The production of steel products for mill stocks shall be within the limits of the current production directives covering the production of such products.

The foregoing does not apply to producer-owned stocks of steel products held on consignment by a distributor (as defined in CMP Regulation No. 4). Such stocks are subject to the rules governing warehouses and dealers set forth in CMP Regulation No. 4 and in General Preference Orders M–21–b–1 and M–21–b–2.

Issued this 5th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–10831; Filed, July 5, 1943; 10:59 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 20 to CMP Regulation 1]

BOARD OF ECONOMIC WARFARE AND LEND-LEASE ORDERS

The following direction is issued to all steel producers pursuant to paragraph (t) of CMP Regulation No. 1 (§ 3175.1):

A steel producer may accept orders for steel bearing allotment numbers of the Board of Economic Warfare or the Office of Lend-Lease Administration, provided such orders are complete in all details except date of delivery and point of delivery and provided the orders are validated with allotment numbers for the quarter in which the material is to be produced. In such event the producer may hold such material in mill stock for the account of his customer and may make delivery to him from this stock at such time and place as he may later request.

Issued this 5th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–10832; Filed, July 5, 1943; 10:59 a. m.]

PART 3209—PUBLIC SANITARY SEWERAGE FACILITIES—MAINTENANCE, REPAIR AND OPERATING SUPPLIES

[Preference Rating Order P–141, as amended July 5, 1943]

Part 3209 is hereby amended by changing the title to read "Public Sanitary Sewerage Facilities—Maintenance, Repair and Operating Supplies".

Section 3209.1 is hereby amended to read as follows:

§ 3209.1 *Preference Rating Order P–141*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories, or possessions, engaged in or constructing facilities for the purpose of engaging in, the operation of a public sanitary sewerage system or a public sanitary sewerage system combined with a storm sewerage system, whether or not such operator has applied the preference ratings herein assigned.

(2) "Controlled material" means steel—both carbon (including wrought iron) and alloy—copper (including copper base alloys) and aluminum, in each

case only in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(3) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(4) "Maintenance" means the minimum upkeep necessary to continue an operator's property and equipment in sound working condition.

(5) "Repair" means the restoration of an operator's property and equipment to sound working condition after wear and tear, damage, destruction of parts or the like, have made such property or equipment unfit or unsafe for service.

(6) "Operating supplies" means:

(i) Material which is essential to the operation of the system specified in paragraph (a) (1) and which is generally charged to operating expense account.

(ii) Material for an addition to or an expansion of sewerage system or works, other than buildings, provided that such an addition or expansion shall not include any work order, job, or project, in which the cost of material shall exceed $1,500 in the case of underground sewer or pipeline addition or extension, and $500 in the case of any other addition or expansion and provided that no single construction project shall be subdivided into parts in order to come below these limits.

(7) Material for "maintenance", "repair" and "operating supplies" includes any material which is essential to minimum service standards, and does not include material for the improvement of an operator's property or equipment through the replacement of material which is still usable.

(8) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of material to an operator, or to another supplier.

(9) "Calendar quarterly period" means the several three months of the year commencing January 1, April 1, July 1, and October 1, or the operator's customary accounting period closest to such period.

(10) "Inventory" means all new or salvaged material in the operator's possession, unless physically incorporated in plant, without regard to its accounting classification, excluding, however, material which is segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order or by an operative preference rating order or certificate issued by the War Production Board.

(b) *Preference ratings.* (1) A preference rating of AA-1 is hereby assigned to orders to be placed by an operator for material to be used for maintenance or repair, and for operating supplies.

(2) To orders to be placed by an operator for material required for construction of sewer pipelines, manhole structures and pumping stations and equipment and appurtenant works (but not including sewage disposal or treatment plants or plant equipment) to serve a rated project, the lowest rating assigned to such project is hereby assigned, subject to the provisions of paragraph (e) (2) hereof.

(c) *Controlled materials* — (1) *Steel and copper.* Subject to the quantity restrictions contained in paragraph (f) of this order, any operator requiring delivery of any controlled material, except aluminum, for maintenance, repair or operating supplies, may obtain the same by placing on his delivery order the certification required in paragraph (e) (1) (i) hereof. An order bearing such certification shall constitute an authorized controlled material order.

(2) *Aluminum.* (i) Any operator requiring aluminum in any of the forms or shapes constituting a controlled material, for essential maintenance, repair or operating supplies, where the use of other materials for the purpose is impracticable, may obtain the same from a controlled materials producer or from a distributor specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale, in an amount not to exceed 100 pounds from all sources during any one calendar quarterly period by placing on his delivery order the certification required in paragraph (e) (1) (i) hereof. An order bearing such certification shall constitute an authorized controlled material order.

(ii) Any operator who requires aluminum in any of the forms or shapes constituting a controlled material, in amounts aggregating more than 100 pounds from all sources during any one calendar quarterly period for use as essential maintenance, repair or operating supplies where the use of other material for such purpose is not practicable, may apply for an allotment of the amount thereof in excess of 100 pounds during any one calendar quarterly period by letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington, D. C., Ref: P-141. The letter should contain substantially the information called for by paragraphs (d) (1) to (6) of Supplementary Order M-1-i, as amended March 10, 1943. If the application is granted, the applicant will receive an allotment number or symbol and may place an authorized controlled material order by endorsing an order with such allotment number or symbol and the certification prescribed in paragraph (e) (1) (i) hereof.

(d) *Restrictions on use of symbol and ratings.* (1) The allotment symbol and preference ratings hereby assigned shall not be used by an operator or supplier to obtain deliveries of scarce material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design.

(2) The preference ratings assigned by paragraph (b) (1) hereof for maintenance, repair and operating supplies shall not be used to obtain any item included in Lists A, B, or C of Priorities Regulation No. 3.

(e) *Application and extension of ratings; application of CMP allotment symbol.*—(1) *Certification.* (i) The AA-1 rating assigned by paragraph (b) (1) of this order and the CMP allotment symbol MRO-P-141 may be applied by an operator to deliveries of material for use in maintenance, or repair, or as operating supplies only by use of a certification in substantially the following form:

Preference Rating AA-1, CMP Allotment Symbol MRO-P-141. The undersigned purchaser certifies, subject to the penalties of Section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that to the best of his knowledge and belief the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

Name of operator

Signature of designated official

Such certification shall be signed manually or as provided in Priorities Regulation No. 7.

(ii) The ratings assigned by paragraph (b) (2) of this order may be applied by an operator to deliveries of material for use in construction of sewer pipelines, manhole structures and pumping stations and equipment and appurtenant works (but not including sewage disposal or treatment plants or plant equipment) to serve rated projects, by use of the certification provided in Priorities Regulation No. 3 as amended (or the alternative standard form of certification provided in CMP Regulation No. 7): *Provided*, That approval of the construction of such facilities has been granted pursuant to paragraph (e) (2) hereof.

(2) In addition to the requirements of paragraph (e) (1), no operator shall apply the preference ratings assigned in paragraph (b) (2), or segregate material from inventory for the uses described in such paragraph, or accept delivery of material for such uses, until he has first obtained authorization by the War Production Board after filing application at the place prescribed for filing application for authorization to construct the project. If the rated project to be served is or will be owned by Federal Public Housing Authority or if such project is constructed pursuant to an order in the P-55 series, or by an order in the P-19-h series issued to Federal Public Housing Authority as builder, such application for authorization shall be made on Form PD-545. In all other cases, such application, unless otherwise directed, shall be made on Form WPB-617 (formerly PD-200).

(3) The ratings assigned by this order may be extended by a supplier in the manner provided in Priorities Regulation No. 3, and CMP Regulation No. 3.

(4) An order for material other than controlled material, bearing a rating assigned or extended in accordance with this paragraph (e) and a CMP allotment number or symbol shall have the same status as a rated order bearing a CMP allotment number under all applicable CMP regulations. Such number or symbol shall constitute an "allotment number or symbol" for the purposes of CMP Regulation No. 3.

(f) *Restrictions on deliveries, inventory and withdrawals*—(1) *Deliveries*

and withdrawals. No operator shall, during any calendar quarterly period, accept delivery of any material or withdraw from inventory any material, to be used for maintenance or repair or as operating supplies or for any other purpose (except material to be segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order or by an operative preference rating order or certificate issued by the War Production Board), the aggregate dollar value of which shall exceed the aggregate dollar value of materials used for maintenance or repair or as operating supplies, during the corresponding calendar quarterly period of the year 1942, or at the operator's option, twenty-five per cent of the aggregate dollar value of materials used for said purpose during the operator's fiscal year ending closest to December 31, 1942.

(2) *Inventory.* No operator shall at any time, accept delivery of any material if the operator's inventory will, by virtue of such acceptance, be in excess of a practical working minimum.

(3) *Exceptions.* The provisions of paragraph (f) (1) of this order are subject to the following exceptions:

(i) An operator who, during the calendar year 1942 (or fiscal year ending closest to December 31, 1942), used for maintenance, repair, and as operating supplies, materials of the aggregate value of not exceeding $1,000 and whose estimated requirements for materials to be used for maintenance, repair and as operating supplies during any calendar year (or corresponding fiscal year) do not exceed $1,000 may, during such year, exceed the quantity restrictions prescribed by paragraph (f) (1) of this order. If the actual requirements of material for maintenance, repair and operating supplies for such year should prove to be in excess of $1,000, such operator shall not accept any deliveries of material or withdraw from inventory any material to be used for maintenance, repair or as operating supplies if such deliveries or withdrawals, when taken together with other deliveries or withdrawals within such year, would, in the aggregate, exceed $1,000. In such case the operator may apply for specific authorization to exceed such quantity restrictions pursuant to the provisions of paragraph (f) (4) hereof.

(ii) An operator may, in any calendar quarterly period, increase scheduled deliveries, and withdrawals of material required for maintenance or repair or as operating supplies over the limits prescribed in paragraph (f) (1) of this order, in proportion to the increase in the load on the system during the preceding calendar quarterly period of the year 1942 corresponding to the calendar quarterly period in question, determined by a measurement of the average daily flow for the two comparative periods: *Provided*, That in determining the average daily flow of sewage, any flow of surface storm water which enters the system shall not be taken into account.

(iii) An operator may, in any calendar quarterly period, accept deliveries of material or make withdrawals from inventory of material, necessary for the maintenance or repair of the operator's property or equipment which is damaged by acts of the public enemy, sabotage, explosion, or fire or by flood, storm or other similar climatic conditions: *Provided*, That if the restrictions of paragraph (f) (1) are exceeded because of such deliveries or use, a full report thereof shall be made within thirty days after such delivery or withdrawal, to the War Production Board.

(iv) An operator may, in any calendar quarterly period, accept delivery of material, having in the aggregate, a dollar value of not more than the dollar value of material of the same class taken from the operator's inventory for delivery to other persons authorized to accept delivery under applicable regulations of the War Production Board but only if, and to the extent that such taking has reduced the operator's inventory of material below a practical working minimum.

(v) An operator may, during any calendar year (or his fiscal year), withdraw from inventory, material, having in the aggregate, a dollar value of not more than the dollar value of usable material of the same class salvaged from plant during such year.

(vi) The provisions of paragraph (f) (1) and (f) (2) shall not apply to fuel or to chemicals for sewage treatment.

(4) The War Production Board, on its own initiative, or on application of any operator by letter, in triplicate, addressed to the Government Division, War Production Board, Washington, D. C., Ref: P–141, may modify the limitations on practical working minimum inventory, and on scheduling or accepting deliveries, or on use or withdrawals, set forth in this paragraph (f).

(g) *Restrictions on construction of sewerage facilities.* No operator shall construct any sewerage facilities, including but not limited to sewer pipelines, manhole structures, pumping stations, sewage disposal or treatment plants and connections, and no operator shall, in case of contract construction, accept deliveries of material for such purposes except as follows:

(1) An operator may construct an addition to or an expansion of, sewerage system or works, other than buildings: *Provided*, That such addition or expansion shall not include any work order, job or project in which the cost of material shall exceed $1,500 in the case of underground sewer pipeline addition or extension, and $500 in the case of any other addition or expansion: *And provided*, That no single construction project shall be subdivided into parts in order to come below these limits: *And further provided*, That in making house connections or extension of line to serve premises, no iron or steel pipe shall be used except the minimum quantities required in making necessary connections.

(2) An operator may construct sewer pipe lines, manhole structures and pumping stations and equipment, and appurtenant works, (but not including sewage disposal or treatment plants or plant equipment) to serve rated projects in which the cost of material is in excess of the dollar limits prescribed in paragraph (g) (1) hereof, if, but only if, the construction of such facilities is authorized by the War Production Board pursuant to the provisions of paragraph (e) (2) hereof.

(3) An operator may construct sewage disposal or treatment plants and any sewerage facilities other than those referred to in paragraphs (1) and (2) of this paragraph (g), only pursuant to specific authorization by the War Production Board, by the issuance of an order in the P–19 series or other applicable order, pursuant to application on form WPB–617, (formerly PD–200), or in such other form as may be prescribed.

(h) *Sales of material from inventory.* Any operator may sell to another operator, material from seller's inventory in excess of a practical minimum working inventory: *Provided*, That (1) a preference rating of AA–5 or higher assigned by this order or by any preference rating certificate, or (2) a specific direction issued by the War Production Board, is applied or extended to the operator selling such material.

(i) *Audits and reports.* (1) Each operator and each supplier who applies the preference ratings or allotment symbol hereby assigned, and each person who accepts a purchase order or contract for material to which a preference rating or symbol is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the War Production Board.

(2) Each operator and each such supplier shall execute and file with the War Production Board, such reports and questionnaires as said Board shall from time to time request, subject to approval by the Bureau of the Budget as required under the Federal Reports Act.

(3) Each operator shall maintain a continuing record of inventory and of segregated material in his possession and all material used by him for maintenance, repair or as operating supplies.

(j) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed by the War Production Board be addressed to the War Production Board, Government Division, Washington, D. C., Ref: P–141.

(k) *Violations.* Any person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

(l) *Revocation or amendment.* This order may be revoked or amended at any time as to any operator or any supplier. In the event or revocation, deliveries already rated pursuant to this order

shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the ratings to any other deliveries shall thereafter be made by the operator or supplier affected by such revocation.

(m) *Applicability of regulations.* (1) Preference Rating Order P–141 is issued in lieu of Preference Rating Order P–46 in so far as it affects public sanitary sewerage systems as defined in paragraph (a) (1) hereof and any reference in any order or regulation of the War Production Board to said Preference Rating Order P–46 shall constitute a reference to orders in the P–141 series.

(2) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all applicable regulations of the War Production Board as amended from time to time, *Provided*, That none of the provisions of CMP Regulations No. 5 or No. 5A shall apply to operators as defined in paragraph (a) (1) hereof, and no such operator shall obtain any material under the provisions of either of said regulations.

Issued this 5th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–10833; Filed, July 5, 1943; 10:59 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES [1]

[General Preference Order E–1–b, as Amended July 5, 1943]

PRODUCTION AND DELIVERY OF MACHINE TOOLS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of machine tools for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274 [1] *General Preference Order E–1–b*—(a) *Definitions.* For the purposes of this order:

(1) "Machine tool" means any nonportable, power driven metal working machine listed on Exhibit A hereto attached, excluding any light power driven tool defined in Limitation Order L–237, having a list price on October 15, 1942, of $350 or less.

The term "machine" as used in this order means a machine tool. Each machine tool includes not only the basic machine but also all fixtures, equipment and tooling covered by the original purchase order which are required to be delivered with the machine to make it usable in production for the purposes intended, but does not include any replacements, or spare parts or equipment, or extra tooling, ordered by the purchaser.

(2) "Producer" means any individual, partnership, association, corporation or other form of enterprise engaged in producing machine tools.

(3) "Service purchasers" means those whose preference rating certificates show that the preference rating applied to such delivery was assigned thereto by an original Preference Rating Certificate PD–3, PD–3A, or PD–4, by a Preference Rating Order P–19–h, and also those whose purchase orders show that they are direct purchase orders for machine tools placed by the Bureau of Supplies and Accounts (Navy), Coast Guard, or other Supply Arm or Bureau, rated in accordance with procedures authorized for them to use in place and stead of using Form PD–3A: *Provided*, That such purchase orders call for delivery to a Supply Arm or Bureau of the Army or Navy or to the United States Maritime Commission, or to one of their prime contractors, or to a subcontractor of such a prime contractor.

(4) "Foreign purchasers" means those whose purchase orders show that the machine is to be delivered to or for the account of a foreign country, other than Canada, or a subdivision, agency, or instrumentality thereof.

(5) "Other purchasers" means all purchasers other than service purchasers and foreign purchasers, whose purchase orders have been assigned a preference rating of A–10 or higher. Other purchasers include Canadian purchasers except those who are service purchasers by reason of their purchasing machines for use on direct United States prime contracts or subcontracts.

(6) "Class" when used herein means one of the foregoing three classes of purchasers: namely, service purchasers, foreign purchasers, or other purchasers.

(7) "Size" may include all of those dimensions or variations of a particular type of machine which can be used interchangeably for production purposes. Size classification shall remain the same as heretofore used by each producer unless he is specifically permitted or directed to use a different classification by the War Production Board. Producers may apply for such permission by writing to the Tools Division, War Production Board, Ref: E–1–b.

(b) *Delivery of machine tools until May 1, 1943.* Notwithstanding any other provisions of this order, schedules of production and delivery of machine tools to be delivered prior to May 1, 1943, shall be maintained as now established subject only to schedule changes hereafter ordered by diversion orders or by other specific direction from the War Production Board. After May 1, 1943 the preferences heretofore accorded to the Air Services and other Preferred Customers by Amendment 3 to General Preference Order E–1–b, issued November 5, 1942, shall no longer remain in effect but every producer shall schedule his production and deliveries according to the provisions of this order.

(c) *Allocation of production to service purchasers and to foreign purchasers and other purchasers.* (1) Except as provided in subparagraphs (2), (3) and (4) of this paragraph (c), each producer shall schedule his production for each calendar month so as to deliver 75 percent of his production of each size of each type of machine which he produces in that month to service purchasers, and each producer shall schedule his production for each calendar month so as to deliver 25 percent of his production of each size of each type of machine which he produces in that month, in the aggregate, to foreign purchasers and other purchasers.

(2) A producer may schedule for delivery to service purchasers more than 75 percent of his production of any size of a type of machine in the months of May, June or July to the extent that he has failed to receive purchase orders from foreign purchasers and from other purchasers for machines of such size and type prior to March 1, 1943.

(3) A producer may likewise schedule for delivery to foreign purchasers and other purchasers more than 25 percent of such production of any size of a type of machine in the months of May, June or July to the extent that he has failed to receive purchase orders from service purchasers for machines of such size and type prior to March 1, 1943.

(4) Similarly, a producer may schedule deliveries to service purchasers in excess of 75 percent of his production in the months of August, September or October 1943 to the extent that he has failed to receive purchase orders from foreign purchasers and other purchasers prior to June 1, 1943, and he may schedule deliveries to foreign purchasers and other purchasers in excess of 25 percent of his production in the months of August, September or October 1943 to the extent that he has failed to receive purchase orders from service purchasers prior to June 1, 1943.

(5) In preparing his schedules of deliveries for a given month a producer shall fix the dates of his deliveries to service purchasers, to foreign purchasers, and to other purchasers within such month so that each class will receive its quota of machines equitably in point of time within the month.

(d) *Distribution of 75 percent of production among service purchasers.* Deliveries of 75 percent of each producer's production shall be scheduled among service purchasers as follows:

(1) Service purchasers are hereby subdivided into seven groups, consisting of the following, and their respective prime contractors and subcontractors: Bureau of Ships (Navy), Bureau of Ordnance (Navy), Ordnance Department (Army), Air Services, Miscellaneous Branches and

[1] Formerly Part 997, § 997.2.

Bureaus, the Maritime Commission, and the Signal Corps. The fourth group, designated "Air Services," includes the Army Air Forces and the Navy Bureau of Aeronautics and their respective prime contractors and subcontractors. The fifth group, designated "Miscellaneous Branches and Bureaus," includes the Quartermaster Corps, the Corps of Engineers, the Army Medical Department, the Chemical Warfare Service, the Bureau of Yards and Docks, the Marine Corps, and the Transportation Service of the Services of Supply, together with any other corps, department, bureau or service of the Army or Navy not heretofore specifically designated as a separate group, and their respective prime contractors and subcontractors.

(2) (i) Each producer shall determine the number of purchase orders on his books for each size of a given type of machine from each of the seven service purchaser groups as of March 1, 1943 or, at the producer's option, the nearest date within ten days prior or subsequent to March 1, 1943 on which the producer may have compiled his record of orders.

No order shall be deemed a purchase order placed on a producer's book unless the purchaser has placed a firm order accompanied by specifications or other description of the machine in sufficient detail to enable the producer to place the machine in his production schedule, together with such priority information as is required for scheduling by paragraph (g) of this order.

(ii) He shall then deduct from such respective numbers for each service group the number of machines of such size and type which he estimates he will deliver to purchasers in such service group during the month of March 1943. He shall *not* deduct deliveries scheduled to be made during April 1943. The figure resulting from such deduction shall be termed the "net backlog" of each such service group.

(iii) He shall then distribute the number of machines of such size and type allocated in each of the months of May, June and July 1943 to all service purchasers pursuant to paragraph (c) (1) among each of the seven service purchaser groups according to each group's quota. The quota for each service group of such size and type shall be the ratio of

(*a*) Net backlog of such service group of such size and type to

(*b*) The total of all net backlogs of such size and type of all the service groups,

multiplied by the total number of machines of such size and type allocated for that month to all service purchasers. An example of the calculation required by this paragraph (d) (2) is attached to this order, marked "Illustration of paragraph (d) (2)."

(3) Quotas for each service group for August, September and October 1943 shall be determined in the same manner as prescribed by paragraph (d) (2), based, however, on purchase orders on the producer's books as of June 1, 1943 after deducting therefrom the number of machines which the producer estimates he will deliver to service purchasers in each group during both the months of June and July 1943.

Similarly, quotas for each service group for November and December 1943 and January 1944 shall be determined in the same manner as prescribed by paragraph (d) (2), based, however, on purchase orders on the producer's books as of September 1, 1943 after deducting therefrom the number of machines which the producer estimates he will deliver to service purchasers in each group during both the months of September and October 1943.

(4) Commencing with May 1943, and each month thereafter, the producer shall deliver to each service group the number of machines of that size and type equal to its quota for that month, to the extent that he has orders from purchasers in such group requiring delivery in the month being scheduled.

(5) No producer shall schedule delivery of any machine tool manufactured by him earlier than the date on which the purchaser requires delivery thereof, unless all required delivery dates on other purchase orders are being met.

If a producer does not have on hand on March 1, 1943 rated purchase orders from a particular service group requiring delivery in any of the months of May, June or July 1943 equal to its quota for that month, such "unabsorbed quota" shall be scheduled for delivery to the service group having the lowest number of unfilled orders on the producer's books.

Similarity, if a producer does not have on hand on June 1, 1943 rated purchase orders from a particular service group calling for delivery in any of the months of August, September or October 1943 equal to its quota for that month, such "unabsorbed quota" shall be scheduled for delivery to the service group having the lowest number of unfilled orders on the producer's books.

(6) A purchase order which has been scheduled as provided in paragraph (d) (5) of this order shall represent an addition to the quota of the group of which the purchaser in question is a member and such purchase order shall not thereafter be affected by receipt of a purchase order from a member of any other group, irrespective of the urgency standing of the latter.

(7) In preparing his schedules of deliveries for a given month for service purchasers, a producer shall fix the dates of his deliveries to the different groups so that each group will receive its quota of machines equitably in point of time within the month.

(e) *Distribution of 25 percent of machine tools among foreign purchasers and other purchasers.* Foreign purchasers and other purchasers shall be treated as one group, and each producer shall schedule his orders for each size of each type for delivery each month within such group's aggregate 25 percent of production for that month, in accordance with the sequence of deliveries determined as hereinafter specified in paragraph (h), subject, however, to the order of the War Production Board freezing delivery schedules to foreign and other purchasers until July 1, 1943, contained in letter of January 30, 1943, which order remains in full force and effect.

(f) *Treatment of fractions.* Where the number of machines which results from any computation required by this order contains a fraction of more than one-half, the fraction shall be counted as a whole machine. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole machine) for any one month, and such fraction is less than one-half, it shall be counted in computing the next month's quota. Where each of the computations of two or more different quotas for the same month shows a fraction of one-half, and there is only one remaining machine to which such fractions can apply, such machine shall be allotted to the group having the largest quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other quota or quotas for the next month.

(g) *Necessity for preference ratings.* (1) No purchase order for any machine tool shall be placed in production schedules, and no machine tool shall be sold or delivered, whether by a producer or distributor, unless a preference rating of A-10 or higher has been assigned thereto by a Preference Rating Certificate PD-1A, by a Preference Rating Certificate PD-3 or PD-3A, by a Preference Rating Certificate in the PD-408 or PD-311 series, by a Preference Rating Order P-19-h, or by a direct purchase order of the Bureau of Supplies and Accounts (Navy), Coast Guard, or other Supply Arm or Bureau, endorsed according to procedures authorized for them to use in place and instead of using Form PD-3A. In placing the endorsement required by Priorities Regulation No. 3 on the purchase order there must also be included therein or set forth in a separate endorsement on the purchase order:

(i) The urgency standing of the purchaser, if any;

(ii) The required delivery date of the machine;

(iii) A statement as to whether the purchaser is a "service purchaser," a "foreign purchaser," or an "other purchaser," and

(iv) In the case of service purchasers, the Supply Arm or Bureau of the Army or Navy, or the Maritime Commission, which placed the prime contract, the number of the prime contract, the name of the prime contractor;

(v) In the case of foreign purchasers, the foreign country for which the machine is purchased; and

(vi) In the case of other purchasers, a statement as to the product or production program for which the machine is to be used.

In addition to making the endorsement upon his purchase order as required, any person placing such an order shall furnish to the producer a photostatic copy (or another copy accompanied by his signed statement that it is a true copy) of the preference Rating Certificate PD–1A, PD–3, PD–3A, PD–408, PD–311 or Preference Rating Order P–19–h: *Provided*, That where the Bureau of Supplies and Accounts (Navy), Coast Guard, or other Supply Arm or Bureau has issued its direct purchase order for a machine tool and rated the same in accordance with procedures authorized for them to use in place and instead of issuing Form PD–3A, no copy of any preference rating certificate shall be required.

Reproduction of any of the foregoing preference rating certificates or orders for the foregoing purposes is hereby permitted.

(h) *Operation of Numerical Master Preference List, and preference ratings.* (1) The Numerical Master Preference List, Exhibit B attached to this order, herein called "the list," shall determine the sequence of deliveries as between service purchasers as hereinafter set forth, but shall have no effect upon foreign purchasers or other purchasers.

(2) The sequence of deliveries among each group of service purchasers within its respective quota shall be determined without regard to preference ratings as follows:

(i) Deliveries to service purchasers who are either on the list or are subcontractors of persons on the list shall be preferred to and shall take precedence over deliveries to service purchasers who are not on the list.

(ii) As between deliveries which have conflicting required delivery dates to be made to two or more service purchasers, both on the list, deliveries shall be made according to their respective urgency standings specified on such list. The highest urgency standing in each group is No. 1.

(iii) As between deliveries which have conflicting required delivery dates to be made to two or more service purchasers, neither of whom is on the list, the sequence of deliveries shall be determined by the respective dates on which the producer receives the photostatic or certified copy of the preference rating certificate, or if a direct purchase order of the Bureau of Supplies and Accounts (Navy), Coast Guard, or other Supply Arm or Bureau rated by them in accordance with procedures authorized for them to use instead and in place of using Form PD–3A, the order properly endorsed under such procedure.

The delivery for which such copy of the certificate or properly endorsed order was first received takes precedence.

(iv) A delivery to a subcontractor who is not specifically named on the list shall take the urgency standing of his prime contractor; the urgency standing of the prime contractor must be endorsed in writing on the subcontractor's preference rating certificate by an officer designated for such purpose by the supply arm or bureau concerned.

(v) In the event that the urgency standing shown on the copy of the preference rating certificate differs from the urgency standing shown for the contract in question on the Numerical Master Preference List, Revision No. 5, the latter shall govern.

(3) The sequence of deliveries among foreign purchasers and other purchasers within the portion of production allocated to such purchasers shall be determined as follows:

(i) All orders placed by foreign and other purchasers bearing a rating of A–1–a or higher shall be scheduled according to their required delivery dates and without regard to the preference ratings assigned. As between deliveries which have conflicting required delivery dates, the sequence of deliveries shall be determined by the respective dates on which the producer received the photostatic or certified copy of the preference rating certificate. The delivery for which the preference rating certificate was first received takes precedence.

(ii) Where all required delivery dates cannot be met, orders bearing a rating of A–1–b or lower shall be delivered only after fulfillment of all orders rated A–1–a or higher; the sequence of deliveries among orders rated A–1–b or lower shall be determined in accordance with Priorities Regulation No. 1.

(i) *Additions to list.* Additions to, withdrawals from, and other changes may be made in the Numerical Master Preference List from time to time by the War Production Board or such official as may be specifically authorized by it. Where it is desired to assign an urgency standing between existing urgency standings, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take a position in the sequence of deliveries as indicated by the following example: Urgency Standing 792.1 will be scheduled after 792 and before 793.

(j) *Revision of schedules for May and subsequent months.* On or before April 1, 1943 each producer shall determine the May, June and July 1943 quotas for the various groups of purchasers in accordance with the provisions of this order, and shall also revise his schedules of deliveries for each type of machine to the extent that he can do so without seriously interrupting his production line. In revising such schedules he shall give full effect to all WPBL–1588's, diversion orders, and other specific directions heretofore issued by the War Production Board which have scheduled specific machines during May or any subsequent month. On or before July 1, 1943 he shall determine the August, September and October 1943 quotas and revise his schedules accordingly; and on or before October 1, 1943 he shall do likewise with respect to November and December 1943 and January 1944 schedules.

The rescheduling of orders necessitated by E–1–b as amended March 8, 1943 shall be reported on Form PD–670, which shall be identified under "Remarks" as follows: "E–1–b amendment of March 8, 1943" (or on Form PD–671 which shall be identified on line 22 in an identical manner). Upon filing the last Form PD–670 (or PD–671) affecting deliveries scheduled for May, June and July 1943 which result from the initial rescheduling required to be done by April 1, 1943, the producer shall certify to the Tools Division, War Production Board, Ref: E–1–b, in writing, that the rescheduling required thereby and the reporting thereof have been completed.

After May 1, 1943 each producer shall make delivery of machines in accordance with his revised schedules.

(k) *Postponement of new purchase orders.* Unless the War Production Board specifically orders otherwise, and notwithstanding any other provisions of this order, no higher preference rating or urgency standing shall operate to postpone or in any way affect any delivery under a purchase order already scheduled where such delivery is to be made within sixty days of receipt of such higher preference rating or urgency standing.

(l) *Replacement parts.* Nothing in this order shall be construed to prohibit the delivery by any producer of repair and replacement parts for machine tools in accordance with applicable regulations and orders of the War Production Board concerning maintenance, repair and replacement items.

(m) *Deliveries to distributors for stock.* No producer shall knowingly deliver any machine tool to any distributor for such distributor's stock or inventory and no distributor shall accept delivery of any machine tool for his stock or inventory, regardless of whether such delivery would be made to the distributor on a consignment or similar basis, or pursuant to an outright sale.

(n) *Changes in schedules.* Notwithstanding any other provision of this order, the War Production Board may direct or change any schedule of production or delivery of machine tools, allocate any order for machine tools to any other producer, divert or otherwise direct the

delivery of any machine tool to any other person.

(o) *Reports.* Every producer shall file reports on Form PD–669, PD–670 and PD–671, and WPB–417 or WPB–1440, in accordance with the instructions on such forms and such supplemental instructions as may be given in respect thereto.

(p) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(q) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(r) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Tools Division, Washington. D. C., Ref.: E–1–b.

Issued this 5th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

All types of the following:
Ammunition machinery.
Bending machines.
Bending rolls.
All types of the following—Continued.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.
Cut-off machines.
Die sinkers.
Draw benches.
Drilling machines.
Duplicators.
Extruding machines.
Filing machines.
Forging machines.
Forging rolls.
Gear cutting machines.
Gear finishing machines.
Grinding machines.
Hammers.
Headers.
Honing machines.
Keyseaters.
Lapping machines.
Lathes.
Levelers.
Marking machines.
Milling machines.
Nibbling machines.
Oil grooving machines.
Pipe flanging-expanding machines.
Planers.
Polishers.
Presses.
Profilers.
Punching machines.
Reaming machines.
Rifle and gun working machines.
Riveting machines.
Sawing machines.
Screw and bar machines.
Shapers.
Shearing machines.
Slotters.
Swagers.
Tapping machines.
Thread rollers.
Threading machines.
Tube reducers.
Upsetters.

Illustration of Paragraph (d) (2) of E–1–b

ILLUSTRATION OF PRODUCER'S WORK SHEET FOR DETERMINING SERVICE GROUP QUOTAS FOR MAY, JUNE AND JULY

Producer's name ----------
(a) Production scheduled:
May—100
June—52
July—156
Type and size of machine ----------

(b) Service quota (75 percent of production except as changed by (c) (2) and (c) (3) of E–1–b):
May—75
June—39
July—117

Item	Total service	Bureau of Ships	Bureau of Ordnance	Ordnance Department	Air Forces	Miscellaneous branches and Bureaus	Maritime Commission	Signal Corps
1. Firm orders March 1	400	40	45	100	165	10	15	5
2. Expected deliveries in March	75	0	4	0	65	0	6	0
3. Net backlog (line 1 minus line 2)	325	40	41	100	120	10	9	5
4. Proportion of total services' deliveries (net backlog of individual services divided by total net backlog for all services, line 3)	325/325	40/325	41/325	100/325	120/325	10/325	9/325	5/325
5. Service quotas (total service, (b), times line 4):								
May	(b) 75	9	10	23	28	2	2	1
June	(b) 39	5	6	12	15	1	1	0
July	(b) 117	14	15	36	43	4	3	2

NOTE: This is illustrative only; a separate computation for each type and size of machine to be scheduled must be made. The producer may mail copies of such work sheets to Control Records Branch, Tools Division, War Production Board, for comment or assistance.

[F. R. Doc. 43–10834; Filed, July 5, 1943; 10:58 a. m.]

Chapter XI—Office of Price Administration

PART 1341—CANNED AND PRESERVED FOODS

[MPR 226,[1] Amdt. 7]

FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of Amendment 7 to Maximum Price Regulation 226 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation 226 is amended in the following respects:

1. Section 1341.302 is amended by adding the following new paragraph:

(j) *Elective pricing method.* If the packer's maximum price for any item covered by this regulation cannot be determined under the applicable pricing method, the packer may, at his election, figure his maximum price under the pricing method of this paragraph. Under this paragraph, his maximum price shall be:

(1) His total "direct cost" per dozen or other unit of the item, figured by adding:

(i) The total cost per unit of all ingredients and packaging materials subject to maximum prices established by the Office of Price Administration, at the current maximum prices applying to the class of purchasers to which he belongs, plus

(ii) The cost per unit of every ingredient and packaging material for which no maximum price has been prescribed by the Office of Price Administration, figured at the current market price of the ingredient or packaging material in question, plus

(iii) The direct labor cost per unit figured at the October 3, 1942, wage rates or as adjusted and approved by the War Labor Board, executive order, or other official legal action applying to each class of direct labor employed in the production of the item, plus

(iv) Transportation charges by the usual mode of transportation, if the cost factors used in subdivision (i) and (ii) above are not delivered costs and if these charges are customarily incurred from his customary supply point to his customary receiving point.

(2) Multiplied by a markup percentage, figured by dividing:

(i) The maximum price established under the maximum price regulation in effect at the time of the calculation for the most closely comparable commodity produced by him with a cost structure similar to that of the item being priced, by

(ii) His current cost of ingredients, packaging materials and direct labor of that commodity.

As used in this paragraph, "most closely comparable commodity" means a food commodity which is most nearly similar and whose "direct cost" is closest to and in no event less than two-thirds of the "direct cost" of the item being priced, and where similar methods are employed in its sale and merchandising to those which will be used in the sale and merchandising of the item being priced.

As used in this paragraph, "current" means at the time of figuring the price.

(3) The maximum price figured under this paragraph for any item shall not exceed 150% of the cost of ingredients, packaging materials and direct labor.

(4) In deciding whether items of labor cost are to be applied as separate items in figuring the price or are to be treated as overhead, the seller shall follow his customary practice. Thus, if a packer treated cleaning labor as an item of overhead in March 1942, he must continue to treat it in this way when figuring the maximum price.

(5) The packer shall employ no cost factors in addition to those which he used with respect to the comparable commodity by which he determined his percentage markup under paragraph (b) and shall make no changes in the method of application of those factors which would result in a higher price.

2. Section 1341.309 is amended by adding the following new paragraph:

(b) Within 10 days after a packer has determined a maximum price pursuant to the provisions of paragraph (j) of § 1341.302, he shall report the price to the Office of Price Administration, Washington, D. C. This report shall set forth, in addition to the price, (1) a description and identification of the food item for which the price was determined, and (2) a statement of the facts which differentiate the food item from other food commodities sold by him and by other competitive sellers of the same class during the first 60 days of the 1941 pack, and (3) a statement that the maximum price reported was determined in accordance with this paragraph, and the facts which support this statement. The packer, in this connection, shall submit a statement breaking down the price reported showing all the calculations entering into the determination of "direct cost" and maximum price of both the item being priced and the most closely comparable commodity used, including statements from customary suppliers of any packaging materials for which no maximum price exists showing their purchase price.

Effective Date

This amendment shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10683; Filed, July 2, 1943; 8:38 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2981.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,[1] Amdt. 7]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 262 is amended in the following respects:

1. Section 1351.954 (a) (4) is amended to read as follows:

(4) Where the following commodity is not subject to maximum prices prescribed by the Office of Price Administration and constitutes an ingredient of the commodity to be priced, the producer shall not include the same in such costs at higher than the price hereinafter set forth opposite such ingredient commodity.

	Per pound
Fresh strawberries	$0.08

2. Section 1351.955 (a) (4) is amended to read as follows:

(4) Where one of the following commodities is not subject to maximum prices prescribed by the Office of Price Administration and constitutes an ingredient of the commodity to be priced, the producer shall include the same in such costs at the prices hereinafter set forth opposite each ingredient commodity.

	Per pound
Fresh strawberries	$0.08
	Per cwt.
Soy flour, high fat	$6.25
Soy flour, medium and low fat	4.75

3. Section 1351.955b is added to read as follows:

§ 1351.955b *Maximum prices for peanut candy.* (a) Any producer who has heretofore calculated a maximum price for peanut candy under this regulation shall be permitted to recalculate and any producer who shall hereafter calculate his maximum price for peanut candy under this regulation shall calculate such price, file a report and notify wholesalers and retailers, as though peanut candy were being included for the first time in this regulation by this amendment, except as provided in paragraph (b) of this section.

(b) All producers of peanut candy shall be subject to and governed by the provisions of this regulation as it existed prior to this amendment until such time as they calculate or recalculate and report their maximum prices as provided in paragraph (a) of this section, and thenceforth they shall be subject to the provisions of this regulation.

4. Section 1351.956 is amended to read as follows:

§ 1351.956 *Maximum prices for new container types and sizes.* The maximum price per dozen or other unit to

[1] 7 F.R. 9244, 10544; 8 F.R. 262 273, 437, 973, 2285.

any class of purchasers for any item packed in any container type or size which the producer did not sell during the applicable base period (March 1942 for items listed in Appendix B) shall be figured as follows: He shall

(a) *Determine the base container.* If the producer sold the same commodity (that is, the same variety or kind and same brand, if any) during the base period, but only in other container types and sizes, he shall first determine the most similar container type in which he is able to calculate the maximum price to that class of purchasers for the commodity under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container." If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the producer is adding to or replacing, like the tin he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(b) *Find the base price.* The producer shall take as the "base price" the maximum price which he may charge that class of purchasers for the commodity in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the producer's shipping point, the producer shall first convert it to a base price f. o. b. producer's shipping point simply by deducting whatever transportation charges were included in it.

(c) *Deduct the container cost.* Taking the base price f. o. b. shipping point, the producer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the producer's plant, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include cost of filling, closing, labeling or packing.

(d) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(e) *Add the new container cost to get the price f. o. b. shipping point.* Next, the producer shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. shipping point price, the resulting figure is the producer's maximum price to that class of purchasers, f. o. b. shipping point.

(f) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the producer's maximum price for the commodity in the base container is a delivered price, he shall figure transportation charges to be added, as follows: the producer shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion in the difference in shipping weight. However, if for any reason the commodity in the new container will move under a different freight tariff classification, he shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The producer shall then add these transportation charges to his f. o. b. shipping point price for the commodity in the new container. The resulting figure is the producer's maximum delivered price to that class of purchasers.

5. Section 1351.965 (a) (17), (18), (19) and (20) are added to read as follows:

(17) "Soy milk" means any colloidal mixture made from the soluble and semi-soluble parts of soy beans with water and in which soy bean derivatives are the principal and most costly ingredient, with or without the addition of homogenized vegetable oil, soluble carbohydrates, vitamins or minerals and salt or flavoring, prepared as a liquid resembling dairy milk in color and general characteristics, or the same product as described herein, but in dehydrated powdered form.

(18) "Vegetarian dietary sandwich spreads" means spreads or pastes made principally from combinations of soy beans, peanuts, lentils, garbanzos, wheat gluten, wheat germ, and with or without the addition of tomato products, olives, salt flavoring, vitamins or minerals, but excluding all ingredients of animal origin and packed in hermetically sealed containers.

(19) "Vegetarian dietary meat" means any vegetarian meat loaf in which the soy bean products, ground peanuts, and wheat gluten content is not less than 60% of the total weight or volume, with or without the addition of tomato products, wheat germ, vitamins or minerals and flavorings, but excluding all ingredients of animal origin, and packed in hermetically sealed containers; or any vegetarian meat in the form of slices or cutlets or minced, containing not less than 50% by volume of wheat gluten, with salt and flavorings and with or without the addition of soy bean products, ground peanuts, vitamins or minerals, but excluding all products of animal origin, and packed in sauce in hermetically sealed containers.

(20) "Rice farina cereal" means granulated rice, with or without powdered milk, seasoning or salt, in packages of less than 2 pounds net weight.

6. Section 1351.969 *Appendix B* is amended by adding the following commodities to the list appearing therein:

Special dietary health food products, limited to the following: soy milk, vegetarian dietary sandwich spread and vegetarian dietary meats.
Rice farina cereal.
Sandwiches made of crackers and peanut butter.
Macaroni dinners.
Spaghetti dinners.
Chow mein noodles.

This amendment shall become effective July 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10682; Filed, July 2, 1943; 3:37 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5 C,[1] Amdt. 60]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1394.8211 is amended to read as follows:

§ 1394.8211 *Preservation of coupons; coupon sheets.* Each dealer and distributor shall affix all coupons received by him in exchange for transfers or returns of gasoline to coupon sheets (Form OPA R-120). Only coupons which are of the same class or type and which were received at the same unit value shall be affixed to a single sheet. Prior to deposit in a bank or any transfer of such coupons, the dealer or distributor who first accepted such coupons from a consumer shall write, stamp or print upon the coupon sheet the business or firm name and the business address, as registered at the Board, of the place of business at which the coupons were first accepted, the unit value of the coupons, the number of coupons attached, the total value of the coupons attached, the date on which such coupon sheet is surrendered by him to a dealer or distributor for replenishment or, when it has never been so surrendered, the date on which such coupon sheet is deposited for credit in a ration bank account. Each

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441.

dealer or distributor in a State which lies partly within and partly outside the gasoline shortage area shall also write, stamp or print on such coupon sheet the name of the county where his place of business is located.

This amendment shall become effective July 8, 1943.

(Pub. Law 671, 76th Cong; as amended by Pub. Laws 89, 421, 507, 77th Cong; WPB Dir. 1, Supp. Dir. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10684; Filed, July 2, 1943; 3:38 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 11 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (a) is amended to read as follows:

(a) Processed foods shall have the point value set forth in the Official Table of Point Values (No. 5) which is made a part hereof.[2]

This amendment shall become effective 12:01 a. m., July 4, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10685; Filed, July 2, 1943; 3:39 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Supp. 1 to RO 16,[3] Amdt. 10]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by this order shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 4) (OPA Forms R-1313, 1611 and 1612) which are made a part hereof.[4]

This amendment shall become effective at 12: 01 a. m., July 4, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729; 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10686; Filed, July 2, 1943; 3:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 67 Under SP 15 to GMPR]

GULF COAST TOWING CO., INC.

Order No. 67 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3145.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1367 *Adjustment of maximum prices for contract carrier services furnished by Gulf Coast Towing Company, Inc.* (a) Gulf Coast Towing Company, Inc., Slidell, Louisiana may charge the Lone Star Cement Corporation, New Orleans, Louisiana, as its maximum price for the services of the tug "Bessemer" and crew in connection with the towing of filled and unfilled material barges, not more than $168.50 per day.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 67 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 67 (§ 1499.1367) is hereby incorporated as a Section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 67 (§ 1499.1367) shall become effective July 3, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10687, Filed, July 2, 1943; 3:38 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 300[1] Incl. Amdt. 9]

MAXIMUM MANUFACTURERS' PRICES FOR RUBBER DRUG SUNDRIES

Sections 1315.1761a, 1315.1754 (c) (2) and (d) (2), 1315.1772 (a) and (b) are amended by Amendment 9, effective July 9, 1943, so that Maximum Price Regulation 300 shall read as follows:

In the judgment of the Price Administrator the prices of rubber drug sundries have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of rubber drug sundries prevailing between October 1 and October 15, 1941, and has made adjustment for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of considerations[2] involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 300 is hereby issued.

Sec.

1315.1751 Applicability of this Maximum Price Regulation No. 300.
1315.1752 Maximum manufacturers' prices for victory line rubber drug sundries.
1315.1753 Maximum manufacturers' prices for rubber drug sundries, other than victory line, which have not been changed substantially since December 1, 1941.
1315.1754 Maximum manufacturers' prices for rubber drug sundries, other than victory line, which are not covered by § 1315.1753.
1315.1755 Maximum prices—Specific authorization.
1315.1755a Maximum distributors' prices for rubber drug sundries, other than victory line.
1315.1775b Maximum distributors' prices for rubber drug sundries, other than victory line, which cannot be priced under § 1315.1755a.
1315.1755c Maximum prices for neoprene bulbs and bulb goods and neoprene catheters.
1315.1756 Terms and conditions of sale.
1315.1757 Sales for export.
1315.1758 Federal and state taxes.
1315.1759 Transfers of business or stock in trade.
1315.1760 Less than maximum prices.
1315.1761 Evasion.
1315.1761a Adjustable pricing.
1315.1762 Records.
1315.1763 Reports.
1315.1764 Notification.
1315.1765 Marking of rubber drug sundries by the manufacturer.
1315.1766 Enforcement.
1315.1767 Petitions for amendment.
1315.1768 Applicability of the General Maximum Price Regulation.
1315.1769 Definitions.
1315.1770 Effective date.
1315.1771 Appendix A: Definition of rubber drug sundries.

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[1] 8 F.R. 2677, 3179, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069.

[2] Filed with the Division of the Federal Register as part of the original document. Copies may be obtained from the Office of Price Administration.

[3] 8 F.R. 3591, 3714, 4892, 5408, 5758, 6840, 7264, 7456, 7492.

[4] Filed with the Division of the Federal Register as part of the original document.

[1] 8 F.R. 867.

*Copies may be obtained from the Office of Price Administration.

[2] Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533.

Sec.
1315.1772 Appendix B: Maximum manufacturers' prices for victory line rubber drug sundries.

AUTHORITY: §§ 1315.1751 to 1315.1772, inclusive, issued pursuant to Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

§ 1315.1751 *Applicability of this Maximum Price Regulation 300*—(a) *What commodities must be priced under this regulation.* This regulation applies to the commodities listed in paragraphs (a) to (j), inclusive, of Appendix A (§ 1315.1771) which will be called "rubber drug sundries" in this regulation. However, this regulation is applicable to those commodities only if they are produced in the continental United States or the District of Columbia on or after February 1, 1943. This regulation does not apply to rubber drug sundries produced before February 1, 1943, the maximum prices of which are established by the General Maximum Price Regulation.*

[Paragraph (a) as amended by Amendment 1, 8 F.R. 1369, effective 2-1-43]

(b) *To what types of sellers this regulation applies.* This regulation applies to all manufacturers of rubber drug sundries.

(c) *Geographical applicability of this regulation.* This regulation applies to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

(d) *Effect of this regulation.* This regulation establishes maximum manufacturers' prices for rubber drug sundries. On and after February 1, 1943, the date this regulation takes effect, regardless of any contract or other obligation, no manufacturer is permitted to sell or deliver any rubber drug sundries produced on or after February 1, 1943, at a price which is higher than the maximum price fixed by this regulation, and no person is permitted to buy or receive any rubber drug sundries produced on or after February 1, 1943, from a manufacturer in the course of trade or business at a price which is higher than the maximum price.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments Whose Defense is Vital to the Defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1315.1752 *Maximum manufacturers' prices for victory line rubber drug sundries.* The maximum manufacturers' prices for victory line rubber drug sundries are set forth in Appendix B, incorporated herein as § 1315.1772. The term "victory line rubber drug sundries" is defined in that section.

§ 1315.1753 *Maximum manufacturers' prices for rubber drug sundries, other than victory line, which have not been changed substantially since December 1, 1941*—(a) *Applicability of this section.* Except as provided in § 1315.1755c this section is applicable to all manufacturers of rubber drug sundries, except distributors of rubber drug sundries. This section is applicable to any type of rubber drug sundry, other than victory line, which the manufacturer was producing on December 1, 1941, or which has not been modified sufficiently since that date to result in a change of more than 5 percent in its factory costs. Factory costs shall be determined in accordance with the provisions of paragraph (d) of the next section (§ 1315.1754).

[Paragraph (a) as amended by Amendment 3, 8 F.R. 2667, effective 3-1-43, and Amendment 7, 8 F.R. 7016, effective 5-25-43]

(b) *Maximum prices for all rubber drug sundries except those made in whole or in part of neoprene GN.* The maximum price for a sale by a manufacturer of any rubber drug sundry covered by this section, except one made in whole or in part of neoprene GN, shall be the first applicable among the following prices, less the deduction required by paragraph (d) of this section, wherever applicable, and all discounts, allowances, and other deductions which the manufacturer had in effect for a purchaser of the same class on December 1, 1941:

[Paragraph (b) as amended by Amendment 6, 8 F.R. 5986, effective 5-12-43]

(1) The price stated in the published price list of the manufacturer in effect on December 1, 1941, for a rubber drug sundry which is the same as the rubber drug sundry being priced.

(2) The price the manufacturer regularly quoted, other than through the medium of published price lists, to a purchaser of the same class on December 1, 1941, for a rubber drug sundry which is the same as the rubber drug sundry being priced.

(3) The highest price at which the manufacturer during the period October 1 to December 1, 1941, inclusive, delivered, or if no delivery was made, at which he offered to deliver a rubber drug sundry, which is the same as the rubber drug sundry being priced, to a purchaser of the same class.

(4) For the purposes of this paragraph (b) a rubber drug sundry formerly produced by the manufacturer will be deemed to be "the same as" the rubber drug sundry being priced if it is of the same type as the rubber drug sundry being priced and if its factory costs do not differ from the factory costs of the rubber drug sundry being priced by more than 5 percent. Factory costs shall be determined in accordance with the provisions of paragraph (d) of the next section (§ 1315.1754).

(c) *Maximum prices for rubber drug sundries made in whole or in part of neoprene GN.* The maximum price for a sale by a manufacturer of any rubber drug sundry made in whole or in part of neoprene GN, covered by this section, shall be the price determined in accordance with the provisions of the preceding paragraph (paragraph (b)) less a certain amount. This amount shall be determined by multiplying the number of pounds of neoprene GN required to produce the rubber drug sundry by the difference between the price in effect for neoprene on December 1, 1941, and $0.45.

[Paragraph (c) added by Amendment 6, 8 F.R. 5986, effective 5-12-43. Former paragraph (c) redesignated (d)]

(d) *Deduction of amount of the federal excise tax.* If, on December 1, 1941, the manufacturer did not bill the federal excise tax on rubber products separately, he shall deduct the amount of such tax from the price determined in accordance with the provisions of paragraph (b) of this section.

§ 1315.1754 *Maximum manufacturers' prices for rubber drug sundries, other than victory line, which are not covered by § 1315.1753*—(a) *Applicability of this section.* This section is applicable to all manufacturers of rubber drug sundries, except distributors of rubber drug sundries.

[Paragraph (a) added by Amendment 3, 8 F.R. 2667, effective 3-1-43. Former paragraphs (a) through (d) redesignated (b) through (e), respectively]

(b) *How the seller calculates his maximum price.* Except as provided in § 1315.1755c the seller is required to calculate each maximum price for a rubber drug sundry, other than victory line, which is not covered by § 1315.1753 or which is of a type produced by the manufacturer for the first time after December 1, 1941, as follows:

[Above sentence as amended by Amendment 7, 8 F.R. 7016, effective 5-25-43]

(1) The manufacturer should first find the rubber drug sundry he must use in determining the maximum price of the rubber drug sundry being priced. The method for selecting this rubber drug sundry is explained in paragraph (c) of this section. The manufacturer should then find the maximum price for each class of purchaser (in accordance with the provisions of paragraph (b) of § 1315.1753) of that rubber drug sundry.

(2) The manufacturer should then determine the "factory costs" of the rubber drug sundry being priced and of the rubber drug sundry he must use as a basis for determining the maximum price of the rubber drug sundry being priced. The method for computing "factory costs" is explained in paragraph (d) of this section.

(3) The manufacturer will then find the maximum price of the rubber drug sundry being priced by adding to or subtracting from the maximum price to each class of purchaser (as determined by paragraph (b) of § 1315.1753) of the rubber drug sundry used as a basis for determining the maximum price, the amount by which the "factory costs" of the rubber drug sundry being priced is greater or less than the "factory costs" of the rubber drug sundry used as a basis for determining the maximum price.

(4) Once the manufacturer has determined his maximum price for a rubber drug sundry under this section, that price is his maximum thereafter so long as the article is not modified sufficiently to result in a change of more than 5 percent in factory costs. If the article is modified to this extent, its maximum price must be recomputed in accordance with the provisions of this section. Factory costs must be determined in accordance with the provisions of paragraph (d) of this section.

(c) *Method of selecting the rubber drug sundry used in determining the maximum price.* The manufacturer shall use the first applicable of the following rubber drug sundries, which he offered for sale on December 1, 1941, in determining the maximum price of the rubber drug sundry being priced:

(1) The rubber drug sundry which would be the same as the rubber drug sundry being priced but for changes in specifications that have taken place since December 1, 1941.

(2) The rubber drug sundry manufactured by the same processes as the rubber drug sundry being priced. If there is more than one rubber drug sundry which is manufactured by the same processes as the rubber drug sundry being priced, the manufacturer shall use that one of those rubber drug sundries whose direct labor costs are nearest to the direct labor costs of the rubber drug sundry being priced. Direct labor costs shall be determined in accordance with the provisions of paragraph (d) (1) of this section.

[Paragraph (2) as amended by Amendment 9, effective 7-9-43]

(3) The rubber drug sundry having the same use as the rubber drug sundry being priced. If there is more than one rubber drug sundry which has the same use as the rubber drug sundry being priced, the manufacturer shall use that one of those rubber drug sundries whose direct labor costs are nearest to the direct labor costs of the rubber drug sundry being priced. Direct labor costs shall be determined in accordance with the provisions of paragraph (d) (1) of this section.

(4) The rubber drug sundry whose direct labor costs are nearest to the direct labor costs of the rubber drug sundry being priced. Direct labor costs shall be determined in accordance with the provisions of paragraph (d) (1) of this section.

(d) *Computation of factory costs.* The factory costs of a rubber drug sundry shall be the sum total of direct labor costs, direct materials costs including waste, and factory overhead costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the rubber drug sundry by the wage rates determined in accordance with subparagraph (1) of this paragraph. The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the rubber drug sundry by the materials prices determined in accordance with subparagraph (2) of this paragraph. Waste shall be determined by applying the same methods as were used or would have been used by the manufacturer in similar production on December 1, 1941, adjusted to reflect the actual quantity of waste in the production of the rubber drug sundry being priced. Factory overhead costs shall be determined in the manner set forth in subparagraph (3) of this paragraph.

(1) *Wage rates.* The wage rates applicable to any rubber drug sundry shall be the basic wage rates in effect in the manufacturer's plant on December 1, 1941, for each class of labor involved in the production of the rubber drug sundry. If the manufacturer did not employ a given class of labor on December 1, 1941, he shall use the wage rate paid on December 1, 1941, by the nearest employer operating under comparable conditions who employed that class of labor on that date, if that information is available.

(2) *Materials prices.* The price of neoprene GN used in bulb and bulb goods, catheters, glass molded tubing, gloves, and stoppers shall be $0.45 a pound. The price of any other materials used in the rubber drug sundries just named and the price of any materials used in any other rubber drug sundry shall be the highest price charged on December 1, 1941, by the manufacturer's supplier; except that if the Office of Price Administration has established a lower maximum price for the sale of that material to the manufacturer by his supplier, such lower price shall govern. If the material was not delivered or offered for delivery by the manufacturer's supplier on December 1, 1941, the material price shall be the first price at which the manufacturer's supplier offered to sell the material to a purchaser of the same class as the manufacturer after December 1, 1941, or the maximum price for the material established by the Office of Price Administration, whichever is the lower. The manufacturer's supplier shall be (i) his December 1941 supplier of the material, or (ii) lacking a December 1941 supplier of the material, his most recent supplier of the material. If neither of these exists, it shall be his potential supplier. For the purposes of this subparagraph (2) if the manufacturer shall receive a written statement from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, and if the manufacturer shall have no cause to doubt the accuracy of the statement, the price as stated by the seller shall be deemed not to be in excess of the maximum price established by the Office of Price Administration for that material.

[Paragraph (2) amended by Amendment 6, 8 F.R. 5986, effective 5-12-43, and Amendment 9, effective 7-9-43]

(i) When used in this subparagraph (2), the phrase "highest price charged on December 1, 1941," means:

(*a*) The highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery, on December 1, 1941, to the same manufacturer in a quantity normal for that manufacturer;

(*b*) If the seller made no such delivery or offer for delivery on December 1, 1941, to the same manufacturer, the highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery, on December 1, 1941, to a purchaser of the same class as the manufacturer in a quantity normal for that purchaser;

(*c*) If the seller made no such delivery or offer for delivery on December 1, 1941, to the same manufacturer or to a purchaser of the same class, the highest price at which the seller delivered, or, if he did not deliver, at which he offered the commodity for delivery, on December 1, 1941, to a purchaser of a different class, in a quantity normal for that purchaser, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(3) *Factory overhead costs.* Factory overhead costs shall be determined by using the same methods and the same rates that the manufacturer used on December 1, 1941, in determining the factory overhead costs of the rubber drug sundry that he is required by paragraph (c) of this section to use as a basis for determining the maximum price of the rubber drug sundry being priced. It shall include only those costs which the manufacturer on December 1, 1941, used in calculating the factory overhead.

(e) *Reports of maximum prices.* If a manufacturer produces after January 31, 1943, a rubber drug sundry for which a maximum price must be determined under this section (§ 1315.1754), he shall report to the Office of Price Administration, Washington, D. C., within five days after a purchaser first agrees to buy such goods, the maximum price as computed by him and his selling prices. The report shall contain a full description of the rubber drug sundry being priced and of any innovation in manufacturing processes involved and a detailed explanation of the computation of factory costs and of the maximum price. It shall also contain a description of the rubber drug sundry used in determining the maximum price of the rubber drug sundry being priced and the maximum price, factory costs and an explanation of the reasons for the selection of that rubber drug sundry. The manufacturer may not accept payment for the rubber drug sundry, mark the maximum retail price on the rubber drug sundry or the unit of sale container, or notify any person of the maximum wholesale or retail price until the price so reported is approved in writing by the Office of Price Administration or fifteen days have elapsed after the mailing of the report. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day

* 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511.

period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

§ 1315.1755 *Maximum prices — Specific authorization.* Except as provided in § 1315.1755c the maximum manufacturers' price for any rubber drug sundry, other than victory line, which it is either impossible or impracticable to price under § 1315.1753 or § 1315.1754, shall be a price, in line with the level of prices established by this regulation, determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this section shall file with the Office of Price Administration in Washington, D. C., an application setting forth:

(a) A description in detail of the rubber drug sundry for which a maximum price is sought (including the manufacturing process); (b) a statement of the facts which make it impossible or impracticable for him to use the methods for determining a maximum price set forth in §§ 1315.1753 and 1315.1754; (c) his proposed pricing method; and (d) a statement of the reasons why he believes that the use of this method will result in prices which are in line with the level of prices established by this regulation. Such authorization will be in writing and will prescribe a method of determining the maximum price for some or all of the rubber drug sundries, other than victory line, manufactured by the applicant which it is impossible or impracticable to price under either § 1315.1753 or § 1315.1754.

This section is applicable to all manufacturers of rubber drug sundries, except distributors of rubber drug sundries.

[§ 1315.1755 as amended by Amendment 4, 8 F.R. 3840, effective 3–26–43, and Amendment 7, 8 F.R. 7016, effective 5–25–43]

§ 1315.1755a *Maximum distributors' prices for rubber drug sundries, other than victory line.* This section is applicable only to distributors, as defined in paragraph (a) (1) of § 1315.1769. Except as provided in § 1315.1755c the maximum prices for sales by such persons of rubber drug sundries, other than victory line, shall be determined as follows: The distributor shall multiply the maximum price for the sale of the rubber drug sundry being priced to him by a certain percentage. This percentage shall be determined as follows:

[Above paragraph as amended by Amendment 7, 8 F.R. 7016, effective 5–25–43]

(a) The distributor shall use the first applicable of the following rubber drug sundries, which he offered for sale on December 1, 1941, in determining this percentage.

(1) The rubber drug sundry which is the same as the rubber drug sundry being priced.

(2) The rubber drug sundry which is the same as the rubber drug sundry being priced, except for differences which do not result in a change in the price at which the distributor purchases the article.

(3) The rubber drug sundry which has the same use as the rubber drug sundry being priced. If there is more than one rubber drug sundry which has the same use as the rubber drug sundry being priced, the distributor shall use that one of those rubber drug sundries which is most like the rubber drug sundry being priced in design, construction and the price line in which it is sold.

(b) The distributor shall then determine the price at which on December 1, 1941, he was offering to sell that rubber drug sundry to a purchaser of the same class as the person to whom he is selling the rubber drug sundry being priced.

(c) The distributor should then determine the percentage by dividing this selling price by the price in effect to him on December 1, 1941, for the rubber drug sundry selected in accordance with the provisions of paragraph (a). If there was no price in effect to the distributor for that rubber drug sundry on December 1, 1941, the selling price shall be divided by the last price in effect to the distributor for that rubber drug sundry before December 1, 1941.

[§ 1315.1755a added by Amendment 3, 8 F.R. 2667, effective 3–1–43]

(d) This paragraph (d) is applicable to any rubber drug sundry listed in paragraph (h) of Appendix A which is the same as a rubber drug sundry offered for sale by the distributor on January 1, 1941. Notwithstanding any other provisions of this section, if the price the distributor had in effect on January 1, 1941, for such rubber drug sundry was higher than the price determined in accordance with the preceding provisions of this section, the maximum price for that rubber drug sundry shall be the price the distributor had in effect to a purchaser of the same class on January 1, 1941.

[Paragraph (d) added by Amendment 8, effective 6–30–43]

§ 1315.1755b *Maximum distributors' prices for rubber drug sundries, other than victory line, which cannot be priced under § 1315.1755a.* Except as provided in § 1315.1755c, the maximum distributors' price for any rubber drug sundry, other than victory line, which cannot be priced under § 1315.1755a shall be a price in line with the level of prices established by this regulation determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this section shall file with the Office of Price Administration in Washington, D. C., an application setting forth: (a) A description of the rubber drug sundry for which a maximum price is sought, including the brand name and the producer; (b) a statement of the facts which make it impossible for him to use the method for determining the maximum price set forth in § 1315.1755a; (c) his proposed percentage mark-up; and (d) a statement of the reasons why he believes the use of this mark-up will result in prices in line with the level of maximum prices established by this regulation. Such authorization will be in writing and will prescribe a method of determining the maximum price for some or all of the rubber drug sundries, other than victory line, offered for sale by the applicant which cannot be priced under § 1315.1755a.

[§ 1315.1755b added by Amendment 3, 8 F.R. 2667, effective 3–1–43, and amended by Amendment 7, 8 F.R. 7016, effective 5–25–43]

§ 1315.1755c *Maximum prices for neoprene bulbs and bulb goods and neoprene catheters*—(a) *Neoprene bulbs and bulb goods*—(1) *Applicability of this paragraph.* This paragraph is applicable to neoprene bulbs and bulb goods which are sold, offered for sale, delivered or transferred by the manufacturer during the period May 25, 1943, to September 30, 1943, inclusive. Since the term "manufacturer" is defined in the regulation as including distributors, this paragraph is also applicable to distributors.

(2) *Maximum prices.* The maximum price of neoprene bulbs and bulb goods covered by this paragraph shall be determined as follows: The manufacturer shall first determine the maximum price of the rubber bulb or bulb goods of the same type and size in accordance with the applicable provisions of §§ 1315.1753 to 1315.1755b, inclusive. The manufacturer shall then determine his maximum price by adding a differential to that price. That differential shall be $0.05 for ear and ulcer syringes, double-end bulbs and breast pump bulbs and for bulb goods containing one of the types of bulbs just enumerated. For other neoprene bulbs and bulb goods containing neoprene bulbs the differential shall be determined by reference to the following table:

Size of bulbs (in ounces):	*Price differential*
Less than 3	$0.05
3	.06
4	.07
5	.08
6	.09
7	.10
8	.11
9	.13
10	.15

(b) *Glass molded neoprene surgical tubing*—(1) *Applicability of this paragraph.* This paragraph is applicable to neoprene glass molded surgical tubing which can meet Federal Specifications E–ZZ–C–101 and is made in one of the sizes listed in the table contained in subparagraph (2) of this paragraph. However, this paragraph is applicable to that tubing only if it is sold, offered for sale, delivered or transferred by the manufacturer during the period May 25, 1943, to September 30, 1943, inclusive. Since the term "manufacturer" is defined in the regulation as including distributors, this paragraph is also applicable to distributors.

(2) *Sales by manufacturers to a wholesaler.* (i) When the manufacturer sells one gross or more of the tubing covered by this paragraph and when that tubing is packaged, the manufacturer shall determine his maximum price by deducting the cash discount that he had in effect for a purchaser of the same class on December 1, 1941, from the price stated in the following table:

Item	French size	Manufacturers' maximum prices per dozen
Catheters, 16" long, funnel, solid tip, one velvet eye	10 to 22	$2.20
	24 to 30	2.50
Female catheters, 7" long, funnel, solid tip, one velvet eye	10 to 22	2.20
	24 to 30	2.50
Robinson catheters, 16" long, funnel, hollow tip, two eyes	8 to 22	2.84
Whistle tip catheters, 16" long, funnel, open end, one eye	8 to 22	2.84
Rectal tubes, 20" long, funnel, open end, one eye	22 to 28	3.35
	30 to 32	3.75
Colon tubes, 30" long, funnel, open end, one eye	22 or 28	4.05
	30 or 32	4.50
	36 or 40	8.82
Colonic irrigator tubes, 52" long, funnel, one depressed eye, one cut eye, solid bullet tip	44 or 46	10.70
Stomach tubes, 60" long, funnel, open end, one eye	22	6.19
	28	7.29
	30	8.00
	32	8.32
Nasal feeding tubes, with funnel, open end only	16–20"	7.29
	22–36"	9.13
Malecot catheters, funnel, self-retaining, four-wing	12 to 20	6.70
	22 to 30	7.40
	32 to 40	8.65
Coude catheters (Tiemann type)	12 to 20	4.05
	22 to 30	4.72
	26	6.90
Glass finished tubing, 5' lengths, for stethoscope	10 to 16	5.44
Levine tubes, 48" long, 4 side eyes, 4 ring markings, tube only, no fittings	12 to 16	4.32
Rehfuss tubes, 48" long, marking: 1 ring 19", 2 rings 26", 3 rings 31" from end of tube, tube only—no fittings.	14 or 16	12.96
Black tip Levine tube (Wangensteen type), weighted tip, 4 rings, 9 eyes, tube only—no fittings.		2.40
Small funnels—1½ oz., for use with sizes 16 to 26, stomach tubes—with hard rubber connections.		2.60
Large funnels—3½ oz., for use with sizes 27 to 40, stomach tubes—with hard rubber connections.		*Each*
Stomach tubes, 60" long, with funnel only, open end, one eye	22	$0.72
	28	.92
	30	.98
	32	1.05
Stomach tubes, 60" long, with bulb and funnel, open end, one eye	22	1.14
	28	1.35
	30	1.42
	32	1.48

(ii) When the tubing is packed in bulk, the manufacturer shall determine the maximum price by deducting the price differential he had in effect on December 1, 1941, for bulk packing from the price stated in the table just set forth. When the manufacturer sells less than one gross, the maximum price shall be determined as follows: The manufacturer shall add the percentage differential that he had in effect on December 1, 1941, for sales of less than one gross of the type of article to the prices listed in the table and then shall deduct from the resultant price the cash discount that he had in effect for purchasers of the same class on December 1, 1941.

(3) *Sales by a manufacturer to a distributor or other manufacturer.* The maximum price for a sale by a manufacturer to a distributor or another manufacturer of any tubing covered by this paragraph shall be 75 percent of the price listed in the table set forth in the preceding subparagraph (subparagraph (2) of this paragraph (b)) for tubing of the same size.

(4) *Sales by a manufacturer to a retailer.* The maximum price for a sale by a manufacturer to a retailer of any of the tubing covered by this section shall be 133⅓ percent of the price listed in the table set forth in subparagraph (2) of this paragraph (b) for tubing of the same size.

[§ 1315.1755c added by Amendment 7, 8 F.R. 7016, effective 5–25–43]

§ 1315.1756 *Terms and conditions of sale.* (a) The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless (1) the manufacturer during December, 1941, required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities, and (2) the amount charged for the extension of credit is not in excess of the charge the manufacturer had in effect during December, 1941, for extension of credit involving the same amount and term.

[Paragraph (a) as amended by Amendment 3, 8 F.R. 2667, effective 3–1–43]

(b) No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of rubber drug sundries, than the seller required purchasers of the same class to pay during December 1941 on deliveries of the same or similar types of commodities.

§ 1315.1757 *Sales for export.* The maximum price at which a person may export any rubber drug sundry shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.[5]

§ 1315.1758 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery or processing of rubber drug sundries imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

[NOTE: Supplementary Order No. 31 (7 F.R. 9694, 8 F.R. 1312, 3702, provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1315.1759 *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold or otherwise transferred after January 31, 1943, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

§ 1315.1760 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 300 may be charged, demanded, paid or offered.

§ 1315.1761 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 300 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to rubber drug sundries, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.1761a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery.

[5] Second Revision: 8 F.R. 4132, 7662.

Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

[§ 1315 1761a added by Amendment 5, 8 F.R. 3942, effective 4-1-43 and amended by Amendment 9, effective 7-9-43]

§ 1315.1762 *Records.* To aid in the enforcement of this regulation every manufacturer is required to keep certain records for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect. These records are described in three paragraphs as follows:

(a) *Records of sales.* Every person engaged in the business of selling rubber drug sundries shall keep for inspection by the Office of Price Administration complete and accurate records of every sale of rubber drug sundries, including: (1) the date thereof; (2) the name and address of the buyer; (3) the quantity of each class, kind, type, condition and grade of rubber drug sundries sold; and (4) the price per unit received.

(b) *Records of the bases on which maximum prices are determined.* Every manufacturer subject to the provisions of this Maximum Price Regulation No. 300 shall keep for inspection by the Office of Price Administration, in addition to the records required by paragraph (a) of this section, complete and accurate records of the following:

(1) Published price lists, discount sheets and all other regularly quoted prices in effect on December 1, 1941.

(2) For those rubber drug sundries for which there were no published price lists or other regularly quoted prices in effect on December 1, 1941, the highest price at which he delivered, or if he did not deliver, at which he offered to deliver, each of those rubber drug sundries during the period October 1 to December 1, 1941, inclusive.

(3) Labor rates, materials prices and waste and factory overhead-rates in effect to him on December 1, 1941.

(4) Detailed cost estimate sheets and other data showing the calculations of prices of all rubber drug sundries sold or delivered after January 31, 1943, for which the maximum price must be determined in accordance with the provisions of §§ 1315.1754 or 1315.1755 of this regulation.

(c) *Records of notifications of maximum prices given to wholesalers and retailers.* Every manufacturer subject to the provisions of this Maximum Price Regulation No. 300 shall keep for inspection by the Office of Price Administration, in addition to the records required by paragraphs (a) and (b) of this section, exact copies of all notifications of maximum prices given to wholesalers and retailers.

§ 1315.1763 *Reports* (a) Every manufacturer subject to the provisions of this Maximum Price Regulation No. 300 shall file with the Office of Price Administration, Washington, D. C., on or before March 1, 1943, a report stating the maximum prices established by this Maximum Price Regulation No. 300 for all rubber drug sundries, other than victory line, he was producing on February 1, 1943, the method by which he determined those maximum prices, and the discounts, allowances, and other price differentials in effect therefor on December 1, 1941.

(b) Every manufacturer who produces victory line hot water bottles shall report to the Office of Price Administration, Washington, D. C., each brand name which he uses for colored and black victory line hot water bottles, respectively, within fifteen days after he starts production of a bottle bearing that brand name. Colored and black victory line hot water bottles are distinguished in footnpes five and six to Table I in § 1315.1772.

(c) Every manufacturer subject to this Maximum Price Regulation No. 300 shall submit such other reports to the Office of Price Administration in addition to or in place of the reports required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require or permit.

§ 1315.1764 *Notification*—(a) *Notification of price charged.* Every manufacturer shall give each person purchasing rubber drug sundries from him an invoice showing the date of the transaction and the price charged for each type, brand and grade of rubber drug sundries sold.

(b) *Notification of maximum retail and wholesale prices of rubber drug sundries other than victory line.* This paragraph requires notification by the manufacturer of maximum retail and wholesale prices for rubber drug sundries, other than victory line. This requirement is not applicable to sales of rubber drug sundries to a distributor or to a manufacturer who only finishes, assembles or packages rubber drug sundries or does any combination of these functions. In such case, the distributor or the manufacturer who only finishes, assembles or packages rubber drug sundries or does any combination of these functions, is required to give the notification and calculate the maximum wholesale and retail price.

(1) *Notification to wholesalers.* Before or at the time of the first delivery of any rubber drug sundry, other than victory line, to a wholesaler, other than a dental, surgical or hospital supply house, after January 31, 1943, the manufacturer shall notify the wholesaler of the maximum wholesale price of that article. This notification shall include the brand and the type or description of the rubber drug sundry and the maximum wholesale price applicable thereto. For those rubber drug sundries, other than victory line, of a type that are sold at retail this notification shall include also the maximum retail price and a statement that the wholesaler is required by Maximum Price Regulation No. 301 to notify any retailer to whom he sells that rubber drug sundry of that price unless the manufacturer has marked the rubber drug sundry or the unit of sale container in which it is sold at retail with the maximum retail price.

[Paragraph (b) as amended by Amendment 3, 8 F.R. 2667, effective 3-1-43 and Amendment 4, 8 F.R. 3840, effective 3-26-43.]

(i) *Method by which the manufacturer calculates the maximum retail and wholesale price for notification to wholesalers.* The manufacturer shall calculate the maximum retail and wholesale price as follows:

The manufacturer shall first calculate the base price. This price is his maximum price for the sale of the rubber drug sundry in question to that class of wholesalers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. The manufacturer will then calculate the maximum retail and wholesale price by multiplying the base price by a percentage which varies with the kind of seller. These percentages are shown in the following table:

Kind of seller:	*Percentage by which the manufacturer's base price is to be multiplied—percent*
Seller at wholesale, other than a dental, surgical or hospital supply house	133⅓
Dental, surgical or hospital supply house	142
Seller at retail, except a mail order house	[a] 233⅓

[a] a. Whenever the retail price, calculated in this manner, results in a price which is less than 5 cents, the maximum retail price shall be 5 cents. This rule shall not be used for those multiples of a commodity which are normally sold by retailers at a price which, when figured on a unit basis, is lower than the price per unit charged by them when they sell the commodity singly. For example, if the retail price for a particular nipple, calculated in the manner set forth in the text, is 3⅓ cents each and retailers normally sell that nipple at 5 cents each and three for 10 cents, the maximum retail price would be 5 cents each and three for 10 cents.

b. Whenever the retail price, calculated in the manner set forth in the text, results in a price which is 5 cents or over and involves a fractional cent, the maximum retail price shall be the nearest cent.

[Footnote added by Amendment 3, 8 F.R. 2667, effective 3-1-43]

(2) *Notification to retailers, other than mail order houses.* Before or at the time of the first delivery of any rubber drug sundry, other than victory line, by a manufacturer to a retailer after January 31, 1943, the manufacturer shall notify the retailer of the maximum retail price of that article unless the manufacturer has marked the maximum retail price on the rubber drug sundry or on the unit of sale container in which it is sold at retail. This notification shall include the brand and the type or description of the rubber drug sundry and the maximum retail price applicable thereto. The notification required by this subparagraph shall also be given to dental, surgical and hospital supply houses for those types of rubber drug

sundries, other than victory line, that are customarily sold at retail.

[Paragraph (2) as amended by Amendment 4, 8 F.R. 3840, effective 3-26-43]

(i) *Method by which the manufacturer calculates the maximum retail price for notification to retailers.* The manufacturer shall calculate the maximum retail price as follows:

(a) *Rubber drug sundries for which the manufacturer can calculate a maximum wholesale price.* The manufacturer shall calculate the maximum retail prices of those rubber drug sundries for which he can calculate a maximum wholesale price in accordance with the provisions of § 1315.1753 or § 1315.1754 of this regulation as follows:

The manufacturer shall first calculate the base price. This price is his maximum price for the sale of the rubber drug sundry in question to that class of wholesalers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. The manufacturer will then calculate the maximum retail price by multiplying the base price by 233⅓ percent.[1]

(b) *Rubber drug sundries for which the manufacturer can not calculate a maximum wholesale price.* The manufacturer shall calculate the maximum retail prices of those rubber drug sundries for which he can not determine a maximum wholesale price in accordance with the provisions of § 1315.1753 or 1315.1754 of this regulation as follows:

The manufacturer shall first calculate the base price. This price is his maximum price for the sale of the rubber drug sundry in question to that class of retailers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. The manufacturer will then calculate the maximum retail price by multiplying the base price by 210 percent.[2]

(3) *Rubber drug sundries to which this paragraph is not applicable.* Anything in this paragraph (b) to the contrary notwithstanding, this paragraph (b) is not applicable to the types of rubber drug sundries listed in paragraph (h) of Appendix A (§ 1315.1771).

(c) *Notification to mail order houses of the price to be used by the mail order house as a basis for determining its maximum prices for rubber drug sundries, other than victory line.* This paragraph (c) is applicable to all rubber drug sundries, other than victory line, except those listed in paragraph (h) of Appendix A (§ 1315.1771). Before or at the time of the first delivery after January 31, 1943, of any such rubber drug sundry to a mail order house, the manufacturer shall notify the purchaser of the price that the purchaser must use as a basis for determining his maximum price. This figure is the manufacturer's maximum price for a sale of the particular rubber drug sundry to the class of sellers at wholesale which during the calendar year 1942 purchased the largest quantity of rubber drug sundries from the manufacturer. If the manufacturer can not calculate the maximum wholesale price of the rubber drug sundry in question in accordance with the provisions of § 1315.1753 or 1315.1754 of this regulation, the manufacturer shall notify the mail order house of the manufacturer's maximum price to the class of sellers at retail which during the calendar year 1942 purchased the largest quantity of rubber drug sundries from the manufacturer.

§ 1315.1765 *Marking of rubber drug sundries by the manufacturer.* This section requires that the manufacturer mark rubber drug sundries sold by him in a certain manner. This requirement is not applicable to sales of rubber drug sundries to a distributor or to a manufacturer who only finishes, assembles or packages rubber drug sundries, or does any combination of these functions. In such case, the distributor or the manufacturer, who only finishes, assembles or packages, or does any combination of these functions, is required to mark or cause the rubber drug sundry to be marked in the manner set forth in this section. On or after February 1, 1943, before delivery of any rubber drug sundries the manufacturer shall mark them or have them marked as follows:

[Paragraph as amended by Amendment 8, 8 F.R. 2667, effective 3-1-43]

(a) *Victory line rubber drug sundries sold to any person, except a mail order house.* Victory line rubber drug sundries which are sold to any person, except a mail order house, shall be marked as follows:

(1) *Victory line rubber drug sundries, other than the hospital grade of hot water bottle.* Victory line rubber drug sundries, other than the hospital grade of hot water bottle, shall be marked with the maximum retail price thereof, set forth in Maximum Price Regulation No. 301. The maximum retail price shall be marked as follows: "Retail Ceiling $------."

(2) *Victory line hospital grade of hot water bottles.* The hospital grade of victory line hot water bottles shall be marked with the maximum price thereof for sale to a consumer set forth in Maximum Price Regulation No. 301. This maximum price shall be marked as follows: "Hospital Ceiling $------."

(b) *Victory line rubber drug sundries sold to mail order houses.* Victory line rubber drug sundries which are sold to mail order houses shall be marked with a "V."

(c) *Rubber drug sundries, other than victory line.* Rubber drug sundries, other than victory line, shall be marked with either an "R" or the maximum retail price, calculated in the manner set forth in paragraph (b) of § 1315.1764 of this regulation.

(d) *Method of marking.* The marking required by paragraphs (a), (b), or (c) of this section shall be done in a manner so as to make it plainly visible to the purchasing public. The marking shall be placed on the rubber drug sundry itself, on the unit of sale container in which the rubber drug sundry is sold at retail, on a tag which is firmly affixed to the rubber drug sundry or in some other manner approved by the Office of Price Administration in writing.

§ 1315.1766 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 300 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 300 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to commmunicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1767 *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 300 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1315.1768 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 300 supersede the provisions of the General Maximum Price Regulation, including §§ 1499.11, 1499.12, 1499.13, 1499.14 and 1499.25 thereof, with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1315.1769 *Definitions.* (a) When used in this Maximum Price Regulation No. 300 the term:

(1) "Distributor" means a person who purchases rubber drug sundries, which are not finished, packaged or assembled by him, from a manufacturer and who either resells them primarily to wholesalers or resells them primarily other than at retail under his own brand: *Provided*, That such person sells rubber drug sundries which the producer thereof does not sell directly to wholesalers or retailers.

[Paragraph (1) added by Amendment 3, 8 F.R. 2667, effective 3-1-43 and amended by Amendment 6, 8 F.R. 5986, effective 5-12-43. Former paragraphs (1) through (7) redesignated (2) through (8) respectively.]

(2) "Manufacturer" means any of the following:

(i) Any person engaged in the production of rubber drug sundries;

(ii) Any person who sells rubber drug sundries primarily other than at retail

[1] Footnote (6) in this paragraph is applicable here.

[2] Footnote (6) in this paragraph is applicable here.

and who finishes, assembles or packages the rubber drug sundries sold by him; or

(iii) Any distributor of rubber drug sundries.

[Paragraph (2) as amended by Amendment 6, 8 F.R. 5986, effective 5–12–43]

(3) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing.

(4) "Purchaser of the same class" and "class of purchaser" refer to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(5) "Rubber drug sundries" means the articles set forth in Appendix A.

(6) "Rubber" means substitute rubber and all forms and types of rubber, including synthetic and reclaimed rubber.

(7) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(8) "Substitute rubber" means a substance made in whole or part by a chemical process or from natural gums, resins or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied.

(b) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to other terms used herein.

§ 1315.1770 *Effective date.* This maximum Price Regulation No. 300 (§§ 1315.1751 to 1315.1772, inclusive) shall become effective February 1, 1943.

[§ 1315.1770 as amended by Amendment 3, 8 F.R. 2667, effective 3–1–43]

[Issued January 16, 1943]

§ 1315.1771 *Appendix A: Definition of rubber drug sundries.* When used in this Maximum Price Regulation No. 300 the term "rubber drug sundries" means the articles listed in paragraphs (a) to (j), inclusive, of this section, when made in whole or in part of rubber, but does not include the articles listed in paragraph (k) of this section.

[Paragraph as amended by Amendment 1, 8 F.R. 1369, effective 2–1–43]

NOTE: Many of the items included in list are not permitted to be produced out of crude, latex, synthetic, reclaimed or scrap rubber by the War Production Board.

(a) Water bottles, ice bags, syringes and other flat goods, including, but not limited to:

Air cushions
Bedpans
Combination syringes
Face and baby bottles
Fountain syringes
Hot water bottles
Ice bags and caps
Invalid rings and cushions

(b) The following baby supplies:

Breast pumps.
Breast shields.
Feeding nipples.
Infant bottle combinations.
Nipple shields.
Nursery bottle caps.
Pacifiers.
Teething rings.

[Paragraph (b) as amended by Amendment 3, 8 F.R. 2667, effective 3–1–43]

(c) Rubber tubing, stopples and irrigators for medical, surgical, dental, mortuary, veterinary and laboratory purposes, including, but not limited to:

Catheters
Irrigators
Rubber policemen
Stopples
Tubes and tubing

(d) The following rubber dental supplies:

Dental dams.
Dental separating strips and mouth props.
Orthodontia bands.
Plaster bowls.
Rubber denture, denture suction and model formers.

[Paragraph (d) as amended by Amendment 6, 8 F.R. 5986, effective 5–12–43]

(e) Bulb and bulb goods for medical, surgical, dental, mortuary, veterinary and laboratory purposes, including, but not limited to:

Atomizers
Bulb syringes
Cautery bulb sets
Chip blower bulbs
Household bulb syringes
Politzer syringes
Sinus bulb sets
Spray douches

(f) Rubber gloves and finger cots, including, but not limited to:

Autopsy and mortuary gloves
Household gloves and cots
Industrial gloves and cots
Medical and surgical gloves and cots
Obstetrical gloves and sleeves

(g) The following hospital and surgical supplies:

Air mattresses and pillows.
Obstetricians' aprons.
Operating cushions.
Patients' bibs and throws.
Surgeons' aprons.
Urologists' aprons.

[Paragraph (g) as amended by Amendment 3, 8 F.R. 2667, effective 3–1–43]

(h) Prophylactics and other devices for the prevention of disease, including, but not limited to:

Diaphragms
Fitting rings
Pessaries
Prophylactics
Vaginal applicators

(i) Hard rubber for medical, surgical, dental, veterinary, mortuary and laboratory equipment and parts, including, but not limited to:

Stoppers
Syringes
Tubes, pipes, connections and accessories

(j) The following miscellaneous rubber articles and rubber parts:

Acid bottles, rubber
Blood pressure bags, bulbs and tubing
Blood transfusion connectors
Brain surgery caps
Caps and closures
Colonic bags
Colostomy outfits
Crutch parts
Dilators
Cushions—ear, elbow and heel
Evacuators
Foot appliances and parts—corrective, rubber
Funnels, rubber
Hagner bags
Inhalation bags and face pieces (medical, surgical, dental, veterinary and laboratory).
Insufflators.
Intravenous connectors.
Medicine droppers and bulbs.
Microscope covers.
Orsat bags.
Orthopedic pads and parts, rubber.
Parts for medical, surgical, veterinary and mortuary instruments.
Parts for acoustic aids.
Prostatic bags.
Prosthetic devices and parts, rubber.
Rubber bands and cushions for artificial limbs.
Rubber suppositories.
Sinus pads and bags.
Spatulas, rubber.
Splint cushions.
Thermapeutic applicators.
Thermometer cases, rubber.
Tourniquets.
Truss parts.
Umbilical belts.
Urinals, individual wear.
Veterinary sleeves.
X-ray sheets, gloves, aprons and cooling hose.

All other rubber articles and parts for medical, surgical, orthopedic, pharmaceutical and laboratory purposes, provided that rubber is the component material of chief weight.

[Paragraph (j) as amended by Amendment 3, 8 F.R. 2667, effective 3–1–43]

(k) The term "rubber drug sundries" does not include the following articles:

Adhesive tape.
Medicated footpads and plasters.
Sanitary belts.
Supporters (men's athletic).
Surgical elastic bandages.
Surgical elastic supports.
Surgical stockings.
Surgical tape.
Suspensories.
Trusses.

[Paragraph (k) added by Amenament 1, 8 F.R. 1369, effective 2–1–43]

§ 1315.1772 *Appendix B: Maximum manufacturers' prices for victory line rubber drug sundries.* (a) The maximum manufacturers' prices for victory line rubber drug sundries shall be the prices listed in Table I. The specifications of the items priced in Table I will be found in paragraph (b) of this section.

TABLE 1—MAXIMUM MANUFACTURERS' PRICES FOR VICTORY LINE RUBBER DRUG SUNDRIES [1]

Item	Maximum prices for sales by manufacturers: To wholesalers [2]	To mass retail distributors [3]	To other retailers [4] and ultimate consumers
Hot water bottles:			
Hospital Grade (cloth inserted 2 quart)	$1.13	----------	$1.51
Hospital Grade (molded)	.55	----------	.74
Consumer Grade I [5] (colored—molded)	.42	$0.47	.57
Consumer Grade II [6] (colored & black—molded)	.32	.36	.43
Fountain syringes (civilian-molded) equipped with 4' 8" regular flow tubing, stopper, shut-off, & screw socket:			
Consumer Grade I [7] (colored):			
Group I—2 slip pipes, adult rectal and vaginal	.44	.49	.59
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.49	.55	.65
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories	.68	.76	.91
Consumer Grade II [7] (colored and black):			
Group I—2 slip pipes, adult rectal and vaginal	.84	.96	.45
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.89	.48	.92
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories	.56	.66	.77
Combination syringes (molded) equipped with 4'8" regular flow tubing, stopper, shut-off, and screw socket:			
Consumer Grade I [8] (colored):			
Group I—2 slip pipes, adult rectal and vaginal	.66	.68	.78
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.61	.69	.82
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories	.80	.90	1.07
Consumer Grade II [8] (colored & black):			
Group I—2 slip pipes, adult rectal and vaginal	.46	.51	.62
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.51	.56	.68
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories	.70	.77	.94
Combination syringe attachment sets—to include 4'8" regular flow tubing, stopper, shut-off, and screw sockets: [9]			
Group I—2 slip pipes, adult rectal and vaginal	.16	.17	.20
Group II—2screw pipes, adult rectal and vaginal plus screw pipe connections	.20	.22	.27
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal + screw pipe connection, and rapid flow accessories	.40	.44	.54
Ice caps (molded)	.48	.50	.60
Invalid rings and cushions (molded—all rubber):			
Size 12 inches	1.08	1.20	1.44
14 inches	1.17	1.30	1.56
16 inches	1.30	1.44	1.74
18 inches	1.55	1.72	2.07
Invalid rings and cushions (cloth inserted):			
Size 12 inches	1.26	1.40	1.68
14 inches	1.32	1.47	1.76
16 inches	1.45	1.61	1.94
18 inches	1.71	1.90	2.28

[1] These maximum prices are subject to the terms and conditions of sale set forth in § 1315.1756.

[2] "Wholesaler" means any seller at wholesale and includes dental, surgical, and hospital supply houses.

[3] "Mass retail distributor" means (a) a seller at retail who during 1942 purchased any of the types of rubber drug sundries listed in Table I at a discount of 25 percent or more from the manufacturer's list price; (b) a seller at retail who purchased during 1942 any private brand rubber drug sundries listed in Table I; or (c) any seller at retail who in the future buys in the same quantities, manner, and conditions as those which during 1942 qualified purchasers who sell at retail to receive a discount of 25 percent or more from the manufacturer's list price or to obtain private branded merchandise.

[4] "Other retailer" means any seller at retail who is not a mass retail distributor.

[5] A Consumer Grade I hot-water bottle is one made in any color but black. In addition, such a bottle may only bear a brand name, which the manufacturer placed on bottles that he sold on December 1, 1941, at a net price of $0.36 or more and which the manufacturer has not reported for use on Consumer Grade II bottles. Also, a Consumer Grade I hot-water bottle must not bear a brand name which was placed on it by a mold, which either bore a different brand name on January 16, 1943, or which was not used by the manufacturer on December 1, 1941, without written permission from the Office of Price Administration. "Net price" as used in this footnote, means the lowest price arrived at after deducting the federal excise tax on rubber products and all discounts except cash discount. The term "Consumer Grade II hot-water bottle" is defined in footnote 6. The manufacturer is required to report the brand names he uses for Consumer Grade I hot-water bottles in accordance with the provisions of paragraph (b) of § 1315.1763.

[6] A Consumer Grade II hot-water bottle is one which is made in any color. The manufacturer is required to report the brand name he uses for Consumer Grade II bottles in accordance with the provisions of paragraph (b) of § 1315.1763. Once a brand name has been reported for use on a Consumer Grade II bottle, it may not be used on a Consumer Grade I bottle.

[7] Whether a fountain syringe shall be priced as Consumer Grade I or Consumer Grade II depends upon whether a hot-water bottle bearing the same brand would be priced as a Consumer Grade I or a Consumer Grade II.

[8] Whether a combination syringe shall be priced as Consumer Grade I or Consumer Grade II depends upon whether the hot-water bottle, which is part of the combination syringe, would be priced as Consumer Grade I or Consumer Grade II if sold separately.

[9] If a combination syringe or combination syringe attachment set includes an accessory which is not listed in the table, the maximum price of that combination syringe or combination syringe attachment set shall be determined by adding to the maximum price listed for the combination syringe or combination syringe attachment set, as the case may be, without that accessory, the maximum price of the unlisted accessory. The maximum price of the unlisted accessory shall be determined in the same manner that the maximum prices for rubber drug sundries, other than victory line, are determined, and marked separately on the unit of sale container in which the combination syringe or combination syringe attachment set is sold at retail.

[Table I as amended by Amendment 9, effective 7–9–43]

(b) "Victory line rubber drug sundries" means the items listed in Table II, manufactured after January 31, 1943, which can meet the minimum physical specifications set forth in that table.

TABLE II—MINIMUM PHYSICAL SPECIFICATIONS FOR VICTORY LINE RUBBER DRUG SUNDRIES[1]

	Minimum tensile strength (per sq. inch)	Minimum ultimate elongation (%)	Resistance to boiling water[2] (%)	Resistance to heat[3] (%)	Minimum wall thickness (in.)
Hot water bottles:					
Hospital Grade (cloth inserted 2 quart)[4]			(5)		0.020
Hospital Grade (molded)	1650	500	40	80	.028
Consumer Grade I or II (molded)	1250	400	40	75	.025
Combination syringes (molded): Consumer Grade I or II	1250	400	40	75	.025
Fountain syringes (molded): Consumer Grade I or II	800	350		75	.025
Ice caps and bags (molded): Consumer Grade	1250	400		75	.025
Invalid rings (molded):					
(All sizes)	1650	500		80	
Cloth inserted (all sizes)[4]					.030
Tubing for combination syringe (4' 8" lengths)	700	300			

[1] Testing and sampling shall be done by the methods provided by Federal Specifications ZZ-R-601, ZZ-B-581, ZZ-B-586a, ZZ-I-121, ZZ-C-76, and ZZ-C-791 and all emergency specifications.

[2] Percent of original tensile strength and ultimate elongation retained after 6 days in boiling water and 24 hours after removal in the case of the hospital grade bottles, or percent retained after 4 days in boiling water and 24 hours after removal in the case of the consumer grade bottles, and combination syringes.

[3] Percent of original tensile strength and ultimate elongation after 7 days, except in the case of fountain syringes, 4 days in air at 158° F. and 24 hours after removal.

[4] The article shall withstand a compressed oxygen test ("bomb" test) for 10 days at 48 to 52 pounds pressure per square inch and at a temperature of 70° C without becoming significantly softer or stiffer than the original, shall not be tacky, and shall show no other change which might adversely affect its serviceability.

[5] After boiling in water for 6 continuous days the bottle shall be free from blisters and other defects which might affect its serviceability.

[Table II as amended by Amendment 9, effective 7-6-43]

(c) If after January 31, 1943, a manufacturer produces a factory second or rubber drug sundry listed in Table II which does not meet the minimum specifications set forth in that table, the maximum price for that rubber drug sundry shall be 75 percent of the price set forth in Table I for a sale of the same type of rubber drug sundry to the same class of purchasers.

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10704; Filed, July 2, 1943; 4:51 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 301[1] Incl. Amdt. 7]

RETAIL AND WHOLESALE PRICES FOR RUBBER DRUG SUNDRIES

Section 1315.1784a is added; §§ 1315.1795 (j), 1315.1796 (a), Table I and footnote 1 are amended by Amendment 7, effective July 9, 1943, so that Maximum Price Regulation No. 301 shall read as follows:

In the judgment of the Price Administrator the prices of rubber drug sundries have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of rubber drug sundries prevailing between October 1 and October 15, 1941, and has made adjustment for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of considerations[2] involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedure Regulation No. 1[3] issued by the Office of Price Administration, Maximum Price Regulation No. 301 is hereby issued.

Sec.
1315.1776 Applicability of this Maximum Price Regulation No. 301.
1315.1777 Maximum retail and wholesale prices for victory line rubber drug sundries.
1315.1778 Maximum prices for sales at wholesale of rubber drug sundries, other than victory line.
1315.1779 Maximum prices for sales at retail of rubber drug sundries, other than victory line.
1315.1780 Terms and conditions of sale.
1315.1781 Sales for export.
1315.1782 Federal and state taxes.
1315.1783 Transfers of business or stock in trade.
1315.1784 Less than maximum prices.
1315.1784a Adjustable pricing.
1315.1785 Evasion.
1315.1786 Records.
1315.1787 Notification of maximum prices for sales at retail.
1315.1788 Sales slips and receipts.
1315.1789 Enforcement.
1315.1790 Petitions for amendment.
1315.1791 Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.
1315.1792 Applicability of the General Maximum Price Regulation.
1315.1793 Definitions.
1315.1794 Effective date.
1315.1795 Appendix A: Definition of rubber drug sundries.
1315.1796 Appendix B: Maximum retail and wholesale prices for victory line rubber drug sundries.

AUTHORITY: §§ 1315.1776 to 1315.1796, inclusive, issued pursuant to Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

§ 1315.1776 *Applicability of this Maximum Price Regulation 301*—(a) *What commodities must be priced under this regulation.* This regulation applies to the commodities listed in paragraphs (a) to (i), inclusive, of Appendix A (§ 1315.1795). These commodities will be called "rubber drug sundries" in this regulation. However, this regulation applies to these commodities only if they are produced in the continental United States or the District of Columbia on or after February 1, 1943. This regulation does not apply to rubber drug sundries produced before February 1, 1943, the maximum prices of which are established by the General Maximum Price Regulation.[4] In order that you may know what rubber drug sundries are covered by this regulation all manufacturers of rubber drug sundries are required by Maximum Price Regulation No. 300 to mark the container of a rubber drug sundry produced after January 31, 1943, or the rubber drug sundry itself with either its maximum retail price or an "R" or a "V".

[Paragraph (a) as amended by Amendment 1, 8 F.R. 1369, effective 2-1-43]

(b) *To what types of sellers this regulation applies.* This regulation applies to all sellers who sell at retail or at wholesale; except that it shall not apply until September 30, 1943, to sales by dental, surgical or hospital supply houses of rubber drug sundries, other than victory line, to physicians, dentists, morticians, veterinarians, laboratories, hospitals, industrial or commercial users, the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, library or to any agency of any of the foregoing.

[Paragraph (b) amended by Amendment 4, 8 F.R. 3841, effective 3-26-43 and Amendment 6, 8 F.R. 7017, effective 5-25-43]

(c) *Geographical applicability of this regulation.* This regulation applies to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

(d) *Effect of this regulation.* This regulation establishes maximum prices for rubber drug sundries produced after

[1] 8 F.R. 873, 1369, 1388, 2699, 3841.

[2] Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

[4] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511.

January 31, 1943. On and after February 1, 1943, the date this regulation takes effect, regardless of any contract or other obligation, no person is permitted to sell or deliver at retail or wholesale any rubber drug sundries produced after January 31, 1943, at a price which is higher than the maximum price fixed by this regulation, and no person is permitted to buy or receive any rubber drug sundries produced after January 31, 1943, in the course of trade or business at a price which is higher than the maximum price.

§ 1315.1777 *Maximum retail and wholesale prices for victory line rubber drug sundries*—(a) *Maximum wholesale prices.* The maximum prices for sales at wholesale of victory line rubber drug sundries are set forth in Appendix B, incorporated herein as § 1315.1796.

(b) *Maximum retail prices.* The maximum retail price for a victory line rubber drug sundry is the price placed on the rubber drug sundry or the unit of sale container by the manufacturer. If there is no maximum retail price on the rubber drug sundry or the unit of sale container, the maximum retail price is the price set forth in Appendix B (§ 1315.1796). This price is the same price that the manufacturer is required to place on the rubber drug sundry or the unit of sale container.

(c) *Identification of victory line rubber drug sundries.* In order that you may know what rubber drug sundries are "victory line rubber drug sundries" they or their unit of sale container will be marked either with the maximum retail price or with a "V".

§ 1315.1778 *Maximum prices for sales at wholesale of rubber drug sundries, other than victory line.* This section is applicable to rubber drug sundries, other than victory line. The maximum price for sales at wholesale of such articles is the maximum price for the particular type of sale, furnished the wholesaler by the manufacturer. This maximum price must be furnished by the manufacturer in accordance with the provisions of paragraph (b) of § 1315.1764 of Maximum Price Regulation No. 300. If the manufacturer has not notified the wholesaler of the maximum price, the wholesaler shall not deliver the article until he has obtained the maximum price from the manufacturer.

§ 1315.1779 *Maximum prices for sales at retail of rubber drug sundries, other than victory line*—(a) *Sales by persons other than mail order houses.* This paragraph (a) is applicable to all sales at retail of rubber drug sundries, other than victory line, except those made by mail order houses. The maximum price for such sales shall be determined as follows:

(1) *Where the maximum retail price has been placed on the rubber drug sundry or the unit of sale container.* The maximum retail price shall be the price the manufacturer has placed on the rubber drug sundry or the unit of sale container. This maximum price must be determined by the manufacturer in accordance with the provisions of Maximum Price Regulation No. 300.

(2) *Where the maximum retail price has not been placed on the rubber drug sundry or the unit of sale container.* If the manufacturer has not placed the maximum retail price on the rubber drug sundry or the unit of sale container, the maximum retail price of that rubber drug sundry shall be determined as follows: The maximum price shall be the maximum retail price furnished the retailer by the person from whom he purchased the rubber drug sundry. If that person is a wholesaler, he must furnish that maximum price in accordance with the provisions of this Maximum Price Regulation No. 301. If that person is a manufacturer, he must furnish that maximum price in accordance with the provisions of Maximum Price Regulation No. 300. If the retailer has not been notified of the maximum retail price, he may not sell the rubber drug sundry until he has obtained the maximum retail price from the person who sold it to him.

(b) *Sales by mail order houses of rubber drug sundries purchased from manufacturers.* This paragraph (b) is applicable to rubber drug sundries, other than victory line, which have been purchased from a manufacturer. The maximum price for sales by mail order houses of such rubber drug sundries shall be determined as follows: If the mail order house is notified by the manufacturer of the manufacturer's maximum price for the sale of the rubber drug sundry being priced to the class of sellers at wholesale which purchased the largest quantity of rubber drug sundries from the manufacturer during the calendar year 1942, the mail order house shall determine its maximum price by multiplying this figure by 200 percent for sales by mail and by 233⅓ percent for all other sales. If the mail order house is notified by the manufacturer of the manufacturer's maximum price for the sale of the rubber drug sundry being priced to the class of sellers at retail which purchased the largest quantity of rubber drug sundries from the manufacturer during the calendar year 1942, the mail order house shall determine its maximum price by multiplying this figure by 160 percent for sales by mail and by 210 percent for all other sales.

(c) *Sales of baby feeding nippies.* Notwithstanding any other provisions of this section (§ 1315.1779), the maximum price for sales at retail of baby feeding nipples shall be determined in accordance with the applicable provisions of paragraphs (a), (b), or (c) of this section (§ 1315.1779), but in no case shall the price for baby feeding nipples other than specially constructed baby feeding nipples exceed three for $0.25 or $0.10 each whenever the purchaser requests less than three. As used in this paragraph (c) the term "specially constructed baby feeding nipples" includes the following types: breast, semi-breast, valve, screw-on and cleft palate.

[Paragraph (c) as amended by Amendment 4, 8 F.R. 3841, effective 3-26-43]

§ 1315.1780 *Terms and conditions of sale.* (a) The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless (1) the seller during December 1941, required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities, and (2) the amount charged for the extension of credit is not in excess of the charge in effect during December 1941, for extensions of credit involving the same amount and term.

[Paragraph (a) as amended by Amendment 3, 8 F.R. 2669, effective 3-1-43]

(b) No seller shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery of rubber drug sundries, than the seller required purchasers of the same class to pay during December 1941 on deliveries of the same or similar types of commodities.

§ 1315.1781 *Sales for export.* The maximum price at which a person may export any rubber drug sundry shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.[5]

§ 1315.1782 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, or processing of rubber drug sundries imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for the purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1315.1783 *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold or otherwise transferred after January 31, 1943, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment pre-

[5] Second Revision; 8 F.R. 4132, 7662.

viously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 301.

§ 1315.1784 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 301 may be charged, demanded, paid or offered.

§ 1315.1784a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

§ 1315.1785 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 301 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to rubber drug sundries, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.1786 *Records.* To aid in the enforcement of this regulation every seller is required to keep certain records for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect. These records are described in three paragraphs as follows:

(a) *Records of purchases.* The seller must preserve all invoices showing purchases by him of rubber drug sundries produced after January 31, 1943.

[Paragraph (a) as amended by Amendment 3, 8 F.R. 2669, effective 3-1-43]

(b) *Customary records of prices charged.* The seller must continue to keep records of the same kind as he has customarily kept showing the prices actually charged by him after the effective date of this regulation for rubber drug sundries produced after January 31, 1943.

(c) *Notifications of maximum prices of rubber drug sundries, other than victory line.* The seller must preserve all notifications of the maximum prices of rubber drug sundries, other than victory line, received by him. These notifications shall be kept for inspection by any person during ordinary business hours.

§ 1315.1787 *Notification of maximum prices for sales at retail*—(a) *Notification of maximum retail price of rubber drug sundries, other than victory line, to be given by wholesaler.* Before or at the time of the first delivery after January 31, 1943, of any rubber drug sundry, other than victory line, by a wholesaler to a retailer, the wholesaler shall notify the retailer of the maximum retail price of that article, unless the maximum retail price has been marked on the rubber drug sundry or the unit of sale container in which it is sold at retail. This notification shall include the brand and the type or description of the rubber drug sundry and the maximum retail price applicable thereto. The wholesaler will be furnished this maximum retail price by the manufacturer in accordance with the provisions of paragraph (b) of § 1315.1764 of Maximum Price Regulation No. 300. If the manufacturer has not notified the wholesaler of the maximum retail price, the wholesaler shall not deliver the article until he has obtained the maximum retail price from the manufacturer.

(b) *Marking of maximum retail price by mail order houses.* On or after February 1, 1943, before delivery of any victory line rubber drug sundries every mail order house selling any victory line rubber drug sundries at retail shall mark or cause to have marked the maximum price established by this Maximum Price Regulation No. 301 for the sale of that rubber drug sundry on the rubber drug sundry itself, on the unit of sale container in which the rubber drug sundry is sold at retail, on a tag which is firmly affixed to the rubber drug sundry, or in some other manner approved by the Office of Price Administration in writing. The maximum price shall be marked as follows: "Retail Ceiling $------." The marking shall be large enough to make it plainly visible to the purchasing public.

§ 1315.1788 *Sales slips and receipts.* Any person who has regularly furnished customers with invoices, sales slips, receipts or similar documents shall continue to do so. Every person shall, regardless of previous custom, upon request of the customer, give such customer a signed receipt showing the date of the transaction, the type, brand and grade of the rubber drug sundries sold and the price charged therefor.

§ 1315.1789 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 301 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 301 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1790 *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 301 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

§ 1315.1791 *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 301 selling rubber drug sundries at wholesale or retail. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

§ 1315.1792 *Applicability of the General Maximum Price Regulation.* Except as provided in § 1315.1791, the provisions of this Maximum Price Regulation No. 301 supersede the provisions of the General Maximum Price Regulation, including §§ 1499.11, 1499.12, 1499.13, 1499.14 and 1499.25 thereof, with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 301.

§ 1315.1793 *Definitions.* (a) When used in this Maximum Price Regulation No. 301 the term:

(1) "Rubber drug sundries" means the articles set forth in Appendix A (§ 1315.1795).

(2) "Rubber" means substitute rubber and all forms and types of rubber, including synthetic, reclaimed and balata rubber.

(3) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user, except that (i) a "sale at retail" shall not include any sale by a producer, manufacturer, or fabricator of any commodity produced, manufactured, or fabricated by him, and (ii) a "sale at retail" shall not include any sale to the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library, or any agency of any of the foregoing.

(4) "Sale at wholesale" means a sale by a person who buys a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer, except that a sale at wholesale shall include any sale by such person to an industrial or commercial user, the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library or any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to other terms used herein.

§ 1315.1794 *Effective date.* This Maximum Price Regulation No. 301 (§§ 1315.1776 to 1315.1796, inclusive) shall become effective February 1, 1943.

[§ 1315.1794 as amended by Amendment 3, 8 F.R. 2669, effective 3-1-43]

[Issued January 16, 1943]

§ 1315.1795 *Appendix A: Definition of rubber drug sundries.* When used in this Maximum Price Regulation No. 301 the term "rubber drug sundries" means the articles listed in paragraphs (a) to (i), inclusive, of this section, when made in whole or in part of rubber, but does not include the articles listed in paragraph (j) of this section.

[Paragraph as amended by Amendment 1, 8 F.R. 1369, effective 2-1-43]

[NOTE: Many of the items included in this list are not permitted to be produced out of crude, latex, synthetic, reclaimed or scrap rubber by the War Production Board.]

(a) Water bottles, ice bags, syringes and other flat goods, including, but not limited to:

Air cushions.
Bedpans.
Combination syringes.
Face and baby bottles.
Fountain syringes.
Hot water bottles.
Ice bags and caps.
Invalid rings and cushions.

(b) The following baby supplies:

Breast pumps.
Breast shields.
Feeding nipples.
Infant bottle combinations.
Nipple shields.
Nursery bottle caps.
Pacifiers.
Teething rings.

[Paragraph (b) as amended by Amendment 3, 8 F.R. 2669, effective 3-1-43]

(c) Rubber tubing, stopples and irrigators for medical, surgical, dental, mortuary, veterinary and laboratory purposes, including, but not limited to:

Catheters.
Irrigators.
Rubber policemen.
Stopples.
Tubes and tubing.

(d) The following rubber dental supplies:

Dental dams.
Dental separating strips and mouth props.
Orthodontia bands.
Plaster bowls.
Rubber denture, denture suction and model formers.

[Paragraph (d) as amended by Amendment 5, 8 F.R. 5986, effective 5-12-43]

(e) Bulb and bulb goods for medical, surgical, dental, mortuary, veterinary and laboratory purposes, including, but not limited to:

Atomizers.
Bulb syringes.
Cautery bulb sets.
Chip blower bulbs.
Household bulb syringes.
Politzed syringes.
Sinus bulb sets.
Spray douches.

(f) Rubber gloves and finger cots, including, but not limited to:

Autopsy and mortuary gloves.
Household gloves and cots.
Industrial gloves and cots.
Medical and surgical gloves and cots.
Obstetrical gloves and sleeves.

(g) The following hospital and surgical supplies:

Air mattresses and pillows.
Obstetricians' aprons.
Operating cushions.
Patients' bibs and throws.
Surgeons' aprons.
Urologists' aprons.

[Paragraph (g) as amended by Amendment 8, 8 F.R. 2669, effective 3-1-43]

(h) Hard rubber for medical, surgical, dental, veterinary, mortuary and laboratory equipment and parts, including, but not limited to:

Stoppers.
Syringes.
Tubes, pipes, connections and accessories.

(i) The following miscellaneous rubber articles and rubber parts:

Acid bottles, rubber.
Blood pressure bags, bulbs and tubing.
Blood transfusion connectors.
Brain surgery caps.
Caps and closures.
Colonic bags.
Colostomy outfits.
Crutch parts.
Dilators.
Cushions—ear, elbow and heel.
Evacuators.
Foot appliances and parts—corrective, rubber.
Funnels, rubber.
Hagner bags.
Inhalation bags and face pieces (medical, surgical, dental, veterinary and laboratory).
Insufflators.
Intravenous connectors.
Medicine droppers and bulbs.
Microscope covers.
Orsat bags.
Orthopedic pads and parts, rubber.
Parts for medical, surgical, veterinary and mortuary instruments.
Parts for acoustic aids.
Prostatic bags.
Prosthetic devices and parts, rubber.
Rubber bands and cushions for artificial limbs.
Rubber suppositories.
Sinus pads and bags.
Spatulas, rubber.
Splint cushions.
Thermapeutic applicators.
Thermometer cases, rubber.
Tourniquets.
Truss parts.
Umbilical belts.
Urinals, individual wear.
Veterinary sleeves.
X-ray sheets, gloves, aprons and cooling hose.
All other rubber articles and parts for medical, surgical, orthopedic, pharmaceutical and laboratory purposes, provided that rubber is the component material of chief weight.

[Paragraph (i) as amended by Amendment 3, 8 F.R. 2669, effective 3-1-43]

(j) The term "rubber drug sundries" does not include the following articles:

Adhesive tape.
Medicated footpads and plasters.
Prophylactics and other devices for the prevention of disease.
Sanitary belts.
Supporters (men's athletic).
Surgical elastic bandages.
Surgical elastic supports.
Surgical stockings.
Surgical tape.
Suspensories.
Trusses.

[Paragraph (j) added by Amendment 1, 8 F.R. 1369, effective 2-1-43 and amended by Amendment 7, effective 7-9-43]

§ 1315.1796 *Appendix B: Maximum wholesalers' and retailers' prices for victory line rubber drug sundries.* (a) The maximum prices for sales at wholesale and retail (except sales by mail by mail order houses) of victory line rubber drug sundries shall be the prices listed in Table I.

TABLE I—MAXIMUM WHOLESALERS' AND RETAILERS' PRICES FOR VICTORY LINE RUBBER DRUG SUNDRIES[1]

Items	Maximum price for sales at wholesale	Maximum price for sales at retail
Hot water bottles:		
Hospital Grade (cloth inserted 2 quart)	$1.51	
Hospital Grade (molded)	.74	
Consumer Grade I (colored—molded)	.57	$1.00
Consumer Grade II (colored and black—molded)	.43	.75
Fountain syringes (civilian—molded) equipped with 4'8" regular flow tubing, stopper, shut-off, and screw socket:		
Consumer Grade I (colored):		
Group I—2 slip pipes, adult rectal and vaginal	.59	1.05
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.65	1.15
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections, and rapid flow accessories	.91	1.60
Consumer Grade II (colored and black):		
Group I—2 slip pipes, adult rectal and vaginal	.45	.80
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.52	.95
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections and rapid flow accessories	.77	1.35
Combination syringes (molded) equipped with 4'8" regular flow tubing, stopper, shut-off, and screw socket:		
Consumer Grade I (colored):		
Group I—2 slip pipes, adult rectal and vaginal	.75	1.35
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.82	1.45
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections and rapid flow accessories	1.07	1.90
Consumer Grade II (colored & black):		
Group I—2 slip pipes, adult rectal and vaginal	.62	1.10
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.68	1.20
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections and rapid flow accessories	.94	1.65
Combination syringe attachment sets—to include 4'8" regular flow tubing, stopper, shut-off, and screw sockets:		
Group I—2 slip pipes, adult rectal and vaginal	.20	.35
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.27	.50
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections and rapid flow accessories	.54	.95
	.60	1.05
Ice caps (molded)		
Invalid rings and cushions (molded—all rubber):		
Size 12 inches	1.44	2.50
14 inches	1.56	2.75
16 inches	1.74	3.05
18 inches	2.07	3.60
Invalid rings and cushions (cloth inserted):		
Size 12 inches	1.68	2.95
14 inches	1.76	3.10
16 inches	1.94	3.40
18 inches	2.28	4.00

[1] These prices are subject to the terms and conditions of sale set forth in § 1315.1780.

When used in this table I the designations "Consumer Grade I" and "Consumer Grade II" have the meanings given to them by table I in Maximum Price Regulation 300—Maximum Manufacturers' Prices for Rubber Drug Sundries.

[Table I as amended by Amendment 7, effective 7-9-43]

[Footnote (1) as amended by Amendment 3, 8 F.R. 2669, effective 3-1-43 and Amendment 7, effective 7-9-43]

(b) The maximum price for sales by mail, by mail order houses, of any victory line rubber drug sundry shall be the lower of the following: (1) the price stated in Table I for sales at retail of the rubber drug sundry in question; or (2) a price obtained by multiplying by 180 percent the manufacturer's maximum price (as established by Maximum Price Regulation No. 300) for the sale of the rubber drug sundry in question to mass distributors at retail.

Issued this 2d day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10705; Filed, July 2, 1943; 4:50 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 43]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. Section 21.1 (a) (10) (i) is amended by substituting the words "apricot, peach, or pear juice or nectar" for the words "fruit nectars."

2. Section 21.1 (a) (10) (ii) is amended by adding the word "peaches" between the words "olympicberries" and "plums."

This amendment shall become effective July 4, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 2d day of July 1943.

PRENTISS M. BROWN.
Administrator.

[F. R. Doc. 43-10702; Filed, July 2, 1943; 4:45 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 44]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The last sentence of section 2.5 (a) of Ration Order 13 is amended to read as follows:

(a) • • • His application (on OPA Form R-315) must contain a written statement signed by a person licensed by the laws of the State in which the certification is made to prescribe for human medication all internal drugs which may be prescribed within that State. The statement must show why the applicant must have more processed foods, the amounts and types he needs during the next two months, and why he cannot use unrationed foods instead.

This amendment shall become effective July 8, 1943.

(Pub. Law 671, 75th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10703; Filed, July 2, 1943; 4:49 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 4921, 5318, 5341, 5842, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7267, 7268, 7380, 7353, 7490, 7589, 8357, 8276.

[1] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 5318, 5342, 5480, 5568, 5757, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7267, 7268, 7380, 7353, 7490, 7589, 8357, 8276.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 44]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The last sentence of section 2.4 (a) of Ration Order 16 is amended to read as follows:

(a) • • • His application (on OPA Form R-315) must contain a written statement signed by a person licensed by the laws of the State in which the certification is made to prescribe for human medication all internal drugs which may be prescribed within that State. The statement must show why the applicant must have more foods covered by this order, the amounts and types he needs during the next two months, and why he cannot use unrationed foods instead.

This amendment shall become effective July 8, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562 and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10708; Filed, July 2, 1943; 4:53 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 45]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The definition of "butter" in section 2.1 (a) is amended to read as follows:

"Butter" means edible "fat" extracted from cow's milk, cream, or whey, or such fat mixed with any cheeses, if the cheese is less than twenty-five per cent by weight of the mixture. It includes any substance the manufacture of which is taxable as the manufacture of process (renovated) or adulterated butter as defined by Chapter 840, section 1, Act of August 2, 1886 (24 Stat. 209), as amended by Chapter 784, section 4, Act of May 9, 1902 (32 Stat. 193).

2. Section 24.1 (a) is amended by inserting the following as an additional definition between the definitions of "primary distributor establishment" and "rationed cheeses":

"Process butter" means process or renovated butter as defined by Chapter 840, section 1, Act of August 2, 1886 (24 Stat. 209), as amended by Chapter 784, section 4, Act of May 9, 1902 (32 Stat. 195).

This amendment shall become effective July 4, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F. R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10706; Filed, July 2, 1943; 4:52 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3501, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6138, 6181, 6446, 6614, 6620, 6837, 6840, 6960, 6961, 7115, 7268, 7281, 7455, 7492, 7625.

[Order 68 Under SR 15 to GMPR]

PART 1499—COMMODITIES AND SERVICES

JORDAN'S TRUCK LINE

Order No. 68 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, Docket No. GF3-3335.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1368 *Adjustment of maximum prices for contract carrier services by Carroll T. Jordan, doing business as Jordan's Truck Line, of Hartsville, South Carolina.* (a) Carroll T. Jordan, doing business as Jordan's Truck Line, of Hartsville, South Carolina, may sell and deliver contract carrier services to Sonoco Products Company of Hartsville, South Carolina at the rates set forth in a certain contract dated July 27, 1942 between the Jordan's Truck Line and Sonoco Products Company, a copy of which is attached to and made a part of the application for adjustment and marked Exhibit (b) thereof.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 68 (§ 1499.1368) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 68 (§ 1499.1368) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 68 (§ 1499.1368) shall become effective as of April 15, 1943.

(Pub. Laws Nos. 421, and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10699; Filed, July 2, 1943; 4:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 568 Under § 1499.3 (b) of GMPR]

N. D. Q. SPECIALTY CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2106 *Authorization of maximum prices governing sales of "Cereal Coated Marshmallow Chicks", a confectionery item, manufactured by N. D. Q. Specialty Corporation, Brooklyn, New York.* (a) That on and after the 3d day of July 1943, the N. D. Q. Specialty Corporation of Brooklyn, New York, may sell its "Cereal Coated Marshmallow Chicks" in boxes containing 120 items and having a minimum net weight of 3 lbs. 3 ounces to the following classes of customers at the indicated maximum delivered prices:

	Per box
(1) To jobbers	$0.68
(2) To syndicate and chain stores	.70
(3) To variety stores, department stores and retail confectioners	.72

(b) That jobbers of N. D. Q. Specialty Corporation's "Cereal Coated Marshmallow Chicks" shall establish a maximum delivered price not in excess of 85 cents per box of 120 items.

(c) That retailers of N. D. Q. Specialty Corporation's "Cereal Coated Marshmallow Chicks" shall establish a maximum price not in excess of 1 cent per item.

(d) That N. D. Q. Specialty Corporation shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchasers, the applicable written notice as follows:

(1) *To jobbers.*

The Office of Price Administration has authorized us to sell our "Cereal Coated Marshmallow Chicks" packed 120 to a box at a minimum net weight of 3 pounds and 3 ounces per box to jobbers at the maximum delivered price of 68¢ per box. Jobbers are authorized to establish a maximum delivered price not in excess of 85¢ per box.

(2) *To syndicate and chain stores.*

The Office of Price Administration has authorized us to sell our "Cereal Coated Marshmallow Chicks" packed 120 to a box at a minimum net weight of 3 pounds and 3 ounces per box to syndicate and chain stores at the maximum delivered price of 70¢ per box. Retailers are authorized to establish a price not in excess of 1¢ per item.

(3) *To variety stores, department stores and retail confectioners.*

The Office of Price Administration has authorized us to sell our "Cereal Coated Marshmallow Chicks" packed 120 to a box at a minimum net weight of 3 pounds and 3 ounces per box to variety stores, department stores and retail confectioners at a maximum delivered price of 72¢ per box. Retailers are authorized to establish a price not in excess of 1¢ per item.

(e) That N. D. Q. Specialty Corporation for a period of at least ninety days, shall place in or on each 120 item box distributed through a jobber a notice as follows:

The Office of Price Administration has authorized jobbers to sell this 120 item box having a minimum net weight of 3 pounds and 3 ounces to retailers at a maximum delivered price of 85¢ per box. Retailers are authorized to establish a price not in excess of 1¢ per item

(f) This order may be revoked or amended at any time by the Office of Price Administration.

(g) This Order No. 568 shall become effective July 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10700; Filed, July 2, 1943; 4:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 569 Under § 1499.3 (b) of GMPR]

LYNN STEWART COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.2107 *Approval of maximum prices for sales of a new model radio assembled by Lynn Stewart Company.* (a) This Order No. 569 establishes maximum prices for sales of a new radio model using a Midwest Radio Corporation chassis, consisting of 16 tubes and a 14" dynamic speaker, assembled by Lynn Stewart Company, 3900 Sheridan Road, Chicago, Illinois.

(1) For a sale by the assembler, the maximum price is $122.55, f. o. b. Chicago, Illinois, exclusive of federal excise tax.

(2) For a sale at retail, the maximum price is $204.25, exclusive of federal excise tax.

(b) To every radio set shipped to a purchaser for resale, the assembler shall attach a tag or label which plainly states the retail ceiling price.

(c) At or before the time of first delivery after the effective date of this Order No. 569 the manufacturer shall notify in writing every person who buys from it of the maximum price set by this Order No. 569 for resale by the purchaser. This written notice may be given in any convenient form; for example, it may be shown on or attached to the invoice, or packed with the merchandise.

(d) This Order No. 569 may be revoked or amended by the Price Administrator at any time.

This Order No. 569 shall become effective on the 3d day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10711; Filed, July 2, 1943; 4:52 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 570 Under § 1499.3 (b) of GMPR]

VIRGIN ISLANDS COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2108 *Authorization of maximum price for bulk sales of distillate of 188° proof by The Virgin Islands Company.* (a) On and after July 3, 1943 the maximum selling price for bulk sales of distillate of 188° proof by The Virgin Islands Company, Christiansted, St. Croix, Virgin Islands, to processors of such distillate for beverage purposes only, shall be $1.50 per gallon, f. o. b. plant.

(b) The Virgin Islands Company shall apply to the maximum selling price established by this order the same discounts, allowances and price differentials which it customarily applied to sales of rum between April 10 and May 10, 1942, unless a change in these discounts, allowances and price differentials results in a lower selling price.

(c) This Order No. 570 may be revoked or amended at any time by the Price Administrator.

(d) This Order No. 570 (§ 1499.2108) shall become effective July 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10701; Filed, July 2, 1943; 4:44 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 37]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respect:

Section 1315.151 is amended to read as follows:

§ 1315.151 *Territorial limitations.* Ration Order No. 1A shall apply to the forty-eight states of the United States and the District of Columbia, and shall apply to all transactions between the continental United States and the territories and possessions of the United States.

This amendment shall become effective July 10, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 3d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10735; Filed, July 3, 1943; 11:30 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 275,[1] Correction to Amdt. 5]

EXTRACTED HONEY

The phrase "§ 1351.1519 (h)" appearing in the last sentence of section 1351.-1313 (b) is corrected to read "§ 1351.1319 (h)".

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10736; Filed, July 3, 1943; 11:30 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1[1] to GMPR,[2] Amdt. 18]

EXCEPTION OF COMMODITY TRANSACTIONS FROM THE GENERAL MAXIMUM PRICE REGULATION; COREBINDER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Subparagraph (4) is added to section 2.3 (p) to read as follows:

(4) Corebinder.

This amendment shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10737; Filed, July 3, 1943; 11:30 a. m.]

PART 1356—DOMESTIC AND COMMERCIAL COOKING AND HEATING STOVES AND RANGES

[RPS 64,[1] Amdt. 8]

DOMESTIC COOKING AND HEATING STOVES

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1356.1 (f) is amended to read as set forth below:

(f) *Exemption of certain Army stores.* Prior to October 1, 1943, nothing in this Revised Price Schedule No. 64 shall apply to the sale or delivery to the United States Government or any agency thereof or to the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9955; 8 F.R. 542, 1228, 2337, 3947, 8502.

[2] 8 F.R. 4978, 6055, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349, 7592, 7600, 7668, 8710, 8754.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047.

[1] 7 F.R. 1329, 2000, 2132, 4404, 5072, 6221, 8948; 8 F.R. 1974, 4640, 4930, 5633.

of the United States," or any agency of such government of the following commodities which will be delivered directly by the manufacturer or indirectly by some other person:

(1) Field range Model 1937 (Quartermaster Corps).

(2) Stove, cooking (gasoline, one burner) M-1942.

(3) Deliveries of stoves, cooking (gasoline, one burner) M-1941 pursuant to contracts entered into prior to July 1, 1943.

This amendment shall become effective as of July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10709; Filed, July 2, 1943; 4:53 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 63]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

In § 1394.8227 the head-note is amended as set forth below, the present text of the section is designated paragraph (a) and a new paragraph (b) is added as set forth below:

§ 1394.8227 *Inspection of records, facilities, coupon books and other evidences.* * * *

(b) All tire inspection records and gasoline deposit certificates and all coupon books, coupons, and other evidences are, and when issued shall remain, the property of the Office of Price Administration. Upon demand made by any investigator of the Office of Price Administration or by any police officer, constable, or other law enforcement officer of the United States or of any state, county, or local government, every person shall produce for inspection any tire inspection record and gasoline deposit certificate and any gasoline coupon books, coupons, and other evidences in his possession or control, whether valid, invalid, void or expired, and whether or not issued or acquired in accordance with Ration Order 5C. Investigators of the Office of Price Administration and all police officers, constables and other law enforcement officers of the United States, or of any state, county or local government are authorized to make such inquiries of any person as may be pertinent to determine whether a violation of Ration Order 5C has been or is being committed, and are authorized to receive the surrender of all gasoline deposit certificates, gasoline coupon books, coupons and other evidences acquired by any person otherwise than in accordance with Ration Order 5C, whether valid, invalid, void or expired.

This amendment shall become effective July 2, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10710; Filed, July 2, 1943; 4:53 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 20]

EXCEPTIONS OF CERTAIN MILITARY FIELD EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 is amended in the following respect:

Section 4.3 (k) is amended to read as follows:

(k) The following commodities—but this exception shall expire October 1, 1943:

(1) The following ski troop equipment: carabiners, ice axes, pitons, ski bindings, ski poles, ski wax, mountain and ski goggles;

(2) Stoves, cooking (gasoline, one burner) M-1942;

(3) Field ranges, Model-1937 (quartermaster corps); spare parts thereof, Class A;

(4) Deliveries of the following commodities pursuant to contracts entered into prior to January 1, 1943:

(i) Accessories for field range Model-1937 (quartermaster corps), Parts 222, 223, 224, 225, 226, 227, 228, 229, 230, as listed in Instructions for Operation and Care of Gasoline Field Range, Model-1937 (quartermaster corps);

(ii) Wire cutters, Model M-1938 (quartermaster corps);

(iii) Identification tags, Model M-1940 (quartermaster corps);

(iv) Metal insignia, cap and collar (for enlisted men).

(5) Deliveries of canteens Model M-1910 (quartermaster corps) pursuant to contracts entered into prior to December 20, 1942.

(6) Deliveries of the following commodities pursuant to contracts entered into prior to April 1, 1943:

(i) Canteen cups and meat cans, Model M-1942;

(ii) Helmet liners, Model M-1 (quartermaster corps);

(iii) Paratroop knives.

(7) Deliveries of canteens, Model M-1942 (quartermaster corps) and cooking stoves (gasoline, one burner) M-1941 pursuant to contracts entered into prior to July 1, 1943.

This amendment shall become effective as of July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10707; Filed, July 2, 1943; 4:52 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 69]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. An undesignated center headnote is added preceding § 1394.5280, to read as follows: "Renewal of Heat and Hot Water Rations for 1943-44 Heating Year."

2. Sections 1394.5280 to 1394.5291 are added, as follows:

§ 1394.5280 *Who may apply for a renewal.* An application to renew a ration for heat or hot water, or both, for the 1943-44 heating year (that is, from October 1, 1943 to September 30, 1944, inclusive) may be made by the person to whom the ration was issued, or by any member of the family, or by someone acting for either of them. The application must be made on Form OPA R-1167. However, a ration which has expired for any of the reasons specified in § 1394.5502 may not be renewed.

§ 1394.5281 *How the renewed ration for a private dwelling is figured.* The renewed ration for heat or hot water, or both, for a private dwelling (other than a house trailer) shall be the amount of fuel oil which the applicant was entitled to use for such purpose (excluding auxiliary and supplemental rations) for the 1942-43 heating year, figured according to §§ 1394.5256 (heat) and 1394.5259 (hot water), except that:

(a) The maximum and minimum of the range for heating the dwelling shall be figured according to Table IC (instead of Table I) in § 1394.5851 (a) (3); and

(b) The total floor area which may be included under § 1394.5258 (determination of range) for central heating equipment shall not exceed 3,000 square feet (instead of 2,000 square feet) for the first person, plus 600 square feet for the second person and 300 square feet for each additional person, regularly occupying the dwelling.

(c) This section is subject to the provisions of § 1394.5284.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9427, 9430, 9621, 9478, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1204, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2730, 2887, 2942, 2993, 2887, 3105, 3621, 3628, 3734, 3843, 3948, 4255, 4137, 4360, 4784, 4850, 5678, 6064, 6262.

§ 1394.5282 *How the renewed ration for a house trailer is figured.* (a) The renewed ration for heating a house trailer by use of a space heater shall be the amount of fuel oil which the applicant was entitled to use for such purpose (including supplemental but excluding auxiliary rations) for the 1942–43 heating year, figured according to § 1394.5256 (d). In no event shall the renewed ration be more than twice the maximum of the range. However, in determining the range by using subcolumn (b) of column (2) of Table I, the figures for subzone 18 shall apply to subzone 19; those for subzone 19 to subzone 20; those for subzone 20 to subzone 21; and those for subzone 21 to subzone 22.

(b) This section is subject to the provisions of § 1394.5284.

§ 1394.5283 *How the renewed ration for premises other than a private dwelling is figured.* (a) The renewed ration for heat or hot water, or both, for premises other than a private dwelling shall be the amount of fuel oil which the applicant was entitled to use for such purpose (excluding auxiliary and supplemental rations) for the 1942–43 heating year, figured according to paragraphs (a) to (d), inclusive, of § 1394.5261

(b) If heat or hot water, or both, is furnished by means of a space heater, and if, because the applicant showed good cause for not obtaining a certificate of past consumption, his ration was figured in the same way as though he used a space heater for the purpose in a private dwelling (that is, according to § 1394.5256 for heat or § 1394.5259 for hot water), the renewed ration shall be figured according to §1394.5281.

(c) This section is subject to the provisions of § 1394.5284.

§ 1394.5284 *How the renewed ration is figured when a smaller amount is requested.* If the applicant states on his application that he will accept, as his renewed ration, an amount less than he was entitled to use (excluding auxiliary rations in house trailers and excluding auxiliary and supplemental rations in all other cases) for the entire 1942–43 heating year, the renewed ration shall be the reduced amount indicated. However, if as a result of the correction of any errors which may have been made in figuring the ration for the 1942–43 heating year, that ration is less than the amount which the applicant states he will accept, the renewed ration shall be the lesser of the following:

(a) The reduced amount indicated by the applicant; or

(b) The amount the applicant would be entitled to receive under whichever of the last three sections is applicable.

§ 1394.5285 *The renewed ration will be issued in coupon sheets or fuel oil deposit certificates.* (a) Class 3, 4, 5 and 6 coupon sheets (Forms OPA R–1107 to OPA R–1110, and OPA R–1137 to OPA R–1166, inclusive) or fuel oil deposit certificate (Form OPA R–1170) will be issued as renewed rations for heat or both heat and hot water. (The issuance of fuel oil deposit certificates is explained in § 1394.5288.)

(b) Class 3 coupon sheets or fuel oil deposit certificates will be issued as renewed rations for hot water only.

(c) Any ration for less than 300 gallons will be issued only in class 3 coupon sheets.

§ 1394.5286 *Class 4, 5 and 6 coupon sheets*—(a) *They have both unit and fixed value coupons.* Class 4, 5 and 6 coupon sheets have coupons with a value of 1, 5 and 25 units, respectively, as well as coupons of definite gallonage value.

(b) *When and where unit value coupons may be used by consumers.* A unit value coupon may be used by a consumer only during the validity period and in the zone printed on the coupon. (For the 1943–44 heating year the area where fuel oil is rationed is divided into ten (10) zones. The zones are described in § 1394.5290). The periods for each zone, during which these coupons may be used, are as follows:

(1) In Zones A–1, A–3, B–1, B–3, C–1 and C–3:

Coupons numbered:	*Validity period*
1	July 1, 1943 to January 3, 1944, inclusive.
2	November 30, 1943 to February 7, 1944, inclusive.
3	January 4, 1944 to March 13, 1944, inclusive.
4	February 8, 1944 to September 30, 1944, inclusive.
5	March 14, 1944 to September 30, 1944, inclusive.

(2) In Zone D–1:

Coupons numbered:	*Validity period*
1	July 1, 1943 to January 3, 1944, inclusive.
2	November 30, 1943 to January 24, 1944, inclusive.
3	November 30, 1943 to February 21, 1944, inclusive.
4	January 25, 1944 to September 30, 1944, inclusive.
5	January 25, 1944 to September 30, 1944, inclusive.

(3) In Zones A–2, B–2 and C–2:

Coupons numbered:	*Validity period*
1	July 1, 1943 to January 3, 1944, inclusive.
2	November 30, 1943 to February 7, 1944, inclusive.
3	November 30, 1943 to March 13, 1944, inclusive.
4	February 8, 1944 to September 30, 1944, inclusive.
5	February 8, 1944 to September 30, 1944, inclusive.

(c) *When unit value coupons may be used by dealers and primary suppliers.* A unit value coupon may be used by dealers and primary suppliers on and after the first date when the coupon may be used by a consumer. The coupon may not be used in any zone for any purpose (as for example, for obtaining an exchange certificate or for deposit in a ration bank account) after the following dates:

Coupons numbered:	*Void after*
1	February 2, 1944.
2	March 8, 1944.
3	April 13, 1944.
4	October 30, 1944.
5	October 30, 1944.

§ 1394.5287 *Issuance of Class 4, 5 and 6 coupon sheets.* Class 4, 5 or 6 coupon sheets will be issued by the Board in accordance with the following provisions:

(a) All unit value coupons will be issued on the basis of ten (10) gallons per unit:

(b) If the gallonage for which coupons are to be used is not a multiple of the value (at 10 gallons per unit) of the unit value coupons of the coupon sheets to be issued, coupons may be issued to the next highest multiple of the value of such unit value coupons.

§ 1394.5288 *Issuance of fuel oil deposit certificates.* (a) If the amount of fuel oil which the applicant may acquire for heat or hot water, or both, for the 1943–44 heating year is between 20,000 gallons and 50,000 gallons, inclusive, fuel oil deposit certificates will be issued upon request of the applicant. If the amount is more than 50,000 gallons, fuel oil deposit certificates only will be issued.

(b) If the ration is for heat or both heat and hot water, the first fuel oil deposit certificate issued to the applicant will equal one-third of the amount of the fuel oil the applicant may acquire and will include the first validity period. A certificate, representing a part of the ration, for each subsequent validity period will be issued after the value of the unit value coupons for the period and zone has been fixed. If the value of the Class 4, 5 and 6 unit value coupons for any validity period is changed from ten (10) gallons, proportionate adjustment will be made in the amount of the fuel oil deposit certificate issued for the period.

(c) If an exemption is granted to a consumer under § 1394.5682 (d) because a bank is not accessible, he will receive coupons instead of fuel oil deposit certificates.

§ 1394.5289 *What deductions will be made from the renewed ration.* (a) The Board shall deduct from the renewed ration:

(1) The amount of the fuel oil on hand, as stated in the application for the ration for the 1942–43 heating year, which exceeded the amount the applicant was entitled to use (excluding auxiliary and supplemental rations) for that year.

(2) The gallonage value of any coupons or delivery receipts issued to the applicant as a ration for ballast purposes.

(b) No deduction will be made for the fuel oil on hand at the date application is made for the renewed ration.

§ 1394.5290 *The limitation area is divided into zones.* For the 1943–44 heating year the limitation area is divided into ten (10) zones, as follows:

(a) Zone A–1 consists of the States of Maine, New Hampshire, Vermont and that part of the State of New York north of, and including, the counties of Washington, Saratoga, Montgomery, Otsego, Herkimer, Oneida, Lewis and Jefferson.

(b) Zone A–2 consists of the States of Michigan, Minnesota, North Dakota, South Dakota, Wisconsin and that part of the State of Iowa north of, and including, the counties of Allamakee, Winneshiek, Chicasaw, Floyd, Cerro Gordo, Hancock, Kossuth, Palo Alto, Clay, O'Brien and Sioux.

(c) Zone A–3 consists of that part of the State of Idaho including the counties of Adah, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Elmore, Gem, Idaho, Kootenai, Latah, Lewis, Nez Perce, Owyhee, Payette, Shoshone, Valley and Washington; that part of the State of Oregon including the counties of Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Union, Wallowa, Jefferson, Wheeler, Grant, Baker, Deschutes, Crook, Klamath, Lake, Harney, and Malheur; and that part of the State of Washington including the counties of Okanagan, Ferry, Stevens, Pend Oreille, Chelan, Douglas, Lincoln, Spokane, Kittitas, Grant, Adams, Whitman, Yakima, Franklin, Benton, Walla Walla, Columbia, Garfield, Asotin, and Klickitat.

(d) Zone B–1 consists of the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania and that part of the State of New York south of, and including, the counties of Rennselaer, Albany, Schenectady, Schoharie, Delaware, Chenango, Madison, Onondaga, Oswego, Cayuga, Wayne, Monroe, Orleans, and Niagara.

(e) Zone B–2 consists of the State of Nebraska, that part of the State of Ohio north of, and including, the counties of Columbiana, Jefferson, Belmont, Noble, Morgan, Perry, Hocking, Pickaway, Fayette, Clinton, Greene, Montgomery and Preble; that part of the State of Indiana north of, and including, the counties of Union, Fayette, Rush, Hancock, Marion, Hendricks, Putnam, Parke and Vermillon; that part of the State of Illinois north of, and including, the counties of Edgar, Coles, Shelby, Christian, Sangamon, Morgan, Scott and Pike; that part of the State of Missouri north of, and including, the counties of Pike, Ralls, Monroe, Randolph, Chariton, Livingston, Caldwell, Clinton and Buchanan; that part of the State of Iowa south of, and including, the counties of Clayton, Fayette, Bremer, Butler, Franklin, Wright, Humboldt, Pocahontas, Buena Vista, Cherokee and Plymouth; that part of the State of Kansas north of, and including, the counties of Atchison, Jackson, Shawnee, Pottawatomie, Riley, Clay, Cloud, Mitchell, Osborne, Rooks, Ellis, Trego, Gove, Lane, Scott, Wichita and Greeley.

(f) Zone B–3 consists of that part of the State of Washington including the counties of San Juan, Island, Kitsap, Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Lewis, Cowlitz, Clark, Skamania, Clallam, Jefferson, Mason, Grays Harbor, Pacific and Wahkiakum.

(g) Zone C–1 consists of the States of Delaware, Maryland, Virginia, West Virginia and the District of Columbia.

(h) Zone C–2 consists of the State of Kentucky; that part of the State of Ohio south of, and including, the counties of Monroe, Washington, Athens, Vinton, Ross, Highland, Brown, Clermont, Warren and Butler; that part of the State of Indiana south of, and including, the counties of Franklin, Decatur, Shelby, Johnson, Morgan, Owen, Clay and Vigo; that part of the State of Illinois south of, and including, the counties of Clark, Cumberland, Effingham, Fayette, Montgomery, Macoupin, Greene and Calhoun; that part of the State of Missouri south of, and including, the counties of Lincoln, Montgomery, Audrain, Boone, Howard, Saline, Carroll, Ray, Clay and Platte; and that part of the State of Kansas south of, and including, the counties of Wyandotte, Leavenworth, Jefferson, Douglas, Osage, Wabaunsee, Geary, Dickinson, Ottawa, Lincoln, Barton, Russell, Hodgeman, Rush, Ness, Finney, Kearny and Hamilton.

(i) Zone C–3 consists of that part of the State of Oregon comprising the counties of Clatsop, Columbia, Washington, Multnomah, Tillamook, Yamhill, Clackamas, Marion, Polk, Lincoln, Benton, Linn, Lane, Douglass, Coos, Curry, Josephine and Jackson.

(j) Zone D–1 consists of the States of North Carolina, South Carolina, Georgia and that part of the State of Florida lying east of the Apalachicola River.

§ 1394.5291 *Washington, Oregon and Idaho not included.* Sections 1394.5280 to 1394.5289, inclusive, do not apply to Areas A and B.

3. Section 1394.5851 (a) (3) is added to read as follows:

(3) *Table IC—Percentage adjustment to obtain normal consumption and maximum and minimum rations by heated floor area and by subzones:*

Sub-zones (By State and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Floor area in square feet	Maximum and minimum rations			
			Central heating equipment		Space heaters	
			(3) Maximum	(4) Minimum	(5) Maximum	(6) Minimum
Sub-zone 1	111	100 to 149	Gallons 383	Gallons 293	Gallons 383	Gallons 293
North Dakota.—Bottineau, Cavalier, Renville, Rolette, Towner.		150 to 199	530	406	530	406
		200 to 249	667	519	667	519
		250 to 299	824	632	824	632
		300 to 349	867	666	867	666
		350 to 399	911	699	911	699
		400 to 425	956	734	956	734
			Gal. per Sq. Ft.	Gal. per Sq. Ft.	Gal. per Sq. Ft.	Gal. per Sq. Ft.
		426 to 449	956	734	2.250	1.726
		450 to 499	1,005	771	2.250	1.726
		500 to 549	1,068	818	2.250	1.726
		550 to 599	1,124	863	2.250	1.726
			Gal. per Sq. Ft.	Gal. per Sq. Ft.		
		600 and over	1.875	1.438	2.250	1.726
Sub-Zone 2	111	100 to 149	Gallons 364	Gallons 280	Gallons 364	Gallons 280
Minnesota.—Beltrami, Clearwater, Cook, Lisses, Kittson, Koochiching Lake, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, St. Louis.		150 to 199	504	387	504	387
North Dakota.—Benson, Burke, Divide, Eddy, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Walsh, Ward, Wells.		200 to 249	645	495	645	495
		250 to 299	785	603	785	603
		300 to 349	827	634	827	634
		350 to 399	870	667	870	667
		400 to 425	911	699	911	699
					Gal. per Sq. Ft.	Gal. per Sq. Ft.
		426 to 449	911	699	2.143	1.644
		450 to 499	960	736	2.143	1.644
		500 to 549	1,018	779	2.143	1.644
		550 to 599	1,071	822	2.143	1.644
			Gal. per Sq. Ft.	Gal. per Sq. Ft.		
		600 and over	1.786	1.370	2.143	1.644
Sub-Zone 3	111	100 to 149	Gallons 346	Gallons 266	Gallons 346	Gallons 266
Maine.—Aroostook.		150 to 199	480	368	480	368
Minnesota.—Aitkin, Becker, Carlton, Cass, Clay, Crow Wing, Hubbard, Otter Tail, Wadena, Wilkin.		200 to 249	612	470	612	470
North Dakota.—Barnes, Cass, Foster, Griggs, Steele, Stutsman, Traill.		250 to 299	745	572	745	572
Wisconsin.—Bayfield, Douglas.		300 to 349	785	604	785	604
		350 to 399	826	635	826	635
		400 to 425	865	664	865	664
					Gal. per Sq. Ft.	Gal. per Sq. Ft.
		426 to 449	865	664	2.035	1.561
		450 to 499	911	700	2.035	1.561
		500 to 549	964	742	2.035	1.561
		550 to 599	1,017	781	2.035	1.561
			Gal. per Sq. Ft.	Gal. per Sq. Ft.		
		600 and over	1.696	1.301	2.035	1.561
Sub-Zone 4	111	100 to 149	Gallons 327	Gallons 251	Gallons 327	Gallons 251
Maine.—Piscataquis, Somerset.		150 to 199	452	347	452	347
Michigan.—Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.		200 to 249	579	445	579	445
Minnesota.—Benton, Douglas, Grant, Kanabec, Mille Lacs, Morrison, Pine, Todd, Traverse.		250 to 299	705	541	705	541
New Hampshire.—Coos.		300 to 349	743	570	743	570
North Dakota.—Billings, Burleigh, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, La Moure, Logan, McIntosh, McKenzie, McLean, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sheridan, Slope, Stark, Williams.		350 to 399	781	599	781	599
South Dakota.—Brown, Campbell, McPherson, Marshall, Roberts.		400 to 425	820	629	820	629
Vermont.—Essex, Orleans.					Gal. per Sq. Ft.	Gal. per Sq. Ft.
Wisconsin.—Ashland, Burnett, Florence, Forest, Iron, Marinette, Oneida, Price, Sawyer, Vilas, Washburn.		426 to 449	820	629	1.928	1.480
		450 to 499	862	663	1.928	1.480
		500 to 549	913	702	1.928	1.480
		550 to 599	964	740	1.928	1.480
			Gal. per Sq. Ft.	Gal. per Sq. Ft.		
		600 and over	1.607	1.233	1.928	1.480

Sub-zones (By State and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Floor area in square feet	Maximum and minimum rations			
			Central heating equipment		Space heaters	
			(3) Maximum	(4) Minimum	(5) Maximum	(6) Minimum
Sub-Zone 5	111		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Maine.—Franklin, Oxford, Penobscot, Washington.		100 to 149	308	237	308	237
Minnesota.—Big Stone, Chisago, Isanti, Pope, Sherburne, Stearns, Stevens.		150 to 199	429	329	429	329
New Hampshire.—Carroll, Grafton.		200 to 249	546	419	546	419
New York.—Franklin, Hamilton.		250 to 299	666	511	666	511
North Dakota.—Adams, Bowman, Sioux.		300 to 349	702	540	702	540
South Dakota.—Corson, Day, Edmunds, Faulk, Grant, Harding, Perkins, Spink, Walworth.		350 to 399	738	568	738	568
Vermont.—Caledonia, Lamoille, Orange, Washington.		400 to 425	774	594	774	594
Wisconsin.—Barron, Langlade, Lincoln, Oconto, Polk, Rusk, Taylor.					*Gal. per Sq. Ft.*	*Gal. per Sq. Ft.*
		426 to 449	774	594	1.822	1.397
		450 to 499	815	627	1.822	1.397
		500 to 549	863	644	1.822	1.397
		550 to 599	911	699	1.822	1.397
			Gal. per Sq. Ft.	*Gal. per Sq. Ft.*		
		600 and over	1.518	1.164	1.822	1.397
Sub-Zone 6	110		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Michigan.—Alcona, Alpena, Antrim, Arenac, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Iosco, Kalkaska, Lake, Missaukee, Montmorency, Ogemaw, Osceola, Oscoda, Ossego, Presque Isle, Roscommon, Wexford.		100 to 149	291	223	291	223
		150 to 199	403	309	403	309
		200 to 249	515	395	515	395
		250 to 299	627	481	627	481
		300 to 349	662	508	662	508
		350 to 399	695	533	695	533
		400 to 425	729	559	729	559
Minnesota.—Anoka, Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sibley, Steele, Swift, Wabasha, Waseca, Washington, Watonwan, Winona, Wright, Yellow Medicine.					*Gal. per Sq. Ft.*	*Gal. per Sq. Ft.*
		426 to 449	729	559		
		450 to 499	766	589		
		500 to 549	813	624	1.715	1.315
		550 to 599	856	658	1.715	1.315
			Gal. per Sq. Ft.	*Gal. per Sq. Ft.*		
		600 and over	1.429	1.096	1.715	1.315
New York.—Clinton, Essex, Herkimer, Lewis, St. Lawrence.						
South Dakota.—Beadle, Brookings, Clark, Codington, Deuel, Dewey, Hamlin, Hand, Hyde, Kingsbury, Lake, Miner, Moody, Potter, Sanborn.						
Wisconsin.—Brown, Buffalo, Chippewa, Clarke, Door, Dunn, Au Claire, Jackson, Kewaunee, Marathon, Outagamie, Pepin, Pierce, Portage, St. Croix, Shawano, Trempealeau, Waupaca, Wood.						
			Gallons	*Gallons*	*Gallons*	*Gallons*
Sub-Zone 6A	108	100 to 149	291	223	291	223
Maine.—Androscoggin, Hancock, Kennebec, Waldo.		150 to 199	403	309	403	309
Vermont.—Chittenden, Franklin, Grand Isle.		200 to 249	515	395	515	395
		250 to 299	627	481	627	481
		300 to 349	662	508	662	508
		350 to 399	695	533	695	533
		400 to 425	729	559	729	559
					Gal. per Sq. Ft.	*Gal. per Sq. Ft.*
		426 to 449	729	559	1.715	1.315
		450 to 499	766	589	1.715	1.315
		500 to 549	813	624	1.715	1.315
		550 to 599	856	658	1.715	1.315
			Gal. per Sq. Ft.	*Gal. per Sq. Ft.*		
		600 and over	1.429	1.096	1.715	1.315
Sub-Zone 7	111		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Iowa.—Allamakee, Cerro Gordo, Chickasaw, Clay, Dickinson, Emmet, Floyd, Hancock, Howard, Kossuth, Lyon, Mitchell, O'Brien, Osceola, Palo Alto, Sioux, Winnebago, Winneshiek, Worth.		100 to 149	273	209	273	209
		150 to 199	378	290	378	290
		200 to 249	483	371	483	371
		250 to 299	588	452	588	452
		300 to 349	619	477	619	477
		350 to 399	651	501	651	501
		400 to 425	683	524	683	524
Michigan.—Bay, Benzie, Grand Traverse, Huron, Isabella, Leelanau, Manistee, Mason, Mecosta, Midland, Newaygo, Tuscola.		426 to 449	683	524	1.607	1.232
Minnesota.—Houston.					*Gal. per Sq. Ft.*	*Gal. per Sq. Ft.*
New York.—Chenango, Delaware, Fulton, Jefferson, Madison, Montgomery, Oneida, Otsego, Saratoga, Schenectady, Schoharie, Sullivan, Warren.		450 to 499	719	553	1.607	1.232
		500 to 549	760	584	1.607	1.232
		550 to 599	804	616	1.607	1.232
South Dakota.—Armstrong, Aurora, Brule, Buffalo, Butte, Clay, Davison, Douglas, Hanken, Hanson, Hughes, Hutchinson, Jerauld, Lincoln, Lyman, McCook, Meade, Minnehaha, Stanley, Sully, Turner, Union, Ziebach.			*Gal. per Sq. Ft.*	*Gal. per Sq. Ft.*		
		600 and over	1.399	1.027	1.607	1.232
Wisconsin.—Adams, Calumet, Columbia, Crawford, Dane, Dodge, Fond du Lac, Green Lake, Juneau, La Crosse, Manitowoc, Marquette, Monroe, Richland, Sauk, Sheboygan, Vernon, Waushara, Winnebago.						

Sub-zones (By State and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Floor area in square feet	Maximum and minimum rations			
			Central heating equipment		Space heaters	
			(3) Maximum	(4) Minimum	(5) Maximum	(6) Minimum
Sub-Zone 7A	106		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Maine.—Cumberland, Knox, Lincoln, Sagadahoc, York.		100 to 149	273	209	273	209
New Hampshire.—Belknap, Merrimack, Sullivan.		150 to 199	378	290	378	290
Vermont.—Addison, Rutland, Windsor.		200 to 249	483	371	483	371
		250 to 299	588	452	588	452
		300 to 349	619	477	619	477
		350 to 399	651	501	651	501
		400 to 425	683	524	683	524
					Gal. per Sq. Ft.	*Gal. per Sq. Ft.*
		426 to 449	683	524	1.607	1.232
		450 to 499	719	553	1.607	1.232
		500 to 549	760	585	1.607	1.232
		550 to 599	804	616	1.607	1.232
			Gal. per Sq. Ft.	*Gal. per Sq. Ft.*		
		600 and over	1.339	1.027	1.607	1.232
Sub-Zone 8	107		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Illinois.—Boone, Carroll, De Kalb, Jo Daviess, Kane, Lake, McHenry, Ogle, Stephenson, Winnebago.		100 to 149	255	195	255	195
Massachusetts.—Berkshire, Franklin, Hampshire.		150 to 199	353	271	353	271
Nebraska.—Antelope, Banner, Blaine, Box Butte, Boyd, Brown, Burt, Cedar, Cherry, Cheyenne, Cuming, Dakota, Dawes, Deuel, Dixon, Garden, Garfield, Grant, Holt, Hooker, Keyapaha, Kimball, Knox, Loup, Madison, Morrill, Pierce, Rock, Scotts Bluff, Sheridan, Sioux, Stanton, Thomas, Thurston, Wayne, Wheeler.		200 to 249	450	346	450	346
		250 to 299	549	421	549	421
		300 to 349	580	445	580	445
		350 to 399	609	467	609	467
		400 to 425	638	489	638	489
					Gal. per Sq. Ft.	*Gal. per Sq. Ft.*
		426 to 449	638	489	1.500	1.151
		450 to 499	671	515	1.500	1.151
		500 to 549	713	547	1.500	1.151
		550 to 599	750	576	1.500	1.151
			Gal. per Sq. Ft.	*Gal. per Sq. Ft.*		
New Hampshire.—Cheshire, Hillsborough, Rockingham, Strafford.		600 and over	1.250	0.959	1.500	1.151
New York.—Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Columbia, Cortland, Erie, Genessee, Greene, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Rensselaer, Schuyler, Seneca, Steuben, Tioga, Tompkins, Ulster, Washington, Wayne, Wyoming, Yates.						
Pennsylvania.—Erie, McKean, Potter, Tioga, Warren.						
South Dakota.—Bennett, Bon Homme, Charles Mix, Custer, Fall River, Gregory, Jackson, Jones, Lawrence, Mellette, Pennington, Shannon, Todd, Tripp, Washabaugh, Washington, Yankton.						
Vermont.—Bennington, Windham.						
			Gallons	*Gallons*	*Gallons*	*Gallons*
Sub-Zone 8A	112	100 to 149	255	195	255	195
Iowa.—Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cherokee, Clayton, Crawford, Delaware, Dubuque, Fayette, Franklin, Greene, Grundy, Hamilton, Hardin, Humboldt, Ida, Jackson, Jones, Linn, Marshall, Monona, Plymouth, Pocahontas, Sac, Story, Tama, Webster, Woodbury, Wright.		150 to 199	353	271	353	271
		200 to 249	450	346	450	346
		250 to 299	549	421	549	421
		300 to 349	580	445	580	445
		350 to 399	609	467	609	467
		400 to 425	638	489	638	489
Michigan.—Allegan, Barry, Clinton, Eaton, Genesee, Gratiot, Ingham, Ionia, Kent, Lapeer, Livingston, Macomb, Montcalm, Muskegon, Oakland, Oceana, Ottawa, Saginaw, St. Clair, Sanilac, Shiawasee.					*Gal. per Sq. Ft.*	*Gal. per Sq. Ft.*
		426 to 449	638	489	1.500	1.151
		450 to 499	671	515	1.500	1.151
		500 to 549	713	547	1.500	1.151
		550 to 599	750	576	1.500	1.151
			Gal. per Sq. Ft.	*Gal. per Sq. Ft.*		
Wisconsin.—Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, Waukesha.		600 and over	1.250	0.959	1.500	1.151
			Gallons	*Gallons*	*Gallons*	*Gallons*
Sub-Zone 9	110	100 to 149	247	189	247	189
Illinois.—Bureau, Cook, Du Page, Grundy, Henry, Kendall, La Salle, Lee, Mercer, Putnam, Rock Island, Whiteside, Will.		150 to 199	342	262	342	262
Indiana.—De Kalb, Elkhart, Lagrange, Lake, La Porte, Noble, Porter, St. Joseph, Steuben.		200 to 249	437	335	437	335
Iowa.—Adair, Adams, Audubon, Cass, Cedar, Clarke, Clinton, Dallas, Guthrie, Harrison, Iowa, Jasper, Jefferson, Johnson, Keokuk, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Muscatine, Polk, Pottawattamie, Poweshiek, Scott, Shelby, Union, Wapello, Warren, Washington.		250 to 299	531	407	531	407
		300 to 349	564	433	564	433
		350 to 399	598	459	598	459
		400 to 449	631	484	631	484
		450 to 475	662	508	662	508
					Gal. per Sq. Ft.	*Gal. per Sq. Ft.*
Michigan.—Berrien, Branch, Calhoun, Cass, Hillsdale, Jackson, Kalamazoo, Lenawee, Monroe, St. Joseph, Van Buren, Washtenaw, Wayne.		476 to 499	662	508	1.393	1.068
		500 to 549	698	536	1.393	1.068
		550 to 599	732	562	1.393	1.068
		600 to 649	771	592	1.393	1.068
		650 to 699	812	623	1.393	1.068
New York.—Dutchess, Orange.					*Gal. per Sq. Ft.*	*Gal. per Sq. Ft.*
Ohio.—Ashtabula, Cuyahoga, Defiance, Erie, Fulton, Geauga, Henry, Lake, Lorain, Lucas, Ottawa, Portage, Sandusky, Seneca, Trumbull, Williams, Wood.		700 and over	1.161	0.890	1.393	1.068
Pennsylvania.—Bradford, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Forest, Jefferson, Pike, Susquehanna, Venango, Wayne.						

Sub-zones (By State and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Floor area in square feet	Maximum and minimum rations			
			Central heating equipment		Space heaters	
			(3) Maximum	(4) Minimum	(5) Maximum	(6) Minimum
Sub-Zone 9A	107		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Connecticut.—Litchfield.		100 to 149	247	189	247	189
Massachusetts.—Essex, Hampden, Middlesex, Worcester.		150 to 199	342	262	342	262
Nebraska.—Arthur, Boone, Butler, Cass, Colfax, Custer, Dawson, Dodge, Douglas, Greeley, Howard, Keith, Lincoln, Logan, McPherson, Merrick, Nance, Perkins, Platte, Polk, Sarpy, Saunders, Sherman, Valley, Washington.		200 to 249	437	335	437	335
		250 to 299	531	407	531	407
		300 to 349	564	433	564	433
		350 to 399	598	459	598	459
		400 to 449	631	484	631	484
		450 to 475	662	508	662	508
					Gal. per Sq. ft.	*Gal. per Sq. ft.*
		476 to 499	662	508	1.393	1.068
		500 to 549	698	536	1.393	1.068
		550 to 599	732	562	1.393	1.068
		600 to 649	771	592	1.393	1.068
		650 to 699	812	623	1.393	1.068
			Gal. per Sq. ft.	*Gal. per sq. ft.*		
		700 and over	1.161	0.890	1.393	1.068
Sub-Zone 10	110		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Illinois.—Champaign, De Witt, Ford, Fulton, Hancock, Henderson, Iroquois, Kankakee, Knox, Livingston, Logan, McDonough, McLean, Marshall, Mason, Peoria, Piatt, Schuyler, Stark, Tazewell, Warren, Woodford.		100 to 149	227	175	227	175
		150 to 199	314	241	314	241
		200 to 249	403	309	403	309
		250 to 299	490	376	490	376
		300 to 349	521	400	521	400
		350 to 399	552	424	552	424
		400 to 449	583	447	583	447
		450 to 475	611	469	611	469
					Gal. per Sq. Ft.	*Gal. per Sq. Ft.*
		476 to 499	611	469	1.285	0.986
		500 to 549	645	495	1.285	0.986
		550 to 599	675	518	1.285	0.986
		600 to 649	713	547	1.285	0.986
		650 to 699	750	576	1.285	0.986
			Gal. per Sq. ft.	*Gal. per Sq. ft.*		
		700 and over	1.071	0.822	1.285	0.986
Indiana.—Adams, Allen, Benton, Blackford, Carroll, Cass, Fulton, Grant, Howard, Huntington, Jasper, Jay, Kosciusko, Marshall, Miami, Newton, Pulaski, Starke, Tippecanoe, Wabash, Wells, White, Whitley.						
Iowa.—Appanoose, Davis, Decatur, Des Moines, Freemont, Henry, Lee, Page, Ringgold, Taylor, Van Buren, Wayne.						
Maryland.—Garrett.						
Massachusetts.—Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth, Suffolk.						
Missouri.—Adair, Atchison, Clark, Gentry, Grundy, Harrison, Knox, Mercer, Nodaway, Putnam, Schuyler, Scotland, Sullivan, Worth.						
New Jersey.—Bergen, Essex, Morris, Passaic, Sussex, Warren.						
New York.—Putnam, Rockland, Westchester.						
Ohio.—Allen, Ashland, Auglaize, Carroll, Champaign, Columbiana, Coshocton, Crawford, Darke, Delaware, Hancock, Hardin, Harrison, Holmes, Huron, Jefferson, Knox, Logan, Mahoning, Marion, Medina, Mercer, Morrow, Pauldine, Putnam, Richland, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Wayne, Wyandot.						
Pennsylvania.—Adams, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Carbon, Columbia, Cumberland, Franklin, Fulton, Huntingdon, Indiana, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, Mercer, Mifflin, Monroe, Montour, Northampton, Northumberland, Perry, Schuylkill, Snyder, Somerset, Sullivan, Union, Westmoreland, Wyoming.						
West Virginia.—Grant, Mineral.						
Sub-Zone 10A	107		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Connecticut.—Fairfield, Hartford, Middlesex, New Haven, New London, Tolland, Windham.		100 to 149	227	175	227	175
		150 to 199	314	241	314	241
		200 to 249	403	309	403	309
		250 to 299	490	376	490	376
Nebraska.—Adams, Buffalo, Chase, Clay, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Redwillow, Richardson, Saline, Seward, Thayer, Webster, York.		300 to 349	521	400	521	400
		350 to 399	552	424	552	424
		400 to 449	583	447	583	447
		450 to 475	611	469	611	469
					Gal. per Sq. Ft.	*Gal. per Sq. Ft.*
Rhode Island.—Bristol, Kent, Newport, Providence, Washington.		476 to 499	611	469	1.285	0.986
		500 to 549	645	495	1.285	0.986
		550 to 599	675	518	1.285	0.986
		600 to 649	713	547	1.285	0.986
		650 to 699	750	576	1.285	0.986
			Gal. per Sq. Ft.	*Gal. per Sq. Ft.*		
		700 and over	1.071	0.822	1.285	0.986

Sub-zones (By State and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Floor area in square feet	Maximum and minimum rations			
			Central heating equipment		Space heaters	
			(3) Maximum	(4) Minimum	(5) Maximum	(6) Minimum
Sub-Zone 11	111		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Illinois.—Adams, Brown, Cass, Christian, Coles, Douglas, Edgar, Macon, Menard, Morgan, Moultrie, Pike, Sangamon, Scott, Shelby, Vermillion.		100 to 149	215	165	215	165
		150 to 199	297	228	297	228
		200 to 249	380	292	380	292
		250 to 299	464	356	464	356
		300 to 349	494	379	494	379
		350 to 399	525	403	525	403
		400 to 449	556	427	556	427
		450 to 499	589	452	589	452
					Gal. per sq. ft.	*Gal. per sq. ft.*
		500 to 549	618	474	1.178	0.904
		550 to 599	649	498	1.178	.904
		600 to 649	680	522	1.178	.904
		650 to 699	710	545	1.178	.904
		700 to 749	748	574	1.178	.904
		750 to 799	785	603	1.178	.904
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		800 and over	0.982	0.753	1.178	.904
Indiana.—Boone, Clinton, Delaware, Fayette, Fountain, Hamilton, Hancock, Hendricks, Henry, Madison, Marion, Montgomery, Parke, Putnam, Randolph, Rush, Tipton, Union, Vermillion, Warren, Wayne.						
Maryland.—Allegany, Washington.						
Missouri.—Andrew, Buchanan, Caldwell, Charlton, Clinton, Daviess, De Kalb, Holt, Lewis, Linn, Livingston, Macon, Marion, Monroe, Pike, Ralls, Randolph, Shelby.						
New Jersey.—Hudson, Hunterdon, Mercer, Middlesex, Somerset, Union.						
New York.—Bronx, Kings, Manhattan, Nassau, Queens, Richmond, Suffolk.						
Ohio.—Belmont, Clark, Clinton, Fairfield, Fayette, Franklin, Greene, Guernsey, Hocking, Licking, Madison, Miami, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Preble.						
Pennsylvania.—Allegheny, Berks, Bucks, Chester, Dauphin, Fayette, Greene, Lancaster, Lebanon, Lehigh, Washington, York.						
West Virginia.—Barbour, Berkeley, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Monongalia, Morgan, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur, Webster.						
Sub-Zone 11A	108		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Kansas.—Atchison, Brown, Cheyenne, Clay, Cloud, Decatur, Doniphan, Ellis, Gove, Graham, Greeley, Jackson, Jewell, Lane, Logan, Marshall, Mitchell, Nemaha, Norton, Osborne, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Scott, Shawnee, Sheridan, Sherman, Smith, Thomas, Trego, Wallace, Washington, Wichita.		100 to 149	215	165	215	165
		150 to 199	297	228	297	228
		200 to 249	380	292	380	292
		250 to 299	464	356	464	356
		300 to 349	494	379	494	379
		350 to 399	525	403	525	403
		400 to 449	556	427	556	427
		450 to 499	589	452	589	452
					Gal. per sq. ft.	*Gal. per sq. ft.*
		500 to 549	618	474	1.178	0.904
		550 to 599	649	498	1.178	.904
		600 to 649	680	522	1.178	.904
		650 to 699	710	545	1.178	.904
		700 to 749	748	574	1.178	.904
		750 to 799	786	603	1.178	.904
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		800 and over	0.982	0.753	1.178	.904
Sub-Zone 12	110		*Gallons*	*Gallons*	*Gallons*	*Gallons*
Illinois.—Bond, Calhoun, Clark, Clay, Clinton, Crawford, Cumberland, Edwards, Effingham, Fayette, Greene, Jasper, Jefferson, Jersey, Lawrence, Macoupin, Madison, Marion, Montgomery, Richland, St. Clair, Wabash, Washington, Wayne.		100 to 149	196	150	196	150
		150 to 199	271	208	271	208
		200 to 249	346	266	346	266
		250 to 299	422	324	422	324
		300 to 349	450	346	450	346
		350 to 399	477	366	477	366
		400 to 449	506	388	506	388
		450 to 499	536	411	536	411
					Gal. per sq. ft.	*Gal. per sq. ft.*
		500 to 549	562	431	1.072	0.822
		550 to 599	590	453	1.072	.822
		600 to 649	618	474	1.072	.822
		650 to 699	646	496	1.072	.822
		700 to 749	680	522	1.072	.822
		750 to 799	714	548	1.072	.822
			Gal. per sq. ft.	*Gal per sq. ft.*		
		800 and over	0.893	0.685	1.072	.822
Indiana.—Bartholomew, Brown, Clay, Daviess, Dearborn, Decatur, Franklin, Gibson, Greene, Jackson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Owen, Pike, Ripley, Shelby, Sullivan, Vigo.						
Kansas.—Allen, Anderson, Barton, Butler, Chase, Coffey, Dickinson, Douglas, Edwards, Ellsworth, Finney, Ford, Franklin, Geary, Grant, Gray, Greenwood, Hamilton, Harvey, Haskell, Hodgeman, Jefferson, Johnson, Kearny, Kingman, Kiowa, Leavenworth, Lincoln, Lyon, McPherson, Marion, Miami, Morris, Ness, Osage, Ottawa, Pawnee, Pratt, Reno, Rice, Rush, Russell, Saline, Sedgwick, Stafford, Stanton, Wabaunsee, Woodson, Wyandotte.						
Missouri.—Audrain, Boone, Callaway, Carroll, Cass, Clay, Cole, Cooper, Franklin, Gasconade, Howard, Jackson, Johnson, Lafayette, Lincoln, Moniteau, Montgomery, Osage, Pettis, Platte, Ray, St. Charles, St. Louis, St. Louis City, Saline, Warren.						
New Jersey.—Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean, Salem.						
Ohio.—Adams, Athens, Brown, Butler, Clermont, Hamilton, Highland, Jackson, Meigs, Monroe, Pike, Ross, Vinton, Warren, Washington.						
Virginia.—Allegheny, Bath, Bland, Craig, Frederick, Giles, Highland, Montgomery, Prince William, Pulaski, Shenandoah, Wythe.						
West Virginia.—Braxton, Brooke, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbrier, Hancock, Marshall, Mercer, Monroe, Nicholas, Ohio, Pendleton, Pleasants, Raleigh, Ritchie, Roane, Summers, Tyler, Wetzel, Wirt, Wood.						

Sub-zones (By State and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Floor area in square feet	Maximum and minimum rations			
			Central heating equipment		Space heaters	
			(3) Maximum	(4) Minimum	(5) Maximum	(6) Minimum
Sub-Zone 12A	114	100 to 149	*Gallons* 196	*Gallons* 150	*Gallons* 196	*Gallons* 150
Delaware.—New Castle.		150 to 199	271	208	271	208
Maryland.—Carroll, Frederick, Howard, Montgomery, Prince Georges.		200 to 249	346	266	346	266
Pennsylvania.—Delaware, Montgomery, Philadelphia.		250 to 299	422	324	422	324
		300 to 349	450	346	450	346
		350 to 399	477	366	477	366
		400 to 449	506	388	506	388
		450 to 499	536	411	536	411
					Gal. per sq. ft. 1.072	*Gal. per sq. ft.* 0.822
		500 to 549	562	431	1.072	.822
		550 to 599	590	453	1.072	.822
		600 to 649	618	474	1.072	.822
		650 to 699	646	496	1.072	.822
		700 to 749	680	522	1.072	.822
		750 to 799	714	548	1.072	.822
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		800 and over	0.893	0.685	1.072	.822
Sub-Zone 13	116	100 to 149	*Gallons* 181	*Gallons* 139	*Gallons* 181	*Gallons* 139
District of Columbia.—(No Counties).		150 to 199	251	193	251	193
Maryland.—Anne Arundel, Baltimore, Baltimore City, Calvert, Caroline, Cecil, Charles, Dorchester, Harford, Kent, Queen Annes, St. Marys, Somerset, Talbot, Wicomico, Worcester.		200 to 249	320	246	320	246
		250 to 299	390	300	390	300
		300 to 349	416	319	416	319
Virginia.—Accomac, Arlington, Augusta, Botetourt, Buchanan, Carroll, Clarke, Culpeper, Dickenson, Fairfax, Fauquier, Floyd, Grayson, Greene, Lee, Loudoun, Madison, Northumberland, Orange, Page, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Smyth, Spotsylvania, Stafford. Tazewell, Warren, Washington, Wise.		350 to 399	443	340	443	340
		400 to 449	471	361	471	361
		450 to 499	498	382	498	382
		500 to 549	531	407	531	407
					Gal. per sq. ft. 0.965	*Gal. per sq. ft.* 0.739
		550 to 599	551	423	0.965	.739
		600 to 649	578	444	.965	.739
		650 to 699	604	464	.965	.739
		700 to 749	631	484	.965	.739
		750 to 799	658	505	.965	.739
		800 to 849	690	530	.965	.739
		850 to 899	723	555	.965	.739
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		900 and over	0.804	0.616	0.965	0.739
Sub-Zone 13A	112	100 to 149	*Gallons* 181	*Gallons* 139	*Gallons* 181	*Gallons* 139
Delaware.—Kent, Sussex.		150 to 199	251	193	251	193
Illinois.—Franklin, Hamilton, Jackson, Monroe, Perry, Randolph, White, Williamson.		200 to 249	320	246	320	246
Indiana.—Clark, Crawford, Dubois, Floyd, Harrison, Jefferson, Ohio, Orange, Perry, Posey, Scott, Spencer, Switzerland, Vanderburg, Warrick, Washington.		250 to 299	390	300	390	300
		300 to 349	416	319	416	319
		350 to 399	443	340	443	340
		400 to 449	471	361	471	361
Missouri.—Barton, Bates, Benton, Bollinger, Camden, Cape Girardeau, Carter, Cedar, Christian, Crawford, Dade, Dallas, Dent, Douglas, Greene, Henry, Hickory, Howell, Iron, Jefferson, Laclede, Madison, Maries, Miller, Morgan, Oregon, Perry, Phelps, Polk, Pulaski, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Shannon, Texas, Vernon, Washington, Wayne, Webster, Wright.		450 to 499	498	382	498	382
		500 to 549	531	407	531	407
					Gal. per sq. ft. 0.965	*Gal. per sq. ft.* 0.739
		550 to 599	551	423	0.965	.739
		600 to 649	578	444	.965	.739
		650 to 699	604	464	.965	.739
		700 to 749	631	484	.965	.739
		750 to 799	658	505	.965	.739
		800 to 849	690	530	.965	.739
		850 to 899	723	555	.965	.739
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		900 and over	0.804	0.616	.965	.739
North Carolina.—Alleghany, Ashe, Avery, Watauga.						
Sub-Zone 13B	107	100 to 149	*Gallons* 181	*Gallons* 139	*Gallons* 181	*Gallons* 139
Kansas.—Barber, Bourbon, Chautauqua, Cherokee, Clark, Comanche, Cowley, Crawford, Elk, Harper, Labette, Linn, Meade, Montgomery, Norton, Neosho, Seward, Stevens, Sumner, Wilson.		150 to 199	251	193	251	193
		200 to 249	320	246	320	246
		250 to 299	390	300	390	300
		300 to 349	416	319	416	319
		350 to 399	443	340	443	340
Kentucky.—Anderson, Bath, Boone, Bourbon, Boyd, Bracken, Bullitt, Campbell, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Henry, Jefferson, Jessamine, Kenton, Lawrence, Lewis, Mason, Menifee, Mercer, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Woodford.		400 to 449	471	361	471	361
		450 to 499	498	382	498	382
		500 to 549	531	407	531	407
					Gal. per sq. ft. 0.965	*Gal. per sq. ft.* 0.739
		550 to 599	551	423	0.965	.739
		600 to 649	578	444	.965	.739
		650 to 699	604	464	.965	.739
		700 to 749	631	484	.965	.739
		750 to 799	658	505	.965	.739
		800 to 849	690	530	.965	.739
		850 to 899	723	555	.965	.739
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		900 and over	0.804	0.616	.965	.739
Ohio.—Gallia, Lawrence, Scioto.						
West Virginia.—Boone, Cabell, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mingo, Putnam, Wayne, Wyoming.						

Sub-zones (By State and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Floor area in square feet	Maximum and minimum rations			
			Central heating equipment		Space heaters	
			(3) Maximum	(4) Minimum	(5) Maximum	(6) Minimum
Sub-Zone 14	112	100 to 149	*Gallons* 161	*Gallons* 123	*Gallons* 161	*Gallons* 123
Virginia.—Albemarle, Amherst, Appomattox, Bedford, Buckingham, Campbell, Caroline, Cumberland, Essex, Fluvanna, Franklin, Goochland, Hanover, Henrico, Henry, King and Queen, King George, King William, Lancaster, Louisa, Middlesex, Nelson, Northampton, Patrick, Powhatan, Richmond, Westmoreland.		150 to 199	222	170	222	170
		200 to 249	284	218	284	218
		250 to 299	346	266	346	266
		300 to 349	370	284	370	284
		350 to 399	394	302	394	302
		400 to 449	417	320	417	320
		450 to 499	443	341	443	341
		500 to 549	471	362	471	362
					Gal. per sq. ft.	*Gal. per sq. ft.*
		550 to 599	492	378	0.857	0.658
		600 to 649	513	394	.857	.658
		650 to 699	537	412	.857	.658
		700 to 749	561	431	.857	.658
		750 to 799	585	449	.857	.658
		800 to 849	613	471	.857	.658
		850 to 899	643	493	.857	.658
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		900 and over	0.714	0.548	.857	.658
Sub-Zone 14A	110	100 to 149	*Gallons* 161	*Gallons* 123	*Gallons* 161	*Gallons* 123
North Carolina.—Buncombe, Caswell, Haywood, Henderson, Madison, Mitchell, Person, Rockingham, Stokes, Surry, Transylvania, Yancey.		150 to 199	222	170	222	170
		200 to 249	284	218	284	218
		250 to 299	346	266	346	266
		300 to 349	370	284	370	284
		350 to 399	394	302	394	302
		400 to 449	417	320	417	320
		450 to 499	443	341	443	341
		500 to 549	471	362	471	362
					Gal. per sq. ft.	*Gal. per sq. ft.*
		550 to 599	492	378	0.857	0.658
		600 to 649	513	394	.857	.658
		650 to 699	537	412	.857	.658
		700 to 749	561	431	.857	.658
		750 to 799	585	449	.857	.658
		800 to 849	613	471	.857	.658
		850 to 899	643	493	.857	.658
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		900 and over	0.714	0.548	.857	.658
Sub-Zone 14B	106	100 to 149	*Gallons* 161	*Gallons* 123	*Gallons* 161	*Gallons* 123
Illinois.—Alexander, Gallatin, Hardin, Johnson, Massac, Pope, Pulaski, Saline, Union.		150 to 199	222	170	222	170
Kentucky.—Adair, Barren, Bell, Boyle, Breathitt, Breckinridge, Butler, Caldwell, Casey, Clay, Crittenden, Daviess, Edmonson, Estill, Floyd, Garrard, Grayson, Green, Hancock, Hardin, Harlan, Hart, Henderson, Hopkins, Jackson, Johnson, Knott, Knox, Larue, Laurel, Lee, Leslie, Letcher, Lincoln, Livingston, Lyon, McLean, Madison, Magoffin, Marion, Martin, Meade, Metcalfe, Morgan, Muhlenberg, Nelson, Ohio, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Union, Warren, Washington, Webster, Whitley, Wolfe.		200 to 249	284	218	284	218
		250 to 299	346	266	346	266
		300 to 349	370	284	370	284
		350 to 399	394	302	394	302
		400 to 449	417	320	417	320
		450 to 499	443	341	443	341
		500 to 549	471	362	471	362
					Gal. per sq. ft.	*Gal. per sq. ft.*
		550 to 599	492	378	0.857	0.658
		600 to 649	513	394	.857	.658
		650 to 699	537	412	.857	.658
		700 to 749	561	431	.857	.658
		750 to 799	585	449	.857	.658
		800 to 849	613	471	.857	.658
		850 to 899	643	493	.857	.658
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		900 and over	0.714	0.548	.857	.658
Missouri.—Barry, Butler, Jasper, Lawrence, McDonald, Newton, Ozark, Ripley, Scott, Stoddard, Stone, Taney.						
Sub-Zone 15	110	100 to 149	*Gallons* 144	*Gallons* 110	*Gallons* 144	*Gallons* 110
North Carolina.—Alamance, Alexander, Burke, Cabarrus, Caldwell, Camden, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Currituck, Davidson, Davie, Durham, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Guilford, Halifax, Hertford, Iredell, Jackson, Lincoln, McDowell, Macon, Mecklenburg, Montgomery, Northampton, Orange, Pasquotank, Perquimans, Polk, Randolph, Rowan, Rutherford, Stanley, Swain, Vance, Wake, Warren, Wilkes, Yadkin.		150 to 199	198	152	198	152
		200 to 249	253	194	253	194
		250 to 299	309	237	309	237
		300 to 349	331	254	331	254
		350 to 399	353	271	353	271
		400 to 449	374	287	374	287
		450 to 499	395	303	395	303
		500 to 549	413	316	413	316
					Gal. per Sq. Ft.	*Gal. per Sq. Ft.*
		550 to 599	438	349	0.750	0.575
		600 to 649	463	355	.750	.575
		650 to 699	484	372	.750	.575
		700 to 749	506	388	.750	.575
		750 to 799	528	405	.750	.575
		800 to 849	550	422	.750	.575
		850 to 899	571	438	.750	.575
		900 to 949	598	459	.750	.575
		950 to 999	625	479	.750	.575
			Gal. per Sq. Ft.	*Gal. per Sq. Ft.*		
		1000 and over	0.625	0.479	.750	.575
South Carolina.—Cherokee, Greenville, Oconee, Pickens, Spartanburg.						

Sub-zones (By State and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Floor area in square feet	Maximum and minimum rations			
			Central heating equipment		Space heaters	
			(3) Maximum	(4) Minimum	(5) Maximum	(6) Minimum
Sub-Zone 15A	106	100 to 149	*Gallons* 144	*Gallons* 110	*Gallons* 144	*Gallons* 110
Georgia.—Fannin, Gilmer, Habersham, Hall, Lumpkin, Murray, Rabun, Stephens, Towns, Union, White.		150 to 199	198	152	198	152
		200 to 249	253	194	253	194
		250 to 299	309	237	309	237
Kentucky.—Allen, Ballard, Calloway, Carlisle, Christian, Clinton, Cumberland, Fulton, Graves, Hickman, Logan, McCracken, McCreary, Marshall, Monroe, Simpson, Todd, Trigg, Wayne.		300 to 349	331	254	331	254
		350 to 399	353	271	353	271
		400 to 449	374	287	374	287
		450 to 499	395	303	395	303
		500 to 549	413	316	413	316
Missouri.—Dunklin, Mississippi, New Madrid, Pemiscot.					*Gal. per sq. ft.*	*Gal. per sq. ft.*
Virginia.—Amelia, Brunswick, Charles City, Charlotte, Chesterfield, Dinwiddie, Elizabeth City, Gloucester, Greensville, Halifax, Isle of Wight, James City, Lunenburg, Mathews, Mecklenburg, Nansemond, New Kent, Norfolk, Nottoway, Pittsylvania, Prince Edward, Prince George, Princess Anne, Southampton, Surry, Sussex, Warwick, York.		550 to 599	438	349	0.750	0.575
		600 to 649	463	355	.750	.575
		650 to 699	484	372	.750	.575
		700 to 749	506	388	.750	.575
		750 to 799	528	405	.750	.575
		800 to 849	550	422	.750	.575
		850 to 899	571	438	.750	.575
		900 to 949	598	459	.750	.575
		950 to 999	625	479	.750	.575
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		1,000 and over	0.625	0.479	.750	.575
Sub-Zone 16	107	100 to 149	*Gallons* 123	*Gallons* 95	*Gallons* 123	*Gallons* 95
Georgia.—Banks, Barrow, Bartow, Catoosa, Chattooga, Cherokee, Clayton, Clarke, Cobb, Dade, Dawson, DeKalb, Douglas Floyd, Forsyth, Franklin, Fulton, Gordon, Gwinnett, Hart, Jackson, Madison, Newton, Oconee, Paulding, Pickens, Polk, Rockdale, Walker, Walton, Whitfield.		150 to 199	171	131	171	131
		200 to 249	218	168	218	168
		250 to 299	266	204	266	204
		300 to 349	284	218	284	218
		350 to 399	303	233	303	233
		400 to 449	321	247	321	247
		450 to 499	338	259	338	259
North Carolina.—Anson, Bertie, Bladen, Craven, Cumberland, Dare, Duplin, Edgecombe, Greene, Harnett, Hoke, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, Pitt, Richmond, Robeson, Sampson, Scotland, Tyrrell, Union, Washington, Wilson, Wayne.		500 to 549	354	271	354	271
					Gal. per sq. ft.	*Gal. per sq. ft.*
		550 to 599	376	288	0.643	0.493
		600 to 649	396	304	.643	.493
		650 to 699	415	319	.643	.493
		700 to 749	434	333	.643	.493
		750 to 799	452	347	.643	.493
		800 to 849	472	362	.643	.493
		850 to 899	490	376	.643	.493
		900 to 949	512	393	.643	.493
		950 to 999	536	411	.643	.493
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		1000 and over	0.536	0.411	.643	.493
South Carolina.—Abbeville, Anderson, Chester, Chesterfield, Greenwood, Kershaw, Lancaster, Laurens, Union, York.						
Sub-Zone 17	107	100 to 149	*Gallons* 103	-------	*Gallons* 103	-------
Georgia.—Baldwin, Butts, Carroll, Columbia, Coweta, Elbert, Fayette, Glascock, Greene, Hancock, Haralson, Heard, Henry, Jasper, Jones, Lamar, Lincoln, McDuffie, Meriwether, Monroe, Morgan, Oglethorpe, Pike, Putnam, Richmond, Spaulding, Taliaferro, Troup, Upson, Warren, Wilkes.		150 to 199	142	109	142	109
		200 to 249	182	140	182	140
		250 to 299	222	170	222	170
		300 to 349	238	182	238	182
		350 to 399	252	194	252	194
		400 to 449	268	206	268	206
		450 to 499	282	216	282	216
North Carolina.—Beaufort, Brunswick, Carteret, Columbus, Hyde, New Hanover, Onslow, Pamlico, Pender.		500 to 549	295	226	295	226
		550 to 599	314	240		
					Gal. per sq. ft.	*Gal. per sq. ft.*
South Carolina.—Aiken, Calhoun, Darlington, Dillon, Edgefield, Fairfield, Lee, Lexington, McCormick, Marlboro, Newberry, Richland, Saluda, Sumter.		600 to 649	330	253	0.535	0.410
		650 to 699	346	266	0.535	0.410
		700 to 749	362	278	0.535	0.410
		750 to 799	377	289	0.535	0.410
		800 to 849	392	301	0.535	0.410
		850 to 899	408	313	0.535	0.410
		900 to 949	426	327	0.535	0.410
		950 to 999	446	342	0.535	0.410
		1000 and over			0.535	0.410
			Gal. per sq. ft.	*Gal. per sq. ft.*		
			0.446	0.342	0.535	0.410
Sub-Zone 18	100	100 to 149	*Gallons* 79	*Gallons* 61	*Gallons* 79	*Gallons* 61
Georgia.—Bibb, Bleckley, Burke, Chattahoochee, Crawford, Crisp, Dodge, Dooly, Emanuel, Harris, Houston, Jefferson, Jenkins, Johnson, Laurens, Macon, Marion, Muscogee, Peach, Pulaski, Quitman, Schley, Screven, Stewart, Sumter, Talbot, Taylor, Treutlen, Twiggs, Washington, Webster, Wilcox, Wilkinson.		150 to 199	109	83	109	83
		200 to 249	139	107	139	107
		250 to 299	170	130	170	130
		300 to 349	183	141	183	141
		350 to 399	196	150	196	150
		400 to 449	209	161	209	161
		450 to 499	222	170	222	170
South Carolina.—Allendale, Bamberg, Barnwell, Berkeley, Charleston, Clarendon, Colleton, Dorchester, Florence, Georgetown, Hampton, Horry, Marion, Orangeburg, Williamsburg.		500 to 549	236	181	236	181
					Gal. per sq. ft.	*Gal. per sq. ft.*
		550 to 599	248	190	0.428	0.329
		600 to 649	261	201	.428	.329
		650 to 699	274	210	.428	.329
		700 to 749	287	221	.428	.329
		750 to 799	300	230	.428	.329
		800 to 849	313	240	.428	.329
		850 to 899	326	250	.428	.329
		900 to 949	342	262	.428	.329
		950 to 999	357	274	.428	.329
			Gal. per sq. ft.	*Gal. per sq. ft.*		
		1000 and over	0.357	0.274	.428	.329

Sub-Zones (By State and county)	Percentage adjustment to normal	Floor area in square feet		Maximum and minimum rations			
		Central heating plants	Space heating equipment	Central heating plants		Space heating equipment	
				Maximum	Minimum	Maximum	Minimum
				Gallons	*Gallons*	*Gallons*	*Gallons*
Sub-Zone 19	100	100 to 149	100 to 149	73	56	73	56
Georgia.—Appling, Atkinson, Bacon, Baker, Ben Hill, Berrien, Brantley, Bryan, Bulloch, Calhoun, Candler, Chatman, Clay, Coffee, Colquitt, Cook, Decatur, Dougherty, Early, Effingham, Evans, Grady, Irwin, Jeff Davis, Lee, Liberty, Long, Miller, Mitchell, Montgomery, Pierce, Randolph, Seminole, Tattnall, Telfair, Terrell, Thomas, Tift, Toombs, Turner, Ware, Wayne, Wheeler, Worth.		150 to 199	150 to 199	102	78	102	78
		200 to 249	200 to 249	130	100	130	100
		250 to 299	250 to 299	158	121	158	121
		300 to 349	300 to 349	171	132	171	132
		350 to 399	350 to 399	185	143	185	143
		400 to 449	400 to 449	199	153	199	153
		450 to 499	450 to 499	213	164	213	164
		500 to 549	500 to 549	227	174	227	174
		550 to 599	550 to 577	241	185	241	185
		600 to 649	578 to 609	255	196	255	196
		650 to 699	610 to 641	268	206	268	206
		700 to 749	642 to 673	282	217	282	217
		750 to 799	674 to 705	296	227	296	227
		800 to 849	706 to 737	310	238	310	238
		850 to 899	738 to 769	324	249	324	249
		900 to 949	770 to 801	338	259	338	259
		950 to 999	802 to 832	351	269	351	269
				Gal. per sq. ft.	*Gal. per sq. ft.*	*Gal. per sq. ft.*	*Gal. per sq. ft.*
		1000 and over	833 and over	0.357	0.274	0.428	0.329
				Gallons	*Gallons*	*Gallons*	*Gallons*
Sub-Zone 20	100	100 to 149	100 to 149	56	43	56	43
Florida.—Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla. *Georgia.*—Brooks, Camden, Charlton, Clinch, Echols, Glynn, Lanier, Lowndes, McIntosh.		150 to 199	150 to 199	77	59	77	59
		200 to 249	200 to 249	99	76	99	76
		250 to 299	250 to 299	120	92	120	92
		300 to 349	300 to 349	130	100	130	100
		350 to 399	350 to 399	140	108	140	108
		400 to 449	400 to 449	151	116	151	116
		450 to 499	450 to 499	161	124	161	124
		500 to 549	500 to 549	171	132	171	132
		550 to 599	550 to 577	181	140	181	140
		600 to 649	578 to 609	192	148	192	148
		650 to 699	610 to 641	202	155	202	155
		700 to 749	642 to 673	212	163	212	163
		750 to 799	674 to 705	223	171	223	171
		800 to 849	706 to 737	233	179	233	179
		850 to 899	738 to 769	243	187	243	187
		900 to 949	770 to 801	254	195	254	195
		950 to 999	802 to 832	264	203	264	203
				Gal. per sq. ft.	*Gal. per sq. ft.*	*Gal. per sq. ft.*	*Gal. per sq. ft.*
		1000 and over	833 and over	0.268	0.205	0.322	0.246
				Gallons	*Gallons*	*Gallons*	*Gallons*
Sub-Zone 21	100	100 to 149	100 to 149	37	28	37	28
Florida.—Brevard, Broward, Charlotte, Collier, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Lucie, Sarasota, Seminole.		150 to 199	150 to 199	51	39	51	39
		200 to 249	200 to 249	65	49	65	49
		250 to 299	250 to 299	79	60	79	60
		300 to 349	300 to 349	86	65	86	65
		350 to 399	350 to 399	92	70	92	70
		400 to 449	400 to 449	99	76	99	76
		450 to 499	450 to 499	106	81	106	81
		500 to 549	500 to 549	113	86	113	86
		550 to 599	550 to 577	120	91	120	91
		600 to 649	578 to 609	127	97	127	97
		650 to 699	610 to 641	134	102	134	102
		700 to 749	642 to 673	141	107	141	107
		750 to 799	674 to 705	148	113	148	113
		800 to 849	706 to 737	155	118	155	118
		850 to 899	738 to 769	161	123	161	123
		900 to 949	770 to 801	168	129	168	129
		950 to 999	802 to 832	175	134	175	134
				Gal. per sq. ft.	*Gal. per sq. ft.*	*Gal. per sq. ft.*	*Gal. per sq. ft.*
		1000 and over	833 and over	0.179	0.137	0.215	0.164
				Gallons	*Gallons*	*Gallons*	*Gallons*
Sub-Zone 22	100	100 to 149	100 to 149	19	14	19	14
		150 to 199	150 to 199	26	20	26	20
		200 to 249	200 to 249	33	25	33	25
		250 to 299	250 to 299	40	30	40	30
		300 to 349	300 to 349	43	33	43	33
		350 to 399	350 to 399	46	35	46	35
		400 to 449	400 to 449	50	38	50	38
		450 to 499	450 to 499	53	41	53	41
		500 to 549	500 to 549	57	43	57	43
		550 to 599	550 to 577	60	46	60	46
		600 to 649	578 to 609	64	49	64	49
		650 to 699	610 to 641	67	51	67	51
		700 to 749	642 to 673	71	54	71	54
		750 to 799	674 to 705	74	57	74	57
		800 to 849	706 to 737	78	59	78	59
		850 to 899	738 to 769	81	62	81	62
		900 to 949	770 to 801	84	65	84	65
		950 to 999	802 to 832	88	67	88	67
				Gal. per sq. ft.	*Gal. per sq. ft.*	*Gal. per sq. ft.*	*Gal. per sq. ft.*
		1000 and over	833 and over	0.089	0.068	0.107	0.082

This amendment shall become effective on July 1, 1943.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive 1, 7 F.R. 562; Supp. Directive 1–0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10603; Filed, July 1, 1943; 11:38 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 571 Under § 1499.3 (b) of GMPR]

BIGELOW-SANFORD CARPET COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.2109 *Maximum prices for the sale of certain outsole cotton fabric by Bigelow-Sanford Carpet Company, Inc.* (a) Bigelow-Sanford Carpet Company, Inc., 140 Madison Avenue, New York, New York, herein called the applicant, may sell and deliver its Type A cotton fabric, woven around wire and impregnated with synthetic resins, to be used as outsole material at a price no higher than $6.05 per square yard.

(b) All requests of the applicant not granted herein are denied.

(c) This Order No. 571 may be revoked or amended at any time by the Office of Price Administration.

(d) This Order No. 571 shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10742; Filed, July 3, 1943; 4:02 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289,[1] Amdt. 18]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 289 is amended in the following respects:

1. Section 1351.1520 (a) (3) (i) is amended to read as follows:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3252, 3327, 4335, 4513, 4337, 4238, 4918, 6440, 7566, 7593, 8276.

(3) *Sales by a primary distributor*—(i) *Definition.* A "primary distributor" is a person who customarily receives butter from a creamery or manufacturer of butter and who sells to other primary distributors, to jobbers, retailer distributing warehouses, non-federal governmental users, or to commercial, institutional, or industrial users. A branch warehouse of a creamery or manufacturer of butter shall be deemed a primary distributor if such branch warehouse is located in a town or city other than the town or city in which the butter sold by it is manufactured.

2. Section 1351.1520 (b) (3) is amended to read as follows:

(3) The maximum price in any place for the sale, for shipment beyond the shores of the continental United States, of any particular score or grade of butter in the form of one pound prints or rolls parchment wrapped and immersed in salt brine in parafined barrels lined with a cotton bag, shall be the maximum price for that score or grade established by paragraph (a) of this section for that particular sale, plus the appropriate following sum:

Barrels containing:	*Cents per Pound*
Not over 30 lbs	8
Over 30 lbs. but not over 50 lbs	7¼
Over 50 lbs. but not over 60 lbs	6¾
Over 60 lbs. but not over 100 lbs	6¼
Over 100 lbs. but not over 112	6
Over 112 lbs	5¾

3. Paragraph (4) of the effective date provision of Amendment No. 15 to Maximum Price Regulation No. 289 is amended to read as follows:

(4) On June 4, 1943, with reference to the maximum prices established by § 1351.1520 (a) (5) for sales to the United States Government: *Provided, however,* That the maximum price for the sale in carload lots to the United States Government or any agency thereof, of butter manufactured prior to June 1, 1943, and contracted to be sold prior to June 6, 1943, and delivered prior to June 14, 1943 shall not be affected by the provisions of this Amendment.

4. Section 1351.1520 (o) is added to read as follows:

(o) With respect to butter manufactured prior to June 1, 1943, and contracted before June 6, 1943, to be sold in carload lots to the United States Government or any agency thereof, and delivered on and after June 14, 1943 but prior to July 1, 1943, all Regional Administrators of the Office of Price Administration are hereby authorized to investigate and determine whether the cause for the failure to make delivery prior to June 14, 1943, is attributable to the seller. In any case where in the judgment of the Regional Administrator in whose region the delivery is made, the delay in delivery is not attributable to the seller, he may authorize and approve as the maximum price for butter so sold the appropriate maximum price in effect under this regulation prior to June 4, 1943.

This amendment shall become effective July 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10743; Filed, July 3, 1943; 4:02 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 25, Supp. 1]

PART 341—SHIP WARRANT RULES AND REGULATIONS

VESSEL PRIORITIES AT PORT EVERGLADES, FLA.

Pursuant to § 341.14 (General Order 25) the following special order is issued:

§ 341.14a *Vessel priorities at Port Everglades, Florida.* Until further notice all merchant vessels of 1,000 tons deadweight and under, except those owned by or chartered to the War Shipping Administration and except tank vessels operating on the Atlantic intracoastal waterway, shall not be serviced by any facility at Port Everglades, Florida, if other vessels entitled to service have need for the available facilities.

Operators of vessels of 1,000 tons deadweight and under (other than those owned by or chartered to the War Shipping Administration and tank vessels operating on the Atlantic intracoastal waterway) must communicate with the War Shipping Administration Port Agent at Fort Lauderdale, Florida, at least five days before such vessels come to Port Everglades to secure from him advices as to the availability of facilities.

(E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

JULY 2, 1943.

[F. R. Doc. 43-10720; Filed, July 3, 1943; 10:21 a. m.]

[General Order 29, Supp. 3]

PART 341—SHIP WARRANT RULES AND REGULATIONS

SUSPENSION OF RATE CEILINGS

General Order 29 (§ 341.75 *Suspension of rate ceilings with respect to vessels of less than 1,000 gross tons*), as amended, is amended by striking out the word, "July", and inserting in lieu thereof the word, "August".

(E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

JULY 2, 1943.

[F. R. Doc. 43-10691; Filed, July 2, 1943; 8:52 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 119-A]

PART 95—CAR SERVICE

VACATING ORDER PROHIBITING MOVEMENT OF POTATOES FROM MAINE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of July, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 119 of April 26, 1943, and good cause appearing therefor:

It is ordered, That § 95.10 prohibiting the movement of potatoes from the State of Maine except under permit is hereby vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m. July 3, 1943; that copies of this order and direction shall be served upon all common carriers by railroad and all common and contract motor carriers serving the State of Maine and upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of this agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-10734; Filed, July 3, 1943; 11:21 a. m.]

[Service Order 123, Amdt. 2]

PART 95—CAR SERVICE

VACATING ORDER PROHIBITING REICING OF POTATO CARS FROM ARIZONA OR CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2nd day of July, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 123 of May 14, 1943, as amended, and good cause appearing therefor:

It is ordered, That § 95.307 (a), as amended, prohibiting reicing in transit of refrigerator cars of potatoes from certain States, is hereby vacated and set aside insofar as it applies to shipments of potatoes originating at any point or points in the States of Arizona or California.

It is further ordered, That this order shall become effective at 12:01 a. m. July 5, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car

Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-10733; Filed, July 3, 1943; 11:21 a. m.]

[Service Order 134]

PART 95—CAR SERVICE

SUSPENSION OF ORDER HOLDING CERTAIN POTATO CARS FOR DIVERSION, RECONSIGNMENT OR ORDERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of July, A. D. 1943.

It appearing, that carload shipments of potatoes, other than sweet, moving from points in the South, and from points in the States of Delaware and Maryland (Eastern Shore) are being held for diversion, reconsignment or orders at points in those states and at Greenwich, Philadelphia, Pa., thereby delaying unduly the movement of trains; in the opinion of the Commission an emergency exists requiring immediate action to prevent shortage of railroad equipment and congestion of traffic:

It is ordered, That:

§ 95.314 *Cars of potatoes, other than sweet, not to be held for diversion, reconsignment or orders.* (a) The operation of The Pennsylvania Railroad Company Tariffs I. C. C. 2041 and 2391, amendments thereto or reissues thereof, is hereby suspended insofar as said tariffs authorize or permit shipments of potatoes, other than sweet, originating at points in the States of Alabama, Delaware, Florida, Georgia, Louisiana, Maryland (Eastern Shore), Mississippi, North Carolina, South Carolina, Tennessee or Virginia to be held at Greenwich, Philadelphia, Pa., or at any point or points in Delaware or Maryland (Eastern Shore) for diversion, reconsignment or orders.

(b) *Announcement of suspension.* The Pennsylvania Railroad Company shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17).)

It is further ordered, That this order shall become effective at 12:01 a. m. July 2, 1943, and shall remain in force until further order of the Commission; that a copy of this order and direction shall be served upon The Pennsylvania Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-10732; Filed, July 3, 1943; 11:21 a. m.]

[Service Order 125-A]

REROUTING OF FREIGHT TRAFFIC BECAUSE OF FLOOD CONDITIONS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of July, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 125, of May 23, 1943, and good cause appearing therefor: *It is ordered,* That Service Order No. 125 permitting common carriers by railroad to reroute freight traffic because of flood conditions is hereby vacated and set aside.

It is further ordered, That this order shall become effective at 6:00 p. m. July 3, 1943; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-10821; Filed, July 5, 1943; 11:07 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 20A]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART L—TAXICABS AND TAXI SERVICE

Pursuant to Executive Orders 8989, 9156, 9214, and 9294, and in order to conserve and providently utilize vital transportation services, facilities, and equipment; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, General Order ODT 20, as amended, (§§ 501.80—501.87, 7 F.R. 6906, 7694), and General Permit ODT 20-1, as corrected, (7 F.R. 10347, 10795), shall be superseded; *And it is hereby ordered,* That:

Sec.

501.76 General outline of order.
501.77 Restrictions on new or additional operations.
501.78 Restrictions on the number of taxicabs to be operated.
501.79 Operating regulations.
501.80 Group riding required.
501.81 Elimination of waste.
501.82 Submission of conservation plans.
501.83 Special and general permits.
501.84 Records and reports.
501.85 Exemptions.
501.86 Applicability of General Order ODT 22, as amended.
501.87 Definitions.
501.88 Applicability.
501.89 Communications.

AUTHORITY: §§ 501.76 to 501.89, inclusive, issued under E.O. 8989, 9156, 9214, 9294; 6 F.R. 6725, 7 F.R. 3349, 6097, 8 F.R. 221.

§ 501.76 *General outline of order.* This order restricts the business of furnishing taxi service in any municipality or other governmental subdivision to those persons who were engaged in the taxicab business in such municipality or other governmental subdivision on September 1, 1942, and to persons who have purchased or succeeded to the business of a person so engaged. It also limits the number of taxicabs that may be operated in any municipality or other governmental subdivision by any person in the taxicab business to the number of taxicabs he or his predecessor in interest operated therein on September 1, 1942. The terms "taxicab" and "taxi service" are defined in § 501.87 of the order and are to be given the meaning as stated in the definitions irrespective of how the terms are defined in local ordinances, state laws, and other Federal laws and regulations.

Section 501.79 of the order imposes certain restrictions upon the operation, driving, and use of taxicabs. The restrictions are directed not only to a person conducting a taxicab business and his drivers, but also to persons who use taxicabs as a means of transportation. They are necessary if equipment for the transportation of essential and necessary passenger traffic is to be available. Operations when no passengers are carried must be held to a minimum, hence the restriction on cruising and the restriction on transporting a passenger to a municipality from which the operator may not lawfully transport passengers on the return trip.

The order requires that operators of taxicabs shall participate in group riding plans for taxicabs that are or hereafter may be lawfully in effect in any municipality or other governmental subdivision in which they operate. Operators are also required to eliminate waste in their operations and to conserve and efficiently utilize their equipment and facilities.

Whenever two or more operators engaged in competitive service desire to enter into an arrangement providing for joint action to eliminate waste and otherwise conserve and more efficiently utilize their equipment and facilities, they may, and upon direction of the Office of Defense Transportation shall, submit such plan to the Office of Defense Transportation for approval. If any joint action contemplated by such plan, in the judgment of the Office of Defense Transpor-

tation, will result in the elimination of wasteful operations and bring about the conservation and more efficient utilization of equipment and facilities, the Office of Defense Transportation will issue an order authorizing and directing the participants to engage in such joint action. Thereupon the participants will be granted immunity from prosecution or civil action under the Federal antitrust laws by reason of the doing of any act or thing directed by such order by a certificate issued under the provisions of Section 12, Public Law 603, 77th Congress.

It is recognized that there may be occasions when the rigid requirements of the order should be relaxed. Section 501.83 provides for the issuance of special and general permits to meet specific needs or exceptional circumstances. Section 501.85 provides for certain exemptions from the order.

§ 501.77 *Restrictions on new or additional operations.* No person shall engage in the business of furnishing taxi service in any municipality or other governmental subdivision unless on September 1, 1942, (a) there was in force with respect to such business a license, permit, or other grant of authority issued by competent governmental authority, authorizing such person, or his predecessor in interest, to engage in such business in such municipality or other governmental subdivision, or (b) such person, or his predecessor in interest, was engaged in good faith in the business of furnishing taxi service in such municipality or other governmental subdivision, and no such license, permit, or other grant of authority was required.

§ 501.78 *Restrictions on the number of taxicabs to be operated.* No person shall have in operation in taxi service, in any municipality or other governmental subdivision, a greater number of taxicabs than such person, or his predecessor in interest, had in operation in taxi service in such municipality or other governmental subdivision on September 1, 1942.

§ 501.79 *Operating regulations.* (a) No person shall drive or operate a taxicab:

(1) For any purpose personal to the driver, including social or recreational purposes;

(2) For the purpose of making any commercial pick-up or delivery of merchandise other than the delivery of drugs, medicines, medical supplies, and medical equipment at the request of a licensed pharmacy or pharmacist, dentist, physician, hospital, or veterinarian;

(3) For the purpose of securing passengers while cruising;

(4) For the purpose of providing transportation for a person when engaged in any unlawful undertaking;

(5) For the purpose of transporting a passenger other than in taxi service;

(6) Without such taxicab being distinctly marked as required by local ordinance or state law or, in the absence of any such requirement, with permanent lettering not less than 2½ inches high and spaced 1 inch apart, to indicate that it is a taxicab or engaged in taxi service;

(7) From a municipality having a population of 10,000 or more, according to the census taken by the United States in 1940, to a point more than 10 miles beyond the corporate limits thereof, except when returning to a point or place from which a passenger was transported to such municipality;

(8) For the purpose of transporting a passenger on a trip that exceeds 25 miles;

(9) For the purpose of transporting a passenger to any municipality, from which the operator by reason of local ordinances, or otherwise, may not lawfully transport other passengers when returning to the point from which the taxicab is driven;

(10) For the purpose of transporting a passenger to any point upon arrival at which, by reason of the limitations in paragraphs (7) and (8) of this § 501.79 (a), such passenger intends to or must transfer to another taxicab in order to continue to his destination.

(b) No person engaged in the business of furnishing taxi service shall permit a taxicab under his direction or control to be driven or operated in violation of this § 501.79, and no person shall use a taxicab as a means of transportation when to do so will require it to be driven or operated in violation of this § 501.79.

§ 501.80 *Group riding required.* Each person engaged in the business of furnishing taxi service shall participate in any group riding plan for taxicabs which is or hereafter may be lawfully in effect within the municipality or other governmental subdivision within which he does business.

§ 501.81 *Elimination of waste.* Each person engaged in furnishing taxi service shall eliminate waste in operations and conserve and efficiently utilize the equipment and facilities under his control.

§ 501.82 *Submission of conservation plans.* (a) Any two or more persons engaged in furnishing competitive taxi service may, and upon direction from the Office of Defense Transportation shall, submit to the Office of Defense Transportation a plan of joint action formulated so as to eliminate waste and bring about the maximum utilization of their equipment and facilities by one or more of the following methods:

(1) Pooling or joint use of concessions, equipment, or other facilities;

(2) Pooling or division of traffic, service, or revenues;

(3) Alternation, staggering or suspension of service;

(4) Elimination of duplicating dispatching service.

(b) Nothing in this § 501.82 shall be construed to authorize any person to engage in joint action by any of the methods described in this section unless directed so to do by specific order of the Office of Defense Transportation.

§ 501.83 *Special and general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue public hardships.

Special permits heretofore issued by the Office of Defense Transportation pursuant to § 501.84 of General Order ODT 20, as amended, shall remain in effect according to the terms thereof and shall alike be applicable to this order.

§ 501.84 *Records and reports.* (a) Each person engaged in the business of furnishing taxi service shall keep a daily record of the number of miles and hours each taxicab used in such service is operated, the number of passengers carried, and the gallons of fuel transferred to its fuel tank, and shall keep such other records and make such reports as the Office of Defense Transportation may hereafter require. All such records shall be kept available and open for inspection at all reasonable times by authorized representatives of the Office of Defense Transportation.

(b) The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Specific recording or reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 501.85 *Exemptions.* The provisions of this order shall not apply:

(a) To the transportation of passengers between their homes and their places of work by a person driving a private passenger automobile between his or her home and place of work;

(b) To the use of a taxicab for the delivery of telegraphic, cable, and radio communications in emergencies when another medium of delivery cannot be obtained or is not available to effect delivery in time for such communications to serve their purposes;

(c) To the operation of a taxicab for the purpose of transporting mail at the request of the Post Office Department of the United States;

(d) To the transportation of passengers incidental to an emergency arising from an accident, sickness, death, public calamity, or military necessity: *Provided, however,* That with respect to all such transportation the person driving or operating the taxicab shall within 48 hours make a report in writing to the nearest office of the Office of Defense Transportation explaining in full the emergency necessitating the transportation.

§ 501.86 *Applicability of General Order ODT 22, as amended.* General Order ODT 22, as amended, shall continue to be applicable in New York, New York.

§ 501.87 *Definitions.* As used in this order (§§ 501.76–501.89), or in any order, direction or permit issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity;

(b) "Taxicab" means any rubber-tired vehicle (1) propelled or drawn by mechanical power, (2) having a seating capacity of less than ten (10) passengers (including driver), and (3) used in the business of accepting, soliciting, and transporting passengers on call or demand to, from, or between points as may be directed by the passenger or passengers transported or to be transported for compensation;

(c) "Taxi service" means the transportation of passengers by taxicab;

(d) "Trip" means the operation of a taxicab during the period between the time a passenger first enters the taxicab and the time such passenger last leaves it and releases it for the use of another person;

(e) "Continental United States" means the 48 States and the District of Columbia.

§ 501.88 *Applicability.* The provisions of this order shall be applicable within the continental United States and the territories and possessions of the United States except Puerto Rico and the Virgin Islands.

§ 501.89 *Communications.* Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., Boston, Massachusetts, New York, New York, Atlanta, Georgia, Chicago, Illinois, Cleveland, Ohio, Kansas City, Missouri, Dallas, Texas, San Francisco, California, Los Angeles, California, or Seattle, Washington, and should refer to "General Order ODT 20A".

Subparagraph (9) of paragraph (a) of § 501.79 of this General Order ODT 20A shall become effective October 1, 1943. All other paragraphs, sections and provisions shall become effective July 1, 1943, and shall thereupon supersede General Order ODT 20, as amended, and General Permit ODT 20–1, as corrected.

Issued at Washington, D. C., this 1st day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-10835; Filed, July 5, 1943; 11:20 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter Q—Alaska Commercial Fisheries

SALMON

PART 205—ALASKA PENINSULA AREA FISHERIES

Effective only through December 31, 1943, § 205.17 *Areas open to Salmon traps* is hereby amended as follows:

Paragraph (a) is hereby amended to read as follows:

(a) Unimak Island: Along the coast on the west and south sides of Ikatan Bay (1) from a point on False Pass (Isanotski Strait) at 54 degrees 48 minutes 54 seconds north latitude, 163 degrees 22 minutes 18 seconds west longitude, to a point at 54 degrees 46 minutes 44 seconds north latitude, 163 degrees 21 minutes 32 seconds west longitude, (2) from a point at 54 degrees 45 minutes 18 seconds north latitude, 163 degrees 17 minutes 30 seconds west longitude, to a point at 54 degrees 45 minutes 15 seconds north latitude, 163 degrees 16 minutes west longitude (3) from a point at 54 degrees 46 minutes 6 seconds north latitude, 163 degrees 11 minutes 42 seconds west longitude to a point on Louisiana Cove at 54 degrees 45 minutes 58 seconds north latitude, 163 degrees 8 minutes 52 seconds west longitude.

PART 207—CHIGNIK AREA FISHERIES

Effective only through December 31, 1943, § 207.16 *Areas open to salmon traps* is hereby amended as follows:

Paragraphs (e), (f), (g), and (h) are hereby suspended.

PART 208—KODIAK AREA FISHERIES

Salmon Fishery

Section 208.22 (k) *Areas open to salmon traps,* is hereby suspended through December 31, 1943.

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

Salmon Fishery

Effective only through December 31, 1943, § 211.12 *Areas open to salmon traps* is hereby amended as follows:

Paragraph (aa) is hereby suspended, and paragraph (z) is hereby amended to read as follows:

(z) Western coast of Montague Island (1) from Point Bazil on the north side of the entrance to Hanning Bay northeasterly to 59 degrees 59 minutes 56 seconds north latitude, and (2) from 60 degrees 8 minutes 30 seconds north latitude northeasterly to 60 degrees 9 minutes 45 seconds north latitude (as shown on U. S. Coast and Geodetic Survey Chart No. 8551).

PART 223—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

Effective only through December 31, 1943, § 223.19 *Areas open to salmon traps* is hereby amended as follows:

Paragraph (j) is hereby amended to read as follows:

(j) Admiralty Island: West coast (1) from 57 degrees 40 minutes 47 seconds north latitude to 57 degrees 41 minutes 30 seconds north latitude, (2) from 57 degrees 43 minutes north latitude to 57 degrees 43 minutes 45 seconds north latitude, (3) from 57 degrees 50 minutes 2 seconds north latitude to 57 degrees 51 minutes 7 seconds north latitude, (4) from 57 degrees 54 minutes 30 seconds north latitude to 57 degrees 55 minutes 30 seconds north latitude, and (5) from 57 degrees 58 minutes north latitude to 58 degrees 2 minutes 7 seconds north latitude.

PART 227—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

Effective only through December 31, 1943, § 227.15 *Areas open to salmon traps* is hereby amended as follows:

Paragraph (l) is hereby suspended, and paragraph (t) is hereby amended to read as follows:

(t) Prince of Wales Island: East coast from 55 degrees 20 minutes 15 seconds north latitude to 55 degrees 20 minutes 56 seconds north latitude, 132 degrees 9 minutes 38 seconds west longitude.

(Sec. 1, 44 Stat. 752, 48 U.S.C. 221)

OSCAR L. CHAPMAN,
Assistant Secretary.

JUNE 25, 1943.

[F. R. Doc. 43-10692; Filed, July 2, 1943; 4:01 p. m.]

Chapter IV—Office of the Coordinator of Fisheries

[Order 1838]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

COORDINATED PILCHARD PRODUCTION PLAN

By virtue of the authority conferred upon me by Food Directive No. 2 of February 8, 1943 (8 F.R. 1777), as amended on March 16, 1943 (8 F.R. 3280), issued pursuant to Executive Order No. 9280 of December 8, 1942 (7 F.R. 10179), and in order to facilitate the production of an adequate supply of pilchards to meet war essential civilian needs with a minimum utilization of critical material, manpower and fishing vessels, *It is hereby ordered,* As follows:

§ 401.2 *Coordinated pilchard production plant*—(a) *Jurisdiction.* Complete control and authority over the catching and delivery of pilchards on the West Coast of the United States solely for the purposes herein specified shall be vested in the Fishery Coordinator, and subject to his supervision and direction shall be administered by the Office of Fishery Coordination.

(b) *Statement of policy.* Shrinkage of the fishing fleet through military requisition, restriction on the movements of fishing vessels imposed by security requirements, limitations of manpower, and other war connected stringencies, coupled with increased National requirements for proteins and fats, have created a condition calling for Government supervision to insure the maximum effectiveness of existing fishing and processing facilities for the production of pilchard products. It is the purpose and intent of the Fishery Coordinator in administering and enforcing the provisions of this order to restore as nearly as possible a normal flow of raw material and as continuous an operation at processing plants as possible and to insure the production of the quantities of each category of finished products re-

quired for the maintenance of the Nation's war economy with the least possible interference with the freedom of activity of persons in the pilchard fishery and the pilchard processing industry. In the interest of effective mobilization of material resources necessary to the successful prosecution of the war, it is expected that persons affected by this order will cooperate with the United States Government in the attainment of the objectives which prompt the issuance of this order.

(c) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, corporation, or any other business entity.

(2) "Pilchard" means raw, unprocessed pilchard (*Sardinia caerulea*), by whatever name known, including sardines.

(3) "Delivery" means the transfer of pilchards to a processing plant, for canning or reduction, to a transporting facility, or to a place of storage, whether or not the same person owns or controls the vessel from which it is transferred, the plant, or the fish.

(4) "Port" means a single harbor or group of contiguous or nearly contiguous harbors at which pilchards are landed. For the purpose of this order San Pedro shall mean the ports of San Pedro, Wilmington and Long Beach. Monterey shall mean the ports of Monterey and Moss Landing. San Francisco shall mean the harbors on San Francisco Bay, and the tributaries thereof. Ports may be added or regrouped in the discretion of the Fishery Coordinator, or his representative.

(5) "Registration port" means the port where the permanent document of the vessel issues.

(6) "Home port" means the port at which the Captain and the operating owner or holder of the charter of the vessel have had residence for a substantial portion of the period since June 1, 1940, and from which they have practiced pilchard fishing operations during at least half of the time in all seasons of active fishing sinc June 1, 1940; or, in case these criteria are conflicting, the port designated by the Fishery Coordinator, or his representative, as the home port of the vessel.

(7) "Fishing port" means a port from which the vessel operates for the purpose of pilchard fishing.

(8) "Fishery Coordinator" means the Secretary of the Interior.

(9) "Representative" means any person or persons duly designated by the Fishery Coordinator to perform any of the functions authorized by this order.

(d) *Catching or delivering pilchards without a permit prohibited.* No person owning or controlling a vessel of 20 net tons or over shall fish for and deliver pilchards to any cannery, reduction plant, or other establishment at any port on the Pacific Coast of the United States, except as otherwise provided in paragraph (m) below, unless expressly authorized by a permit issued by the Fishery Coordinator, or his representative.

(e) *Clearance of pilchard vessels from ports without a permit prohibited.* (1) No vessel of 20 net tons or over which at any time subsequent to May 31, 1940, was used in fishing for pilchards or which first engages in fishing for pilchards in 1943 shall be cleared from any port on the Pacific Coast of the United States for the purpose of catching pilchards or any other fish or return to any port for delivering such fish except in accordance with the terms of a permit issued by the Fishery Coordinator, or his representative, to the person owning or controlling the vessel; but this provision shall not apply in any case where there has been an emergency modification of the permit as provided in paragraph (m) below.

(2) Clearance from a port will not be permitted unless the Captain of the vessel shall have in his possession a permit issued by the Fishery Coordinator, or his representative.

(f) *Terms and conditions of permits.* (1) Any permit to fish for and deliver pilchards which is issued by the Fishery Coordinator, or his representative, may provide specifically the period for which it is issued; the port or ports from which clearance is authorized; and such other reasonable terms and conditions as may be deemed necessary to accomplish the purpose of this order.

(2) Permits may be amended at any time or new permits issued when deemed necessary by the Fishery C ordinator, or his representative, to provide an adequate number of fishing vessels at any given port and to assure an even flow of pilchards to canning or reduction plants in order to facilitate the maximum production of sardine products commensurate with available manpower and plant facilities.

(3) The terms of a permit may be modified by the Fishery Coordinator, or his representative, on request of the holder of such permit when conditions are shown to exist which warrant such modification.

(g) *Application for permits.* Applications for permits to fish for and deliver pilchards shall be filed with the Fishery Coordinator, or his representative, not later than 10 days after the effective date of this order for the fishing season of 1943–1944 and not later than June 1 of each year thereafter, except for vessels built or acquired for pilchard fishing during the course of the season, in which case applications shall be filed not less than 10 days prior to the time fishing for pilchards is contemplated. Applications shall contain the following information:

(1) The name of the vessel, the registration port and number, the state license number, if any, the names of the owner and operating owner or holder of the charter, and the Captain.

(2) The permanent residence or place of business of the owner, of the operating owner or holder of the charter, and of the Captain during the period since June 1, 1940.

(3) The fishing ports of the operating owner or holder of the charter, and of the Captain during the period since June 1, 1940.

(4) The home port.

(5) The fishing port or ports from which a permit to fish is desired and the period of time during which fishing operations are to be conducted at each of the fishing ports.

(6) Any other information deemed necessary by the Fishery Coordinator, or his representative, to accomplish the purpose of this order, including the submission of copies of contracts bearing on the determination of the home port or of the fishing ports or affecting the delivery of pilchards.

(h) *Action on applications.* (1) The Fishery Coordinator, or his representative, shall consider each application on the basis of (i) military and essential civilian requirements for canned sardines, sardine meal and oil; (ii) the necessity of maintaining an even flow of pilchards to available canneries or reduction plants; and (iii) the condition of fishing in the waters adjacent to each port.

(2) In granting permits based upon applications filed therefor, preference shall be given to applicants desiring to fish for and deliver pilchards at home ports. So far as possible, assignment of vessels to fishing ports other than the home port, when deemed necessary to secure the maximum production of pilchards, will be given to persons applying for permits to fish for and deliver pilchards away from the home port.

(3) Permits may be granted on applications filed after the dates specified in paragraph (g) hereof but the rules stated in subparagraph (2) above as to the preferential assignment of fishing ports shall not apply to such late applications.

(i) *Deliveries to particular persons.* The Fishery Coordinator, or his representative, may direct the delivery of pilchards to particular persons whenever deemed necessary to promote an even flow of material to canning or reduction plants or to assure the maximum production of sardine products commensurate with available manpower and plant facilities. The delivery of fish or the receiving of fish in violation of direction shall be a violation of this order.

(j) *Designation of particular uses.* The Fishery Coordinator, or his representative, may direct or prohibit the use of pilchards for canning or for reduction into meal and oil or may direct the use of any specified percentage for each particular purpose when deemed necessary in order to meet the requirement for military and essential civilian supply.

(k) *Agreements to limit production prohibited.* No contract or agreement, written or verbal, shall be entered into or carried out and no action shall be taken which directly or indirectly operates to limit the amount of pilchards which may be caught or delivered by any fishing vessel or the frequency with which any pilchard fishing vessel shall leave port for or return from the fishing grounds except as may be ordered by the Fishery Coordinator, or his representative.

(l) *Records and reports.* (1) All persons engaged in processing pilchards and who are affected by this order shall keep and preserve, for not less than two years, accurate records concerning purchases and production of pilchards and pilchard products, and such other material information as may be required by the Fishery Coordinator, or his representative.

(2) All records required to be kept by this order or by any order of the Fishery Coordinator, or his representative, shall be made available for inspection and audit by the Fishery Coordinator, or his representative, upon request.

(3) The Fishery Coordinator, or his representative, may require from persons affected by this order periodic reports with respect to amounts of pilchards received, production capacity, quantities of each product produced, and such other material information as may be deemed necessary by the Fishery Coordinator, or his representative, for effectuation of the purposes of this order. These record keeping requirements have been approved by the Bureau of the Budget and specific recording and reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget, all pursuant to the Federal Reports Act of 1942.

(m) *Emergencies.* (1) In unusual circumstances, when deemed necessary t meet the exigencies of the occasion, the Fishery Coordinator, or his representative, may, verbally or by radio telephone, modify the terms of a permit, subject to confirmation in writing within a reasonable period of time thereafter.

(2) Modification of the terms of a permit may include assigning fishing vessels to ports other than those specifically authorized in the permit.

(n) *Orders and directions; Deputy Fishery Coordinator.* The Fishery Coordinator, or his representative, may issue such orders and directions as he may deem necessary to accomplish the purposes of this order, and violation of any such order or direction shall be considered a violation of this order. For the purposes of this order the functions, duties, and powers of the Fishery Coordinator may, in his absence, be exercised by the Deputy Fishery Coordinator.

(o) *Violation; revocation.* Any person who violates this order or any order, direction, or prohibition of the Fishery Coordinator, or his representative, or any term or condition of any permit issued by him, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, may, by a decision of the Area Coordinator based upon findings of fact made after reasonable notice and hearing, be prohibited from fishing by suspension or revocation of any permit issued or prohibjted from receiving fish, for a specified period of time. If the Area Coordinator shall have reasonable grounds to believe that such violation has occurred and if the circumstances are such that he shall deem such action reasonably necessary to effectuate the purposes of this order, he may immediately suspend the permit or privilege of receiving fish pending such hearing. Such further action may be taken against the violator as the Fishery Coordinator deems appropriate, including recommendations for prosecutions under Section 35a of the Criminal Code (18 U.S.C. sec. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(p) *Appeals and petitions for relief.* Any person who finds that compliance with this order or any order, direction, or permit issued pursuant thereto would tend to impose an unreasonable burden upon him or would not facilitate the production of pilchards, or who is aggrieved by any decision of the Area Coordinator may, after the hearing or other presentation of the matter before the Area Coordinator, appeal to, or petition the Fishery Coordinator for appropriate relief. Such petition must include a full showing of pertinent facts. The Fishery Coordinator shall thereupon make findings of fact and take such action on the petition as the circumstances may warrant.

(q) *Surrender of permits; applications; communications.* Permits which have been superseded by amended permits, or which have been revoked, shall be surrendered at once to the Area Coordinator; and all applications, petitions, and communications referred to herein shall, unless otherwise directed, be addressed to and filed with the Area Coordinator, Area II, Office of the Coordinator of Fisheries, 901 Alexander Building, 155 Montgomery Street, San Francisco 4, California.

(r) *Designated representative.* The Area Coordinator in Area II is hereby designated as the representative of the Fishery Coordinator to perform any of the functions authorized in this order. In the performance of these functions, he may designate any members of his staff to carry out any specific functions that may be assigned.

(s) *Previous order superseded.* The provisions of this order shall supersede Conservation Order M-206, as amended September 30, 1942 (7 F.R. 8274) issued by the War Production Board.

(t) *Separability; effective date.* The various clauses and provisions herein are intended to be separable and the invalidity of any one shall not affect any other provision. This order shall become effective immediately, except that paragraphs (d) and (e) shall not apply prior to August 1, 1943.

Issued this 30th day of June 1943.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43–10695; Filed, July 2, 1943; 4:01 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1932]

MORRISDALE COAL CO.

ORDER DISMISSING PETITION

In the matter of the petition of Morrisdale Coal Company, for permission to mix coals of certain mines in District No. 1.

A motion for leave to discontinue the proceedings and for the termination of the temporary relief granted by an Order dated April 13, 1943, in the above-entitled matter having been filed by the original petitioner; and

It appearing that good cause for the granting of said petition has been shown;

Now, therefore, *It is ordered*, That the relief granted in Docket No. A–1932 by the Order dated April 13, 1943 be and the same hereby is terminated.

It is further ordered, That the hearing herein scheduled to commence on July 2, 1943, be and the same hereby is cancelled.

It is further ordered, That the original petition in Docket No. A–1932 be and the same hereby is dismissed.

Dated: July 1, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–10806; Filed, July 5, 1943; 10:41 a. m.]

[Docket No. B–71]

A. H. ENGLAND

ORDER DIRECTING CODE MEMBER TO CEASE AND DESIST

Upon the basis of findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that code member wilfully violated the order of the Director in General Docket No. 19, dated October 9, 1940, and pursuant to sections 4 II (j), 5 (b) and other provisions of the Bituminous Coal Act of 1937;

It is ordered, That A. H. England, operating the A. H. England Mine (Mine Index No. 2747), in Bell County, Kentucky, in District 8, his agents, representatives, employees, successors or assigns, and any persons acting or claiming to act for or on his behalf, cease and desist from violating the order of the Director in General Docket No. 19, dated October 9, 1940, or from otherwise violating the provisions of the Act, the code and the rules and regulations thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a circuit court of appeals for the enforcement thereof, or take other appropriate action as authorized by the Act.

Dated: July 1, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–10813; Filed, July 5, 1943; 10:41 a. m.]

[Docket Nos. A–2032, A–2032 Part II]

DISTRICT BOARD 2

MEMORANDUM OPINION, ETC.

In the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2; Docket No. A–2032.

In the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for rail and truck shipments for

the coals produced at the Hillcrest (s) Mine; Docket No. A-2032, Part II.

Memorandum opinion and order severing Docket No. A-2032, Part II, from Docket No. A-2032, granting temporary relief and notice of and order for hearing in Docket No. A-2032, Part II.

The original petition in the above-entitled matter, filed with the Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, prays for the establishment of temporary and permanent price classifications and minimum prices for rail and truck shipments for the coals produced at the Hillcrest (s) Mine, Mine Index No. 2718, of Hillcrest Coal Company, Ltd. (Tony Grippo) in District No. 2. It appears, however, that the petition requests the establishment of shipping points for the coals of this mine which are located in both District No. 2 and District No. 1, and that from the facts alleged in this petition no final determination can be made at this time with regard to the establishment of these shipping points for this mine without a hearing.

In view of the foregoing, it is deemed advisable to grant only temporarily the request of petitioner to establish minimum prices and price classifications for the coals produced at the aforementioned mine.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, *It is ordered*, That the portion of Docket No. A-2032 relating to the request of petitioner to establish minimum prices and price classifications for coals to be produced at the Hillcrest (s) Mine, Mine Index No. 2718 of Hillcrest Coal Company, Ltd. (Tony Grippo) be, and it hereby is, severed from the remaining part of that Docket and designated as Docket No. A-2032, Part II.

It is further ordered, That a hearing in Docket No. A-2032, Part II under the applicable provisions of said Act and the rules of the Division be held on July 28, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 23, 1943.

All persons are hereby notified that the hearing in Docket No. A-2032, Part II and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 2 for the establishment of the price classifications and minimum prices for all shipments except truck and for truck shipments, as set forth in Supplement R and Supplement T attached hereto, and the establishment of a shipping point at Val. Section No. T-245-1 on the Baltimore & Ohio Railroad in District No. 2 and at Foxburg, Pennsylvania on the Pennsylvania Railroad in District No. 1 for the coals produced at the Hillcrest (s) Mine, Mine Index No. 2718, of Hillcrest Coal Company, Ltd. (Tony Grippo).

It is further ordered, That, pending further order of the Director, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the schedules of effective minimum prices for District No. 2 for all shipments except truck and for truck shipments are supplemented to include the price classifications and minimum prices appearing in Supplement R and Supplement T which are annexed hereto and made a part hereof.

It is further ordered, That pleadings in opposition to that portion of the original petition in the above-entitled matter which pertains to the Hillcrest (s) Mine, Mine Index No. 2718, of Hillcrest Coal Company, Ltd. (Tony Grippo), and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10810; Filed, July 5, 1943; 10:41 a. m.]

[Docket No. A-2042]

DISTRICT BOARD 23

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 23 for the establishment of price classifications and minimum prices for the coals of the Peacock Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting the temporary and permanent establishment of price classifications and minimum prices for the coals of the Peacock Mine, Mine Index No. 180, of code member Stanley Kepka, located in Subdistrict "B" in District No. 23.

Petitioner alleges that although the Peacock Mine is actually located in Subdistrict "B", the nature and quality of the coal produced therefrom, and the market areas to be served, indicate that the coals of this mine are similar to coals produced in Subdistrict "G", and proposes, therefore, that the same price classifications and minimum prices be established for the coals of the Peacock Mine in the respective size groups for shipment by rail and truck as are presently in effect for comparable and analogous coals produced in Subdistrict "G", except that, in Size Groups 21 and 23 for truck shipments petitioner proposes the establishment of minimum prices 25 cents per ton lower than those applicable to coals in these size groups produced in Subdistrict "G".

The original petition in this matter does not contain facts sufficient to warrant the granting of the permanent relief requested by petitioner without a hearing.

It appearing, however that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; that no petitions of intervention have been filed with the Division in this matter; and that the following action is deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, *It is ordered*, That, pending further order, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the schedule of effective minimum prices for District No. 23 for all shipments is amended to include the price classifications and minimum prices set forth in the schedule marked "Supplement R and T" annexed hereto and hereby made a part hereof.

It is ordered, That a hearing in the above entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 31, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division at the Federal Office Bldg., Rm. 117, Seattle, Washington.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose, shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 26, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 23 requesting that the same price classifications and minimum prices be established for the coals of the Peacock Mine, Mine Index No. 180, in Subdistrict "B" in District No. 23 in the respective size groups for shipment by rail and truck as are presently in effect for comparable and analogous coals produced in Subdistrict "G" in District No. 23, except that in Size Groups 21 and 23 for truck shipments petitioner proposes the establishment of minimum prices 25 cents per ton lower than those applicable to coals in these size groups produced in Subdistrict "G".

Dated July 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10812; Filed, July 5, 1943; 10:41 a. m.]

[Docket No. A-1975]

PIKES PEAK FUEL DIVISION OF GOLDEN CYCLE CORPORATION

ORDER DISMISSING PETITION

In the matter of the petition of Pikes Peak Fuel Division of the Golden Cycle Corporation for revision of the effective price classification and minimum prices for certain coals produced from the Pikeview Mine.

The original petitioner having requested that its petition in the above-entitled matter be dismissed, and it appearing that there is no objection thereto;

Now, therefore, *It is ordered*, That the original petition in the above-entitled matter be, and it hereby is, dismissed without prejudice.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10807; Filed, July 5, 1943; 10:41 a. m.]

[Docket No. B-312]

CAMPBELL COE COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of Campbell Coe, doing business as Campbell Coe Coal Company, registered distributor, Registration No. 1683.

The Bituminous Coal Division (the Division) finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the Act) and the Bituminous Coal Code (the Code) promulgated pursuant thereto to determine:

A. Whether Campbell Coe, (hereinafter referred to by his trade name of Campbell Coe Coal Company) registered distributor, Registration No. 1683 (the Distributor) whose address is 16 Waverly Avenue, Newark, New Jersey, has wilfully violated any provisions of section 4 II (i) of the Act, the marketing rules and regulations, regulations for the registration of distributors and other pertinent orders of the Division and the distributor's agreement (the Agreement) filed with the Division on October 2, 1940 by said Distributor with his application for registration, and more particularly whether said Distributor:

1. During the period February 4, 1941 to October 9, 1941, inclusive, sold to various purchasers approximately 1556.60 tons of run of mine coal (Size Group 3), produced by the Reitz Coal Company, a Code Member, at its Mine #8, Mine Index No. 425, located in Somerset County, Pennsylvania, District No. 1, pursuant to a sales agency contract dated September 30, 1940 between said Code Member and the Distributor, and accepted and retained thereon sales agent's commissions in excess of the commissions specified in said sales agency contract, thereby modifying said contract, whereas a copy of the terms and conditions of such modification thereof had not been filed with the Statistical Bureau, resulting in violation of Rules 4 (A), 4 (B) and 9 (a) of section II of the marketing rules and regulations, and whether the participation of the Distributor in said violations constituted a violation by the Distributor of paragraph (e) of the Agreement.

2. (a) During the period December 18, 1940 to January 6, 1942, inclusive, sold to various purchasers approximately 623.40 net tons of 2'' nut and slack coal (Size Group 4) produced by the Allegheny River Mining Company at its Ringgold Mine (Mine Index No. 433), located in Jefferson County, Pennsylvania, District No. 1, pursuant to a sales agency contract dated September 30, 1940 for the sale of said coal entered into between the Distributor and the Pittsburgh and Shawmut Coal Company, whereby the Distributor was appointed sales agent for the Allegheny River Mining Company [by virtue of the authority vested in the Pittsburgh and Shawmut Coal Company by the terms of a contract between the Allegheny River Mining Company and the Pittsburgh and Shawmut Coal Company authorizing said Pittsburgh and Shawmut Coal Company to appoint sales agents for the Allegheny River Mining Company], and accepted and retained thereon sales agent's commissions in excess of the commissions specified in said contract, thereby modifying said contract, whereas a copy of the terms and conditions of such modification thereof had not been filed with the Statistical Bureau, resulting in violation of Rules 4 (A), 4 (B), and 9 (a) of section II of the marketing rules and regulations, and whether the participation of the Distributor in said violations constituted a violation by the Distributor of paragraph (e) of the Agreement; or

(b) During the period December 18, 1940 to January 6, 1942, inclusive, purchased and resold to various purchasers the coal referred to in paragraph 2 (a) hereof, and accepted and retained thereon Distributor's discounts in excess of the maximum allowable Distributor's discounts as prescribed by the order dated June 19, 1940 in General Docket No. 12, in violation of paragraphs (a) and (e) of the Agreement.

B. Whether the registration of said Campbell Coe Coal Company as a registered distributor should be revoked or suspended or other appropriate action taken.

It is therefore ordered, Pursuant to §§ 304.14 (now 317.14) of the rules and regulations for the registration of distributors that a hearing be held at the Post Office Building, Room 308, Newark, New Jersey, on August 5, 1943, at 10 a. m. to determine whether the said Campbell Coe Coal Company has committed violations in the respects heretofore described and whether the registration of said Distributor should be revoked or suspended or other appropriate action taken.

It is further ordered, That Travis Williams, or any other officer of the Division duly designated to preside at such hearing, is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit findings of fact and conclusions and recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Distributor and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of said Distribu-

tor with reference to the matters hereinbefore described, shall be filed within twenty (20) days after date of service hereof on said Distributor, and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by said Distributor of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application pursuant to § 301.132 of the rules of practice and procedure before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Distributor of a copy of this notice of and order for hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered herein may include, in addition to the matters specifically recited herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: July 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 48-10817; Filed, July 5, 1943; 10:38 a. m.]

[Docket Nos. A-1913, A-1913 Part II]

DISTRICT BOARD 2

MEMORANDUM OPINION, ETC.

In the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for rail shipments and changes in shipping points for the coals of certain mines in District No. 2; Docket No. A-1913.

In the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for rail shipments from Mine Index No. 2341; Docket No. A-1913, Part II.

Memorandum opinion and order severing Docket No. A-1913 Part II from Docket No. A-1913, and notice of and order for hearing

On April 9, 1943, an Order was issued in Docket No. A-1913 granting temporary relief, pending final disposition of the matter, for the coals of certain mines in District No. 2, including Mine Index No. 2341, and providing that the relief therein granted should become final 60 days from the date thereof, unless it should otherwise be ordered. In accordance with information furnished to the Division by District Board No. 2, the original petitioner in Docket No. A-1913, the code member operator of Mine Index No. 2341 was listed in the said order as The Highway Coal Company.

Subsequently, Hyman Weinberg, of Mt. Pleasant, Pennsylvania, advised the Division that he is the operator of this mine rather than The Highway Coal Company, and he requested that an appropriate order be issued and that he be permitted to become an intervenor in this proceeding.

By order dated May 22, 1943, Hyman Weinberg was admitted as an intervenor in this proceeding. It was further provided in said order that the relief granted for Mine Index No. 2341 in the order dated April 9, 1943 in Docket No. A-1913 was not to become final 60 days from the date of that order, but was to remain temporary until further order; that the said order dated April 9, 1943 was, in all other respects, to remain in full force and effect, and that an order scheduling a hearing for the purpose of adducing facts upon which final relief for Mine Index No. 2341 might be based would be issued in due course. It now appears appropriate that a hearing be held in this matter insofar as it concerns Mine Index No. 2341.

The following action being deemed necessary in order to effectuate the purposes of the Act:

Now, therefore, *It is ordered*, That the portion of Docket No. A-1913 relating to the coals of Mine Index No. 2341 be, and the same hereby is, severed from the said docket and docketed as Docket No. A-1913 Part II.

It is further ordered, That the relief granted for Mine Index No. 2341 in the Order dated April 9, 1943 in Docket No. A-1913 shall continue to remain temporary.

It is further ordered, That a hearing in Docket No. A-1913 Part II under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on August 6, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in the Office of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearings are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division for Proceedings Instituted Pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 2, 1943.

All persons are hereby notified that the hearing in Docket No. A-1913 Part II and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the determination of the code member operator of Mine Index No. 2341, located in District No. 2, and whether the minimum prices and price classifications temporarily established for Mine Index No. 2341 in the order dated April 9, 1943, in Docket No. A-1913 shall be made permanent.

Dated: July 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10804; Filed, July 5, 1943; 10:38 a. m.]

[Docket No. B-214]

BECCARIA COAL MINING CO.

ORDER DIRECTING CODE MEMBERS TO CEASE AND DESIST

In the matter of Beccaria Coal Mining Company, a partnership, also known as Fred Dezaiffe, Sr., and Fred Dezaiffe, Jr., individually and as copartners, trading and doing business as Beccaria Coal Mining Company, Code Members.

Upon the basis of findings of fact and conclusions of law set forth in the opinion of the Director filed simultaneously herewith, wherein it appears that code members wilfully violated section 4 II (e) of the Act, the corresponding section of the Code, Rule 13 of section II and Rule 1 of section III of the marketing rules and regulations, and Price Instruction No. 5 of the schedule of effective minimum prices for District No. 1 for all shipments except truck, and pursuant to sections 4 II (j), 5 (b) and other provisions of the Bituminous Coal Act of 1937;

It is ordered, That Fred DeZaiffe, Sr., and Fred DeZaiffe, Jr., individually and as copartners, trading and doing business as Beccaria Coal Mining Company, code members operating the Leland No. 8 Mine (Mine Index No. 273), located in Clearfield County, Pennsylvania, in District 1, their agents, representatives, employees, successors or assigns, and any persons acting or claiming to act for or on their behalf, cease and desist from violating section 4 II (e) of the Act, the corresponding section of the code, Rule 13 of section II and Rule 1 of section III of the marketing rules and regulations, and Price Instruction No. 5 of the schedule of effective minimum prices for District No. 1 for all shipments except truck, or from otherwise violating the provisions of the Act, the code, and the rules and regulations thereunder.

Notice is hereby given that upon failure or refusal to comply with this order the Division may apply to a Circuit Court of Appeals for the enforcement thereof, or take other appropriate action as authorized by the Act.

Dated: July 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10815; Filed, July 5, 1943; 10:38 a. m.]

[Docket No. A-2038]

JOHN J. CABLE

ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of John J. Cable requesting permission to mix coals produced at the Toth & Alwine Mine, Mine Index No. 3107 with coals produced at the Grazier Mine, Mine Index No. 2648 located in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting permission to mix coals produced at the Toth & Alwine Mine, Mine Index No. 3107 of Clarence Alwine & Steve Toth (Steve Toth) with coals produced at the Grazier Mine, Mine Index No. 2648, of John J. Cable, for rail shipment at Foustwell, Pennsylvania, on the Baltimore and Ohio Railroad; and

It appearing that a reasonable showing of necessity has been made by the granting of temporary relief in the manner hereinafter set forth; and

No petition of intervention having been filed with this Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, *It is ordered*, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck is supplemented to include price classifications, minimum prices and other matters set forth in the schedule marked Supplement R annexed hereto and made a part hereof.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 27, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff, or any other officer of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 16, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The matter concerned herewith is in regard to a petition filed with this Division by John J. Cable requesting permission to mix coals produced at the Toth & Alwine Mine, Mine Index No. 3107 of Clarence Alwine & Steve Toth (Steve Toth) with coals produced at the Grazier Mine, Mine Index No. 2648 of John J. Cable for rail shipment at Foustwell, Pennsylvania, on the Baltimore and Ohio Railroad.

Dated: June 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10818; Filed, July 5, 1943; 10:39 a. m.]

GEO. H. GREENMAN COAL CO., ET AL.

ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of Geo. H. Greenman Coal Co. (F. J. Macmackin), Thomas Joseph Kane, Vaden Lackey (Lackey Coal Company), Harry Lytton (Lytton Fuel Company), John W. Twombly (Mid-Western Fuel Co.), H. B. Stanton (H. B. Stanton Coal Co.), and Zero Ice Company.

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distributor business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the List of Registered Distributors.

Accordingly, *It is so ordered*.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

EXHIBIT A

Registration No.	Name and address:
3712	Geo. H. Greenman Coal Co. (F. J. MacMackin); 52 Genesee St., Utica, N. Y.
4924	Thomas Joseph Kane; 1815-1845 N. Ashland Ave., Chicago, Ill.
5326	Vaden Lackey (Lackey Coal Company); Green Hills Drive, Nashville, Tenn.
5795	Harry Lytton (Lytton Fuel Company); 37 W. Van Burean St., Chicago, Ill.
6441	John W. Twombly (Mid-Western Fuel Co.); Monroe, Mich.
8644	H. B. Stanton (H. B. Stanton Coal Co.); 810 Fair Oaks Ave., Oak Park, Ill.
9977	Zero Ice Company; 60 Michigan St., Joliet, Ill.

[F. R. Doc. 43-10800; Filed, July 5, 1943; 10:39 a. m.]

[Docket No. A-2036]

DISTRICT BOARD 16

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 16 for certain increases in minimum prices for coals in Size Group 9 produced at all mines in District No. 16.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party on June 9, 1943, and amended on June 12, 1943, requesting (a) that the effective minimum price for 1½" x ¾" modified pea coal, Size Group 9, produced in all subdistricts except Subdistrict 10 of District No. 16 for rail and truck shipments into all market areas, be increased 25 cents per ton; (b) that as to coals of these dimensions produced in Subdistrict 10 the effective minimum price be increased 35 cents per ton for rail and truck shipments into all market areas, with the exception that no increase be established for such shipments to the Denver Tramway Corporation; and (c) that pending further order, a temporary order be issued granting such relief.

No reasonable showing of necessity having been made for the granting of temporary relief herein without a hearing;

Now, therefore, *It is ordered*, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 10, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of

the Bituminous Coal Division at the Grand Jury Room, Post Office Bldg., Denver, Colorado.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 5, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of thi. petition.

The matter concerned herewith is in regard to the amended petition of District Board No. 16, requesting that the effective minimum prices for 1½" x ¾" modified pea coal, Size Group 9, produced in all subdistricts of District No. 16 except Subdistrict 10, for rail and truck shipments into all market areas, be increased 25 cents per ton, and that in Subdistrict 10 the effective minimum prices for coals of these dimensions for such shipments be increased 35 cents pe" ton, with the exception that no increase be established in the minimum prices for such coals produced in Subdistrict 10 for shipment to the Denver Tramway Corporation.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-10811; Filed, July 5, 1943; 10:39 a. m.]

[Docket No. A-1906]

DISTRICT BOARD 23

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 23 for the establishment of price classifications and minimum prices for mines in Subdistrict "D", District No. 23.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the Rules of the Division be held on July 30, 1943, at 2 o'clock p. m. at a hearing room of the Bituminous Coal Division, at the Federal Office Building, Room 117, Seattle, Washington.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 24, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 23 requesting the establishment of minimum prices of $3.10 per ton and $3.60 per ton for rail shipments and for truck shipments, respectively, into all market areas for coals in Size Group 21 (2" x 0) produced at all mines in Subdistrict "D" in District No. 23.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-10803; Filed, July 5, 1943; 10:39 a. m.]

[Docket No. 35-FD]

SUPERIOR COAL CO.

ORDER EXTENDING EFFECTIVE DATE OF DENIAL OF APPLICATION FOR EXEMPTION

An Order was issued in this proceeding on May 25, 1943, denying an application for exemption of Superior Coal Company, Code Member in District No. 10, effective fifteen (15) days from the date thereof. Thereafter, on June 11, 1943, at the request of Superior Coal Company, the effective date of the Order denying its application for exemption was extended to July 1, 1943.

By application, dated June 28, 1943, Superior Coal Company requested that the effective date of the Order of the Director of May 25, 1943, denying its application for exemption be extended to August 1, 1943. Applicant alleges that on June 26, 1943, it requested District Board No. 10 to recommend the establishment of a minimum price for coals produced by Superior Coal Company and sold to the Chicago and Northwestern Railway Company and its subsidiary, the Chicago, St. Paul, Minneapolis, and Omaha Railway Company, the principal purchasers of Superior's coals. Applicant further alleges that District Board No. 10 advised it to request this extension since the Board would be unable to pass upon the request of Superior Coal Company prior to July 1, 1943, the present effective date of the aforementioned Order of the Director.

In these circumstances, I believe that the requested relief is appropriate and that the third paragraph of the Order denying the application of Superior Coal Company for exemption, dated May 25, 1943, should accordingly be amended to read as follows:

It is hereby further ordered, That effective August 1, 1943, the application of Superior Coal Company is denied.

It is so ordered.

Dated: July 1, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-10801; Filed, July 5, 1943; 10:40 a. m.]

[Docket No. A-1977]

W. D. CORLEY, JR.

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of W. D. Corley, Jr., Code Member in District No. 17, for a reduction in the effective minimum price for "Bone Coal" produced from the Corley No. 6 Mine.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the Rules of the Division be held on August 9, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, at the Grand Jury Room, Post Office Building, Denver, Colorado.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 4, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of W. D. Corley, Jr., code member in District No. 17, requesting a reduction from $2.50[1] per ton to $1.25 per ton in the minimum price for waste bony coal resulting from washing raw coal produced from his Corley No. 6 Mine, Mine Index No. 23, located in Subdistrict 3 in District No. 17.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-10808; Filed, July 5, 1943; 10:40 a. m.]

[Docket No. B-297]

YORK & PARK

MEMORANDUM OPINION AND ORDER TO CEASE AND DESIST

In the matter of Dewey C. York, Dude Park and I. T. York, individually and as copartners doing business under the name and style York & Park.

On June 1, 1943, after notice and hearing, Edward J. Hayes, a duly designated Examiner of the Division, submitted a Report in which he found that code members Dewey C. York, Richard L. Park, named herein as "Dude" Park, and I. T. York individually and as copartners doing business as York & Park, a partnership, operating the York Mine, Mine Index No. 2848, located in Bell County, Kentucky, wilfully violated the provisions of the Order in General Docket No. 19 dated October 9, 1940 by selling coal produced at their mine during April 1941 for shipment by rail, whereas prices, temporary or final, had not been established by the Division for said coal by rail shipment.

The Examiner recommended that an order be issued directing code members to cease and desist from violating the said order of the Director dated October 9, 1940, the Code and the rules and regulations thereunder.

Opportunity was afforded to all parties to file exceptions to the Examiner's Report. No exceptions have been filed.

I have considered the report of the Examiner and I find that it adequately and accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law and recommendation set forth in the report and upon the entire record in this proceeding,

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That Dewey C. York, Richard L. Park, named herein as "Dude" Park, and I. T. York, doing business under the name and style of York & Park, a partnership, operating the York Mine (Mine Index No. 2848), located in Bell County, Kentucky, their agents, employees, representatives, successors and assigns, and all persons acting or claiming to act on their behalf or interest, cease and desist from violating the Code, the rules and regulations thereunder and particularly the Order of the Director in General Docket No. 19 dated October 9, 1940.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a United States Circuit Court of Appeals for the enforcement thereof, or may otherwise proceed as authorized by the Act.

Dated: July 1, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-10816; Filed, July 5, 1943; 10:40 a. m.]

[Docket No. B-199]

GRIFFITH-CONSUMERS CO.

ORDER REINSTATING REGISTRATION AS A DISTRIBUTOR

In the Matter of Griffith-Consumers Company, Registered Distributor, Registration No. 3737, Respondent.

The registration of the above-named respondent as a distributor having been suspended for twenty (20) days from June 6, 1943 by order of the Director in the above-entitled matter dated May 22, 1943; and

Said Order of Suspension having been duly served upon the said respondent on May 24, 1943; and

A proper affidavit in compliance with § 317.15 of the Rules and Regulations for the Registration of Distributors and the terms and provisions of said Order dated May 22, 1943 having been duly filed with the Bituminous Coal Division on June 21, 1943;

Now, therefore, *It is ordered,* That the registration of the said Griffith-Consumers Company, as a distributor be, and the same hereby is, reinstated effective as of June 27, 1943.

Dated: July 1, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-10814; Filed, July 5, 1943; 10:40 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6524]

MODIFICATIONS OF LICENSES IN THE FIXED PUBLIC AND FIXED PUBLIC PRESS SERVICES

ORDER FOR HEARING, ETC.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1943:

The Commission having under consideration the contractual arrangements for divisions of charges between licensees in the fixed public and fixed public press services and their foreign correspondents, and also having under consideration its order of May 11, 1943 proposing a modification of licenses in the fixed public and fixed public press services, effective June 30, 1943, by the inclusion therein of a condition requiring that the division of the radio-link portion of the toll for foreign or overseas radiocommunication be on a basis of 50% to the licensee and 50% to the foreign correspondent;

It appearing, That a hearing has been requested before the proposed modification of license becomes effective;

It is ordered, That each of the licensees designated in the attached list[1] be and it is hereby afforded an opportunity to show cause at a hearing to be held beginning at 10:00 a. m. on July 19, 1943, at the offices of the Commission in Washington, D. C., why the Commission's order of May 11, 1943 should not become final;

It is further ordered, That the effective date of the Commission's aforesaid order of May 11, 1943 be and it is hereby suspended;

It is further ordered, That upon the filing by any of the licensees designated in the attached list of a statement consenting to the modificatiton of its licenses as provided in the order of May 11,

[1] This price does not include the minimum price increase provided for by the Order entered in General Docket No. 21 on August 28, 1942.

[1] Filed as a part of the original document.

1943, said order shall become final as to such licensee.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-10784; Filed, July 5, 1943; 9:57 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-432, G-470]

THE OHIO FUEL GAS COMPANY V. PANHANDLE EASTERN PIPE COMPANY

ORDER ALLOWING RATE SCHEDULE TO TAKE EFFECT RETROACTIVELY AND TERMINATING PROCEEDINGS

JUNE 29, 1943.

It appearing to the Commission that:

(a) On November 13, 1942, Panhandle Eastern Pipe Line Company (hereinafter referred to as "Panhandle Eastern") filed with the Commission a schedule of rates and charges, designated as Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 59, providing for the sale of natural gas at the rate of 2.5¢ per therm to The Ohio Fuel Gas Company (hereinafter referred to as "Ohio Fuel") for resale, through an established interconnection between the pipelines of said companies near the Indiana-Ohio State line between Muncie, Indiana, and Dayton, Ohio, pursuant to Directive No. 1, dated July 25, 1942, issued by the War Production Board under its Limitation Order L-31:

(b) On November 23, 1942, Ohio Fuel filed with the Commission, in Docket No. G-432, a protest (treated by the Commission as a complaint) and motion for an order striking the said Rate Schedule FPC No. 59, alleging, among other things, that the rates and charges therein are unjust, unreasonable, unduly discriminatory, unduly preferential, and unlawful;

(c) On February 1, 1943, Panhandle Eastern filed an answer to said protest and motion, generally denying the allegations contained therein and praying that its Rate Schedule FPC No. 59 be approved and made effective from and after August 1, 1942;

(d) On April 29, 1943, Panhandle Eastern filed with the Commission a schedule of rates and charges designated as Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 94, providing for the sale of natural gas at the rate of 2.5¢ per therm to Ohio Fuel for resale through an interconnection between pipelines of the said companies at a point west of the Village of Maumee, Ohio, pursuant to Directive No. 10, dated March 30, 1943, issued by the War Production Board under its Limitation Order L-31:

(e) On May 14, 1943, Ohio Fuel filed with the Commission, in Docket No. G-470, a protest (treated by the Commission as a complaint), alleging in substance that the proposed rates are discriminatory and unlawful;

(f) On June 14, 1943, Panhandle Eastern filed an answer to said protest and motion in Docket No. G-470, generally denying the allegations contained therein and praying that its Rate Schedule FPC No. 94 be approved;

(g) On May 22, 1943, the Commission consolidated the proceedings in said Docket Nos. G-432 and G-470 for the purpose of hearing, and ordered that a public hearing be held June 16, 1943, at which hearing counsel for Panhandle Eastern and Ohio Fuel stated that representatives of said companies had reached an agreement *inter sese* with respect to the said sale of natural gas at the interconnections, whereupon the Commission's Trial Examiner recessed said hearing to June 26, 1943, to enable said companies to secure the ratification of said agreement by their respective boards of directors and to file new rate schedules;

(h) On June 25, 1943, there was submitted for filing with the Commission an agreement dated June 16, 1943, between Panhandle Eastern and Ohio Fuel, designated as Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 95, providing for the sale to Ohio Fuel of natural gas at the two pipeline interconnections hereinabove referred to, at the rate of 1.6¢ per therm for all gas delivered prior to May 1, 1943, and 1.9¢ per therm for gas delivered on and after May 1, 1943; accompanying said Rate Schedule were certified copies of resolutions of the boards of directors of Panhandle Eastern and Ohio Fuel authorizing the execution of said agreement;

(i) On June 25, 1943, Panhandle Eastern filed with the Commission a formal request that the proceedings herein be terminated; and on June 26, 1943, Ohio Fuel filed with the Commission a formal request to dismiss its protests (complaints) and motion heretofore filed in these proceedings;

The Commission *orders*, That:

(A) The Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 95 be and it hereby is allowed to take effect as of August 1, 1942, superseding Panhandle Eastern Pipe Line Company Rate Schedules FPC Nos. 59 and 94;

(B) Said Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 95 shall be deemed to have been filed and published in compliance with the Natural Gas Act;

(C) Nothing contained in this order shall be construed as a waiver of the requirements of Section 7 of the Natural Gas Act, as amended, nor shall it be construed as constituting approval by this Commission of any service, rate, provision, or condition contained in the contract referred to herein; nor shall this order be construed as in any manner changing or affecting the Commission's Opinion No. 80 and Order Reducing Rates entered September 23, 1942, in Docket Nos. G-200 and G-207, or in any manner relieving Panhandle Eastern from filing new rate schedules reflecting the reduction in rates in conformity therewith;

(D) This order is without prejudice to any findings or orders heretofore made, or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Panhandle Eastern or Ohio Fuel;

(E) The proceedings in Docket Nos. G-432 and G-470 be and they hereby are terminated.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-10712; Filed, July 3, 1943; 9:54 a..m.]

[Docket No. G-481]

HOPE NATURAL GAS COMPANY

NOTICE OF APPLICATION

JULY 1, 1943.

Notice is hereby given that on June 29, 1943, an application was filed with the Federal Power Commission by Hope Natural Gas Company (hereinafter called "Applicant"), a West Virginia corporation, with its principal place of business located at 445 West Main Street, Clarksburg, West Virginia, seeking a Certificate of Public Convenience and Necessity under Section 7 (c) of the Natural Gas Act, as amended, for the construction and operation of the following facilities:

(a) A 22-inch main transmission line, 1,140 miles in length, beginning at Applicant's Cornwell Compressor Station in Kanawha County, West Virginia, thence running generally west, 85 miles, more or less, through Kanawha, Putnam, Cabell and Wayne Counties, West Virginia; 327 miles, more or less, through Boyd, Lawrence, Carter, Elliott, Rowan, Manifee, Montgomery, Powell, Clark, Madison, Garrard, Boyle, Washington, Marion, Nelson, Larue, Hardin, Breckenridge, Hancock, Ohio, Daviess, Henderson and Union Counties, Kentucky; 86 miles, more or less, through Gallatin, Saline, Williamson and Jackson Counties, Illinois; 278 miles, more or less, through Perry, St. Genevieve, St. Francois, Washington, Crawford, Phelps, Pulaski, Camden, Hickory, St. Clair, Cedar and Vernon Counties, Missouri; 364 miles, more or less, through Bourbon, Allen, Woodson, Wilson, Greenwood, Butler, Sedgwick, Kingman, Pratt, Barber, Kiowa, Clark, Meade and Seward Counties and to the edge of Stevens County, Kansas, to a point in or near the Hugoton Gas Field;

(b) An 8⅝ inch lateral transmission line beginning at a point of connection with the 22-inch main line in Kanawha County, West Virginia, thence in a northerly direction 3.6 miles more or less to Applicant's Hunt Compressor Station, Kanawha County, West Virginia;

(c) 9 compressor stations, initially having a total of 68,000 installed horsepower;

(d) Valves, metering and regulating equipment, and appurtenances.

The application states that, initially, the said facilities will be capable of delivering, at the eastern end of the project, 180,000 M. c. f. per day, and through the installation of additional compressor stations, 240,000 M. c. f. per day; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 21st day of July, 1943, file with the Federal Power Commission a petition or protest

in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-10785; Filed, July 5, 1943; 9:57 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 26 Under Service Order 123]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Henry A. Scandrett, Walter J. Cummings and George I. Haight, Trustees) to reice the second time in transit after the first or initial icing and one reicing SFRD 18207 containing potatoes consigned Western Fruit Co., and on hand at LaCrosse, Wisconsin.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 1st day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10731; Filed, July 3, 1943; 11:21 a. m.]

[Special Permit 7 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

ICING GREEN PEAS IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

Common carriers by railroad to ice and reice, with both bunker and top or body ice, green peas in straight shipments loaded in standard refrigerator cars RS type (without collapsible bunkers).

The bills of lading and waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 2d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10820; Filed, July 6, 1943; 11:07 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Amendment of Vesting Order 185]

70% OF THE CAPITAL STOCK OF OKURA & CO. (TRADING) LTD., AND ASSETS OF OKURA & COMPANY

Whereas pursuant to Vesting Order Number 185 of September 28, 1942 (7 F.R. 9465), the undersigned vested, among other things, 140 shares of $100 par value common capital stock of Okura & Co. (Trading) Ltd.; and

Whereas, in describing said Okura & Co. (Trading) Ltd. it was, as a result of typographical errorr inadvertently designated as "Okura & Company (Trading) Ltd."

Now, therefore, Vesting Order Number 185 of September 28, 1942, is hereby amended as follows and not otherwise:

By changing "Okura & Company (Trading) Ltd." to "Okura & Co. (Trading) Ltd."

wherever it may appear in said Vesting Order Number 185.

All other provisions of said Vesting Order Number 185 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10623; Filed, July 5, 1943; 9:29 a. m.]

[Amendment to Vesting Order 654]

BEATRICE GAUSEBECK

Vesting Order Number 654 of January 19, 1943 (8 F.R. 1695), is hereby amended as follows and not otherwise:

By inserting the words "and of every other national of a designated enemy country" immediately following the words "Beatrice Gausebeck" where they appear in subparagraph 3 of said vesting order.

All other provisions of such Vesting Order Number 654 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10775; Filed, July 5, 1943; 9:29 a. m.]

[Amendment of Vesting Order 853]

ESTATE OF ERIC PLACK

Whereas, Pursuant to Vesting Order No. 853 dated February 8, 1943 (8 F.R. 2062), the undersigned vested the following property and interest:

All right, title, interest and claim of any kind or character whatsoever of Karl Plach, or his surviving issue and Christine Kraupar, or her surviving issue and each of them in and to the Estate of Eric Plack, also known as Erick Plack, also known as E. Plack, and also known as Eric Plach, deceased;

Whereas in subparagraph 2 of said Vesting Order No. 853 the said property and interests were found by the undersigned to be payable or deliverable to or claimed by nationals of a designated enemy country, Austria;

Whereas the last known address of the said nationals was found by the undersigned in subparagraph 2 of said Vesting Order No. 853 to be Austria;

Whereas in subparagraph 3 of said Vesting Order No. 853 the undersigned determined that if such nationals are not persons within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Austria); and

Whereas in said Vesting Order No. 853 the name of the designated enemy country was, inadvertently and through error, stated to be Austria, instead of Germany.

Now, therefore, Vesting Order No. 853 of February 8, 1943, is hereby amended by striking the word "Austria" from said order wherever it may appear and by substituting the words "Germany (Austria)" in place and stead thereof.

All other provisions of said Vesting Order No. 853 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10776; Filed, July 5, 1943; 9:29 a. m.]

[Amendment of Vesting Order 1088]

GEORGE FISCHER AND HANS FISCHER

Whereas, pursuant to Vesting Order Number 1088, dated March 22, 1943 (8 F.R. 5772), the undersigned vested, among other things a certain certificate of participation in a mortgage for $73,350 covering a 4-story apartment house with 28 apartments; and

Whereas, in describing the said property covered by the said mortgage, it was, as a result of typographical error, inadvertently designated as being "known as 10 Martense Street, Brooklyn, New York";

Now, therefore, Vesting Order Number 1088 of March 22, 1943, is hereby amended as follows and not otherwise:

By changing "10 Martense Street" appearing in the third line of subparagraph 3-b of said Vesting Order Number 1088 to "110 Martense Street".

All other provisions of said Vesting Order Number 1088 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10777; Filed, July 5, 1943; 9:30 a. m.]

[Amendment to Vesting Order 1133]

HENRY C. A. HEIDMANN

Vesting Order Number 1133 of March 23, 1943 (8 F.R. 6188), is hereby amended as follows and not otherwise:

By striking from Exhibit B, attached to said order and made a part thereof, the word "southeasterly" immediately following the words "Beginning at a point on the southeasterly side of 14th Avenue, distant one hundred (100) feet" and substituting therefor the word "southwesterly".

All other provisions of such Vesting Order Number 1133 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10778; Filed, July 5, 1943; 9:30 a. m.]

[Vesting Order 1499]

THE SUMITOMO BANK OF HAWAII

Under the authority of the Trading with the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that The Sumitomo Bank of Hawaii is a corporation organized under the laws of and doing business in the Territory of Hawaii and is a business enterprise within the United States;

2. Finding that 1,970 shares of $100 par value common capital stock of said The Sumitomo Bank of Hawaii are registered in the names of and owned by the persons in the amounts set opposite their names, respectively, as follows:

Names:	Number of shares
Shingenori Hattori	35
Yutaka Kodama	30
Hayashi Okahashi	50
Torataro Onoda	40
The Sumitomo Bank, Ltd.	1,815
Total	1,970

3. Finding that:

a. Shigenori Hattori, Yutaka Kodama and Hayashi Okahashi, the last known address of each of whom is Japan, are subjects of Japan and are nationals of a designated enemy country (Japan);

b. Torataro Onoda is a subject of Japan and has been interned by order of the Military Governor of the Territory of Hawaii and is a national of a designated enemy country (Japan), and

c. The Sumitomo Bank, Ltd. is a corporation organized under the laws of Japan with its principal place of business in Japan, and is a national of a designated enemy country (Japan);

4. Finding that said 1,970 shares constitute a substantial part (namely, 98.5%) of all outstanding capital stock of the aforesaid business enterprise and represent control thereof;

5. Determining, therefore, that such business enterprise is a national of a designated enemy country (Japan);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the 1,970 shares of capital stock hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10744; Filed, July 5, 1943; 9:21 a. m.]

[Vesting Order 1500]

PACIFIC BANK

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Pacific Bank is a corporation organized under the laws of and doing business in the Territory of Hawaii and is a business enterprise within the United States;

2. Finding that 2,878 shares of $50 par value common capital stock of said Pacific Bank are registered in the names of and owned by the persons in the amounts set opposite their names, respectively, as follows:

Names:	Number of shares
Isaku Fujimoto	40
Shozo Kawakami	10
Dr. Robert A. Kimura	75
Geo. T. Kojima	10
Mannosuke Komu	10
Totaro Matsui	120
Motoi Motoshige	25
Wasuke Motoshige	500
Kyoichi Nakano	50
Taichi Sato	350
Tatsuko Sayegusa (Mrs.)	10
Kichitaro Sekiya	100
Daizo Sumida	650
Koichiro Sumida	30
Shinzaburo Sumida	280
Tajiro Sumida	70
Tamaichi Tanaka	110
Seizo Yamamoto	373
Tsuneichi Yamamoto	5
Heichi Yamanaka	40
Moritaro Yamasaki	10
Yasu Yonekura (Mrs.)	10
Total	2,878

3. Finding that:

a. The following named persons, the last known address of each of whom is Japan, are subjects of Japan and are nationals of a designated enemy country (Japan);

Isaku Fujimoto.
Wasuke Motoshige.
Kyoichi Nakano.
Tatsuko Sayegusa (Mrs.).
Tajiro Sumida.
Seizo Yamamoto.
Heichi Yamanaka.
Moritaro Yamasaki.
Yasu Yonekura (Mrs.).

b. Motoi Motoshige and Koichiro Sumida, the last known address of each of whom is Japan, are citizens of the United States and are nationals of a designated enemy country (Japan).

c. The following named persons, who have either been interned by order of the Military Governor of the Territory of Hawaii or have been repatriated to Japan, are subjects of Japan and are nationals of a designated enemy country (Japan):

Shozo Kawakami.
Dr. Robert A. Kimura.
Geo. T. Kojima.
Mannosuke Komu.
Totaro Matsui.
Taichi Sato.
Kichitaro Sekiya.
Daizo Sumida.
Tamaichi Tanaka.
Tsuneichi Yamamoto.

d. Shinzaburo Sumida is a citizen of the United States and has been interned by order of the Military Governor of the Territory of Hawaii, and determining that he has been acting or purporting to act directly or indirectly for the benefit or on behalf of a designated enemy country (Japan) or a national or nationals thereof, and therefore is a national of a designated enemy country (Japan);

4. Finding that the aforesaid 2,878 shares constitute a substantial part (namely 71.95%) of all outstanding capital stock of the aforesaid business enterprise and represent control thereof;

5. Determining, therefore, that such business enterprise is a national of a designated enemy country (Japan);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the 2,878 shares of capital stock hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10745; Filed, July 5, 1943; 9:21 a. m.]

[Amendment of Vesting Order 1554]

ESTATE OF AGOSTINO ALESSANDRINI

Whereas, pursuant to Vesting Order Number 1554 dated May 28, 1943 (8 F.R. 7610), the undersigned vested certain property and interests of nationals of a designated enemy country (Italy); and

Whereas, in describing said nationals they were inadvertently and through clerical error referred to as nationals of a designated enemy country (Germany);

Now, therefore, Vesting Order Number 1554 of May 28, 1943, is hereby amended by striking the word "Germany" in the third line of subparagraph 2 and in the fourth line of subparagraph 3 and substituting therefor the word "Italy" in place and stead thereof.

All other provisions of said Vesting Order Number 1554 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10779; Filed, July 5, 1943; 9:30 a. m.]

[Vesting Order 1722]

A. W. BUHLMANN, INC.

In re: Matter of A. W. Buhlmann, Inc., bankrupt; File No. D-28-1790; E. T. sec. 1126.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation;

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Walter Upright, as trustee in bankruptcy, acting under the judicial supervision of the United States District Court for the Southern District of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Jean Gusken	Germany.
Maschinenfabriek Gerber Wanslesen.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Jean Gusken and Maschinenfabrick Gerber Wanslesen, and each of them, in and to dividends awarded to them as general creditors of A. W. Buhlmann, Inc., Bankrupt,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The term "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-10746; Filed, July 5, 1943; 9:25 a. m.]

[Vesting Order 1723]

TRUST UNDER WILL OF AUGUSTA VON HAGEN BRAND

In re: Trust under will of Augusta von Hagen Brand, deceased; File D-28-4917; E. T. sec. 1421.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Florence E. Wilson, formerly known as Florence E. Siedenburg, as executrix and trustee, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Anna Lueder and her issue	Germany.
Augusta Pulfrich and her issue	Germany.
Carla von Bocklin and her issue	Germany.
Richard Brill	Shanghai, China.

And determining that—

(3) Richard Brill, a citizen or subject of a designated enemy country, Germany, and within an enemy occupied area, Shanghai, China, is a national of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Lueder, Augusta Pulfrich and Carla von Bocklin, and their respective issue, and each of them, in and to the trusts created under the will of Augusta von Hagen Brand, deceased; and

All right, title, interest and claim of any kind or character whatsoever of Richard Brill in and to the estate of Augusta von Hagen Brand, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10747; Filed, July 5, 1943; 9:25 a. m.]

[Vesting Order 1724]

ESTATE OF PAUL CHAMOIS

In re: Estate of Paul Chamois, deceased; File D–38–504; E. T. sec. 5617.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Josephine Pessein, Administratrix, acting under the judicial supervision of the Superior Court of Spokane County, Washington;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Inez Chamois	Italy.
Theresa Chamois	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the National interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Inez Chamois and Theresa Chamois, and each of them, in and to the Estate of Paul Chamois, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10748; Filed, July 5, 1943; 9:25 a. m.]

[Vesting Order 1725]

JOSEPH A. DEMATTEO VS. JOHN GARBO, ET AL.

In re: Joseph A. DeMatteo vs. John Garbo et al.; File D–38–484; E. T. sec. 5503.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by J. C. Dale, Jr., Custodian, acting under the judicial supervision of the Chancery Court of Davidson County, Tennessee;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Rosolina Garbo	Italy.
Children of Salvatore Garbo, names unknown.	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rosolina Garbo and the Children of Salvatore Garbo, deceased, and each of them, in and to cash in the amount of $55.00, the same being a fund held to their credit by the Clerk and Master of the Chancery Court of Davidson County, Tennessee, in the case styled Joseph A. DeMatteo vs. John Garbo et al., pursuant to a decree of the said Court entered April 12, 1920.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10749; Filed, July 5, 1943; 9:25 a. m.]

[Vesting Order 1726]

ESTATE OF FRANZ DIERICH

In re: Estate of Franz Dierich, deceased; File D–28–3755; E. T. sec. 6353.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Phil C. Katz, Public Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
The heirs and next of kin, names unknown, of Franz Dierich, deceased.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of the heirs and next of kin, names unknown, of Franz Dierich, deceased, and each of them in and to the Estate of Franz Dierich, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10750; Filed, July 5, 1943; 9:26 a. m.]

[Vesting Order 1727]

ESTATE OF CHARLES FABISCH

In re: Estate of Charles Fabisch, deceased; File No. D–28–3515; E. T. sec. 5739.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook of State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Augusta Digwa	Schlesien, Germany.
Paul Fabisch	Schlesien, Germany.
Louise Baumann	Schlesien, Germany.
Bertha Schnese	Schlesien, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Augusta Digwa in the sum of $200.00, Paul Fabisch in the sum of $200.00, Louise Baumann in the sum of $200.00, and Bertha Schnese in the sum of $200.00, which amounts were deposited with the Treasurer of Cook County, Illinois, on April 22, 1941, pursuant to order of the court of April 10, 1941, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10751; Filed, July 5, 1943; 9:26 a. m.]

[Vesting Order 1728]

TRUST UNDER WILL OF GEORGE M. FASSNACHT

In re: Trust under the Will of George M. Fassnacht, deceased; File D–28–2487; E. T. sec. 3513.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the National Bank of Chester County and Trust Company, 17 North High Street, West Chester, Pennsylvania, Trustee, acting under the judicial supervision of the Orphans' Court of Chester County, State of Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Elsa Anna Stumpp	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elsa Anna Stumpp in and to the Trust Estate created under the Last Will and Testament of George M. Fassnacht, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO. T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10752; Filed, July 5, 1943; 9:26 a. m.]

[Vesting Order 1729]

ESTATE OF VINCENZO GIGLIOTTI

In re: Estate of Vincenzo Gigliotti, deceased; File D–38–571; E. T. sec. 6139.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John Gigliotti, Administrator of the Estate of Vincenzo Gigliotti, deceased, acting under the judicial supervision of Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, na-

tionals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Francesco Gigliotti	Italy.
Antonio Gigliotti	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Francesco Gigliotti and Antonio Gigliotti, and each of them, in and to the estate of Vincenzo Gigliotti, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10753; Filed, July 5, 1943; 9:26 a. m.]

[Vesting Order 1730]

ESTATE OF ROSE GOLD

In re: Estate of Rose Gold, deceased; File D–28–3841; E. T. sec. 6498.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jacob Keppler, Executor, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Mrs. Rösle Göltz and her children.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Rösle Göltz and her children and each of them in and to the Estate of Rose Gold, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10754; Filed, July 5, 1943; 9:27 a. m.]

[Vesting Order 1731]

ESTATE OF PHILIPP GUTH

In re: Estate of Philipp Guth, deceased; File D–28–3753; E. T. sec. 6351.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Chicago City Bank & Trust Company, 815 West 63rd Street, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of Cook County, State of Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Children of Maria Graul, deceased, names unknown.	Germany.
Children of Peter Guth, deceased, names unknown.	Germany.
Children of Heinrich Guth, deceased, names unknown.	Germany.
Children of William Guth, deceased, names unknown.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of the children of Maria Graul, deceased, names unknown, the children of Peter Guth, deceased, names unknown, the children of Heinrich Guth, deceased, names unknown, the children of William Guth, deceased, names unknown, and each of them, in and to the estate of Philipp Guth, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10755; Filed, July 5, 1943; 9:27 a. m.]

[Vesting Order 1732]

ESTATE OF EDWARD HAENSROTH

In re: Estate of Edward Haensroth, deceased; File No. D–28–3570; E. T. sec. 5780.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook of State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Lillie Rupphof	Hanover, Munden, Germany.
Mary Rupphof	Kenkel, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Lillie Rupphof in the sum of $801.13, and Mary Rupphof in the sum of $801.13, which amounts were deposited with the Treasurer of Cook County, Illinois, on February 27, 1942, pursuant to order of the court of February 6, 1942, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10756; Filed, July 5, 1943; 9:27 a. m.]

[Vesting Order 1733]

ESTATE OF AUGUST HORNEFF

In re: Estate of August Horneff, deceased; File D–28–2028; E. T. sec. 2097.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Hedwig Stuhr	Germany.
Theobald Horneff	Germany.
Heinrich Horneff	Germany.
Elisa Hoffmann	Germany.
Emilia Beffert	Germany.
Karl Kurz	Germany.
Alfred Kurz	Germany.
Adolf Kurz	Germany.
Karl Elsass	Germany.
Hedwig Elsass	Germany.
Eugen Elsass	Germany.
Katherina Elsass	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hedwig Stuhr, Theobald Horneff, Heinrich Horneff, Elisa Hoffmann, Emilia Beffert, Karl Kurz, Alfred Kurz, Adolf Kurz, Karl Elsass, Hedwig Elsass, Eugen Elsass and Katherina Elsass and each of them in and to the Estate of August Horneff, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10757; Filed, July 5, 1943; 9:27 a. m.]

[Vesting Order 1734]

ESTATE OF TADAICHI KASAI

In re: Estate of Tadaichi Kasai, deceased; File D–39–1723; E. T. sec. 5999.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Old National Bank of Spokane, Administrator, acting under the judicial supervision of the Superior Court of Spokane County, Washington;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals:	*Last known address*
Takano Kasai	Japan.
Takeo Kasai	Japan.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Takano Kasai and Takeo Kasai, and each of them, in and to the Estate of Tadaichi Kasai, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an

appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO. T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10758; Filed, July 5, 1943; 9:27 a. m.]

[Vesting Order 1735]

ESTATE OF AUGUSTE KRAUSE

In re: Estate of Auguste Krause, deceased; File No. D–28–1611; E. T. sec. 357.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook of State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Helena Muehlmann	Solidin Neumark, Germany, 23 Horst Wessel St.
Anna Muehlmann	Solidin Neumark, Germany, 23 Horst Wessel St.
Minna Muehlmann	Solidin Neumark, Germany, 23 Horst Wessel St.
Emma Muehlmann	Solidin Neumark, Germany, 23 Horst Wessel St.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Helena Muehlmann in the sum of $428.12, Anna Muehlmann in the sum of $428.11, Minna Muehlmann in the sum of $428.11, and Emma Muehlmann in the sum of $428.11, which amounts were deposited with the Treasurer of Cook County, Illinois, on October 21, 1942, pursuant to order of the court of October 2, 1942, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10759; Filed, July 5, 1943; 9:27 a. m.]

[Vesting Order 1736]

ESTATE OF HENRY MANCI

In re: Estate of Henry Manci, deceased; File D–38–1018; E. T. sec. 2173.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Sabatino Manci, Executor with Will annexed, Franklin, Kansas, acting under the judicial supervision of the Probate Court of the State of Kansas, in and for the County of Crawford;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Anna Passeri	Gubbio, Province of Perugia, Italy.
Vittorio Manci	Gubbio, Province of Perugia, Italy.

And determining that—

(3) If such nations are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Anna Passeri and Vittorio Manci, and each of them, in and to the estate of Henry Manci, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10760; Filed, July 5, 1943; 9:28 a. m.]

[Vesting Order 1737]

ESTATE OF ERNESTO MANTOVANI

In re: Estate of Ernesto Mantovani (Ernest Faber), deceased; File D–38–381; E. T. sec. 985.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Floyd A. Frye, 1442 Majestic Building, Detroit, Michigan, Administrator, acting under the judicial supervision of the Probate Court of the State of Michigan, in and for the County of Wayne;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Eugenia Mantovani	Prov. of Milano, Piazza S. Luigi 5, Italy
Egidio Mantovani	Prov. of Milano, Piazza S. Luigi 5, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Eugenia Mantovani and Egidio Mantovani, and each of them, in and to the estate of Ernesto Mantovani (Ernest Faber), deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10761; Filed, July 5, 1943; 9:28 a. m.]

[Vesting Order 1738]

ESTATE OF MATHILDE MORITZ

In re: Estate of Mathilde Moritz, deceased; File No. F–9–100–28–7856; E. T. sec. 4102.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Edward R. Peckerman, Jr., Ancillary Executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York, and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Otto Felbelmann	Wiesbaden, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Otto Fiebelmann, individually and as Domiciliary Executor of the Estate of Mathilde Moritz, deceased, in and to the Estate of Mathilde Moritz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10762; Filed, July 5, 1943; 9:28 a. m.]

[Vesting Order 1739]

ESTATE OF ANGELO DE PAOLO

In re: Guardianship of estate of Angelo de Paolo; File D–66–306; E. T. sec. 2550.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by West Branch Bank and Trust Company, Guardian of the estate of Angelo de Paolo, acting under the judicial supervision of Orphans' Court of Lycoming County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Angelo de Paolo	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All property and estate of Angelo de Paolo of any nature whatever in the possession of West Branch Bank and Trust Company, as guardian of the estate of Angelo de Paolo,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10763; Filed, July 5, 1943; 9:28 a. m.]

[Vesting Order 1740]

ESTATE OF CARLO PINCHETTI

In re: Estate of Carlo Pinchetti, deceased; File D–38–1147; E. T. sec. 3304.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Theresa Pin-

chetti, Andrea Camanni, H. C. Worth and Joseph J. Carissimi, Executors and Trustees, acting under the judicial supervision of the Hudson County Orphans' Court, Hudson County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Amalia Camanni and her issue	Italy.
Domenica Zanotta and her issue	Italy.
Ottavia Ferrari and her issue	Italy.
Carla Camanni and her issue	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Amalia Camanni in and to the estate of Carlo Pinchetti, deceased; and

All right, title, interest and claim of any kind or character whatsoever of Domenica Zanotta, Ottavia Ferrari, Carla Camanni, and their issue, and each of them, in and to the trust created under the will of Carlo Pinchetti, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10764; Filed, July 5, 1943; 9:29 a. m.]

[Vesting Order 1741]

ESTATE OF GOTTLOB REINHARDT

In re: Estate of Gottlob Reinhardt, deceased; File D–28–3624; E. T. sec. 5862.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are the property which is in the process of administration by William E. Johnson, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Wilhelm Reinhardt and his surviving spouse or children.	Germany.
Pauline Barchet and her surviving spouse or children.	Germany.
Anna Fischer and her surviving spouse or children.	Germany.
Joseph Kucher and his surviving spouse or children.	Germany.
Mrs. Mathilde Remmlinger and her surviving spouse or children.	Germany.
Mrs. Anna Remmlinger and her surviving spouse or children.	Germany.
Antone Schick and his surviving spouse or children.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Wilhelm Reinhardt and his surviving spouse or children, Pauline Barchet and her surviving spouse or children, Anna Fischer and her surviving spouse or children, Joseph Kucher and his surviving spouse or children, Mrs. Mathilde Remmlinger and her surviving spouse or children, Mrs. Anna Remmlinger and her surviving spouse or children, and Antone Schick and his surviving spouse or children and each of them in and to the Estate of Gottlob Reinhardt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10765; Filed, July 5, 1943; 9:29 a. m.]

[Vesting Order 1742]

ESTATE OF SIEGFRIED MAX BIER

In re: Estate of Siegfried Max Bier, deceased; File F–7–1776; E.T. sec. 5681.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ludwig Bier, as Administrator of the Estate of Siegfried Max Bier, deceased, acting under the judicial supervson of the Surrogate's Court of the County of New York, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Gottlieb Bier	Germany.
Edward Bier	Germany.
Eric Bier	Denmark.

And determining that—

(3) Eric Bier, a citizen or subject of a designated enemy country, Germany, and within an enemy-occupied territory, Denmark, is a national of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Gottlieb Bier, Edward Bier and Eric Bier, and each of them, in and to the Estate of Siegfried Max Bier, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10766; Filed, July 5, 1943; 9:29 a. m.]

[Vesting Order 1748]

ESTATE OF LENA C. HERR

In re: Estate of Lena C. Herr, deceased; File No. D–28–2287; E. T. sec. 2948.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Colonial Trust Company, as executor, acting under the judicial supervision of the Court of Probate, for the District of Waterbury, Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Marie Maier	Germany.
The issue of Marie Maier, whose names are unknown.	Germany.
The issue of Joseph Maier, late of Triberg, Baden, Germany, deceased, whose names are unknown.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Marie Maier, the issue of Marie Maier, whose names are unknown, and the issue of Joseph Maier, late of Triberg, Baden, Germany, deceased, whose names are unknown ,and each of them, in and to the Estate of Lena C. Herr, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10767; Filed, July 5, 1943; 9:21 a. m.]

[Vesting Order 1749]

ESTATE OF SAMUEL CANDIDO

In re: Estate of Samuel Candido, deceased; File No. D–9–100–38–1016; E. T. sec. 2175.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna Candido, administratrix of the estate of Samuel Candido, deceased, acting under the judicial supervision of the Surrogate's Court of Richmond County, New York;

(2) Such property and interests are payable to or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Giuseppina Pagliaro Candido, also known as Guiseppina Pagliaro Candido, also known as Guiseppine Pagliaro Candido.	Maddaloni, Province of Naples, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Giuseppina Pagliaro Candido, also known as Guiseppina Pagliaro Candido, also known as Guiseppine Pagliaro Candido in and to the estate of Samuel Candido, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10768; Filed, July 5, 1943; 9:21 a. m.]

[Vesting Order 1750]

ESTATE OF HELEN FORSTER

In re: Estate of Helen Forster, also known as Helen Agnes Forster, deceased; File No. D–28–1475: E. T. sec. 196.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Paul C. Forster, Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Maria Forster	Germany.
Anna Zietschmann	Germany.
Josef Forster	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Maria For-

ster, Anna Zietschmann and Josef Forster, and each of them, in and to the Estate of Helen Forster, also known as Helen Agnes Forster, deceased.

to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10769; Filed, July 5, 1943; 9:21 a. m.]

[Vesting Order 1751]

ESTATE OF D. GAMBINI

In re: Estate of D. Gambini, deceased; File D–38–1057; E. T. sec. 3055.

Under the authority of the Trading with the Enemy Act, as amended, and executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described in subparagraphs (a) and (b) are property which is in the process of administration by Antonio Gambini, Administrator d. b. n., c. t. a., acting under the judicial supervision of the County Court of Galveston County, Texas,

(2) Such property and interests are owned by, payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Mrs. Annunziata Gambini	Italy.
Tomazo Gambini, or Thomas Gambini, or T. Gambini.	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

(a) All right, title, interest, and claim of any kind or character whatsoever of Mrs. Annunziata Gambini and Tomazo, a. k. a. Thomas and T. Gambini and each of them, in and to the estate of D. Gambini, deceased,

(b) All right, title, interest, and claim of any kind or character whatsoever of Mrs. Annunziata Gambini and Tomazo, a. k. a. Thomas and T. Gambini and each of them, in that real property, together with all fixtures, improvements and appurtenances thereto, situated in the City and County of Galveston, Texas, particularly described as follows:

Lots Nos. 8 to 14 inclusive, Block No. 268, together with improvements thereon.

West one-half of Lot No. 13 and Lot No. 14, N. E. Block of Outlot No. 93 and improvements thereon.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10770; Filed, July 5, 1943; 9:21 a. m.]

[Vesting Order 1752]

ESTATE OF LOUISE LANG

In re: Estate of Louise Lang, deceased; File No. D–9–100–28–2531; E. T. sec. 3642.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Walter B. Solinger, Executor of the estate of Louise Lang, deceased, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Hermann Lang	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Hermann Lang, in and to the estate of Louise Lang, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10771; Filed, July 5, 1943; 9:22 a. m.]

[Vesting Order 1753]

PROPERTY OF ALBERT LINZ

In re: Receivership proceedings entitled ex parte in the matter of the real property of Albert Linz, deceased; File D–28–2416; E. T. sec. 3328.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described in subparagraphs (a) and (b) are property which is in the process of administration by Frederick F. Schneider and Herbert L. Wynne, receivers, acting under the judicial supervision of the Circuit Court for Baltimore County, Maryland, In Equity;

(2) The property and interests described in sub-paragraph (a) are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Paul Linz and Emma (Elly) Marie Linz his wife, and their heirs or devisees.	Germany.
Franz Linz and Klara Elisabeth Linz, his wife, and their heirs or devisees.	Germany.
Albert Linz, widower, and his heirs or devisees.	Germany.
Walter Linz and Martha Linz, his wife, and their heirs or devisees.	Germany.
Martha Simon (nee Linz) and Willy Simon, her husband, and their heirs or devisees.	Germany.
The unknown heirs of Albert Linz, also known as Heinrich Oskar Albert Linz, deceased.	Germany.

(3) The property and interest described in subparagraph (b) are property within the United States owned by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Paul Linz and Emma (Elly) Marie Linz his wife, and their heirs or devisees.	Germany.
Franz Linz and Klara Elisabeth Linz, his wife, and their heirs or devisees.	Germany.
Albert Linz, widower, and his heirs or devisees.	Germany.
Walter Linz and Martha Linz, his wife, and thei rheirs or devisees.	Germany.
Martha Simon (nee Linz) and Willy Simon, her husband, and their heirs or devisees.	Germany.
The unknown heirs of Albert Linz, also known as Heinrich Oskar Albert Linz, deceased.	Germany.

And determining that—

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interests and claim of any kind or character whatsoever of Paul Linz and Emma (Elly) Marie Linz, his wife, and their heirs or devisees, Franz Linz and Klara Elisabeth Linz, his wife, and their heirs or devisees, Albert Linz, widower, and his heirs or devisees, Walter Linz and Martha Linz, his wife, and their heirs or devisees, Martha Simon (nee Linz) and Willy Simon, her husband, and their heirs or devisees and the unknown heirs of Albert Linz, also known as Heinrich Oskar Albert Linz, deceased, and each of them in and to the Receivership Estate in the possession of Frederick F. Schneider and Herbert L. Wynne, Receivers, of the above entitled Receivership Proceedings,

(b) All that real property, together with all fixtures, improvements and appurtenances thereto, subject to recorded liens and encumbrances and other rights of record, situated in Baltimore County, State of Maryland, and particularly described as follows:

Beginning for the same at a point in the first line of that lot of ground, which by deed dated June 17th, 1867 and recorded among the Land Records of Baltimore County in Liber J. H. L., No. 54, folio 225 &c, was conveyed by George W. Lawrence and others to Joseph P. Fusting, and at the end of a line measured five hundred and forty feet, six inches Southerly along said line from the South side of Frederick Turnpike Road and running thence with and bounding on said line South fourteen and three-quarter degrees East fifty feet to Lot No. 3 as so described on a plat of division of the above recited land, thence bounding on said lot South seventy-seven and one-quarter degrees West three hundred feet to Mariposa Lane (now called Wade Avenue) at a point distant six hundred and five feet in a line drawn Southeasterly along said Lane from the aforesaid South side of the Frederick Turnpike Road; thence North eleven and one-half degrees West fifty feet and thence North seventy-seven and one-quarter degrees East two hundred and ninety-eight and one-third feet, more or less, to the place of beginning.

Being the same lot of ground and premises which by deed dated September 28, 1903 and recorded among the Land Records of Baltimore County in Liber N. B. M. 271, folio 285 &c was granted and conveyed by James S. Calwell and James Kelley, Trustees etc. to the said Albert Linz.

Beginning for the same at a stake standing in the first line of that lot of ground which by Deed dated June 17th, 1867, and recorded among the Land Records of Baltimore County in Liber J. H. L. No. 54, folio 225 &c., was conveyed by George W. Lawrence and others to Joseph P. Fusting, said point being located at the distance of five hundred and ninety feet and seven inches Southerly from the South side of the Frederick Turnpike Road, and running thence binding on Lot No. 2 South seventy-seven and a quarter degrees West, three hundred feet to Mariposa Lane (now called Wade Avenue); thence binding on the East side of said Lane, South eleven and a half degrees East, fifty feet; thence North seventy-seven and a quarter degrees East, parallel with the first line of this description, three hundred and two feet and four and one-half inches, more or less, to intersect the above referred to first line of the land conveyed as aforesaid to Joseph P. Fusting thence binding reversely on said line, North fourteen and three-quarter degrees West, fifty feet to the place of beginning.

Being the same lot of ground and premises which by deed dated June 8th, 1912 and recorded among the Land Records aforesaid in Liber W. P. C. 396, folio 82 &c was granted and conveyed by John Madden and Margaret J. Madden, his wife, to the said Albert Linz and Martha Linz, his wife, the said Martha Linz having predeceased her husband, the said Albert Linz.

Beginning for the same at a point in the first line of the lot of ground which, by deed dated June 17, 1867, and recorded among the Land Records of Baltimore County in Liber J. H. L. No. 54, folio 225 &c was conveyed by George W. Lawrence, et al, to Joseph P. Fusting, which point is supposed to be six hundred and forty feet seven inches southerly from the south side of the Frederick Turnpike Road, and which point is the end of the third line of the lot of ground which, by deed dated December 30, 1911, and recorded among the Land Records of Baltimore County in Liber W. P. C. No. 388, folio 367 etc. was granted and conveyed by Michael P. Dauber, et al to John Madden; thence reversing said third line of Madden's lot and binding thereon south seventy-seven and one-quarter degrees west three hundred and two feet four and one-half inches, more or less, to the east side of Mariposa Lane, now called Wade Avenue; thence binding on the east side of said Lane south eleven and one-half degrees east fifty feet to the end of the second line of the whole lot conveyed by Bernard Nolan to Michael P. Dauber, et al, by deed dated April 27, 1909, and recorded among the aforesaid Land Records in Liber W. P. C. No. 342, folio 169; thence binding on the third line of said last mentioned whole lot north seveny-seven and one-quarter degrees east and parallel with the first line in this description, three hundred and four feet nine inches, more or less, to the end thereof; thence binding on the fourth line of said whole lot north fourteen and three-quarter degrees west fifty feet to the place of beginning.

Being the same lot of ground and premises which by deed dated June 30, 1919 and recorded among the Land Records aforesaid in Liber W. P. C. 512, folio 368 was granted and conveyed by John R. Warfield and Margaret P. Warfield, his wife, to the said Albert Linz and Martha Linz, his wife.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10772; Filed, July 5, 1943; 9:22 a. m.]

[Vesting Order 1754]

ESTATE OF HENRY LOUIS STOCKE

In re: Estate of Henry Louis Stocke, also known as Henry L. Stocke, deceased; File D–28–3636; E. T. sec. 6017.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna Marie Barthel, administratrix, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nation-

als of designated enemy country, Germany, namely,

Nationals:	*Last known address*
Wilhelm Stocke	Germany.
Lena Christ	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Wilhelm Stocke and Lena Christ and each of them in and to the Estate of Henry Louis Stocke, also known as Henry L. Stocke, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10773; Filed, July 5, 1943; 9:22 a. m.]

[Vesting Order 1755]

ESTATE OF JOHN ZANIER

In re: Estate of John Zanier, deceased; File D–66–511; E. T. sec. 4354.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jo. V. Morgan, 5620 Moorland Lane, Edgemoor, Maryland, Administrator, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Luigia Trevisan	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Luigia Trevisan in the sum of $42.40

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: June 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–10774; Filed, July 5, 1943; 9:25 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Revised–34]

GEORGIA HIGHWAY EXPRESS, INC., AND DIXIE OHIO EXPRESS CO.

COORDINATED OPERATIONS BETWEEN ATLANTA AND LA GRANGE, GEORGIA

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property between Atlanta and La Grange, Georgia, filed with the Office of Defense Transportation by Georgia Highway Express, Inc., Atlanta, Georgia, and Dixie Ohio Express Co., Akron, Ohio, as governed by § 501.9 of General Order ODT 3, Revised, as amended 7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Dixie Ohio Express Co. shall divert to Georgia Highway Express, Inc., at La Grange, all shipments originating at La Grange and routed through Atlanta, Georgia, in cases where Dixie Ohio Express Co. does not have, and Georgia Highway Express, Inc., does have, adequate equipment available at La Grange to perform such transportation.

2. Georgia Highway Express, Inc. shall accept from shippers at La Grange all shipments diverted to it pursuant to paragraph 1 hereof, and shall transport such shipments to its own terminal at Atlanta, pursuant to the lawfully applicable rates, charges, rules and regulations of Dixie Ohio Express Co.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term

of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operation affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–34", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 12, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 5th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–10794; Filed, July 5, 1943; 10:47 a. m.]

[Supp. Order ODT 3, Revised–35]

E. A. SCHLAIRET TRANSFER CO., AND HAECKL'S EXPRESS, INCORPORATED

COORDINATED OPERATIONS BETWEEN POINTS IN OHIO

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property in less-than-truckload lots between points in Ohio, filed with the Office of Defense Transportation by E. A. Schlairet Transfer Co., a corporation, Mt. Vernon, Ohio, Haeckl's Express, Incorporated, Hamilton, Ohio, designated as Schlairet and Haeckl, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is *hereby ordered*, That:

1. Haeckl shall:

(a) Suspend its collection and delivery service at Marion and Delaware, Ohio, and at Columbus, Ohio, in respect of shipments destined to points on its route between Columbus and Marion;

(b) Suspend the transportation of all shipments over its route between Columbus and Marion, except shipments originating at points beyond Columbus which (i) due to size and weight are not susceptible of interchange or (ii) constitute a full truckload; and

(c) Divert to Schlairet at the latter's terminal at Columbus all shipments in less-than-truckload lots originating at points beyond Columbus and destined to Marion or intermediate points between Marion and Columbus, except such shipments which due to size and weight are not susceptible of interchange.

2. Schlairet shall:

(a) Accept and transport all shipments diverted to it by Haeckl pursuant to paragraph 1 hereof; and

(b) Accept from shippers and transport between Columbus and Marion and points intermediate thereto all shipments tendered to it on bills of lading of Haeckl and originating at and moving between any of such points, and perform collection and delivery service at Columbus in respect of such shipments.

3. Whenever Haeckl has equipment available at Marion or intermediate points between Marion and Columbus, such equipment shall be loaded by Schlairet with shipments destined to or routed through Columbus.

4. The carrier to which a shipment has been diverted shall transport such shipment pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

5. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

6. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

7. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

8. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rate, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

9. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

10. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–35", and unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

11. This order shall become effective July 12, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as

the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 5th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-10795; Filed, July 5, 1943; 10:47 a. m.]

[Supp. Order ODT 3, Revised-36]

SALEM NAVIGATION CO., AND REIMANN TRUCK SERVICE

JOINT FREIGHT SERVICE BETWEEN VANCOUVER, WASHINGTON, AND POINTS IN OREGON

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle by establishing a joint freight service in the transportation of property between Vancouver, Washington, and points in Oregon filed with the Office of Defense Transportation by Salem Navigation Co., a corporation, Portland, Oregon, and Reimann Truck Service, a corporation, Salem, Oregon, herein collectively designated as "carriers", as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. On such terms as may be agreed upon between the carriers or, if they fail to agree thereon, as the Office of Defense Transportation shall find to be just and reasonable, the carriers shall:

(a) Discontinue the use of separate terminals and staffs of office personnel at Portland and Salem, Oregon; and use jointly the terminal now used by Salem Navigation Co. at Portland and the terminal now used by Reimann Truck Service at Salem, and consolidate such staffs at those points; and

(b) Establish a joint service, designated as Joint Freight Service, in respect of (i) collection and delivery of shipments at Portland and Salem and (ii) line-haul transportation of shipments between Vancouver, Washington; Portland; Salem; and the site of Camp Adair, south of Monmouth, Oregon.

2. Salem Navigation Co. shall:

(a) Perform the line-haul transportation of all shipments for the Joint Freight Service;

(b) Suspend the collection and delivery of shipments at Portland and Salem and utilize the collection and delivery service performed by Reimann Truck Service at those points for the Joint Freight Service: *Provided,* That Salem Navigation Co. may perform such collection or delivery service whenever practicable in order to accomplish efficient and expeditious transportation of shipments; and

(c) In respect of shipments transported by the Joint Freight Service, be responsible for (i) rating bills of lading, (ii) preparing and abstracting freight bills, (iii) keeping necessary freight records, (iv) filing necessary reports, (v) handling and paying freight claims, (vi) settling advance and beyond charges with connecting freight carriers, (vii) collecting freight charges, and (viii) such other similar acts as are customarily required of operators of freight trucks.

3. Reimann Truck Service shall:

(a) Perform the collection and delivery of all shipments at Portland and Salem for the Joint Freight Service, except such shipments as may be collected or delivered by Salem Navigation Co. as provided in subparagraph (b) of paragraph 2 hereof;

(b) Suspend the line-haul transportation of shipments and utilize the line-haul transportation service performed by Salem Navigation Co. for the Joint Freight Service; and

(c) Constitute Salem Navigation Co. its agent for the performance of the acts specified in subparagraph (c) of paragraph 2 hereof.

4. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant to this order shall be as determined by the Office of Defense Transportation.

5. The records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

7. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

8. Contractual arrangements made between carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

9. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-36," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

10. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 5th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-10796; Filed, July 5, 1943; 10:47 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional, State and District Office Orders.

[Region I Order G-12 as Amended]

FLUID MILK IN MASSACHUSETTS

Order No. G-12 as amended (formerly Price Order 12) under § 1499.18 (c), as amended, of the General Maximum Price Regulation; special sales of fluid milk in Massachusetts.

The title and sections 1 to 4 are amended, and section 5 (a) is added, to read as set forth herein:

For reasons set forth in an opinion accompanying this order and pursuant to and under the authority vested in the Regional Office of Region I of the Office of Price Administration by § 1499.18 (c), of the General Maximum Price Regulation, as amended by Amendment 33, *It is hereby ordered:*

(1) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for fluid milk sold and delivered by contractors under contracts with the Agricultural Marketing Administration of the United States Department of Agriculture and the Commodity Distribution Division of the Department of Public Welfare of the Commonwealth of Massachusetts for distribution through retail stores in the City of Boston and its environs as relief milk are modified so that the maximum price for such standard milk, including all handling charges, in quart bottles for each such contractor shall be 10.8 cents per bottle: *Provided,* That until the effective date of any order or regulation of a Federal authority requiring a reduction in butterfat content of standard milk sold at retail in said Boston and its environs to less than 4 per cent, or permitting such a reduction without a corresponding reduction in price therefor, the maximum price of a contractor supplying such milk as aforesaid with a butterfat content of at least 4 per cent shall be 11 cents per quart bottle.

(2) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for fluid milk sold and delivered by the contractors listed below under contracts for the months of February to June 1943, inclusive, with the Agricultural Marketing Administration of the United States Department of Agriculture for distribution by the Commodity Distribution Division of the Department of Public Welfare of the Commonwealth of Massachusetts to school children in the city of Boston and its environs are modified so that the maximum price for such standard milk in one-half pint bottles for each such contractor shall be the price (per bottle) set forth below for the schools involved, as numbered in such contracts, plus one cent per one-half pint to be paid by the recipient of the milk.

Schools	Contractors	Price
1-10	Shawmut Dairy, Inc.	$0.0215
11	Shawmut Dairy, Inc.	.0175
12-24	Shawmut Dairy, Inc.	.0215
25	Shawmut Dairy, Inc.	.025
26-46	Shawmut Dairy, Inc.	.0215
47, 48	Shawmut Dairy, Inc.	.025
49, 50	Whiting Milk Co.	.0263
51	Jos. L. Griffin	.02475
54, 55	Shawmut Dairy, Inc.	.025
56, 62-66	Shawmut Dairy, Inc.	.0215
74	Whiting Milk Co.	.0263
105-108, 111-113	Jos. L. Griffin	.02475
114	Whiting Milk Co.	.0263
117-121	Jos. L. Griffin	.02475
131	Whiting Milk Co.	.0263
134	H. P. Hood & Sons	.025
135-138	Jos. L. Griffin	.02475
139	H. P. Hood & Sons	.02225
140-145	Jos. L. Griffin	.02475
146, 147	Whiting Milk Co.	.0263
155-157, 159-161	H. P. Hood & Sons	.025
166-170	Whiting Milk Co.	0263
171	H. P. Hood & Sons	.0225
174-177	H. P. Hood & Sons	.025
182	Whiting Milk Co.	.0263
183-185	Jos. L. Griffin	.02475
186	Shawmut Dairy, Inc.	.025
187	Whiting Milk Co.	.0263
188	Shawmut Dairy, Inc.	.025
192, 193	Whiting Milk Co.	.0263
194	Jos. L. Griffin	.02475
195-200	Lincoln Dairy	.0245
201-203	Frank Zecha	.0245
223-224, 226-236, 241	H. P. Hood & Sons	.02252625
242, 243	Shawmut Dairy, Inc.	.025 .02
244	H. P. Hood & Sons	.025
245-250	Shawmut Dairy, Inc.	.0215
251	Whiting Milk Co.	0263

If, during any delivery period, the minimum price, as established by the Secretary of Agriculture, to be paid producers for Class I fluid milk delivered at a plant located not more than 40 miles from the State House in Boston and disposed of by a contractor, is above or below $3.86 per cwt. for milk containing 3.7 per cent of butterfat, the maximum prices fixed in this order for half-pint bottles thereafter delivered shall be increased or decreased by an amount equal to the increase or decrease for a half-pint of such milk.

(3) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for fluid milk sold and delivered by contractors under contracts with the Food Distribution Administration of the United States Department of Agriculture and the Department of Public Schools of the City of Springfield, Massachusetts, for distribution to school children in said Springfield and its environs are modified so that the maximum price for such standard milk in one-half bottles for each such contractor shall be 3.16 cents per bottle. If, during any delivery period, the minimum price, as established by the Milk Control Board of the Commonwealth of Massachusetts, to be paid producers for fluid milk in said City is above or below $4.02 per cwt. for standard milk, the maximum price fixed in this Order for half-pint bottles thereafter delivered shall be increased or decreased by an amount equal to the increase or decrease for a half-pint of such milk. In the case of any such increase or decrease, each contractor who delivers such standard school milk shall, within ten days after the first delivery at the new price, report such new price in writing to the Regional Office of Region I of the Office of Price Administration.

(4) This Order G-12 as amended may be revoked or amended by the Regional Administrator of Region I at any time.

(5) *Effective date.* (a) This Order G-12 as amended shall become effective as of February 1, 1943, at 12: 01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O 9250, 7 F.R. 7871)

Issued this 9th day of February 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-10690; Filed, July 2, 1943; 3:36 p. m.]

[Region I Order G-14]

HARDWOOD-CORDWOOD AND FIREWOOD IN MASSACHUSETTS

Order No. G-14 under § 1499.18 (c) of the General Maximum Price Regulation; hardwood-cordwood and firewood in Massachusetts (formerly General Order No. 14).

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, *It is hereby ordered:*

(a) For hardwood-cordwood and hardwood-firewood sold and delivered in the Commonwealth of Massachusetts the maximum prices established by § 1499.2 of the General Maximum Price Regulation are modified, so that the maximum prices for hardwood-cordwood and hardwood-firewood sold and delivered therein in the transactions listed below shall be the prices (in dollars and cents) specified in the applicable schedule.

(1) For purposes of this order, the localities in the Commonwealth of Massachusetts have been allocated among seven zones, as defined below, and the maximum prices for hardwood-cordwood and hardwood-firewood sold and delivered in the localities in each zone shall be as follows:

(i) Hardwood-cordwood, in 4 foot lengths;

Zone	At roadside	Delivered at retailer's yard	Delivered at buyer's premises		
	Per cord	*Per cord*	*Per cord*	*One-half cord*	*One-fourth cord*
1	$10	$12	$12	$6.25	$3.50
2	11	13	15	7.75	4.25
3	13	15	17	8.75	4.75
4	14	17	19	9.75	5.25
5	15	17	20	10.25	5.50
6	-------	20	23	11.75	6.25
7	-------	-------	26	13.25	7.00

(ii) Hardwood-firewood in 12 inch, 16 inch and 24 inch lengths:

Zone	Delivered at retailer's yard	Delivered at buyer's premises			
	Per cut-up cord	*Per cut-up cord*	*One-half cut-up cord*	*One-quarter cut-up cord*	*1 to 5 cu. ft. Per cu. ft.*
1	$14	$14.00	$7.25	$4.00	$0.40
2	15	17.00	8.75	4.75	.40
3	17	19.00	9.75	5.25	.40
4	19	21.00	10.75	5.75	.40
5	20	23.00	11.75	6.25	.40
6	23	26.00	13.25	7.00	.40
7		28.50	15.00	8.00	.40

(2) The terms used in the above schedules are defined as follows:

(i) "Cordwood" means any wood 4 feet in length, including half the kerf, intended for consumption as fuel, and so prepared that at least 80% consists of cleft wood or merchantable body wood in the round of desirable species.

(ii) "Firewood" means any wood cut to any lengths less than 4 feet and more than 8 inches, and prepared and intended for consumption as fuel.

(iii) "Hardwood" means any wood cut from any deciduous tree.

(iv) "Delivered" means deposited on or at the premises designated by the buyer.

(v) "Cord" means the Massachusetts statutory unit of measure consisting of 128 cubic feet or the equivalent of a pile closely stacked 8 feet in length, 4 feet in width and 4 feet in height.

(vi) "Cut-up cord" means the unit of measure consisting of the amount of firewood cut from a cord of 4 foot wood; *Provided, however,* That a "cut-up cord" of 12-inch or 16-inch wood shall contain no less than 96 cubic feet, and *Provided,* That a "cut-up cord" of 24-inch wood shall contain no less than 104 cubic feet.

(3) Sales and deliveries of hardwood-cordwood and hardwood-firewood shall be made only in the following units of measure:

(i) Hardwood-cordwood—one cord or any multiple thereof; one-half cord; one-quarter cord.

(ii) Hardwood-firewood—one "cut-up cord" or any multiple thereof; one-half "cut-up cord"; one-quarter "cut-up cord"; one to five cubic feet.

(iii) Fractions of the above units of measure (except cubic feet) may be sold at a directly proportionate reduction in price from the price of the next larger unit of measure for which a price is fixed in this order.

(4) A service charge may be added by the seller if, at the buyer's request, the seller shall carry the wood into the buyer's house or any of his covered outbuildings and neatly stack or pile the wood therein, as follows:

(i) A charge at the rate of $1.25 per full cord or "cut-up cord" and proportionately for additional fractions thereof may be added.

(ii) A charge of $1.00 per half cord or "cut-up cord" and $.75 per quarter cord or "cut-up cord" may be added.

(iii) For other fractions of the above units of measure between one cord or "cut-up cord" and one quarter cord or "cut-up cord", a charge at a directly proportionate reduction in price from the service charge fixed for the next larger unit of measure may be added.

(iv) No service charge may be added to the maximum price for sales and deliveries of quantities of less than one quarter cord or "cut-up cord."

(5) Any seller of wood subject to this order shall cause a certificate (a sales slip or memorandum) to be issued and delivered to the purchaser or his agent at the time of delivery of the wood, which shall show:

(i) The date of the sale.

(ii) The names and addresses of the buyer and seller.

(iii) The quantity of cordwood sold, in terms of cords, or the quantity of firewood sold, in terms of "cut-up cords", or of cubic feet.

(iv) The total price of the wood.

(v) The stacking, piling and carrying charge, if such service has been requested.

(6) The price limitations set forth in this order shall not be evaded, either by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to hardwood-cordwood and hardwood-firewood in the Commonwealth of Massachusetts, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise. Specifically, the following practices are forbidden, without limiting the generality of the foregoing:

(i) No seller shall require as a condition of any sale or delivery of such wood that the buyer use the services of the seller in carrying, stacking or piling the purchased wood on the premises of the buyer.

(ii) No seller shall increase prices by any charge for the extension of credit, or by any decrease in the time customarily allowed for payment.

(b) The counties, cities and towns in the Commonwealth of Massachusetts are allocated for purposes of this order into zones as follows:

Barnstable County: Zone 3.
Berkshire County:
  Zone 2: Pittsfield.
  Zone 1: All other.
Bristol County:
  Zone 3: Fall River and New Bedford.
  Zone 2: All other.
Dukes County: Zone 3.
Essex County:
  Zone 1: Amesbury, Georgetown, Groveland, Ipswich, Newbury, Newburyport, Rowley, Salisbury, and West Newbury.
  Zone 2: Boxford, Merrimac, and Methuen.
  Zone 3: Andover, Essex, Hamilton, Haverhill, Lawrence, North Andover, and Topsfield.
  Zone 4: Danvers, Gloucester, Manchester, Middleton, Rockport, and Wenham.
  Zone 5: Beverly, Lynnfield, Marblehead, Peabody, Salem, and Swampscott.
  Zone 6: Lynn, Nahant, and Saugus.
Franklin County: Zone 1.
Hampden County:
  Zone 2: Chicopee, Hampden, Holyoke, Ludlow, Southwick, Westfield, and Wilbraham.
  Zone 3: Agawam, East Longmeadow, Longmeadow, Springfield, and West Springfield.
  Zone 1: All other.
Hampshire County:
  Zone 2: Easthampton, Northampton, Southampton, and South Hadley.
  Zone 1: All other.
Middlesex County:
  Zone 1: Ashby, Groton, Pepperell, Shirley, and Townsend.
  Zone 2: Ayer, Boxborough, Dracut, Dunstable, Littleton, Tyngsborough, and Westford.
  Zone 3: Ashland, Acton, Carlisle, Chelmsford, Holliston, Hopkinton, Hudson, Lowell, Marlborough, Maynard, Stow and Tewksbury.
  Zone 4: Bedford, Billerica, Concord, Framingham, Natick, North Reading, Sherborn, Sudbury, Wayland, and Wilmington.
  Zone 5: Burlington, Lexington, Lincoln, Reading, Weston, and Woburn.
  Zone 6: Arlington, Belmont, Malden, Medford, Melrose, Newton, Stoneham, Wakefield, Waltham, Watertown, and Winchester.
  Zone 7: Cambridge, Everett, and Somerville.
Nantucket County: Zone 3.
Norfolk County:
  Zone 2: Bellingham, Foxborough, Franklin, Plainville, and Wrentham.
  Zone 3: Avon, Holbrook, Medway, Millis, Norfolk, Sharon, and Stoughton.
  Zone 4: Cohassett, Medfield, Walpole, and Weymouth.
  Zone 5: Braintree, Canton, Dedham, Dover, Needham, Norwood, Randolph, Wellesley, and Westwood.
  Zone 6: Milton and Quincy.
  Zone 7: Brookline.
Plymouth County:
  Zone 3: Abington, Brockton, Hanover, Norwell, Rockland, Scituate, and Whitman.
  Zone 4: Hingham and Hull.
  Zone 2: All other.
Suffolk County: Zone 7.
Worcester County:
  Zone 2: Auburn, Blackstone, Boylston, Fitchburg, Grafton, Holden, Hopedale, Leicester, Leominster, Mendon, Milford, Millbury, Millville, Paxton, Shrewsbury, Uxbridge, and West Boylston.
  Zone 3: Southborough and Worcester.
  Zone 1: All other.

(c) This order may be revoked, amended or corrected at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) This order shall supersede Massachusetts Price Order No. 1, issued October 1, 1942, as to all sales or deliveries for which maximum prices are fixed by this Order No. G–14 on and after its effective date.

This order shall become effective February 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of February 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–10689; Filed, July 2, 1943; 3:36 p. m.]

[Region I Order G–14, Amdt. 1]

HARDWOOD-CORDWOOD AND FIREWOOD IN MASSACHUSETTS

Amendment No. 1 to Order No. G–14 (formerly General Order No. 14) under § 1499.18 (c), as amended, of the General Maximum Price Regulation; hardwood-cordwood and firewood in Massachusetts.

For reasons set forth in an opinion accompanying this order and pursuant to and under the authority vested in the Regional Office of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, *It is hereby ordered,* That paragraph (b) be amended by deleting therefrom the words *"Nantucket County*—Zone 3" and substituting therefor the words *"Nantucket County*—Zone 6"; the statement of the effective date of Order No. G–14 be designated (f) and a new paragraph (g) be added:

(b) • • •

Nantucket County—Zone 6

• • • • •

(g) (1) Amendment No. 1 shall be effective March 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–10688; Filed, July 2, 1943; 3:36 p. m.]

RAILROAD RETIREMENT BOARD.

MUNICIPAL DOCKS RAILWAY, JACKSONVILLE, FLA.

ORDER REOPENING INITIAL DETERMINATION

Order reopening General Counsel's initial determination on status of Municipal Docks Railway of the City of Jacksonville, Florida, under the Railroad Unemployment Insurance Act.

Whereas the General Counsel on February 26, 1943, issued an opinion L–43–163 on the basis of information submitted by Municipal Docks Railway (sometimes called Municipal Docks and Terminals Railway) of the City of Jacksonville and secured by the General Counsel from the files of the Interstate Commerce Commission, determining that Municipal Docks Railway of the City of Jacksonville, Florida, as a separable and identifiable enterprise of said City of Jacksonville, was on August 29, 1935, and thereafter has been at all times a carrier by railroad subject to Part I of the Interstate Commerce Act, and, as such, an employer under the Railroad Retirement Acts and the Railroad Unemployment Insurance Act; and

Whereas said Municipal Docks Railway on April 1, 1943, submitted to the General Counsel a statement dated March 18, 1943, questioning the correctness of this determination, and on May 26, 1943, submitting a petition to the Railroad Retirement Board dated May 21, 1943; and

Whereas in accordance with § 319.40 of Part 319 of the regulations governing proceedings under section 5 (c) of the Railroad Unemployment Insurance Act, the General Counsel on June 30, 1943, entered a general order awarding benefits on the basis of compensation earned in the service of Municipal Docks Railway subject to a right of recovery of any benefits paid pursuant to such order as provided in section 5 (c) of the Railroad Unemployment Insurance Act:

Now, therefore, the General Counsel, pursuant to the authority vested in him by Part 319 of the regulations, *Orders and directs,* That:

(1) The General Counsel's determination of February 26, 1943, that Municipal Docks Railway, as a separable and identifiable enterprise of the City of Jacksonville, is an employer under the Railroad Unemployment Insurance Act be, and it hereby is, reopened for further consideration and proceedings in accordance with Part 319 of the regulations; and that

(2) The information and argument heretofore submitted to the General Counsel and to the Board by Municipal Docks Railway and information heretofore obtained on his own initiative by the General Counsel from the files of the Interstate Commerce Commission shall constitute the record in the proceeding under the Railroad Unemployment Insurance Act, and the determination of Municipal Docks Railway's employer status under the Railroad Unemployment Insurance Act shall proceed on the basis of such record unless on or before July 20, 1943, any properly interested party expresses an intention to submit additional evidence or to present argument in accordance with §§ 319.42 and 319.45 of the regulations.

[SEAL] JOSEPH H. FREEHILL,
General Counsel.

JUNE 30, 1943.

[F. R. Doc. 43–10696; Filed, July 2, 1943; 4:01 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–748]

BRADDOCK LIGHT & POWER CO., INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of July, 1943.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Braddock Light & Power Company, Incorporated, a public utility subsidiary of The North American Company, Washington Railway and Electric Company and Washington and Rockville Railway Company of Montgomery County, all registered holding companies; and

Notice is further given that any interested persons may, not later than July 10th, 1943 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said application or declaration, which is on file in the office of said Commission for a statement of the transaction therein proposed, which is summarized below:

Braddock Light & Power Company, Incorporated, proposes to issue eight unsecured negotiable promissory notes, non-interest bearing, each for the sum of $3,409.56, aggregating $27,276.48, each of said notes to be dated July 15, 1942 (or such subsequent date as may be desirable or necessary) two each of said notes to mature respectively, July 15, 1943, July 15, 1944, July 15, 1945, and July 15, 1946. Said notes will be given at the time of issuance thereof to the holders of, and in substitution for, like notes theretofore issued to certain non-affiliated persons as part payment for approximately 14 acres of land in Alexandria City, Virginia, intended for future use as a generating station site, whereupon the previously-issued notes will be acquired by Braddock and will forthwith be cancalled and retired. It is stated that the notes will not be issued until authority therefor has been secured from the State Corporation Commission of Virginia.

Section 6 (b) of the Act has been designated as being applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–10694; Filed, July 2, 1943; 4:01 p. m.]

[File No. 59–39]

NORTH AMERICAN LIGHT & POWER CO. HOLDING-COMPANY SYSTEM AND NORTH AMERICAN CO.

NOTICE OF FILING OF PETITION FOR EXTENSION OF TIME AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of July, 1943.

The Commission having entered its order herein on December 30, 1941 pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directing that North American Light & Power Company shall be liquidated and its existence terminated, and further

directing that North American Light & Power Company and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of North American Light & Power Company in a manner consistent with the provisions of said Act; and

The Commission having extended the time for compliance with such order for a period of six months from January 22, 1943 (Holding Company Act Release No. 4066):

Notice is hereby given that on June 21, 1943 North American Light & Power Company filed a petition requesting the entry of a further order by this Commission under section 11 (c) of the Act extending for an additional year from July 22, 1943, the time for compliance with the order of December 30, 1941 above described.

All interested persons are referred to said petition which is on file in the office of the Commission for full details concerning the petition.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said petition and for other purposes;

It is ordered, That a hearing in this proceeding shall be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 o'clock a. m., e. w. t., on the 19th day of July, 1943, in such room as may be designated on such date by the Hearing Room Clerk.

All persons desiring to be heard or otherwise wishing to participate in the hearing, should notify the Commission in the manner provided by the Commission's Rules of Practice, Rule XVII on or before July 17, 1943.

At said hearing there will be considered (1) whether North American Light & Power Company has exercised due diligence in its efforts to comply with the Commission's order of December 30, 1941, and whether an extension of time for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers, and (2) whether the above-described petition should be granted.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to North American Light & Power Company and The North American Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10693; Filed, July 2, 1943; 4:01 p. m.]

[File No. 70-750]

SCRANTON-SPRING BROOK WATER SERVICE COMPANY

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2nd day of July, A. D. 1943.

Notice is hereby given that an application and declaration have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Scranton-Spring Brook Water Service Company, a subsidiary of Federal Water and Gas Corporation, a registered holding company; and

Notice is further given that any interested persons may, not later than July 12, 1943 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application and declaration as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said application and declaration, which are on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Scranton-Spring Brook Water Service Company proposes to purchase from time to time but prior to December 31, 1943, all or any part of a maximum of $500,000 principal amount of its First Mortgage and Refunding 5% Gold Bonds, Series A, due August 1, 1967, and Series B, due August 1, 1961, for cash at prices not in excess of the call price in effect at the date of purchase. It is proposed to purchase bonds, Series A and Series B, in the open market at market prices current at the time of purchase. The bonds to be purchased will be cancelled or retired.

Sections 1) and 12 (c) of the Act and Rule U-42 promulgated thereunder have been designated as being applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10719; Filed, July 3, 1943; 9:56 a. m.]

[File Nos. 52-22, 52-18]

STANLEY CLARKE, ET AL.

NOTICE OF FILING AND ORDER FOR CONSOLIDATION AND HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of June 1943.

In the matter of Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, File No. 52-22; Henry A. Stix, Associated Gas and Electric Company, Associated Gas and Electric Corporation, File No. 52-18.

Notice is hereby given that an application has been filed by Stanley Clarke, Trustee of Associated Gas and Electric Company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 (the Act) for the approval of a plan of reorganization of the mentioned companies. Copies of this application are available for the inspection of all interested persons in the office of this Commission. A specification of the parties involved and a summarization of the filing follow:

I

Both the Associated Gas and Electric Company (Ageco) and Associated Gas and Electric Corporation (Agecorp) are public utility holding companies registered under the Act. On January 10, 1940, Ageco and Agecorp, being unable to meet their maturing obligations, filed petitions for reorganization under Chapter X of the Bankruptcy Act. In the reorganization proceedings, which are pending in the United States District Court for the Southern District of New York, Stanley Clarke is the Trustee for Ageco and Denis J. Driscoll and Willard L. Thorp are the Trustees for Agecorp. Denis J. Driscoll and Willard L. Thorp are a holding company registered under the Act. All of the common stock of Agecorp is held by the Trustee for Ageco which is the top company in the Associated System. Agecorp (the Agecorp Trustees) is the immediate parent of three major public utility holding companies (registered under the Act) and of various other holding and miscellaneous companies. The three major holding companies, NY PA NJ) , General Gas & Electric Corporation (Gengas), and Associated Electric Company (Aelec), control, in turn, electric and gas subsidiaries in some twenty states and in the Philippine Islands. The principal operating subsidiaries thus controlled directly or indirectly by Ageco and Agecorp are:

A. Subsidiaries of NY PA NJ:

1. Metropolitan Edison Company, furnishing electricity, gas, and steam in the eastern part of Pennsylvania;

2. New Jersey Power & Light Company, furnishing electricity and gas in western New Jersey;

3. New York State Electric & Gas Corporation, furnishing electricity, gas, steam, and transportation in central and scattered areas of New York;

4. Northern Pennsylvania Power Company, furnishing electricity, gas, and steam in northern Pennsylvania;

5. Rochester Gas and Electric Corporation, furnishing electricity, gas, and steam in western New York; and

6. Edison Light and Power Company, furnishing electricity in southern Pennsylvania.

New Jersey Power & Light Company holds 32.39% of the controlling securities of Jersey Central Power & Light Company, which furnishes electricity and gas in northern and eastern New Jersey. Through system ownership of National Public Service Company debentures, the beneficial interest in substantially all of the remaining common stock is system-owned.

B. Subsidiaries of General Gas & Electric Corporation:

1. Eastern Shore Public Service Company, which furnishes, by itself and through its subsidiaries, electricity, gas, and ice in Delaware, Maryland, and Virginia;

2. Florida Power Corporation and Florida Public Service Company, which furnishes electricity, gas, ice, and water in Florida;

3. Georgia Power and Light Company, which furnishes electricity and water in Georgia;

4. South Carolina Electric and Gas Company, which furnishes electricity, gas, and transportation in South Carolina;

5. Virginia Public Service Company, which furnishes electricity, gas, and water in Virginia.

C. Subsidiaries of Associated Electric Company:

1. Pennsylvania Electric Company, which furnishes electricity, gas, and steam in western Pennsylvania.

2. Manila Electric Company and Escudero Electric Service Company. (The properties of these companies are in the Philippine Islands.)

The application of the Trustees recognizes that many of the foregoing properties cannot be retained in a single holding company system, and that in any case the corporate grouping of certain of the properties should be rearranged. Although the Plan does not set forth the specific steps to be taken either by the Trustees or by the reorganized company for the purpose of effectuating the necessary system reconstruction, the application indicates a tentative program which the Trustees deem appropriate for integrating the properties on a sound business and financial basis and in compliance with the requirements of section 11 (b) (1) of the Act. In this connection, the Trustees recognize also that the ultimate capital structure of the reorganized company (referred to in the Plan and hereafter in this Notice and Order as the Surviving Company) must be such as to facilitate and not to impede such a program.

II

As at March 31, 1943, Agecorp and Ageco had outstanding the following securities:

	Principal amount outstanding 3/31/43
Agecorp:	
8% Eight Yr. Gold Bonds due March 15, 1940	[a] $8,337,510.00
Agecorp Fixed Interest Debentures due 1978	24,307,765.00
Agecorp Income Debentures due 1978	139,240,755.00
Total debt obligations of Agecorp	171,886,030.00

[a] Includes $474,000 principal amount held by NY PA NJ.

	Principal amount outstanding 3/31/43
Ageco:	
Ageco Fixed Interest Debentures	$58,994,830.69
Ageco 5% Income Debentures due 1983	12,000.00
Ageco Sinking Fund Income Debentures due 1983	1,217,630.00
Ageco Sinking Fund Income Debentures due 1986	6,918,410.00
Ageco Convertible Obligations	42,089,844.00
Ageco Scrip, matured or maturing after January 10, 1940	10,380,712.36
Total Debt Obligations of Agecorp and Ageco	291,499,457.05
Ageco:	*Shares*
Preferred Stock	509,510.2257
Preference Stock	1,149,248.4
Class A Stock	4,434,354.1322
Class B Stock	607,953.
Common Stock	1,085,549.1809

In addition to the foregoing, there remained outstanding in the hands of the public, at March 31, 1943, $4,777,687 principal amount of Convertible Debenture Certificates, Old Convertible Obligations, and Convertible Certificates called for conversion into cumulative preferred and preference stocks. None of these securities is shown to be outstanding on the books of Ageco; however, the amounts of preferred stock and preference stock represented as outstanding include the shares into which unsurrendered Convertible Debenture Certificates, Convertible Certificates, and Old Convertible Obligations were purportedly converted by Ageco.

Senior to the foregoing securities and to claims of general creditors (of an indeterminate amount) are Trustees' Certificates, taxes, and administration expenses, also of an indeterminate aggregate amount.

On February 28, 1941, Ageco filed a petition in the Agecorp reorganization proceedings attacking, among other things, the validity of a Plan of Rearrangement of Debt Capitalization offered by Ageco to its fixed interest debenture holders on May 15, 1933. The ensuing litigation, known as the Recap Litigation, was conducted before the Honorable Frederick E. Crane, who was appointed by the Reorganization Court to serve as Special Master. Before this litigation had been concluded, the Trustees of Ageco and Agecorp proposed a plan for compromise which would, in effect, resolve the conflicting claims of all Ageco and Agecorp creditors and security holders. This proposal (hereinafter called the Recap Compromise) has been referred to the same Special Master for his report upon its fairness; hearings on the Recap Compromise are now in progress.

The Plan would give effect to the Recap Compromise as proposed with one minor modification; the treatment which it (and the Plan) proposes to accord the claimants against the estates is discussed in IV below.

III

The provisions of the Plan may be summarized as follows:

Either Ageco, Agecorp, or any corporation now in the Associated system or a new corporation, whichever may appear to be advisable in the interest of security holders, will succeed to the assets of the two estates.

The capitalization of the Surviving Company shall include:

	Authorized	Estimated to be outstanding on consummation of the plan
New Senior Debt	$11,000,000	$11,000,000
New Common Stock $5 Par Value	*Shares* 7,750,000	*Shares* 7,500,000

In addition, the capitalization may include an estimated $8,000,000 principal amount of New Debentures, to be used to discharge the claims of the 8's of 1940.

The precise terms of the new securities of the Surviving Company are not set forth in the Plan, but may be described in general as follows: The New Senior Debt may be represented in whole or in part by a bank loan or by short term bonds, debentures, or other obligations, secured or unsecured, which may be sold, publicly or privately, with or without underwriting, as may be feasible. Provisions as to maturity, interest rate, amortization, security, and the like are to be supplied by amendment to the Plan. The New Debentures will be subordinated to the New Senior debt both as to principal and interest; the Plan provides merely that their terms and conditions "will be such that the holders of Ageco 8's of 1940 will receive full compensatory treatment of their claims to the extent recognized by the Recap Compromise". The New Common Stock is to have a par value of $5 per share and shall be entitled to one vote per share for all purposes, voting cumulatively for the election of directors. Application will be made to list the New Common Stock on a national securities exchange.

IV

The Plan proposes the following treatment to be accorded the various claims against the estates and debtors:

Administration expenses, trustees' certificates, and state and local taxes are to be paid in cash.

Claims for all Federal taxes (exclusive of amounts which may be due under Titles VIII and IX of the Social Security Act) for the years 1934–1939, inclusive, are to be settled and discharged by the payment of $750,000 in cash within ninety days after the entry of an order of the Court confirming the Plan (or, in the event of an appeal from such order, within ninety days after the date when such order, following its affirmance, shall have ceased to be subject to further review). Ageco, Agecorp, the Trustees, and the Surviving Company shall also waive

any and all claims for refunds or credits in respect of all Federal taxes (other than taxes paid under Titles VIII and IX of the Social Security Act) for the taxable years 1934–1939, inclusive. All other Federal tax liabilities of Ageco and Agecorp, in such amounts as may be finally determined by settlement or otherwise, shall be paid in cash.

The holders of the 8's of '40 shall be entitled to receive, with respect to each $100 principal amount, New Debentures having an aggregate principal amount equal to the sum of $102.56 plus interest at the rate of 4% per annum on $100 from July 10, 1943, to the effective date of the Plan. It provides in the alternative that the claims of the holders of the 8's of '40 may be satisfied by the distribution of securities of a company or companies in the Associated System other than the Surviving Company, and that the Trustees will specify, by an amendment to the Plan, which alternative shall be effective and the terms and conditions thereof.

General creditors of the estate and holders of the following described securities of Ageco or Agecorp, as the case may be, shall receive, for each $100 of principal amount and all right to interest thereon (or each share of stock and dividends thereon, as the case may be) to the effective date of the Plan, the number of shares of New Common Stock indicated below. No fractional shares of New Common Stock will be issued; scrip will be issued in lieu of fractional shares and the Plan provides that the Surviving Company may make appropriate provision for making scrip readily marketable.

Participating security	*No. of shares of new common stock*
1. Agecorp '73's:	
5½% Series	6.66
5% Series	6.58
4½% Series	6.54
4% Series	6.51
2. Agecorp '78's:	
4½% Series	3.06
4% Series	3.00
3¾% Series	2.98
3½% Series	2.96
3. Ageco Fixed Interest Debentures:	
6% Convertible Investment Certificates, extended to 1943	2.61
5½% Convertible Investment Certificates, extended to 1943	2.57
5½'s of '77	2.61
5's of '68	2.55
5's of '65	2.53
5's of '50	2.57
4½'s of '58	2.51
4½'s of '49	2.53
4½'s of '48	2.51
4's of '83	2.46
4. Ageco 5% Income Debentures Due 1983	2.55
5. Ageco Sinking Fund Income Debentures Due 1983:	
Series A—5½%	2.08
Series B—5%	2.04
Series C—4½%	1.99
Series D—4%	1.97
6. Ageco Sinking Fund Income Debentures Due 1986:	
Series A—5½%	2.01
Series B—5%	1.97
Series C—4½%	1.93
Series D—4%	1.91
7. The Following Unsurrendered Securities of Ageco:	
6½% Convertible Debenture Certificates Series B (Manila Series)	1.07
6½% Convertible Debenture Certificates Series C (Manila Series)	1.07
6% Convertible Debenture Certificates Series B	1.03
6% Convertible Debenture Certificates Series C	1.03
6% Convertible Debenture Certificates Series D	1.03
6% Convertible Debenture Certificates Series E	1.03
6% Convertible Debenture Obligations Series F	1.03
6% Convertible Debenture Certificates Series A	1.03
6% Convertible Debenture Certificates Series B of 1929	1.03
6% Convertible Debenture Certificates 1931 Series	1.03
8. Such of the following securities of Ageco as were issued in exchange for the securities enumerated in Item 7 and as remain in the hands of Original Holders:	
7% Convertible Obligations due 2002, Series A	.51
6½% Convertible Obligations due 2002, Series A	.51
6% Convertible Obligations due 2002, Series A	.51
6% Convertible Obligations due 2002, Series B	.51
$6 Dividend Series Preferred Stock (per share)	.51
$6.50 Dividend Series Preferred Stock (per share)	.51
$7.00 Dividend Series Preferred Stock (per share)	.51
$6 Cumulative Preference Stock (per share)	.51
9. General Claims	2.14

V

The Plan provides no participation in the Surviving Company for the holders of any of the securities listed below, except as provided in Item 8 of the preceding table:

	Principal amount outstanding March 31, 1943
Convertible Obligations due 2002:	
Series A: 7%, 6½%, 6% Series B: 6%	$8,850,616.00
Series A: 5½%	338,328.00
5%	12,900,900.00
Total	22,089,844.00
Interest Bearing Scrip Issued and Outstanding:	
7% due	
February 15, 1938	44,384.92
March 1, 1938	42,780.65
May 15, 1938	46,937.66
June 1, 1938	46,828.30
4% due	
October 1, 1941	515,700.00
November 1, 1941	2,066,200.00
December 1, 1941	2,085,500.00
February 15, 1942	98,700.00
March 1, 1942	102,700.00
May 15, 1942	32,200.00
June 1, 1942	103,100.00
August 15, 1942	95,500.00
September 1, 1942	105,400.00
Consolidated Scrip:	
4% due June 15, 1944	1,002,700.00
4½% due June 15, 1947	481,000.00
Total	6,929,731.53
Non-interest Bearing Scrip Issued and Outstanding:	
Due	
October 1, 1941	449,620.52
November 1, 1941	960,606.22
December 1, 1941	960,592.48
February 15, 1942	99,147.02
March 1, 1942	207,217.97
May 15, 1942	106,868.54
June 1, 1942	218,939.66
August 15, 1942	129,979.05
September 1, 1942	239,988.85
Consolidated Scrip:	
June 15, 1944	58,046.90
June 15, 1947	19,973.62
Total	3,450,980.83

	Shares outstanding (Exclusive of shares in Treasury)	
Preferred Stock, no Par Value:		
Original Series—Cumulative ($3.50)	33,372	$1,668,600.00
$5.00 Dividend Series—Cumulative	206,388.2257	20,638,822.57
$5.50 Dividend Series—Cumulative	40	4,000.00
$6.00 Dividend Series—Cumulative	117,520	11,752,000.00
$6.50 Dividend Series—Cumulative	55,148	5,514,800.00
$7.00 Dividend Series—Cumulative	97,042	9,704,200.00
Preference Stock, no Par Value:		
$4.00 Cumulative Preference	759,960.2	37,998,010.00
$5.00 Cumulative Preference	25	2,500.00
$5.50 Cumulative Preference	10,834.2	1,083,420.00
$6.00 Cumulative Preference	871,657	87,165,700.00
$6.50 Cumulative Preference	6,772	677,200.00
Total Preferred and Preference Stocks		126,209,252.57
Less Original Holders Entitled to Participation (estimated)		1,750,000.00
		124,459,252.57
Class A Stock, Par Value $1 per Share	4,434,354.1322	
Class B Stock, Par Value $1 per Share	607,953	
Common Stock, Par Value $1 per Share	1,085,549.1609	
Optional Stock Purchase Warrants—New	3,957.5 units	
Common Stock Purchase Warrants, attached to Agecorp 8s of '40	79,381.5	

The Plan provides that the affairs of the Surviving Company shall be managed by a Board of Directors who shall be elected at each annual meeting of stockholders. It further provides that the number and names of the persons who will act as directors to hold office until the first annual meeting of stock-

holders following the consummation of the Plan (and until the election and qualification of their successors) will be included in an amendment to Plan. The by-laws of the company shall provide for an executive committee whose members are to be elected by the Board of Directors. The first officers of the Surviving Company will be selected and appointed by the Board of Directors with the approval of the Court. Their successors are to be appointed as may be provided in the charter or by-laws. The by-laws, which shall not be subject to amendment except by vote of the stockholders, shall fix the compensation of the members of the Board of Directors, and of the executive committee, other than salaried officers.

VI

The Plan as submitted by the Trustees assumes not only that the Recap litigation and its related controversies will be settled by compromise, but also that the following major problems will be disposed of in the manner indicated:

1. It is assumed that the Secretary of the Treasury, pursuant to section 199 of the Bankruptcy Act, will accept the Plan, thus settling the claim of the United States Government against Ageco and Agecorp for taxes for the years 1934–1939, inclusive, and that Federal income and excess profits tax returns filed by the Trustees for the years 1940 and 1941, and the consolidated income and excess profits tax returns for the year 1942 will be accepted substantially as filed, and that the consolidated liability of the Ageco affiliated group for the year 1943 will be determined on substantially the same basis.

2. Utilities Employees Securities Company (Uesco), organized in 1931 to serve, among other things, as an investment medium for the employees of the Associated System, now holds $36,045,355 principal amount of various issues of the debt securities of Ageco and Agecorp, and is the largest single creditor of both estates. The Trustees have interposed objections to the claims of Uesco based on these holdings, and the Ageco Trustee has instituted suit against Uesco. In order to settle these and other controversies Uesco entered into an agreement with Ageco and Agecorp (and various of their subsidiaries and with New England Gas and Electric Association) on June 4, 1943, providing for the liquidation of Uesco, and in that connection for the limited participation of Uesco in the reorganization of Ageco and Agecorp. (The details of this agreement are stated in a notice to be distributed to the security holders of Ageco and Agecorp, pursuant to an order of the United States District Court for the Southern District of New York.) The Plan assumes that the contract and the transactions proposed therein will receive the approval of this Commission and of the Court.

3. The Trustees, pursuant to section 11 (e) of the Act, have submitted a plan for the reorganization of General Gas & Electric Corporation (Gengas). The Trustees have assumed that this Gengas plan, in substantially the form submitted, will be approved by this Commission and a court of competent jurisdiction.

4. Finally, it is assumed that at the effective date of the Plan there will be no restrictions imposed by Federal or State commissions, litigation, or otherwise, on the flow of cash from the operating companies to the Surviving Company or upon the Surviving Company's disposition of its income, which would materially impair the ability of the Surviving Company to support its capital structure or otherwise to make the Plan unfeasible. To accomplish these purposes the Trustees, in their introductory Statement to the Plan suggest the program for the reconstruction of NY PA NJ set forth below. Although this program is tentative, and its consummation is not a condition to the Plan (the Trustees reserving the right to modify or abandon it), the pro forma consolidated balance sheet and income statement for the Surviving Company and its subsidiaries (attached to the Plan as Exhibits) gives effect to its consummation. This program is as follows:

a. NY PA NJ is to transfer its investment in Keystone Public Service Company, Bradford Electric Company, and Pennsylvania Edison Company to Associated Electric Company or to that company's subsidiary, Pennsylvania Electric Company. (Filings in regard to these transactions have already been made with the Commission. File Nos. 70–549, 70–551, 70–563, 70–602, 70–604.)

b. New York State Electric & Gas Corporation is to retire $2,500,000 principal amount of its 3¾% First Mortgage Bonds.

c. Rochester Gas and Electric Corporation is to redeem 27,000 shares (the entire issue) of its outstanding Series C $6 Preferred Stock, and 11,871 shares Series D $6 Preferred Stock. (Filings in regard to this transaction have been made with this Commission—File No. 70–720.)

d. New Jersey Power & Light Company is to retire $600,000 principal amount of its First Mortgage Bonds, 4½% Series of 1960.

e. Ultimately, New Jersey Power & Light Company is to acquire all or the major portion of the shares of common stock of Jersey Central Power & Light Company.

f. NY PA NJ is to purchase from New Jersey Power & Light Company 8,710 shares of Metropolitan Edison Company Cumulative Preferred Stock.

g. NY PA NJ is to purchase from Metropolitan Edison Company the following securities:

$15,778,500 principal amount of The Mohawk Valley Company 6's of 1981;

$327,500 principal amount of NY PA NJ 5's of 1956;

100,000 shares of common stock of Staten Island Edison Corporation.

h. NY PA NJ is to purchase from New York State 2,725 shares preferred stock of Staten Island Edison Corporation.

i. The reorganization of York Railways Company is to be completed, pursuant to a plan providing for the consolidation of its subsidiaries (Edison Light and Power Company and York Steam Heating Company) with Glen Rock Electric Light and Power Company. Metropolitan Edison Company is to acquire the consolidated group by providing the additional necessary cash.

j. Metropolitan Edison Company is to purchase from NY PA NJ 35,729 shares of Metropolitan Edison Company Cumulative Preferred Stock.

k. Metropolitan Edison Company is to retire its following outstanding securities:

$5,000,000 principal amount 4½% Series D First Mortgage Bonds;

97,536 shares Prior Preferred Stock;

17,361 shares Cumulative Preferred Stock.

l. Metropolitan Edison Company is to reclassify the remaining 60,000 shares of its Cumulative Preferred Stock held by NY PA NJ into $5 Preferred Stock which NY PA NJ sells.

m. NY PA NJ is to retire all of its debt and preferred stock except bonds or other obligations which will then be vested in either Agecorp, Associated Utilities Corporation, a subsidiary of Agecorp, or the Surviving Company.

Notice is further given that Henry A. Stix, representing himself to be a holder of securities of Ageco and Agecorp has filed an application for approval of a plan of reorganization for these debtors. All interested persons are referred to said application which is on file in the office of this Commission for a detailed statement of the terms of the plan, which is summarized as follows:

1. A new corporation to be organized to acquire all the assets held by the Ageco and Agecorp Trustees.

2. The new corporation is to issue various series of certificates of indebtedness aggregating $24,495,000, in payment of the following items: Trustees Certificates; expenses of liquidation, including attorneys fees; the 8's of '40, and accrued interest thereon; the notes and bonds of Uesco; and reimbursement of contributions made to Uesco by companies in the Associated and New England Gas and Electric Association systems.

3. The new corporation is to issue 2,991,752,235 shares of common stock to be distributed as follows:

1 1/10 shares for each $50 face amount of Agecorp Fixed Interest Debentures due 1973 ($25,122,300 face amount at December 31, 1939)	552,690.6
1 1/10 shares for each $100 face amount of Agecorp Income Debentures due 1978 ($144,723,815 at December 31, 1939)	1,591,961.965
1 share for each $100 face amount of Ageco Debentures (various series) ($69,147,510 at December 31, 1939)	691,475.10
1 share for each $100 face amount Ageco Interest Bearing Scrip ($10,200,035 at December 31, 1939)	102,000.35
1/10 share for each $100 face amount Ageco Convertible Debenture Certificates, Convertible Obligations (or similar securities with similar names) ($53,625,221 at December 31, 1939)	53,625.22
Total	2,991,753.235

This plan contemplates the ultimate liquidation of the Certificates of Indebtedness so that the eventual capitalization of the new corporation will consist solely of common stock.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the Plan submitted by the Trustees of Associated Gas and Electric Company and of Associated Gas and Electric Corporation, and with respect to the plan filed by Henry A. Stix, or any other plan which may be proposed by any person having a bona fide interest in the reorganization (and with respect to any amendments thereof), in accord-

ance with the provisions of section 11 (f) of the Act; and

It appearing that substantial saving of time and expense will result if consideration of the plans heretofore filed are consolidated;

It is ordered, That the proceedings upon File No. 52–22 and upon File No. 52–18 be and they hereby are consolidated.

It is further ordered, That a hearing on such plans as proposed, or as modified, under the applicable provisions of the Public Utility Holding Company Act of 1935, and rules of the Commission, be held on August 23, 1943, at 10:30 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearings will continue thereafter from time to time.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues to be considered in this consolidated proceeding, particular attention will be directed at said hearing in respect to the plan of reorganization filed by Stanley Clarke, Trustee of Associated Gas and Electric Company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, (and, insofar as applicable, to the plan filed by Stix and any other plans which may be filed by persons with a bona fide interest in the reorganization) to the following matters and questions:

1. Whether the proposed Plan is fair and equitable;
2. Whether the proposed Plan is feasible;
3. To what extent, if any, the proposed Plan should be modified or amended to render it fair and equitable and feasible;
4. Whether the Plan and the various transactions proposed in connection therewith meet the requirements and standards of the applicable sections of the Public Utility Holding Company Act of 1935, particularly sections 7, 10, 11, and 12 thereof, and the rules and regulations promulgated thereunder, and of the United States Bankruptcy Act, including, but without limitation, the proposals as to the following matters:

a. The issuance of the New Senior Debt, the New Debentures, and the New Common Stock of the Surviving Company;

b. The provision for the selection of the first Board of Directors and officers of the Surviving Company;

c. The provisions of the Charter, By-Laws, and other documents to be used in consummating the plan.

5. Whether, and to what extent, approval of the plan or of the steps to be taken in consummation thereof, should be conditioned upon further orders of the Commission relating, among other things, but without limitation, to the NY PA NJ reconstruction program, the reorganization of Gengas, and the performance of the contract between the Trustees (and others) and Uesco.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing copy of this order to Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, and Henry A. Stix, not less than thirty days prior to the date hereinbefore fixed as the date for the hearing, and that Stanley Clarke, Trustee of Associated Gas and Electric Company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, shall serve notice of the hearing aforesaid by mailing copies of this order to all persons who have appeared in the reorganization proceeding Nos. 75634 and 75635 in the United States District Court for the Southern District of New York, not less than thirty days prior to the date hereinbefore fixed as the date of the hearing, and that notice of said hearing is hereby given to subsidiaries of said Associated Gas and Electric Company and Associated Gas and Electric Corporation, the security holders of said Associated Gas and Electric Company and Associated Gas and Electric Corporation, and of the subsidiaries thereof, consumers of said companies, states, municipalities, and political subdivisions of states within which are located any of the utility assets of Associated Gas and Electric Company and Associated Gas and Electric Corporation and all subsidiaries thereof, or under the laws of any of which such companies are incorporated, or Federal authorities having jurisdiction thereof; all State commissions, State securities commissions, and all agencies, authorities, judicial bodies or instrumentalities of the United States of America, and of one or more states, municipalities, or other political subdivision having jurisdiction over Associated Gas and Electric Company and Associated Gas and Electric Corporation, or any subsidiaries thereof, or over any of the businesses, affairs, or operations of any of them.

Further notice is to be given by general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and to all persons by publication of this order in the FEDERAL REGISTER not later than fifteen days prior to the date hereinbefore fixed as the date of hearing.

It is further ordered, That on or before July 20, 1943, Stanley Clarke, Trustee of Associated Gas and Electric Company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, mail copies of this Notice of and Order for Hearing to all known security holders of Associated Gas and Electric Company and Associated Gas and Electric Corporation, respectively, at their last known addresses, and that such Trustees mail copies of the plan of reorganization filed by them to such security holders of their respective estates as may request a copy thereof.

It is further ordered, That any persons desiring to be heard in connection with this proceeding, or proposing to intervene herein, shall file with the Secretary of this Commission, on or before August 16, 1943, his request or application therefor, as provided in Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–10718; Filed, July 3, 1943; 9:55 a. m.]

[File No. 70–475]

ELECTRIC BOND AND SHARE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2nd day of July, A. D. 1943.

A declaration having been filed by Electric Bond and Share Company under section 12 (c) of the Public Utility Holding Company Act of 1935, a hearing having been held after appropriate notice, and the Commission being fully advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, *It is hereby ordered*, That said declaration be and it hereby is permitted to become effective, subject to the conditions enumerated below:

1. All purchases shall be effected on the New York Curb Exchange and the company shall not solicit or cause to be solicited the sale of any shares to the company either on or off the Exchange.

2. The company shall furnish to the Commission promptly at the end of each week a report showing the number of shares of each class of preferred stock purchased each day during the week, the prices at which they were purchased and the names of the brokers through whom they were purchased.

3. The company shall include in its quarterly reports to stockholders information as to the total number of shares of each class purchased and the aggregate purchase price for each class.

4. No purchases shall be made after the expiration of nine months from the date of this order, subject, however, to the right of the company to apply for an extension or extensions of such period.

5. The Commission reserves jurisdiction in its discretion to rescind or modify this order at any time prior to the expiration of such nine-month period or any extension or extensions thereof, any such rescission or modification to be applicable to such portion of the $15,000,000 as shall not have been previously expended.

6. At least seven days before purchases are commenced, the company shall advise by letter the holders of record of its preferred stock fully with respect to its intention to make purchases and the method to be employed, and the Commission reserves jurisdiction with respect to the form and contents of such notice and any similar communications.

7. The Commission reserves jurisdiction to require that all shares of preferred stock acquired by the company pursuant to the present declaration and order be retired and canceled.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–10717; Filed, July 3, 1943; 9:55 a. m.]

[File No. 70–738]

NORTHERN STATES POWER COMPANY (DELAWARE) AND NORTHERN STATES POWER COMPANY (MINNESOTA)

ORDER PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of June 1943.

Northern States Power Company (Delaware), a registered holding company, and its subsidiary, Northern States Power Company (Minnesota), also a registered holding company, having filed a joint declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 of the General Rules and Regulations promulgated thereunder, regarding a proposal to continue the postponement of the payment of $345,650.18, the balance of the 1942 instalment on the principal of the open account indebtedness (which is now in the amount of $7,530,852.08) owing by Northern States Power Company (Delaware) to Northern States Power Company (Minnesota), until December 31, 1943, because a plan filed by Northern States Power Company (Delaware) pursuant to section 11 (e) of said Act for its liquidation and dissolution, the proceedings on which are still pending, provides for the disposition of said indebtedness primarily by the surrender by Northern States Power Company (Minnesota) of 481,111 shares of the common stock of the last mentioned company (all of which is owned by Northern States Power Company (Delaware)) and for a distribution of the remaining shares of the common stock of Northern States Power Company (Minnesota) among the stockholders of Northern States Power Company (Delaware), and because a reduction in the indebtedness would necessitate an alteration in the allocations proposed by the plan and serve no useful purpose; Northern States Power Company (Minnesota) agrees that, pending the consummation of the plan and until December 31, 1943, or the date of such consummation (whichever shall be earlier), it will continue to segregate on its books $345,650.18 of its earned surplus as not being available for the declaration of dividends on its common stock; declarants further request that Northern States Power Company (Minnesota) be permitted to waive all interest due on said indebtedness for the period from June 30, 1943 to December 31, 1943;

Said joint declaration having been filed on June 12, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said declaration within the period specified within such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 and to the agreement with respect to earned surplus set forth in said joint declaration, that the said declaration be and the same is hereby permitted to become effective forthwith: *Provided, however*, That nothing contained in this order shall be construed as constituting a determination by us of the propriety of the disposition of the open account indebtedness as proposed in the aforementioned plan.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–10714; Filed, July 3, 1943; 9:54 a. m.]

[File No. 70–586]

CONSOLIDATED NATURAL GAS COMPANY

NOTICE OF FILING OF AMENDMENT AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of July 1943.

Consolidated Natural Gas Company having heretofore filed applications and declarations and amendments thereto pursuant to sections 6, 7, 9, 10 and 11 of the Public Utility Holding Company Act of 1935 and Rule U-50 of the Rules and Regulations promulgated thereunder regarding the issuance of securities to Standard Oil Company (New Jersey) in exchange for all of the outstanding securities of Hope Natural Gas Company, The East Ohio Gas Company, The Peoples Natural Gas Company and The River Gas Company presently owned by Standard Oil Company (New Jersey), a detailed description of said applications or declarations having been set forth in the Commission's Notice of and Order for Hearing of August 7, 1942 (Holding Company Act Release No. 3725);

A further amendment to said applications and declarations having been filed on June 30, 1943 wherein Consolidated Natural Gas Company proposes to acquire, in addition to the securities of the foregoing companies, all of the outstanding securities of New York State Natural Gas Corporation held by Standard Oil Company (New Jersey), such acquisition to be made in exchange for stock of Consolidated Natural Gas Company; and

Hearings having been held in respect of said applications and declarations as heretofore filed and said hearings having been adjourned subject to the call of the Trial Examiner; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearings be reconvened for the purpose of completing the evidence in respect of the proposed transactions, as amended.

It is ordered, That the hearings in the above entitled matter be reconvened on the 15th day of July, 1943, at 10 o'clock in the forenoon of that day in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in Room 318 will at that time advise.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all power granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by these proceedings, in addition to the matters specified in our Notice and Order of August 7, 1942, particular attention will be directed at the reconvened hearing to the following matters and questions:

(1) Whether the proposed acquisition of the securities of New York State Natural Gas Corporation is detrimental to the carrying out of the provisions of section 11 of the Act;

(2) Whether the proposed transactions are in all respects consistent with the applicable standards of the Act and the rules promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–10715; Filed, July 3, 1943; 9:54 a. m.]

[File No. 70–735]

CONSUMERS GAS COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2nd day of July 1943.

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company and in turn a subsidiary of The United Corporation, also a registered holding company, having filed an application and an amendment thereto, pursuant to section 10 of the Public Utility Holding Company Act of 1935, regarding the purchase from non-affiliated interests, from time to time within one year from the date of this Commission's approval, as shares become available for purchase, not to exceed 800 shares of the capital stock of Reading Gas Company at prices which

will yield a favorable return on the funds so invested as contrasted with other available investments; and

Consumers Gas Company being the lessee of the property and franchises of Reading Gas Company, under a 99-year lease expiring November 1, 1985, and presently owning 1,692 shares of the 12,000 outstanding shares of stock of Reading Gas Company, and having proposed to acquire said additional shares as an investment for its special reserve fund created in 1934 to provide for the exercise of an option to purchase Reading Gas Company's property and franchises at the expiration of said lease; and

Said application having been filed on June 2, 1943, and an amendment thereto on June 9, 1943, and Notice of Filing having been duly given in the form and manner prescribed in Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in such Notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary under section 10 of the Act and that the proposed acquisitions have the tendency required by section 10 (c) (2) of the Act; and deeming it appropriate, in the public interest and in the interests of investors and consumers, to grant said application as amended;

It is ordered, That pursuant to U-23 and the applicable provisions of said Act, that said application as amended be and the same is hereby granted, subject to the terms and conditions prescribed by Rule U-24 and subject to the further condition that the granting of said application shall in no wise affect or prejudice the right of the Commission to enter an order in the pending section 11 (b) (1) proceedings regarding The United Gas Improvement Company in respect of the retainability by The United Gas Improvement Company of any direct or indirect interest in Consumers Gas Company or Reading Gas Company, as to which matter jurisdiction is hereby expressly reserved.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10716; Filed, July 3, 1943; 9:54 a. m.]

[File No. 68-25]

JACKSONVILLE GAS CORPORATION

ORDER AUTHORIZING SOLICITATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 2nd day of July, A. D. 1943.

A declaration having been filed on June 22, 1943, pursuant to sections 11 (g) and 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-62 promulgated thereunder, regarding a proposed solicitation by Jacksonville Gas Corporation of proxies for the election of directors at a special meeting of the stockholders of said corporation to be held on July 23, 1943, said proxies including the names of all candidates nominated by stockholders; and

Amendments to said declaration having been filed on June 29, 1943, and on July 2, 1943; and

Counsel for Jacksonville Gas Corporation having requested that the declaration be permitted to become effective prior to the expiration of the time provided in Rule U-62; and

The Commission having considered said declaration as amended, and finding that the requirements of sections 11 (g) and 12 (e) of the Act and of Rule U-62 are complied with so far as applicable; and

The Commission deeming it appropriate and in the public interest and in the interest of investors to permit said amended declaration to become effective forthwith;

It is ordered, That said declaration, as amended, be permitted to become effective forthwith, in the manner and on the terms set forth therein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10788; Filed, July 5, 1943; 9:58 a. m.]

[File No. 70-566]

WEST TEXAS UTILITIES COMPANY AND THE MIDDLE WEST CORPORATION

ORDER FURTHER EXTENDING TIME FOR PURCHASE OF SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of July 1943.

On January 25, 1943, this Commission after a public hearing, issued its order with respect to a combined application and declaration, as amended, filed by West Texas Utilities Company and The Middle West Corporation regarding a proposed offer by West Texas Utilities Company to purchase all the outstanding securities of Pecos Valley Power & Light Company. Said application was granted and said declaration permitted to become effective subject to certain conditions.

The purchase offer became effective January 30, 1943 for a thirty-day period and, at the option of the company was subsequently extended to and including March 30, 1943. Subsequently West Texas Utilities Company filed its Supplemental Application requesting, and the Commission granted, an extension to June 30, 1943 within which West Texas Utilities Company could make purchases pursuant to such offer. It is represented that at the close of business on June 30, 1943, 97.43% of the outstanding First Mortgage Bonds, 95.70% of the outstanding Income Debentures and 93.39% of the outstanding common stock of Pecos Valley Power & Light Company had been deposited pursuant to the terms of said offer.

The offer as made by the applicant provided that West Texas Utilities Company had the right at its option to purchase all securities offered if at least 90% of the principal amount of the bonds, 90% of the principal amount of the debentures and 80% of the shares of common stock of Pecos Valley Power & Light Company were deposited pursuant to such offer. Such percentages having been deposited, West Texas Utilities Company has elected to purchase all the securities deposited.

West Texas Utilities Company has now filed its amended Supplemental Application No. 2 requesting a further extension of the period within which it may purchase the outstanding securities of Pecos Valley Power & Light Company to July 31, 1943; and

It appearing appropriate to the Commission that such request be granted for the period from June 30, 1943 to July 31, 1943;

It is ordered, That the period within which West Texas Utilities Company may purchase the outstanding securities of Pecos Valley Power & Light Company be and the same is hereby extended to and including July 31, 1943, subject to the same conditions imposed by our order of January 25, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10791; Filed, July 5, 1943; 9:58 a. m.]

[File No. 59-32]

TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORP.

NOTICE OF FILING OF APPLICATION FOR AN EXTENSION OF TIME AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of July 1943.

In the matter of Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, respondents.

The Commission having heretofore by its order dated August 13, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, ordered Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, to "sever their relationship with" certain named companies "by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said Act or the rules and regulations promulgated thereunder, of their direct and indirect ownership, control and holding of securities issued, and properties owned, controlled or operated by" the named companies:

Notice is hereby given that Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, have filed an application pursuant to section 11 (c) of said Act for an extension of an additional year within which to comply with the Commission's order of August 13, 1942.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held to consider said application:

It is hereby ordered, That a hearing on said application under the applicable provisions of the Act and the rules of the Commission thereunder be held on August 2, 1943, at 10:30 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That, without limiting the scope of the issues presented by said application, particular attention will be directed at said hearing to the following questions:

1. Whether Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, have exercised due diligence in their efforts to comply with the order of the Commission of August 13, 1942;

2. Whether an extension of an additional year for compliance with said order of August 13, 1942, is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission, on or before July 28, 1943, his request or application therefor as provided in Rule XVII of the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof to the respondents and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10787; Filed, July 5, 1943; 9:58 a. m.]

[File No. 68-27]

NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of July 1943.

In the matter of Lester Martin, Floyd Jefferson, William S. Spatcher and Howard H. Hubbard, as protective committee for holders of preferred stock of New England Public Service Company.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, and particularly section 12 (e) thereof and Rule U-62 promulgated thereunder, by Lester Martin, Floyd Jefferson, William S. Spatcher and Howard H. Hubbard, as a Protective Committee for the holders of Preferred Stock, $6 Dividend Series and Preferred Stock, $7 Dividend Series, of New England Public Service Company, a subsidiary of Northern New England Company, both registered holding companies. All interested persons are referred to the said declaration, which is on file in the office of this Commission, for a full statement of the action therein proposed, which may be summarized as follows:

The declarants propose to solicit authorizations from the holders of the Preferred Stock of New England Public Service Company and to represent such stockholders in all hearings and proceedings before the Commission, or any other body, or in any court, in connection with the plan filed by New England Public Service Company with the Commission on December 7, 1941 (File No. 59-15) proposing a method of complying with the applicable provisions of the Public Utility Holding Company Act of 1935, particularly Section 11 thereof, or in connection with any other proposed reorganization plan, plan of liquidation or plan of recapitalization, which may effect the rights and preferences of the said Preferred Stock of New England Public Service Company.

Said declaration indicates that only one member of the committee named therein, namely, Lester Martin, owns stock of New England Public Service Company consisting of 1,000 shares of Preferred Stock $6 Dividend Series and 400 shares of Preferred Stock $7 Dividend Series. In addition, he owns 4,044 shares of Non-Cumulative Participating Preferred Stock of New England Industrial, Inc., a subsidiary of New England Public Service Company, 1,414 shares of Capital Stock of Bates Manufacturing Company and 25 shares of Common Stock of Hill Manufacturing Company, both subsidiaries of New England Industries, Inc.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration, and that said declaration shall not become effective except pursuant to the further order of the Commission.

It is ordered, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules thereunder be held on July 20, 1943 at 10:00 a. m., E. W. T., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at such time by the hearing room clerk in 318. All persons desiring to be heard or otherwise wish to participate in the proceeding, shall notify the Commission in the manner provided by Rule XVII of the Commission's Rules of Practice, on or before July 17, 1943.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether such solicitation is necessary or appropriate in the public interest or for the protection of investors and consumers.

2. Whether the public interest or the interest of investors and consumers require the imposition of terms and conditions with respect to such proposed solicitation.

3. Whether such declaration as filed, or as it may be amended, should be permitted to become effective as consistent with the standards of section 12 (e) of the Act and Rule U-62 promulgated thereunder.

4. Whether by reason of his holding of various securities of companies in the New England Public Service Company holding company system, and his other interests, if any, said Martin is qualified to represent said preferred stockholders of New England Public Service Company, or whether he has an interest or interests in conflict therewith; and whether said Jefferson, Spatcher and Hubbard have interests which are in conflict with said Preferred Stock.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this Order by mailing a copy thereof by registered mail to New England Public Service Company and Northern New England Company and to the declarants and that notice shall be given to all other persons by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10789; Filed, July 5, 1943; 9:58 a. m.]

[File Nos. 7-554, 7-555 and 7-556]

CENTRAL POWER AND LIGHT CO. ET AL.

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

In the matter of applications by the New York Curb Exchange to extend unlisted trading privileges to Central Power and Light Company, First Mortgage Bonds, Series A, 3¾% due August 1, 1969; Kentucky Utilities Company, First Mortgage Bonds, 4% Series due January 1, 1970; 4½% Sinking Fund Mortgage Bonds, due February 1, 1955.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of July, A. D. 1943.

The New York Curb Exchange having made applications to the Commission, pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to three securities;

A hearing having been held after appropriate notice and the Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934, that the applications of the New York Curb Exchange for permission

to extend unlisted trading privileges to the $25,000,000 First Mortgage Bonds, Series A, 3¾%, due August 1, 1969, of Central Power and Light Company and the $20,000,000 First Mortgage Bonds, 4% Series, due January 1, 1970, of Kentucky Utilities Company be and they hereby are approved;

It is further ordered, Pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934, that the application of the New York Curb Exchange for permission to extend unlisted trading privileges to the $5,810,000 4½% Sinking Fund Mortgage Bonds, due February 1, 1955, of Kentucky Utilities Company be and it hereby is denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10786; Filed, July 5, 1943; 9:58 a. m.]

[File No. 70-21]

INTERNATIONAL UTILITIES CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of July, A. D. 1943.

Notice is hereby given that an amendment to an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by International Utilities Corporation, a registered holding company.

Notice is further given that any interested person may, not later than July 19, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said amendment, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

The Commission has heretofore entered a series of orders in the above entitled proceeding upon application of International Utilities Corporation, by which orders International has been authorized to purchase certain amounts of the Collateral Trust Bonds 6½% Series of its subsidiary, Dominion Gas and Electric Company, subject to certain conditions, including among others, the condition that such purchases be effected on or before December 31, 1942. In a further order dated April 23, 1943, the Commission granted a further amendment to said application which requested an extension of time to December 31, 1943, within which to purchase $276,500 principal amount of said Collateral Trust Bonds previously authorized and which also sought authorization for the purchase within such time of an additional $500,000 principal amount of said bonds.

By amendment, dated June 28, 1943, International Utilities Corporation proposes a change in the methods of acquiring the said bonds which it has been previously authorized to purchase by the said order of the Commission, dated April 23, 1943, and proposes to request from public holders thereof the tender of the said bonds to International at their call price, 101% of principal amount, and accrued interest thereon to date of delivery. International offers to purchase the said bonds up to but not exceeding $600,000 principal amount of such bonds; the said offer is to expire on December 15, 1943 or on the date when Dominion Gas and Electric Company calls the said bonds for redemption, whichever is earlier.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10790; Filed, July 5, 1943; 9:59 a. m.]

SELECTIVE SERVICE SYSTEM.

[Order 112]

EAST LANSING PROJECT, MICH.

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, by virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8675, 6 F.R. 831, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commisison under Administrative Order No. 26, 7 F.R. 10512, hereby designate the East Lansing Project to be work of national importance, to be known as Civilian Public Service Camp No. 112. Said project, located at East Lansing, Ingham County, Michigan, will be the base of operations for farm work in the State of Michigan, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

The work to be undertaken by the men assigned to said East Lansing Project will consist primarily of handling and milking cows in the college dairy barn and pasteurizing, bottling milk for delivery, buttermaking, cheese making and ice cream making in the creamery and shall be under the technical direction of the Michigan State College of Agriculture and Applied Sciences. The camp, insofar as camp management is concerned, will be under the same institution. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Service Act and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY, *Director.*

JULY 2, 1943.

[F. R. Doc. 43-10730; Filed, July 3, 1943; 11:10 a. m.]

WAR FOOD ADMINISTRATION.

MILK IN THE BATTLE CREEK, MICHIGAN, SALES AREA

SUSPENSION OF LICENSE FOR MILK

The license for milk in the Battle Creek, Michigan, sales area, issued by the Secretary of Agriculture on July 1, 1934, pursuant to the provisions of the Agricultural Adjustment Act of May 12, 1933, is hereby suspended.

This suspension of the said license shall not affect, waive, suspend, or terminate any right, duty, obligation, or liability which shall have arisen or which may hereafter arise in connection with any of the provisions of the said license, provided such right, duty, obligation, or liability was incurred prior to the effective date hereof; and the market administrator under the said license is hereby directed to liquidate the affairs arising under such license in accordance with the provisions thereof and under the direction of the Chief of the Dairy and Poultry Branch, Food Distribution Administration.

This suspension order shall become effective as of 11:59 p. m., c. w. t., June 30, 1943.

Done at Washington, D. C., this 2d day of July 1943.

MARVIN JONES, *War Food Administrator.*

[F. R. Doc. 43-10740; Filed, July 3, 1943; 2:11 p. m.]

WAR PRODUCTION BOARD.

[Certificate No. 86]

TAXI SERVICES

The ATTORNEY GENERAL:

I submit herewith General Order ODT 20A (supra) issued by the Director of the Office of Defense Transportation. Section 501.82 of the Order concerns the formulation of plans for certain joint action by persons engaged in taxi service.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve § 501.82 of the Order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such Section or any order issued by the Director of the Office of Defense Transportation pursuant thereto requiring any of the joint actions specified therein is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

JULY 1, 1943.

[F. R. Doc. 43-10836; Filed, July 5, 1943; 11:20 a. m.]

Reference

JUL 8 '43

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 8 NUMBER 133

Washington, Wednesday, July 7, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration

[FPO 5,[1] Rev.]

PART 1206—FERTILIZER

DELIVERY AND USE OF FERTILIZER

Effective July 1, 1943, § 1206.1 is hereby revised and amended in its entirety to read as follows:

§ 1206.1 *Fertilizer* — (a) *Definitions.* For the purposes of this order:

(1) "Fertilizer" means any material used as a plant food containing one or more of the following: Nitrogen, phosphorus, or potassium, excluding, however, animal and poultry manure, peat, humus and basic slag.

(2) "Specialty fertilizer" means any fertilizer which is prepared for use on lawns, home gardens, shrubbery, trees, flowers, parks and parkways, malls and roadsides, cemeteries, golf courses and non-commercial plantings of trees, shrubs and flowers. Such fertilizers are usually packed in a wide variety of package sizes and are customarily distributed through seed and hardware stores and other retail establishments generally in urban areas.

(3) "Grade" means the minimum guaranteed plant food content of any fertilizer expressed in percentages of its principal plant food components in the following order: Nitrogen, available phosphoric acid and water-soluble potash.

(4) "Approved grade" means any grade of fertilizer listed in Schedule I attached hereto.

(5) "Chemical nitrogen" means any nitrogen, other than organic nitrogen, including, but not limited to, ammonium sulfate, sodium nitrate, calcium cyanamid, urea, ammonium nitrate, cal-nitro and nitrogen-bearing solutions.

(6) "Organic nitrogen" means nitrogen derived from any plant or animal organism containing nitrogen, including, but not limited to: animal, fish, processed garbage and other tankages; bone meal; blood; castor pomace; tobacco stems; oilseed meals (including cottonseed, peanut, soy bean, rape, linseed and other oilseed meals); sewage sludge; cocoa shell meal; bat, peruvian and whale guanos; but excluding animal and poultry manures, peat and humus.

(7) "Superphosphate" means any plant food product which is obtained by mixing rock phosphate with either or both sulfuric acid and phosphoric acid.

(8) "Potash" means any compound of potassium containing, or capable of releasing in the soil, any water-soluble compound of potassfum including, but not limited to, muriate of potash, sulfate of potash, and manure salts.

(9) "Fertilizer manufacturer" means any person who manufactures or mixes fertilizer for sale.

(10) "Dealer" means any person, other than a fertilizer manufacturer, who purchases or has purchased fertilizer for resale.

(11) "Agent" means any person, other than a fertilizer manufacturer, who receives or has received fertilizer on a consignment basis for resale.

(12) "Person" means any individual, partnership, corporation, association, or any other organized group of persons, and shall include any agent, agency, or any person acting for or on behalf of any of the foregoing. The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or agency thereof.

(13) "Group A crop" means any crop listed in Schedule II attached hereto.

(14) "Group B crop" means any crop not listed in Schedule II. It shall not, however, include any crop to the extent that the use of fertilizer in the production of such crop is restricted or prohibited by the terms of this order.

(15) "Victory garden" means any garden planted primarily for the non-commercial production of vegetables and small fruits.

(16) "Rate of application per acre" means the total pounds of plant food (nitrogen, available phosphoric acid and potash) applied per acre.

(17) "Deputy Administrator" means the Deputy Administrator in charge of

(Continued on next page)

[1] 8 F.R. 947, 3689, 3750, 4817, 5358, 7093, 8295.

CONTENTS

REGULATIONS AND NOTICES

	Page
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
District Board 15	9306
Talarico, Ralph	9307
Worden Coal Co	9306
Minimum price schedules amended:	
District 3	9278
District 14	9278
COAST GUARD:	
Amendments to regulations and approval of equipment	9305
FEDERAL TRADE COMMISSION:	
Screen Broadcast Corp., et al., cease and desist order	9276
INTERSTATE COMMERCE COMMISSION:	
Reicing permits:	
Chicago, Rock Island and Pacific Railway Co., et al. (2 documents)	9308
Common carriers by railroad (5 documents)	9308, 9309
Missouri Pacific Railroad Co.	9309
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Lime producers	9309
List of orders filed (4 documents)	9310
Maule Industries	9287
Coffee rationing (RO 12, Am. 45)	9305
Corn (Rev. MPR 346, Am. 3)	9300
Cotton yarns, combed (RPS 7, Am. 11)	9285
Eggs and egg products:	
(MPR 333, Am. 9, Corr.)	9300
(MPR 333, Am. 10)	9300
Fish:	
Fish meal and fish scrap (RPS 73, Am. 3)	9286
Sun-dried shrimp (MPR 419)	9286
Foods:	
Packed food products (MPR 306, Am. 9)	9291
Processed, rationing (RO 13, Am. 45)	9305
Fruits, berries and vegetables:	
Fresh, for processing (MPR 425)	9303
Frozen, 1943 pack and after (MPR 409, Am. 1)	9298
Gasoline rationing (RO 5C, Am. 61)	9304

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Meat; beef and veal carcasses and wholesale cuts (Rev. MPR 169, Am. 19, Corr.)	9300
Meat, fats, fish and cheeses; rationing (RO 16, Am. 46)	9305
Poultry:	
(Rev. MPR 268, Am. 6)	9299
(Rev. MPR 269, Am. 11)	9299
Puerto Rico, rice (Rest. Order 4, Am. 7)	9299
Regional, state and district office orders:	
Community ceiling prices, list of orders filed	9312
Sugar:	
Direct-consumption (RPS 60, incl. Am. 9)	9288
Rationing (RO 3, Am. 71)	9304
Tires and tubes, used (MPR 107, Am. 12, Corr.)	9300
RECLAMATION BUREAU:	
Colorado River Storage Project, Utah, first form withdrawal (Correction)	9307
WAGE AND HOUR DIVISION:	
Learner employment certificates, issuance to various industries	9307
WAR FOOD ADMINISTRATION:	
Bradley, George D., delegation of corn requisitioning authority	9316
Fertilizer, delivery and use (FPO 5, Rev.)	9271
Livestock and meats, delivery restrictions (FDO 61, Corr.)	9275
Puerto Rico, chemical fertilizer (FPO 10, Am. 1)	9275
Regional areas, designation	9315

CONTENTS—Continued

	Page
WAR MANPOWER COMMISSION:	
Transfer of workers, essential activities:	
Chemicals and allied products production	9277
Governmental services	9277
WAR PRODUCTION BOARD:	
Barre Granite War Industries, Inc. (Certificate 87)	9316
Fisher Instrument Company Pool (Certificate 88)	9316
Floor finishing, floor maintenance and rug scrubbing machines, and industrial vacuum cleaners (L–222)	9282
Laundry equipment, dry cleaning equipment, and tailors' pressing machinery (L–91)	9280
Sterilizer equipment (L–266)	9283

the Office of Materials and Facilities of the War Food Administration.

(b) *Restrictions on delivery and use of fertilizer*—(1) *Schedule I.* No fertilizer manufacturer, dealer or agent shall, subject to the exemptions provided for in paragraph (d) hereof, deliver for use on crops, and no person shall use on crops, in any of the States listed in Schedule I attached hereto, any grade of fertilizer other than the grades designated on such schedule as applicable to the respective States listed thereon, and where a particular grade is designated on such schedule as available only for a particular crop or purpose, such grade shall be delivered and used only for the production of such crop or for such purpose.

(2) *Victory garden fertilizer.* No fertilizer manufacturer, dealer or agent shall, subject to the exemptions provided for in paragraph (d) (2) hereof, deliver in any State listed in Schedule I attached hereto any fertilizer for use on victory gardens other than the grade or grades designated in Schedule I for victory gardens in such States. Such grade or grades, when delivered for such purpose, shall be labeled "Victory Garden Fertilizer—For Food Production Only", and no person shall use in any State listed in Schedule I any fertilizer other than a grade so labeled, for such purpose. Nothing in this paragraph, however, shall prevent any fertilizer manufacturer, dealer or agent from delivering for use on victory gardens stocks of fertilizer of the grade of 3–8–7 on hand on July 1, 1943, which are already packaged and labeled "Victory Garden Fertilizer—For Food Production Only". Nor shall anything in this paragraph prevent any person who purchases fertilizer pursuant to this order for use other than on his victory garden from applying for, obtaining and using on his victory garden fertilizer of the grade or grades so purchased.

(3) *Cut flowers, bulbs, nurseries, etc.* No fertilizer manufacturer, dealer or agent shall, subject to the exemptions provided for in paragraph (d) (2) hereof, deliver, and no person shall use any fertilizer on cut flowers, bulbs, nurseries, commercial plantings of shrubs, ornamental trees, or other ornamental plants in excess of 75 percent of the total quantity of plant foods, in terms of nitrogen, phosphorus, and potash, used for such purposes by such person during either the period July 1, 1941, to June 30, 1942, or July 1, 1942, to June 30, 1943. The restriction of this paragraph (b) (3) shall not apply to the delivery and use of fertilizer for any food crop plant.

(4) *Size of packages.* No fertilizer manufacturer, dealer or agent shall deliver any fertilizer for use on crops in packages of less than 80 pounds: *Provided, however,* That fertilizer delivered pursuant to paragraphs (b) (2) and (d) (1) (i) hereof may be packaged in packages of 5, 10, 25, and 50 pounds net weight: *Provided, further,* That fertilizer delivered pursuant to paragraphs (c) (2) and (d) (2) (ii) hereof may be packaged in containers of any size.

(c) *Specialty fertilizer.* (1) During the period July 1, 1943, to June 30, 1944, each fertilizer manufacturer may manufacture no more than one grade of mixed specialty fertilizer, and, in addition, may sell and deliver straight chemical nitrogeneous material as specialty fertilizer. For such purposes, each manufacturer may use quantities of nitrogen and potash not to exceed 50 percent of the quantities of each used by such manufacturer for such purposes during the period July 1, 1941, and June 30, 1942. The grade of mixed specialty fertilizer need not be an approved grade of fertilizer. The water-insoluble organic nitrogen content of the mixed specialty fertilizer shall not exceed 25 percent of its total nitrogen content, and its total plant food content shall consist of at least 16 units.

(2) No fertilizer manufacturer, dealer or agent shall deliver and no person shall use, subject to the exemptions provided for in paragraph (d) (2) hereof, any fertilizer on lawns, golf courses, parks, cemeteries, roadsides, or noncommercial plantings of trees, shrubs, or flowers, except specialty fertilizers. The restrictions provided for in this paragraph (c) (2) shall apply to the use by any landscape gardener or nurseryman of fertilizer on lawns, trees, shrubs, or flowers planted on the premises of his customers.

(d) *Exemptions from restrictions.* (1) The restrictions provided for in paragraph (b) (1) hereof shall not apply to:

(i) Deliveries by fertilizer manufacturers, dealers and agents of any fertilizer for the preparation of solutions to be used in the transplanting of vegetable crop plants, or to the use by any person of fertilizer delivered pursuant to this paragraph (d) (1) (i).

(ii) Deliveries by fertilizer manufacturers, dealers and agents of stocks of unapproved grades of fertilizer in bags in their hands on July 1, 1943, to be used on Group A or Group B crops, or to the use by any person of any fertilizer delivered pursuant to this paragraph (d) (1) (ii) for such purpose.

(2) The restrictions of paragraphs (b) (1), (b) (2), (b) (3), and (c) (2) hereof shall not apply to:

(i) The use by any person of any fertilizer on hand on July 1, 1943, for use and not for sale. Such fertilizer may be used for any purpose.

(ii) The manufacture or delivery of fertilizer in pressed tablet form, or in a completely soluble form, for use on plants, flowers, and grasses: *Provided, however,* That no materials allocated by the War Production Board for use in agriculutral fertilizers shall be used in the manufacture of fertilizer in pressed tablet or completely soluble form.

(iii) Deliveries by any person of any fertilizer to a fertilizer manufacturer for use in the manufacture of mixed fertilizer.

(iv) Deliveries by fertilizer manufacturers, dealers or agents of any fertilizer for use in establishing and maintaining grass and other vegetation at Air Force Stations of the United States Army, Navy, Marine Corps, and Coast Guard, and at other military installations for establishing and maintaining grass and other vegetation, where such is certified, in the case of the Army, by the Division Engineer, or, in the case of the Navy, Marine Corps or Coast Guard, by the Agronomist, Bureau of Aeronautics, Navy Department, as essential for training activities, operations or health, or to the use by any person of any fertilizer delivered pursuant to this paragraph (d) (2) (iv).

(v) Deliveries of fertilizer for experimental purposes to educational institutions or publicly-owned agricultural institutions, or to the use of fertilizer by such institutions for such purposes.

(e) *Delivery in violation of order.* No person shall accept delivery of any fertilizer which he knows or has reason to believe is delivered in violation of this order.

(f) *Directions.* (1) Each fertilizer manufacturer shall comply with such directions as may be issued from time to time by the Deputy Administrator with respect to the quantities, grades, and kinds of mixed fertilizer to be manufactured and with respect to the use or delivery of any fertilizers.

(2) Each person affected by this order shall comply with such directions as may be issued from time to time by the Deputy Administrator with respect to the delivery and use of fertilizers.

(g) *Distribution and delivery.* (1) Each fertilizer manufacturer, dealer and agent shall during the 1943–1944 season make fertilizer available according to crop requirements in each geographical locality in which such manufacturer, dealer and agent made fertilizer available for use in the 1942–1943 season, unless such manufacturer, dealer or agent, has adequate proof that the crop requirements for fertilizer in any such locality are being adequately served by other manufacturers, dealers or agents. For the purposes of this paragraph, no account shall be taken of fertilizer delivered in the 1942–1943 season outside of the regular geographical localities served by a manufacturer, dealer, or agent, where such deliveries were made at the specific request of the War Food Administration or its predecessors.

(2) No fertilizer manufacturer, dealer or agent shall deliver fertilizer to any person in excess of such person's requirements, as provided for in paragraph (h) hereof, and no person shall use any fertilizer in excess of his requirements as provided for in paragraph (h) hereof.

(3) Fertilizer manufacturers, dealers and agents shall accept applications and make deliveries of fertilizers for use on Group A crops before delivering fertilizers for use on Group B crops requiring fertilizers at the same time, but applications for fertilizer for Group A crops shall be made at least 30 days in advance of the date such fertilizer is required in order to obtain preference over applications for fertilizer for Group B crops requiring fertilizer at the same time.

(4) In accepting applications for and making deliveries of fertilizer materials, no fertilizer manufacturer, dealer or agent shall discriminate against persons who apply for such materials for home mixing: *Provided, however,* That the requirements of such persons shall be established in accordance with the provisions of paragraph (h) hereof, and that the amount of such available materials delivered to any person for home mixing shall not exceed the amount which such person would be eligible to obtain in mixed fertilizers pursuant to the provisions of this order.

(h) *Requirements*—(1) *Group A crops.* The requirement of any person for fertilizer for use on any Group A crop shall be the acreage of the crop to be grown by such person multiplied either by the rate of application per acre customarily used by such person for such crop, or customarily used on comparable farms in the same area for such crop, or by the rate of application per acre recommended by the State Agricultural Experiment Station for such crop in the same area: *Provided, however,* That in no case, except as provided in paragraph (h) (3) hereof, shall the rate of application per acre exceed the rate of application per acre recommended by the State Agricultural Experiment Station for such crop in such area.

(2) *Group B crops.* The requirement of any person for fertilizer for use on any Group B crop shall be the acreage of the crop to be grown for which fertilizer is requested by such person multiplied by the rate of application per acre customarily used by such person on such crop, or customarily used on such crop on the farm for which fertilizer is being requested, or customarily used on such crop on comparable farms in the same area: *Provided, however,* That in no case, except as provided in paragraph (h) (3) hereof, shall the rate of application per acre exceed the rate of application per acre recommended by State Agricultural Experiment Station for use on such Group B crop.

(3) Notwithstanding, the provisions of paragraphs (h) (1) and (h) (2) hereof, the Deputy Administrator may fix the maximum rate of application per acre for use on any crop, and in connection therewith may, in his discretion, fix the maximum pounds of any individual fertilizer component to be applied per acre.

(i) *Applications.* (1) No fertilizer manufacturer, dealer or agent shall, in the year ending June 30, 1944, deliver to any person, other than a fertilizer manufacturer, dealer or agent, any fertilizer (except fertilizer delivered pursuant to paragraphs (b) (2), (c) (2), (d) (1) (i), (d) (2) (ii), (d) (2) (iii), (d) (2) (iv), and (d) (2) (v) hereof), unless prior to such delivery he shall have received from the person to whom delivery is to be made for use (hereinafter referred to as the applicant) a written application therefor. An applicant may apply in an application for fertilizer for either of the six-months periods of the year ending June 30, 1944 (i. e., July 1, 1943, to December 31, 1943, and January 1, 1944, to June 30, 1944), or for the full year ending June 30, 1944. In either case, however, a supplementary application shall be made where the actual acreage to be planted is greater than the acreage included in the original application. The original application shall contain the following:

(i) The total fertilizer requirements, by crops, acreage of crops, rates of application per acre, grades of mixed fertilizers or materials, and quantities required. These requirements shall be set forth for the period of July 1, 1943, to December 31, 1943, if the application is for that period only, or for the period of January 1, 1944, to June 30, 1944, if the application is for that period only, or for the full year ending June 30, 1944, if the application is for that period. If an applicant requests delivery of fertilizer during the period July 1, 1943, to December 31, 1943, for use on crops during the spring season of 1944, his anticipated requirements shall be based upon an acreage of such crops not in excess of the acreage of such crops grown by him in 1943.

(ii) The fertilizer, if any, which the applicant has on hand to apply on the foregoing requirements.

(iii) The fertilizer, if any, which has been ordered by the applicant from any other person, but which has not been delivered.

(iv) A certification to the effect that the rates of application and the acreage of crops used to establish the applicant's requirements are in accordance with the provisions of this order.

(v) The signature and address of the applicant, the date of signing the application, and the name of the dealer, agent, or manufacturer, to whom the application is given.

(2) Each fertilizer manufacturer shall provide a sufficient quantity of application forms for his own use and the use of his agents and dealers, on which the information required by paragraph (i) (1) hereof shall be written. Each fertilizer manufacturer may, if he wishes, print his firm's name and address on the form. The reverse side may be used for a delivery record. The applications shall be signed in triplicate by the applicant, one of the copies to be given to the applicant for his files, another to be retained by the manufacturer, or his dealer

or agent, and the third to be forwarded to a designated representative of the War Food Administration, or to an office designated by the Deputy Administrator.

(3) No fertilizer manufacturer, dealer, or agent shall use on his own crops any fertilizer (except fertilizer used pursuant to paragraphs (b) (2), (c) (2), (d) (1) (i), (d) (2) (i), and (d) (2) (ii) hereof), unless he has executed the form of application provided for in paragraph (i) (2) hereof. (The provisions of paragraphs (i) (1), (i) (2), and (i) (3) hereof have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(j) *Records.* Each fertilizer manufacturer, dealer or agent, who delivers any fertilizer to any person other than a fertilizer manufacturer, dealer, or agent (or uses any fertilizer on his own crops) shall keep a record of each such delivery, showing the person to whom delivery is made, the date of delivery, and the quantity of fertilizer materials or grade of mixed fertilizer (and a similar record of use on his own crops), and each such manufacturer, dealer, or agent shall retain for not less than two years records of such delivery (or own use) and all applications accepted by him pursuant to paragraph (i) (1) hereof: *Provided, however,* That the provisions of this paragraph (j) shall not apply to individual deliveries in lots of less than 250 pounds of fertilizer authorized to be delivered by paragraphs (b) (2) and (c) (2) hereof. (The record keeping requirements of this paragraph have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(k) *Reports.* Each person affected by this order shall make such reports to the Deputy Administrator in such form and at such time as the Deputy Administrator may from time to time request, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(l) *State regulations.* Nothing contained in this order shall be construed to permit the delivery or use of any grade of fertilizer in any State where the use or delivery of such grade in such State is specifically prohibited by such State.

(m) *Notification of customers.* Fertilizer manufacturers, dealers and agents shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any person from complying with the terms hereof.

(n) *Audits and inspections.* Each fertilizer manufacturer, dealer or agent to whom this order applies shall, upon request, submit his books, records, and accounts, for audit and inspection by duly authorized representatives of the War Food Administration.

(o) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, or who conspires with another to perform any of such acts, is guilty of a crime and upon conviction may be punished by fine and imprisonment. In addition, any such person may by administrative suspension order be prohibited from receiving any deliveries of or selling or otherwise disposing of or using any fertilizer or any other material now or hereafter authorized to be rationed or allocated by, or subject to the priority control of, the War Food Administrator, and may be deprived of any priority assistance. Further, the Deputy Administrator may recommend to the Office of Price Administration or to the War Production Board that any person who violates any provision of this order or any amendment or supplement thereto be denied the right to receive, use, sell or otherwise dispose of any other materials which now are or in the future may be under allocation.

(p) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Deputy Administrator, setting forth in such petition all pertinent facts and information. The Deputy Administrator may, upon the basis of such application and other information, take such action as he deems appropriate. The decision of the Deputy Administrator shall be in writing and shall be final and conclusive.

(q) *Delegation of authority.* The administration of this Food Production Order No. 5, Revised, and the powers conferred upon the War Food Administrator by Executive Order No. 9280 [2] and Executive Order No. 9322,[3] as amended by Executive Order No. 9334,[4] insofar as such powers relate to the administration of this order are hereby delegated to the Deputy Administrator. The Deputy Administrator shall be assisted in the administration of this order by such employees of the War Food Administration as he may designate, and such employees are hereby authorized to administer the provisions of this order.

(r) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued, be addressed to the War Food Administration, United States Department of Agriculture, Washington, D. C., Ref. FPA 5.

(s) *Effect on War Production Board Order M–231.* War Production Board Order M–231 is superseded by this Food Production Order No. 5, Revised: *Provided, however,* That War Production Board Order M–231 shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability incurred prior to January 18, 1943, under or pursuant to the terms of War Production Board Order M–231.

(t) *Territorial application of order.* This order shall have application in the continental United States, including only the 48 States and the District of Columbia of the United States.

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[2] 7 F.R. 10179.
[3] 8 F.R. 3807.
[4] 8 F.R. 5423.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 3d day of July 1943.

MARVIN JONES,
War Food Administrator.

SCHEDULE I—FERTILIZER GRADES FOR 1943–1944

GRADES APPLICABLE TO ALL STATES

Nitrate of soda	16–0–0 [1]
Nitrate of potash	14–0–14
Sulphate of ammonia	20 (or higher) –0–0 [1]
Cyanamid	20 (or higher) –0–0
Uramon	42–0–0
Ammoniated superphosphate	4–16–0 (or higher)
Ammonium phosphate	11–48–0 / 16–20–0
Uramon-limestone	20 (or higher) –0–0
Ammonium nitrate-limestone	20 (or higher) –0–0
Ammonium nitrate	30 (or higher) –0–0 [1]
Potassium nitrate	14–0–44 (or higher)
Superphosphate	0–18 (or higher) –0
Muriate of potash	0–0–50 (or higher)
Sulphate of potash	0–0–48 (or higher)
Manure salts	0–0–22 (or higher)
Sulphate of potash magnesia	0–0–18 (or higher)
Potash lime	0–0–6
Ground phosphate rock	Any Grade
Colloidal phosphate	Any Grade
Cotton hull ash	Any Grade
Wood ash	Any Grade

[1] This grade is designated for use on victory gardens in conformity with the provisions of paragraphs (b) (2) and (b) (4), but is not limited to such use.

NEW ENGLAND AREA

Maine: 0–14–14; 3–12–6; 5–7–10; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 6–9–15; 7–7–7.

New Hampshire: 0–14–14; 3–12–6; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 6–3–6 [2]; 7–7–7.

Vermont: 0–14–14; 3–12–6; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 6–3–6 [2]; 7–7–7.

Massachusetts: 0–14–14; 3–12–6; 4–10–0 [1]; 5–3–5 [1 2]; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 6–3–6 [2]; 7–7–7.

Rhode Island: 0–14–14; 3–12–6; 5–8–7 [1]; 5–10–5 [2]; 5–10–10; 7–7–7.

Connecticut: 0–14–14; 3–12–6; 4–10–0 [2]; 5–3–5 [1 2]; 5–8–7 [1]; 5–10–5 [1]; 5–10–10; 6–3–6 [2]; 7–7–7.

[1] No multiples permitted.
[2] This grade is designated for use on victory gardens in conformity with the provisions of paragraphs (b) (2) and (b) (4), but is not limited to such use.
[3] Tobacco only.

Unless prohibited hereinabove, multiples of the foregoing approved grades may be manufactured and delivered for use, provided the quantity of plant foods in terms of N, P, and K delivered in any such multiple-strength grade does not exceed the quantity the applicant is entitled to obtain if the corresponding single-strength grade were delivered.

MIDDLE ATLANTIC AREA

New York: 0–10–20; 0–12–12; 0–14–7; 2–12–6; 3–9–12; 3–9–15 [1]; 3–12–6; 4–8–12; 4–12–4; 4–12–8; 5–10–5 [2]; 5–10–10; 7–7–7.

Pennsylvania: 0–12–12; 0–14–7; 2–12–6; 3–9–12; 3–12–6; 4–8–12; 4–12–4; 4–12–8; 5–10–5 [2]; 5–10–10; 7–7–7; 10–6–4.

New Jersey: 0–12–12; 0–14–7; 2–12–6; 3–9–12; 3–9–15 [1]; 3–12–6; 4–8–12; 4–12–4; 4–12–8; 5–10–5 [2]; 5–10–10; 7–7–7; 10–6–4.

Delaware: 0–12–12; 0–14–7; 2–12–6; 3–9–12; 3–12–6; 4–8–12; 4–12–4; 4–12–8; 5–10–5 [2]; 5–10–10; 6–8–6; 7–7–7 [3]; 10–6–4.

Maryland: 0–12–12; 0–14–7; 2–12–6; 2–12–12 [4]; 3–9–12 [4]; 3–12–6; 4–8–12 [4]; 4–12–4; 4–12–8; 5–10–5 [2]; 5–10–10; 6–8–6; 7–7–7 [3]; 10–6–4.

Virginia: 0–12–12; 0–14–7; 2–12–6; 3–8–5 [3]; 3–9–6; 3–9–12; 3–12–6; 4–9–3 [3]; 4–12–4; 4–12–8; 5–10–5 [2]; 6–8–6; 7–7–7 [3]; 10–6–4 [6].

West Virginia: 0–12–12; 0–14–7; 2–12–6; 3–12–6; 4–12–4; 4–12–8; 5–10–5 [1]; 5–10–10; 10–6–4.

[1] Muck only.
[2] This grade is designated for use on victory gardens in conformity with the provisions of paragraphs (b) (2) and (b) (4), but is not limited to such use.
[3] Top dressing only.
[4] This grade may be used on tobacco, but is not limited to such use.
[5] Tobacco only.
[6] Not for use on vegetable crops.

Multiples of the foregoing approved grades may be manufactured and delivered for use, provided the quantity of plant foods in terms of N, P, and K delivered in any such multiple-strength grade does not exceed the quantity the applicant is entitled to obtain if the corresponding single-strength grade were delivered.

SOUTHEASTERN AREA

North Carolina: 0–10–10 (basic); 0–12–12; 0–14–7; 2–10–6; 2–12–6; 3–8–5 [1]; 3–9–6; 3–9–9; 3–12–6; 4–8–8; 4–9–3 [1]; 4–10–6; 4–12–4; 5–5–20 [1]; 5–7–5; 5–10–5 [2]; 6–8–6; 10–0–10.

South Carolina: 0–12–12; 0–14–7; 2–12–6; 3–9–6; 3–9–9; 3–12–6; 4–8–8; 4–9–3 [1]; 4–10–6; 4–12–4; 5–10–5 [2]; 6–8–6; 10–0–10.

Georgia: 0–14–7; 0–14–10; 2–12–6; 3–9–6; 3–9–9; 4–8–6; 4–8–8; 4–9–3 [1]; 4–10–8 [1]; 4–12–4; 5–10–5 [2]; 6–8–4; 6–8–6; 10–0–10.

Alabama: 0–14–10; 3–9–9 [1]; 4–10–4; 4–10–6; 5–10–5 [2]; 6–8–4.

Mississippi: 0–14–7; 4–8–8; 5–10–5 [2]; 6–8–4.

Tennessee: 0–12–12; 0–14–7; 2–12–6; 3–9–6; 3–9–9; 4–8–8; 4–9–3 [1]; 4–12–4 [3]; 5–10–5; 6–8–4; 8–5–5.

[1] Tobacco only.
[2] This grade is designated for use on victory gardens in conformity with the provisions of paragraphs (b) (2) and (b) (4), but is not limited to such use.
[3] This grade is designated for use on victory gardens only in conformity with the provisions of paragraphs (b) (2) and (b) (4).

FLORIDA AREA

Florida: 0–8–12; 0–8–24; 0–10–10; 0–12–16; 0–14–5; 0–14–10; 0–16–0; 2–8–6; 2–8–10; 2–10–4; 3–6–10; 3–8–5; 3–8–8; 4–4–8; 4–5–7; 4–6–8; 4–7–5; 4–8–4; 4–8–6; 4–8–8; 4–9–3; 4–10–7; 4–12–4; 4–12–6; 5–5–8; 5–6–10; 5–7–5; 5–8–8; 5–10–5 [1]; 6–4–8; 6–6–6; 8–0–8; 8–0–12; 12–0–10.

[1] This grade is designated for use on victory gardens only in conformity with the provisions of paragraphs (b) (2) and (b) (4).

WEST SOUTH CENTRAL AREA

Arkansas: 0–10–20; 0–12–12; 0–14–7; 3–9–18; 4–8–12; 4–12–4; 4–12–6; 5–10–5 [1]; 6–8–4.

Louisiana: 0–12–12; 0–14–7; 3–12–12; 4–8–8; 4–8–12; 4–12–4; 4–12–6; 5–10–5 [1]; 6–8–4; 10–0–10; 12–8–0 [2].

Texas: 0–14–7; 3–10–0; 4–8–8; 4–8–12; 4–12–4; 4–12–6; 5–10–5 [1]; 6–8–4; 6–12–0 [3]; 6–30–0 [4]; 10–10–0 [3]; 10–20–0 [4]; 12–15–0 [4].

Oklahoma: 0–14–7; 2–12–6; 4–12–0; 4–12–4; 4–12–6; 5–10–5 [1].

[1] This grade is designated for use on victory gardens in conformity with the provisions of paragraphs (b) (2) and (b) (4), but is not limited to such use.
[2] Sugar cane only.
[3] Rio Grande Valley only.
[4] Panhandle and West Texas only.

MIDDLE WEST AREA

Illinois: 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 2–12–6; 2–16–8; 3–9–18; 3–12–12; 3–18–9; 4–10–6; 4–12–4 [1]; 8–8–8; 10–6–4.

Indiana: 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 2–12–6; 2–16–8; 3–9–18; 3–12–12; 3–18–9; 4–10–6; 4–12–4 [1]; 8–8–8; 10–6–4.

Iowa: 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 2–12–6; 3–9–18; 3–12–12; 3–18–9; 4–10–6; 4–12–4 [1]; 4–16–4; 10–6–4.

Minnesota: 0–9–27; 0–10–20; 0–12–12; 0–12–24; 0–12–36; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 0–30–15; 2–12–6; 2–16–8; 3–9–18; 3–12–12; 3–18–9; 4–10–6; 4–12–4 [1]; 4–16–16; 4–24–12; 6–12–18; 8–8–8; 8–16–12; 10–6–4.

Ohio: 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 2–12–6; 3–9–18; 3–12–12; 3–18–9; 4–10–6; 4–12–41; 5–10–10; 8–8–8; 10–6–4.

Wisconsin: 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 2–12–6; 3–9–18; 3–12–12; 3–18–9; 4–10–6; 4–12–4 [1]; 8–8–8; 10–6–4.

Michigan: 0–9–27; 0–10–20; 0–12–12; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 2–12–6; 2–16–8; 3–9–18; 3–12–12; 3–18–9; 4–10–6; 4–12–4 [1]; 4–16–4; 8–8–8; 10–6–4.

Missouri: 0–10–20; 0–12–12; 0–14–7; 0–14–14; 0–20–10; 0–20–20; 2–12–6; 3–9–18; 3–12–12; 3–18–9; 4–10–6; 4–12–4 [2]; 5–10–10; 10–6–4.

Kentucky: 0–12–12; 0–14–7; 0–14–14; 9–20 10; 0–20–20; 2–12–6; 3–9–6; 3–12–12; 4–10–6; 4–12–4 [2]; 4–12–8; 5–10–10; 10–6–4.

[1] This grade is designated for use on victory gardens only in conformity with the provisions of paragraphs (b) (2) and (b) (4).
[2] This grade is designated for use on victory gardens in conformity with the provisions of paragraphs (b) (2) and (b) (4), but is not limited to such use.

PACIFIC COAST AREA

Arizona: 4–8–0 (manure base only); 4–12–4; 4–19–5; 6–10–4 [1]; 6–12–0; 6–18–0; 8–8–0; 8–12–0; 8–16–0; 10–10–0; 10–20–0; 10–38–0; 14–6–0.

California: 0–10–12; 2–10–8; 4–6–8; 4–10–10; 4–12–4; 4–18–18; 5–12–5; 5–14–9; 6–9–6; 6–10–4 [1]; 6–12–8; 8–0–12; 8–6–8; 8–8–4; 6–10–12; 10–5–5; 10–5–10; 10–10–0; 10–10–5; 10–12–10; 10–16–8; 10–20–0; 12–0–14; 12–6–0; 14–0–8; 17–7–0.

Oregon: 0–12–20; 3–10–10; 3–10–20; 4–12–4; 4–24–0; 4–24–4; 5–6–8; 5–10–10; 6–10–4 [1]; 6–30–0; 9–4–6; 10–12–14; 10–16–8; 10–20–0; 12–12–0.

Washington: 0–12–20; 3–10–10; 3–10–20; 4–12–4; 4–24–0; 5–6–8; 5–10–10; 6–10–4 [1]; 6–30–0; 9–4–6; 10–12–14; 10–20–0; 12–12–0; 17–4–4; 17–12–0.

Idaho: 0–12–20; 3–10–10; 3–10–20; 4–12–4; 4–24–0; 5–10–10; 6–10–4 [1]; 6–30–0; 10–20–0.

[1] This grade is designated for use on victory gardens in conformity with the provisions of paragraphs (b) (2) and (b) (4), but is not limited to such use.

SCHEDULE II—GROUP A CROPS

I. Field crops.
  (a) Peanuts.
  (b) Sugar beets for production of seed.
  (c) Hemp.
II. Vegetable crops.
  (a) Beans, dried.
  (b) Beans, snap.
  (c) Beans, lima.
  (d) Cabbage.
  (e) Carrots.
  (f) Onions.
  (g) Peas, dried edible.
  (h) Peas.
  (i) Potatoes, Irish.
  (j) Potatoes, sweet.
  (k) Sweet corn for processing only.
  (l) Tomatoes.
  (m) Vegetable seeds.

[F. R. Doc. 43–10822; Filed, July 5, 1943; 11:02 a. m.]

[FPO 10,[1] Amdt. 1]

PART 1206—FERTILIZER

CHEMICAL FERTILIZER IN PUERTO RICO

Section 1206.501 is hereby amended as set forth below:

[1] 8 F.R. 5437.

Paragraph (h) (1) is amended to read as follows:

(h) *Requirements of fertilizer users.* (1) The War Board shall establish the basis or method for determining the requirements of fertilizer users. This shall be established by taking into account the supply of fertilizer materials available or expected to be available in Puerto Rico and the need to obtain the greatest practicable amount of food production in Puerto Rico. Such basis or method shall be uniformly applicable in determining the requirements of all persons growing the same crop or crops, and, so far as practicable, shall apply throughout the growing season during which this order is effective: *Provided, however,* That, with respect to sugarcane, no person's requirements for chemical fertilizer shall exceed, in a basic formula of 10–6–9 or its nitrogen equivalent in any other formula prescribed by the Board, (i) 50 percent by weight of the average amount per acre of chemical fertilizer used by such person during the period January 1, 1940, to April 30, 1941, on crops started during the calendar year 1940, irrespective of the formula of the chemical fertilizer used during such period, or (ii) 350 pounds of chemical fertilizer, whichever is greater, multiplied by his acreage to be cultivated for the 1943–1944 harvest. The average amount per acre of chemical fertilizer used by any person for sugarcane during the period January 1, 1940, to April 30, 1941, shall be ascertained from the Agricultural Adjustment Agency records or, in the absence of such records, from the records of any other agency of the United States. As used in this paragraph (h (1), "nitrogen" means nitrogen (N) expressed in terms of ammonia (NH_3).

In order to correct a typographical error, the reference to paragraph "(c)" in paragraph (b) is changed to "(o)".

In order to correct a typographical error, "(i)", designating the paragraph headed "*Obtaining fertilizer on a ration card.*" is changed to "(1)".

This amendment shall become effective July 7, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 3d day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–10847; Filed, July 5, 1943; 3:49 p. m.]

Chapter XI—War Food Administration

[FDO 61]

PART 1410—LIVESTOCK AND MEATS

RESTRICTIONS ON DELIVERIES

Correction

In the document appearing on page 9108 of the issue for Saturday, July 3, 1943, the sixth line of § 1410.13 (a) (10) should read: "ships' service departments, United States".

Subparagraph (11) should read:

(11) The term "Director" means the Director of Food Distribution, War Food

Administration, or any employee of such Administration designated by the Director.

The reference to the form number in § 1410.13 (b) (1) should be to Form No. RSO1:1.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4736]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SCREEN BROADCAST CORPORATION, ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* In connection with the offering for sale, sale, leasing, renting, and distribution of commercial motion picture films, in commerce, and on the part of respondent Association of Advertising Film Companies and its officers, respondent Mabry, Secretary of said Association, the five respondent distributors, their respective officers, and the agents, etc., of said Association, etc., and among other things, as in order set forth, entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) fix or maintain screening or display rates to be charged national advertisers, or rates, commissions, or other amounts of compensation to be paid or allowed booking agencies; (2) enter into contracts with motion picture exhibitors for the exclusive privilege of exhibiting national advertising by means of commercial motion picture films in theaters owned, controlled, or operated by such exhibitors; (3) enter into, continue, or carry out any agreement with respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or any other booking or central agency, whereby (a) respondent distributors agree not to accept national motion picture film advertising from any source other than respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or other booking or central agency, in any designated territory; or (b) respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or any other booking or central agency, agrees to sell motion picture film advertising to national advertisers for screening in theaters under contract with respondent distributors according to screening or display rates cooperatively fixed and listed with respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or other booking or central agency, by the respective respondent distributors; (4) furnish to respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or any other booking or central agency, a list of theaters under contract with respondent distributors for classification by respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or other booking or central agency, according to size, circulation, distribution, or weekly attendance, for the purpose or with the effect of determining display rates or charges to advertisers; (5) decline to accept or release any film for a national advertising account unless such film is booked and released through respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or some other designated booking or central agency; (6) observe any rate card or similar device issued by respondent General Screen Advertising, Inc., or any other booking or central agency, for computing the screening or display rate or the amount of compensation due each distributor or theater; (7) adopt, promulgate, or put into effect standard rates of compensation for use in dealing with national advertisers in connection with cooperative advertising programs; or (8) adopt or observe in dealing with advertisers or theaters, rate books or similar devices issued by respondent Association or any other association, or by any booking or central agency; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Screen Broadcast Corporation, et al., Docket 4736, June 25, 1943]

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* In connection with the offering for sale, sale, leasing, renting and distribution of commercial motion picture films, in commerce, and on the part of respondent Screen Broadcast Corporation and its officers, respondent Fair, President thereof, respondent General Screen Advertising, Inc. and its officers, respondent Alexander, Chairman of the Board of Directors thereof, and the five respondent distributors and their officers, and the agents, etc., of said respondent Screen Broadcast Corporation, etc., and among other things, as in order set forth, entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between any one or more of said respondents and others not parties hereto, to enter into, continue, or carry out any agreement whereby (a) respondent distributors or any of them agree not to accept any national motion picture film advertising from any source other than respondent General Screen Advertising, Inc., or respondent Screen Broadcast Corporation, or any individual or booking agency, in any designated territory; or (b) respondents General Screen Advertising, Inc., Screen Broadcast Corporation, Albert E. Fair, and J. D. Alexander, or any of them, agree to sell motion picture film advertising for national advertisers for screening in theaters under contract with respondent distributors according to screening or display charges or rates of compensation cooperatively fixed or determined by respondent distributors or any two or more of them; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Screen Broadcast Corporation, et al., Docket 4736, June 25, 1943]

In the Matter of Screen Broadcast Corporation, a Corporation; Albert E. Fair, President of Screen Broadcast Corporation; General Screen Advertising, Inc., a Corporation; J. D. Alexander, Chairman of the Board of Directors of General Screen Advertising, Inc.; Association of Advertising Film Companies, a Voluntary Unincorporated Trade Association; C. J. Mabry, Secretary of Association of Advertising Film Companies; Motion Picture Advertising Service Co., Inc., a Corporation; United Film Ad Service, Inc., a Corporation; Ray-Bell Films, Inc., a Corporation; Alexander Film Co., a Corporation; and A. V. Cauger Service, Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission; the answers of respondents; a stipulation of facts entered into by and between W. T. Kelley, Chief Counsel for the Commission, and the attorneys for all of the respondents except Screen Broadcast Corporation and Albert E. Fair, which provided among other things that the Commission might proceed upon the statement of facts in such stipulation, together with any testimony taken in the proceeding, to make its report stating its findings as to the facts (including inferences which it might draw from the stipulated facts) and its conclusion based thereon and enter its order disposing of the proceeding as to such respondents without the filing of briefs or oral argument; testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it; report of the trial examiner upon the evidence and the exceptions to such report filed by respondents Screen Broadcast Corporation and Albert E. Fair; brief in support of the complaint and brief in opposition thereto filed on behalf of respondents Screen Broadcast Corporation and Albert E. Fair; and oral argument by the attorney for the Commission and the attorney for respondents Screen Broadcast Corporation and Albert E. Fair; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Association of Advertising Film Companies, an unincorporated trade association, and its officers; respondent C. J. Mabry, individually and as Secretary of said Association; respondent distributors, Motion Picture Advertising Service Co., Inc., United Film Ad Service, Inc., Ray-Bell Films, Inc., Alexander Film Co., and A. V. Cauger Service, Inc., corporations, and their respective officers; and said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, leasing, renting, and distribution of commercial motion picture films in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

1. Fixing or maintaining screening or display rates to be charged national advertisers, or rates, commissions, or other amounts of compensation to be paid or allowed booking agencies.

2. Entering into contracts with motion picture exhibitors for the exclusive privilege of exhibiting national advertising by means of commercial motion picture films in theaters owned, controlled, or operated by such exhibitors.

3. Entering into, continuing, or carrying out any agreement with respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or any other booking or central agency, whereby:

(a) Respondent distributors agree not to accept national motion picture film advertising from any source other than respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or other booking or central agency, in any designated territory; or

(b) Respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or any other booking or central agency, agrees to sell motion picture film advertising to national advertisers for screening in theaters under contract with respondent distributors according to screening or display rates cooperatively fixed and listed with respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or other booking or central agency, by the respective respondent distributors.

4. Furnishing to respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or any other booking or central agency, a list of theaters under contract with respondent distributors for classification by respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or other booking or central agency, according to size, circulation, distribution, or weekly attendance, for the purpose or with the effect of determining display rates or charges to advertisers.

5. Declining to accept or release any film for a national advertising account unless such film is booked and released through respondent Screen Broadcast Corporation or respondent General Screen Advertising, Inc., or some other designated booking or central agency.

6. Observing any rate card or similar device issued by respondent General Screen Advertising, Inc., or any other booking or central agency, for computing the screening or display rate or the amount of compensation due each distributor or theater.

7. Adopting, promulgating, or putting into effect standard rates of compensation for use in dealing with national advertisers in connection with cooperative advertising programs.

8. Adopting or observing in dealing with advertisers or theaters, rate books or similar devices issued by respondent Association or any other association, or by any booking or central agency.

It is further ordered, That respondent Screen Broadcast Corporation, a corporation, and its officers; respondent Albert E. Fair, individually and as President of said Corporation; respondent General Screen Advertising, Inc., a corporation, and its officers; respondent J. D. Alexander, individually and as Chairman of the Board of Directors of General Screen Advertising, Inc.; respondent distributors, Motion Picture Advertising Service Co., Inc., United Film Ad Service, Inc., Ray-Bell Films, Inc., Alexander Film Co., and A. V. Cauger Service, Inc., corporations, and their respective officers; and said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, leasing, renting, and distribution of commercial motion picture films in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

Entering into, continuing, or carrying out any agreement whereby:

(a) Respondent distributors or any of them agree not to accept any national motion picture film advertising from any source other than respondent General Screen Advertising, Inc., or respondent Screen Broadcast Corporation, or any individual or booking agency, in any designated territory; or

(b) Respondents General Screen Advertising, Inc., Screen Broadcast Corporation, Albert E. Fair, and J. D. Alexander, or any of them, agree to sell motion picture film advertising for national advertisers for screening in theaters under contract with respondent distributors according to screening or display charges or rates of compensation cooperatively fixed or determined by respondent distributors or any two or more of them.

It is further ordered, That all of the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-10876; Filed, July 6, 1943; 11:13 a. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Amdt. to Regulation 4]

PART 904—RESTRICTING TRANSFER OF WORKERS

PRODUCTION OF CHEMICALS, ALLIED PRODUCTS, AND DERIVATIVES THEREOF

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139, 9279 and 9328, paragraph 17 of the War Manpower Commission's "List of Essential Activities" is hereby amended to read as follows:

17. *Production of chemicals and allied products and essential derivatives thereof.* Glycerin; turpentine, rosin and other naval stores; wood tars, oils, acids and alcohols; plasticizers; lubricating oils and greases; animal and vegetable oils; fertilizers; tanning materials; chemical pulp; salt; synthetic rubber; coal-tar products; plastics; compressed and liquefied gases; refined sulphur; acids; caustic and other sodas; alcohols; electro-chemical and electro-metallurgical products such as carbide, sodium and potassium metals and high-percentage ferro-alloys; drugs and medicines; insecticides and related chemical compounds; synthetic textile fibers used in military equipment exclusively; grease and tallow. (Explosives, flares and other fireworks, generally classified as chemical products, are included with ammunition.) Paints and protective coatings for military, naval and marine materials, ships and equipment, for agricultural and industrial material and equipment, for container linings and electrical insulation; protective coatings for textiles.

(E.O. Nos. 9139, 9279 and 9328, 7 F.R. 2919, 10177; 8 F.R. 4681; Part 904 (Appendix A), 8 F.R. 5137)

PAUL V. MCNUTT, *Chairman.*

JUNE 30, 1943.

[F. R. Doc. 43-10861; Filed, July 6, 1943; 10:55 a. m.]

[Amdt. to Regulation 4]

PART 904—RESTRICTING TRANSFER OF WORKERS

GOVERNMENT SERVICES

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139, 9279 and 9328, paragraph 34 of the War Manpower Commission's "List of Essential Activities" is hereby amended to read as follows:

34. *Governmental Services.* (Including services of Federal Reserve Banks and their branches, but does not include services rendered by member banks.)

(E.O. Nos. 9139, 9279, 9328, 7 F.R. 2919, 10177, 8 F.R. 4681; Part 904 (Appendix A), 8 F.R. 5137)

PAUL V. MCNUTT, *Chairman.*

JUNE 30, 1943.

[F. R. Doc. 43-10862; Filed, July 6, 1943; 10:55 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2043]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 323.23 (*General prices*) is amended by by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: June 25, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1428	Anderson Brothers (John G. Anderson).	Anderson (s)	Pittsburgh	Clarksburg, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
111	Consolidation Coal Co.[1]	Consol. #98 [1]	Pittsburgh	Hutchinson, W. Va.	WM	65	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1427	Maryland Fairmont Coal Co. (H. R. Smith).	Partner (s)	Pittsburgh	Bingamon Jct., W. Va.	WM	65	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
696	Neese, Charles E. (Easton Fuel Co.).	Neese	Pittsburgh	Morgantown, W. Va.	Mongh	52	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
696	Neese, Charles E. (Easton Fuel Co.).	Neese	Pittsburgh	Granville, W. Va.	Monon	River	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1209	Rittenhouse & Dale Coal Co. (W. R. Rittenhouse).[1]	Claypool	Pittsburgh	Clarksburg, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1429	Taylor, Nelson W	Midway (s)	Bakerstown	Belington, W. Va.	B&O	31	G	G	G	G	G	G	G	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)
1430	York Coal Co	Haywood (s)	Pittsburgh	Haywood, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications effective for these size groups.
[1] Indicates change in name.

NOTE: For Railroad Fuel Prices add these mine index numbers to the respective groups set forth in § 323.8 (b) and § 323.8 (c) in Minimum Price Schedule No. 1. Group No. 1: 111, 696 (a), 1209, 1427, 1428, 1430; Group No. 6: 1429.

NOTE: For River and Ex-River shipments Mine Index Number 696 will take the same prices as mines having Index Numbers 42 (a), 54, 100, 106, 113, 119, 121, 127, 130, 132, 1219, 1226 and 1233 as shown in § 323.8 (e) and § 323.8 (f) in the Effective Minimum Price Schedule for District No. 3, and Docket No. A-1059 with adjustments thereto.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size but over 1¼"	Lump 1¼" & under, egg 1¼" & under bottom size	All nut and pea 2" and under	Run of mine, resultant over 2"	1¼" and 2" slack	¾" slack
					Size groups						
					1	2	3	4	5	6	7
Anderson Bros. (John G. Anderson).	1428	Anderson (s)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Consolidation Coal Co.[1]	111	Consol. #98 [1]	Pittsburgh	Harrison	243	238	238	213	213	198	188
Maryland Fairmont Coal Co. (H. R. Smith).	1427	Partner (s)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Rittenhouse & Dale Coal Co. (W. R. Rittenhouse).[1]	1209	Claypool	Pittsburgh	Harrison	213	238	238	213	213	198	188
Taylor, Nelson W	1429	Midway (s)	Bakerstown	Barbour	238	233	233	208	208	193	183
York Coal Co	1430	Haywood (s)	Pittsburgh	Harrison	243	238	238	213	213	198	188

[1] Indicates change in name.

[F. R. Doc. 43-10798; Filed, July 5, 1943; 10:39 a. m.]

[Docket No. A-2028]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 14 for the establishment of price classifications and minimum prices for the coals of certain mines and for a change in the shipping point for the coals of the quality mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines and for a change in the shipping point for the coals of the Quality Mine, Mine Index No. 559, of code member Franklin County Coal Company in District No. 14; and

It appearing that a reasonable showing of necessity has been made for the

granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Petitioner proposes a change in the price classifications and minimum prices for the coals of the Kleaner Coal Co. Mine, Mine Index No. 581, of code member John W. Clay (Kleaner Coal Co.) because the coals of this mine are being mined by the machine cut method rather than by the solid shot method. Price classifications and minimum prices have heretofore been established for the coals of this mine produced by the solid shot method of mining. Inasmuch as the method of mining at this mine has changed from the solid shot to the machine cut method, there appears no necessity for continuing the price classifications and minimum prices for the coals of this mine when mined by the solid shot method. Accordingly, the price classifications and minimum prices effective for the coals of the Kleaner Coal Co. Mine, Mine Index No. 581, of code member John W. Clay (Kleaner Coal Co.) when mined by the solid shot method shall no longer be applicable and the price classifications and minimum prices established herein are effective for the coals produced from this mine when mined by the machine cut method of mining, as set forth in Supplements R and T annexed hereto.

Petitioner proposes Excelsior, Arkansas, as the "billing point" for the coals of the No. 4 Mine, Mine Index No. 630, of the A. M. Hobbs Coal Co. The code membership acceptance covering Mine Index No. 630 indicates that rail shipments of the coals produced from this mine will actually originate at Hartford, Arkansas, and it appears that Excelsior, Arkansas, will be merely the "billing point" for such shipments. Therefore, the price classifications and minimum prices established herein for the coals of this mine are effective for rail shipments originating at Hartford, Arkansas, as designated in Supplement R annexed hereto.

Dated: June 25, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR RAIL SHIPMENTS

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group																			
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Black Diamond Coal Co. (George Seymour).	619	Black Diamond Coal Co.	8	Wister, Okla.	SL–SF	16	(†)	(†)	(†)	I	(†)	J	J	J	G	(†)	E	L	D	B	B	B	(†)	E	(†)	(†)
Clay, John W. (Kleaner Coal Co.).	581	Kleaner Coal Co.	7	Bokoshe, Okla.	FS&VB	12	(†)	(†)	(†)	E	(†)	F	F	F	F	G	F	L	D	B	B	B	A	K	(†)	(†)
Coleman & Stief Coal Co. (Frank Stief).	633	Coleman & Stief	4	Charleston, Ark.	MP	14	(†)	(†)	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	L	(†)	B	(†)	(†)	(†)	Q	(†)	A
Davidson-Askew Coal Co. (Allie A. Askew).	632	Peavine #5	8	Hughes, Okla.	CRI&P	40	(†)	(†)	A	(†)	(†)	H	H	H	(†)	(†)	G	L	(†)	B	B	B	(†)	O	(†)	(†)
Franklin County Coal Co. c/o Floyd Bass.	559		2	Ozark, Ark.[1]	MP	14	(†)	(†)	(†)	(*)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)
Hobbs, A. M. Coal Co. (W. E. West).	630	Hobbs #4	5	Hartford, Ark.	MV	15	(†)	(†)	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	L	(†)	B	(†)	(†)	(†)	O	(†)	(†)
Spencer, Stanley	629	Spencer Coal Co.	10	Stigler, Okla.	MV	15	(†)	(†)	B	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	B	(†)	(†)	(†)	(†)	(†)	A

[1] Denotes change in shipping point. Alix, Arkansas shall no longer be applicable for this mine.
*Indicates previously classified this size group. No change requested.
†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 334.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Prices and size groups Nos.																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Black Diamond Coal Co. (George Seymour).	619	Black Diamond Coal Co.	8	LeFlore	(†)	(†)	(†)	445	(†)	445	445	445	435	(†)	395	330	230	165	145	135	(†)	420	(†)	(†)
Clay, John W. (Kleaner Coal Co.)	581	Kleaner Coal Co.	7	LeFlore	(†)	(†)	(†)	465	(†)	465	465	465	440	400	385	330	230	165	145	135	215	370	(†)	(†)
Coleman & Stief Coal Co. (Frank Stief)	633	Coleman & Stief	4	Franklin	(†)	(†)	385	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	330	(†)	165	(†)	(†)	(†)	300	(†)	530
Davidson- Askew Coal Co. (Allie A. Askew).	632	Peavine #5	8	LeFlore	(†)	(†)	455	(†)	(†)	455	455	455	(†)	(†)	365	330	(†)	165	145	135	(†)	345	(†)	(†)
Hobbs, A. M. Coal Co. (W. E. West)	630	Hobbs #4	5	Sebastian	(†)	(†)	415	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	330	(†)	165	(†)	(†)	(†)	345	(†)	(†)
Spencer, Stanley	629	Spencer Coal Co.	10	Haskell	(†)	(†)	430	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	165	(†)	(†)	(†)	(†)	(†)	530

†Indicates no classifications effective for these size groups.

[F. R. Doc. 43–10799; Filed, July 5, 1943; 10:38 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1174—LAUNDRY EQUIPMENT, DRY CLEANING EQUIPMENT AND TAILORS' PRESSING MACHINERY

[General Limitation Order L–91, as Amended July 6, 1943]

§ 1174.1 *General Limitation Order L–91*—(a) *Definitions.* For the purposes of this order:

(1) "Manufacturer" means any person fabricating or assembling commercial laundry machinery, commercial dry cleaning machinery or tailors' pressing machinery, or parts designed specifically for any such machinery, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by a manufacturer.

(2) "Distributor" means any person in the business of distributing, selling, or dealing in restricted machinery to the extent that he is engaged in such sales, dealing or distribution, other than sales and distribution outlets controlled by a manufacturer.

(3) "Commercial laundry machinery," "commercial dry cleaning machinery," and "tailors' pressing machinery," include, but are not limited to, machinery of the kinds listed from time to time in List A attached to this order. New machinery of such kinds is machinery which has not been previously used or purchased for use. Secondhand machinery of such kinds is machinery which has been previously used or purchased for use, including rebuilt or reconditioned machinery.

(i) "Tailors' pressing machinery" shall include all pressing machinery of the types used by dry cleaning establishments, by custom tailors, or by pressing establishments, but shall not include any pressing machinery designed specifically for use either in the mass production of garments and other textiles, or in other industrial processes, which is not used by dry cleaning establishments, custom tailors, or pressing establishments.

(ii) "Commercial dry cleaning machinery" shall include all dry cleaning machinery of the types used in laundering or cleaning establishments of any kind, such as, but not limited to, rug cleaning establishments, fur cleaning establishments, ships' service departments, and army exchanges, but shall not include electric hand irons, electrically heated steam irons or electrically heated water spray irons of the types which are subject to the limitations of § 1130.1 (General Limitation Order L–65).

(iii) "Commercial laundry machinery" shall include all laundry machinery, except the following: portable rug scrubbing machines subject to Limitation Order L–222; electric hand irons, electrically heated steam irons and electrically heated water spray irons of the types subject to Limitation Order L–65; domestic laundry equipment (i. e., washing machines and ironing machines for home use) which is subject to Limitation Order L–6–c; and laundry equipment designed specifically for use either in the mass production of garments and other textiles or in other industrial processes, which is not used by laundering establishments.

(4) "Restricted machinery" means

(i) Any new commercial laundry machinery, commercial dry cleaning machinery and tailors' pressing machinery, and

(ii) Any secondhand commercial laundry machinery, commercial dry cleaning machinery and tailors' pressing machinery having a value in excess of $100 at the time of sale, lease, delivery, or other transfer: *Provided*, That secondhand machinery which is in such condition at the time of transfer that it cannot be used efficiently for the purposes for which it was designed and which is transferred with the intention that the machinery will be rebuilt or reconditioned by or at the expense of either the transferer or transferee, or both, shall be restricted machinery if its value after such rebuilding or reconditioning will exceed $100.

(5) "Emergency repair loan" means the temporary leasing or lending of restricted machinery to replace similar machinery while the latter is being repaired.

(b) *Restrictions on delivery.* (1) Regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating certificate, no person shall sell, purchase, lease, deliver, receive delivery of, or otherwise transfer or acquire restricted machinery without authorization by the War Production Board on Form PD–418, except as provided in paragraphs (b) (2), (b) (3), (b) (4), (b) (5) and (b) (6) of this order.

(2) The restrictions of paragraph (b) (1) shall not apply if the sale, lease, delivery or other transfer of restricted machinery is to a person acquiring the machinery neither for use nor for export.

(3) The restrictions of paragraph (b) (1) shall not apply if the restricted machinery sold, leased, delivered or otherwise transferred is secondhand and the transfer is by someone other than a manufacturer or distributor to a person acquiring the secondhand restricted machinery for use at the place at which it was last previously used.

(4) The restrictions of paragraph (b) (1) shall not apply to the delivery of restricted machinery from one manufacturer or distributor to another manufacturer or distributor to fill an order or part of an order received by the latter if the filling of the order has been authorized on Form PD–418.

(5) The restrictions of paragraph (b) (1) shall not apply to an emergency repair loan pursuant to written or telegraphic authorization of the War Production Board for a period not in excess of forty-five days, or to the return of any restricted machinery to its owner by the manufacturer or distributor to whom that owner delivered the machinery for repair, rebuilding or reconditioning.

(6) The restrictions of paragraph (b) (1) shall not apply to direct or indirect purchases by the Army of the United States (except purchase orders placed by or for delivery to army exchange services) or by the Navy of the United States (except purchase orders placed by or for delivery to ships' service departments) if the purchase order bears a certification by the person placing the purchase order that notice of intention to place such purchase order has been sent to the War Production Board by such person or by the armed service which ultimately will receive the equipment. For purposes of this paragraph and paragraph (d) (1) an indirect purchase by the Army or Navy is a purchase of restricted equipment by a prime contractor or a sub-contractor of the Army or Navy for ultimate delivery to the Army or Navy, provided that the equipment purchased is constructed in accordance with specifications established by the Army or Navy and the installation of the equipment is to be supervised by the Army or Navy.

(c) *Procedure for deliveries.* (1) All persons making application for an authorization under paragraph (b) (1) of this order shall make such application on Form PD–418. Applicants who secure authorization upon Form PD–418 shall surrender such Form PD–418 to their supplier before completing the transaction authorized. Such authorizations shall expire thirty days after the date of their issuance unless served in the interim upon the supplier named therein. Within five days after their expiration all expired authorization forms shall be returned for cancellation to the War Production Board.

(2) Persons seeking authorization to make emergency repair loans pursuant to paragraph (b) (5) shall apply in writing, either by letter or telegram, to the War Production Board, Washington, D. C.

(3) Any person who purchases, leases, receives delivery of, or otherwise acquires restricted machinery neither for use nor for export, or who acquires second-hand restricted machinery from a person other than a manufacturer or distributor for use at the place at which the machinery transferred was last previously used, shall certify on his purchase order or contract that such is the case. The person receiving such certification shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(d) *Prohibition of production of new machinery.* No manufacturer shall fabricate or assemble any new commercial laundry or dry cleaning machinery, or any new tailors' pressing machinery, except as follows:

(1) To fill orders for machinery constructed in accordance with specifications of, and purchased directly or indirectly by, the Army of the United States (except army exchange services) or the

Navy of the United States (except ships' service departments),

(2) To fill orders approved on Form PD–418 for, and in accordance with specifications of the Army or Navy of any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act),

(3) To fill orders approved on Form PD–418 for the Maritime Commission or the War Shipping Administration,

(4) To fill orders approved on Form PD–418 for machinery to equip a vessel constructed by or for the Navy, Maritime Commission, War Shipping Administration or Office of Lend-Lease Administration, or to equip a cantonment or other Army or Navy base constructed for the use and operation of the Army or Navy of the United States,

(5) To fill orders approved on Form PD–418 for a bag loading or other ordnance plant where the hazard is such that commercial laundry or dry cleaning machinery or tailors' pressing machinery has been certified to be necessary by the Army or Navy, or

(6) To complete the assembly of commercial laundry or dry cleaning machinery or tailors' pressing machinery to fill other orders approved by the War Production Board on Form PD–418, if the only operation necessary to complete the machinery for delivery is the final assembly of completely fabricated parts.

(7) Upon specific authorization of the War Production Board; the War Production Board may from time to time specifically authorize one or more manufacturers to fabricate, to assemble, or both to fabricate and assemble specified quantities of machinery of the types restricted by this paragraph (d).

(e) *Production Requirements Plan.* Unless otherwise authorized by the War Production Board, no commercial laundry or dry cleaning machinery, or tailors' pressing machinery, including maintenance or repair parts therefor, shall be manufactured except by a person who has filed an application under Priorities Regulation No. 11 (Production Requirements Plan) on a form of the PD–25 series for his material requirements for such manufacture for which he requires priority assistance.

(f) *Non-applicability to rebuilding, reconditioning, repair or maintenance of existing equipment.* The restrictions of paragraph (b) and paragraph (d) of this order shall not be construed to restrict the manufacture, acquisition, sale, or delivery, in any manner, of parts to be used to rebuild, recondition, repair or maintain existing machinery, or machinery delivered under the terms of this order. The above provision for parts for rebuilding, reconditioning, repair, or maintenance includes replacement parts to be used for such purposes.

(g) *Restrictions on use of materials.* (1) No monel metal, nickel, nickel silver, or nickel chrome steels shall be used in the production of new restricted machinery, except when specified by the Army (not including army exchange services), the Navy (not including ships' service departments) or the Maritime Commission, or the War Shipping Administration of the United States.

(2) No person shall use parts for rebuilding, reconditioning, or repairing commercial laundry machinery, commercial dry cleaning machinery or tailors' pressing machinery which parts have an aggregate weight in excess of forty percent of the weight of the machinery which is repaired, rebuilt, or reconditioned, except when necessary in order to meet specifications of the Army (except army exchanges), the Navy except ships' service departments), the Maritime Commission, or the War Shipping Administration of the United States or when specifically authorized by the War Production Board.

(3) Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any order or regulation effective at the date of any such sale, delivery or other transfer.

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time, with the exception of Priorities Regulation No. 17.

(i) *Appeals.* Any appeal from this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Records.* Each person affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of commercial laundry and dry cleaning machinery and tailor's pressing machinery.

(l) *Reports.* (1) Each person affected by this order shall execute and file with the War Production Board such reports, information, and answers to questionnaires as the War Production Board shall from time to time request.

(2) On or before January 7, 1943, for the month of December 1942, and on or before the seventh day of each month thereafter, for the preceding month, each manufacturer or distributor of commercial laundry or dry cleaning machinery, or tailors' pressing machinery shall file a monthly report on Form PD–419.

(m) *Communications to War Production Board.* All reports and information required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Service Equipment Division, Washington, D. C.; Ref.: L–91.

Issued this 6th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: Item "Rug scrubbing machines" amended July 6, 1943.

Blocking machines, garment.
Boards, pressing.
Boards, pressing, velvet and nap.
Boards, shirt folding.
Boards, ironing.
Boards, spotting.
Boards, steam.
Cabinets, deodorizing.
Cabinets, drying.
Cabinets, sterilizing.
Collar shapers.
Collar tipper.
Conveyors "go back".
Conveyors, bags, (wet wash).
Conveyors, monorail.
Conveyors, shirt.
Cuff cleaners.
Dampeners, cloth.
Dampeners, collar and seam.
Dry cleaning units, naphtha.
Dry cleaning units, synthetic.
Dryers, garments, hot air.
Dryers, hosiery and sock.
Dryers, blanket and curtain, stretchers.
Dryers, rug.
Dryers, windwhip.
Dry rooms, conveyor.
Dry rooms, sectional.
Dye kettles.
Dye machines.
Extractors, laundry.
Extractors, drycleaning.
Extractor baskets (no-trux).
Extractor, starch.
Extractors, mechanical unloading.
Feather sanitizing machines.
Forms, gloves, steam heated.
Forms, collars.
Forms, hosiery and socks.
Forms, overall.
Forms, sleeve.
Forms, trouser.
Filters, solvent.
Finishers, garment.
Finishers, sleeve.
Fluffers, handkerchief.
Fluting machines.
Folding machines, automatic.
Fur cleaning equipment.
Glazer, fur.
Glove cleaning machines.
Hangers, shirt, revolving.
Hatters equipment.
Holders, bag.
Holders, net.
Identification systems:
  Pin and tag.
  Machine marking.
  Listing machines.
Irons, puff.
Irons, rotary.
Irons, steam.
Ironers, collar.
Ironers, flatwork.
Ironers, flatwork, chest type, steam.
Ironers, flatwork, cylinder type, steam.
Ironers, edger, electrical, gas, or steam.
Ironers, flatwork, cylinder, gas, electric.
Ironers, flatwork, chest, gas, electric.
Ironers, handkerchiefs.
Ironers, hat crown.
Ironers, ruffles.
Ironer attachments:
  Canopies.
  Cooling device.
  Feeding devices.
  Stripping device.
  String mark eliminator.

Napping machine (carding machine) (blanket finishing).
Puffers, steam.
Presses, pneumatic.
Presses, foot power.
Presses, hand power.
Presses, electric driven.
Rug scrubbing machines (stationary).
Sand bags, hat.
Seam cleaners.
Shakers, flatwork.
Shapers, sleeves.
Shapers, trouser.
Shirt envelope machines.
Spreaders, flatwork.
Stackers, flatwork, automatic.
Stackers, handkerchief, automatic.
Starch cookers.
Starching and extracting machines.
Starching machines.
Starch mixers.
Steam sterilizers, diapers.
Steamers, garment.
Steamers, velvet.
Sterilizers, feathers.
Sterilizers, general.
Stills, vacuum.
Stretchers, trouser.
Stretchers, dress.
Tables, collar finishing.
Tables, folding.
Tables, garment blocking.
Tables, ironing.
Tables, marking.
Tables, shaping.
Tables, shirt finishing and folding.
Tables, spotting.
Tables, steam.
Tables, wet cleaning.
Tanks, soap.
Traps, drycleaning.
Tubs, scrub.
Tubs, starch.
Tubs, stationary laundry.
Tumblers, drying.
Tumblers, shake-out and conditioning.
Tumblers, drying, deodorizing.
Washers, automatic.
Washers, blanket.
Washers, drycleaning.
Washers, glove.
Washers, metal type.
Washers, metal cylinder type.
Washers, rug.
Washers, sterilizing.
Washers, unloading.
Washers, wood type.
Washers, wood cylinder type.
Washers, wood shell type.

[F. R. Doc. 43-10873; Filed, July 6, 1943; 11:12 a. m.]

PART 3123—FLOOR FINISHING, FLOOR MAINTENANCE AND RUG SCRUBBING MACHINES, AND INDUSTRIAL VACUUM CLEANERS

[Limitation Order L-222, as Amended July 6, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of the materials used in the manufacture of floor finishing and floor maintenance machines and industrial vacuum cleaners; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3123.1 *Limitation Order L-222*—(a) *Definitions.* For the purpose of this order:

(1) "Floor finishing or floor maintenance machines" means any motorized or hand-powered mechanical device, designed for the purpose of floor finishing or maintenance. The term includes, but is not limited to, the types of machines on List A attached to this order as amended from time to time, and excludes independent motor-operated vacuum producing units, floor sanding machines and machines specifically designed for the manipulation of wet cement.

(2) "Floor finishing" and "floor maintenance" include, but are not limited to, the operations of grinding, staining, sealing, scraping, oiling, waxing or polishing floors or decks, and the collection and removal of dust, grime, oil, reclaimable materials or refuse from floors or decks, either separately or in conjunction with the operations of washing, scraping, sterilizing and wiping floors or decks.

(3) "Floor sanding machines" means machines used for the smoothing of floors or decks, other than stone or tile floors, by the use of abrasives such as, but not limited to, sandpaper and steel wool.

(4) "Rug scrubbing machines" means both portable rug shampooing machines and portable rug scrubbing machines.

(5) "Industrial vacuum cleaners" means machines in which a combination of a motor operated vacuum producer (stationary or portable), an air impeller line and a portable tool with attachments is used primarily for the collection and removal by suction of dust, oil, reclaimable materials or refuse in either the wet or dry state. "Industrial vacuum cleaners" shall not include any vacuum cleaners designed primarily for household use or any motor operated vacuum producing units incorporated in floor sanding, floor finishing or floor maintenance machines.

(6) "Blowers" means combination blowers and exhausters, i. e., machines in which a combination of a motor operated air pressure producer, an air impeller line and a portable tool with attachments is normally used for the removal of dust, materials or refuse by air pressure. "Blowers" shall not include any machines used solely for the handling of air or other gaseous mixtures.

(7) "New machines" means any machines which have neither been used, sold, rented, nor lent for the purpose of being used but includes any machines which have been used only for demonstrations, trial loans, instruction or repair loans.

(8) "Supplies" means replaceable items, such as but not limited to, polishing brushes, cleaning brushes, sanding drums and discs, stones, hoses and bags, wand handles and similar attachments which are expended in the operations of floor sanding, floor finishing, floor maintenance, rug cleaning, vacuum cleaning and air pressure cleaning.

(9) "Manufacturer" means any person engaged in the fabrication or assembly of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers or of parts designed specifically for any of such machines. The term also includes wholesaling or retailing subsidiaries or divisions of such a person.

(10) "Distributor" means any person engaged in the business of selling, renting or lending of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers, other than a manufacturer.

(b) *Restrictions on production*—(1) *Floor sanding and floor finishing or floor maintenance machines.* Except as permitted by paragraph (b) (4) of this order, no manufacturer shall fabricate or assemble any new floor sanding, floor finishing or floor maintenance machines or parts for such new machines.

(2) Except as permitted by paragraph (b) (4) of this order, no manufacturer shall, after August 5, 1943, fabricate or assemble any new rug scrubbing machines or parts for such new machines.

(3) Except as permitted by paragraph (b) (4) of this order, no manufacturer shall fabricate or assemble any new industrial vacuum cleaners or blowers, or parts for such new cleaners or blowers, except to the extent necessary to fill orders for new industrial vacuum cleaners or blowers authorized on Form PD-722, approved by the War Production Board. No application made on such form will be approved unless accompanied by an order rated AA-5 or higher or unless the applicant indicates a need for such machine justifying such rating.

(4) *Repair parts other than supplies.* During the calendar quarter commencing January 1, 1943, and during any calendar quarter thereafter, no manufacturer shall fabricate repair parts having an aggregate manufacturing cost in excess of 2 per cent of that manufacturer's total billed sales of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers during the calendar year of 1941.

(5) *Supplies.* The restrictions of paragraph (b) of this order shall not apply to the fabrication or assembly of supplies.

(6) *Exceptions.* The War Production Board may, from time to time, specifically authorize one or more manufacturers in writing to commence fabrication, to fabricate or to assemble specified quantities of machines and repair parts otherwise restricted by paragraph (b), or to perform any combination of the foregoing operations.

(c) *Restrictions on transfer.* (1) No manufacturer or distributor shall sell, rent, lend or deliver any of the following types of new machines without authorization on Form PD-418 approved by the War Production Board prior to July 6, 1943, or on Form PD-722 approved by the War Production Board:

(i) Drum type floor sanding machines making a 6-inch path or wider;

(ii) Disc type floor sanding machine making a 10-inch path or wider;

(iii) Drum type floor finishing or floor maintenance machines making a 6-inch path or wider;

(iv) Disc type floor finishing or floor maintenance machines making a 10-inch path or wider;

(v) Rug scrubbing machines;

(vi) Industrial vacuum cleaners;

(vii) Blowers.

Such authorizations shall expire thirty days after the date of their issuance unless served in the interim upon the supplier named therein. Within five days after their expiration, all expired authorization forms shall be returned for cancellation to the War Production Board, Service Equipment Division, Washington, D. C., Ref.: L-222.

(2) Nothing in this paragraph (c) shall be construed to prohibit the sale, loan, rental or delivery of new machines from one manufacturer or distributor to another to fill an order, or part of an order, received by the latter which has been authorized by the War Production Board on Form PD-418 on or before July 6, 1943, or on Form PD-722.

(d) *Procedure for authorization.* All persons making application for the authorization required by paragraph (c) hereof shall make such application on Form PD-722.

(e) *Applicability of other orders and regulations.* (1) This order and all transactions affected thereby are subject to all applicable provisions of the regulations and orders of the War Production Board, as amended from time to time.

(2) Nothing in this order shall be construed to permit the production of any machines whose production is prevented by any other orders or regulations of the War Production Board, including § 1174.1, Limitation Order L-91, and Section 1176.1, Conservation Order M-126, as amended from time to time.

(f) *Reports.* On or before July 15, 1943, for the month of June, and on or before the 15th day of each month thereafter, for the preceding month, each manufacturer or distributor of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers shall file a monthly report on Form PD-723.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

(2) On or before January 28, 1943, for the month of December, and on or before the 15th day of each month thereafter for the preceding month, each manufacturer or distributor of new floor sanding machines, new floor finishing or floor maintenance machines, or new industrial vacuum cleaners shall file a monthly report on Form PD-723.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Communications.* All reports to be filed hereunder, or communications concerning this order, should be addressed to: War Production Board, Service Equipment Division, Washington, D. C., Ref: L-222.

Issued this 6th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Terrazzo grinders.
Waxing and polishing machines.
Disc type scrubbers, either wet or dry.
Drum type scrubbers, either wet or dry.
Combination scrubbers and water pickup.
Drum type sweepers.
Drum type scarifying machines.
Disc type scarifying machines.

[F. R. Doc. 43-10874; Filed, July 6, 1943; 11:12 a. m.]

PART 3196—STERILIZER EQUIPMENT

[General Limitation Order L-266 as Amended July 6, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of the materials entering into the manufacture of sterilizer equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3196.1 *General Limitation Order L-266*—(a) *Definitions.* For the purposes of this order:

(1) "Sterilizer equipment" means the following types of sterilizers, as each is hereinafter defined, and includes heating elements when such elements are an integral part of such sterilizers: Pressure sterilizers, bulk pressure sterilizers, pressure water sterilizers, non-pressure water sterilizers, non-pressure instrument sterilizers, non-pressure utensil sterilizers, baby bottle pasteurizers and sterilizers, bedpan steamers, boiling type bedpan sterilizers, laboratory pressure sterilizers, bedpan washers and field sterilizers. The term shall not include used or rebuilt sterilizer equipment, nor any parts or materials for the repair or maintenance of existing sterilizer equipment, nor shall it include any pressure cooker designed for processing foods.

(2) "Pressure sterilizer" means a sterilizer having a volumetric capacity of less than 40,000 cubic inches which is designed to utilize steam under pressure in order to free articles from living pathogenic microorganisms.

(3) "Bulk pressure sterilizer" means a sterilizer having a volumetric capacity of 40,000 cubic inches or more which is designed to utilize steam under pressure in order to free articles from living pathogenic microorganisms. It may or may not include attachments for fumigating purposes.

(4) "Pressure water sterilizer" means a sterilizer which is designed to heat water to a temperature higher than 212° F. in order to free it from living pathogenic microorganisms.

(5) "Non-pressure water sterilizer" means a sterilizer which is designed to free water from living pathogenic microorganisms by means of boiling.

NOTE: Former paragraph (6) redesignated (7), former paragraph (7) redesignated (6), former paragraphs (8) through (12) redesignated (11) through (15).

(6) "Non-pressure instrument sterilizer" means a sterilizer which is designed to free surgical, medical and dental instruments and similar articles from living pathogenic microorganisms by subjecting them to a boiling liquid. The term shall not include any such sterilizer which contains metal in no part other than the heating element, lid and essential hardware.

(7) "Non-pressure utensil sterilizer" means a sterilizer which is designed to free hospital or medical utensils and similar articles from living pathogenic microorganisms by subjecting them to boiling water.

(8) "Baby bottle pasteurizer and sterilizer" means equipment designed to free baby bottles from living pathogenic microorganisms and to pasteurize baby milk formulas. The term shall not include any such equipment having a capacity of twelve bottles or less.

(9) "Bedpan steamer" means a sterilizer designed to free bedpans, urinals and similar articles from living pathogenic microorganisms by subjecting them to live steam.

(10) "Boiling type bedpan sterilizer" means a sterilizer designed to free bedpans, urinals and similar articles from living pathogenic microorganisms by subjecting them to boiling water.

(11) "Laboratory pressure sterilizer" means a sterilizer which is designed to free articles from living pathogenic microorganisms by utilizing steam under pressure and which is specially designed for use in a laboratory.

(12) "Bedpan washer" means apparatus designed to wash (and, in some cases, to sterilize) bedpans, urinals, and similar articles, and which may or may not be equipped with flushing mechanism.

(13) "Field sterilizer" means any sterilizer which is designed for use in the field and which is manufactured for delivery to or for the account of (i) the Army or Navy of the United States, or (ii) any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(14) "Manufacturer" means any person engaged in the manufacturing, fabricating or assembling of sterilizer equipment.

(15) "Distributor" means any person who purchases sterilizer equipment solely for the purpose of resale without further fabrication.

(b) *Restrictions on the manufacture of sterilizer equipment.* (1) Except as provided in subparagraph (2) of this paragraph (b), no manufacturer shall manufacture or continue the manufacture of any sterilizer equipment other than the permitted sizes of the permitted types set forth in Schedule A attached to this order.

(2) Any sterilizer equipment which was in the process of fabrication on February 24, 1943, and which cannot be completely fabricated within the restrictions of Schedule A attached to this order, may be further fabricated after said date only to the extent specifically authorized by the War Production Board. Any manufacturer requesting such specific authorization shall file a statement in duplicate with the War Production Board setting forth in detail the number of units of each type in process of fabrication on February 24, 1943, the extent of the fabrication, the amount of materials required to complete fabrication, the reasons why such units cannot be converted to the permitted types and sizes set forth in Schedule A, and any other facts supporting the request for specific authorization.

(c) *Restrictions on the use of materials in the manufacture of sterilizer equipment.* (1) No manufacturer shall incorporate any copper or copper base alloy in the manufacture of any bulk pressure sterilizer, non-pressure instrument sterilizer, non-pressure utensil sterilizer, baby bottle pasteurizer and sterilizer, bedpan steamer, boiling type bedpan sterilizer, or bedpan washer, except as follows:

(i) Copper or copper base alloy may be used to the extent required in electrical circuits, control valves, safety valves, and gauges;

(ii) Copper base alloy sheet may be used to the extent required in non-pressure instrument sterilizers which are 20" in length by 10" in width by 9" in depth or larger in size; and

(iii) Copper or copper base alloy may be used to the extent required in trays for non-pressure instrument sterilizers.

(2) No person shall use any material in the manufacture of sterilizer equipment where the use of any less critical material is practicable.

(d) *Restrictions on the sale and delivery of sterilizer equipment.* (1) Except as provided in subparagraph (2) of this paragraph (d), no person shall sell or deliver any sterilizer equipment, except to or for the account of:

(i) The Army or Navy of the United States;

(ii) Any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(iii) Any person to whom an export license covering the specific equipment has been issued by the Board of Economic Warfare: *Provided, however,* That delivery shall not be made to any person holding an export license which was issued prior to February 24, 1943, unless such export license has been revalidated by the Board of Economic Warfare after said date;

(iv) Any distributor; or

(v) Any other person who has filed Form PD-556 pursuant to paragraph (e) of this order and has been specifically authorized on such form by the War Production Board to receive the specific sterilizer equipment and has furnished to his supplier one copy of such form signed in the name of the War Production Board. (As a general rule, authority to receive sterilizer equipment will be granted only in cases where the equipment will receive general use and where essentiality is clearly established.)

(2) The restrictions set forth in subparagraph (1) of this paragraph (d) shall not apply to the sale or delivery of the following sterilizers, but production and shipping schedules of such sterilizers shall be listed on Form PD-774 in accordance with the provisions of paragraph (f) of this order:

(i) Non-pressure instrument sterilizers which are not more than 16" in length by 6" in width by 4" in depth (with a permitted variation of 10 per cent from the specified dimensions) in size; or

(ii) Laboratory pressure sterilizers which are sold or delivered as "laboratory equipment" in accordance with the provisions of Limitation Order L-144.

(3) No person shall purchase or accept delivery of any sterilizer equipment if he knows or has reason to believe that the delivery of such sterilizer equipment is prohibited by the terms of this order.

(e) *Applications on Form PD-556.* Each person seeking authorization, as permitted by paragraph (d) (1) (v) of this order, to receive sterilizer equipment shall prepare Form PD-556 in quintuplicate (copies of which form may be obtained at the local offices of the War Production Board) in the manner prescribed therein, subject to the following instructions:

(1) The form should be filed only by the person (transferee) desiring to receive sterilizer equipment and not by the person (transferor) desiring to make delivery of such equipment.

(2) In describing the equipment for which application is made, give the type, manufacturer's name and catalogue number, and the size.

(3) Do not fill in section (6).

(4) Under section (5) give the following information:

(i) State whether or not you have in use any sterilizer equipment of the same type as, or of a type similar to, the equipment applied for. If so, (1) describe such equipment and (2) state whether the equipment applied for would be used to replace existing equipment or is needed for expansion of existing facilities. If the equipment applied for would be used to replace existing equipment, state what repairs of the existing equipment are necessary and why such repairs cannot be made. If the equipment applied for is needed for expansion of existing facilities, state the average number of hours per week during which the equipment is now used and the reasons why additional equipment is needed.

(ii) State how you now accomplish the work for which the equipment applied for would be used.

(iii) State what attempts you have made to obtain used or rebuilt equipment.

(iv) Give any other pertinent information which bears on the question of your need for the equipment for which application is made.

(f) *Production and shipping schedules and restrictions thereon.* (1) On or before the 15th day of July, 1943, and on or before the 5th day of each succeeding calendar month, each manufacturer of sterilizer equipment shall file with the War Production Board in triplicate on Form PD-774, his proposed production and shipping schedules of sterilizer equipment for the period required by such form. Upon receipt of such form, the War Production Board will approve the proposed production and shipping schedules or make such changes therein as it shall deem necessary, and will thereupon return to the manufacturer a copy of such form as approved or changed.

(2) In addition to the restrictions contained in paragraphs (b), (c) and (d) of this order, each manufacturer shall produce and ship sterilizer equipment in accordance with his production and shipping schedule as approved or changed by the War Production Board, regardless of any preference rating which any order may bear or any order or regulation of the War Production Board.

(g) *Other allocation action.* With respect to sterilizer equipment, the War Production Board may, notwithstanding any other order, preference rating, or regulation of the War Production Board:

(1) Direct the return or cancellation of any unfilled order on the books of a manufacturer; or

(2) Cancel orders placed with one manufacturer and direct that they be placed with another manufacturer.

NOTE: Former paragraphs (g) through (l) redesignated (h) through (m).

(h) *Reports.* All persons affected by this order shall file such reports as may be required from time to time by the War Production Board.

(i) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(m) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington, D. C., Ref: L-266.

SCHEDULE A

NOTE: Schedule A amended in its entirety.

Permitted types	*Permitted sizes*[1]
Pressure sterilizer (cylindrical).	8" diameter by 16" Length 16" diameter by 24" Length 20" diameter by 28" Length 20" diameter by 36" Length 30" diameter by 54" Length
Pressure sterilizer (rectangular).	Any sizes with a capacity between 20,000 and 40,000 cubic inches
Pressure water sterilizer (single tank or pairs).	8 gallon capacity per tank 15 gallon capacity per tank 25 gallon capacity per tank
Non-pressure instrument sterilizer.	13" length by 5" width by 3¾" depth 16" length by 6" width by 4" depth 20" length by 10" width by 9" depth 22" length by 12" width by 10" depth
Non-pressure utensil sterilizer.	24" length by 16" width by 16" depth 24" length by 20" width by 20" depth
Baby bottle pasteurizer and sterilizer (36 bottles).	22" length by 12" width by 10" depth
Horizontal laboratory pressure sterilizer (cylindrical) (single pressure wall or double pressure wall).	16" diameter by 24" length 20" diameter by 28" length 20" diameter by 36" length
Vertical laboratory pressure sterilizer (cylindrical).	11" diameter by 24" length 14" diameter by 26" length
Bedpan steamer	24" length by 16" width by 16" depth
Boiling type bedpan sterilizer.	24" length by 16" width by 16" depth
Bulk pressure sterilizer.	No restriction
Field sterilizer	No restriction
Bedpan washer	No restriction

[1] A variation of not more than 10 per cent in the specified dimensions and capacities will be permitted.

Issued this 6th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10875; Filed, July 6, 1943; 11:12 a. m.]

Chapter XI—Office of Price Administration

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[RPS 7,[1] Amdt. 11]

COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 7 is amended in the following respects:

1. Section 1307.1 (a) is amended to read as follows:

(a) Except as provided in paragraphs (c) and (d) of this section no person shall sell or deliver and no person in the course of trade or business shall buy or receive combed yarn at a price higher than the maximum price established herein, and no person shall agree, offer, solicit or attempt to do any of the foregoing.

2. Section 1307.1 (d) is added to read as follows:

(d) (1) The provisions of Revised Price Schedule No. 7 shall apply to purchases and deliveries of imported yarns even though the purchaser in the continental United States deals directly with a foreign seller outside the continental United States or with his selling agent wherever located.

(2) The provisions of Revised Price Schedule No. 7 shall not apply to:

(i) Retail sales of combed yarn;

(ii) Sales or purchases of 2 ply mercerized or gassed grey yarn, Nos. 56/2 and finer imported from England and sold exclusively for use by hosiery manufacturers, and

(iii) Sales or deliveries which are covered by the Revised Maximum Export Price Regulation.

3. Section 1307.2 is amended to read as follows:

§ 1307.2 *Less than maximum prices.* Lower prices than those established herein may be charged, demanded, paid or offered.

4. Section 1307.9 (b) is amended to read as follows:

(b) "Combed yarn" means grey and (unless otherwise specified) mercerized, gassed, and/or bleached combed cotton yarn of all qualities and specifications (1) of domestic yarn in numbers up to 120s inclusive, and (2) of imported yarn in numbers up to 180s, inclusive.

5. Section 1307.12 (d) (4) (vi) is amended by adding after the words "for quilling, cone winding and special handling" the following proviso and footnote thereto:

(vi) * * * *Provided,* That if the processor does not quill or wind, his maximum price shall be the price specified herein less his customary charge[2] for quilling or winding.

6. Section 1307.13 Appendix B is added to read as follows:

§ 1307.13 *Appendix B:*[3] *Maximum prices for the following imported English*

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1221, 2277, 2393, 2509, 2737, 3160, 3551, 3664, 4581, 3948, 2000, 2132.

[2] In determining his maximum price for processed yarns in accordance with this subparagraph the processor who has not made a customary charge for quilling or winding shall subtract the cost he would normally incur for the cost of these operations. The processor shall compute this cost by giving due consideration not only to the direct labor cost which would be involved, but also to the overhead and other costs which he recognizes in his normal accounting procedure.

[3] Actual charges paid for import duty, import taxes, ocean freight, and war risk insurance may be added to the applicable maximum price for imported English yarn determined in accordance with this section: *Provided,* That the amount of such charges shall be separately set forth in an invoice or similar document delivered to the purchaser.

combed yarns when sold pursuant to a contract with a war procurement agency or a subcontract under a contract with a war procurement agency. The maximum prices set forth below are subject to terms of 2% 60 days.

(a) *Combed lace yarns gassed unprepared in skeins.*

Yarn numbers:	*Cents per pound*
98/2	129.5
120/2	154.8
140/2	188.9

(b) *Combed lace yarns gassed prepared in skeins.*

Yarn numbers:	*Cents per pound*
98/2	133.6
120/2	159
140/2	195

(c) *Combed label yarns gassed, bleached and prepared in skeins.*

Yarn numbers:	*Cents per pound*
78/2	124
98/2	144
120/2	175
140/2	208
150/2	230
160/2	262
170/2	284
180/2	296

This amendment shall become effective the 10th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10842; Filed, July 5, 1943; 11:50 a. m.]

PART 1363—FEEDINGSTUFFS

[RPS 73,[1] Amdt. 3]

FISH MEAL AND FISH SCRAP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule 73 is amended in the following respects:

1. Section 1363.9 (a) (4) is revoked.

2. Section 1363.14 is amended to read as follows:

§ 1363.14 *Certificates and tags.* Whenever fish meal is sold, a certificate of analysis shall accompany the invoice of the sale except where sold in bags or other containers to which are attached a label or tag showing the guaranteed minimum percentage of protein therein.

This amendment shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10843; Filed, July 5, 1943; 11:50 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2475, 2637, 8591, 8948; 8 F.R. 877

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 419]

SUN-DRIED SHRIMP

In the judgment of the Price Administrator, it is necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, that maximum prices be established for sales by processors and packers of sun-dried shrimp.

Pursuant to the above authority, the Price Administrator has established prices in this regulation that are generally fair and equitable and will effectuate the purposes of the Act, and will promote equitable distribution of sun-dried shrimp through normal trade channels.

The maximum prices established herein are not below the average prices of sun-dried shrimp in the year 1941.

Determination of prices established herein has been made after consulting and advising with representative members of the industry which will be affected by the regulation.

A statement of the considerations involved in the issuance of the regulation has been issued herewith and filed with the Division of the Federal Register.*

§ 1364.16 *Maximum processors' and packers' prices for sun-dried shrimp.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 419 (Sun-Dried Shrimp), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1364.16 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 419—SUN-DRIED SHRIMP

ARTICLE I—MAXIMUM PROCESSORS' AND PACKERS' PRICES, PROHIBITION AND SCOPE OF REGULATION

Sec.

1. Maximum processors' and packers' prices for sun-dried shrimp.
2. Sales of sun-dried shrimp at higher than maximum prices prohibited.
3. Where the regulation applies.
4. Sales to which this regulation does not apply.
5. Relation to other regulations.

ARTICLE II—RECORD KEEPING AND ENFORCEMENT

6. Records and reports.
7. Indirect price increases.
8. Enforcement.

ARTICLE III—MISCELLANEOUS PROVISIONS

9. Petitions for amendment.
10. Adjustable pricing.
11. Definitions.

Article I—Maximum Processors' and Packers' Prices, Prohibition and Scope of Regulation

SECTION 1. *Maximum processors' and packers' prices for sun-dried shrimp.* (a) The prices set forth below are maximum prices f. o. b. platform, in sales of platform sun-dried shrimp, and f. o. b. the shipping point nearest the packer's warehouse, in sales of packaged sun-dried shrimp. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts and differentials to purchasers of different classes.

Platform sun-dried shrimp, per pound	$ .35
Packaged sun-dried shrimp, per pound	.42

(b) Every packer, in connection with every first sale of sun-dried shrimp made to every wholesaler and retailer after July 9, 1943, shall attach to each burlap bag, barrel, box, container or wrapping the following notice:

The Office of Price Administration has authorized us to inform you that if you are a wholesaler or retailer pricing this item under Revised Maximum Price Regulation No. 237 or 238, that under section 23a of Revised Maximum Price Regulation 237 or section 20a of Revised Maximum Price Regulation 238, you must recalculate your maximum price for this item. This recalculation is allowed only on your first purchase of this item after July 9, 1943.

SEC. 2. *Sales of sun-dried shrimp at higher than maximum prices prohibited.* (a) On or after July 10, 1943, regardless of any contract, agreement, or other obligation, no processor or packer shall sell or deliver any sun-dried shrimp and no person in the course of trade or business shall buy or receive any sun-dried shrimp at prices higher than the maximum prices established by this regulation, and no person shall agree, offer, solicit, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 3. *Where the regulation applies.* The provisions of this regulation shall apply to the forty-eight states of the United States and the District of Columbia.

SEC. 4. *Sales to which this regulation does not apply.* The provisions of this regulation shall not be applicable to sales or deliveries of sun-dried shrimp to a purchaser, if prior to July 10, 1943, such sun-dried shrimp have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser.

SEC. 5. *Relation to other regulations.* (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation[1] with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) The maximum price at which a person may export sun-dried shrimp shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

Article II—Record Keeping and Enforcement

SEC. 6. *Records and reports.* (a) Every person making a sale subject to this regulation and every person in the course of trade or business making a purchase of sun-dried shrimp, subject to this regulation, or otherwise dealing therein, after July 9, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and kind of sun-dried shrimp (platform or packaged).

(b) Such person shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 7. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall indirectly charge or receive for sun-dried shrimp a price higher than the maximum price permitted by this regulation. No person shall as a condition of selling any sun-dried shrimp require a purchaser to buy any other product.

SEC. 8. *Enforcement.* On and after July 10, 1943, any person violating any provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

Article III—Miscellaneous Provisions

SEC. 9. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[3] issued by the Office of Price Administration.

SEC. 10. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 11. *Definitions.* When used in this maximum price regulation the term:

"Packaged sun-dried shrimp" means platform sun-dried shrimp which have been repacked for sale in containers customary to the trade.

"Packer" means a person who repacks platform sun-dried shrimp for sale in containers customary to the trade; he is also known as a "buyer" or "dealer."

"Person" includes any individual, corporation, partnership, association, or other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, or other government, or any of its political subdivisions, and any agency of the foregoing: *Provided,* That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

"Platform sun-dried shrimp" means shrimp which have been cooked in brine, sun treated, shells and heads removed, and packed for shipment in containers for further packaging by a packer.

"Processor" means a person who packs platform sun-dried shrimp for pick-up by the packer; he is also known as a "drier."

"Sun-dried shrimp" means shrimp of the genera *peneus setiferus* and *peneus brasiliensis* which have been cooked in brine, sun treated, shells and heads removed, and packed for shipment in containers customary to the trade.

Effective date. This regulation shall become effective July 10, 1943.

NOTE: The reporting and recording provisions of this regulation are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10844; Filed, July 5, 1943; 11:51 a. m.]

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848.

[2] 8 F.R. 4132, 5987.

[3] 7 F.R. 8961; 8 F.R. 8313, 3533, 6173.

PART 1499—COMMODITIES AND SERVICES

[Order 32 Under § 1499.29 of GMPR]

MAULE INDUSTRIES

Order No. 32 under § 1499.29 of the General Maximum Price Regulation; Docket No. GF3-3095.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered,* That:

§ 1499.432 *Authorization of maximum prices for quarry products, concrete products, and transit mixed concrete for the Maule Industries.* (a) Specific authority is hereby granted to Maule Industries, Miami, Florida, to sell and deliver quarry products, concrete block, and transit mixed concrete to any of the following persons: the United States Government, including any war procurement agency, the Navy Department, War Department, Maritime Commission, and the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Corporation, Metals Reserve Corporation, Defense Plant Corporation, and Defense Supplies Corporation, or any agency of the foregoing; or any contractor or subcontractor of the foregoing; at the prices set forth below.

AGGREGATES

Product	Size	Maximum prices f. o. b. plant per yard [1]	Maximum prices delivered in Miami area per yard [1]
Road rock	3½" down	$0.81	$1.56
Ballast rock	2½" down	.91	
Concrete rock	1" down	1.01	1.76
Fen rock	¾" down	1.41	2.26
Concrete sand	¼" down	.91	1.61
Mason sand	⅛" down	.91	1.61

[1] When sold by rail the unit of measure may be by net ton.

CONCRETE BUILDING BLOCKS

	Maximum prices per block f. o. b. plant	Maximum prices per block delivered in Miami area
REGULARS	*Per block*	*Per block*
8 x 8 x 16	$0.0950	$0.1150
8 x 12 x 16	.1650	.19
4 x 8 x 16	.0675	.0775
SPECIALS		
8 x 8 x 16, corners and jams	.0950	.1150
8 x 12 x 16, corners	.1650	.19
8 x 8 x 8, single corners and half jams	.0675	.0775
8 x 4 x 16 or 8 x 3 x 16, partition tile	.0675	.0775

READY MIXED CONCRETE

Type of mix:	*Maximum prices (delivered) in Miami area*
5 Bag Mix	$7.00
6 Bag Mix	7.70
7 Bag Mix	8.40
8 Bag Mix	9.10
10 Bag Mix	10.50

(b) If the contract between the Maule Industries, and any purchaser holding a Government contract or subcontract under such contract has been negotiated at a price higher than that established by this Order No. 32, such price shall be adjusted downward to the established price. If any payment has been made under such contract at a price higher than that established by this Order No. 32, refund of the excess must be made to such purchaser.

(c) All prayers of the application not granted herein are denied.

(d) The Maule Industries shall submit such reports as the Office of Price Administration may at any time request.

(e) This Order No. 32 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 32 (§ 1499.432) shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10845; Filed, July 5, 1943; 11:51 a. m.]

PART 1334—SUGAR, CONFECTIONERY AND SOFT DRINKS

[RPS 60,[1] Incl. Amdt. 9]

DIRECT-CONSUMPTION SUGARS

Sections 1334.51 and 1334.53 are amended; §§ 1334.63, 1334.64, and 1334.65 are added; and §§ 1334.52, 1334.57a, and 1334.59 (f) are revoked by Amendment 9, effective July 10, 1943, so the Revised Price Schedule No. 60 shall read as follows:

Since August 14, 1941, the Office of Price Administration has had in effect a price schedule on raw cane sugars. Until recently this ceiling price has been an effective control on prices in the later stages of the processing and distribution of sugar. With conditions created by the outbreak of war, the prices charged by certain primary distributors and wholesalers have increased sharply in spite of the fact that the price of raw cane sugar has remained constant. To permit the continuation of this situation would be to countenance speculative profits at the expense of the American public. As an emergency measure to correct this situation the Office of Price Administration issues Price Schedule No. 60 to control the maximum prices at which refined and other direct-consumption sugars may be sold to the wholesale and retail outlets. The maximum prices established by Price Schedule No. 60 are set at the levels prevailing just before the recent advent of war and the subsequent unwarranted increases of prices of direct-consumption sugar.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

Sec.

1334.51 Maximum prices for direct-consumption sugars established with prohibition of sales in violation.
1334.52 [Revoked]
1334.53 Sales at wholesale and retail excepted.
1334.54 Less than maximum prices.
1334.55 Evasion.
1334.56 Records and reports.
1334.57 Enforcement.
1334.57a [Revoked]
1334.58 Petitions for amendment.
1334.58a [Revoked]
1334.59 Definitions.
1334.60 Effective date of Price Schedule No. 60.
1334.60a Effective dates of amendments.
1334.61 Provision with respect to direct-consumption sugar to be purchased or sold by Defense Supplies Corporation, Commodity Credit Corporation or the designees of either of them.
1334.62 Applicability.
1334.63 Adjustable pricing.
1334.64 Taxes.
1334.65 Export sales.

AUTHORITY: §§ 1334.51 to 1334.65, inclusive issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1334.51 *Maximum prices for direct-consumption sugars established with prohibition of sales in violation.* On and after March 31, 1942, or the effective date thereof as to any Amendment to this Schedule, regardless of any contract or other obligation:

No primary distributor shall sell, offer to sell, attempt to sell, deliver, transfer or import direct-consumption sugars at higher prices than the maximum prices established in this Schedule.

No person shall buy, offer to buy, attempt to buy or receive from a primary distributor in the course of trade or business direct-consumption sugars at prices higher than the maximum prices established in this Schedule.

Maximum prices are established in this Schedule on the gross basis specifying prices as to grades and points of delivery. They include all commissions and other charges for such grades at such points. When by including amounts received from or reimbursed by the Commodity Credit Corporation or the Defense Supplies Corporation a specified maximum price is exceeded, the acceptance of or payment of such amounts in excess is not a violation of this schedule. The maximum prices specified in this schedule shall be reduced by any discounts customarily allowed for cash or prompt payment by the seller on sales of such sugars.

(a) (1) The maximum basis price for fine granulated sugar processed by cane sugar refineries in Pennsylvania, New York, New Jersey, and Massachusetts shall be $5.60 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(2) The maximum basis price for fine granulated sugar processed by cane sugar refineries in all states other than those specified in paragraph (a) (1) of this section shall be $5.45 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(3) The maximum basis price for fine granulated beet sugar manufactured in the continental United States shall be $5.35 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(4) (i) The maximum basis price for fine granulated sugar from off-shore areas, domestic or foreign, shall be $5.40 per one hundred pounds duty-paid basis f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(ii) The maximum basis price for turbinado, washed-white, or similar sugar for direct consumption from offshore areas, domestic or foreign, shall be $5.20 per one hundred pounds duty-paid basis f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(5) The maximum basis price for direct-consumption sugars other than those sugars provided for in paragraphs (a) (1), (a) (2), (a) (3), (a) (4), and (b) (1) of this section, processed from United States mainland sugar cane, including but not limited to turbinado, plantation white, and high-washed sugars, shall be $5.35 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(6) The respective maximum basis prices established in paragraphs (a) (1), (a) (2), (a) (3), (a) (4) (i), and (a) (5), of this section shall each be adjusted for grade and package differentials in accordance with the seller's differential therefor published or in effect on December 1, 1941.

(i) Maximum prices for a primary distributor of direct consumption sugar for grades and packages not provided for in the above shall be as follows:

For a new grade and package identical in grade, net weight, and packing material with that of any other primary distributor he shall adjust his maximum base price by the use of the same differential properly established on that date by the primary distributor with such differential located nearest freightwise to him.

If the new grade and package is not so identical with that produced by another primary distributor he shall obtain a maximum price for it by application to the Office of Price Administration, Washington, D. C., in which he shall give full data with a description of grade and package, detailed production and selling cost differences f. o. b. refinery between the new grade and package and the basis bag packing per 100 pounds at the date of application and corresponding figures for his most nearly like grades and packages as of December 1, 1941, together with a request for a specific differential. After filing application and pending authorization from the Office of Price Administration sales may be made (a) on open billing or (b) on pro forma collection price based on the requested differential with an agreement for refund to the purchaser of such sum as this price may exceed the maximum price

[1] 7 F.R. 1320, 1836, 2132, 2510, 5664, 6787, 8928, 8948, 8949; 8 F.R. 5809, 6044, 6424.

when duly established or (c) on the basis of differential at which sales have heretofore been made prior to the effective date of this amendment.

[Paragraph (i) added by Amendment 6, 8 F.R. 5809, effective 5-8-43]

(7) *Maximum delivered prices.* (i) Except as specifically provided in subdivisions (ii) and (iii) of this subparagraph (7), the maximum delivered price for each of the sugars for which maximum basis prices are established in subparagraphs (1), (2), (3), (4) and (5) of this section shall be determined as follows:

(*a*) Add to the maximum basis price specified, which is per one hundred pounds f. o. b. United States sea board cane sugar refinery nearest freightwise to the point of delivery (as adjusted for grade and package differentials), the transportation charges for the kind of transportation actually used which would be collectible on a shipment of identical quantity from the refinery from which the lowest established transportation rate to the point of delivery applies: *Provided, however,* That the charges so added shall not exceed those collectible for such a shipment if made entirely by rail; *And provided,* Where deliveries are ex consignment, transportation charges added shall be on the basis of all-rail rates for the identical quantity but not to exceed the rail carload rate applicable to the lowest carload minimum weight.

(*b*) The point of delivery is the siding or dock or buyer's receiving platform in the vicinity of the buyer's warehouse or place of business where the sugar is to be used or resold.

(*c*) Where the buyer actually takes delivery f. o. b. seller's refinery or at some point other than the buyer's point of delivery, the total of the price paid to the seller plus the cost of transportation paid by the buyer shall not exceed the maximum delivered price at the buyer's point of delivery, as determined by the provisions of this subdivision.

(*d*) In calculations under the provisions of this subdivision, the "kind of transportation" for sugars from offshore areas shall be that kind actually used after arrival at the point of entry in continental United States.

[Paragraph (i) amended by Amendment 8, 8 F.R. 6424, effective 5-15-43 and Amendment 9, effective 7-10-43]

(ii) Where the buyer's warehouse or place of business at or from which the sugar is to be used or resold is within a refinery city metropolitan area and the transportation to such place is performed by means of a motor vehicle owned, controlled, or hired by the seller, the maximum delivered price for each of the sugars provided for in paragraphs (a) (1), (a) (2), (a) (3), (a) (4), and (a) (5), respectively, of this section, shall be determined by adding to the applicable maximum basis price as specified in said paragraphs (as adjusted for grades and packages) a delivery charge per one hundred pounds based on the cartage rates employed by the seller on December 1, 1941.

(iii) Where the transportation to the buyer's warehouse or place of business at or from which the sugar is to be used or resold is performed by means of a motor vehicle owned, controlled, or hired by the buyer, the point of delivery shall be the place at which the sugar is loaded on such vehicle. Where such point of delivery is within a refinery city metropolitan area, the maximum delivered price at such place for each of the sugars provided for in paragraphs (a) (1), (a) (2), (a) (3), (a) (4), and (a) (5), respectively, of this section shall be the applicable maximum basis price as specified in said subparagraphs (as adjusted for grades and packages). Where such point of delivery is outside a refinery city metropolitan area, the maximum delivered price shall be calculated and determined under subdivision (i) of this subparagraph (7) using, however, the point of delivery specified in this subdivision (iii). Where the transportation is to be performed by means of a motor vehicle owned, controlled, or hired by the buyer, no sale of sugar shall be made unless the seller shall have offered to sell and deliver the sugar at a price not in excess of the price as calculated and determined in subdivision (i) of this subparagraph (7) and the buyer shall have refused such offer. All such sales shall be invoiced, and the invoices shall state as separate items the shipping point of the sugar, the location of buyer's warehouse or place of business at or from which the sugars are to be directly used or resold, the price charged, the amount of transportation charges as calculated and determined in subdivision (i) of this subparagraph (7) and the fact that the seller offered to deliver at or at less than said maximum delivered price as calculated and determined in subdivision (i) of this subparagraph (7) and the buyer rejected said offer.

(b) (1) The maximum price for direct-consumption raw cane sugar of 96 degrees polarization, of domestic or foreign origin, shall be $4.60 per one hundred pounds United States mainland shipping point, including all taxes and duty.

(2) The maximum price specified in paragraph (b) (1) of this section, shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to the effective date of Price Schedule No. 60.

[§ 1334.51 amended by Amendment 1, 7 F.R. 2510, effective 3-31-42]

§ 1334.52 [Revoked]

[§ 1334.52 revoked by Amendment 9, effective 7-10-43]

§ 1334.53 *Sales at wholesale and retail excepted.* Sales at wholesale and retail are excepted from the operation of Revised Price Schedule No. 60.

§ 1334.54 *Less than maximum prices.* Lower prices than those established in Revised Price Schedule No. 60 may be charged, demanded, paid, or offered.

§ 1334.55 *Evasion.* The price limitations established by Revised Price Schedule No. 60 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of direct-consumption sugars alone or in conjunction with any other commodity or material or by way of any commission, service, transportation, or other charge or by a tying-agreement or other trade understanding or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 1, 1941, for purchasers from primary distributors or during the period selected by the seller as provided for in paragraph (a) of § 1334.52, or by any other means.

§ 1334.56 *Records and reports.* Every person making sales of direct-consumption sugars after December 22, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of every sale including the date thereof, the name of the purchaser, the price paid, the grade, package and amount sold, and the date of shipment.

Persons affected by Revised Price Schedule No. 60 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1334.57 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 60 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

[Paragraph (a) as amended by Amendment 2, 7 F.R. 5664, effective 7-23-42]

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 60 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

[Paragraph (b) as amended by Supplementary Order 3, 7 F.R. 2132, effective 3-16-42]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments Whose Defense is Vital to the Defense of the United States shall be relieved of liability, civil or criminal, for buying or receiving any commodity or service at a price higher than the maxi-

mum permitted by price regulations issued by the Office of Price Administration.]

[NOTE: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1334.57a [Revoked]

[§ 1334.57a revoked by Amendment 9, effective 7-10-43]

§ 1334.58 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Price Schedule No. 60 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1334.58 amended by Supplementary Order 1, 7 F.R. 1836, effective 3-10-42 and Supplementary Order 26, 7 F.R. 8948, effective 11-4-42]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1334.58a [Revoked]

[§ 1334.58a added by Amendment 3, 7 F.R. 6787, effective 8-31-42, and revoked by Amendment 5, 7 F.R. 8949, effective 11-4-42]

§ 1334.59 *Definitions.* When used in Revised Price Schedule No. 60, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

[Paragraph (a) as amended by Amendment 2, 7 F.R. 5664, effective 7-23-42]

(b) "Direct-consumption sugars" means any grade, or type of saccharine product derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

(c) "Primary distributor" means any person who manufactures direct-consumption sugars or the agent of any such person, or any person who delivers to the continental United States from offshore areas or any person who takes such delivery or the agent of any such person who makes or takes such delivery. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(d) "At wholesale" means a sale other than a sale by a primary distributor or a sale at retail.

(e) "Sale at retail" means a sale to the ultimate consumer; *provided*, no manufacturer, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(f) [Revoked]

[Paragraph (f) revoked by Amendment 9, effective 7-10-43]

§ 1334.60 *Effective date of Revised Price Schedule No. 60.* This schedule (§§ 1334.51 to 1334.60, inclusive) shall become effective December 22, 1941.

[Issued December 20, 1941]

§ 1334.60a *Effective dates of amendments.* [The effective dates of Amendments 1 through 8 are shown in notes following the parts affected.]

§ 1334.61 *Provision with respect to direct-consumption sugar to be purchased or sold by Defense Supplies Corporation, Commodity Credit Corporation or the designees of either of them.* (a) The maximum prices established by § 1334.51 shall be applicable for purchases and sales of direct-consumption sugar by Defense Supplies Corporation, Commodity Credit Corporation, the designee or designees of either of them or other United States governmental agency duly authorized to perform functions in connection with sugar exercised by either of them except: (1) In case of purchases by any of the above specified where such maximum prices are below the sellers cost for such sugars, application may be made and the Administrator may grant maximum prices for the sale and purchase thereof in excess of the maximum prices set out in said section. (2) In cases where the seller was not subject to the provisions of § 1334.51 prior to March 31, 1942, the differentials for grades and packages, and the cartage rates of his nearest freightwise primary distributor shall be used. (3) Application may be made and approval granted by the Administrator for sales by any of the above specified parties and the purchase from any of them at maximum prices in excess of the maximum prices established by said section, and (4) The above specified parties may enter into valid contracts providing for payment of a price to be adjusted not to exceed the maximum price established by the Office of Price Administration effective at the time of shipment.

(b) All maximum prices with conditions and rights of designation established for purchases and sales of the Defense Supplies Corporation are hereby established for the Commodity Credit Corporation and shall henceforth apply to other United States governmental agencies duly authorized to perform functions in connection with sugar exercised by either of them.

[§ 1334.61 added by Amendment 1, 7 F.R. 2510, effective 3-31-42 and amended by Amendment 7, 8 F.R. 6044, effective 12-15-42]

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the Office of Price Administration shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

§ 1334.62 *Applicability.* The provisions of this Revised Price Schedule No. 60 shall not apply to sales and deliveries of direct-consumption sugars to or in the territories and possessions of the United States.

[§ 1334.62 added by Amendment 4, 7 F.R. 1928, effective 11-7-42]

§ 1334.63 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. No person may deliver or agree to deliver at prices to be adjusted upward after delivery in accordance with action taken by the Office of Price Administration except upon authorization by the Office of Price Administration. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. This authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated, by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

§ 1334.64 *Taxes.* Any tax upon or incident to the sale, delivery, processing or use of direct-consumption sugars imposed after July 10, 1943 by any statute of the United States or statute or ordinance of any state or subdivision thereof shall be treated in determining the seller's maximum price for direct-consumption sugar and in preparing the records of such seller with respect thereto as follows: If the statute or ordinance imposing such tax or increase in tax does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately collect and state it, the seller may receive in addition to the otherwise maximum price, the amount of such tax or increase in tax actually paid by him or an amount equal to the amount of such tax on direct-consumption sugars paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1334.65 *Export sales.* The maximum price at which a person can export direct-consumption sugars shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation [1] issued by the Office of Price Administration.

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10853; Filed, July 5, 1943; 4:52 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[1] Amdt. 9]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of Amendment No. 9 to Maximum Price Regulation No. 306 has been issued and filed with the Division of the Federal Register.[*]

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.553 (a) (6), (7), (8) and (9) are added as follows:

Item	Section	Appendix
(6) Asparagus	1341.584	B
(7) Mustard Greens and Turnip Greens	1341.584	B
(8) Tomato products	1341.584	B
(9) Miscellaneous vegetables	1341.585	C

2. In § 1341.561 (a) the figure "9%" is amended to read "3%".

3. Section 1341.565 (e) is amended to read as follows:

(e) After May 18, 1943, no processor may sell more than one grade of any particular packed fruit or packed vegetable covered by this regulation under the same brand name unless the labels on the containers of the different items are clearly distinguished by appropriate words or symbols. For example, if a processor wishes to sell both Grade A and Grade B peas under the brand name "John Doe," he must sell Grade A as John Doe Grade A, Fancy, Supreme or other appropriate term and he must sell Grade B as John Doe Grade B, Extra Standard, Superior or other appropriate Grade A peas and Grade B corn under term. However, the processor may sell the same brand name without the addition of such distinguishing words or symbols on the respective labels.

4. Section 1341.565 (k) is added to read as follows:

(k) The foregoing provisions of this section apply:

(1) To all brand owners, whether or not processors, who affix labels or cause labels to be affixed to the packed fruits or vegetables covered by this regulation, packed by them or purchased by them for resale; and

(2) To any item covered by this regulation for which grades are established by the United States Department of Agriculture.

5. Section 1341.584 is amended to read as follows:

§ 1341.584 *Appendix B: Maximum prices for packed vegetables*—(a) *Peas.* (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Column 1	Column 2	Column 3	Column 4	Column 5		Column 6		Column 7		Column 8	
				Region I		Region II		Region III		Region IV	
Item No.	Variety	Sieve size	Grade	No. 2 can and No. 303 glass jar (16-17 fl. oz.)	No. 10 can	No. 2 can and No. 303 glass jar (16-17 fl. oz.)	No. 10 can	No. 2 can and No. 303 glass jar (16-17 fl. oz.)	No. 10 can	No. 2 can and No. 303 glass jar (16-17 fl. oz.)	No. 10 can
1	Alaska	No. 1	A-Fancy	1.575	7.90	1.55	7.75	1.525	7.65	1.55	7.75
2			B-Ex. Std	1.425	7.15	1.40	7.00	1.375	6.90	1.40	7.00
3			C-Standard	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
4	Alaska	No. 2	A-Fancy	1.475	7.40	1.45	7.25	1.425	7.15	1.45	7.25
5			B-Ex. Std	1.325	6.65	1.30	6.50	1.275	6.40	1.30	6.50
6			C-Standard	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
7	Alaska	No. 3	A-Fancy	1.375	6.90	1.35	6.75	1.325	6.65	1.35	6.75
8			B-Ex. Std	1.225	6.15	1.20	6.00	1.175	5.90	1.20	6.00
9			C-Standard	1.125	5.65	1.10	5.50	1.075	5.40	1.10	5.50
10	Alaska	No. 4 and up	A-Fancy	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
11			B-Ex. Std	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
12			C-Standard	1.075	5.40	1.05	5.25	1.025	5.15	1.05	5.25
13	Alaska	Ungraded	A-Fancy	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
14			B-Ex. Std	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
15			C-Standard	1.075	5.40	1.05	5.25	1.025	5.15	1.05	5.25
16	Sweet	No. 1	A-Fancy	1.575	7.90	1.55	7.75	1.525	7.65	1.525	7.65
17			B-Ex. Std	1.425	7.15	1.40	7.00	1.375	6.90	1.375	6.90
18			C-Standard	1.275	6.40	1.25	6.25	1.225	6.15	1.225	6.15
19	Sweet	No. 2	A-Fancy	1.575	7.90	1.55	7.75	1.525	7.65	1.525	7.65
20			B-Ex. Std	1.425	7.15	1.40	7.00	1.375	6.90	1.375	6.90
21			C-Standard	1.275	6.40	1.25	6.25	1.225	6.15	1.225	6.15
22	Sweet	No. 3	A-Fancy	1.475	7.40	1.45	7.25	1.425	7.15	1.425	7.15
23			B-Ex. Std	1.325	6.65	1.30	6.50	1.275	6.40	1.275	6.40
24			C-Standard	1.175	5.90	1.15	5.75	1.125	5.65	1.125	5.65
25	Sweet	No. 4	A-Fancy	1.375	6.90	1.35	6.75	1.325	6.65	1.325	6.65
26			B-Ex. Std	1.225	6.15	1.20	6.00	1.175	5.90	1.175	5.90
27			C-Standard	1.125	5.65	1.10	5.50	1.075	5.40	1.075	5.40
28	Sweet	No. 5 and up	A-Fancy	1.275	6.40	1.25	6.25	1.225	6.15	1.225	6.15
29			B-Ex. Std	1.175	5.90	1.15	5.75	1.125	5.65	1.125	5.65
30			C-Standard	1.075	5.40	1.05	5.25	1.025	5.15	1.025	5.15
31	Sweet	Ungraded	A-Fancy	1.425	7.15	1.40	7.00	1.375	6.90	1.375	6.90
32			B-Ex. Std	1.225	6.15	1.20	6.00	1.175	5.90	1.175	5.90
33			C-Standard	1.125	5.65	1.10	5.50	1.075	5.40	1.075	5.40
34	Prince of Wales and Laxton	Ungraded	A-Fancy	1.475	7.40	1.45	7.25	1.425	7.15	1.425	7.15
35			B-Ex. Std	1.225	6.15	1.20	6.00	1.175	5.90	1.175	5.90
36			C-Standard	1.075	5.40	1.05	5.25	1.025	5.15	1.025	5.15

[*] Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 1114, 1313, 2921, 3732, 3853, 4179, 4633, 4840, 6617.
[1] 8 F.R. 4132, 7662.

(2) The regions set forth in paragraph (a) (1) of this section shall be as follows:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia and North Carolina.

Region II: Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, Kentucky and Tennessee.

Region III: Montana, Idaho, Wyoming, Utah, Nevada, Colorado, Arizona, New Mexico.

Region IV: Oregon, Washington, California.

(3) The maximum pric for any variety and sieve size below standard in grade shall be: In No. 2 cans or in No. 303 glass jars (16–17 fl. oz.) ten cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for standard grade of the same variety, sieve size, and container size for the particular region.

(4) Blends of sieve sizes:

(i) The maximum price for a blend of two sieve sizes of a variety and grade shall be the same as the maximum price for the largest sieve size in the blend.

(ii) The maximum price for a blend of three sieve sizes of a variety and grade in No. 2 cans or in No. 303 glass jars (16–17 fl. oz.) shall be five cents per dozen, and in No. 10 cans, twenty-five cents per dozen, more than the maximum price for the largest sieve size in the blend; except that:

(a) The maximum price for a blend of three sieve sizes of a grade of Alaska peas, No. 5 sieve size being the largest size in the blend, in No. 2 cans or in No. 303 glass jars (16–17 fl. oz.) shall be two and one-half cents per dozen, and in No. 10 cans, twelve and one-half cents per dozen, more than the maximum price for No. 4 and up sieve size of the same grade;

(b) The maximum price for a blend of three sieve sizes of a grade of Alaska peas which contains both No. 5 and No. 6 sieve sizes, shall be the same as the maximum price for No. 4 and up sieve size of the same grade; and

(c) The maximum price for a blend of three sieve sizes of a grade of sweet peas which contains both No. 5 and No. 6 sieve sizes, in No. 2 cans or in No. 303 glass jars (16–17 fl. oz.) shall be two and one-half cents per dozen, and in No. 10 cans, twelve and one-half cents per dozen, more than the maximum price for No. 5 and up sieve size of the same grade.

(iii) The maximum price for a blend of four or more sieve sizes of a variety and grade shall be the same as the maximum price for the ungraded sieve size of the same variety and grade.

(5) The maximum price for a variety, sieve size (including blends) and grade of peas packed:

(i) In twelve ounce vacuum cans, shall be ten cents per dozen less than the maximum price for the same variety, sieve size and grade packed in No. 2 cans;

(ii) In No. 303 cans, shall be 85% of the maximum price for the same variety, sieve size and grade packed in No. 2 cans; and

(iii) In No. 1 cans, shall be 70% of the maximum price for the same variety, sieve size and grade packed in No. 2 cans.

(6) The word "ungraded," when used in connection with peas, refers to the sieve size and means not separated by sieve sizes.

(7) The maximum prices per dozen containers, f. o. b. factory, for any sieve size or grade of black eye or crowder peas in any region, shall be the same as the maximum price for the same sieve size, grade and container size of Alaska peas in the same region.

(8) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(i) For each variety, sieve size and grade of peas in No. 2 cans, multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

Region and State	*Cents per doz. No. 2 Cans*
Region I:	
Connecticut	$0.095
Delaware	.0975
Maine	.085
Maryland	.0975
Massachusetts	.095
New Hampshire	.095
New Jersey	.070
New York	.085
North Carolina	.07
Pennsylvania	.095
Rhode Island	.095
Vermont	.095
Virginia	.090
West Virginia	.07
Region II:	
Alabama	$0.095
Arkansas	.045
Florida	.095
Georgia	.095
Illinois	.1075
Indiana	.065
Iowa (Central)[1]	.1125
Iowa (balance of State)	.0625
Kansas	.045
Kentucky	.1125
Louisiana	.095
Michigan	.0725
Minnesota	.095
Mississippi	.095
Missouri	.045
Nebraska	.0625
North Dakota	.045
Ohio	.085
Oklahoma	.045
South Carolina	.095
South Dakota	.045
Tennessee	.1125
Texas	.045
Wisconsin (Southeastern)[2]	.1075
Wisconsin (balance of State)	.095
Region III:	
Arizona	.095
Colorado	.085
Idaho (Franklin County)	.11
Idaho (balance of State)	.035
Montana	.0625
Nevada	.095
New Mexico	.07
Utah	.11
Wyoming	.08
Region IV:	
California	.0675
Oregon	.095
Washington	.095

[1] Includes following counties: Hamilton, Story, Franklin, Benton.

[2] Includes following counties: Adams, Brown, Calumet, Columbia, Crawford, Dane, Dodge, Dorr, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, LaFayette, Manitowoc, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago.

(ii) For each variety, sieve size and grade of peas in No. 10 cans, multiply by 5 the maximum price determined under paragraph (i) for No. 2 cans.

(b) *Tomatoes (except Italian pear shaped tomatoes).* (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Col. 1	Col. 2	Col. 3			Col. 4			Col. 5			Col. 6			Col. 7		
		Region I			Region II			Region III			Region IV			Region V		
Item No.	Grade	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can
1	Fancy	1.325	1.775	6.30	1.30	1.75	6.20	1.225	1.675	5.85	1.25	1.70	5.95	1.275	1.725	6.05
2	Extra-Standard	1.125	1.50	5.35	1.10	1.475	5.25	1.025	1.40	4.90	1.05	1.425	5.00	1.075	1.45	5.10
3	Standard	1.025	1.375	4.85	1.00	1.35	4.75	.925	1.275	4.40	.95	1.30	4.50	.975	1.325	4.60

(2) The regions set forth in paragraph (b) (1) of this section shall be as follows:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and Northern Pennsylvania (all of the State of Pennsylvania not included in Region II).

Region II: Delaware, Maryland, Virginia, West Virginia, New Jersey, Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, and Southern Pennsylvania (Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, York, Cumberland, Adams, Franklin, Fulton, Bedford and Somerset Counties).

Region III: North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma and Texas.

Region IV: Montana, Idaho, Wyoming, Colorado, Utah, New Mexico, Arizona and Nevada.

Region V: Oregon, Washington and California.

(3) The maximum price for any grade below standard shall be: In No. 2 cans, ten cents per dozen, in No. 2½ cans, seventeen and one-half cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for standard grade in the same container for the particular region.

(4) The maximum price for any grade of tomatoes packed:

(i) In No. 303 cans, shall be 85% of the maximum price for the same grade packed in No. 2 cans; and

(ii) In No. 1 cans, shall be 70% of the maximum price for the same grade packed in No. 2 cans.

(5) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(i) For each grade of tomatoes in No. 2 cans, multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

Region and State	*Cents per doz. No. 2 Cans*
Region I:	
Connecticut	$0.1025
Maine	.03
Massachusetts	.03
New Hampshire	.03
New York (Lower Hudson River Valley and Long Island[1])	.1025
New York (balance of State)	.06
Pennsylvania (Northern)	.06
Rhode Island	.03
Vermont	.03
Region II:	
Delaware	.06
Illinois	.065
Indiana	.065
Iowa	.065
Kentucky	.065
Maryland	.06
Michigan	.065
Minnesota	.065
Nebraska	.065
New Jersey	.06
North Dakota	.065
Ohio	.065
Pennsylvania (Southern)	.105
South Dakota	.065
Tennessee	.065

[1] Includes area lying below the city of Albany and closely adjacent to the Hudson River.

(ii) For each grade of tomatoes in No. 2½ cans, multiply by 1.35 the maximum price determined under paragraph (i) for No. 2 cans.

(iii) For each grade of tomatoes in No. 10 cans, multiply by 4.75 the maximum price determined under paragraph (i) for No. 2 cans.

(c) *Corn.* (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Region and State	*Cents per doz. No. 2 cans*
Region II—Continued	
Virginia	.06
West Virginia	.06
Wisconsin	.065
Region III:	
All States except Texas	.045
Texas (Webb, Duval, Jim Wells, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, Willacy, Cameron and Hidalgo Counties)	.09
Texas (balance of State)	.045
Region IV:	
All States except Idaho	.075
Idaho (Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis, Idaho, Clearwater and Shoshone Counties)	.0675
Idaho (balance of State)	.075
Region V:	
California (San Diego, Imperial, Orange, Riverside, Los Angeles, San Bernardino, and Ventura Counties, and that part of Santa Barbara County south of Gaviota Pass)	.07
California (balance of State)	.05
Oregon	.0675
Washington	.0675

(ii) For each grade of tomatoes in No. 2½ cans, multiply by 1.35 the maximum price determined under paragraph (i) for No. 2 cans.

(iii) For each grade of tomatoes in No. 10 cans, multiply by 4.75 the maximum price determined under paragraph (i) for No. 2 cans.

(c) *Corn.* (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4			Col. 5			Col. 6			Col. 7		
			Region I			Region II			Region III			Region IV		
Item No.	Variety and Style	Grade	No. 2 Can	12 oz. Vacuum Can	No. 10 Can	No. 2 Can	12 oz. Vacuum Can	No. 10 Can	No. 2 Can	12 oz. Vacuum Can	No. 10 Can	No. 2 Can	12 oz. Vacuum Can	No. 10 Can
1	Whole grain, all varieties	A—Fancy	1.36	1.31	6.80	1.31	1.26	6.55	1.385	1.335	6.90	1.29	1.24	6.45
2		B—Ex. Std	1.26	1.21	6.30	1.21	1.16	6.05	1.285	1.235	6.40	1.19	1.14	5.95
3		C—Std	1.16	1.11	5.80	1.11	1.06	5.55	1.185	1.135	5.90	1.09	1.04	5.45
4	Cream style, except evergreen and narrow grain.	A—Fancy	1.26	1.21	6.30	1.21	1.16	6.05	1.285	1.235	6.40	1.19	1.14	5.95
5		B—Ex.Std	1.16	1.11	5.80	1.11	1.06	5.55	1.185	1.135	5.90	1.09	1.04	5.45
6		C—Std	1.06	1.01	5.30	1.01	.96	5.05	1.085	1.035	5.40	.99	.94	4.95
7	Cream style, evergreen and narrow grain.	A—Fancy	1.16	1.11	5.80	1.11	1.06	5.55	1.185	1.135	5.90	1.09	1.04	5.45
8		B—Ex. Std	1.11	1.06	5.55	1.06	1.01	5.30	1.135	1.085	5.65	1.04	.99	5.20
9		C—Std	1.06	1.01	5.30	1.01	.96	5.05	1.085	1.035	5.40	.99	.94	4.95

(2) The regions set forth in paragraph (c) (1) of this section shall be as follows:

Region I: Maine and New Hampshire.

Region II: Ohio, Indiana, Illinois, Iowa, Nebraska, North Dakota, South Dakota, Michigan, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Kentucky, Tennessee and that portion of Idaho not included in Region III.

Region III: Washington, Oregon, California and southwestern Idaho (Washington, Payette, Gem, Canyon, Ada and Owyhee Counties).

Region IV: All States not included in Regions I, II and III.

(3) The maximum price for any variety and style in a grade below standard shall be: In No. 2 cans, ten cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for standard grade in the same container for the particular region.

(4) The maximum price for any variety, style and grade of corn packed:

(i) In No. 303 cans, shall be 85% of the maximum price for the same variety, style and grade packed in No. 2 cans;

(ii) In No. 1 cans, shall be 70% of the maximum price for the same variety, style and grade packed in No. 2 cans; and

(iii) In No. 303 glass jars (16–17 fl. oz.) shall be two and one-half cents per dozen more than the maximum price for the same variety, style and grade packed in No. 2 cans.

(5) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(i) For each variety, style and grade of corn in No. 2 cans, multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

Region and State	*Cents per doz. No. 2 Cans*
Region I:	
All States	$.07
Region II:	
All States or portions thereof	.07
Region III:	
All States or portions thereof	.065
Region IV:	
Minnesota	.075
Wisconsin	.075
New York	.08
Pennsylvania	.08
New Jersey	.08

Region and State	*Cents per doz. No. 2 Cans*
Region IV—Continued.	
Delaware	.09
Maryland	.09
Virginia	.09
Vermont	.135
All other States	.05

(ii) For each variety, style and grade of corn in 12 ounce vacuum cans, subtract $.05 per dozen from the maximum price determined under paragraph (i) for No. 2 cans.

(iii) For each variety, style and grade of corn in No. 10 cans, multiply by 5 the maximum price determined under paragraph (i) for No. 2 cans.

(d) *Snap beans.* (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5			Col. 6			Col. 7			Col. 8			Col. 9			Col. 10		
Item No.	Style	Sieve size	Grade	Region I—Bush beans—tin containers			Region II—Bush beans—tin containers			Region III—Bush beans—tin containers			Region IV—Bush beans—tin containers			Region V—Bush beans—tin containers			Region VI—Pole beans—tin containers		
				No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No 10 Can	No 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can
1	Whole, Regular (green or wax).	#1	A-Fancy	1.65	2.225	8.25	1.80	2.425	9.00	1.675	2.250	8.35	1.725	2.325	8.60	1.70	2.300	8.50	1.80	2.425	9.00
2			B-Ex. Std.	1.55	2.100	7.75	1.70	2.300	8.50	1.575	2.125	7.85	1.625	2.200	8.10	1.60	2.150	8.00	1.70	2.300	8.50
3			C-Std.	1.45	1.950	7.25	1.60	2.150	8.00	1.475	2.000	7.35	1.525	2.050	7.60	1.50	2.025	7.50	1.60	2.150	8.00
4		#2	A-Fancy	1.50	2.025	7.50	1.65	2.225	8.25	1.525	2.050	7.60	1.575	2.125	7.85	1.55	2.100	7.75	1.65	2.225	8.25
5			B-Ex. Std.	1.40	1.900	7.00	1.55	2.100	7.75	1.425	1.925	7.10	1.475	2.000	7.35	1.45	1.950	7.25	1.55	2.100	7.75
6			C-Std.	1.30	1.750	6.50	1.45	1.950	7.25	1.325	1.800	6.60	1.375	1.850	6.85	1.35	1.825	6.75	1.45	1.950	7.25
7		#3	A-Fancy	1.40	1.900	7.00	1.55	2.100	7.75	1.425	1.925	7.10	1.475	2.000	7.35	1.45	1.950	7.25	1.55	2.100	7.75
8			B-Ex. Std.	1.30	1.750	6.50	1.45	1.950	7.25	1.325	1.800	6.60	1.375	1.850	6.85	1.35	1.825	6.75	1.45	1.950	7.25
9			C-Std.	1.20	1.625	6.00	1.35	1.825	6.75	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	6.75
10		#4	A-Fancy	1.30	1.750	6.50	1.45	1.950	7.25	1.325	1.800	6.60	1.375	1.850	6.85	1.35	1.825	6.75	1.45	1.950	7.25
11			B-Ex. Std.	1.25	1.675	6.25	1.40	1.900	7.00	1.275	1.725	6.35	1.325	1.800	6.60	1.30	1.750	6.50	1.40	1.900	7.00
12			C-Std.	1.20	1.625	6.00	1.35	1.825	6.75	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	6.75
13		#5 and up	A-Fancy	1.20	1.625	6.00	1.35	1.825	6.75	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	6.75
14			B-Ex. Std.	1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.575	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50
15			C-Std	1.10	1.475	5.50	1.25	1.675	6.25	1.125	1.500	5.60	1.175	1.575	5.85	1.15	1.550	5.75	1.25	1.675	6.25
16		Ungraded	A-Fancy	1.20	1.625	6.00	1.35	1.825	6.75	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	6.75
17			B-Ex. Std.	1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.575	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50
18			C Std	1.10	1.475	5.50	1.25	1.675	6.25	1.125	1.500	5.60	1.175	1.575	5.85	1.15	1.550	5.75	1.25	1.675	6.25
19	Cut (green or wax).	#2	A-Fancy	1.45	1.950	7.25	1.60	2.150	8.00	1.475	2.000	7.35	1.525	2.050	7.60	1.50	2.025	7.50	1.60	2.150	8.00
20			B-Ex. Std.	1.35	1.825	6.75	1.50	2.025	7.50	1.375	1.850	6.85	1.425	1.925	7.10	1.40	1.900	7.00	1.50	2.025	7.50
21			C-Std.	1.25	1.675	6.25	1.40	1.900	7.00	1.275	1.725	6.35	1.325	1.800	6.60	1.30	1.750	6.50	1.40	1.900	7.00
22		#3	A-Fancy	1.35	1.825	6.75	1.50	2.025	7.50	1.375	1.850	6.85	1.425	1.925	7.10	1.40	1.900	7.00	1.50	2.025	7.50
23			B-Ex. Std.	1.25	1.675	6.25	1.40	1.900	7.00	1.275	1.725	6.35	1.325	1.800	6.60	1.30	1.750	6.50	1.40	1.900	7.00
24			C-Std	1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.575	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50
25		#4	A-Fancy	1.25	1.675	6.25	1.40	1.900	7.00	1.275	1.725	6.35	1.325	1.800	6.60	1.30	1.750	6.50	1.40	1.900	7.00
26			B-Ex. Std.	1.20	1.625	6.00	1.35	1.825	6.75	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	6.75
27			C-Std.	1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.575	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50
28		#5 and up	A-Fancy	1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.575	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50
29			B-Ex. Std.	1.10	1.475	5.50	1.25	1.675	6.25	1.125	1.500	5.60	1.175	1.575	5.85	1.15	1.550	5.75	1.25	1.625	6.25
30			C-Std.	1.05	1.425	5.25	1.20	1.625	6.00	1.075	1.450	5.35	1.125	1.525	5.60	1.10	1.475	5.50	1.20	1.625	6.00
31		Ungraded	A-Fancy	1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.575	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50
32			B-Ex. Std.	1.10	1.475	5.50	1.25	1.675	6.25	1.125	1.500	5.60	1.175	1.575	5.85	1.15	1.550	5.75	1.25	1.625	6.25
33			C-Std.	1.05	1.425	5.25	1.20	1.625	6.00	1.075	1.450	5.35	1.125	1.525	5.60	1.10	1.475	5.50	1.20	1.625	6.00

(2) The regions set forth in paragraph (d) (1) of this section shall be as follows:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

Region II: New York.

Region III: Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Missouri and Kansas.

Region IV: Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota and South Dakota.

Region V: Arizona, Montana, Wyoming, Colorado, New Mexico, Utah, Nevada and that part of Idaho not included in Region VI.

Region VI: Washington, Oregon, California, and Southwestern Idaho (Washington, Payette, Gem, Canyon, Ada and Owhyee counties).

(3) Differentials for other types of snap beans for which maximum prices are not named in paragraph (d) (1) of this section:

(i) In Regions I, II, III, IV and V, the maximum prices for pole beans shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen, and in No. 10 cans twenty-five cents per dozen, higher than the maximum prices named for bush beans.

(ii) In Region VI, the maximum prices for bush beans shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen, and in No. 10 cans, twenty-five cents per dozen, lower than the maximum prices named for pole beans.

(4) Differentials for other styles of pack for which maximum prices are not named in paragraph (d) (1) of this section:

(i) The maximum prices for asparagus style, horizontal style or vertical style of pack shall be: In No. 2 cans, twenty-five cents per dozen, in No. 2½ cans, thirty-two and one-half cents per dozen, and in No. 10 cans, $1.25 per dozen, higher than the maximum prices for whole beans of the same variety and grade, as listed herein or as determined by differential under the provisions of this section.

(ii) The maximum prices for French style of pack shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen, and in No. 10 cans, twenty-five cents per dozen, higher than the maximum prices for whole beans of the same variety and grade, as listed herein or as determined by differential under the provisions of this section.

(5) *Blends of sieve sizes.* (i) The maximum price of a blend of two sieve sizes of a variety and grade shall be the maximum price of the largest sieve size in the blend.

(ii) The maximum price of a blend of three sieve sizes containing only No. 4 sieve size and larger shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, in the same container. The maximum price of a blend of three sieve sizes of a variety and grade, which blend includes at least one sieve size which is smaller than No. 4 sieve size shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen and in No. 10 cans, twenty-five cents per dozen, more than the maximum price of the largest sieve size in the blend, packed in the same container.

(iii) The maximum price of a blend of four or more sieve sizes of a variety and grade shall be the same as the maximum price for ungraded sieve size of the same variety and grade in the same container.

(6) The maximum price for any variety, style and sieve size (including blends) below standard in grade shall be: In No. 2 cans, ten cents per dozen, in No. 2½ cans, twelve and one-half cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for the same variety, style and sieve size (including blends) for standard grade in the same container for the particular region.

(7) The maximum price for any variety, style, sieve size (including blends) and grade of snap beans packed:

(i) In No. 303 cans, shall be 85% of the maximum price for the same variety, style, sieve size (including blends) and grade packed in No. 2 cans;

(ii) In No. 1 cans, shall be 70% of the maximum price of the same variety, style, sieve size (including blends) and grade packed in No. 2 cans; and

(iii) In No. 303 glass jars (16–17 fl. oz.) shall be two and one-half cents per dozen more than the maximum price for the same variety, style, sieve size (including blends) and grade packed in No. 2 cans.

(8) The word "ungraded" when used in connection with snap beans, refers to the sieve size and means not separated by sieve sizes, and includes all blends of more than three sieve sizes.

(9) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(i) For each variety, style, sieve size (including blends) and grade of snap beans in No. 2 cans multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

Region and State	*Cents per doz. No. 2 cans*
Region I:	
All States	$0.15
Region II:	
New York	.06
Region III:	
Alabama	.025
Arkansas	.075
Delaware	.075
Florida	.025
Georgia	.025
Kansas	$0.025
Kentucky	.025
Louisiana	.025
Maryland	.075
Mississippi	.025
Missouri (McDonald, Newton, Barry, Lawrence, Stone, Christian, Greene, Taney, Webster, Douglas, Ozark, Howell, Texas, Shannon, Oregon, Carter, Ripley, Butler, Stoddard, Dunklin, Pemiscot, Wright, New Madrid and Mississippi counties)	.075
Missouri (balance of State)	.025
New Jersey	.075
North Carolina	.025
Oklahoma (Delaware, Mayes, Wagoner, Tulsa, Cherokee, Adair, Muskogee, Sequoyah, Haskell, LeFlore, Bushmataha, Choctaw and McCurtain counties)	.075
Oklahoma (balance of State)	.025
Pennsylvania	.075
South Carolina	.025
Tennessee	.025
Texas (Fannin, Lamar, Red River, Bowie and Cass counties)	.80
Texas (balance of State)	.025
Virginia	$0.075
West Virginia	.075
Region IV:	
All States	.07
Region V:	
All States or portions thereof	.11
Region VI:	
California: pole beans	.13
other than pole beans	.08
All other States or portions thereof	.13

(ii) For each variety, style, sieve size (including blends) and grade of snap beans in No. 2½ cans, multiply by 1.35 the maximum price determined under paragraph (i) for No. 2 cans.

(iii) For each variety, style, sieve size (including blends) and grade of snap beans in No. 10 cans, multiply by 5 the maximum price determined under paragraph (i) for No. 2 cans.

(e) *Spinach.* (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4		
			Container		
Item No.	Grade	State or area	No. 2 Can	No. 2½ Can	No. 10 Can
1	A or fancy	All	$1.175	$1.475	$5.15
2	C or standard	All	1.075	1.35	4.75
3	Below standard	All	.925	1.16	4.10

(2) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum prices for sales other than to government procurement agencies as set forth in paragraph (1).

(f) *Asparagus.* (1) The maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6			Col. 7		Col. 8	
					California			Washington and Oregon		All other States	
Item No	Variety	Style	Grade	Size	No. 2 Cans	No. 2½ Cans	No. 10 Cans	No. 2 Cans	No. 10 Cans	No. 2 Cans	No. 10 Cans
1	All Green	Spears	A-Fancy	Colossal	$3.55			$3.475		$3.50	
2				Mammoth	3.525			3.425		3.45	
3				Large	3.45			3.35		3.30	
4				Medium	3.35			3.25		3.15	
5				Small	3.275			3.125		2.95	
6		Cut Spears			2.825		$14.20	2.70	$13.50	2.60	$13.00
7		Center Cuts			1.45		7.70	1.50	7.50	1.50	7.50
8	Green Tipped	Spears	A-Fancy	Colossal	3.025						
9				Mammoth	3.025						
10				Large	3.025						
11				Medium	3.025						
12				Small	2.725						
13	Other than All Green	Cut Spears	A-Fancy				13.20				
14		Center Cuts			1.075		5.20				
15		Salad Points					17.30				
16		Soup Cuts				$2.775	9.50				

(2) The maximum price for any grade below grade A or fancy shall be: In No. 2 cans, twenty cents per dozen, in No. 2½ cans, thirty cents per dozen, and in No. 10 cans, one dollar, less than the maximum price per dozen for the same container, variety, style and size for grade A or fancy for the particular region.

(3) The maximum price per dozen, f. o. b. factory, for each grade of blended spears in No. 2 cans shall be the canner's maximum price per dozen, f. o. b. factory, for the 1942 pack of the same grade of blended spears, plus the sum of thirty cents per dozen in the states of California, Washington and Oregon, or the sum of twenty cents per dozen in all other States.

(4) The maximum prices per dozen containers, f. o. b. factory, for sales to

government procurement agencies shall be 96% of the maximum price for sales other than to government agencies as set forth in paragraphs (1), (2) and (3).

Col. 1 Item No.	Col. 2 Grade	Col. 3 State or area	Col. 4 Container Size	
			No. 2½ cans	No. 10 cans
1	A or fancy	All	$1.20	$4.20
2	C or standard	All	1.075	3.75
3	Below standard	All	.95	3.30

(2) The maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum price for sales other than to government procurement agencies as set forth in paragraph (1).

(*h*) *Tomato products.* (1) The tomato products covered by the following paragraphs are tomato catsup, chili sauce, tomato puree, tomato paste, tomato juice and tomato sauce, and Italian pear shaped tomatoes.

(2) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the tomato products set forth in paragraph (1) shall be computed by the processor by adjusting his maximum price per dozen, f. o. b. factory, for the 1942 pack of the same tomato product of the same grade and in the same container as follows:

(i) Deduct the total 1942 raw tomato cost per dozen containers as required to be reported in column (8) of the report filed under Maximum Price Regulation No. 152.

(ii) Add to the figure so obtained the total raw tomato cost per dozen containers determined by dividing the resale price of the Commodity Credit Corporation for the region where the processor's factory is located by the number of dozens of containers obtained per ton of raw tomatoes as required to be reported in column (5) of the report filed under Maximum Price Regulation No. 152.

(3) The processor's maximum price per dozen No. 10 cans of tomato catsup, regardless of the provisions of paragraph (2), shall be at least equal to his maximum price per dozen for the same grade in 14 ounce bottles (determined under paragraph (2)) multiplied by 6.5.

(4) Any processor who established a maximum price for any grade and size of his 1942 pack of any particular tomato product set forth in paragraph (1) by the adoption of a competitor's maximum price shall adopt the same competitor's maximum price for the 1943 pack of the same product, grade and size.

(i) Where the same competitor does not pack such product in 1943, the processor shall establish his maximum price for such product by adopting his closest competitive seller's maximum price for the same grade and size of the 1943 pack of the same product.

(ii) Where the processor did not pack the same grade and size of any of such products in 1942, the maximum price of his closest competitive seller for the same grade and size of the 1943 pack of the same product shall be the processor's maximum price.

(5) In the event that a processor cannot establish a maximum price for any grade or size of any such tomato product under the foregoing provisions, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall contain:

(i) A full description of the item which is the subject of the application, and an itemized statement of his costs therefor.

(ii) A description of the most similar grade and size of the same product, or if he does not pack the same product in another grade and size, his most similar product; an itemized statement of his costs therefor; and his maximum price for such item. Separate maximum prices will be authorized for government procurement agencies and for other sales.

(6) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be:

(i) 96% of the maximum price for sales other than to government procurement agencies as established under paragraphs (1) through (5) inclusive, plus

(ii) The increased cost of raw tomatoes computed as follows:

(*a*) Determine the amount of the difference between the Commodity Credit Corporation's purchase price and resale price per ton of raw tomatoes for the area where the processor's factory is located.

(*b*) Divide that amount by the number of dozens of containers obtained per ton of raw tomatoes as required to be reported in column (5) of the report filed under Maximum Price Regulation No. 152. The resulting figure is the processor's increased cost of raw tomatoes per dozen containers, which, when added to 96% of the maximum price for sales other than to government procurement agencies, constitutes the maximum price for sales to government procurement agencies.

6. Section 1341.585, Appendix C, is added to read as follows:

§ 1341.585 *Appendix C: Maximum prices for certain miscellaneous canned vegetables.* (a) The miscellaneous canned vegetables listed below include the canned juices of such vegetables. The miscellaneous canned vegetables covered in this section are as follows:

Group I:
- Artichokes
- Bamboo sprouts
- Bean sprouts
- Celery
- Hominy
- Okra
- Onions
- Parsnips
- Peppers
- Pickles
- Pimientos
- Pumpkins
- Rhubarb
- Squash
- Turnips
- Vegetable greens (except spinach, mustard greens and turnip greens)

Group II:
- Beans, Lima (fresh)
- Beets
- Carrots

Group III:
- Mixed vegetables or mixed vegetable juices

(1) *Maximum prices for vegetables and vegetable juices in Group I.* (i) The processor's maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be the processor's maximum price for the 1942 pack for the same variety, style, grade and container size of the same item, plus 20% of the raw vegetable cost per dozen as required to be reported in column (8) of the report filed under Maximum Price Regulation No. 152.

(ii) The processor's maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum price for sales other than to government procurement agencies as established under paragraph (i).

(2) *Maximum prices for vegetables and vegetable juices in Group II.* (i) The processor's maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be computed by the processor by adjusting his maximum price per dozen, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container as follows:

(*a*) Deduct the total 1942 raw vegetable cost per dozen containers as required to be reported in Column (8) of the report filed under Maximum Price Regulation No. 152.

(*b*) Add to the figure so obtained the total raw vegetable cost per dozen containers determined by dividing the applicable support price of the War Food Administration for the area where the processor's factory is located by the number of dozens of containers obtained per ton of raw vegetable as required to be reported in column (5) of the report filed under Maximum Price Regulation No. 152.

(ii) The processor's maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum price for sales other than to government procurement agencies as established under paragraph (i).

(3) *Maximum prices for mixed vegetables and mixed vegetable juices (Group III).* (i) The processor's maximum price per dozen containers, f. o. b. factory, for sales other than to govenment procurement agencies, shall be his maximum price for the same item of the 1942 pack, adjusted for the difference in raw vegetable cost, to be computed as provided herein. The difference in cost shall be separately computed for each vegetable in the combination, as follows:

(*a*) For raw vegetables in Group I, increase the raw vegetable cost for such vegetables required to be used in computing maximum prices for the 1942 pack, by 20%.

(*b*) For raw vegetables in Group II, deduct the raw vegetable cost for such vegetables required to be used in computing maximum prices for the 1942 pack and add the 1943 raw vegetable cost for such vegetables, obtained by dividing the applicable support price of the War Food Administration for the area in which the processor's factory is located by the dozen container yield per ton required to be used in computing the 1942 maximum price.

(*c*) For raw vegetable cost of corn, peas, snap beans or tomatoes used in the item, deduct the raw vegetable cost for such vegetables required to be used in computing the maximum prices for the 1942 pack, and add the 1943 raw vegetable cost for such vegetables, obtained by dividing the resale price of the Commodity Credit Corporation for the area in which the processor's factory is located by the dozen container yield per ton required to be used in computing the 1942 maximum prices.

(ii) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum prices for sales other than to government procurement agencies, except that for any item containing corn, peas, snap beans or tomatoes, the processor shall add the amount of the difference between the Commodity Credit Corporation's purchase price and resale price per ton of such raw vegetable for the area where the processor's factory is located, divided by the dozen container yield per ton required to be used in computing the 1942 maximum prices.

(4) *Maximum prices for vegetables and vegetable juices in Groups I, II and III in certain instances.* (i) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item in Group I, II or III by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(*a*) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the same variety, style, grade and container of the 1943 pack of the same item.

(ii) Where the processor did not pack the same variety, style, grade and container of any particular item in Group I, II or III in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(iii) In the event that a processor cannot establish his maximum price under the foregoing provisions of the regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall contain:

(*a*) A statement of the reasons for his inability to establish a maximum price for the item which is the subject of the application.

(*b*) A full description of the item which is the subject of the application, and an itemized statement of his costs therefor.

(*c*) A description of the most similar grade and container of the same item, or if he does not pack the same product in another grade and container, his most similar product; an itemized statement of his costs therefor; and his maximum price for such item. Separate maximum prices will be authorized for sales to government procurement agencies and for all other sales.

7. Section 1341.586, Appendix D, is added to read as follows:

§ 1341.586 *Appendix D: Adjustment of maximum prices for approved increases in wage rates.* (a) Processors whose factories are located in the States or portions thereof listed below, shall adjust their maximum prices for sales to government procurement agencies, computed under the foregoing provisions of this regulation, for the following items, by multiplying such maximum prices by the figure indicated for each such State or portion thereof:

(1) *Peas.*

Region	State	Grade	Multiply maximum price by—		
			Alaska, Blackeye and Crowder	Sweet	Laxton and Prince of Wales
I	Delaware, Maryland and New York	Fancy	1.02	1.025	1.03
		All other	1.02	1.02	1.03
II	Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.	Fancy	1.025	1.025	1.03
		All other	1.03	1.03	1.03
III	Colorado and Utah	Fancy	1.02	1.02	1.03
		All other	1.025	1.02	1.03
IV	California, Oregon and Washington	Fancy	1.02	1.02	1.03
		All other	1.025	1.02	1.03

(2) *Tomatoes (except Italian pear shaped tomatoes).*

Region	States	Grade	Multiply maximum price by—
I	New York	Fancy	1.035
		All other	1.040
II	Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, Ohio, Wisconsin.	Fancy	1.045
		All other	1.045
IV	Colorado, Utah	Fancy	1.040
		All other	1.040
V	California, Oregon, Washington	Fancy	1.040
		All other	1.040

(3) *Corn.*

Region	States	Grade	Multiply maximum price by—	
			Cream Style	Whole Kernel
II	Colorado, Illinois, Indiana, Michigan, Utah	Fancy	1.030	1.025
		All other	1.035	1.040
III	California, Oregon, Washington	Fancy	1.030	1.025
		All other	1.030	1.025
IV	Delaware, Maryland, Minnesota, New York, Wisconsin	Fancy	1.030	1.040
		All other	1.035	1.045

(4) *Snap beans.*

Region	States	Grade	Multiply maximum price by— Cut	Whole
II	New York	Fancy	1.025	1.020
		All other	1.030	1.015
III	Delaware, Maryland	Fancy	1.030	1.020
		All other	1.025	1.030
IV	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	Fancy	1.035	1.030
		All other	1.040	1.040
V	Colorado, Utah	Fancy	1.030	1.035
		All other	1.025	1.025

(b) Processors whose factories are located in the States or portions thereof listed below, shall adjust their maximum prices for the following items, for sales to government procurement agencies and for other sales, respectively, by multiplying the maximum prices established under the foregoing provisions of this regulation by the figure indicated for each such State or portion thereof:

(1) *Spinach, mustard greens and turnip greens.*

State	Grade	Multiply maximum price by—
California, Colorado, Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, Oregon, Utah, Washington, and Wisconsin.	All	1.045

(2) *Asparagus.*

State	Variety and grade	Multiply maximum price by—
California	All	1.02
Oregon and Washington	All	1.03
Colorado, Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, Utah and Wisconsin.	All	1.04

(c) Processors whose factories are located in the States or portions thereof listed below shall adjust their maximum prices established under the foregoing provisions of this regulation for sales of the items designated to government procurement agencies if they have incurred wage rate increases approved by the Office of Economic Stabilization. Such adjustments are to be made only when the wage rate increases become effective after January 1, 1943. The adjustments are to be made for any item listed below, but only when 50% or more of the processor's pack of the particular item was made after the effective date of the wage rate increase. Such adjustments are to be made by multiplying the maximum prices for sales to government procurement agencies by the figure indicated for each such State or portion thereof.

(1) *Tomato juice.*

State:	Multiply maximum price by—
New York	1.04
Delaware and Maryland	1.035
Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin	1.045
California, Colorado, Oregon, Utah and Washington	1.02

(2) All tomato products set forth in § 1341.584 (h), except tomato juice.

State:	Multiply maximum price by—
California, Colorado, Oregon, Utah and Washington	1.02
Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, and Wisconsin	1.04

(d) Processors whose factories are located in the States or portions thereof listed below shall adjust their maximum prices established under the foregoing provisions of this regulation for sales of the items designated to government procurement agencies and also their maximum prices for other sales if they have incurred wage rate increases approved by the Office of Economic Stabilization. Such adjustments are to be made only when the wage rate increases become effective after January 1, 1943. The adjustments are to be made for any item listed below, but only when 50% or more of the processor's pack of the particular item was made after the effective date of the wage rate increase. Such adjustments are to be made for sales to government procurement agencies by multiplying the maximum price for such sales by the figure indicated for each state or portion thereof, and such adjustments are to be made for sales other than to government procurement agencies by multiplying the maximum prices for such sales by the same figure.

(1) All miscellaneous vegetables set forth in Groups I, II and III in § 1341.585 (a).

State:	Multiply maximum prices by—
California, Colorado, Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, Oregon, Utah, Washington and Wisconsin	1.045

This amendment shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10854; Filed, July 5, 1943; 4:53 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 409,[1] Amdt. 1]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 409 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 409 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *List of maximum prices which packers may charge for frozen fruits, berries and vegetables packed and frozen in barrels.* The maximum prices per pound, carload basis f. o. b. shipping point, which packers may charge for frozen fruits, berries and vegetables packed and frozen in barrels after the 1942 pack shall be:

Variety and sugar basis:	Maximum price per pound
Cherries, red sour and sweet	(to be announced)
Blackberries	do.
Boysenberries	do.
Gooseberries	do.
Loganberries	do.
Raspberries, black	do.
Raspberries, red	do.
Strawberries (Ettersburg variety):	
3+1	17¾¢
3+1 sortouts	15¾¢
4+1	18¼¢
4+1 sortouts	16¼¢
5+1	16¾¢
Straight	19¾¢
Strawberries (Other varieties):	
3+1	16¼¢
3+1 sortouts	14¼¢
4+1	16¾¢
4+1 sortouts	14¾¢
5+1	17¼¢
Straight	17¾¢
Youngberries	(to be announced)

When a packer sells a listed item on a "no-storage" basis, that is, at a price which includes only the first month's storage, his maximum price shall be reduced by ¼¢ per pound.

Listed barreled products for which maximum prices are "to be announced" continue to be subject to Maximum Price Regulation No. 207.

Barreled products which are not listed shall be priced under Section 3 as if they were not packed in barrels.

2. Section 3 (b) (2) is amended by adding the following new paragraph and table after the second paragraph and table and before the last paragraph, which begins with the words, "Commodities for which no figure is named . . .".

In the case of the following commodities, the packer shall adjust for raw material costs by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1351.202 (b) (2) of Maximum Price Regulation No. 207 from the weighted average cost for raw materials used in the 1943 pack of the product, based on not less than the first 75 per cent of his 1943 purchases, and adding the difference so obtained (after conversion to cents per unit of the finished product) to his maximum price for the item under Maximum Price Regulation No. 207. However, the packer may not add an amount greater than the figure listed below (after the listed figure has been converted to a finished product basis).

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8358.

Variety:	Cents per pound (raw weight)
Blueberries	3
Cranberries	3
Currants	3
Dewberries	3
Elderberries	3
Huckleberries	3
Johnsonberries	3
Olympic berries	3
Other varieties	(To be announced)

This amendment shall become effective July 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10855; Filed, July 5, 1943; 4:52 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 268[1], Amdt. 6]

PERISHABLE FOODS: POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new section, section 19a, is added to read as follows:

SEC. 19a. *Regional adjustment of poultry mark-ups.* Each Regional Administrator of the Office of Price Administration is hereby authorized to reduce the mark-ups listed in Appendix A for retailers in any area or locality within his jurisdiction for sales of any poultry items in connection with adjustments made pursuant to § 1429.14 (e) of Revised Maximum Price Regulation No. 269[3], whenever such action is necessary to prevent an increase in the maximum prices at which such poultry items may be sold by retailers.

This amendment shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10851; Filed, July 5, 1943; 4:32 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 4,[2] Amdt. 7]

RICE IN PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Restriction Order 4 is amended in the following respects:

1. Section 1407.5002 (d) (3) is hereby revoked.

2. Section 1407.5006 (b) (3) is hereby revoked.

3. Section 1407.5009 (b) (2) is hereby revoked and subparagraph (3) of § 1407.5009 (b) is redesignated subparagraph (2).

4. Section 1407.5009 (c) (1) is hereby revoked and subparagraph (2) of § 1407.5009 (c) is redesignated subparagraph (1).

5. Section 1407.5009 (d) (1) is hereby revoked and subparagraph (2) of § 1407.5009 (d) is redesignated subparagraph (1).

This amendment shall be effective as of June 14, 1943 at 8:00 a. m.

(Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., W.P.B. Dir. 1, Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7671, Supp. Dir. 1XJ, 7 F.R. 8831, E.O. 9280, 7 F.R. 10179, F.D. 3, 8 F.R. 2005)

Issued this 5th day of July 1943.

JAMES P. DAVIS,
Acting Director,
Office of Price Administration,
for Puerto Rico.

[F. R. Doc. 43-10848; Filed, July 5, 1943; 4:31 p. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269,[1] Amdt. 11]

POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 269 is amended in the following respects:

1. Section 1429.14 (e) is added to read as follows:

(e) *Regional adjustment of maximum base prices and permitted increases.* (i) The following powers are delegated to each Regional Administrator of the Office of Price Administration with respect to the purchase, sale, or delivery of any poultry item at all places or any number of places within his Region, subject to the limitations listed immediately below in subparagraph (2) of this paragraph.

(i) Each Regional Administrator is authorized to adjust the maximum base prices for dressed, kosher-killed, kosher-dressed and plucked, drawn, and quick-frozen eviscerated poultry items as established in this section.

NOTE: No adjustment may be made to the maximum base prices for live poultry items as established in this section, except as provided for in paragraph (d) immediately above.

(ii) Each Regional Administrator is authorized to adjust the permitted increases established in § 1429.21 of this regulation.

(iii) Each Regional Administrator is authorized to modify or change any of the definitions listed in § 1429.21 (b) of this regulation, where it appears that such modified or changed definitions will aid in the enforcement of this regulation and in the proper distribution of poultry items in his region.

(2) The powers delegated to each Regional Administrator of the Office of Price Administration in subparagraph (1) immediately above, are subject to the following limitations:

(i) No Regional Administrator may take any action which will increase the maximum prices at which any poultry item may be sold at retail, or to ultimate consumers, including commercial, industrial, institutional, or governmental users.

(ii) No Regional Administrator may take any action which will decrease the margin of profit for retail sales of poultry items by more than one cent per pound.

(iii) No Regional Administrator may take any action which will create or tend to create a poultry shortage or need for increase in poultry prices in another locality, and which will nullify or defeat the purposes of the Emergency Price Control Act of 1942, as amended.

(iv) No adjustment may be made to any maximum base price or to any permitted increase, and no modification or change may be made to any definition, unless such adjustment, modification, or change has first been submitted in writing to the Price Executive of the Poultry, Eggs, and Dairy Products Branch of the Food Price Division of the Office of Price Administration, and to the Division Counsel For Food of the Office of Price Administration, and has been approved in writing by such Price Executive and by such Division Counsel.

2. Section 1429.19 (g) (1) is amended to read as follows:

(1) The maximum base prices for each poultry item purchased, sold, or delivered in the cities of San Diego, California, Phoenix, Arizona, Tucson, Arizona, and Reno, Nevada, shall be the same as those listed below in Table A of this section for Los Angeles.

3. Section 1429.19 (g) (2) is amended to read as follows:

(2) The maximum base prices for each poultry item purchased, sold, or delivered at all places in the State of Oregon west of the eastern boundaries of the counties of Multnomah, Clackamas, Marion, Linn, Lane, Douglas, and Jackson, shall be the same as those listed below in Table A of this section for Portland.

4. Section 1429.20 (d) (1) is hereby revoked.

This amendment shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-10852; Filed, July 5, 1943; 4:32 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6129, 7116, 7761, 7592, 8682.

[2] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9061.

[3] 8 F.R. 3417, 4190, 5987, 5988, 6274, 7391, 7594.

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9061.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[Rev. MPR 346,[1] Amdt. 3]

CORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 25 is amended to read as follows:

SEC. 25. *Purchases and sales by agencies of the Federal Government.* (a) Notwithstanding any other provision of this regulation, any agency of the Federal Government may buy any corn paying therefor not more than the foregoing maximum prices subject to agreement with the seller to adjust said price by paying him in addition thereto not exceeding the difference between the amount so paid and any higher maximum price therefor which may be in effect at any time between the effective date of this regulation and October 31, 1943.

(b) Notwithstanding any other provision of this regulation, any agency of the Federal Government may sell any corn at a maximum price no higher than 10 percent above the lowest price at which such agency is now or hereafter permitted by law to sell the same.

(c) This section shall have no application to any resale of any corn purchased from any such agency of the Federal Government.

This amendment shall become effective July 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

JULY 3, 1943.

Approved:

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-10850; Filed, July 5, 1943; 4:31 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 107, Amdt. 12]

USED TIRES AND TUBES

Correction

The issuance date of the document appearing on page 8676 of the issue for Thursday, June 24, 1943 appears as June 21, 1943. This date should read "22d day of June 1943."

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169, Amdt. 19]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

Correction

In § 1364.468 (b) (1) of the document appearing on page 9066 of the issue for July 2, 1943, the deduction per cwt. should read "75¢" instead of "50¢".

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4924, 7354.

PART 1429—POULTRY AND EGGS

[MPR 333, Amdt. 9]

EGGS AND EGG PRODUCTS

Correction

In Table F under § 1429.70 (g) of the document appearing on page 9027 of the issue for July 1, 1943, the price for 45% yolks for October, 1943 should be 45.4. In Table H under § 1429.74 (d), the price for spray dried or powdered albumen for August, 1943 should be 1.87.

PART 1429—POULTRY AND EGGS

[MPR 333,[1] Amdt. 10]

EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 333 is amended in the following respects:

1. Section 1429.52 (a) exempting from price control "assorted eggs" candled and regraded by retailers is hereby revoked.

2. Section 1429.55 (c) is amended to read as follows:

(c) *Evasion by selling f. o. b. seller's shipping point.* Except as provided in §§ 1429.67 (1), 1429.67a (d), 1429.69 (b) (3), 1429.69 (c) (2), 1429.69 (f) (2), 1429.69 (j), 1429.71 (b), and 1429.74 (c) hereof, the maximum prices established by this regulation are maximum prices per dozen eggs or per pound of egg products delivered to the buyer as herein provided and the provisions of this regulation shall not be evaded by selling such eggs or egg products at a price f. o. b. the seller's shipping point.

3. Section 1429.65 (q) is amended to read as follows:

(c) "Retailer" means a person, firm, or corporation which sells egg items generally to ultimate consumers other than a commercial, industrial, institutional, or governmental user, and includes both "large retailers" and "independent retailers" as herein defined.

4. Section 1429.65 (q) (1) is added to read as follows:

(1) "Large retailer" means a retailer who maintains a group of four or more individual stores or individual retail outlets under one ownership.

5. Section 1429.65 (q) (2) is added to read as follows:

(2) "Independent retailer" means a retailer who does not maintain as many as four individual stores or individual retail outlets under one ownership.

6. Section 1429.65 (s) (1) is amended to read as follows:

(1) The grades, sizes, weight classes, and standards promulgated by the United States Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weight Classes for Consumer Grades for Shell Eggs" or from the effective date of this amendment to August 28, 1943, inclusive, the standards, grades, and prescribed average and minimum weights promulgated by the Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weights for Wholesale Grades for Shell Eggs" shall be the grades, sizes, weight classes, and prescribed average and minimum weights and standards for all shell eggs sold to any purchaser other than the United States or any agency thereof or an ultimate consumer and for which maximum prices are established by their regulation. The sizes and weight classes promulgated in the publication entitled "Tentative U. S. Standards and Weight Classes for Consumer Grades for Shell Eggs" are as follows:

Size of weight class	Minimum net weight per dozen (ounces)	Minimum net weight per 30 dozen (pounds)	Minimum weight for individual eggs at rate per dozen (ounces)
Jumbo	28	52	27
Extra large	26	48.5	25
Large	24	45	23
Medium	21	40	20
Small	18	34	18

The average and minimum weights prescribed in the publication entitled "Tentative U. S. Standards and Weights for Wholesale Grades for Shell Eggs" are as follows:

WEIGHT REQUIREMENTS FOR TENTATIVE U. S. WHOLESALE GRADES FOR EGGS

Grade	Average net wt. per 30 dozen (pounds)	Minimum net wt. per 30 dozen (pounds)	Basic minimum wt. per individual eggs (ounces per dozen)	Percent eggs under basic minimum weight permitted per 30 dozen: Under 23 oz. but not under 21 oz.	Under 22 oz. but not under 20 oz.
All U. S. Specials	46	45	23	10	
U. S. No. 1 and 2 Extras	45	44	23	10	
U. S. No. 3 and 4 Extras	44	43	23	15	
U. S. No. 1 and 2 Standards	44	43	22		10
U. S. No. 3 and 4 Standards	43	42	22		15
All U. S. Trades	42	41	22		10
U. S. Light Dirties	43	42	22		
U. S. Dirties	No requirements.				
U. S. Checks	No requirements.				
				Below 20 oz. but not below 19 oz.	
Medium size eggs of any grade	40	39	20	10	

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2468, 3002, 3070, 3735.

The grades and standards promulgated by the United States Department of Agriculture in the publication entitled "Tentative U. S. Procurement Grades" or the grades, sizes, weight classes, and standards promulgated by the Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weight Classes for Consumer Grades for Shell Eggs" or from June 26, 1943, to July 3, 1943, inclusive, the grades, standards and prescribed average and minimum weights promulgated by the Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weights for Wholesale Grades for Shell Eggs" shall be used as the grades, sizes, weight classes, standards, and prescribed average and minimum weights of all shell eggs sold to the United States or any agency thereof. The standards and grades set forth in the publication entitled "Tentative U. S. Procurement Grades" shall not be used as the standards and grades for shell eggs purchased by retailers or by commercial, industrial, institutional, or non-federal governmental users, or other civilian purchasers. Shell eggs of the class of "Light Dirties" shall not be purchased by buyers other than the United States or any agency thereof. The terms "commercial user" and "industrial user" as used in this regulation shall not include the manufacturer of any egg product defined in § 1429.65 purchasing shell eggs which he manufactures into such egg products, but the maximum prices which such manufacturer may pay for such shell eggs are provided in § 1429.67a. Manufacturers of such egg products shall not purchase shell eggs used for this purpose in consumer grades or in procurement grades.

7. Section 1429.65 (a) (3) is amended to read as follows:

(3) "Current receipt eggs" means shell eggs of which at least 40 percent are U. S. Grade B and U. S. Light Dirties or better, and the balance are U. S. Grade C, except for a permitted tolerance per 30 dozen of four dozen U. S. Dirties, two dozen U. S. Checks, and one dozen "Loss". Such eggs shall have a net weight of not less than 43 pounds per 30 dozen for the lot sold.

8. Section 1429.65 (u) is amended to read as follows:

(u) "Retail grades" of shell eggs means all grades other than procurement grades and wholesale grades and "current receipt eggs" for which maximum prices are established herein, including United States Department of Agriculture consumer grades as defined in paragraph (s) (1) of this section and "checks" and "dirties".

9. Section 1429.65 (w) is added to read as follows:

(w) "Jobber", when applied to sales and deliveries of shell eggs, means a dealer who purchases eggs generally in wholesale grades from a first receiver and in less than carlot quantities; who customarily candles and grades such eggs into consumer grades; and who customarily sells such eggs to independent retailers in quantities of less than 50 cases.

10. Section 1429.65 (x) is added to read as follows:

(x) "Retail route seller" means a seller of shell eggs who distributes them to ultimate consumers other than commercial, industrial, institutional, or governmental users from an inventory stocked in trucks or other conveyances operated by driver salesmen over regular routes.

11. Section 1429.65 (y) is added to read as follows:

(y) "First receiver", when applied to sales and deliveries of shell eggs, means a dealer who purchases eggs generally in wholesale grades from a producer or shipper, and who customarily sells such eggs to jobbers and retailers.

12. Section 1429.67 (d) and Table A of such section are amended by eliminating therefrom all references to "assorted eggs".

13. Section 1429.67 (e) and Table B of such section are amended by eliminating therefrom all references to "assorted eggs".

14. The head-note of § 1429.67 (f) and sub-paragraph (1) of this section are amended to read as follows:

(f) *Maximum prices for San Francisco, Portland, Oregon, and Miami, Florida.* (1) Maximum prices in the basing point cities Portland, Oregon and San Francisco are ½ cent less than those in the above Table A.

15. Section 1429.67 (i) is amended to read as follows:

(i) *Marking containers and packages.* The containers and packages of shell eggs sold to any purchaser other than an ultimate consumer shall be plainly marked with the grade, or if ungraded, the words "current receipt eggs" or "light dirty eggs", dirty eggs, and checks, and by size or weight. All invoices used in the sale of shell eggs shall contain like information.

16. Section 1429.67a is added to read as follows:

§ 1429.67a *Maximum prices for wholesale grades of shell eggs and "current receipt eggs" sold to a "first receiver" or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, retail route seller, or user, or an ultimate consumer from the effective date of this amendment to August 28, 1943, inclusive. ("First receivers" and prior purchasers.)*—(a) *Maximum prices in basing point cities and Chicago, Illinois.* The maximum prices for shell eggs of wholesale grades and current receipt eggs sold and delivered from the effective date of this amendment to August 28, 1943, inclusive, to a "first receiver" or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, retail route seller, a commercial, industrial, institutional, or non-federal governmental user, or an ultimate consumer in a basing point city named in Table I of this section for each week shall be the price per dozen for eggs of the particular wholesale grade, size, prescribed average net weight, and other identification and for current receipt eggs set forth in such Table I of this section and for the week in which delivered. Such maximum prices in Chicago, Illinois, shall be the maximum prices per dozen for eggs of the particular wholesale grade, size, prescribed average net weight, and other identification and for current receipt eggs and for the week of delivery set forth in Table II of this section.

(b) *Maximum prices in "Area 1" except for New York City.* In all places other than New York City within "Area 1" the maximum prices for shell eggs of wholesale grades and for current receipt eggs sold and delivered from the effective date of this amendment to August 28, 1943, inclusive, to a first receiver or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, retail route seller, a commercial, industrial, institutional, or non-federal governmental user, or an ultimate consumer for the week in which delivered shall be the maximum price per dozen for eggs of the particular wholesale grade, size, prescribed average net weight, and other identification and for current receipt eggs set forth in Table II of this section for Chicago, Illinois, plus the "transportation factor".

(1) "Transportation factor" when applied to shell eggs of wholesale grades and to current receipt eggs sold to a first receiver or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, retail route seller, a commercial, industrial, institutional, or non-federal governmental user, or an ultimate consumer means the actual carlot freight rate per pound to or from a basing point city or as herein provided from Chicago, Illinois, to the place where the eggs are delivered, multiplied by the appropriate "multiplier" for the particular wholesale grade of eggs or for current receipt eggs sold and for the period in which such eggs are delivered. If there is no actual carlot freight rate between such places, then the lowest transportation charge by other means shall be used.

(2) The "multiplier" to be used in calculating the "transportation factor" for each wholesale grade of shell eggs and for current receipt eggs shall be 1.9 for standards and current receipts and 2.5 for specials and extras for all weeks from the effective date of this amendement to August 28, 1943 inclusive.

(c) *Maximum prices for wholesale grades and current receipt eggs in "Area 2", except basing point cities.* In "Area 2", except basing point cities, the maximum prices for shell eggs of wholesale grades and for current receipt eggs sold and delivered from the effective date of this amendment to August 28, 1943, inclusive, to a first receiver or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, a retail route seller, a commercial, industrial, institutional, or non-federal governmental user, or an ultimate consumer at any place shall be determined as follows:

(1) From the maximum price in the basing point city reflecting the highest

price for shell eggs of the wholesale grade, size, and prescribed average net weight or for current receipt eggs sold for the week in which they are to be delivered, the "transportation factor" for such wholesale grade of eggs or for current receipt eggs from the point of delivery to the basing point city shall be subtracted. The resulting figure is the maximum price of such eggs delivered at their destination.

(d) *F. o. b. sales within 200 miles.* If the place of business of the seller from or at which he makes the particular sale of shell eggs of the wholesale grades specified in this section or of current receipt eggs is located within 200 miles of the place of business or place of use of the buyer purchasing such eggs, and the purchaser accepts the eggs at such place of business of the seller, or they are sold f. o. b. such seller's shipping point in the city, town, village, or hamlet in which seller's place of business is located, there shall be deducted from the maximum price in such city, town, village, or hamlet in which the seller's place of business is located the sum of 10 cents per case or equivalent quantity of eggs, and the reduced amount shall be the maximum price of such eggs at the place of acceptance or the place of sale f. o. b. seller's shipping point, as the case may be.

(e) *Maximum prices in cents per dozen by weeks for wholesale grades of shell eggs and current receipt eggs for civilian purchasers in the basing point cities of New York, Seattle, Los Angeles, San Diego, Phoenix and Tucson.*

TABLE I

WHOLESALE GRADES AND CURRENT RECEIPT EGGS FOR PERIOD THROUGH AUGUST 28

Week beginning	Nos. 1, 2, 3, and 4			Current receipts
	Specials	Extras	Standards	
June 28	43	40.5	38.5	37.5
July 5	43	40.5	38.5	37.5
12	44	41.5	38.5	37.5
19	45	42.5	39.5	38.5
26	46	43.0	39.5	38.5
Aug. 2	47	44.0	40.5	39.5
9	48	45.0	41.5	40.5
16	49	45.0	41.5	40.5
23	49	45.5	42.0	40.5

(1) The maximum prices in the basing point cities San Francisco and Portland, Oregon, are ½ cent lower than those in the above table.

(2) The maximum prices in the basing point city, Miami, Florida, are 1½ cents higher than those in the above table.

(3) For each pound of average net weight above the average net weight prescribed for the particular wholesale grade, there may be added to the maximum price for the particular grade and prescribed average net weight ½ cent per dozen.

(4) For each pound or fraction of a pound less in average net weight than the average net weight prescribed for the particular wholesale grade, there shall be subtracted from the maximum price of the particular wholesale grade and prescribed average net weight the sum of ¾ cent per dozen, and the reduced amount shall be the maximum price for the wholesale grade of eggs sold having such reduced weight.

(5) For purposes of paragraphs (3) and (4) of this section, the prescribed average net weight of all wholesale grades of "Specials" shall be 46 pounds, all "Extras" 44 pounds, all Standards 43 pounds.

(6) Shell eggs of wholesale grades when treated with a mineral oil for purposes of preservation may sell at 1 cent per dozen above the price for the particular grade, size, average, net weight, and other identification determined as provided herein.

(7) Current receipt eggs must have a net weight of not less than 43 pounds per case or equivalent quantity of eggs and no increase in price is permitted for current receipt eggs having a net weight of more than 43 pounds per case or equivalent quantity of eggs.

(8) "Checks and dirties" shall sell at 1 cent less per dozen than current receipt eggs.

(f) *Maximum prices in cents per dozen by weeks for wholesale grades of shell eggs and current receipt eggs for civilian purchasers in Chicago, Illinois.*

TABLE II

WHOLESALE GRADES AND CURRENT RECEIPT EGGS FOR PERIOD THROUGH AUGUST 28

Week beginning	Nos. 1, 2, 3, and 4			Current receipts
	Specials	Extras	Standards	
June 28	41	38.5	36.9	35.9
July 5	41	38.5	36.9	35.9
12	42	39.5	36.9	35.9
19	43	40.5	37.9	36.9
26	44	41.0	37.9	36.9
Aug. 2	45	42.0	38.9	37.9
9	46	43.0	39.9	38.9
16	47	43.0	39.9	38.9
23	47	43.5	40.4	38.9

17. A new § 1429.67b is added to read as follows:

§ 1429.67b *Maximum prices for wholesale grades and current receipt eggs sold to jobbers, retail route sellers, and large retailers at their warehouses.* The maximum price in cents per dozen for shell eggs of wholesale grades and current receipt eggs sold and delivered to a jobber, retail route seller, or large retailer at his warehouse, shall be one cent more per dozen than the maximum prices provided in Section 1429.67a of this regulation: *Provided, however,* That when any of such purchasers buy such shell eggs from any seller other than a first receiver they shall not pay more than the maximum price that may be paid by such first receiver as provided in § 1429.67a.

18. A new § 1429.67c is added to read as follows:

§ 1429.67c *Maximum prices for wholesale grades and current receipt eggs sold and delivered to independent retailers and commercial, industrial, institutional, and non-federal governmental users, and large retailers at their individual stores.* The maximum prices in cents per dozen for shell eggs of wholesale grades and current receipt eggs sold and delivered to an independent retailer, a large retailer at his individual store, or to a commercial, industrial, institutional, and non-federal governmental user shall be 2.5 cents more per dozen than the maximum prices provided in § 1429.67a of this regulation.

19. A new § 1429.67d is added to read as follows:

§ 1429.67d *Maximum prices for shell eggs of consumer grades sold and delivered to a first receiver or to any purchaser other than the United States or any agency thereof, a retailer, retail route seller, or commercial, industrial, institutional, or non-federal governmental user or ultimate consumer, or sold and delivered to a large retailer at his warehouse. (Jobbers, first receivers and prior purchasers.)* The maximum prices in cents per dozen for shell eggs of consumer grades sold and delivered to a first receiver or to any purchaser other than the United States or any agency thereof, a retailer, retail route seller, or commercial, industrial, institutional, or non-federal governmental user or an ultimate consumer, or sold and delivered to a "large retailer" at his warehouse, shall be 1½ cents less per dozen than provided in § 1429.67.

20. A new § 1429.67e is added to read as follows:

§ 1429.67e *Maximum prices for shell eggs of consumer grades sold and delivered to retail route sellers.* The maximum prices in cents per dozen for shell eggs of consumer grades sold and delivered to a retail route seller shall be the same as the maximum prices provided in § 1429.67.

21. Section 1429.68 is amended to read as follows:

§ 1429.68 *Maximum prices of shell eggs sold by farmers, wholesale distributors, retail route sellers, and all sellers other than retailers to ultimate consumers.* The maximum prices for shell eggs sold and delivered by farmers, wholesale distributors, retail route sellers, or sellers other than retailers to ultimate consumers except commercial, industrial, institutional, or non-federal governmental users shall be calculated by multiplying by 1.17 the maximum price for the retail grade of eggs to be sold at the time and place of delivery, determined as provided in § 1429.67 immediately above for sales to retailers.

22. Section 1429.69 (d) (1) is amended to read as follows:

(1) Prices in the basing point cities Portland, Oregon, and San Francisco are ½ cent lower than those in the above table.

23. The headnote of § 1429.69 (k) and Table I of such section are amended to read as follows:

(k) *Maximum prices in cents per dozen for wholesale grades of shell eggs for the United States or any agency thereof in the basing point cities of New York, Seattle, Los Angeles, San Diego, Phoenix, and Tucson.*

TABLE 1

Wholesale grades:	For period through July 3, 1943
U. S. No. 1 Specials	42
U. S. No. 2 Specials	41.5
U. S. No. 3 Specials	41
U. S. No. 4 Specials	40.5
U. S. No. 1 Extras	39.5
U. S. No. 2 Extras	39
U. S. No. 3 Extras	38.2
U. S. No. 4 Extras	37.7
U. S. No. 1 Standards	37
U. S. No. 2 Standards	36.7
U. S. No. 3 Standards	35
U. S. No. 4 Standards	35.7
U. S. No. 1 Trades	35
U. S. No. 2 Trades	34.5
U. S. Light Dirties	35

24. Section 1429.69 (k) (1) is amended to read as follows:

(1) Maximum prices in the basing point cities Portland, Oregon and San Francisco are ½ cent lower than those in the above table.

25. Section 1429.69 (l) is amended to read as follows:

(l) *Maximum prices in cents per dozen for wholesale grades of shell eggs of prescribed average net weight for the United States or any agency thereof in the City of Chicago and for use in pricing in "Area 1". (But not to be used as a "basing point city" for calculating prices in "Area 2.")*

TABLE 2

Wholesale grades:	For period through July 3, 1943
U. S. No. 1 Specials	40.4
U. S. No. 2 Specials	39.6
U. S. No. 3 Specials	39.4
U. S. No. 4 Specials	38.9
U. S. No. 1 Extras	37.9
U. S. No. 2 Extras	37.4
U. S. No. 3 Extras	36.6
U. S. No. 4 Extras	36.1
U. S. No. 1 Standards	35.4
U. S. No. 2 Standards	35.1
U. S. No. 3 Standards	34.4
U. S. No. 4 Standards	34.1
U. S. No. 1 Trades	33.4
U. S. No. 2 Trades	32.9
U. S. Light Dirties	33.4

This amendment shall be effective July 12, 1943, except that § 1429.69 (k) and § 1429.69 (l) shall be effective as of June 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10586; Filed, July 5, 1943; 4:53 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 425]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

§ 1439.354 *Maximum prices for sales of fresh fruits, berries and vegetables to processors.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 425 (Fresh Fruits, Berries and Vegetables for Processing), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.354 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 425—FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

ARTICLE I—EXPLANATION OF THE REGULATION

Sec.
1. Purpose of the regulation.
2. Definitions.

ARTICLE II—PRICING SECTIONS

3. List of maximum prices for fresh fruits sold for processing.
4. List of maximum prices for fresh berries sold for processing.

ARTICLE III—GENERAL PROVISIONS

6. Maximum prices for fresh fruits, berries and vegetables of lower than specified grade.
7. Adjustable pricing.
8. Records.
9. Compliance with the regulation.
10. Geographical applicability.
11. Export sales.
12. Applicability of other maximum price regulations.
13. Petitions for amendment.

Article I—Explanation of the Regulation

SECTION 1. *Purpose of the regulation.* The purpose of this regulation is to establish dollars and cents maximum prices for certain fresh fruits, berries and vegetables in sales to processors. Prices are in effect from July 5, 1943.

The general provisions of the regulation shall apply to the extent that they are not inconsistent with the provisions of the pricing sections applicable to particular commodities.

SEC. 2. *Definitions.* Unless the context indicates otherwise, the definitions set forth in the General Maximum Price Regulation[1] shall be applicable to similar terms used in this regulation. When used in this regulation, the term:

(a) "Processor" means a person who commercially processes the fresh fruit, berry or vegetable being priced. For example, one who cans or freezes the product being priced, or who uses it in making confectionery or bakery products, is a "processor".

(b) "Sales to processors" means sales by any person to a processor.

(c) "Commodity covered by this regulation" means any fresh fruit, berry or vegetable for which a maximum price for sales to processors is established by this regulation.

(d) "Fresh fruit, berry or vegetable of lower than specified grade" means any commodity covered by this regulation which does not conform to at least the minimum quality standard or grade specified for such commodity under the provisions of this regulation.

Article II—Pricing Sections

SEC. 3. *List of maximum prices for fresh fruits sold for processing.* In sales to any processor, the seller's maximum prices for the following listed fresh fruits shall be (prices include delivery to the processing plant):

Variety:	Cents per pound
Cherries, red sour pitted	8½

SEC. 4. *List of maximum prices for fresh berries sold for processing.* In sales to any processor, the seller's maximum prices for the following listed fresh berries shall be (prices include delivery to the processing plant):

Variety:	Cents per pound
Red raspberries	15
Black raspberries	13
Youngberries	13
Boysenberries	12
Loganberries	12
Blackberries	12
Gooseberries	8

Article III—General Provisions

SEC. 6. *Maximum prices for fresh fruits, berries and vegetables of lower than specified grade.* The maximum price for sales of any fresh fruit, berry or vegetable of lower than specified grade shall be the maximum price established for the lowest specified grade of that particular commodity under the applicable provisions of this regulation.

SEC. 7. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization shall be given by order.

SEC. 8. *Records.* A person, other than a producer, who sells or delivers any fresh fruit, berry or vegetable to a processor, or a processor who buys or receives any such commodity, shall keep for examination by the Office of Price Administration, so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, records showing in each case the date of sale, the quantity and

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4846, 6047, 6962, 8511.

grade sold, the price charged, and the name and address of the purchaser or seller, as the case may be. Records shall be available for examination by the Office of Price Administration at any reasonable time.

SEC. 9. *Compliance with the regulation*—(a) *No buying or selling above maximum prices.* After this regulation is effective, regardless of any contract, agreement or other obligation, no person shall sell or deliver any fresh fruit, berry or vegetable to any processor, and no processor shall buy or receive the commodity, at prices higher than the maximum prices established for it under this regulation; and no person shall agree, offer, solicit or attempt to do any of these things. However, prices lower than the maximum prices may be charged and paid.

(b) *Evasion.* The maximum prices established under this regulation shall not be evaded by direct or indirect methods, whether by commission, service, transportation or other charge or discount, premium or other privilege; by tying-agreement or other trade understanding; by business practices relating to grading or packing, or in any other way.

(c) *Enforcement.* Any person violating the provisions of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Geographical applicability.* The provisions of this regulation shall apply only to the forty-eight states of the United States and the District of Columbia, except as may be otherwise provided for a particular commodity.

SEC. 11. *Export sales.* The maximum prices at which a person may export any commodity covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation,[2] and amendments.

SEC. 12. *Applicability of other maximum price regulations.* The provisions of this regulation supersede the provisions of other maximum price regulations to the extent that those regulations apply to sales to or purchases by processors of commodities covered by this regulation.

SEC. 13. *Petitions for amendment.* Persons seeking modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[3]

Effective date. This regulation shall become effective July 5, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-10849; Filed, July 5, 1943; 4:31 p. m.]

[2] 8 F.R. 4132, 5987, 7662.
[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 61]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.8004 (d) is amended to read as follows:

(d) Each person to whom a ration book has been or is hereafter issued shall write, stamp or print, clearly and in ink, on the face of the coupons issued to him the following information, except that if no space for notation is provided on the face of the coupons the notation shall be on the reverse side:

(1) In the case of Class A books, the license number and state of registration of the vehicle for which such ration was issued. This information shall be endorsed not later than July 22, 1943, upon each coupon in a ration issued before that date, and shall be endorsed upon each coupon immediately after receipt of any ration issued on or after that date.

(2) In the case of Class B, C, D, T–1 or T–2 books, the license number and state of registration of the vehicle for which such ration was issued, except that in the case of interchangeable coupon books issued for fleet or official vehicles the information shall be the official or fleet designation (or the certificate of war necessity number in the case of commercial vehicles not bearing fleet designations) and the state and city or town in which the principal office of the fleet operator is located. This information shall be endorsed not later than July 22, 1943, upon each coupon in a ration which has been issued before that date, and shall be endorsed upon each coupon immediately after receipt of any ration issued on or after that date.

(3) In the case of E and R book coupons, the name and address of the person to whom the ration was issued, as they appear on the front cover of the ration book. These notations are required only when a transfer is made off the premises of the consumer.

2. Section 1394.8004 (e) is amended to read as follows:

(e) Each person to whom bulk coupons have been issued shall not later than July 22, 1943, write, stamp or print his name and address clearly and in ink on the reverse side of each coupon issued to him unless his name and address have already been written on the coupons at the time of issuance, or unless such coupons have been issued as a special ration for furlough travel pursuant to § 1394.-7854.

*Copies may be obtained from the Office of Price Administration.
[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180.

3. Section 1394.8206 (b) is amended to read as follows:

(b) Every dealer and intermediate distributor shall write or stamp clearly and in ink, on the face of each inventory coupon issued to him the name and address of his establishment as shown on his certificate of registration, except that if no space for the notation is provided on the face of the coupon the notation shall be made on the reverse side. This information shall be endorsed not later than July 22, 1943, upon each inventory coupon which has been issued before that date, and shall be endorsed upon each inventory coupon issued on or after that date immediately after receipt by the person to whom it was issued.

This amendment shall become effective July 12, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W. P. B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10879; Filed, July 6, 1943; 11:52 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 71]

SUGAR

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.109a (a) is amended to read as follows:

(a) Each owner of a registering unit which includes or is composed of one or more wholesale establishments, more than one retail establishment, or a single retail establishment whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than $2500.00, shall open at least one account for all the component establishments of such registering unit.

2. Section 1407.109a (b) is added to read as follows:

(b) The owner of any other registering unit composed of only one retail establishment may open an account for such establishment if such establishment had an account on April 27, 1943, or has a ration bank account for any other rationed food. (A bank is not required to open or maintain such accounts, but if it does so, it must open or maintain them for any such retail establishment which applies.)

3. Section 1407.109a (f) is revoked.

This amendment shall become effective July 12, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB

[1] 8 F.R. 5908, 6687, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 9011.

Dir. 1 and Supp. Dir. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10880; Filed, July 6, 1943; 11:53 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,[1] Amdt. 45]

COFFEE RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 12 is amended in the following respects:

1. Section 1407.992 (a) (2) is amended to read as follows:

(2) A single retail establishment whose gross sales of all foods made from such establishment during the month of December 1942, or during any single calendar month since December 1942, were more than $2,500.00 or which receives coffee stamps or certificates from and makes transfers to consumers by mail; or

2. Section 1407.992 (b) is added to read as follows:

(b) Any other retailer may open an account for his establishment if such establishment had an account on April 27, 1943, or has a ration bank account for any other rationed food. (A bank is not required to open or maintain such accounts; but if it does so, it must open or maintain them for any such retail establishment which applies.)

3. Section 1407.992 (f) is revoked.

This amendment shall become effective July 12, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1, Supp. Dir. No. 1–R; Food Dir. 3, 8 F.R. 2005)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10881; Filed, July 6, 1943; 11:53 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[2] Amdt. 45]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 3400, 3843, 4486, 4519, 4977, 4892, 5318, 5480, 5486, 5818, 5846.
[2] 8 F.R. 1840, 2677, 2288, 2681, 2684, 2943, 3179, 3745, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7353, 7490, 7589, 8276, 8357, 8705, 9024, 9012.

Ration Order 13 is amended in the following respect:

1. Section 8.2 (c) is amended by deleting the last two sentences and adding the following:

Any other retailer may open an account for his retail establishment if he had a processed foods ration bank account on April 16, 1943, or has a ration bank account for any other rationed food. A bank is not required to open or maintain such accounts; but if it does so, it must open or maintain them for any such retailer who applies.) No other retailer may open an account.

This amendment shall become effective July 12, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10882; Filed, July 6, 1943; 11:52 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 46]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respect:

1. Section 9.2 (c) is amended by deleting the last sentence and inserting the following between the third and fourth sentences:

Any other retailer may open an account for his retail establishment if he had a ration bank account on March 30, 1943, for foods covered by this order, or has a ration bank account for any other rationed food. (A bank is not required to open or maintain such accounts; but if it does so, it must open or maintain them for any such retailer who applies.)

This amendment shall become effective July 12, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471.)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10883; Filed, July 6, 1943; 11:52 a. m.]

[1] 8 F.R. 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7281, 7455, 7491, 7589, 8357, 8540, 8641, 8869, 8844, 9025, 9014.

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter D—Tank Vessels

PART 35—OPERATION

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4479, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167, 1028 (46 U.S.C. 375, 391a, 404, 472, 481, 489, 367, 526–526t, 463a), and Executive Order 9083, dated February 28, 1943 (7 F.R. 1609), the following amendments to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Section 35.4–1 (a) is amended to read as follows:

§ 35.4–1 *Warning signals and signs, TB/ALL*—(a) *Red warning signals.* During transfer of bulk cargo while fast to a dock, a red signal (flag by day and electric lantern at night) shall be so placed that it will be visible on all sides. While transferring bulk cargo at anchor, a red flag only shall be displayed.

Section 35.5–3 is amended by changing the last sentence thereof to read as follows:

§ 35.5–3 *Closing of scuppers and sea valves—TB/ALL.* * * * Sea valves shall be closed and lashed, or sealed to indicate that they should not be open during all cargo loading operations. Under no circumstances shall such valves be secured by locks.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Gas Mask

M. S. A. ammonia mask with all-vision facepiece (Dwg. No. A 1128–1, dated 20 November 1939), manufactured and submitted by the Mine Safety Appliances Company, Pittsburgh, Pa. (approved for use against ammonia vapors only).

Bilge Pump

Blackmer hand force pump (U.S.C.G. No. 2) for use as a bilge pump in lifeboats not exceeding 700 cubic feet capacity (Dwg. No. MB 407–A, dated 19 April 1943), manufactured by Blackmer Pump Company, Grand Rapids, Mich.

Signal Pistol

Mark IV parachute flare signal pistol (Assembly Dwg. No. D–3873, dated 14 April 1943), manufactured by Harrington & Richardson Arms Company, Worcester, Mass.

Fire Extinguishing Apparatus

Air operated carbon dioxide fire extinguishing system (Dwgs. Nos. 79874–H, 64842–B, 79903–B, 79745–B, 79904–A, 79744–B, 79905–A, 64614–A, 92880–D, 79746–E, 92769, 65330–A, 80097–C, 28126–A, 80040–A, 93123, 92609–B, 92797–B, 93115–C, 65218–D, 60515–S,

[8] 8 F.R. 4132, 5087, 7662.
[9] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.
4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180.
[18] 8 F.R. 5908, 6687, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 9011.

62819–R, 91849–J, 63675–J, 26872–A, 79651–C, 79652–C, 64610–A, 90540–C, 63999–E, 77333–G, and 78389–H), manufactured and submitted by Walter Kidde & Company, Inc., Bloomfield, N. J.

R. R. WAESCHE,
Commandant.

JULY 5, 1943.

[F. R. Doc. 43–10860; Filed, July 6, 1943; 10:43 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–2024]

DISTRICT BOARD 15

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 15 requesting increases in the effective minimum prices for certain coals produced in Production Groups Nos. 1, 4, 5, 10 and 11 for rail shipments into certain market areas.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting (a) certain increases in the effective minimum prices for domestic, commercial and industrial coals in Size Groups 11, 12, and 13 produced at mines in Production Groups Nos. 1, 4, 5, 10, and 11 in District No. 15 for shipment by rail into Market Area 209; (b) certain increases in the effective minimum prices applicable to domestic, commercial and industrial coals in Size Groups 1, 2, 3, 4, 6, 8, 10, 11, and 14, produced at mines in Production Group No. 11 in District No. 15, for shipment by rail into Market Area 56 and (c) that pending final disposition of this request, a temporary order be issued granting such relief.

No reasonable showing of necessity having been made for the granting of temporary relief herein without a hearing;

Now, therefore, *It is ordered*, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the Rules of the Division be held on July 30, 1943, at 1:30 o'clock in the afternoon of that day at a hearing room of the Bituminous Coal Division at Room 536, Dwight Building, Kansas City, Missouri.

It is further ordered, That D. C. McCurtain, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 24, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to an original petition filed by District Board No. 15 requesting that the minimum prices as set forth in the schedule of effective minimum prices for District No. 15 for all shipments except truck be increased by the amounts indicated below in order to reflect changes in certain freight rates:

(a) For coals in Size Groups 11, 12, and 13 produced at mines in Production Groups Nos. 1, 4, 5, 10, and 11 in District No. 15 for domestic, commercial and industrial uses when shipped by rail for consumption in Market Area 209 (Atchison-Lansing-Leavenworth):

	Size group	Production group No. 1	Group No. 4	Group No. 5	Group No. 10	Group No. 11
Domestic and commercial	(11)	0.01	0.01	0.01	0.01	0.01
	(12)	.01	.01	.01	------	------
	(13)	.01	.01	------	------	------
Industrial	(12)	.01	.01	.01	------	------
	(13)	.01	.01	------	------	------

(b) For coals produced at mines in Production Group No. 11 of District No. 15 for domestic, commercial and industrial uses when shipped by rail for consumption in Market Area 56 (Sioux City, Iowa):

Size group:	*Production group No. 11*
1	0.50
2	.50
3	.50
4	.50
6	.10
8	.10
10	.10
11	.10
14	.10

Dated: July 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–10809; Filed, July 5, 1943; 10:38 a. m.]

[Docket No. A–1704]

WORDEN COAL CO.

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of the petition of Worden Coal Company (P. H. Scanlon) for the establishment of price classifications and minimum prices for coals of the Worden Coal Company in District No. 10.

On May 20, 1943, after notice and hearing, Edward J. Hayes, a duly designated Examiner of the Bituminous Coal Division, filed a Report in which he found that the minimum f. o. b. mine prices for truck shipment for the coals in Size Groups 1 to 6, inclusive, produced at the Worden C. C. Mine (Mine Index No. 1314), should be uniformly increased 15 cents per net ton, and recommended that an order be entered amending the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments in conformity therewith.

An opportunity to file exceptions to the Report of the Examiner was afforded all interested parties. As of the date hereof no such exceptions have been filed.

I have considered the entire record in this proceeding, including the Report of the Examiner, and I find that the Examiner's proposed findings and conclusions are adequate and accurate and that his recommendations should be followed. Accordingly, I have concluded to approve and adopt the proposed findings of fact and conclusions of law of the Examiner as the findings of fact and conclusions of law of the Director.

Upon the basis of the entire record in this proceeding and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and the conclusions of law of the Director;

It is further ordered, That the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments is amended by revising the minimum f. o. b. mine prices for truck shipment for the coals in Size Groups 1 to 6, inclusive, produced at the Worden C. C. Mine (Mine Index No. 1314) of Worden Coal Company (Patrick H. Scanlan)[1] in Section No. 8 of District 10 as follows:

Size group	1	2	3	4	5	6
Price	240	235	230	220	215	[1]210

[1] These prices include the general increase in prices directed by General Docket No. 21, order issued August 28, 1942.

[1] Petitioner is so described in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments.

Dated: July 1, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–10802; Filed, July 5, 1943; 10:40 a. m.]

[Docket No. A–1923]

RALPH TALARICO

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Ralph Talarico for revision of the effective price classifications and minimum prices for the coals of the Grasso Mine.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party:

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the Rules of the Division be held on August 9, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, at the Grand Jury Rm., Post Office Bldg., Denver, Colorado.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in this matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 4, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Ralph Talarico requesting (1) that his Grasso Mine, Mine Index No. 456, presently classified in Subdistrict 16 in District No. 17, be reclassified and placed in Subdistrict 15 and (2) the following revisions in the effective price classifications and minimum prices in cents per ton for the coals produced from his Grasso Mine, Mine Index No. 456:

FROM

SUBDISTRICT 16

Size groups...	2	3	4	5	9	10	11	13	17
	405	390	390	365	340	300	360	310	300

TO

SUBDISTRICT 15

Size groups...	2	3	4	5	9	10	11	13	17
	450	435	435	410	385	310	270	220	310

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–10805; Filed, July 5, 1943; 10:39 a. m.]

Bureau of Reclamation.

COLORADO RIVER STORAGE PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

Correction

In the document appearing on page 8555 of the issue for Tuesday, June 22, 1943, the fifth line under Tyzack Reservoir Site should read as follows:

Sec. 10, NE¼NE¼, W½, SE¼;

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel

Benson Wholesale Tailors, 427 Camp Street, New Orleans, Louisiana; Naval Officers' uniforms; 5 percent (T); effective July 5, 1943, expiring July 5, 1944.

J. Capps & Sons, Ltd., Jacksonville, Illinois; Men's clothing; 5 percent (T); effective July 5, 1943, expiring July 5, 1944.

Kurzen Brothers Co., Inc., 317 Sibley Street, St. Paul, Minnesota; Men's overcoats; 5 learners (T); effective July 3, 1943, expiring July 3, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry:

Davis Manufacturing Company, Lykens, Pennsylvania; Women's sportswear, dickeys & apparel, contract work; 60 learners (E); effective July 2, 1943, expiring December 2, 1943. (This certificate replaces the one you now have, effective June 2, 1943, expiring December 2, 1943.)

Elder Manufacturing Company, Dexter, Missouri; Men's dress and sports shirts, Army Officers' shirts for sale to Post Exchanges; 10 percent (T); effective July 3, 1943, expiring July 3, 1944.

Items, Incorporated, 701 South Third Street, Belleville, Illinois; Cotton house dresses, mosquito bars; 10 learners (T); effective July 5, 1943, expiring July 5, 1944.

Liotta Sportswear, 128 N. White Street, Shenandoah, Pennsylvania; Ladies' and nurses' dresses; 25 learners (E); effective July 1, 1943, expiring January 25, 1944.

Marathon Underwear Corporation, 958 South Los Angeles Street, Los Angeles, California; Ladies' lingerie and blouses; 10 percent (T); effective July 5, 1943, expiring July 5, 1944.

Mauch Chunk Dress Company, 268 West Broadway, Mauch Chunk, Pennsylvania; Dresses, negligees, housecoats, WAAC exercise suits; 15 learners (E); effective July 1, 1943, expiring January 1, 1944.

Medwin Company, Inc., W. Bridge and So. Partition Streets, Saugerties, New York; Ladies' sportswear; 10 learners (T); effective June 30, 1943, expiring June 30, 1944.

Mendenhall-Graham Company, 514 West 1st Street, Duluth, Minnesota; Men's and boys' cotton and wool work garments; 5 learners (T); effective July 2, 1943, expiring July 2, 1944.

O'Bryan Brothers, Inc., 190 Main Street, San Francisco, Calif.; Women's and children's rayon lingerie; 5 learners (T); effective July 5, 1943, expiring July 5, 1944.

Peter Piper Clothes Company, 147 N. 10th Street, Philadelphia, Pennsylvania; Boys' wash suits; 10 learners (T); effective July 3, 1943, expiring July 3, 1944.

Rosette Manufacturing Company, 625 LaSalle Street, Berwick, Pennsylvania; Ladies' cotton aprons and coveralls; 10 learners (T); effective July 3, 1943, expiring July 3, 1944.

Shane Uniform Company, 2015 West Maryland Street, Evansville, Indiana; Uniforms and coveralls; 10 learners (A. T.); effective July 5, 1943, expiring February 8, 1944.

Van Deusen Dress Manufacturing Company, Cobleskill, New York; Children's cotton dresses; 10 percent (T); effective July 7, 1943, expiring July 7, 1944.

Zulick Underwear Mill, 128 Center Avenue, Schuylkill Haven, Pennsylvania; Rayon lingerie and sportswear; 10 learners (T); effective July 14, 1943, expiring July 14, 1944.

Gloves

Stott & Son Corporation, 220 E. 3rd Street, Winona, Minnesota; Work gloves; 12 learners (A. T.); effective July 6, 1943, expiring January 6, 1944.

Hosiery

Portage Hosiery Company, 107 East Mullett Street, Portage, Wisconsin; Seamless hosiery; 3 percent (A. T.) effective July 5, 1943, expiring October 26, 1943.

Telephone

Commonwealth Telephone Company, 45 Owen Street, Forty Fort, Pennsylvania; to employ learners as commercial switchboard operators at its Montrose, Pennsylvania exchange, located at 10 Public Avenue, Montrose, Pennsylvania; effective July 3, 1943, expiring July 3, 1944.

Commonwealth Telephone Company, 45 Owen Street, Forty Fort, Pennsylvania; to employ learners as commercial switchboard operators at its Clarks Summit exchange, located at 108 North State Street, Clarks Summit, Pennsylvania; effective July 3, 1943, expiring July 3, 1944.

Textile

Perkasie Throwing Mill, Inc., 9th Street, Perkasie, Penn.; Nylon, rayon and cotton; 8 learners (A. T.); effective July 1, 1943, expiring July 1, 1944.

Phoenix Hosiery Company, 320 E. Buffalo Street, Milwaukee, (1), Wisconsin; Cotton, rayon and combination yarns; 15 learners (A. T.); effective July 5, 1943, expiring December 28, 1943.

Cigar

Consolidated Cigar Corporation, 2nd & Chestnut Streets, Copley, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operators and Cigar Packers for a learning period of 320 hours and Stripping machine operators for a learning period of 160 hours at 75% of applicable minimum wage; effective July 7, 1943, expiring July 7, 1944.

Consolidated Cigar Corporation, 840 North Prince Street, Lancaster, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operators and Cigar Packers for a learning period of 320 hours and Stripping machine operators for a learning period of 160 hours at 75% of applicable minimum wage; effective July 7, 1943, expiring July 7, 1944.

Consolidated Cigar Corporation, Randolph & Jefferson Streets, Philadelphia, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operators and Cigar packers for a learning period of 320 hours and Stripping machine operators for a learning period of 160 hours at 75% of applicable minimum wage; effective July 7, 1943, expiring July 7, 1944.

Signed at New York, N. Y., this 3d day of July 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-10837; Filed, July 5, 1943; 11:40 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 27 Under Service Order 123]

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY CO., ET AL.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Either The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), The Kansas City Southern Railway Company, or the Northern Pacific Railway Company, but not all, to reice once in transit after the first or initial icing NRC 15654 and NRC 7006 containing potatoes shipped by Safeway Stores, Inc., Des Arc, Arkansas, consigned McDonald Consolidated, Winnipeg, Canada; also for either The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or the Northern Pacific Railway Company, but not all, to reice once in transit after the first or initial icing ART 19041 and SFRD 34170 containing potatoes shipped by Safeway Stores, Inc., Des Arc, Arkansas, consigned to McDonald Consolidated, Winnipeg, Canada.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 1st day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10863; Filed, July 6, 1943; 11:07 a. m.]

[Special Permit 28 Under Service Order 123]

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY CO., ET AL.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Either The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), The Kansas City Southern Railway Company, or the Northern Pacific Railway Company, but not all, to reice once in transit after the first or initial icing NRC 68000 containing potatoes shipped by Safeway Stores, Inc., Des Arc, Arkansas, consigned to McDonald Consolidated, Winnipeg, Canada.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 2d day of July, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10864, Filed, July 6, 1943; 11:07 a. m.]

[Special Permit 29 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING PERMIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing of PFE 45415 shipped by Nipper, Swanson and Grady; PFE 51886 shipped by J. W. McNeill; PFE 50896 shipped by C. W. Robinson; also MDT 20625 shipped by Mealnel and Kurtz from Wasco, California, consigned to L. Patterman, Milwaukee, Wisconsin.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10865; Filed, July 6, 1943; 11:07 a. m.]

[Special Permit 30 Under Service Order 123]

MISSOURI PACIFIC RAILROAD COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to reice once, but not to exceed 4,000 pounds, after the first or initial icing MKT 52128 containing potatoes shipped by A. R. McKenzie, Sheridan, Arkansas, consigned Baldwin & Pope Marketing Co., St. Louis, Missouri.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 27th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R Doc. 43-10866; Filed, July 6, 1943; 11:07 a. m.]

[Special Permit 31 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing ART 21986, ART 72609, MDT 18493, and ART 18524 containing potatoes now on the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned Piowaty Fruit Company, Chicago, ultimate destination Canada.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 27th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10867; Filed, July 6, 1943; 11:07 a. m.]

[Special Permit 32 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing of URT 86000 and NWX 8612 containing potatoes originating in California now on Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned United Produce Company, Chicago.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10868; Filed, July 6, 1943; 11:07 a. m.]

[Special Permit 33 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing ART 24331, ART 72706, ART 21625, and NRC 5665 containing potatoes now on the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned Bacon Brothers, Chicago.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10869; Filed, July 6, 1943; 11:07 a. m.]

[Special Permit 34 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing FGE 18705 containing potatoes now on Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned Piowaty Fruit Company, Inc., Chicago, ultimate destination Toronto, Canada; also to reice once in transit after the first or initial icing ART 18293 containing potatoes now at Chicago consigned Piowaty Fruit Company, Inc., ultimate destination Rochester, New York.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C. this 26th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10870; Filed, July 6, 1943; 11:07 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order A-2 Under MPR 188]

ADJUSTMENT PROVISIONS FOR CERTAIN PRODUCERS OF LIME

Order No. A-2 under § 1499.159 (b) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying Order No. A-2 under § 1499.159 (b) of Maximum Price Regulation No. 188 has been issued

simultaneously herewith, and filed with the Division of the Federal Register.

(a) *Adjustment provisions for particular commodities under Maximum Price Regulation 188.* The office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price for a particular commodity established under Maximum Price Regulation 188 as hereinafter provided. Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

(1) *Lime.* The following adjustment provisions, subdivisions (i) and (ii), permit the granting of relief to producers of lime (including chemical, metallurgical, industrial and building, but not agricultural lime) who are unable to maintain or expand their production under their existing maximum prices whenever, under (i), there is a general shortage in the essential supply of the commodity, or, under (ii), the loss of the seller's production would result in higher prices to consumers. The extent of relief to be granted under each provision is set forth therein.

(i) Whenever it appears that a shortage exists or threatens to exist in the essential supply of lime, and that a producer of such commodity is unable to maintain or expend his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1 or on its own motion, by order, adjust his maximum price or prices by an amount necessary to permit the maintenance or expansion of such production upon a basis which will cover total costs.

In determining the amount of adjustment which may be granted, consideration will be given to such factors as:

(*a*) Revenue from sales of such commodity and from all other sources, and

(*b*) Production; mining, quarrying, development, milling, processing, and transportation costs; administrative and sales expenses; depreciation and depletion charges; taxes (excluding Federal and State income taxes); and capital investment.

(ii) Whenever it appears that the loss of a seller's production of lime would force his customers to resort to higher priced sources of supply and that the seller is unable to maintain his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1 or on its own motion, by order, adjust his maximum price or prices by an amount adequate to cover his operating costs; *Provided, however,* That in no instance will the seller's maximum price be increased to a price in excess of the general level of prices prevailing for alternative sources of the supply of the commodity. The term "operating costs" shall include the cost of labor, maintenance, supplies, power, taxes other than State and Federal income taxes, insurance, workmen's compensation, royalties, and other direct expenses, depreciation and depletion (wherever practicable as determined by the Bureau of Internal Revenue in the computation of the Federal income tax) and reasonable costs of selling and administration.

(iii) Before filing an application for adjustment under the provisions of subdivisions (i) and (ii), it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

This order No. A–2 shall become effective on the 6th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10838; Filed, July 5, 1943; 11:49 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 2, 1943.

Order No.:	*Name*
RMPR 161, Order 25	Albie Logging Co. Inc.
RPS 41, Order 16	American Brake Shoe & Foundry Co.
RPS 41, Order 15	Glenwood Range Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–10839; Filed, July 5, 1943; 11:49 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 3, 1943.

Order No:	*Name*
RPS 6, Order 43	Ewald Iron Co.
RPS 6, Order 44	Atlantic Steel Co.
MPR 149, Order 3	Durkee-Atwood Co.
MPR 152, Order 39	Santa Anita Packing Co.
MPR 188, Order 469	Equality Novelty Corp.
MPR 188, Order 470	Lourie & Shapiro.
MPR 188, Order 471	Albumatic Co.
MPR 188, Order 472	Skagit Talc Products.
MPR 188, Order 473	Starr Piano Co.
MPR 188, Order 474	Lamour Specialties, Inc.
MPR 195, Order 4	H. and A. Selmer, Inc.
2d Rev. Max. Export Price Reg., Order 5	Chattanooga Handle Co., Inc.
2d Rev. Max. Export Price Reg., Order 6.	Colorado Fuel & Iron Corp.
MPR 246, Order 5	Unadilla Silo Co., Inc.
MPR 244, Order 27	Ann Arbor Foundry Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–10840; Filed, July 5, 1943; 11:49 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 5, 1943.

Order No.	*Name*
MPR 120, Order 220	Jellcic & Hotmer Coal Co., Inc.
MPR 120, Order 221	Johnson Coal Co.
MPR 188, Order 475	Pullman Products
MPR 188, Order 476	Willard J. Bennett
MPR 188, Order 477	Huntsman Welding Shield Co.
MPR 341, Order 1	L. B. Smith, Inc.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–10878; Filed, July 6, 1943; 11:52 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders have been filed with the Division of the Federal Register.

Order number, name and date of filing

RPS 29, Order 2; North Shore Gas Co.; June 24, 1943.
RPS 41, Order 12; Eastern Malleable Iron Co.; May 31, 1943.
RPS 41, Order 13; American Brake Shoe & Foundry Co.; June 17, 1943.
RPS 56, Order 5; Globe Rubber Products Corp.; June 25, 1943.
RPS 57, Order 36; Alexander Smith & Sons Carpet Co., June 12, 1943.
RPS 64, Rev. Order 55; Auto Stove Works; June 25, 1943.
RPS 64, Rev. Order 78; Mt. Vernon Furnace & Mfg. Co.; June 14, 1943.
RPS 64, Order 87; Samuel Stamping & Enameling Co.; May 31, 1943.
RPS 64, Corr. of Order 87; Samuel Stamping & Enameling Co.; June 25, 1943.
RPS 64, Order 88; Columbus Stove Co.; May 31, 1943.
RPS 64, Order 89; Leonard & Baker Stove Co.; May 31, 1943.
RPS 64, Order 90; Chrysler Corp., June 4, 1943.
RPS 64, Order 91; Prentiss Wabers Products Co., June 9, 1943.
RPS 64, Order 92; Enterprise Foundry, Inc.; June 9, 1943.
RPS 64, Order 93; Sunray Stove Co.; June 9, 1943.
RPS 64, Order 94; Glenwood Range Co.; June 9, 1943.
RPS 64, Corr. of Order 94; Glenwood Range Co.; June 25, 1943.
RPS 64, Order 95; Columbus Stove Co.; June 10, 1943.
RPS 64, Order 96; Jacobs Mfg. Co.; June 10, 1943.
RPS 64, Order 97; Brown Stove Works; June 10, 1943.
RPS 64, Order 98; Southern Stove Works; June 14, 1943.
RPS 64, Order 99; Anderson Stove Co.; June 17, 1943.
RPS 64, Order 100; Southern Stove Works; June 22, 1943.
RPS 64, Order 101; Glenwood Range Co.; June 25, 1943.
RPS 88, Order 11; American Oil & Supply Co.; June 1, 1943.
MPR 110, Order 1; Spiegel, Inc.; June 12, 1943.
MPR 113, Order 4; North Range Mining Co.; June 7, 1943.
MPR 114, Order 3; Brown Co.; June 25, 1943.
MPR 118, Order 7; Fitzgerald Cotton Mills; June 1, 1943.
MPR 118, Order 8; York Mfg. Co.; June 12, 1943.

MPR 120, 2nd Rev. Order 3; Elmira Coal Co.; June 11, 1943.
MPR 120, Amendment 2 to Rev. Order 28; Shay Coal Co.; June 3, 1943.
MPR 120, 2nd Rev. Order 36; Deer Creek Coal Co.; June 19, 1943.
MPR 120, Rev. Order 45; Premar Coal Co.; June 11, 1943.
MPR 120, Rev. Order 57; Shannon Co.; June 11, 1943.
MPR 120, Amendment 2 to Order 63; Miners Coal Co.; June 3, 1943.
MPR 120, Rev. Order 79; Francis Rex Coal Co., Inc.; June 3, 1943.
MPR 120, Rev. Order 116; Etna Coal & Coke Co.; June 3, 1943.
MPR 120, Rev. Order 118; Leland Coal Co.; June 3, 1943.
MPR 120, Rev. Order 157; Tasa Coal Co.; June 17, 1943.
MPR 120, Rev. Order 183; John M. Hirst & Co.; June 17, 1943.
MPR 120, Order 188; Alex Shaw Coal Co.; June 1, 1943.
MPR 120, Order 189; Rockhill Coal Co.; June 3, 1943.
MPR 120, Order 190; Low Ash Mining Co.; June 3, 1943.
MPR 120, Order 191; Vera Pocahontas Coal Co.; June 3, 1943.
MPR 120, Order 192; Splash Dam Smokeless Coal Corp.; June 3, 1943.
MPR 120, Order 193; Panther Creek Mines, Inc.; June 8, 1943.
MPR 120, Order 194; Carl Fisher; June 8, 1943.
MPR 120, Order 195; Warner Coal Corp.; June 11, 1943.
MPR 120, Order 196; Gauley Mountain Coal Co.; June 11, 1943.
MPR 120, Order 197; The Boyd-Sicard Coal Co.; June 11, 1943.
MPR 120, Order 198; Argyle Coal Co.; June 11, 1943.
MPR 120, Order 199; O. & W. Coal Co.; June 11, 1943.
MPR 120, Order 200; Marcum Coal Co.; June 11, 1943.
MPR 120, Order 201; Page Mining Co.; June 11, 1943.
MPR 120, Order 202; Hill Anderson Coal Co.; June 11, 1943.
MPR 120, Order 203; Maryland Union Coal Corp.; June 11, 1943.
MPR 120, Order 204; L. A. & J. W. Borgman, Inc.; June 11, 1943.
MPR 120, Order 205; Luzerne-Graham Mining Corp.; June 12, 1943.
MPR 120, Order 206; Little Ben Coal Corp.; June 12, 1943.
MPR 120, Order 207; Carbondale Coal Co.; June 12, 1943.
MPR 120, Order 208; Quality Coal Co., Inc.; June 12, 1943.
MPR 120, Order 209; American Fuel Co.; June 17, 1943.
MPR 120, Order 210; Farmers Coal Mining Co.; June 17, 1943.
MPR 120, Order 211; Cambria Coal Co.; June 17, 1943.
MPR 120, Order 212; Excelsior Mining Co.; June 23, 1943.
MPR 120, Order 213; Hall Coal Co.; June 23, 1943.
MPR 120, Order 214; Pursglove Coal Mining Co.; June 22, 1943.
MPR 120, Order 215; McIntyre Coal Co., Inc.; June 23, 1943.
MPR 120, Order 216; Sims Coal Co.; June 23, 1943.
MPR 120, Order 217; Rayville Coal Co., Inc.; June 25, 1943.
MPR 120, Order 218; Utah Fuel Co.; June 28, 1943.
MPR 120, Order 219; McNitt Coal Co., et al.; June 28, 1943.
MPR 121, Order 12; Cleveland-Cliffs Iron Co.; June 1, 1943.
MPR 121, Order 13; Superior Anthracite Mines & Jno. McCall Coal Co., Inc.; June 3, 1943.
MPR 121, Order 14; Lehigh Briquetting Co.; June 12, 1943.
MPR 121, Order 15; United Coal & Dock Co.; June 23, 1943.
RMPR 122, Order 46; Carbon Coal Co., et al.; June 3, 1943.
RMPR 122, Order 47; Washington area & Alexandria, Va.; June 4, 1943.
RMPR 125, Rev. Order 3; Excel Brass & Aluminum Foundry; June 10, 1943.
RMPR 125, Order 25; Warwick Brass Foundry; May 31, 1943.
RMPR 125, Order 26; Port Chester Aluminum Foundry; May 31, 1943.
RMPR 125, Order 27; Valley Brass & Bronze Co.; June 3, 1943.
RMPR 125, Order 28; Miami Brass Co.; June 3, 1943.
RMPR 125, Order 29; Brass and Bronze Casting Co., Inc.; June 5, 1943.
RMPR 125, Order 30; Folsom Street Brass Foundry; June 5, 1943.
RMPR 125, Order 31; Derby Brass & Aluminum Foundry; June 7, 1943.
RMPR 125, Order 32; Anchor Bronze Corp.; June 7, 1943.
RMPR 125, Order 33; Forest Hill Foundry Co.; June 10, 1943.
RMPR 125, Order 34; Phelps Foundry Co.; June 17, 1943.
MPR 127, Amendment 1 to Order 8; Meyers Abramson Inc., et al.; June 5, 1943.
MPR 127, Order 10; Brookhaven Textile Inc.; June 3, 1943.
MPR 127, Order 11; Riegel Textile Corp.; June 12, 1943.
MPR 127, Order 12; Willington Sears Co.; June 26, 1943.
MPR 136, as amended, Amendment 1 to Order 45; American Pneumatic Tool Co.; June 25, 1943.
MPR 136, as amended, Order 52; New England Bobbin & Shuttle Co.; May 31, 1943.
MPR 136, as amended, Order 53; Walter L. Parker Bobbin & Spool Co.; May 31, 1943.
MPR 136, as amended, Order 54; American Bobbin Co.; May 31, 1943.
MPR 136, as amended, Order 55; Jackman Co.; May 31, 1943.
MPR 136, as amended, Order 56; Bowen-Hunter Bobbin Co.; May 31, 1943.
MPR 136, as amended, Order 57; David Brown Co.; May 31, 1943.
MPR 136, as amended, Order 58; Glen Bobbin Co.; June 1, 1943.
MPR 136, as amended, Order 59; H. & P. Spool and Bobbin Co.; June 1, 1943.
MPR 136, as amended, Order 60; Dana S. Courtney Co.; June 1, 1943.
MPR 136, as amended, Order 61; James H. Billington Co.; June 1, 1943.
MPR 136, as amended, Order 62; F. X. Hooper Co., Inc.; June 3, 1943.
MPR 136, as amended, Order 63; Monteith Brothers Co.; June 3, 1943.
MPR 136, as amended, Order 64; A. E. Heinsohn; June 8, 1943.
MPR 136, as amended, Order 65; Modern Machine Tool Co.; June 10, 1943.
MPR 136, as amended, Order 66; M. E. Arnold & Co.; June 12, 1943.
MPR 136, as amended, Order 67; Bunting Tractor Co., Inc.; June 17, 1943.
MPR 136, as amended, Order 68; Elwell-Parker Electric Co.; June 17, 1943.
MPR 136, as amended, Order 69; Warshawsky & Co.; June 25, 1943.
MPR 136, as amended, Order 70; Bodine Electric Co.; June 25, 1943.
MPR 136, as amended, Order 71; Tobber, Ernst & Traber, Inc.; June 29, 1943.
RMPR 148, Amendment 1 to Order 33; State of Arizona Critical Shortage area; June 8, 1943.
RMPR 148, Order 35; State of Nevada, County of Clark, Critical Shortage area; June 8, 1943.
MPR 149, Order 2; Continental Elastic Corp.; June 26, 1943.
MPR 152, Order 38; C. S. Kale Canning Co.; June 25, 1943.
MPR 154, as amended, Order 4; Olmstead & Sons; June 28, 1943.
MPR 157, Order 27; Eckerling Brothers; June 2, 1943.
RMPR 161, Order 24; Alex Cugini, et al.; June 5, 1943.
RMPR 169, Corr. to Order 26; Swift & Co. et al.; June 21, 1943.
RMPR 169, Amendment 1 to Order 28; State of Arizona, critical shortage area; June 8, 1943.
RMPR 169, Order 32; State of Nevada, Clark County, critical shortage area; June 8, 1943.
MPR 177, Order 10; Joseph & Feiss Co.; June 3, 1943.
MPR 185, Order 16; Thornton Canning Co.; June 9, 1943.
MPR 185, Order 17; Chevy Chase Co.; June 25, 1943.
MPR 188, Amendment 2 to Order 20; National Carbon Co.; June 26, 1943.
MPR 188, Amendment 1 to Order 97; McCray Refrigerator Co.; June 4, 1943.
MPR 188, Rev. Order 109; Hazel-Atlas Glass Co.; June 1, 1943.
MPR 188, Amendment 1 to Order 137; Continental Carpet Corp.; June 26, 1943.
MPR 188, Amendment 1 to Order 217; V. W. Busch Mfg. Co.; June 4, 1943.
MPR 188, Amendment 1 to Order 229; Delta Electric Co.; June 11, 1943.
MPR 188, Amendment 1 to Order 269; Michigan Chemical Corp.; June 28, 1943.
MPR 188, Amendment 1 to Order 289; Crow Co.; June 15, 1943.
MPR 188, Amendment 1 to Order 346; Herbert George Co.; June 12, 1943.
MPR 188, Order 381; Modern Woodcraft Shop; May 31, 1943.
MPR 188, Order 382; Getz Brothers & Co.; May 31, 1943.
MPR 188, Order 383; Fieldities; May 31, 1943.
MPR 188, Order 384; Doig Cabinet Co.; May 31, 1943.
MPR 188, Order 385; Specialty Sales Co.; May 31, 1943.
MPR 188, Order 386; Practical Products; May 31, 1943.
MPR 188, Order 387; Bert M. Morris Co.; May 31, 1943.
MPR 188, Order 388; Watertown Mfg. Co.; May 31, 1943.
MPR 188, Order 389; Venetian Blind Wood Products Co.; May 31, 1943.
MPR 188, Order 390; Texas Non-Steel Spring Manufacturing Co.; May 31, 1943.
MPR 188, Order 391; Strand Ski Co.; May 31, 1943.
MPR 188, Order 393; The Sessions Clock Co.; June 4, 1943.
MPR 188, Order 394; The Standard Press; June 4, 1943.
MPR 188, Order 395; Filament Tubes, Inc.; June 4, 1943.
MPR 188, Order 396; Hilo Insulation Co.; June 4, 1943.
MPR 188, Order 397; Hanover Wood Novelties Co.; June 4, 1943.
MPR 188, Order 398; Heagle Mfg. Co.; June 4, 1943.
MPR 188, Order 399; Lusam Parlor Frame Co., Inc.; June 4, 1943.
MPR 188, Order 401; F. Schumacher & Co.; June 4, 1943.
MPR 188, Order 402; Dresser Mfg. Co.; June 4, 1943.
MPR 188, Order 403; Woodbridge Sanitary Pottery Corp.; June 7, 1943.
MPR 188, Order 404; American Bitumuls Co.; June 9, 1943.
MPR 188, Order 405; Marblehead Lime Co.; June 9, 1943.
MPR 188, Order 406, Trinity Portland Cement Co.; June 9, 1943.
MPR 188, Order 407; Barack Toy Mfg. Co.; June 9, 1943.

MPR 188, Order 408; White Furniture Co.; June 9, 1943.
MPR 188, Order 409; Modern Wood Letter, Inc.; June 9, 1943.
MPR 188, Order 410; Metallic Arts Corp.; June 9, 1943.
MPR 188, Order 411; Superior Weather Strip Co.; June 9, 1943.
MPR 188, Order 412; Zapum Ceramics; June 9, 1943.
MPR 188, Order 413; Strait & Richards, Inc.; June 9, 1943.
MPR 188, Order 414; Cabot Rug Mills, Inc.; June 9, 1943.
MPR 188, Order 415; Jewel Equipment Corp.; June 9, 1943.
MPR 188, Order 416; R. W. & R. Tool Co.; June 9, 1943.
MPR 188, Order 417; William F. Sherrill; June 10, 1943.
MPR 188, Order 418; V'Soske Shops; June 11, 1943.
MPR 188, Order 419; Albert L. Farr; June 11, 1943.
MPR 188, Order 420; Bickford Brothers Co.; June 11, 1943.
MPR 188, Order 421; Dallas Mfg. Co.; June 11, 1943.
MPR 188, Order 422; Watertown Table-Slide Corp.; June 11, 1943.
MPR 188, Order 423; Harry Waber; June 11, 1943.
MPR 188, Order 424; George Posner and Erwin Herz; June 11, 1943.
MPR 188, Order 425; Kitchen Kompact, Inc.; June 11, 1943.
MPR 188, Order 426; Richard Tupper; June 12, 1943.
MPR 188, Order 427; Mohawk Trailer Co.; June 12, 1943.
MPR 188, Order 428; M. A. Rollman Associates; June 12, 1943.
MPR 188, Order 429; The Lansdale Co., June 12, 1943.
MPR 188, Order 430; Square Deal Optical Co.; June 12, 1943.
MPR 188, Order 431; Lehigh Portland Cement Co.; June 12, 1943.
MPR 188, Order 432; Berger Supply Co.; June 12, 1943.
MPR 188, Order 433; O. J. Boyt; June 12, 1943.
MPR 188, Order 434; E. R. Lurey Associates; June 12, 1943.
MPR 188, Order 435; E. S. Saul; June 14, 1943.
MPR 188, Order 436; Midwest Industries; June 14, 1943.
MPR 188, Order 437; Lock Joint Window Co.; June 14, 1943.
MPR 188, Order 438; Everpoint Needle Co.; June 14, 1943.
MPR 188, Order 439; M. Slifka & Sons; June 14, 1943.
MPR 188, Order 440; J. J. Entin Mfg. Co.; June 14, 1943.
MPR 188, Order 441; Bixby, Incorp.; June 17, 1943.
MPR 188, Order 442; Clinchfield Sand and Feldspar Corp.; June 17, 1943.
MPR 188, Order 443; Grand Products, Inc.; June 18, 1943.
MPR 188, Order 444; Henry Teller; June 18, 1943.
MPR 188, Order 445; Igloo Cabinet Co.; June 18, 1943.
MPR 188, Order 446; Municipal Metallic Bed Mfg. Corp.; June 18, 1943.
MPR 188, Order 447; Saryacuse Specialty Co.; June 22, 1943.
MPR 188, Order 448; Park Furniture Co., Inc.; June 18, 1943.
MPR 188, Order 449; Swank, Inc.; June 18, 1943.
MPR 188, Order 450; Lapp Insulator Co., Inc.; June 18, 1943.
MPR 188, Order 451; Crystal Reed Co.; June 22, 1943.
MPR 188, Order 452; Arvey Corp.; June 25, 1943.
MPR 188, Order 453; Monarch Coach Co.; June 25, 1943.
MPR 188, Order 454; American Molded Products Co.; June 25, 1943.
MPR 188, Order 455; Armco Drainage & Metal Products, Inc.; June 25, 1943.
MPR 188, Order 456; Stoddard Mfg. Co.; June 26, 1943.
MPR 188, Order 457; C. Nelson Mfg. Co.; June 26, 1943.
MPR 188, Order 458; Wagner's Woodworking Co.; June 26, 1943.
MPR 188, Order 459; "True-Dux"; June 26, 1943.
MPR 188, Order 460; Coronado Mfg. Co.; June 26, 1943.
MPR 188, Order 461; Sun Shoe Mfg. Co.; June 28, 1943.
MPR 188, Order 462; Boyle Leather Goods Co.; June 28, 1943.
MPR 188, Order 463; Safran & Glucksman, Inc.; June 28, 1943.
MPR 188, Order 464; Novum Novelty Mfg. Corp.; June 28, 1943.
MPR 188, Order 466; Cayuga China Co.; June 30, 1943.
MPR 188, Order 467; Zimmermann Sales Co.; June 30, 1943.
MPR 189, Order 5; Jenkins & McCall Coal Co.; Inc.; June 28, 1943.
RMPR 195, Order 3; Sterling Boxes, Inc.; June 19, 1943.
MPR 207, Order 11; Alan R. Parrish; May 31, 1943.
MPR 207, Order 12; Hemet Packing Co.; June 3, 1943.
MPR 207, Order 13; R. D. Bodle Co.; June 3, 1943.
MPR 225, Order 10; Alexander Chasen & Co.; June 3, 1943.
RMPR 239, Order 4; State of Nevada, Clark County, Critical shortage area; June 8, 1943.
MPR 244, Order 25; Standard Buffalo Foundry, Inc.; June 17, 1943.
MPR 244, Order 26; Little Brothers Foundry; June 22, 1943.
MPR 246, Order 2; Hackney Wagon Co., Inc.; May 31, 1943.
MPR 246, Order 3; Anderson Knife & Bar Co.; June 17, 1943.
MPR 246, Order 4; Papec Machine Co.; June 17, 1943.
MPR 306, Order 1; Walla Walla Canning Co.; June 1, 1943.
MPR 306, Order 2; Apte Brothers Canning Co.; June 17, 1943.
MPR 327, Order 10; United Feldspar & Minerals Corp.; June 3, 1943.
MPR 335, Order 6; Cinderella Foods; May 31, 1943.
MPR 335, Order 7; Planters Nut & Chocolate Co.; June 4, 1943.
MPR 335, Order 8, Food Specialties, Inc.; June 25, 1943.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-10857; Filed, July 5, 1943; 4:52 p. m.]

Regional, State and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 have been filed with the Division of the Federal Register.

REGION I

Boston Order 3, Filed 3:21 p. m. June 28, 1943.
Boston Order 3, Amendment 1, Filed 3:21 p. m. June 28, 1943.
Boston Order 3, Amendment 2, Filed 3:21 p. m. June 28, 1943.
New Hampshire Order 1, Filed 1:07 p. m. May 18, 1943.
New Hampshire Order 2, Filed 3:23 p. m. June 28, 1943.
Rhode Island Order 1, Filed 3:29 p. m. May 18, 1943.
Rhode Island Order 1, Amendment 1, Filed 3:19 p. m. May 21, 1943.
Rhode Island Order 2, Filed 10:05 a. m. May 28, 1943.
Rhode Island Order 3, Filed 3:23 p. m. June 28, 1943.
Vermont Order 1, Filed 4:37 p. m. May 19, 1943.
Vermont Order 2, Filed 11:38 a. m. May 25, 1943.
Vermont Order 3, Filed 3:48 p. m. June 14, 1943.
Vermont Order 3, Amendment 1, Filed 3:21 p. m. June 28, 1943.
Maine Order 1, Filed 3:45 p. m. June 14, 1943.
Maine Order 2, Filed 3:46 p. m. June 14, 1943.
Maine Order 3, Filed 3:24 p. m. June 28, 1943.
Connecticut Order 1, Filed 3:22 p. m. June 28, 1943.
Connecticut Order 2, Filed 3:49 p. m. June 14, 1943.
Worcester Order 1, Filed 3:22 p. m. June 28, 1943.
Worcester Order 2, Filed 11:41 a. m. June 15, 1943.
Worcester Order 3, Filed 3:22 p. m. June 28, 1943.
Springfield Order 1, Filed 3:49 p. m. June 14, 1943.
Springfield Order 2, Filed 3:48 p. m. June 14, 1943.
Springfield Order 3, Filed 3:48 p. m. June 14, 1943.

REGION II

Albany Order 1, Filed 3:15 p. m. May 21, 1943.
Albany Order 2, Filed 2:26 p. m. May 24, 1943.
Albany Order 3, Filed 9:59 a. m. June 11, 1943.
Albany Order 4, Filed 9:42 a. m. July 1, 1943.
Albany Order 4, Amendment 1, Filed 9:23 a. m. July 1, 1943.
Albany Order 5, Filed 4:43 p. m. June 29, 1943.
Albany Order 5, Amendment 1, Filed 9:23 a. m. July 1, 1943.
Albany Order 6, Filed 9:29 a. m. July 1, 1943.
Albany Order 6, Amendment 1, Filed 9:24 a. m. July 1, 1943.
Altoona Order 1, Filed 3:21 p. m. May 19, 1943.
Altoona Order 2, Filed 3:19 p. m. May 19, 1943.
Altoona Order 3, Filed 3:03 p. m. May 27, 1943.
Altoona Order 4, Filed 4:00 p. m. July 1, 1943.
Binghamton Order 1, Filed 2:27 p. m. May 24, 1943.
Binghamton Order 1, Amendment 1, Filed 4:41 p. m. June 29, 1943.
Binghamton Order 2, Filed 2:27 p. m. May 24, 1943.
Binghamton Order 3, Filed 9:58 a. m. June 11, 1943.
Binghamton Order 3, Amendment 2, Filed 4:42 June 29, 1943.
Binghamton Order 3, Amendment 3, Filed 4:43 p. m. June 29, 1943.
Binghamton Order 4, Filed 4:41 p. m. June 29, 1943.
Binghamton Order 4, Amendment 1, Filed 4:42 p. m. June 29, 1943.
Buffalo Order 1, Filed 4:07 p. m. May 15, 1943.
Buffalo Order 2, Filed 3:29 p. m. May 25, 1943.
Buffalo Order 3, Filed 10:01 a. m. May 28, 1943.
Buffalo Order 3, Amendment 1, Filed 11:49 a. m. June 30, 1943.
Camden Order 1, Filed 1:08 p. m. May 15, 1943.
Camden Order 2, Filed 3:57 p. m. May 22, 1943.
Camden Order 2, Amendment 1, Filed 10:02 June 11, 1943.
Camden Order 3, Filed 10:01 a. m. June 11, 1943.
Camden Order 3, Amendment 1, Filed 11:44 a. m. June 30, 1943.
Harrisburg Order 1, Filed 2:27 p. m. May 24, 1943.

Harrisburg Order 2, Filed 2:27 p. m. May 24, 1943.
Harrisburg Order 3, Filed 9:58 a. m. June 11, 1943.
Erie Order 3, Amendment 1, Filed 4:01 July 1, 1943.
Maryland Order 1, Filed 3:02, May 17, 1943.
Maryland Order 1, Amendment 1, Filed 3:01 p. m. May 17, 1943.
Maryland Order 2, Filed 3:17 p. m. May 18, 1943.
Maryland Order 3, Filed 3:03 p. m. May 27, 1943.
Maryland Order 3, Amendment 1, Filed 4:43 p. m. June 29, 1943.
Maryland Order 3, Amendment 2, Filed 4:43 p. m. June 29, 1943.
Maryland Order 4, Filed 4:41 p. m. June 29, 1943.
Newark Order 1, Filed 2:23 p. m. May 24, 1943.
Newark Order 2, Filed 9:57 a. m. June 11, 1943.
Newark Order 3, Filed 3:50 p. m. June 14, 1943.
Newark Order 3, Amendment 1, Filed 11:49 a. m. June 30, 1943.
Newark Order 4, Filed 11:49 a. m. June 30, 1943.
Philadelphia Order 1, Filed 4:53 p. m. May 17, 1943.
Philadelphia Order 2, Filed 12:10 p. m. May 22, 1943.
Philadelphia Order 3, Filed 9:59 a. m. June 11, 1943.
Philadelphia Order 3, Amendment 1, Filed 11:46 a. m. June 30, 1943.
Philadelphia Order 3, Amendment 2, Filed 11:46 a. m. June 30, 1943.
Rochester Order 1, Filed 3:17 p. m. May 26, 1943.
Rochester Order 1, Correction, Filed 3:19 p. m. May 26, 1943.
Rochester Order 2, Filed 3:20 p. m. May 26, 1943.
Rochester Order 2, Correction, Filed 9:53 a. m. June 11, 1943.
Rochester Order 3, Filed 10:02 a. m. May 28, 1943.
Rochester Order 3, Amendment 1, Filed 11:49 a. m. June 30, 1943.
Scranton Order 1, Filed 3:58 p. m. May 22, 1943.
Scranton Order 1, Amendment 1, Filed 3:58 p. m. May 22, 1943.
Scranton Order 1, Amendment 2, Filed 11:47 a. m. June 30, 1943.
Scranton Order 2, Filed 3:18 p. m. May 19, 1943.
Scranton Order 3, Filed 3:18 p. m. May 19, 1943.
Scranton Order 4, Filed 3:47 p. m. June 14, 1943.
Scranton Order 4, Amendment 1, Filed 11:47 a. m. June 30, 1943.
Scranton Order 5, Filed 11:47 a. m. June 30, 1943.
Syracuse Order 2, Filed 9:58 a. m. June 11, 1943.
Trenton Order 1, Filed 1:08 p. m. May 15, 1943.
Trenton Order 2, Filed 2:24 p. m. May 24, 1943.
Trenton Order 3, Filed 3:03 p. m. May 27, 1943.
Trenton Order 3, Amendment 1, Filed 11:46 a. m. June 30, 1943.
Trenton Order 4, Filed 11:45 a. m. June 30, 1943.
Wilmington Order 1, Filed 3:19 p. m. May 18, 1943.
Wilmington Order 2, Filed 9:55 a. m. June 11, 1943.
Wilmington Order 3, Filed 10:03 a. m. June 11, 1943.
Wilmington Order 4, Filed 10:05 a. m. June 11, 1943.
Wilmington Order 4, Correction, Filed 9:56 a. m. June 11, 1943.
Wilmington Order 4, Amendment 1, Filed 11:46 a. m. June 30, 1943.
Wilmington Order 5, Filed 11:45 a. m. June 30, 1943.
New York Order 2, Filed 9:53 a. m. June 11, 1943.
New York Order 3, Filed 9:52 a. m. June 11, 1943.
New York Order 3, Amendment 1, Filed 4:00 p. m. July 1, 1943.
District of Columbia Order 1, Filed 9:56 a. m. June 11, 1943.
District of Columbia Order 2, Filed 9:55 a. m. June 11, 1943.
District of Columbia Order 3, Filed 9:54 a. m. June 11, 1943.
Pittsburgh Order 1, Filed 3:51 p. m. June 14, 1943.
Pittsburgh Order 2, Filed 9:55 a. m. June 11, 1943.
Pittsburgh Order 3, Filed 3:50 p. m. June 14, 1943.
Pittsburgh Order 3, Amendent 1, Filed 9:29 a. m. July 1, 1943.
Erie Order 1, Filed 10:01 a. m. June 11, 1943.
Erie Order 2, Filed 10:00 a. m. June 11, 1943.
Erie Order 3, Filed 10:00 a. m. June 11, 1943.
Erie Order 3, Amendment 1, Filed 4:01 p. m. July 1, 1943.
Williamsport Order 2, Filed 10:03 a. m. June 11, 1943.
Williamsport Order 2, Amendment 1, Filed 9:56 a. m. June 11, 1943.
Williamsport Order 2, Amendment 1, Correction, Filed 4:02 p. m. July 1, 1943.
Williamsport Order 2, Amendment 2, Filed 4:03 July 1, 1943.
Williamsport Order 3, Filed 9:54 a. m. June 11, 1943.
Williamsport Order 3, Amendment 1, Filed 3:59 p. m. July 1, 1943.
Williamsport Order 3, Amendment 2, Filed 4:03 p. m. July 1, 1943.

REGION III

Cincinnati Order 1, Filed 3:11 p. m. May 26, 1943.
Cincinnati Order 1, Amendment 1, Filed 3:21 p. m. May 26, 1943.
Cincinnati Order 2, Filed 3:11 p. m. May 26, 1943.
Cincinati Order 3, Filed 4:05 p. m. July 1, 1943.
Cleveland Order 1, Filed 3:17 p. m. May 18, 1943.
Cleveland Order 1, Amendment 1, Filed 11:42 a. m. June 15, 1943.
Cleveland Order 2, Filed 3:17 p. m. May 18, 1943.
Cleveland Order 3, Filed 3:17 p. m. May 18, 1943.
Cleveland Order 4, Filed 3:19 p. m. May 18, 1943.
Cleveland Order 9, Filed 12:13 p. m. June 16, 1943.
Cleveland Order 10, Filed 4:09 p. m. July 1, 1943.
Columbus Order 1, Filed 4:37 May 19, 1943.
Columbus Order 2, Filed 3:16 May 21, 1943.
Columbus Order 3, Filed 12:12 p. m. June 16, 1943.
Dayton Order 2, Filed 11:23 a. m. May 26, 1943.
Dayton Order 3, Filed 11:24 a. m. May 26, 1943.
Dayton Order 4, Filed 11:40 a. m. June 16, 1943.
Detroit Order 1, Filed 1:08 p. m. May 15, 1943.
Detroit Order 1, Amendment 1, Filed 4:37 May 19, 1943.
Detroit Order 2, Filed 4:46 p. m. May 19, 1943.
Detroit Order 3, Filed 4:06 p. m. July 1, 1943.
Detroit Order 3, Amendment 1, Filed 4:08 p. m. July 1, 1943.
Detroit Order 4, Filed 3:04 p. m. May 27, 1943.
Detroit Order 4, Amendment 1, Filed 4:08 p. m. July 1, 1943.
Grand Rapids Order 1, Filed 3:31 p. m. May 25, 1943.
Grand Rapids Order 2, Filed 5:07 p. m. May 25, 1943.
Grand Rapids Order 3, Filed 11:30 a. m. June 15, 1943.
Indianapolis Order 1, Filed 11:21 a. m. May 26, 1943.
Indianapolis Order 1, Amendment 1, Filed 11:22 a. m. May 26, 1943.
Indianapolis Order 2, Filed 3:16 p. m. May 26, 1943.
Indianapolis Order 3, Filed 3:16 p. m. May 26, 1943.
Indianapolis Order 4, Filed 12:14 p. m. June 16, 1943.
Indianapolis Order 4, Amendment 1, Filed 4:03 p. m. July 1, 1943.
Indianapolis Order 5, Filed 4:04 p. m. July 1, 1943.
Indianapolis Order 5, Amendment 1, Filed 4:04 p. m. July 1, 1943.
Indianapolis Order 6, Filed 4:13 p. m. July 1, 1943.
Iron Mountain Order 1, Filed 3:33 p. m. May 25, 1943.
Iron Mountain Order 2, Filed 3:33 p. m. May 25, 1943.
Iron Mountain Order 3, Filed 3:33 p. m. May 25, 1943.
Iron Mountain Order 4, Filed 3:34 p. m. May 25, 1943.
Iron Mountain Order 5, Filed 4:10 p. m. July 1, 1943.
Iron Mountain Order 6, Filed 4:12 p. m. July 1, 1943.
Lexington Order 1, Filed 3:15 p. m. May 21, 1943.
Lexington Order 2, Filed 3:18 p. m. May 21, 1943.
Lexington Order 2, Amendment 1, Filed 2:58 p. m. June 16, 1943.
Lexington Order 3, Filed 12:15 p. m. June 16, 1943.
Lexington Order 3, Amendment 1, Filed 2:59 p. m. June 16, 1943.
Louisville Order 1, Filed 11:21 a. m. May 26, 1943.
Louisville Order 1, Amendment 1, Filed 11:23 a. m. May 26, 1943.
Louisville Order 2, Filed 11:22 a. m. May 26, 1943.
Louisville Order 3, Filed 11:30 a. m. June 15, 1943.
Louisville Order 3, Amendment 1, Filed 4:12 p. m. July 1, 1943.
Toledo Order 1, Filed 3:22 p. m. May 19, 1943.
Toledo Order 3, Filed 12:12 p. m. June 16, 1943.
Toledo Order 3, Amendment 1, Filed 4:12 p. m. July 1, 1943.
Toledo Order 3, Amendment 2, Filed 4:12 p. m. July 1, 1943.
Wheeling Order 1, Filed 11:52 a. m. May 20, 1943.
Wheeling Order 1, Amendment 1, Filed 11:42 a. m. June 15, 1943.
Wheeling Order 2, Filed 11:42 June 15, 1943.
Wheeling Order 3, Filed 12:13 p. m. June 16, 1943.
Wheeling Order 3, Amendment 1, Filed 12:12 p. m. June 16, 1943.

REGION IV

Atlanta Order 1, Revised, Filed 3:16 p. m. May 21, 1943.
Atlanta Order 2, Filed 2:24 p. m. May 24, 1943.
Atlanta Order 3, Filed 11:38 a. m. June 15, 1943.
Birmingham Order 1, Filed 11:38 a. m. June 15, 1943.
Birmingham Order 2, Filed 3:19 p. m. May 19, 1943.
Birmingham Order 3, Filed 3:03 p. m. May 27, 1943.
Birmingham Order 3, Amendment 1, Filed 3:52 p. m. July 1, 1943.
Birmingham Order 4, Filed 3:52 p. m. July 1, 1943.
Charlotte Order 1, Filed 3:50 p. m. May 12, 1943.
Charlotte Order 2, Filed 3:16 p. m. May 18, 1943.
Charlotte Order 3, Filed 3:04 p. m. May 27, 1943.

Charlotte Order 3, Amendment 1, Filed 3:48 p. m. July 1, 1943.
Jackson Order 1, Filed 3:17 p. m. May 26, 1943.
Jackson Order 2, Filed 3:18 p. m. May 26, 1943.
Jackson Order 3, Filed 11:35 a. m. June 15, 1943.
Jackson Order 3, Amendment 1, Filed 3:49 p. m. July 1, 1943.
Jacksonville Order 1, Filed 3:43 p. m. May 20, 1943.
Jacksonville Order 2, Filed 3:43 p. m. May 20, 1943.
Jacksonville Order 3, Filed 3:05 p. m. May 27, 1943.
Jacksonville Order 3, Amendment 1, Filed 9:25 a. m. July 1, 1943.
Jacksonville Order 4, Filed 9:25 a. m. July 1, 1943.
Knoxville Order 1, Filed 3:21 p. m. May 26, 1943.
Knoxville Order 2, Filed 3:21 p. m. May 26, 1943.
Knoxville Order 3, Filed 11:37 a. m. June 15, 1943.
Knoxville Order 4, Filed 9:28 a. m. July 1, 1943.
Memphis Order 2, Filed 2:32 p. m. May 24, 1943.
Memphis Order 3, Filed 9:28 a. m. July 1, 1943.
Memphis Order 4, Filed 9:26 a. m. July 1, 1943.
Montgomery Order 1, Filed 11:20 a. m. May 26, 1943.
Montgomery Order 2, Filed 11:22 a. m. May 26, 1943.
Montgomery Order 3, Filed 11:30 a. m. June 16, 1943.
Raleigh Order 1, Filed 1:08 p. m. May 15, 1943.
Raleigh Order 2, Filed 3:16 p. m. May 21, 1943.
Raleigh Order 3, Filed 11:32 a. m. June 15, 1943.
Raleigh Order 3, Amendment 1, Filed 3:51 p. m. July 1, 1943.
Raleigh Order 4, Filed 3:51 p. m. July 1, 1943.
Richmond Order 1, Filed 3:50 p. m. May 12, 1943.
Richmond Order 2, Filed 11:36 a. m. June 15, 1943.
Richmond Order 3, Filed 11:34 a. m. June 15, 1943.
Roanoke Order 1, Filed 10:01 a. m. May 28, 1943.
Roanoke Order 3, Filed 11:32 a. m. June 15, 1943.
Roanoke Order 3, Amendment 1, Filed 3:48 p. m. July 1, 1943
Roanoke Order 4, Filed 3:48 p. m. July 1, 1943.
Savannah Order 1, Filed 3:25 p. m. May 15, 1943.
Savannah Order 2, Filed 5:08 p. m. May 25, 1943.
Savannah Order 3, Filed 11:33 a. m. June 15, 1943.
Savannah Order 4, Filed 3:49 p. m. July 1, 1943.
South Carolina Order 1, Filed 11:20 a. m. May 26, 1943.
South Carolina Order 2, Filed 3:20 p. m. May 26, 1943.
South Carolina Order 3, Filed 11:36 a. m. June 15, 1943.
South Carolina Order 3, Amendment 1, Filed 3:48 p. m. July 1, 1943.
South Carolina Order 4, Filed 3:47 p. m. July 1, 1943.
Tampa Order 1, Filed 3:42 p. m. May 20, 1943.
Tampa Order 2, Filed 3:18 p. m. May 21, 1943.
Tampa Order 3, Filed 11:34 a. m. June 15, 1943.
Tampa Order 3, Amendment 1, Filed 9:27 a. m. July 1, 1943.
Tampa Order 4, Filed 9:26 a. m. July 1, 1943.
Nashville Order 1, Filed 11:39 a. m. June 15, 1943.
Nashville Order 2, Filed 11:33 a. m. June 15, 1943.
Nashville Order 3, Filed 11:39 a. m. June 15, 1943.
Nashville Order 3, Amendment 1, Filed 3:49 p. m. July 1, 1943.
Nashville Order 4, Filed 3:50 p. m. July 1, 1943.
Norfolk Order 4, Filed 3:48 p. m. July 1, 1943.

REGION V

Arkansas Order 1, Filed 1:03 p. m. May 15, 1943.
Arkansas Order 1, Amendment 1, Filed 2:57 p. m. June 16, 1943.
Arkansas Order 2, Filed 2:57 p. m. June 16, 1943.
Arkansas Order 3, Filed 2:57 p. m. June 1, 1943.
Fort Worth Order 1, Filed 3:27 p. m. May 14, 1943.
Fort Worth Order 2, Filed 3:04 p. m. May 27, 1943.
Fort Worth Order 3, Filed 3:03 p. m. May 27, 1943.
Houston Order 1, Filed 3:17 p. m. May 21, 1943.
Houston Order 1, Amendment 1, Filed 3:30 p. m. May 26, 1943.
Houston Order 1, Amendment 2, Filed 11:25 a. m. July 2, 1943.
Houston Order 1, Amendment 3, Filed 11:26 a. m. July 2, 1943.
Houston Order 2, Filed 3:32 p. m. May 25, 1943.
Houston Order 3, Filed 3:20 p. m. May 26, 1943.
Houston Order 3, Amendment 1, Filed 11:26 a. m. July 2, 1943.
Houston Order 3, Amendment 2, Filed 11:26 a. m. July 2, 1943.
Houston Order 3, Amendment 3, Filed 11:25 a. m. July 2, 1943.
Houston Order 4, Filed 11:21 a. m. July 2, 1943.
Kansas City Order 1, Filed 3:17 p. m. May 14, 1943.
Kansas City Order 2, Filed 11:38 a. m. May 25, 1943.
Kansas City Order 3, Filed 2:53 p. m. June 16, 1943.
Lubbock Order 1, Filed 3:41 p. m. May 20, 1943.
Lubbock Order 1 (El Paso), Filed 11:25 a. m. July 2, 1943.
Lubbock Order 1, Amendment 1, Filed 11:24 a. m. July 2, 1943. (El Paso)
Lubbock Order 1, Amendment 1, Filed 3:42 p. m. May 20, 1943.
Lubbock Order 2 (El Paso), Filed 11:25 a. m. July 2, 1943.
Lubbock Order 2, Filed 3:16 p. m. May 26, 1943.
Lubbock Order 1, Amendment 2 (El Paso), Filed 11:19 a. m. July 2, 1943.
Lubbock Order 3 (El Paso), Filed 11:19 a. m. July 2, 1943.
Lubbock Order 3, Amendment 1 (El Paso), Filed 11:19 a. m. July 2, 1943.
Lubbock Order 3a (El Paso), Filed 11:21 a. m. July 2, 1943.
Lubbock Order 3a (El Paso), Amendment 1, Filed 11:19 a. m. July 2, 1943.
New Orleans Order 1, Filed 3:34 p. m. May 25, 1943.
New Orleans Order 1, Amendment 1, Filed 11:27 a. m. July 2, 1943.
New Orleans Order 2, Filed 3:34 p. m. May 25, 1943.
New Orleans Order 3, Filed 12:08 p. m. June 17, 1943.
New Orleans Order 3, Amendment 1, Filed 11:27 a. m. July 2, 1943.
Oklahoma City Order G–1, Filed 3:19 p. m. May 18, 1943.
Oklahoma City Order G–2, Filed 4:38 p. m. May 19, 1943.
Oklahoma City Order G–3, Filed 2:54 p. m. June 16, 1943.
Oklahoma City Order G–3, Amendment 1, Filed 11:23 a. m. July 2, 1943.
San Antonio Order 1, Filed 2:27 p. m. May 24, 1943.
San Antonio Order 2, Filed 2:28 p. m. May 24, 1943.
San Antonio Order 3, Filed 10:04 a. m. May 28, 1943.
San Antonio Order 3, Amendment 1, Filed 11:22 a. m. July 2, 1943.
Shreveport Order 1, Filed 1:07 p. m. May 15, 1943.
Shreveport Order 2, Filed 11:23 a. m. May 26, 1943.
Shreveport Order 3, Filed 2:59 p. m. June 16, 1943.
Shreveport Order 3, Amendment 1, Filed 11:27 a. m. July 2, 1943.
Shreveport Order 4, Filed 11:24 a. m. July 2, 1943.
Shreveport Order 4, Amendment 1, Filed 11:26 a. m. July 2, 1943.
Shreveport Order 4, Amendment 2, Filed 11:27 a. m. July 2, 1943.
St. Louis Order 1, Filed 4:07 p. m. May 15, 1943.
St. Louis Order 1, Amendment 1, Filed May 22, 1943 12:10 p. m.
St. Louis Order 2, Filed 3:38 p. m. May 25, 1943.
St. Louis Order 3, Filed 11:20 a. m. July 2, 1943.
St. Louis Order 3, Amendment 1, Filed 11:23 a. m. July 2, 1943.
Tulsa Order 1, Filed 3:15 p. m. May 14, 1943.
Tulsa Order 2, Filed 3:02 p. m. May 19, 1943.
Tulsa Order 3, Filed 11:22 a. m. July 2, 1943.
Wichita Order G–1, Filed 1:09 p. m. May 15, 1943.
Wichita Order G–2, Filed 11:23 a. m. May 26, 1943.
Wichita Order G–3, Filed 2:58 p. m. May 16, 1943.
Wichita Order G–3, Amendment 1, Filed 11:26 a. m. July 2, 1943.
Dallas Order 1, Filed 2:52 June 16, 1943.
Dallas Order 2, Filed 2:52 p. m. June 16, 1943.

REGION VI

Chicago Order 1, Filed 3:18 p. m. May 18, 1943.
Chicago Order 2, Filed 3:18 p. m. May 18, 1943.
Chicago Order 3, Filed 3.05 p. m. May 27, 1943.
Duluth-Superior Order 1, Filed 11:22 a. m. May 26, 1943.
Fargo-Moorhead Order 1, Filed 2:23 p. m. May 24, 1943.
Fargo-Moorhead Order 1, Amendment 1, Filed 2:23 p. m. May 24, 1943.
Fargo-Moorhead Order 1, Amendment 2, Filed 2:23 p. m. May 24, 1943.
Fargo-Moorhead Order 2, Filed 8:54 a. m. May 27, 1943.
Fargo-Moorhead Order 3, Filed 8:55 a. m. May 27, 1943.
Green Bay Order 1, Filed 8:56 a. m. May 27, 1943.
Green Bay Order G–2, Filed 11:20 a. m. May 26, 1943.
La Crosse Order 1, Filed 3:18 p. m. May 26, 1943.
La Crosse Order 2, Filed 3:21 p. m. May 26, 1943.
Milwaukee Order 1, Filed 3:42 p. m. May 20, 1943.
Milwaukee Order 1, Amendment 1, Filed 3:53 p. m. July 1, 1943.
Milwaukee Order 2, Filed 3:59 p. m. July 1, 1943.
Milwaukee Order 3, Filed 3:53 p. m. July 1, 1943.
Omaha Order 1, Filed 3:29 p. m. May 25, 1943.
Omaha Order 2, Filed 3:20 p. m. May 26, 1943.
Omaha Order 3, Filed 3:35 p. m. June 17, 1943.
Peoria Order 1, Filed 1:03 p. m. May 15, 1943.
Peoria Order 1, Correction, Filed 11:23 a. m. May 26, 1943.
Peoria Order 2, Filed 3:58 p. m. May 22, 1943.
Peoria Order 3, Filed 3:41 p. m. June 17, 1943.
Pierre Order 1, Filed 10:03 a. m. May 28, 1943.

Pierre Order 2, Filed 10:03 a. m. May 28, 1943.
Quad-Cities Order 1, Filed 2:25 p. m. May 24, 1943.
Quad-Cities Order 2, Filed 3:37 p. m. June 17, 1943.
Rockford Order 1, Filed 3:25 p. m. May 15, 1943.
Rockford Order 1, Amendment 1, Filed 3:17 p. m. May 18, 1943.
Rockford Order 2, Filed 3:35 p. m. May 25, 1943.
Rockford Order 3, Filed 3:37 p. m. June 17, 1943.
Sioux City Order 1, Filed 3:16 p. m. May 18, 1943.
Sioux City Order 2, Filed 2:24 p. m. May 24, 1943.
Sioux City Order 3, Filed 3:17 p. m. May 26, 1943.
Sioux City Order 3, Amendment 1, Filed 4:11 p. m. June 17, 1943.
Springfield Order 1, Filed 3:25 p. m. May 15, 1943.
Springfield Order 1, Amendment 1, Filed 3:17 p. m. May 21, 1943.
Springfield Order 2, Filed 3:26 p. m. May 15, 1943.
Springfield Order 2, Amendment 1, Filed 3:16 p. m. May 21, 1943.
Springfield Order 3, Filed 3:18 p. m. May 21, 1943.
Springfield Order 4, Filed 9:44 a. m. June 22, 1943.
Springfield Order 5, Filed 3:35 p. m. June 17, 1943.
Twin Cities Order 1, Revised, Filed 3:17 p. m. May 26, 1943.
Twin Cities Order 2, Filed 3:16 p. m. May 26, 1943.
Twin Cities Order 3, Filed 3:35 p. m. June 17, 1943.
Bismarck Order 1, Filed 3:42 p. m. June 17, 1943.
North Platte Order 1, Filed 3:40 p. m. June 17, 1943.
North Platte Order 2, Filed 3:41 p. m. June 17, 1943.
Sioux Falls Order 1, Filed 3:41 June 17, 1943.
Sioux Falls Order 2, Filed 3:41 p. m. June 17, 1943.
Sioux Falls Order 3, Filed 4:11 p. m. June 17, 1943.

REGION VII

Boise Order 1, Filed 8:56 a. m. May 27, 1943.
Boise Order 2, Filed 8:56 a. m. May 27, 1943.
Boise Order 3, Filed 8:55 a. m. May 27, 1943.
Boise Order 4, Filed 8:55 a. m. May 27, 1943.
Boise Order 5, Filed 10:01 a. m. May 28, 1943.
Boise Order 6, Filed 4:10 p. m. June 17, 1943.
Boise Order 7, Filed 4:10 p. m. June 17, 1943.
Colorado State Order 1, Filed 3:25 p. m. May 15, 1943.
Colorado State Order 2, Filed 2:26 p. m. May 24, 1943.
Colorado State Order 3, Filed 5:08 p. m. May 24, 1943.
Colorado State Order 4, Filed 2:26 p. m. May 24, 1943.
Colorado State Order 5, Filed 2:26 p. m. May 24, 1943.
Colorado State Order 5, Amendment 1, Filed 3:40 p. m. June 17, 1943.
Colorado State Order 6, Filed 11:21 a. m. May 26, 1943.
Colorado State Order 7, Filed 11:20 a. m. May 26, 1943.
Colorado State Order 8, Filed 11:20 a. m. May 26, 1943.
Colorado State Order 9, Filed 3:42 p. m. June 17, 1943.
Montana State Order G–5, Filed 10:01 a. m. May 28, 1943.
Montana State Order 6, Filed 3:02 p. m. May 27, 1943.
Montana State Order 7, Filed 3:02 p. m. May 27, 1943.
Montana State Order 8, Filed 3:02 p. m. May 27, 1943.
Montana State Order 9, Filed 3:39 p. m. June 17, 1943.
Montana State Order 10, Filed 3:39 p. m. June 17, 1943.
Montana State Order 11, Filed 3:39 p. m. June 17, 1943.
Montana State Order 12, Filed 3:39 p. m. June 17, 1943.
New Mexico Order 1, Filed 4:04 p. m. May 20, 1943.
New Mexico Order 2, Filed 3:41 p. m. May 20, 1943.
New Mexico Order 3, Filed 3:38 p. m. June 17, 1943.
New Mexico Order 4, Filed 3:38 p. m. June 17, 1943.
New Mexico Order 5, Filed 3:38 p. m. June 17, 1943.
New Mexico Order 6, Filed 4:09 p. m. June 17, 1943.
Utah Order 1, Filed 10:02 a. m. May 28, 1943.
Utah Order 1, Revised, Filed 4:09 p. m. June 17, 1943.
Utah Order 2, Filed 4:10 p. m. June 17, 1943.

REGION VIII

Fresno Order 1, Filed 3:18 p. m. May 18, 1943.
Fresno Order 2, Filed 3:17 p. m. June 18, 1943.
Fresno Order 3, Filed 3:17 p. m. June 18, 1943.
Los Angeles Order 1, Filed 3:58 p. m. May 22, 1943.
Los Angeles Order 1, Correction, Filed 3:59 p. m. May 22, 1943.
Los Angeles Order 2, Filed 3:59 p. m. May 22, 1943.
Los Angeles Order 3, Filed 3:19 p. m. May 26, 1943.
Phoenix Order 1, Filed 3:32 p. m. May 25, 1943.
Phoenix Order 2, Filed 3:11 p. m. June 18, 1943.
Portland Order 1, Filed 3:42 p. m. May 20, 1943.
Portland Order 2, Filed 12:10 p. m. May 22, 1043.
Portland Order 3, Filed 3:13 p. m. June 18, 1943.
Seattle Order 1, Filed 3:43 p. m. May 20, 1943.
Seattle Order 1, Correction, Filed 3:41 p. m. May 20, 1943.
Seattle Order 2, Filed 3:18 p. m. May 21, 1943.
Seattle Order 3, Filed 3:18 p. m. June 18, 1943.
Seattle Order 4, Filed 3:19 p. m. June 18, 1943.
Sacramento Order 2, Filed 3:21 p. m. June 18, 1943.
Sacramento Order 3, Filed 3:12 p. m. June 18, 1943.
Sacramento Order 4, Filed 3:12 p. m. June 18, 1943.
San Diego Order 1, Filed 3:11 p. m. June 18, 1943.
San Diego Order 1, Amendment 1, Filed 3:11 p. m. June 18, 1943.
San Diego Order 2, Filed 3:11 p. m. June 18, 1943.
San Diego Order 3, Filed 3:22 p. m. June 18, 1943.
San Francisco Order 1, Filed 3:19 p. m. June 18, 1943.
San Francisco Order 2, Filed 3:21 p. m. June 18, 1943.
Klamath Falls Order 2, Filed 9:45 a. m. June 22, 1943.
Klamath Falls Order 3, Filed 3:18 p. m. June 18, 1943.
Spokane Order 2, Filed 3:16 p. m. June 18, 1943.
Spokane Order 3, Filed 3:14 p. m. June 18, 1943.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–10841; Filed, July 5, 1943; 11:49 a. m.]

WAR FOOD ADMINISTRATION.

DESIGNATION OF REGIONAL AREAS

Pursuant to the power vested in the Director of Food Distribution, there is hereby issued the following list of the regional offices of the Food Distribution Administration, War Food Administration, and the states served by each region:

Northeast region: The Regional Administrator, Food Distribution Administration, War Food Administration, 150 Broadway, New York (7), N. Y.:

Connecticut.
Delaware.
Maine.
Maryland.
Massachusetts.
New Hampshire.
New Jersey.
New York.
Pennsylvania.
Rhode Island.
Vermont.
West Virginia.

Southern region: The Regional Administrator, Food Distribution Administration, War Food Administration, Western Union Building, Atlanta, Ga.:

Alabama.
Florida.
Georgia.
Kentucky.
Mississippi.
North Carolina.
South Carolina.
Tennessee.
Virginia.

Great Lakes region: The Regional Administrator, Food Distribution Administration, War Food Administration, 5 South Wabash Avenue, Chicago, Ill.:

Indiana.
Illinois.
Michigan.
Ohio.
Wisconsin.

Midwest region: The Regional Administrator, Food Distribution Administration, War Food Administration, Old Colony Building, Des Moines (7), Iowa:

Iowa.
Kansas.
Minnesota.
Missouri.
Nebraska.
North Dakota.
South Dakota.

Southwest region: The Regional Administrator, Food Distribution Administration, War Food Administration, 425 Wilson Building, Dallas, Tex.:

Arkansas.
Louisiana.
Oklahoma.
Texas.

Rocky Mountain region: The Regional Administrator, Food Distribution Administration, War Food Administration, Burns Vault Building, Denver, Colo.:

Colorado.
Idaho.
Montana.
New Mexico.
Utah.
Wyoming.

Pacific Region: The Regional Administrator, Food Distribution Administration, War Food Administration, 821 Market Street, San Francisco, Calif.:

Arizona.
California.
Nevada.
Oregon.
Washington.

Done at Washington, D. C., this 5th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–10846; Filed, July 5, 1943; 3:49 p. m.]

GEORGE D. BRADLEY

DELEGATION OF AUTHORITY WITH RESPECT TO THE REQUISITIONING OF CORN

By virtue of the authority vested in me by delegation of authority from the Director of Food Distribution dated June 11, 1943 (8 F.R. 8087), I hereby delegate to George D. Bradley, Regional Director of the Commodity Credit Corporation, full authority and power to take all necessary action (including, but not limited to, the making of preliminary determinations for amounts due former owners, the making of awards of compensation, the making of agreements with respect to compensation for requisitioning, and returning property requisitioned to the former owners thereof) in connection with the requisitioning of corn by the War Food Administration in requisition proceedings undertaken pursuant to Submission of Proposal FDA No. 1 of June 23, 1943, and Submission of Proposal FDA No. 2 of June 29, 1943.

In exercising the authority hereby vested in him, George D. Bradley shall be subject to the provisions of War Food Regulation No. 1 (8 F.R. 8046).

Issued this 25th day of June 1943.

RALPH W. OLMSTEAD,
Deputy Director of Food Distribution.

[F. R. Doc. 43-10877; Filed, July 6, 1943; 11:27 a. m.]

WAR PRODUCTION BOARD.

[Certificate 87]

BARRE GRANITE WAR INDUSTRIES, INC., MONTPELIER, VT.

The ATTORNEY GENERAL:

I submit herewith a plan of the organization, procedure and objectives of Barre Granite War Industries, Inc., of Montpelier, Vermont, a war production association of certain companies located in or near Barre, Vermont. The purpose of the association is to combine the facilities and skills of the member companies for the manufacture of articles, equipment, supplies and materials for war and essential civilian requirements. The activities of the association will relate solely to such production and will terminate within six months after the termination of the war.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve this association; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with my approval as herein expressed is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JULY 3, 1943.

[F. R. Doc. 43-10858; Filed, July 6, 1943; 10:34 a. m.]

[Certificate 88]

FISHER INSTRUMENT COMPANY POOL, PHILADELPHIA, PA.

The ATTORNEY GENERAL:

I submit herewith a plan of the organization, procedure and objectives of the Fisher Instrument Company Pool, a war production association of certain companies located in or near Philadelphia, Pennsylvania. The purpose of the association is to combine the facilities and skills of the member companies for the manufacture of articles, equipment, supplies and materials for war and essential civilian requirements. The activities of the association will relate solely to such production and will terminate within six months after the termination of the war.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve this association; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with my approval as herein expressed is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JULY 3, 1943.

[F. R. Doc. 43-10859; Filed, July 6, 1943; 10:34 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 8 NUMBER 134

Washington, Thursday, July 8, 1943

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

RESTORATION OF PERSONS HAVING REEMPLOYMENT RIGHTS

§ 18.13 *Restoration of persons having reemployment rights—*(a) *Persons discharged from the military or naval service.* Any civilian employee of the executive branch of the Government who has left or leaves his position (other than a temporary position) in order to perform active military or naval service for the United States, and (1) is honorably discharged from active military or naval service, and (2) is still qualified to perform the duties of his position, and (3) makes application for reemployment in such position within forty days after his discharge from active military or naval service, shall be entitled to the following reemployment benefits:

(1) He shall be reemployed in any position to which, according to the records of the agency, or in its judgment, he would have been promoted if he had not been absent to perform military or naval service;

(2) If such position does not exist, he shall be restored to the position which he held at the time of his entry into the military or naval service;

(3) If neither of the positions referred to in subparagraphs (1) or (2) exists, he shall be restored to a position comparable as to seniority, status, and pay with the position which he held at the time of his entry into the military or naval service.

This paragraph shall apply to employees who were originally appointed for the duration of the war, or for the duration of the war and six months thereafter: *Provided, however,* That such employees shall not be required to be retained in employment beyond the limitation placed upon their original appointments: *Provided further,* That whenever a permanent employee and any other employee have reemployment rights in the same position, the permanent employee shall be entitled to such position, and the other employee shall be entitled to a position of like status and pay.

Any person restored pursuant to this paragraph shall be restored without loss of seniority rights or other rights dependent upon length of service.

(b) *Time limit.* Any person who is entitled to reemployment in the Government service under paragraph (a) of this section, or under any provision of § 18.9 of this chapter, shall be reemployed as provided in these regulations within thirty days of his application for reemployment.

(E.O. 9063, 7 F.R. 1075; E.O. 9243, 7 F.R. 7213; Directive No. X, War Manpower Commission, 7 F.R. 7298)

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

JULY 5, 1943.

[F. R. Doc. 43-10912; Filed, July 6, 1943; 4:45 p. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[T.D. 50691]

PART 351—IMPORTATION OF PLANTS OR PLANT PRODUCTS BY MAIL

JUNE 30, 1943.

Revised regulations governing the joint treatment of such importations under the Plant Quarantine Act by plant quarantine inspectors, customs officers, and postmasters—T.D. 48181 superseded.

§ 351.1 *Joint treatment generally.* Under various orders, quarantines, and regulations promulgated by the Secretary of Agriculture under authority of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315, 7 U.S.C. 154), as amended, the entry into the United States of certain plants and plant products is prohibited or restricted. (See

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
BITUMINOUS COAL DIVISION:	
Butterworth Coal Co., hearing and order granting temporary relief	9339
District Board 7, designation of employee member	9340
CIVIL AERONAUTICS BOARD:	
Hearings, etc.:	
Transcontinental & Western Air, Inc., et al	9340
Western Air Lines, Inc	9340
CIVIL SERVICE COMMISSION:	
War service regulations, restoration of persons having reemployment rights	9317
ENTOMOLOGY AND PLANT QUARANTINE BUREAU:	
Importation of plants or plant products by mail	9317
FEDERAL POWER COMMISSION:	
Tennessee Gas and Transmission Co., hearing	9340
INTERIOR DEPARTMENT (*see also* component agencies):	
Mines operation, health and safety of workers	9340
INTERSTATE COMMERCE COMMISSION:	
Potatoes:	
Movement from North Carolina and Virginia	9339
Reicing permits:	
Common carriers by railroad (3 documents)	9341
Missouri Pacific Railroad Co	9341
OFFICE OF PRICE ADMINISTRATION:	
Aluminum scrap and secondary aluminum ingot (MPR 2, Am. 1)	9330
Beans, dry edible; sales except at wholesale and retail (Rev. MPR 270, Am. 6)	9335
Construction and maintenance services and sales of building and industrial equipment and materials on installed or erected basis (MPR 251, Am. 2)	9334
Fats and oils (RPS 53, Am. 36)	9331
Foods, fixed mark-up regulation at wholesale (Rev. MPR 237, Am. 6)	9331

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Gasoline rationing (RO 5C, Am. 62) 9334
Petroleum and petroleum products:
(RPS 88, Am. 112) 9331
(RPS 88, Am. 113) 9331
Rayon tops and noils (MPR 325, Am. 1) 9331
Regional, district, and state office orders:
Bituminous coal:
New Mexico, Bernalillo County 9342
Utah, Uintah County 9342
Eggs and egg products, Spokane, Wash. 9347
Fluid milk, Santa Barbara and Marin Counties, Calif. 9347
Food and drink sold for immediate consumption:
Certain Southern states (Restaurant MPR 4–1, Am. 2) 9339
Certain Western states (Rev. Restaurant MPR 7–1, Am. 1) 9339
Michigan, designated counties (Restaurant MPR 3–6) 9336
Rhode Island (Restaurant MPR 1–1, Am. 1) 9335
Fresh fruits and vegetables, Colorado and Wyoming 9343
Ice:
Nevada, Clark County 9344
North Carolina, Norlina area 9342
Laundry services, Los Angeles area 9345

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION.—Continued. Page
Shoes, hardwood heel blocks and finished hardwood heels (MPR 420) 9331
Tea bags and packaged tea (SR 14, Am. 192) 9334
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Community Gas and Power Co., et al 9347
Foundation Industrial Engineering Co., Inc 9348
Interstate Power Co 9348
TREASURY DEPARTMENT:
General licenses, blocked life insurance policies 9320
Importations and exportations of checks, drafts, etc 9320
WAR FOOD ADMINISTRATION:
Livestock and meats, establishment of quotas (FDO 61–1, Am. 1) 9319
Packers and Stockyards Act, notices:
Bowman Cattle Co 9319
Phillips Commission Co 9319
WAR PRODUCTION BOARD:
Bristles, pigs' and hogs' (M–51) 9325
Displays (L–294) 9329
Hosiery; men's, women's, children's, and infants' (L–274) 9327
Iron and steel:
Alloy scrap segregation (M–24–c) 9322
Steel fence posts (L–211; Sch. 14) 9325
Priorities system operation (PR 7) 9321
Roteone (M–133) 9322
Stop construction orders (2 documents) 9348
Sulfamic acid and derivatives (M–242, revocation) 9325
Theobromine and caffeine (M–222) 9324

Part II of the United States Official Postal Guide, July 1941, section 57, page 36, and also articles 394 and 578 to 584, inclusive, of the Customs Regulations of 1937, as amended). As an aid in enforcing these or subsequent orders, quarantines, and regulations, provisions have been made by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, concurrently with the Postal and Customs Services, to insure closer inspection of such importations.

Sec.
351.1 Joint treatment generally.
351.2 Location of inspectors.
351.3 Procedure on arrival.
351.4 Records.
351.5 Return or destruction.
351.6 Packages in closed mail dispatches.

AUTHORITY: §§ 351.1 to 351.6, inclusive, issued under Sec. 7, 37 Stat. 317, R.S. 161; 7 U.S.C. 160, 5 U.S.C. 22.

§ 351.2 *Location of inspectors.* Inspectors of the Bureau of Entomology and Plant Quarantine and customs officers are stationed at the following post offices:

Atlanta, Ga.	Mobile, Ala.
Baltimore, Md.	Naco, Ariz.
Blaine, Wash.	New Orleans, La.
Boston, Mass.	Newport News, Va.
Brownsville, Tex.	New York, N. Y.
Buffalo, N. Y.	Nogales, Ariz.
Calexico, Calif.	Norfolk, Va.
Charleston, S. C.	Pensacola, Fla.
Chicago, Ill.	Philadelphia, Pa.
Del Rio, Tex.	Port Arthur, Tex.
Detroit, Mich.	Port Everglades, Fla.
Douglas, Ariz.	Portland, Oreg.
Eagle Pass, Tex.	Presidio, Tex.
El Paso, Tex.	Roma, Tex.
Galveston, Tex.	St. Albans, Vt.
Hidalgo, Tex.	St. Paul, Minn.
Honolulu, T. H.	San Diego, Calif.
Houston, Tex.	San Juan, P. R.
Jacksonville, Fla.	San Francisco, Calif.
Key West, Fla.	San Ysidro, Calif.
Laredo, Tex.	Savannah, Ga.
Los Angeles, Calif. (including San Pedro)	Seattle, Wash.
	Tampa, Fla.
	Washington, D. C.
Miami, Fla.	West Palm Beach, Fla.

§ 351.3 *Procedure on arrival.* All parcel post or other mail packages from foreign countries which, either from examination or external evidence, are found to contain plants or plant products shall be dispatched for submission, or actually submitted, to the plant-quarantine inspector (article 583 (e), Customs Regulations of 1937) at the most accessible place. The inspector shall pass upon the contents under the plant quarantine act and with the cooperation of the customs and postal officers either (1) release the package from further plant-quarantine examination and indorse his decision thereon; or (2) divert it to Washington, D. C., Hoboken, N. J., San Francisco, Calif., or Seattle, Wash., for disposition. If so diverted, the plant-quarantine inspector shall attach to the package the yellow-and-green special mailing tag addressed to the proper quarantine station. If the package is diverted, it shall be accompanied by customs card Form 3511 and transmitted in accordance with the appropriate provisions of article 372 (a) (JR 12a) of the Customs Regulations of 1937 (19 CFR 7.9 (a)) Envelopes containing customs card Form 3511 addresed to the collector of customs, New York, N. Y., shall contain a notation that the material is to be referred to the Bureau of Entomology and Plant Quarantine, Hoboken, N. J.

§ 351.4 *Records.* The customs officers at Washington, D. C., San Francisco, Calif., Seattle, Wash., and New York, N. Y., shall keep a record of such packages as may be delivered to representatives of the Department of Agriculture, and upon the return thereof shall prepare a mail entry to accompany the dutiable package and deliver it to the postmaster for delivery or onward dispatch or in appropriate cases subject the shipment to formal customs entry procedure.

§ 351.5 *Return or destruction.* Where the plant-quarantine inspector requires the entire shipment to be returned to the country of origin as a prohibited importation (in which event he shall indorse his action thereon) and delivers the shipment to the collector of customs, the collector shall in turn deliver it to the postmaster for dispatch to the country of origin. If, upon examination, the plant material is deemed dangerous to plant life, the collector of customs shall permit the plant-quarantine inspector to destroy immediately both the container and its contents. In either case the plant-quarantine inspector shall notify the addressee of the action taken and the reason therefor. If the objectionable plant material forms only a portion of the contents of the mail package and in the judgment of the inspector the package can safely be delivered to the addressee, after removing and destroying the objectionable material, such procedure is authorized. In the latter case the inspector shall place in the package a memorandum (B. E. P. Q. Form 387) informing the addressee of the action taken by the inspector and describing the matter which has been seized and destroyed and the reasons therefor. (See article 583 (d), Customs Regulations of 1937.) Mail packages received at San Juan, P. R., and Honolulu, T. H., shall be accorded treatment as herein prescribed at those two ports and not diverted to Washington, D. C., Hoboken, N. J., San Francisco, Calif., or Seattle, Wash.

§ 351.6 *Packages in closed mail dispatches.* The foregoing instructions shall be followed in the treatment of packages containing plants or plant products received in closed mail dispatches made up for transmission directly to a post office located at a customs port at which no plant-quarantine inspector is stationed. Such packages (accompanied by customs card Form 3511) shall be forwarded by the collector of customs through the postmaster to the most accessible post office listed in § 351.2 of these regulations for apropriate treatment in the manner hereinbefore provided for. This procedure shall also be followed in respect of such packages which are forwarded to unlisted post offices from the post office of original receipt without having received plant-quarantine examination. Packages discovered at post offices where no customs officer is located shall be forwarded by the postmaster under his official penalty envelope addressed to the collector of customs at the most accessible post office listed for appropriate treatment as prescribed herein.

The provisions of T.D. 48181 (7 CFR 351.1 to 351.6, inclusive) are superseded by the foregoing §§ 351.1 to 351.6, inclusive.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.
CLAUDE R. WICKARD,
Secretary of Agriculture.
FRANK C. WALKER,
Postmaster General.

NOVEMBER 28, 1942.

[F. R. Doc. 43–10935; Filed, July 7, 1943; 11:55 a. m.]

Chapter XI—War Food Administration

[FDO 61–1, Amdt. 1]

PART 1410—LIVESTOCK AND MEATS

ESTABLISHMENT OF QUOTAS

Food Distribution Order No. 61–1 (8 F.R. 9112), § 1410.14, issued by the Director of Food Distribution on July 1, 1943, is amended as follows:

First: By inserting, before the word "slaughterer" in paragraphs (c) (2) and (e) thereof, the word "commercial".

Second: By adding at the end of (d) thereof the following: *"Provided, however,* That any commercial slaughterer located in the States of California, Oregon, and Washington may deliver, during the month of July 1943, in addition to his quota and in addition to the percentage of such quota allowed to be delivered in July under this paragraph, an amount of lamb and mutton equivalent to 7 percent of such commercial slaughterer's quota base."

This order shall become effective at 12:01 a. m., e. w. t., July 6, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. 61, 8 F.R. 9108)

Issued this 6th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–10905; Filed, July 6, 1943; 8:38 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration, Packers and Stockyards[1]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

BOWMAN CATTLE CO., MAQUOKETA, IOWA

It has been ascertained that the H. L. Bowman Cattle Company stockyards, Maquoketa, Iowa, posted on August 16, 1940, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by H. L. Bowman, Jr., and Robert B. Dorsey, partners, doing business as the Bowman Cattle Co., and that the name of the yard is now the Bowman Cattle Co. Therefore, notice of such facts is given to its owners and to the public, and the name of the stockyard changed to the Bowman Cattle Co. on the list of posted stockyards in 9 CFR 204.1.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 6th day of July 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43–10903; Filed, July 6, 1943; 3:37 p. m.]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

PHILLIPS COMMISSION COMPANY, BIRMINGHAM, ALABAMA

It has been ascertained that the Union Stock Yards, Birmingham, Alabama, posted on January 10, 1928, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by J. P. Phillips, Jr., and J. R. Nesbitt, doing business as the Phillips Commission Company, and that the name of the yard is now the Phillips Commission Company. Therefore, notice of such facts is given to its owners and to the public, and the name of the stockyard changed to the Phillips Commission Company on the list of posted stockyards in 9 CFR 204.1.

[1] This chapter formerly designated as Food Distribution Administration.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 6th day of July 1943.

THOMAS J. FLAVIN
Assistant to the War Food Administrator.

[F. R. Doc. 43-10904; Filed, July 6, 1943; 3:37 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

[General License 86]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO.

BLOCKED LIFE INSURANCE POLICIES

JULY 7, 1943.

General License No. 86 under Executive Order No. 8389, as amended, Executive Order No. 9193, and section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

§ 131.86 *General License No. 86.* (a) A general license is hereby granted authorizing the following transactions:

(1) The payment of premiums and interest on policy loans with respect to any blocked life insurance policy;

(2) The issuance, servicing or transfer of any blocked life insurance policy in which the only blocked interest is that of one or more of the following:

(i) A member of the armed forces of the United States or a person accompanying such forces (including personnel of the American Red Cross, United Service Organizations and similar organizations);

(ii) An officer or employee of the United States; or

(iii) A citizen of the United States resident in a blocked country not within enemy territory; and

(3) The issuance, servicing or transfer of any blocked life insurance policy in which the only blocked interest (other than that of a person specified in (a) (2) above) is that of a beneficiary:

Provided, however, That this paragraph does not authorize (i) any payment to the insurer from any blocked account in which an enemy national (other than a person specified in (a) (2) above) has an interest, or from any other blocked account except a blocked account of the insured or beneficiary, or (ii) any payment by the insurer to a national of a blocked country unless payment is made by deposit in a blocked account in a domestic bank in the name of the national who is the ultimate beneficiary thereof.

(b) Notwithstanding the provisions of General Ruling No. 11, the transactions authorized by paragraph (a) (2) above may be effected even though they involve a communication from a person specified in paragraph (a) (2) (i) or (a) (2) (ii) above while such person is within enemy territory.

(c) This general license further authorizes the application, in accordance with the provisions of the policy or the established practice of the insurer, of the dividends, cash surrender value, or loan value, of any blocked life insurance policy for the purpose of:

(1) Paying premiums;

(2) Paying policy loans and interest thereon;

(3) Establishing paid-up insurance; or

(4) Accumulating such dividends or values to the credit of the policy on the books of the insurer.

(d) As used in this general license:

(1) The term "blocked life insurance policy" shall mean any life insurance policy or annuity contract, or contract supplementary thereto, in which there is a blocked interest.

(2) Any interest of a national of a blocked country shall be deemed to be a "blocked interest".

(3) The term "servicing" shall mean the following transactions with respect to any blocked life insurance policy:

(i) The payment of premiums, the payment of loan interest, and the repayment of policy loans;

(ii) The effecting by a life insurance company or other insurer of loans to an insured;

(iii) The effecting on behalf of an insured of surrenders, conversions, modifications, and reinstatements; and

(iv) The exercise or election by an insured of nonforfeiture options, optional modes of settlement, optional disposition of dividends, and other policy options and privileges not involving payment by the insurer.

(4) The term "transfer" shall mean the change of beneficiary, or the assignment or pledge of the interest of an insured in any blocked life insurance policy subsequent to the issuance thereof.

(e) This general license shall not be deemed to authorize any transaction with respect to any blocked life insurance policy issued by a life insurance company or other insurer which is a national of a blocked country or which is not doing business or effecting insurance in the United States.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Cong., 55 Stat. 838, E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH E. PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-10936; Filed, July 7, 1943; 11:57 a. m.]

[General Ruling 5A]

APPENDIX A—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REGULATIONS RELATING TO CERTAIN IMPORTATIONS AND EXPORTATIONS OF CHECKS, DRAFTS, AND OTHER FINANCIAL INSTRUMENTS

JULY 7, 1943.

General ruling No. 5A under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended by the first war powers act, 1941, relating to foreign funds control.

1. *Prohibition with respect to importation and exportation of and dealings in checks, drafts, etc.* The following transactions are prohibited after the effective date of this general ruling unless authorized by a license or other authorization of the Secretary of the Treasury expressly referring to this general ruling:

(a) The sending, mailing, exporting, or otherwise taking of any check, draft, bill of exchange, promissory note, security, or currency from the United States, directly or indirectly, to any blocked country (with the exception of China and members of the generally licensed trade area);

(b) The sending, mailing, importing, or otherwise bringing into the United States from any foreign country of any check, draft, bill of exchange, or promissory note which has been within, or which there is reasonable cause to believe has been

within, any blocked country (with the exception of China and members of the generally licensed trade area);

(c) The presentation, endorsement, acceptance, collection, payment, transfer, or protest of, or any other dealing in or with respect to, any instrument to which the prohibitions of paragraph 1 (b) hereof apply and which is sent, mailed, imported, or otherwise brought into the United States on or after August 25, 1943.

2. *Delivery of imported checks, drafts, etc., to Federal Reserve Bank of New York.* Any person who, after the effective date of this general ruling, receives any check, draft, bill of exchange, or promissory note which has been within, or which there is reasonable cause to believe has been within, any blocked country (with the exception of China and members of the generally licensed trade area) shall within five days after receipt thereof forward such instrument to the Federal Reserve Bank of New York, accompanied by a statement in triplicate setting forth:

(a) His name and address;

(b) A complete description of the instrument;

(c) The name and address of the person from whom he received the instrument; and

(d) The names of any blocked countries in which the instrument has been, or in which there is reasonable cause to believe it has been.

The Federal Reserve Bank of New York will act only as fiscal agent of the United States hereunder and shall receive and hold all such instruments as such fiscal agent, subject to the further order of the Secretary of the Treasury. Applications for the release of any such instruments may be filed in the manner prescribed in § 130.3 of the regulations, except that the place for filing applications shall be the Federal Reserve Bank of New York.

3. *Reports on arrival and departure re checks, drafts, etc.* (a) Any individual entering the United States after the effective date of this general ruling from any foreign country shall report and surrender to the collector of customs or his representative at the port of entry, before the examination of his baggage or effects has begun (or, if his baggage is not subject to examination, before customs clearance), every check, draft, bill of exchange, and promissory note carried on his person or in his baggage or effects which has been within, or which there is reasonable cause to believe has been within, any blocked country (with the exception of China and members of the generally licensed trade area). Such report shall be made in duplicate on Form FFC–160,[1] which may be obtained from the collector of customs or his representative at the port of entry.

(b) Any individual departing from the United States after the effective date of this general ruling shall report to the collector of customs or his representative at the port of exit, before customs examination has begun (or, if he is not subject to customs examination, before customs clearance), (i) all currency and (ii) every check, draft, bill of exchange, promissory note, and security carried on his person or in his baggage or effects which is destined for, or which there is reasonable cause to believe is destined for, directly or indirectly, any blocked country (with the exception of China and members of the generally licensed trade area). Such report shall be made in duplicate on Form FFC–161,[1] which may be obtained from the collector of customs or his representative at the port of exit.

4. *Exceptions.* The foregoing provisions shall not be deemed to apply to the following instruments, unless such instruments have been within, or there is reasonable cause to believe that they have been within, enemy territory, or unless such instruments are destined for, or there is reasonable cause to believe that they are destined for, enemy territory, directly or indirectly:

(a) Non-negotiable bank payment orders;

(b) (i) Incoming travelers checks;

(ii) Outgoing travelers checks which are carried by persons departing from the United States for blocked countries and which are issued in the name of the person carrying them;

(c) Outgoing checks drawn on the Treasurer of the United States which are carried by persons in the service of the United States Government and which are issued in the name of the person carrying them;

(d) Outgoing currency valued at $50 or less which is carried for traveling expenses by persons departing from the United States for blocked countries;

(e) Incoming drafts or bills of exchange drawn under letters of credit;

(f) Incoming drafts or bills of exchange drawn on importers in the Western Hemisphere in connection with the importation of goods, wares, or merchandise into the Western Hemisphere;

(g) Incoming checks, drafts, bills of exchange, or warrants drawn on the Secretary of State of the United States, the Secretary of Navy of the United States, or the Treasurer of the United States.

5. *Transactions not authorized.* This general ruling shall not be deemed to authorize any transaction prohibited by the Order or by any regulation, ruling, or instruction issued by the Secretary of the Treasury pursuant to sections 3 (a) or 5 (b) of the Trading with the Enemy Act, as amended.

6. *Definitions.* (a) The term "member" of the generally licensed trade area as used herein shall have the meaning prescribed in General License No. 53, as amended.

(b) The term "enemy territory" as used herein shall have the meaning prescribed in General Ruling No. 11, as amended.

7. *Effective date.* The provisions hereof shall take effect August 25, 1943, with the exception of paragraphs 1 (a) and 3 (b) which shall be effective on the date of issuance of this general ruling.

(Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941; E.O. 8832, July 26, 1941; E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-10937; Filed, July 7, 1943; 11:57 a. m.]

[1] Filed as part of the original document.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 7, as Amended July 6, 1943]

§ 944.27 *Priorities Regulation No. 7: Signature of endorsements or certifications.* (a) Whenever an order or regulation states that a purchase order or delivery order (or a document referring to it) must carry an endorsement or

certification, the endorsement or certification must be signed by the party placing the order or by a responsible individual who is duly authorized to sign for that party. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature.

(b) If a facsimile signature is used, the following requirements must be observed: The individual whose facsimile signature is used, or another responsible individual who has been duly authorized by him to act for him, must give his approval each time the facsimile signature is put on an endorsement or certification. This approval must be shown each time by a written record signed or initialed by the individual who approves the use of the facsimile. A single record may refer to several purchase or delivery orders as to which the use of the facsimile signature has been approved at the same time, but each order must be separately shown on the record. The record need not be sent out with the order but must be kept on file with it for at least two years for inspection by representatives of the War Production Board.

(c) The party who places the order, the individual whose signature is used, and the individual who approves the use of the signature will each be considered to be making a representation to the War Production Board that the statements contained in the endorsement or certification are true to the best of his knowledge and belief, subject to criminal penalties for misrepresentation.

(d) The provisions of this regulation supersede any inconsistent provisions in any regulation or order issued before July 6, 1943, regarding the way in which endorsements or signatures are to be signed.

Issued this 6th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10887; Filed, July 6, 1943; 12:42 p. m.]

PART 965—IRON AND STEEL SCRAP

[Supplementary Order M-24-c, as Amended July 6, 1943]

ALLOY SCRAP SEGREGATION

Section 965.4 *Supplementary Order M-24-c* is hereby amended to read as follows, effective August 1, 1943:

§ 965.4 *Supplementary Order M-24-c*—(a) *Definition.* For the purpose of this order, "alloy scrap" means scrap consisting of any of the alloy irons or alloy steels listed in Schedule A hereto.

(b) *Segregation of alloy scrap.* Each person who produces in any calendar month a total of 5 tons or more of alloy scrap of the types described in Groups 1–9 inclusive and Groups 21–25 inclusive of Schedule A, or a total of 1 ton or more of alloy scrap of the types described in Groups 10–20 inclusive and Group 26 of Schedule A, shall segregate such scrap into the groups shown in Schedule A.

(c) *Mingling of segregated scrap prohibited.* No person shall (except in melting alloy iron or alloy steel) mingle alloy scrap segregated in accordance with paragraph (b) with scrap which is unclassified or in a different group, nor ship or deliver such alloy scrap without clearly identifying the group to which it belongs.

(d) *Use of alloy scrap in carbon steel prohibited.* No person shall melt alloy scrap in any of the groups described in Schedule A except in the production of alloy iron or alloy steel.

Issued this 6th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Wrought and Cast Constructional Alloy Steels

Column 1 scrap groups	Column 2 description	Column 3 examples of steels in scrap group (see note)
1	Nickel Type (Nickel 1-5.25% inclusive).	2100, 2300, 2500.
2	Nickel-Chromium Type (Nickel 1-5.25% inclusive).	3100, 3200, 3300, 3400.
3	Nickel-Molybdenum Type (Nickel 1-5.25% inclusive).	4600, 4800.
4	Chromium and Chromium-Vanadium Types (Chromium 0.70-1.75% inclusive).	5100, 52100, 6100.
5	Nickel-Chromium-Molybdenum Type (Nickel 1-5.25% inclusive).	4300.
6	Nickel-Chromium-Molybdenum Type (Nickel under 1%, Molybdenum 0.08-0.65% inclusive).	8600, 8700, 8800, 8900, 9400, 9500.
7	Carbon-Molybdenum and Manganese-Molybdenum Types (Molybdenum 0.15%-0.65%, inclusive.)	4000, 5000, 8100, 8200, 8300, 8400, 8500.
8	Carbon-Molybdenum and Manganese Molybdenum Types (Molybdenum 0.65% and over).	
9	Chromium-Molybdenum Type (Molybdenum 0.15% and over).	4100.
	Alloy Tool and Special Steels	
10	Tungsten content of 12% or more with a maximum molybdenum content of 1.1%.	Class B High Speed Steel High Tungsten Hot Work Steels.
11	Tungsten content of 5% or more up to but not including 12% with a maximum molybdenum content of 1%.	Regular Tungsten Hot Work Steels.
12	Tungsten content of less than 5% but not less than 1% with a maximum molybdenum content of 1½%.	74100, Fast Finishing Steel, Low Tungsten Steels, Tungsten Molybdenum Hot Work Steels.
13	Molybdenum content of 7% or more with a maximum tungsten content of 2%.	Class A High Speed Steel Grades II and III.
14	Molybdenum content of not less than 3¼% or more than 6% with tungsten content of not less than 4½% or more than 6½%.	Class A High Speed Steel Grade I.
	Corrosion and Heat Resisting Alloy Steels	
15	Chromium 10-14% inclusive, Nickel 0.75% maximum (Free machining grades).	
16	Chromium 10-14% inclusive, Nickel 0.75% maximum (all other grades).	
17	Chromium over 14%, Nickel 0.75% maximum	
18	Chromium 16% and over, Nickel over 6% (Free machining grades).	
19	Chromium 16% and over, Nickel over 6% (All other grades)	
20	All other grades of ferrous corrosion and heat resisting alloys containing chromium, nickel, molybdenum, tungsten, cobalt, or copper.	
	Alloy Cast Iron	
21	Nickel Type (Nickel 1-5.25% inclusive)	
22	Nickel-Chromium Type (Nickel 1-5.25% inclusive).	
23	Nickel-Molybdenum Type (Nickel 1-2.5% inclusive).	
24	Chromium Type (Chromium 0.5%-1.5% inclusive).	
25	Molybdenum Type (Molybdenum 0.15-0.65% inclusive).	
26	Nickel Type (Nickel 13-22% inclusive).	

NOTE: The steel series and other designations listed in Column 3 are for illustration only. Scrap of other analyses should be segregated in the appropriate group according to the descriptions in Column 2.

[F. R. Doc. 43-10886; Filed, July 6, 1943; 12:42 p. m.]

PART 1189—ROTENONE

[Conservation Order M-133, as Amended July 6, 1943]

Section 1189.1 *Conservation Order M-133* is hereby amended to read:

§ 1189.1 *Conservation Order M-133*—(a) *Definitions.* (1) "Rotenone" means the active insecticidal ingredients of the roots of derris, cube, barbasco, tuba or timbo. The term includes:

(i) "Crude rotenone" in the form of root or of root which has been dried, broken, shredded, cut or chipped;

(ii) "Processed rotenone" in the form of finely ground or powdered crude rotenone; also in the form of liquid or solid extracts (or resins) obtained from crude rotenone.

(2) "Rotenone insecticide" means any compound containing rotenone combined with other liquid or dry materials, whether active or inert; provided that such compound is suitable for use as an insecticide.

(3) "Importer" means any person engaged in the importation of rotenone.

(4) "Processor" means any person engaged in producing or selling processed rotenone in any of the forms described in paragraph (a) (1) (ii) hereof.

(b) *Restrictions on manufacture and processing.* (1) No person shall manufacture or process any rotenone insecticide in the form of dust or powder with a content of more than half of one per cent of rotenone, except as otherwise specifically authorized or directed by the War Production Board. This paragraph (b) (1) shall not, however, be understood to prevent the manufacture or preparation of dust having rotenone content of half of one per cent in accordance with standard commercial practice: *Provided,* That the actual variation from the permitted rotenone content shall not exceed ten per cent; nor shall this paragraph (b) (1) be understood to prevent the use in the manufacture of any rotenone insecticide of other active ingredients, activators or wetting agents.

(2) No person shall manufacture or process any rotenone insecticide incorporating pyrethrum.

(3) War Production Board may from time to time issue to processors of rotenone or to manufacturers of rotenone insecticides written directions as to the kinds and grades of processed rotenone or of rotenone insecticides to be produced, or as to the size of packages in which rotenone or rotenone insecticides may be packed.

(c) *Restrictions on deliveries and use.* (1) No importer or processor shall deliver or use rotenone and no person shall accept delivery of rotenone from an importer or processor except as specifically authorized or directed in writing by War Production Board.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month (and with respect to the use by importers and processors) will so far as practicable be issued by War Production Board prior to the commencement of each such month, but War Production Board may at any time, in its discretion and notwithstanding the provisions of paragraph (d) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use which may or may not be made of rotenone to be received by, or already in the inventory of, any person.

(3) Each person specificaly authorized to accept delivery of rotenone shall use such material for the purpose authorized and only for such purpose, except as specifically authorized or directed in writing by War Production Board. Rotenone allocated for inventory shall not be used except as specifically authorized or directed in writing by War Production Board.

(4) Rotenone allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is for any reason not filled, revert to inventory as though originally allocated therefor.

(d) *Exceptions to requirement for specific authorization.* (1) Notwithstanding the provisions of paragraph (c) (1) hereof, specific authorization or direction of War Production Board shall not be required for:

(i) The delivery by any importer or processor to any other person in any calendar month, or use by any importer or processor in any calendar month, of not more than five (5) pounds of processed rotenone, if in solid form, or of not more than one (1) gallon if in the form of liquid extract.

(ii) The acceptance of delivery by any person from any importer or processor in any calendar month, of not more than five (5) pounds of processed rotenone, if in solid form, or of not more than one (1) gallon in the form of liquid extract.

(2) No importer or processor shall deliver rotenone pursuant to paragraph (d) (1) hereof if such delivery will prevent or delay a delivery of rotenone which he has been specifically authorized or directed to make.

(3) No importer or processor shall deliver a total quantity of rotenone in any calendar month pursuant to paragraph (d) (1) hereof in excess of that quantity, if any, to which War Production Board may expressly limit deliveries under paragraph (d) (1) for such month.

(e) *Agricultural use and distribution of rotenone insecticides.* Use of rotenone insecticides in agriculture and distribution of rotenone insecticides to agricultural consumers (which matters are not the subject of this order) are regulated by Food Production Order No. 13.

(f) *Applications.* (1) Each person seeking authorization to accept delivery of rotenone from any importer or processor in any calendar month, whether for own consumption or resale (and each importer or processor seeking authorization to use rotenone in any calendar month) shall file application on or before the 10th day of the preceding month. Where the application relates to acceptance of delivery or use in July or August, 1943, such application shall be filed as soon as possible. In each case, application shall be made on Form PD–600, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–600 may be obtained at local field offices of War Production Board.

(ii) An original and four copies shall be prepared of which the original and two copies shall be forwarded to War Production Board, Chemicals Division, Washington, D. C., Ref.: M–133, the third copy forwarded to the supplier with whom the order is placed, and the fourth copy retained for applicant's files.

(iii) In the heading, under "Name of chemical", specify "Rotenone"; under "WPB Order No.", specify "M–133"; under "Indicate unit of measure", specify "Pounds".

(iv) In the heading at top of Tables I, and III, specify the month and year for which authorization for acceptance of delivery or use is sought.

(v) In Columns 1, 11, and 19, specify form; that is, whether dust, extract, ground, root, etc., and insert percentage of pure rotenone.

(vi) In Column 3 (Primary Product) applicant will state the use to be made of the rotenone which he wishes to receive or use, for example, "Insecticide manufacture", "Pharmaceutical products", and in Column 4 (Product End Use) applicant will state the ultimate or end use to which the product manufactured by him will be put, for example, "Agricultural". If the application is for rotenone for resale without further processing, applicant will insert in Column 3 "Resale" and in Column 4 will show the purpose or purposes for which his customer will use the rotenone so to be resold.

(vii) Table II will be filled out in its entirety, as will Table III. Table IV will be left blank.

(2) Each importer or processor seeking authorization to make delivery of rotenone during any calendar month shall file application on or before the 15th day of the preceding calendar month. The application shall be made on Form PD–601 in the manner prescribed therein, subject to the following specific instructions:

(i) Copies of Form PD–601 may be obtained at local field offices of War Production Board.

(ii) An original and four copies shall be prepared of which the original and three copies shall be forwarded to War Production Board, Chemicals Division, Washington, D. C., Ref.: M–133, the fourth copy to be retained for applicant's file.

(iii) In the heading, under "Name of chemical", specify "Rotenone"; under "WPB Order No." specify "M–133"; under "Name of company", state name and mailing address; under "Indicate unit of measure", specify "Pounds"; and state the month and year for which authorization for use or acceptance of delivery is sought.

(iv) In Columns 3 and 8, specify form; that is, whether dust, extract, ground, root, etc., and insert per cent of pure rotenone.

(v) In Column 4, the importer or processor will list the name of each customer from whom he has received an order for rotenone for delivery in the applicable month. If it is necessary to use more than one sheet to list customers, he will number each sheet in order and show a grand total for all sheets on the last sheet which is the only one that need be certified. Names of customers to whom in the applicable month the importer or processor proposes to make delivery of processed rotenone pursuant to paragraph (d) (1) hereof, need not, however, be listed, but instead the importer or processor will state in Column 1 "Total small order deliveries (estimated)" and in Column 4 will specify the total estimated quantity of processed rotenone so to be delivered.

(vi) The importer or processor may, if he wishes, leave blank Column 5.

(3) War Production Board may issue special directions with respect to the preparing and filing of Forms PD–600 and PD–601.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: "War Production Board, Chemicals Division, Washington, D. C. Ref: M–133."

This order, as amended, shall become effective July 10, 1943.

Issued this 6th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10885; Filed, July 6, 1943; 12:42 p. m.]

PART 3068—THEOBROMINE AND CAFFEINE

[Conservation Order M–222, as Amended July 6, 1943]

Section 3068.1 *Conservation Order M–222* is hereby amended to read as follows:

§ 3068.1 *Conservation Order M–222*—(a) *Definitions.* (1) "Theobromine" means 3:7-dimethylxanthine, whether synthetic or natural, in crude or refined form. The term includes any compound of theobromine including, but not limited to, theobromine sodium-acetate and theobromine with sodium salicylate, but does not include standard dosage forms (tablets, capsules, ampules, solutions, etc.).

(2) "Caffeine" means 1:3:7-trimethylxanthine, whether synthetic or natural, in crude or refined form. The term includes all compounds of caffeine including, but not limited to, caffeine citrated, caffeine with sodium benzoate and caffeine with sodium salicylate, but does not include standard dosage forms (tablets, capsules, ampules, solutions, etc.).

(3) "Producer" means any person engaged in the production or refining of theobromine or caffeine, and includes any person who imports theobromine or caffeine or has theobromine or caffeine produced or refined for him pursuant to toll agreement.

(4) "Distributor" means any person who buys theobromine and caffeine for the purpose of resale without further processing and without changing the form thereof.

(5) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) No supplier shall deliver theobromine or caffeine to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of theobromine or caffeine which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form PD–602 which is to be filed by the supplier with War Production Board as explained in paragraph (f) below.

(3) If a supplier is authorized or directed by War Production Board to deliver theobromine or caffeine to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the theobromine or caffeine shall revert to inventory, and shall not be delivered, or used, without further instructions.

(c) *Exceptions for deliveries to compounders for medicinal purposes and exceptions for small deliveries.* (1) Specific authorization in writing of War Production Board is not required for:

(i) Delivery of theobromine or caffeine for medicinal purposes by any supplier to any person for compounding into standard dosage forms:

(ii) Delivery of theobromine or caffeine by any person to any other person for compounding into standard dosage forms for medicinal purposes pursuant to toll agreement;

(iii) Delivery by any supplier to any person in any calendar month of not more than two (2) pounds of theobromine and not more than two (2) pounds of caffeine.

(2) The aggregate quantity of caffeine or theobromine which any supplier may deliver in any calendar month pursuant to paragraph (c) (1) shall not exceed the quantity which War Production Board shall in writing specifically authorize or direct such supplier to deliver in such month under this paragraph (c) (2) on application made by such supplier (in the normal case on Form PD–602 filed pursuant to paragraph (f) hereof), but any supplier may in any month make deliveries totaling not more than ten (10) pounds of theobromine and not more than ten (10) pounds of caffeine without any specific authorization or direction.

(d) *Restrictions on use.* (1) No supplier shall use theobromine or caffeine except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for theobromine or caffeine furnishes a certificate required by paragraph (e) shall use the theobromine or caffeine delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of the theobromine or caffeine to be delivered to, or then in inventory of, the prospective user.

(e) *Customer to furnish certificate of use.* No supplier shall in any calendar month beginning with August, 1943, deliver to any person more than two (2) pounds of theobromine or more than two (2) pounds of caffeine unless he shall have received from such person a certificate as to the use for which such person is ordering theobromine or caffeine. Such certificate must be substantially in the form indicated in Appendix A to this order. The certificate must be received by supplier not later than the 15th of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver theobromine or caffeine where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(f) *Applications by suppliers.* (1) Each supplier requiring authorization to make delivery of, or to use, theobromine or caffeine during any calendar month, beginning with August, 1943, shall file application on or before the 20th day of the preceding month. The application shall be made on Form PD–602 in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B to this order. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Applications respecting deliveries or use in June or July, 1943, may be made either on Form PD–602 or PD–601.

(3) War Production Board may issue other and further directions with respect to preparing and filing Form PD–602.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M–222.

Issued this 6th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M–222, that the theobromine, caffeine [strike out inapplicable word] ordered for delivery in ---------, month 194--, will be used by him in the manufacture or preparation of the following product(s), and that such product(s), on the basis of an order or orders filed with the undersigned, will be put to the following end use(s):

	Pounds	Primary product	End use
(A)	---------	----------	----------
(B)	---------	----------	----------

Name of Purchaser

By---
Date — Duly Authorized Official — Title

INSTRUCTIONS FOR CUSTOMER'S CERTIFICATE

(1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) The purchaser will specify under "Primary product", the exact product or products in which the theobromine or caffeine will be used or incorporated. For example, a person purchasing theobromine for methylation in the manufacture of caffeine will specify "Caffeine." Distributors ordering theobromine or caffeine for resale as such will specify "Resale." If purchase is for inventory, state "Inventory."

(3) Under "End use", purchaser will specify the ultimate use to which the primary product will be put; namely, medicinal or beverage. He will also indicate whether civilian Lend-Lease, other export, or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, indicate contract numbers in the case of military use or Lend-Lease, and in the case of export, export license numbers. A distributor purchasing theobromine or caffeine for resale will leave blank the "End use" column.

APPENDIX B

SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM PD–602

(1) Copies of Form PD–602 may be obtained at local field offices of the War Production Board.

(2) Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington, D. C., Ref: M–222, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) Where the supplier's application relates to deliveries of both theobromine and caffeine, he will file a separate set of Form PD–602 for each.

(4) In the heading, under "Name of Material", specify "Theobromine" or "Caffeine", as the case may be; under "Grade", specify the quality, for example, crude, refined, USP; under "WPB Order No.", specify "M–222"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure", specify "Pounds"; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) In Column 1, list each salt for which orders for delivery during the applicable month have been received (for example, caffeine alkaloid anhydrous, caffeine citrated USP, caffeine with sodium benzoate USP, theobromine sodium-acetate USP, etc.), and under each salt list in Column 1 the names of each customer (except for orders for medicinal compounding and for small orders as explained in (7) and (8) below) ordering such salt. If it is necessary to use more than one sheet to list customers, number each sheet in order and show total for each salt on last sheet, which is the only one that need be certified.

(6) In Column 1–a (except for orders for medicinal compounding and for small orders as explained in (7) and (8) below), specify the product or products in the manufacture or preparation of which theobromine or caffeine will be used by your customer, the end use to which such product or products will be put, and Army, Navy or Lend-Lease contract numbers and export license numbers, all as indicated by the certificate obtained under paragraph (e) of this order. The quantity of theobromine or caffeine used in the manufacture or preparation of each product for each product use shall be shown separately. If the theobromine or caffeine ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of theobromine or caffeine ordered for each use. In the case of theobromine and caffeine for resale or inventory, it is necessary to show only "Resale" or "Inventory".

(7) It is not necessary to list the name of any customer to whom theobromine or caffeine is to be delivered in the applicable month, whatever the quantity, for compounding into standard dosage forms for medicinal purposes. Instead, write in Column 1 "Total deliveries for medicinal compounding (estimated)" and in Column 4, specify the total estimated quantity so to be delivered.

(8) It is not necessary to list the name of any customer to whom not more than two (2) pounds of theobromine and not more than two (2) pounds of caffeine is to be delivered in the applicable month, nor, in the case of any such delivery, the name of the product or the end use. Instead, write in Column 1 "Total small order deliveries (estimated)" and in Column 4, specify the total estimated quantity so to be delivered.

(9) A producer requiring permission to use a part or all of his own production of theobromine or caffeine shall list his own name as customer in Column 1 on Form PD–602, specifying quantity required and product manufactured. Written approval of War Production Board on such Form PD–602 shall constitute authority to the producer to use theobromine or caffeine in the quantity and for the purposes indicated in such approved form.

(10) Each producer will report production, deliveries and stocks as required by Table II, Columns 8 to 16, inclusive. Distributors will fill out only Columns 8, 10, 12 and 13.

[F. R. Doc. 43-10884; Filed, July 6, 1943; 12:42 p. m.]

PART 3097—SULFAMIC ACID AND SULFAMIC ACID DERIVATIVES

[Revocation of General Preference Order M–242]

Section 3097.1 *General Preference Order M–242* is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M–242.

Issued this 6th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10888; Filed, July 6, 1943; 12:42 p. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 14 to Limitation Order L–211]

STEEL FENCE POSTS

§ 3102.15 *Schedule No. 14 to Limitation Order L–211*—(a) *Restrictions on production.* No person shall produce steel fence posts except from used rails, and except in accordance with the specifications set forth in List 1 attached hereto.

(b) *Restrictions on delivery and acceptance.* No person shall deliver or accept delivery of any steel fence posts which he knows or has reason to believe were produced in violation of the provisions of paragraph (a).

(c) *Exceptions.* The provisions of paragraphs (a) and (b) shall not apply to any steel fence posts

(1) The production, delivery or acceptance of which is specifically authorized in writing by the War Production Board, or

(2) Which have been produced prior to July 6, 1943, or which prior to such date have been processed in such manner and to such extent that processing to conform to such provisions would be impracticable.

(d) *Records.* Each person owning or possessing steel fence posts excepted by the provisions of paragraph (c) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 6th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1

Line post:
- Number of styles (Not more than two):
  - One weighing 1.33 pounds per foot maximum.
  - One weighing 1.12 pounds per foot minimum.
- Wire fastening:
  - Optional.
- Lengths:
  - 5'0", 5'6", 6'0", 6'6", 7'0"—no pointing.
- Anchor plate:
  - Maximum weight .65 pound.
- Paint:
  - Not more than one coat, color optional, no ornamentation.
- Bundling practice as before.

Electric fence post:
- One style, weight, and length, namely 1" x 1" angle, 4'6" long, maximum weight 3½ pounds.
- No anchor plate.
- No pointing.
- Not more than one coat of paint, color optional, no ornamentation.
- Bundling practice as before.

No end or corner posts to be produced.

[F. R. Doc. 43-10889; Filed, July 6, 1943; 12:42 p. m.]

PART 1024—PIGS' AND HOGS' BRISTLES

[General Preference Order M–51, as Amended July 7, 1943]

Section 1024.1 *General Preference Order M–51* is hereby amended to read as follows:

§ 1024.1 *General Preference Order M–51*—(a) *Definitions.* For the purpose of this order:

(1) "Bristles" means pigs' or hogs' bristles, including riflings, 2 inches or longer, whether new, reclaimed, raw, dressed, imported or domestic.

(2) "Dealer" means a person who purchases and sells bristles without changing their condition.

(3) "Dresser" means a person who grades, sorts, dresses, reclaims, or in any wise processes bristles.

No. 134——2

Restrictions

(b) *Importation.* Notwithstanding any other order, rule, regulation or direction, or any certificate or authorization, no person other than Defense Supplies Corportation shall import any variety of bristles of the categories known as "Chinese", "Indias", "Russians" or "Siberians". The importation of bristles of other categories shall be according to General Imports Order M–63, as amended from time to time.

(c) *Purchase and sale.*—Unless otherwise authorized in writing by the War Production Board:

(1) *Undressed domestic bristles.* No person other than an approved dresser shall buy or accept undressed domestic bristles from a slaughter house. "Approved dresser" means a dresser so designated and authorized in writing by the War Production Board to process domestic bristles. This designation and authorization, which may be conditioned and limited by the War Production Board at any time, will be made when it approves of a dresser as capable of processing domestic bristles according to specifications fixed by the War Production Board. Applications may be made by a dresser at any time by submitting samples of his product, processed according to such specifications, accompanied by a letter describing his experience and equipment.

(2) *Dressed domestic bristles.* No person other than Defense Supplies Corporation shall buy or accept dressed domestic bristles.

(3) *Dressed imported bristles.* No person other than a dealer shall buy or accept dressed imported bristles, except:

(i) *Purchase for permitted use.* To manufacture brushes as permitted in subparagraphs (2) and (3) of paragraph (d), below.

(ii) *Purchase for inventory and inventory limit.* As may be necessary to enable him to manufacture for inventory a quantity of brushes as permitted by this order, but not more than the quantity of brushes manufactured and delivered by him according to this order (or according to this order as issued November 30, 1942 in the case of deliveries before July 30, 1943) in the calendar month preceding the date on which the order for such bristles is placed:

Provided, (a) That his inventory is not greater than a practicable minimum working inventory at the time the order is placed; (b) That, to the best of his knowledge and belief, it will not become so at the time the bristles are scheduled to be delivered; and (c) That delivery will not be accepted at any time when acceptance would bring his inventory above a practicable minimum working inventory.

(4) *Seller of bristle or bristle products.* No person shall sell or deliver bristles to a person prohibited by this paragraph (c) from buying or accepting them, or bristles or products containing bristles knowing or having reason to believe that the purchase, acceptance or use of them is not or will not be as permitted by this order.

(5) *Buyer of bristle products.* No person shall buy, accept or use products containing bristles, knowing or having reason to believe that the purchase, acceptance or use of them is not or will not be for use or to fill orders as permitted by this order.

(d) *Use*—(1) *Domestic bristles.* No person, without written authorization of the War Production Board, shall use domestic bristles in the manufacture of any product.

(2) *Imported bristles.* Unless otherwise authorized in writing by the War Production Board, no person, commencing July 30, 1943, shall use imported bristles in the manufacture of any product, except as follows:

(i) *Dental plate brushes.* Until December 31, 1943, 3 inch bristles may be used in the manufacture of dental plate brushes requiring not more than 1 pound of bristles for 120 brushes, in an amount not exceeding the manufacturer's use of bristles, nylon or both for dental plate brushes in the period July 1, 1942 through December 31, 1942.

(ii) *Military orders.* Upon specific orders for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(iii) *Brushes for maintenance, repair or operating supplies.* Bristles 2 to 3⅛ inches long, inclusive, may be used in the manufacture of brushes, upon specific orders:

Provided, That no person shall order such brushes, except for necessary use in the maintenance or repair of facilities required for producing any product or conducting any business, activity or service, listed on Schedule I or II, as amended from time to time, annexed to CMP Regulation 5 or 5A, or for necessary operating supplies for any such purpose, or to fill specific orders therefor.

(iv) *Painters' brushes for maintenance, repair or operating supplies.* Bristles longer than 3⅛ inches may be used in the manufacture of painters' brushes, upon specific orders:

Provided, That no person shall order such brushes, except for necessary use in the maintenance or repair of facilities required for producing any product or conducting any business, activity or service, listed on Schedule I, as amended from time to time, annexed to CMP Regulation 5 or 5A, or for necessary operating supplies for any such purpose, or to fill specific orders therefor.

(v) *Limitation on orders.* No person shall order any brushes, referred to in subdivisions (iii) and (iv) of this subparagraph (2), for delivery or accept them, during any calendar quarter, in a quantity exceeding his requirements for such maintenance, repair and operating supplies during any such quarter.

(3) *Manufacture exceeding specific orders and disposal of excess.* The requirements of subdivisions (ii), (iii) and (iv) in the next preceding subparagraph (2) that products be manufactured only to fill specific orders, shall not prevent the manufacture of minimum commercially practicable quantities of products exceeding specific orders:

Provided, That any excess manufactured shall be sold only upon orders referred to in said subdivisions (ii), (iii) or (iv), as the case may be, of said paragraph (2), above.

(4) *Prior order.* Until July 30, 1943, the restrictions on the use of imported bristles, provided in this order as issued November 30, 1942, shall apply. The restrictions, provided in this order, on the use, sale, delivery and acceptance of products containing bristles shall not apply to such products in the possession, prior to July 30, 1943, of the manufacturer, jobber or retailer, as the case may be.

Conservation

(e) *Conservation.* Unless otherwise authorized in writing by the War Production Board, no person shall use in the manufacture of any product a mixture of more than 55% of pigs' or hogs' bristles or a combination of both.

Provided, That this restriction shall not apply to:

(1) The manufacture of dental plate brushes as described in paragraph (d) (2) (i), above.

(2) The manufacture of any product containing bristles none of which are longer than 2⅛ inches.

(3) The manufacture of any product bought by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, where a contracting or inspecting officer of the department or agency concerned, after reviewing the applicable Emergency Alternate Federal Specification, certifies in a signed certificate, sent to the manufacturer, that a different bristle mixture is necessary for military or naval use.

Fair Distribution of Products

(f) *Fair distribution of products.* It is hereby declared to be the policy of the War Production Board that bristles and brushes shall be distributed equitably, and that no person shall discriminate, in the acceptance or filling of orders or in the making of sales or deliveries, as between customers who meet his established prices, terms and conditions of sale. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any person to distribute his product equitably, and may issue such instructions as are necessary to obtain equitable distribution. Any instructions issued pursuant to this paragraph must be in writing to be valid.

General Provisions

(g) *Reports and communications*—(1) *Imported bristles.* Every owner of imported bristles shall file with the Bureau of the Census, Department of Commerce, acting as compiling agent for the War Production Board, not later than the 10th day of each month, a report on Form WPB–431 (formerly Form PD–217), showing his holdings and consumption of imported bristles during the preceding month.

(2) *Domestic bristles.* Every owner of more than ten pounds of domestic bristles shall file with the War Production Board not later than the 10th day of each month, a report on Form WPB–2287 (formerly Form PD–781), showing his holdings and shipments of domestic bristles during the preceding month.

(3) *Reporting.* All reports required to be filed and all communications concerning this order shall unless otherwise directed in writing be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington, D. C. Ref.: M–51.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds for the appeal.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Further restrictions.* No dealer, dresser or manufacturer of brushes shall use bristles or sell, deliver, accept or use bristles or brushes contrary to any specific directions which may be issued from time to time by the War Production Board.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

Issued this 7th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–10926; Filed, July 7, 1943; 11:14 a. m.]

PART 3214—MEN'S, WOMEN'S, CHILDREN'S, AND INFANTS' HOSIERY

[General Limitation Order L–274, as Amended July 7, 1943]

Section 3214.1 *General Limitation Order L–274* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of silk, nylon, rayon, cotton, wool and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3214.1 *General Limitation Order L–274*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(b) *Definitions.* For the purposes of this order, unless otherwise expressly defined all trade terms shall have their usual and customary meanings.

(c) *Restrictions on the manufacture of certain types of hosiery.* (1) No person shall put into production women's full-fashioned hosiery, women's seamless circular knit hosiery, men's hosiery, misses', children's or infants' hosiery, or crew socks, except in accordance with Schedules A, B, C, D, E, and F, which are a part of this order, or as permitted in paragraphs (c) (2), (c) (3), and (c) (4).

(2) Any person having a substantial number of machines which on May 15, 1943, or within one year prior thereto were in use to manufacture products referred to in paragraph (c) (1), but which cannot be used or converted to produce the products permitted by this order without a substantial allotment of critical materials for conversion, may, if he desires, so report in writing to the War Production Board, attention of Textile, Clothing and Leather Division, setting forth all pertinent facts. The War Production Board, if it determines that the output of such machines is necessary to maintain production at adequate levels, may establish specifications for products to be manufactured with such machines, such specifications to apply to such products alone, and to supersede the applicable limitations of this order.

(3) The restrictions of paragraph (c) (1), and the schedules therein referred to, and any specifications established pursuant to paragraph (c) (2), do not apply to the manufacture of any hosiery for or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(4) Any hosiery manufacturer may use to produce hosiery not permitted by this order any material which was in his possession or on order on April 2, 1943, and which with his existing machines he cannot use to manufacture products permitted by this order.

(d) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(e) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing & Leather Division, Washington, D. C., Ref.: L–274.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Records.* All manufacturers affected by this order shall keep and preserve for not less than two years accurate and complete records of production, type and poundage of raw materials consumed, and shipments made by date, quantity, and name of consignee.

Issued this 7th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—WOMEN'S FULL-FASHIONED RAYON HOSIERY

NOTE: Table I, paragraphs (a), (b), (c), (d), (j), (l), (p), amended; (q) added, July 7, 1943.

(a) This schedule applies to women's full-fashioned plain knit rayon hosiery. The manufacture of women's rayon hosiery of mesh construction, either on modified lace, full lace, or jacquard attachments, and women's rayon hosiery of so-called "run-prcof" construction, is also covered by all the provisions of this schedule except where specifically stated to apply to plain knit hosiery only. The schedule does not apply to constructions made of combinations of cotton, wool, continuous filament or spun rayon.

(b) No person shall produce any women's full-fashioned rayon hosiery unless it meets the minimum specifications shown on Table I, except that the column in the table headed "minimum total courses" applies to rayon plain knit hosiery only, and except for a provision respecting acetate rayon hosiery in paragraph (q).

TABLE I—WOMEN'S FULL-FASHIONED RAYON HOSIERY

Gauge	Welt		Leg		Minimum total courses [2]	Minimum fineness of—	
	Yarn	Minimum turns per inch	Yarn	Minimum turns per inch		Heel and sole splicing	Toe splicing
39	150 den. rayon	8	150	8	1,100	100 den. or cotton	90/2 or coarser.
39	70/2 cotton		150	8	1,150	100 den. or cotton	90/2 or coarser.
39	125 den. rayon	10	100	20	1,310	100 den. or cotton	90/2 or coarser.
39	80/2 cotton		100	20	1,270	100 den. or cotton	90/2 or coarser.
42	150 den. rayon	8	150	8	1,240	100 den. or cotton	90/2 or coarser.
42	80/2 cotton		150	8	1,200	100 den. or cotton	90/2 or coarser.
42	125 den. rayon	10	100	20	1,340	100 den. or cotton	90/2 or coarser.
42	80/2 cotton		100	20	1,300	100 den. or cotton	90/2 or coarser.
45–48	150 den. rayon	8	150	8	1,350	100 den. or cotton	90/2 or coarser.
45–48	80/2 cotton		150	8	1,310	100 den. or cotton	90/2 or coarser.
45–48	125 den. rayon	10	100	20	1,400	100 den. or cotton	100/2 or coarser.
45–48	100/2 cotton		100	20	1,360	100 den. or cotton	100/2 or coarser.
45–48	150 den. rayon	10	75	25	1,450	100 den. or cotton	100/2 or coarser.
45–48	100/2 cotton		75	25	1,410	100 den. or cotton	100/2 or coarser.
51	100 den. rayon	10	100	20	1,450	75 den. or cotton	100/2 or coarser.
51	100/2 cotton		100	20	1,410	75 den. or cotton	100/2 or coarser.
51	100 den. rayon	10	75	25	1,500	75 den. or cotton	100/2 or coarser.
51	100/2 cotton		75	25	1,460	75 den. or cotton	100/2 or coarser.
51	100 den. rayon	15	150	30	1,600	75 den. or cotton	120/2 or coarser.
51	120/2 cotton		150	30	1,560	75 den. or cotton	120/2 or coarser.
54 and up	75 den. rayon	15	150	30	1,700	75 den. or cotton	140/2 or coarser.
54 and up	140/2 cotton		150	30	1,660	75 den. or cotton	140/2 or coarser.

[1] Rayon yarn qualifying as yarn of 50 denier and having an over-all tenacity of 2.3 grams per denier or higher irrespective of elongation.

[2] Minimum total courses in continuous filament acetate rayon hosiery may be 75 courses less than the minimum established in this column for each gauge. See paragraph (q).

(c) Except in the case of continuous filament acetate rayon hosiery, which is provided for in paragraph (q), the leg length shall be 29 inches with a 1½-inch minus tolerance and a reasonable plus tolerance. Any person who manufactured proportioned length hosiery outside the tolerances permitted by this paragraph (c) in 1942 may apply to the War Production Board for permission to continue such manufacture. Such application shall be in writing, and shall set forth all pertinent facts. The War Production Board may take such action on such application as it may deem proper.

(d) In standard or conventional welt constructions, the minimum length of the double welt shall be 3½ inches and of the afterwelt 1½ inches. No afterwelt is required, but is permissible, in constructions where the main end or leg yarn is of 100 denier rayon or heavier. Double welts of less than 3½ inches and other special welt constructions are permissible providing the single thickness portion of the welt or afterwelt is no finer than 150 denier filament rayon, or the equivalent in other fibers, when knit on machines coarser than 51 gauge; or 100 denier filament rayon, or its equivalent in other fibers, when knit on machines of 51 gauge or finer. In any construction the total all over length of welt plus the afterwelt shall not be less than five inches. In constructions where the yarn used in knitting the welt is no heavier than the main end used in knitting the leg, the double welt shall not measure less than 3½ inches in length. A proportionately lower number of courses than is specified in Table I is permissible in the knitting of the welts of hosiery made with special welt constructions. When a standard or conventional double welt is knit of a higher denier than that specified as the minimum in the table, it is permissible to reduce the minimum total courses at a rate of one course less per each denier used, over the specified minimum. That is to say, if 125 denier is used in the welt instead of the specified minimum of 100 denier, the minimum number of courses may be reduced by 25 courses in the welt but not in knitting the leg portion.

(e) All rayon stockings of 75 denier or finer shall be made with an overlap of at least two (2) courses immediately following the afterwelt, in which the yarn of the afterwelt is to be knit together with the main end used in knitting the leg for a minimum of two (2) courses.

(f) The minimum number of needles used in knitting hosiery shall be the full 14 inch bar less two needles at each end of the bar on all gauges.

(g) The minimum number of courses are to be counted in conventional or legger-footer construction, from the first course in the welt to the loose course in the heel; in single unit or rack-back constructions, from the first course in the welt to the course in the heel on which the widest course in the rackback falls.

(h) The heel splicing shall measure 4½ inches from the bottom of the heel with a ½ inch tolerance, plus or minus.

(i) All seams shall be made with a minimum of 16 stitches to the inch and be made of a good quality two or three ply seaming yarn.

(j) Based on a 14-inch head, the maximum number of total flare and calf narrowings in full-fashioned plain knit hosiery shall be:

39 gauge	40 narrowings.
42 gauge	42 narrowings.
45 gauge	44 narrowings.
48 gauge	46 narrowings.
51 gauge	50 narrowings.
54 gauge and up	Optional.

(k) The reinforcing yarn in the toe must start within 10 courses from the first toe narrowing.

(l) Where two-ply cotton yarns are specified the equivalent count in single yarns may be used. Where definite counts of cotton (but not rayon) yarn are specified in the table, no finer counts of cotton yarn may be used, but combination yarns of cotton and rayon, or cotton, rayon and wool mixed yarns, and coarser counts of cotton yarns, or spun rayon yarn of total equivalent denier or heavier may be used. No spun rayon yarn may be used as a toe splicing or toe reinforcing yarn.

(m) Plied ends of single rayon yarn may be used if they make the equivalent denier of yarns shown in the table. Sixty-five denier cuprammonium rayon yarn shall be deemed equivalent to 75 denier viscose yarn and may be used as an alternate wherever 75 denier is specified in the table. The use of acetate rayon yarn is not permissible in deniers finer than 75.

(n) In single unit or rack-back construction the total minimum number of courses may be no more than 40 courses less than the minimums for conventional constructions shown in the above table.

(o) No lace bands, fancy designs or numerals are to be knit in welt or afterwelt. No picot stitches are to be placed more closely than ¾ inch apart except for the top ½ inch of the welt.

(p) For any spring-summer or fall-winter line, no manufacturer shall put in dye or knit ingrain more than 7 basic body colors, and no more than 5 of these 7 shall be in any one style.

(q) The following specifications may at the manufacturer's option be followed in the manufacture of continuous filament acetate rayon hosiery in place of the corresponding provisions in Table I and paragraph (c): The total courses may be one to 75 courses less than the minimum established for each gauge in Table I. The leg length may be 29 to 30½ inches with a 1½ inch minus tolerance and a reasonable plus tolerance.

Schedule B—Women's Seamless, Circular Knit Hosiery

Note: Table II, paragraphs (a), (d), and (h) amended July 7, 1943.

(a) No manufacturer shall produce any women's seamless or circular knit hosiery unless it meets the minimum specifications shown on Table II.

TABLE II—WOMEN'S SEAMLESS, CIRCULAR KNIT HOSIERY

Needles	Welt construction: If cotton	Welt construction: If rayon: Denier	Welt construction: If rayon: Minimum twist	Body or boot construction if rayon: Denier	Body or boot construction if rayon: Minimum twist	Splicing yarns when used	Heel and toe yarns	Minimum total courses of all-over rayon construction: Boot yarn	Minimum total courses of all-over rayon construction: Total courses	Total minimum courses if made with cotton welts	Minimum total courses if all-over cotton construction: Welt and boot yarn	Minimum total courses if all-over cotton construction: Total courses
176–188	50/2	150	Producers	150	Producers		36/2	150	792	756	50/2	756
200	50/2	150	Producers	150	Producers		40/2	150	852	816	50/2	816
220–240	50/2	150	Producers	150	Producers	50 denier rayon or 70/1 cotton	40/2	150	900	852	60/2	852
260	60/2	150	Producers	150	Producers	50 denier rayon or 80/1 cotton	50/2	150	960	912	70/2	960
280	70/2	150	10 turns	125	Producers	50 denier rayon or 90/1 cotton	60/2	150	1,008	960	80/2	1,008
300	80/2	125	Producers	100	15 turns	50 denier rayon or 100/1 cotton	70/2	100	1,104	1,056	100/2	1,104
320	100/2	100	10 turns	100 or 75	15 turns or 20 turns	50 denier rayon or 100/1 cotton	80/2	100 or 75	1,152 or 1,200	1,104	120/2	1,152 or 1,200
340	120/2	100	10 turns	75	20 turns	50 denier rayon or 100/1 cotton	100/2	75	1,260	1,212	120/2	1,260
360–380	120/2	100	10 turns	75	20 turns	50 denier rayon or 100/1 cotton	120/2	75	1,320	1,272	120/2	1,320
400	140/2	100	10 turns	75	20 turns	None	140/2	75	1,392	1,344	140/2	1,356

(b) Where definite counts of cotton (but not rayon) yarn are specified in the table, no finer counts of cotton yarn may be used, but combination yarns of cotton and rayon, or cotton, rayon and wool mixed yarns, and coarser counts of cotton yarns, or spun rayon yarn of total equivalent denier or heavier may be used. No spun rayon yarn may be used as a splicing or reenforcing yarn in heel or toe.

(c) Where two-ply cotton yarns are specified in the table the equivalent counts in single yarns may be used.

(d) The leg length of women's seamless rayon hosiery shall be 30 inches with a 1½ inch minus tolerance and a reasonable plus tolerance. All welts to finish a minimum of 4 inches.

(e) The specified minimum total courses are to be counted from the first course in the welt to the end of the high splicing where the reciprocating motion is started for the heel.

(f) Mesh or tuck stitch constructions in women's circular knit hosiery are restricted to the following constructions:

(1) On single-end tuck stitch knitting, no finer than one end of 100 denier rayon yarn or its equivalent in other fibres may be used in the leg, on any machine regardless of number of needles.

(2) On double-end mesh knitting no finer than 75 denier rayon yarn or its equivalent in other fibres may be used in the leg, on any machine regardless of number of needles.

(3) Minimum number of turns per inch in the rayon yarn in mesh or tuck stitch constructions are to be the same as shown in the above table for plain knit constructions for similar deniers.

(g) All sole splicing yarns are prohibited in women's circular knit all-over cotton hosiery and in women's circular knit rayon hosiery when the main end is 100 denier rayon yarn or heavier.

(h) For any spring-summer or fall-winter line, no manufacturer of women's seamless hosiery shall put in dye or knit ingrain more than 7 basic body colors, and no more than 5 of these 7 colors in any one style. In addition to the foregoing colors, white is also permitted.

Schedule C—Men's Hosiery

Note: Paragraph (c) (1) amended July 7, 1943.

(a) The following limitations apply to men's hosiery but do not apply to the manufacture of men's work socks or bundle socks made of wool, part wool, or cotton.

(b) No manufacturer may produce in any mill men's hosiery in fancy patterns which were not in actual production in such mill during the sixty-day (60) period immediately prior to April 2, 1943. Any machines that have been idle for this entire period may be set-up on patterns of the mill's choosing, but when so set-up, they are subject to the limitations of this clause.

(c) (1) For any spring-summer or fall-winter line no one mill shall put in dye or knit ingrain more than 7 basic body colors and no more than 5 of such 7 basic colors in any one style, to which may be added white and three War Service colors.

(2) No limitations are placed upon the use of various colors in yarns used purely for decorative purposes in men's fancy hosiery.

(d) No men's cotton hosiery is to be manufactured with any splicing or reinforcing yarn in the sole.

(e) True-ribbed tops, those knitted separately and transferred, or those knitted automatically on H-H or Komet machines, shall not be doubled, turned or hemmed. None of the limitations of this paragraph shall apply to men's hosiery made on R. I. machines.

(f) No men's hosiery is to be manufactured with any mock-seams.

Schedule D—Misses', Children's, and Infants' Hosiery and Women's Anklets

Note: Paragraph (f) amended July 7, 1943.

(a) No manufacturer shall put in production any fancy or novelty patterns or designs, not actually in production in the period between October 1st, 1942, and April 2, 1943.

(b) No manufacturer shall produce any children's half-socks in a foot-size larger than seven and one-half (7½); Infants' ribbed long hose may not be produced in a foot-size exceeding 5½ or in a color other than white.

(c) (1) The total finished leg-length of all women's, misses', children's, and infants' anklets either straight-up or cuff-top is not to exceed the measurements shown in Table ±10 of U. S. Commercial Standards, C. S. 46–40, as follows:

TABLE 10—STANDARD LENGTHS OF ANKLETS

[Folded and single cuffs]

Size	Number of needles	Size of cylinder (diameter)	Standard length	Tolerance
		Inches	*Inches*	
5–5½	120–160	2¼–2½	4	+¼
6–6½	120–180	2¼–3	4½	+¼
7–7½	130–200	2½–3¼	5	+¼
8–8½	140–220	2½–3½	5½	+¼
9–9½	150–240	2¾–3½	6	+¼
10–10½	160–240	3–3½	6	+¼
11–11½	120–180	3¼–3¾	6	+¼

(2) No cuff may be turned down or folded more than once, and shall not be made of more than one thickness of fabric before folding.

(3) No top or cuff either straight-up or folded is to measure when finished more than two (2) inches in length.

(d) (1) No true-ribbed, topped-on anklets or anklets made on H-H or Komet machines, in sizes 8 and up are to be manufactured with other than straight-up tops. No cuff or turned tops. None of the limitations of this paragraph shall apply to hosiery made on R. I. machines.

(2) All folded down or cuff top anklets in sizes 8 and up are to be manufactured with sewed-on tops.

(e) No women's anklets or misses', children's or infants' hosiery shall be manufactured with any splicing or reinforcing yarn in the sole of the foot.

(f) In the twelve months period following May 15, 1943, no manufacturer of women's anklets or misses', children's, or infants' hosiery shall knit ingrain or put in dye more than 8 basic body colors in staple constructions, and, in novelty constructions no more than 7 of such basic colors in any one style. In addition to the foregoing colors white is also permitted. No restriction is placed upon the use of any colored yarns in the manufacture of decorative stripes, designs and figures in any part of women's anklets, or misses', children's or infants' hosiery.

Schedule E—Women's Full-Fashioned All-Over Cotton Hosiery

Note: Paragraphs (b), (c), and (m), and the caption of Table III amended July 7, 1943.

(a) This schedule does not apply to women's cotton hosiery of the "Cut and sewed" type.

(b) No person shall produce any women's full-fashioned all-over cotton hosiery unless it meets the minimum specifications shown on Table III. Single counts of cotton yarn may be used if equivalent to the 2-ply counts shown in the table.

TABLE III—WOMEN'S FULL-FASHIONED ALL-OVER COTTON HOSIERY, MAXIMUM PERMISSIBLE FINENESS OF YARN

Gauge	Welt	Leg	High heel	Sole	Lower heel total equiv.	Toe weight	Minimum total courses
39 or lower	70/2	70/2	120/2	120/2	50/2	50/2	1150
42	80/2	80/2	120/2	120/2	50/2	50/2	1250
45 and 48	100/2	100/2	120/2	120/2	60/2	60/2	1300
51 and higher	140/2	140/2	120/2	120/2	80/2	80/2	1350

(c) The finished leg length of women's full-fashioned cotton hosiery shall be 30 inches with a one inch minus tolerance and a reasonable plus tolerance.

(d) The minimum length of welts shall be 3½ inches.

(e) The minimum number of needles used in knitting full-fashioned cotton hosiery shall be the full width of the needle bar of each gauge less the customary two needles at each end of the bar.

(f) Courses shall be counted in the same manner as specified in paragraph (g) of Schedule A.

(g) Heel splicings shall measure 4½ inches with ½ inch tolerance, plus or minus.

(h) All seams shall be made of a good quality two or three ply yarn with a minimum of 16 stitches to the inch.

(i) Narrowings shall not exceed the maximum number of total flare and calf narrowings for each gauge as shown in paragraph (j) of Schedule A.

(j) The reinforcement yarn in the toe shall start within 10 courses of the first toe narrowing.

(k) No lace bands, lace stripes, fancy designs or numerals are to be knit in the welt or after-welt. No picot stitches are to be placed more closely than ¾ inch apart except for the top ½ inch of the welt.

(l) None of the restrictions in paragraphs (b), (f), or (i) shall apply to the manufacture of any modified or full lace mesh constructions or to any jacquard mesh constructions or to any so-called "Non-run or Run-proof" constructions.

(m) For any spring-summer or fall-winter line, no manufacturer of women's full-fashioned cotton hosiery shall put in dye or knit ingrain more than 4 basic body colors in any one style.

Schedule F—Crew Socks

Note: Schedule F added July 7, 1943.

(a) For the purpose of this schedule crew socks are defined as a distinctive type of hosiery for men, women and children made with an ankle or top section knit on any ribbing machine coarser than 1 x 1 rib and with a plain knit foot.

(b) No manufacturer shall produce any men's, women's, or children's crew socks after July 15, 1943, except in accordance with the following specifications:

(1) The use of any continuous filament rayon is not permitted.

(2) The ribbed top shall end no farther than 3 inches from the bottom of the heel.

(3) To be knit, finished, packed and shipped with straight-up tops; not with cuffed or turned down tops.

(4) No restrictions are placed on the number of needles, diameter of cylinders or counts of yarn that may be used.

(5) The range of foot sizes may include all or any of sizes 4–13.

(6) The finished leg length shall not exceed the following measurements:

Foot sizes	Maximum permissible lengths (inches)	Tolerance (inch)
4–5½	5	±½
6–7½	6	±½
8–9½	7	±½
10–11½	8	±½
12–13	9	±½

(7) For any spring-summer or fall-winter line, no manufacturer of crew socks shall knit ingrain or put in dye more than 7 basic body colors, and in staples, no more than 6 of such basic colors shall be in any one style, and in novelties no more than 4 of such basic colors shall be in any one style. No restrictions are placed upon the use of any colored yarns in the manufacture of decorative stripes in crew socks.

[F. R. Doc. 43–10927; Filed, July 7, 1943; 11:14 a. m.]

Part 3252—Displays

[General Limitation Order L–294]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, zinc, paper and paperboard, required for the production of printed matter for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3252.1 *Limitation Order L–294*—(a) *Definitions.* For the purpose of this order:

(1) "Display" means any laminated combination of printed matter and board or other material, with or without easels or braces, employed to convey a message, display merchandise, or advertise a product or service, including but not limited to point-of-sale advertising, window, counter, floor, wall or shelf displays.

(2) "Printed matter" means any paper or paperlike substance with ink applied to it by the relief, planograph, intaglio, silk screen or other stencil process, or any combination or modification thereof.

(3) "Board" means any grade or quality of chip, laminated chip, or other board employed for the production of displays, easels, braces or plane surfaces.

(4) "Easel" means any form, shape or quality of board employed in the production of displays to provide means of maintaining such displays in position.

(5) "Brace" means any form, shape or quality of board employed in the production of displays to give rigidity and reinforcement.

(6) "Back-lining" means any paper or paperlike substance mounted to the reverse side of board employed in the production of displays.

(7) "Put into process" means (i) the first application of ink to paper or paperlike substance by a printer, or (ii) the lamination of one or more sheets of unprinted paper or printed matter to board, or (iii) the fabrication or processing of any part of a display, or (iv) the assembly of any component parts of a display.

(b) *Limitations.* (1) No person shall put into process for the production of displays:

(i) Board in the manufacture of which any virgin pulp has been employed, except board in the inventory of such person on July 7, 1943.

(ii) Back-lining in the manufacture of which any kraft fiber has been employed, except back-lining in the inventory of such person on July 7, 1943.

(iii) Reinforcements or other parts (other than necessary joining hardware) containing any wood, metal or plastic, except parts in the inventory of such person on July 7, 1943.

(2) On and after July 1, 1943, no person shall put into process during any calendar quota for the production of displays:

(i) Paper or paperlike substance in excess of $66\frac{2}{3}$ per cent of the gross weight thereof put into process by him for the production of displays during the corresponding calendar quarter of 1941: *Provided,* That such person, in any calendar quarter, may use for the production of displays up to 15 per cent more than his quota, the excess to be deducted from his quota for the succeeding calendar quarter: *And provided further,* That such person, in any calendar quarter, may use for the production of displays additional paper or paperlike substance equivalent to his less-than-quota usage in any preceding calendar quarters.

(ii) Board in excess of $66\frac{2}{3}$ per cent of the gross weight thereof put into process by him for the production of displays during the corresponding calendar quarter of 1941.

(c) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Communications to the War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington, D. C., Ref: L–294.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 7th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-10928; Filed, July 7, 1943; 11:14 a. m.]

Chapter XI—Office of Price Administration

PART 1302—ALUMINUM

[MPR 2,[1] Amdt. 1]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 2 is amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. *Prohibition against dealing in secondary aluminum ingot at prices above the maximum.* On and after June 23, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver secondary aluminum ingot, and no person in the course of trade or business shall buy or receive secondary aluminum ingot, at prices higher than the maximum prices set forth in Appendix B, incorporated herein as section 15; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That any person may sell and deliver, or deliver secondary aluminum ingot until August 1, 1943, at prices no higher than the maximum prices heretofore established for secondary aluminum ingot, so long as the quantity of secondary aluminum ingot delivered by such person at such prices between June 1, 1943, and July 31, 1943, inclusive, does not exceed the quantity of (a) aluminum scrap and secondary aluminum ingot which such person had on hand in his plant at the close of business on May 31, 1943, and which he reported to the War Production Board on Form PD–272, plus (b) the amount of scrap purchased under contract or other firm commitment prior to June 23, 1943, and which was not included on said inventory reported to the War Production Board on Form PD–272.

NOTE: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.

2. Section 15 (c) is amended to read as follows:

(c) *Maximum prices for certain wrought alloys and primary grade ingot*—(1) *Wrought alloys.*

	Maximum price (cents per pound)
(i) 17S	14½
(ii) 18S	14½
(iii) 32S	14½
(iv) 52S	14½

To be sold at this price, these alloys must meet the specifications set forth in the War Production Board directive of June 15, 1943, as amended from time to time thereafter.

(2) *Primary grade ingot.*

	Maximum price (cents per pound)
142	15½
355	15½
195	15

To be sold at this price, these alloys must meet the following specifications:

	Cu.	Si.	Fe.	Mg.	Mn.	Zn.	Ni.	Cr.	Ti.	Total others	Each
#142	3.5–4.5	0.50	0.50	1.2–1.8	0.1	0.1	1.7–2.3	0.25	0.20	0.15	0.05
#355	1.0–1.5	4.5–5.5	0.35	0.4–0.6	0.1	0.1	----------	0.25	0.20	0.1	0.05
#195	4.0–5.0	1.2	0.65	.03	0.2	0.1	----------	------	0.2	0.15	0.05

This amendment shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10896; Filed, July 6, 1943; 3:01 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8495.

PART 1337—RAYON

[MPR 325, Correction to Amdt. 1]

RAYON TOPS AND NOILS

Table I in § 1337.128 (b) of Amendment No. 1 to Maximum Price Regulation No. 325 is corrected to read as follows:

TABLE I—RAYON TOPS

Type	*Price per pound*
Viscose staple fiber tops:	
Lustrous, 5½ denier	$0.39
Dull, 5½ denier	.40
Lustrous, 3 denier	.40
Dull, 3 denier	.41
Acetate staple fiber tops:	
Lustrous or dull, 8 denier or less:	
Untinted	.60
Tinted	.62
Lustrous or dull, over 8 denier:	
Untinted	.625
Tinted	.645
Rayon waste tops:	
Lustrous or dull, all deniers	.355

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9320, 8 F.R. 4681)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10902; Filed, July 6, 1943; 3:01 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 112]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 88 is amended in the following respects:

1. Section 1340.157 (bb) is added to read as follows:

(bb) "Original supplier" means a person as defined by the Petroleum Administrator for War in Petroleum Directive No. 59.

2. Section 1340.159 (c) (3) (xxiii) is amended to read as follows:

(xxiii) *Maximum prices for No. 2 fuel oil.*

	Cents per gallon
Boston, Everett, Chelsea, Revere, and Braintree, Massachusetts:	
F. o. b. refineries and seaboard tanker terminals for delivery into barges, except on sales between original suppliers	6.45

This amendment shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10900; Filed, July 6, 1943; 3:02 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718, 3795, 3845, 4130, 4131, 3841, 4252, 4334, 4783, 4918, 4840, 5386, 6044, 6120, 6543, 6617, 6673, 6849, 7199, 7351, 7382, 7489, 7264, 8184, 8377, 8874.

PART 1340—FUEL

[RPS 88,[1] Amdt. 113]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 88 is amended in the following respects:

1. Section 1340.157 (b) is amended by adding the following to the products listed therein:

Petroleum coke, except when sold by resellers for use as fuel.

2. Section 1340.159 (g) is added to read as follows:

(g) *Petroleum coke.* Notwithstanding the provisions of paragraph (b) above, the maximum price of a seller of petroleum coke shall be the highest price charged by the seller for petroleum coke during March 1942 (as defined in § 1340.157 (y)); *Provided, however*, That if no price was charged during March 1942, within the meaning of § 1340.157 (y), the producer's maximum price shall be determined under § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

This amendment shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10901; Filed, July 6, 1943; 3:02 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 237,[2] Amdt. 6]

FIXED MARK-UP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 237 is amended in the following respects:

1. In section 2 after the head-note "*Exempt wholesalers.*", and before the sentence "This regulation shall not apply to wagon-wholesalers.", there is inserted the paragraph designation and head-note "(a) *Wagon-wholesalers.*"

2. Paragraph (b) is added to section 2 to read as follows:

(b) *Marine provisioners.* This regulation shall not apply to sales by marine provisioners. A marine provisioner is a seller at least 50% of whose business is the sale of food commodities to boat and steamship companies for the provisioning of boats, with delivery to the boats from shore locations by the use of truck and launch facilities. A seller is a marine provisioner only for the food commodities he sells in this way.

[2] 8 F.R. 6120, 6424, 7384, 7661, 8681.

This amendment shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10897; Filed, July 6, 1943; 3:01 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53,[3] Amdt. 36]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.151 (b) (10) (iii) is amended to read as follows:

(iii) *Marine animal oils;* Tank cars, all duties and taxes paid:

	Cents per pound
Whale oil, crude, No. 1, f. o. b. American ports	11.25
Sperm oil, crude, No. 1, f. o. b. American ports	7.75
Seal oil, No. 1, f. o. b. American ports	8.90
Menhaden, crude, f. o. b. producer's plant, Atlantic coast	8.90
Sardine oil, crude, f. o. b. producer's plant, Pacific coast	8.90
Sardine oil, hydrogenated 52°, f. o. b. producer's plant, Pacific coast	10.90
Light, cold pressed fish oil (Menhaden and Sardine), fair average quality, delivered	12.25
Herring oil, crude, f. o. b. Seattle	8.90

This amendment shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10899; Filed, July 6, 1943; 3:02 p. m.]

PART 1383—SHOES AND SHOE FINDINGS

[MPR 420]

HARDWOOD HEEL BLOCKS AND FINISHED HARDWOOD HEELS

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1383.1 *Maximum prices for hardwood heel blocks and finished hardwood heels.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 420 (Hardwood Heel Blocks and Finished Hardwood Heels), which is annexed hereto and made a part hereof, is hereby issued.

[3] 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702, 8948, 9130, 9189, 9393, 9486, 9958, 10471, 10530, 11069; 8 F.R. 1200, 1972, 2875, 3251.

AUTHORITY: § 1383.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 420—HARDWOOD HEEL BLOCKS AND FINISHED HARDWOOD HEELS

CONTENTS

Sec.
1. Prohibition against transactions at prices in excess of maximum prices.
2. To what products, transactions and geographical areas this regulation applies.
3. Maximum prices for producers' sales of hardwood heel blocks and finished hardwood heels.
4. Maximum prices for producers' sales of hardwood heel blocks and finished hardwood heels which cannot be priced under section 3.
5. Relation to other regulations.
6. Licensing.
7. Enforcement.
8. Invoices.
9. Records.
10. Petitions for amendment.
11. Prohibited practices.
12. Adjustable pricing.

SECTION 1. *Sales of hardwood heel blocks and finished hardwood heels at higher than maximum prices prohibited.* (a) On and after July 12, 1943, regardless of any contract or other obligation, no producer shall sell or deliver and no person, in the course of trade or business, shall buy or receive from a producer any hardwood heel blocks or finished hardwood heels at prices higher than the maximum prices established by this regulation, and no person shall agree, offer or attempt to do any of the foregoing.

(b) Prices lower than the maximum prices may, of course, be charged.

SEC. 2. *To what products, transactions and geographical areas this regulation applies*—(a) *What products and transactions are covered by this regulation.* This regulation applies to sales by producers of hardwood heel blocks and finished hardwood heels, except sales of wedge heels (blocks or finished) which are exempt from the provisions of this regulation.

"Producer" means any person who turns, finishes, or in any other manner makes hardwood heel blocks or finished hardwood heels, or has them made for his own account.

"Hardwood heel block" means a turned wood product made of hard maple or yellow birch, completely shaped and ready for the application of covering material and a toplift.

"Finished hardwood heel" means a hardwood heel block to which covering material and a toplift have been applied, completely finished and suitable for attachment to a shoe.

"Custom finished hardwood heel" means a finished hardwood heel which has been produced in Brooklyn, New York, or Rochester, New York, is generally sold in small quantities and contains unusual details of style and workmanship, and is generally known in the trade as a "custom heel."

"Wedge heels" are shoe heels which extend from the back of the heel-seat to the ball of the shoe. They are attached to and support not only the heel portion of the shoe (as is the purpose of conventional heels) but also the arch or shank portion of the shoe. Wedge heels may be used with or without a platform and may be made with different treading surfaces such as "bridge, tunnel, fiddle shank, etc." They are used generally on the type of shoes known as play shoes.

(b) *What geographical areas are covered.* This regulation shall be applicable to the continental United States, but not to the territories and possessions of the United States.

SEC. 3. *Maximum prices for producers' sales of hardwood heel blocks and finished hardwood heels.* (a) Maximum prices for hardwood heel blocks are established by paragraph (b) of this section. Maximum prices for finished hardwood heels are established by paragraph (c) of this section. The prices under Column I apply to all hardwood heel blocks and finished hardwood heels produced in New England. The prices under Column II, except as otherwise provided under Column III, apply to all hardwood heel blocks and finished hardwood heels produced outside of New England. The prices under Column III apply to all custom finished hardwood heels produced in Brooklyn, New York, and Rochester, New York. All maximum prices are f. o. b. point of shipment and subject to a discount of not less than two per cent for payment within ten days from the end of the month in which shipment is made.

(b) *Maximum prices for hardwood heel blocks*—(1) *Base block prices.*

Height (based on eighths of an inch)	Column I (New England)	Column II (outside of New England) (Base price per pair)
9½ and under	$0.05	$0.0606
10	.0541	.0606
10½	.0541	.0606
11	.0541	.0606
11½	.0541	.0606
12	.0541	.0606
12½	.0541	.0606
13	.0541	.0618
13½	.0541	.0618
14	.0541	.063
14½	.0541	.063
15	.0541	.063
15½	.0583	.063
16	.0583	.0641
16½	.0583	.0641
17	.0583	.0653
17½	.0583	.0653
18	.0625	.0665
18½	.0625	.0665
19 and over	.0625	.0677

(2) *Extras for size or width.* The maximum prices in Column I, above, apply to sales of hardwood heel blocks in size runs of 4 to and including 10, size 10 being based on a 3/4 inch grading and measuring 2 inches in width. To these base block maximum prices may be added $0.00416 per pair for block sizes 11 to and including 14 and $0.01083 per pair for block sizes 15 and over.

The maximum prices in Column II, above, apply to sales of hardwood heel blocks with completed heel seat widths up to and including 2 1/16 inches. To these base block maximum prices may be added $0.0042 per pair for completed heel seat widths 2 3/16 to and including 2 5/16 inches, and $0.0067 per pair for completed heel seat widths 2 9/16 inches and over.

(3) *Extras for style.* The following additions for the specified styles may be made to the maximum prices of hardwood heel blocks established under section 3 (b) (1) and (2):

Style	Column I	Column II
Pyramid	$0.00833	$0.0075
Half Louis	.00833	.0075
Contiuental	.00833	.01
Dutch Boy	.0125	.0125
Breastlock	.0125	.0125
Louis	.00833	.01
Argentine	.00	.01

(4) *Extras for operations.* The following additions under Columns I and II for the specified operations may be made to the maximum prices of hardwood heel blocks established under section 3 (b) (1), (2) and (3); the following additions under Column III for the specified operations performed by the finisher may be made to the maximum prices of custom finished hardwood heels established under Column III in section 3 (c) (1), (2) and (3).

Operations	Column I	Column II	Column III
Center slot	$0.0025	$0.0025	$0.00
Steel dowel	.005	.005	.005
Wood dowel	.0075	.0075	.0075
Sanding or scouring	.00415	.00415	.00415
Machine spool[1]	.0025	.00	.00
Progressive grading[1]	.0025	.00	.00
Special deep welt cup	.005	.00	.00
Square backs	.0025	.00	.00
Twin tuck	.01	.00	.01
Square top	.00	.005	.03
Curving	.00	.0025	.004
Rights and lefts	.00	.02	.00
Additional cup depth for each 1/32' over 5/32"	.00	.0017	.00
Welt heels	.00	.00	.03

[1] Block prices under Columns II and III include machine spooling, progressive grading and backline.

(5) *Quantity premiums and discounts.* The maximum prices established under Column II of section 3 (b) are applicable to sales in quantities of 1,200 to and including 2,500 pairs of one block on one order. These maximum prices are subject to the following quantity premiums and discounts:

	Premium (per pair)
Quantity:	
300 pairs and under	$.021
301 to 600 pairs	.0125
601 to 1,199 pairs	.0045
Quantity:	Discount
2,501 to 5,000 pairs	$.0008
5,001 pairs and over	.0017

(c) *Maximum prices for finished hardwood heels*—(1) *Base finished heel prices.*[1a]

[1a] Where no specific price is established for a base finished heel, its maximum price shall be determined under section 4, below.

Style	Column I	Column II	Price (per pair) Column III
Cuban Fancy 10/8—17 3/8 inches	$0.13	$0.1475	$0.205
Cuban Celluloid 10/8—17 3/8 inches	.149	.1725	.285
Cuban Celluloid 18/8—21/8 inches	.159	.1725	.285
Lacquer sprayed on wood 10/8—17 3/8 inches	.139	.16	.....
Lacquer sprayed on wood 18/8—21/8 inches	.149	.16	.....

These maximum prices apply to finished heels with a 9 iron toplift and, if celluloid covered, with 10/1000 celluloid. Maximum prices may be increased by $0.0075 per pair for a 10½ iron top lift, by $0.02 per pair for a toplift over 3½" square and by $0.004 per pair for each 2.5/1000 celuloid over 10/1000. Maximum prices must be reduced by $0.0025 per pair for an 8 iron toplift.

(2) *Extras for style.* The following additions for the specified styles may be made to the base finished heel prices established under section 3 (c) (1):

Style	Column I	Column II	Column III
Center Slot Cuban	$0.00833	$0.00833	$0.00833
Center Slot ½ Louis	.015	.015	.015
Center Slot Louis	.03	.03	.03
Center Slot Breastlock	.03	.03	.03
Square Top	.00	.005	.03
Breastlock, Victory and Argentine	.....	.0075	.00
Breastlock, Louis, Continental and Pyramid	.00	.007	.00

(3) *Extras for operations.* The following additions for the specified operations may be made to the base finished heel prices established under section 3 (c) (1):

Operations	Column I	Column II	Column III
Leather breasting	$.015	$.015	$.015
Celluloid breasting	.00	.03	.03
Plated pressed marienne	.00333	.00	.00
Lacquer sprayed on celluloid	.005	.00	.00
Celluloid colors, all other than black	.00333	.00	.00
Kantscuff	.005	.00	.00
Spraying celluloid cement on block	.01	.00	.00
Black celluloid, lacquered and embossed	.00	.01	.02
White and colored, polished or lacquered	.00	.02	.03
White and colored, lacquered and embossed	.00	.03	.05
Black alligator and lizard, one tone	.00	.05	.06
Black alligator and lizard, two tone	.00	.07	.08
Black lacquer sprayed on wood Grade #2	.00	.01	.00
Polished before lacquer	.00	.005	.00

SEC. 4. *Maximum prices for producers' sales of hardwood heel blocks and finished hardwood heels which cannot be priced under section 3.* (a) The maximum price for a hardwood heel block or finished hardwood heel for which a maximum price is not provided in section 3 of this regulation shall be a price in line with the established maximum price for the item of most comparable construction made by the producer. Such in-line price shall be computed as follows:

(1) Calculate the cost of materials and direct labor, as defined in this subparagraph, both for the item to be priced and the comparable item. "Materials" includes only materials which become part of the item sold, such as lumber, covering material, toplift material, adhesive, nails, and slugging wire. "Cost of materials" shall be the net cost, after deducting all discounts, plus transportation charges actually paid. "Direct labor" includes all operations performed directly on the item sold. It does not include such labor as elevator, custodial and maintenance workers, firemen, engineers, truck drivers and helpers, receiving and shipping clerks, other clericals, salesmen, foremen and working foremen and other supervisory employees. In computing the cost of direct labor, the current wage rates for each class of labor must be used: *Provided, however,* That the wage rates may not be higher than those prevailing on October 3, 1942, unless approved by the War Labor Board.

(2) Obtain the difference in cost of materials and direct labor between the item being priced and the comparable item. Adjust the maximum price of the comparable item by adding or subtracting this difference, depending upon whether the cost of materials and direct labor is greater or less in the item being priced than in the comparable item. The result will be the maximum price for the item being priced.

(b) Within 30 days from the date of the first contract to sell or sale of an item priced in accordance with paragraph (a) of this section, a report shall be made to the Office of Price Administration, Textile, Leather and Apparel Price Division, Washington, D. C., containing (1) a description of the item being priced and of the comparable item; (2) a detailed statement of the cost of materials and direct labor in the item being priced and the comparable items; and (3) the method of calculating the maximum price of the new item.

(c) The reported maximum price, if found to be excessive, may be reduced by the Office of Price Administration, but if it is not disapproved within 30 days of the receipt of the report, it is approved. The seller may proceed at once, however, with sales or deliveries of the item at the maximum price he has computed, but he shall notify the buyer that the maximum price is subject to reduction by the Office of Price Administration. If the price is ordered reduced, the seller must refund any excess over the maximum price finally approved. Any maximum price established under this section shall be subject to adjustment at any time by the Office of Price Administration.

SEC. 5. *Relation to other regulations*—(a) *General Maximum Price Regulation, Maximum Price Regulation No. 157 and Maximum Price Regulation No. 196.* The provisions of the General Maximum Price Regulation,[3] Maximum Price Regulation No. 157[4] and Maximum Price Regulation No. 196,[5] shall not apply and this regulation shall apply to producers' sales and deliveries of hardwood heel blocks or finished hardwood heels.

[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047.

[4] 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948; 8 F.R. 3948.

[5] 7 F.R. 6078, 7254, 8016, 8945.

(b) *Second Revised Maximum Export Price Regulation.* The maximum price for export sales of hardwood heel blocks or finished hardwood heels is governed by the Second Revised Maximum Export Price Regulation[6] issued by the Office of Price Administration.

SEC. 6. *Licensing*—(a) *License required.* A license as a condition of selling is required of every producer selling any hardwood heel blocks or finished hardwood heels for which a maximum price is established by this regulation. No producer whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any commodities as to which his license to sell is suspended.

(b) *License granted.* Every producer selling any hardwood heel blocks or finished hardwood heels for which a maximum price is established by this regulation is granted a license as a condition of selling any such hardwood heel blocks or finished hardwood heels. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of this regulation or when any such producer becomes subject to the maximum price provisions of this regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as this regulation, or any applicable part, amendment or supplement remains in effect.

SEC. 7. *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of license provided for by the Emergency Price Control Act of 1942.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War Procurement agencies" include the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

SEC. 8. *Invoices.* Every producer shall, in connection with every sale of hardwood heel blocks or finished hardwood heels deliver an invoice to the purchaser showing (1) the date of sale, (2) the name and address of the seller and the purchaser, (3) the shipping terms, (4) the terms of sale, (5) the quantity, the selling price, and an identification of each different hardwood heel block or finished hardwood heel sold, including a listing, by name, of any extras included in the selling price.

SEC. 9. *Records.* Every seller must keep a duplicate of the invoice delivered in connection with every sale and every buyer, in the course of trade or business, must keep the invoice received in connection with every purchase for which a maximum price is established by this regulation. All such records must be

[6] 8 F.R. 4132, 5987.

kept available for inspection by the Office of Price Administration for a period of three years.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[7] issued by the Office of Price Administration.

SEC. 11. *Prohibited practices.* Any practice which is used as a device to effect a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

SEC. 12. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by the official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

Effective Date

This regulation shall become effective July 12, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10893; Filed, July 6, 1943; 3:00 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 62]

MILEAGE RATIONING; GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7851 (b) (2) (v) is revoked.

2. Section 1394.7851 (c) (4) is amended by substituting for the words "or paragraph (b) (2) (i), (ii), (iii) or (v)" the words "or paragraph (b) (2) (i), (ii) or (iii)."

This amendment shall become effective July 12, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10898; Filed, July 6, 1943; 3:02 p. m.]

PART 1397—CONSTRUCTION OF BUILDINGS AND STRUCTURES

[MPR 251,[1] Amdt. 2]

CONSTRUCTION AND MAINTENANCE SERVICES AND SALES OF BUILDING AND INDUSTRIAL EQUIPMENT AND MATERIALS ON AN INSTALLED OR ERECTED BASIS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 251 is amended in the following respect:

1. Section 1397.68 is amended to read as follows:

§ 1397.68 *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* Any person who had made or intends to make a Government contract or subcontract thereunder, who believes that a maximum price established under this regulation impedes or threatens to impede the production, manufacture, or distribution of a commodity or the supply of a service which is essential to the war program and which is or will be the subject of the contract or subcontract, may file an application for adjustment of that maximum price in accordance with Procedural Regulation No. 6,[2] issued by the Office of Price Administration.

(b) *Local shortage.* The Office of Price Administration, or any duly authorized representative thereof, may by order adjust any maximum price established under this regulation for any seller who shows:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of any building or industrial equipment or materials on an installed or erected basis or the supply of any construction service which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such commodity or service; and

(3) Such adjustment will not create or tend to create a shortage, or a need for increases in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this paragraph (b).

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.[3]

(c) *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

This amendment shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10894; Filed, July 6, 1943; 3:00 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14 to GMPR, Amdt. 192]

TEA BAGS AND PACKAGED TEA

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Supplementary Regulation No. 14 is amended in the following respects:

1. Section 1499.73 (a) (88) (vi) is added to read as follows:

(vi) *Maximum prices for tea bags and packaged tea of brands of tea formerly blended from the less expensive teas.* (*a*) Tea packers' maximum delivered prices on brands of tea for sales to wholesalers which heretofore have been lower than those listed in Column A, if such brands are now blended from Ceylon, India or Travencore teas, shall be as set out in Column A;

(*b*) Tea packers' maximum delivered prices on brands of tea for sales to retailers, restaurants and institutions which heretofore have been lower than those listed in Column B, if such brands are now blended from Ceylon, India or Travencore teas, shall be as set out in Column B.

	Maximum prices per thousand bags	
	Column A	Column B
8 tea bags to a package (200 tea bags to the pound)	6.75	7.00
16 tea bags to a package (200 tea bags to the pound)	6.45	6.70
48 tea bags to a package (200 tea bags to the pound)	6.15	6.40
100 tea bags to a package (200 tea bags to the pound)	6.15	6.40
100 tea bags to a package (250 tea bags to the pound)	5.75	6.00
	Maximum prices per 16 tea bags	
	Column A	Column B
1 oz. tea bags	.80	.83
	Maximum prices per dozen packages	
	Column A	Column B
4 oz. packaged tea	2.16	2.25
1⅛ oz. packaged tea	.77	.80

Prices set out above are maximum prices delivered to the customer's usual place of acceptance. In calculating the maximum prices for a sales unit, fractions of ½ cent or more shall be raised to the next higher cent and fractions of less than ½ cent shall be lowered to the next lower cent. The above prices shall be reduced by those discounts for cash or prompt payment which have been customarily allowed for such brands.

This amendment shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10895; Filed, July 6, 1943; 3:00 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 270,[1] Amdt. 6]

DRY EDIBLE BEANS, SALES EXCEPT AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 270 is amended in the following respects.

1. In § 1351.1203 (a), two items are amended to read as follows:

Marrow beans (not including red marrow):

U. S. choice hand picked	7.25
U. S. No. 1	7.15
U. S. No. 2	7.00
U. S. No. 3 and lower	6.75

Yelloweye beans:

U. S. choice hand picked	7.25
U. S. No. 1	7.15
U. S. No. 2	7.00
U. S. No. 3 and lower	6.75

2. Section 1351.1203 (b) is amended to read as follows:

(b) For dry edible beans which are packed in the following containers, the following amounts may be added to the maximum prices listed in paragraph (a) of this section:

Size of container:	*Amount permitted to be added (per cwt.)*
(1) Up to 2 pounds	$2.00
(2) 3 pounds	1.60
(3) 5 pounds	1.45
(4) 25 pounds	.30

The differentials listed above for special packages are applicable to all sellers covered by this regulation who package dry edible beans in the above-listed container sizes.

This amendment shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 6th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved: June 26, 1943.

JESSE W. TAPP,
Acting Administrator,
War Food Administration.

[F. R. Doc. 43-10907; Filed, July 6, 1943; 4:37 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 1-1, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN RHODE ISLAND

For the reasons set forth in the statement of considerations issued simultaneously herewith and under the authority vested in the Rhode Island District Director by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, section (e), *It is hereby ordered*, That the above regulation be amended as follows:

1. Section 1 is hereby amended to read as follows:

SECTION 1. *What this regulation does.* This regulation fixes the maximum or ceiling prices that may be asked, charged or received for "food items" or "meals" by any person who operates an eating or drinking place in the State of Rhode Island. The words "your" and "you" in this regulation refer to such persons. "Eating or drinking place" includes any place, establishment, or location, whether temporary or permanent, from which any food item or meal is sold, except those places which are specifically exempted by section 17 hereof. The maximum prices which you may charge for any "food item" including any beverage, or "meal" are governed by the provisions of this regulation. Prices lower than ceiling prices may, of course, be asked, charged or received. "Food items" and "meals" as well as certain other terms used in this regulation are defined or explained in section 15. The seven-day period beginning April 4, 1943 and ending April 10, 1943 is called the "seven-day period" and ceiling prices fixed by this regulation are based on prices charged in this period. This regulation shall not supersede or amend General Order No. 50 issued by the Office of Price Administration or any provision thereof except insofar as the provisions of this regulation are inconsistent therewith.

2. Section 15 (f) is hereby amended to read as follows:

(f) "Proprietor" means any person who owns or operates any eating or drinking place located in the State of Rhode Island except those places specifically exempted by section 17 hereof.

3. Section 17 is hereby amended to read as follows:

SEC. 17. *Exempt sales.* Sales at the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places located on church premises and operated solely in connection with church, Sunday school and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients, when a separate charge is made for such food items and meals.

(c) Eating and drinking places (when operated as such) located on board common carriers, including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(d) Eating and drinking places owned and operated by charitable, religious or cultural organizations such as the United Service Organization, Red Cross or similar organizations selling food items or meals on a non-profit basis primarily to members of the Armed Forces.

(e) Bona fide fraternity or sorority houses located at a recognized school, college or university insofar as such houses sell only to members and bona fide guests of members. Whenever such houses sell to persons other than members or bona fide guests of members, such houses shall be considered for all sales an eating or drinking place within the meaning of this regulation. No such house shall be considered to be exempt within the meaning of this subparagraph, unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and otherwise is operated as a fraternity or sorority house.

4. Section 18 is hereby added to read as follows:

SEC. 18. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum

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[7] 7 F.R. 9135, 9787, 10147, 10016, 10338, 10706, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1365, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3201, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 8680, 7455, 8009, 8180, 9021, 9022, 9065.

[1] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8878, 8 F.R. 3628.

[2] 7 F.R. 5087, 5664, 8 F.R. 6173, 6174.

[3] 7 F.R. 8961, 8 F.R. 3313, 3535, 6173.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1061, 2335, 3106, 3370, 4732, 5810.

price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the Administrator or the District Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

5. Section 19 is hereby added to read as follows:

SEC. 19. *Revocation.* This regulation may be revoked, amended or corrected at any time.

This amendment to Restaurant Maximum Price Regulation No. 1–1 shall become effective June 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of June 1943.

CHRISTOPHER DEL SESTO,
District Director.

[F. R. Doc. 43–10908; Filed, July 6, 1943; 4:38 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3–6]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION, DESIGNATED COUNTIES IN MICHIGAN

In the judgment of the Regional Price Administrator of Region III, the prices of food and beverages sold for immediate consumption in the counties of Clinton, Eaton, Hillsdale, Ingham, Jackson, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne in the State of Michigan have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Regional Administrator of Region III, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as possible, the Regional Administrator of Region III gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (7 F.R. 7565), 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Regional Price Administrator of Region III hereby issues this Restaurant Maximum Price Regulation No. 3–6, establishing as maximum prices for food and drink sold for immediate consumption in the counties mentioned above the prices prevailing therefor during the seven-day period beginning April 4, 1943 and ending April 10, 1943.

§ 1448.206 *Maximum Prices for food and drink sold for immediate consumption.* Under the authority vested in the Regional Administrator of Region III by the Emergency Price Control Act of 1942 as amended, Executive Order 9250, Executive Order 9328 and General Order No. 50 issued by the Office of Price Administration, Restaurant Maximum Price Regulation No. 3–6 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1448.206 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

RESTAURANT MAXIMUM PRICE REGULATION NO. 3–6—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

Sec.
1. Sales at higher than ceiling prices prohibited.
2. How you figure ceiling prices for food items and meals you did not sell in the seven-day period.
3. Classes of food items and meals.
4. No ceiling prices to be higher than the highest price during the base period.
5. Prohibition against discontinuing meals at certain prices.
6. Evasion.
7. Rules for new proprietors.
8. Taxes.
9. Records.
10. Posting.
11. Operation of several places.
12. Relation to other maximum price regulations.
13. Geographical application.
14. Enforcement.
15. Definitions and explanations.
16. Exemptions.
17. Provision for amendments and adjustments.
18. Licensing.
19. Revocation.

SECTION 1. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" including any beverage) or "meal" at a price higher than the highest price at which you offered the same food item or meal in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. You must not offer or sell any other food item or meal at a price higher than the ceiling price which you figure according to the directions in the next section (section 2). You may, of course, sell at lower than ceiling prices.

SEC. 2. *How you figure ceiling prices for food items and meals you did not sell in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period, as follows:

(a) If you served the same food item or meal within thirty days prior to April 4, 1943, you shall take as your ceiling price the last price at which you offered the same food item or meal during said thirty-day period.

(b) If you did not sell or offer to sell the food item or meal either during the seven-day period, or the thirty-day period, then you choose from the food items or meals for which a ceiling price has already been fixed, the food item or meal which is most similar to the food item or meal you are pricing; and

(c) Figure a price which is "in line" with the price of that most similar food item or meal. A price is "in line" if the customer receives as much value for his money from the one item or meal as from the other, even though the two prices may be different. In comparing values, quality, size of portions, and the margin over food cost are the things that count;

(d) Once your ceiling price for a food item or meal has been fixed, it may not be changed.

SEC. 3. *Classes of food items and meals.* See definition of "food item" and "meal" contained in section 15.

(a) The classes of food items are as follows:

Breakfast Items

(1) Fruits and fruit juices.
(2) Cereals.
(3) Egg and combination egg dishes served at breakfast.
(4) Breads, rolls, toast, etc., served at breakfast.
(5) All other breakfast dishes.

Other Items

(6) Appetizers and cocktails.
(7) Soups.
(8) Beef.
(9) Pork.
(10) Lamb, mutton.
(11) Veal.
(12) Poultry.
(13) Fish and shellfish.
(14) Miscellaneous and variety meats including liver, kidneys, and made dishes such as stews, casseroles, etc.
(15) Egg and cheese dishes which might be served as a main dish or entree in a meal.
(16) All other dishes which might be served as a main dish or entree in a meal, such as spaghetti, vegetable plate, baked beans, chop suey, etc.
(17) Potatoes.
(18) All other vegetables.
(19) Bread and butter.
(20) Salads (except as served as main course in a meal).
(21) Cakes, cookies, pies, pastries and other baked goods.
(22) Ice cream and all fountain items.
(23) All other desserts including fruits, puddings, cheese, etc.
(24) Hot sandwiches including hamburgers and frankfurters.
(25) Cold sandwiches.
(26) All other food items.

Beverages

(27) Non-alcoholic beverages.
(28) Beer and other malt beverages.
(29) Wines.
(30) Other alcoholic beverages.

(b) *The classes of meals.* For the purposes of this regulation there shall be ten classes of meals; namely, breakfast, lunch, tea, dinner, and supper during the week days, and breakfast, lunch, tea, dinner and supper on Sundays.

(c) *Legal holidays.* Your ceiling prices for food items or meals served on those days designated legal holidays by Federal law or the law of the State in which the establishment is located may be the same as your Sunday ceiling prices for such establishment.

SEC. 4. *No ceiling price to be higher than the highest price in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal which you did not offer in the seven-day period than the highest price at which you offered a food item or meal under the same class during the seven-day period, except that, if, during the thirty-day period immediately prior to April 4, 1943, you served a food item or meal at a price higher than the highest price charged for food items or meals in the same class during the aforesaid seven-day base period, then you may continue to sell that same food item or meal at the higher price. In any such case, your records, as set forth in section 9 (b) herein, must include the menu or information showing the previous offering of such food item or meal at the higher price.

Example 1. If you figured an "in line" price for a week day at $1.25, and your highest price in the week day dinner class is $1.00, your ceiling price for the new dinner is $1.00.

Example 2. If during the seven-day period your highest price for soup was 15 cents, you may not offer any soup at a price higher than 15 cents.

Example 3. If during the seven-day period your highest price for a week day dinner was $1.25 in general, that is the highest price you may charge for any week day dinner. If, however, you served a chicken dinner at $1.50 on any week day within 30 days prior to April 4, 1943, then you may continue to serve the same chicken dinner at $1.50 even though that is a higher price than any price charged for the same class dinner during the seven day period. But you may not add a new meal not served the 30-day period, at a price in excess of $1.25. Observe the requirement that a supporting menu (or price list) be made available to justify such exception.

SEC. 5. *Prohibition against discontinuing meals at certain prices.* You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless:

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the seven-day period, and unless

(b) You continue to offer on week days at least as many different meals at or below the lowest price charged by you for meals of the same class on any week day that you select in the seven-day period, as you did on that day.

(c) You continue to offer on Sundays and legal holidays at least as many different meals at or below the lowest price charged by you for meals of the same class on Sunday, April 4, 1943, as you did on that day.

Example: Thus, you may select any week day in the seven-day period as the base day for week-day meals.

If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, $1.00, $1.10, $1.15 you must continue to offer at least two week-day dinners at 85¢.

SEC. 6. *Evasion.* (a) You must not evade the provisions of this regulation by any scheme or device, including:

(1) Deteriorating quality or reducing quantity without making appropriate reductions in price;

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking, or other special charges, or making such charges when they were not in effect in the seven-day period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals, except that you may refuse to sell coffee unless a customer also purchases another food item;

(5) Refusing to sell combinations of food items as meals if such meals were offered in the seven-day period and the items making up the combination are being offered separately.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of those things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal;

(2) You may limit your customers to one pat of butter per meal;

(3) You may reduce the quantity or eliminate altogether, ketchup, chili sauce, and any other condiment which is rationed;

(4) You may reduce the amount of sugar served with each cup of coffee or tea to, but not less than, one teaspoonful.

(c) You must not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these items at an additional charge. For example, if during the seven-day period you furnished ketchup, you may not discontinue furnishing this item free and at the same time offer to furnish it for an additional charge.

SEC. 7. *Rules for new proprietors.* (a) If you acquire another's business and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If you operate a concession in conjunction with a public event and were not in operation during the base period, you shall establish your prices in line with a similar type of eating and drinking place operating during the time of the base period. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the prices of food and drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 9 and the posting requirements of section 10 immediately upon the opening of your place.

SEC. 8. *Taxes.* If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or in the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 9. *Records.* You must observe all the record keeping requirements of General Order No. 50. This order requires among other things that you do the following:

(a) *Customary records.* You must preserve all your existing records relating to your prices, costs, and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(b) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must prepare in duplicate and make available for such examination a list of the highest prices you charged in the seven-day period.

(c) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. If your establishment is in Wayne County, Michigan, and you were subject to the provisions of Restaurant Maximum Price Regulation No. 3–3, and accordingly maintained records similar to the above for the effective period of said Restaurant Maximum Price Regulation No. 3–3, you shall also preserve such records for future reference.

SEC. 10. *Posting.* (a) If you made menus available to customers in the seven-day period April 4 to April 10, inclusive, you shall continue to make them available. All menus shall include prices for meals and food items offered.

(b) Within one week after the effective date of this order:

(1) Your menus must contain in clear and legible printing or writing, the following statement:

All prices listed are at or below our ceiling price, which, by OPA regulation, are the highest prices we charged for the same item or meal from April 4 to April 10, 1943. Our records of prices for such period are available for your inspection.

(2) In addition to the above statement, whenever a meal or food item appears on a menu or price list at a price below the ceiling price, an asterisk shall appear beside the price. The asterisk shall be explained on the menu by clear and legible printing or writing as follows: *Below Our Ceiling Price.

(c) If you did not use menus during the April 4–10 period, you may either (1) institute the use of menus, abiding by the foregoing requirements, or (2) you must post a price list including prices for all meals and food items offered, near the cashier's desk, if any, or in such other location in your establishment that it may be easily seen and read by customers at the time of purchase. Such price list shall conform to the requirements of paragraph (b) above.

(d) If your establishment is in Wayne County, Michigan, and you were subject to the provisions of Restaurant Maximum Price Regulation No. 3–3, you must comply with the above posting provision as of the effective date hereof.

SEC. 11. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 12. *Relation to other maximum price regulations.* The provisions of this regulation shall not apply to any sale for which a maximum price is established by any other regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration.

For example, bottles of milk and beer remain subject to the GMPR as amended.

SEC. 13. *Geographical application.* The provisions of this order shall be applicable to all eating and drinking places (as hereinafter defined in section (15) (e)) located in the Counties of Clinton, Eaton, Hillsdale, Ingham, Jackson, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne in the State of Michigan.

SEC. 14. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blueplate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Eating and drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section (16) hereof. It shall include by way of example, but not by way of limitation, such movable places where food is dispensed as field kitchens, lunch wagons, "Hot Dog" carts, etc.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 16. *Exemptions.* Sales by the following eating or drinking places are specifically exempted from the provisions of this regulation:

(a) Eating and drinking places located on church, temple or synagogue premises and operated in connection with special church, temple or synagogue, Sunday School or other religious occasions.

(b) Railroad dining cars.

(c) Hospitals, except for food items and meals served to persons other than the patients, when a separate charge is made for such food items and meals.

SEC. 17. *Provision for amendments and adjustments*—(a) *Amendments.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food items or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

(b) *Adjustments.* The Office of Price Administration may adjust the maximum prices for any eating or drinking establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your Office of Price Administration District Office an application in duplicate. The application should contain the following information:

(1) Your name and address.

(2) A description of your eating establishment, including the type of service rendered, such as cafeteria, table service, etc.; classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty-day period (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and requested adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the Regional Administrator or by any District Director who has been authorized to do so by order of the Regional Administrator.

SEC. 18. *Licensing.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Restaurant Maximum Price Regulation Number 3–6.

SEC. 19. *Revocation.* This regulation supersedes and replaces and revokes Restaurant Maximum Price Regulation No. 3-3 which became effective the 12th day of May 1943, and which was applicable to Wayne County, Michigan, only: *Provided, however,* That this regulation shall not annul, invalidate, interfere with or otherwise affect any action or proceedings undertaken, or any cause of action which may have arisen thereunder.

Effective date. This regulation shall be effective June 29, 1943.

NOTE: The reporting provisions of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 22d day of June 1943.

BIRCKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-10909; Filed, July 6, 1943; 4:34 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 4–1, Amdt. 2]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN CERTAIN SOUTHERN STATES

For the reasons set forth in the statement of considerations issued simultaneously herewith, and under the authority vested in the Regional Price Administrator of Region IV by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order 50, section (e), *It is hereby ordered,* That Restaurant Maximum Price Regulation 4–1 be amended by adding two new paragraphs to section 17 to be known as paragraphs (e) and (f) as set forth below:

(e) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder or individual), which sells food items or meals on a non-profit or cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to students, faculty members and employees of such institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or Department of the Navy shall be considered students.

(f) Eating cooperatives formed by officers in the Armed Forces (as, for example, officers' mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual), which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to officers who are members of the cooperative.

This Amendment 2 to Restaurant Maximum Price Regulation No. 4–1 shall become effective June 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of June 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R Doc. 43-10910; Filed, July 6, 1943; 4:38 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Rev. Restaurant MPR 7–1, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN CERTAIN WESTERN STATES

Pursuant to the Emergency Price Control Act of 1942, as amended, and paragraph (e) of General Order No. 50, and for the reasons set forth in a Statement of Considerations isued simultaneously herewith, it is hereby ordered that the above described regulation be amended in the following respects:

1. A new section designated section 8a is added to read as follows:

SEC. 8a. *Seasonal eating and drinking places*—(a) *Exempt places.* If you are the proprietor of a seasonal eating or drinking place that:

(1) Was not open during the base period from April 4 to 10, 1943,

(2) Receives 90 percent or more of its total annual revenue during four calendar months of the year,

(3) Is located in an area for which no Maximum Rent Regulation has been issued,

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order No. 50, and you are still subject to the provisions of section 19 of this regulation. Pursuant to this latter section the Administrator will by special order establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) *Non-exempt places.* If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a) you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2 and 3.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 8 (b).

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for a price to the OPA District Office for the area in which the place is located.

2. *Right to revoke or amend.* This amendment may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

This amendment shall become effective on June 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-10913; Filed, July 6, 1943; 4:37 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[Service Order 127–C]

MOVEMENT OF POTATOES FROM NORTH CAROLINA AND VIRGINIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of July, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 127 of May 31, 1943 (8 F.R. 7356), as amended by Service Order No. 127–A of June 11, 1943 (8 F.R. 8083, 8277), and Service Order No. 127–B of June 22, 1943 (8 F.R. 8684), and good cause appearing therefor: *It is ordered,* That:

Section 95.20 as amended, prohibiting the movement of potatoes from North Carolina and Virginia, except under permit, is hereby vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., July 7, 1943, that copies of this order and direction shall be served upon all common carriers by railroad and upon all tariff publishing agents for common and contract motor carriers serving the States of North Carolina and Virginia and upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that a copy of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-10933; Filed, July 7, 1943; 11:17 a. m]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1991]

BUTTERWORTH COAL COMPANY

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of Butterworth Coal Company for permission to mix the coals produced at the Mine Index No. 3529 with the coals of Mine Index No. 73 for rail shipment.

An original petition and an amendment thereto, pursuant to the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 5, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal

Division, Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of facts and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petition of intervention shall be filed with the Bituminous Coal Division on or before July 31, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the original petition and an amendment thereto filed with the Division by Butterworth Coal Company, a code member in District No. 1, requesting permission to mix the coals produced at Mine Index No. 3529 of Frank De Petro with the coals produced at Mine Index No. 73 of Butterworth Coal Company, for shipment by rail, at Garman, Pennsylvania, on the Pennsylvania Railroad.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, is supplemented to include the price classifications and minimum prices in the schedule marked Temporary Supplement R annexed hereto and made a part hereof.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: July 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10925; Filed, July 7, 1943; 11:03 a. m.]

[Order No. 355]

DISTRICT BOARD 7

DESIGNATION OF EMPLOYEE MEMBER

An order amending Order No. 327, as amended, with respect to the designation of the employee member of District Board No. 7.

The United Mine Workers of America, pursuant to Order No. 327 (6 F.R. 3044) of the Bituminous Coal Division, Department of the Interior, having selected George J. Titler for appointment as member of District Board No. 7, vice William Blizzard, *It is ordered:*

1. That paragraph 2 of said Order No. 327 be and the same is hereby amended by substituting opposite the words "District 7—Southern Numbered 1:" the name of George J. Titler, Raleigh County Bank Building, Beckley, West Virginia, vice William Blizzard, Box 1332, Charleston, West Virginia.

2. That, except as modified by Orders No. 331 (6 F.R. 3455), No. 346 (8 F.R. 3074), and No. 354 (8 F.R. 6063), and by this order, Order No. 327 shall remain in full force and effect.

Dated: July 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10924; Filed, July 7, 1943; 11:03 a. m.]

Office of the Secretary.

[Order 1840]

OPERATION OF MINES

HEALTH AND SAFETY OF WORKERS

JULY 5, 1943.

Pursuant to the provisions of Executive Order No. 9340 of May 1, 1943 (8 F.R. 5695), and to carry out its purpose, I hereby order that

(1) Operating managers of mines in the possession of the Government shall operate the mines in full compliance with State and Federal laws and regulations for the protection of the health and safety of the workers; and

(2) Operating managers shall report to the Bureau of Mines of the Department of the Interior the extent to which they have complied with the recommendations made as a result of inspection of the mines by a Federal Coal Mine Inspector. The report shall be made within such time as the recommendations shall specify and if no time is specified, within 60 days after the receipt of such recommendations in writing.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-10906; Filed, July 6, 1943; 4:05 p. m.]

CIVIL AERONAUTICS BOARD.

[Dockets Nos. 314, 424, 414, 521, 522, 532, 537]

TRANSCONTINENTAL & WESTERN AIR, INC. ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Transcontinental & Western Air, Inc., Western Air Lines, Inc., and United Air Lines Transport Corporation for certificates and amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938 as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding which has been reopened for reargument and reconsideration on the basis of the present record, that further oral argument is assigned for July 14, 1943, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., July 5, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-10923; Filed, July 7, 1943; 10:27 a. m.]

[Docket No. 695]

WESTERN AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the petition of Western Air Lines, Inc., for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over routes Nos. 13, 19 and 52.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned for July 26, 1943, 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW, Washington, D. C., before the Board.

Dated Washington, D. C., July 5, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-10922; Filed, July 7, 1943; 10:27 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-230]

TENNESSEE GAS AND TRANSMISSION COMPANY

ORDER REOPENING HEARING AND SETTING DATE THEREOF

JULY 5, 1943.

It appearing to the Commission that the Applicant in this proceeding, Tennessee Gas and Transmission Company, for a certificate of public convenience and necessity under Section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of facilities for the transportation and sale of natural gas in interstate commerce, has made a partial showing for such a certificate upon the record heretofore made, all of which matters are more fully set out in the Commission's Opinion and Finding No. 93, which is hereby referred to and made a part hereof by reference.

The Commission, having considered the application filed, the testimony and evidence adduced at the public hearings hereon heretofore held, and the record made herein, orders that:

(A) Further hearings in this proceeding be held commencing on September 8, 1943, at 9:45 a. m. (e. w. t.) in the Commission's Hearing Room, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., upon the Applicant's ability to meet the requirements referred to in the Commission's above cited Opinion and Finding;

(B) If prior to the hearing date fixed in item (A) hereof, the Applicant desires to go forward with the presentation of further evidence upon the pertinent issues, upon ten days' notice thereof the date for hearing may be advanced by the Commission;

(C) Interested State commissions and interveners of record may continue participation in this proceeding, as provided in the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-10921; Filed, July 6, 1943; 2:35 p. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 35 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing NRC 10425, ART 15977, ART 16003, ART 17084, ART 17736, PFE 19676, ART 20689, ART 24054, FGE 31536, FGE 33986, PFE 43054, NRC 5820, PFE 93126, ART 16761, PFE 31561, NRC 15571, and ART 358 containing potatoes now on Chicago Produce Terminal Company tracks, Chicago, Illinois; The Alton Railroad Company (Henry A. Gardner, Trustee) to reice once in transit after the first or initial icing FGE 15355 containing potatoes now on Jefferson Street Team Track, Chicago, Illinois, all consigned to Edward H. Anderson & Co., Chicago.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10929; Filed, July 7, 1943; 11:17 a. m.]

[Special Permit 36 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing NADX 903 containing potatoes now on Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned National Tea Co. or La Mantia Bros. Arrigo Co., Chicago.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10930; Filed, July 7, 1943; 11:17 a. m.]

[Special Permit 37 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing in transit after the first or initial icing and one reicing of MDT 21371, MDT 5719, SFRD 24922, and PFE 74478 containing potatoes from Shafter, California, now on the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned to M. Lapidus & Sons, Chicago.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10931; Filed, July 7, 1943; 11:17 a. m.]

[Special Permit 38 Under Service Order 123]

MISSOURI PACIFIC RAILROAD COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to reice once, but not to exceed 2,000 pounds, after the first or initial icing NWX 70529 containing potatoes shipped by Clarksville Produce Co., Clarksville, Arkansas, consigned to C. T. More, St. Louis, Missouri; also to reice once in transit after the first or initial icing SFRD 7021 containing potatoes shipped by Arkansas Central Cooperative Association, Inc., Strong, Arkansas, consigned to C. H. Robinson Co., St. Louis, Missouri for reconsignment to Fargo, North Dakota; also to reice once in transit after the first or initial icing ART 18265 containing potatoes shipped by Arkansas Centran Cooperative Association, Inc., Arkadelphia, Arkansas, consigned to C. H. Robinson Co., St. Louis, Missouri, for reconsignment to Minneapolis, Minnesota; also to accord a second reicing after the first or initial icing and one reicing of SFRD 17590 containing potatoes shipped by Burns & Bay, Dinuba, California, consigned to Max Rudin, St. Louis, Missouri, for reconsignment; also to reice once in transit after the first or initial icing MDT 20252 containing potatoes shipped by Burns & Bay, Shafter, California, consigned to Schwartz Produce Co., St. Louis, Missouri, for reconsignment.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 28th day of June, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10932; Filed, July 7, 1943; 11:17 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional, District, and State Office Orders.

[Region IV Order G-3 Under MPR 154 as Amended]

ICE IN NORLINA, NORTH CAROLINA AREA

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the District Director of the Office of Price Administration, Raleigh, North Carolina by order issued by the Atlanta Regional Office pursuant to § 1393.8 (e) of Maximum Price Regulation No. 154 as amended, *It is hereby ordered:*

(a) On and after the effective date of this order the maximum price for ice delivered in the Norlina, North Carolina area shall be as follows:

300 lbs. (1 block)	$1.50
150 lbs. (½ block)	.75
100 lbs	.60
75 lbs	.45
50 lbs	.35
25 lbs	.20
15 lbs	.15

(b) *Definitions.* (1) "The Norlina, North Carlina area" means all of Warren County, North Carolina and all of that portion of Vance County, North Carolina lying and being situate north of a line extending from the east boundary of said Vance County westerly through and including the town of Middleburg, Vance County, North Carolina and parallel with the North Carolina-Virginia State Line to the west bounary of said Vance County.

(2) Unless the context otherwise requires the definitions set forth in § 1393.10 of Maximum Price Regulation No. 154 as amended shall apply to the terms used herein.

(c) Every seller whose maximum price for ice is established by this Order shall keep posted at a conspicuous place in his place of business a copy of this order.

(d) Except as otherwise provided herein all transactions subject to this order shall remain subject to all of the provisions of Maximum Price Regulation No. 154 as amended together with all amendments and orders that have been heretofore issued or may be hereafter issued.

(e) This order may be revoked, amended or corrected at any time.

This order shall become effective June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of June 1943.

THEODORE S. JOHNSON,
District Director.

[F. R. Doc. 43-10916; Filed, July 6, 1943; 4:42 p. m.]

[Region VII Order G-1 Under MPR 122]

BITUMINOUS COAL IN UINTAH COUNTY, UTAH

Order No. G-1, issued under § 1340.257 (b) (3) of Maximum Price Regulation No. 122—Solid Fuels Delivered from Facilities other than Producing Facilities—Dealers; order modifying price for certain bituminous coal sold in Uintah County, Utah (formerly Order No. 1).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1340.257 (b) (3) of Maximum Price Regulation No. 122, *It is hereby ordered*, That the maximum prices established by § 1340.261 of Maximum Price Regulation No. 122 for the commodities and transactions listed below be modified as hereinafter provided.

(a) Maximum prices for sales of Bituminous Coal produced in Sub-District 17 of District 17, as defined in the Bituminous Coal Act of 1937, as amended, and delivered in Uintah County, Utah, by persons subject to Maximum Price Regulation No. 122 shall be, with exceptions stated below as follows:

	Per net ton
6" Bituminous lump	$6.00
1½ x 6" Bituminous nut	5.50
1½ x 0" Bituminous slack (oiled)	4.50
1½ x 0" Bituminous slack (raw)	4.25

(1) *Exception.* These prices shall not apply to sales of Bituminous Coal delivered to the purchaser from a mine or preparation plant in a truck or wagon owned by, or subject to the control of the producer of the Bituminous Coal or of a distributor thereof, such sales being subject to Maximum Price Regulation No. 120.

(2) *Exception.* Any seller who has established maximum prices under Maximum Price Regulation No. 122, that are higher than the prices fixed by this Order, may continue to sell at such higher established maximum prices, and the same shall not be modified or superseded by this order.

(b) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(c) Sellers affected by this order shall not change their customary allowances, discounts, or other established price differentials, unless such change results in a lower price.

(d) This order becomes effective November 28, 1942, at 10:00 o'clock a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-10911; Filed, July 6, 1943; 4:38 p. m.]

[Region VII Order G-2 Under MPR 122]

BITUMINOUS COAL IN BERNALILLO COUNTY, NEW MEXICO

Order No. G-2 issued under § 1340.257 (b) (3) of Maximum Price Regulation No. 122; Order modifying maximum prices for certain bituminous coal sold in Bernalillo County, New Mexico (formerly Order No. 2).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1340.257 (b) (3) of Maximum Price Regulation No. 122, *It is hereby ordered*, That the maximum prices established by § 1340.261 of Maximum Price Regulation No. 122, for the commodities and transactions listed below, be modified as hereinafter provided:

(1) a. Maximum prices for sales of bituminous coal produced in subdistrict 3 of District 18 as defined in the Bituminous Coal Act of 1937 as Amended, and delivered in Bernalillo County, New Mexico, by persons subject to Maximum Price Regulation No. 122, shall be, with the exceptions stated below, as follows:

2" Bituminous Lump ..... $8.50 per ton

b. Maximum prices for sales of bituminous coal produced in subdistrict 9 of District 18 as defined in the Bituminous Coal Act of 1937 as Amended, and delivered in Bernalillo County, New Mexico, by persons subject to Maximum Price Regulation No. 122, shall be, with the exceptions stated below, as follows:

2" Bituminous Lump ..... $8.25 per ton

c. *Exceptions.* I. These prices shall not apply to sales of bituminous coal delivered to the purchaser from a mine or preparation plant in a truck or wagon owned by or subject to control of the producer of the bituminous coal, or of a distributor thereof, such sales being subject to Maximum Price Regulation No. 120.

II. Any seller who has established maximum prices under Maximum Price Regulation No. 122 that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

III. There may be added to the maximum prices established by this order the exact amount per net ton of all railroad freight rate increase actually incurred as a result of the order of the Interstate Commerce Commission of March 18, 1942, in Interstate Commerce Commission ex parte No. 148.

IV. *Adjustment for dealers.* The dealer may add to the price fixed by this order for 2" bituminous Lump coal any increased cost he hereinafter currently pays his supplier for the same solid fuel over the highest cost per ton he paid for such fuel f. o. b. mine or producing facility during the period of December 1942, *Provided, however,* That within ten days after any seller subject to this order has adjusted upward his maximum price for 2" bituminous lump coal upon the ground that a mine cost increase has occurred, he shall report to the Regional Office of the Office of Price Administration the new price so determined, together with a full and complete statement as to the manner in which he computed the same and a written statement by his supplier certifying over his signature that such increase in mine cost has actually occurred.

(2) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(3) Sellers affected by this order shall not change their customary allowances,

discounts or other established price differentials unless such change results in a lower price.

(4) This order becomes effective December 21, 1942, at 12:01 o'clock a. m.

(Pub. Laws 421 and 729, 77th Cong; E.O. 9250, 7 F.R. 7871)

CLEM W. COLLINS,
Regional Administrator.

DECEMBER 19, 1942.

[F. R. Doc. 43-10914; Filed, July 6, 1943; 4:41 p. m.]

[Region VII Order G-1 Under MPR 376]

FRESH FRUITS AND VEGETABLES IN COLORADO AND WYOMING

Order No. G-1 under section 4 (c) of Maximum Price Regulation No. 376; adjustment of maximum prices for certain fresh fruits and vegetables when sold otherwise than at retail in the States of Colorado and Wyoming.

For the reasons set forth in an opinion issued simultaneously herewith and upon the authority vested in the Regional Administrator by section 4 (c) of Maximum Price Regulation No. 376, *It is hereby ordered:*

(a) *Commodities covered.* This order covers each kind, variety, and type of the following fresh vegetables when grown in or brought into the State of Colorado:

(1) Tomatoes	(5) Green peas
(2) Snap beans	(6) Lettuce
(3) Carrots	(7) Spinach
(4) Cabbage	

The fresh vegetables listed above are referred to in this order as the "listed commodities".

(b) *Geographical applicability.* The provisions of this order are limited in their geographical application to the states of Colorado and Wyoming.

(c) *Transactions covered.* (1) In Colorado, this order applies to all sales except those expressly exempted by paragraph (e) hereof.

(2) In Wyoming, this order applies only to sales when the "listed commodities" were grown in Colorado or if not grown there, were brought into the State of Colorado and there re-sold in less then carlots or less than trucklots to a primary distributor or an intermediate seller who re-sells the same in Wyoming.

(d) *Applicability of Maximum Price Regulation No. 376 and other regulations.* Except insofar as the same are inconsistent with or contrary to the terms and provisions of this Order No. G-1, all of the terms and provisions of Maximum Price Regulation No. 376 shall be applicable hereto with like force and effect as though re-written herein. The maximum prices for the "listed commodities" heretofore established by Order No. G-1 under § 1439.253a (c) of Temporary Maximum Price Regulation No. 28, and Order No. G-2 under § 1439.253a (c) of Temporary Maximum Price Regulation No. 28 and § 1439.304 (c) of Temporary Maximum Price Regulation No. 29, are hereby modified in accordance with the provisions of this order.

(e) *Exempt sales.* The provisions of this order shall not apply to the following:

(1) Sales and deliveries at retail which shall continue to be priced under Maximum Price Regulation No. 268, except sales at retail by a grower or by a wayside market stand, which are covered by this order.

(2) Deliveries to the United States or any agency thereof under contract entered into prior to February 18, 1943, (as to tomatoes, snap beans, carrots, cabbage, and green peas) and February 20, 1943, (as to lettuce and spinach).

(3) Sales and deliveries by a farmer of any listed commodity grown on his farm to a country shipper. This regulation shall apply to any sales and deliveries by a farmer directly to wholesalers, retailers, and commercial, industrial and institutional users, except sales and deliveries to processors, such as but not limited to, canners, packers, manufacturers, or dehydrators.

(f) *Prohibition against sales above maximum prices.* On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell or deliver and no person in the course of trade or business shall buy or receive any of the "listed commodities" at prices higher than the maximum prices established by this order and no person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices than the maximum price may be charged and paid.

(g) *Definitions.* When used in this order, the term:

(1) "Person" includes individuals, corporations, partnerships, associations, or any legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of any of the foregoing.

(2) "Grower" means a person who produces one or more of the "listed commodities".

(3) "Country shipper" means any person, including a grower, who makes sales and deliveries from his farm or country shipping point to any other person and whose sales are covered by the maximum prices set forth in paragraph (p) hereof.

(4) "Carlot or trucklot distributor" means a person other than a country shipper who purchases the "listed commodities" in straight or mixed carlots or in straight or mixed trucklots and re-sells the same in unbroken carlots or unbroken trucklots in a terminal market or other wholesale receiving point.

(5) "Primary distributor" means a person who maintains an established place of business at a terminal or wholesale market and who either by himself or jointly with other primary distributors, purchases the "listed commodities" in straight or mixed carlots or straight or mixed trucklots and breaks the shipment and re-sells in smaller lots without materially changing the form, to intermediate sellers or to retailers. A truck or a truck stand shall not be deemed to be an "established place of business" within the meaning of this order; but a stall in a public market shall be deemed to be such place of business.

(6) "Intermediate seller" means any person (other than a country shipper or retailer) who purchases from a primary distributor any one or more of the "listed commodities" in less than carlots or trucklots for the purpose of re-selling and who takes title and makes sales to any person who is not an ultimate consumer. The term "ultimate consumer" shall not include industrial, commercial, or institutional users (including procurement agencies of the United States or of any State).

(7) "Retailer" means a person who makes sales to ultimate consumers.

(8) "Sales and deliveries at retail" means sales by retailers. Sales to industrial, commercial, or institutional users (including procurement agencies of the United States or of any State) shall not be construed to be sales at retail.

(9) "Country shipping point" means the first place in or near the producing area in the State of Colorado where any one or more of the "listed commodities" is made ready for shipment to any person.

(10) "Cost of transportation" means freight by common, contract, or private carrier not to exceed the lowest common or contract carrier rate for available transportation over a distance of 25 miles or more, and includes charges incurred for pre-cooling, initial icing, and other protective services.

(11) Unless the context otherwise requires, the definitions set forth in Section 13 of Maximum Price Regulation No. 376 shall apply to other terms used herein.

(h) *Maximum prices for country shippers.* Maximum prices for all sales made at a country shipping point shall be the prices specified in the tables set forth in paragraph (p) hereof.

(i) *Maximum prices for carlot or trucklot distributors.* If any person, (1) purchases any one or more of the "listed commodities" in straight or mixed carlots at a country shipping point in Colorado and re-sells the same in straight or mixed carlots in a terminal market or other wholesale receiving point in Colorado or Wyoming; or (2) purchases any one or more of the "listed commodities" in straight or mixed trucklots at a country shipping point in Colorado and re-sells the same in straight or mixed trucklots (without breaking the original trucklots) at a terminal market or other wholesale receiving point in Colorado or Wyoming, the maximum price shall be the maximum price at the country shipping point plus the cost of transportation from the country shipping point to the terminal market or other wholesale receiving point plus a brokerage charge, if actually incurred, not to exceed the broker's maximum service charge as established under § 1499.101 (c) (17) of Maximum Price Regulation No. 165 and duly filed with the proper War Price and Rationing Board.

(j) *Classes of primary distributors and intermediate sellers.* For the purposes of this order, primary distributors

and intermediate sellers shall be divided into the following classes:

CLASS I: *Retailer-owned cooperative seller.* A retailer-owned cooperative primary distributor or intermediate seller is either a nonprofit organization or a corporation, 51% or more of the stock of which is owned by its retailer customers and which purchases and re-sells the "listed commodities" without materially changing their form.

CLASS II: *Cash-and-carry seller.* A cash-and-carry seller is a seller not in Class I who customarily buys and re-sells the "listed commodities" to intermediate sellers, retail stores, or to commercial, industrial, or institutional users without materially changing their form and who does not customarily deliver or extend credit to customers.

CLASS III: *Service seller.* A service seller is a seller not in Class I who customarily purchases and re-sells the "listed commodities" to chain stores, independent retail stores or to commercial, industrial, or institutional users without materially changing their form and who customarily delivers and extends credit to customers.

(k) *Maximum prices for primary distributors.* (1) A primary distributor's "base price" shall be the country shipping point price when the "listed commodities" are grown in Colorado, plus cost of transportation, plus a brokerage charge, if actually incurred, not to exceed the broker's maximum service charge as established under § 1499.101 (c) (17) of Maximum Price Regulation No. 165 and duly filed with the proper War Price and Rationing Board; and when the "listed commodities" are grown outside of Colorado, the "base price" of a primary distributor whose place of business is in Colorado shall be the net cost to him delivered at his customary receiving point when purchased from a customary supplier in straight or mixed carlots or in straight or mixed trucklots, not, however, to exceed the maximum price of his supplier plus cost of transportation, and plus a brokerage charge as hereinabove specified in this paragraph.

(2) The maximum price for any one of the "listed commodities", when sold by a Class I or Class II primary distributor, shall be such primary distributor's "base price" multiplied by 1.095; and the maximum price for any one of the "listed commodities", when sold by a Class III primary distributor, shall be such primary distributor's "base price" multiplied by 1.175.

(l) *Maximum prices for intermediate sellers.* (1) An intermediate seller's "base price" for any one of the "listed commodities", when purchased from a primary distributor, shall be the "base price" of his supplier. In all such transactions it shall be the duty of the seller to furnish the buyer a statement either upon the face of the invoice or by separate instrument, showing the seller's "base price" and how it was arrived at.

(2) The maximum price for any one of the "listed commodities" when sold by a Class I or Class II intermediate seller shall be such intermediate seller's "base price" multiplied by 1.20 plus cost of transportation and the maximum price for any one of the "listed commodities" when sold by a Class III intermediate seller shall be such intermediate seller's "base price" multiplied by 1.29. *Provided, however,* That an intermediate seller who purchases from another intermediate seller shall have for his maximum price the maximum price of the intermediate seller from whom he purchased.

(m) *Maximum prices for sales at retail by a grower or a wayside market stand.* The maximum prices for a grower or a wayside market stand on sales made to an ultimate consumer shall be the country shipping point price multiplied by 1.40.

(n) *Notification by intermediate seller.* Every sale of a "listed commodity" by an intermediate seller to another intermediate seller shall be accompanied by a notification in writing showing the seller's maximum price for such sale.

(o) *What specified markups include.* The maximum markups provided herein for primary distributors and intermediate sellers include all commissions and brokerage charges, if any, and all other items of cost involved in making local deliveries within a seller's customary free delivery zone. Any primary distributor or intermediate seller delivering the "listed commodities" to institutions or retail stores outside his free delivery zone may charge different delivered prices in such other areas or zones in which deliveries are made as follows:

(1) He first determines his delivered price for each area or zone by adding to his prices established by this order an amount not exceeding the average cost of delivery to the institutions or retailers in the area or zone.

(2) In determining the average cost of delivery to the retailers in the area or zone no rate shall be used which is in excess of the lowest common or contract carrier rate for available transportation.

(3) If such a delivery charge is made, the amount thereof shall be included as part of the maximum price established by this order. Before using such area or zone differential, the primary distributor or intermediate seller shall report it in writing to the nearest Regional or State office of the Office of Price Administration having jurisdiction over the seller.

(p) *Maximum prices at country shipping point in Colorado.*

TABLE I—LETTUCE

1. In crates of 4's and 5's, ice pack, for distance shipment	$4.50
2. In crates of 4's and 5's, dry pack, for distance shipment	4.00
3. In crates of 3's, selected heads, sold by farmer to wholesaler, retailer, and/or commercial, industrial, or institutional user	2.25

TABLE II—GREEN PEAS

Per pound in hampers or bags	.10

TABLE III—SPINACH

All varieties (except "Colorado Mountain" spinach which is not covered by this order) in bushel containers, minimum weight 20 pounds	1.40

(q) *Right to revoke or amend.* This order may be revoked, modified, or amended by the Price Administrator or the Regional Administrator at any time.

(r) *Effective date.* This order shall become effective at 12:01 a. m. on the 8th day of June, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of June, 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-10915; Filed, July 6, 1943; 4:41 p. m.]

[Region VIII Order G-1 Under MPR 154]

ICE IN CLARK COUNTY, NEVADA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1393.8 (c) of Maximum Price Regulation No. 154, *It is hereby ordered:*

(a) The adjusted maximum price at which the National Ice and Cold Storage Company of Las Vegas, Nevada may sell ice in Clark County, Nevada shall be as follows:

(1) For sales of ice in carlot quantities where the seller provides for unloading the ice and absorbs the shrinkage, $8.75 per ton.

(2) For sales of ice in less than car lot quantities where the buyer provides for unloading and absorbs the shrinkage, $8.00 per ton.

(b) The adjusted maximum prices for sales of ice by sellers other than the National Ice and Cold Storage Company at wholesale and retail in Clark County, Nevada, shall be as follows:

(1) For sales of ice at wholesale, the adjusted maximum price shall be as follows:

Time of sale	Quantity unit	Adjusted maximum price per cwt.
Delivered	Cubes	$1.60
	Blocks:	
Platform	25-50 pounds	.90
Platform	100 pounds	.833
Platform	150 pounds	.75
Platform	200 pounds	.75
Platform	300 pounds and over	.70
Delivered	25-50 pounds	.90
Delivered	100 pounds	.833
Delivered	150 pounds and over	.75
Delivered	1,000 to 1,999 pounds	.70
Delivered	2,000 pounds and over	.60

(2) For sales of ice at retail the adjusted maximum price shall be as follows:

Type of sale	Quantity unit	Adjusted maximum price per cwt.
Platform	25-50 pounds	$0.90
Platform	100 pounds	.833
Platform	150-200 pounds	.75
Platform	300 pounds and over	.70
Delivered	25-50 pounds	.90
Delivered	100 pounds	.833
Delivered	150 pounds and over	.75

(c) Definitions:

"Wholesale" means sales to restaurants, stores, hotels, dairies, and other commercial users.

"Retail" means sales to ultimate consumers.

"Delivered" means delivery to the premises of the buyer.

"Platform" means customary dispensing point on or near the premises of the seller.

(d) This order may be revoked, amended, or corrected at any time.

(e) This order shall terminate September 15, 1943.

This order shall become effective June 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-10920; Filed, July 6, 1943; 4:43 p. m.]

[Region VIII Order G-3 Under MPR 165 as Amended]

LAUNDRY AND CLEANING SERVICES IN LOS ANGELES AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, *It is hereby ordered:*

(a) The adjusted maximum prices which power laundries located in the Los Angeles area as herein defined may charge for family laundry services, and for those industrial laundry and cleaning services which are described in Appendix A attached hereto, shall be those set forth in the said Appendix A.

(1) Except as otherwise expressly provided, the adjusted maximum prices shall be those specified in Column 1 of Appendix A.

(2) In the case of dry wash (fluff dry), semifinish (rough dry), family flat and finished service supplied by American Steam Laundry, 1705 Hooper Avenue, Los Angeles, and Sav-a-Day Laundry, 6101 Santa Fe Avenue, Huntington Park, California, the adjusted maximum prices shall be those set forth in Column 2 of Appendix A.

(3) In the case of dry wash (fluff dry), and semifinish (rough dry) service supplied by Peerless Laundry, 5862 South Main Street, Los Angeles, the adjusted maximum prices shall be those set forth in Column 3 of Appendix A.

(4) In the case of finished service supplied by the following laundries, the adjusted maximum prices shall be those set forth in Column 3 of Appendix A.

Modern Craft Laundry, 900 N. Labrea, Hollywood, California.
Hollywood Laundry, 1020 Lillian Way, Los Angeles, California.
Beverly Hills Laundry, 321 N. Maple Dr., Beverly Hills, California.
California Laundry, 1025 N. Vine, Los Angeles, California.
Craig Laundry, 900 N. Highland Ave., Los Angeles, California.
Peerless Laundry, 5862 S. Main St., Los Angeles, California.
Riverview Laundry, 451 San Fernando Rd., Los Angeles, California.
French Colonial Laundry, 601 S. Figueroa St., Los Angeles, California.

(5) In the case of the service of laundering or cleaning overalls and coveralls supplied by the following laundries, the adjusted maximum prices shall be those set forth in Column 4 of Appendix A.

Welch Overall and Uniform Cleaning Co., 3505 Pasadena Ave., Los Angeles.
Prudential Laundry Company, 850 W. Slauson St., Los Angeles.
California Overall Cleaning Co., 959 E. 31st St., Los Angeles.
Los Angeles Overall Cleaning Co., 2420 E. 58th St., Los Angeles.
Johnson Overall Cleaning Co., North Hollywood.

(6) The adjusted maximum price of a family laundry service which does not conform exactly to the description of *one* of the listed family services in Appendix A, shall be that of the listed service all of whose specifications are met by the unlisted service. Thus, where an unlisted service offers more elements of laundry service than a particular listed service, but does not meet the specifications of a higher-priced listed service, its maximum price shall be that of the lower-priced listed service.

(7) In finished service, starch must be supplied where necessary for proper finishing of wearing apparel (including shirts) unless the customer requests no starch.

(8) In the case of finished service, any power laundry may impose a minimum charge of 50¢ (before discount) for cash and carry customers and a minimum charge of $1.50 for delivery customers.

(9) Any power laundry which customarily allowed a discount for cash and carry service during March 1942 must maintain a discount, the amount of which shall be at least 20% in the case of all laundries not expressly named in this sub-paragraph, 15% in the case of the French Colonial Laundry, 601 S. Figueroa St., Los Angeles, and 10% in the case of the following laundries:

Peerless Laundry, 5862 S. Main St., Los Angeles.
Modern Craft Laundry, 900 N. Labrea, Los Angeles.
Sav-a-Day Laundry, 6101 Santa Fe Ave., Huntington Park.
Beverly Hills Laundry, 321 N. Maple Dr., Beverly Hills, Calif.
Craig Laundry, 900 N. Highland Ave., Los Angeles.

(10) Any item of family laundry service for which no adjusted maximum price is fixed by this order shall be subject to the maximum price established pursuant to Maximum Price Regulation No. 165 as amended.

(b) The adjusted maximum prices which power laundries located in the Los Angeles area may charge for military laundry, washed and dried or washed and returned finished ready for use, shall be the prices set forth in Appendix B attached hereto.

(c) The adjusted maximum prices which any power laundry in the Los Angeles area may charge for commercial and institutional flat work, washed and returned finished ready for use shall be the prices set forth in Column 1 of Appendix C attached hereto except that in the case of commercial or institutional flat work supplied to hotels having 75 rooms or less or to apartment houses having 50 units or less, the adjusted maximum prices shall be those set forth in Column 2 of Appendix C. For the purposes of this paragraph, the term "commercial or institutional flat work" means flat work sold to commercial and institutional users including governmental users.

(d) *Definitions.* For the purposes of this order:

(1) "Los Angeles area" means the city of Los Angeles except the portion thereof lying south of Rosecrans Avenue and the cities of Inglewood, Culver City, Huntington Park and Beverly Hills in the State of California.

(2) "Power laundry" includes all establishments offering laundry services for sale, except such hand laundries as do not use power machinery to wash laundry.

(3) "Ready for use" refers to laundry which has been pressed or ironed by machine, but which need not have been ironed by hand.

(e) Within 30 days after the effective date of this order, each power laundry located in the Los Angeles area and offering family laundering services shall post in its establishment, in a place and manner so that it is plainly visible to members of the public entering the establishment, a placard or other statement stating the adjusted maximum prices applicable to that establishment under this order, and the applicable maximum prices for any other family laundry services offered by the establishment. Within 30 days after the effective date of this order each power laundry in the Los Angeles area shall furnish to each customer a statement describing the family laundry services offered as they are described in Appendix A and stating the maximum prices of each. Similar statements shall be furnished thereafter to new customers.

(f) No power laundry in the Los Angeles area may refuse to supply any laundry service which it supplied in March 1942, if it supplies or offers to supply any higher priced service which includes the same or substantially the same processes (with or without additional processes), as the lower price service; except that a laundry may substitute for any family laundry service supplied in March 1942 which is not described in Appendix A that service listed in Appendix A which most closely resembles it in specifications and price.

This order may be amended, revoked or corrected at any time.

This order shall take effect June 28, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 24th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

APPENDIX A—ADJUSTED MAXIMUM PRICES FOR FAMILY LAUNDRY SERVICES

[Maximum prices]

Column 1	Column 2	Column 3
Damp wash, in which all laundry is washed and returned damp: 20 lbs. for $1.05 plus 4¢ for each additional lb. If requested, shirts finished for 13¢ each extra.		
Dry wash (fluff dry) in which all laundry is washed, wearing apparel starched if requested and returned dry: 10 lbs. for 65¢ plus 6¢ for each additional lb. If requested shirts finished for 12¢ each extra.	10 lbs. for 70¢ plus 6¢ for each additional lb. If requested shirts finished for 12¢ each extra.	10 lbs. for 75¢ plus 6¢ for each additional lb. If requested shirts finished for 12¢ each extra.
Semifinish (rough dry) or family flat, in which the wearing apparel, if any, is washed, starched if requested, and returned dry and the flatwork is washed and returned finished, ready for use (hand retouching is not required):		
Flatwork at list price—Wearing apparel:		
Pants, $0.11	$0.11	$0.11.
Overalls, $0.11	$0.11	$0.11.
Coveralls, $0.16	$0.16	$0.16.
Robes, $0.11	$0.11	$0.11.
Sweaters, $0.13	$0.13	$0.13.
Silk and wool pieces, $0.08	$0.08	$0.08.
Painters' jumpers, $0.16	$0.17	$0.19.
Painters' overalls, $0.16	$0.17	$0.19.
Painters' coveralls, $0.21	$0.22	$0.24.
All other wearing apparel pieces, $0.02½	$0.03	$0.03½.
Minimum charge $1.25. If requested, shirts finished at list price.		
Finished service in which wearing apparel, flatwork and specialties are washed and returned finished ready for use (no hand ironing is required):		
Ladies:		
Apron, bib, $0.13	$0.14	$0.20.
Apron, plain, $0.09	$0.09	$0.10.
Apron, bungalow, $0.26	$0.28	$0.37.
Bathrobes, $0.31	$0.33	$0.35.
Bathrobes, silk, $0.36	$0.38	$0.55.
Belts, $0.05	$0.05	$0.06.
Brassiers, $0.13	$0.14	$0.16.
Child's pieces, plain:		
No starch, $0.13	$0.14	$0.19.
Starch, $0.16	$0.17	$0.23.
Dresses, plain, $0.42	$0.44	$0.55.
Dresses, silk, $0.50	$0.53	$0.66.
Hose, $0.10 pair	$0.10 pair	$0.11 pair.
Hose, silk, $0.14 pair	$0.15 pair	$0.15 pair.

	Column 1	Column 2	Column 3	Column 4
Ladies':				
Night dress:				
Plain cotton	$0.21	$0.22	$0.36	
Plain silk	.26	.28	.50	
Nurses' uniform:				
Short sleeves	.35	.37	.52	
Long sleeves	.50	.53	.65	
Silk-rayon	.65	.69	.75	
Pajama pair	.26	.27	.27	
Silk	.36	.38	.54	
Skirts:				
Cotton	.28	.30	.40	
Linen, palm beach	.40	.42	.50	
Slacks	.36	.38	.42	
Slips	.24	.25	.26	
Silk	.31	.33	.35	
Step-in or shorts	.10	.11	.13	
Silk	.15	.17	.21	
Sweaters	.26	.27	.40	
Waists and blouses	.26	.28	.42	
Silk	.34	.36	.50	
Men's:				
Bathrobes	.31	.33	.35	
Caps	.10	.11	.16	
Coats	.26	.27	.32	
Coats, linen, palm beach	.60	.60	.60	
Collars stiff	.05	.05	.06	
Collars soft	.04	.04	.05	
Coveralls unstarched	.35	.35	.35	$0.40
Coveralls starched	.40	.40	.40	.45
Drawers or shorts	.12	.12	.13	
Silk wool	.16	.17	.21	
Frocks-Smocks	.30	.31	.32	
Hose, golf	.18	.19	.22	
Jumpers	.26	.27	.31	
Linen suits	1.04	1.04	1.04	
Night shirts	.16	.17	.22	
Silk	.23	.24	.27	
Overalls unstarched	.26	.26	.26	.30
Overalls starched	.31	.31	.31	.35
Pajama pair	.26	.26	.27	
Silk	.36	.40	.54	
Pants or knickers	.27	.27	.32	
Linen or palm beach	.52	.52	.52	
Shirts	.16	.17	.18	
Shirts dress, silk wool	.29	.32	.35	
Shirts sport	.25	.26	.27	
Socks pair	.07	.07	.08	
Wool silk	.09	.09	.11	
Sweaters	.26	.27	.40	
Sweat shirts	.16	.16	.16	
Undershirts	.11	.12	.13	
Silk wool	.16	.17	.21	
Union suits	.16	.17	.21	
Silk wool	.26	.27	.32	

	Column 1	Column 2	Column 3
Flatwork:			
Bathmat	$0.10	$0.10	$0.10
Blanket, cotton single	.26	.26	.26
Cotton double	.39	.39	.39
Wool single	.52	.52	.52
Wool double	.68	.68	.78
Comforter	.58	.58	.58
Doilies	.06	.06	.06
Flannel blanket	.11	.11	.11
Flour sacks	.03	.03	.03
Hanks	.03	.03	.03
Hanks silk	.05	.05	.05
Laundry bag	.03	.03	.03
Mattress cover	.13	.14	.16
Mops	.10	.10	.10
Napkins	.03	.03	.03½
Pads	.14	.15	.16
Pot holders	.02	.02	.02
Quilts	.43	.45	.52
Rags, greasy	.02½	.02½	.03½
Rugs bath	.11	.12	.16
Sheets	.08	.08	.08
Scarfs	.09	.09	.11
Shower curtain	.12	.13	.15
Slips	.05	.05	.05½
Spreads, plain	.23	.24	.37
Rayon, chenille	.36	.39	.50
Table cloths under 2 yards	.11	.11	.11
Over 2 yards	.16	.16	.16
Ties	.09	.09	.10
Towels dish	.02½	.02½	.02½
Hand	.03	.03	.03
Bath	.03	.03	.03
Roller	.05	.05	.05
Wash cloths	.02	.02	.02½

APPENDIX B

ADJUSTED MAXIMUM PRICES FOR MILITARY LAUNDRY

Military services, arranged through the Camp Laundry Officer, for the personnel of the Armed Forces, in which Laundry is washed and dried, except that suntan shirts, pants, ties, and field hats are washed and returned finished ready for use. (No hand ironing is required).

Time basis. $2.85 per month per man, or, for periods less than one month, 10¢ per man per day, for a maximum of 30 pieces per bundle per week, including not more than 3 shirts or pants, or fatigue suits, or any combination. Additional shirts, pants or fatigue suits at list price; other pieces at 5¢ each.

	List price
Barrack bag	$0.05
Belt	.03
Caps fatigue	.03
Coat fatigue	.10
Coverall	.19
Field hat	.10
Handkerchiefs	.02
Leggings—pair	.10
Pajama coat	.06
Pants	.06
Rags or wash cloths	.02
Shirts	.14
Wool	.20
Shorts	.04
Socks—pair	.03
Silk or wool—pair	.04
Sweat pants	.12
Sweat shirt	.12
Ties	.03
Towel bath	.03
Face	.02
Trousers fatigue	.10
Suntan	.20
Underdrawers	.04
Wool, silk	.06
Undershirt	.04
Wool, silk	.06
Unionsuit	.10
Wool, silk	.12
Minimum charge	.75

APPENDIX C—ADJUSTED MAXIMUM PRICES FOR COMMERCIAL AND INSTITUTIONAL FLATWORK

	Column 1	Column 2
Sheets	$0.04½	$0.05
Slips	.02	.03
Towels	.01½	.01½
Towels, tea	.01½	.01½
All rags	.01	.01½
Bath towels	.02	.02
Napkins	.01	.01½
Spreads, white	.08	.10
Spreads, silk-rayon	.10	.12
Table cloths	.04	.06
Table tops and lunch cloths	.02½	.04
Table pads	.06	.10
Aprons, no starch	.02½	.05
Scarfs, no starch	.02	.03
Bath mats	.02½	.05
Bath rugs	.03½	.05
Shower curtains	.05	.10
Bed pads	.06	.10

Minimum charge $2.50.

VOLUME DISCOUNTS (APPLICABLE TO COLUMN 1)

Dollars volume per month per pick-up and delivery location:	*Minimum discount*
0–50	Net
50–100	5%
100–200	10%
200–400	15%
400 and over	20%

[F. R. Doc. 43-10919; Filed, July 6, 1943; 4:43 p. m.]

[Region VIII Amdt. 2 to Order G-3 Under MPR 329]

FLUID MILK IN SANTA BARBARA AND MARIN COUNTIES, CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, Order No. G-3 under Maximum Price Regulation No. 329 (Purchases of Milk From Producers for Resale as Fluid Milk) is hereby amended as follows:

(a) Paragraph (a) (1) as amended is hereby further amended by striking from said paragraph the area "Santa Barbara County" and the accompanying prices and substituting therefor the following:

Location of dairy:	*Maximum price*
Santa Barbara County—that portion east of the line beginning at the Pacific Ocean thence north along the range line between ranges 33 and 34 west to the line between townships 5 and 6 north, thence east along that line to the range line between ranges 32 and 33 west, thence north along that line to the line between townships 7 and 8 north, thence east along that line to the range line between ranges 31 and 32 west and thence north along that line to the San Luis Obispo County line	$1.02
Santa Barbara County—the remaining portion	.925

(b) Paragraph (a) (1) as amended is hereby further amended by striking from said paragraph the following description of areas "Marin County—that portion lying east of State Highway No. 1 and south of the Point Reyes-Novato Highway" and "Marin County—that portion lying west of the State Highway No. 1 and that portion lying north of the Point Reyes-Novato Highway" and the accompanying prices, and substituting therefor the following:

Location of dairy:	*Maximum price*
Marin County—that portion lying east of State Highway No. 1 and south of the Point Reyes-Novato Highway and all points in Marin County within ½ mile of that area	$0.95
Marin County—remaining portion	.935

This amendment shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-10917; Filed, July 6, 1943; 4:42 p. m.]

[Region VIII Order G-1 Under MPR 333 as Amended]

EGGS AND EGG PRODUCTS IN SPOKANE, WASHINGTON

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1429.63 of Maximum Price Regulation No. 33 as amended, *It is hereby ordered:*

(a) The adjusted maximum price for sales of shell eggs in the city of Spokane in the State of Washington shall be the maximum price for shell eggs as specified in §§ 1429.67, 1429.68, and 1429.69 of Maximum Price Regulation No. 333 as amended for the city of Seattle in the State of Washington.

(b) The city of Spokane shall be deemed a basing point city within the meaning of that term as used in § 1429.67 of Maximum Price Regulation No. 333 as amended.

(c) The term "City of Spokane" means the area within the corporate limits of said city.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-10918; Filed, July 6, 1943; 4:42 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-55, 37-30]

COMMUNITY GAS AND POWER COMPANY, ET AL.

ORDER REQUIRING SIMPLIFICATION OF HOLDING COMPANY SYSTEM AND RELATED ACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2nd day of July, A. D. 1943.

In the matter of Community Gas and Power Company, American Gas and Power Company and the subsidiary companies thereof; File No. 59-55 and Public Utilities Management Corporation; File No. 37-30.

The Commission having instituted proceedings with respect to Community Gas and Power Company, American Gas and Power Company, and the subsidiary companies thereof, under sections 11 (b) (1), 11 (b) (2), 12 (c), 12 (f), 13, 15 and 20 (a) of the Public Utility Holding Company Act of 1935;

Hearings having been held after appropriate notice, and the Commission being fully advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, *It is hereby ordered*, Pursuant to section 11 (b) (1) of said Act, that American Gas and Power Company shall limit the operations of its holding company system by severing its relationships with the companies named hereafter, by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of said Act or the rules, regulations or orders promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by such companies:

Birmingham Gas Company
Savannah Gas Company
Jacksonville Gas Company
St. Augustine Gas Company
Bangor Gas Company
Lowell Gas Light Company
American Utilities Associates;

It is further ordered, Pursuant to section 11 (b) (2) of said Act, that the steps enumerated below be taken by the companies indicated, in any appropriate manner not in contravention of the applicable provisions of said Act or the rules, regulations or orders promulgated thereunder:

1. That the corporate existence of Community Gas and Power Company be terminated and that said company be liquidated and dissolved;

2. That the existence of American Utilities Associates be terminated and that American Utilities Associates be liquidated and dissolved; and

3. That American Gas and Power Company change its present capital structure consisting of secured debentures, indebtedness owed to subsidiary companies, and common stock, into a capital structure consisting of one class of stock, namely common stock.

It is further ordered, Pursuant to section 12 (c) of said Act and Rule U-100 of the general rules and regulations promulgated under said Act, that American Gas and Power Company shall not acquire, retire, or redeem any of its outstanding debentures (with the exception of debentures held in the treasury of said company at the date hereof) except pursuant to a declaration effective in accordance with the procedure specified in Rule U-23, and that the exemptions provided by paragraphs (b) (4), (5, and (6) of Rule U-42 be and hereby are withdrawn as applied to any future acquisition, retirement, or redemption of any of said outstanding debentures.

It is further ordered, Pursuant to section 13 of said Act, that Post Amendment No. 1 to Application for Approval of Mutual Service Company, filed by American Gas and Power Company and Public Utilities Management Corporation, be and hereby is approved, and that the transactions proposed therein be carried into effect forthwith; and such transactions are hereby declared exempt from section 9 (a) of said Act pursuant

to the provisions of paragraph (b) of Rule U-40, and from the requirements of Rule U-43, paragraph (a), as provided in paragraph (b) (3) thereof.

And *It is further ordered:*

(1) That jurisdiction be and hereby is reserved to the Commission to consider all other issues raised in the Commission's notice and order for hearing of September 24, 1942, with respect to the aforementioned companies and not yet decided, including among others, questions relating to the disposition of the proceeds of any sales consummated pursuant to section 11 (b) (1) of said Act, the corporate structure of Minneapolis Gas Light Company under sections 11 (b) (2), 12 (c) and 12 (f) of said Act, accounts under sections 15 (a), 15 (f) and 20 (a) of said Act, and the continued existence of American Gas and Power Company under section 11 (b) (2) of said Act; and

(2) That the Commission's findings, opinion and order herein shall be without prejudice to the right of the Commission to enter such other and further orders from time to time as the Commission may deem necessary or appropriate to secure compliance by the respondents with the provisions of the Act and the pertinent rules, regulations and orders thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10890; Filed, July 6, 1943; 2:35 p. m.]

[File No. 811-220]

FOUNDATION INDUSTRIAL ENGINEERING CO., INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of July, A. D., 1943.

Foundation Industrial Engineering Company, Inc., a registered investment company, having filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company within the meaning of said Act;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on July 13, 1943, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That William W. Swift, Esquire, shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10891; Filed, July 6, 1943; 2:35 p. m.]

[File No. 70-757]

INTERSTATE POWER COMPANY

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 5th day of July, A. D. 1943.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Interstate Power Company (Del.), a registered holding company and a subsidiary of Ogden Corporation, also a registered holding company; and

Notice is further given that any interested persons may, not later than July 19, 1943 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said application or declaration, which is on file in the office of said Commission for a statement of the transaction therein proposed, which is summarized below:

Interstate Power Company (Del.) proposes to settle and adjust the intercompany open account indebtedness of $252,567.59 owed to it by its wholly-owned subsidiary, Interstate Power Company of Wisconsin. In effecting such settlement and adjustment, it is proposed that the said subsidiary pay its parent the sum of $52,567.59 in cash in consideration of the forgiveness of the balance of said account, amounting to $200,000. The said subsidiary will credit its capital surplus in the amount of $200,000 and will use said amount of capital surplus for no other purpose than to absorb adjustments to be made on its books when the original cost of its utility plant is finally determined and approved by the Public Service Commission of Wisconsin.

Section 12 (b) of the Act and Rule U-45 have been designated as being applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10892; Filed, July 6, 1943; 2:35 p. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION. ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued July 6, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No	Name and address of builder	Location of project	Issuance date
P-19-h	39055	Shell Pipe Line Corporation, Washington, D. C.	Harris County, Deer Park, Tex.	6-18-43
P-19-e	33843-E	Michigan State Highway Department, Lansing, Mich	U. S. Hwy No. 10, Fisher Body Plant near Grand Blanc, Mich.	6-22-43

[F. R. Doc. 43-10872; Filed, July 6, 1943; 11:12 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued July 6, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance Date
P-19-h	76602	A. Smith Bowman Distillery, Sunset Hills, Va.	Sunset Hills, Va.	6-24-43
P-19-h	58757	Amerada Petroleum Corporation, Los Angeles, Calif.	Helm and Riverdale Fields, Fresno County, Helm and Riverdale, Calif.	6-24-43
P-19-h	Plancor 868	Minneapolis-Honeywell Regulator Co., Minneapolis, Minn.	Chicago, Ill.	6-28-43
P-55	1055 77-014-774	John W. Raynor, RFD #2, Horsehead, N. Y.	Butler Ave. at corner Cornell and Butler, Horseheads, N. Y.	6-10-43
P-55	1084 77-014-862	Frank C. Battaglia, 76 North Park, Buffalo, N. Y.	Janet St. between Davidson and Egbert Rd., Buffalo, N. Y.	6-10-43
P-55	1023 77-014-700	Abco Realty Corporation, 2510 St. Paul Blvd., Rochester, N. Y.	Delaware Ave. Avery Ave., Buffalo, N. Y.	6-10-43

[F. R. Doc. 43-10871; Filed, July 6, 1943; 11:12 a. m.]

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Reference

FEDERAL REGISTER

VOLUME 8 NUMBER 135

Washington, Friday, July 9, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[Suspension Order Docket No. FDA-SW-1, Correction]

PART 1590—SUSPENSION ORDERS

HOUSTON CATTLE COMPANY

In the document beginning on page 9177 and concluding on page 9178 of the issue for Tuesday, July 6, 1943 (8 F.R. 9177-9178), the word "livestock" appearing in the paragraph immediately following subparagraph (c) and immediately preceding § 1590.1 thereof should read "meat"; and the word "meat" appearing in the said paragraph immediately before the word "requirements" should be deleted.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 7th day of July, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-10992; Filed, July 8, 1943; 11:17 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 70—THE ARMY NURSE CORPS

APPOINTMENT OF MARRIED NURSES

Section 70.3 is amended as follows:

§ 70.3 *Appointment and promotion.* * * *

(f) *Married nurses.* For the duration of the war and 6 months subsequent thereto, married nurses who meet all other requirements for military service may be accepted for appointment in the Army Nurse Corps as Reserve nurses. In carrying out this provision, the following policy will govern.

(1) Only those who are willing to accept assignment unreservedly will be accepted.

(2) A nurse with one or more dependent children under 14 years of age will not be appointed in the Army Nurse Corps. (40 Stat. 879, 41 Stat. 767; 10 U.S.C. 161, 164) [Par. 3*j*, AR 40-20, 5 April 1943 as amended by C 3, 18 June 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-10973; Filed, July 8, 1943; 9:43 a. m.]

PART 79—PRESCRIBED SERVICE UNIFORM

OFFICERS' FOOTGEAR

Section 79.10 (a) (1) (i) and (ii) are rescinded as follows:

§ 79.10 *Footgear*—(a) *Boots*—(1) *Officers and warrant officers*—(i) *Dress.* [Rescinded]

(ii) *Semidress.* [Rescinded] (R.S. 1296; 10 U.S.C. 1391) [Par. 10*a*, AR 600-35, 10 November 1941, as amended by C 23, 19 June 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-10974; Filed, July 8, 1943; 9:43 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SHORT SALES AND SOLICITATION OF PURCHASES ON EXCHANGE TO FACILITATE DISTRIBUTION OF SECURITIES

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to the authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 10 (a), 10 (b) and 23 (a) thereof, hereby takes the following action:

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
District Board 7	9427
District Board 12	9427
Parke, Elza	9428
Summit Coal Mining Co	9428
CUSTOMS BUREAU:	
Air commerce regulations, temporary airports of entry	9351
FEDERAL POWER COMMISSION:	
Southern Natural Gas Co., notice of application	9432
FISH AND WILDLIFE SERVICE:	
Alaska Game Commission; guides, poisons, and resident trapping, hunting, and fishing licenses	9426
GENERAL LAND OFFICE:	
Cedarvale, N. Mex., sale of town lots	9429
Florida, revocation of land withdrawal	9429
Salt Plains National Wildlife Refuge, Okla., enlargement	9430
INTERNAL REVENUE BUREAU:	
Income tax, pension trusts	9351
INTERSTATE COMMERCE COMMISSION:	
Transportation of explosives	9425
OFFICE OF DEFENSE TRANSPORTATION:	
Calumet-Indiana-Illinois area, restriction of milk delivery operations	9433
West Salem, Wis., joint action plan for milk deliveries	9432
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Defense Supplies Corporation	9388
List of orders filed	9434
Applications, clarification of procedure (GMPR, Am. 55)	9423
Containers, wooden:	
Eastern and central (MPR 320, Am. 5)	9381
Western (Rev. MPR 186, Am. 7)	9380
Copper scrap and copper alloy scrap (MPR 20, Am. 2)	9388

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page

Fish:
- Fresh fish and seafood (MPR 418) 9366
- Salmon, sales by canners (MPR 265, Am. 2) 9380
- Tuna fish, fresh (MPR 366, revocation) 9380

Foods:
- Ceiling prices:
  - Retail:
    - Group 1 and Group 2 stores (MPR 423) 9407
    - Group 3 an Group 4 stores (MPR 422) 9395
  - Wholesale (MPR 421) 9388
- Fixed mark-up regulation, sales at retail (Rev. MPR 238, Am. 6) 9365
- Perishable food commodities, sales at retail (Rev. MPR 268, Am. 5) 9365
- Fuel oil rationing (RO 11, Am. 71) 9382

Lumber:
- Central hardwood (MPR 155, Am. 7) 9417
- Logging services (MPR 165, Supp. Services Reg. 16, Am. 1) 9386
- Northern softwood (Rev. MPR 222) 9382
- West Coast logs (Rev. MPR 161, Am. 5) 9381

Meat, retail ceiling prices:
- Beef, veal, lamb and mutton cuts, variety meats, and edible by-products (MPR 355, Am. 8) 9366
- Pork cuts and processed products (MPR 336, Am. 7) 9366

OFFICE OF PRICE ADMINISTRATION—Continued. Page

- Milk and cream (SR 14, Am. 193) 9387
- Baltimore-Annapolis and other areas:
  - (SR 14, Am. 194) 9387
  - (MPR 280, Am. 29) 9386
- Petroleum and petroleum products (RPS 88, Am. 114) 9365
- Regional offices, authorization to fix community ceiling prices (Gen. Order 51, Am. 3) 9434
- Shoes, rationing (RO 17, Am. 26) 9422
- Soaps and cleansers, household, sold by retail food stores (MPR 390, Am. 2) 9380
- Whey powder (MPR 289, Am. 17) 9380

PUBLIC HEALTH SERVICE:
- Nurses, payment to provide training 9423

SECURITIES AND EXCHANGE COMMISSION:
- Hearings, etc.:
  - Idaho Power Co. and Electric Power & Light Corp. 9434
  - Indian Territory Illuminating Oil Co. 9435
  - Midland United Co., et al 9436
  - Petersen, Fred F., Co., Inc. 9434
  - Standard Power and Light Corp 9435
- Short sales and solicitation of purchases on exchange to facilitate distribution of securities 9349

SELECTIVE SERVICE SYSTEM:
- Duty and responsibility to register, non-declarant alien not residing in United States 9361
- Replacements, order prescribing forms 9361

WAGE AND HOUR DIVISION:
- Fruit and vegetable packing and farm products assembling industry, appointment of industry committee 9430
- Learner employment certificates, issuance to various industries (2 documents) 9431, 9432
- Meat, poultry, and dairy products industry; acceptance of resignation from and appointment to industry committee 9431

WAR DEPARTMENT:
- Army Nurse Corps, appointment of married nurses 9349
- Prescribed service uniform, officers' footgear 9349

WAR FOOD ADMINISTRATION:
- Houston Cattle Co., suspension order 9349

WAR PRODUCTION BOARD:
- Automotive Steel Tank and Metal Fabricating Association (Certificate 89) 9436
- Charak Furniture Company War Production Association (Certificate 90) 9437
- Electrical appliances (L-65) 9361

CONTENTS—Continued

WAR PRODUCTION BOARD—Con. Page

- Food dehydrators, domestic (L-308) 9364
- Petroleum products (M-201) 9363
- West Salem, Wisc., milk deliveries (Certificate 91) 9437

I. Amends paragraph (d) of § 240.10a-1 *Short sales* [Rule X-10A-1] by deleting the word "or" at the end of subparagraph (7); by deleting the period at the end of subparagraph (8), and adding in lieu thereof a semi-colon and the word "or"; and by inserting a new subparagraph (9), reading as follows, after subparagraph (8):

(9) Any sale of a security on a national securities exchange effected in accordance with a special offering plan declared effective by the Commission pursuant to paragraph (d) of § 240.10b-2 [Rule X-10B-2].

II. Amends paragraph (d) of § 240.10b-2 *Solicitation of purchases on an exchange to facilitate a distribution of securities* [Rule X-10B-2] by deleting subparagraph (3) thereof, reading as follows:

(3) The provisions of this exemption shall terminate at the close of business on July 31, 1943, unless the Commission otherwise determines.

The Securities and Exchange Commission having declared effective on February 14, 1942, the plan for special offerings filed pursuant to Rule X-10B-2 (d) by the New York Stock Exchange and having declared effective on May 21, 1942, an amended plan for such special offerings; and the New York Stock Exchange, on July 1, 1943, having filed further amendments to its plan for such special offerings;

The Securities and Exchange Commission having heretofore declared effective for a limited period special offering plans of the New York Curb Exchange and the San Francisco Stock Exchange; and

The Securities and Exchange Commission having given due consideration to the special offering plan, as amended, of the New York Stock Exchange and to the advisability of extending the effectiveness of the special offering plan of th New York Curb Exchange and the San Francisco Stock Exchange for an indefinite period, and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, and Rule X-10B-2 thereunder, hereby declares the amended special offering plan of the New York Stock Exchange as filed on July 1, 1943, and the respective special offering plans of the New York Curb Exchanges and the San Francisco Stock Exchange as now effective, to be effective, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of any of said plans by sending at least ten days' written notice to the Exchange whose plan is being suspended or terminated.

Effective July 5, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10949; Filed, July 7, 1943; 2:45 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50892]

PART 6—AIR COMMERCE REGULATIONS

TEMPORARY AIRPORTS OF ENTRY

JULY 6, 1943.

The following-named airports are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from the dates shown opposite their names:

Name and location	*Date of redesignation*
Niagara Falls Municipal Airport, Niagara Falls, N. Y.	July 2, 1943
Fort Yukon Airfield, Fort Yukon, Alaska	July 6, 1943

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR 6.13), is hereby amended by changing the dates of designation opposite the names of these airports as indicated. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 43-10980; Filed, July 8, 1943; 10:05 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5276]

Subchapter A—Income and Excess-Profits Taxes

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PENSION TRUSTS

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to section 162 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding section 19.165–1 the following:

SEC. 162. PENSION TRUSTS. (Revenue Act of 1942, Title I.)

(a) *Exemption of trusts.* Section 165 (relating to employees' trusts) is amended to read as follows:

SEC. 165. EMPLOYEES' TRUSTS.

(a) *Exemption from tax.* A trust forming part of a stock bonus, pension, or profit-sharing pl n of an employer for the exclusive benefit of his employees or their beneficiaries shall not be taxable under this supplement and no other provision of this supplement shall apply with respect to such trust or to its beneficiary—

(1) if contributions are made to the trust by such employer, or employees, or both, for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(2) if under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(3) if the trust, or two or more trusts, or the trust or trusts and annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this subsection which benefits either—

(A) 70 per centum or more of all the employees, or 80 per centum or more of all the employees who are eligible to benefit under the plan if 70 per centum or more of all the employees are eligible to benefit under the plan, excluding in each case employees who have been employed not more than a minimum period prescribed by the plan, not exceeding five years, employees whose customary employment is for not more than twenty hours in any one week, and employees whose customary employment is for not more than five months in any calendar year, or

(B) such employees as qualify under a classification set up by the employer and found by the Commissioner not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees;

and

(4) if the contributions or benefits provided under the plan do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees.

(5) A classification shall not be considered discriminatory within the meaning of paragraphs (3) (B) or (4) of this subsection merely because it excludes employees the whole of whose remuneration constitutes "wages" under section 1426 (a) (1) (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaries or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by section 1426 (a) (1) differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under State or Federal law.

(6) A plan shall be considered as meeting the requirements of paragraph (3) of this subsection during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements.

(b) *Taxability of beneficiary.* The amount actually distributed or made available to any distributee by any such trust shall be taxable to him, in the year in which so distributed or made available, under section 22 (b) (2) as if it were an annuity the consideration for which is the amount contributed by the employee, except that if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's separation from the service, the amount of such distribution to the extent exceeding the amounts contributed by the employee, shall be consirered a gain from the sale or exchange of a capital asset held for more than 6 months.

(c) *Treatment of beneficiary of trust not exempt under subsection* (a). Contributions to a trust made by an employer during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt under section 165 (a) shall be included in the gross income of an employee for the taxable year in which the contribution is made to the trust in the case of an employee whose beneficial interest in such contribution is nonforfeitable at the time the contribution is made.

* * * * *

(d) *Taxable years to which amendments applicable.* The amendments made by this section shall be applicable as to both the employer and employees only with respect to taxable years of the employer beginning after December 31, 1941, except that—

(1) In the case of a stock bonus, pension profit-sharing, or annuity plan in effect on or before September 1, 1942,

(A) such a plan shall not become subject to the requirements of section 165 (a), (3), (4), (5), and (6) until the beginning of the first taxable year beginning after December 31, 1942,

(B) such a plan shall be considered as satisfying the requirements of section 165 (a), (3), (4), (5), and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending December 31, 1943, if the plan satisfies such requirements by December 31, 1943,

* * * * *

(2) In the case of a stock bonus, pension, profit-sharing or annuity plan put into effect after September 1, 1942, such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5) and (6) for the period beginning with the date such plan is put into effect and ending December 31, 1943, if the plan satisfies such requirements by December 31, 1943.

PAR. 2. The heading of § 19.165–1 is amended to read as follows: *Employees' trusts for taxable years beginning prior to January 1, 1942.*

PAR. 3. There is inserted immediately following § 19.165–1 the following:

§ 19.165 (a) (1)–1 *Employees' trusts for taxable years beginning after December 31, 1941*—(a) *In general.* In order that a trust may be exempt under section 165 (a) it must be part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries. The trust must be formed and availed of solely to aid in the proper execution of a plan which is a definite written program and arrangement communicated to the employees, solely designed and applied to enable such employees or their beneficiaries to share in the capital or profits of such employer's trade or business or to provide for the livelihood of such employees or their beneficiaries after the retirement of such employees.

The term "plan" implies a permanent as distinguished from a temporary program. While the employer may reserve the right to change or terminate the plan, and to discontinue contributions thereunder, if the plan is abandoned for any cause other than business necessity

within a few years after it has taken effect, this will be evidence that the plan from its inception was not a bona fide program for the exclusive benefit of employees in general. Especially, will this be true in the case of a pension plan under which pensions were fully funded for the highly paid employees or others in favor of whom discrimination is prohibited under section 165 (a), and which was abandoned soon after the pensions for such favored employees had been provided. The permanency of the plan will be indicated by all of the surrounding facts and circumstances, including the likelihood of the employer's ability to continue contributions as provided under the plan. In the event a plan is abandoned, the employer should promptly notify the Commissioner, stating the circumstances which led to the discontinuance of the plan.

If the plan is so designed as to amount to a subterfuge for the distribution of profits to shareholders, even if other employees who are not shareholders are included under the plan, it will not qualify as a plan for the exclusive benefit of employees. The plan must benefit the employees in general, although it need not provide benefits for all of the employees. Among the employees to be benefited may be persons who are officers and shareholders. However, a plan is not for the exclusive benefit of employees in general if it discriminates either in eligibility requirements, contributions, or benefits by any device whatever in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or the highly compensated employees. See section 165 (a) (3), (4), and (5). All of the surrounding and attendant circumstances and the details of the plan will be indicative of whether it is a bona fide stock bonus, pension, or profit-sharing plan for the exclusive benefit of employees in general. The law is concerned not so much with the form of any plan as it is with its effects in operation. For example, in section 165 (a) (5) the law specifies certain provisions, which of themselves are not discriminatory, but this does not mean that a plan containing these provisions may not be discriminatory in actual operation.

A plan is for the exclusive benefit of employees or their beneficiaries even though it may cover former employees as well as present employees and employees who are temporarily on leave, as, for example, in the military or naval forces. A plan covering only former employees may qualify under section 165 (a) if it complies with the provisions of section 165 (a) (3) (B), with respect to coverage, and section 165 (a) (4), with respect to contributions and benefits, as applied to all of the former employees. The term "beneficiaries" of an employee within the meaning of section 165 includes the estate of the employee, dependents of the employee, persons who are the natural objects of the employee's bounty, and any persons designated by the employee to share in the benefits of the plan after the death of the employee.

No specific limitations are provided in section 165 (a) with respect to investments which may be made by the trustees of a trust qualifying under section 165 (a). The contributions may be used by the trustees to purchase any investments permitted by the trust agreement, to the extent allowed by local law. Where, however, the trust funds are invested in stock or securities of the employer, full disclosure must be made of the reasons for such arrangement and of the conditions under which such investments are made in order that the Commissioner may determine whether the trust serves any purpose other than constituting part of a plan for the exclusive benefit of employees.

(b) *Portions of years; affiliated corporations.* An exempt status must be maintained throughout the entire taxable year of the trust in order for the trust to obtain any exemption for such year. But see section 165 (a) (6) and § 19.165 (a) (3)–1. A trust forming part of a plan of affiliated corporations for their employees may be exempt if all the requirements are otherwise satisfied.

(c) *Proof of exemption.* Every trust claiming exemption for a taxable year beginning after December 31, 1941, must prove its right thereto by filing with the collector of the district in which the employer files his return: (1) An affidavit showing its character, purpose, activities, sources and disposition of corpus and income and every fact which might affect its status for exemption; (2) verified copies of the trust instrument and of the employer's plan, showing all amendments; (3) the latest financial statement, showing the assets, liabilities, receipts and disbursements of the trust; and (4) the information required under § 19.23 (p) (1)–2 in order to show that the trust forms part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries, which plan meets the requirements of section 165 (a).

The collector upon receipt of the affidavit and other papers will forward them to the Commissioner for decision as to whether the trust is exempt. The information required in the preceding paragraph must be filed for each taxable year of the trust with respect to which this section is applicable, but the documents or information mentioned in items (1) and (2) of the preceding paragraph need not be filed with respect to other than the first of such taxable years, except when necessary to show changes occuring since the last filing.

§ 19.165 (a) (2)–1 *Impossibility of diversion under the trust instrument*—(a) *In general.* Under section 165 (a) (2) a trust is not exempt unless under the trust instrument it is impossible (in the taxable year and at any time thereafter prior to the satisfaction of all liabilities to employees or their beneficiaries covered by the trust) for any part of the trust corpus or income to be used for, or diverted to, purposes other than for the exclusive benefit of such employees or their beneficiaries. As used in section 165 (a) (2), the phrase "if under the trust instrument it is impossible" means that the trust instrument must definitely and affirmatively make it impossible for the nonexempt diversion or use to occur, whether by operation or natural termination of the trust, by power of revocation or amendment, by the happening of a contingency, by collateral arrangement, or by any other means. It is not essential that the employer relinquish all power to modify or terminate the rights of certain employees covered by the trust, but it must be impossible for the trust funds to be used or diverted for purposes other than for the exclusive benefit of his employees or their beneficiaries. As used in section 165 (a) (2), the phrase "purposes other than for the exclusive benefit of his employees or their beneficiaries" includes all objects or aims not solely designed for the proper satisfaction of all liabilities to employees or their beneficiaries covered by the trust.

(b) *Meaning of "liabilities".* The intent and purpose in section 165 (a) (2) of the phrase "prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust" is to permit the employer to reserve the right to recover at the termination of the trust, and only at such termination, such balance in the trust as is due to erroneous actuarial computations during the previous life of the trust. A balance due to an "erroneous actuarial computation" is the surplus arising because actual requirements differ from the expected requirements based upon previous actuarial valuations of liabilities or determinations of costs of providing pension benefits under the plan in accordance with reasonable assumptions as to mortality, interest, etc., and correct procedures relating to the method of funding, all as made by a careful person skilled in calculating the amounts necessary to satisfy pecuniary obligations of such a nature. For example, a trust has accumulated assets of $1,000,000 at the time of liquidation, determined by acceptable actuarial procedures using reasonable assumptions as to interest, mortality, etc., as being necessary to provide the benefits in accordance with the provisions of the plan. Upon such liquidation it is found that $950,000 will satisfy all of the liabilities under the plan. The surplus of $50,000 arises, therefore, because of the difference between the amounts actuarially determined and the amounts actually required to satisfy the liabilities. This $50,000, therefore, is the amount which may be returned to the employer as the result of an erroneous actuarial computation. If, however, the surplus of $50,000 had been accumulated as a result of a change in the benefit provisions or in the eligibility requirements of the plan, the $50,000 could not revert to the employer because such surplus would not be the result of an erroneous actuarial calculation. The term "liabilities" as used in section 165 (a) (2) includes both fixed and contingent obligations to employees. For example, if 1,000 employees are covered by a trust forming part of a pension plan, 300 of whom have satisfied all the requirements for a monthly pension, while the remaining 700 employees have not yet completed the required period of service, contingent obligations to such 700 employees have nevertheless arisen which constitute "liabilities" within the meaning of that term. It must be impossible for the employer (or other nonemployee) to recover any amounts other than such amounts as remain in the trust because of "erroneous actuarial computations" after the satisfaction of all fixed and contingent obligations, and the trust instrument must contain a definite affirmative provision to that effect whether the obligations to employees have their source in the trust instrument itself, in the plan of which the trust forms a part, or in some collateral instrument or arrangement forming a part of such plan, and whether such obligations are, technically speaking, liabilities of the employer, of the trust, or of some other person forming a part of the plan or connected with it.

§ 19.165 (a) (3)–1 *Requirements as to coverage.* In order to insure that stock bonus, pension, and profit-sharing plans are utilized for the welfare of employees in general, and to prevent the trust device from being used for the principal benefit of shareholders, officers, persons whose principal duties consist in supervising the work of other employees, or highly paid employees, or as a means of tax avoidance, a trust will not be exempt unless it is part of a plan which satisfies the coverage requirements of section 165 (a) (3). See § 19.165 (a) (4)–2 as to the effective date of section 165 (a) (3). The percentage requirements in section 165 (a) (3) (A) refer to a percentage of all the active employees, including employees temporarily on leave, such as those in the armed forces of the United States, if such employees are eligible under the plan. The application of section 165 (a) (3) (A) may be illustrated by the following example:

An employer adopts a plan at a time when he has 1,000 employees. The plan provides that all full-time employees who have been in the employment for a period of two years and have reached the age of 30 shall be eligible to participate. The plan also requires the participating employees to agree to contribute 3 percent of their monthly pay. At the time the plan is made effective 100 of the 1,000 employees had not been in the employment for a period of two years. 50 of the employees were seasonal employees whose customary employment was for not more than five months in any calendar year. 25 of the employees were part-time employees whose customary employment was for not more than 20 hours in any one week. 150 of the full-time employees who had been employed for two years or more had not yet reached age 30.

Section 165 (a) (3) (A) will be met if 540 employees are covered by the plan, as shown by the following computation:

1. Total employees with respect to which the percentage requirements are applicable (1,000—(100+50+25))	825
2. Employees not eligible to participate because of age requirements	150
3. Total employees eligible to participate	675
4. Percentage of employees in item 1 eligible to participate	81+
5. Minimum number of participating employees to qualify the plan (80 per cent of 675)	540

If only 70 per cent, or 578 of the 825 employees satisfied the age and service requirements, then 462 (80 per cent of 578) participating employees would satisfy the percentage requirements.

If a plan fails to qualify under the percentage requirements of section 165 (a) (3) (A), it may still qualify under subparagraph (B) of such section provided always that (as required by paragraphs (3) and (4) of section 165 (a)) the plan's eligibility conditions, benefits and contributions do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or the highly compensated employees.

Section 165 (a) (5) sets out certain classifications that will not in themselves be considered discriminatory. However, those so designated are not intended to be exclusive. Thus, plans may quality under section 165 (a) (3) (B) which are limited to employees who have reached a designated age or have been in the employment for a designated number of years or are employed in certain designated departments or are in other classifications, provided that the effect of covering only such employees is not to discriminate in favor of officers, shareholders, employees whose principal duties consist in supervising the work of other employees, or highly compensated employees. For example, if there are 1,000 employees, and the plan is written for only salaried employees, and consequently only 500 employees are covered, that fact alone will not justify the conclusion that the plan does not meet the coverage requirements of section 165 (a) (3) (B), provided the classification as established does not discriminate in favor of shareholders, officers, employees whose principal duties consist in supervising the work of other employees, and the highly paid employees. If a contributory plan is offered to all of the employees, but the requirement of contribution by the employee participants is so burdensome as to make the plan acceptable only to the highly paid employees, the classification will be considered discriminatory in favor of such highly paid employees.

Section 165 (a) (5) contains a provision to the effect that a classification shall not be considered discriminatory within the meaning of subparagraph (B) merely because there are excluded from the plan employees whose annual remuneration is $3,000 or less and as to which the Social Security Act applies. This provision, in conjunction with subparagraph (B), is intended to permit plans to qualify which supplement the Social Security program. A classification which excludes all employees the whole of whose remuneration constitutes wages under section 1426 (a) (1) (relating to the Federal Insurance Contributions Act), or a classification including such employees in a plan under which the contributions or benefits based on that part of an employee's remuneration which is excluded from wages under such law differs from the contributions or benefits based on the employee's remuneration not so excluded, will not be a discriminatory classification merely because of such exclusion or difference. However, in making his determination with respect to discrimination in classification under section 165 (a) (3) (B) the Commissioner will consider whether the total benefits resulting to each employee under the plan and under such law or under such law only establish an integrated and correlated retirement system satisfying the tests of section 165 (a). Thus, a classification of employees under any plan which results in relatively or proportionately greater benefits for employees earning above any specified salary amount or rate than for those below such salary amount or rate may be found to be discriminatory within the meaning of subparagraph (B) unless such relative or proportionate differences in benefits as between employees resulting from such classification are approximately offset by the retirement benefits provided by the Social Security Act. For this purpose the total Social Security Act benefits of an employee, in view of the supplementary benefits provided by such law, may be considered as 150 percent of the primary insurance benefit provided thereby. A plan supplementing the Social Security Act and excluding employees earning $3,000 per annum or less will not, however, be deemed discriminatory merely because, for administrative convenience, it provides a reasonable minimum benefit not to exceed $20 a month. Similar considerations, to the extent applicable in any case, will govern classifications under plans supplementing the benefits provided by other Federal or State laws. See section 165 (a) (5).

An employer may designate several trusts or a trust or trusts and an annuity plan or plans as constituting one plan which is intended to qualify under section 165 (a) (3), in which case all of such trusts and plans taken as a whole may meet the requirements of such section. The fact that such combination of trusts and plans fails to qualify as one plan does not prevent such of the trusts and plans as qualify from meeting the requirements of section 165 (a).

It is provided in section 165 (a) (6) that a plan will satisfy the requirements of section 165 (a) (3), if on at least one day in each quarter of the taxable year of the plan it satisfies such requirements. This makes it possible for a new plan requiring contributions from employees to qualify if by the end of the quarter-year in which the plan is adopted it secures sufficient contributing participants to meet the requirements of section 165 (a) (3). It also affords a period of time in which new participants may be secured to replace former participants, so as to meet the requirements of either subparagraphs (A) or (B) of section 165 (a) (3).

§ 19.165 (a) (4)–1 *Discrimination as to contributions or benefits.* To be exempt under section 165 (a) a trust must not only meet the coverage requirements of section 165 (a) (3), but, as provided in section 165 (a) (4), it must also be a part of a plan under which there is no discrimination in contribu-

tions or benefits in favor of officers, shareholders, employees whose principal duties consist in supervising the work of other employees, or highly compensated employees as against other employees whether within or without the plan. However, section 165 (a) (5) sets out certain provisions which will not in and of themselves be discriminatory within the meaning of paragraphs (3) or (4) of section 165 (a). (See section 165 (a) (3)-1.). Thus, a plan will not be considered discriminatory merely because the contributions or benefits bear a uniform relationship to total compensation, or to the basic or regular rate of compensation, or merely because the contributions or benefits based on the first $3,000 of annual compensation of employees subject to the Federal Insurance Contributions Act differ from the contributions or benefits based on the excess of such annual compensation over $3,000. The exceptions specified in section 165 (a) (5) are not an exclusive enumeration, but a recital of provisions frequently encountered which will not of themselves constitute forbidden discrimination in contributions or benefits. Variations in contributions or benefits may be provided so long as the plan, viewed as a whole for the benefit of employees in general, with all its attendant circumstances, does not discriminate in favor of employees within the enumerations with respect to which discrimination is prohibited.

A plan which excludes employees, the whole of whose remuneration constitutes wages under section 1426 (a) (1) (relating to the Federal Insurance Contributions Act), or a plan in which the contributions or benefits based on that part of an employee's remuneration which is excluded from wages under such law differs from contributions or benefits based on the employee's remuneration not so excluded, or a plan in which the contributions or benefits differ because of any retirement benefit created under State or Federal law, will not be discriminatory because of such conclusion or difference, provided the total benefits resulting under the plan and under such law establish an integrated and correlated retirement system satisfying the tests of section 165 (a).

Although a plan may provide for termination at will by the employer this will not of itself prevent a trust from qualifying as exempt under section 165 (a). However, in certain cases that fact may necessitate some provision in the plan which will preclude such termination from effecting the prohibited discriminations. This may occur where, for example, certain officers or highly compensated employees are at the inception of the plan within a few years of retirement age and the operation of the plan will fund and vest their benefits in a short period, thus resulting in such discrimination in favor of such officers or highly compensated employees.

§ 19.165 (a) (4)-2 *Effect of amendments to section 165 (a) on old and new stock bonus, pension, profit-sharing, and annuity plans.* Section 162 (d) of the Revenue Act of 1942 makes the requirements of section 165 (a) (3), (4), (5), and (6) inapplicable for taxable years beginning prior to January 1, 1943, in the case of a stock bonus, pension, profit-sharing, or annuity plan in effect on or before September 1, 1942. In such cases, for such taxable years a trust will be exempt if it complies with section 165 (a) (1) and (2), except that for taxable years beginning prior to January 1, 1940, it need not comply with section 165 (a) (2). The provisions of § 19.165-1, prior to amendment by this Treasury decision, are applicable in such a case to a taxable year beginning after December 31, 1941, and prior to January 1, 1943. A plan which requires the use of a trust is not in effect as of September 1, 1942, if there was no valid trust in existence at that time. A plan requiring the purchase of an annuity or insurance contract or contracts is not in effect as of September 1, 1942, if there is no such contract or contracts in effect at that time.

In the case of a plan in effect on or before September 1, 1942, the plan will be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942 and ending December 31, 1943, if the plan satisfies such requirements by December 31, 1943. Thus, if an employer having such a plan in effect makes a return on the basis of the calendar year, he will have until December 31, 1943 to amend his plan so as to make it satisfy such requirements for the calendar year 1943. Also, if he is on a fiscal year basis he will have until December 31, 1943 to amend his plan with respect to a taxable year beginning after December 31, 1942.

In the case of plans not in effect on or before September 1, 1942, the amendments made to section 165 by section 162 of the Revenue Act of 1942 are applicable to all taxable years beginning after December 31, 1941. However, if such a plan satisfies the requirements of section 165 (a) (3), (4), (5), and (6) by December 31, 1943, it shall be considered as satisfying such requirements for the period beginning with the date such plan is put into effect and ending December 31, 1943.

§ 19.165 (b)-1 *Taxability of beneficiary under a trust which meets the requirements of section 165 (a).* Section 165 (b) and (c) relates to the taxation of the beneficiary of an employees' trust. If an employer makes a contribution for the benefit of an employee to a trust for the taxable year of the employer which ends within or with a taxable year of the trust for which the trust is exempt under section 165 (a), the employee is not required to include such contributions in his income except in the year or years in which such contributions are distributed or made available to him. It is immaterial in the case of contributions to an exempt trust whether the employee's rights in the contributions to the trust are forfeitable or nonforfeitable either at the time the contribution is made to the trust or thereafter. The distribution from such an exempt trust when received or made available will be taxable to him as if it were an annuity to the extent provided in section 22 (b) (2). The provisions of section 165 (b) relate only to distributions by a trust which is exempt under section 165 (a) for the taxable year of the trust in which the distribution is made. If a trust is exempt for the taxable year in which the distribution occurs, but was not so exempt for one or more prior taxable years, the amount of any such taxable distribution may be reduced by the part thereof shown to the satisfaction of the Commissioner to be properly allocable to employer's contributions or earnings of the trust previously accounted for as taxable income by the employee or to earnings of the trust previously accounted for as taxable income by the trust. Where the distribution occurs in a taxable year of the trust for which it is not exempt under section 165 (a), the taxability of such distribution will depend on the taxable status of the trust at the time of the distribution. If such trust was not exempt for one or more prior taxable years, the adjustments outlined above may be made in connection with any distribution.

If a trust exempt under section 165 (a) purchases an annuity contract for an employee and distributes it to the employee in a year for which the trust is exempt, the contract containing a cash surrender value which may be available to an employee by surrendering the contract, such cash surrender value will not be considered income to the employee unless and until the contract is surrendered.

If pension or annuity payments are continued after the death of a retired employee to his beneficiary, such beneficiary will be required to include such pension or annuity payments in income to the same extent that the deceased employee would have been required to include such payments in income had he lived to receive such payments. See also section 126 (a). If the trust purchases under the plan retirement income insurance with life insurance protection payable upon the death of the employee participants, so much of the premium as was paid from the contributions of the employer or earnings thereon for such life insurance protection will constitute income to the employee for the year or years in which the contributions or earnings are applied to the purchase of such life insurance. If the amount payable upon death at any time during the year exceeds the cash value (or if no cash value, then the reserve) of the insurance policy at the end of the year, the entire amount of such excess will be considered current life insurance protection. The cost of such insurance will be considered to be the one-year term premium for such amount based upon the rates of the company issuing the annuity contract (or if no one-year term policy is issued, the cost of such one-year term computed by using the same mortality table and rate of interest and rate of loading as was used in determining the rates for the annuity contract). The determination of the cost of life insurance protection may be illustrated by the following example:

A policy is purchased by an employer for an employee 35 years of age, providing an annuity of $100 per month upon retirement at age 65, with a minimum death benefit of $10,000. The level annual premium for the policy is $436.40. The insurance payable if death occurred in the first year would be $10,000. The cash value at end of the first year is 0. The net insurance is therefore $10,000—0, or $10,000. Assuming that the one-year term premium for the same insurance company is $12.15 per $1,000, the premium for $10,000 of life insurance is therefore $121.50, and this is the amount to be reported as income by the employee for the year. The balance of $314.90 is the amount contributed for the annuity, which is not taxable to the employee under a plan meeting the requirements of section 165 (a), except as provided under section 165 (b). Assuming that the cash value at the end of the second year is $480, the net insurance would then be $9,520 for the second year. With a one-year term rate of $12.33 (age 36), the amount to be reported as income to the employee would be $117.38. Any amounts paid under an annuity contract as a death benefit, not in the nature of life insurance, shall be included in the income of the beneficiary when received, and is not excluded from income under section 22 (b) (1).

If the total distributions payable with respect to any employee under a trust that in the year of distribution is exempt under section 165 (a) are paid to the distributee within one taxable year of the distributee on account of the employee's separation from the service, the amount of such distribution to the extent it exceeds the amount contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than 6 months. For example, if under a profit-sharing trust, the total distributions to which an employee is entitled are paid in a taxable year of the trust for which it is exempt to the employee in the year in which he retires or severs his connection with his employer, or to his widow if he dies during the course of his employment, the amount received by the employee or widow to the extent it exceeds the employee's contributions will be considered a gain from the sale or exchange of a capital asset held for more than 6 months, to be taken into account to the extent provided in section 117 (b). As to adjustments if the trust was not exempt for one or more taxable years prior to the year of distribution, see the first paragraph of this section.

§ 19.165 (c)-1 *Treatment of beneficiary of a trust not exempt under section 165 (a).* Any contribution made by an employer on behalf of an employee to a trust during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt under section 165 (a), shall be included in income of the employee for his taxable year during which the contribution is made if the employee's beneficial interest in the contribution is nonforfeitable at the time the contribution is made. An employee's beneficial interest in the contribution is nonforfeitable within the meaning of sections 165 (c) and 23 (p) (1) (D) at the time the contribution is made if there is no contingency under the plan which may cause the employee to lose his rights in the contribution. For example, if under the terms of a pension plan, an employee upon termination of his services prior to the retirement date, whether voluntarily or involuntarily, is entitled to a deferred annuity contract to be purchased with the employer's contributions made on his behalf, or is entitled to annuity payments which the trustee is obligated to make under the terms of the trust instrument based on the contributions made by the employer on his behalf, the employee's beneficial interest in such contributions is nonforfeitable. On the other hand, if under the terms of a pension plan, an employee will lose the right to any annuity purchased from, or to be provided by, contributions made by the employer if his services should be terminated prior to retirement, his beneficial interest in such contributions is forfeitable. The mere fact that an employee may not live to the retirement date, or may live only a short period after the retirement date, and may not be able to enjoy the receipt of annuity or pension payments, does not make his beneficial interest in the contributions made by the employer on his behalf forfeitable. If the employer's contributions have been irrevocably applied to purchase an annuity contract for the employee, or if the trustee is obligated to use the employee's contributions to provide an annuity for the employee provided only that the employee is alive on the dates the annuity payments are due, the employee's rights in the employer's contributions are nonforfeitable.

PAR. 4. There is inserted immediately preceding § 19.22 (b) (2) (A)-1, as amended by Treasury Decision 5194, approved December 8, 1942, the following:

SEC. 162. PENSION TRUSTS. (Revenue Act of 1942, Title I.)

* * * * *

(c) *Employees' annuities.* Section 22 (b) (2) (relating to taxation of annuities) is amended by inserting at the end thereof the following new subparagraph:

(B) *Employees' annuities.* If an annuity contract is purchased by an employer for an employee under a plan with respect to which the employer's contribution is deductible under section 23 (p) (1) (B), or if an annuity contract is purchased for an employee by an employer exempt under section 101 (6), the employee shall include in his income the amounts received under such contract for the year received except that if the employee paid any of the consideration for the annuity, the annuity shall be included in his income as provided in subparagraph (A) of this paragraph, the consideration for such annuity being considered the amount contributed by the employee. In all other cases, if the employee's rights under the contract are nonforfeitable except for failure to pay future premiums, the amount contributed by the employer for such annuity contract on or after such rights become nonforfeitable shall be included in the income of the employee in the year in which the amount is contributed, which amount together with any amounts contributed by the employee shall constitute the consideration paid for the annuity contract in determining the amount of the annuity required to be included in the income of the employee under subparagraph (A) of this paragraph.

PAR. 5. There is inserted immediately after § 19.22 (b) (2) (A)-4, as added by Treasury Decision 5194, the following:

§ 19.22 (b) (2) (B)-1 *Employees' annuities.* If an employer for a taxable year beginning after December 31, 1941, purchases an annuity contract on behalf of an employee, including a retired or former employee, under a plan with respect to which his contribution is deductible under section 23 (p) (1) (B) (see § 19.23 (p) (1) (B)-1), the employee is not required to include such amount in his income in the taxable year during which such contribution is made. The amount received or made available to such employee under such annuity contract shall be included in gross income of the employee in the taxable year in which received or made available, except that if the employee contributed any of the consideration for the annuity, the annuity shall be included in his income as provided in § 19.22 (b) (2) (A)-2, the consideration for the annuity being considered the amount contributed by the employee. If in a taxable year beginning after December 31, 1941, an employer purchases an annuity contract which is not under a plan with respect to which his contribution is deductible under section 23 (p) (1) (B), the amount of such contribution shall be included in the income of the employee in the taxable year during which such contribution is made, if the employee's rights under the annuity contract are nonforfeitable, except for failure to pay future premiums, at the time the contribution is made. In such case, the total amount of such contributions required to be included in the income of the employee together with any amounts contributed by him will constitute the consideration paid for the annuity contract in determining the amount of the annuity required to be included in the income of the employee under section 22 (b) (2) (A). If the employee's rights under the annuity contract in such a case were forfeitable at the time the employer's contribution was made for the annuity contract, even though they become nonforfeitable later, the amount of such contribution is not required to be included in the income of the employee, but any amount received or made available to the employee under the annuity contract shall be includible in the gross income of the employee in the taxable year in which received or made available, except that if the employee contributed any of the consideration for the annuity, the annuity shall be included in his income to the extent provided in § 19.22 (b) (2) (A)-2. The fact that an employee may not live a sufficient length of time to enjoy any benefits under the annuity contract, or that no payments will be made under any circumstances to his estate or other beneficiary, will not make the annuity contract forfeitable.

If upon the death of a retired employee, the widow or other beneficiary of such retired employee is paid, in accordance with the terms of the annuity contract relating to the deceased employee, an annuity or other death benefit, the amounts received or made available to her shall be included in her income to the extent that they would have been

included in the income of the deceased employee had he lived and received such payments. See also section 126 (a). As to taxation of life insurance benefits in connection with annuity contracts, see § 19.165 (b)–1.

If the employer is an organization which is exempt under section 101 (6), the employee is not required to include in his income the amount paid by the employer for an annuity contract, regardless of whether the annuity plan satisfies the requirements of section 165 (a) (3), (4), (5), and (6) and whether the employee's rights are nonforfeitable.

As to taxation of annuities purchased by a trustee under a pension or profit-sharing trust, see §§ 19.165 (b)–1 and 19.165 (c)–1.

As to the effective date of the amendments made by section 162 (c) of the Revenue Act of 1942, relating to employees' annuities and the effect of such amendments on both old and new annuity plans, see section 162 (d) and § 19.165 (a) (4)–2.

PAR. 6. There is inserted immediately preceding § 19.23 (p)–1 the following:

SEC. 162. PENSION TRUSTS. (Revenue Act of 1942, Title I.)

* * * * *

(b) *Deduction allowed employer.* Section 23 (p) (relating to deduction for amounts paid to pension trusts) is amended to read as follows:

(p) *Contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan.*

(1) *General rule.*—If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under subsection (a) but shall be deductible, if deductible under subsection (a) without regard to this subsection, under this subsection but only to the following extent:

(A) In the taxable year when paid, if the contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under section 165 (a), in an amount determined as follows:

(i) an amount not in excess of 5 per centum of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the Commissioner upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus

(ii) any excess over the amount allowable under clause (i) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the Commissioner with the approval of the Secretary, but if such remaining unfunded cost with respect to any three individuals is more than 50 per centum of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least 5 taxable years, or

(iii) in lieu of the amounts allowable under (i) and (ii) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the Commissioner with the approval of the Secretary, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per centum of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the Commissioner with the approval of the Secretary, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

(iv) Any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations.

(B) In the taxable year when paid, in an amount determined in accordance with subparagraph (A) of this paragraph, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of section 165 (a) (3), (4), (5), and (6), and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities.

(C) In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt under section 165 (a), in an amount not in excess of 15 per centum of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable year beginning after December 31, 1941, there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible, shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 per centum of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in a taxable year beginning after December 31, 1941, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 15 per centum of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust" as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in subparagraph (A). If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for the purposes of applying the limitations in this subparagraph.

(D) In the taxable year when paid, if the plan is not one included in paragraphs (A), (B), or (C), if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid.

(E) For the purposes of subparagraphs (A), (B), and (C), a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of such taxable year and is made within sixty days after the close of the taxable year of accrual.

(F) If amounts are deductible under subparagraphs (A) and (C), or (B) and (C), or (A), (B), and (C), in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed 25 per centum of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trust or under such annuity plans in a taxable year beginning after December 31, 1941, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 30 per centum of the compensation otherwise paid or accrued during such taxable years to the beneficiaries under the trusts or plans. This subparagraph shall not have the effect of reducing the amount otherwise deductible under subparagraphs (A), (B), and (C), if no employee is a beneficiary under more than one trust, or a trust and an annuity plan.

If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this paragraph shall apply as if there were such a plan.

(2) Deductions under prior income tax acts.—Any deduction allowable under section 23 (q) of the Revenue Act of 1928 (45 Stat. 802), or the Revenue Act of 1932 (47 Stat. 182), or the Revenue Act of 1934 (48 Stat. 691), under section 23 (p) of the Revenue Act of 1936 (49 Stat. 1661), or the Revenue Act of 1938 (52 Stat. 464), or the Internal Revenue Code for a taxable year beginning before January 1, 1943, which under such section was apportioned to any taxable year beginning after December 31, 1942, shall be allowed as a deduction for the years to which so apportioned to the extent allowable under such section if it had remained in force with respect to such year.

* * * * *

(d) *Taxable Years to Which Amendments Applicable.*—The amendments made by this section shall be applicable as to both the employer and employees only with respect to taxable years of the employer beginning after December 31, 1941, except that—

(1) In the case of a stock bonus, pension, profit-sharing, or annuity plan in effect on or before September 1, 1942,

(A) such a plan shall not become subject to the requirements of section 165 (a) (3), (4), (5), and (6) until the beginning of the first taxable year beginning after December 31, 1942,

(B) such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending December 31, 1943, if the plan satisfies such requirements by December 31, 1943,

(C) if the contribution of an employer to such a plan in the employer's taxable year beginning in 1942 exceeds the maximum amount deductible for such year under section 23 (p) (1), as amended by this section, the amount deductible in such year shall be not less than the sum of—

(i) the amount paid in such taxable year prior to September 1, 1942, and deductible under section 23 (a) or 23 (p) prior to amendment by this section, and

(ii) with respect to the amount paid in such taxable year on or after September 1, 1942, that proportion of the amount deductible for the taxable year under section 23 (p) (1), as amended by this section, which the number of months after August 31, 1942, in the taxable year bears to twelve.

(2) In the case of a stock bonus, pension, profit sharing or annuity plan put into effect after September 1, 1942, such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5) and (6) for the period beginning with the date such plan is put into effect and ending December 31, 1943, if the plan satisfies such requirements by December 31, 1943.

PAR. 7. The heading of § 19.23 (p)–1 is amended to read as follows: *Payments to employees' pension trusts for taxable years beginning prior to January 1, 1942.*

PAR. 8. The heading § 19.23 (p)–2 is amended to read as follows: *Information to be furnished by employer claiming deductions for taxable years beginning prior to January 1, 1942.*

PAR. 9. There is inserted immediately following § 19.23 (p)–2 the following:

§ 19.23 (p) (1)–1 *Contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan; in general.* Section 23 (p), as amended, prescribed limitations upon deductions for amounts contributed by an employer under a pension, annuity, stock bonus, or profit-sharing plan, or under any plan of deferred compensation. It is immaterial whether the plan covers present employees only, or present and former employees, or only former employees. Section 23 (p) does not cover contributions or compensation which give the employee or former employee present benefits such as life insurance protection. The cost of such benefits is deductible to the extent allowable under section 23 (a). See § 19.165 (b)–1. Section 23 (p), however, is applicable to all contributions under a stock bonus, pension, profit-sharing, or annuity plan, whether or not the employee's rights in such contributions are nonforfeitable.

A contribution to be deductible under section 23 (p) must be an ordinary and necessary expense which would be deductible under section 23 (a) if it were not for the fact that the statute specifically provides that it shall be deductible under section 23 (p). A contribution by a corporation under a plan which is created primarily for the purpose of benefiting shareholders of the company is not deductible. Such contribution may constitute a dividend within the meaning of section 115 (a). A contribution under a plan that is set up for the exclusive benefit of employees as such, and thus represents an item of expense, is of the nature of compensation for personal services rendered by the employees covered by the plan. The amount of contributions allowable as a deduction has an over-all limitation—the entire contributions for the taxable year when added to other compensation paid must represent reasonable compensation for services rendered by the employee beneficiaries. In the case of contributions for pensions for employees, any contributions on behalf of an employee in excess of the amount necessary to provide a reasonable pension for the employee in view of his past and current services is not deductible. What constitutes a reasonable pension will depend upon the facts in the particular case. Compensation otherwise paid the employee, length of service, and retirement age are among the elements to be considered in determining what is a reasonable pension. In the case of a stock bonus or profit-sharing plan which provides for additional compensation for employees not paid as a pension, a contribution will not be fully deductible unless it can be justified as a reasonable addition to the compensation otherwise paid to employees who are beneficiaries under the plan. In addition to the over-all limitation referred to above, section 23 (p) sets forth further limitations as to the amounts that may be deductible for the taxable year.

Section 23 (p) is not confined to formal stock bonus, pension, profit-sharing and annuity plans, or deferred compensation plans, but it includes any method of contributions or compensation having the effect of a stock bonus, pension, profit-sharing or annuity plan, or similar plan deferring the receipt of compensation. Thus, a corporation paying pensions to such of its retired employees and in such amounts as may be determined from time to time by the board of directors or responsible officers of the company has a plan in effect that is governed by section 23 (p). If an employer on the accrual basis defers paying any compensation to an employee until a later year or years under an arrangement having the effect of a stock bonus, pension, profit-sharing or annuity plan, or similar plan deferring the receipt of compensation, he shall not be allowed a deduction until the year in which the compensation is paid. This provision is not intended to cover the case where an employer on the accrual basis defers payment of compensation after the year of accrual merely because of inability to pay such compensation in the year of accrual, as, for example, where the funds of the company are not sufficient to enable payment of the compensation without jeopardizing the solvency of the company, or where the liability accrues in the earlier year, but the amount payable cannot be exactly determined until the later year.

Deductions under section 23 (p) are generally allowable only for the year for which the contribution or compensation is paid, regardless of the fact that the taxpayer may make his return on the accrual basis. Exceptions are made in the case of overpayments as provided in subparagraphs (A), (C), and (F) of section 23 (p) (1), and, as provided by section 23 (p) (1) (E), in the case of payments made by a taxpayer on the accrual basis within 60 days after the close of the taxable year of accrual. This latter provision is intended to permit a taxpayer on the accrual basis to deduct such accrued contribution or compensation, provided payment is actually made within 60 days after the close of the year of accrual.

Any payments shall be disallowed as a deduction under section 23 (p), if determined by the National War Labor Board, the Secretary of Agriculture, or the Commissioner to have been made in contravention of the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes", as amended (Public Law 729, 77th Congress; Public Law 34, 78th Congress), or of the regulations, orders, or rulings promulgated thereunder.

§ 19.23 (p) (1)–2 *Information to be furnished by employer claiming deductions.* If a deduction from gross income is claimed under section 23 (p) (1) (A), (B), (C), or (F) the employer must file the following information to establish that the plan or plans meet the requirements of sections 165 (a) or 23 (p) (1) (B), and that the deductions claimed do not exceed the amount allowable under subparagraphs (A), (B), (C) or (F) of section 23 (p) (1), as the case may be:

(a) Verified copies of all the instruments constituting the plan or plans intended to qualify under section 165 (a), including trust indentures, group annuity contracts, and specimen copy of each type of individual contract, with all amendments to any such instruments.

(b) A statement describing the plan or plans which indicates the name or names of the employers, date of inception of each plan, type of administration (whether a trust or insured plan), and a summary of the provisions relating to

(1) Employee eligibility requirements for participation in the plan,

(2) Employee contributions, if any,

(3) Employer contributions,

(4) The basis or formula for determining the amount of each type of benefit and the requirements for obtaining such benefits,

(5) The vesting requirements,

(6) The method of funding, and

(7) The basis of distribution upon liquidation.

(c) A tabulation in columnar form showing the information specified below with respect to each of the twenty-five highest paid employees, listed in the order of their compensation, covered by the plan:

(1) Name.

(2) Whether an officer.

(3) Percentage of each class of stock owned directly or indirectly by the employee or members of his family.

(4) Whether the principal duties consist in supervising the work of other employees.

(5) Year of birth.

(6) Length of service for employer on date of statement.

(7) Total compensation paid or accrued during the taxable year showing separately (i) basic salary, (ii) other direct payments, such as bonuses and commissions, (iii) compensation paid other than in cash, such as goods, services, insurance protection, etc.

(8) Amounts contributed during the taxable year with respect to the employee

by the employer under each other plan of deferred compensation.

(9) Amounts paid under the plan during the taxable year by the employer for the benefit of the employee for (i) retirement annuity or other deferred benefits, showing amounts paid for (a) past service and (b) current service, (ii) life insurance protection, if any, (iii) percentage which each such contribution bears to total of such contributions made for all employees under the plan.

(10) Based on the actuarial method and assumptions used in determining the total employer contributions, the amount of employer liability under the plan (i) with respect to service rendered by the employee prior to the taxable year and (ii) with respect to current service of the employee for the taxable year.

(11) If a pension plan, the amount of benefit to be normally payable annually to each such employee.

(d) The total for items (7) and (8) set forth in (c) above with respect to all of the employees included under the plan and also with respect to all of the employees; also the total for item (9) with respect to all of the employees included under the plan.

(e) A schedule showing the total number of employees as of the close of the taxable year for each of the following groups:

(1) All seasonal and part-time employees excluded under the percentage calculation of section 165 (a) (3) (A) (reasonably estimated).

(2) All employees excluded under the years of service requirement (reasonably estimated).

(3) All employees excluded because older than a maximum age (reasonably estimated).

(4) All employees excluded because younger than a minimum age (reasonably estimated).

(5) All employees excluded because of maximum salary requirements.

(6) All employees excluded solely because of minimum salary requirement and by separate schedule all employees excluded both because of minimum salary requirement and other reason or reasons.

(7) All employees excluded for reasons other than those listed above, specifying reasons.

(8) All employes covered by the plan.

(9) All employees of the employer.

(f) A detailed balance sheet together with or including actuarially determined assets and liabilities, showing equities under insurance or annuity contract, if any; and a statement of receipts and disbursements during the year.

(g) A statement or schedules showing the valuation assumptions with respect to interest, mortality, turnover, rate of salary increase, etc., used in determining the costs under the plan. In addition, a statement showing the method of application of such factors to the data, in sufficient detail to permit actuarial analysis as to adequacy thereof and a summary of the total costs claimed, by risk or other pertinent groups, showing the basis for determining the amount of deduction claimed.

If a deduction is claimed under section 23 (p) (1) (D) for the taxable year, the taxpayer shall furnish such information as is necessary to show that the deduction is not allowable under the other subparagraphs of section 23 (p) (1), that the amount paid is an ordinary and necessary expense, and that the employees' rights to or derived from such employer's contribution or such compensation were nonforfeitable at the time the contribution or compensation was paid.

The Commissioner may, in addition, require any further information that he considers necessary to establish deductions under section 23 (p), and may waive the filing of such information required herein which he considers unnecessary in the particular case. If the data and information required to be filed under paragraphs (a), (b), and (g) of this section are filed for the first taxable year for which deductions are claimed under section 23 (p), as amended by the Revenue Act of 1942, such data and information need not be filed for subsequent years unless a change is made in the plan, instruments, or valuation assumptions described in paragraph (g), in which case a statement shall be filed at the close of the taxable year showing what changes have been made and the effect thereof. The information required under the other paragraphs of this section shall be filed annually, unless the Commissioner waives the filing of any portion thereof in any particular case.

Records substantiating all data and information specified in this section must be kept at all times available for inspection by internal revenue officers at the main office or place of business of the employer.

§ 19.23 (p) (1)–3 *Amounts deductible under a plan in effect on or before September 1, 1942 for a taxable year beginning in 1942.* Section 162 (d) of the Revenue Act of 1942 allows additional deductions for a taxable year of an employer beginning in 1942 if the deductions are taken under a plan in effect on or before September 1, 1942. For the taxable year mentioned such plan need not meet the requirements of section 165 (a) (3), (4), (5), and (6). See § 19.165 (a) (4)–2. If the plan meets the other requirements of section 165 (a) at all times during the taxable year, the employer will be entitled to the amount deductible under section 23 (p), as amended, for such taxable year, or for the amount determined under the following computation, whichever is the greater: The amount paid in such taxable year prior to September 1, 1942, to the extent that such amount is deductible under sections 23 (a) and 23 (p), prior to amendment by the Revenue Act of 1942, plus such portion of the amount paid on or after September 1, 1942 and deductible under section 23 (p) (1), as amended by the Revenue Act of 1942, which the number of months after August 31, 1942 in the taxable year bears to 12. For example, an employer making a return on the calendar year basis paid into a pension trust on March 1, 1942, the sum of $200,000, and on October 1, 1942, he made a further contribution of $100,000. Assume that the total contributions of $300,000 would have been deductible under section 23 (a) and section 23 (p) prior to amendment by the Revenue Act of 1942, but that only $240,000 thereof is deductible under section 23 (p), as amended by the Revenue Act of 1942, without giving effect to section 162 (d) (1) (C). A deduction of $280,000 will be allowable for 1942, determined as follows:

Amount contributed prior to September 1, 1942, and deductible under section 23 (a) and section 23 (p) prior to its amendment	$200,000
Pro-rata portion of total 1942 contributions allowed under section 23 (p) after its amendment (4/12 of $240,000)	80,000
	280,000

§ 19.23 (p) (1) (A)–1 *Contributions of an employer to an employees' pension trust; in general.* A contribution of an employer to a pension trust to be deductible under section 23 (p) (1) (A) must be paid within the taxable year of the employer which ends within or with a taxable year of the trust for which the trust is exempt under section 165 (a). The term "pension trust" as used in section 23 (p) (1) (A) means a trust created or availed of by an employer to provide definite actuarially determinable benefits for his employees, which may include former employees, or their beneficiaries, to be paid over a period of years, generally for life, after the retirement of employees, based on service prior to retirement. The retirement benefits may be forfeitable or nonforfeitable. Retirement benefits are basically only life annuities payable after retirement. However, for purposes of this section a retirement benefit may include the following additional benefits: (a) a death benefit, as provided in the plan but not to exceed the excess of the reserve at retirement over the annuity payments received prior to the death of the retired employee (payable either in cash or over a period of years), (b) a benefit upon death or separation from service or upon termination of participation in the plan of an amount as provided in the plan but not to exceed the reserve accumulated for the retirement annuity at the time. Any additional benefits, such as life insurance payments exempt under section 22 (b) (1), will not be considered as part of the retirement annuity for purposes of this section. The cost of such life insurance benefits as distinguished from the cost of an annuity is deductible under section 23 (a) to the extent it is an ordinary and necessary expense, and is includible in the income of the employee as additional compensation in the year or years payments for such life insurance are made. See § 19.165 (a) (1)–1. An amount to be deductible under section 23 (p) (1) (A) must also meet the requirements of section 23 (a). It must be an ordinary and necessary expense. (See § 19.23 (p) (1)–1.) In addition to the requirement that a contribution to be deductible must be an ordinary and necessary expense, the amount of contributions to a pension trust deductible for any taxable year is subject to the further limitations set out in section 23 (p) (1) (A).

In determining allowable deductions all calculations must consider discount for expected mortality and anticipated interest and may consider expected turnover, anticipated salary increases, variable retirement ages, variations in mortality for different classes of risks, other pertinent factors of an actuarial nature, and expenses of operation. In any case, the amount of deduction otherwise allowable for the taxable year shall be reduced by any decrease in liability which may arise from an experience during the next preceding taxable year more favorable than the assumed experience on which the cost calculations were based for each year. In no event shall an interest rate be less than, nor shall any mortality table require premiums greater than, reasonable amounts warranted under the circumstances. In the case of contributions made to a trust where the employer incurs expenses, not payable out of such contributions, such as trustee's fees, actuary's fees, and other expenses, the employer shall be allowed deductions for such expenses under section 23 (a) to the extent they are ordinary and necessary. A properly weighted retirement age determined from reasonable analyses of the experience of the employees included in the plan may be used as the normal retirement age. Different basic assumptions or premium rates may be used for different classes of risks or different groups where such differences are justified by conditions or required by contract, so long as the results of the application thereof are reasonable and do not cause any discrimination.

§ 19.23 (p) (1) (A)–2 *Contributions of an employer to an employees' pension trust; amounts deductible under clause* (i). If the amount of contributions for the first taxable year that section 23 (p) (1) (A) is applicable does not exceed 5 percent of the compensation otherwise paid or accrued during the taxable year to all the employees covered by the trust, it will not be necessary for the taxpayer for such taxable year to submit actuarial data to show that such amount is reasonably necessary to provide the remaining unfunded cost of past and current service credits to all employees under the plan. The term "compensation otherwise paid or accrued" means all of the compensation paid or accrued except that for which a deduction is allowable under a plan that qualifies under section 165 (a), including a plan that qualifies under section 23 (p) (1) (B). However, the Commissioner will make periodical examinations from time to time, at not less than five-year intervals, and will reduce the amount allowable as a deduction below the 5 percent figure for the years following the taxable year with respect to which the examination is made, if he finds that such percentage is producing contributions in excess of the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan.

For the second year and each fifth year thereafter the taxpayer shall submit with his return a certification by a qualified actuary or the company underwriting the pension of the amount determined to be necessary to provide the remaining unfunded cost of past and current service credits. Such certificate shall be accompanied by appropriate supporting data. If the Commissioner determines that the deduction claimed for the taxable year is excessive, the percentage limitation for future years shall be reduced to such amount as may be determined by the Commissioner. During each future year the amount deductible shall be limited to such lower percentage as has been approved by the Commissioner, and no change will be permitted in such percentage until a subsequent actuarial valuation shows such change to be necessary. Such subsequent valuation may be made at any time by the taxpayer and submitted to the Commissioner.

§ 19.23 (p) (1) (A)–3 *Contributions of an employer to an employees' pension trust; amounts deductible under clause* (ii). The level amount or level percentage of compensation under clause (ii) of section 23 (p) (1) (A) may be determined by any reasonable and generally accepted actuarial method selected by the employer. While the need for actuarial calculations is implicit in clause (ii), the statute leaves the determination of specific methods to regulations to be prescribed by the Commissioner with the approval of the Secretary. Clause (ii) must be construed in the light of its obvious relationship to clauses (i) and (iii) and the interplay of clauses (i), (ii) and (iii). Each employer desiring to fund under clause (ii) shall submit the proposed method to the Commissioner and receive approval of such method before the results will be acceptable. Any method which does not fund cost of past service credits more rapidly than that permitted under clause (iii) will be acceptable, and the approval of the Commissioner will not be necessary in such a case.

If the total costs computed under clause (ii) exceed the amount allowable under clause (i), the amount allowable under clause (ii) will be the excess of such total cost over the amount allowable in clause (i). In other words, if a deduction is claimed under clause (ii), the total amount allowable under both clause (i) and (ii) will be the total cost for the year with respect to either the "level amount" basis or the "level percentage" of payroll basis.

§ 19.23 (p) (1) (A)–4 *Contributions of an employer to an employees' pension trust; amounts deductible under clause* (iii) The basic limitation on deductions for any year under clause (iii) is the sum of the "normal" cost, plus an amount equal to one-tenth of the cost of "past service or other supplementary pension or annuity credits" not provided by such "normal" cost.

"Normal cost" for any taxable year is the cost actuarially determined which would be required during such year to maintain the plan assuming that the plan had been in effect from the beginning of the service of each then included employee and that such costs for prior years had been paid and all assumptions as to interest, mortality, time of payment, etc. had been fulfilled. Such normal cost may be determined under any reasonable and generally accepted actuarial method and may be expressed either as (a) a level amount or a level percentage of payroll or (b) the total for all of the employees of the single premiums for the unit benefits of each accruing during the year. The method of funding used for determining normal costs must be reasonable and consistent with the provisions of the plan. No method of determining normal cost will be permitted which results in discrimination or manipulation.

Past service or supplementary cost at any time is the amount which would be required at such time to meet all the future retirement annuity benefits provided by the plan which will not be met by the expected payments of normal costs and expected future contributions of employees.

§ 19.23 (p) (1) (A)–5 *Contributions of an employer to an employees' pension trust; deduction of excessive amounts paid in a taxable year.* Any amount paid in a taxable year in excess of the amount deductible in such year under clause (ii) or (iii) shall be deductible under the provisions of clause (iv) in the succeeding taxable years in order of time to the extent of the difference between the amounts paid and deductible in each such succeeding taxable year and the maximum amounts deductible for such year in accordance with the limitations under clause (ii) or (iii), whichever is applicable. Thus, if the normal cost of the plan required the taxpayer to pay under the plan $100,000 for the taxable year 1942, and he paid $150,000, he would be allowed a deduction of $100,000 for 1942, but if the normal cost continued to be $100,000 for 1943, and he paid in $75,000 that year, he would be allowed a deduction of $100,000 for 1943, and he would be allowed to take the remaining $25,000 in 1944, or for the first succeeding year or years, in which he pays in less than the normal cost for that year.

§ 19.23 (p) (1) (B)–1 *Contributions of an employer toward the purchase of retirement annuities.* Section 23 (p) (1) (B) relates to the deduction of amounts paid by an employer for retirement annuities for his employees. If amounts are contributed by an employer to a pension trust and the trust purchases such annuities, the amounts so contributed are deductible under section 23 (p) (1) (A). In order that an employer's payments for retirement annuities may be deductible under section 23 (p) (1) (B), the annuity contracts must be purchased under a plan that meets the requirements with respect to coverage and discrimination in contributions and benefits set out in section 165 (a) (3), (4), (5), and (6). See §§ 19.165 (a) (3)–1 to 19.165 (a) (4)–2. In the case of an annuity plan in effect on or before September 1, 1942, the annuity plan need not meet the requirements of section 165 (a) (3), (4), (5), and (6) except for taxable years beginning after December 31, 1942. (See section 162 (d) of the Revenue Act of 1942.) In addition, no

deduction will be allowable for any taxable year under section 23 (p) (1) (B) if any refund of premiums which may be made under the annuity contracts is not applied within the taxable year in which received, or within the next succeeding taxable year, toward the purchase of such retirement annuities for the employees covered under the annuity plan. This provision applies whether the refund is made upon the termination of any annuity contract or prior thereto. If the annuity plan is discontinued, any amount refunded shall be applied during the taxable year of the employer in which the refund is made or during his next succeeding taxable year toward the purchase of annuity contracts for all employees covered by the plan, whether or not the rights of such employees are nonforfeitable. Such refund shall be applied equitably, and so far as the amount of refund will permit, to the liability under the plan, including contingent liability, with respect to each included employee. See § 19.165 (a) (2)–1 for similar requirements upon termination of a pension trust. All amounts refunded under an annuity contract shall be considered a return of premiums to the extent that the amounts recovered do not exceed the total premiums paid. Any amounts credited to an employer under an annuity contract toward the payment of premiums then or thereafter due and which are not refunded, are not required to be credited against the premiums due for the current taxable year or the next succeeding taxable year, but may be credited against premiums due for any taxable year. If under the terms of any annuity contract it is possible for refunds of premiums to be made and not applied within the taxable year in which the refund is received or the next succeeding taxable year toward the purchase of such retirement annuities, no deduction will be allowable under section 23 (p) (1) (B). However, section 23 (p) (1) (B) shall be applicable if under the terms of the annuity contract any refunds are required to be made to a trustee, other than the employer, under an irrevocable trust indenture which provides that such refunds shall be used solely for the payment of premiums for the current year or subsequent years, under the annuity contract.

§ 19.23 (p) (1) (C)–1 *Contributions of an employer to a stock bonus or profit-sharing trust.* Section 23 (p) (1) (C) is applicable to contributions of an employer to a stock bonus or profit-sharing trust that meets the requirements of section 165 (a). The contributions to be deductible under this section must be paid in a taxable year of the employer which ends within or with a taxable year of the trust with respect to which the trust is exempt under section 165 (a). Any amount deductible under any of the subdivisions of subparagraph (A) of section 23 (p) (1) is not deductible under subparagraph (C), since such amounts represent contributions to a pension trust and not to a stock bonus or profit-sharing trust. As to the types of contributions deductible under subparagraph (A), see §§ 19.23 (p) (1) (A)–1 to 19.23 (p) (1) (A)–4.

The amount of contributions deductible under section 23 (p) (1) (C) in any taxable year is limited to 15 percent of the compensation otherwise paid or accrued during the taxable year to all of the employees covered by the stock bonus or profit-sharing plan. The term "compensation otherwise paid or accrued" means all of the compensation paid or accrued except that for which a deduction is allowable under a plan that qualifies under section 165 (a). If contributions are made by an employer during a taxable year to two or more stock bonus or profit-sharing trusts, he is limited in his deduction to 15 percent of the compensation otherwise paid or accrued during the taxable year to all of the employees covered by such trusts. If an employer contributes in any taxable year beginning after December 31, 1941, an amount in excess of the maximum amount for which he is allowed a deduction under section 23 (p) (1) (C), such excess shall be deductible in the succeeding taxable years in order of time, but the total amount deductible in any one taxable year shall not exceed 15 percent of the compensation otherwise paid or accrued during such succeeding taxable year to the employees covered by the plan in such year. For example, if an employer pays into a profit-sharing trust during 1943 $100,000, and he is limited to a deduction of $60,000 for such year under the 15 percent limitation provision, and he pays in $70,000 in 1944, although entitled to a deduction of $100,000 for 1944, if he had paid in that amount, nevertheless he will be allowed a deduction of $100,000 for 1944. . The remaining $10,000 of the 1943 overpayment not deductible for 1943 or 1944 shall be allowable as a deduction in any succeeding year or years in order of time to the extent that he has not made a contribution of the maximum allowable for such succeeding year or years.

If such contributions are made in any taxable year beginning after December 31, 1941, and such contributions are less than the maximum amount that would have been deductible for such year if contributed, the excess of such maximum amount over the amount actually contributed, or if no amount was contributed, then such maximum amount shall be carried forward and be deductible for the succeeding taxable years, in order to time, but the amount so carried forward shall not be deductible for any taxable year in an amount in excess of 15 percent of the compensation otherwise paid or accrued during such taxable year to the employees covered by the plan. For example, an employer paid into an exempt profit-sharing trust in 1942 $50,000. 15 percent of the total compensation paid or accrued to the employees covered by the trust, not including the amounts contributed to the trust on behalf of such employees, for such year amounted to $150,000. For 1943, 15 percent of such compensation for such employees amounted to $125,000. The employer contributed $300,000 to such a trust during that year. The amount deductible for 1943 is limited by section 23 (p) (1) (C) to $225,000: $125,000 (amount equal to 15 percent of the compensation otherwise paid in 1943) plus $100,000 (amount carried forward from 1942, which amount is not in excess of such 15 percent of such compensation).

§ 19.23 (p) (1) (D)–1 *Contributions of an employer under a plan that does not meet the requirements of section 165 (a).* Subparagraph (D) of section 23 (p) (1) covers all cases for which deductions are allowable under section 23 (p) (1) but not allowable under subparagraphs (A), (B), (C) or (F) of such section. No deduction is allowable under section 23 (p) (1) (D) for any contribution paid or accrued by an employer under a stock bonus, pension, profit-sharing, or annuity plan, or for any compensation paid or accrued on account of any employee under a plan deferring the receipt of such compensation, except for the year when paid, and then only to the extent allowable under section 23 (p) (1). See § 19.23 (p) (1)–1. If payments are made under such a plan and the amounts are not deductible under the other subparagraphs of section 23 (p) (1), they are deductible under subparagraph (D) to the extent that individual employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid. As to what constitutes nonforfeitable rights of an employee, see § 19.165 (c)–1. If an amount is accrued but not paid during the taxable year, or if paid during the taxable year and the employees' rights are forfeitable at the time the amount is paid, no deduction will be allowed the employer for such amount for such taxable year.

§ 19.23 (p) (1) (F)–1 *Contributions of an employer to two or more employees' trusts, or annuity plans.* Subparagraph (F) of section 23 (p) (1) covers cases where an employer makes contributions during a taxable year beginning after December 31, 1941 either to (a) a pension trust and a profit-sharing or stock bonus trust, or (b) a profit-sharing or stock bonus trust and under an annuity plan, or (c) both pension and profit-sharing or stock bonus trusts and under an annuity plan, and such contributions are made under a plan or plans that meet the requirements of section 165 (a). It does not cover cases where an employer makes contributions to two or more pension trusts or to a pension trust and under an annuity plan or plans. In such cases deductions are determined under subparagraph (A) of section 23 (p) (1) if made under a plan that meets the requirements of section 165 (a) or, if not meeting such requirements, then under subparagraph (D) of such section. Neither is it applicable to a case where there are only two or more stock bonus or profit-sharing trusts. See § 19.23 (p) (1) (C)–1. If no employee is a beneficiary under more than one trust, or a trust and an annuity plan, subparagraph (F) is not applicable.

The amount deductible under subparagraph (F) is limited to 25 percent of the compensation otherwise paid or accrued during the taxable year to the employees covered by the plans. The term

"compensation otherwise paid or accrued" means all of the compensation paid or accrued except that for which a deduction is allowable under a plan that qualifies under section 165 (a). If an employer contributes an amount under such plans in a taxable year beginning after December 31, 1941 in excess of the 25 percent limitation, he shall be allowed deductions for such excess in the succeeding years in order of time but limited in amount in any one year so that the total amount allowable under subparagraph (F) for any one taxable year shall not exceed 30 percent of the compensation otherwise paid or accrued during such taxable year to the employees covered by the plans. For example, if an employer on the calendar year basis contributed during 1942 to pension and profit-sharing trusts amounts equal to 40 percent of the compensation otherwise paid employees covered by the plans, and in 1943 contributed to such trusts an amount equal to 25 percent of such compensation, he would be allowed a deduction for 1943 for the excess for which no deduction was allowable for 1942 plus the amount otherwise allowable for 1943 in an aggregate amount not in excess of 30 percent of the compensation otherwise paid such employees for 1943. If there remained a portion of such excess for which no deduction was allowable for 1943, such portion could be carried over to 1944 and succeeding taxable years, subject to the 30 percent limitation.

(Sec. 162 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.), and sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 8, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-10994; Filed, July 8, 1943; 11:41 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 193]

REPLACEMENTS

ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 318,[1] entitled "Replacement Summary," effective immediately upon the filing hereof with the Division of the Federal Register.

Addition of a new form designated as DSS Form 319,[1] entitled "Replacement List," effective immediately upon the filing hereof with the Division of the Federal Register.

Addition of a new form designated as DSS Form 320,[1] entitled "Replacement Schedule Title Sheet," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing additions shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 3, 1943.

[F. R. Doc. 43-10963; Filed, July 7, 1943; 3:54 p. m.]

[1] Forms filed as part of the original document.

[Amendment 161, 2d Ed.]

PART 611—DUTY AND RESPONSIBILITY TO REGISTER

NONDECLARANT ALIEN NOT RESIDING IN UNITED STATES

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C. Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 611.13 to read as follows:

§ 611.13 *When a nondeclarant alien is not residing in the United States.* (a) A male alien who is now in or hereafter enters the United States who has not declared his intention to become a citizen of the United States is not "a male person residing in the United States" within the meaning of section 2 or section 3 of the Selective Training and Service Act of 1940, as amended; provided he has in his personal possession an official document issued pursuant to authorization of or described by the Director of Selective Service which identifies him as a person not required to present himself for and submit to registration and provided:

(1) He is a diplomatic representative, a technical attaché of a foreign embassy or legation, a counsul general, a consul, a vice consul, or a consular agent of a foreign country; or

(2) He is an employee of a foreign embassy, legation, or consulate and a national of the country employing him who has been notified to the Department of State; or

(3) He is a full-time official or employee of a foreign government and a national of the country employing him, who has been notified to the Department of State; provided that at the time he is notified to the Department of State, a proper representative of his government advises and after investigation the Department of State and the Director of Selective Service agree that he is in fact not residing in the United States; or

(4) He is a dependent male child of any person described in subparagraph (1), (2), or (3) of this paragraph; or

(5) He is a member and in the active service of the armed forces of a cobelligerent or a neutral country; or

(6) He has entered or hereafter enters the United States in a manner prescribed by its laws and does not remain in the United States after May 16, 1942, or for more than 3 months following the date of his entry, whichever is the later; or

(7) He has, within the time prescribed and in the manner provided in § 611.21, filed with the local board with which he is registered, or if he is not registered, with the local board having jurisdiction over the area in which he is located, an Alien's Application for Determination of Residence (Form 302), together with an Alien's Personal History and Statement (Form 304), and such application is either pending or has resulted in the issuance by the local board of an Alien's Certificate of Nonresidence (Form 303) which has not expired; or

(8) He is an individual designated by the Director of Selective Service as not required to present himself for and submit to registration; or

(9) He is within a group of individuals described by the Director of Selective Service as not required to present themselves for and submit to registration.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY.
Director.

JULY 6, 1943.

[F. R. Doc. 43-10986; Filed, July 8, 1943; 10:39 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a); Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1130—ELECTRICAL APPLIANCES

[General Limitation Order L-65, as Amended July 8, 1943]

§ 1130.1 *General Limitation Order L-65*—(a) *Definitions.* For the purposes of this order:

(1) "Electrical appliances" means only those appliances listed on Schedule A of this order which have as functional parts, electrical heating units (of any wattage), or which are powered by an electrical vibrator or electrical fractional horsepower motor.

(2) "Heating unit" means any electric heating unit designed primarily for use in an electrical appliance or in a domestic type electric range.

(3) "Electrical resistance material" means material in the form of ribbon or wire to be incorporated in heating units, in which either nickel or chromium or both, are used to create electrical resistance for the development of heat.

(4) "Manufacturer" means any person engaged in the business of manufacturing or assembling any heating units, electrical appliances or parts for such appliances, including a person who assembles parts of an electrical appliance for sale in knock-down form.

(5) "Distributor" means any person engaged in the business of transferring heating units, electrical appliances or

parts for such appliances to his retail outlets or to other dealers.

(6) "Dealer" means any person engaged in the business of transferring or repairing heating units, electrical appliances or parts for such appliances to or for ultimate consumers.

Any person who acts in more than the single capacity of manufacturer, distributor or dealer as defined in paragraphs (a) (4), (a) (5) and (a) (6) of this order shall for the purposes of this order be deemed a manufacturer, distributor or dealer, depending upon the capacity in which he acts in each specific transaction.

(7) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(8) "Repair or replacement part" means any heating unit for a domestic electric range or any heating unit or other part for an electrical appliance when such heating unit or part is not produced for use in the manufacture or assembly of any new electrical appliance or new domestic electric range.

(9) "Current-carrying parts" include only the following parts: Heating units, thermostats and temperature controls, relays, lead-in and connection wires, switches, terminals, fuses, receptacles and parts of motors which conduct electric current, but shall not include cord sets.

(b) *General restrictions on production.* (1) On and after June 17, 1943, no manufacturer shall produce any new electrical appliance (or parts therefor) other than repair or replacement parts, except:

(i) The following new electrical appliances (or parts therefor) may be produced in fulfillment of preferred orders: Coffee makers, flat irons, air heaters, water heaters, and commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers.

(ii) During the period beginning June 17, 1943, and ending September 30, 1943, inclusive, and during each three months period thereafter, a manufacturer may produce for other than preferred orders as specified in paragraph (b) (1) (i) above, no more units of any of the following types of new electrical appliance (or parts therefor) than 10% of the number of units of that particular electrical appliance (or parts therefor) produced by him during 1940: Commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers; *Provided*, that no manufacturer shall produce any units of any type of new electrical appliance (or parts therefor) listed in this paragraph (ii) if such production will result in an accumulation of inventory of that particular type of new electrical appliance (or parts therefor) greater than 15% of the number of units of that particular electrical appliance (or parts therefor) produced by him during 1940.

(2) On and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of any new electrical appliances, or parts therefor (whether or not in fulfillment of preferred orders) specified in paragraph (b) (1) of this order, except for such minimum amounts as are necessary for the conduction of electric current or essential to the proper functioning of parts.

(c) *Restrictions on transfer of new electrical appliances.* On and after June 17, 1943, no manufacturer shall transfer the physical possession of or title to any new electrical appliance manufactured after that date, except

(1) In fulfillment of preferred orders.

(2) Pursuant to specific authorization of the War Production Board on Form PD–556 pursuant to an application filed on said Form. Form PD–556 may be obtained from the nearest regional or district office of the War Production Board and shall be submitted in quadruplicate, according to the following instructions:

(i) Under section I, supply the name and address of the manufacturer and supplier of the equipment if the application is submitted by anyone other than the appliance manufacturer;

(ii) Under section II (a), supply a complete description of the electrical appliance, manufacturer's model designation and size or capacity;

(iii) Under section II, do not fill in (b), (c) and (d).

(iv) Answer all applicable questions on the form except Questions 6, 7 and 8 in section III.

(d) *Repair or replacement parts.* (1) Except in fulfillment of preferred orders, on and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of any repair or replacement parts, other than the specific parts listed on the following table, or any part thereof:

Type of equipment	*Repair or replacement parts for which copper or copper base alloys are permitted*
Air heaters	Current-carrying parts.
Commercial permanent wave equipment and commercial hair driers.	Current-carrying parts, other than copper or copper base alloy disposable grids for permanent wave equipment.
Flat irons	Cord sets pursuant to paragraph (d) (3) of this order and current-carrying parts.
Commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers.	Current-carrying parts and motor bearings where the use of other material is impracticable.
Heating units for domestic electric ranges	Current-carrying parts.
Hotplates and disc stoves	Current-carrying parts.
Roasters	Current-carrying parts.
Water heaters	Current-carrying parts and immersion units.

(2) On and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of repair and replacement parts in fulfillment of preferred orders, except for such minimum amounts necessary for the conduction of electric current or essential to the proper functioning of parts.

(3) On and after June 17, 1943, no manufacturer shall produce any replacement cord sets except for flat irons. Replacement cord sets produced for flat irons shall conform to the following specifications: The cord shall be of a quality which tests 3,000 or more cycles in flexure and shall be not more than 6 feet in length; plugs and caps shall be so constructed that they can be readily dismantled and reassembled for repair purposes. During the period beginning June 17, 1943, and ending December 31, 1943, and during each six month period thereafter, no manufacturer shall produce more replacement cord sets for flat irons than 25% of the number of such replacement cord sets produced by him during the year 1940.

(4) On and after June 17, 1943, no manufacturer shall produce any repair or replacement parts (other than replacement cord sets for flat irons) if he has, or as a result of such production will have, more parts of such type in his inventory than the number of parts of such type which he sold during the preceding six calendar months.

(5) Except in fulfillment of preferred orders, on and after June 17, 1943, no manufacturer or distributor shall transfer any repair or replacement parts unless a similar used part has been delivered to him in exchange therefor, or unless he has been informed that a similar used part is being held or will be secured by the dealer or distributor to whom the new part is being transferred, or has been disposed of in accordance with this paragraph. The used parts shall be held subject to disposition at the direction of the manufacturer or distributor who transferred the new part. If no such direction is given within 60 days, the person holding the used part shall promptly dispose of it through regular scrap channels.

(e) *Restriction on use or transfer of electrical resistance material.* On and after June 17, 1943, no manufacturer shall use in the production of heating units or transfer for any purpose whatsoever, any electrical resistance material reported by him in columns 4 and 8 of Form PD–370 prior to September 30, 1942, except pursuant to specific authorization of the War Production Board on Form PD–556 pursuant to an application filed on said Form.

(1) When filing Form PD–556 as an application to use electrical resistance material in the production of heating units, answer all applicable questions except section I, Columns (b) and (c) in section II, and questions 4, 6, 7 and 8 in section III.

(2) When filing Form PD–556 as an application for the transfer of resistance material, answer all applicable questions except Columns (b) and (c) in section II, and Questions 4, 6, 7 and 8 in section III. The unit of measure in each case, under Column (d) of section II shall be pounds.

(f) *Inventory restrictions.* No manufacturer shall accumulate for use in the manufacture of electrical appliances, heating units, or repair or replacement parts, any inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production as permitted by this order.

(g) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of electrical appliances, heating units, or repair or replacement parts to a greater extent than the limits imposed by this order, the provisions of such other order shall govern unless otherwise specified therein.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(i) *Reports.* Every manufacturer affected by this order shall execute and file Form PD–655 with the War Production Board, Washington, D. C., Ref.: L-65, on or before the 10th day following the close of each calendar month.

(j) *Appeals.* Any appeal from the provisions of this order should be made on Form PD–500.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref.: L–65.

Issued this 8th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: "Dehydration devices (domestic)," "Food dehydration equipment (domestic)" revoked July 8, 1943.

The following is the list of electrical appliances specified in paragraph (a) (1) of this order:

Air Heaters (except as covered by L–107 and L–158)
Aquarium Heaters
Baking Ovens
Barbecue Machines
Biscuit and Muffin Bakers
Blankets
Bottle Warmers
*Bread Slicers (except as covered by L–83)
Bread Toasters (except as covered by L–182)
Broilers
Casseroles
Chafing Dishes
Choppers, food and meat
Cigar and Cigarette Lighters
Clothes Driers
Coffee Makers
Coffee Mills
Coffee Roasters
Commercial Cooking and Food and Plate Warming Equipment
Corn Poppers
Curling Irons
*Dishwashing Equipment (domestic)
Double Boilers
Doughnut Cookers
Dry Shavers
Egg Boilers
Face and Hand Driers
Fan Type Heaters (except as covered by L–107 and L–158)
Faucet Heaters
Flat Irons
Fly Screens and Traps
Fireplaces
Food Choppers and Slicers
Food Conveyance Equipment
Food Cooking Equipment
Food Grinders
*Food Mixers
*Food Preparation Machinery
Food Servers
Fry Kettles
Griddles
Grills
Hair Clippers
Hair Driers
Heating Pads
Hedge Clippers
Hotplates and Disc Stoves
Ice Cream Freezers, Domestic
**Immersion Heaters
*Juice Extractors
Knife Sharpeners and Grinders
Massage Vibrators
*Meat, Fish and Bone Cutters
Neckwear and Trousers Pressers
Ovens (except as covered by L–182)
Peanut Roasters
Percolators
Permanent Wave Equipment
Popcorn Machinery
Portable Air Heaters
Pyrographic Pencils
Radiant Heaters
Ranges, Commercial (except as covered by L–182)
Roasters
Roasting Ovens
Sandwich Toasters
Soup Cookers
Steak and Meat Tenderizing Equipment
Steam Tables
**Steamers
Stock Pots
**Strip Heaters
Table Stoves
Tea Kettles
**Unit Heaters
Urns
Vibrators
**Vane Heaters
Waffle Irons
Water Heaters (except as covered by L–185)

*Only those using a fractional horsepower motor.

** Except for industrial applications.

[F. R. Doc. 43–10983; Filed, July 8, 1943; 10:43 a. m.]

PART 3026—PETROLEUM PRODUCTS

[Preference Rating Exclusion Order M–201 as Amended July 8, 1943 [1]]

The fulfillment of the requirements for the defense of the United States has created a shortage in certain petroleum products which will result, in certain areas, in a shortage in the supply of such petroleum products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3026.1 *Preference Rating Exclusion Order M–201*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the applicable provisions of any priorities regulation issued by the War Production Board, as amended from time to time.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(2) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including, but not limited to, natural gas.

(3) "Restricted products" means those products of petroleum which may from time to time be specified in Exhibit A hereof and which are not excepted, in whole or in part, from the provisions of this order by Exhibit B hereof.

(c) *Exclusion of restricted products from certain provisions of priorities regulations and orders.* (1) Notwithstanding the provisions of any regulation, order, direction or certificate heretofore issued by the War Production Board or the Office of Production Management, deliveries of restricted products may be made by any person to any person for any purpose without regard to any preference rating assigned to the purchase, sale or delivery of such restricted products. No person shall require the application of a preference rating assigned by any regu-

[1] Exhibits A and B amended July 8, 1943.

lation, order, direction or certificate to the purchase, sale or delivery of restricted products and, except as provided in paragraph (c) (2) hereof, no such purchase, sale or delivery of restricted products shall be deemed to bear any preference rating whatsoever.

(2) No preference rating shall be assigned to any purchase, sale or delivery of restricted products (other than to a purchase, sale or delivery of fuel oil for use in ocean-going vessels) by any regulation, order, direction or certificate hereafter issued by or under the authority of the War Production Board, except by or pursuant to a regulation or order hereafter issued by the War Production Board specifically assigning the rating and excepting the transaction from the provisions of this order.

(d) *Excepted products.* The provisions of this order do not apply to any product of petroleum specified in Exhibit B hereof.

(e) *Applications and communications.* Applications for a specific assignment of a preference rating and exception from the provisions of this order shall be made on Form PD–1A accompanied by a letter in triplicate stating the reasons for such exception. Any such application shall be addressed to the Petroleum Administration for War, South Interior Building, Washington, D. C., Ref: M–201. All communications concerning this order shall be similarly addressed.

(f) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(g) Section 1115.2 *Preference Rating Exclusion Order M–144* is hereby revoked.

Issued this 8th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

NOTE: Exhibit A amended in its entirety July 8, 1943.

The following are specified restricted products.

(1) Liquefied petroleum gas: propane, propylene, butanes, butenes, or any combination or dilution thereof commonly known as liquefied petroleum gas.

(2) Aviation gasoline: any liquid fuel (including components thereof), except Diesel fuel, used for aircraft propulsion which meets current provisional or permanent United States Army or Navy specifications for aircraft fuels.

(3) Motor fuel: any liquid fuel (including components thereof) suitable for use in the propulsion of motor vehicles or motor boats.

(4) Naphtha: any liquid petroleum fraction or derivative commonly known as naphtha, including that cut of gasoline or kerosene classified as naphtha: *Provided*, That the term naphtha shall not include any toluene fraction of Kauri-butanol value of 85 Kauri-butanol number or higher, or any aromatic petroleum solvent, as defined in General Preference Order M–150, as amended.

(5) Insecticide base: any liquid petroleum fraction or derivative used as or suitable for use as a base or carrier for the active chemical ingredients of an insecticide, germicide or deodorant.

(6) Fuel oil: any liquid petroleum fraction or derivative commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5, or 6, Bunker "C" fuel oil, Diesel fuel, kerosene, range oil, gas oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(7) Lubricating oil: any liquid petroleum fraction or derivative regardless of the extent processed, (1) which is used for or is suitable for lubrication, including, but not limited to, cutting, drawing, processing, soluble, transformer and white oils, and (2) which does not contain in excess of 50% by weight of additives or compounds.

(8) Lubricating grease: any lubricant manufactured from petroleum and a soap, organic salt or ester of any fatty oil or fatty acid.

(9) Asphalt: asphalt of petroleum origin and all asphaltic products of petroleum origin, including road oils.

(10) Petroleum wax: any solid hydro-carbon mixture commonly known as paraffin wax (fully refined, semi-refined, or crude scale) or micro-crystalline wax (amorphous wax, petrolatum wax), or any combination of these, regardless of the extent processed.

(11) Petrolatum: any semi-solid hydrocarbon mixture, plastic and unctuous, commonly known as petrolatum or petroleum jelly, regardless of the extent processed.

EXHIBIT B

NOTE: Exhibit B amended July 8, 1943.

The following are specified excepted products:

(None, as of July 8, 1943.)

[F. R. Doc. 43–10984; Filed, July 8, 1943; 10:34 a. m.]

PART 3283—DOMESTIC FOOD DEHYDRATORS

[General Limitation Order L–308]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account or for export of iron and steel and other critical materials used in the production of domestic food dehydrators; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3283.1 *General Limitation Order L–308*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic food dehydrator" means a self-contained food dehydrating unit designed for home use consisting of a cabinet, fan or blower, a thermostat and a source of heat provided by either a heating element, light bulbs or fuel burning device and constructed so that temperature, humidity and air-flow are controlled.

(2) "Manufacturer" means any person engaged in the manufacture, fabrication or assembly of domestic food dehydrators other than for personal use, or experimental purposes, except schools and educational institutions manufacturing domestic food dehydrators for educational purposes.

(3) "Produce" means to process, fabricate, work on or assemble.

(b) *General restrictions.* (1) On or after July 8, 1943, no manufacturer shall produce any domestic food dehydrators except approved domestic food dehydrators as authorized by the War Production Board.

(2) Each manufacturer desiring to produce domestic food dehydrators under this order shall file with the War Production Board a letter of application pursuant to the instructions contained in Form WPB–2853, which form may be obtained from the War Production Board, Consumers Durable Goods Division.

(3) The War Production Board will notify each manufacturer of the individual authorization granted pursuant to this paragraph, by inclusion of such manufacturer's name and the approved number of units on Schedule A attached to this order. Such authorization will constitute approval of the domestic food dehydrator described in the manufacturer's application.

(4) All of the domestic food dehydrators authorized and approved for production under this order must be completed before September 1, 1943.

(c) *Statement of policy.* The production of domestic food dehydrators is directly related to the war time problem of preservation and distribution of food supplies. It is an emergency program which requires the completion of a maximum of 100,000 dehydrators prior to September 1, 1943. In the assignment of production quotas the War Production Board shall take into consideration:

(1) The amount of controlled materials involved in the manufacturer's proposed domestic food dehydrators.

(2) Other critical raw materials or fabricated parts.

(3) The raw materials and fabricated parts obtained from stocks available.

(4) The recommendation of the Office of Production Research and Development as to the performance of the dehydrators.

(5) The recommendation of the Department of Agriculture.

(6) The recommendations of the Smaller War Plants Corporation as to the distress condition of the manufacturer.

(7) The labor and transportation situation in the area where the plant of each applicant is located.

(8) The proposed selling price.

(9) Such other factors the War Production Board shall deem appropriate.

(d) *Inventories.* (1) No manufacturer authorized to produce domestic food dehydrators shall place an order for or accept delivery of any raw materials, semi-processed materials or fabricated parts in excess of the quantities necessary to complete his approved production quota.

(2) No manufacturer shall accumulate for the use and production of domestic food dehydrators under this order, inventories of raw materials, semi-processed materials or finished parts in excess of the minimum necessary to maintain production at the rate permitted.

(e) *Applicability of other orders and regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. In so far as any other order of the War Production Board limits the use of any material in the production of domestic food dehydrators to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeal.* Any appeal from the provisions of this order, or of any schedule issued pursuant thereto, should be made on Form WPB–1477 (formerly PD–500), filed with the War Production Board.

(h) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref: L–308.

Issued this 8th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

APPROVED PRODUCTION SCHEDULE

	Number of domestic food dehydrators
Bailey Lumber Co., Bluefield, West Va.	10,000
Beckett Electric Co., Air-O-Line Division, Dallas, Tex.	2,200
Burdick Baron Co., Dallas, Tex.	1,000
Burt Co., Denver, Colo.	500
Climax Machinery Co., Indianapolis, Ind.	1,000
H. Conrad Manufacturing Co., Minneapolis, Minn.	3,000
Edwards Cabinet Shop, East Point, Ga.	500
Electromaster, Incorporated, Detroit, Mich.	1,500
Folding Carrier Co., Oklahoma City, Okla.	1,000
General Electric Company, Bridgeport, Conn.	18,000
F. B. Hicks, Cambridge, Mass.	1,300
Houston Ready Cut House, Houston, Tex.	5,000
O. W. Ketcham Co., Crum Lynne, Pa.	1,000
Koch Refrigerating Co., Inc., Kansas City, Mo.	1,000
Libman Spanjer Corporation, New York, N. Y.	500
Lester Industries, Lester, Pa.	2,500
Frank Lyon Co., Little Rock, Ark.	2,000
Macon Cabinet Works, Inc., Macon, Ga.	500
Metropolitan Device, Brooklyn, N. Y.	7,500
Nachegee Manufacturing Co., Grand Rapids, Mich.	3,000

SCHEDULE A—Continued

APPROVED PRODUCTION SCHEDULE—continued

	Number of domestic food dehydrators
Noblitt-Sparks Industries, Inc., Columbia, Ind.	8,500
Oxford Cabinet Co., Oxford, Pa.	1,500
Pierce Phelps, Philadelphia, Pa.	7,500
Refrigeration Corporation of America, New York, N. Y.	3,000
Rome Builders Supply Co., Rome, Ga.	500
St. Louis Furniture Workers Ass'n., St. Louis, Mo.	500
A. J. Stephens & Co., Kansas City, Mo.	500
Stewart Warner, Chicago, Ill.	1,000
Sunroc Refrigerating Co., Glenn Riddle, Pa.	1,500
Tennessee Valley Asscciates, Nashville, Tenn.	1,000
G. A. Tye & Sons, Americus, Ga.	500

[F. R. Doc. 43–10985; Filed, July 8, 1943; 10:34 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88,[1] Amdt. 114]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1340.159 (c) (1), two unnumbered paragraphs are added after the words "Crude petroleum".

(1) *Crude petroleum.* If a contract was in effect on October 1, 1941 for the purchase of crude petroleum at the receiving tank at a price in excess of the lowest posted price as of October 1, 1941 for the given pool applicable to such production or for the purchase of crude petroleum at a point other than at the receiving tank at a price in excess of such posted price, and if a specific maximum price has been established for crude petroleum produced at such pool under § 1340.159 (c); then the maximum price at the receiving tank or at such other point for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the same production, shall be the sum of the contract price and the difference between the specific price as set out in § 1340.159 (c) and the lowest posted price as of October 1, 1941.

Where contracts of the type described above were in effect on October 1, 1941, duly authenticated copies of such contracts shall be filed by the purchaser with the Petroleum Branch of the Office of Price Administration at Washington, D. C. within thirty days after the effective date of this amendment, unless copies of said contracts have heretofore been filed with the Office of Price Administration.

This amendment shall become effective July 13, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10940; Filed, July 7, 1943; 12:14 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 238,[1] Amdt. 6]

FIXED MARK-UP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 238 is amended in the following respects:

1. In sections 1 (b), 1 (b) (2), 1 (b) (3), 1 (b) (4), 3, 5, 14, 16, 18, 21 (b) (1), 22, and 26, and in Appendix A, the word "group" is substituted for the word "class", "groups" is substituted for "classes", "Group" is substituted for "Class", and "Groups" is substituted for "Classes" wherever used.

2. Section 1 (b) (1) is amended to read as follows:

(1) Group 1: "Independent" retail stores with "annual gross sales" of less than $50,000. A retail store shall be an "independent" retail store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

3. Section 8 is amended to read as follows:

SEC. 8. *How a retailer must post his group.* At all times, a retailer must have the group his store is in under this regulation posted on a sign reading "OPA–1", "OPA–2", "OPA–3", or "OPA–4", whichever his store is, or on a sign which the Office of Price Administration may furnish, so that it can be clearly seen by his customers; except that if under any order issued under General Order No. 51 a retailer is allowed to post the sign of another group, he may do so.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10942; Filed, July 7, 1943; 12:15 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 268,[2] Amdt. 5]

SALES OF CERTAIN PERISHABLE FOOD COMMODITIES AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

[1] 8 F.R. 6125, 6424, 7661, 7766.
[2] 8 F.R. 6129, 7116, 7661, 7692.

has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 268 is amended in the following respects:

1. In sections 1 (b), 1 (b) (2), 1 (b) (3), 1 (b) (4), 3 (a) (1), 3 (a) (3), 12, 16, 17, 20 (b) (1), 21 and 25, and in Appendix A, the word "group" is substituted for the word "class", "groups" is substituted for "classes", "Group" is substituted for "Class", and "Groups" is substituted for "Classes" wherever used.

2. Section 1 (b) (1) is amended to read as follows:

(1) Group 1: "Independent" retail stores with "annual gross sales" of less than $50,000. A retail store shall be an "independent" retail store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

3. Section 3 (d) is amended to read as follows:

(d) Stores under one ownership pricing from a central point may calculate their maximum prices based on the "net cost" of purchases during the 7 days preceding Tuesday of each week. Those prices must not be put into effect before the following Thursday.

4. The head-note of section 5 is amended to read as follows:

SEC. 5. *How a retailer must post his maximum prices and group.*

5. Section 5 (b) is amended to read as follows:

(b) *Group.* At all times a retailer must have the group his store is in under this regulation posted on a sign reading "OPA-1", "OPA-2", "OPA-3", or "OPA-4", whichever his store is; or on a sign which the Office of Price Administration may furnish, so that it can be clearly seen by his customers; except that if under any order issued under General Order No. 51 a retailer is allowed to post the sign of another group, he may do so.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10941; Filed, July 7, 1943; 12:15 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 336,[1] Amdt. 7]

RETAIL CEILING PRICES FOR PORK CUTS AND PROCESSED MEAT PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2859, 4253, 5317, 5634.

Maximum Price Regulation No. 336 is amended in the following respects:

1. In sections 1, 2 (a), 2 (c), 13, 14, 16, 19 and 20, the word "group" is substituted for the word "class", "groups" is substituted for "classes", "Group" is substituted for "Class", and "Groups" is substituted for "Classes" wherever used.

2. Section 2 (d) is amended to read as follows:

(d) Your store is a chain store if it is one of 4 or more stores owned by one person which have combined annual gross sales of $500,000 or more. If you are in doubt whether your store is in "Group 1 and 2", consult the directions given in sections 11, 12 and 13.

3. Section 12 (b) (1) is amended to read as follows:

(1) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be treated as operating a separate retail store of your own and you must find its group by using your own separate sales.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328; 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10944; Filed, July 7, 1943; 12:17 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 355,[1] Amdt. 8]

RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 355 is amended in the following respects:

1. In sections 1, 2 (c), 14 (a), 15, 16, 18, 22 and 28, the word "group" is substituted for the word "class", "groups" is substituted for "classes", "Group" is substituted for "Class" and "Groups" is substituted for "Classes" wherever used.

2. Section 2 (a) is amended to read as follows:

(a) You will find your ceiling prices for each grade of beef, veal, lamb and mutton cuts on your "OPA List of Ceiling Prices for Beef, Veal, Lamb and Mutton—Fresh, Frozen or Cured" (Article III, section 22). A copy of the list for each kind of meat, variety meat and edible by-product for your zone and group may be obtained from your local war price and rationing board or from your district office of Price Administration Office. If any store had a 1942 total sales volume of $250,000 or more, and is one of a "chain store" organization which had a combined total sales volume for all stores of $40,000,000 or more during 1942, the ceiling prices for each grade of beef, veal, lamb and mutton cuts applicable to such store shall be 10% lower, adjusted to the nearest cent, than the ceiling prices established herein for Group 3 and 4 stores.

3. Section 2 (d) is amended to read as follows:

(d) Your store is a "chain store" if it is one of four or more stores owned by one person which had a combined total sales volume for all stores of $500,000 or more during 1942. If you are in doubt whether your store is in "Group 1 and 2" consult the directions given in sections 13, 14 and 15.

4. Section 14 (b) (1) is amended to read as follows:

(1) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be treated as operating a separate retail store of your own, and you must find your group by using your own separate sales.

5. Section 14 (b) (2) is amended to read as follows:

(2) If you sell food in a retail store in which there are other food retailers, but none of whom sells a complete line of the same general class of food, you must find your group by taking the combined annual gross sales of all the food retailers in that store.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 FR. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10945; Filed, July 7, 1943; 12:17 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 418]

FRESH FISH AND SEAFOOD

In the judgment of the Price Administrator, it is necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, that maximum prices be established for the sale by producers and wholesale distributors of fresh fish and seafood.

So far as practicable, the Price Administrator has consulted and advised with representative members of the industry which will be affected by the regulation. In the judgment of the Price Administrator, the prices established are generally fair and equitable and will effectuate the purposes of the Act. The prices established are not below the average prices of fresh fish and seafood in the year 1941.

[1] 8 F.R. 4423, 4922, 6214, 6428, 7199.

A statement of the considerations involved in the issuance of the regulation has been issued herewith and filed with the Division of the Federal Register.*

§ 1364.17 *Maximum prices for fresh fish and seafood.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 418 (Fresh Fish and Seafood), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1364.17 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION No. 418—FRESH FISH AND SEAFOOD

ARTICLE I—PURPOSE AND SCOPE OF REGULATION

Sec.
1. What this regulation does.
2. How a producer determines his maximum prices for fresh fish.
(a) Ex-vessel fish.
(b) Boxed fish.
3. Maximum prices for sales to wholesalers by a primary fish shipper wholesaler.
(a) Sale by a primary fish shipper wholesaler.
(1) Maximum prices for sales by a primary fish shipper wholesaler.
4. Maximum prices for sales to retailer-owned cooperative stores, individual retail stores and purveyors of meals by wholesalers.
(a) Sale by a retailer-owned cooperative wholesaler.
(1) Maximum prices for sales by a retailer-owned cooperative wholesaler.
(b) Sale by a cash and carry wholesaler.
(1) Maximum prices for sales by a cash and carry wholesaler.
(c) Sale by a service and delivery wholesaler.
(1) Maximum prices for sales by a service and delivery wholesaler.
5. Combination wholesaler.
6. Special package shipments to out-lying country points by wholesalers.
7. Allowance for transportation.
(a) When a wholesaler may add his transportation cost to listed prices.
(b) Authorization to regional offices to fix transportation allowances.
8. Imported fresh fish and seafood.
9. Sales to governmental agencies.
10. Where this regulation applies.
11. Sales to which this regulation does not apply.
12. Relation to other regulations.
ARTICLE II—RECORD KEEPING AND ENFORCEMENT
13. Records and reports.
14. Indirect price increases.
15. Enforcement.
ARTICLE III—MISCELLANEOUS PROVISIONS
16. Petitions for amendment.
17. Adjustable pricing.
18. General definitions.
ARTICLE IV—MAXIMUM PRICES AND CONTAINER PRICES
19. Schedule of container prices.
20. Tables of maximum prices for producers and wholesalers.
Table A: Maximum prices for producers of fresh fish and seafood.
Table B: Maximum prices for primary fish shipper wholesalers of fresh fish and seafood.
Table C: Maximum prices for retailer-owned cooperative wholesalers of fresh fish and seafood.
Table D: Maximum prices for cash and carry wholesalers of fresh fish and seafood.
Table E: Maximum prices for service and delivery wholesalers of fresh fish and seafood.

Article I—Purpose and Scope of Regulation

SECTION 1. *What this regulation does.* This regulation fixes the maximum prices at which producers and wholesalers may sell fresh fish and seafood. On and after July 13, 1943, the date this regulation takes effect, no producer or wholesaler may sell or deliver any fresh fish or seafood, and no person in the course of trade or business may buy or receive any fresh fish or seafood from a producer or wholesaler at prices higher than the prices fixed by this regulation. But prices lower than those fixed may be charged or paid.

SEC. 2. *How a producer determines his maximum prices for fresh fish*—(a) *Ex-vessel fish.* Table A (Article IV, section 20 (a)) lists the species of fresh fish and seafood (including shellfish and mollusks) for which maximum prices are established by this regulation. The prices are fixed for each month. For each month, there are two columns of prices. The left-hand pricing column is the producer's maximum price at the port of entry for the designated species in bulk, ex-vessel, i. e., in the customary way in which the particular species is landed at that port, and of the customary size, where size is a factor in the price. War risk insurance premiums may be paid in addition to the listed maximum prices for those species of fish and in those localities where such premiums have customarily been paid by purchasers of the fish.

(b) *Boxed fish.* Where a producer (fisherman), besides producing and bringing his catch to port, also boxes or barrels his fish at or near the port of entry for convenience of sale and transportation to market, his maximum prices shall be the prices listed in the right-hand pricing column of Table A for the species and the month involved. Such prices shall include all brokerage, commission, or any other customary selling fees, transportation, and any other expenses incurred.

SEC. 3. *Maximum prices for sales to wholesalers by a primary fish shipper wholesaler*—(a) *Sale by a primary fish shipper wholesaler.* A sale by a primary fish shipper wholesaler is a sale by a person who buys fresh fish or seafood in bulk, ex-vessel, and/or from a producer who boxes or barrels his own fish or seafood, and who distributes bulk, boxed, barreled, or packaged fish and seafood to other wholesalers (retailer-owned cooperative, cash and carry, and service and delivery) or to a retail chain store warehouse.

(1) *Maximum prices for sales by a primary fish shipper wholesaler.* Maximum prices for sales by a primary fish shipper wholesaler are the prices listed in Table B (Article IV, section 20 (b)). These prices are f. o. b. his established place of doing business in bulk. For fish and seafood that are placed in containers the prices shall be the prices set forth in Table B plus the container prices provided in section 19.

SEC. 4. *Maximum prices for sales to retailer-owned cooperative stores, individual retail stores and purveyors of meals by wholesalers*—(a) *Sale by a retailer-owned cooperative wholesaler.* A sale by a retailer-owned cooperative wholesaler is a sale by a person who is either a non-profit organization or a corporation of which 51% or more of the stock is owned by its retailer customers and which generally sells f. o. b. warehouse or delivers to affiliated retail stores.

(1) *Maximum prices for sales by a retailer-owned cooperative wholesaler.* Maximum prices for sales by a retailer-owned cooperative wholesaler are the prices listed in Table C (Article IV, section 20 (c)) plus the container prices provided in section 19 when containers are used, plus transportation as provided in section 7.

(b) *Sale by a cash and carry wholesaler.* A sale by a cash and carry wholesaler is a sale by a person who distributes fish and seafood to individual retail stores and purveyors of meals; who normally sells for cash but who also may extend credit, and whose sale is made where the goods are picked up at his established place of doing business either by his customer or a common carrier hired or employed by the customer.

(1) *Maximum prices for sales by a cash and carry wholesaler.* Maximum prices for sales by a cash and carry wholesaler are the prices listed in Table D (Article IV, section 20 (d)) plus the container prices provided in section 19 when containers are used, plus transportation as provided in section 7.

(c) *Sale by a service and delivery wholesaler.* A sale by a service and delivery wholesaler is a sale by a person who distributes fish and seafood to individual retail stores and purveyors of meals from his established place of doing business, and who delivers the goods to his customer's usual receiving point.

(1) *Maximum prices for sales by a service and delivery wholesaler.* Maximum prices for sales by a service and delivery wholesaler are the prices listed in Table E (Article IV, section 20 (e)) plus the container prices provided in section 19 when containers are used, plus transportation as provided in section 7.

SEC. 5. *Combination wholesaler.* Within the meaning of this regulation, a combination wholesaler is a person who performs two or more types of wholesale sales defined in section 3 and section 4. Such a wholesaler will fall within one class, depending upon the type of sale made in the particular case and the service rendered.

Example. From an established place of doing business, one person may make sales

*Copies may be obtained from the Office of Price Administration.

as a primary fish shipper wholesaler or as a cash and carry or service and delivery wholesaler. Thus, if a primary fish shipper wholesaler makes a sale to another class of wholesaler, he will take the maximum price allowed him as a primary fish shipper wholesaler. If the same person makes a sale to an individual retail store which picks up the goods, he will take the maximum price allowed for a cash and carry sale.

SEC. 6. *Special package shipments to out-lying country points by wholesalers.* A retailer-owned cooperative wholesaler, cash and carry wholesaler or service and delivery wholesaler who packs fish and seafood in special containers for shipment to out-lying country points to individual retail stores or purveyors of meals shall, in addition to the permitted maximum price, add the actual cost of the special containers and the cost of the refrigerant. The added cost must be shown on the invoice to the customer.

SEC. 7. *Allowance for transportation*—(a) *When a wholesaler may add his transportation cost to listed prices.* The prices set forth in section 20 list maximum prices for sales by a retailer-owned cooperative, cash and carry, and service and delivery wholesaler, exclusive of container costs and transportation costs incurred in transporting the fish to his established place of doing business. Where such transportation charges have been incurred (excluding local trucking and handling charges), a wholesaler may add to the maximum prices the actual cost of transportation from the primary fish shipper wholesaler's established place of doing business to his customary receiving point.

Example. A cash and carry wholesaler in an inland City A buys 10,000 pounds of "X" fish in the round from a primary fish shipper wholesaler in City B, which is at the port of entry. The cost of transporting the 10,000 pounds of fish from City B to City A is one cent per pound or $100. If the cash and carry wholesaler in City A sells the 10,000 pounds of fish in the round, his maximum selling price per pound, exclusive of container costs, is the listed price in Table D, section 20 for "X" species in the round, plus transportation costs of 1¢. However, if the same cash and carry wholesaler in City A fillets the 10,000 pounds of fish, and his yield is 4,000 pounds of fillets, he is allowed to add to the listed price in Table D, section 20 for "X" species filleted, transportation costs of 2½¢ per pound. Thus, in these two instances, where the cash and carry wholesaler sells fresh fish in the round and filleted, he recovers his actual transportation costs.

(b) *Authorization to regional offices to fix transportation allowances.* Any regional office of the Office of Price Administration, and such other offices as may be authorized by the appropriate regional office, may by order determine and fix for any area or locality within its jurisdiction, a transportation allowance applicable to any species of fresh fish or seafood. The allowance shall be ascertained by reference to the principal source or sources from which the particular species is shipped to the area or locality and the method of transportation generally used. The transportation allowance thus fixed shall be used by all wholesalers in lieu of the actual transportation cost, in determining their maximum prices for the sale, in the area or locality, of the designated species of fresh fish or seafood. The transportation allowance may be made effective for such time as the appropriate office finds proper, and may be changed from time to time to reflect changes in the principal sources of designated species of fish or seafood or methods of shipment which occur in the regular course of business. In determining the maximum prices for sales of fresh fish and seafood in any area or locality for which a transportation allowance is not established, wholesalers shall add actual transportation cost as provided in paragraph (a) of this section. Any transportation allowance established pursuant to the provisions of this paragraph shall have the same force and effect as if specifically established in this regulation.

SEC. 8. *Imported fresh fish and seafood.* The maximum prices at which a wholesaler, including any agent of a foreign shipper, may sell any fresh fish and seafood listed in the regulation shall be the prices listed in Table B, C, D, or E, depending on the type of sale involved, plus the container prices provided in section 19 when containers are used. Any wholesaler in the United States except the primary fish shipper wholesaler shall add the actual transportation cost from the point at which the fresh fish or seafood enters the United States to his established place of doing business. If that transportation cost is less than the transportation cost from the shipping point in the United States closest to the foreign shipper's plant to the wholesaler's established place of doing business, the latter may be added in place of the actual transportation cost.

Example. Fresh fish and seafood might move from Prince Rupert, B. C. to Montreal by Canadian National Railway and enter the United States slightly south of Montreal on the way to New York. The port of entry in the United States would thus be near Montreal. Under such circumstances, any wholesaler in the United States except the primary fish shipper wholesaler would be permitted to add only the rail rate from Montreal to New York were it not for the added provision in this section that allows the wholesaler to use Seattle as the port of entry. The rail rate is the same from Prince Rupert to New York as it is from Seattle to New York. Thus, the wholesaler may add what would amount to the actual transportation cost.

SEC. 9. *Sales to governmental agencies.* For the purposes of this regulation a governmental agency may be considered an individual retail store, purveyor of meals or any class of wholesaler, depending on the type of sale involved and service rendered by the seller.

SEC. 10. *Where this regulation applies.* The provisions of this regulation shall apply to the United States, its territories and possessions.

SEC. 11. *Sales to which this regulation does not apply.* (a) The provisions of this regulation shall not be applicable to sales or deliveries of fresh fish and seafood to a purchaser, if prior to July 13, 1943 such fresh fish and seafood have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The provisions of this regulation shall not apply to any sales at retail. A sale at retail is a sale to an ultimate consumer other an industrial or commercial user.

SEC. 12. *Relation to other regulations.* (a) The provisions of this regulation supersede Maximum Price Regulation No. 366, as amended (Fresh Tuna Fish), except that Maximum Price Regulation No. 366, as amended, shall remain in full force and effect until the effective date of this regulation.

(b) The maximum price at which a person may export fresh fish and seafood shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation[1] issued by the Office of Price Administration.

Article II—Record Keeping and Enforcement

SEC. 13. *Records and reports.* (a) Every person making a sale, subject to this regulation and every person in the course of trade or business making a purchase of fresh fish or seafood, subject to this regulation, or otherwise dealing therein, after July 12, 1943, shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity, species, grade, style of dressing of pack of fresh fish or seafood, and the container type and size.

(b) Such person shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 14. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device, and no person shall indirectly charge or receive for fresh fish or seafood a price higher than the maximum price permitted by this regulation. No person shall, as a condition of selling any fresh fish or seafood, require a purchaser to buy any other fish or seafood or any other product.

SEC. 15. *Enforcement.* On and after July 13, 1943, any person violating any provision of this regulation shall be subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

[1] 8 F.R. 4132, 5987.

Article III—Miscellaneous Provisions

SEC. 16. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration. Any application involving the problem of transportation shall be filed in the regional office in the region where the petitioner resides.

SEC. 17. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 18. *General definitions.* When used in this maximum price regulation the term:

"Butterfly fillet" means two single fillets which are held together as a single unit by leaving intact the belly wall of the fish.

"Cellophane wrapped" means fish, seafood, or fillets which are wrapped in cellophane.

"Container" means a box, carton or crate, of wood, paper, metal or other substance used for packing fish.

"Drawn fish" means fish from which the viscera or entrails have been removed, with the head left on.

"Dressed" means fish from which the viscera and head have been removed.

"Established place of doing business" means the plant where the producer or wholesaler handles and distributes fresh fish or seafood.

"Fillet" means the heavily meated section or strip of fish cut from along the backbone and outside the rib bones, extending from the nape and gills to the tail.

"Gutted" means fish from which the viscera or entrails have been removed, with the head left on.

"Headed" means fish from which the head has been removed.

"Layer pack" means fish which have been placed in a container in layers that are divided by sheets of paper.

"New York City" means the five boroughs of New York City and an area along the New Jersey shore of the Hudson River opposite Manhattan, and includes the area supervised by the Port of New York Authority.

"Parchment wrapped" means fish or fillets individually wrapped in parchment paper.

"Person" includes any individual, corporation, partnership, association, or other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, or other government, or any of its political subdivisions, and any agency of the foregoing: *Provided*, That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

"Price per pound" means the price for 16 net ounces of fresh fish or seafood.

"Price per ton" means the price for 2,000 net pounds of fresh fish or seafood.

"Producer" means the fisherman and those persons allied with him in the catching and landing of fish and seafood.

"Retail chain store warehouse" means the receiving point for a unit of chain stores owned by one person.

"Round fish" means fish as it comes from the water.

"Seine caught" means fish caught by gear other than hook and line.

"Troll caught" means fish caught by hook and line in ocean waters.

Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

Article IV—Maximum Prices and Container Prices

SEC. 19. *Schedule of container prices.* Add the appropriate container prices set forth in this section to the maximum prices for bulk fish and seafood listed in Tables B, C, D, and E when fish are sold in containers. For any size containers not listed in this section, take the nearest size for which provision is made.

When cellophane wrapped, add an additional ¼ cent per pound.

Size container (pounds):	*Cents per pound*
5	1¾
10	1½
15	1
20	1
50	1½
75	1¼
100	1
150	¾
200	¾
250	½
300	½

SEC. 20. *Tables of maximum prices for producers and wholesalers.* The tables in section 20 of this regulation list maximum prices by months for producers and wholesalers for different species of fresh fish and seafood in bulk and according to various sizes and styles of dressing. The price listed for the lowest priced style of dressing for a particular species shall apply to any sale of that species dressed in a style not listed.

TABLE A.—MAXIMUM PRICES FOR PRODUCERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January		February		March		April		May		June	
					Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed
1	Alewives (Pomolobus pseudo-harengus)	1	Round	All sizes	0.011¼	0.021¼	0.011¼	0.021¼	0.011¼	0.021¼	0.011¼	0.021¼	0.011¼	0.021¼	0.011¼	0.021¼
2	Codfish (Gadus callarias) [1]	1	Drawn	25# up	.08	.09	.08	.09	.08	.09	.06	.07	.06	.07	.06	.07
	Codfish (Gadus callarias) [1]	2	Drawn	10# to 25#	.08½	.09½	.08½	.09½	.08½	.09½	.06½	.07½	.06½	.07½	.06½	.07½
	Codfish (Gadus callarias) [1]	3	Drawn	2½# to 10#	.08	.09	.08	.09	.08	.09	.06	.07	.06	.07	.06	.07
	Codfish (Gadus callarias) [1]	4	Drawn	Under 2½#	.07	.08	.07	.08	.07	.08	.05½	.06½	.05½	.06½	.05½	.06½
	Codfish (Gadus callarias) [1]	5	Round		.03	.04	.03	.04	.03	.04	.02	.03	.02	.03	.02	.03
3	Cusk (Brosme brosme)	1	Drawn		.07½	.08½	.07½	.08½	.07½	.08½	.05½	.06½	.05½	.06½	.05½	.06½
4	Blackback (Pseudo-pleuronectes)	1	Round		.07	.08	.07	.08	.07	.08	.05	.06	.05	.06	.05	.06
5	Dab, Sea (Limanda limanda)	1	Round		.06½	.07½	.06½	.07½	.06½	.07½	.04½	.05½	.04½	.05½	.04½	.05½
6	Yellowtail (Limanda ferruginea)	1	Round		.06	.07	.06	.07	.06	.07	.04	.05	.04	.05	.04	.05
7	Haddock (Melanogrammus aeglefinus) [1]	1	Drawn	2½# up	.09	.10	.09	.10	.09	.10	.07	.08	.07	.08	.07	.08
	Haddock (Melanogrammus aeglefinus) [1]	2	Drawn	Under 2½#	.08½	.09½	.08½	.09½	.08½	.09½	.06½	.07½	.06½	.07½	.06½	.07½
	Haddock (Melanogrammus aeglefinus) [1]	3	Round		.03	.04	.03	.04	.03	.04	.02	.03	.02	.03	.02	.03
8	Hake (Urophycis species)	1	Dressed	2½# up	.08½	.09½	.08½	.09½	.08½	.09½	.06½	.07½	.06½	.07½	.06½	.07½
	Hake	2	Dressed	Under 2½#	.06½	.07½	.06½	.07½	.06½	.07½	.04½	.05½	.04½	.05½	.04½	.05½
	Hake	3	Round		.03	.04	.03	.04	.03	.04	.02	.03	.02	.03	.02	.03
9	Hake, Mud	1	Round		.03	.04	.03	.04	.03	.04	.02	.03	.02	.03	.02	.03
10	Herring (Clupea harengus)	1	Round	All sizes	.011¼	.021¼	.011¼	.021¼	.011¼	.021¼	.011¼	.021¼	.011¼	.021¼	.011¼	.021¼
11	Pollock (Pollachius virens)	1	Drawn		.07	.08	.07	.08	.07	.08	.04½	.05½	.04½	.05½	.04½	.05½
	Pollock (Pollachius virens)	2	Round	2½# up	.06	.07	.06	.07	.06	.07	.03½	.04½	.03½	.04½	.03½	.04½
	Pollock (Pollachius virens)	3	Round	Under 2½#	.05	.06	.05	.06	.05	.06	.02½	.03½	.02½	.03½	.02½	.03½
12	Rosefish (Sebastus Marinus)	1	Round		.04¼	.05¼	.04¼	.05¼	.04¼	.05¼	.03¼	.04¾	.03¼	.04¾	.03¼	.04¾
13	Sole, Gray (Glyptocephalus cynoglossus)	1	Round		.09	.10	.09	.10	.09	.10	.07	.08	.07	.08	.07	.08

See footnotes at end of table.

TABLE A.—MAXIMUM PRICES FOR PRODUCERS OF FRESH FISH AND SEAFOOD—Continued

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January		February		March		April		May		June	
					Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed
14	Sole, Lemon (Pseudo pleuronectes dignabilis)	1	Round		0. 11	0. 12	0. 11	0. 12	0. 11	0. 12	0. 08	0. 09	0. 08	0. 09	0. 08	0. 09
15	Whiting (Merluccius bilinearis)	1	Round		.02½	.03½	.02½	.03½	.02½	.03½	.02½	.03½	.02	.03	.02	.03
	Whiting (Merluccius bilinearis)	2	Dressed		.05¼	.06¼	.05¼	.06¼	.05¼	.06¼	.05¼	.06¼	.04¼	.05¼	.04¼	.05¼
16	Wolf fish (Anarhichas lupus)	1	Drawn		.07½	.08½	.07½	.08½	.07½	.08½	.04½	.05¼	.04½	.05½	.04¼	.05¼
17	Scallops, Sea, (Pecten magellanicus)	1	Meats		.35	.36	.35	.36	.35	.36	.30	.31	.30	.31	.30	.31
18	Scallops, Bay, (Pecten irradians)	1	Meats		.45	.46	.45	.46	.45	.46	.45	.46	.45	.46	.45	.46
19	Swordfish (Xiphias gladius)	1	Dressed and tail off.	All sizes	.30	.31	.30	.31	.30	.31	.30	.31	.30	.31	.30	.31
20	Cod true (Pacific coast)	1	Round	All sizes	.06½	.07½	.06½	.07½	.06½	.07½	.06½	.07½	.04½	.05½	.04½	.05½
		2	Dressed	All sizes	.08¾	.09¾	.08¾	.09¾	.08¾	.09¾	.08¾	.09¾	.06	.07	.06	.07
21	Crabs (Pacific coast) (per dozen)[1]	1	Round	All sizes	1.75		1.75		1.75		1.75		1.75		1.75	
22	Flounder (Pacific coast)	1	Round	All sizes	.04½	.05½	.04½	.05½	.04½	.05½	.04½	.05½	.04½	.05½	.04½	.05½
23	Halibut (Hippoglossus hippoglossus)[2]	1	Dressed	5 lb. to 10 lb	.16	.17	.16	.17	.16	.17	.16	.17	.16	.17	.16	.17
		2	Dressed	10 lb. to 60 lb	.17½	.18½	.17½	.18½	.17½	.18½	.17½	.18½	.17½	.18½	.17½	.18½
		3	Dressed	Over 60 lb	.16	.17	.16	.17	.16	.17	.16	.17	.16	.17	.16	.17
24	Ling cod (Pacific coast) (Ophiodon elongatus).[3]	1	Dressed	6 lb. & over	.10	.11	.10	.11	.10	.11	.10	.11	.08	.09	.08	.09
		2	Dressed	Under 6 lb	.05½	.06½	.05½	.06½	.05½	.06½	.05½	.06½	.03½	.04½	.03½	.04½
25	Red cod (rock cod) (Pacific coast) (Sebastodes species).	1	Round	All sizes	.04½	------	.04½	------	.04½	------	.04½	------	.03½	------	.03½	------
26	Sablefish (Anoplopoma fimbria)[3]	2	Dressed	All sizes	.09	------	.09	------	.09	------	.09	------	.07	------	.07	------
		1	Dressed	6 lb. & over	.14	------	.14	------	.14	------	.14	------	.12	------	.12	------
		2	Dressed	Under 6 lb	.08	------	.08	------	.08	------	.08	------	.06	------	.06	------
27	Salmon, Chinook or King (Pacific coast) *troll caught* (Oncorhynchus tschawytscha)[4] red meated.	1	Drawn	14 lb. or over	.22	------	.22	------	.22	------	.22	------	.22	------	.22	------
	Red meated	2	Drawn	7 to 14 lb	.18¼	------	.18¼	------	.18¼	------	.18¼	------	.18¼	------	.18¼	------
	White meated	3	Drawn	All sizes	.14	------	.14	------	.14	------	.14	------	.14	------	.14	------
28	Salmon, silver (Pacific coast) *troll caught* (Oncorhynchus kisutch).[4]	1	Drawn	All sizes	.16½	------	.16½	------	.16½	------	.16½	------	.16½	------	.16½	------
29	Salmon, silver (Pacific coast) *seine caught* (Oncorhynchus kisutch).[4]	1	Round	All sizes	------	------	------	------	------	------	------	------	------	------	.07	------
30	Salmon, fall (Pacific coast) *seine caught* (Oncorhynchus keta).[4]	1	Round	All sizes	------	------	------	------	------	------	------	------	------	------	.08	------
31	Salmon, pink (Pacific coast) *seine caught* (Oncorhynchus garbuscha).[4]	1	Round	All sizes	------	------	------	------	------	------	------	------	------	------	.05	------
32	Salmon, *seine caught* (Pacific coast) sockeye (blueback) (Oncorhynchus nerka).[4]	1	Round	All sizes	------	------	------	------	------	------	------	------	------	------	.16	------
33	Salmon Pacific chinook (King) (Oncorhynchus tschawytscha).[4]	1	Round	All sizes	------	------	------	------	------	------	------	------	------	------	.17	------
34	Salmon Pacific chinook (King) (Oncorhynchus tschawytscha).[4]	1	Round	All sizes	------	------	------	------	------	------	------	------	------	------	.15	------
35	Salmon, Pacific Steelhead (*Salmo gairdneri*)	1	Round	All sizes	------	------	------	------	------	------	.04	------	.04	------	{[11].01 [10].10½}	------
36	Smelt, Silver (Pacific Coast)	1	Round	All sizes	.10½	.11½	.10½	.11½	.10½	.11½	.10½	.11½	.08½	.09½	.08½	.09½
37	Sole, Dover (Pacific Coast)	1	Round	All sizes	.04½	.05½	.04½	.05½	.04½	.05½	.04½	.05½	.03½	.04½	.03½	.04½
38	Sole, English (Pacific Coast)	1	Round	13 inches and over.	.05½	.06½	.05½	.06½	.05½	.06½	.05½	.06½	.04½	.05½	.04½	.05½
39	Sole, Petrale (Pacific Coast)	2	Round	11½ to 13 ins.	.04	.05	.04	.05	.04	.05	.04	.05	.03	.04	.03	.04
40	Sole, Rex (Pacific Coast)	1	Round	All sizes	.06	.07	.06	.07	.06	.07	.06	.07	.05	.06	.05	.06
41	Sole, Sand (Pacific Coast)	1	Round	All sizes	.05	.06	.05	.06	.05	.06	.05	.06	.04	.05	.04	.05
42	Sole, Turbot (Pacific Coast)	1	Round	All sizes	.04½	.05½	.04½	.05½	.04½	.05½	.04½	.05½	.03½	.04½	.03½	.04½
43	Tuna, Albacore (Pacific Coast)	1	Round	All sizes	.16¾	------	.16¾	------	.16¾	------	.16¾	------	.16¼	------	.16¼	------
44	Tuna, Yellowfin (Pacific Coast)	1	Round	All sizes	.10	------	.10	------	.10	------	.10	------	.10	------	.10	------
45	Tuna, Bluefin (Pacific Coast)	1	Round	All sizes	.09½	------	.09½	------	.09½	------	.09½	------	.09	------	.09	------
46	Tuna, Skipjack (striped) (Pacific Coast)	1	Round	All sizes	.09	------	.09	------	.09	------	.09	------	.09	------	.09	------
47	Bonita (Pacific Coast)	1	Round	All sizes	.07¾	------	.07¾	------	.07¾	------	.07¾	------	.07¼	------	.07¼	------
48	Yellowtail (Pacific Coast)	1	Round	All sizes	.07¾	------	.07¾	------	.07¾	------	.07¾	------	.07¼	------	.07¼	------

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					July		August		September		October		November		December	
					Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed
1	Alewives (Pomolobus pseudo-harengus)	1	Round	All sizes	0. 01¼	0. 02¼	0. 01¼	0. 02¼	0. 01¼	0. 02¼	0. 01¼	0. 02¼	0. 01¼	0. 02¼	0. 01¼	0. 02¼
2	Codfish (Gadus callarias)[1]	1	Drawn	2# up	.06	.07	.06	.07	.06	.07	.08	.09	.08	.09	.08	.09
	Codfish (Gadus callarias)[1]	2	Drawn	1# to 2#	.06½	.07½	.06½	.07½	.06½	.07½	.08½	.09½	.08½	.09½	.08½	.09½
	Codfish (Gadus callarias)[1]	3	Drawn	2½# to 10#	.06	.07	.06	.07	.06	.07	.08	.09	.08	.09	.08	.09
	Codfish (Gadus callarias)[1]	4	Drawn	Under 2½#	.05½	.06½	.05½	.06½	.05½	.06½	.07	.08	.07	.08	.07	.08
	Codfish (Gadus callarias)[1]	5	Round		.02	.03	.02	.03	.02	.03	.03	.04	.03	.04	.03	.04
3	Cusk (Brosme brosme)	1	Drawn		.05½	.06½	.05½	.06½	.05½	.06½	.07½	.08½	.07½	.08½	.07½	.08½
4	Blackback (Pseudo-pleuronectes)	1	Round		.05	.06	.05	.06	.05	.06	.07	.08	.07	.08	.07	.08
5	Dab, Sea (Limanda limanda)	1	Round		.04½	.05½	.04½	.05½	.04½	.05½	.06½	.07½	.06½	.07½	.06½	.07½
6	Yellowtail (Limanda ferruginea)	1	Round		.04	.05	.04	.05	.04	.05	.06	.07	.06	.07	.06	.07
7	Haddock (Melanogrammus aeglefinus)[1]	1	Drawn	2½# up	.07	.08	.07	.08	.07	.08	.09	.10	.09	.10	.09	.10
	Haddock (Melanogrammus aeglefinus)[1]	2	Drawn	Under 2½#	.06½	.07½	.06½	.07½	.06½	.07½	.08½	.09½	.08½	.09½	.08½	.09½
	Haddock (Melanogrammus aeglefinus)[1]	3	Round		.02	.03	.02	.03	.02	.03	.03	.04	.03	.04	.03	.04
8	Hake (Urophycis species)	1	Dressed	2½# up	.06½	.07½	.06½	.07½	.06½	.07½	.08½	.09½	.08½	.09½	.08½	.09½
	Hake	2	Dressed	Under 2½#	.04½	.05½	.04½	.05½	.04½	.05½	.06½	.07½	.06½	.07½	.06½	.07½
	Hake	3	Round		.02	.03	.02	.03	.02	.03	.03	.04	.03	.04	.03	.04
9	Hake, Mud	1	Round		.02	.03	.02	.03	.02	.03	.03	.04	.03	.04	.03	.04
10	Herring (Clupea harengus)	1	Round	All sizes	.01¼	.02¼	.01¼	.02¼	.01¼	.02¼	.01¼	.02¼	.01¼	.02¼	.01¼	.02¼

See footnotes at end of table.

TABLE A.—MAXIMUM PRICES FOR PRODUCERS OF FRESH FISH AND SEAFOOD—Continued

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					July		August		September		October		November		December	
					Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed
11	Pollock (Pollachius virens)	1	Drawn	2½# up	0. 04½	0. 05½	0. 04½	0. 05½	0. 04½	0. 05½	0. 04½	0. 05½	0. 04½	0. 05½	0. 04½	0. 05½
	Pollock (Pollachius virens)	1	Round	2½# up	.03½	.04½	.03½	.04½	.03½	.04½	.03½	.04½	.03½	.04½	.03½	.04½
	Pollock (Pollachius virens)	3	Round	Under 2½#	.02¾	.03¾	.02¾	.03¾	.02¾	.03¾	.02¾	.03¾	.02¾	.03¾	.02¾	.03¾
12	Rosefish (Sebastus marinus)	1	Round		.03¾	.04¾	.03¾	.04¾	.03¾	.04¾	.04¼	.05¼	.04¼	.05¼	.04¼	.05¼
13	Sole, Gray (Glyptocephalus cynoglossus)	1	Round		.07	.08	.07	.08	.07	.08	.09	.10	.09	.10	.09	.10
14	Sole, Lemon (Pseudopleuronectes dignabilis)	1	Round		.08	.09	.08	.09	.08	.09	.11	.12	.11	.12	.11	.12
15	Whiting (Merluccius bilinearis)	1	Round		.02	.03	.02	.03	.02	.03	.02	.03	.02	.03	.02	.03
	Whiting (Merluccius bilinearis)	2	Dressed		.04¼	.05¼	.04¼	.05¼	.04¼	.05¼	.04¼	.05¼	.04¼	.05¼	.04¼	.05¼
16	Wolffish (Anarhichas lupus)	1	Drawn		.04½	.05½	.04½	.05½	.04½	.05½	.05½	.06½	.05½	.06½	.05½	.06½
17	Scallops, Sea (Pecten magellanicus)	1	Meats		.30	.31	.30	.31	.30	.31	.30	.31	.30	.31	.30	.31
18	Scallops, Bay (Pecten irradians)	1	Meats		.45	.46	.45	.46	.45	.46	.45	.46	.45	.46	.45	.46
19	Swordfish (Xiphias gladius)	1	Dressed and tail off.	All sizes	.30	.31	.30	.31	.30	.31	.30	.31	.30	.31	.30	.31
20	Cod true (Pacific coast)	1	Round	All sizes	.04½	.05½	.04½	.05½	.06½	.07½	.06½	.07½	.06½	.07½	.06½	.07½
		2	Dressed	All sizes	.06	.07	.06	.07	.08¾	.09¾	.08¾	.09¾	.08¾	.09¾	.08¾	.09¾
21	Crabs (Pacific coast) (per dozen)[1]	1	Round	All sizes	1.75		1.75		1.75		1.75		1.75		1.75	
22	Flounder (Pacific coast)	1	Round	All sizes	.03½	.04½	.03½	.04½	.04½	.05½	.04½	.05½	.04½	.05½	.04½	.05½
23	Halibut (Hippoglossus hippoglossus)[2]	1	Dressed	5 lb. to 10 lb	.16	.17	.16	.17	.16	.17	.16	.17	.16	.17	.16	.17
		2	Dressed	10 lb to 60 lb	.17½	.18½	.17½	.18½	.17½	.18½	.17½	.18½	.17½	.18½	.17½	.18½
		3	Dressed	Over 60 lb	.16	.17	.16	.17	.16	.17	.16	.17	.16	.17	.16	.17
24	Ling cod (Pacific coast) (Ophiodon elongatus).[3]	1	Dressed	6 lb and over	.08	.09	.08	.09	.10	.11	.10	.11	.10	.11	.10	.11
		2	Dressed	Under 6 lb	.03½	.04½	.03½	.04½	.05½	.06½	.05½	.06½	.05½	.06½	.05½	.06½
25	Red cod (rock cod) (Pacific coast) (Sebastodes species).	1	Round	All sizes	.03½	------	.03½	------	.04½	------	.04½	------	.04½	------	.04½	------
26	Sablefish (Anoplopoma fimbria)[3]	2	Dressed	All sizes	.07	------	.07	------	.09	------	.09	------	.09	------	.09	------
		1	Dressed	6 lb. and over	.12	------	.12	------	.14	------	.14	------	.14	------	.14	------
		2	Dressed	Under 6 lb	.06	------	.06	------	.08	------	.08	------	.08	------	.08	------
27	Salmon, Chinook or King (Pacific coast) *troll caught* (Oncorhynchus tscharwtocha)[4] red meated.	1	Drawn	14 lb. or over	.22	------	.22	------	.22	------	.22	------	.22	------	.22	------
	Red meated	2	Drawn	7 to 14 lb	.18¼	------	.18¼	------	.18¼	------	.18¼	------	.18¼	------	.18¼	------
	White meated	3	Drawn	All sizes	.14	------	.14	------	.14	------	.14	------	.14	------	.14	------
28	Salmon, silver (Pacific coast) *troll caught* (Oncorhynchus kisutch).[4]	1	Drawn	All sizes	.16½	------	.16½	------	.16½	------	.16½	------	.16½	------	.16½	------
29	Salmon, silver (Pacific coast) *seine caught* (Oncorhynchus kisutch).[3]	1	Round	All sizes	.07	------	.08	------	.11½	------	.11½	------	.11½	------	.11½	------
30	Salmon, fall (Pacific coast) *seine caught* (Oncorhynchus keta).[3]	1	Round	All sizes	.08	------	.08	------	.08	------	.08	------	.08	------	.08	------
31	Salmon, pink (Pacific coast) *seine caught* (Oncorhynchus garbuscha).[3]	1	Round	All sizes	.05	------	.05	------	.05	------	.05	------	.05	------	.05	------
32	Salmon, *seine caught* (Pacific coast) sockeye (blueback) (Oncorhynchus nerka)[3]	1	Round	All sizes	.16	------	.16	------	.16	------	.16	------	.16	------	.16	------
33	Salmon Pacific chinook (King) (Oncorhynchus tschawytscha).[4]	1	Round	All sizes	.17	------	{[9].15 [10].13½}	------	------	------	------	------	------	------	------	------
34	Salmon Pacific Chinook (King) (Oncorhynchus tschawytscha).[4]	1	Round	All sizes	.15	------	[11] 13½	------	------	------	------	------	------	------	------	------
35	Salmon, Pacific Steelhead (*Salmo gairdneri*)	1	Round	All sizes	.10½	.09½	.08½	.09½	.10½	.11½	.10½	.11½	.10½	.11½	.10½	.11½
36	Smelt, Silver (Pacific Coast)	1	Round	All sizes	.08½	.09½	.08½	.09½	.10½	.11½	.10½	.11½	.10½	.11½	.10½	.11½
37	Sole, Dover (Pacific Coast)	1	Round	All sizes	.03½	.04½	.03½	.04½	.04½	.05½	.04½	.05½	.04½	.05½	.04½	.05½
38	Sole, English (Pacific Coast)	1	Round	13 inches and over.	.04½	.05½	.04½	.05½	.05½	.06½	.05½	.06½	.05½	.06½	.05½	.06½
39	Sole, Petrale (Pacific Coast)	2	Round	11½ to 13 ins.	.03	.04	.03	.04	.04	.05	.04	.05	.04	.05	.04	.05
40	Sole, Rex (Pacific Coast)	1	Round	All sizes	.05	.06	.05	.06	.06	.07	.06	.07	.06	.07	.06	.07
41	Sole, Sand (Pacific Coast)	1	Round	All sizes	.04	.05	.04	.05	.05	.06	.05	.06	.05	.06	.05	.06
42	Sole, Turbot (Pacific Coast)	1	Round	All sizes	.03½	.04½	.03½	.04½	.04½	.05½	.04½	.05½	.04½	.05½	.04½	.05½
43	Tuna, Albacore (Pacific Coast)	1	Round	All sizes	.16¾	------	.16¾	------	.16¾	------	.16¾	------	.16¾	------	.16¾	------
44	Tuna, Yellowfin (Pacific Coast)	1	Round	All sizes	.10	------	.10	------	.10	------	.10	------	.10	------	.10	------
45	Tuna, Bluefin (Pacific Coast)	1	Round	All sizes	.09½	------	.09½	------	.09½	------	.09½	------	.09½	------	.09½	------
46	Tuna, Skipjack (striped) (Pacific Coast)	1	Round	All sizes	.09	------	.09	------	.09	------	.09	------	.09	------	.09	------
47	Bonita (Pacific Coast)	1	Round	All sizes	.07¾	------	.07¾	------	.07¾	------	.07¾	------	.07¾	------	.07¾	------
48	Yellowtail (Pacific Coast)	1	Round	All sizes	.07¾	------	.07¾	------	.07¾	------	.07¾	------	.07¾	------	.07¾	------

[1] Add 1 cent per pound when the fish is landed ex-vessel in New York City (codfish and haddock only).

[2] The maximum prices listed for this seafood apply only when it is landed ex-vessel in ports of entry in Washington and Oregon.

[3] Deduct 1½¢ when this species of fish is landed ex-vessel in any port of entry in the United States except Seattle, Washington, Astoria, Oregon, and Eureka, California, and the following amounts when it is landed ex-vessel in the following ports of entry in Alaska: Ketchikan 1½¢, Wrangell 1¾¢, Petersburg 1¾¢, Juneau 2¢, Sitka 2¢, Pelican City 2¢, Port Williams 2½¢.

[4] Deduct the following amounts when this species of fish is landed ex-vessel in the following ports of entry in Alaska: Ketchikan 1½¢, Wrangell 1¾¢, Petersburg 1¾¢, Juneau 2¢, Sitka 2¢, Pelican City 2¢, Port Williams 2½¢.

[5] The maximum prices listed for this species of fish apply only when it is delivered ex-vessel Neah Bay, Washington, Fishing Grounds of Juan de Fuca Strait and Puget Sound

[6] The maximum prices listed for this species of fish apply only when it is delivered ex-vessel Neah Bay, Washington, and the fishing grounds of all waters of Oregon and Washington.

[7] The maximum prices listed for this species of fish apply only when it is caught in the Columbia River.

[8] The maximum prices listed for this species of fish apply only when it is caught in bays, streams, and rivers in Oregon other than the Columbia River.

[9] Aug. 1 to Aug. 10 inclusive.

[10] Aug. 11 to Aug. 31 inclusive.

[11] Aug. 1 to Aug. 26 inclusive.

[12] June 1 to June 10 inclusive.

[13] June 11 to June 30 inclusive.

TABLE B.—MAXIMUM PRICES FOR PRIMARY FISH SHIPPER WHOLESALERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound					
					January	February	March	April	May	June
1	Alewives (Pomolobus Pseudoharengus)	1	Round	All sizes	0.02½	0.02½	0.02½	0.02½	0.02½	0.02½
2	Codfish (Gadus Callarias)	1	Dressed	2½ to 10 lbs	.13¼	.13¼	.13¼	.10½	.10½	.10½
		2	Dressed	10 to 25 lbs	.13¾	13¾	.13¾	.11¼	.11¼	.11¼
		3	Drawn	2½ to 10 lbs	.10	.10	.10	.08	.08	.08
		4	Drawn	10 to 25 lbs	.10½	.10½	.10½	.08½	.08½	.08½
		5	Drawn	Under 2½ lbs	.09	.09	.09	.07½	.07½	.07½
		6	Round	Under 2½ lbs	.05	.05	.05	.04	.04	.04
		7	Fillets	All sizes	.27¼	.27¼	.27¼	.22¼	.22¼	.22¼
		8	Sliced	All sizes	.23½	.23½	.23½	.19½	.19½	.19½
		9	Dressed	Over 25 lbs	.13¼	.13¼	.13¼	.10½	.10½	.10½
		10	Drawn	Over 25 lbs	.10	.10	.10	.08	.08	.08
3	Cusk (Brosme Brosme)	1	Drawn	All sizes	.09½	.09½	.09½	.07½	.07½	.07½
		2	Fillets	All sizes	.26¾	.26¾	.25¾	.20¾	.20¾	.20¾
		3	Dressed	All sizes	.12½	.12½	.12½	.09¾	.09¾	.09¾
4	Blackback (Pseudopleuronectes Americanus)	1	Round	All sizes	.09	.09	.09	.07	.07	.07
		2	Fillets	All sizes	.30	.30	.30	.23½	.23½	.23½
5	Dab, sea (Limanda Limanda)	1	Round	All sizes	.08½	.08½	.08½	.06½	.06½	.06½
		2	Fillets	All sizes	.30	.30	.30	.23½	.23½	.23½
6	Yellow tail (Limanda ferruginea)	1	Round	All sizes	.08	.08	.08	.06	.06	.06
		2	Fillets	All sizes	.30	.30	.30	.23½	.23½	.23½
7	Haddock (Melanogrammus aeglefinus)	1	Drawn	Over 2½ lbs	.11	.11	.11	.09	.09	.09
		2	Drawn	Under 2½ lbs	.10½	.10½	.10½	.08½	.08½	.08½
		3	Round	All sizes	.05	.05	.05	.04	.04	.04
		4	Fillets	All sizes	.28¾	.28¾	.28¾	.24	.24	.24
		5	Dressed	Over 2½ lbs	.13¾	.13¾	.13¾	.11¼	.11¼	.11¼
8	Hake (Urophycis species)	1	Dressed	Under 2½ lbs	.08¼	.08½	.08¼	.06½	.06½	.06½
		2	Dressed	Over 2½ lbs	.10½	.10½	.10½	.08½	.08½	.08½
		3	Round	All sizes	.05	.05	.05	.04	.04	.04
		4	Fillets	All sizes	.24	.24	.24	.20	.20	.20
9	Hake—Mud (Urophycis species)	1	Round	All sizes	.05	.05	.05	.04	.04	.04
		2	Drawn	All sizes	.06	.06	.06	.04¾	.04¾	.04¾
10	Herring (Clupea harengus)	1	Round	All sizes	.02½	.02½	.02½	.02½	.02½	.02½
11	Pollock (Pollachius virens)	1	Drawn	All sizes	.09	.09	.09	.06½	.06½	.06½
		2	Round	Over 2½ lbs	.08	.08	.08	.05½	.05½	.05½
		3	Round	Under 2½ lbs	.07	.07	.07	.04¾	.04¾	.04¾
		4	Fillets	All sizes	.21	.21	.21	.16	.16	.16
		5	Dressed	All sizes	.11¼	.11¼	.11¼	.08¼	.08¼	.08¼
12	Rosefish (Sebastus marinus)	1	Round	All sizes	.05¾	.05¾	.05¾	.05¼	.05¼	.05¼
		2	Fillets	All sizes	.22	.22	.22	.20	.20	.20
13	Sole, gray (Glyptocephalus Cynoglossus)	1	Round	All sizes	.11¼	.11¼	.11¼	.09½	.09½	.09½
		2	Fillets	All sizes	.40¼	.40¼	.40¼	.34	.34	.34
14	Sole, lemon (Pseudopleuronectes Dignabilis)	1	Round	All sizes	.13½	.13½	.13½	.10½	.10½	.10½
		2	Fillets	All sizes	.48¾	.48¾	.48¾	.38¾	.38¾	.38¾
15	Whiting (Merluccius Bilinearis)	1	Round	All sizes	.04	.04	.04	.04	.03½	.03½
		2	Dressed	All sizes	.07¾	.07¾	.07¾	.07¾	.06¼	.06¼
		3	Regular fillets	All sizes	.16¾	.16¾	.16¾	.16¾	.15¼	.15¼
		4	Butterfly fillets	All sizes	.16¾	.16¼	.16¼	.16¼	.15	.15
		5	Dressed & skinned	All sizes	.15	.15	.15	.15	.14	.14
		6	Dressed & scaled	All sizes	.07¾	.07¾	.07¾	.07¾	.06¾	.06¾
16	Wolffish (Anarhichas Lupus)	1	Drawn	All sizes	.09½	.09½	.09½	.06½	.06½	.06½
		2	Dressed	All sizes	.12¼	.12¼	.12¼	.08½	.08½	.08½
		3	Dressed & skinned	All sizes	.23½	.23½	.23½	.16	.16	.16
		4	Fillets	All sizes	.31¾	.31¾	.31¾	.22	.22	.22
17	Scallops, sea (Pecten Magellanicus)	1	Meats		.38¾	.38¾	.38¾	.33¾	.33¾	.33¾
18	Scallops, bay (Pecten Irradians)	1	Meats		.49¼	.49¼	.49¼	.49¼	.49¼	.49¼
19	Swordfish (Xiphias Gladius)	1	Dressed	All sizes	.33¾	.33¾	.33¾	.33¾	.33¾	.33¾
		2	Cuts—center	All sizes	.36	.36	.36	.36	.36	.36
		3	Cuts—head	All sizes	.33	.33	.33	.33	.33	.33
		4	Cuts—tail	All sizes	.33	.33	.33	.33	.33	.33
		5	Steaks—individual		.47	.47	.47	.47	.47	.47
20	Cod, true (Pacific Coast) (Gadus macrocephalus)	1	Round	All sizes	.08¼	.08¼	.08¼	.06¼	.06¼	.06¼
		2	Dressed	All sizes	.10¾	.10¾	.10¾	.10¾	.08	.08
		3	Fillets	All sizes	.22¼	.22¼	.22¼	.22¼	.17¾	.17¾
22	Flounder (Pacific Coast)	1	Round	All sizes	.06½	.06½	.06½	.06½	.05½	.05½
		2	Dressed	All sizes	.09¼	.09¼	.09¼	.09¼	.08	.08
		3	Fillets	All sizes	.26¼	.26¼	.26¼	.26¼	.22	.22
23	Halibut (Hippoglossus hippoglossus)	1	Dressed	5 to 10 lbs	.18½	.18½	.18½	.18½	.18½	.18½
		2	Dressed	10 lbs. to 60 lbs	.20	.20	.20	.20	.20	.20
		3	Dressed	Over 60 lbs	.18½	.18½	.18½	.18½	.18½	.18½
		4	Steaks	All sizes	.23¼	.23¼	.23¼	.23¼	.23¼	.23¼
24	Ling cod (Pacific Coast) (Ophiodon elongatus)	1	Dressed	6 lbs. and over	.12	.12	.12	.12	.10	.10
		2	Dressed	Under 6 lbs	.07½	.07½	.07½	.07½	.06½	.06½
		3	Fillets	All sizes	.24¾	.24¾	.24¾	.24¾	.20	.20
25	Rock cod or red cod (Pacific Coast) (Sebastodes species).	1	Round	All sizes	.06½	.06½	.06½	.06½	.05½	.05½
		2	Dressed	All sizes	.11	.11	.11	.11	.09	.09
		3	Fillets	All sizes	.25½	.25½	.25½	.25½	.21½	.21½
26	Sablefish (Anopopoma fimbria)	1	Dressed	6 lbs. and over	.16½	.16½	.16½	.16½	.14½	.14½
		2	Dressed	Under 6 lbs	.10	.10	.10	.10	.08	.08
		3	Fillets	All sizes	.29½	.29½	.29½	.29½	.25½	.25½
		4	Steaks	All sizes	.20	.20	.20	.20	.17½	.17½
27	Salmon, Chinook or King (Pacific Coast) Troll Caught (Oncorhynchus tschawytscha):									
	Red Meated	1	Drawn	14 lbs. and over	.25	.25	.25	.25	.25	.25
	Red Meated	2	Drawn	Under 14 lbs	.20¾	.20¾	.20¾	.20¾	.20¾	.20¾
	White Meated	3	Drawn	All sizes	.16½	.16½	.16½	.16½	.16½	.16½
	Red Meated	4	Dressed	12¾ lbs. and over	.27½	.27½	.27½	.27½	.27½	.27½
	Red Meated	5	Dressed	Under 12¾ lbs	.23¼	.23¼	.23¼	.23¼	.23¼	.23¼
	White Meated	6	Dressed	All sizes	.18	.18	.18	.18	.18	.18
	Red Meated	7	Steaks	All sizes	.29	.29	.29	.29	.29	.29
	White Meated	8	Steaks	All sizes	.21½	.21½	.21½	.21½	.21½	.21½
28	Salmon, Silver (Pacific Coast) Troll Caught (Oncorhynchus kisutch).	1	Drawn	All sizes	.19	.19	.19	.19	.19	.19
		2	Dressed	All sizes	.21	.21	.21	.21	.21	.21
		3	Steaks	All sizes	.24¾	.24¾	.24¾	.24¾	.24¾	.24¾
29	Salmon, Silver (Pacific Coast) Seine Caught (Oncorhynchus kisutch).	1	Round	All sizes						.10
		2	Drawn	All sizes						.11¼
		3	Dressed	All sizes						.13
		4	Steaks	All sizes						.16¼
30	Salmon, Fall (Pacific Coast) Seine Caught (Oncorhynchus keta).	1	Round	All sizes						.11
		2	Drawn	All sizes						.12¼
		3	Dressed	All sizes						.14¾
		4	Steaks	All sizes						.17¼

TABLE B.—MAXIMUM PRICES FOR PRIMARY FISH SHIPPER WHOLESALERS OF FRESH FISH AND SEAFOOD—Continued

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound					
					January	February	March	April	May	June
31	Salmon, Pink (Pacific Coast) Seine Caught (Oncorhynchus gorbuscha).	1	Round	All sizes						0.08
		2	Drawn	All sizes						.08¼
		3	Dressed	All sizes						.10¼
		4	Fillets	All sizes						.16
32	Salmon, Sockeye or Blueback (Pacific Coast) Seine Caught (Oncorhynchus Nerka).	1	Round	All sizes						.15½
		2	Dressed	All sizes						.22½
33	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tschawytscha).	1	Round	All sizes					0.17½	.17½
		2	Dressed	All sizes					.22¾	.22¾
35	Salmon, Steel head (Pacific Coast) (Salmo gairdneri).	1	Round	All sizes				0.06	.06	.13
		2	Dressed	All sizes				.07½	.07½	.16¾
36	Smilt, Silver (Pacific Coast)	1	Round	All sizes	0.13	0.13	0.13	.13	.10½	.10½
37	Sole, Dover (Pacific Coast)	1	Round	All sizes	.06½	.06½	.06½	.06½	.05½	.05½
		2	Dressed	All sizes	.08¼	.08¼	.08¼	.08½	.07	.07
		3	Skinned	All sizes	.10½	.10½	.10½	.10½	.09	.09
		4	Fillets	All sizes	.26¾	.26¾	.26¾	.26¼	.22	.22
38	Sole, English (Pacific Coast)	1	Round	13 inches and over	.07½	.07½	.07½	.07½	.06½	.06½
		2	Round	11¼ to 13 inches	.06	.06	.06	.06	.05	.05
		3	Dressed	13 inches and over	.09¼	.09¼	.09¼	.09¼	.08¼	.08¼
		4	Dressed	11¼ to 13 inches	.07½	.07½	.07½	.07½	.06¾	.06¾
		5	Skinned	All sizes	.11	.11	.11	.11	.09¾	.09¾
		6	Fillets	All sizes	.25¾	.25¾	.25¾	.25¾	.22½	.22½
39	Sole, petrale (Pacific Coast)	1	Round	All sizes	.08	.08	.08	.08	.07	.07
		2	Dressed	All sizes	.10¾	.10¾	.10¾	.10¾	.09	.09
		3	Skinned	All sizes	.13	.13	.13	.13	.11¼	.11¼
		4	Fillets	All sizes	.27	.27	.27	.27	.24	.24
41	Sole, Sand (Pacific Coast)	1	Round	All sizes	.07	.07	.07	.07	.06	.06
		2	Dressed	All sizes	.09	.09	.09	.09	.07¾	.07¾
		3	Skinned	All sizes	.11¼	.11¼	.11¼	.11¼	.09½	.09½
		4	Fillets	All sizes	.25	.25	.25	.22	.22	.22
42	Sole, Turbot (Pacific Coast)	1	Round	All sizes	.06½	.06½	.06½	.06½	.05½	.05½
		2	Dressed	All sizes	.08¼	.08¼	.08¼	.08¼	.07	.07
		3	Skinned	All sizes	.10½	.10½	.10½	.10½	.09	.09
		4	Fillets	All sizes	.26	.26	.26	.26	.22	.22

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound					
					July	August	September	October	November	December
1	Alewives (Pomolobus Pseudoharengus)	1	Round	All sizes	0.02½	0.02½	0.02½	0.02½	0.02½	0.02½
2	Codfish (Gadus Callarias)	1	Dressed	2½ to 10 lbs	.10½	.10½	.10½	.13¼	.13¼	.13¼
		2	Dressed	10 to 25 lbs	.11¾	.11¾	.11¾	.13¾	.13¾	.13¾
		3	Drawn	2½ to 10 lbs	.08	.08	.08	.10	.10	.10
		4	Drawn	10 to 25 lbs	.08½	.08½	.08½	.10½	.10½	.10½
		5	Drawn	Under 2½ lbs	.07½	.07½	.07½	.09	.09	.09
		6	Round	Under 2½ lbs	.04	.04	.05	.05	.05	.05
		7	Fillets	All sizes	.22¼	.22¼	.22¼	.27¼	.27¼	.27¼
		8	Sliced	All sizes	.19½	.19½	.19½	.23½	.23½	.23½
		9	Dressed	Over 25 lbs	.10½	.10½	.10½	.13¼	.13¼	.13¼
		10	Drawn	Over 25 lbs	.08	.08	.08	.10	.10	.10
3	Cusk (Brosme Brosme)	1	Drawn	All sizes	.07½	.07½	.07½	.09½	.09½	.09½
		2	Fillets	All sizes	.20¾	.20¾	.20¾	.25¾	.25¾	.25¾
		3	Dressed	All sizes	.09¾	.09¾	.09¾	.12½	.12½	.12½
4	Blackback (Pseudopleuronectes Americanus)	1	Round	All sizes	.07	.07	.07	.09	.09	.09
		2	Fillets	All sizes	.23½	.23½	.23½	.30	.30	.30
5	Dab, Sea (Limanda Limanda)	1	Round	All sizes	.06½	.06½	.06½	.08½	.08½	.08½
		2	Fillets	All sizes	.23½	.23½	.23½	.30	.30	.30
6	Yellow tail (Limanda ferruginea)	1	Round	All sizes	.06	.06	.06	.08	.08	.08
		2	Fillets	All sizes	.23½	.23½	.23½	.30	.30	.30
7	Haddock (Melanogrammus aeglefinus)	1	Drawn	Over 2½ lbs	.09	.09	.09	.11	.11	.11
		2	Drawn	Under 2½ lbs	.08½	.08½	.08½	.10½	.10½	.10½
		3	Round	All sizes	.04	.04	.04	.05	.05	.05
		4	Fillets	All sizes	.24	.24	.24	.28¾	.28¾	.28¾
		5	Dressed	Over 2½ lbs	.11¼	.11¼	.11¼	.13¾	.13¾	.13¾
8	Hake (Urophycis species)	1	Dressed	Under 2½ lbs	.06½	.06½	.06½	.08¼	.08¼	.08¼
		2	Dressed	Over 2½ lbs	.08½	.08½	.08½	.10½	.10½	.10½
		3	Round	All sizes	.04	.04	.04	.05	.05	.05
		4	Fillets	All sizes	.20	.20	.20	.24	.24	.24
9	Hake—Mud (Urophycis species)	1	Round	All sizes	.04	.04	.04	.05	.05	.05
		2	Drawn	All sizes	.04¾	.04¾	.04¾	.06	.06	.06
10	Herring (Clupea harengus)	1	Round	All sizes	.02½	.02½	.02½	.02½	.02½	.02½
11	Pollock (Pollachius Virens)	1	Drawn	All sizes	.06½	.06½	.06½	.06½	.06½	.06½
		2	Round	Over 2½ lbs	.05½	.05½	.05½	.05½	.05½	.05½
		3	Round	Under 2½ lbs	.04¾	.04¾	.04¾	.04¾	.04¾	.04¾
		4	Fillets	All sizes	.16	.16	.16	.16	.16	.16
		5	Dressed	All sizes	.08¼	.08¼	.08¼	.08¼	.08¼	.08¼
12	Rosefish (Sebastes Marinus)	1	Round	All sizes	.05¾	.05¾	.05¾	.05¾	.05¾	.05¾
		2	Fillets	All sizes	.20	.20	.20	.22	.22	.22
13	Sole, gray (Glyptocephalus Cynoglossus)	1	Round	All sizes	.09½	.09½	.09½	.11½	.11½	.11½
		2	Fillets	All sizes	.34	.34	.34	.40½	.40½	.40½
14	Sole, lemon (Pseudopleuronectes Dignabilis)	1	Round	All sizes	.10½	.10½	.10½	.13½	.13½	.13½
		2	Fillets	All sizes	.38¾	.38¾	.38¾	.48¾	.48¾	.48¾
15	Whiting (Merluccius bilinearis)	1	Round	All sizes	.03½	.03½	.03½	.03½	.04	.04
		2	Dressed	All sizes	.06¾	.06¾	.06¾	.06¾	.07¾	.07¾
		3	Regular fillets	All sizes	.15¾	.15¾	.15¾	.15¾	.16¾	.16¾
		4	Butterfly fillets	All sizes	.15	.15	.15	.15	.16¾	.16¾
		5	Dressed & skinned	All sizes	.14	.14	.14	.14	.15	.15
		6	Dressed & scaled	All sizes	.06¾	.06¾	.06¾	.06¾	.07¾	.07¾
16	Wolffish (Anarhichas Lupus)	1	Drawn	All sizes	.06½	.06½	.06½	.06½	.06½	.06½
		2	Dressed	All sizes	.08½	.08½	.08½	.12½	.12½	.12½
		3	Dressed & skinned	All sizes	.16	.16	.16	.23½	.23½	.23½
		4	Fillets	All sizes	.22	.22	.22	.31¾	.31¾	.31¾
17	Scallops, sea (Pecten Magellanicus)	1	Meats		.33¾	.33¾	.33¾	.38¾	.38¾	.38¾
18	Scallops, bay (Pecten Irradians)	1	Meats		.49¼	.49¼	.49¼	.49¼	.49¼	.49¼

TABLE B.—MAXIMUM PRICES FOR PRIMARY FISH SHIPPER WHOLESALERS OF FRESH FISH AND SEAFOOD—Continued

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound					
					July	August	September	October	November	December
19	Swordfish (Xiphias Gladius)	1	Dressed	All sizes	0.33¾	0.33¾	0.33¾	0.33¾	0.33¾	0.33¾
		2	Cuts—center	All sizes	.36	.36	.36	.36	.36	.36
		3	Cuts—head	All sizes	.33	.33	.33	.33	.33	.33
		4	Cuts—tail	All sizes	.33	.33	.33	.33	.33	.33
		5	Steaks-individual		.47	.47	.47	.47	.47	.47
20	Cod, true (Pacific Coast) (Gadus macrocephalus)	1	Round	All sizes	.06½	.06¼	.08¼	.08¼	.08¼	.08½
		2	Dressed	All sizes	.08	.08	.10¾	.10¾	.10¾	.10¾
		3	Fillets	All sizes	.17¾	.17¾	.22¼	.22¼	.22¼	.22½
22	Flounder (Pacific Coast)	1	Round	All sizes	.05½	.05½	.06½	.06½	.06½	.06½
		2	Dressed	All sizes	.08	.08	.09¼	.09¼	.09¼	.09¼
		3	Fillets	All sizes	.22	.22	.26¼	.26¼	.26¼	.26½
23	Halibut (Hippoglossus hippoglossus)	1	Dressed	5 to 10 lbs	.18½	.18½	.18½	.18½	.18½	.18½
		2	Dressed	10 lbs. to 60 lbs	.20	.20	.20	.20	.20	.20
		3	Dressed	Over 60 lbs	.18½	.18½	.18½	.18½	.18½	.18½
		4	Steaks	All sizes	.25¼	.25¼	.25¼	.25¼	.25¼	.25¼
24	Ling cod (Pacific Coast) (Oniodon elongatus)	1	Dressed	6 lbs. and over	.10	.10	.12	.12	.12	.12
		2	Dressed	Under 6 lbs	.05½	.05½	.07½	.07½	.07½	.07½
		3	Fillets	All sizes	.20	.20	.24¾	.24¾	.24¾	.24¾
25	Rock cod or red cod (Pacific Coast) (Sebastodes species).	1	Round	All sizes	.05½	.05½	.06½	.06½	.06½	.06½
		2	Dressed	All sizes	.09	.09	.11	.11	.11	.11
		3	Fillets	All sizes	.21½	.21½	.25½	.25½	.25½	.25½
26	Sablefish (Anopopoma fimbria)	1	Dressed	6 lbs. and over	.14½	.14½	.16½	.16½	.16½	.16½
		2	Dressed	Under 6 lbs	.08	.08	.10	.10	.10	.10
		3	Fillets	All sizes	.25½	.25½	.29½	.29½	.29½	.29½
		4	Steaks	All sizes	.17½	.17½	.20	.20	.20	.20
27	Salmon, Chinook or King (Pacific Coast) Troll Caught (Oncorhynchus tschawytscha):									
	Red Meated	1	Drawn	14 lbs. and over	.25	.25	.25	.25	.25	.25
	Red Meated	2	Drawn	Under 14 lbs	.20¾	.20¼	.20¾	.20¾	.20¾	.20¼
	White Meated	3	Drawn	All sizes	.16½	.16½	.16½	.16½	.16½	.16½
	Red Meated	4	Dressed	12¾ lbs. and over	.27½	.27½	.27½	.27½	.27½	.27½
	Red Meated	5	Dressed	Under 12¾ lbs	.23¼	.23¼	.23¼	.23¼	.23¼	.23¼
	White Meated	6	Dressed	All sizes	.18	.18	.18	.18	.18	.18
	Red Meated	7	Steaks	All sizes	.29	.29	.29	.29	.29	.29
	White Meated	8	Steaks	All sizes	.21½	.21½	.21½	.21½	.21½	.21½
28	Salmon, Silver (Pacific Coast) Troll Caught (Oncorhynchus kisutch).	1	Drawn	All sizes	.19	.19	.19	.19	.19	.19
		2	Dressed	All sizes	.21	.21	.21	.21	.21	.21
		3	Steaks	All sizes	.24¾	.24¾	.24¾	.24¾	.24¾	.24¾
29	Salmon, Silver (Pacific Coast) Seine Caught (Oncorhynchus kisutch).	1	Round	All sizes	.10	.11	.15	.15	.15	.15
		2	Drawn	All sizes	.11¾	.13¼	.17½	.17½	.17½	.17½
		3	Dressed	All sizes	.13	.14¾	.19½	.19½	.19½	.19½
		4	Steaks	All sizes	.16¾	.18	.23	.23	.23	.23
30	Salmon, Fall (Pacific Coast) Seine Caught (Oncorhynchus keta).	1	Round	All sizes	.11	.11	.11	.11	.11	.11
		2	Drawn	All sizes	.12¾	.12¾	.12¾	.12¾	.12¾	.12¾
		3	Dressed	All sizes	.14¾	.14¾	.14¾	.14¾	.14¾	.14¾
		4	Steaks	All sizes	.17¾	.17¾	.17¾	.17¾	.17¾	.17¾
31	Salmon, Pink (Pacific Coast) Seine Caught (Oncorhynchus gorbuscha).	1	Round	All sizes	.08	.08	.08	.08	.08	.08
		2	Drawn	All sizes	.09¾	.09¼	.09¼	.09¼	.09¾	.09¼
		3	Dressed	All sizes	.10¾	.10¼	.10¾	.10¾	.10¾	.10¼
		4	Fillets	All sizes	.16	.16	.16	.16	.16	.16
32	Salmon, Sockeye or Blueback (Pacific Coast) Seine Caught (Oncorhynchus Nerka).	1	Round	All sizes	.19½	.19½	.19½	.19½	.19½	.19½
		2	Dressed	All sizes	.25½	.25½	.25½	.25½	.25½	.25½
33	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tschawytscha).	1	Round	All sizes	.17½	.17½	.17½	.17½	.17½	.17½
		2	Dressed	All sizes	.22¾	.22¼	.22¾	.22¾	.22¾	.22¼
35	Salmon, Steel Head (Pacific Coast) (Salmo gairdneri).	1	Round	All sizes	.13	.13	.13	.13		
		2	Dressed	All sizes	.16¾	.16¾	.16¾	.16¾		
36	Smelt, Silver (Pacific Coast)	1	Round	All sizes	.10½	.10¼	.13	.13	.13	.13
37	Sole, Dover (Pacific Coast)	1	Round	All sizes	.05½	.05¼	.06½	.06½	.06½	.06½
		2	Dressed	All sizes	.07	.07	.08¾	.08¼	.08¾	.08¼
		3	Skinned	All sizes	.09	.09	.10¾	.10½	.10½	.10¾
		4	Fillets	All sizes	.22	.22	.26¾	.26¼	.26¾	.26¼
38	Sole, English (Pacific Coast)	1	Round	13 inches and over	.06½	.06¼	.07½	.07½	.07½	.07½
		2	Round	11½ to 13 inches	.05	.05	.06	.06	.06	.06
		3	Dressed	13 inches and over	.08¾	.08¼	.09¼	.09¼	.09½	.09¼
		4	Dressed	11½ to 13 inches	.06¾	.06¼	.07½	.07½	.07½	.07½
		5	Skinned	All sizes	.09¾	.09¼	.11	.11	.11	.11
		6	Fillets	All sizes	.22½	.22½	.25¾	.25¾	.25¾	.25¼
39	Sole, Petrale (Pacific Coast)	1	Round	All sizes	.07	.07	.08	.08	.08	.08
		2	Dressed	All sizes	.09	.09	.10¾	.10¾	.10¾	.10¼
		3	Skinned	All sizes	.11¾	.11¾	.13	.13	.13	.13
		4	Fillets	All sizes	.24	.24	.27	.27	.27	.27
41	Sole, Sand (Pacific Coast)	1	Round	All sizes	.06	.06	.07	.07	.07	.07
		2	Dressed	All sizes	.07¾	.07¾	.09	.09	.09	.09
		3	Skinned	All sizes	.09½	.09½	.11¾	.11¾	.11¾	.11¾
		4	Fillets	All sizes	.22	.22	.25	.25	.25	.25
42	Sole, Turbot (Pacific Coast)	1	Round	All sizes	.05½	.05½	.06½	.06½	.06½	.06½
		2	Dressed	All sizes	.07	.07	.08¾	.08¾	.08¾	.08¼
		3	Skinned	All sizes	.09	.09	.10¾	.10¾	.10¾	.10¾
		4	Fillets	All sizes	.22	.22	.26	.26	.26	.26

TABLE C.—MAXIMUM PRICES FOR RETAILER-OWNED COOPERATIVE WHOLESALERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January	February	March	April	May	June	July	August	September	October	November	December
1	Alewives (pomolobus pseudoharengus)	1	Round	All sizes	0.03½	0.03½	0.03½	0.03½	0.03½	0.03½	0.03½	0.03½	0.03½	0.03½	0.03½	0.03½
2	Codfish (gadus callarias)	1	Dressed	2½ to 10 lb	.14¾	.14¾	.14¾	.12	.12	.12	.12	.12	.14¾	.14¾	.14¾	.14¾
		2	Dressed	10 to 25 lb	.15¼	.15¼	.15¼	.12¾	.12¾	.12¾	.12¾	.12¾	.15¼	.15¼	.15¼	.15¼
		3	Drawn	2½ to 10 lb	.11	.11	.11	.09	.09	.09	.09	.09	.11	.11	.11	.11
		4	Drawn	10 to 25 lb	.12	.12	.12	.09½	.09½	.09½	.09½	.09½	.12	.12	.12	.12
		5	Drawn	Under 2½ lb	.10	.10	.10	.08½	.08½	.08½	.08½	.08½	.10	.10	.10	.10
		6	Round	Under 2½ lb	.06	.06	.06	.05	.05	.05	.05	.05	.06	.06	.06	.06
		7	Fillets	All sizes	.29¼	.29¼	.29¼	.24¾	.24¾	.24¾	.24¾	.24¾	.29¼	.29¼	.29¼	.29¼
		8	Sliced	All sizes	.25½	.25½	.25½	.21	.21	.21	.21	.21	.25½	.25½	.25½	.25½
		9	Dressed	Over 25 lb	.14¾	.14¾	.14¾	.12	.12	.12	.12	.12	.14¾	.14¾	.14¾	.14¾
		10	Drawn	Over 25 lb	.11	.11	.11	.09	.09	.09	.09	.09	.11	.11	.11	.11
3	Cusk (brosme brosme)	1	Drawn	All sizes	.10½	.10½	.10½	.08½	.08½	.08½	.08½	.08½	.10½	.10½	.10½	.10½
		2	Fillets	All sizes	.27¾	.27¾	.27¾	.22¾	.22¾	.22¾	.22¾	.22¾	.27¾	.27¾	.27¾	.27¾
		3	Dressed	All sizes	.14	.14	.14	.10¾	.10¾	.10¾	.10¾	.10¾	.14	.14	.14	.14
4	Black-back (pseudopleuronectes americanus).	1	Round	All sizes	.10	.10	.10	.08	.08	.08	.08	.08	.10	.10	.10	.10
		2	Fillets	All sizes	.32	.32	.32	.25½	.25½	.25½	.25½	.25½	.32	.32	.32	.32
5	Dab, sea (limanda limanda)	1	Round	All sizes	.09½	.09½	.09½	.07½	.07½	.07½	.07½	.07½	.09½	.09½	.09½	.09½
		2	Fillets	All sizes	.32	.32	.32	.25½	.25½	.25½	.25½	.25½	.32	.32	.32	.32
6	Yellow tail (limanda ferruginea)	1	Round	All sizes	.09	.09	.09	.07	.07	.07	.07	.07	.09	.09	.09	.09
		2	Fillets	All sizes	.32	.32	.32	.25½	.25½	.25½	.25½	.25½	.32	.32	.32	.32
7	Haddock (melanogramus aeglefinus)	1	Drawn	Over 2½ lb	.12½	.12½	.12½	.10	.10	.10	.10	.10	.12½	.12½	.12½	.12½
		2	Drawn	Under 2½ lb	.12	.12	.12	.09½	.09½	.09½	.09½	.09½	.12	.12	.12	.12
		3	Round	All sizes	.06	.06	.06	.05	.05	.05	.05	.05	.06	.06	.06	.06
		4	Fillets	All sizes	.30¾	.30¾	.30¾	.26	.26	.26	.26	.26	.30¾	.30¾	.30¾	.30¾
		5	Dressed	Over 2½ lb	.15¼	.15¼	.15¼	.12¾	.12¾	.12¾	.12¾	.12¾	.15¼	.15¼	.15¼	.15¼
8	Hake (Urophycis species)	1	Dressed	Under 2½ lb	.09½	.09½	.09½	.07½	.07½	.07½	.07½	.07½	.09½	.09½	.09½	.09½
		2	Dressed	Over 2½ lb	.12	.12	.12	.09½	.09½	.09½	.09½	.09½	.12	.12	.12	.12
		3	Round	All sizes	.06	.06	.06	.05	.05	.05	.05	.05	.06	.06	.06	.06
		4	Fillets	All sizes	.26	.26	.26	.21¼	.21¼	.21¼	.21¼	.21¼	.26	.26	.26	.26
9	Hake—mud (Urophycis species)	1	Round	All sizes	.06	.06	.06	.05	.05	.05	.05	.05	.06	.06	.06	.06
		2	Drawn	All sizes	.07	.07	.07	.05¾	.05¾	.05¾	.05¾	.05¾	.07	.07	.07	.07
10	Herring (Clupea harengus)	1	Round	All sizes	.03½	.03½	.03½	.03½	.03½	.03½	.03½	.03½	.03½	.03½	.03½	.03½
11	Pollock (Pollachius virens)	1	Drawn	All sizes	.10	.10	.10	.07½	.07½	.07½	.07½	.07½	.07½	.07½	.07½	.07½
		2	Round	Over 2½ lb	.09	.09	.09	.06½	.06½	.06½	.06½	.06½	.06½	.06½	.06½	.06½
		3	Round	Under 2½ lb	.08	.08	.08	.05¾	.05¾	.05¾	.05¾	.05¾	.05¾	.05¾	.05¾	.05¾
		4	Fillets	All sizes	.23	.23	.23	.17½	.17½	.17½	.17½	.17½	.17½	.17½	.17½	.17½
		5	Dressed	All sizes	.12¾	.12¾	.12¾	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼
12	Rosefish (Sebastus marinus)	1	Round	All sizes	.06¾	.06¾	.06¾	.06¼	.06¼	.06¼	.06¼	.06¼	.06¼	.06¼	.06¼	.06¾
		2	Fillets	All sizes	.24	.24	.24	.21½	.21½	.21½	.21½	.21½	.24	.24	.24	.24
13	Sole, gray (glyptocephalus cynoglossus)	1	Round	All sizes	.13	.13	.13	.10½	.10½	.10½	.10½	.10½	.13	.13	.13	.13
		2	Fillets	All sizes	.43½	.43½	.43½	.36½	.36½	.36½	.36½	.36½	.43½	.43½	.43½	.43½
14	Sole, lemon (pseudopleuronectes dignabilis)	1	Round	All sizes	.15	.15	.15	.12	.12	.12	.12	.12	.15	.15	.15	.15
		2	Fillets	All sizes	.51¼	.51¼	.51¼	.40¾	.40¾	.40¾	.40¾	.40¾	.51¼	.51¼	.51¼	.51¼
15	Whiting (merluccius bilinearis)	1	Round	All sizes	.05	.05	.05	.04½	.04½	.04½	.04½	.04½	.05	.05	.05	.05
		2	Dressed	All sizes	.08¼	.08¼	.08¼	.07¾	.07¾	.07¾	.07¾	.07¾	.07¾	.07¾	.08¼	.08¼
		3	Regular fillets	All sizes	.18¾	.18¾	.18¾	.18¾	.16¾	.16¾	.16¾	.16¾	.16¾	.16¾	.18¾	.18¾
		4	Butterfly fillets	All sizes	.17¾	.17¾	.17¾	.17¾	.16½	.16½	.16½	.16½	.16½	.16½	.17¾	.17¾
		5	Dressed and skinned	All sizes	.16½	.16½	.16½	.16½	.15½	.15½	.15½	.15½	.15½	.15½	.16½	.16½
		6	Dressed and sealed	All sizes	.08¾	.08¾	.08¾	.08¾	.07¾	.07¾	.07¾	.07¾	.07¾	.07¾	.08¾	.08¾
16	Wolffish (anarhichas lupus)	1	Drawn	All sizes	.10½	.10½	.10½	.07½	.07½	.07½	.07½	.07½	.07½	.07½	.10½	.10½
		2	Dressed	All sizes	.14	.14	.14	.09½	.09½	.09½	.09½	.09½	.14	.14	.14	.14
		3	Dressed and skinned	All sizes	.25½	.25½	.25½	.17½	.17½	.17½	.17½	.17½	.25½	.25½	.25½	.25½
		4	Fillets	All sizes	.33¾	.33¾	.33¾	.24	.24	.24	.24	.24	.33¾	.33¾	.33¾	.33¾
17	Scallops, sea (pecten magellanicus)	1	Meats		.41¾	.41¾	.41¾	.30¾	.30¾	.30¾	.30¾	.30¾	.41¾	.41¾	.41¾	.41¾
18	Scallops, bay (pecten irradians)	1	Meats		.52¾	.52¼	.52¾	.52¼	.52¼	.52¼	.52¼	.52¼	.52¼	.52¼	.52¼	.52¼
19	Swordfish (xiphias gladius)	1	Dressed	All sizes	.36¾	.36¾	.36¾	.30¼	.30¼	.30¼	.30¼	.30¼	.36¾	.36¾	.36¾	.36¾
		2	Cuts—center	All sizes	.38½	.38½	.38½	.28½	.28½	.28½	.28½	.28½	.38½	.38½	.38½	.38½
		3	Cuts—head	All sizes	.35½	.35½	.35½	.35½	.35½	.35½	.35½	.35½	.35½	.35½	.35½	.35½
		4	Cuts—tail	All sizes	.35½	.35½	.35½	.35½	.35½	.35½	.35½	.35½	.35½	.35½	.35½	.35½
		5	Steaks-individual	All sizes	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50
20	Cod, true (Pacific Coast) (Gadus Macrocephaus).	1	Round	All sizes	.09½	.09½	.06¼	.09½	.07½	.07½	.07½	.07½	.06½	.06½	.09½	.09½
		2	Dressed	All sizes	.12¼	.12¼	.12¾	.12¼	.09	.09	.09	.09	.12¼	.12¼	.12¼	.12¼
		3	Fillets	All sizes	.24¼	.24¼	.24¾	.24¼	.19¼	.19¼	.19¼	.19¼	.24¼	.24¼	.24¼	.24¼
22	Flounder (Pacific Coast)	1	Round	All sizes	.07½	.07½	.07½	.07½	.06½	.06½	.06½	.06½	.07½	.07½	.07½	.07½
		2	Dressed	All sizes	.10¾	.10¾	.10¼	.10¾	.09	.09	.09	.09	.10¼	.10¼	.10¼	.10¼
		3	Fillets	All sizes	.28¼	.28¼	.28¼	.28¼	.24	.24	.24	.24	.28¼	.28¼	.28¼	.28¼
23	Halibut (Hippoglossus Hippoglossus)	1	Dressed	5 to 10 lb	.20	.20	.20	.20	.20	.20	.20	.20	.20	.20	.20	.20
		2	Dressed	10 to 60 lb	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½
		3	Dressed	Over 60 lb	.20	.20	.20	.20	.20	.20	.20	.20	.20	.20	.20	.20
		4	Steaks	All sizes	.27¼	.27¼	.27¼	.27¼	.27¼	.27¼	.27¼	.27¼	.27¼	.27¼	.27¼	.27¼
24	Ling Cod (Pacific Coast) (Ophiodon Elongatus).	1	Dressed	6 lb. and over	.13½	.13½	.13½	.13½	.11	.11	.11	.11	.13½	.13½	.13½	.13½
		2	Dressed	Under 6 lb	.08½	.08½	.08½	.08½	.06½	.06½	.06½	.06½	.08½	.08½	.08½	.08½
25	Rock Cod or Red Cod (Pacific Coast) (Sebastes Species)	3	Fillets	All sizes	.26¾	.26¾	.26¾	.26¾	.21½	.21½	.21½	.21½	.26¾	.26¾	.26¾	.26¾
		1	Round	All sizes	.07½	.07½	.07½	.07½	.06½	.06½	.06½	.06½	.07½	.07½	.07½	.07½
		2	Dressed	All sizes	.12½	.12½	.12½	.12½	.10	.10	.10	.10	.12½	.12½	.12½	.12½
		3	Fillets	All sizes	.27½	.27½	.27½	.27½	.23½	.23½	.23½	.23½	.27½	.27½	.27½	.27½
26	Sablefish (Angplopoma Fimbria)	1	Dressed	6 lb and over	.18	.18	.18	.18	.16	.16	.16	.16	.18	.18	.18	.18
		2	Dressed	Under 6 lb	.11	.11	.11	.11	.09	.09	.09	.09	.11	.11	.11	.11
		3	Fillets	All sizes	.31½	.31¼	.31½	.31½	.27½	.27½	.27½	.27½	.31½	.31½	.31½	.31½
		4	Steaks	All sizes	.21½	.21½	.21½	.21½	.19	.19	.19	.19	.21½	.21½	.21½	.21½
27	Salmon, Chinook or King (Pacific coast) troll caught (Oncorhynchus tschawytscha).															
	Red meated	1	Drawn	14 lb. and over	.27	.27	.27	.27	.27	.27	.27	.27	.27	.27	.27	.27
	Red meated	2	Drawn	Under 14 lb	.22¾	.22¾	.22¾	.22¾	.22¾	.22¾	.22¾	.22¾	.22¾	.22¾	.22¾	.22¾
	White meated	3	Drawn	All sizes	.18	.18	.18	.18	.18	.18	.18	.18	.18	.18	.18	.18
	Red meated	4	Dressed	12¾ lb. and over.	.29½	.29½	.29½	.29½	.29½	.29½	.29½	.29½	.29½	.29½	.29½	.29½
	Red meated	5	Dressed	Under 12¾ lb.	.25¾	.25¾	.25¾	.25¾	.25¾	.25¾	.25¾	.25¾	.25¾	.25¾	.25¾	.25¾
	White meated	6	Dressed	All sizes	.19½	.19½	.19½	.19½	.19½	.19½	.19½	.19½	.19½	.19½	.19½	.19½
	Red meated	7	Steaks	All sizes	.31	.31	.31	.31	.31	.31	.31	.31	.31	.31	.31	.31
	White meated	8	Steaks	All sizes	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½

TABLE C.—MAXIMUM PRICES FOR RETAILER-OWNED COOPERATIVE WHOLESALERS OF FRESH FISH AND SEAFOOD—Continued

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound: January	February	March	April	May	June	July	August	September	October	November	December
28	Salmon, Silver (Pacific coast) troll caught (Oncorhynchus kisutch).	1	Drawn	All sizes	0.20½	0.20½	0.20½	0.20½	0.20½	0.20½	0.20½	0.20½	0.20½	0.20½	0.20½	0.20½
		2	Dressed	All sizes	.23	.23	.23	.23	.23	.23	.23	.23	.23	.23	.23	.23
		3	Steaks	All sizes	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾
29	Salmon, Silver (Pacific coast) seine caught (Oncorhynchus kisutch).	1	Round	All sizes						.11	.11	.12½	.16½	.16½	.16½	.16½
		2	Drawn	All sizes						.13¼	.13¼	.14½	.19	.19	.19	.19
		3	Dressed	All sizes						.14½	.14¼	.16¼	.21	.21	.21	.21
		4	Steaks	All sizes						.17¾	.17¾	.19½	.25	.25	.25	.25
30	Salmon, Fall (Pacific coast) seine caught (Oncorhynchus keta)	1	Round	All sizes						.12½	.12½	.12½	.12½	.12½	.12½	.12½
		2	Drawn	All sizes						.14¼	.14¼	.14¼	.14¼	.14¼	.14¼	.14¼
		3	Dressed	All sizes						.16¼	.16¼	.16¼	.16¼	.16¼	.16¼	.16¼
		4	Steaks	All sizes						.19½	.19½	.19½	.19½	.19½	.19½	.19½
31	Salmon, Pink (Pacific coast) seine caught (Oncorhynchus gorbuscha).	1	Round	All sizes						.09	.09	.09	.09	.09	.09	.09
		2	Drawn	All sizes						.10¼	.10¼	.10¼	.10¼	.10¼	.10¼	.10¼
		3	Dressed	All sizes						.11¾	.11¾	.11¾	.11¾	.11¾	.11¾	.11¾
		4	Fillets	All sizes						.17½	.17½	.17½	.17½	.17½	.17½	.17½
32	Salmon, Sockeye or Blueback (Pacific coast) seine caught (Oncorhynchus nerka).	1	Round	All sizes						.21	.21	.21	.21	.21	.21	.21
		2	Dressed	All sizes						.27½	.27½	.27½	.27½	.27½	.27½	.27½
33	Salmon, Chinook or King (Pacifier coast) (Oncorhynchus tschawytscha).	1	Round	All sizes					.19	.19	.19	.19	.19	.19	.19	.19
		2	Dressed	All sizes						.24¾	.24¾	.24¾	.24¾	.24¾	.24¾	.24¾
35	Salmon, Steelhead. (Pacific coast) (Salmo gairdneri).	1	Round	All sizes				.07	.07	.14½	.14½	.14½	.14½	.14½		
		2	Dressed	All sizes				.08½	.08½	.18¼	.18¼	.18¼	.18¼	.18¼	.14½	.14½
36	Smelt, Silver (Pacific coast)	1	Round	All sizes	.14½	.14½	.14½	.14½	.12	.12	.12	.12	.14½	.14½	.14½	.14½
37	Sole, Dover (Pacific coast)	1	Round	All sizes	.07½	.07½	.07½	.07½	.06½	.06½	.06½	.06½	.07½	.07½	.07½	.07½
		2	Dressed	All sizes	.09¼	.09¼	.09¼	.09¼	.08	.08	.08	.08	.09¼	.09¼	.09¼	.09¼
		3	Skinned	All sizes	.12	.12	.12	.12	.10	.10	.10	.10	.12	.12	.12	.12
		4	Fillets	All sizes	.28¼	.28¼	.28¼	.28¼	.24	.24	.24	.24	.28¼	.28¼	.28¼	.28¼
38	Sole, English (Pacific Coast)	1	Round	13 inches and over.	.08½	.08½	.08½	.08½	.07½	.07½	.07½	.07½	.08½	.08½	.08½	.08½
		2	Round	11½ to 13 inches	.07	.07	.07	.07	.06	.06	.06	.06	.07	.07	.07	.07
		3	Dressed	13 inches and over.	.10½	.10½	.10½	.10½	.09¼	.09¼	.09¼	.09¼	.10¼	.10½	.10½	.10½
		4	Dressed	11½ to 13 inches	.08½	.08½	.08½	.08½	.07¾	.07¾	.07¾	.07¾	.08½	.08½	.08½	.08½
		5	Skinned	All sizes	.12½	.12½	.12½	.12½	.10¾	.10¾	.10¾	.10¾	.12½	.12½	.12½	.12½
		6	Fillets	All sizes	.27¾	.27¾	.27¾	.27¾	.24½	.24½	.24½	.24½	.27¾	.27¾	.27¾	.27¾
39	Sole, petrale (Pacific Coast)	1	Round	All sizes	.09	.09	.09	.09	.08	.08	.08	.08	.09	.09	.09	.09
		2	Dressed	All sizes	.11¾	.11¾	.11¾	.11¾	.10	.10	.10	.10	.11¾	.11¾	.11¾	.11¾
		3	Skinned	All sizes	.14½	.14½	.14½	.14½	.12¾	.12¾	.12¾	.12¾	.14½	.14½	.14½	.14½
		4	Fillets	All sizes	.29	.29	.29	.29	.26	.26	.26	.26	.29	.29	.29	.29
41	Sole, sand (Pacific coast)	1	Round	All sizes	.08	.08	.08	.08	.07	.07	.07	.07	.08	.08	.08	.08
		2	Dressed	All sizes	.10	.10	.10	.10	.08¾	.08¾	.08¾	.08¾	.10	.10	.10	.10
		3	Skinned	All sizes	.12¾	.12¾	.12¾	.12¾	.10½	.10½	.10½	.10½	.12¾	.12¾	.12¾	.12¾
		4	Fillets	All sizes	.27	.27	.27	.27	.24	.24	.24	.24	.27	.27	.27	.27
42	Sole, turbot (Pacific Coast)	1	Round	All sizes	.07½	.07½	.07½	.07½	.06¾	.06¾	.06¾	.06¾	.07½	.07½	.07½	.07½
		2	Dressed	All sizes	.09¼	.09¼	.09¼	.09¼	.08	.08	.08	.08	.09¼	.09¼	.09¼	.09¼
		3	Skinned	All sizes	.12	.12	.12	.12	.10	.10	.10	.10	.12	.12	.12	.12
		4	Fillets	All sizes	.28	.28	.28	.28	.24	.24	.24	.24	.28	.28	.28	.28

TABLE D.—MAXIMUM PRICES FOR CASH AND CARRY WHOLESALERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound: January	February	March	April	May	June	July	August	September	October	November	December
1	Alewives (pomolobus pseudoharengus)	1	Round	All sizes	0.04½	0.04½	0.04½	0.04½	0.04½	0.04½	0.04½	0.04½	0.04½	0.04½	0.04½	0.04½
2	Codfish (gadus callarias)	1	Dressed	2½ to 10 lb	.15¾	.15¾	.15¾	.13	.13	.13	.13	.13	.13	.15¾	.15¾	.15¾
		2	Dressed	10–25 lb	.16¼	.16¼	.16¼	.13¾	.13¾	.13¾	.13¾	.13¾	.13¾	.16¼	.16¼	.16¼
		3	Drawn	2½ to 10 lb	.12	.12	.12	.10	.10	.10	.10	.10	.10	.12	.12	.12
		4	Drawn	10 to 25 lb	.13	.13	.13	.10½	.10½	.10½	.10½	.10½	.10½	.13	.13	.13
		5	Drawn	Under 2½ lb	.11	.11	.11	.09½	.09½	.09½	.09½	.09½	.09½	.11	.11	.11
		6	Round	Under 2½ lb	.07	.07	.07	.06	.06	.06	.06	.06	.06	.07	.07	.07
		7	Fillets	All sizes	.30¼	.30¼	.30¼	.25¼	.25¼	.25¼	.25¼	.25¼	.25¼	.30¼	.30¼	.30¼
		8	Sliced	All sizes	.26½	.26½	.26½	.22	.22	.22	.22	.22	.22	.26½	.26½	.26½
		9	Dressed	Over 25 lb	.15¾	.15¾	.15¾	.13	.13	.13	.13	.13	.13	.15¾	.15¾	.15¾
		10	Drawn	Over 25 lb	.12	.12	.12	.10	.10	.10	.10	.10	.10	.12	.12	.12
3	Cusk (brosme brosme)	1	Drawn	All sizes	.11½	.11½	.11½	.09½	.09½	.09½	.09½	.09½	.09½	.11½	.11½	.11½
		2	Fillets	All sizes	.28¾	.28¾	.28¾	.23¾	.23¾	.23¾	.23¾	.23¾	.23¾	.28¾	.28¾	.28¾
		3	Dressed	All sizes	.15	.15	.15	.11¾	.11¾	.11¾	.11¾	.11¾	.11¾	.15	.15	.15
4	Blackback (pseudopleuronectes americanus)	1	Round	All sizes	.11	.11	.11	.09	.09	.09	.09	.09	.09	.11	.11	.11
		2	Fillets	All sizes	.33	.33	.33	.26¼	.26¼	.26½	.26½	.26½	.26½	.33	.33	.33
5	Dab, sea (limanda limanda)	1	Round	All sizes	.10½	.10½	.10½	.08½	.08½	.08½	.08½	.08½	.08½	.10½	.10½	.10½
		2	Fillets	All sizes	.33	.33	.33	.26½	.26½	.26½	.26½	.26½	.26½	.33	.33	.33
6	Yellow tail (limanda ferruginea)	1	Round	All sizes	.10	.10	.10	.08	.08	.08	.08	.08	.08	.10	.10	.10
		2	Fillets	All sizes	.33	.33	.33	.26½	.26½	.26½	.26½	.26½	.26½	.33	.33	.33
7	Haddock (melanogrammus aeglefinus)	1	Drawn	Over 2½ lb	.13½	.13½	.13½	.11	.11	.11	.11	.11	.11	.13½	.13½	.13½
		2	Drawn	Under 2½ lb	.13	.13	.13	.10½	.10½	.10½	.10½	.10½	.10½	.13	.13	.13
		3	Round	All sizes	.07	.07	.07	.06	.06	.06	.06	.06	.06	.07	.07	.07
		4	Fillets	All sizes	.31¾	.31¾	.31¾	.27	.27	.27	.27	.27	.27	.31¾	.31¾	.31¾
		5	Dressed	Over 2½ lb	.16¼	.16¼	.16¼	.13¾	.13¾	.13¾	.13¾	.13¾	.13¾	.16¼	.16¼	.16¼

TABLE D.—MAXIMUM PRICES FOR CASH AND CARRY WHOLESALERS OF FRESH FISH AND SEAFOOD—Continued

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound: January	February	March	April	May	June	July	August	September	October	November	December
8	Hake (urophycis species)	1	Dressed	Under 2½ lb	0.10½	0.10½	0.10¼	0.08¾	0.06½	0.08½	0.08½	0.08½	0.08½	0.10½	0.10½	0.10½
		2	Dressed	Over 2½ lb	.13	.13	.13	.10½	.10½	.10½	.10½	.10½	.10½	.13	.13	.13
		3	Round	All sizes	.07	.07	.07	.06	.06	.06	.06	.06	.06	.07	.07	.07
		4	Fillets	All sizes	.27	.27	.27	.22½	.22½	.22½	.22½	.22½	.22½	.27	.27	.27
9	Hake—mud (urophycis species)	1	Round	All sizes	.07	.07	.07	.06	.06	.06	.06	.06	.06	.07	.07	.07
		2	Drawn	All sizes	.08	.08	.08	.06¾	.06¾	.06¾	.06¾	.06¾	.06¾	.08	.08	.08
10	Herring (clupea harenous)	1	Round	All sizes	.04½	.04½	.04½	.04½	.04½	.04½	.04½	.04½	.04½	.04½	.04½	.04½
11	Pollock (pollachius virens)	1	Drawn	All sizes	.11	.11	.11	.08½	.08½	.08½	.08½	.08½	.08½	.08½	.08½	.08½
		2	Round	Over 2½ lb	.10	.10	.10	.07½	.07½	.07½	.07½	.07½	.07½	.07½	.07½	.07½
		3	Round	Under 2½ lb	.09	.09	.09	.06¾	.06¾	.06¾	.06¾	.06¾	.06¾	.06¾	.06¾	.06¾
		4	Fillets	All sizes	.24	.24	.24	.18½	.18½	.18½	.18½	.18½	.18½	.18½	.18½	.18½
		5	Dressed	All sizes	.13¾	.13¾	.13¾	.10¼	.10¼	.10¼	.10¼	.10¼	.10¼	.13¼	.13¼	.13¼
12	Rosefish (sebastus marinus)	1	Round	All sizes	.07¾	.07¾	.07¾	.07¼	.07¼	.07¼	.07¼	.07¼	.07¼	.07¾	.07¾	.07¾
		2	Fillets	All sizes	.25	.25	.25	.22½	.22½	.22½	.22½	.22½	.22½	.25	.25	.25
13	Sole, gray (glyptocephalus cynoglossus)	1	Round	All sizes	.14	.14	.14	.11½	.11½	.11½	.11½	.11½	.11½	.14	.14	.14
		2	Fillets	All sizes	.44½	.44½	.44½	.37½	.37½	.37½	.37½	.37½	.37½	.44½	.44½	.44½
14	Sole, lemon (pseudopleuronectes dignabilis)	1	Round	All sizes	.16	.16	.16	.13	.13	.13	.13	.13	.13	.16	.16	.16
		2	Fillets	All sizes	.52¼	.52¼	.52¼	.41¾	.41¾	.41¾	.41¾	.41¾	.41¾	.52¼	.52¼	.52¼
15	Whiting (merluccius bilinearis)	1	Round	All sizes	.06	.06	.06	.06	.05½	.05½	.05½	.05½	.05½	.06	.06	.06
		2	Dressed	All sizes	.09¾	.09¾	.09¾	.09¼	.08¾	.08¾	.08¾	.08¾	.08¾	.09¾	.09¾	.09¼
		3	Regular fillets	All sizes	.19¼	.19¼	.19¼	.17¾	.17¾	.17¾	.17¾	.17¾	.17¾	.19¼	.19¼	.19¼
		4	Butterfly fillets	All sizes	.18¾	.18¾	.18¾	.18¾	.17½	.17½	.17½	.17½	.17½	.18¾	.18¾	.18¾
		5	Dressed and skinned	All sizes	.17½	.17½	.17½	.17½	.16½	.16½	.16½	.16½	.16½	.17½	.17½	.17½
		6	Dressed and scaled	All sizes	.09¼	.09¾	.09¼	.09¾	.08¾	.08¾	.08¾	.08¾	.08¾	.09¾	.09¾	.09¾
16	Wolfish (Anarhichas lupus)	1	Drawn	All sizes	.11½	.11½	.11½	.08½	.08½	.08½	.08½	.08½	.08½	.11½	.11½	.11½
		2	Dressed	All sizes	.15	.15	.15	.10½	.10½	.10½	.10½	.10½	.10½	.15	.15	.15
		3	Dressed and skinned	All sizes	.26½	.26½	.26½	.18½	.18½	.18½	.18½	.18½	.18½	.26½	.26½	.26½
			Fillets	All sizes	.34¾	.34¾	.34¾	.25	.25	.25	.25	.25	.25	.34¾	.34¾	.34¾
17	Scallops, sea (Pecten magellanicus)	1	Meats		.42¼	.42¼	.42¼	.37¼	.37¼	.37¼	.37¼	.37¼	.37¼	.42¼	.42¼	.42¼
18	Scallops, bay (Pecten irradians)	1	Meats		.53¼	.53¼	.53¼	.53¼	.53¼	.53¼	.53¼	.53¼	.53¼	.53¼	.53¼	.53¼
19	Swordfish (Xiphias gladius)	1	Dressed	All sizes	.37¼	.37¼	.37¼	.37¼	.37½	.37½	.37½	.37½	.37½	.37¼	.37¼	.37¼
		2	Cuts—center	All sizes	.39½	.39½	.39½	.39½	.39½	.39½	.39½	.39½	.39½	.39½	.39½	.39½
		3	Cut—head	All sizes	.36½	.36½	.36½	.36½	.36½	.36½	.36½	.36½	.36½	.36½	.36½	.36½
		4	Cuts—tail	All sizes	.36½	.36½	.36½	.36½	.36½	.36½	.36½	.36½	.36½	.36½	.36½	.36½
		5	Steaks—individual	All sizes	.51	.51	.51	.51	.51	.51	.51	.51	.51	.51	.51	.51
20	Cod, True, (Pacific Coast) (gadus macrocephalus)	1	Round	All sizes	.10½	.10½	.10½	.10½	.08½	.08½	.08½	.08½	.08½	.10½	.10½	.10½
		2	Dressed	All sizes	.13¾	.13¾	.13¾	.13¾	.10	.10	.10	.10	.10	.13¾	.13¾	.13¾
		3	Fillets	All sizes	.25¾	.25¾	.25¾	.25¾	.20¾	.20¾	.20¾	.20¾	.20¾	.25¾	.25¾	.25¾
22	Flounder (Pacific Coast)	1	Round	All sizes	.08½	.08½	.08½	.08½	.07½	.07½	.07½	.07½	.07½	.08½	.08½	.08½
		2	Dressed	All sizes	.11¾	.11¾	.11¾	.11¾	.10	.10	.10	.10	.10	.11¾	.11¾	.11¾
		3	Fillets	All sizes	.29¾	.29¾	.29¾	.29¼	.25	.25	.25	.25	.25	.29¼	.29¼	.29¾
23	Halibut (Hippoglossus hippoglossus)	1	Dressed	5 to 10 lbs	.21	.21	.21	.21	.21	.21	.21	.21	.21	.21	.21	.21
		2	Dressed	10 to 60 lbs	.22½	.22½	.22½	.22½	.22½	.22½	.22½	.22½	.22½	.22½	.22½	.22½
		3	Dressed	Over 60 lbs	.21	.21	.21	.21	.21	.21	.21	.21	.21	.21	.21	.21
		4	Steaks	All sizes	.28¾	.28¾	.28¾	.28¼	.28¾	.28¾	.28¾	.28¼	.28¼	.28¼	.28¼	.28¼
24	Ling Cod (Pacific Coast) (ophiodon elongatus)	1	Dressed	6 lbs. and over	.14½	.14½	.14½	.14½	.12	.12	.12	.12	.12	.14½	.14½	.14½
		2	Dressed	Under 6 lbs	.09½	.09½	.09½	.09½	.07½	.07½	.07½	.07½	.07½	.09½	.09½	.09½
25	Red Cod or Rock Cod (Pacific Coast) (sebastes species)	3	Fillets	All sizes	.27¾	.27¾	.27¾	.27¾	.22½	.22½	.22½	.22½	.22½	.27¾	.27¾	.27¾
		1	Round	All sizes	.08½	.08½	.08½	.08½	.07½	.07½	.07½	.07½	.07½	.08½	.08½	.08½
		2	Dressed	All sizes	.13½	.13½	.13½	.13½	.11	.11	.11	.11	.11	.13½	.13½	.13½
		3	Fillets	All sizes	.28½	.28½	.28½	.28½	.24½	.24½	.24½	.24½	.24½	.28½	.28½	.28½
26	Sablefish (anoplopoma fimbria)	1	Dressed	6 lbs. and over	.19	.19	.19	.19	.17	.17	.17	.17	.17	.19	.19	.19
		2	Dressed	Under 6 lbs	.12	.12	.12	.12	.10	.10	.10	.10	.10	.12	.12	.12
		3	Fillets	All sizes	.32½	.32½	.32½	.32½	.28½	.28½	.28½	.28½	.28½	.32½	.32½	.32½
		4	Steaks	All sizes	.22½	.22½	.22½	.22½	.20	.20	.20	.20	.20	.22½	.22½	.22½
27	Salmon, chinook or king (Pacific coast) troll caught (Oncorhynchus tschawytscha):															
	Red meated	1	Drawn	14 lbs. and over	.28	.28	.28	.28	.28	.28	.28	.28	.28	.28	.28	.28
	Red meated	2	Drawn	Under 14 lbs	.23¾	.23¾	.23¾	.23¾	.23¾	.23¾	.23¾	.23¾	.23¾	.23¾	.23¾	.23¾
	White meated	3	Drawn	All sizes	.19	.19	.19	.19	.19	.19	.19	.19	.19	.19	.19	.19
	Red meated	4	Dressed	12¾ lbs. and over.	.30½	.30½	.30½	.30½	.30½	.30½	.30½	.30½	.30½	.30½	.30½	.30½
	Red meated	5	Dressed	Under 12¾ lbs	.26¼	.26¼	.26¼	.20¼	.20¼	.20¼	.20¼	.20¼	.20¼	.26¼	.26¼	.26¼
	White meated	6	Dressed	All sizes	.20½	.20½	.20½	.20½	.20½	.20½	.20½	.20½	.20½	.20½	.20½	.20½
	Red meated	7	Steaks	All sizes	.32	.32	.32	.32	.32	.32	.32	.32	.32	.32	.32	.32
	White meated	8	Steaks	All sizes	.24½	.24½	.24½	.24½	.24½	.24½	.24½	.24½	.24½	.24½	.24½	.24½
28	Salmon, silver (Pacific coast) troll caught (Oncorhynchus kisutch).	1	Drawn	All sizes	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½
		2	Dressed	All sizes	.24	.24	.24	.24	.24	.24	.24	.24	.24	.24	.24	.24
29	Salmon, silver (Pacific coast) seine caught (Oncorhynchus kisutch).	3	Steaks	All sizes	.27¾	.27¾	.27¾	.27¼	.27¾	.27¾	.27¾	.27¾	.27¾	.27¾	.27¾	.27¾
		1	Round	All sizes										.12	.12	.12
		2	Drawn	All sizes										.14¼	.14¼	.14¼
		3	Dressed	All sizes										.15¼	.15¼	.15¼
		4	Steaks	All sizes										.18¾	.18¾	.20½
30	Salmon, fall (Pacific coast) seine caught (Oncorhynchus keta).	1	Round	All sizes										.13½	.13¼	.13½
		2	Drawn	All sizes										.15¼	.15¼	.15¾
		3	Dressed	All sizes										.17¼	.17¼	.17¼
		4	Steaks	All sizes										.20¼	.20¼	.20¼
31	Salmon, pink (Pacific coast) seine caught (Oncorhynchus gorbuscha).	1	Round	All sizes										.10	.10	.10
		2	Drawn	All sizes										.11¼	.11¼	.11¼
		3	Dressed	All sizes										.12¾	.12¾	.12¾
		4	Fillets	All sizes										.18½	.18½	.18½
32	Salmon, sockeye or blueback (Pacific coast) seine caught (Oncorhynchus nerka).	1	Round	All sizes										.22	.22	.22
		2	Dressed	All sizes										.28½	.28½	.28½
33	Salmon, chinook or king (Pacific coast) Oncorhynchus tschawytscha).	1	Round	All sizes									.20	.20	.20	.20
35	Salmon, steelhead (Pacific coast) (Salmo gairdneril).	2	Dressed	All sizes									.25¾	.25¾	.25¾	.25¾
		1	Round	All sizes									.08	.13½	.15½	.15½
36	Smelt, Silver (Pacific coast)	2	Dressed	All sizes									.09½	.19¾	.19¼	.19¼
		1	Round	All sizes	.15¼	.15¼	.15½	.15½	.13	.13	.13	.13	.15½	.15½	.15½	.15½

TABLE D.—MAXIMUM PRICES FOR CASH AND CARRY WHOLESALERS OF FRESH FISH AND SEAFOOD—Continued

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January	February	March	April	May	June	July	August	September	October	November	December
37	Sole, Dover (Pacific coast)	1	Round	All sizes	.08½	.08½	.08½	.08½	.07½	.07½	.07½	.07½	.08½	.08½	.08½	.08½
		2	Dressed	All sizes	.10¼	.10¼	.10¼	.10¼	.09	.09	.09	.09	.10¼	.10¼	.10¼	.10¼
		3	Skinned	All sizes	.13	.13	.13	.13	.11	.11	.11	.11	.13	.13	.13	.13
		4	Fillets	All sizes	.29¼	.29¼	.29¼	.29¼	.25	.25	.25	.25	.29¼	.29¼	.29¼	.29¼
38	Sole, English (Pacific coast)	1	Round	13 inches & over.	.09½	.09½	.09½	.09½	.08½	.08½	.08½	.08½	.09½	.09½	.09½	.09½
		2	Round	11½ to 13 inches	.08	.08	.08	.08	.07	.07	.07	.07	.08	.08	.08	.08
		3	Dressed	13 inches & over.	.11½	.11½	.11½	.11½	.10¼	.10¼	.10¼	.10¼	.11½	.11½	.11½	.11½
		4	Dressed	11½ to 13 inches	.09½	.09½	.09½	.06½	.08¼	.08¼	.08¼	.08¼	.06½	.09½	.09½	.09½
		5	Skinned	All sizes	.13½	.13½	.13½	.13½	.11¼	.11¼	.11¼	.11¼	.13½	.13½	.13½	.13½
		6	Fillets	All sizes	.28¾	.28¾	.28¾	.28¾	.25½	.25½	.25½	.25½	.28¾	.28¾	.28¾	.28¾
39	Sole, Petrale (Pacific coast)	1	Round	All sizes	.10	.10	.10	.10	.09	.09	.09	.09	.10	.10	.10	.10
		2	Dressed	All sizes	.12¾	.12¾	.12¾	.12¾	.11	.11	.11	.11	.12¾	.12¾	.12¾	.12¾
		3	Skinned	All sizes	.15½	.15½	.15½	.15½	.13¾	.13¾	.13¾	.13¾	.15½	.15½	.15½	.15½
		4	Fillets	All sizes	.30	.30	.30	.30	.27	.27	.27	.27	.30	.30	.30	.30
41	Sole, Sand (Pacific coast)	1	Round	All sizes	.09	.09	.09	.09	.08	.08	.08	.08	.09	.09	.09	.09
		2	Dressed	All sizes	.11	.11	.11	.11	.09¾	.09¾	.09¾	.09¾	.11	.11	.11	.11
		3	Skinned	All sizes	.13¾	.13¾	.13¾	.13¾	.11½	.11½	.11½	.11½	.13¾	.13¾	.13¾	.13¾
		4	Fillets	All sizes	.28	.28	.28	.28	.25	.25	.25	.25	.28	.28	.28	.28
42	Sole, Turbot (Pacific coast)	1	Round	All sizes	.08½	.08½	.08½	.08½	.07½	.07½	.07½	.07½	.08½	.08½	.08½	.08½
		2	Dressed	All sizes	.10¼	.10¼	.10¼	.10¼	.09	.09	.09	.09	.10¼	.10¼	.10¼	.10¼
		3	Skinned	All sizes	.13	.13	.13	.13	.11	.11	.11	.11	.13	.13	.13	.13
		4	Fillets	All sizes	.29	.29	.29	.29	.25	.25	.25	.25	.29	.29	.29	.29

TABLE E.—MAXIMUM PRICES FOR SERVICE AND DELIVERY WHOLESALERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January	February	March	April	May	June	July	August	September	October	November	December
1	Alewives (pomolobus pseudoharengus)	1	Round	All sizes	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07
2	Codfish (gadus callarias)	1	Dressed	2½ to 10 lbs	.18¼	.18¼	.18¼	.15½	.15½	.15½	.15½	.15½	.15½	.18¼	.18¼	.18¼
		2	Dressed	10–25 lbs	.18¾	.18¾	.18¾	.16¼	.16¼	.16¼	.16¼	.16¼	.16¼	.18¾	.18¾	.18¾
		3	Drawn	2½ to 10 lbs	.14½	.14½	.14½	.12½	.12½	.12½	.12½	.12½	.12½	.14½	.14½	.14½
		4	Drawn	10 to 25 lbs	.15½	.15½	.15½	.13	.13	.13	.13	.13	.13	.15½	.15½	.15½
		5	Drawn	Under 2½ lbs	.13½	.13½	.13½	.12	.12	.12	.12	.12	.12	.13½	.13½	.13½
		6	Round	Under 2½ lbs	.09½	.09½	.09½	.08½	.08½	.08½	.08½	.08½	.08½	.09½	.09½	.09½
		7	Fillets	All sizes	.32¾	.32¾	.32¾	.27¾	.27¾	.27¾	.27¾	.27¾	.27¾	.32¾	.32¾	.32¾
		8	Sliced	All sizes	.29	.29	.29	.24½	.24½	.24½	.24½	.24½	.24½	.29	.29	.29
		9	Dressed	Over 25 lbs	.18¼	.18¼	.18¼	.15½	.15½	.15½	.15½	.15½	.15½	.18¼	.18¼	.18¼
		10	Drawn	Over 25 lbs	.14½	.14½	.14½	.12½	.12½	.12½	.12½	.12½	.12½	.14½	.14½	.14½
3	Cusk (brosme brosme)	1	Drawn	All sizes	.14	.14	.14	.12	.12	.12	.12	.12	.12	.14	.14	.14
		2	Fillets	All sizes	.31¼	.31¼	.31¼	.26¼	.26¼	.26¼	.26¼	.26¼	.26¼	.31¼	.31¼	.31¼
		3	Dressed	All sizes	.17½	.17½	.17½	.14¼	.14¼	.14¼	.14¼	.14¼	.14¼	.17½	.17½	.17½
4	Blackback (pseudopleuronectes americanus).	1	Round	All sizes	.13½	.13½	.13½	.11½	.11½	.11½	.11½	.11½	.11½	.13½	.13½	.13½
		2	Fillets	All sizes	.35½	.35½	.35½	.29	.29	.29	.29	.29	.29	.35½	.35½	.35½
5	Dab, sea (limanda limanda)	1	Round	All sizes	.13	.13	.13	.11	.11	.11	.11	.11	.11	.13	.13	.13
		2	Fillets	All sizes	.35½	.35½	.35½	.29	.29	.29	.29	.29	.29	.35½	.35½	.35½
6	Yellow tail (limanda ferruginea)	1	Round	All sizes	.12½	.12½	.12½	.10½	.10½	.10½	.10½	.10½	.10½	.12½	.12½	.12½
		2	Fillets	All sizes	.35½	.35½	.35½	.29	.29	.29	.29	.29	.29	.35½	.35½	.35½
7	Haddock (melanogrammus aeglefinus)	1	Drawn	Over 2½ lbs	.16	.16	.16	.13½	.13½	.13½	.13½	.13½	.13½	.16	.16	.16
		2	Drawn	Under 2½ lbs	.15½	.15½	.15½	.13	.13	.13	.13	.13	.13	.15½	.15½	.15½
		3	Round	All sizes	.09½	.09½	.09½	.08½	.08½	.08½	.08½	.08½	.08½	.09½	.09½	.09½
		4	Fillets	All sizes	.34¾	.34¾	.34¾	.29¼	.29¼	.29¼	.29¼	.29¼	.29¼	.34¾	.34¾	.34¾
		5	Dressed	Over 2½ lbs	.18¾	.18¾	.18¾	.16¼	.16¼	.16¼	.16¼	.16¼	.16¼	.18¾	.18¾	.18¾
		6	Dressed	Under 2½ lbs	.13	.13	.13	.11	.11	.11	.11	.11	.11	.13	.13	.13
8	Hake (Urophycis species)	1	Dressed	All sizes	.15½	.15½	.15½	.13	.13	.13	.13	.13	.13	.15½	.15½	.15½
		3	Round	All sizes	.09½	.09½	.09½	.08½	.08½	.08½	.08½	.08½	.08½	.09½	.09½	.09½
		4	Fillets	All sizes	.29½	.29½	.29½	.25	.25	.25	.25	.25	.25	.29½	.29½	.29½
9	Hake—Mud (Urophycis species)	1	Round	All sizes	.09½	.09½	.09½	.08½	.08½	.08½	.08½	.08½	.08½	.09½	.09½	.09½
		2	Drawn	All sizes	.10½	.10½	.10½	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼	.10½	.10½	.10½
10	Herring (Clupea harengus)	1	Round	All sizes	.07	.07	.07	.07	.07	.07	.07	.07	.07	.07	.07	.07
11	Pollock (Pollachius virens)	1	Drawn	All sizes	.13½	.13½	.13½	.11	.11	.11	.11	.11	.11	.11	.11	.11
		2	Round	Over 2½ lbs	.12½	.12½	.12½	.10	.10	.10	.10	.10	.10	.10	.10	.10
		3	Round	Under 2½ lbs	.11½	.11½	.11½	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼
		4	Fillets	All sizes	.26½	.26½	.26½	.21	.21	.21	.21	.21	.21	.21	.21	.21
		5	Dressed	All sizes	.16¾	.16¾	.16¾	.12¾	.12¾	.12¾	.12¾	.12¾	.12¾	.12¾	.12¾	.12¾
12	Rosefish (Sebastus marinus)	1	Round	All sizes	.10¾	.10¾	.10¾	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼	.10¾	.10¾	.10¾
		2	Fillets	All sizes	.27½	.27½	.27½	.25	.25	.25	.25	.25	.25	.27½	.27½	.27½
13	Sole, Gray (Glyptocephalus cynoglossus)	1	Round	All sizes	.16½	.16½	.16½	.14	.14	.14	.14	.14	.14	.16½	.16½	.16½
		2	Fillets	All sizes	.47	.47	.47	.40	.40	.40	.40	.40	.40	.47	.47	.47
14	Sole, Lemon (Pseudopleuronectes dignabilis).	1	Round	All sizes	.18¼	.18¼	.18¼	.14½	.14½	.14½	.14½	.14½	.14½	.18¼	.18¼	.18¼
		2	Fillets	All sizes	.54¾	.54¾	.54¾	.44¾	.44¾	.44¾	.44¾	.44¾	.44¾	.54¾	.54¾	.54¾
15	Whiting (Merluccius bilinearis)	1	Round	All sizes	.08¼	.08¼	.08¼	.08¼	.08¼	.08	.08	.08	.08	.08	.08½	.08½
		2	Dressed	All sizes	.11¾	.11¾	.11¾	.11¾	.10¾	.10¾	.10¾	.10¾	.10¾	.10¾	.11¼	.11¼
		3	Regular Fillets	All sizes	.21¾	.21¾	.21¾	.21¾	.20¾	.20¾	.20¾	.20¾	.20¾	.20¾	.21¾	.21¾
		4	Butterfly Fillets	All sizes	.21¾	.21¾	.21¾	.21¾	.20	.20	.20	.20	.20	.20	.21¾	.21¾
		5	Dressed & Skinned	All sizes	.20	.20	.20	.20	.19	.19	.19	.19	.19	.19	.20	.20
16	Wolffish (Anarhichas lupus)	6	Dressed & Sealed	All sizes	.12¾	.12¾	.12¾	.12¾	.11¾	.11¾	.11¾	.11¾	.11¾	.11¾	.12¾	.12¾
		1	Drawn	All sizes	.14	.14	.14	.11	.11	.11	.11	.11	.11	.11	.11	.14
		2	Dressed	All sizes	.17½	.17½	.17½	.13	.13	.13	.13	.13	.13	.17½	.17½	.17½
		3	Dressed & Skinned	All sizes	.29	.29	.29	.21	.21	.21	.21	.21	.21	.29	.29	.29
		4	Fillets	All sizes	.37¼	.37¼	.37¼	.27½	.27½	.27½	.27½	.27½	.27½	.37¼	.37¼	.37¼
17	Scallops, Sea (Pecten macellanicus)	1	Meats		.44¾	.44¾	.44¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.44¾	.44¾	.44¾
18	Scallops, Bay (Pecten irradians)	1	Meats		.55¾	.55¾	.55¾	.55¾	.55¾	.55¾	.55¾	.55¾	.55¾	.55¾	.55¾	.55¾

TABLE E.—MAXIMUM PRICES FOR SERVICE AND DELIVERY WHOLESALERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January	February	March	April	May	June	July	August	September	October	November	December
19	Swordfish (Xiphias gladius)	1	Dressed	All sizes	0.39¾	0.39¾	0.39¾	0.39¾	0.39¾	0.39¾	0.39¾	0.39¾	0.39¾	0.39¾	0.39¾	0.39¾
		2	Cuts—Center	All sizes	.42	.42	.42	.42	.42	.42	.42	.42	.42	.42	.42	.42
		3	Cuts—Head	All sizes	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39
		4	Cuts—Tail	All sizes	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39
		5	Steaks—Individual	All sizes	.53½	.53½	.53½	.53½	.53½	.53½	.53½	.53½	.53½	.53½	.53½	.53½
20	Cod, true (Pacific Coast) (Gadus macrocephalus).	1	Round	All sizes	.13	.13	.13	.13	.11	.11	.11	.11	.11	.13	.13	.13
		2	Dressed	All sizes	.15¾	.15¾	.15¾	.15¾	.12½	.12½	.12½	.12½	.12½	.15¾	.15¾	.15¾
		3	Fillets	All sizes	.27¾	.27¾	.27¾	.27¾	.22¾	.22¾	.22¾	.22¾	.22¾	.27¾	.27¾	.27¾
22	Flounders (Pacific Coast)	1	Round	All sizes	.11	.11	.11	.11	.10	.10	.10	.10	.11	.11	.11	.11
		2	Dressed	All sizes	.13¾	.13¾	.13¾	.13¾	.12½	.12½	.12½	.12½	.13¾	.13¾	.13¾	.13¾
		3	Fillets	All sizes	.31¾	.31¾	.31¾	.31¾	.27½	.27½	.27½	.27½	.31¾	.31¾	.31¾	.31¾
23	Halibut (Hippoglossus hippoglossus)	1	Dressed	5 to 10 lbs	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½
		2	Dressed	10 to 60 lbs	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25
		3	Dressed	Over 60 lbs	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½	.23½
		4	Steaks	All sizes	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾
24	Lingcod (Pacific Coast) (Ophiodon elongatus).	1	Dressed	6 lbs. and over	.17	.17	.17	.17	.14½	.14½	.14½	.14½	.17	.17	.17	.17
		2	Dressed	Under 6 lbs	.12	.12	.12	.12	.10	.10	.10	.10	.12	.12	.12	.12
		3	Fillets	All sizes	.30¾	.30¾	.30¾	.30¾	.25	.25	.25	.25	.30¾	.30¾	.30¾	.30¾
25	Rock Cod or Red Cod (Pacific Coast) (Sebastes species).	1	Round	All sizes	.11	.11	.11	.11	.10	.10	.10	.10	.11	.11	.11	.11
		2	Dressed	All sizes	.16	.16	.16	.16	.13½	.13½	.13½	.13½	.16	.16	.16	.16
		3	Fillets	All sizes	.31	.31	.31	.31	.27	.27	.27	.27	.31	.31	.31	.31
26	Sablefish (Anoplopoma fimbria)	1	Dressed	6 lbs. and over	.21½	.21½	.21½	.21½	.19½	.19½	.19½	.19½	.21½	.21½	.21½	.21½
		2	Dressed	Under 6 lbs	.14½	.14½	.14½	.14½	.12½	.12½	.12½	.12½	.14½	.14½	.14½	.14½
		3	Fillets	All sizes	.35	.35	.35	.35	.31	.31	.31	.31	.35	.35	.35	.35
		4	Steaks	All sizes	.25	.25	.25	.25	.22½	.22½	.22½	.22½	.25	.25	.25	.25
27	Salmon, chinook or king (Pacific coast) troll caught (Oncorhynchus tschawytscha):															
	Red meated	1	Drawn	14 lbs. and over	.30½	.30½	.30½	.30½	.30½	.30½	.30½	.30½	.30½	.30½	.30½	.30½
	Red meated	2	Drawn	Under 14 lbs	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾	.26¾
	White meated	3	Drawn	All sizes	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½	.21½
	Red meated	4	Dressed	12¾ lbs and over.	.33	.33	.33	.33	.33	.33	.33	.33	.33	.33	.33	.33
	Red meated	5	Dressed	Under 12¾ lbs.	.28¾	.28¾	.28¾	.28¾	.28¾	.28¾	.28¾	.28¾	.28¾	.28¾	.28¾	.28¾
	White meated	6	Dressed	All sizes	.23	.23	.23	.23	.23	.23	.23	.23	.23	.23	.23	.23
	Red meated	7	Steaks	All sizes	.34½	.34½	.34½	.34½	.34½	.34½	.34½	.34½	.34½	.34½	.34½	.34½
	White meated	8	Steaks	All sizes	.27	.27	.27	.27	.27	.27	.27	.27	.27	.27	.27	.27
28	Salmon, silver (Pacific coast) troll caught (Oncorhynchus kisutch)	1	Drawn	All sizes	.24	.24	.24	.24	.24	.24	.24	.24	.24	.24	.24	.24
		2	Dressed	All sizes	.26½	.26½	.26½	.26½	.26½	.26½	.26½	.26½	.26½	.26½	.26½	.26½
		3	Steaks	All sizes	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾	.30¾
29	Salmon, silver (Pacific coast) seine caught (Oncorhynchus kisutch).	1	Round	All sizes									.14½	.14½	.16	.20
		2	Drawn	All sizes									.16¾	.16¾	.18¾	.22½
		3	Dressed	All sizes									.18	.18	.16¾	.24½
		4	Steaks	All sizes									.21¾	.21¾	.23	.28½
30	Salmon, fall (Pacific coast) seine caught (Oncorhynchus keta).	1	Round	All sizes									.16	.16	.16	.16
		2	Drawn	All sizes									.17¾	.17¾	.17¾	.17¾
		3	Dressed	All sizes									.19¾	.19¾	.19¾	.19¾
		4	Steaks	All sizes									.22¾	.22¾	.22¾	.22¾
31	Salmon, pink (Pacific coast) seine caught (Oncorhynchus gorbuscha).	1	Round	All sizes									.12½	.12½	.12½	.12½
		2	Drawn	All sizes									.13¾	.13¾	.13¾	.13¾
		3	Dressed	All sizes									.15¼	.15¼	.15¼	.15¼
		4	Fillets	All sizes									.21	.21	.21	.21
32	Salmon, sockeye or blueback (Pacific coast) seine caught (Oncorhynchus nerka).	1	Round	All sizes									.24½	.24½	.24½	.24½
		2	Dressed	All sizes									.31	.31	.31	.31
33	Salmon, chinook or king (Pacific coast) (Oncorhynchus tschawytscha).	1	Round	All sizes								.22½	.22½	.22½	.22½	.22½
		2	Dressed	All sizes								.28¾	.28¾	.28¾	.28¾	.28¾
35	Salmon, steelhead (Pacific coast) (salmo gairdneri).	1	Round	All sizes							.10½	.10½	.18	.18	.18	
		2	Dressed	All sizes							.12	.12	.21¾	.21¾	.21¾	
36	Smelt, silver (Pacific coast)	1	Round	All sizes	.18	.18	.18	.18	.15½	.15½	.15½	.15½	.18	.18	.18	.18
37	Sole, Dover (Pacific Coast)	1	Round	All sizes	.11	.11	.11	.11	.10	.10	.10	.10	.11	.11	.11	.11
		2	Dressed	All sizes	.12¾	.12¾	.12¾	.12¾	.11½	.11½	.11½	.11½	.12¾	.12¾	.12¾	.12¾
		3	Skinned	All sizes	.15½	.15½	.15½	.15½	.13½	.13½	.13½	.13½	.15½	.15½	.15½	.15½
		4	Fillets	All sizes	.31¾	.31¾	.31¾	.31¾	.27½	.27½	.27½	.27½	.31¾	.31¾	.31¾	.31¾
38	Sole English (Pacific Coast)	1	Round	13 inches and over.	.12	.12	.12	.12	.11	.11	.11	.11	.12	.12	.12	.12
		2	Round	11½ to 13 inches.	.10½	.10½	.10½	.10½	.09½	.09½	.09½	.09½	.10½	.10½	.10½	.10½
		3	Dressed	13 inches and over.	.14	.14	.14	.14	.12¾	.12¾	.12¾	.12¾	.14	.14	.14	.14
		4	Dressed	11½ to 13 inches.	.12	.12	.12	.12	.10¾	.10¾	.10¾	.10¾	.12	.12	.12	.12
		5	Skinned	All sizes	.16	.16	.16	.16	.13¾	.13¾	.13¾	.13¾	.16	.16	.16	.16
		6	Fillets	All sizes	.31¼	.31¼	.31¼	.31¼	.28	.28	.28	.28	.31¼	.31¼	.31¼	.31¼
39	Sole, Petrale (Pacific Coast)	1	Round	All sizes	.12½	.12½	.12½	.12½	.11½	.11½	.11½	.11½	.12½	.12½	.12½	.12½
		2	Dressed	All sizes	.15¼	.15¼	.15¼	.15¼	.13½	.13½	.13½	.13½	.15¼	.15¼	.15¼	.15¼
		3	Skinned	All sizes	.18	.18	.18	.18	.16¼	.16¼	.16¼	.16¼	.18	.18	.18	.18
		4	Fillets	All sizes	.32½	.32½	.32½	.32½	.29½	.29½	.29½	.29½	.32½	.32½	.32½	.32½
41	Sole, Sand (Pacific Coast)	1	Round	All sizes	.11½	.11½	.11½	.11½	.10½	.10½	.10½	.10½	.11½	.11½	.11½	.11½
		2	Dressed	All sizes	.13½	.13½	.13½	.13½	.12¼	.12¼	.12¼	.12¼	.13½	.13½	.13½	.13½
		3	Skinned	All sizes	.16¼	.16¼	.16¼	.16¼	.14	.14	.14	.14	.16¾	.16¾	.16¾	.16¾
		4	Fillets	All sizes	.30½	.30½	.30½	.30½	.27½	.27½	.27½	.30½	.30½	.30½	.30½	.30½
42	Sole, Turbot (Pacific Coast)	1	Round	All sizes	.11	.11	.11	.11	.10	.10	.10	.10	.11	.11	.11	.11
		2	Dressed	All sizes	.12¾	.12¾	.12¾	.12¾	.11½	.11½	.11½	.11½	.12½	.12½	.12¼	.12¼
		3	Skinned	All sizes	.15½	.15½	.15½	.15½	.13½	.13½	.13½	.13½	.15½	.15½	.15½	.15½
		4	Fillets	All sizes	.31½	.31½	.31½	.31½	.27½	.27½	.27½	.27½	.31½	.31½	.31½	.31½

Effective date. This regulation shall become effective July 13, 1943.

NOTE: The reporting and recording provisions of this regulation are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10943; Filed, July 7, 1943; 12:18 p. m.]

PART 1377—WOODEN CONTAINERS

[Rev. MPR 186,[1] Amdt. 7]

WESTERN WOODEN AGRICULTURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 186 is amended in the following respects:

1. In § 1377.110 the paragraphs (f) to (k), inclusive, are redesignated (g) to (l), inclusive, and a new paragraph (f) is added to read as follows:

(f) *Mark-up for sales of shook and covers by "growers' service organizations".* On sales of shook and covers, as defined in this regulation, in carload lots by "growers' service organizations" a mark-up of 10 percent may be added to the maximum price. On sales of less than carload lots a mark-up of 20 percent may be added. These mark-ups may be added only on sales of shook and covers bought by a "growers' service organization" for the purpose of resale, and only by organizations which receive authorization from the Office of Price Administration. Authorization may be granted by letter to any organization making application for permission to add the mark-ups if it is shown that the organization is engaged primarily in the business of marketing fruits and vegetables for the account of growers and that it maintains enclosed warehousing facilities for fresh fruit and vegetable containers and covers.

2. In § 1377.110 the new paragraph (l) is amended by adding the phrase, "plus actual freight from mill to warehouse" following "basic prices" in the sentence reading:

In the case of all warehouses located in the northwest area, the maximum charges in Table 6 are to be added to the "basic prices."

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10946; Filed, July 7, 1943; 12:14 p. m.]

PART 1386—SOAP AND GLYCERINE

[MPR 390,[1] Amdt. 2]

HOUSEHOLD SOAPS AND CLEANSERS SOLD BY RETAIL FOOD STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 390 is amended in the following respects:

1. In sections 2 (a), 3 (a), 3 (b), 5, 12 (a), 13, 14, 16 (c), 17, 18 and 19, the word "group" is substituted for the word "class", "groups" is substituted for "classes", "Group" is substituted for "Class", and "Groups" is substituted for "Classes" wherever used.

2. The definition of "chain retail food store" in section 10 (a) is amended to read as follows:

"Chain retail food store" means one of four or more retail food stores under one ownership which jointly have an annual gross volume of $500,000 or more.

3. Section 12 (b) (1) is amended to read as follows:

(1) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you are treated as a separate retailer and must find out what group you are in by using only your own annual gross sales.

4. Section 12 (b) (2) is amended to read as follows:

(2) If you sell food in a retail store in which there are other food retailers, but no two of them sell a complete line of the same general class of food, you must find out what group you are in by taking the combined annual gross sales of all the food retailers in that store.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10947; Filed, July 7, 1943; 12:17 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289,[1] Amdt. 17]

DAIRY PRODUCTS; WHEY POWDER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The first sentence of § 1351.1524 (b) is amended by inserting the phrase ", or any person other than a 'wholesaler' or a 'retailer'," after the phrase "by a manufacturer."

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10955; Filed, July 7, 1943; 2:39 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 265,[1] Amdt. 2]

SALES BY CANNERS OF SALMON

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 265 is amended in the following respects:

1. The items in the table of § 1364.562 (a) preceding Columbia River are amended to read as follows:

Variety	Style of container	Price per case
Alaska King	1 lb. talls	$14.00
Alaska Chinook	1 lb. flats	17.60
Alaska Chinook	½ lb. flats	10.00
Alaska Red	1 lb. talls	15.00
Alaska Red	1 lb. flats	15.50
Alaska Red	½ lb. flats	10.00
Coho	1 lb. talls	11.60
Coho	1 lb. flats	12.30
Coho	½ lb. flats	8.00
Coho	¼ lb. flats	5.20
Pink	1 lb. talls	8.00
Pink	1 lb. flats	8.00
Pink	½ lb. flats	5.60
Pink	¼ lb. flats	3.90
Chum	1 lb. talls	7.60
Chum	½ lb. flats	5.40
Copper River Sockeye	1 lb. talls	15.00
Copper River Sockeye	1 lb. flats	16.00
Copper River Sockeye	½ lb. flats	11.00
Puget Sound Sockeye	1 lb. talls	18.00
Puget Sound Sockeye	1 lb. flats	19.00
Puget Sound Sockeye	½ lb. flats	11.40
Puget Sound Sockeye	¼ lb. flats	6.40

2. Section 1364.562 (c) is added to read as follows:

(c) Every canner, in connection with every first sale of ½ lb. flats of canned Alaska Chinook made to every wholesaler and retailer after July 12, 1943, shall attach to each carton, case or container the following notice:

The Office of Price Administration has authorized us to inform you, that if you are a wholesaler or retailer pricing this item under Revised Maximum Price Regulation 237 or 238, that under section 23a of Revised Maximum Price Regulation 237 or section 20a of Revised Maximum Price Regulation 238, you must recalculate your maximum price for this item. This recalculation is allowed only on your first purchase of this item after July 12, 1943.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10956; Filed, July 7, 1943; 2:39 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 366, Revocation]

FRESH TUNA FISH

For the reasons set forth in the statement of considerations issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is hereby ordered*, That Maximum Price Regulation No. 366—Fresh Tuna Fish—(§ 1364.-1155) be and it hereby is revoked subject to the provisions of Supplementary Order No. 40 (8 F.R. 4325).

This order shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10957; Filed, July 7, 1943; 2:39 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1591, 3529, 3842, 4479, 6177, 7505, 8505, 8751.

[1] 8 F.R. 6428.

[1] 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3327, 4335, 4513, 4337, 4338, 4918, 6440, 7566, 7593, 8276, 8751.

[1] 7 F.R. 9229, 10379, 11009; 8 F.R. 164, 606.

PART 1377—WOODEN CONTAINERS

[MPR 320,[1] Amdt. 5]

EASTERN AND CENTRAL WOODEN AGRICULTURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 320 is amended in the following respects:

1. Section 1377.202 (a) is amended to read as follows:

(a) *Products covered by the regulation.* This regulation, under the term "Eastern and Central Wooden Agricultural Containers", covers wooden agricultural containers made entirely of wood or a combination of wood and solid fiber or corrugated board, which are manufactured in any of the following states: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

The term "agricultural container" means any assembled or unassembled box, crate, tray, lug, cup, hamper, basket, carrier, or similar container customarily used for picking, handling, storing or shipping fresh fruits and vegetables. This regulation also covers any constituent wooden part (partial shook) of the containers covered herein, if it is ready to be assembled into the container. Carstrips, riser sticks and tomato stakes are also included within the terms of the regulation.

Expressly excluded from the provisions of this regulation are coopered products, veneer and plywood drums, and used containers.

2. Section 1377.208 is amended to read as follows:

§ 1377.208 *Containers covered by the regulation but not specifically priced.* A manufacturer desiring to price a container not specifically priced in the in the schedules must write to the Lumber Branch of the Office of Price Administration, Washington, D. C., giving a complete description of the item to be priced, all available production cost data, his requested selling price, and any facts in support of the requested price. Approval of a price will be by letter or telegram, and any price not disapproved within 20 days from receipt of the application shall be considered approved until amended or revoked by this Office. After filing application for a price and pending action by the Office of Price Administration a seller may use his requested price, subject to adjustment to the price approved by this Office.

Once a maximum price for a container has been approved or established by the Office of Price Administration under this section, the manufacturer must inform each warehouse operator, dealer or broker who sells the container which he manufactures of the price so established.

3. Section 1377.210 (c) is amended to read as follows:

(c) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant the authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

4. In § 1377.216 (a), Table III, Zone 4 price of $18.00 for 1 bushel (32 quart) hampers—wire or loop fasteners is amended to read $20.00.

This amendment shall become effective July 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10958; Filed, July 7, 1943; 2:40 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1885, 3529, 3843, 4732, 7200.

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 161,[1] Amdt. 5]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 161 is amended in the following respects:

1. Section 1381.154, paragraph (G) is amended to read as follows:

(G) DOUGLAS FIR SPECIAL SHIP SPAR LOGS

Specially selected for ship spars, booms, and masts and of following lengths	Puget Sound District	Willapa Bay-Grays Harbor District	Columbia River District	Southern Oregon-Tillamook District
42 to 54 feet	$30	$30	$30	$28
56 to 70 feet	40	40	40	38
72 to 80 feet	42.50	42.50	42.50	40.50
82 to 90 feet	45	45	45	43
92 to 100 feet	50	50	50	48
102 to 116 feet	55	55	55	53
Over 116 feet	75	75	75	73

2. Section 1381.155 is amended to read as follows:

§ 1381.155 *Long and short lengths and special logs*—(a) *Additions for long length.* For Nos. 1 and 2 Sawmill Logs (all species except Western red cedar) and Douglas fir peewee logs over 42 feet in length, (after allowance for trim) the following additions may be made to the prices in the above tables:

	Per 1,000 feet
42 to 50 feet	$1.00
52 to 60 feet	2.00
62 to 70 feet	3.00
72 to 80 feet	4.00

For example, the maximum price on a No. 1 Douglas fir sawmill log 54 feet long in Puget Sound District is $33.00 per thousand feet. Authorizations for special prices on long length under the previous provisions of this paragraph will continue in effect for the quantity of logs to which the authorization extended. Note that the long log addition may not be made on Aircraft Grade Logs, Peeler Logs, Douglas Fir Special Ship Spar Logs, Ponton Logs, or logs sold on a camp run basis.

(b) *Special logs.* For sawmill logs over 80 feet selected to fill particular orders for long timbers or lumber or other specific purpose actually requiring long logs, or for logs of necessary extra specifications that cannot be priced under paragraph (G) of the preceding § 1381.-154, the buyer and seller jointly shall file with the Lumber Branch, Office of Price Administration, Washington, D. C., the species, grade, specifications, and quantity of the particular logs, the requirement therefor, and the proposed price. This proposed price must be submitted within ten days of its first use. If, within 15 days of the receipt of the request

[1] 8 F.R. 1117, 2992, 5678, 6619.

for approval, the Office of Price Administration does not disapprove the requested price, such price shall thereafter be the maximum price for that seller for that item. Pending such approval or action by the Office of Price Administration, the seller may deliver the item and receive payment therefor, subject to the condition that a refund will be made if the price is in excess of that approved by the Office of Price Administration. Adjustment for approval of such prices may be made by letter or telegram by the Lumber Branch of the Office of Price Administration.

(c) *Short lengths.* For blocks in lengths of less than 12 feet, deduct $5.00 per 1,000 feet log scale from the prices in the price tables in section 1381.154 above.

3. Section 1381.156, paragraph (g) is amended to read as follows:

(g) *Contract logging service.* Persons rendering contract logging services by producing logs for an owner of stumpage, whether a seller of logs or consumer, are permitted under the provisions of § 1499.666 (c) of Supplementary Service Regulation No. 16 to make the same additions for overtime operations and under the same conditions as outlined in this section. In making application for authority to make such additions, the contractor should indicate, in addition to the other information required by paragraph (c) the name of the person for whom the service is rendered and a statement of his maximum prices computed under Maximum Price Regulation No. 165 [2]—Services. If there has been any adjustment of the maximum price established by that regulation which is based in any way on increased operating costs due to overtime operations, the addition may not be made under this paragraph.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10959; Filed, July 7, 1943; 2:37 p. m.]

PART 1381—SOFTWOOD LUMBER

[Correction to Rev. MPR 222]

NORTHERN SOFTWOOD LUMBER

In the sentence immediately preceding paragraph (e) of section 7, the word "not" should be inserted between "may" and "be"; so that the sentence reads: "The addition may not be made on quotations or sales until permission has been received."

This correction shall become effective July 13, 1943.

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[2] 7 F.R. 4734, 5028, 5367, 6428, 6966, 8239, 8431, 8798, 8943, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10960; Filed, July 7, 1943; 2:39 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amdt. 71 [1]]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5001 (a) (7) is amended to read as follows:

(7) "Consumer" means any person acquiring fuel oil for use, including use as a component part of any manufactured article, material, or compound other than fuel oil. The term includes dealers and primary suppliers to the extent that they use fuel oil, or acquire fuel oil for use rather than for transfer.

2. Section 1394.5001 (a) (10) is amended to read as follows:

(10) "Dealer" means any person (other than a primary supplier) who is engaged in the business of buying and selling fuel oil. The term also includes secondary suppliers.

3. Section 1394.5001 (a) (17) is amended by deleting the phrase "or secondary supplier."

4. Section 1394.5001 (a) (26) is amended to read as follows:

(26) "Secondary supplier" means any person, other than a primary supplier, who is engaged in the business of buying and selling fuel oil for resale.

5. Section 1394.5001 (a) (35) is amended to read as follows:

(35) "Transfer" means to sell, give, exchange, lease, lend, deliver, supply or furnished, and includes the transfer of title by legal process or operation of law, such as, but not limited to, the transfer of title by will, inheritance or foreclosure; it also includes the withdrawal or setting apart for his own use by any dealer or primary supplier of fuel oil held by him but not acquired for use; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in the course of or in completion of shipment, shall not be deemed a transfer to or by such carrier. Any delivery of fuel oil into stationary storage facilities designated by the Petroleum Administration for War as a terminal to receive principal petroleum products pursuant to Petroleum Directive No. 59 of the Petroleum Administration for War shall be deemed a transfer of fuel oil to the owner or operator of such terminal, and delivery of fuel oil from such terminal to a person other than the owner or operator shall be deemed a transfer of fuel oil by the owner or operator to such person.

6. Section 1394.5651 is amended by substituting the phrase "primary supplier" for the word "supplier" wherever appearing.

7. Section 1394.5652 is amended by substituting the phrase "primary supplier" for the word "supplier".

8. Section 1394.5655 (b) (6) is amended by substituting the phrase "primary supplier" for the word "supplier".

9. Section 1394.5657 (c) is amended by deleting the phrase "or secondary supplier" wherever appearing, and the phrase "or supplier".

10. Section 1394.5659 (b) is amended by substituting the phrase "primary supplier" for the word "supplier" wherever appearing, and by inserting after the phrase "or delivery receipts" the parenthetical phrase "(or his certified ration check, if he is a depositor)".

11. Section 1394.5659 (b) (1) is amended by inserting the parenthetical phrase "(or his certified ration check, if he is a depositor)" after the phrase "or delivery receipts" wherever appearing.

12. Section 1394.5659 (b) (2) is amended by inserting the parenthetical phrase "(or his certified ration check, if he is a depositor)" after the phrase "or delivery receipts" and by substituting the phrase "Receipts or certified ration check" for the phrase "or receipts".

13. Section 1394.5660 (a) is amended by substituting the phrase "primary suppliers" for the word "suppliers".

14. Section 1394.5660 (b) is amended by substituting the phrase "primary supplier" for the word "supplier" and by inserting the parenthetical phrase "(or his certified ration check, if he is a depositor)" after the phrase "or delivery receipts".

15. Section 1394.5661 is amended to read as follows:

§ 1394.5661 *Discriminations in transfers to consumers.* On and after November 1, 1942, no dealer or primary supplier shall discriminate, in the transfer of fuel oil, among consumers entitled to acquire fuel oil under this Ration Order No. 11.

16. Section 1394.5663 (b) is amended by deleting the phrase "or supplier".

17. Section 1394.5663 (c) is amended by substituting the phrase "primary supplier" for the word "supplier".

18. Section 1394.5664 is amended to read as follows:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9427, 9430, 9621, 9478, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1204, 1235, 1282, 1881, 1636, 1859, 2194, 2432, 2598, 2781, 2730, 2887, 2942, 2993, 2887, 3105, 3521, 3628, 3734, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6960, 7588, 6137, 9059.

§ 1394.5664 *Transfers by Army, Navy, Marine Corps and Coast Guard.* (a) The Army, Navy, Marine Corps and Coast Guard of the United States may transfer fuel oil to consumers, dealers or primary suppliers. Such transfers must be in exchange for coupons or other evidences or Delivery Receipts equal in gallonage value to the fuel oil transferred (except in the case of transfers to primary suppliers). The agency transferring the fuel oil shall report on its official letterhead to the Control and Audit Section, Fuel Oil Rationing Branch, Washington Office, on or before the 24th day of each month, the amount of fuel oil transferred during the preceding month to each primary supplier and the amount transferred, respectively, to dealers and consumers and shall (except in the case of transfers to primary suppliers) submit coupons or other evidences or delivery receipts equal in gallonage value to the fuel oil so transferred.

(b) A transfer of fuel oil made pursuant to paragraph (a) of this section shall not constitute the Army, Navy, Marine Corps or Coast Guard a dealer or primary supplier.

19. The undesignated center headnote preceding § 1394.5701 is amended to read as follows:

Provisions Relating to Primary Suppliers and Dealers

20. Section 1394.5701 is amended to read as follows:

§ 1394.5701 *Registration of primary suppliers and dealers*—(a) *Primary suppliers.* Primary suppliers shall apply for registration on Form OPA R–1116 (Revised), in duplicate, to any Board within the limitation area as follows: with respect to operations constituting him a primary supplier in any part of the limitation area other than "Area A" or "Area B", on October 27 or 28, 1942; with respect to operations constituting him a primary supplier in "Area A", on February 12, or 13, 1943; and with respect to operations constituting him a primary supplier in "Area B", on March 15 or 16, 1943. A person who begins operations which constitute him a primary supplier in such areas after such dates shall apply for registration within five (5) days after becoming a primary supplier. If an establishment is already included in an earlier registration, application for registration of such establishment need not be made.

(1) The applicant shall furnish, together with such other information as may be required by such form:

(i) His name, firm name and business address.

(ii) His total fuel oil storage capacity (as defined in § 1394.5703) and his total inventory of fuel oil on hand (as defined in § 1394.5702) as of 12:01 a. m. on October 1, 1942; or in "Area A" as of 12:01 a. m. on February 1, 1943; or in "Area B" as of 12:01 a. m. on March 14, 1943; if he became a primary supplier since October 1, 1942, or in "Area A" since February 1, 1943, or in "Area B" since March 14, 1943, as of the time he became a primary supplier.

(iii) The location of, and the storage capacity and inventory on hand at, each establishment included in the proposed registration; or, if he does not maintain stationary storage facilities, the number of mobile and portable units included in the registration, and the capacity and vehicle license number of each mobile delivery unit. If more than one establishment or mobile unit is included in the registration, the applicant shall attach a schedule or schedules to Form OPA R–1116 (Revised), supplying the information required with respect to each such establishment or mobile unit.

(iv) A statement as to the facts which constitute him a primary supplier under the definition of primary supplier in subparagraph (22) of paragraph (a) of § 1394.5001.

(v) If he applies for registration after the time fixed by paragraph (a), a signed statement, in duplicate, setting forth his reasons for not applying within the time fixed for the application.

(2) A primary supplier shall include in one application for his primary supplier registration all the establishments or mobile facilities at or from which he conducts operations constituting him a primary supplier and all stationary storage facilities in which he commingles fuel oil with that of other primary suppliers irrespective of the ownership of such facilities. However, facilities in which a primary supplier commingles fuel oil pursuant to Directive No. 59 of the Petroleum Administration for War shall be included in his application only if operation constituting him a primary supplier are conducted at or from such facilities. If he has other establishments within the limitation area, he may include some or all of them in his application if he chooses to do so.

(i) He shall apply for registration as a dealer as to each establishment at which he engages in the business of transferring fuel oil and which he does not choose to include in his primary supplier registration.

(ii) Where the operations of a primary supplier are divided by him among two or more accounting and financial districts, he may make a separate application for registration for each district of all the establishments or facilities as to which he is a primary supplier in such district.

(iii) A primary supplier may include in his application for registration as a primary supplier the fuel oil storage facilities of any person who receives fuel oil on consignment from him, title to the fuel oil remaining in the consignor until the time of transfer by the consignee. If such facilities are included in the application, the consignee shall for all purposes of this Ration Order No. 11 be deemed to be an agent of the primary supplier with respect to such fuel oil. If the consignee's facilities are not included in the application, the consignee shall apply for registration as a dealer with respect to such facilities, and notwithstanding the retention of title by the consignor to the fuel oil consigned, the consignee shall surrender coupons or other evidences upon the transfer of such fuel oil to him and include the fuel oil in his inventory.

(3) Registration certificates shall be issued in accordance with § 1394.5704.

(b) *Dealers.* Every dealer transacting business within the limitation area (except those dealers who are required to apply for registration pursuant to paragraph (d) of this Section) shall, on October 27 or 28, 1942 (and in "Area A" on February 12 or 13, 1943; or in "Area B" on March 15 or 16, 1943), apply for registration on Form OPA R–1116 (Revised), in duplicate, to a Board.

(1) The applicant shall furnish, together with such other information as may be required:

(i) His name, firm name, business address and type of business.

(ii) His total fuel oil storage capacity (as defined in § 1394.5703).

(iii) His total inventory of fuel oil on hand (as defined in § 1394.5702) as of 12:01 a. m. on October 1, 1942; and in "Area A" as of 12:01 a. m. on February 1, 1943; and in "Area B" as of 12:01 a. m. on March 14, 1943.

(iv) If he applies for registration after the time fixed by paragraph (b), a signed statement, in duplicate, setting forth his reasons for not applying within the time fixed for the application.

(v) If he applies on or after July 1, 1943, a schedule, to be attached, containing:

(*a*) The units constituting the fuel oil storage facilities (such as tanks, and where applicant has no stationary facilities, his mobile delivery units).

(*b*) The identifying numbers, letters or other insignia on each unit and in the case of mobile delivery units, the vehicle license number of each.

(c) The fuel oil capacity of, and the fuel oil on hand in, each unit.

(2) Separate application shall be made by each dealer for each place of business within the limitation area where he engages in the business of buying and selling fuel oil, and shall be made at each respective Board having jurisdiction over the area in which such place of business is located. If such dealer has no stationary storage facilities, he shall apply for registration of all his mobile delivery units, with the Board having jurisdiction over the area in which he has his main office. However, any person, any part of whose operations with respect to a given establishment falls within the definition of a primary supplier, shall apply for registration as a primary supplier with respect to such establishment pursuant to paragraph (a) of this section.

(3) Registration certificates shall be issued in accordance with § 1394.5704.

(c) *Secondary suppliers become dealers.* Each registration as a secondary supplier granted prior to July 1, 1943 shall be deemed, without further application, a registration as a dealer.

(d) *Dealers who commingle fuel oil.* Dealers who commingle fuel oil with that of other dealers in stationary storage facilities located within the limitation area shall apply for registration as to such facilities in accordance with the following provisions:

(1) Such dealers shall apply for registration of the facilities on Form OPA

R–1116 (Revised), in duplicate, jointly and on the same application form, with the Board having jurisdiction of the area in which the facilities are located.

(2) Such dealers shall furnish, together with such other information as may be required by such form, their names and addresses, the total fuel oil capacity of the facilities, and their total combined inventory of fuel oil on hand in the facilities as of 12:01 a. m. on October 1, 1942 (and in "Area A" as of 12:01 a. m. on February 1, 1943; and in "Area B" as of 12:01 a. m. on March 14, 1943); if such commingling did not begin until after October 1, 1942 (or after February 1, 1943 in "Area A", or after March 14, 1943 in "Area B"), the total fuel oil capacity of the facilities and their total combined fuel oil on hand in the facilities as of the time when such commingling began. If application is made on or after July 1, 1943, a schedule shall be attached containing the units constituting the facilities, the identifying numbers, letters or other insignia on each unit, the fuel oil capacity of, and the combined fuel oil on hand in, each unit.

(3) If the facilities have theretofore been registered under paragraph (b) of this section, the applicants shall furnish for cancellation, the certificate of registration as to such facilities and coupons and other evidences (or delivery receipts), equal in gallonage value to the total unfilled storage capacity of the facilities before commingling commenced. If other facilities were registered with the facilities in which fuel oil is commingled, separate application for registration of such other facilities under paragraph (b) of this section shall be made on Form OPA R–1116 (Revised), in duplicate.

(4) Such dealers shall designate a person who may receive exchange certificates on their behalf. The Board shall, at the time of granting such application for registration, issue exchange certificates in the amount of the difference between the total registered fuel oil storage capacity and their total amount of fuel oil on hand in the facilities so registered.

(5) Each dealer shall (in addition to any other records required to be kept pursuant to Ration Order No. 11) keep a record showing the date and amount of each delivery into the facilities to him, and each withdrawal therefrom by him.

(6) Where each dealer is entitled to use a fixed portion of the capacity of the facilities, and the sum of such portions does not exceed the total capacity of such facilities, he shall not apply pursuant to this paragraph but shall apply for registration of his portion as a separate place of business, in accordance with paragraph (b) of this section, and shall attach to his application his statement regarding such use of a fixed portion of the facilities.

(7) Upon receipt of an application for registration pursuant to this paragraph, the Board shall prepare and forward a copy of such application to the Control and Audit Section, Fuel Oil Rationing Branch, Washington Office. Registration certificates shall be issued in accordance with § 1394.5704 (a).

(8) Dealers who commingle fuel oil pursuant to Directive No. 59 of the Petroleum Administration for War shall not apply in accordance with this paragraph but in accordance with paragraph (b) of this section.

(e) *Military and Naval agencies not included.* The provisions of this Section do not apply to the Army, Navy, Marine Corps and Coast Guard of the United States.

(f) *Dealers and primary suppliers may not commingle fuel oil.* Unless authorized by the Petroleum Administration for War, no primary supplier may commingle fuel oil in, or apply for registration of, stationary storage facilities registered or required to be registered, by a dealer; and no dealer may commingle fuel oil in, or apply for registration of, stationary storage facilities registered or required to be registered, by a primary supplier.

21. Section 1394.5702 is amended to read as follows:

§ 1394.5702 *What constitutes fuel oil on hand.* Every applicant for registration shall include in his application all fuel oil on hand as of October 1, 1942 (February 1, 1943 in "Area A" and March 14, 1943 in "Area B"), for convenience referred to as "the ration commencement date." If the applicant was not operating as a dealer or primary supplier on the ration commencement date, his application shall show the fuel oil on hand as of the date he became a dealer or primary supplier. For the purposes of registration under § 1394.5701 and the monthly reports required in § 1394.5731, the term "fuel oil on hand" shall include fuel oil in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, and mobile or non-mobile containers (but not fuel oil in the fuel supply tank of oil burning equipment). Fuel oil in transit shall be included in the inventory of the person who has title to such fuel oil as at the inventory reporting date.

22. Section 1394.5703 is amended to read as follows:

§ 1394.5703 *What constitutes storage capacity.* The applicant shall include the total capacity of all stationary fuel oil storage facilities in use as of the ration commencement date as defined in § 1394.5702. If the applicant was not operating as a dealer or primary supplier on the ration commencement date, his application shall show his storage capacity as of the date he became a dealer or primary supplier. The capacity of tank trucks, tank wagons, drums, or other mobile containers shall be included in the application only if the applicant's registration does not include stationary storage facilities.

23. Section 1394.5704 is amended to read as follows:

§ 1394.5704 *Issuance of registration certificates*—(a) *How applications are granted.* Upon determining that the information submitted by the applicant on Form OPA R–1116 (Revised) is accurate, the Board, where application for registration is made within the time fixed therefor in § 1394.5701 (a), shall b authorized signature grant the application for registration. In the case of a dealer, the Board shall file the duplicate and return the original to the registrant. In the case of a primary supplier, the Board shall at once mail the original and duplicate to the Control and Audit Section, Fuel Oil Rationing Branch, Washington Office. The Control and Audit Section shall assign a registration number to the applicant and return the original to him and the duplicate to the issuing Board.

(b) *Late registrants.* Where a dealer or primary supplier applies for registration after the time fixed therefor by § 1394.5701, the Board shall forward the application, in duplicate, to the District Director having jurisdiction over the area in which the Board is located.

(1) If the District Director is satisfied that the applicant has shown good cause for omitting to apply for registration at the time fixed for such purpose, he shall:

(i) If the applicant is a dealer, approve the application and return it to the Board. The Board shall file the duplicate and forward the original to the dealer.

(ii) If the applicant is a primary supplier, forward the application and his written approval thereof to the Control and Audit Section, Fuel Oil Rationing Branch, Washington Office. The Control and Audit Section shall assign a registration number to the applicant and return the original to him and the duplicate to the Board where the application was submitted.

(2) If the District Director is not satisfied that the applicant has shown good cause for omitting to apply for registration at the time fixed for that purpose, he shall return to the applicant the original of the application with the rejection noted thereon. The duplicate shall be retained for the files of the District Office.

(c) *Registration certificate to be exhibited.* The original of the application for registration, bearing the registration number assigned by the Control and Audit Section in the case of a primary supplier or the authorized signature of the Board in the case of a dealer, shall be retained as a certificate of registration at the business address stated on the application. The certificate shall be presented at any time when requested by a Board or by an authorized representative of the Office of Price Administration.

24. Section 1394.5705 (a) is amended by deleting the phrase "or secondary supplier".

25. Section 1394.5705 (b) is amended by deleting the phrase "or secondary supplier".

26. Section 1394.5705 (c) is amended by deleting the phrase "and supplier".

26a. Section 1394.5705 (d) is amended by deleting the phrase "or supplier".

27. Section 1394.5705 (f) is added as follows:

(f) On and after July 1, 1943, exchange certificates instead of inventory coupons will be issued.

28. Section 1394.5706 is revoked.

29. Section 1394.5707 (a) is amended to read as follows:

§ 1394.5707 *Restriction on transfers.* (a) On and after November 1, 1942 (on and after March 1, 1943 in "Area A", or on and after March 14, 1943 in "Area B"), no primary supplier within or without the limitation area, and no dealer within the limitation area, shall transfer fuel oil to a dealer within the limitation area, and no dealer within the limitation area shall accept such transfer, except in exchange (made at, or at the option of the transferor within fifteen (15) days after or within five (5) days in advance of, the time of the actual transfer of the fuel oil) for valid coupons, or for other evidences, equal in gallonage value to the amount of the fuel oil transferred, or (where transfer is regularly made on a temperature adjustment basis) equal in gallonage value to the adjusted amount of fuel oil transferred. However, no dealer or primary supplier shall knowingly transfer, and no dealer shall accept the transfer of, an amount of fuel oil in exchange for any exchange certificate in excess of the amount of fuel oil transferred for the coupons or exchange certificates for which such exchange certificate was issued.

(1) No exchange of coupons or other evidences shall accompany a transfer of fuel oil directly from without the limitation area to a primary supplier within the limitation area, or a transfer from one primary supplier to another primary supplier.

(2) A transferor of fuel oil who, pursuant to paragraph (a) of this section, receives coupons or other evidences in advance of the transfer shall not use (or if he is a depositor, shall not issue his check against) the coupons or other evidences so received until he has actually transferred the fuel oil to his transferee, and only to the extent of the fuel oil so transferred.

30. Section 1394.5708 is revoked.

31. Section 1394.5709 is amended to read as follows:

§ 1394.5709 *Upstream transfers by dealers.* Any primary supplier who receives a transfer or return of fuel oil from a dealer who is within the limitation area (or any dealer who receives a transfer or return of fuel oil from another dealer who is within the limitation area), when the transfer or return is other than in connection with a transfer of the place of business or mobile facilities of such transferor, shall deliver to the dealer making the transfer or return, coupons or other evidences equal in gallonage value to the amount of fuel oil so transferred or returned.

32. Section 1394.5711 is amended to read as follows:

§ 1394.5711 *Discrimination in transfers to dealers.* On and after January 9, 1943, no dealer or primary supplier shall discriminate, in the transfer of fuel oil, among dealers and primary suppliers entitled to acquire fuel oil under this Ration Order No. 11.

33. Section 1394.5721 is amended to read as follows:

§ 1394.5721 *Affixing coupons.* Each dealer and primary supplier shall, before delivering any coupons to a bank for deposit in a ration bank account, or to a Board, or if he is not a depositor, to his transferor in exchange for a transfer of fuel oil, attach the coupons to gummed sheets (Form OPA R–120), and shall write, stamp, or print upon each sheet his business or firm name as registered at his Board, his business address, the unit value of indefinite value coupons, the number of coupons attached, the total value of the coupons attached, and the date on which the sheet is delivered. Only coupons of the same class, validity period, gallonage value, and from the same zone may be attached to any single sheet. Prior to the delivery by him of a gummed sheet to which coupons have been attached, every dealer and primary supplier shall endorse his business or firm name on the back of the sheet.

34. Section 1394.5722 is amended to read as follows:

§ 1394.5722 *Summary of coupons, other evidences, and delivery receipts.* Each dealer and primary supplier shall, prior to every delivery by him of coupons or other evidences to a Board and, if he is not a depositor, prior to every delivery by him of coupons or other evidences to his transferor, in exchange for a transfer of fuel oil, prepare in duplicate, on Form OPA R–1117, a summary of coupons, other evidences, and delivery receipts, for each zone. The transferee of the fuel oil shall supply the information required by the summary and shall deliver the original of the summary with his coupons (attached as required by the preceding section) or other evidences, and delivery receipts. The transferor of the fuel oil shall retain the original summary at his place of business for a period of not less than one year and the copy shall be retained by the transferee at his place of business for a period of not less than one year. No delivery receipt shall be delivered by a dealer or primary supplier to any person except to a Board pursuant to § 1394.5723 (b).

35. Section 1394.5723 (a) is amended to read as follows:

(a) A primary supplier who is not a depositor may at any time, and a dealer who is not a depositor may on and after July 1, 1943, deliver to any Board in the limitation area, coupons which have not become void pursuant to paragraph (e) of § 1394.5201, or other evidences, including exchange certificates, and obtain in return an exchange certificate or certificates (on Form OPA R–1118) equal to the gallonage value of the coupons or other evidences delivered. A primary supplier or dealer who is a depositor may at any time before October 31, 1943, deliver to any Board in the limitation area, coupons numbered "5" of Class 1 and Class 2 coupon sheets and obtain in return an exchange certificate or certificates equal to the gallonage value of the coupons delivered. Each primary supplier or dealer shall attach to the coupons or other evidences the Summary required by § 1394.5722. The Board shall furnish him in return an exchange certificate equal in gallonage value to the value of the coupons or other evidences delivered. Exchange certificates shall be prepared, in duplicate, by the Board and shall be signed both by the primary supplier or dealer, as the case may be, and by an authorized agent or member of the Board. The duplicate of such certificate shall be retained for the files of the Board. No dealer or primary supplier shall knowingly accept for exchange certificates delivered to the Board another exchange certificate of a gallonage value in excess of the amount of fuel oil transferred for the coupons in exchange for which such exchange certificates were issued. Each primary supplier or dealer shall, prior to the delivery by him of an exchange certificate, endorse his business or firm name on the back of the certificate.

36. Section 1394.5723 (b) is amended by substituting the phrase "primary supplier" for the word "supplier".

37. Section 1394.5724 is amended by deleting the phrase "and secondary suppliers" and the phrase "or secondary supplier", and by inserting the parenthetical phrase "(exchange certificates on and after July 1, 1943)" after the phrase "inventory coupons".

38. The text of § 1394.5731 (a) is amended by substituting the word "Section" for the word "Unit" and by substituting the phrase "exchange certificates or certified ration checks" for the phrase "exchange certificates".

39. Section 1394.5731 (a) (1) is amended to read as follows:

(1) If he is a primary supplier as defined in subdivision (i), (ii), or (iv) of § 1394.5001 (a) (22) and if he is not a consumer, he shall show the total amount of fuel oil transferred by him within the limitation area (and to persons without the limitation area, if he is within the limitation area) during the preceding month, and shall submit exchange certificates (or if he is a depositor, a certified ration check) equal in gallonage value to the total amount of such transfers, less the amount transferred to primary suppliers (and to dealers and primary suppliers without the limitation area, if he is within the limitation area).

40. Section 1394.5731 (a) (2) is amended to read as follows:

(2) If he is a primary supplier as defined in subdivision (i), (ii), or (iv) of § 1394.5001 (a) (22) and if he is also a consumer, he shall comply with the requirements specified in subparagraph (1) of this section, and in addition shall show, and submit exchange certificates (or if he is a depositor, a certified ration check) equal in gallonage value to, the total amount of fuel oil transferred to him for his own use during the preceding month, less the amount of fuel oil transferred to him for his own use by dealers who are within the limitation area.

41. Section 1394.5731 (a) (3) is added to read as follows:

(3) If he is a primary supplier as defined in subdivision (ii) of § 1394.5001 (a) (22) solely by virtue of the fact that he is

a consumer within the limitation area who takes deliveries of fuel oil on direct shipment from without the limitation area by pipeline, barge, tank ship or railroad tank car, he shall show the total amount of fuel oil transferred to him during the preceding month (less the amount of fuel oil transferred to him by dealers within the limitation area) and shall submit exchange certificates (or if he is a depositor, a certified ration check) equal in gallonage value to the amount of such transfers.

42. Section 1394.5731 (a) (4) is added to read as follows:

(4) If he is a primary supplier as defined only in subdivision (iii) of § 1394.5001 (a) (22), he shall show and shall submit exchange certificates (or if he is a depositor, a certified ration check) equal in gallonage value to, the total amount of fuel oil transferred by him to consumers within the limitation area. If he is a primary supplier as defined in subdivision (iii) and also as defined in any other subdivision of paragraph (a) (22) of § 1394.5001, he shall report only in the manner prescribed by subdivision (1) or (2) of paragraph (a) of this section, whichever is applicable.

43. The text of § 1394.5732 is amended by substituting the phrase "primary supplier" for the word "supplier".

44. Section 1394.5741 (a) is amended by deleting the phrase "or supplier" between the word "dealer" and the phrase "a place of business", and by deleting the phrase "or secondary supplier" between the word "dealer" and the phrase "received inventory coupons".

45. Section 1394.5741 (b) is amended by substituting the word "Section" for the word "Unit", wherever appearing.

46. Section 1394.5742 is amended to read as follows:

§ 1394.5742 *Dealer who becomes primary supplier.* Any dealer within the limitation area who becomes a primary supplier as to any place of business shall forthwith deliver to the Board having jurisdiction over the area in which such place of business is located, his certificate of registration, and coupons and other evidences (and delivery receipts), or if he is a depositor, his certified ration check, equal in gallonage value to the total unfilled capacity of his fuel oil storage facilities, and shall thereupon apply for registration as a primary supplier in the manner provided by paragraph (a) of § 1394.5701, or paragraph (b) of § 1394.5741, as the case may be.

47. Section 1394.5743 (a) is amended by substituting the word "Section" for the word "Unit" and by inserting the phrase "or on and after July 1, 1943, certified ration checks," between the phrase "exchange certificates" and the phrase "representing all coupons".

48. Section 1394.5743 (b) is amended by deleting the phrase "or secondary supplier".

49. Section 1394.5743 (c) is amended by substituting the word "Section" for the word "Unit", by inserting the parenthetical phrase "(exchange certificates on and after July 1, 1943)" after the phrase "inventory coupons", and by deleting the phrase "or secondary supplier".

50. The headnote to § 1394.5744 is amended by deleting the phrase "or secondary supplier".

51. Section 1394.5744 is amended by deleting the phrase "or secondary supplier".

52. Section 1394.5745 (a) is amended by substituting the word "Section" for the word "Unit" and by inserting the phrase "or on and after July 1, 1943, a certified ration check," between the phrase "exchange certificate" and the phrase "representing all coupons".

53. Section 1394.5745 (b) is amended by deleting the phrase "or secondary supplier" and by inserting the parenthetical phrase "(exchange certificates on and after July 1, 1943)" after the phrase "inventory coupons".

54. Section 1394.5746 is amended by deleting the phrase "or secondary supplier" wherever appearing in the section, and by inserting the parenthetical phrase "(exchange certificates on and after July 1, 1943)" after the phrase "inventory coupons".

This amendment shall become effective on July 7, 1943.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive 1–0, as amended, 7 F.R. 8416, E.O. 9125, 7 F.R. 2719)

NOTE: The reporting and record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10961; Filed, July 7, 1943; 2:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Service Reg. 16 Under MPR 165,[1] Amdt. 1]

LOGGING SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.666 is amended by the addition of the following paragraph (c):

(c) *Contract logging services in Oregon and Washington west of the crest of the Cascade Mountains.* The maximum prices of any contract logging service rendered in the States of Washington and Oregon west of the crest of the Cascade Mountains determined in accordance with § 1499.102 of Maximum Price Regulation No. 165, may be increased under the following conditions:

(i) Persons rendering contract logging services by producing logs for an owner of stumpage which results in the production of logs of the species described in Revised Maximum Price Regulation 161[2]—West Coast Logs, and who operate 48 or more hours per week, may make additions to the maximum prices established for them by Maximum Price Regulation 165, in the same amounts provided for sellers of West Coast Logs in § 1381.156 of Revised Maximum Price Regulation No. 161.

(ii) The right to make the additions provided by this sub-paragraph are subject to all the provisions and conditions of § 1381.156 of Revised Maximum Price Regulation No. 161 which is incorporated herein by reference and may be made only after the contractor has filed the application required and has been authorized by order of the Administrator to make the additions in the manner provided in that section. In filing such an application, the contractor shall submit the name of the person or persons for whom the contract service is rendered and his statement of the maximum price of his contract logging service as computed under the applicable section of Maximum Price Regulation No. 165.

(iii) The overtime additions permitted under the terms of this paragraph may not be added to the maximum prices established under Maximum Price Regulation No. 165, if those maximum prices have already been adjusted on the basis of increased labor cost due to overtime operation.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10962; Filed, July 7, 1943; 2:37 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amdt. 29]

MILK IN BALTIMORE-ANNAPOLIS AREA, MD., AND OTHER AREAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 280 is amended in the following respects:

1. Section 1351.803 (d), (e), (f) and (h) are hereby revoked.

2. Section 1351.808 (h) is amended to read as follows:

(h) Fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants, and institutions, in the "Dallas Regional Area", "Memphis, Tennessee Area", "Chicago, Illinois Area", "New York Metropolitan Area", and "Baltimore-Annapolis, Maryland, Area". Maximum prices for such sales are set in § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation.

3. Section 1351.808 (i), (j) and (l) are hereby revoked.

4. Section 1351.816 (a) (6) is amended to read as follows:

(6) "Memphis, Tennessee Area" means all of the area included in Shelby County, Tennessee.

5. Section 1351.816 (a) (10) is added to read as follows:

(10) "Baltimore-Annapolis, Maryland Area" means the territory included in the City of Baltimore, Maryland, the Counties of Anne Arundel and Calvert and that portion of the County of Baltimore which is south of the latitude 39 30'.

This amendr ent shall become effective July 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10967; Filed, July 7, 1943; 4:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14 to GMPR, Amdt. 193]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Regulation 14 to the General Maximum Price Regulation is amended in the following respects:

1. Section 1499.73 (a) (1) (viii) (*a*) (5) is added to read as follows:

(5) "Home-delivery" or "to-the-home" means a sale and delivery of milk or any milk product covered by this subparagraph (1) at retail from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. "Home-delivery" or "to-the-home" shall not include

(*i*) A sale of milk or any milk product covered by this subparagraph (1) at retail by a grocery store, meat market, dairy store or other establishment which delivers milk or any milk product covered by this subparagraph (1) separately or together with other purchases.

2. § 1499.73 (a) (1) (viii) (*a*) (6) is added to read as follows:

(6) "Out-of-store" or "out-of-the-store" means a sale of milk or any milk product covered by this subparagraph (1) at retail by a grocery store, meat market, dairy store or other establishment. "Out-of-store" or "out-of-the-store" shall include

(*i*) A sale of milk or any milk product covered by this subparagraph (1) at retail by a grocery store, meat market, dairy store, or other establishment which delivers milk or any milk product covered by this subparagraph (1) separately or together with other purchases; and

(*ii*) A sale of milk or any milk product covered by this subparagraph (1) at retail by a milk distributor at his plant or place of business.

This amendment shall become effective July 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10965; Filed, July 7, 1943; 4:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14, Amdt. 194]

MILK IN BALTIMORE-ANNAPOLIS AREA, MD., AND OTHER AREAS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Regulation No. 14 to the General Maximum Price Regulation is amended in the following respects:

1. The first sentence of the footnote 2 referred to after the words "whichever is higher" in the first sentence of § 1499.73 (a) (1) (i) is amended to read as follows:

[2] This pricing formula is not applicable to certain retail sales in the New York Metropolitan; Memphis, Tennessee; Chicago, Illinois; and Baltimore-Annapolis, Maryland, areas under subdivisions (*a*), (*n*), (*p*) and (*q*) below.

2. Section 1499.73 (a) (1) (i) (*p*) is amended by inserting a footnote to "Memphis, Tennessee area" to read as follows:

(*p*) Memphis, Tennessee area [1]

[1] Specific maximum prices listed supersede entirely the seller's ceiling prices as determined under § 1499.2, general provisions of the General Maximum Price Regulation.

3. Section 1499.73 (a) (1) (i) (*q*) is added to read as follows:

(*i*) *Out-of-store sales and home deliveries of approved milk in quart containers*

Locality	Special type	Type of delivery	Type of container	Adjusted maximum price (cents)
(*q*) Baltimore, Maryland area.[1]	Selected milk, chocolate milk or buttermilk.	Out-of-store	Glass	14
		To-the-home	Glass	14
		Out-of-store	Paper	13
		To-the-home	Paper	14
	Milk with 4.5 per cent butterfat or more.	Out-of-store	Glass or paper	16
		To-the-home	Glass or paper	16
	Certified milk	Out-of-store	Glass or paper	18
		To-the-home	Glass or paper	18

[1] Specific maximum prices listed supersede entirely the seller's ceiling prices as determined under § 1499.2, general provisions of the General Maximum Price Regulation.

(2) *Certain other retail sales.* Retail sales by hotels, restaurants, soda fountains, cafes, bars, and other eating establishments for consumption on the premises and peddler sales other than to-the-home shall remain subject to § 1499.2, general provisions of the General Maximum Price Regulation.

(3) *Retail sales remaining.* Maximum prices for retail sales other than out-of-store sales, deliveries to-the-home and sales listed in (2) above shall be the maximum wholesale prices fixed in inferior subdivision (*q*) of subdivision (ii) of § 1499.73 (a) (1) below.

4. The first sentence of the footnote [3] referred to after the words "whichever is higher" in the first sentence of § 1499.73 (a) (1) (ii) is amended to read as follows:

[3] This pricing formula is not applicable to certain sales at wholesale in the New York Metropolitan; Memphis, Tennessee; Chicago, Illinois; and Baltimore-Annapolis, Maryland areas under inferior subdivisions (*h*), (*n*), (*p*) and (*q*) below.

5. Section 1499.73 (a) (1) (ii) (*q*) is added to read as follows:

(*ii*) *Sales of approved milk at wholesale to stores, hotels, restaurants, institutions and others (except vendors or subdealers)*

Locality	Special type	Container size	Type of container	Adjusted maximum price (cents)
(*q*) Baltimore, Maryland area.[2]	Selected milk chocolate, milk or buttermilk.	Gallon	Glass or paper	44
		Quart	Glass or paper	12
		Pint	Glass or paper	8
		½ Pint	Glass	4
		½ Pint	Paper	4½
	Milk with 4.5 per cent butterfat or more.	Gallon		52
		Quart	Glass or paper	14
		Pint	Glass or paper	9
		½ Pint	Glass	4½
		½ Pint	Paper	5

[2] Specific maximum prices listed supersede entirely the seller's ceiling prices as determined under § 1499.2, general provisions of the General Maximum Price Regulation.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4737, 5028, 5367, 6428, 6966, 8239, 8431, 8798, 8943, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933.

[1] 8 F.R. 5165, 6357, 7196, 7599, 7670, 8065, 8180.

[2] 8 F.R. 1117, 2992, 5678, 6619.

(2) *Sales at wholesale to vendors or subdealers.* The foregoing specific maximum wholesale prices for sales to stores, hotels, restaurants and institutions are not applicable to sales and deliveries made to vendors or subdealers, i. e., fluid milk distributors who do not operate pasteurizing plants, regardless of whether they operate milk depots. The seller's maximum price for sales to vendors or sub-dealers shall be his established maximum price under § 1499.2, general provisions, of the General Maximum Price Regulation.

(3) *Sales at wholesale in bulk to stores, hotels, restaurants and institutions.* Maximum prices for sales at wholesale, other than in glass or paper containers, to stores, hotels, restaurants and institutions in units of more than one gallon shall be 44 cents per gallon for selected milk, chocolate milk or buttermilk.

6. Section 1499.73 (a) (1) (viii) (*p*) is amended to read as follows:

(*p*) "Chicago, Illinois area" means the territory included in the marketing area geographically defined in Federal Milk Marketing Order No. 0–41, as amended, issued by the Secretary of Agriculture on September 1, 1939.

7. Section 1499.73 (a) (1) (viii) (*s*) is added to read as follows:

(*s*) "Baltimore-Annapolis, Maryland area" means the territory included in the City of Baltimore, Maryland, the Counties of Anne Arundel and Calvert and that portion of the County of Baltimore which is south of the latitude 39°30'.

This amendment shall become effective July 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10968; Filed, July 7, 1943; 4:29 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 24 Under § 1499.3 (c) of GMPR]

DEFENSE SUPPLIES CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.824 *Establishment of a formula for determining the maximum prices for new commercial motor vehicles sold by the Defense Supplies Corporation.* (a) The Defense Supplies Corporation may sell, offer to sell, or deliver a new commercial motor vehicle which has been maintained in accordance with § 1499.73 (a) (19) of Supplementary Regulation No. 14 to the General Maximum Price Regulation at a price no higher than the sum of the following items:

(1) The factory list price as of March 1942—or, if this price is not ascertainable, 133⅓% of the factory net price—less 75% of the retail list price of all equipment removed from the vehicle for which provision is made in the factory list, or factory net, price;

(2) The retail list pice, not to exceed the applicable maximum price, of all equipment attached to the vehicle in lieu of, or in addition to, standard equipment;

(3) An allowance for transportation, which shall not exceed the actual rail freight at carload rates from the factory to the point of sale;

(4) Increment as provided in § 1499.73 (a) (19) (i) of Supplementary Regulation No. 14 to the General Maximum Price Regulation.

(b) The seller shall inform the Office of Price Administration of the price at which any vehicle priced in accordance with this formula is sold, and the maximum price for such a vehicle under the formula, and shall also furnish data adequate to show how the maximum price was determined.

(c) The seller shall inform the purchasers of these vehicles that their resales are subject to the maximum prices established by the applicable provisions of the General Maximum Price Regulation and Supplementary Regulation No. 14 to that regulation.

(d) This Order No. 24 may be revoked or amended by the Office of Price Administration at any time.

This Order No. 24 (§ 1499.824) shall become effective July 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–10966; Filed, July 7, 1943; 4:28 p. m.]

PART 1309—COPPER

[MPR 20[1] Amdt. 2]

COPPER SCRAP AND COPPER ALLOY SCRAP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1309.70 (g) (5a) is added to read as follows:

(5a) *Toll agreements.* Any agreement or transaction in connection with which copper scrap or copper alloy scrap is delivered or transferred by the owner of such scrap to any person for processing or treatment on toll by smelting, remelting or any other method to produce copper shall be considered to be an evasion of Maximum Price Regulation No. 20 unless the total of the maximum prices for such scrap established by this Maximum Price Regulation No. 20, the charge for processing or treating the material, and all other charges in connection with the processing, treatment, handling and delivery of said scrap in order to obtain copper therefrom does not exceed on a per pound basis the maximum prices for copper established by Revised Price Schedule No. 15.

This amendment shall become effective July 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10996; Filed, July 8, 1943; 11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421]

CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 421 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and Executive Order 9328, and will effectuate the purposes of said Act and Executive Orders.

§ 1351.360 *Ceiling prices of certain foods sold at wholesale.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and Executive Order 9328, Maximum Price Regulation No. 421, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.360 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 421—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

CONTENTS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. How you determine to which class your business belongs.
3. How and when you figure ceiling prices.
4. Directions for applying the rule.
5. How you figure your ceiling prices for "new items".
6. When you may change a ceiling price.
7. Indirect price increases prohibited
8. Invoices and receipts.
9. Records.
10. Licensing and registration.
11. Prohibitions.
12. Dollars-and-cents ceiling prices.
13. Further provisions supplementing or explaining this regulation.

ARTICLE II—SPECIAL PRICING PROVISIONS

14. Additions to "net cost" for packaging.
15. Purchases and sales between wholesalers.
16. How you figure your ceiling prices for foods you "manufacture or otherwise process".
17. How a retailer-owned cooperative wholesaler figures ceiling prices for sales to non-members.
18. How a service wholesaler figures ceiling prices for cash-and-carry sales.
19. How a service wholesaler figures ceiling prices for sales to commercial, industrial or institutional users.
20. How an institutional wholesaler figures ceiling prices for sales to retailers.
21. Addition allowed for deliveries by Class 1 and Class 2 wholesalers.
22. Addition allowed for deliveries outside of a base zone.
23. Special pricing provision for manufacturers selling some commodities at wholesale.

ARTICLE III—ADJUSTMENT PROVISIONS

24. How retailer-owned cooperative wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for other wholesalers.
25. How service wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for institutional wholesalers.

ARTICLE IV—MISCELLANEOUS PROVISIONS

26. Transfer of business and stock in trade.
27. Taxes.
28. Export sales.
29. Relation to other regulations.
30. Definitions.
31. Geographical applicability.

ARTICLE V—TABLE AND COMMODITY DEFINITIONS

32. Table of mark-up figures. (Table A).

Article I—General Provisions

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the foods listed in Table A for wholesalers selling these food products. These new ceiling prices are to be used on and after August 5, 1943, instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA), except as otherwise provided in any order fixing dollars and cents ceiling prices, which has been or which may be, issued by the OPA pursuant to General Order No. 51.[1]

SEC. 2. *How you determine to which class your business belongs.* (a) *What wholesalers are covered.* Your business is classified under this regulation if you are a wholesaler the larger part of whose business is the purchase of food products for resale and the distribution from your warehouse, without materially changing their form, of such food products to independent retail stores, or to commercial, industrial or institutional users. This regulation does not apply, however, to "wagon wholesalers", "marine provisioners", or "flour jobbers."

(b) *Classes of wholesalers.* Wholesalers covered by this regulation are defined as follows:

(1) *Class 1: Retailer-owned cooperative wholesaler.* You are a retailer-owned cooperative wholesaler if you are either a non-profit organization or a corporation 51% of the stock of which is owned by your retailer customers.

(2) *Class 2: Cash-and-carry wholesaler.* You are a cash-and-carry wholesaler if you are not in Class 1 and the larger part of your business consists of the sale of food products, without delivery, to independent retail stores.

(3) *Class 3: Service wholesaler.* You are a service wholesaler if you are not in Class 1 and the larger part of your business consists of the sale of food products to independent retail stores, and if you deliver to all customers in a base zone without charge.

(4) *Class 4: Institutional wholesaler.* You are an institutional wholesaler if you are not in Class 1 and the larger part of your business consists of the distribution of food products to commercial, industrial or institutional users.

(If you do business in more than one of the ways outlined above, see Sections 17, 18, 19, and 20.)

SEC. 3. *How and when you figure ceiling prices.* (a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container type and container size) of food listed in Table A shall be the result of (1) the "net cost" you had to pay for the most recent delivery of the item to you before August 5, 1943, multiplied by (2) the mark-up figure given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of food covered by this regulation which you have in stock at that time. Between July 26, 1943, and August 5, 1943, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than August 5, 1943. If you do not put the new price for an item into effect before August 5, 1943, you must continue to use your existing ceiling for that item until August 5. If you receive delivery of any item between July 26, and August 5, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

SEC. 4. *Directions for applying the rule.* (a) *Net cost.* To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before August 5, 1943. Your "net cost" will be the amount you paid your supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. Treat as a separate item each kind, brand, grade, variety, container size and container type.

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost of the unit in which you receive delivery (i. e. per dozen, per case, per bag, etc.) to the nearest cent.

(3) For items you "manufacture or otherwise process" use the special rules in Section 16.

(b) *Mark-up.* Turn to Table A to find the mark-up figure for the item given your class of wholesaler. Table A lists all the items covered by this regulation by commodity groups.

(c) *Ceiling price.* Next multiply your "net cost" by the mark-up figure in Table A for your class of wholesaler for the item being priced. The resulting amount will be your ceiling price. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you may be allowed to change it.)

(d) *Fractions.* All calculations of ceiling prices resulting in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent, and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

If you sell an amount less than the unit in which you receive delivery, you must reduce your ceiling price proportionately, rounding any fraction to the next higher cent.

(e) *Invoices.* You must write your net cost per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record.

You must keep separate, or mark or tag plainly, all invoices or records showing the "net cost" of the unit in which you received delivery and which you used in figuring your ceiling prices. The invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items."* (a) A "new item" is any item which you did not have in stock at the opening of business on August 5, 1943. You must figure your ceiling price for a "new item" before selling it, following the rules in section 4, basing your "net cost", however, on the first delivery of the item to you on or after August 5, 1943.

In pricing new items it is a violation to use the "net cost" of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use, in figuring your ceiling price, what the "net cost" would be of a purchase from a type of supplier usually used for a similar item and of an amount in which a similar item is usually purchased.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3189, 7556.

[1] 8 F.R. 6008, 6071, 8690.

SEC. 6. *When you may change a ceiling price.* If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct wholesalers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this section until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. If that delivery is from another wholesaler covered by this regulation, you must use the "net cost" of the other wholesaler. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you receive later shipments with the same notice, you must not change your ceiling price again.

When you make a sale to a retail store at this new ceiling price, you must send with your invoice a copy of the notice received by you from your supplier if the notice is not attached to the item you are selling.

SEC. 7. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it, by any stratagem, scheme, or device. You must not, as a condition of selling any particular food item, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost, as used in section 4, would be and use that net cost to figure your ceiling price.

SEC. 8. *Invoices and receipts.* You must give each of your customers an invoice, receipt, or other evidence of purchase in connection with every sale, retaining a copy for your files. Each such record you prepare and give your customer must show the date of sale, the name and address of your customer, your name and address, each food item sold, and the price you charged for it. Be sure that your description of each item shows the kind, brand, grade, variety, container size and container type.

SEC. 9. *Records.* After July 26, 1943, you must keep for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all your invoices, freight bills, and other records showing the price you paid for each item and the date you received delivery of each item covered by this regulation. You are required to show all your invoices and records on request of any OPA representative. You are also required to keep available for inspection by any OPA representative the records you used in determining your class. In addition, you are required, on request of any OPA representative, to furnish a written record of your ceiling price for any or all of the items covered by this regulation.

SEC. 10. *Licensing and registration.* The licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation[1] shall apply to every person making sales subject to this regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at wholesale commodities for which ceiling prices are established. A license is automatically granted, so do not apply for it. However, all sellers may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which ceiling prices are established. No person whose license is suspended may sell any such commodity during the period of suspension.

SEC. 11. *Prohibitions.* On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 12. *Dollars-and-cents ceiling prices.* From time to time the OPA may, by order issued pursuant to General Order 51, fix dollars-and-cents ceiling prices for wholesalers for some or all of the food items covered by this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices and these orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price for the item under this regulation.

SEC. 13. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511.

Article II—Special Pricing Provisions

SEC. 14. *Additions to "net cost" for packaging.* If you buy in bulk any item covered by this regulation and then package and sell it in cotton bags, interlined coffee bags, transparent bags or cardboard containers, you may add to your "net cost" whichever of the following allowances applies:

(a) 1½ cents for every such bag or container with a net weight of less than 2 pounds.

(b) 2 cents for every such bag or container with a net weight of 2 pounds or more but less than 5 pounds.

(c) ½ cent *per pound* for every such bag or container with a net weight of 5 pounds or more.

(d) When you package an item which you buy in bulk and the grade of the item is shown on the bulk container, you must show the grade on the bag or container that you sell.

SEC. 15. *Purchases and sales between wholesalers.* If you purchase from another wholesaler covered by this regulation an item for which you have not previously been required to establish a ceiling price under this regulation, you must secure a written record of that wholesaler's "net cost". You will multiply that "net cost" by the mark-up figure for your class of wholesaler and the resulting figure will be your ceiling price.

SEC. 16. *How you figure your ceiling prices for foods you "manufacture or otherwise process."* If you "manufacture or otherwise process" and sell at wholesale any item covered by this regulation you will determine your "net cost" or ceiling price for such an item under whichever of the following provisions applies:

(a) If the item is one for which OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling to retailers, the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost".

(b) If the item is one for which OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling to retailers, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up figure under this regulation.

(c) If the item is one for which OPA has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering sales of such item by manufacturers.

You will not attempt to figure a "net cost" and apply a mark-up figure under this regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturing regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed, you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you "manufacture or otherwise process" directly, or which is manufactured for you by a person to whom you supply the raw material.

SEC. 17. *How a retailer-owned cooperative wholesaler figures ceiling prices for sales to non-members.* If you are a retailer-owned cooperative wholesaler and you sell to non-members (those retailers who have no share or interest in your ownership) your ceiling prices for your sales to non-members without delivery may be figured as a Class 2 wholesaler. If you sell and deliver to non-members, your ceiling prices for such sales may be figured as a Class 3 wholesaler, in which event you may not add to such ceiling prices the additions for delivery allowed in section 21 of this regulation.

SEC. 18. *How a service wholesaler figures ceiling prices for cash-and-carry sales.* If you are a service wholesaler but you also make cash-and-carry sales, you must use for such sales the mark-up figures of a cash-and-carry wholesaler if, during March 1942,

(a) You had a separate department for such sales, or

(b) You had a price list for such sales different from the price list which you used in making other sales.

SEC. 19. *How a service wholesaler figures ceiling prices for sales to commercial, industrial or institutional users.* If you are a service wholesaler and you makes sales to commercial, industrial or institutional users, you may use for such sales the mark-up figures of an institutional wholesaler if, during March 1942,

(a) You had a separate department for such sales to commercial, industrial or institutional users, or

(b) You had a price list for your sales to commercial, industrial or institutional users different from the price list which you used in making sales to retailers.

SEC. 20. *How an institutional wholesaler figures ceiling prices for sales to retailers.* If you are an institutional wholesaler but you also make sales to retail stores, your ceiling prices for such sales made without delivery must be figured as a Class 2 (cash-and-carry) wholesaler and your ceiling prices for such sales made with delivery must be figured as a Class 3 (service) wholesaler.

SEC. 21. *Addition allowed for deliveries by Class 1 and Class 2 wholesalers.* (a) If you are a retailer-owned cooperative wholesaler, or a cash-and-carry wholesaler, and you have customarily added a set amount or percentage to your sales price for delivering to retailers, you may, in figuring your ceiling price for each item you deliver to retailers, add to your ceiling price such set amount or percentage. The resulting figure will be your ceiling price for the item when delivered by you.

(b) If you are a retailer-owned cooperative wholesaler or a cash-and-carry wholesaler and you have not customarily added a set amount or percentage to your sales price for delivering to retailers, you may, in figuring your ceiling price for each item you deliver to retailers, add .01 to your mark-up figure (example: If your mark-up figure is 1.06, you change it to 1.07).

SEC. 22. *Addition allowed for deliveries outside of a base zone*—(a) *Addition allowed to retailer-owned cooperative wholesalers, service wholesalers and institutional wholesalers.* (1) If you are a retailer-owned cooperative wholesaler, a service wholesaler or an institutional wholesaler, who, during March 1942, customarily sold goods on a delivered basis in different zones at established price differentials between zones, you may, in figuring your ceiling prices for items delivered by you to such other zones, add to your "base zone" ceiling prices, the same zone differentials which you added in March 1942. The resulting figures will be your ceiling prices for items delivered by you to such other zones. (Your base zone shall be the area surrounding your warehouse in which you customarily made free deliveries.)

(2) If you are a retailer-owned cooperative wholesaler, you may not, in figuring your ceiling prices under this section, include any addition allowed in section 21.

(3) Before using different delivered prices for different zones under this section, you must report, in writing, to the Distribution Branch, Food Price Division, OPA, Washington, D. C., the amount of such differentials and a description of your base zone and delivery zones.

(b) *Additions by certain wholesalers making f. o. b. sales.* If you are a service wholesaler or an institutional wholesaler who, during March, 1942, customarily sold f. o. b. your warehouse for delivery to zones or delivery points outside of your base zones, and

(1) If you added a freight charge when making such sales or included a freight charge in figuring your selling price, you may add to your ceiling price for each item the same charge or the same freight rate, apportioning the charge or freight rate to each item, in which case the resulting figure will be your ceiling price for the item when sold to such other zones or delivery points, or

(2) If your customer paid the freight bill, you may make such sales at your ceiling prices, the freight bill to be paid by the purchaser.

(c) *Additions by certain wholesalers who did not use a zone delivery system or make f. o. b. sales.* If you are a service wholesaler or an institutional wholesaler, who, during March 1942, customarily sold all customers on a delivered basis at the same price regardless of distance from your warehouse, you may, in figuring your ceiling price for an item delivered by you to a customer located at a distance of 125 miles or more from your warehouse, add to your mark-up figure whichever of the following amounts applies:

(1) If your customer is located at a distance of from 125 through 199 miles from your warehouse, you may add .01 to your mark-up figure (example: If your mark-up on mayonnaise in Table A is 1.16, you change it to 1.17).

(2) If your customer is located at a distance of from 200 miles through 299 miles from your warehouse, you may add .02 to your mark-up figure.

(3) If your customer is located at a distance of from 300 miles through 399 miles from your warehouse, you may add .03 to your mark-up figure.

(4) If your customer is located at a distance of 400 miles or more from your warehouse, you may add .04 to your mark-up figure.

(5) If your method of figuring ceiling prices for items delivered to zones outside of a base zone falls within either paragraph (a) or paragraph (b) of this section, you may not use this paragraph (c) in figuring your ceiling prices for items delivered to such other zones.

SEC. 23. *Special pricing provision for manufacturers selling some commodities at wholesale.* Any person the larger part of whose business consists of the manufacturing or processing of foods but (a) his entire business in connection with a particular commodity consists of the purchase and resale of such commodity without substantially changing its form and (b) the larger part of his sales of such commodity are made to independent retail stores or to commercial, industrial or institutional users (c) may figure his ceiling price for such sales of that commodity under this regulation.

Article III—Adjustment Provisions

SEC. 24. *How retailer-owned cooperative wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for other wholesalers.* If you are a retailer-owned cooperative wholesaler, you may file an application for permission to use the mark-up figures designated for another class of wholesaler if you can establish:

(a) That you have customarily operated in the same manner as the other class of wholesaler, and

(b) That in 1941 you had an overall gross margin at least as high as the overall gross margin you would realize by using the mark-up figures specified in

this regulation for such other class of wholesaler.

(c) Your application must set forth the following:

(1) A statement as to whether your members received dividends or other proceeds from your organization; the basis for determining the amount of such payments; the amount of such payments for the years 1941, 1942, and, if available, so far in 1943;

(2) The amount and conditions of fees, if any, paid by your members in addition to the invoice price of commodities;

(3) Your profit and loss statement for your fiscal years 1941 and 1942, and so much of 1943 as is available, and balance sheets as of the end of each such accounting period;

(4) Your percentage mark-ups over invoice cost for sales during 1941 to your members for each commodity group listed in this regulation, and if sales were made to non-members, the same information with respect to such sales;

(5) Any evidence you may be able to furnish showing the difference between your operations and functions and those of the usual retailer-owned cooperative wholesaler, including a statement of any special service performed by you, any additional compensation received for such special services, and a reasonable basis for distinction or classification, if any, between you and other retailer-owned cooperative wholesalers.

(d) Such application must be filed in duplicate by July 20, 1943, with your nearest District OPA office. You may not use these requested mark-up figures until you have received specific authorization from your proper OPA office.

(e) If you filed an application under Section 29 of Revised Maximum Price Regulation No. 237,[3] and such application has been denied, you are not eligible for adjustment under this section. If your application has been allowed, you may use the mark-up figures for the class of wholesaler to which you have been adjusted and you are subject to all of the provisions of this regulation applicable to such other class of wholesaler.

(f) *Applications for adjustment.* Any regional office of the OPA or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this section. Applications for adjustment are governed by Revised Procedural Regulation No. 1.

SEC. 25. *How service wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for institutional wholesalers.* If you are a service wholesaler (you must consider each warehouse as a separate wholesaler), you may file an application for permission to use the mark-up figures designated for institutional wholesalers if you can establish:

(a) During your fiscal year 1941 and so far in 1943, you regularly distributed grocery products to at least 12 states; and

(b) The total gross margin on all sales made by you in your fiscal year 1941 was at least 20 percent; and

(c) You offered for sale during 1941 at least 3,500 different items of food.

(d) Your application must set forth the following:

(1) Profit and loss statements for the fiscal years 1941, 1942, and so much of 1943 as is available, and balance sheets as of the end of each such accounting period;

(2) Any evidence you may be able to furnish concerning the difference between your operations and functions and those of the usual service wholesaler, and a reasonable basis for distinction or classification between you and other service wholesalers;

(3) A list of the states to which you regularly distributed grocery products in 1941, 1942, and 1943 and an approximation of the volume of sales made by you in each of the states during 1941, 1942, and 1943; and

(4) The number of food items that you offered for sale in 1941.

(e) Such application must be filed in duplicate by July 20, 1943, with the Distribution Branch, Food Price Division, OPA, Washington, D. C. You may not use these requested mark-up figures until you have received specific authorization from such OPA office. Applications for adjustment are governed by Revised Procedural Regulation No. 1.

Article IV—Miscellaneous Provisions

SEC. 26. *Transfer of business and stock in trade.* If, after August 5, 1943, you acquire in any way the business, assets and stock in trade of any wholesaler covered by this regulation and you carry on the business, or continue to deal in the same type of food products in the same establishment, and you render the same service and sell to the same class of purchaser, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you or give you all the records of his transactions before you acquired the establishment which you need to comply with the record provisions of this regulation.

If, after the transfer, you fall into a class of wholesaler different from the former owner's, your ceiling prices shall be those for the class of wholesaler in which you fall. (For example: If you acquire the business, assets, and stock in trade of a service wholesaler and you decide to discontinue making deliveries, your ceiling prices must be figured as a cash-and-carry wholesaler, using as your "net cost" the same "net cost" the former owner used in fixing his ceiling prices.)

SEC. 27. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at wholesale of food covered by this regulation, if you state the tax separately, and if the tax statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 28. *Export sales.* The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation,[4] as amended, issued by the OPA.

SEC. 29. *Relation to other regulations.* The provisions of this Maximum Price Regulation No. 421, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 237, Maximum Price Regulation No. 249,[5] Maximum Price Regulation No. 255,[6] the General Maximum Price Regulation, and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order No. 51, with respect to sales and deliveries for which ceiling prices are established by this regulation.

SEC. 30. *Definitions*—(a) *Delivery.* Delivery of any item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(b) *Usual receiving point.* Your usual receiving point will be the warehouse at which you generally receive the particular item you are pricing under this regulation and from which you generally supply your customers.

(c) *"Manufacture or otherwise process".* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, milling, bottling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations. Packaging as used in Section 14 shall not be considered manufacturing or processing under this regulation.

(d) *Independent retail store.* Independent retail store shall mean one that is not one of four or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

(e) *"Wagon wholesaler".* A "wagon wholesaler" is a wholesaler who distributes food products to retail stores or to commercial, industrial, or institutional users from an inventory stocked in trucks or other conveyances under the supervision of driver-salesmen who make deliveries at the time and point of sale. A wholesaler is a wagon wholesaler only of the food products he sells in this way.

(f) *"Marine provisioners".* A "marine provisioner" is a seller the larger part of whose business is the sale of food commodities to boat and steamship companies for the provisioning of boats with delivery to the boats from shore locations by the use of truck and launch facilities. A seller is a marine provisioner only of the food commodities he sells in this way.

(g) *Flour jobber.* "Flour jobber" shall mean a "primary distributor" as defined in Maximum Price Regulation No. 296,[7] and a person the larger part of whose business is the purchase and resale of flour without additional processing and in the original containers, to bakers, and commercial, institutional or Governmental users. For sales to retail stores, "flour jobbers" other than "primary distributors" must figure their ceiling prices for flour under this regulation.

SEC. 31. *Geographical applicability.* The provisions of this regulation shall apply to the 48 states of the United States and the District of Columbia.

Article V—Table and Commodity Definitions

SEC. 32. *Table of mark-up figures—(Table A.)*—(a) *Instructions.* Table A (printed below) lists the commodities and the mark-up figures for the four classes of wholesalers covered by this regulation. For a detailed list of the items included in each category of commodities, see "Commodity definitions", printed immediately after Table A. This regulation must not be used to determine ceiling prices for the commodities listed in paragraph (c) of this section.

The commodities covered by this regulation are listed in the column at the extreme left of Table A and the four classes of wholesalers are listed across the top of Table A. To find your proper mark-up figure for any item, first determine the class of wholesaler to which you belong; then find the commodity listed at the left of Table A which includes the item you are pricing. Directly opposite, in the column for your class of wholesaler, you will find the proper mark-up figure for the item. This is the figure by which you should multiply your "net cost" in order to determine your ceiling price. Drop any fraction of a cent which is less than ½ cent; take the next higher cent if the fraction is ½ cent, or more.

For example, you are a Service (Class 3) Wholesaler, and you want to figure your ceiling price for a case of 9-oz. packages of X Brand Spaghetti which you had in stock at the opening of business on August 5, 1943. The amount you paid your customary type of supplier for your last purchase of a customary quantity of this item prior to August 5, 1943, was $1.75 per case after deducting all discounts except the discount for prompt payment and swell and label allowances. In addition, you paid incoming freight, excluding local trucking charges, amounting to 9 cents per case. Your net cost is therefore $1.84 per case. Now refer to Table A. Check the list of commodities and you will find "Macaroni and spaghetti products." This category includes the item you are pricing. Directly opposite "Macaroni and spaghetti products", in the column headed "Class 3 Wholesaler", you will find the figure 1.15. Multiply your net cost by this mark-up figure; the resulting amount is $2.116. By rounding up the fraction of a cent, which is more than ½ cent, you will get your ceiling price of $2.12 per case.

[3] 8 F.R. 6120, 6424, 7384, 7661, 8681.

[4] 8 F.R. 4132, 5987, 7662.

[5] 7 F.R. 8702, 9898, 10014, 10993; 8 F.R. 2673.

[6] 8 F.R. 2988, 3946, 5164, 7821.

[7] 8 F.R. 158, 612, 2598, 3703, 7567, 7599, 8544.

TABLE A

MARK-UP FIGURES TO BE USED BY WHOLESALERS IN FIGURING CEILING PRICES FOR ITEMS COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Figures to be multiplied by net cost			
	Class 1	Class 2	Class 3	Class 4
	Retailer-owned cooperatives	Cash and carry	Service and delivery	Institutional
1. Baby foods	1.06	1.085	1.135	1.185
2. Cereals, breakfast	1.035	1.06	1.08	1.13
3. Cocoa, chocolate, malted milk and cereal drink preparations	1.07	1.085	1.125	1.175
4. Coffee	1.055	1.065	1.09	1.14
5. Cookies, crackers, toast and crumbs	1.11	1.15	1.20	1.25
6. Corn meal and hominy	1.06	1.095	1.13	1.18
7. Dog and cat foods	1.06	1.09	1.105	1.15
8. Fish, processed	1.095	1.13	1.19	1.24
9. Flour and flour mixes	1.07	1.075	1.10	1.15
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	1.105	1.155	1.18	1.23
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices	1.06	1.085	1.135	1.185
12. Fruits, dried and dehydrated	1.055	1.125	1.165	1.215
13. Fruits and vegetables, frozen	1.24	1.24	1.24	1.29
14. Gelatin and pudding mixtures	1.06	1.07	1.105	1.155
15. Jams, jellies, preserves, honey and peanut butter	1.115	1.14	1.19	1.24
16. Lard, pure	1.035	1.035	1.075	1.125
17. Macaroni and spaghetti products	1.09	1.115	1.15	1.20
18. Mayonnaise and salad dressing	1.08	1.12	1.16	1.21
19. Meat, canned	1.055	1.08	1.10	1.15
20. Milk, canned	1.035	1.035	1.045	1.095
21. Oils, cooking and salad	1.07	1.075	1.10	1.15
22. Oleomargarine	1.045	1.085	1.14	1.19
23. Pickles and relishes	1.115	1.14	1.19	1.24
24. Rice	1.075	1.095	1.13	1.18
25. Shortening, hydrogenated	1.045	1.045	1.06	1.06
26. Shortening, other	1.045	1.045	1.06	1.06
27. Soups, canned	1.045	1.07	1.09	1.14
28. Soups, dehydrated	1.06	1.105	1.13	1.18
29. Spices	1.15	1.27	1.28	1.33
30. Sugar	1.02	1.02	1.04	1.04
31. Syrups	1.07	1.10	1.115	1.165
32. Tea	1.06	1.095	1.115	1.165
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice	1.07	1.14	1.20	1.25
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned)	1.06	1.085	1.135	1.185
35. Vegetables, dried and dehydrated	1.08	1.09	1.12	1.17
36. Vinegar	1.12	1.16	1.23	1.28
37. Miscellaneous foods	1.11	1.15	1.20	1.25

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ, and dry baby cereals.

(3) "Cocoa, cholocate, malted milk, and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations, cholocate syrup, cholocate bits, and cooking chocolate. Excluded are chocolate confections, bittersweet bars, milk chocolate, and powdered milks.

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, swieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, and any bakery products which you manufacture.

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned."

(7) "Dog and cat foods" shall not include any item prepared by you for pet food.

(8) "Fish, processed" includes, but is not limited to, canned fish, canned sea food, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are fresh or frozen fish, fresh or frozen sea food, and caviar.

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries, and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, rhubarb, and bulk apple cider. "Canned" means processed and packed in any container, whether or not

hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple, peaches, pears, and frozen fruits.

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are Cuban pineapple, Cuban pineapple juice, and frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, and dried dates and figs. Excluded are fruit confections and candied or glaced fruits, and peels.

(13) "Fruits and vegetables, frozen" means all fruits, berries, fruit o. berry juices, and mixtures, and vegetables, vegetable juices, and mixtures, including mushrooms, which have been quick-frozen, or cold packed.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey, and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other".

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, spaghetti dinners, and frozen macaroni and spaghetti products. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, and Chinese-style noodles.

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glass chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales, and tripe. Excluded is mincemeat.

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, and cooking fats other than shortening. Excluded are prepared dressings, and pure olive oil.

(22) "Oleomargarine" means any product labelled "oleomargarine".

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" (packaged or bulk) means all rice including wild rice. Excluded are rice flour, rice flakes, and popped rice.

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, and dehydrated soups.

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, and candied ginger.

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, sorghum, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, and molasses sold for feed purposes.

(32) "Tea" includes all bulk or packaged tea, tea bags, and matte.

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, baked beans, sauerkraut, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups "baby" or "junior" foods, pickles, corn green and wax beans, peas, tomatoes, tomato juice and frozen vegetables.

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)". Excluded are frozen vegetables. "Canned" means processed and packaged in any container whether or not hermetically sealed.

NOTE: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other food items or pet foods except those specifically excluded in paragrap (c) of this section. Among the items included under this heading are the following:

Baking powder.
Baking soda.
Barley (pearl).
Bird seed and gravel.
Caviar.
Cocoanut, shredded, desiccated, or moist.
Corn starch.
Egg nog, bottled.
Extracts.
Flavorings.
Food colorings.
Fruit pectins.
Fruit syrups for making beverages.
Goat milk, canned.
Ice cream sundae syrups (except chocolate).
Meat flavorings.
Meat sauces, except catsup, cocktail sauce, and chili sauce.
Mincemeat.
Mustard, prepared.
Olives.
Olive oil (pure).
Pie filling.
Popcorn (whether or not popped).
Potatoes, Julienne.
Potatoes, shoestring.
Pudding, date.
Pudding, fig.
Pudding, plum.
Salt and ice cream salt (except onion, celery, or garlic salt).
Spice oils
Tom and Jerry batter, bottled.
Yeast.

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked goods, fresh (except "cookies, crackers, toast and crumbs").
Beer.
Bread.
Buttermilk, fresh.
Candied ginger.
Candy.
Corn sugar.
Cream.
Dry baby cereals.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables.
Fruit cake.
Fruit powders for making beverages.
Glaced or candied fruits and peels.
Ice cream, sherbets, and frozen confections.
Liquors.
Maple sugar.
Meat and fish (except "fish, processed" and "meat, canned").
Milk, fresh.
Milk, powdered.
Mineral oil.
Nuts
Peanuts.
Potato chips.
Soft drinks.
Tamales, bulk.
Tortillas.
Vitamin concentrates.
Wheat germ.
Wine.
Canned Cuban pineapple.
Canned Cuban pineapple juice.

Effective Date

This regulation shall become effective on the 26th day of July, 1943.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10997; Filed, July 8, 1943; 11:46 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 422 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, and will effectuate the purposes of said Act and Executive Orders.

§ 1351.361 *Ceiling prices of certain foods sold at retail in group 3 and group 4 stores.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, Maximum Price Regulation No. 422, which is annexed hereto and made a part hereof, is hereby issued.

*Copies may be obtained from the Office of Price Administration.

AUTHORITY: § 1351.361 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 422—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

CONTENTS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. How you find out whether your store is covered by this regulation and what group it is in.
3. How and when you figure your ceiling prices for "dry groceries".
4. Directions for applying the rule for "dry groceries".
5. How you figure your ceiling prices for "new items" of "dry groceries".
6. When you may change a ceiling price for "dry groceries".
7. How and when you figure your ceiling prices for "perishables".
8. Directions for applying the rule for "perishables".
9. Prices which you must post.
10. Indirect price increases.
11. Sales slips and receipts.
12. Records.
13. Licensing and registration.
14. Prohibitions.
15. Notice of dollars-and-cents ceiling prices.
16. Further provisions supplementing or explaining this regulation.

ARTICLE II—SPECIAL PRICING PROVISIONS

17. Additions allowed for deliveries made by you to your customers.
18. Additions to "net cost" for packaging.
19. Special limitations in figuring your "net cost" in certain cases.
20. How you figure your "net cost" in certain cases.
21. Additional charges allowed for slaughtering and plucking poultry.
22. Additions for delivery from your warehouse to your store.
23. How you may figure your ceiling prices for perishables on a weighted average basis.
24. How you figure your ceiling prices for "dry groceries" you purchase from wholesalers
25. How you figure your ceiling prices for foods you "manufacture or otherwise process".
26. Mail order sales.

ARTICLE III—ADJUSTMENT PROVISIONS

27. How you may, under certain conditions, apply to use Group 1 mark-ups.
28. How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.
29. Applications for adjustment.

ARTICLE IV—MISCELLANEOUS PROVISIONS

30. How you find the "annual gross sales" of your store.
31. How you determine your group in certain special cases.
32. Taxes.
33. Transfer of business and stock in trade.
34. Export sales.
35. Relation to other regulations.
36. Definitions.
37. Geographical applicability.

ARTICLE V—TABLES

38. Table of mark-ups for "dry groceries". (Table A.)
39. Table of mark-ups for "perishables". (Table B.)
40. Table of ceiling prices based on any given net cost and mark-up. (Table C.)

Article I—General Provisions

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all retail stores, other than "independent" retail stores, doing an annual business of less than $250,000, and for all retail stores, whether "independent" or not, doing an annual business of more than $250,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA) except as otherwise provided in any order fixing dollars-and-cents ceiling prices which has been or which may be issued by the OPA pursuant to General Order No. 51.[1] All other retail stores (Group 1 and Group 2 stores) selling these food products are covered by Maximum Price Regulation No. 423.

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in.*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 3 or 4 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. However, this regulation does not apply to "retail route sellers" or "health food stores", (both defined in section 36), or to automatic vending machines or farmers selling produce grown on their own farms.

(b) *What are Group 3 and 4 stores.* For the purpose of this regulation, Group 3 and 4 stores are defined as follows:

(1) *Group 3.* Your store is in Group 3 if its "annual gross sales" are less than $250,000, and if it is not an "independent" store. Your store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

(2) *Group 4.* Your store is in Group 4 if its "annual gross sales" are $250,000 or more.

(If you are not sure what group your store is in, use the directions in Section 30 for figuring its "annual gross sales". See Section 36 for definitions of Group 1 and 2 stores.)

[1] 8 F.R. 6008, 6071, 8690.

(c) *How to post a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation posted on a sign reading "OPA–3" or "OPA–4", whichever it is, or on a sign which the OPA may furnish to you, except that if under any order issued under General Order No. 51 you are allowed to post the sign of another group, you may do so. The sign must be posted so that it can be clearly seen by your customers. (The word "group" as used in this regulation means the same thing as the word "class" meant in Revised Maximum Price Regulations No. 238 [3] and No. 268 [4].)

(d) *When you may choose to treat your store as a group 4 store.* If your store is a Group 3 store, you may choose to treat it as a Group 4 store and post a sign in your store as a member of that group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a Group 4 store;

(2) Use the Group 4 ceiling prices fixed in Maximum Price Regulation No. 390 [4] for all the household soaps and cleansers it covers.

(3) Use all the dollars-and-cents ceiling prices fixed under the OPA community price orders issued for Group (or Class) 4 stores in your community; and

(4) Notify your nearest OPA district office of these facts.

DRY GROCERIES

SEC. 3. *How and when you figure your ceiling prices for "dry groceries"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you had to pay for the most recent delivery of the item to you before August 5, 1943, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "dry groceries" listed in Table A which you have in stock at that time. (See Section 24 for an exception to this rule if you purchase an item from wholesalers.) Between July 26, 1943, and August 5, 1943, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than August 5, 1943. If you do not put the new price for an item into effect before August 5, 1943, you must continue to use your existing ceiling for that item until August 5. If you receive delivery of any item between July 26 and August 5 for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

SEC. 4. *Directions for applying the rule for "dry groceries"*—(a) *"Net cost."* To figure your ceiling price, first find the "net cost" of the item based on its most recent delivery to you before August 5, 1943. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries".

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half-cent. Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

(3) For items you "manufacture or otherwise process" use the special rules in Section 25.

(b) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of store. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. Post this price as required in section 9. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you can change it.)

(d) *Invoices.* You must write your "net cost" per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items" of "dry groceries".* A "new item" of "dry groceries" is any item of "dry groceries" which you did not have in stock at the opening of business on August 5, 1943. You must figure and post your ceiling price for a new item before selling it, following the rules in section 4, but basing your "net cost" on the first delivery of the item to you on or after August 5, 1943. In pricing new items it is a violation to use the net cost of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner.

If your first purchase is of this type you must find out and use in figuring your ceiling price, what the net cost would be of a purchase from a type of supplier usually used for a similar item and of a quantity in which a similar item is usually purchased.

SEC. 6. *When you may change a ceiling price for "dry groceries".* If OPA changes a supplier's ceiling price for a "dry grocery" item, it may direct retailers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this section until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside, or attached to, the carton, case or barrel containing the item or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your ceiling price for it by following the directions in Section 4, figuring your "net cost", however, on that first delivery. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you receive later shipments with the same notice, you must not change your ceiling price again.

PERISHABLES

SEC. 7. *How and when you figure your ceiling prices for "perishables"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the week before, plus (2) the mark-up given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after August 5, 1943, and changed on Thursday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Thursday.

For items which you receive for the first time or which you have not had in stock for 30 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Thursday after that, you must treat the item as you would any other item of perishables covered under this regulation.

Stores under one ownership pricing from a central point may refigure ceiling prices for items so priced based on the net cost of deliveries received during the seven days preceding Tuesday of each week. These prices must not be put into effect until the following Thursday.

[3] 8 F.R. 6125, 6424.
[3] 8 F.R. 6129, 7116.
[4] 8 F.R. 6428.

SEC. 8. *Directions for applying the rule for "perishables"*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven day period before the Thursday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment plus all transportation charges you paid except local trucking and local unloading.

(1) Your net cost must be based on purchases from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on the basis of the "selling unit" (for example, 5 lbs., 1 dozen, etc.) listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half-cent.

(3) If you have received no delivery of any item which you have in stock at the opening of business on August 5, 1943, during the week before, you shall, in figuring your first ceiling price for the item on August 5, 1943, base your net cost on its most recent delivery to you.

(b) *Mark-up.* Turn to Table B to find the mark-up for the item given your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. Post this price as required in section 9.

If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

SEC. 9. *Prices which you must post*—(a) *Ceiling prices.* At all times, you must have your ceiling price for each item of food covered by this regulation clearly shown on the item or at the place in your store where the item is offered for sale. You do not have to describe this price with the words "ceiling price".

(b) *Selling prices.* If your selling price of any item is lower than your ceiling price, you must also post this selling price directly below your ceiling price.

SEC. 10. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any stratagem, scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 8 would be and use that net cost to figure your ceiling price. You may never use the net cost of a purchase from another retailer to figure a ceiling price.

SEC. 11. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and each food item sold and the price you charged for it.

SEC. 12. *Records.* After July 26, 1943, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPA representative and to furnish on request of any OPA representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPA representative the records you used in deciding what group your store is in.

Stores under one ownership pricing from a central point must also keep available at all times in each store a list showing the current selling price, as set at the central point, of each item so priced. These price lists must be kept in each store for one year, and must be shown, on request, to any OPA representative.

SEC. 13. *Licensing and registration.* The licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation [5] shall apply to every person subject to this regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which ceiling prices are established. A license is automatically granted so do not apply for it. However, all sellers may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which ceiling prices are established. No person whose license is suspended may sell any such commodity during the period of suspension.

SEC. 14. *Prohibitions.* On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 15. *Notice of dollars-and-cents ceiling prices.* From time to time the OPA may, by order issued pursuant to General Order No. 51, fix in your region or community dollars-and-cents ceiling prices for some or all of the "dry groceries" or "perishables" under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price under this regulation for the item.

SEC. 16. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

Article II—Special Pricing Provisions

SEC. 17 *Additions allowed for deliveries made by you to your customers.* (a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, whichever of the following amounts applies:

Value of delivery:	Addition allowed
$0.00–$1.99	No addition
$2.00–$2.99	10¢
$3.00–$4.49	15¢
$4.50–$5.49	20¢
over–$5.49	25¢

(b) If you make such deliveries and add such charges, you are required to keep for one month a copy of each sales slip, itemizing clearly your prices for the items delivered and the amount of the delivery charges permitted under the provisions of this section.

SEC. 18. *Additions to "net cost" for packaging.* (a) If you buy in bulk any item covered by this regulation (except shell eggs) and then package and sell it in cardboard containers, cotton bags, transparent bags, or interlined coffee bags, you may add to your "net cost" whichever of the following allowances applies:

(1) 1½ cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2 cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

[5] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962.

(3) ½ cent per pound for every such bag or container with a net weight of 5 pounds or more.

(b) If you buy shell eggs in bulk and then package and sell them in consumer cartons, you may add to your "net cost" whichever of the following allowances applies:

(1) 1 cent for each carton of a half-dozen eggs.

(2) 2 cents for each carton of a dozen eggs.

(c) When you package any item covered by this regulation which you buy in bulk and the grade of the item is shown on the bulk container, you must show the grade on the bag or container that you sell.

SEC. 19. *Special limitations in figuring your "net cost" in certain cases*—(a) *Cheese: when purchased f. o. b. manufacturer's plant.* If you buy Cheddar cheese f. o. b. manufacturer's plant, you may not, in figuring "net cost", include any freight costs above the lowest published carlot freight rate per pound of gross weight from Plymouth, Wisconsin, to your usual receiving point multiplied by 1.15.

(b) *Butter. When purchased f. o. b. seller's shipping point.* If you buy butter f. o. b. seller's shipping point, your "net cost" may not in any case exceed the ceiling price established under Maximum Price Regulation No. 289 [6] (Dairy Products) for sales of that particular grade (or score) and form of butter delivered to your usual receiving point.

(c) *Fresh fruits and vegetables.* Whenever there is an order in effect in your area or community fixing ceiling prices for sales of fresh fruits and vegetables by wholesalers, your net cost may not in any case exceed the highest ceiling price fixed for wholesalers in your area or community.

SEC. 20. *How you figure your "net cost" in certain cases*—(a) *Fresh bananas bought from importers f. o. b. port of entry.* If you buy fresh bananas directly from an importer, f. o. b. port of entry, figure your "net cost" by the following procedure.

First, increase the importer's maximum price per hundredweight f. o. b. port of entry (as fixed by Maximum Price Regulation No. 285[7]) by either $1.25 or by 29 percent, whichever is greater. To the resulting figure add the cost of getting the bananas to your usual receiving point, which may include costs you have to pay for freight, icing, heating, and messenger service, but which may not include costs for local trucking or local unloading (figure your freight costs at the lowest available common carrier rates). Divide this total by 100 and you will get your net cost per "selling unit" (1 pound). This is the net cost you will use in figuring your ceiling prices and to which you add the markups in Table A for your group of store.

(b) *Fresh bananas bought at auction.* If you buy bananas at an auction market in New York, Philadelphia, or Baltimore, figure your cost the same way as in paragraph (a) of this section except that you can include freight costs only from the port of entry to the auction market. Costs for ferry service may not be included.

(c) *Butter printed by you.* If you package and print butter, you shall figure a ceiling price per pound for each resulting type of print and package and score (or grade) of butter. In figuring your ceiling price for butter of any particular score (or grade), in a print or package you shall use as your "net cost" the lowest ceiling price established under Maximum Price Regulation No. 289 which would apply to sales of that particular score (or grade) of butter in such print or package directly by a creamery to a primary distributor delivered to the city, town, village or hamlet in which your usual receiving point is located, plus ½¢ per pound. When you perform the printing and packaging functions in a butter print division apart from your warehouse or store and then deliver the printed or packaged butter to your warehouse, the warehouse shall be considered your usual receiving point, and when it is delivered directly from the butter print division to your store, the store shall be considered your usual receiving point.

(d) *Eggs candled and graded by you.* If you purchase eggs in other than retail grades and sizes (or weight classes) and then candle and grade them into the retail grades and sizes (or weight classes) set forth in Table B, you shall calculate a maximum price weekly for each resulting grade and size (or weight class) using as your "net cost" the lowest ceiling price fixed by Maximum Price Regulation No. 333 [8] which would apply to sales to a retailer of eggs of that particular grade and size (or weight class) delivered on the Monday of the week in which calculations are made to a receiving point located in the same city, town, village or hamlet as your usual receiving point for the eggs: *Provided, however,* That before eggs which you grade as extra large AA may be sold as such, they must be so certified by the United States Department of Agriculture.

SEC. 21. *Additional charges allowed for slaughtering and plucking poultry.* You may add to your ceiling prices for poultry established by this regulation whichever of the following amounts apply.

(a) 10¢ for a bird killed in accordance with the Hebraic dietary laws, if such killing was done by your employee, or an agent or contractor engaged and paid by you.

(b) 10¢ for plucking a bird which you buy live and sell live, or buy kosher-killed and sell kosher-killed, if such plucking is done by your employee or an agent or contractor engaged and paid by you.

SEC. 22. *Additions for delivery from your warehouse to your store.* If your store is located at a distance of 125 miles or more from your warehouse which is your usual receiving point, you may, in determining your ceiling price for an item delivered from the warehouse to your store, add to your mark-up for the item whichever of the following amounts applies:

(a) If the store is located at a distance of from 125 through 199 miles from such warehouse, you may add 1 to your mark-up figure (example: If your mark-up figure on sugar in Table A is 7%, you change it to 8%).

(b) If the store is located at a distance of from 200 through 299 miles from such warehouse, you may add 2 to your mark-up figure.

(c) If the store is located at a distance of from 300 miles through 399 miles from such warehouse, you may add 3 to your mark-up figure.

(d) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4 to your mark-up figure.

SEC. 23. *How you may figure your ceiling prices for "perishables" on a weighted average basis.* Section 7 of this regulation requires you to use in figuring your ceiling price for "perishables" the net cost of the largest delivery to you in the seven day period before the Thursday (or Tuesday for stores which price from a central point) for which you are figuring your price. If you desire to figure your ceiling prices for all items of "perishables" by using for each item, instead of the net cost of the largest delivery during this seven day period, the weighted average net cost of all deliveries of it to you during this seven day period, you may do so. However, you must apply in writing to the nearest district OPA office for permission. After receiving such permission, you may not use the net cost of the largest delivery during the seven day period to figure your ceiling price for any of the "perishables" listed in Table B. However, you shall continue to use all other provisions of section 8 in figuring your ceiling prices for these items.

SEC. 24 *How you figure your ceiling prices for "dry groceries" you purchase from wholesalers.* If you have customarily made most of your purchases of any item of "dry groceries" listed in Table A from a wholesaler who is now pricing under Maximum Price Regulation No. 421, you may, if you still customarily purchase that item from such a wholesaler, figure your ceiling price for that item on the basis of the "net cost" of your first purchase after August 5, 1943, instead of your most recent purchase before August 5, 1943, as required by Section 42. Such ceiling price shall not be changed except as required by Section 6. Until you make such a purchase you shall keep your present ceiling price.

SEC. 25. *How you figure your ceiling prices for foods you "manufacture or otherwise process".* If you "manufacture or otherwise process" and sell at retail any item covered by this regulation, you will figure you "net cost" or ceiling price for such item under whichever of the following provisions applies:

[6] 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3327, 4335, 4513, 4337, 4338, 4618, 6440.
[7] 8 F.R. 3050.
[8] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457.

(a) If the item is one for which the OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling at retail, the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost".

(b) If the item is one for which the OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling at retail, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(c) If the item is one for which the OPA has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering the sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturer's regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed; you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you manufacture or otherwise process directly, or which is manufactured for you by a person to whom you supply the raw material.

SEC. 26. *Mail order sales.* When you make mail order sales, you may add to your ceiling prices determined under this regulation your actual express or mailing expense to the buyer's address.

Article III—Adjustment Provisions

SEC. 27. *How you may, under certain conditions, apply to use Group 1 mark-ups.* (a) If your store meets the gross margin requirements specified in this section and does business in the manner outlined below, you may apply under paragraph (b) of this section to use the mark-ups provided in Maximum Price Regulation No. 423 for Group 1 stores:

(1) Most of your sales in your grocery department are made by sales clerks who assist customers in selecting, collecting, and wrapping merchandise;

(2) Your store generally offers to all its customers the services of taking orders by telephone, carrying monthly charge accounts, and providing delivery service;

(3) The general level of your prices for grocery products was during September 1942 at least as high as the level maintained by Group 1 stores, and was generally higher than that maintained by Group 3 and 4 stores, for such products in your community; and

(4) The total gross margin in your fiscal year 1941 was more than 25% on all sales in your food departments and also, if you are not an "independent" store, more than 25% on the combined sales of the food departments in all the stores in your organization. Do not count a restaurant as a food department. If not in business in 1941, use your most recent fiscal year (or fiscal period, if not in business a full fiscal year).

(b) Your application must be filed in duplicate on or before July 20, 1943, with your nearest district OPA office on a form which you may get from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved, OPA will tell you when to begin using the Group 1 mark-ups, and from such time on you shall post a sign in your store designating it as a "Group 1" store and it shall be considered a Group 1 store for all orders issued under General Order No. 51.

(c) If you filed an application under Section 26 of Revised Maximum Price Regulation No. 238 [9] or Section 25 of Revised Maximum Price Regulation No. 268 [10] and such application has been denied, you are not eligible for adjustment under this section. If your application has been allowed, you may use the mark-ups for a Group 1 store in Maximum Price Regulation No. 423 and post a Group 1 sign, but you are subject to all other provisions of this regulation.

SEC. 28. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.* If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation you may apply for an adjustment of such mark-ups by filing with your nearest district OPA office two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

[9] See footnote 2 above.
[10] See footnote 3 above.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

SEC. 29. *Applications for adjustment.* Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment are governed by Revised Procedural Regulation No. 1.

Article IV—Miscellaneous Provisions

SEC. 30. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1942. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1942 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1942, you must divide your total sales from the time you began operation up to July 15, 1943, by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales".

SEC. 31. *How you determine your group in certain special cases*—(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after July 15, 1943, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 1 store, you must figure your ceiling prices under Maximum Price Regulation No. 423). However, after you have been in business for 3 months you must determine again what group your store is in. To do this,

take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

If you find that your store should now be in another group, you may continue to use the Group 1 or 3 mark-ups until the second Thursday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for your new group. For "dry grocery" items use the same "net cost" which you used in figuring your ceiling prices in effect at the end of the 3-month period. For "perishable" items, you shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8. If, under that section, you would not have been required to refigure your ceiling price for any item on that Thursday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

SEC. 32. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 33. *Transfer of business and stock in trade.* If, after August 5, 1943, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

SEC. 34. *Export sales.* The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation [11] issued the OPA.

SEC. 35. *Relation to other regulations.* The provisions of this Maximum Price Regulation No. 422, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 238,[12] Maximum Price Regulation No. 250,[13] Revised Maximum Price Regulation No. 256,[14] Revised Maximum Price Regulation No. 268,[15] the General Maximum Price Regulation,[16] and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order 51 with respect to salese and deliveries for which ceiling prices are established by this regulation.

SEC. 36. *Definitions*—(a) *"Retail route seller."* A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" is one whose sales to consumers consist principally of especially prepared vitamin-enriched foods customarily included in the trade term "health foods" which are usually sold for special dietary purposes.

(c) *Delivery.* Delivery of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type, and container-size, except for fresh fruits and vegetables. Separate fresh fruit and vegetable items shall be those defined as separate in the definitions accompanying Table B.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations.

Packaging as used in section 18, ripening of bananas, printing of butter, candling and grading of eggs, and killing and dressing of poultry shall not be considered manufacturing or processing under this regulation.

(g) *Group 1 retailer.* A retailer is in Group 1 if he is an "independent" retailer with an "annual gross sales" of less than $50,000.

(h) *Group 2 retailer.* A retailer is in Group 2 if he is an "independent" retailer with an "annual gross sales" of $50,000 or more, but less than $250,000.

SEC. 37. *Geographical applicability.* The provisions of this regulation shall apply to the 48 states of the United States and to the District of Columbia.

Article IV—Tables

SEC. 38. *Table of mark-ups for "dry groceries"* (Table A). (a) *Table A: Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for dry groceries covered by this regulation by commodities.*

TABLE A

MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over net cost	
	Group 3. Retailer other than independent, with annual volume under $250,000	Group 4. Any retailer with annual volume of $250,000 or more
	Percent	Percent
1. Baby foods	21	19
2. Cereals, breakfast	13	11
3. Cocoa, chocolate, malted milk and cereal drink preparations	22	21
4. Coffee	12	11
5. Cookies, crackers, toast and crumbs	28	28
6. Corn meal and hominy	27	23
7. Dog and cat foods	21	19
8. Fish, processed	21	21
9. Flour and flour mixes	23	15
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	24	22
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices	21	19
12. Fruits, dried and dehydrated	23	22
13. Fruits and vegetables, frozen	27	27
14. Gelatin and pudding mixtures	21	13
15. Jams, jellies, preserves, honey and peanut butter	31	31
16. Lard, pure	11	10
17. Macaroni and spaghetti products	27	26
18. Mayonnaise and salad dressing	22	22
19. Meat, canned	15	11
20. Milk, canned	10	9
21. Oils, cooking and salad	24	16
22. Oleomargarine	14	14
23. Pickles and relishes	31	31
24. Rice	21	20
25. Shortening, hydrogenated	7	6
26. Shortening, other	13	9
27. Soups, canned	19	19
28. Soups, dehydrated	31	27
29. Spices	49	45
30. Sugar	7	6
31. Syrups	24	21
32. Tea	28	23
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice	28	23
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned)	21	19
35. Vegetables, dried and dehydrated	34	29
36. Vinegar	27	26
37. Miscellaneous foods	35	30

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ, and dry baby cereals.

(3) "Cocoa, chocolate, malted milk, and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations, chocolate syrup, chocolate bits, and cooking chocolate. Excluded are chocolate confections, bittersweet bars, milk chocolate, and powdered milks.

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, and any bakery products which you manufacture.

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned".

(7) "Dog and cat food" shall not include any item prepared by you for pet food.

(8) "Fish, processed" includes, but is not limited to, canned fish, canned sea food, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are fresh or frozen fish, fresh or frozen sea food, and caviar.

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries, and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, rhubarb, and bulk apple cider. "Canned" means processed and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple, peaches, pears, and frozen fruits.

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are Cuban pineapple, Cuban pineapple juice, and frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

(12) "Fruit, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, and dried dates and figs. Excluded are fruit confections and candied or glaced fruits, and peels.

(13) "Fruits and vegetables frozen" means all fruits, berries, fruit or berry juices, and mixtures, and vegetables, vegetable juices, and mixtures, including mushrooms, which have been quick-frozen, or cold packed.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey, and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other".

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, spaghetti dinners, and frozen macaroni and spaghetti products. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, and Chinese-style noodles.

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glass chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales, and tripe. Excluded are mincemeat, and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, and cooking fats other than shortening. Excluded are prepared dressings, and pure olive oil.

(22) "Oleomargarine" means any product labelled "oleomargarine".

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" (packaged or bulk) means all rice including wild rice. Excluded are rice flour, rice flakes, and popped rice.

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, and dehydrated soups.

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, and candied ginger.

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, sorghum, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, and molasses sold for feed purposes.

(32) "Tea" includes all bulk or packaged tea, tea bags, and matte.

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, baked beans, sauerkraut, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas, tomatoes, tomato juice and frozen vegetables.

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)". Excluded are frozen vegetables. "Canned" means processed and packaged in any container whether or not hermetically sealed.

NOTE.—The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

[11] 8 F.R. 4132, 5987.
[12] See footnote (2) above.
[13] 7 F.R. 8705, 9898, 10014, 10994, 8 F.R. 2673.
[14] 7 F.R. 10473, 8 F.R. 1266, 2106, 2673, 3946, 5164.
[15] See footnote (3) above.
[16] See footnote (1) above.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other food items or pet foods except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Baking powder.
Baking soda.
Barley (pearl).
Bird seed and gravel.
Caviar.
Cocoanut, shredded, desiccated, or moist.
Corn starch.
Egg nog, bottled.
Extracts.
Flavorings.
Food colorings.
Fruit pectins.
Fruit syrups for making beverages.
Goat milk, canned.
Ice cream sundae syrups (except chocolate).
Meat flavorings.
Meat sauces, except catsup, cocktail sauce, and chili sauce.
Mincemeat.
Mustard, prepared.
Olives.
Olive oil, (pure).
Pie filling.
Popcorn (whether or not popped).
Potatoes, julienne.
Potatoes, shoestring.
Pudding, date.
Pudding, fig.
Pudding, plum.
Salt and ice cream salt (except onion, celery, or garlic salt).
Spice oils.
Tom and Jerry batter, bottled.
Yeast.

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked beans, prepared by the retailer.
Baked goods, fresh (except cookies, crackers, toast and crumbs).
Beer.
Bread.
Buttermilk, fresh.
Candied ginger.
Candy.
Corn sugar.
Cream.
Dry baby cereals.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables (except as included in Table B).
Fruit cake.
Fruit powders for making beverages.
Glaced or candied fruits and peels.
Ice cream, sherbets, and frozen confections.
Liquors.
Maple sugar.
Meat and fish (except "Fish, processed", "Frozen fish and seafood", and "Meat, canned").
Milk, fresh.
Milk, powdered.
Mineral oil.
Nuts.
Peanuts.
Potato chips.
Salads and relishes prepared by the retailer.
Soft drinks.
Tamales, bulk.
Tortillas.
Vitamin concentrates.
Wheat germ.
Wine.
Canned Cuban pineapple.
Canned Cuban pineapple juice.

SEC. 39. *Table of mark-ups for "perishables" (Table B)*—(a) *Table B: Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for "perishables" covered by this regulation by commodities.*

TABLE B

MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over net cost		Selling Unit in which ceiling price must be calculated
	Group 3. Retailer other than independent with annual volume under $250,000	Group 4. Any retailer with annual volume of $250,000 or more	
	Percent	*Percent*	
(1) Dairy products:			
Butter	8	8	1 pound.
Cheese	24	22	1 pound or 1 package.
Eggs, shell	14	12	1 doren.
(2) Fresh fruits and vegetables:			
Bananas, bought on the stem	34	34	1 pound.
Bananas, bought in hands	25	25	1 pound.
Citrus fruits	36	36	1 dozen or 5 pounds. (Grapefruit, 1 grapefruit or 1 pound.)
Beans, green and wax	40	40	1 pound.
Cabbage	40	40	1 pound.
Carrots	40	40	1 bunch or 1 pound.
Lettuce	40	40	1 head or 1 pound.
Onions, dry	40	35	3 pounds.
Peas, green	40	40	1 pound.
Potatoes, white	30	28	5 pounds.
Spinach	40	40	1 pound or 1 package.
Tomatoes	40	40	1 pound or 1 package.
(3) Poultry:			
Poultry sold as purchased: Bought live and sold live, bought dressed and sold dressed, bought drawn and sold drawn, bought quick-frozen and sold quick-frozen, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought split and sold split, bought cut-up and sold cut-up (boxed and other pack).	20	20	1 pound.
Poultry bought live and sold dressed weight basis (multiply live cost per pound by applicable figure in table. This establishes selling price per pound, dressed weight.) (No additional mark-ups are allowed for drawing or cutting-up.) When poultry is bought live, dressed or drawn and is sold split or cut-up, the total price received through the sale of the cut-up parts of any bird shall not exceed the amount which could be received through the sale of the whole bird on a live weight basis if bought live, or on a dressed weight basis if bought dressed, or on a drawn basis if bought drawn. When poultry is bought live or dressed and sold drawn, ceiling price must be determined on a dressed weight basis.	26	26	1 pound.
(4) Fish:			
Frozen fish and seafood	26	26	1 pound.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) *Dairy products.* "Butter" (packaged or bulk) means only butter from milk, including but not limited to, processed, salted, unsalted, whipped, and honey butter. Excluded are peanut, nut or fruit butters.

"Cheese" shall include all bulk or packaged cheese and products composed of more than fifty per cent cheese.

"Eggs, shell" means chicken eggs sold for human consumption. Ceiling prices shall be figured for each grade and size or weight class of eggs, and the grade and size or weight class shall be posted separately with the selling price. Eggs shall be sold only in the retail grades and sizes or weight classes specified in Maximum Price Regulation No. 333.[17]

(2) *Fresh fruits and vegetables.* "Fresh fruits and vegetables" means all the fresh fruits and vegetables listed, packed or in bulk, which have not been frozen, dried, canned, or otherwise processed. Wrapping, dipping, washing, or crating, shall not be considered processing.

[17] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457.

"Bananas". Bananas, from different countries of origin such as, but not limited to, Costa Rica, Honduras, Guatemala, and Mexico, shall be considered different "kinds" of bananas, and must be priced separately. "Bananas, bought in hands", means those which have been sold after being cut away from the stem.

"Citrus fruits" means all fresh citrus fruits including, but not limited to, oranges, lemons, limes, grapefruit and tangerines. Separate ceiling prices shall be figured for each variety, each size, and for fruit from different areas. Varieties shall be oranges, lemons, limes, temple oranges, tangerines, (including tangelos), white seeded grapefruit, pink seeded grapefruit, white seedless grapefruit, pink seedless grapefruit, and ruby red grapefruit. Different areas are California, Arizona, Texas, Indian River Citrus Area of Florida, and the rest of the State of Florida.

"Beans, green and wax" shall not include limas and English, Fava, and Italian broad beans. Green beans and wax beans shall be considered separate items and priced separately.

"Cabbage" means all solid headed cabbage, including Red and Savoy. Excluded are Chinese cabbage, collards, cauliflower, and brussels sprouts. Red cabbage shall be considered as a separate item and priced separately.

"Carrots". Bunched carrots, and topped or clipped carrots, shall be considered separate items and priced separately. California and similar quality bunched carrots shall also be considered a separate item.

"Lettuce" means all head or leaf lettuce, including, but not limited to Iceberg, Big Boston and Romaine. Excluded are escarole, chicory, and endive. Head lettuce and leaf lettuce shall be considered separate items and priced separately. California and similar quality Iceberg shall also be considered a separate item.

"Onions, dry" means all dry onions used for human consumption. Each grade and variety shall be considered separate items and priced separately.

"Peas, green" shall not include Chinese peas. All green peas shall be considered one item.

"Potatoes, white" means all white potatoes used for human consumption or for seed. Seed potatoes which are purchased as such shall not be sold except as seed potatoes for planting, and must be clearly tagged or labelled as seed potatoes for planting. Each grade and variety shall be considered a separate item and priced separately.

"Spinach" means all flat and curly leaf spinach, excluding New Zealand, or other greens. Separate items shall be "washed and packaged" spinach, and all other spinach, and must be priced separately.

"Tomatoes". Each kind, and variety shall be considered a separate item and priced separately.

(3) *Poultry.* "Poultry" means all chickens, ducks, geese, and turkeys, in any form, excluding "started" poultry sold for breeding purposes, canned poultry, and cooked or smoked poultry. "Dressed Poultry" means poultry which has been killed, bled, and plucked. "Kosher-killed Poultry" means poultry which: (1) has been killed and bled in accordance with the requirements of the Hebraic dietary laws and (2) is identified as kosher-killed by a stamp or tag on each bird.

(4) *Frozen fish and seafood.* "Frozen fish and seafood" means any fish or seafood which has been artificially frozen or frozen by exposure to the elements for preservation.

SEC. 40. *Table of ceiling prices based on any given "net cost" and mark-up (Table C)*—(a) *Table C: Retail ceiling prices obtained by applying any given mark-up to any given net cost items.*

TABLE C.—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
12	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
13	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
14	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	11
15	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
16	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	10	11	12
17	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
18	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
19	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
20	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
21	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
22	1	2	2	3	3	4	4	5	5	6	7	7	8	9	9	10	10	11	12	12
23	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	10	11	12	12
24	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	11	12	12
25	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
26	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
27	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	11	12	13
28	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	12	12	13
29	1	2	2	3	3	4	5	5	6	6	7	8	8	9	10	10	11	12	12	13
30	1	2	2	3	3	4	5	5	6	7	7	8	8	9	10	10	11	12	12	13
31	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	10	11	12	12	13
32	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
33	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
34	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
35	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	14
36	1	2	2	3	3	4	5	5	6	7	7	8	9	10	10	11	12	12	13	14
37	1	2	2	3	3	4	5	5	6	7	8	8	9	10	10	11	12	12	13	14
38	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	12	13	14
39	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	13	13	14
40	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
41	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
42	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	13	14
43	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	14	14
44	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	12	12	13	14	14
45	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	12	12	13	14	15
46	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
47	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	12	13	14	15
48	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
49	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
50	1	2	2	3	4	5	5	6	7	8	8	9	10	11	11	12	13	14	14	15

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	19
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	18	18	19	19	20	20
14	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	20	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	21
19	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	21
20	13	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22

TABLE C.—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT—Continued

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	21	22
23	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22	22
24	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22	22
25	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
26	13	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23
27	13	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23
28	13	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23
30	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23	24
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	15	15	16	17	17	18	18	19	20	20	21	22	23	23	24
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24	24
34	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	25
36	14	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25
37	14	15	16	17	17	18	19	19	20	21	22	22	23	24	25	25
38	15	15	16	17	17	18	19	19	20	21	22	23	23	24	25	26
39	15	15	16	17	18	18	19	20	20	21	22	23	24	24	25	26
40	15	16	16	17	18	18	19	20	20	21	22	23	24	25	25	26
41	15	16	16	17	18	18	19	20	21	21	22	23	24	25	26	27
42	15	16	16	17	18	18	19	20	21	21	22	23	24	25	26	27
43	15	16	16	17	18	19	19	20	21	22	22	23	24	25	26	27
44	15	16	17	17	18	19	19	20	21	22	23	23	24	25	26	27
45	15	16	17	17	18	19	19	20	21	22	23	24	24	25	26	27
46	15	16	17	18	18	19	20	20	21	22	23	24	24	25	26	27
47	15	16	17	18	18	19	20	20	21	22	23	24	24	25	26	27
48	15	16	17	18	19	19	20	21	21	22	23	24	24	25	26	27
49	16	16	17	18	19	19	20	21	22	22	23	24	25	25	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	27

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	25	25	26	26	27	27	28	28
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	28	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	29
14	21	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	29	30
16	21	22	23	23	24	25	25	26	26	27	27	28	28	29	30	30
17	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	30
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	28	28	29	29	30	31	31
20	22	23	23	24	25	25	26	27	27	28	28	29	30	30	31	32
21	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
22	23	23	24	24	25	26	26	27	28	28	29	30	30	31	32	33
23	23	24	24	25	25	26	27	27	28	29	29	30	31	31	32	33
24	23	24	25	25	26	26	27	28	28	29	30	30	31	32	33	34
25	23	24	25	25	26	27	27	28	29	29	30	31	31	32	33	34
26	23	24	25	26	26	27	28	28	29	30	30	31	32	33	34	35
27	24	24	25	26	27	27	28	29	29	30	31	31	32	33	34	35
28	24	25	25	26	27	28	28	29	30	30	31	32	33	34	35	36
29	24	25	26	26	27	28	29	29	30	31	32	32	33	34	35	36
30	24	25	26	27	27	28	29	30	30	31	32	33	33	34	35	36
31	24	25	26	27	28	28	29	30	31	31	32	33	34	34	35	36
32	24	25	26	27	28	29	29	30	31	32	33	33	34	35	36	37
33	25	25	26	27	28	29	30	30	31	32	33	34	35	35	36	37
34	25	25	26	27	28	29	30	31	31	32	33	34	35	36	36	37
35	25	26	26	27	28	29	30	31	32	33	33	34	35	36	37	38
36	25	26	27	27	28	29	30	31	32	33	34	34	35	36	37	38
37	25	26	27	27	28	29	30	31	32	33	34	35	36	37	38	39
38	26	26	27	28	28	29	30	31	32	33	34	35	36	37	38	39
39	26	26	27	28	28	29	30	31	32	33	34	35	36	37	38	39
40	26	27	27	28	29	29	30	31	32	33	34	35	36	37	38	40
41	26	27	27	28	29	30	30	31	32	33	34	35	36	37	38	40
42	26	27	28	28	29	30	31	31	32	33	34	35	36	37	38	40
43	26	27	28	29	29	30	31	31	32	33	34	34	35	35	36	37
44	27	27	28	29	30	30	31	32	32	33	34	34	35	36	36	37
45	27	28	28	29	30	30	31	32	33	33	34	35	35	36	36	37
46	27	28	28	29	30	31	31	32	33	34	34	35	36	36	37	38
47	27	28	29	29	30	31	32	32	33	34	35	35	36	36	37	38
48	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49	28	29	29	30	31	32	32	33	34	34	35	36	36	37	38	39
50	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38	39

TABLE C.—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	36	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	37
11	29	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38
12	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38	38
14	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	37	37	38	38	39	39
17	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40	40
20	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41
22	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41	41
23	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42
24	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42
25	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	42
26	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43
27	34	34	35	36	36	37	37	38	39	39	40	41	41	42	43	43
28	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43	44
29	34	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44
30	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44
31	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45
33	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	45
34	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
35	36	36	37	38	38	39	40	41	41	42	43	43	44	45	45	46
36	36	37	37	38	39	39	40	41	41	42	43	44	44	45	46	46
37	36	37	38	38	39	40	40	41	42	42	43	44	45	45	46	47
38	37	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47
39	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47
40	37	38	39	39	40	41	41	42	43	43	44	45	45	46	47	48
41	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47	48
42	38	39	39	40	41	41	42	43	43	44	45	45	46	47	48	48
43	38	39	40	40	41	42	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	48	48	49
45	38	39	40	41	41	42	43	44	44	45	46	46	47	48	49	49
46	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	49	50	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50
49	39	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	45
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	45	46
10	38	39	39	40	40	41	41	42	42	43	43	44	45	45	46	46
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	46	47
13	39	40	40	41	41	42	42	43	44	44	45	45	46	46	47	47
14	39	40	40	41	42	42	43	43	44	44	45	46	46	47	47	48
15	40	40	41	41	42	43	43	44	44	45	45	46	47	47	48	48
16	40	41	41	42	42	43	44	44	45	45	46	46	47	48	48	49
17	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	49
18	41	41	42	42	43	44	44	45	45	46	47	47	48	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	48	48	49	49	50
20	41	42	43	43	44	44	45	46	46	47	47	48	49	49	50	50
21	42	42	43	44	44	45	45	46	47	47	48	48	49	50	50	51
22	42	43	43	44	45	45	46	46	47	48	48	49	49	50	51	51
23	42	43	44	44	45	46	46	47	47	48	49	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	51	52
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	52	53
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	53
28	44	45	45	46	47	47	48	49	49	50	51	51	52	52	53	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	54
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	54	55
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	55
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56
34	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56
35	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	55	55	56	57	57	58
39	48	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59
42	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60
44	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60	60
45	50	51	51	52	53	54	54	55	56	57	57	58	59	59	60	61
46	50	51	52	53	53	54	55	55	56	57	58	58	59	60	61	61
47	51	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62
48	51	52	53	53	54	55	56	56	57	58	58	59	60	61	61	62
49	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

TABLE C.—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVE N MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	54
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	55
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	56
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	56
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	57
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	57
16	49	50	50	51	52	52	53	53	54	55	55	56	56	57	57	58
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	58
18	50	51	51	52	53	53	54	54	55	55	56	57	57	58	58	59
19	51	51	52	52	53	54	54	55	55	56	56	57	58	58	59	59
20	51	52	52	53	53	54	55	55	56	56	57	58	58	59	59	60
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	61
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	59	60	61	61	62
25	53	54	54	55	56	56	57	58	58	59	59	60	61	61	62	63
26	54	54	55	55	56	57	57	58	59	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63	64
28	54	55	56	56	57	58	58	59	59	60	61	61	62	63	63	64
29	55	55	56	57	57	58	59	59	60	60	61	62	62	63	64	65
30	55	56	57	57	58	58	59	60	60	61	62	62	63	64	64	65
31	56	56	57	58	58	59	60	60	61	62	62	63	64	64	65	66
32	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
33	57	57	58	59	59	60	61	61	62	63	63	64	64	65	66	67
34	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67
35	57	58	59	60	60	61	62	62	63	64	64	65	65	66	67	68
36	58	58	59	60	61	61	62	63	63	64	65	65	66	67	67	68
37	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	69
38	59	59	60	61	61	62	63	63	64	65	66	66	67	68	68	69
39	59	60	60	61	62	62	63	64	64	65	66	67	67	68	69	70
40	60	60	61	62	62	63	64	64	65	66	67	67	68	69	69	70
41	60	61	61	62	63	63	64	65	66	66	67	68	68	69	70	71
42	60	61	62	62	63	64	65	65	66	67	67	68	69	70	70	71
43	61	61	62	63	64	64	65	66	66	67	68	69	69	70	71	72
44	61	62	63	63	64	65	66	66	67	68	68	69	70	71	71	72
45	62	62	63	64	65	65	66	67	67	68	69	69	70	71	72	73
46	62	63	64	64	65	66	66	67	68	68	69	70	71	71	72	73
47	62	63	64	65	65	66	67	68	68	69	70	71	71	72	73	74
48	63	64	64	65	66	67	67	68	69	70	70	71	72	72	73	74
49	63	64	65	66	66	67	68	69	69	70	71	72	72	73	74	74
50	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75

(b) *Instructions for use of Table A, Table B, and Table C.*

Tables A and B contain the percentage mark-ups for all commodities in this regulation. Table C is included to assist you in determining ceiling prices without burdensome calculations.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the percentage mark-ups over "net cost" to be used by Group 3 and Group 4 retailers in figuring their ceiling prices. Table B gives the same information for "perishables". However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables". For a detailed list of the items included in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find the percentage mark-up for your group of retailers. To get your ceiling price for an item, turn next to Table C which shows the ceiling price for all items with per unit net costs ranging from ½¢ to 50¢. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost per unit" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.). For perishables it means the "net cost" of the selling unit listed in the last column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 50¢, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. This figure will be your ceiling price. For perishables, your net cost must be in terms of the selling unit specified in Table B.

Example (1). A Group 3 retailer wishes to figure a new ceiling price for "xx" Brand, No. 2 can tomatoes, 1942 pack, which he must put into effect by August 5, 1943, in accordance with Section 3. His most recent purchase of a customary quantity of this item from a customary type of supplier delivered to his usual receiving point was a carload purchased from a packer and delivered at a cost of $2.00 a case (24 cans) on July 20, 1943. He must first figure, to the nearest half-cent, his "net cost" on a single unit basis, (Sec. 4 (a) (2)), that is, for a single can. He therefore divides the cost for the case, $2.00, by the number of single units in the case, 24, and gets a result of $0.0833, before rounding. Rounding to the nearest half-cent, this becomes $0.085. (If the figure had been $0.0821 before rounding, he would have rounded to $0.080.) He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned tomatoes this group is "Corn, green and wax beans, peas, tomatoes, and tomato juice, canned". Going across the page on that line, he will find his mark-up for the item in the column for Group 3 retailers. In this case his mark-up is 21%. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost, $0.085. Going down this $0.085 column until he comes to the figure on the same line as his percentage mark-up of 21% listed in the column at the extreme left of Table C he will find his ceiling price for the item to be 10c per can.

Example (2). A Group 3 retailer wishes to figure a ceiling price for California yellow globe dry onions, U. S. #1, which he must use during the period, August 19, 1943, (Thursday) to August 26, 1943, (Wednesday) inclusive. He must first find the net cost of his selling unit based on his largest purchase during the seven days preceding Thursday, August 19. During the preceding week he made a purchase of 250 bags of 50 pounds each of California yellow globe dry onions, U. S. #1 at a delivered cost of $2.98 per bag, a purchase of 150 bags of the same grade and variety of onions at a delivered cost of $3.02 a bag, and another purchase of the same item of 200 bags at a delivered cost of $2.97 a bag. His largest purchase, therefore, was the purchase of the 250 bags. He must figure his net cost on the basis of the selling unit listed in Table B, which for onions is 3 pounds. He divides his cost per 50 pound bag in his largest purchase, $2.98, by 50, to get a result of $0.0596, which would be his cost per pound. Multiplying this by 3 he gets, before rounding, a figure of $0.1788, his cost for 3 pounds. Since net cost is to be figured to the nearest half-cent, he would then round this figure to $0.180. Having his net cost and his mark-up (obtained from Table B) he finds his ceiling price in Table C the same way as he did in example (1) above. Going to Table C, he will find that 25¢ is the ceiling price for an item with a net cost of $0.180 and a mark-up of 40%.

Effective Date. This regulation shall become effective on the 26th day of July 1943.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 8th day of July 1943.

PRENTISS BROWN,
Administrator.

Approved as to action contained herein with respect to agricultural commodities.

MARVIN JONES,
War Food Administrator.

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PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 423 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, and will effectuate the purposes of said Act and Executive Orders.

§ 1351.362 *Ceiling prices of certain foods sold at retail in independent stores doing an annual business of less than $250,000 (Group 1 and Group 2 stores).* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, Maximum Price Regulation No. 423, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.362 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

*Copies may be obtained from the Office of Price Administration.

MAXIMUM PRICE REGULATION 423—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

CONTENTS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. How you find out whether your store is covered by this regulation and what group it is in.
3. How and when you figure your ceiling prices for "dry groceries".
4. Directions for applying the rule for "dry groceries".
5. How you figure your ceiling prices for items of "dry groceries" not kept in stock.
6. When you may change a ceiling price for "dry groceries".
7. How and when you figure your ceiling prices for "perishables".
8. Directions for applying the rule for "perishables".
9. Prices which you must post.
10. Additions allowed for deliveries made by you to your customers.
11. Indirect price increases.
12. Sales slips and receipts.
13. Records.
14. Licensing and registration.
15. Prohibitions.
16. Notice of dollars-and-cents ceiling prices.
17. Further provisions supplementing or explaining this regulation.

ARTICLE II—SPECIAL PRICING PROVISIONS

18. Sections in Maximum Price Regulation No. 422 which you must use if they apply to your method of doing business.

ARTICLE III—MISCELLANEOUS PROVISIONS

19. How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.
20. How you find the "annual gross sales" of your store.
21. How you determine your group in certain special cases.
22. Taxes.
23. Transfer of business and stock in trade.
24. Relation to other regulations.
25. Definitions.
26. Geographical applicability.

ARTICLE IV—TABLES

27. Table of mark-ups over "net cost" for "dry groceries". (Table A)
28. Table of mark-ups over "net cost" for "perishables". (Table B)
29. Table of ceiling prices based on any given "net cost" and mark-up. (Table C)

Article I—General Provisions

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all "independent" retail stores doing an annual business of under $250,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA), except as otherwise provided in any order fixing dollars-and-cents ceiling prices which has been or which may be issued by the OPA pursuant to General Order No. 51.[1] All other retail stores (Group 3 and Group 4 stores) selling these food products are covered by Maximum Price Regulation No. 422.

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in.*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 1 or 2 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. However, this regulation shall not apply to "retail route sellers" or "health food stores" (both defined in Section 25) or to automatic vending machines or farmers selling produce grown on their own farms.

(b) *What are Group 1 and 2 stores.* For the purpose of this regulation, Group 1 and 2 stores are defined as follows:

(1) *Group 1.* Your store is in Group 1 if it is an "independent" store with "annual gross sales" of less than $50,000. Your store is an "independent" store if it is *not* one of 4 or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

(2) *Group 2.* Your store is in Group 2 if it is an "independent" store with "annual gross sales" of $50,000 or more, but less than $250,000.

(If you are not sure what group your store is in, use the directions in section 20 for figuring the "annual gross sales" of your store. See section 25 for definitions of Group 3 and Group 4 retailers.)

(c) *How to post a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation posted on a sign reading "OPA–1" or "OPA–2", whichever it is, or on a sign which the OPA may furnish to you. The sign must be posted so that it can be clearly seen by your customers. (The word "Group" as used in this regulation means the same thing as the word "Class" meant in Revised Maximum Price Regulation No. 238[2] and in Revised Maximum Price Regulation No. 268.[3]

(d) *When you may choose to treat your store as a Group 3 or 4 store.* You may choose to treat your store as either a Group 3 or Group 4 store under Maximum Price Regulation 422 and post a sign in your store as a member of such other group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a member of the group you choose;

[1] 8 F.R. 6008, 6071, 8690.

(2) Use the ceiling prices fixed for that group in Maximum Price Regulation No. 390 [1] for all the household soaps and household cleansers it covers;

(3) Use the ceiling prices for "Group 3 and 4" stores fixed in Maximum Price Regulation Nos. 336 [2] and 355 [3] for all the meat items they cover;

(4) Use all the dollars-and-cents ceiling prices fixed under the OPA community price orders issued for stores in the group you choose; and

(5) Notify your nearest OPA District Office of these facts.

DRY GROCERIES

SEC. 3. *How and when you figure your ceiling prices for "dry groceries"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you have to pay for the first delivery to you of the item on or after August 5, 1943, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices for "dry groceries."* You must figure and put into effect a new ceiling price for each item of "dry groceries" listed in Table A not later than 5 days after receiving the first delivery of the item on or after August 5, 1943. Until then keep your present ceiling prices. Figure your new ceiling price by following the directions in section 4.

SEC. 4. *Directions for applying the rule for "dry groceries"*—(a) *Old prices.* Keep your old ceiling price until you put into effect your new ceiling price based on the first delivery of the item to you on or after August 5, 1943. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries".

(b) *Net cost.* To figure your new ceiling price, first find the "net cost" of the item based on its first delivery to you on or after August 5, 1943. Your net cost will be the amount you pay your supplier less all discounts except the discount for prompt payment plus all transportation charges you pay except local trucking and local unloading.

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. If the first delivery of an item to you on or after August 5, 1943, is not one of this type, you shall not use the net cost of that purchase as the basis for figuring your ceiling price. Instead, in that case, you must find out what your net cost would have been if that purchase had been of a customary quantity from your customary type of supplier delivered to your usual receiving point by a customary means of delivery, and use that figure as your net cost in figuring your ceiling price for the item. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.) to the nearest half-cent. Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can, or other unit you sell. Find the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

(c) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of stores. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(d) *Ceiling prices.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you can change it.)

(e) *Invoices.* You must write your "net cost" per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for items of "dry groceries" not kept in stock.* If you have already figured a ceiling price under this regulation for an item of "dry groceries" which you have not had in stock for 60 days, you may, if you wish, figure a new ceiling price when next you purchase it. Do this by following directions in Section 4, using, however, the "net cost" you had to pay for your new purchase.

SEC. 6. *When you may change a ceiling price for "dry groceries".* If OPA changes a supplier's ceiling price for a "dry grocery" item, it may direct retailers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this section until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside, or attached to, the carton, case or barrel containing the item or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your ceiling price for it by following the directions in Section 4, figuring your "net cost" however, on that first delivery. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you receive later shipments with the same notice, you must not change your ceiling price again.

PERISHABLES

SEC. 7. *How and when you figure your ceiling prices for "perishables"* — (a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the week before, plus (2) the mark-up given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after August 5, 1943, and changed on Thursday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Thursday.

For items which you receive for the first time or which you have not had in stock for 30 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Thursday after that you must treat the item as you would any other item of perishables covered under this regulation.

SEC. 8. *Directions for applying the rule for "perishables".*—(a) *"Net cost".* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven day period before the Thursday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment plus all transportation charges you paid except local trucking and local unloading. Of course, you must never figure your net cost on a purchase made at price higher than your supplier's ceiling.

(1) Your net cost must be based on purchases delivered to your usual receiving point.

(2) Figure the net cost on the basis of the "selling unit" (for example, 5 lbs., 1 dozen, etc.) listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half cent.

(3) If you have received no delivery of any item which you have in stock at the opening of business on August 5, 1943, during the week before, you shall, in figuring your first ceiling price for the item on August 5, 1943, base your net cost on its most recent delivery to you.

(b) *Mark-up.* Turn to Table B to find the mark-up for the item given your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item.

If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. (For example, if your ceiling price for an item of potatoes, is 20¢ for 5 lbs., the "selling unit", and you make a sale of 3 lbs. of these potatoes, take three-fifths of your ceiling price for 5 lbs., 20¢, and the resulting figure of 12¢ would be your ceiling price for the 3-lb. sale. If you make a sale of 10 lbs., multiply 20¢ by 2, and the resulting figure of 40¢ would be your ceiling price for the 10-lb. sale.) If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

SEC. 9. *Prices which you must post*—(a) *Selling prices.* At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at the place in your store where the item is offered for sale.

(b) *Ceiling prices.* If you are a Group 2 store, and your selling price of any item is lower than your ceiling price you also must post your ceiling price directly above your selling price. You do not have to describe this price with the words "ceiling price."

SEC. 10. *Additions allowed for deliveries made by you to your customers.* (a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, whichever of the following amounts applies:

Value of delivery:	*Addition allowed*
$0.00–$1.99	No addition
$2.00–$2.99	10¢
$3.00–$4.49	15¢
$4.50–$5.49	20¢
Over $5.49	25¢

(b) If you make such deliveries and add such charges, you are required to keep for one month a copy of each sales slip or invoice, itemizing clearly your prices for the items delivered and the amount of the delivery charges permitted under the provisions of this section.

SEC. 11. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any stratagem, scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You must not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in Section 4 or 8 would be and use that net cost to figure your ceiling price. You may never use the "net cost' of a purchase from another retailer to figure a ceiling price.

SEC. 12. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, each food item sold and the price you charged for it.

SEC. 13. *Records.* After August 5, 1943, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPA representative and to furnish on request of any OPA representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPA representative the records you used in deciding what group your store is in.

SEC. 14. *Licensing and registration.* The licensing and registration provisions of Sections 15 and 16 of the General Maximum Price Regulation [1] shall apply to every person subject to this regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which ceiling prices are established. A license is automatically granted so it is not necessary to apply for it. However, all sellers may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which ceiling prices are established. No person whose license is suspended may sell any such commodity during the period of suspension.

SEC. 15. *Prohibitions.* On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 16. *Notice of dollars-and-cents ceiling prices.* From time to time the OPA may, by order issued pursuant to General Order No. 51, fix in your region or community dollars-and-cents ceiling prices for some or all of the dry groceries or perishables under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and these orders may also provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price under this regulation for the item.

SEC. 17. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

Article II—Special Pricing Provisions

SEC. 18. *Sections in Maximum Price Regulation No. 422 which you must use if they apply to your method of doing business.* Maximum Price Regulation No. 422, which covers the same food items as this regulation, but for Group 3 and 4 stores, contains a number of special pricing provisions which you are required to follow if you perform the operations they cover. (You may obtain a copy of Maximum Price Regulation No. 422 from your nearest OPA District Office.) The sections of that regulation which you must follow if they apply to you are as follows:

(a) Section 18. *Additions to "net cost" for packaging.* (Applies to you if you package any item under this regulation in cardboard containers, cotton bags, transparent bags or interlined coffee bags or if you carton eggs.)

(b) Section 19. *Special limitations in figuring your "net cost" in certain cases.* (Applies to you if you purchase butter or cheese f. o. b. shipping point and not on a delivered basis, and if you buy fresh fruits and vegetables from others than wholesalers.)

(c) Section 20. *How you figure your "net cost" in certain cases.* (Applies to you if you purchase fresh bananas from importers f. o. b. port of entry or at auction; if you package and print butter; or if you candle and grade eggs.)

[1] 8 F.R. 6125, 6424.
[2] 8 F.R. 6129, 7116.
[3] 8 F.R. 6428.
[4] 8 F.R. 2859, 4253, 5317, 5634, 6212.
[5] 8 F.R. 4423, 4922, 6214, 6428, 7199.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962.

(d) Section 21. *Additional charges allowed for slaughtering and plucking poultry.* (Applies to you if you slaughter or pluck poultry for your customers.)

(e) Section 22. *Additions for delivery from your warehouse to your store.* (Applies to you if your usual receiving point is a warehouse over 125 miles from your store.)

(f) Section 23. *How you figure your ceiling prices for perishables on a weighted average basis.* (Allows you to apply to use a weekly weighted average as a basis for figuring net cost of perishables instead of the largest single delivery.)

(g) Section 25. *How you figure your ceiling prices for foods you "manufacture or otherwise process."* (Applies to you if you manufacture or process any of the foods covered by this regulation.)

(h) Section 26. *Mail order sales.* (Applies to you if you make mail order sales.)

(i) Section 34. *Export sales.* (Applies to you if you make export sales.)

Article III—Miscellaneous Provisions

SEC. 19. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.* (a) If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find apply for an adjustment of such mark-ups fixed by this regulation you may apply for an adjustment of such mark-ups by filing with your nearest District OPA office two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

(b) Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment are governed by Revised Procedural Regulation No. 1.

SEC. 20. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1942. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or any part of the calendar year 1942 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1942, you must divide your total sales from the time you began operation up to July 15, 1943, by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales".

SEC. 21. *How you determine your group in certain special cases.*—(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after July 15, 1943, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not you are an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 3 store, you must figure your ceiling prices under Maximum Price Regulation No. 422). However, after you have been in business for 3 months you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

If you find that your store should now be in another group, you may continue to use the Group 1 or 3 mark-ups until the second Thursday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for your new group. For "dry grocery" items use the same "net cost" which you used in figuring your ceiling prices in effect at the end of the 3-month period. For "perishable" items, you shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under Section 8 of this regulation if a Group 1 store (or under Section 8 of Maximum Price Regulation No. 422 if a Group 3 store.) If, under that section, you would not have been required to refigure your ceiling price for any item on that Thursday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

SEC. 22. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation, if you state the tax separately, and if the tax statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 23. *Transfer of business and stock in trade.* If, after August 5, 1943, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail store to another, your ceiling prices shall be those for the group of retailers to which you belong under this regulation.

SEC. 24. *Relation to other regulations.* The provisions of this Maximum Price Regulation No. 423, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 238 [8], Maximum Price Regulation No. 250 [9], Revised Maximum Price Regulation No. 256 [10], Revised Maximum Price Regulation No. 268 [11], the General Maximum Price Regulation [12], and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order 51, with respect to sales and deliveries for which ceiling prices are established by this regulation.

SEC. 25. *Definitions.*—(a) *Retail route seller.* A "retail route seller" is a retailer who distributes food products to ultimate consumers other than commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" is one whose sales to consumers consist principally of especially prepared vitamin-enriched foods customarily included in the trade term "health foods" which are usually sold for special dietary purposes.

(c) *Delivery.* Delivery of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type, and container-size, except for fresh fruits and vegetables. Separate fresh fruit and vegetable items shall be those defined as separate in the definitions accompanying Table B.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations.

Packaging as referred to in section 18, ripening of bananas, printing of butter, candling and grading of eggs, and killing and dressing of poultry shall not be considered manufacturing or processing under this regulation.

(g) *Group 3 retailer.* A retailer is in Group 3 if he has an "annual gross sales" of less than $250,000 and he is not an "independent" retailer.

(h) *Group 4 retailer.* A retailer is in Group 4, whether "independent" or not, if he has an "annual gross sales" of $250,000 or more.

SEC. 26. *Geographical applicability.* The provisions of this regulation shall apply to the 48 states of the United States and to the District of Columbia.

Article IV—Tables

SEC. 27 *Table of mark-ups for "dry groceries" (Table A)*—(a) *Table A: Mark-ups over "net cost" allowed to Group 1 & Group 2 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over "net cost"	
	Independent retailers with annual volumes	
	Group 1—under $50,000	Group 2—$50,000 but less than $250,000
	Percent	*Percent*
1. Baby foods	25	23
2. Cereals, breakfast	22	20
3. Cocoa, chocolate, malted milk, and cereal drink preparations	29	29
4. Coffee	17	17
5. Cookies, crackers, toast and crumbs	25	25
6. Corn meal and hominy	31	31

[8] See footnote 2 above.
[9] 7 F.R. 8705, 9898, 10014, 10994, 8 F.R. 2673.
[10] 7 F.R. 10473, 8 F.R. 1266, 2106, 2673, 3946, 5164.
[11] See footnote 3 above.
[12] See footnote 7 above.

TABLE A—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES—Continued

Food commodities	Allowed mark-ups over "net cost"	
	Independent retailers with annual volumes	
	Group 1—under $50,000	Group 2—$50,000 but less than $250,000
	Percent	*Percent*
7. Dog and cat foods	27	27
8. Fish, processed	27	27
9. Flour and flour mixes	27	27
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	26	26
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices	25	23
12. Fruits, dried and dehydrated	27	25
13. Fruits and vegetables, frozen	27	27
14. Gelatin and pudding mixtures	28	25
15. Jams, jellies, preserves, honey and peanut butter	32	32
16. Lard, pure	20	18
17. Macaroni and spaghetti products	32	32
18. Mayonnaise and salad dressing	24	24
19. Meat, canned	21	21
20. Milk, canned	20	20
21. Oils, cooking and salad	28	28
22. Oleomargarine	17	15
23. Pickles and relishes	32	32
24. Rice	28	28
25. Shortening, hydrogenated	9	9
26. Shortening, other	18	18
27. Soups, canned	27	26
28. Soups, dehydrated	34	34
29. Spices	46	46
30. Sugar	17	12
31. Syrups	28	28
32. Tea	26	26
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice	31	31
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned)	25	23
35. Vegetables, dried and dehydrated	36	36
36. Vinegar	39	34
37. Miscellaneous foods	40	40

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ, and dry baby cereals.

(3) "Cocoa, chocolate, malted milk, and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations, chocolate syrup, chocolate bits, and cooking chocolate. Excluded are chocolate confections, bittersweet bars, milk chocolate, and powdered milks.

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, swieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, and any bakery products which you manufacture.

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned".

(7) "Dog and cat food" shall not include any item prepared by you for pet food.

(8) "Fish, processed" includes, but is not limited to, canned fish, canned sea food, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are fresh or frozen fish, fresh or frozen sea food, and caviar.

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, corn, rice, buckwheat, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries, and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, rhubarb, and bulk apple cider. "Canned" means processed and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple, peaches, pears, and frozen fruits.

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are Cuban pineapple, Cuban pineapple juice, and frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, and dried dates and figs. Excluded are fruit confections and candied or glaced fruits, and peels.

(13) "Fruits and vegetables frozen" means all fruits, berries, fruit or berry juices, and mixtures, and vegetables, vegetable juices, and mixtures, including mushrooms, which have been quick-frozen, or cold packed.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey, and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other".

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, spaghetti dinners, and frozen macaroni and spaghetti products. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, and Chinese-style noodles.

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glass chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales, and tripe. Excluded are mincemeat, and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, and cooking fats other than shortening. Excluded are prepared dressings, and pure olive oil.

(22) "Oleomargarine" means any product labelled "oleomargarine."

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" (packaged or bulk) means all rice including wild rice. Excluded are rice flour, rice flakes, and popped rice.

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, and dehydrated soups.

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, and candied ginger.

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, sorghum, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, and molasses sold for feed purposes.

(32) "Tea" includes all bulk or packaged tea, tea bags, and matte.

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, baked beans, sauerkraut, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas, tomatoes, tomato juice and frozen vegetables.

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)". Excluded are frozen vegetables. "Canned" means processed and packaged in any container whether or not hermetically sealed.

NOTE: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other food items or pet foods except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Baking powder
Baking soda
Barley (pearl)
Bird seed and gravel
Caviar
Cocoanut, shredded, desiccated, or moist
Corn starch
Egg nog, bottled
Extracts
Flavorings
Food colorings
Fruit pectins
Fruit syrups for making beverages
Goat milk, canned
Ice cream sundae syrups (except chocolate)
Meat flavorings
Meat sauces, except catsup, cocktail sauce, and chili sauce
Mincemeat
Mustard, prepared
Olives
Olive oil, (pure)
Pie filling
Popcorn (whether or not popped)
Potatoes, Julienne
Potatoes, shoestring
Pudding, date
Pudding, fig
Pudding, plum
Salt and ice cream salt (except onion, celery, or garlic salt)
Spice oils
Tom and Jerry batter, bottled
Yeast.

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked beans, prepared by the retailer.
Baked goods, fresh (except cookies, crackers, toast and crumbs).
Beer.
Bread.
Buttermilk, fresh.
Candied ginger.
Candy.
Corn sugar.
Cream.
Dry baby cereals.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables (except as included in Table B).
Fruit cake.
Fruit powders for making beverages.
Glaced or candied fruits and peels.
Ice cream, sherbets, and frozen confections.
Liquors.
Maple sugar.
Meat and fish (except "Fish, processed", "Frozen fish and seafood", and "Meat, canned).
Milk, fresh.
Milk, powdered.
Mineral oil.
Nuts.
Peanuts.
Potato chips.
Salads and relishes prepared by the retailer.
Soft drinks.
Tamales, bulk.
Tortillas.
Vitamin concentrates.
Wheat germ.
Wine.
Canned Cuban pineapple.
Canned Cuban pineapple juice.

SEC. 28. *Table of mark-ups for "perishables" (Table B)*—(a) *Table B: Mark-ups over "net cost" allowed to Group 1 and Group 2 retailers for perishables covered by this regulation by commodities.*

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over "net cost"		"Selling Unit" in which ceiling price must be calculated
	Independent retailers with annual volumes		
	Group 1—under $50,000	Group 2—$50,000 but less than $250,000	
	Percent	*Percent*	
(1) Dairy products:			
Butter	10	10	1 pound.
Cheese	27	27	1 pound or 1 pkg.
Eggs, shell	17	15	1 dozen.
(2) Fresh fruits and vegetables:			
Bananas, bought on the stem	43	43	1 pound.
Bananas, bought in hands	34	34	1 pound.
Citrus fruits	39	39	1 dozen or 5 pounds (grapefruit—1, grapefruit or 1 lb.
Beans, green and wax	40	40	1 pound.
Cabbage	40	40	1 pound.
Carrots	40	40	1 bunch or 1 pound.
Lettuce	40	40	1 head or 1 pound.
Onions, dry	40	40	3 pounds.
Peas, green	40	40	1 pound.
Potatoes, white	33	30	5 pounds.
Spinach	40	40	1 pound or 1 pkg.
Tomatoes	40	40	1 pound or 1 pkg.
(3) Poultry			
Poultry sold as purchased	21	21	1 pound.
Bought live and sold live, bought dressed and sold dressed, bought drawn and sold drawn, bought quick-frozen and sold quick-frozen, bought Kosher-killed and sold Kosher-killed, bought Kosher dressed and plucked and sold Kosher dressed and plucked, bought split and sold split, bought cut-up and sold cut-up (boxed and other pack).			
Poultry bought live and sold dressed weight basis (multiply live cost per pound by applicable figure in table. This established selling price per pound, dressed weight.) (No additional mark-ups are allowed for drawing or cutting-up.) When poultry is bought live, dressed or drawn and is sold split or cut-up, the total price received through the sale of the cut-up parts of any bird shall not exceed the amount which could be received through the sale of the whole bird on a live weight basis if bought live, or on a dressed weight basis if bought dressed, or on a drawn basis if bought drawn. When poultry is bought live or dressed and sold drawn, ceiling price must be determined on a dressed weight basis.	26	26	1 pound.
(4) Fish:			
Frozen fish and seafood	26	26	1 pound.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) *Dairy products.* "Butter" (packaged or bulk) means only butter from milk, including but not limited to, processed, salted, unsalted, whipped, and honey butter. Excluded are peanut, nut or fruit butters.

"Cheese" shall include all bulk or packaged cheese and products composed of more than fifty per cent cheese.

"Eggs, shell" means chicken eggs sold for human consumption. Ceiling prices shall be figured for each grade and size or weight class of eggs, and the grade and size or weight class shall be posted separately with the selling price. Eggs shall be sold only in the retail grades and sizes or weight classes specified in Maximum Price Regulation No. 333.[11]

(2) *Fresh fruits and vegetables.* "Fresh fruits and vegetables" means all the fresh fruits and vegetables listed, packed or in bulk, which have not been frozen, dried, canned, or otherwise processed. Wrapping, dipping, washing, or crating, shall not be considered processing.

"Bananas". Bananas, from different countries of origin such as, but not limited to, Costa Rica, Honduras, Guatemala, and Mexico, shall be considered different "kinds" of bananas, and must be priced separately. "Bananas, bought in hands", means those which have been sold after being cut away from the stem.

"Citrus fruit" means all fresh citrus fruits including, but not limited to, oranges, lemons, limes, grapefruit and tangerines. Separate ceiling prices shall be figured for each variety, each size, and for fruit from different areas. Varieties shall be oranges, lemons, limes, temple oranges, tangerines, (including tangelos), white seeded grapefruit, pink seeded grapefruit, white seedless grapefruit, pink seedless grapefruit, and ruby red grapefruit. Different areas are California, Arizona, Texas, Indian River Citrus Area of Florida, and the rest of the State of Florida.

"Beans, green and wax" shall not include limas and English, Fava, and Italian broad beans. Green beans and wax beans shall be considered separate items and priced separately.

"Cabbage" means all solid headed cabbage, including Red and Savoy. Excluded are Chinese cabbage, collards, cauliflower, and brussels sprouts. Red cabbage shall be considered as a separate item and priced separately.

"Carrots". Bunched carrots, and topped or clipped carrots, shall be considered separate items and priced separately. California and similar quality bunched carrots shall also be considered a separate item.

"Lettuce" means all head or leaf lettuce, including, but not limited to Iceberg, Big Boston and Romaine. Excluded are escarole, chicory, and endive. Head lettuce and leaf lettuce shall be considered separate items and priced separately. California and similar quality Iceberg shall also be considered a separate item.

"Onions, dry" means all dry onions used for human consumption. Each grade and variety shall be considered separate items and priced separately.

"Peas, green" shall not include Chinese peas. All green peas shall be considered one item.

"Potatoes, white" means all white potatoes used for human consumption or for seed. Seed potatoes which are purchased as such shall not be sold except as seed potatoes for planting, and must be clearly tagged or labelled as seed potatoes for planting. Each grade and variety shall be considered a separate item and priced separately.

"Spinach" means all flat and curly leaf spinach, excluding New Zealand, or other greens. Separate items shall be "washed and packaged" spinach, and all other spinach, and must be priced separately.

"Tomatoes". Each kind and variety shall be considered a separate item and priced separately.

(3) *Poultry.* "Poultry" means all chickens, ducks, geese, and turkeys, in any form, excluding "started" poultry sold for breeding purposes, canned poultry, and cooked or smoked poultry. "Dressed Poultry" means poultry which has been killed, bled, and plucked. "Kosher-killed Poultry" means poultry which: (1) has been killed and bled in accordance with the requirements of the Hebraic dietary laws; and (2) is identified as kosher-killed by a stamp or tag on each bird.

(4) *Frozen fish and seafood.* "Frozen fish and seafood" means any fish or seafood which has been artificially frozen or frozen by exposure to the elements for preservation.

SEC. 29. *Table of ceiling prices based on any given "net cost" and mark-up. (Table C)*—(a) *Table C: Retail ceiling prices obtained by applying any given mark-up to any given net cost.*

[11] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457.

TABLE C.—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
11	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
12	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
13	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
14	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	12
15	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	12
16	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
17	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
18	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
19	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
20	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
21	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
22	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
23	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
24	1	2	2	3	3	4	4	5	6	6	6	7	8	8	9	9	10	11	11	12
25	1	2	2	3	3	4	4	5	6	6	6	7	8	8	9	9	10	11	11	12
26	1	2	2	3	3	4	4	5	6	6	7	7	8	8	9	9	10	11	11	12
27	1	2	2	3	3	4	4	5	6	6	7	7	8	8	9	10	10	11	12	12
28	1	2	2	3	3	4	4	5	6	6	7	7	8	8	9	10	10	11	12	12
29	1	2	2	3	3	4	4	5	6	6	7	7	8	8	9	10	10	11	12	12
30	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	12	12
31	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	12	12
32	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	9	10	11	12	13
33	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	9	10	11	12	13
34	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	9	10	11	12	13
35	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	9	10	11	12	13
36	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	12	13
37	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	12	13
38	1	2	2	3	3	4	4	5	6	6	7	7	8	8	9	10	10	11	12	13
39	1	2	2	3	3	4	4	5	6	6	7	8	8	8	9	10	10	11	12	13
40	1	2	2	3	3	4	4	5	6	6	7	8	8	8	9	10	11	11	12	13
41	1	2	2	3	3	4	4	5	6	6	7	8	8	8	9	10	11	11	12	13
42	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
43	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
44	1	2	2	3	3	4	4	5	6	6	7	8	9	9	9	10	11	12	12	13
45	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	12	12	13
46	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	12	12	13
47	1	2	2	3	3	4	4	5	6	6	7	7	8	9	10	10	11	12	13	13
48	1	2	2	3	3	4	4	5	6	6	7	7	8	9	10	10	11	12	13	13
49	1	2	2	3	3	4	4	5	6	6	7	7	8	9	10	10	11	12	13	14
50	1	2	2	3	4	5	5	6	7	8	8	9	10	11	11	12	13	14	14	15

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 15¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Markup (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19
7	11	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	19
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	18	18	19	19	20	21
14	12	13	13	14	14	15	15	16	17	17	18	18	19	20	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	22
19	12	13	14	14	15	15	16	17	17	18	19	19	20	20	21	22
20	13	13	14	14	15	16	16	17	17	18	19	19	20	21	21	22
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	22	23
23	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22	23
24	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
25	13	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23
26	13	14	14	15	16	16	17	18	18	19	20	20	21	22	23	24
27	13	14	15	15	16	17	17	18	18	19	20	20	21	22	23	24
28	13	14	15	15	16	17	17	18	19	19	20	20	21	22	23	24
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24
30	14	14	15	16	16	17	17	18	19	20	20	21	22	22	23	24
31	14	14	15	16	16	17	18	18	19	20	20	21	22	23	23	24
32	14	15	15	16	17	17	18	18	19	20	20	21	22	23	24	25
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24	25
34	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24	25
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	25
36	14	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25
37	14	15	16	16	17	18	18	19	20	21	21	22	23	24	25	26
38	14	15	16	17	17	18	19	19	20	21	21	22	23	24	25	26
39	15	15	16	17	17	18	19	19	20	21	22	22	23	24	25	26
40	15	15	16	17	18	18	19	20	20	21	22	22	23	24	25	27
41	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25	27
42	15	16	17	17	18	19	19	20	21	22	22	23	24	25	26	27
43	15	16	16	17	18	19	19	20	21	21	22	23	24	25	26	28
44	15	16	17	17	18	19	19	20	21	22	22	23	24	25	26	28
45	15	16	17	17	18	19	20	20	21	22	22	23	24	25	26	28
46	15	16	17	18	18	19	20	20	21	22	23	24	24	25	26	28
47	15	16	17	18	18	19	20	21	21	22	23	24	25	26	27	29
48	16	16	17	18	19	19	20	21	22	22	23	24	25	26	27	29
49	16	16	17	18	19	19	20	21	22	23	23	24	25	26	27	29
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	28	30

TABLE C.—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	25	25	26	26	27	27	28	28
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	28	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	29
14	21	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	30	30
16	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30
17	22	22	23	23	24	25	25	26	26	27	27	28	28	29	30	31
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31
20	22	23	23	24	25	25	26	26	27	28	28	29	29	30	31	31
21	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	31
22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
23	23	23	24	25	25	26	26	27	28	28	29	30	30	31	31	32
24	23	24	24	25	25	26	27	27	28	29	29	30	30	31	32	32
25	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27	23	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
28	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33
29	24	25	25	26	26	27	28	28	29	29	30	31	31	32	33	34
30	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33	34
32	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	35
33	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	29	29	30	31	31	32	32	33	34	35
35	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34	35
36	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35	36
37	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36
38	26	26	27	28	28	29	30	30	31	32	32	33	34	35	35	36
39	26	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36
40	26	27	27	28	28	29	30	31	31	32	33	33	34	35	36	37
41	26	27	27	28	29	30	30	31	32	32	33	34	34	35	36	37
42	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36	37
43	26	27	28	29	29	30	31	31	32	33	34	34	35	36	36	37
44	27	27	28	29	30	30	31	32	32	33	34	34	35	36	37	37
45	27	28	28	29	30	30	31	32	33	33	34	35	35	36	37	38
46	27	28	28	29	30	31	31	32	33	34	34	35	36	36	37	38
47	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
48	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
50	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	36
8	29	29	30	30	31	31	32	32	33	33	34	34	35	35	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38
11	29	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38
12	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	35	36	36	37	38	39
14	30	31	31	32	32	33	34	34	35	35	36	36	37	37	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	37	37	38	38	39	39
17	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19	32	32	33	33	34	34	35	36	36	37	38	38	39	39	40	40
20	32	32	33	34	34	35	35	36	36	37	38	38	39	40	40	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41
22	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41	42
23	33	33	34	34	35	35	36	37	37	38	38	39	40	40	41	42
24	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42
25	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42
26	33	34	34	35	36	36	37	37	38	38	39	40	40	41	42	43
27	33	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43
28	34	34	35	36	36	37	37	38	38	39	40	41	41	42	43	43
29	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43	44
30	34	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44
31	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44
32	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
33	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45
34	36	36	37	37	38	39	39	40	41	41	42	43	43	44	45	46
35	36	36	37	38	38	39	40	41	41	42	43	43	44	45	46	46
36	36	37	37	38	39	39	40	41	41	42	43	44	44	45	46	47
37	36	37	38	38	39	40	40	41	42	42	43	44	45	45	46	47
38	37	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47
39	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47
40	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47	48
41	37	38	39	39	40	41	42	42	43	44	44	45	46	47	47	48
42	38	38	39	40	40	41	42	43	43	44	45	45	46	46	47	48
43	38	39	39	40	41	41	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	47	48	49
45	38	39	40	41	41	42	43	44	44	45	46	46	47	48	48	49
46	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	49	49	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50
49	39	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

TABLE C.—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Markup (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	45
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	45	46
10	38	39	39	40	40	41	41	42	42	43	43	44	45	45	46	46
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	46	47
13	39	40	40	41	41	42	42	43	44	44	45	45	46	46	47	47
14	39	40	40	41	42	42	43	43	44	44	45	46	46	47	47	48
15	40	40	41	41	42	43	43	44	44	45	45	46	47	47	48	48
16	40	41	41	42	42	43	44	44	45	45	46	46	47	48	48	49
17	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	49
18	41	41	42	42	43	44	44	45	45	46	47	47	48	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	48	48	49	49	50
20	41	42	43	43	44	44	45	46	46	47	47	48	49	49	50	50
21	42	42	43	44	44	45	45	46	47	47	48	48	49	50	50	51
22	42	43	43	44	45	45	46	46	47	48	48	49	49	50	51	51
23	42	43	44	44	45	46	46	47	47	48	49	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	51	52
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	46	46	47	47	48	49	49	50	50	51	52	52	53
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	53
28	44	45	45	46	47	47	48	49	49	50	51	51	52	52	53	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	54
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	54	55
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	55
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56
34	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56
35	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	55	55	56	57	57	58
39	48	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58	59
42	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60
44	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60	60
45	50	51	51	52	53	54	54	55	56	57	57	58	59	60	60	61
46	50	51	52	53	53	54	55	55	56	57	58	58	59	60	61	61
47	51	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62
48	51	52	53	53	54	55	56	56	57	58	58	59	60	61	61	62
49	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	56
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	57
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	57
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	58
16	49	50	50	51	52	52	53	53	54	55	55	56	56	57	57	58
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	59
18	50	51	51	52	53	53	54	54	55	55	56	57	57	58	58	59
19	51	51	52	52	53	54	54	55	55	56	57	57	58	58	59	60
20	51	52	52	53	53	54	55	56	56	57	57	58	58	59	59	60
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	61
23	52	53	54	54	55	56	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	60	60	61	61	62
25	53	54	54	55	56	56	57	58	58	59	59	60	61	61	62	63
26	54	54	55	55	56	57	57	58	59	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63	64
28	54	55	56	56	57	58	58	59	60	60	61	61	62	63	63	64
29	55	55	56	57	57	58	59	59	60	61	61	62	63	63	64	65
30	55	56	57	57	58	59	59	60	60	61	62	62	63	64	64	65
31	56	56	57	58	58	59	60	60	61	62	62	63	64	64	65	66
32	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
33	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67
34	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67
35	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67	68
36	58	58	59	60	61	61	62	63	63	64	65	65	66	67	67	68
37	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	69
38	59	59	60	61	61	62	63	63	64	65	66	66	67	68	68	69
39	59	60	60	61	62	63	63	64	65	65	66	67	67	68	69	70
40	60	60	61	62	62	63	64	64	65	66	67	67	68	69	69	70
41	60	61	61	62	63	63	64	65	66	66	67	68	68	69	70	71
42	60	61	62	62	63	64	65	65	66	67	67	68	69	70	70	71
43	61	61	62	63	64	64	65	66	66	67	68	69	69	70	71	72
44	61	62	63	63	64	65	66	66	67	68	68	69	70	71	71	72
45	62	62	63	64	65	65	66	67	67	68	69	70	70	71	72	73
46	62	63	64	64	65	66	66	67	68	68	69	70	71	72	72	73
47	62	63	64	65	65	66	67	68	68	69	70	71	71	72	73	74
48	63	64	64	65	66	67	67	68	69	70	70	71	72	73	73	74
49	63	64	65	66	66	67	68	69	69	70	71	72	72	73	74	75
50	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75

(b) *Instructions for use of Table A, Table B, and Table C.*

Tables A and B contain the percentage mark-ups for all commodities in this regulation. Table C is included to assist you in determining ceiling prices without burdensome calculations.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the percentage mark-ups over "net cost" to be used by Group 1 and Group 2 retailers in figuring their ceiling prices. Table B gives the same information for "perishables". However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables". For a detailed list of the items included in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find the percentage mark-up for your group of retailer. To get your ceiling price for an item, turn next to Table C which shows the ceiling price for all items with per unit net costs ranging from ½¢ to 50¢. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost per unit" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.). For perishables it means the "net cost" of the selling unit listed in the last column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the Table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 50¢, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. This figure will be your ceiling price. For perishables, your net cost must be in terms of the selling unit specified in Table B.

Examples of how to use the tables in figuring your ceiling prices for both dry groceries and perishables are as follows:

Example (1). A Group 1 retailer wishes to figure a new ceiling price for "xx" Brand, No. 2 can, golden bantam cream style corn, 1942 pack. Section 3 requires a Group 1 or 2 retailer to keep his present ceiling price for a "dry grocery" item until he puts into effect a new ceiling price for the item based on the first delivery of the item to him after August 5, 1943. This new ceiling price must be put into effect not later than 5 days after receiving such delivery. In figuring this new ceiling price, his "net cost" must be based on a purchase of a customary quantity from a customary type of supplier delivered to his "usual receiving point" by a customary means of delivery. Therefore, if on August 7, 1943, a Group 1 retailer receives at his usual receiving point 5 cases of "xx" Brand, No. 2 can, golden bantam cream style corn, 1942 pack, which he has purchased from a wholesaler (his customary type of supplier), at a delivered cost of $2.37 a case (24 cans) he must under Sections 3 and 4 figure and put into effect a new ceiling price for the item by August 12, 1943. This is the first delivery of a customary quantity of the item he has received since August 5, 1943 (from his customary type of supplier delivered to his usual receiving point by a customary means of delivery). He must first figure, to the nearest half-cent, his "net cost" on a single unit basis, (Sec. 4 (b) (2)), that is, for a single can. He therefore divides the cost for the case, $2.37, by the number of single units in the case, 24, and gets a result of $0.0987, before rounding. Rounding to the nearest half-cent, this becomes $0.10. (If the figure had been $0.0967 before rounding, he would have rounded to $0.095).

He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned corn, this group is "Corn, green and wax beans, peas, tomatoes, and tomato juice, canned". Going across the page on that line, he will find his mark-up for the item in the column for Group 1 retailers. In this case his mark-up is 25%. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost, $0.10. Going down this $0.10 column until he comes to the figure on the same line as the 25% mark-up listed in the column at the extreme left of Table C, he will find his ceiling price for the item to be 13¢ per can.

Example (2). A Group 1 retailer wishes to figure a ceiling price for round white potatoes to use during the period August 19, 1943, (Thursday) to August 26, 1943, (Wednesday) inclusive. He must first find the net cost of his selling unit based on his largest purchase during the seven days preceding Thursday, August 19. During the preceding week he made a purchase of 3 bags of 100 pounds each of white round U. S. No. 1 potatoes at a delivered cost of $4.12 per bag, and another purchase of the same item of 1 bag at a delivered cost of $4.33 per bag. His largest purchase, therefore, was the purchase of the 3 bags. He must figure his net cost on the basis of the selling unit listed in Table B, which for potatoes is 5 pounds. He divides his net cost per 100 pound bag in his largest purchase, $4.12, by 100 to get a result of $0.0412, which would be his net cost per pound. Multiplying this by 5 he gets, before rounding, a figure of $0.2060, his cost for 5 pounds. Since net cost is to be figured to the nearest half-cent, he would then round this figure to $.205. Having his net cost and his mark-up (obtained from Table B) he finds his ceiling price in Table C the same way as he did in example (1) above. Going to Table C, he will find that 27¢ is the ceiling price for an item with a net cost of $.205 and a mark-up of 33%.

Effective Date

This regulation shall become effective on the 5th day of August 1943.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved as to action contained herein with respect to agricultural commodities.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-10999; Filed, July 8, 1943; 11:46 a. m.]

PART 1382—HARDWOOD LUMBER

[MPR 155,[1] Amdt. 7]

CENTRAL HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 155 is amended in the following respects:

1. In § 1382.58 (a), the first sentence in subparagraph (3) and the first sentence in subparagraph (4) are amended to read as set forth below:

(3) "North Central hardwood lumber" means lumber;

(i) Produced from the botanical species of yellow poplar (Liriodendron tulipifera), beech (Fagus americana), soft maple (Acer rubrum and Acer saccharinum), hard maple (Acer saccharum), butternut (Juglans cinerea), tough white ash (Fraxinus americana), chestnut (Castanea dentata), and the botanical species included in the genera of red and white oak (Quercus), hackberry (Celtis), hickory (Hicoria), basswood (Tilia), buckeye (Aesculus), and all other hardwood species; and

(ii) Processed into lumber at mills located within the North Central hardwoods area.

* * * * *

(4) "South Central hardwood lumber" means lumber:

(i) Produced from the botanical species of sap sweet gum and red sweet gum (Liquidamber styraciflua), tupelo (Nyssa aquatica), black gum (Nyssa sylvatica), yellow poplar (Liriodendron tulipifera), beech (Fagus americana), sycamore (Platanus occidentalis), tough white ash (Fraxinus americana), soft maple (Acer rubrum and Acer saccharinum), hard maple (Acer saccaharum), butternut (Juglans cinerea), and the botanical species included in the genera of red oak and white oak (Quercus), elm (Ulmus), cottonwood (Populas), hackberry (Celtis), hickory (Hicoria), basswood (Tilia), ash (Fraxinus),

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4108, 4231, 7202, 7780, 8385, 8948, 8 F.R. 3056, 3848, 5479.

buckeye (Aesculus), and all other hardwood species; and

(ii) Processed into lumber at mills located within the South Central hardwoods area.

* * * * *

2. Section 1382.58 (b) is amended to read as follows:

(b) Unless otherwise specified, grade terms used herein have the meaning set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber" issued by the National Hardwood Lumber Association, effective January 1, 1943.

3. Section 1382.61 (b) (20) and (21) are added to read as follows:

(20) WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6	$43	$46	$50	$54	$59	$65	$73
2 x 8	43	46	50	54	59	65	73
2 x 10	45	48	52	56	61	67	75
2 x 12	49	52	56	60	65	71	79
2 x 14	53	56	60	64	69	75	83
2 x 16	58	61	65	69	74	80	88
3 x 6	43	46	50	54	59	65	73
3 x 8	43	46	50	54	59	65	73
3 x 10	45	48	52	56	61	67	75
3 x 12	49	52	56	60	65	71	79
3 x 14	53	56	60	64	69	75	83
3 x 16	58	61	65	69	74	80	88
4 x 6	43	46	50	54	59	65	73
4 x 8	43	46	50	54	59	65	74
4 x 10	45	48	52	56	61	67	75
4 x 12	49	52	56	60	65	71	79
4 x 14	53	56	60	64	69	75	83
4 x 16	58	61	65	69	74	80	88
6 x 6	43	46	50	54	59	65	73
6 x 8	45	48	52	56	61	67	75
6 x 10	47	50	54	58	63	69	77
6 x 12	49	52	56	60	65	71	79
6 x 14	53	56	60	64	69	75	83
6 x 16	58	61	65	69	74	80	88
8 x 8	45	48	52	56	61	67	75
8 x 10	47	50	54	58	63	69	77
8 x 12	49	52	56	60	65	71	79
8 x 14	53	56	60	64	69	75	83
8 x 16	58	61	65	69	74	80	88
10 x 10	47	50	54	58	63	69	77
10 x 12	49	52	56	60	65	71	79
10 x 14	53	56	60	64	69	75	83
10 x 16	58	61	65	69	74	80	88
10 x 18	63	66	70	74	79	85	93
12 x 12	50	53	57	61	66	72	80
12 x 14	55	58	62	66	71	77	85
12 x 16	60	63	67	71	76	82	90
12 x 18	66	69	73	77	82	88	96
12 x 20	72	75	79	83	88	94	102
14 x 14	56	59	63	67	72	78	86
14 x 16	62	65	69	73	78	84	92
14 x 18	68	71	75	79	84	90	98
14 x 20	75	78	82	86	91	97	105
14 x 22	83	86	90	94	99	105	113
14 x 24	92	95	99	103	108	114	122
14 x 26	102	105	109	113	118	124	132
14 x 28	113	116	120	124	129	135	143
16 x 16	69	72	76	80	85	91	99
16 x 18	76	79	83	87	92	98	106
16 x 20	84	87	91	95	100	106	114
16 x 22	92	95	99	103	108	114	122
16 x 24	101	104	108	112	117	123	131
16 x 26	111	114	118	122	127	133	141
16 x 28	122	125	129	133	138	144	152
18 x 18	83	86	90	94	99	105	113
18 x 20	91	94	98	102	107	113	121
18 x 22	100	103	107	111	116	122	130
18 x 24	110	113	117	121	126	132	140
18 x 26	121	124	128	132	137	143	151
18 x 28	133	136	140	144	149	155	163

NOTES ON WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE

Random Widths; in 2", 3" and 4" thicknesses—$43.00.

Free of Heart; in 2", 3" and 4" thicknesses—add $6.00 to maximum price for same thickness, width and length in above schedule.

PRICES FOR SPECIFIC SIZES NOT IN SCHEDULE

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this Regulation.

(21) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6	$50	$55	$61	$67	$74	$83	$95
2 x 8	50	55	61	67	74	83	95
2 x 10	53	57	63	69	77	86	98
2 x 12	58	63	69	75	82	91	103
2 x 14	64	68	74	80	88	97	109
2 x 16	70	75	81	87	95	104	116
3 x 6	50	55	61	67	74	83	95
3 x 8	50	55	61	67	74	83	95
3 x 10	53	57	63	69	77	86	98
3 x 12	58	63	69	75	82	91	103
3 x 14	64	68	74	80	88	97	109
3 x 16	70	75	81	87	95	104	116
4 x 6	48	55	60	65	71	78	88
4 x 8	48	55	60	65	71	78	88
4 x 10	50	58	62	67	73	80	90
4 x 12	55	62	67	72	78	85	95
4 x 14	59	67	72	77	83	90	100
4 x 16	65	73	78	83	89	96	106
6 x 6	48	55	60	65	71	78	88
6 x 8	50	58	62	67	73	80	90
6 x 10	53	60	65	70	76	83	92
6 x 12	55	62	67	72	78	85	95
6 x 14	59	67	72	77	83	90	100
6 x 16	65	73	78	83	89	96	106
8 x 8	50	58	62	67	73	80	90
8 x 10	53	60	65	70	76	83	92
8 x 12	55	62	67	72	78	85	95
8 x 14	59	67	72	77	83	90	100
8 x 16	65	73	78	83	89	96	106
10 x 10	53	60	65	70	76	83	92
10 x 12	55	62	67	72	78	85	95
10 x 14	59	67	72	77	83	90	100
10 x 16	65	73	78	83	89	96	106
10 x 18	71	79	84	89	95	102	112
12 x 12	56	64	68	73	79	86	96
12 x 14	62	70	74	79	85	92	102
12 x 16	67	76	80	85	91	98	108
12 x 18	74	83	88	92	98	106	115
12 x 20	81	90	95	100	106	113	122
14 x 14	63	71	76	80	86	94	103
14 x 16	69	78	83	88	94	101	110
14 x 18	76	85	90	95	101	108	118
14 x 20	84	94	98	103	109	116	126
14 x 22	93	103	108	113	119	126	136
14 x 24	103	114	119	124	130	137	146
14 x 26	114	126	131	136	142	149	158
14 x 28	127	139	144	149	155	162	172
16 x 16	77	86	91	96	102	109	119
16 x 18	85	95	100	104	110	118	127
16 x 20	94	104	109	114	120	127	137
16 x 22	103	114	119	124	130	137	146
16 x 24	113	125	130	134	140	148	157
16 x 26	124	137	142	146	152	160	169
16 x 28	137	150	155	160	166	173	182
18 x 18	93	103	108	113	119	126	136
18 x 20	102	113	118	122	128	136	145
18 x 22	112	124	128	133	139	146	156
18 x 24	123	136	140	145	151	158	168
18 x 26	136	149	154	158	164	172	181
18 x 28	149	163	168	173	179	186	196

Notes on White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber

Random Widths; in 2" and 3" thicknesses—$50.00.

Free of Heart; in 2" and 3" thicknesses—add $8.00 to maximum price for same thickness, width and length in above schedule.

PRICES FOR SPECIFIC SIZES NOT IN SCHEDULE

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this Regulation.

4. Section 1382.61 (c) is amended to read as follows:

(c) *Deduction for green.* For North Central hardwood lumber shipped in a "green" condition, deduct from the maximum prices for air-dried lumber established in this Appendix "A", 10% of the maximum price for rough, air-dried material in the same specifications. This deduction, however, shall not apply to the prices for material contained in subparagraphs (20) and (21) of paragraph (b) above.

For the purposes of this paragraph, hardwood lumber shall be considered to be "green" unless it has been stacked on the yard for air-drying.

A purchaser may waive any requirement as to moisture content, in which case, if the lumber has been stacked on the yard, the air-dried price shall be applicable, regardless of the moisture content, but if the lumber has not been stacked on the yard for air-drying the "green" price shall be applicable.

5. In § 1382.61 (e), (h), and (j), the words "North Central hardwood lumber", wherever appearing, are amended to read "Central hardwood lumber".

6. Section 1382.62 is revoked and a new § 1382.62 is added to read as follows:

§ 1382.62 *Appendix B: Maximum prices for North Central hardwood lumber in "standard special" grades or items*—(a) *Standard special widths and lengths.* The f. o. b. mill price for 1,000 feet of North Central hardwood lumber in the species and in the "standard special" widths and lengths listed below shall be as follows:

(1) STANDARD SPECIAL WIDTHS AND LENGTHS—ALL HARDWOOD SPECIES (EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH 2 BELOW)

Width and/or length	Grade	Maximum additions to maximum prices established in §1382.61 for lumber in corresponding standard grades and same thicknesses
8" or 6" and wider; regular lengths	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	$2.00
8' and longer	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	1.00
10' and longer; or 12' and longer	No. 2 Common; No. 3A Common; No. 3 Common.	2.00
All 14' to 16' or all one length 10'-14'	No. 2 Common; No. 3A Common; No. 3 Common.	4.00
All 18'	No. 2 Common; No. 3A Common; No. 3 Common.	5.00
8" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common.	4.00
10" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common.	5.00
12" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common.	6.00
All 10' to 16' or all 10'	No. 1 Common and better	3.00
All 12' to 16'	No. 1 Common and better	6.00
All 12' and 14'—or all 12'	No. 1 Common and better	8.00
All 14' and 16' or all 14'	No. 1 Common and better	10.00
All 16'	No. 1 Common and better	15.00
All 7" and wider; standard lengths	No. 1 Common and better	4.00
All 8" and wider; standard lengths	No. 1 Common and better	8.00
All 9" and wider; standard lengths	No. 1 Common and better	12.00
All 10" and wider; standard lengths	No. 1 Common and better	16.00
All 11" and wider; standard lengths	No. 1 Common and better	20.00
All 12" and wider; standard lengths	No. 1 Common and better	25.00
For each additional inch over 12" & wider)	No. 1 Common and better	5.00
All one width	No. 3 Common and better	(1)
Step Plank	No. 1 Common and better	25.00

[1] Same price as for same width and wider.

(2) STANDARD SPECIAL WIDTHS—BASSWOOD AND POPLAR

Width and/or length	Grade	Maximum additions to maximum prices established in §1382.61 for lumber in corresponding standard grades and same thicknesses
7" and wider; standard lengths	No. 1 Common and better	$4.00
8" and wider; standard lengths	No. 1 Common and better	5.00
9" and wider; standard lengths	No. 1 Common and better	7.00
10" and wider; standard lengths	No. 1 Common and better	10.00
11" and wider; standard lengths	No. 1 Common and better	11.00
12" and wider; standard lengths	No. 1 Common and better	12.00
13" and wider; standard lengths	No. 1 Common and better	13.00
14" and wider; standard lengths	No. 1 Common and better	14.00
15" and wider; standard lengths	No. 1 Common and better	15.00
16" and wider; standard lengths	No. 1 Common and better	16.00
17" and wider; standard lengths	No. 1 Common and better	17.00
18" and wider; standard lengths	No. 1 Common and better	18.00
20" and wider; standard lengths	No. 1 Common and better	20.00
For each additional inch over 20" & wider	No. 1 Common and better	2.00

(b) *Additions, adjustments, and restrictions.* The additions, adjustments, and restrictions provided in paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) of § 1382.61, Appendix A, shall apply to the prices established in this Appendix B.

(c) *Effect on special prices.* The maximum prices contained in this Appendix B supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

7. Section 1382.63 is revoked and a new § 1382.63 is added to read as follows:

§ 1382.63 *Appendix C: Maximum prices for North Central hardwood lumber in grades, specifications, and extras not specifically priced*—(a) *Application of Appendix C.* (1) North Central hardwood lumber sold on special grades or specifications or with special services or other extras not specifically mentioned in Appendices A and B (§§ 1382.61 and 1382.62), is nevertheless subject to this regulation. The maximum price for such lumber shall be determined in accordance with the formula in paragraph (b) below.

(2) For the purposes of this section, the term "North Central hardwood lumber" shall include all items of lumber in the species set forth in § 1382.58 (a) (3), but shall not include the following items (the term "items" includes specifications, workings, and/or extras).

(i) Glued stock.

(ii) Moulding.

(iii) Shiplap.

(iv) Risers, step treads, thresholds, handrails.

(v) Bevel and drop siding.

(vi) Flooring.

(vii) Switch, cross, and mine ties.

(viii) Mine materials.

(ix) Small dimension stock.

(x) Lath.

(xi) Navy oak ship stock (see Maximum Price Regulation No. 281).

(b) *Maximum prices for grades, specifications and extras not specifically priced.* (1) The maximum price for North Central hardwood lumber in grades, specifications, and extras not specifically priced in Appendices A and B, shall be a price which bears the October 1941 relation to the most comparable standard item. The seller should find his price difference between the special item and this most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or if this is impossible, the price differential he would have used. This difference is then added to o. subtracted from the maximum price of the comparable standard grade, and the result is the maximum price for the special grade. This price must be reported to the Office of Price Administration, Washington, D. C., on OPA Form 255:1 revised given in paragraph (3) below. It may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report, it is approved.

(2) A seller using this pricing section can go ahead with delivery of the lumber and collection of the price he has computed or requested. But he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

(3) OPA Form 255:1 revised is as follows:

Form approved
by Budget Bureau
No. 08-R 525

OFFICE OF PRICE ADMINISTRATION

LUMBER BRANCH

HARDWOOD SECTION

Report of sales of North Central hardwood lumber in special items or special grades (other than combination grades), or prepared with special workings, treatments or services.

Company _____
Address _____
Mill Location _____

Sales of Special Stocks of Lumber

(As defined in Appendix B of Maximum Price Regulation No. 155)

This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of North Central hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment, or service.

Date of order _____
Origin of shipment _____
Order No. _____

Destination of Shipment_____
Purchaser _____
(Name and Address)

F. o. b. Mill Price_____
(Including discounts or commissions, if any)

(Species) (Thickness)

(Widths) (Lengths)

(Designation of grade, item, working, treatment or service)

Differential in relation to most comparable standard grade or item which was employed or would have been employed during October 1–15, 1941_____

Most comparable standard grade or item to which differential is applied_____

Complete description of special grade, item, working, treatment, or service (including a statement whether the lumber is rough or machined and is air dried, kiln dried, or green) _____

Detailed explanation of how maximum price was computed or built up_____

(Name) (Office or Title)

(c) *Additions, adjustments, and restrictions.* The additions, adjustments, and restrictions provided in paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) of § 1382.61, Appendix A, shall apply to the prices established in this Appendix C.

8. Section 1382.64 (b) (31), (32) and (33) are added to read as follows:

(31) SOFT MAPLE—WHND

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
¼	$36.00	$25.00		
⅝	41.00	29.00		
¾	47.00	33.00		
1	55.00	39.00	$31.00	$16.00
1¼	59.00	43.00	33.00	17.00
1½	60.00	45.00	34.00	17.00
2	66.00	49.00	36.00	18.00
2½	79.00	54.00		
3	91.00	60.00		
4	101.00	73.00		

(32) WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6	$43	$46	$50	$54	$59	$65	$73
2 x 8	43	46	50	54	59	65	73
2 x 10	45	48	52	56	61	67	75
2 x 12	49	52	56	60	65	71	79
2 x 14	53	56	60	64	69	75	83
2 x 16	58	61	65	69	74	80	88
3 x 6	43	46	50	54	59	65	73
3 x 8	43	46	50	54	59	65	73
3 x 10	45	48	52	56	61	67	75
3 x 12	49	52	56	60	65	71	79
3 x 14	53	56	60	64	69	75	83
3 x 16	58	61	65	69	74	80	88
4 x 6	43	46	50	54	59	65	73
4 x 8	43	46	50	54	59	65	73
4 x 10	45	48	52	56	61	67	75
4 x 12	49	52	56	60	65	71	79
4 x 14	53	56	60	64	69	75	83
4 x 16	58	61	65	69	74	80	88
6 x 6	43	46	50	54	59	65	73
6 x 8	45	48	52	56	61	67	75
6 x 10	47	50	54	58	63	69	77
6 x 12	49	52	56	60	65	71	79
6 x 14	53	56	60	64	69	75	83
6 x 16	58	61	65	69	74	80	88
8 x 8	45	48	52	56	61	67	75
8 x 10	47	50	54	58	63	69	77
8 x 12	49	52	56	60	65	71	79
8 x 14	53	56	60	64	69	75	83
8 x 16	58	61	65	69	74	80	88
10 x 10	47	50	54	58	63	69	77
10 x 12	49	52	56	60	65	71	79
10 x 14	53	56	60	64	69	75	83
10 x 16	58	61	65	69	74	80	88
10 x 18	63	66	70	74	79	85	93
12 x 12	50	53	57	61	66	72	80
12 x 14	55	58	62	66	71	77	85
12 x 16	60	63	67	71	76	82	90
12 x 18	66	69	73	77	82	88	96
12 x 20	72	75	79	83	88	94	102
14 x 14	56	59	63	67	72	78	86
14 x 16	62	65	69	73	78	84	92
14 x 18	68	71	75	79	84	90	98
14 x 20	75	78	82	86	91	97	105
14 x 22	83	86	90	94	99	105	113
14 x 24	92	95	99	103	106	114	122
14 x 26	102	105	109	113	118	124	132
14 x 28	113	116	120	124	129	135	143
16 x 16	69	72	76	80	85	91	99
16 x 18	76	79	83	87	92	98	106
16 x 20	84	87	91	95	100	106	114
16 x 22	92	95	99	103	108	114	122
16 x 24	101	104	108	112	117	123	131
16 x 26	111	114	118	122	127	133	141
16 x 28	122	125	129	133	138	144	152
18 x 18	83	86	90	94	99	105	113
18 x 20	91	94	98	102	107	113	121
18 x 22	100	103	107	111	116	122	130
18 x 24	110	113	117	121	126	132	140
18 x 26	121	124	128	132	137	143	151
18 x 28	133	136	140	144	149	155	163

(32) WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE—Continued.

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
6 x 16	$58	$61	$65	$69	$74	$80	$88
8 x 8	45	48	52	56	61	67	75
8 x 10	47	50	54	58	63	69	77
8 x 12	49	52	56	60	65	71	79
8 x 14	53	56	60	64	69	75	83
8 x 16	58	61	65	69	74	80	88
10 x 10	47	50	54	58	63	69	77
10 x 12	49	52	56	60	65	71	79
10 x 14	53	56	60	64	69	75	83
10 x 16	58	61	65	69	74	80	88
10 x 18	63	66	70	74	79	85	93
12 x 12	50	53	57	61	66	72	80
12 x 14	55	58	62	66	71	77	85
12 x 16	60	63	67	71	76	82	90
12 x 18	66	69	73	77	82	88	96
12 x 20	72	75	79	83	88	94	102
14 x 14	56	59	63	67	72	78	86
14 x 16	62	65	69	73	78	84	92
14 x 18	68	71	75	79	84	90	98
14 x 20	75	78	82	86	91	97	105
14 x 22	83	86	90	94	99	105	113
14 x 24	92	95	99	103	106	114	122
14 x 26	102	105	109	113	118	124	132
14 x 28	113	116	120	124	129	135	143
16 x 16	69	72	76	80	85	91	99
16 x 18	76	79	83	87	92	98	106
16 x 20	84	87	91	95	100	106	114
16 x 22	92	95	99	103	108	114	122
16 x 24	101	104	108	112	117	123	131
16 x 26	111	114	118	122	127	133	141
16 x 28	122	125	129	133	138	144	152
18 x 18	83	86	90	94	99	105	113
18 x 20	91	94	98	102	107	113	121
18 x 22	100	103	107	111	116	122	130
18 x 24	110	113	117	121	126	132	140
18 x 26	121	124	128	132	137	143	151
18 x 28	133	136	140	144	149	155	163

Notes on White Oak or Red Oak—Structural Stock or Sound Square Edge

Random Widths; in 2", 3" and 4" thicknesses—$43.00.

Free of Heart; in 2", 3" and 4" thicknesses—add $6.00 to maximum price for same thickness, width and length in above schedule.

PRICES FOR SPECIFIC SIZES NOT IN SCHEDULE

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this Regulation.

(33) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER.

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6	$50	$55	$61	$67	$74	$83	$95
2 x 8	50	55	61	67	74	83	95
2 x 10	53	57	63	69	77	86	98
2 x 12	58	63	69	75	82	91	103
2 x 14	64	68	74	80	88	97	109
2 x 16	70	75	81	87	95	104	116
3 x 6	50	55	61	67	74	83	95
3 x 8	50	55	61	67	74	83	95
3 x 10	53	57	63	69	77	86	98
3 x 12	58	63	69	75	82	91	103
3 x 14	64	68	74	80	88	97	109

(33) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER—Continued.

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
3 x 16	$70	$75	$81	$87	$95	$104	$116
4 x 6	48	55	60	65	71	78	88
4 x 8	48	55	60	65	71	78	88
4 x 10	50	58	62	67	73	80	90
4 x 12	55	62	67	72	78	85	95
4 x 14	59	67	72	77	83	90	100
4 x 16	65	73	78	83	89	96	106
6 x 6	48	55	60	65	71	78	88
6 x 8	50	58	62	67	73	80	90
6 x 10	53	60	65	70	76	83	92
6 x 12	55	62	67	72	78	85	95
6 x 14	59	67	72	77	83	90	100
6 x 16	65	73	78	83	89	96	106
8 x 8	50	58	62	67	73	80	90
8 x 10	53	60	65	70	76	83	92
8 x 12	55	62	67	72	78	85	95
8 x 14	59	67	72	77	83	90	100
8 x 16	65	73	78	83	89	96	106
10 x 10	53	60	65	70	76	83	92
10 x 12	55	62	67	72	78	85	95
10 x 14	59	67	72	77	83	90	100
10 x 16	65	73	78	83	89	96	106
10 x 18	71	79	84	89	95	102	112
12 x 12	56	64	68	73	79	86	95
12 x 14	62	70	74	79	85	92	102
12 x 16	67	76	80	85	91	98	108
12 x 18	74	83	88	92	98	106	115
12 x 20	81	90	95	100	106	113	122
14 x 14	63	71	76	80	86	94	103
14 x 16	69	78	83	88	94	101	110
14 x 18	76	85	90	95	101	108	118
14 x 20	84	94	98	103	109	116	126
14 x 22	93	103	108	113	119	126	136
14 x 24	103	114	119	124	130	137	146
14 x 26	114	126	131	136	142	149	158
14 x 28	127	139	144	149	155	162	172
16 x 16	77	86	91	96	102	109	119
16 x 18	85	95	100	104	110	118	127
16 x 20	94	104	109	114	120	127	137
16 x 22	103	114	119	124	130	137	146
16 x 24	113	125	130	134	140	148	157
16 x 26	124	137	142	146	152	160	169
16 x 28	137	150	155	160	166	173	182
18 x 18	93	103	108	113	119	126	136
18 x 20	102	113	118	122	128	136	145
18 x 22	112	124	128	133	139	146	156
18 x 24	123	136	140	145	151	158	168
18 x 26	136	149	154	158	164	172	181
18 x 28	149	163	168	173	179	186	196

Notes on White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber

Random Widths; in 2" and 3" thicknesses—$50.00.

Free of Heart; in 2" and 3" thicknesses—add $8.00 to maximum price for same thickness, width and length in above schedule.

PRICES FOR SPECIFIC SIZES NOT IN SCHEDULE

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this Regulation.

9. Section 1382.64 (c) is amended to read as follows:

(c) *Deduction for green.* For South Central hardwood lumber shipped in a "green" condition, deduct from the maximum prices for air-dried lumber established in this Appendix "D", 10% of the maximum price for rough, air-dried material in the same specifications. This deduction, however, shall not apply to the prices for material contained in subparagraphs (32) and (33) of paragraph (b) above.

For the purposes of this paragraph, hardwood lumber shall be considered to be "green" unless it has been stacked on the yard for air-drying.

A purchaser may waive any requirement as to moisture content, in which case, if the lumber has been stacked on the yard, the air-dried price shall be applicable, regardless of the moisture content, but if the lumber has not been stacked on the yard for air-drying the "green" price shall be applicable.

10. Section 1382.65 is revoked and a new § 1382.65 is added to read as follows:

§ 1382.65 *Appendix E: Maximum prices for South Central hardwood lumber; "Standard special" grades or items*—(a) *Standard special widths and lengths.* The maximum f. o. b. mill prices for 1,000 feet of South Central hardwood lumber in the species and in the "standard special" widths and lengths listed below shall be as follows:

(1) STANDARD SPECIAL WIDTHS AND LENGTHS—ALL HARDWOOD SPECIES

[Except as otherwise provided in subparagraphs (2) and (3) below]

Width and/or length	Grade	Maximum additions to maximum prices established in §1382.64 for lumber in corresponding standard grades and same thicknesses
6" or 8" and wider; regular lengths	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	$2.00
8' and longer	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	1.00
10' and longer; or 12' and longer	No. 2 Common; No. 3A Common; No. 3 Common.	2.00
All 14' to 16' or all one length 10'-14'	No. 2 Common; No. 3A Common; No. 3 Common.	4.00
All 16'	No. 2 Common; No. 3A Common; No. 3 Common.	5.00
8" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common.	4.00
10" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common.	5.00
12" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common.	6.00
All 10' to 16' or all 10'	No. 1 Common and better	3.00
All 12' to 16'	No. 1 Common and better	6.00
All 12' and 14'—or all 12'	No. 1 Common and better	8.00
All 14' and 16' or all 14'	No. 1 Common and better	10.00
All 16'	No. 1 Common and better	15.00
7" and wider; standard lengths	No. 1 Common and better	2.50
8" and wider; standard lengths	No. 1 Common and better	5.00
9" and wider; standard lengths	No. 1 Common and better	7.50
10" and wider; standard lengths	No. 1 Common and better	10.00
12" and wider; standard lengths	No. 1 Common and better	15.00
For each additional inch over 12" and wider	No. 1 Common and better	2.50
All one width	No. 3 Common and better	(1)
Step plank	No. 1 Common and better	15.00

[1] Same price as for same width and wider.

(2) STANDARD SPECIAL WIDTHS—TOUGH ASH

Width and/or length	Grade	Maximum additions to maximum prices established in §1382.64 for lumber in corresponding standard grades and same thicknesses
10' and longer	No. 1 Common and better	$5.00
12' and longer	No. 1 Common and better	10.00
14' and 16' or all one length 10 to 14'	No. 1 Common and better	15.00
A combination of 2 lengths in the range 8' to 16' except the combination of 14' and 16'	No. 1 Common and better	10.00
A combination of 3 lengths in the range 8' to 16' except the combination of 12', 14' and 16'	No. 1 Common and better	5.00
All 8'	No. 1 Common and better	10.00
All 16'	No. 1 Common and better	20.00
7" and wider; standard lengths	No. 1 Common and better	10.00
8" and wider; standard lengths	No. 1 Common and better	15.00
9" and wider; standard lengths	No. 1 Common and better	20.00
10" and wider; standard lengths	No. 1 Common and better	25.00
11" and wider; standard lengths	No. 1 Common and better	30.00
12" and wider; standard lengths	No. 1 Common and better	35.00
13" and wider; standard lengths	No. 1 Common and better	40.00
14" and wider; standard lengths	No. 1 Common and better	45.00

(3) STANDARD SPECIAL WIDTHS—COTTONWOOD; BLACK GUM—PLAIN; RED GUM—PLAIN; SAP GUM—PLAIN; YELLOW POPLAR—PLAIN; TUPELO—PLAIN

Widths	Grade	Maximum additions to maximum prices established in §1382.64 for lumber in corresponding standard grades and same thicknesses
7" and wider; standard lengths	No. 1 Common and better	$4.00
8" and wider; standard lengths	No. 1 Common and better	5.00
9" and wider; standard lengths	No. 1 Common and better	5.50
10" and wider; standard lengths	No. 1 Common and better	6.00
11" and wider; standard lengths	No. 1 Common and better	6.50
12" and wider; standard lengths	No. 1 Common and better	7.00
13" and wider; standard lengths	No. 1 Common and better	8.00
14" and wider; standard lengths	No. 1 Common and better	9.00
15" and wider; standard lengths	No. 1 Common and better	10.00
16" and wider; standard lengths	No. 1 Common and better	12.00
17" and wider; standard lengths	No. 1 Common and better	14.00
18" and wider; standard lengths	No. 1 Common and better	16.00
20" and wider; standard lengths	No. 1 Common and better	18.00

(b) *Additions, adjustments and restrictions.* The additions, adjustments and restrictions provided in paragraphs (c) and (d) of § 1382.64, Appendix D, and in paragraphs (e), (f), (g), (h), (i), and (j) of § 1382.61, Appendix A, shall apply to the prices established in this Appendix E.

(c) *Effect on special prices.* The maximum prices contained in this Appendix E supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

11. Section 1382.66 is revoked and a new § 1382.66 is added to read as follows:

§ 1382.66 *Appendix F: Maximum prices for South Central hardwood lumber in "non-standard special" grades or items*—(a) *Application of Appendix F.* (1) This section shall apply to South Central hardwood lumber which is sold on special specifications not covered by Appendices D and E (§§ 1382.64 and 1382.65).

(2) For the purposes of this section, the term "South Central hardwood lumber" shall include all items of lumber in the species set forth in § 1382.58 (a) (4) but shall not include the following items: (The term "items" includes specifications, workings, services, and/or extras).

(i) Glued stock.
(ii) Moulding.
(iii) Shiplap.
(iv) Risers, step treads, thresholds, handrails.
(v) Bevel and drop siding.
(vi) Flooring.
(vii) Switch, cross, and mine ties.
(viii) Mine material.
(ix) Small dimension stock.
(x) Lath.
(xi) Navy oak ship stock (see Maximum Price Regulation No. 281).

(b) *Maximum prices for grades, specifications and extras not specifically priced.* (1) The maximum price for South Central hardwood lumber in grades, specifications and extras not specifically priced in Appendices D and E, shall be a price which bears the October 1941 relation to the most comparable standard item. The seller should find his price difference between the special item and this most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or if this is impossible, the price differential he would have used. This difference is then added to or subtracted from the maximum price of the comparable standard grade, and the result is the maximum price for the special grade. This price must be reported to the Office of Price Administration, Washington, D. C., on OPA Form 255:2 revised given in paragraph (3) below. It may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report, it is approved.

(2) A seller using this pricing section can go ahead with delivery of the lumber and collection of the price he has computed or requested. But he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

(3) OPA Form 255:2 revised is as follows:

Form approved
by Budget Bureau
No. 08-R 525

OFFICE OF PRICE ADMINISTRATION

LUMBER BRANCH

HARDWOOD SECTION

Report of sales of South Central hardwood lumber in special items or special grades (other than combination grades), or prepared with special workings, treatments or services.

Company_____
Address_____
Mill location_____

SALES OF SPECIAL STOCKS OF LUMBER

(As Defined in Appendix B of Maximum Price Regulation No. 155)

This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of South Central hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment, or service.

Date of order_____
Origin of shipment_____
Order No._____
Destination of shipment_____
Purchaser_____
(Name and address)
F. o. b. Mill Price _____
(Including discounts or commissions, if any)

(Species) (Thickness) (Widths) (Lengths)

(Designation of grade, item, working, treatment or service)

Differential in relation to most comparable standard grade or item which was employed or would have been employed during October 1-15, 1941_____

Most comparable standard grade or item to which differential is applied_____

Complete description of special grade, item, working, treatment, or service (including a statement whether the lumber is rough or machined and is air dried, kiln dried or green)

Detailed explanation of how maximum price was computed or built up_____

(Name) (Office or title)

(c) *Additions, adjustments and restrictions.* The additions, adjustments and restrictions provided in paragraphs (c) and (d) of § 1382.64, Appendix D, and in paragraphs (e), (f), (g), (h), (i) and (j) of § 1382.61, Appendix A, shall apply to the prices established in this appendix.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective July 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11000; Filed, July 8, 1943; 11:48 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 26]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3853, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 5756, 6046, 6687, 7198, 7261, 8061, 8064, 8357, 8601.

Ration Order 17 is amended in the following respects:

1. A new section 1.4c is added to read as follows:

SEC. 1.4c *Consumers not eligible for War Ration Book may obtain special shoe stamps.* (a) Any individual consumer who does not have, and is not eligible for, a War Ration Book and who is not eligible for shoe rations under section 1.4b or section 1.14 (b) or (d) may apply to any District Office or to a Board designated by a District Office for a special shoe stamp. However, a resident of an institution of involuntary confinement may not apply if shoes are furnished him by the institution, and no consumer may apply if he has been issued a special shoe stamp during the current ration period or has pending any other application for a special shoe stamp.

(b) The application shall be made in person, and a separate application shall be made by each person for whom a special shoe stamp is desired, except that: (1) an eligible applicant appearing personally may make one application for himself and for any members of his family who are eligible, and (2) an application may be made by an agent for any or all eligible consumers who are confined in an institution of involuntary confinement within the United States.

(c) The application shall be made in writing, and need not be made in any prescribed form. The application shall contain: (1) the name and address of the person or persons for whom the application is made; (2) a statement that no person for whom the application is made has, or is eligible for a War Ration Book; that no such person has received a special shoe stamp during the current ration period or has pending any other application for such a stamp; and that no such person is eligible for shoe rations under sections 1.4b, or 1.14 (b) or (d) of this order, and (3) if the application is made for a person confined in an institution of involuntary confinement, a statement that he is not furnished shoes by the institution.

(d) The District Office or authorized Board shall issue one special shoe stamp for each eligible person for whom application is properly made under this section.

2. Section 2.15 (a) (2) is amended to read as follows:

(2) Exported to a foreign country or to a territory or possession of the United States (other than the District of Columbia) or delivered as slop-chest supplies, ships' stores, or to Ships' Service Stores Afloat, pursuant to section 3.5, or transferred to or for the account of an exempt person or agency designated in section 3.6, without getting ration currency, or

3. Section 3.5 is amended to read as follows:

SEC. 3.5 *How shoes may be exported.* (a) Any person may export shoes without receiving ration currency in the following cases, and in accordance with the following provisions:

(1) Shoes may be shipped to a territory, possession, or dependency of the United States (other than the District of Columbia) or transferred to Ships' Service Stores Afloat, or to any person as slopchest supplies or ships' stores for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade, without prior consent from any person or agency.

(2) Shoes having a declared value of $25.00 or over may be exported to any foreign country other than Canada under an individual or program license issued by the Board of Economic Warfare.

(3) Shoes may be exported to Canada under a purchase order approved by the Canadian Administrator of Wholesale Trade.

(4) Shoes having a declared value of less than $25.00 may be exported by a registered establishment without prior approval to any foreign country, except to an address in Baja California, Mexico, within 90 kilometers of the border between Mexico and the United States or in any other part of Mexico within 20 kilometers of such border, if the shoes are exported by mail, parcel post, express, or other common carrier.

(b) Shoes having a declared value of less than $25.00 for which ration currency has been obtained and surrendered by an individual consumer or by an agent for him in a manner authorized by this Order, and any shoes acquired by an exempt person or agency in a way permitted by Sec. 3.6, may be exported without further approval.

(c) Nothing in this section shall be deemed to authorize any export of shoes to be made in violation of any other applicable law or regulation.

4. Section 3.6 (b) (11) is amended to read as follows:

(11) Any person, other than an establishment, acquiring shoes for export to and use in any foreign country other than Canada under an individual or program license issued by the Board of Economic Warfare, or for export to and use in Canada under a purchase order approved by the Canadian Administrator of Wholesale Trade.

This amendment shall become effective July 8, 1943.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supplementary Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11001; Filed, July 8, 1943; 11:49 a. m.]

PART 1499—COMMODITIES AND SERVICES

CLARIFICATION OF PROCEDURE IN CERTAIN APPLICATIONS

[Correction to Amdt. 55 to GMPR[1]]

In the third sentence under the heading "Instructions" in the form in Appendix C, the phrase "or are established under section 3 (b) (4)" is amended to read "or are established under section 3 (b) (3)".

This correction shall become effective as of June 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11002; Filed, July 8, 1943; 11:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 28—PAYMENTS TO PROVIDE TRAINING FOR NURSES

Pursuant to the authority contained in Public Law 74, 78th Congress, approved June 15, 1943, providing for the training of nurses for the armed forces, governmental and civilian hospitals, health agencies and war industries, through grants to institutions providing such training, and for other purposes, and after conference with the Advisory Committee appointed by the Federal Security Administrator to represent the nursing profession, hospitals, and accredited nurses training institutions, the following regulations are hereby prescribed:

Sec.
28.1 Definitions.
28.2 Requirements for participation in student nurse training program.
28.3 Requirements for participation in refresher program.
28.4 Requirements for participation in postgraduate program.
28.5 Approval of plans and determination of allotments.
28.6 Methods of payment for refresher courses.
28.7 Methods of payment for student nurse training programs and postgraduate programs.
28.8 Cancellation of allotment.
28.9 Accounting for funds.

§ 28.1 *Definitions of terms used in the Act and in these Regulations*—(a) *Student nurse training program.* This term refers to a basic program for student nurses which qualifies graduates for licensure or for certification to practice as registered nurses in the State in which the particular nursing school is located. All students enrolled in such student nurse training programs under the pro-

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511.

visions of Public Law 74, 78th Congress shall be members of the United States Cadet Nurse Corps.

(b) *Refresher program.* This term refers to courses designed to prepare inactive graduate nurses for the active practice of nursing.

(c) *Postgraduate program.* This term refers to a program designed to prepare graduate nurses in special fields, such as teaching, administration in nursing schools and nursing services, public health nursing, industrial nursing, clinical nursing specialties, anesthesia, and midwifery.

(d) *Institution.* This term refers to an agency operating nurse education facilities such as a school of nursing, a hospital, a public health agency, university, or a college.

(e) *Pre-cadet nurse.* This term refers to the student nurse during the first nine months of the training period.

(f) *Junior cadet nurse.* This term refers to the student nurse who has completed satisfactorily the first nine months of the training period. The student remains in this grade 15–21 months until the required period of combined study and practice is completed.

(g) *Senior cadet nurse.* This term refers to the student nurse who has completed the required period of combined study and practice but has not fulfilled the remaining time requirement for graduation.

(h) *Training period.* This term refers to the combined pre-cadet period, junior cadet period, and senior cadet period. With reference to a basic nursing curriculum for which a degree is given, this training period commences with the beginning of the professional portion of the curriculum and may not exceed 36 months in length.

(i) *Tuition.* This term refers to an established fee, determined by the Surgeon General to be reasonable, which is charged to the student by the school for instructional costs and may include tuition costs of affiliations.

(j) *Fees.* This term refers to all charges other than tuition made by the school for such items as registration, matriculation, indoor uniforms, health and laboratory fees, textbooks, affiliation fees, and in the case of those schools which have reduced to 24 months the combined pre-cadet and junior cadet periods, this term may refer to an acceleration fee.

§ 28.2 *Requirements for participation in student nurse (basic) training program.* To be eligible for participation in the student nurse training program, a school of nursing must meet the following requirements:

(a) The school must be accredited by the appropriate accrediting agency for schools of nursing of the State, Territory, District of Columbia, or Puerto Rico.

(b) An institution offering a degree in nursing must be accredited by the appropriate accrediting agency for universities and colleges.

(c) The school must be connected with a hospital which is approved by the American College of Surgeons, or which maintains standards of nursing equivalent to those required by the American College of Surgeons. In a central school of nursing, the major hospital clinical unit must meet these same standards.

(d) The school of nursing must require for admission not less than graduation from an accredited high school.

(e) The school must maintain an educational staff adequate to provide satisfactory instruction and supervision.

(f) The curriculum of the school must include all those units of instruction necessary to conform with accepted present practices in basic nursing education. It must be arranged so that the required program of combined study and practice will be completed in from 24 to 30 months. In the case of students admitted prior to January 1, 1942, this period may extend to 32 months.

(g) The school must provide adequate clinical experience in the four basic services—medicine, surgery, pediatrics, and obstetrics—for the number of students proposed to be enrolled while the plan is in operation.

(h) The school must provide well-balanced weekly schedules of organized instruction, experience, and study.

(i) The school must provide adequate and well-equipped classrooms, laboratories, library and other necessary facilities for carrying out the educational program.

(j) The school must provide satisfactory living facilities and adequate student health service which must continue throughout the entire period of training.

(k) The school must provide maintenance, and a stipend of not less than $30 per month, for all senior cadet nurses, or where the senior cadet nurse is transferred to some other institution for training, it must require the latter institution to provide such maintenance and stipend, and also to provide supervised experience which will be credited toward graduation. The school will be responsible for making the necessary agreements with Federal or other hospitals or other agencies for this experience. When a student nurse desires transfer to a Federal hospital and the Federal hospital has requested such transfer the school must make such transfer.

(l) In evaluating the adequacy of the facilities of the school to meet the various requirements specified in the foregoing paragraphs, the standards of the National League of Nursing Education will be used as a guide.

(m) The school must certify (1) that all students enrolled in the student nurse (basic) training program will, in the judgment of the director of the school, be available upon graduation for military or other Federal governmental or essential civilian services for the duration of the present war, and must require from each student a statement to that effect, (2) that they are physically fit for the responsibilities of nursing, and (3) that they will not be retained in the school unless they continue to meet the scholastic and other standards of the school.

§ 28.3 *Requirements for participation in refresher program.* To be eligible for participation in the refresher program an institution must:

(a) Be approved by the American College of Surgeons or maintain standards of nursing equivalent to those required by the American College of Surgeons.

(b) Provide facilities for an educational experience in needed clinical fields.

(c) Provide a qualified nurse instructor to be responsible for the program.

(d) Provide a course of not less than six weeks' nor more than than three months' duration, consisting of an acceptable program of theory and practice.

(e) Certify that all students enrolled in refresher courses will, in the judgment of the head of the institution, be available upon completion of the course for military or other Federal governmental or essential civilian services for the duration of the present war, and must require from each such student a statement to that effect.

§ 28.4 *Requirements for participation in postgraduate program.* To be eligible for participation in the postgraduate program, an institution must meet the following requirements:

(a) An institution offering a postgraduate program such as those in supervision, teaching, administration in nursing schools and nursing services, public health nursing and clinical nursing specialties, must have well established programs in nursing education for graduate nurses which meet standards equal to those of the Association of Collegiate Schools of Nursing and the National League of Nursing Education or the National Organization for Public Health Nursing relating to matters such as educational staff, curriculum and educational facilities.

(b) Institutions offering programs for graduate nurses in fields related to nursing, such as anesthesia and midwifery, must provide adequate clinical and other facilities in the specialty and a sufficient number of qualified instructors and supervisors.

(c) The institution must certify that all students enrolled in a postgraduate program will in the judgment of the head of the institution be available, upon completion of the program, for military or other Federal governmental or essential civilian services for the duration of the present war, and must require from each such student a statement to that effect.

§ 28.5 *Approval of plans and determination of allotments.* An institution desiring to receive an allotment under this Act must submit to the Surgeon General, on forms provided by the Public Health Service, a proposed plan for participation in any of the programs defined above, including supporting budgets for the current Federal fiscal year. Students in the school may enroll in the Corps only when the plan goes into effect or on the first day of any succeeding month.

Plans for new programs or revised budgets for existing programs may be submitted for approval at any time during the Federal fiscal year. Consideration and approval of such plans or budgets will be contingent upon availability of funds for allotment.

A plan for training of nurses may be limited to basic student nurse training, or to postgraduate or refresher-nursing programs, or may include any or all of these. A plan submitted by any institution will be approved only if it conforms to the requirements of Public Law 74–78th Congress and to the requirements for participation set forth in §§ 28.2, 28.3 and 28.4, of these regulations. If a plan is approved Federal funds will be allotted by the Surgeon General within the limits of available appropriations.

Allotments will be limited to the following:

(a) *Student nurse (basic) training program.* (1) Reasonable tuition and fees for pre-cadet and junior cadet nurses, and reasonable fees for senior cadet nurses.

(2) Reasonable maintenance for the student's first nine months in the training period: *Provided,* That during such first nine months the hours of student practice in the hospital do not exceed an average of 24 per week and that the hours of combined practice and class do not exceed 48 in any one week.

(3) Stipends of $15 per month for pre-cadet nurses and $20 per month for junior cadet nurses, which shall be paid by the school to the student at the end of each month or semi-monthly, depending upon the fiscal policies of the school. These allotments will not include stipends to senior cadet nurses. These must be paid by the institution to which an allotment was made or to which the senior cadet nurse was transferred for training.

(4) An amount covering the cost of outdoor uniforms and insignia not to exceed a reasonable amount to be determined by the Surgeon General; such allowances for uniforms and insignia may be expended only if such uniforms and insignia conform to the requirements as outlined in "Regulations for uniforms for U. S. Cadet Nurse Corps" as prescribed by the Surgeon General.

(b) *Refresher program.* Reasonable instructional costs and fees.

(c) *Postgraduate program.* Reasonable tuition, fees, and maintenance.

§ 28.6 *Methods of payment for refresher courses.* Payments from an allotment for refresher courses will be made on a reimbursement basis at the completion of the course in accordance with a certified statement from the authorized administrative officer of the institution as to the number of inactive graduate nurses who have completed the course as outlined in the approved plan and as to any other matters specified by the Surgeon General.

§ 28.7 *Methods of payment for student nurse training programs and for postgraduate programs.* (a) Payments from an allotment will be made on a quarterly prepayment basis for estimated expenditures in accordance with the approved plan. The first payment will be made as near as possible to the beginning of the first Federal fiscal quarter of the operation of the approved plan. On the first day of each subsequent quarter the school must submit a certified statement giving the names of all students admitted under the plan during the preceding quarter and full information concerning the present status of all students for whom prepayments were made, and an accounting of all Federal funds received. Upon receipt this account will be audited; and payment for the next quarter will be adjusted on the basis of the total unobligated balance of funds from preceding quarter or quarters, the number of remaining students for whom prepayments are to be made, and the number of students scheduled to enroll during the ensuing quarter.

The term "unobligated balance of funds" includes but is not limited to such items as (1) the full amount of tuition, fees, maintenance, and stipends budgeted for those students who failed to enter the plan, (2) that portion of tuition and fees customarily refundable for those students who have withdrawn during the quarter, (3) maintenance for each such student from the date when he or she withdrew from the plan to the end of the quarter, (4) stipends not earned by and not paid to those students who have withdrawn during the quarter. In computing earned stipends, and maintenance for periods of less than a full month, daily rates amounting to one-thirtieth the monthly rate should be used.

§ 28.8 *Cancellation of allotment.* If the Federal Security Administrator, after reasonable notice and opportunity for hearing, finds that in the submission or administration of any plan there has been a failure to comply substantially with the provisions of Public Law 74—78th Congress or with these Regulations, he shall notify the institution involved that further payments will not be made to it until a plan has been submitted in accordance with said Act and Regulations and that there is no longer any such failure to comply. Until the Federal Security Administrator is satisfied that these conditions have been fulfilled, no further payments to the institution will be certified.

§ 28.9 *Accounting for funds.* The fiscal officer authorized by the grantee institution shall keep an account of funds paid under this Act separate and distinct from those of any other funds, local or Federal. To such account shall be credited receipts from the U. S. Government and refunds against disbursements made hereunder; and to such account shall be charged authorized cash disbursements for stipends and uniforms and/or amounts earned and payable for tuition, fees, and maintenance. Such accounts and all records pertaining thereto shall be available at all times for examination by representatives of the Surgeon General.

Dated: July 5, 1943.

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved: July 7, 1943.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 43–10995; Filed, July 8, 1943; 11:38 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[No. 3666]

PARTS 72, 73, 75, 82—TRANSPORTATION OF EXPLOSIVES [1]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of June, A. D. 1943.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921, (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

And it further appearing, that amendments involved in said applications, having been considered and found to be in accord with the best-known practicable means for securing safety in transit:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

Part 2—List of Explosives and Other Dangerous Articles

Amending items of list, section 4, order Aug. 16, 1940, or April 13, 1943, as follows:

[1] Parts 2, 3, and 6 in this order appear in CFR as Parts 72, 73, 75, and 82.

Article	Classed as—	Exemptions and packing (section)	Label	Maximum quantity, by express (pounds)
(Change) Arsenical flue dust	Pois. B	352, 355	Poison	200
(Add) Grenades, tear gas. (See Tear gas grenades).				
(Cancel) Police grenades, tear gas	Pois. C	No exemption, 365	Tear gas	75
(Change) Sodium azide	Pois. B	352, 361A	Poison	200
(Change) Tear gas grenades	Pois. C	No exemption, 365	Tear gas	75

Part 3—Regulations Applying to Shippers

Superseding and amending paragraph (c) (12) (c), section 64, order Dec. 12, 1942, to read as follows (packing railway fusees flares, or highway signals):

(c) (12) (c) Specification 12B.—Fiberboard boxes, provided that penetration of spikes of fusees through the outside container is prevented by sheet metal of not less than 0.01 inch thickness, or a wooden board of 3-ply birch, or other hardwood, not less than ⅜ inch thick, or by two thicknesses of 0.100-inch, 275-pound test, solid fiberboard, or two thicknesses of 0.090-inch, 450-pound-test, solid fiberboard. Gross weight not to exceed 65 pounds, except as authorized under paragraph 32 of spec. 12B. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Superseding and amending paragraph (g), section 113, order Feb. 10, 1943, to read as follows (packing paint, etc.):

(g) Because of the present emergency and until further order of the Commission, paint (other than aluminum, bronze and gold paint), enamel, varnish, shellac and lacquer, with flash point above 20° F. may be shipped in fiber drums, specification 21B, except that in lieu of the 4 foot drop prescribed by paragraph 6 (a) of specification 21B, the drum must be able to withstand two drops from a height of 2 feet, on a solid concrete floor, the first drop to be made diagonally on bottom chime and the second drop to be flat on top; drums having wooden heads must have grain of wood parallel to concrete surface when dropped diagonally.

Amending paragraph (e), section 247, order Aug. 16, 1940, as follows (packing acetyl chloride, etc.) (add):

NOTE: Because of the present emergency and until further order of the Commission, sulfur chloride in carload or truckload lots may be shipped in specification 5 metal barrels or drums, manufactured prior to May 1, 1943, with flanges for closures welded in place and having no openings over 2.3 inches in diameter.

Superseding and amending head paragraph of addendum to Note 3, paragraph (q) (1), section 303, order Feb. 10, 1943, to read as follows (maximum permitted filling density in tank cars transporting liquefied petroleum gas of specific gravity shown, taken at 60° F.):

Addendum to Note 3. Because of the present emergency and until further order of the Commission, the following filling densities may be used in lieu of those specified in the table, Note 3, as amended:

Superseding and amending section 355, order Nov. 8, 1941, to read as follows (packing arsenical dust, etc.):

355 (a) Arsenical dust and arsenical flue dust not subject to dangerous spontaneous heating and arsenic trioxide, or sodium arsenate, when delivery is made to plants with private sidings, only, may, in addition to containers prescribed in section 354, be shipped in sift-proof, self-clearing, hopper or bottom-outlet steel cars, equipped with waterproof and dust-proof covers well secured in place for all openings. (See section 567 (b).—Cleaning cars.)

NOTE: Because of the present emergency and until further order of the Commission, arsenical dust and arsenical flue dust may also be shipped in sift-proof flat-bottom gondola cars equipped with waterproof and dustproof covers well secured in place for all openings. Such cars, when used exclusively in this service, are not subject to the requirements of section 567 (b).

(b) Arsenical dust and arsenic trioxide may be shipped in bulk in motor vehicles with steel, sift-proof, self-clearing hopper-type or dump-type bodies, with waterproof and dust-proof covers, well secured in place.

Amending order Aug. 16, 1940, as follows (packing sodium azide) (add):

361A (a) Sodium azide must be packed in specification containers as follows:

(b) As prescribed in section 361 (h), except that because of the present emergency and until further order of the Commission, uncreped bags may be used.

Superseding and amending paragraph (a), section 365, order Aug. 16, 1940, to read as follows (packing tear gas grenades, etc.):

365 (a) Tear gas grenades, tear gas candles, or similar devices containing lachrymatory (tear producing) substances, for civil or military use, must be packed in specification containers as follows (see section 66 for packing for tear gas cartridges):

Appendix to Part 3—Shipping Container Specifications

Superseding and amending paragraphs 27 and 30, specification 12B, orders of Feb. 26, 1942, and Aug. 16, 1940, respectively, to read as follows:

27. *Special box—Authorized only for pyroxylin in sheets, rods, or tubes.* Must comply with this specification except as follows: Must be of board at least 275-pound test with lining at least 200-pound test, all being double-faced corrugated fiberboard; 3 metal straps required (see paragraphs 24 and 25); authorized gross weight 90 pounds.

30. *Special box—Authorized only for motion-picture film in metal cans or strong cardboard or fiberboard boxes each containing not over 2,000 feet (approx.) of film.* Must comply with this specification except as follows:

(a) For one inside container: Must be of board at least 275-pound test for a 2,000-foot film and of board at least 200-pound test for a 1,000-foot film; lining and pads not required; closure by taping with strong paper tape authorized.

(b) For more than one inside container: Must be of 1-piece type; authorized gross weight 55 pounds when made of 325-pound test board, 65 pounds when made of 375-pound test board, and 75 pounds when made of 450-pound test board; interior packing required, of fiberboard at least 175-pound test, adequate to support inside containers in center of outside container; lining and top and bottom pads not required.

Amending paragraph 12, spec. 14, order Aug. 16, 1940, as follows (add):

NOTE. Because of the present emergency and until further order of the Commission, the following exception is authorized for nailing tops to boxes:

When 7d and 8d nails are required by paragraph 8, 6d nails are authorized if number of nails used is at least equal to length of end edge divided by 1¾ and length of side edge divided by 6.

Superseding and amending paragraph 2 (b), specs. MC 300, MC 301, MC 302, and MC 303, order Nov. 8, 1941, to read as follows:

(b) *Existing nonspecification tanks of tank motor vehicles.* Tanks of tank motor vehicles used for the transportation of inflammable liquids or poisonous liquids not meeting the requirements set forth in paragraph 2 (a), which shall have been in service prior to June 15, 1940, may be continued in service: *Provided*, That they fulfill the requirements set forth under paragraphs 6, 7 and 8, and that they be provided with the accessories as specified in paragraphs 32, 33 (a), 34, 35, 36, 37, and 38 of specification MC 300.

Part 6—Regulations Applying to Rail Carriers in Baggage Service

Amending paragraph (b) (1), section 703, order Nov. 8, 1941, as follows (add):

Dichlorodifluoromethane: Green gas label: In cylinders not exceeding 12 x 51 inches, and with pressure not exceeding 300 pounds at 70° F.

It is further ordered, That this order amending the aforesaid regulations shall be effective on and after June 30, 1943, and shall remain in full force and effect and be observed until further order of the Commission;

And it is further ordered, That a copy of this order be served upon all the parties of record herein; and that notices of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archieves.

(Sec. 233, 41 Stat. 1445, Sec. 204, 49 Stat. 546, Sec. 4, 52 Stat. 1232; Sec. 20, 54 Stat. 992, 56 Stat. 176; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-10934; Filed, July 7, 1943; 11:17 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 92—ALASKA GAME COMMISSION: GUIDES, POISONS, AND RESIDENT TRAPPING, HUNTING, AND FISHING LICENSES

By virtue of the authority conferred upon the Alaska Game Commission by the Act of January 13, 1925, 43 Stat. 739, as amended, 48 U. S. C., secs. 192–211, the following regulations are made and published, to take effect July 1, 1943:

Sec.
92.1 Employment of guides by nonresidents and aliens.
92.2 Qualifications for guide licenses and issuance thereof.
92.3 Designation and use of poison.

Sec.
92.4 Resident trapping, hunting, and fishing licenses.
92.5 Revocation of prior regulations.

AUTHORITY: §§ 92.1 to 92.5, inclusive, issued under 43 Stat. 739, as amended; 48 U.S.C. 192–211.

§ 92.1 *Employment of guides by nonresidents and aliens.*[1] Nonresidents of the Territory or aliens taking game animals for any purpose, or going afield to photograph large brown or grizzly bears, except nonresident Federal officials engaged in wildlife investigations in Alaska exempted by special permit of the Commission, are required to employ and be accompanied by a guide registered with and licensed by the Commission; but no such guide shall accompany in the field more than one nonresident or alien, except husband and wife and minor child all of whom are in possession of the required hunting licenses.

In cases of actual emergency when a bear is attacking or is about to escape after being wounded, it shall be the duty of the guide to take such action as he deems necessary.

§ 92.2 *Qualifications for guide licenses and issuance thereof.* Only resident citizens who have resided in the Territory for the 5 years immediately preceding application for registration and a guide license will be registered and licensed to act as guides for nonresidents and aliens taking game animals for any purpose, or going afield to photograph large brown or grizzly bears.

The Alaska Game Commission will establish guide districts and maintain a register of such persons as are duly qualified and licensed to act as guides in such districts.

Applications for such registration and guide license shall be made on a form issued by the Commission and shall state applicant's citizenship and resident status, age, physical characteristics, permanent address, and district or districts in which he desires to operate, together with full information relative to his qualifications to act as guide, and shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths.

Upon receipt of such application the Commission, through one of its members or such person as it shall designate, will arrange to determine, by such written and oral examinations and otherwise as it shall require, the qualifications of such applicant to act as a guide and his knowledge of the Alaska Game Law and regulations.

The member of the Commission or other person authorized to conduct such examination shall promptly file his report thereof with the Commission, together with his recommendation thereon, which report and recommendation shall be attached to the application and considered and determined at a regular or special meeting of the Commission.

If the Commission determines that the applicant does not possess sufficient field experience to qualify him to act as a principal guide but has all other qualifications, an assistant guide license may be issued to him, which shall authorize him to act as assistant to a principal guide.

In cases of emergency the Executive Officer of the Commission may, after investigation and satisfying himself of an applicant's qualifications, issue a special guide license to him upon payment of the required fee, authorizing him to guide the nonresident or alien hunter named in the application for such special license.

Extension or renewal of guiding privileges authorized by any guide license shall be made, in the discretion of the Commission, only upon examination and approval as hereinbefore provided.

A registered guide license must bear the signature of the Executive Officer of the Commission. Each license shall expire on June 30 next succeeding its issuance, shall be revocable at the discretion of the Commission, and shall not be transferable.

Each licensed guide shall submit to the Commission, immediately upon completion of a hunting or photographing trip, a report containing the name and address of the nonresident or alien for whom he acted as guide, period covered by his services, number and species of animals taken, wounded and not secured, numbers and localities of each species of big game animal observed on the trip and such other information as the Commission may require.

§ 92.3 *Designation and use of poison.* Pursuant to section 8 of the Alaska Game Law, the following substances are by the Commission designated poisons: Strychnine, arsenic, phosphorus, antimony, barium, the cyanides, corrosive sublimate, or any derivative or derivatives, compound or compounds thereof, which, by said section 8, are forbidden,

(1) To be used at any time to kill any game or fur animal or bird,

(2) To be put out where any game or fur animal or bird may come in contact with it,

(3) To be sold or given to any hunter or trapper, or

(4) To be possessed by any hunter or trapper.

Any person selling or otherwise disposing of any of the aforesaid poisons is required by said section 8 of the Alaska Game Law to keep a record in a special book showing the name and address of each person purchasing or otherwise procuring said poison, and the kind and amount thereof, such record to be, at all times, open to inspection by any wildlife agent or other officer authorized to enforce the Alaska Game Law and information thereof to be transmitted monthly to the Alaska Game Commission.

§ 92.4 *Resident trapping, hunting, and fishing licenses.* No resident of the Territory over 16 years of age, except a native-born Indian or Eskimo, shall take game animals, fur animals, birds, or game fishes in the Territory without first having obtained a resident hunting license for game animals or birds, a trapping license for fur animals, or a fishing license for game fishes, but a person who is the holder of such trapping license shall be entitled to the privilege of hunting game animals or birds or taking game fishes, and a person who is the holder of a resident hunting license shall be entitled to the privilege of taking game fishes during the respective open seasons.

§ 92.5 *Revocation of prior regulations.* On and after July 1, 1943, all former regulations of the Alaska Game Commission relative to guides, poisons, and resident hunting and trapping licenses shall be and are hereby revoked.

In testimony whereof, we have hereunto set our hands and caused the official seal of the Commission to be affixed in the City of Juneau, Territory of Alaska, this 1st day of July 1943.

[SEAL] EARL N. OHMER,
Commissioner First Judicial Division and Chairman.
FRANK P. WILLIAMS,
Commissioner Second Judicial Division.
ANDREW A. SIMONS,
Commissioner Third Judicial Division.
GORDON SPRINGBETT,
Commissioner Fourth Judicial Division.
FRANK DUFRESNE,
Secretary, Executive Officer, Chief Representative of Fish and Wildlife Service resident in Alaska.

[F. R. Doc. 43-10964; Filed, July 7, 1943; 4:10 p. m.]

[1] A list of licensed guides may be obtained upon request addressed to the Alaska Game Commission, Juneau, Alaska.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1907, Part II]

DISTRICT BOARD 12

ORDER POSTPONING HEARING

In the matter of the petition of District Board No. 12 requesting the establishment of absorptions of certain freight charges and a federal tax on transportation on certain locomotive fuels.

Petitioner having moved that the hearing in the above-entitled matter heretofore scheduled for July 8, 1943, be postponed until July 15, 1943, and there having been no opposition thereto;

Now, therefore, *it is ordered*, That the hearing in the above-entitled matter be postponed from July 8, 1943 to 10 o'clock in the forenoon of July 16, 1943 at the place heretofore designated.

Dated: July 7, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-10987; Filed, July 8, 1943; 11:04 p. m.]

[Docket No. A-1997]

DISTRICT BOARD 7

ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 7 for the establishment of

certain price classifications and minimum prices for the coals of Peerless Coal & Coke Company, Peerless Mine No. 4, Mine Index No. 248.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Peerless Coal & Coke Company, Peerless Mine No. 4, Mine Index No. 248, in District No. 7 when mechanically cleaned, sized and loaded at the tipple of Mine Index No. 137.

Although insufficient facts are set forth in the petition to warrant the establishment of higher price classifications and minimum prices than those heretofore established for these coals when loaded for shipment at the existing loading facilities of Mine Index No. 248, sufficient facts are stated to justify the granting of temporary relief in the manner hereinafter provided.

It appearing that no final determination should be made at this time with respect to the establishment of permanent price classifications and minimum prices for the coals of the aforesaid mine as requested; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck is supplemented to include the price classifications, minimum prices and other matters set forth in the schedule designated Supplement R attached hereto and made a part hereof.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on August 5, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, N. W., Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 31, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Peerless Coal & Coke Company requesting that, in addition to the price classifications and minimum prices heretofore established for the coals of its Peerless No. 4 Mine, Mine Index No. 248, in District No. 7, the following price classifications be established for the coals of the said mine when mechanically cleaned, sized and loaded for rail shipments over the tipple of Mine Index No. 137:

Size groups and price classifications requested

1, C; 2, B; 3, A; 4, A; 5, A; 6, B; 7, B; 8, D; 9, D; 10, D.

Dated: July 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10988; Filed, July 8, 1943; 11:04 p. m.]

[Docket No. B-343]

ELZA PARKE, CODE MEMBER

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on July 20, 1943, at 10:00 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Evansville, Indiana; and

A Subpoena Ad Testificandum and Deces Tecum having been issued requiring the appearance of Elza Parke, R. F. D. No. 3, Oakland, Indiana, on the 20th day of July, 1943, at 10:00 a. m., at said hearing room or at such other times or places to which the hearing in the above-entitled matter may be postponed; and

The Director deeming it advisable that said hearing should be postponed;

It is accordingly ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from July 20, 1943, at 10:00 a. m., to August 7, 1943, at 10:00 a. m., at a hearing room of the Bituminous Coal Division, at the Commissioner's Room, Court House, Evansville, Indiana; and

It is further ordered, That D. C. McCurtain, vice Charles O. Fowler, or any other duly designated officer or officers of the Bituminous Coal Division, shall preside at the hearing in said matter; and

It is further ordered, That the notice of and order for hearing, dated June 16, 1943, shall, in all other respects, remain in full force and effect; and

It is further ordered, That, instead of the time and place directed in said subpoena, said Elza Parke, R. F. D. No. 3, Oakland, Indiana, be and he hereby is required to appear, to testify, and to give evidence in the above-entitled matter, and to bring with him and produce at the time and place of said postponed hearing, the records and documents described in said subpoena.

Dated: July 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10989; Filed, July 8, 1943; 11:04 p. m.]

[Docket No. A-2022]

SUMMIT COAL MINING CO.

ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Summit Coal Mining Company, a code member in District No. 1, for permission to mix the coals produced at certain mines for rail shipments.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of minimum prices for the mixture of coals produced at Mine Index Nos. 2394, 833, 2224, 1541, 3675, 3401, 2609 and 2741 in District No. 1 for rail shipments originating at Juneau and Glen Campbell, Pennsylvania.

The records of the Division indicate that Mine Index No. 2224 is at present being operated by J. P. Prushnok (The Arcadia Company) and not by Roy Wetzel, as stated in the petition. Accordingly, no temporary or permanent relief is granted for the coals of Mine Index No. 2224.

With respect to coals of the other mines for which relief is requested, insufficient facts are set forth to justify the granting of permanent relief. However, it appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth.

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck is supplemented to include the price classifications, minimum prices, and other matters in the schedule designated Supplement R attached hereto and made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 10, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose, shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 5, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, ma concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Summit Coal Mining Company, requesting the establishment of minimum prices for the mixture of coals at Mine Index Nos. 2394, 833, 2224, 1541, 3675, 2609 and 2741 for rail shipments originating at Juneau, Pennsylvania, on the Baltimore and Ohio Railroad and at Glen Campbell, Pennsylvania, on the Pennsylvania Railroad.

Dated: July 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10990; Filed, July 8, 1943; 11:04 a. m.]

General Land Office.

[Circular 1560]

CEDARVALE, NEW MEXICO

SALE OF TOWN LOTS

1. *Statutory authority.* The lots in the abandoned railroad right of way through the town site of Cedarvale, New Mexico will be disposed of under section 2381, Revised Statutes. The plat of the subdivisional survey of the right of way was accepted March 3, 1942.

2. *Area and price.* The area and minimum price of the lots which will be sold are as follows:

Block	Lot	Area	Appraisal
		Sq. ft.	
4	7	2462.00	$10.00
4	8	3345.00	10.00
4	9	3500.00	10.00
4	10	3500.00	10.00
4	11	3119.00	12.00
4	12	1885.00	8.00
4	13	3487.00	10.00
4	14	3489.00	10.00
4	15	3491.00	10.00
4	16	3493.00	10.00
4	17	3494.00	10.00
4	18	3496.00	10.00
4	19	2293.00	9.00
5	13	2889.00	10.00
7	4	1114.00	3.00
7	5	1111.00	4.00
8	8	4020.00	16.00
8	9	3500.00	10.00
8	10	3500.00	10.00
8	11	3500.00	10.00
8	12	3500.00	10.00
8	13	3500.00	10.00
8	14	3474.00	14.00
8	15	1103.00	4.00
8	16	2874.00	9.00
8	17	3507.00	10.00
8	18	3509.00	10.00
8	19	3511.00	10.00
8	20	2214.00	9.00
9	19	3292.00	13.00
14	7	1138.00	4.00
14	8	1090.00	3.00
15	1	5260.00	21.00
15	2	3500.00	10.00
15	3	3500.00	10.00
15	4	3500.00	10.00
15	5	3500.00	10.00
15	6	3500.00	10.00
15	7	3500.00	10.00
15	8	3500.00	10.00
15	9	3500.00	10.00
15	10	3500.00	10.00
15	11	3752.00	15.00
16	1	2225.00	9.00
16	2	3481.00	10.00
16	3	3479.00	10.00
16	4	3478.00	10.00
16	5	3476.00	10.00
16	6	3474.00	10.00
16	7	3472.00	10.00
16	8	3213.00	10.00
16	9	1862.00	7.00

3. *Public sale.* On Wednesday, October 6, 1943, at 10:00 a. m., a sale at public auction to the highest bidder of the above described lots will be held at the town site. The sale will be conducted from day to day under the supervision of a representative of the Commissioner of the General Land Office until all the lots shall have been offered. The lots will be sold for cash and must be paid for on the date of sale. No lot will be sold for less than the appraised price.

4. *Manner of sale.* Bids may be made either in person or by agent but not by mail or at any time or place other than the time and place at which the lots are offered for sale hereunder. Any person may purchase any number of lots for which he is highest bidder. The bidders will be required to show that they are citizens of the United States or have declared their intention to become such. If bids are made by a corporation, evidence must be furnished, including a certified copy of its articles of incorporation, showing that it is a corporation organized under the laws of the United States or of any State, territory, or possession thereof, and that it is authorized to acquire and hold real estate in the State of New Mexico.

5. *Removal of improvements.* Owners of buildings who do not purchase the lots on which the buildings are located will be allowed six months from date of sale in which to remove their improvements.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code, U.S.C. Title 18, section 113.

7. *Authority of superintendent.* The Commissioner's representative conducting the sale is hereby authorized to reject any and all bids for any lots and after all lots have been offered he will not close the sale but will suspend the same and make recommendation to this office as to whether the suspension should be continued or the sale closed. In the event the sale should be closed, the unsold lots will them be subject to private sale at the appraised price.

JOEL DAVID WOLFSOHN,
Assistant Commissioner.

Approved: June 26, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-10979; Filed, July 8, 1943; 9:44 a. m.]

[Public Land Order 143 [1]]

FLORIDA

REVOCATION OF LAND WITHDRAWAL

Revoking Executive Orders No. 2353 of April 3, 1916, and No. 4704 of August 10, 1927, reserving and transferring lands for public purposes.

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (8 F.R. 5516), and since it has been determined that the title to the lands involved is not in the United States, it is ordered as follows:

Executive Order No. 2353 of April 3, 1916, establishing the Fort Matanzas Military Reservation upon certain lands

[1] Affects tabulation 50 CFR 11.1f.

in Florida, and Executive Order No. 4704 of August 10, 1927, transferring a portion of the said reservation to the Department of Agriculture as a refuge for birds, are hereby revoked.

ABE FORTAS,
Acting Secretary of the Interior.

JUNE 18, 1943.

[F. R. Doc. 43-10981; Filed, July 8, 1943; 9:43 a. m.]

[Public Land Order 144 [1]]

SALT PLAINS NATIONAL WILDLIFE REFUGE, OKLAHOMA

ENLARGEMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (8 F.R. 5516), it is ordered as follows:

All public lands within the following-described area in Alfalfa County, Oklahoma, are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public-land laws, including the mining laws and the mineral-leasing laws; and such lands, and all other lands within the said area acquired or being acquired by the United States in connection with the Great Salt Plains Dam and Reservoir on the Salt Fork of the Arkansas River, which have been determined by the Secretary of the Interior to be suitable for the use of the Department of the Interior as a breeding ground for migratory birds and other wildlife, are hereby added to and reserved as a part of the Salt Plains National Wildlife Refuge:

INDIAN MERIDIAN

T. 26 N., R. 9 W.,
Sec. 3, SW¼NW¼SW¼, NW¼SW¼SW¼, and S½SW¼SW¼;
Sec. 4, lots 2 to 9, inclusive, SW¼NE¼, the south 15.00 acres of the SE¼NE¼, SE¼NW¼, N½SE¼ and SE¼SE¼;
Sec. 5, lots 1 and 8;
Sec. 8, E½SE¼;
Sec. 9, all fractional;
Sec. 10, lots 1 to 6, inclusive, S½NW¼NE¼, SW¼NE¼, S½NE¼NW¼, NW¼NW¼, S½NW¼, and NW¼SE¼;
Sec. 15, lot 1, that part of lot 2 described by metes and bounds as follows: Beginning at the northwest corner of lot 2, sec. 15; thence south to the southwest corner of lot 2; thence east 40 rods; thence north 20 rods; thence east 40 rods to a point in the east boundary of lot 2; thence north to the northeast corner of lot 2; thence westerly along the northerly boundary of lot 2, to the place of beginning; that part of lot 3 described by metes and bounds as follows: Beginning at the northeast corner of lot 3, sec. 15; thence south 30 rods; thence west 60 rods; thence south 30 rods; thence west 20 rods to a point in the west boundary of lot 3; thence north to the northwest corner of lot 3; thence northeasterly along the northerly boundary of lot 3, to the place of beginning; that part of the SW¼NE¼ described by metes and bounds as follows: Beginning at the northwest corner of the SW¼NE¼ sec. 15; thence south 30 rods; thence east 16 rods; thence north 20 rods; thence east 24 rods; thence north 10 rods to a point in the north boundary of the SW¼NE¼; thence west 40 rods to the place of beginning; NW¼NW¼, S½NW¼, NW¼NE¼SW¼, NW¼SW¼, and NW¼SW¼SW¼;
Sec. 16, all;
Sec. 17, SE¼SE¼;
Sec. 20, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 21, NW¼NE¼NE¼, N½SW¼NE¼NE¼, N½NW¼NE¼, N½S½NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 29, W½NE¼NW¼NE¼, W½NW¼NE¼, W½SE¼NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 30, all;
Sec. 31, lots 1 and 2, that part of lot 3 described by metes and bounds as follows: Beginning at the northwest corner of lot 3, sec. 31; thence south 60 rods to the southwest corner of lot 3; thence east 26.09 rods; thence north 20 rods; thence east 40 rods to a point in the east boundary of lot 3; thence north 60 rods to the northeast corner of lot 3; thence west 66.09 rods to the place of beginning; that part of lot 4 described by metes and bounds as follows: Beginning at the northwest corner of lot 4, sec. 31; thence south 40 rods; thence east 26.09 rods; thence north 40 rods to a point in the north boundary of lot 4; thence west 26.09 rods to the place of beginning; W½NW¼NE¼NE¼, NE¼NW¼NE¼, W½NW¼NE¼, W½SE¼NW¼NE¼, NW¼SW¼NE¼, E½NW¼, and that part of the NE¼SW¼ described by metes and bounds as follows: Beginning at the northwest corner of the NE¼SW¼ sec. 31; thence south 30 rods; thence east 40 rods; thence north 30 rods to a point in the north boundary of the NE¼SW¼; thence west 40 rods to the place of beginning;
T. 27 N., R. 9 W.,
Sec. 7, the south 60 rods of lot 4;
Sec. 18, lots 1 to 4, inclusive, E½NE¼, E½W½, and SE¼;
Sec. 19, lots 1 to 6, inclusive, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Sec. 20, W½, and the SE¼ except that part described by metes and bounds as follows: Beginning at the northeast corner of said SE¼ of sec. 20; thence west 12⅔ rods; thence south 12⅔ rods; thence east 12⅔ rods; thence north 12⅔ rods to the place of beginning;
Sec. 28, SW¼SW¼;
Sec. 29, all fractional;
Sec. 30, lots 1 to 3 inclusive, lots 5 to 9, inclusive, SE¼NW¼, NE¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 32, lots 1 to 7, inclusive, and lot 9, NE¼ and NE¼SE¼;
Sec. 33, NW¼NW¼, S½NW¼, and SW¼.
T. 26 N., R. 10 W.,
Sec. 5, SE¼NE¼;
Sec. 8, N½NE¼;
Sec. 9, NE¼SW¼;
Sec. 13, all;
Sec. 16, N½NE¼, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 25, SE¼;
Sec. 34, N½SE¼;
Sec. 35, S½NE¼, S½NW¼ except a 100-foot right of way of the Sante Fe Railroad, N½SW¼ except a 100-foot right of way of the Santa Fe Railroad, and SE¼ except a 100-foot right of way of the Santa Fe Railroad.
Sec. 36, all;
T. 27 N., R. 10 W.,
Sec. 12, S½NE¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, and SE¼SE¼;
Sec. 13, the east 100 acres of the NE¼, and S½;
Sec. 14, lots 3 and 4, NW¼SE¼, and SE¼SE¼;
Sec. 23, lots 1 and 3, lots 5 to 9, inclusive, SW¼NE¼, S½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 24, lots 1 to 7, inclusive, NE¼NE¼, W½NE¼, NW¼, and N½SW¼;
Sec. 25, NE¼ and NE¼SE¼;
Sec. 28, NE¼SE¼;
Sec. 34, NW¼SW¼.

The areas described aggregate 11,600.57 acres, including 543.52 acres of public land, and 11,057.05 acres of lands acquired or in the process of acquisition.

As to any of the above-described lands that are under the primary jurisdiction of the War Department, their reservation and use by the Department of the Interior, and enforcement of laws and regulations thereon by said Department, shall be without interference with any existing or future uses or regulations of the War Department in the operation and maintenance of the Great Salt Plains Dam and Reservoir Flood Control Project, or in any other uses by the War Department for national defense.

In the administration of these lands as a part of the Salt Plains National Wildlife Refuge, the Department of the Interior shall have the authority to utilize and dispose of the economic resources of the land in accordance with the laws and regulations governing national wildlife refuges, and to administer and develop the lands in a manner necessary for the proper management of wildlife, including the construction of administrative buildings, fences, trails, fire breaks, check dams, control structures, boat piers, landings, and other necessary structures, but none of these things shall be done prior to submission of plans to, and approval thereof by, the Secretary of War.

The reservation made by this order supersedes and revokes so far as any of the above-described public lands are affected, the temporary withdrawal for flood control purposes made by Executive Order No. 8089 of April 13, 1939.

The Salt Plains Wildlife Refuge was established by Executive Order No. 5314 of March 26, 1930, and enlarged by Executive Order No. 7925 of July 5, 1938, and the designation thereof was changed to Salt Plains National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940.

Executive Order No. 6964 of February 5, 1935, as amended, withdrawing for classification and other purposes all vacant, unreserved, and unappropriated public lands in the State of Oklahoma and certain other States, is hereby amended to exclude from its provisions the public lands in the above-described area.

ABE FORTAS,
Acting Secretary of the Interior.

JUNE 24, 1943.

[F. R. Doc. 43-10982; Filed, July 8, 1943; 9:43 a. m.]

[1] Affects tabulation 50 CFR 11.1 f.

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 202]

FRUIT AND VEGETABLE PACKING AND FARM PRODUCTS ASSEMBLING INDUSTRY

APPOINTMENT OF INDUSTRY COMMITTEE NO. 62

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene for the Fruit and Vegetable Packing and Farm Products Assembling Industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public:
Willard L. Thorp, Chairman, New York, New York.
James E. Chace, Gainesville, Florida.
Robert H. Wettach, Chapel Hill, North Carolina.
Gladys Boone, Sweetbriar, Virginia.
Harold E. Fey, Chicago, Illinois.
For the employers:
N. C. Blackburn, Memphis, Tennessee.
Samuel Fraser, Rochester, New York.
Loring Raoul, Sarasota, Florida.
William M. Durham, Sr., Comanche, Texas.
John Campbell, Leesburg, Florida.
For the employees:
Lewis Bentzley, Memphis, Tennessee.
Conrad Espe, Philadelphia, Pennsylvania.
Sam P. Ming, St. Louis, Missouri.
Boris Shishkin, Washington, D. C.
Hal P. Angus, Oakland, Californ.a.

Such representatives have been chosen with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "Fruit and Vegetable Packing and Farm Products Assembling Industry" means:

The assembling and preparing for market of fresh fruits and vegetables, and other farm and related products (including wild and domesticated animals other than those assembled for processing into food for human or animal consumption).

a. It includes, but without limitation:

(1) The packing of fresh fruits and vegetables; the shelling of nuts; the ginning and compressing of cotton; the retting and decorticating of flax and other vegetable fibers; and other similar operations performed on farm and related products.

(2) The gathering or collecting of wild berries, plants, flowers, gums, saps, seeds and other forms of wild plant or animal life.

(3) "The leaf processing branch of the Cigar Industry" as defined in the wage order for the Cigar Industry.

b. *Provided, however,* That this industry does not include:

(1) The assembling of fresh fruits and vegetables or other farm and related products when performed in a marketing or wholesaling establishment which does no preparing for market within the meaning of this definition and which receives directly from gatherers of non-cultivated products or from farmers products constituting less than one-half of all products handled; (2) logging; (3) public warehousing of commodities other than cotton; (4) any products included in the Canned Fruits and Vegetables and Related Products Industry; Cottonseed and Peanut Crushing Industry; Vegetable Fats and Oils Industry; and Meat, Poultry, and Dairy Products Industry (as defined in Administrative Orders Nos. 182, 189, 190, and 201 respectively), or in the Grain Products Industry and the Tobacco Industry (as defined in the wage orders for such industries).

3. The definition of the Fruit and Vegetable Packing and Farm Products Assembling Industry covers all occupations which are necessary to the operations of the industry, including clerical, maintenance, shipping and selling occupations; provided that where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour division.

4. Any person, who, in the opinion of the committee, having a substantial interest in the proceeding and who is prepared to present material pertinent to the question under consideration, may, with the approval of the committee, appear on his own behalf or on behalf of any other person. Moreover, any interested person may submit in writing pertinent data to the committee either through the Administrator or through the chairman of the committee.

5. The industry committee herein created shall meet at 10:00 a. m. on July 27, 1943 in Room 1001 at 165 West 46th Street, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York, this 2d day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-10969; Filed, July 7, 1943; 4:37 p. m.]

[Administrative Order 203]

MEAT, POULTRY, AND DAIRY PRODUCTS INDUSTRY

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignations of Harry Henderson of Chicago, Illinois and Fred H. Sexauer of New York, New York, from Industry Committee No. 61 for the Meat, Poultry, and Dairy Products Industry, and do appoint in their stead E. E. Carlson of Medford, Wisconsin and Charles Hawes of New York, New York, respectively, as representatives for the Employers on such Committee.

Signed at New York, New York this 2d day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-10970; Filed, July 7, 1943; 4:37 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers, Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of amended order for the employment of learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Union Underwear Company, Incorporated, Frankfort, Kentucky; Men's and boys' cotton shorts; 90 learners (A. T.); effective July 3, 1943, expiring January 3, 1944. (This certificate replaces the one issued to you effective June 28, 1943, and expiring May 12, 1944.)

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

B. V. D. Corporation, High Street, Cambridge, Maryland; Men's sport

shirts; 10 learners (T); effective July 14, 1943, expiring July 14, 1944.

Chester Manufacturing Company, Chatham, New York; Cotton dresses; 5 learners (T); effective July 5, 1943, expiring July 5, 1944.

The Elder Manufacturing Company, McLeansboro, Illinois; Men's dress shirts; 10 percent (T); effective July 6, 1943, expiring July 6, 1944.

Gem Undergarment Company, Incorporated, Slatedale, Penn.: Ladies' rayon slips; 15 learners (E); effective July 3, 1943, expiring January 3, 1944.

Gort Girls' Frocks, Inc., 75 Stark Street, N. E., Wilkes-Barre, Pennsylvania; Children's cotton dresses, housecoats, playsuits, shorts and slacks; 20 learners (A. T.); effective July 5, 1943, expiring January 5, 1944.

Hudson Garment Company, 3 Prospect Avenue, Hudson, New York; WAAC cotton exercise suits; 10 learners (T); effective July 5, 1943, expiring July 5, 1944.

Jeuda Manufacturing Company, 106 West 11th Street, Berwick, Pennsylvania; Wearing apparel; 10 learners (T); effective July 7, 1943, expiring July 7, 1944.

Lackawanna Pants Manufacturing Company, 300 Brooke Street, Scranton, Pennsylvania; Work pants, military trousers, semi dress trousers; 10 percent (T); effective July 3, 1943, expiring July 3, 1944.

Marshall Clothing Manufacturing Company, 115 East Main Street, Butler, Indiana; Cotton athletic wear, rayon jackets, wool jackets; 10 learners (T); effective July 7, 1943, expiring July 7, 1944.

Oswego Manufacturing Company, 333 West 1st Street, Oswego, New York; Ladies' slips, sportswear and slacks; 6 learners (T); effective July 6, 1943, expiring July 6, 1944.

Paul Peirce, 239 South Los Angeles Street, Los Angeles, California; Chenille robes and bedspreads; 9 learners (T); effective July 5, 1943, expiring July 5, 1944.

Joseph Rogow & Sons, Incorporated, 4701 Liberty Avenue, Pittsburgh, Pennsylvania; Washable apparel; 20 learners (E); effective July 5, 1943, expiring January 5, 1944.

Waymart Products Company, 130 South Street, Waymart, Pennsylvania; Ladies' underwear; 8 learners (T); effective July 7, 1943, expiring July 7, 1944.

Roland Weinbaum, Inc., 4 Brooks Avenue, Quincy, Massachusetts; Ladies' cotton and rayon housecoats; 6 learners (T); effective July 14, 1943, expiring July 14, 1944.

Welch-Cook-Beals Company, 321–329 Third Street, S. E., Cedar Rapids, Iowa; Cotton work clothing; 10 learners (T); effective July 5, 1943, expiring July 5, 1944. (This certificate replaces the certificate you now have effective November 26, 1942, and terminating November 26, 1943.)

Gloves Industry

Ireland Brothers, 27 West State Street, Johnstown, New York; Leather dress gloves; 5 learners (T); effective July 7, 1943, expiring July 7, 1944.

Hosiery Industry

Currie Mills, Carthage, North Carolina; Seamless hosiery; 5 learners (T); effective July 8, 1943, expiring July 8, 1944.

Hiwassee Hosiery Mills, Incorporated, Cleveland, Tennessee; Seamless hosiery; 10 learners (A. T.); effective July 14, 1943, expiring January 14, 1944.

Holston Manufacturing Company, Knoxville (1), Tennessee; Seamless hosiery; 5 percent (A. T.); effective July 5, 1943, expiring October 12, 1943.

Hope Hosiery Mills, Adamstown, Pennsylvania; Seamless hosiery; cotton work socks; 3 learners (T); effective July 5, 1943, expiring July 5, 1944.

Moers Mills, Inc., Watertown, Tennessee; Seamless hosiery; 25 learners (E); effective July 8, 1943, expiring January 8, 1944.

Paul Knitting Mills, Commerce Street, Pulaski, Virginia; Seamless hosiery; 10 percent (A. T.); effective July 14, 1943, expiring January 14, 1944.

Knitted Wear Industry

Nescopeck Knitting Mills, Inc., 213 West Third Street, Nescopeck, Pennsylvania; Knitted outerwear; 5 learners (T); effective July 14, 1943, expiring July 14, 1944.

Reidler Knitting Mill, 757 W. Broad Street, Hazleton, Pennsylvania; underwear; 20 learners (A. T.); effective July 7, 1943, expiring January 7, 1944.

Cigars Industry

Consolidated Cigar Corporation, Prince & Ross Streets, Lancaster, Pennsylvania; Cigars; 10 percent (T); Stripping machine operators for a learning period of 160 hours at 75% of the applicable minimum wage; effective July 7, 1943, expiring July 7, 1944.

Signed at New York, N. Y., this 6th day of July 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43–10971; Filed, July 7, 1943; 4:37 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 6, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Florida Paper Box Company, 246 North West 29th Street, Miami, Florida; Set up paper boxes; 3 learners (T); Stripping Machine Operator and Wrapping Machine Operator for a learning period of 240 hours at 35¢ per hour until January 6, 1944.

Signed at New York, N. Y., this 6th day of July 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43–10972; Filed, July 7, 1943; 4:37 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G–473]

SOUTHERN NATURAL GAS COMPANY

NOTICE OF APPLICATION

JULY 6, 1943.

Notice is hereby given that on June 10, 1943, the Southern Natural Gas Company, a Delaware corporation, filed an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act as amended.

The application covers the construction and operation of certain additions to applicant's natural gas transmission system consisting of seven transmission line loops and other miscellaneous items.

Applicant also seeks authorization to construct other appurtenant facilities during the year 1943, which include changes in its Perryville and Tarrant Compressor stations.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 22d day of July, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43–10948; Filed, July 7, 1943; 2:46 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

DELIVERY OF MILK IN WEST SALEM, WISCONSIN

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), Cora F. Griswold and Fritz Ehlo have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of milk and cream by motor vehicle in West Salem, Wisconsin.

The participants in the plan propose to eliminate wasteful operations in the transportation and delivery of milk and cream in West Salem, Wisconsin, by limiting retail deliveries to an every-other-day basis, and by suspending special deliveries. Both participants will serve their respective customers on the east side of the village on the same day, and on alternate days will serve their west side customers. Joint selling activities are not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war (see Certificate 91, *infra*).

Issued at Washington, D. C., this 5th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–10975; Filed, July 8, 1943; 9:51 a. m.]

[Supplementary Order ODT 17–3]

CALUMET-INDIANA-ILLINOIS AREA

RESTRICTION OF MILK DELIVERY OPERATIONS

Pursuant to Executive Orders 8989 and 9156 (6 F.R. 6725, 7 F.R. 3349) and War Production Board Directive 21 (8 F.R. 5834), and in order to effectuate the provisions of General Order ODT 17, as amended (7 F.R. 5678, 7694, 9623, 8 F.R. 8278, 8377), to conserve and providently utilize vital equipment, material, and supplies, and to assure maximum utilization of the facilities, services, and equipment of the carriers named in Appendix No. 1 hereto, and to prevent or alleviate shortages in motor vehicle equipment, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. *General outline.* This order directs the carriers named in Appendix No. 1 hereto to conform their motor vehicle operations, in the delivery of milk in the Calumet-Indiana-Illinois Area, to the terms and provisions of a plan for joint action heretofore filed by such carriers with, and approved by, the Office of Defense Transportation. The order directs the carriers to restrict retail deliveries to an every-other-day basis, to refrain from making special deliveries, call-backs or more than one delivery on any day to any one person, and to make no delivery operations earlier than certain hours fixed by the order.

2. In respect of the delivery of milk, by vehicle, in the Calumet-Indiana-Illinois Area, no private carrier named in Appendix No. 1 hereto shall:

(a) Make retail deliveries to any one customer more frequently than every other day, or make more than one call at the premises of a retail customer in any consecutive two-day period, or make any retail delivery to any customer who has received a retail delivery of milk on that day or the previous day from any milk distributor;

(b) Make any wholesale or retail deliveries before seven (7) o'clock in the morning, or cause any vehicle to leave the premises of such carrier earlier than six (6) o'clock in the morning, for operation over a route on which such deliveries are to be made, during the period between June 15 to September 14, inclusive, of any calendar year, or make any wholesale or retail deliveries before eight (8) o'clock in the morning, or cause any vehicle to leave the premises of such carrier earlier than seven (7) o'clock in the morning, for operation over a route on which such deliveries are to be made, during the period between September 15 to June 14, inclusive, of any calendar year: *Provided*, That the provisions of this paragraph (b) shall not apply to deliveries made to hospitals, the armed forces of the United States, plants engaged in the manufacture or assembly of war materials, or to deliveries made for the protection in emergencies of public health, life, or safety;

(c) Make any special deliveries, call-backs, or more than one delivery on any day to any one customer, except as allowed under any applicable general order of the Office of Defense Transportation.

3. As used in this order, the term:

(a) "Calumet - Indiana - Illinois Area" means and includes the municipalities of Calumet City, Lansing, and Oakglen, all in Cook County, Illinois, and the municipalities of Black Oak, East Chicago, East Gary, Gary, Griffith, Hammond, Highland, Hobart, Merrillville, Munster, Roby, Schererville, and Whiting, and the Township of Ross, all in Lake County, Indiana.

(b) "Retail delivery" means and includes the delivery of milk by vehicle directly to the home of the consumer.

(c) "Wholesale delivery" means and includes the distribution and delivery of milk to stores, restaurants, commissaries, hotels, institutions, or any other distribution or delivery of milk either for resale or for use and consumption on the premises where delivered, other than retail deliveries.

(d) "Milk" means and includes milk, cream, buttermilk, and any and all other products handled and distributed at wholesale or retail by the carriers named in Appendix No. 1 hereto in connection with the handling and distributing of milk at wholesale or retail.

(e) "Special delivery" means a delivery by vehicle made at the special instance and request of a particular person other than as a part of a regular scheduled delivery service.

(f) "Call-back" means a call by a vehicle at the premises of any one person subsequent to the first call on any given day, and includes calls made for the sole purpose of picking up property for return, or for making collections.

(g) "Vehicle" means any rubber-tired vehicle propelled or drawn by mechanical power or by horses.

4. Communications concerning this order should refer to "Supplementary Order ODT 17–3," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

5. This order shall become effective July 8, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 8th day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX No. 1

Name and Address

1. Clover Leaf Dairy (a corporation), Gary, Ind.
2. The Borden Company, operating as the Chicago Milk Division of The Borden Company (a corporation), Chicago, Ill.
3. Dixie Dairy Company (a corporation), Gary, Ind.
4. Norman Allen, Ed Allen, David Allen and Carl Youngren (a partnership) doing business as Prairie View Dairy, East Chicago, Ind.
5. United Milk Company (a corporation), Indiana Harbor, Ind.
6. Andy Kushel and Andy Smolen (a partnership) doing business as National Dairy, Whiting, Ind.
7. Emil Senchak (an individual) doing business as A. Senchak Dairy, Whiting, Ind.
8. Hunding Dairy Company (a corporation), Chicago, Ill.
9. Bowman Dairy Company (a corporation), Chicago, Ill.
10. Peter Wozniak and Joseph Wozniak (a partnership) doing business as North Hammond Dairy, Hammond, Ind.
11. John Neskis (an individual) doing business as Calumet Dairy, Calumet City, Ill.
12. William Rohloff and Peter Wojciechowski (a partnership) doing business as Maple Leaf Dairy, Hammond, Ind.
13. Louis Karras and Angelo Karras (a partnership) doing business as Jersey Maid Dairy, Hammond, Ind.
14. Jack E. Leep and Hilda Leep (a partnership) doing business as Pleasant View Dairy, Highland, Ind.
15. Claude Johnson (an individual) doing business as Johnson Dairy Service, Hammond, Ind.
16. Glen Park Dairy (a corporation), Gary, Ind.
17. Haxson Dairy Company (a corporation), Gary, Ind.
18. George Cooke and Arnold Erlandson (a partnership) doing business as Lake View Dairy Company, Gary, Ind.
19. Herman Swanson and Herman Swanson, Jr. (a partnership) doing business as Swanson's Dairy, Gary, Ind.
20. Sunderman Farm Products, Inc. (a corporation), Hobart, Ind.
21. Blue Ribbon Dairy, Inc. (a corporation), Gary, Ind.
22. U-Joy Milk Company (a corporation), Gary, Ind.
23. Tolleston Dairy, Inc. (a corporation), Gary, Ind.

[F. R. Doc. 43–10991; Filed, July 8, 1943; 11:10 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Gen. Order 51,[1] Amdt. 3]

REGIONAL OFFICES

AUTHORIZATION TO FIX COMMUNITY CEILING PRICES

Authorization to Regional Offices and to such offices as may be authorized by Regional Offices to fix community (dollars-and-cents) ceiling prices.

General Order No. 51 is amended in the following respects:

1. In subparagraph (1) of paragraph (a), subparagraph (2) of paragraph (c), and in paragraph (n) the word "group" is substituted for the word "class", "groups" is substituted for "classes", and "Group" is substituted for "Class" wherever used.

2. Subparagraph (3) of paragraph (c) is amended to read as follows:

(3) *Group of store.* All retail stores selling any food items must post the group their store is in, as determined in accordance with the provisions of Revised Maximum Price Regulations Nos. 238 and 268, on a sign reading "OPA–1", "OPA–2", "OPA–3", or "OPA–4", whichever applies, or on a sign which the Office of Price Administration may furnish, so that it can be clearly seen by their customers; except that if under any order issued under paragraph (n) of this General Order No. 51, a retailer is required to post the sign of another group, he must post the sign of such other group.

3. Subparagraph (1) of paragraph (m) is amended to read as follows:

(1) "Group 1 retail store" shall be as defined in Revised Maximum Price Regulations Nos. 238 and 268 and determined in accordance with the provisions of those regulations. The definition of this group is as follows: "Group 1 retail store" is an "independent" retail store with anhual gross sales of less than $50,000. A retail store shall be an "independent" retail store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10939; Filed, July 7, 1943; 12:14 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 6, 1943.

Order number:	*Name*
MPR 136, as amended, Order 73.	General Ceramics & Steatite Corp.
MPR 188, Order 478	Albert Lomas.

[1] 8 F.R. 6008, 6071.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-10938; Filed, July 7, 1943; 12:14 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

FRED F. PETERSEN CO., INC.

FINDINGS AND ORDER REVOKING REGISTRATION AND DISMISSING PROCEEDINGS IN PART

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of July, A. D. 1943.

1. Fred F. Petersen Co., Inc., 25 Broad St., N. Y., N. Y., a New York corporation (hereinafter referred to as the "registrant") is registered as a broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934, and was, at the time of the order hereinafter mentioned, a member of the National Association of Securities Dealers, Inc.

2. The Commission, on the basis of facts reported to it, ordered a hearing pursuant to sections 15 (b) and 15A of said Act to determine (among other things) whether or not the allegations of fact set out in said order are true, whether or not said registration should be revoked, and whether or not the registrant should be suspended or expelled from membership in the National Association of Securities Dealers, Inc. The facts alleged, if true, tend to show that the registrant is permanently enjoined by a decree of the Supreme Court of the State of New York, held in and for the County of New York, entered on or about February 3, 1943, from engaging in and continuing certain conduct and practices in connection with the sale of securities.

3. The registrant has acknowledged service of adequate notice, has waived hearings, admitted the facts alleged, and filed its written consent to the revocation of its registration.

4. The Commission finds (a) that the facts so admitted are true, (b) that the registrant has been enjoined by a decree of the Supreme Court of the State of New York from selling securities within the State of New York, and (c) that it is in the public interest to revoke said registration. On the basis of the foregoing, and pursuant to section 15 (b) of the Securities Exchange Act of 1934, *It is ordered*, That the registration of Fred F. Petersen Co., Inc., as a broker and dealer, be, and it hereby is, revoked.

5. The Commission has been informed that the National Association of Securities Dealers, Inc. expelled said registrant from membership in said association for violating certain of its rules of fair practice, and in the light of the fact that our order revoking registrant's registration as a broker and dealer will in the future bar registrant's right to become a member of said association in the absence of approval or direction of the Commission, pursuant to section 15A, *It is ordered*, That the proceeding with respect to suspension or expulsion of the registrant from membership in the National Association of Securities Dealers, Inc., be and it hereby is discontinued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10950; Filed, July 7, 1943; 2:44 p. m.]

[File Nos. 70–753, 70–752]

IDAHO POWER AND ELECTRIC POWER AND LIGHT CORP.

NOTICE OF FILING AND ORDER FOR HEARING; AND ORDER CONSOLIDATING HEARINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of July, A. D. 1943.

In the matters of Idaho Power Company, Electric Power & Light Corporation, File No. 70–753; and Electric Power & Light Corporation, File No. 70–752.

Notice is hereby given that a joint declaration or application has been filed with this Commission under the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation (Electric), a registered holding company and a subsidiary of Electric Bond and Share Company, which is likewise a registered holding company, and by Idaho Power Company (Idaho), an electric utility subsidiary of Electric.

Notice is further given that a separate declaration or application together with an amendment thereto have been filed with this Commission under the Public Utility Holding Company Act of 1935 by Electric.

All interested persons are referred to said documents, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

I

The joint declaration or application by Electric and Idaho proposes that:

(a) Electric will contribute to Idaho 60,000 shares of Common Stock and 2,670 shares of Preferred Stock (7%), all of which shares Idaho will cancel, thereby reducing its capital stock liability by $6,267,000. The remaining 90,000 outstanding shares of Idaho Common Stock, all held by Electric, will be split 5 shares for 1 so that Electric will hold 450,000 shares of $20 par value Common Stock, each share having one vote, and the voting power of the remaining outstanding Preferred Stock, all of which is held by the public, will be changed from one to five votes a share.

(b) The holders of Idaho's Preferred Stock (7%) and $6 Preferred Stock will be given the right, whenever dividends payable on such classes of stock shall be accumulated and unpaid in an amount equivalent to four quarterly dividends, to vote as a single class to elect the smallest number of directors necessary to constitute a majority of the Board of Directors of Idaho until all such accumulated and unpaid dividends shall have been eliminated or may reasonably be eliminated.

(c) Idaho will make certain adjustments in its accounts in compliance with orders of the Federal Power Commission, the Public Utilities Commission of Idaho and the Public Utilities Commissioner of Oregon, which orders arise from the reclassification of Idaho's electric plant as provided by the uniform system of accounts of such regulatory bodies. Pursuant to such orders Idaho will dispose of the amount of $9,562,632.88 established in Account 107, Electric Plant Adjustments, by charging $2,602,016.19 to earned surplus, $6,267,000 to the capital surplus created by the contribution and reduction of capital stock described in (a) above, and $693,616.69 to miscellaneous other accounts. Idaho will amortize the amount of $1,905,410.26 established in Account 100.5 Electric Plant Acquisition Adjustments, over a period of 15 years beginning with the year 1943.

(d) Idaho will also provide by amendments to its By-Laws and Certificate of Organization for certain other incidental matters necessary to carry out the transactions described above.

II

Electric further proposes in its separate declaration to sell the 450,000 shares of new Idaho Common Stock of $20 par value to be received by it as a result of the transactions described above. Electric requests an order exempting the proposed sale of the 450,000 shares of new Idaho Common Stock from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50 and seeks to have its application for such exemption granted at the earliest possible date and in advance of the Commission's determination of the other matters covered by its separate declaration and by the joint declaration mentioned above. Electric proposes to employ the proceeds of sale of said common stock to purchase in the open market or by tenders, its Gold Debentures, 5% Series due 2030, of which $29,178,000 principal amount were outstanding at May 31, 1943 at prices not exceeding the principal amount thereof plus accrued interest.

III

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such matters, and that such declarations or applications shall not become effective or be granted except pursuant to further order of the Commission, and it further appearing that said applications and declarations have been filed with respect to related transactions and that related questions of law and fact are involved and that hearings thereon should be consolidated.

It is ordered, That the proceedings herein filed as Files Nos. 70–752 and 70–753 be and hereby are consolidated.

It is further ordered, That a consolidated hearing on said declarations and applications under the applicable provisions of said Act and Rules of the Commission thereunder be held on July 21st, 1943, at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such consolidated hearing, cause shall be shown why such declarations shall become effective and such applications be granted. Notice is hereby given of said consolidated hearing to Idaho Power Company, Electric Power & Light Corporation and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other interested persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before July 19, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That without limiting the scope of the issues otherwise to be considered in this consolidated proceeding, particular attention will be directed at the hearing to the following questions and matters:

1. Whether the proposed transactions conform to the applicable provisions of the Act and in particular whether they are necessary and appropriate to effectuate the provisions of Section 11 of the Act.

2. Whether the proposed transactions will result in a fair and equitable distribution of voting power among the security holders of Idaho, and whether in all other respects they will be fair and equitable to such security holders.

3. Whether the reacquisition of its Debentures by Electric and the method proposed therefor, is appropriate and in the public interest and in the interest of investors and consumers.

4. Whether the accounting entries to be recorded on the books of Idaho and Electric in connection with the proposed transactions will be in conformity with the standards of the Act and all Rules and Regulations promulgated thereunder.

5. Whether it is appropriate in the public interest or for the protection of investors or consumers that the proposed sale of the new Common Stock of Idaho be exempted from the requirements of paragraphs (b) and (c) of Rule U-50; and if so, whether such exemption should be granted prior to the entry of any orders with respect to the other proposed transactions.

6. Whether it is necessary or appropriate to impose any terms or conditions in order to assure compliance with the requirements of the Act or any Rules and Regulations promulgated thereunder.

It is further ordered, That the first issue to be considered at the consolidated hearing herein ordered shall be issue 5 with respect to competitive bidding.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10951; Filed, July 7, 1943; 2:44 p. m.]

[File No. 1-1027]

INDIAN TERRITORY ILLUMINATING OIL COMPANY

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of July, A. D. 1943.

The Chicago Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $1 Par Class A Common Stock of Indian Territory Illuminating Oil Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 16, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-10952; Filed, July 7, 1943; 2:44 p. m.]

[File No. 59-13]

STANDARD POWER AND LIGHT CORPORATION

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 6th day of July 1943.

The Commission having, by an order dated June 19, 1942, entered pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, directed that Standard Power and Light Corporation, a registered holding company, be liquidated and its existence terminated, and that Standard Power and Light Corporation proceed with due diligence to submit to this Commission a plan for its prompt liquidation; and having by the terms of said order reserved jurisdiction to enter such further orders as it might deem necessary or appropriate; and

Standard Power and Light Corporation having filed an application pursuant to section 11 (c) of said Act requesting

an extension of time for one year within which to comply with said order of June 19, 1942; and

The Commission having found that said corporation has been unable to comply with said order within the initial statutory period of one year from the date of its entry, and that a limited extension of time is necessary and appropriate in the public interest and for the protection of investors; and that under the circumstances an extension should be granted for a period of six months;

It is ordered, That Standard Power and Light Corporation be and is hereby granted an additional period of six months from June 19, 1943, within which to comply with said order of June 19, 1942, without prejudice, however, to the said applicant to apply for an additional extension if the circumstances warrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10953; Filed, July 7, 1943; 2:44 p. m.]

[File No. 70-700]

MIDLAND UNITED CO., ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

In the matter of Hugh M. Morris, trustee of the estate of Midland United Company, debtor in reorganization, M. U. Securities Corporation, Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, debtor in reorganization, File No. 70-700.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of July 1943.

Hugh M. Morris, Trustee of the Estate of Midland United Company, Debtor in Reorganization, a registered holding company; its wholly-owned subsidiary, M. U. Securities Corporation; and Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, Debtor in Reorganization, a registered holding company and a subsidiary of Midland United Company, having filed applications-declarations, as amended, pursuant to sections 9 (a), 10, 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935, and the relevant rules and regulations promulgated thereunder, concerning proposals that:

1. M. U. Securities Corporation surrender to Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, for cancellation, 64,009 shares of no par value common stock, 1,337 shares of 7% Cumulative Class A Preferred Stock, and 2,111 shares of 6% Cumulative Class A Preferred Stock of Midland Utilities Company. Clarence A. Southerland and Jay Samuel Hartt, as Trustees of the Estate of Midland Utilities Company, have agreed to accept, for cancellation, such securities;

2. M. U. Securities Corporation transfer to Hugh M. Morris, as Trustee of the Estate of Midland United Company, 1,859 shares of 7% Cumulative Prior Lien Stock and 778 shares of 6% Cumulative Prior Lien Stock of Midland Utilities Company, in consideration of a credit of $20,000 upon the note payable by M. U. Securities Corporation to Midland United Company in the amount of $628,741.70;

3. The $1,394.53 of cash, on hand, of M. U. Securities Corporation, be applied to the payment of expenses of liquidation and to taxes, and then towards the payment, on account, of its indebtedness owed Midland United Company;

4. Any balance then owed Midland United Company by M. U. Securities Corporation on its note payable be forgiven by Midland United Company;

5. The 1,000 shares of common stock of M. U. Securities Corporation, all of which are now held by Midland United Company, be surrendered to M. U. Securities Corporation for cancellation, and M. U. Securities Corporation thereupon be dissolved; and

The Commission having issued a Notice of Filing and Order for Hearing on said joint applications-declarations, as amended, and hearings having been held thereon, and requests for findings, briefs, and oral arguments having been waived; and

The Commission having considered the record of the proceedings and having entered its Findings and Opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declarations, as amended, to become effective, and to approve the applications, as amended;

It is hereby ordered, That the aforesaid declarations, as amended, be and hereby are permitted to become effective, and the aforesaid applications, as amended, be and hereby are granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-10954; Filed, July 7, 1943; 2:45 p. m.]

WAR PRODUCTION BOARD.

[Certificate No. 89]

AUTOMOTIVE STEEL TANK AND METAL FABRICATING ASSOCIATION

The ATTORNEY GENERAL:

I submit herewith a plan of the organization, procedure and objectives of the Automotive Steel Tank and Metal Fabricating Association, a war production association of certain companies located in the vicinity of Boston, Massachusetts. The purpose of the association is to combine the facilities and skills of the member companies for the manufacture of articles, equipment, supplies, and materials for war and essential civilian requirements. The activities of the association will relate solely to such production and will terminate within six months after the termination of the war.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve this association; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with my approval as herein expressed is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

JULY 5, 1943.

[F. R. Doc. 43-10977; Filed, July 8, 1943; 9:51 a. m.]

[Certificate No. 90]

CHARAK FURNITURE COMPANY WAR PRODUCTION ASSOCIATION

The ATTORNEY GENERAL:

I submit herewith a plan of the organization, procedure and objectives of the Charak Furniture Company War Production Association, a war production association of certain companies located in eastern Massachusetts and New Hampshire. The purpose of the association is to combine the facilities and skills of the member companies for the manufacture of articles, equipment, supplies and materials for war and essential civilian requirements. The activities of the association will relate solely to such production and will terminate within six months after the termination of the war.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve this association; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with my approval as herein expressed is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

JULY 5, 1943.

[F. R. Doc. 43-10976; Filed, July 8, 1943; 9:51 a. m.]

[Certificate No. 91]

DELIVERY OF MILK IN WEST SALEM, WISCONSIN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of milk and cream by motor vehicle in West Salem, Wisconsin.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

JULY 5, 1943.

[F. R. Doc. 43-10978; Filed, July 8 1943; 9:51 a. m.]

[1] *Supra.*

Reference

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
1934 OF THE UNITED STATES

VOLUME 8 NUMBER 136

Washington, Saturday, July 10, 1943

The President

EXECUTIVE ORDER 9360

SUSPENSION OF EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE DEPARTMENT OF THE INTERIOR ON PUBLIC WORKS WITHIN THE UNITED STATES

WHEREAS the Department of the Interior is engaged in public-work activities within the United States which are essential to the prosecution of the war; and

WHEREAS there exists an acute shortage of laborers and mechanics; and

WHEREAS the efficient and speedy accomplishment of such activities requires that laborers and mechanics therefor be employed in excess of eight hours a day; and

WHEREAS, by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (U.S.C., title 40, sec. 321), the services of all laborers and mechanics employed by the Government of the United States upon any public work of the United States, is limited to eight hours in any one calendar day, except in case of extraordinary emergency; and

WHEREAS I find that by reason of the foregoing an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend for the duration of the emergencies proclaimed by me on September 8, 1939,[1] and May 27, 1941,[2] the above-mentioned provisions of law prohibiting more than eight hours of labor in any one day by laborers and mechanics employed by the Government of the United States as to all work performed by laborers and mechanics employed by the Department of the Interior on any public work within the United States which is designated by the Secretary of the Interior as essential to the prosecution of the war: *Provided*, That the wages of all laborers and mechanics so employed by the Department of the Interior shall be computed on a basic day rate of eight hours of work with overtime to be paid at time and one-half for all hours of work in excess of eight hours in any one day.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 7, 1943.

[F. R. Doc. 43-11007; Filed, July 8, 1943; 3:48 p. m.]

[1] 4 F.R. 3851.
[2] 6 F.R. 2617.

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS

INSURANCE REQUIREMENTS FOR BANK AND COMMISSIONER LOANS

Part 10 of Chapter I, Title 6, Code of Federal Regulations is hereby amended to read as follows:

Sec.
10.183 Buildings on which insurance must be maintained by mortgagor; amount and type of insurance.
10.187 Acceptable insurers.
10.188 Losses to be made payable to mortgagee; exception.
10.189 Subsequent owner deemed "mortgagor" under certain circumstances.
10.190 Mortgagor's option to use loss proceeds for reconstruction.
10.190–50 Circumstances under which mortgagor's option to use loss proceeds does not obtain.
10.191 Manner in which mortgagor's option to use loss proceeds shall be exercised.
10.192 Reconstruction of improvements in different form.
10.193 Evidence that mortgagor can supply additional funds; meaning of term "reconstruction."
10.194 Loss proceeds not to be disbursed in absence of evidence that prior liens will not attach.
10.195 Application of loss proceeds to mortgage debt.
10.197 Conditional release of loss proceeds.

AUTHORITY: §§ 10.183 to 10.197, inclusive, issued under the authority contained in sec. 12 "Ninth", 39 Stat. 370; 12 U.S.C. 771 "Ninth".

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page
Suspension of eight-hour law as to laborers and mechanics employed by Interior Department on public works within the United States 9437

REGULATIONS AND NOTICES

AGRICULTURAL ADJUSTMENT AGENCY:
Cotton, 1943 agricultural conservation program 9439
ALIEN PROPERTY CUSTODIAN:
Vesting orders:
Ahrenkiel, Christian F. and Anne 9471
Amber Mines, Inc 9469
Fujii Junichi Shoten, Ltd. (2 documents) 9469, 9470
Kato, Kumeo 9472
Kempf, Heinrich and Mrs. Heinrich 9474
Luckmann, Willy and Kaethe 9473
Mideuropean Food Package Service, Inc 9472
S. Hata Shoten, Ltd 9469
Sasaoka, K 9470
Schiwek, Charlotte 9475
Tangee, Marjorie Leppla 9474
BITUMINOUS COAL DIVISION:
Hearings, etc.:
District Board 12 9464
Valier Coal Co 9464
FARM CREDIT ADMINISTRATION:
Federal Farm Mortgage Corporation, insurance requirements for commissioner loans 9439
Federal Land Banks, insurance requirements for bank and commissioner loans 9437
FEDERAL COMMUNICATIONS COMMISSION:
High frequency, etc., broadcast stations, notices to licensees (3 documents) 9463
KCMO Broadcasting Co., hearing 9465
FEDERAL DEPOSIT INSURANCE CORPORATION:
Insured banks, filing of certified statement 9465

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

FEDERAL DEPOSIT INSURANCE CORPORATION—Continued. Page
Nonmember mutual savings banks, call for report of condition 9465
Nonmember state banks, call for report of condition 9465
FEDERAL POWER COMMISSION:
Hearings, etc.:
Prince George's Gas Corporation 9465
Washington Gas Light Co. 9466
FOOD AND DRUG ADMINISTRATION:
Certification of batches of drugs composed wholly or partly of insulin 9466
INDIAN AFFAIRS OFFICE:
Tanacross, Alaska, land reservations 9464
Wales, Alaska, designation of Indian reservation for native inhabitants 9464
OFFICE OF DEFENSE TRANSPORTATION:
Red Ball Transfer Co. and Darling Transfer, coordinated operations in Nebraska, Kansas, and Missouri 9476
Red Ball Transfer Co., et al., coordinated operations in Missouri and Kansas 9476
OFFICE OF ECONOMIC STABILIZATION:
Chicago, North Shore and Milwaukee Railroad Co., order regarding wage recommendations 9477
OFFICE OF PRICE ADMINISTRATION:
Adjustments, exceptions, etc.:
List of orders filed 9477
Coffee rationing (RO 12, Am. 46) 9459
Eggs (Rev. MPR 268, Am. 7) 9460

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Fountain fruits (RO 13, Am. 46) 9459
Fuel oil rationing (RO 11, Am. 70) 9458
Gasoline rationing:
(RO 5C, Am. 64) 9457
(RO 5C, Supp. 1, Am. 7) 9457
Puerto Rico, lard (Rest. Order 4, Am. 8) 9459
Ration banking:
Banks (Gen. RO 3, Am. 3) 9456
Exempt agencies (Gen. RO 3B, Am. 1) 9457
Regional, state, and district office orders:
Community ceiling prices, list of orders filed 9477
Fluid milk in Arizona, California, Oregon, Washington, and Idaho (2 documents) 9478
Food and drink sold for immediate consumption, Rhode Island (Restaurant MPR 1-1, Am. 2) 9459
Rubber boots and work shoes, men's; rationing:
(RO 6A, Am. 1) 9458
(RO 6A, Am. 2) 9458
Sugar rationing (RO 3, Am. 72) 9458
PETROLEUM ADMINISTRATION FOR WAR:
Petroleum industry, materials redistribution program 9460
RECLAMATION BUREAU:
Bear River Storage Projects, Utah, first form withdrawal 9464
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Lubbe, Frances J. (2 documents) 9479
Ogden Corp. 9478
SELECTIVE SERVICE SYSTEM:
Discontinuance of designated forms 9441
SOLID FUELS ADMINISTRATION FOR WAR:
Maintenance and filing of certain records and information, direction to producers, etc 9441
VETERANS' ADMINISTRATION:
Determinations as to vocational handicap and awarding of pension during vocational rehabilitation period 9480
WAR DEPARTMENT:
Manufacture of decorations 9440
WAR FOOD ADMINISTRATION:
Fertilizer:
Chemical fertilizer in Puerto Rico (FPO 10, Am. 1, Corr.) 9440
Delivery and use (FPO 5, Rev., Corr.) 9440
Mississippi Valley Stock Yards Co., order extending suspension period 9481
WAR PRODUCTION BOARD:
Baby carriages (L-152, Sch. II) 9451
Cellulose ester sheets, rods, tubes and molding powder (M-326-a) 9454

CONTENTS—Continued

WAR PRODUCTION BOARD—Con. Page
Controlled materials plan:
Farmers copper wire allotment certificates (CMP Reg. 1, Direction 21) 9453
Hand tools purchased by employees (CMP Reg. 5, Direction 9) 9454
Distilled spirits (M-69, Am. 1) 9443
Heat exchangers (L-172) 9451
Penicillin (M-338) 9455
Petroleum; production, transportation, etc.:
(P-98-b) 9443
(P-98-c) 9449
Refrigeration and air conditioning equipment, self-contained drinking water coolers (L-126, Sch. I) 9450
Rubber, synthetic rubber, balata, etc. (R-1, Am. 1) 9456
Stop construction orders (3 documents) 9480
Suspension orders:
Chaplow, B. A., Lumber Co. 9441
Miner, J. R. 9442
Morgan County Rural Electric Assn. 9442
Newburgh Steel Co. 9442

§ 10.183 *Buildings on which insurance must be maintained by mortgagor; amount and type of insurance.* On all buildings the value of which is a factor in determining the amount of a loan, insurance against fire and any other risks specified by the bank shall be required in amounts which the bank considers adequate. In determining the amount of insurance consideration should be given to the values established in the report of the land bank appraiser upon which the loan was based and to the relationship of the amount of the loan to the value of the farm. In any event, the amount of insurance shall not be less than the amount by which the bank loan exceeds 50 percent of the appraised normal agricultural value of the land. Insurance may be required on any (other) building(s), the value of which was not a factor in determining the amount of a loan, in such amounts and against such risks as shall be deemed advisable for the protection of the mortgagee's interest. In making insurance requirements, amounts of insurance should be specified for each of the principal factor buildings; in the discretion of the bank, an aggregate amount of insurance may be specified to cover a number of other factor buildings provided that each insurable building is insured for a part of the aggregate amount required.

Sections 10.184 and 10.185 are revoked.

§ 10.187 *Acceptable insurers.* Insurance required shall be evidenced by a lawful policy or policies issued by any insurance company, including any State supervised mutual insurance company, which is satisfactory to the bank; *Provided*, That such company be authorized to do such insurance business, and be subject to service of process in suits brought, in the State in which the insured property is located, except that, when insurance is procured and paid for by the bank upon default under the mortgage, such insurance company may be one which is subject to service of process in suits brought in the State where the bank is located. The acceptance by a bank of insurance from an organization other than one provided for by this paragraph shall be subject to the approval of the Commissioner.

§ 10.188 *Losses to be made payable to mortgagee; exception.* Insurance shall be made payable to the bank and Corporation, as mortgagees, as their interests may appear at time of loss, and shall afford the bank and Corporation the same protection they would have under the New York standard mortgage clause but the bank may, in its discretion, permit individual losses of $50 or under to be paid directly to the mortgagor for use in the prompt reconstruction of the buildings destroyed. The provisions of §§ 10.189 to 10.197, inclusive, of these regulations shall not be applicable to losses of $50 or under which are paid directly to the mortgagor, with the permission of the bank, for use in reconstruction.

§ 10.189 *Subsequent owner deemed "mortgagor" under certain circumstances.* When a subsequent owner of a mortgaged farm has assumed the mortgage and, in the case of a land bank loan the stock interests of the original mortgagor in accordance with the provisions of section 12 (Sixth) of the Federal Farm Loan Act (12 U.S.C. 771 (6)), and is primarily liable therefor, the term "mortgagor" shall be deemed for the purposes of these regulations to refer to such subsequent owner.

§ 10.190 *Mortgagor's option to use loss proceeds for reconstruction.* At the option of the mortgagor and subject to the provisions of these regulations any sum received in settlement of a loss covered by insurance required by these regulations may be used to pay for the reconstruction of the buildings involved; *Provided*, That the bank may charge and collect from the mortgagor the reasonable cost of appraisal and of any investigation to determine the priority of the mortgage over any lien by reason of such construction, and may withhold from such sum the amount of any such charge not otherwise paid.

§ 10.190–50 *Circumstances under which mortgagor's option to use loss proceeds does not obtain.* The option of the mortgagor referred to in these regulations shall not apply in the case of any sum received (a) under a policy of insurance which was not provided or paid for by the mortgagor, or (b) in settlement of a loss on buildings not required by these regulations to be insured. Such option shall not apply to any sum with respect to which liability to the mortgagor is denied by the insurer, unless and until such denial be rescinded or until final judgment of a court of competent jurisdiction that the insurer is liable to the mortgagor. In either event the mortgagor shall initiate the steps otherwise necessary under these regulations for the exercise of his option within 30 days after the establishment of the liability of the insurer to him for such loss.

§ 10.191 *Manner in which mortgagor's option to use loss proceeds shall be exercised.* The bank as promptly as possible after the receipt of the sum referred to in § 10.190 shall send to the mortgagor a notice in writing thereof. Within 30 days after such notice is sent, if the mortgagor desires to exercise his option, he shall so notify the bank in writing. With such notice to the bank or within 30 days thereafter, unless such time for good cause be extended by the bank, the mortgagor shall furnish the bank information in such form as shall be satisfactory to it covering the plans of the mortgagor for the reconstruction of the building involved in sound and serviceable form and condition, at least equal to that which existed immediately prior to the loss. Within said 30 days the mortgagor shall also furnish assurance satisfactory to the bank that such reconstruction will be completed within a reasonable time, and that there will be no unsatisfied liens for labor, material, and/or other expenses that will have priority over the mortgage when such reconstruction shall have been completed or when the said sum received shall have been paid by the bank to or for the account of the mortgagor.

§ 10.192 *Reconstruction of improvements in different form.* If the mortgagor desires to use the insurance money, in whole or in part, in order to replace the building involved with an insurable building of less expensive type, or to substitute any other insurable building, the said fund may be used for such purpose, provided the land bank is satisfied that the proposed building will be suitable and adequate to the agricultural needs of the farm.

§ 10.193 *Evidence that mortgagor can supply additional funds; meaning of term "reconstruction."* If the sum received (after making the deductions, if any, authorized by these regulations) be inadequate to enable the mortgagor to reconstruct as herein provided, and he desires nevertheless to do so, he shall furnish the bank assurance satisfactory to it that he will have the necessary additional funds. Where, under these regulations, a building may be repaired, replaced, or substituted, the operations involved shall be deemed to be covered by the words "reconstruct" or "reconstruction," as the case may require.

§ 10.194 *Loss proceeds not to be disbursed in absence of evidence that prior liens will not attach.* No sum so received shall be paid to or for the account of the mortgagor for the purpose of enabling him to reconstruct a building until the bank is satisfied that no lien by reason of reconstruction of the buildings covered by such insurance will have priority over the mortgage thereon. If, however, in any case the sum received be less than $100, the bank may pay over such sum to or for the account of the mortgagor upon assurance satisfactory to the bank that such sum will be used for the reconstruction of the building involved and that there will be no lien against such building which would have priority over the mortgage.

§ 10.195 *Application of loss proceeds to mortgage debt.* If the mortgagor fails or refuses to exercise his option in accordance with these regulations, or to comply with all of the conditions of these regulations with respect thereto, or if the mortgage be in process of foreclosure, or if the mortgagor be in default in such manner that the mortgage is subject to foreclosure, the sum received may be retained for application upon the indebtedness secured by such mortgage or as collateral security therefor. Any portion of the sum received which is not used for reconstruction or withheld for cost of appraisal and investigation in accordance with § 10.190 of these regulations may also be retained for application upon the indebtedness or as collateral security therefor.

Section 10.196 is revoked.

§ 10.197 *Conditional release of loss proceeds.* No insurance proceeds may be released unconditionally to a borrower or a junior lienor except for the purpose and under the conditions hereinbefore set forth, unless the remaining security meets the security requirements for a new loan. Exceptions to this requirement may be made only where it is clearly to the best interest of the mortgagee to do so. Where insurance proceeds are released unconditionally to a borrower or junior lienor the procedure governing the release of funds received from the sale of part of the security shall be followed so far as applicable.

These regulations shall become effective July 16, 1943.

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-11052; Filed, July 9, 1943; 10:27 a. m.]

PART 12—FEDERAL FARM MORTGAGE CORPORATION

INSURANCE REQUIREMENTS FOR COMMISSIONER LOANS

Effective July 16, 1943, §§ 12.199, 12.200, and 12.201 of Title 6, Code of Federal Regulations, are revoked.

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-11051; Filed, July 9, 1943; 10:27 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-13]

PART 701—AGRICULTURAL CONSERVATION PROGRAM [1]

COTTON

Pursuant to the authority vested in the Secretary of Agriculture under sections

[1] Subpart E-1943.

7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.401 (b) (4) is amended to read as follows:

§ 701.401 *Allotments, yields, and grazing capacities.* • • •

(b) *Cotton.* • • •

(4) "Acreage planted to cotton" means all land seeded to cotton, except that the acreage planted to cotton on any farm shall not exceed the largest of 110 percent of the cotton allotment, the acreage of cotton on the farm when performance is determined, or the acreage of cotton which reaches the stage of growth at which bolls are first formed: *Provided*, That any acreage on which all of the cotton produced is determined to staple 1⅛ inches or more in length will not be considered as planted to cotton. (Cotton produced from pure strains of Sea Island or American-Egyptian seed will be considered to staple 1⅛ inches or more in length, provided all such cotton is ginned on a roller gin.)

Done at Washington, D. C., this 8th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11063; Filed, July 9, 1943; 11:17 a. m.]

Chapter X—War Food Administration

[FPO 5, Rev.]

PART 1206—FERTILIZER

DELIVERY AND USE OF FERTILIZER

Correction

The thirteenth entry for Ohio in the middle column of page 9275, issue of Wednesday, July 7, 1943, should read "4-12-4 '" instead of "4-12-41".

[FPO 10, Amdt. 1]

PART 1206—FERTILIZER

CHEMICAL FERTILIZER IN PUERTO RICO

Correction

In the document appearing on page 9275 of the issue for Wednesday, July 7, 1943, the redesignation of paragraph (l) *Obtaining fertilizer on a ration card* should read "(l)" instead of "(1)".

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 7—MANUFACTURE OF DECORATIONS

Sections 7.1 to 7.11 inclusive are rescinded and new §§ 7.1 to 7.6 are substituted as follows:

Sec.
7.1 General.
7.2 Use of designs or likenesses of insignia in manufacture of articles for public sale.
7.3 Sales, to whom authorized.
7.4 Sale by War Department for exhibition purposes.
7.5 Use and possession of articles and devices prescribed by War Department.
7.6 Photographing, printing, etc., of decorations, medals, badges, insignia, and identification cards.

AUTHORITY: §§ 7.1 to 7.6 issued under 42 Stat. 1286 as amended by 45 Stat. 437; 10 U.S.C. 1425; 47 Stat. 342 as amended by 53 Stat. 752; 18 U.S.C. 76a, 76b.

SOURCE: These regulations are also contained in AR 600-90, 26 June 1943, the particular paragraphs being shown in brackets at end of sections.

§ 7.1 *General.* The Quartermaster General is designated as the procurement officer for all insignia used or authorized by the War Department for wear by military personnel. All articles of insignia prescribed for wear by such personnel as may be required to purchase their own insignia will be dispensed through Army exchanges and quartermaster sale stores. [Par. 2]

§ 7.2 *Use of designs or likenesses of insignia in manufacture of articles for public sale.* Designs or likenesses of War Department insignia, as distinguished from decorations, medals, and badges, may be incorporated in the manufacture of articles for public sale only after the designs of the articles to be manufactured have been approved, in writing, by the Secretary of War. No article to be manufactured which incorporates a design or likeness of War Department insignia and which proposes the use of strategic metal, will be approved. [Par. 3]

§ 7.3 *Sales, to whom authorized.* (a) Sales of miniature replicas, the fourragere, lapel buttons, clasps, bronze stars, and ribbons will be made only to persons exhibiting the decoration or service medal awarded by the War Department or the certificate of award or official copy of citation order.

(b) Sales of good conduct and service medals, War Department General Staff identification, aviation badges, badges for marksmanship, gunnery, bombing, etc., will be made only to persons exhibiting some official paper or document, such as discharge certificate or true copy thereof, a letter from an officer of the War Department, or other official document, containing definite proof of service or authority to wear.

(c) If the intending purchaser is unable to furnish the evidence required, he should be directed to make application to The Adjutant General for the required proof.

(d) Insignia, including buttons, as distinguished from decorations, medals, and badges prescribed or authorized by the War Department, may be sold by authorized dealers only to persons who present official War Department identification indicating their right to wear such insignia.

(e) Insignia of grade, arm or service may be purchased by members of the State Guard who present official identification of such membership issued by a State adjutant general. The sale of buttons, cap devices, and other insignia authorized for use on uniforms of Federal forces to members of the State Guard is prohibited. [Par. 4]

§ 7.4 *Sale by War Department for exhibition purposes*—(a) *Decorations.* See § 78.7

(b) *Service medals.* See § 78.30.

(c) *Good Conduct Medals.* See § 78.37. [Par. 5]

§ 7.5 *Use and possession of articles and devices prescribed by War Department.* (a) The wearing of any decoration, medal, badge, or insignia prescribed or authorized by the War Department, by any person for whom such decoration, medal, badge, or insignia is not authorized or prescribed, or their use to misrepresent the identification or status of the person by whom worn, is prohibited. Any person who offends against this provision is subject to punishment by a fine not exceeding $250, or by imprisonment not exceeding 6 months, or both. See act 24 February 1923 (42 Stat. 1286) as amended by act 21 April 1928 (45 Stat. 437); 10 U.S.C. 1425.

(b) Except as prohibited in paragraph (a) above, the possession by any person of any of the articles prescribed by the War Department, specified by the acts cited in paragraph (a) above, is authorized, unless such possession is used to defraud or misrepresent the identification or status of the individual concerned.

(c) The articles specified by the acts cited in paragraph (a) of this section, or any distinctive parts or colorable imitation thereof, will not be used by any organization, society, or other group of persons without prior approval of the Secretary of War. [Par. 6]

§ 7.6 *Photographing, printing, etc., of decorations, medals, badges, insignia, and identification cards.* (a) Unless such reproduction brings discredit upon the military service or is used to defraud or to misrepresent the identification or status of an individual, organization, society, or other group of persons, the photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any decoration, medal, badge, insignia, or similar article, or of any colorable imitation thereof, of the design prescribed by the Secretary of War for use by any officer of subordinate of the War Department, is authorized.

(b) The reproduction of the likeness of any identification card prescribed by the War Department is not authorized without prior approval of the Secretary of War.

(c) Except when used to illustrate the particular article offered for sale, the use for advertising purposes of any engraving, photograph, print, or impression in the likeness of any War Department decoration, medal, badge, insignia, or similar article is not authorized without the prior approval of the Secretary of War. [Par. 7]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-11050; Filed, July 9, 1943; 10:27 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

[Order 1]

ORDER DIRECTING PRODUCERS, WHOLESALERS, DISTRIBUTORS AND DOCK OPERATORS, TO MAINTAIN AND FILE CERTAIN RECORDS AND INFORMATION

In order to administer the provisions of Executive Order No. 9332 (8 F.R. 5355) and Solid Fuels Administration for War Regulation No. 1 (8 F.R. 5832), it is necessary that certain records be maintained and information and data hereinafter described be filed with the Solid Fuels Administration for War, Washington, D. C.

Accordingly, this order is issued, pursuant to the provisions of Executive Order No. 9332 and Solid Fuels Administration for War Regulation No. 1.

§ 602.21 *Definitions.* (a) "Anthracite" means that coal generally referred to as Pennsylvania anthracite and which is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northhumberland, Schuylkill, Susquehanna and Wayne.

(b) "Person" means any individual, partnership, association, business trust, corporation, Governmental corporation or agency or any organized group of persons, whether or not incorporated.

(c) "Producer" means all persons engaged in the business of mining or preparing anthracite.

(d) "Wholesaler" or "Distributor" means all persons who purchase any amount of anthracite for resale in not less than carload or bargeload lots, or for resale to others for further resale.

(e) "Dock operator" means all persons who purchase or handle for other persons any amount of anthracite, which has been shipped via water.

§ 602.22 *Information and reports to be filed; records to be maintained.* All producers, wholesalers, distributors and dock operators shall, with respect to anthracite, file not later than July 26, 1943, with the Solid Fuels Administrator for War, Department of the Interior, Washington, D. C., the information and data, required by the forms and in accordance with the instructions attached hereto and made a part hereof, and shall maintain such records, invoices, inventories, slips, copies of journal entries, debit, credit, or other memoranda necessary to file the information and data required by the attached forms.

§ 602.23 *Penalties.* Any person who wilfully violates or fails to comply with any provision of this order, or who by any act or omission, makes any statement or entry false in any material respect in any document or report required to be kept or filed under this Order, is guilty of a crime and on conviction may be punished by fine or imprisonment.

§ 602.24 *Effective date of order.* This order shall take effect on the date of issuance.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; Solid Fuels Administration for War Regulation No. 1, 8 F.R. 5832)

Issued this 6th day of July 1943.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 43-11059; Filed, July 9, 1943; 10:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 194]

DISCONTINUANCE OF DESIGNATED FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 120, entitled "Individual Employment Data Record for Reemployment Committees," and DSS Form 129, entitled "Reemployment Committee Report on Released or Discharged Man," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing discontinuance shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 8, 1943.

[F. R. Doc. 43-11012; Filed, July 8, 1943; 4:18 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-358]

B. A. CHAPLOW LUMBER COMPANY

B. A. Chaplow Lumber Company is engaged in business at 8675 East Seven-Mile Road, Detroit, Michigan, as a retail vendor of lumber, coal, coke and builders' supplies.

Between September 8, 1942, and October 27, 1942, the company placed orders for substantial quantities of softwood lumber and extended to those orders preference ratings which had not been applied to any orders received by the company from its customers. The company later accepted a substantial portion of this softwood lumber which it had incorrectly ordered. The erroneous extension of these preference ratings and the acceptance of softwood lumber on orders which did not bear valid preference ratings were violations of Conservation Order M-208 as amended and Priorities Regulation No. 3 as amended.

The company also failed to keep and preserve accurate and complete records of its transactions in lumber, and its inventory records of lumber were also inadequate. These actions constituted a violation of Priorities Regulation No. 1 as amended.

The responsible officers of the company had full knowledge of the provisions of Conservation Order M-208, Priorities Regulation No. 1 and Priorities Regulation No. 3; consequently, the violations of these three orders were wilful and have hampered and impeded the war effort of the United States and have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.358 *Suspension Order No. S-358.* (a) B. A. Chaplow Lumber Company, its successors and assigns, shall not purchase, order or accept deliveries of any softwood lumber as defined in Conservation Order M-208 as amended, unless hereafter specifically authorized in writing by the War Production Board.

(b) No person shall sell, ship or deliver lumber on orders placed by B. A. Chaplow Lumber Company for delivery to it or to any other person, unless hereafter specifically authorized in writing by the War Production Board.

(c) Deliveries of material on orders or contracts placed directly or indirectly by B. A. Chaplow Lumber Company, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(d) No allocations shall be made to B. A. Chaplow Lumber Company, its successors or assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(e) Nothing contained in this order shall be deemed to relieve B. A. Chaplow Lumber Company, its successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(f) The provisions of this order shall not be applicable to lumber which is actually in transit to the respondent on the effective date of this order, nor which is received, used or required for use in filling orders bearing preference ratings of AA-1 or higher.

(g) This order shall take effect July 13, 1943 and shall expire October 13,

1943, at which date it shall have no further force and effect.

Issued this 8th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11031; Filed, July 8, 1943; 4.58 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-359]

J. R. MINER

J. R. Miner of Bakersfield, California, while occupied as a carpenter and building contractor began the construction of a nine unit auto court located on U. S. Highway No. 99 at Garden Acres, near Bakersfield, California. This construction was begun after December 5, 1942 and the estimated cost was approximately $10,000, which exceeded the amount permissible under Conservation Order L-41. At the time that he began construction, J. R. Miner was familiar with the provisions of that Order and hence the beginning of construction as aforesaid constituted a wilful violation of Conservation Order L-41. In view of the foregoing: *It is hereby ordered* That:

§ 1010.359 *Suspension Order No. S-359*—(a) Neither J. R. Miner, nor any other person, shall order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant to continue or complete construction or alteration of said auto court located at Garden Acres, near Bakersfield, California, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve J. R. Miner from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 15, 1943.

Issued this 8th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11032; Filed, July 8, 1943; 4.58 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-361]

NEWBURGH STEEL COMPANY

Newburgh Steel Company is a Michigan corporation engaged in the business of maintaining and operating a warehouse at 2995 Hubbard Avenue, Detroit, Michigan.

During June and July 1942 Newburgh Steel Company accepted, without having a quota therefor, deliveries of steel plate in the amount of 50 tons, and deliveries of hot rolled bars in the amount of 80 tons.

These violations of Supplementary Order M-21-b have hampered and impeded the war effort of the United States. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.361 *Suspension Order No. S-361.* (a) From the effective date of this order through September 30, 1943 Newburgh Steel Company, its successors and assigns, shall not accept deliveries of steel from any steel producer, for sale or resale in the form received, unless hereafter specifically authorized in writing by the War Production Board.

(b) For the purposes of this order, "steel" as used herein shall bear the same meaning as defined in paragraphs (b) of General Preference Orders No. M-21-b-1 and No. M-21-b-2, and shall include any steel purchased from idle or excess inventories as defined in paragraph (d) of General Preference Order No. M-21-b-1 and paragraph (i) of General Preference Order No. M-21-b-2, the provisions of those paragraphs to the contrary notwithstanding.

(c) Nothing contained in this order shall be deemed to relieve Newburgh Steel Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect as of the date of issuance and shall expire on September 30, 1943.

Issued this 8th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11033; Filed, July 8, 1943; 4.58 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-362]

MORGAN COUNTY RURAL ELECTRIC ASSOCIATION

Morgan County Rural Electric Association is a non-profit corporation organized in 1937 to furnish electric energy to its members. It operates under the supervision of the Rural Electrification Administration. Its headquarters are at Fort Morgan, Colorado. It has erected about 500 miles of electric lines which serve its members, mostly farmers, located in several adjacent counties. From January 1, 1942, to September 30, 1942, the Association made withdrawals from stores and inventories of materials aggregating $75,728.42, in violation of Preference Rating Order No. P-46. During the same period the Association accepted deliveries of materials before its inventory and stores of items of materials of the same class had been reduced to a practicable working minimum, in violation of Preference Rating Order No. P-46. During each calendar quarterly period from January 1, 1942, to September 30, 1942, the Association accumulated inventories of materials for use in its operations of a value of $105,842.46. Its practicable minimum working inventory reasonably necessary to carry on its operations did not then, and does not now, exceed $10,000. This inventory was increased to $107,838.00 by December 31, 1942, while an investigation of the Association was being made by War Production Board, with the knowledge of the Association. These acts constituted wilful and significant violations of Preference Rating Order No. P-46 and of Priorities Regulation No. 1, with which the superintendents, officers and directors of Morgan County Rural Electric Association were familiar during 1942.

Scarce materials were accumulated by the respondent to an extent unauthorized by the War Production Board, and these violations have hampered and impeded the war effort of the United States. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.362 *Suspension Order No. S-362.* (a) Morgan County Rural Electric Association shall dispose of its inventories of supplies and materials through, or in the manner specifically authorized in writing by, the Denver Regional Office of the Utilities Inventory Control Branch of the Office of War Utilities of the War Production Board, to the extent that the inventories will be reduced to a practicable minimum working inventory, as prescribed in War Production Board Utilities Orders Nos. U-1 and U-1-c: *Provided*, That the reduced inventory shall not at any time exceed $10,000 in the aggregate value, unless hereafter specifically authorized in writing by the War Production Board.

(b) Until the inventories of materials and supplies of Morgan County Rural Electric Association have been reduced to a practicable minimum working inventory, as above provided, deliveries of supplies and materials to the Association, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board: *Provided, however*, That if at any time certain items of materials or supplies are not then in the inventory of the Association, and are required in its operations, the Association may be authorized to apply or extend ratings and to issue orders to obtain those items upon receiving specific authorization in writing from the Regional Director of the Denver Regional Office of the War Production Board. The Regional Director of the Denver Regional Office of the War Production Board is hereby delegated authority to authorize the purchase and receipt by Morgan County Rural Electric Association of materials or supplies required for its operations but not in its inventory, and to apply or extend the necessary ratings to consummate such purchases.

(c) Nothing contained in this order shall be deemed to relieve Morgan County Rural Electric Association, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect as of the date of issuance.

Issued this 8th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11034; Filed, July 8, 1943; 4.58 p. m.]

PART 1050—DISTILLED SPIRITS

[Amdt. 1 to General Preference Order M-69, as Amended Oct. 13, 1942]

Section 1050.1 (General Preference Order M-69) is hereby amended in the following respects:

1. By renumbering paragraphs (f) and (g) to read "(g)" and "(h)".

2. By adding a new paragraph (f) reading:

(f) *Directions as to use of materials.* War Production Board may from time to time issue directions to producers as to the kinds of raw materials which may be used in the production of distilled spirits or high wines.

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11070; Filed, July 9, 1943; 11:47 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b as Amended July 9, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1041.2 *Preference Rating Order P-98-b.*

Purpose and Scope

(a) *Purpose.* The purpose of this order is to make available methods by which an operator may acquire deliveries of material for essential production and construction operations as well as for maintenance or repair purposes or as operating supplies. This order also applies to the use of material in certain construction operations and establishes uniform standards by which operators in the petroleum industry may obtain and use their necessary material requirements for the effective continuance of necessary petroleum industry operations.

From time to time supplementary orders or directions will be issued to operators covering the use of allotment numbers, symbols or preference ratings or the delivery or use of material and informing them of modifications in the programs and policies of the War Production Board or the Petroleum Administration for War.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Operator" means:

(i) Any person located in the United States, its territories or possessions to the extent that he is engaged in the petroleum industry (Domestic operator); or

(ii) Any person located in the Dominion of Canada to the extent that he is engaged in the petroleum industry and to whom and in whose name a copy of this order or of Preference Rating Order P-98, Extended and Amended, is or has been specifically issued and to whom a serial number has been assigned (Canadian operator).

(3) "Supplier" means any person with whom a delivery order is placed for delivery of material to an operator or to another supplier.

(4) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(5) Except as provided in Schedule B hereof, "petroleum industry" means any operation directly incident to:

(i) The discovery, development or depletion of petroleum pools (production);

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline production);

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation);

(iv) The processing, refining or compounding of finished or unfinished petroleum products (refining);

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing);

and shall include for each of the above listed branches of the industry, to the extent applicable therein, the investigation into more efficient or more effective methods of conducting petroleum industry operations by means of research or technical laboratories.

(6) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(7) "Production operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to production.

(8) "Construction operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to natural gasoline production, transportation, refining or marketing.

(9) "Maintenance or repair" means that use of material specified in Schedule A hereof.

(10) "Operating supplies" means any material (other than material used for maintenance or repair purposes) which is essential to and consumed in the petroleum industry and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense.

(11) "Research laboratory material" means material used exclusively for the purpose of carrying out investigations into more efficient or more effective methods of conducting petroleum industry operations by means of research or technical laboratories, except that such material shall not include material for use in the construction of laboratory buildings or other structures.

(12) "Controlled material", "Class A product" and "Class B product" shall have the same meanings, respectively, as in CMP Regulation No. 1 of the War Production Board.

(13) "Allotment" means a determination by the Petroleum Administration for War or a further determination by any operator or secondary consumer as to the portion of its allotment of controlled materials which may be received by an operator or a secondary consumer, as the case may be.

(14) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given.

(15) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in paragraph (j) of this order or which is specifically designated to be such by any regulation or order of the Petroleum Administration for War or the War Production Board.

NOTE: Paragraphs (12) through (15) redesignated July 9, 1943.

(c) *Restrictions on scope of order.* (1) No operator may use an allotment number or symbol or apply a preference rating to secure delivery of any material which may be acquired under this order other than in accordance with the applicable provisions of this order: *Provided, however*, That an operator who, but for the terms of this subparagraph, would be required by Priorities Regulation No. 9 to utilize the method provided in that regulation to obtain priorities assistance for export, shall continue to obtain priorities assistance in the manner provided by Priorities Regulation No. 9, as amended from time to time.

(2) No operator may apply a preference rating to obtain delivery of any material specified or referred to on Schedule "C" except in conformity with the directions set forth on that schedule.

(3) Any allotment number or symbol issued or any preference rating assigned to any operator prior to May 15, 1943 shall not be considered revoked by the provisions of subparagraph (1) of this paragraph (c).

MRO Material

(d) *Method of securing MRO material and laboratory equipment.* (1) To secure delivery of research laboratory material or material for maintenance or repair purposes or as operating supplies—including without limitation controlled materials, Class A, or Class B products—an operator is hereby authorized to use allotment symbol MRO–P–98–b and a preference rating of AA–1, except for such material to be used in retail marketing (service station operations), to secure the delivery of which a preference rating of AA–5 is hereby authorized. Material delivered or to be delivered for use as research laboratory material, or for maintenance or repair purposes or as operating supplies is referred to as "MRO material".

(2) In placing an allotment symbol and preference rating on a delivery order for MRO material, the operator shall endorse upon such delivery order the certification provided in paragraph (l).

(3) Any operator requiring aluminum (in any of the forms or shapes constituting a controlled material) as essential MRO material, where the use of other material for this purpose is impracticable, may obtain such aluminum from a controlled materials producer or from an approved aluminum warehouse in amounts of not to exceed 100 pounds from all sources during any one calendar quarter, only by endorsing upon any delivery order the certification provided in paragraph (l).

Any operator requiring aluminum as essential MRO material (in any of the forms or shapes constituting a controlled material) in amounts in excess of 100 pounds from all sources during any one calendar quarter, where the use of other material for this purpose is impracticable, may apply for an allotment of the amount thereof in excess of 100 pounds during any one calendar quarter by a letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington, D. C., Ref: MRO. Such letter should contain substantially the information called for by paragraphs (d) (1) to (d) (6) of Supplementary Order M–1–l, as amended March 10, 1943. Such operator may place authorized controlled material orders, based on any allotment received pursuant to such application, with a controlled materials producer or an approved aluminum warehouse only by using the certification provided in paragraph (l).

(4) Prior to placing with a supplier a delivery order for MRO material bearing the certification provided in paragraph (l), each operator shall submit copies of delivery orders to the Petroleum Administration for War or the Office of Oil Controller, as follows:

(i) Where Schedule D is applicable, submission shall be made in the manner and to the places specified therein. If Schedule D is not applicable:

(ii) Where the total cost to the operator of all items on the delivery order is $100.00 or more, but less than $1000.00, and the cost of every item on the delivery order is less than $500.00, *one* copy of such delivery order shall be submitted.

(iii) Where the total cost to the operator of all items on the delivery order is $1000.00 or more and the cost of every item on the delivery order is less than $500.00, *two* copies of such delivery order shall be submitted.

(iv) Where the cost to the operator of any item on the delivery order is $500.00 or more, *two* copies of such delivery order shall be submitted.

No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

When the delivery order is for MRO material to be used in production, a domestic operator shall submit such delivery order to the district office of the Petroleum Administration for War in the district where the material is to be used. When the delivery order is for MRO material to be used in any other branch of the industry, a domestic operator shall submit such delivery order: (a) to a district Office of the Petroleum Administration for War (in the district in which the material will be used or in which the purchasing office of the operator is located, as the operator may elect) where such delivery order is to be submitted in accordance with paragraphs (d) (4) (ii) or (d) (4) (iii); or (b) to the Washington Office of the Petroleum Administration for War where such delivery order is to be submitted in accordance with paragraph (d) (4) (iv). A Canadian operator shall, in every instance, submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each such delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the specific use to which the material is to be put, the branch of the petroleum industry and the PAW District in which the material is to be used, the price, quantity and description of the material on the delivery order (including weight if a controlled material), and, where applicable, such additional information as may be necessary to enable the proper official to make an accurate determination of the operator's needs.

(5) No operator may place with a supplier any delivery order submitted in accordance with paragraph (d) (4) (iii) or (d) (4) (iv) until approval has been received from the Petroleum Administration for War or the Office of Oil Controller.

(6) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item or subdivide an ordinary purchase of any item or items for the purpose of making it appear that an item costs less than $500.00; that the total cost of all items on the delivery order is less than $1000.00; or that the total cost of all items on the delivery order is less than $100.00.

(e) *Emergency provisions for securing MRO material.* (1) If there has been an actual breakdown or suspension of operations and if the method specified in paragraph (d) for using the allotment symbol, preference rating or certification will not permit an operator to obtain MRO material on the date and in the quantity required, the operator may request authority to obtain delivery of such material by communicating by letter, telegram or telephone with the Petroleum Administration for War, Washington, D. C., Ref: P–98–b, supplying the following information:

(i) Date of actual breakdown or suspension of operations and exact explanation as to what extent operations are affected;

(ii) Description of equipment to be repaired and its function in maintaining continuous operation;

(iii) Price, quantity, and detailed description of necessary material (including weight if a controlled material) and number and date of delivery order(s) therefor.

Whenever any of the above information is furnished by telephone, the operator shall confirm such information within three days by a letter or telegram. No delivery order for MRO material for emergencies need be submitted.

(2) No operator may place with a supplier a delivery order, covering the delivery of material for which approval has been requested pursuant to paragraph (e) (1), until approval has been received from the Petroleum Administration for War or the War Production Board. In placing any such delivery order after receipt of approval, the operator shall use the certification provided in paragraph (l).

Material for Production Operations

(f) *Method of securing material for production operations.* (1) Any domestic operator, who during the year 1942 drilled 40,000 feet of hole or more, may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a production operation, only by submitting to the district office of the Petroleum Administration for War in the district where the material is to be used Form WPB–2565 [formerly PD–873] at least four months prior to the calendar-quarter in which such material is to be delivered. Notwithstanding this provision, any such operator may request interim assistance to obtain additional quantities of material for a production operation, or any domestic operator who during the year 1942 drilled less than 40,000 feet of hole, may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number or preference rating for a production operation, only by submitting to the district office of the Petroleum Administration for War in the district where the material is to be used Form WPB–2565 [formerly PD–873] not less than one month prior to the time the operator proposes to initiate or to obtain delivery of material for such production operation.

(2) Any Canadian operator may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a production operation, only by submitting to the Office of Oil Controller of the Dominion of Canada Form WPB–2565 [formerly PD–873] not less than one month prior to the time the operator proposes to initiate or to obtain delivery of material for such production operation.

(3) Submission of Form WPB–2565 [formerly PD–873] to the Petroleum Administration for War or the Office of Oil Controller shall constitute an application for an allotment of controlled materials, an application for an allotment number and preference rating, and, subject to the applicable provisions of Petroleum Administrative Order No. 11, as amended and supplemented from time to time, an application for authority to use an allotment number and preference rating to secure delivery of material necessary for the production operation(s) specified on such form. The Petroleum Administration for War or the Office of Oil Controller may thereafter make an allotment and authorize the use of an allotment number and preference rating to secure delivery of material necessary for the production operation(s) specified on such form. Such allotment and authorization will be made on Form WPB–2565 [formerly PD–873].

(4) In the event that authority to use an allotment number and preference rating is granted to the operator, the operator may use such allotment number and preference rating by placing them upon the delivery order for material to be used in the production operation(s) specified on Form WPB–2565 [formerly PD–873] and by certifying the delivery order as provided in paragraph (l).

(5) Prior to placing with a supplier a delivery order bearing an allotment number and preference rating for the delivery of any material (other than MRO material) to be used in a production operation, each operator shall submit copies of delivery orders to the Petroleum Administration for War or the Office of Oil Controller, as follows:

(i) Where the total cost to the operator of all items on the delivery order is $100.00 or more, but less than $1000.00, and the cost of every item on the delivery order is less than $500.00, one copy of such delivery order shall be submitted.

(ii) Where the total cost to the operator of all items on the delivery order is $1000.00 or more or where the cost to the operator of any item on the delivery order is $500.00 or more, two copies of such delivery order shall be submitted.

No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

A domestic operator shall submit such delivery order to the District Office of the Petroleum Administration for War in the District where the material is to be used. A Canadian operator shall submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each such delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the serial number of the Form WPB 2565 (formerly PD–873) which was returned to him as authority to acquire the material, the specific use to which the material is to be put, and the price, quantity and description of material on the delivery order.

(6) No operator may place with a supplier any delivery order submitted in accordance with paragraph (f) (5) (ii) until approval has been received from the Petroleum Administration for War or the Office of Oil Controller.

(7) In placing a delivery order bearing an allotment number and preference rating for material to be used in a production operation, no operator shall alter the customary designation of any item or subdivide an ordinary purchase of any item or items for the purpose of making it appear that an item costs less than $500.00; the total cost of all items on the delivery order is less than $1000.00; or the total cost of all items on the delivery order is less than $100.00.

Material for Construction Operations

(g) *Authorization required for certain construction operations.* No operator may accept delivery of, acquire, or use material in a construction operation except in accordance with Schedule E hereof.

(h) *Method of securing material for construction operations.* (1) Any domestic operator may apply for authority to obtain delivery of material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a construction operation, only by submitting to the Petroleum Administration for War those forms at such times as may be specified in Schedule E hereof. Any Canadian operator may apply for authority to obtain delivery of material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a construction operation, only by submitting to the Office of Oil Controller of the Dominion of Canada those forms at such times as may be specified in Schedule E hereof.

(2) Submission of the proper form for a specific construction operation as specified in Schedule E hereof shall constitute an application for an allotment of controlled material, an application for an allotment number and preference rating, an application for authority to use an allotment number and preference rating, and, subject to the applicable provisions of Schedule E hereof, an application for authorization to accept delivery of or acquire material and to initiate the construction operation(s) specified in the form submitted. The Petroleum Administration for War, the Office of Oil Controller, or the War Production Board may thereafter make an allotment and authorize the use of an allotment number and preference rating to secure delivery of material necessary for the construction operation(s) specified in or authorized pursuant to an application submitted in accordance with Schedule E hereof.

(3) In the event that authority to use an allotment number and preference rating is granted to the operator, the operator may use such allotment number and preference rating by placing them upon the delivery order for material to be used in the specified construction operation(s) and by certifying the delivery order as provided in paragraph (l).

(4) Preference ratings assigned to construction operation(s) may be applied or extended only for the purpose of acquiring those items of material specifically approved in connection with the construction operation(s) specified in or authorized pursuant to an application submitted in accordance with Schedule E hereof; and authorized controlled material orders may be placed only for the purpose of acquiring those items of controlled material specified for use in the construction operation(s).

(5) Any application upon the required form specified in Schedule E hereof for a construction operation located in the United States, its territories or possessions shall be submitted to the Petroleum Administration for War, Washington, D. C., or to such other place as may be specifically designated in Schedule E hereof. Any such application for a construction operation located in the Dominion of Canada shall be submitted to the Office of Oil Controller of the Dominion of Canada.

Allotments, Placement of Orders, General

(i) *Allotments in production or construction operations.* In certain instances an operator, who has obtained the necessary allotment of controlled materials for a production or construction operation, may require the manufacture and installation of certain Class A products or may undertake the construction operation through a construction contractor. In either case it may be necessary for the operator to allot a portion of his allotment to the Class A product manufacturer or to the contractor (each of whom then becomes a secondary consumer) for reallotment or the placement of controlled material orders. Any operator making such an allotment shall follow the procedures established therefor in CMP Regulation No. 1, except as otherwise modified by this order. A secondary consumer who receives any such allotment shall not be bound by the provisions of this order and must rely upon existing procedures other than those established by this order in securing necessary material.

(j) *Placement of delivery orders; application of preference ratings.* (1) An operator who has complied with the provisions of paragraph (d), (e), (f) or (h)

of this order may place a delivery order with any supplier for delivery of material authorized pursuant to such paragraph and may place upon such delivery order the allotment number or symbol and preference rating which have been duly authorized in accordance with the provisions of this order.

(2) Any delivery order rated under this order shall be identified by placing thereon the allotment number or symbol authorized pursuant to the provisions of this order. Any delivery order rated pursuant to this order and bearing the certification provided for in this order shall have the same status as an order bearing an allotment number or symbol and preference rating under CMP Regulation No. 3. The allotment symbol MRO–P–98–b shall constitute an allotment symbol for the purpose of CMP Regulation No. 3.

(3) Any delivery order for controlled materials placed pursuant to this order and bearing the certification provided for in this order shall constitute an authorized controlled material order: *Provided*, That such delivery order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(4) The allotment number referred to in this paragraph (j) or endorsed upon any delivery order bearing the certification provided for in this order shall be the abbreviated allotment number prescribed by paragraph (c) (6) (ii) of CMP Regulation No. 1, including as the last two digits, the number of the month in which delivery is requested in place of the number identifying the quarter for which the allotment received is valid.

(k) *Use, cancellation, or reduction of allotments.* (1) When an allotment received by an operator is not reallotted, or authorized controlled material orders therefor are not placed, within 30 days of receiving the allotment, the operator shall promptly notify the Petroleum Administration for War in Washington, D. C., or the Office of Oil Controller in Toronto, Canada, of this fact and of the extent to which the allotment has not been reallotted or authorized controlled material orders therefor have not been placed. In the event that an operator elects not to use an allotment which has been received by him, he shall, within 30 days of receiving the allotment, notify the Petroleum Administration for War in Washington, D. C. or the Office of Oil Controller in Toronto, Canada of this fact and of the extent to which he has elected not to use the allotment, together with the reasons therefor.

(2) An operator who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. Where an allotment received by an operator is cancelled, he must cancel all allotments which he has made and all authorized controlled material orders which he has placed, on the basis of the allotment; and where an allotment received by an operator is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. In the event that this course of action is impracticable, the operator shall immediately report to the Petroleum Administration for War or the Office of Oil Controller for instructions.

(l) *Certification.* An operator may use any allotment number or symbol or preference rating authorized pursuant to this order only by endorsing upon his delivery order a certification in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

> The undersigned purchaser certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

This certification may be used in lieu of any other certification required by any CMP regulation to be endorsed on a delivery order or to be furnished therewith. Any certification provided for in this order, so used, shall be construed to be a representation of facts in the same manner and to the same extent as any specific certification required by any CMP regulation.

(m) *Restoration of inventories.* An operator may, subject to the provisions of this order, use the allotment number or symbol and the preference rating duly authorized in accordance with the provisions of this order to restore to a practical working minimum his inventory of material where the inventory has been depleted through use of MRO material or material necessary to a production or construction operation: *Provided*, That no delivery of material which would result in surplus material, as defined in Preference Rating Order P–98–c, may be accepted by any operator.

(n) *Restrictions.* No operator may use the allotment number or symbol or the preference rating duly authorized in accordance with the provisions of this order:

(1) To obtain delivery of material in greater amounts or on earlier dates than required to fulfill the purpose authorized pursuant to the provisions of this order.

(2) To obtain delivery of material for any purpose other than a purpose authorized pursuant to the provisions of this order.

(3) To obtain delivery of material which can be secured without the use of an allotment number or symbol or preference rating.

(4) To obtain delivery of material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material, or by change of design.

(5) To obtain delivery of material in such amounts or at such dates that receipt of such amounts on the requested dates would result in surplus material, as defined in Preference Rating Order P–98–c.

(6) To obtain deliveries of material on or after August 1, 1943 unless such operator is a participant in the PAW Materials Redistribution Program No. 2 in the event that participation by the operator in such program is required by the terms of the program.

(o) *Applicability of other orders and regulations.* (1) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all applicable orders or regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulation Nos. 2, 5, or 6 (or the limitations incorporated in any CMP regulation which otherwise would subject an operator to the provisions of CMP Regulation Nos. 2, 5, or 6) shall apply to an operator and no operator shall obtain any material under or be limited by the provisions of such regulations or limitations. The provisions of paragraphs (i), (s), (s–1) and (u) of CMP Regulation No. 1 shall not apply to an operator who secures delivery of material in accordance with the provisions of this order and no such operator shall to this extent be limited by the provisions of these paragraphs of CMP Regulation No. 1. None of the provisions of Limitation Order L–41, as amended from time to time, shall apply to an operator as such operator is limited by the provisions of such order.

(p) *Further limitations on use of priorities assistance.* The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

(q) *Communications.* All reports which may be required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed:

(1) By any person located in the United States, its territories or possessions to: Petroleum Administration for War, Interior Building, Washington, D. C., Ref: P–98–b.

(2) By any person located in the Dominion of Canada to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref: P–98–b.

Wherever communications are specifically directed to be addressed to a District Office of the Petroleum Administration for War such communications shall be addressed to the District Office for the appropriate area as specified in Schedule F hereof.

(r) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Petroleum Administration for War or the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

NOTE: Paragraphs (q) and (r) redesignated July 9, 1943.

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

"Maintenance or repair" means, without regard to accounting practice, any use of material:

(1) In production, natural gasoline production, transportation or refining for any of the following purposes:

(i) The upkeep of material or equipment in a sound working condition;

(ii) The restoration of material or equipment which has been rendered unsafe or unfit for service by wear and tear, damage, destruction, failure of parts or similar causes; or

(iii) Any other production or construction operation not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition:

Provided, That upkeep or restoration shall not include any use of material for the improvement of material or equipment by the replacement of material which is still serviceable in the existing material or equipment: *And provided further*, That maintenance or repair shall not include the installation or replacement of pumping or other artificial lifting equipment or the deepening or plugging back of any well.

(2) In marketing for any of the following purposes:

(i) The upkeep of any structure or equipment in a sound working condition;

(ii) The restoration of any structure or equipment or part thereof to a sound working condition when such structure or equipment or part thereof has been rendered unsafe or unfit for further service by wear or tear, damage, destruction, failure of parts or similar causes; or

(iii) Any other construction operation in connection with any bulk plant (but not any service station or retail outlet) not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition:

Provided, That upkeep or restoration shall not include any use of material for the improvement of any structure or equipment by the replacement of material which is still serviceable in the existing structure or equipment: *And provided further*, That maintenance or repair shall not include any construction operation in connection with a service station or retail outlet other than for upkeep or restoration purposes.

SCHEDULE B—NON-PETROLEUM INDUSTRY USES OF MATERIAL

Other than as specifically provided for in this schedule, use of the following material shall not be considered as a use of material in the petroleum industry:

(a) Material or equipment which is to be used by consumer accounts for or in the storage or dispensing of petroleum, including liquefied petroleum gas.

(b) Material or equipment which is to be used for transportation by means of a tank truck or trailer, railroad rolling stock, or marine equipment: *Provided*, That:

(1) Where material is to be used on a tank truck or trailer and is specialized petroleum material or equipment which is actually to be attached to the truck or trailer and is necessary to the containing, dispensing, measuring the movement, or distributing of petroleum, such use shall be considered a use of material in the petroleum industry.

(ii) Where material is to be used on railroad rolling stock and the rolling stock is owned or leased by the operator, used on his premises and in the petroleum industry, and is not under the jurisdiction of the Interstate Commerce Commission, such use shall be considered a use of material in the petroleum industry.

(iii) Where material is to be used on marine equipment and the marine equipment is used or chartered by the operator, is used on or in the vicinity of his premises and in the petroleum industry, and is not under the jurisdiction of the United States Maritime Commission, the Navy Department, or any other federal agency for the purpose of establishing methods by which material incident to the operation of the marine equipment may be made available, such use shall be considered a use of material in the petroleum industry.

(c) Material or equipment which is to be used in connection with a construction operation for "residential construction" or "multiple residential construction", as defined in Limitation Order L–41, as amended from time to time.

SCHEDULE C—SPECIAL DIRECTIONS CONCERNING CERTAIN MATERIAL AND EQUIPMENT USED IN THE PETROLEUM INDUSTRY

NOTE: Schedule C amended July 9, 1943.

An operator may apply a preference rating to obtain delivery of the material specified on Lists A, B and C of Priorities Regulation No. 3, as amended from time to time, only in accordance with paragraph (f) of Priorities Regulation No. 3. Each operator should acquaint himself fully with the new Priorities Regulation No. 3, before applying preference ratings made available by P–98–b.

SCHEDULE D

Because of the over-all materials situation, it has been necessary in exceptional instances to develop specialized treatment for certain types of material. In certain instances, special treatment is necessary only for the purpose of developing requirements to assure sufficient supplies to operators. Material of this character is treated in Part I of this schedule.

In other instances, the critical shortage of particular materials and the universal importance of such materials to the war program have required more complete control than ordinarily required by this order. Material of this character is treated in Part II of this schedule.

The schedule has been so arranged as to provide a flexible medium whereby as the status of important classes of material alters, particular classes can be added to or subtracted from the lists—thus adjusting the material demand and supply picture to the needs of petroleum industry operators.

PART I—MATERIAL REQUIRING SUBMISSION OF DELIVERY ORDER FOR INFORMATION ONLY

(a) Prior to placing with a supplier a delivery order (for the MRO material specified in (b) of Part I of this schedule) bearing the certification provided in paragraph (l), each operator shall submit for information purposes only (to the district office of the Petroleum Administration for War in the district where the material is to be used or the Office of Oil Controller) one copy of any delivery order for such material unless the total cost to the operator of all items on the delivery order is less than $100.00. No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

(b) Specified MRO material:

(i) Aluminum allotted pursuant to application made to the Aluminum and Magnesium Division of the War Production Board.

(ii) Rotary bits.

(c) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item specified in Part I, (b) of this schedule or subdivide an ordinary purchase of any item or items specified in Part I, (b) of this schedule for the purpose of making it appear that the total cost of all items on the delivery order is less than $100.00.

PART II—MATERIAL REQUIRING PRE-SUBMISSION OF DELIVERY ORDER

(a) Prior to placing with a supplier a delivery order (for the MRO material specified in (b) of Part II of this schedule) bearing the certification provided in paragraph (l), each operator shall submit for approval two copies of any delivery order for such material where the total cost to the operator of all items on the delivery order is $100.00 or more. No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

When the delivery order is for the MRO material specified in Part II, (b) to be used in production, a domestic operator shall submit such delivery order to the district office of the Petroleum Administration for War in the district where the material is to be used. When the delivery order is for such MRO material to be used in any other branch of the industry, a domestic operator shall submit such delivery order: (a) to a district office of the Petroleum Administration for War (in the district in which the material will be used or in which the purchasing office of the operator is located, as the operator may elect) where the total cost of all items on the delivery order is $100.00 or more and the cost of every item on the delivery order is less than $500.00; or (b) to the Washington Office of the Petroleum Administration for War where the cost of any item on the delivery order is $500.00 or more. A Canadian operator shall, in every instance, submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the specific use to which the material is to be put, the branch of the petroleum industry and the PAW district in which the material is to be used, the price, quantity and description of the material on the delivery order (including weight if a controlled material), and, where applicable, such additional information as may be necessary to enable the proper official to make an accurate determination of the operator's needs.

(b) Specified MRO material:

(i) Cast iron valves over 12 inches.

(ii) Industrial control instruments including relief and control valves and regulators.

(iii) Steel valves.

(c) No operator may place with a supplier a delivery order, covering the delivery of material for which approval has been requested pursuant to (a) of Part II of this schedule, until approval has been received from the Petroleum Administration for War.

(d) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item specified in Part II, (b) of this schedule or subdivide an ordinary purchase of any item or items specified in Part II, (b) of this schedule for the purpose of making it appear that an item costs less than $500.00 or that the total cost of all items on the delivery order is less than $100.00.

SCHEDULE E

This schedule both describes and determines how to obtain the delivery of material for and authority to use material in construction operations.

Schedule E shall not determine the methods by which an operator obtains delivery of, acquires or uses MRO material or material for production operations. Requirements governing the use of priorities assistance to secure delivery of and use MRO material are treated in paragraphs (d) and (e) and Schedules A, C, and D. Requirements governing the use of priorities assistance to secure delivery of material for production operations are treated in paragraph (f); the use of material in production operations is covered in PAO No. 11.

The requirements in this schedule with respect to applications for authorization to accept delivery of or acquire material and to initiate a construction operation (but not with respect to obtaining priorities assistance) do not apply to any Canadian operator.

For the purpose of this Schedule E, "material on hand" means any material

(1) which has been or can be obtained without priorities assistance (other than priorities assistance assigned by paragraph (b) (1) of M-208); or

(2) which has been acquired with priorities assistance (other than priorities assistance made available by this order to secure delivery of MRO material) for a purpose other than use in the construction operation for which application must be made on the appropriate form specified in Column (4) below; and

(1) Petroleum industry operations	(2) Construction operations covered by this schedule	(3) Extent of authorization required and method of obtaining authorization	(4) Use form below to obtain authority to engage in a construction operation, if required	(5) Use form below to obtain priorities assistance	(6) Order which governs the need to obtain authority
Marketing	Any construction operation, as defined in P-98-b, to the extent covered by PAO No. 12	(1) Authority is granted by PAO No. 12 to undertake certain construction operations and installations of equipment. As to such operations or installations, no action need be taken. (2) Authority must be obtained before undertaking any construction operation or installation of equipment other than those specifically permitted by PAO No. 12. To request authority, file PAW Form 23 with the District Director of Marketing at the PAW District Office for the District in which the material will be used.	PAW Form 23	Form WPB-617 [formerly PD-200].	PAO No. 12.
Natural gasoline production.	Any construction operation as defined in P-98-b (any production operation as defined in PAO No. 11 directly incident to the extraction or recovery of natural gasoline and associated hydrocarbons).	Authority must be obtained under PAO No. 11 before engaging in any such construction operation. To request authority, file PAW Form 4 as follows: 3 copies with the Director of Natural Gas & Natural Gasoline, Petroleum Administration for War, Washington, D. C. 1 copy with the District Director of Natural Gas & Natural Gasoline, Petroleum Administration for War District Office.	PAW Form 4	Form WPB-617 [formerly PD-200].	PAO No. 11.
Refining or transportation.	(a) Any construction operation, as defined in P-98-b, with an estimated material cost of less than $3,000 for any one complete operation, which can be completed primarily with material on hand.	Any operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation as described and limited in Column (2) (a) without obtaining any authority to do so.	----------	----------	P-98-b Schedule E.
	(b) Any construction operation, as defined in P-98-b, with an estimated material cost of $3,000 or more for any one complete operation, which can be completed primarily with material on hand.	No operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation described and limited in Column (2) (b) unless he obtains prior authority to do so. To request such authority, file Form WPB-617 [formerly PD-200] with the Petroleum Administration for War, Washington, D. C.	Form WPB-617 [formerly PD-200].	----------	P-98-b Schedule E.
	(c) Any construction operation, as defined in P-98-b, the delivery of material for which will require priorities assistance.	No operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation described in Column (2) (c) unless he obtains prior authority to do so from the Petroleum Administration for War. To request such authority, file Form WPB-617 [formerly PD-200] with the Petroleum Administration for War, Washington, D. C.	Form WPB-617 [formerly PD-200].	Form WPB-617 [formerly PD-200].	P-98-b Schedule E.

NOTES—READ CAREFULLY

a. *Use of Form WPB-1548 [formerly PD-200B].* After an operator has filed a Form WPB-617 [formerly PD-200] and has been authorized to construct or has been granted priorities assistance, Form WPB-1548 [formerly PD-200B] should be used (1) to obtain priorities assistance for additional material; (2) to obtain greater quantities of material than authorized by the priorities assistance granted; or (3) to obtain a higher preference rating than the rating granted, if such is necessary to secure delivery of material at the time required.

b. *Form WPB-617 [formerly PD-200] used for both authority and priorities assistance.* Where both authority to initiate a construction operation and priorities assistance are required and Form WPB-617 [formerly PD-200] is prescribed for both purposes, it is only necessary to file such Form WPB-617 [formerly PD-200] once for both purposes.

c. *Where to file Forms WPB-617 [formerly PD-200] and WPB-1548 [formerly PD-200B].* Domestic operators should file with the Washington office of the Petroleum Administration for War; Canadian operators should file with the Office of Oil Controller.

d. *When to file forms.* PAW Form 23, PAW Form 4, and Form WPB-617 [formerly PD-200] (when it is used to obtain authority to initiate a construction operation) must be filed before construction or installation is begun. Where Form WPB-617 [formerly PD-200] is used to obtain priorities assistance only, it should be filed at the earliest possible opportunity and preferably with PAW Form 23 or PAW Form 4, if authority to initiate a construction operation in Marketing or Natural Gasoline Production is to be requested.

e. *Filing of Form CMP-4C.* Not required of operators except where specifically requested by the Petroleum Administration for War or the Office of Oil Controller.

(3) which will not be replaced in the operator's inventory by the use of priorities assistance made available by this order to secure delivery of MRO material.

For further definitions of the terms used in the table below consult the respective orders referred to therein.

In addition to the orders specified, the terms of any other applicable E, L, M, or U order shall apply.

SCHEDULE F—INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO DISTRICT OFFICES

District 1. (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia) Direct communications to Petroleum Administration for War, 1104 Chanin Building, 122 East 42nd Street, New York, N. Y. Ref: P-98-b.

District 2. (Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota) Direct communications to Petroleum Administration for War, 1200 Blum Building, 624 South Michigan Avenue, Chicago, Ill., (or) 410 Beacon Building, 406 South Boulder Avenue, Tulsa, Okla. Ref: P-98-b.

District 3. (Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico) Direct communications to Petroleum Administration for War, 245 Mellie Esperson Building, Houston, Tex. Ref: P-98-b.

District 4. (Montana, Wyoming, Colorado, Utah, Idaho) Direct communications to Petroleum Administration for War, 320 First National Bank Building, Denver, Colo. Ref: P-98-b.

District 5. (Arizona, California, Nevada, Oregon, Washington, Territories of Alaska or Hawaii) Direct communications to Petroleum Administration for War, 855 Subway Terminal Building, Los Angeles, Calif. Ref: P-98-b.

[F. R. Doc. 43-11076; Filed, July 9, 1943; 11:48 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-c, as Amended July 9, 1943]

To facilitate sales of idle or excess materials, equipment and facilities by persons engaged in the petroleum industry to other persons engaged in the petroleum industry and to control the acquisition of materials by persons engaged in the petroleum industry, the following order is deemed necessary and appropriate in the public interest and to promote the national war effort:

§ 1041.3 *Preference Rating Order P-98-c*—(a) *Definitions.* (1) "Operator" means any person to the extent that he is engaged in the petroleum industry.

(2) "Surplus material" means with respect to each operator that quantity of any item of material, usable for purposes other than scrap, in the operator's possession or under his control which is determined to be surplus critical material in accordance with Schedule A, B, or C; or which (with respect to any material not identified as critical material) exceeds the quantity required or scheduled for use during the succeeding 90 days.

(3) All other definitions of Preference Rating Order P-98-b shall apply in this order.

(b) *Sales of material between operators.* (1) Notwithstanding the provisions of Priorities Regulation No. 1, as amended from time to time, any operator may sell or transfer to any operator material from the seller's or transferor's stocks or inventories, and any such sale or transfer shall be expressly permitted within the terms of Priorities Regulation No. 13, as amended from time to time.

(2) Notwithstanding the provisions of Priorities Regulation Nos. 1 and 13, as amended from time to time, any operator may sell or transfer to any supplier, for direct sale or transfer by the supplier to another operator, material from the stocks or inventories of the operator.

(3) Where any material is to be used by an operator outside of the United States, its territories or possessions, no operator may sell, transfer or accept delivery of such material under the provisions of this paragraph (b) unless Form PD-470 is filed with the Petroleum Administration for War prior to any such sale or transfer. For the purposes of this subparagraph Form PD-470 will be treated as an information form only and not as an application.

(c) *Restrictions on acquisition and use of materials.* (1) The provisions of CMP Regulation No. 2 and paragraph (f) of CMP Regulation No. 5 shall not be applicable to the sale, delivery, or transfer of material or the use of implementing documents under the provisions of this order. The following provisions of this paragraph (c) shall apply.

(2) No operator or supplier may deliver to any operator, and no operator may accept delivery of, any material for ultimate use in the United States, its territories or possessions, or the Dominion of Canada, in a quantity which if accepted by the operator would result in surplus material for that operator.

(3) No operator may submit a contract or purchase order, effect a sale or transfer authorized by the provisions of paragraph (b) of this order, or apply or extend priorities assistance to obtain delivery of any material for ultimate use in the United States, its territories or possessions or the Dominion of Canada in a quantity which if accepted by the operator would result in surplus material for that operator.

(4) On and after August 1, 1943, no operator who is required to make a certification of compliance under the provisions of the PAW-Materials Redistribution Program No. 2 may submit a contract or purchase order, effect a sale or transfer authorized by the provisions of paragraph (b) of this order, or apply priorities assistance to obtain delivery of any material unless such certification has been made.

(5) Any operator or supplier may deliver to any operator, and any operator may accept delivery of, material for ultimate use outside of the United States, its territories or possessions, or the Dominion of Canada only where the operator accepting delivery of such material secures priorities assistance in conformity with the provisions of Priorities Regulation No. 9 and Forms PD-311 or PD-311-c, as they may be amended from time to time.

(d) *Participation in Materials Redistribution Program.* Where any material is to be used by an operator in the United States, its territories or possessions, such operator shall file such applications as are required by the PAW-Materials Redistribution Program No. 2 and shall participate in such program to the extent required by its terms and provisions. Any operator required to make a certification of compliance under the provisions of the PAW-Materials Redistribution Program No. 2 may be deprived of priorities assistance where a determination has been made that such operator has surplus material which he has not made available for redistribution in accordance with such program.

(e) *Communications and appeals.* (1) All reports which may be required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed:

(i) By any person located in the United States, its territories or possessions, or elsewhere other than the Dominion of Canada to: Petroleum Administration for War, Interior Building, Washington, D. C., Ref.: P-98-c.

(ii) By any person located in the Dominion of Canada to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref.: P-98-c.

(2) Any person affected by this order or the applicable provisions of Part 1 of the PAW-Materials Redistribution Program No. 2, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may file an appeal with the Petroleum Administration for War, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. Such appeal shall be made by filing a letter in triplicate with the Director of Materials, Petroleum Administration for War, Interior Building, Washington, D. C., Ref.: P-98-c. Action with respect to this order and the PAW-Materials Redistribution Program No. 2 may thereupon be taken as is deemed appropriate.

(f) *Applicability of orders and regulations.* Except as provided in paragraph (c) (1), this order does not authorize acquisition, receipt or use of any material by any person in violation of any inventory, quota or use restrictions imposed by any order or regulation. This order and all transactions affected thereby are subject to the applicable provisions of any regulation issued by the War Production Board, as amended from time to time.

(g) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(h) *Further limitations on use of priorities assistance.* The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule A: Subtract from the total quantity of any item of critical material (of a type identified on this schedule), that quantity by Item which is required or scheduled for use during the succeeding 90 days.

Critical material:	*Branch of industry used in*
Carbon and alloy steel:	
Tubular goods (oil country):	
Casing	P
Tubing—2" and up	P
Drill pipe	P
Line pipe—2" and up	P, NG, R, T
Wire rope	P
API steel sucker rods	P

SCHEDULE B

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule B: Subtract from the total quantity of any item of critical material (of a type identified on this schedule), one-half of the quantity by Item actually installed or put into service (use) in 1942.

	Branch of industry used in
Carbon and alloy steel:	
Condenser tubes	NG, R
Boiler tubes	R
Still tubes	R
Copper:	
Wire (wire mill copper products)	P, NG, R
Pipe and tubing (including tubes)	NG, R
Copper base alloys:	
Pipe and tubing (including tubes)	NG, R
Valves[1] (check, gate, globe, plug, relief, safety):	
Steel 2" and up	P, NG, R, T
Cast iron 12" and up	P, NG, R, T

SCHEDULE C

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule C: Total by item all critical material whether or not installed (of a type identified in this Schedule): (a) which has not been in productive service during the past 90 days and is not required or scheduled for such service during the succeeding 30 days; or (b) which has not been in productive service during the past 180 days.

Critical material:	*Branch of industry used in*
Compressors[1]:	
75 HP or more (including direct driven)	P
200 HP or more (direct driven only)	NG, R
7½ HP or less (complete with storage tank)	M
Control instruments[1 2]:	
Industrial (including regulators and control valves)	NG, R
Electric motors:	
10 HP or more	P, NG, R, T
5 HP or more	M
Electric motor controls:	
10 HP or more	P, NG, R, T
5 HP or more	M
Engines:[1]	
Multi-cylinder Gas and Gasoline 10 HP or more	P, NG, T
Diesel 150 HP or more	P, NG, T
Heat exchangers (including complete shells)	NG, R
Line pipe (oil or gas in place) 4" or over	P
Line pipe (in place), 4" or over	NG, T
Meters[1 2] Petroleum displacement type	M
Pressure vessels and towers, 200 or more cubic feet contents	NG, R
Pumps[2 3], Dispensing motor driven meter type	M
Pumps[2 4] (steam or power driven):	
Centrifugal	NG, R, T
Horizontal reciprocating	NG, R, T
Rotary	NG, R, T
Pumps[2 5] (power driven only):	
Centrifugal	M
Rotary	M
Pumping units, Oil well (excluding standard rig front), 10 HP or more	P
Tanks,[3] Steel storage, 65 gallons to 500 bbls	M
Tanks, Steel storage, 10,000 bbls. or larger	P, NG, R, T
Tanks, Steel storage, 500 bbls. or larger	M

Footnotes

(These footnotes are applicable to any footnoted material, regardless of the schedule in which such material is listed.)

Footnoted material is considered "critical material" for the purposes of this program only where:

(a) In the case of footnote [1], the material is unusued, reconditioned or rebuilt.

(b) In the case of footnote [2], the material was sold new to any person (not necessarily to the required participant) at any time since December 31, 1937.

(c) In the case of footnote [3], the material is not actually installed at the time a report under the Program is submitted.

(d) In the case of footnote [4], the material has a new replacement cost (excluding the power unit) of $600 or more.

(e) In the case of footnote [5], the material has a new replacement cost (including the power unit) of $200 or more.

The symbols P, NG, R, T, and M as used in the right-hand column above have the following meanings:

P means Production (oil or gas).
NG means Natural Gasoline Production.
R means Refining.
T means Transportation.
M means marketing.

[F. R. Doc. 43-11077; Filed, July 9, 1943; 11:48 a. m.]

PART 1071—INDUSTRIAL AND COMMERCIAL REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

[Schedule I as Amended July 10, 1943, to Limitation Order L-126]

REQUIRED SPECIFICATIONS FOR SELF-CONTAINED DRINKING WATER COOLERS

§ 1071.3 *Schedule I to Limitation Order L-126*—(a) *Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates or assembles self-contained drinking water coolers for supplying drinking water for human consumption.

(2) "Self-contained" means a single cabinet or housing for a drinking water cooler containing or manufactured to contain two or more of the following assemblies:

(i) Water cooling low side or evaporator with or without controls.

(ii) Bubbler valve fountain assembly or assemblies, or glass- or pitcher-filler assembly or assemblies.

(iii) Electric refrigeration condensing unit with or without controls.

(3) "Bubbler type" means any type of self-contained drinking water cooler which is designed primarily for supplying drinking water through or by means of a sanitary bubbler or drinking fountain.

(4) "Design of cabinet enclosure" means a particular combination of cabinet enclosure or housing, low side or evaporator, drain receptor or receptors, bubbler valve assemblies, and glass or pitcher filler assemblies. Any change in the size or location of any of these items constitutes a change in design.

(b) *Required specifications.* Pursuant to Limitation Order L-126 the following required specifications are hereby established for self-contained drinking water coolers:

(1) *Types, sizes, and capacities.* The following types, sizes, and capacities of self-contained drinking water coolers are hereby established:

TYPE A—ELECTRIC BUBBLER STORAGE TYPE (FOR MARINE AND NAVY USE ABOARD SHIP—AIR-COOLED)

Size	Capacity, minimum	Peak load capacity in 15 minute period minimum	Maximum fixture equipment authorized
5	5 g. p. h.	1.87 gals.	1 bubbler assembly and 1 glass-filler.
10	10 g. p. h.	3.75 gals.	2 bubbler assemblies and 1 glass-filler.
20	20 g. p. h.	7.50 gals.	2 bubbler assemblies and 1 glass-filler.

NOTE. Type A cooler capacities are based on the use of a waste water pre-cooler using 60% spill. The above specified capacities are based on an ambient temperature of 100° F. while reducing water from 100° F. inlet to 50° F. outlet drinking water.

(2) *Restrictions of materials.* (i) In the manufacture of self-contained drinking water coolers, no producer shall use:

(*a*) Aluminum;

(*b*) Block tin tubing, or tin coatings;

(*c*) Alloy steel, stainless steel, monel, or other nickel alloy metals, except in refrigerant and lectric controls, and then only provided that such use is limited to the minimum amount practicable;

(ii) In the manufacture of self-contained drinking water coolers (exclusive of condensing units, motors, controls, and wiring) no producer shall use copper or copper base alloy except in the following parts:

(*a*) Low sides,
(*b*) Pre-coolers,
(*c*) Bubblers,
(*d*) Water valves,
(*e*) Water lines,
(*f*) Liquid and suction lines,
(*g*) Refrigerant or temperature controls,
(*h*) Glass- or pitcher-fillers; and the aggregate weight of copper or copper base alloy used in all of such parts contained in any such water coolers shall not exceed the respective maximum quantity set forth below:

TYPE A—ELECTRIC

Size:	*Lbs.*
5	11
10	15
20	20

(c) *General restrictions.* (1) On and after July 3, 1942, no producer may produce more than one design of cabinet enclosure for any one type and size cooler as established in paragraph (b);

(2) On and after April 6, 1943, no self-contained drinking water coolers which do not conform to the type, sizes and capacities established by paragraph (b) hereof shall be produced or delivered by any producer or accepted by any person from such producer.

(3) The foregoing subparagraphs (1) and (2) shall not prohibit:

(i) The delivery by a producer of such self-contained drinking water coolers (and the acceptance thereof) as were in his stock in finished form on July 3, 1942, or the assembly and delivery of such coolers solely from parts which had on said date been cast, fabricated, formed, or processed in such manner that their manufacture or assembly in conformity with this schedule would be impractical; or the delivery of any parts, so fabricated on said date, by any producer to any other producer.

(ii) The production, delivery, and acceptance of self-contained drinking water coolers, for use aboard ship, delivered to or for the account of, and for direct use by, the United States Army, or Navy, the Maritime Commission, or the War Shipping Administration, where (*a*) such coolers are manufactured in accordance with plans which have already (prior to July 3, 1942) been drawn and accepted by or for the account of such an agency, or (*b*) such coolers are manufactured in accordance with the specifications issued prior to July 3, 1942, by such an agency (including performance specifications) requiring construction, design or materials not in accordance with the restrictions of this schedule; but in any case such coolers may vary from the restrictions of the schedule only to the extent required by such plans or specifications.

(iii) The delivery by a producer (and the acceptance thereof) of such self-contained drinking water coolers, designated as Type B, Type C, or Type D, described in paragraph (b) (1) of this Schedule I as it read prior to April 6, 1943, as were in his stock in finished form on such date, or the assembly and delivery of such coolers solely from parts which had on said date been cast, fabricated, formed, or processed in such manner that their manufacture or assembly in conformity with this schedule would be impractical (or the acceptance of such coolers from such a producer).

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11072; Filed, July 9, 1943; 11:47 a. m.]

PART 1282—BABY CARRIAGES

[Schedule II to Limitation Order L-152]

§ 1282.3 *Schedule II to Limitation Order L-152.* Pursuant to paragraph (b) (3) of Limitation Order L-152, the following production quotas for carriages are hereby established for the period from July 1, 1943 to September 30, 1942, inclusive. Each manufacturer named is authorized to produce during that period the number of carriages set forth opposite his name.

	Number of carriages			
	Group I		Group II	Group III
	Maximum steel 6 lbs.	Maximum steel 9 lbs.		
Aga Toy Co., New York, N. Y.				3,000
Allied Cabinet Corp., Chicago, Ill.				15,000
Ammann-Goertz Co., New York, N. Y.				500
Baby Jeep Co., Winston-Salem, N. C.	10,000			
Beiger Showcase & Fixture Co., Los Angeles, Calif.				20,000
Bilt-Rite Baby Carriage Co., Brooklyn, N. Y.		6,000	120	
Louis P. Brantz Co., Philadelphia, Pa.				25,000
Cutler-Keyworth Co., Gardner, Mass.		8,500		
George Cooper Mfg. Co., New York, N. Y.	6,000			5,000
Custom-Bilt Mfg. Co., Gardner, Mass.	2,400			
Garton Toy Co., Sheboygan, Wisc.				15,000
Hartman Mfg. Co., St. Louis, Mo.		4,500		
C. H. Hartshorn Co., Gardner, Mass.		4,500		2,500
Hedstrom-Union Co., Gardner, Mass.		18,500	300	4,200
Heywood-Wakefield Co., Gardner, Mass.	32,000			
Kroll Bros., Chicago, Ill.		10,000		
Kuniholm Mfg. Co., Gardner, Mass.		23,000		15,000
Mahr-Button Co., Minneapolis, Minn.	8,000			
Pearl Mfg. Co., New York, N. Y.		1,000		
Perfection Mfg. Co., St. Louis, Mo.		7,500	200	
Rex Baby Carriage Co., New York, N. Y.	1,000			
Rockford Showcase Co., Rockford, Ill.				7,500
S & E Mfg. Co., Fitchburg, Mass.				2,200
Shuler Radiant Co., Cleveland, Ohio				60,000
O. W. Siebert Co., Gardner, Mass.	36,000			
South Bend Toy Co., South Bend, Ind.	5,000			
Storkline Furn. Corp., Chicago, Ill.	16,000			
Tam-Tot Mart, Washington, D. C.				500
Frank F. Taylor Co., Cincinnati, Ohio				60,000
Thayer Co., Gardner, Mass.		21,000		15,000
Valley City Furn. Co., Grand Rapids, Mich.				15,000
Wear-Ever Carriage Co., New York, N. Y.		4,000		
The Welsh Co., St. Louis, Mo.	20,000	20,000		
F. A. Whitney Co., Leominster, Mass.	15,000	8,602	600	4,000

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11073; Filed, July 9, 1943; 11:47 a. m.]

PART 3020—HEAT EXCHANGERS

[General Limitation Order L-172, as Amended July 9, 1943]

Section 3020.1 *General Limitation Order L-172, as Amended* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the production of heat exchangers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3020.1 *General Limitation Order L-172*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, and includes the Army and Navy of the United States, the Maritime Commission, the War Shipping Administration, the Office of Lend-Lease Administration and the Board of Economic Warfare.

(2) "Manufacturer" means any person who constructs, manufactures or assembles critical heat exchangers to the extent that he is engaged in such construction, manufacture or assembly; and shall include sales and distribution outlets and agencies controlled by such person. The term shall also include any person who purchases or otherwise acquires materials for manufacture or assembly into critical heat exchangers by his subcontractor, and resale by such person.

(3) "Critical heat exchanger" means any new equipment or apparatus consisting of an assembly, bundle or nest of one or more bare or finned tubes (metallic or non-metallic) or metal plates, and including any shell or pressure vessel to contain the same, designed for the transfer or exchange of heat between two or more fluids (liquids, gases or vapors), except the following:

(i) Any equipment or apparatus which is direct-fired or installed within a flue gas passage;

(ii) Any equipment or apparatus which permits direct contact involving physical mixing of the fluids (other than direct contact boiler feed water heaters);

(iii) Any steam surface condenser designed to condense exhaust steam from a prime mover to maintain a minimum exhaust pressure;

(iv) Any heat exchanger for use on aircraft;

(v) Any radiator-type cooler;

(vi) Unit heaters, convectors, unit ventilators, unit coolers and blast coils, if such items are for space heating or cooling or industrial space heating or drying;

(vii) Any indirect water heater commonly referred to as a storage water heater, submerged water heater, side arm water heater, "below-the-water-line" heater, or any water heater designed to

supply hot water for a hot water space heating system for buildings or ships;

(viii) Any of the following types of new heat exchanger equipment when manufactured and delivered by the manufacturer thereof as a necessary integral part of, and together with, other equipment (not heat exchanger) also manufactured by him, or for replacement in equipment so manufactured and delivered:

(*a*) Compressor intercoolers and aftercoolers; or

(*b*) Lubricating oil coolers for turbines or electric generators or motors; or

(*c*) An air or hydrogen cooler for an electric generator or motor; or

(*d*) Auxiliary air removal equipment for steam surface condensers for use with a prime mover, as described under subparagraph (3) (ii) above; or

(*e*) Heat exchangers having parts which come in direct contact with food or food products; or

(*f*) Rectifier or transformer oil coolers; or

(*g*) Any heat exchanger of non-metallic construction for use in a chemical experimental laboratory.

(ix) Heat exchangers designed for use as part of a refrigerating or air conditioning "system" as defined in General Limitation Order L–38 when fabricated by a manufacturer who currently produces such "systems".

(h) "Group I critical heat exchanger" means any of the following critical heat exchangers:

(i) An assembly, bundle or nest of one or more bare or finned tubes (metallic or non-metallic) installed in, or designed for installation in a shell or pressure vessel, except those for use on shipboard, and also excluding those which are designed for use in a refrigerating or air conditioning "system" as defined in Order L–38; or

(ii) An assembly, bundle or nest of metal plates of any size contained in a shell or pressure vessel for any use other than on shipboard; or

(iii) One or more tube bundles designed for replacement in any new or used equipment or apparatus described in (i) above.

(5) "Group II critical heat exchanger" means any critical heat exchanger which is not a Group I critical heat exchanger. Thus, the term "Group II critical heat exchanger" includes equipment of the type described in paragraph (a) (4) when designed for shipboard use. It also includes so-called "open sections" of either the atmospheric or submerged type; direct contact boiler feed water heaters; heat exchangers designed for use as part of a refrigerating or air conditioning "system" as defined in Order L–38, when fabricated by a manufacturer who does not currently produce such systems; air or hydrogen coolers for electric generators or motors when not manufactured and delivered by the manufacturer thereof as a necessary integral part of, and together with, other equipment (not heat exchanger) also manufactured by him, or for replacement in equipment not so manufactured and delivered.

(6) "Delays beyond control" includes only those unavoidable delays, such as result from plant breakdowns, or changes in production or deliveries required by directions, directives or orders referred to in paragraph (e) below, against which the manufacturer's production or delivery schedules are not protected by the provisions of this order.

(b) *Operations reports.* On or before the 10th day of July, 1943, and the 10th day of each succeeding calendar month, each manufacturer shall file a report on Form WPB–3000 (or PD–900), prepared in accordance with instructions WPB–3000.08 for the form.

(c) *Delivery schedules*—(1) *Monthly reports.* On or before the 10th day of July, 1943, and the 10th day of each succeeding calendar month, each manufacturer shall file a report on Form WPB–1474 (or PD–615B), prepared in accordance with the instructions accompanying such form.

(If and whenever General Scheduling Order M–293 requires or permits the filing of any other form in place of Form WPB–1474, such other form may be used and filed to the extent permitted or required by Order M–293, in place of Form WPB–1474; and in that case any reference in this order to Form WPB–1474 shall also apply to such other form, or to any comparable part of such other form.)

(2) *Required delivery schedule.* Such Form WPB–1474 as filed each month shall show in column 17 the required delivery dates (months of shipment) as specified by the War Production Board (or if such Board has not specified a delivery date for any order, then the delivery date required by the purchaser) for all unfilled orders for Group I or Group II critical heat exchangers previously accepted and reported by the manufacturer, and for each new order for Group I or Group II critical heat exchangers which the manufacturer has accepted subsequent to the filing of his corresponding report for the preceding month. The schedule of deliveries as thus filed shall be deemed a "frozen schedule", within the meaning of Priorities Regulation No. 18, and the dates thus shown in the required delivery schedule on each monthly report shall continue to be shown unchanged on subsequent monthly reports, unless the War Production Board shall subsequently specify a different required delivery date, in which event any new date thus specified shall thereafter constitute the required delivery date and be reported as such. The manufacturer shall deliver critical heat exchangers only in accordance with his required delivery schedule, except for the accelerated deliveries resulting from the permissible increased production permitted in paragraph (c) (5) below, and except that a purchaser may change the point of destination to which any exchanger ordered by him is to be shipped.

(3) *Anticipated shipments.* Such Form WPB–1474 as filed each month shall also show in column 18 the proposed shipping dates (months of delivery) which the manufacturer believes he can meet, for all orders shown on his required delivery schedule reported in column 17 on said form. Such proposed dates shall coincide with the required dates as shown in column 17, or reflect any cancellations, or any permissible increased production and deliveries as provided for under paragraph (c) (5) below. The dates thus reported shall continue to be shown unchanged on subsequent monthly reports until the respective deliveries have been completed. If at any time, due to delays beyond control, the manufacturer no longer believes he can meet any proposed shipping date previously reported by him, he shall immediately notify the War Production Board, by letter or telegram, explaining the reasons for the anticipated delay (or further delay) and the extent of interruption of his proposed delivery schedule which he expects to result (or which has resulted) therefrom; and in filing his next monthly report on Form WPB–1474 he shall show in column 18 the changed date which he believes he can meet, postponed only to the extent required by delays beyond control. He shall also show any proposed accelerated deliveries which will result from any permissible increased production which he proposes to undertake in accordance with paragraph (c) (5) below.

(4) *Production for meeting required delivery schedules.* Each manufacturer shall carry on his production in such manner as may be necessary to assure deliveries in accordance with his required delivery schedule. Unless specifically directed to do so in accordance with paragraph (e) below, he shall not at any time accept any additional orders for critical heat exchangers or for any other products, regardless of any accompanying preference rating or allotment number or symbol, unless he knows or has reasonable cause to believe that, subject to delays beyond control, he can fill such additional orders in accordance with their terms (as authorized), without causing delay in his delivery of any order included in his required delivery schedule.

(5) *Permissible increased production rate.* Any manufacturer may carry on his production of critical heat exchangers at a rate sufficient to enable him to make shipment of any order during the calendar month preceding that in which shipment is required, and may accelerate his deliveries accordingly, but only if he can do so without causing delay in his delivery of any previously or subsequently accepted orders for critical heat exchangers, or orders for other products rated AA–5 or higher or included in a "frozen schedule" as defined in Priorities Regulation No. 18.

(d) *Placing and acceptance of orders for critical heat exchangers*—(1) *Group I exchangers.* (i) No person shall place an order with a manufacturer, and no manufacturer shall commence production or accept an order, for any Group I critical heat exchanger unless accompanied by a specific authorization by the War Production Board on Form WPB–1475 (or PD–615) or on Form PD–615A. Applications for such authorization may be made to the War Production Board by the person seeking to place an order, on Form WPB–1475 in quadruplicate. Such person shall designate his proposed supplied, and the calendar month in which delivery is required, which in no case shall be earlier than is essential for his purposes. No order will be authorized if it fails to specify the month in which delivery is required.

(ii) Any order so authorized shall be accepted by the manufacturer specified in the authorization; except that the manufacturer need not accept such order if it does not meet his regularly established prices and terms of sale or payment: *Provided, however,* That the manufacturer shall not accept such order if he knows or has reasonable cause to believe that he will be unable to make delivery during the calendar month required and without causing delay in his delivery of any previously accepted orders for critical heat exchangers, or orders for other products rated AA–1 or higher or included in a "frozen schedule" as defined in Priorities Regulation No. 18. Any manufacturer who rejects any order, as herein required, shall return the same with the accompanying authorization to the purchaser with a brief explanation in writing of the reasons why it is rejected, and shall furnish the War Production Board with a duplicate copy of such explanation. If the acceptance and filling of such an order would terminate or interrupt a production or delivery schedule so as to cause substantial loss in the manufacturer's production of any other product not referred to above, he shall accept such order, but shall immediately notify the War Production Board of the circumstances and need not terminate or interrupt said schedule until 30 days after acceptance of such order.

(If and whenever General Scheduling Order M–293 requires or permits the filing of any other form in place of Form WPB–1475, then such other form may be used and filed to the extent permitted or required by Order M–293, in place of Form WPB–1475; and in such event, any reference in this order to Form WPB–1475 shall apply also to such other form.)

(2) *Group II exchangers.* (i) No person shall place an order with a manufacturer, and no manufacturer shall accept an order, for any Group II critical heat exchanger unless such order bears a preference rating of AA–5 or higher. Each prospective purchaser shall request delivery during a designated calendar month, which in no case shall be earlier than is essential for his purposes. No manufacturer shall accept any order which fails to specify the month in which delivery is required.

(ii) Any order for a Group II critical heat exchanger bearing a preference rating of AA–5 or higher shall be accepted by the manufacturer with whom it is placed, as required by Priorities Regulation No. 1: *Provided, however,* That the manufacturer shall not accept such an order (unless it is rated AAA) if he knows or has reasonable cause to believe that he will be unable to make delivery during the calendar month required and without causing delay in his delivery of any previously accepted orders for critical heat exchangers. Any person whose order for a Group II critical heat exchanger is rejected and who is unable to find another manufacturer who is in a position to accept his order, may apply to the War Production Board on Form WPB–1475 (or PD–615), explaining therein why such application is made, and an authorization therefor may be issued pursuant to paragraph (d) (1), which shall have the same force and effect as an authorization for a Group I critical heat exchanger.

(3) *Shifting of orders from one manufacturer to another.* If any person (including a manufacturer) desires to have any Group I or Group II critical heat exchanger produced by any person other than the manufacturer who has accepted an order therefor, the order shall not be placed with another person, either by direct contract or through a sub-contract, unless the person desiring to make such change has notified the War Production Board of the reasons therefor and such Board has specifically authorized in writing the production and delivery of such exchanger by the person not previously authorized to deliver the same.

(e) *Other allocation and scheduling action.* With respect to any Group I or Group II critical heat exchangers, the War Production Board may, notwithstanding any order, preference rating, directive, rule or regulation of the War Production Board (except Priorities Regulation No. 18):

(1) Direct the return or cancellation of any order on the books of a manufacturer; or

(2) Direct changes in the delivery or production schedule of a manufacturer; or

(3) Cancel orders placed with one manufacturer and authorize them to be placed with another manufacturer; or

(4) Revoke any authorization to place an order granted by it pursuant to this order; or

(5) Take such other action, as it deems necessary, with respect to the placing of orders for, or production or delivery of Group I and Group II critical heat exchangers.

Any direction, directive or order issued by the War Production Board pursuant to this paragraph (e) will be in the form of a written instrument addressed to a specific manufacturer by such Board, and stating, in accordance with Priorities Regulation No. 18, that it is an amendment of a schedule frozen under Order L–172, and shall be followed, in accordance with the provisions of this order and such regulation, by the manufacturer to whom it is directed.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(3) *Reports.* The reporting requirements in paragraphs (c) (3), (d) (1) (ii) and (d) (3) above have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) *Appeals.* Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C., Ref.: L–172.

Issued this 9th day of July, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11071; Filed, July 9, 1943; 11:47 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 21 to CMP Reg. 1]

FARMERS COPPER WIRE ALLOTMENT CERTIFICATES

The following direction is issued pursuant to CMP Regulation No. 1 (§ 3175.1).

(a) A retailer who receives an order for copper wire supported by a "Copper Wire Allotment Certificate" issued to a farmer by a County USDA War Board may treat the certificate just as though it were an allotment. He may place an order on a warehouse or mill for the amount of copper wire shown in the certificate and attach the certificate to it. An order with such a certificate attached placed by a retailer with a warehouse or mill is an authorized controlled material order and has the same effect as any other authorized controlled material order under CMP regulations. Or, if the retailer prefers, he may place an authorized controlled material order for the amount of copper wire shown in the certificate by placing on his order the allotment number appearing on the certificate followed by the quarterly identification and endorsing the order with the certificate set out in paragraph (s) (3) of CMP Regulation No. 1 or the form of certificate shown in CMP Regulation No. 7. The retailer may not, however, use both methods of placing authorized controlled material orders on the basis of "Copper Wire Allotment Certificates" during any one calendar month.

(b) A retailer must fill orders accompanied by a "Copper Wire Allotment Certificate" in the order in which received and must give preference to such orders over orders supported by preference ratings alone.

(c) A warehouse who receives an order from a farmer or retailer for copper wire supported by a "Copper Wire Allotment Cer-

tificate" must treat the order just as though it were an authorized controlled material order.

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11079; Filed, July 9, 1943; 11:48 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 9 to CMP Reg. 5]

HAND TOOLS PURCHASED BY EMPLOYEES

The following direction is issued pursuant to CMP Regulation No. 5 (§ 3175.5).

(a) CMP Regulation No. 5 [§ 3175.5] now permits an employer to buy hand tools for his employees in the following cases: (1) Where the tools will belong to the employer and are only checked out to the employee; (2) Where the tools will be resold by the employer to the employee. Where the employer is unwilling or unable to use one of these two methods, the employee is not permitted to use a preference rating under the regulation, since he is not in business. This direction is issued to provide a way for employees themselves to get hand tools on their employer's ratings.

(b) The employee of any person producing any product or conducting any business listed on Schedule I or Schedule II of CMP Regulation No. 5 may use the preference rating assigned by the regulation to his employer to purchase hand tools (including gages and engineering instruments) which he requires for use exclusively in his employer's business and which his employer requires him to furnish.

(c) The rating will be valid only if the employee gives the seller of the tool the following certificate filled out and signed by his employer and then signed by himself:

Preference rating ---------- (specify rating). The following hand tool ----------

---

(Only one tool may be placed on each certificate; specify type and size of tool)

is required by the undersigned employee as a condition to retaining or obtaining employment with the undersigned employer. The undersigned employee further certifies that he does not own or possess any similar tool which will serve the same purpose.

Name and address of employer

Authorized signature

Signature of employee

Position

(d) The supplier who sells the tool must keep the certificate for two years. He may extend the rating in the manner provided in Priorities Regulation No. 3.

(e) The cost of hand tools bought by an employee by use of the preference rating must be included by the employer in computing the quantity restrictions of paragraph (f) of the regulation, but the employer may not include the cost of hand tools bought by employees during the base period for the purpose of computing his quota under paragraph (f) of the regulation.

For example, an aircraft factory requires its employees to have a wrench. The employee himself is not entitled to use a preference rating assigned by the regulation because he is not in business. The employee finds that he cannot buy the wrench without a preference rating. Aircraft companies are in Schedule I of CMP Regulation No. 5 and consequently may use preference rating AA-1. Under this direction, the employer may fill out the certification, putting down the preference rating "AA-1" and description of the wrench, "¾ inch steel crescent wrench." The proper official of the employer signs the certification and gives it to the employee. The employee then signs the certification and gives it to the seller of the wrench.

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11080; Filed, July 9, 1943; 11:48 a. m.]

PART 3263—CELLULOSE ESTERS

[Supplementary Allocation Order M-326-a as Amended July 9, 1943]

CELLULOSE ESTER SHEETS, RODS, TUBES AND MOLDING POWDER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cellulose plastics for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3263.2 *Supplementary Allocation Order M-326-a*—(a) *Definitions.* For the purpose of this order:

(1) "Cellulose plastics" means molding powder, sheets, rods or tubes in primary form, produced from cellulose ester flake, as defined in Order M-326, but not including scrap resulting from molding or fabrication of such cellulose plastics.

(2) "Plastics supplier" means any person who produces cellulose plastics, or who purchases cellulose plastics for resale as cellulose plastics.

(b) *Restrictions on use and delivery.* (1) On and after July 1, 1943, no plastics supplier shall use or deliver cellulose plastics, except as specifically authorized in writing by the War Production Board upon application pursuant to paragraph (f).

(2) Applications and allocations under this supplementary order will be made monthly, and shall be construed to refer to the month when the materials for the production of cellulose plastics are to be put in process, rather than to the month of actual delivery, except when deliveries are to be made from existing stocks. The provisions printed in the WPB 2947 (formerly PD-602) forms for automatic termination of authorizations shall not be applicable to authorized deliveries of cellulose plastics.

(3) Each person furnishing a use certificate pursuant to paragraph (d) with a purchase order for cellulose plastics shall use or dispose of the cellulose plastics delivered on such purchase order, or products made therefrom, only for the purpose specified in such certificate, except as otherwise specifically directed by the War Production Board; provided, however, that any such person may deliver such cellulose plastics to any plastics supplier.

(4) The War Production Board, at its discretion, may from time to time issue special directions to any person with respect to use or delivery of cellulose plastics by such person, or of products made from cellulose plastics allocated to such person, and may issue special directions to any plastics supplier with respect to the kind and quantity of cellulose plastics which he may produce or manufacture.

(c) *Inventory restriction.* No person shall accept delivery of cellulose plastics on orders placed after June 8, 1943 (irrespective of authorization to his plastics supplier to make such delivery), if his inventory of cellulose plastics of the same or equivalent grade or type is, or by virtue of such acceptance would become, greater than a 60-day supply, having regard to his method and rate of processing and sales.

(d) *Use certificate.* (1) Each person placing, or seeking to place, a purchase order for cellulose plastics with a plastics supplier, shall furnish such plastics supplier with a certificate specifying the end use of such plastics, unless such purchase order is placed or such delivery is accepted pursuant to the provisions of paragraph (e). Such certificate may be placed on or attached to the purchase order and shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

(End Use Description)

Pursuant to Supplementary Order M-326-a, the undersigned hereby certifies to the seller and to the War Production Board that the cellulose plastics covered by the accompanying purchase order will be used solely for the purposes listed above.

(Name of purchaser) ---------- (Address)

By ----------

(Signature and title of duly authorized officer) ---------- (Date)

The above certificate shall constitute a representation to, but shall not be filed with, the War Production Board.

(2) Allocations of cellulose plastics, and of cellulose ester flake to make such plastics, will be based on the essentiality of the end uses stated in the above certificates, and on the accuracy of the end use descriptions. For example, "medical appliances" would not be an acceptable description of end use, whereas "leg splints, Army (contract number)" would be acceptable. The end use description should include the governing military or Lend-Lease contract or specification numbers, if any. Plastics suppliers ordering cellulose plastics from other plastics suppliers for resale may specify as end use "resale, upon specific War Production Board authorization."

(3) In the event that two or more end uses are involved in a single purchase order, the amount of cellulose plastics required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the plastics supplier to advise his customers, by purchase order number and item number, as to the action taken on the plastics supplier's application for authorization to make delivery.

(e) *Small order and experimental exemption.* (1) Any person may order or accept delivery of 100 pounds or less of cellulose plastic molding powder, 50 pounds or less of cellulose plastic sheets, 50 pounds or less of cellulose plastic rods, and 50 pounds or less of cellulose plastic tubes, in the aggregate from all plastics suppliers in any calendar month, without filing a certificate pursuant to paragraph (d), to be used for any purpose not limited by other War Production Board orders (paragraph (j) (2)). Authorization by the War Production Board is required for any plastics supplier to make such small order deliveries, upon application pursuant to paragraph (f) requesting an aggregate quantity of cellulose plastics "for paragraph (e) (1) small orders."

(2) Any plastics supplier may use during any calendar month for any purpose 100 pounds or less of cellulose plastic molding powder, 50 pounds or less of cellulose plastic sheets, 50 pounds or less of cellulose plastic rods, and 50 pounds or less of cellulose plastic tubes, and may use any quantity of cellulose plastics for experimental purposes (not including samples) without specific authorization, notwithstanding the provisions of paragraph (b) (1), but subject to any restrictions on use imposed by other War Production Board orders (paragraph (j) (2)).

(f) *Applications and reports.* (1) Each plastics supplier seeking authorization to deliver cellulose plastics shall file application on Form PD-602 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-602. Copies of Form PD-602 may be obtained at local field offices of the War Production Board.

Time. Applications on Form PD-602 shall be filed in time to ensure that copies will have reached the War Production Board on or before the 10th day of the month preceding the month in which the materials are to be put in process for the production of the cellulose plastics ordered (or the month in which the cellulose plastics are to be delivered, if delivery is to be made from existing stocks).

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three certified copies shall be filed with the War Production Board, Washington, D. C., Reference M-326-a.

Number of sets. Each plastics supplier shall file consolidated sets of PD-602 applications for his various plants corresponding to his consolidated applications on Form PD-600 for cellulose ester flake pursuant to Allocation Order M-326. However, separate applications on Form PD-602 shall be made for cellulose plastic sheets, cellulose plastic rods and tubes, and cellulose plastic molding powder.

Heading. Under name of material, specify cellulose plastics; under War Production Board order number, specify M-326-a; specify as grade the particular cellulose plastic referred to in the application, such as cellulose plastic sheets, cellulose plastic rods and tubes, or cellulose plastic molding powder; specify delivery or production month; specify unit of measure as pounds; and otherwise fill in as indicated.

Table I. Fill in as indicated, except for columns 5 and 5a, which may be left blank. Each customer shall be listed who has filed a certificate with the applicant, together with his certified end use description. If the applicant is a producer of cellulose plastics, specify in Column 7 the quantity and grade of cellulose ester flake required to produce the cellulose plastic in question. Request may be made for small order deliveries pursuant to paragraph (e) (1).

Rolling stock requirements. Leave blank columns relating to rolling stock.

Table II. Fill in as indicated. Specify grade as in the heading of the form, without regard to trade names or sales numbers.

(2) Each plastics supplier seeking authorization to use cellulose plastics may apply as follows:

(i) By filing application pursuant to Allocation Order M-326 for cellulose ester flake, stating in such application that such flake is required for certain cellulose plastics (Column 3) for production of specified products for specified end uses (Column 4); or

(ii) By filing application on Form PD-602, in the manner provided in Paragraph (f) (1) above, specifying his own name as customer in Column 1, describing the end use of the cellulose plastic in Column 1a and otherwise filling out the form as indicated therein.

It is recommended that the method described in paragraph (f) (2) (i) above be followed where the cellulose plastic for which authorization to use is requested will be manufactured from cellulose ester flake allocated pursuant to Order M-326, and that the method described in paragraph (f) (2) (ii) above be followed with respect to cellulose plastics which are in the plastics supplier's inventory on July 1, 1943, or which are subsequently manufactured from any stock of cellulose ester flake not subject to allocation under Order M-326.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to preparing and filing Form PD-602 and certificates pursuant to paragraph (c).

(g) *Plastics suppliers' intra-company deliveries.* Specific authorization shall not be required for intra-company deliveries of cellulose plastics between subdivisions of a plastics supplier, notwithstanding the provisions of § 944.12 of Priorities Regulation No. 1, as amended.

(h) *Notification of customers.* Each plastics producer is requested to notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Special Exemption.* The provisions of paragraph (b) (1) shall not apply to cellulose plastics which were in process of manufacture on or before July 1, 1943.

(j) *Miscellaneous provisions*—(1) *Applicability of regulations.* Subject to the provisions of paragraph (g), this order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations, as amended from time to time.

(2) *Effect of other orders.* Nothing contained in this order shall be construed to limit the requirements of any other order of the War Production Board, including but not limited to Allocation Order M-326 (Cellulose Ester Flake), Limitation Order L-20 (Cellophane and Similar Transparent Materials Derived from Cellulose), Limitation Order L-233 (Photographic Film and Film Base) and General Preference Order M-154 (Thermoplastics), as amended.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref.: M-326-a.

NOTE: Paragraph (j) redesignated July 9, 1943.

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11074; Filed, July 9, 1943; 11:47 a. m.]

PART 3281—PENICILLIN

[Allocation Order M-338]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of penicillin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3281.1 *Allocation Order M-338*—(a) *Definitions.* For the purpose of this order:

(1) "Penicillin" means a chemo-therapeutic agent isolated from Penicillium *notatum.* The term includes penicillin in any medicinal tablet, ampoule or other dosage form.

(2) "Supplier" means any person who produces penicillin, imports penicillin, or purchases penicillin for resale as penicillin, but shall not include any retail pharmacist, hospital or physician.

(b) *Restrictions on delivery and use.* (1) On and after July 16, 1943, no supplier shall use or deliver penicillin, except as specifically authorized in writing by the War Production Board.

(2) The War Production Board at its discretion may at any time issue special directions with respect to use, delivery

or production of penicillin by any person.

(c) *Applications and reports.* (1) Each supplier seeking authorization to use or deliver penicillin shall file application on Form WPB–2947 (formerly PD–602), as provided in the instructions in Exhibit A annexed hereto. This reporting form has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to preparing and filing Form WPB–2947 (formerly PD–602).

(d) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref.: M–338.

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

INSTRUCTIONS TO SUPPLIERS FOR PREPARING AND FILING APPLICATIONS

Form WPB 2947 (formerly PD–602). Copies of Form WPB 2947 (formerly PD–602) may be obtained at local field offices of the War Production Board.

Time. Applications on Form WPB–2947 (formerly PD–602) shall be filed in time to ensure that copies will have reached the War Production Board on or before the 25th day of the month preceding the month for which authorization to use or deliver is requested. However, applications for allocation for July, 1943, may be filed as soon as possible after issuance of this order.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant supplier and three copies (one certified) shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref.: M–338.

Number of sets. Each supplier shall file separate sets of applications for uncompounded penicillin and for penicillin in dosage forms.

Heading. Under name of material, specify uncompounded penicillin, or penicillin in dosage forms, as the case may be; under War Production Board order number, specify M–338; leave grade space blank; specify delivery or use month; specify unit of measure as Florey (Oxford) Units; and otherwise fill in as indicated.

Table I. List each customer in Column 1. In the case of Army, Navy, Maritime Commission, War Shipping Administration, Lend-Lease or export purchase orders, specify in Column 1a the contract or export license number. In the case of other purchase orders, specify briefly in Column 1a whether the customer requires the penicillin for research, resale, or treatment, and, if for treatment, specify the condition to be treated and the urgency of the case. Fill in other columns as indicated.

Leave blank columns relating to rolling stock.

Table II. Fill in as indicated, leaving Column 8 blank.

[F. R. Doc. 43–11075; Filed, July 9, 1943; 11:47 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Amdt. 1 to Rubber Order R–1]

Rubber Order R–1 is hereby amended in the following respects:

(1) By amending § 4600.16 to read as follows:

§ 4600.16 *Original equipment manufacturers' inventories of tires and tubes.* No person shall deliver any product listed in groups 1 to 14 inclusive of § 4600.14 to any vehicle manufacturer requiring such product as a part of the original equipment of the vehicles he manufactures, unless the vehicle manufacturer shall attach to his purchase order a certification (in addition to any other certification which may be required by regulations of the War Production Board) in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7:

The undersigned hereby certifies to _____
_____
(insert name and address of seller) and to the War Production Board that he is familiar with Rubber Order R–1 and that acceptance of delivery of the products listed on this purchase order will not increase his inventory of products within the particular group listed in § 4600.14 of Rubber Order R–1 in which the products fall, in excess of such products required for his production of vehicles during the ensuing 30 days.

_____
Name of purchaser
Address _____
Date _____
By _____
Signature, title of duly authorized officer

(2) By amending Appendix I, Schedule A, Code No. 54, by deleting therefrom the words:

Molded wheels and casters (conductive type) Special authorization required to manufacture

and substituting in lieu thereof the words:

Molded wheels and casters, all types. Where conductive type is required, specific authorization must be obtained

(3) By amending Appendix I, Schedule B, Group I, by deleting therefrom the words:

Molded casters (except hospital and surgical equipment)

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11078; Filed, July 9, 1943; 11:48 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 3,[1] Amdt. 3]

RATION BANKING: BANKS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order 3 is amended in the following respects:

1. Section 1305.405 (c) is amended by deleting the word "non-transferable".

2. Section 1305.411 (c) is amended by designating the first two sentences in the undesignated paragraph following subparagraph (5) (v) as subparagraph (6), and designating the last sentence of such undesignated paragraph as subparagraph (7).

3. Section 1305.412 (a) (1) is amended to read as follows:

(1) *Opening of accounts.* Open an account for any person authorized by the Office of Price Administration to maintain an account, except a retailer of food who is authorized but not required to have an account, upon receipt of a proper application. A bank may elect whether or not to continue the accounts which such retailers now have, and to reopen the accounts of such retailers which have been closed pursuant to the requirement of a ration order; if it continues or reopens any such account, it must continue, and on application reopen, such accounts for all such retailers. A bank which carries such optional accounts may also elect whether or not to permit such retailers who have accounts for one food ration program to have accounts for any other food ration program; if it opens any such additional account, it must open such additional accounts for all such retailers upon proper application. A bank shall investigate the identity of each depositor and report to the district office upon any depositor whose identity has not been verified.

4. Section 1305.412 (a) (2) is amended to read as follows:

(2) *Acceptance of deposits.* Accept deposits of all evidences presented in proper form for deposit. Credit the proper accounts with the amounts of all apparently valid evidences deposited. Verify the evidences deposited in the manner and to the extent that the Office of Price Administration may from time to time in writing direct. Maintain proper control over all evidences deposited.

5. In § 1305.412 (a) (4) the headnote is amended to read as follows:

(4) *Acceptance of checks: overdrafts.*

6. Section 1305.412 (a) (12) is amended by deleting the words "or transfer".

7. Section 1305.416 is added to read as follows:

§ 1305.416 *Nebraska cooperative credit associations.* (a) A cooperative credit association organized under the laws of the State of Nebraska, if authorized in writing by the Office of Price Administration, may participate in ration banking as a bank.

(b) A cooperative credit association organized under the laws of the State of Nebraska shall not open any account until it has been authorized in writing by the Office of Price Administration to participate in ration banking. Such written authorization shall be given by the district office of the Office of Price Administration in the area in which the association is located, upon written application made to such district office by the association, if the district office finds that the association possesses qualified and adequate administrative personnel and bookkeeping and accounting facilities to participate effectively in ration banking.

(c) Any such association now participating in ration banking without written authorization from the Office of Price Administration shall, within ten days after the effective date of this order, file an application with the district office in the area in which the association is located. If the district office finds that the association has qualified and adequate administrative personnel and bookkeeping and accounting facilities, it shall authorize the association in writing to continue to participate in ration banking, which authorization shall constitute an approval, confirmation, and ratification of all acts of the association during the time it participated in ration banking prior to the written authorization from the Office of Price Administration. If it finds that the association does not have qualified and adequate administrative personnel and bookkeeping and accounting facilities, it shall send to the association by registered mail written notices, requiring it forthwith to withdraw from participation in ration banking; and upon receipt of such notice the association shall not open any new accounts, shall close out its existing accounts in such manner as the district office shall direct, shall deliver its ration banking records and forms to the district office, and shall take all other steps which the district office deems necessary to complete its withdrawal from ration banking.

This amendment shall become effective July 14, 1943.

(Pub. Laws 421, 507, 729, 77th Cong., E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11025; Filed, July 8, 1943; 4:15 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 3B,[1] Amdt. 1]

RATION BANKING; EXEMPT AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1305.503 of General Ration Order 3B is amended by changing the period at the end of the first sentence thereof to a comma and adding the phrase "or by any General Ration Order".

This amendment shall become effectime July 14, 1943.

(Pub. Laws 421, 507, and 729, 77th Cong.; E.O. 9125, issued by the President on April 7, 1942; W.P.B. Dir. No. 1, 7 F.R. 562)

Issued this 8th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11027; Filed, July 8, 1943; 4:15 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[2] Amdt. 64]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7551 (a) (44) is amended by substituting for the phrase "except the portion which lies within the corporate limits of the City of Rossville," the phrase "except the portions which lie within the corporate limits of the Cities of Rossville and West Point,".

2. Section 1394.8215 (p) is added to read as follows:

(p) On and after July 14, 1943, but not later than July 20, 1943, each dealer who operates a place of business within the corporate limits of the City of West Point in the State of Georgia, who has in his possession or control Class A, B, or C ration coupons received by him in exchange for transfers of gasoline at a time when such coupons had a value at the place of transfer of three (3) gallons of gasoline each, shall list all such coupons on Form OPA R–541 at a value of three (3) gallons each and deliver them to the Board having jurisdiction over the place of business at which such coupons were received. The Board shall issue to the dealer, in exchange for such coupons, inventory coupons equal in gallonage value to the listed value of coupons surrendered.

3. Section 1394.8215 (q) is added to read as follows:

(q) On and after July 14, 1943, but not later than July 20, 1943, each distributor who has in his possession or control Class A, B, or C ration coupons received by him in exchange for transfers of gasoline made within the corporate limits of the City of West Point in the State of Georgia, at a time when such coupons had, at the place of transfer a value of three (3) gallons of gasoline each, shall list all coupons on a separate deposit slip and deposit them for credit at a value of three (3) gallons each, in appropriate ration bank accounts maintained by him.

This amendment shall become effective at 12:01 A. M., July 14, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 8th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11014; Filed, July 8, 1943; 4:17 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[2] Amdt. 7 to Supp. 1]

MILEAGE RATIONING: GASOLINE REGULATIONS

Supplement 1 to Ration Order 5C is amended in the following respect:

Section 1394.8401 (a) (1) (ii) is amended by substituting for the phrase "except the portion which lies within the corporate limits of the city of Rossville," the phrase "except the portions which lie within the corporate limits of the Cities of Rossville and West Point,".

This amendment shall become effective at 12:01 A. M. on July 14, 1943 and shall

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 865, 2858, 4627.

[2] 8 F.R. 2665.

[3] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6641, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062.

continue in full force and effect until amended by further order or direction of the Office of Price Administration.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11013; Filed, July 8, 1943; 4:17 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 1,[1] Amdt. 70]

FUEL OIL RATIONING REGULATIONS

A Rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.5001 (a) (1) is amended to read as follows:

(1) "Additional facilities" means any fuel oil burning equipment which was installed subsequent to July 31, 1942, including any space heater, whether or not installed, transferred subsequent to December 19, 1942 (or in "Area A" transferred subsequent to March 15, 1943). The term does not include internal combustion engines, equipment used for domestic cooking or lighting, nor equipment designed and used for raising and preparing for market crops, poultry, livestock or other agricultural products.

This amendment shall become effective on July 14, 1943.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11015; Filed, July 8, 1943; 4:18 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 6A,[1] Amdt. 1]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1.2 (c) is added to read as follows:

(c) The Office of Civilian Defense may get certificates for rubber footwear to be furnished to persons performing services sponsored by it if their work is essential under paragraph (a) (1) of this section and if they are exposed to the conditions described in paragraph (a) (2) of this section.

This amendment shall become effective July 14, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. I-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11021; Filed, July 8, 1943; 4:13 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 6A. Amdt. 2]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 6A is amended in the following respects:

1. The text of section 1.13 is designated as paragraph (a).

2. Sections 1.13 (b) and (c) are added to read as follows:

(b) If the original certificate is returned to the consumer under this section, no endorsement shall be made on the back by the retailer.

(c) If the retailer is unable to return the original certificate, he may return any valid certificate for the same type and quantity as the rubber footwear returned, and shall endorse the certificate specially to the consumer by writing on the back the name and address of his establishment together with the word "to" and the name of the consumer.

This amendment shall become effective July 14, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11016; Filed, July 8, 1943; 4:17 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 72]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respect:

Section 1407.141 (b) is amended to read as follows:

(b) Each stamp authorizes delivery of sugar to a consumer only during the ration period assigned to such stamp in § 1407.243. A stamp received in accordance with Rationing Order No. 3 by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of sugar in an amount equal to the weight value of the stamp if such stamp is surrendered to another registering unit or a primary distributor within a month of the close of the ration period assigned to such stamp. A stamp surrendered to a depositor shall be valid for deposit in his account for a period of a month and ten days after the close of the ration period assigned to such stamp: *Provided, however,* That, notwithstanding anything to the contrary contained in Rationing Order No. 3, Stamp No. 12 may, on or before July 31, 1943, be surrendered by a registering unit which is not and is not required to be a depositor to authorize the registering unit to take delivery of sugar and may be deposited on or before August 10, 1943. Except as provided in paragraph (f) of § 1407.140, a depositor may issue checks at any time, against credits created by the deposit of a stamp. Stamps numbered one through eleven shall not be valid for deposit. If the ration period assigned to a stamp ends on a day which is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day of the ration period to and including the corresponding day of the next calendar month; otherwise it is the period from the last day of the ration period to and including the last day of the next calendar month.

This amendment shall become effective July 14, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11026; Filed, July 8, 1943; 4:15 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9427, 9430, 9621, 9478, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1204, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2730, 2887, 2942, 2993, 2887, 3105, 3521, 3628, 3734, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6960, 7588, 6137, 9059.

[1] 8 F.R. 7384.

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6657, 6961, 7351, 7380, 8010, 8184, 8678, 8811.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,[1] Amdt. 46]

COFFEE RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 12 is amended in the following respect:

Section 1407.1020 (b) is amended to read as follows:

(b) Each coffee stamp authorizes the transfer of one pound of roasted coffee to a consumer only during the ration period assigned to that coffee stamp in § 1407.1091. A coffee stamp received in accordance with Ration Order No. 12, by a retailer, who is not and is not required to be a depositor, and against which such retailer has transferred roasted coffee, authorizes such retailer to acquire roasted coffee therewith from another retailer or wholesaler, if such stamp is surrendered to such other retailer or wholesaler within a month of the close of the ration period assigned to such coffee stamp. Coffee stamps surrendered to a depositor shall be valid for deposit in his account for a period of a month and ten days after the close of the ration period assigned to such coffee stamp: *Provided, however,* That notwithstanding anything to the contrary contained in Ration Order No. 12, on or before February 15, 1943, Coffee Stamp No. 27, and, on or before March 15, 1943, Coffee Stamp No. 28, may be deposited, or may be surrendered in order to authorize the transfer of roasted coffee to a retailer who is not and is not required to be a depositor, and Coffee Stamp No. 23 may, on or before July 31, 1943, be surrendered by a retailer who is not and is not required to be a depositor to authorize the transfer of roasted coffee to him and may be deposited on or before August 10, 1943. Except as provided in paragraph (f) of § 1407.1032, a depositor may issue checks at any time against credits created by the deposit of a stamp. If the ration period assigned to a coffee stamp ends on a day which is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day of the ration period to and including the corresponding day of the next calendar month; otherwise it is the period from the last day of the ration period to and including the last day of the next calendar month.

This amendment shall become effective July 14, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; E.O. 9125; 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. 3, 8 F.R. 2005)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11022; Filed, July 8, 1943; 4:14 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 46]

PROCESSED FOODS: "FOUNTAIN FRUITS"

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. A new section 6.7 (a) (3) is added to read as follows:

(3) Any allotment given to an industrial user pursuant to an application made under this paragraph is to be reduced in proportion to the part of the allotment period which had elapsed at the time he became an industrial user.

2. Section 16.7 (a) (1) is amended to read as follows:

(1) Produces jams, jellies, preserves, fruit butters, fountain fruits, pickles or relishes, or

3. The following item is added to the list in Appendix A:

Fountain fruits. Fountain fruits means a product made of fruits (either whole, cut or crushed), added sugar solids constituting at least 40% of the product by weight, and color, flavoring, acidulant or preservative, and which is ordinarily used as an ice-cream topping or dressing, or in the manufacture of ice-cream.

This amendment shall become effective July 14, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11017; Filed, July 8, 1943; 4:17 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 4,[1] Amdt. 8]

LARD IN PUERTO RICO

A rationale accompaying this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.*

Restriction Order 4 is amended in the following respects:

1. Section 1407.5002 (d) (1) and (2) are hereby revoked.

2. Section 1407.5006 (b) (1) and (2) are hereby revoked.

3. Section 1407.5009 (b) (1) and (2) are hereby revoked.

4. Section 1407.5009 (c) is hereby revoked.

5. Section 1407.5009 (d) is hereby revoked.

6. Section 1407.5009 (e) is hereby revoked.

7. Section 1407.5009 (f) is hereby revoked.

This amendment shall be effective as of June 17, 1943.

(Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong. WPB Dir. No. 1, Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7671, Supp. Dir. No. 1-J, F.R. 8831, E.O. 9280, 7 F.R. 10179, F.D. No. 3, 8 F.R. 2005)

Issued this 8th day of July 1943.

JAMES P. DAVIS,
Acting Director,
Office of Price Administration
for Puerto Rico.

[F. R. Doc. 43-11024; Filed, July 8, 1943; 4:14 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 1-1, Amdt. 2]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN RHODE ISLAND

For the reasons set forth in the statement of considerations issued simultaneously herewith* and under the authority vested in the Rhode Island District Director by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, section (e), *It is hereby ordered,* That the above Regulation be amended as follows:

Section 17 is hereby amended by adding paragraph (f) to read as follows:

SEC. 17. *Exempt sales.* Sales at the following eating or drinking places are specifically exempt from the provisions of this regulation:

* * * * *

(f) Eating and drinking places operated on a non-profit basis by the school department of any city or town and serving food items or meals exclusively to pupils and teachers.

This amendment to Restaurant Maximum Price Regulation No. 1-1 shall become effective June 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of June 1943.

CHRISTOPHER DEL SESTO,
District Director,
Rhode Island District.

[F. R. Doc. 43-11020; Filed, July 8, 1943; 4:13 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3400, 3843, 4486, 4519, 4977, 4892, 5318, 5480, 5486, 5818, 5846, 7198, 7267, 7344, 7380, 7767, 7601, 7825, 8679, 9024.

[1] 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 4921, 5318, 5341, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 5757, 5758, 6046, 6137, 6181, 6138, 6838, 6839, 7267, 7268, 7380 7353, 7490, 7589, 8357, 8376, 8705, 9024, 9012.

[1] 8 F.R. 3417, 4190, 5987, 5988, 6274, 7391, 7594.

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 268,[1] Amdt. 7]

PERISHABLE FOODS AT RETAIL; EGGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 268 is amended in the following respects:

1. In section 13 (b) after the phrase "When a retailer purchases" and before the phrase "and then candles and grades such eggs", the phrase "eggs in other than retail grades and sizes (or weight classes)" is substituted for the phrase "assorted eggs".

2. Paragraph (c) of section 13 is redesignated paragraph (d).

3. A new paragraph (c) is added to section 13 to read as follows:

(c) *Eggs sold by you as "ungraded eggs".* When a retailer purchases eggs in other than retail grades and sizes (or weight classes) and does not candle and grade them into the retail grades and sizes (or weight classes) set forth in Appendix A, he must sell them as "ungraded eggs". He shall calculate a maximum price weekly for such eggs using as his "net cost" the lowest maximum price established by Maximum Price Regulation No. 333 which would apply to sales to a retailer of large Grade C eggs delivered on the Monday of the week in which calculations are made to a receiving point located in the same city, town, village or hamlet as the customary receiving point for the eggs of the retailer pricing hereunder.

4. Subparagraph (10) of paragraph (b) of Appendix A is amended to read as follows:

(10) "Eggs" or "shell hen eggs" means all shell eggs of the fowl known as the domestic or barnyard hen used for human consumption. Maximum prices shall be calculated and posted for each grade and size (or weight class) of eggs. The grade and size (or weight class) shall be clearly posted with the maximum price, except that "ungraded eggs" are to be designated only as "ungraded eggs." Eggs shall be sold at retail only in the retail grades and sizes (or weight classes) specified in Maximum Price Regulation No. 333, or as "ungraded eggs" which may contain no inedible eggs.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved: July 6, 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11023; Filed, July 8, 1943; 4:14 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6129, 7116, 7661, 7522, 8682.

Chapter XIII—Petroleum Administration for War

PART 1575—PETROLEUM INDUSTRY

PAW MATERIALS REDISTRIBUTION PROGRAM NO. 2

The fulfillment of the requirements for the defense of the United States has created a shortage of materials necessary for the production of petroleum for defense, for private account, and for export; and the following program is deemed necessary in the public interest, to promote the national defense, and to provide adequate supplies of petroleum for military and other essential purposes by making possible the fullest utilization of existing materials in the petroleum industry:

§ 1575.2 *PAW Materials Redistribution Program No. 2*—(a) *Purpose.* The purpose of this program is to effect a redistribution of certain critical materials among petroleum operators, so as to assure maximum efficient use of these materials and continued effective operation of the petroleum industry. In addition this program is designed as a method for determining the extent to which overall surpluses of material exist in the petroleum industry and are available for other uses in this country's war program. These purposes are to be accomplished through the establishment of uniform procedures for the reporting and sale or exchange of surplus stocks owned or controlled by petroleum industry operators.

The issuance of this program supersedes the previously operative "Tubular Goods Program" and establishes uniform standards for the recording and redistribution of those items of material essential to the war program which from time to time may become critical.

(b) *Definitions.* (1) "Operator" means any person to the extent that he is engaged in the petroleum industry.

(2) "Petroleum industry" means any operation directly incident to:

(i) The discovery, development or depletion of petroleum pools (production);

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline production);

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation);

(iv) The processing, refining or compounding of finished or unfinished petroleum products (refining);

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing);

and shall include for each of the above listed branches of the industry, to the extent applicable therein, the investigation into more efficient or more effective methods of conducting petroleum industry operations by means of research or technical laboratories.

(3) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(4) "Surplus material" means with respect to each operator that quantity of any item of material, usable for purposes other than scrap, in the operator's possession or under his control which is determined to be surplus critical material in accordance with Schedules A, B, or C; or which (with respect to any material not identified as critical material) exceeds the quantity required or scheduled for use during the succeeding 90 days.

(5) "Critical material" means the material identified as critical on Schedules A, B, or C of this program.

(c) *Participation in the redistribution program*—(1) *Required participation.* Every operator (except marketing operators who neither operate five or more more bulk plants nor own or control marketing equipment with a new replacement cost of $300 or more at each of 25 or more retail outlets) who after July 31, 1943, acquires any material through the use of priorities assistance, for use in the United States, its territories or possessions must participate in the redistribution program.

(2) *Voluntary participation.* Any operator, domestic or foreign (although not a required participant), and any supplier may participate in this program by following the provisions of the redistribution program as if he were a required participant.

(3) *Classes of participation.* At any time the Petroleum Administration for War may include or exclude any operator or class of operators from required participation in the redistribution program.

(4) *Required certification.* At the time of filing this first report, or in the case of a required participant having no surplus material to report, on or before July 31, 1943, each operator shall file with the District Office for each District in which he operates a certification in triplicate in substantially the following form:

This is to certify that I am acquainted with the provisions of PAW Materials Redistribution Program No. 2 and have filed and will file all reports required thereunder.

Name of Required Participant

Date

Address

Branch or Branches of Industry in which Operations are Conducted in District.

(d) *Material covered by the redistribution program.* (1) The redistribution program covers all critical material which exists in the petroleum industry.

(2) Only surplus critical material must be reported. However, any item of critical material may be reported when a substantial quantity of such item exists at any location. In the event that critical material is reported, whether or not such material is surplus material, it shall be considered as surplus critical material for the purpose of this redistribution program.

(3) Where surplus critical material is jointly owned or controlled by two or more operators, such material shall be included in the program and reports as to such material shall be made by the operating owner.

(e) *Surplus critical material reporting*—(1) *Initial inventory.* As soon as possible, every required participant shall make surveys of his critical material to

determine what surplus critical material he has in his possession or subject to his control. A separate survey shall be conducted for each PAW District.

(2) *Critical material to be reported.* Surplus critical material must be listed on PAW Form No. MA–3–A, and reported on this form to the District Office of the Petroleum Administration for War for the District in which the surplus critical material is located. The first report shall be made on or before July 31, 1943.

The operator must fill out a separate PAW Form No. MA–3–A for each item or group of identical items which are owned or controlled by a required participant and are located at one place. However, where the required participant has like items of material located at two or more places in the PAW District, he may submit one report for all like items and list the identifying locations of the critical material on the back of the form. Three copies of Form No. MA–3–A shall be sent to the appropriate District Office and one shall be retained by the operator to be maintained as an inventory record so established that he can conveniently answer inquiries concerning his surplus critical material.

(3) *Maintaining current records*—(i) *Adjustment of schedules.* In the event that an item of critical material is added to or withdrawn by the Petroleum Administration for War from Schedule A, B, or C, an appropriate adjustment is required. Where an item is added, a required participant must immediately conduct a survey (in the manner prescribed in subparagraph (1) above) of that item to determine whether or not with respect to that item he has in his possession or subject to his control any surplus critical material. If the survey reveals the existence of surplus critical material, he shall immediately notify the appropriate District Office on PAW Form No. MA–3–A in accordance with subparagraph (2) above.

Where an item of critical material is withdrawn from Schedules A, B, and C, the required participant need not conduct periodic surveys of that item as described in (ii) below, nor will that item continue to be considered as subject to the requirements of the redistribution program which are applicable to critical material.

(ii) *Periodic reports.* In order that the records of the Petroleum Administration for War may be maintained on a current basis the following interim reporting procedure should be used:

(a) When any item of critical material is acquired by a required participant in an amount which will result in surplus critical material for that item, he will immediately notify the appropriate District Office of this fact on PAW Form No. MA–3–A, in accordance with subparagraph (2) above.

(b) When any item of critical material is used or disposed of by a required participant and as a result there no longer exists surplus critical material with respect to that item, he will immediately notify the appropriate District Office of this fact on PAW Form No. MA–3–A in accordance with subparagraph (2) above.

(c) When the quantity of any item of surplus critical material reported by a required participant is altered in an amount greater than 25% of the total reported surplus of that item, the required participant will immediately notify the appropriate District Office of this fact on PAW Form No. MA–3–A in accordance with subparagraph (2) above.

In any event, a required participant will review his stock position and list or report any alterations in his surplus critical material inventory position at least once every 90 days. The first of these reviews and reports will be completed and submitted (to the appropriate District Office on PAW Form No. MA–3–A, in accordance with subparagraph (2) above) on or before October 31, 1943.

(iii) *Current records.* The inventory and inventory records of any required participant may be reviewed by representatives of the Petroleum Administration for War at any time to determine conformity with the requirements of this redistribution program.

(f) *Use of inventory records to obtain critical materials*—(1) *Action to be taken by an operator requiring critical material.* (i) Whenever a required participant requires the delivery of any critical material, the operator must, in an effort to locate the material, first consult his own inventory records for the District in which the critical material is to be used.

(ii) When, under Preference Rating Order P–98–b or other applicable order, the delivery order or application form must be approved or an authorization granted prior to the use of priorities assistance, an operator before submitting the order or using authorized priorities assistance (other than MRO assistance for which an approved delivery order is necessary) should inquire of the appropriate District Office as to whether or not the critical material for which priorities assistance has been requested is available in the stocks of another operator.

(2) *Notification of existence of surplus critical material.* Before processing a request for priorities assistance, a check will be made by the Petroleum Administration for War of its inventory records to determine whether or not the particular item or items of critical material are otherwise available as surplus material in the hands of other operators. In the event that a determination is made that this is the case, the applicant for priorities assistance will be informed of this fact by letter, or collect telephone, or collect telegram, depending upon the expressed preference of the operator and the urgency. Letter notification will be on PAW Form No. MA–3–C entitled "Notification of Sources of Surplus Critical Material".

(3) *Negotiation for sale or transfer of critical material.* Upon receipt of a notification of possible available supplies of critical material, the operator requiring the critical material will communicate with the operators indicated as possessing possible supplies and negotiate with them for the sale or transfer of the material. If the operator cannot obtain the critical material from any of the indicated sources, he will so notify the Petroleum Administration for War on a copy of PAW Form No. MA–3–C, entitled "Notification of Sources of Surplus Critical Material", giving a full explanation of the reasons why the purchase or transfer could not be consummated. A supply of these forms may be obtained from any Petroleum Administration for War District Office for use as replies when notification is made by telephone or telegraph.

Where inquiry is made by transmitting a copy of the delivery order or an application for priorities assistance, and the Petroleum Administration for War determines that the required critical material is listed as surplus stock by other operators and so notifies the operator on PAW Form No. MA–3–C, the purchase order or application will be held in abeyance for 15 days from the date of notification to the operator of the possible sources of the critical material. If the operator is unsuccessful in obtaining the critical material from the suggested sources, the original request for priorities assistance will be processed where information to this effect is received from the operator within 15 days of the date of notification. Unless the Petroleum Administration for War is so notified within the 15 days, a new copy of the delivery order or application for priorities assistance must be submitted if priorities assistance is necessary.

Before transmitting an application for priorities assistance which under Order P–98–b must be sent directly to Washington, the required participant shall, unless emergency conditions prevent, request information of the appropriate District Office as to available supplies of surplus critical material located in the District and shall attempt to obtain such material without the use of priorities assistance. If material is not available the operator shall so notify the District Office and place upon his application to Washington, a statement in substantially the following form:

Cleared with Surplus Critical Material Unit, Materials Division, Petroleum Administration for War District No. ___.

In the event that no contact is made with the District Office, the Petroleum Administration for War in Washington will determine from its inventory records whether or not there exists surplus material in hands of other operators in the District and based upon the determination will, if appropriate, return to the operator PAW Form No. MA–3–C for processing by the operator in the manner specified above.

(g) *Price negotiation.* The Petroleum Administration for War will not negotiate prices in any sales or transfers effected under this redistribution program nor in any way act as a collecting agency for any seller or transferor. Although the price charged should not exceed the present new replacement cost of the critical material at its present location or the applicable established maximum price, if any, of the Office of Price Administration, the Petroleum Administration for War will not check any price against such limits. The negotiation of prices and the conformity of prices with governmental regulations is the responsibility of the operator.

(h) *Form.* Sample copies of all forms referred to in this program and

instructions for their use will be attached to the Materials Redistribution Program as distributed. Additional copies of the forms for use in carrying out the provisions of this Program may be obtained from any District Office of the Petroleum Administration for War.

(i) *Sales and transfers within the petroleum industry.* The terms and provisions of Prefernce Rating Order P–98–c, as amended, permit sales and transfers of material within an operator's company or between operators, and in addition permit sales or transfers by an operator to a supplier for direct sale or transfer by the supplier to another operator. However, no material may be delivered to any operator by either an operator or a supplier (where the material is ultimately to be used in the United States, its territories or possessions, or the Dominion of Canada) in a quantity "which if accepted by the operator would result in surplus material for the operator". Likewise, no operator may submit a delivery order, purchase order or contract, effect a sale or transfer of material otherwise authorized under Preference Rating Order P–98–c, or use priorities assistance, to obtain delivery of material for ultimate use in the United States, its territories or possessions, or the Dominion of Canada in a quantity which if accepted by the operator would result in surplus material.

These provisions, making possible the full utilization of this Materials Redistribution Program, also limit the quantities of material which may be accepted; and it should be the direct concern of every operator to acquaint himself fully with the provisions of the P–98–c Order in working under the Materials Redistribution Program.

(j) *Appeals.* Any operator who is subject to any requirement of any regulation, direction, or other action under this redistribution program may appeal for relief by filing a letter in triplicate with the District Director of Materials, Petroleum Administration for War, at the District Office for the District in which relief is sought, Ref: MRP–2, setting forth the pertinent facts, and the reasons why the operator considers that he is entitled to relief.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

NOTE: This program has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of July 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

SCHEDULE A

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule A: Subtract from the total quantity of any item of critical material (of a type identified on this Schedule), that quantity by item which is required or scheduled for use during the succeeding 90 days.

Critical material used in—

Production (oil or gas)	Natural gasoline production	Refining	Transportation	Marketing
Carbon and alloy steel	*Carbon and alloy steel*	*Carbon and alloy steel*	*Carbon and alloy steel*	
Tubular Goods (oil country): Casing. Tubing–2" and up. Drill pipe. Line Pipe–2" and up. Wire Rope. *API steel sucker rods*	Line Pipe–2" and up.	Line Pipe–2" and up.	Line Pipe–2" and up.	

SCHEDULE B

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule B: Subtract from the total quantity of any item of critical material (of a type identified on this Schedule), one-half of the quantity by item actually installed or put into service (use) in 1942.

Critical material used in—

Production (oil or gas)	Natural gasoline production	Refining	Transportation	Marketing
	Carbon and alloy steel	*Carbon and alloy steel*		
	Condenser tubes.	Condenser tubes. Boiler tubes. Still tubes.		
Copper	*Copper*	*Copper*		
Wire (wire mill copper products).	Wire (wire mill copper products). Pipe and tubing (including tubes).	Wire (wire mill copper products). Pipe and tubing (including tubes).		
	Copper base alloys	*Copper base alloys*		
	Pipe and tubing (including tubes).	Pipe and tubing (including tubes).		
Valves [1] (check, gate, globe, plug, relief, safety) Steel—2" and up. Cast iron—12" and up.	*Valves [1] (check, gate, globe, plug, relief, safety)* Steel—2" and up. Cast Iron—12" and up.	*Valves [1] (check, gate, globe, plug, relief, safety)* Steel—2" and up. Cast iron—12" and up.	*Valves [1] (check, gate, globe, plug, relief, safety)* Steel—2" and up. Cast iron—12" and up.	

SCHEDULE C

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule C: Total by item all critical material whether or not installed (of a type identified in this Schedule): (a) which has not been in productive service during the past 90 days and is not required or scheduled for such service during the succeeding 30 days or (b) which has not been in productive service during the past 180 days.

Critical material used in—

Production (oil or gas)	Natural gasoline production	Refining	Transportation	Marketing
Compressors [1]	*Compressors [1]*	*Compressors [1]*		*Compressors [1]*
75 HP or more (including direct driven).	200 HP or more (direct driven only).	200 HP or more (direct driven only).		7½ HP or less (complete with storage tank).
	Control instruments [1] [2]	*Control instruments [1] [2]*		
	Industrial (including regulators and control valves).	Industrial (including regulators and control valves).		
Electric motors	*Electric motors*	*Electric motors*	*Electric motors*	*Electric motors*
10 HP or more.	10 HP or more.	10 HP or more.	10 HP or more.	5 HP or more.
Electric motor controls	*Electric motor controls*	*Electric motor controls*	*Electric motor controls*	*Electric motor controls*
10 HP or more.	10 HP or more.	10 HP or more.	10 HP or more.	5 HP or more.
	Engines [1]		*Engines [1]*	
Multi-cylinder gas and gasoline, 10 HP or more. Diesel, 150 HP or more.	Multi-cylinder gas and gasoline, 10 HP or more. Diesel, 150 HP or more.		Multi-cylinder gas and gasoline, 10 HP or more. Diesel, 150 HP or more.	

Footnotes on page 9463.

Production (oil or gas)	Natural gasoline production	Refining	Transportation	Marketing
	Heat Exchangers (including complete shells)	*Heat Exchangers (including complete shells)*		
Line pipe (oil or gas in place) 4" or over.	*Line pipe (in place)* 4" or over.		*Line pipe (in place)* 4" or over.	*Meters* [1] [2] Petroleum displacement type.
	Pressure vessels and towers 200 or more cubic feet contents.	*Pressure vessels and towers* 200 or more cubic feet contents.		*Pumps* [1] [2] Dispensing motor driven meter type.
Pumping units Oil well (excluding standard rig irons), 10 HP or more.	*Pumps* [1] [4] *(steam or power driven)* Centrifugal. Horizontal reciprocating. Rotary.	*Pumps* [1] [4] *(steam or power driven)* Centrifugal. Horizontal reciprocating. Rotary.	*Pumps* [1] [4] *(steam or power driven)* Centrifugal. Horizontal reciprocating. Rotary.	*Pumps* [1] [2] *(power driven only)* Centrifugal. Rotary.
Tanks Steel storage, 10,000 bbls or larger.	*Tanks* Steel storage, 10,000 bbls. or larger.	*Tanks* Steel storage, 10,000 bbls. or larger.	*Tanks* Steel storage, 10,000 bbls. or larger.	*Tanks* [3] Steel storage, 65 gallons to 500 bbls. *Tanks* Steel storage, 500 bbls. or larger.

FOOTNOTES

(These footnotes are applicable to any footnoted material, regardless of the schedule in which such material is listed.)

Footnoted material is considered "critical material" for the purposes of this program only where:

(a) In the case of footnote [1], the material is unused, reconditioned or rebuilt.

(b) In the case of footnote [2], the material was sold new to any person (not necessarily to the required participant) at any time since December 31, 1937.

(c) In the case of footnote [3], the material is not actually installed at the time a report under the Program is submitted.

(d) In the case of footnote [4] the material has a new replacement cost (excluding the power unit) of $600 or more.

(e) In the case of footnote [5], the material has a new replacement cost (including the power unit) of $200 or more.

[F. R. Doc. 43-11003; Filed, July 8, 1943; 1:34 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

NOTICE TO LICENSEES OF HIGH FREQUENCY (FM) BROADCAST STATIONS

Because the demands of the military services have greatly decreased available trained personnel for operating broadcast stations, Order No. 111-A has been adopted to further modify the provisions of § 3.261 of the Federal Communications Commission Rules with respect to minimum operating requirements of high frequency (FM) broadcast stations.

Under Order 111-A each high frequency (FM) station shall continue to render at least 6 hours program service each day, except Sundays, between 6 a. m. and midnight. The requirement that two hours of this service shall be devoted to programs not duplicated simultaneously as primary service in the same area by any standard or any high frequency broadcast station, has been suspended. Thus high frequency (FM) station licensees that have available (a. m.) programs of good quality, may use those available programs. However, it should not be overlooked that the Commission has not suspended or waived paragraph (c) of § 3.261, which places upon each licensee the duty to develop, in so far as possible, a distinct and separate service from that otherwise available in the service area.

Dated: July 6, 1943.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary*.

[F. R. Doc. 43-11057; Filed, July 9, 1943; 10:27 a. m.]

[Order No. 111-A]

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

NOTICE TO LICENSEES OF HIGH FREQUENCY (FM) BROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1943;

It appearing (1) that the demand by the military service has decreased the supply of trained personnel available for the operation of broadcast stations, and

(2) that there is a searcity of materials for the maintenance of broadcast stations, and

It further appearing that a relaxation of the Commission's Rules, Regulations and other requirements with respect to minimum operating schedules for broadcast stations will serve the public interest;

Now, therefore, *It is ordered:* That until further order of the Commission paragraphs (a) and (b) of § 3.261 of the Rules and Regulations governing the minimum operating schedules of high frequency (FM) broadcast stations be, and they are hereby, suspended; and in lieu thereof, except Sundays, the minimum operating schedule of high frequency (FM) broadcast stations shall be six hours during the period from 6 a. m. to midnight, local standard time; except that if in any emergency, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period not to exceed 10 days: *Provided,* That the Commission and the inspector in charge shall be notified in writing immediately after the emergency develops.

This order supersedes Order 111.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary*.

[F. R. Doc. 43-11056; Filed, July 9, 1943; 10:28 a. m.]

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

NOTICE TO LICENSEES OF HIGH FREQUENCY (FM), TELEVISION, AND NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS

To assist in maintaining the service of high frequency (FM), television, and noncommercial educational broadcast stations, the Federal Communications Commission has announced that technical adjustments and changes in operation of such stations may be made where desirable for the conservation of equipment, particularly vacuum tubes, if consistent with maintenance of a substantial service or if necessary to permit continued operation. Under this arrangement licensees may file informal requests to reduce operating power or to make other changes in the operation of authorized equipment. Previously announced policies of the Commission regarding wartime licensing and operation remain unchanged, and this notice does not affect the procedure for authorizing over short periods such technical changes as are made necessary by emergency situations.

Licensees desiring to make changes in operating conditions should submit a statement of the changes proposed, the need therefor, the extent of time required or desired (not to exceed the license period, although such request may be repeated), and the change, if any, in service which would be provided.

Requests involving changes in equipment, to be handled by the procedure outlined herein, must be limited to those made necessary by existing conditions and required for the maintenance of service, such as the use of a temporary antenna to replace one damaged by storm or the operation of a transmitter without the final amplifier stage. Requests will not be considered, however, if inconsistent with the limitations on use of equipment contained in the wartime "freeze" policy announced by the Memorandum Opinion of April 27, 1942 (7 F.R. 3248).

Dated: July 6, 1943.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-11058; Filed, July 9, 1943; 10:28 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 36-FD]

VALIER COAL COMPANY

ORDER EXTENDING EFFECTIVE DATE OF DENIAL OF APPLICATION FOR EXEMPTION

In the matter of the application of Valier Coal Company for exemption of all coal produced by it and delivered to the Chicago, Burlington & Quincy Railroad Company and applicant's employees from the provisions of section 4 and the first paragraph of section 4-A of the Bituminous Coal Act of 1937.

An order was issued in this proceeding on May 21, 1943, denying an application for exemption of Valier Coal Company, code member in District No. 10, effective June 5, 1943. Thereafter, on June 11, 1943, at the request of the Valier Coal Company, the effective date of the order denying its application for exemption was extended to July 1, 1943.

By application filed with the Division on July 1, 1943, Valier Coal Company requested that the effective date of the order of the Director of May 21, 1943 denying its application for exemption be extended to July 31, 1943. Applicant alleges that on June 25, 1943 it requested District Board No. 10 to file application on its behalf with the Bituminous Coal Division for the establishment of a minimum price for coal produced by Valier Coal Company and sold for all railroad uses to Chicago, Burlington & Quincy Railroad Company. Applicant further alleges that District Board No. 10 has advised it that it will be unable to secure the establishment of a minimum price prior to July 1, 1943, the present effective date of the aforementioned order of the Director.

In these circumstances I believe that the requested relief is appropriate and that the third paragraph of the order denying the application of Valier Coal Company for exemption dated May 21, 1943 should accordingly be amended to read as follows:

It is hereby further ordered, That effective July 31, 1943, the application of Valier Coal Company is denied.

It is so ordered.

Dated: July 8, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11054; Filed, July 9, 1943; 10:46 a. m.]

[Docket No. A-2004]

DISTRICT BOARD 12

ORDER POSTPONING HEARING

In the matter of the petition of District Board No. 12 for establishment of a new size group and the establishment of price classifications and minimum prices.

Petitioner having moved that the hearing in the above-entitled matter heretofore scheduled for July 8, 1943, be postponed until July 15, 1943, and good cause having been advanced for the postponement of the said hearing and

It appearing appropriate, however, that the said hearing be postponed to July 16, 1943, rather than to July 15, 1943, as requested by petitioner

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from July 8, 1943 to 10 o'clock in the forenoon of July 16, 1943 at the place and before the officers heretofore designated.

Dated: July 7, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11055; Filed, July 9, 1943; 10:46 a. m.]

Bureau of Reclamation.

BEAR RIVER STORAGE PROJECTS, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 7, 1943.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), and that departmental order of April 8, 1935, establishing Utah Grazing District No. 1, be modified and made subject to the withdrawal effected by this order.

BEAR RIVER STORAGE PROJECTS

SALT LAKE MERIDIAN, UTAH

Cutler Reservoir Site

T. 13 N., R. 2 W.,
Sec. 26, NW¼NW¼, NE¼SW¼, S½SW¼.

Otter Creek Reservoir Site

T. 11 N., R. 6 E.,
Sec. 11, NW¼NE¼, NE¼NW¼, S½NW¼;
Sec. 12, S½NE¼, SE¼NW¼.

Neponset Reservoir Site

T. 8 N., R. 7 E.,
Sec. 34, All.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: June 17, 1943.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: June 22, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JUNE 28, 1943.

[F. R. Doc. 43-11008; Filed, July 8, 1943; 4:01 p. m.]

Office of Indian Affairs.

TANACROSS, ALASKA

ORDER RESERVING CERTAIN LANDS

Pursuant to authority vested in the Secretary of the Interior by the Act of May 31, 1938 (52 Stat. 593), and subject to any valid existing rights or claims acquired prior to the date hereof, there is hereby withdrawn and permanently reserved for school, health, and other purposes the following described land surrounding the Native Village of Tanacross, Alaska:

Beginning at a point on the right bank of the Tanana River 250 feet down stream from the southeast corner of fenced enclosure containing the U. S. O. I. A. school and dwelling, thence westerly at right angles with the river bank 2,640 feet more or less; thence northerly 2,640 feet; thence easterly 2,640 feet more or less to the right bank of the Tanana River; thence by meanders of the right bank of said river to the place of beginning, containing 160 acres more or less. Approximate latitude 63°23' N., longitude 143°21' W.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JUNE 18, 1943.

[F. R. Doc. 43-11028; Filed, July 8, 1943; 4:01 p. m.]

WALES, ALASKA

DESIGNATION OF INDIAN RESERVATION FOR NATIVE INHABITANTS

Pursuant to authority vested in the Secretary of the Interior by section 2 of the act of May 1, 1936 (49 Stat. 1250, U.S.C., title 48, sec. 358a), there is hereby designated as an Indian reservation for the use and occupancy of the native inhabitants of the Native Village of Wales, Alaska, and vicinity, the following described areas of land and water, which includes 15 acres previously reserved by

Executive Order of May 4, 1907, for educational purposes:

All that portion of Seward Peninsula, Alaska, lying west of the 168th meridian, including the small peninsula attached to the above area and which separates Lopp Lagoon from Bering Sea, and the water adjacent thereto and extending 3,000 feet from the shore line, comprising approximately 7,200 acres of land and 14,000 acres of water.

This order shall be subject to any valid existing rights or claims acquired prior to the date hereof and shall become effective only upon its approval by a majority vote of the natives residing in the above-described area, voting in the manner prescribed by the said section 2 of the act of May 1, 1936, *supra*.

Done in the City of Washington, D. C., this 19th day of June 1943.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 43-11029; Filed, July 8, 1943; 4:01 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6522]

KCMC BROADCASTING COMPANY

NOTICE OF HEARING

In re application of KCMO Broadcasting Company (KCMO); dated: March 26, 1943; for modification of license; class of service, broadcast, class of station, broadcast; location, Kansas City, Missouri: operating assignment specified: frequency, 1480 kc. (directional antenna); power, 5 kw. (day and night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942.

2. To determine the extent of any interference which would result from the simultaneous operation of Station KCMO as proposed, and Station KGCX, Sidney Montana, and KTBS, Shreveport, Louisiana.

3. To determine the areas and populations which may be expected to lose primary service, particularly from Stations KGCX and KTBS, should Station KCMO operate as proposed, and what other broadcast services are available to these areas and populations.

4. To determine the areas and populations which may be expected to gain primary service should Station KCMO operate as proposed, and what other broadcast services are available to these areas and populations.

5. To determine whether the operation of Station KCMO as proposed would be consistent with the Standards of Good the population residing within the "Blanket Area" (250 mv/m contour).

6. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the Engineering Practice, particularly as to granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: KCMO Broadcasting Company, Radio Station KCMO, 1515 Commerce Trust Building, 922 Walnut Street, Kansas City, Missouri.

Dated at Washington, D. C., July 7, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11053; Filed, July 9, 1943; 10:28 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION.

INSURED BANKS

ORDER FOR FILING OF CERTIFIED STATEMENT

Pursuant to the provisions of paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act, as amended (U.S.C., 1940 Ed., title 12, sec. 264 (h) (1), *It is ordered*, That each insured bank file with the Corporation on or before July 15, 1943, the following described certified statement forms:[1] (1) Certified Statement—Part One, Based on Deposits for the Six Months Ending June 30, 1943, Form 545-P, in quadruplicate; and (2) Recapitulation of the Monthly Totals of Certified Statement—Part Two, for the Six Months Ending June 30, 1943, Form 555-P, in triplicate.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY, *Secretary.*

[F. R. Doc. 43-11004; Filed, July 8, 1943; 3:19 p. m.]

NONMEMBER MUTUAL SAVINGS BANKS

CALL FOR REPORT ON CONDITION

Resolution of Board of Directors adopted July 1, 1943, authorizing call for report of condition on insured mutual savings banks not members of the Federal Reserve System.

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured mutual savings bank, not a member of the Federal Reserve System, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Wednesday, June 30, 1943, on Form 64 (Savings).[1] Said report of condition shall be prepared in accordance with the booklet entitled "Instructions for the Preparation of Reports of Condition on Form 64 (Savings) and Reports of Earnings and Dividends on Form 78 (Savings)[1] by Insured Mutual Savings Banks", issued as of December, 1940.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY, *Secretary.*

[F. R. Doc. 43-11005; Filed, July 8, 1943; 3:19 p. m.]

CERTAIN NONMEMBER STATE BANKS

CALL FOR REPORT ON CONDITION

Resolution of Board of Directors adopted July 1, 1943, authorizing call for report of condition on insured State banks not members of the Federal Reserve System except banks in the District of Columbia and mutual savings banks.

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Wednesday, June 30, 1943, on Form 64 (Short form)—Call No. 19.[1] Said report of condition shall be prepared in accordance with the booklet entitled, "Instructions for the Preparation of Reports of Condition on Form 64, December 1938".

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY, *Secretary.*

[F. R. Doc. 43-11006; Filed, July 8, 1943; 3:19 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-482]

PRINCE GEORGES GAS CORPORATION

NOTICE OF APPLICATION

JULY 9, 1943.

Notice is hereby given that on July 3, 1943, the Prince Georges Gas Corporation, a Maryland corporation, filed an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended.

The application covers the construction and operation of a 16" natural-gas pipeline for the delivery of natural gas to the Washington Gas Light Company, extending from a point on the Atlantic Seaboard Corporation's line near Rock-

[1] Filed as part of the original document.

ville, Maryland, and continuing, generally, in a southerly and southeasterly direction to a point on the Maryland-District of Columbia boundary line, in Northwest Washington, D. C.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 26th day of July 1943, file with the Federal Power Commission a petition or protest, in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-11081; Filed, July 9, 1943; 11:52 a. m.]

[Docket No. G-483]

WASHINGTON GAS LIGHT COMPANY

NOTICE OF APPLICATION

JULY 9, 1943.

Notice is hereby given that on July 3, 1943, the Washington Gas Light Company, a corporation organized under the laws of the United States, filed an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act as amended.

The application embraces the construction of a 16" pipeline extending from a point on the Maryland-District of Columbia boundary line in Northwest Washington, D. C., in a general southeasterly direction to the applicant's West Station located on the Potomac River, Washington, D. C.

The application also covers the construction of a 16" pipeline extending from the Washington Gas Light Company's East Station on the Anacostia River in the District of Columbia, crossing the Anacostia River and continuing in a southerly direction to a point opposite the City of Alexandria, Virginia, and thence crossing the Potomac River and connecting with the Rosslyn Gas Company's distribution system on the Virginia bank of the Potomac River.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 26th day of July 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-11082; Filed, July 9, 1943; 11:52 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDO-35 (a)]

CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

NOTICE OF HEARING ON PROPOSED AMENDMENTS

The Federal Security Administrator, pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by Public Law 366, 77th Cong., 1st Sess. (1941), will hold an informal hearing on proposed amendments to the regulations providing for the certification of batches of drugs composed wholly or partly of insulin (7 F.R. 777), commencing at 10 o'clock in the morning of July 28, 1943, in Room 2862, South Building, United States Department of Agriculture, Independence Avenue between 12th and 14th Streets SW., Washington, D. C. The proposed amendments are as follows:

Section 144.1 is amended:

I. By changing paragraph (b) to read:

The term "insulin U. S. P." means the insulin injection recognized in the United States Pharmacopoeia, Twelfth Revision.

II. By redesignating paragraphs (d) to (j), inclusive, respectively as (e) to (k), inclusive, and inserting the following new paragraph:

(d) The term "globin insulin (with zinc)" means the insulin preparation described in § 144.12 of the regulations in this part.

Section 144.2 is amended:

I. By changing paragraph (d) (2) to read:

(2) A trial dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution conforms to the standard of identity, strength, quality, and purity for insulin U. S. P., containing 20 U. S. P. units or 40 U. S. P. units of insulin per cubic centimeter; in a quantity containing approximately 2,500 U. S. P. units of insulin.

II. By changing paragraph (d) (3) to read:

(3) If the batch is to be insulin U. S. P., the bulk dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution, without further change, is intended to be filled into the containers of the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

III. By changing paragraph (d) (4) to read:

(4) If the batch is to be protamine zinc insulin, the bulk dilution made from such master lot or mixture, protamine, zinc chloride, glycerin, phenol or cresol, and hydrochloric acid, which dilution is the sole insulin-containing ingredient intended to be filled into the containers of the finished batch, and which is intended to be so filled without further change; in a quantity containing approximately 2,500 U. S. P. units of insulin.

IV. By changing paragraph (d) (6) to read:

(6) If the batch is to be protamine zinc insulin, the buffer solution (solution of disodium phosphate) which, without further change, is intended to be filled into the container of the finished batch; in a quantity not less in volume than the volume of the sample submitted pursuant to subparagraph (4) of this paragraph.

V. By striking paragraph (d) (8) and adding the following new subparagraphs to paragraph (d):

(8) If the batch is to be globin insulin (with zinc), the lot of globin hydrochloride from which the globin is to be prepared for use as an ingredient of the bulk dilution referred to in subparagraph (10) of this paragraph; in a quantity of approximately 5 grams.

(9) If the batch is to be globin insulin (with zinc), a trial mixture made from the master lot or mixture referred to in subparagraph (1) of this paragraph, globin, zinc chloride, hydrochloric acid, and phenol or cresol, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(10) If the batch is to be globin insulin (with zinc), the bulk dilution made from such master lot or mixture, globin, zinc chloride, hydrochloric acid, and phenol or cresol, which dilution without further change, is intended to be filled into the containers of the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(11) The finished batch; in a quantity not less than 5 packages, but in no case containing less than a total of 700 U. S. P. units of insulin.

VI. By changing paragraph (c) (7) to read:

(7) If the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (7) of this section: nitrogen, reaction, zinc, and biological reactions (by the tests prescribed in § 144.13 (b) or (c), and (d)).

VII. By changing the designation of paragraph (e) (8) to (11), and inserting the following new subparagraphs:

(8) If the batch is to be globin insulin (with zinc), the globin hydrochloride referred to in paragraph (d) (8) of this section: Moisture, nitrogen, chloride, and ash.

(9) If the batch is to be globin insulin (with zinc), the trial mixture referred to in paragraph (d) (9) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in § 144.13 (e)).

(10) If the batch is to be globin insulin (with zinc), the bulk dilution referred to in paragraph (d) (10) of this section: Nitrogen, reaction, sterility, and zinc.

VIII. By changing paragraph (f) to read:

(f) The results of tests and assays for the following shall be reported in the terms indicated:

Ash (except globin hydrochloride)—milligrams per 1,000 U. S. P. units of insulin.

Ash in globin hydrochloride—percent by weight.

Chloride—percent by weight as HCl.

Moisture—percent by weight.

Nitrogen (except in globin hydrochloride and protamine)—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

Nitrogen in globin hydrochloride—percent by weight calculated to a moisture-free, ash-free, chloride-free basis.

Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

Potency—U. S. P. units of insulin per cubic centimeter.

Reaction—hydrogen ion concentration (pH).

Sulfate—percent by weight, as SO_4, calculated to a moisture-free basis.

Zinc—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

IX. By changing paragraph (g) to read:

(g) (1) No sample referred to in paragraph (d) (1) to (10) of this section, inclusive, and no result referred to in paragraph (e) (1) to (10) of this section, inclusive, is required (i) if such sample or result has been submitted in connection with a previous request for certification, or (ii) if the batch is to be protamine zinc insulin of 80 unit strength, and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (7) of this section of 40 unit strength, prepared from the same materials and in the same manner (except for adjustment of reaction of the buffer solution) as such batch of 80 unit strength is to be made.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (11) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal; in no case shall any such quantity be more than 10,000 packages. The collections shall cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraph (d) (2), (3), (4), (6), (7), (9), and (10) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which the sample was taken. Each sample submitted pursuant to paragraph (d) (11) of this section shall be accompanied by a statement showing the quantity of the bulk dilution and, if the batch is protamine zinc insulin, the quantity of buffer solution used in the batch.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for each of the components ash, nitrogen, and zinc submitted pursuant to subparagraphs (1), (2), and (3) of paragraph (e) may be calculated from the result of a test therefor submitted pursuant to either subparagraph (1) or (2) of such paragraph. The result on potency required under subparagraph (1) of such paragraph may be calculated from the result of an assay therefor submitted pursuant to subparagraph (2) of such paragraph. The value for each of the components nitrogen and zinc, to the extent required under subparagraphs (4), (7), and (11) of such paragraph, may be calculated from the result of a test therefor submitted pursuant to either subparagraph (4) or (7) of such paragraph. The value for each of the components nitrogen and zinc, to the extent required under subparagraphs (9), (10), and (11) of such paragraph, may be calculated from the result of a test therefor submitted pursuant to either subparagraph (9) or (10) of such paragraph. The value for each of the components ash, nitrogen, and zinc required under subparagraph (11) of such paragraph may, if the batch is insulin U. S. P., be calculated from the result of a test therefor submitted pursuant to subparagraphs (1), (2), or (3) of such paragraph. Each calculated value shall be indicated as such.

(7) The information required under paragraph (c) (1), (2) and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section should be submitted before submission of the samples and results required in paragraphs (d) (3) to (10) of this section, inclusive, and (e) (3) to (10) of this section, inclusive; and the samples and results required under paragraphs (d) (3) to (10), inclusive, and (e) (3) to (10), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (11), and (e) (11) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section should be submitted at the same time as the samples to which they relate are submitted.

X. By changing paragraph (k) to read:

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (10) of this section, inclusive, of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

Section 144.3 is amended by changing paragraph (a) (2) to read:

(2) The batch complies with these regulations and conforms to the standards of identity, strength, quality, and purity for insulin U.S.P., protamine zinc insulin, or globin insulin (with zinc);

Section 144.4 is amended by changing the designations of paragraphs (b) (3) and (b) (4) to (b) (4) and (b) (5), respectively, and inserting the following new subparagraph:

(3) with respect to any package of globin insulin (with zinc), 2 years after the immediate container therein was filled, but in no case shall a certificate remain effective with respect to any package more than 18 months after it is removed from the storage required by § 144.2 (i);

Section 144.6 is amended:

I. By changing paragraph (b) (1) to read:

(1) The statement "Expiration date ———", the blank being filled in with the date on which the certificate applicable to such batch expires with respect to such package, as provided in § 144.4 (b) (1), (2), or (3); and

II. By adding the following new paragraph:

(g) On the circular or other labeling of the retail package, if the batch is globin insulin (with zinc), (in addition to the information required by paragraphs (a), (b), and (c) of this section):

(1) An explanation of the difference, as compared with insulin U. S. P. and with protamine zinc insulin, in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for insulin U. S. P. or protamine zinc insulin, except on the advice and direction of the physician; and

(3) A caution against use if any turbidity or precipitate has developed in the solution.

Section 144.7 is amended by adding the following new paragraph:

(c) The outside containers or wrappers of the packages, and the labels on the immediate containers, of globin insulin (with zinc) shall be distinguished by the following colors: Green and brown.

Section 144.10 is amended by changing paragraph (c) to read:

(c) Each sample of trial mixture submitted pursuant to § 144.2 (d) (7) or (9) shall be accompanied by an advance deposit of $350 to cover the fee, unless the results of the tests for biological reactions made by the laboratory referred to in § 144.3 (c), are submitted or are to be submitted.

Section 144.12 is redesignated as § 144.13 and a new § 144.12 is inserted as follows:

§ 144.12 *Standards of identity, strength, quality, and purity for globin insulin (with zinc).* Globin insulin (with zinc) is a preparation, in a hydrochloric acid medium, of insulin modified by the addition of globin and zinc chloride. The quantity of insulin used is such that each cubic centimeter of the finished preparation contains 80 U. S. P. units of insulin. The quantity of globin used (calculated as 6.0 times its nitrogen content) is not less than 3.6 milligrams and not more than 4.0 milligrams for each 100 U. S. P. units of insulin used. The preparation also contains, for each 100 U. S. P. units of insulin used, not less than 0.25 milligram and not more than

0.35 milligram zinc and not more than 1.50 milligrams total nitrogen. The pH of the finished preparation is not less than 3.4 and not more than 3.8. If necessary, either hydrochloric acid or sodium hydroxide may be added to attain the required pH. The finished preparation also contains not less than 0.15 and not more than 0.20 percent (w/v) cresol U. S. P., or not less than 0.20 percent and not more than 0.26 percent (w/v) phenol U. S. P. The preparation is sterile. The globin used is obtained from globin hydrochloride prepared from beef blood. The ash content of the globin hydrochloride is not more than 0.3 percent; its nitrogen content, calculated to a moisture, ash, and hydrochloric acid free basis, is not less than 16.0 percent and not more than 17.5 percent.

The section newly designated as § 144.13 is amended as follows:

I. By redesignating paragraph (e) as (f), (f) as (h); (g), (h), and (i) as (j), (k), and (l), respectively; (j), (k), and (l) as (n), (o), and (p), respectively.

II. By inserting the following new paragraph (e):

(e) *Biological reaction for globin insulin (with zinc).* The rate, amount, and duration of effect in lowering the blood sugar of rabbits by globin insulin (with zinc) is determined by comparing the average blood sugar concentrations at various intervals during not less than a 10-hour observation period following the administration of globin insulin (with zinc) subcutaneously into rabbits, with the average blood sugar concentrations similarly obtained by administration of globin insulin (with zinc) reference material prepared as hereinafter set forth.

(1) *Globin insulin (with zinc) reference material.* Prepare the globin insulin (with zinc) reference material to contain 80 U. S. P. units of insulin per cubic centimeter from the following component solutions (or solutions of the same proportionate composition per cubic centimeter) by adding, with gentle shaking, to a suitable volume of Solution 2, accurately measured at room temperature, such volume of Solution 3 that the resulting mixture contains 38 milligrams of globin to each 1,000 U. S. P. units of insulin. Dilute with distilled water to 1%0 of the final volume required and adjust the reaction with solutions of hydrochloric acid or sodium hydroxide until the reaction is within the limits of pH 3.4 to pH 3.8. Make up to the final volume required by adding distilled water. Store in a refrigerator and do not use after 6 months have elapsed from the date of preparation.

The solutions referred to above are:

Solution 1. Dissolve 0.5975 gram zinc oxide in 245 cubic centimeters of approximately tenth-normal hydrochloric acid. Add 3.5 grams of cresol (or 4.6 grams of phenol) and sufficient distilled water to make the final volume 1000 cubic centimeters.

Solution 2. Weigh accurately a suitable quantity of U. S. P. Zinc-Insulin Crystals Reference Standard and dissolve in such quantity of Solution 1 as to obtain a concentration of 160 U. S. P. units of insulin per cubic centimeter. If necessary, add 1 drop of hydrochloric acid to effect complete solution. Store in a refrigerator; do not use after 3 months from the date of preparation.

Solution 3. With careful stirring dissolve globin hydrochloride in distilled water to make a 5 percent solution. Determine the least amount of tenth-normal sodium hydroxide necessary to cause a precipitate in a small, accurately measured sample of this solution, and calculate the amount required for the remaining solution. Add about 70 percent of the calculated amount of sodium hydroxide in the form of a normal sodium hydroxide solution very slowly, with gentle stirring over a period of 1½ hours. Allow the mixture to stand about ½ hour or longer and slowly add the remainder of sodium hydroxide as a tenth-normal solution. Centrifuge and carefully add small amounts of tenth-normal sodium hydroxide until no further precipitate forms. This occurs when the pH is approximately 6.3. Allow to stand for 1 hour and centrifuge. Determine the amount of nitrogen present in the supernatant liquid by the Kjeldahl method. Calculate the globin content by mutiplying the nitrogen by 6.0. This solution should be freshly prepared before use.

(2) *Test animal.* The test animal shall be the same as described in the United States Pharmacopoeia for the assay of insulin U. S. P. except that the minimum weight shall be 2½ kilograms.

(3) *Volume of the globin insulin (with zinc) reference material to be injected.* The volume of the preparation to be injected shall be such that at a period of from 6 to 8 hours after the administration of the test material, the blood sugar is not greater than approximately 90 percent of the initial value but the volume is not so great as to cause convulsions in more than 25 percent of the animals. Do not dilute the preparations to be injected to attain the above requirements. Make injections with a micrometer syringe in order to obtain greater accuracy.

(4) *Conduct of the test, blood sugar determination, and interpretation of the data.* Proceed as directed under paragraph (b) (4), (5) and (6) of this section for protamine zinc insulin, except that the samples of blood for the determination of blood sugar concentrations are obtained over a period of not less than 10 hours, instead of 11 hours, after the injection, and in the interpretation of the data the index for each bleeding time other than the last is between 0.85 and 1.15 and the average of the indexes is between 0.90 and 1.10.

III. By changing the paragraph newly designated as (f) to read:

(f) *Identification of protamine zinc insulin.* Acidify protamine zinc insulin so that the pH is not less than 2.5 and not more than 3.5. The precipitate dissolves giving a clear colorless liquid. Inject subcutaneously into 6 rabbits, from which food has been withheld for the previous 18 to 24 hours and which weigh 1.8 to 2.2 kilograms each, a quantity of this clear liquid which causes convulsions in at least 3 animals. Immediately after convulsions occur in an animal, inject intravenously into that animal 5 cubic centimeters of a 50 percent aqueous solution of dextrose. The convulsion is relieved and a majority of the animals which have shown convulsions remain alive for at least 3 days.

IV. By inserting the following new paragraph:

(g) *Identification of globin insulin (with zinc).* Adjust the acidity of globin insulin (with zinc) so that the pH is not less than 4.5 and not more than 5.5. A precipitate forms. Divide the sample containing the precipitate into two portions. Adjust the acidity of the first sample to a pH not less than 2.5 and not more than 3.5 and adjust the second sample to a reaction more alkaline than pH 11.0. In each case the precipitate dissolves giving a clear solution.

Inject subcutaneously into 6 rabbits, from which food has been withheld for the previous 18 to 24 hours and which weigh 1.8 to 2.2 kilograms each, a quantity of globin insulin (with zinc) which will cause convulsions in at least 3 animals. Immediately after convulsions occur in an animal, inject intravenously into that animal 5 cubic centimeters of a 50 percent aqueous solution of dextrose. The convulsion is relieved and a majority of the animals which have shown convulsions remain alive for at least 3 days.

V. By changing the paragraph newly designated as (h) as follows:

A. Change the first two lines to read:

(h) *Sterility of protamine zinc insulin and globin insulin (with zinc)*—(1) *Preparation of media.* Use one of the following media:

B. Change the fourth paragraph of subparagraph (2) to read:

Test the sterility of protamine zinc insulin and globin insulin (with zinc) by inoculating 1 cubic centimeter thereof into each tube of medium used, under strict aseptic precautions. Incubate all tubes at 37° C. for seven days and examine on the second, fourth, and seventh days after inoculation. Agitate only after 48 hours' incubation to insure initial anaerobiosis. If at the end of the seven days 50 percent or more of the medium in any tube has changed from the color of the fresh medium to a green color, discard the test.

VI. By inserting the following new paragraph:

(i) *Chloride in globin hydrochloride*—(1) *Conduct of the test.* Weigh accurately approximately 0.5 gram of globin hydrochloride into a small beaker and dissolve in 10–15 cubic centimeters of distilled water. Add 10 cubic centimeters of tenth-normal silver nitrate, 5 cubic centimeters of nitric acid, and 5 cubic centimeters of a saturated solution of potassium permanganate. Stir and place on a steam bath for approximately one hour. If any brown color remains, stir again, rinse the sides of the beaker with distilled water and place on the steam bath until the brown color disappears. Transfer quantitatively to a 50-cubic centimeter volumetric flask and fill the flask to the mark with distilled water. Mix and filter through a dry filter paper into a dry vessel. Transfer exactly 40 cubic centimeters of the filtrate to a flask, add 2 cubic centimeters of ferric ammonium sulfate Test Solution and titrate with tenth-normal ammonium thiocyanate. To obtain the percent chloride as HCl, subtract 1.25 times the number of cubic centimeters of ammonium thiocyanate used from 10; multiply this difference by 0.365 and divide by the weight of the sample in grams.

(2) *Reagents.* The reagents used are those described in the United States Pharmacopoeia.

VII. By changing the paragraph newly designated as (l) to read:

(l) *Total nitrogen in protamine zinc insulin and globin insulin (with zinc).* Determine total nitrogen by the method described in the United States Pharmacopoeia for insulin U. S. P.

VIII. By inserting the following new paragraph:

(m) *Total nitrogen in protamine and globin hydrochloride.* Determine total nitrogen by the method described in the United States Pharmacopoeia for insulin U. S. P., except that the sample taken for analysis is approximately 25 milligrams and the quantity of fiftieth-normal acid used is 25 cubic centimeters.

IX. By changing the paragraph newly designated as (n) to read:

(n) *Zinc in insulin-containing solutions, in protamine zinc insulin, and in globin insulin (with zinc).* Use the method described in the United States Pharmacopoeia for insulin U. S. P.

X. By changing the paragraph newly designated as (p) to read:

(p) The Commissioner shall, for the purposes of the tests and assays prescribed under this section, provide a suitable reference protamine and a suitable reference globin hydrochloride, and shall, at cost, furnish any person making written request therefor a sample thereof.

All interested persons are invited to attend the hearing in person or by representative, and to offer comments upon the whole or any part of the proposed amendments. Written statements may be submitted at or prior to the opening of the hearing and may be addressed to the Hearing Clerk, Office of the General Counsel, Federal Security Agency, Room 2242, South Building, Independence Avenue between 12th and 14th Streets, SW., Washington, D. C.

The proposed amendments are subject to adoption, rejection or amendment, in whole or in part.

[SEAL] PAUL V. McNUTT,
Administrator.

JULY 8, 1943.

[F. R. Doc. 43-11069; Filed, July 9, 1943; 11:48 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 238]

FUJII JUNICHI SHOTEN, LIMITED

Re: 65.07% of the captal stock of Fujii Junichi Shoten, Limited.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

1,952 shares (which constitute a substantial part, namely, 65.07%, of all outstanding shares) of $50 par value common capital stock of Fujii Junichi Shoten, Limited, a Hawaiian corporation, Honolulu, Territory of Hawaii, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses:	Number of shares
Junichi Fujii, Hiroshima, Japan	581
Junso Fujii, Hiroshima, Japan	571
Yoichi Fujii, Hiroshima, Japan	390
Haruo Fujii, Hiroshima, Japan	150
Katsuyo Fujii, Hiroshima, Japan	150
Shigeo Oshima (alien detention camp)	110
Total	1,952

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 15, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11038; Filed, July 9, 1943; 9:55 a. m.]

[Amendment of Vesting Order 350]

AMBER MINES, INC.

Vesting Order Number 350, dated November 11, 1942, is hereby amended as follows and not otherwise:

By deleting paragraphs (a) and (c) thereof and substituting therefor, respectively, the following:

(a) Finding that Preussische Bernstein Manufactur, whose last known address is represented to the undersigned as being Koenigsberg, Germany, and Staatliche Bernstein Manufactur GmbH, whose last known address is represented to the undersigned as being Danzig, Germany, are nationals of a designated enemy country (Germany);

(c) Finding that all right, title, interest and claim of any name or nature whatsoever of Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur GmbH in and to all indebtedness, contingent or otherwise, and whether or not matured, owing to them, or each of them, by said Amber Mines, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, is an interest in the aforesaid business enterprise held by a national or nationals of an enemy country, and also is property within the United States owned or controlled by a national or nationals of a designated enemy country (Germany);

All other provisions of such Vesting Order Number 350 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on July 1, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11039; Filed, July 9, 1943; 9:55 a. m.]

[Vesting Order 1045]

S. HATA SHOTEN, LIMITED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 62 of July 28, 1942, that S. Hata Shoten, Limited, a Hawaiian corporation, Hilo, Hawaii, Territory of Hawaii, is a business enterprise within the United States and is a national of a designated enemy country (Japan);

2. Finding that Katsujiro Kagawa is a subject of Japan interned at Sand Island, Territory of Hawaii, and is a national of a designated enemy country (Japan);

3. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

4. Finding that 10 shares of $100 par value common capital stock of said S. Hata Shoten, Limited, are registered in the name of, and owned by, said Katsujiro Kagawa, and represent an interest in said business enterprise;

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 10 shares of stock re-

ferred to in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on March 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11040; Filed, July 9, 1943; 9:58 a. m.]

[Vesting Order 1060]

FUJII JUNICHI SHOTEN, LIMITED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 238 of October 15, 1942, that Fujii Junichi Shoten, Limited, a Hawaiian corporation, Honolulu, Territory of Hawaii, is a business enterprise within the United States and is a national of a designated enemy country (Japan);

2. Finding that Juro Fujikawa, Hiroshi Fujii, Shuzo Wada and Haruno Fujikawa, whose last known addresses are Hiroshima, Japan, are nationals of a designated enemy country (Japan);

3. Finding that 132 shares of $50 par value common capital stock of Fujii Junichi Shoten, Limited, are registered in the names of, and owned by, the aforesaid individuals in the following respective amounts:

Names:	*Number of shares*
Juro Fujikawa	51
Hiroshi Fujii	50
Shuzo Wada	20
Haruno Fujikawa	11
Total	132;

4. Finding therefore that said 132 shares are property of nationals of a designated enemy country (Japan) and represent an interest in said business enterprise;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 132 shares of stock referred to in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11041; Filed, July 9, 1943; 9:55 a. m.]

[Vesting Order 1468]

K. SASAOKA

Re: Personal property located at Dallas, Texas, owned by K. Sasaoka.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that K. Sasaoka is a subject of Japan, within Japan, and is a national of a designated enemy country (Japan);

2. Finding that K. Sasaoka is the owner of the personal property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

The personal effects owned by K. Sasaoka, located at the residence at 5309 Ross Avenue, Dallas, Texas, and set forth in detail in Exhibit A attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Number:	*Description*
16	Japanese towels—new.
16	Bath towels—new.
2	Ladies' overnight bags.
1	Electric razor—Remington Rand.
1	Hot water bottle.
2	Cans lighter liquid.
2	Compacts.
3	Packages shoe rubber heels.
1	Storage box.
1	Suit case—new.
1	Ansley Dynaphone—Type 25A—Serial 7147 combination.
1	Suit case—old.
1	Carton box filled with personal articles.

Number—Con.	*Description*
1	Golf bag with set of clubs.
1	Steamer trunk—old.

[F. R. Doc. 43-11042; Filed, July 9, 1943; 9:55 a. m.]

[Vesting Order 1582]

CHRISTIAN F. AHRENKIEL AND ANNE AHRENKIEL

Re: Certain property owned by Christian F. Ahrenkiel and Anne Ahrenkiel, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Christian F. Ahrenkiel and Anne Ahrenkiel, his wife, are residents of Germany and are nationals of a designated enemy country (Germany);

2. Finding that Christian F. Ahrenkiel and Anne Ahrenkiel, his wife, are the owners of the property described in subparagraph 3 hereof;

3. Finding, therefore, that the property described as follows:

a. The furniture and personal effects, particularly described in Exhibit "A" attached hereto and by reference made a part hereof, stored in the warehouse of Santini Bros., Inc., 1405 Jerome Avenue, Bronx, New York, and

b. All right, interest and claim of Christian F. Ahrenkiel and Anne Ahrenkiel, his wife, and each of them, and of every other national of a designated enemy country, in and to fire insurance policy No. 368,269, issued by the Northern Assurance Co. Ltd., covering the property described in subparagraph 3-a hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7 Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT "A"

WAREHOUSE RECEIPT COVERING HOUSEHOLD GOODS HELD AT SANTINI BROS., INC. WAREHOUSE FOR A/C MRS. C. F. AHRENKIEL—LOT NO. 21656-27

Re: Furniture, etc. of C. F. Ahrenkiel.

1. Barrel & Conts.
2. Barrel & Conts.
3. Barrel & Conts.
4. Barrel & Conts.
5. Barrel & Conts.
6. Barrel & Conts.
7. Barrel & Conts.
8. Barrel & Conts.
9. Barrel & Conts.
10. Barrel & Conts.
11. Barrel & Conts.
12. Barrel & Conts.
13. Barrel & Conts.
14. Barrel & Conts.
15. Barrel & Conts.
16. W. Box
17. W. Box
18. W. Box
19. W. Box
20. Small W. Box
21. Small W. Box
22. Small W. Box
23. Small W. Box
24. Small W. Box
25. Small W. Box
26. Small W. Box
27. Carton—one large lampshade
28. Carton—27 lampshades 1—rim—bad order—1 dent
29. Carton—7 lampshades & 4 bracket lampshades
30. Small W. Chest
31. Small W. Chest
32. Flat W. Box
33. Flat W. Box
34. C. B. Chest
35. Trunk seal—#790442 788488
36. D. R. chair—cov.
37. D. R. chair—cov.
38. D. R. chair—cov.
39. D. R. chair—cov.
40. D. R. chair—cov.
41. D. R. chair—cov.
42. D. R. chair—cov.
43. D. R. chair—cov.
44. Uph. S. chair
45. End table—cov.
46. Tea table—cov.
47. Uph. S. armchair, arm loose
48. 5 Cushions
49. Server
50. Sleeve board
51. Magazine table—m. & s.
52. Nest of 2 tables
53. Small shelf
54. Uph. armchair—cov.
55. Uph. armchair—cov.
56. Medicine ball
57. Dresser base
58. W. S. chair
59. Windsor chair
60. Tile top table
61. Folding rack
62. Bedroom bench
63. Tile top table
64. Uph. settee—cov.
65. Uph. settee—cov.
66. Uph. armchair—cov.
67. Uph. armchair—cov.
68. Uph. S. armchair—cov.
69. Center table
70. Dining room table—scr.
71. Large W. box—owner's box
72. Rug pad
73. Blanket—wrapped & torn
74. K. chair, scr.
75. Daybed base
76. Desk—veneer chip.
77. Wicker armchair
78. Wicker armchair
79. Tree stand
80. Chandelier
81. Part of chandelier wrapped
82. Electric iron
83. Uph. S. chair
84. Wicker armchair
85. Rug pad
86. Large lampshade in c. b. box
87. Small k. table
88. K. chair, scr.
89. Washboiler
90. Wash basket
91. Set of piano legs—veneer chipped on one
92. Pair of andirons
93. Large metal cage
94. 5 door mats
95. General Electric refrigerator
96. Lampshade in cloth
97. Folding stand base
98. Book rack
99. Radiator cover
100. Bridge lamp base—dented
101. Bridge lamp base
102. Bridge lamp base—parts off
103. Bridge lamp base—dented
104. Bridge lamp base
105. Flood light
106. Chandelier & lampshade in cloth O. R.
107. Night table base
108. Vacuum sweeper
109. Pad
110. Fireplace screen
111. Fireplace screen
112. Radiator cover
113. Wash tub
114. Small black cabinet scr.
115. Small K. table—legs scr.
116. Part of cabinet
117. Chandelier in cloth
118. Ironing board
119. Crate—owner's crate
120. Beach chair
121. Uph. S. armchair
122. W. Box—owner's case #792112
123. W. Box—owner's case #795937
124. W. Box—owner's case #795213
125. Hand trunk
126. Straw mat
127. Canvas cover
128. Canvas cover
129. Boudoir chair
130. Large book rack—veneer chip.
131. Sewing machine
132. K. table
133. Desk
134. W. box—owner's box
135. K. table
136. Chandelier
137. Boudoir chair
138. Beach chair
139. 7 W. slats
140. Pair of skis & poles
141. Pair of skis & poles
142. Step ladder
143. 4 W. bedrails
144. Step stool

145. Small straw mat
146. W. box
147. Trunk
148. Sun dial
149. Cane S. bench—torn
150. Tub & contents
151. Stool
152. K. table
153. Uph. S. chair
154. Uph. armchair—cov.
155. Part of cabinet
156. Folding rack
157. Round folding table
158. Small W. box — owner's case Seal #796695
159. Small W. box—owner's case
160. Small W. box—owner's case #732175
161. Small W. box—owner's case
162. Small W. box—owner's case
163. Small W box—owner's case
164. Trunk
165. Uph. armchair—cov.
166. Mangle
167. W. box—owner's case Seal #793185
168. Small W. box
169. Long W. box—owner's case
170. End table
171. Vanity base
172. Radiator cover
173. Radiator cover
174. Canvas bag
175. 13 W. shelves
176. Small rack
177. Chiffonier—m. & s.
178. Uph. S. bench
179. Small cabinet
180. 4 drawers.
181. C. B. box
182. Wicker armchair
183. Paper box
184. C. B. box
185. Sewing table—m. & s.
186. Small rack
187. Small wicker stool
188. Cane S. chair—loose
189. Electric washing machine
190. Bdle 3 baskets
191. Bdle 4 baskets
192. 3 baskets
193. Small cabinet
194. Night table
195. Paper box
196. Small mattress
197. Mattress
198. Chiffonier
199. Chiffonier—sta.
200. Secretary
201. Scale
202. Small w. stand
203. Small w. stand
204. Paper box
205. Small mattress
206. Large w. chest
207. Buffet—M. & S.
208. Night table
209. Pad
210. Pad
211. Small mattress
212. 4 W. shelves
213. Valise
214. Valise
215. Valise
216. Valise
217. Valise
218. Valise
219. Hat box
220. Hat box
221. Small black case
222. Hand trunk
223. W. chest
224. Glass tray
225. Radiator cover
226. Mirror stand base
227. Couch mattress
228. Mirror
229. Foot W. bed
230. Studio couch
231. Couch spring
232. Box spring in carton
233. Box spring in carton
234. Box spring in carton
235. Box spring in carton
236. Head w. bed
237. Foot w. bed
238. Head w. bed—sta. and veneer chip.
239. Head w. bed
240. Foot w. bed
241. Head w. bed
242. Foot w. bed
243. Valise
244. Hand bag
245. Small rug in paper
246. Ironing board
247. Part of desk
248. Small folding rack
249. 3 couch pillows
250. Card table
251. Small mattress
252. Small mattress
253. Bolster
254. Wardrobe in ten parts
255. Pad
256. 3 baskets
257. Small pad
258. Mattress
259. Coffee table—scr.
260. Night table
261. Center table
262. W. S. chair
263. 3 small metal stands
264. Uph. s. chair
265. Trunk
266. Spring
267. Spring
268. Mattress in carton
269. Mattress in carton
270. Mirror
271. Card table—burnt
272. Mirror
273. Mirror
274. Head w. bed
275. 3 table leaves—scr.
276. Glass top, O. R.
277. Bed end
278. Head w. bed
279. Foot w. bed
280. Large mirror
281. W. S. chair
282. Large rug
283. Rug—torn
284. Rug
285. Small rug
286. Small rug
287. Small rug
288. Small rug
289. Small rug
290. Small rug
291. Small rug
292. Small rug
293. Small rug
294. Runner
295. Runner
296. Baby grand piano paint chip. & scr.

[F. R. Doc. 43-11043; Filed, July 9, 1943; 9:57 a. m.]

[Vesting Order 1584]

MIDEUROPEAN FOOD PACKAGE SERVICE, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Carl J. Duncker, whose last known address is Germany, is a national of a designated enemy country (Germany);

2. Finding that Mideuropean Food Package Service, Inc. is a corporation organized under the laws of the State of New York, presently in the process of voluntary dissolution and is continuing as a corporation and a business enterprise in accordance with the laws of the State of New York, and is a business enterprise within the United States;

3. Finding that 50 shares of no par value common capital stock of Mideuropean Food Package Service, Inc. are registered in the name of and owned by Carl J. Duncker;

4. Finding that said 50 shares constitute a substantial part (namely, 50%) of the issued and outstanding capital stock of said business enterprise and represent control thereof;

5. Finding, therefore, that Mideuropean Food Package Service, Inc. is a national of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of Mideuropean Food Package Service, Inc. to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11044; Filed, July 9, 1943; 9:58 a. m.]

[Vesting Order 1586]

KUMEO KATO

Re: Ford automobile owned by Kumeo Kato.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Kumeo Kato is a resident of Japan, whose last known address is Japan, and is, therefore, a national of a designated enemy country (Japan);

2. Finding that the property described in subparagraph 3 hereof is owned by Kumeo Kato;

3. Finding, therefore, that the property described as follows:

One Ford cabriolet automobile and equipment, 1936 model, motor and serial No. 182467679, owned by Kumeo Kato and presently stored at the garage of William J. Dever, 12 William Street, Englewood, New Jersey,

is property within the United States owned by a national of a designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11045; Filed, July 9, 1943; 9:58 a. m.]

[Vesting Order 1594]

WILLY LUCKMANN AND KAETHE LUCKMANN

Re: Certain property owned by Willy Luckmann and Kaethe Luckmann, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Willy Luckmann and Kaethe Luckmann, his wife, are residents of Germany, and are nationals of a designated enemy country (Germany);

2. Finding that Willy Luckmann and Kaethe Luckmann, his wife, are the owners of the property described in subparagraph 3 hereof;

3. Finding, therefore, that the property described as follows:

Certain furniture and personal effects, particularly described in Exhibit "A" attached hereto and by reference made a part hereof, stored in the warehouse of Frank Richter Co., 58-11 Park Avenue, West New York, New Jersey,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

WAREHOUSE RECEIPT COVERING HOUSEHOLD GOODS HELD AT FRANK RICHTER CO. FOR A/C WILLY LUCKMANN—LOTS NO. B-962 AND NO. B-962 (2)

Re: Furniture, etc. owned by Willy Luckmann and Kaethe Luckmann, his wife.

1. 1 Book rack
2. 1 Small phonograph
3. 2 Andirons
4. 1 Long carton
5. 16 Cartons
6. 6 Barrels
7. 1 Lamp
8. 11 Packages
9. 1 Basket
10. 1 Fireplace screen
11. 3 Pictures
12. 1 Small high table
13. 2 Magazine racks
14. 1 Wicker table
15. 1 Carpet sweeper
16. 1 Piano stool
17. 1 Ash can and contents
18. 1 Coffee server
19. 1 Dining room table
20. 1 3 Pc. L. R. suite (Settee B. O.)
21. 1 Book case 8 parts and 4 shelves
22. 2 Wire strainer for dishes
23. 1 Wardrobe in 7 parts and 4 shelves
24. 3 Lamp shades
25. 1 Wood tray
26. 1 Center table
27. 1 Basin
28. 2 Spring covers
29. 2 Beds complete
30. 1 Bed and spring
31. 3 Pcs. garden tools
32. 1 Ironing board
33. 3 Beach chairs
34. 1 Flower box
35. 1 Water can
36. 1 Doll crib
37. 2 Gates
38. 1 Telephone stand
39. 1 Small desk
40. 1 Large desk
41. 2 Books of records
42. 1 Kitchen table
43. 1 Bird house
44. 1 Small shovel
45. 1 Small center table
46. 1 Child's table
47. 10 Runners
48. 1 Wall shelf
49. 1 Dining room chair
50. 1 Buffet in 2 parts
51. 1 Vanity and mirror
52. 1 Kitchen cabinet in 2 parts
53. 1 Refrigerator (Apex) out 4/20/40
54. 1 Small table
55. 1 Vanity bench
56. 1 Steel chair
57. 8 Chair tops
58. 1 Large rug
59. 1 Rubber door mat
60. 4 Chairs
61. 2 Boards
62. 1 Floor mop
63. 1 Hamper
64. 1 Child's cabinet
65. 1 Radio
66. 1 Sewing machine
67. 1 Piano, Weepking & Co.
68. 1 Dresser and mirror
69. 1 Child's electric stove
70. 2 Child's chairs
71. 5 Chairs
72. 1 Child's small cabinet
73. 1 Shoe box
74. 2 Nite tables
75. 5 Pictures
76. 1 Bundle of pictures
77. 1 Dish pan
78. 1 Step ladder
79. 1 Cedar closet—paper
80. 1 Snow shovel
81. 2 Radiator covers
82. 1 Wicker table small
83. 1 Light fixture
84. 1 Beach chair
85. Floor waxer
86. 3 Flower stands
87. 1 Doll house
88. 1 Floor lamp and shade
89. 1 Wood arm chair
90. 1 Table game
91. 1 Hall rack

EXHIBIT A

LOTS NO. B-962 AND NO. B-962 (2)

Supplemental Receipt No. 1

1. 2 Floor lamps.
2. 1 Pail
3. 1 Grass cutter
4. 1 Sled
5. 1 Ironing board
6. 1 Table lamp
7. 1 Bundle lamp shades
8. 1 Broom
9. 5 Cartons—cont. unknown
10. 1 Tin box—cont. unknown
11. 1 Banket—cont. unknown
12. 1 Picture—wrapped
13. 3 Wooden boxes—cont. unknown
14. 1 Lamp globe

Delivered 3/18/40:

15. 1 Couch
16. 1 Bed (4 pieces)
17. 1 Carton—cont. unknown
18. 1 Basket—cont. unknown
19. 1 Bundle—cont. unknown
20. 3 Chairs
21. 1 Bridge table

[F. R. Doc. 43-11046; Filed, July 9, 1943; 9:57 a. m.]

[Vesting Order 1642]

HEINRICH KEMPF AND WIFE

Re: Certain property owned by Heinrich Kempf and Mrs. Heinrich Kempf.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Heinrich Kempf, also known as Captain Heinrich Kempf, also known as Capt. H. Kempf, and his wife, Mrs. Heinrich Kempf, are residents of Germany and are nationals of a designated enemy country (Germany);

2. Finding that Heinrich Kempf and Mrs. Heinrich Kempf are the owners of the property described in subparagraph 3 hereof;

3. Finding, therefore, that the property described as follows:

Certain furniture and personal effects, particularly described in Exhibit "A" attached hereto and by reference made a part hereof, and stored in the warehouse of Frank Richter Co., 58-11 Park Avenue, West New York, New Jersey, in the name of Capt. & Mrs. H. Kempf, Lot No. B-1021,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

WAREHOUSE. RECEIPT COVERING HOUSEHOLD GOODS HELD AT FRANK RICHTER CO. FOR A/C CAPT. & MRS. H. KEMPF—LOT NO. B-1021

Re: Furniture, etc. Belonging to Captain & Mrs. Heinrich Kempf. (All goods marked and scratched.)

1. 4 pairs skis
2. 3 beds complete
3. 3 cushions
4. 1 large wardrobe
5. 1 small buffet
6. 1 china closet (legs loose)
7. 2 barrels—cont. unknown
8. 1 dresser
9. 1 vanity and mirror
10. 2 sleighs
11. 1 desk
12. 2 pictures
13. 1 blackboard
14. 1 refrigerator "Coldspot"
15. 2 pair ski guides
16. 1 bundle pictures
17. 12 pieces of board
18. 1 cutting board
19. 1 doll's crib
20. 2 small boxes
21. 1 n. table
22. 2 cartons—cont. unknown
23. 1 wall mirror
24. 2 boards
25. 2 doll carriages
26. 5 wooden boxes—cont. unknown
27. 1 large rug
28. 2 bundles curtain rods
29. 1 sewing machine
30. 1 vanity bench
31. 2 center tables
32. 2 arm chairs
33. 8 straight chairs
34. 2 overstuffed chairs
35. 2 settees
36. 1 poker table
37. 1 hassock
38. 1 large wooden box—cont. unknown
39. 1 small wooden box—cont. unknown
40. 1 garbage can
41. 1 sml. wood cabinet (painted)
42. 1 table-oilcloth top (top torn)
43. 1 couch (marked)
44. 2 beds complete
45. 1 child's bed—no mattress
46. 1 step ladder
47. 1 inside trunk compartment
48. 1 card table
49. 1 small carton—cont. unknown
50. 1 bundle brushes
51. 1 dish rack
52. 1 cutting board
53. 1 telephone bench
54. 3 wash tubs
55. 1 floor lamp
56. 1 ironing board
57. 1 bundle curtain stretcher, etc.
58. 1 wood box—cont. unknown
59. 1 cardboard box—cont. unknown
60. 1 hamper
61. 4 k. chairs—cane seats
62. 1 galvanized can
63. 2 mattress pads
64. 1 small ladies desk
65. 1 k table
66. 1 small cabinet w. glass front
67. 1 green board
68. 1 wall rack
69. 1 sewing stand
70. 5 lamp shades
71. 4 table lamps
72. 1 waste basket
73. 2 wall mirrors

[F. R. Doc. 43-11047; Filed, July 9, 1943; 9:57 a. m.]

[Vesting Order 1666]

MARJORIE LEPPLA TANGEE

Re: Furniture owned by Marjorie Leppla Tangee.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Marjorie Leppla Tangee, the wife of Henry Tangee, is a resident of Germany and a national of a designated enemy country (Germany);

2. Finding that Marjorie Leppla Tangee is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

Certain furniture, particularly described in Exhibit A attached hereto and by reference made a part hereof, stored in the name of Marjorie Leppla Tangee in the warehouse of the Manhattan Storage & Warehouse Company, 52nd Street and 7th Avenue, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. Box (books)
2. Box
4 to 6. Three barrels (each head loose)
7. Chest of drawers (top stained)
8. Bundle of two wooden bedsides (scratched & dented)
9. End table (in paper) (glass top attached)
10. Cabinet (slightly scratched & stained)
11. Chest of drawers (slightly dented)
12. Chest of drawers (top stained & slightly scratched)
13. Table
14. Chest of drawers
15. Chest of drawers (top stained)
16. Chest of drawers (top stained)
17. Chest of drawers (slightly scratched)
18. Bench (in paper)
19. Bed end (wooden) (four bed bolts attached)
20. Chair (leather seat & back) (in cover)
21. Paper box (appears to contain box spring)
22. Bundle of vacuum cleaner, carpet sweeper & two brushes
23. Paper box (appears to contain mattress)
24 and 25. Two paper boxes (each appears to contain mattress)
26. Chair (leather seat & back) (in cover)
27. Chair (leather seat & back) (in cover)
28. Chair (upholstered seat, back & cushion) (papered AT WH)
29. Chair (upholstered seat, back & cushion) (papered AT WH)
30. Chest of two drawers (slightly stained)
31 and 32. Two leather bed ends (each in cellophane)
33. Chest of two drawers.
34 and 35. Two chairs (each leather seat & back) (each in cover)
36. Bench (leather seat) (frame scratched)
37. Chair (leather seat & back) (in paper)
38. Chair (upholstered seat, back & cushion) (papered AT WH)
39. Suitcase (unlocked) (scratched)
40. Bundle of two wooden bedsides
41. Bundle of four bed slats
42. Bundle of four bed slats
45. Chair (leather seat & back) (in cover)
46. Bed end (wooden) (scratched)
47. Bundle of four bed slats
48. Bed part (in paper)
49. Package in paper
50. Chair (upholstered seat, back & cushion) (papered AT WH)
51. Bed end (leather) (in paper)
52. Sofa & two cushions (papered AT WH)
53. Glass top
54 to 56. Three boxes
57. Package in paper (appears to contain picture)
58 and 59. Two paper boxes (each appears to contain box spring)
60 and 61. Two packages in paper (each marked bed part)
63 and 64. Two paper boxes
65. Bundle of folding chair parts
66. Bundle of folding chairs
67. Bundle of four cushions
68. Package in paper
70 and 71. Two metal chairs
72 and 73. Two metal chairs (each leather seat & back)
74. Table
76. Barrel (partly headed & head loose)
77. Barrel (no head)
3. Trunk (mildewed)
43 and 44. Two trunks
69. Radio (slightly scratched)
75. Paper moth chest.
78. Package in paper (appears to contain rug & lining)

[F. R. Doc. 43-11048; Filed, July 9, 1943; 9:58 a. m.]

[Vesting Order 1667]

CHARLOTTE SCHIWEK

Re: Furniture owned by Charlotte Schiwek.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Charlotte Schiwek, the wife of Gustav Schiwek, is a resident of Germany and is a national of a designated enemy country (Germany);

2. Finding that Charlotte Schiwek is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

Certain furniture, particularly described in Exhibit A attached hereto and made a part hereof, belonging to Charlotte Schiwek, and stored in the warehouse of the Manhattan Storage & Warehouse Company, 52nd Street and 7th Avenue, New York, New York,

is property within the United States and owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. Chair (wooden) (slightly scratched)
2. Chair (wooden) (frame & arm broken & split)
3. Studio couch in two parts (Papered AT WH)
4. Floor lamp
5. Radio (scratched & stained)
6. Chair (upholstered seat, back & cushion) (in cover) (leg broken & repaired)
7. Chair (upholstered seat, back & cushion) (in cover)
8. Sofa (in cover)
9. Bed end (wooden)
10 and 11. Two wooden chairs (each scratched)
12. Trunk (one lock broken & roped)
13. Trunk (one lock open & roped)
14. Ironing board
15. Table (metal top)
16. Bed spring
17. Wooden bed end (one leg broken)
18. Bundle of two wooden bedsides (scratched)
19. Bundle of four bed slats
20 and 21. Two floor lamps
22. Floor lamp (scratched)
23. Smoking stand
24. Vacuum cleaner
25. Bookrack (back loose & scratched)
26. Barrel (head loose)
27. Box
28. Suitcase (leather worn)
29 to 31. Three paper moth chests
32 & 33. Two paper boxes
34. Stand
35. Bookrack (scratched)
36. Leather case (victrola) (leather worn)
37. Dressing table
38. Dresser (scratched & chipped)
39. Mattress (in muslin) (packed into carton AT WH)
40 and 41. Two boxes
42. Table (slightly scratched)
43. Chair (upholstered seat, back & Cushion) (in cover)
44. Magazine rack
45. Barrel (head loose)
46. Metal hamper
47. Garbage can
48 to 50. Three wooden seat chairs (each badly scratched)
51. Vegetable tin
52. Bench (upholstery slightly torn)
53. Stand (wooden) (top stained)
54. Bundle of mop, polisher & brush
55. Magazine rack (parts off & attached, loose & scratched)
56. End table
57. Bookstand (stained)
58. Table
59. Radio (scratched)
60. Paper shoe box

61. Chair (wooden)
62. Wicker hamper (top loose)
63. Chest of drawers (scratched)
64. Side table
65. Combination desk & bookcase
66. Desk
67. China closet
68. Paper box
69. Foot stool (in cover) (leg chipped)
70. Table (top stained & scratched)
71. End table
72. Glass tray
73. Shoe box
74. Sewing box (sides loose)
75. Day bed mattress
76. Dresser glass
78. Hassock
79. Hassock (damaged & repaired)
85 to 87. Three trunks
88. Leather suitcase (two umbrellas attached)
80. Package in paper (appears to contain seven rug pieces)
81. Carpet (nap worn) 9'1" x 10'
82. Carpet (nap worn) 9' x 16'7"
83. Felt lining 8'3" x 9'7"
84. Felt lining 8'10" x 11'10"
84A. Felt lining 4'10" x 8'10"

[F. R. Doc. 43-11049; Filed, July 9, 1943; 9:59 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-37]

RED BALL TRANSFER COMPANY AND DARLING TRANSFER

COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA, KANSAS, AND MISSOURI

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property between points in Nebraska, Kansas, and Missouri, filed with the Office of Defense Transportation by Matthew Leo McKeone, doing business as Red Ball Transfer Company, Omaha, Nebraska, and Charles W. Darling, doing business as Darling Transfer, Auburn, Nebraska, designated herein as Red Ball and Darling, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Red Ball shall:

(a) Suspend the transportation, on its route between Omaha, Nebraska, and Kansas City, Missouri, over U. S. Highways 75, 73, and 40, of shipments moving to or from all points intermediate thereto, except Atchison and Leavenworth, Kansas, and divert such shipments to Darling; and

(b) Suspend the transportation, on its routes between Beatrice, Nebraska, and the junction of Nebraska State Highway 3 and U. S. Highway 75, and between Beatrice and the junction of Nebraska State Highway 4 and U. S. Highway 75, of shipments moving to or from all intermediate points on both routes, and divert such shipments to Darling.

2. Darling shall accept and transport all shipments diverted to it under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of Red Ball.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-37", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 23, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 9th day of July, 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-11060; Filed, July 9, 1943; 11:17 a. m.]

[Supplementary Order ODT 3, Revised-38]

RED BALL TRANSFER COMPANY, ET AL.

COORDINATED OPERATIONS BETWEEN ST. JOSEPH, MISSOURI, AND HIAWATHA, KANSAS

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property between Hiawatha, Kansas, and St. Joseph, Missouri, filed with the Office of Defense Transportation by Matthew Leo McKeone, doing business as Red Ball Transfer Company, Omaha, Nebraska; Charles W. Darling, doing business as Darling Transfer, Auburn, Nebraska; and Leonard Ragland, St. Joseph, Missouri; designated herein as Red Ball, Darling, and Ragland, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purpose is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Red Ball and Darling shall suspend the transportation, on their routes between St. Joseph and Hiawatha, of shipments moving in interstate commerce between St. Joseph, or through that gateway, and intermediate points on such routes, and divert such shipments to Ragland for transportation from or to the terminals of Red Ball or Darling, respectively, at St. Joseph.

2. Ragland shall accept and transport all shipments diverted to him under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—38", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 23, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 9th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-11061; Filed, July 9, 1943; 11:17 a. m.]

OFFICE OF ECONOMIC STABILIZATION.

CHICAGO, NORTH SHORE AND MILWAUKEE RAILROAD CO.

ORDER REGARDING EMERGENCY BOARD'S WAGE RECOMMENDATIONS

JULY 8, 1943.

With reference to the wage recommendations of the Emergency Board selected March 24, 1943, from the National Railway Labor Panel to investigate the facts as to the disputes between the Chicago, North Shore and Milwaukee Railroad Company and certain of its employees represented by the Brotherhood of Locomotive Firemen and Enginemen and the Brotherhood of Railroad Trainmen.

Pursuant to Public Law No. 729, 77th Congress, Second Session, Executive Order No. 9328 (8 F.R. 4681), and Executive Order No. 9299 (8 F.R. 1669) it is hereby directed that the Emergency Board's recommendation for increasing the rates of pay for motormen and conductors from 78 to 94 cents per hour is disapproved insofar as it exceeds 92 cents, and that the Emergency Board's recommendation for increasing the rates of pay for collectors and brakemen from 66 to 82 cents per hour is disapproved insofar as it exceeds 80 cents. The other wage recommendations of the Emergency Board are not disapproved.

FRED M. VINSON,
Director.

[F. R. Doc. 43-11030; Filed, July 8, 1943; 4:45 p. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 7, 1943.

Order No.:	Name
MPR 134, Order 6	Peterson Tractor & Equipment Co.
MPR 188, Order 479	Pacific Mfg. Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11018; Filed, July 8, 1943; 4:13 p. m.]

Regional, State, and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 have been filed with the Division of the Federal Register.

REGION V

Tulsa Order 3, Amendment 1, Filed 4:35 p. m. July 5, 1943.

REGION VI

Bismarck Order 3, Amendment 1, Filed 4:42 p. m. July 5, 1943.
Chicago Order 3, Amendment 1, Filed 4:42 p. m. July 5, 1943.
Chicago Order 3, Amendment 2, Filed 4:42 p. m. July 5, 1943.
Duluth-Superior Order 3, Filed 4:41 p. m. July 5, 1943.
Fargo-Moorhead Order 4, Filed 4:43 p. m. July 5, 1943.
Fargo-Moorhead Order 5, Filed 4:43 p. m. July 5, 1943.
Green Bay Order 1, Revocation Filed 4:36 p. m. July 5, 1943.
Green Bay Order G-2, Revocation Filed 4:36 p. m. July 5, 1943.
Green Bay Order G-3, Filed 4:36 p. m. July 5, 1943.
Green Bay Order G-3, Amendment 1, Filed 4:35 p. m. July 5, 1943.
Green Bay Order G-4, Filed 4:35 p. m. July 5, 1943.
La Crosse Order 3, Filed 12:16 p. m. July 3, 1943.
La Crosse Order 4, Filed 12:15 p. m. July 3, 1943.
North Platte Order 3, Filed 4:39 p. m. July 5, 1943.
North Platte Order 3, Amendment 1, Filed 12:19 p. m. July 3, 1943.
Peoria Order 3, Amendment 1, Filed 4:44 p. m. July 5, 1943.
Pierre Order 3, Filed 12:15 p. m. July 3, 1943.
Pierre Order 3, Amendment 1, Filed 12:19 p. m. July 3, 1943.
Quad-Cities Order 3, Filed 12:15 p. m. July 3, 1943.
Quad-Cities Order 3, Amendment 1, Filed 12:19 p. m. July 3, 1943.
Rockford Order 3, Amendment 1, Filed 12:18 p. m. July 3, 1943.
Sioux Falls Order 3, Amendment 1, Filed 12:16 p. m. July 3, 1943.
Sioux Falls Order 3, Amendment 2, Filed 12:17 p. m. July 3, 1943.
Sioux City Order 3, Amendment 2, Filed 12:17 p. m. July 3, 1943.
Springfield Order 1, Amendment 2, Filed 12:17 p. m. July 3, 1943.
Springfield Order 4, Amendment 1, Filed 12:17 p. m. July 3, 1943.
Springfield Order 5, Amendment 1, Filed 12:17 p. m. July 3, 1943.
Springfield Order 6, Filed 12:18 p. m. July 3, 1943.
Springfield Order 6, Amendment 1, Filed 12:18 p. m. July 3, 1943.
Twin Cities Order 3, Amendment 1, Filed 12:19 p. m. July 3, 1943.

REGION VII

Boise Order 5, Amendment 1, Filed 4:40 p. m. July 5, 1943.
Boise Order 6, Amendment 1, Filed 4:41 p. m. July 5, 1943.
Boise Order 7, Amendment 1, Filed 4:40 p. m. July 5, 1943.
Boise Order 8, Filed 4:39 p. m. July 5, 1943.
Colorado Order 10, Filed 4:38 p. m. July 5, 1943.
Colorado Order 11, Filed 4:39 p. m. July 5, 1943.
New Mexico Order 5, Amendment 1, Filed 4:39 p. m. July 5, 1943.
New Mexico Order 6, Amendment 1, Filed 4:38 p. m. July 5, 1943.
Utah Order 3, Filed 4:38 p. m. July 5, 1943.
Utah Order 4, Filed 4:39 p. m. July 5, 1943.
Utah Order 5, Filed 4:36 p. m. July 5, 1943.

REGION VIII

Fresno Order 4, Filed 10:50 a. m. July 6, 1943.
Klamath Falls Order 3, Amendment 1, Filed 10:59 a. m. July 6, 1943.
Los Angeles Order 3, Correction, Filed 10:57 a. m. July 6, 1943.
Los Angeles Order 3, Amendment 1, Filed 10:54 a. m. July 6, 1943.
Los Angeles Order 3, Amendment 2, Filed 10:58 a. m. July 6, 1943.
Nevada Order 1, Filed 10:53 a. m. July 6, 1943.
Nevada Order 3, Filed 10:52 a. m. July 6, 1943.
Phoenix Order 3, Filed 10:53 a. m. July 6, 1943.
Phoenix Order 4, Filed 10:53 a. m. July 6, 1943.
Sacramento Order 5, Filed 10:59 a. m. July 6, 1943.
San Francisco Order 3, Filed 10:57 a. m. July 6, 1943.
Seattle Order 3, Amendment 1, Filed 10:50 a. m. July 6, 1943.
Seattle Order 3, Amendment 2, Filed 10:58 a. m. July 6, 1943.
Seattle Order 4, Amendment 1, Filed 10:59 a. m. July 6, 1943.

Seattle Order 4, Amendment 2, Filed 10:52 a. m. July 6, 1943.
Seattle Order 5, Filed 10:51 a. m. July 6, 1943.
Seattle Order 5, Amendment 1, Filed 10:50 a. m. July 6, 1943.
Seattle Order 6, Filed 11:01 a. m. July 6, 1943.
Seattle Order 6, Amendment 1, Filed 10:58 a. m. July 6, 1943.
Seattle Order 7, Filed 11:01 a. m. July 6, 1943.
Spokane Order 2, Amendment 1, Filed 10:58 a. m. July 6, 1943.
Spokane Order 3, Amendment 1, Filed 10:52 a. m. July 6, 1943.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11019; Filed, July 8, 1943; 4:13 p. m.]

[Region VIII Order G-2 Under MPR 280]

FLUID MILK IN ARIZONA, CALIFORNIA, OREGON AND WASHINGTON

Order No. G-2 under § 1351.807 of Maximum Price Regulation No. 280 as Amended—Maximum Prices for Specific Food Products (formerly Order No. 3).

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.807 of Maximum Price Regulation No. 280 as amended, *It is hereby ordered:*

(1) The maximum price for fluid milk sold and delivered at wholesale other than in glass or fiber containers to stores, hotels, restaurants and institutions in the States of Arizona, California, Oregon and Washington, shall be the seller's maximum price as established under Maximum Price Regulation No. 280 as amended, or an adjusted maximum price computed as follows, which ever is higher:

The seller's maximum price for fluid milk of the same milk fat content sold at wholesale in quart glass containers or, if no maximum price for such sales in quart glass containers can be computed, then in quart fiber containers, whether such maximum wholesale price for fluid milk is established under Section 1499.2 or Section 1499.3 of the General Maximum Price Regulation or under any order heretofore or hereafter issued by the Regional Administrator pursuant to any provision authorizing the Regional Administrator to make adjustments of fluid milk prices in quart containers, shall be multiplied by 4, and the following amount shall be deducted:

	Cents
Where the quantity being sold is 5 gallons or less	4
Where the quantity being sold is more than 5 gallons but not more than 10 gallons	5
Where the quantity being sold is more than 10 gallons	6

The resulting figure shall constitute the seller's adjusted maximum price.

(2) For purposes of this order:

(a) The "quantity being sold" means the quantity being delivered by a given seller to a given purchaser upon a single day.

(b) All terms used in this order and also used in Maximum Price Regulation No. 280 as amended, shall have the same meanings in this order as in Maximum Price Regulation No. 280 as amended.

(c) The term "institutions" does not include the Armed forces of the United States or other purchasers at retail within the meaning of the General Maximum Price Regulation, but includes only those institutions whose purchases of fluid milk in bulk are covered by Maximum Price Regulation No. 280 as amended.

(3) Any adjusted maximum price established under this order shall be subject to further adjustment by the Office of Price Administration at any time.

(4) This order may be revoked or amended by the Office of Price Administration at any time.

(5) This order shall become effective on January 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11064; Filed, July 9, 1943; 11:33 a. m.]

[Amdt. 1 to Region VIII Order G-2 Under MPR 280]

FLUID MILK IN ARIZONA, CALIFORNIA, OREGON, WASHINGTON AND A PORTION OF IDAHO

Amendment No. 1 to Order No. G-2 (formerly Order No. 3) under Maximum Price Regulation No. 280—Maximum Prices for Specific Food Products; fluid milk prices in bulk in the States of Arizona, California, Oregon, Washington and the portion of the State of Idaho contained within Region VIII.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.807 of Maximum Price Regulation No. 280, as amended, the said Order No. G-2 is hereby amended in the following particulars:

(1) The title of said Order No. G-2 is hereby amended to read as follows: Fluid Milk Prices in Bulk in the States of Arizona, California, Oregon, Washington, and that portion of the State of Idaho contained within Region VIII.

(2) Section (1) of said Order No. G-2 is hereby amended to read as follows: The maximum price for fluid milk sold and delivered at wholesale other than in glass or fiber containers to stores, hotels, restaurants, and institutions in the States of Arizona, California, Oregon, Washington, and that portion of the State of Idaho contained within Region VIII shall be the seller's maximum price as established under Maximum Price Regulation No. 280 as amended, or an adjusted maximum price computed as follows, whichever is higher:

The seller's Maximum price for fluid milk of the same milk fat content sold at wholesale in quart glass containers or, if no maximum price for such sales in quart glass containers can be computed, then in quart fiber containers, whether such maximum wholesale price for fluid milk is established under § 1499.2 or § 1499.3 of the General Maximum Price Regulation or under any order heretofore or hereafter issued by the Regional Administrator pursuant to any provision authorizing the Regional Administrator to make adjustments of fluid milk prices in quart containers, shall be multiplied by 4, and the following amount shall be deducted:

	Cents
Where the quantity being sold is 5 gallons or less	4
Where the quantity being sold is more than 5 gallons but not more than 10 gallons	5
Where the quantity being sold is more than 10 gallons	6

The resulting figure shall constitute the seller's adjusted maximum price per gallon.

(3) Section (2) of said Order No. G-2 is hereby amended by adding new subsection (d) as follows.

(d) The term "That portion of the State of Idaho contained within Region VIII" refers to the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

(4) This Amendment No. 1 may be amended or revoked by the Office of Price Administration at any time.

(5) This Amendment No. 1 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of April 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-11065; Filed, July 9, 1943; 11:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-730]

OGDEN CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of July, A. D. 1943.

Acquisition of Public Utility Securities by Registered Holding Company

Application by registered holding company pursuant to sections 9 (a) and 10 regarding the acquisition of certain minority stock of its public utility subsidiary *granted*, the Commission finding the tendency required by section 10 (c) (2) and observing no basis for an adverse order.

Appearances

Maurice C. Kaplan, of the Public Utilities Division of the Commission.

Simpson Thatcher & Bartlett, by Richard Jones, for Ogden Corporation.

Ogden Corporation, a registered holding company, has filed an application, pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act, regarding the acquisition from The North American Company, also a registered holding company, of 3,336 shares of the common stock of Laclede Power & Light Company, a public utility subsidiary of Ogden, for a cash consideration of $330,000.

After appropriate notice, a public hearing was held. No member of the public has objected to the proposal.

Laclede Power operates electric utility properties in St. Louis, Mo., which compete with Union Electric Company of Missouri, a subsidiary of North American, and which supply approximately 15% of the electric energy used in that city. It has presently outstanding a total of 35,993 shares of common stock, of which Ogden is the holder of 32,391 shares, or approximately 90%. The holdings of North American in Lacelede Power which Ogden now proposes to purchase amount to approximately 9% of the total outstanding, and the remainder—less than 1%—is scattered among some forty individual holders.

We have recently approved a plan, general in nature, filed by Ogden and subsidiaries pursuant to section 11 (e), which proposed the objectives of disposition by Ogden of all of its interests, held directly or indirectly, in holding and public utility companies, including Laclede Power, and the recapitalization of The Laclede Gas Light Company, also a subsidiary of Ogden, which owns and has leased certain electric utility assets to Laclede Power; we have also ordered Ogden to take such action pursuant to the requirements of section 11 (b) (File Nos. 54-69 and 59-63).[1] A detailed plan, as amended, providing for the sale of the electric utility assets operated by Laclede Power to Union Electric Company of Missouri, and the recapitalization of Laclede Gas is now before this Commission for hearing (File No. 54-39).[2]

Under such amended plan of reorganization of Laclede Gas, the net assets of Laclede Power, including the proceeds derived from the sale of its electric properties, will be turned over to Laclede Gas in exchange for new common stock of that company. The proposed acquisition by Ogden of almost the entire minority interest of Laclede Power will remove the possibility of a time-consuming and costly contest as to the allocation of such new Laclede Gas common stock between Ogden and North American, thus facilitating the carrying out of Laclede Gas's reorganization and the transactions related to the sale of the electric properties. For these reasons, and in the light of Ogden's stipulation that the securities which are now proposed to be acquired will be disposed of in accordance with the Commission's aforesaid order under section 11 (b) in regard to Ogden's interests in Laclede Power and within the period of time provided by such order,[3] we find that the proposed acquisition has the tendency required by section 10 (c) (2).

The record indicates that negotiations leading to the contract for the purchase of the holdings of North American in Laclede Power were conducted over a period of months and were at arm's-length. The proposed price to be paid by Ogden for such stock is somewhat high on a times earnings basis but is comparably low in relationship to the treatment proposed to be given the public minority holders of Laclede Power, who own less than 1% of its stock, in the reorganization plan of Laclede Gas presently pending before us. The relatively more generous treatment proposed to be accorded the small group of public security holders is justified by Ogden on a de minimus basis and is based on the assumption that the North American holdings in Laclede Power would first have been purchased at the lesser price. We are not now passing on that plan, but we see no reason why the arm's-length terms for the larger transaction with North American should necessarily involve identical treatment to that proposed for the small minority interest.

We have examined the conditions of the proposed acquisition, including the consideration to be paid, disclosure of interests, and similar matters, and we observe no basis for adverse findings under section 10 of the Act.

It is therefore ordered, That, pursuant to the applicable provisions of the Act, the said application be, and hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations under the Act.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[SEAL]

[F. R. Doc. 43-11009; Filed, July 8, 1943; 4:01 p. m.]

[1] See *Ogden Corporation and Subsidiary Companies* (1943), Holding Company Act Release No. 4307.

[2] See Holding Company Act Release No. 4253 (1943).

[3] *Ogden Corporation and Subsidiaries*, note 1.

FRANCES J. LUBBE

FINDINGS AND ORDER REVOKING REGISTRATION AND EXPELLING MEMBER OF NATIONAL SECUPITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of July, A. D. 1943.

In the matter of Frances J. Lubbe, 509 Western Catholic Union Bldg., Quincy, Illinois.

1. Frances J. Lubbe, the respondent herein, is registered as a broker and dealer under section 15 of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc. ("NASD"), a national securities association registered under section 15A of said Act.

2. The Commission instituted proceedings under sections 15 (b) and 15A (*l*) (2) of said Act to determine whether or not the registration of the respondent as a broker and dealer should be revoked, and whether or not the respondent should be suspended or expelled from the NASD.

3. The respondent has admitted the facts and statutory violations set forth in the order for hearing and has consented to revocation of her registration and to expulsion from the NASD.

4. On the basis of the admissions of the respondent, the Commission finds:

(a) From approximately February 1, 1942, to the date of our order for hearing, the respondent transacted a business in securities through the medium of a member of a national securities exchange. During said period the respondent: (1) in the ordinary course of her business as a broker, became indebted to various customers and others at times when she had

4. On the basis of the admissions of the respondent, the Commission finds:

(a) The respondent is permanently enjoined by a decree of the District Court for the Southern District of Illinois, entered on or about March 13, 1943, from engaging in or continuing certain conduct and practices in connection with her activities as an investment adviser and in connection with the purchase and sale of securities.

(b) The respondent willfully made untrue statements of material facts in her registration application and reports filed under sections 203 and 204 of said Act, and willfully omitted to state therein material facts required to be stated therein.

5. The Commission further finds that the respondent has violated section 207 of said Act and that it is in the public interest to revoke her registration as an investment adviser. Accordingly,

It is ordered, That the registration of Frances J. Lubbe as an investment adviser be and it hereby is revoked.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[SEAL]

[F. R. Doc. 43-11011; Filed, July 8, 1943; 4:01 p. m.]

FRANCES J. LUBBE

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of July, A. D. 1943.

In the matter of Frances J. Lubbe, 509 Western Catholic Union Bldg., Quincy, Illinois.

1. Frances J. Lubbe, the respondent herein, is registered as an investment adviser under section 203 (c) of the Investment Advisers Act of 1940.

2. The Commission instituted a proceeding under section 203 (d) of said Act to determine whether or not the registration of the respondent as an investment adviser should be revoked or suspended.

3. The respondent has admitted the facts set forth in the order for hearing and has consented to the revocation of her registration.

no net capital employed in her business; (ii) hypothecated customers' securities at times when no sums were owed to her by customers; and (iii) sold customers' securities without the knowledge or consent of such customers and at times when they were not indebted to her, and converted the proceeds to her own use and benefit.

(b) The respondent, as broker, has purchased and sold securities for the accounts of various persons and falsely represented to them the prices at which such purchases and sales had been effected, retaining secret profits thereon.

(c) The respondent, as broker, has accepted orders from customers for the purchase of securities for their accounts, accepted payment therefor, and thereafter confirmed execution of such orders when the respondent had not in fact executed such orders.

(d) The respondent willfully made false and misleading statements with respect to material facts in her application for registration, and willfully failed to make and keep certain books and records as required by law.

(e) The respondent is permanently enjoined by a decree of the District Court for the Southern District of Illinois, entered on or about March 15, 1943, from engaging in or continuing certain acts and practices in connection with the purchase and sale of securities.

(f) The respondent used the mails and instrumentalities of interstate commerce in effecting transactions described in subparagraphs (a), (b) and (c) above, and in inducing the purchase and sale of securities.

5. The Commission further finds that the respondent, in acting and failing to act in the manner described in paragraph 4 above, has willfully violated section 17 (a) of the Securities Act of 1933 and sections 8 (b), 8 (c), 10 (b), 15 (b), 15 (c) (1) and (17) (a) of the Securities Exchange Act of 1934, and it is in the public interest to revoke her registration as a broker and dealer and to expel her from the NASD. Accordingly

It is ordered, That the registration of Frances J. Lubbe as a broker and dealer be and it hereby is revoked; and

It is further ordered, That Frances J. Lubbe be and she hereby is expelled from the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11010; Filed, July 8, 1943; 4:01 p. m.]

VETERANS' ADMINISTRATION.

[Instruction 1-A]

PRINCIPLES AND PROCEDURE GOVERNING DETERMINATIONS AS TO VOCATIONAL HANDICAP AND AWARDING OF PENSION DURING PERIOD OF VOCATIONAL REHABILITATION

1. Instruction No. 1, Public No. 16, 78th Congress, paragraph 5, is hereby amended to read as follows:

5. Written notice of the decision of the rating board or central disability board, will include a statement as to whether the World War II service-connected pensionable disability produces a vocational handicap.

(a) In the event the determination is in the affirmative, the statement should be substantially as follows:

Public No. 16, 78th Congress, amended Veterans Regulation No. 1 (a), as amended, to provide among other things that "any person who served in the active military or naval service at any time after December 6, 1941, and prior to the termination of the present war, who is honorably discharged therefrom and who has a disability incurred in or aggravated by such service for which pension is payable under laws administered by the Veterans Administration or would be but for receipt of retirement pay, and is in need of vocational rehabilitation to overcome the handicap of such disability, shall be entitled to such vocational rehabilitation as may be prescribed by the Administrator of Veterans Affairs to fit him for employment consistent with the degree of disablement . . .". In the event you are interested and consider vocational rehabilitation is necessary to overcome the handicap of your service-connected disability, the enclosed Form 1900, Application for Vocational Rehabilitation, should be prepared and returned to this office for consideration and determination as to whether you are in need of vocational rehabilitation.

(b) Should the determination be in the negative, the statement should be substantially as follows:

Public No. 16, 78th Congress, amended Veterans Regulation No. 1 (a), as amended, to provide among other things that "any person who served in the active military or naval service at any time after December 6, 1941, and prior to the termination of the present war, who is honorably discharged therefrom and who has a disability incurred in or aggravated by such service for which pension is payable under laws administered by the Veterans Administration or would be but for receipt of retirement pay, and is in need of vocational rehabilitation to overcome the handicap of such disability, shall be entitled to such vocational rehabilitation as may be prescribed by the Administrator of Veterans Affairs to fit him for employment consistent with the degree of disablement . . .". It has been determined that the service-connected pensionable disability does not constitute such a vocational handicap as to require vocational rehabilitation to overcome.

(See paragraph 11 of V. A. Instruction No. 1, Public No. 16, 78th Congress, regarding notification to veteran of his right of appeal.)

(c) When Form 1900, Application for Vocational Rehabilitation, is received from the veteran, it will be attached to the claims folder and forwarded to the vocational rehabilitation division.

(Public No. 16, 78th Cong.)

[SEAL] FRANK T. HINES,
Administrator.

JULY 2, 1943.

[F. R. Doc. 43-10993; Filed, July 8, 1943; 11:36 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain stop construction orders listed in Schedule A below, stopping the construction of the projects affected. For the affect of each such order upon the construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued July 8, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Name and address of the builder: Public Roads Administration, 1440 Columbia Pike, Arlington, Virginia. Location of project: Arlington County, Va. Issuance date: 6-26-43.

[F. R. Doc. 43-11035; Filed, July 8, 1943; 4:58 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued July 8, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order: P-19-c. Serial No.: 29621. Name and address of builder: Louisiana Department of Highways, Baton Rouge, La. Location of project: Shreveport, La. Issuance date: 7-2-43.

[F. R. Doc. 43-11036; Filed, July 8, 1943; 4:59 p. m.]

NOTICES TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder

Issued July 8, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order: P-19-e. Serial No.: 25267. Name and address of builder: Alabama State Highway Department, Montgomery, Alabama. Location of project: Mobile, Alabama. Issuance date: 7-2-43.

[F. R. Doc. 43-11037; Filed, July 8, 1943; 4:59 p. m.]

WAR FOOD ADMINISTRATION.

[P. & S. Docket No. 1558]

MISSISSIPPI VALLEY STOCK YARDS CO.

ORDER EXTENDING PERIOD OF SUSPENSION

On June 8, 1943, an order was entered in this proceeding under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181 et seq.), which, among other things, suspended and deferred the operation and use of a schedule of rates and charges, designated as Tariff No. 6, for a period of thirty days beyond its effective date. Since the hearing in this proceeding cannot be concluded within the period of suspension, the time of suspension should be extended for another period of thirty days.

It is ordered, That the operation and use of Tariff No. 6 of Carroll P. Poland, doing business as the Mississippi Valley Stock Yards Company, Respondent, be, and it hereby is, suspended and deferred for a further period of thirty days beyond the date when the tariff would otherwise become effective.

It is further ordered, That a copy of this order be served upon the respondent by registered mail.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D C., this 8th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11062; Filed, July 9, 1943; 11:17 a. m.]

Reference

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TITLE 5

Chapter I—

PART 20—WAR

PAYMENT OF

Section 20.9
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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 8 NUMBER 137

Washington, Tuesday, July 13, 1943

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—WAR OVERTIME PAY REGULATIONS

PAYMENT OF OVERTIME COMPENSATION

Section 20.9 is amended to read as follows:

§ 20.9 *Overtime compensation.* In addition to his regular earned basic compensation, an employee shall be paid overtime compensation, computed as provided in § 20.12 of this chapter, for such employment officially ordered or approved as exceeds forty hours a week: *Provided, however,* That heads of departments and agencies may, in their discretion, elect to grant full-time per annum employees compensatory time off from duty without loss of pay in lieu of overtime compensation for such employment as may exceed forty-eight hours in any week. In the event that compensatory time off from duty for employment in excess of forty-eight hours in any week is not granted within ninety calendar days after such employment is performed, the employee shall be entitled, in lieu of such compensatory time off, to overtime compensation for such employment computed as provided in these regulations at the rate or rates of compensation which the employee received during the period of such employment: *Provided, however,* That in the case of seasonal employees, such compensatory time off may, in the discretion of the head of the department or agency concerned, be granted at the completion of the season during which the employment is performed.

Heads of departments and agencies may delegate to any officer or employee authority to order or approve overtime in excess of the administrative work-week and to elect to grant compensatory time off from duty without loss of pay in lieu of overtime compensation as provided in this section. No overtime in excess of the administrative work-week shall be ordered or approved except by an officer or employee to whom such authority has been specifically delegated by the head of the department or agency.

(Sec. 9, War Overtime Pay Act of 1943, Pub. Law 49, May 7, 1943)

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL, *President.*

JULY 9, 1943.

[F. R. Doc. 43-11197; Filed, July 12, 1943; 11:26 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 42, Amdt. 1]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE

Food Distribution Order 42 (8 F.R. 4147) issued by the Secretary of Agriculture on March 31, 1943, is hereby amended to read as follows:

§ 1460.1 *Use of fats and oils*—(a) *Definitions.* (1) "Fats and oils" means all the raw, crude, refined, and pressed fats and oils whether vegetable, animal, fish, or other marine animal, their by-products and derivatives, including grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, and lard and rendered pork fat, but not including cocoa butter, butter, wool greases, essential oils, tall oil, mineral oils, and vitamin bearing oils derived from fish or other marine animal livers or viscera.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(3) "Manufacturer" means any person who uses any fats or oils in the manufacture of any finished product, and shall include all other persons directly controlling or controlled by such person and all persons under direct or indirect common control with such person. The term shall also include a soap converter. Soap converter means any person who uses soap made by others as

(Continued on p. 9485)

CONTENTS

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Vesting orders: Page
Crzellitzer, Ruth Sara, Stefan Peter, and Camillo-Georg 9582
Enemy country nationals 9580
Hofmeister, Gustav Otto Richard 9583
Nanni, Gaetano 9578
Non-enemy country citizens residing in enemy-occupied countries 9579
Vasilach, Serge, et al 9582
BITUMINOUS COAL DIVISION:
Hearings, etc.:
All petitions, cancellations 9571
Appalachian Coals, Inc 9572
Brown Fuel Co 9572
District Board 10 9572
Flat Creek Coal Co 9571
Hoyt, Clyde H., Co 9575
Pine Hill Mining Co., et al 9571
Southwest Coal Sales 9573
Studerus Coal Co., consideration of registration application 9571
CIVIL AERONAUTICS ADMINISTRATION:
Construction or alteration of structures on or near civil airways, notice required 9489
Control airport designations:
Bellingham Army Air Base, Wash 9489
Coeur d'Alene Air Terminal, Idaho 9489
CIVIL SERVICE COMMISSION:
Payment of overtime compensation 9483
FEDERAL COMMUNICATIONS COMMISSION:
Charges for photo service by wire or radio, investigation and hearing 9577
Press Wireless, Inc., hearing 9577
FEDERAL POWER COMMISSION:
Otter Tail Power Co. and Interstate Power Co. of North Dakota, notice of application 9577
FEDERAL SECURITY AGENCY:
Federal old-age and survivors insurance, extension of time and revision 9491

(Continued on p. 9484)

FEDERAL REGISTER

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CONTENTS—Continued

FEDERAL TRADE COMMISSION:
Hearings, etc.: Page
Lorillard, P., Co., Inc. 9577
Minneapolis-Honeywell Regulator Co. 9578
Warner, William R., & Co., Inc. 9578
United Art Studios, et al., cease and desist order 9489
FISH AND WILDLIFE SERVICE:
Alaska commercial fisheries, Prince William Sound salmon fishery 9571
FOREST SERVICE:
Cochetopa National Forest, Colo., removal of trespassing cattle 9569
INTERSTATE COMMERCE COMMISSION:
Demurrage charges at Mexican border points 9569
OFFICE OF DEFENSE TRANSPORTATION:
Adams Transfer & Storage Co., et al., coordinated operations (5 documents) 9583–9585
Cuyahoga County, Ohio, joint action plan for delivery of flowers 9586
Division of Local Transport, delegations of authority 9571
Freight shipments to ports in Puerto Rico (Gen. Order ODT 41) 9570
OFFICE OF PRICE ADMINISTRATION:
Adjustments, exceptions, etc.:
Commercial refrigeration equipment manufacturers 9568
Hulfish, Russell, et al. 9550
List of orders filed (2 documents) 9587
Tobacco sticks manufacturers, dealers, and distributors 9550
U. S. Industrial Chemicals, Inc. 9520

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Containers, tight cooperage stock and sawed tight cooperage (MPR 424) 9516
Feedingstuffs:
Mixed feeds for animals and poultry (MPR 378, Am. 2) 9530
Wheat mill feeds (Rev. MPR 173) 9563
Fruits and vegetables, fresh, for table use; sales except at retail:
(MPR 426) 9546
(MPR 426, Am. 1) 9568
Gasoline rationing:
(RO 5C, Am. 65) 9531
(RO 5C, Am. 66) 9531
Hosiery, women's rayon (MPR 339, Am. 4) 9521
Iron and steel products, resale (RPS 49) 9530
Lumber:
Douglas fir and other West Coast lumber (Rev. MPR 26, Am. 1) 9519
Logs and bolts (MPR 348, Am. 5) 9515
Machines and parts, and machinery services (MPR 136, Am. 95) 9520
Matches, wood (MPR 365, Am. 1) 9520
Meat shortage areas, New Mexico and certain Texas counties (3 documents) 9586
Milk (MPR 280, Am. 28) 9521
Nitrogenous fertilizer materials (Rev. MPR 108, Am. 1) 9515
Petroleum and petroleum products:
(RPS 88, Am. 79) 9515
(RPS 88, Am. 115) 9530
Puerto Rico:
Gasoline rationing (RO 5B, Am. 18) 9531
Maximum prices (Rev. MPR 183) 9532
Tire rationing (RO 1B) 9551
Regional, district, and state office orders:
Fluid milk:
Nevada (5 documents) 9587–9589
Oregon (5 documents) 9589–9591
The Dalles, Oreg. 9591
Food and drink sold for immediate consumption, Massachusetts (Restaurant MPR 1-4, Am. 1) 9550
Shoes:
Hardwood heel blocks and finished hardwood heels (MPR 420, Am. 1) 9567
Rationing (RO 17, Am. 27) 9567
Tax on transportation of property imposed by Revenue Act of 1942 (Supp. Order 31, Am. 3) 9521
Wool waste materials, raw and processed (MPR 123, Am. 6) 9530
Woolen and worsted civilian apparel fabrics (MPR 163, Am. 13) 9569
RECLAMATION BUREAU:
Santa Barbara County Project, Calif., first form withdrawal 9575

CONTENTS—Continued

SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.: Page
Arkansas Louisiana Gas Co., et al. 9596
Associated Electric Co. and Panhandle Public Service Co. 9593
Associated Gas and Electric Corp. 9595
Boston Stock Exchange 9594
Brentlinger & Hosea, Inc. 9594
Engineers Public Service Co. 9592
Middle West Corp., et al. 9595
New England Power Assn., et al. 9592
Southern Union Gas Co., et al. 9593
Superior Water, Light and Power Co., et al. 9596
WAGE AND HOUR DIVISION:
Learner employment certificates, issuance to various industries (2 documents) 9575, 9576
Meat, poultry, and dairy products industry; acceptance of resignation from and appointment to industry committee (2 documents) 9576
WAR FOOD ADMINISTRATION:
Fats and oils, restrictions on use (FDO 42, Am. 1) 9483
Fish and shellfish, filing of reports (FDO 44–1, Am. 1) 9488
Linseed oil, restrictions on delivery (FDO 63) 9487
WAR PRODUCTION BOARD:
Consumers' goods inventories (L–219) 9501
Controlled materials plan (CMP Reg. 5, Am. 2) 9508
Special allotments (CMP Reg. 1, Direction 22) 9507
Cuyahoga County, Ohio, delivery of flowers (Certificate 92) 9597
Distilled spirits (M–69) 9510
Electric fuses (L–161, Int. 1) 9501
Electrical indicating instruments (L–203, Int. 1) 9501
Heat exchangers (L–172, Corr.) 9514
Industrial type instruments, control valves and regulators; simplification (L–272, Int. 1) 9508
Office machinery (L–54–c) 9511
Oil burners (L–74) 9497
Public sanitation services: maintenance, repair, and operating supplies (P–141–a, revocation) 9514
Refrigerants, chlorinated hydrocarbon (M–28) 9493
Resistance welding equipment (L–298) 9514
Suppliers (L–63) 9496
Suspension orders:
Guardian Steel Corp. 9492
Vescera Distributing Co. 9492
Tire chains, automotive and tractor, and chain parts (L–201) 9508
Tires, tubes, and casings; delegation of rationing authority (Supp. Dir. 1Q, Am. 1) 9492
Trucks, industrial power:
(L–112) 9498
(L–112–a) 9500
Zinc (M–11–l) 9509

a raw material, and by addition of other materials, including, but not limited to, silicates, phosphates, abrasives, borax, corn meal, and soda ash, makes a finished product which is sold for detergent uses. The term "soap converter" shall not include those persons who merely add small amounts of color or perfume to the original soap, or persons who merely dissolve paste or other soaps in water to make liquid soaps without adding other non-soap detergent materials. The term "manufacturer" shall not include any crusher, renderer, refiner, or other processor except as and to the extent that his operations result in the production of a finished product, and also shall not include any person who uses fats and oils in the home in the preparation of food for household consumption. Blending alone shall not constitute a person a manufacturer.

(4) The "inventory" of a manufacturer at any time shall include all fats and oils held or controlled by him and all fats and oils purchased by him for future delivery. The inventory of a soap converter also shall include his supply of unprocessed soap and soap purchased by him for future delivery.

(5) "Finished product" means any product of a manufacturer produced for sale as his finished product and carried on his books as his finished product. Other than for the purposes of paragraph (d) hereof, "finished product" shall not include:

(i) Grease (lard) oil;

(ii) Sulphonated or similarly processed fat or oil;

(iii) Fatty acids;

(iv) Lard or rendered pork fat;

(v) Any fat or oil product intended for sale to another manufacturer for further processing in the manufacture of, or for inclusion in, any product (excepting a product falling within paragraph (a) (5) (vi) hereof);

(vi) Any edible product of which a fat or oil is not the principal ingredient;

(vii) Any edible product produced by any hotel or restaurant for consumption on the premises;

(viii) Any medicinal preparation, including vitamin preparation, other than medicated soap;

(ix) Olive oil;

(x) Poultry fat; or

(xi) Soap sold to soap converters for further processing.

(6) "Crusher" means any person who presses, expels, or extracts oils from any seed, bean, nut, or corn or other oil-bearing materials.

(7) "Principal ingredient" as used in paragraph (a) (5) (vi) hereof means the largest single ingredient by weight, subject to the qualification that mayonnaise and salad dressing are to be considered products of which a fat or oil is not the principal ingredient regardless of the fat or oil composition thereof in the particular case.

(8) "Soap" means the water soluble product formed by the saponification or neutralization of fats, oils, rosins, or their fatty acids with organic, sodium or potassium bases; or any detergent composition containing such products, including all types of shaving soap and shaving cream. The term does not include, however, soap used for non-detergent purposes or for the processing of textiles. "Non-detergent purposes" means uses in which the function of the soap is not to clean, wash, scour, or remove dirt, grit, grease, or any other foreign material from any surface, material, assembly, part or product.

(9) "Foots" means the by-product residue obtained in the refining of any fat or oil where such refining is accomplished by treatment of such fat or oil with any alkaline material. The term does not include "tank bottoms", catch basins skimmings, recovered fats and oils obtained from bleaching earth, deodorizer distillate, or other fatty residue obtained by a process other than alkali refining.

(10) "Base period use" means the average use during the corresponding calendar quarter of the years 1940 and 1941.

(11) "Director" means the Director of Food Distribution, War Food Administrator, or any employee of the War Food Administration designated by such Director.

(b) *Restrictions on manufacture.* (1) No manufacturer, except as provided in paragraph (b) (5) hereof, shall, in any calendar quarter, use or consume any fat or oil in any class of use listed in Schedule A, annexed hereto, in a quantity in excess of a quota equal to the percentage specified in such Schedule A of his average quarterly use or consumption of fats and oils in such class of use during the corresponding calendar quarters of the two years, 1940 and 1941. Any manufacturer who manufactured paste water paint, dry casein paint, or dry protein paint, as such, may determine an oil quota on the basis of one pound of oil for each gallon of paste water paint manufactured by him during the base period, and one pound of oil for each eight pounds of dry casein or dry protein paint, as such, manufactured by him during the base period. This oil quota shall only be used by him for the manufacture of paint containing not more than one pound of oil per gallon of paint.

(2) If any manufacturer does not, in any calendar quarter, use or consume the quantity of fat or oil permitted by paragraph (b) (1) hereof, the unused part of his quota for such quarter (beginning with the second quarter of 1943) may, for the purposes of paragraph (b) (1), be carried forward and used only in the succeeding quarter and then only after the regular quota for such quarter has been used.

(3) For the purpose of determining the quantity of raw "foots" which may be used or consumed, use or consumption shall be calculated on the basis of total fatty acid content.

(4) The restrictions on the use or consumption of fats and oils imposed hereby are imposed with respect to the use or consumption of fats and oils in the aggregate, and such restrictions are not to be construed to limit a manufacturer to the use or consumption of the same fat or oil used or consumed by him in the base period.

(5) Nothing in paragraph (b) (1) hereof shall restrict:

(i) The use or consumption of fats and oils in any calendar quarter by any manufacturer, who was using fats or oils prior to July 1, 1943, and whose aggregate use or consumption of fats and oils in such period is less than 6,000 pounds; or the use or consumption of fats and oils in any calendar quarter by any manufacturer, whose use of fats and oils did not start until on or after July 1, 1943, and whose aggregate use or consumption of fats and oils in such period is less than 1,000 pounds.

(ii) The use of fats and oils in the manufacture of any edible product or soap delivered or to be delivered to:

(*a*) The Army, Navy, Marine Corps, and Coast Guard of the United States;

(*b*) The Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodity Corporation);

(*c*) The War Shipping Administration;

(*d*) The Veterans Administration;

(*e*) The Panama Railroad Company;

(*f*) The United States Maritime Commission for use on vessels operated under its control;

(*g*) Any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523);

(*h*) Any person using an edible product in the preparation of meals to be served on vessels operated by the United States Maritime Commission;

(*i*) Any manufacturer for use in the manufacture of any edible products to be delivered to any of the persons or agencies named in this paragraph (b) (5) (ii); or,

(*j*) Any wholesaler or jobber for delivery to any of the persons or agencies named in this paragraph (b) (5) (ii):

Provided, however, That deliveries to the persons named in paragraphs (b) (5) (ii) (*g*), (*h*), (*i*), and (*j*) hereof, shall be nonquota only if supported by a certificate issued to the person having the prime contract with the agencies named in paragraph (b) (5) (ii) (*a*), (*b*), (*c*), (*d*), (*e*), and (*f*) hereof. This certificate shall be issued by the Quartermaster General of the Army, the Chief of the Bureau of Supplies and Accounts or the Chief of Naval Personnel of the Navy, the Commandant of the United States Coast Guard, the Quartermaster of the United States Marines, any duly authorized Army exchange officer, any duly authorized Navy ship's service officer, any duly authorized Marine Corps exchange officer, any duly authorized Coast Guard ship's service officer, the Administrator of the War Shipping Administration, the Administrator of Lend-Lease, the Director of the Veterans Administration, the Chairman of the United States Maritime Commission, the Vice President of the Panama Railroad Company, the Director, or the duly authorized representative of any of them. The certificate shall specify the name of the manufacturer supplying such fats and oils or soap, and shall state that the final products are for direct Army, Navy, Coast Guard, or Marine Corps issue or for sale in post exchanges or ships' serv-

ice departments, for contract feeding of Army, Navy, Coast Guard, or Marine Corps personnel, for consumption on ships operated under the War Shipping Administration or the Maritime Commission and for use by the Veterans' Administration, for consumption in the Panama Canal Zone, for export or shipment to any territory or possession of the United States, or for delivery pursuant to the Act of March 11, 1941 (Lend-Lease Act); and that the delivery or manufacture of such products will require a stated quantity of fats and oils or soap. The prime contractor shall furnish copies of such certificate, certified by him to be true and correct, to the persons from whom he obtains such products, and such certified copies shall be transmitted through trade channels to the manufacturer named thereon.

(iii) The use of fats and oils in the manufacture of all protective coatings, coated fabrics, linoleum, oilcloth, and felt base floor coverings, delivered or to be delivered to, or used on or incorporated in material and equipment delivered or to be delivered to, the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, or to the War Shipping Administration, or delivered pursuant to the Act of March 11, 1941 (Lend-Lease Act): *Provided, however,* That no fats or oils used or delivered pursuant to the terms of this paragraph (b) (5) (iii) by any manufacturer shall be exempt from such manufacturer's quota under the terms of this order unless, on or before the 15th day of the month succeeding the month in which the fats and oils were so used, he shall mail to the Director a report of such use on Form FDA-478, or such other forms as the Director may prescribe.

(iv) The use of fats and oils in the manufacture of edible finished products and soaps to be exported to the Dominion of Canada where such Dominion has granted a license for the import of such products, or to any other country pursuant to an export license issued by the Board of Economic Warfare.

(6) A manufacturer's use of fats and oils pursuant to paragraphs (b) (5) (ii), (iii), and (iv) shall not be charged against his quota under paragraph (b) (1) hereof, and any fats or oils used or consumed by a manufacturer in the base period for any use set forth in paragraphs (b) (5) (ii), (iii), and for the manufacture of edible finished products and soap for export to a foreign country shall be excluded in determining his quota under paragraph (b) (1) hereof.

(7) A person who acquires all the manufacturing facilities of another person in a particular class of use shall thereby become entitled to the quota of such other person in such class of use, whether or not he continues to operate such facilities in whole or in part: *Provided, however,* That he shall within 30 days following such acquisition inform the Director of the facilities acquired, their location, whether or not operation will be continued in the same or another location, and the amount of quota which he claims to have acquired in each class of use.

(8) Fats and oils owned by one person, which are processed by another person, shall be charged against the quota of the owner and not the processor: *Provided, however,* That the title to the product resulting from the processing shall remain in the owner of the fats and oils and such owner shall market the product and shall invoice and collect for such product through his own organization, and the processor shall not buy directly or indirectly any product so produced. Otherwise, such fats and oils shall be chargeable against the quota of the processor.

(9) Each manufacturer of soap may, in any calendar quarter, substitute, in whole or in part, for the fats and oils (other than foots made from domestic vegetable oils or the fatty acids made from such foots) which he would be entitled to use under Schedule A in such manufacture, foots made from domestic vegetable oils or the fatty acids made from such foots. The quantity of such foots or their fatty acids which may be used or consumed shall be 80 percent of the base period use of fats and oils.

(c) *Restrictions on processing and inventories.* (1) No person shall accept delivery of fats and oils for his raw material inventory if the fats and oils in his raw material inventory are, or would through such acceptance become, in excess of a practicable working minimum inventory. This paragraph (c) (1) does not, however, restrict the inventories of any fat or oil in the form in which it is first produced by the crusher or renderer, or of any vegetable oil foots or their fatty acids.

(2) No manufacturer shall hereafter change the condition of any fat or oil in his raw materials inventory, or add any additional materials thereto, except to the extent necessary to store any such fat or oil in his raw materials inventory in a form necessary to prevent deterioration thereof, or except to put such fats or oils into process for the manufacture of his products subject to the limitations of paragraph (c) (3).

(3) No manufacturer shall hereafter increase the rate at which fats and oils are put into process by him, except to the extent necessary to meet the required deliveries of his finished products within the limitations established by this order and to maintain only a practicable minimum working inventory of such finished products. The term "practicable minimum working inventory", as used in paragraph (c) (1) and (3), shall be strictly construed. The mere fact that the turn-over has increased, or that materials are difficult to obtain, does not justify maintaining inventories above the minimum at which his operations can be continued.

(d) *Prohibited uses of fats and oils.* (1) No person shall use or consume any butter or any of the following fats and oils in any class of use listed in Schedule A other than the manufacture of margarine or the manufacture of other edible finished products: Oleo oil, Edible olive oil, Peanut oil, Sunflower oil, Sesame seed oil, Raisin seed oil, Tomato seed oil, Cottonseed oil, Corn oil.

(2) Nothing in paragraph (d) (1) hereof shall restrict the use of any fat or oil in any inedible product or soap where and to the extent that:

(i) The quantity of any such fat or oil owned by such person on December 31, 1942, was less than 60,000 lbs;

(ii) Any such fat or oil is used in the manufacture, preparation, or finishing of protective coatings and coated fabrics under the provisions of paragraph (b) (5) (iii) hereof, or in the manufacture of USP XII soap for medicinal use; or soft soap, hospital grade, according to United States Army specifications No. 4-1027A (February 5, 1941) for delivery to the United States Army;

(iii) Any such fat or oil is a by-product or residue (except stearine) of the permitted processing of any fat or oil, or consists of tank bottoms of any fat or oil;

(iv) The use by any person of any such fat or oil in any class of use which has been specifically authorized by the Director, where such person establishes, to the satisfaction of the Director, by letter that such fat or oil was owned by him on December 31, 1942, and was on such date unfit for edible use.

(e) *Existing contracts.* The restrictions of this order concerning delivery, acceptance, use, processing, and consumption of fats and oils shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(f) *Records and reports.* (1) Each manufacturer, other than a soap converter, who, in any calendar quarter, uses or consumes more than 6,000 lbs. of fats and oils in the aggregate, shall file with the Bureau of the Census, Washington 25, D. C., each of the following reports in the following manner:

(i) He shall file, on or before the 15th day of each month, Bureau of Census Form BM 1, or such other form or forms as may be prescribed by the Director, showing the consumption of fats and oils during the preceding month; and

(ii) He shall file, on or before the 15th day of the second month of the succeeding quarter, Bureau of Census Form BM 2, or such other form or forms as may be prescribed by the Director, showing the consumption of fats and oils during the preceding quarter.

(2) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of fats and oils of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may petition in writing for relief to the Director, setting forth all pertinent facts and the nature of relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(j) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order upon receiving, making any deliveries of, or using fats and oils, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(k) *Communications.* Except as hereinbefore provided, all reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington 25, D. C., Ref. FD-42.

(l) *Effect of other orders.* Insofar as any other order of the Secretary of Agriculture, the War Food Administrator, or the Director, heretofore or hereafter issued, limits or curtails to a greater extent than herein provided the use, acquisition, or disposition of any fat or oil, the limitations of such other order shall control.

(m) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, the District of Columbia, and the Territory of Alaska.

(n) *Effective date.* This amendment shall become effective on the 10th day of July 1943, at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order 42, or rights accrued, or liabilities incurred hereunder, prior to said date, said Food Distribution Order 42 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 10th day of July 1943.

MARVIN JONES,
War Food Administrator.

SCHEDULE A

Class of use:	Permitted percentage
Manufacture of margarine	167
Manufacture of other edible finished products, including shortening	88
Manufacture of soap, exclusive of soap made from domestic vegetable oil foots or the fatty acid from such foots	80
Manufacture of soap from foots made from domestic vegetable oils or the fatty acids from such foots	80
Manufacture of paints, varnishes, lacquers, and all other protective coatings, except enamels and coatings for metal food containers, metal food closures, and food closure liners	50
Manufacture of enamels and coatings for metal food containers, metal food closures, and food closure liners	100
Manufacture of linoleum, oilcloth, and felt base floor coverings	50
Manufacture of oilcloth (for all purposes other than floor coverings) and all other coated fabrics	50
Manufacture of printing inks, including lithographing, offset, silk screen, and other processing inks	90

[F. R. Doc. 43-11167; Filed, July 10, 1943; 5:02 p. m.]

[FDO 63]

PART 1460—FATS AND OILS

RESTRICTIONS ON DELIVERY OF LINSEED OIL

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of linseed oil for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.20 *Delivery of linseed oil restricted.*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(2) "Linseed oil" means the oil pressed, expelled, or otherwise extracted from flaxseed, whether raw, bodied, or otherwise processed, and includes the linseed oil content of the linseed oil not restricted under paragraph (c) (1) of War Production Board Order M-332 (8 F.R. 8356).

(3) "Crusher" means any person who presses, expels, or extracts linseed oil from flaxseed.

(4) "Processor" means a person who blends, cooks, or otherwise processes linseed oil for sale.

(5) "Manufacturer" means any person who uses linseed oil in the manufacture of another product. However, blending alone shall not constitute manufacturing.

(6) "Wholesale distributor" means a person who buys linseed oil from a crusher or processor and resells such oil, without further processing, to manufacturers or resellers (including processors).

(7) "Calendar quarter" means the several three-month periods of the year beginning on January 1, April 1, July 1, and October 1.

(8) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery.* (1) No crusher shall deliver linseed oil, in any calendar quarter, in the aggregate, to persons, other than manufacturers, processors, or wholesale distributors, in excess of a quota equal to 50 percent of the average quarterly amount of linseed oil delivered by him to persons, other than manufacturers, processors, and wholesale distributors, during the corresponding calendar quarters of the two years 1940 and 1941. For the purposes of this paragraph (b) (1), a crusher may make deliveries of linseed oil to a person who is both a retail distributor and a manufacturer, processor, or wholesale distributor the same as if such person were only a manufacturer, processor, or wholesale distributor. However, any oil so delivered shall be entered by the deliveree on his books as having been received by him as a manufacturer, processor, or wholesale distributor. A subsequent delivery of such oil to any person, intra-company or otherwise, by him, shall be subject, in accordance with such entry, to the restrictions of this order with respect to delivery by a manufacturer, processor, or wholesale distributor, as the case may be.

(2) No processor shall deliver linseed oil, in any calendar quarter, in the aggregate, to persons, other than processors, manufacturers, or wholesale distributors, in excess of a quota equal to 50 percent of the average quarterly amount of linseed oil delivered by him to persons, other than processors, manufacturers, and wholesale distributors during the corresponding calendar quarters of the two years 1940 and 1941. For the purposes of this paragraph (b) (2), a processor may make deliveries of linseed oil to a person who is both a retail distributor and a processor, manufacturer, or wholesale distributor the same as if such person were only a processor, manufacturer, or wholesale distributor. However, any oil so delivered shall be entered by the deliveree on his books as having been received by him as a manufacturer, processor, or wholesale distributor. A subsequent delivery of such oil to any person, intra-company or otherwise, by him, shall be subject, in accordance with such entry, to the restrictions of this order with respect to delivery by a manufacturer, processor, or wholesale distributor, as the case may be.

(3) No wholesale distributor shall deliver linseed oil, in any calendar quarter, in the aggregate, to persons, other than manufacturers or processors, in excess of a quota equal to 50 percent of the average quarterly amount of linseed oil delivered by him to persons, other than manufacturers and processors, during the corresponding calendar quarters of the two years 1940 and 1941. For the purpose of this paragraph (b) (3), a wholesale distributor may make deliveries to a person who is both a retail distributor (or wholesale distributor) and a manufacturer or processor the same as if such person were only a manufacturer or processor. However, any oil so delivered shall be entered by the deliverees on his books as having been received by him as a manufacturer or processor. Any subsequent delivery of

such oil to any person, intracompany or otherwise, by him, shall be subject, in accordance with such entry, to the restrictions of this order with respect to deliveries by a manufacturer or processor, as the case may be.

(4) No manufacturer shall deliver to any person, intra-company or otherwise, any linseed oil (excluding linseed oil contained in another product manufactured by him) received by him as a manufacturer, or entered on his books as having been received by him as a manufacturer, except as specifically authorized or directed by the Director.

(5) In making deliveries of linseed oil, the deliveror shall be classified in accordance with his relationship to the oil, under the terms of this order, at the time of making delivery. For example:

(i) If a person extracts linseed oil from flaxseed and delivers such oil without processing, he shall be classified as a crusher with respect to such delivery;

(ii) If the same person processes some of the oil produced by him, as a crusher, and then sells and delivers the processed oil, he shall be classified as a processor with respect to such delivery;

(iii) If the same person receives raw linseed oil from another crusher, and enters it on his books as having been received by him as a processor, and then delivers such oil, either with or without processing, he shall be classified as a processor with respect to such delivery.

(6) Notwithstanding any other provision of this order, linseed oil delivered by a crusher, processor, or wholesale distributor to any person, in response to a written request by such person, specifying that the oil be charged against the quota of the deliveror, shall be so charged, and the deliveree may deliver such oil without charging it to any quota he may have under the terms of this order.

(c) *Exceptions.* Notwithstanding the provisions of paragraphs (b) (1), (2), (3), and (4) hereof, linseed oil may be delivered, without restriction, to the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, the United States War Shipping Administration, Food Distribution Administration, War Food Administration, any agency of the United States acting pursuant to the Act of March 11, 1941 (Lend-Lease Act), or to any person who exports such oil to a foreign country. No oil delivered to any of the foregoing persons or agencies, in the years 1940 and 1941, by any person, whether as a crusher, processor, manufacturer, wholesale distributor, retail distributor, or otherwise, shall be included in determining his quota under paragraphs (b) (1), (2), or (3) hereof, and any oil delivered to such persons or agencies, after the effective date of this order by a crusher, processor, or wholesale distributor shall not be charged against his quota. However, no linseed oil delivered pursuant to the provisions of paragraph (c) shall be quota exempt, unless, on or before the fifteenth of the calendar month following the calendar month in which the oil is delivered, the person making the delivery shall mail to the War Food Administrator a report showing the amount of linseed oil delivered, the person or agency to whom it was delivered, and the date of delivery. For the purposes of this paragraph (c), post exchanges, service men's clubs, ship's service stores, sales commissaries and similar organizations shall not be deemed part of the Army, Navy, Marine Corps or Coast Guard of the United States.

(d) *Intra-company deliveries.* The restrictions contained in this order with respect to deliveries shall, unless otherwise ordered by the Director, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(e) *Reports from crushers, processors, and wholesale distributors.* Every crusher and processor shall on or before July 15, 1943, file a report with the War Food Administrator showing the names and addresses of all wholesale distributors to whom he delivered linseed oil in the years 1940 and 1941, and the quantity delivered to each wholesale distributor in such period. The report shall also include the names and addresses of any other wholesale distributors to whom he has delivered linseed oil in 1942 or the first half of 1943. Every crusher, processor, and wholesale distributor shall also on or before July 15, 1943, file a report with the War Food Administrator showing the amount of his quota under the terms of this order for each calendar quarter.

(f) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of linseed oil of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(i) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(k) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using linseed oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD–63.

(m) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, and the District of Columbia.

(n) *Paragraph (c) of Food Distribution Order 42 superseded.* This order supersedes in all respects paragraph (c) of § 1460.1 of Food Distribution Order 42 (8 F.R. 4147), issued by the Secretary of Agriculture on March 31, 1943, except that, as to violations of said paragraph (c) of said order, or rights accrued, liabilities incurred, or appeals taken under said order, said paragraph (c) of Food Distribution Order 42 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Food Distribution Order 42 in connection with said paragraph (c) thereof shall be considered under paragraph (j) hereof.

(o) *Effective date.* This order shall become effective on July 10, 1943, at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 10th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–11166; Filed, July 10, 1943; 5:01 p. m.]

[FDO 44–1, Amdt. 1]

PART 1465—FISH AND SHELLFISH

FILING OF REPORTS

Pursuant to the authority vested in me by Food Distribution Order No. 44, dated April 1, 1943, as amended (8 F. R. 8797), Director Food Distribution Order No. 44–1, dated May 4, 1943 (8 F. R. 5825), is amended to read as follows:

§ 1465.21 *Reports in connection with restricted fish and shellfish—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "fish and shellfish" means fish and shellfish of the species designated in § 1465.20 (b) (1) of Food Distribution Order No. 44, as amended: *Provided*, That the albacore, yellowfin tuna, skipjack tuna, bluefin tuna, bonito, and yellowtail packed after June 27, 1943, shall not be subject to the reporting requirements contained in this order.

(2) The term "packing season" means the period from the time when a canner first commences to pack fish and shellfish on or after April 1, 1943, until the date that such canner ceases to pack fish and shellfish, or February 29, 1944, whichever date is the earlier.

(b) *Weekly reports.* Each canner shall report on Form FDO–44–1, entitled "Canned Fish and Shellfish: Weekly Pack Report", the quantity of each species of fish or shellfish packed by him in each calendar week of his packing season. Such reports shall be submitted for each calendar week during the respective canner's packing season, and such reports shall be submitted even though no fish or shellfish may be packed by such canner during a particular week. Reports for the calendar weeks or parts of calendar weeks subsequent to the effective date hereof shall be submitted as aforesaid within four days after the last day of each such calendar week.

(c) *Seasonal reports.* In addition to the weekly reports described in paragraph (b) hereof, each canner shall report on Form FDO–44–1 the total quantity of each species of fish and shellfish, respectively, which were packed by him during his packing season, and submit such report within 15 days after the termination of such packing season.

(b) *Completion of reports.* All reports submitted pursuant to paragraphs (b) and (c) hereof shall be completed pursuant to the instructions contained on Form FDO–44–1. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Filing of reports.* All reports covering fish and shellfish packed after July 10, 1943, to be submitted pursuant to this order by canners in the Territory of Alaska and in the States of Washington, Oregon, and California shall be addressed to Regional Administrator, Food Distribution Administration, Ref. FD–44, 821 Market Street, San Francisco 3, California; reports by canners in other States shall be addressed to the Director of Food Distribution, United States Department of Agriculture, Washington 25, D. C., Ref. FD–44.

(f) *Previous requirements continued in effect.* With respect to violations of Director Food Distribution Order No. 44–1, rights accrued or liabilities incurred prior to the effective date of this amendment, said Director Food Distribution Order No. 44–1 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(g) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., July 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 44, 8 F.R. 4227, 8797)

Issued this 10th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–11194; Filed, July 12, 1943; 11:19 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 2 of Part 525]

PART 525—NOTICE OF CONSTRUCTION OR ALTERATION OF STRUCTURES ON OR NEAR CIVIL AIRWAYS

NOTICE REQUIRED

JULY 5, 1943.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 1101 of said Act, I hereby amend Part 525 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By amending § 525.1 to read as follows:

§ 525.1 *Notice required.* Any person before engaging in the construction or alteration of any structure along or within 20 miles of a civil airway, in other than congested parts of cities, towns, or settlements, shall give notice thereof to the Administrator of Civil Aeronautics if the top or any part of such structure is, or may become, by reason of such construction or alteration greater than 150 feet above ground level, or above mean water level where the structure is, or will be, situated in or over navigable water. Like notice shall also be given to the Administrator of Civil Aeronautics if the top or any part of such structure is, or may become, by reason of such construction or alteration, greater than 5 feet above ground level, or above the mean water level where the structure is or will be situated in or over navigable water, for each 500 feet, or fraction thereof, of the distance that the structure is, or will be, situated from the nearest boundary of a landing area.

By striking in § 525.2 the word "duplicate", appearing in the second line, and substituting in lieu thereof the word "triplicate".

This amendment shall become effective 0001 e. w. t., July 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43–11088; Filed, July 9, 1943; 3:19 p. m.]

[Amdt. 40 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

DESIGNATION OF COEUR D'ALENE AIR TERMINAL, IDAHO, AS CONTROL AIRPORT

JULY 5, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City:	*Name of airport*
Coeur d'Alene, Idaho	Coeur d'Alene Air Terminal.

This amendment shall become effective 0001 e. w. t., July 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43–11089; Filed, July 9, 1943; 3:19 p. m.]

[Amdt. 41 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

DESIGNATION OF BELLINGHAM ARMY AIR BASE, WASH., AS CONTROL AIRPORT

JULY 5, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City:	*Name of airport*
Bellingham, Washington	Bellingham Army Air Base.

This amendment shall become effective 0001 e. w. t., August 1, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43–11090; Filed, July 9, 1943; 3:19 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4924]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED ART STUDIOS, ET AL.

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature.* In connection

with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, (1) representing, directly or in any manner, that colored or tinted photographs or colored or tinted photographic enlargements are hand-painted or are paintings; or (2) using the terms "paintings", "hand-painted", "oil paintings on canvas", or the word "painting", either alone or in conjunction with any other words or terms in any way to designate, describe or refer to tinted or colored pictures, photographs, or photographic enlargements, or for pictures produced from a photographic base or impression; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Conditions of manufacture and costs:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Sample, offer or order conformance:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased:* § 3.72 (g 10) *Offering deceptive inducements to purchase or deal—Limited offers or supply:* § 3.72 (n) *Offering deceptive inducements to purchase or deal—Special offers, savings and discounts.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, (1) representing that pictures being sold in the regular course of business at the usual and customary prices therefor are or will be sold only to a limited number of customers, or as a "special introductory offer" or "special advertising offer" to a "selected few"; or representing in any manner that a purchaser is receiving an advantage in price or other consideration not ordinarily available; (2) representing that any specified sum in excess of the actual cost of production is merely the "cost of production"; (3) representing that the picture to be made and delivered will be a reproduction or duplicate of the sample displayed to the customer unless in fact the picture thereafter delivered is of the same quality, design and workmanship as said sample; or (4) representing as the customary or regular prices or values for frames, prices and values which are in fact greatly in excess of the prices at which said frames are customarily offered for sale and sold in the normal and usual course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Non-standard character:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Qualities or properties:* § 3.71 (b 7) *Neglecting, unfairly or deceptively, to make material disclosure—Non-standard character:* § 3.71 (c 5) *Neglecting, unfairly or deceptively, to make material disclosure—Qualities or properties.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, concealing from or failing to disclose to customers at the time pictures are ordered that the finished picture, when delivered, will be so shaped and designed that it can only be used in a specially designed odd-style frame which can be procured only from respondent at prices fixed by him; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.72 (e) *Offering deceptive inducements to purchase or deal—Free goods:* § 3.72 (n) *Offering deceptive inducements to purchase or deal—Special offers, savings and discounts.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, using a "draw", "draw contest", or so-called "lucky" blanks, trade checks, certificates or coupons, or any other device, plan or scheme or any prize contest or special introductory or advertising offer, so as to represent, indicate or imply that any customer will obtain a financial advantage thereby or be entitled to receive any picture free or to receive a substantial discount or reduction in the price of any picture or pictures; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To purchase or support product or service—By withholding customer's property or rights.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, failing or refusing, in cases where a picture ordered has been completed and paid for, to deliver to the customer the completed picture or the original photograph or snapshot previously loaned by the customer for use in producing the picture; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Organization and operation:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantage or connections—Personnel or staff:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business as professional person or association.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, using the trade name "Art Studios" or any other fictitious name of similar import unless the respondent actually owns, operates, conducts or controls an organization or establishment of the character indicated and comprehended by the trade name so used; and from representing that respondent maintains or conducts a school of art where students are given instruction in art unless and until respondent has in his employ or under his control or direction artists operators or other persons skilled or acquiring skill in photographic technique or in the use of the air brush or paint brush, and in doing color work essential in the production of tinted or colored enlargements of photographs and snapshots; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Identity.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Benjamin Kadet, trading as Kadet Art & Frame Company, and respondent Ada Kadet, their representatives, etc., and among other things, as in order set forth, representing or authorizing or cooperating in the representation that the business address of said respondents is that of the respondent Victor Klein or, in anywise, cooperating with said respondent Victor Klein in misrepresenting the nature, character or extent of the business conducted by him; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1943.

In the Matter of Victor Klein, Trading as United Art Studios and Benjamin Kadet and Ada Kadet, Trading as Kadet Art & Frame Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer

of the respondents Benjamin Kadet and Ada Kadet, and stipulations as to the facts entered into between the respondent Victor Klein, trading as United Art Studios and the respondent Benjamin Kadet, trading as Kadet Art & Frame Company, and the respondent Ada Kadet, an individual, and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provide, among other things, that without other evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Victor Klein trading as United Art Studios, or doing business under any other name or style, his representatives, agents and employees, directly or through any corporate or other device, in connection with the sale and offering for sale, and sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, do forthwith cease and desist from:

(a) Representing, directly or in any manner, that colored or tinted photographs or colored or tinted photographic enlargements are hand-painted or are paintings;

(b) Using the terms "paintings", "hand-painted", "oil paintings on canvas", or the word "painting", either alone or in conjunction with any other words or terms in any way to designate, describe or refer to tinted or colored pictures, photographs, or photographic enlargements, or for pictures produced from a photographic base or impression;

(c) Representing that pictures being sold in the regular course of business at the usual and customary prices therefor are or will be sold only to a limited number of customers, or as a "special introductory offer" or "special advertising offer" to a "selected few"; or representing in any manner that a purchaser is receiving an advantage in price or other consideration not ordinarily available;

(d) Representing that any specified sum in excess of the actual cost of production is merely the "cost of production";

(e) Representing that the picture to be made and delivered will be a reproduction or duplicate of the sample displayed to the customer unless in fact the picture thereafter delivered is of the same quality, design and workmanship as said sample;

(f) Representing as the customary or regular prices or values for frames, prices and values which are in fact greatly in excess of the prices at which said frames are customarily offered for sale and sold in the normal and usual course of business.

(g) Concealing from or failing to disclose to customers at the time pictures are ordered that the finished picture, when delivered, will be so shaped and designed that it can only be used in a specially designed odd-style frame which can be procured only from respondent at prices fixed by him;

(h) Using a "draw", "draw contest", or so-called "lucky" blanks, trade checks, certificates or coupons, or any other device, plan or scheme or any prize contest or special introductory or advertising offer, so as to represent, indicate or imply that any customer will obtain a financial advantage thereby or be entitled to receive any picture free or to receive a substantial discount or reduction in the price of any picture or pictures;

(i) Failing or refusing, in cases where a picture ordered has been completed and paid for, to deliver to the customer the completed picture or the original photograph or snapshot previously loaned by the customer for use in producing the picture;

(j) Using the trade name "Art Studios" or any other fictitious name of similar import unless the respondent actually owns, operates, conducts or controls an organization or establishment of the character indicated and comprehended by the trade name so used; and from representing that respondent maintains or conducts a school of art where students are given instruction in art unless and until respondent has in his employ or under his control or direction artists operators or other persons skilled or acquiring skill in photographic technique or in the use of the air brush or paint brush, and in doing color work essential in the production of tinted or colored enlargements of photographs and snapshots.

It is further ordered, That the respondents Benjamin Kadet, individually and trading as Kadet Art & Frame Company, or doing business under any other trade name or style, and the respondent Ada Kadet, an individual, their representatives, salesmen and employees, directly or through any corporate or other device, in connection with the offering for sale, and sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of tinted or colored photographs and snapshots and frames therefor, do forthwith cease and desist from:

Representing or authorizing or cooperating in the representation that the business address of said respondents is that of the respondent Victor Klein or, in anywise, cooperating with said respondent Victor Klein in misrepresenting the nature, character or extent of the business conducted by him.

It is further ordered, That all of said respondents shall, within sixty days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11124; Filed, July 10, 1943; 11:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Board, Federal Security Agency

[Regulations 3,[1] Amendment]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE[2]

EXTENSION OF TIME AND REVISION

This regulation, effective December 1, 1942, amends Regulations No. 3[3] (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.), by amending § 403.711 *Extension of time and revision* of Regulations No. 3, as amended, as follows:

1. Paragraph (a) *Extension of time* of § 403.711 is amended by changing the second subparagraph thereof to read as follows:

Any party to an initial determination, a reconsidered determination, a revised determination of the Bureau in a remanded case (see § 403.709 (k)), a decision of a referee, or a decision of the Appeals Council may petition for an extension of time for filing a request for hearing or review or commencing a civil action in a district court, as the case may be, although the time for filing such request or commencing such action (see §§ 403.709 (b) and 403.710 (b) and section 205 (g) of the Act) has passed. Such petition may be filed with a referee or the Appeals Council if an extension of the time fixed by § 403.709 (b) for requesting a hearing before such referee is sought, and shall be filed with the Appeals Council in any other case. The petition shall be in writing and shall state the reasons why the request or action was not filed within the required time. For good cause shown a referee or the Appeals Council, as the case may be, may extend the time for filing such request or action.

2. Paragraph (b) *Revision for error* of § 403.711 is amended by changing the second subparagraph thereof to read as follows:

Either upon the referee's or the Appeals Council's own motion, as the case may be, or upon the petition of any party to a hearing, any decision of a referee provided for in § 403.709 (k) may be revised by such referee or the Appeals Council, and any decision of the Appeals Council provided for in § 403.710 (d) may be revised by the Appeals Council, when it clearly appears that there was an error of fact or law in such decision or that such decision was procured by fraud or misrepresentation. However, no decision as to the wages of an individual will be revised, except for the purposes provided in section 205 (c) (4) of the Act, after the fourth calendar

[1] 5 F.R. 1849.

[2] Under title II of the Social Security Act, as amended, effective January 1, 1940.

[3] For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 403.1, Title 20, Code of Federal Regulations, 1940 Supp.)

year following the year in which wages were paid or are alleged to have been paid, unless a party's petition for such revision was filed prior to the expiration of such fourth year and 60 days thereafter.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C. sec. 405 (a), 1302)

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this 5th day of July, 1943.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

Approved: July 7, 1943.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 43-11116; Filed, July 10, 1943; 10:29 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Amdt. 1 to Supp. Dir. 1Q as amended February 15, 1943 [1]]

RATIONING OF TIRES, TIRE CASINGS, TIRE TUBES, ETC.

Supplementary Directive 1Q (§ 903.22) as amended February 15, 1943, is hereby amended in the following respects:

1. By amending paragraph (a) thereof by adding a new subparagraph designated (5) to read as follows:

(5) The importation by any person, for the personal use of such person, of tires, tire tubes and tire casings.

2. By amending paragraph (c) thereof by adding the following new subparagraphs designated (4), (5), (6), (7) and (8) respectively to read as follows:

(4) The importation for testing purposes of tires, tire tubes or tire casings by any manufacturer of camelback, tires, tire tubes or tire casings; and

(5) The importation of bicycle tires, tire tubes or tire casings manufactured in the continental United States, Canada or the British Isles; and

(6) The importation from the Dominion of Canada of tires, tire tubes or tire casings manufactured in the continental United States, Canada or the British Isles; and

(7) The importation of tires, tire tubes or tire casings by diplomatic representatives of any foreign Government, for their personal use or the use of members of their staffs; and

(8) The importation of tires, tire tubes or tire casings by commercial representatives of any foreign Government, for use in their official business.

(E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this first day of July 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-11141; Filed, July 10, 1943; 12:02 p. m.]

[1] 8 F.R. 2013.

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-354]

VESCERA DISTRIBUTING COMPANY

Michael Vescera, doing business as Vescera Distributing Company, 456-60 North Salina Street, Syracuse, New York, is in the retail plumbing, heating, electrical and hardware supply business. Michael Vescera has been engaged in this business since 1925. Between June 18 and October 28, 1942, the respondent transferred six new electric domestic ranges having a total value of $940.25, in violation of Limitation Order L-23-b.

Between April 21 and October 30, 1942, the respondent sold four coal fired warm air furnaces and made forty-six sales of new plumbing and heating equipment having a value of $4975.74, in violation of General Limitation Order L-79. Respondent further advertised furnaces for sale in a newspaper having general public circulation over the statement that no priority was required. Respondent knew of the regulations and orders affecting him and his violations must be deemed wilful.

These wilful violations of General Limitation Order L-79 and Supplementary Limitation Order L-23-b as amended have diverted critical materials to uses unauthorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.354 *Suspension Order S-354.* (a) Deliveries of material to Michael Vescera, whether doing business as Vescera Distributing Company, or otherwise, his or its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to Michael Vescera, whether doing business as Vescera Distributing Company or otherwise, his or its successors or assigns, of any material or product, the supply or distribution of which is governed by any Order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Michael Vescera, whether doing business as Vescera Distributing Company or otherwise, from any prohibition, restriction, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on July 14, 1943, and shall expire on October 14, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11092; Filed, July 9, 1943; 3:06 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-360]

GUARDIAN STEEL CORPORATION

Guardian Steel Corporation is a Michigan corporation doing business at 11675 East Eight Mile Road, Detroit, Michigan, and is engaged in the business of maintaining and operating a steel warehouse at that address. Guardian Steel Corporation filed with the War Production Board its PD-83-a steel warehouse statement dated September 13, 1941, representing that in 1941 its principal sources of supply were 22 different producers listed thereon, as a result of which it obtained a quota for 2802.6 tons of steel, whereas it received no steel from said listed producers during 1941. Having received no steel from any producers whatever in 1941, the respondent was not entitled to a steel warehouse quota.

In its PD-298 report dated April 21, 1942, the company represented it had customers orders for 204,288 pounds of steel on orders bearing preference rating A-1-a, whereas said orders were for 153,208 pounds of steel and 8 of the orders bore ratings of A-1-d.

On April 1, 1942 the company issued a purchase order to Great Lakes Steel Corporation for 100 tons of steel plate, extending thereto a preference rating of A-1-a, whereas the lowest rating received by it to support such extension was A-1-d. This act was in contravention of M-21-b, as amended February 28, 1942.

The furnishing of false information to the War Production Board, thereby obtaining a quota as a steel warehouse, and thereby obtaining deliveries, constituted violations of Priorities Regulation No. 1. The action of the company as above described has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.360 *Suspension Order S-360.* (a) Guardian Steel Corporation, its successors and assigns, shall not operate as a steel warehouse, as the same is defined in M-21-b-1, as amended June 26, 1943, unless prior written authority to do so has been obtained from the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Guardian Steel Corporation, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 14, 1943.

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11091; Filed, July 9, 1943; 3:06 p. m.]

PART 970—CHLORINATED HYDROCARBON REFRIGERANTS

[Conservation Order M-28, as Amended July 10, 1943]

Section 970.1 *Conservation Order M-28* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chlorinated hydrocarbon refrigerants for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 970.1 *Conservation Order M-28.*—(a) *Definitions.* For the purpose of this order:

(1) "Chlorinated hydrocarbon refrigerants" means trichloromono-fluoromethane, dichlorodifluoromethane, dichloromonofluoromethane, trichlorotrifluoroethane, and dichlorotetrafluoroethane.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(3) "Producer" means any person engaged in the production of chlorinated hydrocarbon refrigerants.

(4) "Contract agent" means any person engaged in the business of accepting orders for chlorinated hydrocarbon refrigerants on behalf of and as agent for a producer.

(5) "Supplier" means any person engaged in the business of distributing chlorinated hydrocarbon refrigerants to persons using the same for installation in a refrigerating or air conditioning "system". The term shall include an equipment manufacturer to the extent that he engages in the sale of such refrigerants to distributors or dealers handling "systems". "System" means any "system" as defined in General Limitation Order L-38.

(6) "Equipment manufacturer" means any person who uses chlorinated hydrocarbon refrigerants for charging new refrigerating or air conditioning systems manufactured by him.

(7) "Insecticide manufacturer" means any person who uses chlorinated hydrocarbon refrigerants in the production of insecticides.

(8) "User" means any person who installs chlorinated hydrocarbon refrigerants in a refrigerating or air conditioning system, other than an equipment manufacturer.

(9) "Comfort cooling system" means any air conditioning system of a type described on List A, made a part of this order.

(b) *Classification of uses of chlorinated hydrocarbon refrigerants.* The uses of chlorinated hydrocarbon refrigerants are hereby classified as follows:

Class I: Army, for use in new or existing refrigeration and air conditioning systems.

Class II: Navy, for use in new or existing refrigeration and air conditioning systems.

Class III: Maritime Commission or War Shipping Administration, for use in new or existing refrigeration and air conditioning systems.

Class IV: Maintenance and repair of all refrigeration and air conditioning systems except those owned and operated by the Army, Navy, Maritime Commission and War Shipping Administration. This class includes household refrigeration but excludes refrigeration equipment used solely for storing or dispensing carbonated or malt beverages and comfort cooling systems as defined in List A.

Class V: Charging new refrigeration and air conditioning systems in the field except those systems owned and operated by the Army, Navy, Maritime Commission and War Shipping Administration, and excluding comfort cooling systems.

Class VI: Charging new equipment by an equipment manufacturer, exclusive of comfort cooling systems. This class does not include charging systems for Army, Navy, Maritime Commission and War Shipping Administration.

Class VII: Maintenance and repair of comfort cooling systems and maintenance and repair of refrigeration equipment used solely for storing or dispensing carbonated or malt beverages. This class does not include systems owned and operated by Army, Navy, Maritime Commission or War Shipping Administration.

Class VIII: Inventory—Surplus refrigerants in excess of one month's anticipated requirements.

(c) *Certification of orders by users, and deliveries thereunder.*—(1) *Orders must be certified.* On and after July 15, 1943, no user shall place an order with a supplier or any other person, and no supplier or other person shall accept such an order, for any chlorinated hydrocarbon refrigerants unless such order (or vendor's delivery receipt) is accompanied by a certificate endorsed thereon, or attached to it, showing the uses for which the refrigerants are required, and in substantially the following form:

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he has no empty or surplus cylinders, and that, to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required during the next thirty days for use for the following classified purposes, as described in Conservation Order M-28:

Classification (Here list classifications included in the purchase order)	*Quantity required* (Here list quantity, in pounds, ordered for each classification)

Such certificate shall in every case be signed by the user or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board, as well as to the supplier, that the facts stated therein are true. No supplier shall make any delivery under such an order if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after July 15, 1943, no supplier shall deliver any chlorinated hydrocarbon refrigerants except pursuant to an order accompanied by such a certificate as provided for above.

(2) *Deliveries to be subject to restriction.* If and whenever any use shall be prohibited, as provided in (g) below, no user shall install or use any chlorinated hydrocarbon refrigerants for such a use, regardless of the purpose for which it was acquired.

(d) *Certification of orders by suppliers; records; deliveries by suppliers* (1) *Orders must be certified.* On or before July 16, 1943 and on or before the 10th day of each calendar month thereafter, each supplier who wishes to secure delivery of chlorinated hydrocarbon refrigerants through any contract agent during the next calendar month, shall place his order for such refrigerants with the contract agent. No supplier shall place such an order with a contract agent, and no contract agent shall

accept such an order unless it is accompanied by a certificate endorsed thereon or attached thereto showing the uses for which the refrigerants are acquired, and the supplier's deliveries during the preceding month, in substantially the following form (except that deliveries made prior to July 15, 1943, may be estimated).

The undersigned purchaser hereby certifies to the seller and to the War Production Board that to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required during the next calendar month for deliveries by him for the following classified purposes, as described in Conservation Order M-28; and that he made deliveries during the preceding month of ---------- as shown below:

Classification	Quantities required	Deliveries in preceding month
(Here list classifications included in all purchase orders.)	(Here list quantity, in pounds, ordered for each classification.)	(Here show quantities delivered in preceding month for each classification.)

Such certificate shall in every case be signed by the supplier or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board as well as to the contract agent, that the facts stated therein are true. No contract agent shall approve or request any such delivery if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after August 1, 1943, no contract agent shall approve or request delivery of any chlorinated hydrocarbon refrigerants to any supplier except pursuant to an order placed, and accompanied by such a certificate, as provided for above.

(2) *Records must be kept.* Each supplier shall keep records showing the quantities of chlorinated hydrocarbon refrigerants delivered by him during each month for the various uses as classified in paragraph (b) above and the quantities of such refrigerants allocated to him each month for deliveries in each of such classifications.

(3) *Deliveries by suppliers during July, 1943.* During the remainder of the month of July, 1943, only, each supplier shall give primary preference to deliveries for classifications I, II, III, and IV (without preference among such classes). If it appears that his available supply will exceed the amount estimated to be required for classifications I, II, III, and IV, then the residual supply shall be divided among classifications V and VI (without preference).

(4) *Deliveries by suppliers during August 1943 and subsequent months.* (i) During the month of August, 1943, and each succeeding calendar month, no supplier shall deliver for any use a greater quantity of refrigerants than is allocated to him during such month for that use, except as provided in (ii) below. A supplier shall rely upon the notification given him, by the contract agent with whom his order was placed, as to the quantities allocated the supplier for each of such uses during each calendar month, unless he knows or has reason to believe that such notification is incorrect, incomplete or false.

(ii) If a supplier has exhausted the quantity allocated him for classifications I, II, III, or IV during any calendar month, he may use his supply in classification VIII for the classification exhausted. If classifications IV and VIII become exhausted, he may then draw upon the supply allocated for classifications V or VI.

(iii) No supplier shall deliver during any month any such refrigerants allocated to him for delivery to or for use by the Army, Navy, Maritime Commission, or War Shipping Administration (Classes I, II and III) for use by any other person during that month; and no supplier shall deliver to or for use by any of such agencies any refrigerants which were allocated to him for civilian uses (Classes IV, V, and VI) during that month.

(iv) Any chlorinated hydrocarbon refrigerants allocated for classifications I through VII during any month and not delivered by the supplier during the month shall be transferred by him to classification VIII (Inventory), at the end of such month. If notice of his allocations for the following month has not been received by the first day of the month, the amount transferred to Class VIII (Inventory) from any classification may continue to be used for such classification; provided that the amount so used is restored to Class VIII, by deduction from the new allocation for that classification, as soon as notice of the new allocation for such month is received.

(e) *Certification of orders by contract agents, equipment manufacturers, and insecticide manufacturers*—(1) *By contract agents.* On or before the 20th day of each calendar month, commencing with the month of July, 1943, each contract agent who transmits orders for chlorinated hydrocarbon refrigerants from suppliers to a producer, for delivery during the next calendar month, shall place a written request for shipments, covering all of such orders, with the producer. No contract agent shall place such orders with a producer, and no producer shall accept such orders unless accompanied by the request with a certificate endorsed thereon or attached thereto, showing the uses for which the refrigerants are ordered, and deliveries made during the preceding month by suppliers placing orders through the agent, and in substantially the following form (except that deliveries prior to July 15, 1943 may be estimated):

The undersigned contract agent hereby certifies to the producer and to the War Production Board that he has received orders for shipment of the quantities of chlorinated hydrocarbon refrigerants covered by this request for shipments, for the following classified purposes as described in Conservation Order M-28; and that deliveries during the preceding month of ---------- were made as shown below:

Classification	Quantities requested	Deliveries in preceding month
(Here list classifications included in all purchase orders)	(Here list aggregate quantity in pounds ordered for each classification by suppliers)	(Here show aggregate quantities delivered in preceding month for each classification, as shown by suppliers' certificates)

Such certificate shall in every case be signed by the contract agent or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board as well as to the producer, that the facts stated therein are true. No producer shall make any such shipment or delivery if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

(2) *By equipment and insecticide manufacturers.* On or before the 20th day of each calendar month, commencing with the month of July, 1943, each equipment manufacturer or insecticide manufacturer who wishes to secure delivery of chlorinated hydrocarbon refrigerants from a producer during the next calendar month shall place his order for such refrigerants with the producer. No such manufacturer shall place such an order with a producer, and no producer shall accept such an order unless it is accompanied by a certificate endorsed thereon or attached thereto, showing the uses for which the refrigerants are acquired, and the quantities used during the preceding month, in substantially the following form:

The undersigned purchaser hereby certifies to the seller and to the War Production Board that, to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required by him during the month of ---------- for the following purposes, according to the classifications described in Conservation Order M-28 (or for the production of insecticide for the Army or for the Navy); and that he used such refrigerants during the preceding month of ---------- as shown below:

Proposed use	Quantities required	Used in preceding month
(Here show whether proposed use is for insecticide, or for classifications under M-28, or for each.)	(Here list quantity, in pounds, ordered for each use, or classification.)	(Here show quantities used in preceding month for each.)

Such certificate shall in every case be signed by the equipment or insecticide manufacturer or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board, as well as the seller, that the facts stated therein are true. No producer shall make any delivery under such an order if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after August 1, 1943, no producer shall deliver any chlorinated hydrocarbon refrigerants to any equipment manufacturer or insecticide manufacturer except pursuant to an order placed, and accompanied by such a certificate, as provided for above.

(f) *Shipments by producers*—(1) *Statement of requested shipments.* On or before the 25th day of each calendar month, commencing with the month of July 1943, each producer shall file with the War Production Board a statement showing: the orders for chlorinated hydrocarbon refrigerants which have been transmitted to him by contract agents, or which have been placed with him by equipment and insecticide manufacturers, for delivery during the next calendar month, and the uses for which the refrigerants are ordered, as indicated by the certificates accompanying the orders; the quantity of such refrigerants which will be available for delivery by him, during such month; and his deliveries of such refrigerants to the suppliers and equipment and insecticide manufacturers, during the preceding calendar month (except that deliveries to suppliers prior to August 1, 1943, need not be shown by classifications).

(2) *Deliveries by producers.* On and after July 10, 1943, no producer shall deliver any chlorinated hydrocarbon refrigerants to any person, or for any use, except in accordance with specific directions from the War Production Board. Such directions will be issued primarily to insure the meeting of defense requirements, and of the more essential needs if and whenever all cannot be met. Such directions may specify the aggregate quantities of such refrigerants which shall be delivered by the producer during any calendar month (or other period) for any of the classifications of uses established by this order or for other requirements (including Lend-Lease, and the production of insecticide, separately, for Army and Navy use), or the proportion of the available supply among all or any part of the various classifications and other requirements, or establish a reserve or emergency stock to be held by the producer. Such directions may also direct the producer to make such adjustments in his deliveries as may appear reasonable and appropriate to equalize the inventories held by suppliers, so as to more nearly assure all suppliers of a minimum working inventory whenever practicable. Directions issued under this order to a producer and directing deliveries to be made by him for specified uses or in specified quantities shall be deemed allocations of the refrigerants for the purposes specified and, subject to the provisions of this order, no producer, supplier, equipment manufacturer or insecticide manufacturer shall make or receive delivery for any other purpose.

(g) *Prohibited uses (List B), emergency cases.* (1) No user, supplier, contract agent, or producer shall deliver or cause to be delivered to the owner of any system, any chlorinated hydrocarbon refrigerants for use in, or for resale for use in any system of the types described on List B, made a part of this order. Such list may be changed from time to time (from month to month, or otherwise) by amendments to this order, as the War Production Board may consider necessary to assure sufficient supplies of such refrigerants in all areas and for the uses which are deemed most essential to the national defense.

(2) An authorization for an exemption from the terms of paragraph (g) (1) above may be allowed by the War Production Board when an air conditioning system must be operated (i) to avoid intolerable conditions in sealed or substantially airtight rooms or enclosures used for essential purposes, or (ii) to protect the life or health of a person under care of a licensed physician. An exemption from the requirement of paragraph (d) that a supplier's order must be placed by the 10th of the month preceding that in which delivery is required, may be allowed when the supplier demonstrates that, due to causes beyond his control, it will be impossible for a delivery in classifications I, II, III or IV to be met by him or any other supplier or user unless an exemption is allowed. Application for such an authorization may be made by or on behalf of the person affected by such restriction, by letter or telegram or other communication addressed to the General Industrial Equipment Division, War Production Board, stating facts sufficient to enable the Board to determine the necessity for such authorization. If granted, the authorization may be by letter or telegram, and shall be transmitted by the applicant to the person who will supply such refrigerants, and shall be deemed an authorization to any user or supplier to furnish or install the minimum operating charge necessary to maintain such system in adequate operation.

(h) *Notification of customers.* Any producer, contract agent, supplier, or person who is prohibited from or restricted in making deliveries of any chlorinated hydrocarbon refrigerants by the provisions of this order, and any producer who is prohibited from or restricted in making any such deliveries by any directions issued hereunder and received by him from the War Production Board, shall as soon as practicable notify each of his regular customers of the requirements of this order or of such directions; but the failure to give such notice shall not excuse any customer from the obligation of complying with any requirement of this order, or of any such directions applicable to such customer and of which he has notice.

(i) *Effect of preference ratings.* The provisions of this order shall be followed by every producer, contract agent, supplier, user, equipment manufacturer, insecticide manufacturer, and any other person buying, selling or delivering chlorinated hydrocarbon refrigerants, without any regard to any preference ratings which have been assigned or which may hereafter be assigned to particular contracts or orders.

(j) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Monthly reports.* Each person (including a producer, contract agent, supplier, equipment manufacturer, insecticide manufacturer, user, or owner of refrigerating or air conditioning systems) who has in his possession on the 15th day of any calendar month in excess of 500 pounds of any type of chlorinated hydrocarbon refrigerants, and any person who sold in excess of 2000 pounds of any type of such refrigerants during the preceding calendar month, shall file with the War Production Board, on or before the 20th day of each month, commencing with the month of July 1943, a report on Form WPB-3054 prepared in accordance with the instructions for such form.

(3) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(4) *Appeals.* Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C., Ref: M-28.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A: "Comfort cooling system" means any system, of any size, operated or installed for the purpose of lowering the temperature and/or humidity of air in any building, room or other enclosure used as, or located in any of the following:

Amusement parks.
Animal hospitals.
Auditoriums.
Ballrooms, dancing studios and dance halls.
Bank and loan associations.
Bars, cocktail lounges, and beer parlors.
Bowling alleys.

Concert halls.
Funeral parlors.
Golf clubs, country clubs, and athletic clubs.
Hotels and apartment houses.
Moving picture houses.
Night clubs.
Office buildings and offices, public or private.
Railway, streetcar and bus stations and terminals.
Residential buildings and dwellings of all kinds.
Restaurants, cafeterias, and other places selling meats, food or beverages.
Schools.
Service establishments, such as laundries, cleaners and dyers, tailor shops, barber shops, "beauty" parlors, automobile sales and service shops, and repair shops of all kinds.
Skating rinks.
Stores, selling any kind of products, material or merchandise, at retail or wholesale (excluding manufacturing establishments).

The term "comfort cooling system" shall not include (i) any such system used to air condition a building, room or other enclosure used chiefly for purposes not listed above, or (ii) any system designed, necessary and used, in substantial part for the refrigeration and storage or processing of food, ice, or other materials or products requiring refrigeration, temperature control, or freedom from dust or other impurities, or (iii) such part of a system as may be necessary and used for the circulation of air, or necessary and used for raising the temperature of air during cold weather to a degree which is comfortable or tolerable for persons (comfort heating).

List B: Systems for which chlorinated hydrocarbon refrigerants shall not be delivered.

Systems:	*Effective date*
Comfort cooling systems	June 5, 1943
Skating rink systems	June 5, 1943
Refrigeration systems solely for storing or dispensing carbonated or malt beverages	July 10, 1943

[F. R. Doc. 43-11147; Filed, July 10, 1943; 12:01 p. m.]

PART 1046—SUPPLIERS

[Limitation Order L-63, as Amended July 10, 1943]

§ 1046.1 *Suppliers' Inventory Limitation Order L-63*—(a) *Definitions.* (1) "Supplies" means all the supplies listed below:

(i) Automotive supplies.
(ii) Aviation supplies.
(iii) Builders' supplies.
(iv) Construction supplies.
(v) Dairy supplies.
(vi) Electrical supplies.
(vii) Farm supplies.
(viii) Foundry supplies.
(ix) Grain elevator supplies.
(x) Hardware supplies.
(xi) Industrial supplies.
(xii) Plumbing & heating supplies.
(xiii) Refrigeration supplies.
(xiv) Restaurant supplies.
(xv) Textile mill supplies.
(xvi) Transmission supplies.
(xvii) Welding & cutting supplies.

even though such items or materials may be "consumers' goods" within the meaning of that term as used in Limitation Order L-219; but supplies shall not be deemed to include any of the items or materials set forth in List A.

(2) "Supplier" means any person (other than a producer) located in the 48 states or the District of Columbia, whose business consists, in whole or in part, of the sale from stock or inventory of supplies. "Supplier" includes wholesalers, distributors, jobbers, dealers, retailers, branch warehouses of producers and other persons performing a similar function.

(3) "Producer" means any person including any branch, division or section of any enterprise, which manufactures, processes, fabricates, assembles or otherwise physically changes any material.

(4) "Sales" means sales from stock, including consigned stocks and excluding direct shipments (i. e., excluding sales made by a supplier of supplies which such supplier has never received delivery of but has ordered from the producer thereof with instructions that they be shipped directly to the supplier's customer).

(5) "Seasonal lines" means any line of supplies in which a minimum of 40% of the supplier's total annual sales are made during a period of 90 days, or less.

(6) "Maximum permissible inventory" means

(i) In the case of a supplier located in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, an inventory (owned or consigned to him) of supplies of a total dollar value at cost (by physical or book inventory, at the option of the supplier) equal to the sales of such supplies at net sales figures, shipped from his inventory, during the four preceding calendar months.

(ii) In the case of a supplier located in the District of Columbia or any of the forty-eight states not enumerated in paragraph (a) (6) (i) above, an inventory (owned or consigned to him) of supplies of a total dollar value at cost (by physical or book inventory, at the option of the supplier) equal to sales of such supplies at net sales figures shipped from his inventory during the three preceding calendar months.

(b) *Limitation of supplier's inventories.* (1) Except as provided in paragraph (b) (3), (4), (5), and (6), no supplier shall accept any delivery of supplies from any person which will effect an increase in the inventories of the supplier above his maximum permissible inventory; and

(2) Except as provided in paragraphs (b) (3), (4), (5) and (6), no person shall make to any supplier any delivery of supplies which such person knows or has reason to believe will effect an increase in such supplier's inventory of supplies above the supplier's maximum permissible inventory.

(3) Any supplier, regardless of where located, shall be permitted to purchase and store an amount of seasonal lines equal to those which he purchased in the peak period of a comparable period of the previous year, but this peak period shall not exceed 120 days.

(4) A supplier may accept delivery of supplies which will increase his stock above the maximum permissible inventory, if such supplier's inventory of supplies is at the time of delivery less than his maximum permissible inventory and the delivery is of the minimum quantity of such supplies that can be commercially procured.

(5) A supplier may accept delivery of specific items of supplies when his stock of all items in the aggregate exceeds, or will by virtue of such acceptance exceed, his maximum permissible inventory, but only to the extent necessary to bring such supplier's inventory of those specific items (owned or consigned to him) up to a total dollar value equal to the sales of such items shipped from such supplier's inventories during the preceding month.

(6) The War Production Board may, from time to time, exempt specified suppliers or classes of suppliers from the provisions of this order, subject to such restrictions as the War Production Board may impose.

(7) The provisions of this order shall not apply to any supplier whose total inventory at cost, including consigned stocks, of all supplies is less than $35,000.

(c) *Provisions of other orders.* No provision of this order shall be construed to permit the accumulation of inventories of any item of material in contravention of the provisions of any other applicable order or orders issued by the War Production Board or heretofore issued by the Office of Production Management.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(e) *Records and reports.* (1) Each supplier (other than those suppliers who are exempt from the provisions of this order pursuant to paragraph (b) (6) or (7)) shall, on or before the twentieth day of each month make proper entry of inventory (book or physical at cost), sales of direct shipments, sales from stock, and total sales of each type of supplies as set forth in paragraph (a) (1) of this order, during the previous calendar month on Form WPB-825 (formerly PD-336). This form must be retained for a period of at least two years for inspection by representatives of the War Production Board.

(2) The War Production Board may at any time call for the submission of these reports.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(g) *Communications.* All communications concerning this order shall be addressed to War Production Board, Wholesale and Retail Trade Division, Industrial and Hardware Supplies Branch, Washington, D. C., Ref.: L-63.

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: Paragraph (9) added July 10, 1943.

The types of material set forth below are not deemed to be supplies within the meaning of paragraph (a) (1). Accordingly, these materials may be excluded from the monthly report required by paragraph (e), and are not subject to the inventory restrictions required by paragraph (b), provided that sales of such materials are not included in computing maximum permissible inventory as defined in paragraph (a) (6).

(1) All General Steel Products listed in Schedule A of General Preference Order M-21-b-1 and all Merchant Trade Products listed in Schedule I of General Preference Order M-21-b-2.

(2) Materials made of aluminum, provided such materials were acquired by the supplier pursuant to allocation or other specific authorization of the War Production Board

(3) Automotive replacement parts as defined in Limitation Order L-158, and Automotive replacement batteries as defined in Limitation Order L-180.

(4) Functional replacement parts for machinery and equipment: *Provided*, That in no event shall the supplier accept delivery of any such parts where his inventory thereof is, or will by virtue of such delivery become in excess of six times his sales of such parts during the second preceding calendar month;

(5) Machinery or equipment which is purchased by the supplier at a cost per unit in excess of $500;

(6) Any material which is subject to rationing by the Office of Price Administration;

(7) The following building materials: Portland and natural cement, lime, gypsum and gypsum products, bituminous roofing materials, concrete pipe, cut stone, sand and gravel, crushed stone, clay products, insulation board, acoustical materials, mineral wool, paving materials, concrete products, glass, lumber, wooden mill work.

(8) Domestic mechanical refrigerators, as defined in Limitation Order L-5-d.

(9) Bare or insulated wire or cable for electrical conduction made from copper or copper base alloy.

[F. R. Doc. 43-11142; Filed, July 10, 1943; 11:59 a. m.]

PART 1161—OIL BURNERS

[Limitation Order L-74, as Amended July 10, 1943]

§ 1161.1 *General Limitation Order L-74*—(a) *Definitions.* For the purpose of this order:

(1) "Oil burner" means any devise which is designed for burning fuel oil for furnishing heat. It includes, but is not limited to the following types:

(i) Mechanical, steam or air atomizer oil burner.

(ii) Vertical or horizontal rotary oil burner.

(iii) Mechanical vaporizing oil burner.

(iv) Pot type vaporizing oil burner.

It shall include any oil burner for any boiler burner unit or for any furnace burner unit, any oil burner used as part of any water heater and any combination oil and gas burner, but does not include any oil burner used as a part of any domestic cooking appliance or of any domestic heating stove as defined in L-23-c, or any oil burner used in connection with any locomotive scheduled under L-97, or any oil burner used as a part of any commercial cooking and food and plate warming equipment as defined in L-182.

(2) "Class A oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 5, No. 6 or heavier fuel oil, or which regardless of what grade fuel oil it burns, is designed or manufactured specifically for shipboard use or for heat processing.

(3) "Class B oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 (except a Class C oil burner), No. 2, No. 3, or No. 4 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(4) "Class C oil burner" means any pot type vaporizing oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(5) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including Numbers 1, 2, 3, 4, 5, and 6, bunker C, diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as the above designated grades.

(6) "Approved order" means any order for:

(i) A Class A or Class C oil burner which:

(*a*) Has been ordered by or placed for the account of any claimant agency as defined in CMP Regulation 1, as such may be amended from time to time, or

(*b*) Has been ordered for use in a building or project authorized under P-55-b, or rated under Preference Rating Order P-55, or any order in the P-19 series, or

(*c*) Has been authorized by the War Production Board on Form WPB-2727, filed by the prospective purchaser with the War Production Board, Plumbing and Heating Division, Washington, D. C.

(ii) A Class B oil burner which has been authorized by the War Production Board on Form WPB-2727, filed by the prospective purchaser with the War Production Board, Plumbing and Heating Division, Washington, D. C.

(7) "Emergency replacement" means a replacement of an oil burner which has actually broken down and is beyond repair or which will be out of service during a period necessary to effect a repair.

(8) "Producer" means any person who manufactures, fabricates or assembles oil burners.

(b) *Restrictions on sales and deliveries.* No person shall sell or deliver, and no person or Claimant Agency shall order or accept delivery of any oil burner, either assembled or in sets of parts, (i) except pursuant to an approved order, and (ii) except for use in an area in which the delivery of fuel oil to new oil burner installations is not prohibited under the terms of Limitation Order L-56 or any order issued by the Petroleum Administration for War; unless the order for such oil burner is accompanied by a copy of the authorization received by the prospective user from the Petroleum Administration for War permitting the delivery of fuel oil for use in such oil burner.

(c) *Restrictions on manufacture of Class B oil burners.* Regardless of the terms of any contract, sale, other commitment, or any preference rating, no person shall manufacture, fabricate, or assemble any Class B oil burner except to fill an approved order; and then only to the extent that the already assembled stock of such person is insufficient to fill such order.

(d) *Production and delivery schedules.* (1) The War Production Board may at any time or from time to time require any producer to file a report showing his production and delivery schedule for oil burners during any period, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) The War Production Board, at its discretion, may require that any producer shall deliver any oil burners only in accordance with the schedule filed pursuant to paragraph (d) (1) of this order as such schedule may be approved or changed by the War Production Board. The War Production Board may, if it deems such action to be necessary or advisable:

(i) Direct the return or cancellation of an order on the books of a producer.

(ii) Direct changes in the delivery or production schedule of a producer.

(iii) Allocate orders placed with one producer to another producer.

(iv) Specify what proportion of the quantity of material authorized by the War Production Board to any producer is to be used in production for any Claimant Agency or person.

(v) Specify what proportion of the quantity of material authorized by the War Production Board to any producer is to be used in the manufacture, fabrication, or assembly of any class, type, or model of product covered by this order.

Each producer shall schedule (or reschedule, if necessary), his production and shall make deliveries in accordance with such specific written directions as may be issued from time to time by the War Production Board.

(3) The production and delivery schedules established by any such specific direction issued pursuant to (d) (2) above shall be maintained, subject to the provisions of Priorities Regulation 18, without regard to any preference ratings theretofore or thereafter assigned to particular contracts, commitments or purchase orders, and without regard to production schedules already in effect; and may be altered only upon specific written direction of the War Production Board. Any such schedule shall be deemed a frozen Schedule within the meaning of Priorities Regulation 18.

(4) If it becomes impossible for any producer to maintain production and delivery of any oil burners in accordance with any schedule approved by the War Production Board, he shall notify the War Production Board, and unless other-

wise directed he shall postpone production and delivery only to the extent required by the circumstances causing his failure to maintain production and delivery as reported to the War Production Board.

(e) *General exception.* Regardless of the terms of this order, any Class B oil burner (as defined by this order as in force prior to June 28, 1943) authorized under an appeal from L–74 as in force prior to June 28, 1943, may be manufactured, fabricated, assembled and delivered.

(f) *Emergency replacements.* In the case of an emergency replacement, any oil burner may be shipped and installed as a rental oil burner for a period not to exceed 30 days provided an approval for such rental is secured from a Field Office of the War Production Board. Such approval may be requested in any manner but shall be confirmed in writing, and may be granted in any manner, but the grant shall be confirmed in writing.

(g) *Reports.* Each manufacturer, dealer and distributor shall execute and file with the War Production Board a report on Form WPB–2854 by July 20, 1943, and such other reports as may be required from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Appeals.* Any appeals from the provisions of this order shall be filed on Form PD–500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref: L–74.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 10th day of July, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11143; Filed, July 10, 1943; 11:59 a. m.]

PART 1210—INDUSTRIAL POWER TRUCKS

[Limitation Order L–112 as Amended July 10, 1943]

The fulfillment of the requirements of the defense of the United States has created a shortage in the supply of certain critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1210.1 *General Limitation Order L–112*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(2) "Industrial power truck" means any self-power-propelled industrial truck or wheel tractor designed primarily for handling material (either by carrying or towing) on floors or paved surfaces in and around industrial plants, warehouses, docks, airports or depots. The term shall not include automotive tractors, trucks, or wheeltype industrial tractors designed for use on tax-built highways, or in such operations as construction, earth-moving, mining, logging, industrial yard work, or petroleum development.

(3) "Manufacturer" means any person who manufactures, fabricates or assembles new industrial power trucks, and includes any sales and distribution outlets of a manufacturer.

(4) "Parts producer" means any person, other than a manufacturer, who manufactures parts to be incorporated in industrial power trucks.

(5) "Standard model" as applied to a manufacturer, means one model only of each type and capacity of industrial power truck listed in List A attached hereto, described in such manufacturer's catalogue or bulletin on July 10, 1942.

(6) "Approved standard model" means a standard model listed hereafter and from time to time by supplementary order or orders, as provided in paragraph (d) (2).

(7) "New", when applied to any industrial power truck, means any truck which has never been sold to a person acquiring the same for use. "Used" means any such truck which has been sold to a person acquiring the same for use, whether or not such truck has subsequently been reconditioned or rebuilt.

(8) "Dealer" means any person, other than a manufacturer, engaged in the business of selling or distributing new or used industrial power trucks, whether at wholesale, retail, or otherwise.

(9) "Owner" means any person (including a manufacturer or dealer) who owns any industrial power truck, regardless of whether such truck was acquired for resale or for use by such person.

(b) *Restrictions on orders and deliveries*—(1) *New trucks.* (i) No manufacturer shall accept any order for a new industrial power truck unless such order is accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below. Orders so authorized shall be placed only with the supplier specified by the War Production Board.

(ii) No manufacturer shall hereafter deliver any new industrial power truck, except in fulfillment of an order (*a*) accepted before October 15, 1942, and rated A–9 or better on Form PD–1A or PD–3A or on a form in the PD–408 series, or (*b*) accepted on or after October 15, 1942, and accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below.

(2) *Used trucks.* (i) On and after July 20, 1943 no manufacturer, dealer or owner shall accept any order for a used industrial power truck unless such order is accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below. Orders so authorized shall be placed only with the supplier specified by the War Production Board.

(ii) On and after July 20, 1943, no manufacturer, dealer or owner shall deliver any used industrial power truck, except in fulfillment of an order accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below.

(iii) Any manufacturer, dealer or owner specified as a supplier in the authorization for a used truck shall accept any order placed with him for such truck (if the order is accompanied by the authorization), as if such order bore a preference rating, unless he is permitted to, and does, reject the same under the provisions of Priorities Regulation No. 1, § 944.2. However, nothing herein shall require the sale of any used industrial power truck by any person who acquired and holds such truck for his own use and not for resale.

(iv) The restrictions contained in (i), (ii), and (iii) of this paragraph (b) (2) shall not apply to deliveries of used industrial power trucks made by one branch, division, or section of a single enterprise to another branch, division, or section of the same enterprise under common ownership where no transfer of title or ownership of such trucks is involved, or to deliveries of any used industrial power trucks owned by the Army, Navy, Maritime Commission or War Shipping Administration, from one department to another within any such agency, or from any of such agencies to any other of such agencies.

(3) *Authorizations.* Application for authorization of the War Production Board required by paragraph (b) (1) and (2) shall be made by the purchaser on Form WPB 1319 (or PD–556) prepared in accordance with Instructions WPB 1319.5 for such Form. The War Production Board may grant such application unconditionally or upon specified conditions, including the requirement that the order be placed with a supplier named by the War Production Board, or that the order shall only cover such model, type or size of truck as may be designated by such Board.

(c) *Conservation of material*—(1) *Restrictions upon use of copper.* Parts producers and manufacturers shall be governed by the provisions of paragraph (b) of Limitation Order L–106, (§ 933.9) as amended, in their use of copper products or copper base alloy products (as defined in that order) in the production of parts for industrial power trucks.

(2) No manufacturer shall begin the manufacture of any industrial power truck if such truck contains any of the following materials, or accept delivery of any of the following materials for use in the manufacture of any industrial power truck:

(i) Rubber in any form, except in tires, storage batteries, radiator hose or wire or cable insulation.

(ii) Protective plating in any form, except when necessary to the operation of functional parts.

(iii) Steel plate, where substitution of a less critical material is practicable.

(iv) Lead for counter weights, except that reclaimed lead may be used when required by space limitations.

(v) Steel battery trays, where steel battery boxes are provided.

Provided, however, That the restrictions of this subparagraph (2) shall not apply to parts in the manufacturer's stock which, as of July 10, 1942, were completed, or processed to the point where other use is impracticable: *And provided further,* That the restrictions of this subparagraph (2) shall not apply to the manufacture or delivery of repair and maintenance parts.

(3) *Other regulations.* Nothing in this paragraph (c) shall be construed to permit any manufacturer to sell, deliver or otherwise transfer, or any person to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts or finished parts or products in contravention of the terms of any regulation or order of the War Production Board.

(d) *Standardization of models.* (1) No manufacturer shall after July 10, 1942 begin the manufacture of any industrial power truck which is not a standard model. The design and structure of any standard model shall be only as specified or described in such manufacturer's catalogue or bulletin; except that electric fork trucks with capacities from 2,000 pounds to 6,000 pounds may be built in both center and end control types; and that alterations may be made in counter weights, die pullers (power winch), height of lift, voltage, battery capacity, explosion or fire prevention features, and the length or width or type of fork or ram: *Provided, however,* That nothing herein shall be construed to prevent any change required by the limitations of paragraphs (c) (1) and (c) (2) hereof, or any change which results in further conservation of critical materials.

(2) On and after August 15, 1942, no manufacturer shall begin the manufacture of any standard model which is not an approved standard model. Approved standard models for each manufacturer shall be only those industrial power trucks listed hereafter and from time to time by order or orders supplementary to this order. The provisions of paragraph (d) (1) hereof relative to changes in design and structure shall be applicable to approved standard models.

(3) On or before the 15th day of October and of each succeeding calendar month, every manufacturer shall file with the War Production Board a report on Form PD–385, which shall include (i) such manufacturer's proposed production schedules so far as then planned, but in any event for not less than the three calendar months following the filing of the report; and (ii) his proposed delivery schedules so far as then planned, but in any event for not less than the one calendar month following such filing. The production schedules for the three calendar months, and the delivery schedules for the one calendar month following the filing of the report shall be deemed to be approved by the War Production Board upon the receipt of the report by the War Production Board, unless the War Production Board shall otherwise direct. The War Production Board may, at any time, change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer, or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer; or direct the delivery of any industrial power truck so listed to any other person, at the established price and terms. No manufacturer shall produce or deliver any industrial power truck except in accordance with schedules approved or prescribed by the War Production Board, as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the War Production Board.

(e) *Ninety-day exemption of Army, Navy and Maritime Commission.* Until ninety days after July 10, 1942, this order shall not apply to deliveries to and for the use of the Army, Navy, Maritime Commission, or War Shipping Administration to the extent that industrial power trucks of a design or structure prohibited by the terms of this order are required by any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration. As used in this paragraph, the terms "Army," "Navy," "Maritime Commission," and "War Shipping Administration" shall not include any privately operated plant or shipyard, financed or controlled by any of those agencies, or operated on a cost-plus-fixed-fee basis.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and as amended from time to time.

(2) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after July 10, 1942. No person shall be held liable for damages or penalties for default, under any contract or order, which shall result directly or indirectly from his compliance with the terms of this order.

(3) [Revoked July 10, 1943.]

(4) [Revoked July 10, 1943.]

(5) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(6) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(7) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C.; Ref.: L–112.

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

No lift, high platform	1,000 lbs. to 20,000 lbs.
No lift, low platform	1,000 lbs. to 20,000 lbs.
Low lift, high platform	2,000 lbs. to 20,000 lbs.
Low lift, low platform	2,000 lbs. to 20,000 lbs.
High lift, low platform	2,000 lbs. to 10,000 lbs.
Fork or ram	2,000 lbs. to 60,000 lbs.
Crane	2,000 lbs. to 20,000 lbs.
Tractor	[1] 1,500 lbs. to 6,000 lbs.
Motorized low lift	2,000 lbs. to 6,000 lbs.
Straddle trucks	10,000 lbs. to 30,000 lbs.

[1] Max. D.B.P.

[F. R. Doc. 43–11144; Filed, July 10, 1943; 11:59 a. m.]

PART 1210—INDUSTRIAL POWER TRUCKS

[Supplementary Limitation Order L–112–a as Amended July 10, 1943]

Section 1210.2 *Supplementary Limitation Order L–112–a*, as heretofore amended is hereby amended to read as follows:

In accordance with the provisions of § 1210.1 *General Limitation Order L–112*, which the following order supplements: *It is hereby ordered*, That:

§ 1210.2 *Supplementary Limitation Order L–112–a*—(a) *Approved standard models.* Pursuant to paragraph (d) (2) of Limitation Order L–112, approved standard models of industrial power trucks for each manufacturer named in this supplementary order shall be those models listed below for such manufacturer: *Provided, however*, That notwithstanding any other provision of Limitation Order L–112, as supplemented, no such model shall be manufactured which is not produced in accordance with the following restrictions:

(1) No such model shall be manufactured in more than one size of platform width and length, nor shall any such model contain battery boxes built to accommodate larger capacity batteries than the manufacturer's standard battery for the model; and

(2) No fork truck (other than Army or Navy Ordnance models) having a load capacity rated at less than ten thousand (10,000) pounds shall be manufactured which is not (i) of the tilting, telescopic type and having a standard minimum overall height not in excess of eighty-three (83) inches, and a standard maximum lift height, adopted for such model of fork truck by the manufacturer thereof, except that if any such model of fork truck has a rated load capacity for which one or more alternative (in addition to standard) maximum lift heights are shown in Table I below, then such model of fork truck may also be manufactured with any maximum lift height thus shown and with a standard minimum overall height which may be in excess of eighty-three (83) inches, adopted for such fork trucks by the manufacturer; and (ii) equipped with a standard fork of the length designated in Table I for trucks of such capacity (but this restriction shall not be deemed to prohibit the furnishing of separate fork extensions):

TABLE I

Rated load capacity	Maximum lift height	Fork length
2,000 lb	Standard	30"
3,000 lb	Standard or 144"	36"
4,000 lb	Standard or 144"	36"
6,000 lb	Standard, 144" or 168"	42"
7,000 lb	Standard or 144"	42"

Any manufacturer who has been engaged, prior to July 10, 1943, in producing fork trucks without standard heights or in heights not permitted by this order, shall determine upon and adopt a standard minimum over-all height and a standard maximum lift height for each of the approved standard models (and for each of the permitted maximum lift heights which he proposes to furnish in any model) being produced by him, in accordance with this order, within ten (10) days after July 20, 1943 (and for any proposed new model which he may propose to manufacture, within ten (10) days after the listing of such model in this order as an approved standard model); and such manufacturer shall not thereafter commence the manufacture of any model which is not produced in accordance with the standard heights so adopted by him.

Name of manufacturer and approved standard models

Atlas Car & Mfg. Co	HP–3, 3–EA–62, 3–EA–17, 3–DWT–2, 2–WT–2
Automatic Transportation Co.	LN–2, LN–3, LO–5, TLN–2, TLN–3, TLO–5, CHTF–2, THTF–L–4, THTF–L–6, THTF–L–6 (Ordnance Model), THTF–L–7, THTF–M–10, TN–4, TN–6, TW–4, TW–6– in platform lengths 36, 48, 60, and 72 inches and heights 6, 7, 9, and 11 inches, P–427, 2000 # crane attachment
Baker-Raulang Co	E–2, E–3, E–5, H–2, H–3, H–5 JOMH–20, JOMH–40, JOMH–60, CXA, CXB, CXF
Barrett-Cravens Co	Power OX—in plaform lengths 48 and 60 inches, widths 19 and 25 inches, and heights 7, 9, and 11 inches.
Berry Motor Car Co	TT3–2NC, FHLT–2, FHLT–3
Buda Co	Chore Boy
Clark Equipment Co	Favorite, Tops, Plate, Elec–Plate, Stalwart–6025, Elec–Stalwart–6025, Clarkat, Standard, Mill
Crescent Truck Co	LA–3, NA–4, NA–6, LDLF, NBR–4, NDRE–4, NDRE–6, NCRE–4, NCRE–6, NCDE–4, NCTE–10, NTW
Dallas Machine & Locomotive Works, Inc.	PH–462–130, PH–562–130, PH–662–130, 4MH–4560, 4MH–5170, SMH–4560, SRH–5660, SRH–5770, SRH–5778, SRH–6978, SMH–5170, SRH–4560
Easton Car & Construction Co.	HP–4, HP–6, LP–4, LP–6, LL–4, LL–6, LL6–10, TL6–10, TLC–4, TLC–6
Elwell-Parker Electric Co	EQ–4, EP–4–11, EP–6, GEP–6, EP–10, ELN–6, ELN–10, F–23, F–19, F–25, C–4, C–X, C–Z, 2000 # crane attachment
Harry Ferguson, Inc	Moto–Tug–25, Moto–Tug–40
Hadley & Dye Aircraft Parts Co.	Model 101
W. F. Hebard Equipment Co	A–3–Victory, A–14–Victory, J–233
"HH" Manufacturers	1646, 1646TV, 2NC, 2NHD, 2GHD, C–2T, C–34
Howell Industrial Truck Co	112, 30, 90, 80–FC, 5
Lansing Co	Models J and R
Lewis-Shepard Co	EFTT3, EFTT4, GFTT3, GFTT4
Lift Trucks, Incorporated	EHN–3000 # in platform lengths 38, 44, 50, and 62 inches, EHW–3000 #, EHW–4000 #, EHW–6000 # in platform lengths 44, 50, 62, and 74 inches. All in 6, 7, 9, and 11 inch platform heights.
MacDonald Truck Co	A, B, C
Mercury Manufacturing Co	A–1007, A–1006, A–1020, A–1001, A–1017, A–1018, A–1360, A–1480, A–1540, A–540, Banty
Moto-Truc Co	NMSD–1, WE–1, MT–1, MT–3 MT–5, MT–6—Moto Truck platform in widths 20 and 26½ inches; lengths 36, 48, 60, and 90; heights 6, 7, 9, and 11 inches
Nutting Truck & Caster Co	SCT, SLT, STT
Prescott Iron Works, Inc	Model B
Rocky Mountain Steel Products, Inc.	Pony Express–24 volt, Pony Express–32 volt, Pony Express–Gas
Ross Carrier Co	20–H, 18–H, 16–H, 15–H, 12–H, 70–5445, 70–6051, 90–6644, 90–6556, 90–7056, 90–7968, 90–10868
Silent Hoist Winch & Crane Co.	A, AX, AY, DY, CK
Superior Grinding & Motor Parts Co.	STD, HD, TRX
Towmotor Co	LT–40, LT–44, LT–50, LT–56, LT–62, LT–72
Vaughan Motor Co	TAW
Willamette Hyster Co	Karry Krane, Hyster–20, Hyster–75, Space Saver, M–4560, M–5766, MH–4566, MH–5778, MH–57–108, M–6370, MH–6878
Wright-Hibbard Industrial Electric Truck Co., Inc.	RBH and TRC in platform widths of 18 or 24 inches, platform lengths of 42 or 53 inches and lowered heights of 6½, 9, or 11 inches in 4000 # capacity
Yale & Towne Mfg. Co	K20–4, K20–6, KM–4L, K23–E4, K23–E6, K26–B10, K22–4, KM–4H, K–25, K–33, KN30–2M, K41–II, K41–III, K41–V, K42–3–7–65, K42–SH6–78, K42–G10–5½–78, C2–T
Yard-Man, Incorporated	C-Truck-Man

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11146; Filed, July 10, 1943; 11:59 a. m.]

PART 3037—ELECTRIC FUSES

[Interpretation 1 to General Limitation Order L–161]

The following interpretation is hereby issued with respect to § 3008.1, Limitation Order L–161:

Paragraph (b) (2) of Order L–161 prohibits the use, in the assembly of an electric fuse or a component part of an electric fuse, of any copper or copper base alloy, except as a conductor of electric current. Questions have arisen as to whether the following parts of a renewable electric fuse are conductors of electric current:

(1) A metal exterior threaded end attached to the fibre of a renewable electric fuse tube; and

(2) A washer used to hold the fuse link in a renewable electric fuse.

The successful operation of the fuse does not depend upon the current carrying ability of such metal ends and washers. The metal ends and washers come in contact with the current carrying part of the fuse and have an electrical potential present, but they do not carry or conduct the current. Therefore, the use of copper or copper base alloy in any metal exterior threaded end attached to the fibre of a renewable electric fuse tube and in a washer used to hold the fuse link of a renewable fuse is prohibited.

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11146; Filed, July 10, 1943; 11:59 a. m.]

PART 3087—ELECTRICAL INDICATING INSTRUMENTS

[Interpretation 1 of Limitation Order L–203]

The following interpretation is hereby issued with respect to § 3087.1, Limitation Order L–203:

Paragraph (a) (4) (iv) of Limitation Order L–203 defines an "approved order" as including: "Any order for less than 500 identical electrical indicating instruments which conform to approved United States Army or Navy specifications specified on the order". This means specified by the Army or Navy. This may occur on direct Army or Navy procurements, or in respect to purchase orders for instruments which are ultimately for the account of the Army or Navy—e. g., Instruments to be installed as components in an end product being manufactured under an Army or Navy prime contract which requires that instruments going into that end product conform to Army or Navy specifications.

The end use of the instruments must be for the account of the Army or Navy. The provision does not mean, therefore, that any person may make any purchase order an "approved order" merely by specifying Army or Navy specifications thereon. The provision applies only to purchase orders placed by or for the ultimate account of the Army or Navy, where the Army or Navy has prescribed the specification in the first instance.

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11148; Filed, July 10, 1943; 12:00 p. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Consumers' Goods Inventory Limitation Order L–219 as Amended July 10, 1943 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of consumers' goods for defense, for private account, and for export; and the following order, limiting consumers' goods receipts and providing for inventory reports, is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3118.1 *Consumers' Goods Inventory Limitation Order L–219—(a) Definitions.* For the purposes of this order:

(1) "Consumers' goods" means goods suitable in form and type for sale to individual ultimate consumers for personal or household use, including but not limited to goods on List B, attached to Order L–219. Consumers' goods do not include producers' goods such as farm implements, goods used in rendering personal services such as shoe repairing, or goods sold for consumption on the vendor's premises such as fountain and restaurant fare. Consumers' goods shall not include any food or beverage for human or animal consumption, or any fuel oil, gasoline, motor oil, grease, or allied petroleum products.

(2) "Mercantile inventory" means the stock of consumers' goods held for sale by a person engaged in marketing such goods, including goods he has purchased for resale, goods he has manufactured for sale, stock consigned to him for sale, and stocks held by him on memorandum for sale.

(i) Mercantile inventory shall not include factory inventory. "Factory inventory" is an inventory of consumers' goods which are stored by the manufacturer of such goods at, or in the immediate vicinity of the place where their manufacture was completed, and which are not being offered for sale to individual ultimate consumers, or to independent dealers who sell to individual ultimate consumers, and who in most instances carry in stock less than $200 worth of consumers' goods of all kinds, at cost value. Nothing contained in this subparagraph shall be construed as indicating that such independent dealers are controlled merchants.

(ii) Stocks on consignment or on memorandum for sale are to be included in the inventory of the person actually holding them for sale, and in such case are to be excluded from the inventory of the owner. Stocks on consignment or on memorandum to a person not holding them for sale are to be included in the inventory of the owner.

(iii) Goods in transit may be either included in or excluded from inventory: *Provided*, That in all computations, records, reports, and other matters pursuant to this order, they are consistently treated by the merchant in accordance with his prior accounting or income tax return practice. Goods shall cease to be considered in transit not later than one business day after they are delivered to a merchant on his premises, to his warehouse, or to a commercial warehouse for his account; except that dutiable imported consumers' goods may be considered in transit until the import duty is paid.

(iv) Goods are held for sale and are considered as part of "inventory" even though they are not currently offered for sale, but are stored in a warehouse or elsewhere, with a view to sale at some future time, e. g., seasonal goods during the off season and goods held for speculative purposes. Goods held on the "layaway" plan pending payment of the purchase price may be included in or excluded from inventory: *Provided*, That in all computations, records, reports and other matters pursuant to this order, they are consistently treated by the merchant in accordance with his prior accounting or income tax practice.

(3) "Merchant" means any person engaged in retailing, wholesaling, jobbing or otherwise marketing consumers' goods, either of his own or another's manufacture, who maintains a mercantile inventory.

(4) "Controlled merchant" means any merchant, not in any of the exempt categories established by paragraph (b), who:

(i) On or after November 30, 1942, either had a mercantile inventory of consumers' goods having a cost value of $50,000 or more at the beginning of any quarter of his federal income tax years, or, during the twelve months preceding the beginning of any quarter of his federal income tax years, had net sales of consumers' goods of $200,000 or more.

(ii) Any merchant who is or becomes a "controlled merchant" within the foregoing definition shall cease to be a "controlled merchant" if, at the beginning of each of any four consecutive quarters thereafter, his mercantile inventory has a cost value of less than $50,000 and in addition, he has failed during the preceding twelve months to make net sales of consumers' goods of $200,000.

(5) "Net sales" means the amount of a merchant's gross sales of goods in dollars, including sales of goods shipped direct from a vendor to the merchant's customer, less all returns, allowances, rebates, discounts and other proper deductions. In the case of a merchant who is also engaged in manufacturing, his net sales shall not include any sales made, as a manufacturer, out of his factory inventory.

(6) "Cost value" or "cost" of goods received, sold or in inventory means the value in dollars of such goods computed by any single method of valuation which

[1] Underscored portions indicate changes from L–219, as amended March 26, 1943. Changes in Lists and Appendices are indicated by appropriate notes.

the merchant uses consistently and which meets the requirements of generally accepted accounting practice for determining the asset value of goods, e. g., income tax practice. Goods held for sale on consignment and on memorandum are to be valued at not less than the amount which the person holding them for sale would be obligated to remit to the owner if all of them were sold. Incoming transportation costs and workroom charges shall also be included in the value of goods on consignment or on memorandum if they are included in the cost value of comparable purchased goods in the inventory of the person holding them for sale. Retail merchants who consistently employ what is known as the "retail method" of pricing inventories may reduce their inventories to cost by the method prescribed for federal income tax purposes.

(7) "Inventory year" of a merchant means the recurrent twelve calendar month period beginning either December 1, January 1, or February 1, of each year, whichever corresponds with the beginning date of a quarter of his federal income tax year. An inventory year is designated by the number of the calendar year in which most of its months fall. For example, whichever of the inventory years commencing December 1, 1942, January 1, 1943, and February 1, 1943, is selected by a merchant, is his 1943 inventory year within the meaning of this order. Each inventory year shall consist of four "quarterly periods" of three calendar months each, except for the following options: Any merchant who keeps his books of account on the basis of an annual fiscal period divided into four periods of thirteen weeks each may adopt an inventory year of four thirteen-week "quarterly periods", each divided into a four-week "month", a five-week "month" and a four-week "month", in that order. Any merchant who keeps his books of account on the basis of an annual fiscal period divided into thirteen periods of four weeks each may adopt an inventory year of four "quarterly periods", in which the first "quarterly period" shall consist of sixteen weeks, divided into a five-week "month", a six-week "month" and a five-week "month", in that order, and the second, third and fourth "quarterly periods" shall each consist of twelve weeks, divided into three four-week "months". Any merchant who keeps his accounts on the basis of either of these types of fiscal year may use a date other than December 1, January 1, or February 1 as the first day of his inventory year: *Provided*, That the date selected is as near as possible to that beginning date of a quarter of his federal income tax year which falls nearest one of those three dates.

(8) "Base period" means a period of three inventory years, commencing with the beginning date of the merchant's 1939 inventory year. Ordinarily, this date will be December 1, 1938, January 1, 1939, or February 1, 1939. Any controlled merchant who lacks records for part or all of the base period so computed shall use as his special base period all the complete consecutive quarterly periods between December 1, 1938, and February 1, 1942, for which he has records. If the number of such quarterly periods is less than four, additional periods shall be taken from his 1942 inventory year sufficient to complete a single year. This treatment of inventory and sales data for such special base period shall conform as strictly as possible to the treatment of inventory and sales data for the base period prescribed in Appendix A attached to Order L-219. If a going business has changed owners since the commencement of the period which, but for such change, would have been its base period, and if the current owner possesses or can obtain the necessary data concerning his predecessor's operations, he shall compute the normal inventory of such business as if he had been its owner throughout. A controlled merchant who is unable to establish a base period, including 1942, of at least four consecutive quarterly periods, shall apply to the War Production Board for instructions, stating his monthly sales and inventories.

(9) "Normal inventory" means a mercantile inventory at the beginning of a quarterly period with a cost value no larger in relation to a merchant's projected sales during that quarterly period than he would carry at the beginning of that quarterly period when following his normal base period merchandising practices. In no event shall the normal inventory figure used by a merchant in determining his inventory limit exceed a figure correctly computed from his past inventory and sales experience by the method described and illustrated in Appendix A attached to Order L-219, and employed on Forms PD-689 and PD-690.

(10) "Normal receipts" as used in paragraphs (d), means the dollar amount of consumers' goods at cost value which a merchant will need during any quarterly period to complete his anticipated sales during that quarterly period and to begin his next succeeding quarterly period with his normal inventory, less the cost value of the mercantile inventory which he has at the beginning of the quarterly period. Except for merchants who elect, under paragraph (l), to use the "retail method", the normal receipts of a merchant shall be a figure correctly computed from the merchant's previous experience with respect to sales and cost of goods sold by the method described and illustrated in Appendices A and C attached to Order L-219 and employed on Form WPB-1621 (formerly Form PD-690). However, if the normal receipts figure thus computed is less than one-third of the cost of goods sold by the merchant during the preceding quarterly period, then he may use as his normal receipts figure an amount not exceeding one-third of the cost of goods sold during the preceding quarterly period.

(i) Nothing in this paragraph shall be construed as permitting a merchant whose mercantile inventory at the beginning of any quarterly period is greater than his inventory limit to receive during such quarterly period an amount of consumers' goods in excess of his "allowable receipts" calculated in accordance with paragraph (d).

(11) "Cost of goods sold" means the cost value of goods removed from mercantile inventory by sale, spoilage, shrinkage reserve, consignment to another person or other proper deduction in accordance with generally accepted accounting practice consistently used by the merchant, plus the cost value of goods shipped direct from a vendor to the merchant's customers.

(12) "Receipts of consumers' goods" means the cost value of consumers' goods acquired by a merchant by purchase, consignment, memorandum, or otherwise, in such a way and to such an extent that they became part of the merchant's mercantile inventory, plus the cost value of consumers' goods shipped direct from a vendor to the merchant's customers. For the purposes of this order consumers' goods manufactured by a merchant are to be considered receipts by him when they first become part of his mercantile inventory. Examples are:

(i) Consumers' goods become mercantile inventory when they are transferred from factory inventory to a stock-carrying branch warehouse inventory.

(ii) Consumers' goods which are held at or in the immediate vicinity of the place where their manufacture was completed become mercantile inventory when the manufacturer first offers them for sale to individual ultimate consumers or to independent dealers as provided in paragraph (a) (2) (i) of this order.

(13) "Frozen goods" means those consumers' goods in the mercantile inventory of a controlled merchant which he is selling at a substantially less rapid rate than normal, due to governmental regulations which specifically restrict the sale of those consumers' goods, such as typewriters and automobile tires, to preferred classes of persons based upon special need.

(14) "Footwear", as used in paragraphs (b) (4) and (i) (2), means the following items, regardless of the materials of which they are made: all types of shoes, including athletic shoes, slippers, moccasins, sandals, rubbers, rubber boots, sneakers, waders, arctics, overshoes, galoshes, and the like. "Footwear" does not include hosiery, leggings, or spats.

(b) *Exemption of certain types of business.* The provisions of paragraph (d) and paragraph (e) of this order shall not apply to any merchant in any of the following exempt categories.

(1) Any merchant more than fifty per cent of whose aggregate net sales of all kinds of goods during his most recently completed inventory year were sales of goods listed on List A.

(2) Any merchant engaged in retailing, wholesaling, jobbing, or otherwise marketing consumers' goods entirely outside the forty-eight States and the District of Columbia.

(3) Any governmental corporation, including any United States Army or Marine Corps post exchange, any United States Navy or Coast Guard ship's service department and any War Shipping Administration training organization ship's service activity.

(4) Any merchant 90% or more of whose aggregate net sales of all kinds of goods during his most recently completed inventory year were sales of footwear.

(c) *Calculation of inventory limit.* (1) As used in paragraph (d) and paragraph (e), the "inventory limit" of a controlled merchant at the beginning of any quarterly period of his inventory year shall mean his normal inventory as of the beginning of that quarterly period plus the percentage of such normal inventory to which he is entitled as tolerance, computed by the method described and illustrated in Appendix B attached to Order L-219, and employed on Form PD-690. Except for merchants who elect under paragraph (l) to use the "retail method", the percentage of tolerance shall be as follows: With respect to mercantile inventories in the Eastern and Central Time Zones the percentage of tolerance shall be 10% beginning with the second quarterly period of the 1943 inventory year. With respect to mercantile inventories in the Mountain and Pacific Time Zones the percentage of tolerance shall be 15% beginning with the second quarterly period of the 1943 inventory year.

(2) The War Production Board may issue specific instructions increasing the normal inventory figure of a controlled merchant. It may also issue specific instructions increasing or decreasing the percentage of tolerance of a controlled merchant. A request for an increased normal inventory figure or an increased percentage of tolerance, or both, may be made by filing Forms WPB-1620, WPB-1621, and WPB-1622 (formerly Forms PD-689, PD-690 and PD-691, respectively), accompanied by a letter in triplicate stating the reasons which he considers warrant such an increase.

(d) *Restrictions on receipts of consumers' goods.* (1) Except as provided in paragraph (d) (4), (which specifies certain quarterly periods in which the following restrictions do not apply), no controlled merchant whose mercantile inventory at the beginning of any quarterly period of his inventory years is greater than his inventory limit shall have receipts of consumers' goods during the quarterly period which in dollar amount exceed his "allowable receipts". He shall correctly calculate his allowable receipts as follows:

(i) He shall multiply his normal receipts computed as provided in paragraph (a) (10), by the appropriate percentage selected from the following table, in accordance with the method described and illustrated in Appendix E attached to Order L-219, and employed on Form WPB-1621, formerly Form PD-690:

If the merchant's mercantile inventory exceeds his normal inventory by:	*His allowable receipts of consumers' goods shall be the following percentage of his normal receipts:*
0 to and including 25%	100%
26% to and including 50%	75%
51% to and including 100%	50%
Over 100%	40%

(2) Except as provided in paragraph (d) (4), a controlled merchant whose mercantile inventory is greater than his inventory limit at the beginning of any quarterly period of his inventory years shall not receive more than one-third of his allowable receipts for such quarterly period during the first month of that quarterly period, and he shall not receive more than two-thirds during the first two months of that quarterly period.

(3) The War Production Board may issue specific instructions increasing or decreasing the allowable receipts of a controlled merchant. A request for increased allowable receipts may be made by filing Form WPB-1620, formerly Form PD-689; Form WPB-1621, formerly PD-690; and Form WPB-1622, formerly PD-691, accompanied by a letter in triplicate stating the reasons which he considers warrant such an increase.

(4) With respect to a merchant who became a controlled merchant on or after July 10, 1943, none of the restrictions on receipts referred to in paragraphs (d) (1) and (d) (2) shall become effective until the beginning of the fourth quarterly period of his 1943 inventory year. With respect to a merchant who became a controlled merchant prior to July 10, 1943, none of the restrictions on receipts referred to in paragraphs (d) (1) and (d) (2) shall apply to the first quarterly period of his 1943 inventory year and until the beginning of the fourth quarterly period of 1943 he shall not be restricted under paragraph (d) (1) to less than 100 per cent of his normal receipts.

(e) *Special reports.* Whenever a controlled merchant is required to make a report to the War Production Board, as provided in paragraph (e) (1), he shall fill out such report in duplicate, mail one copy to the War Production Board and retain the other copy in his possession.

(1) Any controlled merchant having a mercantile inventory which is greater than his inventory limit at the beginning of any quarterly period of his inventory years, shall make each of the following reports to the War Production Board, except that: If he became a controlled merchant prior to July 10, 1943, he need not make such reports for the first quarterly period of 1943, and if he became a controlled merchant on or after July 10, 1943, he need not make such reports for any quarterly period prior to the fourth quarterly period of 1943.

(i) A report on Form WPB-1621, formerly Form PD-690, on or before the twenty-fifth day of the first month of such quarterly period, together with Form WPB-1620, formerly Form PD-689. (Form WPB-1620, formerly Form PD-689, is to be submitted once only, at the time of the first filing of Form WPB-1621, formerly Form PD-690.)

(ii) A report on Form WPB-1962, formerly Form PD-713, on or before the twenty-fifth day of the second month of such quarterly period.

(iii) A report on Form WPB-1962, formerly Form PD-713, on or before the twenty-fifth day of the third month of such quarterly period.

(iv) A report on Form WPB-1621, formerly PD-690, on or before the twenty-fifth day of the first month of the following quarterly period.

(f) *Corporate combinations and similar enterprises*—(1) *Consolidated inventories and reports.* Except as otherwise provided in paragraphs (g) and (h), every person affected by this order shall, when computing the quantity of his sales, his mercantile inventories, his receipts, and other matters pursuant to this order, include the sales, mercantile inventories, receipts and other matters of all stores, branches, divisions and sections of his enterprise and of any other enterprise under common ownership or control with his enterprise. Moreover, the reports relating to such sales, inventories and other matters shall be consolidated and shall include the sales, inventories and other matters of all branches, divisions, or sections of all enterprises under common ownership or control without regard to corporate or other distinctions between such enterprises. Concessions and leased departments shall be treated as enterprises separate from the business of the merchant whose premises they occupy, unless under common ownership or control with such business.

(2) *Intra-company and inter-company sales.* In all computations and reports pursuant to this order, transactions within the enterprise of a single person or between stores, branches, divisions or sections of enterprises subject to common ownership or control, shall not be counted as sales or as receipts of goods, even though designated on the books of such enterprise or enterprises as sales or receipts, with the following exceptions:

(i) If one or more establishments, belonging to a group of establishments under common ownership or control, engage in manufacturing and their records are consolidated under this order, the consumers' goods manufactured by such establishments are to be considered receipts (as defined in paragraph (a) (12))

by that group of establishments when such goods first become part of its mercantile inventory.

(ii) If, pursuant to paragraph (g) or paragraph (h), establishments under common ownership or control are treated as separate entities for the purpose of this order, transfers of consumers' goods from one such establishment to another are to be deducted from the mercantile inventory of the transferor, and counted as receipts by the transferee, but the transferor shall not include in his net sales the amount of money, credit or property received in exchange for such goods.

(g) *Separate accounting for company stores.* (1) If any person, as an incident of his principal business, carries on a business enterprise consisting of one or more company stores, commissaries, industrial stores, or other similar type of business enterprise marketing consumer goods chiefly to the employees of such person and their families, then that person shall determine whether such incidental enterprise is a controlled merchant as defined in paragraph (a) (4) of this order and not exempt under paragraph (b) when separately considered.

(2) If such incidental enterprise is, in itself, a controlled merchant, then, even though the principal business of that person may consist of sales of goods on List A, such person shall keep the records, report the inventories, and restrict the receipts of goods of such incidental enterprise as a separate entity. Such person shall exclude the sales, inventories, and receipts of goods of such incidental enterprise from computations and other matters respecting his principal business.

(h) *Separate accounting for ownership groups.* If a controlled merchant consists of a number of establishments, each of which would be a controlled merchant if considered separately, which are substantially independent with respect to merchandising, buying, warehousing, selling, advertising, management, and accounting, and in the operation of which the controlled merchant does not practice centralized buying for, centralized storage for, or interchange of stocks among the constituent establishments, such controlled merchant may elect by written notice to the War Production Board, mailed before February 1, 1943, to keep the records, report the inventories, and restrict the receipts of goods of each such constituent establishment as a separate entity.

(i) *Segregation of goods*—(1) *Consumers' goods.* Any merchant who is engaged in marketing both consumers' goods and other goods may include such other goods with consumers' goods in calculating inventories, sales, receipts of goods, and all other matters under this order if such other goods are consistently included and if their exclusion would be impracticable. The exclusion of such goods from consumers' goods may be considered impracticable only when such exclusion would require the compilation of data respecting the base period which that merchant does not already have available and which could be compiled, if at all, only by re-examining his original records of sales, purchases and inventories during the base period.

(2) *Footwear.* On or after June 1, 1943, a controlled merchant who sells footwear, but who is not exempt under paragraph (b) (4), may, except for the purpose of determining whether he is a controlled merchant, exclude the dollar amount of such footwear in calculating inventories, sales, receipts of goods, and all other matters under this order: *Provided*, That he makes such exclusion of footwear consistently in his base period and current computations. If it is impracticable for him to make such exclusion of footwear, he may apply, by letter in triplicate, to the War Production Board for instructions, setting forth any method by which he believes such exclusion may be made with reasonable accuracy.

(j) *Consistency in accounting.* In the valuation of inventories, in the computation of net sales and costs of goods sold, and in all other matters of accounting under this order, unless otherwise specifically authorized by the War Production Board, a merchant must use those accounting methods and figures which are in accordance with his books of account or his income tax returns, which meet the requirements of generally accepted accounting practice for the particular purpose, and which he has consistently employed since the beginning of his base period. If, since that date, there has been a material change or inconsistency in his accounting practice affecting valuation of inventories, computation of his net sales, cost of goods sold, or other matters of accounting under this order, or if his customary accounting methods do not meet the requirements of accepted accounting practice, he shall apply by letter to the War Production Board for specific instructions concerning the adjustments, if any, to be made, stating in such letter the nature of the change or inconsistency, or the variance from accepted practice.

(k) *Inter-relation with Suppliers' Inventory Limitation Order L–63.* Nothing in this order shall be construed to relieve any person of the duty of complying with § 1046.1, Suppliers' Inventory Limitation Order L–63. Any controlled merchants who market supplies, as defined in Order L–63, and who are not exempt from this order by virtue of paragraph (b) (1), shall not only comply with any restrictions of Order L–63 applicable to their operations but shall also comply with the provisions of this order without distinction between those consumers' goods which are supplies and other consumers' goods.

(l) *Optional use of the "retail method."* Any retail merchant who employed during his base period what is known as the "retail method" of pricing inventories may elect to value his mercantile inventory and to compute his allowable receipts at retail, rather than at retail reduced to "cost" or "cost value," on the following conditions:

(1) He shall employ a percentage of tolerance two per cent lower than he would otherwise be entitled to use under the provisions of paragraph (c) (1).

(2) He shall consistently value his goods at retail wherever the provisions of this order specify the use of "cost value" or "cost," except for the purpose of determining whether he is a controlled merchant under paragraph (a) (4).

(3) His normal receipts at retail shall be a figure correctly computed from the merchant's previous experience with respect to sales and mark-downs by the method described and illustrated in Appendix D attached to Order L–219, and employed on Form WPB–1621, formerly Form PD–690. However, if the normal receipts figure thus computed is less than one-third of the sum of his net sales and markdowns during the preceding quarterly period, then he may use as his normal receipts figure an amount not exceeding one-third of the sum of his net sales and markdowns during the preceding quarterly period.

(i) Nothing in this paragraph shall be construed as permitting a merchant whose mercantile inventory at the beginning of any quarterly period is greater than his inventory limit to receive during such quarterly period an amount of consumers' goods in excess of his allowable receipts calculated in accordance with paragraph (d).

(ii) [Revoked July 10, 1943]

(4) His markdowns at retail used in computing his normal receipts at retail shall not be a greater percentage of his projected sales than his markdown percentage in the corresponding quarterly period of the preceding inventory year.

(m) *Special deductions*—(1) *"Frozen goods."* Except for the purpose of determining whether he is a controlled merchant, a controlled merchant may deduct from the cost value of his mercantile inventory on hand at the beginning of any current quarterly period an amount in dollars equal to either of the following:

(i) The cost value on that date of his mercantile inventory of any kind of "frozen goods" which he has had in his mercantile inventory more than four months, minus the cost value of the "frozen goods" of that kind sold by him during the immediately preceding quarterly period, or

(ii) The appropriate percentage, selected from the list below, of the total cost value of the "frozen goods" in his mercantile inventory at the beginning of the second quarterly period of the 1943 inventory year. Such total cost value shall be determined by a physical count taken at, or as near as possible to the beginning of the second quarterly period of his 1943 inventory year.

Time of deduction	*Percentage to be deducted*
Beginning 2nd quarterly period 1943	85
Beginning 3rd quarterly period 1943	70
Beginning 4th quarterly period 1943	55
Beginning 1st quarterly period 1944	40
Beginning 2nd quarterly period 1944	25
Beginning 3rd quarterly period 1944	10
Beginning any quarterly period thereafter	No deduction

(2) *Notice of "frozen goods" deductions.* Any controlled merchant who makes a deduction under either of the foregoing plans shall notify the War Production Board in writing, within twenty-five days after the beginning of the quarterly period, of the plan which he has adopted. A controlled merchant may use either of the two plans, but not both, and having once selected one of the two plans, may not change to the other plan in a subsequent quarterly period.

(3) *Military and naval apparel.* Except for the purpose of determining whether he is a controlled merchant, a controlled merchant licensed by the United States Army exchange service or by the United States Navy may exclude from his current computations, provided he does so consistently, his current receipts, sales and inventories of those articles of apparel, and only those, bearing the labels "made and sold under the authority of the United States Navy", or labels properly authorized by the Army exchange service, War Department, and prescribed for articles for the regulation Army officers' uniforms.

(n) *Special transactions.* (1) Any controlled merchant whose receipts are restricted under paragraph (d), but whose actual receipts are not in excess of his allowable receipts, may exchange consumers' goods with other persons without including the goods so acquired in computing his receipts of consumers' goods: *Provided*, That:

(i) If, during the quarterly period in which the exchange occurs, his monthly or quarterly receipts up to the date of the exchange have been less than his allowable receipts for the period, he shall include in his receipts of consumers' goods for that quarterly period the amount, expressed in dollars, of any consideration which he pays or contracts to pay to the person with whom he makes the exchange to compensate such person for the difference in dollar value between the consumers' goods exchanged, and

(ii) If, during the quarterly period in which the exchange occurs, his monthly or quarterly receipts up to the date of the exchange equal his allowable receipts for the period, he may not deliver consumers' goods less valuable than those he receives in exchange, if the difference between the values of the goods exchanged, expressed in terms of dollars, exceeds five percent (5%) of the dollar value of the goods delivered.

(2) If a merchant whose receipts are restricted under paragraph (d), but whose actual receipts are not in excess of his allowable receipts, transfers any portion of his mercantile inventory by sale (other than by way of exchange) effected outside his ordinary method of doing business, he may, while his receipts continue to be thus restricted, apply to the War Production Board, by letter, in triplicate, for an increase of his allowable receipts to the extent of the amount, expressed in dollars, of the consideration he received from such special sales. In making such application he shall state the dollar amount of such sales for which he has not already been granted increased allowable receipts. In addition, he shall state with respect to each such special sale the date of the sale, the goods sold, the amount, expressed in dollars, of the consideration he received, the purchaser's name, address and field of business operation.

(3) A controlled merchant shall not include in his net sales, to be used in calculating his projected sales during succeeding quarterly periods, the amount of consumers' goods transferred, by exchange or otherwise, to other persons in special transactions effected outside his ordinary method of doing business.

(4) Nothing in this paragraph shall be construed to prohibit any controlled merchant, whose inventory was not greater than his inventory limit at the beginning of any quarterly period, from making exchanges of consumers' goods.

NOTE: Paragraphs (3) and (4) redesignated July 10, 1943.

(o) *Miscellaneous reports.* Merchants shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board may from time to time request, including reports concerning the sales and inventories of subsidiaries, branches or sales units, or of separate retailing or wholesaling divisions, or of particular departments or lines of merchandise.

(p) *Records.* (1) Every merchant shall preserve those records concerning his operations necessary to determine whether he is a controlled merchant.

(2) Every controlled merchant shall preserve his records concerning sales and inventories during the base period until further notice. Complete and accurate records kept on Form WPB–1620, formerly PD–689, will satisfy this requirement.

(3) Every controlled merchant shall prepare and preserve for a period of at least two years accurate and complete records concerning his sales, inventories, cost of goods sold, and receipts of goods in such form that the extent of his compliance with this order can readily be ascertained. Complete and accurate records kept on Forms WPB–1620 and WPB–1621, formerly Forms PD–689 and PD–690, respectively, and such other forms as are issued from time to time will satisfy this requirement.

(q) *Miscellaneous provisions*—(1) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(2) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(3) *Appeals.* Any person subject to any requirement of this Order, who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may appeal by filing Forms WPB–1620, WPB–1621 and WPB–1622, formerly Forms PD–689, PD–690 and PD–691, respectively, accompanied by a letter in triplicate, referring to the particular provisions of this Order from which he appeals, and stating fully the grounds of his appeal.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control or allocation and may be deprived of priorities assistance.

(5) *Communications to the War Production Board.* All reports, when ordered to be filed, and all communications concerning this order shall, unless otherwise directed, be sent to the War Production Board, Wholesale and Retail Trade Division, 350 Fifth Avenue, New York 1, N. Y. Ref.: L–219.

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—LINES OF GOODS (WHETHER OF NOT CONSUMERS' GOODS) QUALIFYING MERCHANTS FOR EXEMPTION

NOTE: Item "Tobacco products • • •" added; "Supplies • • •" amended July 10, 1943.

Antiques.
Coal, fuel oil, gasoline and miscellaneous heat or power fuel.
Coffins, burial caskets, and burial vaults.
Farm machinery and equipment, and attachments and repair parts therefor.
Coffins, burial caskets, and burial vaults.
Foods and confections.
Grain.
Hay.
Ice.
Jewelry having a selling price of $200 or more per piece.
Lumber and building materials, except hardware.
Motor oil and grease.
Motor vehicles and motor vehicle replacement parts.
Non-alcoholic beverages.
Rubber tires.

Second-hand goods.
Stock food.
Seeds for farm use.
Tobacco products, such as cigarettes, cigars, chewing and smoking tobacco.
Typewriters.
"Consumers' goods" imported into the United States.
Supplies, as defined in § 1046.1 *Suppliers' Inventory Limitation Order L–63*, concerning which the merchant is required to keep and actually keeps records on Form WPB–825, formerly Form PD–336.

LIST B

NOTE: First paragraph added July 10, 1943.

Consumers' goods shall be considered as including the commodities listed below, but this list is not intended to be exhaustive, and all items coming within the definition contained in paragraph (a) (1) shall be considered consumers' goods for the purpose of the order.

Women's, misses', wearing apparel.
Women's, misses' accessories.
Baby goods.
Men's and boys' clothing.
Men's and boys' furnishings.
Work clothing.
Footwear.
Hosiery, underwear, negligees and robes.
Gloves, handbags and millinery.
Aprons, house dresses and uniforms.
Furs.
Corsets and brassieres.
Lace, trimmings, and ribbons.
Notions.
Toilet articles and toiletries (such as cosmetics, shaving equipment and soaps).
Clocks and watches.
Jewelry and silverware.
Umbrellas.
Art, needlework and yarns for home use.
Paper and paper products, stationery, books.
Giftwares.
Piece goods (silks, velvets, rayons and synthetics, woolens, cottons, linens, mixtures, wash goods and linings).
Drugs and drug sundries.
Sporting goods and cameras.
Toys and games.
Luggage and other leather goods.
Garden supplies and seeds for garden use.
Motor vehicles, replacement parts, and accessories.
Tires.
Typewriters.
Linens, including towels.
Domestics (muslins, sheetings, etc.).
Blankets, comforters and spreads.
Furniture, bedding and domestic floor coverings.
Draperies, curtains and upholstery.
Lanterns, lamps and shades.
Chinaware and glassware.
Major household appliances, including mechanical refrigerators, washing machines and cooking appliances.
Small electrical appliances, light bulbs, fixtures and dry cells.
Radios, phonographs, records and supplies.
Hardware and tools for home use.
Kitchenware, cutlery and miscellaneous housewares.
Musical instruments, pianos and sheet music.
Window shades, blinds and wallpaper.
Brushes, brooms and mops.
Soaps and household cleaning and sanitation materials.
Paints, varnishes, waxes and polishes.
Christmas ornaments and supplies.
Wheeled goods.
School supplies.
Antiques.
Coal.
Flowers and plants.
Smoking equipment.
Second-hand consumers' goods.

APPENDIX A—COMPUTATION OF A NORMAL INVENTORY

NOTE: Appendix A amended in its entirety July 10, 1943.

1. Computation of the normal quarterly inventory-sales ratio, using the fourth quarterly period ratio as an example.

A. Add the mercantile inventories for the quarterly periods of the base period years corresponding to the quarterly period for which the normal inventory is being computed.

Example.

1939 Beginning 4th quarterly period inventory ..... $------
1940 Beginning 4th quarterly period inventory ..... $------
1941 Beginning 4th quarterly period inventory ..... $------
Total A ..... $------

B. Add the net sales for the quarterly periods of the base period years corresponding to the quarterly period for which the normal inventory is being computed.

Example.

1939 sales 4th quarterly period ..... $------
1940 sales 4th quarterly period ..... $------
1941 sales 4th quarterly period ..... $------
Total B ..... $------

C. Divide Total A by Total B, computing to three decimal places.

$\frac{\text{Total A}}{\text{Total B}}$ = normal inventory-sales ratio for all fourth quarterly periods.

II. Computation of projected sales, using the fourth quarterly period of 1943 as an example.

A. First, compute the *Sales Trend Ratio* as follows: Divide the net sales during the second preceding quarterly period by the net sales during the quarterly period of the previous year corresponding to the second preceding quarterly period, computing to three decimal places.

Example.

$\frac{\text{Sales 2nd quarterly period 1943}}{\text{Sales 2nd quarterly period 1942}}$ = Sales trend ratio for 4th quarterly period 1943

B. Second, compute the *Sales Projection Ratio* as follows: (1) If the sales trend ratio is between .900 and 1.100, such ratio is the sales projection ratio to be used in calculating a merchant's projected sales.

Example. If the sales trend ratio is 1.050, the sales projection ratio is also 1.050. If the sales trend ratio is .950, the sales projection ratio is also .950.

(2) If the sales trend ratio is less than .900, determine the sales projection ratio in the following manner:

Add to the sales trend ratio one-half the difference between the sales trend ratio and .900 to obtain the sales projection ratio.

Example. Suppose the sales trend ratio is .784

Sales trend ratio ..... = .784
Add, ½ difference between .900 and the sales trend ratio $\frac{.900-.784}{2}$ ..... = .058
Sales projection ratio for 4th quarterly period 1943 ..... = .842

(3) If the sales trend ratio is greater than 1.100, determine the sales projection ratio in the following manner:

Subtract from the sales trend ratio one-half the difference between the sales trend ratio and 1.100 to obtain the sales projection ratio.

Example. Suppose the sales trend ratio is 1.368.

Sales trend ratio ..... = 1.368
Subtract, ½ Difference between sales trend ratio and 1.100 $\frac{1.368-1.100}{2}$ ..... = .134
Sales projection ratio for 4th quarterly period 1943 ..... = 1.234

C. Third, compute *Projected Sales* as follows: Multiply the sales projection ratio for the quarterly period by the net sales during the corresponding quarterly period of the preceding year.

Example. Sales projection ratio 4th quarterly period 1943 × sales 4th quarterly period 1942 = projected sales 4th quarterly period 1943.

III. Computation of the normal inventory, using the fourth quarterly period of 1943 as an example.

Multiply the projected sales during the quarterly period by the normal inventory-sales ratio for that quarterly period.

Example. Projected sales 4th qt. '43 × normal inventory-sales ratio for all 4th qts. = normal inventory beginning 4th qt. '43.

IV. Computation of percentage by which mercantile inventory exceeds normal inventory.

NOTE: This percentage is based on the excess of mercantile inventory over *normal* inventory, *not* the excess over inventory limit.

If the mercantile inventory at the beginning of any quarterly period exceeds the normal inventory at the beginning of the same quarterly period, divide the mercantile inventory by the normal inventory, computing to two decimal places. Then subtract 1.00 from the result. Drop the decimal point from the figure thus obtained to secure the percentage by which the mercantile inventory exceeds the normal inventory.

Example. Suppose the mercantile inventory at the beginning of the 4th quarter '43 is $273,124
And the normal inventory at the beginning of the 4th quarter '43 is 198,635
Divide the mercantile inventory 273,124 = 1.375
By the normal inventory 198,635

When, as here, the 3rd decimal is 5 or over, increase the second decimal by 1 ..... 1.38
Subtract 1.00 from the result 1.00
Drop the decimal point from the figure thus obtained ..... .38
Percentage by which the mercantile inventory exceeds the normal inventory at the beginning of the 4th quarter '43 ..... 38%

APPENDIX B—COMPUTATION OF INVENTORY LIMIT

NOTE: Appendix B amended in its entirety July 10, 1943.

1. Computation of the inventory limit using as an example the fourth quarterly period of 1943 of a merchant in the Eastern Time Zone operating on the cost method.

A. Compute the tolerance by multiplying the normal inventory for the beginning of the quarterly period by the appropriate percentage of tolerance.

Example. Normal inventory beginning 4th qt. '43 × .10 = Tolerance beginning 4th qt. '43.

B. Add the tolerance thus secured to the normal inventory.

Example.

Tolerance beginning 4th quarterly period '43 ..... $------
Normal inventory beginning 4th quarterly period '43 ..... $------
Inventory Limit beginning 4th qt. '43 ..... $------

APPENDIX C—COMPUTATION OF NORMAL RECEIPTS AT COST VALUE ON THE BASIS OF PROJECTED SALES

NOTE: Appendix C amended in its entirety July 10, 1943.

I. Computation of the cost of projected sales for a quarterly period, using the fourth quarterly period of 1943 as an example.

A. Divide the cost of goods sold during the corresponding quarterly period of the preceding year by the net sales during the corresponding quarterly period of the preceding year.

Example. Cost of goods sold 4th qt. '42 ÷ Net Sales 4th qt. '42 = Cost ratio for 4th qt. '43.

B. If such data are not available, use the cost of goods sold and net sales on the most recent federal income tax return.

Example. Cost of goods sold during taxable year 1942 ÷ Net sales during taxable year 1942 = Cost ratio for any qt. of '43.

C. Multiply the projected sales for the quarterly period computed in accordance with Appendix A, by the cost ratio for the quarterly period.

Example. Cost ratio × projected sales 4th qt. '43 = Cost of projected sales for 4th qt. '43.

II. Computation of normal receipts for a quarterly period, using the fourth quarterly period of 1943 as an example.

A. Add the cost of projected sales for the quarterly period to the cost value of a normal inventory at the beginning of the next quarterly period.

Example.

Cost of projected sales 4th qt. '43 ..... $------
Normal inventory beginning 1st qt. '44 ..... $------
Total A ..... $------

B. Subtract from the sum thus secured the mercantile inventory on hand at the beginning of the current quarter.

Total A ..... $------
(Minus) Mercantile inventory beginning 4th qt. '43 ..... $------
Normal receipts during 4th qt. '43 ..... $------

APPENDIX D—COMPUTATION OF NORMAL RECEIPTS AT RETAIL VALUE USING PROJECTED SALES

Note: Appendix D amended in its entirety July 10, 1943.

1. Computation of normal receipts for a quarterly period, using the fourth quarterly period of 1943 as an example.

A. Add the projected sales and the projected markdowns for the quarterly period to the normal inventory at retail value at the beginning of the next quarterly period.

Example.

Projected sales 4th qt. '43 ..... $------
Projected Markdowns at Retail 4th qt. '43 ..... $------
Normal Inventory at Retail Beginning 1st qt. '44 ..... $------
Total A ..... $------

B. Subtract from the sum thus secured the mercantile inventory, at retail, on hand at the beginning of the quarterly period.

Example.

Total A ..... $------
(Minus) Mercantile inventory at retail value beginning 4th qt. '43 ..... $------
Normal Receipts at retail during 4th qt. '43 ..... $------

APPENDIX E—CALCULATION OF ALLOWABLE RECEIPTS

NOTE: Appendix E added July 10, 1943.

1. Every merchant whose receipts during a quarterly period are restricted (see paragraphs (d) and (d) (4) to determine whether your receipts are restricted), shall calculate his allowable receipts for such quarterly period as follows:

A. Calculate the normal inventory, the normal receipts, and the percentage by which the mercantile inventory exceeds the normal inventory according to the instructions in Appendix A, Sections I, II and III, Appendix C, and Appendix A section IV, respectively.

B. Using the table set forth in paragraph (d) (1) (i) of this Order determine the allowable receipts in the manner illustrated below:

1. If the mercantile inventory exceeds the normal inventory by less than 26% of the normal inventory, the merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 100% of his normal receipts figure, i. e., his allowable receipts equal 100% of his normal receipts figure.

Example. A merchant's mercantile inventory is 15% greater than his normal inventory. His normal receipts figure for the quarterly period is $210,000.

Since the percentage of inventory excess is less than 26%, such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 100% of $210,000 or $210,000, i. e., his allowable receipts equal $210,000.

2. If the mercantile inventory exceeds the normal inventory by more than 25% but less than 51%, the merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 75% of his normal receipts figure, i. e., his allowable receipts equal 75% of his normal receipts figure.

Example. A merchant's mercantile inventory is 35% greater than his normal inventory. His normal receipts figure for the quarterly period is $755,000.

Such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 75% of $755,000, or $566,250, i. e., his allowable receipts equal $566,250.

3. If the mercantile inventory exceeds the normal inventory by more than 50% but less than 101%, the merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 50% of his normal receipts figure, i. e., his allowable receipts equal 50% of his normal receipts figure.

Example. A merchant's mercantile inventory is 68% greater than his normal inventory. His normal receipts figure for the quarterly period is $175,000.

Such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 50% of $175,000, or $87,500, i. e., his allowable receipts equal $87,500.

4. If the mercantile inventory exceeds the normal inventory by more than 100%, such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 40% of his normal receipts figure, i. e., his allowable receipts equal 40% of his normal receipts figure.

Example. A merchant's mercantile inventory is 120% greater than his normal inventory. His normal receipts figure for the quarterly period is $432,000.

Such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 40% of $432,000, or $172,800, i. e., his allowable receipts equal $172,800.

[F. R. Doc. 43–11149; Filed, July 10, 1943; 12:01 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 22 to CMP Reg. 1]

SPECIAL ALLOTMENTS

The following direction is hereby issued with respect to § 3175.1, CMP Regulation 1.

(a) *Purpose.* (1) This direction outlines the way in which a manufacturer of Class A products who does not receive allotments from his customers in time to permit him to make full use of them, may apply for a special allotment.

(2) Special allotments will not be granted except in extraordinary cases of urgent need where a clear showing is made that failure to make the allotment will actually cause an interruption of production to the detriment of the war effort and that the applicant has made a diligent effort to obtain allotments from his customers and has been unable to do so. The showing of these facts must be set up in the letter of transmittal covering the application.

(3) Usually manufacturers applying for a special allotment will be either those who are several steps removed from a prime consumer and where unavoidable delay is involved in passing allotments down or those engaged in long cycle operations whose customers are not able to furnish them with advance allotments.

(4) Special allotments will not be granted to prime consumers.

(b) *How to apply for special allotments.* Applications for special allotments should be made on Form CMP–4B (revised June 9, 1943). The following variations from the instructions for preparing the form must be observed:

(1) Mark the application "Special Allotment Procedure" in Item 3 of the heading.

(2) Insert in Item 4 of the heading the description of the A product covered by the application.

(3) The applicant must show in Section B his total anticipated production schedule for the Class A product covered by the application to be produced from third and fourth quarter allotments.

(4) The applicant must show in Section C his total requirements during the third and fourth quarters to fill the total anticipated production schedule shown in Section B:

(5) Section D must be filled out in accordance with the instructions.

(6) The applicant must show in Section E the quantity of controlled materials for which a special allotment is required which will be the difference between the quantities shown in Section C and the quantities shown in Section D.

(7) All other information called for on the CMP–4B application, including shipment by preference ratings and Claimant Agencies (Section A), must be given by the applicant. The application should be filed with the War Production Board Ref: Special Allotment Procedure, and must be accompanied by a letter of transmittal explaining fully why the applicant feels he is entitled to special treatment.

(8) In those cases where the applicant has been instructed by a particular Claimant Agency or Industry Division to file an application for a special allotment he should indicate the name of the Claimant Agency or Industry Division in Item 1 of the heading.

(c) *Conditions on use of special allotments.* Conditions on the use of special allotments will be imposed in the letter of transmittal accompanying Form CMPL–150 on which the special allotment will be made. Among the conditions will be the following:

(1) A consumer receiving a special allotment must not use any allotment received from his customers to purchase controlled materials or Class A products needed in manufacturing the Class A product covered by the special allotment. This restriction applies only to the quarter or quarters covered by the special allotment.

(2) Authorized controlled material orders placed, or allotments made, on the basis of allotments received from customers (including SO orders received) prior to receiving the special allotment need not be changed, but the consumer receiving the special allotment must deduct from it the quantity of

such orders and allotments for the same quarter.

(3) A manufacturer receiving a special allotment must not deliver any Class A product made out of controlled materials covered by the allotment to any customer unless the customer furnishes the manufacturer with an allotment and an authorized production schedule.

(4) A consumer receiving a special allotment must, not later than the fifth day of each calendar month following receipt of the special allotment, return to the Claimant Agency or Industry Division making the special allotment all allotments received from his customers for the manufacture of the Class A product covered by the special allotment, and must report allotments received and used prior to receipt of the special allotment. The return of allotments and reports must be made on Form CMP-28.

(d) *Confined to third and fourth quarters.* This special allotment procedure will be used only for third and fourth quarter allotments.

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11151; Filed, July 10, 1943; 12:01 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Amdt. 2 to CMP Reg. 5, as Amended May 14, 1943]

Section 3175.5 *CMP Regulation No. 5* is amended as follows:

1. By changing the second sentence of paragraph (b) (2) to read as follows:

The terms shall also include such items as hand tools purchased by the employer for sale to his employees for use only in his business, in those cases where they would constitute operating supplies under established accounting practice if issued to employees without charge.

(NOTE: The effect of this amendment is to allow an employer to purchase such items as hand tools for resale to his employees although he has not customarily done so in the past.)

2. By changing "II Radio communications" appearing under the general heading "Conduct of the following businesses or activities" to "I Radio communications."

3. By striking the item "I Analytical, research, testing and control laboratories" appearing under the general heading "Conduct of the following businesses or activities."

4. By adding the item "II Identification plates, emblems, badges, pin tickets and tags." under the general heading "Miscellaneous Products."

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11150; Filed, July 10, 1943; 12:01 p. m.]

PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS: SIMPLIFICATION

[Interpretation 1 of Limitation Order L-272 and Schedules Thereto]

The following interpretation is hereby issued with respect to Limitation Order L-272 and schedules thereto:

At several points in the simplification schedules to Limitation Order L-272 the manufacture of instruments of certain types, or special items, features or devices on instruments, is permitted only where required by Army, Navy, Maritime Commission or War Shipping Administration specifications, as indicated in each instance. For example, Schedule IV, paragraph (b) (4) (ii), requires the elimination of brass cases for gauges, "except where required by Army or Navy specifications". Again, Schedule V, paragraph (b) (3) (i), eliminates the 3½-inch size regulator, "except where required by Navy, Maritime Commission, or War Shipping Administration specifications."

Wherever such a provision appears in the order, or schedules thereto, it means that for the exception to be operative the specification must be required by the named service branch or Federal Agency. To illustrate, a gauge with brass case may be furnished for delivery on a direct Navy procurement, or for delivery on a purchase order for gauges which are ultimately for the account of the Navy (e. g., to be installed as a component in an end product being manufactured under a prime contract of the Navy), provided in either instance that the Navy, in its direct procurement or its prime contract, requires gauges conforming to Navy specifications which prescribe a brass case. The end use of the gauge, or other instrument, must be for the account of the service branch or agency whose required specifications are excepted.

Such an exception does not mean, therefore, that a manufacturer may produce the prohibited instruments or items simply by manufacturing them in conformity with the service or agency specifications mentioned, and thereafter deliver them against any orders. Nor does it mean that any customer may procure such prohibited instruments or items by prescribing the permitted specifications on his order. The exception applies only to manufacture and delivery on orders placed by or for the ultimate account of the Army, Navy, Maritime Commission or War Shipping Administration, where the particular service or agency has actually specified use of the specification in the first instance.

This interpretation applies to all provisions in the several schedules to Limitation Order L-272 which make reference to Army, Navy, Maritime Commission or War Shipping specifications.

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11152; Filed, July 10, 1943; 12:01 p. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES [1]

[Limitation Order L-201 as Amended July 10, 1943]

AUTOMOTIVE TIRE CHAINS, TRACTOR TIRE CHAINS, AND CHAIN PARTS

Limitation Order L-201 as amended December 5, 1942 (§ 3274.76)[1] is hereby amended in its entirety to read as follows:

[1] Formerly Part 3078, § 3078.1.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel, copper, molybdenum, and other materials required in the production of tire chains, tractor tire chains, chain parts, and emergency unit chains, for use on passenger automobiles and commercial vehicles for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.76 *Limitation Order L-201*—(a) *Definitions.* For the purposes of this order:

(1) "Tire chain" means a complete metal chain assembly whether or not reinforced, produced for use on a tire of a passenger automobile, farm tractor or a commercial vehicle for the purpose of increasing the traction of the tire.

(2) "Chain parts" means cross chains, locks, hooks, straps, plates, repair links, and side chains, whether or not any of the foregoing are reinforced, produced for use in repairing tire chains.

(3) "Emergency unit chain" means a chain assembly of the strap-on or single-chain type containing not more than two cross-chains per unit.

(4) "Passenger automobile" means any passenger vehicle propelled by an internal combustion engine and having a seating capacity of less than eleven persons.

(5) "Light truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(6) "Medium and/or heavy motor truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(7) "Truck trailer" means a complete semi-trailer or full trailer having a load-carrying capacity of 10,000 pounds or more, as authorized by the manufacturer thereof, and designed exclusively for the transportation of property or persons, or the chassis therefor.

(8) "Passenger carrier" means a complete motor coach for passenger transportation having a seating capacity of not less than eleven persons.

(9) "Of-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public highway, normally on rubber tires and specially designed to transport materials, property, or equipment, on mining, construction, logging or petroleum development projects, or a farm tractor.

(10) "Commercial vehicle" means any light, medium or heavy motor truck, truck-tractor, truck trailer, off-the-highway motor vehicle or passenger carrier.

(11) "Consumer" means the owner or operator of the vehicle for which tire chains, chain parts, or emergency unit chains are required, or the user of such tire chains, chain parts or emergency unit chains, for any other purpose.

(b) *Limitations on types and sizes of tire chains, chain parts and emergency unit chains.* (1) No producer shall manufacture any tire chains, chain parts or emergency unit chains containing any metal other than low carbon steel, or any tire chains, chain parts or emergency unit chains which are metallically plated.

(2) No producer shall manufacture any tire chains or chain parts except for use on farm tractor tires or on tires of the sizes specified in paragraph (b) (4) below. All chains and chain parts for passenger automobiles or commercial vehicles must be of the types designated A, C, G, and M in Tire Chain Specifications No. 7140, copyrighted by The Chain Institute, Inc., Chicago, Illinois, and published July 1, 1940.

(3) No producer shall manufacture emergency unit chains either of standard weight or reinforced, except for the tire sizes specified in paragraph (b) (4) below.

(4) Tire sizes for which production is authorized shall be limited to the following:

(i) For passenger automobiles: 6.00–16; 6.50–16; 7.00–16; 7.50–16. After August 1, 1943, no producer shall manufacture any tire chains or chain parts for use on tires sized 6.00–16 except of the type known as "6.00–16 light car special."

(ii) For commercial vehicles except farm tractors: 6:50–20/32x6; 7.00–20; 7:50–16; 7.50–17; 7.50–20/34x7; 8:25–20; 9.00–20; 9.75–20.

(iii) For farm tractors: As required.

(c) *Production of specially sized equipment.* Notwithstanding the provisions of paragraphs (b) (2), (b) (3), and (b) (4) above, tire chains, chain parts, and emergency unit chains, in types and sizes other than those enumerated respectively in paragraphs (b) (2) and (b) (4), may be produced when specially ordered for delivery by the producer direct to the ultimate consumer.

(d) *Limitations on production*—(1) *For passenger automobiles.* Between April 1, 1943, and March 31, 1944, no producer shall use in the production of tire chains, chain parts or emergency unit chains for passenger automobiles more than 16 percent of the total weight of metals contained in all of the tire chains, chain parts, and emergency unit chains (whether for passenger automobiles or commercial vehicles) sold by him during the period beginning April 1, 1941, and ending March 31, 1942: *Provided,* That not more than 60 percent of the material so authorized may be used in the production of tire chains of the sizes authorized for passenger automobile tires in paragraph (b) (4) (i) of this order, the balance to be used in the production of chain parts or emergency unit chains for passenger automobile tires.

(2) *For commercial vehicles.* Between April 1, 1943, and March 31, 1944, no producer shall use in the production of tire chains, chain parts, or emergency unit chains for commercial vehicles, more than 24 percent of the total weight of metals contained in all the tire chains, chain parts, and emergency unit chains (whether for passenger automobiles or commercial vehicles) sold by him during the period beginning April 1, 1941, and ending March 31, 1942: *Provided,* That not more than 60 percent of the material so authorized may be used in the production of tire chains of the sizes authorized for commercial vehicle tires in paragraph (b) (4) (ii) of this order, the balance to be used in the production of chain parts or emergency unit chains for commercial vehicle tires.

(3) *For farm tractors.* Between April 1, 1943, and March 31, 1944, no producer shall use in the production of tire chains and chain parts for farm tractors more than 50 percent of the total weight of metals contained in all tire chains and chain parts for farm tractors sold by him during the period beginning April 1, 1940, and ending March 31, 1942.

(4) In fixing production quotas as provided for in paragraphs (d) (1), (d) (2), and (d) (3) above, production during the base period on orders for delivery to, or for the account of, persons described in paragraph (e) below shall not be included.

(5) Each producer may schedule production of the quantity of automotive and tractor tire chains and parts which he is allowed to produce by paragraphs (d) (1), (d) (2), and (d) (3) of this order, irrespective of, and without regard to, other orders for chain bearing higher preference ratings: *Provided,* That the production of automotive and tractor tire chains and parts under this order shall not be permitted:

(i) To delay the production and delivery of any order for chain rated AAA; or

(ii) To delay the production or delivery more than thirty days beyond the required delivery date of any order for chain for delivery to or for the use of the Army, Navy, Maritime Commission, or War Shipping Administration.

(e) *Exceptions to applicability of this order.* With the exception of the restrictions contained in paragraph (b) (1), the restrictions of this order shall not apply to tire chains, chain parts, or emergency unit chains sold to or produced under contracts or orders for delivery to or for the account of:

(1) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company, and the Treasury Department under Treasury Procurement Supply (TPS) contract.

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its dominions, crown colonies and protectorates, and Yugoslavia.

(3) Any contract or purchase order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Communications.* All reports, appeals, and other communications concerning this order shall be addressed to: War Production Board, Tools Division, Washington, D. C., Ref.: L-201

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11153; Filed, July 10, 1943; 12:00 m.]

PART 937—ZINC

[General Preference Order M-11-l as Amended July 12, 1943]

Section 937.13 *General Preference Order M-11-l* is hereby amended to read as follows:

§ 937.13 *General Preference Order M-11-l.* (a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Zinc dust" means all grades of zinc dust produced from ores, concentrates, metallic zinc, or from scrap, dross, or other primary or secondary material.

(2) "Producer" means any person producing zinc dust and any person who has zinc dust produced for him under a toll agreement.

(3) "Toll agreement" means any agreement by which title to material remains vested in a person other than the one processing the material.

(4) "Dealer" means any person who receives physical delivery of zinc dust and sells or holds the same for resale without change in form.

(c) *Restrictions*—(1) *Deliveries by producers and dealers.* No producer shall ship or deliver zinc dust to any person except on presentation by that person of an allocation certificate issued by the War Production Board. Upon

accepting an allocation certificate, the producer shall endorse thereon the amounts of zinc dust which he agrees to ship under such certificate in the calendar month covered by the certificate. No producer shall endorse an allocation certificate for zinc dust or make any shipment thereunder if, by so doing, the total endorsements, or shipments, under the certificate will exceed the amounts authorized by such certificate. No dealer shall ship or deliver zinc dust to any person except as provided in paragraph (f) of this order.

(2) *Acceptance of deliveries.* No person shall accept any delivery of zinc dust from a producer or dealer otherwise than in accordance with the provisions of this order.

(3) *Toll agreements.* Unless specifically authorized in writing by the War Production Board, no person shall produce any zinc dust under any existing or future toll agreement.

(d) *Allocation certificates.* The War Production Board will issue allocation certificates for zinc dust on or about the first of each month. An allocation certificate will authorize shipments by producers of specified amounts of zinc dust during the calendar month for which it is issued to the holder of the certificate. The certificate must be presented to the producer for endorsement as provided in paragraph (c) (1) of this order. A producer need not accept a new order although supported by an allocation certificate if his entire production for the month is committed under contract and he has reason to believe that other allocation certificates will be presented during the month by the person or persons to whom his production is committed in amounts at least equal to his production. Dealers shall not make any shipment of zinc dust to any person holding an allocation certificate for the applicable month.

(e) *Applications for allocation certificates.* Any person wishing to apply for an allocation of zinc dust from a producer for any month shall file an application on Form WPB–2020 (PD–755), or such other form as the War Production Board may prescribe, with the War Production Board, Zinc Division, Washington, D. C., Ref: M–11–l, not later than the fifteenth of the month preceding the month in which the allocation of zinc dust is desired.

(f) *Exceptions.* Notwithstanding any provisions of this order:

(1) *Small order exceptions.* Any producer or dealer may ship and deliver zinc dust to any other person without an allocation certificate for the zinc dust: *Provided*, That such other person shall certify to the producer or dealer in writing at the time of delivery;

(i) That the total amount of zinc dust delivered to such other person from all sources (inclusive of the amount then being delivered) has not exceeded 75 pounds in the month in which delivery is being made;

(ii) That no allocation certificate for zinc dust for that month has been issued to him by the War Production Board; and

(iii) The end use to which the zinc dust is to be put.

(2) *Deliveries to Metals Reserve Company.* Any person may ship, sell, and deliver zinc dust to the Metals Reserve Company, without an allocation certificate, preference rating or any specific authority from the War Production Board: *Provided, however*, That such material is purchased for the sole purpose of stockpiling or redistribution.

(3) *Special directions.* The War Production Board may, from time to time, issue special directions to any person as to the source, destination, or amounts of zinc dust to be shipped and delivered by any producer or dealer or received by any person, and the War Production Board may also specifically direct the manner and quantities in which such zinc dust may be processed.

(4) *Zinc dust for export.* Zinc dust may be shipped or delivered for export by any producer without an allocation certificate if shipment or delivery is to be made pursuant to an export license duly issued by the Board of Economic Warfare.

(g) *Interdepartmental shipments.* The provisions of paragraph (c) of this order shall apply not only to shipments and deliveries from one person to other persons, including affiliates and subsidiaries, but also to shipments or deliveries of zinc dust from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(h) *Reports.* Each producer of zinc dust shall file monthly on Form WPB–2021 (PD–758), or such other form as prescribed by the War Production Board, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, a report of his production, shipments and inventory of zinc dust. All producers and users of zinc dust shall file, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, such other reports with the War Production Board at such times and in such manner and form as it may prescribe, showing such information as the War Production Board may from time to time require.

(i) *Communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Zinc Division, Washington, D. C., Ref: M–11–l.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 12th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11178; Filed, July 12, 1943; 10:14 a. m.]

PART 1050—DISTILLED SPIRITS

[General Preference Order M–69, as Amended July 9, 1943 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of distilled spirits, as hereinafter defined, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1050.1 *General Preference Order M–69*—(a) *Definitions.* (1) "Distilled spirits" means ethyl alcohol of 190 proof or higher produced from corn or grain.

(2) "High wines" means spirits distilled at less than 190 proof from corn or grain.

(3) "Producer" means any person engaged in the operation of a distillery.

(4) "Distillery" means any distillery which has equipment and facilities to convert corn or grain into distilled spirits or high wines.

(b) *Restrictions on operations of distilleries.* No producer shall, except as specifically authorized or directed by the War Production Board, operate any part of his distillery except for the production of distilled spirits: *Provided, however*, That the War Production Board, on a proper showing by a producer that the equipment and facilities of his distillery, or of any part of his distillery, cannot be converted or adapted to the production of distilled spirits, may authorize the operation thereof for the production of high wines.

(c) *Restrictions on use.* No producer, except as specifically authorized or directed by the War Production Board shall use, bottle or barrel for beverage purposes or otherwise allocate or appropriate to such purposes any distilled spirits produced on or after February 20, 1942, or any high wines produced on or after November 1, 1942.

(d) *Directions and restrictions respecting delivery.* (1) The War Production Board will from time to time issue authorizations or directions to each producer to deliver specified quantities of distilled spirits to designated persons for designated non-beverage purposes. Except as specifically authorized or directed by the War Production Board, no producer shall deliver to any person distilled spirits produced on or after February 20, 1942: *Provided, however*, That if at any time all deliveries theretofore authorized or directed by the War Production Board have been made or provided for, a producer may deliver such distilled spirits for non-beverage purposes to the persons and in the quantities permitted by General Preference Order M–30, as amended from time to time.

(2) The War Production Board will from time to time issue authorizations and directions to each producer to deliver specified quantities of high wines to designated persons for redistillation into distilled spirits. Except as specifi-

[1] This document is a restatement of Amendment 1 to M–69 as amended October 13, 1942, which appeared in the FEDERAL REGISTER of July 10, 1943, page 9443, and reflects the order in its completed form as of July 9, 1943.

(i) No manufacturer shall manufacture any kind of new office machinery included in List I or sets of parts therefor in excess of that quantity sufficient to fill orders approved by the War Production Board on Form WPB–1688 and WPB–2798 certificates and to enable such manufacturer to maintain an inventory of such kind of machinery and sets of parts therefor not to exceed the combined dollar value of such kind of machinery shipped to his customers and of sets of parts therefor exported during the preceding three calendar months, recalculated the first of each month.

(ii) During the nineteen-month period beginning June 1, 1942, and ending December 31, 1943, no manufacturer shall manufacture any kind of new office machinery included in List I or sets of parts therefor of a combined dollar value in excess of a quota computed by multiplying the percentage specified opposite each kind of such machinery in-

parts for any new office machinery or assemble any new office machinery of any kind which he has elected to deliver free of all restrictions pursuant to paragraph (g) of this order.

(7) *Special authorizations.* Notwithstanding the restrictions of paragraph (b) or paragraph (f) of this order, the War Production Board may from time to time in writing specifically authorize one or more manufacturers to fabricate, to cause to be fabricated, to contract to purchase, to assemble, or to manufacture in any manner, specified quantities of parts or machinery restricted by paragraph (b) or paragraph (f) or both.

(c) *Restrictions on delivery*—(1) *General restrictions.* Regardless of the terms of any contract of sale or purchase, or other commitment, or of any preference rating, or any preference rating order, no manufacturer or dealer shall deliver any restricted office machinery or sets of parts therefor (other

(i) To fill an order approved by the War Production Board on Form WPB–2798 or WPB–1688 already received by such dealer or to replace restricted office machinery delivered by such dealer from his inventory to fill an order approved by the War Production Board on any such form, *Provided*, That such dealer has furnished to the manufacturer or to the other dealer a photostat, or other certified copy, of the approved Form WPB–2798 or WPB–1688, as provided in Priorities Regulation No. 5.

(ii) To store or display such restricted office machinery on the dealer's premises in the United States, its territories and possessions, provided that the restricted office machinery so stored or displayed is in the absolute control and ownership of the manufacturer or delivering dealer and may be removed, transferred or shipped by such manufacturer or delivering dealer at any time in his discretion.

(5) *Deliveries under Utilities Order*

cally authorized or directed by the War Production Board, no producer shall deliver high wines produced on or after November 1, 1942 to any person for any purpose. No producer shall deliver high wines produced before that date unless all deliveries theretofore directed by the War Production Board shall have been made or provided for.

(3) No person shall accept delivery of distilled spirits or high wines if such person knows or has reason to believe that the said delivery is made in violation of the restrictions of this paragraph (d).

(e) *Alterations of existing equipment and facilities.* Except as specifically authorized or directed by the War Production Board, no producer whose distillery has equipment and facilities for the production of distilled spirits shall alter such equipment and facilities in any way so as to impair the capacity of such distillery to produce distilled spirits.

(f) *Directions as to use of materials.* War Production Board may from time to time issue directions to producers as to the kinds of raw materials which may be used in the production of distilled spirits or high wines.

(g) *Notification of customers.* Producers of distilled spirits and high wines shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the War Production Board priorities regulations, as amended from time to time.

(2) *Intra-company transactions.* The prohibitions and restrictions of this order with respect to deliveries of distilled spirits and high wines, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by addressing a letter to the War Production Board, Chemicals Division, Washington, D. C., Ref: M–69, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M–69.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11179; Filed, July 12, 1943; 10:14 a. m.]

PART 1112—OFFICE MACHINERY

[General Limitation Order L–54–c, as Amended July 12, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials used in the production of office machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1112.4 *General Limitation Order L–54–c*—(a) *Definitions.* For the purposes of this order:

(1) "Office machinery" means machinery, including attachments thereto, of the type included in Lists I and II attached to this order as they may be amended from time to time.

(2) "New" office machinery means office machinery which has not been delivered to any person acquiring it for use. The term shall not describe any machine which has been delivered for trial, loan, rental or demonstration at any time prior to March 14, 1942. "Used" office machinery means office machinery other than new office machinery.

(3) "Restricted office machinery" means:

(i) Any new office machinery included in List I.

(ii) Any used office machinery included in List I which is in, or which hereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, and the manufacture of which was completed after December 31, 1940, and

(iii) Any used punched card tabulating machinery which is in, or which hereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, regardless of its age.

(4) "Manufacturer" means any person manufacturing new office machinery or sets or parts, to the extent that he is engaged in such manufacture, and shall include majority-owned sales, distribution, and manufacturing subsidiaries.

(5) "Dealer" means any wholesaler, retailer or other distributor of restricted office machinery other than a sales or distribution subsidiary of a manufacturer, and shall include any person, firm or corporation normally receiving restricted office machinery on consignment.

(6) "Delivery" means any physical transfer of restricted office machinery, and includes transfers for trial, loan, rental, demonstration or other use.

(7) "Army", "Navy" and "Maritime Commission" mean the War Department, the Navy Department, and the Maritime Commission, respectively, but shall not include any privately operated plant, shipyard, training school, or other enterprise controlled or financed by the Army, Navy, Maritime Commission, or any other agency of the United States Government, nor any plant or shipyard privately operated on a cost-plus-fixed-fee basis under the control or direction of the Army, Navy, Maritime Commission, or any other agency of the United States Government.

(8) "Lend-Lease purchaser" means any person requesting authorization to receive delivery of restricted office machinery for export to any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(9) "Sets of parts" means parts for office machinery produced at plants in the United States for shipment to foreign countries for assembly into new office machinery of the types included in List I.

(10) "Dollar value" means

(i) With respect to assembled new office machinery, the retail list price of such machinery to customers located in the United States;

(ii) With respect to sets of parts, the retail list price to customers located in the United States of the number of units of assembled machinery into which such sets of parts can be assembled.

(11) "Form WPB–1688" means

(i) Form PD–688 as revised January 1, 1943, or as revised April 26, 1943, approved by the War Production Board prior to August 11, 1943;

(ii) Form WPB–1688 (formerly PD–688) as revised April 26, 1943, or later, approved by the War Production Board subsequent to August 11, 1943.

(12) "Form WPB–2798" means

(i) Form PD–423 approved by the War Production Board prior to August 11, 1943;

(ii) Form WPB–2798 approved by the War Production Board subsequent to August 11, 1943.

(b) *Restrictions on production*—(1) *List I items.* No manufacturer shall manufacture any of the kinds of new office machinery included in List I or sets of parts therefor in excess of the following limitations, whichever fixes the smaller amount:

PART 3209—PUBLIC SANITATION SERVICES—MAINTENANCE, REPAIR AND OPERATING SUPPLIES

[Revocation of Supplementary Preference Rating Order P-141-a]

Section 3209.2 *Supplementary Preference Rating Order P-141-a* is hereby revoked.

Issued this 12th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11180; Filed, July 12, 1943; 10:14 a. m.]

PART 3261—WELDING AND PLATING EQUIPMENT

[General Limitation Order L-298]

RESISTANCE WELDING EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials and facilities used in the manufacture of resistance welding equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3261.1 *General Limitation Order L-298*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Resistance welding" means that process for the localized consolidation or joining of metals under pressure and heat, wherein the heat is generated within the metallic parts to be consolidated or joined by the resistance of those parts to the passage of an electric current.

(3) "Resistance welding equipment" means equipment manufactured for use in the operation of joining metals by the resistance welding process and includes resistance welding machines, resistance welding controls, and resistance welding electrodes.

(4) "Manufacturer" means any person engaged in the business of producing, fabricating or assembling resistance welding equipment, and shall include sales and distribution outlets owned by any such person.

(5) "Dealer" means any person engaged in the business of purchasing resistance welding equipment for resale.

(6) "Order" means any commitment or other arrangement for the delivery of resistance welding equipment whether by purchase, lease, rental or otherwise.

(7) "Army, Navy, Maritime Commission or War Shipping Administration" does not include any privately operated plant or shipyard financed by, or controlled by, any of those agencies or operated on a cost-plus-fixed-fee basis.

(8) "Used resistance welding equipment" means resistance welding equipment that has been delivered to an ultimate consumer.

(b) *Operations reports.* Each manufacturer shall, on or before the 15th day of each month, commencing with the month of August, 1943, file with the War Production Board an operations report on Form WPB-2830, showing orders for new and rebuilt resistance welding equipment and repair parts unfilled, received, shipped and cancelled during the preceding month, in accordance with instructions accompanying the form: *Provided*, That this paragraph (b) shall not apply to orders for electrical circuit breakers or indicating or recording apparatus used with resistance welding equipment, or repair parts for such circuit breakers or indicating or recording apparatus.

(c) *Authorization of purchase orders required.* (1) On and after July 27, 1943, no manufacturer or dealer shall accept an order for, or deliver any new resistance welding equipment unless the order or delivery is specifically authorized by the War Production Board on Form WPB-2752. Application for an authorization, and for a preference rating if none has been previously assigned, is to be made by the purchaser by filing Form WPB-2752, in duplicate, with the War Production Board as explained in the instructions which accompany the form.

(2) The provisions of paragraph (c) (1) shall not apply to (i) any order of $200 or less for resistance welding equipment; (ii) any order for resistance welding electrodes; (iii) any order for resistance welding equipment for direct use by the Army, Navy, Maritime Commission or War Shipping Administration or for incorporation in or attachment to any resistance welding equipment to be used directly by such agencies; (iv) any order bearing a preference rating assigned under Preference Rating Order P-19-h; *Provided* That, notwithstanding paragraph (g) (4) of Priorities Regulation 3, the certificate applying or extending such rating shall state the source of the rating; or (v) any order placed by a manufacturer of, or dealer in, resistance welding equipment.

(d) *Registration of idle equipment.* (1) Whenever any used resistance welding equipment (other than portable gun welders and resistance welding electrodes) has been idle for a period of ninety (90) consecutive days ending on or after July 12, 1943, without having had its ownership changed, the owner of the equipment shall register it, within thirty (30) days after the ninety (90) day period, by filing Form WPB-2732 with the War Production Board. For the purpose of this subparagraph (d) (1) used resistance welding equipment shall be deemed to be idle for a period of ninety (90) consecutive days unless, during any such period, it has been employed for welding operations for more than one hundred twenty (120) hours in the aggregate.

(2) Within five (5) days after any used resistance welding equipment registered under paragraph (d) (1) has been sold, the seller shall register such change of status by filing with the War Production Board Form WPB-2732 as explained in the instructions which accompany the form.

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except as otherwise expressly provided herein.

(2) *Reporting provisions.* The reporting requirements of paragraphs (b) and (d) and the form of application prescribed in paragraph (c) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Appeals.* Any appeals from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C., Ref: L-298.

Issued this 12th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11177; Filed, July 12, 1943; 10:14 a. m.]

PART 3020—HEAT EXCHANGERS

[General Limitation Order L-172, as Amended July 9, 1943]

Correction

In the document appearing on page 9451 of the issue for Saturday, July 10, 1943, the paragraph designated (h) should be designated (4).

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 5]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 2 (a) (4) is amended to read as follows:

(4) Pulpwood covered by any regulation on pulpwood.

2. Section 2 (b) is amended to read as follows:

(b) *Transactions covered by the regulation.* This regulation covers all purchases of logs and bolts subject to this Regulation by plants which convert logs or bolts into finished or unfinished wood or chemical products. It also covers all sales of logs and bolts to these plants. In addition, it applies to all sales and purchases of logs or bolts used for a commercial purpose without processing, such as mine props, posts, fender logs, and the like except when they are covered by another maximum price regulation. When dollars-and-cents maximum prices are listed in an appendix to this Regulation, every transaction involving logs of those grades and species in the area shall be subject to those maximum prices.

3. A new section 2 (d) is added as follows:

(d) *Unprocessed logs.* In the case of sales or purchases of logs for use without further processing, such as for mine props, posts, fender logs, and the like, except those covered by a specific price regulation, the purchasing mine, mill or other user of those logs shall be deemed to be a "buying plant" for the purposes of this Regulation.

This amendment shall become effective July 14.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11096; Filed, July 9, 1943; 4:05 p. m.]

PART 1340—FUEL

[RPS 88, Corr. to Admt. 79]

PETROLEUM AND PETROLEUM PRODUCTS

Section 1340.159 (c) (6) (v) is deleted and the following note is added in lieu thereof:

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Labors Act of 1942.

Issued this 9th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11097; Filed, July 9, 1943; 4:01 p. m.]

PART 1367—FERTILIZERS

[Rev. MPR 108,[1] Amdt. 1]

NITROGENOUS FERTILIZER MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 108 is amended in the following respects:

1. Section 1367.26 (b) is amended to read as follows:

(b) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given to the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

2. Section 1367.29 (a) is amended to read as follows:

(a) For deliveries in the District of Columbia, and in all states except Washington, Oregon, California, Montana, Wyoming, Idaho, Nevada, Utah, Colorado and Arizona.

3. Section 1367.30 is added to read as follows:

§ 1367.30 *Appendix B: Maximum prices of nitrogenous fertilizer materials delivered in the Territory of Puerto Rico.* (a) For deliveries in the Territory of Puerto Rico.

(1) *Sales by domestic fertilizer manufacturers to consumers.* The maximum price for a cash sale of a nitrogenous fertilizer material by fertilizer manufacturers, direct or through agents, to a consumer shall be:

(i) The manufacturer's weighted average landed cost at Puerto Rican port, of each material, such average cost to be calculated as of July 1, October 1, January 1, and April 1, for all of the lots of each material received by him during the quarter-annual period last preceding the date of calculation; or, if none was received in that period, the cost for the latest quarter-annual period in which material was received.

(ii) An additional amount equal to the fertilizer manufacturer's expenditure, if any, for transportation of the nitrogenous fertilizer material within the Territory to the fertilizer manufacturer's plant or warehouse or direct to the buyer's delivery point.

(iii) An additional 50 cents per ton if the nitrogenous fertilizer material is stored in and delivered from the fertilizer manufacturer's plant.

(iv) An additional $1.50 per ton for grinding castor cake or unground fish scrap if such grinding is done by the fertilizer manufacturer.

(v) Plus the actual cost of bags used, and $1.00 per ton when such nitrogenous fertilizer material is received in bulk by the fertilizer manufacturer and resold in bags.

(vi) An additional amount equal to the cost of governmental tax tags, if any, and the attaching thereof, or governmental tonnage or inspection tax, but no license cost or registration fee.

(vii) In addition a maximum margin of: $4.00 per ton if the cost (subdivisions (i) through (vi)) is less than $40.00 per ton; $5.00 per ton if such cost is $40.00 or more but less than $50.00 per ton; $6.00 per ton if such cost is $50.00 or more but less than $60.00 per ton; $7.00 per ton if such cost is $60.00 or more but less than $70.00 per ton; $8.00 per ton if such cost is $70.00 or more per ton.

(viii) An additional 50 cents per ton if the nitrogenous fertilizer material is stored in, and delivered from a warehouse owned or operated by a fertilizer manufacturer or agent.

(ix) An additional amount equal to the actual transportation expense incurred in making delivery from a fertilizer manufacturer's plant or warehouse or from the buyer's delivery point, to the consumer.

(2) *Sales by domestic fertilizer manufacturers or dealers.* The provisions of § 1367.29 (a) (2) shall apply.

(3) *Sales by domestic dealers to consumers.* The provisions of § 1367.29 (a) (3) shall apply.

(b) *Credit sales.* In the case of credit sales, credit terms shall not be more onerous on Spring season sales than those in effect and applicable to such dealer or consumer for the period from February 16, 1942, to February 20, 1942, inclusive, and for Fall season sales, credit terms shall not be more onerous than those in effect and applicable to such dealer or consumer for the period from October 1, 1941, to October 15, 1941, inclusive.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3670, 5163, 5565, 6356.

[1] 8 F.R. 3053.

(c) *Less than maximum prices.* Lower prices than those set forth in § 1367.29 may be charged, demanded, offered, paid or received.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11098; Filed, July 9, 1943; 4:03 p. m.]

PART 1377—WOODEN CONTAINERS

[MPR 424]

TIGHT COOPERAGE STOCK AND SAWED TIGHT COOPERAGE

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1377.301 *Maximum prices for tight cooperage stock and sawed tight cooperage.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 424 (Tight Cooperage Stock and Sawed Tight Cooperage), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1377.301, issued under Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871

MAXIMUM PRICE REGULATION 424—TIGHT COOPERAGE STOCK AND SAWED TIGHT COOPERAGE

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.
1. Prohibition against dealing in tight cooperage stock and sawed tight cooperage at prices above the maximum.
2. Less than maximum prices.
3. Transactions and products covered.
4. Definitions.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

5. Maximum prices for tight staves and headings.
6. Maximum prices for tight cooperage.
7. Maximum prices for cooperage dowels.
8. Products not specifically priced.
9. Delivered prices.
10. Prohibited practices.

*Copies may be obtained from the Office of Price Administration.

ARTICLE III—MISCELLANEOUS

Sec.
11. Adjustable pricing.
12. Application for adjustment and petition for amendment.
13. Records.
14. Registration and licensing.
15. Enforcement.
16. Relation to other regulations.
17. Appendix A
18. Appendix B

Article I—Prohibitions and Scope of Regulation

SECTION 1. *Prohibition against dealing in tight cooperage stock and sawed tight cooperage at prices above the maximum.* On and after the effective date of this regulation, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any tight cooperage stock or sawed tight cooperage, at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

SEC. 2. *Less than maximum prices.* Nothing in this regulation shall prevent the sale of the products covered at less than maximum prices.

SEC. 3. *Transactions and products covered*—(a) *Transactions covered.* This regulation covers any and all sales and purchases, whether from a factory, warehouse, or dealer, by any person, whether manufacturer, dealer, wholesaler or user, of any of the products covered by this regulation.

(b) *Products covered.* The term "tight cooperage stock" as used in this regulation covers all staves, headings, and cooperage dowels both finished and unfinished, including sawed, bucked, rived and split, produced primarily for use in making liquid tight barrels and kegs of a bilged type and all staves and headings produced as a result of such primary production, as defined in the grading rules of the Associated Cooperage Industries of America, Inc., or in this regulation or by general or individual specifications. Coverage is limited to production in the following states: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

The term "sawed tight cooperage" as used in this regulation covers all barrels and kegs made entirely of sawed staves and headings covered by this regulation; except, however, that barrels and kegs made of stock covered by this regulation and produced in the area west of and including New Mexico, Colorado, Wyoming, South Dakota and North Dakota shall not be subject to the terms of the regulation.

SEC. 4. *Definitions*—(a) *Sap clear white oak oil grade stock* is tight sap oil grade white oak with the sapwood removed.

(b) *No. 2 grade stock* is of a quality lower than No. 1 grade which can be coopered into a barrel which will hold hot grease. The grading rule oil inspection applies except that the following imperfections are allowed: mold and discoloration if sound; small, sound, tight knots on the quarter; streaks; straight checks that will pull up in coopering; cat faces that do not extend through the piece; a reasonable number of sound worm holes; straight grub holes that can be easily plugged.

(c) *No. 3, dog, copper or metal barrel stock* is of a quality lower than No. 2 grade. Dead culls are not included, but any stock that can be coopered in the regular manner without breaking is included.

(d) *Dead culls* include any badly warped or twisted stock; stock which contains dote or rot or any other stock which cannot be coopered.

Article II—Maximum Prices and Terms of Sale

SEC. 5. *Maximum prices for tight staves and headings*—(a) *Factory or mill sales.* In direct factory sales, that is, sales made by the producing factory, the maximum prices, f. o. b. mill or railhead, for sawed tight staves and headings are those contained in the Tables II to V, inclusive, of Appendix A. Actual transportation cost may be added for the distance in excess of 25 miles from the mill to the railhead. Except, however:

(1) On shipments of sawed tight staves and/or headings of 6,000 pounds or less from a producing factory, a mark-up of 10 percent may be added to the maximum prices contained in the schedules;

(2) When staves and headings are sawed in the Southern Area and finished in the Upper Area, the maximum price shall be the Upper Area price, or the Southern Area price plus transit freight, whichever is the lower;

(3) When staves and headings are sawed in the Upper Area and finished in the Southern Area, the maximum price shall be the Upper Area price.

(b) *Warehouse sales.* In warehouse sales the maximum prices for tight staves and headings shall be the maximum f. o. b. producing factory price plus the warehouseman's average percentage mark-up on the same items in March 1942 plus average inbound freight from the producing factory to the warehouse. As used in this regulation a "warehouse sale" is a sale in which shipment or delivery is made from an established storage or distribution place located and operated independently of the producing mill or factory. No shipment from a stave or heading mill or finishing plant may be considered a "warehouse sale".

Average inbound freight is to be weighted by the quantity in the warehouse at the time of making the computation. The average must be figured at least once each month.

As used in this regulation the term "warehouseman" is one who maintains an established storage or distribution place, located and operated independently of a producing mill or factory and from which shipments of cooperage stock are made.

(c) *Sales by dealers or merchants.* In sales by dealers or merchants the maximum prices for tight staves and/or headings of more than 6,000 pounds shall be the maximum f. o. b. producing factory price contained in the schedule plus a mark-up of 7 percent of the f. o. b. factory price.

On shipments of 6,000 pounds or less a dealer's or merchant's maximum price shall be the maximum f. o. b. producing factory price contained in the schedule plus a mark-up of 7 percent of the f. o. b. factory price. This mark-up is in addition to the 10 percent mark-up provided for such sales in section 5 (a) (1).

As used in this regulation the term "dealer or merchant" is one who, although he does not take actual physical possession, buys, takes title to, resells, and assumes credit risks and responsibility for grade and count. No producer may qualify as a dealer or merchant under this regulation of products which he has produced in the rough.

SEC. 6. *Maximum prices for tight cooperage*—(a) *Factory or mill sales.* (1) The maximum prices, f. o. b. factory, for sawed tight cooperage covered by this regulation shall be the maximum price in the area where the cooperage plant is located for the finished staves and headings used in the barrel plus the mark-ups shown below plus extra charges for materials and services as specified in Table I of Appendix B. The cooperage allowance for barrels of 30 gallons or over shall be the mark-up shown below or $1.60, whichever is greater.

PERCENTAGE MARK-UPS ON BARRELS

Bourbon barrels. The mark-up shall be 50% of the maximum price of the staves and headings used in the barrel.

Barrels of grades over sap clear oil grade and under bourbon. The mark-up shall be 65% of the maximum price of sap clear oil grade staves and headings.

Barrels of sap clear oil grade and under. The mark-up shall be 65% of the maximum price of the No. 1 grade in the type and species used.

Barrels with single or loose wood heads or heads other than wood. The mark-up over actual material cost shall be the same as shown for standard two crozed head barrels.

(2) Cooperage producers located in the states of Connecticut, Delaware, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin shall use the maximum prices of staves and headings in the Upper Area for the purpose of computing cooperage prices under paragraph (a) (1) of this section.

(b) *Warehouse sales.* In warehouse sales the maximum prices for tight cooperage covered by this regulation shall be the maximum f. o. b. producing factory price plus the warehouseman's average percentage mark-up in March 1942 plus average inbound freight actually paid or incurred by the warehouseman (computed in accordance with section 5 (b)). A warehouse sale is defined in section 5 (b).

(c) *Sales by dealers or merchants.* In sales by dealers or merchants the maximum prices for sawed tight cooperage covered by this regulation shall be the maximum f. o. b. producing factory price plus the seller's average percentage mark-up on such sales in March 1942. Sales by dealers or merchants are defined in section 5 (c).

SEC. 7. *Maximum prices for cooperage dowels.* The maximum prices f. o. b. factory, for cooperage dowels are those contained in Table VI of Appendix A.

SEC. 8. *Products not specifically priced.* Tight cooperage and cooperage stock not specifically priced in this regulation are nevertheless covered by the regulation. Any person desiring to sell on the domestic market any product covered by the regulation for which he cannot determine a f. o. b. mill price under the regulation shall make application to the Lumber Branch, Office of Price Administration, Washington, D. C., for a price. The application must contain a complete description of the product to be priced, the applicant's March 1942 selling price of the product if he sold such product at that time, his requested selling price and his method of arriving at this price. Products may be sold and delivered at the requested selling price, pending approval of a price by this Office subject, however, to adjustment to the price finally approved. Prices not disapproved within 20 days from the receipt of application are approved until specifically revoked.

SEC. 9. *Delivered prices.* If delivery is by common carrier the actual transportation costs paid or incurred by the seller may be added to the basic maximum prices. If shipment is by truck, owned or controlled by the seller, actual transportation costs may be added to the basic maximum prices. Such transportation cost may not exceed 80% of the common carrier charge for the same shipment. This provision is subject to the exception contained in section 5 (a) regarding free delivery of staves and headings from mill to railhead located within 25 miles of the mill.

SEC. 10. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in discount practices, devices making use of commissions, services, transportation arrangements, premiums; special privileges, tying agreements, trade understandings and the like.

Article III—Miscellaneous

SEC. 11. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 12. *Application for adjustment or petition for amendment*—(a) *Government contracts.* The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States". It also includes any subcontract under this kind of contract. Any person who has made or intends to make a "government contract" and who thinks that a maximum price established in this regulation is impeding or threatening production of products which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[1] issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration.

SEC. 13. *Records.* All person making sales covered by this regulation must keep records which will show a complete description of the products sold, the name and address of the buyer, the date of the transaction, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for two years for inspection by the Office of Price Administration.

SEC. 14. *Registration and licensing.* A license is necessary to make sales of the commodities or to provide the services for which maximum prices are established by this regulation. Licenses are automatically granted to all producers making sales. Registration may later be required. Persons desiring to sell as warehousemen, dealers or merchants must file their qualifications with the Lumber Branch, Office of Price Administration, Washington, D. C., within 30 days from the date of issuance of the regulation and be specifically licensed. Licenses will be granted by letter to warehousemen, dealers or merchants who qualify under the definitions set forth in the regulation. Licenses may be suspended for violations in connection with the sale of any commodity which sellers are licensed to sell, and persons whose licenses are suspended

[1] 7 F.R. 5087, 5664.
[2] 7 F.R. 8961; 8 F.R. 3313, 3533.

may not sell any of such commodities during the period of suspension.

SEC. 15. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

SEC. 16. *Relation to other regulations*—(a) *General Maximum Price Regulation.*[3] Any sale or delivery covered by this Maximum Price Regulation is not subject to the General Maximum Price Regulation.

(b) *Second Revised Maximum Export Price Regulation.*[4] The maximum prices for export sales of tight cooperage and cooperage stock are governed by the Second Revised Maximum Export Price Regulation.

SEC. 17. *Appendix A: Basic maximum prices for sawed tight cooperage stock.* The maximum prices, f. o. b. mill or railhead, for sawed tight cooperage stock are those shown in the following tables:

TABLE 1—STOCK PRODUCING AREAS

Southern area:	Upper area:
Alabama	Illinois
Arkansas	Indiana
Florida	Kentucky
Georgia	Maryland
Louisiana	Missouri
Mississippi	North Carolina
Oklahoma	Ohio
South Carolina	Pennsylvania
Texas	Tennessee
	Virginia
	West Virginia

[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962.

[4] 8 F.R. 4132, 8987, 7662.

TABLE II—SAWED TIGHT COOPERAGE STAVES, ROUGH, AIR DRIED AND LISTED[1]

Per M staves, grading rule average width f. o. b. mill or railhead

Southern producing area						To make a finish stave length	Upper producing area					
Over 30" through 36"	26" through 30"	Over 22" to 26"	Over 18" through 22"	Over 15" through 18"	15" and under		Over 30" through 36"	26" through 30"	Over 22" to 26"	Over 18" through 22"	Over 15" through 18"	15" and under
¾"	⅝" to ¾"	⅝"	⅝"	½" to ⅝"	½"	Standard thickness when planed one side[1]	¾"	⅝" to ¾"	⅝"	⅝"	½" to ⅝"	½"
						White oak types:						
$395.00	$123.00					Bourbon (green)	$215.00	$131.00				
152.50	92.00	$83.00	$73.00	$61.00	$43.00	Wine grade	160.00	97.00	$87.00	$76.50	$64.00	$45.00
113.75	68.25	61.75	52.00	43.50	29.25	Sap clear, oil grade	121.25	73.25	65.75	55.50	46.50	31.25
87.50	52.50	47.50	40.00	33.50	22.50	Tight sap #1	93.00	57.50	51.50	43.50	36.50	24.50
82.00	47.00	42.00	36.00	30.00	20.00	Wide sap #1	89.50	52.00	46.00	39.50	33.00	22.00
82.00	47.00	42.00	36.00	30.00	20.00	Red oak #1	89.50	52.00	46.00	39.50	33.00	22.00
82.00	47.00	42.00	36.00	30.00	20.00	Chestnut oak #1	89.50	52.00	46.00	39.50	33.00	22.00
77.00	45.00	40.00	35.00	30.00	20.00	Gum and gum mixed [1] #1	84.50	50.00	44.00	38.50	33.00	22.00
60.00						Oak, all species #2	67.50					
50.00						Gum and gum mixed [1] #2	57.50					
40.00						Oak, all species, dogs or copper	47.50					
35.00						Gum and gum mixed [1] dogs	42.50					
	49.50					Ash, pork grade		54.50				
	33.50					Ash #2		38.50				

[1] Except bourbon.

[2] Includes singly or mixed: Red gum, sweet gum, black gum, sap gum, tupelo, ash, basswood, beech, birch, cottonwood, cypress, elm, hackberry, hickory, locust, maple, poplar, sycamore.

NOTES

	Add Percent	Deduct Percent
1. For air dried bourbon staves add to the green price per M, 34" to 36", $10.00; 30", $6.00.		
2. Maximum price for all oil grade on bourbon inspection is $7.50 per M under the tight sap maximum price in the producing area.		
3. For staves ⅜" thicker than above standards	12½	
For staves ⅜" thinner than above standards		12½
For staves ¼" thicker than above standards	25	
For staves ¼" thinner than above standards		25

TABLE III—MAXIMUM PRICES OF FINISHED SETS OF STAVES, INCLUDES KILN DRYING, PLANING ONE SIDE, JOINTING AND BUNDLING (COMBINING TABLE II, INCLUDING NOTE 1)

[F. o. b. mill or railhead]

Southern producing area					Stave length	Upper producing area				
34" through 36"	30"	24"	21" through 22"	16" through 17"		34" through 36"	30"	24"	21" through 22"	16" through 17"
79½" through 81"	68"	56"	48"	39"	Bilge measurement	79½" through 81"	68"	56"	48"	39"
					White oak types:					
$4.87	$2.90				Bourbon	$5.05	$3.03			
3.75	2.31	$1.85	$1.47	$1.16	Wine grade	3.88	2.39	$1.91	$1.52	$1.20
3.05	1.93	1.55	1.21	.96	Sap clear, oil grade	3.18	2.01	1.61	1.26	1.00
2.21	1.36	1.10	.86	.67	Tight sap #1	2.34	1.44	1.15	.89	.71
2.11	1.27	1.02	.80	.63	Wide sap #1	2.24	1.35	1.07	.84	.67
2.11	1.27	1.02	.80	.63	Red oak #1	2.24	1.35	1.07	.84	.67
2.11	1.27	1.02	.80	.63	Chestnut oak #1	2.24	1.35	1.07	.84	.67
2.02	1.24	.99	.79	.63	Gum and gum mixed [1] #1	2.15	1.32	1.05	.83	.67
1.71					Oak, all species, #2	1.85				
1.53					Gum and gum mixed [1] #2	1.67				
1.35					Oak, all species, dogs	1.49				
1.26					Gum and gum mixed [1] dogs	1.40				
	1.31				Ash (pork grade)		1.39			
	1.06				Ash #2		1.14			

[1] See table II for species.

NOTES

1. For finishing sets of staves up to 34" through 36" length in sets other than the above standard bilge measurements, multiply the actual inch bilge measurement:
   A. On bourbon, wine and sap clear grades by .0123 cent.
   B. On grades allowing sap on by .0077 cent.
   Price to nearest cent, ½ being figured to next higher cent.
2. For planing 2 sides, add .004 cent per linear foot of staves.
3. For unplaned staves, deduct .004 cent per linear foot of staves.

TABLE IV—SAWED TIGHT COOPERAGE HEADING, ROUGH, SQUARE, AIR DRIED AND LISTED[1]

[Per set, f. o. b. mill or railhead]

Southern producing area					To make a finished circled head	Upper producing area				
19" through 21"	16" to 19"	13" to 16"	9" to 13"	Under 9"		19" through 21"	16" to 19"	13" to 16"	9" to 13"	Under 9"
¾"	⅝"	⅝"	½"	½"	To finish when planed one side[1]	¾"	⅝"	⅝"	½"	½"
					White oak types:					
$1.00	$0.61				Bourbon (green)	$1.06	$0.66			
.78	.48	$0.42	$0.24	$0.16	Wine	.83	.52	$0.45	$0.25	$0.17
.64	.39	.34	.19	.13	Sap clear, oil grade	.69	.43	.37	.20	.14
.51	.31	.27	.15	.10	Tight sap #1	.56	.35	.30	.17	.11
.41	.25	.22	.11	.08	Wide sap #1	.49	.29	.25	.13	.09
.41	.25	.22	.11	.08	Red oak #1	.49	.29	.25	.13	.09
.41	.25	.22	.11	.08	Chestnut oak #1	.49	.29	.25	.13	.09
.40	.23	.21	.11	.08	Gum and gum mixed [1] #1	.45	.27	.21	.13	.09
.33					Oak, all species, #2	.38				
.30					Gum and gum mixed [1] #2	.35				
.25					Oak, all species, dogs	.30				
.22					Gum and gum mixed [1] dogs	.27				
	.27				Ash, pork grade		.31			
	.13				Ash, #2		.17			

[1] Except bourbon.

[1] See table II for species.

NOTES

1. For air dried bourbon heading, add to the green price per set, 19" through 21", .06; 16" to 19", .03.
2. Maximum price for all oil grade on bourbon inspection is 5¢ per set under the tight sap maximum price in the producing area.

	Add percent	Deduct percent
3. For heading ⅜" thicker than above standards	12½	
For heading ⅜" thinner than above standards		12½
For heading ¼" thicker than above standards	25	
For heading ¼" thinner than above standards		25

TABLE V—FINISHING SAWED TIGHT COOPERAGE HEADING PER SET

SOUTHERN AND UPPER AREAS

[Includes kiln drying, planing one side, jointing, doweling, flagging and circling]

	19" through 21"	16" to 19"	13" to 16"	11" to 13"	9" to 11"	under 9"
Sap clear grades	$0.50	$0.43	$0.33	$0.29	$0.24	$0.17
Sap on grades	.35	.30	.24	.21	.17	.12

NOTES

1. To compute the price per set for planing 2 sides, add $.0035 for each inch of diameter of a single head, using the nearest inch, ½" being figured to next higher inch.
2. To compute the price per set for unplaned heading, deduct $.0035 for each inch of diameter of a single head using the nearest inch, ½" being figured to the next higher inch.

TABLE VI—MAXIMUM PRICES FOR COOPERAGE DOWELS F. O. B. MILL OR RAILHEAD

	Per bushel
5/16" size	$2.50
¼" size	2.95

SEC. 18. *Appendix B: Extra charges for sawed tight cooperage.* The additions shown in the following table may be added to the stave and heading cost plus the mark-up as provided in section 6 in determining the f. o. b. mill price for sawed tight cooperage.

TABLE I—MAXIMUM PRICES FOR EXTRA CHARGES ON TIGHT COOPERAGE

	Over 20 gal. per hoop	20 gal. and under per hoop
Hoops		
16 gauge	$0.07	$0.035
17 gauge and lighter	.06	.03

Galvanized, all sizes, all gauges, .04 per hoop.

	Over 20 gal.		20 gal. and under	
	First coat	Second coat (including hoop driving)	First coat	Second coat (including hoop driving)
Lining				
Silicate of soda	$0.05	$0.15	$0.02½	$0.07½
Paraffine or asphalt	.15	.10	.07½	.05
Glue	.15	.25	.07½	.12½

NOTE: Prices for special linings must be approved by OPA.

	Over 20 gal.	20 gal. and under
Miscellaneous:		
Varnishing barrels	$0.10	$0.05
Painting barrels, one color	.15	.07½
Painting barrels, two colors	.20	.10
	All size barrels	
Varnishing hoops—per hoop	$0.00½	
Vent holes—per barrel	.01½	
Boring any holes other than one bung and vents:		
2" and less—per hole	.02	
Over 2" through 3"—per hole	.03	
Over 3" through 4"—per hole	.06	
Over 4"—per hole	.07½	
Boring for wooden threaded bung and installing	.05	
Furnishing and installing screwed metal flanges and bungs with gaskets, one each ¾" and 2", including boring bungs	.50	
Hoop fasteners (3 to each hoop)—per barrel	.05	
Branding (hot)—per barrel	.05	
Bung strap—each	.01	

	30 gal. and over	Up to 30 gal.
Water kegs and coolers:		
Single hinged lid complete for railroad water keg	*Each* $0.65	*Each* $0.40
Railroad water keg handles	.05	.05
Solid double lid complete with knob for single coolers	1.80	1.00
Solid triple lid complete with knob for double cooler	1.90	1.30
Handle and 2 ears complete for well buckets		*Per set* .10
Handle, bail, mouthpiece and stopper complete for harvest kegs		.05

NOTE: Equipment not included in this list of extras, furnished on barrels and kegs included in this schedule, may be furnished at ceiling prices plus extra charge as made in March 1942, or totally during March 1942 whichever applies. Such prices, and a description of the extra must be filed with the Lumber Branch, OPA.

Effective date. The effective date of this regulation is April 3, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11099; Filed, July 9, 1943; 4:04 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 26,[1] Amdt. 1]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 23, Table 1, Footnote 14 is amended by deleting the last sentence of the footnote and substituting in its place the following sentence:

In computing maximum prices under Maximum Price Regulation 215,[2] Distribution Yard Sales of Softwood Lumber, the addition may be included as part of the basic f. o. b. mill maximum price for Douglas fir boards.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11100; Filed, July 9, 1943; 4:01 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7570.

[2] 8 F.R. 3789, 5565, 6446.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[1] Amdt. 95]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 136, as amended, is amended in the following respects:

1. Section 1390.10 (b) is amended to read as follows:

(b) *Seller's price based on lower manufacturer's price*—(1) *Price.* Notwithstanding any other provisions of this regulation, the maximum price for the sale by a seller, other than a manufacturer, of any machine or part for which he had a price in effect on the base date (October 1, 1941, for machines and parts listed in Appendix A and March 31, 1942, for machines and parts listed in Appendix B), which was based on a manufacturer's price which was lower than the price the manufacturer had in effect on that date shall be determined as follows: The seller shall first divide the price the manufacturer had in effect to him on the base date by the manufacturer's price upon which his price was based. The seller shall then multiply the price he had in effect to a purchaser of the same class on the base date by this percentage. No adjustment may be made under this subparagraph until the Office of Price Administration approves such adjustment in writing.

(2) *Report.* A seller, other than a manufacturer, who desires to increase his price for a machine or part in accordance with subparagraph (1) shall file a report with the Office of Price Administration in Washington, D. C. This report shall contain the following information:

(i) The name and address of the manufacturer of the machine or part.

(ii) A description of the machine or part.

(iii) The maximum price or prices determined in accordance with subparagraph (1) and the class of purchasers to which each price applies.

(iv) The seller's price or prices in effect on the base date (October 1, 1941, for machines and parts listed in Appendix A and March 31, 1942, for machines and parts listed in Appendix B) and the date such price or prices became effective.

(v) The price the manufacturer had in effect to the seller on the base date and the date such price became effective.

(vi) The price to the seller upon which his base date price was based and the period during which such price was effective.

2. Section 1390.34 is amended by amending the phrase "Mechanical rubber goods (as defined in Maximum Price Regulation No. 149)" to read "Mechanical rubber goods (the maximum prices of which are established by Maximum Price Regulation No. 149)".

This amendment shall become effective July 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: All report and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc: 43-11101; Filed, July 9, 1943; 4:04 p. m.]

PART 1434—MATCHES

[MPR 365,[1] Amdt. 1]

WOOD MATCHES

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 365 is amended in the following respects:

1. Section 12 (a) (6) is amended to read as follows:

(6) "Strike-anywhere" match means a wood splint match, normally strikeable on any surface, but does not include special waterproof matches prepared and developed exclusively for the use of the armed forces.

2. In Appendix A (b) (1) the first sentence is amended to read as follows:

(1) The distributors maximum delivered prices for full cases shall be 115% of the actual price charged by the manufacturer; the distributor's maximum price for less-than-case quantities shall be 120% of the actual price charged by the manufacturer.

3. In Appendix B (b) (1) the first sentence is amended to read as follows:

(1) The distributor's maximum delivered price for full cases shall be 115% of the actual price charged by the manufacturer; the distributor's maximum delivered price for less-than-case quantities shall be 120% of the actual price charged by the manufacturer.

This amendment shall be come effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681.)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11094; Filed, July 9, 1943, 4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 70 Under SR 15 to GMPR]

U. S. INDUSTRIAL CHEMICALS, INC.

Order No. 70 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation; Docket No. GF3-3315.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1370 *Adjustment of maximum prices for warehouse services sold by U. S. Industrial Chemicals, Inc.* (a) U. S. Industrial Chemicals, Inc., of Curtis Bay, Baltimore, Maryland, may sell and supply to Defense Supplies Corporation the services of handling and storing alcohol and acetone at charges not higher than those set forth below:

(1) *For storage:* 1¢ per barrel per month, based on the total storage capacity of all tanks used during such month; plus ¾¢ per barrel per month, based on the average quantity in storage during such month, whenever U. S. Industrial Chemicals, Inc. assumes a warehouseman's liability with respect to the alcohol and acetone. Such average quantity shall be calculated by adding together the number of gallons shown on all reports filed with Defense Supplies Corporation during each month and dividing the total by the number of such reports.

(2) *For handling:*

To or from tank, barge, or tanker: 2½¢ per barrel for handling into storage and 2½¢ per barrel for handling out of storage;

To or from tank car: 4¢ per barrel for handling into storage and 4¢ per barrel for handling out of storage;

To or from tank truck: 5¢ per barrel for handling into storage and 5¢ per barrel for handling out of storage.

(3) *For conversion of premises:* A charge not exceeding the actual direct cost of labor and materials, if any, in making the premises suitable for the storage of alcohol and acetone: *Provided,* That no charge shall be made for materials unless U. S. Industrial Chemicals, Inc. provides by contract with Defense Supplies Corporation that all materials for which such a charge is made shall be subject to removal or sale by Defense Supplies Corporatiton upon termination of the contract.

(4) *For cost of alcohol tax unit bonds:* A charge not exceeding the actual premiums paid on all Alcohol Tax Unit Bonds which the warehouseman is required by law to obtain in order to store alcohol.

(b) *Reports.* U. S. Industrial Chemicals, Inc. shall file, with the Storage and Terminals Section, Transportation Division, Office of Price Administration, Washington, D. C., quarterly profit and loss statements of the operations covered by this order. Such statements shall be filed on forms to be furnished by the Office of Price Administration within sixty days after the end of each quarter. The first report shall be filed for the quarter ending September 30, 1943.

(c) *Definitions.* As used in this Order No. 70, the term "barrel" means 42 wine gallons.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 70 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 70 (§ 1499.1370) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 70 (§ 1499.1370) shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 9th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R Doc. 43-11095; Filed, July 9, 1943; 4:01 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 31,[1] Amdt. 3]

TAX ON TRANSPORTATION OF PROPERTY IMPOSED BY REVENUE ACT OF 1942

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1305.36 (b) (7) is hereby revoked.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11103; Filed, July 9, 1943; 4:07 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 6452, 6682, 6899, 6964, 6965, 6937, 6973, 8010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8422, 8479, 8520, 8562, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058, 1382, 2270, 3314, 3370.

[1] 8 F.R. 4721.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amdt. 28]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS; MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.801 (a) is amended to read as follows:

(a) *Fluid milk and milk products.* Fluid milk and cream sold at wholesale other than in glass or paper containers to stores, hotels, restaurants and institutions; cheeses in so far as their sales are not covered by Maximum Price Regulation No. 289 or Maximum Price Regulation No. 268; condensed milk; evaporated milk in so far as its sale is not covered by Maximum Price Regulations Nos. 289, 237, or 238; all powdered skim milk for animal feed, all powdered butter milk for animal feed, all condensed milk for animal feed, and any other animal feed processed from cows' milk and composed of milk ingredients constituting more than 50 per cent in weight or volume; edible casein; malted milk powder; and any other food commodity which is processed from cows' milk and composed of milk ingredients constituting more than 50 per cent in weight or volume, excluding ice cream (which is covered by the General Maximum Price Regulation) and excluding any other commodity so composed of milk ingredients in so far as its sale is covered by some other regulation.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11105; Filed, July 9, 1943; 4:07 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[MPR 339,[1] Amdt. 4]

WOMEN'S RAYON HOSIERY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 339 is amended in the following respects:

1. In § 1401.101 (a) (5), the next to the last sentence, beginning with the words "It is important to note", is deleted.

2. Section 1401.101 (b) (5) is amended to read as follows:

(5) In § 1401.107 marking requirements are set forth which will provide purchasers with information as to ceiling prices for the various classes of sellers for each kind of hosiery. In § 1401.108 provision is made for information which must be furnished to persons other than ultimate consumers.

3. Section 1401.107 (a) is revoked, and paragraph (b) is redesignated paragraph (a).

4. Section 1401.107 (a) (2) (ii) (*g*) is amended to read as follows:

(*g*) The words "extra-long" on all hosiery 34'' in length, or longer.

5. Section 1401.107 (a) (2) (ii) (*h*) is revoked and subdivision (*i*) is redesignated subdivision (*h*).

6. In § 1401.107 (a) (2) (iv), the first paragraph and the example are amended to read as follows:

(iv) *Description of marking.* Information required by subdivision (ii) (*a*) and (*c*) above must be marked on the welt within an outlined space or block having dimensions no less than ¾'' x 1½'' in the case of a transfer or no less than ⅜'' x ¾'' in the case of a label or ticket. No other printing or lettering is permitted within the space or block except the name, brand or registration number of the manufacturer. Two examples are set forth below:

Ceiling 92¢ Grade A–45 gauge	Ceiling–W–35¢ Grade A–260 ndls.

7. Section 1401.107 (a) (2) (v) (c) is redesignated § 1401.107 (b) and is amended to read as follows:

(b) *Correcting marking.* If a seller receives hosiery which has been previously marked incorrectly or marked with a retail ceiling price which is not appropriate, he must correctly re-mark the hosiery by the use of a transfer, ticket or label firmly attached to the welt of the hosiery. However, a wholesaler selling to a purchaser of a different class from that for which his hosiery is marked, need not re-mark if the purchaser agrees by letter to re-mark the hosiery prior to sale at retail. Before the wholesaler may deliver such hosiery he must mail a copy of his purchaser's letter to the Office of Price Administration, Washington, D. C.

8. Section 1401.111 (a) is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] F.R. 5196, 7566, 6857, 7196, 7599, 7670, 8065, 8180.

[1] 8 F.R. 2980, 3215, 4922, 6049

(a) "Rayon hosiery" means any women's completely finished full-length hosiery of less than 45 inches in length, the leg of which is made in whole or in part of rayon, except hosiery in which the leg is made of rayon in combination with silk, wool or nylon. The term includes misses' hosiery.

9. The first line of Table I (i) in § 1401.115 (b) (11), containing the figures for 39 gauge, is amended to read as follows:

(11) *Table I: Yarn fineness and minimum course requirements for full-fashioned hosiery*—(i) *Maximum fineness of yarns permitted:*

Gauge	Leg yarn denier	Welt		Heel and sole reinforcing yarn (denier)	Toe reinforcing yarn (cotton count)
		Rayon denier	Cotton count		
39.....	100	125	80/2 ply	100	90/2 ply

10. The first line of Table I (ii) in § 1401.115 (b) (11), containing the figures for 39 gauge, is amended to read as follows:

(ii) *Minimum total courses:*

Gauge:	*Minimum total courses required for specified deniers knit in conventional "legger-footer" construction*
39 (a) 150 denier.....	1190
(b) 100 denier.....	1310

11. In Table II (i) of § 1401.115 (b) (12), two lines are added at the beginning of the Table to read as follows:

(i) *Maximum fineness of yarns permitted:*

Needle count	Leg yarn denier	Welt		Heel and toe yarn
		Rayon denier	Cotton count	
176–188.....	150	150	50/2	36/2
200.....	150	150	50/2	40/2

12. In Table II (ii) of § 1401.115 (b) (12), two lines are added at the beginning of the table to read as follows:

(ii) *Minimum total courses:*

Needle count:	*Minimum total courses required*
176–188.....	792
200.....	852

13. Section 1401.115 (b) (15) is added to read as follows:

(15) *Continuous filament acetate rayon full-fashioned hosiery.* Hosiery in which the leg yarn is made of continuous filament acetate rayon must meet all of the specifications set forth herein with the following exceptions:

(i) The standard length on which the courses are based is 30½ inches; acetate hosiery finishing more than 30½ inches in length will also be considered Grade A.

(ii) The minimum permissible length shall be 29 inches, but a stocking of this length must be made with full number of courses.

(iii) The minimum total courses may be no more than 75 courses less than the minimum established for each gauge in paragraph (11), Table I (ii).

14. Section 1401.116 is amended to read as follows:

§ 1401.116 *Appendix C: Schedules of maximum prices*—(a) *Tables of maximum prices for full-fashioned "cut and sewn" and semi-fashioned hosiery.*

TABLE 1—SALES BY MANUFACTURERS

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(i) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. CONTINUOUS FILAMENT								
1. 39 gauge:								
(a) to Class I purchaser	$5.90	$5.40	$5.01	$4.59	$3.94	$3.60	$2.95	$2.70
(b) to Class II purchaser	6.05	5.55	5.14	4.72	4.04	3.70	3.02	2.77
(c) to Class III purchaser	6.15	5.65	5.23	4.80	4.10	3.77	3.07	2.82
2. 42 gauge:								
(a) to Class I purchaser	6.20	5.55	5.27	4.72	4.14	3.70	3.10	2.77
(b) to Class II purchaser	6.35	5.70	5.40	4.84	4.24	3.80	3.17	2.85
(c) to Class III purchaser	6.45	5.80	5.48	4.93	4.30	3.87	3.22	2.90
3. 45 gauge:								
(a) to Class I purchaser	6.70	5.95	5.70	5.06	4.47	3.97	3.35	2.97
(b) to Class II purchaser	6.85	6.10	5.82	5.18	4.57	4.07	3.42	3.05
(c) to Class III purchaser	6.95	6.20	5.91	5.27	4.64	4.14	3.47	3.10
4. 48 gauge:								
(a) to Class I purchaser	7.20	6.45	6.12	5.48	4.80	4.30	3.60	3.22
(b) to Class II purchaser	7.35	6.60	6.25	5.61	4.90	4.40	3.67	3.30
(c) to Class III purchaser	7.45	6.70	6.33	5.69	4.97	4.47	3.72	3.35
5. 51 gauge:								
(a) to Class I purchaser	7.70	6.95	6.54	5.91	5.14	4.64	3.85	3.47
(b) to Class II purchaser	7.85	7.10	6.67	6.08	5.24	4.74	3.92	3.55
(c) to Class III purchaser	7.95	7.20	6.76	6.12	5.30	4.80	3.97	3.60

TABLE 1—SALES BY MANUFACTURERS—Continued

(I) REGULAD CONSTRUCTIONS—continued

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. CONTINUOUS FILAMENT—continued								
6. 54 and 57 gauge:								
(a) to Class I purchaser	$8.65	$7.90	$7.35	$6.71	$5.77	$5.27	$4.32	$3.95
(b) to Class II purchaser	8.85	8.10	7.52	6.88	5.90	5.40	4.42	4.05
(c) to Class III purchaser	9.00	8.25	7.65	7.01	6.00	5.50	4.50	4.12
7. 60 gauge and higher:								
(a) to Class I purchaser	9.65	8.90	8.20	7.56	6.44	5.94	4.82	4.45
(b) to Class II purchaser	9.85	9.10	8.37	7.73	6.57	6.07	4.92	4.55
(c) to Class III purchaser	10.00	9.25	8.50	7.86	6.67	6.17	5.00	4.62
B. CONTINUOUS FILAMENT (OUTSIZE)								
1. 39 gauge, 14-14 ½" head:								
(a) to Class I purchaser	6.40	5.65	5.44	4.80	4.27	3.77	3.20	2.82
(b) to Class II purchaser	6.55	5.80	5.57	4.93	4.37	3.87	3.27	2.90
(c) to Class III purchaser	6.65	5.90	5.65	5.01	4.44	3.94	3.32	2.95
15-15 ½" head:								
(a) to Class I purchaser	6.90	6.15	5.86	5.23	4.60	4.10	3.45	3.07
(b) to Class II purchaser	7.05	6.30	5.99	5.35	4.70	4.20	3.52	3.15
(c) to Class III purchaser	7.15	6.40	6.08	5.44	4.77	4.27	3.57	3.20
16" head or wider:								
(a) to Class I purchaser	7.40	6.65	6.29	5.65	4.94	4.44	3.70	3.32
(b) to Class II purchaser	7.55	6.80	6.42	5.78	5.04	4.54	3.77	3.40
(c) to Class III purchaser	7.65	6.90	6.50	5.86	5.10	4.60	3.82	3.45
2. 42 gauge, 14-14½" head:								
(a) to Class I purchaser	6.70	5.95	5.69	5.06	4.47	3.97	3.35	2.97
(b) to Class II purchaser	6.85	6.10	5.82	5.18	4.57	4.07	3.42	3.05
(c) to Class III purchaser	6.95	6.20	5.91	5.27	4.64	4.14	3.47	3.10
15-15½" head:								
(a) to Class I purchaser	7.20	6.45	6.12	5.48	4.80	4.30	3.60	3.22
(b) to Class II purchaser	7.35	6.60	6.25	5.61	4.90	4.40	3.67	3.30
(c) to Class III purchaser	7.45	6.70	6.33	5.69	4.97	4.47	3.72	3.35
16" head or wider:								
(a) to Class I purchaser	7.70	6.95	6.54	5.91	5.14	4.64	3.85	3.47
(b) to Class II purchaser	7.85	7.10	6.67	6.03	5.24	4.74	3.92	3.55
(c) to Class III purchaser	7.95	7.20	6.76	6.12	5.30	4.80	3.97	3.60
3. 45 gauge and higher, 14-14½" head:								
(a) to Class I purchaser	7.20	6.45	6.12	5.48	4.80	4.30	3.60	3.22
(b) to Class II purchaser	7.35	6.60	6.25	5.61	4.90	4.40	3.67	3.30
(c) to Class III purchaser	7.45	6.70	6.33	5.69	4.97	4.47	3.72	3.35
15-15½" head:								
(a) to Class I purchaser	7.70	6.95	6.54	5.91	5.14	4.64	3.85	3.47
(b) to Class II purchaser	7.85	7.10	6.67	6.03	5.24	4.74	3.92	3.55
(c) to Class III purchaser	7.95	7.20	6.76	6.12	5.30	4.80	3.97	3.60
16" head or wider:								
(a) to Class I purchaser	8.20	7.45	6.97	6.33	5.47	4.97	4.10	3.72
(b) to Class II purchaser	8.35	7.60	7.10	6.46	5.57	5.07	4.17	3.80
(c) to Class III purchaser	8.45	7.70	7.18	6.54	5.64	5.14	4.22	3.85

(II) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. MESH AND NON-RUN				
1. 42 gauge and lower:				
(a) to Class I purchaser	$8.20	$6.97	$5.47	$4.10
(b) to Class II purchaser	8.35	7.10	5.57	4.17
(c) to Class III purchaser	8.45	7.18	5.64	4.22
2. 45 gauge and higher:				
(a) to Class I purchaser	8.70	7.39	5.80	4.35
(b) to Class II purchaser	8.85	7.52	5.90	4.42
(c) to Class III purchaser	8.95	7.61	5.97	4.47
D. NEEDLE OUT OR DROP NEEDLE STITCH				
1. 39 gauge and lower:				
(a) to Class I purchaser	7.40	6.29	4.94	3.70
(b) to Class II purchaser	7.55	6.42	5.04	3.77
(c) to Class III purchaser	7.65	6.50	5.10	3.82
2. 42 gauge:				
(a) to Class I purchaser	7.70	6.54	5.14	3.85
(b) to Class II purchaser	7.85	6.67	5.24	3.92
(c) to Class III purchaser	7.95	6.76	5.30	3.97
3. 45 and 48 gauge:				
(a) to Class I purchaser	8.10	6.88	5.40	4.05
(b) to Class II purchaser	8.25	7.01	5.50	4.12
(c) to Class III purchaser	8.35	7.10	5.57	4.17

TABLE 1—SALES BY MANUFACTURERS—Continued

(ii) SPECIAL CONSTRUCTIONS—continued

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
E. FULL LACE AND JACQUARDS				
1. 42 gauge and lower:				
(a) to Class I purchaser	$9.20	$7.82	$6.14	$4.60
(b) to Class II purchaser	9.35	7.95	6.24	4.67
(c) to Class III purchaser	9.45	8.03	6.30	4.72
2. 45 and 48 gauge:				
(a) to Class I purchaser	9.70	8.24	6.47	4.85
(b) to Class II purchaser	9.85	8.37	6.57	4.92
(c) to Class III purchaser	9.95	8.46	6.64	4.97
3. 51 gauge and higher:				
(a) to Class I purchaser	10.70	9.09	7.14	5.35
(b) to Class II purchaser	10.85	9.22	7.24	5.42
(c) to Class III purchaser	10.95	9.31	7.30	5.47
F. SPECIAL TYPES				
33 and 36 gauge made of combination yarn:				
(a) to Class I purchaser	5.75	4.89	3.84	2.87
(b) to Class II purchaser	5.90	5.01	3.94	2.95
(c) to Class III purchaser	6.00	5.10	4.00	3.00
G. CUT AND SEWN LACE OR MESH				
(a) to Class I purchaser	7.20	6.12	4.80	3.60
(b) to Class II purchaser	7.35	6.25	4.90	3.67
(c) to Class III purchaser	7.45	6.33	4.97	3.72
H. SEMI-FASHIONED (BURSON TYPE)				
(i) Continuous filament:				
1. Standard:				
(a) to Class I purchaser	4.35	3.70	2.90	2.17
(b) to Class II purchaser	4.50	3.82	3.00	2.25
(c) to Class III purchaser	4.60	3.91	3.07	2.30
2. Outsizes:				
(a) to Class I purchaser	4.90	4.16	3.27	2.45
(b) to Class II purchaser	5.05	4.29	3.37	2.52
(c) to Class III purchaser	5.15	4.38	3.43	2.57
3. Extra outsize:				
(a) to Class I purchaser	5.90	5.01	3.94	2.95
(b) to Class II purchaser	6.05	5.14	4.01	3.02
(c) to Class III purchaser	6.15	5.23	4.10	3.07
(ii) combination yarn:				
1. Standard:				
(a) to Class I purchaser	4.25	3.61	2.83	2.12
(b) to Class II purchaser	4.40	3.74	2.93	2.20
(c) to Class III purchaser	4.50	3.82	3.00	2.25
2. Outsizes:				
(a) to Class I purchaser	4.60	3.91	3.07	2.30
(b) to Class II purchaser	4.75	4.04	3.17	2.37
(c) to Class III purchaser	4.85	4.12	3.23	2.42
I. MAXIMUM PRICE DIFFERENTIALS FOR SPECIFIC CONSTRUCTIONS				
(To be added to prices per dozen set forth for constructions A to E both inclusive)				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.50	.42	.33	.25
2. Extra lengths (34 inches minimum)	.75	.64	.50	.37
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.35	.30	.23	.17
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	1.75	1.49	1.17	.87

TABLE 2—SALES AT WHOLESALE

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(i) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament.								
1. 39 gauge	$6.78	$6.21	$5.77	$5.28	$4.53	$4.14	$3.39	$3.10
2. 42 gauge	7.13	6.38	6.06	5.43	4.76	4.25	3.56	3.18
3. 45 gauge	7.70	6.84	6.55	5.82	5.14	4.56	3.85	3.41
4. 48 gauge	8.28	7.41	7.03	6.30	5.52	4.94	4.14	3.70
5. 51 gauge	8.85	7.99	7.53	6.79	5.91	5.33	4.43	3.99
6. 54 and 57 gauge	9.94	9.08	8.45	7.72	6.63	6.06	4.97	4.54
7. 60 gauge and higher	11.09	10.23	9.43	8.70	7.40	6.83	5.54	5.11
B. Continuous filament (outsize):								
1. 39 gauge:								
14-14 ½" head	7.36	6.10	6.25	5.52	4.91	4.33	3.68	3.24
15-15 ½" head	7.93	7.07	6.75	6.01	5.29	4.71	3.97	3.53
16" head or wider	8.51	7.61	7.23	6.49	5.68	5.10	4.25	3.82
2. 42 gauge:								
14-14 ½" head	7.70	6.84	6.55	5.82	5.14	4.56	3.85	3.41
15-15 ½" head	8.28	7.41	7.03	6.30	5.52	4.94	4.14	3.70
16" head or wider	8.85	7.99	7.53	6.79	5.91	5.33	4.43	3.99
3. 45 gauge:								
14-14 ½" head	8.28	7.41	7.03	6.30	5.52	4.94	4.14	3.70
15-15 ½" head	8.85	7.99	7.53	6.79	5.91	5.33	4.43	3.99
16" head or wider	9.43	8.56	8.01	7.28	6.29	5.71	4.71	4.28

(ii) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. Mesh and non run:				
1. 42 gauge and lower	$9.43	$8.01	$6.29	$4.71
2. 45 gauge and higher	10.00	8.51	6.67	5.00
D. Needle out or drop needle stitch:				
1. 39 gauge and lower	8.51	7.23	5.68	4.26
2. 42 gauge	8.86	7.52	5.91	4.43
3. 45 and 48 gauge	9.31	7.91	6.21	4.66
E. Full lace and jacquards:				
1. 42 gauge and lower	10.57	8.99	7.06	5.29
2. 45 and 48 gauge	11.15	9.49	7.41	5.57
3. 51 gauge and higher	12.30	10.46	8.21	6.15
F. Special types:				
33 and 36 gauge made of combination yarn	6.61	5.62	4.41	3.30
G. Cut and sewn lace or mesh	8.28	7.03	5.52	4.14
H. Semi-fashioned (Burson type):				
(i) continuous filament:				
1. Standard	5.00	4.25	3.33	2.49
2. Outsize	5.63	4.79	3.76	2.82
3. Extra outsize	6.78	5.77	4.52	3.39
(ii) combination yarn:				
1. Standard	4.88	4.15	3.25	2.44
2. Outsize	5.29	4.49	3.53	2.64
I. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for constructions A to E both inclusive):				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.57	.49	.39	.29
2. Extra lengths (34 inches minimum)	.86	.73	.57	.42
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.40	.34	.26	.18
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	2.01	1.71	1.35	1.00

NOTE: All maximum prices are for sales out of stock, maximum prices for "drop shipments" are the prices set forth above less 3%.

TABLE 3—SALES AT RETAIL

[Prices are expressed in dollars per pair]

(i) MAXIMUM PRICES FOR CLASS I RETAIL WOMEN'S HOSIERY OUTLETS—(*a*) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filaments:								
1. 39 gauge	$0.71	$0.65	$0.60	$0.55	$0.47	$0.43	$0.35	$0.32
2. 42 gauge	.75	.67	.63	.57	.50	.44	.37	.33
3. 45 gauge	.81	.72	.69	.61	.54	.48	.40	.36
4. 48 gauge	.86	.77	.74	.66	.58	.52	.43	.39
5. 51 gauge	.93	.84	.79	.71	.62	.56	.46	.42
6. 54 and 57 gauge	1.04	.95	.88	.81	.69	.63	.52	.47
7. 60 gauge and higer	1.16	1.07	.99	.91	.77	.71	.58	.53
B. Continuous filament (outsize):								
1. 39 gauge:								
14-14½" head	.77	.68	.65	.58	.51	45	.38	.34
15-15½" head	.83	.74	.71	.63	.55	.49	.41	.37
16" head or wider	.89	.80	.76	.68	.59	.53	.44	.40
2. 42 gauge:								
14-14½" head	.81	.72	.69	.61	.54	.48	.40	.36
15-15½" head	.87	.78	.74	.66	.58	.52	.43	.39
16" head or wider	.93	.84	.79	.71	.62	.56	.46	.42
3. 45 gauge:								
14-14½" head	.87	.78	.74	.66	.58	.52	.43	.39
15-15½" head	.93	.84	.79	.71	.62	.56	.46	.42
16" head or wider	.99	.90	.84	.76	.66	.60	.49	.45

(*b*) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. Mesh and nonrun.				
1. 42 gauge and lower	$0.98	$0.84	$0.66	$0.49
2. 45 gauge and higher	1.04	.89	.70	.52
D. Needle out or drop needle stitch:				
1. 39 gauge and lower	.89	.76	.60	.45
2. 42 gauge	.93	.79	.62	.46
3. 45 and 48 gauge	.98	.83	.65	.49
E. Full lace and jacquards:				
1. 42 gauge and lower	1.11	.94	.74	.55
2. 45 and 48 gauge	1.16	.99	.78	.58
3. 51 gauge and higher	1.29	1.09	86	.64
F. Special types.				
33 and 36 gauge made of combination yarn	.69	.59	.46	.35
G. Cut and sewn lace or mesh	.86	.74	.58	.43
H Semi-fashioned (Burson type):				
(i) Continuous filament:				
1. Standard	.52	.44	.35	.26
2. Outsize	.59	.50	.39	.29
3. Extra outsize	.71	.60	.47	.35
(ii) Combination yarn:				
1. Standard	.51	.44	.34	.26
2. Outsize	.56	.47	.37	.28
I. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for constructions A to E both inclusive):				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.07	.06	.05	.04
2. Extra lengths (34 inches minimum)	.10	.08	.07	.05
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.05	.04	.03	.02
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	.22	.19	.15	.11

(ii) MAXIMUM PRICES FOR CLASS II RETAIL WOMEN'S HOSIERY OUTLETS—(*a*) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament:								
1. 39 gauge	$0.80	$0.74	$0.68	$0.63	$0.54	$0.49	$0.40	$0.37
2. 42 gauge	.84	.76	.72	.64	.56	.50	.42	.38
3. 45 gauge	.92	.80	.78	.69	.61	.54	.45	.40
4. 48 gauge	.98	.88	.83	.75	.65	.58	.49	.44
5. 51 gauge	1.05	.95	.89	.80	.69	.63	.52	.47
6. 54 and 57 gauge	1.18	1.08	1.00	.92	.78	.72	.59	.54
7. 60 gauge and higher	1.31	1.21	1.11	1.03	.87	.81	.65	.60
B. Continuous filament outsize:								
1. 39 gauge:								
14-14½" head	.87	.77	.74	.65	.58	.51	.43	.38
15-15½" head	.94	.84	.80	.71	.63	.56	.47	.42
16" head or wider	1.01	.91	.86	.77	.67	.60	.50	.45
2. 42 gauge.								
14-14½" head	.91	.81	.78	.69	.61	.54	.46	.40
15-15½" head	.98	.88	.83	.75	.65	.59	.49	.44
16" head or wider	1.05	.95	.89	.81	.70	.63	.52	.47
3. 45 gauge:								
14-14½" head	.98	.88	.83	.75	.65	.59	.49	.44
15-15½" head	1.04	.95	.89	.81	.70	.63	.52	.47
16" head or wider	1.11	1.02	.95	.86	.75	.68	.55	.51

TABLE 3—SALES AT RETAIL—Continued

(*b*) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. Mesh and nonrun:				
1. 42 gauge and lower	$1.11	$0.95	$0.75	$0.56
2. 45 gauge and higher	1.18	1.00	.79	.59
D. Needle out or drop needle stitch:				
1. 39 gauge and lower	1.01	.86	.68	.51
2. 42 gauge	1.05	.90	.70	.54
3. 45 and 48 gauge	1.11	.94	.74	.55
E. Full lace and jacquards:				
1. 42 gauge and lower	1.25	1.06	.83	.62
2. 45 and 48 gauge	1.32	1.11	.87	.65
3. 51 gauge and higher	1.45	1.23	.96	.72
F. Special types:				
33 and 36 gauge made of combination yarn	.79	.67	.52	.40
G. Cut and sewn lace or mesh	.98	.83	.65	.49
H. Semi-fashioned (Burson type):				
(i) Continuous filament:				
1. Standard	.59	.50	.39	.30
2. Outsize	.67	.57	.44	.33
3. Extra outsize	.80	.68	.54	.40
(ii) Combination yarn:				
1. Standard	.58	.49	.39	.29
2. Outsize	.63	.53	.42	.32
I. Maximum price differentials for specific constructions (to be added to prices per pair set forth for constructions A to E both inclusive):				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.07	.06	.05	.04
2. Extra lengths (34 inches minimum)	.10	.08	.07	.05
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.05	.04	.03	.02
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	.22	.19	.15	.11

(b) *Tables of maximum prices for circular knit hosiery.*

TABLE 4—SALES OF CIRCULAR KNIT HOSIERY BY MANUFACTURERS

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(i) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$2.00	$1.75	$1.70	$1.49	$1.33	$1.17	$1.00	$0.87
2. 220–240 needle count	2.25	2.00	1.91	1.70	1.50	1.33	1.12	1.00
3. 260 needle count	2.50	2.10	2.13	1.78	1.67	1.40	1.25	1.05
4. 280 needle count	2.60	2.20	2.21	1.87	1.73	1.47	1.30	1.10
5. 300 needle count (producers twist)	2.70	2.30	2.29	1.95	1.80	1.53	1.35	1.15
6. 300 needle count (high twist)	3.10	2.60	2.63	2.21	2.07	1.73	1.55	1.30
7. 320 needle count	3.30	2.80	2.80	2.38	2.20	1.87	1.65	1.40
8. 340 needle count	3.50	2.75	2.97	2.34	2.33	1.83	1.75	1.37
9. 360–380 needle count	4.00	3.25	3.40	2.76	2.67	2.17	2.00	1.62
10. 400 needle count	5.25	4.50	4.46	3.82	3.50	3.00	2.62	2.25

(ii) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$2.75	$2.34	$1.83	$1.37
2. 220–240 needle count	3.00	2.55	2.00	1.50
3. 260 needle count	3.10	2.64	2.07	1.55
4. 280 needle count	3.20	2.72	2.13	1.60
5. 300 needle count	3.50	2.98	2.33	1.75
6. 320 needle count and higher	3.60	3.06	2.40	1.80
(b) Leg made of rayon plaited with cotton with premium welt:				
1. 200 needle count and lower	2.50	2.12	1.67	1.25
2. 220–240 needle count	2.75	2.34	1.83	1.37
3. 260 needle count	2.85	2.42	1.90	1.42
4. 280 needle count	2.95	2.51	1.97	1.47
5. 300 needle count	3.25	2.76	2.17	1.62
6. 320 needle count and higher	3.35	2.85	2.23	1.67

TABLE 4—SALES OF CIRCULAR KNIT HOSIERY BY MANUFACTURERS—Continued

(ii) SPECIAL CONSTRUCTIONS—continued

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
Premium constructions—Continued.				
(c) Leg made of 2 ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	$3.25	$2.76	$2.17	$1.62
2. 220-240 needle count	3.50	2.97	2.33	1.75
3. 260 needle count	3.60	3.06	2.40	1.80
4. 280 needle count	3.70	3.14	2.47	1.85
5. 300 needle count	4.00	3.40	2.67	2.00
6. 320 needle count and higher	4.10	3.48	2.73	2.05
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220-240 needle count	4.75	4.04	3.17	2.37
2. 260-280 needle count	5.10	4.33	3.40	2.55
3. 300 needle count and higher	5.50	4.67	3.67	2.75
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	2.50	2.12	1.67	1.25
2 end	3.00	2.55	2.00	1.50
2. 220-240 needle count:				
1 end	2.75	2.34	1.83	1.38
2 end	3.25	2.75	2.17	1.63
3. 260-280 needle count:				
1 end	3.00	2.55	2.00	1.50
2 end	3.50	2.98	2.33	1.75
4. 300-320 needle count:				
1 end	3.50	2.98	2.33	1.75
2 end	4.00	3.40	2.67	2.00
5. 340 needle count:				
1 end	4.00	3.40	2.67	2.00
2 end	4.50	3.82	3.00	2.25
6. 360 needle count and higher:				
1 end	5.00	4.25	3.33	2.50
2 end	5.50	4.67	3.67	2.75
D. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon or combination yarn)	.40	.34	.27	.20
2. Outsizes	.30	.26	.20	.15
3. Plied yarn in leg	.60	.51	.40	.30

TABLE 5—SALES AT WHOLESALE OF CIRCULAR KNIT HOSIERY

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(i) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$2.35	$2.06	$2.00	$1.75	$1.56	$1.38	$1.18	$1.02
2. 220-240 needle count	2.65	2.35	2.25	2.00	1.76	1.56	1.32	1.18
3. 260 needle count	2.94	2.47	2.51	2.11	1.96	1.65	1.47	1.24
4. 280 needle count	3.06	2.59	2.60	2.20	2.04	1.73	1.53	1.29
5. 300 needle count (producers twist)	3.18	2.71	2.69	2.29	2.12	1.80	1.59	1.35
6. 300 needle count (high twist)	3.65	3.06	3.09	2.60	2.44	2.04	1.82	1.53
7. 320 needle count	3.88	3.29	3.29	2.80	2.59	2.20	1.94	1.65
8. 340 needle count	4.12	3.24	3.49	2.75	2.74	2.15	2.06	1.61
9. 360-380 needle count	4.71	3.82	4.00	3.25	3.14	2.55	2.35	1.91
10. 400 needle count	6.18	5.29	5.25	4.49	4.12	3.53	3.08	2.65

(ii) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$3.24	$2.75	$2.15	$1.61
2. 220-240 needle count	3.58	3.00	2.35	1.76
3. 260 needle count	3.65	3.11	2.44	1.82
4. 280 needle count	3.76	3.20	2.51	1.88
5. 300 needle count	4.12	3.51	2.74	2.06
6. 320 needle count and higher	4.24	3.60	2.82	2.12

TABLE 5—SALES AT WHOLESALE OF CIRCULAR KNIT HOSIERY—Continued

(ii) SPECIAL CONSTRUCTIONS—continued

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions—Continued.				
(b) Leg made of rayon plaited with cotton with premium welt.				
1. 200 needle count and lower	$2.94	$2.50	$1.96	$1.47
2. 220–240 needle count	3.24	2.75	2.15	1.61
3. 260 needle count	3.35	2.85	2.24	1.67
4. 280 needle count	3.47	2.95	2.32	1.73
5. 300 needle count	3.82	3.25	2.55	1.91
6. 320 needle count and higher	3.94	3.35	2.62	1.96
(c) Leg made of 2-ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	3.82	3.25	2.55	1.91
2. 220–240 needle count	4.12	3.50	2.74	2.06
3. 260 needle count	4.24	3.60	2.82	2.12
4. 280 needle count	4.35	3.70	2.91	2.18
5. 300 needle count	4.71	4.00	3.14	2.35
6. 320 needle count and higher	4.82	4.10	3.21	2.41
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220–240 needle count	5.59	4.75	3.73	2.79
2. 260–280 needle count	6.00	5.10	4.00	3.00
3. 300 needle count and higher	6.47	5.50	4.32	3.24
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	2.94	2.50	1.96	1.47
2 end	3.53	3.00	2.35	1.76
2. 220–240 needle count:				
1 end	3.24	2.75	2.15	1.62
2 end	3.82	3.25	2.55	1.92
3. 260–280 needle count:				
1 end	3.53	3.00	2.35	1.76
2 end	4.12	3.51	2.74	2.06
4. 300–320 needle count:				
1 end	4.12	3.51	2.74	2.06
2 end	4.71	4.00	3.14	2.35
5. 340 needle count:				
1 end	4.71	4.00	3.14	2.35
2 end	5.29	4.49	3.59	2.65
6. 360 needle count and higher:				
1 end	5.88	5.00	3.92	2.94
2 end	6.47	5.50	4.32	3.24
D. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon, or combination yarn)	.47	.40	.32	.24
2. Outsizes	.35	.31	.24	.18
3. Plied yarn in leg	.71	.60	.47	.35

NOTE: All maximum prices are for sales out of stock; maximum prices for "drop shipments" are the prices set forth above less 5%.

TABLE 6—SALES AT RETAIL OF CIRCULAR KNIT HOSIERY

[Prices are expressed in dollars per pair]

(i) RETAIL PRICES FOR HOSIERY PURCHASED BY THE RETAIL SELLER FROM A MANUFACTURER—(a) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$0.25	$0.21	$0.21	$0.18	$0.16	$0.14	$0.12	$0.10
2. 220–240 needle count	.28	.25	.24	.21	.18	.17	.14	.12
3. 260 needle count	.30	.26	.26	.22	.20	.17	.15	.13
4. 280 needle count	.32	.27	.27	.23	.21	.18	.16	.13
5. 300 needle count (producers twist)	.33	.28	.28	.24	.22	.19	.17	.14
6. 300 needle count(high twist)	.38	.32	.32	.27	.25	.21	.19	.16
7. 320 needle count	.40	.34	.34	.29	.27	.23	.20	.17
8. 340 needle count	.43	.34	.36	.29	.29	.22	.21	.17
9. 360–380 needle count	.49	.40	.42	.34	.33	.27	.25	.20
10. 400 needle count	.64	.55	.55	.47	.43	.37	.32	.28

TABLE 6—SALES AT RETAIL OF CIRCULAR KNIT HOSIERY—Continued

(b) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$0.34	$0.29	$0.23	$0.17
2. 220–240 needle count	.36	.31	.25	.18
3. 260 needle count	.38	.33	.26	.19
4. 280 needle count	.40	.34	.27	.20
5. 300 needle count	.43	.37	.29	.22
6. 320 needle count and higher	.45	.38	.30	.22
(b) Leg made of rayon plaited with cotton with premium welt:				
1. 200 needle count and lower	.31	.26	.21	.16
2. 220–240 needle count	.34	.29	.23	.17
3. 260 needle count	.35	.30	.24	.18
4. 280 needle count	.37	.31	.25	.18
5. 300 needle count	.40	.34	.27	.20
6. 320 needle count and higher	.42	.35	.28	.21
(c) Leg made of 2 ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	.40	.34	.27	.20
2. 220–240 needle count	.44	.37	.29	.22
3. 260 needle count	.45	.38	.30	.22
4. 280 needle count	.46	.39	.31	.23
5. 300 needle count	.50	.42	.33	.25
6. 320 needle count and higher	.51	.43	.34	.25
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220–240 needle count	.59	.50	.39	.29
2. 260–280 needle count	.63	.54	.42	.32
3. 300 needle count and higher	.68	.58	.46	.34
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	.31	.26	.21	.16
2 end	.37	.32	.25	.19
2. 220–240 needle count:				
1 end	.34	.29	.23	.17
2 end	.41	.33	.27	.20
3. 260–280 needle count:				
1 end	.37	.31	.25	.18
2 end	.43	.37	.29	.22
4. 300–320 needle count:				
1 end	.43	.37	.29	.22
2 end	.50	.42	.33	.25
5. 340 needle count:				
1 end	.50	.42	.33	.25
2 end	.56	.48	.37	.28
6. 360 needle count and higher:				
1 end	.62	.53	.41	.31
2 end	.68	.58	.46	.34
D. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon or combination yarn)	.05	.04	.03	.02
2. Outsizes	.04	.03	.03	.02
3. Plied yarn in leg	.07	.06	.05	.04

NOTE: The prices in this table are applicable to all sales of hosiery which the seller at retail bought (a) from a manufacturer, as defined in this regulation or (b) in any sale to which manufacturer's ceiling prices were applicable.

(ii) RETAIL PRICES FOR HOSIERY PURCHASED BY THE RETAIL SELLER FROM A WHOLESALER—(a) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A Continuous filament (plain knit):								
1. 200 needle count and lower	$0.28	$0.25	$0.24	$0.21	$0.19	$0.17	$0.14	$0.12
2. 220–240 needle count	.32	.28	.27	.24	.21	.19	.16	.14
3. 260 needle count	.35	.30	.30	.25	.23	.20	.18	.15
4. 280 needle count	.37	.31	.31	.26	.24	.21	.18	.15
5. 300 needle count (producers twist)	.38	.32	.32	.27	.25	.22	.19	.16
6. 300 needle count (high twist)	.44	.37	.37	.31	.29	.24	.22	.18
7. 320 needle count	.47	.39	.39	.34	.31	.26	.23	.20
8. 340 needle count	.49	.39	.42	.33	.33	.26	.25	.19
9. 360–380 needle count	.56	.46	.48	.39	.38	.31	.28	.23
10. 400 needle count	.74	.63	.63	.54	.49	.42	.37	.32

TABLE 6—SALES AT RETAIL OF CIRCULAR KNIT HOSIERY—Continued

(b) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$0.39	$0.33	$0.26	$0.19
2. 220-240 needle count	.42	.36	.28	.21
3. 260 needle count	.44	.37	.29	.22
4. 280 needle count	.45	.38	.30	.23
5. 300 needle count	.50	.42	.33	.25
6. 320 needle count and higher	.51	.43	.34	.25
(b) Leg made of rayon plaited with cotton with premium welt:				
1. 200 needle count and lower	.35	.30	.24	.18
2. 200-240 needle count	.39	.33	.26	.19
3. 260 needle count	.40	.34	.27	.20
4. 280 needle count	.42	.35	.28	.21
5. 300 needle count	.46	.39	.31	.23
6. 320 needle count and higher	.47	.40	.31	.24
(c) Leg made of 2 ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	.46	.39	.31	.23
2. 220-240 needle count	.49	.42	.33	.25
3. 260 needle count	.51	.43	.34	.25
4. 280 needle count	.52	.41	.35	.26
5. 300 needle count	.56	.48	.38	.28
6. 320 needle count and higher	.58	.49	.38	.29
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220-240 needle count	.67	.57	.45	.33
2. 260-280 needle count	.72	.61	.48	.36
3. 300 needle count and higher	.78	.66	.52	.39
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	.35	.30	.24	.18
2 end	.42	.36	.28	.21
2. 220-240 needle count:				
1 end	.39	.33	.26	.19
2 end	.46	.39	.30	.23
3. 260-280 needle count:				
1 end	.43	.36	.28	.21
2 end	.50	.42	.33	.25
4. 300-320 needle count:				
1 end	.50	.42	.33	.25
2 end	.57	.48	.38	.28
5. 340 needle count:				
1 end	.57	.48	.38	.28
2 end	.64	.54	.43	.32
6. 360 needle count and higher:				
1 end	.71	.60	.47	.35
2 end	.78	.66	.52	.39
D. Maximum Price differentials for specific constructions (to be added to prices per dozen set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon or combination yarn)	.06	.05	.04	.03
2. Outsizes	.04	.04	.03	.02
3. Plied yarn in leg	.09	.07	.06	.04

This amendment shall become effective July 15, 1943.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11106; Filed, July 9, 1943; 4:08 p. m.]

PART 1410—WOOL

[MPR 123,[1] Amdt. 6]

RAW AND PROCESSED WOOL WASTE MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 123 is amended in the following respect:

In Table I of § 1410.80, the price of 20 cents for fine woolen threads, light, under the heading "85% up to not including 98% wool, balance other fibers," is amended to read 30 cents.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11104; Filed, July 9, 1943; 4:07 p. m.]

PART 1306—IRON AND STEEL

[Correction to RPS 49,[1] as Amended, April 8, 1943]

RESALE OF IRON OR STEEL PRODUCTS

Revised Price Schedule No. 49, as amended April 8, 1943, is corrected in the following respect:

Section 1306.164 (d) Table VI—"Base prices for sheets and plates sheared to specifications to both length and width" in the column "cities" the first "St. Louis[2]" is corrected to read "St. Paul[2]".

This correction shall be effective as of March 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11125; Filed, July 10, 1943; 11:49 a. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 115]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (c)(2)(iv) is added to read as follows:

(iv) *Pittsburgh, Pennsylvania.* In Pittsburgh, Pennsylvania a refiner's maximum price for Ethyl gasoline on sales in bulk lots to other refiners f. o. b. the seller's terminal shall be 9.9¢ per gallon.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11126; Filed, July 10, 1943; 11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 378,[2] Amdt. 2]

MIXED FEEDS FOR ANIMALS AND POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 378 is amended in the following respects:

1. Item 3 in the table of section 14 (a) is amended to read as follows:

Commodity	Maximum mark-up: Per ton	Maximum mark-up: Per 100 pound bag
3. All rabbit feeds, all pigeon and squab feeds, all mineral mixed feeds, all calf feeds, all poultry, duck and turkey mashes and pellets designed for feeding chickens, ducks and turkeys, up to 10 weeks of age, flushing mashes and concentrates and supplements for further mixing or feeding with more than 50% of grain	$10.00	$0.50

2. Section 15 (b) is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3088, 3330, 3829, 6477, 8948, 9325, 10708.

[1] 8 F.R. 4608, 4542, 7257, 7595, 7769, 7909.

[1] 8 F.R. 3718, 3795, 3845, 4130, 4131, 3841, 4252, 4334, 4783, 4783, 4918, 4840, 5386, 6044, 6120, 6543, 6543, 6617, 6673, 6849, 6617, 7199, 7351, 7382, 7489, 7264, 8184, 8377, 8755, 8874

[2] 8 F.R. 5810, 5648.

(b) For sales as a retailer, the maximum prices set forth in section 13 hereof plus the maximum markups set forth in section 14 hereof on that portion of his sales as a retailer not exceeding the tonnage volume of his sales as a wholesaler during the immediately preceding week, month or four months period which he may at the time of each weekly calculation of prices select; and the maximum prices set forth in section 14 hereof on the remainder of the sales as a retailer.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R Doc. 43-11127; Filed, July 10, 1943; 11:50 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 65]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register*

Ration Order 5C is amended in the following respects:

1. Section 1394.8161 (f) (1) is amended by inserting after the words "or for sightseeing, touring or vacation travel" and before the succeeding comma the phrase "except as provided in subparagraph (3) of this section,".

2. Section 1394.8161 (f) (3) is added to read as follows:

(3) Nothing in this section shall be deemed to prohibit the use of a basic ration for a single direct round trip to be completed within the calendar year 1943 to a specified destination for vacation purposes, for which adequate alternative means of transportation are not available: *Provided*, That approval has been given for such trip by the Board having jurisdiction over the area in which the vehicle of the ration holder is normally garaged or stationed. Such approval shall be on Form OPA R-572 to which a validation stamp (Form OPA R-123) has been attached and which has been certified by the applicant.

This amendment shall be come effective July 15, 1943.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 1016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11128; Filed, July 10, 1943; 11:50 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 66]

MILEAGE RATIONING; GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1394.7808 is hereby revoked.

This amendment shall become effective July 16, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11129; Filed, July 10, 1943; 11:49 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5B,[2] Amdt. 18]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5B is amended in the following respects:

1. Section 1394.2403 is amended to read as follows:

§ 1394.2403 *Service ration books.* (a) The ration period for service rations and the number of coupons in each book shall be as follows:

(1) D Ration Books marked "service" shall be six (6) months in length, shall commence on February 1, 1943 and shall end on July 31, 1943. Each Book shall contain forty-eight (48) coupons, valid for transfer of gasoline during the valid period. S-1 and S-2 Ration Books issued on April 5, 1943 expire June 26, 1943. Registration for renewals and issuance of renewals of S-1 and S-2 Ration Books shall begin June 22, 1943. Renewals thereof shall be valid for twelve weeks commencing on June 28, 1943 and ending on September 18, 1943. S-3 and S-4 Ration Books issued on April 19, 1943 expire July 10, 1943. Registration for renewals and issuance of renewals of the S-3 and S-4 Ration Books shall begin July 6, 1943. Renewals thereof shall be valid for twelve weeks commencing July 12, 1943 and ending October 2, 1943. S-5 Ration Books issued on May 17, 1943 expire August 7, 1943. Registration for renewals and issuance of renewals of S-5 Ration Books shall begin August 2, 1943. Renewals thereof shall be valid for twelve weeks commencing on August 9, 1943, and ending on October 30, 1943.

(2) Each S-1, S-2, S-3 and S-4 Ration Book as renewed shall contain twelve pages and each S-5 Ration Book with green coupons as renewed shall contain twelve pages. Each page shall consist of eight (8) coupons. Each coupon shall have imprinted on its face the number of S class ration for which it is issued. All coupons on each page shall bear the consecutive number of the page in the Ration Book. The S-1 and S-2 Ration Books as renewed will bear a number 33 on all the coupons of the first page, a number 34 on all the coupons of the next page, and so forth consecutively. Each S-3 and S-4 Ration Book, as renewed will bear a number 35 on all the coupons of the first page, a number 36 on the coupons of the next page, and so forth consecutively. Each S-5 Ration Book with green coupons, as renewed, shall bear a number 39 on all coupons of the first page, a number 40 on all the coupons on the next page, and so forth consecutively. Each S-5 Ration Book with gold coupons shall contain twenty-four (24) pages of coupons. Each page shall consist of eight (8) coupons, the coupons on the first two pages being numbered S5-39, the coupons on the next two pages bearing number S5-40, etc., so that there will be twice the number of S-5 gold coupons valid for the same periods as contained in the S-5 Ration Book with green coupons.

Each S-5 Ration Book with white coupons as renewed, shall contain thirty-six (36) pages. Each page shall consist of eight (8) coupons, the coupons of the first three pages being numbered S5-39, the next three pages being numbered S5-40, etc., so that there will be three times the number of S-5 white coupons valid for the same period as contained in the S-5 Ration Book with green coupons.

(3) Each coupon on each S class Ration Book shall have imprinted on its face the serial number which appears on the cover of the book, and all coupons without such number printed thereon shall be invalid.

(4) The valid periods for S-1, S-2, S-3, S-4 and S-5 are as follows:

Coupons bearing number:	*Valid periods*
33	June 28, 1943 to July 3, 1943.
34	July 5, 1943 to July 10, 1943.
35	July 12, 1943 to July 17, 1943.
36	July 19, 1943 to July 24, 1943.
37	July 26, 1943 to July 31, 1943.
38	Aug. 2, 1943 to Aug. 7, 1943.
39	Aug. 9, 1943 to Aug. 14, 1943.
40	Aug. 16, 1943 to Aug. 21, 1943.
41	Aug. 23, 1943 to Aug. 28, 1943.
42	Aug. 30, 1943 to Sept. 4, 1943.
43	Sept. 6, 1943 to Sept. 11, 1943.
44	Sept. 13, 1943 to Sept. 18, 1943.
45	Sept. 20, 1943 to Sept. 25, 1943.
46	Sept. 27, 1943 to Oct. 2, 1943.

[2] 7 F.R. 5607, 6389, 6390, 7400, 6671, 7908, 8385, 8335, 9134, 9431, 9817, 10109, 10379, 10530; 8 F.R. 534, 976, 2026, 2395, 5267, 5851.

2. Section 1394.2405 (b) (6) is added to read as follows:

(6) *D Ration Books.* Not more than two (2) ration books to provide the gallonage necessary for the minimum mileage required for the valid period. Each Board may receive applications for more than two (2) ration D Books. If the Board recommends that such application be granted, it may issue such additional books only after it shall have obtained the written authority in advance from the Director of the Office of Price Administration for Puerto Rico.

3. Section 1394.2756 (d) is amended to read as follows:

(d) No bulk transfer of gasoline shall be made to a consumer by any person subsequent to September 12, 1942 unless prior written authorization has been granted by the Territorial Rationing Administrator of the Office of Price Administration, except that such authorization shall not be necessary in making bulk transfers of less than fifty (50) gallons of gasoline.

4. Section 1394.2853 (a) is amended to read as follows:

(a) A transfer of gasoline may be made in exchange for coupons contained in Class A, B, C, D, S–1, S–2, S–3, S–4 or S–5 books, under the following conditions:

5. Section 1394.2853 (a) (3) is amended to read as follows:

(3) Transfer may be made only during the period of validity of the coupon in exchange for which the transfer is to be made, or, in the case of class D books, only during the valid period noted on the cover of the book presented.

6. Section 1394.2853 (b) and (b) (1) are hereby revoked and paragraph (b) (2) is redesignated (b) and amended to read as follows:

(b) No transfer in exchange for R coupons may be made into the fuel tank of or knowingly made for use in a licensed motor vehicle or a motor vehicle held by a motor vehicle dealer for sale or resale.

This amendment shall become effective as of June 28, 1943.

(Pub. Laws 671, 76th Cong.; WPB Dir. 1, 7 F.R. 562; Supp. Dir. 1–J, 7 F.R. 8731; E.O. 9125, 7 F.R. 2719)

Issued this 9th day of July 1943.

JAMES P. DAVIS,
Acting Director for Puerto Rico.

[F. R. Doc. 43–11093; Filed, July 9, 1943; 4:05 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Rev. MPR 183]

PUERTO RICO

Maximum Price Regulation No. 183 is redesignated Revised Maximum Price Regulation 183 and is revised and amended to read as follows:

In the judgment of the Price Administrator the maximum prices established by this regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1418.1 *Maximum prices in the Territory of Puerto Rico.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation 183 (Puerto Rico), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1418.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

REVISED MAXIMUM PRICE REGULATION 183—PUERTO RICO

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.
1. Prohibition against dealing in certain commodities at prices above the maximum.
2. Less than maximum prices.
3. To what transactions, commodities and persons these ceilings apply.
4. Relation to other regulations.
5. Federal, State and Territorial taxes.
6. Geographical applicability.

ARTICLE II—ENFORCEMENT AND MISCELLANEOUS PROVISIONS

7. Evasion.
8. Adjustable pricing.
9. Gross prices.
10. Prices for divisible and indivisible units.
11. Records and reports.
12. Registration.
13. Enforcement and licensing.
14. Penalties.
15. Petitions for amendment.
16. Applications for adjustment.
17. Definitions.

ARTICLE III—TABLES OF MAXIMUM PRICES

18. Maximum prices for bread other than specialty bread sold or delivered in the Territory of Puerto Rico.
19. Maximum prices for bedding.
20. Maximum prices for certain canned fruits sold or delivered in the Territory of Puerto Rico.
21. Maximum prices for certain fruit juices sold or delivered in the Territory of Puerto Rico.
22. Maximum prices for certain canned meat products sold or delivered in the Territory of Puerto Rico.
23. Maximum prices for canned soup sold or delivered in the Territory of Puerto Rico.
24. Maximum prices for tomato products.
25. Maximum prices for certain canned vegetables sold or delivered in the Territory of Puerto Rico.
26. Maximum prices for native cattle and beef sold or delivered in the Territory of Puerto Rico.
27. Maximum prices for cigarettes sold or delivered in the Territory of Puerto Rico.
28. Maximum prices for coffee sold or delivered in the Territory of Puerto Rico.
29. Maximum prices for crackers sold or delivered in the Territory of Puerto Rico.
30. Maximum prices for dried beans, dried peas and garbanzos sold or delivered in the Territory of Puerto Rico.
31. Maximum prices for rice sold or delivered in the Territory of Puerto Rico.
32. Maximum prices for edible fats and oil products sold or delivered in the Territory of Puerto Rico.
33. Maximum prices for cured fish sold or delivered in the Territory of Puerto Rico.
34. Maximum prices for fowl sold or delivered in the Territory of Puerto Rico.
35. Maximum prices for grains and cereals in bulk sold or delivered in the Territory of Puerto Rico.
36. Maximum prices for grains and cereals packaged, sold or delivered in the Territory of Puerto Rico.
37. Maximum prices for hemp rope sold or delivered in the Territory of Puerto Rico.
38. Maximum prices for kerosene sold or delivered in the Territory of Puerto Rico.
39. Maximum prices for macaroni, spaghetti and vermicelli sold or delivered in the Territory of Puerto Rico.
40. Maximum prices for manufactured dairy products sold or delivered in the Territory of Puerto Rico.
41. Maximum prices for matches sold or delivered in the Territory of Puerto Rico.
42. Maximum prices for miscellaneous grocery products sold or delivered in the Territory of Puerto Rico.
43. Maximum prices for fluid milk sold or delivered in the Territory of Puerto Rico.
44. Maximum prices for onions and garlic sold or delivered in the Territory of Puerto Rico.
45. Maximum prices for packing house products sold or delivered in the Territory of Puerto Rico.
46. Maximum prices for dry sausages sold or delivered in the Territory of Puerto Rico.
47. Maximum prices for soap and cleaners.

Article I—Prohibition and Scope of Regulation

SECTION 1. *Prohibition against dealing in certain commodities at prices above the maximum.* Regardless of any contract, agreement, lease, or other obligation or of any price regulation or order heretofore issued by the Office of Price Administration, no person to whom this regulation is applicable shall sell or deliver and no person in the course of trade or business shall buy or receive in the Territory of Puerto Rico any of the commodities set forth in this regulation at a price higher than the maximum prices specified herein; and no person shall offer, solicit or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those set forth in this Revised Maximum Price Regulation 183 may be charged, demanded, paid or offered.

SEC. 3. *To what transactions, commodities and persons these ceilings apply*—(a) *What transactions are covered.* This regulation covers sales within the Territory of Puerto Rico of the commodities enumerated in the tables set forth below. The type of transaction covered whether to wholesalers, at wholesale, or at retail is specified in each table.

(b) *What products are covered.* This regulation covers the commodities listed in the tables set forth herein.

*Copies may be obtained from the Office of Price Administration.

(c) *What persons are covered.* Any person who sells or in the course of trade or business buys any commodities listed in the tables set forth below is subject to this regulation. The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions or any agency of the foregoing.

SEC. 4. *Relation to other regulations.* The sale of commodities not otherwise governed by this Revised Maximum Price Regulation 183 shall be covered by the General Maximum Price Regulation and by such other maximum price regulations, price schedules and orders as are applicable to sales within the Territory of Puerto Rico. Sales for delivery in the Virgin Island of the United States of the commodities for which maximum prices are established herein shall not exceed the maximum prices in the Territory of Puerto Rico plus the transportation charges necessary to the shipment of such commodities of the Virgin Islands.

SEC. 5. *Federal, State and Territorial taxes.* (a) Any tax upon, or incident to, the sale, delivery, processing, or use of a commodity imposed by any statute of the United States or statute or ordinance of any state, territory or subdivision thereof subsequent to such commodity becoming subject to this Revised Maximum Price Regulation 183, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(1) If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased and in such cases the seller shall not include such amount in determining the maximum price under this Revised Maximum Price Regulation 183.

(2) Also, on sales of commodities covered by this regulation to the Insular or Municipal Governments of Puerto Rico, or to the agencies or instrumentalities of either, the seller may collect, in addition to the maximum prices established herein, the 3% excise tax levied on the amount of contracts of sales to the Insular or Municipal Governments by Subsection 4 of Act 25 enacted by the Legislature of Puerto Rico and approved December 4, 1942; providing that the seller actually states and collects the amount of such tax separately from the maximum price for the particular commodities involved in the contract.

SEC. 6. *Geographical applicability.* The provisions of this Revised Maximum Price Regulation 183 shall be applicable to the Territory of Puerto Rico only.

Article II—Enforcement and Miscellaneous Provisions

SEC. 7. *Evasion.* The maximum price established in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to the commodities covered herein, alone or in conjunction with any of the commodities or by way of commission, services, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement, combination sales, or other trade understanding or otherwise.

SEC. 8. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the director of the Office of Price Administration for the Territory of Puerto Rico, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. The authorizations will by the Director be given by order.

SEC. 9. *Gross prices.* The maximum prices established herein are gross prices to which no charges shall be added for transportation, commissions, containers, storage or services in connection with any commodity, unless otherwise hereinafter provided.

SEC. 10. *Price for divisible and indivisible units.* The maximum price for a quantity of a commodity which constitutes a fractional or multiple part of the unit in terms of which a commodity is priced in this regulation, shall be proportionately computed unless hereinafter otherwise provided.

SEC. 11. *Records and reports*—(a) *Records to be kept.* (1) Every person making sales to wholesalers and at wholesale of the commodities which are subject to this regulation, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase and of each sale made by him. The record of purchases shall include: the date of the purchase, a clear description or identification of the commodity, the price paid for each commodity, the quantity which was purchased, and the name and address of the seller from whom such commodity was purchased. The record of sales shall include the date of the sale, a clear description or identification of the commodity, the price charged for such commodity, the quantity which was sold, and the name and address of the customer.

(2) Every person making sales at retail of the commodities which are subject to this regulation shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each purchase made by him. The record of purchases shall include: the date of the purchase, a clear description or identification of the commodity, the price paid for such commodity, the quantity which was purchased, and the name and address of the seller from whom such commodity was purchased.

(b) *Notification to retailers.* (1) On and after the date any commodity becomes subject to this Revised Maximum Price Regulation 183, or the maximum price of any commodity subject to this Revised Maximum Price Regulation No. 183 is changed, every person selling any such commodity, except at retail, shall with each delivery supply the purchaser with a statement of the maximum prices for the commodity or commodities delivered as follows: "The Office of Price Administration has established fixed maximum prices for (insert name of commodity) at $_____ on sales to wholesalers; at $_____ on sales at wholesale; and at $_____ on sales at retail."

(2) On and after the date any commodity becomes subject to this regulation, every person offering to sell any such commodity at retail shall mark the maximum price of such commodity in a manner plainly visible to and understandable by the purchasing public. The maximum prices may be marked on the commodities themselves or may be posted at the place in the establishment where the commodities are offered for sale, and may be posted by price lines if the selling price of each commodity is marked thereon. The maximum prices shall be indicated in the form of "Ceiling price $_____", or "Our ceiling $_____", and "Our selling price $_____".

(c) *Sales slips and receipts.* (1) Every seller at retail, of the commodities subject to this regulation, who has customarily given purchasers sales or receipts shall continue to do so. Upon request from a purchaser, every seller of such commodities regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the quantity and description of the commodity sold, and the price received for it.

SEC. 12. *Registration.* Every person selling at wholesale, and every person who owns, or hereafter becomes the owner of, any business operating an establishment selling at retail any commodity for which a maximum price is established by this regulation, shall register with the Office of Price Administration at such time and in such manner as the Director of the Office of Price Administration for the Territory of Puerto Rico may hereafter by order or amendment prescribe, on forms which will be made available by the Office of Price Administration.

SEC. 13. *Enforcement and licensing.* (a) Persons violating any provision of this Revised Maximum Price Regulation 183 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest office of the Office of Price Administration.

(c) The registration and licensing provisions of Sections 15 and 16 of the

General Maximum Price Regulation [1] are herein made applicable to every person selling, at wholesale or retail, any commodity for which a maximum price is now, or may hereafter, be established by this Revised Maximum Price Regulation 183, or by any amendment thereto. The General Maximum Price Regulation in effect, therefore, provides that a license is necessary for persons to make wholesale or retail sales of commodities as defined and covered by this Revised Maximum Price Regulation 183. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. A license is automatically granted to all such sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, sets forth the circumstances under which licenses may be suspended. The license cannot, of course, be transferred.

SEC. 14. *Penalties.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses and suits for treble damages provided by the Emergency Price Control Act of 1942.

SEC. 15. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1: *Provided, however,* That any such petition shall be filed with the Director of the Office of Price Administration for the Territory of Puerto Rico at San Juan, Puerto Rico.

SEC. 16. *Applications for adjustment.* (a) Any seller or group of sellers who finds that the maximum price of a commodity established for him under the provisions of this Revised Maximum Price Regulation 183 or any order issued thereunder is abnormally low:

(1) Because of increased cost of importation resulting from increased rail and ocean freight and increased war risk insurance; or

(2) Because of the high cost of a commodity received by the seller on or before August 1, 1942; and that this abnormality subjects him to substantial hardship, may apply for adjustment of that maximum price. In establishing substantial hardship the applicant shall produce evidence showing the loss suffered on the particular commodity as a result of the maximum prices established and the effect of such loss on his over-all operations.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

(b) Any seller or group of sellers may apply for adjustment of a maximum price of a commodity established for him or them by this Revised Maximum Price Regulation 183, or any order issued thereunder, when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a commodity, which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices for such seller and of like sellers for such commodity or service; and

(3) That such adjustment will not create or tend to create a shortage or a need for increase in prices in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

SEC. 17. *Definitions.* (a) When used in this regulation, except as otherwise provided herein, the term:

(1) "Sale at wholesale" means a sale of a commodity by a person who resells it to any person other than an ultimate consumer and includes any sale to the United States, or any government, or any of its political subdivisions, any religious, educational, or charitable institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library, commercial or industrial user, or any agency of the foregoing.

(2) "Sale at retail" means a sale or selling to an ultimate consumer.

(3) "To deliver" means to transfer actual possession of the commodity to the purchaser or to any carrier, including a carrier owned or controlled by the seller for shipment to the purchaser.

(4) "The direct cost to the importer" means the price which the importer paid for the commodity, less discounts allowed to the importer, plus all costs of shipment actually incurred by the importer, together with customs duties and entry fees: *Provided,* That, in computing the costs of shipment incurred by the importer, war risk insurance cost shall not exceed the amount represented by the charge for war risk insurance by the War Shipping Administration on an identical shipment; and that the costs of shipment shall not exceed the costs of a reasonably expeditious shipment, via the most efficient, readily and regular available route and means.

(5) "Importer" means any person in Puerto Rico who is a consignee of a commodity entering into the Territory of Puerto Rico from outside thereof.

(6) "Variety" means a particular brand, grade and style in a container or a particular type and size.

(7) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(8) "Packaged" means packed for sale at retail in a container of any sort, where the packaging has been done before arrival at the point of retail sale.

(9) "Bulk" refers to commodities which are not packaged.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended, shall apply to the terms used herein.

Article III—Tables of Maximum Prices

SEC. 18. *Maximum prices for bread other than specialty bread sold or delivered in the Territory of Puerto Rico.* (a) When used in this Table 1, the term:

(1) "Bread" means the article of food, sold in standard loaves prepared by moistening, kneading and baking meal or flour usually with the addition of yeast or leaven, such as "pan francaise" or "pan de agua" (French bread), "pan de sandwich" (sandwich bread), and "pan sobado" (breaked bread (sic)).

(2) "Specialty bread" means raisin bread, cracked wheat bread or any variety of bread other than "pan francaise", "pan de agua", "pan de sandwich" or "pan sobado", which constitutes 10% or less of the gross sales of the bread produced by the bakery during any month preceding the date of the sale of this type of bread.

TABLE 1.—MAXIMUM PRICES FOR BREAD OTHER THAN SPECIALTY BREAD

To wholesaler	At bakery to retailers	Delivered to retailers	Delivered to institutional and commercial users	All sales at retail
Price per lb. $0.0775	*Price per lb.* $0.080	*Price per lb.* $0.085	*Price per lb.* [illegible]	*Price per lb.* $0.10

NOTE: The maximum prices for specialty bread shall be established in accordance with the provisions of the General Maximum Price Regulation.

SEC. 19. *Maximum prices for bedding.*

TABLE 2.—MAXIMUM PRICES FOR QUILTS AND PILLOWS MANUFACTURED BY LA INDUSTRIAL ALGODONERA INC.

	At wholesale	At retail
Quilts:		
Cotton Batting covered with cretonne:	*Per dozen*	*Per unit*
Size 33" x 68"	$1 [illegible]	$ [illegible]
Size 42" x 68"	1 [illegible]	1 [illegible]
Size 50" x 70"	1 [illegible]	2 [illegible]
Size 54" x 70"	1 [illegible]	2 15
Covered with sateen and cretonne:		
Size 54" x 70"	[illegible]	3 [illegible]
Size 60" x 74"	[illegible]	3 [illegible]
Pillows:		
Size 18" x 26"	[illegible]	[illegible]
Size 15" x 26"	[illegible]	[illegible]
Baby size	[illegible]	[illegible]

SEC. 20. *Maximum prices for certain canned fruits sold or delivered in the Territory of Puerto Rico.*

TABLE 3.—MAXIMUM PRICES FOR CANNED FRUITS

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per can
Canned apricots:				
Del Monte (halves)	Case of 24 #2½ cans	$5.95	$6.84	$0.37
Del Monte (halves)	Case of 12 #2½ (glass)	3.50	4.05	0.44
Del Monte (unpeeled whole)	Case of 12 #2½ (glass)	2.90	3.35	0.36
Del Monte (peeled whole)	Case of 12 #2½ (glass)	3.30	3.80	0.41
Signet (halves)	Case of 24 #1 Tall (glass)	4.00	4.60	0.25
	Case of 12 #2½ (glass)	3.25	3.75	0.40
Canned fruit cocktail:				
Del Monte	Case of 48 #1 tall cans	7.60	8.75	0.24
Exquisite	Case of 48 #1 tall cans	8.05	9.25	0.25
Libby	Case of 48 #1 tall cans	7.50	8.65	0.23
S. & W	Case of 48 #1 tall cans	9.15	10.50	0.28
Signet	Case of 48 #1 tall cans	7.70	8.85	0.24
Signet	Case of 12 #2½ (glass)	3.50	4.05	0.44
Libby	Case of 24 #2½ cans	6.65	7.65	0.41
S. & W	Case of 24 #2½ cans	8.29	9.55	0.52
Del Monte	Case of 24 #2 tall cans	4.65	5.35	0.20
Del Monte	Case of 72 8 oz. cans	6.65	7.65	0.14
S. & W	Case of 48 8 oz. cans	5.35	6.15	0.17
Del Monte	Case of 12 #2½ (glass)	3.50	4.05	0.44
Libby	Case of 12 #2½ (glass)	3.90	4.50	0.49
Del Monte	Case of 12 #303 (glass)	2.55	2.95	0.32
Canned fruit salad:				
Del Monte	Case of 24 #2½ cans	6.95	8.00	.43
Exquisite	Case of 24 #2½ cans	7.40	8.50	.46
Libby	Case of 24 #2½ cans	7.35	8.45	.46
S. & W	Case of 24 #2½ cans	9.40	10.95	.59
Signet	Case of 24 #2½ cans	7.20	8.30	.45
Del Monte	Case of 48 #1 tall cans	8.35	9.60	.26
Exquisite	Case of 48 #1 tall cans	8.65	9.95	.27
Libby	Case of 48 #1 tall cans	8.55	9.85	.27
S. & W	Case of 48 #1 tall cans	10.45	12.00	.33
Del Monte	Case of 24 #2 tall cans	5.15	5.92	.32
Del Monte	Case of 12 #2½ (glass)	3.80	4.35	.47
Libby	Case of 12 #2½ (glass)	4.30	4.95	.54
Signet	Case of 24 #1 tall (glass)	4.85	5.60	.30
Signet	Case of 12 #2½ (glass)	3.85	4.45	.48
Canned light cherries:				
Del Monte	Case of 12 #303 (glass)	2.95	3.40	.37
	Case of 12 #2½ (glass)	4.20	4.85	.53
Royal Anne cherries:				
Signet	Case of 24 #1 tall (glass)	4.75	5.45	.30
	Case of 12 #2½ (glass)	3.85	4.45	.48
Canned peaches.				
Yellow Cling (halves):				
Del Monte	Case of 24 #2½ cans	5.90	6.80	.37
Exquisite	Case of 24 #2½ cans	6.10	7.00	.38
Libby	Case of 24 #2½ cans	5.75	6.60	.36
S. & W	Case of 24 #2½ cans	7.60	8.75	.47
Peeress	Case of 24 #2½ cans	5.50	6.35	.34
Libby	Case of 24 #2 cans	4.30	4.95	.27
Del Monte	Case of 12 #2½ (glass)	3.20	3.70	.40
Libby	Case of 12 #2½ (glass)	3.50	4.05	.44
Del Monte	Case of 72-8 oz. cans	6.60	7.60	.14
Exquisite	Case of 72-8 oz. cans	6.55	7.56	.14
Libby	Case of 72-8 oz. cans	6.25	7.20	.13
Exquisite	Case of 48 #1 tall cans	7.50	8.65	.23
Yellow Cling (Quartered):				
Signet	Case of 12 #2½ (glass)	3.20	3.70	.40
Yellow Cling (Sliced):				
Del Monte	Case of 24 #2½ cans	5.85	6.75	.37
S. & W	Case of 24 #2½ cans	7.60	8.75	.47
Signet	Case of 24 #1 (glass)	4.00	4.60	.25
Del Monte	Case of 24 #2 cans	4.45	5.10	.28
Del Monte	Case of 12 #2½ (glass)	3.20	3.70	.40
Del Monte	Case of 12 #303 (glass)	2.35	2.70	.29
Canned pears:				
Bartlett (Halves):				
Del Monte	Case of 24 #2½ cans	6.85	7.90	.43
Exquisite	Case of 24 #2½ cans	7.05	8.10	.44
Libby	Case of 24 #2½ cans	6.55	7.55	.41
S. & W	Case of 24 #2½ cans	8.30	9.55	.52
Peeress	Case of 24 #2½ cans	6.15	7.05	.38
Del Monte	Case of 24 #2 cans	5.15	5.90	.32
Libby	Case of 24 #2 cans	4.85	5.60	.30
Del Monte	Case of 72-8 oz. cans	7.30	8.40	.15
Exquisite	Case of 72-8 oz. cans	7.40	8.50	.15
Del Monte	Case of 12 #2½ (glass)	3.75	4.30	.47
Libby	Case of 12 #2½ (glass)	3.90	4.50	.49
Del Monte	Case of 12 #303 (glass)	2.70	3.10	.34
Bartlett (Quartered):				
Signet	Case of 24 #1 Tall (glass)	4.50	5.20	.28
	Case of 12 #2½ cans	3.55	4.10	.41
Bartlett (Sliced):				
Del Monte	Case of 24 #2½ cans	6.55	7.55	.41
Del Monte	Case of 12 #2½ (glass)	3.55	4.10	.44
Del Monte	Case of 12 #303 (glass)	2.65	3.05	.33
Canned plums:				
Del Monte (De Luxe)	Case of 12 #303 (glass)	1.90	2.20	.24
	Case of 12 #2½ (glass)	2.45	2.60	.30
Prunes (prepared):				
Signet	Case of 12 #2½ (glass)	2.60	3.00	.33
Canned red raspberries:				
Del Monte	Case of 12 #303 (glass)	3.75	4.30	.47
Canned ripe figs:				
Del Monte (Whole)	Case of 12 #303 (glass)	2.45	2.80	.30
	Case of 12 #2½ (glass)	3.35	3.85	.42
Kadota figs:				
Signet	Case of 12 #2½ (glass)	3.80	3.80	.41

SEC. 21. ***Maximum prices for certain fruit juices sold or delivered in the Territory of Puerto Rico.***

TABLE 4.—MAXIMUM PRICES FOR CERTAIN FRUIT JUICES

	Sales to Wholesalers	Sales at Wholesale	Sales at Retail
	Case of 24 #2 cans	*Case of 24 #2 cans*	*Per #2 can*
Double HH Brand Natural Unsweetened Grapefruit Juice	$2.25	$2.65	$0.15

SEC. 22. ***Maximum prices for certain canned meat products sold or delivered in the Territory of Puerto Rico.***

TABLE 5.—MAXIMUM PRICES FOR CANNED CORNED BEEF

	Sales at wholesale		Sales at retail	
	Per case of 48 12 oz. tins	Per case of 48 8 oz. tins	12 oz. tin	8 oz. tin
First grade	$13.00	$11.00	$0.32	$0.27
Second grade	11.25	9.50	0.27	0.23

TABLE 6.—MAXIMUM PRICES FOR CANNED VIENNA SAUSAGE

	Sales to wholesalers	Sales at wholesale	Sales at retail
	Case of 48/4 oz. cans	Case of 48/4 oz. cans	Price per 4 oz. can
Canned Vienna ends	$3.37	$3.72	$0.10
	Case of 24/20 oz. cans	Case of 24/20 oz. cans	Price per 20 oz. can
Canned Vienna ends	5.30	5.85	.32
	Case of 6/5 lb. cans	Case of 6/5 lb. cans	Price per 5 lb. can
Canned Vienna ends	8.20	9.05	1.95
	Case of 24/24 oz. cans	Case of 24/24 oz. cans	Price per 24 oz. can
Canned Vienna whole	16.00	17.70	.95
	Case of 36/4 oz. cans	Case of 36/4 oz. cans	Price per 4 oz. can
Canned Vienna whole "Star" brand	4.20	4.65	.16
	Case of 48/4 oz. cans	Case of 48/4 oz. cans	Price per 4 oz. can
Canned Vienna whole "Libby" brand	5.60	6.20	.16
Canned Vienna whole "Andrews" brand	4.17	4.60	.12

SEC. 23. ***Maximum Prices for canned soup sold or delivered in the Territory of Puerto Rico.***

TABLE 7.—MAXIMUM PRICES FOR CANNED SOUP

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Campbell (old style):	Case of 48:			*Per can*
Asparagus	10½ or 11 oz. cans	$4.15	$4.60	$0.12
Celery	10½ or 11 oz. cans	4.15	4.60	.12
Clam Chowder	10½ or 11 oz. cans	4.15	4.60	.12
Consomme Madrilene	10½ or 11 oz. cans	4.15	4.60	.12
Green Pea	10½ or 11 oz. cans	4.15	4.60	.12
Ox Tail	10½ or 11 oz. cans	4.15	4.60	.12
Vegetable	10½ or 11 oz. cans	4.15	4.60	.12
Vegetarian Vegetable	10½ or 11 oz. cans	4.15	4.60	.12
Chicken Noodle	10½ or 11 oz. cans	5.25	5.80	.17
Chicken	10½ or 11 oz. cans	5.60	6.15	.16
Tomato	10½ or 11 oz. cans	3.50	3.85	.10
Campbell (new formula):				
Asparagus	10½ or 11 oz. cans	5.20	5.75	.17
Clam Chowder	10½ or 11 oz. cans	5.20	5.75	.16
Consomme Madrilene	10½ or 11 oz. cans	5.20	5.75	.13
Green Pea	10½ or 11 oz. cans	5.20	5.75	.15
Mock Turtle	10½ or 11 oz. cans	5.20	5.75	.15
Ox Tail	10½ or 11 oz. cans	5.20	5.75	.15
Pepper Pot	10½ or 11 oz. cans	5.20	5.75	.15
Vegetable	10½ or 11 oz. cans	5.20	5.75	.15
Beef	10½ or 11 oz. cans	6.43	7.15	.20
Bouillon	10½ or 11 oz. cans	6.43	7.15	.15
Chicken Gumbo	10½ or 11 oz. cans	6.43	7.15	.15
Chicken Noodle	10½ or 11 oz. cans	6.43	7.15	.18
Vegetable Beef	10½ or 11 oz. cans	6.43	7.15	.15
Tomato	10½ or 11 oz. cans	4.33	4.80	.12
Chicken	10½ or 11 oz. cans	7.15	7.95	.27
Vegetarian Vegetable	10½ or 11 oz. cans	5.20	5.75	.15
Chilford (old style):				
Pea	10½ or 11 oz. cans	3.50	3.85	.10
Tomato	10½ or 11 oz. cans	3.50	3.85	.10
Vegetable	10½ or 11 oz. cans	3.50	3.85	.10
Chilford (new formula):				
Pea	10½ or 11 oz. cans	4.50	4.95	.13
Tomato	10½ or 11 oz. cans	4.50	4.95	.13
Vegetable	10½ or 11 oz. cans	4.50	4.95	.11
College Inn (old style):	Case of 24:			
Chicken gumbo	7 oz. cans	1.70	1.90	.10
Chicken noodle	7 oz. cans	1.70	1.90	.10
Cream of green pea	7 oz. cans	1.70	1.90	.10
Tomato	7 oz. cans	1.70	1.90	.10
Vegetable	7 oz. cans	1.70	1.90	.10
Crosse and Blackwell (old style):	Case of 12:			
Asparagus	16 oz. cans	3.35	3.70	.19
Bean with bacon	16 oz. cans	3.35	3.70	.19
Beef	16 oz. cans	3.35	3.70	.19
Black bean	16 oz. cans	3.35	3.70	.19
Celery	16 oz. cans	3.35	3.70	.19
Chicken broth	16 oz. cans	3.35	3.70	.19
Chicken noodle	16 oz. cans	3.95	4.35	.25
Clam chowder	13 oz. cans	3.35	3.70	.19
Consomme madrilene	16 oz. cans	3.35	3.70	.19
Cream pea	16 oz. cans	3.35	3.70	.19
Mushroom	16 oz. cans	3.35	3.70	.19
Onion	16 oz. cans	3.35	3.70	.19
Oyster	16 oz. cans	3.35	3.70	.19
Scotch broth	16 oz. cans	3.35	3.70	.19
Shrimp	16 oz. cans	3.35	3.70	.19
Spinach	16 oz. cans	3.35	3.70	.19
Tomato	16 oz. cans	3.35	3.70	.19
Vegetable	16 oz. cans	3.35	3.70	.19
Vegetarian Vegetable	16 oz. cans	3.35	3.70	.19
Gibbs (old style):	Case of 48:			
Asparagus	10½ oz. cans	2.65	2.95	.08
Bean	10½ oz. cans	2.65	2.95	.08
Tomato	10½ oz. cans	2.80	3.25	.09
Vegetable	10½ oz. cans	2.80	3.25	.09
Heinz (old style):				
Asparagus	24 15 oz. cans	3.15	3.50	.18
Asparagus	36 9¼ oz. cans	3.20	3.55	.13
Bean	24 15 oz. cans	3.15	3.50	.18
Bean	36 9¼ oz. cans	3.20	3.55	.13
Celery	24 15 oz. cans	3.15	3.50	.18
Celery	36 9¼ oz. cans	3.20	3.55	.13
Chicken noodle	24 15 oz. cans	3.15	3.50	.18
Chicken noodle	36 9¼ oz. cans	3.20	3.55	.13
Chicken country style	24 15 oz. cans	3.15	3.50	.18
Chicken country style	36 9¼ oz. cans	3.20	3.55	.13
Chicken with rice	24 15 oz. cans	3.15	3.50	.18
Chicken with rice	36 9¼ oz. cans	3.20	3.55	.13
Consomme	24 15 oz. cans	4.20	4.65	.16
Consomme	36 9¼ oz. cans	3.15	3.50	.18
Corn chowder	24 15 oz. cans	3.20	3.55	.13
Corn chowder	36 9¼ oz. cans			

TABLE 7.—MAXIMUM PRICES FOR CANNED SOUP—Continued

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Heinz (old style)—Continued.	Case of 48:			*Per can*
Clam chowder	24 15 oz. cans	$4.20	$4.65	$0.24
Clam chowder	36 9¼ oz. cans	4.20	4.65	.16
Genuine turtle	24 15 oz. cans	3.15	3.50	.12
Genuine turtle	36 9¼ oz. cans	3.20	3.55	.13
Green pea	24 15 oz. cans	3.15	3.50	.18
Green pea	36 9¼ oz. cans	3.20	3.55	.13
Gumbo creole	24 15 oz. cans	3.15	3.50	.18
Gumbo creole	36 9¼ oz. cans	3.20	3.55	.13
Mushroom	24 15 oz. cans	3.15	3.50	.18
Mushroom	36 9¼ oz. cans	3.20	3.55	.13
Onion	24 15 oz. cans	3.15	3.50	.18
Onion	36 9¼ oz. cans	3.20	3.55	.13
Pepper pot	24 15 oz. cans	3.15	3.50	.18
Pepper pot	36 9¼ oz. cans	3.20	3.55	.13
Scotch broth	24 15 oz. cans	3.15	3.50	.18
Scotch broth	36 9¼ oz. cans	3.20	3.55	.13
Spinach	24 15 oz. cans	3.15	3.50	.18
Spinach	36 9¼ oz. cans	3.20	3.55	.13
Split pea	24 15 oz. cans	3.15	3.50	.18
Split pea	36 9¼ oz. cans	3.20	3.55	.13
Tomato	24 15 oz. cans	3.15	3.50	.18
Tomato	36 9¼ oz. cans	3.20	3.55	.13
Vegetable	24 15 oz. cans	3.15	3.50	.18
Vegetable	36 9¼ oz. cans	3.20	3.55	.13
Vegetarian Vegetable	24 15 oz. cans	3.15	3.50	.18
Vegetarian Vegetable	36 9¼ oz. cans	3.20	3.55	.13
Vegetable beef	24 15 oz. cans	3.15	3.50	.18
Vegetable beef	36 9¼ oz. cans	3.20	3.55	.13
Heinz (new formula):	Case of 36:			
Chicken noodle	11 oz. cans	4.95	5.45	.19
Tomato	11 oz. cans	3.80	4.20	.15
Vegetable	11 oz. cans	4.55	5.00	.17
Vegetable beef	11 oz. cans	5.25	5.80	.20
Hurff (old style):	Case of 48:			
Pea	10½ oz. cans	3.50	3.85	.10
Tomato	10½ oz. cans	3.50	3.85	.10
Vegetable	10½ oz. cans	3.50	3.85	.10
	Case of 24:			
Pea	20 oz. cans	3.35	3.65	.19
Tomato	20 oz. cans	3.35	3.65	.19
Vegetable	20 oz. cans	3.35	3.65	.19
Hurff (new formula):	Case of 48:			
Pea	10½ oz. cans	4.70	5.20	.14
Tomato	10½ oz. cans	4.70	5.20	.14
Vegetable	10½ oz. cans	4.70	5.20	.14
	Case of 24:			
Pea	20 oz. cans	4.00	4.40	.23
Tomato	20 oz. cans	4.00	4.40	.23
Vegetable	20 oz. cans	4.00	4.40	.23
Libby (old style):				
Asparagus	10½ oz. cans	3.30	3.65	.10
Tomato	10½ oz. cans	3.30	3.65	.10
Vegetable	10½ oz. cans	3.30	3.65	.10
McGroth (old style):	Case of 48:			
Asparagus	10½ oz. cans	2.65	2.95	.08
Clam chowder	10½ oz. cans	2.65	2.95	.08
Pea	10½ oz. cans	2.65	2.95	.08
Tomato	10½ oz. cans	2.65	2.95	.08
Vegetable	10½ oz. cans	2.65	2.95	.08
Morton House (new formula):				
Consomme with noodles	10½ oz. cans	4.20	4.65	.12
Phillips (old style):				
Tomato	10½ oz. cans	2.80	3.25	.09
Vegetable	10½ oz. cans	2.80	3.25	.09
Premier (old style):				
Tomato	10½ oz. cans	2.65	2.95	.08
Vegetable	10½ oz. cans	2.65	2.95	.08
Rancho (old style):				
Asparagus	10½ oz. cans	3.50	3.85	.10
Chicken noodle	10½ oz. cans	3.50	3.85	.10
Pea	10½ oz. cans	3.50	3.85	.10
Tomato	10½ oz. cans	3.50	3.85	.10
Vegetable	10½ oz. cans	3.50	3.85	.10
Rancho (new formula):				
Asparagus	10½ oz. cans	4.25	4.70	.12
Pea	10½ oz. cans	4.25	4.70	.12
Tomato	10½ oz. cans	4.25	4.70	.12
Vegetable	10½ oz. cans	4.25	4.70	.12
Van Camp (old style):	Case of 24			
Tomato	19 oz. cans	2.95	3.25	.17
Vegetable	10½ oz. cans	2.10	2.30	.12

(a) The maximum price for varieties of canned soups other than those enumerated above, shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of an amendment or order prescribing the maximum price for the applicant or for sellers of such canned soups generally, and shall be a price in line with the maximum price fixed on the above enumerated varieties.

SEC. 24. *Maximum prices for tomato products.*

TABLE 8.—MAXIMUM PRICES FOR TOMATO SAUCE, TOMATO PASTE AND TOMATO KETCHUP

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Tomato ketchup.				
Heinz	Case of 24 14 oz. bottles	$4.62	$5.30	$0.29
Heinz	Case of 24 8 oz. bottles	2.95	3.40	.18
Scott	Case of 24 14 oz. bottles	3.40	3.90	.21
Tomato paste:				
Signet	Case of 100 6 oz. cans	6.95	8.00	.10
Tomato sauce:				
Del Monte	Case of 72 8 oz. cans	3.97	4.55	.08
Eagle	Case of 48 8 oz. cans	2.65	3.05	.08
Heinz	Case of 24 18 oz. cans	2.92	3.35	.18
Libby	Case of 72 8 oz. cans	3.55	4.05	.07
Libby	Case of 48 8 oz. cans	2.35	2.70	.07
Signet	Case of 72 8 oz. cans	3.90	4.50	.08

TABLE 9.—MAXIMUM PRICES FOR TOMATO JUICE

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Canned tomato juice:				
Del Monte	Case of 24 #2 cans	$2.60	$3.00	$0.16
S & W		3.20	3.70	.20
Heinz	Case of 24 18 oz. cans	2.92	3.35	.18
Del Monte	Case of 12 47 oz. cans	2.85	3.30	.37
Exquisite	Case of 48 10½ oz. cans	3.75	4.30	.12
Libby	Case of 48 #300 cans	4.30	4.95	.13
Libby	Case of 72 8 oz. cans	4.00	4.60	.08
Signet	Case of 48 12 oz. cans	3.80	4.35	.12
S & W	Case of 48 12 oz. cans	4.50	5.20	.16
	Case of 12 47 oz. cans	3.65	4.20	.45
C H B	Case of 6 #10 cans	3.50	4.05	.50
London	Case of 48 12 oz. cans	3.12	3.60	.30
	Case of 6 #10 cans	2.95	3.40	.43

SEC. 25. *Maximum prices for certain canned vegetables sold or delivered in the Territory of Puerto Rico.*

TABLE 10.—MAXIMUM PRICES FOR CERTAIN CANNED VEGETABLES

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Canned asparagus:				
Exquisite (all green)	Case of 24 #2 cans	$7.85	$9.05	$0.49
Libby		6.50	7.50	.41
Exquisite (medium green Tips)	Case of 24 #1 square cans	8.55	9.85	.55
Libby		8.00	9.20	.50
Exquisite	Case of 48 10½ oz. cans	10.15	11.65	.32
Exquisite	Case of 24 #2 cans	3.70	4.25	.23
Canned carrots:				
Fancy, diced:				
Lily of the Valley	Case of 24 #2 cans	2.45	2.85	.15
Premier		2.45	2.85	.15
Royal Scarlett		3.60	4.20	.22
Snider		2.45	2.85	.15
S & W		3.60	4.20	.22
Country Queen		2.45	2.85	.15
Libby (glass)	Case of 24 16 oz. cans	3.10	3.65	.19
Lily of the Valley (glass)	Case of 24 #2 cans	3.20	3.75	.19
Snider		3.20	3.75	.19
Libby	Case of 24 #303 cans	2.20	2.60	.14
Lily of the Valley	Case of 24 19 oz. cans	2.45	2.85	.15
Royal Scarlett		3.20	3.75	.19
Premier	Case of 72 8¼ oz. cans	5.00	5.75	.10
S & W		5.00	5.75	.10
Lily of the Valley	Case of 72 8 oz. cans	5.00	5.75	.10
Premier		5.00	5.75	.10
Royal Scarlett		6.00	6.90	.12
Fancy, shoestring:				
Lily of the Valley	Case of 24 #2 cans	2.45	2.85	.15
Snider		2.45	2.85	.15
Lily of the Valley (glass)	Case of 12 16 oz. cans	1.60	1.90	.20
Snider		1.60	1.90	.20
Standard, diced:				
Foote	Case of 24 19 oz. cans	2.00	2.30	.12
McGrath		2.00	2.30	.12
Phillips		2.00	2.30	.12
Gibbs	Case of 24 20 oz. cans	2.00	2.30	.12
Summers, Charles G		2.00	2.30	.12
Gibbs	Case of 48 10 oz. cans	2.65	3.05	.08

TABLE 10.—MAXIMUM PRICES FOR CERTAIN CANNED VEGETABLES—Continued

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned corn:				
American beauty:				
Standard White Cream	Case of 24 #2 cans	$2.85	$3.25	$0.17
Fancy golden sweet, cream style:				
Del Monte	Case of 24 #2 cans	3.45	3.90	.20
Exquisite		3.40	3.85	.20
Libby		3.40	3.85	.20
Lily of the Valley		3.45	3.90	.20
Royal Scarlett		4.45	5.05	.26
Snider		3.45	3.90	.20
S & W		4.50	5.05	.26
Del Maiz	Case of 24 #303 cans	3.00	3.40	.18
Del Monte (glass)		3.40	3.85	.20
Exquisite		3.40	3.85	.20
Libby		3.00	3.40	.18
Lily of the Valley		3.30	3.75	.20
Premier		3.40	3.85	.20
Royal Scarlett		4.00	4.55	.24
Snider		3.30	3.75	.20
Fancy golden sweet, whole kernel:				
Libby	Case of 24 #2 cans	3.35	3.80	.20
Premier		3.35	3.80	.20
Royal Scarlett		4.60	5.25	.27
S & W		4.60	5.25	.27
Del Monte (glass)	Case of 24 #303 cans	3.38	3.85	.20
Premier		2.45	2.85	.15
Royal Scarlett		4.10	4.65	.24
Fancy golden, cream style:				
Premier	Case of 72 8¾ oz. cans	6.15	7.00	.12
Fancy golden, on cob:				
Libby	Case of 24 #2½ cans	4.00	4.55	.24
Royal Scarlett		5.50	6.25	.32
Lily of the Valley	Case of 24 #3 cans	5.05	5.75	.30
Snider		5.05	5.75	.30
Fancy golden, on cob (extra tall):				
Lily of the Valley	Case of 12 #3 cans	2.75	3.15	.32
Snider		2.75	3.15	.32
Fancy country gentleman or tiny kernel, cream:				
Libby	Case of 24 #2 cans	3.30	3.75	.19
Lily of the Valley		3.55	4.05	.21
Royal Scarlett		4.45	5.05	.26
Snider		3.55	4.05	.21
S & W		4.40	5.00	.26
Libby	Case of 24 #303 cans	2.95	3.35	.17
Royal Scarlett		4.00	4.55	.24
Standard golden cream:				
Olympia	Case of 24 #2 cans	2.20	2.60	.15
Phillips		2.20	2.60	.15
Standard white cream:				
Foote	Case of 24 #2 cans	2.75	3.15	.16
Maryland Chief		2.65	3.00	.16
McGrath		2.75	3.15	.16
Phillips		2.75	3.15	.16
Red Minn		2.75	3.15	.16
Red Moon		2.75	3.15	.16
Standard white sweet whole kernel:				
Stokeley	Case of 48 11 oz. cans	4.00	4.60	.12
Fancy white sweet, cream style:				
Premier	Case of 24 16 oz. cans	4.10	4.65	.24
Canned peas:				
Dried:				
Gibbs	Case of 24 #2 cans	1.70	1.95	.10
Glo-Hay		1.70	1.95	.10
La Panza		1.70	1.95	.10
Olympia		1.70	1.95	.10
Ridge Farm		1.70	1.95	.10
York Star		1.70	1.95	.10
Gibbs	Case of 24 19 oz. cans	1.70	1.95	.10
Sunset	Case of 24 18 oz. cans	1.70	1.95	.10
Gibbs	Case of 48 15½ oz. cans	3.00	3.45	.09
Olympia	Case of 48 10 oz. cans	2.30	2.70	.07
Olympia	Case of 72 8 oz. cans	3.05	3.50	.06
Prime	Case of 72 6 oz. cans	2.50	2.85	.05
Ruth		2.50	2.85	.05
Sunset		2.50	2.85	.05
Unico		2.50	2.85	.05
Extra standard ungraded sugar:				
Brownie	Case of 24 #2 cans	4.15	4.75	.25
County Kist		3.80	4.35	.22
Minnesota Valley		3.30	3.70	.19
Brownie	Case of 24 #303 cans	3.25	3.70	.19
County Kist		3.30	3.75	.19
Lily of the Valley		3.40	3.90	.20
Snider		3.40	3.90	.20
Buffet fancy garden sugar:				
Del Monte	Case of 72 8 oz. cans	6.31	7.20	.12
Royal Scarlett		8.60	9.80	.17
Fancy garden sugar:				
Del Monte	Case of 24 #2 cans	4.10	4.65	.24
Exquisite		3.80	4.35	.22
Libby		3.75	4.30	.22
Del Monte	Case of 24 #303 cans	3.67	4.20	.22
Exquisite		3.30	3.75	.19
Garden Patch		3.70	4.20	.22
Libby		3.35	3.80	.20

TABLE 10.—MAXIMUM PRICES FOR CERTAIN CANNED VEGETABLES—Continued

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned peas—Continued				
Fancy #1 sieve E. V. or sugar:				
Del Monte	Case of 24 #2 cans	$4.61	$5.25	$0.27
Libby		4.50	5.15	.27
Royal Scarlett		5.95	6.80	.33
Fancy #2 sieve E. V. or sugar:				
Exquisite	Case of 24 #2 cans	4.15	4.75	.25
Libby		4.30	4.90	.25
Lily of the Valley		4.00	4.55	.24
Snider		4.00	4.55	.24
S & W		5.60	6.40	.32
Fancy #3 sieve E. V. or sugar:				
Libby	Case of 24 #2 cans	3.75	4.30	.22
Lily of the Valley		3.70	4.20	.22
Royal Scarlett		5.20	5.95	.31
Snider		3.70	4.20	.22
S & W		4.50	5.15	.27
April Showers	Case of 24 #303 cans	3.70	4.20	.22
Libby		3.40	3.90	.20
Fancy #1 sieve E. V. or sugar: Libby	Case of 24 #303 cans	4.00	4.55	.24
Fancy #2 sieve E. V. or sugar: Libby	Case of 24 #303 cans	3.80	4.35	.22
Fancy #1 sieve (picnic) early variety or sugar:				
Del Monte	Case of 48 11 oz. cans	5.72	6.50	.17
Libby		5.50	6.25	.16
Royal Scarlett		7.25	8.25	.21
Fancy #4 sieve sugar:				
Libby	Case of 24 #2 cans	3.60	4.10	.21
Royal Scarlett		5.10	5.80	.30
Libby	Case of 24 #303 cans	3.20	3.65	.19
Royal Scarlett		4.65	5.30	.27
Fancy #5 or #6 sieve sugar:				
Libbys Jumbo	Case of 24 #2 cans	3.50	4.00	.21
Lily of the Valley		3.50	4.00	.21
Snider		3.50	4.00	.21
Libbys Jumbo	Case of 24 #303 cans	3.10	3.55	.18
Green Giant		4.00	4.55	.24
Niblets		4.00	4.55	.24
#1 sieve E. V.: LeSueur	Case of 48 8 oz. cans	5.00	5.70	.15
#3 sieve E. V.:				
April Showers	Case of 48 8 oz. cans	4.40	5.00	.13
Green giant	Case of 48 8 oz. cans	5.00	5.70	.15
Picnic fancy garden sugar:				
Del Monte	Case of 48 11 oz. cans	5.21	5.95	.15
Exquisite		4.90	5.60	.14
Libby		4.80	5.45	.14
Picnic fancy #1 sieve E. V. or sugar:				
Exquisite	Case of 48 11 oz. cans	5.00	5.70	.15
S & W		6.60	7.50	.19
Picnic fancy #3 sieve E. V. or sugar:				
Lily of the Valley	Case of 48 11 oz. cans	4.80	5.45	.14
Snider		4.80	5.45	.14
S & W		6.00	6.85	.18
Standard: Maryland Chief	Case of 48 10½ oz. cans	4.00	4.60	.12
Standard:				
Foote	Case of 24 20 oz. cans	2.70	3.10	.16
Phillips	Case of 48 10 oz. cans	2.70	3.10	.16
Phillips		4.00	4.60	.12
Canned tomatoes:				
Fancy, solid pack:				
Del Monte	Case of 24 #2 cans	3.60	4.10	.21
Libby		3.00	3.40	.18
Lily of the Valley		3.50	4.10	.21
Royal Scarlett		4.50	5.10	.28
Snider		3.50	4.10	.21
Del Monte	Case of 24 #2½ cans	4.87	5.55	.30
Libby		4.00	4.55	.25
Royal Scarlett		5.35	6.05	.33
Premier	Case of 24 19 oz. cans	3.00	3.40	.18
Lily of the Valley	Case of 12 16 oz. cans	1.95	2.20	.24
Snider		1.95	2.20	.24
Standard:				
Happyvale	Case of 24 #2 cans	2.60	2.95	.16
Lily of the Valley		3.05	3.45	.19
Red Jay		3.65	4.15	.23
Snider		3.05	3.45	.19
Sweet Land		2.50	2.85	.15
American Wonder	Case of 24 #2 oz. cans	2.65	3.00	.16
McGrath		2.40	2.75	.15
Vallonia		2.65	3.00	.16
Cordova	Case of 24 19 oz. cans	2.40	2.75	.15
Driftwood		1.90	2.20	.12
Gibbs		1.90	2.20	.12
Maryland Chief		2.40	2.75	.15
Phillips		2.40	2.75	.15
Palm Beach		2.40	2.75	.15
Happyvale	Case of 24 #2½ cans	3.50	3.95	.21
Mission		3.50	3.95	.21
Red Jay		4.25	4.80	.26
Silverdale		3.70	4.20	.23
Canned vegetables for salad: Exquisite	Case of 48 8 oz. cans	4.60	5.30	.14

(a) The maximum price for all other varieties of commodities listed in Table 10 other than those enumerated therein, shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of an amendment or order prescribing the maximum price for the applicant or for sellers of the canned vegetables hereinabove referred to, and shall be a price in line with the maximum price fixed on the above enumerated varieties.

SEC. 26. *Maximum prices for native cattle and beef sold or delivered in the Territory of Puerto Rico.* (a) When used in this Table 11 the term:

(1) "Cattle" means all animals of the domesticated bovine species.

(2) "Cows" means only those female cattle which have conceived or which are five years or more of age.

(3) "Oxen" means castrated male cattle which are five years or more of age and which have been worked two years or more, or male cattle which are five years or more of age.

(4) "Arroba" means the live weight equivalent of 25 pounds of dressed meat.

(5) "Tenderloin" means filete.

(6) "Round meat" (carne de biftec) means lomillo, masa de cadera, masa redonda, masa larga, babilla and landrecilla.

(7) "Stew meat" (carne de guisar) means faldilla, pecho, cubrepecho, pescuezo, espalda and sobrelomo.

(8) "Soup meat" (carne de sopa) means garron, patas and bones with 25% or more of meat.

(9) "Meat" means tenderloin, round meat, stew meat and soup meat, as defined herein.

Table 11—Maximum prices for cattle sold for slaughter in Puerto Rico and beef at wholesale and at retail from cattle slaughtered in Puerto Rico.

(a) The maximum prices for cows and oxen sold for slaughter shall be $5.00 per arroba. For all other cattle sold for slaughter the maximum price shall be $6.25 per arroba.

(b) The maximum wholesale price for all meat derived from cattle slaughtered in the Territory of Puerto Rico shall be 21¢ per pound.

(c) The maximum prices at retail for all meat derived from cattle slaughtered in Puerto Rico shall be determined in accordance with either of the following two customary methods of sale:

(1) The meat shall be classified as tenderloin, round meat, stew meat and soup meat, and sold at prices no higher than the following:

	Sales at retail (per pound)
Tenderloin	$0.65
Round Meat	.45
Stew Meat	.25
Soup Meat	.12

(2) Where the meat is not classified as provided in the previous subsection, the maximum retail prices shall be:

	Sales at retail (per pound)
Tenderloin	$0.65
All meat excepting tenderloin	.27

NOTE: Meat sold at 27¢ per pound in accordance with this paragraph shall not contain more than 25% of bone. Any sale at retail otherwise than in accordance with the two classifications as above described, shall constitute a violation of this regulation.

SEC. 27. *Maximum prices for cigarettes sold or delivered in the Territory of Puerto Rico.*

TABLE 12.—MAXIMUM PRICES FOR CIGARETTES

Brand	To wholesaler (per carton of 200)	At wholesale (per carton of 200)	At retail (per package of 20)
Chesterfield, Spud, Old Gold, Viceroy, Kool, Raleigh, Fleetwood, Camel, Phillip Morris, Lucky Strike, Mapleton, Chelsea	$1.86	$1.90	$0.22
Spur, Wings, Avalon, Southland, Roy, Domino, Medal, Totem	1.70	1.74	.20
Rivalo	1.70	1.74	.20
Masterpiece	1.76	1.80	.21
Colectiva, Toro, Casino	1.57	1.60	.19
			(Per package of 10)
Violetas	1.57	1.60	.10 } 2 pkgs. .19.
Casino	1.57	1.60	.10 }
Yankee	1.70	1.74	.10 }
	(Per carton of 160)	(Per carton of 160)	(Per package of 16)
De Luxe	1.47	1.50	.17
	(Per carton of 100)	(Per carton of 100)	(Per carton of 100)
Colectiva Largo	.83	.85	.99
Rivalo Largo	.92	.95	1.10
Toro Largo	.83	.85	.99
Yankee Largo	.87	.90	1.05

(a) No sale of brands of cigarettes other than those enumerated above shall be made after the effective date of this regulation, until the maximum price for such cigarettes has been fixed by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of an amendment or of an order prescribing the maximum price for the applicant or for sellers of such cigarettes generally, and shall be a price in line with the maximum prices fixed above on enumerated brands.

(b) The maximum prices for cigarettes of the brands enumerated above sold individually shall be:

Number of cigarettes	On brands retailing at 22¢ per pkg.	On brands retailing at 21¢ per pkg.	On brands retailing at 20¢ per pkg.	On brands retailing at 10¢ and 19¢ per pkg.
19	$0.21	$0.20	$0.19	$0.18
18	.20	.19	.18	.18
17	.19	.18	.17	.17
16	.18	.17	.16	.16
15	.17	.16	.15	.15
14	.16	.14	.14	.14
13	.15	.13	.13	.13
12	.14	.12	.12	.12
11	.13	.11	.11	.11
10	.11	.10	.10	.10
9	.10	.09	.09	.09
8	.09	.08	.08	.08
7	.08	.07	.07	.07
6	.07	.06	.06	.06
5	.06	.05	.05	.05
4	.05	.04	.04	.04
3	.03	.03	.03	.03
2	.02	.02	.02	.02
1	.01	.01	.01	.01

(c) The maximum prices for De Luxe, Colectiva Largo, Rivalo Largo, Toro Largo and Yankee Largo sold individually shall be 1¢ per cigarette regardless of the quantity in which they are sold.

SEC. 28. *Maximum prices for coffee sold or delivered in the Territory of Puerto Rico.* (a) When used in this Table 13, the term:

(1) "Coffee" means dried parchment coffee, green coffee, roasted coffee and roasted-ground coffee.

(2) "Dried parchment coffee" means coffee from which the pulp has been removed, which has been fermented and washed but which still contains the endocarp or vellum covering the bean.

(3) "Green coffee" means dried parchment coffee from which the endocarp or vellum covering the bean has been removed.

(4) "Roasted coffee" means green coffee which has been subject to the process commonly known as torrefaction, consisting in exposing the beans in a mechanical device to artificially generated heat.

(5) "Roaster" means any person who is engaged in the business of roasting green coffee.

TABLE 13.—MAXIMUM PRICES FOR COFFEE

Dried parchment coffee—At the rate of $21.50 per 132 lb.

[In common trade terms the minimum "discount" is approximately 18% in converting dried parchment coffee to green coffee]

	To wholesalers and roasters (per 100 lbs.)	At wholesale (per 100 lbs.)	At retail (per lb.)
Green coffee	$23.00	$24.75	$0.27
Roasted coffee:			
In containers in excess of 1 lb.		33.00	.38
In 1 lb. containers		35.00	.39
In ½ lb. containers		35.00	.40
In ¼ lb. containers		35.00	.40
In 2 oz. containers		35.00	.40

NOTE: The allowances, discounts, or other price differentials customarily granted on sales of coffee shall not be changed or altered unless such change results in a lower price than that specified herein.

SEC. 29. *Maximum prices for crackers sold or delivered in the Territory of Puerto Rico*—(a) *Definitions.* When used in this Table 14, the term:

(1) "Soda crackers, family type" means crackers such as those sold under the trade names of "Delicious", "Corona", "Sea Spray", "Sunland", "Sunland Saltines", "Soda Familia" and "Family Special".

(2) "Soda crackers, standard type" means crackers such as those sold under the trade names of "Sport", "Borinquen", "Soda Rica", "Popular", "Boricua" and "Rovira".

(3) "Vanilla crackers" means crackers such as those sold under the trade names of "Princess", "Imperial", "Sunland", "Flor de Vainilla" and "Vanilla Biscuit".

(4) "Enumerated varieties of soda crackers or vanilla crackers" means varieties specified in Table 14 of this section.

TABLE 14.—MAXIMUM PRICES FOR CRACKERS

Brand	Container, type, and size	To wholesalers (per dozen containers)	At wholesale (per dozen containers)	At retail (per container)
Soda crackers family type:				
Delicious	4½-lb. tin	$12.27	$13.50	$1.40
Corona	2 lb. container	5.33	5.85	.60
Sea Spray	1 lb. container	2.81	3.10	.32
Sunland				
Sunland Saltines				
Soda Familia				
Family Special				
Soda crackers, standard type:				
Sport	4½ lb. tin	10.77	11.85	1.25
Borinquen	2 lb. container	5.00	5.50	.60
Soda Rica	1 lb. container	2.66	2.95	.31
Popular				
Boricua				
Rovira				
Vanilla crackers:				
Princesa	7½ lb. tin	16.95	18.65	1.95
Imperial	4½ lb. tin	10.77	11.85	1.25
Sunland	4 lb. tin	9.54	10.50	1.10
Flor de Vainilla	3½ lb. tin	8.36	9.20	1.05
Vanilla Biscuit	1½ lb. container	3.89	4.30	.45
	3 lb. container	7.38	8.10	.85

(a) The maximum price for the above enumerated varieties of soda crackers and vanilla crackers sold loose shall be proportionately computed on the basis of the price fixed for the one pound containers of soda crackers (i. e., family type or standard type, whichever is applicable) and of the one and one-half pound containers of vanilla crackers respectively.

TABLE 15.—MAXIMUM PRICES FOR ENUMERATED VARIETIES OF IMPORTED CRACKERS

Brand	Container, type and size	To wholesalers (per dozen containers)	At wholesale (per dozen containers)	At retail (per container)
Keebler	Case of 10 oz. cartons	$2.05	$2.25	$0.24
Sunshine	5 lb. tins	13.50	14.85	1.55
National Sodas	5 lb. tins	13.50	14.85	1.55
Vories "Puritan"	3-¾ lb. tins	8.25	9.05	.85

SEC. 30. *Maximum prices for dried beans, dried peas and garbanzos sold or delivered in the Territory of Puerto Rico.*

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
All grades of imported dried beans and dried peas	$0.0655	$0.07	$0.08
	(Price per 110 lbs.)	(Price per 110 lbs.)	(Price per pound)
Garbanzos	$7.00	$8.00	$0.09

SEC. 31. *Maximum prices for rice sold or delivered in the Territory of Puerto Rico.*

TABLE 17.—MAXIMUM PRICES FOR IMPORTED RICE

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
All grades of imported milled rice	$0.0655	$0.07	$0.08

SEC. 32. *Maximum prices for edible fats and oil products sold or delivered in the Territory of Puerto Rico.*

TABLE 18.—MAXIMUM PRICES FOR OLEOMARGARINE

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Oleomargarine	$0.19	$0.206	$0.25

SEC. 33. *Maximum prices for cured fish sold or delivered in the Territory of Puerto Rico.*

TABLE 19.—MAXIMUM PRICES FOR CODFISH, BLOATERS, HERRING, CUSK, LING, MACKEREL, POLLOCK, HADDOCK, HAKE AND WHITE FISH

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
If hard dried, semi-dried or smoked	$0.145	$0.153	$0.16
If pickled	.14	.15	.15

SEC. 34. *Maximum prices for fowl sold or delivered in the Territory of Puerto Rico.*

TABLE 20.—MAXIMUM PRICES FOR HARD CHILLED, DRESSED BUT NOT EVISCERATED, GRADE B, OLD AND YOUNG TURKEYS

	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Hens, 8 to 14 pound unit	$0.475	$0.60
Toms, 16 to 20 pound unit	.455	.60
Toms, over 20 pounds	.445	.60

SEC. 35. *Maximum prices for grains and cereals in bulk sold or delivered in the Territory of Puerto Rico.*

TABLE 21.—MAXIMUM PRICES FOR HARD WHEAT FLOUR AND SOFT WHEAT FLOUR EXCEPT FOR UNOPENED CONTAINERS

	Sales to wholesalers and industrial users (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
All types of hard wheat flour	$0.038	$0.042	$0.06
All types of soft wheat flour	.0425	.0470	.06

TABLE 22.—MAXIMUM PRICES FOR CORN MEAL

Corn meal	4.75	5.10	.06

SEC. 36. *Maximum prices for grains and cereals packaged sold or delivered in the Territory of Puerto Rico.*

TABLE 23.—MAXIMUM PRICES FOR CERTAIN PACKAGED CEREALS

Items and brand names	Unit	Recommended ceilings		
		Price to wholesaler	Price at wholesale	Price at retail
Quaker				
Farina	Case of 36/24 oz. tins	$6.87	$7.76	$0.28
Farina	Case of 12/14 oz	1.27	1.41	.16
Farina	Case of 12/28 oz	2.42	2.78	.30
Hominy Grits	Case of 24/24 oz	2.53	2.86	.15
Puffed Rice Sparkies	Case of 24/4½ oz	3.25	3.67	.20
Puffed Wheat	Case of 24/4 oz	2.81	3.18	.17
Muffets	Case of 24/8 oz	2.64	2.98	.16
Individual Assorted Cereals	Case of 12/16 oz	3.25	3.67	.40
Quaker Oats	Case of 36/20 oz. tins	6.00	6.60	.23
Gold Medal:				
Wheaties	Case of 36/8 oz	4.42	4.99	.18
Wheat flakes	Case of 24/8 oz	2.31	2.61	.14
Wheat flakes	Case of 36/8 oz	3.47	3.92	.14
Cherrioats	Case of 24/7 oz	3.14	3.55	.19
General Foods				
Bran Flakes	Case of 24/8 oz	2.73	3.08	.17
Grape Nuts	Case of 24/13 oz	5.27	5.95	.32
Grape Nuts Wheatmeal	Case of 12/16 oz	1.93	2.19	.24
Whole Bran Shreds	Case of 12/10 oz	1.72	1.94	.21
Kellogg				
Cream of Wheat	Case of 36/28 oz	8.62	9.74	.35
Cream of Wheat	Case of 48/14 oz	6.74	7.62	.21
Kellogg Variety	Case of 12/10 oz	4.20	4.75	.51
Rice Krispies	Case of 24/5½ oz	3.36	3.80	.21
All Bran	Case of 24/10 oz	3.26	3.68	.20
Shredded Wheat	Case of 24/12 oz	3.47	3.92	.21

SEC. 37. *Maximum prices for hemp rope sold or delivered in the Territory of Puerto Rico.*

TABLE 24.—MAXIMUM PRICES FOR HEMP ROPE IMPORTED FROM CUBA

At wholesale	$26.00 per cwt.
At retail	0.32 per lb.

SEC. 38. *Maximum prices for kerosene sold or delivered in the Territory of Puerto Rico.*

TABLE 25—MAXIMUM PRICES FOR KEROSENE

The maximum prices of kerosene at wholesale are established by Revised Price Schedule No. 88.

The maximum prices of kerosene at retail establishments as provided in Maximum Price Regulation No. 137 shall be 18¢ per gallon, except that when a quantity of less than one gallon is sold the maximum price shall be 5¢ per quart.

SEC. 39. *Maximum prices for macaroni, spaghetti and vermicelli sold or delivered in the Territory of Puerto Rico*—(a) *Definitions.* When used in Tables 26 and 27 the term:

(1) "Prepackaged" means an inner and outer sealed, cellophane or paper wrapped, paperboard package.

(2) "Macaroni, spaghetti and vermicelli in bulk" means macaroni, spaghetti and vermicelli that has not been prepackaged.

TABLE 26.—MAXIMUM PRICES FOR MACARONI, SPAGHETTI AND VERMICELLI IN BULK

To wholesalers (per cwt.)	At wholesale (per cwt.)	At retail (per lb.)
$7.20	$7.70	$0.10

TABLE 27.—MAXIMUM PRICES FOR LOCALLY PREPACKAGED MACARONI, SPAGHETTI AND VERMICELLI

	To wholesalers	At wholesale	At retail (per pkg.)
Cruz Roja de Malta, 32 pkgs. (7 oz. pkg.)	$1.80	$2.00	$0.08
Itali, 20 pkgs. (½ lb. pkg.)	1.15	1.25	.08
Itali, 20 pkgs. (1 lb. pkg.)	1.90	2.10	.14
Estrella Roja, 28 pkgs. (½ lb. pkg.)	1.80	1.95	.09
La Javanela (½ lb. pkg.)	[1] 14.00	[1] 15.50	.10
La Javanela (15 oz. pkg.)	[1] 14.00	[1] 15.50	.19
La Vazcongada, 32 pkgs. (8 oz. pkg.)	2.10	2.30	.09
La Vazcongada, 80 pkgs. (8 oz. pkg.)	5.05	5.55	.09
Ego, 60 pkgs. (1 kilo)	17.30	19.05	.40
Tampieri, 28 pkgs. (1 lb. pkg.)	4.20	4.60	.21
Ronzoni Brand Naples Style 20 pkgs. (1 lb. pkg.)	2.55	2.80	.18
Ronzoni Brand Geneva Style 20 pkgs. (1 lb. pkg.)	2.95	3.25	.21
Ronzoni Brand Egg Noodle Style 12 pkgs. (8 oz. pkg.)	1.55	1.70	.18

[1] Per cwt.

(1) The maximum prices for varieties of prepackaged macaroni, spaghetti and vermicelli other than those enumerated above shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of an amendment or order prescribing the maximum price for the applicant or for sellers of such macaroni, spaghetti and vermicelli generally, and shall be a price in line with the maximum price fixed on the above enumerated varieties.

SEC. 40. *Maximum prices for manufactured dairy products sold or delivered in the Territory of Puerto Rico.*

TABLE 28.—MAXIMUM PRICES FOR TUBS AND PRINTS OF BUTTER

	To wholesalers (per pound)	At wholesale (per pound)	At retail (per pound)
Butter in boxes and tubes, Grade A	$0.52	$0.58	$0.70
Butter in prints, not in cartons, Grade A	.54	.60	.71
Butter in prints, in cartons, Grade A	.55	.61	.72

(1) The maximum prices for all butter other than that referred to above shall be established in accordance with the requirements of Maximum Price Regulation No. 280.

TABLE 29.—MAXIMUM PRICES FOR CERTAIN CHEESES

	To wholesalers (per pound)	At wholesale (per pound)	At retail (per pound)
Natural American Cheddar	$0.29	$0.3150	$0.41
Processed cheddar, loaves weighing more than two pounds each	.32	34.5	.42

(1) The maximum prices for all types, grades, or varieties of cheese other than those listed above shall be established in accordance with the requirements of Maximum Price Regulation No. 280.

TABLE 30.—MAXIMUM PRICES FOR EVAPORATED MILK

	To wholesalers, case of 48 14½ oz. cans	At wholesale, case of 48 14½ oz. cans	At retail, price per pound
Evaporated milk	$4.39	$4.62	$0.11

TABLE 31.—MAXIMUM PRICES FOR KLIM AND NIDO BRANDS OF POWDERED WHOLE MILK

	All sales except at retail (price per carton) sale of—			At retail (price per tin)
	1 to 4	5 to 19	20 or more cartons	
12 one-lb. tins	$6.80	$6.70	$6.60	$0.65
6 two-and-one-half lb. tins	7.45	7.35	7.15	1.40
6 five-lb. tins	13.70	13.60	13.20	2.50

SEC. 41. *Maximum prices for matches sold or delivered in the Territory of Puerto Rico*—(a) *Definitions.* When used in Table 32 the term:

(1) "Boxed wooden safety matches" means wooden matches, with a specially prepared head such as Signal Light, Palmer, Independence, Hav-a-lite, Red Stop and Criterion, which normally light only when struck on a specially prepared surface and which are packed in two piece wooden splint or paperboard boxes generally containing 35 to 50 matches.

TABLE 32.—MAXIMUM PRICES FOR MATCHES

(1) All varieties of boxed wooden safety matches

Sales at wholesale—$1.15 per gross, or a price derived by applying a mark-up over direct cost of 10¢ per gross, whichever results in a lower price

Sales at retail—1¢ per box.

(2) Certain cuban wax matches

	At wholesale (per gross)	At retail (per box)
Yumuri No. 100	$8.43	$0.07
Yumuri No. 6	6.64	.06
Yumuri No. 2	3.95	.04
Faisan No. 100	6.65	.06
Candado No. A	3.31	.03

(a) The maximum prices for all varieties of Cuban wax matches other than those enumerated above, for folding book matches and for any other varieties of matches than those enumerated herein, shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of amendment or of order prescribing the maximum price for the applicant or for sellers of such matches generally and shall be a price in line with the maximum prices fixed above on enumerated brands.

SEC. 42. *Maximum prices for miscellaneous grocery products sold or delivered in the Territory of Puerto Rico.*

TABLE 33.—MAXIMUM PRICES FOR CERTAIN CORNSTARCH

	Sales to wholesalers (case of 80/4 oz. pkgs.)	Sales at wholesale (case of 80/4 oz. pkgs.)	Sales at retail (per 4 oz. pkg.)
Maizena Duryea Brand Cornstarch (edible)	$1.65	$1.80	$0.03

SEC. 43. *Maximum prices for fluid milk sold or delivered in the Territory of Puerto Rico.*—(a) *Registration and reports.* (1) Every distributor of milk and every store in which milk is sold shall file with the Office of Price Administration for the Territory of Puerto Rico at San Juan, Puerto Rico, on or before the 5th day of each successive month, a report of his operations for the preceding month upon Form No. PRM 1 duly filled out and signed either by himself or by his properly authorized agent.

(2) Every producer and distributor of milk and every store in which milk is sold which has not registered upon Forms PRM2 and PRM3 duly filled out and signed either by himself or his properly authorized agent, shall immediately register upon such forms with his Local Board.

(3) On and after the effective date of this regulation every person who becomes a producer, every person who becomes a distributor of milk, and every store which begins to sell milk shall immediately register at his Local Board upon Forms PRM2 and PRM3 duly filled out and signed either by himself or his properly authorized agent.

(b) When used in this Table 34 the term:

(1) "Milk" means cow's milk produced, processed, distributed, and sold for consumption in fluid form as whole milk.

(2) "Pasteurized milk" means milk that has been pasteurized by submitting it to a temperature between 142° F. and 145° F. for thirty minutes, and that has been immediately cooled and thereafter maintained at a maximum temperature of 53.6° F. or of 12° C., and has not been repasteurized, and which is sold or served only in the original container in which it left the factory and in no less quantity than that contained in the original container.

(3) "Raw milk" means all milk that is not pasteurized milk.

(4) "Producer of milk" means any person who sells the milk which he produces to distributors and stores.

(5) "Distributor of milk" means any person not excluding a producer, but excluding a puesto or store, who is in the business of selling milk delivered to stores, to volume customers and to consumers.

(6) "Store" means any person including a puesto, booth, stall or stand, except a distributor who sells milk at retail.

(7) "Small container" means a container other than a paper container manufactured for the express purpose of containing milk, with a capacity of one quart, one pint, or one-half pint.

(8) "Paper container" means a paper or cardboard container manufactured for the express purpose of containing milk with a capacity of one quart.

(9) "Loose milk" means milk sold in any container furnished by the seller except a small container or a paper container, or in any container, including a small container or paper container furnished by the purchaser.

(10) "Volume customer" means institutions, the Armed Forces, eating establishments, or industrial users, and other similar users.

(11) "Point of use" means the location of the store or puesto or the location of the volume customer or consumer receiving delivery from a distributor.

(12) "Zone I" means the following municipalities:

Aguadilla.	Ponce.
Bayamon.	Rio Piedras.
Catano.	San Juan.
Ceiba.	Toa Alta.
Fajardo.	Toa Baja.
Guaynabo.	Vieques.
Naguabo.	

(13) "Zone II" means the following municipalities:

Adjuntas.	Isabela.
Aguada.	Jayuya.
Aguas Buenas.	Lajas.
Arecibo.	Luquillo.
Barceloneta.	Manati.
Caguas.	Mayaguez.
Camuy.	Moca.
Carolina.	Maranjito.
Cayey.	Rio Grande.
Ciales.	Santa Isabel.
Dorado.	Trujillo Alto.
Guayanilla.	Utuado.
Guarbo.	Vega Alta.
Hatillo.	Vega Baja.
Humacao.	Yauco.

(14) "Zone III" means the following municipalities:

Aibonito.	Loiza.
Anasco.	Las Piedras.
Arroyo.	Maricao.
Barranquitas.	Maunabo.
Cabo Rojo.	Morovis.
Cidra.	Orocovis.
Coamo.	Patillas.
Comerio.	Penuelas.
Corozal.	Quebradillas.
Culebra.	Rincon.
Guanica.	Sabana Grande.
Guayama.	San Germain.
Hormigueros.	Salinas.
Juana Diaz.	San Lorenzo.
Juncos.	San Sebastian.
Lares.	Villalba.
Las Marias.	Yabucoa.

TABLE 34.—MAXIMUM PRICES FOR MILK

1. Producers maximum prices for raw or pasteurized milk.

(a) For sales of milk by a producer to a store, the maximum price is the price set forth below for the zone in which the store is located.

Type of milk	Location of store	Maximum price per quart
Raw milk, loose	Zone I	$0.13
Raw milk, loose	Zone II	.11
Raw milk, loose	Zone III	.095
Pasteurized milk, loose	All zones	.13

(b) For sales of raw or pasteurized milk by a producer delivered to a consumer or volume customer, maximum prices for sales by the producer are the same as the maximum price established for sales by distributors to a consumer or volume customer

(c) For sales of milk by a producer to a distributor, the producer's maximum price shall be a weighted average price computed by the distributor on a monthly basis. Each distributor shall determine the maximum price to be paid to each of its producers at the end of the month on the basis of the total sales made by the distributor during the month. The type of milk, whether raw or pasteurized, whether it is loose or in small containers, and the point of use of the milk are the factors to be used by the distributor in determining the maximum price to be paid to producers. The distributor shall compute monthly the total value of the milk sold by him at the rate of $0.13 per quart for all pasteurized milk, $0.13 per quart for all raw milk whose point of use is in Zone I, $0.11 per quart for all raw milk whose point of use is in Zone II, and $0.095 per quart for all raw milk whose point of use is in Zone III. The distributor shall determine the weighted average price, which represents the maximum price which may be paid to producers, by dividing the total value of the milk sold by him during the month by the total number of quarts sold by him during the month; and in order to arrive at the maximum payment which may be made to each producer, shall multiply the weighted average price by the total number of quarts supplied by each producer.

(d) If, on sales of raw or pasteurized milk, to distributors or stores, the producer supplies a small container the producer's maximum price may be augmented by the following:

Size of container supplied by producer: *Maximum additions*

Quart	$0.01 per quart.
Pint	.005 per pint.
Half pint	0.00375 per half pint.

(e) Distributors may make cash payments to producers at any time during a month, but such payments shall be subject to settlement at the end of such month by determining the difference between the cash payments and the maximum payments computed by the method set forth above. The cash payments which may be made during the month to each producer shall not exceed the amount computed by multiplying the maximum price per quart in the lowest price zone in which any of the milk sold by the distributor finds its point of use by the total number of quarts sold to the distributor by the producer during the month.

Example: During a given month Producers A, B, C, and D supplied Distributor X with milk in the following amounts:

Producer A— 3,500 quarts, loose.
Producer B— 2,000 quarts, in quart containers.
Producer C— 9,500 quarts, in pint containers.
Producer D— 9,000 quarts, in half pint containers.

24,000 quarts.

In addition to the 24,000 quarts received from these producers, Distributor X sold 1,000 quarts of milk he himself produced. The total number of quarts sold during July by Distributor X was 25,000. Of this total 10,000 quarts was pasteurized so the value of this portion shall be computed at the rate of $0.13 per quart. The point of use of the remaining 15,000 quarts was divided among the Zones as follows:

Zone I, 8,000 quarts (rate of $0.13 per quart).
Zone II, 5,000 quarts (rate of $0.11 per quart).
Zone III, 2,000 quarts (rate of $0.095 per quart).

The method to be used by Distributor X in computing the maximum price per quart of loose milk is set forth in the following table:

Type of milk	Point of use	Number of quarts sold by distributor	Rate	Value, computed by multiplying column 3 by column 4
Raw	Zone I	8,000	$0.13	$1,040.00
Raw	Zone II	5,000	.11	550.00
Raw	Zone III	2,000	.095	190.00
Pasteurized	All zones	10,000	.13	1,300.00
Total number of quarts sold		25,000		[1]3,080.00

[1] Total value.

The weighted average price per quart is determined by dividing the total value by the total number of quarts sold:

3080 / 25000 = .1232 maximum price per quart

Producer A's cash payment and total payment for the month is computed as follows:

3500 x .095 = $332.50 cash payment
3500 x .1232 = 431.20 total payment

Producer B's cash payment and total payment for the month is computed as follows:

2000 x .095 = $190.00 cash payment
2000 x .1232 = 246.40
2000 x .01 = 20.00 Maximum addition for quarts container

$266.40 total payment

Producer C's cash payment and total payment for the month is computed as follows:

9500 x .095 = $902.50 Cash payment
9500 x .0232 = 1170.40
19000 x .005 = 95.00 Maximum addition for pint containers—9,500 quarts equals 19,000 pints

$1265.40 Total payment

Producer D's cash payment and total payment for the month is computed as follows:

9000 x .095 = $855.00 Cash payment
9000 x .1232 = 1108.80
36000 x .00375 = 135.00 Maximum addition for half pint containers—9,000 quarts equals 36,000 half pints

$1243.80 Total payment

2. Distributors and stores maximum prices for pasteurized milk

PASTEURIZED MILK

Sales by distributors	Quart	Pint	Half pint
	Cents	*Cents*	*Cents*
To volume customers and consumers (delivered):			
Loose	18		
In small containers	19	10	5
To volume customers and consumers, (not delivered):			
Loose	17		
In small containers	18	9	5
To stores in small containers (delivered or not delivered)	15	7½	4
Sales by stores (delivered or not delivered):			
To consumers in small containers	18	9	5

3. Distributors and stores maximum prices for raw milk.

RAW MILK

	Points of use								
	Zone I			Zone II			Zone III		
	Qt.	Pt.	½ Pt.	Qt.	Pt.	½ Pt.	Qt.	Pt.	½ Pt.
Sales by distributors									
To stores delivered or not delivered:	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Loose	13			11			9½		
In small containers	14	7	3½	12	6	3	10½	5¼	2⅝
Sales by distributors and stores									
To volume customers delivered or not delivered:									
Loose	15½			13½			11½		
In small containers	16½	8½	4½	14½	7½	4	12½	6½	3½
To consumers delivered or not delivered:									
Loose	16	8	4	14	7	4	12	6	3
In small containers	17	9	5	15	8	4	13	7	4

NOTE: The maximum price for milk sold in paper containers shall be the prices fixed in the above tables for milk sold in small containers plus 3¢ per quart as an allowance for the additional cost of the container.

(a) *Deposit charges on containers.* No deposit charge shall be made for any milk container with the exception of glass small containers furnished by the seller in connection with the sale of bottled milk. On such bottles a deposit of 10¢ may be imposed, which shall be refunded to the depositor upon the return of the bottle.

(b) *Charges for long distance deliveries on pasteurized milk.* No charge for the transportation of milk shall be made or collected, except that in connection with the sale and delivery of pasteurized milk to the Armed Forces of the United States and to Municipal and Insular institutions the following charges shall be allowed:

(1) The Puerto Rico Dairy, Inc., and Las Tres Monjitas Dairy may charge and collect, in addition to the applicable maximum price for milk not delivered, the following amounts for each truck trip involved in the delivery of pasteurized milk from their plants in San Juan and Rio Piedras:

	Per truck trip
To Borinquen Field	$42.00
To Losey Field	32.00
To Henry Barracks	16.75
To Camp Tortuguero	16.25
To Fort Buchanan	12.50

(2) In the event that delivery is made to more than one of the enumerated points in the course of a truck trip prior to returning to the plant, the total delivery charge shall not exceed the charge fixed per truck trip to the more distant point.

(3) On deliveries other than those specified above, the Director of the Office of Price Administration for the Territory of Puerto Rico may, upon application, authorize the charge and collection of an amount per truck trip, in addition to the applicable maximum price to cover the actual cost incurred in making such delivery.

SEC. 44 *Maximum prices for onions and garlic sold or delivered in the Territory of Puerto Rico.*

TABLE 35.—MAXIMUM PRICES FOR IMPORTED ONIONS

	Sales to wholesalers (price per 50 lbs.)	Sales at wholesale (price per 50 lbs.)	Sales at retail (price per pound)
Imported onions	$3.00	$3.68	$0.10

TABLE 36.—MAXIMUM PRICES FOR ALL GARLIC

Garlic, white	4.25	4.75	0.12
	Price per 25 kilo	Price per 25 kilo	Price per pound
Garlic, purple or red	5.65	6.20	0.14

SEC. 45. *Maximum prices for packing house products sold or delivered in the Territory of Puerto Rico.*

TABLE 37.—MAXIMUM PRICES FOR PACKING HOUSE PRODUCTS

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Lard, refined, hydrogenated, prints	$0.1750	$0.1875	$0.22
Lard, refined, in cases 56 lbs.	.17	.18	.21
Lard, refined, in tierces	.17	.18	.21
Lard, refined, in 24# to 37# tins	.17	.1825	.21
Lard pork fat rendered	.17	.18	.21
Beef, pickled or jerked	.2335	.2485	.29
Pork			
Bacon, smoked, originating in the continental United States, commercial type	.34	.38	.49
Boston butts, all sizes	.3275	.37	.47
Briskets	.20	.2180	.27
Clear bellies	.1450	.1580	.19
Fat backs, dry salt	.1450	.1580	.19
Fat backs, pickled	.1450	.1580	.19
Heads and tails, pickled	.155	.170	.21
Jowl butts, pickled	.1450	.1580	.19
Loins, frozen, bone in, all sizes	.30	.34	.44
Neck bone, dry salt	.750	.820	.10
Picnic hams, smoked	.31	.34	.41
Pigs feet, dry salt	.750	.820	.10
Scouts, cured	.12	.13	.17
Spare ribs, cured	.1360	.15	.19

NOTE: On sales of less than a full container the maximum wholesale price may be increased by one quarter of a cent ($0.0025 pound).

SEC. 46. *Maximum prices for dry sausages sold or delivered in the Territory of Puerto Rico.*

TABLE 38.—MAXIMUM PRICES FOR DRY SAUSAGES ORIGINATING IN THE CONTINENTAL UNITED STATES

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Dry sausages originating in the United States:			
Farmer	$0.47	$0.54	$0.70
Holstein	.47	.54	.70
Fortadella	.45	.52	.68
Salami	.475	.55	.72
Gotenburg	.475	.55	.72

SEC. 47. *Maximum prices for soap and cleaners.*

TABLE 39.—MAXIMUM PRICES FOR CERTAIN SOAPS AND CLEANERS

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Laundry soap	$0.0775	$0.084	$0.10
	Price per 144 3½-oz. bars	Price per 144 3½-oz. bars	Price per bar
Toilet soap, Victory Brand	6.88	7.60	.07
	Case of 8/4 lb. 10-oz. pkgs.	Case of 8/4 lb. 10-oz. pkgs.	Price per pkg.
Soap chips, Balloon Brand	4.20	4.65	.75

(a) All laundry soap is included in Table 39. The maximum prices for toilet soap and soap chips of varieties other than those enumerated in the above Table 39 shall be established in accordance with the requirements of the General Maximum Price Regulation.

This Revised Maximum Price Regulation 183 shall become effective July 15, 1943.

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11102; Filed, July 9, 1943; 4:06 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, that maximum prices be established for certain sales of fresh fruits and vegetables for table use, except for sales at retail. So far as practicable, the Price Administrator has advised and consulted with representatives of the industry which will be affected by this regulation.

The following regulation supersedes Maximum Price Regulation No. 376[1] and establishes maximum prices for the fresh fruits and vegetables now or hereafter specified herein in a manner calculated to promote equitable distribution thereof through normal channels of trade.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1439.3 *Maximum prices for fresh fruits and vegetables for table use, sales except at retail.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 426 (Fresh Fruits and Vegetables for Table Use, Sales Except at Retail), which is annexed hereto and made a part hereof, is hereby issued.

Authority: § 1439.3 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681.

MAXIMUM PRICE REGULATION 426—FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

ARTICLE I—APPLICABILITY, PURPOSES AND DEFINITIONS

Sec.
1. Commodities covered and operation.
2. Adjustment of maximum prices.
3. Types of sellers covered.
4. Geographical applicability.
5. Exempt sales.
6. Export sales.
7. Prohibition against sales above maximum prices.
8. Definitions.

ARTICLE II—ENFORCEMENT PROVISIONS AND MISCELLANEOUS PROVISIONS

9. Enforcement.
10. Relationship between this regulation, Maximum Price Regulation No. 376 and the General Maximum Price Regulation.
11. Evasion.
12. Petitions for amendment.
13. Adjustable pricing.
14. Records.

ARTICLE III—PRICE SCHEDULES

15. Appendices.

Article I—Applicability, Purposes and Definitions

SECTION 1. *Commodities covered and operation of this regulation.* (a) This regulation covers the fresh fruits and vegetables set forth in the Appendices to Article III, section 15, whether imported or domestic, except when sold for commercial processing.

(b) It is the purpose of this regulation to establish flexible price control for fresh fruits and vegetables (except when sold for commercial processing) in such manner that flat ceiling prices in dollars and cents may be computed and published in each community, or by zones or regions.

(c) For this purpose, this regulation provides either (1) a method for establishing dollar-and-cents ceilings for sales of fresh fruits and vegetables in carlots or trucklots at any wholesale receiving point and in less than carlots or less than trucklots in the markets served from the particular wholesale receiving point, or (2) a method for establishing dollar-and-cents ceilings for sales of fresh fruits and vegetables to retailers and institutional users. Sales by retailers are to be covered by other regulations now in effect, or to be issued.

(d) A general plan is set up by this regulation for establishing ceiling prices for fresh fruits and vegetables. Each fresh fruit and vegetable will be separately considered. Special provisions may be made for particular fresh fruits and vegetables, which do not apply generally. If any special provision is contrary to or inconsistent with any general provision, the special provision shall be controlling. The general provision shall apply to the extent that it is not contrary to or inconsistent with the special provision.

(e) The general plan is to establish maximum prices at certain points or levels in the distribution of fresh fruits and vegetables. The points of control will not necessarily be the same for all commodities. The ceiling prices may differ by season, regions, varieties, grades, or other factors. Ceiling prices or methods of computing ceiling prices for each commodity will be contained in an Appendix specifically covering that commodity. For example, the method for establishing lettuce prices will be found in Appendix A, that for cabbage in Appendix B, and so forth.

(f) Points of control, at which maximum prices are established will generally be one or more of the following:

(1) *Carlot or trucklot sales at any wholesale receiving point.* A ceiling price is established for sales in carlots, or trucklots at the wholesale receiving point. The ceiling price may be named in dollars and cents, at a particular wholesale receiving point (or by area or region) or a method may be given by which the ceiling price at a particular wholesale receiving point may be computed by adding to a given basing point price the freight from the basing point to the wholesale receiving point. The ceiling price for carlot or trucklot sales at a particular wholesale receiving point is the same regardless of the number and type of prior handlers, regardless of the seller's size or type of operation, and regardless of the purchaser's size or type of operation.

A pool car or pool truck (that is, a car or truck containing one commodity owned by more than one seller or consigned to more than one purchaser) shall be considered a carlot or trucklot.

A "carlot sale" or a "trucklot sale" means a sale of a quantity of fresh fruits or vegetables transported in one car or truck or other conveyance at one time out of which 75% or more by weight is sold to one person. The sale of the remaining quantity to another person or persons may be considered a less-than-carlot sale, or less-than-trucklot sale. The sale of that portion of the fresh fruits or vegetables moving in a mixed carlot or mixed trucklot with another commodity or commodities, must be on the basis of a "carlot sale" or "trucklot sale" if the entire carlot or trucklot or 75% thereof by weight is sold to one person.

It is necessary to compute a ceiling price for carlot or trucklot sales even though no such sales are made at the particular wholesale receiving point because the ceiling prices for carlot or trucklot sales are the base upon which the ceiling prices for less than carlot or less than trucklot sales are computed (See Appendices in Article III, section 15). For instance, there is a carlot rate for lettuce from Salinas, California to Moline, Illinois. However, Moline cannot customarily handle straight cars of lettuce, so it is customary to ship L. C. L. from Chicago, Illinois to Moline. Under the definition of freight contained in section 8 (a) (7), freight in this case would be the customary combination of carlot and less-than-carlot rates. That is, the ceiling price for carlot or trucklot sales in Moline, Illinois is the basing point price at Salinas, plus the freight at the carlot rate to Chicago, plus the freight at the less-than-carlot rate from Chicago to Moline. As another example, there is no carlot rate from Salinas, California to Pueblo, Colorado. However, there is a carlot rate from Salinas to Denver, Colorado and a less-than-carlot rate from Denver to Pueblo. In this case too, a ceiling price for carlot or trucklot sales must be computed for Pueblo. This is the basing point price at Salinas, plus the freight at the carlot rate to Denver, plus the freight at the less than carlot rate from Denver to Pueblo.

(2) *Less than carlot or trucklot sales in the market.* A ceiling price is established for sales in less than carlots or trucklots in the market. The ceiling price is computed from the carlot or trucklot ceiling price at the particular wholesale receiving point from which the market is served by adding a dollar-and-cent markup. The ceiling price is the same regardless of the number and type of prior handlers, regardless of the seller's size or type of operation, and regardless of the purchaser's size or type of operation.

(3) *Sales by commission merchants.* If a commission merchant makes a carlot or trucklot sale at a wholesale receiving point, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales at that wholesale receiving point. If a commission merchant makes a less-than-carlot or less-than-trucklot sale, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales at the wholesale receiving point from which he is selling, plus either his usual commission or fee or the markup established for the particular fruit or vegetable, whichever is lower.

(4) *Sales to retailers and institutional users.* In some cases, ceiling prices are not established for carlot and trucklot sales at the wholesale receiving point or for less-than-carlot and less-than-trucklot sales in the market. In such cases, ceiling prices are established only for sales to retailers and institutional users.

(5) *Notification of "net weight".* The first person (including a grower) who packs fresh fruits or vegetables in a crate or any other container shall place, in legible printing or writing, the actual "net weight", upon the crate or other container.

(g) Whenever used in this regulation, the terms "ceiling", "ceiling price", and "maximum price" all have the same meaning.

SEC. 2. *Adjustment of maximum prices.* (a) Any regional office of the Office of Price Administration, or such other offices as may be authorized by the appropriate regional office, may by order adjust downwards the less than carlot or less than trucklot ceiling price established for any market within its jurisdiction either (1) generally or (2) with respect to particular classes of sellers in any case in which it appears that such ceiling price will permit sellers generally or particular classes of sellers to obtain excessive margins. In determining whether or not margins are abnormal or excessive, the appropriate office shall consider margins prevailing in the particular market during the period July 1, 1942 to October 31, 1942, as being normal operating margins.

(b) Any regional office of the Office of Price Administration, or such other offices as may be authorized by the appropriate regional office, may by order adjust upwards the less than carlot or less than trucklot ceiling price established for any market within its jurisdiction either (1) generally or (2) with respect to particular classes of sellers in any case in which it appears that such ceiling price will prevent sellers generally or particular classes of sellers from providing adequate distribution. The appropriate office shall then adjust the ceiling price to provide normal operating margins for sellers necessary to maintain distribution. In determining normal operating margins, the appropriate office shall consider operating margins prevailing in the particular market during the period July 1, 1942 to October 31, 1942, as being normal operating margins.

In instances where there is additional handling outside of the free delivery zone of any intermediate seller at any wholesale receiving point for which a ceiling price is established, any regional office of the Office of Price Administration, or such offices as may be authorized by the appropriate regional office, may make an adjustment to include such charges but such adjustment shall not exceed the actual cartage from the wholesale receiving point to the buyer's place of business, at lowest rates for available transportation.

SEC. 3. *Types of sales covered.* This regulation applies to each of the types of sales specified in the Appendices of Article III, section 15.

SEC. 4. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5487.

SEC. 5. *Exempt sales.* This regulation shall not apply to sales and deliveries at retail.

SEC. 6. *Export sales.* The maximum prices at which a person may export the fresh fruits and vegetables covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration.

SEC. 7. *Prohibition against sales above maximum prices.* On and after July 20, 1943, regardless of any contract or other obligation, no person shall sell or deliver and no person, in the course of trade or business shall buy or receive fresh fruits and vegetables at prices higher than the maximum prices established by this regulation, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. Lower prices than the maximum prices may be charged and paid.

SEC. 8. *Definitions.* (a) When used in this regulation the term:

(1) "Person" includes individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Grower" means a person who produces fresh fruits or vegetables.

(3) "Ultimate consumer" is a person who purchases fresh fruits or vegetables for table use or for home processing. It does include institutional users or procurement agencies of the United States or any State.

(4) "Retailer" means a person, other than an intermediate seller who makes sales and deliveries to ultimate consumers.

(5) "Sales at retail" means sales by retailers to ultimate consumers.

(6) "Intermediate seller" means any person who purchases fresh fruits or vegetables and who resells in less-than-carlot or less-than-truckIot quantities to any person who is not an ultimate consumer.

(7) "Freight" means:

(i) If a shipment is by a common carrier whose maximum rates and charges are regulated by the Interstate Commerce Commission or other Federal or State regulatory body, the amount actually paid to the carrier, in conformance with its lawfully established rates and charges, excluding charges for pre-cooling, icing and other protective services. Allowances for these services are included in the basing point prices. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(ii) If a shipment is by a carrier for hire other than a common carrier (such as a contract carrier) the amount actually paid to the carrier excluding charges for pre-cooling, icing and other protective services, but not in excess of the maximum charges as determined by the General Maximum Price Regulation, amendments, and supplementary regulations thereto, or such other regulations of the Office of Price Administration as may be applicable to the services of such carrier at the time of movement. The amount of transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(iii) If a shipment is by a carrier other than described in (i) and (ii) above (such as an unregulated common carrier or a private carrier) the amount actually paid to the carrier excluding charges for pre-cooling, icing and other protective services, but not in excess of an amount computed by applying to the actual weight of the shipment the lowest published rail carload rates between the rail stations nearest to the points of origin and destination. If the shipment is less than 20,000 pounds, an additional charge of 2 cents per 100 pounds may be made, provided that the total charge for a shipment of less than 20,000 pounds shall not exceed the charge for a shipment of 20,000 pounds. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, may be added, if the shipment is subject to that tax.

(8) "Basing point" means a selected point in an area of production designated as a basing point by the Appendices of Article III, section 15, from which freight to the wholesale receiving point is computed for the purposes of calculating a maximum price.

(9) "Basing point price" includes all charges for protective services, including icing, refrigeration and charges under appropriate railroad refrigeration rules such as rules 240, 242, 247, etc. It includes all charges except freight as defined in this regulation.

(10) "Net weight" means the actual weight of fresh fruits or vegetables without including the weight of the container or ice.

(11) "Records" means books of account, ledgers, sales and price lists, sales slips, receipts, invoices, bills of lading and other papers and documents.

(12) "Wholesale receiving point" means any place at which an intermediate seller receives fresh fruits or vegetables.

(13) "Market" means any area in which intermediate sellers sell fresh fruits and vegetables received at a particular wholesale receiving point.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Article II—Enforcement Provisions and Miscellaneous Provisions

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Relationship between this regulation, Maximum Price Regulation No. 376 and the General Maximum Price Regulation.*[3] (a) The provisions of this regulation supersede the provisions of Maximum Price Regulation No. 376 with respect to the fresh fruits and vegetables now or hereafter specified herein. However, the following provisions of the General Maximum Price Regulation, as well as any amendment thereto shall be applicable to every fresh fruit and vegetable sale covered by this regulation:

(1) Current records (§ 1499.12).

(2) Sales slips and receipts (§ 1499.14).

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall be, and they are, applicable to all persons subject to this regulation selling at wholesale.

SEC. 11. *Evasion.* The price limitations which are set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to fresh fruits or vegetables alone or in conjunction with any other commodity or by way of commission, service, transportation or any other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

SEC. 12. *Petitions for amendment.* Persons seeking a modification of this regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1[4] issued by the Office of Price Administration.

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action to be taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any officer of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 14. *Records.* (a) Every person subject to this regulation shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect, preserve for examination by the Office of Price Administration all his records, including invoices, sales tickets, cash receipts, or other written evidences of sale or delivery which relate to the prices charged pursuant to the provisions of this regulation.

(b) Every person subject to this regulation shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept, relating to the prices which he charges for fresh fruits and vegetables after the effective date of this regulation and in addition as precisely as possible, the basis upon which he determined maximum prices for these commodities.

Article III—Price Schedules

SEC. 15. *Appendices.*

[2] 8 F.R. 4132.

[3] 8 F.R. 3096, 3849, 4347, 4486, 4848.

[4] 7 F.R. 8961; 8 F.R. 3313, 3533.

APPENDIX A—LETTUCE

(a) MAXIMUM PRICES FOR LETTUCE[1]

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Item No.	Type, Variety, Style of Pack, etc.	Unit	Season	Basing point	Maximum prices for carlot or truckIot sales at any wholesale receiving point.	Maximum prices for less than carlot or less than truckIot sales to any person except ultimate consumers.
1	Iceberg lettuce in L. A. crates containing 4 to 6 dozen heads with a minimum net weight of 60 pounds.	L. A crate	All year	Salinas, Calif.	$3.25 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or truckIot sales (Col 6) plus 60 cents.
2	All lettuce in any container, except iceberg lettuce in L. A. crate (Item 1 above) and except hothouse lettuce (Item 3 below).	Per pound	All year		Maximum price above (Item 1, Col. 6) divided by 60.	Maximum prices for carlot or truckIot sales (Col. 6) plus 1 cent per lb.
3	Hothouse lettuce in any container	Per pound	All year		Maximum price per pound above (Item 2, Col. 6) plus 8 cents.	Maximum price for carlot or truckIot sales (Col. 6) plus 1 cent per pound.

[1] If a grower makes a sale to an ultimate consumer, his maximum price for such sale shall be the ceiling price established under Col. 7 above for the particular market where such sale is being made by the grower, multiplied by 1.40

Explanations and examples of operation of regulation. (1) Iceberg lettuce in an L. A. crate if the net weight is 60 pounds or more, shall be sold under the provisions applicable to Item No. 1 in paragraph (a) of this section. If the net weight of iceberg lettuce in an L. A. crate is less than 60 pounds, or if it is sold in any other type of container, it shall be sold under the provisions applicable to Item No. 2. The provisions of Item No. 2 shall apply to all sales of lettuce in any type of container except hothouse lettuce and except iceberg lettuce in L. A. crates with a net weight of 60 pounds or more. Hothouse lettuce in any type of container shall be sold under the provisions of Item No. 3 and shall be marked as hothouse lettuce upon the container.

(2) Examples:

(i) *Example 1.* The maximum price for carlot or truckIot sales at Chicago, Illinois, for iceberg lettuce in L. A. crates (5 dozen, net weight 62 pounds) shall be determined as follows:

Basing point price (includes charges for all protective services, additional freight for ice, etc.)	$3.25
Freight from Salinas, California (basing point to Chicago, Illinois, market)	1.12
Maximum price for carlot or truckIot sales	4.37

The maximum price for less than carlot or less than truckIot sales is the maximum price for carlot or truckIot sales ($4.37) plus $.60 or $4.97.

(ii) *Example 2.* The maximum price for carlot or truckIot sales at Chicago, Illinois, for iceberg lettuce or other lettuce (except hothouse lettuce) packed in 1½ bushel hampers with a net weight of 25 pounds shall be determined as follows:

Maximum price for carlot or truckIot sales for iceberg lettuce in 1½ bushel hampers with a net weight of 25 pounds is $4.37 (Item I, Col. 6) divided by 60, or 7.3 cents per pound, or $1.83 for a hamper containing 25 pounds.

The maximum price for less than carlot or less than truckIot sales is the maximum price per pound for carlot and truckIot sales (7.3 cents, Col. 6) plus 1 cent, or 8.3 cents per pound, multiplied by 25, or $2.08.

(iii) *Example 3.* The maximum price for carlot or truckIot sales at Chicago, Illinois, for hothouse lettuce in a 10 pound container shall be determined as follows:

Maximum price per pound for carlot or truckIot sales for all lettuce except hothouse lettuce (Item 2, Col. 6) is 7.3 cents.

Plus differential of 8 cents for hothouse lettuce or 15.3 cents;

Or maximum price for 10 pound hamper (10x15.3) or $1.53.

Maximum price for less than carlot or less than truckIot sales is the maximum price per pound for carlot or truckIot sales (15.3 cents, Col. 6) plus 1 cent per pound or 16.3 cents per pound or $1.63 per 10 pound containers.

APPENDIX B. CABBAGE

(A) MAXIMUM PRICES FOR CABBAGE (ALL TYPES, GRADES, VARIETIES, STYLE OF PACKAGE, ETC.)

(1) *Table 1*—Maximum prices for sales to retailers and institutional users in less than carlots or less than truckIots as determined by freight[1] rates from basing point to market for the period December 1 to May 31, inclusive. (See examples for use of following table.)

Col. 1	Col. 2	Col. 3	Col. 4
Freight rate from basing point to market (dollars per 100 pounds)	December January February	March April	May
	Cents per pound	*Cents per pound*	*Cents per pound*
Under $.20	3.5	3.8	3.5
$.20–$.295	3.6	3.9	3.6
$.30–$.395	3.7	4.0	3.7
$.40–$.495	3.8	4.1	3.8
$.50–$.595	3.9	4.2	3.9
$.60–$.695	4.0	4.3	4.0
$.70–$.795	4.1	4.4	4.1
$.80–$.895	4.2	4.5	4.2
$.90–$.995	4.3	4.6	4.3
$1.00–$1.095	4.4	4.7	4.4
$1.10–$1.195	4.5	4.8	4.5
$1.20–$1.295	4.6	4.9	4.6
$1.30–$1.395	4.7	5.0	4.7
$1.40–$1.495	4.8	5.1	4.8

(2) Basing points and areas to which they apply:

December 1 to April 30

A. *El Centro, California*—for all markets west of Denver, Colorado.

B. *Brownsville Texas*—for all markets east of and including Denver, Colorado, but excluding Area C below.

C. *Belleglade, Florida*—for all markets in the states of Florida, Mississippi, Tennessee, Alabama, Georgia, South Carolina, North Carolina, and in Virginia south of and including Lynchburg and Richmond.

May 1–May 31

A. *Santa Maria, California*—for all markets west of Denver, Colorado.

B. *Brookhaven Mississippi*—for all markets east of and including Denver, Colorado.

(3) Maximum prices for sales to retailers and institutional users in less than carlots or less than truckIots in all markets in the United States for the period June 1 to November 30.

Col. 1	Col. 2	Col. 3	Col. 4
June	July August	September	October November
Cents per pound 3.0	*Cents per pound* 3.3	*Cents per pound* 3.1	*Cents per pound* 2.5

(4) For sales of carlots or truckIots to retailers and institutional users, the maximum prices per pound shall be .6 cents less than the maximum prices for less than carlot or less than truckIot sales for each of the periods and freight rate classes listed above.

(5) If a grower makes a sale to an ultimate consumer, his maximum price for such sale shall be the ceiling price under paragraph 1 or paragraph 3 of this Appendix for the particular market where such sale is being made by the grower multiplied by 1.40.

(b) *Explanation and examples of determining maximum prices under Appendix B.* (1) Cabbage of all types, grades, sizes, varieties and in any type of container or in bulk shall be sold under the provisions applicable to Appendix B. Cabbage sold under these provisions shall be "well trimmed" as defined in the United States Department of Agriculture standards for cabbage. The maximum prices established shall apply to sales by any person or persons to retailers and institutional users and are specified on a per pound basis. Maximum prices for sales of cabbage in any container shall be determined by multiplying the "net weight" of cabbage contained in the particular container, and so specified on the crate or other container, by the maximum price per pound for the particular market in which it is being sold.

(2) For the period December 1 to May 31, maximum prices for sales to retailers and institutional users in less than carlots or less than truckIots in a particular market shall

[1] See Section 4 for maximum prices for carlot or truckIot sales.

be determined by determining the freight rate from the basing point specified for that particular market and finding the maximum price which corresponds to that particular freight rate in Table 1 above.

(i) *Example 1.* The basing point for Chicago, Illinois, during the months, December to April, is Brownsville, Texas. The freight rate per 100 pounds for cabbage from Brownsville, Texas, to Chicago, Illinois, is $1.02 and falls within the freight rate class, $1.00 to $1.095 as listed in column 1 of Table 1. The maximum price per pound to retailers and institutional users in less than carlots or less than trucklots in Chicago, Illinois, for December, January and February is then 4.4 cents per pound, as found in column 2, corresponding to the freight rate class $1.00–$1.095. For March and April the price in Chicago is 4.7 cents per pound and May, 4.4 cents per pound. The maximum price for a 50 pound sack of cabbage sold to a retailer in less than carlot or less than trucklot quantities in Chicago during December, January and February is 50 x 4.4¢ or $2.20; in March and April 50 x 4.7¢ or $2.35.

(ii) *Example 2.* The basing point for Atlanta, Georgia, is Belleglade, Florida. The freight rate from Belleglade to Atlanta is $.55 per 100 pounds and falls within the freight rate class of Table 1 of $.50–.595. Thus, the maximum price per pound by any seller to retailers and institutional users in less than carlots or less than trucklots in Atlanta, Georgia, is 3.9 cents for December, January and February, 4.2 cents for March and April and 3.9 cents for May.

(3) For the months June through November the regulation provides maximum prices for sales to retailers and institutional users in less than carlots or less than trucklots for all markets in the United States. There are no basing points. Each market has the same price. For example, as named in Section 3, the maximum price per pound at which any seller can sell to any retailer or institutional user in any market in the United States in less than carlot or less than trucklot quantities during June is 3.6 cents, 3.3 cents in July and August, 3.1 cents in September and 2.9 cents in October and November. Thus, the maximum price of an L. A. crate of cabbage with a net weight of 85 pounds sold to a retailer in less than carlot or less than trucklot quantities in all markets in the United States during July and August is 85 x 3.3 or $2.81.

(4) For sales to retailers or institutional users in carlot or trucklot quantities in Chicago, Illinois, during December, January and February, the maximum price per pound is 4.4 cents (maximum price for less than carlot or trucklot sales) minus .6 cents, or 3.8 cents. Thus the maximum price of a 50 pound sack of cabbage sold to a retailer in carlot or trucklot quantities is 50 x 3.8, or $1.90.

This regulation shall become effective July 20, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved July 2, 1943,

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–11130; Filed, July 10, 1943; 11:50 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 1–4, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DESIGNATED COUNTIES IN MASSACHUSETTS

A statement of the considerations involved in the issuance of this Amendment No. 1 to Restaurant Maximum Price Regulation No. 1–4 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Restaurant Maximum Price Regulation No. 1–4 is amended in the following respects:

1. Section 17 is amended by the addition of paragraph (e) to read as follows:

SEC. 17. *Exempt sales.* • • •

(e) Eating and drinking places operated by any school, college or university which is a non-profit institution—that is, where no part of the net earnings inures to the benefit of any private individual—which sells food items or meals on a non-profit or cost basis or as near thereto as reasonable accounting methods will permit, and substantially all sales of which are made to students, faculty members and employees of such institution. For the purpose of this section, persons receiving instruction on the premises of such institution by arrangement with the War Department or Department of the Navy shall be considered as students.

This amendment shall become effective July 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681).

Issued this 2d day of July, 1943.

F. L. H. SJOSTROM,
Acting District Director,
Springfield District Office.

[F. R. Doc. 43–11131; Filed, July 10, 1943; 11:51 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 24 Under § 1499.18 (e), as Amended, of GMPR]

MANUFACTURERS, DEALERS AND DISTRIBUTORS OF TOBACCO STICKS

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1524 *Adjustment of maximum prices for tobacco sticks produced in the States of Indiana, Kentucky, Michigan, Ohio, West Virginia, Virginia, Maryland, Tennessee, North Carolina, South Carolina, Georgia, Alabama, and Mississippi*—(a) *Product covered.* This order covers under the term "tobacco sticks" hardwood sticks of the approximate dimension of ¾" x 1" x 52" which are suitable for use in the curing of tobacco.

(b) *Maximum price for sales by manufacturers.* The maximum price for sales of tobacco sticks by manufacturers shall be $10.00 per thousand sticks f. o. b. mill.

(c) *Maximum price for sales by dealers or distributors.* The maximum price for sales of tobacco sticks by dealers or distributors, other than manufacturers, shall be the f. o. b. yard or delivered cost plus $4.00 per thousand sticks.

(d) *Addition for delivery.* The seller may add to the maximum price established in paragraph (b) or (c) above the actual charge or cost paid or incurred by the seller in making delivery to the purchaser.

(e) *Application of order.* This order applies to all sales of tobacco sticks produced in the States of Indiana, Kentucky, Michigan, Ohio, West Virginia, Virginia, Maryland, Tennessee, North Carolina, South Carolina, Georgia, Alabama, and Mississippi.

(f) This Order No. 24 may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11133; Filed, July 10, 1943; 11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 71 Under SR 15 to GMPR]

RUSSELL HULLFISH, ET AL.

Order No. 71 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of General Maximum Price Regulation; Docket No. GF3–3150.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1371 *Adjustment of maximum prices for Contract Carrier Services Furnished by Russell Hullfish, et al.* (a) The maximum prices to be charged by Russell Hullfish, Plainsboro, New Jersey; Wilbur V. Higgins, Princeton, New Jersey; and John Holohan, Plainsboro, New Jersey for transportation services furnished to the Walker-Gordon Laboratory Co., Inc. of Plainsboro, New Jersey in connection with the hauling of milk and milk products, in refrigerated equipment, shall not exceed the prices hereinafter set forth:

Russell Hullfish; from Plainsboro, New Jersey to Stamford, Connecticut and the following intermediate points in New York: Mount Vernon, Rye and Yonkers; $32 per five ton truck per trip.

Wilbur V. Higgins; from Plainsboro, New Jersey to points in New York City, $39.40 per 600 case tractor-trailer unit per trip.

John Holohan; from Plainsboro, New Jersey to Paterson, New Jersey and the following intermediate points in New Jersey; Newark, Montclair, Plainfield and Elizabeth, $28.00 per ten ton truck per trip; from Plainsboro, New Jersey to Philadelphia, Pennsylvania and the following intermediate points in New Jersey: Camden and Trenton, $29.05 per ten ton truck per trip.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 71 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 71 (§ 1499.1371) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 71 (§ 1499.1371) shall become effective July 12, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11132; Filed, July 10, 1943; 11:54 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1B]

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

Preamble: This Ration Order 1B for Puerto Rico is issued pursuant to the direction of the Rubber Director to carry out the recommendations of the report of the President's Special Committee to Study the Rubber Situation.

The Committee's report states:

> We are faced with certainties as to demands; with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by "bulling through" the present synthetic program and by safeguarding jealously every ounce of rubber in the country.

The Committee points out that the tires on civilian cars have been wearing down at a rate eight times greater than they have been replaced. If this rate were permitted to continue "by far the larger number of cars will be off the road next year and in 1944 there will be all but complete collapse of the 27 million passenger cars in America." The conservation program recommended by the Committee includes "more rubber to those who need it; less to those who don't • • • only actual needs, not fancied wants, can or should be satisfied."

This Ration Order 1B has been geared to the Gasoline Rationing Regulations for Puerto Rico and puts into practice the various recommendations of the Committee. These recommendations include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.

2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles.

3. Prompt and strict enforcement of a nation-wide speed limit not exceeding thirty-five miles an hour.

4. Compulsory periodic tire inspection.

The Mileage Rationing: Tire Regulations (Ration Order 1B) control the use, care and acquisition of tires, tubes and recapping services for all types and classes of rubber-borne motor vehicles and are adjusted to conform to local transportation conditions in Puerto Rico.

§ 1315.14 *Mileage rationing: tire regulations for Puerto Rico.* Under the authority vested in the Office of Price Administration and the Price Administrator by War Production Board Directive No. 1, issued January 24, 1942, Supplementary Directive 1–J, as amended, October 27, 1942; Supplementary Directive 1–Q, as amended, February 15, 1943; and Revised General Order No. 20, February 26, 1943, this Ration Order 1B (Mileage Rationing: Tire Regulations for Puerto Rico) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.14 issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong. Pub. Law 421 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719, W. P. B. Directive No. 1, Supp. Dir. No. 1–J, as amended, 7 F.R. 562, 5043, 8731; Supp. Dir. No. 1–Q, as amended, 8 F.R. 2013, Rev. General Order No. 20, 8 F.R. 2516.

RATION ORDER 1B—MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

ARTICLE I—INTRODUCTION

Sec.
1.1 Territorial limitations.
1.2 Effect on other ration orders.
1.3 Definitions.
1.4 Administration and personnel.
1.5 Jurisdiction of Boards.
1.6 Quotas.

ARTICLE II—SPECIAL PROVISIONS

Proof of Need and Eligibility

2.1 General proof of need.
2.2 Eligibility of passenger automobile.
2.3 Additional proof of need for commercial motor vehicle.
2.4 Eligibility of commercial motor vehicle.
2.5 Eligibility of farm implement, industrial equipment and non-highway vehicle.
2.6 Eligibility of recappers for curing tubes.
2.7 Eligibility for allotment of tires and tubes.
2.8 Issuance of certificates by director.

Applications and Certificates

2.9 Applications.
2.10 Filing of application.
2.11 Certification by inspector prior to filing of application.
2.12 Investigation of facts by Boards.
2.13 Notation of reasons for action.
2.14 Form of certificates to be issued.
2.15 Certificates non-transferable.
2.16 Execution and issuance of certificate.
2.17 Action by certificate holders.
2.18 Action by suppliers.
2.19 Splitting of certificates.
2.20 Revocation of certificates.
2.21 Revocation of certificate issued by mistake.
2.22 Revocation of certificate or declaration of ineligibility after hearing.

Inspection of Tires

2.23 Periodic inspection.
2.24 Inspection of tire transferred.
2.25 Compensation to be paid for inspection.
2.26 Shifting of tires.
2.27 Replacement of lost tire inspection records.

Prohibited and Permitted Transactions

2.28 Prohibitions.
2.29 Mounting or use of tires or tubes.
2.30 Transfer to consumers upon certificate.
2.31 Dealer transfers.
2.32 Acquisition for retransfer purposes.
2.33 Transfers without certificate, special authorization or notice.
2.34 Transfers to certain Government agencies.

Other Prohibited Acts

2.35 Offenses.

ARTICLE III—GENERAL PROVISIONS

Records and Reports

3.1 Posting names of successful applicants.
3.2 Disposition of parts of certificates and receipts.
3.3 Records and reports of transfers.
3.4 Inventories of sellers of tires, tubes and vehicles.
3.5 Inventories and records of recappers and camelback dealers.
3.6 Preservation and filing of records.
3.7 Notice of legal proceedings.
3.8 Report of violations.
3.9 Decision of Board.

Appeals and Enforcement

3.10 Who may appeal.
3.11 Procedure.
3.12 Criminal prosecutions.
3.13 Suspension orders.

ARTICLE I—INTRODUCTION

SECTION 1.1 *Territorial limitations.* Ration Order No. 1B shall apply to the Territory of Puerto Rico.

SEC. 1.2 *Effect on other ration orders.* (a) Ration Order No. 1B shall not be construed to permit any act which would be in violation of any other ration order issued by the Office of Price Administration.

(b) Ration Order No. 1B (§ 1315.14) supersedes the Revised Tire Rationing Regulations [1] insofar as applicable to the Territory of Puerto Rico: *Provided, however,* That any violations which occurred prior to the effective date of this Ration Order No. 1B shall be governed by the orders, regulations, and amendments thereto, in effect at the time such violations occurred.

SEC. 1.3 *Definitions.* (a) For the purpose of this Ration Order No. 1B:

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

[1] 7 F.R. 72.

(3) "Bus" means a motor vehicle, built or rebuilt primarily for the purpose of carrying passengers, licensed by the Insular Government of Puerto Rico to carry passengers for hire, and having a rated seating capacity of ten or more persons, including a station wagon operating over a regular route on a regular schedule under a certificate of necessity and convenience issued by the Public Service Commission of Puerto Rico.

(4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping.

(5) "Certificate", unless the context requires otherwise, means a certificate issued by the Office of Price Administration authorizing the acquisition of any tire, tube, recapping service or camelback.

(6) "Certificate of War Necessity" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 34.

(7) "Commercial motor vehicles" means a straight truck, a combination truck-tractor and semi-trailer, a full trailer, any combination thereof, or any other rubber-tired vehicle, excluding a motorcycle or airplane, propelled or drawn by mechanical power and built or rebuilt or used primarily for the purpose of transporting property; and any bus, taxicab, público, or other rubber-tired vehicle, excluding a motorcycle, propelled or drawn by mechanical power and used or licensed for use in the transportation of persons upon the highways for hire, or available for public rental, including ambulances and hearses.

(8) "Consumer" means any person who holds or acquires a tire or tube for use and not for resale.

(9) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires, tubes, or camelback.

(10) "Director" means the Director of the Office of Price Administration for Puerto Rico, any person duly authorized to act in his place, or any person to whom he may delegate his authority to act hereunder.

(11) "Grade I," as applied to tires, means a new passenger-type tire other than a Grade III tire.

(12) "Grade III," as applied to tires, means a passenger-type tire which is either a used or recapped tire or a tire manufactured principally from reclaimed rubber as specified by the War Production Board.

(13) "Implement tire" means a tire which has the word "implement" or the name of a type of farm equipment, including a tractor or combine, molded into the sidewall of the tire by the manufacturer.

(14) "Manufacturer" means any person engaged in the business of manufacturing tires, tubes, or camelback.

(15) "Mold" means any recapping mold or any curing table or curing chamber designed to recap a tire.

(16) "New", as applied to tires and tubes, means a tire or tube that has been used less than 1,000 miles.

(17) "Passenger automobile" means any motor vehicle (other than an ambulance, hearse, taxicab, público, or vehicle used or licensed for use in the transportation of persons on the highways for hire) built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less persons, including any motorcycle, non-commercial station wagon and suburban carryall regardless of seating capacity.

(18) "Passenger-type camelback" means Grade F camelback as defined by the War Production Board.

(19) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(20) "Person" means any individual, partnership, corporation, association, government, government agency, or subdivision, or any other organized group or enterprise.

(21) "Público" or "public car" means any passenger motor vehicle duly licensed by the Insular Government of Puerto Rico as a public car and authorized by the Public Service Commission to carry passengers for hire.

(22) "Recapper" means any person engaged in the business of recapping.

(23) "Recapping" means the process of tread renewal in which camelback is applied to the tread surface of a tire.

(24) "Recapping service" means the recapping of a certificate holder's tire, or the transfer by a dealer or manufacturer to a certificate holder of a recapped tire in exchange for a recappable tire carcass.

(25) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(26) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(27) "Taxicab" means a taxicab authorized as such by a Certificate of Necessity and Convenience issued by the Public Service Commission.

(28) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on a passenger automobile, bus, truck or farm implement.

(29) "Transfer" means any change in right, title, interest, possession or control, including but not limited to, sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment, and hypothecation.

(30) "Truck" means any vehicle designed for use on the highways to transport freight, or designed for use for road-grading, earth-moving, or other off-the-road purposes.

(31) "Truck-type camelback" means Grade A or Grade C camelback as defined by the War Production Board.

(32) "Tube" means any rubber tube capable of being used, or capable of being repaired for use, within a tire casing on a passenger automobile, bus, truck or farm implement.

(33) "Used," as applied to tires and tubes, means any tire or tube which has been used 1,000 miles or more.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

SEC. 1.4 *Administration and personnel*—(a) *Personnel.* Ration Order No. 1B shall be administered by the Office of Price Administration through its Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 1B shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may from time to time delegate.

(b) *Self-interest shall disqualify official.* No person participating in the administration of Ration Order No. 1B shall act officially in any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

SEC. 1.5 *Jurisdiction of Boards.* (a) A Board shall have jurisdiction to receive and act upon applications with respect to:

(1) A vehicle normally stationed or garaged within the area served by the Board.

(2) Authority to acquire a tube for use solely in recapping, if the mold for which the tube is sought is located within the area served by the Board.

SEC. 1.6 *Quotas*—(a) *Quota not to be exceeded by Boards.* No Board shall issue in any one month a certificate for the acquisition of tires, tubes, recapping services or camelback in excess of its quota established for that month by the Office of Price Administration.

(b) *Basis for Board consideration.* If a Board has before it eligible applications in excess of its quota, the Board shall be governed, in determining which of the competing applications are to be granted, by the relative importance of the operation of each such vehicle to the war effort, public health and public safety. The Board shall base its determination upon the application for a certificate, the application for a gasoline ration for the vehicle for which tires, tubes, or recapping service are sought, and all other information which comes to its knowledge. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

(c) *Spare tires.* No Board shall issue a certificate for a spare tire to an applicant for a passenger automobile except between the twenty-third and the last day of any month, and then only if there are no pending unsatisfied applications for passenger-type tires for running wheels. A Board may issue a certificate for a spare tire to an applicant for a commercial motor vehicle eligible under 2.4 (a) (List A) at any time if the Board is satisfied that a spare tire is essential to the operation of such vehicle.

(d) *List B commercial motor vehicles.* No Board shall issue a certificate for recapping service or a tube for a commercial motor vehicle eligible under section 2.4 (b) (List B), except between the twenty-third and the last day of a month. No such certificate shall be granted at any time if there is pending any application for recapping service or a tube for a commercial motor vehicle eligible under section 2.4 (a) (List A).

ARTICLE II—SPECIAL PROVISIONS

Proof of Need and Eligibility

SEC. 2.1 *General proof of need.* (a) No Board shall grant a certificate authorizing any consumer to acquire a tire, tube, or recapping service, and no consumer shall accept such a certificate, unless the applicant is eligible under either section 2.2, 2.4, or 2.5 and in addition meets each of the following conditions:

(1) *Immediate need.* That the tire, tube, or recapping service for which application is made is to equip a vehicle held for use and not for resale and is:

(i) To recap a tire which requires recapping or which will require recapping by the date the applicant may reasonably be expected to secure recapping; or

(ii) To replace a tire which cannot be repaired or recapped, or a tube which cannot be repaired; or

(iii) To replace a lost or stolen tire or tube; or

(iv) To equip a vehicle which requires tires or tubes because of alteration or reconstruction; or

(v) To replace a tire or tube delivered as original equipment upon a vehicle, if the tire or tube is not serviceable for the use to which the vehicle is to be put.

(2) *No abuse or neglect.* That the applicant has not in any manner abused or neglected or permitted to be abused or neglected the tire or tube which he seeks to replace or recap. The Board may consider, among other things, as evidence of tire abuse:

(i) That the vehicle for which a certificate is sought has been operated at a speed in excess of thirty (30) miles per hour; or

(ii) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as failure to make timely application for recapping service, failure to replace a tire as promptly as possible, or driving for unnecessary purposes or when other means of transportation are available.

(3) *Unlawful mileage.* That the applicant has not used the tires or tubes which he seeks to replace or recap on a vehicle which has been used for purposes prohibited by Ration Order No. 5E or for mileage in excess of that allowed by Ration Order No. 5E.

(4) *Ply construction.* That, if the application is for a certificate for a new passenger-type tire of six or more ply construction, the vehicle upon which the tire is to be mounted cannot be operated satisfactorily in the use to which it is to be put with a tire of less than six-ply construction.

(5) *No available tire or tube or other vehicle.* (i) That the applicant, other than a Federal, Insular, municipal or foreign government or government agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used, or repaired for use, in lieu of the tire or tube sought to be replaced or the tire sought to be recapped. In computing the number of tires or tubes owned or controlled, applicant need not include tires or tubes reported on OPA Form R–17, R–17 (Revised) or PRR–17, or tires or tubes in a public warehouse and removable only upon certificate.

(ii) That the vehicle for which application is made cannot be replaced by another vehicle owned or operated by, or under the control of the applicant, and which is already equipped with serviceable tires.

(6) *Tire inspection.* That the applicant has declared all his tires upon a Tire Inspection Record, as required by Ration Order 1B and that the applicant's Tire Inspection Record has been signed by an authorized tire inspector showing that the required tire inspections have been made, and that either the serial number of the tire to be replaced has been entered upon such Record or the applicant has Part D of a certificate authorizing acquisition of such tire. A Board may waive the requirement that the applicant have a Tire Inspection Record showing the required tire inspections if the applicant can establish that serious illness of the applicant or the physical condition or location of the vehicle made it impossible to obtain the required inspections, and if the current inspection shows no evidence of abuse or neglect of any of the tires or tubes upon the vehicle. The provisions of this paragraph shall not apply to vehicles exempt from maintaining a Tire Inspection Record under section 2.22.

(7) *Gasoline ration.* That, if application is made to equip a passenger automobile, the applicant has a gasoline ration currently valid under Ration Order No. 5E unless such passenger automobile is not driven by gasoline.

SEC. 2.2 *Eligibility of passenger automobile*—(a) *Reconsideration of gasoline ration.* When application is made for a tire, tube, or recapping service for a passenger automobile, the Board shall reconsider the applicant's gasoline ration before passing upon his application. Such reconsideration shall be made as follows:

(1) *Basic ration.* When only a Basic gasoline ration has been issued for the passenger automobile, the applicant shall set forth in his application for tires, in addition to such other information as may be required, information concerning the uses to be made of the passenger automobile.

(2) *Supplemental ration.* If the applicant has a current Supplemental ration, the Board shall reconsider the application for such ration for such vehicle, if available at the Board. If such application is not available at the Board, the applicant shall provide such information as to his occupation and mileage requirements as the Board may require.

(3) *Fleet ration.* When application is made for a tire, tube, or recapping service for a fleet passenger automobile, the Board shall reconsider the application for the current Fleet ration, if available at the Board. If such application is not available at the Board, the applicant shall provide such information as to the use and mileage requirements of such vehicle as the Board may require.

(b) *Redetermination of supplemental or fleet ration.* If upon reconsideration of the gasoline ration as provided in paragraphs (a) (2) and (a) (3) of this section, the Board finds that the applicant has been granted either a larger or a smaller gasoline ration than he is entitled to under Ration Order No. 5E, or a ration of a class other than to which he is entitled under Ration Order No. 5E, it shall recall excess gasoline coupons or issue an additional or a different gasoline ration for the corrected mileage, if the gasoline ration was issued by such Board. If the gasoline ration was issued by another Board, the corrected mileage shall be certified to such Board: *Provided, however,* That no gasoline coupons shall be recalled if application is made for a fleet passenger automobile using an interchangeable gasoline ration book, but such mileage redetermination shall be used as the basis for determining whether the applicant is entitled to a Grade I or a Grade III tire.

(c) *Eligibility determined on basis of adjusted gasoline ration.* When the Board has adjusted an applicant's mileage requirements pursuant to paragraphs (a) and (b) of this section, it shall determine the applicant's eligibility for a tire, tube, or recapping service on the basis of such adjusted mileage, and not on the basis of his former allowed gasoline mileage, in accordance with the following table:

Type of ration	Adjusted monthly mileage	Eligible for tire or recapping	Eligible for tubes
Basic A only	48 miles per month.	None, unless vehicle is used primarily for preferred mileage purposes or in a car-sharing plan and then only recapping with passenger-type camel back.	None, unless vehicle is used primarily for preferred mileage purposes or in a car-sharing plan.
Supplemental B Occupational.	250 miles per month.	Recapping, with passenger-type camelback, if the applicant has a recappable tire carcass, otherwise a 4 ply, Grade III tire.	New or used, at applicant's option.
Supplemental C Preferred.	649 or less miles per month.	Recapping, with passenger-type camelback, if the applicant has a recappable tire carcass, otherwise a 4 ply, Grade III tire.	New or used, at applicant's option.
Supplemental C Preferred.	650 or more miles per month.	Recapping, with passenger-type camelback, if the applicant has a recappable tire carcass; otherwise a Grade I or Grade III tire, at applicant's option.	New or used, at applicant's option.
Fleet passenger and bulk rations.	Adjusted mileage..	According to adjusted mileage for each vehicle.	New or used, at applicant's option.

Provided: That, in applying the mileage requirements stated in this paragraph, mileage allowed on a special ration issued pursuant to Ration Order No. 5E shall not be included.

(d) *Exceptions to eligibility, mileage not governing.* (1) An applicant may obtain a certificate for any grade of tire or tube if he clearly establishes that he must answer emergency calls which require him to operate a passenger automobile at high rates of speed, and that the vehicle is:

(i) Used exclusively for maintaining fire-fighting services or in investigation or patrolling necessary to the maintenance of public police services; or

(ii) Used for making necessary professional calls by a physician, surgeon, farm veterinarian at agricultural establishments, midwife or public health nurse (but not a private or visiting nurse), licensed as such by the appropriate governmental authorities and regularly rendering necessary professional services of an emergency nature outside his office; or

(iii) Used as an emergency maintenance vehicle by a public utility and is clearly and permanently marked as such.

(2) An applicant whose allowed gasoline mileage would entitle him to a Grade I tire may be limited to a certificate for a Grade III tire if the length of time for which he will need his allowed monthly mileage will be substantially less than the normal life of a Grade I tire.

(3) An applicant who is eligible for recapping service may be issued a certificate for a replacement of the grade set forth in the table in paragraph (c) upon turning in his recappable carcass, only if the Director finds that recapping facilities are unavailable or inadequate.

(4) An applicant for a passenger automobile which is not driven by gasoline or which has been issued a currently valid Non-Highway ration shall be entitled to no better than a Grade III tire, unless the mileage driven in such vehicle constitutes preferred mileage under Ration Order No. 5E and exceeds 649 miles per month.

SEC. 2.3 *Additional proof of need for commercial motor vehicle.* (a) In addition to meeting all the conditions of Section 2.1, an applicant for a tire, tube, or recapping service for a commercial motor vehicle must meet the following conditions.

(1) *Certificate of War Necessity.* That he holds a currently valid Certificate of War Necessity, if required, with respect to such vehicle; and

(2) *Importance to war effort, public health, or safety.* That the functions to be performed by the use of the tire, tube, or recapping services are essential to the war effort, the public health, safety, or welfare; and

(3) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of tires, tubes, or recapping services needed to perform functions deemed by the Board to be more essential to the war effort, public health, safety or welfare than the functions performed by the applicant; and

(4) *Recapping if possible.* That, if the applicant is seeking to replace a tire, it is not capable of being recapped; and

(5) *Passenger-type tires unavailable.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available; and

(6) *No other vehicle available.* That if application is made for a commercial motor vehicle eligible under section 2.4 (a) (List A), all other commercial motor vehicles owned or controlled by the applicant are either eligible under Section 2.4 (a) (List A) or cannot practicably be used to perform the services for which a certificate is sought.

SEC. 2.4 *Eligibility of commercial motor vehicle*—(a) *List A.* A certificate may be granted only for a commercial motor vehicle which meets the applicable conditions of sections 2.1 and 2.3 and which is used exclusively for one or more of the following purposes:

(1) As an ambulance, for the transportation of injured or sick persons; or as a hearse, for the transportation of deceased persons.

(2) The transportation of mail on behalf of the United States Government.

(3) Maintaining fire-fighting services.

(4) Patrolling or investigation necessary to the maintenance of public police services.

(5) Maintaining garbage disposal and other sanitation services, disposing of refuse, maintaining sewage systems, and similar purposes.

(6) Transporting passengers by bus as part of the services rendered to the general public, upon payment of a standard fare, where such services are rendered from definite terminals, along regular routes and on regular schedules.

(i) No certificate shall be issued for a vehicle used for sightseeing trips or similar excursions.

(7) Transporting students, teachers, or other school employees between their homes, or regular stops, and regular places of instruction.

(8) Transporting workers (including executives, technicians, or office workers) to, from, within, or between the following establishments or facilities, for purposes necessary to the following operations or functioning of such establishments or facilities where other practicable means of transportation are not available; any industrial, extractive, military, naval, or hospital establishment, power generation or transmission facilities, transportation or communication facilities, construction project or farm.

(9) Transporting the following persons:

(i) Prisoners, insane, mentally disordered, or mentally incompetent persons and their custodians, guards, and other necessary attendants, provided that such transportation is furnished upon written request to the operator of the vehicle by an authorized officer of the law or other government official charged with the custody of such persons;

(ii) A jury and its official custodians and other authorized court attendants, provided such transportation is furnished upon written request to the operator of the vehicle by the presiding judge of the court in which such jury is serving;

(iii) Military or naval personnel (including State military forces organized pursuant to section 61 of the National Defense Act, as amended), or persons participating in organized recreational activities at military or naval establishments to and from such establishments, where other practicable means of transportation are not available, provided such transportation is furnished upon a written request to the operator of the vehicle by the commanding officer of such establishment.

(iv) Selectees to and from examining or induction centers of the Army where other practicable means of transportation are not available, provided such transportation is furnished upon a written request to the operator of the vehicle by an authorized official of the Selective Service System;

(v) Children under 18 years of age and their attendants to and from camps, where other practicable means of transportation are not available, provided the operator of the vehicle shall first obtain the written approval of the Director;

(vi) Persons between their homes and their places of regular weekly worship for the purpose of attending religious services, where other practicable means of transportation are not available;

(vii) Civilians from their homes for purposes of evacuation, in the interest of their safety and to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities;

(viii) Patients to clinics or hospitals for medical attention, provided, the operator has obtained written approval of the Insular Public Health Authorities for such use of his vehicle and no other public transporation is available.

(10) To transport disabled members of the armed forces to or from any hospital where their disabilities are treated, or to transport persons for the purpose of donating blood, provided that no public means of transportation are available or that such persons cannot practicably use such means of transportation.

(11) To transport persons by taxicab or público. No certificate shall be issued under this section to any taxicab or público unless the operator presents to the Board a certificate of convenience and necessity issued to the operator by the Public Service Commission of the Insular Government of Puerto Rico, and his signed statement that he has complied with all applicable orders of the Office of Defense Transportation. No certificate shall be issued and no tire, tube, or recapping service obtained on a certificate issued under this subparagraph shall be used on any taxicab or público unless it:

(i) Carries as many persons as is legally and practicably possible on each trip;

(ii) Is permanently and conspicuously marked as a taxicab or público;

(iii) Does not "cruise" for the purpose of seeking fares; and

(iv) Is not used for sightseeing purposes.

(12) For transportation of any property by a common carrier which holds itself out to serve the public at standard rates, fixed in advance, and which does not serve persons whom it chooses as its customers on terms separately arranged for each customer.

(13) For transportation, by contract or private carriers, of the following kinds of property:

(i) Ice, fuel, and milk.

(ii) Materials and equipment for necessary construction projects or for necessary mechanical, plumbing, electrical, heating, structural, or highway maintenance or repair (other than the installation, maintenance, or repair of such household equipment and furniture as are portable, or such incidental non-structural and non-mechanical maintenance as the cleaning of office buildings, landscape gardening, and similar activities).

(iii) Waste and scrap materials such as waste paper, scrap iron, scrap rubber, and similar commodities which may be used again in production.

(iv) Such raw materials, semi-manufactured goods, and finished products, including foods and farm products, as are essential to the war effort or to the public health and safety. No certificate shall be issued, except to a common carrier, for any vehicle engaged in transportation of such commodities to the ultimate consumer for personal, family, or household use. No certificate shall be issued, except to a common carrier, for any vehicle engaged in transportation of alcoholic beverages to any person, other than a shipping company for purposes of export. No certificate shall be issued, except to a common carrier, for any vehicle engaged in transportation of soft drinks and similar beverages, finished tobacco products, ice cream confections, candy, flowers, toys, novelties, jewelry, radios, phonographs, musical instruments, or any luxury goods to any person, or for furnishing transportation for incidental maintenance service or for the purpose of repairing any such effects, equipment, furniture, or machines as are portable, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or establishment. Such transportation or deliveries may be performed by a private or contract carrier only in conjunction with and incidental to the transportation of commodities or services recognized as eligible herein, without diverting the vehicle from the route or schedule required for the delivery of commodities or performance of services recognized as eligible herein. Certificates may be issued under this subdivision for tires and tubes to equip a commercial motor vehicle used to deliver newspapers at wholesale only.

(b) *List B.* A certificate for recapping service only, or for a tube, may be granted for a commercial motor vehicle which meets the applicable requirement of sections 2.1 and 2.3 and is used for any important purpose not included in section 2.4 (a) (List A), subject to the following conditions:

(1) Certificates may be granted under this paragraph only for recapping service, or for a tube, to equip commercial motor vehicles performing functions which the Board may find to be essential to the community, such as vehicles delivering bread or other foods to the ultimate consumer for personal, family, or household use, or transporting persons for hire, and other vehicles performing services not provided for in section 2.4 (a) (List A).

(2) No certificate shall be granted under this paragraph if the transportation services can be obtained by using horse-drawn vehicles.

(3) The Board shall issue certificates under this paragraph only between the twenty-third day and the last day of a month. No such certificate shall be granted if its issuance would exceed the quota applicable to recapping services or tubes, or if there is pending any application for such services or tubes for a commercial motor vehicle eligible under section 2.4 (a) (List A) which has not been satisfied.

(4) An applicant who is eligible only for recapping service may be issued a certificate for a new tire upon turning in his recappable carcass only if the Director finds that recapping facilities are unavailable or inadequate.

(c) *Truck-type camelback.* No certificate shall be issued authorizing the acquisition of truck-type camelback for recapping a tire to be mounted on any station wagon or on a vehicle originally designed as a passenger automobile to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus or unless the vehicle is a taxicab or público, the operation of which, in the judgment of the Board, is essential to the war effort or the community welfare and cannot be satisfactorily or safely performed on tires recapped with passenger type camelback.

SEC. 2.5 *Eligibility of farm implement, industrial equipment, and non-highway vehicle*—(a) *Eligibility requirements.* A certificate authorizing the acquisition of a tire, tube, or recapping service necessary to equip a vehicle which meets the applicable conditions of section 2.1 and section 2.3, and is designed and used as one of the following may be granted, provided tires are essential for its operation.

(1) A farm tractor or other farm implement. Tractors or combines may be issued certificates to acquire tractor tires or implement tires only. Other types of farm equipment may be issued certificates for implement tires only: *Provided, however,* That if an implement or front wheel tractor tire of suitable size is not available, the Board may issue a certificate for a Grade III tire.

(2) Industrial, mining and construction equipment, other than passenger automobiles or commercial motor vehicles.

(3) Non-highway vehicles for road-grading, earth-moving, or similar off-the-road purposes.

(b) No certificate shall be issued for any vehicle regularly drawn by an animal.

(c) A certificate for a spare tire or tube may be issued for any vehicle which satisfies the conditions of this section, if the Board finds that a spare tire or tube is necessary for the continued operation of the vehicle.

SEC. 2.6 *Eligibility of recappers for curing tubes.* (a) Any recapper may file an application for authority to acquire tubes for use solely in recapping. The applicant must establish that he does not have more than one serviceable air bag or tube of the required size for each mold or matrix operated by him and that the tube applied for is necessary to the operation of the mold or matrix.

SEC. 2.7 *Eligibility for allotment of tires and tubes*—(a) *Applicant must be a dealer.* The Director may issue certificates authorizing the following persons to acquire allotments of tires and tubes:

(1) A person who was a dealer on December 31, 1942 and who filed O. P. A. Form R–17 for the quarter ending December 31, 1942 for the establishment for which application is made, or if such report was not filed, produces other evidence satisfactory to the Director that such person was a dealer on December 31, 1942.

(2) A person who intends in good faith to become a dealer if he, or a person in his employ, has had previous experience in the sales and servicing of tires, possesses facilities and equipment necessary to inspect and service tires properly, and agrees to become a tire inspector.

(3) The Director may refuse to authorize the allotment if granting it would in his judgment defeat or impair the effectiveness or policy of this Ration Order No. 1 B.

SEC. 2.8 *Issuance of certificates by the Director.* (a) Certificates for tires, tubes or recapping service may be issued by the Director, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) *Issuance of certificates by the Director.* Upon letter of application from any dealer or distributor in Puerto Rico, accompanied by Parts B, the Director may issue Exchange Certificates for tires, tubes or camelback to dealers and distributors, in exchange for the Parts B surrendered. The Exchange Certificate shall be prepared on Form OP -R–2 (revised) and shall authorize replenishment of the number of units of passenger-type tires, passenger-type tubes, truck-type tires, truck-type tubes, passenger-type camelback and truck-type camelback as are included in the Parts B surrendered for exchange. The types of tires and amounts of camelback on the Exchange Certificate shall be computed in accordance with Table II section 2.31 (c). The Parts B surrendered by the dealers and distributors shall thereupon be destroyed.

Applications and Certificates

SEC. 2.9 *Applications*—(a) *Who may execute and file.* Any person may file with the Board having jurisdiction an application for a certificate authorizing the acquisition of tires, tubes, recapping services or camelback on OPA Form R–1 (revised). Application may be made by an agent; but if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the Territory of Puerto Rico. No member or employee of the Board to whom application is made and no authorized tire inspector shall act as agent of an applicant. The Board may require that principal and agent, or owner and operator join in an application.

(b) *Contents of application.* Each applicant shall set forth (1) facts showing jurisdiction of the Boards (2) facts showing need and eligibility for the tires, tubes, recapping service or camelback for which application is made; and (3) such addtional information and commitments as may be required by the application or by the Board.

(c) *Presentation of Tire Inspection Record.* Any applicant for a certificate who is required to have a Tire Inspection Record shall present to the Board such Record at the time of filing his application. If the serial numbers of any tire shown on the Tire Inspection Record are different from those previously entered on the Record, the applicant shall produce Part D of a certificate authorizing the acquistion of such tire.

(d) *Presentation of Certificate of War Necessity and Certificate of Necessity and Convenience.* Any applicant for tires, tubes or recapping service for a commercial motor vehicle shall present to the Board a currently valid Certificate of War Necessity and Certificate of Necessity and Convenience, if required, for such vehicle.

(e) *Certification by applicant.* The applicant shall, in his application, state the true and complete facts required by the application or the Board to be set forth therein, and shall certify such facts. If an application is made by an agent, both the principal and agent shall be bound by and deemed to have knowledge of all statements set forth in the application.

SEC. 2.10 *Filing of application*—(a) *Tires and tubes for consumers.* Applications for certificates authorizing the acquisition of tires, tubes, or recapping service shall be filed with the Board having jurisdiction under section 1.5. A separate application must be filed on OPA Form R–1 (revised) for each vehicle.

(b) *Curing tubes for recappers.* Applications for certificates authorizing the acquisition of tubes to be used in molds shall be filed on OPA Form R–1 (revised) with the Board for the area in which the mold is located.

(c) *Allotment of tires and tubes to dealers.* Applications by a dealer for certificates authorizing the acquisition of an allotment of tires and tubes, shall be filed with the Director, on OPA Form R–54 by established dealers, and on OPA Form R–55 by persons intending to become dealers.

SEC. 2.11 *Certification by inspector prior to filing of application*—(a) *Inspection of tires and tubes.* No consumer may file an application for a certificate, and no such application shall be considered by a Board, until an inspector, appointed pursuant to section 2.21 (a), has currently inspected the tires or tubes to be replaced or recapped and has executed and signed the "Certification by Inspector" contained in OPA Form R–1 (revised). This paragraph shall not apply when application is made to acquire a tire or tube necessary to equip an altered or reconstructed vehicle or a vehicle not equipped with the number of tires permitted in section 2.1 (e), or to replace a lost or stolen tire or tube.

(b) *Thorough inspection required.* No inspector may certify any fact concerning the condition of a tire or tube without making a personal and adequate inspection to determine such fact, and no inspector shall certify whether a tire can be recapped unless he removes the tire from the wheel or rim. The Board may in its discretion require an additional inspection and certification by an inspector named by the Board.

(c) *No compensation to be paid for inspection.* No applicant may pay any compensation for the certification or the inspection required by this Section, except that sums, not in excess of those set forth in the following schedule, may be paid the inspector, or any person, for the service of removing and replacing a tire when such service is necessary for inspection purposes:

Type of tire	*Maximum fee*
(1) Passenger car tires, each	.40
(2) Small truck tires (7.50–20 or smaller), each	.50
(3) Large truck tires (larger than 7.50–20), each	.75
(4) Additional charge for removing inside dual truck tires (larger than 7.50–20)	.50

SEC. 2.12 *Investigation of facts by Boards*—(a) *Power of the Board.* Before issuing a certificate the Board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the Board may make inquiries and investigations and may require an applicant to appear in person or by agent at the Office of the Board at a designated time and supply such additional evidence and information and furnish such records and affidavits as may relate to the application.

(b) *Additional information.* If the applicant is applying for tires or tubes to be mounted on a vehicle which has less than the number of tires and tubes permitted by section 2.1 (e) and which he has purchased or contracted to purchase, the Board shall require him to submit together with his application an affidavit from the vendor of the vehicle stating in full the reasons why the vehicle is not equipped with a sufficient number of tires or tubes. The Board must be satisfied from such affidavit before it may grant a certificate that the vendor is not responsible for the lack of a sufficient number of tires or tubes for such vehicle.

SEC. 2.13 *Notation of reasons for action.* (a) Whenever the Board acts upon an application, it shall note the reasons for its action upon the application. If the application is granted, the number, grade, and type of tires or tubes, or the type of recapping service or camelback shall be noted upon the application.

SEC. 2.14 *Form of certificates to be issued.* (a) The Board may issue the following certificates to an applicant who has established need and eligibility under this Ration Order No. 1B.

(1) *For tires, tubes, and recapping service.* OPA Form R–2 (Revised) authorizing an applicant to acquire tires, tubes, or recapping service. Separate certificates shall be issued for tires and for tubes and for recapping services.

(2) *For curing tubes.* OPA Form R–2 (Revised) authorizing an applicant to acquire tubes to be used in molds.

(3) *For allotment of tires and tubes.* OPA Form R–2 (Revised) authorizing an applicant to acquire an allotment of passenger-type tires, truck-type tires, passenger-type tubes, or truck-type tubes.

SEC. 2.15 *Certificates non-transferable.* (a) No certificate or any part thereof may be transferred except as authorized by Ration Order No. 1B or by the Office of Price Administration, or in exchange for tires, tubes, recapping service or camelback.

SEC. 2.16 *Execution and issuance of certificate*—(a) *Execution of certificates.* It shall be the responsibility of the Board, prior to issuing any certificate, to fill in Parts A and B of the certificate setting forth the information required. It shall also be the responsibility of the Board to indicate on Parts C and D of the certificate the number of the Board and its address. No certificate shall be valid unless Part A is signed by the issuing officer of the Board, who may be either a member of the Board or one of its clerks designated to act as issuing officer.

(1) The Board shall indicate on the certificate the tubes or the serial number of the tires to be replaced (including scrap tires or tubes), which the applicant must turn in. If the tire to be replaced is a recappable carcass, the Board shall write on the certificate after the serial number of such tire "recappable carcass."

(i) The applicant shall turn in all tires and tubes to be replaced, except when he is having his tire recapped, or if he can establish that he has no tires or tubes to turn in because he is acquiring a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted by section 2.1 (e), replacing a lost or stolen tire or tube, or is a government agency forbidden by law to make such disposition.

(2) The Board shall indicate on the certificate the exact number, type, grade, and size of the tires or tubes or the amount and type of recapping service which may be acquired in exchange for the certificate.

(b) *Issuance of certificates.* When all of the foregoing steps have been taken, the Board shall issue the certificates by delivering or mailing it to the applicant or his agent.

(1) If the certificate to be issued by the Board is for recapping service, the Board shall note on Parts A and B thereof whether the certificate entitles the applicant to truck-type camelback or to passenger-type camelback, as provided in section 2.4 (c), and shall mark Part B thereof "good for implement or tractor tires only."

(2) If the certificate to be issued by the Board is for implement tires, the Board shall mark Part B thereof "good for implement or tractor tires only."

(3) If a consumer desires to obtain tires or tubes stored by him in a public warehouse, he shall inform the Board of this fact, and, if the Board issues a certificate to him, it shall tear off and destroy Part B of such certificate.

(4) *By the Director.* If the Director issues O. P. A. Form R–2 (Revised) for an allotment of tires or tubes under section 2.7, he shall tear off and destroy parts A and C of such certificate. Parts B and D thereof shall be marked "passenger-type tires only," "passenger-type tubes only," "truck-type tires only," or "truck-type tubes only," as the case may be.

SEC. 2.17 *Action by certificate holders*—(a) *Use of certificate.* A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purpose specified thereon. After the expiration date thereon, the certificate shall be void and the applicant shall surrender it to the issuing Board.

(b) *Replaced tires or tubes to be turned in.* If the certificate indicates that a tire or tube being replaced must be turned in and does not indicate that such tire is a recappable carcass the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer, except in the case of purchase by mail. If the applicant acquires a tire or tube by mail, or withdraws it from a public warehouse, he shall within five days thereafter deliver the replaced tire or tube to a dealer. If the tire turned in is a recappable carcass, a dealer who is not a recapper shall transfer such tire to a recapper.

(c) *Signing of certificates.* The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon, prior to acquiring the tires, tubes or recapping service specified thereon. The same person shall sign Parts B, C and D of O. P. A. Form R–2 (Revised) where the signature of the certificate holder is required. No member or employee of the Board issuing the certificate, no authorized tire inspector, and no dealer shall act as agent of the applicant in signing Parts A, B, C, or D of OPA Form R–2 (Revised).

SEC. 2.18. *Action by suppliers*—(a) *Turn in of tire or tube prerequisite to transfer.* If the applicant is required to turn in a tire or tube, no dealer shall transfer any tire or tube pursuant to the certificate until the applicant has turned in to him the tire or tube to be replaced.

(b) *Certificate to be completed.* No dealer or warehouseman shall transfer tires, tubes or camelback until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the dealer or warehouseman to whom the certificate has been surrendered shall deliver to the person indicated thereon, or to his agent, the exact number, type, grade and size of tires or tubes or the type of recapping service or camelback set forth on the certificate.

SEC. 2.19 *Splitting of certificates.* The holder of a certificate or part of a certificate who is unable to acquire from one supplier all the tires, tubes, recapping service or camelback which he has been authorized to acquire may return the certificate to the issuing Board and the Board shall thereupon cancel the returned certificate and issue as many certificates as are necessary to permit the acquisition of such tires, tubes, recapping service or camelback from several suppliers. In the event that the certificate or part of a certificate was issued by a Board in the Virgin Islands, it may be surrendered by the holder to the Director in San Juan who may issue as many certificates as are necessary.

SEC. 2.20 *Revocation of certificates.* (a) Any certificates, part of a certificate or authorization issued under Ration Order No. 1B shall be subject to revocation, cancellation, suspension, correction or modification by a Board or other agent designated for this purpose by the Office of Price Administration.

SEC. 2.21 *Revocation of certificates issued by mistake.* Any certificate issued to a person not entitled thereto on the basis of the facts stated in the application and which has not been used by the person to whom it was issued, may be revoked by the issuing board and the board may order that such certificate be surrendered to it. If in such case the board finds that the certificate holder is entitled to a tire or tube of a different grade or type, it shall, subject to quota limitations, issue a certificate for such tire or tube in lieu of the certificate revoked.

SEC. 2.22. *Revocation of certificate or declaration of ineligibility after hearing.* (a) (1) A Board, after hearing, may revoke or cancel any certificate already issued and unused and declare a consumer ineligible to receive a certificate for such period as it may deem appropriate in the public interest and require the surrender to it of certificates already issued pending the determination of the proceedings where a person has violated any of the provisions of ration orders 1B or 5E.

(2) Such order of revocation and declaration of ineligibility shall be made pursuant to the following procedure:

(i) Written notice of the date, time, place and purpose of the hearing and the violation with which he is charged shall be served upon the person (hereinafter called the respondent) against whom the proceedings are instituted at least three days before the date set for the hearing.

If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that the respondent has committed any of the acts or violations contained in the charge, the Board may by order revoke the certificates issued to him, direct him to surrender such certificates to the Board unless the certificate has been surrendered to a dealer and declare that he shall not be eligible to receive a certificate for such period of time as the

Board may deem appropriate in the public interest.

(ii) If a respondent against whom an order has been issued for failure to appear at the hearing shows, within a reasonable time not to exceed five (5) days from the effective date of such order, good cause to the Board for such failure, the Board may set aside such order and grant the respondent a full hearing on the charges made.

(iii) A copy of the order shall be served promptly on the respondent personally or by registered mail, return receipt requested, directed to his last known address, and two copies thereof shall be sent to the territorial office at San Juan. The Board shall fix the effective date of such order except that if it fails to do so such order shall become effective 24 hours after personal service or delivery by mail as evidenced by the return receipt.

(iv) The Board may designate one or more members to perform the functions prescribed in this paragraph. The Board may appoint volunteer hearing officers approved by the Director to conduct hearings pursuant to this section. In matters on which a hearing officer has been appointed, he shall preside at the hearings and make an oral or written report of his findings to the Board, which shall decide the matter.

(b) Any person against whom an order has been issued pursuant to the provisions of paragraph (a) may within fifteen (15) days after the effective date thereof appeal from such order by filing a statement of objections to the order with the board which issued it. Within three days after the receipt of the statement the board shall forward it, together with a copy of the notice instituting such proceedings, a copy of the record, if any, and a copy of the Board's order to the Hearing Commissioner for Puerto Rico at San Juan. Within five (5) days after receipt of the statement the Hearing Commissioner shall notify the respondent and the Territorial Enforcement Attorney of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of section 1300.169 of Procedural Regulation 4 and amendments thereto.

Inspection of Tires

SEC. 2.23 *Periodic inspection*—(a) *Vehicles subject to inspection.* Every person controlling the use of a passenger automobile or commercial vehicle shall be issued a Tire Inspection Record (OPA Form PR–R–534) executed in accordance with the instructions thereon, and the Part B of which shall be duly certified and filed with the Local Board, and shall have the tires mounted on such vehicle inspected by a tire inspector appointed by the Director upon the recommendation of a Board. The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization. Upon transfer of a passenger automobile, the record pertaining to the vehicle, and Part D of tires mounted on the vehicle, must be transferred with it. The tires, at the time of inspection, shall be mounted on the vehicle for which the Tire Inspection Record has been issued. The provisions of this section shall not apply to:

(1) Motorcycles.

(2) Vehicles operated solely on special gasoline rations.

(3) Vehicles not registered for use on the highway.

(4) Farm tractor, farm implements, road-graders, earthmovers, or other industrial, mining or construction equipment not designed primarily for use on the highway.

(5) Vehicles operated by the armed forces of the United States.

(6) Tires reported on OPA Form PRR-17 by any person required to file such Form.

(7) Tires obtained pursuant to section 2.7.

(b) *Time of inspection.* The time for periodic inspection shall be as follows:

Type of coupon book issued	First inspection must be made within 2 week period	Subsequent inspections must be made within 2 week period as follows:
Class A	July 12–24	Jan. 10 to 22, 1944, and July 10 to 22, 1944.
Classes B and C	Sept. 20–Oct. 2	Dec. 13 to 24, 1943; Mar. 6–18; May 29–June 10; Aug. 21–Sept. 2; Nov. 13–25
S–1 and S–2	Aug. 30–Sept. 11	Nov. 22–Dec. 4; Feb. 14–Feb. 26; May 8–May 20; July 25–Aug. 5; Oct. 16–Oct. 28
S–3 and S–4	Sept. 13–Sept. 25	Dec. 6–18; Feb. 28–Mar. 11; May 22–June 3; Aug. 14–26; Nov. 6–18
S–5	July 19–31	Oct. 11–23; Jan. 3–15; Mar. 27–Apr. 8; June 19–July 1; Sept. 11–Sept. 23; Dec. 4–16
Bulk	According to type of ration identification	According to type of ration identification.

(c) *Check of serial numbers.* If the serial number of any tire inspected is not identical with that indicated on the Tire Inspection Record, the inspector shall not sign such Record unless Part D of a certificate is presented as evidence that the tire was obtained on certificate. Any discrepancy between the serial numbers on the Tire Inspection Record, including those on Parts D and those on the mounted tires, shall be recorded by the inspector and reported to the Board.

(d) *Report on mileage and condition of tires.* The inspector shall indicate on the Tire Inspection Record as of the time of the inspection.

(1) The odometer reading of the vehicle.

(2) Whether the tires inspected should be replaced or recapped, and

(3) Any repairs and adjustments necessary to keep the tires in proper running order; if the inspector indicates that repairs and adjustments, other than recapping or replacements, are necessary, he shall not sign the Tire Inspection Record until such repairs or adjustments have been made.

SEC. 2.24 *Inspection of tire transferred.* (a) In addition to the periodic inspection, every consumer who acquires a passenger automobile or commercial motor vehicle with tires mounted thereon, if such vehicle is not exempted under section 2.23 (a), shall have the tires inspected within ten days after they have been acquired. The Tire Inspection Record of the prior consumer shall be turned in by the transferee to the Board to which application for a gasoline ration is made and thereupon a New Tire Inspection Record may be delivered by the Board to such transferee: *Provided*, That if such tires are mounted on a passenger automobile or commercial motor vehicle for which no Tire Inspection Record has been issued, the transferee shall present to the Board a statement from the transferor specifying the serial numbers of the tires mounted on the vehicle. The Board may thereupon issue a new Tire Inspection Record to such transferee.

SEC. 2.25 *Compensation to be paid for inspection.* (a) An inspector may charge a fee not to exceed twenty-five cents (25¢) per vehicle for the inspection required by sections 2.23 and 2.24. In addition, sums not in excess of those set forth in section 2.11 (c) may be paid the inspector or any other person for the service of removing and replacing a tire when such service is necessary for inspection purposes under said sections.

SEC. 2.26 *Shifting of tires.*—(a) *Prohibition.* No person shall mount on any passenger automobile or commercial motor vehicle to which the provisions of section 2.23 (a) apply any tire not duly entered upon the Tire Inspection Record for such vehicle, or acquired in exchange for a certificate issued to equip such vehicle, except as provided in paragraphs (b) and (c).

(b) *Application for authorization.* A person may apply to a Board for authorization to shift tires from one such passenger automobile owned by him to another such passenger automobile, or from one such commercial motor vehicle owned by him to another such commercial motor vehicle. Upon approval by the Board, he may be issued Tire Inspection Records authorizing such shifting or mounting of tires in exchange for the surrender of the Tire Inspection Records then applicable to such vehicles.

(c) *Fleets.* Any person operating a fleet of commercial motor vehicles may shift tires from one to another vehicle within the fleet: *Provided*, That within 5 days of such shifting he shall surrender the tire inspection records of the vehicles involved to the Local Board, who shall thereupon issue new tire inspection records.

SEC. 2.27 *Replacement of lost tire inspection records.* (a) Any person who has lost a Tire Inspection Record shall apply to a Board for a new record. Be-

fore issuing such record, the Board shall reexamine and redetermine the current gasoline ration and shall satisfy itself that the serial numbers of the tires shown on such new record are those which were entered on the lost record or that discrepancies are accounted for by Parts D of certificates in the possession of the applicant.

Prohibited and Permitted Transactions

SEC. 2.28. *Prohibition.* (a) Notwithstanding the terms of any contract, agreement or other obligation, regardless of when made, no person, unless permitted by Ration Order No. 1B or by an order, authorization or regulation issued by the War Production Board, shall:

(1) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire, tube or camelback; or

(2) Use, alter, or change the physical location of any tire, tube, or camelback; or

(3) Mount any tire or tube upon a wheel or rim.

SEC. 2.29 *Mounting or use of tires or tubes*—(a) *Mounting or use generally.* Subject to the restrictions of Ration Order No. 5E and paragraph (b) of this section, any person may change the physical location of, mount or use:

(1) Tires or tubes which have been acquired or recapped on certificate issued by the Office of Price Administration on the passenger automobile or commercial motor vehicle for which they were acquired, or on any other passenger automobile or commercial motor vehicle owned or controlled by such person but only when pursuant to section 2.26.

(2) Tires or tubes which have been acquired or recapped on certificate issued by the Office of Price Administration on the vehicle eligible under section 2.5 for which they were acquired, or on any other vehicle eligible under section 2.5 owned or controlled by such person;

(3) Tires or tubes owned and possessed by him prior to October 1, 1942, on any vehicle owned by him. If such vehicle is not exempted from the provisions of section 2.3 (a), tires or tubes may only be mounted thereon if they have been declared on a Tire Inspection Record issued for such vehicles.

(4) Tires or tubes upon other equipment not covered by subparagraph (1), (2) or (3), but only if specifically authorized in writing by the Board having jurisdiction over the vehicle upon which the tire or tube is to be mounted. The Board may grant such authorization only where it is satisfied that the mounting or use will result in a conservation of rubber or the more efficient use of tires in activities essential to the war effort, the public health or safety.

(b) *Mounting from stock prohibited.* No dealer shall declare in his Tire Inspection Record or mount or use tires or tubes taken from his stock unless he has obtained a certificate authorizing such mounting or use or unless such tires or tubes were permanently removed from this stock and mounted on his vehicle prior to October 1, 1942.

SEC. 2.30 *Transfer to consumers upon certificate*—(a) *By dealers.* A dealer may, in exchange for a certificate, transfer tires or tubes to a consumer.

(b) *No tire in stock.* A dealer who does not have in stock a tire or tube ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of tires or tubes specified thereon for transfer to the consumer.

(c) *Tire requiring repair or recapping.* No dealer may transfer to a consumer a tire that requires repair or recapping.

(d) *By warehousemen.* A public warehouseman who has received tires or tubes for storage may, in exchange for a certificate, transfer tires or tubes to a consumer, as follows:

(1) New tires or tubes stored prior to December 11, 1941;

(2) Recapped tires used less than one thousand (1,000) miles after being recapped and stored prior to February 19, 1942;

(3) Used tires and tubes, including tires used more than one thousand (1,000) miles after being recapped, stored prior to October 1, 1942.

(e) *By recappers or repairers.* No recapper or repairer shall transfer a recapped or repaired tire to a consumer unless the quality of his workmanship in recapping or repairing the tire at least conforms to the minimum quality specifications contained in Revised Price Schedule No. 66,[2] as amended, and Maximum Price Regulation No. 107,[3] issued by the Office of Price Administration.

SEC. 2.31 *Dealer transfers*—(a) *Establishments under common ownership.* No dealer may transfer or move tires, tubes or camelback to an establishment where the business of a dealer is performed, except upon certificate or authorization of the Office of Price Administration, unless such transfer is expressly permitted by Ration Order No. 1B. If a dealer engages in the business of recapping tires, or selling tires, tubes or camelback at two or more separate establishments, he shall be considered a separate dealer for each such establishment, and the transfer or movement of tires, tubes or camelback between such establishments shall be subject to all the conditions that apply to transfers between separate dealers, unless expressly excepted by this Ration Order No. 1B.

(b) *Changes of location.* A manufacturer or dealer may change the location of tires, tubes or camelback within a single establishment or the location of the establishment itself, including the entire stock of tires, tubes or camelback contained therein: *Provided,* That no change in ownership, possession or control occurs.

(c) *Tires or tubes*—(1) *Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R–2 (Revised) and no person shall accept such transfer, unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided,* That a supplier may, without endorsement, return a Part B to the dealer from whom he received it, if he is unable to supply the tires or tubes specified thereon.

(2) *Permitted replacement of tires or tubes.* Any dealer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate, receipt, or exchange certificate issued pursuant to section 2.8, paragraph (b), transfer to another dealer or receive from another dealer or manufacturer the number of tires or tubes authorized, in accordance with the table below:

If Part B calls for:	*Dealer or manufacturer may replenish with—*
Any Size Grade I Tire.	Any size or grade passenger-type tire or 8½ lbs. of passenger-type camelback.
Any Size Grade III Tire.	Any size Grade III tire or 8½ lbs. of passenger-type camelback.
Any Size Truck-Type Tire.	Any size truck-type tire.
Any Size Tractor-Type Tire.	Any size tractor, truck or implement-type tire.
Any Size Implement-Type Tire.	Any size tractor or implement-type tire.
Any Size Passenger Tube.	Any size passenger tube.
Any Size Truck Tube.	Any size truck tube.

(3) *Transfers without certificate upon authorization.* (i) Any dealer may transfer tires, tubes or camelback to any other dealer or manufacturer without certificate upon written authorization of the Director. Application for authorization to make such transfer shall state the names and addresses of the transferor and transferee, the amount, type and grade of tires, tubes or camelback to be transferred, and the reason for the transfer.

(ii) Any dealer may transfer replenishment portions (Parts B) of certificates or receipts to any other dealer upon written authorization of the Director. Application for authorization to make such transfer shall state the names and addresses of the transferor and transferee, the number of Parts B and the amount, type and grade of tires, tubes or camelback called for thereon, and the reason for the transfer.

(d) *Camelback*—(1) *For recapping.* A recapper may apply camelback to the tread surface of a tire carcass: *Provided,* That no passenger-type camelback shall be used in recapping a truck-type tire to be mounted on a truck, bus, farm implement, earth-mover, road-grader or similar off-the-road vehicle, and no truck-type camelback shall be used in recapping a passenger-type tire to be mounted on any station wagon, suburban carryall, or on an automobile originally designed to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus, or unless the vehicle is a taxicab or público and the certificate issued by the Board specifies truck-type camelback. No recapper shall apply camelback to the tread surface of a tire carcass if the carcass will not be serviceable as a recapped tire.

[2] 7 F.R. 8803, 8948, 8 F.R. 3174.

[3] 7 F.R. 1838, 1981, 2394, 5891, 5177, 7865, 8586, 8795, 8802, 8942, 8 F.R. 1584, 2206.

(2) *Restrictions on transfers of Parts-B.* No person shall transfer Part B of OPA Form R–2 (Revised) and no person shall accept such transfer unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purposes.

(3) *Permitted replenishment of camelback.* Subject to the provisions of subparagraph (2) above of this paragraph, any camelback dealer may in exchange for the replenishment portion (Part B) of a certificate or receipt for camelback transfer the amount of camelback specified in the following tables I and II:

TABLE I

If Part B calls for:	*Dealer may replenish with—*
"Passenger-type camelback only."	Passenger-type camelback in the amount authorized in Table II.
"Truck-type camelback only."	Truck-type camelback in the amount authorized in Table II.

TABLE II

Size or type of tire	*No. of pounds of camelback which may be purchased for each such tire*
Passenger-type tire regardless of sizes	8½
Truck-type tire smaller than 30 x 5	8½
Truck-type tire 30 x 5 up to but not including 7.50–18	12
Truck-type tire 7.50–18 up to but not including 9.00–20	16
Truck-type tire 9.00–20 up to but not including 12.00–20	22
Truck-type tire 12.00–20 and larger (regular truck type)	32
Truck-type 12.00–20 and up (but not including tires 12.00–24 and larger) used on farm tractors (rear tires only), road-graders, earth-movers and other similar equipment used primarily on off-road work	55
Tires 12.00–24 and larger	Amount necessary

NOTE: When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion of the certificate or receipt a certified statement showing the amount of camelback necessary to recap the number of tires specified on the certificate or receipt, and shall be entitled to purchase the amount of camelback appearing on such statement.

(4) *For remilling.* Any recapper may, without certificate, transfer deteriorated camelback for remilling to a camelback dealer or camelback manufacturer, who may, without certificate, transfer such remilled camelback or camelback of identical amount, type, grade and weight to such recapper.

(e) *Transfers to dealer's warehouses.* Any dealer may, without certificate, transfer tires, tubes or camelback for the purpose of storage only to any warehouse owned or operated by him, if no change in ownership or control of such tires, tubes or camelback is thereby effected. Any dealer may, without certificate, withdraw the tires, tubes or camelback stored in such warehouse.

SEC. 2.32 *Acquisition for retransfer purposes*—(a) *Persons who may acquire.* Tires, tubes or camelback may be acquired, without certificate, in the following cases:

(1) *Exercise of governmental rights or powers.* The United States or the Insular Government of Puerto Rico or any municipality may acquire from any person any tire, tube or camelback in the exercise of governmental rights or powers against such tire, tube or camelback.

(2) *Judicial process.* Any person may acquire any tire, tube or camelback pursuant to judicial process or under the supervision of a court of competent jurisdiction.

(3) *Salvage.* A person who is engaged principally and primarily in the business of adjusting losses, or reconditioning and selling damaged commodities, and who takes possession of such commodities on the occurrence or imminence of casualties, or in direct connection with the adjustment of losses resulting from such casualties, may acquire any tire, tube or camelback that has been damaged or that is in imminent danger of being damaged or destroyed.

(4) *Subrogation upon payment of claim.* A common or contract carrier or any person duly authorized by law to engage in the insurance business may acquire any tire, tube or camelback in consequence of the right of subrogation or in consequence of the payment of a claim.

(5) *Security transfers.* The Insular Government of Puerto Rico, the United States or any agency thereof, or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business may, without certificate, acquire tires, tubes or camelback for security purposes and may, without certificate, transfer such tires, tubes or camelback to the debtor upon release or extinguishment of the debt so secured. Any person may, without certificate, acquire a lien created by operation of law on tires, tubes or camelback and may satisfy or release such lien. Such security interest or liens may be enforced in the manner provided by applicable laws, and subject to the provisions of this section, transfers necessary to such enforcement may be made.

(b) A person other than a dealer, acquiring full title to tires, tubes, or camelback hereunder, shall within thirty (30) days sell such tires, tubes or camelback to a dealer or a manufacturer.

SEC. 2.33 *Transfers without certificate, special authorization or notice*—(a) *Transfers to Defense Supplies Corporation.* A person may, without certificate, transfer tires, tubes or camelback to Defense Supplies Corporation, Rubber Reserve Company, or Reconstruction Finance Corporation, or any representative designated to receive tires, tubes or camelback on their behalf.

(b) *Changes in location.* A person, other than a dealer, may, without certificate, change the location of tires, tubes or camelback if no change in ownership, possession or control results.

(c) *Transfer by persons other than dealer or manufacturer.* A person, other than a dealer, or manufacturer, may, without certificate, transfer tires, tubes or camelback to a dealer or manufacturer. A record of the serial number of any tire so transferred shall be given to the transferor and a copy shall be sent by the transferee to the Board which issued the transferor's Tire Inspection Record.

(d) *Transfers on vehicles.* A person may, without certificate, transfer a tire or tube as part of the equipment of a vehicle provided that such transfer is not prohibited by any order or regulation issued by the Office of Price Administration or the War Production Board.

(e) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of inspection, mounting or repair only and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

(f) Any dealer may, without certificate, return to his supplier tires, tubes, or camelback of a size, grade, type or quality other than that ordered by him, and his supplier may, without certificate, transfer to him in exchange therefor the same number of units of tires, tubes, or camelback of the size, grade, type or quality ordered.

(g) *Return of lost or stolen tires, tubes or camelback.* A person may, without certificate, transfer tires, tubes or camelback, which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(h) *Exchange of tires or tubes.* A consumer who in exchange for a certificate acquires any tire or tube that is of a size or grade different from that ordered may, without certificate, but only within ten (10) days after its acquisition, exchange it with the transferor for the size or grade ordered if such tire or tube has not been used by such person.

(i) *Turn in of tires or tubes to be replaced.* A consumer who holds a certificate authorizing the purchase of a tire or tube and is required to turn in a tire or tube to be replaced shall transfer such tire or tube to a dealer: *Provided,* That such dealer, if not a recapper, must sell the replaced tire, if recappable, to a recapper. Any dealer who receives a tire under this paragraph shall retain such tire for a period of not less than thirty (30) days before disposing of it.

(j) *Transfers for recapping.* (1) A consumer may transfer a tire for recapping service to a dealer but only if accompanied by a certificate authorizing recapping service.

(2) A dealer may transfer a tire for recapping to a recapper if accompanied by Part B of a certificate authorizing recapping service and a recapper may transfer a Grade III tire in exchange for such Part B.

(k) *Transfer of recappable tire to recapper.* A dealer who is not a recapper may, without certificate, transfer a recappable tire carcass to a recapper.

(l) *Transfer of unit for unit.* A dealer may, without certificate, transfer tires, tubes or camelback to a dealer in exchange for tires, tubes or camelback of the same amount, type and grade.

(m) *Transfers to and from carriers.* A person may, without certificate, transfer tires, tubes or camelback to a common or contract carrier for shipment, and such tires, tubes or camelback may be transferred by such carrier to the consignee in the regular course of business: *Provided,* That the transaction between the consignor and the consignee shall remain subject to the provisions of Ration Order No. 1B.

(n) *Transfer to and from public warehouses.* A person may, without certificate, transfer tires, tubes or camelback to a public warehouse for storage. A public warehouseman who has received tires, tubes or camelback for storage may, without certificate, transfer them to the following persons:

(1) A dealer or manufacturer who transferred such tire, tube or camelback for storage;

(2) A manufacturer, assembler or dealer in vehicles equipped with tires or tubes who has transferred such tires or tubes for storage;

(3) A person who has a security interest in or lien on such tires, tubes or camelback as provided in section 2.31.

(4) A consumer who stored:

(i) New tires or tubes after December 10, 1941; or

(ii) Recapped tires after February 18, 1942, where such tires were used less than 1,000 miles after being recapped; or

(iii) Used tires, including tires used more than 1,000 miles after being recapped, after September 30, 1942.

(o) *Mounting of original equipment.* A manufacturer of vehicles may mount tires or tubes as original equipment upon a vehicle made by him unless he has been prohibited from doing so by general or special instructions of the War Production Board.

(p) *Change-overs.* A dealer or manufacturer may transfer tires or tubes to a manufacturer, rebuilder or dealer in vehicles in exchange for tires or tubes mounted on a new or rebuilt vehicle as part of its original equipment, upon authorization in writing from the Director.

(q) The Director may, upon a dealer's application issue replenishment portions of certificates to replace tires, tubes, camelback, replenishment portions (parts B), or certificates which have been lost, stolen, destroyed, or irreparably damaged.

SEC. 2.34 *Transfers to certain Government agencies*—(a) *Transfers.* A person may transfer tires, tubes or camelback without receiving certificates therefor to or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately-owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ships' service store, commissary, or similar agency or organization, except for use on vehicles operated by it;

(b) *Receipt.* A dealer who makes any transfer pursuant to paragraph (a) shall obtain a receipt from the purchaser upon OPA Form R–12 (Revised).

Other Prohibited Acts

SEC. 2.35 *Offenses*—(a) *Mutilation and forgery of certificates.* No person shall without lawful authority wilfully deface, mutilate, or destroy any certificate, receipt, authorization (whether issued or unissued) Tire Inspection Record, or any part thereof, and no person shall counterfeit or forge any such instrument or any part thereof.

(b) *Illegal transfer of certificates.* No person shall transfer or assign and no person shall accept any transfer or assignment of any certificate, receipt, authorization (whether issued or unissued), or any part thereof, except in accordance with the provisions of Ration Order No. 1B.

(c) *Illegal use and possession of certificates.* No person shall use, possess, or control any certificate, receipt authorization, or any part thereof, except the person or the agent of the person to whom such certificate, receipt or authorization has been issued, except in accordance with the provisions of Ration Order No. 1B.

(d) *Possession of forged certificates.* No person shall without lawful authority transfer or accept a transfer of or have in his possession or under his control any forged, altered, or counterfeited certificate, receipt, authorization (whether issued or unissued), or any part thereof.

(e) *Illegal possession or use of tires.* No person shall possess, use, or permit the use of any tires, tubes or camelback acquired in violation of Ration Order No. 1B, and no person shall possess, use or permit the use of tires, tubes or camelback acquired under Ration Order No. 1B for any purpose in violation of Ration Order No. 1B.

(f) *Abuse of tires.* No person shall, without lawful authority, abuse, alter, damage or neglect any tire, tube or camelback in his possession or control. Failure to make timely application for recapping or replacement shall constitute one form of abuse within the meaning of this paragraph.

(g) *Speed limitation.* No person shall use or permit the use of tires or tubes in the operation of a motor vehicle at any rate of speed which is in excess of thirty (30) miles per hour. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the Puerto Rican military forces organized pursuant to section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health, or safety: *Provided,* That this paragraph shall not be construed to authorize any such motor vehicle to be driven at a rate of speed in excess of that which is reasonable under the circumstances.

(h) *Tire Inspection Record.* No person shall use or permit the use of tires or tubes unless he has obtained and kept current the Tire Inspection Record, required by sections 2.23 and 2.24, or is exempted from these requirements.

(i) *Declaration of tires.* No person shall use or permit the use of tires or tubes upon a motor vehicle unless he has filed a declaration of tires as required by section 2.23 of this order and section 3.13 of Ration Order 5E.

(j) *Illegal use of gasoline.* No person shall use or permit the use of tires or tubes upon a motor vehicle for which gasoline has been obtained in violation of Ration Order No. 5E or for which gasoline or other fuel is used in violation of that order.

(k) *Violation of other orders.* No person shall use or permit the use of tires or tubes on a vehicle which he operates or controls in violation of any order, rule or regulation issued by the Office of Defense Transportation or other Federal agency.

(l) *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Ration Order No. 1B, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

(m) No person shall sell or transfer any tire, tube, camelback or recapping service at a price in excess of the applicable maximum price for such article or service established by the Office of Price Administration.

(n) *Attempts.* No persons shall solicit, offer, attempt, or agree to do, either directly or indirectly, any act in violation of Ration Order No. 1B.

ARTICLE III—GENERAL PROVISIONS

SEC. 3.1 *Posting names of successful applicants.* (a) At intervals of not more than one week, a list of the names of the recipients of certificates issued during the previous week for passenger or truck tires shall be posted at the office of the Board for public inspection and shall be released to the press. This requirement shall not apply to certificates issued to Army, Navy or Government intelligence officers whose work requires secrecy.

SEC. 3.2 *Disposition of parts of certificates and receipts*—(a) *Certificates or receipts for tires, tubes or camelback.* A transferor of tires, tubes or camelback to whom a certificate is surrendered by an applicant or who receives an OPA Form R–12 (Revised) receipt shall complete all the parts thereof and dispose of them as follows:

(1) *Part A.* Part A of OPA Form R–2 (Revised) shall be retained by the transferor as his record; Part A of OPA Form R–12 (Revised) shall be sent to the Office of Price Administration, San Juan, within fifteen (15) days from the end of each calendar month in which deliveries have been made.

(2) *Part B.* Parts B of OPA Form R–2 (Revised) and OPA Form R–12 (Revised) not used for replenishment must be retained by the dealer as his record.

(3) *Part C.* Part C of OPA Form R–2 (Revised) shall, within three days of the date of transfer of the tires, tubes or camelback, be completed and sent to the issuing Board which shall retain it as its record. Part C of OPA Form R–12 (Revised) shall be retained by the transferor as his record.

(4) *Part D.* Part D of OPA Form R–2 (Revised) and OPA Form R–12 (Revised) shall be retained by the transferee as his record.

(b) *File of certificates and receipts.* Every dealer, manufacturer and warehouseman shall maintain a file of all certificates, receipts, or parts thereof which he is required to keep as his records.

(c) *Return of Parts B.* A recapper shall on or before the fifth day of each calendar month, surrender to the Director all Parts B of certificates for recapping service with passenger-type camelback received by him during the previous month.

SEC. 3.3 *Records and reports of transfers*—(a) *Records of transfers to and from dealers, manufacturers and warehousemen.* Every dealer, manufacturer and warehouseman shall keep true, accurate and complete records of all transfers of tires, tubes or camelback to or by him: *Provided,* That no records need be kept of transfers permitted by section 2.33 (e) relating to transfers for mounting or inspection. Such records shall show the serial number of the certificate or the receipt (if the transfer involved the use of a certificate or receipt); sales price; date of transfer; the name of the transferee and

(1) If tires, other than recapped tires, are transferred, the number, size, type and grade;

(2) If recapped tires are transferred, the number, size, type, and grade thereof and the type of camelback used in recapping the tires;

(3) If tubes are transferred, the number, type and size thereof;

(4) If camelback is transferred, the amount, type, and grade thereof; or

(5) If tires or tubes are transferred for repair, information sufficient to identify the ownership of the tires.

SEC. 3.4 *Inventories of sellers of tires, tubes and vehicles.* (a) Every person engaged in the business of selling or holding for sale tires, tubes, or vehicles, and every person extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle shall:

(1) At the close of business on the last day of each month take an inventory of all unmounted tires and tubes in his possession or control and keep a record thereof. Such inventory shall be based on a physical count.

(2) File a report on OPA Form PRR–17, in accordance with the instructions thereon, for each month, setting forth all unmounted tires and tubes in his possession or control on the last day of such month. A separate report for each establishment where tires or tubes are located, whether such establishment is used for purposes of sale or storage, shall be filed with the Director on or before the fifth day after the end of each month.

(3) File a report with the Director if the grade of any tire has been changed, setting forth the reasons for such change of grade, and shall not sell the tire until five days after the report has been filed.

SEC. 3.5 *Inventories and records of recappers and camelback dealers*—(a) *Monthly inventory.* Each recapper or camelback dealer shall at the close of business on the last day of each calendar month take an inventory of all recapped tires and all camelback in his possession or control and keep a record of his total production of recapped tires and the amount of camelback used in recapping tires during the preceding month. Such record shall also indicate the number of tires recapped which were owned by the recapper and the amount of camelback used in recapping such tires.

(b) *Record of transfers of molds.* Each recapper who transfers a mold among his premises shall keep records at both the premises from which and to which the mold is transferred showing the address of each such premises, the date of transfer, the serial number, and the recapping capacity of the mold.

(c) *Reports by recappers and repairers.* Each recapper and repairer shall file monthly reports with the Director, not later than the fifth day of the calendar month following the month covered by the report. Each report shall be prepared on OPA form No. PRR–18 in accordance with the instructions appearing thereon and shall contain the information required therein.

SEC. 3.6 *Preservation and filing of records.* (a) Any person affected by this Ration Order No. 1B shall keep and file such additional records and reports as the Director may require. Any record required by Ration Order No. 1B to be kept shall be preserved for not less than two years, except that records of transfers for repair need be preserved only while the tires or tubes to be repaired are in the possession of the repairer. Such records and any other records relating to tires, tubes, or camelback shall be available at all times for inspection by the Office of Price Administration.

SEC. 3.7 *Notice of legal proceedings.* (a) Every person holding a certificate, part of a certificate or authorization shall, immediately upon the commencement of any legal action or proceeding involving such certificate, part of a certificate or authorization, notify the Director.

SEC. 3.8 *Report of violations*—(a) *By any person.* Any person may report a violation of this Ration Order No. 1B to a Board or to the Director.

(b) *By a Board.* Whenever a board finds that an applicant has violated Section 2.35 (1), it shall immediately inform the Director of that fact in writing, transmitting all relevant documents with its report.

SEC. 3.9 *Decision of Board.* (a) After acting upon an application the Board shall, within three (3) days, notify the applicant of its decision and, if the application is denied in whole or in part, shall state the reasons for its decision.

Appeals and Enforcement

SEC. 3.10 *Who may appeal.* Any person whose application for a certificate, part of a certificate or authorization has been denied in whole or in part by the action of a board, may appeal from such action or from any other adverse decision of a board.

SEC. 3.11 *Procedure.* Except for proceedings arising out of 2.22 an appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9, and amendments thereto issued by the Office of Price Administration.

SEC. 3.12 *Criminal prosecution.* (a) Any person who knowingly falsifies an application or any other record, report or certificate made pursuant to or required by the terms of Ration Order No. 1B, or who otherwise knowingly furnishes false information to a board, inspector, or any other agent, employee or officer of the Office of Price Administration, or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 1B may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 1B may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

SEC. 3.13 *Suspension orders.* (a) Any person who violates this Ration Order No. 1B may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any tires, tubes, camelback or gasoline. Proceedings for the suspension orders shall be instituted and governed by the provisions of Procedural Regulation No. 4.[1]

Effective date. This ration order shall become effective July 12, 1943.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of July, 1943.

JAMES P. DAVIS,
Acting Director of the Office of Price Administration for Puerto Rico.

Approved:

WALLACE M. COHEN,
Acting Regional Administrator, Region IX.

[F. R. Doc. 43–11156; Filed, July 10, 1943; 12:26 p. m.]

[1] 8 F.R. 1744, 2035.

PART 1363—FEEDING STUFFS

[Rev. MPR 173]

WHEAT MILL FEEDS

Maximum Price Regulation No. 173 [1] is redesignated Revised Maximum Price Regulation No. 173 and is revised and amended to read as follows:

Prices of wheat mill feeds previously having been controlled by Maximum Price Regulation No. 173 issued June 30, 1942, this revised regulation seeks to reflect more clearly the differences in prices and transportation costs between areas which have appeared from a more complete study of the industry. In the judgment of the Price Administrator, the maximum prices established by this revised regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

The Administrator has considered all pertinent provisions of the Emergency Price Control Act of 1942, as amended, and has complied with all requirements thereof including the provisions of section 3 of this Act, as amended. The action taken in this Revised Maximum Price Regulation No. 173 is in compliance with Executive Order 9328.

The statement of the considerations involved in the issuance of this revised regulation has been simultaneously issued herewith and has been filed with the Division of the Federal Register.*

§ 1363.101 *Maximum prices for wheat mill feeds.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, Executive Order No. 9250, and Executive Order No. 9328, Revised Maximum Price Regulation No. 173 (Wheat Mill Feeds), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1363.101 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 173—WHEAT MILL FEEDS

ARTICLE I—SCOPE AND PROHIBITIONS OF THIS REVISED REGULATION

Sec.
1. Scope and geographic applicability of this revised regulation.
2. Heavy bran flakes exempt.
3. Prohibition against dealing in wheat mill feeds at prices above the maximum prices permitted hereunder.
4. Less than maximum prices.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

5. Definitions.
6. Meaning of sale at destinations.
7. Maximum prices for sales by millers (except as a wholesaler or retailer) of sacked wheat mill feeds shipped in carload quantities.
8. Maximum prices for sales by millers (except as a wholesaler or retailer) of sacked wheat mill feeds shipped in mixed cars, pool cars or any less than carload quantity.
9. Maximum prices for sales by jobbers of sacked wheat mill feeds.
10. Maximum prices for sales by wholesalers of sacked wheat mill feeds.
11. Maximum prices for sales by retailers of sacked wheat mill feeds.
12. Maximum prices for sales of wheat mill feeds shipped in bulk or in buyer's sacks.
13. Maximum prices for sales of bran specially prepared as a substrate for growing bacterial cultures.
14. Maximum prices for imported wheat mill feeds used in mixed feed.
15. Maximum prices for export sales.
16. Transportation rates.
17. Federal and State taxes including certain licenses or inspection fees.
18. Evasive practices.

ARTICLE III—MISCELLANEOUS PROVISIONS

19. Petitions for amendment.
20. Adjustable pricing.
21. Records and reports.
22. Enforcement.

Article I—Scope and Prohibitions of This Revised Regulation

SECTION 1. *Scope and geographic applicability of this revised regulation.* This revised regulation prescribes maximum prices for every sale of wheat mill feeds whether domestic or imported. For the purpose of determining a maximum price therefor, no distinction shall be made between sales of domestic or imported wheat mill feeds. This revised regulation shall be applicable to all sales of wheat mill feeds in the course of trade or business in the several states of the United States and the District of Columbia.

SEC. 2. *Heavy bran flakes exempt.* Sales of heavy bran flakes shall be exempt from the provisions of this revised regulation and of the General Maximum Price Regulation.

SEC. 3. *Prohibition against dealing in wheat mill feeds at prices above the maximum prices permitted hereunder.* On and after the effective date of this revised regulation, regardless of any contract, agreement or other obligation, no person shall sell, deliver, buy or receive wheat mill feeds in the course of trade or business at a price higher than the maximum price permitted hereunder, and no person shall agree, offer, solicit or attempt to do any of the foregoing. These maximum prices shall include and may not be increased by adding any duties, brokerages, commissions, storage, insurance, carrying charges, handling charges or any other charges, nor shall they be increased by any charges for the extension of credit.

SEC. 4. *Less than maximum prices.* Lower prices than those set forth as maximum prices hereunder may be charged, demanded, offered or paid.

Article II—Definitions, Maximum Prices and Terms of Sale

SEC. 5. *Definitions.* When used in Revised Maximum Price Regulation No. 173 the term:

"Applicable Missouri River rate break point" means the Missouri River rate break point from which the lowest railroad carload proportional rate for the transportation of wheat mill feeds applies to the railroad siding nearest to the buyer's receiving point.

"Bran for human consumption" means the wheat bran which is specially cleaned and prepared for use for human consumption.

"Carload quantity" means a shipment of one or more wheat mill feeds of 60,000 pounds or more.

"Heavy bran flake" means the special wheat product for human consumption which has a substantial quantity of the endosperm clinging to the bran, with the result that the crude fibre content does not exceed 7 percent.

"Jobber" means a person who buys and resells wheat mill feeds to any person other than a feeder or ultimate user without unloading into a warehouse.

"Less than carload quantity" means a quantity of less than 60,000 pounds other than a railroad mixed or pool car shipment.

"Missouri River rate break point" means any city and its switching limits along the Missouri River, Kansas City and northward, at which railroad rates change to proportional rates for eastbound railroad traffic.

"Mixed car shipment" means a shipment in carload quantity to a single buyer composed in part of wheat mill feeds and in part of products other than wheat mill feeds; *Provided,* That any shipment from a flour mill which contains 30,000 pounds or more of wheat mill feeds shall be considered a carload quantity and only the carload price shall be charged on such mill feed.

"Person" includes any individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any other Government, or any other political subdivisions, or any agency of any of the foregoing.

"Pool car shipment" means a shipment in carload quantity of two or more less-than-carload lots to two or more buyers combined for the purpose of obtaining the carload rate.

"Retailer" means a person selling wheat mill feeds to a feeder or other ultimate user. It includes a miller selling wheat mill feeds to a feeder or other ultimate user whether from mill where produced or as a separate place of business and not located at his mill.

"Transportation charges actually incurred" means:

(i) Where the carrier is not owned or controlled by the seller, the amount paid by him to the carrier not exceeding any applicable common or contract carrier rate for a like service, or any applicable maximum price prescribed by the Office of Price Administration for such service. The said amount may include the 3 per cent tax provided for in Section 620 of the Revenue Act of 1942.

(ii) Where the carrier is owned or controlled by the seller, the reasonable value of the transportation in question, not exceeding the common or contract carrier rate, if any, or any maximum price prescribed by the Office of Price Administration for a like service if performed by a person other than the seller.

(iii) Except where loading or unloading charges have heretofore been included in transportation charges, no charges may be included in addition to such transportation charges for the loading or unloading of the commodity.

"Wheat germ" and "wheat germ meal" means those products of milling wheat

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5034, 8948, 9428.

which contain more than 25 per cent protein and 9 per cent fat.

"Wheat germ oil cake" and "wheat germ oil meal" means the cake and meal secured in the removal of part of the oil from commercial wheat germs and shall contain not less than 29 per cent of protein.

"Wheat mill feeds" means all the products of milling wheat except heavy bran flakes and the following commodities which shall remain subject to the provisions, exceptions, and other terms of the General Maximum Price Regulation, Maximum Price Regulation No. 296 or any other regulation to which they are now so subject.

(i) Flour from wheat.

(ii) Farina and semolina.

(iii) Wheat germ and wheat germ meal.

(iv) Wheat germ oil cake and wheat germ oil meal.

(v) Bran for human consumption.

(vi) Ground wheat.

"Wholesaler" means a person who buys wheat mill feeds, unloads it into a warehouse and resells same to any person other than a feeder or other ultimate consumer. It includes a miller who unloads wheat mill feeds into a warehouse operated as a separate place of business and not located at his mill and who sells same to any person other than a feeder or other ultimate consumer.

SEC. 6. *Meaning of sale at destinations.* This regulation in speaking of sales or purchases at a given destination means that the purchaser shall receive manual delivery of the wheat mill feed in question at that destination. If the wheat mill feed in question is physically located at said destination at the time of sale, and there delivered to said purchaser (sometimes referred to as a sale f. o. b. said destination), the purchaser may thereafter arrange and pay (in addition to the maximum price for the wheat mill feed at said destination) for its transportation elsewhere; and the purchaser may engage the seller as his agent to procure such transportation. If the wheat mill feed in question is not physically located at said destination at the time of the sale, the maximum price shall include and cover all transportation charges required to effectuate such a delivery of said wheat mill feed to the purchaser at said destination. Thus, if the buyer pays the seller the full maximum price, the seller must pay all said transportation charges required to effectuate such a delivery to said purchaser at said destination; and if he does not, he has violated this regulation. If the buyer pays any part of said transportation charges required to effectuate such a delivery as aforesaid, all said transportation charges so paid by the buyer must be deducted from the said maximum price to determine the amount the seller may actually receive in such a case; and if such deduction is not made, there has been a violation of this regulation.

SEC. 7. *Maximum prices for sales by millers (except as a retailer or wholesaler) of sacked wheat mill feeds shipped in carload quantities.* The maximum price for the sale of wheat mill feeds, sacked, and shipped in carload quantities, by millers (except as a retailer or wholesaler) shall be as follows:

(a) At destinations in the following cities or the switching limits thereof, the maximum price shall be:

	Per ton
(1) Kansas City, Mo. or other Missouri River rate break points	$36.50
(2) Minneapolis, Minn	37.75
(3) Seattle, Wash	36.50
(4) Portland, Oreg	36.50

(b) At destinations within those areas described hereafter in this paragraph (b), the maximum price is a base price plus, where specified, an allowance for rail transportation. The maximum price may include this rail allowance regardless of whether or not expended.

(1) At destinations within Arkansas and all states east of the Mississippi River with the exception of Louisiana, Minnesota, Wisconsin and the northern peninsula of Michigan, the maximum price shall be $36.50 per ton plus the charge at the lowest domestic railroad carload proportional rate from the applicable Missouri River rate break point to destination.

(2) At destinations in Missouri other than at Kansas City, Missouri, the maximum price shall be:

(i) At destinations in railroad rate Group A, $37.50 per ton; in railroad rate Groups B, C, D and M, $38.00 per ton; in railroad rate Groups E, J, J–1, and K and at Dunn and Cabool, $39.00 per ton.

The railroad rate groups named above are those set forth in Southwestern Lines Freight Tariff No. 186 series.

(ii) At all other destinations in Missouri, the maximum price shall be $36.50 per ton, plus the charge at the lowest railroad carload proportional rate from Kansas City, Missouri to destination.

(3) At destinations in Texas and Louisiana, the maximum price shall be $34.95 per ton, plus the charge at the lowest domestic railroad carload proportional rate from Enid, Oklahoma to destination.

(4) At destinations in Oklahoma, the maximum prices shall be as follows:

(i) At destinations on or north of the main line of the Chicago, Rock Island and Pacific Railway Company which runs easterly across Oklahoma from Shamrock, Texas to Hartford, Arkansas, the maximum price shall be $38.00 per ton.

(ii) At destinations south of the line described in (i) above, the maximum price shall be $39.00 per ton.

(5) At destinations in Kansas, the maximum price shall be determined as follows:

(i) East of a line drawn along the eastern boundaries of Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa and Comanche Counties, except the Counties of Linn, Anderson, Allen, Bourbon, Crawford, Neosho, Labette, and Cherokee, the maximum price shall be $36.50 per ton.

(ii) Within Linn, Anderson, Allen, Bourbon, Crawford, Neosho, Labette and Cherokee Counties, the maximum price shall by $37.50 per ton.

(iii) West of the line named in (i) in this subparagraph, except Cheyenne, Rawlins, and Decatur Counties, the maximum price shall be $38.00 per ton.

(iv) At destinations in Cheyenne, Rawlins and Decatur Counties, the maximum price shall be $38.50 per ton.

(6) At destinations in Nebraska the maximum prices shall be determined as follows:

(i) Within the area bounded on the north and west by and including Douglas, Dodge, Halifax, Platte, Boone, Greely, Garfield, Valley, Sherman, Buffalo, Kearney and Franklin Counties, the maximum price shall be $36.50 per ton.

(ii) Within the area north of that described in (i. of this subparagraph and bounded on the west by and including Boyd and Holt Counties, the maximum price shall be $37.50 per ton.

(iii) Within Scotts Bluff, Banner, Kimball, Box Butte, Morrill, Cheyenne and Deuel Counties, the maximum price shall be $39.00 per ton.

(iv) Within the remaining counties of this state not included in (i), (ii) and (iii) of this subparagraph, the maximum price shall be $38.50 per ton.

(7) At destinations in South Dakota, the maximum price shall be $37.75 per ton.

(8) At destinations in North Dakota, the maximum price shall be $35.75 per ton.

(9) At destinations in Montana, the maximum prices shall be determined as follows:

(i) At destinations in and east of Phillips, Garfield, Rosebud and Powder River Counties, except destinations on the Chicago, Milwaukee, St. Paul and Pacific Railroad in Rosebud and Custer Counties west of Miles City, the maximum price shall be $33.95 per ton, plus the charge at the highest carload railroad rate on wheat mill feeds applicable from Sydney, Montana to the destination.

(ii) At destinations west of the territory described in (i) of this subparagraph and including stations on the Chicago, Milwaukee, St. Paul and Pacific Railroad in Rosebud and Custer Counties west of Miles City, the maximum price shall be $32.55 per ton plus the lowest charge produced by using the highest carload rail rate on wheat mill feeds applicable from Great Falls or from Billings, Montana to the destination.

(10) At destinations in Wyoming, the maximum prices shall be as follows:

(i) South of the northern boundary of Teton, Freemont, Natrona, Converse and Niobrara Counties, except in Lincoln and Uinta Counties, the maximum price shall be $34.50 per ton plus the charge at the flat carload rail rate from Sterling, Colorado via Denver to the destination.

(ii) In Lincoln and Uinta Counties, the maximum price shall be $36.30 per ton plus the charge at the lowest carload transit balance rail rate from Ogden, Utah to the destination applicable on billing originating at Bancroft, Idaho.

(iii) North of the line described in (i) of this subparagraph, the maximum price shall be $32.55 per ton plus the charge at the lowest flat carload rail rate from Billings, Montana to the destination.

(11) At destinations in Colorado the maximum prices shall be as follows:

(i) At destinations on and east of the line of the Colorado and Southern Rail-

way which runs from Cheyenne, Wyoming to Fort Collins, Longmont and Boulder, Colorado to Denver including all points on branch rail lines west of this line in Larimer and Boulder Counties, and on and north of the line of the Union Pacific Railroad from Denver to the Kansas border near Chemung, Colorado, the maximum price shall be $38.00 per ton.

(ii) At destinations on and east of the line of the Atchison, Topeka and Santa Fe Railway from, but not including, Denver to Pueblo, and on and east of the Denver and Rio Grande Western Railway from Pueblo and Trinidad, and on and east of the Atchison, Topeka and Santa Fe Railway from Trinidad to the New Mexico border, and south of the line of the Union Pacific from, but not including, Denver to the Kansas border, near Chemung, Colorado the maximum price shall be $40.00 per ton.

(iii) At all other points in Colorado, the maximum price shall be $34.50 per ton plus the charge at the lowest flat carload railroad rate from Sterling, Colorado via Denver to the destination.

(12) At destinations in New Mexico, the maximum prices shall be determined as follows:

(i) On and east of the line of the Chicago, Rock Island and Pacific Railway which runs from Dalhart, Texas, to Tucumcari, New Mexico, and thence on and east of the line of the Southern Pacific Company to El Paso, Texas, the maximum price shall be $34.95 per ton plus the charge at the lowest flat carload rail rate from Enid, Oklahoma, to destination.

(ii) At all other destinations in New Mexico, the maximum price shall be $34.50 per ton plus the charge at the lowest flat carload rail rate from Sterling, Colorado to destination.

(13) At destinations in Arizona, the maximum price shall be $34.50 per ton plus the charge at the lowest flat carload railroad rate from Sterling, Colorado to the destination.

(14) At destinations in California the maximum price shall be determined as follows:

(i) At destinations located on or north of the line drawn as follows: From a point on the Pacific Coast due west from Los Gatos in a straight line to Los Gatos and thence in a straight line to San Martin; from San Martin along the line of the Southern Pacific Lines to San Jose and thence to Niles; from Niles in a straight line to Vernales; from Vernales in a straight line to Lathrop; from Lathrop along the line of the Southern Pacific Lines to Turlock; from Turlock in a straight line to Denair; thence along the main line of the Atchison, Topeka and Santa Fe Railway from Denair to Riverbank; from Riverbank along the line of the Sierra Railway Company of California to Tuolumne; from Tuolumne in a straight line due east to the Nevada border, with the exception of Colusa and points located on or adjacent to the main line of the Northwestern Pacific Railroad Company north of Santa Rosa, the maximum price shall be $36.50 per ton, plus the charge at the lowest railroad transit balance rate applicable from Seattle, Washington, to the destination on transit billing originating at Spokane, Washington.

(ii) At destinations located south of the line described in (i) above, and including Colusa and points located on or adjacent to the main lines of the Northwestern Pacific Railroad Company as described in (i) above, the maximum price shall be $36.50 per ton, plus the charge at the lowest carload railroad transit balance rate applicable from Seattle, Washington to destination on transit billing originating at Havre, Montana; *except*, that at destinations located on the line of the Southern Pacific Line from Mojave, but not including Mojave, as follows: Mojave to Searles and thence to Laws and from Searles to Trona, there may be added to the maximum price at Mojave the charge at the lowest railroad carload rate from Mojave to destination.

(15) At destinations in Utah and Nevada, the maximum price shall be $36.30 per ton plus the lower of the charges resulting from the use of the flat carload rail rate from Ogden, Utah, to destination or the carload transit balance rail rate applicable from Ogden, Utah to destination on billing originating at Bancroft, Idaho.

(16) At destinations in Washington and Oregon, the maximum prices shall be:

(i) West of a line drawn along the line of the Great Northern Railway from the Canadian border through Oroville to, but not including, Trinidad and thence along the west bank of the Columbia River to a point due east of Leslie, thence in a straight line to Leslie, thence in a straight line to Erie, thence in a straight line to Plymouth, thence westerly along the Columbia River to the western boundary of Umatilla County, Oregon, thence southward along the western boundaries of Umatilla, Grant and Harney Counties to the California border, and including all points on this line, the maximum price shall be $31.30 per ton plus the charge at the lowest flat carload rail rate from Spokane, Washington to the destination.

(ii) East of a line drawn along the Great Northern Railway from the Canadian border through Oroville to Trinidad, and thence along the east bank of the Columbia River to its junction with the Snake River and thence easterly along the north bank of the Snake River to the Idaho border, and including all points on this line except points west and north of Trinidad on the Great Northern Railway, the maximum price shall be $34.50 per ton.

(iii) At destinations in Walla Walla, Columbia, Garfield and Asotin Counties in the State of Washington, the maximum price shall be $35.30 per ton.

(iv) At destinations in Oregon on and north of the lines of the Union Pacific Railroad from Umatilla through Hinkle, Pendleton, Athena and Freewater to the Washington border, the maximum price shall be $35.30 per ton.

(v) At destinations in Oregon in Umatilla County except that portion of Umatilla County described in (iv) above, in Union, Wallowa and Baker Counties and in Grant County on the line of the Sumpter Valley Railroad from Baker to Bates, the maximum price shall be $31.30 per ton, plus the charge at the lowest flat carload rail rate from Spokane to the destination.

(vi) At destinations in Oregon in Grant County except that portion of Grant County described in (v) above, and in Harney and Malheur Counties, the maximum price shall be $36.30 per ton, plus the charge at the lowest carload transit balance rail rate from Ogden, Utah on billing originating at Bancroft, Idaho.

(17) At destinations in Idaho, the maximum prices shall be:

(i) North of the southern boundary of Idaho County, the maximum price shall be $35.30 per ton.

(ii) South of the southern boundary of Idaho County, the maximum price shall be $36.30 per ton.

(18) At destinations in Minnesota, except Minneapolis, the maximum prices shall be:

(i) Within the area bounded on the east and south by the main line of the Minnesota and International Railway Company from International Falls to Brainerd, thence along the line of the Northern Pacific Railway to Minneapolis, thence westerly along the line of the Chicago, Milwaukee, St. Paul and Pacific Railroad to Granite Falls, thence southwesterly along the line of the Great Northern Railway Company to the South Dakota border near Jasper, Minnesota, including all points on the lines of the Great Northern Railway Company and of the Northern Pacific Railway mentioned above, but not including points on the lines of the Minnesota and International Railway and the Chicago, Milwaukee, St. Paul and Pacific Railroad, the maximum price shall be $37.75 per ton.

(ii) At all other destinations in Minnesota not included in the area in (i) above, the maximum price shall be $37.75 per ton, plus the charge at the lowest carload intrastate proportional rail rate from Minneapolis to the destination.

(19) At destinations in Wisconsin and Iowa, and in the northern peninsula of Michigan, the maximum price shall be $37.75 per ton plus the charge at the lowest rail carload proportional rate from Minneapolis, Minnesota, or $36.50 per ton plus the charge at the lowest rail carload proportional rate from the applicable Missouri River rate break point to destination, whichever is less.

(b) The foregoing maximum prices may be increased, where the destination is not a rail point, by transportation charges actually incurred by the miller from the nearest rail point to said destination.

SEC. 8. *Maximum prices for sales by millers (except as a wholesaler or retailer) of sacked wheat mill feeds shipped in mixed cars, pool cars or any less than carload quantity.* (a) The maximum price for the sale of wheat mill feeds, sacked, in mixed cars or pool cars by millers (except as a wholesaler or retailer) shall be the maximum price for a sale in carload quantities at a like destination as set forth in section 7 hereof plus $1.00 per ton.

(b) The maximum price for the sale of wheat mill feeds, sacked, in any less than carload lot quantity, by a miller (except as a wholesaler or retailer) shall be the maximum price for a sale, in carload quantities, sacked, with the mill where produced as the destination, as set forth in Section 7 hereof, plus $1.00 per ton plus transportation charges actually incurred by the seller from said mill to the actual destination, that is, his buyer's receiving point.

SEC. 9. *Maximum prices for sales by jobbers of sacked wheat mill feeds.* (a) The maximum price for sales of wheat mill feeds, sacked and shipped in carload quantities or mixed cars by a jobber shall be 50 cents per ton above the maximum price for a like sale of a like quantity at a like destination by a miller as set forth in sections 7 or 8 hereof.

(b) The maximum price for sales of wheat mill feeds, sacked and shipped in less than carload quantities or in pool cars by a jobber shall be $1.00 per ton above the maximum price for a like sale of a like quantity at a like destination by a miller as set forth in section 8 hereof.

SEC. 10. *Maximum prices for sales by wholesalers of sacked wheat mill feeds.* The maximum price for the sale of wheat mill feeds, sacked, by a wholesaler shall be $2.50 per ton over the maximum price for a sale in carload quantities by a miller (or a jobber if purchased from a jobber) at wholesaler's warehouse as the destination as above set forth plus the transportation charges actually incurred by the wholesaler from his said warehouse to the destination, that is, his buyer's receiving point.

SEC. 11. *Maximum prices for sales by retailers of sacked wheat mill feeds.* (a) The maximum price for the sale of wheat mill feeds, sacked, by a retailer shall be $4.00 per ton maximum markup over the maximum price which could lawfully have been paid the miller, jobber, or wholesaler for the quantity purchased or delivered by said persons to said retailer at retailer's store or place of sale as the destination as above set forth (from out of which lot the sale or delivery to the retailer's customer is made) plus the transportation charges actually incurred by the said retailer from his said store or place of sale to the destination, that is, his buyer's receiving point.

(b) Paragraph (a) of this section shall have no application to a sale by a miller as a retailer from his mill where the wheat mill feeds in question were produced. For such a sale, the maximum price shall be $1.00 per ton maximum markup for sales in carload quantities and $4.00 per ton maximum markup for sales in less than carload quantities over said miller's maximum price for sales in carload quantities sacked, at said mill where produced as the destination as above set forth, plus transportation charges actually incurred by said seller from his said mill to the destination, that is, his buyer's receiving point.

SEC. 12. *Maximum prices for sales of wheat mill feeds shipped in bulk or in buyer's sacks.* (a) The maximum price of any seller for the sale of wheat mill feeds in bulk shall be the maximum price in sacks as set forth in this regulation, less the customary differential used for bulk sales on July 3, 1942.

(b) The maximum price of any seller for the sale of wheat mill feeds in buyer's sacks shall be the maximum price in sacks above set forth less the customary differential used for sales in buyer's sacks on July 3, 1942.

SEC. 13. *Maximum prices for sales of bran specially prepared as a substrate for growing bacterial cultures.* The maximum price for any sale by any person of bran specially selected and prepared for use as a substrate for the growing of bacterial cultures shall be the maximum price for a like sale of wheat mill feeds at a like destination by a miller in carload quantities, sacked, as set forth in section 7 hereof, plus $3.00 per ton.

SEC. 14. *Maximum prices for imported wheat mill feeds used in mixed feed.* Any person importing wheat mill feeds for use in mixed feed produced by him shall in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry calculate his "cost" of any wheat mill feeds so imported and used by him at the maximum price thereof to him as if purchased from a domestic miller in carload quantities with his production plant as the destination.

SEC. 15. *Maximum prices for export sales.* For export shipments the maximum prices shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[2] For the purpose of determining maximum prices in accordance with the Second Revised Maximum Export Price Regulation, the maximum domestic prices shall be the maximum prices for a sale computed hereunder as if the Port of Exit were the destination.

SEC. 16. *Transportation rates.* Wherever in this revised maximum price regulation wheat mill feed prices are determined by adding a rail transportation charge to a basic price, that rail transportation charge shall be calculated by using the rail rates in effect prior to May 15, 1943, until (a) August 1, 1943, for maximum prices which include a rail transportation charge from Enid, Oklahoma; Kansas City, Missouri; Missouri River Rate break points; Sterling, Colorado; and Ogden, Utah; (b) September 1, 1943, for prices including a rail transportation charge from Minneapolis, Minnesota; Billings or Great Falls, Montana; Spokane, Washington, and Seattle, Washington. Thereafter the rates then applicable shall be used in calculating maximum prices.

SEC. 17. *Federal and State taxes including certain licenses or inspection fees.* (a) Any tax upon or incident to the sale, delivery, processing or use of wheat mill feeds including license or inspection fees levied on a tonnage basis imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof shall be treated as follows in determining the seller's maximum price for wheat mill feeds, and in preparing the records of such seller with respect thereto: if at the time the seller determines his maximum price, the statute or ordinance imposing the tax does not prohibit the seller from stating and collecting the tax separately from the purchase price and the seller does state it separately, the seller may collect in addition to the maximum price, the amount of tax or fee actually paid by him or an amount equal to the amount of tax or fee paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

(b) This section shall have no application to the 3 per cent transportation tax mentioned in section 620 of the Revenue Act of 1942 and provided for in section 5 of this regulation.

SEC. 18. *Evasive practices.* The price limitations set forth in Revised Maximum Price Regulation No. 173 shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to wheat mill feed, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

Article III—Miscellaneous Provisions

SEC. 19. *Petitions for amendment.* Persons seeking any modification of this Revised Maximum Price Regulation No. 173 may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 [3] issued by the Office of Price Administration.

SEC. 20. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 21. *Records and reports.* (a) Every person making a sale or purchase of wheat mill feeds in the course of trade or business after July 3, 1942 except sales at retail and sales of bran for human consumption or heavy bran flakes, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records and documents of such sales and purchases including the date thereof, name of the seller and purchaser, price paid or received, buyer's receiving point and the quantity of wheat mill feed sold or purchased.

(b) Persons affected by Revised Maximum Price Regulation No. 173 shall submit such records to the Office of Price Administration as it may from time to time require.

SEC. 22. *Enforcement.* Persons violating any provisions of Revised Maximum Price Regulation No. 173 are subject to the criminal penalties, civil enforcement actions, licenses suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942 as amended.

This Revised Maximum Price Regulation No. 173 shall become effective July 16, 1943.

NOTE.—The reporting and record keeping provisions of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 48-11155; Filed, July 10, 1943; 12:26 p. m.]

[2] 8 F.R. 4132, 5987, 7662.

[3] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

PART 1383—SHOES AND SHOE FINDINGS

[MPR 420,[1] Amdt. 1]

HARDWOOD HEEL BLOCKS AND FINISHED HARDWOOD HEELS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 3 (c) (1) is amended by inserting in the table after Cuban fancy 10/8–17 1/2/8 inches the following item:

Style	Price (per pair)		
	Column I	Column II	Column III
Cuban Fancy 18/8—21/8 inches	$.14	$.1475	$.205

This amendment shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11157; Filed, July 10, 1943; 12:26 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9331.

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 27]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 2.11 (e) is added to read as follows:

(e) Any establishment (other than one whose sales were principally by mail order) whose sales of shoes to consumers for ration currency during the period from February 7, 1943 to April 10, 1943, inclusive, exceeded its other transfers of rationed shoes during that period may transfer shoes as non-rationed under this paragraph in accordance with the following provisions:

(1) Such transfers in any of the following classes shall not exceed the applicable stated percentage of the number of pairs of shoes within the same class which the establishment had in its inventory on April 10, 1943 (as reported on OPA Form R–1701) reduced by the number of pairs of shoes within that class which the establishment had in its inventory at the close of business on July 6, 1943 of types which were released from rationing control by Amendment No. 25, to this order.

	Percent
Class I—Men's dress shoes, men's work shoes, youths' and boys' shoes	1
Class II—Women's shoes	4
Class III—Misses', Children's and Infants' shoes	2
Class IV—All other rationed footwear	2

(2) Shoes may be transferred as non-rationed under this paragraph only to consumers and only during the period from July 19 to July 31, 1943, inclusive.

(3) The sale price of each pair so transferred may not exceed a price ten percent above the price paid for the shoes by the owner of the establishment, or, if such price cannot be ascertained or the shoes were made by the owner of the establishment, a price twenty-five percent below the establishment's regular retail selling price for the shoes on July 1, 1943.

(4) When such shoes are offered for sale in any notice or advertisement, they shall be referred to as "OPA Odd Lot Release."

(5) Shoes so transferred shall be marked "Odd Lot" after the sale to the consumer but before they are removed from the establishment. The mark shall be written or stamped on one shoe of each pair with ink, indelible stamp, or indelible pencil.

(6) The restrictions on the percentage of shoes within each class that may be transferred as non-rationed under this paragraph do not apply to shoes acquired as non-rationed shoes from another establishment pursuant to section 2.11 (f).

2. Section 2.11 (f) is added to read as follows:

(f) Any establishment not eligible for relief under paragraph (e) above, may transfer shoes as non-rationed pursuant to the following provisions:

(1) Application shall be made in writing to the district office for permission to mark shoes non-rationed. Only one application may be made for an establishment.

(2) The application need not be in any prescribed form but the applicant shall furnish: a copy of its inventory Form R–1701 as of April 10, 1943, with a statement of the number of pairs of shoes of the establishment in each class specified in section 2.11 (e) (1) which were released from rationing control by Amendment No. 25 to this order; a statement of the number of pairs of shoes in each class which it desires to transfer as non-rationed under this paragraph; and all other information needed to establish the eligibility of the applicant under this paragraph including, where necessary, a statement of its volume of sales of shoes on mail orders.

(3) Such transfers in any class shall not exceed the maximum amount specified for that class by paragraph (e) (1) above.

(4) The district office, if satisfied that the establishment is eligible, shall issue to it the number of non-rationed stickers, Form R–1711, requested, but not more than the maximum number of pairs of shoes within each class permitted to be transferred by the applicant as non-rationed. The district office (or the applicant if required by the district office) shall write on each sticker the class number for which the sticker may be used, the letters "O. L.", and a code number assigned by the district office. Such stickers shall be affixed to one shoe of each pair before the shoes are offered for sale or transferred as non-rationed shoes. A sticker may be affixed only to a shoe of the same class as that designated on the sticker.

(5) Shoes marked in accordance with this paragraph may be transferred as non-rationed by and to any person at any time on or after July 19, 1943.

(6) The price at which such shoes may be sold to any buyer by the establishment securing the permission to mark them non-rationed may not exceed the price paid for the shoes by the owner of the establishment or, if such price cannot be ascertained or the shoes were made by the owner of the establishment, a price twenty-five percent below the establishment's regular selling price for the shoes on July 1, 1943 to a buyer of the same class. If such non-rationed shoes are transferred directly or indirectly to another establishment owned by the same person, the sale price of the shoes by the establishment acquiring them as non-rationed shall not exceed ten percent mark-up on the sale price permitted to be charged by the estab-

[1] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3953, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 6046, 6667, 7198, 7261, 8061, 8064, 8857, 8601, 9062.

lishment marking the shoes as non-rationed.

(7) When such shoes are offered for sale in any notice or advertisement, they shall be referred to as "OPA Odd Lot Release."

3. Section 2.13 (b) (4) is amended by adding at the end thereof the following:

and, a record of the shoes marked and transferred as non-rationed pursuant to section 2.11 (e) or 2.11 (f) showing, for each pair, the name and address of the buyer, the date of transfer, the type, style number, and selling price;

This amendment shall become effective July 19, 1943.

NOTE: The reporting and record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W.P.B. Directive 1, 7 F.R. 562, Supplementary Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11158; Filed, July 10, 1943; 12:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 55 Under § 1499.3 (b) of GMPR]

MANUFACTURERS OF COMMERCIAL REFRIGERATION EQUIPMENT

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1993 *Authorization of maximum prices of reconditioned and rebuilt parts and subassemblies not sold or delivered during March 1942 for commercial refrigeration equipment.* (a) Specific authorization is hereby given to manufacturers of commercial refrigeration equipment to determine maximum prices of such reconditioned and rebuilt parts or subassemblies which were not sold or delivered during March 1942 where such maximum prices cannot be determined under § 1499.2 of the General Maximum Price Regulation, according to the methods set forth in (b) below:

(b) *Maximum prices.* The maximum prices for the sale and delivery of reconditioned and rebuilt parts or subassemblies covered by this Order No. 555 shall not be more than (1) 75% of the presently established list price of an equivalent new part or subassembly, or (2) 75% of the presently established net price of an equivalent new part or subassembly where such equivalent new part or subassembly has no presently established list price.

(c) *Discounts and services.* The maximum prices established under (b) above shall be subject to the same extension of discounts and the same rendition of services which the manufacturer extended or rendered or would have extended or rendered on comparable sales of equivalent new parts or subassemblies to purchasers of the same class on March 1, 1942.

(d) *Transportation.* All sales made under this Order No. 555 shall be f. o. b. point of shipment.

(e) *Definitions.* (1) For the purpose of this Order No. 555 the term "rebuilt or reconditioned part or subassembly" means a part or subassembly (i) in which all worn or missing components which should have been replaced or repaired for satisfactory operation have been replaced or repaired, (ii) which will give substantially the equivalent performance to that of an equivalent new part or subassembly, (iii) which carries a binding written guarantee of satisfactory operation for a period of 90 days or more, and (iv) which is expressly invoiced as a rebuilt or reconditioned part or subassembly.

(2) The term "commercial refrigeration equipment" includes but is not limited to compressors under 25 horsepower; coils and fancoils regardless of size, such as unit coolers, evaporating condensers; drinking water coolers; and evaporators.

(f) *Reports.* All sellers subject to the provisions of this Order No. 555 shall submit such reports as the Office of Price Administration shall at any time request subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective June 25, 1943.

Issued this 24th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11168; Filed, June 25, 1943; 9:58 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 426, Amdt. 1]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register*

Maximum Price Regulation No. 426 is amended in the following respects:

1. Appendix C, entitled "Maximum Prices for Fruits and Vegetables Based on Maximum Prices, F. O. B. Country Shipping Point" is added to Article III, section 15, to read as set forth below:

APPENDIX C

MAXIMUM PRICES FOR FRUITS AND VEGETABLES BASED ON MAXIMUM PRICES F. O. B. COUNTRY SHIPPING POINT

(a) This appendix establishes maximum prices for certain fruits and vegetables, f. o. b. country shipping point. For these commodities, the maximum prices for carlot or truck-lot sales at any wholesale receiving point and the maximum prices for less-than-carlot or less-than-truckiot sales in any market are computed respectively from the maximum price, f. o. b. country shipping point, by the addition of the cost of transportation (including refrigeration and other protective services) and a stipulated dollar-and-cent markup.

(b) When used in this regulation, the term:

(1) "Country shipping point" means a farm or other place in or near the producing area from which fruits and vegetables are sold, shipped, delivered or otherwise transferred to any person, or at which fruits and vegetables are prepared for sale, shipment, delivery, or other transfer to any person. "Prepared" means, for example, loading, sacking, grading, sizing or harvesting.

(2) "Cost of transportation" means:

(i) If shipment is by a common carrier whose maximum rates and charges are regulated by the Interstate Commerce Commission or other Federal or State regulatory body, the amount actually paid to the carrier, in conformance with its lawfully established rates and charges, including charges for pre-cooling, icing and other protective or accessorial services actually performed. Any allowance made by the carrier to a shipper or consignee for performing pre-cooling or other services may, nevertheless, be included in "cost of transportation" and may be retained by the person performing the services for which the allowance is made. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(ii) If shipment is by a carrier for hire othe than a common carrier (such as a contract carrier) the amount actually paid to the carrier but not in excess of the maximum charges as determined by the General Maximum Price Regulation, amendments, and supplementary regulations thereto, or such other regulations of the Office of Price Administration as may be applicable to the services of such carrier at the time of movement. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(iii) If shipment is by a carrier other than described in (i) and (ii) above (such as an unregulated common carrier or a private carrier) the amount actually paid to the carrier but not in excess of an amount computed by applying to the actual weight of the shipment the lowest published rail carload rate between the rail stations nearest to the points of origin and destination plus rail charges for protective and accessorial services if equivalent services are performed. If the shipment is less than 20,000 pounds, an additional charge of 2 cents per 100 pounds may be made, *Provided:* That the total charge for a shipment of less than 20,000 shall not exceed the charge for a shipment of 20,000 pounds. In applying rail accessorial and protective charges which are stated in amounts per car, the per car charge may be made against a shipment of 20,000 pounds or more moving in a single conveyance, but only the proportion of such per car charge which the weight of the shipment bears to 20,000 pounds, may be made against a shipment of less than 20,000 pounds. When pre-cooling or icing, not included in the carrier's rates and charges, is performed by or for account of the shipper, the cost of this service, but not to exceed maximum prices prescribed by Maximum Price Regulation No. 165, may be added. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, may be added, if the shipment is subject to that tax.

(iv) If shipment is by a means owned or controlled by the seller an amount not in excess of the lowest of the rates mentioned in (i), (ii), or (iii) above, available to the seller. The amount of the transportation

*Copies may be obtained from the Office of Price Administration.

tax imposed by section 620 of the Revenue Act of 1942, may be added if the shipment is subject to that tax.

(c) The first person (including a grower) and every person thereafter who makes sales of any of the fruits or vegetables covered by this Appendix C shall notify his purchaser on his invoice or other written evidence of the sale the exact amount of the "cost of transportation" as defined herein.

(d) The maximum prices for sales of red sour cherries shall be as follows:

Column 1	Column 2	Column 3
Maximum prices per pound, f. o. b. country shipping point.	Maximum prices per pound, for carlot or trucklot sales at any wholesale receiving point.	Maximum prices for less than carlot or less than trucklot sales to any person other than ultimate consumers.
10 cents per pound.....	10 cents per pound plus "cost of transportation" as defined above.	10 cents per pound plus "cost of transportation" as defined above, plus 1½ cents per pound.

2. The effective date of Maximum Price Regulation No. 426 is amended to read as follows:

This regulation shall become effective July 10, 1943 as to Appendix C of Article III, section 15, and on July 20, 1943 as to Articles I through III except Appendix C of Article III, section 15.

This amendment shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved: July 9, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11164; Filed, July 10, 1943; 4:41 p. m.]

PART 1410—WOOL

[MPR 163,[1] Amdt. 13]

WOOLEN AND WORSTED CIVILIAN APPAREL FABRICS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1410.102a (a) is amended to read as follows:

(a) The maximum price for a manufacturer's special sales to retail stores shall be the sum of:

(1) The manufacturer's maximum price for sales of the particular fabric to jobbers or cutters, determined pursuant to § 1410.102; plus

(2) The amount resulting from multiplying the maximum price for sales of the fabric to jobbers or cutters by the percentage figure representing the amount by which the manufacturer's average selling price for special sales to retail stores exceeded his average selling price for other sales during the calendar year 1941: *Provided,* That in no event shall the manufacturer's maximum price for special sales to retail stores exceed his maximum price for sales of the fabric to jobbers or cutters, determined pursuant to § 1410.102, divided by the division factor .85.

The percentage figure representing the amount by which the manufacturer's average selling price for special sales to retail stores exceeded his average selling price for other sales during the calendar year 1941 shall be determined with reference only to those woolen or worsted apparel fabrics of which the manufacturer, during that period, made special sales to retail stores as well as sales to jobbers or cutters, and shall be computed in the following manner:

STEP 1: Segregate from total 1941 sales of woolen and worsted apparel fabrics, all sales of those styles of fabrics with respect to which special sales to retail stores as well as sales to jobbers or cutters were made during the calendar year 1941.

STEP 2: Determine the total amount received for each individual style of fabric from special sales to retail stores during the calendar year 1941 and divide by the number of yards of such style sold in special sales to retail stores during that period.

STEP 3: Add together the results obtained by applying Step 2 to each individual style and divide by the total number of individual styles sold.

STEP 4: Determine the total amount received for each individual fabric from sales other than special sales to retail stores during the calendar year 1941 and divide by the total number of yards of such style sold in sales other than special sales to retail stores during that period.

STEP 5: Add together the results obtained by applying Step 4 to each individual style and divide by the total number of individual styles sold.

STEP 6: Subtract the result obtained in Step 5 from the result obtained in Step 3.

STEP 7: Divide the result obtained in Step 6 by the result obtained in Step 5.

This amendment shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11165; Filed, July 10, 1943; 4:41 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 261—TRESPASS

REMOVAL OF TRESPASSING CATTLE IN COCHETOPA NATIONAL FOREST

Whereas a number of cattle are trespassing and grazing on land in the West Bassam Division of the Cochetopa National Forest, in the State of Colorado; and

Whereas these cattle are consuming forage needed for domestic livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection and administration of land in the West Bassam Division of the Cochetopa National Forest is issued:

Temporary closure from cattle grazing.[1] (a) The West Bassam Division of the Cochetopa National Forest is hereby closed for a two-month period beginning August 1, 1943, and ending September 30, 1943, to the grazing of cattle, excepting those that are lawfully grazing on or crossing land in such Division pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all cattle found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such cattle, shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Cochetopa National Forest is located.

Done at Washington, D. C., this 9th day of July, 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 43-11154; Filed, July 10, 1943; 11:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 135]

PART 95—CAR SERVICE

DEMURRAGE CHARGES AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of July, A D. 1943.

It appearing, That the detention of cars loaded with freight, due to customs clearance and other reasons, originating at points in, or moving through the United States and destined to points in Mexico has resulted in serious congestion

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4513, 4733, 4734, 5827, 5872, 6887, 6973, 7454, 7663, 8941, 8948, 8 F.R. 262, 608, 1682, 4733, 8505.

[1] This affects tabulation contained in 36 CFR 261.50.

at Bisbee Junction, Arizona, Brownsville, Texas, Calexico, California, Division, California, Douglas, Arizona, Eagle Pass, Texas, El Paso, Texas, Laredo, Texas, Naco, Arizona, Nogales, Arizona, Presidio, Texas, and Yuma, Arizona; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic:

It is ordered, That:

§ 95.502 *Demurrage charges at Mexican border points.* (a) After expiration of the free time allowed by tariffs lawfully on file with this Commission on interstate or foreign shipments in carloads originating at points in, or moving through, the United States and destined to points in Mexico the demurrage charges at Bisbee Junction, Arizona, Brownsville, Texas, Calexico, California, Division, California, Douglas, Arizona, Eagle Pass, Texas, El Paso, Texas, Laredo, Texas, Naco, Arizona, Nogales, Arizona, Presidio, Texas, and Yuma, Arizona, on such carload shipments shall be $5.50 per car per day or fraction thereof, for each of the first two (2) days, and shall be $22.00 per car per day or fraction thereof, for each succeeding day.

(b) *Average agreements.* Carload shipments from and to the points set forth in paragraph (a) of this section shall not be included in any average agreement at named border points.

(c) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of paragraphs (a) and (b) of this section is hereby suspended.

(d) *Announcement of suspension.* Each railroad, or its agent, on or before the effective date of this order, and upon not less than one day's notice to the Commission and the public, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions above set forth. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17)).

It is further ordered, That this order shall become effective at 12:01 a. m., July 26, 1943, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-11202; Filed, July 12, 1943; 11:43 a. m.]

Chapter II—Office of Defense Transportation

[Gen. Order ODT 41]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART I—FREIGHT SHIPMENTS TO PORTS IN PUERTO RICO

Pursuant to Executive Orders 8989, 9156, and 9214, and in order to coordinate and direct movements of freight so as to prevent traffic congestion at ports in Puerto Rico, to assure the orderly and expeditious movement of freight to such ports, and to maintain the maximum flow of necessary traffic, the attainment of which purposes is essential to the prosecution of the war, *It is hereby ordered*, That:

Sec.
502.175 General outline of the order.
502.176 Designation of port structures or facilities requiring permits.
502.177 ODT permit required for transportation to designated port structures or facilities.
502.178 Application for and issuance of ODT permits.
502.179 Suspension, alteration or cancellation of ODT permits.
502.180 Suspension of provisions of this order and of orders issued hereunder.
502.181 Definitions.
502.182 Applicability.
502.183 Communications.

AUTHORITY: §§ 502.175 to 502.183, inclusive, issued under E.O. 8989, 9156, and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 502.175 *General outline of the order.* This order is designed to relieve and prevent traffic congestion at ports in Puerto Rico by establishing a control over the movement to ports by railroad, motor vehicle, or watercraft, of freight destined for transshipment by ocean-going watercraft. If the Regional Director of the Office of Defense Transportation for Puerto Rico deems it advisable for the purpose of preventing undue traffic congestion, he is authorized to prohibit the movement of such freight to any warehouse, wharf, pier, dock, or other structure or facility in the port which he may designate. Thereafter no person may ship and no carrier may transport any freight to any structure or facility so designated by the Regional Director, unless such transportation has been authorized by a permit issued by the Regional Office of Defense Transportation for Puerto Rico.

§ 502.176 *Designation of port structures or facilities requiring permits.* Whenever the Regional Director shall deem it advisable for the purpose of preventing undue congestion of traffic at any port, he may by written order designate any warehouse, wharf, pier, dock, or other structure or facility in such port as one in respect of which an ODT permit shall be required for the transportation of freight thereto. Such designation shall remain in effect until the further written order of the Regional Director.

§ 502.177 *ODT permit required for transportation to designated port structures or facilities.* No person shall offer for transportation, and no carrier shall accept for transportation or transport, any shipment of freight weighing 2,240 pounds or more, from any point in Puerto Rico to any structure or facility designated by the Regional Director as one requiring an ODT permit for transportation thereto, unless (1) there is in force and effect an ODT permit authorizing such transportation of such freight to such structure or facility, and (2) the number of such ODT permit has been endorsed or inscribed upon the face of the waybill, bill of lading, or other shipping documents, or such permit accompanies such shipment of freight.

§ 502.178 *Application for and issuance of ODT permits.* Application for an ODT permit may be made to the office of the Regional Director at San Juan or to any local office of the Office of Defense Transportation in Puerto Rico. ODT permits issued hereunder shall be issued by, or under the authority of, the Regional Director, shall be in such form as he may prescribe, and shall contain such terms and conditions as he may deem advisable to prevent undue congestion of traffic at any port.

§ 502.179 *Suspension, alteration or cancellation of ODT permits.* Any ODT permit issued hereunder may be suspended, altered or cancelled whenever in the judgment of the Regional Director traffic conditions, or other circumstances, make such suspension, alteration or cancellation necessary or proper to prevent undue congestion of traffic at any port.

§ 502.180 *Suspension of provisions of this order and of orders issued hereunder.* The provisions of this order, or any part thereof, and the provisions of any order issued hereunder, or any part thereof, may be suspended from time to time by written order of the Regional Director.

§ 502.181 *Definitions.* As used in this order (§§ 502.175 to 502.183, inclusive), or in any order, permit, regulation, or other document issued hereunder, the term:

(a) "Puerto Rico" means the Island of Puerto Rico and islands adjacent thereto belonging to the United States.

(b) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee or personal representative, and includes any department or agency of the United States, or of any other government, the Insular Government of Puerto Rico, or any other political, governmental or legal entity.

(c) "Carrier" means any person engaged in transporting property by railroad, motor vehicle or watercraft, and includes common carriers, contract carriers, and private carriers.

(d) "Port" means any location on a harbor or water area in Puerto Rico that is used for the loading of freight into and the unloading of freight from ocean-going watercraft, and includes all warehouses, wharves, piers, docks, yards, grounds, depots, railroad tracks, carriers' terminals and facilities, and all other structures and facilities used in connection with the transfer or interchange of freight between ocean-going watercraft and any other transportation agency or with the handling, preservation or storage of freight incidental to such transfer or interchange.

(e) "Freight" means any property transported, or offered by any person for transportation, by any carrier.

(f) "Regional Director" means the Regional Director of the Office of Defense Transportation for Puerto Rico.

(g) "ODT permit" means a permit issued by the Regional Director, authorizing the transportation of freight to a port.

§ 502.182 *Applicability.* This order shall be applicable only within Puerto Rico.

§ 502.183 *Communications.* Communications concerning this order should refer to "General Order ODT 41," and, unless otherwise directed, should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

This order shall become effective July 10, 1943.

Issued at Washington, D. C., this 10th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-11117; Filed, July 10, 1943; 10:47 a. m.]

[Administrative Order ODT 1, Amdt. 4]

PART 503—ADMINISTRATION

DELEGATIONS OF AUTHORITY; DIVISION OF LOCAL TRANSPORT

Pursuant to Executive Orders 8989, 9156, 9214, and 9294, subparagraph numbered (14) of paragraph (a) of § 503.3 of Administrative Order ODT 1 (8 F.R. 6001, 7285), is hereby amended to read as follows:

§ 503.3 *Division of Local Transport.* (a) * * *

(14) *Taxicabs and taxi service.* To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, special permits as provided by General Orders ODT 20A (8 F.R. 9231) and ODT 22 (7 F.R. 7206), or as either may be amended hereafter.

(E.O. 8989, 9156, 9214, 9294; 6 F.R. 6725, 7 F.R. 3349, 6097, 8 F.R. 221)

This Amendment 4 to Administrative Order ODT 1 shall become effective on July 12, 1943.

Issued at Washington, D. C., this 12th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-11181; Filed, July 12, 1943; 10:38 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

SALMON FISHERIES

Effective only through December 31, 1943, § 211.12 is hereby amended as follows:

§ 211.12 *Areas open to salmon traps.* Paragraph (bb) is hereby suspended, and paragraphs (h), (i), and (v) are hereby amended to read as follows:

(h) Western side of Valdez Arm from 60 degrees 58 minutes north latitude to 60 degrees 59 minutes north latitude.

(i) Southwest coast of Bligh Island within 2,500 feet of a point at 60 degrees 48 minutes 56 seconds north latitude, 146 degrees 49 minutes 23 seconds west longitude.

* * * * *

(v) Western coast of Montague Island from 59 degrees 55 minutes 30 seconds north latitude, 147 degrees 46 minutes 10 seconds west longitude northward to a point south of Hanning Bay at 59 degrees 56 minutes 45 seconds north latitude, 147 degrees 45 minutes 15 seconds west longitude.

OSCAR L. CHAPMAN,
Assistant Secretary.

JULY 1, 1943.

[F. R. Doc. 43-11112; Filed, July 10, 1943; 10:04 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

STUDERUS COAL COMPANY

CONSIDERATION OF REGISTRATION APPLICATION

An application for registration as a distributor has been filed by the following and is under consideration by the Director:

Name and Address: Studerus Coal Co., 619 Passaic Avenue, Kearney, New Jersey. Date application filed: 6-29-43.

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of the above-named applicant for registration as a distributor under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before August 9, 1943. This information should be mailed or presented to the Bituminous Coal Division, Department of the Interior, Washington, D. C.

Dated: July 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11118; Filed, July 10, 1943; 10:55 a. m.]

ALL PETITONS SCHEDULED FOR HEARINGS

CANCELLATION ORDER

In the matter of all petitions, filed pursuant to section 4 II (d) of the Act, now set for hearing. Docket Nos. A-1864, A-1906, A-1923, A-1958, A-1959, A-1977, A-1981, A-1991, A-1997, A-2004, A-2022, A-2024, A-2034, A-2036, A-2038, A-2042, A-2044, A-1846, Part II; A-1847, Part II; A-1907, Part II; A-1913, Part II; A-1918, Part II; A-1943, Part II; A-1989, Part II; A-1949, Part II; A-2006, Part II; A-2017, Part II; A-2032, Part II.

Hearings in each of the above designated dockets having heretofore been duly scheduled; and it appearing appropriate to cancel each of said hearings;

Now, therefore, it is ordered, That each of the hearings now scheduled in the above designated dockets be, and the same hereby is, cancelled.

Dated: July 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11120; Filed, July 10, 1943; 10:55 a. m.]

[Docket No. B-375]

FLAT CREEK COAL COMPANY

ORDER CANCELLING HEARING

The above-entitled matter having been scheduled for hearing on July 13, 1943, at a hearing room of the Bituminous Coal Division at the Circuit Court Room, Madisonville, Kentucky; and

The above-named Code Member having filed an application, dated June 21, 1943, and an amendment thereto dated July 2, 1943, asking for disposition of said matter without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure; and

The Director deeming it advisable to cancel said hearing in order to consider said application as amended;

It is therefore ordered, That the hearing in the above-entitled matter be and the same hereby is cancelled.

Dated: July 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11119; Filed, July 10, 1943; 10:55 a. m.]

PINE HILL MINING CO., ET AL.

ORDER CANCELLING HEARINGS

In the Matters of Pine Hill Mining Company, code member, Docket No. B-380; Red Top Coal Company, Inc., code member, Docket No. B-355; Joseph G. Michaels, code member, Docket No. B-379; Smokeless Coal Company, Inc., code member, Docket No. B-378; R. C. Tway Coal Sales Company, registered distributor, Docket No. B-374; Carl Hicks, Dale Hicks and Melvin Hicks, individually and as partners doing business under the name and style of Hicks & Sons, code member, Docket No. B-377; Walter Scott and Freda Gilmore, individually and as copartners doing business under the name and style of Garfield Coal Company, code member, Docket No. B-376; Consolidated Coal Company, code member, Docket No. B-381; Campbell Coe, do-

ing business as Campbell Coe Coal Company, registered distributor, registration No. 1683, registered distributor, Docket No. B–312; Elza Parke, code member, Docket No. B–343.

A hearing has heretofore been scheduled in each of the above matters at the time and place shown below:

Docket No.	Time	Place
B–380	July 12, 1943	Madisonville, Ky.
B–355	July 13, 1943	Altoona, Pa.
B–379	July 16, 1943	Clearfield, Pa.
B–378	July 17, 1943	Fort Smith, Ark.
B–374	July 23, 1943	Louisville, Ky.
B–377	July 26, 1943	Grand Junction, Colo.
B–376	July 27, 1943	Grand Junction, Colo.
B–381	July 31, 1943	St. Louis, Mo.
B–312	Aug. 5, 1943	Newark, N. J.
B–343	Aug. 7, 1943	Evansville, Ind.

It is now, however, ordered, That each of the afore-mentioned hearings be, and same is, hereby canceled.

Dated: July 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–11121; Filed, July 10, 1943; 10:55 a. m.]

[Docket No. A–2018]

DISTRICT BOARD 10

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for the coals of Mine Index No. 1209.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with the Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Union Mine, Mine Index No. 1209, of Union Mining Company, in District No. 10, for shipment by rail from the McLaren Fuel Company's preparation plant located on the Illinois Central and Missouri Pacific Railroads at Marion, Illinois, and for all the advantages and privileges granted to other mines by the order of February 17, 1942, in Docket No. A–1079.

Although this petition did not set forth sufficient facts upon which permanent relief may be based, reasonable necessity appears for the granting of temporary relief in the manner hereinafter set forth.

No petitions of intervention having been filed with the Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the schedule of effective minimum prices for District No. 10 for all shipments except truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked Supplement R annexed hereto and made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The original petition in this matter also requests that no exceptions be allowed with respect to the coals of this mine sold to off-line railroads for locomotive fuel use. Nevertheless, since locomotive fuel Price Exceptions 2–H, 61 and 64 established by Orders of the Director in Dockets Nos. A–98, A–125 and A–420, respectively, are applicable to the coals of all other mines in Price Group No. 5 of District No. 10 for which minimum prices have been established for all shipments except truck, including the mines involved in Docket No. A–1079, and since no reason has been advanced for denying the application of these Price Exceptions to the coals of Mine Index No. 1209, the relief granted herein affords this producer the same competitive opportunity available to all other producers similarly situated by making said Price Exceptions applicable to the coals of Mine Index No. 1209.

An order scheduling a hearing for the purpose of adducing facts upon which final relief in this matter may be based will be issued in due course.

The original petition further states that the mining operations of the said mine which is located in Williamson County, Illinois, have progressed from the No. 6 Vein to the No. 5 Vein, in which it is now operating. Although the minimum prices established for the coals produced in these two veins in Williamson County for truck shipments are identical, in the interest of accuracy the schedule of effective minimum prices for District No. 10 for truck shipments should be amended to reflect the seam in which the coals of this mine are actually produced.

Now, therefore, it is ordered, That the schedule of effective minimum prices for District No. 10 for truck shipments, be, and it hereby is amended by changing the seam designation for the Union Mine, Mine Index No. 1209 of Union Mining Company from "6" to "5".

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–11122; Filed, July 10, 1943; 11:10 a. m.]

[Docket No. 3–FD]

APPALACHIAN COALS, INC.

ORDER GRANTING PROVISIONAL APPROVAL FOR AMENDMENT

In the matter of the application of Appalachian Coals, Incorporated, for provisional approval as a marketing agency.

Order granting provisional approval for the amendment of subparagraph (b) of section 6, to the contract dated June 1, 1936, between Appalachian Coals, Incorporated and the M. A. Hanna Coal Company, covering the sale of coal produced by Clover Splint Coal Company.

Appalachian Coals, Incorporated, hereinafter referred to as the Applicant, having been granted provisional approval as a marketing agency pursuant to section 12 of the Bituminous Coal Act of 1937, by order of the National Bituminous Coal Commission, (predecessor of the Bituminous Coal Division) dated September 22, 1937; and

Applicant having requested approval for the amendment of sub-paragraph (b) of section 6 of the agreement dated June 1, 1936 between Applicant and the M. A. Hanna Coal Company, covering the sale of coal produced by Clover Splint Coal Company, which amendment eliminates subparagraph (b) of section 6 of the said agreement and inserts in lieu thereof the following new subparagraph (b):

Where coal is sold to registered distributors authorized to accept and retain a discount from the Producer's f. o. b. mine price, and where the Sub-agent allows such discount to such distributor from said f. o. b. mine price, the Sub-agent's commission shall be ten percent (10%), computed on said f. o. b. mine price, which shall cover all compensation and any and all costs and expenses of selling, which expenses of selling shall include any discount to such distributor: *Provided, however*, Such discounts shall not exceed the maximum discount or price allowance prescribed from time to time by the Bituminous Coal Division upon such sales, upon one of which such sales only one such discount shall be allowed, and, *Provided, further*, The Producer shall have the right at any time, and from time to time, to require the Sub-agent to cease and desist from making sales subject to discounts to distributors, even though such discounts would have been covered by and included in, the Sub-agent's commission, as aforesaid.

It is ordered, That the aforesaid amendment to the said agreement is provisionally approved, effective thirty (30) days from the date hereof unless it shall be otherwise ordered.

It is further ordered, That pleadings in opposition to the relief granted herein may be filed with the Division within twenty-five (25) days from the date of this Order, pursuant to the Rules of Practice and Procedure before the Bituminous Coal Division.

Dated: July 8, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–11190; Filed, July 12, 1943; 10:53 a. m.]

[Docket No. B–370]

BROWN FUEL COMPANY

ORDER GRANTING APPLICATION FOR DISPOSITION OF COMPLIANCE PROCEEDING

Order granting application for disposition of compliance proceeding without formal hearing, directing code member to cease and desist, and cancelling hearing.

The above proceeding was instituted by the Bituminous Coal Division (the Division) acting in lieu of District Board for District No. 3 pursuant to the provisions of section 4 II (j), 5 (b) and 6 (a) of the Bituminous Coal Act of 1937, as amended (the Act), by a Notice of and Order for Hearing dated February 26, 1943 and served upon Brown Fuel Company (the Code Member) on March 4, 1943 to determine whether the Code Member had wilfully violated the Code, or orders, and rules and regulations promulgated thereunder, particularly Rule 13 (A) of section II of the Marketing Rules and Regulations.

The said proceeding was scheduled for hearing on March 31, 1943 and said hearing was postponed by Order of the Director dated Mar h 27, 1943 to a time and place to be thereafter designated; and

An application based upon admissions for the disposition of the above-entitled matter without formal hearing (the Application) was filed on April 16, 1943 pursuant to § 301.132 of the Rules of Practice and Procedure before the Division and notice thereof published in the FEDERAL REGISTER on June 1, 1943; and

Said Notice provided that interested parties desiring to do so might, within fifteen (15) days from the date thereof, file recommendations or requests for informal conferences with respect to the Application. It appears, however, that no such recommendations or requests have been filed.

In its application Code Member:

1. Admits its identity as set forth in the Notice of and Order for Hearing.

2. Admits the payment of sales agency commissions in excess of the maximum discounts allowable under the Order in General Docket No. 12, dated June 12, 1940, pursuant to sales agency contracts entered into after August 8, 1940, on coals produced at its Henshaw Mine (Mine Index No. 77), as set forth in the Notice of and Order for Hearing, and the failure to secure permission of the Division to pay said excess commissions as required by Rule 13 (A) of section II of the Marketing Rules and Regulations.

3. Consents to the entry of an order directing it to cease and desist from violations of the Code and regulations thereunder.

4. Represents that it has not, to the best of its knowledge and belief, committed any other violations of the Act, the Code, or regulations thereunder.

Now, therefore, pursuant to the authority vested in the Division by the Act, and upon the application filed pursuant to section 301.132 of the Rules of Practice and Procedure before the Division for disposition of this proceeding without formal hearing, and upon evidence in the possession of the Division; it is found that:

1. The Brown Fuel Company is a corporation, duly organized and existing under the laws of the State of West Virginia, having its principal place of business in Brownton, West Virginia, and operates the Henshaw Mine (Mine Index No. 77) located in Barbour County, West Virginia.

2. The Code Membership of the Brown Fuel Company became effective on June 29, 1937.

3. The Code Member entered into a sales agency agreement with Eastern Coal and Coke Company on August 14, 1940, and during the period January 4 to August 29, 1941, sold through said sales agent a total of 13,928.8 tons of coal produced at Code Member's aforesaid mine and allowed to the above-named sales agent commissions in the amount of $1,992.53, in wilful violation of Rule 13 (A) of section II of the Marketing Rules and Regulations. The allowable commissions should not have exceeded $1,592.17. However, on the fifteenth day of January 1943 the said sales agent refunded to the Code Member the sum of $400.36, the amount of the excess commissions paid to him .

4. The Code Member entered into a sales agency agreement with MacQuown Fuels on October 16, 1940 and during the period January 22 to December 30, 1941 sold through said sales agent a total of 9,040.6 tons of coal produced at Code Member's aforesaid mine and allowed to the above-named sales agent commissions in the amount of $1,393,83 in wilful violation of Rule 13 (A) of section II of the Marketing Rules and Regulations. The allowable commissions should not have exceeded $452.04. Code Member has demanded a refund of $941.79 from said sales agent, this being the amount of the excess commission allowed said sales agent.

5. The Code Member entered into a sales agency agreement with A. K. Althouse & Company January 30, 1941 and during the period February 3 to March 15, 1941 sold through the above-named sales agent 439.95 tons of coal produced at Code Member's aforesaid mine and allowed the above-named sales agents commissions in the amount of $69.18 in wilful violations of Rule 13 (A) of section II of the Marketing Rules and Regulations. The allowable commissions should not have exceeded $44.00. On March 7, 1942 said sales agent refunded to Code Member $25.18 the amount of the excess commission received by him.

Now, therefore, upon the basis of the foregoing findings, the said admissions and the said consent filed by the Code Member pursuant to § 301.132 of the Rules of Practice and Procedure before the Division;

It is ordered, That the aforesaid application be and it hereby is granted.

It is further ordered, That the Brown Fuel Company, its successors, assigns, and other persons in privity with it, cease and desist from further violations of the Bituminous Coal Code and regulations made thereunder. Notice is hereby given that upon failure to comply with any of the terms or provisions of this Order, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof, or this matter may be reopened by the Director and such action taken and orders taken and orders entered as may be necessary and proper under the circumstances.

It is further ordered, That the hearing in the above-entitled matter be and the same is hereby cancelled.

Dated: June 25, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–11191; Filed, July 12, 1943; 10:53 a. m.]

[Docket No. B–368]

SOUTHWEST COAL SALES

ORDER GRANTING APPLICATION FOR DISPOSITION OF COMPLIANCE PROCEEDING

In the matter of Thos. S. Laser, an individual operating as Southwest Coal Sales, registered distributor, Registration No. 5414.

Order granting application for disposition of compliance proceeding without formal hearing, suspending registration, directing return of excess discounts to code members, directing registered distributor to cease and desist, and cancelling formal hearing.

The above proceeding was instituted by the Bituminous Coal Division (the Division) on its own motion, pursuant to provisions of the Bituminous Coal Act of 1937, as amended, (the Act) by a Notice of and Order for Hearing dated March 3, 1943, and served on Thos. S. Laser, (the Registered Distributor) on March 8, 1943, to determine whether said registered distributor had violated any provisions of section 4 II (i) of the Act, the Marketing Rules and Regulations, pertinent orders of the Division, and the Distributor's Agreement (the Agreement) dated August 4, 1939; and

The said proceeding was scheduled for hearing on April 14, 1943 pursuant to said Notice of and Order for Hearing, and said hearing was postponed by an Order of the Director dated April 9, 1943, to a time and place to be thereafter designated; and

An application (the Application) based upon admissions for the disposition of the above-entitled matter without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, was filed on April 9, 1943; and

Notice of the Application was published in the FEDERAL REGISTER on May 3, 1943, pursuant to said § 301.132 of the Rules of Practice and Procedure; and

Said Notice provided that interested parties desiring to do so might within fifteen (15) days from the date of publication of said Notice, file recommendations or requests for informal conferences with respect to the Application. It appears, however, that no such recommendations or requests have been filed.

In his Application the Registered Distributor:

A. Admits his identity as set forth in the Notice of and Order for Hearing.

B. Admits that paragraphs 1 to 9, inclusive, of the said Notice of and Order for Hearing correctly describe the transactions involved herein and the provisions of the Marketing Rules and Regulations, Distributor's Rules and Regulations, and the Distributor's Agreement applicable to such transactions; and that

he wilfully committed the acts, and failed to take certain action, which resulted in violations of the Code and regulations thereunder as set forth in paragraphs 1 to 9 inclusive, of said Notice of and Order for Hearing.

C. Consents to the entry of an order (1) directing the Registered Distributor, his successors, assigns, and other persons in privity with him to cease and desist from further violations of the Act, the Code, regulations made thereunder, and the Agreement; (2) suspending his registration as a registered distributor for a period of 60 days beginning with the effective date of said Order; and (3) directing him to return to the Code Member producers named in paragraph 3 of the said Notice of and Order for Hearing the excess commissions or discounts totalling $89.90 as follows:

Watson Coal Company	$4.03
Crescent Coal Company	69.16
J. M. Bates Coal Company	4.53
Smokeless Coal Company	12.18

D. Represents that he has not, to the best of his knowledge and belief, committed any other violations of the Act, the Code or regulations thereunder.

E. Agrees to restore to the Code Members listed in paragraph C (3) above the amounts set opposite their respective names.

Now, therefore, pursuant to the authority vested in the Division by the Act, upon the application, filed pursuant to section 301.132 of the Rules of Practice and Procedure before the Division for Disposition of this proceeding without formal hearing, and upon evidence in the possession of the Division;

It is found that:

A. Thos. S. Laser, operating as Southwest Coal Sales, 2019 Foshay Tower, Minneapolis, Minnesota is a registered distributor, Registration No. 5414.

B. The registration of said Thos. S. Laser, operating as Southwest Coal Sales, became effective as of November 15, 1940.

C. Said Registered Distributor wilfully violated;

1. Paragraph (e) of the Agreement by accepting and retaining commissions, while acting as subsales agent for the Rainbow Coal Company, a Code Member, located in District No. 14, on approximately 5076.65 net tons of various sizes of coal produced at said Code Member's Rainbow Mine (Mine Index No. 184) and sold to various purchasers during the period October 18, 1940 to October 29, 1941, inclusive, in excess of the commissions provided in the subagency contract between the Distributor and said Code Member, no modification of said subagency contract having been reduced to writing and filed with the Statistical Bureau as required by Rule 4 of section II of the Marketing Rules and Regulations.

2. Paragraph (e) of the Agreement by accepting or retaining commissions, while acting as subsales agent for the Harding Coal Company, a Code Member, located in District No. 14, on approximately 5611.90 net tons of various sizes of coal produced at said Code Member's Harding Mine (Mine Index No. 47) and sold to various purchasers during the period November 20, 1940 to November 14, 1941, inclusive, in excess of the commissions provided in the sub-agency contract between the Distributor and said Code Member, no modification of said sub-agency contract having been reduced to writing and filed with the Statistical Bureau, as required by Rule 4 of section II of the Marketing Rules and Regulations.

3. Paragraph (a) of the Agreement by purchasing for resale and reselling, during the period November 19, 1940 to January 7, 1942, inclusive, to various purchasers in St. Paul and Minneapolis, Minnesota, and Huron, South Dakota, approximately 782.35 net tons of various sizes of coal produced at their respective mines by Watson Coal Company (Mine Index No. 117), Crescent Coal Company (Mine Index No. 131), J. M. Bates Coal Company (Mine Index No. 103), and Smokeless Coal Company (Mine Index No. 90) and accepted and retained discounts thereon in excess of the maximum distributor's discounts prescribed by Order of the Division issued in General Docket No. 12 on June 19, 1940.

4. Paragraphs (b), (c) and (e) of the Agreement by granting 2% discounts from effective minimum prices to the purchasers of approximately 436.25 net tons of coal produced at their respective mines by Crescent Coal Company (Mine Index No. 131), Carbon Coal Company (Mine Index No. 16), Smokeless Coal Company (Mine Index No. 90), New Union Coal Company (Mine Index No. 77), and Rainbow Coal Company (Mine Index No. 184) purchased for resale from said producers and resold to S. Brand Coal Company and A. A. Carlstrom and Son, both of St. Paul, Minnesota, during the period October 21, 1940 to July 7, 1941 which discounts were prohibited by section 4 II (i) 4 of the Act and Rule 4 of section XIII of the Marketing Rules and Regulations.

5. Paragraphs (b) and (e) of the Agreement by granting adjustments for alleged substandard quality or preparation to various purchasers during the period November 14, 1940 to July 21, 1941, inclusive, which adjustments had the effect of reducing the sales prices below the effective minima, on approximately 481.50 net tons of various sizes of coal produced at their respective mines by said Carbon Coal Company, Crescent Coal Company, New Union Coal Company, Rainbow Coal Company and by Paris Purity Coal Company (Mine Index No. 43) without reporting such adjustments to the Statistical Bureau as required by section X of the Marketing Rules and Regulations.

6. Paragraph (b) of the Agreement by granting discounts from the effective minimum prices during the period October 8 to November 7, 1940, inclusive, to the Pittsburg Coal Company of Wisconsin (a non-registered distributor at that time) on approximately 297.15 net tons of coal produced at their respective mines by said Rainbow Coal Company, New Union Coal Company, Carbon Coal Company and by Boyd Excelsior Coal Company (Mine Index No. 13) which had the effect of reducing the sales prices on said coal below the effective minima.

7. Paragraph (e) of the Agreement by prepaying freight charges, during the period August 27 to October 15, 1941, inclusive, on approximately 155.90 net tons of coal produced by the said Harding Coal Company, and by Boyd-Sicard Coal Company (Mine Index No. 14), and sold to Allen Edwards Fuel Company, Minneapolis, Minnesota, which prepayment of freight was prohibited by Rule 1 (j), section VII of the Marketing Rules and Regulations.

8. Paragraph (e) of the Agreement by failing to file copies of invoices, spot orders, commitments and contracts during the period October 1, 1940, to December 27, 1941, while acting as subsales agent of the Harding Coal Company (a Code Member) relating to approximately 8080.45 net tons of various sizes of coal produced by said Code Members and sold to various purchasers, as required by Rule 3 of section (b) and Rule 7 of section (b) (i) of the Marketing Rules and Regulations.

9. Paragraph (e) of the Agreement by failing to file copies of invoices, spot orders, commitments and contracts during the period October 7, 1940 to December 31, 1941 while acting as subsales agent for said Rainbow Coal Company (a Code Member), relating to approximately 11,866.15 net tons of various sizes of coal produced by said Code Member and sold to various purchasers, as required by Rule 3 of section (b) and Rule 7 of section (b) (i) of the Marketing Rules and Regulations.

Now, therefore, upon the basis of the foregoing findings and the said admissions and the consent filed by said Registered Distributor pursuant to § 301.132 of the Rules of Practice and Procedure before the Division,

It is ordered, That the Application for disposition of this compliance proceeding without formal hearing be, and the same is, hereby granted.

It is further ordered, That Thos. S. Laser, the Registered Distributor, return to the Code Member producers named in paragraph 3 of the said Notice of and Order for Hearing the excess discounts retained by him in the amount of $89.90 as follows:

Watson Coal Company	$4.03
Crescent Coal Company	69.16
J. M. Bates Coal Company	4.53
Smokeless Coal Company	12.18

It is further ordered, That the registration of Thos. S. Laser, an individual operating as Southwest Coal Sales, as a registered distributor, Registration No. 5414 be, and the same is, hereby suspended for a period of sixty (60) days beginning fifteen (15) days after the date of this Order. Prior to the termination of this period of suspension the Registered Distributor shall file with the Division an affidavit as required by § 304.15 of the Rules and Regulations for the Registration of Distributors which shall be accompanied by evidence that the refunds totalling $89.90 have been made to the Code Members as required by this order.

It is further ordered, That in the event that the Distributor shall violate any of the agreements set forth in said application, or fail to comply with this Order, this matter may be reopened and such action taken and orders entered herein as may be necessary and proper under the circumstances and jurisdiction of this matter is hereby expressly reserved for this purpose.

It is further ordered, That Thos. S. Laser, his successors, assigns, and other persons in privity with him cease and desist from further violations of the provisions of section 4 II (i) of the Bituminous Coal Act of 1937, as amended, the Bituminous Coal Code, the Distributor's Agreement, the Marketing Rules and Regulations, and pertinent orders of the Division. Notice is hereby given that upon any failure to comply with the Cease and Desist Order herein, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement thereof, or this matter may be reopened by the Division and such action taken and orders entered as the Director may deem just and proper under the circumstances.

It is further ordered, That the hearing in the above-entitled matter, which has heretofore been postponed by Order dated April 9, 1943 to a time and place to be thereafter designated, be, and the same is, hereby cancelled.

Dated: July 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11192; Filed, July 12, 1943; 10:54 a. m.]

[Docket No. B-6]

CLYDE H. HOYT COMPANY

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTERED DISTRIBUTOR

In the matter of the Clyde H. Hoyt Company, registered distributor, Registration No. 4566, Respondent.

On May 28, 1943, after notice and hearing, W. A. Cuff, a duly designated Examiner of the Division, submitted a report in which he found that respondent, The Clyde H. Hoyt Company, a registered distributor (Registration No. 4566), wilfully violated sections 4 II (i) 11 and 12 of the Bituminous Coal Act of 1937, Rule 10 of section II, Rules 11 and 12 of section XIII of the Marketing Rules and Regulations and paragraphs (d), (e) and (g) of respondent's Distributor's Agreement, by wilfully accepting and retaining distributor's discounts from the effective minimum prices during the period between October 1, 1940, and March 22, 1941, inclusive, on approximately 6,206.65 tons of bituminous coal, purchased for resale, and resold to the Blue Line Fuel Company, a retailer affiliate. The Examiner further found that in the period between February 14, 1941, and March 20, 1941, inclusive, respondent sold, as a sales agent, 108 tons of bituminous coal, to its retailer affiliate, on which it accepted and retained sales agency commissions.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report but no exceptions have been filed.[1]

After consideration of the record, I believe that the Report is accurate and adequate and follows principles laid down by me in such cases as Matter of Central States Fuel Co., Docket No. B-53, and Matter of Huerfano Trading Company, Docket No. B-272. I believe, therefore, that the proposed findings of fact and conclusions of law should be adopted as the findings of fact and conclusions of law of the Director. I believe, however, that a suspension of respondent's registration for a period of thirty days is, in the light of the nature and seriousness of its violations, more appropriate than the period recommended by the Examiner.

On the basis of the entire record, *It is ordered*, That the proposed findings of fact and proposed conclusions of law are approved and adopted as the findings of fact and conclusions of law of the Director;

It is further ordered, That the registration of The Clyde H. Hoyt Company, as a distributor (Registration No. 4566), is suspended, effective fifteen days from the date hereof, for a period of thirty days thereafter; that respondent shall at least five (5) days prior to the expiration of said thirty-day period, petition the Division for reinstatement as a registered distributor; that any application for reinstatement subsequently filed by respondent shall be accompanied by an affidavit to the effect that during the period in which respondent's registration as a distributor was suspended, respondent neither directly nor indirectly transacted business as a registered distributor, nor received, nor was promised a discount which distributors are entitled to receive by virtue of registration, and that satisfactory proof of the facts as set forth in such affidavit be a further condition to reinstatement of respondent as a registered distributor.

It is further ordered, That upon reinstatement as a registered distributor, respondent shall cease and desist from violation of sections 4 II (i) 11 and 12 of the Act, Rule 10 of section II, Rules 11 and 12 of section XIII of the Marketing Rules and Regulations and paragraphs (d), (e) and (g) of respondent's Distributor's Agreement, or from otherwise violating the Act, or rules and regulations promulgated thereunder.

Dated: July 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11193; Filed, July 12, 1943; 10:53 a. m.]

Bureau of Reclamation.

SANTA BARBARA COUNTY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 14, 1943.

THE SECRETARY OF THE INTERIOR.

Sir: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388),

SANTA BARBARA COUNTY PROJECT, CALIFORNIA

SAN BERNARDINO MERIDIAN

Tequepis Reservoir Site

T. 5 N., R. 28 W.,
That part in San Marcos Rancho (Lot 37).
T. 6 N., R. 28 W.,
That part in San Marcos Rancho (Lot 37).
T. 5 N., R. 29 W.,
Secs. 2 and 3;
That part in San Marcos Rancho (Lot 37);
That part in Tequepis Rancho (Lot 38).
T 6 N., R. 29 W.,
Secs. 16, 17, 20, 29 and 30;
That part in San Marcos Rancho (Lot 37);
That part in Rancho Canada de los Pinos or College Rancho (Lot 38);
That part in Tequepis Rancho (Lot 39);
That part in Rancho Lomas de la Purificacion (Lot 40).
T. 6 N., R. 30 W.,
That part in Rancho Canada de los Pinos (Lot 37);
That part in Rancho Lomas de la Purificacion (Lot 38).

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: June 25, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 3, 1943.

[F. R. Doc. 43-11113; Filed, July 10, 1943; 10:04 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATE ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748)

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[1] By letter dated June 9, 1943, respondent's attorney advised the Division that it did not intend to file any exceptions herein.

and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Esskay Manufacturing Company, 1335 Buena Vista Street, San Antonio, Texas; Boys' clothing; 10 learners (A. T.); effective July 12, 1943, expiring July 12, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Chaffee Manufacturing Company, Incorporated, North Main Street, Chaffee, Missouri; Men's & boys' trousers; 10 percent (T); effective July 12, 1943, expiring July 12, 1944.

Crown Dress Manufacturing Company, 136 Harrison Avenue, Boston, Massachusetts; Cotton work and house dresses; 5 learners (T); effective July 12, 1943, expiring July 12, 1944.

Debby Garments Company, 289 Pleasant Street, Fall River, Massachusetts; Ladies' cotton, rayon and acetate dresses; 20 learners (E); effective July 8, 1943, expiring January 8, 1944.

Finkle Coat Manufacturing Company, 14 Third Street, Chelsea, Massachusetts; Men's and boys' leather and wool jackets; 2 learners (T); effective July 14, 1943, expiring July 14, 1944.

Freeland Dress Company, 721 Birkbeck Street, Freeland, Pennsylvania; Cotton dresses; 20 learners (E); effective July 8, 1943, expiring January 8, 1944.

M. & G. Sportwear Company, 613 Main Street, Rockland, Maine; Trousers; 8 learners (T); effective July 14, 1943, expiring July 14, 1944.

Piedmont Spread Company, Cartersville, Georgia; Chenille robes for women; 10 percent (T); effective July 12, 1943, expiring July 12, 1944.

John W. Shaw Company, Incorporated, 329 N. Main Street, Decatur, Illinois; Cotton house dresses; 10 percent (T); effective July 10, 1943, expiring July 10, 1944.

Troutman Shirt Company, Troutman, North Carolina; Work shirts; 5 percent (T); effective July 24, 1943, expiring July 24, 1944.

Wayne Garment Company, Forest City, Pennsylvania; Children's outerwear; 10 learners (E); effective July 8, 1943, expiring January 8, 1944.

Glove Industry

The Cross Glove Company, Inc., 33 Grand Street, Gloversville, New York; Leather dress gloves; 5 percent (T); effective July 7, 1943, expiring July 7, 1944.

Jasper Glove Company, Inc., 611 Main Street, Jasper, Indiana; Work gloves; 10 percent (AT); effective July 12, 1943, expiring January 12, 1944.

Streeter, Hackney & Company, 321 West State Street, Johnstown, New York; Leather dress gloves; 5 learners (T); effective July 9, 1943, expiring July 9, 1944.

Hosiery Industry

Climax Hosiery Mill, Athens, Georgia; Seamless hosiery; 5 percent (T); effective July 7, 1943, expiring July 7, 1944.

Efland Knitting Company, Efland, North Carolina; Full-fashioned hosiery; 5 learners (T); effective July 14, 1943, expiring July 14, 1944.

C. C. Hill Mill, West Main Street, Thomasville, North Carolina; Seamless hosiery; Misses' cotton anklets; 5 learners (T); effective July 12, 1943, expiring July 12, 1944.

The Pen-Harris Company, Reading and New Holland Avenues, R. D. #1, Reading, Pennsylvania; Seamless hosiery; 2 learners (T); effective July 7, 1943, expiring July 7, 1944.

Southland Hosiery Mills, 2210 High Point Rd., Greensboro, North Carolina; Seamless hosiery; 10 learners (A. T.) effective July 12, 1943, expiring January 12, 1944.

Millinery Industry

Holly-Vogue Hat Company, 910 S. Broadway, Los Angeles, Calif.; Popular-priced millinery; 2 learners (T); effective July 12, 1943, expiring January 12, 1944.

Textile Industry

Colonial Chenille Company, Rome, Georgia; Cotton bedspreads and chenille; 20 learners (A. T.); effective July 9, 1943, expiring January 9, 1944.

Monroe Silk Mills, Stroudsburg, Pennsylvania; Ribbon and narrow fabrics; 3 percent (T); effective July 12, 1943, expiring July 12, 1944

Pepperell Braiding Company, Lowell Street, East Pepperell, Massachusetts; Shoe laces and braids; 3 learners (T); effective July 24, 1943, expiring July 24, 1944.

Wrightsville Textile Corporation, North Front Street, Wrightsville, Pennsylvania; Broad tie goods (rayon); 3 percent (T); effective July 7, 1943, expiring July 7, 1944.

Signed at New York, N. Y., this 10th day of July, 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-11203; Filed, July 12, 1943; 11:57 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 10, 1943.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of the Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

The Runkle Company, 901 S. Wayne Street, Kenton, Ohio; Candy; 4 learners (T); Candy Stroker for a learning period of 240 hours at 35¢ per hour until January 24, 1944.

Signed at New York, N. Y., this 10th day of July 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-11204; Filed, July 12, 1943; 11:57 a. m.]

[Administrative Order 204]

MEAT, POULTRY, AND DAIRY PRODUCTS INDUSTRY

COMMITTEE RESIGNATION AND APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Meyer Stern of New York, New York from Industry Committee No. 61 for the Meat, Poultry, and Dairy Products Industry, and do appoint in his stead James J. Stanton of Chicago, Illinois as representative for the Employees on such Committee.

Signed at New York, New York this 8th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-11205; Filed, July 12 1943; 11:57 a. m.]

[Administrative Order 205]

MEAT, POULTRY, AND DAIRY PRODUCTS INDUSTRY

COMMITTEE RESIGNATION AND APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of John Brandt of Minneapolis, Minnesota, from Industry Committee No. 61 for the Meat, Poultry, and Dairy Products Industry, and do appoint in his stead M. L. Totten of Minneapolis, Minnesota, as representative for the Employers on such Committee.

Signed at New York, New York, this 10th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-11206; Filed, July 12, 1943; 11:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6525]

CHARGES FOR PHOTO SERVICE BY WIRE OR BY RADIO

ORDER FOR INVESTIGATION AND HEARING

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July, 1943;

The Commission, having under consideration the matter of the charges of carriers subject to the Communications Act of 1934, as amended, for interstate and foreign photo service, by wire or by radio; and

It appearing that photo service is a class of service of which increasing use is being made, and that the charges for such service may not be established on a proper basis, and may be unjust and unreasonable, or otherwise unlawful;

It is ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the charges for interstate and foreign photo service, by wire or by radio;

It is further ordered, That each carrier subject to the Communications Act of 1934, as amended, which furnishes photo service by wire or by radio be, and it is hereby made a party respondent to this proceeding; and that a copy of this order shall be served on each carrier subject to the Communications Act of 1934, as amended, and on the United States Office of War Information;

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing beginning at 10:00 a. m. on the 11th day of August, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11114; Filed, July 10, 1943; 10:04 a. m.]

[Docket No. 6526]

PRESS WIRELESS, INC.

ORDER FOR HEARING

In the matter of Press Wireless, Inc. Revised Charges for Radiophoto Reception Service.

At a meeting of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July, 1943;

It appearing that Press Wireless, Inc., has filed with the Commission new tariff schedules, effective July 7, 1943, revising its presently effective tariff schedules for Radiophoto Reception Service furnished at New York, N. Y., and Los Angeles, California, to provide for changes wholly on a time basis, such new schedules being designated as follows:

Press Wireless, Inc.
Tariff F. C. C No. 10.
Fourth Revised Page No. 1
Second Revised Page No. 2

It further appearing that such new schedules may result in increased charges for communication service, and may be unjust and unreasonable, or otherwise unlawful; and that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules should be postponed, pending hearing and decision as to their lawfulness;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the charges contained in the above-cited tariff schedules:

It is further ordered, That the operation of the above-cited tariff schedules be suspended; that the use of the charges therein stated be deferred until October 7, 1943, unless otherwise ordered by the Commission; and that during such period of suspension, no changes shall be made in such charges, or in the charges sought to be altered, unless authorized by the Commission;

It is further ordered, That a copy of this order be filed in the offices of the Federal Communications Commission with said tariff schedules herein suspended; that Press Wireless, Inc., and any other carrier subject to the Communications Act of 1934 which participates in the rendition of the service provided under such tariff schedules be, and they are hereby, each made a party respondent to this proceeding; and a copy of this order shall be served upon the respondents, and upon the United States Office of War Information;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at the offices of the Federal Communications Commission, in Washington, D. C., beginning at 10:00 a. m., on the 28th day of July, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11115; Filed, July 10, 1943; 10:05 a. m.]

FEDERAL POWER COMMISSION.

[Docket IT-5833]

OTTER TAIL POWER CO. AND INTERSTATE POWER CO. OF NORTH DAKOTA

NOTICE OF APPLICATION

JULY 9, 1943.

Notice is hereby given that on July 1, 1943 (exhibits filed July 7, 1943), an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota, and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, and Interstate Power Company of North Dakota, a corporation organized under the laws of the State of North Dakota, and doing business in said State, with its principal busines office in Dubuque, Iowa. Said applicants seek an order authorizing the acquisition by Otter Tail Power Company from a third company, Interstate Power Company, of 314 shares of common stock and $75,000 principal amount of First Mortgage Gold Bonds of Interstate Power Company of North Dakota (being all of the latter's outstanding stock and bonds), and an account payable from Interstate Power Company of North Dakota to Interstate Power Company which, on February 28, 1943, amounted to $99,438.84, for a consideration stated in the application to be $125,000 in cash, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

The applicants also seek the approval of the transfer of the Presidential permit held by Interstate Power Company of North Dakota dated August 18, 1941, with respect to the construction and maintenance of an electric substation at a point in the State of North Dakota at the international boundary line near Gretna, Manitoba, Canada, for the importation of electric energy into the United States, to Otter Tail Power Company, as more fully appears in the application.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 28th day of July 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-11163; Filed, July 10, 1943; 2:56 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4922]

P. LORILLARD COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, July 20, 1943, at ten o'clock in the forenoon of that day (eastern

standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43–11198; Filed, July 12, 1943; 11:29 a. m.]

[Docket No. 4920]

MINNEAPOLIS-HONEYWELL REGULATOR COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), (38 Stat. 731, 15 U.S.C.A., section 14, as amended), and (49 Stat. 1526 U.S.C.A., section 13, as amended),

It is ordered, That Charles A. Vilas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, August 10, 1943, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43–11199; Filed, July 12, 1943; 11:29 a. m.]

[Docket No. 4770]

WILLIAM R. WARNER & COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of July, A. D., 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41).

It is ordered, That John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, July 21, 1943, at ten o'clock in the morning of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence with his conclusions of fact and law and his recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43–11123; Filed, July 10, 1943; 11:47 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1632]

GAETANO NANNI

Re: Interest in real property located in New Orleans, Louisiana, household furnishings and bank accounts owned by Gaetano Nanni.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Gaetano Nanni is a resident of Italy and is a national of a designated enemy country (Italy);

2. Finding that Gaetano Nanni is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Gaetano Nanni, and of every other national of a designated enemy country in and to an undivided one-half interest in that certain real property situated at 4700–4702 Constance Street, New Orleans, Parish of Orleans, Louisiana, particularly described in Exhibit A attached hereto and made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Gaetano Nanni for rents, refunds and benefits or other payments arising from the ownership of said real property,

b. Household furnishings particularly described in Exhibit B hereto attached and by reference made a part hereof, located at 4700 Constance Street, New Orleans, Louisiana, which are owned by Gaetano Nanni,

c. All right, title, interest and claim of any name or nature whatsoever of Gaetano Nanni, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Gaetano Nanni by Whitney National Bank of New Orleans, New Orleans, Louisiana, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations and including particularly account No. 20384 in said bank, which account is due and owing to and held for Gaetano Nanni in the name of Paul Caruso, and

d. All right, title, interest and claim of any name or nature whatsoever of Gaetano Nanni and of every other national of a designated enemy country in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Gaetano Nanni by American Bank and Trust Company, New Orleans, Louisiana, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations and including particularly account No. 59068 in said bank, which account is due and owing to and held for Gaetano Nanni in the name of Captain G. Nanni and Mrs. Mary Nanni,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that the property described in subparagraphs 3–c and 3–d hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3–a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of the property described in subparagraph 3–a hereof to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Re: Interest in Real Property in New Orleans, Louisiana, owned by Gaetano Nanni.

All that lot or parcel of land situated in the Parish of Orleans, State of Louisiana, described as follows:

A certain Portion of ground, together with all bldgs. and impts. thereon etc. situated in square 177, bb. Valence, Constance, Bordeaux, Laurel Sts. said portion of ground measures 54' front on Valence St. by 120' in depth and front on Constance St. and is composed of the whole of the lots 27 and 28 which adjoin and measure each, 27' front on Valence St. by 120' in depth Lot No. 28 forms the corner of Constance and Valence Sts.

Re: Household furnishings at 4700 Constance Street. New Orleans, Louisiana, owned by Gaetano Nanni.

EXHIBIT B

Living room:
Sofa
2 overstuffed chairs
1 Ottoman
1 coffee table
1 large table
1 small stand
1 L. art square
1 Occasional rug
Dining room:
1 dining room table
7 straight chairs
1 M. chair
1 Buffet
1 server
1 china closet
1 L. table
1 gas heater
1 large art square
2 occasional rugs
1 pr. curtains
1 shade
Bath:
Two shower curtains
Front bed room:
1 bed spring mattress
2 pillows
1 wardrobe
1 chest of drawers
1 mirror
1 bed table
1 gas heater
2 chairs
1 large art square
2 occasional rugs
Back bed room:
1 large art square
3 occasional rugs
Kitchen:
1 Florence gas range
1 table
2 chairs
1 electrolux (3 trays, 1 drip pan)
2 pr. curtains
2 shades

[F. R. Doc. 43–11063; Filed, July 9, 1943; 9:57 a. m.]

[Vesting Order 1712]

CITIZENS OF NON-ENEMY COUNTRIES

Re: Inventions and disclosures of citizens of non-enemy countries residing in enemy-occupied countries.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each of the persons to whom reference is made in the column headed "Owner" in Exhibits A and B attached hereto and made a part hereof, if an individual, is a citizen of, or, if a business organization, is organized under the laws of, the country represented by the code number set forth after its respective name in said Exhibits A and B under the heading "Cit" in accordance with the following:

17—Czechoslovakia
51—Norway
27—France
19—Denmark
55—Poland
49—Netherlands

and, if an individual, is a resident of, or, if a business organization, has its principal place of business in, the foreign country represented by the code number set forth after its respective name in said Exhibits A and B under the heading "Res" in accordance with the following:

7—Belgium
27—France
19—Denmark
51—Norway
55—Poland
49—Netherlands

and is therefore a national of such foreign country or countries, respectively;

2. Finding that the disclosures, inventions and other property related thereto described in subparagraph 3 hereof are property of the persons whose names appear in the column headed "Owner" opposite the respective identifications thereof in said Exhibits A and B;

3. Finding that the property described as follows:

The disclosures identified in Exhibits A and B attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures,

is property of nationals of foreign countries;

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

TC number	Inventor	Invention	Date of execution	Owner	Cit	Res
TC-157 (a)	Victor Donath	Wrapping material and its method of manufacture	1/9/41	Victor Donath	17	7
TC-157 (b)	Victor Donath	Method of preparing a concentrate extract of coffee or coffee substitutes or mixed materials of this kind.	1/9/41	Victor Donath	17	7
TC-210	Arthur Augustin Viroux	Method for the evaporation of aqueous or other solutions and a plant for carrying this method into practice.	5/29/42	Societe Francaise Krebs & Cie	27	27
TC-277	Soren Peter Sorenson	Food for poultry	12/18/39	F. L. Smidth & Co	19	19
TC-305	Johan Bernhard Odberg	Cuff stud	10/15/41	Johan Bernhard Odberg	51	51

EXHIBIT B

TC Number	Inventor	Invention	Other Identification	Owner	Clt	Res
TC-236	Unknown	Container		Societe a Responsabilite Limitee Lasegue & Cie.	27	27
TC-252	Svend S. C. Fleischer	Method of and device for ensuring the proper order of threads isolated from a sheet of warp threads.	Corresponding Danish appln. filed 2/28/40.	Svend S. C. Fleischer	19	19
TC-266	Unknown	Electric furnaces serving notably for the production of glass.		Societe Anonyme des Manufactures des Glaces et Produits Chimiques de Saint-Gobain, Chauny & Cirey.	27	27
TC-286	Matheus Marinus, Paulus Vallen & Jan Mathijs Henricus Van den Dolder.	Blue-print materials sensitive to light and processes for their production.	Corresponding Dutch appln. 100,059.	Matheus Marinus, Paulus Vallen & Jan Mathijs Henricus Van den Dolder.	49	49
TC-297	Marcel Mialhe	Polytour		Marcel Mialhe	27	27
TC-318	Fernand Texier	Annular extrusion	Corresponding French appln. PV 451,645.	L'Air Liquide	27	27
TC-318 (a)	Emile Gagnan & Robert Bollard.	Gas Expansion valves	Corresponding French appln. PV 452,830.	L'Air Liquide	27	27
TC-318 (b)	Alfred Etienne	Process for separating the constituents of gaseous mixtures by liquefaction.	Corresponding French appln. PV 453,377.	L'Air Liquide	27	27
TC-318 (c)	Unknown	Means for starting and operating electric discharge apparatuses.	Corresponding French appln. filed 7/28/41.	Etablissements Claude-Paz & Silva	27	27
TC-318 (d)	Unknown	Means for starting and operating a gas filled electric discharge apparatus.	Corresponding French appln. filed 7/28/41.	Etablissements Claude-Paz & Silva	27	27
TC-399	E. G. Dorgelo & H. J. Lemmens.	Devices comprising an electric discharge tube.	Corresponding Dutch appln. 995,534.	N. V. Philips' Gloeilampenfabrieken	49	49
TC-399 (a)	J. D. Repko	Cement seals for components of electric apparatus.	Corresponding Dutch appln. 102,221.	N. V. Philips' Gloeilampenfabrieken	49	49
TC-399 (b)	J. L. H. Jonker	Electric discharge tubes	Corresponding Dutch appln. 102,406.	N. V. Philips' Gloeilampenfabrieken	49	49
TC-399 (c)	M. J. O. Strutt & A. Van der Ziel.	Circuits for transmitting high frequency electric oscillations.	Corresponding Dutch appln. 100,053.	N. V. Philips' Gloeilampenfabrieken	49	49
TC-399 (d)	J. M. Unk	Inductance	Corresponding Dutch appln. 102,015.	N. V. Philips' Gloeilampenfabrieken	49	49
TC-445	Oktawiam Popowicz	Air heaters		Oktawiam Popowicz	55	55

[F. R. Doc. 43-11084; Filed, July 9, 1943; 12:43 p. m.]

[Vesting Order 1715]

NATIONALS OF ENEMY COUNTRIES

Re: Inventions and disclosures thereof of nationals of enemy countries.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each of the persons to whom reference is made in the column headed "Owner" in Exhibits A and B attached hereto and made a part hereof, if an individual, is a citizen of, or, if a business organization, is organized under the laws of, the country represented by the code number set forth after its respective name in said Exhibits "A" and "B" under the heading "Cit" in accordance with the following:

28—Germany
38—Italy
39—Japan
34—Hungary

and, if an individual, is a resident of, or, if a business organization, has its principal place of business in, the foreign country represented by the code number set forth after its respective name in said Exhibits "A" and "B" under the headings "RES" in accordance with the following:

28—Germany
38—Italy
39—Japan
34—Hungary

and is therefore a national of such foreign country or countries, respectively;

2. Finding that the disclosures, inventions and other property related thereto described in subparagraph 3 hereof are property of the persons whose names appear in the column headed "Owner" opposite the respective identifications thereof in said Exhibits "A" and "B";

3. Finding that the property described as follows:

The disclosures identified in Exhibits "A" and "B" attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures.

is property of nationals of foreign countries;

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

TC-12 (b)

TC Number	Inventor	Invention	Date of Execution	Owner	Clt	Res
TC-101	Theodor Kertesz, Peter Veghelyi, & Sigismund Kende.	Food acidulaters and process for their manufacturing	11/12/41	Theodor Kertesz, Peter Veghelyi, & Sigismund Kende.	34	34
TC-125	Istvan Goldberg & Lajos Klein	Hydrophilous hydrokeratin colloids suitable for Industrial purposes and a process for their manufacture.	4/21/41	Istvan Goldberg & Mrs. Lajos Klein nee Berta Segner.	34	34
TC-180	Zoltan Foldi & Gabor Fodor	Process for the preparation of degranation products of sterols.	4/15/42	Zoltan Foldi & Gabor Fodor	34	34
TC-201	Kichigoro Kaneko	Gear pumps	10/16/41	Kichigoro Kaneko	39	39
TC-296	Robert Horn	Bituminous composition	6/28/41	Rutgerswerke, A. G.	38	38
TC-302	Antonio Ferretti	Process for manufacturing protein textile fibres	10/6/41	Antonio Ferretti	34	34
TC-409	Emil Schimanek	Process and arrangement for the operation and use of piston engine.	10/9/41	Emil Schimanek	34	34
TC-450	Joseph Fulep	Process for rousing up or quick developing of certain properties determinable in advance of plants.	3/11/42	Joseph Fulep	34	34

EXHIBIT B

TC Number	Inventor	Invention	Other Identification	Owner	Clt	Res
TC-146	Claus Jochims	Device for roasting fish		Claus Jochims	28	28
TC-169	Josef Seidenschwann	Weeding implement	Corresponding German appln. filed 7/14/38.	Josef Seidenschwann	28	28
TC-170	Kurt Bilau	Windmotor	Corresponding German appln. filed 9/11/38.	Kurt Bilau	28	28
TC-171	Josef Seidenschwann	Hook strip		Josef Seidenschwann	28	28
TC-174	Karl Konrad Volkert & Wilhelm Fender.	Hydraulic lift for plows	Corresponding German appln. P. 81 901.	Dr. ing. h. c. F. Porsche K.-G.	28	28
TC-185	Josef Kales	Tractors		Dr. ing. h. c. F. Porsche K.-G.	28	28
TC-191	Hungarian Rubber Goods Factory Limited.	Impregnation of rayon fibres with resorcin, phenil hydrasin, hydroquinon, pyrogallol to ensure a good adhesion of the fibres to rubber.		Hungarian Rubber Goods Factory Limited.	34	34
TC-192	Unknown	Hydraulic clutch		International Patents	38	38
TC-193	Salvatore Stefanini, Jader Vichi, Borgo S. Lorenzo, Domenico Varriale, & Agostino Varriale.	Making wearing apparel from hosiery		Salvatore Stefanini, Jader Vichi, Borgo S. Lorenzo, Domenico Varriale, & Agostino Varriale.	38	38
TC-200	Toyohiko Kagawa	Chemical chess		Toyohiko Kagawa	39	39
TC-242	Arnold Besag	Apparatus for cleansing barrels	Corresponding German appln. filed 5/11/37 & Div. appln. of U. S. Ser. No. 178, 622.	Mannesmann Stahlblechbau, A. G.	28	28
TC-247	Wilhelm Wirbatz & Martin Schenck.	Process and apparatus for the preparation of fiber-shaped cellulose derivatives.		Schering, A. G.	28	28
TC-254	Bernhard Wempe	Glass sheets and process and apparatus for manufactnring same.	Continuation of U. S. Ser. No. 125, 892.	Bernhard Wempe	28	28
TC-263	Unknown	Dissolving, softening, swelling and gelatinizing agents.	Corresponding German appln. D. 78,502.	Deutsche Hydrierwerke, A. G.	28	28
TC-263 (a)	Unknown	Dissolving, softening, swelling and gelling agents.	Corresponding German appln. D. 78,600.	Deutsche Hydrierwerke, A. G.	28	28
TC-263 (b)	Unknown	Insulating materials	Corresponding German appln. D. 78,602.	Deutsche Hydrierwerke, A. G.	28	28
TC-263 (c)	Unknown	Dissolving, softening and gelling agents.	Corresponding German appln. D. 78,677.	Deutsche Hydrierwerke, A. G.	28	28
TC-263 (d)	Unknown	Dissolving, softening and gelling agents.	Corresponding German appln. D. 78,679.	Deutsche Hydrierwerke, A. G.	28	28
TC-263 (e)	Unknown	Dissolving, softening and gelling agents.	Corresponding German appln. D. 78,711.	Deutsche Hydrierwerke, A. G.	28	28
TC-263 (f)	Unknown	Dissolving, softening and gelling agents.	Corresponding German appln. D. 78,712.	Deutsche Hydrierwerke, A. G.	28	28
TC-263 (g)	Unknown	Process for the preparation of capillary-active agents.	Corresponding German appln. D. 78,720.	Deutsche Hydrierwerke, A. G.	28	28
TC-263 (h)	Unknown	Process for the preparation of resinous condensation products.	Corresponding German appln. D. 78,724.	Deutsche Hydrierwerke, A. G.	28	28
TC-263 (i)	Unknown	Dissolving, softening, swelling and gelling agents.	Corresponding German appln. D. 78,931.	Deutsche Hydrierwerke, A. G.	28	28
TC-285 (m)	W. Prahl	Removal of hydrogen sulfide from water.		W. Prahl	28	39
TC-309	Kurt Tank	Control system for aircraft		Focke-Wulf Flugzeughau, G. m. b. H.	28	28
TC-316	Bernhard Osann & Hermann Alexander Brassert.	Method of regulating the course of processes in shaft furnaces, especially blast furnaces.	Corresponding German appln. B. 188,307.	H. A. Brassert & Co.	28	28
TC-316 (a)	Bernhard Ossan & Hermann Alexander Brassert.	Process of making steel in a converter	Corresponding German appln. B. 188,211.	H. A. Brassert & Co.	28	28
TC-316 (b)	Hermann Alexander Brassert.	Process of and apparatus for producing steel from iron ores.	Corresponding German appln. B. 188,209.	H. A. Brassert & Co.	28	28
TC-316 (c)	Hermann Alexander Brassert.	Pig iron mixer	Corresponding German appln. B. 188,406.	H. A. Brassert & Co.	28	28
TC-316 (d)	Hermann Alexander Brassert.	Regenerative hearth furnaces especially Siemens-Martin furnaces.	Corresponding German appln. B. 188,547.	H. A. Brassert & Co.	28	28
TC-316 (j)	Unknown	Sheet straightening machine		Erhardt & Schmer	28	28
TC-316 (k)	Arthur Burkhardt	Magnesium alloids	Continuation-in-part of U. S. appln. 303,610.	Arthur Burkhardt	28	28
TC-316 (l)	Rudolf Hintze & Helmut Glombitza.	Means for detaching ice cubes		Rudolf Hintze & Helmut Glombitza.	28	28
TC-316 (m)	Rudolf Hintze, Kurt Nesselmann, & Peter Pfaff.	Refrigerators of the compression type		Rudolf Hintze, Hurt Nesselmann, & Peter Pfaff.	28	28
TC-316 (n)	Adalbert Etzrodt	Controllable electric discharge vessel	Corresponding German appln. Filed 8/21/39.	Siemens & Halske, A. G.	28	28
TC-316 (o)	Manfred von Ardenne	Electron microscope	Corresponding German appln. filed 5/9/40.	Siemans & Halske, A. G.	28	28
TC-316 (p)	Ernst Ruska	Electronic microscopes	Corresponding German appln. filed 5/31/40.	Siemens & Halske, A. G.	28	28
TC-316 (q)	Heinz Otto Muller	Method for treating objects to be examined microscopically.	Corresponding German appln. filed 8/8/40.	Siemens & Halske, A. G.	28	28
TC-316 (r)	Bodo von Borries	Arrangement for producing magnified images of object-surfaces with the aid of an electron microscope.	Corresponding German appln. filed 8/14/40.	Siemens & Halske, A. G.	28	28
TC-317	Heinrich Lussenhop	Multiple electrolytic condenser, especially of large capacity.	Corresponding German appln. filed 12/12/38.	Siemens & Halske, A. G.	28	28
TC-317 (a)	Werner Herrmann Paul Werner, & Anneliese Wolter.	Electrolyte, especially for electrolytic condensers.	Corresponding German appln. S. 135,500.	Siemens & Halske, A. G.	28	28
TC-317 (b)	Wilhelm Hermanns	Electrolytic condenser, especially for multiple electrolytic condenser.	Corresponding German appln. S. 41027 GM.	Siemens & Halske, A. G.	28	28
TC-317 (c)	Werner Herrmann	Electrolytic cell, especially for electrolytic condenser.	Corresponding German appln. S. 137,228.	Siemens & Halske, A. G.	28	28
TC-317 (d)	Hans Schulz	Electrolytic condenser	Corresponding German appln. S. 137,229.	Siemens & Halske, A. G.	28	28
TC-317 (e)	Willy Prang	Process for the formation of electrodes, especially for electrolytic condensers.	Corresponding German appln. S. 137,318.	Siemens & Halske, A. G.	28	28
TC-317 (f)	Ludwig Linder	Dry electrolyte condenser	Corresponding German appln. S. 137,976.	Siemens & Halske, A. G.	28	28
TC-317 (g)	Paul Werner	Process for producing an electrode with an enlarged surface, especially for electrolytic condensers.	Corresponding German appln. S. 137,988.	Siemens & Halske, A. G.	28	28
TC-317 (h)	Erich Evers	Electrolytic condenser	Corresponding German appln. S. 138,119.	Siemens & Halske, A. G.	28	28
TC-317 (i)	Paul Werner	Electrolytic condenser	Corresponding German appln. S. 138,850.	Siemens & Halske, A. G.	28	28
TC-317 (j)	Ludwig Linder	Electrolytic condenser	Corresponding German appln. S. 139,674.	Siemens & Halske, A. G.	28	28
TC-317 (k)	Werner Herrmann	Electrolyte for electrolytic cells, especially for electrolytic condensers.	Corresponding German appln. S. 139,851.	Siemens & Halske, A. G.	28	28
TC-317 (l)	Wilhelm Wolf & Leonhart Schmidt.	Electrolyte condenser, especially for higher tension.	Corresponding German appln. S. 140,190.	Siemens & Halske, A. G.	28	28
TC-317 (m)	Christian Wachenhusen	Electrolytic condenser for the purpose of eliminating disturbances.	Corresponding German appln. S. 140,302.	Siemens & Halske, A. G.	28	28

EXHIBIT B—Continued

TC Number	Inventor	Invention	Other Identification	Owner	Cit	Res
TC-317 (n)	L. Linder, W. Herrmann, and A. Wolter.	Electrolyte for electrolytic cells, especially for electrolytic condensers.	Corresponding German appln. S. 140,343.	Siemens & Halske, A. G	28	28
TC-317 (o)	Ludwig Linder & Paul Werner.	Electrolyte, especially for electrolytic condensers.	Corresponding German appln. S. 140,498.	Siemens & Halske, A. G	28	28
TC-317 (p)	Paul Werner	Process for the production of electrolytic condensers.	Corresponding German appln. S. 141,023.	Siemens & Halske, A. G	28	28
TC-317 (q)	Paul Werner	Electrolyte, especially for electrolytic condensers.	Corresponding German appln. S. 141,148.	Siemens & Halske, A. G	28	28
TC-317 (r)	Ludwig Linder	Electrolytic condenser	Corresponding German appln. S. 141,289.	Siemens & Halske, A. G	28	28
TC-317 (s)	Paul Werner	Electrolyte, especially electrolyte for preliminary forming of electrodes of electrolytic condensers.	Corresponding German appln. filed 9/10/40.	Siemens & Halske, A. G	28	2
TC-317 (t)	W. Herrmann	Process for the production of an electrolytic condenser, especially for low temperatures, and electrolytic condenser produced according to this process.	Corresponding German appln. S. 142,280.	Siemens & Halske, A. G	28	28
TC-317 (u)	Paul Werner	Electrolytic condenser, especially for low temperatures.	Corresponding German appln. S. 142,241.	Siemens & Halske, A. G	28	28
TC-317 (v)	Joachim Nestler	Electrolytic condenser	Corresponding German appln. S. 142,270.	Siemens & Halske, A. G	28	28
TC-317 (w)	Paul Werner	Electrolytic condenser, especially electrolyte-condenser for liquids.	Corresponding German appln. S. 142,573.	Siemens & Halske, A. G	28	28
TC-317 (x)	Paul Werner	Process for the production of electrodes with an enlarged surface, especially for electrolytic condensers.	Corresponding German appln. S. 142,709.	Siemens & Halske, A. G	28	28
TC-317 (y)	W. Herrmann	Electrolytic condenser	Corresponding German appln. S. 143,698.	Siemens & Halske, A. G	28	28
TC-317 (z)	W. Herrmann	Valve, especially for electrolytic condensers.	Corresponding German appln. S. 144,247.	Siemens & Halske, A. G	28	28
TC-317 (aa)	W. Herrmann & Paul Werner.	Electrolytic condenser	Corresponding German appln. S. 144,248.	Siemens & Halske, A. G	28	28
TC-317 (bb)	W. Herrmann & Paul Werner.	Electrolytic condenser	Corresponding German appln. S. 144,249.	Siemens & Halske, A. G	28	28
TC-317 (cc)	W. Herrmann & Paul Werner.	Electrolytic condenser	Corresponding German appln. S. 144,438.	Siemens & Halske, A. G	28	28
TC-317 (dd)	Paul Werner	Process for producing electrolytic condensers.	Corresponding German appln. S. 144,391.	Siemens & Halske, A. G	28	28
TC-317 (ee)	Paul Werner	Closing device, especially for metallic cup of electrolytic condensers.	Corresponding German appln. S. 144,439.	Siemens & Halske, A. G	28	28
TC-417	Cesare Berselli	Calculating machine having a totalizer with unlimited capacity.		Cesare Berselli	38	38
TC-419	Sante Arnaldo Falavigna, Carlo Alberto Falavigna, & Antonio Falavigna.	System of ensilage and construction of the silo used in connection therewith.		Sante Arnaldo Falavigna, Carlo Alberto Falavigna, & Antonio Falavigna.	38	38

[F. R. Doc. 43-11085; Filed, July 9, 1943; 12:43 p. m.]

[Vesting Order 1743]

SERGE VASILACH, ET AL.

Re: Invention and disclosure thereof of Serge Vasilach, Paul Aginski and Henri Renault.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Serge Vasilach is a resident of France and a citizen of Roumania and is therefore a national of foreign countries (Roumania and France);

2. Finding that Paul Aginski and Henri Renault are citizens and residents of France and are therefore nationals of a foreign country (France);

3. Finding that the unfiled patent application and other property related thereto identified in subparagraph 4 hereof are property of Serge Vasilach, Paul Aginski and Henri Renault;

4. Finding that the unfiled patent application identified as follows:

TC No.	Inventors	Title	Date of execution
TC-212	Serge Vasilach, Paul Aginski and Henri Renault.	Improvements in or relating to transmitting and amplificating control devices.	1-21-42

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of nationals of foreign countries (Roumania and France);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid,

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11086; Filed, July 9, 1943; 12:43 p. m.]

[Vesting Order 1745]

RUTH SARA CRZELLITZER, ET AL.

Re: Invention and disclosure thereof of Ruth Sara Crzellitzer, Stefan Peter Crzellitzer and Camillo-Georg Crzellitzer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Ruth Sara Crzellitzer, Stefan Peter Crzellitzer and Camillo-Georg Crzellitzer are residents of Belgium and citizens of Germany and each of them is therefore a national of foreign countries (Belgium and Germany);

2. Finding that the unfiled patent application and other property related thereto identified in subparagraph 3 hereof are property of Ruth Sara Crzellitzer, Stefan Peter Crzellitzer and Camillo-Georg Crzellitzer;

3. Finding that the unfiled patent application identified as follows:

TC No.	Inventor	Title	Date of execution
TC-1065	Robert Wolfgang Crzellitzer (deceased).	Device for leveling machines.	1-27-41

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of nationals of foreign countries (Belgium and Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11087; Filed, July 9, 1943; 12:43 p. m.]

[Vesting Order 1596]

GUSTAV OTTO RICHARD HOFMEISTER

Note: The following Exhibit A of Vesting Order 1596 was not filed as part of the original document printed on page 9077 of the issue of July 2, 1943. A copy of the exhibit has subsequently been attached to the original document.

EXHIBIT A

Re: Real property owned by Gustav Otto Richard Hofmeister.

All those two adjoining lots, tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Township of Palisades, in the County of Bergen and State of New Jersey, known and designated on a certain map filed in the Clerk's office of the said county of Bergen May 29, 1891 entitled "Map of the S. S. Demarest property at Bergen Fields, N. J." as lot No. 184 and part of lot 185 in Beach F: Said two lots are located on the northwesterly corner of Main Street and Demarest Avenue and taken together from a plot 52 feet and 5/10's of a foot (52.5/10') wide in front on Demarest Avenue, the same width in the rear, one hundred (100') feet deep on the north side and one hundred (100') deep on the south side of Main Street. Bounded northerly by lot number 183 easterly by Demarest Avenue, southerly by Main Street and westerly by Lot No. 186 as laid down by said map.

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Rev.-39]

ADAMS TRANSFER & STORAGE COMPANY AND THE SANTA FE TRAIL TRANSPORTATION COMPANY

COORDINATED OPERATIONS BETWEEN KANSAS CITY, MISSOURI, AND POINTS IN KANSAS

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property in less-than-truckload lots between Kansas City, Missouri, and points in Kansas, filed with the Office of Defense Transportation by Adams Transfer & Storage Company, a corporation, Kansas City, Missouri, and The Santa Fe Trail Transportation Company, a corporation, Wichita, Kansas, designated herein as Adams and Santa Fe Trail, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Adams shall:

(a) Suspend the transportation, on its route between Kansas City, Missouri, and Salina, Kansas, of shipments in less-than-truckload lots moving to and from the intermediate points of Fort Riley, Junction City, and Abilene, Kansas, including shipments moving through Salina and shipments originating at or moving through Kansas City, and divert such shipments to Santa Fe Trail; and

(b) Suspend the transportation, on its routes between Kansas City, Missouri, and Wichita, Kansas, of shipments in less-than-truckload lots moving to and from the intermediate points of Emporia and Newton, Kansas, including shipments originating at or moving through Kansas City or Wichita, and divert such shipments to Santa Fe Trail.

2. Santa Fe Trail shall accept and transport all shipments diverted to it under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of Adams.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, and regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-39", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of July 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11182; Filed, July 12, 1943; 10:38 a. m.]

[Supplementary Order ODT 3, Rev. 40]

ADAMS TRANSFER & STORAGE COMPANY, KNAUS TRUCK LINES, INC., AND RISS & COMPANY, INC.

COORDINATED OPERATIONS BETWEEN POINTS IN ILLINOIS AND MISSOURI

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of shipments in less-than-truckload lots between points in Illinois and Missouri, filed with the Office of Defense Transportation by Adams Transfer & Storage Company, a corporation; Knaus Truck Lines, Inc.; and Riss & Company, Inc., all of Kansas City, Missouri, designated herein as Adams, Knaus, and Riss, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. Adams and Riss shall suspend the transportation in interstate commerce on their routes between Kansas City, Missouri, and Chicago, Illinois, of shipments in less-than-truckload lots moving between those points and the intermediate point of Springfield, Illinois, including shipments routed through Kansas City or Chicago, and shall divert such shipments to Knaus: *Provided, however*, That Adams and Riss may transport shipments in less-than-truckload lots to Springfield, when equipment is moved to and from Springfield pursuant to prior commitments not involving the operation of empty or partially loaded equipment.

2. Knaus shall accept and transport all shipments diverted to it under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—40", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C. this 12th day of July 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11183; Filed, July 12, 1943; 10:38 a. m.]

[Supplementary Order ODT 3, Rev. 41]

ADAMS TRANSFER & STORAGE COMPANY AND CHIEF FREIGHT LINES COMPANY

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI, KANSAS, AND OKLAHOMA

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property in less-than-truckload lots between points in Missouri, Kansas, and Oklahoma, filed with the Office of Defense Transportation by Adams Transfer & Storage Company, a corporation, and Chief Freight Lines Company, a corporation, both of Kansas City, Missouri, designated herein as Adams and Chief, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Adams shall suspend the transportation in interstate commerce on its routes between Kansas City, Missouri, and Tulsa, Oklahoma, of shipments in less-than-truckload lots moving between Kansas City and Tulsa and the intermediate points of Altoona, Caney, Cherryvale, Coffeyville, Earlton, Fredonia, Liberty, Neodesha, Thayer, Kansas; Copan, Bartlesville, Collinsville, Delaware, Dewey, Glenoak, Lenapah, and Watova, Oklahoma, including shipments moving through Kansas City or Tulsa, and divert such shipments to Chief.

2. Chief shall accept and transport all shipments diverted to it under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of Adams.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order, and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—41", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of July 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11184; Filed, July 12, 1943; 10:38 a. m.]

[Supplementary Order ODT 3, Rev. 42]

ADAMS TRANSFER & STORAGE COMPANY AND MANLEY TRANSFER COMPANY

COORDINATION OPERATIONS BETWEEN KANSAS CITY, MISSOURI, AND POINTS IN KANSAS

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property in less-than-truckload lots between Kansas City, Missouri, and points in Kansas, filed with the Office of Defense Transportation by Adams Transfer & Storage Company, a corporation, Kansas City, Missouri, and F. L. Manley, doing business as Manley Transfer Company, Chanute, Kansas, designated herein as Adams and Manley, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Adams shall suspend the transportation in interstate commerce on its route between Kansas City, Missouri, and Chanute, Kansas, of shipments in less-than-truckload lots moving between Kansas City and Chanute and the intermediate points of Ottawa, Princeton, Richmond, Garnett, Welda, Colony, Iola, and Humboldt, Kansas, including shipments moving through Kansas City or Chanute, and divert such shipments to Manley.

2. Manley shall accept and transport all shipments diverted to it under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of Adams.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order, and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—42", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of July, 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11185; Filed, July 12, 1943; 10:38 a. m.]

[Supplementary Order ODT 3, Rev. 43]

ADAMS TRANSFER & STORAGE COMPANY, HALL BROTHERS TRUCK LINES, AND KANSAS TRANSPORT FREIGHT LINES

COORDINATED OPERATIONS BETWEEN KANSAS CITY, MISSOURI, AND POINTS IN KANSAS

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property in less-than-truckload lots between Kansas City, Missouri, and points in Kansas, filed with the Office of Defense Transportation by P. F. Felton and R. J. LaBenne, co-partners, doing business as Kansas Transport Freight Lines, Salina, Kansas; Adams Transfer & Storage Company, a corporation, Kansas City, Missouri; and Russell A. Hall, doing business as Hall Brothers Truck Lines, Lawrence, Kansas, herein called Kansas Transport, Adams, and Hall, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. Kansas Transport shall suspend the transportation, on its routes between Kansas City, Missouri, and Manhattan, Kansas, of shipments in less-than-truckload lots moving between those points, including shipments moving through Kansas City, and divert such shipments to Adams.

2. Adams shall:

(a) Accept all shipments diverted to it by Kansas Transport pursuant to this order; and

(b) Suspend the transportation, on its routes between Kansas City, Missouri, and Topeka, Kansas, of shipments in less-than-truckload lots moving between Kansas City, Missouri, and Lawrence, Midland, Perry, Newman, Grantville, and Topeka, Kansas, including shipments moving through Kansas City or Topeka, and divert such shipments to Hall.

3. Hall shall accept all shipments diverted to it by Adams pursuant to this order.

4. The carrier to which a shipment has been diverted under this order shall

transport such shipment pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

5. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

6. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

7. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

8. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

9. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

10. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-43", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

11. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of July, 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11186; Filed, July 12, 1943; 10:39 a. m.]

TRANSPORTATION AND DELIVERY OF FLOWERS IN CUYAHOGA COUNTY, OHIO

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), Elsie Kirchner, Lakewood Floral Co., Eickhoff Florists, F. H. Ziechmann, Nick Castello, McFarlands Florists, Bramley-Pepper Florist, A. J. Heil, L. A. Ellacott, and Jos. W. Fifer, all of Cuyahoga County, Ohio, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in Cuyahoga and adjoining counties.

The participants in the plan, wholesale and retail florists, propose to eliminate wasteful operations in the transportation and delivery of flowers and related articles by reducing the number of delivery trips and by transferring orders. Each will make not more than one delivery trip a day in the three general directions, northeast, south, and west, serving customers in Cuyahoga, Lake, Geauga, and Summit Counties. Sunday deliveries to hospitals are to be discontinued; and all other Sunday deliveries are to be curtailed as much as practicable. Orders received by a participant in the western portion of Cuyahoga County for deliveries in the eastern portion of the delivery area, and vice versa, will be transferred to the participant nearest the delivery point. A truck will not be started on a delivery trip unless fully loaded. The participants estimate that effectuation of the plan will result in savings of 35 percent of their truck-mileage, based on their 1941 experiences.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 6th day of July, 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11195; Filed, July 12 1943; 11:27 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Amdt. 1 to Order 36 Under Rev. MPR 148]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 1 to Order No. 36 under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

The second paragraph of Order No. 36 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including August 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11107; Filed, July 9, 1943; 4:08 p. m.]

[Amdt. 1 to Order 33 Under Rev. MPR 169]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 1 to Order 33 Under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including August 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11109; Filed, July 9, 1943; 4:08 p. m.]

[Amdt. 1 to Order 3 Under Rev. MPR 239]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 1 to Order No. 3 under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

The second paragraph of Order No. 3 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including August 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11108; Filed, July 9, 1943; 4:08 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 9, 1943.

Order No.	*Name*
RPS 57, Order 37	Hardwick & Magee Co.
RPS 64, Order 103	Union Stove Works, Incorp.
MPR 188, Order 480	Emergency Equipment Co.
MPR 121, Order 16	Vinton Coal & Coke Co.
MPR 188, Order 481	Locke Insulator Corp.
RPS 67, Order 15	The Kindt-Collins Co.
RPS 10, Order 7	Eastern Gas and Fuel Associates
MPR 157, Order 29	Sun Bias Binding Textiles Co.
MPR 152, Order 40	Paulus Bros. Packing Co.
MPR 185, Order 18	Paulus Bros. Packing Co.
MPR 220, Order 2	Stelton Mfg. Co.
RMPR 195, Order 5	D. C. Dunham Lumber Co.
MPR 157, Order 28	M. Fine & Sons Mfg. Co., Inc.
RPS 56, Order 6	Essex Rubber Co.
MPR 188, Order 483	Fredericksburg Art Pottery Co.
Rev. Supp. Reg. 1, Order 28	J. C. Bennett Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11140; Filed, July 10, 1943; 11:49 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following order was filed with the Division of the Federal Register on July 10, 1943.

Order number:	*Name*
MPR 188, Order 492	Abington Wood Products Co.

Copies of this order may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11201; Filed, July 12, 1943; 11:38 a. m.]

Regional, District and State Office Orders.

[Region VIII Order G-4]

FLUID MILK IN CERTAIN NEVADA AREAS

Order No. G-4 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. 5); Fluid milk prices at wholesale and retail in certain localities in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold and delivered at wholesale and at retail in certain specified localities in the State of Nevada.* The maximum price for fluid milk sold and delivered at wholesale or at retail, other than sales to the Armed Forces and to Federal, State, County and Municipal institutions, in the localities set forth below and in the quantities and under the conditions of delivery set forth below, shall be the applicable adjusted maximum price specified in the schedule set forth below.

(a) *City of Reno:*

WHOLESALE PRICES F. O. B. PURCHASER'S BUSINESS LOCATION

Quantity	Not less than 3.5% milk fat	Not less than 4.3% milk fat
Gallon	$0.44	$0.48
Half-gallon	.23	.25
Quart-container, glass	.12	.13
Quart-container, fiber	.12½	
Pint container	.06	.07
Half pint container	.04	.04

RETAIL PRICES

Gallon	$0.49	$0.53
Half gallon	.26	.28
Quart container	.14	.15
Pint container	.07	.08

(b) *Carson City:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.40
Half gallon	.20
Quart container, glass	.11
Quart container, fiber	.11½
Pint	.06
Half pint	.035
	Retail prices
Gallon	$0.45
Half gallon	.23
Quart container	.13
Pint container	.07

(c) *Virginia City:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.44
Half gallon	.23
Quart container, glass	.12
Quart container, fiber	.12½
Pint container	.06
Half-pint container	.04
	Retail prices
Gallon	$0.49
Half gallon	.26
Quart container	.14
Pint container	.07

(d) *Gardnerville, Minden and Yerington:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.35
Half gallon	.19
Quart container, glass	.10
Quart container, fiber	.10½
Pint container	.05
Half-pint container	.03
	Retail prices
Gallon	$0.40
Half gallon	.22
Quart container	.12
Pint container	.06

(e) *Hawthorne and Winnemucca:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.47
Half gallon	.25
Quart container, glass	.13
Quart container, fiber	.13½
Pint container	.07
Half-pint container	.05
	Retail prices
Gallon	$0.52
Half gallon	.28
Quart container	.15
Pint container	.08

(f) *McGill, Ely, Elko, Panaca, Pioche, Caliente, and the settlement of Gabbs Valley:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.44
Half gallon	.23
Quart container, glass	.12
Quart container, fiber	.12½
Pint container	.06
Half-pint container	.04
	Retail prices
Gallon	$0.49
Half gallon	.26
Quart container	.14
Pint container	.07

(g) *Tonopah:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.55
Half gallon	.29
Quart container, glass	.15
Quart container, fiber	.15½
Pint container	.08
Half-pint container	.05
	Retail prices
Gallon	$0.60
Half gallon	.32
Quart container	.17
Pint container	.09

(b) *Beowawe:*

WHOLESALE PRICES F. O. B. PURCHASER'S BUSINESS LOCATION

Quantity	If container not supplied by seller	If container is supplied by seller
Gallon	$0.35	$0.40
Half gallon	.19	.23
Quart container	.10	.12

RETAIL PRICES

Gallon	$0.42	$0.45
Half gallon	.24	.29
Quart container	.12	.14

(i) *Getchell Mine, Post Office Red House:*

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Quart container	$0.15	$0.17

(j) *Unionville:*

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Quart container	$0.10	$0.12

(2) *Maximum prices for fluid milk sold to the Armed Forces of the United States and to Federal, State, County and Municipal Institutions.* The maximum delivered price of fluid milk sold and delivered by sellers, whose places of business are in the localities enumerated above, to the Armed Forces of the United States and to Federal, State, County and Municipal institutions, shall be an adjusted maximum price equal to the adjusted maximum price hereinabove specified for sales at wholesale in the locality of the seller's place of business, except that the maximum price of fluid milk delivered to the Reno Air Base shall be 12½ cents per quart.

(3) No seller affected by this order shall change his customary allowances, discounts, or other price differentials unless such change results in a lower price.

(4) Definitions. For purposes of this order:

(a) "Milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(b) "Sale at wholesale" means a sale of fluid milk in bottles or paper containers to any person, including an industrial or commercial user, other than the ultimate consumer. College dormitories, fraternities and sororities shall be considered commercial users.

(c) "Sale at retail" means a sale of fluid milk to an ultimate consumer other than an industrial or commercial user.

(d) The name of any place includes the area within a radius of 5 miles from the city limits if the place is an incorporated city or town, and from the center of the city, town or settlement if it is not incorporated.

(5) Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(6) This order may be revoked or amended by the Office of Price Administration at any time.

(7) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11066; Filed, July 9, 1943; 11:33 a. m.]

[Region VIII Amdt. 1 to Order G-4]

FLUID MILK IN CERTAIN NEVADA AREAS

Amendment No. 1 to Order No. G-4 (formerly Order No. 5) under § 1499.18 (c), as amended, of the General Maximum Price Regulation; fluid milk prices at wholesale and retail in certain localities in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, and § 1499.18 (c), as amended, of the General Maximum Price Regulation, and in accordance with the authority reserved in Paragraph 6 of Order No. G-4 issued pursuant to § 1499.18 (c) to amend the said order at any time, the said Order No. G-4 is hereby amended in the following particulars:

(1) Paragraph (f) of Section (1) of said Order No. G-4 is hereby amended by striking out the heading, "*McGill, Ely, Elko, Panaca, Pioche, Caliente, and the settlement of Gabbs Valley,*" substituting therefor the following heading:

McGill, Ely, Elko, Panaca, Pioche and Caliente

(2) Section (1) of said Order No. G-4 is hereby amended by adding at the end thereof the following:

The settlement of Gabbs Valley:

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Quart container	$0.13	$0.15
Pint container	.07	.08

(3) Said Order No. G-4 as amended by this Amendment No. 1 may be further amended or revoked by the Office of Price Administration at any time.

(4) This Amendment No. 1 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of January 1943.

HARRY CAMP,
Regional Administrator.

[F. R. Doc. 43-11067; Filed, July 9, 1943; 11:28 a. m.]

[Region VIII, Amdt. 2 to Order G-4]

FLUID MILK IN CERTAIN NEVADA AREAS

Amendment No. 2 to Order No. G-4 (formerly Order No. 5) under § 1499.18 (c), as amended, of the General Maximum Price Regulation; fluid milk prices at wholesale and retail in certain localities in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, and § 1499.18 (c), as amended of the General Maximum Price Regulation, and in accordance with the authority reserved in Paragraph 6 of Order No. G-4 issued pursuant to § 1499.18 (c) to amend the said Order at any time, the said Order No. G-4 is hereby amended in the following particulars:

(1) Section (1) of said Order No. G-4 as amended is hereby amended by adding at the end thereof the following:

The towns of Wells, Deeth, and Alazon:

[Not less than 3.5% milk fat]

Quantity	Wholesale delivered	Retail price
Quart container	$0.10	$0.12
Pint container	.06	.07
Half-pint container	.04	

The towns of Imlay and Mill City:

[Not less than 3.5% milk fat]

Quantity	Wholesale delivered	Retail price
Quart container	$0.12	$0.14
Pint container	.07	.08
Half-pint container	.04	

The town of Genoa:

[Not less than 3.5% milk fat]

Quantity	Retail delivered	Retail f. o. b. distributors' plant
Quart container	$0.12	$0.10

(2) Said Order No. G-4 as amended by this Amendment No. 2 may be further amended or revoked by the Office of Price Administration at any time.

(3) This amendment No. 2 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 3d day of April 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11068; Filed, July 9, 1943; 11:29 a. m.]

[Region VIII Order G-1]

FLUID MILK IN RENO, NEVADA

Order No. G-1 under § 1351.807 of Maximum Price Regulation No. 280, as amended—Maximum Prices for Specific Food Products; fluid milk prices in bulk in Reno, Nevada, formerly Order No. 2.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.807 of Maximum Price Regulation No. 280, as amended, *It is hereby ordered:*

(1) The maximum price for fluid milk of not less than 3.5% butterfat content sold and delivered at wholesale other than in glass or paper containers to stores, hotels, restaurants and institutions in Reno, Nevada, shall be 39 cents per gallon.

(2) For purposes of this order, the term "Reno, Nevada," includes the area within a radius of five miles from the city limits of the city of Reno, Nevada.

(3) This order may be revoked or amended by the Office of Price Administration at any time.

(4) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11110; Filed, July 9, 1943; 4:09 p. m.]

[Region VIII Order G-4]

FLUID MILK IN CERTAIN NEVADA AREAS

Order No. G-4 under § 1351.807 of Maximum Price Regulation 280 as amended—Maximum Prices for Specific Food Products (formerly Order No. 4); fluid milk prices in bulk in certain localities in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.807 of Maximum Price Regulation No. 280 as amended, *It is hereby ordered:*

(1) The maximum price for fluid milk of not less than 3.5% butterfat content sold and delivered at wholesale other than in glass or paper containers to stores, hotels, restaurants and institutions in the localities set forth below, shall be as follows:

THE TOWNS OF WELLS, DEETH, AND ALAZON

Quantity:	*Wholesale delivered*
Gallon	$ .40

(2) No seller affected by this order shall change his customary allowances, discounts, or other price differentials unless such change results in a lower price.

(3) For purposes of this order, the name of any town includes an area within a radius of 5 miles from the center of such town.

(4) This order may be further amended or revoked by the Office of Price Administration at any time.

(5) This order No. 4 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued: April 3, 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11111; Filed, July 9, 1943; 4:31 p. m.]

[Region VIII Order G-7]

FLUID MILK IN OREGON

Order No. G-7 Under § 1499.18 (c), as amended of the General Maximum Price Regulation (formerly Order No. 8)—Fluid Milk Prices at Wholesale and Retail in the State of Oregon.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold and delivered at wholesale and at retail in certain specified localities in the State of Oregon.* (a) The maximum price for fluid milk sold and delivered at wholesale or at retail, other than sales to the Armed Forces and to Federal, State, County, and Municipal institutions, in the localities set forth below, and in the quantities and under the conditions of delivery set forth below, shall be the seller's previous maximum price, as determined under § 1499.2 of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Baker County:		
Quart container	$0.10	$0.12
Pint container	.06	.08
Half-pint container	.03	.05
Benton County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Clackamas County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Clatsop County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Columbia County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Crook County—except the city of Prineville:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of Prineville:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Curry County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Deschutes County—except the cities of Bend and Redmond:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Cities of Bend and Redmond:		
Quart container	$0.11	$0.13
Pint container	.06	.08
Half-pint container	.035	.05
Douglas County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Gilliam County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Harney County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Hood River County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Jackson County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Jefferson County—except the City of Madras:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of Madras:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.0325	.05
Klamath County—except the City of Klamath Falls:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of Klamath Falls:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Lake County—except the city of Lake View:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of Lake View:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.035	.05
That portion of Lane County east of the Coast Range:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
That portion of Lane County west of the Coast Range:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.0325	.05
Lincoln County:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.0325	.05
Linn County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.0325	.05
Malheur County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Marion County—except the city of Salem:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
City of Salem:		
Quart container	.1175	.135
Pint container	.06	.08
Half-pint container	.035	.05
Morrow County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Multnomah County—except the city of Portland:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
City of Portland:		
Quart container	.12	.14
Pint container	.065	.08
Half-pint container	.035	.05
Sherman County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Tillamook County — except the city of Tillamook:		
Quart container	$0.11	$0.13
Pint container	.06	.08
Half-pint container	.035	.05
City of Tillamook:		
Quart container	.1175	.135
Pint container	.06	.08
Half-pint container	.035	.05
Union County—except the city of La Grande:		
Quart container	.10	.13
Pint container	.06	.08
Half-pint container	.03	.05
City of La Grande:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.035	.05
Umatilla County—except the city of Pendleton:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of Pendleton:		
Quart container	.12	.14
Pint container	.065	.08
Half-pint container	.035	.05
Wallowa County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Wasco County—except the city of The Dalles:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of The Dalles:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.035	.05
Washington County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Yamhill County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05

(b) The adjusted maximum price for sales at retail of milk delivered directly at the producer's ranch or farm or at the distributor's plant shall, in each of the localities specified above, be at the rate of 1 cent per quart less than the retail price specified for the particular locality and for the particular container size.

(2) The adjusted maximum price under this order for any seller of fluid milk in gallon glass containers affected by this order shall be determined by determining the differential in cents between the seller's maximum price prior to this order for fluid milk in gallon glass containers and his maximum price prior to this order for fluid milk in quart glass containers sold at wholesale or at retail as the case may be in the particular locality, and applying the same differential in cents to the seller's adjusted maximum price under this order for such sales of fluid milk in quart glass containers.

(3) The adjusted maximum prices hereinabove specified are for fluid milk in glass containers. The adjusted maximum price under this order for any seller of fluid milk in paper or fiber containers affected by this order shall be determined by determining the differential in cents between the seller's maximum price prior to this order for such fluid milk in paper or fiber containers and his maximum price prior to this order for fluid milk in glass containers of the corresponding size in the particular locality, and applying the same differential in cents to the seller's adjusted maximum price under this order for such fluid milk in glass containers.

(4) The adjusted maximum price under this order for any seller of skim milk, plain buttermilk or Bulgarian buttermilk affected by this order shall be determined by determining the differential in cents between the seller's maximum price prior to this order for such item and his maximum price prior to this order for fluid milk in the particular locality and in the same container size, and applying the same differential in cents to the seller's adjusted maximum price under this order for such milk.

(5) *Maximum prices for fluid milk sold to the Armed Forces of the United States and to Federal, State, County and Municipal Institutions.* The maximum delivered price of fluid milk sold and delivered by sellers, whose places of business are in the localities enumerated above, to the Armed Forces of the United States and to Federal, State, County and Municipal Institutions, shall be an adjusted maximum price equal to the adjusted maximum price hereinabove specified for sales at wholesale in the locality of the seller's place of business.

(6) No seller affected by this order shall change his customary allowances or discounts unless such change results in a lower price.

(7) In the case of single unit sales, any adjusted maximum price resulting in a fraction of a cent must be reduced to the next lower even cent if the fraction is less than one-half cent and may be increased to the next higher even cent if the fraction is one-half cent or more. In the case of multiple unit sales, the fractional unit price, if any, shall be multiplied by the number of units, and, if the result contains a fractional cent, it shall be similarly adjusted. Home deliveries shall be considered multiple unit sales unless separate collections are made for single units delivered.

(8) *Definitions.* For purposes of this order:

(a) "Milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk, having a milk-fat content of not less than 3.8%, except that where a lower-minimum milk-fat content is prescribed by legal authority, then the term "milk" shall include milk of a milk-fat content of not less than such legal minimum. The term "milk" shall also include chocolate milk.

(b) "Sale at wholesale" means a sale of fluid milk in bottles or paper containers to any person, including an industrial or commercial user, other than an ultimate consumer. College dormitories, fraternities and sororities shall be considered commercial users.

(c) "Sale at retail" means a sale of fluid milk to an ultimate consumer other than an industrial or commercial user.

(d) Where the name of any city or town mentioned in this Order is also the name of a sales area as defined by the Oregon Milk Control Board, the name of such city or town shall, for the purposes of this Order, include the area within the boundaries of such sales area as defined by said Board. The name of any other city or town includes the area within a radius of 25 miles in the case of Klamath Falls, 15 miles in the case of Tillamook, and 3 miles in all other cases, from the city limits if said city or town is an incorporated municipality, and within a radius of 3 miles from the center of said city or town if it is not an incorporated municipality.

(9) Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(10) This order may be revoked or amended by the Office of Price Administration at any time.

(11) This order shall become effective January 15, 1943.

Issued this 15th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11134; Filed, July 10, 1943; 11:55 a. m.]

[Region VIII Order G-7, Amdt. 1]

FLUID MILK IN CERTAIN OREGON AREAS

Amendment No. 1 to Order No. G-7 (formerly Order No. 8) under § 1499.18 (c), as amended of the General Maximum Price Regulation—Fluid Milk Prices at Wholesale and Retail in Certain Localities in the State of Oregon.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, and in accordance with the authority reserved in paragraph 10 of Order No. G-7 issued pursuant to § 1499.18 (c) to amend the said order at any time, the said Order No. G-7 is hereby amended in the following particulars:

(1) Section (1) of said Order No. G-7 is hereby amended by adding at the end thereof the following:

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Coos County:		
Quart container	$0.11	$0.13
Pint container	.06	.08
Half-pint container	.0325	.05
Grant County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Josephine County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.0325	.05
Wheeler County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05

(2) Said Order No. G-7 as amended by this Amendment No. 1 may be further amended or revoked by the Office of Price Administration at any time.

(3) This Amendment No. 1 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11135; Filed, July 10, 1943; 11:51 a. m.]

[Region VIII Order G-7, Amdt. 2]

FLUID MILK IN CERTAIN OREGON AREAS

Amendment No. 2 to Order No. G-7 (formerly Order No. 8) under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Fluid Milk Prices at Wholesale and Retail in Certain Localities in the State of Oregon.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, and in accordance with the authority reserved in Paragraph 10 of Order No. G-7 under § 1499.18 (c) as amended, of the General Maximum Price Regulation, to amend the said order at any time, the said Order No. G-7 as amended is hereby further amended as follows:

1. Section 1a of the said Order No. G-7 as amended is hereby further amended by striking out the headings "Wasco County—Except the City of The Dalles" and "City of The Dalles" and the price schedules thereunder and substituting therefor the following:

Quantity	Wholesale prices f. o. b. purchaser's business	Retail prices
Wasco County—except the city of The Dalles:		
Quart container	$0.11	$0.13
Pint container	.06	.08
Half-pint container	.035	.05
City of The Dalles:		
Quart container	.1175	.135
Pint container	.06	.08
Half-pint container	.035	.05

2. Section 8d of the said Order G-7 is hereby amended to read as follows:

Where the name of any city or town mentioned in this order is also the name of a sales area as defined by the Oregon Milk Control Board, the name of such city or town shall, for the purposes of this order, include the area within the boundaries of such sales area as defined by said Board. The name of any other city or town includes the area within a radius of 25 miles in the case of Klamath Falls, 15 miles in the case of Tillamook, 10 miles in the case of The Dalles, and 3 miles in all other cases, from the city limits if said city or town is an incorporated municipality, and within a radius of 3 miles from the center of said city or town if it is not an incorporated municipality.

3. The said Order No. G-7 as amended by Amendment No. 1 and this Amendment No. 2 may be further amended or revoked by the Office of Price Administration at any time.

4. This Amendment No. 2 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

FRANK E. MARSH,
Acting Regional Administrator.

MARCH 6, 1943.

[F. R. Doc. 43-11136; Filed, July 10, 1943; 11:52 a. m.]

[Region VIII Order G-7, Amdt. 3]

FLUID MILK IN CERTAIN OREGON AREAS

Amendment No. 3 to Order No. G-7 (formerly Order No. 8) under § 1499.18 (c) as amended of the General Maximum Price Regulation — Fluid Milk Prices at Wholesale and Retail in Certain Localities in the State of Oregon.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c) as amended, of the General Maximum Price Regulation, and in accordance with the authority reserved in Paragraph 10 of Order No. G-7 under § 1499.18 (c), as amended, of the General Maximum Price Regulation, to amend the said order at any time, the said Order No. G-7 as amended is hereby further amended as follows:

(1) Section (8) (d) of said Order No. G-7 is hereby amended to read as follows:

Where the name of any city or town mentioned in this order is also the name of a sales area as defined by the Oregon Milk Control Board, the name of such city or town shall, for the purposes of this order, include the area within the boundaries of such sales area as defined by said Board. The name of any other city or town includes the area within a radius of 25 miles in the case of Klamath Falls, 20 miles in the case of Tillamook, 10 miles in the case of The Dalles, and 3 miles in all other cases, from the city limits if said city or town is an incorporated municipality, and within a radius of 3 miles from the center of said city or town if it is not an incorporated municipality.

(2) Said Order No. G-7 as amended by this Amendment No. 3 may be further amended or revoked by the Office of Price Administration at any time.

(3) This Amendment No. 3 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 11th day of March 1943.

FRANK E. MARSH,
Acting Regional Administrator.

[F. R. Doc. 43-11137; Filed, July 10, 1943; 11:51 a. m.]

[Region VIII Order G-7, Amdt. 4]

FLUID MILK IN CERTAIN OREGON AREAS

Amendment No. 4 to Order No. G-7 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 8 under § 1499.18 (c) of the General Maximum Price Regulation as amended)—Fluid Milk Prices at Wholesale and Retail in the State of Oregon.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G-7 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 8 under § 1499.18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) The adjusted maximum prices for the sale of fluid milk in the City of Madras shall be as follows:

Quantity	Wholesale delivered price	Retail price
Quart	$.11	$.13
Pint	.06	.08
Half-pint	.0325	.05

(b) This amendment supersedes the provision of Order No. G-7 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 8 under § 1499.18 (c) of the General Maximum Price Regulation as amended) in relation to maximum prices established for the City of Madras but all other provisions of Order No. G-7 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 8 under § 1499.18 (c) of the General Maximum Price Regulation as amended) shall continue in effect.

(c) This Amendment No. 4 may be amended or revoked by the Office of Price Administration at any time.

This Amendment No. 4 shall become effective May 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of May 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-11138; Filed, July 10, 1943; 11:52 a. m.]

[Region VIII Order G-1]

MILK IN THE DALLES, OREGON, AREA

Order No. G-1 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale on Fluid Milk (formerly Order No. 1); adjusted maximum prices on purchases of milk from producers in The Dalles, Oregon.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority conferred upon the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(1) The adjusted maximum prices at which any person whose place of business

is located in The Dalles, Oregon, may purchase milk from a producer thereof for resale for human consumption as fluid milk shall be 80¢ per pound of milk fat f. o. b. the purchaser's business location, or the previously existing maximum prices established under Maximum Price Regulation No. 329, whichever is higher.

(2) *Definitions.* The term "The Dalles, Oregon" shall include the territory within a redius of 10 miles from the corporate limits of the city of The Dalles in the State of Oregon. All terms used in this order and also used in Maximum Price Regulation No. 329 shall, for the purposes of this order have the same meaning as in Maximum Price Regulation No. 329, unless the context clearly requires otherwise.

(3) Any adjusted maximum prices established by this order shall be subject to further adjustment at any time by the Office of Price Administration.

(4) This order may be amended or revoked at any time by the Office of Price Administration.

(5) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued: March 6, 1943.

FRANK E. MARSH,
Acting Regional Administrator.

[F. R. Doc. 43-11139; Filed, July 10, 1943; 11:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-755]

NEW ENGLAND POWER ASSOCIATION, ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of July, A. D. 1943.

In the matter of New England Power Association, Suburban Gas and Electric Company, North Boston Lighting Properties.

Notice is hereby given that a joint application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Power Association, a registered holding company, by North Boston Lighting Properties, a subsidiary holding company of New England Power Association, and by Suburban Gas and Electric Company, a subsidiary company of North Boston Lighting Properties.

Notice is further given that any interested person may, not later than July 24, 1943, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application and declaration, as filed or as amended, may be granted or may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said application and declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Suburban Gas and Electric Company proposes to issue and sell for cash 25,120 shares of additional capital stock (par value $25 each) at the price of $31.25 per share. In accordance with the provisions of section 18 of Chapter 164 of the General Laws of Massachusetts, the shares will be offered to the stockholders of Suburban Gas and Electric Company proportionately to their then holdings and warrants or rights will be issued to stockholders indicating the number of shares or fractions of shares to which each stockholder is entitled but no fractional shares will be issued. Holders of warrants will be allowed a period of twenty-one days after the mailing thereof within which to exercise their subscription rights and upon the expiration of said period of time said warrants shall become void. The proceeds from the sale are to be used by Suburban Gas and Electric Company to pay its indebtedness of $785,000 to North Boston Lighting Properties evidenced by promissory notes due July 30, 1943, and bearing interest at the rate of 3% per annum.

The Massachusetts Department of Public Utilities approved the issuance of the shares by Suburban Gas and Electric Company at $31.25 per share and the proposed application of the proceeds and has ordered that if any shares remain unsubscribed for by the stockholders entitled to take them, all such shares shall be offered for sale at public auction.

North Boston Lighting Properties owning approximately 97.5% of the outstanding capital stock of Suburban Gas and Electric Company will be entitled to receive warrants to subscribe for 24,493 full shares and fractional warrants representing 671/12,517ths shares and proposes to exercise its rights to subscribe to such stock and to acquire sufficient fractional warrants which together with the fractional warrants received will entitle it to subscribe to a full share. North Boston Lighting Properties further proposes to purchase and acquire from Suburban Gas and Electric Company at $31.25 per share all shares not subscribed for by other stockholders, subject to the approval by the Massachusetts Department of Public Utilities of such sale by Suburban Gas and Electric Company, or alternatively, will bid $31.25 per share for all unsubscribed shares if sold at public auction. In accordance with the terms of the bank credit letter agreement securing $13,000,000 principal amount of 2½% notes of North Boston Lighting Properties, due October 1, 1947, New England Power Association will cause all shares of Suburban Gas and Electric Company acquired by North Boston Lighting Properties to be pledged under said letter agreement together with such amount of cash as may be necessary to obtain the release of the aforesaid promissory notes of Suburban Gas and Electric Company in the face amount of $785,000 now pledged under said letter agreement.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11159; Filed, July 10, 1943; 2:56 p. m.]

[File No. 54-80]

ENGINEERS PUBLIC SERVICE COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of July 1943.

Notice is hereby given that Engineers Public Service Company (Engineers), a registered holding company, has filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan, the purpose of which is to effect compliance with the provisions of section 11 (b) (1) of said Act. All persons are referred to said application, which is on file at the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Engineers now owns 51,357 shares (approximately 8½%) of the outstanding common stock of El Paso Natural Gas Company (El Paso). Engineers proposes to invite tenders from its preferred stockholders to exchange their stock for the El Paso common stock and cash on the following bases:

The holders of $6 preferred stock of Engineers would be offered, for each share held, 2 shares of common stock of El Paso plus $30 in cash.

The holders of $5.50 preferred stock of Engineers would be offered, for each share held, 2 shares of common stock of El Paso plus $25 in cash.

The holders of $5 preferred stock of Engineers would be offered, for each share held, 2 shares of common stock of El Paso plus $22 in cash.

As tenders of Engineers preferred stock are received, they will be numbered upon their receipt and on a specified date (not less than three weeks after such invitation is mailed to the stockholders) the tenders will be drawn by lot until all of the El Paso common stock held by Engineers is disposed of. The consummation of the transaction would result in the retirement of a maximum of 25,678 shares of Engineers preferred stock. (The odd share of El Paso common stock would be sold for cash.) The cash to be paid out by Engineers would vary between a maximum of $770,340, if nothing but $6 preferred stock were drawn by lot, and a minimum of $564,916, if nothing but $5 preferred stock were drawn by lot.

Engineers states in its application that the filing of the plan is pursuant to section 11 (e) for the purpose of enabling Engineers to comply with the Order of the Commission rendered pursuant to section 11 (b) (1) of the Act, dated September 16, 1942 (Holding Company Act Release No. 3796), ordering (among other things) that Engineers divest itself of its interest in El Paso, and that said plan is in compliance with said Order insofar as the plan relates to the divestment of Engineers' interest in El Paso, and is necessary to effectuate the provisions of section 11 (b) (1) and is fair and equitable to the persons affected thereby.

Engineers proposes to hold the shares of its preferred stock acquired under the plan as reacquired securities without their cancellation.

Engineers has requested that the hearing upon the application be held on July 19, 1943.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan filed by Engineers pursuant to section 11 (e); and

It further appearing to the Commission that it is appropriate in the public interest that said hearing be held on July 19, 1943;

It is ordered, That a hearing under the applicable provisions of the Act and Rules of the Commission thereunder, with respect to the plan be held on the 19th day of July 1943 at 10:00 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty, or any other officer or officers designated by the Commission to preside at such hearing, shall exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the plan is necessary to effectuate the provisions of section 11 (b) (1) of the Act and is fair and equitable to the persons affected thereby.

2. Whether the proposed plan is in compliance with the Order of the Commission, dated September 16, 1942 (Holding Company Act Release No. 3796), ordering Engineers to divest itself of its interest in and sever its relationship with El Paso.

3. Whether the accounting treatment to be made on the books of Engineers with respect to the acquisition of the preferred stock under the plan will be in conformity with the standards of the Act and the Rules and Regulations of the Commission promulgated thereunder.

4. Whether, and, if so, to what extent, it may be appropriate in the public interest or in the interest of investors and consumers to impose any terms or conditions in connection with the application herein if granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11160; Filed, July 10, 1943; 2:56 p. m.]

[File 70-682]

ASSOCIATED ELECTRIC CO. AND PANHANDLE PUBLIC SERVICE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 9th day of July 1943.

Associated Electric Company, a registered holding company, and its wholly owned subsidiary, Panhandle Public Service Company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 12 (b), 12 (c), 12 (d), and 12 (f) thereof, and the applicable rules promulgated thereunder, with respect to the sale of all the utility property and assets of Panhandle Public Service Company to Northwestern Electric Cooperative, Inc., a non-affiliate, for a base cash consideration of $175,000; said application-declaration being further concerned with the redemption of Panhandle Public Service Company's First Mortgage Bonds, Series A, 6%, due December 1, 1945, all of which are owned by its parent, Associated Electric Company; said application-declaration being further concerned with the acquisition by Associated Electric Company of all the remaining assets of Panhandle Public Service Company, subject to its liabilities, upon the surrender for cancellation of all the outstanding securities of, and claims against, Panhandle Public Service Company; said application-declaration being further concerned with the delivery, among other assets, to Associated Electric Company of 50 shares of common capital stock, $1 par value, of Atlantic Utility Service Corporation, and with the dissolution of Panhandle Public Service Company; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its Finding and Opinion therein;

It is hereby ordered, That the conveyance of the properties of Panhandle Public Service Company to Northwestern Electric Cooperative, Inc., and the other transactions herein referred to, and as described in said application-declaration, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and that a specification and itemization of the property to be transferred by Panhandle Public Service Company is set forth in Exhibit A of the form of agreement by and between Panhandle Public Service Company and Northwestern Electric Cooperative, Inc., which was filed as Exhibit G to the application-declaration filed by Associated Electric Company and Panhandle Public Service Company with this Commission under File No. 70-682; said exhibit being incorporated herein by reference; and

It is further ordered, That, pursuant to the applicable provisions of said Act, the aforesaid application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, except that the period of time within which the said transactions shall be completed, in accordance with the requirement of Rule U-24 (c) (1), be, and hereby is, extended to 120 days from the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11161; Filed, July 10, 1943; 2:56 p. m.]

[File Nos. 54-45 and 59-48]

SOUTHERN UNION GAS COMPANY, ET AL.

NOTICE OF FILING OF AMENDMENT AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of July, A. D. 1943.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Southern Union Gas Company and its subsidiary, Arkansas Western Gas Company, in the form of an amendment designated as Amendment No. 8 to its application, heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a Plan to effectuate the provisions of section 11 (b) of the Act. This Commission, by order dated September 19, 1942, supplemental order dated November 16, 1942, supplemental order dated January 21, 1943, and supplemental order dated May 17, 1943, has approved said Plan as heretofore modified.

All interested persons are referred to said Amendment No. 8, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

As a step in further compliance with the order of the Commission dated September 19, 1942, Southern Union Gas Company proposes to divest itself of all interest in, and all ownership and control of, its subsidiary, Arkansas Western Gas Company.

The amendment states that Southern Union owns all of the 2,500 presently outstanding shares of the 6% Cumulative Preferred Stock, par value $50, of Arkansas Western and 10,196.7 shares of the presently outstanding 11,270 shares of common stock, without par value, of Arkansas Western.

It is proposed that, by amending its Articles of Incorporation, Arkansas Western will reclassify all of its 3,000 shares of preferred and 12,250 shares of common stock presently authorized into 106,000 shares of common stock with a par value of $5 per share. Arkansas Western proposes to issue the new common stock to its preferred and common stock holders in the ratio of 7.6545 new shares for each of the shares of the preferred and common stock, presently outstanding, without distinction as between such preferred and common stock. In lieu of issuing certificates for fractional shares of its new common stock, cash at the rate of $5 per share of such new stock will be paid to persons otherwise

entitled to such fractional shares. In addition, Arkansas Western proposes to pay in cash any dividends accumulated and unpaid on the preferred stock to the date of exchange.

The amendment further states that the exchange will result in Southern Union receiving 97.187 shares of the new common stock of Arkansas Western which Southern Union proposes to distribute as a dividend to its common stockholders on the basis of one share of Arkansas Western stock for each ten shares of Southern Union common stock. If requested by Southern Union, Arkansas Western proposes to issue certificates representing its new common stock directly to the Southern Union stockholders entitled to such stock and further proposes, in lieu of issuing certificates for fractional shares of its new common stock, to pay cash to the Southern Union stockholders at the rate of $5 per share of such new stock to such persons otherwise entitled to such fractional shares.

Arkansas Western further proposes to close out the "Earned Surplus—Restricted" account set up pursuant to the Commission's order dated December 13, 1940, in which there exists a credit balance of $120,000, by crediting its Capital Stock Account with approximately $7,560, and its Capital Surplus Account with the remainder, approximately $112,440.

Southern Union further proposes to pay into the sinking fund for application to the redemption of its 25-Year Sinking Fund 6% Debentures cash in an amount sufficient to retire $200,000 principal amount of such debentures.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect to such matters; and that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission;

It is ordered, That the proceedings in this matter be reconvened and a hearing under the applicable provisions of said Act and the Rules of the Commission thereunder be held on July 23, 1943, at 10 o'clock a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by the Rules of Practice, Rule XVII, on or before July 19, 1943;

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings at such time. The officer so designated to preside at such hearing is hereby authorized to exercise all power granted to the Commission under section 18 (c) of said Act and to the Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed reclassification and distribution of the stock of Arkansas Western is in furtherance of, and not inconsistent with, the order of this Commission entered herein on September 19, 1942, and is necessary to enable Southern Union to comply with the provisions of section 11 (b) of the Act.

2. Whether the proposed transactions are fair and equitable as between Southern Union and the minority stockholders of Arkansas Western.

3. Whether the proposed payments in cash, in lieu of issuing fractional shares, are fair and equitable to the minority stockholders of Arkansas Western and to the common stockholders of Southern Union.

4. Whether the proposed accounting entries and adjustments on the books of Arkansas Western and of Southern Union are appropriate

5. Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the Act or the Rules, Regulations or Orders promulgated thereunder.

It is further ordered, That notice of this hearing be given to the applicants or declarants, and to all other persons, said notice to be given to the applicants or declarants and to the Department of Public Utilities of the State of Arkansas by registered mail, and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11162; Filed, July 10, 1943; 2:56 p. m.]

BRENTLINGER AND HOSEA, INCORPORATED

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 10th day of July 1943

1. Brentlinger & Hosea, Inc., 602–3 Fletcher Trust Building, Indianapolis, Indiana, an Indiana corporation (hereinafter referred to as the "registrant"), is registered as a dealer pursuant to section 15 of the Securities Exchange Act of 1934.

2. The Commission instituted a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether or not the registration of the registrant as a dealer should be revoked.

3. The registrant has admitted the facts set forth in the order for hearing and has consented to the revocation of its registration.

4. On the basis of the admission of the registrant, the Commission finds:

(a) The registrant has defrauded its customers in the execution of transactions with them at prices bearing no reasonable relationship to the prevailing market prices;

(b) The registrant has induced certain customers to purchase and sell various securities, including securities registered on a national securities exchange, by means of false representations as to: prevailing market prices, the market places upon which such transactions were to be effected, the registrant's profits or charges, and facts concerning the issuers of the securities;

(c) The registrant has falsely notified certain customers as to the capacity in which it was acting; has failed to notify certain customers of the capacity in which it was acting; and, in certain cases in which the registrant was acting as a broker, has failed to disclose or to offer to disclose to its customers the names of the persons from whom the securities were purchased or to whom they were sold, and the date and time of the transactions, and has failed to disclose the source and amount of its commission or remuneration;

(d) The registrant has failed to maintain full records of its transactions for customers and of securities carried by it;

(e) The registrant has failed to disclose to customers for whom it effected transactions in the stock of Gunning, Inc., an agreement under the terms of which the registrant received a commission and stock for distributing the stock of Gunning, Inc.;

(f) With the exception of certain of the transactions disclosed in paragraph (b) above, the transactions mentioned above were effected otherwise than on a national securities exchange and by means of the mails and instrumentalities of interstate commerce.

5. The Commission further finds that the registrant, in acting and failing to act in the manner described in paragraph 4 above, has willfully violated section 17 (a) of the Securities Act of 1933 and sections 9 (a) (4), 15 (c) (1) and 17 (a) of the Securities Exchange Act of 1934, and that it is in the public interest to revoke the registrant's registration.

On the basis of the foregoing, and pursuant to section 15 (b) of the Securities Exchange Act of 1934; *It is ordered*, That the registration of Brentlinger & Hosea, Inc., as a dealer be and it hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11170; Filed, July 12, 1943; 9:32 a. m.]

[File No. 7-699]

BOSTON STOCK EXCHANGE

ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of July, A. D. 1943.

In the matter of application by the Boston Stock Exchange to extend unlisted trading privileges to Sylvania Electric Products, Inc., Common Stock, No Par Value.

The Boston Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Tuesday, July 27, 1943, at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11171; Filed, July 12, 1943; 9:32 a. m.]

[File Nos. 46-205 and 59-18]

MIDDLE WEST CORPORATION, ET AL.

NOTICE OF FILING OF APPLICATION FOR AN EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of July, 1943.

In the matter of The Middle West Corporation, Central and South West Utilities Company, and American Public Service Company, Respondents.

The Commission having heretofore by its order dated June 4, 1942, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ordered, among other things, that within one year the corporate existence of either Central and South West Utilities Company (Central) or American Public Service Company (American) be terminated and that the capitalization of the companies be reduced to a single class of common stock.

Notice is hereby given that on June 29, 1943, The Middle West Corporation (Middle West), Central and American, all registered holding companies, filed a joint application requesting the entry of an order by the Commission under section 11 (c) of the Act for an extension of time within which to comply with the Commission's order of June 4, 1942.

All interested persons are referred to the said application which is on file in the offices of the Commission for full details concerning said matters.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering the application:

It is hereby ordered, That a hearing in this proceeding shall be held on August 2, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318.

All persons desiring to be heard or otherwise wishing to participate in the proceeding should notify the Commission in the manner provided for by the Rules of Practice, Rule XVII, on or before 5:30 p. m., e. w. t., July 26, 1943. At such hearing the issues will be limited to a consideration of the issues presented by said applications.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

1. Whether Middle West, Central and American have exercised due diligence in their efforts to comply with the order of the Commission dated June 4, 1942.

2. Whether and to what extent an extension of time for compliance with our order of June 4, 1942, is necessary or appropriate in the public interest or for the protection of investors and consumers.

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the applicants and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11172; Filed, July 12, 1943; 9:32 a. m.]

[File No. 59-32]

ASSOCIATED GAS AND ELECTRIC COMPANY

NOTICE OF PETITION FOR MODIFICATION OF DIVESTMENT ORDER AND FOR PERMISSION TO FILE SUPPLEMENTAL ANSWER AND FOR FURTHER HEARINGS AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of July 1943.

In the matter of Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, Respondents.

The Commission having, on September 4, 1941, instituted proceedings against Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935; and said respondents having duly filed their answer on November 17, 1941, setting forth, among other things, that respondents' present holding company system consists of four integrated public utility systems, together with additional systems and incidental businesses retainable under section 11 (b) (1) of the Act; and the Commission having, on August 13, 1942, issued its Findings and Opinion, in which (1) it directed respondents to dispose of all of their interests in certain named companies, which companies included, among others, Jersey Central Power & Light Company and its subsidiary, Agincourt Land Corporation, (2) it provided that "inasmuch as there is some doubt as to whether the Trustees desire that Rochester Gas and Electric Corporation be included within the proposed New York-Northern Pennsylvania system or be held by or under common control with such system as an additional system we shall reserve jurisdiction to consider the question later," and (3) it ordered that jurisdiction be reserved with respect to all issues not disposed of in said order; and

Respondents at this time having filed a petition for modification of the divestment order and for permission to file a supplemental answer, in the following regards:

1. Respondents in their answer had alleged that the properties of Bradford Electric Company were retainable with the properties included in the New York-Northern Pennsylvania group described in paragraph 24 of their answer, as amended. Respondents now seek to adduce evidence that the properties of Bradford Electric Company are retainable with the properties included in the Western Pennsylvania group described in respondents' answer as amended.

2. Respondents in their answer had proposed that one of the four groups of integrated electric utility properties consists of the so-called Florida-Georgia group. Since the introduction of evidence in the section 11 (b) (1) proceedings, one of the companies in said group, namely Florida Power Corporation, has completed interconnection of its properties in Franklin County, Florida, serving Carrabelle and vicinity. In view of said interconnection and in view of other circumstances, respondents now desire to adduce additional evidence showing that said properties in Franklin County, Florida, and the properties owned by said Florida Power Corporation in Gulf County, Florida, serving Apalachicola, Port St. Joe and vicinity, are retainable under section 11 (b) (1) of the Act.

3. Respondents now seek to adduce evidence that the properties of Rochester Gas and Electric Corporation and Canadea Power Corporation are retainable under section 11 (b) (1) with the properties included in the New York-Northern Pennsylvania group.

4. Respondents now seek to adduce evidence that the electric properties of Jersey Central Power & Light Company constitute part of the single integrated

public utility system of the Eastern Pennsylvania-New Jersey group, that the gas facilities of Jersey Central Power & Light Company constitute either part of or one or more additional integrated public utility systems retainable with the companies comprising the Eastern Pennsylvania-New Jersey group, and further that the business conducted by Agincourt Land Corporation is reasonably incidental and economically necessary or appropriate to the operations of the Eastern Pennsylvania-New Jersey group.

It appearing to the Commission that it is appropriate in the public interest that permission to file a supplemental answer be granted and that a hearing be held in regard to the issues raised by the petition and supplemental answer filed by the Trustees of Associated Gas and Electric Corporation:

It is ordered, That permission to file a supplemental answer in the proceedings be and hereby is granted.

It is further ordered, That a hearing be held on August 3, 1943, at 10 o'clock a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on said day by the hearing room clerk in room 318 at which hearing the respondents and any other interested persons shall be given an opportunity to be heard with respect to the matters filed in the petition and with respect to any issue raised in the respondents' supplemental answer.

It is further ordered, That, without limiting the scope of the issues to be presented at such hearing, special attention will be directed to the following matters and questions:

1. Whether the electric properties of Bradford Electric Company, together with the other electric facilities in the presently dseignated Western Pennsylvania group, constitute a single integrated system within the meaning of the Act; and, if not, whether the electric facilities of Bradford Electric Company constitute a retainable additional system to the Western Pennsylvania group within the meaning of the Act.

2. Whether the utility properties of Rochester Gas and Electric Corporation and Canadea Power Corporation, together with the properties of the companies listed in respondents' answer designated as the New York-Northern Pennsylvania group, exclusive of the properties of Bradford Electric Company, constitute a single integrated public utility system within the meaning of the Act; and, if not, whether the utility properties of Rochester Gas and Electric Corporation and Canadea Power Corporation constitute one or more retainable additional systems to the New York-Northern Pennsylvania group within the meaning of the Act; and whether the nonutility properties of Rochester Gas and Electric Corporation and Canadea Power Corporation may be retained, pursuant to the provisions of section 11 (b) (1) of the Act.

3. Whether the electric properties of Jersey Central Power & Light Company, together with the companies listed in respondents' answer and designated therein as the Eastern Pennsylvania-New Jersey group, constitute a single integrated public utility system within the meaning of the Act, and, if not, whether they constitute an additional system retainable under section 11 (b) (1) of the Act; and whether the gas facilities of Jersey Central Power & Light Company constitute an additional integrated public utility system retainable with the properties of the companies comprising the Eastern Pennsylvania-New Jersey group.

4. Whether the business conducted by Agincourt Land Corporation is reasonably incidental or economically necessary or appropriate to the operations of an integrated public utility system.

5. Whether the electric facilities of Florida Power Corporation situated in the northwestern part of Florida constitute, in whole or in any part thereof, part of a single integrated public utility system within the meaning of the Act and, if not, whether they constitute, in whole or in part thereof, an additional system retainable under section 11 (b) (1) of the Act.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to the Trustees of Associated Gas and Electric Corporation and that notice is hereby given of said hearing to all persons heretofore having participated in the section 11 (b) (1) proceeding and to all other persons including security holders of Associated Gas and Electric Corporation and all its subsidiaries, all states, municipalities, and political subdivisions of states within which are located any utility assets of the respondents or of any of their subsidiaries or of any company hereinbefore mentioned by name in this order and all Federal and State commissions, state security commissions, and all agencies, authorities, or instrumentalities of the United States Government or of one or more states, municipalities or other political subdivisions having jurisdiction over respondents or its subsidiaries of such companies or over any of the businesses, affairs or operations of any of them; and that such notice shall be given further by general release of the Commission, distributed to the press, and mailed to the mailing list of the Commission for releases issued under the Public Utility Holding Company Act of 1935; and that further notice shall be given by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11173; Filed, July 12, 1943; 9:32 a. m.]

[File No. 70-765]

SUPERIOR WATER, LIGHT AND POWER COMPANY, ET AL.

ORDER RELEASING JURISDICTION AS TO FEE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of July, A. D. 1943.

In the matter of Superior Water, Light and Power Company, Northern Power Company, American Power & Light Company.

The Commission having, by its Order dated April 5, 1943 (published as Holding Company Act Release No. 4220), reserve jurisdiction with respect to the payment of a fee of $17,500 by Superior Water, Light and Power Company to the investment banking firm of White, Weld & Company for services performed in connection with the issue and sale by Superior Water, Light and Power Company of $2,500,000 principal amount First Mortgage Bonds, 3¾% Series, due 1973, and $1,000,000 principal amount of 4% Sinking Fund Debentures, due 1958, pending the development of further evidence with respect to the character of services performed by White, Weld & Company for Superior Water, Light and Power Company in said matter; and

White, Weld & Company having submitted a statement outlining in detail the character of services performed for Superior Water, Light and Power Company and having proposed to reduce its fee from $17,500 to $13,500; and

The Commission deeming it in the public interest and in the interest of investors and consumers to release jurisdiction as to the payment of such fee as reduced;

It is ordered, That jurisdiction be, and hereby is, released over the payment by Superior Water, Light and Power Company to White, Weld & Company of such reduced fee.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11174; Filed, July 12, 1943; 9:32 a. m.]

[File No. 70-728 and 70-729]

ARKANSAS LOUISIANA GAS COMPANY, ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of July 1943.

In the matters of Arkansas Louisiana Gas Company, File No. 70-728; Central Arkansas Public Service Corporation, Federal Light and Traction Company, and Gus B. Walton, File No. 70-729.

Arkansas Louisiana Gas Company, a subsidiary of Arkansas Natural Gas Corporation, a registered holding company, Federal Light & Traction Company, and its subsidiary, Central Arkansas Public Service Corporation, both registered holding companies, and Gus B Walton, an individual and an affiliate of a public utility company, having filed applications and declarations pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, 43, 44, 50 and 62 promulgated thereunder, with respect to the following transactions:

1. The sale by Central Arkansas Public Service Corporation, and the acquisition by Gus B. Walton of all the securities of three of Central Arkansas Public Service Corporation's wholly owned subsidiaries, namely, Citizens Electric Company, Hot Springs Water Company and Hot Springs Street Railway Company, for $3,746,672.

2. The sale by Central Arkansas Public Service Corporation and the acquisition by Arkansas Louisiana Gas Company, an associate company, of all the securities of the remaining wholly owned subsidiary, namely consumers Gas Company, for $800,000.

3. The acquisition, redemption and retirement of all the outstanding securities of Central Arkansas Public Service Corporation with the proceeds of the aforementioned sales as follows: the redemption of $2,834,000 principal amount of 5% collateral bonds at the call price of 101% of par; the retirement of 15,000 shares of 7% preferred stock at the voluntary liquidating value of $100 a share; and the retirement of the 25,000 shares of common stock with the remaining cash proceeds of approximately $134,623 after expenses; and the sale and surrender by Federal Light & Traction Company of $172,000 principal amount of said bonds, 269 shares of said preferred stock, and all of the common stock.

4. The solicitation of proxies by mail by Central Arkansas Public Service Corporation to be voted at a stockholders' meeting to be called for the purpose of considering the aforementioned transactions and the dissolution of the company; and

Central Arkansas Public Service Corporation having requested that the sale of the aforesaid securities be exempted from the competitive bidding requirements of Rule U-50; and

A public hearing having been held upon such matters after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That said applications and declarations of Federal Light & Traction Company, Central Arkansas Public Service Corporation, Gus B. Walton and Arkansas Louisiana Gas Company are hereby granted and permitted to become effective respectively forthwith; and that the request for exemption for the sale of the securities from the competitive bidding requirements of Rule U-50 be and it is hereby granted, subject, however, to compliance with the terms and conditions prescribed by Rule U-24 of the General Rules and Regulations under the Act; and subject to the further condition that Arkansas Louisiana Gas Company shall either make a charge to earned surplus in the amount of $92,329, the excess of purchase price of the securities of Consumers Gas Company over underlying book value, or shall create and maintain a reserve from earned surplus in the same amount, pending issuance by the Federal Power Commission of a final order with respect to the original cost study of the properties being acquired.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11175; Filed, July 12, 1943; 9:32 a. m.]

WAR PRODUCTION BOARD.

[Certificate 92]

TRANSPORTATION AND DELIVERY OF FLOWERS IN CUYAHOGA COUNTY, OHIO

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of flowers and related articles by motor vehicle in Cuyahoga and adjoining counties in Ohio.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

JULY 6, 1943.

[F. R. Doc. 43-11196; Filed, July 12, 1943; 11:27 a. m.]

[1] *Supra.*

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 8 NUMBER 138

Washington, Wednesday, July 14, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter VII Agricultural Adjustment Agency

[Tobacco 703 (Burley) Part I, Supp. 5]

PART 724—BURLEY TOBACCO

1943–44 MARKETING QUOTAS

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (52 Stat. 31, 7 U.S.C. 1940 ed. 1301 et seq.) as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order 9334, the Marketing Quota Regulations, Burley Tobacco, 1943–44 Marketing Year, as amended, are hereby further amended as follows:

Section 724.512 (8 F.R. 54) of Part I, Procedure for the Determination of Acreage Allotments and Normal Yields for 1943, is amended to read as follows:

§ 724.512 *Extent of calculations and rule of fractions.* (a) All percentages except the percent of excess acreage shall be calculated to the nearest whole percent. In calculating the percent of excess acreage all fractions shall be dropped if the percentage is more than one percent, and all fractions of less than a tenth shall be dropped if the percentage is less than one percent.

(52 Stat. 38, 47; 54 Stat. 392; 53 Stat. 1261; 56 Stat. 51; 7 U.S.C. 1940 ed. 1301 (b) 1313; 52 Stat. 66; 7 U.S.C. 1940 ed. 1375 (a), 371 (b) & (c))

Done at Washington, D. C. this 12th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11261; Filed, July 13, 1943; 11:46 a. m.]

[Tobacco 703 (Fire-cured) Part I, Supp. 3]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

1943–44 MARKETING QUOTAS

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (52 Stat. 31, 7 U.S.C. 1940 ed. 1301 et seq.), as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the Marketing Quota Regulations, Fire-Cured Tobacco, 1943–44 Marketing Year, as amended, are hereby further amended as follows:

Section 726.507 (8 F.R. 995) of Part I, Procedure for the Determination of Acreage Allotments and Normal Yields for 1943, is amended to read as follows:

§ 726.507 *Extent of calculations and rule of fractions.* (a) All percentages except the percent of excess acreage shall be calculated to the nearest whole percent. In calculating the percent of excess acreage all fractions shall be dropped if the percentage is more than one percent, and all fractions of less than a tenth shall be dropped if the percentage is less than one percent.

(52 Stat. 47, 202, 586, 53 Stat. 1261; 54 Stat. 392, 1209; 56 Stat. 51; 7 U.S.C. 1940 ed. 1313; 52 Stat. 66; 7 U.S.C. 1940 ed. 1375, 371 (b) & (c))

Done at Washington, D. C. this 13th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11264; Filed, July 13, 1943; 11:45 a. m.]

[Tobacco 703 (Dark Air-Cured) Part I, Supp. 3]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

1933–44 MARKETING QUOTAS

Pursuant to the authority vested in the Secretary of Agriculture by Title III of

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
AGRICULTURAL ADJUSTMENT AGENCY:	
Tobacco, 1943–44 marketing quotas:	
Burley	9599
Fire-cured and dark air-cured (2 documents)	9599
Flue-cured	9600
BITUMINOUS COAL DIVISION:	
Minimum price schedules amended:	
District 1	9614
District 8	9615
District 15	9617
INTERNAL REVENUE BUREAU:	
Estate tax, release of power of appointment	9602
Income tax:	
Computation of credit for income subject to excess profits tax	9601
Exemption from withholding	9602
Period for which deductions and credits taken	9602
Time for performing certain acts postponed by reason of war	9602
INTERSTATE COMMERCE COMMISSION:	
Icing of fruits and vegetables, permits:	
Atchison, Topeka and Santa Fe Railway Co. and Southern Pacific Co.; cabbage	9634
Chicago, Burlington & Quincy Railroad Co., et al. (2 documents)	9633, 9634
Kansas City Southern Railway Co., et al. (2 documents)	9633, 9634
Prattsburgh Railway Corp. and Erie Railroad Co.; lettuce	9633
St. Louis-San Francisco Railway Co.; cabbage	9633
Southern Pacific Co., et al. (3 documents)	9633, 9634
NAVY DEPARTMENT:	
Legal assistance for naval personnel	9631

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
OFFICE OF DEFENSE TRANSPORTATION:	
Division of Petroleum and Other Liquid Transport, delegation of authority (Admin. Order ODT 1, Am. 5)	9631
Joint action plans:	
Dubois, Pa., delivery of dairy products	9635
Prairie du Chien, Wis., delivery of meats, groceries and dairy products	9635
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Baxter, H. C. & Bro	9624
Columbia Motor Service Co	9625
Dairy Products Group	9624
Ford-Harvey Illuminating Co	9623
Hegeler Zinc Co	9625
Kentucky Transport Corp	9625
Ladle brick producers	9636
Lewis, G. B., Co	9623
List of orders filed	9636
Washington Excelsior and Mfg. Co	9624
Charcoal (MPR 431)	9628
Farm equipment, manufacturers' and wholesale prices (MPR 246, Am. 7)	9623
Feedingstuffs, animal product (Rev. MPR 74)	9626
Foods, processed; rationing (RO 13, Am. 47)	9629
Rationed foods used in products acquired by designated agencies, replacement (Gen. RO 11, Am. 1)	9625
Rationing, general prohibitions and penalties (Gen. RO 8, Am. 2)	9626
OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Regional, district, and state office orders:	
Alfalfa meal:	
Certain Western states	9638
Nevada	9636
Washington and Oregon (2 documents)	9637
Community ceiling prices, lists of orders filed (2 documents)	9635, 9636
Firewood, Nevada	9638
PETROLEUM ADMINISTRATION FOR WAR:	
Motor fuel marketing, deliveries for specified uses (PDO 14)	9630
SELECTIVE SERVICE SYSTEM:	
Minnesota Agricultural Experiment Project, establishment for conscientious objectors	9639
WAR DEPARTMENT:	
Citizens' military training camps, suspension of regulations	9601
WAR FOOD ADMINISTRATION:	
North Dakota Stockmen's Association, authorization for livestock inspection	9601
Puerto Rico, Virgin Islands, and Panama Canal Zone; food rationing (Food Dir. 9)	9600
Slaughter permits and quotas, delegation of authority to Regional Administrators	9639
WAR PRODUCTION BOARD:	
Dubois, Pa., delivery of dairy products (Certificate 94)	9639
Hand tools; forks, rakes, etc. (L–157, Sch. V)	9618
Heaters, oil and gas burning domestic space (L–173)	9621
Medical and surgical furniture, etc. (L–214, Sch. III)	9621
Prairie du Chien, Wis., delivery of meats, groceries, and dairy products (Certificate 95)	9639
Tank cars (Certificate 27, revocation	9639

the Agricultural Adjustment Act of 1938 (52 Stat. 31, 7 U.S.C. 1940 ed. 1301 et seq.), as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the Marketing Quota Regulations, Dark Air-cured Tobacco, 1943–44 Marketing Year, as amended, are hereby further amended as follows:

Section 726.557 (8 F.R. 1069) of Part I, Procedure for the Determination of Acreage Allotments and Normal Yields for 1943, is amended to read as follows:

§ 726.557 *Extent of calculations and rule of fractions.* (a) All percentages except the percent of excess acreage shall be calculated to the nearest whole percent. In calculating the percent of excess acreage all fractions shall be dropped if the percentage is more than one percent, and all fractions of less than a tenth shall be dropped if the percentage is less than one percent.

(52 Stat. 47, 202, 586; 53 Stat. 1261; 54 Stat. 392, 1209; 56 Stat. 51; 7 U.S.C. 1940 ed. 1313; 52 Stat. 66; 7 U.S.C. 1940 ed. 1375, 371 (b) & (c))

Done at Washington, D. C. this 13th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–11262; Filed, July 13, 1943; 11:45 a. m.]

[Tobacco 703 (Flue-Cured) Part I, Supp. 4]

PART 727—FLUE-CURED TOBACCO

1943–44 MARKETING QUOTAS

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (52 Stat. 31, 7 U.S.C. 1940 ed. 1301 et seq.), as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the Marketing Quota Regulations, Flue-Cured Tobacco, 1943–44 Marketing Year, as amended, are hereby further amended as follows:

Section 727.512 (7 F.R. 10752) of Part I, Procedure for the Determination of Acreage Allotments and Normal Yields for 1943, is amended to read as follows:

§ 727.512 *Extent of calculations and rule of fractions.* (a) All percentages except the percent of excess acreage shall be calculated to the nearest whole percent. In calculating the percent of excess acreage all fractions shall be dropped if the percentage is more than one percent, and all fractions of less than a tenth shall be dropped if the percentage is less than one percent.

(52 Stat. 38, 47; 54 Stat. 392; 53 Stat. 1261; 56 Stat. 51; 7 U.S.C. 1940 ed. 1301 (b) 1313; 52 Stat. 66; 7 U.S.C. 1940 ed. 1375, 371 (b) & (c))

Done at Washington, D. C., this 13th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–11263; Filed, July 13, 1943; 11:46 a. m.]

Chapter XI—War Food Administration

[Food Directive 9]

PART 1400—DELEGATIONS OF AUTHORITY

RATIONING OF FOOD IN PUERTO RICO, THE VIRGIN ISLANDS, AND THE PANAMA CANAL ZONE

Pursuant to the authority vested in the War Food Administrator to utilize existing governmental services and facilities, it is hereby directed as follows:

§ 1400.9 *Control over food in Puerto Rico, the Virgin Islands, and the Panama Canal Zone.* (a) In order to permit the efficient rationing of all food in Puerto Rico, the Virgin Islands, and the Panama Canal Zone, all foods located in those

territories are hereby declared to be rationed foods for the purposes of Food Directive 3 (8 F.R. 2005). The Office of Price Administration is authorized to exercise all the powers delegated to it by Food Directive 3, subject to the terms and conditions thereof, with respect to all foods in Puerto Rico, the Virgin Islands, and the Panama Canal Zone.

(b) This Food Directive 9 supersedes the delegation of authority to the Office of Price Administration made by War Production Board Directive No. 1, issued by the Chairman of the War Production Board on January 24, 1942 (7 F.R. 562), as supplemented by Supplementary Directive No. 1–J, issued July 1, 1942 (7 F.R. 5043), as amended October 27, 1942 (7 F.R. 8731), relating to rationing in Puerto Rico and the Virgin Islands, and as supplemented by Supplementary Directive No. 1–L, issued September 10, 1942 (7 F.R. 7200; corrected 7 F.R. 7281), relating to rationing in the Panama Canal Zone, to the extent that such directive and supplementary directives confer authority with respect to control over food; *Provided, however,* That with respect to violations of regulations issued under said directive and supplementary directives, or rights accrued, liabilities incurred, or appeals taken under said directive or supplementary directives prior to the effective date of this Food Directive 9, said directive and supplementary directives shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(c) Neither this Food Directive 9, nor any action taken hereunder by the Office of Price Administration, shall relieve any person from complying with the provisions of any order or regulation of the War Food Administrator applicable to Puerto Rico, the Virgin Islands, or the Panama Canal Zone.

(d) This Food Directive 9 shall become effective July 13, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807. E.O. 9334, 8 F.R. 5423)

Issued this 13th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–11260; Filed, July 13, 1943; 11:46 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration, Packers and Stockyards [1]

PART 203—AUTHORIZATION FOR INSPECTION OF LIVESTOCK

NORTH DAKOTA STOCKMEN'S ASSOCIATION

By virtue of the authority vested in the War Food Administrator by the Packers and Stockyards Act, 1921, as amended, (7 U.S.C. 1940 ed. 181 et seq.), and Public Law 615, 77th Cong., Ch. 421, 2nd Sess., approved June 19, 1942, *It is ordered,* That § 203.5, Chapter II, Title 9, Code of Federal Regulations, be amended to read as follows:

§ 203.5 *North Dakota Stockmen's Association.* Upon a written request filed pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended, and Public Law 615, 77th Cong., Ch. 421, 2nd Sess., approved June 19, 1942, the North Dakota Stockmen's Association, duly organized under the laws of the State of North Dakota, is hereby authorized, with respect to livestock originating in or shipped to market from the State of North Dakota, to charge and collect reasonable and nondiscriminatory fees, approved by the War Food Administrator, to be paid by the owners of the livestock inspected, for the inspection of brands, marks, and other identifying characteristics of livestock sold or offered for sale at those markets at which the North Dakota Stockmen's Association may register as a market agency, such inspection to be made to determine the ownership of the livestock. Such charges as are authorized to be made shall be collected by the market agency or other person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and paid by it to the said Association. Such inspection, charges, and collection of fees shall be subject to the provisions of the Packers and Stockyards Act and such regulation as may be promulgated thereunder.

(7 U.S.C. 1940 ed. 181 et seq.; Pub. Law 615, 77th Cong., Ch. 421, approved June 19, 1942; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 10th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–11217; Filed, July 12, 1943; 4:15 p. m.]

[1] This chapter formerly designated as Food Distribution Administration.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IV—Military Education

PART 41—CITIZENS' MILITARY TRAINING CAMPS

SUSPENSION OF REGULATIONS

Sections 41.1 to 41.40, inclusive, pertaining to Citizens' Military Training Camps, are suspended for the duration of the war. (41 Stat. 779; 45 Stat. 251; 10 U.S.C. 442) [AR 350–2200, 15 December 1938, as suspended by C 1, 29 June 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–11231; Filed, July 13, 1943; 9:32 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5280]

Subchapter A—Income and Excess Profits Taxes

PART 3—INCOME TAX UNDER THE REVENUE ACT OF 1936

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

COMPUTATION OF CREDIT FOR INCOME SUBJECT TO EXCESS PROFITS TAX IN CASE OF APPLICATION OF GENERAL EXCESS PROFITS TAX RELIEF

Regulations 94 [Part 3, Title 26, Code of Federal Regulations] and Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

Regulations 94

PARAGRAPH 1. Article 26–4, as added by Treasury Decision 5263, approved April 21, 1943, is amended by striking out the amounts "$98,000" and "$171,160" wherever they appear in Examples (1), (2), and (3), and inserting in lieu thereof "$90,000" and "$163,160," respectively.

Regulations 103

PAR. 2. The last paragraph of § 19.23 (a)–15 (b), as added by Treasury Decision 5196, approved December 8, 1942, is amended by striking from the second sentence thereof "section 122", and inserting in lieu thereof "section 130 (a)", so that such second sentence now reading,

(See section 24 (a) (7), added by section 122 of the Revenue Act of 1942.)

will read as follows:

(See section 24 (a) (7), added by section 130 (a) of the Revenue Act of 1942.)

PAR. 3. Section 19.26–4, as added by Treasury Decision 5219, approved February 2, 1943, is amended by inserting at the end thereof the following new paragraph:

If the excess profits tax of a corporation imposed by chapter 2E for a taxable year beginning after December 31, 1941, is finally determined by the use of the excess profits credit based upon constructive average base period net income determined under section 722, or if the corporation is entitled to and uses such excess profits credit in the computation of its excess profits tax for such year without the necessity of filing an application for relief under section 722 (see § 30.722–5 (e) of Regulations 109), the credit under section 26 (e) allowable in computing the normal tax and surtax shall be the amount of the corporation's adjusted excess profits net income, as defined in section 710 (b), computed with the use of the excess profits credit based upon constructive average base period net income. However, if such corporation computes its excess profits tax as provided in (a), (b), (c), or (d), of this section, the credit under section 26 (e) shall be the amount of which the tax imposed by chapter 2E,

computed as provided by the second paragraph of this section, is 90 percent.

PAR. 4. Section 19.108-1, as added by Treasury Decision 5240, approved March 10, 1943, is amended by inserting at the end of the third paragraph preceding the example the following new sentence:

With respect to the credit for income subject to the tax imposed by subchapter E of chapter 2 (the excess profits tax) in case of a corporation entitled to use the excess profits credit based upon constructive average base period net income determined under section 722, see § 19.26-4.

(Sec. 62 of the Revenue Act of 1936 (49 Stat. 1673; 26 U.S.C. 62), sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62), and secs. 105 (d), 130 (a), 140, and 501 of the Revenue Act of 1942 (Public Law 753, 77th Congress))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 12, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-11265; Filed, July 13, 1943; 11:55 a. m.]

[T. D. 5281]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PERIOD FOR WHICH DEDUCTIONS AND CREDITS TAKEN

PARAGRAPH 1. Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

(A) By adding at the end of § 19.43-1 the following new paragraph:

In any case in which, owing to monetary, exchange, or other restrictions imposed by a foreign country, an amount otherwise constituting gross income for the taxable year from sources without the United States is not includible in gross income of the taxpayer for that year, the deductions and credits charged against the amount so restricted shall be deemed to have been "paid or accrued" or "paid or incurred" proportionately in any subsequent taxable year in which such amount or portion thereof is includible in gross income. See § 19.131-6 for the treatment of foreign income tax imposed with respect to such amount as a basis of credit for foreign income tax in such cases.

(B) By adding at the end of §19.131-6 the following new paragraph:

If, however, under the provisions of § 19.43-1 an amount otherwise constituting gross income for the taxable year from sources without the United States is, owing to monetary, exchange, or other restrictions imposed by a foreign country, not includible in gross income of the taxpayer for such year, the credit for income taxes imposed by such foreign country with respect to such amount shall be taken proportionately in any subsequent taxable year in which such amount or portion thereof is includible in gross income.

(Secs. 43, 62, and 131 of the Internal Revenue Code (53 Stat. 24, 32, and 56; 26 U.S.C., 43, 62, and 131))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 12, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-11266; Filed, July 13, 1943; 11:55 a. m.]

[T. D. 5282]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

EXEMPTION FROM WITHHOLDING

PARAGRAPH 1. Section 19.143-3 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], as amended by Treasury Decision 5174, approved October 28, 1942, is further amended by adding to the next to the last paragraph thereof the following:

However, in the determination of the tax to be withheld at the source under section 143 (b) with respect to remuneration paid on or after July 1, 1943, for labor or personal services performed within the United States by a nonresident alien, the benefit of the personal exemption of $500 shall be allowed prorated upon the basis of $1.40 per day for the period of employment during any portion of which labor or personal services are performed within the United States by such alien. Thus if A, a nonresident alien seaman employed by the X Shipping Corporation, is paid upon the termination of the voyage and such voyage covers 100 days, and A performed personal services within the United States during, or incident to, such voyage, the amount of $140 will be allocated as the portion of the personal exemption to be allowed as a credit against the remuneration of A for personal services performed within the United States during such voyage and withholding shall be applied against the balance, if any, of such remuneration. If, for example, the total remuneration paid to A for such voyage is $800 of which the sum of $120 is allocable to sources within the United States, there is no withholding. As to what constitutes remuneration for labor or personal services rendered within the United States, see section 119 (a) (3) and § 19.119-4 of Regulations 103. The amount of the compensation allocable to labor or personal services performed within the United States together with the amount of the personal exemption, prorated as set forth in this paragraph, shall be shown on the annual withholding return, Form 1042.

(Secs. 62, 143 and 215 of the Internal Revenue Code (53 Stat. 32, 60 and 77; 26 U.S.C. 62, 143 and 215))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 12, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-11267; Filed, July 13, 1943; 11:55 a. m.]

[T. D. 5283]

Subchapter B—Estate and Gift Taxes

PART 81—REGULATIONS RELATING TO ESTATE TAXES

RELEASE OF POWER OF APPOINTMENT BEFORE MARCH 1, 1944

In order to conform Regulations 105 [Part 81, Title 26, Code of Federal Regulations] to section 10 of the Current Tax Payment Act of 1943 (Public Law 68, 78th Congress), approved June 9, 1943, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after the Joint Resolution (Public Law 809, 77th Congress, enacted December 17, 1942), which was inserted by Treasury Decision 5239, approved March 10, 1943, and preceding section 302 (f) of the Revenue Act of 1926 (as originally enacted), as set forth preceding § 81.24, the following:

SEC. 10. *Extension of time in connection with release of powers of appointment.* (Current Tax Payment Act of 1943, enacted June 9, 1943.)

Section 403 (d) (3) of the Revenue Act of 1942 is amended by striking out "July 1, 1943" wherever it appears and inserting in lieu thereof "March 1, 1944" • • •.

PAR. 2. Section 81.24 (b), as added by Treasury Decision 5239, is amended as follows:

(A) By striking out "June 30, 1943" wherever it appears and by inserting in lieu thereof "February 29, 1944".

(B) By striking from the first sentence of paragraph (3) "(as amended by the Joint Resolution of December 17, 1942)" and by inserting in lieu thereof "(as amended by section 10 of the Current Tax Payment Act of 1943)".

(C) By striking out "July 1, 1943" wherever it appears and by inserting in lieu thereof "March 1, 1944".

(Sec. 3791 of the Internal Revenue Code (53 Stat. 467, 26 U.S.C. 3791) and secs. 401 and 403 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, and sec. 10 of the Current Tax Payment Act of 1943 (Public Law 68, 78th Congress), approved June 9, 1943)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 12, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-11268; Filed, July 13, 1943; 11:55 a. m.]

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5279]

PART 472—REGULATIONS UNDER SECTION 3804 OF THE INTERNAL REVENUE CODE

TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF WAR

Period of time disregarded under section 3804 of the Internal Revenue Code, in determining whether certain acts are timely performed, by reason of members of armed forces being outside the United States, other individuals being outside the Americas, or localities being areas of enemy action or control.

SUBPART A—INTRODUCTORY PROVISIONS

Sec.
472.0 Scope of regulations.
472.1 Introductory provisions.

SUBPART B—GENERAL PROVISIONS

472.101 Definitions and use of terms.
472.102 Acts postponed.
472.103 Computation of time.
472.104 Exceptions.
472.105 Notices to Commissioner under section 3804 (e) (2) and (3).
472.106 Different periods of time disregarded with respect to same matter.
472.107 Computation of amount of credit or refund and of interest thereon.

SUBPART C—TAX OF MEMBER OF ARMED FORCES

472.201 Application of Subpart C.
472.202 Income tax due dates for taxable years beginning after December 31, 1940.
472.203 Tax liability in general.

SUBPART D—JOINT RETURN IF HUSBAND OR WIFE IS MEMBER OF ARMED FORCES

472.301 Joint return if husband or wife is member of armed forces.

SUBPART E—INCOME TAX OF SPOUSE OF MEMBER OF ARMED FORCES

472.401 Application of Subpart E.
472.402 Return and tax payment if spouse's gross income is $1,200 or over.
472.403 Income tax due dates postponed if spouse's gross income is less than $1,200.
472.404 Matters other than due dates.
472.405 Income of spouse under community property law.

SUBPART F—TAX OF INDIVIDUAL NOT MEMBER OF ARMED FORCES

472.501 Application of Subpart F.
472.502 Circumstances under which period of time is disregarded.
472.503 Period of time disregarded.

SUBPART G—JOINT RETURN IF NEITHER HUSBAND NOR WIFE IS MEMBER OF ARMED FORCES

472.601 Joint return if neither husband nor wife is member of armed forces.

SUBPART H—INCOME TAX OF SPOUSE OF INDIVIDUAL NOT MEMBER OF ARMED FORCES

472.701 Application of Subpart H.
472.702 Return and tax payment if spouse's gross income is $1,200 or over.
472.703 Income tax due dates postponed if spouse's gross income is less than $1,200.
472.704 Matters other than due dates.
472.705 Income of spouse under community property law.

SUBPART I—TAX OF CORPORATIONS, TRUSTS, AND ESTATES

472.801 Application of Subpart I.
472.802 Circumstances under which period of time is disregarded.
472.803 Period of time disregarded.
472.804 Inspection of determinations made by the Commissioner.
472.805 Interest payable by foreign corporations subject to section 231 (a).
472.806 China Trade Act corporations.

SUBPART J—TAX OF INDIVIDUAL IN EXTRAORDINARY CIRCUMSTANCES

472.901 Application of Subpart J.
472.902 Circumstances under which period of time is disregarded.
472.903 Period of time disregarded.
472.904 Inspection of determinations made by the Commissioner.

AUTHORITY: §§ 472.0 to 472.904, inclusive, issued under sec. 3791 of Internal Revenue Code (53 Stat. 467; 26 U.S.C. 3791); sec. 507 of Revenue Act of 1942 (Pub. Law 753, 77th Cong.)

SEC. 507. TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF WAR. (Revenue Act of 1942.)

(a) *Amendments to the Internal Revenue Code.* The Internal Revenue Code is amended by inserting after section 3803 the following new sections:

SEC. 3804. TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF WAR.

(a) *Individuals.* The period of time after December 6, 1941, during which an individual is continuously outside the Americas (if such period is longer than ninety days), and the next ninety days thereafter, shall be disregarded in determining, under the internal revenue laws, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such individual—

(1) Whether any of the following acts was performed within the time prescribed therefor:

(A) Filing any return of income, estate, or gift tax (except income tax withheld at source and income tax imposed by Chapter 9 or any law superseded thereby);

(B) Payment of any income, estate, or gift tax (except income tax withheld at source and income tax imposed by Chapter 9 or any law superseded thereby) or any installment thereof or of any other liability to the United States in respect thereof.

(C) Filing a petition with the Board of Tax Appeals for redetermination of a deficiency, or for review of a decision rendered by the Board;

(D) Allowance of a credit or refund of any tax;

(E) Filing a claim for credit or refund of any tax;

(F) Bringing a suit upon any such claim for credit or refund;

(G) Assessment of any tax;

(H) Giving or making any notice or demand, for the payment of any tax, or with respect to any liability to the United States in respect of any tax;

(I) Collection, by the Commissioner or the collector, by distraint or otherwise, of the amount of any liability in respect of any tax;

(J) Bringing suit by the United States, or any officer on its behalf, in respect of any liability in respect of any tax; and

(K) Any other act required or permitted under the internal revenue laws specified in regulations prescribed under this section by the Commissioner with the approval of the Secretary;

(2) The amount of any credit or refund (including interest).

(b) *Other taxpayers and other circumstances.* In any case to which subsection (a) does not apply in which it is determined by the Commissioner, under regulations prescribed by him with the approval of the Secretary, that—

(1) By reason of an individual being outside the Americas, or

(2) By reason of any locality (within or without the Americas) being an area of enemy action or being an area under the control of the enemy, as determined by the Commissioner, or

(3) By reason of an individual in the military or naval forces of the United States being outside the States of the Union and the District of Columbia,

it is impossible or impracticable to perform any one or more of the acts specified in subsection (a), then in determining, under the internal-revenue laws whether such act was performed within the time prescribed therefor, in respect of any tax liability (including any interest, penalty, additional amount, or addition to tax) affected by the failure to perform such act within such time, and in determining the amount of any credit or refund (including interest) affected by such failure, there shall be disregarded such period after December 6, 1941, as may be prescribed by such regulations.

(c) *Limitation on time to be disregarded.* The period of time disregarded under this section shall not extend beyond whichever of the following dates is the earlier:

(1) The fifteen day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; or

(2) In the case of an individual with respect to whom a period of time is disregarded under this section, the fifteenth day of the third month following the month in which an executor, administrator, or a conservator of the estate of such individual qualifies.

(d) *Exceptions*—(1) *Tax in jeopardy; bankruptcy and receiverships; and transferred assets.* Notwithstanding the provisions of subsection (a) or (b), any action or proceeding authorized by section 146 (regardless of the taxable year for which the tax arose), 273, 274, 311, 872, 900, 1013, 1015, 1025, or 3660, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted. In any other case in which the Commissioner determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsections (a) and (b) shall not operate to stay collection of such amount by distraint or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this paragraph the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under subsection (a) or (b). In any case to which this paragraph relates, if the Commissioner or collector is required to give any notice to or make any demand upon any person, such requirement shall be deemed to be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the Commissioner or collector is in an area for which United States post offices under instructions of the Postmaster General are not, by reason of the war, accepting mail for delivery at the time the notice or demand is signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.

(2) *Action taken before ascertainment of right to benefits.* The assessment or collection of any internal revenue tax or of any liability to the United States in respect of any internal revenue tax, or any action or proceeding by or on behalf of the United States in connection therewith, may be made, taken, begun, or prosecuted in accordance with law, without regard to the provisions of subsection (a) or (b), unless prior to such assessment, collection, action, or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (a) or (b).

(3) *Expiration of period of limitations prior to enactment of this section.* This section shall not operate to extend the time for performing any act specified in subsection (a) (1) (G), (H), (I), or (J) if such time under the law in force prior to the date of enactment of this section expired prior to such date.

(e) *Definitions.* For purposes of this section—

(1) *Americas.* The term "Americas" means North, Central, and South America (including the West Indies but not Greenland), and the Hawaiian Islands.

(2) *When individual ceases to be outside Americas or within an area of enemy action.* For the purpose of determining whether any act specified in subsection (a) (1) (G), (H), (I), or (J) was performed within the time prescribed therefor, if any period of time is disregarded under this section by reason of any individual being outside the Americas or within an area of enemy action or control, such individual shall not, if he returns to the Americas or leaves such area after the date of enactment of this section, be deemed to have returned to the Americas or ceased to be within such area before the date upon which the Commissioner receives from such individual a notice thereof in such form as the Commissioner, with the approval of the Secretary, shall by regulations prescribe. A similar rule shall be applied in the case of a member of the military or naval forces of the United States with respect to whom a period of time is disregarded under this section by reason of being outside the States of the Union and the District of Columbia.

(3) *When executor, administrator, or conservator qualifies.* For the purpose of determining whether any acts specified in subsection (a) (1) (G), (H), (I), or (J) was performed within the time prescribed therefor, the month in which an executor, administrator, or conservator qualifies, if he qualifies after the date of enactment of this section, shall be deemed to be the month in which the Commissioner receives from him a notice thereof in such form as the Commissioner, with the approval of the Secretary, shall by regulations prescribe.

SEC. 3805. INCOME TAX DUE DATES POSTPONED IN CASE OF CHINA TRADE ACT CORPORATIONS.

In the case of any taxable year beginning after December 31, 1940, no Federal income tax return of, or payment of any Federal income tax by, any corporation organized under the China Trade Act, 1922 (42 Stat. 849, U.S.C., Title 15, chapter 4), shall become due until the fifteenth day of the sixth month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President. Such due date is prescribed subject to the power of the Commissioner to extend the time for filing such return or paying such tax, as in other cases.

(b) *Effect of amendments upon periods fixed under laws other than Internal Revenue Code.*

(1) *Public Law 490, Seventy-seventh Congress.* The amendments made by this section shall not be construed to shorten any period fixed under the provisions of section 13 or 14 of the Act approved March 7, 1942 (Public Law 490—77th Congress), within which any act may be done, except that any action or proceeding authorized under section 3804 (d) (1) of the Internal Revenue Code, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted without regard to the period so fixed.

(2) *Soldiers' and Sailors' Civil Relief Act of 1940.* (A) The amendments made by this section shall not be construed to shorten any period fixed under the provisions of section 513 of the Soldiers' and Sailors' Civil Relief Act of 1940 within which any act may be done, except that any action or proceeding authorized under section 3804 (d) (1) of the Internal Revenue Code, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted without regard to the period so fixed.

(B) Article II of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is amended by adding at the end thereof the following new section:

SEC. 207. Section 205 of this Act shall not apply with respect to any period of limitation prescribed by or under the internal revenue laws of the United States.

(c) *Retroactive effect.* The provisions of sections 3804 and 3805, as added by subsection (a) of this section, shall be effective as if they were enacted on December 7, 1941; except that the phrase "date of enactment of this section", when used in subsections (d) (3) and (e) (2) and (3) of section 3804, means the date of enactment of this Act. Any amount of interest, penalty, additional amount, or addition to the tax otherwise allowable as a refund or credit under the internal-revenue laws (including sections 3805 and 3804, except subsection (d) (2)) may be refunded or credited without regard to section 3804 (d) (2). No interest shall be allowed or paid by the United States upon any amount refunded or credited by reason of this subsection.

PUBLIC LAW 490 (77TH CONGRESS), APPROVED MARCH 7, 1942

That for the purpose of this Act—

(a) the term "person" means (1) commissioned officer, warrant officer, enlisted person (including persons selected under the Selective Training and Service Act, as amended), member of the Army or Navy Nurse Corps (female), wherever serving; (2) commissioned officer of the Coast and Geodetic Survey or the Public Health Service; and (3) civilian officers and employees of departments, during such time as they may be assigned for duty outside the continental limits of the United States or in Alaska;

* * * * *

(d) the term "department" * * * means any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government.

* * * * *

SEC. 13. Notwithstanding any other provision of law, in the case of any taxable year beginning after December 31, 1940, no Federal income-tax return of, or payment of any Federal income tax by—

(a) Any individual in the military or naval forces of the United States, or

(b) Any civilian officer or employee of any department

who, at the time any such return or payment would otherwise become due, is a prisoner of war or is otherwise detained by any foreign government with which the United States is at war, or

(c) Any individual in the military or naval forces of the United States serving on sea duty or outside the continental United States at the time any such return or payment would otherwise become due,

shall become due until one of the following dates, whichever is the earliest;

(1) The fifteenth day of the third month following the month in which he ceases (except by reason of death or incompetency) to be a prisoner of war, or to be detained by any foreign government with which the United States is at war, or to be a member of the military or naval forces of the United States serving on sea duty or outside the continental United States, as the case may be, unless prior to the expiration of such fifteenth day he again is a prisoner of war, or is detained by any foreign government with which the United States is at war, or is a member of the military or naval forces of the United States serving on sea duty or outside the continental United States;

(2) The fifteenth day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; or

(3) the fifteenth day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

Such due date is prescribed subject to the power of the Commissioner of Internal Revenue to extend the time for filing such return or paying such tax, as in other cases, and to assess and collect the tax as provided in sections 146, 273, and 274 of the Internal Revenue Code in cases in which such assessment or collection is jeopardized and in cases of bankruptcy or receivership. For the purpose of this section, the term "continental United States" means the States and the District of Columbia, and the terms "individual" or "member" of the military or naval forces of the United States means any person in the Army of the United States, the United States Navy, the Marine Corps, the Army or Navy Nurse Corps (female), the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service.

SEC. 14. The provisions of this Act, applicable to persons in the hands of an enemy, shall also apply to any person beleaguered or besieged by enemy forces.

* * * * *

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940, AS AMENDED BY SECTION 19 OF PUBLIC LAW 554 (77TH CONGRESS), APPROVED MAY 14, 1942, AND SECTION 18 OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1942

* * * * *

SEC. 101. (1) The term "persons in military service" and the term "persons in the military service of the United States", as used in this Act shall include the following persons and no others. All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Women's Army Auxiliary Corps, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "military service", as used in this Act, shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) The term "period of military service", as used in this Act, shall include the time between the following dates: For persons in active service at the date of the approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act ceases to be in force.

* * * * *

(4) The term "court", as used in this Act, shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

SEC. 102.

* * * * *

(2) When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

* * * * *

SEC. 513. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six months after the

termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service. The provisions of this section shall not apply to the income tax on employees imposed by section 1400 of the Federal Insurance Contributions Act.

* * * * *

SEC. 604. This Act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, this Act shall remain in force until such war is terminated oy a treaty of peace proclaimed by the President and for six months thereafter: *Provided further*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

* * * * *

SEC. 700. (1) A person may, at any time during his period of military service or within six months thereafter, apply to a court for relief in respect of any obligation or liability incurred by such person prior to his period of military service or in respect of any tax or assessment whether falling due prior to or during his period of military service. The court, after appropriate notice and hearing, unless in its opinion the ability of the applicant to comply with the terms of such obligation or liability or to pay such tax or assessment has not been materially affected by reason of his military service, may grant the following relief:

* * * * *

(b) In the case of any other obligation, liability, tax, or assessment, a stay of the enforcement thereof during the applicant's period of military service and, from the date of termination of such period of military service or from the date of application if made after auch service, for a period of time equal to the period of military service of the applicant or any part of such period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of such period of military service or the date of application, as the case may be, in equal periodic installments during such extended period at such rate of interest as may be prescribed for such obligation, liability, tax, or assessment, if paid when due, and subject to such other terms as may be just.

(2) When any court has granted a stay as provided in this section no fine or penalty shall accrue during the period the terms and conditions of such stay are complied with by reason of failure to comply with the terms or conditions of the obligation, liability, tax, or assessment in respect of which such stay was granted.

SUBPART A—INTRODUCTORY PROVISIONS

§ 472.0 *Scope of regulations*—(a) *Subjects covered.* These regulations relate to the provisions of sections 3804 and 3805 of the Internal Revenue Code, added by section 507 of the Revenue Act of 1942, enacted October 21, 1942, concerning the postponement, by reason of the present war, of the time for performing certain acts. They deal with:

(1) The acts (with respect to which periods of time may be disregarded) specified in section 3804 and these regulations. For a list of such acts, see section 3804 (a) (1) and § 472.102.

(2) The circumstances under which periods of time are disregarded under section 3804 (a) and section 3804 (b) in determining whether the acts referred to above are timely performed, and in determining amounts of interest and of refunds and credits.

(3) The duration of the period of time to be disregarded under section 3804 in each case, expressed in some cases in terms of a postponed due date and in others in terms of a period of days to be excluded, in determining whether an act is timely performed and in determining amounts of interest and of refunds and credits.

(4) General limitations and exceptions under section 3804.

(5) Postponement under section 3805 of certain income tax due dates of China Trade Act corporations.

(b) *Treasury Decision 5216 superseded.* The preliminary regulations under section 3804 (relating to certain notices to the Commissioner of Internal Revenue under section 3804 (e) (2) and (3)), prescribed by Treasury Decision 5216, approved January 19, 1943, are hereby superseded. For provisions now in force relating to such notices to the Commissioner, see § 472.105 of these regulations.

(c) *Numbering of sections.* Inasmuch as these regulations constitute part 472 of Title 26 of the 1943 Supplement to the Code of Federal Regulations, each section of the regulations bears a number commencing with 472 and a decimal point. References to sections not preceded by "472." are references to sections of law. References to sections of law are references to sections of the Internal Revenue Code unless otherwise expressly indicated.

§ 472.1 *Introductory provisions*—(a) *Taxes to which section 3804 is applicable.* Section 3804 is applicable only in the case of Federal taxes. But the section is applicable to all Federal taxes, whether income tax, manufacturers' excise tax, or any other tax, and whether imposed by the Internal Revenue Code or by any other internal revenue law. While the section is applicable to all Federal taxes, it is not applicable to all acts with respect to each tax. For a list of the acts to which the section has application, see § 472.102.

(b) *General purpose of section 3804.* Section 3804 has for its purpose the postponement of the time for performing acts affecting Federal tax liabilities and rights in the cases specified in the section in which timely performance is impossible or impracticable by reason of the war. Such cases include those in which individuals are outside the Americas, or in which members of the military or naval forces of the United States are serving outside the continental United States (including cases in which such members are serving on sea duty). Impairment or stoppage of transportation and communications in the foregoing cases makes clear the necessity for the suspension of time limitations, both in the case of acts to be performed by the taxpayer (for example, making a return and payment of income tax, or filing a claim for refund or credit of any tax) and in the case of acts to be performed by the Government (for example, the assessment or collection of any tax). In some cases assets and essential records of taxpayers (including taxpayers other than individuals) are in an enemy country or enemy controlled territory; and in such cases, depending upon the circumstances, a period of time may be disregarded under section 3804 (see subparts I and J).

(c) *Outline of section 3804.* Section 3804 (a) relates only to the tax liability of individuals outside the Americas, but is applicable whether or not the individual is a citizen or resident of the United States.

Section 3804 (b) relates to the tax liability of corporations, trusts, and estates, and, in cases in which no period of time is disregarded under section 3804 (a) or with respect to which a different or additional period of time is to be disregarded, to the tax liability of individuals. Section 3804 (b) is operative only as provided by these regulations.

Section 3804 (c) contains an over-all limitation on the period of time to be disregarded under section 3804. Section 3804 (c) provides that the period of time disregarded under section 3804 in respect of any tax liability shall in no event extend beyond whichever of the following dates is the earlier:

(1) The 15th day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; or

(2) In the case of an individual with respect to whom a period of time is disregarded, the 15th day of the third month following the month in which an executor, administrator, or a conservator of the estate of such individual qualifies.

Section 3804 (d) contains exceptions to the general rules under section 3804 for postponing the time for performing certain acts.

Section 3804 (e) contains definitions.

(d) *Provisions of section 507 (b) of Revenue Act of 1942*—(1) *Public Law 490 (77th Congress).* Sections 13 and 14 of the Act approved March 7, 1942 (Public Law 490, 77th Congress) postpone the due dates for filing income tax returns and paying income tax (for taxable years beginning after December 31, 1940) in case of certain members of the military or naval forces of the United States serving on sea duty or serving outside the continental United States, and in case of certain civilian employees of the United States detained by enemy governments or besieged by enemy forces. Under the provisions of section 507 (b) (1) of the Revenue Act of 1942, the time for filing the returns and paying the tax in

such cases may not be shortened under any provision of section 3804, except section 3804 (d) (1) (relating to tax in jeopardy, bankruptcy and receiverships, and transferred assets).

The postponed due date under these regulations in every case to which sections 13 and 14 of Public Law 490 apply is the same date as for a later date than that provided under such sections, except as provided in section 3804 (d) (1). The due dates fixed under these regulations therefore govern in all such cases. (See §§ 472.202, 472.502, and 472.503).

(2) *Soldiers' and Sailors' Civil Relief Act of 1940.* Section 513 of the Soldiers' and Sailors' Civil Relief Act of 1940 authorizes the deferment of collection of income tax from any person in the military service (as defined in such Act) whose ability to pay the tax is materially impaired by reason of such service. Under the provisions of section 507 (b) (2) of the Revenue Act of 1942, if such a deferment for any taxable year is granted such person, the time for paying the tax for such year may not be shortened under any provision of section 3804 except section 3804 (d) (1) (relating to tax in jeopardy, bankruptcy and receiverships, and transferred assets). Except in cases to which section 3804 (d) (1) applies, no provision of these regulations shall be construed to shorten the time which is allowed under section 513 with respect to any taxable year for paying the income tax for such year.

(e) *Provisions of section 507 (c) of the Revenue Act of 1942.* Section 507 (c) of the Revenue Act of 1942 provides, in part, that section 3804 shall be effective as if it were enacted on December 7, 1941; except that the phrase "date of enactment of this section", when used in sections 3804 (d) (3) and 3804 (e) (2) and (3), means the date of enactment of the Act, that is, October 21, 1942. Section 507 (c) also provides for the refund or credit of any amount of interest, penalty, additional amount, or addition to the tax collected at any time (whether before, on, or after October 21, 1942) with respect to any period required to be disregarded under section 3804. No interest is payable by the United States upon the amount of any such refund or credit.

SUBPART B—GENERAL PROVISIONS

§ 472.101 *Definitions and use of terms.* As used hereinafter in these regulations:

(a) The terms defined in the applicable laws shall have the meanings so assigned to them.

(b) The term "member of the military or naval forces of the United States" includes any individual in the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, the Women's Army Auxiliary Corps, the Navy Nurse Corps, Female, the Women's Reserve branch of the Naval Reserve, the Women's Reserve branch of the Coast Guard Reserve, and the Women's Reserve branch of the Marine Corps Reserve (Marine Corps Women's Reserve), and any commissioned officer of the Coast and Geodetic Survey or of the Public Health Service.

(c) The term "active duty" includes active service in any branch of the military or naval forces of the United States mentioned in paragraph (b) above, as well as the period during which a member of the military or naval forces of the United States on active duty is absent therefrom on account of sickness, wounds, leave, or other lawful cause.

(d) The term "continental United States" means the States of the Union and the District of Columbia.

(e) The term "Americas" means North, Central, and South America (including the West Indies, Bermuda, Newfoundland, and the Aleutian Islands, but not Greenland or Iceland), and the Hawaiian Islands.

(f) The term "tax" or "tax liability" means any tax due the United States under any internal revenue law (including any interest, penalty, additional amount, or addition to the tax) or any other liability to the United States in respect thereof.

(g) The term "Commissioner" means the Commissioner of Internal Revenue.

(h) The term "collector" means collector of internal revenue.

§ 472.102 *Acts postponed*—(a) *Acts specified in section 3804.* (a) (1) (G), (H), (I), and (J). The acts specified in subsection (a) (1) (G), (H), (I), and (J) of section 3804 with respect to which a period of time may be disregarded under such section in determining whether such acts are timely performed are:

(1) Assessment of any tax.

(2) Giving any notice with respect to, or making any demand for the payment of, any tax.

(3) Collection, by the Commissioner or the collector, by distraint or any other proceeding, of any tax.

(4) Bringing suit by the United States, or any officer on its behalf, for any tax.

(b) *Other acts.* The other acts with respect to which a period of time may be disregarded under section 3804 in determining whether such acts are timely performed are:

(1) Filing any return of income, estate, or gift tax (except the return by a withholding agent of income tax required to be withheld at source and the return by an employer of income tax imposed by Chapter 9 of the Internal Revenue Code or any law superseded thereby).

(2) Payment of any income, estate, or gift tax (except payment by a withholding agent of income tax required to be withheld at source and payment by an employer of income tax imposed by Chapter 9 of the Internal Revenue Code or any law superseded thereby) or any installment of such tax.

(3) Filing a petition with the Board of Tax Appeals or The Tax Court of the United States for redetermination of a deficiency, or for review of a decision rendered by such Board or Tax Court.

(4) Allowance of a credit or refund of any tax.

(5) Filing a claim for credit or refund of any tax.

(6) Bringing a suit upon a claim for credit or refund of any tax.

(7) Release of a power of appointment, as defined in section 811 (f) (2), which was created on or before October 21, 1942, except in the case of a release by a person under a legal disabilty who by reason thereof is granted a longer period under any provision of the internal revenue laws than under these regulations within which to effect such release.

(8) Release of a power of appointment, as defined in section 1000 (c), which was created on or before October 21, 1942, except in the case of a release by a person under a legal disability who by reason thereof is granted a longer period under any provision of the internal revenue laws than under these regulations within which to effect such release.

(9) Filing any return of capital stock tax for any year ending on or after June 30, 1942, of any corporation organized under the China Trade Act, 1922.

(10) Payment of any capital stock tax for any year ending on or after June 30, 1942, by any corporation organized under the China Trade Act, 1922.

§ 472.103 *Computation of time.* For the purposes of these regulations, in determining the duration of any period of time during which a member of the military or naval forces of the United States is serving on sea duty or outside the continental United States, the period shall be deemed to commence at the first moment of the day following the date on which the member commences to serve on sea duty or at the first moment of the day following the date of departure of the member from the continental United States, as the case may be, and shall be deemed to terminate at the last moment of the date on which the member ceases to serve on sea duty or the date of return of the member to the continental United States, as the case may be. A similar rule is applicable to the determination of the duration of any period of time during which an individual is outside the Americas.

§ 472.104 *Exceptions*—(a) *Tax in jeopardy; bankruptcy and receiverships; transferred assets.* Section 3804 (d) (1) contains exceptions in certain cases under which collection of tax and action preliminary thereto may be effected notwithstanding the fact that in such cases such collection or action would otherwise be stayed because a period of time is or would be disregarded under the provisions of section 3804. Such exceptions are applicable to cases relating to tax in jeopardy, bankruptcy and receivership, and transferred assets.

For example, if the 90-day or 150-day period after the mailing of notice of a deficiency of income tax of an individual (before the expiration of which the assessment of the deficiency is prohibited under section 272 (a)) is extended under the terms of section 3804 (a) by reason of the individual being outside the Americas for more than 90 days, the deficiency may nevertheless by reason of section 3804 (d) (1) be assessed before the expiration of such extended period if the Commissioner believes that the assessment or collection of the deficiency will

be jeopardized by delay. Similarly, for example, if the 10-day period after notice and demand under section 3690 (before the expiration of which collection of certain taxes by distraint and sale is prohibited under section 3690) is extended under the terms of section 3804 (a) by reason of an individual being outside the Americas for more than 90 days, collection by distraint and sale may nevertheless by reason of section 3804 (d) (1) be effected before the expiration of such extended period if the tax is in jeopardy.

If under any provision of law the Commissioner or the collector is, in any case to which section 3804 (d) (1) is applied, required to give any notice to or make any demand upon any person, and if the address of such person last known to the Commissioner or collector is in an area for which United States post offices under instructions of the Postmaster General are not, by reason of the war, accepting mail for delivery at the time the notice or demand is signed, the requirement for giving notice or making demand is deemed to be satisfied if the notice or demand is prepared and signed. In such case, the notice or demand is deemed to have been given or made upon the date it is signed. In each such case a record, available for inspection by any person, relating to the notice or demand, shall be maintained in the Office of the Commissioner. There shall be set forth in such record the name and last known address of the taxpayer, a statement of the character of the notice or demand or a reference to the provision of law under which it is issued, the date on which the notice or demand was signed, and the taxable period and kind of tax involved.

(b) *Action taken before ascertainment of right to benefits.* Section 3804 (d) (2) contains an exception which has the effect of validating action taken, without regard to a period of time required to be disregarded under section 3804 but otherwise pursuant to law, in collecting tax or taking action preliminary thereto if such action is taken prior to the time it is ascertained that the person concerned is entitled to the benefits of section 3804. Section 3804 (d) (2) applies to cases in which the action taken would, except for such section 3804 (d) (2), be prohibited. Thus, for example, if the facts of a case are such that a period of time is disregarded, thereby extending the 10-day period under section 3690 after notice and demand before the expiration of which distraint and sale is prohibited, but property of the taxpayer is distrained upon and sold before the expiration of such extended period, the collector not being aware of the extension of the period, the distraint and sale are nevertheless valid. See, however, section 507 (c) of the Revenue Act of 1942 under which the taxpayer may obtain a refund or credit (without interest) of the amount collected from him, if any, of interest, penalty, additional amount, or addition to the tax (but not of the tax itself) which is attributable to any period required to be disregarded.

Section 3804 (d) (2) does not apply to cases in which a lapse of time is not, under the law pursuant to which action is taken, a condition precedent to the taking of such action, and in which therefore neither section 3804 (a) nor section 3804 (b) may operate to preclude the taking of such action prior to the expiration of an extended period of time. Thus, for example, an investigation to determine liability for any tax may be made, or an assessment of manufacturers' excise tax or alcohol tax may be made, even after it is ascertained that the taxpayer is entitled to the benefits of section 3804 (a) or (b), since under the law pursuant to which such investigation or assessment is made no lapse of time is prescribed as a condition precedent to the taking of such action.

(c) *Expiration of period of limitations prior to October 21, 1942.* Section 3804 (d) (3) provides that section 3804 shall not operate to extend the time for performing any act specified in section 3804 (a) (1) (G), (H), (I), or (J) (see § 472.102 (a)) if such time under the law in force prior to October 21, 1942 (the date of enactment of the Revenue Act of 1942), expired prior to such date.

§ 472.105 *Notices to Commissioner under section 3804* (e) (2) *and* (3)—(a) *Requirement.* If a period of time is disregarded under any provision of section 3804, the time within which the acts specified in section 3804 (a) (1) (G), (H), (I), or (J) (see § 472.102 (a)) may be performed by or on behalf of the Government may be extended indefinitely (subject to the limitations provided in section 3804 (c) (1) and (d) (3)) unless the notice provided for in section 3804 (e) (2) or (3) is given to the Commissioner. For purposes of determining whether such acts are timely performed, the event fixing the date of termination of the period to be disregarded, if such event occurred after October 21, 1942 (the date of the enactment of the Revenue Act of 1942), shall not be deemed to have occurred until the notice described in paragraph (b)) of such event is received by the Commissioner.

The notice provided for in section 3804 (e) (2) or (3) should be furnished by the person concerned to the Commissioner of Internal Revenue, Washington, D. C., after the occurrence of one of the following enumerated events, in case a period of time is disregarded under section 3804 (including cases in which a period of time is disregarded under Subpart I or J of these regulations) and the date of termination of such period is dependent upon the time when:

(1) An individual (whether or not the taxpayer) returns to the Americas; or

(2) An individual (whether or not the taxpayer) in the military or naval forces of the United States returns to the continental United States or ceases to serve on sea duty; or

(3) An individual (whether or not the taxpayer) leaves an area of enemy action or control; or

(4) A person qualifies as executor, administrator, or conservator of the estate of an individual with respect to whom a period of time is disregarded under section 3804.

In order that periods of time within which acts may be performed, and interest or penalty, if any, may be properly computed, notice should be furnished to the Commissioner in every case in which the termination of a period disregarded under section 3804 is dependent upon the time when an individual returns to the Americas or to the continental United States, or upon the time when an individual ceases to serve on sea duty, or upon the time when an individual leaves an area of enemy action or control, or upon the time when an executor, administrator, or conservator qualifies as such. Thus, the notice should be furnished in those cases in which the event (fixing the date of termination of the period to be disregarded) occurred on or before October 21, 1942, although in such cases failure to furnish the notice does not under the provisions of section 3804 (e) (2) or (3) extend the period within which the Government may perform the acts specified in section 3804 (a) (1) (G), (H), (I), or (J).

With the exception noted in the last preceding sentence, the consequence of failure to furnish the information called for in paragraph (b) is the extension in favor of the Government of the time within which the acts specified in section 3804 (a) (1) (G), (H), (I), and (J) may be performed. Such failure cannot operate to extend the time within which other acts specified in section 3804 (see § 472.102 (b)) may be performed. While no time is prescribed for furnishing the information, it is to the advantage of the taxpayer that the information be furnished as promptly as possible for each period disregarded under section 3804.

(b) *Form and contents of notice.* No particular form is prescribed for giving the notice provided for in section 3804 (e) (2) or (3). The notice shall be filed, in duplicate, with the Commissioner of Internal Revenue, Washington, D. C., and it shall be stated therein that the notice is filed pursuant to section 3804 of the Internal Revenue Code.

Each such notice shall be signed and dated by the person filing it, and shall contain the following information:

(1) Name and present address of the taxpayer.

(2) Name and present address of the person furnishing the information, if not furnished by the taxpayer.

(3) Kind and amount of tax or taxes which are believed to be involved (for example, income, estate, or gift tax).

(4) Address of each collector with whom returns of the tax or taxes involved have been or are intended to be filed.

(5) Each taxable year or period believed to be involved.

(6) For the period, if any, during which the individual was a member of the military or naval forces of the United States, (i) if outside the continental United States or serving on sea duty on December 7, 1941, the last date prior to December 7, 1941, on which the individual left the continental United States or commenced to serve on sea duty; (ii) each date after December 6, 1941, on which the individual left the continental United States or commenced to serve on sea duty; and (iii) each date

after December 6, 1941, on which the individual returned to the continental United States or ceased to serve on sea duty.

(7) For the period, if any, during which the individual was not a member of the military or naval forces of the United States, (i) if outside the Americas on December 7, 1941, the last date prior to December 7, 1941, on which the individual left the Americas and the name of the port of departure; (ii) each date after December 6, 1941, on which the individual left the Americas and the name of each port of departure; and (iii) each date after December 6, 1941, on which the individual returned to the Americas and the name of each port of entry.

(8) If any period of time is disregarded under section 3804 by reason of an indivdual being in a locality which is an area of enemy action or control (see subparts I and J), the beginning and ending dates of each period after December 6, 1941, during which the individual was within such a locality and the name of the locality.

(9) In the case of a person who has qualified as an executor, administrator, or conservator of the estate of an individual with respect to whom a period of time is disregarded under section 3804, the date on which, and the name and location of the court in which, such person qualified as such, together with the information called for in subparagraphs (1) to (8), inclusive.

In case more than one period of time is disregarded under section 3804 with respect to a taxpayer, information previously furnished in such case to the Commissioner in notices given under this section of these regulations need not be included in subsequent notices to the Commissioner thereunder.

In case a person, having the intent of giving notice pursuant to the provisions of section 3804, furnishes the notice prior to the receipt by such person of advise as to the requirements of this section of these regulations (whether before or after the promulgation thereof), such notice will be considered as satisfying such provisions as of the date of actual receipt thereof in Washington, D. C., by the Commissioner, if in the opinion of the Commissioner there has been substantial compliance with this section. A notice furnished to a collector will not be considered as a notice to the Commissioner.

§ 472.106 *Different periods of time disregarded with respect to same matter.* This section applies to the case of any person with respect to whom under one provision of these regulations a specified period of time is disregarded in the determination of any matter, and under another provision of these regulations a longer period of time is disregarded in the determination of the same matter. Unless a contrary intent is expressly indicated in these regulations or in a determination by the Commissioner with respect to such person, the longer period of time shall be the one disregarded in determining whether the act is timely performed. For example, if a member of the military forces of the United States who is serving on active duty outside the continental United States on March 15, 1943, returns to the continental United States on May 29, 1943, and does not again serve outside the continental United States until after September 15, 1943, under § 472.202 the due date for filing the separate income tax return of the member and paying the tax for the taxable year beginning on January 1, 1942, is September 15, 1943. If the spouse of such member has gross income of less than $1,200 for the taxable year beginning on January 1, 1942, under § 472.403 the due date for filing the separate income tax return of the spouse and paying the tax for such taxable year is likewise September 15, 1943. If, however, the spouse leaves the Americas on December 1, 1942, and returns thereto on November 2, 1943, under § 472.503 the due date for filing the separate income tax return of the spouse and paying the tax for the taxable year beginning on January 1, 1942, is January 31, 1944 (the 90th day after the date of the return of the spouse to the Americas). Inasmuch as the longer period of time is to be disregarded under the provisions of this section, the due date for filing the income tax return of the spouse and paying the tax for the taxable year is January 31, 1944, instead of September 15, 1943. (In the foregoing example it is assumed that the member had for the taxable year gross income of $1,200 or more. For that reason the due date of the member for filing a separate income tax return and paying the tax for the taxable year is not postponed under § 472.702 or § 472.703 by reason of the spouse of the member being outside the Americas.)

This section also applies in case under one provision no period of time is disregarded and under another provision a period of time is disregarded, and in such case a similar rule shall be applied, that is, unless a contrary intent is expressly indicated in these regulations or in a determination by the Commissioner, the disregarded period of time is applicable in determining whether the act is timely performed. For example, if a wife's gross income is $1,200 or more for the taxable year beginning on January 1, 1942, the due date of her separate income tax return and of payment of the tax for such taxable year is not postponed under § 472.402, even though the due date of her husband's return and tax payment for such year is postponed under § 472.202 by reason of his being a member of the naval forces of the United States serving on sea duty. But if her due date for such taxable year is postponed under § 472.502, by reason of her being outside the Americas, the disregarded period of time prescribed in § 472.503 is applicable in determining whether her return is timely filed and her tax is timely paid.

§ 472.107 *Computation of amount of credit or refund and of interest thereon*—(a) *Application of section.* This section applies to the determination of the period of time, if any, which shall be disregarded under these regulations for the purpose of determining under the internal revenue laws the amount of any credit or refund and the amount of interest upon any credit or refund.

(b) *General rule.* If any period of time is disregarded under these regulations with respect to any taxpayer in determining whether any act specified in § 472.102 is timely performed, such period of time shall also be disregarded for the purpose specified in paragraph (a), except in the cases specified in paragraph (c) (2), (3), and (4).

(c) *Exception when amount of credit or refund would not be affected*—(1) *Application of paragraph.* This paragraph applies only to cases in which the disregarding of the period of time prescribed in paragraph (b) would not result:

(i) In a credit or refund being allowable where a credit or refund would not otherwise be allowable, or

(ii) In a greater amount of credit or refund being allowable than would otherwise be allowable.

(2) *When taxpayer is an individual and section 3804 (a) is applicable.* In case the taxpayer is an individual, if:

(i) The facts of the particular case are such that the conditions specified in paragraph (c) (1) is met, and

(ii) A period of time is required to be disregarded under section 3804 (a) by reason of such individual being outside the Americas continuously for 91 or more days after December 6, 1941, and

(iii) The period of time required to be disregarded under section 3804 (a) is different from the period of time required to be disregarded under paragraph (b),

then only the period of time required to be disregarded under section 3804 (a) shall be disregarded for the purpose specified in paragraph (a).

(3) *When taxpayer is an individual and section 3804 (a) is not applicable.* In case the taxpayer is an individual, if:

(i) The facts of the particular case are such that the condition specified in paragraph (c) (1) is met, and

(ii) No period of time is required to be disregarded under section 3804 (a),

then no period of time shall be disregarded for the purpose specified in paragraph (a).

(4) *When taxpayer is not an individual.* In the case of a taxpayer other than an individual, no period of time shall be disregarded for the purpose specified in paragraph (a) if the facts of the particular case are such that the condition specified in paragraph (c) (1) is met.

SUBPART C—TAX OF MEMBER OF ARMED FORCES

§ 472.201 *Application of subpart C.* This subpart applies to the cases in which a period of time is disregarded in respect of the tax liability of a member of the military or naval forces of the United States on active duty. Section 472.202 relates to the due date for filing income tax returns and the due date for paying income tax, in the case of taxable years beginning after December 31, 1940. Section 472.203 relates to (a) income tax liability (other than due dates of returns and payments) with respect to taxable years beginning after December 31, 1940, (b) income tax liability with respect to taxable years beginning

before January 1, 1941, and (c) tax liability with respect to all taxes other than income tax.

§ 472.202 *Income tax due dates for taxable years beginning after December 31, 1940*—(a) *Application of section.* This section applies only to the due dates of returns and of payments of income tax for taxable years beginning after December 31, 1940.

(b) *Circumstances under which due date is postponed.* The due date for any income tax return and for any payment (including any installment payment) of income tax is postponed in the case of any individual in the military or naval forces of the United States in case:

(1) At any time on the day on which the return or payment would otherwise become due the individual is serving on sea duty or outside the continental United States; or

(2) The date on which the return or payment would otherwise become due falls prior to the 90th day after the last day of a period of 91 days or more of continuous service by the individual on sea duty or outside the continental United States (for provisions relative to computing duration of service on sea duty or outside the continental United States, see § 472.103); or

(3) The date on which the return or payment would otherwise become due occurs after the individual, while serving outside the continental United States or on sea duty (irrespective of the duration of such service), dies or becomes incompetent.

See section 53 for provisions relating to the date when an income tax return would otherwise (that is, but for this section of these regulations) become due. See section 56 for provisions relating to the date when an income tax payment would otherwise become due.

(c) *New due date.* The new due date, in the case of any postponement required by paragraph (b), is the earliest of the following dates (except in the case of certain installment payments as prescribed in paragraph (e)):

(1) The 15th day of the fourth month following the month in which the individual ceases (except by resaon of death or incompetency) to be a member of the military or naval forces of the United States serving on sea duty or outside the continental United States, unless prior to the expiration of such 15th day he is again a member of the military or naval forces serving on sea duty or outside the continental United States; or

(2) The 15th day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; or

(3) The 15th day of the third month following the month in which an executor, administrator, or a conservator of the estate of the taxpayer qualifies.

(d) *Installment privilege where due date for payment of tax is postponed.* In case the due date for paying the tax (as distinguished from the due date of an installment of the tax) is postponed under the provisions of paragraph (b), the tax may, at the option of the taxpayer, be paid in accordance with the provisions of section 56 (b) in four equal installments instead of in a single payment. In such case the first installment is to be paid on or before the new due date prescribed by paragraph (c), the second installment on or before the 15th day of the third month, the third installment on or before the 15th day of the sixth month, and the fourth installment on or before the 15th day of the ninth month, after such new due date. This is true even though the date on or before which the second, third, or fourth installment is to be paid falls after the date prescribed in subparagraphs (2) or (3) of paragraph (c).

(e) *Installment privilege where due dates for paying installments are postponed.* In any case in which the taxpayer has exercised the installment privilege, in accordance with section 56 (b), for paying the tax for any taxable year, if the due dates of more than one installment (but not the first installment) of the tax for such year are postponed under the provisions of paragraph (b), the new due dates for such postponed installments shall be as follows:

(1) The new due date of the first postponed installment shall be the new due date prescribed in paragraph (c);

(2) The new due date of the second postponed installment shall be the 15th day of the third month after the new due date of the first postponed installment; and

(3) The new due date of the third postponed installment, if any, shall be the 15th day of the sixth month after the new due date of the first postponed installment.

However, in no event shall the new due date of the second or third such postponed installment be later than the earlier of the dates prescribed in subparagraphs (2) and (3) of paragraph (c).

§ 472.203 *Tax liability in general*—(a) *Application of section.* This section shall apply, in the case of a member of the military or naval forces of the United States, to:

(1) Income tax liability with respect to taxable years beginning after December 31, 1940, other than in the case of due dates of returns and payments (as to such dates, see § 472.202); and

(2) Income tax liability with respect to taxable years beginning before January 1, 1941; and

(3) Tax liability with respect to all taxes other than income tax.

If the circumstances are such that a period of time is required to be disregarded under paragraph (b), the period of time prescribed in paragraph (c) shall be disregarded, in the above cases of tax liability to which this section applies, in determining, under the internal revenue laws, whether any act specified in § 472.102 was performed within the time prescribed therefor.

(b) *Circumstances under which period of time is disregarded.* In the cases specified in paragraph (a), the period of time prescribed in paragraph (c) shall be disregarded if the member of the military or naval forces of the United States serves, after December 6, 1941, on sea duty or outside the continental United States:

(1) Continuously for 91 days or more (for provisions relative to computing duration of service on sea duty or outside the continental United States, see § 472.103); or

(2) For any period (irrespective of the duration of such period) if, while on sea duty or outside the continental United States, he dies or becomes incompetent.

(c) *Period of time disregarded.* If a period of time is required to be disregarded under paragraph (b), the period of time disregarded shall commence at the first moment of the day following the date on which the taxpayer commences to serve on sea duty or at the first moment of the day following the date of departure of the taxpayer from the continental United States, whichever is the earlier. It shall terminate at the last moment of whichever of the following dates is the earliest:

(1) The 15th day of the fourth month following the month in which the taxpayer ceases (except by reason of death or incompetency) to be a member of the military or naval forces of the United States serving on sea duty or outside the continental United States, unless prior to the expiration of such 15th day the taxpayer is again a member of the military or naval forces serving on sea duty or outside the continental United States; or

(2) The 15th day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; or

(3) The 15th day of the third month following the month in which an executor, administrator, or a conservator of the estate of the taxpayer qualifies.

The application of § 472.203 (c) (1) may be illustrated by the following example:

Example. On April 1, 1943, the Commissioner duly mailed to A, a member of the military forces of the United States, a notice of deficiency in respect of A's income tax for the taxable year beginning on January 1, 1941. Under the provisions of section 272, A has 90 days after the notice is mailed within which to file a petition with The Tax Court of the United States for a redetermination of the deficiency. A leaves the continental United States on May 1, 1943, and serves on active duty outside the continental United States until he returns thereto on April 30, 1944. A does not again serve outside the continental United States until after October 14, 1944. Under the provisions of this section the last day on which A may timely file a petition with The Tax Court of the United States for a redetermination of the deficiency is October 14, 1944. This date is determined as follows: the day on which the notice of deficiency was mailed, that is, April 1, 1943, is excluded and the day of A's departure from the continental United States, that is, May 1, 1943, is included in determining that portion of the 90-day period which had expired on A's departure from the continental United States, which is 30 days; the period of time which is disregarded commences at the first moment of May 2, 1943, the day following A's departure from the continental United States, and terminates at the last moment of August 15, 1944, the 15th day of the fourth month following the month in which A ceases to serve outside the continental United States; and the 60th day thereafter (the 90 days for filing a petition

with The Tax Court less 30 days thereof which had expired on A's departure from the continental United States) is October 14, 1944.

SUBPART D—JOINT RETURN IF HUSBAND OR WIFE IS MEMBER OF ARMED FORCES

§ 472.301 *Joint return if husband or wife is member of armed forces.* This subpart applies to the election of husband and wife to make a joint return (or separate returns) of income for any taxable year beginning after December 31, 1940, in case:

(a) Either the husband or wife is a member of the military or naval forces of the United States; and

(b) The due date for filing the return of the member for such taxable year is postponed under the provisions of § 472.202; and

(c) The spouse and the member would be entitled to file a joint return for such taxable year if an election to file such a return is timely made. (For provisions relating to joint returns, see sections 51 (b) and 400 and regulations promulgated thereunder.)

In such a case the election to file a joint return (or separate returns) for such taxable year may be made on or before the last day on which a return of the member may be timely filed under § 472.202. That is, an election may be made to file a joint return where a separate return or returns have previously been filed, or where neither the spouse nor the member has filed a return; or an election may be made to file separate returns where a joint return has previously been filed. In any such case the due date of the joint return and tax thereunder is the date on or before which the election may be timely made under this section. However, where separate returns are made, the due date of the return and tax of neither taxpayer is affected by this section, but is governed by the provisions of these regulations applicable to the due date of the separate return and tax of the respective taxpayer. In any case in which the due dates of the returns of both spouses are postponed under these regulations and one of such postponed due dates is later than the other (as, for example, where both spouses are members of the military or naval forces of the United States serving outside the continental United States and one of the spouses returns later than the other), the election may be made on or before the later due date of the two. But see § 472.402 for provisions under which a spouse is required to make an income tax return and pay the tax due thereunder on the normal due date.

In case the member is not required under section 51 to make a return for a taxable year (as, for example, where the member does not have any gross income for the taxable year by reason of the exclusion from gross income provided in section 22 (b) (13)) but the facts are such that the due date would be postponed if he were required to make a return for such year, this subpart shall nevertheless have application in the same manner and to the same extent as though the member were required to make a return for such year and the due date thereof were postponed.

SUBPART E—INCOME TAX OF SPOUSE OF MEMBER OF ARMED FORCES

§ 472.401 *Application of subpart E.* This subpart applies to the income tax liability, with respect to any taxable year beginning after December 31, 1940, of the spouse of a member of the military or naval forces of the United States in case:

(a) The due date for filing the return of the member for such taxable year is postponed under the provisions of § 472.202; and

(b) The spouse and the member would be entitled to file a joint return for such taxable year if an election to file such a return is timely made. (For provisions relating to joint returns, see sections 51 (b) and 400 and regulations promulgated thereunder.)

In case the member is not required under section 51 to make a return for a taxable year (as, for example, where the member does not have any gross income for the taxable year by reason of the exclusion from gross income provided in section 22 (b) (13)) but the facts are such that the due date would be postponed if he were required to make a return for such year, this subpart shall nevertheless have application in the same manner and to the same extent as though the member were required to make a return for such year and the due date thereof were postponed.

§ 472.402 *Return and tax payment if spouse's gross income is $1,200 or over.* If the spouse of the member of the military for naval forces of the United States has for the taxable year gross income of $1,200 or more (or $1,500 or more, in the case of a taxable year beginning in 1941), the due date of the income tax return and of payment of the tax of the spouse for such year is not postponed under the provisions of this subpart. Such due date of the spouse may, however, be postponed under provisions of these regulations other than this subpart if the spouse is also a member of the military or naval forces of the United States serving on sea duty or outside the continental United States (see Subpart C), or if the spouse is outside the Americas (see Subpart F), or if the circumstances are such as to fall within the provisions of Subpart J. The filing of a return by the spouse does not preclude the making of a joint return subsequently by the husband and wife (see § 472.301).

§ 472.403 *Income tax due dates postponed if spouse's gross income is less than $1,200.* If the spouse of the member of the military or naval forces of the United States has for the taxable year gross income of less than $1,200 (or less than $1,500, in the case of a taxable year beginning in 1941), the income tax return and tax of the spouse for such year shall be due at the same time as the return and tax of the member for such year are due under the provisions of § 472.202. If the due date for paying the tax is postponed under this section, the tax may, at the option of the taxpayer, be paid in four equal installments, as provided in § 472.202 (d).

§ 472.404 *Matters other than due dates.* In the case of the income tax liability for a taxable year of a spouse of a member of the military or naval forces of the United States, the disregarded period of time under § 472.203 in the case of tax liability of the member shall also be disregarded with respect to the income tax liability for such year of the spouse in determining whether any act specified in section 3804 (a) (1) (D), (E), (F), (G), (H), (I), or (J) was performed within the time prescribed therefor. Thus, for example, in the case of the income tax of the spouse for such year, the time within which the spouse may file a claim for refund is thereby extended, and the time within which the United States may enforce collection against the spouse is thereby extended. In no event, however, shall this section operate to extend any period prescribed in Subchapter C of Chapter 36 of the Internal Revenue Code (relating to distraint) before the expiration of which distraint or sale for the collection of income tax may not be made.

§ 472.405 *Income of spouse under community property law.* This section applies to the income tax liability, with respect to any taxable year beginning after December 31, 1940, of the spouse of a member of the military or naval forces of the United States in case:

(a) The due date for filing the return of the member for such taxable year is postponed under the provisions of § 472.202; and

(b) The spouse and member are domiciled in a so-called community property state; and

(c) Community income is derived by the spouse during the taxable year but is neither actually nor constructively received by the spouse during such year.

In such case the inclusion, in a return made by the spouse for the taxable year, of such community income shall be deemed to be timely for all purposes if so included in a return filed on or before the due date, under § 472.202, of a return of the member for such taxable year. The tax with respect to such community income shall be deemed to be timely paid for all purposes if paid at or before the time or times fixed by § 472.202 for the payment of tax by the member for such year. The provisions of this section do not postpone the due date of the spouse for filing a return of, or paying the tax with respect to, income other than such community income. In cases in which a return for any taxable year is filed from which such community income has been excluded, such community income shall be included in an amended return for such taxable year filed on or before the due date, under § 472.202, of a return of the member for such year.

For the purpose of determining whether the due date of the income tax return and of payment of the tax for a taxable year is postponed under the provisions of §§ 472.402 and 472.403, community income neither actually nor constructively received by the spouse during such year shall be excluded in ascertain-

ing the amount of the gross income of the spouse for such year.

For purposes of determining any due date under this subpart, receipt of community income by the member of the military or naval forces of the United States shall not be deemed to constitute constructive receipt of such income by the spouse of such member.

SUBPART F—TAX OF INDIVIDUAL NOT MEMBER OF ARMED FORCES

§ 472.501 *Application of subpart F*—(a) *Individuals to whom applicable.* This subpart applies to the tax liability of any individual other than a member of the military or naval forces of the United States. (For provisions relating to different periods of time disregarded with respect to same matter, see § 472.106.)

(b) *Acts with respect to which period of time is disregarded.* If a period of time is required to be disregarded under § 472.502, the period of time prescribed in § 472.503 shall be disregarded, in the above cases of tax liability to which this subpart applies, in determining, under the internal revenue laws, whether any act specified in § 472.102 was performed within the time prescribed therefor.

§ 472.502 *Circumstances under which period of time is disregarded.* In the cases specified in § 472.501, the period of time prescribed in § 472.503 shall be disregarded if the individual is, after December 6, 1941, outside the Americas:

(a) For a period of 91 or more days continuously; or

(b) For any period (irrespective of the duration of such period) if, while outside the Americas, he dies or becomes incompetent; or

(c) For any period (irrespective of the duration of such period) if the individual makes a voyage or departs upon a voyage from (or to) a point of land in the Americas to (or from) a point of land outside the Americas, on which voyage while en route a point or points of land within the Americas are touched, and

(1) The period during which the individual is outside the Americas plus the period of the stopover or stopovers within the Americas equals or exceeds 91 days, or

(2) The individual dies or becomes incompetent during the period of a stopover within the Americas while en route on the voyage.

For purposes of paragraph (c), above, the term "voyage" means a voyage by vessel or aircraft (whether or not continuously on the same vessel or aircraft), if in case of a stopover en route at a point of land within the Americas the voyage is resumed not later than the 30th day after the date of arrival at the point within the Americas.

The due date for any income tax return and for any payment (including any installment payment) of income tax, for any taxable year beginning after December 31, 1940, is postponed in the case of any civilian officer or employee of any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government who, at the time the return or payment would otherwise become due, is detained by any foreign government with which the United States is at war, or is beleaguered or besieged by enemy forces. For the postponed due date in such case, see § 472.503.

§ 472.503 *Period of time disregarded*—(a) *General rule.* If a period of time is required to be disregarded under § 472.502, the period of time disregarded is the aggregate of the following periods:

(1) The period during which the individual is continuously outside the Americas, including, if § 472.502 (c) is applicable, the period or periods of any stopovers while en route on a voyage; plus

(2) The next 90 days after the period referred to in subparagraph (1).

Example. On February 1, 1943, the Commissioner duly mailed to A, a civilian, a notice of deficiency in respect to A's income tax for the taxable year beginning on January 1, 1941. Under the provisions of section 272, A has 90 days after the notice is mailed within which to file a petition with The Tax Court of the United States for a redetermination of the deficiency. A leaves the Americas for England on March 1, 1943, and returns to the Americas on March 31, 1944. A does not again leave the Americas until after August 30, 1944. Under the provisions of this section the last day on which A may timely file a petition with The Tax Court of the United States for a redetermination of the deficiency is August 30, 1944. This date is determined as follows: the date on which the notice of deficiency was mailed, that is, February 1, 1943, is excluded and the day of A's departure from the Americas, that is, March 1, 1943, is included in determining that portion of the 90-day period which had expired on A's departure from the Americas, which is 28 days; the period of time which is disregarded commences at the first moment of March 2, 1943, the day following A's departure from the Americas, and terminates at the last moment of June 29, 1944, the 90th day after the date of A's return to the Americas; and the 62nd day thereafter (the 90 days for filing a petition with The Tax Court less 28 days thereof which had expired on A's departure from the Americas) is August 30, 1944. If A makes his income tax return for 1942 on a calendar year basis, the due date for filing his income tax return for such taxable year is June 29, 1944 (the 90th day after A's return to the Americas).

However, in case an income tax due date of a civilian employee of the United States is postponed under § 472.502 by reason of the employee being detained by a foreign government with which the United States is at war or by reason of the employee being beleaguered or besieged by enemy forces, the new due date is the 15th day of the fourth month following the month in which the employee returns to the continental United States (or, if such 15th day falls after either date prescribed in paragraph (c), below, then the new due date is the earlier of the dates prescribed in paragraph (c)).

(b) *Death or incompetency of individual.* If the individual dies or becomes incompetent while outside the Americas or, if § 472.502 (c) is applicable, while on a stopover within the Americas, the period of time disregarded is the aggregate of the following periods:

(1) The period during which the individual is continuously outside the Americas plus (if § 472.502 (c) is applicable) the period of the stopover or stopovers within the Americas (subject to the limitations prescribed in section 3804 (c) (see paragraph (c), below)); and

(2) The period, if any, after the period prescribed in subparagraph (1) terminating at the last moment of the earlier of the two dates prescribed in section 3804 (c).

(c) *Limitation on time to be disregarded.* As provided in section 3804 (c), the period of time disregarded with respect to the tax liability of an individual shall not extend beyond whichever of the following dates is the earlier:

(1) The 15th day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; or

(2) The 15th day of the third month following the month in which an executor, administrator, or a conservator of the estate of the individual qualifies.

(d) *Installment privilege where due date for payment of income tax is postponed.* In case the due date for paying income tax (as distinguished from the due date of an installment of the tax) is postponed under the provisions of § 472.502, the tax may, at the option of the taxpayer, be paid in accordance with the provisions of section 56 (b) in four equal installments instead of in a single payment. For example, if the postponed due date for paying income tax is June 29, 1944, as determined in accordance with the provisions of paragraphs (a), (b), and (c), above, the tax may be paid in four equal installments, the first on June 29, 1944, the second on September 15, 1944, the third on December 15, 1944, and the fourth on March 15, 1945. This is true even though the date on or before which the second, third, or fourth installment is to be paid falls after the date prescribed in subparagraph (1) or (2) of paragraph (c), above.

(e) *Installment privilege where due dates for paying income tax installments are postponed.* In any case in which the taxpayer has exercised the installment privilege, in accordance with section 56 (b), for paying income tax for any taxable year, if the due dates of more than one installement (but not the first installment) of the tax for such year are postponed under the provisions of § 472.502, the new due dates for such postponed installments shall be as follows:

(1) The new due date for the first postponed installment shall be the new due date determined in accordance with the provisions of paragraphs (a), (b), and (c), above;

(2) The new due date of the second postponed installment shall be the 15th day of the third month after the new due date of the first postponed installment; and

(3) The new due date of the third postponed installment, if any, shall be the 15th day of the sixth month after the new due date of the first postponed installment.

However, in no event shall the new due date of the second or third such postponed installment be later than the earlier of the dates prescribed in subparagraphs (1) and (2) of paragraph (c), above.

SUBPART G—JOINT RETURN IF NEITHER HUSBAND NOR WIFE IS MEMBER OF ARMED FORCES

§ 472.601 *Joint return if neither husband nor wife is member of armed forces.* This subpart applies to the election of husband and wife to make a joint return (or separate returns) of income for any taxable year beginning after December 31, 1940, in case:

(a) The due date for filing the return of either of the individuals for such taxable year is postponed under the provisions of § 472.502 by reason of the individual being outside the Americas; and

(b) Such individual and spouse would be entitled to file a joint return for such taxable year if an election to file such a return is timely made. (For provisions relating to joint returns, see sections 51 (b) and 400 and regulations promulgated thereunder.)

In such a case the election to file a joint return (or separate returns) for such taxable year may be made on or before the last day on which a return of the individual (whose due date is postponed by reason of being outside the Americas) may be timely filed under § 472.503. That is, an election may be made to file a joint return where a separate return or returns have previously been filed, or where neither spouse has filed a return; or an election may be made to file separate returns where a joint return has previously been filed. In any such case the due date of the joint return and tax thereunder is the date on or before which the election may be timely made under this section. However, where separate returns are made, the due date of the return and tax of neither taxpayer is affected by this section, but is governed by the provisions of these regulations applicable to the due date of the separate return and tax of the respective taxpayer. In any case in which the due dates of the returns of both spouses are postponed under these regulations and one of such postponed due dates is later than the other (as, for example, where both husband and wife have been outside the Americas and one of the spouses returns to the Americas later than the other), the election may be made on or before the later due date of the two. But see § 472.702 for provisions under which a spouse is required to make an income tax return and pay the tax due thereunder on the normal due date.

In case the individual who is outside the Americas is not required under section 51 to make a return for a taxable year (as, for example, where the individual does not have any gross income for the taxable year) but the facts are such that the due date would be postponed if he were required to make a return for such year, this subpart shall nevertheless have application in the same manner and to the same extent as though such individual were required to make a return for such year and the due date thereof were postponed.

SUBPART H—INCOME TAX OF SPOUSE OF INDIVIDUAL NOT MEMBER OF ARMED FORCES

§ 472.701 *Application of subpart H.* This subpart applies to the income tax liability, with respect to any taxable year beginning after December 31, 1940, of the spouse of an individual not a member of the military or naval forces of the United States in case:

(a) The due date for filing the return of such individual for such taxable year is postponed under the provisions of § 472.502 by reason of the individual being outside the Americas; and

(b) Such individual and spouse would be entitled to file a joint return for such taxable year if an election to file such a return is timely made. (For provisions relating to joint returns, see sections 51 (b) and 400 and regulations promulgated thereunder.)

In case the individual who is outside the Americas is not required under section 51 to make a return for a taxable year (as, for example, where the individual does not have any gross income for the taxable year) but the facts are such that the due date would be postponed if he were required to make a return for such year, this subpart shall nevertheless have application in the same manner and to the same extent as though such individual were required to make a return for such year and the due date thereof were postponed.

§ 472.702 *Return and tax payment if spouse's gross income is $1,200 or over.* In the case of the spouse of an individual whose income tax return and payment due date is postponed under § 472.502, if such spouse has for the taxable year gross income of $1,200 or more (or $1,500 or more, in the case of a taxable year beginning in 1941), the due date of the income tax return and of payment of the tax of the spouse for such year is not postponed under the provisions of this subpart. Such due date of the spouse may, however, be postponed under provisions of these regulations other than this subpart if such spouse is also outside the Americas (see Subpart F), or is a member of the military or naval forces of the United States serving on sea duty or outside the continental United States (see Subpart C), or if the circumstances are such as to fall within the provisions of Subpart J. The filing of a return by the spouse does not preclude the making of a joint return subsequently by the husband and wife (see § 472.601).

§ 472.703 *Income tax due dates postponed if spouse's gross income is less than $1,200.* In the case of the spouse of an individual whose income tax return and payment due date for a taxable year is postponed under § 472.502, if such spouse has for such year gross income of less than $1,200 (or less than $1,500, in the case of a taxable year beginning in 1941), the income tax return and tax of the spouse for such year shall be due at the same time as the return and tax of such individual for such year are due under the provisions of § 472.503. If the due date for paying the tax is postponed under this section, the tax may, at the option of the taxpayer, be paid in four equal installments as provided in § 472.503 (d).

§ 472.704 *Matters other than due dates.* In the case of the income tax liability for a taxable year of the spouse of an individual whose income tax return and payment due date for a taxable year is postponed under § 472.502, the disregarded period of time under § 472.503 in the case of tax liability of such individual shall also be disregarded with respect to the income tax liability for such year of the spouse in determining whether any act specified in section 3804 (a) (1) (D), (E), (F), (G), (H), (I), or (J) was performed within the time prescribed therefor. Thus, for example, in the case of the income tax of the spouse for such year, the time within which the spouse may file a claim for refund is thereby extended, and the time within which the United States may enforce collection against the spouse is thereby extended. In no event, however, shall this section operate to extend any period prescribed in Subchapter C of Chapter 36 of the Internal Revenue Code (relating to distraint) before the expiration of which distraint or sale for the collection of income tax may not be made.

§ 472.705 *Income of spouse under community property law.* This section applies to the income tax liability, with respect to any taxable year beginning after December 31, 1940, of the spouse of an individual not a member of the military or naval forces of the United States in case:

(a) The due date for filing the return of such individual for such taxable year is postponed under the provisions of § 472.502; and

(b) The spouse and such individual are domiciled in a so-called community property state; and

(c) Community income is derived by the spouse during the taxable year but is neither actually nor constructively received by the spouse during such year.

In such case the inclusion, in a return made by the spouse for the taxable year, of such community income shall be deemed to be timely for all purposes if so included in a return filed on or before the due date, under § 472.503, of a return of such individual for such taxable year. The tax with respect to such community income shall be deemed to be timely paid for all purposes if paid at or before the time or times fixed by § 472.503 for the payment of tax by such individual for such year. The provisions of this section do not postpone the due date of the spouse for filing a return of, or paying the tax with respect to, income other than such community income. In cases in which a return for any taxable year is filed from which such community income has been excluded, such community income shall be included in an amended return for such taxable year filed on or before the due date, under § 472.503, of a return for such year of the individual who is outside the Americas.

For the purpose of determining whether the due date of the income tax return and of payment of the tax for a taxable year is postponed under the provisions of §§ 472.702 and 472.703, community income neither actually nor constructively received by the spouse during such year shall be excluded in ascertaining the amount of the gross income of the spouse for such year.

For purposes of determining any due date under this subpart, receipt of community income by the individual who is outside the Americas shall not be deemed to constitute constructive receipt of such income by the spouse of such individual.

SUBPART I—TAX OF CORPORATIONS, TRUSTS, AND ESTATES

§ 472.801 *Application of Subpart I—*(a) *Persons to whom applicable.* This subpart applies to the tax liability of corporations, trusts, and estates. Sections 472.801 (b), 472.802, 472.803, and 472.804 apply to all corporations, trusts, and estates, except that such sections shall not apply with respect to the determination, in the cases to which § 472.805 applies, of the amount of interest payable by foreign corporations subject to section 231 (a). Except to the extent provided in § 472.805 and in § 472.806 (relating to China Trade Act corporations), no period of time is disregarded with respect to any corporation, trust, or estate unless the Commissioner determines under these regulations that a period of time shall be disregarded with respect to such corporation, trust, or estate.

Such determinations may be made by the Commissioner upon his own initiative based upon the facts available to him, or upon application by any interested person. Applications for such determinations shall be filed with the Commissioner of Internal Revenue, Washington, D. C. Notice of each determination under this subpart shall, if practicable, be furnished to the taxpayer or taxpayers whose tax liability is affected thereby.

(b) *Acts with respect to which period of time is disregarded.* If the circumstances are such that a period of time is required to be disregarded under § 472.802 in determining whether any act specified in § 472.102 was performed within the time prescribed therefor, the period of time prescribed under § 472.803 shall be disregarded, in the above cases to which this subpart applies, in determining, under the internal revenue laws, whether such act was performed within the time prescribed therefor. Thus, under this subpart a period of time may be disregarded with respect only to such act or acts as are specified in the determination of the Commissioner.

§ 472.802 *Circumstances under which period of time is disregarded.* In the cases specified in § 472.801, the period of time prescribed under § 472.803 shall be disregarded in any case in which timely performance of any act specified in § 472.102 is determined by the Commissioner to be impossible or impracticable:

(a) By reason of any individual being outside the Americas; or

(b) By reason of any locality being an area of enemy action or control, as determined by the Commissioner; or

(c) By reason of any member of the military or naval forces of the United States serving on sea duty or outside the continental United States.

Whether or not the circumstances of a particular case are such that a period of time shall be disregarded is dependent upon the facts of the particular case. In general, consideration will be given to the fact of absence, as indicated above, of individuals who are directors or officers of the corporation or fiduciaries or beneficiaries of the trust or estate, and to the fact that assets and essential records are in an area of enemy action or control.

§ 472.803 *Period of time disregarded.* If the Commissioner determines under § 472.802 that the circumstances of a particular case are such that a period of time shall be disregarded with respect to any corporation, trust, or estate, or class of corporations, trusts, or estates, the Commissioner shall also determine the duration of such period. The Commissioner may subsequently modify the duration of such period if in his opinion such action is necessary or desirable in order to carry out the purpose and intent of section 3804. No period prior to December 7, 1941, nor after the 15th day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President, shall be disregarded. The duration of the period which shall be disregarded under this subpart shall be stated in the determination or determinations by the Commissioner with respect to the taxpayer or taxpayers affected.

§ 472.804 *Inspection of determinations made by the Commissioner.* Each determination made by the Commissioner under this subpart with respect to a taxpayer shall be available for inspection by the same persons as are entitled to inspect the return of the taxpayer (or would be so entitled if the return were filed). Such inspection shall be subject to the same conditions as in the case of inspection of the return of the taxpayer.

§ 472.805 *Interest payable by foreign corporations subject to section 231 (a).* In determining the amount of interest payable by any foreign corporation with respect to income tax imposed by section 231 (a) for any taxable year beginning after December 31, 1939, there shall be disregarded the period beginning with December 7, 1941, and ending with the 15th day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; except that there shall be included in the period disregarded only that portion thereof during which payment of such tax by the corporation was prevented due to restrictions imposed with respect to the corporation by any foreign government with which the United States is at war or by the government of any country under the control of the enemy.

§ 472.806 *China Trade Act corporations—*(a) *Income tax.* Section 3805 provides that in the case of any taxable year beginning after December 31, 1940, no Federal income tax return of, or payment of any Federal income tax by, any corporation organized under the China Trade Act, 1922, shall become due until the 15th day of the sixth month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President. Section 3805 further provides that such due date is prescribed subject to the power of the Commissioner to extend the time for filing such return or paying such tax, as in other cases.

(b) *Capital stock tax.* In the case of the capital stock tax, for any year ending on or after June 30, 1942, of any corporation organized under the China Trade Act, 1922, no return or payment of such tax shall become due until the 15th day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President.

SUBPART J—TAX OF INDIVIDUAL IN EXTRAORDINARY CIRCUMSTANCES

§ 472.901 *Application of Subpart J—*(a) *Individuals to whom applicable.* This subpart applies to any tax liability of an individual or class of individuals with respect to which no period of time is disregarded under Subparts C to H, inclusive, or with respect to which a period of time is disregarded under such subparts but with respect to which a different or additional period of time is to be disregarded. No period of time is disregarded under this subpart with respect to any tax liability unless the Commissioner determines under these regulations that a period of time shall be disregarded with respect to such tax liability.

Such determinations may be made by the Commissioner upon his own initiative based upon the facts available to him, or upon application by the individual. Applications for such determinations shall be filed with the Commissioner of Internal Revenue, Washington, D. C. Notice of each determination under this subpart shall, if practicable, be furnished to the individual or individuals whose tax liability is affected thereby.

(b) *Acts with respect to which period of time is disregarded.* If the circumstances are such that a period of time is required to be disregarded under § 472.902 in determining whether any act specified in § 472.102 was performed within the time prescribed therefor, the period of time prescribed under § 472.903 shall be disregarded, in the above cases to which this subpart applies, in determining under the internal revenue laws, whether such act was performed within the time prescribed therefor. Thus under this subpart a period of time may be disregarded with respect only to such act or acts as are specified in the determination of the Commissioner.

§ 472.902 *Circumstances under which period of time is disregarded.* In the cases specified in § 472.901, the period of time prescribed under § 472.903 shall be disregarded in any case in which no period of time is disregarded under any other subpart of these regulations or in which the period of time disregarded under any other subpart is considered by the Commissioner to be inadequate to carry out the purpose and intent of section 3804, if in such case the timely performance of any act specified in § 472.102 is determined by the Commissioner to be impossible or impracticable:

(a) By reason of any individual (whether or not the taxpayer) being outside the Americas; or

(b) By reason of any locality being an area of enemy action or control, as determined by the Commissioner; or

(c) By reason of any member (whether or not the taxpayer) of the military or naval forces of the United States serving on sea duty or outside the continental United States.

Whether or not the circumstances of a particular case are such that a period of time shall be disregarded is dependent upon the facts of the particular case.

§ 472.903 *Period of time disregarded.* If the Commissioner determines under § 472.902 that the circumstances of a particular case are such that a period of time shall be disregarded under this subpart with respect to any individual or class of individuals, the Commissioner shall also determine the duration of such period. The Commissioner may subsequently modify the duration of such period if in his opinion such action is necessary or desirable in order to carry out the purpose and intent of section 3804. No period prior to December 7, 1941, nor after the 15th day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President, nor after the 15th day of the third month following the month in which an executor, administrator, or a conservator of the estate of the individual qualifies as such, shall be disregarded. The duration of the period which shall be disregarded under this subpart shall be stated in the determination or determinations by the Commissioner with respect to the individual or class of individuals.

§ 472.904 *Inspection of determinations made by the Commissioner.* Each determination made by the Commissioner under this subpart with respect to a taxpayer shall be available for inspection by the same persons as are entitled to inspect the return of the taxpayer (or would be so entitled if the return were filed). Such inspection shall be subject to the same conditions as in the case of inspection of the return of the taxpayer.

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 10, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-11200; Filed, July 12, 1943; 11:34 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2041]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices and for other relief for the coals of certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent of price classifications and minimum prices for the coals of certain mines, for change in the shipping point of Mine Index No. 862 to Falls Creek, Pennsylvania, for changes in the freight origin groups for certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
862	Daugherty & Sons, W. A. (Mrs.)	Daugherty #2	6	D	Falls Creek, Pa.[3]	PRR	[3] 124	E	(†)	E	E	(†)
3558	David Dibert Mines, Inc.	David Dibert	29	C	Johnstown, Pa.	C&BL	[4] 47	(†)	(†)	E	(†)	(†)
3714	Eyerly, James F. (Hillside Coal Company)	Center Hall #1	21	A	Osceola Mills, Pa.	PRR	45	H	(†)	H	H	H
942	Eyerly, James F. (Hillside Coal Company)	Davis Coal Co.	14	D	Osceola Mills, Pa.	PRR	45	E	(†)	E	E	E
3225	Eyerly, James F. (Hillside Coal Company)	Drain #1	14	E	Osceola Mills, Pa.	PRR	45	F	(†)	F	F	F
3271	Eyerly, James F. (Hillside Coal Company)	Drain #2	14	D	Osceola Mills, Pa.	PRR	45	F	(†)	F	F	F
3272	Eyerly, James F. (Hillside Coal Company)	Drain #3	14	C	Osceola Mills, Pa.	PRR	45	F	(†)	F	F	F
4012	Gildea Company (J. Noble Simpson)	Gildea	21	A	Brisbin, Pa.	PRR	45	(†)	(†)	H	(†)	(†)
3972	Lingle, Benson	Lingle #1	8	C	Surveyor, Pa.	NYC	44	(†)	(†)	F	(†)	(†)
4049	Lowrey, Marshall	Lowrey #3	41	Redstone	Grassy Run Jct., Pa.	B&O	100	(†)	(†)	H	(†)	(†)
1435	Lowrey, Marshall [1]	Lowrey #4 [1]	40	E	Grassy Run Jct., Pa.	B&O	100	(†)	(†)	H	(†)	(†)
4023	Manor Coal Company (Bruce Bouch)	Miller	1	B	Clarion, Pa.	LEF&C	31	(†)	(†)	F	(†)	(†)
3024	Shuster, Nick	Shuster	33	C'	Windber, Pa.	PRR	49	(†)	(†)	E	(†)	(†)

†Indicates no classifications effective for these size groups.
[1] Indicates change in name.
[2] Indicates change in shipping point.
[3] Indicates change in freight origin group.

NOTE.—The above classifications are applicable only via the respective freight origin groups, shipping points and railroads shown for these mines. Freight origin groups, shipping points and railroads heretofore shown are hereby deleted.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump Coal Double screened Top Size 2" and over.	Double Screened Top Size 2" and under	Run of Mine Modified H/M	2" and under Slack	¾" and under Slack
						1	2	3	4	5
Eyerly, James F. (Hillside Coal Company).	3714	Center Hall #1	21	Centre	A	255	(†)	230	220	210
Eyerly, James F. (Hillside Coal Company).	942	Davis Coal Co.	14	Clearfield	D	270	(†)	245	235	225
Eyerly, James F. (Hillside Coal Company).	3225	Drain #1	14	Clearfield	E	265	(†)	240	230	220
Eyerly, James F. (Hillside Coal Company).	3271	Drain #2	14	Clearfield	D	265	(†)	240	230	220
Eyerly, James F. (Hillside Coal Company).	3272	Drain #3	14	Clearfield	C	265	(†)	240	230	220
Gildea Company (J. Noble Simpson).	4012	Gildea	21	Clearfield	A	(†)	(†)	230	(†)	(†)
Lowrey, Marshall	4049	Lowrey #3	41	Somerset	Redstone	(†)	(†)	230	(†)	(†)
Lowrey, Marshall [1]	1435	Lowrey #4 [1]	40	Somerset	E	(†)	(†)	230	(†)	(†)
Manor Coal Company (Bruce Bouch).	4023	Miller	1	Clarion	B	265	240	240	230	220
P. S. & M. Coal Company (John J. Puhala).	4030	Puhala	5	Jefferson	D	(†)	(†)	245	(†)	(†)
Shubart, Osborne (Lee Coal Co.).	4048	Ezra Michael #2	43	Garrett	Bakerstown	(†)	(†)	230	(†)	(†)

†Indicates no prices effective for these size groups.
[1] Indicates change in name.

[F. R. Doc. 43-11187; Filed, July 12, 1943; 10:53 a. m.]

[Docket No. A-2039]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices and for other relief for the coals of certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines, changes in certain shipping points and the elimination of Mine Index No. 2899; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-mentioned matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The original petition requests that Breeding No. 1 Mine, to which Mine Index No. 2899 was originally assigned be eliminated from the Schedules of Effective Minimum Prices for District No. 8 for All Shipments Except Truck and for Truck Shipments because it is the same mine to which Mine Index No. 5467 was thereafter assigned. In order that the said schedules may properly reflect the continuity of operation of this mine, it has been determined to delete Mine Index No. 2899 and to retain Mine Index No. 5467.

Dated: June 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
4156	Big Sandy Elkhorn Collieries (F. P. Keesee).	Big Sandy No. 1	Elkhorn No. 2	1	Shelby, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
4157	Blue Bird Mining Company.	Blue Bird No. 2	Hazard No. 9	3	Blue Grass No. 1, Ky.	L&N	100	M	M	M	L	J	G	J	F	D	M	(†)	(†)	C	C	C	C
5351	Bond Bros. (E. H. Bond)		Widow Kennedy	7	St. Paul, Va	N&W & CC&O	250	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
4159	Caudill, Cro. C	No. 1	Hazard No. 4	3	Whitesburg, Ky	L&N	100	M	M	K	J	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5371	Florence Mining Co., The.	Jno. L. Mosgrove	Elkhorn	1	Bain, Ky.[2]	L&N	62	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	A	B	C	C
4152	Lake View Coal Company (D. E. Marsee).	Lake View	Turner	6	Middlesboro, Ky	L&N & Sou	113	H	H	F	E	E	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
574	Phillips, Leonard	S. N. Robbins	Glen Mary	6	Mill Creek, Tenn.[4]	B. R. R	73	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
1963	Potts, C. L	J. T. Green	Jellico	6	Habersham, Tenn	L&N	140	E	E	D	C	C	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)
4148	Raines, Lorin D. (Volteer Coal Company).	Volunteer	Glen Mary	6	Slick Rock, Tenn	B. R. R	73	G	G	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)
4147	Ratliff, L. D. (Ratliff Elkhorn Coal Company).	Ratliff	Elkhorn No. 2	1	Hellier, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
4151	Seitz, Frank P	Seitz	Coalburg	4	Bentree, W. Va	C&O	123	Q	Q	P	M	M	K	M	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)
[1]2899	Sizemore & Company, J. T.	Youngs Branch [3]	Widow Kennedy	8	Grundy, Va	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
4154	Sparks, Howard	Community	Millers Creek	1	Paintsville, Ky	C&O	61	D	D	E	E	E	C	C	B	A	G	L	(†)	(†)	(†)	(†)	(†)
4149	Spears, Martin (Laurel Fork Coal Company).	Laurel Fork	Millers Creek	8	Beauty, Ky	N&W	130	D	D	E	E	E	C	C	B	A	G	(†)	(†)	(†)	(†)	(†)	(†)

Mine Index No.	Code member	Price classifications by size group Nos. For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
4156	Big Sandy Elkhorn Collieries (F. P. Keesee).	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
4157	Blue Bird Mining Company.	M	M	M	H	F	F	J	N	M	(†)	C	C	C	C
5351	Bond Bros. (E. H. Bond)	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
4159	Caudill, Cro. C	M	L	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5371	Florence Mining Co., The.	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	B	C	C
4152	Lake View Coal Company (D. E. Marsee).	H	H	F	C	B	C	E	M	K	(†)	(†)	(†)	(†)	(†)
574	Phillips, Leonard	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)
1963	Potts, C. L	E	E	D	C	B	C	E	G	G	(†)	(†)	(†)	(†)	(†)
4148	Raines, Lorin D. (Volteer Coal Company).	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
4147	Ratliff, L. D. (Ratliff Elkhorn Coal Company).	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
4151	Seitz, Frank P	Q	Q	O	K	H	H	M	Q	M	(†)	(†)	(†)	(†)	(†)
[1]2899	Sizemore & Company, J. T.	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
4154	Sparks, Howard	D	D	E	B	B	B	C	F	G	L	(†)	(†)	(†)	(†)
4149	Spears, Martin (Laurel Fork Coal Company).	D	D	E	B	B	B	C	F	G	(†)	(†)	(†)	(†)	(†)

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.
[1] Listed to eliminate Mine Index No. 5467 assigned as a new mine, whereas this producer succeeded Arthur Breeding, Mine Index No. 2899, which are one and the same mine.
[2] Denotes change in mine name.
[3] Denotes new shipping point. Shipping point at Bastin, Ky. shall no longer be applicable.
[4] Denotes new shipping point. Shipping point at Round Mountain, Tenn. shall no longer be applicable.

§ 328.34 Ge

SUBDISTRICT, NO
ELKH

JOHNSON CO

Sparks, Howard

PIKE COU

Big Sandy Elk
(F. P. Keesee).
Ratliff, L. D. (R
Coal Company)

SUBDISTRICT N

KNOTT COU

Blue Bird Mining

LETCHER CO

Caudill, Cro. C.

SUBDISTRICT No.

CLAY COUNT

Seitz, Frank P.

SUBDISTRICT No.
APPALAC

BELL COUN

Lake View Coal Co
Marsee).

SCOTT COUNT

Raines, Lorin D. (V
Company).

SUBDISTRICT No. 8

MARTIN COU

Spears, Martin (La
Company).

BUCHANAN CO

Sizemore & Compa

*Indicates prev
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[1] Listed to elimi
Eg. Mine Index N

Code

Peters Coal Co. (2
21 Coal Co. (Harr
Wagoner County
A. Blevens.

†Indicates no

NOTE: The
other provisio

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 4" x 6"	Lump 2" & under, egg 3" x 6"	Lump ¾" & under	Egg 2" x 4", egg 2" x 5"	Stove 3" & under, nut 2" & under	Straight mine run	2" & under slack	¾" & under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY ELKHORN											
JOHNSON COUNTY, KY.											
Sparks, Howard	Community	4154	Millers Creek	325	305	255	260	235	245	190	185
PIKE COUNTY, KY.											
Big Sandy Elkhorn Collieries (F. P. Keesee).	Big Sandy No. 1	4156	Elkhorn No. 2	295	275	240	250	235	230	190	185
Ratliff, L. D. (Ratliff Elkhorn Coal Company).	Ratliff	4147	Elkhorn No. 2	295	275	240	250	235	230	190	185
SUBDISTRICT NO. 3—HAZARD											
KNOTT COUNTY, KY.											
Blue Bird Mining Company	Blue Bird No. 2	4157	Hazard No. 9	285	265	240	230	215	230	165	160
LETCHER COUNTY, KY.											
Caudill, Cro. C.	No. 1	4159	Hazard No. 4	295	275	240	240	225	230	180	175
SUBDISTRICT NO. 4—KANAWHA											
CLAY COUNTY, W. VA.											
Seitz, Frank P.	Seitz	4151	Coalburg	265	245	230	225	200	220	165	160
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Lake View Coal Company (D. E. Marsee).	Lake View	4152	Turner	305	285	245	265	235	235	175	170
SCOTT COUNTY, TENN.											
Raines, Lorin D. (Volunteer Coal Company).	Volunteer	4148	Glen Mary	275	255	235	230	220	225	175	170
SUBDISTRICT NO. 8—WILLIAMSON											
MARTIN COUNTY, KY.											
Spears, Martin (Laurel Fork Coal Company).	Laurel Fork	4149	Millers Creek	325	305	255	260	235	245	190	185
BUCHANAN COUNTY, VA.											
Skaggs & Company, J. T.	Youngs Branch [1]	[2] 2899	Widow Kennedy	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

*Indicates previously classified these size groups.
[1] Denotes change in mine name.
[2] Listed to eliminate Mine Index No. 5467 assigned as a new mine, whereas this producer succeeded Arthur Breeding, Mine Index No. 2899, which are one and the same mine.

[F. R. Doc. 43-11188; Filed, July 12, 1943; 10:53 a. m.]

[Docket No. A-2040]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 15.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15 for all shipments except truck and for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: June 30, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Product group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group: 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Peters Coal Co. (Matt Peters)	1682	Peters Coal Co.	9	Coalgate, Oklahoma	OCAA	107	A	A	A	A	(†)	A	(†)	A	A	A	(†)	(†)	(†)	A	(†)
21 Coal Co. (Harry Holland)	1686	No. 4	9	Coalgate, Oklahoma	OCAA	107	A	A	A	A	(†)	A	(†)	A	A	A	(†)	(†)	(†)	A	(†)
Wagoner County Coal Co., care of L. A. Blevans.	1681	Porter Strip Pit	11	Porter, Oklahoma	MKT	170	A	A	A	A	(†)	A	(†)	A	A	A	A	(†)	(†)	A	(†)

†Indicates no classification effective for these size groups.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Product group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅝"	1¼" x ¾ (R)	1¼" x 0 (W)	1¼" x 0 (R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
J. & P. Coal Co. (R. E. Jones)	1685	J. & P. Coal Co	1	Vernon, Mo	270	270	270	270	245	230	215	220	230	205	180	165	(†)	145	45
Peters Coal Co. (Matt Peters)	1682	Peters Coal Co	9	Coal, Okla	445	445	445	395	(†)	345	(†)	220	305	175	(†)	(†)	(†)	150	(†)
21 Coal Co. (Harry Holland)	1686	No. 4	9	Coal, Okla	445	445	445	395	(†)	345	(†)	220	305	175	(†)	(†)	(†)	150	(†)

†Indicates no classifications effective for these size groups.

[F. R. Doc. 43-11189; Filed, July 12, 1943; 10:53 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1293—HAND TOOLS SIMPLIFICATION

[Schedule V as Amended July 13, 1943 to Limitation Order L-157]

HAND FORKS, HAND HOOKS, HAND RAKES, HAND HOES, HAND EYE HOES AND HAND CULTIVATORS.

§ 1293.6 *Schedule V to Limitation Order L-157*—(a) *Definitions:* For the purpose of this schedule:

(1) "Producer" means any person who manufactures, stamps, forges or otherwise fabricates hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, or hand cultivators.

(2) "Hand cultivator" means a tined hoe or rake designed for manual operation. Hand cultivator shall not include a hand wheel cultivator.

(3) "Lend-lease Government" means the government of any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(b) *Simplified practices.* Pursuant to Order L-157, the kinds, grades, styles, sizes, weights, and finishes set forth in Appendix A and Tables 1 through 6 of this schedule are established for the manufacture, stamping, forging or fabricating of hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, and hand cultivators.

(c) *Effective date of simplified practices.* On and after the 8th day of April 1943, no producer shall put in process any steel for the purpose of manufacturing, stamping, forging or otherwise fabricating hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, or hand cultivators other than such forks, hooks, rakes, hoes, eye hoes or cultivators as conform to the kinds, grades, styles, sizes, weights and finishes as established by paragraph (b) and Appendix A, Table 1 through Table 6 of this schedule. On and after the 8th day of May 1943, no producer shall manufacture, stamp, forge, or fabricate a hand fork, hand hook, hand rake, hand hoe, hand eye hoe or hand cultivator not conforming to the kinds, grades, styles, sizes, weights and finishes established in paragraph (b), and Appendix A, Table 1 through Table 6 of this schedule, except with the express permission of the War Production Board. Notwithstanding the provisions of this paragraph a producer may put in process steel for the purpose of manufacturing, stamping, forging or otherwise fabricating hand eye hoes, or may manufacture, stamp, forge or fabricate a hand eye hoe, not subject to the limitations of kinds, patterns, widths, depths, handle lengths, weights or finishes as set forth in Table 5 of Appendix A to this Schedule, provided such hand eye hoes are for export under a license issued by the Board of Economic Warfare or to fill an order of a Lend-lease Government. Materials and finishes, however, shall conform to the requirements of this Order L-157.

(d) *Records.* Each producer of hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, or hand cultivators shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time require.

Issued this 13th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—EXPLANATIONS AND LIMITATIONS

(1) *Grades.* A, B, and C designate qualities of complete tools; A designating the best quality. Limitations applying to quality are given separately at the foot of each table. Handle grades A, B, and C are defined in Simplified Practice Recommendation R76-40, Ash Handles, issued by the National Bureau of Standards, United States Department of Commerce. Handle grade requirements shall not be construed as prohibiting the substitution for ash of other suitable species of wood having characteristics as nearly comparable as possible to the respective grades of ash for which they are substituted, provided all handles other than ash be marked with the name of the species of wood of which they were made.

(2) *Finishes.* Except where otherwise stated, blades and tines shall be natural finish, i. e., dipped in their natural state (except that they may be wire brushed to remove scale or rust) in paint, enamel, lacquer, or other protective coating. Wood handles shall be finished so that the grain of the wood is plainly visible.

(3) *Material.* No alloy steels shall be used in the construction of any tool listed in Table 1 through Table 6.

(4) *Tolerances.* Dimensions and weights given herein are subject to commercial tolerances.

TABLE 1.—FORKS

Kind	Grades [a]	Tines: No.	Tines: Length	Tines: Shape	Tines: Finish	Spread of points (approx.)	Space between tines	Handle lengths [b]	Weight per dozen (approx.) [c]
LIGHT FORKS									
Barley, with or without bails and braces	A, B	4	*In.* 18	Oval	Polished	*In.* 14½	*In.*	{4–5½ ft 34 in. DT	*Lbs.* [d] 50 [e] 57
Hay, regular 3-tine	A, B	3	12	do	do	7¼		3½–6 ft	[d] 35
	C	3	12	do	Black	7¼		4–6 ft	[d] 33
Header, round shouldered	A, B	4	15	do	Polished	10½		4–5½ ft	[d] 44
Manure, regular pattern:									
4-tine	A, B	4	12–12½	do	do	9¼		{4 & 4½ ft 32 in. DT	[d] 43 42
	C	4	12–12½	do	Black	9¼		{4 & 4½ ft 32 in. DT	[d] 40 38
5-tine	A, B	5	12–12½	do	Polished	9½		{4 & 4½ ft 32 in. DT	[d] 44 43
	C	5	12–12½	do	Black	9½		{4 & 4½ ft 32 in. DT	[d] 43 41
Spading:									
Light pattern	A, B	4	11	{Angular back	Polished face, tumbled back. [f]			{4 ft 30 in. DT	57–58 55–56
Heavy pattern	A, B	4	11	do	do			{4 ft 30 in. DT	62 60
HEAVY FORKS									
Beet, scoop shaped, with ball pointed tines	A	7	16½	Round	Black	13½–14½	2–2⅛	32 in. DT	80
Coal, scoop shaped	A	10	15 or 16	do	do	13½–14	1¼	30 in. DT	86
		12	16	do	do	15–16	1	30 in. DT	98
		14	15 or 16	do	do	14	¾	30 in. DT	92
Coke fork	A	10	17	Diamond	Black	14½–15	1¼	30 in. DT	96
		12	17	do	do	17½–18	1¼	30 in. DT	107
Cotton seed, scoop shaped	A	10	16–17	do	do	14	1¼	30 in. DT	84
Ensilage, barn, or kaffir corn, regular pattern, outside tines turned up	A	8	16	Oval	do	12¾–13	1⅝–1½	30 in. DT	72
		10	16	do	do	15	1½	30 in. DT	78
Mill, manure, street, or pulp	A	4	15	do	Half-polished	10¾ to 11	2½–2¾	30 in. DT	55
Stone, ballast, or gravel	A	8	13½	Square	Black	10½	1⅛	30 in. DT	83
		10	13½	do	do	8½	⅝	30 in. DT	80
		10	13½	do	do	9½–9¾	¾	30 in. DT	80
		14	13½	do	do	12–12½	⅝	30 in. DT	92
Vegetable, scoop shaped, with flattened points	A	10	15½–16	Oval	do	14–14½	1¼	30 in. DT	85

[a] Grade A forks shall have grade A handles; grade B forks, grade B handles; and grade C forks, grade C handles.
[b] All handles shall be of the bent type, except those of hay forks, which may be either straight or bent type. Those identified by the initials DT shall be D-top handles. The longest handle length listed is the maximum for the fork to which it applies. Where a range is given it indicates the commercial practice of furnishing long handles in 6-inch increments, including the shortest and longest listed, e. g., 4–5½ ft. means 4-, 4½-, 5-, and 5½-foot handles. Handles are not required to conform to the listed sizes, but shall not exceed the maximum length listed.
[c] The approximate weight per dozen is given for the highest grade listed. It is intended only to fix within reasonable limits the weight of the fork proper.
[d] With 4½-foot handles.
[e] Including bails and braces.
[f] Grade B spading forks to have tines half polished on face, tumbled back.

TABLE 2.—HOOKS

Kind	Grades [a]	Tines: No.	Tines: Length	Tines: Shape	Tines: Finish	Width at points	Maximum handle lengths	Approx. weight per dozen [b]
			In.			*In.*	*Ft.*	*Pounds*
Manure, garbage, or refuse	A, B	4	8¾–9	Oval	Half-polished	8½	5	40
Phosphate	A	4	11	Flat	Tumbled	8¾–9	6	88
Potato:								
Gooseneck pattern	A, B	5	7	Round	do	6¼–6½	4⅓	29
Southern or broad oval:								
Light pattern	A, B	4	6¼–6¾	Broad oval	do	5½–6¼	4½	28
Heavy pattern	A, B	4	7½	do	do	7–7½	4½	48
Stone	A	4	9–9¾	Diamond back	Black	7¾–8	5	54½

[a] Grade A hooks shall have grade A handles; grade B hooks shall have grade B handles.
[b] Weight is for best grade listed, with handle of length listed.

TABLE 3.—RAKES

[All rakes shall be made only in natural finish]

Kind	Grade [a]	Number of teeth	Head			Maximum length of handle	Weight per dozen (approx.) [a]
			Width	Thickness	Depth		
			In.	*In.*	*In.*	*Ft.*	*Pounds*
Level head, general purpose; straight and curved teeth	A	14	14¾	¼	3¼	5½	35
	B	14	14¾	¼	3¼	5½	35
	C	14	14	¼	2¾	5	30
Road, straight teeth	A, B	14	15½–15¾	⅜	3⅞–4	5½	51
Asphalt or tar, straight teeth, with square drop shank 18 in. long	A	14	16½–17	1⅜₃₂	4½	5	78
Combination fire rake and hoe	A	6	9¾		9	4	71
Eye hoe type fire rake, triangular teeth riveted to head, 1¾-inch round eye	A	4	12		3½	4½–5	[c] 45

[a] A grade rakes shall have A grade handles; B grade rakes, B grade handles; and C grade rakes, C grade handles.
[b] Weight is for highest grade listed, with handle of length listed.
[c] With 4½-foot handle.

TABLE 4.—HOES

Kind	Grades [a]	Construction		Blade size		Maximum length of handle	Weight per dozen (approx.) [a]
		Socket type [b]	Shank type [b]	Width	Depth (greatest)		
				In.	*In.*	*In.*	*Pounds*
Cotton:							
Chopper, straight shank	A, C	None	½	8	4	60	37½
Regular gooseneck	A, C	None	½	6	5	60	35
				7	5	60	36
Field and garden, regular [d]	A, B, C	7/16	7/16	6½	4¾	52	[c] 26
				6½	4¾	18	[c] 17
Field and garden, riveted [d]	C	[e] 7/16	[e] 7/16	6½	4–4¼	52	22–24
Mattock hoe "Dig Ezy" pattern, two blades in the same plane.	A	None	None	1½ & 3	12⅝	54	34
Mortar, perforated and plain blade	A	None	⅝	9	6	66	[f] 48½
				10	6	66	[f] 49½
Scuffle, heavy duty or railroad	A	None	X	8–8½	4–6	60	40
Southern meadow or blackland	A, C	7/16	7/16	7	4	60	[c] 31
				8	4	60	[c] 32
Square top:							
Regular or sugar beet pattern	A, B, C	X	None	7	3½	52	27
	A	X	None	7	3½	18	18
Renewable blade sugar beet or onion pattern.	A	7/16	None	7	1¾	54	28
Regular onion	A	7/16	7/16	6½	1¾	52	21

[a] Grade A hoes shall have grade A handles; grade B, grade B handles; and grade C, grade C handles. The blades of grade A and grade B hoes shall be polished front and back; the blades of grade C hoes shall be polished front and back for the first third of their height. Scuffle and mattock hoes shall be made only in natural finish.
[b] The dimensions given are the diameters of the shanks in inches. "X" means no dimension is specified. "None" means no hoe to be made in such construction type.
[c] Weight per dozen is that for highest grade listed, with handle of length listed.
[d] Blade may be attached to shank by riveting or any other satisfactory method.
[e] Weight of socket type.
[f] Maximum.
[g] Plain blade; perforated blade approximately one pound lighter per dozen.

TABLE 5.—EYE HOES

[To be made in natural finish except for lower ⅓ which shall be polished]

Kind [a]	Width of cut	Depth of blade	Maximum length of handle	Approx. weight per dozen
	In.	*In.*	*In.*	*Pounds*
ROUND EYE HOES				
Planter's:				
American pattern, unhandled	6	6	----------	15
	7	6½	----------	18
	8	7	----------	21
Scovil field pattern, straight and curved blade, unhandled	6½	5½–6	----------	14 to 17
	7	6–6¼	----------	16 to 19
	7½	6½–6¾	----------	18 to 21
	8	6½–6¾	----------	20 to 23
Grub, handled and unhandled	4	7–7½	54	[b] 18 to 22
	5 to 5¼	8–8½	54	[b] 21 to 31
Giant planter's: Cane pattern, unhandled	4½	8	----------	17
SQUARE EYE HOES				
Garden or field pattern, handled	4	6	54	25
	6	6	54	28
	7½	6¾	54	35

[a] Eye hoes are described handled or unhandled according to the condition in which they are generally sold by the producers. They may be distributed in either condition or both.
[b] Without handles.

TABLE 6.—HAND CULTIVATORS

Kind	Grade [a]	Number of points	Maximum spread	Maximum length of handle	Approx. weight per dozen
			In.	*In.*	*Pounds*
Four-tine regular pattern, forged, curved oval tines.	A	4	5	52	22
Four-tine wire spring type	A, B	4	5	48	20–30
Three-tine regular pattern, or equipped with U-shaped cultivating blade.[b]	A	3	4½	54	20–22
Flat-wire type	A	6	7	48	25
Five-tine adjustable pattern; tines flattened and points at ends.[c]	A, B	5	6½–7½	60	30–37
U-shaped cultivators, with straplike blades approximately 1¼" wide, having sharpened edges and equipped with one or two shares:		*Depth In.*	*Width In.*		
One share pattern	A	4½	5	60	30
Two share pattern	A	4½	8½	60	35

[a] Grade A cultivators shall have grade A handles; grade B cultivators shall have grade B handles.
[b] The three-tine pattern shall not be made by any producer who elects to make a four-tine pattern cultivator.
[c] Prongs shall not exceed ¼-inch square in size, or its equivalent.

[F. R. Doc. 43-11257; Filed, July 13, 1943; 11:47 a. m.]

PART 3023—OIL AND GAS BURNING DOMESTIC SPACE HEATERS

[Limitation Order L-173 as Amended July 13, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3023.1 *General Limitation Order L-173*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic space heaters" means any device (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts as integral parts of such heating devices, and includes but is not limited to circulating heaters, radiant heaters, floor furnaces and wall furnaces: *Provided,* That "domestic space heaters" does not include direct fired gas unit heaters.

NOTE: Paragraph (1) amended Sept. 19, 1942.

(2) "Fuel oil" means any liquid petroleum classified as grade No. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene range oil, gas oils and any other liquid petroleum product used for the same purpose as the above designated grades.

(b) *General restrictions.* (1) No person shall manufacture, fabricate or assemble any domestic space heaters using fuel oil as fuel, except:

(i) To fill a contract, subcontract or purchase order for such heaters for delivery to or for the account of the Army, Navy, War Shipping Administration, or Maritime Commission of the United States; or

(ii) For use in a building or project authorized under Preference Rating Order P-55-b or rated under Preference Rating Order P-55 or any order in the P-19 series; or

(iii) Any number of such heaters (other than floor or wall furnaces) in any calendar quarter beginning after June 30, 1943, which he can manufacture, fabricate, or assemble by using a total weight of iron and steel not in excess of 8% of the total weight of iron and steel which he used in the manufacture, fabrication or assembly of such heaters during the twelve months' period, July 1, 1940 to June 30, 1941: *Provided,* That any heater manufactured under this subparagraph (iii) is of a capacity not greater than 30,000 B. T. U. output per hour.

(2) No person shall manufacture, fabricate, or assemble any floor or wall furnaces using gas as fuel except:

(i) To fill a contract, subcontract or purchase order for such floor or wall furnaces for delivery to or for the account of the Army, Navy, War Shipping Administration, or Maritime Commission of the United States; or

(ii) For use in a building or project authorized under Preference Rating Order P-55-b or rated under Preference Rating Order P-55 or any order in the P-19 series.

(c) *Replacement parts.* Nothing in this order shall be construed to prohibit or limit the production, by any manufacturer, of replacement parts for domestic space heaters using fuel oil or gas as fuel.

(d) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(g) *Applicability of other orders.* Insofar as any other order issued by the War Production Board, or to be issued by it hereafter, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(h) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref: L-173.

Issued this 13th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11258; Filed, July 13, 1943; 11:47 a. m.]

PART 3109—MEDICAL EQUIPMENT AND SUPPLIES SIMPLIFICATION

[Schedule 3 to General Limitation Order L-214]

MEDICAL AND SURGICAL FURNITURE AND RELATED EQUIPMENT

§ 3109.4 *Schedule 3 to General Limitation Order L-214*—(a) *Definitions.* For the purposes of this schedule:

(1) "Medical and surgical furniture and related equipment" means the following items but includes such items only when they are designed for use in hospitals or similar institutions or in the offices of physicians, surgeons, dentists, osteopaths, chiropractors, or chiropodists:

Anesthetist's stools.
Anesthetist's tables.
Arm immersion stands.
Autopsy tables.
Back rests.
Bassinets.
Bed cradles.
Bed feeding and reading trays.
Bedpan and urinal racks.
Bedside panel screens.
Bedside tables.
Bed trays.
Blanket warming cabinets.
Book trucks.
Bowl stands.
Bronchoscopic tables.
Cabinets and stands for sterilizers.
Cabinets for diathermy units.
Cabinets for galvanic, faradic and sinusoidal generators.
Cabinets for specialist's outfits.
Cabinets for suction and pressure pumps.
Cabinets for suction pumps.
Chart desks.

Chart holders.
Chart racks.
Chiropody chairs.
Chiropractic adjustment tables.
Combination bedside table and overbed tables.
Commodes, except receptacle.
Couch tables.
Dental instrument cabinets.
Dish trucks.
Dressing cabinets.
Dressing trucks, carts and carriages.
Dressing stands.
Emergency examining tables.
Emergency operating tables.
Emergency tables.
Examining and treatment tables.
Examining chairs.
Examining tables.
Foot stools.
Fracture tables (non-portable).
Glove racks.
Heated utility cabinets.
Hospital benches.
Ice trucks.
Incubators.
Infant conveyors.
Infant dressing stands and tables.
Instrument cabinets.
Instrument stands.
Instrument tables.
Irrigator and solution stands.
Laundry bag conveyors.
Laundry trucks.
Leg dressing stands.
Linen hampers.
Linen trucks.
Needle cabinets.
Neuro-surgical tables.
Nose and throat chairs.
Nurse's desks.
Nurse's work tables.
Nursery dressing stands and tables.
Obstetrical tables.
Operating tables.
Operator's stools.
Ophthalmic chairs.
Orthopedic and fracture carts, trucks and carriages.
Orthopedic tables (non-portable).
Osteopathic tables.
Overbed and swing overbed tables.
Proctological tables.
Shelf trucks.
Solution cabinets.
Solution stands.
Solution warming cabinets.
Specialist's chairs.
Sponge racks.
Stands for sterilizer dressing drums and containers.
Sterilizer cabinets.
Sterilizer dressing drums and containers.
Supply and treatment cabinets.
Thermometer baskets.
Treatment cabinets.
Treatment chairs.
Urological tables.
Utensil racks.
Utility cabinets.
Veterinary operating tables.
Wall shelf stands.
Waste receptacles and kick bucket carriages.
Wheel stretchers.

The term includes any item serving the same function as any of the above-named items, whether or not such item is listed by any manufacturer under a different name.

The term shall not include:

(i) Any of the above-named items when such items are designed and produced for use overseas, in the field or on shipboard by the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or by the military forces of any country entitled to receive deliveries pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act). (An item shall be deemed to be designed and produced for use overseas, in the field or on shipboard, only when the purchase order or contract under which the item is produced specifically states that the item is for use overseas, in the field or on shipboard. A purchase order or contract for Lend-Lease shall be deemed to be for the military forces of a Lend-Lease country only when the purchase order or contract specifically so states.);

(ii) Any parts or material for the repair or maintenance of any of the above-named items; nor

(iii) Any accessories for use in connection with any of the above-named items.

(2) "Manufacturer" means any person engaged in the manufacturing, fabricating or assembling of medical and surgical furniture and related equipment.

(b) *Restrictions on items and models of medical and surgical furniture and related equipment.* (1) No manufacturer shall manufacture or continue the manufacture of any items of medical and surgical furniture and related equipment other than the items listed on List A, attached to this schedule, and the listed items shall be manufactured only in the number of models specified in the left hand column of the list and shall conform with the descriptions set forth in the right hand column of the list.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), a manufacturer may manufacture any number of models of any item of medical and surgical furniture and related equipment not listed on List A and any number of models of the items listed on List A in excess of the number specified thereon: *Provided*, (i) That such models contain no metal other than iron and carbon steel, and (ii) That the weight of such metal comprises not more than 25 per cent of the total weight of the model.

(c) *Restrictions on the use of certain materials in the manufacture of medical and surgical furniture and related equipment.* No manufacturer shall incorporate in the manufacture of any medical and surgical furniture and related equipment any monel metal, stainless steel or other alloy steel, copper, copper base alloy, nickel, aluminum, or zinc, except as specifically permitted in the right hand column of List A. This restriction shall not apply to the use of copper and copper base alloy in the electrical circuit or electrical connections of any item permitted in List A.

(d) *Exception for furniture and equipment in process.* Notwithstanding the provisions of paragraphs (b) (1) and (c) of this schedule, a manufacturer may complete the manufacture of any medical and surgical furniture and related equipment which was partially fabricated on July 13, 1943: *Provided*, That such manufacture is completed on or before August 13, 1943.

(e) *Filing of pictures and accompanying information.* On or before August 2, 1943 each manufacturer shall file with the War Production Board, Safety and Technical Equipment Division (Ref: L–214), a photograph or catalog cut, in duplicate, of each model of the permitted items which he elects to manufacture under this schedule. Each photograph or cut shall be mounted on suitable backing 8½" x 11" in size with the following information entered clearly thereon:

(1) The name of the item, as listed on List A.

(2) A brief identification of the model, if more than one model of the item is permitted under List A.

(3) The manufacturer's catalog number.

(4) A brief description, including size and material specifications and any other pertinent information, showing that the model comes within the description of the permitted item as set forth in List A.

This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Effect of this order on Order M–126.* The provisions of this order shall supersede the provisions of Order M–126 with respect to the items covered by this order, except that the provisions of paragraph (e) (2) of Order M–126 shall remain in effect to the extent that (1) they prohibit the use of iron or steel where the use of any less critical material is practicable, and (2) they provide that no more iron or steel shall be used in connection with the manufacture of an article than is essential.

Issued this 13th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A: Subject to the provisions of this schedule, each manufacturer may manufacture only the permitted number of models of the permitted items of medical and surgical furniture and related equipment set forth below, and such permitted models of the permitted items shall conform with the descriptions set forth in the right hand column of the list. (Different sizes of permitted items are regarded as different models; for example, it is not permissible to manufacture two sizes of an anesthetist's stool because the two sizes are regarded as two models.)

Permitted number of models	
1	Anesthe
1	Anesthe
1	Autopsy
2	Bassine
2	Bed cra
2	Bedpan
2	Cabinet pump
1	Dressing
2	Examin
1	Foot sto
1	Fractur
2	Incubat
1	Infant c
4	Instrum
1	Instrum
2	Instrum
4	Irrigato
1	Laundr
1	Leg dre
2	Obstetr
3	Operati
1	Operato
1	Orthope and ca
1	Proctol
1	Solution
3	Sterilize
4	Treatm
2	Treatm
2	Urologi
1	Wall sh
3	Waste r
2	Wheel s

*In all permitte tent required in

Chapter XI—

PART 1

MANUFACTURI FC

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Section 1 follows:

§ 1361.57a *slat corn* Notwithstan of this regu for sales by sale distribu bing woven porary silos shall be de

(a) The seller's plac corn cribbi fence lath \$8.75 per hu

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No. 138

Permitted number of models	Permitted items	Description of permitted items*
1	Anesthetist's stool	
1	Anesthetist's table	Not more than one drawer.
1	Autopsy table	Non-hydraulic type.
2	Bassinet	Both models may be open framework type, or one may be open framework type and the other of a type having cabinet space in the frame; each model shall hold one basket only.
2	Bed cradle	
2	Bedpan and urinal rack	
2	Cabinet for suction and/or pressure pumps.	
1	Dressing truck, cart or carriage	Wheels shall not exceed 10" in diameter; plating is prohibited; drawers and compartments are prohibited; basin and pail attachments may be used.
2	Examining and treatment table	Both models adjustable.
1	Foot stool	
1	Fracture table	Non-portable; fluoroscopic type.
2	Incubator	Copper or copper base alloy may be used in heating elements.
1	Infant conveyor	
4	Instrument cabinet	Two models of 16" x 20" size; two models of larger style but with width not to exceed 50".
1	Instrument stand	Mayo type, using "T" handle type of set-screw lock.
2	Instrument table	One model shall not exceed approximately 16" x 20", and have not more than one drawer, one model shall not exceed 24" x 36", and have not more than three drawers; both shall be rectangular.
4	Irrigator and solution stand	Each model shall have "T" handle set-screw locks; bowl and tray attachments are prohibited.
1	Laundry bag conveyor	Open metal framework for use with removable bags.
1	Leg dressing stand	
2	Obstetrical table	One hydraulic-base model, one frame model.
3	Operating table	One major hydraulic-base table; one minor hydraulic-base table; and one tubular framework table; monel metal and stainless steel may be used for table tops.
1	Operator's stool	Adjustable.
1	Orthopedic and fracture cart, truck and carriage.	
1	Proctological table	
1	Solution stand	May be single or double style.
3	Sterilizer cabinet	For recessed sterilizers (single sterilizer or combination of sterilizers).
4	Treatment cabinet	All models restricted to not more than 25" in depth and 36" in width.
2	Treatment chair	One model adjustable, designed for eye, ear, nose, and throat operating, and treatment; one model non-adjustable, designed for first aid operating and treatment, with attachments for treatment of limbs; each model limited to 95 lbs. weight; neither model shall have hydraulic lift.
2	Urological table	Both models X-ray type; one hydraulic model; one non-hydraulic model.
1	Wall shelf stand	
3	Waste receptacle	One step-on pail; one open-top model; and one kick-about model.
2	Wheel stretcher	Both models non-hydraulic; one non-adjustable model; one tilting model, without gears; wheels on each model shall have a maximum diameter of 10".

*In all permitted tables brass may be used to the extent required in gears and aluminum may be used to the extent required in Bierhoff type knee-crutches.

[F. R. Doc. 43-11259; Filed, July 13, 1943; 11:47 a. m.]

Chapter XI—Office of Price Administration

PART 1361—FARM EQUIPMENT

[MPR 246,[1] Amdt. 7]

MANUFACTURERS' AND WHOLESALE PRICES FOR FARM EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1361.57a is added to read as follows:

§ 1361.57a *Maximum prices for wood-slat corn cribbing woven with wire.* Notwithstanding any other provisions of this regulation, the maximum prices for sales by manufacturers and wholesale distributors of wood-slat corn cribbing woven with wire (also used for temporary silos and vegetable wind fence) shall be determined as follows:

(a) The maximum price, f. o. b. the seller's place of business, for sales of corn cribbing made with standard red fence lath (½" x 1½" x 48") shall be $8.75 per hundred lineal feet.

(b) The maximum price for sales to dealers of corn cribbing which differs either in size of lath or color from that specified in paragraph (a) shall be determined as follows: The seller shall apply to the maximum price established by paragraph (a) the percentage differential which he had in effect on March 31, 1942, between the corn cribbing being priced and the corn cribbing covered by paragraph (a).

(c) The maximum price for sales to wholesale distributors and mail order houses shall be determined as follows: The seller shall apply to the maximum price established by paragraphs (a) or (b) the percentage differential, which he had in effect on March 31, 1942, between sales to dealers and sales to wholesale distributors or mail order houses, as the case may be.

This amendment shall become effective July 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11208; Filed, July 12, 1943; 1:52 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8587, 9039, 8948, 8 F.R. 236, 544.

PART 1499—COMMODITIES AND SERVICES

[Order 575 Under § 1499.3b of GMPR]

FORD-HARVEY ILLUMINATING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Divison of the Federal Register,* *It is ordered:*

§ 1499.2113 *Approval of a maximum price for sales of a new reclaimed garbage can manufactured by Ford-Harvey Illuminating Company.* (a) Ford-Harvey Illuminating Company, 1206 Long Beach Avenue, Los Angeles, California, may sell and deliver its new reclaimed garbage can at a price no higher than $1.75 per unit, f. o. b. Los Angeles, California, subject to terms no less favorable than those customarily granted by it.

(b) This Order No. 575 may be revoked or amended by the Price Administrator at any time.

This Order No. 575 shall become effective on the 13th day of July, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11213; Filed, July 12, 1943; 2:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 576 Under § 1499.3 (b) of GMPR]

G. B. LEWIS COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.3 (b) (3) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.2114 *Approval of maximum prices for the sale of basswood venetian blind slats by G. B. Lewis Company.* (a) G. B. Lewis Company, Watertown, Wisconsin, may sell and deliver basswood Venetian blind slats, and any person may buy basswood Venetian blind slats from said company, at prices, f. o. b. mill, no higher than those hereinafter set forth:

BASSWOOD VENETIAN BLIND SLATS—LEWIS GRADE (MILL RUN)

[Price per 1,000 lineal ft. f. o. b. mill. Random lengths 27" up to 15'9" in 3" multiples]

Size	10 M to 100 M L ft.	100 M up to C. L.	C. L.	Estimated shipping weight
1/3 x 1¾"	$9.06	$8.76	$8.61	41
1/3 x 1⅞"	9.36	9.06	8.91	43
1/3 x 2"	9.79	9.49	9.34	46
1/3 x 2⅛"	10.61	10.31	10.16	55

Packed 50 slats to bundle wrapped in heavy kraft paper.

Any shipment of less than 10 M L. ft. $2.50 per shipment extra.

For crating add 35¢ per M L. ft.

(b) All discounts, credit allowances and other terms relating to payment in effect by applicant in March 1942 shall apply to the prices herein determined.

(c) All prayers of the applicant not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

This Order No. 576 shall become effective July 13, 1943.

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11214; Filed, July 12, 1943; 2:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order No. 578 Under § 1499.3 (b) of GMPR]

DAIRY PRODUCTS GROUP

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2116 *Authorization of maximum prices for sales of "Dairy-Mix Butter Coloring", packed 24/½-ounce bottles in display carton, and "Dairy-Mix", packed 48/¾-ounce packages in display carton, by Dairy Products Group, Medway, Massachusetts, by wholesalers and by retailers.* (a) On and after July 13, 1943, the maximum prices for sales by Dairy Products Group, Medway, Massachusetts, of the following items manufactured by it, delivered to purchasers' stations and subject to a discount of 2% for prompt payment, shall be as follows:

"Dairy-Mix Butter Coloring."	$1.36 per display carton of 24 ½-ounce bottles.
"Dairy-Mix"	$1.53 per display carton of 48 ¾-ounce packages.

(b) On and after July 13, 1943, the maximum prices for sellers at wholesale of "Dairy-Mix Butter Coloring" and "Dairy-Mix", manufactured by Dairy Products Group, shall be as follows:

"Dairy-Mix Butter Coloring."	$1.70 per display carton of 24 ½-ounce bottles.
"Dairy-Mix"	$1.91 per display carton of 48 ¾-ounce packages.

(c) On and after July 13, 1943, the maximum prices for sellers at retail of "Dairy-Mix Butter Coloring" and "Dairy-Mix", manufactured by Dairy Products Group, shall be as follows:

"Dairy-Mix Butter Coloring."	10 cents per bottle.
"Dairy-Mix"	6 cents per package.

(d) Dairy Products Group and sellers at wholesale shall apply to their maximum prices authorized respectively by paragraphs (a) and (b) discounts, allowances and price differentials, including price differentials between different classes of purchasers, no less favorable than those customarily applied by them in sales of comparable commodities.

(e) *Notification.* (1) On and after July 13, 1943, Dairy Products Group shall supply to each purchaser from it, before or at the time of its first delivery of "Dairy-Mix Butter Coloring" or "Dairy-Mix", a written notification which shall include the following appropriate language:

Notification From Dairy Products Group to Its Purchasers

The OPA has authorized us to charge $1.36 per display carton of 24 ½-ounce bottles of our "Dairy-Mix Butter Coloring" and $1.53 per display carton of 48 ¾-ounce packages of "Dairy-Mix", delivered to purchasers' stations and subject to a discount of 2% for prompt payment. Sellers at wholesale are authorized a maximum price of $1.70 per display carton of 24 ½-ounce bottles for "Dairy-Mix Coloring" and $1.91 per display carton of 48 ¾-ounce packages of "Dairy-Mix", subject to discounts, allowances and price differentials, including price differentials between different classes of purchasers, no less favorable than those customarily applied by them in sales of comparable commodities. Sellers at retail are authorized a maximum price of 10 cents per bottle of "Dairy-Mix Coloring" and 6 cents per package of "Dairy-Mix". If the initial sale of either item by a wholesaler to a retailer is a split carton sale, the wholesaler is required to provide such retailer with a copy of the retailer notification described in (2). OPA requires you to keep this notice for examination.

(2) For a period of three months after the effective date of this order, Dairy Products Group shall place in or accompany with each display carton of "Dairy-Mix Butter Coloring" and of "Dairy-Mix", for each dozen bottles or packages, a notification to retailers which shall include the following appropriate language:

Notification From Dairy Products Group to Retailers

The OPA has authorized for sellers at retail a maximum price of 10 cents per bottle of our "Dairy-Mix Butter Coloring" and 6 cents per package of our "Dairy-Mix". OPA requires that you keep this notice for examination.

(f) This Order No. 578 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 578 shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11222; Filed, July 12, 1943; 4:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 577 Under § 1499.3 (b) of GMPR]

H. C. BAXTER AND BROTHER

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2115 *Authorization of a maximum price for sales of dehydrated white potatoes by H. C. Baxter & Bro.* (a) On and after July 13, 1943, the maximum price for sales by H. C. Baxter & Bro., Brunswick, Maine, of each of the following items of dehydrated white potatoes, shall be $.42 per pound, f. o. b. factory at Hartland, Maine:

(1) Dehydrated white potatoes, Julienne Strips, packed in heavy Kraft paper bags weighing approximately 30 pounds each.

(2) Dehydrated white potatoes, Julienne Strips, packed in corrugated fibre cartons of 13—15- -16 pounds net weight.

(3) Dehydrated white potatoes, Julienne Strips, in corrugated fibre inner carton packed in heat-sealed, foil-lined laminated Kraft paper bag and solid fibre outer carton.

(4) Dehydrated white potatoes, Fragments, packed in heat-sealed, foil-lined laminated Kraft Paper bags, and solid fibre carton weighing 24-30 pounds each.

(b) H. C. Baxter & Bro. is not required to apply any discounts to the maximum price set forth in paragraph (a).

(c) This Order No. 577 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 577 shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11215; Filed, July 12, 1943; 2:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 25 Under § 1499.18 (c) of GMPR]

WASHINGTON EXCELSIOR AND MANUFACTURING CO., ET AL.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1525 *Adjustment of maximum prices for wholesale sales of wood excelsior pads, and retail sales of wood excelsior, by Washington Excelsior and Manufacturing Company, and all other manufacturers of wood excelsior pads and wood excelsior in the State of Washington.* (a) Washington Excelsior Manufacturing Company, 871 Othello Street, Seattle, Washington, and all other manufacturers of wood excelsior pads and wood excelsior in the state of Washington, may sell and deliver wood excelsior pads at wholesale, and wood excelsior at retail at Seattle, Washington, and any person may buy wood excelsior pads at wholesale, and wood excelsior at retail at Seattle, Washington, from such manufacturers, at prices no higher than those hereinafter set forth:

MAXIMUM PRICES FOR WHOLESALE SALES OF WOOD EXCELSIOR PADS

FURNITURE PADS

Dimension	Thickness	Weight (pounds per 1,000 lineal feet)	Maximum price (per 1,000 lineal feet f. o. b. mill)
Inches	*Inch*		
6 by 18	¼	60	$3.30
6 by 24	¼	60	3.30
6 by 36	¼	60	3.30
6 by 48	¼	60	3.30
6 by 72	¼	60	3.30

FRUIT PADS

Dimension	Thickness	Weight (per 1,000 pads)	Maximum price (per 1,000 pads, f. o. b. mill)
Inches	*Inch*		
11 by 18	¼	150	$8.85

Dimension, inches	Thickness, inches	Weight (pounds per 1,000 pads)	Maximum price (per 1,000 pads, f. o. b. mill)
Baby chick pads:			
9 by 11	¼	120	$7.67
10 by 12	¾	130	8.26
Onion pads:			
9 by 24	½	320	16.52
Potato pads:			
20 by 30	¾		29.50

Maximum prices for retail sales of wood excelsior at Seattle, Washington:

	Per ton
Standard excelsior	$38.00
Coarse excelsior	33.00
Fine excelsior	40.00
Wood wool	50.00

(b) All discounts, credit allowances and other terms relating to payment in effect by the seller in March 1942 shall apply to the prices herein determined.

(c) All prayers of the applicant not granted herein are denied.

(d) This Order No. 25 may be revoked or amended by the Price Administrator at any time.

This Order No. 25 (§ 1499.1525) shall become effective this 13th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11211; Filed, July 12, 1943; 2:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 26 Under § 1499.18 (c) of GMPR]

HEGELER ZINC COMPANY

Order No. 26 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; Docket No. GF3-3294.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1526 *Adjustment of maximum prices for sales of sulphuric acid to fertilizer manufacturers in the Indianapolis, Indiana, area by the Hegeler Zinc Company, Danville, Illinois.* (a) The Hegeler Zinc Company, having a plant at Danville, Illinois, may sell and deliver to fertilizer manufacturers located in the Indianapolis, Indiana area 60° sulphuric acid produced by said company from purchased sulphur at prices not in excess of the price set forth below:

$9.15 per ton, f. o. b. Danville, Illinois, in seller's tank cars.

(b) The above maximum price shall apply only to sales and deliveries of 60° sulfuric acid produced from purchased sulfur to meet the additional requirements of the fertilizer manufacturers in the Indianapolis, Indiana area.

(c) As used herein, the term "Indianapolis, Indiana area" means Marion County, Indiana.

(d) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 26 (§ 1499.1526) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

This order shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11212; Filed, July 12, 1943; 2:20 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 72 Under SR 15 to GMPR]

KENTUCKY TRANSPORT CORPORATION

Order No. 72 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, Docket No. GF3-3191.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1372 *Adjustment of maximum prices for contract carrier services by Kentucky Transport Corporation, Louisville, Kentucky.* (a) Kentucky Transport Corporation, a Kentucky corporation, of Louisville, Kentucky, may sell and deliver contract carrier services to the Great Atlantic & Pacific Tea Company at prices not to exceed 7.15¢ per ton mile.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 72 (§ 1499.1372) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 72 (§ 1499.1372) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 72 (§ 1499.1372) shall become effective April 1, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11209; Filed, July 12, 1943; 2:20 p. m.]

[Order 73 Under § 1499.75 (a) (3) of GMPR]

PART 1499—COMMODITIES AND SERVICES

COLUMBIA MOTOR SERVICE COMPANY

Order No. 73 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation; Docket No. GF3-3144.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1373 *Adjustment of maximum prices for transportation services by motor vehicle, other than common carrier service, sold by Columbia Motor Service Company.* (a) Columbia Motor Service Company, of 1422 North Tenth Street, St. Louis, Missouri, may sell and supply, on and after March 6, 1943, the following services at charges not higher than those set forth below:

(1) Transportation and delivery services for Sears, Roebuck and Company, at the rate of $2.63 per hour for each motor vehicle owned by the Columbia Motor Service Company which is operated in the service of Sears, Roebuck and Company, within the following area: the St. Louis-East St. Louis Commercial Zone, as defined by the Interstate Commerce Commission, St. Charles and Jefferson Counties, Missouri, and the territory of Illinois within a radius of 150 miles from St. Louis.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 73 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 73 (§ 1499.1373) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 73 (§ 1499.1373) shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11210; Filed, July 12, 1943; 2:20 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 11,[1] Amdt. 1]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order 11 is amended in the following respects:

1. Section 2.4 (a) is amended by inserting the following sentence between the first and second sentences:

However, if the designated agency acquires the products at a place outside the 48 States of the United States and the District of Columbia, the application

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9008.

may be made within a longer period specified by that agency.

2. The second sentence of section 3.1 (a) is amended by deleting the words "and the next Article" and inserting the words "Article and in Article V" in their place.

This amendment shall become effective July 17, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; W.P.B. Supp. Dir. 1-E, 7 F.R. 2965; W.P.B. Supp. Dir. 1-M, 7 F.R. 8234; W.P.B. Supp. Dir. 1-R, 7 F.R. 9684; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11220; Filed, July 12, 1943; 4:40 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 8,[1] Amdt. 2]

GENERAL PROHIBITIONS AND PENALTIES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order 8 is amended by amending section 2.6 to read as follows:

SEC. 2.6. *Acquisition, use, transfer or possession of ration document.* No person shall acquire, use, permit the use of, possess or control a ration document except the person, or the agent of the person, to whom such ration document was issued, or by whom it was acquired in accordance with a ration order or except as otherwise provided by a ration order. No person shall transfer a ration document except in accordance with the provisions of a ration order.

Effective date. This amendment shall become effective July 17, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11221; Filed, July 12, 1943; 4:40 p. m.]

PART 1363—FEEDINGSTUFFS

[Rev. MPR 74]

ANIMAL PRODUCT FEEDINGSTUFFS

Maximum Price Regulation 74[2] is redesignated Revised Maximum Price Regulation 74 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are generally fair and equitable and comply with all provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended and of E.O. 9250 and 9328.

The statement of the considerations involved in the issuance of this revised regulation has been simultaneously issued herewith and has been filed with the Division of the Federal Register.*

§ 1363.51 *Maximum prices for animal product feedingstuffs.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Revised Maximum Price Regulation 74 (Animal Product Feedingstuffs), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1363.51 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 74—ANIMAL PRODUCT FEEDINGSTUFFS

ARTICLE I—SCOPE OF THIS REVISED REGULATION

Sec.
1. Geographical applicability.
2. Effect of maximum prices.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

3. Definitions.
4. Maximum prices for sales by all persons of dry rendered tankage.
5. Maximum prices for sales by all persons of wet rendered tankage and dried blood.
6. Maximum prices for sales by all persons of meat scraps, digester tankage, blood meal and blood flour.
7. Increases for sacks.
8. Imported dry and wet rendered tankage not to be sold as meat scraps or digester tankage.
9. Duty to identify commodity on invoice or bags.

ARTICLE III—MISCELLANEOUS PROVISIONS

10. Adjustable pricing.
11. Evasion.
12. Petitions for amendment.
13. Enforcement.
14. Records and reports.

Article I—Scope of this Revised Regulation

SECTION 1. *Geographical applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic animal product feedingstuffs.

SEC. 2. *Effect of maximum prices.* (a) While this revised regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any animal product feedingstuffs at prices above the maximum prices established by this revised regulation; nor shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this revised regulation may be charged and paid.

Article II—Definitions, maximum prices and terms of sale

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

"Animal product feedingstuffs" includes all commodities subject hereto which are used, with or without further processing or mixing, for feeding animals and poultry.

"Meat scraps" includes those commodities processed from dry rendered tankage and known to the trade as meat scraps, meat meal and meat and bone scraps.

"Digester tankage" includes those commodities processed from wet or dry rendered tankage and known to the trade as meat meal tankage, feeding tankage, digester tankage with bone, meat and bone meal digester tankage, meat and bone meal tankage and feeding tankage with bone.

"Dried blood" means blood dried and processed for feeding or for blending with other animal products feedingstuffs and containing a minimum of 15 per cent of ammonia.

"Blood meal" means ground dried blood for animal feeding.

"Blood flour" means dried blood prepared by special processes and reduced to a fine powder for animal feeding.

"Dry rendered tankage" means the dry rendered residue from animal tissues exclusive of hoof, horn, blood, manure and stomach contents except in such traces as might occur unavoidably in good factory practice. It shall not contain more than 15 per cent fat.

"Wet rendered tankage" means the wet rendered residue from animal tissues exclusive of hoof, horn, manure and stomach contents except in such traces as might unavoidably occur in good factory practice. It shall not contain more than 15 per cent fat.

"Ton" means 2,000 pounds net weight.

"Wholesaler" means a person who buys meat scraps, digester tankage, blood meal or blood flour, unloads it into a warehouse, and resells the same to a processor or a retailer. It includes a producer who transports and unloads the aforesaid animal product feedingstuffs into a warehouse operated as a separate place of business outside the city wherein is located the production plant and thereafter sells the same to the person or persons above mentioned.

"Retailer" means a person who sells meat scraps, digester tankage, blood meal or blood flour in quantities of less than 30,000 pounds to a feeder. It includes a producer who transports and unloads the aforesaid animal product feedingstuffs into a store operated as a separate place of business outside the city wherein

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3783, 5677.

[2] 7 F.R. 4177, 4762, 4884, 8214, 8832, 8948, 9820; 8 F.R. 164, 1586, 6110.

is located the production plant and thereafter sells the same to a feeder.

"Producer" means a person who produces any animal product feedingstuff.

"Feeder" means a person who feeds any meat scraps, digester tankage, blood meal or blood flour to animals or poultry.

"Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3 per cent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not exceeding any maximum price established therefor.

SEC. 4. *Maximum prices for sales by all persons of dry rendered tankage.* (a) The maximum price for the sale of domestic dry rendered tankage, per ton, bulk, by any person shall be $1.25 for each full percentage of protein therein plus transportation charges from production plant thereof to the buyer's receiving point by a usual route and method of transportation.

(b) The maximum price for the sale of imported dry rendered tankage, per ton, bulk, by any person shall be $1.25 for each full percentage of protein therein delivered at any point within the 48 states and the District of Columbia of the United States.

SEC. 5. *Maximum prices for sales by all persons of wet rendered tankage and dried blood.* (a) The maximum price for the sale of domestic wet rendered tankage and dried blood, per ton, bulk, by any person shall be $5.53 for each full percentage of ammonia therein plus transportation charges from production plant thereof to the buyer's receiving point by a usual route and method of transportation.

(b) The maximum price for the sale of imported wet rendered tankage and dried blood, per ton, bulk, by any person shall be $5.53 for each full percentage of ammonia therein delivered at any point within the 48 states and the District of Columbia of the United States.

SEC. 6. *Maximum prices for sales by all persons of meat scraps, digested tankage, blood meal and blood flour.* (a) No person shall sell any commodity named in this section except upon the basis of a specified guaranteed minimum whole percentage of protein in the lot. Further, for meat scraps one of the following percentages must be named as the guaranteed minimum percentage of protein: 45%, 50%, 55%, 60%, 65%, 70% or 75%; and for digester tankage one of the following percentages must be named as the guaranteed minimum percentage of protein: 45%, 50%, 55%, 60% or 65%: *Provided,* That the OPA may permit any person to sell meat scraps or digester tankage upon the basis of a different specified guaranteed minimum percentage of protein upon verified application filed with the Feed Unit, Office of Price Administration, Washington, D. C., setting forth the percentage desired, the reasons therefor, and the hardship the applicant will suffer unless the application is granted.

(b) The maximum price for the sale of any of the following animal product feedingstuffs, domestic or imported, per ton, bulk, by any person other than a wholesaler or retailer, shall be as follows:

(1) For meat scraps, $1.25 for each percentage of the guaranteed minimum percentage of protein therein plus $7.50 per ton and plus transportation charges from production plant of the meat scraps (or if imported, from port of entry thereof) to buyer's receiving point by a usual route and method of transportation.

(2) For digester tankage, blood meal and blood flour, $5.53 for each percentage of the guaranteed minimum percentage of protein therein, plus $6.50 per ton and plus transportation charges from production plant of the digester tankage, blood meal or blood flour (or if imported, from port of entry thereof) to buyer's receiving point by a usual route and method of transportation.

(c) The maximum price for the sale of any such meat scraps, digester tankage, blood meal or blood flour, per ton, bulk, by any wholesaler, shall be $3.00 per ton over the maximum price he could have lawfully paid under paragraph (b) of this section for the lot from out of which the sale in question is made delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to his buyer's receiving point.

(d) The maximum price for the sale of any such meat scraps, digester tankage, blood meal or blood flour, per ton, bulk, by any retailer, shall be $7.00 per ton over the maximum price he could have lawfully paid under paragraph (b), of, if he purchased from a wholesaler, under paragraph (c) of this section for the lot from out of which the sale in question is made at the place where he took delivery thereof plus transportation charges actually incurred by the seller from said place of delivery to him to his buyer's receiving point.

(e) If an actual analysis of any animal product feedingstuff sold under this section shows a different percentage of protein than the specified guaranteed minimum percentage of protein then:

(1) If above the guaranteed minimum percentage of protein, no increase in the foregoing maximum price shall be permitted.

(2) If more than one half per cent and not more than one per cent below the guaranteed minimum percentage of protein, $1.50 per ton shall be deducted from the foregoing maximum price.

(3) If more than one per cent below the guaranteed minimum percentage of protein, $1.50 per ton shall be deducted from the foregoing maximum price for the first one per cent of deficiency and $3.00 for each additional one per cent or fraction of a per cent of deficiency.

SEC. 7. *Increases for sacks.* The foregoing maximum prices for sales of animal product feedingstuffs in bulk shall be increased for sales of animal product feedingstuffs in bags or other containers as follows:

(a) In bags or other containers, furnished by the seller, by the actual cost of such bags or containers not exceeding any maximum price thereon at the time of purchase nor an increase at the rate of $3.50 per ton.

(b) In bags or other containers, furnished by the buyer, by an increase at the rate of 50 cents per ton.

SEC. 8. *Imported dry and wet rendered tankage not to be sold as meat scraps or digester tankage.* Whenever any animal product feedingstuffs are imported under the classification of dry or wet rendered tankage, all persons must sell the same under the maximum prices for imported dry or wet rendered tankage until processed within the United States into meat scraps or digester tankage in like manner as domestic wet or dry rendered tankage is processed into meat scraps or digester tankage.

SEC. 9. *Duty to identify commodity on invoice or bags.* (a) Whenever dry rendered tankage, wet rendered tankage or dried blood is sold, a statement of the kind of the commodity sold and a certificate of analysis thereof shall accompany the invoice of the sale except where sold in bags or other containers to which are attached a label or tag showing the kind of the commodity therein, and

(1) In the case of dry rendered tankage, the percentage of protein therein; and

(2) In the case of wet rendered tankage or dried blood, the percentage of ammonia therein.

(b) Whenever meat scraps, digester tankage, blood meal or blood flour is sold, a statement of the kind of the commodity and of the guaranteed minimum percentage of protein therein shall appear on the invoice of the sale except where sold in bags or other containers to which are attached a label or tag showing the kind of the commodity and the guaranteed minimum percentage of protein therein.

Article III—Miscellaneous Provisions

SEC. 10. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 11. *Evasion.* The price limitations set forth in Revised Maximum Price Regulation 74 shall not be evaded,

whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any animal product feedingstuffs, alone or in conjunction with any other commodity, or by way of commission, service, additional transportation, or other charge, discount, premium or other privilege, or by tying agreement, or other trade understanding, misgrading or otherwise.

SEC. 12. *Petitions for amendment.* Persons seeking an amendment of any provision of this revised maximum price regulation may do so in accordance with Revised Procedural Regulation No. 1.[2]

SEC. 13. *Enforcement.* Persons violating any provision of this revised regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 14. *Records and reports.* Except in the case of sales by a retailer, every person making a purchase or sale of any animal product feedingstuffs in the course of trade or business shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect complete and accurate records of each such purchase and sale including the date thereof, the name of the seller and purchaser, a description of the commodity sold, and the price paid.

This revised regulation shall become effective July 12, 1943.

NOTE: The reporting and record keeping provisions of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11219; Filed, July 12, 1943; 4:39 p. m.]

PART 1449—CHARCOAL

[MPR 431]

MAXIMUM PRICES FOR CHARCOAL

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1449.1 *Maximum prices for charcoal.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 431 (Charcoal), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1449.1 (issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681).

*Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

MAXIMUM PRICE REGULATION 431—CHARCOAL

Sec.

1. Prohibition against sales of charcoal at higher than maximum prices.
2. Less than maximum prices.
3. Adjustable pricing.
4. Relationship of this to other maximum price regulations.
5. Geographical applicability.
6. Records and reports.
7. Evasion.
8. Enforcement and licensing.
9. Definitions.
10. Petitions for amendment.

Appendix A: Maximum prices for hardwood charcoal.

SECTION 1. *Prohibition against sales of charcoal at higher than maximum prices.* On and after July 12, 1943, regardless of any contract or other obligation:

No person making a sale of charcoal for which maximum prices are set forth in this regulation shall sell or deliver such charcoal at prices higher than the maximum prices set forth in this regulation.

No person purchasing charcoal from a seller for whom maximum prices are set forth in this regulation shall buy or receive such charcoal in the course of trade or business at prices higher than the maximum prices set forth in this regulation.

No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Relationship of this to other maximum price regulations*—(a) *General Maximum Price Regulation.* The provisions of this regulation supersede the provisions of the General Maximum Price Regulation[1] with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Exports; (Second Revised Maximum Export Price Regulation applicable.)* The maximum price at which a person may export charcoal shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

(c) *Imports; (Revised Supplementary Regulation No. 12 applicable.)* The provisions of this regulation do not apply to purchases, sales, or deliveries of charcoal which originate outside of and are imported into the continental United States. Sales, purchases, and deliveries of such imported charcoal are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.[3]

SEC. 5. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia.

SEC. 6. *Records and reports.* (a) Every person making sales or purchases of charcoal after July 11, 1943 for which maximum prices are established by this regulation, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase, showing the date thereof, the name and address of the seller and the buyer, the price paid or received, and the quantity of charcoal sold or purchased.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required by paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of charcoal, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 8. *Enforcement and licensing*—(a) *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) *Licensing.* The provisions of Supplementary Order No. 11[4] (§ 1305.15), licensing distributors of chemicals and drugs, shall be applicable to any dealer selling charcoal for which maximum prices are established by this regulation. The term "distributor" shall have the meaning given to it by supplementary Order No. 11 which term includes a "dealer" as defined in this regulation. This order, in brief, provides that a license is necessary for dealers to make sales under this regulation. A license is automatically granted to such sellers.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 8 F.R. 4132, 5987, 7662.

[3] 7 F.R. 10532; 8 F.R. 611, 2035.

[4] 7 F.R. 167, 11007.

It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order No. 11 describe the circumstances under which licenses may be suspended.

SEC. 9. *Definitions.* (a) When used in this regulation, the term:

"Charcoal" means an amorphous form of carbon obtained by the incomplete combustion of either hardwood or softwood.

"Hardwood charcoal" means charcoal produced from hardwoods.

"Lump charcoal" means unprocessed charcoal which will pass over a screen with ¾ inch openings.

"Charcoal screenings" means unprocessed charcoal which will not pass over a screen with ¾ inch openings, and includes fines and braize.

"Granulated" or "ground charcoal" means charcoal which has been subjected to a granulating or grinding process.

"Producer" means any person who produces charcoal and includes any agent of a producer.

"Hardwood distiller" means a person who produces charcoal from mixed hardwoods by the destructive distillation process and who recovers in the process such chemicals as wood alcohol, acetic acid, or acetate of lime.

"Kiln charcoal" means charcoal produced from mixed hardwoods in a kiln.

"Dealer" means a person who purchases charcoal and resells it in substantially the same form, and includes a person who purchases charcoal and grinds it before reselling it.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[5]

Appendix A: Maximum prices for hardwood charcoal—(a) *Sales by producers.* The maximum price for a sale by a producer of hardwood charcoal in quantities of one ton or more shall be the maximum price established under the General Maximum Price Regulation including any order issued thereunder or the maximum price set forth below, whichever is higher. The prices set forth below are per ton of hardwood charcoal, f. o b. producer's plant.

(i) Sales by hardwood distillers of charcoal made from mixed hardwoods:

(1) Produced in New York and Pennsylvania:	
Lump charcoal in bulk	$33.00
Lump charcoal in bags (bags extra and returnable)	35.00
Charcoal screenings	23.00
(11) Produced in Michigan and Wisconsin:	
Lump charcoal in bulk	33.00
Briquets in bulk	35 00
Briquets in 100-lb. bags (bags included)	41 00
Briquets in 20 and 40-lb. bags (bags included)	40.00
Granulated charcoal in bags (bags included)	44 00
Charcoal screenings	23.35
(111) Produced in Tennessee and Arkansas:	
Lump charcoal in bulk	27.00
Briquets in bulk	29.00
Charcoal screenings	19.40

(2) Sales of kiln charcoal made from mixed hardwoods:

Lump charcoal in bulk	$40.00
Charcoal screenings	29.00

(b) *Sales by dealers.* The maximum price for a sale by a dealer of hardwood charcoal for which a maximum price is set forth in paragraph (a) shall be the dealer's maximum price for a sale of the same grade and quantity of charcoal in the same kind of containers established by the General Maximum Price Regulation including any order issued thereunder, or the maximum price computed pursuant to the first applicable method set forth below, whichever is higher:

(1) The dealer's maximum price for a sale of the same grade and quantity of charcoal in the same kind of containers established by the General Maximum Price Regulation plus any increase in the price which he is required to pay to the producer from whom he purchases charcoal under the provisions of paragraph (a) over the highest price paid by him to that producer for such charcoal during March 1942, or, if no purchases were made by him during March 1942 from such producer, during the last calendar month of 1942 prior thereto during which such purchases were made by him.

(2) Where a dealer is unable to determine his maximum price for charcoal under subparagraph (1) of this paragraph (b), the maximum price established by this regulation for a sale of such charcoal by his most closely competitive seller.

This regulation shall become effective July 12, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11218; Filed, July 12, 1943; 4:38 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 47]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. Section 3.6 (a) (1) is amended to read as follows:

(1) To get back processed foods he transferred; or

2. Section 5.9 is revoked.

3. Section 5.11 (a) is amended by inserting the word "current" between the words "the" and "Official."

4. Section 6.6 (h) is added to read as follows:

(h) *Accounting for errors.* If an industrial user receives an allotment larger than he is entitled to receive, as a result of an error, omission, or mistake made in his application or by his board, the amount of the excess shall be treated as excess inventory.

5. Section 8.4 (a) is amended to read as follows:

(a) *Stamps.* A person who has a ration bank account may not deposit stamps later than one month and ten days after the last date on which they were good for use by a consumer. (The periods during which particular stamps are good for use by consumers are fixed in the supplement to this order.) If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month.

6. Section 9.5 (d) (1) is amended to read as follows:

(1) *Stamps.* No stamp may be accepted from the transferee more than one month after the last date on which it was good for use by a consumer. If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this subparagraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month. The stamps must either be pasted on gummed sheets (OPA Form R–120) or enclosed in sealed envelopes. If the stamps are pasted on gummed sheets, the name and address of the transferee must be written on each sheet, and only stamps of the same point value, and valid for a transfer to the

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[5] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

[1] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 5318, 5342, 5480, 5568, 5757, 5818, 5819, 5847, 6046, 6137, 6138, 6181.

*Copies may be obtained from the Office of Price Administration.

[2] 8 F.R. 2858, 2997, 4840, 6965.

transferee at the time they are given up, may be pasted on the same sheet. If the stamps are enclosed in sealed envelopes, they must be handled in all respects in accordance with the procedure described in General Ration Order 7 [3] for the use of such envelope.

7. Section 10.10 (b) is amended to read as follows:

(b) *Point-free delivery to country shippers.* No points need to be given up for a transfer of dry beans, peas or lentils by an authorized Customs Official to a country shipper if the country shipper gives his signed statement to the Official showing:

(1) His name;

(2) His principal business address;

(3) His country shipper's registration number; and

(4) The amount of dry beans, peas and lentils imported at the time.

8. The present section 10.10 (c) is redesignated section 10.10 (d).

9. Section 10.10 (c) is added to read as follows:

(c) *Collector of Customs to send statements to Washington Office.* After the close of each month the Collector of Customs shall deliver all processors' and country shippers' statements received during that month to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

10. Section 13.1 (a) (1) is amended to read as follows:

(1) Any "retailer", "wholesaler", "processor", "country shipper", or "industrial user" who goes out of the business of dealing in or using "processed foods" at his establishment must notify the "board" at which it is registered, or the "Washington Office", if it is registered there. (A person is considered as going out of the business of dealing in or using processed foods if the foods he deals in or uses at his establishment are removed from the list of processed foods.) The notice must be given in writing within five (5) days after he goes out of the business. It must show:

(i) The name and address of the establishment;

(ii) The point value of its inventory at the time that he ceases doing business in processed foods at that establishment; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points in the hands of his suppliers for processed foods not yet shipped. If he has a ration bank account he must also notify the district office in the way required by General Ration Order 3A (the Ration Banking Order).

11. The first sentence of section 14.5 (a) is amended by inserting a comma after the word "processor" and adding the words "country shipper", befor the word "or".

12. The word "at" in the last sentence of section 23.2 (b) is changed to "b".

13. The last clause following the semicolon in section 24.6 (a) is amended to read as follows:

(a) * * * to get back dry beans, peas or lentils which he sold or transferred.

14. The following item is added to the list in Appendix A:

The by-product, if sold exclusively as animal feed or fertilizer, of milling and sorting or otherwise processing for marketing as seed, and consisting of a mixture of dry beans, peas, or lentils which is not a recognized trade variety (for human consumption) of dry beans, peas, or lentils.

This amendment shall become effective July 19, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 13th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11251; Filed, July 13, 1943; 11:21 a. m.]

Chapter XIII—Petroleum Administration for War

[PDO 14]

PART 1525—MARKETING MOTOR FUEL

DELIVERIES FOR SPECIFIED USES

The fulfillment of requirements for the defense of the United States has created in certain areas a shortage in the supply of motor fuel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest to promote the national defense and to provide adequate supplies of motor fuel for military and other essential uses.

§ 1525.3 *Petroleum Distribution Order No. 14*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Motor fuel" means liquid fuel, including Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Supplier" means any person who regularly receives motor fuel for redelivery.

(b) *Deliveries for specified uses.* Each supplier shall, within the limits of his supply, make withdrawal or delivery of motor fuel when such withdrawal or delivery is requested to satisfy the requirements of:

(1) The Army and the Navy of the United States, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, and the Office of Lend-Lease Administration; and

(2) Any person using or supplying motor fuel for non-highway farm uses who presents valid E, R, or bulk coupons or ration checks, issued pursuant to Ration Order 5C of the Office of Price Administration, to the extent of such uses only.

(c) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an appeal setting forth the pertinent facts and the reasons why he considers himself entitled to relief. All appeals shall be filed in triplicate.

(d) *Appeals and correspondence.* All correspondence and appeals filed under paragraph (c) shall, unless otherwise directed, be addressed to the District Director of Marketing, Petroleum Administration for War at:

(1) 122 East 42nd Street, New York, New York, if the motor fuel is to be delivered or used in the State of Florida (west of the Apalachicola River).

(2) 1200 Blum Building, 624 South Michigan Avenue, Chicago, Illinois, if the motor fuel is to be delivered or used in the States of Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, or North Dakota.

(3) 245 Mellie Esperson Building, Houston, Texas, if the motor fuel is to be delivered or used in the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, or New Mexico.

(4) 320 First National Bank Building, Denver, Colorado, if the motor fuel is to be delivered or used in the States of Montana, Wyoming, Colorado, Utah, or Idaho.

(5) 855 Subway Terminal Building, Los Angeles, California, if the motor fuel is to be delivered or used in the States of Arizona, California, Nevada, Oregon, or Washington.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(f) *Area of applicability.* The provisions of this order shall be applicable to any person located in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida (west of the Apalachicola River), Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of July 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-11255; Filed, July 13, 1943; 11:38 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 1, Amdt. 5]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY; DIVISION OF PETROLEUM AND OTHER LIQUID TRANSPORT

Pursuant to Executive Order 8989, paragraph (a) of § 503.6 of Administrative Order ODT 1, as amended (8 F.R. 6001, 7285, 7620, 9034), is hereby amended by changing the language preceding subparagraph (1) to read as follows:

§ 503.6 *Division of Petroleum and Other Liquid Transport.* (a) The Associate Director, Division of Petroleum and Other Liquid Transport, Office of Defense Transportation, is authorized and directed as follows:

* * * * *

Issued at Washington, D. C., this 13th day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-11256; Filed, July 13, 1943; 11:38 a. m.]

Notices

NAVY DEPARTMENT.

LEGAL ASSISTANCE FOR NAVAL PERSONNEL

1. The following instructions relative to the establishment of legal assistance offices in the naval service are hereby promulgated:

2. *Purpose.* These instructions are issued for the purpose of establishing in naval districts and elsewhere in the naval service legal assistance offices to provide legal assistance to naval personnel in the conduct of their personal affairs and to expand such services where now being rendered. This action is being taken in cooperation with the American Bar Association and various State bar associations.

3. *Legal-assistance offices.* The Commandant of each naval district, and the Commandant or other commanding officer of each navy yard, naval station, Marine Corps base, Marine barracks, or other naval activity where qualified lawyers are available in the naval service, will establish a legal-assistance office and assign one or more officers to perform duties as hereinafter described. The officer in command of any of the forces afloat may, if considered desirable, also establish a legal-assistance office with such modifications as may be necessary to meet existing conditions. Where a legal office already exists, such legal-assistance office may be a section of, or otherwise assimilated with, such legal office.

4. *Local supervision.* The district legal officer of each naval district shall, under the direction of the commandant, exercise general supervision and coordination of all legal-assistance offices within the district.

5. *General supervision.* The general organization, supervision, and direction of such legal-assistance offices and officers is assigned to the Judge Advocate General, who will collaborate with the American Bar Association in the establishment of a system of legal assistance. The district legal officers and other local legal officers will collaborate with the State and local bar associations and legal-aid societies within their respective districts. (See paragraphs 11 and 12.)

6. *Qualifications of legal-assistance officers.* Legal-assistance officers shall be members of the bar of a State, Territory, or the District of Columbia but need not necessarily be commissioned officers. However, where available, officers so designated should possess sufficient maturity and legal experience to inspire confidence and to discharge their duties efficiently. If there is no such qualified person available for such assignment, a suitable officer may be assigned as acting legal-assistance officer until a qualified legal-assistance officer becomes available. Such acting officer may perform all the functions of a legal-assistance officer except giving legal advice and counsel or otherwise practicing law.

7. *Duties and services of legal-assistance officers.* Legal-assistance officers, in addition to any other duties which may be assigned to them, shall render such personal legal assistance to naval personnel and their dependents (including all components of the Navy, Marine Corps, and Coast Guard, and persons serving with naval forces anywhere, and where necessary the personnel of other branches of the armed forces) as is deemed necessary or desirable for their morale or efficiency, which may include but is not necessarily limited to the following:

(a) Establish contact with the committees on war work of bar associations and legal-aid societies for the purpose of arranging for the designation of members of the civilian bar to serve with such legal-assistance offices.

(b) Collaborate and maintain liaison with such designated civilian lawyers in the organization and operation of any such legal-assistance office.

(c) Interview, advise, and assist naval personnel and, in proper cases, refer such personnel to an appropriate bar committee or legal-aid organization or to such individual civilian lawyers as may have been designated by such bar committee or organization or other individual lawyers, avoiding, however, at all times in referring legal matters to civilian lawyers which may involve fees favoring any particular civilian lawyer or lawyers directly or indirectly.

(d) If practicable, make arrangements to have one or more civilian lawyers visit each legal-assistance office at regular intervals during prescribed hours to interview any naval personnel who may desire their advice, counsel, or services. Such visits should be well publicized and, so far as practicable, be confined so as to correspond with the most appropriate intervals in the schedule of naval duties of naval personnel.

(e) Perform such other services necessary to accomplish the objects and purposes of such legal-assistance offices.

(f) Legal-assistance officers, however, will not advise or assist naval personnel in any case in which such personnel are or may be involved in an investigation or court martial or other official proceedings. In all such matters legal-assistance officers shall be governed by existing regulations, orders, and practices. Nor will legal-assistance officers appear in person or by pleadings in or before civil courts, boards, or commissions as attorneys for persons otherwise entitled to the advice and counsel of such legal-assistance officers. This provision, however, will not be construed to interfere with the present practice of naval officers appearing in police or other criminal courts as representatives of the Commandant or commanding officer where naval personnel may be involved.

(g) Legal-assistance officers will as far as possible avoid handling legal matters which should in their judgment appropriately be handled by private counsel. In no event should a legal-assistance office act as a collection agency nor lend its aid to defeat the fair collection or legal enforcement of any just debt or obligation. Also, except in unusual circumstances, legal-assistance officers will render legal service only at the legal-assistance office.

8. *Direct action of legal-assistance officers.* The Judge Advocate General's Office and the district legal officers are authorized to correspond directly with each other and with legal-assistance offices in the performance of their supervisory duties. Except where otherwise ordered by competent authority, all legal-assistance officers are authorized to correspond directly with, and refer legal matters to, legal-assistance offices of other naval districts, yards, or stations and appropriate organizations and persons insofar as they relate to personal legal matters of the persons served.

9. *Confidential and privileged character of services rendered.* The usual attorney and client relationship shall be maintained by legal-assistance offices. All matters upon which the office is consulted by persons entitled to do so, and the files thereof, will be treated and considered as confidential and privileged in a legal rather than a military sense. Such confidential matters will not be disclosed by the personnel of the office to anyone, except upon the specific permission of the person concerned, and such disclosure may not lawfully be ordered by superior naval authority. Strict observance of this rule is essential to the proper working of the office in order to establish confidence in its integrity and to assure all naval personnel regardless of rank or grade that they may disclose frankly and completely all material facts of their legal matters to the office personnel without fear that such confidences will be disclosed or used against them in any way.

10. *Variations in procedure.* Local conditions may make variations from the above-prescribed procedures necessary

for the proper and effective organization and operation of any particular legal-assistance office. For this reason the provisions of these instructions are intended to be flexible and should be liberally construed in order that the purpose for which such office is established may be accomplished.

11. *Present directory of bar association committees on war work.*

(a) *Committee on war work of the American Bar Association.* Committee Headquarters: 1002 Hill Building, Washington, D. C. Committee members:

Chairman, Tappan Gregory, 19 S. LaSalle St., Chicago, Ill.

1st Judicial Circuit, Donald T. Field, 84 State St., Boston, Mass.

2nd Judicial Circuit, Edward J. Dimock, 67 Wall St., New York City.

3rd Judicial Circuit, Joseph W. Henderson, Packard Building, Philadelphia, Pa.

4th Judicial Circuit, Fred S. Hutchins, Box 854, Winston-Salem, N. C.

5th Judicial Circuit, Alexander W. Smith, Grant Building, Atlanta, Ga.

6th Judicial Circuit, L. C. Spieth, Union Commerce Building, Cleveland, Ohio.

7th Judicial Circuit, Tappan Gregory, 19 S. LaSalle St., Chicago, Ill.

8th Judicial Circuit, John F. Rhodes, Fidelity Building, Kansas City, Mo.

9th Judicial Circuit, A. Crawford Greene, Balfour Building, San Francisco, Calif.

10th Judicial Circuit, Frazer Arnold, First National Bank Building, Denver, Colo.

(b) *Chairman of State Bar Association Committees on war work.*

Alabama: E. Burns Parker, Federal Building, Montgomery.

Arizona: John C. Haynes, Tucson.

Arkansas: Cooper Jacoway, Pyramid Building, Little Rock.

California: Arnold Praeger, Rowan Building, Los Angeles.

Colorado: Benjamin E. Sweet, 725 E and C Building, Denver.

Connecticut: Samuel H. Platcow, 152 Temple St., New Haven.

Delaware: Hon. P. Warren Green, Equitable Trust Building, Wilmington.

District of Columbia: William R. Lichtenberg, National Press Building, Washington (Committee on Legal Assistance for Servicemen).

Florida: Charles A. Mitchell, Vero Beach.

Georgia: Hugh Dorsey, Jr., 1425 C. and S. National Bank Building, Atlanta.

Idaho: William F. Galloway, Boise.

Illinois: George S. McGaughey, 226 W. Washington St., Waukegan.

Indiana: Jeremiah L. Cadick, Fletcher Trust Building, Indianapolis.

Iowa: Tim J. Campbell, 505 Maytag Building, Newton.

Kansas: Harry W. Colmery, National Bank of Topeka Building, Topeka. Everett E. Steerman, Emporia (co-chairman).

Kentucky: Henry J. Stites, Starks Building, Louisville.

Louisiana: Alvin R. Christovich, 1914 American Bank Building, New Orleans.

Maine: Clement F. Robinson, 85 Exchange St., Portland.

Maryland: B. Harris Henderson, 231 St. Paul St., Baltimore.

Massachusetts: Francis X. Reilly, Keating Building, Westborough.

Michigan: Carl H. Smith, Bay City Bank Building, Bay City.

Minnesota: Hon. Albin S. Pearson, District Court, St. Paul.

Mississippi: Forrest G. Cooper, Indianola.

Missouri: Harry S. Rooks, 407 North Eighth St., St. Louis.

Montana: J. B. C. Knight, Anaconda.

Nebraska: Braton H. Kuhns, 930 First National Bank Building, Omaha.

Nevada: John E. Robinson, First National Bank Building, Reno.

New Hampshire: Louis E. Wyman, 45 Market St., Manchester.

New Jersey: Hon. Richard Hartshorne, Hall of Records, Newark.

New Mexico: Hon. John C. Watson, Santa Fe.

New York: Edward Schoeneck, State Power Building, Syracuse.

North Carolina: John S. Bradway, Duke University, Durham.

North Dakota: O. B. Burtness, Grand Forks.

Ohio: Lawrence C. Spieth, Union Commerce Building, Cleveland.

Oklahoma: Randell S. Cobb, Assistant Attorney General, Oklahoma City.

Oregon: Hon. Walter L. Tooze, Sailing Building, Portland.

Pennsylvania: Joseph W. Henderson, Packard Building, Philadelphia.

Rhode Island: W. L. Frost, 1016 Union Trust Building, Providence.

South Carolina: Pinckney L. Cain, 1001 Palmetto Building, Columbia.

South Dakota: Claude A. Hamilton, Security National Bank Building, Sioux Falls.

Tennessee: J. Mac Peebles, National Life Building, Nashville.

Texas: Claude V. Birkhead, 1512 Majestic Building, San Antonio.

Utah: H. P. Thomas, Templeton Building, Salt Lake City.

Vermont: John J. Deschenes, Burlington.

Virginia: A. Russell Bowles, Mutual Building, Richmond; John C. Parker, Jr., Franklin (additional); Thomas H. Willcox, National Bank of Commerce Building, Norfolk (additional).

Washington: Charles H. Paul, White Building, Seattle.

West Virginia: Charles McCamic, National Bank of West Virginia Building, Wheeling.

Wisconsin: Reginald I. Kenney, Wells Building, Milwaukee.

Wyoming: Marshall S. Reynolds, Cheyenne.

12. *Directory of established legal aid organizations.*

California: Alameda County—Legal Aid Society of Alameda County, Samuel H. Wagener, Attorney, Park Building, 473 14th St., Oakland. Los Angeles—Legal Aid Foundation, Edwin F. Frank, Chief Counsel, 440 Cotton Exchange Building, 106 W. Third St. San Francisco—Legal Aid Society of San Francisco, Alex Sherriffs, Attorney, 1160 Phelan Building.

Colorado: Denver—Legal Aid Society of Denver, Paul F. Irey, Attorney, 314 Fourteenth St.

Connecticut: Bridgeport—Legal Aid Division, Department of Public Charities, Oscar A. H. Dannenberg, Attorney, Public Welfare Building. Hartford—Legal Aid Bureau, Alfred F. Kotchen, Attorney, Municipal Building. New Haven—Municipal Legal Aid Bureau, Max H. Schwartz, Attorney, City Hall.

District of Columbia Washington: Legal Aid Bureau of the District of Columbia, Miss Beatrice A. Clephane, Attorney, 1400 L St. NW.

Florida: Jacksonville—Duval County Legal Aid Association, Inc., M. G. Boyce, Executive Secretary, 400 Consolidated Building. Miami—Legal Aid Committee, Dade County Bar Association, Max R. Silver, Legal Aid Counsellor, 52 West Flagler St., Tampa—Legal Aid Bureau of Tampa, Fred T. Saussey, Jr., Attorney, Wallace S. Building.

Georgia: Atlanta—Atlanta Legal Aid Society, J. E. Thrift, Attorney, 216 Fulton County Court House.

Illinois: Chicago—Legal Aid Bureau of United Charities, Mrs. Marguerite R. Garlepy, Attorney, 330 South Wells St. Chicago—Legal Aid Department of the Jewish Social Service Bureau, Mrs. Sarah B. Schaar, Supervisor, 130 N. Wells St.

Indiana: Indianapolis—Legal Aid Society, George W. Eggleston, Attorney, 224 North Meridian St.

Iowa: Des Moines—Legal Aid Department, Polk County, Department of Social Welfare, Carl B. Parks, Attorney, 701 Fifth Ave.

Kentucky: Louisville—The Legal Aid Society of Louisville, Emmet R. Field, Attorney, 312 Realty Building.

Louisiana: New Orleans—Legal Aid Bureau, Eugene Thorpe, Attorney, 602 United Fruit Company Building.

Maryland: Baltimore—Legal Aid Bureau, Inc., Gerald Monsman, Counsel, 7 St Paul St.

Massachusetts: Boston—The Boston Legal Aid Society, Raynor M. Gardiner, General Counsel, 16–A Ashburton Place. New Bedford—Legal Aid Society, C. C. Connor, Attorney, 234 Union St. Springfield—The Legal Aid Society of Springfield, Inc., Mrs. Gertrude D. Meaney, Attorney in Charge, 182 State St.

Michigan: Detroit—Legal Aid Bureau of the Detroit Bar Association, Louis C. Miriani, Attorney, 51 West Warren Ave. Grand Rapids—Legal Aid Bureau of the Family Welfare Association, Richard C. Annis, Attorney, 306 Association of Commerce Building. Lansing—Legal Aid Bureau, John Brattin, 573 Hollister Building.

Minnesota: Minneapolis—The Legal Aid Society of Minneapolis, Inc., Richard H. Bachelder, Attorney, 200 Citizens Aid Building. St. Paul—Legal Aid Department of the Family Service, Rollin West, Attorney, Wilder Building.

Missouri: Kansas City—Legal Aid Bureau, Otto O. Bowen, Commissioner, City Hall. St. Louis—Legal Aid Bureau, Department of Public Welfare, Milton C. Lauenstein, Director, 353 Municipal Courts Building.

New Jersey: Perth Amboy—Legal Aid Committee, Perth Amboy Bar Association, Matthew F. Melko, Chairman, 214 Smith St.

New York: Albany—Legal Aid Society of Albany, Inc., Arthur J. Harvey, Attorney, 82 State St. Buffalo—Legal Aid Bureau of Buffalo, Inc., Elmer C. Miller, Attorney, 416 Prudential Building. New York City—The Legal Aid Society, Louis Fabricant, Attorney, 11 Park Place. New York City—National Desertion Bureau, Charles Zunser, Attorney, 71 West 47th St. Rochester—Legal Aid Society, Emery A. Brownell, Attorney, 25 Exchange St. Yonkers—Legal Aid Committee, Family Service Society of Yonkers, Miss Julia V. Grandin, General Secretary, 55 South Broadway.

North Carolina: Durham—Duke University Legal Aid Clinic, John S. Bradway, Director, Law School.

Ohio: Cincinnati—Legal Aid Society of Cincinnati, George H. Silverman, Attorney, 312 West Ninth St. Cleveland—Legal Aid Society of Cleveland, Claude E. Clark, Attorney, 614 Fidelity Building. Columbus—Legal Aid Clinic, Professor Silas A. Harris, Director, Ohio State University.

Oklahoma: Tulsa, Legal Aid Committee of Tulsa County Bar Association, Ralton P. Edmonds, Chairman, c/o Legal Aid Department, Carter Oil Company, National Bank of Tulsa Building.

Oregon: Portland—Legal Aid Committee, Oregon State Bar Association, Mrs. Janet W. Starkey, Supervising Attorney, Judge James W. Crawford, Chairman, County Court House.

Pennsylvania: Erie—Legal Aid Department of the Welfare Bureau, Anthony L. Gambatese, Director, 133 West 7th St. Harrisburg—Legal Aid Committee, Dauphin County Bar Association, William B. Rosenberg, Attorney, 603 State Theater Building. Philadelphia—Legal Aid Society of Philadelphia, George Scott Stewart, Attorney, 400 Harrison Building, 4 South 15th St. Pittsburgh—Legal Aid Society, Wayne Theophilus, Attorney, 519 Smithfield St.

Rhode Island: Providence—Legal Aid Society of Rhode Island, LeRoy G. Pilling, Attorney, 100 North Main St.

Texas: Dallas—Free Legal Aid Bureau, Miss Mabel Spellman, Attorney, Municipal Building.

Utah: Salt Lake City—Legal Aid Society, Benjamin Spence, Attorney, Beason Building.

Virginia: Richmond—Legal Aid Bureau, Family Service Society of Richmond, Charles E. A. Knight, Attorney, 221 Governor St.

Washington: Seattle—Legal Aid Bureau of the Seattle Bar Association, James A. Dougan, Director.

Wisconsin: Madison—Legal Aid Bureau of the Dane County Bar Association, Charles Van Dell, Cantwell Building. Milwaukee—Legal Aid Society, Mrs. Julia B. Dolan, Attorney, 502 Safety Building.

13. Where legal-assistance officers are to be established, as herein contemplated, they should be established as soon as possible without further directive.

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43–11207; Filed, July 12, 1943; 12:09 p. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 8 Under Service Order 133]

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

ICING OF CABBAGE

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees) to both bunker and top or body ice PFE 95900 destined Hattiesburg, Mississippi, PFE 60292 destined Gulfport, Mississippi, NP 90794 and PFE 30585 destined Birmingham, Alabama, all containing cabbage from Lenexa, Kansas.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 30th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43–11241; Filed, July 13, 1943; 10:55 a. m.]

[Special Permit 9 Under Service Order 133]

PRATTSBURGH RAILWAY CORP. AND ERIE RAILROAD CO.

ICING OF LETTUCE

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

Either the Prattsburgh Railway Corporation or the Erie Railroad Company, but not both, to initially ice, with both bunker and top or body ice, (top or body ice must not exceed 2,000 pounds per car) not to exceed 100 refrigerator cars loaded with Iceberg lettuce in straight shipments shipped by E. V. De Zetter, Prattsburgh, New York, destined New York, New York, or other points.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 8th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43–11242; Filed, July 13, 1943; 10:55 a. m.]

[Special Permit 10 Under Service Order 133]

KANSAS CITY SOUTHERN RAILWAY CO., ET AL.

ICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Kansas City Southern Railway Company to initially ice or reice, with both bunker and top or body ice, SFRD 32161 and PFE 31167, loaded with vegetables in mixed shipments, destined Camp Crowder, Missouri; also for the Union Pacific Railroad Company to initially ice or reice, with both bunker and top or body ice, SFRD 532294, SFRD 23893, and URTX 95544, containing vegetables in mixed shipments, destined Fort Riley, Kansas; also for the Chicago, Burlington & Quincy Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 14288 and ART 20459, containing vegetables in mixed shipments, destined Woodlawn, Nebraska; also for the Chicago, Burlington & Quincy Railroad Company, or connection, to initially ice or reice, with both bunker and top or body ice, ART 17157, containing vegetables in mixed shipments, destined Sioux Falls, South Dakota; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to initially ice or reice, with both bunker and top or body ice, NRC 16004, containing vegetables in mixed shipments, destined Great Bend, Kansas, all originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 30th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43–11243; Filed, July 13, 1943; 10:55 a. m.]

[Special Permit 11 Under Service Order 133]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

ICING OF VEGETABLES AND FRUITS

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Chicago, Burlington & Quincy Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 71789, PFE 70910, and PFE 31311 containing vegetables and fruits in mixed shipments destined Woodlawn, Nebraska; also for the Chicago, Burlington & Quincy Railroad Company, or connection, to initially ice or reice, with both bunker and top or body ice, PFE 28981 containing vegetables and fruits in mixed shipments destined Sioux Falls, South Dakota.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3rd day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43–11244; Filed, July 13, 1943; 10:55 a. m.]

[Special Permit 12 Under Service Order 133]

SOUTHERN PACIFIC CO.

ICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, or carriers shown on waybills, to initially ice or reice, with both bunker and top or body ice, PFE 21205, MDT 7253, PFE 42320, PFE 42853, PFE 75406, PFE 29213, PFE 92964, ART 23176, SFRD 36339, and MDT 4216, vegetables shipped by H. P. Garin Co., Salinas, California, destined New Haven, Connecticut, Bridgeport, Connecticut, Washington, D. C., New York, New York, Buffalo, New York, Boston, Massachusetts, New York, New York, Philadelphia, Pennsylvania, Washington, D. C., and Greensboro, North Carolina, respectively.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3rd day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11245; Filed, July 13, 1943; 10:55 a. m.]

[Special Permit 13 Under Service Order 133]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO., ET AL.

ICING OF VEGETABLES AND FRUITS

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Chicago, Burlington & Quincy Railroad Company, or connection, to initially ice or reice, with both bunker and top or body ice, (1,000 pounds snow ice), URT 5051 containing vegetables and fruits in mixed shipments destined Sioux Falls, South Dakota; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to initially ice or reice, with both bunker and top or body ice, (1,000 pounds top ice), PFE 21440 containing vegetables and fruits in mixed shipments destined Great Bend, Kansas; also for the Union Pacific Railroad Company to initially ice or reice, with both bunker and top or body ice, (2,000 pounds top ice), PFE 45250 containing vegetables in mixed shipments destined Fort Riley, Kansas, all originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 5th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11246; Filed, July 13, 1943; 10:55 a. m.]

[Special Permit 14 Under Service Order 133]

SOUTHERN PACIFIC CO.

ICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, or carriers shown on waybills, to initially ice or reice, with both bunker and top or body ice, PFE 42013, MDT 20462, PFE 91070, PFE 95833, PFE 25524, vegetables shipped by H. P. Garin Co. from either Graves or Hollister, California, destined Greenville, South Carolina, Atlanta, Georgia, Bainbridge, Maryland, Tampa, Florida, and Miami, Florida, respectively.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 6th of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11247; Filed, July 13, 1943; 10:56 a. m.]

[Special Permit 15 Under Service Order 133]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

ICING OF VEGETABLES AND FRUITS

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Kansas City Southern Railway Company to initially ice or reice, with both bunker and top or body ice (1,000 pounds snow ice), PFE 97040 containing vegetables and fruits in mixed shipments destined Camp Crowder, Missouri; Also for the Chicago, Burlington & Quincy Railroad Company, or connection, to initially ice or reice, with both bunker and top or body ice (1,000 pounds snow ice), PFE 74272 containing vegetables and fruits in mixed shipments destined Sergeant Bluffs, Iowa, all originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 6th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11248; Filed, July 13, 1943; 10:56 a. m.]

[Special Permit 16 Under Service Order 133]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. AND SOUTHERN PACIFIC CO.

ICING OF CABBAGE

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Atchison, Topeka and Santa Fe Railway Company, or the Southern Pacific Company, to initially ice or reice, with both bunker and top or body ice, PFE 18120 containing cabbage shipped by Jones & Cavanaugh, Los Angeles, California, consigned to Leon G. Pujague, New Orleans, Louisiana.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 7th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11249; Filed, July 13, 1943; 10:56 a. m.]

[Special Permit 17 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago and North Western Railway Company, or The Pennsylvania Railroad Company to initially ice or reice, with both bunker and top or body ice, MDT 21117, vegetables shipped from Salinas, California, consigned I. Cohen Sons, Pittsburgh, Pennsylvania; also for the Southern Pacific Company, the Union Pacific Railroad Company, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or The Baltimore and Ohio Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 51554 shipped from Salinas, California, consigned to W. R. Hackett, Dayton, Ohio.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 7th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11250; Filed, July 13, 1943; 10:56 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

DELIVERY OF DAIRY PRODUCTS IN DUBOIS, PENNSYLVANIA

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), Dubois Dairy Company, S. R. Kitchen, doing business as S. R. Kitchen Dairy and V. T. Smith, doing business as V. T. Smith Dairy, of Dubois, Pennsylvania, and Wm. Fairman, doing business as Wm. Fairman Dairy and B. E. Knarr, doing business as Knarr Stock Farms, of Luthersburg, Pennsylvania, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of dairy products in Dubois and vicinity.

The participants in the plan propose to eliminate wasteful operations in the transportation and delivery of dairy products by limiting retail deliveries to an every-other-day basis. They will operate their delivery trucks daily, serving half of their respective customers each day with a 2-days' supply. Trucks will leave the processing plants fully loaded and will make only one trip a day over any segment of a route. The participants estimate that effectuation of the plan will result in savings of 40 percent or approximately 120,000 truck-miles a year. Exchange of customers is not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 9th day of July 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11236; Filed, July 13, 1943; 10:51 a. m.]

DELIVERY OF MEATS, GROCERIES AND DAIRY PRODUCTS IN PRARIE DU CHIEN, WISCONSIN

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), the grocers and dairymen of the Prairie du Chien, Wisconsin, listed in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of meats, groceries and dairy products in Prairie du Chien.

The participants in the plan propose to eliminate wasteful operations in the transportation and delivery of meats, groceries and dairy products by reducing the frequency of deliveries. Meats and groceries will be delivered to retail customers generally on Tuesdays and Fridays of each week and on the preceding day instead when a holiday occurs on the regular delivery day. Dairy products will be delivered to hospitals in accordance with General Order ODT 17, as amended, and to retail customers generally on an every-other-day basis. No extra or special deliveries will be made except of dairy products to hospitals as provided for by General Order ODT 17, as amended.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 9th day of July 1943.

JOSEPH B. EASTMAN,
Director.

APPENDIX A

Grocers

1. Hi-Way Market by William Plebyl
2. Herpel and Son by August Herpel
3. Hill View Market by F. C. Kramer
4. Ed Benish
5. Blackhawk Food Store by Ervin A. Benish
6. Leo LaPointe
7. Reed's Market by Mrs. Claire Reed
8. Scherlin & Son by F. C. Scherlin

Dairymen

1. Ahrens Dairy by Willard Ahrens
2. Prairie Dairy by A. M. Lechnir
3. Selch Dairy by Edward Selch
4. Schultz Dairy by Walt Schultz
5. Wetzel Dairy by Geo. F. Wetzel
6. Campbell Dairy by Mrs. Helen Campbell
7. Hanson Dairy by Guy L. Hanson.

[F. R. Doc. 43-11237; Filed, July 13, 1943; 10:51 a. m.]

OFFICE OF PRICE ADMINISTRATION

LIST OF COMMUNITY CEILING PRICE ORDERS FOR REGION III UNDER GENERAL ORDER 51

The following orders under General Order 51 have been filed with the Division of the Federal Register.

REGION III

Saginaw Order 1, Filed 1:19 p. m. July 10, 1943.
Saginaw Order 1, Amendment 2, Filed 1:21 p. m. July 10, 1943.
Saginaw Order 2, Filed 1:21 p. m. July 10, 1943.
Saginaw Order 2, Amendment 1, Filed 1:24 p m. July 10, 1943.
Saginaw Order 2, Amendment 2, Filed 1:24 p m. July 10, 1943.
Saginaw Order 3, Filed 1:24 p. m. July 10, 1943.
Saginaw Order 3, Amendment 1, Filed 1:23 p. m. July 10, 1943.
Sagina· Order 3, Amendment 2, Filed 1:25 p. m. July 10, 1943.
Saginaw Order 4, Filed 1:23 p. m. July 10, 1943.
Saginaw Order 5, Filed 1:25 p. m. July 10, 1943.
Saginaw Order 6, Filed 1:25 p. m. July 10, 1943.
Saginaw Order 10, Filed 1:26 p. m. July 10, 1943.
Saginaw Order 11, Filed 1:27 p. m. July 10, 1943.
Saginaw Order 12, Filed 1:28 p. m. July 10, 1943.
Cincinnati Order 2, Amendment 1, Filed 1:21 p. m. July 10, 1943.
Cincinnati Order 3, Amendment 1, Filed 1:21 p. m. July 10, 1943.
Cincinnat' Order 3, Amendment 2, Filed 1:22 p. m. July 10, 1943.
Cincinnati Order 3, Amendment 3, Filed 1:22 p. m. July 10, 1943.
Detroit Order 2, Amendment 1, Filed 1:24 p m. Jul: 10, 1943.
Detroit Order 4, Amendment 2, Filed 1:23 p. m. July 10, 1943.
Detroit Order 4, Amendment 3, Filed 1:23 p m. July 10, 1943.
Columbus Order 2, Amendment 1, Filed 1:17 p. m. July 10, 1943.
Grand Rapids Order 3, Amendment 1, Filed 1:17 p. m. July 10, 1943.
Grand Rapids Order 4, Filed 1.17 p. m. July 10, 1943.
Grand Rapids Order 4, Amendment 1, Filed 1:18 p. m. July 10, 1943.
Grand Rapids Order 5, Filed 1:18 p. m. July 10, 1943.
Grand Rapids Order 5, Amendment 1, Filed 1:19 p. m. July 10, 1943.
Louisville Order 3, Amendment 2, Filed 1:35 p. m. July 10, 1943.
Louisville Order 3, Amendment 3, Filed 1:17 p. m. July 10, 1943.
Louisville Order 4, Filed 1:35 p. m. July 10, 1943.
Lexington Order 4, Filed 4:50 p. m. July 10, 1943.
Cleveland Order 5, Filed 1:38 p. m. July 10, 1943.
Cleveland Order 7, Filed 4:54 p. m. July 10, 1943.
Cleveland Order 8, Filed 4:51 p. m. July 10, 1943.
Cleveland Order 11, Filed 4:52 p. m. July 10, 1943.

Cleveland Order 12, Filed 4:52 p. m. July 10, 1943.
Cleveland Order 13, Filed 4:53 p. m. July 10, 1943.
Cleveland Order 14, Filed 4:53 p. m. July 10, 1943.
Cleveland Order 15, Filed 4:50 p. m. July 10, 1943.
Iron Mountain Order 7, Filed 1:36 p. m. July 10, 1943.
Iron Mountain Order 8, Filed 1:37 p. m. July 10, 1943.
Iron Mountain Order 9, Filed 1:33 p. m. July 10, 1943.
Iron Mountain Order 10, Filed 1:37 p. m. July 10, 1943.
Northern Indiana Order 5, Filed 1:29 p. m. July 10, 1943.

ERVIN H. POLLACK,
Head, Editorial and Reference Section, Legal Department.

[F. R. Doc. 43-11228; Filed, July 12, 1943; 4:43 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS FOR REGION IV UNDER GENERAL ORDER 51

The following orders under General Order 51 have been filed with the Division of the Federal Register.

REGION IV

Birmingham Order 3, Amendment 2, Filed 11:38 a. m. July 9, 1943.
Birmingham Order 4, Filed 11:40 a. m. July 9, 1943.
Birmingham Order 5, Filed 11:40 a. m. July 9, 1943.
Richmond Order 3, Amendment 1, Filed 11:41 a. m. July 9, 1943.
Richmond Order 3, Amendment 2, Filed 11:41 a. m. July 9, 1943.
Richmond Order 4, Filed 11:42 a. m. July 9, 1943.
Richmond Order 5, Filed 11:42 a. m. July 9, 1943.
Knoxville Order 3, Amendment 1, Filed 11:43 a. m. July 9, 1943.
Montgomery Order 3, Amendment 1, Filed 11:44 a. m. July 9, 1943.
Montgomery Order 4, Filed 11:42 a. m. July 9, 1943.
Montgomery Order 5, Filed 11:45 a. m. July 9, 1943.
Montgomery Order 6, Filed 11:38 a. m. July 9, 1943.
Atlanta Order 3, Amendment 1, Filed 11:40 a. m. July 9, 1943.
Atlanta Order 5, Filed 11:41 a. m. July 9, 1943.
Atlanta Order 6, Filed 11:39 a. m. July 9, 1943.
Charlotte Order 4, Filed 11:43 a. m. July 9, 1943.
Charlotte Order 5, Filed 11:44 a. m. July 9, 1943.
Memphis Order 3, Amendment 1, Filed 11:43 a. m. July 9, 1943.
Jackson Order 4, Filed 11:43 a. m. July 9, 1943.

ERVIN H. POLLACK,
Head, Editorial and Reference Section, Legal Department.

[F. R. Doc. 43-11229; Filed, July 12, 1943; 4:43 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 12, 1943.

Order number	*Name*
RPS 41, Order 17	Westlectric Castings Inc.
RPS 64, Order 104	L. A. Althoff Corp.
MPR 121, Order 17	C. Reiss Coal Co.
MPR 136, as amended, Order 74	Eisler Engineering Co.
MPR 136, as amended, Order 75	Haydon Mfg. Co.
RMPR 125, Order 35	Herrick Brass Foundry.
MPR 163, Order 16	Security Mills, Incorp.
MPR 188, Order 314, Amendment 1	Western Electric Co.
MPR 188, Order 493	Kroehler Mfg. Co.
MPR 335, Order 9	Quaker Maid Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11254; Filed, July 13, 1943; 11:21 a. m.]

[Amdt. 1 to Order A-2, MPR 188]

PRODUCERS OF LADLE BRICK

ADJUSTMENT PROVISIONS

Amendment No. 1 to Order A-2 under § 1499.159 (b) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying Amendment No. 1 to Order No. A-2 under § 1499.159 (b) of Maximum Price Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Paragraph (a) (2) is added to read as follows:

(a) *Adjustment provisions for particular commodities under Maximum Price Regulation No. 188.* The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price for a particular commodity established under Maximum Price Regulation No. 188 as hereinafter provided. Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

(2) *Ladle brick.* The following adjustment provision, subdivision (i) permits the granting of relief to producers of ladle brick who are unable to maintain or expand their production under their existing maximum prices whenever there is a general shortage in the essential supply of the commodity. The extent of relief to be granted under the provision is set forth therein.

(i) Whenever it appears that a shortage exists or threatens to exist in the essential supply of ladle brick, and that a producer of such commodity is unable to maintain or expand his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1 or on its own motion, by order, adjust his maximum price or prices by an amount necessary to permit the maintenance or expansion of such production upon a basis which will cover total costs.

In determining the amount of adjustment which may be granted, consideration will be given to such factors as:

(*a*) Revenue from sales of such commodity and from all other sources, and

(*b*) Production; mining, development, processing, and transportation costs; administrative and sales expenses; depreciation and depletion charges; taxes (excluding Federal and State income taxes); and capital investment.

(ii) Before filing an application for adjustment under the provisions of subdivision (i) it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

The term "ladle brick" herein means low heat duty refractory brick used principally to fine ladles in the iron and steel industry. These bricks are manufactured from certain highly silicious fire clays by the dry press, wire cut or soft mud process.

This Amendment No. 1 to Order No. A-2 shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871)

Issued this 13th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11253; Filed, July 13, 1943; 11:21 a. m.]

Regional, State and District Office Orders.

[Region VIII Order G-8]

ALFALFA MEAL IN NEVADA

Order No. G-8 Under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. 9)—Maximum Prices for Sales of Alfalfa Meal by Alfalfa Meal Millers Located in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

SECTION 1. *Maximum prices for alfalfa meal sold by alfalfa meal millers located in the State of Nevada*—A. *Maximum prices f. o. b. alfalfa meal mill.* The adjusted maximum price f. o. b. mill for alfalfa meal millers whose mills are located in Nevada shall be the particular mill's maximum delivered price in North-

ern California for the particular kind and grade of alfalfa meal, determined pursuant to Order No. 7 (redesigned as Order No. G–6) issued, pursuant to § 1499.18 (c), as amended, of the General Maximum Price Regulation on January 9, 1943, by the Office of Price Administration, San Francisco Regional Office, and any and all amendments thereto, less transportation costs at the minimum carload rate for alfalfa meal from the particular mill to San Francisco, California.

SEC. 2. Alfalfa meal mills affected by this order shall not change their customary allowances, discounts or other price differentials except to the extent any change made results in a lower price.

SEC. 3. This order shall not apply to dehydrated alfalfa meal.

SEC. 4. Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

SEC. 5. This order may be revoked or amended by the Office of Price Administration at any time.

SEC. 6. This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 27th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R Doc. 43-11227; Filed, July 12, 1943; 4:37 p. m.]

[Region VIII Order G-9]

ALFALFA MEAL IN WASHINGTON AND OREGON

Order No. G–9 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. 11)—Adjusted Maximum Prices for Sales of Alfalfa Meal by Alfalfa Meal Millers Located in Washington and Oregon and for all Sales of Alfalfa Meal Delivered to Purchasers in Oregon and Washington by Alfalfa Meal Millers Located Outside of Region VIII.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, and § 1499.18 (c), as amended, of the General Maximum Price Regulation as amended, *It is hereby ordered:*

SECTION 1. *Maximum prices for alfalfa meal sold by Alfalfa Meal Millers located in the States of Oregon and Washington—A. Maximum prices f. o. b. alfalfa meal mill*—(a) *The maximum price for No. 1—13% protein, 33% fiber alfalfa meal.* The maximum price for alfalfa meal millers whose mills are located in Washington and Oregon, for No. 1—13% protein, 33% fiber alfalfa meal per ton f. o. b. alfalfa meal mill shall be the sum of:

(i) The market price for U. S. No. 2 green chopped alfalfa hay,

(ii) A conversion charge of $8.25, and

(iii) The cost of bags furnished by the alfalfa meal millers, not to exceed the maximum prices established therefor under any maximum price regulation issued by the Office of Price Administration.

(b) *The market price for U. S. No. 2 green chopped alfalfa hay.* Alfalfa meal mills located in Washington and Oregon shall use as the market price for U. S. No. 2 green chopped alfalfa hay the price quoted in the Weekly Alfalfa Market Review for said hay at the particular mill, during the week preceding the day on which the particular sale of meal is made.

(c) *The maximum prices for grades of alfalfa meal other than No. 1—13% protein, 33% fiber.* Alfalfa meal mills located in Washington and Oregon shall determine adjusted maximum prices for grades of alfalfa meal other than No. 1—13% protein, 33% fiber alfalfa meal in the following manner:

(1) The maximum price for alfalfa meal having a higher protein content than 13% shall be the maximum price determined under Paragraph (a) above for No. 1—13% protein, 33% fiber alfalfa meal, plus the sum of $2.00 per ton for each additional protein unit.

(2) The maximum price for alfalfa meal having a lower protein content than 13% shall be the maximum price determined under Paragraph (a) above for No 1—13% protein, 33% fiber alfalfa meal, less the sum of $2.00 per ton for each unit of protein less than 13%, provided that in no event shall the maximum deduction be more than $8.00 per ton.

B. Maximum delivered prices. The maximum delivered prices in California, Arizona, Nevada, Oregon and Washington for alfalfa meal millers whose mills are located in Washington and Oregon shall be the maximum f. o. b. prices determined under paragraphs (a) or (c) above, plus actual transportation costs for shipment to purchaser's receiving point, not to exceed the minimum motor common carrier rate.

SEC. 2. *Maximum prices for alfalfa meal delivered to purchasers in the States of Washington and Oregon by alfalfa meal millers located outside of Region VIII.* The maximum price for alfalfa meal delivered to a purchaser in Washington or Oregon by an alfalfa meal miller whose mill is located outside of Region VIII (California, Arizona, Nevada, Washington and Oregon) shall be the lower of the maximum prices for the particular grade of alfalfa meal delivered at the purchaser's receiving point by the following alfalfa meal mills:

Yakima Milling Company, Yakima, Washington.

Fry Milling Company, Prosser, Washington.

SEC. 3. *Reporting requirements.* Yakima Milling Company and Fry Milling Company shall, by Tuesday of each week, send to Agricultural Marketing Administration, 345 U. S. Courthouse Building, Portland, Oregon, a statement setting forth the quantities of alfalfa hay purchased during the preceding week, and the amounts paid therefor f. o. b. their mills.

SEC. 4. Alfalfa meal millers affected by this order shall not change their customary allowances, discounts or other price differentials except to the extent any change made results in a lower price.

SEC. 5. This order shall not apply to dehydrated alfalfa meal.

SEC. 6. Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

SEC. 7. This order may be revoked or amended by the Office of Price Administration at any time.

SEC. 8. This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11224; Filed, July 12, 1943; 4:38 p. m.]

[Region VIII Order G-9, Amdt. 1]

ALFALFA MEAL IN WASHINGTON AND OREGON

Amendment No. 1 to Order No. G–9 (formerly Order No. 11) under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c), as amended, of the General Maximum Price Regulation, and the provisions of section 7 of the order issued in this matter on January 30, 1943, in reference to amendments, *It is hereby ordered:*

(1) Section 2 of said order be, and the same is hereby eliminated and stricken from said order, and in place and stead thereof the following is substituted:

SEC. 2. *Maximum price for alfalfa meal delivered to purchasers in the States of Washington and Oregon by alfalfa meal millers located outside of Region VIII.* (a) The maximum price for alfalfa meal delivered to a purchaser in Washington or Oregon by an alfalfa meal miller whose mill is located outside of Region VIII shall be the f. o. b. maximum price of Yakima Milling Company, Yakima, Washington, and Fry Milling Company, Prosser, Washington, for the particular grade of alfalfa meal, plus actual transportation costs for shipment from the particular mill outside of Region VIII to buyer's receiving point, not to exceed the minimum railroad carload rate.

(b) *Definition of Region VIII.* Region VIII, as used in this order means the states of California, Oregon, Washington, Nevada and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Nez Perce, Shoshone, and Idaho.

(2) This Amendment No. 1 shall be subject to adjustment and amendment by the Office of Price Administration at any time.

(3) This Amendment No. 1 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11223; Filed, July 12, 1943; 4:37 p. m.]

[Region VIII Order G-10]

ALFALFA MEAL IN CERTAIN WESTERN STATES

Order No. G-10 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. 12)—Adjusted Maximum Prices for Sales of Alfalfa Meal by Wholesalers and Retailers Located in Region VIII.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

SECTION 1. *Adjusted maximum prices for sales of alfalfa meal by wholesalers and retailers located in Region VIII.* (a) The adjusted maximum prices, except as provided in paragraph (e) below, for the sales of alfalfa meal by persons other than the millers thereof shall be the sum of:

(i) The average inventory cost of the particular kind and grade of alfalfa meal, and

(ii) The applicable margin set forth in paragraph (c) below.

The adjusted maximum prices determined pursuant to this paragraph (a) are prices f. o. b. seller's place of business.

(b) *Average inventory cost.* Purchasers of alfalfa meal for resale shall determine average inventory cost in the following manner: Every reseller shall determine the amount of each particular grade and kind of alfalfa meal which he has on hand at noontime on Friday of each week. He shall then determine the total net cost to him of each grade and kind of alfalfa meal. The total net cost shall be divided by the total volume. The resulting figure will be the average inventory cost. This figure shall be used in determining maximum prices during the succeeding week.

(c) *Applicable margins*—(1) *Wholesale sales.* For sales at wholesale the margin shall not exceed $3.50 per net ton.

(2) *Retail sales.* For sales at retail the margin shall not exceed $5.00 per net ton in case of sales of meal purchased by the seller from a person other than the producing mill, and $7.50 in case of sales of alfalfa meal purchased by the seller from the producing mill.

(d) Notwithstanding the provisions of paragraph (c) above, the margin of a person making a sale at retail, when added to the margins taken by prior resellers, shall not exceed $8.50, and the margin of a person making a sale at wholesale, when added to the margin taken by prior resellers, shall not exceed $3.50.

(e) *Direct mill carload sales.* For direct carload shipments from producing mill to any purchaser the maximum price of the person making such a sale shall be $1.00 per net ton above the producing mill's selling price f. o. b. mill, plus actual transportation costs to purchaser.

SEC. 2. *Discounts.* No purchaser for resale shall change his discounts for cash unless such change results in a lower price.

SEC. 3. *Definitions.* (1) A "sale at retail" means a sale to an ultimate consumer, at one time, of less than one ton of alfalfa meal.

(2) A "sale at wholesale" means a sale in any quantity for resale, or a sale to an ultimate consumer, at one time, of one ton or more of alfalfa meal.

(3) "Region VIII" means California, Arizona, Nevada, Oregon and Washington.

SEC. 4. Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

SEC. 5. This order may be revoked or amended by the Office of Price Administration at any time.

SEC. 6. This order shall become effective upon its issuance, and shall apply only to purchasers for resale located within Region VIII.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11226; Filed, July 12, 1943; 4:37 p. m.]

[Region VIII Order G-11]

FIREWOOD IN CERTAIN NEVADA AREAS

Order No. G-11 under § 1499.18 (c) as Amended, of the General Maximum Price Regulation (formerly Order No. G-14)—Adjusted Maximum Prices for Sales of Firewood at Retail in Certain Localities in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

1. *Adjusted maximum prices for firewood sold at retail.* The maximum prices for firewood sold at retail in the localities set forth below and in the quantities set forth below shall be the applicable adjusted price specified in the schedule set forth below:

(a) *City of Reno:*

Type of firewood:	*Retail prices f. o. b. retailers' yard*
Slabwood	$8.00 per cord.
	$4.25 per half cord.
	$2.50 per quarter cord.
Mill Blocks	$10.00 per cord.
	$5.25 per half cord.
	$3.00 per quarter cord.
Limb Wood	$12.00 per cord.
	$6.25 per half cord.
	$3.50 per quarter cord.

(b) *Sparks:*

Type of firewood:	*Retail prices f. o. b. retailers' yard*
Slabwood	$8.00 per cord.
	$4.25 per half cord.
	$2.50 per quarter cord.
Mill Blocks	$10.00 per cord.
	$5.25 per half cord.
	$3.00 per quarter cord.
Limb Wood	$12.00 per cord.
	$6.25 per half cord.
	$3.50 per quarter cord.

(c) *Carson City:*

Type of firewood:	*Retail prices f. o. b. retailers' yard*
Slabwood	$10.50 per cord.
	$5.50 per half cord.
	$3.00 per quarter cord.
Mill Blocks	$11.50 per cord.
	$6.00 per half cord.
	$3.25 per quarter cord.
Limb Wood	$12.00 per cord.
	$6.25 per half cord.
	$3.50 per quarter cord.

(d) *Minden:*

Type of firewood:	*Retail prices f. o. b. retailers' yard*
Slabwood	$11.00 per cord.
	$5.75 per half cord.
	$3.25 per quarter cord.
Mill Blocks	$12.00 per cord.
	$6.25 per half cord.
	$3.50 per quarter cord.
Limb Wood	$12.00 per cord.
	$6.25 per half cord.
	$3.50 per quarter cord.

(e) *Austin:*

Type of firewood:	*Retail prices f. o. b. retailers' yard*
Limb Wood	$14.00 per cord.
	$7.25 per half cord.
	$4.00 per quarter cord.

(f) *Wells:*

Type of firewood:	*Retail prices f. o. b. retailers' yard*
Limb Wood	$13.00 per cord.
	$6.75 per half cord.
	$3.75 per quarter cord.

2. *Definitions.* (a) "Slabwood" means the refuse except sawdust and bark not adhering to the wood from sawing any logs, not exceeding 12" in length.

(b) "Mill blocks" means miscellaneous pieces of boards not exceeding 18" in length resulting from the sawing of lumber to specifications.

(c) "Limb wood" means the limbs of pine, cedar, mahogany, or other evergreen trees commonly used for firewood which are not less than three inches in diameter and not more than 16" in length.

(d) "Sale at retail" means a sale of firewood to an ultimate consumer.

(e) The name of any place includes the area within a radius of five miles from the city limits if the place is an incorporated city or town and from the center of the city, town, or settlement if it is not incorporated.

(f) "Cord" means a quantity of wood containing 128 cubic feet. A cord of sixteen inch wood shall contain the equivalent of three piles of wood four feet high, eight feet long and sixteen inches wide. A cord of twelve inch wood shall contain the equivalent of four piles of four feet high, eight feet long, and twelve inches wide. No cord of wood of any length shall contain less than 128 cubic feet of wood.

3. *Evasion.* (a) The price limitations set forth in this Order No. G–11 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to firewood in the State of Nevada, alone or in conjunction with any commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) The maximum prices established in this Order G–11 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on March 1, 1942.

4. Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

5. This order may be revoked or amended by the Office of Price Administration at any time.

6 This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 11th day of February 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–11225; Filed, July 12, 1943; 4:38 p. m.]

SELECTIVE SERVICE SYSTEM.

[Order 13]

MINNESOTA AGRICULTURAL EXPERIMENT PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, by virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8675, 6 F.R. 831, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission under Administrative Order No. 26, 7 F.R. 10512, hereby designate the Minnesota Agricultural Experiment Project to be work of national importance, to be known as Civilian Public Service Camp No. 113. Said project, located at Waseca, Waseca County, Minnesota, and such other experiment stations as may be necessary, will be the base of operations for farm work in the State of Minnesota, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

The work to be undertaken by the men assigned to said project will consist primarily of farming operations, care of livestock, and production of seed for sale to farmers and shall be under the technical direction of the Department of Agriculture, University of Minnesota at St. Paul and the State Agricultural Experiment Stations. The camp, insofar as camp management is concerned, will be under the same institutions. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Service Act and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

JULY 10, 1943.

[F. R. Doc. 43–11216; Filed, July 12, 1943; 3:28 p. m.]

WAR FOOD ADMINISTRATION.

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY REGARDING SLAUGHTER PERMITS AND QUOTAS

Pursuant to the provisions of Food Distribution Order No. 27, as amended (8 F.R. 2785, 4227 5700, 7739, 8795), and orders issued by the Director pursuant thereto (8 F.R. 7185, 8796), and to effectuate the purposes of such orders:

1. Regional Administrators of the Food Distribution Administration, War Food Administration, are hereby authorized to issue, suspend, and revoke permits for local slaughterers, butchers, farm slaughterers, and custom slaughterers, and to grant, adjust, suspend, and revoke quotas for local slaughterers, butchers, and farm slaughterers.

2. All authority herein conferred shall be exercised in accordance with instructions issued by the War Food Administrator or the Director of Food Distribution.

3. To the extent of the authority herein delegated, the order of the Director of Food Distribution entitled "Regional Administrators—Delegation of Authority Regarding Permits", dated May 8, 1943 (8 F.R. 6065), is hereby superseded.

4. Nothing contained herein shall be construed to affect any power or authority vested in the Director of Food Distribution under Food Distribution Order No. 27, as amended.

This order shall become effective at 12:01 a. m., e. w. t., June 29, 1943.

Issued this 29th day of June 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–11230; Filed, July 12, 1943; 4:15 p. m.]

WAR PRODUCTION BOARD.

[Revocation of Certificate 27]

TANK CARS

To the ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated January 9, 1943, concerning Transportation Request No. 1 of the Director General for Operations of the War Production Board.

Dated: July 10, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–11232; Filed, July 13, 1943; 10:50 a. m.]

[Certificate 94]

DELIVERY OF DAIRY PRODUCTS IN DUBOIS, PENNSYLVANIA

To the ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery by motor vehicle of dairy products in Dubois, Pennsylvania, and vicinity.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: July 10, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–11233; Filed, July 13, 1943; 10:50 a. m.]

[Certificate 95]

DELIVERY OF MEATS, GROCERIES AND DAIRY PRODUCTS IN PRAIRIE DU CHIEN, WISCONSIN

To the ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery by motor vehicle of meats, groceries and dairy products in Prairie du Chien, Wisconsin.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: July 10, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–11234; Filed, July 13, 1943; 10:51 a. m.]

[1] *Supra.*

Reference

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TITLE

Chapter VII-

PART 727-

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§ 727.601 *P*
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Chapter XI—

PART 1405—

RESTRICTIONS R

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FEDERAL REGISTER

VOLUME 8 NUMBER 139

Washington, Thursday, July 15, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

PART 727—FLUE-CURED TOBACCO

NATIONAL MARKETING QUOTA, 1944–45 MARKETING YEAR

§ 727.601 *Proclamation of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1944.* The amount of the national marketing quota for the marketing year beginning July 1, 1944 is 714,000,000 pounds, the same amount as the national marketing quota for the marketing year beginning July 1, 1943, as proclaimed on November 28, 1942 (7 F.R. 9915) and March 12, 1943 (8 F.R. 6327).

(52 Stat. 46, 53 Stat. 1261, 54 Stat. 392; 7 U.S.C. 1940 ed, 1312 (a); Public Law 118, 78th Congress, 1st Session, approved July 7, 1943; Executive Order 9322, of March 26, 1943, as amended, by Executive Order 9334, of April 19, 1943)

Issued at Washington, D. C., this 13th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–11303; Filed, July 14, 1943; 11:37 a. m.]

Chapter XI—War Food Administration

[FDO 49–6]

PART 1405—FRUITS AND VEGETABLES

RESTRICTIONS RELATIVE TO IRISH POTATOES

Pursuant to the authority vested in me by Food Distribution Order No. 49, dated April 13, 1943, as amended, effective pursuant to Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered*, As follows:

§ 1405.15 *Reduction in territorial scope.* (a) The territorial scope of Food Distribution Order No. 49, as amended, is hereby reduced by excluding from the scope of said order, as amended, the following areas in the States of North Carolina and Virginia:

(1) The counties of Northampton, Halifax, Martin, Pitt, Greene, Wayne, Johnston, Harnett, Cumberland, Robeson, Hertford, Gates, Bertie, Washington, Beaufort, Craven, Lenoir, Duplin, Sampson, Bladen, Columbus, Brunswick, Camden, Currituck, Pasquotank, Perquimans, Chowan, Tyrrell, Dare, Hyde, Pamlico, Jones, Carteret, Onslow, Pender, and New Hanover in the State of North Carolina; and

(2) The counties of Accomac, Northampton, Warwick, York, Elizabeth City, Princess Anne, Norfolk, Nansemond, Isle of Wight, James City, Gloucester, Mathews, Middlesex, King William, and King and Queen in the State of Virginia.

(b) The provisions and requirements of Food Distribution Order No. 49, as amended, shall not, from the effective date of this order, be applicable to the areas described in (a) hereof.

(c) With respect to violations of Food Distribution Order No. 49, as amended, rights accrued, or liabilities incurred, in the areas named in (a) hereof, prior to the effective date of this order, said Food Distribution Order No. 49, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceedings with respect to any such violation, right, or liability.

(d) This order shall become effective at 12: 01 a. m., e. w. t., July 13, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. No. 49, 8 F.R. 4859, 5700, 9041)

Issued this 13th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–11281; Filed, July 13, 1943; 4:56 p. m.]

[FDO 27–2, Amdt. 2]

PART 1410—LIVESTOCK AND MEATS

MEAT QUOTAS

Food Distribution Order No. 27–2, issued by the Director of Food Distribu-

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
AGRICULTURAL ADJUSTMENT AGENCY:	
Tobacco, flue-cured; 1944–45 marketing quota	9641
FEDERAL COMMUNICATIONS COMMISSION:	
Western Union Telegraph Co., order for hearing	9729
FEDERAL TRADE COMMISSION:	
Lorillard, P., Co., Inc., hearing	9730
INTERNAL REVENUE BUREAU:	
Tax on transportation of property, coal	9642
INTERSTATE COMMERCE COMMISSION:	
Quebec, rerouting of freight traffic in flood conditions	9729
Refrigeration of vegetables using top or body ice	9728
Southern Pacific Co., et al., reicing of vegetables	9730
NAVY DEPARTMENT:	
Naval Reserve, complete revision of regulations	9643
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Industrial Container Co	9727
Fruits and vegetables, fresh, for table use; sales except at retail (MPR 426, Am. 2)	9727
Olive oil (RPS 53, Am. 38)	9727
PETROLEUM ADMINISTRATION FOR WAR:	
Petroleum production operations; oil wells in New York, Pennsylvania, West Virginia, Eastern Ohio, and Eastern Kentucky (PAO 11, Supp. Order 2)	9728
SECURITIES AND EXCHANGE COMMISSION:	
New York Curb Exchange, order disposing of applications for permission to extend unlisted trading privileges	9730
WAR FOOD ADMINISTRATION:	
Cocoa beans, quotas and records (FDO 25–1, Am. 1)	9642
Meat quotas (FDO 27–2, Am. 2)	9641
Potatoes, Irish (FDO 49–6)	9641
WAR PRODUCTION BOARD:	
Containers:	
Paper shipping sacks (L–279)	9723
Steel shipping drums (L–197)	9722

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
WAR PRODUCTION BOARD—Con.	
Controlled materials plan, use of allotments to replenish inventory (CMP Reg. 1, Int. 11)	9722
Farm machinery and equipment (L–257)	9712
Glycol ethers (M–336)	9725
Industrial equipment, general (L–123, Int. 3)	9719
Paper and paperboard (M–241)	9719
Printing and publishing (L–240)	9721
Suspension orders:	
National Bottling Co	9712
Transportation and storage of certain specified materials (Haulage Request TR–2)	9730
Approval (Certificate 93)	9730
Turbines, turbine-generators, and generators; manufacture (M–76)	9718

tion, as amended (8 F.R. 7185, 9041), is amended by deleting the provisions of § 1410.10 (c) and inserting in lieu thereof the following:

(c) *Veal, lamb, and mutton quotas.* The quota of each local slaughterer for veal, lamb and mutton for the month of June 1943, and for succeeding months, until changed by the Director, shall be:

(1) Eighty percent of the quantity of meat of such type produced by his slaughter of calves, lambs and sheep, respectively, in the corresponding month of 1941, or

(2) If he did not slaughter in the corresponding month of 1941, eighty percent of any other quota base for such type of meat established for such slaughterer for such period, under the provisions of Food Distribution Order No. 27, as amended:

Provided, however, That for the month of July 1943 the lamb and mutton quota for each local slaughterer in the States of California, Oregon, or Washington shall be:

(3) One hundred percent of the quantity of lamb and muttor produced by his slaughter in July 1941, or

(4) One hundred percent of any other July quota base for lamb and mutton established for such slaughterer, under the provisions of Food Distribution Order No. 27, as amended.

This order shall become effective at 12:01 a. m., e. w. t., July 14, 1943. With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, all provisions of Food Distribution Order No. 27–2 in effect prior to this amendment shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 27, 8 F.R. 2785, 4227, 5700, 7739, 8795)

Issued this 13th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–11302; Filed, July 14, 1943; 11.37 a. m.]

[FDO 25–1, Amdt. 1]

PART 1433—COCOA BEANS

QUOTAS AND RECORDS PRESCRIBED

Pursuant to the authority vested in me by Food Distribution Order No. 25, dated February 27, 1943, Director Food Distribution Order No. 25–1, dated February 27, 1943 (8 F.R. 2530), is amended to read as follows:

§ 1433.2 *Quotas and records in connection with cocoa beans.* (a) The quota of cocoa beans for processing by any person shall be, for the three-month period commencing July 1, 1943, and for each subsequent three-month period until otherwise ordered, 70% of the total amount of cocoa beans processed by such person during the corresponding three-month period of 1941.

(b) Every person who processes cocoa beans shall keep and maintain, for a period of not less than two years, records which, upon examination, will disclose his total monthly inventory of cocoa beans, the amount of cocoa beans processed by him each month, and his monthly use of the products resulting from such processing.

(c) With respect to violations of Director Food Distribution Order No. 25–1, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Director Food Distribution Order No. 25–1 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(d) This amendment shall take effect at 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. No. 25, 8 F.R. 2529)

Issued this 13th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–11282; Filed, July 13, 1943, 4:56 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5284]

PART 143—REGULATIONS RELATING TO THE TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY

AMENDMENTS RELATIVE TO COAL

PARAGRAPH 1. Section 143.1 of Regulations 113 [Part 143, Title 26, Code of Federal Regulations, 1943 Sup.] is amended by adding thereto a new paragraph as follows:

(g) *Preparation plant.* The term "preparation plant" means a plant operated in connection with mining operations at which coal is subjected to one or more processes, such as washing, crushing or sizing, intended to remove impurities or foreign matter or otherwise render the coal better suited for consumption, but not including a preparation plant operated as part of or in conjunction with any other establishment or place (such as a steel plant, coke oven, etc.) where coal is consumed as fuel or in the production of coke, briquettes, or other articles or materials.

PAR. 2. The first three paragraphs of § 143.13 (b) of Regulations 113 are amended to read as follows:

(b) *Coal.* An amount paid after December 1, 1942, with respect to the first transportation for hire originating on or after that date of coal is subject to tax, except that an amount paid for the transportation of coal from the mine to a preparation plant as defined in § 143.1 (g) is not taxable, but the tax attaches to the first subsequent transportation for hire of the coal.

(Secs. 3472 and 3791 of the Internal Revenue Code (53 Stat. 423 and 467, 26 U.S.C., 3472, 3791))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 13, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43–11292; Filed, July 14, 1943, 11:05 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 6—NAVAL RESERVE

Part 6, Chapter 1, Title 34, is hereby amended and revised to read as follows:

SUBPART A—GENERAL; ADMINISTRATION AND ORGANIZATION; ALL CLASSES

POLICY

Sec
6.1101 Purpose of Naval Reserve.
6.1102 Composition of the Naval Reserve.
6.1103 General policies.
6.1104 Ten-year policy.
6.1105 Naval Reserve Policy Board.

PURPOSE AND COMPOSITION OF CLASSES

6.1201 Purpose of Fleet Reserve.
6.1202 Composition of Fleet Reserve.
6.1203 Purpose of Organized Reserve.
6.1204 Composition of Organized Reserve.
6.1205 Purpose of Volunteer Reserve.
6.1206 Composition of the Volunteer Reserve.
6.1207 Purpose of Merchant Marine Reserve.
6.1208 Composition of Merchant Marine Reserve.
6.1209 Ranks, grades and ratings allowed.

ORGANIZATION

6.1301 Organization of Fleet reserve.
6.1302 Organization of the Organized Reserve.
6.1303 The division.
6.1304 The battalion.
6.1305 The squadron.
6.1306 Tables of organization.
6.1307 Organization of Volunteer Reserve.
6.1308 Naval Communication Reserve.
6.1309 Medical specialists units.
6.1310 Laboratory research units.
6.1311 Organization of Merchant Marine Reserve.
6.1312 Naval Intelligence Reserve.
6.1313 Bands.

ADMINISTRATION

6.1401 Administration while performing active duty.
6.1402 Administration while on inactive duty.
6.1403 Administrative duties of commanding officers of Naval Reserve organizations.
6.1404 Administrative duties of Commandants of naval districts.
6.1405 Administrative duties of the Bureau of Naval Personnel.
6.1406 Quotas of officers and men.
6.1407 Establishment of organizations.
6.1408 Naval Reserve flag for merchant vessels.
6.1409 Naval Reserve yacht pennant.
6.1410 Accountability for funds.
6.1411 Shipkeepers, number allowed.

PRECEDENCE

6.1501 Precedence, line and staff.
6.1502 Precedence of officers on inactive duty.
6.1503 Precedence of officers on active duty during peacetime.
6.1504 Precedence of officers on active duty during war or national emergency.
6.1505 Details of computing precedence.
6.1506 Relative precedence of officers below grade of ensign.
6.1507 Precedence in parades.
6.1508 Date of rank of former officers of Navy or Coast Guard appointed in Naval Reserve.

PHYSICAL EXAMINATIONS AND STANDARDS

6.1601 Physical examinations of officers; when required.
6.1602 Quadrennial physical examinations of officers.
6.1603 Physical examination of officers; by whom conducted.
6.1604 Physical examinations; enlisted men.
6.1605 Physical examination for repeated periods of training and group training.
6.1606 Physical standards.
6.1607 Reports and records of physical examinations.

ORDERS TO ACTIVE AND TRAINING DUTY

6.1701 Individual orders to officers for training duty.
6.1702 Individual orders to enlisted men for training duty.
6.1703 Group orders for officers and men for short periods of training duty.
6.1704 Release of officers and men from active or training duty in time of peace.
6.1705 Orders to officers and men to active duty in time of peace.
6.1706 Orders to officers to duty as technicians and scientists.
6.1707 Orders to officers and men to active duty in time of war.
6.1708 Release of officers and men from active duty in time of war.
6.1709 Mobilization assignments of Naval Reserve officers and mobilization of the Naval Reserve.
6.1710 Endorsements on orders for active or training duty.
6.1711 Procedure when found physically disqualified for active or training duty.

ADDRESSES, OFFICIAL RESIDENCE, RECORDS, CORRESPONDENCE, AND REPORTS

6.1801 Official designation of officers and men.
6.1802 Official residence.
6.1803 Members of Fleet Reserve and retired enlisted men to report changes of official residence to the Bureau of Supplies and Accounts and Commandant of district.
6.1804 Permission to leave the United States.
6.1805 Merchant Marine Reserve; changes of employment.
6.1806 Passports.
6.1807 Service records; preparation of, entries in, and disposition of.
6.1808 Marks for professional qualification.
6.1809 Custody of records.
6.1810 Fitness reports of officers.
6.1811 Official channels for correspondence.
6.1812 File numbers of personnel.
6.1813 Correspondence to be dated.
6.1814 Official residence to be shown.
6.1815 References to be quoted in correspondence.
6.1816 When endorsements shall not be used.
6.1817 Extra copies of correspondence not desired by Bureau of Naval Personnel.
6.1818 Naval aviator designations and folders.
6.1819 Letter of authority to solo naval aircraft.
6.1820 Identification for members of the Naval Reserve.
6.1821 Continuous-service certificates.
6.1822 Forms to be used.

MISCELLANEOUS

6.1901 Employment of reservists in civilian branch of public service.
6.1902 Military leave.
6.1903 Civilian guests; Naval Reserve vessels.
6.1904 Appointment of midshipmen from enlisted men.
6.1905 Deaths.
6.1906 Bonding of supply officers.
6.1907 Naval Militia.

SUBPART B—PROCUREMENT

GENERAL REQUIREMENTS

Sec.
6.2101 Persons eligible for Naval Reserve.
6.2102 Procurement policy; general.
6.2103 Procurement of officers.
6.2104 Officers, and midshipmen; by whom appointed and term of service.
6.2105 Appointment of officers; responsibility for.
6.2106 Procedure in making application for appointment.
6.2107 Ages for original appointments as officers.

REQUIREMENTS FOR ORIGINAL APPOINTMENTS OF OFFICERS, ORGANIZED RESERVE AND VOLUNTEER RESERVE (GENERAL SERVICE)

6.2201 Officers of classes D–O, DE–O, E–O, D–V (G), DE–V (G), and E–V (G) and C–V (G).
6.2202 Aviation officers, classes A–O and A–V (G).
6.2203 Aviation officers, class A–V (N).
6.2204 Medical officers, classes MC–O and MC–V (G).
6.2205 Dental officers, class DC–V (G).
6.2206 Supply officers, class SC–O and SC–V (G).
6.2207 Chaplains, class ChC–V (G).
6.2208 Probationary ensigns, Volunteer Reserve (General Service).
6.2209 Warrant officers, Volunteer Reserve (General Service).

REQUIREMENTS FOR ORIGINAL APPOINTMENT OF OFFICERS, VOLUNTEER RESERVE (SPECIAL SERVICE)

6.2301 Educational and professional requirements applicable to all classes.
6.2302 Deck officers, Volunteer Reserve (Special Service).
6.2303 Engineers officers, Volunteer Reserve (Special Service).
6.2304 Aviation special service officers, class A–V (S), and A–V (RS).
6.2305 Civilian aviation pilots, Volunteer Reserve (Special Service), class A–V (T).
6.2306 Communication officers, Volunteer Reserve, classes C–V (G), C–V (S), C–V (L), and C–V (X).
6.2307 Communication officers, Volunteer Reserve; special qualifications.
6.2308 Intelligence officers, Volunteer Reserve (Special Service), class I–V (S).
6.2309 Ordnance officers, Volunteer Reserve (Special Service), class O–V (S), O–V (RS).
6.2310 Legal officers, Volunteer Reserve (Special Service), class L–V (S).
6.2311 Medical officers, Volunteer Reserve (Special Service), class MC–V (S).
6.2312 Dental officers, Volunteer Reserve (Special Service), class DC–V (S).
6.2313 Supply officers, Volunteer Reserve (Special Service), class SC–V (S).
6.2314 Chaplains, Volunteer Reserve (Special Service), class ChC–V (S).
6.2315 Engineer officers (construction duties), Volunteer Reserve (Special Service), class CC–V (S).
6.2316 Civil engineers, Volunteer Reserve (Special Service), class CEC–V (S).
6.2317 Officers, Volunteer Reserve (Special Service), class H–V (S).
6.2318 Probationary ensigns, class H–V (P).
6.2319 Probationary ensigns, class ChC–V (P).
6.2320 Warrant officers, Volunteer Reserve (Special Service).

OFFICERS AND MIDSHIPMEN OF THE MERCHANT MARINE RESERVE

6.2401 Requirements for appointment as an officer.

Sec.
6.2402 Midshipmen, Merchant Marine Reserve; source.
6.2403 Midshipmen, Merchant Marine Reserve; physical examination.
6.2404 Appointment of State Maritime Academy students.
6.2405 Appointment of Cadets of U. S. Merchant Marine Cadet Corps.

ENLISTMENTS AND REENLISTMENTS

6.2501 Men; by whom enlisted.
6.2502 Ages for original enlistments.
6.2503 Naval Reserve recruiting officers.
6.2504 Term of enlistments and extensions.
6.2505 Reenlistments.
6.2506 Service numbers.
6.2507 Procedure for recruiting.
6.2508 Records of recruits.
6.2509 Vaccination and inoculation of recruits.
6.2510 Enlistments in Organized Reserve and Volunteer Reserve, classes 0-1, 0-2, V-1, and V-2.
6.2511 Enlistments in Naval Communication Reserve, class V-3.
6.2512 Enlistments in Volunteer Reserve, class V-4.
6.2513 Enlistments in Volunteer Reserve, class V-5.
6.2514 Enlistments in the Volunteer Reserve, class V-6.
6.2515 Enlistments in the Volunteer Reserve, class V-7.
6.2516 Enlistments in the Merchant Marine Reserve, classes M-1 and M-2.
6.2517 Reports of rejections for physical defects.

SUBPART C—PROMOTION; ORGANIZED RESERVE, VOLUNTEER RESERVE AND MERCHANT MARINE RESERVE

GENERAL

6.3101 Promotion of officers in time of peace.
6.3102 Promotion of officers in time of war.

PROMOTIONS OF OFFICERS OF THE ORGANIZED RESERVE AND VOLUNTEER RESERVE (GENERAL SERVICE) UP TO AND INCLUDING LIEUTENANT COMMANDER

6.3201 Promotion by seniority on lineal precedence list.
6.3202 Lineal precedence list.
6.3203 Computation of number of vacancies in each grade; Organized Reserve and Volunteer Reserve (General Service).
6.3204 Computation of number of vacancies in each rank.
6.3205 Five years' service in grade required.
6.3206 Fifty-six days' active service required.
6.3207 Required to qualify for promotion when due.

PROMOTIONS OF OFFICERS OF THE VOLUNTEER RESERVE (SPECIAL SERVICE) UP TO AND INCLUDING LIEUTENANT COMMANDER

6.3301 Computation of number of vacancies in each grade; Volunteer Reserve (Special Service).
6.3302 Eligibility for consideration for promotion; officers of Volunteer Reserve (Special Service).
6.3303 Officers required to qualify for promotion.

PROMOTIONS OF OFFICERS OF THE MERCHANT MARINE RESERVE UP TO AND INCLUDING LIEUTENANT COMMANDER

6.3401 Eligibility for promotion; officers of Merchant Marine Reserve.
6.3402 Promotion of Merchant Marine Reserve officers on active duty.

PROMOTIONS OF OFFICERS ABOVE GRADE OF LIEUTENANT COMMANDER

6.3501 Selection boards.
6.3502 Promotion above grade of lieutenant commander in Organized Reserve.
6.3503 Promotion above grade of lieutenant commander in Volunteer Reserve.
6.3504 Promotion above grade of lieutenant commander in Merchant Marine Reserve.
6.3505 Promotion to grade of rear admiral.
6.3506 Officers required to qualify for promotion when due.
6.3507 Officers of command ranks in the Organized Reserves; duties of.

PROFESSIONAL EXAMINATIONS

6.3601 Officers required to appear for examination.
6.3602 Professional examinations to be conducted by supervisory Naval Examining Board.
6.3603 Records of proceedings to be forwarded to statutory Naval Examining Boards.
6.3604 Scope of examination for officers of Organized Reserve and Volunteer Reserve (General Service).
6.3605 Scope of examination for officers of Volunteer Reserve (Special Service).
6.3606 Scope of examination for officers of the Merchant Marine Reserve for promotion to captain and commander.

ADVANCEMENTS AND CHANGES IN RATINGS OF ENLISTED MEN

6.3701 Requirements for advancement in classes 0-1 and 0-2.
6.3702 Requirements for advancement in classes V-1 and V-2.
6.3703 Requirements for advancement in class V-3.
6.3704 Requirements for advancement in class V-4.
6.3705 Requirements for advancement in class V-5.
6.3706 Requirements for advancement in class V-6.
6.3707 Requirements for advancement in class V-7.
6.3708 Requirements for permanent appointments of chief petty officers.
6.3709 Reports of examination for advancement in rating, B. N. P. 971.
6.3710 Changes in rating in same pay grade.

SUBPART D—TRANSFERS

TRANSFERS BETWEEN CLASSES OF NAVAL RESERVE

6.4101 Transfer of officers and enlisted men from the Organized Reserve.
6.4102 Transfers of officers to the Organized Reserve and the Volunteer Reserve (General Service).
6.4103 Transfers of officers to the Volunteer Reserve.
6.4104 Transfers of officers to Merchant Marine Reserve.
6.4105 Transfer of officers; data required in effecting.
6.4106 Transfers of enlisted men between classes of Naval Reserve.

TRANSFERS BETWEEN BATTALIONS, DIVISIONS, AND SQUADRONS, AND OTHER ORGANIZATIONS

6.4201 Officers of Organized Reserve.
6.4202 Officers of Volunteer Reserve.
6.4203 Enlisted men of Organized Reserve.
6.4204 Enlisted men of Volunteer Reserve.
6.4205 Entries of transfers in service records.

TRANSFERS BETWEEN NAVAL DISTRICTS

6.4301 Transfers of officers not on active duty.
6.4302 Transfers of enlisted men not on active duty.
6.4303 Transfers as affecting quota charges.

TRANSFERS BETWEEN SHIPS AND STATIONS

6.4401 Officers performing active duty.
6.4402 Enlisted men performing active duty.
6.4403 Officers and men performing training duty.

SUBPART E—INSTRUCTION AND TRAINING

INSTRUCTION AND TRAINING POLICY AND ASSIGNMENT OF INSTRUCTORS FOR NAVAL RESERVE

6.5101 Instruction and training policy
6.5102 Bureau of Naval Personnel charged with the instruction and training of the Naval Reserve.
6.5103 Inspector-instructors of the Naval Reserve and Naval Reserve instructors.
6.5104 Officers of the Naval Reserve assigned to duty on Commandant's staff to instruct Naval Reserves
6.5105 The Commandant of the Navy Yard, Washington, D. C., is charged with the instruction and training of reservists.
6.5106 Assignment of officers to command vessels for training Naval Reserves.
6.5107 Commanding officers of vessels engaged in training Naval Reserves
6.5108 Commanding officers of Naval Reserve aviation bases.

INSTRUCTION OF NAVAL RESERVE

6.5201 Means of instruction provided for Naval Reserve.
6.5202 Correspondence courses.
6.5203 Naval War College correspondence courses.
6.5204 Reading courses.
6.5205 Training courses for enlisted men of the Naval Reserve.
6.5206 Naval Reserve lectures.
6.5207 Armory classes.
6.5208 Instruction through radio communication.

TRAINING OF THE NAVAL RESERVE

6.5301 Means of training provided for the Naval Reserve.
6.5302 Regular drills.
6.5303 Annual training duty.
6.5304 Appropriate duty.
6.5305 Equivalent instruction or duty.
6.5306 Training duty with pay.
6.5307 Training duty without pay.
6.5308 Group training duty.

NAVAL RESERVE EDUCATIONAL CENTERS; ENROLLMENT IN CORRESPONDENCE COURSES; INSTRUCTIONAL COURSES

6.5401 Naval Reserve educational centers.
6.5402 Locations of Naval Reserve educational centers and enrollment of Naval Reserve officers in correspondence courses.
6.5403 Applicants eligible for enrollment and method of enrollment.
6.5404 Enrollment in Naval War College correspondence courses.
6.5405 Instructional courses conducted by bureaus and offices.

COMMANDING OFFICERS OF STATIONS AND VESSELS TO WHICH NAVAL RESERVISTS REPORT FOR TRAINING DUTY; NAVAL RESERVE INSTRUCTORS AND INSPECTOR-INSTRUCTORS OF THE NAVAL RESERVE

6.5501 Commanding officers of stations and vessels to which naval reservists report for training duty.
6.5502 Naval Reserve instructors.
6.5503 Naval Reserve instructors' attendance at regular drills.
6.5504 Duties of Naval Reserve instructors.
6.5505 Inspector-instructors.
6.5506 Travel orders for inspector-instructors of the Naval Reserve and Naval Reserve instructors.

INSTRUCTION AND TRAINING OF THE ORGANIZED RESERVE

6.5601 Officers and men of the Organized Reserve required to perform annual training duty and to attend regular drills.

Sec.
6.5602 Units of Organized Reserve for purposes of training.
6.5603 Personnel of divisions and squadrons will be instructed and trained in specific duties; additional personnel.
6.5604 Instruction and training of divisions and squadrons specified by the Bureau of Naval Personnel.
6.5605 Schedules of regular drills and annual training to be published in advance.
6.5606 Officers and men of the Organized Reserve required to perform drills and annual training duty with divisions or squadrons to which they are attached.
6.5607 Record of regular drills.

INSTRUCTION AND TRAINING OF THE MERCHANT MARINE RESERVE

6.5701 Officers and men of Merchant Marine Reserve instructed and trained as individuals.
6.5702 Officers and men of the Merchant Marine Reserve may be authorized to perform training duty.
6.5703 Units of Merchant Marine officers and men authorized to perform regular drills and annual training duty.
6.5704 Training of Merchant Marine Reserve units.

INSTRUCTION AND TRAINING OF THE VOLUNTEER RESERVE

6.5801 Officers and men of the Volunteer Reserve instructed and trained as individuals.
6.5802 Officers and men of the Volunteer Reserve may be authorized to perform training duty.
6.5803 Organizations of Volunteer Reserve officers and men authorized to perform regular drills and annual training duty.
6.5804 Training of Volunteer Reserve organizations.
6.5805 Officers and men and organizations of the Volunteer Reserve authorized to train with divisions and squadrons of the Organized Reserve.
6.5806 Groups of officers and/or men of the Volunteer Reserve may be organized to conduct instruction and training.
6.5807 Officers of class A-V (G) required to maintain proficiency as naval aviators.

NAVAL RESERVE INSPECTION BOARD

6.5901 The purpose of the Naval Reserve Inspection Board.
6.5902 Composition of the Naval Reserve Inspection Board.
6.5903 Duties of the Naval Reserve Inspection Board.
6.5904 Inspection of organizations of Volunteer Reserve.

SUBPART F—DISCIPLINE, DISCHARGES, RESIGNATIONS, AND RETIREMENTS

DISCIPLINE

6.6101 Naval reservists subject to naval regulations.
6.6102 Disciplinary action not barred by release from duty status.
6.6103 Retention on or return to duty status for disciplinary action.
6.6104 Reduction in rating.

DISCHARGES

6.6201 Discharges of officers and men.
6.6202 Discharge of officers for cause.
6.6203 Routine administrative discharges of officers.
6.6204 Discharge of retired officers and men.
6.6205 Resignations of Naval Reserve officers.
6.6206 Discharge of enlisted men.
6.6207 Honorable discharge.
6.6208 Character of discharge to be entered on discharge certificate.
6.6209 Discharge of enlisted men for enlistment or appointment in other naval or military organizations.

HONORARY RETIRED LIST

6.6301 Honorary Retired List defined.
6.6302 Discretionary transfer of officers to the Honorary Retired List.
6.6303 Service eligibility consideration for transfer to Honorary Retired List.
6.6304 Retirement for age-in-grade.
6.6305 Compulsory transfer of officers and enlisted men of Honorary Retired List.
6.6306 Advancement on retired list of Naval Reservists who have been specially commended.
6.6307 Members of the Honorary Retired List; pay of
6.6308 Transfers to Honorary Retired List; by whom effected.

SUBPART G—PAY, ALLOWANCES, AND COMPENSATION; ORGANIZED RESERVE, VOLUNTEER RESERVE, AND MERCHANT MARINE RESERVE

ACTIVE DUTY PAY AND ALLOWANCES

6.7101 Active and training duty pay commissioned officers.
6.7102 Active and training duty pay and allowances; midshipmen, chief warrant officers, warrant officers, nurses, and enlisted men.
6.7103 Pay for 31st day of month.
6.7104 Reservists in travel status entitled to pay.
6.7105 Flight pay.
6.7106 Mileage, officers.
6.7107 Transportation, men.
6.7108 Transportation of officers and men performing active or training duty without pay.
6.7109 Transportation of dependents.
6.7110 Transportation of household effects.
6.7111 Subsistence, men.
6.7112 Subsistence allowances while performing short periods of training duty without pay.
6.7113 Money allowance for quarters.

INACTIVE DUTY PAY AND ALLOWANCES

6.7201 Drill pay.
6.7202 Compensation limited to 60 drills.
6.7203 Flight pay; pilots.
6.7204 Compensation for performance of administrative duties.
6.7205 Not entitled to drill pay or compensation for performance of administrative duties while on active or training duty.
6.7206 Compensation paid by Bureau of Supplies and Accounts.

COMPENSATION FOR INJURIES

6.7301 Compensation for injury under United States Employees' Compensation Commission.
6.7302 Pensions for disability, under Veterans' Administration.
6.7303 Medical treatment and hospitalization for sickness and disease.
6.7304 Naval reservists in receipt of pensions, disability allowances, etc., not permitted to participate in Naval Reserve activities in pay status.
6.7305 Certificate for disability allowance or waiver thereof.

PAY FOR MEMBERS OF HONORARY RETIRED LIST

6.7401 Retired pay, Honorary Retired List.

PENSIONS, COMPENSATION, RETIREMENT PAY, AND HOSPITAL BENEFITS

6.7501 Pensions, compensation, retirement pay, and hospital benefits.

SUBPART H—MAINTENANCE; ORGANIZED RESERVE, VOLUNTEER RESERVE, AND MERCHANT MARINE RESERVE

POLICY

6.8101 Policy relative to furnishing equipment.

ARMORIES

6.8201 Procurement of armories.
6.8202 Armory expenses.
6.8203 Joint occupancy or armories.
6.8204 Fire Prevention.

NAVAL RESERVE AVIATION BASES

6.8301 Procurement of Naval Reserve aviation bases.
6.8302 Procurement of aviation equipment.
6.8303 Allotments to the Bureau of Aeronautics.

VESSELS AND BOATS FOR TRAINING PURPOSES

6.8401 Assignment of floating equipment.
6.8402 Maintenance, operation, and repairs; floating equipment.

MEDICAL SUPPLIES

6.8501 Allotments to the Bureau of Medicine and Surgery.

GOVERNMENT PROPERTY

6.8601 Records of invoices and issues.
6.8602 Accountability and responsibility for Government property.
6.8603 Procurement of material and equipment.
6.8604 Standard allowance list for Naval Reserve armories.
6.8605 Navy training courses allowed for use by Naval Reserve.
6.8606 Equipment loaned to States for use of Naval Militia.

UNIFORMS

6.8701 Uniforms prescribed.
6.8702 Uniforms required, officers.
6.8703 When uniforms are to be worn.
6.8704 Uniform gratuities; Naval Reserve officers.
6.8705 Issues of uniforms to enlisted men of the Naval Reserve.
6.8706 Men required to replace lost or damaged articles of uniform.
6.8707 Stowage of uniforms in armories.
6.8708 Issue of bedding, clothes bags, and buckets.

SUBPART I—FLEET RESERVE

PURPOSE

6.9101 Purpose.

COMPOSITION OF FLEET RESERVE

6.9201 Officers.
6.9202 Enlisted men.

ADMINISTRATION

6.9301 Maintenance of records for classes F-2, F-3, F-4, and F-5, and physical examinations of Fleet Reserve.
6.9302 Permission to leave United States for short periods.
6.9303 Permission to leave the United States for extended periods, members of Fleet Reserve and men of the Retired List of the Regular Navy.

APPOINTMENT AND TRANSFER TO THE FLEET RESERVE

6.9401 Assignment of officers to Fleet Reserve.
6.9402 Assignment to class F-2 upon termination of service in the Regular Navy.
6.9403 Restrictions on transfers and assignment to class F-2.
6.9404 Applications for Fleet Reserve.
6.9405 Transfer to class F-4 of men who enlisted in Regular Navy prior to July 1, 1925.

Sec.
6.9406 Transfer of citizens of insular possessions from the Navy to the Fleet Reserve.
6.9407 Computation of service for transfer to the Fleet Reserve.
6.9408 Transfer to the Fleet Reserve, class F-5.
6.9409 Travel allowance for men transferred to the Fleet Reserve.

RECORDS AND REPORTS

6.9501 Service records.
6.9502 Record of quadrennial physical examinations and professional qualifications.

DUTIES OF FLEET RESERVISTS

6.9601 Duties, classes F and F-2.
6.9602 Duties, classes F-4, F-5.
6.9603 Release of men of classes F-2, F-4, and F-5 to inactive duty.
6.9604 Physical examinations.

DISCIPLINE

6.9701 Members of Fleet Reserve subject to naval discipline.
6.9702 Discharge for disciplinary reasons.

SEPARATION FROM FLEET RESERVE

6.9801 Discharge.
6.9802 Retirement of enlisted men transferred to Naval Reserve force prior to July 1, 1925.
6.9803 Retirement of enlisted men transferred to Naval Reserve after July 1, 1925.
6.9804 Retirement due to medical survey.

SUBPART J—NAVAL RESERVE AVIATORS

PURPOSE

6.10101 Purpose.

COMPOSITION

6.10201 Aviation cadets, V-5 and officers, A-V (N).
6.10202 Aviation pilots; class V-8.
6.10203 Other pilots.

AVIATION CADETS, V-5

6.10301 Aviation cadet procurement.
6.10302 Aviation cadets, V-5; requirements.
6.10303 Naval Aviation Cadet Selection Boards.
6.10304 Aviation cadets; applicants and enlistments.
6.10305 Aviation cadet training; applications from personnel in the naval service.
6.10306 Aviation cadets; general.
6.10307 Pay and allowances; aviation cadets
6.10308 Insurance, aviation cadets and A-V (N) officers.

OFFICERS, CLASS A-V (N)

6.10401 Appointments and designations.
6.10402 Active duty.
6.10403 Resignations.
6.10404 Pay and allowances.
6.10405 Orders for release from active duty; officers, class A-V (N).
6.10406 Records.

AVIATION PILOTS

6.10501 Aviation pilots; class V-8.
6.10502 General requirements; class V-8.
6.10503 Aviation pilot ratings; class V-8.
6.10504 Insurance; class V-8.
6.10505 General; class V-8.
6.10506 Aviation pilots; class V-6.

SUBPART K—NAVAL RESERVE NURSE CORPS

PURPOSE

6.11101 Purpose.

COMPOSITION

6.11201 Composition of Naval Reserve Nurse Corps.

ORGANIZATION AND ADMINISTRATION

Sec.
6.11301 Organization of Naval Reserve Nurse Corps.
6.11302 Administration of Naval Reserve Nurse Corps.
6.11303 Addresses of nurses and changes in marital status.
6.11304 Subject to rules and regulations.
6.11305 Annually to report to Bureau of Medicine and Surgery.

PROCUREMENT

6.11401 District quotas.
6.11402 Term of appointment.
6.11403 Qualifications for appointment.
6.11404 Physical examinations.
6.11405 Assignment to active duty.

PAY AND ALLOWANCES

6.11501 Active duty pay and allowances.
6.11502 Travel under orders.
6.11503 Uniform allowance.
6.11504 Medical treatment and benefits for injury.
6.11505 Medical treatment and hospitalization for sickness and disease.

DISCHARGES

6.11601 Discharge in time of peace.
6.11602 Discharge for inaptitude.

SUBPART L—WOMEN'S RESERVE

PURPOSE

6.12101 Purpose.

COMPOSITION, ORGANIZATION AND ADMINISTRATION

6.12201 Composition.
6.12202 Administration.
6.12203 Subject to laws, regulations, and orders governing the Naval Reserve.
6.12204 Military authority of officers.
6.12205 Compensation for disability or death in line of duty.
6.12206 Uniforms and equipment.

PROCUREMENT

6.12301 Ranks, grades, ratings and classes.
6.12302 Duties.
6.12303 Qualifications for appointment.
6.12304 Appointments in Staff Corps.
6.12305 Qualifications for enlistment.
6.12306 Additional requirements to be prescribed by Chief of Naval Personnel.

DISCHARGES

6.12401 Discharges.

AUTHORITY: §§ 6.1101 to 6.12401, inclusive issued under 52 Stat. 1175, 54 Stat. 162, 55 Stat. 3, 56 Stat. 266, 730, 739; 34 U.S.C. 853, 854*e*, Supp. 855*f*, 855*o*, 857–857*g*, 853*c*, 853*e*, 655*d*.

NOTE: In §§ 6.1101 to 6.12401, inclusive the numbers to the right of the decimal point correspond with the respective article numbers in Part H, Bureau of Naval Personnel Manual, Oct. 1, 1942, as amended to July 1, 1943.

SUBPART A — GENERAL; ADMINISTRATION AND ORGANIZATION; ALL CLASSES

POLICY

§ 6.1101 *Purpose of Naval Reserve.* The purpose of the Naval Reserve is to provide a force of qualified officers and enlisted men who are available for immediate mobilization in the event of a national emergency, and who together with the active and retired personnel of the Regular Navy can effectively meet the needs of the expanding naval establishment while an adequate flow of newly trained personnel is being established.

§ 6.1102 *Composition of the Naval Reserve.* The Naval Reserve as established by the Naval Reserve Act of 1938 is a component part of the United States Navy and consists of the Fleet Reserve, the Organized Reserve, the Volunteer Reserve, and the Merchant Marine Reserve.

§ 6.1103 *General policies.* (a) General policies relating to the size, location, organization, administration, training, and mobilization of the Naval Reserve, before being adopted will be submitted to the Secretary of the Navy for approval, via the Chief of Naval Operations.

(b) The closest cooperation will be maintained between the Navy and the States supporting a Naval Militia in accordance with § 6.8696.

§ 6.1104 *Ten-year policy.* Subject to appropriations made annually by Congress, the Naval Reserve Act of 1938 requires that the maximum strength of trained and qualified officers and enlisted men in the several classes, as determined by the Secretary of the Navy, be reached before July 1, 1948, and that this be accomplished as nearly as possible in equal annual increments.

§ 6.1105 *Naval Reserve Policy Board.* (a) For the purpose of advising the Secretary of the Navy on the formulation of Naval Reserve policies there shall be convened annually at the Navy Department a Naval Reserve Policy Board, at least half the members of which shall be Naval Reserve officers. In time of peace, such Naval Reserve officers shall be called to this duty from an inactive duty status. Equitable representation on this board will be given to the Organized Reserve, the Volunteer Reserve, and the Merchant Marine Reserve.

(b) The Chief of Naval Personnel will determine the date on which the above Board shall be convened during any fiscal year and will prescribe its organization and make other necessary arrangements with relation thereto.

(c) Membership on the Board of Naval Reserve officers on an inactive duty status shall be on a permanent basis, except that each year at least one-third such members shall be replaced. These officers shall be selected for this duty with a view to equitable representation on the Board of the various classes of the Naval Reserve from the various sections of the continental United States. Alternate members shall be appointed, the same principles being observed in their selection, in order that routine and unexpected vacancies may be filled from a list of officers who have had full opportunity to prepare themselves for this important duty.

(d) Questions to be placed on the agenda for the sessions of the Board shall be submitted, as they arise, to the various members and alternates, for their preliminary study.

PURPOSE AND COMPOSITION OF CLASSES

§ 6.1201 *Purpose of Fleet Reserve.* The purpose of the Fleet Reserve is as stated in § 6.9101.

§ 6.1202 *Composition of Fleet Reserve.* The composition of the Fleet Reserve shall be in accordance with the provisions of §§ 6.9201–6.9202.

§ 6.1203 *Purpose of Organized Reserve.* The purpose of the Organized Reserve is to provide a trained force of officers and men, which, added to qualified personnel from other sources, will be adequate in numbers and composition to complete the war organization of the United States naval forces.

§ 6.1204 *Composition of Organized Reserve.* (a) The Organized Reserve shall consist of officers and men required to perform annual training and other duties and who shall be available for immediate mobilization.

(b) The officers of the Organized Reserve shall be divided into classes designated as follows:

D–O. Deck officers, commissioned and warrant, including boatswains and gunners.
E–O. Engineer officers, commissioned and warrant, including electricians, radio electricians, carpenters, and machinists.
DE–O. Deck and engineer commissioned officers.
A–O. Commissioned aviation flight officers.
SC–O Supply officers, commissioned and warrant, including pay clerks.
MC–O. Commissioned medical officers.

(c) Enlisted men of the Organized Reserve shall be divided into classes designated as follows:

O–1. Enlisted men of the surface component
O–2 Enlisted men of the aviation component.

§ 6.1205 *Purpose of Volunteer Reserve.* The purpose of the Volunteer Reserve is to provide a force of qualified officers and men in numbers which added to the officers and men in other branches of the reserve will be adequate to fulfill the purpose of the Naval Reserve.

§ 6.1206 *Composition of the Volunteer Reserve.* (a) The Volunteer Reserve shall be composed of those members of the Naval Reserve not assigned to the Fleet Reserve, the Organized Reserve, or the Merchant Marine Reserve, who are qualified or partially qualified for prescribed mobilization duties.

(b) The officers of the Volunteer Reserve shall be divided into classes designated as follows:

D–V (G). Deck officers, commissioned and warrant, including boatswains, and gunners, qualified for general detail afloat or ashore.
D–V (P). Commissioned deck officers (General Service) appointed in probationary status and, after qualification and transfer to D–O or D–V (G), available for general detail, afloat or ashore.
D–V (S). Deck officers, commissioned and warrant, including boatswains, and ship's clerks qualified for specialist duties.
E–V (G). Engineer officers, commissioned and warrant, including electricians, carpenters, and machinists, qualified for general detail afloat or ashore.
E–V (P). Commissioned engineer officers (General Service) appointed in probationary status and, after qualification and transfer to E–O or E–V (G), available for general detail, afloat or ashore.
E–V (S). Engineer officers, commissioned and warrant, including machinists, electricians, and radio electricians, qualified for specialist duties.
E–V (RS). Engineer officers, commissioned and warrant, qualified for radio specialist duties.
CC–V (S). Engineer officers, commissioned and warrant, including carpenters, for naval construction duties.
DE–V (G). Commissioned deck and engineer officers qualified for general detail afloat or ashore.
DE–V (P). Commissioned deck and engineer officers (General Service) appointed in probationary status and after qualification and transfer to DE–O or DE–V (G), available for general detail afloat or ashore.
DE–V (S). Commissioned deck and engineer officers qualified for specialist duties.
A–V (N). Commissioned aviation flight officers, detailed to active duty in the aeronautic organization of the Navy immediately following their completion of training and designation as naval aviators.
A–V (G). Commissioned aviation officers holding designation as Naval aviators, qualified for general detail afloat or ashore.
A–V (S). Aviation officers (Special Service) commissioned and warrant, including machinists, radio electricians, and gunners, aerographers, and photographers qualified for specialist or ground duties.
A–V (RS). Aviation officers, commissioned and warrant, qualified for radio specialist duties.
A–V (T). Commissioned civilian pilots.
C–V (G). Communication officers, commissioned and warrant, including radio electricians qualified for general detail afloat and ashore.
C–V (S). Communication officers, commissioned and warrant, including radio electricians, qualified for specialist duties.
C–V (L). Commissioned communication officers qualified for liaison duties with commercial communication industry and Government communication agencies.
C–V (X). Commissioned communication officers qualified for naval communication intelligence and security duties.
SC–V (G). Supply officers, commissioned and warrant, including pay clerks qualified for general detail afloat or ashore.
SC–V (P). Supply officers (General Service), commissioned in probationary status and, after qualification and transfer to SC–O or SC–V (G), available for general detail, afloat or ashore.
SC–V (S). Supply officers, commissioned and warrant, including pay clerks, qualified for specialist duties.
MC–V (G). Commissioned medical officers, qualified for general detail afloat or ashore.
MC–V (S). Commissioned medical officers qualified for specialist duties; or qualified to fill general mobilization assignments.
DC–V (G). Commissioned dental officers, qualified for general detail afloat or ashore.
DC–V (S). Commissioned dental officers, qualified for specialist duties; or qualified to fill general mobilization assignments.
HC–V (G). Commissioned and warrant officers of the Hospital Corps, including pharmacists and chief pharmacists, qualified for general detail afloat or ashore.
HC–V (S). Commissioned and warrant officers of the Hospital Corps, including pharmacists and chief pharmacists, qualified for specialist duties.
H–V (S). Commissioned officers appointed for specialist duties in connection with the Medical Corps of the Navy.
H–V (P). Accepted medical and dental students, appointed as probationary ensigns, pending qualification for appointment as medical or dental officers in the Naval Reserve or Regular Navy.
ChC–V (G). Commissioned chaplains, qualified for general detail afloat or ashore.
ChC–V (S). Commissioned chaplains, qualified for specialist duties.
ChC–V (P). Members of senior classes of theological seminaries, commissioned as ensigns (probationary) and retained in an inactive status pending graduation and subsequent ordination as clergymen.
CEC–V (S). Civil engineer corps, commissioned and warrant, including carpenters for specialist duties.
I–V (S). Intelligence officers, commissioned and warrant, including ship's clerks qualified for specialist duties.
O–V (S). Ordnance officers, commissioned and warrant, including gunners, and torpedomen for specialist duties.
O–V (RS). Ordnance officers, commissioned and warrant, qualified for radio specialist duties.
L–V (S). Commissioned legal officers.
W–V (S). Commissioned officers and midshipmen of the Women's Reserve.
Aviation cadets, U. S. Naval Reserve.
Midshipmen, U. S. Naval Reserve.
Nurses, U. S. Naval Reserve.

(c) The enlisted men of the Volunteer Reserve shall be divided into classes designated as follows:

V–1. Men enlisted in peacetime for association with battalions or divisions of the Organized Reserve; or in time of national emergency or war, for active service as required.
V–2. Men enlisted in peacetime for association with squadrons of the Organized Reserve; or in time of national emergency or war, for active service as required.
V–3. Enlisted men mostly of communication ratings comprising the enlisted personnel of the Naval Communication Reserve.
V–4. Enlisted men for the performance of duties outside the normal scope of their naval rating.
V–5. Men enlisted, as seamen second class or transferred to this class for flight training, leading to commission and naval aviator designation.
V–6. Enlisted men required for mobilization in addition to the other classes of the Volunteer Reserve.
V–7. Men enlisted as apprentice seamen for training preliminary to appointment as midshipmen, U. S. Naval Reserve.
V–8. Enlisted men designated as student aviation pilots for regular prescribed course of training leading to designation as Aviation Pilot.
V–9. Women enlisted as apprentice seamen for training preliminary to appointment as midshipmen, W-V (S), and further training for commission in class W-V (S), U. S. Naval Reserve.
V–10. Women enlisted for service in the naval establishment ashore.

§ 6.1207 *Purpose of Merchant Marine Reserve.* The purpose of the Merchant Marine Reserve is to provide officers and men for service on merchant vessels and to provide officers directly connected with the operation and management of such vessels when commissioned in the Navy. In so far as practicable, it is contemplated that officers and men of the Merchant Marine Reserve procured for service afloat will be assigned to duty in their own vessels.

§ 6.1208 *Composition of Merchant Marine Reserve.* (a) The Merchant Marine Reserve shall be composed of those members of the Naval Reserve who follow, or who have within 3 years followed the sea as a profession, or who are employed in connection with the seafaring profession, or men who are desirable for training for service on board public vessels of the United States, or such other seagoing vessels documented under the laws of the United States as may be approved by the Secretary of the Navy.

(b) The officers of the Merchant Marine Reserve shall be divided into classes designated as follows:

D–M. Deck officers, commissioned and warrant, including boatswains, and ship's clerks qualified for deck or appropriate administrative duties.

E–M. Engineer officers, commissioned and warrant, including electricians, radio electricians, carpenters and machinists, qualified for engineering or other appropriate duties.

SC–M. Supply officers, commissioned and warrant, including pay clerks, qualified for duties as supply or disbursing officers.

MC–M. Commissioned officers qualified for duties as medical officers.

Midshipmen, Merchant Marine Reserve, designated as such for officer training for classes D–M or E–M.

(c) Enlisted men of the Merchant Marine Reserve shall be divided into classes designated as follows:

M–1. Enlisted men of the United States Merchant Marine, procured for service in seagoing vessels or in training for such service.

M–2. Enlisted men with salvage or seagoing experience procured for service in the local defense forces, or for salvage work.

§ 6.1209 *Ranks, grades, and ratings allowed.* There shall be allowed in the Naval Reserve the various ranks, grades, and ratings corresponding to those in the Regular Navy, including midshipmen, but not, however, including the grades of vice admiral and admiral. In addition there shall be allowed the enlisted grade of aviation cadet.

ORGANIZATION

§ 6.1301 *Organization of Fleet Reserve.* The Fleet Reserve will not be organized during peacetimes, but will be governed in accordance with the provisions of §§ 6.9101–6.9804.

§ 6.1302 *Organization of the Organized Reserve.* (a) The officers and men of the Organized Reserve will be organized into divisions for the surface component and squadrons for the aviation component for training and mobilization except as noted in paragraph (c) of this section.

(b) In localities where it will contribute to the efficiency of training and administration, divisions may be further organized for these purposes into battalions consisting of from two to five divisions.

(c) (1) Officers and men of the Medical department of the Organized Reserve may be assigned to units of the Organized Marine Corps Reserve as directed by the Bureau of Naval Personnel.

(2) Subject to requirements and their own consent in lieu of being attached to a division, battalion, or squadron, officers of the Organized Reserve may be placed on active duty in connection with the administration and training of the Naval Reserve, or if authorized by the Bureau of Naval Personnel assigned appropriate duties in this connection.

§ 6.1303 *The division.* (a) The division is the basic unit of organization for the surface component. It will consist of officers and men of the Organized Reserve attached thereto and officers and men of the Volunteer Reserve associated therewith.

(b) The number of enlisted men of class O–1 attached to each division shall not exceed the number authorized by the Bureau of Naval Personnel for the division as a whole nor for each of the pay grades.

(c) The number of class V–1 men associated with each division shall not exceed the number prescribed from time to time by the Bureau of Naval Personnel.

(d) Each division is allowed four line officers of the Organized Reserve, one of whom may be a lieutenant commander, and the remainder shall be below that rank. Within his authorized quota, the Commandant may attach one lieutenant commander of the line in addition to the foregoing where this will contribute to its efficiency, but not more than one lieutenant commander of the line shall be attached to any division. Divisions not attached to battalions are allowed one medical officer and one supply officer of the Organized Reserve. In addition, subject to the approval of the Bureau of Naval Personnel, in each individual case, officers of the Volunteer Reserve may be attached to divisions.

(e) An officer of the Organized Reserve attached to a division thereof who qualifies for promotion to the rank of lieutenant commander, and who, due to the above restrictions, cannot be retained in his division in that rank, may choose one of the following options:

(1) Promotion to lieutenant commander and transfer to the Volunteer Reserve.

(2) Waiver of his right to promotion for a period of 1 year with the privilege of remaining in his organization as an officer of the Organized Reserve in the rank of lieutenant subject to the Commandant's authority to detach any officer from an organization at his discretion.

In case an officer waives his right to promotion, vacancies in the grade of lieutenant commander occurring during the time of his promotion is deferred will be filled by the promotion of lieutenants below said officer. At the end of 1 year, or earlier if transferred to the Volunteer Reserve, he will, subject to the usual conditions, be promoted to fill the vacancy normally assigned to the officer in his position on the precedence list. The Bureau of Naval Personnel will be under no obligation to void a waiver for a definite period of time even at the request of the officer concerned. Waivers may be renewed from year to year subject to the approval of the District Commandant concerned in each case.

(f) The division shall be commanded by the senior line officer attached thereto who shall be issued orders as commanding officer, by the Commandant. As a prerequisite to command of the division, officers shall be qualified in class D–O or class DE–O.

§ 6.1304 *The battalion.* (a) The battalion is an organization of the Organized Reserve consisting of from two to five divisions, authorized when its establishment will result in increased training and administrative efficiency.

(b) The number and location of battalions and composition of the staff of the battalion commander are promulgated separately in tables of organization.

(c) The battalion commander shall be an officer of class D–O or class DE–O not above the rank of commander designated by the Commandant. He shall be senior to the division commanders of the battalion and to the line officers on his staff.

(d) The relation of the battalion commander to the division commander in his battalion should be analogous to the relation existing between a division commander afloat and the commanding officers of the ships of his division.

§ 6.1305 *The squadron.* (a) The aviation squadron is the basic unit of organization for the aviation component. It will consist of officers and men of the Organized Reserve attached thereto and officers and men of the Volunteer Reserve associated therewith.

(b) The number of enlisted men of class O–2 attached to each squadron shall not exceed the number authorized by the Bureau of Naval Personnel for the squadron as a whole nor for each of the pay grades.

(c) The number of V–2 men associated with each squadron shall not exceed the number prescribed from time to time by the Bureau of Naval Personnel.

(d) The squadron commander shall be the senior naval aviator attached thereto and shall be a naval aviator of the Organized Reserve designated by the Commandant or of the Regular Navy. Including the squadron commander, each squadron is allowed 32 officers of class A–0, not more than 2 of whom may be above the grade of lieutenant, and 1 medical officer and 1 supply officer of the Organized Reserve. In addition, subject to the approval of the Bureau of Naval Personnel, in each individual case, officers of the Volunteer Reserve may be attached to squadrons.

§ 6.1306 *Tables of organization.* Tables of organization will be issued annually by the Bureau of Naval Personnel indicating locations at which organizations of the Naval Reserve are authorized, the character and composition of the organization at each location, the number of officers and men allowed each organization in a pay status and the number of officers of the various grades and classifications, and number of men of the various rates required in the organization for mobilization purposes.

§ 6.1307 *Organization of Volunteer Reserve.* Except as indicated in §§ 6.1303 (c), 6.1305 (c), 6.1308, 6.1309, 6.1310, 6.1311, 6.1312, 6.5102 (d), 6.5703 (a), 6.5803, and 6.5806 (a) the Volunteer Reserve is unorganized and consists of individuals to be mobilized as such and trained either individually or in groups.

§ 6.1308 *Naval Communication Reserve.* (a) For purposes of administration, instruction and training, units of the Volunteer Reserve for communication duties will be composed of officers of classes C–V (G) and C–V (S) and men of class V–3, organized into communication or radio units. Officers of classes C–V (L) and C–V (X) should be encouraged, but not required, to take an active part in the peacetime training and drill-

ing activities primarily intended for officers of classes C–V (G) and C–V (S). The above four classes of officers and the men of class V–3 may be collectively referred to as the Naval Communication Reserve.

(b) Communication and radio units of the Naval Communication Reserve will normally consist of officers of classes C–V (G) and C–V (S) and men of class V–3 residing in the same locality, organized by authority of the District Commandant, with the approval of the Bureau of Naval Personnel and the Chief of Naval Operations. These Units will consist of such numbers of officers and men as are designated in paragraph (f) of this section.

(c) For purposes of administration and training, communication and radio units of the Naval Communication Reserve may be combined into sections, each section to be commanded by a designated section commander, who shall have a staff unit to assist him.

(d) Section commanders are responsible to the District Commandant, through the District Communication Reserve Commander, and such officers of the Regular Navy as the Commandant may designate.

(e) Each district will be allowed 1 NCR commander's staff unit and not more than 10 sections, each with its own commander's staff unit. Each section will be allowed a maximum of 10 units, but the total personnel in a district shall not exceed the total quota prescribed by the Department.

(f) Composition of units:

(1) NCR district commander's staff unit (1 per district). The complement of the NCR district commander's staff unit is 8 officers and 8 enlisted men of classes, grades, and ratings as specified from time to time by the Bureau of Naval Personnel.

(2) NCR section commander's staff unit (maximum 10 per district). The complement of the NCR section commander's staff unit is 5 officers and 7 enlisted men of classes, grades, and ratings as specified from time to time by the Bureau of Naval Personnel.

(3) NCR radio unit (maximum 10 per section). The complement of the NCR radio unit is 4 officers and 27 enlisted men of classes, grades, and ratings as specified from time to time by the Bureau of Naval Personnel.

(4) NCR communication unit. The complement of the NCR communication unit is that of a radio unit plus 1 officer and 6 men for visual communication duties.

(5) The above complements constitute standard units. Commandants may permit variations in the complements of the above units depending on the local procurement conditions.

(6) For purposes of administration, officers of classes C–V (L) and C–V (X) residing in or assigned to the district, but not actively associated with communication or radio units, should be added to the Naval Communication Reserve district commander's staff unit.

§ 6.1309 *Medical specialists units.* (a) Medical specialists units shall be composed of Naval Reserve medical officers, qualified as specialists, who, in time of war or national emergency, may be assigned to hospital ships, station ships, base and naval hospitals, as staff thereof, or to augment the Regular Navy Medical Corp staff.

(b) Each medical specialists unit shall be composed of 8 medical officers and 1 dental officer of the Volunteer Reserve (Special Service). Units assigned neuro-surgical duties shall include 2 or 3 additional medical officers, qualified in this specially. In addition, when these units are called into active service, 6 nurses of the Naval Reserve Nurse Corps shall be assigned to each unit when their services are required. Two additional nurses shall be assigned if the unit is assigned neuro-surgical duties. Officers for these units shall be appointed as provided in §§ 6.2301–6.2320 and nurses in accordance with the provisions of §§ 6.11401–6.11405.

(c) Medical specialists units shall be composed of 1 each of the following specialists, one of whom will be assigned as "organizer."

(1) Surgeon.
(2) Opthal-oto-laryngologist.
(3) Urologist.
(4) Psychiatrist.
(5) Internist.
(6) Roentgenologist.
(7) Clinical Pathologist.
(8) Orthopedist.
(9) Dentist.

(For units assigned neuro-surgical duties, 2 or 3 neuro-surgeons.)

(d) The establishment and disbandment of units shall be governed by the provisions of § 6.1407 (b).

(e) The officer personnel of medical specialists units will be assigned by the District Commandant or by the Chief of the Bureau of Medicine and Surgery, from Naval Reserve officers within the mobilization and procurement quotas allocated by the Bureau of Naval Personnel. After due allowance is made for the complete formation of medical specialists units assigned to each district, "alternates" for the various specialists in each unit may be assigned, but will be made a charge against the quota of the district in which the unit is located, and not to the activity controlling the mobilization assignment of the unit, provided the district quota of these officers is not exceeded. These "alternates" should be younger medical and dental officers qualified in their specialty. However, the "alternates" as a general rule, will not be called for service with the units unless circumstances prevent the principals from serving. In time of national emergency and provided their services are not required with the units, these "alternates" may be assigned to mobilization stations as unassigned medical and dental specialists.

§ 6.1310 *Laboratory research units.* (a) Laboratory research units are intended to provide groups of qualified laboratory research workers which in time of war or national emergency will be assigned to hospital ships, base hospitals, or to other medical-department activities to prosecute laboratory research work as required.

(b) Each laboratory research unit shall be composed of medical officers of class MC–V (S) and the required number of officers of class H–V (S) contained within the authorized national mobilization and procurement quotas for such officers, and pharmacists' mates of class V–6 considered necessary to accomplish the particular research problems to which the unit may be assigned.

(c) The establishment and disbandment of such units shall be governed by the provisions of § 6.1407 (b).

§ 6.1311 *Organization of Merchant Marine Reserve.* (a) The Bureau of Naval Personnel may authorize the formation of Merchant Marine Reserve units composed of officers and men of the Merchant Marine Reserve.

(b) The number of such units and their composition will be specified by the Bureau of Naval Personnel.

(c) Except as provided for in this section, the Merchant Marine Reserve is unorganized.

§ 6.1312 *Naval Intelligence Reserve.* (a) The Naval Intelligence Reserve will consist of officers of class I–V (S) and such enlisted men as may be assigned thereto, in accordance with such instructions as may be issued from time to time, organized by zones and subzones established by Commandants of the naval districts for purposes of instruction and training in accordance with the policy and authority of the Chief of Naval Personnel and the Chief of Naval Operations.

(b) The administrative unit for instruction and training is the zone. The subunit of training and instruction is the subzone. Zones and subzones are administered through officers appointed by the District Commandant.

(c) Full advantage should be taken by District Commandants of the many regular officers detailed to various duties at many distant localities, whose interest and responsibilities in intelligence in general provide excellent liaison and advice for Reserve Intelligence personnel.

§ 6.1313 *Bands.* Where authorized by the Bureau of Naval Personnel a band may be organized for association with a battalion or squadron of the Organized Reserve. The membership of such band shall be confined to men of classes V–1 and V–2. Instruments or music will not be furnished by the Bureau.

ADMINISTRATION

§ 6.1401 *Administration while performing active duty.* Officers and men of the Naval Reserve, except as otherwise provided herein, or in accordance with such instructions as may be issued by the Bureau of Naval Personnel, while performing active duty will be governed in the same manner in all respects as are officers and men of the Regular Navy.

§ 6.1402 *Administration while on inactive duty.* (a) While on inactive duty, members of the Fleet Reserve will be governed in the manner prescribed in §§ 6.9101–6.9804.

(b) While on inactive duty members of the Organized Reserve, Volunteer Reserve, and Merchant Marine Reserve

will be governed in the manner prescribed in §§ 6.1101–6.8708.

§ 6.1403 *Administrative duties of commanding officers of Naval Reserve organizations.* (a) Each Naval Reserve organization will be administered by its commanding officer in accordance with the instructions of the District Commandant and the rules and regulations set forth herein, and in other departmental publications and orders.

(b) The administrative functions of the commanding officer include matters with respect to discipline, preservation of equipment, pay, clothing accounts, reports, returns, and the keeping of records of the organization.

§ 6.1404 *Administrative duties of Commandants of naval districts.* (a) The Commandants of the several naval districts under the supervision of the various bureaus and offices concerned are charged with the procurement, administration, training, and readiness for war of the Naval Reserve under their jurisdiction and for the maintenance, operation, and repair of material assigned for this purpose, including armories, aviation bases, and floating equipment. To assist him in these duties, the Commandant may appoint officers of the Naval Reserve, including those in both active, and inactive-duty status to duty on his staff. Such officers will be considered as in the same status as other officers of the Commandant's staff but need not necessarily reside in the vicinity of district headquarters. These officers will not be attached to or associated with divisions, battalions, or squadrons of the Organized Reserve, nor with organizations of the Volunteer Reserve. Unless otherwise indicated in paragraphs (d) and (e) of this section, naval reservists are under the jurisdiction of the Commandant of the naval district in which they maintain their official residences, except that for purposes of mobilization they are under the district or activity which controls their mobilization assignment (§ 6.4301).

(b) *Director of Naval Reserve.* When practicable and warranted, the Bureau of Naval Personnel will assign to duty at each Naval District Headquarters an officer of the active list of the Regular Navy of the rank of commander or captain as director of Naval Reserve of such district. As a member of the Commandant's Headquarters' Staff, this officer, under the direction and supervision of the Commandant, will administer the Naval Reserve, performing by direction such of the duties enumerated in paragraph (a) of this section as the Commandant may delegate to him. In performing his duties, the director of Naval Reserve must keep in close touch with the work of other members of the Headquarters' Staff, especially the personnel officer, intelligence officer, communication officer, and war plans officer, in order that all matters affecting the Naval Reserve may be properly coordinated. The purpose in centralizing Naval Reserve matters in the hands of a senior officer of the active list of the Regular Navy is to facilitate their receiving the attention their importance warrants. Assignment as director of Naval Reserve does not necessarily preclude assignment to other duties, as for example, personnel officer, but does impose full responsibility, subject to the Commandant's action, for the Naval Reserve. In time of war or national emergency it may be necessary to order retired officers in lieu of active officers as directors of Naval Reserve or as inspector-instructors or instructors referred to herein. Directors of Naval Reserve are assisted in their duties of training the Naval Reserve by inspector-instructors and instructors whose duties are set forth in §§ 6.5101–6.5904.

(c) *Assistant to the Director of Naval Reserve.* A Naval Reserve officer will be ordered to duty at district headquarters as an assistant to the director of Naval Reserve in districts where the work load warrants such assignment. This officer will perform such duties in connection with the Naval Reserve as may be assigned him. An important function of this officer is to provide the continuity in Naval Reserve administrative policies and contacts necessary for the efficiency of the Naval Reserve, despite comparatively frequent changes in officers ordered as directors of Naval Reserve.

(d) Members of all classes of the Naval Reserve residing in the District of Columbia, Prince Georges, Montgomery, St. Marys, and Charles Counties, Maryland, and Arlington, Fairfax, Stafford, King George, Westmoreland, and Prince William Counties, Virginia, and the city of Alexandria, Virginia, are under the jurisdiction of the Commandant, Navy Yard, Washington, D. C., who is charged with the same duties and responsibilities with relation thereto as are the Commandants of naval districts.

(e) Reservists and retired men residing in United States possessions not included within limits of naval districts will be under the supervision of Commandants of naval stations, as follows:

(1) Those residing in Samoa, under the Commandant, Naval Station, Tutuila.

(2) Those residing in Guam, under the Commandant, Naval Station, Guam.

(f) Reservists and retired men residing in the West Indies outside the limits of the Tenth Naval District will be under the supervision of Commandants as follows:

(1) The Commandant, U. S. Naval Station, Guantanamo Bay, Cuba;

Those residing within the U. S. Naval Reservation, Guantanamo Bay, Cuba, or employed at the U. S. Naval Station, Guantanamo Bay, Cuba, and residing in the vicinity thereof.

(2) The Commandant, Tenth Naval District; Those not covered by paragraph (f) (1) of this section.

(g) Reservists and retired men residing permanently or for periods in excess of 6 months in Asiatic countries will be under the jurisdiction of the Commandant, Sixteenth Naval District.

(h) Reservists and retired men residing in the Republic of Panama will be under the jurisdiction of the Commandant, Fifteenth Naval District.

§ 6.1405 *Administrative duties of the Bureau of Naval Personnel.* The Bureau of Naval Personnel is charged with the procurement, education, training, discipline, and distribution of officers and men of the Naval Reserve and with their organization, administration, and mobilization. Accordingly, the principal duties of the Bureau of Naval Personnel may be enumerated as follows.

(a) Determines the number of officers and men required from year to year in the various classes of the Naval Reserve to meet the needs of the Navy and their apportionment among the various naval districts for purposes of procurement, administration, and training, within appropriations available for these purposes.

(b) Prescribes the details of instruction, training, and other activities of the various units and individuals of the Naval Reserve both ashore and afloat.

(c) Supervises the appointment of officers and the enlistment and reenlistment of men in the Naval Reserve, and the transfers of officers and men from the Regular Navy to the Naval Reserve.

(d) Supervises discharges and retirements.

(e) Supervises the promotions of officers and men of the Naval Reserve.

(f) Supervises the transfer of reservists from one class to another of the Naval Reserve.

(g) Supervises the ordering of reservists to and from active or training duty.

(h) Keeps the individual records of officers and men.

(i) Maintains statistics and records of the drilling and training activities of the various organized units and of the various classes within the various naval districts.

(j) Supervises the annual selection of enlisted men of the Naval Reserve for appointment as midshipmen to the Naval Academy.

(k) Supervises the procurement of armories, aviation bases, and equipment for shore instruction.

(l) Supervises the assignment of shipkeepers for vessels assigned to training the Naval Reserve and determines the number to be so assigned; also the number and assignment of reservists for active duty in connection with the other reserve activities.

(m) Is directly responsible for expenditures under the Naval Reserve appropriation. Determines the amount of money required from year to year for the Naval Reserve and prepares and presents the Naval Reserve budget.

(n) Determines, and, insofar as practicable, carries into execution the measures that are necessary in time of peace to insure that the personnel of the Merchant Marine shall be of maximum service to the country in time of war.

(o) Carries out, insofar as permitted by the funds and personnel available, the policies relating to the Naval Reserve, and apportions the funds and distributes the personnel accordingly.

§ 6.1406 *Quotas of officers and men.* The Bureau of Naval Personnel will publish quotas of officers and men of the Naval Reserve from time to time with

designations and for purposes as indicated hereinafter:

(a) *Mobilization quota.* The mobilization quota for a naval district or for some other activity, such as an office or a bureau of the Navy Department, is the number of officers and the number of enlisted men in each class of the Naval Reserve required to fill such district's or activity's mobilization needs, or such part thereof as policies with respect to the Naval Reserve may currently require filled.

(b) *Procurement quotas*—(1) *Organized Reserve and Volunteer Reserve (General Service).* The procurement quota for the Organized Reserve and the Volunteer Reserve (General Service) is the number of officers and the number of men in each class which a naval district is required to procure and maintain on its rolls for mobilization purposes both within and without the district.

(2) *Volunteer Reserve (Special Service).* (i) The procurement quota for the Volunteer Reserve (Special Service) is the number of officers in each class which a naval district is required to procure. Except as indicated in § 6.5804 (b) and in paragraphs (b) (2) (ii) and (b) (2) (iii) of this section, the procurement and mobilization quotas for the Volunteer Reserve (Special Service) shall be identical, unless specifically directed otherwise by the Bureau of Naval Personnel.

(ii) Officers of the Volunteer Reserve (Special Service) whose mobilization assignment is controlled by a District Commandant are a charge against such district's procurement quota even though they may have been appointed from another district, or may have their official residence in another district. A change in such an officer's mobilization assignment to or from a district therefore entails a corresponding correction in the charge against the procurement quotas of the respective districts.

(iii) Officers of the Volunteer Reserve (Special Service), who are designated by the Bureau of Naval Personnel to fill the mobilization requirements of an office or bureau of the Navy Department and activities which are administered directly by them, will not be charged against the procurement quota of the district from which appointed.

(3) *Merchant Marine Reserve.* Procurement in the Merchant Marine Reserve is not limited by a quota.

(c) *Allowed quota, Organized Reserve.* The allowed quota, Organized Reserve, is the number of officers and men in each of the classes of the Organized Reserve (required to perform weekly drills and 14 days' annual training duty with pay), not including officers of this class on active duty, which the Commandant is authorized to maintain on the rolls.

(d) *Training quota.* The training quota is the number of officers and men of the various classes of the Volunteer Reserve and Merchant Marine Reserve to whom the Commandant is authorized to give 2 weeks' training duty with pay.

§ 6.1407 *Establishment of organizations.* (a) No battalion, division, or squadron of the Naval Reserve shall be established or abolished without the authority of the Chief of Naval Operations and the Secretary of the Navy; nor shall the number of battalions, divisions, or squadrons in any location be increased or decreased without such authority.

(b) Organizations of the Volunteer Reserve other than sections and units of the Naval Communication Reserve shall be established or abolished by District Commandants in accordance with instructions issued by the Chief of the Bureau of Naval Personnel. In issuing such instructions, due consideration will be given to the recommendations of the Bureau or Office of the Navy Department having cognizance of the specialty for which the unit is maintained.

(c) No section or unit of the Naval Communication Reserve shall be established or abolished without the authority of the Chief of Naval Operations; nor shall the number of such sections or units in any location be increased or decreased without such authority.

§ 6.1408 *Naval Reserve flag for merchant vessels.* (a) A suitable flag or pennant has been prescribed by the Secretary of the Navy, which may be flown from the mainmasthead as an emblem of the Merchant Marine Reserve on seagoing vessels documented under the laws of the United States under a warrant issued for each such vessel by the Secretary of the Navy.

(b) In order to be eligible for such warrant, the vessel must first have been determined by the Chief of Naval Operations as suitable for service as a naval auxiliary in time of war so designated by the Secretary of the Navy and the master or commanding officer and not less than 50 per centum of the other licensed officers must be members of the Navy or the Naval Reserve.

(c) Such flag or pennant shall not be flown in lieu of the National Ensign.

(d) When any vessel which has been authorized to fly the Merchant Marine flag is for any reason no longer eligible to fly same, the warrant of authorization shall be returned to the Chief of Naval Personnel for cancellation.

§ 6.1409 *Naval Reserve yacht pennant.* (a) A suitable pennant has been prescribed by the Secretary of the Navy, which may be flown as an emblem of the Naval Reserve from the foremasthead on yachts and similar vessels documented under the laws of the United States, under a warrant issued for each such yacht or similar vessel by the Secretary of the Navy.

(b) In order to be eligible for such warrant, the yacht or similar vessel must first have been determined by the Chief of Naval Operations as suitable for service as a naval auxiliary in time of war, and so designated by the Secretary of the Navy, and the master or owner must be an officer of the Navy or the Naval Reserve.

(c) Such pennant shall not be flown in lieu of the National (or yacht) Ensign.

(d) When any yacht which has been authorized to fly the Naval Reserve yacht pennant is for any reason no longer eligible to fly same, the certificate of authorization shall be returned to the Chief of Naval Personnel for cancellation.

§ 6.1410 *Accountability for funds.* Any officer or man who by virtue of his position in the Naval Reserve obtains and handles any funds intended for or belonging to any Naval Reserve organization or individual thereof shall account for the receipt and expenditure of such funds. Accounts are required for funds such as those received from private sources or from the proceeds of social functions given for the benefit of Naval Reserve organizations or as a result of assessments or contributions by members of the organization, etc. The commanding officer of the Naval Reserve organization in receipt of funds of this nature will cause an audit of the funds to be made quarterly by a board appointed by him. This board will consist of at least two officers. The audit shall contain a certificate that the cash, as shown on hand, has been counted and verified by the auditing board. Any shortage of funds shall be reported immediately by the commanding officer of the Naval Reserve organization to the Commandant of the naval district. These accounts and the audits thereof will then be made a part of the record of the Naval Reserve organization. A report of each audit and of the state of the account will be made to the Commandant of the naval district by the commanding officer within 10 days after completion of the audit.

§ 6.1411 *Shipkeepers, number allowed.* (a) At the beginning of each fiscal year an allotment of funds under the Naval Reserve appropriation will be made to each naval district to cover the active-duty pay and allowances required for duty as shipkeepers. The term "shipkeepers" as herein used applies to all enlisted Reservists on active duty, with pay, during peacetime, other than training duty, whether employed afloat or ashore. Within his allotment for this purpose, the Commandant will issue the necessary orders to enlisted Reservists selected for this duty, in accordance with § 6.1705.

(b) The Commandants of naval districts may, within their allotments for this purpose, authorize subsistence allowances or quarters allowances or both for enlisted shipkeepers other than those of the Fleet Reserve, in accordance with the provisions of Part D, Chapter 10, Bureau of Naval Personnel Manual (available in Bureau of Naval Personnel, Navy Department). New authorization will be required in each case upon reenlistment, extension of enlistment, or change of duty, and a copy forwarded to the Bureau of Naval Personnel.

(c) In addition to the foregoing a specified number of enlisted men of the Fleet Reserve for duty as shipkeepers will be allowed for each naval district, whom the Commandant may place on active duty for this purpose. Requests for payment of subsistence or quarters allowances for these shall be submitted to the Bureau for action, the same as for men of the Regular Navy.

(d) Shipkeepers are to be subsisted in general mess either afloat or ashore

when practicable. They shall be furnished quarters either afloat or ashore whenever such quarters are available for them.

PRECEDENCE

§ 6.1501 *Precedence, line and staff.* Line officers of the Naval Reserve take precedence with line officers of the Regular Navy, and staff officers with staff officers of the Regular Navy of the same corps.

§ 6.1502 *Precedence of officers on inactive duty.* Except while performing active duty, other than training duty, commissioned and warrant officers of the Naval Reserve of the same rank or grade will take precedence among themselves according to date of commission or warrant; and with respect to officers of the Regular Navy next after the junior of their own rank or grade. Officers of the same date of commission or warrant shall take precedence according to the order in which their names appear on the official Naval Reserve Register as kept in the Navy Department.

§ 6.1503 *Precedence of officers on active duty during peacetime.* During peacetime, each officer of the Naval Reserve who reports for active duty other than training duty, on or after July 1, 1938, shall take precedence next after that officer of the Regular Navy of the same rank or grade whose length of service in such rank or grade on the date the active duty began is one-half or the nearest one-half of that of the Reserve officer. In the event the date an officer last reported for active duty should be prior to July 1, 1938, for purposes of precedence he will be considered as having reported for active duty on that date. Thereafter, officers of the Naval Reserve who are advanced to higher grades while performing active duty other than training duty shall, during the continuance of such duty, take precedence among themselves and with other officers of the Navy in accordance with date of such advancement or promotion.

§ 6.1504 *Precedence of officers on active duty during war or national emergency.* (a) When mobilized with the Regular Navy for war or a national emergency, each officer of the Naval Reserve shall take precedence next after that officer of the Regular Navy of the same rank or grade whose length of service in such rank or grade on the date of the declaration of such national emergency or war is one-half or the nearest one-half of that of the Reserve officer.

(b) In the event the date a Naval Reserve officer last reported for active duty should be prior to the date upon which such war or national emergency was declared or proclaimed by proper authority, he will be considered as having reported on the later date.

(c) A Naval Reserve officer appointed after the declaration of the war or national emergency shall take precedence, upon reporting for active duty, next after the officer of the Navy of the same rank or grade whose length of service in such grade or rank on the date the Reserve officer reports for active duty, is one-half or the nearest one-half of that of the Reserve officer.

(d) When mobilized with the Regular Navy for war or a national emergency, Naval Reserve officers who are advanced to higher grades or ranks subsequent to reporting for active duty, shall during the continuance of such active duty, take precedence among themselves and with other officers of the Navy in accordance with the dates of such advancement or promotion.

§ 6.1505 *Details of computing precedence.* (a) In the event the computation of one-half of the Reserve officer's service in grade on date of mobilization as provided for in §§ 6.1503 and 6.1504 gives him a date of precedence identical with the date of rank of an officer or a group of officers of the Regular Navy of the line or staff corps of which he is a member, the Reserve officer takes precedence next after the junior officer of the line or staff corps of the Regular Navy, having the same date of rank. If the computation results in a date of precedence for the Reserve officer between the dates of rank of two officers or two groups of officers of the Regular Navy, the following rules shall apply:

(1) If the date for the Reserve officer is exactly midway between two officers or two groups of Regular Navy officers, or above that point, the Reserve officer shall take precedence next after the junior officer immediately preceding.

(2) If the date for the Reserve officer is below the midway point between two officers or two groups of Regular Navy officers, the Reserve officer shall take precedence next after the senior officer next following.

(b) In case there is no officer of the same rank or grade and corps in the Regular Navy senior in date of rank to the date of precedence of the Reserve officer on mobilization, the Reserve officer shall take precedence next after the senior officer of the Navy in his grade.

§ 6.1506 *Relative precedence of officers below grade of ensign.* The relative precedence of ensigns, commissioned warrant officers, midshipmen, cadets, Merchant Marine Reserve, and warrant officers, is as follows:

(a) Ensigns, U. S. Navy and U. S. Naval Reserve.
(b) Commissioned warrant officers, U. S. Navy and U. S. Naval Reserve.
(c) Midshipmen, U. S. Navy.
(d) Midshipmen, U. S. Naval Reserve.
(e) Midshipmen, Merchant Marine Reserve.
(f) Warrant officers, U. S. Navy and U. S. Naval Reserve.

§ 6.1507 *Precedence in parades.* In parades of forces which include United States troops, the order of precedence will be as follows:

(a) Cadets, U. S. Military Academy.
(b) Midshipmen, U. S. Naval Academy.
(c) Cadets, U. S. Coast Guard.
(d) Regular Army.
(e) U. S. Marines.
(f) U. S. Navy.
(g) U. S. Coast Guard.
(h) National Guard organizations which have been federally recognized.
(i) Marine Corps Reserve.
(j) Naval Reserve.
(k) Other organizations of the Organized Reserve, National Guard, Naval Militia, Reserve Officers Training Corps, and other training units in the order prescribed by the Grand Marshal of the parade.
(l) Veterans and other patriotic organizations in the order prescribed by the Grand Marshal of the parade.

§ 6.1508 *Date of rank of former officers of Navy or Coast Guard appointed in Naval Reserve.* (a) Former officers of the Navy or Coast Guard who are appointed in the Naval Reserve in the same grades or ranks held in the Regular Navy or Coast Guard as a result of application therefor made within 1 year from date of resignation from the Navy or Coast Guard, shall be given the same dates of rank in their Naval Reserve commissions as held by them in the Navy or Coast Guard.

(b) A former officer of the Regular Navy or Coast Guard appointed in the Naval Reserve in a lower rank or grade than that last held by him in the Navy or Coast Guard, under the provisions of §§ 6.2101–6.2517, whose application therefor was made within 1 year of separation from the Navy or Coast Guard, shall be given a date of rank in his Naval Reserve commission as of the date previously held by him in the corresponding rank or grade in the Regular Navy or Coast Guard.

(c) A former officer of the Regular Navy or Coast Guard appointed in the Naval Reserve as the result of application made more than 1 year from date of separation from the Navy or Coast Guard, will be given a date of rank in his Naval Reserve commission as of the date of application therefor.

PHYSICAL EXAMINATIONS AND STANDARDS

§ 6.1601 *Physical examinations of officers; when required.* (a) A candidate for appointment as an officer is required to take a physical examination.

(b) Naval Reserve officers are required to take physical examinations for:

(1) *Promotion.* The candidate must be found physically qualified or have defects waived, prior to commencement of the professional examination.

(2) *Active duty or training duty and release therefrom.* Except as provided for repeated periods of training or other duty, and short periods of group training, a Naval Reserve officer is required to take a physical examination prior to or upon reporting for active duty or training duty with or without pay, and to be found physically qualified to perform active duty appropriate to his grade and class. Prior to detachment from ship or station for release from active duty or training duty, he shall be given a physical examination to determine whether or not his health has been adversely affected by such active duty or training duty, and appropriate entries shall be made in his health record. The physical examination prior to reporting for active duty or training duty shall be reported on Bureau of Medicine and Surgery Form Y in triplicate. The Form Y will be retained with the officer's health record and the result of the physical examination given upon completion of active duty or training duty entered by endorsement thereon.

(3) *Quadrennially.* Quadrennially as indicated in § 6.1602.

(4) *For duty involving flying in actual control of aircraft.* A candidate for appointment, promotion, active duty or training duty involving actual flying of aircraft, must be examined and found to be physically and psychologically qualified to serve as a pilot of naval aircraft.

(5) *Special examinations as directed.* Special examinations and examinations by boards of medical survey may be ordered as required or at the request of a Reserve officer, to determine his physical fitness for retention, retirement or discharge, or other disposition.

(c) Officers on active duty shall report for physical examination annually in accordance with requirements for officers of the Regular Navy.

§ 6.1602 *Quadrennial physical examinations of officers.* (a) All officers of the Naval Reserve shall be examined physically in the manner prescribed in § 6.1603 once every 4 years, or oftener, as may be deemed necessary, and if upon such examination they are found not physically qualified for active service, they shall be honorably discharged, or, within the discretion of the Secretary of the Navy, placed on the honorary retired list. In determining an officer's qualifications for active service, due consideration shall be given to the character of the duty to be assigned him in the event of war or national emergency.

(b) A physical examination for any purpose covered by § 6.1601 will be deemed sufficient to fulfill the requirements of this section, if properly reported on Bureau of Medicine and Surgery Form Y; or in the case of officers of classes A–O, A–V (G), A–V (N), and A–V (T), upon Form NMS Aviation No. 1, accompanied in either case by a fingerprint record, B. N. P. 680.

(c) Subject to the provisions of § 6.1607 (d), in case an officer is found not physically qualified upon examination for any purpose by one medical officer, or if upon review of the physical examination by the Bureau of Medicine and Surgery he is found not physically qualified, the report of physical examination shall be referred to a special board of medical officers convened in the Bureau of Medicine and Surgery for consideration and recommendation as to retention in the class of the Naval Reserve to which assigned.

(d) Physical defects considered not to be sufficiently serious to disqualify an officer from the performance of the duties of his rank, corps, and classification, may be waived by the Bureau of Naval Personnel. For 4 years thereafter, additional waivers for the same disability will not be required for the performance of active or training duty or release therefrom, provided the degree thereof has not materially increased.

(e) Commandants shall notify all officers of the Naval Reserve in their districts at least 60 days in advance of the dates on which they are due for physical examination. If after being so notified an officer has not appeared for examination, or submitted a satisfactory excuse to do so within 30 days after the date on which he became due for examination, the Commandant shall submit a report to the Bureau of Naval Personnel in order that the officer concerned may be discharged from the Naval Reserve.

§ 6.1603 *Physical examination of officers; by whom conducted.* (a) Physical examinations of Naval Reserve officers for promotion and physical examinations of candidates for appointment as Naval Reserve officers shall, if practicable, be conducted by statutory boards of medical officers composed of medical officers of the regular Navy or Naval Reserve or of both. If impractical to assemble a statutory medical board without incurring mileage or other expense, the physical examination may be conducted by one medical officer of the regular Navy or of the Naval Reserve. Reports of such examination shall be reviewed by a statutory board [1] of medical officers convened in the Bureau of Medicine and Surgery, together with the medical history of the candidate on file in the Department.

(b) Physical examinations of officers for active duty or training duty and release therefrom and quadrennial physical examinations shall be conducted by a medical officer of the Regular Navy or Naval Reserve, if available. If a medical officer of the Regular Navy or Naval Reserve is not available without incurring mileage or other expense, quadrennial physical examinations may be conducted by Army or Army Reserve medical officers, medical officers of the Public Health Service or of the Veterans' Administration or, in special cases, by a reputable physician. Reports of such examination shall be reviewed by the Bureau of Medicine and Surgery together with the medical history of the officer on file in the Department.

(c) Those medical officers of the Navy, Naval Reserve, Army, and Army Reserve who are qualified to conduct physical examinations for flying are hereby designated as the agencies to conduct these examinations in accordance with the existing instruction of the Bureau of Medicine and Surgery. Reports of such examinations shall be accepted for appointments and promotions without an additional report on Bureau of Medicine and Surgery Form Y.

§ 6.1604 *Physical examinations; enlisted men.* (a) Candidates for enlistment or reenlistment in the Naval Reserve shall be examined physically by a medical officer of the Navy or Naval Reserve. If a medical officer of the Navy or Naval Reserve is not available without incurring expense to the Government, such examinations may be conducted by Army or Army Reserve medical officers, medical officers of the Public Health Service or of the Veterans' Administration, if agreeable to such officers upon authorization by the Commandant in each case.

(b) Except as provided for repeated periods of training or other duty and short periods of group training, an enlisted man is required to be examined physically by a medical officer of the Navy or Naval Reserve prior to or upon reporting for active duty or training duty, with or without pay, and to be found physically qualified to perform active duty. Prior to detachment from ship or station for release from active duty or training duty, he shall be given a physical examination to determine whether or not his health has been adversely affected by such duty or training duty. Appropriate entries of such examinations shall be made in his health record.

§ 6.1605 *Physical examination for repeated periods of training and group training.* (a) Members of the Naval Reserve ordered or authorized to perform repeated periods of training duty or other duty, or periods of group training will not be required to take a physical examination prior to each period of duty, nor upon completion thereof, except in case of injury, sickness, or disease, provided that officers authorized to perform duty involving actual control of aircraft shall have passed a satisfactory flight physical examination within 6 months immediately preceding any period of duty.

(b) In case of injury, sickness, or disease incurred by any member of the Naval Reserve performing such duty, appropriate entries shall be made in his health record, and on his orders and required reports submitted.

§ 6.1606 *Physical standards.* The physical standards prescribed for the Naval Reserve are the same as those prescribed for the Regular Navy, with due consideration, however, for age in grade and the character of duty to be assigned in the event of war or a national emergency.

§ 6.1607 *Reports and records of physical examinations.* (a) The result of every physical examination shall be entered in the Reservist's health record and will become a part of his medical history.

(b) The results of all physical examinations of officers, other than those for duty involving flying in actual control of aircraft, shall be reported on Bureau of Medicine and Surgery Form Y, sufficient copies being prepared for district records, the original and one copy being forwarded to the Bureau of Medicine and Surgery.

(c) The results of examinations for appointments or duty involving flying in actual control of aircraft shall be reported on Bureau of Medicine and Surgery Form N. M. S. Aviation 1, sufficient copies being prepared for district records, the original and one copy being forwarded to the Bureau of Medicine and Surgery.

(d) The results of quadrennial physical examinations of officers shall be reported on Bureau of Medicine and Surgery Form Y or N. M. S. Aviation No. 1, as the case may be, accompanied by fingerprint record, B. N. P. 680.

(e) Reports of physical examinations for promotion of officers of the Organized Reserve and Volunteer Reserve (General Service) when conducted by

[1] Review by statutory board suspended for duration of war.

statutory medical examining boards shall accompany the proceedings of the professional examination, which shall be forwarded in accordance with § 6.3603.

(f) Reports of all physical examinations for appointment to all classes, and for promotion in the Volunteer Reserve (Special Service), and Merchant Marine Reserve, shall accompany the candidate's application.

(g) The reports of Statutory Medical examining boards shall be made on Bureau of Medicine and Surgery Form Y or N. M. S. Aviation 1, as the case may be. No other papers will be required. The Form Y or N. M. S. Aviation 1 should clearly indicate the purposes of the examination at the top of the form, and a notation should appear under the signatures of the medical officers, indicating that they are members of a statutory board.

(h) If an officer is found not physically qualified, the report of the Board of Medical officers shall be forwarded to the Bureau of Medicine and Surgery via the Commandant of his naval district, who shall make appropriate recommendation as to retention, waiver, discharge, or transfer to the honorary retired list or to another class.

ORDERS TO ACTIVE AND TRAINING DUTY

§ 6.1701 *Individual orders to officers for training duty.* (a) Where no flight duty is involved, orders to officers for training duty with pay and allowances including mileage may be issued by the Commandants of the naval districts within the training quotas prescribed by the Bureau of Naval Personnel. Orders to training duty involving flying with pay will be issued by the Bureau of Naval Personnel. In submitting requests to the Bureau of Naval Personnel for training duty, the Commandant shall furnish file number of each officer, his rank, class, home address, and statement as to whether mileage is required and estimate of mileage involved. In the absence of information as to mileage, the orders issued by the Bureau of Naval Personnel will be authorization not involving expense to the Government for travel.

(b) Orders to perform training duty without pay or allowances, including duty involving flying for officers holding designations as naval aviators or letters of authority to solo naval aircraft may be issued by Commandants of naval districts, or under their direction by the commanding officer of the vessel or aviation base at which the duty is to be performed or by the senior officer present of any Naval Force.

(c) Orders to perform repeated periods of training duty between specified dates without pay or allowances including duty involving flying for officers holding designations as naval aviators or letters of authority to solo naval aircraft may be issued by Commandants of naval districts. Such orders should require that the dates of reporting for and detachment from each period of training duty be indicated by an endorsement.

(d) Upon completion of the period or periods of training duty as covered in the orders, a copy of such orders with all endorsements shall be forwarded to the Bureau of Naval Personnel. Upon completion of training duty with pay, in the cases of officers entitled to remuneration for drills, equivalent instruction or duty, appropriate duties, or compensation for command, a copy of the orders with all endorsements shall be forwarded to the Bureau of Supplies and Accounts (Retainer Pay Section).

§ 6.1702 *Individual orders to enlisted men for training duty.* (a) Orders to enlisted men for training duty with pay and allowances including transportation to and from such duty, may be issued by the Commandants of naval districts within the training quotas prescribed by the Bureau of Naval Personnel. Flight orders and revocations thereof, however, will be issued by the commanding officer under whom serving and a copy forwarded to the Bureau of Naval Personnel.

(b) Orders to perform training duty without pay or allowances may be issued by Commandants of naval districts or under their direction, by the commanding officer of the vessel or aviation base at which the duty is to be performed, or by the senior officer present of any Naval Force.

(c) Orders to perform repeated periods of training duty between specified dates without pay or allowances may be issued by the Commandants of naval districts. Such orders should require that the dates of reporting for and detachment from each period of training duty be indicated by endorsement.

(d) Upon completion of the period or periods of training duty as covered in the orders, a copy of such orders with all endorsements shall be forwarded to the Bureau of Naval Personnel. Upon completion of training duty with pay, in the cases of men entitled to remuneration for drills, equivalent instruction or duty, or appropriate duties, a copy of the orders with all endorsements shall be forwarded to the Bureau of Supplies and Accounts (Retainer Pay Division).

§ 6.1703 *Group orders for officers and men for short periods of training duty.* (a) Short periods of training duty without pay of less than 4 days duration may be ordered to be performed by organizations or groups of Naval Reservists in vessels or at Naval Reserve aviation bases. They must be ordered in advance for the vessel or base and for each individual participating. Such orders may be issued by the District Commandant or under his direction by the commanding officer of the vessel or base at which performed. The orders to the various individuals to perform such duty may be covered in a single set of orders, each individual ordered to perform the duty being named therein, his grade, rank or rating, the class of the Naval Reserve to which he belongs, and the organization, if any, to which he is assigned being shown.

(b) Reservists will be considered as in the status of performing training duty without pay from the time of reporting on board or at the aviation base under the orders issued in accordance with paragraph (a) of this section, until their debarkation or release from duty status at the end of the cruise or until such earlier time as they may have been released from such duty status; except that where the flying of aircraft extends beyond the duty period for the group, those actually engaged in a flight will be considered as in a duty status until completion or return to their station.

(c) Copies of orders for the performance of duty of this character or other reports (other than entries in service records and fitness reports) will not be required by the Bureau of Naval Personnel; but complete records thereof should be maintained by the vessel or aviation base at which performed or by the organization by which performed, or at district headquarters.

§ 6.1704 *Release of officers and men from active or training duty in time of peace.* (a) Except in the cases of Aviation Cadets, and officers of class A–V (N), as provided for in §§ 6.10101–6.10506, in time of peace no officer or man shall be ordered to or continued on active or training duty without his own consent. Except as provided for in § 6.6103, they shall be released therefrom on the dates stated in their orders or at such time prior thereto as they may request. Their release from such duty shall be accomplished by the agency issuing the orders thereto.

(b) The Secretary of the Navy may release any member of the Naval Reserve from active or training duty at any time.

§ 6.1705 *Orders to officers and men to active duty in time of peace.* (a) Orders to Naval Reserve officers who are to be placed on active duty other than training duty during time of peace will be issued by the Bureau of Naval Personnel.

(b) Orders to enlisted men who are to be placed on active duty, other than training duty, during time of peace, will be issued by the Commandant of the naval district to which attached in accordance with quotas for such duty authorized by the Bureau of Naval Personnel. Flight orders and revocations thereof, however, will be issued by the commanding officer under whom serving and a copy forwarded to the Bureau of Naval Personnel.

(c) Before being placed on active duty, officers and men shall be physically qualified therefor in accordance with the provisions of §§ 6.1601 (b), 6.1604 (b), and 6.1604 (c).

(d) When so placed on active duty, officers and men will devote their whole time to the duty to which ordered.

§ 6.1706 *Orders to officers to duty as technicians and scientists.* (a) Appropriations made to the various bureaus and offices of the Navy Department for part time or intermittent employment of scientists, technicists, and other personnel in connection with the work of such bureaus and offices shall be available for the active duty pay and allowances of such members of the Naval Reserve as in the discretion of the Secretary of the Navy may be placed on temporary active duty for the purpose of prosecuting such work.

(b) Orders to officers for the performance of the above duty will be issued by the Bureau of Naval Personnel upon the request of the Bureau concerned. Such orders will be issued subject to consent of the Reserve officer to whom issued and will indicate the place at which the duty is to be performed, the dates between which to be performed, the appropriation to be charged, the rate of pay involved, and mileage if any allowed.

§ 6.1707 *Orders to officers and men to active duty in time of war.* (a) Any member of the Naval Reserve, including those on the honorary retired list or who may have retired, may be ordered to active duty by the Secretary of the Navy in time of war, or when, in the opinion of the President, a national emergency exists and may be required to perform active duty throughout the war or until the national emergency ceases to exist.

(b) Orders to officers and men for the performance of the above duty will be issued by the Bureau of Naval Personnel or under the Bureau's instructions by the Commandants of naval districts having cognizance or by other designated officers acting under the Bureau's instructions.

(c) When so placed on active duty, it is expected that officers and men will devote their whole time to naval duties and shall not engage in private employment, except in such cases as may be specifically authorized by the Bureau of Naval Personnel.

§ 6.1708 *Release of officers and men from active duty in time of war.* In accordance with the provisions of § 6.1707 (a) officers and men of the Naval Reserve performing active duty in time of war shall be released therefrom only in accordance with the instructions of the Bureau of Naval Personnel.

§ 6.1709 *Mobilization assignments of Naval Reserve officers and mobilization of the Naval Reserve.* (a) Naval Reserve officers shall be informed as to the agency controlling their mobilization upon appointment and as changes occur. In so far as consistent with the public interest, agencies controlling mobilization assignments shall keep Naval Reserve officers informed as to the nature of their mobilization assignments.

(b) The mobilization of the Naval Reserve, when ordered, will be accomplished in accordance with instructions issued by the Bureau of Naval Personnel in other publications.

§ 6.1710 *Endorsements on orders for active or training duty.* Orders to active or training duty issued in accordance with §§ 6.1701 (a) and (b), 6.1702 (a) and (b), 6.1705, 6.1706, shall be endorsed as follows:

(a) Date and hour of receipt of orders, signed by recipient thereof.

(b) Date and hour of departure from address indicated in the orders, in the execution thereof, signed by the recipient of the orders.

(c) Date and findings as result of physical examination, signed by the medical officer conducting the physical examination.

(d) Place, date, and hour of reporting for duty, signed by the commanding officer of the naval activity to whom the orders require recipient to report or by his direction.

(e) Date and findings as result of physical examination prior to release from duty, signed by the medical officer conducting the physical examination.

(f) Place, date, and hour of detachment from duty signed by the commanding officer of the naval activity under whom the duty at time of detachment was being performed, or by his direction.

(g) Date and hour of return to address indicated in the orders, signed by recipient thereof.

§ 6.1711 *Procedure when found physically disqualified for active or training duty.* (a) Except as indicated in paragraph (b) of this section, the uncompleted portion of orders to active or training duty will be considered as revoked in the event the recipient thereof should be found physically disqualified for the duty indicated therein, unless a waiver of such disabilities should be secured from the Navy Department.

(b) In the event the recipient of the orders has been extended a prior waiver of physical defects, in accordance with § 6.1602 (d), the orders to active or training duty shall so state and shall indicate the disabilities for which the waiver was granted. If the disabilities at time of reporting for duty are essentially the same as to character and degree, the prior waiver will continue to be effective, insofar as the execution of the orders is concerned. If the disabilities at time of reporting for duty have increased as to character or degree, the uncompleted portion of the orders to active or training duty will be considered as revoked, unless a further waiver should be secured from the Navy Department.

ADDRESSES, OFFICIAL RESIDENCE, RECORDS, CORRESPONDENCE, AND REPORTS

§ 6.1801 *Official designation of officers and men.* (a) In official correspondence, orders, etc., where it is important that the class to which they belong, be shown, officers and men shall be designated in the manner indicated in the following examples:

(1) A lieutenant (junior grade) of class A–O (aviation flight officer of Organized Reserve); Lt. (jg) Paul R. Smith, A–O, U. S. N. R.

(2) A lieutenant of class E–M (engineer officer of Merchant Marine Reserve): Lt. Robert A. Brown, E–M, U. S. N. R.

(3) A lieutenant commander of class MC–V (S) (medical officer of Volunteer Reserve, Special Service): Lt. Comdr. William H. Johnson, MC–V (S), U. S. N. R.

(4) A chief boatswain of class O (chief warrant officer of Organized Reserve): Chief Boatswain Thomas D. Smith, D–O, U. S. N. R.

(5) A machinist of class V–G (warrant officer of Volunteer Reserve, General Service): Machinist George L. White, E–V (G), U. S. N. R.

(6) A nurse of Volunteer Reserve, General Service: Nurse Mary E. Peters, U. S. N. R.

(7) An enlisted man of class O–1 (a man enlisted in the Organized Reserve (surface branch) for 4-year period or with extended enlistment): John Henry Jones, 130–50–72, C. B. M., O–1, U. S. N. R.

(b) When it is unimportant that the class to which they belong be shown, officers and men may be designated merely as members of the Naval Reserve, of the line and staff, similarly as for the Regular Navy, in the manner indicated in the following examples:

(1) Lt. (jg) Paul R. Smith, U. S. N. R.
(2) Lt. Robert A. Brown, U. S. N. R.
(3) Lt. Comdr. W. H. Johnson (M. C.), U. S. N. R.
(4) Machinist George L. White, U. S. N. R.
(5) Nurse Mary E. Peters, U. S. N. R.
(6) John Henry Jones, C. B. M., U. S. N. R.

(c) The use of titles for commercial purposes is prohibited.

§ 6.1802 *Official residence.* (a) "Official residence" is defined as the place of permanent residence or home to which a member of the Naval Reserve, if ordered to active duty, would normally expect to be returned, upon release from active duty.

(b) When first appointed or enlisted, officers, cadets, and midshipmen of the Naval Reserve shall inform the Bureau of Naval Personnel via the Commandants of their naval districts, and enlisted men shall inform the Commandants, of the names and official residences of their next of kin. They shall also report in a similar manner any changes in name or residence of next of kin.

(c) Members of the Naval Reserve may change their official residences at will, except that prior approval of the Bureau of Naval Personnel is required to change official residence to a place outside the territorial limits of the United States.

(d) An officer of the Naval Reserve shall report any change of official residence to the Bureau of Naval Personnel via the commanding officer of his organization and the Commandant of the naval district in which his records are carried if not on active duty, or if on active duty, via his commanding officer.

(e) An enlisted man of the Naval Reserve shall report any change of official residence to the Commandant of his district via the commanding officer of his organization if not on active duty, or if on active duty, via his commanding officer.

Changes of official residence approved by the commanding officer shall, in the cases of enlisted men, be entered in their service records as provided in § 6.1807 (f) under "Change in name, address, next of kin, etc."

(f) The form shown below should be followed:

12536. JULY 1, 1942.
From: Lieutenant John H. Jones, D–V (G), U. S. N. R.
501 West 113th St.,
New York, N. Y.
To: The Chief of Naval Personnel.
Via: The Commandant of the THIRD Naval District.
Subject: Change of official residence.
Reference: (a) Bureau of Naval Personnel Manual, § 6.1802.
1. In compliance with reference (a), I request that my official residence be changed—
From: 501 West 113th St., New York City.
To: The Westminster, 17th and Que Sts. NW., Washington, D. C.
(S.) J H JONES.
Distribution:
Original: BuPers.
Copies: Comdt. N. D. (1st to Comdt. of Naval District from which moving, 2nd to Comdt. of Naval District to which moving.)
Bureau concerned.
My file.

(g) A copy of change of official residence shall be forwarded to the bureau or office having cognizance of the corps or class, i. e., A–O, A–V (G), A–V (S), A–V (T), A–V (P), copy to BuAero; E–V (G), E–V (P), E–V (S), CC–V (S) and CC–V (P) copy to BuShips; MC–O, MC–V (G), MC–V (S), DC–V (G), DC–V (S), HC–V (G), and HC–V (S), H–V (S), and H–V (P), copy to Bu. M. & S.; SC–O, SC–V (G), SC–V (P), and SC–V (S), copy to Bu. S. & A.; CEC–V (S), copy to Bu. Y. & D.; O–V (S), copy to BuOrd; C–V (G), C–V (S), C–V (L), C–V (X), and I–V (S), copy to Chief of Naval operations; L–V (S), copy to J. A. G. No extra copies are required to be forwarded to any other in the cases of officers of classes D–O, E–O, DE–O, D–V (G), D–V (P), DE–V (G), DE–V (S), D–V (S), CHC–V (G), or CH–V (S).

(h) When the change of official residence reaches the Commandant's office, the district records shall be corrected and any transfer of records necessitated thereby effected. The letter transmitting the records should state the new address of the Reserve officer.

(i) When change of official residence is received in the Bureau of Naval Personnel, the records of the Bureau will be corrected accordingly.

(j) When not on active duty, members of the Naval Reserve shall at all times keep the Commandants of their naval districts or if not under the jurisdiction of a naval district, the Bureau of Naval Personnel, informed of any temporary mailing addresses to which a letter or telegram may be delivered to the addressee.

(k) When members of the Naval Reserve are residing outside of the United States for indefinite periods, they must report their addresses to the nearest United States naval attaché and keep him informed of any change therein.

§ 6.1803 *Members of Fleet Reserve and retired enlisted men to report changes of official residence to the Bureau of Supplies and Accounts and Commandant of district.* (a) All members of the Fleet Reserve and Retired Enlisted Men shall notify the Bureau of Supplies and Accounts (Retainer Pay Section) via the Commandant of the naval district, where their records are kept, of changes of official residence to which checks are to be mailed.

(b) Bureau of S. & A. Form 444d will be used for this notice and must be submitted in duplicate signed with the full name of the man, whenever his new address remains in the same naval district, and in triplicate whenever his address is changed to another naval district.

(c) When submitted in duplicate, the original will be forwarded to the Bureau of Supplies and Accounts and the copy retained for the files of the district.

(d) When submitted in triplicate, the original will be forwarded to the Bureau of Supplies and Accounts, one copy furnished the Commandant of the district in which the new address is located and the remaining copy retained in the district of the original residence as a basis for transferring records and for future reference.

(e) Notices given in any other manner will operate to delay the checks until a notice is received in the form and manner herein prescribed.

§ 6.1804 *Permission to leave the United States.* (a) Members of the Naval Reserve not on active duty are required to obtain permission to leave the United States from the Bureau of Naval Personnel in time of war or from the Commandant of their naval district in time of peace, except as indicated below:

(1) Members of the Naval Reserve employed in United States merchant vessels or American owned vessels under friendly foreign registry, or engaged in flying aircraft of commercial air lines of the United States, will not be required to obtain permission to leave the United States while following their professions.

(b) Copies of letters granting permission to members of the Naval Reserve to leave the United States issued by Commandants of naval districts shall be forwarded to the Bureau of Naval Personnel.

(c) Members of the Naval Reserve on active duty will be governed by the same instructions as apply to personnel of the Regular Navy.

(d) Requests for permission requiring action by the Bureau of Naval Personnel shall be forwarded via the Commandants of the naval districts and via other bureaus or offices concerned for appropriate recommendation.

(e) When a member of the Naval Reserve is granted permission to leave the United States for travel or residence in a foreign country, such member shall report by letter or in person to the American Naval Attaché, or the Senior Naval Officer in the places visited or in the nearby vicinity.

(f) Upon return to the United States following an absence authorized by the Bureau or Commandant, an officer of the Naval Reserve shall report the date of his return to the Bureau of Naval Personnel via the Commandant, and an enlisted man shall report the date of his return to the Commandant of his naval district.

§ 6.1805 *Merchant Marine Reserve; changes of employment.* Officers and midshipmen of the Merchant Marine Reserve not on active duty shall report changes of employment to the Bureau of Naval Personnel via the Commandants of their naval districts.

§ 6.1806 *Passports.* Members of the Naval Reserve who leave the United States to visit foreign countries where it is necessary to have passports should forward a copy of their authority to leave the United States to the State Department with their applications for passports.

§ 6.1807 *Service records; preparation of, entries in, and disposition of.* (a) The entries indicated in this section shall be made in the service record, B. N. P. 952. It is important that the detailed instructions given below be carefully studied and complied with and that all information entered be complete and accurate.

(b) The service record shall give the full name, including all christian names of the man. The service number assigned shall be entered on the top of the cover of the service record. The record must be signed in ink by the commanding officer quarterly, and upon transfer, discharge, desertion, or death.

(c) Service records shall be stamped on the back cover with the following words: "In case of death, discharge, desertion, or release from active service, this record shall be returned at once to the Commandant, ---------- Naval District ---------- (give address.)" Except as provided for in § 6.1809, the Reserve service record will be retained in the files of the district until man's discharge or death, at which time it will be closed out and forwarded to the Bureau of Naval Personnel.

(d) There shall be entered on the appropriate pages of the service record all periods of active duty, training duty (with or without pay), short volunteer cruises, changes in rank, rate, address or class, transfers between ships or stations, transfers from one district or organization to another, discharges, deaths, desertions, surrenders and deliveries, appointments to commissioned or warrant rank or grade, or other changes in a man's status.

(e) All entries shall preferably be typed. Routine entries may be made by rubber stamp, the divison commander procuring the required stamps suitable for his division.

(f) Detailed instructions for Reserve Service Records, B. N. P. 952.

A

Absence from duty. Enter on page 6 dates of absence from duty on account of sickness or injury, result of own misconduct AOL, AWOL, desertion, and nonperformance of duty because imprisoned, both while in arrest resulting in court-martial sentence and while serving sentence. These entries will only be made when man is absent while serving on active duty or training duty.

Active duty and training duty. See "duty."

Address. Enter on page 9 any change in man's address.

Appointments to commissioned or warrant rank or grade. Enter on page 9 date of appointment, rank or grade to which appointed, and date of acceptance of commission or warrant. Enter final marks on page 10, close out record as of date preceding acceptance of commmission or warrant and forward to the Bureau of Naval Personnel.

Appropriate duties. Make entry on page 9 at end of quarter and upon transfer from one district to another, death, discharge, or transfer to another class of the Naval Reserve, of the total number of periods of appropriate duty performed.

Aviation and balloon pilot. Enter on page 9 date qualified and designated as naval aviation or balloon pilot.

B

Birth. Enter date and place of birth on page 2. Make any correction in date or place of birth on page 2 and file copy of birth certificate or letters of authorization in pocket of service record.

C

Change in name, address, next of kin, etc. Make correction where necessary. Enter on page 9 change, date, and authority. File letters of authority in pocket of service record.

Change in rating. Enter on page 9 date of change (old rate or new rate) and reason or authority for rating or disrating.

Checkage. Enter on page 9 reason for checkage, date, and amount checked while on active or training duty.

Citizenship. Make entry on page 2 showing citizenship to be "U. S.," "N. U. S.," "C. I P." If naturalized while in the service, enter on page 9 date of naturalization, name, and location of court which granted certificate of naturalization.

Clothing destroyed to prevent spread of disease. Enter on page 9 notation of circumstances and estimated value of articles destroyed while on active or training duty.

Clothing issued. See Uniform.

Clothing lost or destroyed in a marine or airplane disaster. Enter on page 9 estimated value of articles lost and, if reimbursed in cash, amount of reimbursement. If issued clothing in kind, the value of issue, if on active duty or training duty.

Coast Guard Service. Enter on page 1 the amount of Coast Guard Service.

Commended for distinguished or meritorious service. Enter on page 9 a brief statement of commended act or duty, date, and by whom commended.

Commuted rations. Enter on page 9 date of receipt of commuted rations and date of discontinuance.

Conduct. Enter on page 9 a brief statement of all special and meritorious conduct worthy of mention. Enter on page 10 marks in conduct, quarterly, while on active duty and upon release from active duty. The whole page may be used to record the marks and special qualifications and details, disregarding the other headings.

Courts-martial. Enter on page 9 date, nature of offense committed, date of trial, sentence and action of the convening authority on deck courts and general courts-martial and of convening authority and the immediate superior in command on summary courts-martial with the date of such action.

D

Death. Make appropriate entries of death on front cover and page 11. Enter on page 12 a summary of all ships or stations to which deceased had been attached and final average in all marks. Enter on page 9 date, place, and cause of death if known, and whether death was caused by the intemperate use of drugs or alcoholic liquors or other misconduct. If death occurs while on active duty, character of discharge that would have been awarded had service been terminated by discharge disposition of remains and effects, place of burial if known, state of accounts, amount of insurance, and date of last checkage. Forward the service record to the Bureau of Naval Personnel.

Report in accordance with § 6.7301 should be submitted to the Employees' Compensation Commission in case of death resulting from physical injuries.

Delivery. If on active duty or training duty, enter on page 9 date and place of delivery and by whom delivered. Forward copy of B N P. 641 to the Bureau of Naval Personnel.

Descriptive list. Enter required information on page 4, signed by medical officer and the recruit.

Desertion. Enter on page 9 date declared a deserter, date and hour unauthorized absence commenced, and any facts in connection with the unauthorized absence which might show whether the intention was to desert or return, and, if on active duty, state of accounts. Make appropriate entries of desertion on page 11 and forward the service record to the Bureau of Naval Personnel. (No entry regarding desertion made on front cover.)

Disability. Enter on page 9 record of any disability incurred while serving in the Naval Reserve, on active duty or training duty or while attending drills; nature and whether incurred in the line of duty or the result of own misconduct.

Discharges. Make appropriate entries on front cover and page 11. Enter on page 12 a summary of all ships or stations to which man has been attached and final average in all marks. Enter on page 9 date, place, cause, authority, character, whether or not recommended for reenlistment, if on active duty rate of pay and statement of account. Close out service record and forward to the Bureau of Naval Personnel.

Drills. Enter on page 7A at the end of quarter or upon transfer from one district to another, death, discharge, or transfer to another class and total number of drills performed.

Duty-Active, training, shipkeeper. Enter on page 9 recall to active, training, or shipkeeper duty, giving date and place of recall, and if training duty whether with or without pay; date and place of report, and ship or station where duty is performed. Enter chronologically any change in status while on active duty. Enter on page 10 quarterly marks and any special qualifications or details. When released from active duty, and reporting to permanent ship or station, enter date, and forward copy of page 9 to the Bureau of Naval Personnel.

E

Education. Enter on page 2, upon enlistment, a brief statement of educational advantages.

Effects of deceased persons and deserters. Enter on page 9 disposition made of effects of deceased persons and deserters and whether on active duty or training duty.

Enlistments, assignments to class F–2, and transfers to classes F–4 and F–5 Fleet Reserve. Enter by typewriter on front cover full name, service number, citizenship, rate, date, class, place of enlistment, assignment, or transfer. Complete headings on pages 1 and 2, with signatures of recruiting officer and disbursing officer entered over their typewritten name in space provided. Page 4 completed under the supervision of the medical officer and signed by the officer and the recruit. On page 9 enter name in full, service number, class, rate, and date of enlistment, assignment, or transfer.

Equivalent instruction or duty. Enter on page 7A, together with the number of drills performed (see Drills), the number of periods of equivalent instruction or duty performed. Enter quarterly, or upon transfer from one district to another, death, discharge, or transfer to another class, total number of drills and periods of equivalent instruction or duty performed since last report.

Examinations. Forward original report of examination to the Bureau of Naval Personnel as required by current instructions and file copy in pocket of service record.

Extensions. Make agreement to extend enlistment (B. N. P. 604) in duplicate. Forward original to the Bureau of Naval Personnel on effective date of extension and file duplicate in service record. Make notation on page 9 showing date made, effective date, date of expiration, and number of years for which extension is made.

F

Fingerprints. Make fingerprints of each finger upon enlistment, on page 3. Forward identification record to the Bureau of Naval Personnel.

Flight orders. Enter on page 9 the date detailed to duty involving flying and date and cause of revocation if revoked before termination of duty. If on active duty, enter on page 9 at the end of each month and on date of revocation of flight orders.

I

Identification. See Fingerprints.

Injury. Enter on page 9 report of all injuries sustained by men while serving on active duty or traveling under competent orders or in the performance of drills, giving cause, date, nature, and whether or not incurred in the line of duty. Make report required by § 6 7301.

Interpreter. Enter on page 2, name of foreign language or languages for which qualified to act as interpreter.

L

Letters of commendation. Enter on page 9 a brief digest of all letters of commendation, by whom commended, act or duty for which letter is given, date of act, and date of letter. File copy of letter in pocket of record.

M

Marks. Enter on page 10 marks quarterly while on active duty and upon release from active or training duty. Men not on active duty may, in the discretion of the commanding officer, be marked annually on January 1st and at such other times, not to exceed once each quarter, as is necessary to indicate their efficiency. Enter final average of all marks on page 10 upon death, discharge, appointment to commissioned or warrant rank and retirement, as set forth in Part D, Chapter 4, Bureau of Naval Personnel Manual (available in Bureau of Naval Personnel, Navy Department). Men not on active duty may, in the discretion of the commanding officer, be marked annually on January 1 and at such other times, not to exceed once each quarter, as is necessary to indicate their efficiency.

Medals. Enter on page 9, when the man is awarded any of the decorations, medals, or badges listed in Part A of the Bureau of Naval Personnel Manual.

Misconduct. Enter on page 6, if on active duty, all absence from duty on account of sickness, disease, or injury, due to intemperate use of drugs, alcoholic liquors, or other misconduct, date admitted to sick list, number of days absent from duty, nature of disease or injury, and date of initial appearance of sickness or disease.

N

Name. Type name in full, surname first, followed by Christian name and middle names, if any. Have signatures entered with Christian name to the left, middle names, if any, and surname to the right.

Nonperformance of duty. Enter on page 6 dates of all absences from or nonperformance of duty on account of sickness, disease, or injury resulting from intemperate use of drugs, alcoholic liquors, or other misconduct, AWOL, AOL, time under arrest awaiting trial which results in conviction and sentence to a naval prison or at a receiving ship or station designated as a naval prison, and time under court-martial sentence, in a naval prison or at a receiving ship or station designated as a naval prison.

Enter number of days absent, number of days under arrest awaiting trial, number of days under court-martial sentence, date restored to duty and number of days lost because of nonperformance of duty.

Date absence began is considered a day of absence, date of return is considered a day of duty.

O

Offenses. Enter on page 9 nature of offense and punishment adjudged.

P

Pay. When ordered to active duty or training duty with pay the supply officer taking

up his accounts will enter on page 2 rate of pay upon enlistment; also enter information required by headings on page 11 upon discharge, desertion, death, and retirement.

Physical examination. Enter result of all physical examinations of transferred 16- and 20-year men on page 9.

Pilots. See Aviation and balloon pilots.

Pocket. File all copies of reports of examinations, agreements to extend enlistments, proceedings of all courts-martial, vouchers, and correspondence relating to the man in pocket attached to the service record.

Prior service. Enter on page 1 all prior service in the Army, Navy, Naval Reserve Force, Naval Reserve, National Naval Volunteers, Marine Corps, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard, Naval Militia, National Guard and Naval Auxiliary Service.

Punishments. Enter on page 9 reports of all punishments adjudged.

Q

Qualifications. Enter on page 2 any special qualifications man may have, upon enlistment, assignment or transfer to the Reserve from Regular Navy.

R

Ratings. See Change in rating.

Recall. See Active duty.

Reduction of rating. Enter on page 9 old rating, rating to which reduced, date, reason, and authority.

Reenlistments. Same as Enlistment.

Reports. The only reports required by the Bureau of Naval Personnel, of entries in the enlistment record, or of changes in the status of enlisted Reservists, are the following:

1. *Enlistment.* Upon enlistment, complete B. N. P. 603 (shipping article) and B. N. P. 680 (fingerprint record) and forward to the Bureau of Naval Personnel, also when applicable, NRB Form 24 (application for enlistment) and B. N. P. 900 (consent of parent or guardian).

2. *Active duty and training duty.* At date of release forward copy of "orders to report to active duty" to the Bureau of Naval Personnel, complete with all endorsements.

3. *Transfer between classes* (enlisted men).

4. *Notice of rating or disrating* (enlisted men).

5 *Change of address.*

6. *Active duty as shipkeeper, training duty over two weeks, and other protracted periods of active duty.* On date of report for duty make entry on page 9 and forward copy to Bureau of Naval Personnel. On date of release do same.

7. *Examinations.* Forward original report of examination B. N. P. 971 to the Bureau of Naval Personnel as required by current instructions; file copy in pocket of record.

8. *Desertion.* Make required entries in service record, Form B. N. P. 952, and forward to the Bureau of Naval Personnel.

9. *Surrender or delivery.* Fill out B. N. P. 641 and forward to the Bureau of Naval Personnel.

10. *Extension of enlistment.* Fill out Form B. N. P. 604 in duplicate, forward original to the Bureau of Naval Personnel on effective date of extension and file copy in service record.

11. *Discharge, death, advancement to commissioned or warrant rank or grade.* Close out B. N. P. 952 and forward to the Bureau of Naval Personnel.

Retirements. When transferred members of the Fleet Reserve have been placed on the retired list, or other members of the Naval Reserve have been placed on the honorary retired list, enter on page 9 the date of retirement, reason for retirement, whether for physical disability or the completion of 30 years' service, and the latest address. Enter final average of all marks on page 10 and forward copy to the Bureau of Naval Personnel.

S

Service number. Enter service number in places designated.

Service records. See paragraphs (a) to (e) at beginning of this section.

Shipkeeper. Enter on page 9 upon recall to active duty as shipkeeper, date of recall, date and place of reporting, and record of service while assigned as shipkeeper. Enter marks on page 10. Make an extra copy of the orders to report for active duty and forward to the Bureau of Naval Personnel on date of reporting. Forward a second copy on date of release from active duty.

Signature of Reservist. Have signatures entered with Christian name to the left, middle names, if any, and surname to the right.

Signature required in service record. The signature of recruiting officer is required on page 2 at date of enlistment.

Signature of commanding officer is required on page 9 quarterly, and for each entry regarding change of rating, courts-martial, commendatory action, offenses committed, and punishments awarded, when record is transferred to another district.

Signature of commanding officer is required on pages 11–12 when record is closed out on account of cancellation, discharge, desertion, death, appointment to commissioned or warrant rank or grade or retirement.

Signature of the commanding officer is required on page 6 for entries regarding absence from duty.

Signature or initials of commanding officer are required on page 10 for entries regarding marks, special qualifications, or detail.

Signature of executive officer is required on page 5 for entries regarding authorized leave.

Signature of medical officer is required on page 4 at time of enlistment.

Signature of disbursing officer is required on page 2 when reservist first reports for active duty.

Signature of reservist is required on page 4 at date of enlistment.

Subsistence allowance. Enter on page 9 date subsistence allowance began, authority, amount, date discontinued, and reason.

Surrender. Enter on page 9 date and place of surrender and number of days absent. Forward copy of B. N. P. 641 to the Bureau of Naval Personnel.

T

Training duty. See "Duty."

Transfers. Enter on page 9 record of all transfers between vessels or stations and from one district to another; also record of transfer between classes of the Naval Reserve. (See par. 6 under Reports.)

Transportation or travel allowance. Enter on page 9 a record of all transportation or travel allowance furnished. Enter on page 11 record of transportation or travel allowance furnished on discharge if discharged while on active duty.

U

Undesirable discharge. In addition to all information specified under "discharge" in these instructions, state the nature of the undesirability or unfitness on page 9 and file copy of the statement of the man in pocket of service record.

Uniform allowance. The amount of uniform allowance credited upon reporting for active duty in time of war will be entered at bottom of page 2 by the disbursing officer over his signature.

Uniforms, bedding, and equipment. Enter value of issue (except when paid for in cash) on page 9. (Temporary issue of bedding and equipment need not be entered.) File copy of requisition showing issue in detail in pocket of service record. Upon discharge or transfer to class V–6, enter on page 9 condition and disposition of articles of uniform, bedding, and equipment returned.

W

Waiver. Enter full information on page 4, giving authority for, reason and nature of waiver upon enlistment. Enter waivers of transportation on page 9, giving reason, file signed agreement in pocket of service record.

§ 6.1808 *Marks for professional qualification.* Marks for professional equalifications shall include proficiency in rating and other qualifications for the various branches as specified in Part D, Bureau of Personnel Manual.

§ 6.1809 *Custody of records.* (a) Service and health records of men and health records of officers attached to or associated with organizations of the Organized Reserve and Naval Reserve aviation bases will be carried at the organization headquarters; service and health records of other officers and men shall be carried by the Commandant.

(b) In case a reservist changes his official residence from one district to another, his service and health records and all other papers shall be forwarded to the Commandant of the district to which he has transferred, together with a report of his address in that district.

(c) Except as indicated in §§ 6.1404 (d), (e), and (f) and 6.9303, when a Reserve officer is granted permission to leave the United States or its possessions for an indefinite length of time, his records shall be forwarded to the Bureau of Naval Personnel via the Office of the Chief of Naval Operations (Director of Naval Intelligence); and the records of enlisted men of the Organized, Volunteer, and Merchant Marine Reserves, granted such permission shall be retained at the district headquarters until such time as the man's term of service expires and he is discharged. At that time his service and health records shall be closed out and forwarded to the Bureau of Naval Personnel and Bureau of Medicine and Surgery, respectively.

(d) When a Naval Reserve officer enters upon active duty or training duty, his health record shall accompany him. When an enlisted man enters upon active duty or training duty his service record and health record shall be forwarded to the ship or station where duty is to be performed. When an officer or enlisted man is transferred while on active duty or training duty, the above record or records shall be forwarded to the ship or station to which transferred. Upon release from active duty status the records shall be returned to the commanding officer of the organization to which attached, or if not attached to an organization, to the Commandant of the naval district in which he has his official residence. Upon discharge, desertion, or death, the records shall be returned to the Commandant of the naval district on whose rolls the reservist is carried. The Commandant shall forward the service record in the case of an enlisted man to the Bureau of Naval Personnel and the health record of an officer or enlisted man to the Bureau of Medicine and Surgery. The Bureau of Naval Personnel is authorized to direct other disposition of records in special cases as deemed desirable.

(e) Copies of correspondence concerning officers on active duty and copies of their fitness reports, shall be forwarded to the Commandant of the naval district in which their records are carried and to the activity controlling their mobilization assignments, if such activity is different from the district in which their records are carried.[1]

(f) The records of members of the Merchant Marine Reserve will be carried in the districts from whose ports the vessels on which they are employed usually operate. Generally, the home port as listed in the Department of Commerce publication, American Documented Sea-Going Vessels of 500 Gross Tons and Over, will determine the district in which the records will be carried. In cases where the vessels regularly operate from ports in two or more districts, the records shall be carried in that district in which is located the owner's or operator's main officer. The records of members who have been unemployed on any vessel for a period of 6 months shall be forwarded to the district of official residence.

(g) When the activity controlling mobilization assignment is other than the Commandant of the naval district in which an officer resides, or other than the bureau or office of the Navy Department having cognizance of the specialty, copies of the following shall be furnished such activity by the Commandant of the naval district in which the officer resides:[1]

(1) Extract from or copy of application.
(2) Copy of change of official residence as required by § 6.4301
(3) Copy of all fitness reports.
(4) Copy of last quadrennial physical examination.
(5) Copy of oath and acceptance of office, Form B. N. P. 962.
(6) Correspondence relating to promotion, active or training duty, separation from Naval Reserve, resignation or recommendation for discharge or transfer to honorary retired list.
(7) Copy of accomplishment of separation from the service.

(h) Records of officers and enlisted men on the honorary retired list and of fleet reservists transferred to the retired list of the Regular Navy shall be maintained in the same manner as are the records of naval reservists in inactive duty status, except that health records of personnel transferred to the retired lists shall be properly terminated and forwarded to the Bureau of Medicine and Surgery.

§ 6.1810 *Fitness reports of officers.* (a) An officer's records are a vital part of his examination for promotion or transfer and the Naval Examining Board is within its legal rights in disqualifying an officer whose record is incomplete.

(b) Fitness reports, complete in all respects are required as follows:

(1) Officers on active duty, semiannually on March 31, and September 30; upon detachment; and upon change in reporting senior, on Bureau of Naval Personnel Forms B. N. P. 310 or B. N. P. 311, as prescribed for officers of the Regular Navy. Copies of such fitness reports shall be forwarded to the Commandant of the naval district in which the Reserve officer's records are carried, and to the activity controlling mobilization assignment, if such activity is different from the district in which his records are carried.[1]

(2) Training duty, with or without pay, other than short periods of group training, on Bureau of Naval Personnel Form B. N. P. 961 for Naval Reserve Aviators and B. N. P. 960 for all other officers, in accordance with §§ 6.5306 (j) and 6.5307 (e).

(3) All officers except those who have been performing active duty for the whole year, shall submit as of June 30, of each year, an annual fitness report; on Bureau of Naval Personnel Form B. N. P. 937 for officers of the Organized Reserve and Volunteer Reserve, and on Bureau of Naval Personnel Form B. N. P. 976 for Merchant Marine Reserve officers and Midshipmen of the Merchant Marine Reserve (other than those undergoing training at State nautical schools), and U. S. Merchant Marine Cadet Corps Schools. The reporting senior for officers of the Organized Reserve shall be the officer's immediate commanding officer or next senior in the chain of command; and for officers of the Volunteer Reserve who are associated with or attached to organizations of the Organized or Volunteer Reserve the commanding officer of such organization.

The District Commandant shall be the reporting senior for all other officers of the Volunteer Reserve and for officers of the Merchant Marine Reserve and Midshipmen, Merchant Marine Reserve. Commandants may, however, designate senior officers on duty at district headquarters as the reporting officers for Reserve officers of appropriate classes and corps.[1]

(4) All fitness reports shall be forwarded by the reporting officer direct to the Bureau of Naval Personnel with distribution of copies as indicated on the form, except that the annual report Form B. N. P. 937 or Form B. N. P. 976 shall be forwarded via official channels. Forwarding officers shall comment as fully as practicable except that Commandants may use a stamped endorsement signed by direction in forwarding fitness reports whenever an officer of his staff is the reporting senior. In the cases of officers of the Volunteer Reserve (Special Service) who are assigned to another naval activity for mobilization, copies of all fitness reports shall be forwarded to such activity.[1]

(c) When an officer who is attached to one district performs training duty in another district, the Commandant of the district in which the duty is performed shall forward a fitness report in duplicate to the Commandant of the district in which the Reserve officer's records are carried. If the officer is a naval aviator, the amount of syllabus flying carried out shall be reported to the Commandant of the district to which the Reserve officer is regularly attached.

(d) If any fitness report referred to in this section contains entries of an unsatisfactory or unfavorable nature, it shall be referred by the reporting senior to the officer reported on, for statement, before the report is forwarded for filing with his record. Such entries as marks below 2.5 or otherwise unsatisfactorily low, "prefer not to have him under my command," "not recommended for retention," or adverse comments, are considered as unfavorable. Failure to recommend the officer for promotion is not of itself unfavorable. Reporting seniors are encouraged to refer reports to officers for their inspection even though not considered unsatisfactory or unfavorable, whenever knowledge of such remarks based on lack of experience, etc., would be helpful to the officer in improving his fitness.

(e) Recommendations as to any action desired, such as discharge, transfer, or retirement, will not be included in the forwarding endorsements on annual fitness report Forms B. N. P. 937 or B. N. P. 976, but shall be made the subject of separate correspondence.

(f) In forwarding annual fitness reports for officers of the Organized Reserve and Volunteer Reserve, the reporting senior shall state whether or not the officer concerned has applied, while in a volunteer status, for training duty during the period since last report, and, if refused, the reasons for such refusal. Such data included in one annual fitness report need not be repeated in the next annual fitness report. A summary of such information shall be included in forwarding endorsements on applications for promotion, or on special fitness reports at the time of examination for promotion.

§ 6.1811 *Official channels for correspondence.* (a) Whenever an officer or man of the Naval Reserve finds it necessary to write a letter on an official subject to one of the Bureaus of the Navy Department or to other authority higher than the commanding officer of the organization to which attached, the letter shall be routed via the organization commander through the usual channels for official correspondence. Such letters should be kept to the minimum. If the commanding officer, battalion or squadron commander, or District Commandant has the information upon which to base a reply, a reply should be made direct to the writer instead of the letter being forwarded to the addressee, however, if the originator of the letter is not satisfied with the reply received, upon resubmission, letter shall be forwarded to the addressee via official channels.

(b) In the event the correspondence contains matter of a secret, confidential or restricted nature, the provisions of article 75½, U. S. Navy Regulations, shall be followed.

(c) All officers are encouraged to report to the bureau or office having an interest therein, including the Office of Naval Intelligence, matters coming to their attention which would be of special value or interest to the bureau or office concerned. Officers performing work in this connection, upon the recommendation of the bureau or office concerned, will be issued letters of commendation

[1] Suspended for duration of war.

which will form a part of their service records.

(d) Except where such bureau or office has no interest in the subject matter, Commandants of naval districts shall forward correspondence concerning Naval Reserve staff officers and Special Service officers via the bureau or office having cognizance of the corps or class concerned.

§ 6.1812 *File numbers of personnel.* (a) The file number on correspondence regarding a particular officer shall be the file number assigned him by the Bureau of Naval Personnel. This file number should be shown in the upper left-hand corner of correspondence originated by a Naval Reserve officer about himself and shall be used by the Commandant and by organization commanders having occasion to write about any particular officer.

(b) The file number on correspondence regarding a particular enlisted man shall be his name, service number, rating, and class. Example: John Henry Jones, 130–50–72, CBM (AA), O–1, U. S. N. R.

§ 6.1813 *Correspondence to be dated.* All correspondence shall be dated in the upper right-hand corner, as shown in the following example:

JULY 2, 1942.

§ 6.1814 *Official residence to be shown.* The official residence shall be shown in the origin of correspondence as follows, for example:

From: Lt. (jg) John H. Jones, D–O, U. S. N. R.
123 East 34th St.,
New York, N. Y.

§ 6.1815 *References to be quoted in correspondence.* When a letter is in reply to or refers to previous correspondence, quote under "References" the file number, every distinguishing mark, and the date of such correspondence. Where more than one reference is given, enumerate by small letter (a), (b), (c), etc. The following form should be used:

Reference: (a) Bupers. letter Pers. 165 Em
123–56–37 of July, 1938.

§ 6.1816 *When endorsements shall not be used.* As a general rule a letter shall be answered by a separate letter and not by endorsement (Navy Regulations, 1920).

§ 6.1817 *Extra copies of correspondence not desired by Bureau of Naval Personnel.* Extra copies of correspondence should not be forwarded to the Bureau of Naval Personnel unless specially requested but an additional copy should be appended for each intermediate office through which it is expected the correspondence will pass. The original is sufficient to meet the demands of the Bureau of Naval Personnel.

§ 6.1818 *Naval aviator designations and folders.* Naval Reserve officers and aviation cadets who have satisfactorily completed the prescribed course of aviation training, are eligible for designation as naval aviators. Such designation must be approved by the Bureau of Naval Personnel. Upon approval of such designation, the Bureau of Naval Personnel will issue the aviation cadet or officer concerned a certificate of designation and folder.

§ 6.1819 *Letter of authority to solo naval aircraft.* (a) The Bureau of Naval Personnel will consider requests for letters of authority to solo naval aircraft, from those officers of the Special Service classes of the Naval Reserve who are competent pilots holding effective pilot certificates under the Civil Aeronautics Authority, or who are designated and currently qualified as naval aviators. Requests from officers of other than class A–V (T) will be considered separately, and in general will be approved only when the applicants are associated with, and active in, an aviation activity of the naval service, and when it is clearly shown that the individuals will be employed in connection with such phases of utility flying as are necessary to the training of Naval Reserve aviation squadrons, or are employed in connection with flights considered to be of definite value to the aeronautical organization of the Navy. Requests from officers of class A–V (T) will be approved only when § 6.2305 (f) is complied with. All applicants must be physically and otherwise qualified to act as pilots of naval aircraft.

(b) Requests should be forwarded to the Bureau of Naval Personnel via the following channels:

(1) Commanding officer of nearest Naval Reserve aviation base or naval air station.
(2) Commandant of the naval district concerned.
(3) The Bureau of Medicine and Surgery.
(4) The Bureau of Aeronautics.

(c) The forwarding endorsement of the commanding officer of the Naval Reserve aviation base or naval air station should include the following information:

(1) That the applicant possess an effective commercial pilot's certificate issued by the Civil Aeronautics Authority, or is designated and currently qualified as a naval aviator; in the case of the former, the license number and date of expiration should be included.

(2) Total certified pilot time, including pilot time in naval aircraft separately.

(3) Total certified pilot time for the last 12 months, indicating pilot time in naval aircraft separately.

(4) Result of a recent check flight in naval aircraft.

(5) In the case of officers of class A–V (T), a statement as to the applicant's special qualifications and current activities in the piloting of commercial or private aircraft.

(6) In the case of officers of other Special Service classes, a statement setting forth in detail the applicant's special qualifications, his activity and interest in the naval service, and the advantages that are expected to accrue to the Government if the request is approved.

(d) Requests will be accompanied by a report of aviation physical examination on Form N. M. S. Aviation No. 1

(e) Such authorizations when issued will be effective only until the close of the fiscal year in which issued. Under them, flights will be restricted to local familiarization or utility flights, except in occasional classes wherein the Commandant may consider it in the best interest of the Government to authorize more extended operations.

§ 6.1820 *Identification for members of the Naval Reserve.* (a) Naval Reserve personnel, serving on active duty, shall be issued identification cards, Form B. N. P. 546, in the same manner as personnel of the Regular Navy. Identification cards are not to be issued to, or used by, members of the families of naval personnel.

(b) Members of the Naval Reserve not on active duty may be issued identification cards, Form B. N. P. 904, in accordance with such instructions as may be issued by the Bureau of Naval Personnel.

(c) Pins or buttons may, also, be issued to members of the Naval Reserve not on active duty in accordance with instructions issued by the Bureau of Naval Personnel. Such pins or buttons are to be worn on their civilian clothing only and are not to be worn with the naval uniform. They may not be worn by persons other than members of the Naval Reserve.

§ 6.1821 *Continuous-service certificates.* (a) Men recommended for reenlistment who reenlist in the Naval Reserve within 3 months of discharge from a complete enlistment in the Navy or Naval Reserve may, upon presentation of their discharge certificates, be issued continuous-service certificates.

(b) The continuous-service certificate shall be prepared and issued by the Bureau of Naval Personnel upon receipt of the discharge certificate from the Commanding Officer of the ship or station where the man reenlisted.

(c) Continuous-service certificates are the property of the men to whom issued. When the men are on active duty, these certificates may be deposited with the commanding officer for safekeeping, and returned to them upon release.

§ 6.1822 *Forms to be used.* (a) In time of war or national emergency, when members of the Naval Reserve are performing active duty, the same forms, where applicable, as used for regular Navy personnel shall be used for the Naval Reserve.

(b) The following forms and reports, applicable only to the Naval Reserve, are to be used in time of peace or in time of war or national emergency unless otherwise indicated:

Old form No.	New form No.	Title of form
N. Nav 400	*B.N.P. 900	Consent, declaration, and oath of parent or guardian.
	B.N.P. 901	Acceptance and Oath of Office, U. S. Naval Reserve Midshipman School.
	B.N.P. 902	Beneficiary Slip—Naval Reserve.
	B.N.P. 903	Beneficiary Slip—A–V (N) Officers.
	B.N.P. 904	Identification card for members of Naval Reserve not on active duty.
N. Nav 137	*B.N.P. 937	Annual fitness report of Naval Reserve officers.
N. Nav 141	B.N.P. 941	Permanent appointment, chief petty officer, U. S. Naval Reserve.
N. Nav 544	B.N.P. 944	Report of investigation—Applicant for appointment, U. S. Naval Reserve.
N. Nav 145 and 145A	B.N.P. 945 and 945A	Application for appointment, Merchant Marine Reserve (Line officers employed afloat).
N. Nav 352	B.N.P. 952	Service record, Naval Reserve.
N. Nav 353	B.N.P. 953	Application for appointment as an officer in the Naval Reserve.
N. Nav 555	B.N.P. 955	Certificate of active service.
N. Nav 260	*B.N.P. 960	Special fitness report on reserve officers (training duty).
N. Nav 291	*B.N.P. 961	Special fitness report on Naval Reserve aviators (training duty).
N. Nav 360	B.N.P. 962	Letter of transmittal, acceptance and oath of office, Naval Reserve officers.
N. Nav 453	B.N.P. 963	Certificate of service of Naval Reserve officers for longevity pay purposes.
N. Nav 563	B.N.P. 964	Report of ground training.
N. Nav 367	*B.N.P. 967	Monthly report of reserve aviation squadrons.
N. Nav 568	B.N.P. 968	Quarterly report of group IV–B employees.
N. Nav 471	B.N.P. 971	Report of examination for advancement in rating, Naval Reserve.
N. Nav 472	B.N.P. 972	Application for Naval Reserve Medal.
N. Nav 373	B.N.P. 973	Application for aviation training, Naval Reserve.
N. Nav 474 and 474A	B.N.P. 974 and 974A	Application for appointment as midshipman, Merchant Marine Reserve.
N. Nav 473	*B.N.P. 975	Excuse for failure to perform training duty, Organized Reserve.
N. Nav 476	*B.N.P. 976	Annual fitness report, Merchant Marine Reserve officers (inactive).
N. Nav 478	B.N.P. 978	Acceptance of appointment and oath of office as midshipmen, Merchant Marine Reserve.
	B.N.P. 979	Personal biographical sketch.
N. Nav 86	*B.N.P. 980	Monthly report of Naval Reserve activities.
N. Nav 86A	*B.N.P. 981	Quarterly report of reserve officers.
N. Nav 486	*B.N.P. 986	Age-in-grade status—Organized Reserve.
N. Nav 487	*B.N.P. 987	Age-in-grade status—Volunteer Reserve.
N. Nav 488	*B.N.P. 988	Age-in-grade status—Merchant Marine Reserve.
N. Nav 360	B.N.P. 960	Certificate of Naval Service.

*Suspended for duration of war.

REPORTS

Letter—Change in officer's official residence (to Bureau of Naval Personnel).
Letter—Name and official residence of next of kin (Naval Reserve officers).
Letter—Quarterly reports to Bureau of Naval Personnel on status of allotments under following subheads of Naval Reserve Appropriation:
All other expenses (miscellaneous).
Authorized expenses of armories.
Engineering.
Construction and repair.
Fuel and transportation.
Letter—Quarterly report to Bureau of Personnel of reservists on active duty other than training.
Letter—Quarterly report of Commandant to Bureau of Personnel on pay and subsistence, shipkeepers, and stationkeepers.
*Letter—Report of annual training by divisions—when completed—by commanding officer of cruising ship.
*Letter—Monthly report by Commandants of training duty not included in preceding report nor in Form B.N.P. 967.
S & A. 445—Uniform gratuity, officers, Naval Reserve.
S & A. 458—Requisition for clothing and small stores, Naval Reserve.
CA–1[1]—Employee's notice of injury.
CA–2[1]—Official superior's report of injury.
CA–3[1]—Report of termination of disability.
CA–4[1]—Claim for compensation.
Vet. Adm. Form 379 (a)—Application for U. S. Government insurance.
Vet. Adm. Ins. Forms 350 and 350a—Application for National Service Life Insurance.

MISCELLANEOUS

§ 6.1901 *Employment of reservists in civil branch of public service.* (a) When not on active duty, members of the Naval Reserve may accept employment in any civil branch of the public service and may receive the pay and allowances incident to such employment in addition to any pay and allowances to which they may be entitled under the provisions of sections 313, 314, and 315 of the Naval Reserve Act of 1938. (52 Stat. 1184; 34 U.S.C. 855*l*–855*n*.)

(b) When not on active duty, members of the Naval Reserve may be employed in civilian occupations, including the practice of professions, or occupations before or in connection with any department of the Federal Government.

§ 6.1902 *Military leave.* (a) All officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve shall be entitled to leave of absence from their respective duties without loss of pay, time, or efficiency rating on all days during which they may be employed with or without pay under the orders or authorization of competent authority, on training duty for periods not to exceed 15 days in any 1 calendar year.

(b) Competent authority is defined as the Bureau of Naval Personnel, the Commandants of naval districts, the commanding officers authorized to issue authority or orders for active duty and training duty.

§ 6.1903 *Civilian guests; Naval Reserve vessels.* (a) The Commandants of the various naval districts and the Commandant, Navy Yard, Washington, D. C., are authorized to grant requests of such civilians as they may deem proper to embark as passengers on district vessels (including motorboats) assigned to training the Naval Reserve during short training cruises, provided accommodations are available and the presence of such passengers on board will not interfere with the proper training of the Naval Reserve.

(b) The names of such passengers and the dates of arrival on board and departure shall be entered in the log book and reported to the Bureau of Naval Personnel in accordance with Article 861 (2), Navy Regulations.

(c) Before embarking on such cruises, civilian guests will be required to sign a certificate of waiver in case of accident in the following form:

I agree that any injury incurred by me on the cruise I am about to take shall be at my own risk.
In case of accident notify ----------
Address: ----------
Signature: ----------

(d) Commandants of naval districts shall issue appropriate instructions governing visits of civilians aboard Naval Reserve vessels.

§ 6.1904 *Appointment of midshipmen from enlisted men.* (a) The Secretary of the Navy is authorized to appoint midshipmen to the Naval Academy from enlisted men of the Naval Reserve and Marine Corps Reserve under similar conditions so far as applicable as prescribed by law for appointments from enlisted men of the Navy. Not more than 100 midshipmen shall be appointed in any 1 year under this authority, except that in the event the quota of midshipmen from the enlisted men of the Regular Navy is not filled in any 1 year, the Secretary of the Navy may fill such vacancies with additional men from the Naval Reserve.

(b) Only enlisted men of the Naval Reserve who meet the following requirements will be selected as a result of a competitive examination for appointment as midshipmen:

(1) Must be citizens of the United States who are not more than 21 years of age on April 1 of the year in which appointed.

(2) Must have been in the Naval Reserve at least 1 year by July 1 of the year in which appointed. In this computation service in the Marine Corps Reserve shall be credited.

(3) Must be attached to or associated with an organization of the Organized Reserve and have maintained efficiency by attending therewith at least 27 drills or periods of equivalent instruction or duty during the period between July 1 of the year preceding appointment and the third Wednesday in the following April, which is the date of mental examination for admission. Not more than 7 of these periods may be periods of equivalent instruction or duty. Active service may be accepted in lieu of the required drills on the basis of 1 month's service on active duty as the equivalent of three drills with an organization of the Organized Reserve.

(4) Must have a good record.

(5) Must submit application prior to October 1 of the year preceding appointment. This application shall be routed to the Bureau of Naval Personnel via commanding officer, Commandant of

*Suspended for the war.
[1] Applicable to members of Women's Reserve only in time of war.

district, and Bureau of Medicine and Surgery. If the man is on active duty, the application shall be forwarded via the commanding officer of the ship or station where he is serving, and via the Bureau of Medicine and Surgery. Transcript from service record and report of physical examination on Bureau of Medicine and Surgery Form Y in duplicate shall be attached to it.

(6) Must be recommended by their commanding officers. No other recommendations are necessary. If a candidate is transferred prior to October 1 of the year preceding his competitive examination for appointment, the commanding officer of the organization from which he is being transferred will prepare all the reports and recommendations as required above and forward them via the organization to which the candidate is being transferred.

(7) Must take a competitive examination which is held on the third Wednesday in April of each year and is the regular examination given to candidates nominated for appointment as midshipmen.

(8) Must meet the same moral, mental, and physical requirements as are required of other candidates for appointment as midshipmen. Regulations governing the admission of candidates into the Naval Academy as midshipmen and sample examination papers may be obtained upon application to the Bureau of Naval Personnel through official channels.

(c) The candidate's commanding officer shall forward to the Bureau of Naval Personnel, as soon as practicable after the third Wednesday in April, a report showing attendance at the required number of drills or periods of equivalent duty or instruction, or active service in lieu thereof, between July 1 of the preceding year and the date of examination.

(d) Except in time of national emergency or war, reservists are not eligible to attend the Naval Academy preparatory school, and may not be assigned to active duty for this purpose, either with pay or without pay.

(e) Any enlisted man of the Naval Reserve making application for appointment to the Naval Academy who has made a false statement as to his age when applying for enlistment or subsequent thereto shall be automatically barred from competing for such appointment, and his further retention as a member of the Naval Reserve will be decided on the merits of the case and the recommendations of his commanding officer. If discharge is directed, subject man will be given a special order discharge—"For misstatement of age."

(f) In time of national emergency or war, when the mobilization of the Organized Reserve makes attendance at drills as contemplated in paragraph (b) (3) of this section impracticable, the Chief of Naval Personnel may prescribe eligibility requirements for appointments to the Naval Academy from the Naval Reserve and for attendance at a Naval Academy Preparatory School.

§ 6.1905 *Deaths.* (a) In case of death of a reservist, his service record shall be closed out as of the date of death with appropriate entries and forwarded via the Commandant of his naval district to the Bureau of Naval Personnel.

(b) If a reservist dies while in an inactive duty status, a report of death, in letter form, will be forwarded to the Bureau of Naval Personnel. There shall be included in this report all pertinent information obtainable, such as full name, rank or rate, file or serial number of deceased, date and place of birth; source of information; date, place, and cause of death; and names and addresses of next of kin. A copy of this letter, together with terminated health record shall be forwarded to the Bureau of Medicine and Surgery.

(c) If a member of the Naval Reserve dies while on active duty or training duty, reports required in the cases of personnel of the Regular Navy shall be made.

(d) Commandants of naval districts and commanding officers of organizations are authorized to furnish funeral escorts, as provided by Navy Regulations, for members of the Naval Reserve (inactive) when such request is made by the next of kin and when it can be done without expense to the Government.

(e) An escort of one person may be provided at Government expense in accordance with U. S. Navy Travel Instructions to escort the remains of a member of the Naval Reserve who dies while performing active duty or training duty.

(f) Members of the Naval Reserve who die while on active or training duty are entitled to burial in national cemeteries. Their next of kin are entitled to receive the national flag in accordance with the provisions of Article 1882, U. S. Navy Regulations.

(g) For instructions regarding procedure in case of death while on active or training duty, consult Chapter 19, Manual of the Medical Department, and Bureau of Naval Personnel Manual, Chapter 7, Part C, and Chapter 9, section 6, Part D.

(h) Funeral expenses are allowed for deceased members of the Naval Reserve and accepted applicants for enlistment therein, who die while on active duty or training duty or while performing authorized travel to or from such duty, under such regulations as may be prescribed for members of the Regular Navy and Marine Corps.

§ 6.1906 *Bonding of supply officers.* (a) Supply officers of the Naval Reserve are required to execute fidelity bonds when ordered to active or training duty in time of peace, if such duty involves the handling of money or property accounts. The procedure outlined in the Bureau of Supplies and Accounts Manual will be followed in such cases.

(b) Every officer of the Supply Corps in the Naval Reserve is required to file in the Office of the Judge Advocate General of the Navy a partially executed bond, signature cards, and an application for bond of the surety selected by him, in order to expedite his bonding if and when he is ordered to active duty in time of war or national emergency.

(c) The preparation and filing of bonds is under the cognizance of the Judge Advocate General of the Navy, who will furnish Reserve supply officers bond forms and signature cards, together with information and instructions in regard to the procedure to be followed. When completed, these forms will be returned to the Office of the Judge Advocate General of the Navy for file.

(d) No cost to the Reserve supply officer is involved unless and until his bond is in fact executed by a surety company and approved by the Navy Department, at which time the usual premium must be paid by the Reserve officer.

The surety executing bond will inform the Reserve officer as to the amount of the premium due.

§ 6.1907 *Naval Militia.* (a) No officer or man of the Naval Reserve shall be a member of any other naval or military organization except the Naval Militia.

(b) Of the Organized Militia, as provided by law, such part as may be duly prescribed in any State, Territory, or the District of Columbia, shall constitute a Naval Militia.

(c) Any officer or enlisted man of such Naval Militia may be appointed or enlisted in the Naval Reserve and assigned to the Organized Reserve in the grade, rank, or rating not above the rank of ensign for which he may be qualified in accordance with the physical and professional standards prescribed for members of the Organized Reserve and for which there may be a vacancy in a unit of the Organized Reserve.

(d) Each member of the Naval Militia appointed or enlisted in the Naval Reserve and assigned to the Organized Reserve shall be required to qualify for the rank, grade, or rating which he holds in the Organized Reserve, in accordance with the physical and professional standards prescribed for the Organized Reserve, within 1 year after the date of his appointment or enlistment therein.

(e) Officers and men of the Naval Reserve who are members of the Naval Militia of any State, Territory, or the District of Columbia shall stand relieved from all service or duty in said Naval Militia when on active duty in time of war or national emergency, or when ordered to such duty.

SUBPART B—PROCUREMENT

GENERAL REQUIREMENTS

§ 6.2101 *Persons eligible for the Naval Reserve.* (a) Except as provided in §§ 6.1101–6.12305, only male citizens of the United States and of the insular possessions of the United States who have attained the age of 17 years and who, by appointment or enlistment therein, or by transfer thereto, obligate themselves to serve in the Navy in time of war or when in the opinion of the President a national emergency exists, are eligible for membership in the Naval Reserve.

(b) In time of peace, no person who is drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States, shall be appointed, enlisted, or reenlisted in the Naval Reserve. In time of war or national emergency, when the services of a person who is drawing a pension, disability allowance, disability compensation, or retired pay are desired, he may be appointed or enlisted in the Naval Reserve if physically and otherwise qualified: *Provided*, That before being ordered to active duty, he shall be required to execute a notice to the Veterans' Administration of re-entrance into active service as provided in § 6.7305. Such persons shall be released from active duty and discharged from the Naval Reserve when their services are no longer required and in any event, not later than six months after the end of the war or national emergency.

(c) All statements made in applications for appointment or enlistment are held to be material facts and any misstatement or omission of such material facts will be considered as grounds for discharge.

§ 6.2102 *Procurement policy; general.* (a) A basic requisite of the Naval Reserve is its immediate availability for mobilization, and its members are under a continuous liability therefor. The vital importance of the civilian effort in modern warfare is also recognized. Consequently an individual whose civilian occupation, either personally or as one of a group, is such that his immediate separation from his civilian occupation on mobilization will not be to the best interests of the national defense should not be admitted to the Naval Reserve. The foregoing principles should constantly be borne in mind by those responsible for the procurement of officers and men. Applicants should understand that upon accepting any Reserve status it is continuously assumed thereafter that they are immediately available for any naval service on mobilization.

(b) Persons whose availability for mobilization is considered by the Bureau of Naval Personnel to be incompatible with the availability requirements in paragraph (a) of this section, or who are civilian employees of the Navy shall not be appointed or enlisted in or transferred to the Organized Reserve.

(c) The provisions of paragraph (b) of this section shall likewise apply to the Fleet Reserve and Volunteer Reserve except as follows:

(1) Especially desirable applicants may be commissioned in the Volunteer Reserve even if not immediately available for mobilization provided they will be so available within 30 days thereafter.

(2) A civilian employee of the Navy may be commissioned in the Volunteer Reserve provided that his services are required to fill a mobilization billet in the organization in which he is employed, and that he cannot satisfactorily perform such duty in civilian status.

(3) Persons whose special qualifications and services the Chief of Naval Personnel deems to be of outstanding value to the Navy, may be commissioned in the Volunteer Reserve even though their civilian status may preclude their being ordered to active duty on mobilization. Before such a person shall be appointed, a mobilization billet shall be specifically approved by the Bureau of Naval Personnel. The procurement and mobilization quotas and the charges against these because of such appointments, shall conform to the requirements of § 6.1406.

(d) Availability for mobilization of persons employed in merchant ships will not be a factor in determining eligibility for commission or enlistment in the Merchant Marine Reserve. It is considered that the mobilization of Merchant Marine Reservists other than those serving in ships taken over by the Navy would unduly interfere with the normal operation of the Merchant Marine. Insofar as practicable, it is therefore proposed to man merchant ships placed in commission with their own licensed and unlicensed personnel.

§ 6.2103 *Procurement of officers.* (a) The commissioning of an officer in the Naval Reserve makes him a part of the Naval Establishment, the standards of which must not be jeopardized through failure to insure that his character, ability, and loyalty conform thereto and will be maintained throughout his commissioned status. The Bureau of Naval Personnel considers the approval or disapproval of applications for appointment in the Naval Reserve and recommendations for waivers, of such importance as to warrant the personal attention of the District Commandants, whenever practicable. When it is impracticable for the Commandant to interview a candidate personally, the forwarding endorsement shall so state. In addition to the interview by the Commandant, each candidate shall be personally interviewed by not less than two suitable officers, one of whom, when practicable (Medical Board excluded) shall be of the corps or branch to which the candidate aspires. Each shall record his opinion as to the candidate's fitness for appointment, especially as to his officer-like qualities, as part of the forwarding report. Where it is impracticable for a candidate to apply at district headquarters or to the Chief of Staff of a district for interview, the Commandant may designate two suitable officers for interview who reside nearest the vicinity of the candidate. Retired officers of the Navy and Marine Corps and Naval Reserve officers of suitable rank and proven judgment may be designated for this duty, subject to their own consent. Action on applications for appointment, unaccompanied by reports of the foregoing interviews, will be deferred until such reports are received.

(b) As a matter of policy, the Bureau of Naval Personnel will not approve appointments in the Naval Reserve of foreign-born persons who have been naturalized less than 10 years, and who have not resided continuously during the 10-year period in the United States.

(c) Before an application is forwarded to the Department, an investigation of the candidate will be made. The investigation must be sufficiently thorough to permit positive recommendation and to satisfy the Commandant of the candidate's wholehearted loyalty and of his moral and professional qualifications for appointment as an officer in the Naval Reserve. The following checks, insofar as necessary to satisfy this requirement, should be made:

(1) Personal interview, telephone contact, or other means for verification of the letters of recommendation submitted by the candidate. Verification of letters includes questions of authenticity, degree of positiveness, and character of the signer.

(2) Check of candidate's statements in general with respect to his employment, previous service or work, interviews, or other contacts with employers.

(3) Check of candidate's moral standing, standing in community, background, integrity, and racial extraction.

(4) Nature of associates, personal characteristics, type of memberships in organizations.

(5) Evaluation of the reasons given by the candidate for wishing to join the Naval Reserve.

(d) If, as a result of the personal interviews and investigations, there remains any doubt as to the loyal intentions of the candidate or as to the bad effect of any influences to which he may be subject, the forwarding endorsement should so state.

(e) In regard to personnel available for conducting the investigations and checks, the services of any officer or officers who may be available and suitable for this duty may be utilized, including active or retired officers of the Regular Navy, Marine Corps, or of the Naval Reserve. In each naval district there are specialists whose talents particularly fit them for such investigations and checks. Every officer of the Naval Reserve should have a sufficient interest in the suitability of those who seek to become a part thereof to justify his giving a reasonable amount of time and effort in assisting in these investigations and checks. Local liaison in each naval district with other Government agencies may often serve the interests of the Navy in assisting the Commandant to verify the suitability of candidates. Commandants should cooperate with local Army and Marine Corps procurement agencies in interchanging information regarding candidates found to be undesirable on account of other than physical or professional reasons.

(f) For the purpose of insuring maximum security to the Naval Establishment from undesirables, Form B. N. P. 944 shall be used in reporting investigations of candidates, and shall accompany all applications. Form B. N. P. 944 is considered to have been properly submitted when the remark "Satisfactory" can be entered under each item, or other remarks as may be found necessary, and the whole subscribed to by the officer or officers designated to make the investigation. For detailed instructions in the use of this form see paragraph (c) of this section.

§ 6.2104 *Officers, and midshipmen; by whom appointed and term of service.* (a) Persons appointed to commissioned grades in the Naval Reserve shall be

commissioned by the President to serve during the pleasure of the President.

(b) Persons appointed to warrant grades shall be warranted by the Secretary of the Navy to serve during the pleasure of the Secretary of the Navy.

(c) Midshipmen, U. S. Naval Reserve, shall be appointed to serve during the pleasure of the Secretary of the Navy. Such appointments will be made in accordance with instructions issued by the Chief of Naval Personnel.

(d) Officers above the grade of lieutenant commander will be procured in accordance with § 6.3503.

§ 6.2105 *Appointments of officers; responsibility for.* (a) The Bureau of Naval Personnel is charged with the approval or disapproval of applications for appointment in the Naval Reserve and may recommend such applicants as meet its requirements to the Secretary of the Navy for commission or appointment. In making its recommendations, due consideration will be given by the Bureau of Naval Personnel to the recommendations of the Commandant of the naval district through whom the application is submitted, to cognizance of the specialty for which appointment is sought, as to professional qualifications, and to the recommendations of the Bureau of Medicine and Surgery as to physical qualifications.

(b) Commandants of naval districts are charged with the responsibility of procuring and recommending candidates for appointment as officers of all classes of the Naval Reserve under general instructions of the Bureau of Naval Personnel, except those who are commissioned after graduation from the Naval R. O. T. C. units and other training activities directly under the Bureau's supervision.

(c) Officers of the Organized Reserve will be procured only to fill vacancies in units of the Organized Reserve and allowed quotas.

(d) Officers of the Volunteer Reserve (General Service) will be procured within quotas.

(e) Officers of the Volunteer Reserve (Special Service) will be procured within quotas, to fill assigned mobilization stations, both within and without the naval district.

(f) Commandants of naval districts are responsible for the procurement of officers of the Merchant Marine Reserve, in accordance with instructions issued by the Bureau of Naval Personnel.

§ 6.2106 *Procedure in making application for appointment.* (a) Applications for appointment as commissioned officers in the Naval Reserve shall be submitted on Form B. N. P. 953 by applicants for the following:

(1) Organized Reserve.

(2) Volunteer Reserve, except Naval R. O. T. C. graduates.

(3) Merchant Marine Reserve, except classes D–M, E–M, and DE–M employed afloat (§ 6.2401).

Applications for appointment in class I–V (S) shall be accompanied by Form ONI No. 1 (f), in duplicate. Applications from Naval R. O. T. C. graduates for commission shall be submitted in accordance with the Regulations for Administration and Training of the Naval Reserve Officers Training Corps.

(b) All applications must show and be signed with the full legal names of applicants and be forwarded to the Bureau of Naval Personnel, via the Bureau of Medicine and Surgery, and whenever pertinent, via the bureau or office of the Navy Department concerned. They must be accompanied by or include the following:

(1) *Evidence of citizenship as shown below*—(i) *If native born.* (*a*) A duly verified copy of a public or church record of birth, or (*b*) the affidavit, under oath, of the physician, midwife, or other persons present at the birth. (c) In cases where neither (*a*) nor (*b*) can be obtained by the candidate, the affidavit of either parent. (*d*) In cases where the candidate certifies that no one of the above is obtainable, the affidavits (under oath) of two reputable citizens acquainted with him. Each of these affidavits should state the facts within the knowledge of the deponent upon which he bases his statements as to the citizenship of the candidate, as for example, that he has known the candidate since birth, that he knew his parents, or as the case may be.

(ii) *If foreign born.* (*a*) Certificate of naturalization, under the seal of the court in which naturalized. (*b*) Certificate of naturalization, under the seal of the court in which naturalized, of the parent during the minority of the candidate, together with the affidavit of a parent that the candidate is the child of the parent whose certificate of naturalization is submitted. (c) In special cases where the candidate certifies that neither (*a*) nor (*b*) is obtainable, the affidavits of two reputable citizens acquainted with him (see paragraph (b) (1) (i) (*d*) of this section). As every naturalization is a matter of record in some court, these affidavits will be accepted only in very exceptional cases, and on the understanding that the candidate shall later submit a proper certificate of naturalization.

(2) Properly authenticated transcript of educational qualifications. When high-school subjects presented for entrance to college are included in the college transcript, separate transcript of high-school record is not required.[1]

(3) Fingerprint Records, B. N. P. 680.

(4) Three or more letters of recommendation, and at least three references of individuals who are prominent in the community, who may be personally contacted for information regarding applicant. These letters and references should serve to furnish information as to the applicant's moral, mental and professional qualifications. In case the candidate is an enlisted man, a transcript of service record and recommendation of his commanding officer, in addition to other letters of recommendation.[1]

(5) Report of physical examination, Bureau M. & S. Form Y, except the report of candidates for classes A–O, A–V (G) and A–V (T) shall be on Form N. M. S. Aviation No. 1.

(6) Two recent photographs of the applicant's head and shoulders, one profile and one full-face, each about 2½ inches by 2½ inches.

(7) Statement as to prior military or naval service.

(8) Statement as to receipt or nonreceipt of pension, compensation, or retired pay from the Government of the United States.

(9) Statement from employer or responsible authority as to availability for active duty on mobilization, when the conditions specified in § 6.2102 (c) apply.[1]

(10) Statement from Commandant as to the character of mobilization assignment for which candidate is qualified and is required.[1]

(11) Statement from Commandant as to vacancy in quota.[1]

(12) Report of interview by Commandant or officers designated by Commandant to interview the candidate. This report should afford reviewing officers a clear picture of the applicant's prospective value as a Naval Reserve officer, with special reference to officer-like qualities as distinguished from technical or professional qualifications, which latter are otherwise reported upon.

(13) Copy of report of investigation, on Form B. N. P. 944. See § 6.2103 (f).)

(14) Statement from applicant for appointment in Supply Corps that he accepts the provisions of § 6.1906 and will, if appointed, file partially executed bond, signature cards, and application for bond.

(15) Except as indicated below, an agreement to complete a correspondence course in Navy Regulations and Customs within 2 years after appointment. Candidates for appointment in the Fleet Reserve, ex-officers of the Regular Navy or Marine Corps, candidates for appointment in the Merchant Marine Reserve, aviation cadets, officers of class A–V (N), graduates of the United States Naval Academy, graduates of the Naval R. O. T. C. units, ensigns Volunteer Reserve (probationary), and staff officers under agreement to enroll in appropriate correspondence course for their corps, will not be required to execute the foregoing agreement.

(c) Applications for appointment in class A–V (S) or A–V (T) shall be submitted on Bureau of Naval Personnel Form B. N. P. 953 and in addition to the above must be accompanied by:

(1) Duly certified statements of total pilot time, with types of aircraft and pilot time for past 12 months (required for class A–V (T) only).

(2) Brief résumé (in applicant's own handwriting) of flying, aviation engineering, and business experience (including experience in aerial navigation and radio communication, if any), and any other information which may assist the Department in evaluating special qualifications.

(d) Applications for appointment as deck and/or engineer officers in the Merchant Marine Reserve shall be made on

[1] These items not required with applications for appointment in classes D–M, E–M, and DE–M.

Bureau of Naval Personnel Form B. N. P. 945, in accordance with instructions issued by the Bureau of Naval Personnel. Applications will be accompanied by items listed in paragraph (b) of this section with exceptions as noted therein.

§ 6.2107 *Ages for original appointments as officers.* The limiting ages for original appointments in the Naval Reserve are prescribed as follows:

AGE LIMITS IN YEARS

Grade	Organized reserve	Volunteer, general	Volunteer, special	Merchant Marine
Commander			45–58	
Lieutenant commander			37–50	30–54
Lieutenant			33–44	27–52
Lieutenant (jg)	21–35	21–35	27–38	24–50
Ensign	19–28	19–28	19–38	19–44
Ensign (probationary)		19–26		
Ensigns, H–V (P)			19–30	
Warrant and commissioned warrant officers		21–44	21–44	21–44

NOTE: Upper age limits are to the nearest birthday.

Minimum age for appointment of Naval R. O. T. C. graduates as Ensigns, U. S. N. R., is prescribed in the Regulations for Administration and Training of the Naval R. O. T. C.

In general, an officer will not be appointed when his age is such that he will be retired or discharged for age in grade within 4 years of such appointment.[1]

REQUIREMENTS FOR ORIGINAL APPOINTMENTS OF OFFICERS, ORGANIZED RESERVE AND VOLUNTEER RESERVE (GENERAL SERVICE)

§ 6.2201 *Officers of classes D–O, DE–O, E–O, D–V (G), DE–V (G), E–V (G), and C–V (G).* (a) Officers of classes D–O, DE–O, and E–O required for battalions and divisions of the Organized Reserve and officers of the Volunteer Reserve (General Service), classes D–V (G), DE–V (G), E–V (G), and C–V (G) shall be appointed from the following sources:

(1) Graduates of the Naval Reserve Officers' Training Corps.

(2) Officers of the Naval Militia appointed in accordance with provisions of § 6.1907 (c).

(3) Graduates of the U. S. Naval Academy and ex-officers of the Regular Navy whose resignations from the Navy were accepted under honorable conditions.

(4) Probationary ensigns, Naval Reserve midshipmen, enlisted men of the Naval Reserve, and others who qualify by physical and professional examinations.

(b) Appointments of officers of classes D–O, DE–O, E–O, D–V (G), DE–V (G), E–V (G), and C–V (G) shall be in the rank of ensign, or such higher rank not above lieutenant commander, as they may have held in the Regular Navy.

§ 6.2202 *Aviation officers, classes A–O and A–V (G).* (a) Aviation officers, class A–O required for aviation squadrons of the Organized Reserve, and aviation officers of the Volunteer Reserve (General Service), class A–V (G); shall be appointed from the following sources:

(1) Naval Reserve aviation cadets holding designations as naval aviators and officers of class A–V (N) transferred to inactive duty.

(2) Graduates of the U. S. Naval Academy and ex-officers of the Regular Navy who have been designated as naval aviators and whose resignations from the Navy were accepted under honorable conditions.

(b) Appointments of aviation officers, classes A–O and A–V (G) shall be in the rank of ensign or such higher rank not above lieutenant commander, as they may have held in the Regular Navy. Candidates for appointment in or transfer to class A–O must have completed the course prescribed by the Bureau of Naval Personnel for naval aviators. Candidates for appointment must take physical examination to determine their physical and psychological qualifications for duty as pilots of naval aircraft.

§ 6.2203 *Aviation officers, class A–V (N).* Aviation officers of class A–V (N) required for the aeronautic organization of the Navy shall be appointed in accordance with the provisions of §§ 6.10101–6.10506.

§ 6.2204 *Medical officers, classes MC–O and MC–V (G).* (a) Medical officers, classes MC–O and MC–V (G), may be appointed upon presentation of satisfactory credentials as set forth in paragraph (b), which may be accepted in lieu of a professional examination.

(b) Candidates must submit the following credentials, in addition to usual credentials required for commission in the Naval Reserve, in order to establish their professional qualifications for appointment.

(1) Certificate of graduation from a class A medical school, indicating date of graduation, signed by the dean or registrar. (Graduates of medical schools not listed as class A by the Council on Medical Education and Hospitals of the American Medical Association shall be required to submit certification of graduation, including date, signed by the dean or registrar of the medical school, and to demonstrate their professional qualifications by such written, oral, and practical examinations as may be prescribed by the Bureau of Medicine and Surgery.)

(2) Except in the cases of applicants for appointments as lieutenant (junior grade), a certificate from the president or secretary of a state or local medical society to the effect that the applicant is a member in good standing. Such certificate shall be furnished before a lieutenant (junior grade) may be considered for promotion.

(3) Except in the cases of applicants for appointments as lieutenant (junior grade), a certificate of license to practice medicine. Such certificate shall be furnished before a lieutenant (junior grade) may be considered for promotion.

(4) A certificate from proper hospital officials indicating type and duration of internship.

(5) If the candidate has had hospital service or special educational or professional advantages, other than in internship, certificates to this effect, signed by proper authorities, shall be forwarded.

(c) Appointments are made as assistant surgeons with the rank of lieutenant (junior grade) or such higher grade and rank, not above lieutenant commander, as they may have held in the Medical Corps of the Regular Navy.

§ 6.2205 *Dental officers class DC–V (G).* (a) Dental officers, class DC–V (G), may be appointed upon presentation of satisfactory credentials as set forth in paragraph (b) of this section, which may be accepted in lieu of a professional examination.

(b) Candidates must submit the following credentials, in addition to usual credentials required for commission in the Naval Reserve, in order to establish their professional qualifications for appointment.

(1) Certificate of dental education, giving name of school, date of graduation, signed by the dean or registrar.

(2) A certificate from the president or secretary of a national, state, or local dental society to the effect that the applicant is a member in good standing.

(3) A certificate of license to practice dentistry.

(c) Appointments are made as assistant dental surgeons with the rank of lieutenant (junior grade) or such higher grade and rank not above lieutenant commander, as they may have held in the Dental Corps of the Regular Navy.

§ 6.2206 *Supply officers, classes SC–O and SC–V (G).* (a) Supply officers, classes SC–O and SC–V (G), shall be appointed from the following sources:

(1) Officers of other classes, Naval Reserve midshipmen and enlisted men of the Naval Reserve, who qualify by physical and professional examinations.

(2) Former officers of the Navy or graduates of the U. S. Naval Academy.

(3) Appointments of supply officers, classes SC–O and SC–V (G) shall be in the grade of assistant paymaster with the rank of ensign, or such higher grade and rank not above lieutenant commander as they may have held in the Supply Corps of the Regular Navy.

(b) The following are the requirements for appointment as ensign SC–V (G), U. S. N. R.

(1) Candidates must be mentally, morally, and physically qualified for general service.

(2) Candidates must hold a degree from a recognized university or have the equivalent of a college education. A full statement of education, including names of institutions, periods of schooling, and degrees, if any, should be included in the application for appointment.

(3) Letters from instructors, associates, and employers as to moral character, standing in community and professional ability should be submitted with application. Letters from employers should also show in detail the character and scope of duties performed by the applicant.

(4) Candidates must meet age requirements under § 6.2107.

(5) Each candidate must have completed the Bureau of Supplies and Accounts correspondence course and have passed the physical and professional examination.

§ 6.2207 *Chaplains, class ChC–V (G).* (a) Candidates for appointment in this

[1] Upper age limits for original appointments below the grade of commander, suspended for duration of the war.

class are required to meet the conditions demanded of candidates for the Chaplain Corps of the Navy. They must be endorsed by the official authorities of the religious bodies represented. All applications are scrutinized by the Bureau of Naval Personnel as to educational preparation (college or university B. A. degree and, in addition, 3 years theological seminary training), practical experience, and proper ecclesiastical endorsement.

(b) Original appointments are made only in the rank of lieutenant (junior grade) or such higher grade or rank, not above that of lieutenant commander, as the candidate may have held in the Regular Navy.

§ 6.2208 *Probationary ensigns, Volunteer Reserve (General Service).* (a) Men within the age limits prescribed in § 6.2107 who are morally, mentally, and physically qualified for commission and who hold degrees from recognized colleges or universities, may be appointed by the Secretary of the Navy in the Volunteer Reserve for General Service in a probationary status, with a view to their qualifying by examination for reappointment in appropriate General Service classification for which qualified on or before the expiration of the probationary period.

(b) Candidates shall make application on Bureau of Naval Personnel Form B. N. P. 953, as provided in § 6.2106 and shall, in addition, execute an agreement to take correspondence courses appropriate to their corps or class and otherwise prepare for examination for permanent appointment on or before the expiration of the probationary period. Failure to carry out the terms of such agreement will be sufficient grounds for their discharge from the Naval Reserve.

(c) Such probationary appointments will be made in classes D–V (P), E–V (P), DE–V (P), and SC–V (P).

(d) Upon completion of the probationary period, or prior to the expiration of such period, upon request of the officer concerned, the Bureau of Naval Personnel will authorize professional and physical examinations for reappointment as ensign, and assignment to the Organized Reserve or to the Volunteer Reserve (General Service). If found qualified, a new commission with date of precedence as of the date of qualification will be issued. The new commission will automatically supersede the probationary commission. Service under probationary commissions will not count toward the required service in grade for promotion to lieutenant (junior grade). If found not qualified, or if request for such examination is not submitted within the probationary period, the officer will be discharged.

§ 6.2209 *Warrant officers, Volunteer Reserve (General Service).* (a) In time of peace, the following instructions shall govern appointments of warrant officers in the Volunteer Reserve (General Service).

(1) The following warrant grades are authorized in the Volunteer Reserve (General Service):

Boatswain, D–V (G)
Carpenter, E–V (G)
Electrician, E–V (G)
Gunner, D–V (G)
Machinist, E–V (G)
Radio Electrician, C–V (G)
Pharmacist, HC–V (G)
Acting Pay Clerk, SC–V (G)

(2) Qualified enlisted personnel of the Naval Reserve (except members of the Fleet Reserve transferred thereto after 16 or 20 years' service in the Navy) and qualified civilians who pass the required examinations, will be eligible for appointment.

(3) The general requirements are as set forth in Part D, Chapter 6, Bureau of Naval Personnel Manual, and such other requirements as to qualifications and examinations as may be specified by the Bureau of Naval Personnel from time to time.

(4) Candidates must have been in the Naval Reserve for a period of at least 8 years on the date set for the examination (time served in the Regular Navy may be counted for this purpose, if the total time in the Naval Reserve and the Regular Navy is continuous) and have an average mark in proficiency for that period of not less than 3.4. They must have been serving as chief petty officer or petty officer first class in the Naval Reserve for a period of at least 1 year prior to the date set for the examination in the appropriate branch. Only chief pharmacists' mates are eligible for appointment as pharmacists. Candidates must have been on active duty in the rating of petty officer first class or chief petty officer for a period of 6 months prior to the date on which the examination is to be held, or must have been actively associated with an organization of the Organized Reserve for 8 years.

(5) Candidates must be within the age limits prescribed in § 6.2107.

(b) In time of war or national emergency when the Naval Reserve is mobilized, the procurement of warrant officers from personnel on active duty shall be handled in the same manner as provided for candidates in the Regular Navy or as prescribed by the Bureau, except that chief pharmacists mates and pharmacists mates, first class, only are eligible for appointment as pharmacist HC–V (G). Applicants from civil life, or from enlisted personnel not on active duty, shall forward their applications via the Director of Naval Officer Procurement of the Naval District in which they reside, in the manner prescribed by the Bureau of Naval Personnel.

REQUIREMENTS FOR ORIGINAL APPOINTMENT OF OFFICERS, VOLUNTEER RESERVE (SPECIAL SERVICE)

§ 6.2301 *Educational and professional requirements applicable to all classes.* (a) A candidate for appointment in the Volunteer Reserve (Special Service) must hold a professional or scientific degree from a recognized institution which indicates qualification for the appointment desired, or

(b) Must have a minimum of 2 years' college credits normally leading to a degree, or have professional experience in lieu of a degree, and have gained such professional prominence as to be considered especially qualified for a specific mobilization assignment. Graduation from a State maritime academy is acceptable in lieu of the requirement of 2 years' college credits.

(c) Special Service officers may be appointed in ranks commensurate with their age, professional experience, and attainments for definite mobilization assignments. The rank in which a candidate may be so appointed shall not be greater than that determined by the vacancy in a mobilization quota which it is desired to fill.

§ 6.2302 *Deck officers, Volunteer Reserve (Special Service).* (a) Deck officers, class D–V (S) required to fill quotas shall be appointed from the following sources.

(1) Graduates of the Naval R. O T C. or Naval Science students who have completed the Naval R. O. T. C. course satisfactorily.

(2) Granduates of the U. S Naval Academy.

(3) Officers of other classes and qualified civilians.

(b) A candidate for appointment in class D–V (S) must have had such prior naval or other suitable experience as to qualify him for administrative or other specialized duties ashore; or at sea as pilot, or duty in connection with district patrol craft. Seagoing experience is desirable but not essential in connection with such appointments for mobilization assignments ashore. Candidates must qualify under one or more of the following qualifications:

(1) One who has had administrative experience in responsible position.

(2) One who could be utilized on the shore end of the Naval Transportation Service.

(3) One who could be used in recruiting, concentration camps, or at officers' schools.

(4) One who could be used in an administrative position at district headquarters, or elsewhere, or for coding and courier duties.

(5) One who could be used in a recruiting office.

(6) One who has had hydrographic or oceanographic experience.

(7) One who is a specialist in such instruments as compasses, etc.

(8) One who holds pilot's licenses

(9) One who has had deep-sea yachting experience, and who holds a deck officer's license.

The rank assigned an applicant will depend on his age, previous experience, prominence, and general qualifications for mobilization station to which he is to be assigned. The rank must be appropriate to the duties to be performed. The Commandant will consider all the above factors in submitting his recommendations to the Bureau of Naval Personnel.

§ 6.2303 *Engineer officers, Volunteer Reserve (Special Service).* (a) Engineer officers, class E–V (S) and E–V (RS), required to fill quota, shall be appointed from the following sources:

(1) Graduates of the Naval Reserve Officers Training Corps.
(2) Graduates of the U. S. Naval Academy.
(3) Officers of other classes and qualified civilians.

(b) Candidates for appointment in this class are required to have a minimum of engineering experience as indicated below:

(1) A candidate for ensign shall be qualified by education or experience to practice his profession and shall have practiced his profession for at least 1 year.

(2) A candidate for lieutenant (junior grade) shall have been in active practice of his profession for at least 4 years and shall have shown progress.

(3) A candidate for lieutenant shall have been in active practice of his profession for at least 6 years and in responsible charge of important work for at least 1 year.

(4) A candidate for lieutenant commander shall have been in active practice of his profession for at least 10 years and in responsible charge of important work for at least 5 years.

(c) In addition to the general requirements for class E–V (S), candidates for appointments in class E–V (RS) must have had sufficient experience in the field of electrical engineering as applied to radar equipment to enable them, with a minimum amount of instruction, to supervise the care, operation, and maintenance of such equipment.

§ 6.2304 *Aviation special service officers, class A–V (S), and A–V (RS).* (a) In addition to the general requirements for commission in the special service classes of the Naval Reserve, candidates for appointment in class A–V (S) are required to have had engineering or administrative experience in aeronautics or to have special qualifications particularly desired by the Chief of the Bureau of Aeronautics for mobilization billets in the aeronautical organization of the Navy.

(b) The rank in which a candidate is commissioned will depend on age, his prominence in his field, and his experience. It must be appropriate to his mobilization assignment.

(c) Application for appointment in class A–V (S) should be submitted on special application Form B. N. P. 953, accompanied by the documentary data as specified in § 6.2106 (c) (1) and (2).

(d) In addition to the general requirements for commission in class A–V (S), candidates for appointment in class A–V (RS) must have had sufficient experience in the field of electrical engineering as applied to radar equipment to enable them, with a minimum amount of instruction, to supervise the care, operation, and maintenance of such equipment.

§ 6.2305 *Civilian aviation pilots, Volunteer Reserve (Special Service), class A–V (T).* (a) Appointments to commissioned grade of civil aviation pilots, including pilots of lighter-than-air craft, may be made in class A–V (T) upon the recommendation of District Commandants, within quotas. Applicants for appointment in class A–V (T) shall submit applications on Form B. N. P. 953 complete with substantiating documentary evidence, as specified in § 6.2106 (c) (1) and (2), to the commanding officer of the nearest Naval or Naval Reserve aviation activity of the naval district in which they reside, who will then forward the applications to the Commandant of the district with his recommendation.

(b) In general, original appointments to commissioned grade in class A–V (T), will be made in the grade of ensign, although in certain cases where the applicant possesses unusual qualifications, the Bureau may recommend appointment in the higher grades. Appointments in this class will be based upon the professional, technical, and administrative attainments of applicant and his general experience in aeronautical pursuits, as indicated in the credentials submitted with his application.

(c) Class A–V (T) will be composed of licensed civilian pilots who possess the following minimum qualifications:

(1) Must be between the ages of 21 and 40 at time of original appointment.

(2) Must hold an effective commercial pilot's license; or, in lieu thereof, an effective private pilot's license, in which case he must have acquired a minimum of 300 hours' pilot time in aircraft of 100 horsepower or over.

(3) Must be physically and psychologically qualified to pilot naval aircraft and for appointment in the Naval Reserve.

(4) Must be actively engaged in the piloting of aircraft and must have had not less than 100 hours certified pilot time within the previous 12 months.

(5) Must occupy a position of trust and responsibility.

(6) Must possess at least 2 years of college credits or have sufficient background in the pursuit of his profession to have obtained the equivalent thereof.

(d) Previous military or naval experience is a desirable factor which will be taken into consideration. The lack of this training, however, will not be considered disqualifying.

(e) Former aviators of the Army, Navy, Marine Corps, or Coast Guard, may, at the discretion of the Bureau of Naval Personnel, be commissioned in the same grade in class A–V (T) which they previously held in the above named services, not above lieutenant commander, provided they hold commercial pilot's certificate and are otherwise qualified as herein previously required.

(f) Officers receiving appointment to commissioned grade in this class shall be required to remain licensed pilots in good standing and to perform a minimum of 100 hours flying time per year.

(g) Applications for appointment should be filed on the application blanks (B. N P. 953) provided by the Bureau of Naval Personnel for commission in aviation special service classes and must show the following:

(1) Certified statement of flight time as follows:

(i) Total pilot time with types of aircraft.

(ii) Total pilot time during preceding 12 months, with types of aircraft.

(2) Educational record as required by § 6.2106 (b) (2).

(3) Three letters of recommendation from business associates giving information relative to present occupation,

(4) General résumé of flying experience, including experience in aerial navigation and radio communication; and any other information which may assist the Department in evaluating special qualifications. This résumé must be in the handwriting of the applicant.

(5) Type of certificate of competency held, including number and date of expiration.

§6.2306 *Communication officers, Volunteer Reserve, classes C-V (G), C-V (S), C-V (L), and C-V (X).* Officers will be procured in four classes. C-V (G), C-V (S), C-V (L), and C-V (X), for communication duties. In addition to the general requirements for all special service officers, the following special requirements are prescribed:

(a) *Class C-V (G); general line communication officers.* This class is procured from civilians or Naval Reserve personnel, or from personnel formerly of the Regular Navy, who are qualified both in radio and visual communications, as well as in prescribed deck duties, and who upon mobilization would be available immediately for Naval Communication duties aboard ship. It is expected that officers of this class will engage in the peacetime training and administration of the Naval Communication Reserve, and participate in drills, as regularly as practicable, in order to maintain their proficiency in communications.

(b) *Class C–V (S); communication specialist officers.* This class is procured from civilians or Naval Reserve personnel, who are qualified in some branch of military or commercial communications such as radio, telegraph, telephone, underwater sound, various forms of visual signaling, traffic, cable operation, or any other form of communication operation. It is expected that officers of this class will engage actively in the peacetime training and administration of the Naval Communication Reserve, and participate in drills regularly.

(c) *Class C–V (L); communication industry liaison officers.* This class is procured for liaison duties from among personnel of United States commercial communication organizations (telephone, telegraph, cable, sound, and radio), commercial air lines, communication experts of the Government (such as those under the Federal Communications Commission and the Civil Aeronautics Authority) or other communication experts of national prominence. They may be appointed direct from civilian life or transferred to this class from other classes of the Naval Reserve. Officers of class C–V (L) will normally be mobilized initially for communication industry liaison in the position and location of their civilian employment. Officers of this class should maintain the affiliations which justify their assignment to this class. When such affiliations are not maintained, they should be transferred to another class or be discharged, as appropriate.

(d) *Class C–V (X); communication security officers.* This class is procured from civilians, or Naval Reserve personnel, who have particular aptitude for, or ability in cryptography, or cryptanalysis, or radio direction finding, or some

other type of communication intelligence or communication security.

§ 6.2307 *Communication officers, Volunteer Reserve; special qualifications.* For all classes, § 6.2306, special consideration will be given to:

(a) The record of communication experience and special professional qualifications;
(b) Membership in professional societies;
(c) Experience in military or naval communication;
(d) Civilian position and occupation; and
(e) Integrity of applicant from standpoint of communication security.

§ 6.2308 *Intelligence officers, Volunteer Reserve (Special Service), class I–V (S).* (a) In addition to the general requirements for all Special Service officers, the acceptability of applicants for intelligence duty will be based on the degree to which they fulfill the special requirements for that duty.

(b) Of particular importance in considering applications for intelligence duty is the high degree of trust which may be given them in regard to confidential matter. Qualities which support the security of such matters are essential. Such officers are also expected to accept peacetime assignments which involve purely voluntary cooperation and application in training programs, whose success depends on self-initiative and a very high sense of loyalty. The keenest minds and most loyal spirit are essential.

(c) Special instructions in regard to the requirements of this class are indicated on ONI No. 1 (f) which each candidate is required to submit and subscribe to in duplicate. One copy of this Form (ONI No. 1 (f)) will be forwarded with Form B. N. P. 953. The other copy will be retained by the district intelligence officer (NIS file (confidential)). Both copies will be kept up to date in accordance with instructions issued by the Chief of Naval Operations. Other special instructions regarding this class will be issued by the Chief of Naval Operations (ONI) in accordance with the policy indicated in §§ 6.5202 and 6.5204.

(d) Candidates for this class not only require the qualifications common to all Reserves but also suitability for the several activities which are in general identical with:

(1) Broadness of outlook.
(2) Familiarity with public events.
(3) Knowledge of international affairs and trends.
(4) Social understanding and easy contact.
(5) Imagination.
(6) Absolute reliability.
(7) Tact, force, enterprise, perseverence, highest loyalty.
(8) An intellectual background suitable to the Service requirements.
(9) Versatility, adaptability.
(10) Clear-cut Americanism.
(11) Technical, personal, or professional ability which supports one or more of the several activities involved.
(12) Sobriety under the severest strain.
(13) Unimpeachable record.

(e) Intelligence Reserve applicants are required to obtain letters of recommendation which positively indicate the qualities which they must have to aspire to a particular activity in the Intelligence Service. Perfunctory letters in the common style of good fellowship are not acceptable. Letters which indicate abilities, application, accomplishment, imagination, conduct, endurance, initiative, intelligence, versatility, loyalty, sound and tested Americanism, and sobriety under strain, give facts of value and are the types of letters desired.

(f) An applicant who is favorably reported upon after a check and investigation will usually be placed on a waiting list unless his early commissioning is specifically desired. If placed on the waiting list, he will be regarded as a subject for such further check as appears warranted.

§ 6.2309 *Ordnance officers, Volunteer Reserve (Special Service), class O–V (S) and O–V (RS).* (a) Candidates for appointment in this class will in general be drawn from the faculties of universities and technology institutes, from exnaval officers with general ordnance experience, from research and experimental organizations, from administrative engineering or technical staffs of manufacturing companies, from graduates of the United States Naval Academy and Naval R. O. T. C., and from graduates of technical institutions of learning or other institutions which confer degrees which indicate the candidate's qualifications to perform duties under the Bureau of Ordnance.

(b) Candidates who have attended universities, but who have not graduated, who have had at least 2 years' experience in industry, business, or profession in addition to their academic credits, when their experience indicates that they will be of sufficient value to the Bureau of Ordnance to offset the lack of a technical or academic degree, may be considered as fulfilling the requirements of § 6.2301 (b).

(c) They must possess technical or scientific knowledge necessary to the supervision of design, manufacture, or test of ordnance material, the development of new material, or the application of inventions, new discoveries, and commercial practices to the problems of ordnance design and manufacture.

(1) Candidates for appointment to the ranks of lieutenant and lieutenant (junior grade) must have outstanding reputations, considering their ages, or must show promise of attaining eminence in their professions, or must possess unusual technical knowledge or ability such as to make their services highly valuable to the Bureau of Ordnance.

(2) Candidates for appointment to the rank of lieutenant commander must be scientists or engineers of outstanding reputation in their professions, or executives of demonstrated ability in handling large organizations.

(d) In addition to the general requirements for appointment in class O–V (S), candidates for appointment in class O–V (RS) must have had sufficient experience in the field of electrical engineering as applied to radar equipment to enable them, with a minimum amount of instruction, to supervise the care, operation and maintenance of such equipment.

§ 6.2310 *Legal officers, Volunteer Reserve (Special Service), class L–V (S).* (a) The following professional and special qualifications are considered as the basis for eligibility for appointment in this class:

(1) The candidate must hold a degree in law.

(2) He must be a member, in good standing, of a State bar, or its equivalent.

(3) He must be especially fitted for the particular position to which he will probably be assigned in the event of emergency.

(4) Candidates for appointment must have outstanding reputation considering their ages, or must show promise of attaining eminence in their profession.

(b) In determining the rank to be assigned, the following are considered as the minimum of practical experience in the legal profession:

(1) For ensign, 2 or more years.
(2) For lieutenant (junior grade), 4 or more years.
(3) For lieutenant, 7 or more years.
(4) For lieutenant commander, 10 or more years.

§ 6.2311 *Medical officers, Volunteer Reserve (Special Service), class MC–V (S).* (a) Medical officers, Volunteer Reserve (Special Service), class MC–V (S), required for special shore duty within the continental limits of the United States and for service with base hospital groups and in hospital ships may be appointed upon presentation of satisfactory credentials which may, except as otherwise indicated in paragraph (b) (1) of this section, be accepted as qualifying the candidate for appointment without a professional examination.

(b) A candidate for appointment in this class must present the following credentials as to education and professional qualifications:

(1) Certificate of graduation from a class A medical school, indicating date of graduation, signed by the dean or registrar. (Graduates of medical schools not listed as class A by the Council on Medical Education and Hospitals of the American Medical Association shall be required to submit certification of graduation, including date, signed by the dean or registrar of the medical school, and to demonstrate their professional qualifications by such written, oral, and practical examinations as may be prescribed by the Bureau of Medicine and Surgery.)

(2) Except in the cases of applicants for appointments as lieutenant (junior grade), a certificate from the president or secretary of a State or local medical society to the effect that the applicant is a member in good standing. Such a certificate shall be furnished before a lieutenant (junior grade) may be considered for promotion. An exception may also be permitted in the cases of applicants engaged in medical research, whose services are required, and of applicants who are actively employed in a medical specialty in a recognized hospital, research or teaching institution, and who submit evidence substantiating same.

(3) Except in the cases of applicants for appointments as lieutenant (junior grade) a certificate of license to practice medicine. Such certificate shall be furnished before a lieutenant (junior grade) may be considered for promotion. An exception may also be permitted in the cases of applicants engaged in medical research, whose services are required, and of applicants who are actively employed in a medical specialty in a recognized hospital, research or teaching institution, and who submit evidence substantiating same.

(4) A certificate from proper hospital officials indicating type and duration of internship.

(5) If the candidate has had hospital service or special educational or professional advantages, other than internship, certificate to this effect, signed by proper authorities, shall be forwarded.

(6) Evidence of qualification in specialty; or a statement of time spent in general practice (minimum, 1 year).

(c) The certification by the district medical officer or other designated medical officer as to their qualifications and professional standing may be accepted in lieu of letters or certificates from two or more persons, etc., certificate of medical education, certificate from the president or secretary of state or local medical society, certificate of license to practice medicine, certificate as to hospital service, etc., and professional examination in the cases of candidates for appointment in this class.

(d) The grade and rank in which candidates for class MC–V (S) are appointed will be determined by the candidate's age, professional standing, and academic seniority. These must be appropriate to the duties of the mobilization assignment.

§ 6.2312 *Dental officers, Volunteer Reserve (Special Service), class DC–V (S).* (a) Dental officers, Volunteer Reserve (Special Service), class DC–V (S) may be appointed within quotas upon presentation of satisfactory credentials, which may be accepted as qualifying the candidate for appointment without professional examination.

(b) A candidate for appointment in this class must present the following credentials as to education and professional qualifications:

(1) Certificate of dental education, giving name of school, date of graduation, signed by the dean or registrar.

(2) A certificate from the president or secretary of a national, State, or local dental society to the effect that the applicant is a member in good standing.

(3) A certificate of license to practice dentistry.

(4) Evidence of qualification in specialty; or a statement of time spent in general practice (minimum, 1 year).

(c) The grade and rank in which candidates for class DC–V (S) are appointed will be determined by the candidate's age, professional standing, and academic seniority. These must be appropriate to the duties of the mobilization assignment.

§ 6.2313 *Supply officers, Volunteer Reserve (Special Service), class SC–V (S).* (a) This class is composed of specialists in the various branches of Supply Corps work—purchase and supply, finance, accounting, transportation, foodstuffs, textiles, and fuel, who are appointed upon the recommendation of Commandants of naval districts and the Bureau of Supplies and Accounts for specific duties in the war organization of the Navy.

(b) As a basis for recommending the appointments of candidates for this class, in addition to requirements already generally laid down, the following are considered and are to be included in the application or submitted therewith:

(1) Record of education—degrees held and membership in recognized professional institutions (a complete statement of all education, including periods of schooling, names of institutions, and degrees, if any, received, to be included in application).
(2) Record of experience; standing in profession or business.
(3) Standing in community.
(4) Record of prior military or naval service.
(5) Personal qualifications as an officer as determined by the Commandant from interview.
(6) Probable assignment in war organization, for which candidates must be especially fitted.
(7) Letters concerning the above from instructors, associates and employers. Letters from employers should also show in detail the character and scope of duties performed by the applicant.

(c) In determining the rank to be assigned, the periods of practical experience in a profession or business or allied activity set forth below are regarded as minimum requirements. Practical experience does not, however, of itself determine assigned rank since other factors must also be taken into consideration.

For ensign	2 or more years.
For lieutenant (junior grade)	4 or more years.
For lieutenant	7 or more years.
For lieutenant commander	10 or more years.

Rank assigned must be appropriate to the duties of the mobilization assignment.

§ 6.2314 *Chaplains, Volunteer Reserve (Special Service), class ChC–V (S).* Candidates for appointment in this class are required to meet the conditions demanded of candidates for the Chaplain Corps of the Navy. They must be endorsed by the official authorities of the religious bodies represented. All applications are scrutinized by the Bureau of Naval Personnel as to educational preparation (college or university B. A. degree and, in addition, 3 years' theological seminary training), practical experience and proper ecclesiastical endorsement. The ability, records, and professional standing are given due consideration in connection with recommendation as to rank.

§ 6.2315 *Engineer officers (construction duties), Volunteer Reserve (Special Service), class CC–V (S).* (a) The following professional qualifications are required for original appointment as a Special Service officer for construction duties, Volunteer Reserve:

(1) Resigned from a commissioned rank in the Construction Corps, U. S. Navy; or

(2) Graduated from a recognized institution with a scientific degree in engineering; or

(3) Sufficient prominence in this profession to demonstrate outstanding qualifications. (It is expected that all candidates have been engaged on engineering activities comprises all that relates to the design, construction, and maintenance of public works of the Naval Establishment ashore, such as dry docks, marine railways, shipbuilding ways, harbor works, quay walls, piers, wharves, slips, dredging, landings, floating and stationary cranes, power plants, coaling plants, hangars, flying fields, seaplane ramps, heating, lighting, telephone, water, sewer, and railroad systems; roads, walks, and grounds; bridges, radio towers, hospitals, shops, barracks, and all buildings for whatever purposes required.

(4) Exceptions to the above requirements will be made only in the cases of applicants who are considered qualified for special duties involved in work under the cognizance of the Bureau of Ships, such as the inspection of naval material or Navy Yard management.

(b) Special qualifications for the various ranks shall be as follows:

(1) For ensign: Two years' minimum experience in connection with ship design and construction or equivalent engineering experience. If the applicant has graduated from a recognized institution and if during his attendance at such institution he was enrolled as a candidate for appointment in the Naval Reserve and received preliminary instruction in general naval subjects, then the requirement for 2 years' minimum experience will be waived.

(2) For lieutenant (junior grade): Five years' minimum experience in connection with ship design and construction or equivalent engineering experience, three of which shall have been on practical work in a shipyard.

(3) For lieutenant: Ten years' minimum experience in connection with ship design and construction or equivalent engineering, 5 years of which shall have been in responsible charge of professional work in a shipyard.

(4) For lieutenant commander: Fifteen years' minimum experience in connection with ship design and construction or equivalent engineering experience, 10 years of which shall have been in charge of professional work of increasing responsibility in a shipyard and holding within 1 year prior to appointment an executive position of important professional responsibility.

§ 6.2316 *Civil engineers, Volunteer Reserve (Special Service), class CEC–V (S).* (a) Officers of the Civil Engineer Corps are charged with the design, construction, and maintenance of all facilities entering into the "shore establishment" of the Navy. The wide scope of engi-

gineering work of a character sufficient to demonstrate technical ability and administrative leadership.)

(c) Special minimum qualifications for the various ranks shall be as follows:

(1) For lieutenant (junior grade), 6 years professional practice, 2 years of which shall have been in responsible charge of profession work. Employment under general supervision only and with considerable latitude for independent action.

(2) For lieutenant, 10 years active professional practice, 6 years of which shall have been in responsible charge of professional work. Present employment under general or administrative supervision with wide latitude for independent or unreviewed action. At least 3 years of the period specified shall have been devoted to employment on engineering works of a difficult and important nature.

(3) For lieutenant commander, 15 years active professional practice, 10 years of which shall have been in responsible charge of professional work. Present employment under administrative supervision only, or in charge of own office on highly difficult and important professional or engineering work where the problems met have been unusually complex or the volume of business large.

(d) Active professional practice for all ranks in the Civil Engineer Corps is defined as direct employment on the design and construction of engineering works embraced within the scope of the activities of the Corps of Civil Engineers of the Navy, as above described.

§ 6.2317 *Officers, Volunteer Reserve (Special Service), class H–V (S).* (a) Officers of the Volunteer Reserve (Special Service), for assignment to class H–V (S) required for special shore duty in connection with Medical Corps activities within the continental limits of the United States and for service with base hospital groups and in hospital ships, may be appointed upon presentation of satisfactory credentials, which may be accepted as qualifying the candidates for appointment without a professional examination.

(b) A candidate for appointment in this class must present the following credentials as to education and professional qualifications:

(1) Certificate of or evidence of at least four (4) years of collegiate education; or a degree from an accredited institution of higher education in a subject or subjects which pertain to or are related to those specialties coming under the cognizance of the Medical Department of the Navy, the determination of which shall be made by the Chief of the Bureau of Medicine and Surgery.

(2) Evidence of license to practice his profession in a State or Territorial possession of the United States where such is required.

(3) If the candidate has had special training, a certificate to this effect shall be included.

(4) Evidence of qualification in specialty, which shall be satisfactory to the Chief of the Bureau of Medicine and Surgery.

(5) In addition to the requirements listed above, candidates shall submit evidence of recent practical experience in their specialties as indicated:

For ensign	2 or more years.
For lieutenant (junior grade)	6 or more years.
For lieutenant	8 or more years.

(c) The rank in which candidates for class H–V (S) are appointed will be determined by the candidate's age, academic seniority, and practical experience. These must be appropriate to the duties of a specific mobilization assignment.

§ 6.2318 *Probationary ensigns, class H–V (P).* (a) Probationary ensigns for assignment to class H–V (P) may be appointed from candidates who meet the following requirements:

(1) Medical students of all classes of class A medical schools and premedical students who have been accepted as first-year students in the next entering class in medical schools accredited as class A by the Council on Medical Education and Hospitals of the American Medical Association.

(2) Dental students of all classes of accredited dental schools and predental students who have been accepted as first-year students in the next entering class in dental schools, accredited as class A by the American Dental Association.

(b) Applications of candidates qualified in accordance with paragraph (a) of this section must be accompanied by a statement from the dean or other official of the faculty of the institution that the candidate is a medical or dental student in good standing or that he has been accepted as a first-year student in a medical or dental school accredited as class A.

(c) Ensigns H–V (P) shall, upon the submission of evidence of graduation from a class A medical school or medical college, dental school or dental college, be eligible for reappointment as lieutenant (junior grade); medical graduates in class MC–V (G) and dental graduates in class DC–V (G), without professional examination, provided they meet the requirements for original appointment in these classes; or medical graduates may request examination, including professional, for appointment as acting assistant surgeons in the United States Navy; or dental graduates may request examinations, including professional, for appointment as assistant dental surgeons, provided they meet the age and other requirements for original appointment.

§ 6.2319 *Probationary ensigns, class ChC–V (P).* (a) Members of senior classes of theological seminaries may be commissioned as ensigns, (Probationary) and assigned to class ChC–V (P) pending their graduation and subsequent ordination as clergymen. While holding such status they will not be ordered to active duty.

(b) An ensign of class ChC–V (P) is not commissioned in the Chaplain Corps but may upon ordination, if approved by the duly constituted ecclesiastical representatives of his denomination, and if physically and otherwise qualified, be commissioned as a lieutenant (junior grade) in the Chaplain Corps, U. S. Naval Reserve, and when so commissioned shall be considered qualified for General Service, afloat or ashore.

§ 6.2320 *Warrant officers, Volunteer Reserve (Special Service).* (a) In time of war or in time of peace, appointments to warrant grades in the Special Service classifications indicated below, may be made in accordance with the requirements prescribed by the Bureau of Naval Personnel, to fill the needs of the service.

Grade:	*Classification*
Boatswain	D–V (S)
Carpenter	CEC–V (S), CC–V (S)
Electrician	E–V (S)
Gunner	A–V (S), O–V (S)
Machinist	A–V (S), E–V (S)
Radio Electrician	A–V (S), E–V (S), C–V (S), A–V (RS), E–V (RS), and O–V (RS)
Ship's Clerk	D–V (S), I–V (S)
Aerographer	A–V (S)
Photographer	A–V (S)
Torpedoman	O–V (S)
Pharmacist	HC–V (S)
Acting Pay Clerk	SC–V (S)

(b) Procurement of warrant officers from personnel on active duty shall be handled in the same manner as provided for candidates in the Regular Navy or as directed by the Bureau of Naval Personnel, except that chief pharmacists mates and pharmacists mates, first class, only are eligible for appointment as pharmacist HC–V (S). Applicants for appointment from civil life or from enlisted personnel not on active duty shall forward their applications via the Director of Naval Officer Procurement in the naval district in which they reside.

OFFICERS AND MIDSHIPMEN OF THE MERCHANT MARINE RESERVE

§ 6.2401 *Requirements for appointment as an officer.* (a) Appointments may be made in classes D–M, E–M, DE–M, SC–M, and MC–M. Applications from ships' deck or engineer officers serving under their licenses shall be submitted on Form B. N. P. 945. Applications from others shall be submitted on Form B.N.P. 953.

(b) In addition to the general requirements for commission in the Naval Reserve, as set forth in §§ 6.2101–6.2107, the following additional requirements are prescribed for appointment of officers in the Merchant Marine Reserve:

(1) A candidate for commission in class D–M or E–M must be a licensed officer of the American Merchant Marine, and be serving in a vessel of not less than 1,000 gross tons; documented under laws of the United States, or on other public vessels thereof; except that a candidate serving in a vessel of less than 1,000 gross tons may be appointed by special authority of the Bureau of Naval Personnel. Service as a cadet officer in the United States Merchant Marine will be considered as licensed service for the purpose of appointment as ensign, class D–M or class E–M.

(2) He must be employed in connection with the seafaring profession in a

capacity directly connected with the operation or management of ships of the American Merchant Marine, and whom it is desired be appointed for a specific mobilization billet.

(3) A candidate for commission in class SC–M or MC–M must be employed on a vessel documented under the laws of the United States; or, in the case of a candidate for appointment in class MC–M must be employed in connection with the seafaring profession in a capacity directly connected with his duties in the Merchant Marine. A candidate must agree that if appointed he will apply for and complete the Naval Reserve correspondence course prescribed by his Bureau within 2 years of his appointment. Only chief pursers, pursers, senior assistant and junior assistant pursers (including those assigned to stores duties) who have successfully completed two years of college studies, or who have served not less than two years under a certificate of registry in one of the purser classifications, will be considered eligible for appointment as commissioned officers in class SC–M. An applicant for appointment in class SC–M must comply with the provisions of § 6.2106 (b) (14).

(c) The rank in which appointment is made depends on the duties which the candidate is normally performing on a vessel or ashore.

(d) In order to establish permanency of duties, applicants serving on board ship shall have been employed in present capacity for at least 3 months immediately preceding appointment.[1] The following table shows the authorized ranks for appointments of Merchant Marine officers serving in the deck and engineering departments on merchant vessels.

TABLE OF MAXIMUM RANK FOR APPOINTMENT

Duties, merchant service	Passenger or combination vessels over 5,000 gross tons	Other vessels over 5,000 gross tons	Vessels under 5,000 gross tons
Master	Lieutenant commander	Lieutenant commander	Lieutenant.
Chief officer or first mate	Lieutenant	Lieutenant	Lieutenant (j. g.).
Second officer or second mate	Lieutenant (j. g.)	Lieutenant (j. g.)	Ensign.
Third officer or third mate	do	Ensign	Do.
Fourth officer	Ensign	do	Do.
Chief engineer	Lieutenant commander	Lieutenant	Lieutenant.
First assistant engineer	Lieutenant	Lieutenant (j. g.)	Lieutenant (j. g.).
Second assistant engineer	Lieutenant (j. g.)	do	Ensign.
Third assistant engineer	do	Ensign	Do.
Junior engineer	Ensign	do	Do.

(e) For the purpose of assigning rank, engineer officers employed on vessels of 10,000 indicated horsepower or over are considered to be employed on passenger vessels of over 5,000 gross tons. Where the horsepower of a vessel is given as brake or shaft horsepower, such figures shall be multiplied by the factor five-fourths to obtain the equivalent indicated horsepower.

(f) The qualifications for appointment of medical officers and supply officers in the Merchant Marine Reserve will be governed by the provisions of § 6.2106 pertaining to Special Service officers and meet the requirements of §§ 6.2311 and 6.2313, concerning Medical and Supply Corps officers, respectively.

(g) Appointments in the Merchant Marine Reserve of persons employed on shore in connection with the seafaring profession to fill a specific billet in the war organization will be considered for ranks appropriate to such assignment from candidates whose age, experience, professional attainments and civil position justify such appointment. Persons appointed for such billets must hold appropriate Merchant Marine Licenses.

(h) Midshipmen, Merchant Marine Reserve, will be eligible for appointment as ensigns in class D–M or E–M upon graduation from the U. S. Merchant Marine Academy or a State Maritime Academy, provided they have completed the prescribed course in Naval Science and hold unlimited ocean licenses as deck or engineer officers.

(i) Applicants who do not hold ocean licenses but who are serving in the capacity of officers in merchant vessels or small craft of any tonnage, may be appointed to the grade of warrant officer or chief warrant officer if considered qualified by virtue of their seagoing experience. The authorized warrant grades in the Merchant Marine Reserve are Boatswain D–M, Carpenter E–M, Electrician E–M, Radio Electrician E–M, and Ship's Clerk D–M.

§ 6.2402 *Midshipmen, Merchant Marine Reserve; source.* Midshipmen, Merchant Marine Reserve shall be appointed from the following sources:

(a) Students at the State Maritime Academies.

(b) Cadets in the U. S. Merchant Marine Cadet Corps.

§ 6.2403 *Midshipmen, Merchant Marine Reserve; physical examination.* The physical examination for appointment shall be conducted by a medical officer of the Navy or of the Naval Reserve. The result of the examination shall be reported on Bureau of Medicine and Surgery Form Y, in duplicate.

§ 6.2404 *Appointment of State Maritime Academy students.* The following provisions shall govern the appointment of students at the State Maritime Academies as Midshipmen, Merchant Marine Reserve:

(a) Applications for appointment shall be submitted on Form B. N. P. 974 accompanied by report of Physical Examination on Bureau of Medicine and Surgery Form Y in duplicate, and Bureau of Naval Personnel Form B. N. P. 680. In the case of candidates under 18 years of age, Form B. N. P. 974a, consent of parent or guardian, shall also be submitted.

(b) Matriculation at one of the State Maritime Academies shall, subject to review by the Bureau of Naval Personnel, be considered as establishing the mental and moral qualifications of applicants.

(c) Appointments of Midshipmen, Merchant Marine Reserve, appointed from State Maritime Academies, who have not qualified for a commission in the Naval Reserve, will be revoked 3 years after their graduation. Separation from the State Maritime Academies prior to graduation will result in revocation of appointment. Acceptance of commission in the Naval Reserve will automatically terminate appointment as Midshipman, Merchant Marine Reserve.[1]

§ 6.2405 *Appointment of Cadets of U. S. Merchant Marine Cadet Corps.* The following provisions shall govern the appointment of Midshipmen, Merchant Marine Reserve from cadets in the U. S. Merchant Marine Cadet Corps.

(a) Applications for appointment shall be submitted on Form B. N. P. 974 accompanied by report of physical examination on Bureau of Medicine and Surgery Form Y in duplicate, and Bureau of Naval Personnel Form B. N. P. 680. In the case of candidates under 18 years of age, Form B. N. P. 974a, consent of parent or guardian, shall also be submitted.

(b) The appointment as cadet in the U. S. Merchant Marine Cadet Corps, together with the recommendation of the cadet training instructor, shall, subject to review by the Bureau of Naval Personnel, be considered as establishing the mental and moral qualifications of applicants.

(c) Appointment as Midshipman, Merchant Marine Reserve, will be revoked 3 years after graduation whenever a cadet in the U. S. Merchant Marine Cadet Corps fails to qualify for a commission in the Naval Reserve. Separation from the U. S. Merchant Marine Cadet Corps prior to graduation will result in revocation of appointment. Acceptance of commission in the Naval Reserve will automatically terminate appointment as Midshipman, Merchant Marine Reserve.[1]

ENLISTMENTS AND REENLISTMENTS

§ 6.2501 *Men; by whom enlisted.* (a) The procurement of men in the Fleet Reserve shall be governed by the provisions of §§ 6.9401–6.9409.

(b) The enlistment of men in the Organized Reserve shall be accomplished by Naval Reserve and Marine Corps Reserve recruiting officers. (See §§ 6.2503, 6.2507, and 6.2510.)

(c) The enlistment of men in the Volunteer Reserve shall be accomplished by Naval Reserve recruiting officers and by Navy recruiting officers.

(d) The enlistment of men in the Merchant Marine Reserve shall be accomplished by recruiting officers designated for this purpose by the District Commandant.

[1] 3 months employment suspended for duration of war.

[1] Three-year period reduced to 6 months for duration of war.

§ 6.2502 *Ages for original enlistments.* (a) The limiting ages for original enlistments in the Naval Reserve are as follows:

Class:	Age limits in years
O–1	17 to 28
O–2	17 to 28
V–1	17 to 28
V–2	17 to 28
V–3	17 to 35
V–4	17 to 50
V–5	[1] 18 to 27
V–6	17 to 50
V–7	([2])
V–8	18 to 27
M–1	17 to 50
M–2	17 to 50

[1] Approximate. See § 6.10302.
[2] Nineteen to age prescribed by the Bureau of Naval Personnel.

NOTE: Upper age limits are to nearest birthday.

(b) Especially desirable men over the foregoing upper age limits may be enlisted with the consent of the Bureau of Naval Personnel in each case, in accordance with existing instructions.

(c) Minors shall not be enlisted without the written consent of a parent or guardian.

(d) The lower age limit of 17 years is prescribed by statute and cannot be waived.

§ 6.2503 *Naval Reserve recruiting officers.* (a) Division, battalion, and squadron commanders, battalion executive officers, and Naval Communication Reserve section and unit commanders, shall be appointed by the Commandants of their naval district as Naval Reserve recruiting officers. Officers of the Navy and Naval Reserve attached to headquarters of naval districts and the Navy Yard, Washington, D. C., for duty in connection with the administration of the Naval Reserve, or assigned duties as instructors of Naval Reserves may be appointed by the Commandants as Naval Reserve recruiting officers. Commandants of naval districts may appoint such other officers as they may select as recruiting officers for effecting enlistments in the Naval Reserve.

(b) Naval Reserve and Marine Corps Reserve recruiting officers are authorized to administer oaths in connection with the appointment of officers and the enlistments of men in the Naval Reserve.

(c) All officers authorized to administer oaths for enlistments and appointments in the Naval Reserve shall place after their signatures the capacity in which serving at the time of administering the oath, i. e., John Doe, Lieutenant, D–O, U. S. N. R., Commanding First Division, U. S. N. R., First Naval District.

(d) Officers in charge of Navy recruiting stations are directed to make such enlistments in the Naval Reserve as Commandants may authorize or request. They shall report such enlistments to the Commandant, and forward the health record, service record, and shipping articles to the Commandant.

(e) Naval Reserve recruiting officers are authorized, upon request of a District Commander of the Marine Corps Reserve, to effect enlistments in the Marine Corps Reserve.

(f) Commanders of units of the organized Marine Corps Reserve are authorized to act as Naval Reserve recruiting officers, for the purposes of effecting enlistments of hospital corpsmen to fill their allowances, in accordance with § 6.2510 (b) (2).

(g) For the purpose of administering oaths in connection with the appointment of officers in class MC–V (S) and nurses in the Naval Reserve Nurse Corps, and the enlistment of hospital corpsmen in class V–6 of the Naval Reserve, District Commandants are authorized to appoint organizers of medical specialists units and of laboratory research units, as Naval Reserve recruiting officers.

§ 6.2504 *Term of enlistments and extensions.* (a) Under such instructions as may be issued by the Bureau of Naval Personnel enlistments and reenlistments in the Naval Reserve may be for terms of 2, 3, or 4 years, except that enlistments of minors between 17 and 18 years of age shall not extend beyond minority.

(b) Enlisted men may be permitted to extend their enlistments for periods of 1, 2, 3, or 4 years under the same regulations as prescribed for extensions of enlistments in the Regular Navy. Unless specifically authorized by the Bureau of Naval Personnel, an enlistment cannot be extended more than once.[1]

(c) Where reenlistments of desirable men are impracticable on account of unavailability of medical officers of the Navy or Naval Reserve for conducting physical examinations they may be permitted to extend their enlistments without physical examination for a period of 4 years in the manner prescribed in Part D, Bureau of Naval Personnel Manual. At such time as a physical examination by a medical officer of the Navy or Naval Reserve is practicable, such men shall be physically examined and report forwarded to the Bureau of Naval Personnel.

§ 6.2505 *Reenlistments.* (a) Desirable men may be reenlisted in accordance with the provisions of §§ 6.2510 (c) and (d), and 6.2511 (e).[1]

(b) Chief petty officers holding permanent appointments may be reenlisted in such permanent appointments, provided they are reenlisted under continuous-service conditions.

(c) Men who have had prior naval or military service, including service in the Coast Guard of the United States, shall be required to present their discharges from such service, certificates in lieu of such discharge, or continuous-service certificate, before being enlisted in the Naval Reserve.

(d) Men discharged from any naval or military organization under other than honorable conditions shall not be enlisted in the Naval Reserve.

(e) Upon enlisting men with previous service in the Navy, Naval Reserve, or Coast Guard, the recruiting officer shall write above his signature on the back of the man's discharge or continuous-service certificate, the date and place of his reenlistment.

[1] Reenlistments and extensions of men on active duty suspended for duration of war.

(f) The age limit for reenlistment in any class is 50 years, except with prior approval of the Bureau of Naval Personnel.

§ 6.2506 *Service numbers.* (a) Commandants of naval districts will assign service numbers on all first enlistments.

(b) In the cases of enlistments or reenlistments of men who have had previous naval service whose service numbers are unknown, the recruiting officer shall obtain such numbers from the Bureau of Naval Personnel before completing and forwarding the enlistment articles.

§ 6.2507 *Procedure for recruiting.* (a) Naval Reserve recruiting officers shall be guided by the Instructions for Recruiting Officers of the Navy, insofar as applicable, and such special instructions as may be issued by the Bureau of Naval Personnel concerning the Naval Reserve.

(b) Shipping articles shall be typewritten in duplicate with no erasures or interlineations.

(c) When the following steps have been completed, the recruits shall be sworn in and the papers dated the actual date the oath is taken.

(1) Physical examination must have been passed or successfully completed.

(2) Health record prepared and signed by the medical examiner.

(3) Fingerprints properly prepared in accordance with instructions relating to physical examination of recruits issued by the Bureau of Medicine and Surgery, and signed by medical examiner and recruit, using the following forms:

(i) B. N. P. 680, first enlistments.
(ii) B. N. P. 681, for reenlistments.

(4) Shipping articles, B. N. P. 603, signed by medical examiner and recruit. The following shall be stamped or typewritten on the face of the shipping articles:

In the event of war or national emergency during my term of service, I further obligate myself to serve throughout the war or national emergency, if so required.

(5) Service record, B. N. P. 952, signed by medical examiner and recruit.

(d) After the recruit is sworn in, all papers, including application for enlistment, N. R. B. Form 24, fingerprints, enlistments articles, and service record shall then be signed by the recruiting officer, and forwarded to the Commandant.

§ 6.2508 *Records of recruits.* The Commandant shall examine such papers and records and if the enlistment is approved, shall forward to the Bureau of Naval Personnel as soon as practicable, all shipping articles and identification records, application form and consent form which are found to be regular and complete in every respect. The health record, service record, duplicate copy of shipping articles, shall then be returned to the commanding officer of the organization to which the man is to be attached or with which he is to be associated.

§ 6.2509 *Vaccination and inoculation of recruits.* All recruits shall be vaccinated and typhoid prophylaxis adminis-

tered when enlisted or as soon thereafter as may be practicable, and in any case before being ordered to active duty or training duty, unless they present satisfactory evidence of having been vaccinated or inoculated before enlistment.

§ 6.2510 *Enlistments in Organized Reserve and Volunteer Reserve, classes O–1, O–2, V–1, and V–2.* (a) Men will be enlisted in classes O–1, O–2, V–1, and V–2 to fill vacancies in the procurement quotas subject to the provisions of this section:

(b) (1) Men without previous naval service will be enlisted in classes O–1, O–2, V–1, and V–2, in the rating of apprentice seaman and mess attendant third class, or in such higher ratings as may be authorized by the Bureau of Naval Personnel.

The Bureau of Naval Personnel will consider authorizing the enlistment in higher ratings of those recommended men whose civilian occupations make them especially desirable for the organizations, such as machinists, gas engine men, ground crews for the air transportation companies, yeomen, and commercial and amateur radio operators.

The Bureau of Naval Personnel will not, however, consider any such recommendation unless accompanied by an examination report, Form B. N. P. 971, submitted by a board composed of squadron, base, battalion, or division officers, which report, however, need not include marks on subjects D–5201 (a) to (n), (Part D, Bureau of Naval Personnel Manual) nor special marks for petty officers or chief petty officers.

The upper age limit for enlistment, as prescribed in § 6.2502, may also be waived by the Bureau of Naval Personnel in the cases of the foregoing men.

(2) In the cases of applications for enlistments in hospital corps ratings, requests shall be forwarded to the Bureau of Naval Personnel, via the District Commandant and the Bureau of Medicine and Surgery, accompanied by Form B. N. P. 971.

(c) Men honorably discharged from the Naval Reserve may be enlisted in the ratings in which discharged, within one year of such discharge, in classes O-1 or O-2 to fill vacancies in procurement quotas and ratings, or in V-1 or V-2 if physically and otherwise qualified. Men may be similarly enlisted in the Naval Reserve within 3 years of honorable discharge from the Regular Navy or Coast Guard. In order to qualify for continuous service, such enlistments must be within a period of 3 months from date of discharge.

(d) Men with broken service in excess of 1 year, honorably discharged from the Naval Reserve, and 3 years, honorably discharged from the Regular Navy or Coast Guard, who are within the prescribed ages may, if otherwise qualified, be enlisted in class O-1, O-2, V-1, or V-2 to fill vacancies in the next rating below that held at the time of discharge. The approval of the Bureau of Naval Personnel will be required in case the prescribed age limits are exceeded, or for enlistment in rating last held.

(e) Copies of the first vouchers submitted on Bureau of S. & A. Form 444 or 444 (a) covering drills, equivalent duties, or appropriate duties performed by men enlisted under paragraphs (c) and (d) of this section, must state that the man was enlisted under the provisions of § 6.2510 (c) or (d) as the case may be.

§ 6.2511 *Enlistments in Naval Communication Reserve, class V–3.* (a) Men will be enlisted in class V–3 for radioman, signalman, telegrapher, and yeoman duties.

(b) Such men will be enlisted in the rating of apprentice seaman, seaman second class, seaman first class, or telegrapher if without prior naval or Coast Guard service, and when they have qualified in accordance with section 2, Chapter 5, Part D, Bureau of Naval Personnel Manual, they may be advanced to the rating of petty officer, third class, of their respective specialties. Unless higher rating is authorized by paragraphs (c), (d), or (f) of this section, men without prior naval or Coast Guard service shall be enlisted in the rating of apprentice seaman.

(c) Those holding radio licenses issued by the Federal Communications Commission, will be enlisted in the ratings shown in the following table. At any time after enlistment, such men may be examined, Form B. N. P. 971, and when qualified in accordance with section 2, Chapter 5, Part D, of the Bureau of Naval Personnel Manual, may be advanced to the rating shown. Thereafter advancements shall be made in accordance with § 6.3703 (a) and (b).

License held	Rating in which enlisted	Authorized rating when qualified
Radiotelegraph—Commercial:		
First class	Seaman, first class	Radioman, second class.
Second class	do	Do.
Operator's permit	do	Radioman, third class.
Radiotelegraph—Amateur:		
Class A or B	do	Do.
Class C	Seaman, second class	Seaman, first class.

(d) Men who have been honorably discharged from the Navy or Coast Guard within 3 years, or from the Naval Reserve within 1 year, in radioman, signalman, quartermaster, telegrapher, or yeoman ratings, and seaman strikers for these ratings, are eligible for enlistment in class V–3 in the same or corresponding rating to that in which discharged. If a greater period of time has elapsed since date of discharge than the limits specified, the prior approval of the Bureau of Naval Personnel is required before the enlistment is effected.

(e) Instructions relative to enlistment in telegrapher ratings will be covered in separate publication.

§ 6.2512 *Enlistments in Volunteer Reserve, class V–4.* Enlistments in class V–4 will be made in accordance with such instructions as may be issued from time to time.

§ 6.2513 *Enlistments in Volunteer Reserve, class V–5.* Enlistments in class V–5 will be made in accordance with the instructions for the selection of candidates for aviation training contained in §§ 6.10101–6.10506.

§ 6.2514 *Enlistments in Volunteer Reserve, class V–6.* (a) The Bureau of Naval Personnel will from time to time issue instructions for enlistments in class V–6, specifying the ratings open to unlimited enlistments. Enlistments in ratings not declared open to enlistments in this class may be accepted if prior Bureau approval is obtained. When applications for such enlistments are submitted to the Bureau of Naval Personnel for approval, complete information to substantiate the applicant's qualifications must be included.

(b) Subject to the provisions of § 6.2514 (a), former enlisted men of the Navy, Coast Guard, or Naval Reserve, physically, and professionally qualified, may be enlisted in class V–6 in ratings formerly held by them, or in the rating for which qualified in accordance with the provisions of § 6.3709.

(c) Subject to the provisions of § 6.2514 (a), men without prior naval service may be enlisted in class V–6 in ratings for which qualified in accordance with the provisions of § 6.3709, except that report of examination on Form B. N. P. 971 need not include marks on subjects under article D–5201 (a) to (n) (Part D, Bureau of Naval Personnel Manual). Marks on "qualifications for the individual rating" as prescribed in Chapter 5, Part D, Bureau of Naval Personnel Manual, should be assigned on the basis of the candidate's technical ability only, using the technical qualifications stated in the various paragraphs as a general guide to the rate for which he is recommended. The mark on "general qualifications for petty officers" should be assigned on the basis of an estimate of the candidate's ability as a leader, based on a personal interview and an investigation of him covering his occupation, associations, standing in the community, etc.

(d) Applicants for enlistment in all Hospital Corps ratings will be required to demonstrate their professional qualifications for enlistment in these ratings by passing such examinations as may be required by the medical officer at a main Navy Recruiting Station.

§ 6.2515 *Enlistments in the Volunteer Reserve, class V–7.* (a) Enlistments shall be made in this class in the rating of apprentice seaman, for training preliminary to appointment as midshipman, United States Naval Reserve.

(b) In conformity with § 6.2104 (c), enlistments in this class will be made only during times of threatened or actual emergency, in accordance with instructions issued by the Bureau of Naval Personnel, in separate publications.

§ 6.2516 *Enlistments in the Merchant Marine Reserve, classes M–1 and M–2.* Enlistments in classes M–1 and M–2 will

be made in accordance with instructions issued by the Bureau of Naval Personnel from time to time.

§ 6.2517 *Reports of rejections for physical defects.* (a) If a candidate for enlistment or reenlistment in any class of the Naval Reserve is found not physically qualified, and a waiver of defects is recommended, NRB Form 24 accompanied by B.N.P. 684 shall be forwarded to the Bureau of Naval Personnel via the Commanding Officer, the District Commandant, and the Bureau of Medicine and Surgery for recommendation. The NRB Form 24 shall not be forwarded in the cases of candidates who are found not physically qualified and for whom no waiver is recommended. In such cases the NRB Form 24 shall be disposed of in accordance with the procedure in effect in the Navy Recruiting Service.

(b) The submission of Forms NRB 24 and B. N. P. 684 required above shall be periodic, but at least monthly.

SUBPART C—PROMOTION; ORGANIZED RESERVE, VOLUNTEER RESERVE, AND MERCHANT MARINE RESERVE [1]

GENERAL

§ 6.3101 *Promotion of officers in time of peace.* (a) In time of peace, officers of the Organized Reserve, Volunteer Reserve and other than officers of class A–V (N), and Merchant Marine Reserve, shall be promoted in accordance with provisions of §§ 6.3201–6.3606. Officers of class A–V (N) shall be promoted in accordance with the provisions of § 6.10401.

(b) Officers of class A–O and A–V (G) must, before commencing their professional examinations for promotion, successfully pass a flight test in a service-type plane, as prescribed by the Bureau of Naval Personnel. Satisfactory completion of this test shall be certified to the Board before which the candidate is authorized to appear for examination by the commanding officer of the Naval Reserve aviation base or of the organization to which the candidate is assigned or attached, as a prerequisite before undergoing examination.

§ 6.3102 *Promotions of officers in time of war.* (a) In time of war or national emergency, officers of the active list of the Naval Reserve employed on active duty shall be advanced in their respective corps in grade and rank in the same manner as is or may be prescribed for officers of the Regular Navy, in such numbers for each grade or rank as may be prescribed from time to time by the Secretary of the Navy, and when so advanced shall take precedence among themselves and with other officers of the Navy in accordance with date of such advancement or promotion.

(b) No officer of the Naval Reserve shall be advanced to a higher rank until he has qualified therefor by such mental, moral, professional, and physical examinations as the Secretary of the Navy may prescribe.

[1] Permanent promotions of officers under this subpart suspended until June 30 of fiscal year following that in which the war shall end.

(c) The pay of officers of the Naval Reserve when advanced to higher grades or ranks under the provisions of this section shall be governed by the Pay Bill Instructions, Appendix A, Bureau of Supplies and Accounts Manual.

(d) The provisions of this section shall not apply to officers who have been or may hereafter be retired from the Naval Reserve Force or the Naval Reserve.

(e) Officers of class A–O and A–V (G) must, before commencing their professional examinations for promotion, successfully pass a flight test in a service-type plane, as prescribed by the Bureau of Naval Personnel. Satisfactory completion of this test shall be certified to the Board before which the candidate is authorized to appear for examination by the commanding officer of the Naval Reserve aviation base or of the organization to which the candidate is assigned or attached as a prerequisite before undergoing examination.

PROMOTIONS OF OFFICERS OF THE ORGANIZED RESERVE AND VOLUNTEER RESERVE (GENERAL SERVICE) UP TO AND INCLUDING LIEUTENANT COMMANDER

§ 6.3201 *Promotion by seniority on lineal precedence list.* Officers of the Organized Reserve and Volunteer Reserve (General Service) will be promoted in the order of their seniority in accordance with the provisions of §§ 6.3201–6.3207.

§ 6.3202 *Lineal precedence list.* (a) For purposes of promotion, line officers of the Organized Reserve and Volunteer Reserve (General Service) will be arranged on a lineal precedence list in each grade, according to dates of commission therein. Officers of class A–V (N) will, however, be placed on a separate precedence list. Upon transfer to another class after termination of their active duty and final disposition of promotion status in accordance with the provisions of § 6.10201 (c), these officers will be transferred to the appropriate precedence list.

(b) Staff officers of the Organized Reserve and Volunteer Reserve (General Service) will become eligible for consideration for promotion when the line officer next senior becomes so eligible. In cases where several line officers of the Organized Reserve or Volunteer Reserve (General Service) have the same date of rank on the lineal precedence list, staff officers of the same date of rank will become eligible for consideration for promotion on the same date as the junior of such line officers.

§ 6.3203 *Computation of number of vacancies in each grade; Organized Reserve and Volunteer Reserve (General Service).* Commissioned line officers of the Organized Reserve and of the Volunteer Reserve (General Service) of the rank of lieutenant commander and lieutenant shall not exceed the percentages of 16 and 37 percent, respectively, of the total number of commissioned line officers of the ranks of lieutenant commander and below in the Organized Reserve and Volunteer Reserve (General Service) combined, exclusive of Commissioned warrant officers.

§ 6.3204 *Computation of number of vacancies in each rank.* Computations to determine the number of officers in each rank will be made semiannually on December 31 and June 30. No officer will be reduced in rank as a result of any computation. After establishing by examination their physical and professional qualifications, officers will, if morally and otherwise qualified, be promoted by seniority to fill vacancies in the various grades.

§ 6.3205 *Five years' service in grade required.* For officers of the Organized Reserve and Volunteer Reserve (General Service) 5 years' continuous service in grade in these classes is required as a prerequisite to eligibility for promotion to the next higher grade, computed from date of rank.

§ 6.3206 *Fifty-six days' active service required.* (a) A minimum of 56 days' active or training duty in grade, other than short periods of group training, is required as a prerequisite to eligibility for promotion to the next higher grade, computed from date of rank. In this computation, prior active or training duty as an aviation cadet or prior commissioned service in the Regular Navy may, in the discretion of the Bureau of Naval Personnel, be accepted as equivalent to an equal amount of active or training duty in a commissioned status, in the Naval Reserve for the purpose of establishing eligibility for promotion.

(b) At the discretion of the Bureau of Naval Personnel, a lesser amount of training duty may be required of line and staff officers while in the Volunteer Reserve (General Service), but in no case shall such line officer be promoted who has performed less than 28 days' active or training duty in grade, nor a staff officer with less than 14 days, with a naval activity. The provisions of § 6.1810 (f) shall be complied with.

(c) Subject to the provisions of paragraph (b) of this section, as to minimum amounts of active or training duty required, credits will be given for the satisfactory completion of correspondence courses in lieu of training duty at the rate of one course for each period of 14 days such duty.

(d) Medical and dental officers of the Volunteer Reserve will be credited with 1 day's training duty for promotion purposes for every five physical examinations or complete dental examinations conducted while in an inactive duty status without compensation. A report of such examinations certified by the commanding officer or Commandant concerned shall be forwarded annually with the officer's annual fitness report or with his application for promotion.

(e) Active duty with the Civilian Conservation Corps is not considered as active or training duty for purposes of promotion, but will be credited in part for this purpose on the basis of 2 weeks' such credit for each tour of such duty performed in the capacity of a Reserve officer on active duty, of approximately 6 months duration, provided the minimum active or training duty with a naval activity required by paragraph (b) of this section has been performed.

§ 6.3207 *Required to qualify for promotion when due.* (a) Except as provided in paragraphs (b) and (c) of this section, an officer of the Organized Reserve or Volunteer Reserve (General Service) will be required to qualify for promotion within a period of 6 months from date of notification that he is due therefor. If he qualifies within this period, he will be promoted without loss of precedence. If he fails to qualify, he may be discharged, or, in the discretion of the Bureau of Naval Personnel retained in his rank for a further period of 6 months. During this second 6 months' period, should he qualify he may be promoted but his date of precedence in the next higher grade shall not be earlier than the date of his qualification therefor. At the end of 1 year should he fail to qualify he shall be discharged, or transferred in present rank to that Special Service class of the Volunteer Reserve in which qualified for original appointment.

(b) Especially desirable officers in the grades of ensign and lieutenant (junior grade), in lieu of being discharged at the end of the 1-year period, in accordance with paragraph (a) of this section, may be retained in present rank for a further period of 2 years. During this additional 2-year period, should they qualify they may be promoted, but their date of precedence in the next higher grade shall not be earlier than the date of their qualification therefor. At the end of this additional 2-year period, should they fail to qualify they shall be discharged, or transferred in present rank to that Special Service class of the Volunteer Reserve in which qualified for original appointment.

(c) Desirable officers of class A–V (G) who fail to qualify professionally, may, if so recommended, and in the discretion of the Bureau of Naval Personnel, be retained in rank and class but not beyond their thirty-fifth birthday. This provision will not preclude the discharge of such officer at any time.

PROMOTIONS OF OFFICERS OF THE VOLUNTEER RESERVE (SPECIAL SERVICE) UP TO AND INCLUDING LIEUTENANT COMMANDER

§ 6.3301 *Computation of number of vacancies in each grade, Volunteer Reserve (Special Service).* (a) The number of officers, Volunteer Reserve (Special Service), authorized for each grade and class thereof will be determined by the mobilization requirements, as approved by the Bureau of Naval Personnel, due consideration being given to the recommendations of other bureaus and offices, and will be published from time to time in tables of quotas.

(b) Vacancies in the authorized number in each grade and class below that of commander may be filled by the promotion of those officers qualified therefor in accordance with §§ 6.3302 and 6.3605. Such vacancies may also be filled by original appointments in accordance with §§ 6.2101–6.2107 and 6.2301–6 2320.

(c) Nominations of officers for promotion to fill vacancies will be made to the Bureau of Naval Personnel by the District Commandants or by the agency controlling mobilization assignment.

(d) Nominations shall include a recommendation from the activity controlling the mobilization assignment, which recommendation shall indicate that such assignment warrants the higher rank. Nominations (or recommendations) shall also positively indicate the existence of a vacancy in grade and class in mobilization quotas.

(e) Vacancies in one grade and class authorize a corresponding excess in lower grades in the same class, provided that the total authorized for any grade and all grades above it, is not exceeded.

§ 6.3302 *Eligibility for consideration for promotion; officers Volunteer Reserve (Special Service).* (a) An officer of the Volunteer Reserve (Special Service) will become eligible for consideration for promotion to fill a vacancy in the next higher grade, after a minimum of 5 years' service in grade, or with a lesser amount of service if so recommended by the Commandant and/or the bureau or office concerned, provided he meets the requirements for original appointment in such grade and class.

(b) He must also have performed a sufficient amount of active or training duty with or without pay or have performed such other duties or activities (including the preparation of papers on technical subjects relating to the work of the specialty in which appointed), as to satisfy the Commandant, bureau or office concerned of his interest in preparing himself for active service. Satisfactory completion of a correspondence course in his specialty will be considered in determining such interest. The provisions of § 6.1810 (f) shall be complied with.

(c) No promotion shall be made to a higher grade in excess of the mobilization requirements of that grade.

§ 6.3303 *Officers required to qualify for promotion.* (a) An officer of the Volunteer Reserve (Special Service) whose nomination for promotion is approved will be required to qualify therefor within a period of 6 months from date of notification by the District Commandant of such approval; or, in case written examination is required as provided for in § 6.3605, within a period of 6 months from date of notification that such examination is required. If qualified as above, he will be promoted, taking date of new rank as of date of nomination. If he fails so to qualify he may be discharged, or, in the discretion of the Bureau of Naval Personnel, retained in his rank for a further period of 6 months. During this second 6-month period, if he qualifies, he will be promoted but will take date of rank as of date of receipt of his papers in the Navy Department.

(b) At end of the 1-year period should he fail to qualify, he may be discharged, or:

(1) Transferred in present rank to that Special Service class of the Volunteer Reserve in which qualified for original appointment including the requirements of § 6.2301 (c).

(2) Upon recommendation of the bureau or office having cognizance of his specialty, retained in present rank and mobilization assignment.

PROMOTIONS OF OFFICERS OF THE MERCHANT MARINE RESERVE UP TO AND INCLUDING LIEUTENANT COMMANDER

§ 6.3401 *Eligibility for promotion; officers of Merchant Marine Reserve.* (a) During peace time, an officer of the Merchant Marine Reserve employed on shipboard is eligible for promotion to grades not above that of lieutenant commander when the following conditions have been fulfilled:

(1) He must be performing permanent duties which would entitle him to appointment in the higher grade were he receiving his original appointment. In order to establish the permanency of his duties, the Bureau of Naval Personnel requires that he shall have been employed continuously for at least 3 months immediately preceding his application for promotion, under conditions warranting the higher rank in accordance with § 6.2401, provided that the total cumulative service in such position shall not be less than 1 year.

(2) He must be recommended by the following:

(i) For a master:
(*a*) The owners or operators of the vessel or their agent.
(*b*) The Commandant of the naval district.
(ii) For a deck officer:
(*a*) The master of the vessel.
(*b*) The owners or operators of the vessel or their agent.
(*c*) The Commandant of the naval district.
(iii) For a chief engineer:
(*a*) The owners or operators of the vessel or their agent.
(*b*) The Commandant of the naval district.
(iv) For other engineer officers:
(*a*) The chief engineer.
(*b*) The master of the vessel.
(*c*) The owners or operators of the vessel or their agent.
(*d*) The Commandant of the naval district.

(3) He must be physically qualified for original appointment in the higher grade.

(b) Officers of the Merchant Marine Reserve not employed on shipboard will be eligible for consideration for promotion to grades not above that of lieutenant commander when the mobilization station to which assigned warrants the higher rank. The scope of their examination for promotion shall be the same as prescribed for officers of the Volunteer Reserve (Special Service), in § 6.3605.

(c) The fitness of an officer of the Merchant Marine Reserve for promotion will be determined from letters of recommendation from persons designated as competent authority. These letters must substantiate the fact that the officer concerned has actually been employed as prescribed in paragraph (a) (1) of this section and that the record of his service has been satisfactory. The Commandant of the naval district shall make the necessary arrangements for physical examination, and shall for-

ward report of examination with letters of recommendation from the master, owners, or other required authority and his own recommendation to the Bureau of Naval Personnel via the Bureau of Medicine and Surgery.

§ 6.3402 *Promotion of Merchant Marine Reserve officers on active duty.* (a) Officers of the Merchant Marine Reserve, serving on active duty, will become eligible for consideration for promotion to grades not above that of lieutenant commander, when the line officer of the Organized Reserve or Volunteer Reserve (General Service), next senior, becomes so eligible, provided they have fulfilled the requirements of §§ 6.3205 and 6.3206 (a) as to service in grade and active service in grade and qualify by professional examination as prescribed for officers of corresponding classifications of the Organized Reserve and Volunteer Reserve (General Service) in §§ 6.3601–6.3606.

(b) In addition to the requirements of paragraph (a) of this section, Merchant Marine Reserve officers serving on active duty must possess the license required for original appointment in the grade to which promotion is to be made were they performing the duties listed in the first column of the table in § 6.2401 (d) for passenger or combination vessels over 5,000 gross tons.

PROMOTIONS OF OFFICERS ABOVE GRADE OF LIEUTENANT COMMANDER

§ 6.3501 *Selection boards.* (a) No officer shall be initially appointed in the Organized, Volunteer, or Merchant Marine Reserve in the grade or rank of rear admiral, captain, or commander, nor promoted to such grade or rank, except upon recommendation therefor by a selection board.

(b) For the purpose of complying with the above provisions of law, selection boards will be convened by the Secretary of the Navy, from time to time, as may be required. Each such board will be composed of not less than five officers of the corps and of or above the grade for which selections are to be made, one of whom shall if practicable be an officer of the Naval Reserve. The procedure will in general be the same as that followed by selection boards for the Regular Navy.

(c) Selection boards shall be furnished a letter of information on the state of the Naval Reserve which shall include pertinent information relative to mobilization needs and such recommendations as the various chiefs of bureaus and officers concerned may make in this connection.

§ 6.3502 *Promotion above grade of lieutenant commander in Organized Reserve.* (a) In the Organized Reserve, the authorized number of officers in grades or ranks above that of lieutenant commander is one-half of 1 per centum, or the nearest fraction thereof, of the actual number of enlisted men regularly assigned to the divisions or other units, of the Organized Reserve and entitled to drill pay.

(b) To determine the authorized number of officers in such higher grades or ranks, computations shall be made by the Bureau of Naval Personnel annually as of June 30 and the resulting numbers as so computed shall be held and considered for all purposes as the authorized number on the date of computation, which number shall not be varied between the dates of such computations. But no officer shall be reduced in rank as a result of any computation so made, nor shall his promotion in time of war be restricted on account thereof. The number of officers of command rank authorized in the Organized Reserve as computed in accordance with this section, may be reduced by the number of such officers who have been transferred to the Volunteer Reserve under circumstances which in the opinion of the Secretary of the Navy should not properly create a vacancy in the Organized Reserve for an officer of command rank. Such vacancies shall again become available at the discretion of the Secretary of the Navy or upon separation of the officers concerned from the Volunteer Reserve.

(c) Of the authorized number in such higher grades or ranks, at least two-thirds shall be apportioned to the grade or rank of commander.

(d) The distribution of the number authorized in such higher grades or ranks among classes D–O, DE–O, E–O, A–O, SC–O, and MC–O shall be in the same proportion as the total number of officers in any class bears to the total actual number of officers on the rolls of the Organized Reserve as a whole as of the date of the computation. For purposes of computations, selections, and promotions, officers of classes D–O, DE–O, and E–O will be considered as constituting one class.

(e) The vacancies in each grade in each class having been thus determined, the Bureau of Naval Personnel will then initiate action toward the convening of the necessary selection board or boards, in accordance with the provisions of § 6.3501.

(f) The Bureau of Naval Personnel will submit to the foregoing selection board or boards the names of Naval Reserve officers eligible for consideration for selection in accordance with paragraph (h) of this section, together with their records and other pertinent data. The list of names shall be limited to those whose records in the Bureau of Naval Personnel on October 1 of the fiscal year in which selection is to be held, indicate eligibility in accordance with paragraph (h) of this section.

(g) The selection boards shall make recommendations for promotion to the grades of commander and captain in numbers not exceeding those required to fill existing and prospective vacancies in these grades.

(h) Except as provided in § 6.3505, as a prerequisite for eligibility for consideration for selection, officers of the Organized Reserve must have served not less than 5 years in the next lower grade as of the date of the computation, and otherwise be eligible for promotion in accordance with § 6.3206 (a). Line officers must have satisfactorily completed a correspondence course in strategy and tactics. Staff officers must have satisfactorily completed a correspondence course appropriate to their class. When a correspondence course appropriate to their class is not available, the course in Navy Regulations and Customs will be required in lieu thereof.

§ 6.3503 *Promotion above grade of lieutenant commander in Volunteer Reserve.* (a) The number of officers appointed or promoted to grades or ranks above that of lieutenant commander in the Volunteer Reserve shall not exceed mobilization needs for such officers for duties appropriate to these grades or ranks. Vacancies in one grade and class authorize a corresponding excess in lower grades in the same class, provided that the total authorized for any grade and all grades above it, is not exceeded.

(b) Annually, as of June 30, the Bureau of Naval Personnel will make a survey as to the number of officers above the grade of lieutenant commander required in the various classes of the Volunteer Reserve to meet mobilization needs. In accordance with the results of this survey, the Bureau of Naval Personnel will recommend to the Secretary of the Navy the number of officers to be promoted to the grade of captain in each class of the Volunteer Reserve, and the number to be appointed or promoted to the grade of commander. Depending upon the Secretary of the Navy's approval, the Bureau of Naval Personnel will then initiate action toward the convening of the necessary selection boards in accordance with the provisions of § 6.3501.

(c) The Bureau of Naval Personnel will submit to the foregoing selection boards the names of Naval Reserve officers eligible for consideration for selection in accordance with paragraph (e) of this section, together with their records and other pertinent data, and the names of all eligible civilian candidates for appointment in such higher grades, together with such information with respect to them as may be available. The list of names shall be limited to those whose records in the Bureau of Naval Personnel on October 1 of the fiscal year in which selection is to be held, indicate eligibility in accordance with paragraph (e) of this section.

(d) The selection boards shall make recommendations for promotion to the grades of commander and captain, and for appointment to the grade of commander in the Volunteer Reserve (Special Service), in numbers not exceeding those approved by the Secretary of the Navy.

(e) Except as provided in § 6.3505, as a prerequisite to eligibility for consideration for selection the following requirements shall be met as of the date of survey of mobilization needs:

(1) General Service officers must have served not less than 5 years in next lower grade as of the date of the survey, and have performed not less than 6 weeks of active or training duty, with or without pay, during the last 4 years of such service. In addition to the above, line officers must have satisfactorily completed a correspondence course in strategy and tactics; and staff officers must have satisfactorily completed a correspondence course appropriate to their class. When a correspondence course appropriate to their class is not available, the course in Navy Regulations and Customs will be required in lieu thereof. The foregoing active or training duty may be performed in periods of 2 or more weeks each, but during this time, not more than 2 years shall elapse without the performance of at least one period of training duty.

(2) Special Service officers must have served not less than 5 years in the next lower grade as of the date of the survey, and have performed at least 2 weeks' active or training duty, with or without pay, during the last 4 years of such service. They must also have satisfactorily completed a correspondence course appropriate to their class, but the Bureau of Naval Personnel may accept appropriate training assignments accomplished, in lieu of the correspondence course, upon recommendation of the Commandant and the bureau or office concerned. Continuous active duty in grade in the Regular Navy or the Naval Reserve for a period of 4 months, shall be accepted in lieu of the 2 weeks active or training duty and the correspondence course required herein. Officers who have attained national prominence in the specialty for which selections are to be made, and who are so certified and recommended by the chief of bureau or office having cognizance of the specialty, will be eligible for consideration for selection even though they do not meet the other requirements set forth herein.

(3) Civilian candidates must have attained national prominence in the specialty for which selections will be made and must be so certified and recommended by the Chief of the Bureau or Office having cognizance of such specialty.

(4) Chiefs of bureaus and offices certifying candidates as nationally prominent, shall include in their certification a detailed statement of qualifications and achievements which, in their opinion, entitle the candidates to such recognition.

§ 6.3504 *Promotion above grade of lieutenant commander in the Merchant Marine Reserve.* (a) The number of officers appointed or promoted to grades or ranks above that of lieutenant commander in the Merchant Marine Reserve shall not exceed mobilization needs for such officers for duties appropriate to these grades or ranks. Vacancies in one grade and class authorize a corresponding excess in lower grades in the same class, provided that the total authorized for any grade and all grades above it, is not exceeded.

(b) Annually, as of June 30, the Bureau of Naval Personnel will make a survey as to the number of officers above the grade of lieutenant commander required in the Merchant Marine Reserve to meet mobilization needs. In accordance with the results of this survey, the Bureau of Naval Personnel will recommend to the Secretary of the Navy the number of officers to be promoted to the grades of captain and commander. Depending upon the Secretary of the Navy's approval, the Bureau of Naval Personnel will then initiate action toward the convening of the necessary selection boards in accordance with the provisions of § 6.3501.

(c) The Bureau of Naval Personnel will submit to the foregoing selection boards the names of officers eligible for consideration for selection in accordance with paragraphs (e) and (f) of this section, together with their records and other pertinent data. The list of names shall be limited to those whose records in the Bureau of Naval Personnel on October 1 of the fiscal year in which selection is to be held, indicate eligibility in accordance with paragraphs (e) and (f) of this section.

(d) Selection boards shall make recommendations for promotion to the grades of captain and commander, in numbers not exceeding those approved by Secretary of the Navy.

(e) Except as provided in § 6.3505, as a prerequisite to eligibility for consideration for selection, deck and engineer officers of the Merchant Marine Reserve must have met the following requirements as of the date of survey of mobilization needs:

(1) Must have served not less than 4 years in the next lower grade as of the date of the survey and have satisfactorily completed a correspondence course in strategy and tactics.

(2) Must be employed as master or chief engineer of a vessel of over 5,000 gross tons and have been continuously so employed during the 2 preceding years. If employed on shore, must be so employed in a position of high authority, trust, and responsibility in connection with the management of operation of tankers, cargo, or passenger vessels of approximately equal size, and have been continuously in the service of the same employer during the preceding 2 years.

(3) During the preceding 4 years must have performed at least 4 weeks' active or training duty, with or without pay; and since first commissioned in the Naval Reserve, satisfactorily have completed a correspondence course in addition to the one mentioned in paragraph (e) (1) of this section.

(f) Except as provided in § 6.3505, as a prerequisite to eligibility for consideration for selection officers of class MC–M and SC–M must comply with the provisions of § 6.3503 (e) (2).

§ 6.3505 *Promotion to grade of rear admiral.* (a) In time of peace there shall be allowed in the Naval Reserve one officer in the grade or rank of rear admiral.

(b) Whenever this grade becomes vacant, it shall be filled by the selection therefor of an officer of the next lower grade.

(c) All officers who, on June 30 of the fiscal year during which the selection board meets, will have completed not less than 4 years in the next lower grade in the Organized Reserve, the Volunteer Reserve, or the Merchant Marine Reserve will be eligible for consideration for selection to fill such vacancy.

(d) The professional examination of an officer selected for promotion to the grade of rear admiral will consist of an examination of his records and progress in professional attainment. Such examination shall be conducted by a special statutory examining board.

§ 6.3506 *Officers required to qualify for promotion when due.* (a) An officer of the Organized Reserve, Volunteer Reserve (General Service), Volunteer Reserve (Special Service), or Merchant Marine Reserve, when due for promotion as a result of selection, will be required to qualify therefor within a period of 6 months after date of notification by the District Commandant of such selection. If he qualifies within this period he will be promoted without loss of precedence. If he fails so to qualify, he may be discharged, or in the discretion of the Bureau of Naval Personnel retained in his rank for a further period of 6 months. During this second 6-month period, should he qualify, he may be promoted, but his date of precedence in the next higher grade shall not be earlier than the date of his qualification therefor. At the end of the year should he fail to qualify, he may be discharged or:

(1) In the case of an officer of the Organized Reserve or Volunteer Reserve (General Service), transferred in present rank to that Special Service class of the Volunteer Reserve in which qualified for original appointment, including the requirements of § 6.2301 (c).

(2) In the case of an officer of the Vounteer Reserve (Special Service), or Merchant Marine Reserve, upon the recommendation of the bureau or office having cognizance of his specialty, retained in present rank and mobilization assignment.

(b) Lieutenant commanders, lieutenants, and lieutenants (junior grade) of the Naval Reserve, who, while on active duty afloat, satisfactorily complete the correspondence course in naval engineering, administered by the Postgraduate School, Annapolis, Maryland, will be considered qualified for engineering designations and will be exempt from examinations in engineering subjects on the occasion of their next promotions.

§ 6.3507 *Officers of command ranks in the Organized Reserve; duties of.* In general, officers of command ranks in the Organized Reserve will be retained therein. Commanders may be assigned duty in command of battalions or squadrons, or to staff duty provided this will promote efficiency; officers of command rank unassigned to battalions or squadrons may be assigned appropriate duties and should be required to perform annual training duty.

PROFESSIONAL EXAMINATIONS

§ 6.3601 *Officers required to appear for examinations.* (a) Naval Reserve officers not on active duty authorized to appear for examination for promotion are required to appear without expense to the Government when directed by the Commandant for both physical and professional examinations.

(b) An officer shall be allowed a reasonable time to complete his examina-

tion, after date of reporting therefor. In the event it becomes impracticable for such officer to continue his examination on consecutive days, he may be allowed additional time, but except on the authority of the Bureau of Naval Personnel, if the professional examinations are not completed within 30 days from the date of their commencement, the unused examination questions shall be returned to the Bureau with a report of the circumstances.

(c) In case an officer does not report for professional examination within 11 months from date of notification as indicated in § 6.3207 (a), 6.3506 (a), 6.3605 (a), and 6.3606, report of this fact with appropriate recommendation shall be made to the Bureau of Naval Personnel. Unless such a recommendation contemplates retention of an especially desirable officer in accordance with the provisions of § 6.3207 (b) and (c), the unused examination papers shall be returned to the Bureau of Naval Personnel. If retention is recommended, the papers should be retained pending the Bureau's action.

§ 6.3602 *Professional examinations to be conducted by supervisory Naval Examining Board.* (a) Professional examinations for appointment, promotion, or transfer will be conducted by supervisory Naval Examining Boards composed of officers of the Regular Navy or the Naval Reserve, or both Navy and Naval Reserve, appointed by the Commandant.

(b) The composition and procedure of the supervisory board shall be in accordance with sections 845 and 937 to 950, inclusive, Naval Courts and Boards.

(c) At least one member of the board shall be present with the candidate at all times while undergoing examination.

§ 6.3603 *Records of proceedings to be forwarded to statutory Naval Examining Boards.* Upon completion of examination, the record of proceedings shall be forwarded by the supervisory Naval Examining Board as follows:

(a) Line, commissioned officers (deck, engineer, aviation, and communication), and boatswains, gunners, carpenters, electricians, radio electricians, and machinists. To: Naval Examining Board, Navy Department, Washington, D. C.

(b) Medical officers, dental officers, and pharmacists. To: Naval Examining Board for Medical Officers, U. S. Naval Medical School, U. S. Naval Medical Center, Bethesda, Md.

(c) Supply officers and pay clerks. To: Naval Examining Board for Supply Corps, Navy Department, Washington, D. C.

(d) Chaplains. To: Naval Examining Board for Chaplains, Navy Department, Washington, D. C.

(e) Officers of class CC–V (S). To: Naval Examining Board, Navy Department, Washington, D. C.

(f) Civil engineers and assistant civil engineers. To: Naval Examining Board for Civil Engineers, Bureau of Yards and Docks, Navy Department, Washington, D. C.

§ 6.3604 *Scope of examination for officers of Organized Reserve and Volunteer Reserve (General Service).*—(a) *Promotion to captain and commander.* (1) For promotion to the ranks of captain and commander, deck and deck-engineer officers will be examined in:

General instructions.
Training and inspection of the Naval Reserve.
Organization and administration of the Naval Reserve.
Recruiting and mobilization of the Naval Reserve.

(2) For promotion to the ranks of captain and commander, engineering duty only, the subject of Recruiting and Mobilization of the Naval Reserve will be omitted and the subjects of Marine Engineering and Electricity substituted therefor.

(3) For promotion to the ranks of captain and commander, aviation officers will be examined in the subjects enumerated in paragraph (a) (1) of this section as applied to the aviation branch of the Naval Reserve.

(4) For promotion to the ranks of captain and commander, staff officers will be examined in subjects suitable to the staff corps to which they belong.

(b) *Promotion to lieutenant commander, lieutenant, lieutenant (junior grade), and appointment to ensign.* (1) Deck officers will be examined in:

General instructions.
Training and inspection of the Naval Reserve.
Navigation and piloting.
Practical navigation.
Seamanship.
Ordnance and gunnery.
Communications.

(2) Engineer officers will be examined in:

General instructions.
Marine engineering.
Electricity.

(3) Similarly, deck-engineer officers will be examined in:

General instructions.
Training and inspection of the Naval Reserve.
Navigation and piloting.
Practical navigation.
Seamanship.
Ordnance and gunnery.
Communications.
Marine engineering.
Electricity.

(4) Aviation flight officers will be examined in:

General instructions.
Airplanes, part I.
Airplanes, part II.
Airplanes, part III.
Navigation and piloting.
Practical navigation.
Communications.

(5) Communication officers will be examined in:

General instructions.
Training and inspection of the naval Reserve.
Navigation and piloting.
Practical navigation.
Communications.

(6) Medical officers will be examined in:

General instructions for medical officers.
Professional knowledge.

(7) Dental officers will be examined in:

General instructions for dental officers.
Professional knowledge.

(8) Supply officers will be examined in:

General instructions for supply officers.
Appropriations and funds.
Accounting.
Naval stores and material.
Requisitions.
Purchasing.
The supply system ashore.
Supply afloat.
Provisions and subsistence.
Clothing and small stores.
The Ship's store
Fuel, handling, inspection and testing of.
Shipments.
Surveys and sales.
Navy disbursing.

(9) Chaplains will be examined in:

General instructions for chaplains.
Professional knowledge.

(c) *Scope of examinations.* The scope of the professional examinations for assignment to or promotion of officers in the Organized Reserve or Volunteer Reserve (General Service) or for transfer to those classes, shall include questions in the subjects listed in the following paragraphs appropriate to the grade and class for which the candidate is to be examined.

(d) *Requirements and bibliography, officers of the line.* Requirements under the various subjects and the necessary bibliography follow:

(1) *General instructions.*

(i) Navy Regulations.
(ii) Bureau of Naval Personnel Manual.
(iii) General Orders.
(iv) Military law—discipline—punishments.
(v) Stores and supplies—surveys.
(vi) Preparation and handling of official correspondence.
(vii) Duties of commanding officers.
(viii) Duties of executive officers.
(ix) Duties of heads of departments.
(x) Duties of officer of the deck.
(xi) Duties of officer of the watch (deck).
(xii) Duties of officer of the watch (engineering).[1]
(xiii) Duties of division officers
(xiv) Bureau of Aeronautics Manual.[2]

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Navy Regulations.
General Orders.
Naval Courts and Boards.
Bureau of Naval Personnel Manual.
Bureau of Aeronautics Manual.
Correspondence Course in Navy Regulations and Customs.
Correspondence Course in Military Law.
Watch Officers' Guide.

(2) *Training and inspection of the Naval Reserve.*

(i) Active training duty requirements for organizations and for individuals of each class of the Naval Reserve.
(ii) Active training duty permissible with pay and without pay and procedure in procuring.
(iii) Short cruises, when and by whom performed, remuneration and allowance, procedure in arranging for and reporting upon.
(iv) Drills, equivalent instruction or duty, appropriate duties—character of and requirements for organizations and individuals of each class of the Naval Reserve.
(v) Correspondence courses—by whom conducted—to whom open; subjects covered.

[1] Not required for aviation officers.
[2] Required for aviation officers only.

(vi) Instructions of Naval Reserve organizations—of whom composed, and duties, responsibilities, and authority.
(vii) Inspections of organizations—requirements with relation to, by whom and how often conducted, how conducted, nature and scope of resulting reports.
(viii) Inspections and inventories of equipment—requirements with relation to, by whom and how often conducted, how conducted, nature and scope of resulting reports.
(ix) Physical and professional examinations—requirements with relation to each class and subclassification of the Naval Reserve, by whom and how often conducted, how conducted, nature and scope of resulting reports.

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Bureau of Naval Personnel Manual.
Bureau of Naval Personnel Training Instructions, U. S. Naval Reserve.
Bureau of Naval Personnel Naval Reserve Circular Letters in force.

(3) *Organization and administration.*

(i) Composition of the Naval Reserve by classes and subclassifications.
(ii) Basic units of organizations for those of the foregoing classes and subclassifications required or authorized to belong to organizations.
(iii) Mission of the Naval Reserve and of each class thereof.
(iv) Reasons for each type of unit organization as related to ultimate mission.
(v) Amalgamation of units into larger organizations and reasons.
(vi) Chain of command, how exercised.
(vii) Duties with relation to the Naval Reserve of the Secretary of the Navy, the Chief of Naval Operations, Bureau of Naval Personnel, Bureau of Supplies and Accounts, Bureau of Medicine and Surgery, Bureau of Aeronautics, Bureau of Ships, and Bureau of Yards and Docks.
(viii) Active or training duty, how procured and by whom authorized.
(ix) Funeral escorts, how procured and by whom authorized.
(x) Reports required, from individual reservists, from commanders or organizations, from District Commandants.
(xi) Pay and allowances for active duty, training duty, drills, equivalent instruction or duty, appropriate duties, short volunteer cruises; amount; by whom authorized; by whom paid.
(xii) Additional allowances for administrative duties for uniform clothing, for travel, for injuries; conditions under which procurable and by whom paid.
(xiii) Hospitalization—for whom and conditions under which authorized and how procured
(xiv) Discipline—conditions under which Naval Reservists are amenable to and how enforced while on inactive duty and while on active duty.
(xv) Causes for discharge of officers and men.
(xvi) Honorary Retired List—of whom composed.
(xvii) Precedence of Naval Reserve officers among themselves and with relation to officers of the Regular Navy in peace and in war.
(xviii) Promotions of officers and advancements of men; conditions governing for each subclassification.
(xix) Conditions surrounding appointments of enlisted reservists to Naval Academy.
(xx) Conditions under which uniforms are required to be worn or may be worn or may not be worn.
(xxi) Accountability for Government property.
(xxii) Precedence of Naval Reserve organizations with respect to other military organizations in line of parade.
(xxiii) Transfers between classes—how accomplished.
(xxiv) Requirements relative to changes of residence or trips abroad.

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Part H of Bureau of Naval Personnel Manual.
Bureau of Naval Personnel Naval Reserve Circular letters in force.

(4) *Recruiting and mobilization.*

(i) Enlistments in Naval Reserve in each subclassification. Physical requirements, professional requirements, age limits, by whom made, how made, where made, term of.
(ii) Appointments of officers in Naval Reserve in each subclassification. Physical requirements, professional requirements, age limits, by whom made, how made, where made, term of.
(iii) Aviation cadets—requirements governing appointment of.
(iv) Extension of enlistment—how and by whom made and other conditions surrounding.
(v) Mobilization of a division—composition of a Reserve crew, and of an Organized Reserve unit—method of making up deficiencies in officers and men—assembly at mobilization center and movements to mobilization base.
(vi) Mobilization of an aviation squadron. Composition of Reserve squadrons—method of making up deficiencies in officers and men—assembly at mobilization center and movements to mobilization base.
(vii) Officers in excess of reserve crew equipments—where and by whom mobilized.
(viii) Mobilization of the Volunteer Reserve, General Service—character of duties to be assigned—when and by whom is mobilization accomplished.
(ix) Mobilization of the Volunteer Reserve, Special Service—character of duties to be assigned—when and by whom is mobilization accomplished.
(x) Mobilization of the Merchant Marine Reserve—chafacter of duties to be assigned—when and by whom is mobilization accomplished.
(xi) Recruiting and classification of personnel in an emergency.

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Bureau of Naval Personnel Instructions relating to Mobilization, Administration, and Procurement of Naval Personnel in Time of National Emergency.

(5) *Navigation and piloting.*

(i) Charts and uses thereof.
(ii) Causes of deviation and compensation of magnetic compass.
(iii) Finding compass error and application of same.
(iv) Ability to take bearings and determine position by same.
(v) System of bouyage in the United States.
(vi) Methods of obtaining soundings and their use in determining position.
(vii) Duties of the navigator—in port and at sea.
(viii) Characteristics and identification of lights.
(ix) Care of chronometer and keeping chronometer records. Obtaining chronometer error and rate.
(x) Care and use of gyrocompass.
(xi) Adjustment and use of various navigational instruments found on board ship.
(xii) Use of tide and current tables. Finding sunset and sunrise.
(xiii) Rules of the air.[1]
(xiv) Rules of the road—International and inland waters.
(xv) Finding force and direction of wind, state of sea.[1]
(xvi) Determination of drift angle, track, course and heading.[1]
(xvii) Aerial dead reckoning.[1]
(xviii) Adjustment and use of various navigational instruments used in aerial navigation.[1]
(xix) Use of aircraft navigation plotting boards.[1]
(xx) Use of tactical graphics for aircraft operations.[1]
(xxi) Meteorology.[1]

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(6) *Practical navigation.*

(i) Dead reckoning.
(ii) Great Circle Sailing.[2]
(iii) Observing and working sights of sun, moon, planets, and stars. Plotting fix by means of sights. Identification of stars.[2]
(iv) Azimuths and computation of compass errors.[2 3]
(v) Use of radio direction finder bearings in determining position.
(vi) Simple cases in use of Mooring and Maneuvering Board.
(vii) Aerial dead reckoning and piloting.[1]
(viii) Piloting a seaplane on the water.[1]

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H. O. 208.
H. O. 211.
H. O. 214 (8 volumes).
H. O. 216.[1]
H. O. 217.
H. O. 218.[1]
H. O. 2102 (b or c).
Any recognized method of working sights acceptable.

(7) *Seamanship.*

(i) Ship, boats, fittings, and equipment—care and handling of.
(ii) Rules of the road—International and inland waters.
(iii) Pilot rules.
(iv) Damage control.
(v) Chemical warfare.
(vi) Emergency drills.

[1] Required for aviation officers only.
[2] Not required for communication officers.
[3] Not required for aviation officers.

(vii) Organization of ship.
(viii) Weather and Law of Storms.
(ix) Rescue of drowned.
(x) Duties of watch and division officers.
(xi) Honors, ceremonies.
(xii) Aviation Seamanship.

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(8) *Ordnance and gunnery.*

(i) Guns, gun mounts, attachments.
(ii) Ammunition.
(iii) Explosives.
(iv) Projectiles, fuses.
(v) Fire control.
(vi) Torpedoes and torpedo tubes.
(vii) Armor.
(viii) Optical equipment.
(ix) Depth charges.
(x) Mines.
(xi) Landing force.
(xii) Magazines.
(xiii) Drills and instructions.
(xiv) Qualifications of gun and fire-control personnel.
(xv) Duties of division and gunnery officer.
(xvi) Safety precautions.

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(9) *Communications.*

(i) The Naval Communication Service.
(ii) Internal Organizations.[2]
(iii) Duties and responsibility of communication officers.
(*a*) Ship's communication officer.
(*b*) Ship's radio officer.
(*c*) Ship's signal officer.
(iv) Communication security.
(v) Mobilization of communications.[2]
(vi) Safety of life at sea and in the air.
(vii) Aircraft communications.
(viii) Inspections.[2]
(ix) Messages and mailgrams.
(x) Shore radio direction finder and beacon service.
(xi) Procedure.
(*a*) General.
(*b*) Naval call signs.
(*c*) Parts of message in naval form.[2]
(xii) Communication procedure.[2]
(xiii) Naval radiotelephony.[2]
(xiv) Visual signaling.
(xv) Miscellaneous visual and sound.
(xvi) Commercial methods and procedure.[2]
(xvii) Fleet organization and administration.
(xviii) Methods of handling traffic.[2]
(xix) General knowledge of radio, visual, and sound apparatus; what comprises the equipment, what it is designed to do, and how it is operated.[2][3]

[2] Not required for deck or deck-engineer officers.
[3] Not required for aviation officers.

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Communication Instructions, U. S. Navy.
Radio Manual, U. S. Naval Institute.
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Bulletin of Engineering Information.

(10) *Marine engineering.*

(i) Fundamental principles of steam engineering.
(ii) Properties of steam.
(iii) Fuels, lubricants.
(iv) General description of various types main propelling machinery, boilers, and auxiliaries.
(v) Use of measuring instruments; indicators, torsionmeters, etc.
(vi) Care and operation of auxiliary machinery.
(vii) Duties of officer of the watch, sea and port.
(viii) Duties and responsibilities of division officer.
(ix) The engine room log.
(x) Preparation for getting under way, all types main propelling machinery, boilers, and fuel.
(xi) Procedure in securing the Department on anchoring.
(xii) Safety precautions and casualties.
(xiii) Operation of boiler feed systems, tending water.
(xiv) Feed waste tests.
(xv) Operation of forced lubrication systems.
(xvi) Operation of condensers.
(xvii) Methods of warming up.
(xviii) Major adjustments, turbines.
(xix) Care, repair, and overhaul of boilers.
(xx) Tests of boilers and fittings.
(xxi) Methods of promoting boiler efficiency.
(xxii) Operation, care of main turbines.
(xxiii) Tests of lubricating oil, fuel oil.
(xxiv) Care, operation, and adjustment of bearings.
(xxv) Care, operation, and adjustment of reciprocating engines.
(xxvi) General description of various internal-combustion engines in use in the Service.
(xxvii) Duties and responsibilities of Engineer Officer.
(xxviii) Engineering Materials—usea and characteristics.
(xxix) Organization of Engineering Department of a ship.

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Diesel Engineering Handbook by L. H. Morrison, eight edition.
Engineering Metallurgy by Stoughton and Butts, third edition.
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(11) *Electricity.*

(i) Units.
(ii) Fuses.
(iii) Switches.
(iv) Motors.
(v) Generators.
(vi) Wiring systems.
(vii) Circuit breakers.
(viii) Storage batteries.
(ix) Insulating materials.
(x) Gyrocompass systems.
(xi) Principles of radio.
(xii) Direction finders.
(xiii) Instruments on board ship.
(xiv) Switchboards, description of.
(xv) Searchlights, care and operation
(xvi) Transformers, description and uses of
(xvii) Care and operation of generating plants.
(xviii) Commutator, troubles and remedies.
(xix) Uses of electricity aboard ship—voltages used.
(xx) Description of interior communication system.
(xxi) Description and uses of motor generators.
(xxii) Difference between the use of (*a*) series, (*b*) shunt, (*c*) compound wound motors.
(xxiii) Discuss the operation of generators in parallel.

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Fundamentals of Radio (1938), by Terman.
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(12) *Aviation.*

(i) *Airplanes, part I.*
(*a*) Aerodynamics and theory of flight.
(*b*) Aviation history.
(*c*) Aerology.
(*d*) Parachutes.
(*e*) Batteries.
(*f*) Engines, power plants, power plant accessories.
(*g*) Aviation fuels and oils.
(*h*) Aircraft propellers.
(ii) *Airplanes, part II.*
(*a*) Seaplanes.
(*b*) Cross country flying.
(*c*) Salvage, towing, and rescue.
(*d*) Aircraft instruments.
(*e*) Aircraft operations.
(iii) *Airplanes, part III.*
(*a*) Aerial bombs.
(*b*) Aerial bombsights.
(*c*) Aerial machine guns and gunnery.
(*d*) Aircraft radio and communications.
(*e*) Spotting, observation, and torpedoes.
(iv) *Ability to fly alone.* The candidate must successfully pass a flight test, as prescribed by the Bureau of Naval Personnel, in a service-type airplane.

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Bureau of Aeronautics Technical Notes.
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(c) *Requirements and bibliography, officers of the Staff Corps.* Requirements under the various subjects and the necessary bibliography follow:

(1) *General instructions; medical officers.*

(i) Navy Regulations.
(ii) Manual of the Medical Department.

(2) *Professional knowledge; medical officers.*

(i) Medicine.
(ii) Surgery.
(iii) Hygiene.
(iv) Sanitation.

(3) *General instructions, dental officers.*

(i) Navy Regulations.
(ii) Manual of the Medical Department.

(4) *Professional knowledge; dental officers.*

(i) Oral surgery.
(ii) Bacteriology and pathology.
(iii) Materia medica and therapeutics.
(iv) Prosthodontia.

(5) *General instructions; supply officers.*

(i) Observance of regulations and orders.
(ii) Authority of officers of the Supply Corps.
(iii) Punishment for offenses.
(iv) Assignments to duty of supply officers.
(v) Official correspondence.
(vi) Navy Regulations and Bureau of Supplies and Accounts Manual.
(vii) Bond requirements for supply corps officers.
(viii) Duties of commanding officer, executive officer, and heads of departments.
(ix) Duties of division officer.
(x) Authority and duties of pay clerks.
(xi) Organization of the Navy Department.
(xii) Organization and duties of the Bureau of Supplies and Accounts.

(6) *Appropriations and funds.*

(i) Source and uses of.
(ii) Classes and kinds of.
(iii) The general account of advances.
(iv) Naval supply account fund.

(7) *Accounting.*

(i) Scope and purpose of.
(ii) Titles and accounts.
(iii) Financial and property returns.

(8) *Naval stores and material.*

(i) Classification of.
(ii) Navy stock catalog.
(iii) Specifications for.
(iv) Allowance lists.

(9) *Requisitions.*

(i) Methods of procurement of material.
(ii) Data shown on requisition form.
(iii) Shipment requests.
(iv) Preparation and approval of requisitions.
(v) In excess and not in excess requisitions.
(vi) Action by yard on ships.
(vii) Requisitions for special materials or services.

(10) *Purchasing.*

(i) Principles of purchasing system.
(ii) Statutory requirements.
(iii) Advertising.
(iv) Bids, acceptances, and awards.
(v) Formal contracts.
(vi) Guarantees and bonds.
(vii) Restrictions on purchases.
(viii) Defaulting and debarred contractors.

(11) *The supply system ashore.*

(i) Upkeep and replenishment of stock.
(ii) Receipt and inspection of material.
(iii) Care and preservation of stock.
(iv) Issue, transfer, and sale of stock.

(12) *Supply afloat.*

(i) Books, records and returns.
(ii) Receipt, custody, and issue of stock.
(iii) Equipage accounts.
(iv) Ship allotments.

(13) *Provisions and subsistence.*

(i) Purchase, inspection, stowage, inventory, and sale of provisions.
(ii) Ration allowances.
(iii) Operation of the general mess.
(iv) Reports and returns.

(14) *Clothing and small stores.*

(i) Sources of supply.
(ii) Custody, care, issue, and inventory of clothing.
(iii) Reports and returns.

(15) *The ship's store.*

(i) Operation of ship's store.
(ii) Procurement, care, and inventory of stock.

(16) *Fuel; handling, inspecting, and testing of.*

(17) *Shipments.*

(i) Preparing, marketing, and routing.
(ii) Bills of lading.
(iii) Drayage and demurrage.

(18) *Surveys and sales.*

General method of conducting.

(19) *Navy disbursing.*

(i) General laws and regulations.
(ii) Duties of disbursing officer.
(iii) Method of obtaining and handling cash and funds on deposit.
(iv) Bills of exchange.
(v) Custody and preparation of checks.
(vi) Preparation and payment of public vouchers.
(vii) Method of keeping pay rolls.
(viii) Payment of Navy personnel.
(ix) Savings and safe-keeping deposits.
(x) Allotments of pay.
(xi) Preparation and submission of financial reports and returns.
(xii) Forms of Government insurance.
(xiii) Suspensions and disallowances.
(xiv) Pay and allowances authorized for naval personnel.

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(20) *General instructions; chaplains.*

(i) Navy Regulations.
(ii) Manual for Chaplains.

(21) *Professional knowledge; chaplains.*

(i) Sermons for young men.
(ii) Lectures for Recruits.
(iii) Naval Traditions.
(iv) Practical Applied Psychology as dealing with youth.
(v) Sociology—The married enlisted man and his family.
(vi) Book review.
(vii) Current events.

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Management of Men—Munson.
Morale—Hall.
What Men Live By—Cabot.
Art of Ministering to Sick—Cabot & Dicks.
Social Service and Art of Healing—Cabot.
The Art of Helping People out of Trouble—De Schweinitz.

(f) *In time of peace, chief warrant and warrant officers.* Examinations of candidates for appointment as warrant officer shall be conducted in accordance with §§ 6.2209 and 6.2320. Warrant officers may be promoted to chief warrant officer upon their own application and qualification in accordance with the requirements for the corresponding grades in the Regular Navy. Unless warrant officers meet the 6-year active service requirement for promotion in the Regular Navy they shall be required to have served as warrant officers in the Naval Reserve for at least 10 years and shall have performed during that time a total of at least 1 year of active service. When mobilized in time of war or national emergency, appointments and promotions to warrant grades and to chief warrant grades may be made in the same manner and under the same conditions as apply to the Regular Navy or as may be directed by the Bureau of Naval Personnel to meet the needs of the Service.

(g) *The Chief of Naval Personnel may amend the scope of examinations for Naval Reserve officers* as prescribed in this section, upon the recommendation of the Naval Examining Board, with the concurrence of the bureaus and offices concerned.

§ 6.3605 *Scope of examination for officers of Volunteer Reserve (Special Service).* The professional examination of officers, Volunteer Reserve (Special Service) will consist of an examination of their records and progress in professional attainments as indicated in increases in earning capacity, authority, and responsibility, and in the discretion of the Naval Examining Board of a written examination in such subjects as the board may specify.

§ 6.3606 *Scope of examination for officers of the Merchant Marine Reserve for promotion to captain and commander.* For promotion to the ranks of captain and commander, officers of the Merchant Marine Reserve will be examined in the subjects prescribed for officers of the Organized Reserve and Volunteer Reserve (General Service), as deck officers, engineering officers, or staff officers, according to their classification.

ADVANCEMENT AND CHANGES IN RATINGS OF ENLISTED MEN [1]

§ 6.3701 *Requirements for advancement in classes O–1 and O–2.* (a) Enlisted men in classes O–1 and O–2 below the rating of petty officer first class, may be advanced in pay grade to fill vacancies in the quotas in ratings and pay grades prescribed for the organizations to which attached, in accordance with the following requirements:

[1] Advancements under §§ 6.3701–6.3709 suspended for duration of the war.

(1) Except in rating of apprentice seamen, must have served 1 year in present pay grade.

(2) For rating of apprentice seaman, must have served 9 months in that grade.

(3) Must have performed at least 14 days' active or training duty in present pay grade.

(4) Must have performed a minimum of 36 drills or periods of equivalent instruction or duty during the year immediately preceding.

(5) Must be recommended for advancement by his commanding officer.

(6) Must pass the required professional examination as prescribed for enlisted men of the Navy of similar grade; except that apprentice seamen may be advanced to the ratings of seaman second class or fireman third class without professional examination.

(7) Must satisfactorily complete the Bureau of Naval Personnel Training Course for the higher rating before being examined for advancement, except where there are no courses available in the organization for the rating for which the man is being examined. In the latter case, a certification to the effect that the course is not available shall be placed on the report of examination by the commanding officer of the organization.

(8) The information required by paragraphs (a) (1), (a) (2), (a) (3), (a) (4), and (a) (7) of this section will appear over the commanding officer's signature in the report of examination, Form B. N. P. 971.

(b) The professional examinations required for advancements to ratings below that of petty officer first class except hospital corpsman shall be conducted by an officer of appropriate class not below the rank of lieutenant (junior grade). For advancements to petty officer first class, chief petty officer and hospital corpsman ratings, the examinations shall be conducted by a board in accordance with articles D–5105 of the Bureau of Naval Personnel Manual (available in the Bureau of Naval Personnel) insofar as applicable to the Naval Reserve.

(c) Petty officers first class of the above classes will be eligible for advancement to chief petty officer (acting appointment) ratings to fill vacancies in the quotas in ratings and pay grades prescribed for the organization to which attached, in accordance with the following requirements:

(1) Must have served 2 years in present pay grade.

(2) Must have performed at least 14 days' active or training duty in present pay grade on a cruising vessel, as defined in § 6.3708 (b) during each of the last 2 years, exclusive of short periods of training duty without pay or allowances of less than 4 days' duration and exclusive of repeated periods of training duty without pay or allowances (see §§ 6.1702 (c) and 6.1703).

(3) Must have performed a minimum of 36 drills or periods of instruction or duty during each of the last 2 years.

(4) Must be recommended by his commanding officer.

(5) Must pass the required professional examination as prescribed for enlisted men of the Navy of similar grade.

(6) Must satisfactorily complete the Bureau of Naval Personnel Training Course for chief petty officers and for the higher rating, except as provided in the cases of other enlisted men in paragraph (a) (7) of this section.

(d) Enlisted men shall not be advanced more than one grade at a time except by special authority in each case by the Bureau of Naval Personnel.

(e) Except as provided in paragraph (f) of this section, enlisted men may be advanced by the battalion or squadron commander, or, in the case of a division not attached to a battalion, by the division commander in accordance with the foregoing requirements without reference to the Bureau of Naval Personnel, provided the quota of men in each rating and pay grade as prescribed for the organization is not exceeded.

(f) Advancements to chief petty officer rating, advancements in the hospital corps and changes in rating to hospital corps ratings may be made only after approval by the Bureau of Naval Personnel.

(g) For the purpose of fulfilling requirements as to drills, as a prerequisite for advancement, due credit will be given for drills missed on account of absence in the performance of active or training duty; and for drills performed without compensation.

§ 6.3702 *Requirements for advancement in classes V–1 and V–2.* (a) Enlisted men of classes V–1 and V–2 will be eligible for advancement under the same conditions as prescribed in § 6.3701 for the advancement of men in classes O–1 and O–2 with the following exceptions:

(1) An additional period of 14 days' active or training duty may be credited in lieu of the 36 drills requires by § 6.3701 (a) (4) during the year immediately preceding the date of advancement.

(2) Attendance in present rating at 75 percent of the drills of the organization to which attached or with which associated, during the 3 years immediately preceding advancement may be credited in lieu of the drills and active or training duty otherwise required.

(3) Advancements may be made irrespective of vacancies in quotas in ratings and pay grades for the organization to which attached or with which associated. However, in determining the relative efficiency of various organizations, due consideration will be given to the vacancies in such quotas.

(b) Shipkeepers may be advanced in rating under the same conditions as provided in §§ 6.3701 and 6.3708, excepting that 14 days' training duty will not be required and credit may be given for constructive drills at the rate of 3 drills per month for each month actually served at shipkeeper duty, toward meeting the minimum requirement of 36 drills as required for advancement of enlisted men of the Organized Reserve: *And further provided,* That funds in the Commandant's allotment for pay of shipkeepers are available for the increase of pay. Apprentice seamen may, however, be advanced to seaman second class, if otherwise qualified, after having performed 27 constructive drills.

§ 6.3703 *Requirements for advancement in class V–3.* (a) Except as provided in paragraphs (b), (c), (d), and (e) of this section, enlisted men of class V–3 may be advanced by Commandants to the next higher rating authorized for that class, when they have complied with the requirements set forth hereinafter. Reference to the authority contained herein shall be made on all records of advancements.

(1) Have served a minimum of 1 year in present pay grade.

(2) Have, during the 15 months preceding advancement, attended a minimum of 75 percent (but in no case less than 27) of all drills authorized for their organization by the District Commandant.

(3) Have performed 14 days' active or training duty during service in present pay grade; or, if such duty is not available, have attended one additional drill above the number required by paragraph (a) (2) of this section, in lieu of each day short in active or training duty.

(4) Have satisfactorily completed the Bureau of Naval Personnel training course for the higher rating before being examined for advancement, except where there are no courses available in the organization for the rating for which the man is being examined. In the latter case a certification to the effect that the course is not available shall be placed on the report of examination, Form B. N. P. 971, by the commanding officer of the organization.

(5) Have passed the required professional examinations as prescribed for enlisted men of the Navy for similar grade, except that certain subjects may be exempted when instructional literature and material is not available for training, and where lack of equipment precludes practical demonstration. The examination report, Form B. N. P. 971, shall indicate the subjects exempted for lack of facilities.

(b) For advancement to chief petty officer (acting appointment), class V–3, enlisted men must have complied with the requirements of paragraph (a) of this section, as modified below:

(1) Have served 2 years in next lower pay grade.

(2) Have attended the number of drills required by paragraph (a) (2) of this section during each of the last 2 years preceding advancement.

(3) Except chief telegraphers, have performed a minimum of 14 days' active or training duty afloat in next lower pay grade, in addition to duty requirements of paragraph (a) (3) of this section.

(4) Have received Bureau of Naval Personnel's approval of such advancement.

(c) Those men of class V–3 who at the time of their enlistment in the Naval Reserve held valid radiotelegraph operators' licenses issued by the Federal

Communications Commission may be initially advanced in accordance with the provisions of § 6.2511 (c). Those V–3 men who acquire such operators' licenses subsequent to enlistment may be similarly advanced upon receipt of the first such license only. Men of class V–3 enlisted in seaman ratings may be advanced in accordance with § 6.2511.

(d) Advancements to chief petty officer (permanent appointment), class V–3, may be made in accordance with § 6.3708.

(e) Instructions relative to advancement of telegrapher ratings will be covered in separate publications.

§ 6.3704 *Requirements for advancement in class V–4.* Enlisted men of class V–4 may be advanced in rating in time of peace after having served one enlistment in such rating, provided that they have satisfied all requirements as to qualification prescribed by the Bureau of Naval Personnel and in accordance with policies presented from time to time by the bureaus and offices concerned or when the individual is assigned to a new mobilization billet requiring a higher rating or when the importance of his present billet justifies.

§ 6.3705 *Requirements for advancement in class V–5.* Enlisted men of class V-5 shall not be advanced in rating in that class but may be appointed aviation cadets in the manner prescribed in §§ 6.10101–6.10506.

§ 6.3706 *Requirements for advancement in class V–6.* Enlisted men in class V-6 may be advanced in rating in the same manner as prescribed for members of classes V–1 and V–2. Advancements may be made by the District Commandant of qualified men.

§ 6.3707 *Requirements for advancement in class M–1.* Enlisted men of class M–1 will be advanced in ratings under such special instructions as may be issued by the Bureau of Naval Personnel from time to time.

§ 6.3708 *Requirements for permanent appointments of chief petty officers.* Permanent appointments may be issued by the Bureau of Naval Personnel to chief petty officers when recommended by their commanding officers subject to the minimum requirements indicated below:

(a) Must have served under acting appointment for a total of 4 years in their respective ratings, have performed not less than 56 days' active duty or training duty on a cruising vessel during the last 5 years and have performed a minimum of 36 drills or periods of equivalent instructions or appropriate duty during each year.

(b) Vessels of the United States Fleet, vessels assigned to the Naval Reserve and designated for the performance of the required 14 days' annual training duty of organizations, meet the requirement of "cruising vessel." For men in classes O–2 and V–2, active or training duty performed on a shore aviation station will be considered as duty on a cruising vessel for purposes of qualifying for permanent appointment.

(c) In the case of men on active duty in connection with the instruction, training, and drilling of the Naval Reserve, each period of 6 months' continuous duty will be credited at a double value for the purpose of fulfilling the requirements of paragraph (a) of this section. The issuance of permanent appointments to men in this category is also dependent upon the availability of funds to cover the increased pay involved.

(d) During the 4-year period necessary to establish eligibility the average marks in proficiency in rating, conduct, and ability as leader of men must not be less than 3.5 and no mark (except marksmanship) less than 3.2.

(e) When recommending men for permanent appointment, commanding officers will forward to the Bureau of Naval Personnel page 9–10 of current service record entered to date and a copy of the report of examination on Form B. N. P. 971. The first endorsement at the bottom of this form must be properly filled out to show the date of the commanding officers' recommendation. This endorsement shall be signed by the commanding officer.

(f) Permanent appointments are issued to protect chief petty officers in their ratings and may not be revoked by the commanding officer. Should a man holding a permanent appointment prove not qualified to perform properly the duties of his rating, full report of the circumstances should be made to the Bureau of Naval Personnel. The man concerned should be given an opportunity to make a written statement, and this statement should be forwarded with the recommendation of the commanding officer in the premises.

(g) The effective date of permanent appointment will be determined by the Bureau of Naval Personnel and will be stated on the face of the appointment. When an appointment is received, an entry will be made in the service record of the man and the appointment will be delivered to him at quarters or at drill assemblage. It is the property of the man but may be put with his service record or continuous-service certificate if he so desires.

(h) Failure to receive an honorable discharge or to reenlist within three months of date of honorable discharge cancels permanent appointment.

§ 6.3709 *Reports of examination for advancement in rating, B. N. P. 971.* (a) Examinations for enlistment or advancement in rating of enlisted men under §§ 6.2510, 6.2511, 6.2514, 6.3701, 6.3702, 6.3703, 6.3706, and 6.3708 and for transfers pursuant to § 6.4106 (c) and (e) shall be conducted in accordance with Chapter 5, Part D, Bureau of Naval Personnel Manual, insofar as applicable, or in accordance with such special instructions as may be issued by the Bureau of Naval Personnel, and reported on Bureau of Naval Personnel Form B. N. P. 971, except that all examinations for class V–3 shall be issued and graded by an examining board appointed by District Commandants.

(b) Required practical examinations should be carried out insofar as practicable with facilities available to the Naval Reserve. Notation should be made on Form B. N. P. 971, Par. 2 (Qualifications), of the subparagraphs which apply in each case with appropriate entry as to successful completion or lack of facilities. The assignment of marks is not required for the practical factors.

§ 6.3710 *Changes in rating in same pay grade.* Changes in rating within the same pay grade may be made under the same conditions as are prescribed for advancements in rating, except as to the requirements for length of service in rating or pay grade, and performance of drills or active or training duty.

Subpart D—Transfers

Transfers between classes of the Naval Reserve

§ 6.4101 *Transfer of officers and enlisted men from the Organized Reserve.* (a) Officers and enlisted men of the Organized Reserve who are unable to conform to the requirements of that class, but whose retention in some other class of the Naval Reserve is deemed desirable, may be transferred to such other class for which qualified.

(b) Men employed as ship or station-keepers shall be transferred to the Volunteer Reserve.

(c) The transfer of officers out of the Organized Reserve shall not be effected as a means of enforcing discipline.

§ 6.4102 *Transfers of officers to the Organized Reserve and the Volunteer Reserve (General Service).* (a) Officers of the Volunteer Reserve (General Service) and class A–V (N) may be transferred to the Organized Reserve to fill vacancies in the Organized Reserve.

(b) Officers of the Volunteer Reserve (Special Service), other than class C–V (S), are not eligible for transfer to the Organized Reserve or Volunteer Reserve (General Service) unless they fulfill the same requirements as to age and physical and professional qualifications as are prescribed for the Organized Reserve, and then only in the ranks in which original appointments in the Organized Reserve are authorized, except that special consideration may be given to transfer in the rank and with the precedence which would have been attained had original appointment been made in the Organized Reserve.[1]

(c) Officers of class C–V (S) may, upon qualification by professional and physical examinations, be transferred to class C–V (G) in grades not above lieutenant. A new commission with date of rank as determined by the Bureau of Naval Personnel will be issued. Insofar as practicable the rank shall be that which they would have attained had original appointment been made in the Volunteer Reserve (General Service).[1]

(d) Officers of the Fleet Reserve and Merchant Marine Reserve shall not be transferred to the Organized Reserve or Volunteer Reserve (General Service).

§ 6.4103 *Transfers of officers to the Volunteer Reserve.* (a) Officers of the Organized Reserve may at their own re-

[1] Limitations as to rank and precedence on transfer suspended for duration of the war.

quest be transferred to the classes of the Volunteer Reserve for which qualified or they may be so transferred on account of failure or inability to fulfill the requirements of the Organized Reserve. When suitable officers of the Organized Reserve or Volunteer Reserve (General Service) are available to fill the vacancies thereby created in the organizations to which attached, officers of the Organized Reserve shall be transferred to the Volunteer Reserve (General Service) upon arrival at the following age in grade:

Lieutenant commander	48
Lieutenant	43
Lieutenant (junior grade)	38
Ensign	33

(b) Officers of the Merchant Marine Reserve may be transferred to the classes of the Volunteer Reserve (Specialist Service) for which qualified to fill vacancies in authorized quotas.

(c) Officers of the Volunteer Reserve (General Service) may be transferred to Special Service classes, or other General Service classes for which qualified, to fill vacancies in authorized quotas. Applications for transfer to the Volunteer Reserve (Special Service) shall be submitted on the form which would be required for an original appointment. Evidence of citizenship, transcript of educational qualifications, letters of recommendation, fingerprint record, photographs, statement of prior naval or military service, and report of investigation on Form B. N. P. 944 need not be furnished with applications for transfer unless required to determine the candidate's current qualifications for transfer. Action thereon shall likewise be such as may be prescribed in the case of an original appointment.

(d) Officers of classes A–O and A–V (G) who fail to maintain their flight qualifications for class A–O or A–V (G), but who are otherwise especially desirable and qualified for ground duty or other aviation duty, may be transferred to class A–V (S). Officers so transferred to class A–V (S) may be retransferred to class A–O or A–V (G) upon reestablishing their qualifications therefor.

§ 6.4104 *Transfers of officers to Merchant Marine Reserve.* Officers of the Organized Reserve and Volunteer Reserve may be transferred to the Merchant Marine Reserve if qualified for that class.

§ 6.4105 *Transfer of officers; data required in effecting.* (a) All transfers of officers between classes of the Naval Reserve will be effected by the Bureau of Naval Personnel upon the recommendations of the Commandants of naval districts and bureaus or officers concerned.

(b) Requests for transfer to a class the professional requirements of which differ from present class shall be forwarded on the form prescribed in § 6.1822 for original appointment in the class to which transfer is desired. The forwarding endorsement shall include data as to status of quota and professional suitability of applicant with supporting data for filling any vacancy that may exist.

§ 6.4106 *Transfers of enlisted men between classes of Naval Reserve.* Commandants of naval districts are authorized to transfer enlisted men of the Naval Reserve from one class to another for which qualified, subject to the following restrictions:

(a) Transfers to classes O–1 and O–2 shall only be made to fill vacancies in rating and pay grade.

(b) Transfers to classes V–1, V–2, and V–3 shall only be made within procurement or mobilization quotas.

(c) Enlisted men of class V–3 must qualify by professional examination required by § 6.3709 for transfer to classes O–1, V–1, O–2, and V–2. In addition, enlisted men of classes O–2 and V–2 must qualify by physical examination for aviation duties as required by the Manual of the Medical Department, (available in the Bureau of Medicine and Surgery, Navy Department) paragraph 1539 (a) and (b), for unclassified persons ordered to duty involving flying.

(d) Men of classes V–4 and V–5, and those men of class V–6 ineligible on account of age for classes O–1, O–2, V–1, V–2, or V–3 at time of enlistment or who were transferred to class V–6 on account of lack of interest, shall not be transferred to classes O–1, O–2, V–1, V–2, or V–3, without specific authorization from the Bureau of Naval Personnel.

(e) A man who was originally enlisted in some other class of the Naval Reserve in a rating higher than that authorized for first enlistments in the Organized Reserve, may not be transferred to fill a vacancy in the complement of an organization of the Organized Reserve in such higher rating unless he has qualified for the rating by examination, Form B. N. P. 971.

(f) Enlisted men of the Fleet Reserve and Merchant Marine Reserve shall not be transferred to other classes of the Reserve without special authority from the Bureau of Naval Personnel.

(g) No transfers will be made to classes V–5 and V–7 except upon special authority of the Bureau of Naval Personnel.

TRANSFERS BETWEEN BATTALIONS, DIVISIONS, AND SQUADRONS, AND OTHER ORGANIZATIONS

§ 6.4201 *Officers of Organized Reserve.* (a) Commandants of naval districts are authorized to transfer officers of the Organized Reserve between battalions, divisions, and squadrons to fill vacancies.

(b) Copies of letters effecting such transfers shall be forwarded to the Bureau of Naval Personnel.

§ 6.4202 *Officers of Volunteer Reserve.* (a) Commandants of naval districts may transfer officers of the Volunteer Reserve from a unit of the Naval Reserve with which associated to another unit for voluntary training.

(b) Copies of letters effecting such transfers shall be forwarded to the Bureau of Naval Personnel.

§ 6.4203 *Enlisted men of Organized Reserve.* Commandants of naval districts are authorized to transfer enlisted men of classes O–1 and O–2 between battalions, divisions, and squadrons to fill vacancies. Battalion commanders are authorized to transfer such men between divisions of the same battalion.

§ 6.4204 *Enlisted men of Volunteer Reserve.* Commandants of naval districts are authorized to transfer enlisted men of the Volunteer Reserve between battalions, divisions, and squadrons of the Organized Reserve, with which associated, between sections and units of the Naval Communication Reserve, and between zones and subzones of the Naval Intelligence Reserve. Battalion commanders are authorized to transfer such men between divisions of the same battalion.

§ 6.4205 *Entries of transfers in service records.* Appropriate entries of all transfers of enlisted men shall be made in their service records.

TRANSFERS BETWEEN NAVAL DISTRICTS

§ 6.4301 *Transfers of officers not on active duty.* (a) Upon change of permanent official residence of a Naval Reserve officer not on active duty from one district to another, the Commandant of his naval district shall transfer him to the naval district indicated and shall transmit his records to the Commandant of the naval district to which transferred. A copy of the letter of transmittal shall be forwarded to the Bureau of Naval Personnel, and in the case of a special service or staff officer whose specialty is under the cognizance of a bureau or office of the Department copies shall be forwarded to such office or Bureau and to the activity controlling mobilization assignment.

(b) When an officer of the Volunteer Reserve (Special Service) changes his official residence to another naval district, he will retain his mobilization assignment unless and until such assignment is changed by the Bureau of Naval Personnel upon recommendation of the two districts or activities concerned. No change in procurement quota charge will result unless there is a corresponding change in the mobilization quota charge.

(c) Upon change of official residence to an address outside of the United States or its possessions, the officer's records shall, except as provided in § 6.1404 (d), (e), and (f), be transmitted to the Bureau of Naval Personnel via the Chief of Naval Operations (Office of Naval Intelligence).

§ 6.4302 *Transfers of enlisted men not on active duty.* Upon change of permanent official residence from one district to another, the Commandant of his naval district shall transmit by letter the records of the man concerned to the Commandant of the naval district to which transferred. A copy of the letter of transmittal shall be forwarded to the Bureau of Naval Personnel.

§ 6.4303 *Transfers as affecting quota charges.* (a) Except as provided in § 6.4301 (b), upon transfer to another naval district of an officer carried as a charge against the procurement quota of his former district, the quota charge shall be removed from the old district. The officer transferred shall be entered as a charge against the quota of the new district provided:

(1) The district mobilization quota is not exceeded thereby, and

(2) The services of the officer can be utilized on mobilization.

(3) If the foregoing conditions cannot be met, the Bureau shall be advised and instructions requested.

(b) In the event that transfer of enlisted men between districts causes procurement or allowed quotas to be exceeded, the new Commandant shall correct the excess by transfer between classes if so authorized by § 6.4106; if correction cannot thus be effected, the circumstances shall be reported to the Bureau of Naval Personnel.

TRANSFERS BETWEEN SHIPS AND STATIONS

§ 6.4401 *Officers performing active duty.* Officers performing active duty in time of peace may be transferred from one ship or station to another only by the Bureau of Naval Personnel.

§ 6.4402 *Enlisted men performing active duty.* Enlisted men performing active duty in time of peace may be transferred from one ship or station to another in the same naval district by the District Commandant. Transfers of such men to ships or stations of other districts may be made by the Commandant only upon authority of the Bureau of Naval Personnel in each case.

§ 6.4403 *Officers and men performing training duty.* (a) Officers and men performing training duty may be transferred from the ship or station in which the training was authorized, to another by the Commandant of the district or commanding officer who authorized the training, or by the senior officer present, provided no expense to the Government is involved, and their training can be more effectively carried on by reason of such transfer.

(b) The commanding officer of a ship or station is authorized to effect transfers without prior authority in cases of emergency.

(c) Officers and men shall not, by reason of being called to active duty, be removed from the rolls of the district from which ordered, unless during the period of active duty a change in official residence is effected with the approval of the Bureau of Naval Personnel in the case of an officer, or of the commanding officer in the case of an enlisted man, as provided in § 6.1802 (c). In the cases of officers, the procedure prescribed in § 6.4301 and in the cases of enlisted men the procedure prescribed in § 6.4302 shall be followed.

SUBPART E—INSTRUCTION AND TRAINING

INSTRUCTION AND TRAINING POLICY AND ASSIGNMENT OF INSTRUCTORS FOR NAVAL RESERVE

§ 6.5101 *Instruction and training policy.* (a) It is the policy to provide for the instruction and to conduct the training of individuals and organizations of the Naval Reserve so as to obtain trained personnel in numbers and composition to complete the War Organization of the Navy.

(b) In time of war or national emergency, the training of the Naval Reserve shall be as prescribed by the Chief of Naval Personnel.

§ 6.5102 *Bureau of Naval Personnel charged with the instruction and training of the Naval Reserve.* (a) The Bureau of Naval Personnel is charged with the instruction and training of the Naval Reserve and prescribes the details of instruction and training of various individuals and organizations of the Naval Reserve, both ashore and afloat.

(b) The cooperation and assistance of the various bureaus and officers of the Navy Department will be sought in connection with the instruction and training of those individuals and organizations of the Naval Reserve in which such bureaus and offices are concerned.

(c) The Commandants of the several naval districts, under the supervision of the Bureau of Naval Personnel and other cooperating and assisting bureaus and offices, are charged with the instruction and training of the Naval Reserve under their jurisdiction.

(d) Special classes of instruction composed of officers and men may be organized by the Commandants of naval districts without reference to the Bureau of Naval Personnel.

§ 6.5103 *Inspector-instructors of the Naval Reserve and Naval Reserve instructors.* (a) Officers of the Regular Navy of the rank of lieutenant commander or above, who are ordered by the Bureau of Naval Personnel to regular duties instructing the Naval Reserve, will be issued orders as inspector-instructors of the Naval Reserve at the place or in the area in which stationed.

(b) Officers of the Regular Navy when ordered by the Bureau of Naval Personnel to additional duty instructing the Naval Reserve, and officers of the Regular Navy below lieutenant commander in rank ordered to such duty as regular duty, will be ordered as Naval Reserve instructors for the organization or organizations designated in their orders.

(c) Commandants of the several naval districts may assign regular officers assigned the districts to additional duty to assist in the instruction and training of Naval Reserve organizations and individuals under their jurisdiction.

§ 6.5104 *Officers of the Naval Reserve assigned to duty on Commandant's staff to instruct Naval Reserves.* Commandants may appoint officers of the Naval Reserve, including those in both active and inactive duty status, to duty on their staffs to assist in the instruction and training of Naval Reserves, but may not place any Reserve officer on active duty for this purpose.

§ 6.5105 *The Commandant of the Navy Yard, Washington, D. C., is charged with the instruction and training of reservists.* The Commandant of the Navy Yard, Washington, D. C., is charged with the instruction and training of the reservists of all classes within his jurisdiction, as outlined in § 6.1404 (b). He may assign officers of the Regular Navy and the Naval Reserve to duty to assist, in accordance with §§ 6.1404 (a) and (b), 6.5103 (b), and 6.5104.

§ 6.5106 *Assignment of officers to command vessels for training Naval Reserves.* Except for those vessels the commanding officers of which are detailed by the Bureau of Naval Personnel, Commandants of naval districts and the Commandant of the Navy Yard, Washington, D. C., are authorized to order officers qualified therefor to command vessels assigned for training the Naval Reserve, but not to place any Reserve officer on active duty for this purpose. Copies of orders assigning officers to command such vessels shall be forwarded to the Bureau of Naval Personnel.

§ 6.5107 *Commanding officers of vessels engaged in training Naval Reserves.* Commanding officers of vessels engaged in training Naval Reserve organizations and individuals are charged with the task of providing the maximum training obtainable for the duration of the training period.

§ 6.5108 *Commanding officers of Naval Reserve aviation bases.* Commanding officers of Naval Reserve aviation bases are charged with the task of providing the reserves the maximum training obtainable with the facilities and equipment of the bases.

INSTRUCTION OF NAVAL RESERVE

§ 6.5201 *Means of instruction provided for Naval Reserve.* The following means of instruction are provided for the instruction of the Naval Reserve:

(1) Correspondence courses.
(2) Naval War College correspondence courses.
(3) Reading courses.
(4) Enlisted training courses.
(5) Naval Reserve lectures.
(6) Class instruction at armories and aviation bases.
(7) Instruction through radio communication.

§ 6.5202 *Correspondence courses.* (a) Correspondence courses in various professional subjects will be provided for Naval Reserve Officers and the means of conducting such courses established by the Bureau of Naval Personnel, with the cooperation and assistance of other bureaus and offices, when required.

(b) The list of professional subjects covered in these correspondence courses, together with the agency conducting each course, will be published from time to time.

(c) Application for enrollment in any of these courses should be made to the nearest Naval Reserve educational center. Enrollments in courses conducted by Naval Reserve educational centers will be made by the Naval Reserve educational center. Enrollments in courses, conducted by other agencies will be made by the agency conducting the course.

§ 6.5203 *Naval War College correspondence courses.* The Naval War College prepares and conducts a special course in strategy and tactics for officers of the Naval Reserve. Officers of the Naval Reserve are authorized to enroll in the correspondence course in international law conducted by the Naval War College.

§ 6.5204 *Reading courses.* (a) Reading courses in various professional subjects will be provided for Naval Reserve officers by the Bureau of Naval Personnel, with the cooperation and assistance of other bureaus and offices, where required.

(b) The list of professional subjects covered in these reading courses will be published from time to time.

(c) Application for issuance of any of these courses should be made to the District Commandant, who will forward the application together with recommendation to the agency issuing such course.

§ 6.5205 *Training courses for enlisted men of the Naval Reserve.* Bureau of Naval Personnel training courses for enlisted men will be issued for the use of the enlisted men of the Naval Reserve as they become available. These training courses are distributed to the various naval districts in accordance with standard allowance tables established from time to time.

§ 6.5206 *Naval Reserve lectures.* Lectures are prepared by, or under the supervision of, the Bureau of Naval Personnel for delivery to officers of the Naval Reserve. These lectures should be delivered by officers of the Regular Navy who are familiar with the particular subject of the lectures. The Bureau of Naval Personnel issues these lectures in order to relieve individual officers of the work entailed in preparing a lecture on a particular subject. It must be recognized, however, that the formal delivery of such a lecture alone, especially on a technical subject, will not create and hold interest. The value of the Bureau's lecture courses will depend largely on their presentation and the ability of the speaker to include interesting material from his own experience.

§ 6.5207 *Armory classes.* Classes of men attached to divisions and squadrons should be formed for instruction in their ratings, using the Bureau of Naval Personnel training courses as the basis for this instruction.

§ 6.5208 *Instruction through radio communication.* For purposes of instruction in radio and general communication duties of officers and men of the Naval Reserve who will be assigned these duties on mobilization, radio circuits may be set up, using frequencies designated for the Naval Reserve by the Chief of Naval Operations.

TRAINING OF THE NAVAL RESERVE

§ 6.5301 *Means of training provided for the Naval Reserve.* The following means of training are provided for the training of the Naval Reserve:

(a) Regular drills.
(b) Annual training duty.
(c) Appropriate duty.
(d) Equivalent instruction or duty.
(e) Training duty with pay.
(f) Training duty without pay.
(g) Group training duty.

§ 6.5302 *Regular drills.* (a) Regular drills will consist of training in duties pertaining to the Navy, as designated from time to time by the Bureau of Naval Personnel in separate training instructions.

(b) Regular drills must be:

(1) Prescribed by the Chief of Naval Personnel for the designated division, squadron, or other authorized organization.

(2) Performed under orders in accordance with instructions issued by the Bureau of Naval Personnel.

(3) Designated in advance for each organization as a whole by its commanding officer.

(4) Of not less than 1½ hours' duration.

(5) Attended by officers and men in uniform.

(6) Conducted on days other than legal holidays.

(c) Divisions and other authorized organizations, except aviation organizations and such other organizations as may be specifically authorized by the Bureau of Naval Personnel, will not conduct more than one regular drill in any one calendar week.

(d) Organizations of the aviation component of the Naval Reserve may conduct not more than three regular drills in any one day, not more than three in any one calendar week, nor more than four in any one month. This provision shall also apply to other organizations which have been authorized to hold more than one drill per week in accordance with paragraph (c) of this section.

§ 6.5303 *Annual training duty.* (a) Annual training duty is prescribed for divisions, squadrons, and other authorized organizations of the Naval Reserve, during which time additional concentrated training will be conducted in duties particularly required of these organizations on mobilization. The Bureau of Naval Personnel will issue instructions for training while on annual training duty.

(b) Schedules for annual training duty will be as described in § 6.5605.

(c) Divisions and other authorized organizations will conduct this annual training duty in vessels or shore stations designated for this purpose.

§ 6.5304 *Appropriate duty.* (a) Appropriate duties shall be performed in accordance with paragraph (c) of this section, and may consist of any duties other than active or training duty with or without pay, prescribed by the reservist's immediate commanding officer as appropriate to the rank or rating of the reservist concerned.

(b) Orders assigning a reservist to appropriate duty shall state the nature of the duty to be performed. Copies will be furnished the Bureau of Naval Personnel and the Bureau of Supplies and Accounts (Retainer Pay Section).

(c) A period of appropriate duty shall consist of aggregate duty of not less than 1½ hours per calendar week. Such duty may be performed in broken increments. Duty performed in 1 calendar week may not be credited in a subsequent calendar week.

§ 6.5305 *Equivalent instruction or duty.* (a) Equivalent instruction or duty for officers and men attached to divisions and other surface organizations will be interpreted as any practical or theoretical instruction, other than group training duty, designated in advance, of not less than 1½ hours' duration, conducted on a day other than one on which a drill has been prescribed, and deemed by the commanding officer to be essential for their training. Not more than 1 period of such instruction or duty shall be performed under the provisions of this paragraph, in any 1 calendar week, not more than 3 in any 1 calendar month, nor more than 16 in any 1 fiscal year.

(b) A period of equivalent instruction or duty may be allowed officers and men attached to squadrons for an unbroken period of not less than 1½ hours' practical or theoretical ground instruction or for actual flying in Navy aircraft. Such equivalent instruction or duty can be performed only at such times as may be acceptable to the commanding officer of the aviation base or station; it cannot be performed on a date on which a drill is held for the organization to which the individual is assigned; it need not be designated in advance; and it may be instruction or duty for either a squadron, a group of individuals, or an individual. Officers and men performing equivalent instruction or duty under authority of this paragraph will obtain certificates from the commanding officer of the station for presentation to their organization commanders as evidence of the instruction received or duty performed. Not more than 1 period of equivalent instruction or duty shall be performed under the provisions of this paragraph in any 1 calendar week; not more than 3 in any 1 month; nor more than 16 in any 1 fiscal year.

(c) Equivalent instruction or duty performed under the provisions of paragraphs (a) and (b) of this section, will not be credited to the organization for purposes of competitive standing.

§ 6.5306 *Training duty with pay.* (a) Officers and men of the Naval Reserve may be permitted, on their own application, to perform training duty with pay and allowances in accordance with the succeeding paragraphs of this section and §§ 6.1701 and 6.1702.

(b) Quotas for training duty with pay for the various classes of the Naval Reserve shall be prescribed by the Bureau of Naval Personnel, in accordance with § 6.1406. Under these quotas no individual or organization shall be given in excess of 14 days' training duty with pay, exclusive of travel time, annually, without authority of the Bureau of Naval Personnel.

(c) Officers and men assigned to training duty with pay, of any character, including duty on District or Departmental Naval Reserve Policy Boards and duty in connection with selective service conferences, unless otherwise specified, shall be charged against these quotas. Special duty of this character assigned officers of the Naval Reserve shall be in lieu of the annual training duty prescribed for the organizations to which they are attached.

(d) Officers and men are interchangeable in the ratio of three men for one officer, in the Volunteer Reserve training quotas. Quotas are not interchangeable between the surface and aviation components.

(e) In the discretion of the District Commandants, a part of the officer training quota may be utilized by placing Naval Reserve medical officers on 2 weeks or less of training duty with pay at several conveniently located centers in each naval district, for the purpose of conducting the necessary physical examinations of reservists residing in the vicinity. The medical officers so detailed may be permitted to remain in their own home communities and permitted to carry on their private practice during this period of training duty, so long as it does not interfere with the conduct of these physical examinations. This should assure sufficient remuneration for them to conduct additional physical examinations gratuitously throughout the year. Also, at less convenient and far-removed locations, Naval Reserve medical officers may be placed on short periods of training duty for a few days only, under these same conditions.

(f) Where no flight pay is involved, orders to officers for training duty with pay and allowances, including mileage, may be issued by Commandants of naval districts within the quotas prescribed by the Bureau of Naval Personnel. Orders to training duty involving the flight pay will be issued by the Bureau of Naval Personnel.

(g) Upon completion of training duty with pay, a copy of the orders, with all endorsements, shall be forwarded to the Bureau of Naval Personnel, and to the Bureau of Supplies and Accounts (Retainer Pay Section), under provisions of §§ 6.1701 (d) and 6.1702 (d).

(h) Orders to enlisted men for training duty with pay, within prescribed quotas may be issued by Commandants of naval districts. Flight orders and revocations thereof, however, will be issued by the commanding officer under whom serving and a copy forwarded to the Bureau of Naval Personnel.

(i) Officers and men performing training duty with pay shall be examined physically and found qualified therefor prior to commencement, and shall again be examined physically upon completion thereof, and entries made in health records, in accordance with §§ 6.1601 (b) (2) and 6.1604. In addition, officers and men shall have been vaccinated and given anti-typhoid prophylaxis and entries to that effect made in their health records prior to commencement of such duty, in accordance with provisions of § 6,2509.

(j) Fitness reports shall be submitted upon all officers performing training duty with pay, afloat or ashore, on Form B. N. P. 960 or 961. Marks should be assigned only for proficiency in grade and class. An officer of class I–V (S), C–V (S), or E–O, for example, should not be marked on his ability to stand a deck-watch, but if able to do so satisfactorily notation should be made. If the duties assigned include a deck-watch or an engine-watch, this fact, together with marks thereon, should be noted in the appropriate places. Comments regarding physical condition or age or recommendations as to retention in the Naval Reserve or as to promotion are not required, except as they may be incident to remarks on performance of duty. If discharge from inefficiency or other good and sufficient reason should be considered desirable, this should be made the subject of a separate letter.

(k) Funds provided for pay of Reserve personnel called to training duty are intended for training such personnel in their mobilization duties. In general if requests for training duty with pay are not in accordance with the type of experience associated with the mobilization-duty, they should not be approved. For example, personnel who will be limited to duty on shore during war ordinarily should not be paid for duty afloat. While there are some classes for duty on shore whose mobilization efficiency may be increased by association with forces afloat, the limited funds for peacetime training do not warrant their use for this purpose. Encouragement of these classes to associate with forces afloat while in port or at sea is desirable but only on a voluntary basis.

(l) Requests for training duty with pay, to be performed outside the jurisdiction of the District Commandant to whom the request is made, before favorable action thereon, shall be referred to the commanding officer under whom the duty is requested, if ashore, or to a Force or Type Commander or the senior officer present if afloat.

§ 6.5307 *Training duty without pay.* (a) Officers and men of the Naval Reserve who desire to perform training duty without pay or allowances and without expense to the Government for travel to and from such duty, may apply to the Commandant of their naval district. In accordance with §§ 6.1701 and 6.1702, Commandants are authorized to approve such request when the duty is to be performed at activities or on board vessels within their jurisdiction. In the case of a request for training duty without pay in another district or on board a vessel outside his jurisdiction, the Commandant receiving the request will forward it with recommendation to the Commandant or commanding officer concerned, if ashore, or to a Force or Type Commander or the senior officer present if afloat, for approval or disapproval and return. The necessary orders will be issued by the Commandant of the district to which the reservist making the request is attached.

(b) In cases where time does not permit securing the approval of the Commandant concerned requests may be made to a Force or Type Commander or the senior officer present of any naval force who is authorized to approve such requests if available accommodations and other circumstances warrant such action, informing the Commandant concerned.

(c) Commandants of naval districts and the Commandant, Navy Yard, Washington, D. C., are authorized to issue authority to any officer or enlisted man of the Naval Reserve to perform repeated periods of training or other duty, without pay, any one period not to exceed 1 week in duration, at the activities or on board vessels within their jurisdiction. Such authority may cover a period not in excess of 1 year, but may be renewed from year to year by the Commandant. Officers of classes A–O and A–V (G) or of other classes who hold effective letters of authority to solo naval aircraft, may be authorized to make flights under authority for repeated periods of duty, in the same manner as they are authorized to perform flights while in an inactive duty status. Such flights shall constitute authorized training duty. Physical examinations will not be required prior to each period of authorized training duty without pay, performed under authority prescribed herein, nor upon the completion thereof, except in case of injury, sickness, or disease, provided that officers authorized to perform flights shall have passed a satisfactory flight physical examination within 6 months immediately preceding any period of duty. In case injury, sickness, or disease is incurred by any member of the Naval Reserve performing such duty, appropriate entries shall be made and required reports submitted. A separate fitness report need not be submitted for officers for each repeated period of training or other duty, but a fitness report submitted at the end of the period covered by the authorization will be considered as part of the officers' official record. The authorization to perform the duty shall be retained at the activity or on board the vessel where the duty is performed, until it expires or is canceled. At the expiration of each period, it shall be signed by the commanding officer, as to date and time of reporting and detachment, and by the reservist performing the duty, as to disease or injury while in a duty status. Completed copies shall then be forwarded to the Bureau of Naval Personnel and the Commandant, and a copy retained for future reference.

(d) Officers and men performing training duty without pay, except as indicated in paragraph (c) of this section, shall be examined physically and found qualified therefor prior to commencement of such duty, and shall again be examined physically upon completion thereof, and entries made in health records. In addition, officers and men shall have been vaccinated and given anti-typhoid prophylaxis, and entries to that effect made in their health records prior to commencement of such duty, in accordance with provisions of the Manual of the Medical Department, United States Navy (available in the Bureau of Medicine and Surgery, Navy Department).

(e) Fitness reports shall be submitted upon all officers performing training duty without pay, afloat or ashore, as required by §§ 6.1810 and 6.5306 (j).

(f) An entry shall be made in fitness reports and enlisted records to indicate that duty performed was without pay. If records of enlisted men are not available on board ships in which training duty without pay is performed, the Commandant concerned will be furnished the

necessary information for entry in such records, as required herein.

§ 6.5308 *Group training duty.* (a) In accordance with § 6.1703, group training duty may be authorized for officers and men of the Naval Reserve who perform short periods of training duty in vessels or at shore stations, when training duty of this nature is conducted by groups of officers and men.

(b) Written orders thereto as training duty without pay will be issued in accordance with § 6.1703.

(c) Records will be maintained by the Commandants and appropriate entries will be made on the fitness reports and in the service records.

(d) Physical examinations will not be required for reservists participating in group training duty.

NAVAL RESERVE EDUCATIONAL CENTERS; ENROLLMENTS IN CORRESPONDENCE COURSES; INSTRUCTIONAL COURSES

§ 6.5401 *Naval Reserve educational centers.* (a) Naval Reserve educational centers are established as required, in various naval districts, to assist the Bureau of Naval Personnel in the preparation of correspondence courses and to assist in the conduct of these courses.

(b) These educational centers are established by the Bureau of Naval Personnel and are under the direct supervision of the Commandant of the naval district in which they are located.

(c) Officers of the Regular Navy are detailed to duty as officers in charge of these educational centers by the Bureau of Naval Personnel, but additional officers may be detailed by the Commandant to this additional duty as may be required.

§ 6.5402 *Locations of Naval Reserve educational centers and enrollment of Naval Reserve officers in correspondence courses.* Naval Reserve educational centers are established in the following districts. Each center is responsible for the enrollments as indicated:

(a) *Third Naval District.* For enrollments from the First, Third, Fourth, Fifth, and Tenth Naval Districts, and the District of Columbia.

(b) *Eighth Naval District.* For enrollments from the Sixth, Seventh, Eighth, and Fifteenth Naval Districts.

(c) *Ninth Naval District.* For enrollments from the Ninth Naval District.

(d) *Twelfth Naval District.* For enrollments from the Eleventh, Twelfth, Thirteenth, Fourteenth, and Sixteenth Naval Districts.

§ 6.5403 *Applicants eligible for enrollment and method of enrollment.* (a) Naval Reserve officers, cadets and midshipmen may be enrolled in correspondence courses in accordance with instructions issued by the Bureau of Naval Personnel Enlisted men of the Naval Reserve who have been recommended by their commanding officers as prospective officer material may also be enrolled under the same conditions as officers.

(b) Applicants shall normally not be enrolled in more than one course concurrently.

(c) Applicants who reside in foreign countries, except at embassies or legations, shall not be enrolled or permitted to carry on courses while so residing.

(d) All other applicants shall make requests for courses to their nearest Naval Reserve educational center via the commanding officer, with copy to their home District Commandant.

(e) The Naval Reserve educational centers will enroll applicants without reference to the Bureau of Naval Personnel, except for courses in Naval Intelligence, which must be forwarded to the Chief of Naval Operations for approval.

(f) The officer in charge of each Naval Reserve educational center shall furnish the enrollee with a list of books required, the instruction sheets and question sets, and proceed with the conduct of the course.

(g) When a student completes a course, his record card shall be sent to the Bureau of Naval Personnel, with a letter of transmittal in which is shown the student's rank, class, address, the naval district in which his records are kept, and a statement as to whether the course was satisfactorily completed, with the average mark received to two decimal places.

§ 6.5404 *Enrollment in Naval War College correspondence courses.* (a) Applicants for enrollment in Naval War College correspondence courses will make application to their District Commandant, who shall forward the application to the Naval War College for enrollment.

(b) At the end of each month, the Naval War College shall inform the Bureau of Naval Personnel of the names of all Reserve officers who have been enrolled, who have been disenrolled, and who have completed a correspondence course during the month.

§ 6.5405 *Instructional courses conducted by bureaus and offices.* (a) Officers of the Naval Reserve are expected to complete the instructional course of the bureau or office prepared for their particular qualifications as indicated in § 6.5202.

(b) Application for these instructional courses will be made to the Commandants of the naval districts. Commandants shall issue these courses except where the course requested is conducted by the bureau or office concerned, in which case they shall forward applications to the appropriate bureau or office.

(c) Officers on duty in the naval districts may be assigned additional duty by the Commandants to assist Naval Reserve officers in these instructional courses.

(d) Commandants shall require officers to report completion of instructional courses issued by them, and shall maintain a record of such completions, reporting to the Bureau of Naval Personnel monthly the names of officers having completed such courses during the month.

(e) Bureaus and offices conducting instructional courses shall report to the Bureau of Naval Personnel monthly the names of officers enrolled or disenrolled and of those having completed courses during the month.

COMMANDING OFFICERS OF STATIONS AND VESSELS TO WHICH NAVAL RESERVISTS REPORT FOR TRAINING DUTY; NAVAL RESERVE INSTRUCTORS AND INSPECTOR-INSTRUCTORS OF THE NAVAL RESERVE

§ 6.5501 *Commanding officers of stations and vessels to which naval reservists report for training duty.* (a) Commandants will, when ordering individual naval reservists to training duty, with or without pay, to stations or vessels, indicate the type of training it is desired the reservist will be given during the training period.

(b) The type of training to be conducted will be such as to qualify the officer or man for his particular mobilization assignment.

(c) Commanding officers of stations and vessels will provide for the particular training indicated by assigning officers attached to the station or vessel additional duty to assist in the required training.

§ 6.5502 *Naval Reserve instructors.* (a) Depending upon current availability, a limited number of officers of the Regular Navy will be issued orders by the Bureau of Naval Personnel to report to Commandants for duty as instructors of naval reservists in localities where their services are most needed or can best be utilized in the training and instruction of divisions, squadrons, or other authorized organizations of the Naval Reserve. To further provide instructors of the Regular Navy, Commandants shall recommend to the Bureau of Naval Personnel the issue of additional duty orders as Naval Reserve instructors for officers most available and best suited for such duty. In making these recommendations, Commandants shall endeavor to limit travel required of instructors as much as practicable, and shall give due consideration to the effect upon paramount duties of officers concerned.

(b) It is desirable, where travel is not involved, to use the regular petty officers of the recruiting services and shipkeepers who are sufficiently trained to assist in the instruction, and Commandants shall make such arrangements as may be possible to that end.

(c) At localities distant from district headquarters, it is particularly desirable to take advantage of regular officers performing duty thereat for liaison and training aids, where travel is not involved. Commandants should initiate action leading to the use of such officers whenever their services from their regular duties permit.

§ 6.5503 *Naval Reserve instructors' attendance at regular drills.* (a) Officers or petty officers who are assigned to instruct Naval Reserve divisions, squadrons, and other authorized organizations, in their immediate vicinity, shall attend each regular drill insofar as practicable. Officers assigned to instruct organizations not in their immediate vicinity will be issued travel orders by the Bureau of Naval Personnel for the purpose of attending regular drills of such organiza-

tions in accordance with instructions issued annually. The number of drills attended in the case of these latter officers is dependent upon funds available for travel. Such funds will generally, however, provide for attendance of at least two drills per month from September through May.

(b) In attending regular drills, instructors shall wear appropriate uniforms.

§ 6.5504 *Duties of Naval Reserve instructors.* (a) The duties of instructors of naval reservists are essentially advisory. Reserve officers in command of units are responsible for the efficiency of their commands, and instructors shall in no way usurp the functions of these officers. Reserve commanding officers shall, however, lose no opportunity to utilize to the fullest extent the experience and practical and theoretical knowledge of the instructors.

(b) Advice of the instructor on all matters pertaining to training and instruction should be freely sought and freely given. Instructors shall prepare and deliver such lectures, conduct such classes, and assist in the planning and execution of instructions for the benefit of both officers and men, as commanding officers may require in carrying out the training instructions. Instructors shall further assist commanding officers in obtaining necessary instructional books and material.

(c) The commanding officer of a Naval Reserve aviation base is responsible for the instruction of naval aviation reserve personnel attached to the base or squadron. He shall have direct supervision over all military activities of the Naval Reserve and Marine Corps Reserve aviation squadrons assigned to the base. For military purposes Naval and Marine Corps aircraft temporarily at a base come under the jurisdiction of the commanding officer of the base during such stay.

§ 6.5505 *Inspector-instructors.* (a) Inspector-instructors will perform the duties normally required of Naval Reserve instructors except insofar as instructions contained in this section, or otherwise promulgated by the Bureau of Naval Personnel, makes the instructions for Naval Reserve instructors inapplicable to inspector-instructors.

(b) Inspector-instructors will ascertain by informal inspections that organizations to which they are assigned meet required standards as to personnel, training, armories, equipment, records, etc. When no expense for travel is involved, they may be ordered by Commandants to inspect organizations to which they are not assigned.

(c) Inspection should be conducted with a view toward correcting errors and mistakes, ensuring compliance with regulations, orders and instructions, and observance of standard training methods and procedures.

(d) Inspector-instructors shall keep Commandants informed of the state of training of personnel, the adequacy of armory facilities and equipment, and recommend necessary measures to improve efficiency.

(e) Inspector-instructors shall furnish pertinent information to the reporting seniors for annual fitness reports of commanding officers of battalions or separate divisions to which they are assigned, provided they are senior to such commanding officers. The reports of other officers attached to such organizations shall be forwarded via the inspector-instructor and shall be accompanied by his comments for the Commandant's information as appropriate.

(f) Upon recommendation of the Commandant, subject to approval of the Bureau of Naval Personnel, inspector-instructors may be ordered to accompany divisions on their annual training cruises to supervise their instruction.

§ 6.5506 *Travel orders for inspector-instructors of the Naval Reserve and Naval Reserve instructors.* (a) Instructors will submit requests to the Bureau of Naval Personnel for orders to visit and instruct assigned organizations, as many trips as practicable being made the subject of one request. Requests need not specify exact dates on which travel is to be performed. Request must be submitted sufficiently in advance of the proposed travel to allow orders to be issued. Where orders involving travel expense are required for inspector-instructors, Commandants will request such orders from the Bureau of Naval Personnel.

(b) In the event that any travel for which orders have been issued is not performed, the Bureau of Naval Personnel should be advised accordingly forthwith, in order that the obligation of funds therefor may be removed.

INSTRUCTION AND TRAINING OF THE ORGANIZED RESERVE

§ 6.5601 *Officers and men of the Organized Reserve required to perform annual training duty and to attend regular drills.* (a) Officers and men of the Organized Reserve are required to perform annual training duty, as prescribed in § 6.5303.

(b) Officers and men of the Organized Reserve are required to perform other duties; these other duties are hereby prescribed as regular drills, equivalent instruction or duty, or appropriate duty, in accordance with §§ 6.5302, 6.5304, and 6.5305.

§ 6.5602 *Units of Organized Reserve for purposes of training.* (a) For purposes of mobilization and training, officers and men of the surface component of the Organized Reserve are formed into divisions. These divisions will be trained primarily as skeleton crews for destroyers.

(b) For purposes of training, officers and men of the aviation component of the Organized Reserve are formed into squadrons. These squadrons will be trained primarily as scouting squadrons.

§ 6.5603 *Personnel of divisions and squadrons will be instructed and trained in specific duties; additional personnel.* (a) Each officer and man attached to a division or squadron will be instructed and trained in the specific duties of his rank of rating as laid down in the organization tables issued by the Bureau of Naval Personnel.

(b) Officers and men of the Organized Reserve in excess of those shown in the organization tables for divisions and squadrons, including those attached to battalion staffs, will be instructed and trained in the specific duties of their ranks, ratings, and classifications.

§ 6.5604 *Instruction and training of divisions and squadrons specified by the Bureau of Naval Personnel.* (a) Instruction and training conducted by divisions of the Organized Reserve at regular drills will be in accordance with "Training Instructions—U. S. Naval Reserve—Armory Drills," issued by the Bureau of Naval Personnel.

(b) Instructions and training conducted by squadrons of the Organized Reserve at regular drills will be in accordance with "Training Instructions—U. S. Naval Reserve—Aviation Drills," issued by the Bureau of Naval Personnel.

(c) Instructions and training conducted by divisions of the Organized Reserve on annual training duty will be in accordance with "Training Instructions—U. S. Naval Reserve—Annual Training Cruises," issued by the Bureau of Naval Personnel.

(d) Instructions and training conducted by squadrons of the Organized Reserve on annual training duty will be in accordance with "Training Instructions—U. S. Naval Reserve—Annual Training for Aviation Squadron," issued by the Bureau of Naval Personnel.

§ 6.5605 *Schedules of regular drills and annual training to be published in advance.* (a) Division and squadron commanders will publish in advance the days and hours for regular drills, furnishing copies of these schedules to the Commandant of the district, and to the Bureau of Supplies and Accounts (Retainer Pay Section), at the time of submission of drill pay voucher.

(b) The Bureau of Naval Personnel will issue schedules in advance for the dates and itineraries for annual training cruises for divisions of the Organized Reserve.

(c) The Commandants of the districts will issue schedules in advance for the dates for annual training periods of aviation squadrons. Copies of these schedules will be furnished the Bureau of Naval Personnel.

§ 6.5606 *Officers and men of the Organized Reserve required to perform drills and annual training duty with divisions or squadrons to which they are attached.* (a) Except as specified in paragraphs (b) and (c) of this section, officers and men of the Organized Reserve are required to perform annual training with the divisions and squadrons to which attached. They are also required to attend the regular drills of the divisions and squadrons to which attached, except when authorized to perform appropriate duty, or other equivalent instruction or duty, in accordance with §§ 6.5304 and 6.5305.

(b) Officers and men of the Organized Reserve may be excused from performing annual training duty with the or-

ganization to which attached, for good and sufficient reasons. Immediately after the training period of the organization to which attached, those failing to perform the required training shall submit written excuses therefor. These excuses shall contain the following information:

(1) Fiscal year for which submitted.
(2) Date of enlistment or appointment.
(3) Date transferred to Organized Reserve.
(4) Dates of active or training duty performed during preceding 4 years or since enlistment (if serving in first enlistment).
(5) Previous years excused from training duty.
(6) Number of drills attended during preceding fiscal year.
(7) Reasons for failure to perform training duty.

This information should be verified by the organization commander and the excuse forwarded, with appropriate recommendation, to the Commandant. The Commandant is authorized to act on the excuses of those enlisted men who performed the required training duty during the preceding fiscal year. All other excuses will be forwarded by the Commandant, with appropriate recommendation, to the Bureau of Naval Personnel for action. All excuses for the members of any organization shall be forwarded at the same time by the organization commander, with recommendations.

(c) Officers and men of the Organized Reserve are required to perform annual training duty. In order to receive pay for this duty, except in the cases of officers of command rank, staff officers, officers and men attached to the battalion staff and those ordered to perform duty otherwise, it must be performed with the organization to which attached.

(d) Aviation squadrons shall perform their annual training duty as a unit or as nearly a complete unit as possible. Training duty for those officers who, for good reason, are unable to perform their training with their squadrons, may be arranged for groups of not less than three officers whose qualifications and experience are such that they may jointly carry out the parts of the annual syllabus for Naval Reserve aviation training prescribed by the Bureau. Naval aviators on extended active duty at the various Naval Reserve aviation activities may be utilized, when necessary, to complete such groups. In such cases, the Commandants, in forwarding endorsements, will state that one or two regularly assigned officers, as the case may be, will be available to carry out these requirements.

§ 6.5607 *Record of regular drills.* The commander of each organization for which regular drills are prescribed shall keep a permanent record of each officer and man of his organization, showing the number of drills prescribed during the month, the name of the person, the date of the drill, the period during which he was actually present and under instruction in uniform, and the character of drill and instruction for the entire period. The immediate commanding officer of a reservist authorized to receive equivalent instruction, perform equivalent duty, or to perform appropriate duties, shall likewise maintain a complete record showing the date, place, amount, and character of the duty or instruction.

INSTRUCTION AND TRAINING OF THE MERCHANT MARINE RESERVE

§ 6.5701 *Officers and men of Merchant Marine Reserve instructed and trained as individuals.* (a) Officers and men of the Merchant Marine Reserve are instructed and trained as individuals in the specific duties of their particular rank, rating, and classification.

(b) The Bureau of Naval Personnel correspondence courses and the Naval War College correspondence courses are available to the officers for the required instuction.

(c) It is the policy to train members of the Merchant Marine Reserve, as far as practicable, for service in their own vessels.

§ 6.5702 *Officers and men of the Merchant Marine Reserve may be authorized to perform training duty.* (a) Officers and men of the Merchant Marine Reserve may be authorized, on their own request, to perform training duty with or without pay in accordance with §§ 6.5306 and 6.5307.

(b) The number of officers and men who may be ordered to training duty with pay will be in accordance with training quotas prescribed by the Bureau of Naval Personnel, which quotas will depend on the availability of funds for this specific purpose.

§ 6.5703 *Units of the Merchant Marine Reserve authorized to perform regular drills and annual training duty.* The Bureau of Naval Personnel may authorize units of the Merchant Marine Reserve to perform regular drills and annual training duty.

§ 6.5704 *Training of Merchant Marine Reserve units.* Units of the Merchant Marine Reserve shall be trained in accordance with instructions issued by the Bureau of Naval Personnel.

INSTRUCTION AND TRAINING OF THE VOLUNTEER RESERVE

§ 6.5801 *Officers and men of the Volunteer Reserve instructed and trained as individuals.* (a) Officers and men of the Volunteer Reserve are instructed and trained as individuals in the specific duties of their particular rank, rating, and classification, and in accordance with their mobilization assignment.

(b) The Bureau of Naval Personnel correspondence courses, Naval War College correspondence courses, and instructional course for their particular classification are available to the officers for the required instruction. Bureau of Naval Personnel training courses are available to the enlisted men in accordance with allowance lists issued by the Bureau of Naval Personnel.

(c) Members of the Volunteer Reserve are encouraged to perform training duties as prescribed by the Commandants or by Bureaus and offices to familiarize themselves with their mobilization duties.

§ 6.5802 *Officers and men of the Volunteer Reserve may be authorized to perform training duty.* (a) Officers and men of the Volunteer Reserve may be authorized, on their own request, to perform training duty with or without pay in accordance with §§ 6.5306 and 6.5307, but this training duty must be such as to provide additional training necessary to qualify the individual in his specific mobilization assignment.

(b) The number of officers and men who may be ordered to perform training duty with pay will be in accordance with training quotas prescribed by the Bureau of Naval Personnel, which quotas will depend on the availability of funds for this specific purpose.

§ 6.5803 *Organizations of Volunteer Reserve officers and men authorized to perform regular drills and annual training duty.* (a) The Bureau of Naval Personnel may authorize the formation of organizations of officers and men of the Volunteer Reserve to perform regular drills and annual training duty.

(b) The number of organizations and their composition will be specified by the Bureau of Naval Personnel and will depend on the availability of funds for this specific purpose.

§ 6.5804 *Training of Volunteer Reserve organizations.* (a) Authorized organizations of the Volunteer Reserve will be trained in accordance with instructions issued by the Bureau of Naval Personnel.

(b) The needs of a district for officers to carry on the peacetime administration and training of Special Service classes will be given due consideration by the Bureau of Naval Personnel. Should such needs exceed the district's own mobilization needs, this fact will be duly considered by the Bureau of Naval Personnel in determining the district's procurement quota.

§ 6.5805 *Officers and men and organizations of the Volunteer Reserve authorized to train with divisions and squadrons of the Organized Reserve.* (a) The Commandants of the naval districts are authorized to permit officers and men and organizations of the Volunteer Reserve to train with divisions and squadrons of the Organized Reserve.

(b) Unless permission to attend drills in accordance with paragraph (a) of this section is in the form of a written authorization, such performance of drills will not entitle officers to reimbursement for uniforms or to other compensation. Written authorization shall not be issued to officers to perform such drills without the prior submission of each such authorization to the Bureau of Naval Personnel for approval.

(c) The numbers of officers and men, and organizations of the Volunteer Reserve permitted to train with divisions or squadrons of the Organized Reserve will be in accordance with instructions issued by the Bureau of Naval Personnel.

§ 6.5806 *Groups of officers and/or men of the Volunteer Reserve may be organized to conduct instruction and training.* (a) The Commandants of naval districts may organize groups of officers and/or men of the Volunteer Reserve for instructional purposes.

(b) The instruction and training of these groups will be based on the instructional courses provided in accordance with § 6.5204 for the various classifications of officers, and § 6.5205 for men.

(c) Commandants of naval districts are authorized to appoint Reserve officers as instructors of such classes, and when so appointed they may be given appropriate duty pay by authority of the Bureau of Naval Personnel.

§ 6.5807 *Officers of class A–V (G) required to maintain proficiency as naval aviators.* Officers of class A–V (G) who by their records indicate that they are failing to maintain their flight qualifications shall be required to pass such flight tests as may be prescribed by the Bureau of Naval Personnel once every 4 years, or oftener, as they may be desirable, in order to demonstrate their fitness for further retention in class A–V (G). Failure to take or pass such flight test will be sufficient cause for transfer to such other class for which qualified, or discharge.

NAVAL RESERVE INSPECTION BOARD

§ 6.5901 *The purpose of the Naval Reserve Inspection Board.* (a) The purpose of the Naval Reserve Inspection Board is to determine the degree of preparedness of the Naval Reserve to meet requirements in the event of a war or a national emergency. It shall make such inspections of the administration, organization, and training of the Naval Reserve, and of the various organizations thereof, in the various naval districts, as may be directed by the Chief of Naval Personnel, and shall make an annual report thereon.

(b) The Chief of Naval Personnel will transmit the annual report of the Inspection Board to the Secretary of the Navy via the Chief of Naval Operations, with appropriate recommendations.

§ 6.5902 *Composition of the Naval Reserve Inspection Board.* (a) The Naval Reserve Inspection Board shall be composed of one captain (designated as the president of the Board) and at least two other officers of the line of the Navy.

(b) Subboards may be appointed to inspect the Naval Reserve aviation bases and squadrons basing thereon, other specialized organizations of the Naval Reserve and Naval Reserve organizations beyond the continental limits of the United States. When required, subboards for the inspection of Naval Reserve aviation bases and squadrons basing thereon will be appointed by the Chief of Naval Personnel. They shall report the result of their inspections to the Naval Reserve Inspection Board.

(c) Subboards for the inspection of Naval Reserve organizations beyond the continental limits of the United States will be appointed by the Commandants of the naval districts in which the organizations are maintained. They shall report the results of their inspections to the Naval Reserve Inspection Board.

§ 6.5903 *Duties of the Naval Reserve Inspection Board.* (a) In addition to the annual report prescribed in § 6.5901, as soon as practicable after each inspection, the Naval Reserve Inspection Board shall submit to the Chief of Naval Personnel a special report on each organization inspected, with a copy to the District Commandant and a copy to the commander of the organization concerned.

(b) In making its reports, the Board shall take into consideration analyses of the reports of cruises, target practices, and active training duty of the various organizations as such and the degree to which they have conformed with the prescribed training syllabi.

(c) The Board and subboards shall, sufficiently in advance, publish schedules of inspections, procedures, and instructions for the conduct of inspections of the various organizations.

§ 6.5904 *Inspection of organizations of Volunteer Reserve.* Commandants of naval districts will arrange for such additional inspections of Naval Reserve activities in their districts as may be practicable and desirable. Normally the district intelligence officer, the district communication officer, the district medical officer, etc., should be required to inspect the Naval Intelligence Reserve, the Naval Communication Reserve, and the medical specialists' and laboratory research units, respectively. When this is not practicable, any qualified officer suitably located should be designated to make the inspections.

SUBPART F—DISCIPLINE, DISCHARGES, RESIGNATIONS, AND RETIREMENTS

DISCIPLINE

§ 6.6101 *Naval reservists subject to naval regulations.* All members of the Naval Reserve, when employed on active duty, authorized training duty, with or without pay, drill, or other equivalent instruction or duty, or when employed in authorized travel to or from such duty, or appropriate duty, drill, or instruction, or during such time as they may by law be required to perform active duty, or while wearing a uniform prescribed for the Naval Reserve, shall be subject to the laws, regulations, and orders for the government of the Navy.

§ 6.6102 *Disciplinary action not barred by release from duty status.* Disciplinary action for an offense committed while subject to the laws, regulations, and orders for the government of the Navy shall not be barred by reason of release from duty status of any person charged with the commission thereof.

§ 6.6103 *Retention on or return to duty status for disciplinary action.* For the purpose of carrying the provisions of §§ 6.6101–6.6104 into effect, members of the Naval Reserve may be retained on or returned to a duty status without their consent, but not for a longer period of time than may be required for disciplinary action.

§ 6.6104 *Reduction in rating.* (a) Enlisted men of the Naval Reserve may be reduced in rating under the same conditions prescribed for those of the Regular Navy in Part D, Chapter 5, Section 1, of the Bureau of Naval Personnel Manual (available in the Bureau of Naval Personnel, Navy Department), except that reduction in rating in accordance with the provisions of this paragraph shall be accomplished by the District Commandant.

(b) Enlisted men of classes 0–1, 0–2, V–1, and V–2 may be reduced in rating at their own request. Such reductions in rating shall be accomplished by the commanding officer, reports being made as required by § 6.1807 (f).

DISCHARGES

§ 6.6201 *Discharge of officers and men.* (a) In time of peace no officer or man of the Naval Reserve shall be discharged except upon the expiration of his term of service or upon his own request or for full and sufficient cause in the discretion of the Secretary of the Navy or in the cases of enlisted men in the discretion of the Chief of Naval Personnel.

(b) Officers and men of the Naval Reserve on active duty shall be subject to separation from the Naval Reserve in the same manner as may be provided by or in pursuance of law for the separation of officers and men of the Regular Navy.

(c) Officers and enlisted men whose services are determined to be of greater value to the Government in the event of war, in present civilian occupation than they would be if mobilized as naval reservists, will be discharged upon recommendation by the District Commandants, but without prejudice to their later reappointment or reenlistment in the grade or rate held at the time of discharge, provided they are qualified in accordance with current instructions and are needed to fill vacancies in quotas.

§ 6.6202 *Discharge of officers for cause.* (a) Officers of the Naval Reserve, on inactive duty, may be discharged by the Secretary of the Navy for full and sufficient cause, including the following:

(1) Failure to keep the Bureau of Naval Personnel and the District Commandant informed of official residence.
(2) Failure to reply to official communications.
(3) Failure to submit such reports as may be required by the Secretary of the Navy.
(4) Obvious lack of interest.

(b) Within a reasonable time, prior to discharge for cause, under the provisions of this section, officers shall be given an opportunity to be heard by the Secretary of the Navy, or such administrative authority or other agency as he may designate, which opportunity will be considered as having been given through the mailing of notice to their address on file in the Navy Department.

(c) Pursuant to the discretion vested in the Secretary of the Navy by the foregoing provisions, officers under consideration for discharge for cause may submit such statement as they desire to the Chief of Naval Personnel via official channels. In cases of officers about to be recommended for discharge for cause by the Commandant, the officer concerned shall first be notified by the Commandant that such action is contemplated and that he is thereby offered an opportunity to make such statement as he may desire. Officers receiving notification of their pending discharge are also privileged to state their case in person to the

Chief of Naval Personnel or to the Commandant of the naval district or to such officer attached to the Bureau of Naval Personnel or to the staff of the Commandant of the naval district not below the rank of commander as may be assigned such duty by the Chief of Naval Personnel or the Commandant. The written statement submitted by the officer will be transmitted to the Secretary of the Navy for his consideration with the letter of the Chief of Naval Personnel recommending discharge.

(d) Officers receiving notification of their pending discharge shall promptly acknowledge same and will be given approximately 30 days, exclusive of the usual length of time required for transmittal of a letter through the mails, in which to prepare a statement or otherwise to be heard. Extensions of time in which to prepare a statement may be granted in the discretion of the Bureau of Naval Personnel.

§ 6.6203 *Routine administrative discharges of officers.* Officers of the Naval Reserve on inactive duty may be discharged by the Secretary of the Navy for the following administrative reasons:

(a) Age in grade.
(b) Failure to appear for or failure to pass prescribed physical or professional examinations.
(c) Failure to carry out agreement entered into prior to appointment.
(d) Civilian occupation incompatible with Naval Reserve status.
(e) Approval of a claim for a pension, permanent disability allowance or compensation, or retired pay as defined in § 6.7304 (a).

§ 6.6204 *Discharge of retired officers and men.* Officers and enlisted men who have heretofore been transferred to the retired list of the Naval Reserve Force of the Naval Reserve or to the Honorary Retired List with pay or who may hereafter be so transferred, shall at all times be subject to the laws, regulations, and orders for the government of the Navy, and shall not be discharged therefrom without their consent, except by sentence of a court-martial, or, in the discretion of the Secretary of the Navy, when sentenced by civil authorities to confinement in a State or Federal penitentiary as a result of a conviction for a felony.

§ 6.6205 *Resignations of Naval Reserve officers.* (a) The President, or the Secretary of the Navy acting for him, may accept the resignation of a commissioned officer of the Naval Reserve. The Secretary of the Navy may accept the resignation of a warrant officer, cadet, or midshipman of the Naval Reserve.

(b) A Naval Reserve officer submitting his resignation will include therein the precise reason therefor.

§ 6.6206 *Discharge of enlisted men.* (a) An enlisted man shall be discharged by the commanding officer of his organization or, if not attached to an organization, by the Commandant of his naval district for the following reasons:

(1) Expiration of enlistment (honorable, good, or indifferent).
(2) At his own request or to enlist in some other military or naval service other than the Naval Militia (special order of commanding officer).
(3) Civilian occupation incompatible with Naval Reserve status, after approval by the District Commandant (character of discharge warranted by service record).
(4) For cause after notification of approval by the Chief of Naval Personnel (undesirable, or special order of the Bureau of Naval Personnel).
(5) For inaptitude, after approval by the District Commandant, under the conditions set forth in paragraph (g) of this section.
(6) By approved sentence of court-martial (dishonorable or bad conduct).
(7) Physical or mental disability (after approval by the Bureau of Naval Personnel).

(b) Except in time of war or national emergency when members of the Naval Reserve are retained on active duty for the duration thereof, upon expiration of his enlistment or extension thereof a reservist shall be issued a discharge, the character of which is determined from his service records, in accordance with the provisions of Part D, Bureau of Naval Personnel Manual (available in the Bureau of Naval Personnel, Navy Department). In case the entries in the service record are incomplete, the character of the discharge will in general be "good," unless further information regarding the man is known, entitling him to an honorable or indifferent discharge. In order to merit an honorable discharge, he must have served his full term of enlistment or extension thereof and received the marks and other credits prescribed in Part D, Bureau of Naval Personnel Manual, and in addition have displayed zealous interest in those Naval Reserve activities open to him. Nonattendance at drills or nonperformance of training duty should in no case be made the basis for an indifferent discharge. However, an indifferent dischage may be based on unsatisfactory or slovenly performance of drills, even though the marks for proficiency in rating and conduct, during a few short periods of active or training duty, may be in excess of 2.75 for proficiency and 3.0 for conduct. Conversely, a good discharge may be issued even though the marks are below 2.75 and 3.0 respectively, provided the man's exemplary performance of drills, etc., is such as to outweigh the low marks received during a few short periods of training duty. In all cases where the character of discharge is not in agreement with the marks, etc., assigned (or absence thereof), explanatory entry should be made in the man's record.

(c) The enlistment contract of an enlisted man of the Naval Reserve is deemed to be automatically terminated upon his acceptance of an appointment as a commissioned or warrant officer, Merchant Marine cadet, or Naval Reserve midshipman. Issuance of a discharge certificate in such cases is not required, but appropriate entries showing acceptance of appointment as an officer, cadet or midshipman should be made in the service record.

(d) In special order discharges where the character of the discharge is "indifferent," or "under age," unless special instructions are issued by the Bureau of Naval Personnel to the contrary, the following notation shall be made on the discharge certificate: "Awarded under honorable conditions."

(e) Men discharged as undesirable or for inaptitude, by sentence of a court-martial, or for physical or mental disability shall in no case be recommended for reenlistment. A statement from the man concerned, if obtainable, shall be included with recommendation for discharge as undesirable.

(f) Sentences of courts-martial involving dishonorable or bad conduct discharge of naval reservists shall be referred to the Bureau of Naval Personnel for approval, before being carried into execution.

(g) Inaptitude discharges shall be given to those men in their first enlistment whose general qualifications are such as not to warrant further retention in the Naval Reserve and only when they have already demonstrated inaptitude therefor. In this classification are those who give insufficient evidence of being able to adapt themselves to the requirements of the Naval Reserve. Inaptitude discharges shall normally bear the notation "Awarded under satisfactory conditions."

§ 6.6207 *Honorable discharge.* In time of peace an honorable discharge shall be issued only on the expiration of enlistment. In general, an honorable discharge will carry with it recommendation for reenlistment.

§ 6.6208 *Character of discharge to be entered on discharge certificate.* The character of discharge shall be entered on the discharge certificate, in the service record, and in the continuous-service certificate.

§ 6.6209 *Discharge of enlisted men for enlistment or appointment in other naval or military organizations.* Prior to the mobilization of the Naval Reserve, Commandants of naval districts and commanding officers of Naval Reserve organizations are authorized to issue special order discharges to enlisted reservists desiring to enlist or to accept appointment in the Army, Navy, Marine Corps, or Coast Guard. Such discharge should be mailed to the recruiting officer or appointing officer requesting it, for delivery to the prospective recruit or candidate for appointment, prior to his enlistment or appointment in the other naval or military organization, or return to the issuing officer in case of rejection. Subsequent to the mobilization of the Naval Reserve, no such discharges shall be issued without the prior authority of the Bureau of Naval Personnel.

HONORARY RETIRED LIST

§ 6.6301 *Honorary Retired List defined.* The Honorary Retired List of the Naval Reserve shall be composed of officers of the Honorary Retired List existing on June 30, 1938, transferred to the Honorary Retired List, and of officers and men of the Naval Reserve thereafter transferred thereto in accordance with the provisions of §§ 6.6303, 6.6304 or 6.6305 on account of age, age-in-grade, physical disability, or completion of 20 years' service in the Naval Reserve.

§ 6.6302 *Discretionary transfer of officers to the Honorary Retired List.* Officers of the Naval Reserve found not

physically qualified for active service as the result of any physical examination conducted or reviewed by a board of medical officers, shall, within the discretion of the Secretary of the Navy, be honorably discharged or placed on the Honorary Retired List, except where transfer to the Retired List with retirement pay in accordance with § 6.7501 is indicated.

§ 6.6303 *Service eligibility for transfer to Honorary Retired List.* In determining whether an officer shall be discharged or transferred to the Honorary Retired List on account of physical disabilities, or on account of age-in-grade for ages below 64 years, the following will be eligible for transfer to the Honorary Retired List:

(a) Those who have had honorable service on active duty as commissioned or warrant officers, cadets, midshipmen, or in enlisted status, in any of the services enumerated in § 6.6305, at any time between April 6, 1917, and November 11, 1918, inclusive, or during any other war or national emergency declared by the President of the United States.

(b) Those whose physical disqualifications are due to injuries or diseases incurred in line of duty while performing active military or naval service as defined in § 6.7301 (a), except officers transferred to the Retired List with retirement pay in accordance with § 6.7501.

(c) Those who have had a total of 15 years' meritorious service, commissioned or otherwise, in any of the services enumerated in § 6.6305.

An officer may be discharged instead of being placed on the Honorary Retired List even though he meets one or more of the above requirements, should his separation from the Naval Reserve be determined to be desirable and warranted as a result of consideration of his record of service. Each case will be decided on its merits by the Bureau of Naval Personnel.

§ 6.6304 *Retirement for age-in-grade.* Officers of the Organized Reserve (who have not been transferred to the Volunteer Reserve in accordance with § 6.4103 (a)), Volunteer Reserve and Merchant Marine Reserve shall be transferred to the Honorary Retired List or discharged when they arrive at the years of age in grade indicated in the following table, unless the retention of the officer in question is deemed essential through inability to find a suitable replacement, or there are other compelling reasons to the contrary:

Grade	Class of Reserve and age-in-grade			
	Organized	Volunteer general	Volunteer special	Merchant Marine
Commander	58	58	58	.....
Lieutenant commander	52	52	54	62
Lieutenant	46	46	48	60
Lieutenant (jr. gr.)	40	40	42	58
Ensign	40	40	42	52

§ 6.6305 *Compulsory transfer of officers and enlisted men to Honorary Retired List.* Officers and enlisted men of the Organized Reserve, Volunteer Reserve, and Merchant Marine Reserve, shall be placed on the Honorary Retired List without pay or allowances, except as provided in § 6.7401, for the following reasons:

(a) Upon reaching the age of 64 years.

(b) Upon their own request, after 20 years' service in the Naval Reserve. Service in the Army, Navy, Marine Corps, Coast Guard, Naval Auxiliary Service, Naval Reserve Force, Naval Militia, National Naval Volunteers, Naval Reserve, Marine Corps Reserve Force, and Marine Corps Reserve shall be counted as service in the Naval Reserve under the provisions of this section.

§ 6.6306 *Advancement on retired list of naval reservists who have been specially commended.* Naval reservists who have been specially commended for their performances of duty in actual combat with the enemy by the head of the executive department under whose jurisdiction such duty was performed, shall, when placed on the Honorary Retired List, be advanced to the next higher grade.

§ 6.6307 *Members of the Honorary Retired List; pay of.* Except as provided in § 6.7401, members of the Honorary Retired List will not be entitled to any pay or allowance while in an inactive duty status.

§ 6.6308 *Transfers to Honorary Retired List; by whom effected.* (a) Transfers of officers to the Honorary Retired List will be effected by the Secretary of the Navy or by the Bureau of Naval Personnel with the prior approval of the Secretary of the Navy.

(b) Transfers of enlisted men to the Honorary Retired List will be effected by the Bureau of Naval Personnel.

SUBPART G—PAY, ALLOWANCES, AND COMPENSATION; ORGANIZED RESERVE, VOLUNTEER RESERVE, AND MERCHANT MARINE RESERVE

ACTIVE DUTY PAY AND ALLOWANCES

§ 6.7101 *Active and training duty pay commissioned officers.* Commissioned officers, exclusive of chief warrant officers of the Naval Reserve, including those on the Honorary Retired List or who may have been retired, when employed on active duty or on training duty with pay or when employed in authorized travel to and from such duty, shall be deemed to have been confirmed in grade and qualified for all general service. They shall receive the pay and allowances, including longevity pay, as provided by law for the reserve forces of the United States. For the purpose of computing increases in pay of commissioned officers on account of length of service, active service under an appointment, as distinguished from an enlistment, in the grade of aviation cadet shall be considered as commissioned service.

§ 6.7102 *Active and training duty pay and allowances; midshipmen, chief warrant officers, warrant officers, nurses, and enlisted men.* (a) Midshipmen, chief warrant officers, warrant officers, nurses, and enlisted men of the Naval Reserve, including those on the Honorary Retired List, or who may have been retired, when employed on active duty or on training duty with pay, or when employed in authorized travel to and from such duty, shall receive the same pay and allowances as received by midshipmen, chief warrant officers, warrant officers, nurses, and enlisted men of the Regulr Navy of the same rank, grade, or rating, and of the same length of service, which shall include service in the Navy, Marine Corps, Coast Guard, Naval Reserve Force, Naval Militia, National Naval Volunteers, Naval Reserve, Marine Corps Reserve Force, or Marine Corps Reserve.

(b) No chief warrant officer promoted to other commissioned grade or warrant officer promoted to chief warrant officer or other commissioned grade shall suffer any reduction of pay by reason of such promotion.

(c) All periods during which chief warrant officers have held commissions in the Naval Reserve shall be included in computing their pay as provided in the Act of February 16, 1929 (45 Stat. 1186; 37 U. S. C. 5)

§ 6.7103 *Pay for 31st day of month.* Members of the Naval Reserve who may become entitled to Federal pay for a continuous period of less than one month at rates fixed for the Regular Service shall receive such pay for each day of such period, and the 31st day of a calendar month shall be included in the computation.

§ 6.7104 *Reservists in travel status entitled to pay.* Members of the Naval Reserve, when traveling under competent orders, to and from active duty or training duty with pay, are considered as on active duty and are entitled to pay for necessary travel time by shortest usually traveled route, including travel to and from designated place of physical examination if the orders place the individual in an active duty status prior to commencement of travel.

§ 6.7105 *Flight pay.* Commissioned officers, warrant officers, and enlisted men of the Naval Reserve, while employed on active duty or on training duty with pay which involves actual flying in aircraft, in accordance with regulations prescribed by the Secretary of the Navy, shall receive the same increase of pay of their grades, ranks, or ratings as may be received by commissioned officers, warrant officers, and enlisted men in similar grades, ranks, or ratings in the Regular Navy for the performance of similar duty.

§ 6.7106 *Mileage, officers.* (a) When traveling under competent orders commissioned and warrant officers of the Naval Reserve are entitled to receive transportation in kind, mileage, or actual expenses, as provided by law for travel performed by officers of the Regular Navy.

(b) An officer of the Naval Reserve, upon release from active duty or training duty with pay, is not entitled to mileage greater than that from his last duty station to the place from which ordered to active or training duty; i. e., to

the place to which their orders to such duty were addressed.

§ 6.7107 *Transportation, men.* (a) When traveling under competent orders in a pay status, enlisted men of the Naval Reserve are entitled to receive transportation, with subsistence and transfers en route, or cash in lieu thereof, as provided for men of the Regular Navy under provisions of the Navy Travel Instructions.

(b) An enlisted man of the Naval Reserve, upon release from active duty or training duty, with pay, is not entitled to transportation greater than that from his last duty station to the place from which ordered to active or training duty; i. e., the place to which his orders to such duty were addressed, except that enlisted men retained on active duty at the time of reenlistment will be entitled to transportation in kind to their homes as shown in their shipping articles on first release from such active duty.

§ 6.7108 *Transportation of officers and men performing active or training duty without pay.* (a) When authorized by the Bureau of Naval Personnel officers and enlisted men of the Naval Reserve may be issued transportation in kind, including Pullman accommodations (where specified in the U. S. Navy Travel Instructions) and transfers en route to and from active or training duty without pay in accordance with written orders issued under the provisions of §§ 6.1701 (b), 6.1702 (b) and 6.5307.

(b) Officers and men of the Naval Reserve, upon release from active duty or training duty, without pay, are not entitled to transportation in accordance with paragraph (a) of this section greater than that from their last duty stations to the place from which ordered to active or training duty without pay; i. e., the place to which their orders to such duty were addressed.

§ 6.7109 *Transportation of dependents.* Instructions providing for transportation of dependents of members of the Naval Reserve on being ordered to active duty or release therefrom and upon a permanent change of station, are contained in Article 2505, United States Navy Travel Instructions.

§ 6.7110 *Transportation of household effects.* (a) Enlisted men of the Naval Reserve are not entitled to the transportation of household effects when ordered to training duty. Officers of the Naval Reserve, ordered to training duty, are entitled to the transportation of household effects up to the weight allowance prescribed for officers of the Regular Navy upon temporary change of station.

(b) Naval Reserve personnel, when ordered to active duty or temporary active duty for purposes other than training, are entitled to the transportation of their household effects as for a permanent or temporary change of station, as the case may be, under the same general conditions as personnel of the Regular Navy, from their homes and/or place of storage to place of duty. Upon termination of active duty or temporary active duty, the permanent or temporary change of station allowances, as the case may be, are authorized between points in the United States but limited in cost to shipment of the same weight within allowance from place of duty to place to which mileage has been or will be obtained; or, if no mileage is involved, then to place selected as home or place of abode upon release. Shipment must be made within 1 year from termination of duty.

§ 6.7111 *Subsistence, men.* (a) *While* performing active duty or training duty with pay, enlisted men of the Naval Reserve are entitled to subsistence in kind or cash in lieu thereof, in accordance with the provisions of Part D, Chapter 10, Bureau of Naval Personnel Manual. When a general mess is available they shall be subsisted in such general mess or commuted rations may be authorized for them. When a general mess is not available, their subsistence allowances shall be the same as for enlisted men of the Regular Navy.

(b) Within the numbers authorized to perform training duty with pay and within their allotments for subsistence of shipkeepers and stationkeepers, the Commandants of the naval districts may authorize commuted rations, subsistence allowances and/or quarters allowances for enlisted reservists performing duty with pay and for shipkeepers or stationkeepers, exclusive however of enlisted men of the Fleet Reserve. The prior authority of the Bureau of Naval Personnel is required for these latter. The Bureau of Naval Personnel shall be furnished with a copy of the letter authorizing the payment of commuted rations, subsistence allowances, and/or quarters allowances for the jacket of each man for whom such authorization is issued. New authorization is required in each case upon reenlistment, extension of enlistment, or change of duty.

(c) When authorized by the Bureau of Naval Personnel, subsistence in kind will be allowed enlisted men of all classes while performing authorized training duty without pay and subsisted in general mess. The commanding officers of vessels and shore station at which such duty is performed will inform the District Commandant of the estimated total cost of subsistence for each man performing training duty without pay. The costs for subsistence furnished in this manner will not be charged to the Commandant's allotment under the Naval Reserve appropriation. The Commandant's monthly reports of training duty, however, will include an estimate as to the total cost of such subsistence.

§ 6.7112 *Subsistence allowances while performing short periods of training duty without pay.* (a) Subject to allotments made to the various naval districts for this specific purpose, officers and men of the Naval Reserve will be allowed cash in lieu of subsistence during short periods of training duty on board motorboats or vessels assigned to training the Naval Reserve in which a general mess is not maintained, at the rate of 30 cents per meal during the time they are actually on board and away from their home port for periods of not less than 24 hours.

(b) Before making such a cruise for which cash subsistence allowance is desired, authority must be obtained from the Commandant. Requests for such allowances should state the number of individuals to be paid and the number of meals per individual.

(c) After the termination of the cruise, the commanding officer will submit a letter to the Commandant forwarding the names and grades of the individuals making the cruise, the number of meals for which each is entitled to commutation, the number of the motorboat or name of vessels on which the cruise was made, and date and time of leaving and returning to home port.

(d) The Commandant will endorse this letter to the district supply officer with the authority to pay to the commanding officer the amount allowed in accordance with this section, and will refer in the endorsement to the annual requisition under which the payment is to be made.

(e) The district supply officer will prepare a public voucher in payment to the commanding officer. The public voucher will show, in addition to other information, the designation of the organization which made the cruise, the number of the motor boat or name of vessel in which the cruise was made, and the date and time of commencement and expiration of cruise. A copy of each public voucher on which subsistence has been paid in accordance with this section must be furnished to the Bureau of Naval Personnel.

(f) When funds are available for this purpose, the Bureau of Naval Personnel will give the Commandants of naval districts money allotments therefor, which allotments will be charged with the cash paid in lieu of subsistence during such cruises and with the estimated costs of subsistence furnished in kind to enlisted men performing training duty without pay on board Naval Reserve vessels in which a general mess is maintained.

(g) Within the allotment granted him for this specific purpose, the Commandant of each naval district will submit an annual requisition under the Naval Reserve appropriation, which will cover the estimated total amount of cash which will be paid in lieu of subsistence during these cruises. The allotment granted by the Bureau of Naval Personnel shall not be exceeded at any time.

§ 6.7113 *Money allowance for quarters.* Enlisted men of the Naval Reserve on active duty and during periods of training duty with pay are entitled to money allowance for quarters, under the same conditions as prescribed for enlisted men in the Regular Navy.

INACTIVE DUTY PAY AND ALLOWANCES

§ 6.7201 *Drill pay.* (a) Officers and enlisted men of the Naval Reserve shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades, ranks, or ratings, not to exceed $10, for attending under competent orders, each regular drill duly prescribed under the authority of the Secretary of the Navy, including drills performed on Sunday, for the organization to which attached, or for the performance of an

equal amount of such other equivalent instruction or duty, as may be prescribed by the Secretary of the Navy.

(b) Officers and enlisted men of the Naval Reserve shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades, ranks, or ratings, not to exceed $10, for the performance of each period of appropriate duty, as may be prescribed by the Secretary of the Navy.

(c) At the beginning of each fiscal year, subject to approval by the Secretary of the Navy, the Bureau of Naval Personnel will issue instructions designating locations at which organizations of the Naval Reserve will be maintained, the forms of organizations prescribed, the ones for which drill in a pay status is prescribed, and indicating the officers and men ordered to attend such drills.

§ 6.7202 *Compensation limited to 60 drills.* No officer or enlisted man shall receive pay for more than 60 drills or periods of other equivalent instruction or duty or appropriate duties in any one fiscal year.

§ 6.7203 *Flight pay; pilots.* For officers and enlisted men performing aerial flights in the capacity of pilots duly prescribed as a part of their training, other than flying performed while in the status of performing active or training duty with pay, the pay and pay limits prescribed in § 6.7201 shall be increased by 50 percent for any quarter during which not less than 4 hours of such flying has been performed.

§ 6.7204 *Compensation for performance of administrative duties.* (a) In addition to the pay to which they may otherwise become entitled, such officers of the Naval Reserve as may be designated by the Secretary of the Navy regularly assigned to and commanding organizations prescribed by the Secretary of the Navy, shall receive compensation at the rate of $240 per year for the faithful performance of administrative duties connected therewith. Such pay is not dependent on drills, nor may it be increased 50 percent for flying.

(b) At the beginning of each fiscal year, subject to approval by the Secretary of the Navy, the Chief of Naval Personnel will issue instructions designating the organizations the commanding officer of which will be entitled to compensation for the faithful performance of their duties as such.

§ 6.7205 *Not entitled to drill pay or compensation for performance of administrative duties while on active or training duty.* Pay under the provisions of §§ 6.7201 and 6.7204 shall not accrue to any officer or enlisted man during a period when he shall be lawfully entitled to pay for active duty or training duty.

§ 6.7206 *Compensation paid by Bureau of Supplies and Accounts.* (a) The compensation and pay allowed by §§ 6.7201, 6.7203, and 6.7204 will be paid by the Bureau of Supplies and Accounts in accordance with instructions issued by that Bureau.

(b) Checks for compensation will be delivered through the respective commanding officers of reserve organizations in the naval districts.

(c) Checks received by commanding officers of reserve organizations and not delivered to the payee named therein within 30 days from the date of receipt will be returned to the Bureau of Supplies and Accounts (Retainer Pay Section), with a statement of the reason for nondelivery in each case.

COMPENSATION FOR INJURIES

§ 6.7301 *Compensation for injury, under United States Employees' Compensation Commission.* (a) If in time of peace any member of the Organized Reserve, the Volunteer Reserve, or the Merchant Marine Reserve is physically injured in the line of duty while performing active military or naval service, or dies as the result of such physical injury, he or his beneficiaries shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in the line of duty or who die as a result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of civil employees of the United States so disabled. Where a person who is eligible for the benefits prescribed herein under the United States Employees' Compensation Commission is also eligible for pension under the provisions of § 6.7302, he shall elect which benefit he shall receive, and for the purposes of such benefits all members of the Naval Reserve shall be considered as performing active military or naval service while performing active duty with or without pay, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties. For the purposes of determining the benefits to which entitled, naval reservists so physically injured while performing the foregoing duties in a nonpay status will be held and considered as receiving the pay and allowances they would have received if in a pay status. In no case shall sickness or disease be regarded as an injury in connection with the provisions of this section.

(b) A naval reservist physically injured in the line of duty while performing active duty or training duty (with or without pay) will, during the continuance of such duty, be given the same medical care and treatment as is prescribed in Chapter 21 of the Manual of the Medical Department for a member of the Regular Navy.

(c) A naval reservist, physically injured not due to his own misconduct and in the line of duty while performing active duty or training duty, requiring treatment or hospitalization beyond the period covered in his orders for active or training duty, is entitled, under the United States Employees' Compensation Commission, to such treatment and hospitalization upon the expiration of active or training duty in the following order of precedence:

(1) In the facilities of a naval hospital.

(2) In the facilities of a United States Marine Hospital or United States Public Health Service relief station.

(3) In the facilities of any other Government hospital relief station.

(4) In the facilities of civilian institutions under the care of physicians designated by the Commission.

(5) In the facilities of civilian institutions or by nondesignated physicians in localities where there are no designated physicians.

(d) Reasonable charges for hospitalization and treatment to which the reservist is entitled by law after the expiration of his active duty or training duty are payable by the United States Employees' Compensation Commission only when the forms required by the Commission have been submitted and treatment rendered in accordance with the Compensation Act and the Regulations of the Commission.

(e) The Compensation Act requires, where practicable, that Government medical facilities be utilized. A list of medical facilities available to beneficiaries of the Compensation Act, to which injured reservists must be sent as stipulated in the Act, may be obtained on request to the Commission.

(f) In the event the list is not available and the injury occurs in the vicinity of a place where there is a United States Government activity employing civil personnel, the official in charge of that activity will be communicated with for the purpose of ascertaining if there is a United States hospital or designated physician to which the man may be sent for examination and treatment. If such facilities are available, the injured person must report for treatment without further delay. If no such facilities are available in the vicinity and the injury is such as to make medical or hospital treatment necessary, the injured person may be sent to the nearest competent physician or hospital which may be available. In case of hospitalization, ward service only is allowable, unless the condition of the injured person necessitates the use of a private room. It will, however, be permissible for the injured person to select a private room, provided he will, himself, pay the difference between the private room rate and the rate fixed for general ward service. Reasonable charges for such medical or hospital services will be paid by the Commission in accordance with the regulations. If hospital treatment is not necessary but medical treatment for the injury is necessary, it may be secured in the same general manner.

(g) It is the duty of the reservist who incurs an injury, however slight, while on active duty, to give written notice (Form CA–1) to his official superior within 48 hours after the injury. In cases where the reservist's condition is such that he cannot give such notice, the report (Form CA–1) shall be rendered by the official superior of the injured reservist.

(h) It is the duty of the official superior (commanding officer) of a naval

reservist who incurs an injury on active duty, however slight, to secure immediately a record of the cause, nature, and extent of the injury and the name of any witness. He shall see that the injured reservist submits the notice of injury (Form CA–1), as indicated above. When a reservist is injured while on active duty the official superior shall submit a report (Form CA–2), together with Form CA–1, as soon as practicable after the injury, to the United States Employees' Compensation Commission, Washington, D. C. If the injury results in death, Form CA–3 also is required. The reports should not be delayed more than 3 days, if not at sea. Complete instructions on forms and procedure are contained in Commission's Rules and Regulations, which shall be obtained from the Employees' Compensation Commission.

(i) The commanding officer or other person in authority having immediate knowledge thereof, shall immediately make a written report in duplicate to the Commandant of the naval district in which the injured reservist resides, setting forth the circumstances under which injured, the nature and extent of the injury, so far as known, and what action, if any, has been taken to provide treatment, as well as any other information that may be of value in establishing the injured person's right or the right of his beneficiaries to compensation or hospital or medical service. The Commandant of the injured reservist's naval district should promptly transmit a copy of the report to the United States Employees' Compensation Commission.

(j) Under the terms of the Compensation Act, all original claims for compensation for disability shall be made within 60 days after the injury. For any reasonable cause shown, the Commission may allow original claims for compensation for disability to be made at any time within 1 year. In order to facilitate payment, claim for compensation on Form CA–4 should be submitted 18 days after the pay stops, if the injury seems likely to result in prolonged disability. If the disability lasts for less than 18 days, Form CA–4 should be submitted upon termination of such disability. All original claims for compensation for death must be made within 1 year after the death.

CROSS REFERENCE: For regulations of the United States Employees' Compensation Commission, see 20 CFR Chapter I.

§ 6.7302 *Pensions for disability, under Veterans' Administration.* (a) For disability resulting from personal injury or disease contracted in line of duty or for aggravation of a pre-existing injury or disease contracted or suffered in line of duty when such disability was incurred in or aggravated by active military or naval service other than a period of war service as provided in Part I of the Veterans Regulations, the United States shall pay to any person thus disabled and who was honorably discharged from such period of service in which said injury or disease was incurred, or pre-existing injury or disease aggravated, a pension, but no pension shall be paid if the disability is the result of the person's own misconduct: *Provided*, That active service, including service for training purposes, performed by a reserve officer or member of the enlisted reserves of the United States Army, Navy, or Marine Corps, shall be considered as active military or naval service for the purpose of granting benefits under Part II of the Veterans Regulations, and it shall not be required that such reserve officer or enlisted man shall have been discharged from the service. Pension under this paragraph shall not be paid concurrently with active duty pay or employee's compensation. Where a person who is eligible for pension hereunder is also eligible for the benefits of the Employees Compensation Act, he shall elect which benefits he shall receive.

(b) Members of the Naval Reserve are considered to be in active naval service for the purpose of receiving the foregoing benefits while performing active duty or training duty with or without pay, under orders issued in accordance with the provisions of §§ 6.1701–6.1711.

(c) Claims for pension must be filed by the claimant on the prescribed Veterans' Administration form.

CROSS REFERENCE: For Veterans' Regulations, see 38 CFR Part 35.

§ 6.7303 *Medical treatment and hospitalization for sickness and disease.* Any member of the Organized Reserve, Volunteer Reserve, or Merchant Marine Reserve who becomes ill or contracts a disease in line of duty during the performance of active duty or training duty with or without pay shall be entitled, at Government expense, to such medical, hospital, or other treatment as is necessary for the appropriate treatment of such illness or disease until the disability resulting from such illness or disease cannot be materially improved by further hospitalization or treatment, and to the necessary transportation and subsistence incident to such medical and hospital treatment and return to their homes when discharged therefrom. Treatment or hospitalization for such illness or disease shall not be continued for more than 10 weeks following discharge from active or training duty except on the approved recommendation of a Board of Medical Survey, consisting of one or more medical officers of the Navy or on authorization of the Surgeon General of the Navy based on the certificate of a reputable physician that the illness or disease is a continuation of the illness or disease which was sustained or contracted during the period of active or training duty and that further benefit will result from continued treatment.

§ 6.7304 *Naval reservists in receipt of pensions, disability allowances, etc., not permitted to participate in Naval Reserve activities in pay status.* (a) No officer or enlisted man of the Naval Reserve who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States (and "retired pay" as here used shall not include pay of members of the Fleet Reserve, Fleet Marine Corps Reserve, or members of the Honorary Retired List), or who has a claim pending therefor, shall be placed on or continued on active or training duty with pay or allowances, or permitted to perform drills, equivalent instruction or duty, appropriate duties, or administrative functions with pay, except that he may be, in time of war or national emergency, ordered to active duty: *Provided*, That upon entering active service he shall notify the Veterans' Administration in the manner prescribed in § 6.7305. This prohibition shall apply from the date of submission of a claim for pension or other disability allowance until payment thereunder ceases or the claim is disallowed.

(b) The immediate commanding officer of the reservist concerned shall be promptly informed regarding the submission of any such claim, who in turn shall inform the District Commandant, the Bureau of Naval Personnel, and the Bureau of Supplies and Accounts (Retainer Pay Division).

§ 6.7305 *Certificate for disability allowance or waiver thereof.* (a) Except as provided in paragraph (c) of this section, no member of the Naval Reserve shall be certified for payment of any compensation or allowance for active or training duty, drills, equivalent instruction or duty, appropriate duties, administrative functions, or uniform allowances unless and until he has submitted to the Commandant of his naval district or his commanding officer an affidavit in the following form:

I, ----------, United States
(Rank or rating)
Naval Reserve, being first duly sworn, upon oath depose and say that I am not drawing, nor have I a claim for, a pension, disability allowance, disability compensation, or retired pay[1] from the Government of the United States.

Subscribed and sworn to before me this ---------- day of ----------, 19---.

(Signature and official title)

The above affidavit may be sworn to before any notary public, any naval officer authorized to administer oaths for purposes of naval administration, or commanding officers of squadrons, battalions, or divisions, such commanding officers being hereby authorized to administer oaths for this purpose.

(b) Except as provided in paragraph (c) of this section, a certificate shall be typed or stamped on orders or authorizations for active or training duty involving pay, allowances, or traveling or other expenses to members of the Naval Reserve, to read as follows:

The above-named individual has executed the required affidavit stating that he is not drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States and that he does not have a claim pending therefor.

(c) No member of the Naval Reserve who has been awarded a pension, disability compensation, or retired pay from the Government of the United States

[1] "Retired pay" does not include pay of members of the Fleet Reserve or members of the Honorary Retired List.

shall execute any portion of his orders to active duty which would entitle him to pay or allowances until he has executed a notice to the Veterans' Administration of re-entrance into active service in the following form:

NOTICE OF RE-ENTRANCE INTO ACTIVE SERVICE OF PERSON RECEIVING PENSION OR RETIREMENT PAY

Date----------
VETERANS' ADMINISTRATION, C–No.------

----

1. This is to certify that I, ----------, ---------- have this date re-entered active military service; and that I agree to repay in cash (or by deduction from pay, which is hereby authorized) any pension, compensation, or retirement pay received by me from the Veterans' Administration for any period subsequent to date of re-entrance into active service and to which I am not entitled by reason of receipt of active service pay.

Signature ----------
Address ----------

1st Endorsement

(date)

From: The Disbursing Officer.
To: The Veterans' Administration.

1. The above named officer (or enlisted man) has been taken up for active duty pay commencing ----------.

The above certificate shall be executed in triplicate and delivered to the Disbursing Officer who first takes up the pay account of the individual concerned. The Disbursing Officer shall execute the Endorsement, forward the origina. to the Veterans' Administration and a copy to the Bureau of Naval Personnel. The disbursing officer will file a copy of the certificate with his returns.

PAY FOR MEMBERS OF HONORARY RETIRED LIST

§ 6.7401 *Retired pay, Honorary Retired List.* (a) Officers and men of the Honorary Retired List who have performed a total of not less than 30 years' active service in the Army, Navy, Marine Corps, Coast Guard, Naval Auxiliary Service, Naval Reserve Force, Naval Militia in Federal status, National Naval Volunteers, Naval Reserve, Marine Corps Reserve Force, and Marine Corps Reserve, or who have had not less than 20 years' such active service, the last 10 years of which shall have been performed during the 11 years immediately preceding their transfer to the Honorary Retired List shall, except while on active duty, be entitled to pay at the rate of 50 per centum of their active duty rate of pay.

(b) Members of the Honorary Retired List who are entitled to remuneration in accordance with the foregoing provisions of law will be so certified by the Bureau of Naval Personnel to the Bureau of Supplies and Accounts. Individual claims for such remuneration are not necessary.

PENSIONS, COMPENSATION, RETIREMENT PAY, AND HOSPITAL BENEFITS

§ 6.7501 *Pensions, compensation, retirement pay, and hospital benefits.* (a) All officers, nurses, warrant officers, and enlisted men of the Naval Reserve (including members of the Honorary Retired List of the Naval Reserve) who, if called into active naval or military service for extended periods in excess of 30 days, suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active naval service during such period, and they or their beneficiaries shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers, warrant officers, nurses, and enlisted men of corresponding grades and length of service of the Regular Navy. Members of the Naval Reserve who suffer disability or death in line of duty while performing active duty under orders of competent authority, which by their terms do not limit the period of duty thereunder to less than 31 days or which are indefinite as to duration, come within the provisions of this section regardless of the date of the disability or death.

(b) If a person who is eligible for the benefits prescribed in this section be also eligible for pension under the provisions of § 6.7302, compensation from the United States Employees' Compensation Commission under § 6.7301, or retired pay as a member of the Honorary Retired List as provided in § 6.7401, he shall elect which benefit he shall receive.

(c) The benefits referred to in this section include payment of the gratuity as referred to in Article 1841, Navy Regulations.

(d) Members of the Naval Reserve should designate beneficiaries in accordance with Article C–1001 (Part C, Chapter I, Bureau of Naval Personnel Manual).

SUBPART H—MAINTENANCE; ORGANIZED RESERVE, VOLUNTEER RESERVE, AND MERCHANT MARINE RESERVE

POLICY

§ 6.8101 *Policy relative to furnishing equipment.* It is the policy to provide organizations of the Naval Reserve with the equipment, literature, and other necessary facilities required in connection with their instruction and training, including armories and floating equipment for battalions and divisions of the Organized Reserve, aviation bases and flight equipment for squadrons of the Organized Reserve, and suitable quarters and equipment for the organizations of the Volunteer Reserve.

ARMORIES

§ 6.8201 *Procurement of armories.* (a) The Commandants of naval districts will arrange for the procurement of suitable armories at locations where battalions and divisions of the Organized Reserve have been authorized. Where rental is involved, current instructions relative to leases of real estate will be followed.

(b) So far as practicable, all Naval Reserve activities at localities where armories have been provided will be centered therein, including the activities of the Naval Communication Reserve.

§ 6.8202 *Armory expenses.* All armory expenses, including rent, heat, light, water, telephone, janitor service, and wharfage for Naval Reserve floating equipment, will be met from annual allotments made to the Commandants of the various naval districts for this purpose.

§ 6.8203 *Joint occupancy of armories.* In those cases where an armory is occupied jointly by a battalion or division with another organization of the Naval Reserve, the battalion or division commander will be in direct charge of the armory and will act as senior officer present insofar as the use of space and armory equipment is concerned, but such officer will not be directly concerned with the procurement and training of such other organization quartered in the armory.

§ 6.8204 *Fire prevention.* Smoking regulations will be posted in each building occupied by Naval Reserve activities. The regulations will be drawn up by the senior administrative officer of the Naval Reserve units using, or the military custodian of, the building. The degree to which smoking is permitted will depend in each case on the local fire hazard. In any event, smoking will not be permitted during classes nor in places not under surveillance. Trash containers in locations other than offices should have metal covers. All trash containers should be emptied at the end of each drill.

NAVAL RESERVE AVIATION BASES

§ 6.8301 *Procurement of Naval Reserve aviation bases.* (a) Arrangements for the establishment of new Naval Reserve aviation bases will be made by the Navy Department, when required.

(b) Arrangements for the continuance of occupancy, from year to year, of existing bases will be made by the Commandants of the naval districts.

(c) Where rental is involved, current instructions relative to leases of real estate will be followed.

§ 6.8302 *Procurement of aviation equipment.* The aircraft and other equipment required at the Naval Reserve aviation bases will be furnished by the Bureau of Aeronautics.

§ 6.8303 *Allotments to the Bureau of Aeronautics.* The Bureau of Naval Personnel will allot to the Bureau of Aeronautics for administration by that Bureau, the funds appropriated for aviation materials, equipment, fuel, maintenance and rental of hangars and Naval Reserve aviation bases, and other similar charges in connection with Naval Reserve and Marine Corps Reserve aviation activities.

VESSELS AND BOATS FOR TRAINING PURPOSES

§ 6.8401 *Assignment of floating equipment.* Subject to their availability and the approval of the Chief of Naval Operations, vessels and other floating equipment will be assigned to the various naval districts for the use of the Naval Reserve. Such vessels and equipment shall not be diverted to other uses nor decommissioned without the authority of the Chief of Naval Operations.

§ 6.8402 *Maintenance, operation, and repairs; floating equipment.* Subject to the approval of the material bureaus having cognizance, the Bureau of Naval Personnel will make annual allotments to the various naval districts for the maintenance, operation, and repairs of vessels and boats assigned as district craft for use of the Naval Reserve, and, depending upon the availability of funds, special allotments for emergencies or major projects of overhaul. These allotments will be administered by the Commandants of the naval districts to which made, and monthly reports of expenditures thereunder submitted to the Bureau of Naval Personnel. Technical features of repairs and alterations, and authorizations of alterations are under the cognizance of the same material bureaus as for vessels of the Regular Navy.

MEDICAL SUPPLIES

§ 6.8501 *Allotments to the Bureau of Medicine and Surgery.* The Bureau of Naval Personnel will allot to the Bureau of Medicine and Surgery, for administration by that Bureau, the funds appropriated for medical outfits, medicine, hospital supplies, etc., for issue to Naval Reserve vessels, armories, and aviation bases.

GOVERNMENT PROPERTY

§ 6.8601 *Records of invoices and issues.* (a) The district accounting officer, or other supply officer designated by the Commandant, shall be the accounting officer for all material and equipment issued for the purpose of training and instructing the Naval Reserve in the district. All such material and equipment will be invoiced to the Commandant of the district.

(b) A record shall be maintained at district headquarters of all medical supplies of value and all medical equipment, by item and value, issued to Naval Reserve units.

(c) A report shall be made to the Bureau of Medicine and Surgery at the end of each fiscal year, indicating the average complement, the total value of medical supplies issued during the year, and a list of medical equipment on hand for each Naval Reserve unit on June 30.

(d) Requisitions for and property surveys of medical stores and equipment from Naval Reserve units, containing the recommendation and consent of the Commandant, shall be forwarded to the Bureau of Medicine and Surgery for approval.

(e) Recommendation as to modification in the items of medical equipment and quantities and kind of medical supplies furnished the various types of Naval Reserve units shall be made to the Bureau of Medicine and Surgery by the Commandant as indicated.

§ 6.8602 *Accountability and responsibility for Government property.* (a) In order that Government property issued to Naval Reserve organizations may be properly safeguarded and accounted for, a custodian for such property should be designated for each armory or drill hall where such property is kept, and the custodian shall give custody receipts to the district accounting officer or other officer responsible for the rendition of equipage returns.

(b) The commanding officer of each organization will be the custodian of its property.

(c) The commanding officer shall designate the supply officer to keep account of the Government property in his custody. If no supply officer is attached to the organization, the commanding officer will designate an officer to act as material officer.

(d) The supply officer or, if none is attached, the material officer, under the orders of the commanding officer, shall render quarterly equipage returns through the Commandant, in the manner prescribed for supply officers afloat; and in addition shall render annual inventory as of March 31 each year covering all Government property in his custody, in the manner prescribed for supply officers afloat. These property returns shall be rendered on the regular prescribed forms. One copy of the inventory of navigational equipment shall be rendered to the Bureau of Ships on Form N. B. S. 1108.

(e) Loans of pistols, rifles, or other armory equipment shall not be made to members of the Naval Reserve, on custody receipt or otherwise. All items of arms and armory equipment shall be kept in the armory at all times, except when issued to the organization for the use for which intended, or to separate details thereof.

(f) Paragraph (e) of this section shall not be interpreted as applying to books, pamphlets, and other instructional literature. Reservists should be encouraged to draw these on custody receipt for home study and reading. Indefinite retention of books so drawn is not authorized, and their return shall be required within a reasonable length of time.

(g) Reservists will be held responsible for the loss of Government equipment in their possession.

(h) Medical supplies and equipment shall be placed under the control of the medical officer who shall be accountable to the commanding officer for their proper preservation and use.

(i) Reports of medical supplies and equipment required from Naval Reserve organizations shall be prescribed by the Commandant.

(j) Requisitions and receipted priced invoices for medical supplies and equipment, and property survey reports shall be forwarded to the Bureau of Medicine and Surgery via the Commandant.

(k) Items of lost or damaged equipment shall be surveyed and reports thereon made on the prescribed forms.

§ 6.8603 *Procurement of material and equipment.* Required articles of equipment necessary for the instruction and training of the organization are procurable, subject to the availability of funds or the availability of the required articles without exchange of funds between appropriations, from the Commandant of the naval district or through the Commandant from the Bureau of Naval Personnel, or through the Bureau of Naval Personnel from other Bureaus. Requests for such items should be initiated by the commanding officer of the organization requiring them.

§ 6.8604 *Standard allowance list for Naval Reserve armories.* (a) The following list of items, procurable against the appropriation indicated in each case, is prescribed for each armory of the Organized Reserve:

(1) The following items are chargeable, within the Commandant's allotment of funds, against the appropriate subhead of the Naval Reserve appropriation:

Item	Battalion				Detached division	
	Staff		Each division			
	Fleet	Local defense	Fleet	Local defense	Fleet	Local defense
OFFICE EQUIPMENT						
Addressograph	1	1				1
Bulletin board	1	1	1	1	1	1
Chairs, arm	6	10	6	10	1	1
Chairs, revolving	4	4	2	2	1	1
Chairs, typewriter	3	3	4	4	1	1
Desk, flat-top, double	2	2	3	6	1	1
Desk, flat-top, single	3	3	1	1	1	1
Desk, typewriter, double	3	3	4	4	1	1
Filing cabinet	1	1	1	1	1	1
Fingerprint outfit	1	1				1
Graphotype	1	1			1	1
Multigraph or mimeograph	1	1			1	1
Safes	1	1			1	1
Scales, weights and measures	1	1			1	1
Stencil-cutting machine	2	2	1	2	1	1
Table, flat-top	3	3	4	4	4	4
Typewriter						1
OFFICE SUPPLIES						
Stationery	(1)	(1)	(1)	(1)	(1)	(1)
NAVIGATIONAL EQUIPMENT						
Deck clocks	1	1			4	4
Dividers	8	8			4	4
Protractor, celluloid	8	8			4	4
Rulers, parallel	3	6			4	6
Sextants	6	12			4	1
Stop watches	1	1			1	
Universal drafting machine						

[1] As required.

Item	Battalion				Detached division	
	Staff		Each division			
	Fleet	Local defense	Fleet	Local defense	Fleet	Local defense
FLAGS						
Battalion colors (sets)	1	1				
First repeater No. 4	2	2			2	2
Flags, alphabet No. 4 (sets)	2	2			2	2
Flag, hoist, blocks, and lines (sets)	2	2			2	2
Flags, semaphore	24	24			12	12
Guidons			2	2	2	2
National colors, Infantry (sets)	1	1			1	1
Pennant, answering No. 4	2	2			2	2
Pennant, international No. 4	2	2			2	2
Second repeater No. 4	2	2			2	2
Third repeater No. 4	2	2			2	2
Fourth repeater No. 4	2	2			2	2
MISCELLANEOUS						
Boatswains calls			2	2	2	2
Bugle	2	2			1	1
Chairs folding			100	150	100	150
Life jackets			20	30	10	60
Lockers, men	3	3	102	152	102	152
Lockers, officer	5	6	8	16	8	16
Material for buzzer and blinker sets	(1)	(1)	(1)	(1)	(1)	(1)
Material for lockers, jackstays, tables, splash diagrams, etc.	(1)	(1)	(1)	(1)	(1)	(1)
Material for radio	(1)	(1)	(1)	(1)	(1)	(1)
Opaque projectors with slide film attachment	1	1			1	1
Vise, rigger's splicing, 10½ inch				1		1
BOOKS—NAVIGATION						
H. O. 9—The American Practical Navigator (Bowditch)			1	1	1	1
H. O. 71—Azimuths of the Sun (red tables)			1	1	1	1
H. O. 120—Azimuths of Celestial Bodies (blue tables)			1	1	1	1
H. O. 208—Navigation Tables for Mariners and Aviators (Dreisonstok)			4	4	4	4
H. O. 211—Dead Reckoning, Altitude and Azimuth Table (Ageton)			4	4	4	4
Nautical Almanac			4	4	4	4
Navigation and Nautical Astronomy (Dutton)			2	2	2	2
Practical Manual of the Compass (Laning and McGuire)			1	1	1	1
BOOKS—SEAMANSHIP						
Modern Seamanship (Knight)			2	2	2	2
BOOKS—ORDNANCE						
Naval Ordnance			1	1	1	1
BOOKS—ELECTRICAL ENGINEERING						
Electrical Engineering, vol. I (D. C.) (Dawes)			1	1	1	1
Electrical Engineering, vol. II (A. C.) (Dawes)			1	1	1	1
Lessons in Practical Electricity (Swope)			1	1	1	1
BOOKS—MARINE ENGINEERING						
Internal Combustion Engines			1	3	1	3
Mc[illegible]s Mechanical Engineer's Handbook			1	1	1	3
Naval Machinery			1	1	1	1
BOOKS—RADIO						
Radio Fundamentals			1	1	1	1
Ro[illegible]son's Manual of Radio Telegraphy and Telephony (Hooper)			1	1	1	1

[1] As required

Item	Battalion				Detached division	
	Staff		Each division			
	Fleet	Local defense	Fleet	Local defense	Fleet	Local defense
BOOKS—INTERNATIONAL LAW						
International Law for Naval Officers (Soule & McCauley)			1	1	1	1
BOOKS—NAVAL HISTORY						
The Battle of Jutland (Frost)	1	1			1	1
The Dardanelles Expedition (Puleston)	1	1			1	1
Germany's High Seas Fleet in the World War (Scheer)			1	1	1	1
Greek and Roman Naval Warfare (Rodgers)	1	1			1	1
History of Sea Power (Stevens & Westcott)			1	1	1	1
Influence of Sea Power on History (Mahan)			1	1	1	1
Naval Warfare Under Oars—4th to 16th Centuries (Rodgers)	1	1			1	1
Yankee Mining Squadron (Belknap)	1	1			1	1
BOOKS—MISCELLANEOUS						
Bluejacket's Manual			2	3	2	3
A History of American Foreign Policy (Latane)			1	1	1	1
Landing Force Manual	2	2	5	5	5	5
Naval Customs, Traditions, and Usage (Lovette)			1	1	1	1
Naval Leadership With Some Hints to Junior Officers			2	2	2	2
Watch Officer's Guide (Willson)			4	4	4	4
Your Navy (Mayo)			1	1	1	1

(2) The following items are procurable from the Bureau of Ordnance, chargeable against Appropriation "Ordnance and Ordnance Stores":

Item	Battalion				Detached division	
	Staff		Each division			
	Fleet	Local defense	Fleet	Local defense	Fleet	Local defense
Ammunition, .22 caliber, rounds [1]			10,000	15,000	10,000	15,000
Ammunition, .30 caliber, rounds [1]			7,200	10,800	7,200	10,800
Ammunition, .30 caliber, blank rounds [1]			1,000	1,000	1,000	1,000
Ammunition, .45 caliber, rounds [1]			4,000	8,000	4,000	8,000
CN capsules [1]			100	200	100	200
CN training spray gun			1	1	1	1
Depth charge, dummy	1	1			1	1
Dotters, Hollowfield	1	1			1	1
Gas identification set, detonation, M1	1	1				
Gas identification set, Instructional, M1 (sniff set)	1	1				
Gun, 5- or 5-inch	1	1			1	1
HC training smoke candles [1]			2	4	2	4
Loading machine	1	1			1	1
Machine gun, .50 caliber, Browning			1	1	1	1
Machine gun, .30 caliber, Browning or Lewis				1		1
Pistols, .22 caliber, with service frame "Ace"			1	2	1	2
Pistols, belts, and holsters			4	8	4	8
Rangekeepers	1	1			1	1
Rifles, belts, and bayonets			150	200	150	200
Rifles, .22 caliber, Springfield			2	2	2	2

[1] Annual allowances. Requests for ammunition should be in letter form, and should indicate the make and mark of arm in which to be fired.

(3) The following items are procurable from A. P. A. material without exchange of funds. Costs for overhaul, repairs, and salvage are chargeable against the appropriate subhead of the Naval Reserve Appropriation.

Item	Battalion				Detached division	
	Staff		Each division			
	Fleet	Local defense	Fleet	Local defense	Fleet	Local defense
Bells, ships	1	1			1	1
Boats, power (motor launch or YP)	1	1			1	1
Boats, pulling (whaleboat or cutter)			½	½	1	1
Buzzers	(1)	(1)	(1)	(1)	(1)	(1)
Compass and binnacle	1	1			1	1
Gas masks			25	35	35	35
Howlers	(1)	(1)	(1)	(1)	(1)	(1)
Pelorus		1			1	1
Running lights, sets	1	1			1	1
Steering wheel and stand	1	1			1	1
Telegraph, bridge engineroom	1	1			1	1
Telegraph, engineroom-fireroom	1	1			1	1
Telephones, battle (Utah type)	(1)	(1)	(1)	(1)	(1)	(1)
Used machinery for instruction purposes	(1)	(1)	(1)	(1)	(1)	(1)
Voice tubes	(1)	(1)	(1)	(1)	(1)	(1)

[1] As available and requested.

(4) The following publications are procurable from the various Bureaus of the Navy Department without charge:

Item	Battalion				Detached division	
	Staff		Each division			
	Fleet	Local defense	Fleet	Local defense	Fleet	Local defense
Bureau of Aeronautics Manual						1
Bureau of Naval Personnel Manual	1	1	1	1	1	1
Bureau of Ordnance Manual	1	1	1	1	1	1
Bureau of Supplies and Accounts Manual	1	1	1	1	1	1
Bureau of Ordnance pamphlets	(1)	(1)	(1)	(1)	(1)	(1)
Charts	(1)	(1)	(1)	(1)	(1)	(1)
Communication Instructions	1	1	1	1	1	1
Construction and Repair Manual	1	1	1	1	1	1
Deck log (rough)			1	1	1	1
Educational courses for various ratings	(1)	(1)			(1)	(1)
General Orders	1	1	1	1	1	1
Gunnery Instructions, U. S. N. R	1	1	1	1	1	1
Handbook of the Hospital Corps	1	1	1	1	2	2
Instructions for Painting and Cementing Vessels			2	4	2	4
Manual of Engineering Instructions	1	1	1	1	1	1
Manual of the Medical Department	1	1	1	1	1	1
Mooring and Maneuvering board sheets	(1)	(1)	(1)	(1)	(1)	(1)
Naval Courts and Boards	2	2			1	1
Navy Regulations	2	3	4	8	1	8
Plotting sheets	(1)	(1)	(1)	(1)	(1)	(1)
Sailor's Manual of Paints and Painting			2	4	2	4
Small Arms Firing Regulations	1	1	2	4	3	4
Uniform Regulations	2	2			1	1
BLANK FORMS						
Bureau of Medicine and Surgery forms:						
D (inventory of material)	10	15			10	15
F (card) packages of 50	1	2			1	2
G (hospital ticket) pads of 25	1	2			1	2
H (health record)	150	200			150	200
N (report of death) pads	1	1			1	1
S (binnacle list) do	1	1			1	1
X (recruiting statistics) do	1	1			1	1
X (rough cards) packs	4	6	1	2	1	2
Y (report of physical examination) pads	4	6	1	2	4	6
Form 4 (requisition and invoice, medical supplies and equipment) pads	1	1			1	1
Bureau of Naval Personnel forms as listed in § 6.1822	(1)	(1)	(1)	(1)	(1)	(1)

[1] As available for issue by District Commandants. [2] As required.

(5) The following hospital supplies are procurable from the Bureau of Medicine and Surgery without charge to the District's allotment of funds:

Item	Number allowed	
	Fleet division	Local defense division or squadron
DRUGS		
1-025. Alcohol, 1 pint bottle bottles	1	2
1-069. Collodion flexible, 1 ounce bottle bottles	1	2
DRUGS—continued		
1-117. Liniment, soap, 1 pint in bottle bottles	1	2
1-121. Magnesium sulphate, 5 lbs. in tin tins	1	2
1-177. Ointment, zinc oxide, lb. in jar jars	1	2
1-279. Spirits of ammonia, aromatic, 1 ounce bottle bottles	1	2
1-319. Tincture of iodine (½ U. S. P.) tube	48	60

Item	Number allowed	
	Fleet division	Local defense division or squadron
TABLETS		
2-005. Acetylsalicylic acid, 0.324 gm., 100 in bottle bottles	1	2
2-021. Mercuric chloride corrosive, 200 in bottle bottles	2	2
2-031. Mixture of glycyrrhiza, compound 3.7 cc., 1,000 in bottle bottles	1	2
2-051. Soda mint, 100 in bottle bottles	2	2
HYPODERMIC TABLETS		
3-001. Apomorphine hydrochloride, gm., 0.003 (1/20 grain) tubes	1	1
3-007. Cocaine hydrochloride, 0.01 gm. (1/6 grains) tubes	1	1
3-011. Glyceryl trinitrate, 0.0006 gm. (1/100 grain) tubes	1	1
3-015. Morphine sulphate, 0.008 gm. (1/8 grain) tubes	1	1
3-019. Morphine and atropine, (morph. sulphate, 0.016 gm. (1/4 grain), atropine sulphate, 0.0003 gm. (1/150 grain) tubes	1	1
3-031. Strychnine sulphate, 0.002 gm. (1/30 grain) tubes	1	1
SURGICAL INSTRUMENTS AND APPLIANCES—SUPPLIES		
6-147. Syringe, intramuscular, glass 2cc	2	3
6-169. Tourniquet, instant	2	3
6-185. Vision test set, complete	1	1
SURGICAL INSTRUMENTS AND APPLIANCES—EQUIPMENT		
7-027. Case, diagnostic, electric	1	1
7-151. Forceps, hemostatic, straight	2	2
7-305. Needle, iridio-platinum, 1-inch, 22-gage	2	2
7-481. Sphygmomanometer, aneroid	1	1
7-491. Stethoscope	1	1
SURGICAL DRESSINGS—SUPPLIES		
8-011. Bandage, gauze, 24inch, doz	4	
8-029. Bandage, suspensory	8	
8-039. Cotton, absorbent, 1-lb. roll rolls	3	
8-055. Gauze, plain, 25-yd. roll rolls	2	
8-109. Ligature, silk, with No. 0 threaded in needle tubes	2	
8-111. Ligature, silk, with No. 2 threaded in needle tubes	2	
8-133. Muslin yards	10	
8-137. Packet, first-aid	2	
8-151. Plaster, adhesive, 12 inches by 5 yards rolls	1	1
SURGICAL DRESSINGS—EQUIPMENT		
9-003. Pouch, hospital corps, small	1	1
DISPENSARY AND LABORATORY SUPPLIES, MISCELLANEOUS		
11-083. Dish, evaporating, 200 cc	2	2
11-149. Medicine dropper	2	12
DISPENSARY AND LABORATORY EQUIPMENT		
12-059. Case, urinalysis, complete	1	1
12-061. Hot plate, electric	1	1
12-131. Spatula, 7½ cm	1	1
HOSPITAL AND NURSING SUPPLIES		
13-001. Applicator, wood, 500 in bundle	1	1
13-007. Badge, arm, red cross	2	2
13-025. Brush, nail	2	2
13-071. Medicine glass	2	2
13-089. Tapeline	1	1
13-091. Thermometer, clinical	2	2
13-095. Tongue depressor, wood, 500 in box	1	1
HOSPITAL AND NURSING APPLIANCES		
14-007. Basin, dressing, agate	1	1
14-009. Basin, pus, agate	1	1
14-029. Irrigator, agate, with fittings	1	1
BEDDING AND LINEN		
15-029. Towel, hand	6	6

(b) Commanding officers of organizations will initiate the necessary action toward procurement of items required to fill allowance, where armory conditions are such that use can be made thereof. This action should be in the form of a letter to the District Commandant indicating the item desired, number on hand and number allowed. In the event the items desired are not chargeable against the Naval Reserve Appropriation, the letter should be forwarded with the Commandant's recommendation to the Bureau of Naval Personnel. Items chargeable against the Naval Reserve Appropriation should be covered on stub requisition, where thus procurable, or open purchase requisition, chargeable against the district's allotment of funds under the subhead concerned. Requests for ammunition should indicate the make and type of arm in which it is to be fired.

(c) The standard allowance list herein prescribed may be amended from time to time by the Chief of Naval Personnel.

§ 6.8605 *Navy training courses allowed for use by Naval Reserve.* (a) From time to time the Bureau of Naval Personnel will prescribe allowances of Navy training courses for use in instructing the Naval Reserve. These allowances will prescribe the number of each course apportioned each naval district as a whole. Distribution within any district will be a function of the Commandant.

(b) On March 31 each year an inventory shall be taken in each naval district of the number of usable copies of each course on hand, including those in use. As soon thereafter as practicable each District Commandant shall submit a report to the Bureau of Naval Personnel showing for each course, the District allowance, number on hand, and number required to fill allowance.

(c) The Bureau of Naval Personnel will then take the necessary action to fill allowances, insofar as courses for this purpose are available, or at such time as they may become available. Requests from the naval districts to the Bureau of Naval Personnel for courses will not be necessary. Requests from organizations for courses should be addressed to the District Commandant.

(d) Additional copies of any course will not become available for filling allowances oftener than once every six years, when the course is reprinted.

§ 6.8606 *Equipment loaned to States for use of Naval Militia.* Such vessels, material, armament, equipment, and other facilities of the Navy as are or may be made available for the Naval Reserve shall be available in accordance with regulations prescribed by the Secretary of the Navy for issue or loan to the several States, Territories, or the District of Columbia, for the use of the Naval Militia, but no such facilities of the Navy shall be furnished for use by any portion or unit of the Naval Militia unless at least 95 per centum of its personnel belongs to the Naval Reserve and is attached to or associated with an organization of the Organized Reserve and unless its organization, administration, and training conform to the standards prescribed by the Secretary of the Navy for units.

UNIFORMS

§ 6.8701 *Uniforms prescribed.* Officers and men of the Naval Reserve shall wear the uniforms prescribed for officers and men of corresponding ranks or ratings in the Regular Navy.

§ 6.8702 *Uniforms required, officers.* (a) Except as noted in paragraph (b) of this section, and in § 6.8703 (c), commissioned and warrant officers of the Naval Reserve are required to possess the following: Service dress blue, service dress white, overcoat (or raincoat), leggings, undress belt; aviation working dress (if an aviator). All other items of uniform prescribed for officers of the United States Navy are optional for officers of the Naval Reserve, but such uniforms must be of regulation pattern.

(b) Chaplains shall not wear the cocked hat, epaulets, swords, sword belts, nor full dress trousers. They may wear the vestments of the church to which they belong on occasions requiring it.

(c) Aviation cadets shall wear the uniform prescribed for them by the Bureau of Naval Personnel.

§ 6.8703 *When uniforms are to be worn.* (a) Except as noted in paragraphs (b) and (c), of this section, members of the Naval Reserve shall wear the uniforms of their ranks or ratings when at drills and when performing authorized training duty with or without pay. They may wear such uniforms at ceremonies and memorial services. They shall not wear them at unauthorized times.

(b) Civilian clothes may be worn when in an active duty status in conformity with the customs of the Regular Service.

(c) Officers of the Merchant Marine Reserve employed on vessels requiring its officers to wear uniforms, may be permitted to wear such uniforms while performing active or training duty. Merchant Marine Reserve officers so equipped are not required to possess the Naval Reserve uniforms listed in § 6.8702 (a) except when ordered to active duty in time of war or a national emergency.

§ 6.8704 *Uniform gratuities; Naval Reserve officers*—(a) *In time of peace.* (1) In time of peace, upon first reporting for active or training duty with pay, at a location where uniforms are required to be worn, or after the authorized performance of 14 drills, an officer of the Naval Reserve shall be paid a sum not to exceed $100 as reimbursement for the purchase of the required uniforms, and thereafter he shall be paid an additional sum of $50 for the same purpose upon the completion of each period of not less than 4 years in the Naval Reserve. This latter amount of $50 shall not become due any officer until he has completed at least 150 drills or periods of other equivalent instruction or duty or appropriate duties, and 56 days' active or training duty, or 75 drills and 84 days' active or training duty, or 112 days' active or training duty. No officer shall be entitled to either of the above mentioned sums until the expiration of four years from the date of the receipt of the last previous gratuity.

(2) Active duty performed under his commission as an officer of class A–V (N), in time of peace, may be counted in computing the required 112 days' active or training duty to entitle such officer to the additional payment of $50 four years after receipt of the $150 uniform gratuity as an officer of class A–V (N).

(3) The word "drills" as used herein is to be interpreted as the regular drills of the various units authorized and performed in accordance with § 6.5302.

(4) Reimbursement in the above amounts for uniforms purchased and in the possession of the officer will be made by the Bureau of Supplies and Accounts (Master Accounts Division) upon certification by the Reserve Officer and the Bureau of Naval Personnel that the prescribed conditions have been met. Form S&A 445 will be used for $50 payments and S&A Form 445A for $100 payments. In the cases of officers of the Volunteer Reserve and the Merchant Marine Reserve, three certified copies of the orders to active or training duty entitling them to the uniform gratuity, with all endorsements, shall accompany this form.

(b) *In time of war or national emergency.* (1) Upon first reporting for active duty with pay in time of war or national emergency, at a location where uniforms are required to be worn (regularly or occasionally), officers of the Naval Reserve who have in their possession the required uniforms, and who have not theretofore received any uniform gratuity, are entitled to the peacetime allowance of $100; and in addition, the further sum of $150 for the purchase of the required uniforms, without regard to whether uniforms are required to be worn at the place of reporting for duty or whether they have the required uniforms in their possession.

(2) Claims for the $100 gratuity will be submitted to the Bureau of Supplies and Accounts (Master Accounts Division) *direct*, using form S&A 445A, which must be accompanied only by three certified copies of the officer's orders to active duty, bearing the endorsement required by paragraph (b) (4) of this section. Certified copies of the oath of office are not required for this purpose.

(3) Claims for payment of the additional $50 gratuity will be submited to the Bureau of Naval Personnel on Form S&A 445.

(4) Upon first reporting for active duty (other than duty for physical examination) in time of war or national emergency, Naval Reserve officers will be paid a uniform gratuity of $150 by the disbursing officers first opening their pay accounts. The disbursing officers will endorse the original and all copies of each reserve officer's orders to show the activity, date and amount of credit, the statement "Oath executed at (place) on (date) copies filed (pay number)", name and symbol number of the disbursing officer. An officer who received the $150 gratuity under a prior commission is not entitled to another $150 gratutiy under new orders to active duty.

(5) Retired officers of the Naval Reserve ordered to active duty are not entitled to a uniform gratuity.

(6) Officers of class A–V (N) are not entitled to an initial $150 uniform gratuity in addition to the $150 gratuity as provided in § 6.10404.

§ 6.8705 *Issues of uniforms to enlisted men of the Naval Reserve.* The issues of clothing to enlisted men of the Naval Reserve or the granting of cash allowance in lieu of clothing issues, will be governed by the provisions of the Executive Orders issued by the President for the fiscal year concerned.

§ 6.8706 *Men required to replace lost or damaged articles of uniform.* Members of the Naval Reserve receiving a gratuitous issue of uniforms are required to replace at their own expense any lost or damaged article thereof. For this purpose, cash requisitions should be submitted in the manner prescribed in the Bureau of Supplies and Accounts Manual.

§ 6.8707 *Stowage of uniforms in armories.* In order to maintain proper supervision of uniforms and to give instruction in the marking, care, and stowage of them, as well as to insure that they shall not be worn at unauthorized times, men of the Naval Reserve shall be required to keep their uniforms at armories, or drill halls, if suitable locker facilities are available.

§ 6.8708 *Issue of bedding, clothes bags, and buckets.* Clothes bags, mattresses, pillows, mattress covers, pillow covers, blankets, buckets, and hammocks with clews and lashings, when required in connection with the training on shipboard of enlisted members of the Naval Reserve, are obtainable on requisition chargeable against the naval district's allotment of funds under the Construction and Repair subhead of the Naval Reserve Appropriation, in the manner prescribed in the Bureau of Construction and Repair Manual (now Bureau of Ships Manual). They will be issued, cleaned, and accounted for in the manner prescribed in the Bureau of Ships Manual. These items, except bags and hammocks, when issued to organizations of the Naval Reserve will be marked as follows: "U. S. Naval Reserve"; this will be in stencil black letters, in the center and lengthwise of the blanket, mattress, etc.; 2-inch letters will be used for blankets, mattresses, and mattress covers, and 1-inch letters for the other items.

SUBPART I—FLEET RESERVE

PURPOSE

§ 6.9101 *Purpose.* The purpose of the Fleet Reserve is to provide an available reserve of ex-officers and ex-enlisted men of the Regular Navy who may be utilized without further training to fill those billets requiring experienced personnel in the initial stages of mobilization.

COMPOSITION OF FLEET RESERVE

§ 6.9201 *Officers.* The officer personnel of the Fleet Reserve shall be composed of ex-officers of the Regular Navy who have been appointed in accordance with § 6.9401, and designated as follows:

DE–F. Line officers.
CC–F. Engineer officers, for construction duties.
SC–F. Supply Corps officers.
MC–F. Medical Corps officers.
DC–F. Dental Corps officers.
CEC–F. Civil Engineer Corps officers.
ChC–F. Chaplain Corps.

§ 6.9202 *Enlisted men.* Enlisted men of the Fleet Reserve shall be comprised in the following classifications and designations:

F–2. Those who are transferred direct from the Navy thereto after 4 or more years' naval service, and those who, after an equal amount of such naval service, have been honorably discharged and are enlisted in the Naval Reserve and assigned to this class.

F–4–c. Those men who served in the Regular Navy prior to July 1, 1925, who were either in the Navy or Naval Reserve Force on that date and thereafter transfer to the Naval Reserve after 16 years' naval service.

F–4–d. Those men who served in the Regular Navy prior to July 1, 1925, who were either in the Navy or Naval Reserve Force on that date and thereafter transfer to the Naval Reserve after 20 years' naval service.

F–5. Those men who first enlist in the Navy after July 1, 1925, or who reenlist with broken service after that date and transfer to the Naval Reserve after 20 years' naval service.

ADMINISTRATION

§ 6.9301 *Maintenance of records for classes F–2, F–4, and F–5, and physical examinations of Fleet Reserves.* (a) Commandants will maintain records showing the physical and professional qualifications of men of classes F–2, F–4, and F–5, and retired men attached to their districts.

(b) Men will be classified professionally in accordance with the type or types of vessels on which they are best qualified to serve.

(c) Enlisted men transferred to the Fleet Reserve after 16 years' or more service in the Regular Navy shall be examined physically at least once during each 4-year period. The Bureau desires to complete these examinations without cost to the Government, with the minimum inconvenience to the men concerned, and insofar as is practicable, employing the following plan:

(1) Fleet reservists will be authorized by Commandants to undergo physical examination at any time during the fourth fiscal year following the fiscal year of transfer to the Fleet Reserve and during each fourth year thereafter. No certain time within these fourth years will be specified.

(2) When physical examinations are due, the men should be ordered by the Commandant of the naval district in which they reside to report for such examination to the nearest Regular Navy activity where the services of a medical officer are available, to the nearest Naval Reserve aviation base, or to the nearest Naval Reserve armory. When ordered to an armory the men should report only on drill nights. Unless Naval Reserve medical officers of classes MC-V (G) and MC-V (S) volunteer for this service, it is not desired that members of the Fleet Reserve be ordered to report to such officers at their private offices for physical examination.

(3) To avoid inconvenience in cases where the reservist's civil pursuits require that he be out of the district where his records are kept, permission may be granted to use the facilities of any other district for this examination.

(4) Report of physical examination will be made in duplicate on Bureau of Medicine and Surgery Form Y, which may be obtained from the naval medical supply depot, Brooklyn, N. Y.

(d) In the case of the failure of a fleet reservist of classes F–4 and F–5 to present himself for physical examination during the time mentioned above, or up until such time during the fourth year as the Commandant may decide upon with a view to completing the examination within the 4-year period, specific orders involving transportation and active duty pay will need to be issued by the Commandant concerned.

(e) Enlisted men who are or have been transferred to the Fleet Reserve after 16 years or more of service in the Regular Navy, and who are found unfit for any duty in accordance with § 6.9604 (a), shall be transferred to the retired list of the Regular Navy.

(f) The cooperation of the service is enjoined to accomplish the majority of the necessary physical examinations without the necessity of issuing orders except in extreme cases. When orders are necessary, it is desired that men be kept on active duty for this purpose as short a time as possible. If practicable no man should be retained more than 1 day at the naval activity where the inspection and examination is held nor shall any man be ordered to report, without prior reference to the Bureau of Naval Personnel, whose probable period of active duty, including travel time, will exceed three days.

(g) Members of the Fleet Reserve, reporting for inspection in accordance with orders issued as directed in paragraph (e) of this section, will be paid active-duty pay by the Bureau of Supplies and Accounts direct for such time as they are actually at a naval activity for this purpose and for the necessary time to perform the travel to and from their homes. They shall also be furnished transportation in kind with the necessary cash allowances for travel involved by the naval districts.

(h) In order that the accounts of those men who report for inspection may be so adjusted as to allow active-duty pay in lieu of retainer pay for the period of active duty, it will be necessary that the Bureau of Supplies and Accounts be furnished some authentic voucher in duplicate. To the end that the procedure may be uniform in all the districts, the order issued to reservists will contain paragraphs reading:

You will enter on the back of this order the place from which you started to travel and the date and hour of departure and the place, date, and hour of your arrival home. You will sign your name after these entries.

The officer to whom you report for this inspection will indorse on the back of this order and over his signature the place, date,

and hour of reporting and the date and hour of release.

Upon your arrival home you will forward this order to the Commandant of the ----------, ----------
(Naval district) (Address)
who will cause two copies of it to be prepared, certified, and forwarded to the Bureau of Supplies and Accounts (Retainer Pay Section), which bureau will make the necessary adjustment in your pay accounts.

(i) A minimum of clerical effort will be required and chance of error reduced if forms are printed on the back of the order and the carbon copies (prepared when the original orders are issued) as follows:

I started travel in compliance with the within order from ---------- on
(Place)
----------, ----------
(Date) (Hour)
On the return trip I arrived at ----------, on ----------, ----------
(Place) (Date) (Hour)
There was no avoidable delay en route in performing the travel.

(Sign your full name)

The man named in the within order reported in compliance therewith at ----------
(Place of
---------- on ----------, ----------
inspection) (Date) (Hour)

(Signature and rank of officer to whom he reported)

The man named in the within order completed the duty prescribed and was directed to return to the place from which he was called to duty, at ---------- on
(Place of inspection)
----------, ----------
(Date) (Hour)

(Signature and rank of officer)

On carbons but not on the original: The reverse side of this sheet and the foregoing endorsements are true copies of the originals.

(Signature and rank of officer)

(j) Failure of any member to report for physical examination and inspection as required by paragraph (e) of this section, in obedience to lawful order, will result in forfeiture of any pay which may be due him. Pay so forfeited shall be the pay due and unpaid him on the date notice of forfeiture is received by the Bureau of Supplies and Accounts (Retainer Pay Section), and shall include pay thereafter becoming due him until such time as he reports for examination and inspection or until he is relieved of the necessity for reporting. However, there shall be no forfeiture if satisfactory excuse for failure to report is furnished the Commandant. When resumption of retainer pay is authorized, the Bureau of Supplies and Accounts (Retainer Pay Section) will be notified of the inclusive date from which resumption is effective.

§ 6.9302 *Permission to leave the United States for short periods.* Members of the Fleet Reserve who desire to leave the United States or its possessions for short periods may obtain permission in the manner outlined in § 6.1804.

§ 6.9303 *Permission to leave the United States for extended periods, members of Fleet Reserve and men of the Retired List of the Regular Navy.* (a) Enlisted men of the Fleet Reserve and retired men who desire to reside outside the United States or its possessions for periods in excess of 6 months, should forward their requests to the Bureau of Naval Personnel via the Commandant of the naval district or naval station at which their records are carried, and when such residence is to be in Asiatic countries, the requests should, in addition, be forwarded via the Commander in Chief, Asiatic Fleet. Permissions thus granted shall be for periods of 1 year only, but may be renewed at the discretion of the Bureau of Naval Personnel.

(b) Records of Fleet Reserve men and retired men granted permission to reside abroad, shall, except as provided in § 6.1404 (d), (e), and (f), be retained in the naval districts in which they formerly resided. Where residence outside the United States is to be for periods in excess of 6 months in Asiatic countries, their records shall be forwarded to and maintained by the Commandant of the Sixteenth Naval District.

(c) The records of officers of the Fleet Reserve shall be carried and maintained as provided in § 6.1809.

(d) Changes of official residence of officers and men of the Fleet Reserve and Retired List shall be reported to the Chief of the Bureau of Supplies and Accounts via the Commandant of the naval district or naval station at which their records are carried, in accordance with § 6.1803.

(e) Transfers to the Fleet Reserve in the Fifteenth Naval District and Republic of Panama will not be made until approval for residence therein has first been obtained from the Commandant of the district or his designated representative.

APPOINTMENT AND TRANSFER TO THE FLEET RESERVE

§ 6.9401 *Assignment of officers to Fleet Reserve.* (a) Ex-commissioned and ex-warrant officers of the Regular Navy who have been honorably discharged therefrom after not less than 4 years' service therein, may, within 10 years of such separation, subject to their own consent and in the discretion of the Secretary of the Navy, be appointed in the Naval Reserve in the permanent rank last held by them in the Regular Navy, and assigned to the Fleet Reserve. Their dates of rank shall be governed by the provisions of § 6.1508.

(b) Officers appointed under the foregoing provision shall not, in time of peace, be ordered to active duty, except with their own consent, and shall be under no obligation to perform training or drill duty during that period, but shall be paid in advance $20 per annum. No commissioned or warrant officer of the Fleet Reserve shall be certified for payment of annual advance pay unless and until he has submitted to the Commandant of his naval district an affidavit in the form prescribed by § 6.7305 (a).

(c) The physical examination given at time of separation from the Regular Navy is acceptable if it is recorded on Bureau of Medicine and Surgery Form Y, for appointments on applications made within 4 months of such separation. Otherwise a physical examination reported on this form will be required. A flight physical examination is also required in the case of a candidate for aviation duties reported on Bureau of Medicine and Surgery Form NMS Aviation No. 1.

(d) Applications for appointment in the Fleet Reserve will be addressed in letter form to the Bureau of Naval Personnel via the District Commandant, the Bureau of Medicine and Surgery and other Bureaus or offices concerned and shall show and be signed with the full legal name of the applicant. They must be accompanied by, or include, the following:

(1) Subject to the provisions of paragraph (c) of this section, report of physical examination, Bureau of Medicine and Surgery Form Y, or NMS Aviation No. 1.

(2) Fingerprint record, B. N. P. 680.

(3) Two recent photographs of the applicant's head and shoulders, one profile and one full face, each about 2½'' x 2½''.

(4) Statement of receipt or nonreceipt of pension, compensation or retired pay from the Government of the United States, or application therefor.

(5) If separated from the service for more than 1 year, a report of investigation on Bureau of Naval Personnel Form B. N. P. 944.

(e) Officers of the Fleet Reserve will be appointed without reference to procurement or mobilization quotas.

(f) A candidate for appointment for aviation duties, will be required to pass successfully a flight test in a service-type plane, as prescribed by the Bureau of Naval Personnel.

§ 6.9402 *Assignment to class F–2 upon termination of service in the Regular Navy.* (a) The Secretary of the Navy may require any person, when enlisting in the Regular Navy, and may authorize any enlisted man in such service to obligate himself, to serve 4 years in the Fleet Reserve upon termination of his enlistment.

(b) Men who have so obligated themselves and are recommended for reenlistment shall be transferred to the Fleet Reserve, F–2, upon termination of their enlistment in the Regular Navy, unless they apply for reenlistment or extension of their enlistment in the Regular Navy, in which event they may be reenlisted or may extend their enlistment in the Regular Navy.

(c) Ex-officers of the Regular Navy and ex-enlisted men of the Regular Navy who have been honorably discharged therefrom and recommended for reenlistment, after not less than 4 years' service therein, may, subject to their own consent and in the discretion of the Secretary of the Navy, be appointed or enlisted in the Naval Reserve in the ranks or ratings last held by them in the Regular Navy, and assigned to the Fleet Reserve.

(d) For all purposes of the Naval Reserve Act of 1938 a complete enlistment during minority shall be counted as 4 years' service and any enlistment terminated within 3 months prior to the expiration of the term of such enlistment shall be counted as the full term of service for which enlisted.

(e) Except as otherwise provided, men transferred or assigned to the Fleet Reserve under the provisions of this section shall not, in time of peace, be ordered to active duty, except with their own consent, and shall be under no obligation to perform training duty or drill during that period, but shall be paid in advance $20 per annum. No enlisted man of the Fleet Reserve shall be certified for payment of annual advance pay unless and until he has submitted to the Commandant of his naval district an affidavit in the form prescribed by § 6.7305 (a).

(f) Upon assignment to the Fleet Reserve F–2 entry shall be made on back of discharge certificate in upper left-hand corner and on C. S. C. in space following entry of discharge. These entries must show ship or station on which assignment is made, date of assignment and rate in which assigned. This entry will be signed by the Commanding officer.

§ 6.9403 *Restrictions on transfers and assignment to class F–2.* (a) Transfers to, or enlistments in the Naval Reserve for assignment to class F–2 of the Fleet Reserve will be made only when procurement for this class is authorized by the Bureau of Naval Personnel and when the applicant is in a rating specified by the bureau as desirable for the Reserve. Such instructions will be issued from time to time, depending upon the number of ratings required in the Reserve and the funds available.

(b) Men of class F–2 will not be allowed to perform drills, equivalent instruction or duty, or appropriate duty.

(c) As the assignment of enlisted men to class F–2 is for 4-year periods only, such men may neither reenlist in class F–2 nor extend their enlistment therein.

§ 6.9404 *Applications for Fleet Reserve.* (a) Applications for transfer to the Fleet Reserve should not be submitted to the Bureau of Naval Personnel over 1 year in advance of date of transfer.

(b) Applications once submitted in proper form may not be cancelled or withdrawn solely for personal reasons.

(c) Men awaiting disciplinary action or serving sentence of a court-martial, including time on probation, will not be authorized to transfer to the Fleet Reserve until completion of such disciplinary action. Where transfer has already been authorized, the date will be deferred or the authorization cancelled as appropriate.

§ 6.9405 *Transfer to class F–4 of men who enlisted in Regular Navy prior to July 1, 1925.* (a) Any enlisted man of the Regular Navy who meets any one of the following requirements is eligible for transfer to the Fleet Reserve, class F–4, on the completion of 16 or more years' naval service even though his service has not been continuous since July 1, 1925:

(1) Serving in the Regular Navy on July 1, 1925.

(2) Discharged prior to July 1, 1925, and reenlisted in the Regular Navy subsequent to that date and within 3 months of date of discharge.

(3) Serving in the Naval Reserve Force on July 1, 1925, in an enrollment entered into within 4 months from the date of discharge from the Regular Navy and thereafter reenlisted in the Regular Navy within 3 months from the date of discharge from the Naval Reserve created by the act of February 28, 1925.

(b) Enlisted men when so transferred shall, except when on active duty, be entitled to receive, if they have had 16 but less than 20 years' naval service, pay at the rate of one-third the base pay they were receiving at the time of transfer, plus all permanent additions thereto, and if they have had 20 or more years' naval service, pay at the rate of one-half of the base pay they were receiving at the time of transfer, plus all permanent additions thereto.

(c) The pay authorized in this section shall be increased 10 percent for all men who may be credited with extraordinary heroism in the line of duty or whose average marks in conduct for twenty or more years shall not be less than 95 percent of the maximum. The determination of the Secretary of the Navy as to the definition of extraordinary heroism shall be final and conclusive for all purposes.

(d) All requests for transfer to the Fleet Reserve must be submitted in duplicate on Form B. N. P. 630.

§ 6.9406 *Transfer of citizens of insular possessions from the Navy to the Fleet Reserve.* Enlisted men of the Regular Navy who are citizens of the insular possessions of the United States are eligible for transfer to the Fleet Reserve under the same conditions in all respects as are by law and regulation applicable to the transfer to the Fleet Reserve of enlisted men of the Regular Navy who are citizens of the United States.

§ 6.9407 *Computation of service for transfer to the Fleet Reserve.* (a) Naval service for purposes of transfer to the Fleet Reserve includes all service either as an officer or enlisted man in the Regular Navy, Marine Corps, active service other than training in the Naval Reserve Force, Naval Reserve, Marine Corps Reserve, or National Naval Volunteers, and in the Naval Militia when in actual service of the United States pursuant to a call of the President, and service in the Coast Guard when serving as a part of the Navy in time of war.

(b) In computing the service of enlisted men of the Navy for transfer to the Fleet Reserve deductions will be made for the following reasons. In indicating these classes of deductions the abbreviations shown below will be used.

	Abbreviation
(1) Time while on furlough without pay	FWOP
(2) Inactive service or training service as a member of the Naval Reserve Force or Naval Reserve	INRF
or	TRF
(3) Absence without leave (including overleave and desertion)	AWOL
(4) Absence while in civil arrest resulting in conviction and while serving sentence	NPDI

(c) In computing the service of enlisted men for pay purposes, deductions will be made on account of nonperformance of duty for the following reasons. In indicating these classes of deductions, the abbreviations shown below will be used.

	Abbreviation
(1) Time while on furlough without pay	FWOP
(2) Time lost on account of injury, sickness, or disease resulting from the man's own intemperate use of drugs or alcoholic liquors or other misconduct	SKMC
(3) Absence without leave (including overleave and desertion)	AWOL
(4) Absence while in civil arrest resulting in conviction and while serving sentence	NPDI
(5) Nonperformance of duty because imprisoned both while in arrest resulting in court-martial sentence and while serving such sentence	NDPI

(d) Nonperformance of duty because imprisoned includes time under court-martial sentence in a naval prison (or at a receiving ship or station designated as a naval prison) and time under arrest awaiting trial which results in conviction and sentence to confinement in a naval prison (or at a receiving ship or station designated as a naval prison). It does not include time in arrest awaiting trial by court-martial in case of acquittal.

(e) Nonperformance of duty because imprisoned does not include time spent in confinement after trial under sentence of court-martial or deck courts, where the punishment inflicted does not involve confinement at a naval prison (or at a receiving ship or station designated as a naval prison), but involves confinement only to the limits of the ship or station to which attached or confinement in the brig of such ship or station.

(f) In computing service for transfer to the Fleet Reserve, complete enlistments during minority count as 4 years, and any enlistment terminated within 3 months prior to expiration of the term of such enlistment counts as the full term for which enlisted. Only actual time served shall be counted for pay purposes.

§ 6.9408 *Transfer to the Fleet Reserve, class F–5.* Men who enlist in the Regular Navy after July 1, 1925, except those specified in § 6.9405, may, upon their own applications, be transferred to the Fleet Reserve only upon completion of at least 20 years' naval service and provided they then are found physically and otherwise qualified to perform duty in time of war. After such transfer, except when on active duty, they shall be paid at the rate of one-half of the base pay they are receiving at the time of transfer.

§ 6.9409 *Travel allowance for men transferred to the Fleet Reserve.* Enlisted men transferred from the Regular Navy to class F–4 and class F–5 are entitled to travel allowance or to transportation in kind as provided in Article

2503-11, Navy Travel Instructions (available in the Bureau of Naval Personnel, Navy Department).

RECORDS AND REPORTS

§ 6.9501 *Service records.* (a) Records of officers of the Fleet Reserve will be maintained by the Commandant of the naval district in which the officer resides.

(b) Commandants will maintain service records, B. N. P. 952 for all men of the Fleet Reserve and Retired List attached to their districts. Records will be prepared and maintained, so far as is practicable, in accordance with the requirements of § 6.1807.

§ 6.9502 *Record of quadrennial physical examinations and professional qualifications.* Commandants will maintain records showing the physical and professional qualifications of men in classes F-2, F-4, and F-5 attached to their districts, in accordance with § 6.9301. Professional qualifications should be considered after each physical examination and a short statement entered in the man's service record indicating the type of duty for which he is best fitted.

DUTIES OF FLEET RESERVISTS

§ 6.9601 *Duties, classes F and F-2.* In time of peace officers and men of sthese classes shall not perform active duty except with their own consent, in accordance with § 6.9402.

§ 6.9602 *Duties, classes F-4 F-5.* (a) In time of peace all enlisted men transferred in the Fleet Reserve after 16 years' or more service in the Regular Navy, in accordance with §§ 6.9405 and 6.9408, may be required to perform not more than 2 months' active duty in each 4-year period. If practicable, one period of 15 days' active duty should be performed each year.

(b) In accordance with § 6.1901, no member of the Fleet Reserve shall be barred from accepting civilian employment under the Federal Government, with pay in addition to his retainer or retired pay, nor from practicing his civil profession or occupation before or in connection with any department of the Federal Government.

(c) In accordance with § 6.1902 all officers and employees of the United States or of the District of Columbia who are members of the Fleet Reserve are entitled to leave of absence from their respective duties without loss of pay, time, or efficiency rating on all days during which they may be employed with or without pay under orders or authorization of competent authority on training duty for periods not to exceed fifteen days in any one calendar year.

§ 6.9603 *Release of men of classes F-2, F-4, and F-5 to inactive duty.* In order that Commandants of districts may make suitable arrangements for the men of classes F-2, F-4, and F-5 at mobilization, it is essential that the following measures be taken by commanding officers who release such men to inactive duty immediately following their assignment or transfer to the Reserve:

(a) The reservist will be instructed in writing by his commanding officer of his obligation to respond to orders to active duty in time of war or national emergency, and of the necessity of keeping himself in readiness and physically fit for service therefor; that he must at all times keep the Commandant of the naval district in which he resides informed of his home address; that he must answer promptly all letters addressed to him by proper authority; and that he must inform the Commandant of any change in his health which might prevent service at sea in time of war.

(b) The commanding officer will also instruct in writing all enlisted men transferred to the Fleet Reserve after 16 years' or more service in the Regular Navy that, in time of peace, they may be required to perform not more than 2 months' active duty in each 4-year period and shall be examined physically at least once during each 4-year period.

(c) The commanding officer will inform the reservist as to the recruiting and other naval stations nearest his home and encourage him to maintain touch with these stations.

(d) The Regular Navy record, B. N. P. 601, will be closed out and forwarded to the Bureau.

(e) The Naval Reserve record, B. N. P. 952, will be made out and forwarded to the Commandant of the district in which the reservist intends to reside. The commanding officer will fill out and attach to the Naval Reserve record the form showing the character of his service and the duty for which he is best fitted.

(f) Health records will be handled in accordance with the provisions of the Manual for the Medical Department.

(g) If accounts are complete, the continuous-service certificate should be closed out and returned to the man. If accounts are incomplete upon transfer and it is necessary for the Commandant to make adjustments, the continuous-service certificate will be forwarded to the Commandant of the naval district with his Naval Reserve record; when all adjustments have been made the continuous-service certificate will be returned to the man.

§ 6.9604 *Physical examinations.* (a) All enlisted men in the Fleet Reserve who have been transferred from the Regular Navy after 16 or more years of service therein, shall be examined physically at least once during each 4-year period. As a result of this examination men will be classified physically as follows:[1]

Class A. Those fit for the duties of their ratings at sea, with due allowance for age and length of service.

Class B. Those fit for shore duty only.

Class C. Those unfit for any duty.

[1] Modified for the duration of the war. Hereafter, members of the Fleet Reserve found not physically qualified for duty at sea and/or on foreign station are to be placed on the retired list when an approved report of physical examination (Form Y or Medical Survey) classifies him as:

(a) Physically qualified for shore duty only.

(b) Physically disqualified for any duty.

Fleet reservists who have already been classified are not to be re-examined for the sole purpose of reclassification. However, such cases as come to the Bureau's attention will be acted upon in the manner stated above.

An appropriate entry shall be made in all service records and those men placed in Class C shall be transferred to the Retired List of the Regular Navy.

(b) Commandants of naval districts will direct the necessary examinations and forward the medical examiners' reports, M. & S. Form Y, to the Bureau of Medicine and Surgery in duplicate. The Bureau of Medicine and Surgery will forward a copy of the report bearing the Commandant's recommendation to the Bureau of Naval Personnel. Boards of Medical Survey are not required in order to effect retirement.

(c) Members of the Fleet Reserve will not, unless urgently required by particular circumstances, be ordered to active duty until examined by a medical officer of the Navy or Naval Reserve and approval of the report of examination by the Bureau of Medicine and Surgery.

DISCIPLINE

§ 6.9701 *Members of Fleet Reserve subject to naval discipline.* Enlisted men of the Fleet Reserve, including enlisted men who may have heretofore been transferred to the Retired List of the Naval Reserve Force or the Naval Reserve or the Honorary Retired List with pay or may hereafter be so transferred, shall at all times be subject to the laws, regulations, and orders for the government of the Navy, and shall not be discharged therefrom prior to the expiration of their term of service, without their consent, except by sentence of a court-martial, or, in the discretion of the Secretary of the Navy, when sentenced by civil authorities to confinement in a State or Federal penitentiary as a result of a conviction for a felony.

§ 6.9702 *Discharge for disciplinary reasons.* (a) Discharges for disciplinary reasons of officers of the Fleet Reserve who are not on active duty must be for full and sufficient cause in the discretion of such administrative authority as the Secretary of the Navy may designate.

(b) The discharge of officers for cause shall be accomplished in accordance with § 6.6202.

SEPARATION FROM FLEET RESERVE

§ 6.9801 *Discharge.* (a) An officer of the Fleet Reserve may be discharged under the following conditions:

(1) For cause as provided for in §§ 6.6202 and 6.9702.

(2) For routine administrative reasons as provided in §6.6203.

(3) Upon his own request.

(4) Upon reaching the ages in grade specified in § 6.6304 for officers of the Volunteer Reserve (Special Service).

(b) Enlisted men of the Fleet Reserve shall be discharged only upon the expira-

tion of their terms of service or at their own request, except as provided in §§ 6.9701 an 6.9702.

§ 6.9802 *Retirement of enlisted men transferred to Naval Reserve Force prior to July 1, 1925.* Men of class F–3 who are not retired in accordance with § 6.9604 shall, upon completion of 30 years' service, be transferred to the Retired List of the Regular Navy with the pay they are then receiving, plus the allowances to which enlisted men of the Regular Navy are entitled on retirement after 30 years' service.

§ 6.9803 *Retirement of enlisted men transferred to Naval Reserve after July 1, 1925.* (a) Enlisted men of class F–4 who were transferred to the Fleet Reserve in accordance with § 6.9405, and who are not retired in accordance with § 6.9604, shall upon completion of 30 years' service be transferred to the Retired List of the Regular Navy with the pay they are then receiving and the allowances to which enlisted men of the Regular Navy are entitled on retirement after 30 years' service.

(b) Enlisted men of class F–4 transferred to the Retired List of the Regular Navy in accordance with § 6.9604 shall continue to receive the same pay. Upon completion of 30 years' service they shall receive in addition the allowances to which enlisted men of the Regular Navy are entitled on retirement after 30 years' service.

(c) Enlisted men of class F–5 transferred to the Fleet Reserve in accordance with § 6.9408 shall, upon completion of 30 years' service, including naval service and time in the Fleet Reserve, be transferred to the retired list of the Regular Navy with the pay they are then legally entitled to receive, plus all permanent additions thereto, and the allowances to which enlisted men of the Regular Navy are entitled on retirement after 30 years' naval service.

(d) Enlisted men of class F–5 transferred to the retired list in accordance with § 6.9604 shall continue to receive the same pay. Upon the completion of 30 years' service they shall receive all permanent additions to their base pay, and the allowances to which enlisted men of the Regular Navy are entitled on retirement after 30 years' service.

(e) In the computation of service requisite for transfer of enlisted men of the Fleet Reserve to the retired list of the Regular Navy and for payment of allowances to which enlisted men on the retired list of the Regular Navy are entitled, service in the Army, Navy, Marine Corps, Coast Guard, Naval Reserve Force, Fleet Naval Reserve, Fleet Reserve, Marine Corps Reserve Force, and the Marine Corps Reserve and on the retired list of the Regular Navy shall be included, and such service as may, prior to August 24, 1912, have been authorized by law to be counted as double time shall be credited as double time in this computation.

§ 6.9804 *Retirement due to medical survey.* Men eligible for transfer to class F–4 shall be examined on transfer to the Fleet Reserve and classified or retired in accordance with § 6.9604. Transferred fleet reservists found not physically qualified for any duty shall be retired.[1]

Subpart J—Naval Reserve Aviators

PURPOSE

§ 6.10101 *Purpose.* To procure and train officer and enlisted pilots of the Naval Reserve to augment the personnel of the regular naval establishment in peacetime and upon mobilization, to meet requirements.

COMPOSITION

§ 6.10201 *Aviation cadets, V–5 and officers, A–V (N).* (a) The grade of aviation cadet is a special enlisted grade in class V–5 of the Naval Reserve, established to provide a suitable classification for officer candidates undergoing flight training leading to naval aviator designations and commissions as ensigns, A–V (N), U. S. Naval Reserve, or second lieutenants in the Marine Corps Reserve.

(b) Upon successful completion of flight training, aviation cadets may be designated naval aviators and commissioned as ensigns in the Naval Reserve, or as second lieutenants, U. S. Marine Corps Reserve. While on continuous active duty in the Naval Reserve next following successful completion of flight training and acceptance of commissions as ensigns, such officers will be carried in class A–V (N). Upon release from active duty at any time they will be assigned to class A–O or class A–V (G), if qualified. No retransfers to class A–V (N) will be made.

(c) A–V (N) status may be attained only by aviation cadets who fulfill the requirements of law for commissions and designations as naval aviators following successful completion of flight training as aviation cadets. Upon being commissioned aviation cadet enlistment shall be terminated by appropriate entry in the service record without necessity for discharge. If an aviation cadet fails to qualify for appointment in class A–V (N) and is commissioned in a class of the Naval Reserve other than A–V (N), he shall not be deemed to have been commissioned pursuant to the Naval Aviation Cadet Act of 1942. (Pub. Law 698, 77th Cong.)

§ 6.10202 *Aviation pilots; class V–8.* (a) Class V–8 shall be composed of enlisted men in the Naval Reserve undergoing the regularly prescribed course leading to designation as aviation pilot, or who are serving on continuous active duty next following successful completion of such course and designation as aviation pilot. Aviation pilots of class V–8 may, upon recommendation by their commanding officer to the Bureau of Naval Personnel, be considered for appointments as ensigns in class A–V (T).

§ 6.10203 *Other pilots.* The provisions of §§ 6.10201 and 6.10202, do not apply to officers or enlisted men of the Naval Reserve who qualify for designations as naval aviators or as aviation pilots, respectively, as the result of brief refresher courses. Officers in this category will be assigned to class A–V (T). Enlisted aviation pilots in this category will be assigned to class V–6.

AVIATION CADETS, V–5

§ 6.10301 *Aviation cadet procurement—(a) Civilian candidates.* The procurement from civilian sources of qualified applicants for enlistment as aviation cadets is the direct responsibility of Naval Aviation Cadet Selection Boards. Aviation cadets may not be enlisted by any other recruiting activity.

(b) *Apprentice seamen, V–5.* Naval Aviation Cadet Selection Boards may enlist as apprentice seamen, V–5, in such numbers as may be prescribed by the Bureau of Naval Personnel, civilian applicants who meet all requirements specified in § 6.10302, except as to minimum education or minimum age or both, provided that each such applicant has graduated from or is currently enrolled in an accredited high school or secondary school with reasonable expectation of graduation by June 30 of the fiscal year in which enlisted, and has reached his seventeenth birthday at the time of enlistment. When such apprentice seamen V–5 become fully qualified for transfer to aviation cadet, V–5, transfer shall be effected by the Naval Aviation Cadet Selection Board carrying the service records. Apprentice seamen, V–5, enrolled in accredited high schools or secondary schools who drop out of school for any reason or fail to graduate by the end of the academic year current at the time of enlistment will be immediately transferred to class V–6 and ordered to active duty in the Naval Service.

(c) *Candidates from personnel already in the Naval Service.* Officers and enlisted men of the Navy, Naval Reserve, Marine Corps, or the Marine Corps Reserve may be selected for flight training as aviation cadets in such numbers and under such instructions as may be prescribed from time to time by the Chief of Naval Personnel.

§ 6.10302 *Aviation cadets, V–5; requirements.* (a) An applicant for flight training as aviation cadet must meet the following requirements:

(1) Be a male citizen of the United States.

(2) Be between his 18th and 27th birthdays.

(3) Agree to remain on active duty for four years, including period undergoing training as aviation cadet, unless released sooner by the Navy Department.

(4) Be unmarried, and must agree to remain unmarried until appointed a commissioned officer, unless released sooner by the Navy Department.

[1] Enlisted men on the retired list will be classified by the Bureau of Naval Personnel upon recommendation of the Bureau of Medicine and Surgery, under the following categories:

(a) Physically qualified for the duties of their rating at sea with due allowances for age and length of service.

(b) Physically qualified for shore duty only.

(c) Physically disqualified for any duty.

(5) Be educationally, morally, physically, and psychologically qualified for training as an aviation cadet and commission in the Naval Reserve or Marine Corps Reserve.

(6) Have a minimum education of graduation from an accredited high school or secondary school.

(b) Applicants who have previously failed in the Army flight training course are not eligible.

(c) In addition to the requirements prescribed in paragraph (a) of this section, civilian applicants must pass such mental tests as may be prescribed by the Chief of Naval Personnel.

(d) Violations of agreements entered into at time of enlistment or selection, or falsifying material facts in applications for enlistment will be grounds for discharge.

§ 6.10303 *Naval Aviation Cadet Selection Boards.* (a) Naval Aviation Cadet Selection Boards will come directly under the Bureau of Naval Personnel, and each board will be headed by an aviation line officer of the Navy or Naval Reserve who will be designated as Officer-in-Charge. The boards will be composed of aviation line officers, assisted by medical officers (qualified as flight examiners), and other personnel, in such numbers as may be prescribed by the Bureau of Naval Personnel. Insofar as practicable the Bureau will assign naval aviators or ex-naval aviators to Naval Aviation Cadet Selection Boards.

(b) The Officer-in-Charge shall exercise the functions of a commanding officer with respect to the officers and enlisted men attached to his board and aviation cadets whose records are carried by his board.

(c) Upon receipt of appropriate recommendations from the Officer-in-Charge, the Bureau will issue repeated travel orders to officer personnel attached to the boards. Necessary travel orders to enlisted men in connection with procurement will be issued by the Officer-in-Charge.

(d) The Naval Aviation Cadet Selection Boards will be charged with:

(1) Procurement of aviation cadets and administration of aviation cadets on active duty or inactive duty whose records are carried by the boards.

(2) Supervision of aviation cadets under their cognizance who are undergoing Civilian Pilot Training or other training prescribed by the Bureau of Naval Personnel.

(3) Procurement of A–V (T) officers.

(4) Procurement of A–V (P) officers who are candidates for naval aviator designations and further transfer to A–V (T).

(5) Supervision of A–V (P) officers under their cognizance who are undergoing Civilian Pilot Training or other training prescribed by the Bureau of Naval Personnel.

(6) Liaison with Civil Aeronautics Administration and other agencies conducting flight or other training prescribed by the Bureau of Naval Personnel.

(e) The Naval Recruiting Service will cooperate in the procurement of civilian candidate for flight training.

§ 6.10304 *Aviation cadets; applicants and enlistments.* (a) Applicants qualified in all respects may be enlisted by Naval Aviation Cadet Selection Boards without prior reference to the Bureau. Doubtful cases shall be referred to the Bureau for approval before enlistment is accomplished.

(b) Applications from civilians shall be submitted on Form B. N. P. 973, together with required documentary data, and shall be forwarded to the Bureau immediately after the enlistment of an applicant in class V–5, U. S. Naval Reserve, except as noted in paragraph (a) of this section. The applications of rejected applicants will not be submitted to the Bureau.

(c) Application forms must be properly completed and accompanied by all required data in acceptable form, as prescribed by current instructions.

§ 6.10305 *Aviation cadet training; applications from personnel in the naval service.* (a) Applications of personnel on inactive duty will be processed in the same manner as applications from civilians, that is, by Naval Aviation Cadet Selection Boards.

(b) Applications of personnel on active duty will be processed in accordance with instructions issued by the Bureau from time to time.

§ 6.10306 *Aviation cadets; general.* (a) Aviation cadets on active duty are subject to all laws, regulations, and orders for the government of the Navy and are subject to the same disciplinary measures as members of the Regular Navy.

(b) Disposition of aviation cadets who fail in flight training shall be in accordance with instructions issued from time to time by the Bureau of Naval Personnel.

(c) Aviation cadets are student naval aviators. Designations or orders to duty involving flying are not required. Their pay includes extra pay for flying.

(d) Aviation cadets are student officers. Insofar as practicable they will be segregated from other enlisted men for housing, messing, and hospitalization, and other general purposes.

(e) Aviation cadets are entitled to issue in kind of uniforms, clothing, and equipment as may be prescribed for members of the Naval Reserve undergoing flight training leading to a commission.

(f) Commanding officers of U. S. Navy Preflight Schools and primary and intermediate flight training activities are authorized to issue Special Order Discharges (B. N. P. 661) to aviation cadets, V–5, for failure to make satisfactory progress in training, without reference to the Bureau under the following conditions:

(1) *Character good.* Recommended for reenlistment. (May reenlist in Regular Navy or in any class of the Naval Reserve. Not denied further officer training.)

(2) *Character good.* Not recommended for commission; recommended for reenlistment in the Navy or in a class of the Naval Reserve not specially designated for officer training. (Not considered officer material, but otherwise desirable.)

(3) *Character indifferent.* Not recommended for commission; acceptable for reenlistment in the Navy or in a class of the Naval Reserve not specially designated for officer training. (Not considered officer material; offenses not serious enough to warrant undesirable or inaptitude discharge or trial by court-martial.)

(4) *Medical discharge.* Upon approval by the Bureau of Naval Personnel or recommendation of Board of Medical Survey. Reason for discharge shall be stated on Certificate of Discharge (B. N. P. 661).

(5) *Other discharges.* When warranted, and only upon approval by the Bureau of Naval Personnel. Commanding officers should make appropriate recommendations to the Bureau of Naval Personnel.

§ 6.10307 *Pay and allowances; aviation cadets.* (a) The pay of aviation cadets while on active duty is at the rate of $75 per month. When not subsisted at government expense, aviation cadets are entitled to a money allowance for subsistence of $1 per day except when in a travel status when they shall receive the same allowance for subsistence as other enlisted men. Aviation cadets shall not be entitled to receive additional pay for longevity.

(b) When traveling under orders, aviation cadets shall receive transportation and other necessary expenses incident to such travel, or cash in lieu thereof, as prescribed for enlisted men of the Navy. Unless prescribed by the Bureau of Naval Personnel, orders to aviation cadets will not be so worded as to authorize travel by privately owned automobiles.

(c) The Act of June 23, 1942, which provides for family allowances, applies to aviation cadets in the same manner as to enlisted men of the 4th pay grade.

§ 6.10308 *Insurance, aviation cadets and A–V (N) officers.* (a) Upon reporting for active duty, aviation cadets will be issued National Service Life Insurance in the amount of $10,000, the premiums on which shall be paid during the period of their active duty as aviation cadets from the current Naval Reserve appropriation.

(b) Veterans Administration Insurance Form 350 (Application for National Service Life Insurance) will be executed in duplicate on the date the aviation cadet reports as such for active duty for training, and both the original and duplicate will be transmitted to the Bureau of Supplies and Accounts (Retainer Pay Division). The form of insurance to be applied for by aviation cadets shall be the 5-year level premium term policy, and, as required by law, the amount shall be $10,000. The effective date of the policy will be the date of entry upon active duty as an aviation cadet.

(c) Upon termination of aviation cadet status the cognizant commanding officer will notify the Bureau of Supplies and Accounts (Retainer Pay Division) by letter, stating the date of such termination and requesting that no further premiums be paid by the Government.

Such aviation cadets not commissioned as ensigns, A–V (N) or second lieutenants, (NAVC), will be informed that they have the option of continuing to pay the premiums from their personal funds or of converting to some higher form of insurance, after the insurance has been in effect for one year, or of permitting the insurance to lapse.

(d) When the aviation cadet so insured has been commissioned an ensign in class A–V (N), the insurance shall be continued in force as required by law. The allotment method with corresponding deduction from pay in the handling of payment of premiums upon National Service Life Insurance shall be employed for all class A–V (N) officers. Immediately following commissioning as ensigns, class A–V (N), this compulsory allotment shall be registered commencing first payment the month in which the officer executed the oath and acceptance of office, to extend for an indefinite period. If the officer desires to carry a higher form of insurance, he may do so upon making proper application therefor in the manner prescribed by the Veterans' Administration, at any time after being commissioned in class A–V (N) and prior to the date of expiration of the policy. The 5-year level term policy automatically expires five years after its effective date of issuance, which period commenced upon the date of entry upon active duty undergoing training as an aviation cadet, prior to the commencement of service as a commissioned officer. Prior to expiration of such 5-year periods, officers class A–V (N) shall be required to make application for conversion to some other form of insurance in the amount of $10,000, in the manner prescribed by the Veterans' Administration.

(e) Upon first reporting for active duty aviation cadets who may be holding National Service Life Insurance and/or United States Government Life Insurance policies, shall be required to surrender such policies when applying for the new policy. Such individuals will receive whatever cash surrender value may have accumulated upon their old policies.

(f) Aviation cadets and officers of class A–V (N) will not be permitted to borrow against their insurance policies. Officers of class A–V (N) are not permitted to stop their allotments to the Veterans' Administration for the payment of the premiums on their policies, although they may register new allotments upon renewal or conversion.

OFFICERS, CLASS A–V (N)

§ 6.10401 *Appointments and designations.* (a) Aviation cadets who fulfill the requirements of law for designation or appointment as naval aviators may be commissioned ensigns, A–V (N), U. S. Naval Reserve, or second lieutenants, (NAVC), Marine Corps Reserve. Only those aviation cadets so commissioned and so designated or appointed shall be deemed to have been commissioned pursuant to the Naval Aviation Cadet Act of 1942.

(b) Aviation cadets completing training at approximately the same time shall be deemed to have commenced their commissioned service from the same date. The decision of the Secretary of the Navy in this regard shall be conclusive for all purposes.

(c) Ensigns or second lieutenants commissioned pursuant to the Naval Aviation Cadet Act of 1942 or to the Naval Aviation Reserve Act of 1939 may, after three years of active duty, as such, and if found qualified after such examinations as the Secretary of the Navy may prescribe, be commissioned lieutenants (junior grade) in the Naval Reserve or first lieutenants in the Marine Corps Reserve, respectively.

(d) The designation A–V (N) is intended to identify officers commissioned and serving on continuous active duty pursuant to the Naval Aviation Cadet Act of 1942 and the Naval Aviation Reserve Act of 1939. Officers may not be transferred from class A–V (N) to any other class of the Naval Reserve except upon release from active duty. Officers released from active duty may not be continued in class A–V (N).

§ 6.10402 *Active duty.* (a) Officers of class A–V (N) will be ordered to active duty in the Aeronautic Organization of the Navy by the Bureau of Naval Personnel, and may be required to serve on active duty for the remainder of the four-year or such lesser periods as they have agreed to serve, the period in any case to be computed from the date of commencement of active duty as an aviation cadet.

(b) In time of peace officers commissioned in accordance with § 6.10401 (a) may be employed on active duty only during the 7-year period next following the date of such commissioning, except that such officers may be ordered to active duty thereafter for the purpose of instructing and training members of the Naval Reserve or Marine Corps Reserve.

(c) Retention on active duty of A–V (N) officers is subject at all times to the exigencies of the Service, satisfactory performance of duty, and availability of funds for this purpose.

§ 6.10403 *Resignations.* The resignations of officers of class A–V (N) prior to the expiration of the period during which they have agreed to serve on active duty, will not be accepted.

§ 6.10404 *Pay and allowances.* (a) The pay and allowances of officers of class A–V (N) are those provided for Naval Reserve officers on active duty. For purposes of computing longevity increases, service as aviation cadets in an appointive status is counted as commissioned service, but service as aviation cadet in an enlisted status will not be counted.

(b) When first commissioned next following completion of training as aviation cadet, officers of class A–V (N) shall be paid a uniform allowance of $150. Any officer who has heretofore received the cash uniform gratuity of $150 provided in section 302 of the Naval Reserve Act of 1938 shall not be entitled to this uniform allowance.

(c) When officers commissioned in accordance with the provisions of § 6.10401 (a), are released from active duty that has been continuous for one or more years, they, or in the event of their death after continuous active duty for one or more years, their beneficiaries as designated on Form B. N. P. 903 shall be paid a lump sum of $500 for each complete year of continuous commissioned active service. In the event of their death not the result of their own misconduct, or if released from active duty otherwise than upon their own request or as a result of disciplinary action, this lump-sum payment shall be pro-rated for the fractional part of each year of such service. The lump-sum payment authorized herein shall accrue for not more than seven years and shall be in addition to any pay, allowances, compensation, or benefit which they may otherwise be entitled to receive. (During war or national emergency the President may suspend lump-sum payments in the case of officers who were formerly enlisted in the grade of aviation cadet or transferred to that enlisted grade on and after September 3, 1942.)

§ 6.10405 *Orders for release from active duty; officers, class A–V (N).* (a) The Secretary of the Navy may release an officer of class A–V (N) from active duty at any time. Officers of class A–V (N) who do not request or are not selected for continuation on active duty beyond the four-year period, will be issued orders for detachment and release, effective as soon as practicable after the expiration of the four-year period, or the period for which they agreed to serve. The existing orders of those officers who are selected to continue on active duty will remain in effect until such time as they receive orders for change of station or release from active duty.

(b) Immediately upon detachment of an officer of class A–V (N), with orders to proceed to his home for release from active duty, his commanding officer shall advise the Bureau of Naval Personnel and the Commandant of the naval district in which such officer resides, of the date of detachment and release from active duty, allowing time for travel to his home by the shortest usually traveled route, plus such leave, if any, as may be granted by the Bureau of Naval Personnel. The officer so detached shall be instructed that after arrival at his home, and upon termination of leave, he must submit promptly to the Bureau of Naval Personnel Form B. N. P. 323 showing date of detachment, date of arrival at home, and date of termination of leave and release from active duty.

(c) Provided the availability of funds and other conditions permit, the Bureau of Naval Personnel will grant accrued leave, not to exceed forty-five days, to officers of class A–V (N) upon release from active duty after four or more years of continuous active duty.

§ 6.10406 *Records.* (a) When officers of class A–V (N) are released from active duty their health and other records will be forwarded by the command having cognizance, to the Commandant of the naval district in which they reside.

(b) Fitness reports on officers of class A–V (N) shall be submitted semiannually in accordance with the provisions of Article 137, U. S. Navy Regulations.

(c) When an officer of class A–V (N) is detached with orders to proceed to his home for release from active duty, his commanding officer shall notify by letter the Commandant of the naval district in which the official residence of the individual is located, with copy to the Bureau of Naval Personnel. This letter shall state the date of detachment, number of days of leave granted, date of release from active duty, and official residence; and is for the purpose of providing the Commandant with information on the basis of which the individual may be taken up on the district rolls as a reserve officer on inactive duty.

AVIATION PILOTS

§ 6.10501 *Aviation pilots; class V–8.* Class V–8 shall be composed of student aviation pilots of the Naval Reserve undergoing regular prescribed courses leading to designation as aviation pilot, and aviation pilots so serving continuously on active duty next following completion of the regularly prescribed flight-training course in class V–8. Aviation pilots so designated after brief refresher courses shall not be carried in class V–8.

§ 6.10502 *General requirements; class V–8.* (a) All applicants for enlisted pilot training and assignment to class V–8, Naval Reserve, must meet the following requirements:

(1) Must be between 18th and 27th birthdays. Maximum age not over 27 years on July 1 of the fiscal year during which application is submitted.

(2) Must have at least one year's service on active duty.

(3) Must be recommended by commanding officer.

(4) Must sign an agreement to serve for a continuous period of two years on active duty following successful completion of flight training, unless sooner released. Agreement to extend enlistment must be executed if obligated service under current enlistment is less than three years.

(5) Must be physically and psychologically qualified for flight training.

(b) Enlisted men of the Naval Reserve who qualify and are selected for aviation pilot training will be transferred to class V–8 of the Naval Reserve upon reporting for such training. Those who fail in flight training will be retransferred to the rating and class previously held, if otherwise qualified.

(c) Applications for aviation pilot training will not be submitted directly to the Bureau of Naval Personnel but to such Commandants and Force Commanders as may be designated.

§ 6.10503 *Aviation pilot ratings; class V–8.* (a) Upon successful completion of flight training and designation as aviation pilot, student aviation pilots who hold ratings up to and including the third pay grade, will be rated as aviation pilot, second class, U. S. N. R. Those in the first and second pay grades will be rated in the corresponding aviation pilot rating. No enlisted man shall suffer a reduction in rating under these provisions. Thereafter, they will be eligible for advancement in rating under the regulations prescribed for other enlisted men of the Naval Reserve.

(b) Aviation pilots of the Naval Reserve, may, if qualified, be considered for commissions in the Naval Reserve, under such regulations as the Secretary of the Navy may prescribe. When so commissioned, they will be carried in class A–V (T) of the Naval Reserve.

§ 6.10504 *Insurance; class V–8.* (a) Upon reporting for active duty undergoing training, enlisted men of class V–8 will be issued National Service Life Insurance in the amount of $10,000, the premiums on which shall be paid during the period of their active duty from the current Naval Reserve appropriation. If discharged, released from active duty, or if transferred from class V–8 for any reason, such enlisted men will have the option of continuing these policies at their own expense. Enlisted men of class V–8 will be required to surrender such Government Life Insurance or National Service Life Insurance as they may be holding when issued the $10,000 policy provided in this paragraph.

(b) Veterans Administration Insurance Form 350 (Application for National Service Life Insurance) will be executed in duplicate on the date the enlisted man of class V–8 reports for active duty for training, and both the original and duplicate will be transmitted to the Bureau of Supplies and Accounts. The form of insurance to be applied for shall be the 5-year level premium term policy, and, as required by law, the amount shall be $10,000. The effective date of the policy will be the date of commencement of training duty in class V–8.

(c) Upon discharge, release from active duty, or transfer from class V–8, the cognizant commanding officer will notify the Bureau of Supplies and Accounts by letter requesting that no further premiums be paid. The individuals will be informed that they have the option of continuing to pay the premiums from their personal funds or of converting to some higher form of insurance after the insurance has been in effect for one year, or of permitting the insurance to lapse.

(d) Insurance policies issued to enlisted men of class V–8 will continue in force, and the premiums will be paid by the Government, during the period of training, the two-year obligated period of active duty thereafter, and during an additional period the enlisted man may agree to serve, provided such service is continuous.

§ 6.10505 *General; class V–8.* (a) Each enlisted man of class V–8 must, before commencement of training, sign an agreement to serve for a continuous period of two years on active duty in the Naval Reserve following successful completion of flight training, unless sooner released. In time of peace such aviation pilot may, with his own consent, in the discretion of the Secretary of the Navy, serve on active duty for an additional period of not more than two years.

(b) Any student aviation pilot or aviation pilot in the Naval Reserve may be discharged or released from active duty at any time under such instructions as the Bureau of Naval Personnel may prescribe.

§ 6.10506 *Aviation pilots; class V–6.* (a) Qualified civilian pilots may be enlisted in pilot ratings in class V–6 when authorized by the Bureau of Naval Personnel. Similarly, enlisted personnel of the Naval Reserve with required pilot and other qualifications may be ordered to refresher flight training. Upon successful completion of such training, they will be transferred to appropriate pilot ratings in class V–6 of the Naval Reserve.

(b) General requirements for aviation pilots, class V–6.

(1) Pilot qualifications: Must hold an effective commercial certificate. In lieu thereof must hold a private pilot's certificate and must have at least three hundred hours flying time in aircraft of one hundred horsepower or higher classification.

(2) Must be between eighteen and thirty-nine years of age (inclusive).

(3) Must be physically and psychologically qualified for flight training.

(c) Selected individuals will be ordered to refresher flight training leading to designation as aviation pilots. The duration of this training will depend largely upon the previous pilot experience of the individual. Sufficient ground school and flight training will be given to qualify the individual as an aviation pilot.

(d) Documentary data. Each application for enlistment for or transfer to refresher flight training must be accompanied by a certified statement of flight time showing:

(1) Total pilot time with types of aircraft;
(2) Total pilot time during preceding twelve months with types of aircraft;
(3) Type of certificate of competency held, including number and date of expiration.

A résumé of aviation experience must also be attached to the application. Where the applicant's pilot qualifications are extensive (has a total flying time of one thousand hours or more) the Bureau of Naval Personnel will give consideration to recommendations for waivers of a minor nature.

(e) Applications from civilian pilots for enlistment in pilot ratings in class V–6 will be processed by Naval Aviation Cadet Selection Boards, in the same manner as prescribed for applicants for appointment in class A–V (T). If authorized, enlistments will be made only by the Naval Recruiting Service, and then only upon receipt of specific authority from the Bureau of Naval Personnel.

(f) Student aviation pilots and aviation pilots in class V–6 are not eligible for transfer to class V–8. The service requirements, insurance benefits, etc., provided for enlisted pilots in class V–8 do not apply to enlisted pilots of class V–6.

SUBPART K—NAVAL RESERVE NURSE CORPS

PURPOSE

§ 6.11101 *Purpose.* The purpose of the Naval Reserve Nurse Corps is to provide additional qualified nurses to be readily available for service in time of war or national emergency.

COMPOSITION

§ 6.11201 *Composition of Naval Reserve Nurse Corps.* The Naval Reserve Nurse Corps shall be composed of graduate registered unmarried female nurses, who are citizens of the United States or of the insular possessions thereof, and who by accepting appointment in the Naval Reserve obligate themselves to serve in the Navy in time of war or when in the opinion of the President a national emergency exists, and, if required to do so, throughout the war or until the national emergency ceases to exist.

ORGANIZATION AND ADMINISTRATION

§ 6.11301 *Organization of Naval Reserve Nurse Corps.* Nurses shall be appointed in the Naval Reserve Nurse Corps for service in time of war or national emergency, in accordance with Article 1646, United States Navy Regulations.

§ 6.11302 *Administration of Naval Reserve Nurse Corps.* Naval Reserve nurses are under the immediate cognizance of and administered directly by the Bureau of Medicine and Surgery, subject to the approval of the Bureau of Naval Personnel insofar as pertains to any expenditures or obligations in connection with their recruiting, administration, training, or mobilization.

§ 6.11303 *Addresses of nurses and changes in marital status.* A Naval Reserve nurse, when first appointed, is required to inform the Bureau of Medicine and Surgery of her official residence, § 6.1802, and that of her next of kin, and to keep the Bureau of Medicine and Surgery promptly informed of any change of official residence or next of kin, and of any change in her marital status.

§ 6.11304 *Subject to rules and regulations.* Naval Reserve nurses having reported for active duty, are subject to the same rules and regulations as prescribed for nurses of the Regular Navy.

§ 6.11305 *Annually to report to Bureau of Medicine and Surgery.* The Bureau of Medicine and Surgery will forward to each Naval Reserve nurse in January of each year M. & S. Form OG4 "Questionnaire for Naval Reserve Nurses." Upon receipt of this form each nurse shall promptly supply the information called for and return the form to the Bureau of Medicine and Surgery in accordance with the printed instructions contained thereon.

PROCUREMENT

§ 6.11401 *District quotas.* (a) The Commandants of the several naval districts are charged with the procurement of nurses for appointment in the Naval Reserve, in such numbers as may be prescribed by the Bureau of Naval Personnel from time to time, to meet mobilization needs.

(b) Each application for appointment shall be accompanied by the report of physical examination in duplicate, on N. M. S. Form Y and all other papers pertaining to the professional and other requirements, together with the Commandant's endorsement relating thereto, shall be forwarded direct to the Bureau of Medicine and Surgery for approval and final recommendation.

§ 6.11402 *Term of appointment.* Naval Reserve nurses shall be appointed by the Surgeon General of the Navy subject to the approval of the Secretary of the Navy. Such nurses shall serve during the pleasure of the Secretary of the Navy, unless sooner discharged as provided in § 6.11601.

§ 6.11403 *Qualifications for appointment.* (a) For appointment as a Naval Reserve nurse, the applicant must be a female citizen of the United States or of the insular possessions of the United States, of good character, and between 22 and 40 years of age. She must be unmarried, widowed, or legally separated if married and not widowed. She must be a graduate of an accredited high school and an accredited school of nursing having a daily average of not less than 50 patients, and shall be a registered nurse. In this connection, the following papers and certificates will be required:

(1) Satisfactory evidence of citizenship.
(2) Certificate of graduation from an accredited high school.
(3) Certificate of graduation from an accredited school of nursing.
(4) Certificate of registration as a graduate nurse.
(5) Letters of recommendation from three or more reputable persons testifying from personal knowledge as to the good habits and moral character of the applicant.
(6) If the applicant has special educational or professional training, such as anesthetist, dietitian, etc., certificates to this effect signed by the proper authorities.
(7) Recent photographs of candidate, profile and full face, in uniform.
(8) Fingerprint records, B. N. P. 680.

(b) The physical requirements for appointment of Naval Reserve nurses shall be the same as prescribed in the Manual of the Medical Department for nurses of the Regular Navy. But the opening of the health record will be deferred until such time as the nurse is ordered to report for active duty.

§ 6.11404 *Physical examinations.* (a) Upon reporting for active duty, Naval Reserve nurses are examined to determine their physical qualifications for performance of such duty. The report of such examination is submitted to the Bureau of Medicine and Surgery on N. M. S. Form Y in duplicate. A health record is prepared at this time for each nurse who may be found physically qualified for the performance of active duty and is kept in the same manner as prescribed by the Manual of the Medical Department for nurses of the Regular Navy.

(b) Naval Reserve nurses are examined physically upon release to inactive duty as similarly provided for other members of the Naval Reserve. Entry of this examination is made in the health record, following which the health record is forwarded to the Bureau of Medicine and Surgery.

(c) (1) Each Naval Reserve nurse shall be examined physically at least once every 4 years or oftener as may be deemed necessary: *Provided,* That a Naval Reserve nurse who is found not physically qualified for active duty upon examination for any purpose, and upon approval of such examination by the Bureau of Medicine and Surgery, may be honorably discharged from the service, with a "Good Discharge."

(2) For the purpose of the quadrennial physical examination, the Bureau of Medicine and Surgery notifies the nurse concerning such physical examination. Where practicable, the examination shall be conducted by a medical officer of the Regular Navy or of the Naval Reserve. However, since travel for the purpose of such examination may not be made at Government expense, and in order to avoid undue inconvenience to the nurse concerned, when the services of a medical officer of the Regular Navy or of the Naval Reserve are not reasonably obtainable, the examination may be conducted by a medical officer of the Regular Army or of the Army Reserve, a medical officer of the United States Public Health Service or of the Veterans' Administration, or, in special cases, by a reputable physician. The report of such examination shall be made on N. M. S. Form Y and forwarded to the Bureau of Medicine and Surgery in duplicate.

§ 6.11405 *Assignment to active duty.* (a) In time of peace, Naval Reserve nurses may not be assigned to active duty or training duty except with their own consent.

(b) In time of war or national emergency, Naval Reserve nurses may be assigned active duty as provided for other members of the Volunteer Reserve.

PAY AND ALLOWANCES

§ 6.11501 *Active duty pay and allowances.* While serving on active duty with pay, Naval Reserve nurses are entitled to the same pay and allowances, including quarters and subsistence, to which nurses of the same length of service of the Regular Navy are entitled.

§ 6.11502 *Travel under orders.* Naval Reserve nurses while traveling under orders, shall be entitled to the same privileges and travel allowance as are provided for nurses of the Regular Navy.

§ 6.11503 *Uniform allowance.* Naval Reserve nurses assigned to active duty upon reporting for such duty, are provided with the same articles of uniform as are similarly prescribed for issue to nurses of the Regular Navy.

§ 6.11504 *Medical treatment and benefits for injury.* Naval Reserve nurses who have been physically injured in the line of duty while performing active military or naval service or die as the result of such injury, shall be entitled to the benefits provided in such case for other members of the Naval Reserve.

§ 6.11505 *Medical treatment and hospitalization for sickness and disease.* Naval Reserve nurses shall be entitled to the same privilege of medical and hospital treatment for sickness and disease contracted in the line of duty while performing active duty or training duty as are prescribed for other members of the Naval Reserve.

DISCHARGES

§ 6.11601 *Discharge in time of peace.* In time of peace, Naval Reserve nurses may be discharged with the approval of the Secretary of the Navy for the following reasons:

(a) At own request (for sufficient cause or reason).
(b) For change of marital status (marriage).
(c) For failure to keep the Bureau of Medicine and Surgery informed of their official residences.
(d) Failure to reply to communications.
(e) Failure to pass prescribed physical examination.
(f) Upon reaching 50 years of age.
(g) For other full and sufficient cause in the discretion of the Secretary of the Navy.

§ 6.11602 *Discharge for inaptitude.* Having reported for active duty, Naval Reserve nurses are observed as to character, professional ability, and general aptitude for the service. When in the opinion of the commanding officer, a Naval Reserve nurse does not meet these requirements of the service, he is required to report the facts to the Surgeon General of the Navy, who may recommend the discharge of the nurse by reason of inaptitude, or take such other action as he may deem necessary.

SUBPART L—WOMEN'S RESERVE

PURPOSE

§ 6.12101 *Purpose.* The purpose of the Women's Reserve, which has been established by law as a branch of the Naval Reserve, is to expedite the war effort by releasing officers and men for duty at sea and their replacement by women in the shore establishment of the Navy within the continental United States.

COMPOSITION, ORGANIZATION AND ADMINISTRATION

§ 6.12201 *Composition.* (a) The Women's Reserve shall be composed of women accepted for Volunteer Emergency Service and shall be referred to by the brief title "WAVES."

(b) Female citizens of the United States who accept appointment or who enlist in the Naval Reserve shall obligate themselves to serve in the shore establishment of the Navy within the continental United States for the duration of the present war and for six months thereafter unless sooner discharged.

(c) The Women's Reserve shall be composed of women trained and qualified for duty in the shore establishment of the Navy to release male officers and men of the Naval Service for duty at sea. They may be commissioned in ranks not above lieutenant commander, and enlisted in such appropriate ratings, corresponding to those of the Regular Navy, as may be prescribed by the Secretary of the Navy.

§ 6.12202 *Administration.* The Women's Reserve shall be administered by the Chief of Naval Personnel, who may order to duty in the Bureau of Naval Personnel an officer of the Women's Reserve as Director and such other officers as may be required as Assistants to the Director. Assistant Directors may be ordered as required in the shore establishment of the Navy within the continental United States in each naval district and in the District of Columbia.

§ 6.12203 *Subject to laws, regulations, and orders governing the Naval Reserve.* Except as provided in §§ 6.12204–6.12401 the Women's Reserve shall be subject to the laws, regulations, and orders for the government of the Volunteer Reserve insofar as applicable.

§ 6.12204 *Military authority of officers.* Military authority of officers of the Women's Reserve may be exercised over women in the Women's Reserve only and is limited to the administration of the Women's Reserve.

§ 6.12205 *Compensation for disability or death in line of duty.* If any member of the Women's Reserve suffers disability or death from disease or injury incurred in line of duty while employed on active duty, she or her beneficiaries shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured or who die as a result thereof. They or their beneficiaries are not entitled to receive the six months' death gratuity, retirement, or pensions provided for officers and men of the Naval Service.

§ 6.12206 *Uniforms and equipment.* (a) Uniform allowances shall be paid to officers of the Women's Reserve in the same manner and in the same amounts as authorized for officers of the Volunteer Reserve upon their first reporting for active duty in time of war or national emergency.

(b) The Secretary of the Navy will fix the money value of the articles of uniform and equipment which enlisted members of the Women's Reserve are required to have upon their first reporting for active duty and will authorize such articles of uniform and equipment, or parts thereof, to be issued in kind, or, in lieu thereof, payment in cash of the money value fixed in accordance with the foregoing, not to exceed $200, will be made to enlisted members so ordered to active duty, for the purchase of such articles of uniform and equipment.

PROCUREMENT

§ 6.12301 *Ranks, grades, ratings and classes.* (a) Commissioned officers shall be appointed to service during the pleasure of President, but not to exceed six months after the termination of the war. There shall be allowed not more than one officer in the grade of lieutenant commander; and not more than 35 officers in the grade of lieutenant. The number of officers in the grade of lieutenant (junior grade) shall not exceed 35 per centum of the total number of commissioned officers in the Women's Reserve. The class designation for officers and midshipmen shall be "W–V (S), USNR".

(b) The enlisted personnel shall be assigned such appropriate ratings corresponding to those of the Regular Navy as may be prescribed by the Chief of Naval Personnel. Minors may be enlisted only with the consent of the parent or guardian.

(c) The class designations for enlisted personnel shall be as follows:

(1) Class V–9: Women enlisted as apprentice seamen for training preliminary to appointment as midshipmen, W–V (S), U. S. Naval Reserve, and further training for commission as ensign, W–V (S), U. S. Naval Reserve.

(2) Class V–10: Women enlisted for service in the naval establishment ashore.

(d) The quotas of officers and enlisted personnel to be procured shall be prescribed by the Chief of Naval Personnel.

§ 6.12302 *Duties.* (a) Members of the Women's Reserve shall be restricted to the performance of shore duty only within the continental limits of the United States and shall not be assigned to duty on board vessels of the Navy or in combat aircraft.

(b) Officers and enlisted personnel will be trained for the following duties and such other duties as may be prescribed from time to time:

(1) Communications: Various communication duties including coding, cryptanalysis, and operation of communication service.
(2) Administration: Various administrative duties including those of a confidential nature.
(3) Technical Duties: Various technical duties, including those performed by laboratory and other technicians, and research and analytical duties.

(c) The members of the Women's Reserve shall not be used to replace Civil Service personnel employed in the naval establishment.

§ 6.12303 *Qualifications for appointment.* (a) For appointment as an officer, the applicant must be a citizen of the United States or its insular possessions, between the ages of 20 and 50 years.

(b) Candidates must possess a baccalaureate degree from an accredited university or college, or in lieu thereof, must have completed successfully two years' work in an accredited university or college normally leading to a degree, and in addition, have not had less than two years' professional or business experience.

(c) Applicants must be of good moral character and be able to pass such physical examination as may be prescribed by the Bureau of Medicine and Surgery.

§ 6.12304 *Appointments in Staff Corps.* In addition to the foregoing women who meet the qualifications set forth in §§ 6.2311, 6.2312, 6.2313, and 6.2316 may be appointed to commissioned grades in the Medical Corps, Dental Corps, Supply Corps, and Civil Engineer Corps respectively. Officers of each of the several grades shall have rank therein corresponding to the rank of officers of

the same grade of the Regular Navy insofar as provided for the Women's Reserve.

§ 6.12305 *Qualifications for enlistment.* (a) For enlistment an applicant must be a citizen of the United States or its insular possessions, not less than 20 years of age. The upper age limit shall be as prescribed by the Chief of Naval Personnel from time to time.

(b) Applicant must be a graduate of high school or business school, or have technical training or experience appropriate to rating.

(c) Applicants must be of good moral character and be able to pass such physical examination as may be prescribed by the Bureau of Medicine and Surgery.

§ 6.12306 *Additional requirements to be prescribed by Chief of Naval Personnel.* The Chief of Naval Personnel may prescribe such additional requirements from time to time as he may deem appropriate for the procurement, training, and administration of the Women's Reserve.

DISCHARGES

§ 6.12401 *Discharges.* Enlisted members of the Women's Reserve discharged under unsatisfactory conditions or for inaptitude or unsuitability, as provided in Article D-9103, (Bureau of Naval Personnel Manual) shall not be provided with an outfit of civilian clothes in accordance with Article D-9115 (4) (Bureau of Naval Personnel Manual). Such members shall be allowed to retain articles of uniforms in their possession, except hats, after removal of distinctive Navy buttons, insignia or marks from the suits and overcoats. Such items of clothing may be worn by them in place of the civilian outfit furnished to an enlisted man discharged under similar conditions. The civilian clothing purchased under the authority of Article D-9115 (4) (Bureau of Naval Personnel Manual) and Article 1431-6 (Bureau of Supplies and Accounts Manual), in such cases will be limited to the plain buttons necessary for replacement of distinctive Navy uniform buttons.

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43-11169; Filed, July 12, 1943; 9:39 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-364]

NATIONAL BOTTLING COMPANY

National Bottling Company, a corporation, St. Louis, Missouri, is engaged in the production and selling of non-alcoholic beverages. During each of the months from June through September, 1942, inclusive, the company used closures in bottling such beverages in excess of its proper quota under Conservation Order M-104, the total excess usage for the four months being 9,533 gross. During this time the company was familiar with the terms of Conservation Order M-104 and its violations thereof were wilful.

These violations of Conservation Order M-104 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.364 *Suspension Order No. S-364.* (a) The quota of closures, made of tinplate, terneplate or blackplate, as defined in Conservation Order M-104, to which National Bottling Company, its successors and assigns, would otherwise be entitled for use in the bottling of nonalcoholic beverages for the year beginning July 1, 1943, is hereby reduced by the following amounts, per calendar quarter:

Calendar quarter:	Amount of reduction (gross)
Third Quarter, 1943	4,399
Fourth Quarter, 1943	1,027
First Quarter, 1944	700
Second Quarter, 1944	3,299

(b) Nothing contained in this order shall be deemed to relieve National Bottling Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 13, 1943, and shall expire on June 30, 1944.

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11279; Filed, July 13, 1943; 4:59 p. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L-257 as Amended July 14, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials entering into the manufacture of farm machinery and equipment and repair parts therefor, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1029.15 *Limitation Order L-257—*(a) *Applicability of regulations.* This order and all transactions affected hereby, except as herein otherwise specified, are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order (and any orders supplementary hereto, unless otherwise indicated):

(1) "Producer" means any person, other than a supplier, to the extent that he is actively engaged in the current manufacture (in the United States) of farm machinery and equipment or of repair parts for farm machinery and equipment, but does not include any person who did not manufacture any farm machinery and equipment or repair parts in 1940 or 1941.

(2) "Small producer" means any producer whose total net sales (including exports and sales by affiliates) of all products did not exceed $100,000 during the calendar year 1941; and includes any other producer who has been classified by the Smaller War Plants Corporation as a "smaller, distressed producer" and is specifically designated as such for the purpose of this order by the War Production Board.

(3) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means.

(4) "Supplier" means any person engaged in the manufacture (for sale to a producer in the United States) of materials, parts, assemblies or subassemblies to be physically incorporated into farm machinery and equipment or repair parts manufactured by such producer, or to be resold by such producer as repair parts.

(5) "Machinery and equipment" means agricultural machinery, mechanical equipment and implements (including all attachments used in conjunction therewith) of the types ordinarily manufactured for farm use, and listed on Schedule A attached hereto.

(6) "Farm use" means use for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), or use for any civilian purpose with respect to horseshoes, muleshoes, oxenshoes, and harness hardware.

NOTE: The words "nails for such shoes" deleted from paragraph (b) (6).

(7) "Farm machinery and equipment" means machinery and equipment which is manufactured specifically for farm use, including irrigation and drainage equipment (excluding tile), horseshoes, muleshoes, oxenshoes, harness hardware, and water well casing (fabricated by other than pipe mills); but excluding repair parts, and also excluding all of the following: tracklaying type tractors, fencing, poultry netting and wire, wire fencing, bale ties or straps, oil well casing and water pipe, grain bins and corn cribs, water storage tanks, nails (all kinds), and sundry hardware (including hand tools, chains, barn door track, pulleys, scales, and similar items not specified on Schedule A).

(8) "Non-farm machinery and equipment" means machinery and equipment, as defined in paragraph (b) (5) above, which is manufactured pursuant to rated orders for any purpose other than farm use.

(9) "Attachment" for machinery and equipment means a supplementary appliance which may be added to an otherwise complete machine to extend the utility of such machine.

(10) "Repair parts" means all types of replacement parts considered separately or as assemblies which are manufactured for use and used in the repair and maintenance of "farm machinery and equipment" and shall include plow shares and shapes, and water pump cylinders. No item listed on Schedule A shall be deemed a repair part.

(11) "Base production" means the weight of a producer's total manufacture in the United States of any item of farm machinery and equipment for sale in the United States during either the calendar year 1940 or 1941, in whichever year such weight was the greater.

(12) "United States" means the forty-eight states, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and all other territories and possessions of the United States.

(c) *Restrictions on production for domestic farm use*[1] (1) Except as provided in paragraph (d), during the period July 1, 1943, to September 30, 1944, inclusive, no producer shall manufacture, for sale in the United States:

(i) A total quantity by weight of any item of farm machinery and equipment listed in Schedule A in excess of that quantity obtained by multiplying the applicable quota percentage for such item by his base production of such item;

(ii) Any item of farm machinery and equipment or repair parts except to the extent listed on production schedules which have been approved pursuant to the provisions of paragraph (e) hereof; or

(iii) Any item of farm machinery and equipment requiring rubber tires, except upon specific authorization in writing of the War Production Board.

(2) During the period July 1, 1943 to September 30, 1944, inclusive:

(i) No person who is not a producer shall manufacture any farm machinery and equipment or repair parts of an aggregate value exceeding $2,500, and

(ii) No item of farm machinery and equipment not listed on Schedule A or on an approved production schedule shall be manufactured for sale in the United States.

(3) The War Production Board may, by specific written directions issued to any producer or class of producers, increase or decrease any quota or authorized use of materials as established pursuant to this order, or any order supplementary hereto; and may transfer any portions of such quota between producers, taking into consideration the amount and weight of materials to be used, the need for particular items at the time required in particular areas, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be appropriate.

(d) *Exceptions* (1) *Repair parts.* Nothing in this order shall be deemed to restrict or control producers in the manufacture of repair parts for sale in the United States, subject to the provisions of paragraph (e) with respect to production and delivery schedules.

(2) *Bracketed items on Schedule A.* Wherever, in Schedule A, two or more items are bracketed together, the producer shall apply the respective percentages to his base production of each item in the bracket, and the total permissible weight thus determined may be distributed among all or any one or more of such bracketed items (regardless of the individual quota percentages) at his election.

(3) *Attachments may be lumped together.* Any producer, instead of conforming to the respective quota percentages for items of attachments as indicated in Schedule A, may at his election manufacture not more than an aggregate of 75% of his total base production of all attachments, and the total permissible weight thus determined may be distributed among all or any one or more of such items of attachments as he may see fit: *Provided*, That once such election is made, it shall apply to all attachments to be manufactured.

(4) *Small producers.* Any small producer may substitute for the quota percentage listed on Schedule A for any item or items which he manufactures, the quota percentage 100%, but only to the extent that the weight of his total manufacture of all items for sale in the United States during the period July 1, 1943, to September 30, 1944, does not exceed, in the aggregate, 100% of his total base production thereof.

(5) *Uncompleted L-170 production.* During the period July 1, 1943 to September 30, 1944, inclusive, producers may manufacture for sale in the United States, in addition to the manufacture otherwise permitted by this order, all uncompleted domestic quotas under Order L-170 (including all amendments, appeals and specific authorizations), and also all uncompleted quotas for the American possessions under Schedule B-6 of Order L-170.

NOTE: The date "June 30, 1944," changed to "September 30, 1944," in paragraphs (c) (1), (c) (2), (d) (4) and (d) (5).

(6) *Substitute materials.* The restrictions of this order shall not apply to the manufacture for sale in the United States by any person of any of the following items of farm machinery and equipment (other than those made from iron and steel):

Bee hives
Farm gates
Feed trucks
Grit boxes
Hog troughs
Laying nests
Livestock feeders
Milk stools
Poultry feeders
Poultry waterers;

Provided, however, That such items are made entirely (except for nails and essential strappings and fastenings, and except for doors in the case of livestock feeders) from any one or more of the following materials:

Glass or other ceramic products
Plain concrete
Fibre board
Wood fibre products
Plywood (produced with binder or adhesive not restricted by Conservation Order M-25 or any other applicable M or L order)
Gum and other hardwood lumber
Softwood lumber (subject to the restrictions of Conservation Order M-208 and all other applicable M and L orders).

(7) *Substitution for critical materials encouraged.* To the extent that the weight of any item or items of a producer's quota as established by paragraph (c) has been or will be increased by his substituting for more critical materials entering into such item or items any one or more of the materials listed in subparagraph (6) of this paragraph (d), such increased weight shall not operate to reduce the number of units which he would otherwise be authorized to manufacture pursuant to said paragraph (c). In addition, if any such producer has made, or shows that he can make, in any item or items of his quota as established by paragraph (c), a substitution of any of the materials so listed for more critical materials entering into such item or items, he may apply by letter to the War Production Board for reconsideration of his quota based on such substitution.

(8) *Assignments of quota.* All assignments of quota specifically authorized by appeal under Limitation Order L-170 for the period starting November 1, 1942, are hereby re-authorized for the period covered by this Order L-257. The assignee, in computing his additional quota, shall apply the applicable percentage on Schedule A to the assignor's base production of each item transferred, and the assignor's quota is, to that extent, revoked.

(e) *Production schedules.* (1) Subject to the provisions of this order, on and after July 1, 1943, each producer shall schedule his production and make deliveries of each item of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in accordance with such production and delivery schedules as may be authorized or prescribed for him in writing by the War Production Board.

(2) The War Production Board may, at any time, authorize or direct in writing any change in any such production or delivery schedule; and no producer shall alter any such schedule as approved, prescribed or modified pursuant to this paragraph (e), unless authorized or directed to do so in writing by the War Production Board.

(3) Notwithstanding the provisions of Priorities Regulation No. 1, producers may schedule their production of items of farm machinery and equipment and repair parts as if the orders therefor bore a rating of AA-2.

(4) On and after July 1, 1943, the delivery schedules for all items for farm use, and for export, as approved or modified pursuant to this paragraph (e), shall be maintained without regard to any preference ratings already or hereafter assigned to particular contracts, commit-

[1] Production quotas for export are set forth in Order L-257-a.

ments or purchase orders, unless otherwise specifically directed in writing by the War Production Board.

(f) *Further restrictions*—(1) *Items containing iron and steel.* No person shall manufacture, from iron or steel (excluding screws, nails, rivets, bolts, wire, strapping or small hardware for joining or other similar essential purposes), any of the following items:

Bee hives
Milk stools
Tongues
Silos (except for ladders, chutes and platforms)
Cattle stalls
Stanchions
Stock pens
Marking poles
Thills
Farm gates
Boxes for farm wagons and trucks (not motor trucks)
Farm wagon gears
Farm trucks (not motor trucks);

Provided however, That nothing in this paragraph (f) (1) shall be deemed to prevent the manufacture of:

(i) Cattle stalls, stanchions, stock pens, marking poles, or farm gates from re-rolled rail steel, plus strappings and essential hardware (and plus necessary wire in the case of farm gates), or

(ii) Farm wagon gears or farm trucks from re-rolled rail and axle steel, "top cuts," or Bessemer process steel, plus iron castings and wheels, and plus not more than 100 pounds of open-hearth process steel per item.

(2) *Restrictions on sale for domestic use.* Subject to such directions as may be issued from time to time as to rationing control by the War Food Administrator, no person shall sell any item of new farm machinery and equipment (except poultry equipment, horseshoes, muleshoes, oxenshoes, and harness hardware) which was manufactured for sale in the United States, and which he knows or has reason to believe will not be used in the hands of the ultimate consumer for farm use, except to fill a contract or purchase order bearing a preference rating of AA-4 or higher.

NOTE: The words "nails for such shoes" deleted from paragraph (f) (2).

(g) *Excess inventory.* Any producer may sell to any other producer any material in his inventory which is in excess of his requirements for the items of farm machinery and equipment and repair parts authorized to be manufactured under the provisions of this order. Such sales shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13.

(h) *Standardization, simplification, substitution and conservation of critical materials.* (1) In the manufacture of any item of farm machinery and equipment or repair parts, no producer shall use any materials which are prohibited by M-orders or other restrictions on use of critical materials as now or hereafter ordered by the War Production Board.

(2) The War Production Board may from time to time issue supplementary orders or schedules establishing required specifications with respect to the manufacture of any item or items of farm machinery and equipment (or non-farm machinery and equipment) and repair parts. "Required specifications" may include requirements to standardize or simplify the types, sizes or models of, or the specifications for, any such item or items; to eliminate, reduce or conserve the use of critical materials in the production thereof; and to substitute less critical for more critical materials in the production thereof. On and after the effective date of any such supplementary order or schedule no farm machinery and equipment and repair parts affected thereby shall be manufactured except in accordance therewith.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Order L-170.* Except as herein otherwise provided, this order shall become effective as of July 1, 1943, and shall supersede Limitation Order L-170 as of that date. Supplementary Limitation Order L-170-a shall remain in full force and effect until revoked or modified.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington, D. C. Ref: L-257.

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A ATTACHED TO ORDER L-257

NOTE: Items 257, 268, 269, 272, 272b, 272c, 272d, 272e, 272g, 292e, 292f, and note to item 297 deleted; items 218, 248e, 248f, 248g, 271, 272a, 272f, 272j, 272k, 272l, 290, 290a, 292e, 292l, 292j, 292k, 294, 295, 297, 298, 301; 248c and 291 amended.

QUOTAS COVERING MANUFACTURE FOR DOMESTIC FARM USE OF FARM MACHINERY AND EQUIPMENT FOR THE PERIOD JULY 1, 1943, TO JUNE 30, 1944

Producers are not restricted by any quota percentage in the manufacture of repair parts.

Quotas for new machinery and equipment for farm use are expressed as a percentage of the net shipping weight of each item produced during 1940 or 1941, whichever was higher. In accordance with paragraph (d) (2), production of "bracketed items" may be distributed among all or any one or more items included in the particular bracket, so long as the total weight does not exceed that determined by applying the various quota percentages to the items in the particular bracket.

"Small producers" may use the quota percentage of 100% for any item or items they manufacture, so long as their aggregate production of all items does not exceed 100% of their total 1940 or 1941 production, whichever was higher, as provided in paragraph (d) (4).

Quotas for each item of attachments, unless election is made to lump together all attachments pursuant to paragraph (d) (3), are expressed as the same percentage as that listed for the machine with which the particular attachment is used (except engines).

Any item of farm machinery and equipment not provided for in this Schedule A is not to be manufactured for sale in the United States, unless specifically exempted under the order. Moreover, any manufacture of an item in excess of the percentages established in this Schedule A, even though it may be scheduled for production under paragraph (e), is permitted only if specifically authorized pursuant to paragraph (c) (3) or on appeal.

GROUP 1: PLANTING, SEEDING, AND FERTILIZING MACHINERY

Division 1: Planters (Horse and Tractor Drawn)

Item No.		Quota Percent
1	One row, one horse, corn	80
2	One row, one horse, corn and cotton, peanut and bean	64
2a	One-horse legume planters for middles (Southern)	64
3	One row, two horse, corn and cotton	77
3a	Vetch	77
4	Two row, corn	100
5	Two row, corn and cotton	100
6	Three row and over, corn	65
7	Three row and over, corn and cotton	100

Division 2: Planters (Tractor Mounted)

8	One row, corn	0
9	One row, corn and cotton	58
10	Two row, corn	94
11	Two row, corn and cotton	94
12	Three row and over, corn	100
13	Three row and over, corn and cotton	100

Division 3: Potato Planters (Horse and Tractor Drawn)

14	One row	100
14a	Two row and larger	100

Division 4: Transplanters

15	One row, horse or tractor drawn	120
15a	Two row, horse or tractor drawn	120
15b	Two row, tractor mounted	120
15c	Celery, self propelled	120
15d	Onion set, horse or tractor drawn	120
16	Hand, wheel type	115

Division 5: Listers with Planting Attachments (Horse or Tractor Drawn)

17	One row	0
18	Two row	82
19	Three row and over	74

Division 6: Listers with Planting Attachments (Tractor Mounted)

20	One row	75
21	Two row	75
22	Three row and over	100

GROUP 1—Continued

Division 7: Beet and Bean Drills or Planters

Item No.		Quota Percent
23	Four row, horse or tractor drawn	90
23a	Six row, horse or tractor drawn	90
23b	Four row, tractor mounted	90
23c	Six row, tractor mounted	90

Division 8: Grain Drills

24	One horse, plain or fertilizer, three to seven disc or run	100
25	Fertilizer, 14 run and under, horse or tractor drawn	93
25a	Fertilizer, over 14 run, horse or tractor drawn	93
26	Plain, 14 run and under, horse or tractor drawn	73
26a	Plain, over 14 run, horse or tractor drawn	73
26b	Press drill, horse or tractor drawn	73
26c	Plain drill, lister type, horse or tractor drawn	73

Division 9: Broadcast Seeders

27	Wheeled, horse or tractor drawn	52
28	End-gate	68
29	Hand (wheelbarrow and other)	49

Division 10: Garden Planters

30	Hand, wheel type	65
31	Horse or tractor drawn, one row or multiple row (one row is a unit)	73

Division 11: Fertilizer Distributors

32	One row, horse drawn	75
32a	Two row, horse drawn	75
32b	Two row, tractor mounted	75
32c	Broadcast, horse or tractor drawn	75
32d	Hand propelled	72

Division 12. Lime Spreaders (Sowers)

33	Wheeled hopper type sower, horse or tractor drawn	61
34	End-gate type	61
34a	Trailer type	61
35	Truck body type	100

Division 13: Manure Spreaders and Loaders

36	Four wheel, horse or tractor drawn	56
37	Two wheel, tractor drawn	51
37a	Manure loaders	100

Division 14. Other Planting, Seeding and Fertilizing Machinery

38	Limestone pulverizers (farm size, under 14")	49
39	Universal carrier, chassis or rear tool bar (short and long) for mounting tools, pull type	80
39a	Tool frame, attached or rear tool bar (short and long) for mounting tools on tractor	80
40	Potato cutter	100
40a		80
40b		80
41	Attachments for all items in Group 1 expressed in terms of net shipping weight in pounds	(1)

GROUP 2: PLOWS AND LISTERS

Division 1: Moldboard Plows (Horse Drawn)

42	Walking, one horse, steel bottom	76
43	Walking, one horse, chilled bottom	57
44	Walking, two horse and larger	62
45	Sulky	90
46	Gang, two bottom and larger	90

Division 2: Moldboard Plows (Tractor Drawn or Mounted)

47	One bottom, tractor drawn	35
47a	One bottom, two-way (one furrow) tractor drawn	35
48	Two bottom, tractor drawn	56
48a	Two bottom, two-way (two furrow) tractor drawn	60
49	Three bottom, tractor drawn	52
50	Four bottom, tractor drawn	34
51	Five bottom and larger, tractor drawn	44
52	One bottom, tractor mounted	14
52a	One bottom, two-way (one furrow) tractor mounted	35
53	Two bottom, tractor mounted	52

[1] Percentage quota is the same as that listed for the machine with which the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L-257).

GROUP 2—Continued

Division 3: Disc Plows (Horse Drawn)

Item No.		Quota Percent
54	Single disc, and larger	0

Division 4: Disc Plows (Tractor Drawn)

55	One disc	0
56	Two disc	78
57	Three disc	71
58	One disc—direct connected (one wheel type)	73
59	Two disc—direct connected (one wheel type)	51
59a	Three disc—direct connected (one wheel type)	61
59b	Three disc, tool bar type	61
60	Four disc, tractor drawn	65
61	Five disc, tractor drawn	54
62	Six disc and larger, tractor drawn	54

Division 5: One-way Disc Plows or Tillers

63	Under five feet	58
63a	Five foot and under eight foot	58
63b	Eight foot and over	58

Division 6: Listers (Horse or Tractor Drawn) (Middlebusters Without Planting Attachments)

64	One row, horse or tractor drawn	77
65	Two row, horse or tractor drawn	100
66	Three row and larger, horse or tractor drawn	0

Division 7: Listers (Tractor Mounted) (Middlebusters Without Planting Attachments)

67	One row, tractor mounted	12
68	Two row, tractor mounted	25
69	Three row and larger, tractor mounted	48
69a	Three row ridgers	85

Division 8: Sub-Soil Plows

70	Horse drawn	60
71	Tractor drawn	60
72	Tractor mounted	60

Division 9: Plow Stocks

73	Single or double stocks	66

Division 10: Other Plows and Listers

74	Basin Lister	100
75	Cane row plows	100
76		60
76a		60

Division 11: Attachments

77	Attachments for all items in Group 2 expressed in terms of net shipping weight in pounds	(1)

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

Division 1: Harrows

78	Spike tooth harrow sections (steel), horse or tractor drawn	69
78a	Spike tooth harrow sections (wood), horse or tractor drawn	69
79	Spring tooth harrow sections (steel), horse or tractor drawn	68
79a	Spring tooth harrow sections (wood), horse or tractor drawn	68
80	Disc harrows, reversible, row disc, horse or tractor drawn	60
80a	Disc harrows, single, six foot and under (horse drawn type)	60
80b	Disc harrows, single over six foot (horse drawn type)	60
80c	Disc harrows, tandem attachment for horse drawn type	60
80d	Disc harrows, single and tandem, six foot and under, tractor drawn	60
80e	Disc harrows, single and tandem, over six foot and under eleven foot, tractor drawn	60
80f	Disc harrows, tandem "heavy duty" "cover crop", "wide disc spacing" tractor drawn	60
80g	Disc harrows, wide disc harrows over ten foot, tractor drawn	60
80h	Disc harrow, offset—tractor drawn	60
80i	Disc harrows, brush and bog, tractor drawn	60
81	Disc harrows, tractor mounted and tool bar type	60
81a	Cane disc harrows, tractor mounted and tool bar type	100

[1] Percentage quota is the same as that listed for the machine with which the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L-257).

GROUP 3—Continued

Division 2: Smooth Land Rollers

Item No.		Quota Percent
82	Smooth land rollers, not including lawn rollers	61

Division 3: Soil Pulverizers and Packers

83	Soil pulverizers and packers, single	57
83a	Soil pulverizers and packers, double	57

Division 4: Stalk Cutters

84	Stalk cutters, horse drawn	63
84a	Stalk cutters, tractor drawn	63
84b	Weed cutters (rotary blade type)	63
84c	Cane stubble shavers	85

Division 5: Ridge Busters

85	Ridge busters, horse or tractor drawn	100
86	Ridge busters, tractor mounted	100

Division 6: Other Harrows and Rollers

87	Combination harrow and rollers	91
87a	Seed-bed row rollers	72
88	Field Markers	69
89		69
89a		69

Division 7: Attachments

90	Attachments for all items in Group 3 expressed in terms of net shipping weights in pounds	(1)

GROUP 4: CULTIVATORS AND WEEDERS

Division 1: Cultivators (Horse and Tractor Drawn)

91	One horse (all types), including hillers, disc hoes, shovel plows, little joes, and similar type harrows and rotary harrows	45
92	One row, walking, two horse	70
93	One row, riding, two horse, shovel type	98
93a	One row, riding, two horse, disc type	140
93b	Two row, riding, horse drawn, shovel or disc type	90
94	One row, riding, two horse, listed corn type	70
94a	Two row, horse drawn, listed corn type	70
94b	Two row, tractor drawn, listed corn type	100
94c	Three row, tractor drawn, listed corn type	100
94d	Four row, tractor drawn, listed corn type	100
94e	Five row, tractor drawn, listed corn type	100
95	Beet and bean cultivators, two row, horse drawn	50
95a	Beet and bean cultivators, four row, horse or tractor drawn	50
95b	Two row wing and disc hoes and hillers, potato, horse or tractor drawn	141
95c	Two row wing and disc hoes and hillers, potato, tractor mounted	141
96	Field cultivators, spring tooth type, seven foot and under	70
96a	Field cultivators, spring tooth type, over seven foot	70
96b	Field cultivators, stiff tooth type, seven foot and under	70
96c	Field cultivators, stiff tooth type, over seven foot	70
96d	Chisels and orchard cultivators, tractor drawn	45
97	Hand cultivators, wheel type, including hand plows	74

Division 2: Cultivators (Tractor Mounted)

98	One row	21
99	Two row, shovel type	71
99a	Two row, listed corn type	71
99b	Two row, potato cultivator	100
99c	Two row, disc type	71
100	Three and four row, shovel type	100
101	Narrow row, four and six row (beet, bean, and vegetable cultivators)	91
101a	Combination cultivators and planters, two row, corn and cotton	60
101b	Two row, cane cultivators	100
101c	Three row, cane cultivators	100
101d	Field cultivator, mounted and tool bar type	70
101e	Chisel and orchard cultivators, mounted and tool bar type. (See also item 95c)	45

Division 3: Rotary Hoes

102	Rotary hoes, horse or tractor drawn	55

Division 4. Weeders

103	Rod weeders, horse or tractor drawn	60
103a	Rod weeders, tractor mounted and tool bar	60
104	Tooth weeders, one horse, walking	150
104a	Tooth weeders, two horse, riding	150
104b	Tooth weeders, tractor drawn	150
104c	Tooth weeders, tractor mounted	150

GROUP 4—Continued

Division 5: Other Cultivators and Weeders

Item No.		Quota Percent
105	Beet thinners	120
105a	Vegetable weeder and thinner	122
105b	Cyclone weeder	95
106		85
106a		85

Division 6: Attachments

107	Attachments for all items in Group 4 expressed in terms of net shipping weight in pounds	(1)

GROUP 5: SPRAYERS, DUSTERS, AND ORCHARD HEATERS

Division 1: Power Sprayers

108	Market garden type, under six g. p. m.	63
108a	Orchard type, six to ten g. p. m. auxiliary engines	68
108b	Orchard type, six to ten g. p. m. power take-off	63
108c	Orchard type, eleven to twenty g. p. m. auxiliary engines	63
108d	Orchard type, eleven to twenty g. p. m. power take-off	63
108e	Orchard type, over twenty g. p. m. auxiliary engines	63
108f	Orchard type, over twenty g. p. m. power take-off	63
108g	Field or row crop type, six to ten g. p. m. auxiliary engines	63
108h	Field or row crop type, six to ten, g. p. m. power take-off	63
108i	Field or row crop type, eleven to twenty g. p. m. auxiliary engines	63
108j	Field or row crop type, eleven to twenty g. p. m. power take-off	63
108k	Field or row crop type, over twenty g. p. m. auxiliary engines	63
108l	Field or row crop type, over twenty g. p. m. power take-off	63
108m	Field or row crop type, tractor mounted	100
108n	Propeller blast type	100
109	Traction sprayers, under six g. p. m	100
109a	Traction sprayers, six g. p. m and over	100

Division 2: Hand Sprayers with Tank, Barrel, Knapsack, etc. with Complete Equipment (Capacity 1 qt. or over but less than six gallons)

110	Compressed air	70
111	Knapsack, self-contained	68
112	Trombone pump type	61
113	Bucket, pump type, single cylinder	73
114	Bucket, pump type, double cylinder	70
115	Atomizing, single action (1 qt. and larger capacity)	62
116	Atomizing, continuous (1 qt. and larger capacity)	64

Division 3: Hand Pump Sprayers (Capacity Six Gallons or More)

117	Barrel pump sprayer	87
118	Wheelbarrow sprayer	75

Division 4: Spray Pumps, Power

119	Spray pumps, power	104

Division 5: Weed and Pear Burners

120	Weed and pear burners	60

Division 6: Dusters

121	Power duster, auxiliary engines	128
121a	Power duster, power take-off	128
122	Traction dusters	79
123	Hand dusters, rotary type	74
123a	Hand dusters, plunger type	74

Division 7: Orchard Heaters

124	Orchard heaters	75
124a	Wind frost protection machines	75

Division 8: Attachments

125	Attachments for all items in Group 5 expressed in terms of net shipping weight in pounds	(1)

GROUP 6: HARVESTING MACHINERY

Division 1: Combines (Harvester-Threshers)

126	Width of cut, 6 ft. and under, auxiliary engines	57
126a	Width of cut, 6 ft. and under, power take-off	57
127	Width of cut, over 6 ft. including 10 ft	90
128	Width of cut, over 10 feet	97
128a	Windrowers or swathers	73

GROUP 6—Continued

Division 2: Grain and Rice Binders

Item No.		Quota Percent
129	Grain binders (ground drive)	42
130	Grain binders (power take-off drive)	54
131	Rice binders	58

Division 3: Corn Binders

132	Corn binders, ground drive	70
132a	Corn binders, power take-off	75
132b	Corn harvester, sled and wheel type	75

Division 4: Corn Pickers

133	One row, mounted type	110
134	Two row, mounted type	76
135	One row, pull type	78
136	Two row, pull type	108

Division 5: Field Ensilage Harvesters—Flow Type

137	Field Ensilage Harvesters (row type)	100

Division 6: Potato Diggers and Pickers

138	Walking plow type	114
139	One row, ground drive	135
139a	One row, power take off	125
139b	Two row, power take off	125
139c	Potato pickers	135

Division 7: Bean Cutters or Pullers

140	Two row, horse or tractor drawn	85
140a	Four row, horse or tractor drawn	85

Division 8: Sugar Beet and Cane Harvesting Equipment

141	Beet lifters, horse or tractor drawn	27
141a	Beet lifters, tractor mounted	27
141b	Beet harvesters	150
141c	Beet loaders	150
141d	Cane harvesters	85
141e	Cane loaders	150

Division 9: Other Harvesting Equipment

142	Cotton harvesters, stripper type	150
142a	Cotton pickers	150
143	Vegetable pullers and pickers	150
143a	Green pea harvesters	150
143b	Spinach harvesters	150
144	One row soybean harvesters	150
144a	Grass seed harvesters or strippers	80
144b	Flax pullers	100
144c	Hop pickers	67
144d	Peanut diggers	150
144e		90
144f		90

Division 10: Attachments

145	Attachments for all items in Group 6 expressed in terms of net shipping weight in pounds	(1)

GROUP 7: HAYING MACHINERY

Division 1: Mowers

146	Horse or tractor drawn (ground drive)	49
147	Tractor mounted or semi-mounted (power take-off drive)	69

Division 2: Rakes

148	Sulky (dump)	47
149	Side delivery (incl. comb. side rakes and tedders)	84
150	Sweep (horse)	90
150a	Sweep (tractor mounted)	90

Division 3: Hay Loaders

151	Hay loaders	67

Division 4: Stackers

152	Stationary	90
152a	Combination stacker-loaders	146

Division 5: Pick-up hay balers and bale loaders

153	Pick-up hay balers—power take-off	78
153a	Pick-up hay balers—auxiliary engine	78
153b	Field bale loader	150

Division 6: Other Haying Machinery

154	Field hay choppers and harvesters	150
155		90
156		90

[1] Percentage quota is the same as that used for the machine with which the attachment is used, unless option is chosen as provided for in Paragraph (d) (3) of the Order (L-257).

GROUP 7—Continued

Division 7: Attachments

Item No.		Quota Percent
157	Attachments for all items in Group 7 expressed in terms of net shipping weight in pounds	(1)

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Division 1: Stationary Threshers—Grain, Rice and Alfalfa

158	Threshers, width of cylinder under 28 inches	66
159	Threshers, width of cylinder 28 inches and over	47

Division 2: Stationary Pea and Bean Threshers

160	Stationary pea and bean threshers	102

Division 3: Peanut Pickers

161	Peanut pickers	61

Division 4: Ensilage Cutters—Silo Fillers

162	Ensilage cutters (Silo Fillers)	69

Division 5: Feed Cutters—Hand and Power

163	Feed cutters, hand and power	80

Division 6: Corn Shellers

164	Corn shellers (hand)	43
165	Spring (2, 4, 6 and 8 hole)	0
166	Cylinder (150 bu. and under)	33
167	Cylinder (over 150 bushels)	45

Division 7. Corn Huskers and Shredders

168	Combination corn huskers-shredders	74
169	Corn huskers	41
170	Corn shredders	0

Division 8: Stationary Hay and Straw Balers

171	Horse	76
172	Auxiliary engine	36
172a	Belt driven	36
172b	Power take-off	36
172c	Broom corn balers	79

Division 9: Feed Grinders and Crushers

173	Hand	52
174	Power, burr type	58
175	Hammer type	58
175a	Roughage mills, combination type with cutter head and grinders	58
175b	Feed mixers (not concrete mixers)	58

Division 10: Grain cleaners and Graders

176	Cleaners and graders—farm type (small grain and seed)	68

Division 11: Sorters and Graders

177	Potato sorters and graders	111
177a	Vegetable graders, washers, sackers and conveyors	90
177b	Vegetable toppers	90
177c	Fruit graders, washers, crushers, conveyers	90
177d	Nut hullers graders, sackers, conveyors	90

Division 12: Maple Syrup Evaporators

178	Complete sets of pans, not including furnaces	69
179	Furnaces	68

Division 13: Cane Syrup Evaporators

180	Complete sets of pans, not including furnaces	93
181	Furnaces	77

Division 14: Cane Mills—Farm Size

182	Cane mills (farm size)	63

Division 15: Cider Mills and Fruit Presses

188	Cider mills and fruit presses	32

Division 16: Other Machines for Preparing Crops for Market or Use

184	Tobacco Curers	40
185	Broom corn de-seeders	80
186		80
186a		80

GROUP 8—Continued

Division 17: Attachments

Item No.		Quota Percent
187	Attachments for all items in Group 8 expressed in terms of net shipping weight in pounds	(1)

GROUP 9: FARM ELEVATORS AND BLOWERS

Division 1: Elevators—Portable

188	Elevators, Portable	100

Division 2: Elevators—Stationary

189	Elevators, stationary	36

Division 3: Blowers—Grain and Forage

190	Blowers (grain)	118
190a	Blowers (forage)	150

Division 4: Attachments

191	Attachments for all items in Group 9 expressed in terms of net shipping weight in pounds	(1)

GROUP 10: TRACTORS

Division 1: Tractors, Wheel Type, by Rated Belt H. P.

192	Special purpose, under 30 H. P	82
193	Special purpose, 30 and over	44
194	All purpose under 30 H. P	41
195	All purpose 30 and over	63

Division 2: Garden Tractors

196	Garden tractors (incl. motor tillers)	65

Division 3. Attachments

197	Attachments for all items in Group 10 expressed in net shipping weight in pounds	(1)

GROUP 11: ENGINES (CANCELLED—SCHEDULED BY AUTOMOTIVE DIVISION)

Division 1: Engines Under 1 H. P.

198	Air Cooled	(1)

Division 2: Engines, One or More but Under 4 H. P.

199	Air Cooled	(1)
200	Water Cooled	(1)

Division 3: Engines, Five or More but Under 10 H. P.

201	Air Cooled	(1)
202	Water Cooled	(1)

Div Engines, Tension 4: or More but Under 20 H. P.

203	Water cooled	(1)

Division 5: Attachments

204	Attachments for all items in Group 11 expressed in terms of net shipping weight in pounds	75

GROUP 12: FARM WAGONS, GEARS AND TRUCKS (NOT MOTOR)

Division 1: Wagons and Trucks

205	Wagon gears (less box). (See par. (f) (1))	55
206	Truck gears (less box). (See par (f) (1))	55
206a	One horse wagon(with box). (See par. (f) (1))	55

Division 2: Wagon Bodies

207	Wagon and truck boxes, farm. (See par. (f)(1))	77

Division 3: Farm Sleighs

208	Sleighs and Bob-Sleds, farm	150

Division 4: Trailers—Farm

209	Trailers, farm	[2] 0

Division 5 Other Transporting Equipment Not Motor Trucks

210	Tobacco trucks (see par. (f) (1))	56
210a	Buggies and spring wagons, farm	55
211	Cane wagons and carts	47
211a		50
211b		50

[2] Quota percentage not necessary.

GROUP 12—Continued

Division 6: Attachments

Item No.		Quota Percent
212	Attachments for all items in Group 12 expressed in terms of net shipping weight in pounds (see par. (f) (1))	(1)

GROUP 13: DOMESTIC WATER SYSTEMS

Division 1: Deep and Shallow Well Systems

213	Deep well, reciprocal	55
214	Deep or shallow well, jet type	70
215	Shallow well, 250–499 gals. per hour	66
216	Shallow well, 500 gals. per hour and over	56

Division 2. Power Pumps

217	Horizontal type, up to and incl. 75 gal. p. m. 100 pressure	55

Division 3. Water Well Casing

218	Water well casing (fabricated by other than pipe mills)	100

Division 4: Attachments

219	Attachments for all items in Group 13 expressed in terms of net shipping weight in pounds	(1)

GROUP 14: FARM PUMPS AND WINDMILLS

Division 1. Pumps, water

220	Pitcher pumps	69
221	Hand and windmill pumps	84

Division 2. Windmills

222	Windmill heads	95
223	Windmill towers	89

Division 3: Pump jacks

224	Pump jacks	67

Division 4: Attachments

226	Attachments for all items in Group 14 expressed in terms of net shipping weight in pounds	(1)

GROUP 15: IRRIGATION EQUIPMENT

Division 1. Irrigation Pumps

227	Turbine Pumps, 0 to 1,200 G. P. M	64
228	Turbine Pumps, 1,200 G. P. M. and up, belt driven	135
229	Centrifugal pumps	64
230	Hydraulic rams	50

Division 2: Distribution Equipment

231	Land levelers	45
231a	Blade ditchers and terracers	45
231b	One disc terracers	45
231c	Corrugators	45
231d	Scrapers	45
	(Items 231 to 231d are exclusive of power ditchers, draglines, and other self-powered machines.)	
232	Portable pipe and extensions, sprinklers (excluding lawn sprinklers), valves and gates, expressed in terms of net shipping weight in pounds	70

Division 3: Other Farm Irrigation Equipment (List each item separately)

233		40
234		40
235		40

Division 4: Attachments

236	Attachments for all items in Group 15, expressed in terms of net shipping weight in pounds	(1)

[1] Percentage quota is the same as that listed for the machine with which the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L-257).

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

Division 1: Milking Machines

Item No.		Quota Percent
237	Milking machines.....(Complete Outfits)..	60

Division 2: Farm Cream Separators

238	Capacity 250 lbs. per hour or less	35
239	Capacity 251 lbs. to 800 lbs. per hour	37
240	Capacity 801 lbs. to 1500 lbs. per hour	23

Division 3: Farm Milk Coolers

241	Immersion type	84
242	Surface or Tubular type	84

Division 4: Farm Butter Making Equipment

243	Butter churns	70
244	Butter molds	50

Division 5: Other Dairy Farm Equipment

245	Milk pails	98
246	Milk strainers	98
247	Stirrers	50
248	Cream setter cans	50
248a	Sterilizing tanks	70
248b	Dairy washing tanks	60
248c	Dairy water heaters (excluding boiler-type heaters)	60
248d	Can racks	60
	(List additional items separately)	
248e		50
248f		50
248g		50

Division 6: Attachments

249	Attachments for all items in Group 16, expressed in terms of net shipping weight in pounds	(1)

GROUP 17: BARN AND BARNYARD EQUIPMENT

Division 1: Feed Carriers, Litter Carriers, and Feed Trucks

250	Feed carriers	50
251	Litter carriers	82
252	Track for feed and litter carriers	75
253	Feed trucks (iron and steel)	67

Division 2: Hay Unloading Equipment

254	Hay carriers	90
255	Track for hay carriers	75
256	Hay forks, harpoon and grapple	90

Division 3: Cattle Stalls, Pen Equipment and Stanchions

258	Cattle stalls and fittings (See Par. (f) (1))	50
259	Livestock pens (See Par. (f) (1))	40
260	Cattle stanchions and fittings (See Par. (f) (1))	65

Division 4: Livestock Drinking Cups and Watering Bowl

261	Livestock drinking cups	92
262	Outside livestock watering bowls	80

Division 5: Barnyard Stock Tanks

263	Barnyard stock tanks	65
264	Hog troughs (iron and steel)	50
265	Livestock dipping tanks	50

Division 6: Feeders, Feed Cookers, & Tank Heaters

265a	Livestock feeders (iron and steel)	80
266	Feed cookers	77
267	Tank heaters	90

Division 7: Barn Door Track & Hangers

GROUP 17—Continued

Division 8: Other Barn & Barnyard Equipment

Item No.		Quota Percent
270	Hog waterers	105
270a	Hog oilers	65
271	Hog rings	110
271a	Hog ringers	85
272a	Cattle dehorning equipment	50
272f	Anti-cow-kickers	45
272h	Hay hoists	60
272i	Bull staffs	100
272j	Bull rings	100
	(List additional items separately)	
272k		50
2721		50

Division 9: Attachments

273	Attachments for all items in Group 17, expressed in terms of net shipping weight in pounds	(1)

GROUP 18: FARM POULTRY EQUIPMENT

Division 1: Incubators

274	Incubators, 1,000-egg capacity & smaller	51
275	Incubators, over 1,000-egg capacity	75

Division 2: Floor Brooders

276	Oil (over 100 chick capacity)	100
277	Coal (over 100 chick capacity)	100
278	Gas (over 100 chick capacity)	100
279	Wood (over 100 chick capacity)	100
280	Electric (over 100 chick capacity)	100
280a	All types 100 chick capacity and smaller	100

Division 3: Battery Brooders (heated)

281	Three deck and smaller (heated)	30
282	Four deck (heated)	70
283	Five deck (heated)	85

Division 4: Growing and Laying Batteries

284	Growing	52
285	Laying	0

Division 5: Poultry Feeders

286	Poultry feeders (iron and steel)	70

Division 6: Poultry Waterers and Water Heaters

287	Poultry waterers (iron and steel)	70
287a	Automatic float valves	75
287b	Fountain heaters	75

Division 7: Laying Nests and Grit Boxes

288	Laying nests (iron and steel)	40
289	Egg baskets	100
289a	Grit boxes (iron and steel)	40

Division 8: Other Farm Poultry Equipment

290	Leg bands	110
290a	Wing bands	110
291	Egg graders	100
292	Egg candlers	100
292a	Poultry punches	50
292b	Roof saddles	100
292c	Draft equalizers	100
292d	Chimney caps	100
292g	Killing cones	50
292h	Fowl catchers	60
	(List additional items separately)	
292i		50
292j		50
292k		50

Division 9: Attachments

293	Attachments for all items in Group 18, expressed in terms of net shipping weight in pounds	(1)

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Division 1: Beekeepers' Supplies

294	Beekeepers' supplies (except bee hives)	100
295	Bee hives (not limited, except iron and steel—see par. (f) (1)).	

Division 2: Silos

296	Silos (total weight of iron and steel) (see par. (f) (1))	60

GROUP 19—Continued

Division 3: Horse Shoes—Including Mule and Oxen Shoes

Item No.		Quota Percent
297	Horse shoes (incl. mule and oxen shoes)	107

Division 4: Harness Hardware

298	Harness hardware	100

Division 5: Power Sheep Shearing Machines

299	Power sheep shearing machines	100
299a	Power cattle and horse clippers	50

Division 6: Electric Fence Controllers

300	Electric fence controllers	100
301	Electric fence accessories	120

Division 8: Farm Wood-Sawing Machines

309	Farm wood-sawing machines including self-powered cross-cut and drag 5 H. P. and less	56

Division 9: Farm Gates

310	Farm gates (see par. (f) (1))	25

Division 10: Farm Electric Plants (wind-driven)

311	Farm electric plants (wind-driven electric generating plants only—does not include batteries or towers)	55
311a	Towers for wind-driven electric generating plants	55
	(Engine driven farm lighting plants and batteries transferred to Automotive Division.	

Division 11. Attachments

312	Attachments for all items in Group 19, expressed in terms of net shipping weight in pounds	(1)

(1) Percentage quota is the same as that listed for the machine with whom the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L–257).

[F. R. Doc. 43–11293; Filed, July 14, 1943; 11:33 a. m.]

PART 1059—MANUFACTURE OF TURBINES, TURBINE-GENERATORS, AND GENERATORS

[General Preference Order M–76, as Amended July 14, 1943]

Section 1059.1 *General Preference Order M–76*, is hereby amended to read as follows:

§ 1059.1 *General Preference Order M–76*—(a) *Definitions.* For the purpose of this order:

(1) "Turbine" means any steam, hydraulic, or gas propelled turbine unless designed for ship propulsion or aircraft use.

(2) "Turbine-generator set" means any combination of one or more turbines and electric generators built to operate as a set, unless designed for ship propulsion, aircraft use, or locomotive headlight service.

(3) "Generator" means any electric generator designed to be propelled by a turbine, unless designed for ship propulsion, aircraft use, or locomotive headlight service.

(4) "Approved order" means any order bearing a preference rating of AA–5 or higher.

(5) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(6) "Producer" means any person who produces, manufactures, fabricates, or assembles turbines, turbine-generator sets, or generators.

(b) *Acceptance of orders.* No producer may accept any order for a turbine, turbine-generator set, or generator unless such order is an approved order.

(c) *Reports of approved orders and production schedules.* Every producer shall, on or before the tenth day of each month hereafter, file with the War Production Board a report of such unfilled approved orders for new turbines, turbine-generator sets, and generators, together with his production and delivery schedule with respect thereto, as may be required by the reporting form and accompanying instructions which are hereafter prescribed by the War Production Board, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(d) *Production and delivery of turbines, turbine-generator sets, and generators.* (1) Each producer shall schedule production and make deliveries of turbines, turbine-generator sets, and generators in accordance with such specific directions as may be issued pursuant to this paragraph from time to time by the War Production Board.

(2) In the absence of such specific directions each producer shall schedule production and make deliveries of turbines, turbine-generator sets, and generators in accordance with applicable preference ratings, allotments, regulations, orders, or other directions issued by the War Production Board.

(e) *Effect of other orders and directions.* The production and delivery schedules established by any specific direction which may be issued pursuant to paragraph (d) hereof shall be maintained without regard to any preference ratings assigned to particular contracts, commitments, or purchase orders and without regard to any other order or direction except a direction from the War Production Board referring specifically to General Preference Order M–76.

(f) *Reporting interruptions.* If it becomes impossible for any producer to maintain production and delivery in accordance with specific directions issued pursuant to paragraph (d) hereof such producer shall immediately notify the War Production Board by letter or telegram and unless otherwise directed by the War Production Board such producer shall continue to produce and deliver turbines and turbine-generator sets and generators in the order set forth in such directions, except that the producer may postpone production and delivery of such turbines or turbine-generator sets and generators only to the extent required by the circumstances reported to the War Production Board.

(g) *Applicability of regulations.* This order and transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth in a letter the pertinent facts and the reasons he considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: Office of War Utilities, War Production Board, Washington, D. C., Ref.: M–76.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11294; Filed, July 14, 1943; 11:33 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Interpretation 3 of General Limitation Order L–123 as Amended]

The following interpretation is issued with respect to General Limitation Order L–123 as amended:

It has been the practice of the motor repair industry to take in trade a broken down fractional horsepower motor and repair it for redelivery to another customer, on a similar basis, rather than to engage in repair of a fractional horsepower motor at the point of operation. The sale of the fractional horsepower motor for replacement would be within the exemption provided by paragraph (c) of Order L–123 [§ 1226.1] with respect to delivery of maintenance and repair parts, if it is the practice of the seller to take in trade the broken down motor, to repair it or have it repaired where practicable, and to resell it under similar conditions.

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11295; Filed, July 14, 1943; 11:33 a. m.]

PART 3096—PAPER AND PAPERBOARD

[General Conservation Order M–241 as Amended July 14, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply, for defense, for private account and for export, of various materials and facilities required in the manufacture and distribution of paper and paperboard; and the following order is deemed necessary in the public interest and to promote the national defense:

§ 3096.1 *General Conservation Order M–241*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Produce" includes all operations involved in the manufacture of paper or paperboard in primary roll or sheet form and only includes secondary operations when such operations are performed by an integral part of the paper machine (Yankee, Harper, Fourdrinier, or Cylinder).

(3) "Mill" means a congregation of pulp preparation and roll and sheet finishing equipment, paper machines and subsidiary facilities located and operated together as a single producing unit for the production of paper and paperboard.

(4) "Base period" means the six month period from October 1, 1941 through March 31, 1942.

(5) "Paper merchant" means any person regularly engaged in the business of buying and reselling paper and/or paperboard.

(c) *Restrictions on production of paper and paperboard.* (1) Unless specifically authorized by the War Production Board pursuant to subparagraph (5) of this paragraph (c), no person or persons shall produce paper or paperboard in any mill which has not produced paper or paperboard since August 1, 1942.

(2) Each manufacturer of paper and/or paperboard shall for each mill operated by him determine quarterly a production quota, calculated as follows:

(i) Determine, separately for each class of paper and paperboard on List A the quantity thereof produced at such mill during the period from October 1, 1941 through March 31, 1942;

(ii) Subtract from the result for each class on List A the quantity produced at such mill during such period of each of the grades of paper or paperboard on List B falling within such class;

(iii) Multiply the remainder for each class by percentage figure set opposite the particular class on List A;

(iv) Add together the several tonnages obtained by (iii), and divide by two.

The quantities shall be measured to the nearest ton, in tonnages delivered from the paper machine (Yankee, Harper, Fourdrinier or Cylinder). The method and basis for determining such tonnage shall be that method and basis followed at the particular mill in the past, or any other practicable method and basis, provided the same method and basis are used to determine both current production and production during the base period. If any machine unit of any mill was shut down during the base period for as much as 72 consecutive hours, excluding vacations and holidays, there may be added to (i) for such mill for the class of paper or paperboard principally produced on such machine unit, whatever quantity thereof could have been produced on such machine unit during the down time at the average rate of operation during the preceding month.

The War Production Board may from time to time by amendment change the classification and/or percentages on List A or change List B specifying a particular date for the change to take effect. Quotas for production after any such date shall be calculated according to Lists A and B as amended, until further amended. If the effective date of any such amendment is other than the first day of a calendar quarter, the quota for the quarter within which such date falls shall be recalculated by adding together (i) the proportion of the old quota which equals the proportion of the quarter preceding such date and (ii) the proportion of the new quota which equals the proportion of the quarter following such date, including such date.

(3) No person or persons shall during the second calendar quarter of 1943 or any calendar quarter thereafter produce at any mill any quantity of paper and/or paperboard in excess of the quota for such mill for such quarter determined according to subparagraph (2) of this paragraph (c), except:

(i) To the extent and upon the conditions stated in subparagraph (4) of this paragraph (c); or

(ii) To the extent specifically authorized in writing by the War Production Board pursuant to paragraph (c) (5) of this order subject to any condition imposed by the War Production Board in such authorization: and, *Provided*, That,

(*a*) Within such quota there may be produced at any mill any quantities of any one or several kinds of paper and/or paperboard, provided that the aggregate during any quarter does not exceed such mill's quota for that quarter; and

(*b*) Regardless of and over and beyond any such quota, any person may produce at any mill, unless restricted by paragraph (c) (1) or by paragraph (e), any quantity of any kind of paper on List B.

(c) Regardless of and over and beyond any such quota, any person may produce at any mill any quantity of any grade of paper or paperboard manufactured as a side run to fill out additional width on a paper machine, provided such ex-quota side run is held for and limited to delivery to a paper mill for use as a substitute for pulp for remanufacture into paper or paperboard.

(4) If one person owns only one mill and such mill is equipped with only one machine unit for the manufacture of paper and/or paperboard, such person may, unless restricted by paragraph (c) (1) or by paragrapl (e), elect in lieu of operating under his base period production quota, to produce at such mill during any calendar week any quantity of paper and/or paperboard required to occupy such machine 120 hours during such week: *Provided*, That such person shall in no other week during the same calendar quarter operate such mill in excess of 120 hours.

(5) If any person owns more than one mill, and can show that by combining or exchanging the several quotas of such mills, or parts thereof, significant quantities of critical materials will be saved, transportation reduced, labor released in areas where needed, or other materials or facilities required in the national defense conserved, he may submit to the War Production Board, in writing, a plan for such combination or exchange, stating the quantity and kinds of paper and/or paperboard produced at each mill involved during each month of the year from October 1, 1941 through September 30, 1942, the quantity and kinds of paper expected to be produced at each such mill during each quarter under such plan, how long he proposes to operate under such plan, his reasons for desiring to adopt such plan, and the respects wherein he conceives that such plan will accomplish the purposes mentioned. The War Production Board may thereupon approve, modify, or disapprove such plan or may impose upon the execution of any such plan whatever conditions it may deem appropriate to this order. Upon receipt from the War Production Board of approval in writing of such a plan the proponent may produce at the mills designated in such plan the quantities and kinds of paper and/or paperboard provided for in such plan, subject to any modifications or conditions imposed by the War Production Board in its approval. No person shall undertake or attempt to carry into effect any such plan unless and until he receives such approval.

(d) *Reserve production.* Each manufacturer of paper and/or paperboard shall reserve in the production schedule of each of his mills for the month of March, 1943, and for each calendar month thereafter, time and supplies sufficient to produce and deliver within such month, at the order of the War Production Board, 2% of such mill's potential production as calculated from Lists A and B appended for the current calendar quarter. In general this should amount to approximately 6% of each month's production. The War Production Board may on or before the 15th day of any month, by telegram or letter, direct any manufacturer to employ such reserve to produce any kind of paper and/or paperboard usually produced at such mill, and any quantity thereof, not to exceed in the aggregate for any one month 2% of such mill's potential production for the current quarter, and sell and deliver the same within the month to any person named by the War Production Board. The manufacturer may refuse so to produce and deliver only for the reasons specified for the refusal of rated orders in § 944.2 (b) of Priorities Regulation No. 1. If the manufacturer does not on or before the 15th of any month receive from the War Production Board directions as to the disposition of such reserve (or has received directions as to the disposition of a part but not of the remainder) he may employ the same (or such remainder) as he may desire, consistent with the other provisions of this order.

(e) *Restrictions on inventory.* Unless specifically authorized by the War Production Board, by telegram or letter, or excepted by paragraph (e) (4):

NOTE: Former paragraph (1) revoked and following paragraphs redesignated (1), (2), (3), (4).

(1) No person shall knowingly deliver to any person except a paper merchant and no person except a paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard other than newsprint, if the inventory of such grade in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads greater than sixty days' supply, on the basis of either his average rate of consuming such grade of paper or paperboard for the preceding quarter or his average rate of consuming such grade of paper or paperboard as projected for the then current quarter;

(2) No person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard other than newsprint, if the inventory of such grade in the hands of such paper merchant is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than ninety days' supply, on the basis of either his average rate of distributing such grade of paper or paperboard for the preceding quarter or his average rate of distributing such grade of paper or paperboard as projected for the then current quarter;

(3) No person shall produce at any mill any quantity of any grade of paper or paperboard other than newsprint, if his inventory of such grade at such mill is, or will by virtue of such production become, in excess of (i) two carloads or (ii), if in excess of two carloads, greater than sixty days' supply, on the basis of either the average rate of shipment of such grade from such mill for the preceding quarter or the average rate of shipment of such grade from such mill as projected for the then current quarter.

(4) The term "grade of paper or paperboard" refers to the classification on United States Department of Commerce (Census) Form WPB–514, as revised February 24, 1943, each caption (except those which are further broken down by following captions) representing a separate grade. If a person's gross inventory of a grade is in excess of two carloads or sixty days' supply, as above, but his inventory of a particular item within that grade is less than thirty days' supply (or, in the case of a paper merchant, less than sixty days' supply), he may accept delivery of or produce, and others may deliver to him, any quantity of such item as may be required to provide him with thirty days' supply (or in the case of a paper merchant sixty days' supply). The restrictions of this paragraph (e) apply equally to paper and paperboard of foreign and domestic origin, and apply to intra company deliveries as defined in § 944.12 of Priorities Regulation No. 1. They do not, however, apply to those papers commonly reported on United States Department of Commerce (Census) Form WPB–514 as revised February 24, 1943, under the captions "Blueprint and similar base stock" (07610); "photographic and other sensitizing stock" (07611); and "cigarette" (08512), or to any paper or paperboard after it is printed or converted beyond waxing or coating, or to inventories held by or for any agency or government referred to in § 944.1 (b) (1) and (2) of Priorities Regulation No. 1, or by or for the United States Government Printing Office.

(f) *Miscellaneous provisions*—(1) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(4) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(6) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to War Production Board, Pulp and Paper Division, Washington, D. C. Ref.: M–241.

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Column 1 lists general classes of paper and paperboard by names common in the trade. Each class includes all grades of paper or paperboard reported on the United States Department of Commerce (Census) Form WPB–514 February 24, 1943 by the code numbers, respectively as indicated, set out under the name. In the calculation of a mill's quota there should first be determined the whole quantity of each class produced at the mill during the base period, then subtracted from the result for each class the quantity produced at the mill during the base period of any kind of paper or paperboard on List B falling within such class, then the remainder multiplied by the percentage in column 2, and the several results added and the total divided by two (See (c) (2) of Order M–241 as amended.)

Class of paper or paperboard	*Percentage*
Newsprint (01100 to 01300 inclusive)	90
Groundwood Papers (02100 to 02900 inclusive)	80
Book Papers (03110 to 03590 inclusive)	80
Fine Papers (writings) (07111 to 08519 inclusive)	90
Wrapping Paper (09101 to 09990 inclusive and 10120 to 10900 inclusive and 19000) (Except glassine, greaseproof, and vegetable parchmentizing stock)	85
Glassine, greaseproof and vegetable parchmentizing stock (09600, 09700, 09800)	100
Sanitary and Tissue Papers (11100 to 12900 inclusive)	100
Absorbent Paper (13100 to 13900 inclusive)	80
Cardboard (54100 to 54900 inclusive)	80

LIST B

Column 1 lists the grades of paper and paperboard which may in general be manufactured without restriction. (See (c) (3) of Order M–241, as amended). The general class within which each falls, according to the classification on List A, is indicated in Column 2. Prior to the application of the percentages in List A, in the calculation of a mill's quota, the amount produced during the base period of each grade of paper and paperboard listed in column 1 below is to be subtracted from the total quantity produced during the base period of the general class shown on List A within which each such grade falls. If the general class is not shown on List A, the production of such general class is not to be considered in calculating the quota (See (c) (2) (ii) of Order M–241 as amended). The grades of paper and paperboard listed in Column 1 are further identified by the numbers in parenthesis following each, being the code numbers for each on the United States Department of Commerce (Census) Form WPB–514 of February 24, 1943.

Column 1	Column 2
(Unrestricted)	*General class on List A*
Absorbent for resin impregnating and plastics (13600)	Absorbent papers
Absorbent for vulcanized fibre (13500)	Absorbent papers
Building boards (class) (58100 to 58900 incl.)	(Not listed in A)
Building papers (class) (14100 to 14900 incl.)	(Not listed in A)
Carbonizing paper (weights under 24 x 36, 480–18#) (08510)	Fine papers
Cigarette (weights under 24 x 36, 480–18#) (08512)	Fine papers
Condenser paper (weights under 24 x 36, 480–18#) (08511)	Fine papers
Container board (class) (51000 to 51900 incl.)	(Not listed in A)
Currency paper (not separately identified on census forms)	Fine papers
Folding boxboard (class) (52100 to 52990 incl.)	(Not listed in A)
Photographic paper (not separately identified on census forms) (but included in 07611)	Fine papers
Sanitary napkin and wadding stock (11100)	Sanitary
Tube stock and setup boxboards (class) (53100 to 53990 incl.)	(Not listed in A)
Special industrial boards (class) (55000, 57000, 59100, 59200, 59900, 59300, 59400)	(Not listed in A)
Stencil and lens paper (weights under 24 x 36, 480–18#) (Not separately identified on the Census forms but included in 08519)	Fine papers

[F. R. Doc. 43–11296; Filed, July 14, 1943; 11:33 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L–240 as Amended July 14, 1943]

Section 3133.6 *Limitation Order L–240* is hereby amended to read as follows:

§ 3133.6 *Limitation Order L–240*—(a) *Definitions.* For the purpose of this order:

(1) "Newspaper" shall include any publication usually recognized as a newspaper in the newspaper industry regardless of the frequency of issuance.

(2) "Printing" means the act or process of impressing or otherwise transferring onto print paper any ink, color, pigment, mark, character or delineation.

(3) "Publisher" shall include, but not by way of limitation, any person issuing a newspaper.

(4) "Print paper" means any grade or quality of paper used in the printing of a newspaper, or used in the printing of material physically incorporated into a newspaper.

(5) "Net paid circulation" means the sales of a publisher's newspapers audited, or otherwise verified, in accordance with the standards of the Audit Bureau of Circulations of January 1, 1942.

(b) *General restrictions.* (1) No publisher, and no person for the account of any publisher, shall purchase, acquire or in any manner accept delivery of print paper except for the printing of the publisher's newspapers.

(2) In each calendar quarter commencing July 1, 1943, no publisher shall use or cause to be used for his account print paper for the publication of his newspapers in excess of his quarterly quota, which shall be determined as follows:

(i) Ascertain the gross weight of print paper which was used in printing the net paid circulation of the publisher's newspapers during the corresponding calendar quarter of 1941.

(ii) Add 3% to compensate for print paper used as wrappers and paper lost through damage in transit or printing spoilage.

(iii) If this figure is 500 tons or more, deduct 5%; if it is less than 500 tons, deduct 5% of the amount in excess of 25 tons.

(c) *Exceptions.* The provisions of paragraph (b) (1) and (2) hereof shall not apply to:

(1) Any newspaper which shall use 25 tons or less of print paper in any calendar quarter. The publisher of any such newspaper is authorized, in addition, to deduct from the tonnage of print paper used by him in any calendar quarter the amount of print paper used in copies of the said newspaper which he shall furnish to the armed services of the United States.

(2) Any newspaper of eight pages or less which is authorized to be admitted to the mails as second class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39 U.S.C. sec. 229), pertaining to the publications of benevolent, fraternal, tradesunion, professional, literary, historical, and scientific organizations or societies.

(d) *Restrictions on deliveries.* (1) On and after August 1, 1943 no publisher, unless specifically authorized by the War Production Board, may accept delivery of print paper in any calendar month in excess of 33⅓% of his quota for the consumption of print paper (plus 33⅓% of any additional tonnage allowed on appeal) for the current calendar quarter: *Provided, however,* That deliveries limited by the foregoing to a fraction of one carload may be increased to one full carload in any month.

(2) Notwithstanding the provisions of paragraph (d) (1), on and after August 1, 1943 no publisher, unless specifically authorized by the War Production Board, may accept delivery of print paper if his inventory of such paper on hand, available for use, or in transit is, or by virtue of such acceptance will become, either:

(i) In excess of two carloads or

(ii) If in excess of two carloads, more than fifty days' supply in the states named in List A below or seventy-five days' supply in the states named in List B below, computed on the basis of his average daily rate of consumption during the first six months of 1943.

List A	List B
Connecticut	Alabama
District of Columbia	Arizona
Delaware	Arkansas
Illinois	California
Indiana	Colorado
Iowa	Florida
Kansas	Georgia
Kentucky	Idaho
Maine	Louisiana
Maryland	Montana
Massachusetts	Mississippi
Michigan	New Mexico
Minnesota	Nevada
Missouri	North Carolina
Nebraska	Oklahoma
New Hampshire	Oregon
New Jersey	South Carolina
New York	Tennessee
North Dakota	Texas
Ohio	Utah
Pennsylvania	Washington
Rhode Island	Wyoming
South Dakota	
Vermont	
Virginia	
West Virginia	
Wisconsin	

(3) The foregoing restrictions apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(e) *Loans of print paper.* Any loan of print paper made by a publisher shall be reported by addressing a letter in triplicate to the War Production Board on or before the 30th day following the date of the loan. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(3) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington, D. C. Ref.: L-240.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

NOTE: Paragraphs (d) and (e) redesignated (e) and (f), July 14th, 1943.

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11299; Filed, July 14, 1943; 11:33 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 11 to CMP Reg. 1]

USE OF ALLOTMENTS TO REPLENISH INVENTORY

The following interpretation is issued with respect to CMP Reg. 1:

(a) An allotment may be used to replace an inventory controlled materials used to manufacture the product for which the allotment was made. This is specifically covered in paragraph (u) (1) (iii) of CMP Regulation No. 1 [§ 3175.1]. It is not necessary for a manufacturer to delay production until he receives delivery of controlled materials ordered on the basis of the allotment.

(b) A manufacturer of Class A products need not accept an order unless he receives an allotment of enough controlled materials for its manufacture even though he has enough in inventory to fill the order. However, if his inventory is excessive (more than a practicable working minimum or the limit specified in CMP Regulation No. 2) he must fill the order out of the excess. This follows from the fact that he must take inventories into account in applying for an allotment.

(c) It is not necessary that the quarter for which an allotment is made and the quarter in which delivery of the Class A product is to be made be the same. The allotment may be for an earlier or a later quarter depending on when the manufacturer needs the allotment.

In illustration of the above, the X Company receives an order on July 1, 1943, calling for delivery of 100 transmission assemblies on September 1, 1943. Ten tons of carbon steel and two tons of alloy steel are required to fill the order. The X Company has a sufficient quantity of steel on hand to fill the order but it is, nevertheless, entitled to an allotment of ten tons of carbon steel and two tons of alloy steel from its customer, assuming its inventory is not more than a practicable working minimum or the limit specified in CMP Regulation No. 2. The X Company may fill the order from stock on hand and obtain a fourth quarter allotment which it may use to replenish its inventory. If, in the above case, the X Company did not have controlled materials on hand to fill the order it would not be able to accept the order for delivery on September 1, 1943. If the date for delivery of the Class A products were changed to February 1, 1944, the allotment quarter would precede the quarter in which delivery of the product would be made.

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11297; Filed, July 14, 1943; 11:34 a. m.]

PART 3270—CONTAINERS [1]

[Limitation Order L-197, as Amended July 14, 1943]

STEEL SHIPPING DRUMS

Section 3270.15 *Limitation Order L-197* as amended January 29, 1943 is hereby amended to read as follows:

§ 3270.15 [1] *Limitation Order L-197*—(a) *Definitions.* For the purposes of this order:

(1) "Drum" means any single walled cylindrical or bilged container with a capacity of 110 gallons or less (including but not limited to buckets, kits and pails) constructed wholly of steel. The term shall not be deemed to refer to cans, or high and low pressure gas steel cylinders, or to any container not susceptible of commercial use in the transportation and storage of commodities.

(2) "Used drum" means a drum which has been partially, or wholly filled with any product or commodity, for storage or shipping purposes, in the course of business.

(3) "New drum" means any drum which is not a used drum.

(b) *Restrictions on use.* (1) No person shall use any drum, new or used, for packing any product which he had not packed in drums prior to September 14, 1942.

(2) No person shall pack in a drum any product listed without an asterisk in Schedule A.

(3) No person shall pack in a new drum any product listed with a single asterisk in Schedule A.

(4) Before October 1, 1943, no person shall pack in a new drum any product listed with a double asterisk in Schedule A. On and after that date, no person shall pack any product listed with a double asterisk in Schedule A in a new drum unless such drum has a capacity of not less than 2 nor more than 6 gallons and is constructed of 28 gauge steel or lighter, and then only provided that he does not, in any quarter, pack in drums of such capacity a greater proportion of his total pack of a product than he packed in drums of such capacity in the corresponding quarter of 1941.

(5) Nothing in this order shall prevent the purchase of ends or other parts or accessories for drums. The affixing of ends or other parts to used drums shall not cause them to be regarded as new drums.

(c) *General exceptions.* (1) Nothing in this order shall apply to the use of drums for storage purposes by any person having less than 5 drums in use for all purposes.

(2) The restrictions on use specified in paragraph (b) of this order shall not apply to:

(i) Drums which are used for the sale and delivery of commodities to (a) the Army or Navy of the United States, (b) the Maritime Commission, (c) the Panama Canal, (d) the War Shipping Administration, (e) any agency of the United States Government, for the account of any foreign country, under the provisions of the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the U. S. (Lend-Lease Act)," (f) any person receiving a license from the Board of Economic Warfare for the export of any product packed in drums, or such other governmental agencies as the War Production Board may designate;

(ii) Drums which are used for the sale or delivery of commodities which are to be physically incorporated into ships, guns, tanks, military vehicles, aircraft, ammunition, armament, weapons, gunsighting devices and radio and sound equipment;

(iii) Drums which are used for the sale or delivery of commodities which are to be used for maintenance, repair or operating supplies for ships.

(3) The provisions of this order shall not apply:

(i) to drums constructed wholly of heavier than 14 gauge steel;

(ii) to used drums constructed wholly of lighter than 23 gauge steel having a capacity of 25 gallons or more.

(d) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD-717, in triplicate.

(4) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington, D. C. Ref: L-197.

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

1. Acid succinic
2. Alcohol, specially denatured (except anhydrous grades and the following formulas: #13A, #19, #20, #32, and #42)
3. Aluminum sulphate
4. Ammonia alum
5. Ammonium bicarbonate
6. Ammonium chloride
7. Ammonium nitrate, dry
8. **Asphalt, including mineral filled, cutbacks, emulsions and road oils
9. Balsam Copaiba
10. Bath salts
11. Bird seed
12. Boiler compounds, dry
13. *Boiler feed water treatment material, liquid
14. Borax
15. Boric acid
16. Calcimine
17. Calcium carbonate
18. Calcium chloride
19. Calcium hydroxide
20. Calcium oxide
21. Casein paints, dry
22. **Caulking compounds
23. Cement paint, dry
24. Charcoal
25. Citric acid
26. Colors, inorganic, dry
27. *Compounds, solid and semi-solid with a melting point of 65° F. or above, used in cooking, including mixtures of lard and hydrogenated oils, but not limited to these mixtures
28. Copper oxide
29. Copper sulphate, basic
30. Dairy products
31. Di ammonium phosphate
32. Di calcium phosphate
33. **Disinfectants, liquid
34. Di sodium phosphate
35. **Dry lead oxide
36. Fatty acids, (having a melting point of higher than 42° C)
37. *Floor wax
38. **Floor sealers
39. Flour
40. Food products, cold pack and frozen
41. *Formaldehyde
42. Fruit juices
43. Fruits—brine
44. Fruits and peels, glace
45. **Fuse powder, black sporting powder, "A" blasting powder, and all other potassium nitrate black powder
46. Gelatin
47. **Glazing material or putty
48. Glue, dry (animal and vegetable)
49. *Greases, animal and vegetable
50. **Greases, petroleum, solid and semi-solid (with ASTM penetration of 300 and less)
51. Hexamethylenetetramine
52. *Hydrogenated oils with a melting point of 65° F. or above, including but not limited to shortening
53. Indigo paste
54. *Inorganic salts, aqueous solutions
55. **Insecticides, liquid, including fly spray and livestock dip and spray (except nicotine sulphate, arsenical cattle dips and grain fumigants)
56. Jelly, jam and preserves
57. Kraut
58. *Lanolin and wool grease
59. *Lard
60. **Lead oxides in paste
61. Lime
62. *Lime sulphur solution
63. Linseed oil meal
64. Lithopone
65. Magnesium chloride, $6H_2O$
66. Magnesium oxide
67. Marmalade
68. Meats
69. Molasses
70. Mono calcium phosphate
71. Mono ammonium phosphate
72. Mono sodium phosphate
73. *Oils, animal, fish, marine animal, vegetable (except for fish livers, vitamin oils derived from fish or fish livers or grain)
74. Oil, crude, petroleum
75. *Oils, steam cylinder, both compounded and uncompounded
76. Olives
77. Paints, dry powder, including but not limited to those bound with glue, soya protein casein and cement
78. **Paints, oil, oil or resin emulsion or oleoresinous type including but not limited to white lead in oil, colors in oil and oil stain
79. Paints, paste, water type, except resin or oil emulsion type (the vehicle of this type of product shall contain at least 5% water)
80. Paradichlorobenzene
81. Paraffin wax (except microcrystalline)
82. *Paste cutting compounds
83. *Paste drawing compounds
84. *Paste grinding compounds
85. Paste, wall paper
86. Patching plaster
87. Pectin
88. *Petrolatum
89. Pickles
90. *Pine tar
91. **Pitch or tar, including mineral filled, cut backs, emulsions and road oils
92. Potash alum
93. Potassium bicarbonate
94. Potassium carbonate
95. **Printing inks (except aniline or spirit inks and rotogravure inks)
96. *Rust preventative
97. Sand
98. Scouring cakes and powder
99. Shellac
100. **Shock absorber fluid
101. Silicate of soda, dry ortho silicate, meta silicate, sesqui, or mixtures thereof
102. *Silicate of soda, liquid
103. Soda alum
104. Soap, dry
105. *Soaps, liquid or paste
106. *Soaps, metallic
107. Soda ash
108. Sodium acid pyro phosphate
109. Sodium aluminate
110. Sodium bisulfate
111. Sodium bicarbonate
112. Sodium chloride
113. Sodium hexameta phosphate
114. *Sodium lactate
115. Sodium metaborate
116. Sodium nitrate
117. Sodium nitrite
118. Sodium perborate
119. Sodium sesquicarbonate
120. Sodium tetra phosphate
121. Sodium tetra pyro phosphate
122. Starches, dry
123. Sweeping compounds
124. Syrup, corn
125. *Syrup, mixed and unmixed (except corn syrup)
126. *Tallow
127. Tri calcium phosphate
128. Tri sodium phosphate
129. Turpentine (see note 1)
130. **Varnish and varnish stains, except liquid water-soluble phenolic resins
131. *Vat dyes, paste
132. Vegetables—brine
133. Vinegar
134. Water
135. Wax, except floor wax
136. **Wood preservatives
137. Zeolite

NOTE 1. Until August 13, 1943, turpentine may be packed in used drums despite the restrictions of this order.

[F. R. Doc. 43-11300; Filed, July 14, 1943; 11:33 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-279, as Amended July 14, 1943]

PAPER SHIPPING SACKS

Section 3270.25 *Limitation Order L-279* is amended to read as follows:

§ 3270.25 *Limitation Order L-279.*

Definitions

(a) *Definitions.* For the purposes of this order:

[1] Formerly Part 3061, § 3061.1.

(1) "Paper shipping sack" means any single-wall, duplex, or multi-wall paper sack designed for use as (*a*) a primary container for packing a particular commodity for storage or shipment, (*b*) a container shipping sack for combining a number of packages of a particular commodity into a single shipping unit, or (*c*) an overslip shipping sack for covering a single package of a particular commodity for shipment. This does not include the following: sacks designed as liners for outer containers which are not bags, combination textile-paper bags (bags made of textile laminated with paper), grocers and variety bags (as defined in Order L–261), bags made wholly from cellophane, glassine, parchment, or waxed paper, or flat envelope types of containers made on envelope machines (such as lithographic seed envelopes).

(2) "Single-wall sack", "duplex sack", and "multi-wall sack" mean, respectively paper shipping sacks made with one wall, with two walls, and with more than two walls.

(3) "Sack manufacturer" means any person engaged in the business of manufacturing paper shipping sacks for sale or for his own use in packing any commodity produced or processed by him.

(4) "Commercial user" means any person who uses paper shipping sacks for packing any commodity produced or processed by him.

Restrictions

(b) *Restrictions on manufacture.* No sack manufacturer shall manufacture any paper shipping sack which does not conform to all applicable restrictions of each schedule of this order.

(c) *Restrictions on users' inventories.* No commercial user shall, at any time, accept delivery of paper shipping sacks which will increase his supply to more than the larger of the following amounts (this restriction applies to all paper shipping sacks, whether or not of the sizes and styles or for the commodities specifically mentioned in any schedule of this order):

(1) A total of 1½ carloads of all sizes and styles for all commodities (exclusive of sacks then in transit to him); or

(2) Reasonably anticipated requirements of any size and style for any particular non-seasonal commodity during the next 90 days after the delivery of the sacks or any particular seasonal commodity during the next 120 days after the delivery of the sacks (with a ½-car leeway in either case, where necessary to round out a full car).

(d) *Inventories of multiple-unit organizations.* Any commercial user who maintains an inventory of paper shipping sacks at more than one location may, at his option, apply the inventory restrictions of paragraph (c) above either to the inventory of each such location separately or to the collective inventory of all such locations.

Inventory Exceptions

(e) *Exceptions.* The inventory restrictions of paragraph (c) above shall not prohibit acceptance of the sacks specified below:

(1) *Sacks in transit.* Any sacks placed in transit to a commercial user on or before July 14, 1943.

(2) *Sacks in process.* Any sacks which were actually started in process on or before July 14, 1943 plus any additional amount of sacks necessary to round out a full carload, provided both amounts were included in the same purchase order.

Miscellaneous Provisions

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(g) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington, D. C., Ref: L–279.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I: *General Restrictions*—(a) *Applicability.* Except as otherwise specifically stated in this schedule, it shall apply, on and after July 19, 1943, to the manufacture of any paper shipping sack designed for packing the following:

(1) Sugar and lime in any quantity of 25 lbs. or more.

(2) Flour in any quantity over 50 lbs.

(3) Any other commodity in any quantity over 25 lbs.

These restrictions are in addition to all other applicable restrictions of this order and all schedules of this order.

(b) *Prohibited paper finishes.* No paper with embossed, super-calendared, or special machine finish shall be used.

(c) *Prohibited paper colors.* No wet-strength paper shall be used unless it is distinctly auramine-colored. No other grade of auramine-colored paper shall be used.

(d) *Permitted paper grades.* No paper of any grade except the following shall be used. The use of grades marked with an asterisk (*) shall be subject to the further restrictions of paragraph (e) below.

Plain natural kraft.
*Plain bleached kraft (uncoated only)
*Asphalted paper (paper laminated, impregnated, coated or infused with asphalt or asphaltic compounds).
*Kraft-and-hard-fibre combinations.
Mildew-proof paper.
Paraffined paper.
Oil-treated paper.
Water-repellent paper.
Wet-strength paper.
*Paper especially processed for protecting commodities (such as asphalt, chemicals, molten rosin) which, because of their physical or chemical characteristics, require the protection of such paper.

(e) *Restriction on use of certain permitted grades.* No paper of any grade listed in Column 1 below shall be used for paper shipping sacks of the types, and designed for the purposes, specified in Column 2.

Paper grade	Prohibited uses
(1)	(2)
Plain bleached kraft	Any sacks for hydrated lime. Multi-wall sacks for any other commodity.
Asphalted paper	Any sacks for the following commodities: Cement (standard portland). Cement (masonry). Hydrated lime. Limestone (grades other than mine-dust) Plaster (gypsum). Potatoes
Kraft-and-hard-fibre combinations.	Multi-wall sacks for any commodity
Paper specially processed.	Any sacks subject to other restrictions of this table or any sacks for any commodity which does not have physical or chemical characteristics requiring the protection of such paper.

(f) *Permitted basis weights.* Basis weights shall be computed on the basis of 500 24" x 36" sheets per ream, with a tolerance of 5% (plus or minus).

(1) *For single-wall and duplex sacks.* No plain natural kraft, plain bleached kraft, kraft-and-hard-fibre combination, or wet-strength paper of any basis weight except the following shall be used for single-wall and duplex sacks:

30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 125, 130 lbs., and, for packing carbon black only, 35 lbs. also.

(2) *Multi-wall sacks.* No plain natural kraft or wet-strength paper of any basis weight except the following shall be used for multi-wall sacks:

40, 50, 60 lbs., and, for packing calcium chloride and frit only, 70 lbs. also.

(g) *Paper quality specifications*—(1) *Plain natural kraft.* No plain natural kraft paper of 40, 50, 60 or 70-lb. basis weight shall be used unless it conforms with or exceeds the minimum quality specifications set out in Columns 2–10 below (such specifications to be determined at 50% relative humidity and 73° F. (23° C.) and in accordance with TAPPI or ASTM methods):

Basis weight	Minimum average bursting strength	Minimum average tearing strength		Minimum average tensile strength		Maximum average air resistance	Chemical test	Minimum stretch	
		M. D.	Total M. D. + C. D.	C. D.	Total C. D. + M. D.			M. D.	C. D.
Pounds	Points	Grams		Pounds		Sec/300 cc	pH	Percent	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
40	38.0	90	190	16	48	55	6.8 to 7.2	1.7	3.5
50	47.5	110	235	20	56	65	6.8 to 7.2	1.7	3.5
60	57.0	125	275	24	67	80	6.8 to 7.2	1.7	3.5
70	66.5	145	325	28	78	90	6.8 to 7.2	1.7	3.5

"M. D." means "machine direction." "C. D." means "cross direction."

(2) *Wet-strength paper.* No wet-strength paper of 40, 50, 60, or 70-lb. basis weight shall be used unless it conforms with or exceeds the following minimum quality specifications (column references below are to the columns in the table under subparagraph (g) (1) above):

Dry bursting strength—same as for plain natural kraft of same basis weight (Column 2).

Combined dry tearing strength (M. D.+C. D.)—85% of the grams specified for plain natural kraft of same basis weight (Column 4).

Combined dry tensile strength (C. D.+M. D.)—110% of the pounds specified for plain natural kraft of same basis weight (Column 6).

Wet tensile strengths—30% of the dry tensile strengths (C. D. and C. D.+M. D.) for plain natural kraft of same basis weight (Columns 5 and 6).

Chemical test—pH of 5.2 to 6.2.

(3) *Paraffined and asphalted paper.* No paraffined paper and no asphalted paper shall be used unless it conforms with or exceeds the minimum quality specifications of the Federal Standard Stock Catalog [1] applicable to such paper, as such specifications may be amended from time to time.

SCHEDULE II: *Additional restrictions for certain sacks*—(a) *Applicability.* The restrictions of this Schedule are in addition to any other applicable restrictions of this order and all schedules of this order.

(b) *Restrictions on sack sizes.* No sack manufacturer shall manufacture any paper shipping sack designed for packing any commodity listed below, except in any size of more than 100 lbs. or in any of the sizes specified below for that commodity:

Sack designed for packing commodity specified (1)	Sack size (net weight capacity unless otherwise specified) (2)
Beans	2-5-10-25-50-100 lbs.
Cement (standard portland)	94 lbs.
Flour (milled wheat) [1]	2-5-10-25-50-100 lbs.
Meal	2-5-10-25-50-100 lbs.
Plaster (gypsum)	2-5-10-25-50-100 lbs. (gross weight).
Potatoes	2-5-10-15-25-50-100 lbs.
Processed feed (mixed, mill)	2-5-10-25-50-100 lbs.
Rice	2-3-5-10-15-25-50-100 lbs.
Salt	2-4-10-25-50-100 lbs.
Seeds	2-5-10-25-50-100 lbs. 1, 2 bu.
Starch (corn)	2-5-10-25-50-100 lbs.
Sugar (refined cane, beet)	2-5-10-25-50-100 lbs

[1] "Flour (milled wheat)" means any flour product produced by milling wheat, including blends of wheat flours and bleached, bromated, enriched, phosphated, and self-rising flours, but excluding durum wheat products (semolina), farina, pancake flour, and cake flour.

(c) *Exceptions.* The size restrictions of paragraph (b) above shall not apply to the manufacture of paper shipping sacks which are:

(1) To be exported, empty, by the sack manufacturer.

(2) Ordered by a user for packaging any listed commodity to be exported by him, provided the sack manufacturer receives from the user a written certification pursuant to paragraph (d) below.

(3) Manufactured to meet the packaging specifications of and for delivery to, or for the account of, the Army, Navy, Maritime Commission, War Shipping Administration, or any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(4) Of the container or overslip types of sacks.

(d) *Certification.* The certification provided for in subparagraph (c) (2) above shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

"The sacks ordered herewith are for packaging commodities for export by the undersigned and therefore need not correspond with the sizes specified in Order L-279 for the commodities concerned.

Company_____ By_____
Date_____ Title_____"

Any such certification shall constitute a representation to the War Production Board and to the sack manufacturer. The sack manufacturer shall be entitled to rely thereon unless he has reason to believe it is not true.

[F. R. Doc. 43-11301; Filed, July 14, 1943; 11:33 a. m.]

[1] Federal Specifications UU-P-270 ("Paper: Kraft, Wrapping, Paraffined") and UU-P-271 ("Paper: Kraft, Wrapping, Waterproofed"). Contained in Section IV, Part 5, of the Federal Stock Catalog, issued by the Director of Procurement, U. S. Treasury Department. Copies may be obtained from Superintendent of Documents, Washington, D. C. Price 5¢ per copy of each Specification.

PART 3279—GLYCOL ETHERS

[Allocation Order M-336 as Amended July 14, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of glycol ethers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3279.1 *Allocation Order M-336*—(a) *Definitions.* (1) "Glycol ethers" means the monobutyl ether of ethylene glycol or the monoethyl ether of diethylene glycol.

(2) "Producer" means any person engaged in the production of glycol ethers and includes any person who has glycol ethers produced for him pursuant to toll agreement.

(3) "Distributor" means any person who buys glycol ethers for resale without further processing.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) On and after July 1, 1943, no supplier shall deliver glycol ethers to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of glycol ethers which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form PD-602 which is to be filed by the supplier with War Production Board as explained in paragraph (f) below.

(3) If a supplier is authorized or directed by War Production Board to de-

liver glycol ethers to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, he must immediately notify War Production Board, Chemicals Division, Washington, D. C., Ref: M–336, and shall not deliver to anyone else, or use, the glycol ethers until he received further instructions.

(c) *Exceptions for small deliveries.* (1) Specific authorization in writing by War Production Board shall not be required for the delivery by any supplier to any one person in any one calendar month of not more than 400 pounds of monobutyl ether of ethylene glycol or of not more than 460 pounds of monoethyl ether of diethylene glycol.

(2) Except as otherwise specifically authorized or directed in writing by War Production Board, no producer shall in any calendar month deliver pursuant to paragraph (c) (1) hereof, an aggregate quantity of monobutyl ether of ethylene glycol or of monoethyl ether of diethylene glycol in excess of 5% of the total quantity of each of such materials which he has been specifically authorized or directed in writing to deliver during such month.

(d) *Restrictions on use.* (1) On and after July 1, 1943, no supplier shall use glycol ethers except as specifically authorized or directed in writing by War Production Board.

(2) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of glycol ethers to be delivered to, or then in the inventory of, the prospective user.

(e) *Customer to furnish statement of use.* Each person who wishes to obtain delivery in any calendar month of more than 400 pounds of monobutyl ether of ethylene glycol or more than 460 pounds of monoethyl ether of diethylene glycol (whether for own consumption or for resale) shall file a statement with respect to the intended use thereof on or before the 20th day of the preceding month, except that the statement with respect to proposed receipts in July, 1943, need not be filed before June 28, 1943. Such statement shall be made on Form PD–600 in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix A to this order. If there is any inconsistency between the general and special instructions, the special instructions must be followed. War Production Board may issue to any person further and different instructions with respect to preparing and filing Form PD–600.

(f) *Applications by suppliers.* Each supplier requiring authorization to make delivery of, or to use, glycol ethers during any calendar month, beginning with August, 1943, shall file application on or before the 25th day of the preceding month. Applications respecting deliveries or use in July, 1943, shall be filed not later than June 28, 1943. In any case, the application shall be made on Form PD–602 in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B to this order. If there is any inconsistency between the general and special instructions, the special instructions must be followed. War Production Board may issue further and different instructions to any supplier with respect to preparing and filing Form PD–602.

(g) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: "War Production Board, Chemicals Division, Washington, D. C., Ref: M–336".

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR CUSTOMERS' FORM PD–600

NOTE: The words "ethyl glycol" in paragraph (c) changed to "ethylene glycol."

(1) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(2) Prepare an original and two copies. Forward original to War Production Board, Chemicals Division, Washington, D. C., Ref: M–336, forward one copy to the supplier with whom order is placed, and retain the second copy for your files.

(3) A customer who wishes to obtain delivery of both monobutyl ether of ethylene glycol and monoethyl ether of diethylene glycol must file a separate set of PD–600 with respect to each.

(4) In the heading under "Name of chemical", specify "Monobutyl ether of ethylene glycol" or "Monoethyl ether of diethylene glycol" as the case may be; under "WPB Order No.", specify "M–336"; under "Indicate unit of measure", specify "pounds".

(5) In the heading, at top of Table I, specify the month and year for which delivery is requested.

(6) Leave blank Columns 1 and 11.

(7) In Column 3 (Primary Product) applicant must specify in terms of the following, the product or products in the manufacture or preparation of which he will use glycol ethers:

Carburizing fluids.
Chemical manufacture (describe product).
Cosmetics.
Coupling agent (describe product).
General solvent (describe—example: marking ink, dyestuffs, lacquers, woodstain, other).
Hydraulic fluids.
Metal cleaners.
Metal cutting oils.
Textile oils.
Others (describe).

Resale (as monobutyl ether of ethylene glycol or monoethyl ether of diethylene glycol).
Inventory (as monobutyl ether of ethylene glycol or monoethyl ether of diethylene glycol).

(8) In Column 4 (Product End Use) applicant will specify with respect to each primary product, the ultimate use to which such primary product will be put in terms of the following: civilian, industrial, Lend-Lease, other export, and military, and if such product is to be used for uses falling in two or more such categories, the percentage falling in each. He will also indicate in the case of military use, contract and specification numbers.

(9) Applicant will fill out completely Table II.

(10) Tables III and IV will be left blank in their entirety.

(11) War Production Board may, for no other reason than the failure of a customer to file PD–600 in the manner herein indicated, refuse to authorize a supplier to make shipment to such customers.

APPENDIX B—SPECIAL INSTRUCTIONS FOR SUPPLIERS' FORM PD–602

(1) Copies of Form PD–602 may be obtained at local field offices of the War Production Board.

(2) Prepare an original and three copies. File the original and two copies with War Production Board, Chemicals Division, Washington, D. C., Ref: M–336, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) Where the supplier's application relates to deliveries of monobutyl ether of ethylene glycol and monoethyl ether of diethylene glycol, he will file a separate set of Form PD–602 for each.

(4) In the heading, under "Name of material", specify "Monobutyl ether of ethylene glycol" or "Monoethyl ether of diethylene glycol", as the case may be; leave blank the space following "grade"; under "WPB Order No.", specify "M–336"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure" specify "Pounds"; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) In Column 1 (except for small orders as explained in (7) below) list names of customers from whom orders for delivery during the month to which the application relates have been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on last sheet, which is the only one that need be certified.

(6) In Column 1–a (except for small orders as explained in (7) below), supplier will specify the product or products in the manufacture or preparation of which monobutyl ether of ethylene glycol or monoethyl ether of diethylene glycol will be used by his customer, as indicated in Column 3 of PD–600 filed with supplier by his customer pursuant to paragraph (f) hereof. The quantity of monobutyl ether of ethylene glycol or monoethyl ether of diethylene glycol used in the manufacture or preparation of each product for each product use shall be shown separately. If the monobutyl ether of ethylene glycol or monoethyl ether of diethylene glycol ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of monobutyl ether of ethylene glycol or monoethyl ether of diethylene glycol ordered for each use.

(7) It is not necessary to list the name of any customer to whom not more than 400 pounds of monobutyl ether of ethylene glycol or not more than 460 pounds of monoethyl ether of diethylene glycol is to be delivered in the applicable month, nor, in the case of any such delivery, the name of the product or the end use. Instead, supplier will write in Column 1 "Total small order deliveries (estimated)" and in Column 4, will specify the total estimated quantity so to be delivered.

(8) A producer requiring permission to use a part or all of his own production of monobutyl ether of ethylene glycol or monoethyl ether or diethylene glycol shall list his own name as customer in Column 1 on Form PD–602, specifying quantity required and product manufactured. Written approval of War Production Board on such Form PD–602 shall constitute authority to the producer to use monobutyl ether of ethylene glycol or monoethyl ether of diethylene glycol in the quantity and for the purposes indicated in such approved form.

(9) Leave Column 6 blank.

(10) Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will leave Column 8 blank.

[F. R. Doc. 43–11298; Filed, July 14, 1943; 11:33 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 579 Under § 1499.3 (b) of GMPR]

INDUSTRIAL CONTAINER CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.2117 *Approval of a maximum price for sales of a new 5 gallon steel garbage can manufactured by Industrial Container Company.* (a) Industrial Container Company, 2441 East 25th Street, Los Angeles, California, may sell and deliver its new 5 gallon steel garbage can made from reconditioned pails at a price no higher than $.75 per unit, f. o. b. Los Angeles, California.

(b) This Order No. 579 may be revoked or amended by the Price Administrator at any time.

This Order No. 579 shall become effective on the 14th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 13th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11252; Filed, July 13, 1943; 11:21 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 426,[1] Amdt. 2]

FRESH FRUITS AND VEGETABLES FOR TABLE USE; SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 426 is amended in the following respects:

1. Paragraph (e) is added to Appendix C of Article III, to read as set forth below:

(e) The maximum prices for sales of fresh berries in any container shall be as follows:

[1] 8 F.R. 9546, 9568.

	Column 1	Column 2	Column 3
	Maximum prices per pound, f. o. b. country shipping point, for variety of fresh berries	Maximum prices per pound [1] for carlot or trucklot sales at any wholesale receiving point	Maximum prices [1] for less than carlot or less than trucklot sales to any persons other than ultimate consumers
	Cents	*Cents plus cost of transportation*	
Red raspberries	18	18	18¢ per pound plus cost of transportation plus 3¢ per pint or 4¢ per quart.
Black raspberries	16	16	16¢ per pound plus cost of transportation plus 3¢ per pint or 4¢ per quart.
Youngberries	15	15	15¢ per pound plus cost of transportation plus 4¢ per quart.
Boysenberries	15	15	15¢ per pound plus cost of transportation plus 4¢ per quart.
Loganberries	15	15	15¢ per pound plus cost of transportation plus 4¢ per quart.
Blackberries	15	15	15¢ per pound plus cost of transportation plus 4¢ per quart.
Gooseberries	11	11	11¢ per pound plus cost of transportation plus 4¢ per quart.

NOTE: For sales of any fresh berries covered by this Appendix by hotel and institutional supply houses, the maximum price shall be the maximum price stated in Column 2 above plus 5¢ per quart, or 3¢ a pint.

[1] How to figure prices per quart and per pint: For sales of any fresh berries in cases of 24 quarts in containers, 48 pints or any other combination of quarts and pints, the seller may price on a per case, per quart or per pint basis. In such instances, the fresh berries for which maximum prices are specified above shall be packed to a minimum net weight of 20 ounces per quart or 10 ounces per pint. The maximum price per quart shall be figured as 20/16 of the price per pound and the price per pint shall be figured as 10/16 of the price per pound. In the case of sales of single quarts or pints, the figure resulting from the above computation shall be rounded to the nearest cent. For sales of cases (containing 24 quarts, 48 pints, et cetera) the figure resulting from the above computation shall be multiplied by the total number of units in the case and that figure rounded to the nearest cent.

This amendment shall become effective as to all sales f. o. b. country shipping point on July 13, 1943, and as to all other sales on July 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved: July 12, 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–11273; Filed, July 13, 1943; 4:23 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53,[1] Amdt. 38]

OLIVE OIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Sections 1351.151 (b) (16) (iv) to (vii), inclusive, are amended to read as follows:

(iv) *Differentials.* The maximum prices of domestic olive oil when sold in the following described containers, shall be the prices set forth above for such oil in returnable drums, plus not more than, or minus at least, the differentials set forth below:

Container:	*Differential*
Tankcars	6½¢ per gallon less than olive oil in returnable drums.
Container—Continued	
Wooden barrels	10¢ per gallon more than olive oil in returnable drums.
Drums or other metal containers holding less than 55 gallons and more than 6 gallons.	None.
Tin or other metal containers holding less than 7 gallons and more than 1 gallon	10¢ per gallon more than olive oil in returnable drums.
Glass containers holding less than 7 gallons and more than 1 gallon.	15¢ per gallon more than olive oil in returnable drums.

(v) *Maximum prices of imported olive oil.* The maximum price of imported olive oil, in drums with duties and taxes paid, f. o. b. port of entry, shall be the maximum price, in returnable drums at the producer's plant, of domestic olive oil of the same F. F. A., plus 61½¢ per gallon.

(vi) *Differentials.* The maximum price of imported olive oil when sold in the following described containers, shall be the price set forth above for such oil in drums, plus the differentials set forth below:

Container:	*Differential*
Drums or other metal containers holding less than 55 gallons and more than 6 gallons.	None.
Tin or other metal containers holding less than 7 gallons and more than 1 gallon.	10¢ per gallon more than such oil in drums.
Glass containers holding less than 7 gallons and more than 1 gallon.	15¢ per gallon more than such oil in drums.

(vii) *Limitation.* The maximum prices for domestic olive oil and for imported olive oil established by this

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1309, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8702, 9130, 9189, 9393, 9486, 9958, 10471, 11069; 8 F.R. 1200, 1972, 2875, 3251, 3784, 4335, 4348, 4349, 5566, 4514, 5267, 5589, 6359, 6843, 7568, 8011, 9331.

§ 1351.151 (b) (16) are the maximum prices for such olive oils when sold in containers holding more than one gallon; they are not the maximum prices for such olive oils when sold in containers holding one gallon or less.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 13th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11272; Filed, July 13, 1943; 4:23 p. m.]

Chapter XIII—Petroleum Administration for War

[Supp. Order No. 2, as Amended July 15, 1943, to PAO 11]

PART 1515—PETROLEUM PRODUCTION OPERATIONS

OIL WELLS IN NEW YORK, PENNSYLVANIA, WEST VIRGINIA, AND EASTERN OHIO AND KENTUCKY

General exception pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11.

Section 1515.8 Supplementary Order No. 2, as amended July 15, 1943, to Petroleum Administrative Order No. 11.

§ 1518.8 *Supplementary Order No. 2 to Petroleum Administrative Order No. 11*—(a) *Scope of this order.* Except as otherwise modified by the provisions of any other order issued as a supplement to Petroleum Administrative Order No. 11 or by the provisions of any exception issued pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11, the provisions of this order shall, to the extent provided herein, be applicable to the drilling, completing, equipping, connecting, or providing of additions to oil wells in the oil fields of the States of New York, Pennsylvania, and West Virginia, and of Eastern Ohio and Eastern Kentucky, but not elsewhere.

(b) *Definitions.* The definitions of Petroleum Administrative Order No. 11 shall be applicable in this order. In addition:

(1) "Eastern Ohio" means that portion of the State of Ohio which is included in and which lies east of the following counties: Lorain, Ashland, Richland, Knox, Licking, Fairfield, Hocking, Vinton, Jackson, and Lawrence.

(2) "Eastern Kentucky" means that portion of the State of Kentucky which is included in and which lies east of the following counties: Lewis, Fleming, Bath, Menifee, Powell, Estill, Jackson, Laurel, and Whitley.

(c) *Drilling of oil wells in New York, Pennsylvania, West Virginia, Eastern Ohio, and Eastern Kentucky.* Pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11, any person may accept delivery of, acquire, or use material to drill, complete, equip, connect, or provide additions to any oil well in any oil field of the States of New York, Pennsylvania, and West Virginia, and of Eastern Ohio and Eastern Kentucky: *Provided,* That:

(1) As to any such oil well which is drilled to and completed at a depth not exceeding 1,200 feet:

(i) Such well is drilled on a drilling unit of not less than 5 surface acres upon which no other drilling or producible well is located, and no portion of which is attributable to or falls within 150 feet of any other drilling or producible well located on the same lease or property; and

(ii) Such well is drilled at least 400 feet from every other drilling or producible well; and

(iii) Such well is drilled at least 150 feet from every lease line, property line, or subdivision line which separates unconsolidated property interests.

(2) As to any such oil well which is drilled to and completed at a depth exceeding 1,200 feet but not exceeding 2,500 feet:

(i) Such well is drilled on a drilling unit of not less than 10 surface acres upon which no other drilling or producible well is located, and no portion of which is attributable to or falls within 200 feet of any other drilling or producible well located on the same lease or property; and

(ii) Such well is drilled at least 500 feet from every other drilling or producible well; and

(iii) Such well is drilled at least 300 feet from every lease line, property line, or subdivision line which separates unconsolidated property interests.

(3) As to any such oil well which is drilled to and completed at a depth exceeding 2,500 feet:

(i) Such well is drilled on a drilling unit of not less than 20 surface acres upon which no other drilling or producible well is located, and no portion of which is attributable to or falls within 200 feet of any other drilling or producible well located on the same lease or property; and

(ii) Such well is drilled at least 660 feet from every other drilling or producible well; and

(iii) Such well is drilled at least 330 feet from every lease line, property line, or subdivision line which separates unconsolidated property interests.

(4) Regardless of the depth to which such well is drilled and completed:

(i) All separate property interests in the drilling unit upon which such well is drilled are first consolidated with each other; and

(ii) The direct linear distance between any two points which are farthest removed from each other on the drilling unit upon which such well is drilled does not exceed the length of the diagonal of a rectangle, the length of which is twice its width and which is equivalent in surface acreage to such drilling unit; and

(iii) Such well is drilled with due diligence to maintain a vertical well-bore.

(d) *Computation of attributable acreage.* The acreage attributable to any well spudded on or before the effective date of this order shall be determined by assigning to such well an acreage equivalent to that in the existing well density or well-spacing contiguous to such well, but not greater than that provided for a new well of equal depth drilled pursuant to this order.

(e) *Installation of pumping or other artificial lifting equipment.* Pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11 and subject to the provisions of paragraph (f) thereof, any person may accept delivery of, acquire, or use material for pumping or other artificial lifting equipment to be installed on any oil well in any pool in the States of New York, Pennsylvania, and West Virginia, and in Eastern Ohio and Eastern Kentucky completed at a depth not exceeding 2,500 feet: *Provided,* That the number of wells on the lease or tract on which such well is located to which pumping or other artificial lifting equipment is attached does not at any time exceed an average of one to every 5 surface acres of the part or parts of such lease or tract which are contained within the productive limits of such pool.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or ommission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of July 1943.

RALPH K. DAVIES.
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-12283; Filed, July 14, 1943; 10:31 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 133, Amdt. 1]

PART 95—CAR SERVICE

REFRIGERATION OF VEGETABLES USING TOP OR BODY ICE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of July, A. D. 1943.

At the request of the Office of Defense Transportation and upon further consideration of the provisions of Service Order No. 133 (8 F.R. 9037) of June 19, 1943:

It is ordered, That Service Order No. 133 (8 F.R. 9037) be and it is hereby amended to read as follows:

§ 95.313 *Refrigeration of vegetables using top or body ice*—(a) *Restriction on refrigeration service.* Effective at once and until further order of the Commission any common carrier by railroad subject to the Interstate Commerce Act may accept or move a refrigerator car or cars loaded with fresh or green vegetables in straight or mixed carloads using top or body ice under the following conditions:

(1) Refrigerator cars equipped with collapsible bunkers shall not be used unless the bunkers are collapsed.

(2) Refrigerator cars not equipped with collapsible bunkers may be initially bunker iced, providing initial top or body ice used does not exceed 10,000 pounds.

(3) Refrigerator cars not equipped with collapsible bunkers shall *not* be initially bunker iced if initial top or body ice used exceeds 10,000 pounds.

(b) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43 11290; Filed, July 14, 1943; 10:52 a. m.]

[Service Order 136]

PART 97—ROUTING OF TRAFFIC

REROUTING OF FREIGHT IN QUEBEC BECAUSE OF FLOOD CONDITIONS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of July, A. D. 1943.

It appearing, that, due to a track washout and damage to a bridge caused by flood conditions near Lennoxville, Province of Quebec, Dominion of Canada, between Sherbrooke, Quebec, and Island Pond, Vermont, on the Canadian National Railways and Grand Trunk Railway, these carriers by railroad are unable to transport the traffic offered to them; in the opinion of the Commission an emergency exists requiring immediate action to avoid congestion of traffic and in order to best promote the service in the interest of the public and the commerce of the people:

It is ordered, That:

§ 97.8 *Flood conditions*—(a) *Rerouting of freight traffic.* Effective at once and until further order of the Commission the Canadian National Railways and Grand Trunk Railway, are hereby directed to forward freight traffic routed over their lines between Sherbrooke, Quebec, and Island Pond, Vermont, by routes most available to expedite its movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of cars, and that all rules, regulations, and practices of said carriers with respect to car service are hereby suspended and superseded insofar only as conflicting with the directions hereby made: *Provided,* That the billing covering all cars rerouted will carry a reference to this order as authority for the rerouting.

(b) *Rates to be applied.* That inasmuch as such disregard of routing is deemed to be due to carriers' disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers from which the traffic is received, shall be the rates which were applicable at date of shipment over the routes so designated.

(c) *Divisions.* In executing the orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized, they shall not be changed or affected by this order. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That copies of this order and direction be served upon the Canadian National Railways and Grand Trunk Railway, the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-11291; Filed, July 14, 1943; 10:52 a. m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6527]

WESTERN UNION TELEGRAPH COMPANY

ORDER FOR HEARING

In the matter of The Western Union Telegraph Company "RX" service for Tourate messages.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of July, 1943;

It appearing that The Western Union Telegraph Company has filed with the Commission new tariff schedules, effective July 11, 1943, revising its presently effective tariff schedules to provide for the application of "RX" service to messages in the Tourate classification, such new schedules being designated as follows: The Western Unicn Telegraph Co., Tariff F. C. C. No. 176, 6th Revised Page 34, 1st Revised Page 39.

It further appearing that such new schedules will result in an extension of the application of "RX" service which should not be permitted, particularly in view of the pendency in Docket No. 2639 of the matter of the general application of "RX" service; that the interests of the public may be injuriously affected by such an extension of "RX" service; and it being the opinion of the Commission that the effective date of such provisions of the schedules should be postponed, pending hearing and decision as to their lawfulness;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the above-cited tariff schedules, insofar as they provide for the application of "RX" service to messages in the Tourate classification;

It is further ordered, That insofar as the above-cited tariff schedules provide for the application of "RX" service to messages in the Tourate classification, the operation of such schedules shall be suspended, and the effectiveness thereof shall be deferred, until October 11, 1943, unless otherwise ordered by the Commission; and that during such period of suspension, no changes shall be made in the provisions whose operation is hereby so suspended, or in the provisions sought to be altered thereby, unless authorized by the Commission;

It is further ordered, That a copy of this order shall be filed in the offices of the Federal Communications Commission with the above-cited tariff schedules herein suspended in part; that The Western Union Telegraph Company, and all other carriers which participate in the rendition of the service provided under such tariff schedules be, and they are hereby, each made a party respondent to this proceeding;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at the offices of the Federal Communications Commission in Washington, D. C., beginning at 10:00 a. m. on the 12th day of August 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11269; Filed, July 13, 1943; 12:27 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4922]

P. LORILLARD COMPANY, INC.

AMENDED ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, July 20, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence with his conclusions of fact and law and his recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-11309; Filed, July 14, 1943; 11:47 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 18 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or the Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers) to initially ice or reice, with both bunker and top or body ice, WRX 9080 containing carrots shipped by William Gumpertz Co., Oxnard, California, consigned Andrews Brothers, Detroit, Michigan; also for the Southern Pacific Company, the Union Pacific Railroad Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), to initially ice or reice, with both bunker and top or body ice, WRX 9298 containing carrots shipped William Gumpertz Co., Oxnard, California, consigned to Applebaum & Ernst, Chicago, Illinois; also for the Southern Pacific Company, Union Pacific Railroad Company, or The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees) to initially ice or reice, with both bunker and top or body ice, PFE 14244 containing carrots shipped by William Gumpertz Co., Oxnard, California, consigned to Zimel Fruit Company, Rock Island, Illinois.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 7th day of July 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-11289; Filed, July 14, 1943; 10:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-647 and 7-648]

NEW YORK CURB EXCHANGE

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of July, A. D. 1943.

In the matter of application by the New York Curb Exchange to extend unlisted trading privileges to: Pacific Gas and Electric Company 5% cumulative first preferred stock, $25 par value; Richfield Oil Corporation warrants for common stock, no par value.

The New York Curb Exchange having made applications to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to two securities;

A hearing having been held after appropriate notice and the Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the New York Curb Exchange for permission to extend unlisted trading privileges to Richfield Oil Corporation Warrants for Common Stock, No Par Value, be and it hereby is approved;

It is further ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the New York Curb Exchange for permission to extend unlisted trading privileges to Pacific Gas and Electric Company 5% Cumulative First Preferred Stock, $25 Par Value, be and it hereby is denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11271; Filed, July 13, 1943; 2:11 p. m.]

WAR PRODUCTION BOARD.

[Certificate No. 93]

TRANSPORTATION AND STORAGE OF SPECIFIED MATERIALS

The ATTORNEY GENERAL:

I submit herewith Haulage Request TR-2 of the War Production Board relating to the transportation and storage of certain specified materials.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the Request; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Haulage Request TR-2 is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

JULY 10, 1943.

[F. R. Doc. 43-11235; Filed, July 13 1943; 10:50 a. m.]

[Haulage Request TR-2]

TRANSPORTATION AND STORAGE OF SPECIFIED MATERIALS

It is requisite to the prosecution of the war that the maximum amount of essential materials be delivered to essential war industries with a minimum dislocation of the general economy, with a minimum of delay and with a minimum of strain upon transportation facilities already severely taxed. This can best be accomplished through voluntary arrangements which permit materials to be consumed as near as may be to their source. Now, therefore, it is hereby requested that:

SECTION 1. *Purchases, sales, exchanges, and common use of facilities.* All persons engaged in producing, supplying or distributing the materials listed on Schedule X hereto annexed (herein referred to as "Schedule X materials") may make such purchases, sales, exchanges or loans of Schedule X materials and may arrange for such common use of transportation and storage facilities as may be requisite or necessary in order to attain the most efficient utilization of such facilities. All such purchases, sales, exchanges or loans and all such arrangements for common use of transportation and storage facilities shall remain subject to review and adjustment by the War Production Board to the end (1) that no producer, supplier or distributor of any Schedule X material shall be deprived of an opportunity to share equitably in the available supply of such material and the use of transportation and storage facilities, (2) that no consumer shall be inequitably treated in the distribution of Schedule X materials by reason of such arrangements, and (3) that such arrangements shall not go beyond the purpose and objective of this request.

SEC. 2. *Reports.* All persons who effect purchases, sales, exchanges or loans of Schedule X materials or arrangements for common use of transportation and storage facilities pursuant to section 1 hereof, and who desire to obtain therefor the protection provided by any certificate of the Chairman of the War Production Board to the Attorney General of the United States issued with respect to this request, shall inform the War Production Board by letter giving the following information:

1. Names and addresses of parties, including names and addresses of persons to whom inquiries concerning the report should be directed.

2. Effective date and duration of arrangement.

3. Kind and quantity of material involved.

4. Location of points of origin and destination of Schedule X materials to be shipped or location of storage facilities to be jointly used.

A separate letter for each Schedule X material involved shall be filed. Further information may be specifically requested in particular cases.

SEC. 3. *Revocation of Transportation Request No. 1.* This request supersedes and revokes Transportation Request No. 1 issued January 9, 1943, covered by Certificate No. 27, pursuant to Public Law No. 603, 77th Congress, but any action taken pursuant to the provisions of said Transportation Request No. 1 and said Certificate No. 27, prior to the date of the issue of this request, has the protection thereof.

SEC. 4. *Certification of this request.* Having consulted with the Attorney General, the Chairman of the War Production Board will issue a certificate under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), with respect to this Haulage Request TR-2 (*supra*).

SEC. 5. *Communications.* All communications concerning this request and all information filed hereunder shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Reference TR-2 (Specify Material).

Issued this 10th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE X

1. Acetate:
   Amyl, Butyl, Ethyl, Vinyl
2. Acetic Anhydride
3. Acetone
4. Acid:
   Acetic, Citric, Hydrochloric (Muriatic), Mixed (Nitric and Sulphuric), Nitric, Picric, Sulphuric
5. Alcohol:
   Amyl, Butyl, Diacetone, Ethyl, Isopropyl, Methyl (Methanol)
6. Aluminum:
   Acetate, Ammonium Sulfate, Chloride (Anhydrous & Crystals) Formate, Potassium Sulfate, Sulfate
7. Ammonia:
   Anhydrous and Solutions
8. Ammonium:
   Bicarbonate, Carbonate, Chloride (Gray), Nitrate (including fertilizer grades) Sulfate
9. Aniline
10. Antifreeze Preparations
11. Calcium:
    Arsenate, Carbide, Chloride, Phosphates
12. Castor Oil
13. Caustic Potash
14. Caustic Soda
15. Cement (Portland Cement)
16. Chemical Cotton Pulp and Cotton Linters
17. Chlorinated Hydrocarbons
18. Chlorine
19. Coal Tars
20. Coke
21. Copper Sulfate
22. Corn Oil
23. Corn Syrup (Glucose)
24. Cottonseed Oil
25. Distillates and distillation residue of coal tars or coke oven crude light oils (including but not limited to benzol, creosote, cresol, cresylic acid, naphthalene, phenol, solvent naphtha, toluol, xylanol, and xylol)
26. Drugs, Medicine, Toilet Preparations and basic medicinal chemicals
27. Formaldehyde
28. Glycols
29. Hydrogen Peroxide
30. Lead Arsenate
31. Lard and Lard Oil
32. Lime and Limestone (including but not limited to fluxstone)
33. Linseed Oil
34. Litharge
35. Magnesium; Carbonate and Sulfate
36. Methyl Ethyl Ketone
37. Molasses
38. Methyl Isobutyl Ketone
39. Paint Driers, Solid and Liquid
40. Paints, Varnish, Lacquers and Stains
41. Peanut Oil
42. Phosphorus
43. Pigments, Colors and Extenders
44. Plasticizers, Phosphate and Pthalate
45. Potash Salts
46. Pyridine, Crude and Refined
47. Pyrites
48. Road Tar and Road Oil
49. Sodium:
    Bicarbonate, Carbonate, Chlorate, Chloride, Hydroxide, Nitrate, Nitrite, Phosphates, Silicates, Sulfate, Pyrophosphate, Thiosulfate
50. Solvents, Alcohol
51. Solvents of Petroleum Origin
52. Soyabean Oil
53. Superphosphates
54. Tallow: Inedible and Edible
55. Vegetable Oil Foots and Fatty Acids
56. Water Gas Tar

[F. R. Doc. 43-11270; Filed, July 13, 1943; 10:50 a. m.]

Reference

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TITLE

Chapter IX—

PART 939—HAN
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Done at Wa
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Acting

[F. R. Doc. 43

Reference

FEDERAL REGISTER

VOLUME 8 NUMBER 140

Washington, Friday, July 16, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter IX—War Food Administration

PART 939—HANDLING OF DESIGNATED VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

SUSPENSION OF CERTAIN PROVISIONS

Pursuant to the provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", it is hereby found and determined that the provisions in §§ 939.4, 939.5, and 939.6 of the order regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne Du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California, effective August 26, 1939, do not at this time tend to effectuate the declared policy of the said act.

It is, therefore, ordered, That the provisions in §§ 939.4, 939.5, and 939.6 of the aforesaid order be and the same hereby are suspended until otherwise ordered.

It is further ordered, That the suspension of such provision shall not (a) affect or waive any right, duty, obligation, or liability which has arisen or which, prior to the time that the suspension becomes effective, may arise under the aforesaid provisions of the order, or (b) release or extinguish any violation of the said order which has occurred or which, prior to the time that the suspension becomes effective, may occur, or (c) affect or impair any right or remedy of the United States or any other person with respect to any such violation which has occurred or which, prior to the time that such suspension becomes effective, may occur.

This order shall become effective at 12:01 a. m., p. w. t., July 15, 1943.

Done at Washington, D. C., this 14th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11367; Filed, July 15, 1943; 11:18 a. m.]

Chapter XI—War Food Administration

[FDO 64]

PART 1405—FRUITS AND VEGETABLES

CLINGSTONE PEACHES GROWN IN THE STATE OF CALIFORNIA

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of clingstone peaches produced in the State of California, for defense and private account; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.14 *Restrictions relative to the shipment of clingstone peaches.*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatable with the intent thereof:

(1) The term "clingstone peaches" means any and all strains and any and all varieties of fresh clingstone peaches grown in the State of California.

(2) The term "person" means any individual, partnership, corporation, association, business trust, or any organized group of persons whether incorporated or not.

(3) The term "ship" means to convey fresh clingstone peaches, or cause fresh clingstone peaches to be conveyed, by railroad, truck, boat, or any other means whatsoever, from a point within the State of California to a point without the State of California.

(4) The term "shipper" means any person (except a carrier of fresh clingstone peaches owned by another person) who ships fresh clingstone peaches.

(5) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* (1) No person may ship any clingstone peaches.

(2) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
ANIMAL INDUSTRY BUREAU:	
Recognition of breeds and pure-bred animals, goats	9735
BITUMINOUS COAL DIVISION:	
Minimum price schedules amended:	
District 2 (2 documents)	9735, 9739
District 7	9741
District 8	9742
District 10	9736
District 12	9743
District 13	9737
BOARD OF ECONOMIC WARFARE:	
General licenses, cancellations	9745
Netherlands Purchasing Commission, cancellation of unlimited licenses	9745
CIVIL AERONAUTICS BOARD:	
Investigation of accident near Omaha, Nebr., hearing	9850
COAST GUARD:	
Amendments to regulations and approval and withdrawal of equipment	9840
FEDERAL POWER COMMISSION:	
Hope Natural Gas Co., hearing	9850
FISH AND WILDLIFE SERVICE:	
Alaska game regulations	9841
Lake Mason National Wildlife Refuge, Mont., hunting	9850
Santee National Wildlife Refuge, S. C., fishing	9850
INDIAN AFFAIRS OFFICE:	
Flathead Indian Irrigation Project, Mont.; operation and maintenance charges:	
Flathead Irrigation District	9735
Mission Irrigation District	9735
Jocko Valley Irrigation District	9735
INTERSTATE COMMERCE COMMISSION:	
Reicing of potatoes:	
Atchison, Topeka and Santa Fe Railway Co	9851
Atchison, Topeka and Santa Fe Railway Co. and Chicago, Rock Island and Pacific Railway Co	9852
Chicago, Milwaukee, St. Paul and Pacific Railroad Co	9852
Common carriers by railroad (7 documents)	9850–9852
Lehigh Valley Railroad Co	9852
Missouri Pacific Railroad Co	9851

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
INTERSTATE COMMERCE COMMISSION—Continued.	
Uniform bills of lading and livestock contracts	9841
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Belding Heminway Corticelli	9835
Friend Bros., Inc	9835
Lists of orders filed (2 documents)	9853
Southern California Food Co.	9837
Beans, processed; macaroni and noodle products (MPR 427)	9775
Building materials and consumers' goods other than apparel (MPR 188, Am. 16)	9836
Chrome ores (MPR 258, Am. 3)	9787
Containers, Western wooden agricultural (Rev. MPR 186, Am. 8)	9778
Corn products, for animal consumption (MPR 401, Am. 1)	9775
Cotton yarns, carded (MPR 33, Am. 4)	9750
Gasoline rationing (RO 5C, Am. 55)	9787
General maximum price regulation, modification of maximum prices established (Rev. SR 14)	9787
Milk and milk products (SR 14, Am. 195)	9835
Hinges and butt hinges (MPR 413, Am. 1)	9774
Hosiery, women's rayon (MPR 339, Am. 5)	9839
Iron and steel:	
Products, resale (RPS 49, Am. 17)	9750
Steel castings (RPS 41, Am. 7)	9750
OFFICE OF PRICE ADMINISTRATION—Continued.	
Linseed oil shortening (RPS 53, Am. 37)	9778
Lumber:	
Northeastern softwood (Rev. MPR 219, Am. 2)	9779
Northern softwood (Rev. MPR 222, Am. 1)	9779
Petroleum and petroleum products (RPS 88, Am. 116)	9774
Pulpwood, produced in North Carolina and Virginia (MPR 433)	9837
Refrigerators, used household mechanical (Rev. MPR 139, Am. 1)	9779
Regional, state, and district office orders:	
Alfalfa hay, transportation by truck in California	9854
Community ceiling prices, lists of orders filed (2 documents)	9853
Firewood, State; Washington (4 documents)	9855, 9856
Ice cream, Cochise County, Ariz	9854
Milk and cream, Seattle, Wash. (2 documents)	9853, 9854
Split cedar fence posts, Oregon	9855
Rubber goods, mechanical (MPR 149, Am. 12)	9751
Tires, tubes, recapping, and camelback; rationing (RO 1A, incl. Am. 38)	9752
Typewriters, used; sale and rental (Rev. MPR 162)	9779
POST OFFICE DEPARTMENT:	
Dutiable articles from foreign countries; duties or fines; examination of contents	9840
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Atlantic Coast Line Co	9856
Braddock Light & Power Co., Inc	9857
Commonwealth & Southern Corp. (Del.), et al	9857
Consolidated Electric and Gas Co	9857
Federal Advisers, Inc., et al	9859
General Water, Gas & Electric Co. and Rockland Gas Co., Inc	9858
Manufacturers Trust Co	9858
Shawmut Assn	9858
SOLID FUELS ADMINISTRATION FOR WAR:	
Pennsylvania anthracite coal	9744
TREASURY DEPARTMENT:	
Reports with respect to property in foreign countries (2 documents)	9744, 9745
WAR DEPARTMENT:	
Danger zone regulations, Chesapeake Bay gunnery ranges	9839
WAR FOOD ADMINISTRATION:	
Fish and shellfish, restricted; reports (FDO 44–1, Am. 1, Corr.)	9735
WAR FOOD ADMINISTRATION—Con.	
Peaches, clingstone, grown in California (FDO 64)	9733
Pears, grown in Oregon, Washington, and California; suspension of certain provisions	9733
Suspension orders, revocations:	
Cambridge Coffee Co	9859
Coffee Corp. of America	9859
De Witt-Nash Co	9859
Star Coffee Co	9859
WAR PRODUCTION BOARD:	
Alcohol, ethyl, and related compounds (M–30)	9747
Containers, wooden and fibre shipping (P–140, Am. 1)	9746
Graphite (M–61)	9748
Military rating procedure, delegation of authority (Dir. 23)	9745
Stop construction order	9860
Suspension orders. *See* War Food Administration.	

of fresh clingstone peaches of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using clingstone peaches, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administration, P. O. Box 230, Sacramento 1, California, Ref. FD–64.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., July 16, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 14th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–11368; Filed, July 15, 1943; 11:18 a. m.]

[FDO 44–1, Amdt. 1]

PART 1465—FISH AND SHELLFISH

REPORTS IN CONNECTION WITH RESTRICTED FISH AND SHELLFISH

Correction

In F. R. Doc. 43–11194, appearing on page 9488 of the issue for Tuesday, July 13, 1943, the second paragraph designated as "(b)" should be designated "(d)".

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

Subchapter F—Animal Breeds

[B. A. I. Order 365, Amdt. 11]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

GOATS

Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the Act of June 17, 1930 (46 Stat. 673; 19 U.S.C., sec. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations (section 2, paragraph 1, Regulation 2, B.A.I. Order 365), is amended, effective July 7, 1943, by adding to the subdivision of said paragraph relating to goats the following breed and section of book of record:

GOATS

Name of breed	Book of record	By whom published
Anglo-Nubian	Anglo-Nubian Section of the British Goat Society Herd Book.	British Goat Society, H. E. Jeffery, Secretary, The Cottage, Roydon, Diss, Norfolk, England.

Done at Washington, D. C., this 14th day of July 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43–11366; Filed, July 15, 1943; 11:18 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

FLATHEAD IRRIGATION DISTRICT, FLATHEAD INDIAN IRRIGATION PROJECT MONTANA

JUNE 4, 1943.

Section 130.24 of the order, as amended by the Assistant Secretary of the Interior on June 23, 1942 (7 F.R. 5388), is further amended to read as follows:

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented by later contracts dated February 27, 1929, March 28, 1934, and August 26, 1936, notice is hereby given that an assessment of $65,000 is fixed for the season of 1944 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Flathead Irrigation District. This assessment involves an area of approximately 67,974.3 acres, does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

(38 Stat. 583, 39 Stat. 142, 45 Stat. 210, 46 Stat. 291; 25 U.S.C. 385, 387) [Regs. Asst. Sec. Int. June 23, 1942; 7 F.R. 5388, as amended Asst. Sec. Int., June 4, 1943]

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43–11318; Filed, June 14, 1943; 3:14 p. m.]

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

MISSION IRRIGATION DISTRICT, FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

JUNE 4, 1943.

Section 130.26 of the order, as amended by the Assistant Secretary of the Interior on June 23, 1942 (7 F.R. 5388), is further amended to read as follows:

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented by later contracts dated June 2, 1934 and August 26, 1936, notice is hereby given that an assessment of $12,500 is fixed for the season of 1944 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Mission Irrigation District. This assesment involves an area of approximately 11,900 acres, does not include any lands held in trust for Indians, and covers all proper general charges and project overhead.

(38 Stat. 583, 39 Stat. 142, 45 Stat. 210, 46 Stat. 291; 25 U.S.C. 385, 387) [Regs. Asst. Sec. Int. June 23, 1942; 7 F.R. 5388, as amended Asst. Sec. Int. June 4, 1943]

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43–11319; Filed, July 14, 1943; 3:14 p. m.]

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

JOCKO VALLEY IRRIGATION DISTRICT, FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

JUNE 4, 1943.

Section 130.28 of the order, as amended by the Assistant Secretary of the Interior on June 23, 1942 (7 F.R. 5388), is further amended to read as follows:

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented by a later contract dated August 26, 1936, notice is hereby given that an assessment of $5,000 is fixed for the season of 1944 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Jocko Valley Irrigation District. This assessment involves an area of 5,472.8 acres, does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

(38 Stat. 583, 39 Stat. 142, 45 Stat. 210, 46 Stat. 291; 25 U.S.C. 385, 387) [Regs. Asst. Sec. Int. June 23, 1942; 7 F.R. 5388, as amended Asst. Sec. Int. June 4, 1943]

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43–11320; Filed, July 14, 1943; 3:14 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–2052]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of changes in and additions to the railroad loading points of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, re-

questing the establishment of changes in and additions to the railroad loading points and of changes in freight origin group numbers of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1664	Fekula, Harry	Vay (s)	Pittsburgh	9	(Lock #3, Pa. / Wylie, Pa.[1]	P&LE / Union	[2] 68	D	D	C	C	C	C	C	C	C	(†)	A	A	A	C	E	E
2645	Klein, Stefan (Klein Coal Co.)	(Port View #2 (d).	Pittsburgh	9	(Wylie, Pa. / Wylie, Pa.[1]	P&LE / Union	[2] 68	(†)	(†)	(†)	(†)	(†)	F	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2658	Rizzo Coal Co. (O. M. McClain)	Rizzo	Pittsburgh	3	Point Marion, Pa.[1]	B&O	80	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3057	Swaney & Moats Stripping Operation.	Hlatsky (s)	Pittsburgh	3	(York Run, Pa. / Crawford #3, Pa.[1]	B&O / PRR	114	(†)	(†)	(†)	(†)	(†)	B	C	C	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications in these size groups.
[1] Indicates change in shipping point.
[2] Indicates change in freight origin group numbers.

NOTE: The above classifications are applicable only via the respective shipping points, railroads and freight origin groups shown. Shipping points, railroads and freight origin groups heretofore assigned are no longer applicable.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II

In § 322.9 (c) in Price Schedule No. 1 for District No. 2, add these mine index numbers to groups shown: Group No. 1: 1664; Group No. 2: 2645; Group No. 6: 3057; Group No. 7: 2653.

[F. R. Doc. 43–11238; Filed, July 13, 1943; 10.59 a. m.]

[Docket No. A–2048]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for establishment of price classifications and minimum prices for Mine Index No. 1631.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Alex Kedas Mine, Mine Index No. 1631, of Alex Kedas, in District No. 10; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: June 30, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION NO. 7—VERMILION COUNTY																	
Kedas, Alex	1631	Alex Kedas	245	240	235	225	220	215	175	170	165	160	160	160	130	120	65

[F. R. Doc. 43–11239; Filed, July 13, 1943; 10:59 a. m.]

[Docket No. A–2027]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for coals of certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.24 (*General prices*) is amended by adding thereto Supplement R–IV, § 333.25 (*Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) is amended by adding thereto Supplement R–V, § 333.27 (*Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to j. a. s. consumers in the States of Tennessee and Alabama*) is amended by adding thereto Supplement R–VI, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

A minimum price of $2.55 per ton has been established for Size Group No. 13 coals produced by the Huddleston #1 Mine, Mine Index No. 1782, of the Huddleston Coal Company (M. E. Huddleston) for truck shipment, instead of the price of $3.55 per ton as proposed in the petition for the reason that analogous coals have been priced in this size group at $2.55 per ton and the proposed price appears to be a typographical error.

Dated: June 30, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.6 *General prices*—Supplement R–I

Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	BLOUNT COUNTY, ALA.				
1786	Parker, Billie	Mountain View [1]	1	Black Creek	31
	JEFFERSON COUNTY, ALA.				
1773	Negron, Damon (Daisy City Coal Co.).	Daisy City No. 10 [1]	1	Nickel Plate	50
	MARION COUNTY, ALA.				
1777	Erwin, Ed	Ed. Erwin #1 [2]	1	Black Creek	101
	WALKER COUNTY, ALA.				
1775	Averitt & Sanders Coal Co. (G. A. Averitt).	No. 2 [4]	1	Mary Lee	80
1782	Huddleston Coal Co. (M. E. Huddleston).	Huddleston #1 [4]	1	Mary Lee	80
1663	Jackson, L. D	Jackson & Nix [4]	1	Mary Lee	101

[1] Shipping Point: Warrior, Ala. Railroad: L&N. This mine shall have in Size Group 13, on each respective price table, the same price as is listed thereon for Mine Index No. 1309 (Cooper, Floyd, Cooper's mine, Price Schedule No. 2) and will be included in Group No. 120.

[2] Shipping Point: Brookside, Ala. Railroad: Sou. Ry. This mine shall have in Size Groups 1, 13 and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 1533 (Beveridge, R. P., Daisy City #9 mine, Price Schedule No. 2) and will be included in Group No. 174.

[3] Shipping Point: Glen Allen, Ala. Railroad: St. L.-S. F. This mine shall have in Size Groups 1, 4, 6, 7, 13, 17, 18, 22 and 25, on each respective price table, the same prices as are listed thereon for Mine Index No. 152 (Erwin, Ed., Roy Miles #4 mine, Price Schedule No. 2) and will be included in Group No. 40.

[4] Shipping Point: Dora, Ala. Railroad: St. L.-S. F. These mines shall have in Size Groups 1, 2, 7, 13, 19, 20, 21, 22, 23 and 24, on each respective price table, the same prices as are listed thereon for Mine Index No. 1585 (Cooley, G. (Piedmont Coal Co.), Piedmont mine, Price Schedule No. 2) and will be included in Group No. 201.

[5] Shipping Point: Carbon Hill, Ala. Railroad: St. L.-S. F. Change in shipping point, railroad and Freight Origin Group. Shipping Point, Nauvoo, Alabama, Southern Railway and Freight Origin Group 110 shall no longer be applicable.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply]

For all mines in Subdistrict No. 1			For all sizes customarily furnished railroads for locomotive fuel			
Mine Index No.	Central of Georgia [1]	Seaboard Air Line Railway [1]	St. Louis and San Francisco Railroad for consignment west of the Mississippi River	St. Louis and San Francisco Railroad for consignment east of the Mississippi River	A. B. & C. Railroad	All other railroads not specifically shown
1771, 1775, 1777, 1782	250	250	230	250		250

[1] Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions*—Supplement R–III

[Subdistrict No. 1]

Mine Index No.	Size groups and prices applicable for steamship vessel fuel		
	Mine group	14, 15, 16, 17, 18	12
1777	Black Creek	315	315
1775, 1782	Carbon Hill Big Seam	275	

§ 334.24 *General prices*—Supplement R–IV

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	GRUNDY COUNTY, TENN.				
691	Phipps, L. P.	Martin Church (Freemont) [1]	3	Sewanee	140
1774	Phipps, L. P.	Roddy Springs [1]	3	Sewanee	140
	MARION COUNTY, TENN.				
847	Goodman, W. L.	Morrison [1]	3	Sewanee	150
1717	Higgins, J. D.	Higgins [1]	3	Sewanee	150

[1] Shipping Point: Coalmont, Tenn.; Railroad: N. C. & St. L. On each respective price table, these mines shall have in each Size Group the same respective prices as are shown for mines included in Group No. 12.
[2] Shipping Point: Whitwell, Tenn.; Railroad: N. C. & St. L. On each respective price table, these mines shall have in each Size Group the same respective prices as are shown for mines included in Group No. 9.

§ 333.25 *Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*—Supplement R–V

For mines in Subdistrict No. 3	Size	Price
Mine index No.: 847, 1717	For all sizes except screenings	255
	Screenings with top size not more than 2"	245
691, 1774	For all sizes except screenings	250
	Screenings with top size not more than 2"	245

FREE ALONGSIDE DELIVERIES

§ 333.27 *Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to free alongside consumers in the States of Tennessee and Alabama*—Supplement R–VI

Code member index	Mine	Mine index No.	County	Seam	Lump: Over 2"; Egg: Top size over 5"	Egg: Top size, 5" and under; bottom size, 2" and under	Lump: 2" and under	Nut: Top size, 2" and under; bottom size, 1" and under	Stoker: Top size, 1¼" and under; bottom size, ½" and under	Stoker: Top size ¾" and under; bottom size ¾" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings ¾" and under	Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA—SUBDISTRICT																			
Hibbs & Payne (Oscar Hibbs)	Battle Creek	1781	Marion	Battle Creek	370	370	360	290	280	275	265	265	265	235	235	225	205	170	315
Higgins, J. D.	Higgins	1717	Marion	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: over 2"; Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size, 2" and under; bottom size, over ½"		Chestnut: Top size, 2" and under; bottom size, ½" and under		Chestnut: 1¼" and under; bottom size, ½" and under		Run of mine, modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	24, 25, 26
					1	2	3	6	7	8	9	10	11	13	17	22	18	21	
ALABAMA																			
BLOUNT COUNTY																			
Parker, Billie	Mountain View	1786	2	Black Creek	385	385	370	375	355	340	330	325	315	315	305	295	295	280	310
JEFFERSON COUNTY																			
Negron, Damon (Daisy City Coal Co.)	Daisy City #10	1773	2	Nickel Plate	320	320	310	315	305			305	280	275	290	270	285	260	277
MARION COUNTY																			
Erwin, Ed	Ed Erwin #1	1777	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	275	320
WALKER COUNTY																			
Averitt & Sanders Coal Co. (G. A. Averitt)	No. 2	1775	2	Mary Lee	305	305	305	325	305	310	290	300	280	255	265	230	240	210	255
Drummond Bros. (F. I. Drummond)	Drummond #4	1058	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	265	320
Huddleston Coal Co. (M. E. Huddleston)	Huddleston #1	1782	2	Mary Lee	305	305	305	325	305	310	290	300	280	255	265	230	240	210	255
Williams, L. J.	Sunlight	1784	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	265	320

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: Over 2"; Egg: Top size, over 5"	Egg: Top size, 5" and under; bottom size, 2" and under	Lump: 2" and under	Nut: Top size, 2" and under; bottom size, 1" and under	Stoker: Top size, 1¼" and under; bottom size, ¾" and under	Stoker: Top size, ¾" and under; bottom size, ⅜" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
GRUNDY COUNTY																			
Phipps, L. P.	Roddy Springs	1774	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
MARION COUNTY																			
Hibbs & Payne (Oscar Hibbs)	Battle Creek	1781	4	Battle Creek	370	370	360	290	280	275	265	265	265	235	235	225	205	170	315

[F. R. Doc. 43–11240; Filed, July 13, 1943; 10:59 a. m.]

[Docket No. A–2032]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines located in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No relief is granted herein as to that part of the petition requesting the establishment of price classifications and minimum prices for the coals produced by the Hillcrest (S) Mine, Mine Index No. 2718 of Hillcrest Coal Company, Ltd. (Tony Grippo) for the reasons set forth in the order designating the portion of Docket No. A–2032 relating to such relief as Docket No. A–2032, Part II.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Sub-district No.	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Shipping point
2711	Bortz Coal Co	Daugherty #3 (s)	Pittsburgh	3	Mongh	90	(1)	(1)	(1)	(1)	(1)	F	F	F	G	G	(1)	(1)	(1)	(1)	(1)	(1)	Low Phos, Pa.
2709	Bell, Robert Lockridge	Weaver #1 (Strip)	Pittsburgh	9	Union	70	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	Hall, Pa
1111	Eagle Coal Company (P. M. Bortz)	Fox	Brookville	7	NYC–P RR	100	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Stoneboro, Pa.
1538	Florenz, Steve	Shaner Valley (d)	Pittsburgh	9	B&O	83	C	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	Shaner, Pa.
2715	Hagerman & Weddell Coal Co. (F. E. Weddell)	Brush Creek (s)	U. Freeport	4	PRR	74	E	E	E	E	(1)	(1)	E	E	E	E	E	C	C	C	C	C	Jeannette, Pa.
2801	Harding, John [1] (Humble Bee Coal Co.)	Love	Sewickley	3	PRR–P RR	132	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	Crawford #2 Stiling, Pa.
2503	Hayes, T. L. (Hayes Coal Co.)	Hayes #2 (s)	Pittsburgh	3	PRR	74	D	A	A	F	E	E	E	E	E	E	E	E	E	E	E	E	Connellsville, Pa
2704	Hillcrest Coal Co	Hillcrest (s)	Pittsburgh	7	PRR	74	C	A	A	F	E	E	E	E	E	E	E	E	E	E	E	E	Houston, Pa
2712	Pittsburgh Coal Co	Russell Stripping (s)	Pittsburgh	7	Mont	72	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Champion, Pa
2581	Santora-Graham-Mondalek Coal Co. (L. P. Graham).	Mapel-Sterling	Pittsburgh	3	Mongh	90	F	F	F	F	G	F	G	G	G	G	G	G	B	C	C	C	Maple-Sterling Works, Pa.
2709	Senator Coal Co. (W. H. Senator)	Senator-Walker (s)	Pittsburgh	9	PRR	70	F	E	E	J	J	E	D	D	D	D	D	C	C	C	C	C	Shirleville, Pa.
1729	Shaner, Verne	Weaver #2 (s & d)	Pittsburgh	4	PRR	30	D	D	D	H	H	D	D	D	D	D	D	C	C	C	C	C	Crabtree, Pa
2721	Shirley, Robert (John Solazo)	Domenick (s)	Pittsburgh	1	P&LE	174	D	D	D	H	H	D	D	D	D	D	D	C	C	C	C	C	Hillharris, Pa
1553	Union Coal Company [1] (Jas. D. Robertson)	Union Coal Co	Pittsburgh	7	NYC	191	D	D	D	H	H	D	D	D	D	D	D	C	C	C	C	C	Burgettstown, Pa
429	Wanango Coal Company [1] (Vesta A. Osburn)	Burdett (s)	Brookville	1	PRR	70	E	E	E	E	E	E	E	E	E	E	E	B	B	B	B	B	Raymilton, Pa
1614	Weaver, Jos. F	New Alexandria #1 (d)	Pittsburgh	4	PRR	70	E	E	E	E	E	E	E	E	E	E	E	B	B	B	B	B	Allsworth, Pa
2714	Weaver, Jos. F	Weaver #2 (s)	Pittsburgh	4	PRR	70	E	E	E	E	E	E	E	E	E	E	E	B	B	B	B	B	Allsworth, Pa
1614	Weaver, Jos. F	Weaver #1 (s)	Pittsburgh	4	PRR	70	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	Allsworth, Pa
972	West, W. L. & V. P. (W. L. West)	Mallory (d)	Pittsburgh	3	Mongh	90	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Masontown, Pa
2719	Zebley, Harry	McGee (s)	Pittsburgh	3	PRR	31	F	F	F	F	F	F	F	F	E	E	E	D	D	D	D	D	Fairchance, Pa

[1] Indicates no classifications in these size groups.
[2] Indicates change in name.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II.

NOTE: In § 322.9 (c) in Minimum Price Schedule No. 1 add the mine index numbers to groups shown. Group No. 1: 1538, 2715; Group No. 2: 2708, 2712; Group No. 6: 2563, 2719; Group No. 7: 972, 2711; Group No. 13: 1614, 1729, 2713, 2714; Group No. 15: 2721; Group No. 21: 2709.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index name	Mine index No.	Mine	Seam	Base sizes: Lump, over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 4" (6)	Pea ¾" x 1¼" (7)	Run of mine (8)	2" x 0 (9)	1¼" slack (10)	¾" slack (11)
ALLEGHENY COUNTY														
Christoff Coal Co.[1] (Eugene Christeff).	2071	Gardner #3	Redstone	295	285	275	250	235	235	230	240	200	190	180
Esposto, Domenick [1]	2000	Warner (Strip)	Pittsburgh	295	285	275	250	235	235	230	240	200	190	180
BUTLER COUNTY														
Solazo, Bros. (John Solazo)	2721	Domenick (s)	M. Kittanning	345	325	305	285	280	265	265	250	210	200	190
FAYETTE COUNTY														
Arnold City Coal Co. (John Bilsky).	2720	Arnold #20	Pittsburgh	330	320	310	290	270	260	255	260	230	220	205
Bortz Coal Co	2711	Daugherty #3(s)	Pittsburgh	300	290	280	265	245	230	230	230	220	215	195
Harding, John [1] (Bumble Bee Coal Co.).	2201	Love	Sewickley	295	285	275	260	240	230	230	230	215	210	195
Moser, Homer	2710	Moser	Pittsburgh	320	310	300	280	260	250	245	250	230	220	195
Woods, Gary & Welsh (Wm. E. Welsh).	209	Snider #2	Pittsburgh	320	310	300	280	260	250	245	250	230	220	195
Zebley, Harry	2719	McGee(s)	Pittsburgh	310	300	290	270	250	242	305	240	225	220	195
GREENE COUNTY														
Santora-Graham [1] Mondalek Coal Co. (L. P. Graham).	2581	Mapel-Sterling	Pittsburgh	295	285	275	265	250	240	235	240	210	200	185
LAWRENCE COUNTY														
Harbor Coal Company [1] (W. P. Jones).	1087	New Castle Road	M. Kittanning	325	325	315	305	300	290	285	285	205	190	170
MERCER-VENANGO COUNTY														
Fox Coal Company [1] (P. M. Bortz).	1134	Fox	Brookville	345	330	310	295	290	275	275	260	205	195	180
Wanango Coal Company [1] (Vesta A. Osburn).	429	Burdett	Brookville	345	330	310	295	290	275	275	260	205	195	180
WASHINGTON COUNTY														
Pittsburgh Coal Co	2708	Houston(s)	Pittsburgh	315	305	295	270	260	245	230	245	210	195	190
Pittsburgh Coal Co	2712	Russell Stripping(s)	Pittsburgh	295	285	275	260	235	230	230	240	200	190	180
Union Coal Company [1] (Jas. D. Robertson).	1533	Union Coal Co	Pittsburgh	295	285	275	250	240	225	215	225	200	190	180
WESTMORELAND COUNTY														
Hagerman & Weddell Coal Co. (F. E. Weddell).	2715	Brush Creek (s)	U. Freeport	285	275	265	250	245	235	215	230	200	190	180
Kendi, Paul W	2716	Udell	Pittsburgh	295	290	280	270	250	235	230	230	215	205	195
Kendi, Paul W	2717	Sarah	Pittsburgh	320	310	300	280	260	250	245	255	220	210	195
Seanor Coal Co. (W. H. Seanor)	2709	Seanor-Walker(s)	Pittsburgh	295	285	275	255	245	240	235	235	215	205	195
Shepler, J. E.[1] (Shepler Coal Co.).	2553	Shepler [1]	Freeport	290	280	270	260	250	230	230	225	205	195	185
Stouffer, Paul & James Mitchell (Paul Stouffer).	2480	S & K #2	Redstone	285	275	265	250	245	235	215	230	200	190	809
Weaver, Jos. F	2713	Weaver #1 (s)	Pittsburgh	310	300	290	270	250	240	235	245	225	215	951
Weaver, Jos. F	2714	Weaver #2 (s)	Pittsburgh	310	300	290	270	250	240	235	245	225	215	151

[1] Indicates change in name.

[F. R. Doc. 43–11284; Filed, July 14, 1943; 10:43 a. m.]

[Docket No. A–2051]

PART 827—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 327.21 (*High volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R–II, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is furthed ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
348	Carroll, D. J.	Valley View	1	Fire Creek	Rupert, W. Va	NF&G	19	D	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)
349	P & G Pocahontas Coal Company (P. R. Henderson).	P & G #1	4	Davy-Sewell	Roderfield, W. Va	N&W	30	D	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)

†When shown under a size group number, this symbol indicates no classifications effective for this size group.

§ 327.21 *High volatile coals: Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups, for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																					
								For destinations other than Great Lakes													For Great Lakes cargo only									
								1 2	3 4	5 6	7	8	9	10	11 12 13 14	15 16 17	18 19 20 21	22	23	24	25	26	27	1 2	3 4	5 6	7	8	9	10	16 17	18 19 20 21	22	24	25	26	27
507	Canterbury & Harless C. Company (E. C. Canterbury.	Bennett	#2 Gas	2	Pax, W. Va.	C&O–Vgn.	11	L	L	F	E	E	C	E	A	A	A	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†When shown under a size group number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market areas*—Supplement T

Code member index	Mine	Mine index No.	Subdistrict No.	County	Seam	All lump 1¼" or larger, all egg and Stove	All nut or pea size, 1¼" to ¾" size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Canterbury & Harless C. Company (E. C. Canterbury).	Bennett	507	2	Fayette	#2 Gas	385	(†)	(*)	(*)	210	(*)
Carroll, D. J.	Valley View	348	1	Greenbrier	Fire Creek	------	------	300	235	------	------
P & G Pocahontas Coal Company (P. R. Henderson).	P & G #1	349	4	McDowell	Davy-Sewell	------	------	300	235	------	------

*When shown under a size group number, this symbol indicates coals previously classified in this size group.
†When shown under a size group number, this symbol indicates no classification effective for this size group.

[F. R. Doc. 43–11285; Filed, July 14, 1943; 10:43 a. m.]

[Docket No. A–2047]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of changes in railroad shipping points for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of changes in railroad shipping points for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: June 30, 1943.

[SEAL] DAN H. WHEELER, *Director.*

MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																					
								For destinations other than Great Lakes													For Great Lakes cargo only									
								1 2	3 4	5 6	7	8	9	10	11 12 13 14	15 16 17	18 19 20 21	22	23	24	25	26	27	1 2	3 4	5 6	7	8	9	10	16 17	18 19 20 21	22	24	25	26	27
5794	Helton, Larance	Larance Helton No. 2	Jellico	6	Myrick, Ky.	A&J	110	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
1112	Josephine Elkhorn Coal Co. (Luther H. Shivel)	Roberts No. 2	Elkhorn No. 1	1	Dinwood, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
911	Josephine Elkhorn Coal Co. (Luther H. Shivel)	Shivel No. 3	Elkhorn No. 1 & 2	1	Dinwood, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
631	Josephine Elkhorn Coal Co. (Luther H. Shivel)	Shivel No. 4	Elkhorn No. 1	1	Dinwood, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
912	Josephine Elkhorn Coal Co. (Luther H. Shivel)	Roberts No. 5	Elkhorn No. 1 & 2	1	Dinwood, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
2832	Lyttle & Stewart (William Stewart).	Baker	Horse Creek	6	Weber, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.
‡ Denotes new shipping point and Freight Origin Group. Shipping point at Woodbine, Ky., on the L&N Railroad in Freight Origin Group No. 111 shall no longer be applicable.
§ Denotes new shipping point. Shipping point at Mastown, Ky., shall no longer be applicable.
¶ Denotes new shipping point. Shipping point at Manchester, Ky., shall no longer be applicable.

[F. R. Doc. 43–11286; Filed, July 14, 1943; 10:48 a. m.]

[Docket No. A–2055]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 12 for the establishment of price classifications and minimum prices for the coals of certain mines.

An original petition, and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 12; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 332.5 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–II, and § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: July 2, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR DELIVERY BY RAILROAD

§ 332.2 *Alphabetical list of code members*—Supplement R–I

[Listing of code members, mines, mine index numbers and mine origin groups]

Code member	Mine	Mine origin group	Originating railroad	Mine origin group No.
Brushbrook Coal Co	No. 2	Fluegler & Knoxville	CB&Q	69
Van Sleek, C. E. (Ver Steeg Coal Co.)	No. 2	Fluegler & Knoxville	CB&Q	69

§ 332.5 *Special prices: Railroad locomotive fuel*—Supplement R–II

RAILROAD LOCOMOTIVE FUEL PRICES F. O. B. MINES

[In cents per net ton of 2,000 pounds]

Railroads	For all railroads not specifically shown herein			CB&Q RR		CMStP&P RR		CRI&P RR	M&StL RR		CGW RR	C&NW RR	Wab. RR	IC RR	
Prices apply to all sizes	265	270	350	265	350	265	350	265	265	350	350	350	270	350	
Mine index No.	-----	-----	-----	848	-----	-----	-----	-----	-----	-----	-----	-----	848	-----	

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Price group No.	County	Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1½"	Mine run	Nut, 2 x 1¼", 1¼ x ¾"	Dom. stoker 1¼", 1 x ⅝"	Screenings, 2" 1½", 1¼" x 0	Ind. stoker Cr. 1½", 1¼" x 0	⅝" x 0
					1	2	3	4	5	6	7	8	9	10
Gordon & Sons Coal Co. (Edward Gordon)	845	Gordon Coal Co.	18	Marion	305	295	285	275	275	275	275	165	225	105
Vancetinebrock Coal Co	840	No. 2	19	Marion	315	305	295	285	275	275	275	175	235	105
Ver Steeg, C. E. (Ver Steeg Coal Co.)	850	No. 2	19	Marion	315	305	295	285	275	275	275	175	235	105

[F. R. Doc. 43–11287; Filed, July 14, 1943; 10:43 a. m.]

Chapter VI—Solid Fuels Administration for War

[Regulation 2, Amdt. 1]

PART 602—GENERAL ORDERS AND DIRECTIVES

PENNSYLVANIA ANTHRACITE COAL

Section 602.12 of Solid Fuels Administration for War Regulation No. 2, issued June 19, 1943, is amended by deleting the phrase "whichever is larger" in the first sentence of the second paragraph thereof, which section, as amended, shall hereafter read as follows:

§ 602.12 *Restrictions on shipments by producers and wholesalers.* (a) This section shall apply only to anthracite in the egg, stove, chestnut, and pea sizes.

(b) All producers and wholesalers who ship coal by rail or water shall immediately arrange their distribution schedules so that, by September 1, 1943, they shall, so far as is practicable, and to the extent orders are received, have supplied by all methods of transportation to the same destinations to which their coals were shipped during the base period, not less than 100 percent of the tonnages of anthracite shipped to such destinations during the base period, or five-twelfths of the tonnages shipped to such destinations during the period April 1, 1942, to March 31, 1943. In order to accomplish this program, producers and wholesalers may disregard the sequence of orders on hand and shall afford such preference as may be necessary, to orders from destinations which are not receiving the same proportions of tonnages (as compared with other destinations) which they received during the base period. Furthermore, producers and wholesalers shall, so far as practicable, and to the extent such producers and wholesalers provide for distribution to retail dealers, maintain the same relative proportion of shipments to such retail dealers as existed during the period April 1, 1942, to March 31, 1943: *Provided, however,* That if, in any case, because of a decrease in production or a reduction in tonnages available to any wholesaler, it becomes impossible for any producer or wholesaler to maintain the quotas heretofore described, tonnages shipped, by September 1, 1943, shall be apportioned among the same destinations, as nearly as practicable, in the same proportions as during the base period. All shipments of anthracite by producers and wholesalers shall be made with a view toward accomplishing the aforesaid program, and all shipments of such coals inconsistent with the foregoing are hereby prohibited.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of July 1943.

H. A. GRAY,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 43–11310; Filed, July 14, 1943; 2:01 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

[Amdt. of Special Reg. 1]

PART 137—SPECIAL REGULATIONS UNDER EXECUTIVE ORDER NO. 8389, AS AMENDED, AND EXECUTIVE ORDER NO. 9193

REPORTS WITH RESPECT TO PROPERTY IN FOREIGN COUNTRY

JULY 14, 1943.

Section 137.4 of Special Regulation No. 1 is amended to read as follows:

§ 137.4 *Filing.* (a) Reports by persons within the United States shall be filed on or before November 1, 1943, with the Federal Reserve Bank of the district or with the Governor of the territory or possession of the United States in which the person filing the report resides or has a principal place of business or principal office or agency or, if such person has no legal residence or principal place of business or principal office or agency in a Federal Reserve District or a territory or possession of the United States, then with the Federal Reserve Bank of New York or the Federal Reserve Bank of San Francisco.

(b) Reports by persons outside the United States who are subject to the jurisdiction of the United States shall be filed on or before November 1, 1943, with the United States Consul of the district wherein such person is then present.

(c) A report received by the proper Federal Reserve Bank, Governor, or Consul, in a correctly addressed and stamped envelope bearing a postmark of a time prior to midnight of the date upon which the report is due, shall be deemed to have been duly filed.

(Sec. 3 (a), 40 Stat. 412; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress, 55 Stat. 838; Sec. 3, Public No. 831, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43–11352; Filed, July 15, 1943; 10:01 a. m.]

[Amdt. of Public Circular 22]

APPENDIX B—PUBLIC CIRCULARS UNDER E.O. NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REPORTS WITH RESPECT TO PROPERTY IN ANY FOREIGN COUNTRY

JULY 14, 1943.

Section II–9 of Public Circular No. 22 is amended to read as follows:

9. *Time and place of filing reports*—A. *Persons within the United States.* Reports by persons within the United States shall be filed on or before November 1, 1943, with the Federal Reserve Bank of the district or with the Governor of the territory or possession of the United States in which the person filing the report resides or has a principal place of business or principal office or agency, or if such person has no legal residence or principal place of business or principal office or agency in a Federal Reserve district or a territory or possession of the United States, then with the Federal Reserve Bank of New York or the Federal Reserve Bank of San Francisco.

B. *Persons outside the United States.* Reports by persons outside the United States who are subject to the jurisdiction of the United States shall be filed on or before November 1, 1943, with the United States consul of the district wherein such person is then present.

C. *Filing by mail.* A report received by the proper Federal Reserve Bank, Governor, or consul, in a correctly addressed and stamped envelope bearing a postmark of a time prior to midnight of the date upon which the report is due, shall be deemed to have been duly filed.

(Sec. 3 (a), 40 Stat. 412; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; Sec. 3, Pub. No. 831, 77th Cong.; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941 and July 26, 1941; Special Regulation No. 1, June 1, 1943)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43–11353; Filed, July 15, 1943; 10:01 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 78]

PART 803—UNLIMITED LICENSES

CANCELLATION OF UNLIMITED LICENSES TO THE NETHERLANDS PURCHASING COMMISSION

Section 803.2 *Commodities and countries of destination* is hereby amended by deleting therefrom all of paragraph (d), Exportations of commodities designated in the release certificates issued by the Netherlands Purchasing Commission prior to the effective date of this amendment may be made until September 1, 1943, if valid on July 10, 1943, under previous unlimited license.

This amendment shall become effective July 10, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529)

Dated: July 9, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43–11354; Filed, July 15, 1943; 10:37 a. m.]

[Amendment 79]

PART 802—GENERAL LICENSES

CANCELLATION OF CERTAIN GENERAL LICENSES

Part 802—General Licenses is hereby amended in the following particulars:

1. Paragraph (a) of § 802.3 *General license country groups* is hereby amended by placing before the names of the countries Madagascar and Reunion listed therein the letter "a" wherever the name of such country appears in this section.

2. Section 802.9 *General in transit licenses* is hereby amended in the following particulars:

a. Subparagraph (1) of paragraph (b) is hereby amended by adding to the list of designated countries of origin and destination for which general in transit licenses are issued the following:

	General license designation
From Canada To Madagascar and Reunion	GIT–C/MR

b. Subparagraph (3) of paragraph (b) is hereby amended by deleting from the "List Z Destinations" the names of the countries Madagascar and Reunion.

c. Paragraph (c) is hereby amended by inserting in the second line thereof between the words "license" and "GIT-Y/Z" the words "GIT–C/MR and".

d. Paragraph (d) is hereby amended by inserting in the fifth line between the words "GIT–A/A" and "or" the words ", GIT–C/MR".

Shipments of commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to or actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective July 10, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529)

Dated: July 9, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43–11355; Filed, July 15, 1943; 10:37 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 23 as Amended July 15, 1943]

MILITARY RATING PROCEDURE

§ 903.35 *Directive 23*—(a) *Purpose.* The purpose of this War Production Board directive is to provide for review by representatives of the War Production Board of certain priorities actions taken by the Army and Navy and other government agencies, and for approval of placement of certain purchase orders rated by such agencies; and to define the scope of such review.

(b) *Requirement of War Production Board approval for ratings of capital equipment and machine tools.* Every preference rating certificate on Form PD–3A, if such instrument assigns a rating to any delivery of capital equipment or machine tools (whether such delivery is to be made directly to the Army or Navy or other government agency or to a prime or subcontractor thereof), shall, prior to issuance, be approved by a duly authorized official of the War Production Board by endorsing thereon the statement "approved for issuance" duly signed, unless exempt under paragraph (e).

(c) *Procedure for review of rating actions by War Production Board officials.* (1) Instruments assigning a rating to the delivery of capital equipment and/or machine tools required in connection with a production project in a single plant, where the total cost of all tools and equipment required for the project is less than $100,000, shall be submitted after countersignature by the appropriate Service Officer to the War Production Board field office within whose jurisdiction the tools or equipment are to be located. The instruments shall be approved by a War Production Board official of such office only after he has determined that the item or items requested are required and that no suitable existing equipment or subcontracting facilities are available, or that the availability or unavailability of such equipment or facilities cannot be ascertained within ten calendar days after receipt thereof. Purchases shall not be divided for the purpose of coming within this paragraph (c) (1). The fact that the equipment and/or machine tools appear on a single preference rating application or on several such applications shall not determine whether the capital equipment and/or machine tools are in connection with a single given project, but the War Production Board field office shall determine this after full consideration of all the facts surrounding such applica-

tion or applications. When an instrument which has been countersigned by the appropriate Service Officer under paragraph (c) (1) is disapproved by a War Production Board official in a War Production Board field office, the Service Officer may request the War Production Board field office to forward the latter's entire file in the matter, together with a statement of the facts, to the Facilities Bureau of the War Production Board, at the same time forwarding a copy of the statement of the facts to the Army and Navy Munitions Board in Washington and an additional copy to the Production Resources Division of the War Production Board. The Facilities Bureau of the War Production Board may in its discretion direct the issuance of the instrument in question.

(2) Instruments assigning a rating to the delivery of capital equipment and/or machine tools required in connection with a production project in a single plant, where the total cost of all tools and equipment required for the project is $100,000 or more, shall be submitted after countersignature by the appropriate Service Officer to the appropriate War Production Board field office specified in paragraph (c) (1) or the Routing and Issuance Branch of the War Production Board, Washington, D. C., at the option of the sponsoring agency. If such instrument or instruments are submitted to the War Production Board field office under this paragraph, the field office shall not approve the same but shall recommend the granting or denying of approval and forward the same together with its recommendation to the Facilities Bureau of the War Production Board for approval or disapproval in accordance with prescribed procedure.

(3) The Tools Division of the War Production Board may from time to time specify certain machine tools as to which instruments assigning a rating to the delivery thereof shall follow the procedure specified in paragraph (c) (2) above, irrespective of whether the capital equipment and/or machine tools for the project in question may have a total cost of less than $100,000.

(d) *Approval of placement of certain purchase orders by War Production Board officials.* No person to whom a preference rating has been or is at any time assigned on Form PD–3 or PD–3A, covering deliveries of capital equipment and/or machine tools required in connection with a production project in a single plant where the total cost of all tools and equipment required for the project is $100,000 or more, shall apply the rating or any subsequent rerating to any purchase order unless a War Production Board official has approved the purchase order or it is exempt under paragraph (e). Approval of a purchase order may be obtained by submitting, to the War Production Board field office within whose jurisdiction the tools or equipment are to be located, the purchase order, or a true copy thereof, or a written document containing such appropriate parts of the order as the field office may specify. Before approving the purchase order the field office must determine that no suitable existing equipment or subcontracting facilities are available, or that their availability or unavailability cannot be ascertained within ten calendar days after its receipt of the order. If approval is refused, the person desiring to rate the purchase order may request the field office to forward its file together with its recommendation to the Facilities Bureau of the War Production Board in Washington for final approval or disapproval.

(e) *Exemptions.* (1) Preference rating certificates countersigned under any of the following circumstances are exempt from the requirements of paragraph (b):

(i) Where the total value of the delivery or deliveries rated by the instrument does not exceed $500. Purchases shall not be divided for the purpose of making this exemption available.

(ii) Where the countersigning takes place outside of the forty-eight States, the District of Columbia and the Dominion of Canada.

(iii) A purchase made pursuant to approval given by a commanding officer, commandant, or the Bureau of Supplies and Accounts of the Navy, or by a commanding officer of a defense command of the Army, in an emergency where the degree of urgency is such that advance approval by a War Production Board official cannot be obtained, provided that in each such case a copy of the rating document is mailed within 24 hours after issuance to the appropriate Regional Office of the War Production Board.

(iv) Where the capital equipment or machine tools are for shipboard use (including floating dry docks), or are for use outside the forty-eight States and the District of Columbia for military operations.

(v) Where capital equipment, not including machine tools, is purchased by or for the account of the Army or the Navy for military operations, or where the purchaser intends to devote the items solely to administrative uses as distinguished from productive or operational uses.

(vi) Where the certificate assigns a rating to a command construction project of which the capital equipment and/or machine tools are only a part.

(2) Purchase orders placed under any of the following circumstances are exempt from the requirements of paragraph (d):

(i) Where the dollar value of the items covered by the purchase order does not exceed $500. Purchases shall not be divided for the purpose of making this exemption available.

(ii) Where the purchase order is being rated by a certificate which was exempted by paragraph (e) (1), or would have been exempted by paragraph (e) (1) if this directive had been in effect when the certificate was issued.

(iii) Where each unit of capital equipment or machine tools covered by the purchase order was listed either in the certificate originally assigning a rating thereto or in a certificate (such as Form PD–4X) subsequently rerating the same.

(3) The requirements of paragraphs (b) and (d) shall not apply to such cases as may be exempted in writing by the Facilities Bureau of the War Production Board.

(f) *Rating of military construction.* (1) All construction, other than command construction as defined below, will be rated only by the War Production Board, even though the facilities, when completed, will be owned, leased or operated by the Army, Navy or Maritime Commission.

(2) "Command construction" as used in this directive means the following types of projects ordered built by either the Chief of Staff, U. S. Army, or the Chief of Naval Operations, U. S. Navy, viz: air fields; military housing; alien housing; facilities for the repair of finished items of munitions; overseas or theatre of operations construction; seacoast fortifications; ports and depots; camouflage and other passive defense projects (whether or not owned and operated by the Army or Navy); emergency flood control projects having a value of less than $100,000; military hospitals; maneuver, training and staging areas and proving grounds.

(3) Command construction as defined above may be rated on PD–3A certificates by Army or Navy contracting and procurement officers. Review thereof by War Production Board officials is no longer required.

(g) *Status of existing administrative orders and instructions.* Except as otherwise provided herein, ratings on PD–3A certificates may be assigned by appropriate officials of the Army and Navy and other designated federal agencies as provided in Division Administrative Order No. 1 as heretofore supplemented, subject to existing and future Army and Navy Munitions Board Instructions, and subject to approval by a War Production Board official where required by paragraph (b) hereof.

(h) *Priorities Directive No. 2 superseded.* This directive as amended supersedes Priorities Directive No. 2.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of July 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43–11370; Filed, July 15, 1943; 11:33 a. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 3270—CONTAINERS[1]

WOODEN AND FIBRE SHIPPING CONTAINERS

[Amdt. 1 to Preference Rating Order P-140 as Amended May 28, 1943]

Section 3270.7[1] *Preference Rating Order P–140*, as amended May 26, 1943, is hereby amended in the following particulars:

1. Paragraph (a) (1) is amended to read as follows:

(1) "Shipping container" means:

(i) Any empty new or used box, crate, case, barrel, keg, kit, pail, tub, drum, basket, or hamper, in set-up or knockdown form, which is made in whole or in part from wood or corrugated or solid fibre and which is used as an outer container for the delivery or shipment of materials. The term does not include trunks, luggage or military locker boxes.

(ii) Any corrugated or solid fibre sheet or roll to be used for wrapping or packaging or otherwise protecting a product or material for shipment. This shall not include any corrugated or solid fibre sheet intended for use in the manufacture of shipping containers or parts by concerns commonly referred to in the industry as "sheet plants".

2. Paragraph (a) (2) is amended to read as follows:

(2) "Part" means any shook, cleat, stave, heading, veneer, plywood, or corrugated or solid fibre which is cut to size for a shipping container. This shall not include any corrugated or solid fibre sheet intended for use in the manufacture of shipping containers or parts by concerns commonly referred to in the industry as "sheet plants".

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11346; Filed, July 14, 1943; 4:56 p. m.]

[1] Formerly Part 3243, § 3243.17.

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

[General Preference Order M–30 as Amended July 15, 1943]

Whereas the national defense requirements have created shortages of ethyl alcohol and related compounds for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof: *Now, therefore, it is hereby ordered,* That:

§ 971.1 *General Preference Order M–30*—(a) *Definitions.* (1) "Ethyl alcohol" means the product of that name, from whatever source derived. The term includes mixtures of ethyl alcohol and denaturants, including the product known as "proprietary solvent". The term does not include ethyl alcohol produced for beverage purposes.

(2) "Related compounds" means acetic acid, ethyl ether and ethyl acetate from whatever source derived.

(3) "Producer" means any person engaged in the production of ethyl alcohol or related compounds, and includes any person who has ethyl alcohol or any related compounds produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased or purchases ethyl alcohol or any related compounds for purposes of resale.

(5) "Calendar quarter" means the several three month periods of the year commencing January 1, April 1, July 1 and October 1.

(b) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(c) *Restrictions on use and deliveries of ethyl alcohol.* Anything in Priorities Regulation 1 to the contrary notwithstanding, and except as hereafter may be otherwise directed by the War Production Board:

(1) No person shall, during any calendar quarter, accept delivery of ethyl alcohol for any purpose not specified in paragraphs (c) (2), (c) (3), (c) (4), (c) (8) and (c) (9) hereof in excess of 100% of the quantity of ethyl alcohol which he used (distributed in the case of a distributor) for such purpose during the corresponding calender quarter in the twelve months period ended June 30, 1941.

(2) No person shall during any calendar quarter commencing January 1, 1943, accept delivery of ethyl alcohol for a purpose set forth below in excess of 50% of the quantity of alcohol which was used (distributed in the case of a distributor) for such purpose during the corresponding calendar quarter in the 12-months period ended June 30, 1941; and no person shall during the month of December, 1942 accept delivery of ethyl alcohol for a purpose set forth below in excess of 50% of the quantity of ethyl alcohol which he used (distributed in the case of a distributor) for such purpose during December, 1940; provided further, however, that the quantity of ethyl alcohol used (or distributed) by such person for such purpose in the fourth quarter of 1942 shall not exceed 70% of the quantity used by him for such purpose in the corresponding quarter of 1940:

Sandy glazes.
Shoe polish.
Deodorants sprays (non-body).
All toiletries and cosmetics including but not limited to:
  Hair and scalp preparations.
  Bay rum.
  Shampoos.
  Face and hand creams and lotions.
  Body deodorants.
  Toilet waters.
  Perfume and perfume materials, tinctures and fixatives.
  Toilet soaps (including shaving cream).
  Tooth cleaning preparations.
  Witch hazel.

NOTE: Item "Mouth washes" revoked July 15, 1943.

For the purposes of this paragraph (c) (2) all toiletry and cosmetic uses of ethyl alcohol shall be considered as a whole, and the use during the base period of ethyl alcohol in a particular toiletry or cosmetic product may be used to support the future use of ethyl alcohol (in the indicated percentage) in a different toiletry or cosmetic product. For example, ethyl alcohol used in toilet waters during the base period would support the future manufacture of after shave lotions containing ethyl alcohol.

(3) No person shall, during any calendar quarter commencing July 1, 1942, accept delivery of ethyl alcohol for the manufacture of vinegar in excess of 110% of the quantity of ethyl alcohol which he used (distributed in the case of a distributor) for such purpose during the corresponding calendar quarter in the twelve months period ended June 30, 1941.

(4) Persons may, subject to Priorities Regulation 1, accept delivery of ethyl alcohol for the purposes set forth below without limitation:

Military explosives.
Acetic acid (except vinegar for food use).
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Plastics and resins (manufacture of):
Acetaldehyde.
Ethyl ether.
Basic medicinal chemicals not in compounded form.
Glycol and other ethers.
Fulminate of mercury.
Ethylene dibromide.
Xanthates.
Flotation reagents.
Ethylene gas and ethylene oxide.
Dyes and intermediates (manufacture of).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as diluent).
Diethylamine (for the manufacture of synthetic rubber).
Hydrosulfites.
Pectin.
Imported shellac, natural resins and gums (dissolving).

NOTE: Item "Imported shellac • • •" amended July 15, 1943.

(5) No producer shall, during any calendar quarter commencing January 1, 1942, use ethyl alcohol in excess of the quantity of ethyl alcohol, delivery of which he may accept pursuant to subparagraphs (c) (1), (c) (2), (c) (3), (c) (8) and (c) (9) hereof.

(6) No producer or distributor shall deliver any ethyl alcohol to any person during any calendar quarter unless, prior to such delivery he shall have received from the deliveree a certificate in substantially the following form (the certificate need not include any of subdivisions A, B, C, or D of the certificate when inapplicable under the circumstances, provided that at least one of said subdivisions is included):

The undersigned hereby certifies to the War Production Board and to his supplier that he is familiar with General Preference Order M–30 and is entitled under said order to receive the -------- gallons of ethyl alcohol hereby ordered for delivery in ----------, 194--; and certifies further:
(month)

A. That the ethyl alcohol hereby ordered is for a purpose set forth in paragraph (c) (1), (c) (2), (c) (3), (c) (8), (c) (9) [strike out inapplicable paragraph numbers] and is not, taken together with all other ethyl alcohol received or to be received in this quarter, in excess of ____ % of the quantity used for the same purpose during the corresponding calendar quarter in the 12 months period ended June 30, 1941.

B. That the ethyl alcohol hereby ordered is not, taken together with all other ethyl alcohol received or to be received in the aforesaid

month, in excess of 54 gallons, nor taken together with all other ethyl alcohol received or to be received in the quarter in which such month falls, in excess of 162 gallons, and will not be used for the manufacture of rubbing alcohol compound or preparation.

C. That the ethyl alcohol hereby ordered is for a purpose set forth in paragraph (c) (4); namely for _____

D. That the undersigned is one of the class of persons excepted by paragraph (c) (7).

_____
Name of purchaser

By _____
Duly authorized official Title

_____
Date

NOTE: Certificate amended July 15, 1943.

If a delivery is for use in cutting shellac, delivery shall not be made by a producer or distributor unless the certificate of the deliveree shall set forth (in addition to the foregoing): "The quantity of ethyl alcohol received and to be received during the month for which delivery is hereby ordered will not exceed the quantity thereof required to cut and thin the quantity of shellac allocated to the undersigned for such month (or which the undersigned as a supplier is specifically authorized to cut during such month) under Conservation Order No. M–106.

(7) The restrictions and requirements hereinabove set forth with respect to the use and delivery of ethyl alcohol shall not apply to delivery to:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeoronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development.

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia.

(iii) The government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iv) Persons holding permits issued by the Bureau of Internal Revenue permitting them to acquire undenatured ethyl alcohol tax free.

Quantities permitted hereunder shall be in addition to quantities permitted under paragraph (c), (1), (2) and (3) hereof.

(8) No person shall during any calendar quarter commencing January 1, 1943, accept delivery of ethyl alcohol for the purpose of the manufacture of any rubbing alcohol compound or preparation in excess of 15% of the quantity of ethyl alcohol which he used (distributed in the case of a distributor) for such purpose during the corresponding calendar quarter in the twelve months period ended June 30, 1941.

(9) No person shall during any calendar quarter accept delivery of ethyl alcohol for a purpose set forth below in excess of 60% of the quantity of ethyl alcohol which he used (distributed in the case of a distributor) for such purpose during the corresponding calendar quarter in the twelve months period ended June 30, 1941:

Antiseptics for oral uses (including Antiseptic Solution N. F.)
Mouth washes.

(d) Nothing in paragraphs (c) (1), (c) (2), (c) (3) and (c) (9) hereof shall be held to restrict or prevent the acceptance of delivery by any person in any month of 54 gallons of ethyl alcohol or less in the aggregate: *Provided, however,* That the aggregate quantity of ethyl alcohol received by him in the quarter in which such month falls, does not exceed 162 gallons.

(e) *Manufacture of anti-freeze.* The quantity of ethyl alcohol that may be used in the manufacture of anti-freeze shall be controlled by the provisions of General Limitation Order L–51, as amended from time to time.

(f) *Restrictions on production of ethyl alcohol.* Except as may be otherwise directed by the War Production Board, no producer shall, after January 15, 1942, produce ethyl alcohol from molasses (as defined in General Preference Order M–54, as amended) unless his equipment and facilities capable of producing ethyl alcohol from corn or grain are being utilized to the fullest extent possible in the production of ethyl alcohol from corn or grain.

(g) *Reports.* Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Division of the War Production Board.

(h) *Notification of customers.* Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms hereof.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of ethyl alcohol and related compounds conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Reference M–30, attention Chemicals Division, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(k) *Prohibited deliveries.* (1) On and after November 11, 1942, no person shall deliver ethyl alcohol or any compound or preparation containing ethyl alcohol for use as rubbing alcohol or for the manufacture of any rubbing alcohol compound or preparation; provided that this restriction shall not prevent deliveries to:

(i) The agencies, governments or persons specified in paragraph (c) (7) hereof;

(ii) Licensed physicians, dentists and veterinarians;

(iii) The holders of written prescriptions or orders of licensed physicians, dentists and veterinarians;

(iv) A wholesale or retail druggist, for resale in accordance with this paragraph (k) only.

(v) A manufacturer of any rubbing alcohol compound or preparation or a packager or bottler of any such compound or preparation (in amounts not exceeding the amounts permitted by paragraph (c) (8) hereof), for resale in accordance with this paragraph (k) only.

NOTE: Paragraph (1) redesignated July 15, 1943.

(2) No person shall deliver ethyl alcohol or any compound or preparation containing ethyl alcohol for use, whether in its then form or after rectification or other treatment, for beverage purposes.

(l) *Transactions outside the United States.* This order does not apply to deliveries of ethyl alcohol which are both made and received outside of the forty-eight states and the District of Columbia, or to the use of ethyl alcohol outside such states and District, but the import of ethyl alcohol so delivered shall be subject to all the provisions hereof.

Issued this 15th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11371; Filed, July 15, 1943; 11:33 a. m.]

PART 1038—GRAPHITE

[Conservation Order M–61 as Amended July 15, 1943]

§ 1038.1 *Conservation Order M–61*—(a) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first change by a person in the form of material from that form in which it is received by him.

(2) "Strategic graphite" means natural crystalline graphite (in flake, lump or chip form) that will stand on a No. 50 mesh screen, U. S. Sieve Series, unless such graphite has been determined in writing by the War Production Board to be unsuitable for use in manufacturing a crucible.

(3) A "crucible" means a refractory vessel used for the purpose of melting, holding, pouring or distilling metals or metallic compounds.

(4) "Jobber" means a person in the United States or Canada who does not manufacture but regularly stocks crucibles for distribution to others.

(b) *Restrictions on use of strategic graphite.* No person shall put into process for any purpose any strategic graphite, except pursuant to the specific authorization of the War Production Board.

(c) *Restrictions on delivery of crucibles and other articles containing strategic graphite.* (1) No person shall, without the specific authorization in writing of the War Production Board, deliver any crucible containing strategic graphite to any person other than a jobber, and no person other than a jobber shall, without the specific authorization in writing of the War Production Board, accept delivery of any such crucible.

(2) No person shall deliver any article containing strategic graphite other than a crucible, except pursuant to the specific authorization in writing of the War Production Board, unless such strategic graphite was put into process prior to February 17, 1942. No preference rating shall have any force or effect with respect to deliveries of crucibles or other operating supplies containing strategic graphite.

(d) *Restrictions on delivery of strategic graphite.* No person shall deliver and no person other than Metals Reserve Company shall accept delivery of any strategic graphite, except pursuant to the specific authorization of the War Production Board.

(e) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraph (b) hereof shall not apply to the putting into process of strategic graphite when such graphite is to be physically incorporated into any item which is being produced for delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, if in any such case the use of strategic graphite to the extent employed is required by the specifications of the prime contract; and the prohibitions and restrictions contained in paragraph (c) hereof shall not apply to the delivery or acceptance of delivery, pursuant to such a contract or subcontract, of any item if its manufacture was exempted under the provisions of this paragraph.

(f) *Applications for specific authorization.* (1) Any person other than a jobber seeking specific authorization from the War Production Board to accept delivery of any crucibles containing strategic graphite, shall apply periodically on Form PD–575 to the War Production Board for authority to do so and also for authority for his supplier to deliver such crucibles. This form must be filed with the War Production Board by the 20th day of the month prior to the first month in which any delivery of such crucibles is sought, except that in an emergency this form may be filed at any time.

(2) Any person seeking specific authorization from the War Production Board to accept delivery of any strategic graphite to be used for the purpose of making crucibles or seeking specific authorization to put any strategic graphite into process for the purpose of manufacturing crucibles, shall apply monthly on Form PD–303B to the War Production Board for authority to do so and also for authority for a supplier to make any deliveries of such graphite which the applicant is authorized to receive.

(3) Any person seeking specific authorization of the War Production Board to put into process strategic graphite for the purpose of manufacturing any article other than a crucible shall apply quarterly for such authority by letter, and by the same letter he shall apply for authority to deliver such article. If need be he shall also apply in the same letter for authority to acquire strategic graphite for the purpose of manufacturing such an article. The letter shall deal separately with three classes of articles other than crucibles, to wit: (i) specialties, other than crucibles, used in the process of melting, holding, pouring and distilling metals or metallic compounds, (ii) packings and lubricants, and (iii) all articles other than crucibles and those described in (i) and (ii). Such letter shall also state the quantity of each type of strategic graphite which the person writing it desires to put into process during the quarter covered by the application in the manufacture of the types of articles he wishes to make, and, if he desires to acquire strategic graphite to make such articles, he shall name his supplier, and the quantity and type of strategic graphite he wishes to acquire as well as the desired delivery date thereof.

(g) *Reports.* All persons having in their possession or processing strategic graphite, or crucibles or other articles manufactured with strategic graphite, shall file with the War Production Board, on or before the 15th of each month following the month for which the report is made, on Form WPB–624 (formerly PD–303A), a report showing inventory, purchases, sales and consumption of such graphite or articles manufactured therewith.

(h) *Miscellaneous provisions*—(1) *Determination that graphite is non-strategic.* Any person who wishes to have a lot of graphite in his possession or the product of a particular graphite mine determined in writing by the War Production Board to be unsuitable for use in manufacturing a crucible, and, as a result, not subject to the provisions of this order, shall apply for such a determination by letter to the War Production Board, Mica-Graphite Division, Washington, D. C., Ref: M–61. The letter should state the pertinent facts and at the same time the applicant should file a sample of the graphite in question. In the event the declaration applied for is made, the applicant may furnish persons to whom any of the graphite described in the declaration is delivered with copies thereof, so that they may be advised that the graphite covered by the declaration is not subject to the provisions of this order.

(2) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the putting into process of material in all articles manufactured and to deliveries of articles or material made irrespective of whether such articles are manufactured or such deliveries are made pursuant to a contract made prior or subsequent to February 17, 1942. Insofar as any other order of the Office of Production Management or the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the delivery or putting into process of strategic graphite or the delivery of any products made therewith, the limitations of such other order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Mica-Graphite Division, Washington, D. C., Ref.: M–61.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 15th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11372; Filed, July 15, 1943; 11:33 a. m.]

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

[RPS 41, Amdt. 7]

STEEL CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 41 is amended in the following respects:

1. Section 1306.102 is amended to read as follows:

§ 1306.102 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

2. The first sentence of § 1306.112 (a) (5) is amended to read as follows:

Quantity differentials shall be applicable on the basis of quantities ordered from one pattern at one time and scheduled for delivery in any one calendar month, except that where a production run overlaps a calendar month the quantity differential shall be determined by use of the quantity produced in such run.

3. Section 1306.112 (a) (8) (ii) (b) is amended to read as follows:

(b) Where a producer had no machine-hour rates in effect on March 31, 1942 the maximum charge which may be added for machining of steel castings sold by him shall be determined by application of the methods of estimating costs and prices, labor rates, overhead rates, material and other costs and profit margins in effect for such producer on March 31, 1942. "Labor rates in effect on March 31, 1942," are the labor rates prevailing on that date in the producer's machine shop for each classification of labor: *Provided*, That where such producer employs labor of a classification not employed on March 31, 1942, he shall apply the rate prevailing on that date for the nearest skill in his locality as accurately as he is able to determine the same with reasonably diligent inquiry.

4. A sentence is added to § 1306.112 (b) to read as follows:

Irrespective of a producer's customary July 15, 1941 practice with respect to the application of quantity differentials, quantity differentials shall be applicable on the basis of quantities ordered from one pattern at one time and scheduled for delivery in any one calendar month, except that where a production run overlaps a calendar month the quantity differential shall be determined by use of the quantity produced in such run.

5. The first sentence of § 1306.112 (c) (5) is amended to read as follows:

Quantity differentials shall be applicable on the basis of quantities ordered from one pattern at one time and scheduled for delivery in any one calendar month, except that where a production run overlaps a calendar month the quantity differential shall be determined by use of the quantity produced in such run.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Con.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11328; Filed, July 14, 1943; 3:20 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1306—IRON AND STEEL

[RPS 49 [1], Amdt. 17]

RESALE OF IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 49 is amended in the following respects:

1. In § 1306.159 (k) (2), the last sentence is amended to read as follows:

Carload rather than less-than-carload freight shall be used in calculating:

(i) Freight from shipping point to destination, when the shipment is governed by the provisions of § 1306.159 (f) (1), § 1306.165 (a) (8), § 1306.165 (a) (9), § 1306.165 (a) (10), or the fifth paragraph of Table C–1 or the fourth paragraph of Table C–2 of § 1306.165 (b) (5) (ii); and

(ii) Freight from the city from which shipment is made to destination, when the shipment is governed by the provisions of § 1306.164 (c) (2) (iii) (*a*) or § 1306.164 (d) (2) (iii) (*a*).

2. In § 1306.159 a new paragraph (t) is added to read as follows:

(t) *Special delivery service*—(1) *Definition.* When used in this paragraph, the term special delivery service means only railway express, air express and parcel post shipments.

For example, the term does not mean such delivery services as trucking or special services provided by rail carriers.

(2) *When the charge and deduction for special delivery service are applicable.* The charge and deduction for special delivery service specified in subparagraph (3) below shall be included in the maximum delivered prices:

(i) When the buyer requires special delivery service to insure delivery of material in time for his requirements, and specifies that a special delivery service be used; or,

(ii) In any instance where the actual cost of a special delivery service is less than freight.

(3) *How the charge and deduction for special delivery service shall be made.* After determining the maximum delivered price as otherwise established in this Revised Price Schedule No. 49, there shall be added to such price the actual cost paid for special delivery service from the shipping point to destination and there shall be deducted from the resultant price freight from the shipping point to destination.

(4) *When this paragraph shall not be used.* The provisions of this paragraph shall not be used in determining the maximum delivered price under § 1306.159 (f) (1), § 1306.164 (c) (2) (iii) and (d) (2) (iii), § 1306.165 (a) (8), § 1306.165 (a) (9), § 1306.165 (a) (10), and the fifth paragraph of Table C–1 or the fourth paragraph of Table C–2 of § 1306.165 (b) (5) (ii).

3. In § 1306.164 (a) the following sentence is added:

§ 1306.159, Appendix A, (t) Special delivery service.

4. In § 1306.165 (a) (2) the following sentence is added:

§ 1306.159, Appendix A, (t) Special delivery service.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11329; Filed, July 14, 1943; 3:22 p. m.]

[1] 8 F.R. 4608, 4542, 7257, 7595, 7769, 7909.

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[MPR 33,[1] Amdt. 4]

CARDED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1307.67 (c) (7) is added to read as follows:

	Cents per pound
(7) *Braider tubes:*	
Miniature 4" traverse and smaller (any number of ends)	[2] 2.5

[2] If a premium is charged for braider tubes, the premium for multiple end cones or tubes may not be charged.

This amendment shall become effective on the 20th day of July 1943.

[1] 7 F.R. 7557, 8948, 10070, 8 F.R. 2345, 3526.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F R. Doc. 43-11330; Filed, July 14, 1943; 3:25 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149,[1] Amdt. 12]

MECHANICAL RUBBER GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 149 is amended in the following respects:

1. Section 1315.21a (a) (1) is amended by adding a sentence to the end thereof to read as follows: "If the price the manufacturer regularly quoted for conveyor, transmission or elevator belting on October 1, 1941, was for belting without a skim coat and if the manufacturer produces such belting with a skim coat in addition to the friction coat, the maximum price for the belting with both a skim coat and the friction coat shall be determined by adding 10% of the maximum price of the carcass established by this subparagraph (1) to the maximum price of the belting without a skim coat established by this subparagraph (1)."

2. Section 1315.21b (a) is amended to read as follows:

(a) *Applicability of this section.* This section is applicable to sales by wholesalers (as defined in paragraph (a) (10) of § 1315.31) of mechanical rubber goods, except packing, gaskets and automotive parts.

3. Section 1315.22b is added to read as follows:

§ 1315.22b *Fractions of a cent.* Notwithstanding any other provisions of this regulation, maximum prices established by this regulation shall be adjusted to the nearest fraction of a cent that the seller customarily used on the applicable base date in pricing products in the same line.

4. Section 1315.30b is added to read as follows:

§ 1315.30b *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, except in accordance with § 1315.30a in the case of an application for adjustment and unless authorized by the Office of Price Administration in the case of a petition for amendment, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization in the case of a petition for amendment may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

5. Section 1315.31 (a) (5) is amended to read as follows:

(5) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

6. Section 1315.31 (a) (7) is amended to read as follows:

(7) "Regularly quoted price" means a price which was quoted by the seller to a purchaser or purchasers of the same class three or more times within a six months' period that includes the base date (October 1, 1941, for mechanical rubber goods listed in Appendix A and January 5, 1942, for mechanical rubber goods listed in Appendix B) and which was not changed on or before the base date. This term "regularly quoted price" also refers to the practice of interpolating between the prices of two sizes of a standard list item to obtain the price of an intermediate size.

7. Section 1315.31 (a) (8) is amended to read as follows:

(8) "Standard list item" means an article which is offered for sale by the seller at the same price to any member of a particular class through the medium of a schedule or price list.

8. Section 1315.37 (a) is amended to read as follows:

(a) *Maximum manufacturers' prices for hose made in whole or in part of neoprene.* The maximum manufacturers' prices for the types of hose listed in Table I–D and made in whole or in part of neoprene shall be determined as follows:

(1) *Maximum prices for constructions and sizes listed in Table I–D.* The manufacturer shall deduct from the consumers' net price listed in Table I–D for the type, construction and size of hose being priced all discounts, allowances and other deductions from the consumers' net price that he had in effect to a purchaser of the same class on October 1, 1941. These discounts shall include a discount of 10% when the hose is sold in standard package lots. The resultant figure is the maximum price.

TABLE I–D

CONSUMERS' MAXIMUM PRICES FOR NEOPRENE HOSE SOLD IN BROKEN PACKAGE LOTS

Type of hose	Size (inches)	Braid	Ply	Unit of sale	Consumers' maximum price
Fuel-oil and gasoline hose (not service station pump)	1	3	-------	Foot	$0.64
	1¼	3	-------	Foot	.76
	1½	3	-------	Foot	.95
Air and air tool hose, Grade 1 (molded-braided type)	½	2	-------	100 ft	29.01
	½	3	-------	100 ft	35.69
	⅝	3	-------	100 ft	39.98
	¾	2	-------	100 ft	33.18
	¾	3	-------	100 ft	46.59
	1	3	-------	100 ft	55.50
	1¼	3	-------	100 ft	76.33
	1½	3	-------	100 ft	94.81
Air and air tool hose, Grade 1 (wrapped type)	½	-------	4	Foot	.35
	¾	-------	4	Foot	.51
	1	-------	5	Foot	.67
	1½	-------	5	Foot	.91
	1½	-------	6	Foot	1.18
	2	-------	6	Foot	1.47
Oil-suction and discharge hose (2-wire-Rough bore, regular)	4	-------	-------	Foot	7.97
	6	-------	-------	Foot	12.91
	8	-------	-------	Foot	16.71
	10	-------	-------	Foot	21.14
Oil-suction and discharge hose (2-wire-Rough bore, heavy)	4	-------	-------	Foot	9.96
	6	-------	-------	Foot	14.29
	8	-------	-------	Foot	17.95
	10	-------	-------	Foot	24.05
Oil-suction and discharge hose (2-wire-Smooth bore)	4	-------	-------	Foot	9.38
	6	-------	-------	Foot	13.23
	8	-------	-------	Foot	16.71
	10	-------	-------	Foot	22.39
	12	-------	-------	Foot	27.58
Creamery hose (either braided or wrapped)	½	-------	-------	Foot	.36
	¾	-------	-------	Foot	.41
	1	-------	-------	Foot	.60
Hydraulic control and industrial grease hose (wire braid)	¼	2	-------	100 ft	37.05
	5/16	2	-------	100 ft	40.40
	⅜	2	-------	100 ft	42.78
	½	2	-------	100 ft	51.52
	¾	2	-------	100 ft	77.76
	1	2	-------	100 ft	99.62
Spray hose, paint—Fluid line and air line	¼	1	-------	100 ft	15.06
	¼	2	-------	100 ft	16.28
	5/16	1	-------	100 ft	15.99
	5/16	2	-------	100 ft	16.84
	⅜	1	-------	100 ft	18.15
	⅜	2	-------	100 ft	19.80
	½	2	-------	100 ft	28.35
	½	2	-------	100 ft	31.69
	¾	2	-------	100 ft	40.37
Tank car and tank truck hose (hard type or soft type)	1½	-------	-------	Foot	.91
	2	-------	-------	Foot	1.23
	2½	-------	-------	Foot	1.83
	3	-------	-------	Foot	2.26
	4	-------	-------	Foot	3.25

*Copies may be obtained from the Office of Price Administration.

[1] F.R. 3889, 7173, 8899, 8942, 10103, 10143, 10993; 8 F.R. 1312, 4130, 3942, 7495, 8376.

(2) *For constructions and sizes not listed in Table I–D.* If the construction and size of hose being priced is not listed in Table I–D and the type of hose being priced is listed in Table I–D, the manufacturer shall determine the maximum price for that construction and size of hose as follows:

(i) The manufacturer shall first select that hose listed in Table I–D which is of the most comparable construction to the hose being priced, and he shall then select the hose of that construction which is of the nearest size to the hose being priced.

(ii) The manufacturer shall then divide (*a*) the consumers' net price that he had in effect on October 1, 1941, for natural rubber hose of the same type, construction and size as the hose being priced by (*b*) the consumers' net price he had in effect on October 1, 1941, for the most comparable natural rubber hose (selected in the manner set forth in the preceding subdivision (i)). The resultant percentage should then be multiplied by the consumers' net price stated in Table I–D for the most comparable hose in order to obtain the maximum consumers' net price for the sale of the hose being priced in broken package lots.

(iii) The manufacturer shall then deduct from this consumers' net price all discounts, allowances and other deductions from the consumers' net price that he had in effect to a purchaser of the same class on October 1, 1941. These discounts shall include a discount of 10% when the hose is sold in standard package lots.

9. Section 1315.37 (b) is added to read as follows:

(b) *Maximum manufacturers' prices for V–belts and oil resisting conveyor belting made in whole or in part of neoprene*—(1) *Applicability of this paragraph.* This paragraph is applicable to any V–belts and oil resisting conveyor belting made in whole or in part of neoprene for which the manufacturer had a price stated in his price list in effect on October 1, 1941.

(2) *How the manufacturer calculates his maximum price.* The manufacturer shall calculate the maximum price of the belts and belting covered by this paragraph as follows: The manufacturer shall first deduct from the list price in effect on October 1, 1941, an amount determined by multiplying that list price by the following percentages:

	Percent
Solid neoprene multiple V-belts	8.1
Neoprene cover multiple V-belts	2.9
Solid neoprene FHP V-belts (A and B sections only)	9.4
Neoprene cover FHP V-belts	3.8
Automotive equipment solid neoprene fan belts	12.2
Neoprene conveyor belting	18.6

The manufacturer shall then deduct from the resulting figure all discounts, allowances and other deductions from the list price that he had in effect to a purchaser of the same class on October 1, 1941.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11331; Filed, July 14, 1943; 3:18 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A[1] incl. Amdt. 38]

TIRES, TUBES, RECAPPING, AND CAMELBACK

Sections 1315.201 (a) (21), 1315.305, 1315.506 (a) (1) (i), 1315.601 (a), 1315.610 (c), and 1315.806 (p) are amended by Amendment 38, effective July 20, 1943, so that Ration Order No. 1A shall read as follows:

Preamble. This Ration Order No. 1A is issued pursuant to the direction of the Rubber Director to carry out the recommendations of the report of the President's Special Committee to study the rubber situation.

The Committee's report states:

> We are faced with certainties as to demands; with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by "bulling through" the present synthetic program and by safeguarding jealously every ounce of rubber in the country.

The Committee points out that the tires on civilian cars have been wearing down at a rate eight times greater than they have been replaced. If this rate were permitted to continue "by far the larger number of cars will be off the road next year and in 1944 there will be all but complete collapse of the 27 million passenger cars in America." The conservation program recommended by the Committee includes "more rubber to those who need it; less to those who don't. * * * Only actual needs, not fancied wants, can or should be satisfied."

This order, along with the new Mileage Rationing: Gasoline Regulations, (Ration Order No. 5C) puts into practice the various recommendations of the Committee. These recommendations include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.
2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles * * *
3. Prompt and strict enforcement of a nation-wide speed limit not exceeding thirty-five miles an hour * * *
4. Compulsory periodic tire inspection.

The Mileage Rationing: Tire Regulations (Ration Order No. 1A) controls the use, care and acquisition of tires, tubes, and recapping services for all types and classes of rubber borne motor vehicles.

Control over commercial motor vehicles is shared with the Office of Defense Transportation. The mileage to be allowed for and the consequent wear of tires by trucks, taxis and like vehicles used for transporting property or available for rental or hire will be determined by the Office of Defense Transportation and evidenced by Certificates of War Necessity. Whether or not such commercial motor vehicles shall receive tires or recapping services remains the responsibility of the Office of Price Administration. Tires and camelback for these vehicles require crude rubber. The present supply of tires and camelback for commercial motor vehicles is now gravely limited. It may not be possible, therefore, to furnish tires or recapping services for every vehicle for which a Certificate of War Necessity is issued by the Office of Defense Transportation, and only the most essential commercial motor vehicles can be designated as eligible for tires or recapping services.

The situation with respect to passenger automobiles, although acute, at present allows a less stringent solution. Unlike truck-type camelback, camelback suitable for recapping passenger automobile tires can be manufactured almost entirely from reclaimed rubber. By rationing all tires, new and used, and all recapping services, and by strictly controlling the mileage driven by passenger automobiles through gasoline rationing, we can, within quota limits periodically fixed, make it possible to provide tires or recapping services for essential mileage. All passenger automobile gasoline rations other than the basic ration are strictly tailored in accordance with need, with a maximum allowance of 470 miles of occupational driving for all who do not fall within those classes of essential users described in the preferred mileage list. The passenger automobile is an integral part of the nation's transportation system and must be kept running. As pointed out by the Committee: "Necessary civilian needs are a part of the war effort." With the increased availability of motor transportation men have moved their residences farther from their place of work. With the growth and spread of war plants and demands for war workers, housing facilities of city and town have become overcrowded, increasing the transportation needs of the country. Nor can public transportation systems alone meet that need. The Committee has remarked:

> We realize full well that beyond some point we cannot limit the amount of (passenger car) transportation * * * without severe effects on our war program. Indeed we have been given estimates that point to the fact that unless 50 percent of our normal car mileage can be maintained our normal productive effort would be seriously retarded.

In order to maintain our essential passenger-car mileage and to prevent a collapse of the transportation system, idle tires must be put to use. To protect that system, none may hoard. Tires must be spread among all who need them. To accomplish this every idle tire must be made available for use. The Government has undertaken a purchase plan designed to bring into the market and make available for use every idle tire. A second means of using to the greatest advantage our existing supply of tires, is to preserve and restore those tire carcasses that are in need of recapping. These tires if recapped in time can continue to be used for essential purposes; if not recapped in time they become useless scrap. As said by the Committee, "The Nation is now driving on rubber borrowed from a happier past. Without recaps and replacements the majority of civilian cars would be forced off the road by irreplaceable tire failures."

Conservation measures to protect our present stock of rubber now on running wheels, both of commercial motor vehicles and passenger automobiles have been stressed by the Committee. As such a measure the Mileage Rationing: Tire Regulations institute a system of compulsory periodic tire inspection. The equipment and tires of each car will be checked periodically to make sure that the tires are being used as efficiently as possible and to insure that they will not be used beyond the stage where they can be recapped. The War Price and Rationing Boards are empowered to treat driving over 35 miles per hour as evidence of tire abuse.

Each car owner should limit the use of his car to the most essential purposes. There is no assurance that the rubber supply will be sufficient to cover even the most essential needs, and further restrictions may be necessary in the future. This will depend in large part upon whether or not the American public rigidly restricts its driving habits, and uses the utmost care to prevent any abuse or neglect of its tires. In the words of the Committee report, "we have the choice: discomfort or defeat. There is no middle course."

Accordingly, pursuant to the authority vested in me by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1Q, issued November 6, 1942.

It is hereby ordered, That:

SCOPE OF RATION ORDER NO. 1A

Sec.
1315.151 Territorial limitations.
1315.152 Effect on other ration orders.

DEFINITIONS

1315.201 Definitions.

ADMINISTRATION, PERSONNEL, AND JURISDICTION

1315.301 Administration and personnel.
1315.302 Jurisdiction of War Price and Rationing Boards.
1315.303 Jurisdiction of Plant Area Boards or other Boards.
1315.304 No Board jurisdiction over passenger-type camelback.
1315.305 No Board jurisdiction over used tubes.

QUOTAS

1315.401 Quotas.
(a) Quotas to be fixed.
(b) Quotas not to be exceeded by Boards.
(c) Basis for Board consideration.

PROOF OF NEED AND ELIGIBILITY

1315.501 General proof of need.
(a) Immediate need.
(b) No abuse or neglect.
(c) Unlawful mileage.
(d) Ply construction.
(e) No available tire or tube.
(f) No excess tires.
1315.502 Additional proof of need for passenger automobile.
(a) Gasoline ration.
(b) Inspection record.
1315.503 Eligibility of passenger automobile.
(a) Reconsideration of gasoline ration.
(b) Redetermination of supplemental, fleet or official gasoline ration.
(c) Eligibility determined on basis of adjusted ration.
(d) Exceptions to eligibility—mileage not governing.
1315.504 Additional proof of need for commercial motor vehicle.
(a) Certificate of War Necessity.
(b) Importance to war effort, public health or safety.
(c) Comparative need.
(d) Recapping if possible.
(e) Passenger-type tires unavailable or wasteful.
1315.505 Eligibility of commercial motor vehicle.
(a) List A.
(b) List B.
(c) Truck-type camelback.
1315.506 Eligibility of farm implement, industrial equipment and nonhighway vehicle.
(a) Eligibility requirements.
(b) Spare tires or new tubes.
1315.507 Eligibility for emergency reserve of tires and tubes.
(a) Who may apply for an emergency reserve.
(b) Conditions to be satisfied by an applicant for an emergency reserve.
(c) Vehicles for which an emergency reserve may be obtained.

Sec.
1315.507—Continued.
(d) Amount of emergency reserve.
(e) Inspection and proof of sale.
1315.508 Eligibility for allotment of camelback.
(a) Amount to which recapper entitled.
(b) Limitation upon applications.
1315.509 Eligibility for allotment of tires and tubes.
(a) Applicant must be a dealer or intend to become a dealer.
(b) Amount of allotment of Grade III tires.
(c) Amount of allotment of Grade I tires.
(d) [Revoked.]
(e) Allotment of tubes.
(f) One allotment only.
(g) Calculation of sales by dealers in business part of 1941.
1315.510 Eligibility of recappers for curing tubes.
1315.511 Eligibility of house trailers.
(a) Permanent equipment.
(b) Eligibility of towers of house trailers for tires for temporary mounting.
(c) Grade of tire for house trailers.
1315.512 Eligibility for allotment of recappable and repairable tires.
(a) Authorization.
(b) Amount and number of allotments.
(c) Time limitation.
1315.513 Eligibility for allotment of rear-wheel tractor-type tires and tubes.
(a) Who may obtain an allotment of rear-wheel tractor-type tires and tubes.
(b) Amount of allotment of rear-wheel tractor-type tires and tubes.

APPLICATIONS AND CERTIFICATES

1315.601 Application for certificates.
(a) Who may execute and file.
(b) Contents of application.
(c) Presentation of tire inspection record.
(d) Presentation of certificate of war necessity.
(e) Certification by applicant.
1315.602 Filing of applications.
(a) Tires and tubes for consumers.
(b) Emergency reserve for consumers.
(c) Curing tubes for recappers.
(d) Allotment of camelback for recappers.
(e) Allotment of tires and tubes to dealers.
(f) Allotment of recappable and repairable tires.
(g) Allotment of tires and tubes for new dealers.
(h) Persons towing house trailers.
(i) Allotment of rear-wheel tractor tires and tubes.
1315.603 Certification by inspector prior to filing application.
(a) Inspection of tires and tubes.

[1] 7 F.R. 9160, 9392.

Sec.
1315.603—Continued.
(b) Thorough inspection required.
(c) No compensation to be paid for inspection.
1315.604 Investigation of facts by Board.
(a) Power of the Board.
(b) Additional information.
1315.605 Notation of reasons for action.
1315.606 Applicant to be notified of decision of Board.
1315.607 Form of certificates to be issued.
(a) By a Board.
(1) For tires, tubes, and recapping service.
(2) For emergency reserve.
(3) For curing tubes.
(b) By a State Director or District Manager.
(1) Revoked.
(2) For allotment of tires and tubes.
(3) For allotment of recappable carcasses or repairable tires.
(4) For allotment of camelback.
1315.608 Certificates non-transferable.
1315.609 Execution and issuance of certificate.
(a) Execution of certificates.
(b) Issuance of certificates.
(c) By State Director or District Manager.
1315.610 Action by certificate holders.
(a) Use of certificate.
(b) Replaced tires or tubes to be turned in.
(c) Signing of certificates.
1315.611 Action by suppliers.
(a) Turn in of tire or tube prerequisite to transfer.
(b) Certificate to be completed.
(c) Delivery pursuant to certificate.
1315.612 Splitting of certificates.

REVOCATION OF CERTIFICATES OR RIGHT TO USE TIRES

1315.651 Revocation of certificates.
1315.652 Revocation of certificates issued by mistake.
1315.653 Revocation of certificates or declaration of ineligibility after hearing.
(a) Procedure by Board.
(b) Review by hearing commissioner.
1315.654 Effective period of Board Order.
1315.656 Authority of Regional Administrators and State Directors to revoke certificates.
1315.657 Refusal of certificates.

INSPECTION OF PASSENGER AUTOMOBILE TIRES

1315.701 Periodic inspection.
(a) Check of serial numbers.
(b) Report on mileage and condition of tires.
1315.702 New tire inspection record upon transfer of passenger automobile.
1315.703 Compensation to be paid for inspection.
1315.704 Shifting of tires.
1315.705 Replacement of lost Tire Inspection Records.

PROHIBITED AND PERMITTED TRANSACTIONS

1315.801 Prohibitions.
1315.802 Mounting or use of tires or tubes.
(a) Mounting or use generally.
(b) Mounting from stock prohibited.
(c) Temporary transfer, mounting and use of used tires.
1315.803 Transfer to consumers upon certificate.
(a) By retailers.
(b) By manufacturers or wholesalers.
(c) No tire in stock.
(d) Tire requiring repair or recapping.
(e) By warehousemen.
(f) By recappers or repairers.
(g) Allotment of recappable and repairable tires.
1315.804 Dealer and manufacturer transfers.
(a) Establishments under common ownership.
(b) Changes of location.
(c) Tires or tubes.
(1) Restrictions on transfers by manufacturers.
(2) Restrictions on transfer of Parts B.
(3) Permitted replenishment of tires or tubes.
(4) Allotment of Grade III tires.
(5) Transfers by dealers without certificates.
(6) Transfer of legal title without certificate.
(7) Allotment of recappable or repairable tires.
(8) Allotment of recappable and repairable carcasses.
(d) Camelback.
(1) Allotment.
(2) For recapping.
(3) Restrictions on transfer of Parts B.
(4) Permitted replenishment of camelback.
(5) Recapping of Army and Navy tires.
(6) [Revoked.]
(7) For curing.
(e) Transfers, without certificate upon authorization.
(f) Transfers to sectional warehouses.
(g) Transfers to dealer's warehouses.
(h) [Revoked.]
(i) Quality of recapping and repairing.
(j) Downstream transfers without certificate.
1315.805 Acquisition for retransfer purposes.
(a)
(1) Exercise of governmental rights or powers.
(2) Decedents' estates.
(3) Judicial process.
(4) Salvage.
(5) Subrogation upon payment of claim.
(6) Security transfers.
(b) [Revoked.]
(c) Required transfers.
1315.806 Transfers without certificate, special authorization, or notice.
(a) Transfers to Defense Supplies Corporation.
(b) Changes in location.
(c) Transfers on vehicles.
(d) Transfers for repair, mounting, or inspection.
(e) Return of lost or stolen tires, tubes, or camelback.
(f) Exchange of tires or tubes.
(g) Turn-in of tires or tubes to be replaced.
(h) Transfers for recapping.
(i) Transfer of recappable tire to recapper.
(j) Transfer of unit for unit.
(k) Transfers to and from carriers.
1315.806—Continued.
(l) Transfer to and from public warehouses.
(m) Mounting of original equipment.
(n) Transfer of passenger-type camelback.
(o) Repossession by dealer or manufacturer.
(p) Transfers and mounting of used tubes.
1315.807 Miscellaneous transactions.
(a) [Revoked.]
(b) Secret Service.
(c) Transfers and use for testing.
(d) Change-overs.
(e) Lost, stolen or destroyed stock and Parts B.
(f) Transfers by Defense Supplies Corporation.
(g) Tires, new tubes, or camelback held in customs.
1315.808 Transfers to certain governmental agencies, manufacturers of vehicles or for export.
(a) Transfer to certain governmental agencies or for export.
(b) Transfer to manufacturers of vehicles or equipment.
(c) Receipt.
1315.809 [Revoked.]

OTHER PROHIBITED ACTS

1315.901 Offenses.
(a) Mutilation and forgery of certificates.
(b) Illegal transfer of certificates.
(c) Illegal use and possession of certificates.
(d) Possession of forged certificates.
(e) Illegal possession or use of tires.
(f) Abuse of tires.
(g) Speed limitation.
(h) Tire Inspection Record.
(i) Declaration of tires.
(j) Illegal use of gasoline.
(k) Violation of other orders.
(l) False statements.
(m) Attempts.

RECORDS AND REPORTS

1315.1001 Records by Boards, State and Regional Offices.
1315.1002 Posting names of successful applicants.
1315.1003 Disposition of parts of certificates and receipts.
(a) Certificates or receipts for tires, tubes or camelback.
(1) Part A.
(2) Part B.
(3) Part C.
(4) Part D.
(b) Receipt for replaced tires or tubes.
(c) File of certificates and receipts.
(d) Return of Parts B.
1315.1004 [Revoked.]
1315.1005 Records and reports of transfers.
(a) Records of transfers to and from dealers, manufacturers' and warehousemen.
(b) [Revoked.]
(c) Record of transfers upon authorization.
(d) Manufacturer's records in lieu of Form R-12.
(e) Records of temporary transfers of used tires.

Sec.
1315.1005—Continued.
(f) Records of tires, tubes or camelback acquired by repossession.
1315.1006 Records and reports on camelback orders to recap Army and Navy tires.
(a) Disposition of purchase orders and requisitions.
(b) Reports by camelback manufacturer or dealer.
1315.1007 Seller's inventories of tires and tubes.
1315.1008 [Revoked.]
1315.1009 Production records of manufacturers.
1315.1010 Records and reports of camelback dealers, recappers and repairers.
(a) Monthly inventory.
(b) Record of allotment of camelback.
(c) Record of transfers of molds.
(d) Reports by recappers and repairers.
1315.1011 Preservation and filing of records.
1315.1012 Notice of legal proceedings.
1315.1013 Report of violations.
(a) By any person.
(b) By a Board.

APPEALS

1315.1101 Who may appeal.
1315.1102 Procedure.

ENFORCEMENT

1315.1151 Criminal prosecutions.
1315.1152 Suspension orders.

EFFECTIVE DATE

1315.1198 Effective date of Ration Order No. 1A.
1315.1199 Effective dates of amendments.

AUTHORITY: §§ 1315.151 to 1315.1198, inclusive, issued pursuant to Pub. Law No. 671, 76th Cong., as amended by Pub. Law No. 89, 77th Cong., and by Pub. Law No. 507, 77th Cong., Pub. Law No. 421, 77th Cong., E.O. 9125, 7 F.R. 2719, issued April 7, 1942, W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, *supra*.

SCOPE OF RATION ORDER NO. 1A

§ 1315.151 *Territorial limitations.* Ration Order No. 1A shall apply to the forty-eight states of the United States and the District of Columbia, and shall apply to all transactions between the continental United States and the territories and possessions of the United States.

[§ 1315.151 amended by Amendment 14, 8 F.R. 2595, effective 3–1–43 and Amendment 37, 8 F.R. 9218, effective 7–10–43]

§ 1315.152 *Effect on other ration orders.* Ration Order No. 1A shall not be construed to permit any act which would be in violation of any other ration order promulgated by the Office of Price Administration.

DEFINITIONS

§ 1315.201 *Definitions.* (a) For the purpose of this Ration Order No. 1A:

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board established by the Office of Price Administration; or a Plant Area Board or other Board established by the Office of Price Administration and designated by it to serve the workers in specified industrial or extractive establishments.

(3) "Bus" means a vehicle built or rebuilt primarily for the purpose of transporting persons and having a rated seating capacity of ten or more.

(4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping. Except where the context indicates otherwise, "camelback" refers to truck-type camelback only.

[Paragraph (4) as amended by Amendment 12, 8 F.R. 2348, effective 2–20–43]

(5) "Certificate," unless the context requires otherwise, means a certificate issued by a Board or other person or agency designated by the Office of Price Administration authorizing the acquisition of any tire, tube, recapping service or camelback.

(6) "Certificate of War Necessity" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 21.

(7) "Commercial motor vehicle" means (i) a straight truck, a combination truck-tractor and semi-trailer, a full trailer, any combination thereof, or any other rubber-tired vehicle, excluding a motorcycle or airplane, built or rebuilt primarily for the purpose of transporting property upon the highways and propelled or drawn by mechanical power, and (ii) any of the following propelled or drawn by mechanical power and used in the transportation of persons upon the highways: any bus, any ambulance or hearse, any taxicab or jitney, any motor vehicle, except a passenger automobile, available for hire or public rental, or any other motor vehicle except a passenger automobile or motorcycle.

[Paragraph (7) as amended by Amendment 10, 8 F.R. 1839, effective 2–15–43]

(8) "Consumer" means any person who holds or acquires a tire or tube for use and not for resale.

(9) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires, tubes or camelback.

(10) "Fleet," when the term is used in connection with a passenger automobile or motorcycle, indicates that such vehicle is one of three or more passenger automobiles or three or more motorcycles owned by or leased to and used by the same person or organization principally in connection with the same or related occupations; or as applied to a commercial motor vehicle, that such vehicle is one of three or more commercial motor vehicles owned or operated by the same person.

(11) "Grade I," as applied to tires, means a new passenger-type tire.

[Paragraph (11) amended by Amendment 13, 8 F.R. 2670, effective 3–1–43, and Amendment 25, 8 F.R. 5483, effective 5–1–43]

(12) [Revoked]

[Paragraph (12) amended by Amendment 13, effective 3–1–43, and revoked by Amendment 25, effective 5–1–43. The tires formerly defined as "Grade II" by this subparagraph are now included within the definition of "Grade I" tires.]

(13) "Grade III," as applied to tires, means a used or recapped passenger-type tire.

[Paragraph (13) as amended by Amendment 13, 8 F.R. 2670, effective 3–1–43]

(14) "Implement tire" means a tire which has the word "implement" or the name of a type of farm equipment, other than a tractor or combine, molded into the sidewall of the tire by the manufacturer.

(15) "Manufacturer" means any person engaged in the business of manufacturing tires, tubes or camelback.

(16) "Mold" means any recapping mold, or any curing table or curing chamber designed to recap a tire.

(17) "Motorcycle" means a motor-driven vehicle designed for operation on three wheels or less, but does not include a tractor or bicycle.

(18) "Motorcycle tire" means a tire of a size 4.50–18 or smaller, and designed primarily for use upon a motorcycle.

(19) "New," as applied to tires and tubes, means a tire or tube that has been used less than 1,000 miles.

(20) "Official," as applied to a passenger automobile, means that such automobile is owned by or leased to a Federal, State, local or foreign government or government agency, other than the armed forces of the United States or the armed forces of a State organized pursuant to section 61 of the National Defense Act as amended.

(21) "Passenger automobile" means any motor vehicle (other than an ambulance or hearse, taxicab or jitney, or vehicle available for public rental for a term of thirty or less consecutive days) built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not available for hire or public rental, or any motorcycle.

[Paragraph (21) as amended by Amendment 10, 8 F.R. 1839, effective 2–15–43 and Amendment 38, effective 7–20–43]

(22) "Passenger-type camelback" means Grade F camelback as defined by the War Production Board.

(23) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(24) "Person" means any individual, partnership, corporation, association, government, government agency or subdivision, or any other organized group or enterprise.

(25) "Recapper" means any person engaged in the business of recapping.

(26) "Recapping" means the process of tread renewal in which passenger or truck-type camelback is applied to the tread surface of a tire.

[Paragraph 26 as amended by Amendment 12, 8 F.R. 2348, effective 2–20–43]

(27) "Recapping service" means the recapping of a certificate holder's tire with truck-type camelback or a transfer by a dealer or manufacturer to a cer-

tificate holder of a tire recapped with truck-type camelback in exchange for a recappable tire carcass.

[Paragraph (27) as amended by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(28) "Regional Office" means a Regional Office established by the Office of Price Administration.

(29) "Retailer" means any dealer other than a wholesaler.

(30) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(31) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(32) [Revoked]

[Paragraph (32) revoked by Amendment 14, 8 F.R. 2595, effective 3-1-43]

(33) "State Director" means a State Director appointed by the Office of Price Administration.

(34) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on any passenger automobile, bus, motorcycle, farm implement, farm tractor, commercial motor vehicle, or vehicle designed for use for road-grading, earth-moving, or similar off-the-road purposes.

(35) "Transfer" means any change in right, title, interest, possession or control, including, but not limited to, sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment, and hypothecation.

(36) "Truck-type camelback" means Grade A or Grade C camelback as defined by the War Production Board.

(37) "Tube" means any rubber tube capable of being used, or capable of being repaired for use, within a tire casing on any passenger automobile, bus, motorcycle, farm implement, farm tractor, commercial motor vehicle, or vehicle designed for use for road-grading, earth-moving, or similar off-the-road purposes.

(38) "Used," as applied to tires and tubes, means any tire or tube which has been used 1,000 miles or more.

(39) "Vehicle" means a passenger automobile, bus, motorcycle farm implement, farm tractor, commercial motor vehicle, or vehicle designed for use for road-grading, earth moving, or similar off-the-road purposes.

(40) "Wholesaler" means any person engaged in the business of selling tires or tubes exclusively to dealers, or to dealers and consumers who control the use of five or more vehicles using tires.

(41) "Equipment", unless the context indicates otherwise, means any conveyance or machinery operating with wheels which require tires for such operation.

[Paragraph 41 added by Amendment 23, 8 F.R. 4769, effective 4-15-43]

(42) "Mounted" as applied to a tire or tube, means a tire or tube physically mounted or held for use upon specific equipment and includes spare tires or tubes not in excess of the number allowable under this order or Ration Order No. 5C.

[Paragraph (42) added by Amendment 23, 8 F.R. 4769, effective 4-15-43]

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

ADMINISTRATION, PERSONNEL, AND JURISDICTION

§ 1315.301 *Administration and personnel*—(a) *Personnel.* Ration Order No. 1A shall be administered by the Office of Price Administration through its Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 1A shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may from time to time delegate.

(b) *Self interest shall disqualify official.* No person participating in the administration of Ration Order No. 1A shall act officially in any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

§ 1315.302 *Jurisdiction of War Price and Rationing Boards.* A Board shall have jurisdiction to receive and act upon applications with respect to:

(a) A vehicle normally stationed or garaged within the area served by the Board, unless such vehicle is subject to the jurisdiction of a different Board as provided in paragraph (c) or in § 1315.303.

(b) A vehicle temporarily located within the area served by the Board, if such vehicle requires tires or new tubes immediately for its continued operation and application cannot practicably be made to the Board normally having jurisdiction;

[Paragraph (b) as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

(c) The establishment, maintenance or increase of an emergency reserve of tires and new tubes.

[Paragraph (c) as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

(1) If the applicant is a State and has its seat of government within the area served by the Board, or

(2) If the applicant, other than a State, has his principal place of business within the area served by the Board;

(d) Authority to acquire a new tube for use solely in recapping, if the mold for which the new tube is sought is located within the area served by the Board.

[Paragraph (d) amended by Amendment 28, 8 F.R. 6735, effective 5-20-43. Former (d) revoked and (e) redesignated (d) by Amendment 7, 8 F.R. 1585, effective 2-8-43]

(e) [Revoked]

[Former (e) revoked and (f) redesignated (e) by Amendment 5, 8 F.R. 435, effective 1-20-43. Paragraph (e) redesignated (d) by Amendment 7, 8 F.R. 1585, effective 2-8-43]

(f) Authority to acquire tires and new tubes by a person engaged in the business of towing house trailers, if the applicant has his principal office within the area served by the Board.

[Former (f) redesignated (e) by Amendment 5, 8 F.R. 435, effective 1-20-43 New paragraph (f) added by Amendment 10, 8 F.R. 1839, effective 2-15-43 and amended by Amendment 28, effective 5-20-43]

§ 1315.303 *Jurisdiction of plant area boards or other boards.* A plant area board or other board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction to receive and act upon applications with respect to a passenger automobile, where the applicant works at the establishment which the Board has been designated to serve, unless the current gasoline ration for the automobile was issued by the War Price and Rationing Board having jurisdiction over the area in which such automobile is normally garaged or stationed at the time application under this order is made.

§ 1315.304 *No board jurisdiction over passenger-type camelback.* No board may issue a certificate authorizing the recapping of any tire with passenger-type camelback.

[§ 1315.304 added by Amendment 12, 8 F.R. 2348 effective 2-20-43]

§ 1315.305 *No Board jurisdiction over used tubes.* No Board may issue a certificate authorizing the purchase of a used tube or a used solid tire.

[§ 1315.305 added by Amendment 28, 8 F.R. 6735, effective 5-20-43 and amended by Amendment 38, effective 7-20-43]

QUOTAS

§ 1315.401 *Quotas*—(a) *Quotas to be fixed.* The Office of Price Administration, Washington, D. C., may from time to time set and allocate quotas and reserve quotas fixing the maximum number of tires or tubes and the maximum amount of recaping services or camelback for the acquisition of which certificates may be issued, and may administer, adjust, and revoke such quotas.

(b) *Quotas not to be exceeded by Boards.* No Board shall issue a certificate for the acquisition of tires, tubes, recapping services, or camelback in excess of its quotas.

(c) *Basis for Board consideration.* If the Board has before it applications from persons eligible for tires, tubes, or recapping service which in its judgment satisfy all the conditions of this Order but which together call for the issuance of certificates for tires, tubes, or recapping service in excess of the applicable quota of the Board, the Board, in determining which of the competing needs are to be satisfied, shall be governed by the relative importance to the war program, public safety, and public health, of the operation of a vehicle in one use as compared with the importance of the operation of a vehicle in another use. The Board shall base its determination upon the application for a certificate, the application for a gasoline ration for the vehicle for which tires, tubes, or recapping service are sought, and all other information which comes to its knowledge. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

(d) [Revoked]

[Paragraph (d) amended by Amendment 12, 8 F.R. 2348, effective 2-20-43 and revoked by Amendment 35, 8 F.R. 9017, effective 7-1-43]

(e) [Revoked]

[Paragraph (e) revoked by Amendment 26, 8 F.R. 5477, effective 5-1-43]

PROOF OF NEED AND ELIGIBILITY

§ 1315.501 *General proof of need.* No Board shall grant a certificate authorizing any consumer to acquire a tire, tube, or recapping service, and no consumer shall accept such a certificate, unless the applicant is eligible under §§ 1315.503, 1315.505, 1315.506, 1315.507 or 1315.511 and in addition meets each of the following conditions:

[Paragraph as amended by Amendment 10, 8 F.R. 1839, effective 2-15-43]

(a) *Immediate need.* That the tire, tube, or recapping service for which application is made is to equip a vehicle held for use and not for resale and is:

(1) To equip a vehicle which requires tires or tubes because of alteration, or reconstruction, or which, for reasons satisfactory to the Board, does not already have the number of tires permitted for such vehicle by the Office of Price Administration; or

(2) To replace a lost or stolen tire or tube; or

(3) To replace a tube which cannot be repaired, or a tire which cannot be repaired or recapped or which would be unsafe when recapped for operation at the speeds at which the applicant may reasonably be expected to operate; or

(4) To replace a tire or tube which is not serviceable for the use to which the vehicle is to be put; or

(5) To recap a tire which requires recapping or which will require recapping by the date the applicant may reasonably be expected to secure recapping.

(b) *No abuse or neglect.* That the applicant has not in any manner abused or neglected or permitted to be abused or neglected the tire or tube which he seeks to replace or recap. However, the Board may waive this condition if it finds that the community or the nation would suffer serious loss if the application were denied.

(1) The Board may consider, among other things, as evidence of tire abuse:

(i) That the vehicle for which a certificate is sought has been operated at a speed in excess of thirty-five (35) miles per hour; or

(ii) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as failure to make timely application for a tire, failure to replace a tire as promptly as possible or driving for unnecessary purposes or when other means of transportation are available.

(c) *Unlawful mileage.* That the applicant has not used the tires or tubes which he seeks to replace on a vehicle which has been used for purposes prohibited by or for mileage in excess of that allowed under Ration Order No. 5C.

(d) *Ply construction.* That, if the application is for a certificate for a new passenger-type tire of six or more ply construction, the vehicle upon which the tire is to be mounted cannot be operated satisfactorily in the use to which it is to be put with a tire of less than six-ply construction.

(e) *No available tire or tube.* That the applicant, other than a Federal, State, local, or foreign government or government agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used, or repaired for use, in lieu of the tire or tube sought to be replaced or the tire sought to be recapped. In computing the number of tires or tubes owned or controlled, applicant need not include: (1) emergency reserves acquired in accordance with § 1315.507; (2) tires or tubes reported on OPA Form R-17 or R-17 (Revised) or reported by a manufacturer to the War Production Board; (3) tires or tubes in a public warehouse and removable only upon certificate; or (4) tires especially designed for use in mud and snow, not in excess of two such tires per vehicle, if the vehicle is exempt under § 1315.503 (d) (1) from the mileage restrictions on eligibility.

[Paragraph (e) as amended by Amendment 10, 8 F.R. 1839, effective 2-15-43]

(f) *No excess tires.* That the applicant owns, possesses or controls no tires, the ownership, possession or control of which would render him ineligible for a Basic, Fleet, or dealer's ration under Ration Order No. 5C.

§ 1315.502 *Additional proof of need for passenger automobile.* In addition to meeting all the conditions of § 1315.501, an applicant for a tire or tube for a passenger automobile must meet the following conditions:

[Paragraph as amended by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(a) That he has a gasoline ration currently valid under Ration Order No. 5C for a passenger automobile if the automobile is driven by gasoline;

[Paragraph (a) as amended by Amendment 8, 8 F.R. 1628, effective 2-9-43]

(b) *Inspection record.* That the applicant has a tire inspection record, signed by an authorized tire inspector, showing that the required tire inspections have been made, and that either the serial number of the tire to be replaced has been entered upon such record or the applicant has Part D of a certificate authorizing acquisition of such tire. However, the Board may in its discretion waive the requirement that the applicant have a tire inspection record showing the required tire inspections if the tire inspection record establishes that the tires upon the vehicle were inspected within sixty (60) days prior to the filing of the application. If a waiver is granted under this section or § 1394.8010 of Ration Order No. 5C, the required inspections prior to the waiver shall be deemed to have been obtained. The provisions of this paragraph shall not apply to vehicles exempt from maintaining a tire inspection record under § 1315.701. Tire inspection records for automobiles operated on official rations need not show the serial number of the tire to be replaced.

[Paragraph (b) amended by Amendment 8, effective 2-9-43, and Amendment 23, 8 F.R. 4769, effective 4-15-43]

§ 1315.503 *Eligibility of passenger automobile*—(a) *Reconsideration of gasoline ration.* When application is made for a tire or tube for a passenger automobile, the Board shall reconsider the applicant's gasoline ration before passing upon his application. Such reconsideration shall be made as follows:

[Paragraph (a) as amended by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(1) *Basic ration.* When only a basic gasoline ration has been issued for the passenger automobile, the applicant shall set forth in his application for tires, in addition to such other information as may be required, information concerning the uses to be made of the passenger automobile.

(2) *Supplemental ration.* If the applicant has a current supplemental ration, the Board shall reconsider the application for such ration for such vehicle, if available at the Board. If such application is not available at the Board, the applicant shall provide such information upon OPA Form R-535 as to his occupation and mileage requirements as the Board may require.

(3) *Fleet and official ration.* When application is made for a tire or tube for a fleet passenger automobile, or a passenger automobile owned by or leased to a Federal, State, local, or foreign government or governmental agency, the Board shall reconsider the application for the current fleet or official ration, if available at the Board. If such application is not available at the Board, the applicant shall provide such information upon OPA Form R-551 as to the use and mileage requirements of such vehicle as the Board may require.

[Paragraph (3) as amended by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(b) *Redetermination of supplemental fleet or official gasoline ration.* If upon reconsideration of the gasoline ration as provided in paragraphs (a) (2) and (a) (3) of this section, the Board finds that the applicant has been granted either a larger or a smaller gasoline ration than he is entitled to under Ration Order No. 5C, or a ration of a class other than that to which he is entitled under Ration Order No. 5C, it shall recall excess gasoline

coupons or issue an additional or a different gasoline ration for the corrected mileage: *Provided, however,* That no gasoline coupons shall be recalled if application is made for a fleet or official passenger automobile using an interchangeable gasoline ration book, but such mileage redetermination shall be used as a basis for determining whether the applicant is entitled to a Grade I or a Grade III tire.

[Paragraph (b) as amended by Amendment 25, 8 F.R. 5483, effective 5–1–43]

(c) *Eligibility determined on basis of adjusted ration.* When the Board has adjusted the applicant's mileage requirements pursuant to paragraphs (a) and (b) of this section, it shall determine the applicant's eligibility for a tire or tube in the following manner, exclusive of any special ration:

(1) In the gasoline shortage area, as defined in § 1394.7551 (a) (44) of Ration Order No. 5C, an applicant whose total rationed mileage is more than 90 miles per month but less than 241 miles per month may be issued a certificate for a Grade III tire. Any applicant whose total rationed mileage is less than 241 miles per month may be issued a certificate for a new tube.

(2) Outside the gasoline shortage area, as defined in § 1394.7551 (a) (44) of Ration Order No. 5C, an applicant whose total rationed mileage is 240 miles per month or less may be issued a certificate for a new tube, but may only be issued a certificate for a Grade III tire if any of the purposes for which his vehicle is used constitute occupational mileage, as defined in § 1394.7551 (a) (27) of Ration Order No. 5C, and if the Board would be entitled to allow him such occupational mileage under the provisions of § 1394.7704 of Ration Order No. 5C.

(3) An applicant whose total allowed mileage is 241 miles per month or more may be issued a certificate for a Grade I or Grade III tire at the applicant's option, or for a new tube.

(4) An applicant operating fleet or official passenger automobiles, for which interchangeable gasoline ration books have been currently issued, may be issued a certificate for a Grade III tire or a new tube; if the applicant establishes that the particular vehicle will be operated for 241 miles per month or more, then a certificate for a Grade I tire may be issued.

[Paragraph (c) amended by Amendment 12, 8 F.R. 2348, effective 2–20–43, Amendment 16, 8 F.R. 3314, effective 4–1–43, Amendment 25, 8 F.R. 5483, effective 5–1–43, Amendment 28, 8 F.R. 6735, effective 5–20–43, and Amendment 35, 8 F.R. 9017, effective 7–1–43]

(d) *Exceptions to eligibility, mileage not governing.* (1) An applicant may obtain a certificate for any grade of tire or tube if he clearly establishes that he must answer emergency calls which require him to operate a passenger automobile at high rates of speed, and that the vehicle is:

(i) Used exclusively for maintaining fire-fighting services or in investigation or patrolling necessary to the maintenance of public police services; or

(ii) Used for making necessary professional calls by a physician, surgeon, chiropractor, osteopath, midwife, or dentist, licensed as such by the appropriate governmental authorities and regularly rendering necessary professional services of an emergency nature outside his office; or

(iii) Used as an emergency maintenance vehicle by a public utility and is clearly and permanently marked as such.

(iv) Used for rendering professional services at agricultural establishments by a farm veterinary, licensed by the appropriate governmental authorities and regularly rendering such professional services.

[Paragraph (iv) added by Amendment 24, 8 F.R. 4849, effective 4–19–43]

(2) An applicant whose allowed gasoline mileage would entitle him to a Grade I tire may be limited to a certificate for a Grade III tire if the length of time for which he will need his allowed monthly mileage will be substantially less than the normal life of a Grade I tire.

[Paragraph (2) as amended by Amendment 25, 8 F.R. 5483, effective 5–1–43]

(3) An applicant who applies for an "obsolete type" tire or a tire to be mounted on a motorcycle to replace a tire which cannot be recapped, either because of its physical condition or the lack of adequate recapping facilities, shall be entitled to a certificate for a new tire of an "obsolete type," or a new motorcycle tire, but only if a currently valid supplemental gasoline ration is outstanding for the vehicle for which such tire is sought or, in the absence of a currently valid supplemental gasoline ration for such vehicle, if the mileage driven in such vehicle is necessary for carrying out one or more of the purposes described in § 1394.7706 of Ration Order No. 5C. As applied to tires, the term "obsolete type" means passenger-type tires of the following sizes only:

4.50–17	4.00–19
4.75–17	4.40–19
5.00–17	4.50–19
5.25–17	4.75–19
5.50–17	5.00–19
5.25/5.50–17	4.75/5.00–19
6.00–17	5.25–19
5.50/6.00–17	5.50–19
6.50–17	5.25/5.50–19
6.00/6.50–17	6.00–19
7.00–17	6.50–19
7.50–17	6.00/6.50–19
3.30–18	7.00–19
3.50–18	7.50–19
3.75–18	7.00/7.50–19
3.85–18	3.30–20
4.00–18	3.85–20
4.40–18	4.40–20
4.50–18	4.50–20
4.75–18	4.75–20
5.00–18	5.00–20
5.25–18	4.50/4.75/5.00–20
5.50–18	5.25–20
5.25/5.50–18	5.00/5.25–20
6.00–18	5.50–20
6.50–18	5.25/5.50–20
6.00/6.50–18	6.00–20
7.00–18	6.50–20
7.50–18	6.00/6.50–20
7.00/7.50–18	7.00–20
7.50–20	28x3
4.40–21	30x3
4.50–21	30x3½
4.40/4.50–21	32x3½
4.75–21	31x4
4.40/4.50/4.75–21	32x4
5.00–21	33x4
5.25–21	34x4
5.00/5.25–21	32x4½
5.50–21	33x4½
6.00–21	34x4½
6.50–21	35x4½
7.00–21	36x4½
5.00–22	33x5
6.00–22	34x5
4.40–23	35x5
6.00–23	37x5
7.50–24	35x6

[Paragraph (3) as amended by Amendment 16, 8 F.R. 3314, effective 4–1–43]

(4) An applicant who is eligible under § 1315.503 (c) may be granted a certificate for a Grade III tire in any area where recapping facilities are unavailable or inadequate, upon turning in a recappable tire carcass.

[Paragraph (4) added by Amendment 4, 7 F.R. 10336, effective 12–9–42, amended by Amendment 12, 8 F.R. 2348, effective 2–20–43 and Amendment 35, 8 F.R. 9017, effective 7–1–43]

(5) An applicant for a passenger automobile, which is not driven by gasoline as defined in § 1394.7551 (a) (12) of Ration Order No. 5C, or which has been issued a currently valid Non-highway ration in accordance with § 1394.7904 of Ration Order No. 5C, may be eligible only if the mileage driven in the vehicle and the purposes for which it is used are within § 1315.503 (c); such an applicant may be granted a certificate for a new tube and for the grade of tire provided for in § 1315.503 (c).

[Paragraph (5) added by Amendment 10, 8 F.R. 1839 effective 2–15–43 and amended by Amendment 25, 8 F.R. 5483, effective 5–1–43, and Amendment 35, 8 F.R. 9017, effective 7–1–43]

(6) An applicant who is unable to obtain recapping service or replacement of a size 4.25 x 12 or 4.50 x 12 tire to which he is entitled, may be issued a certificate for a 4.00 x 12 implement tire.

[Paragraph (6) added by Amendment 10, 8 F.R. 1839, effective 2–15–43]

§ 1315.504 *Additional proof of need for commercial motor vehicle.* In addition to meeting all the conditions of § 1315.501, an applicant for a tire, tube, or recapping service for a commercial motor vehicle must meet the following conditions:

(a) *Certificate of war necessity.* That he holds a currently valid certificate of war necessity with respect to such vehicle and that the tires have been currently inspected and passed, as required by General Order ODT No. 21 and amendments or exemptions thereto; and

[Paragraph (a) amended by Amendment 2, 7 F.R. 10072, effective 12–1–42 and Amendment 10, 8 F.R. 1839, effective 2–15–43]

(b) *Importance to war effort, public health, or safety.* That the functions to be performed by the use of the tire, tube, or recapping service are essential to the war effort, the public health or the public safety. The applicant's need, standing alone, no matter how pressing, shall not be a basis for granting a certificate; and

(c) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of tires, tubes, or recapping service needed to perform functions deemed by the Board to be more essential to the war effort, public health or public safety than the functions performed by the applicant; and

(d) *Recapping if possible.* That, if the applicant is seeking to replace a tire, it is not capable of being recapped or that it cannot be recapped for safe use at the speeds at which the applicant may reasonably be expected to operate; and

(e) *Passenger-type tires unavailable or wasteful.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available, or that the use of a passenger-type tire would constitute a waste of rubber.

(f) [Revoked.]

[Paragraph (f) revoked by Amendment 26, 8 F.R. 5477, effective 5–1–43]

§ 1315.505 *Eligibility of commercial motor vehicle*—(a) *List A.* A certificate for any grade or type of tire or new tube, or for recapping service may be granted only for a commercial motor vehicle which meets the applicable conditions of §§ 1315.501 and 1315.504, and which is used exclusively for one or more of the following purposes:

[Paragraph (a) as amended by Amendment 28, 8 F.R. 6735, effective 5–20–43]

(1) As an ambulance, for the transportation of injured or sick persons.

(2) The transportation of mail on behalf of the United States Government.

(3) Maintaining fire-fighting services.

(4) Patrolling or investigation necessary to the maintenance of public police services.

(5) Maintaining garbage disposal and other sanitation services, disposing of refuse, maintaining sewage systems, and similar purposes.

(6) Towing house trailers from the place of manufacture to sites where such trailers are necessary to house workers directly engaged in war production, but only if no other housing is available, the haul is 200 miles or less, and the house trailers cannot be transported by rail.

(i) A Board shall not issue a certificate where any haul exceeds 200 miles, except upon the written consent of the State Director.

(7) Transporting passengers as part of the services rendered to the general public by a transportation system from which the general public may obtain service upon payment of a standard fare, if such services are rendered along regular routes or with regular schedules.

(i) No certificate shall be issued for a vehicle used for sightseeing trips or similar excursions.

(8) Transporting students, teachers, or other school employees between their homes, or regular stops, and regular places of instruction.

(9) Transporting workers (including executives, technicians, or office workers) to, from, within or between the establishments or facilities listed below, where other practicable means of transportation are not available:

(i) Naval, military, or hospital establishment or facilities;

(ii) Establishments or facilities of common carriers, or other carriers performing services essential to the community or to the war effort; or plants engaged in the production or distribution of light, power, electricity, gas, steam, or water; or irrigation, drainage, flood control, or sanitation systems; or telephone, telegraph, radio, or other communication systems; or construction projects;

(iii) Industrial, extractive, or agricultural establishments essential to the war effort, including plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war, munitions, fuel, essential medical supplies or essential food or clothing or necessary part thereof; or of any raw, semi-processed, or finished materials, supplies or accessories necessarily used in the manufacture thereof; or of tools, machinery, or appliances essential to the manufacture or use thereof.

(10) Transporting the following persons:

(i) Prisoners, insane, mentally disordered, or mentally incompetent persons and their custodians, guards, and other necessary attendants, provided that such transportation is furnished upon written request to the operator of the vehicle by an authorized officer of the law or other government official charged with the custody of such persons;

(ii) A jury and its official custodians and other authorized court attendants, provided such transportation is furnished upon written request to the operator of the vehicle by the presiding judge of the court in which such jury is serving;

(iii) Military or naval personnel of the United States or State military forces organized pursuant to section 61 of the National Defense Act as amended: *Provided,* Such transportation is furnished upon written request to the operator of the vehicle by the commanding officer of the personnel and no other public transportation is practicable.

[Paragraph (iii) as amended by Amendment 10, 8 F.R. 1839, effective 2–15–43]

(iv) Selectees to and from examining or induction centers of the Army, where other practicable means of transportation are not available, provided such transportation is furnished upon written request to the operator of the vehicle by an authorized official of the Selective Service System;

(v) Children under 18 years of age and their attendants to and from summer camps, where other practicable means of transportation are not available, provided the operator of the vehicle shall first obtain the written approval of the Regional Recreation Representative of the Office of Defense Health and Welfare Services;

(vi) Persons between their homes and their places of regular weekly worship for the purpose of attending religious services, where other practicable means of transportation are not available;

(vii) Civilians from their homes for purposes of evacuation, in the interest of their safety and to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities.

(viii) Persons participating in organized recreational activities at military or naval establishments, to and from such establishments: *Provided,* Such transportation is furnished upon written request to the operator of the vehicle by the commanding officer of the establishment and no other public transportation is practicable.

[Paragraph (viii) added by Amendment 10, 8 F.R. 1839, effective 2–15–43]

(ix) Patients to clinics or hospitals for medical attention: *Provided,* The operator has obtained from the United States Public Health Service or a State board of health written approval of such use of his vehicle and no other public transportation is practicable.

[Paragraph (ix) added by Amendment 10, 8 F.R. 1839, effective 2–15–43]

(11) To transport disabled members of the armed forces to or from any hospital where their disabilities are treated, or to transport persons for the purpose of donating blood, provided that no public means of transportation are available or that such persons cannot practicably use such means of transportation.

(12) To transport persons by taxicab or jitney under license issued by the appropriate governmental authority, provided the applicant presents to the Board his signed statement that he has complied with all applicable orders of the Office of Defense Transportation. No tire or tube obtained on a certificate issued under this subparagraph (12) shall be used on any taxicab or jitney unless it:

(i) Carries as many persons as is legally and practicably possible on each trip;

(ii) Is permanently and conspicuously marked as a taxicab or jitney;

(iii) Does not "cruise" for the purpose of seeking fares;

(iv) Is not used for sightseeing purposes; and

(v) Is not used for the purpose of making commercial deliveries of property.

(13) For transportation of any property by a common carrier which holds itself out to serve the public at standard rates, fixed in advance, and which does not serve persons whom it chooses as its customers on terms separately arranged for each customer.

(14) For transportation of the following kinds of property:

(i) Ice, fuel and milk.

(ii) Materials and equipment for necessary construction projects or for necessary mechanical, plumbing, electrical, heating, structural, or highway maintenance or repair.

(iii) Waste and scrap materials such as waste paper, scrap iron, scrap rubber, and similar commodities which may be used again in production.

(iv) Such other property, including foods and farm products, as is essential to the war effort or to the public health and safety.

(v) Newspapers.

Provided, however, That no certificate shall be issued for a tire, new tube or recapping service for a commercial motor vehicle, except to a common carrier which meets the requirements of § 1315.505 (a) (13), used: first, for transportation to the ultimate consumer of the property described in subdivisions (iv) and (v) for personal, family, or household use; second, for transportation to any person of alcoholic beverages, soft drinks and similar beverages, tobacco products, ice cream, confections, candy, flowers, toys, novelties, jewelry, furs, radios, phonographs, musical instruments, or any luxury goods; or third, for furnishing transportation for incidental maintenance service or for the purpose of installing or repairing any such effects, equipment, furniture or machines as are portable, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or other establishment; except as such transportation or deliveries can be made without diverting the vehicle from its normal route or schedule while engaged in transportation for any of the other purposes described in § 1315.505 (a).

[Paragraph (14) amended by Amendment 22, 8 F.R. 4628, effective 4-13-43, and Amendment 36, 8 F.R. 9018, effective 7-6-43]

(15) As a hearse, for the transportation of deceased persons.

[Paragraph (15) added by Amendment 17, 8 F.R. 3521, effective 3-25-43]

(b) *List B.* A certificate for recapping service only, or for a new tube, may be granted for a commercial motor vehicle which meets the applicable requirements of § 1315.501 and 1315.504 and is used for any important purpose not included in § 1315.505 (a) (List A), subject to the following conditions:

[Paragraph (b) as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

(1) Certificates may be granted under this paragraph only for recapping service, or for a new tube, to equip commercial motor vehicles performing functions which the Board may find to be essential to the community, such as vehicles delivering bread, or other foods to the ultimate consumer for personal, family or household use, and other vehicles performing services not provided for in § 1315.505 (a) (List A).

[Paragraph (1) as amended by Amendment 17, 8 F.R. 3521, effective 3-25-43, Amendment 22, 8 F.R. 4628, effective 4-13-43 and Amendment 28, 8 F.R. 6735, effective 5-20-43]

(2) No certificate shall be granted under this paragraph if the transportation services can be obtained by using horse-drawn vehicles.

(3) [Revoked]

[Paragraph (3) revoked by Amendment 26, 8 F.R. 5477, effective 5-1-43]

(c) *Truck-type camelback.* No certificate shall be issued authorizing the acquisition of truck-type camelback for recapping a tire to be mounted on any station wagon or on a passenger vehicle originally designed to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus or unless the vehicle is a taxicab or jitney.

§ 1315.506 *Eligibility of farm implement, industrial equipment and non-highway vehicle.*—(a) *Eligibility requirements.* A certificate authorizing the acquisition of a tire, new tube, or recapping service necessary to equip a vehicle which meets the applicable conditions of § 1315.501 and is designed and used as one of the following may be granted, provided tires are essential for its operation:

[Paragraph (a) as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

(1) A farm tractor or other farm implement.

(i) Certificates for the purchase of tractor or implement-type tires only may be issued for farm tractors or other farm implements. Such certificates may be used to purchase tractor, implement, industrial-type or Grade III tires. However, if a front wheel tractor, implement, industrial-type or Grade III tire of suitable size is not available, the Board may issue a certificate for a Grade I tire or a used truck-type tire.

[Paragraph (i) amended by Amendment 13, 8 F.R. 2670, effective 3-1-43, Amendment 32, 8 F.R. 7660, effective 6-12-43 and Amendment 38, effective 7-20-43]

(ii) No certificates for recapping service may be issued for farm tractor or other farm implement tires.

[Paragraph (ii) as amended by Amendment 17, 8 F.R. 3521, effective 3-25-43]

(iii) In any area where recapping facilities are unavailable or inadequate, an applicant may be granted a certificate for a farm tractor tire even though the tire to be replaced is recappable.

[Paragraph (iii) added by Amendment 27, 8 F.R. 5565, effective 5-1-43]

(2) Industrial, mining and construction equipment, other than passenger automobiles or commercial motor vehicles.

(3) Non-highway vehicles for road-grading, earth-moving, or similar off-the-road purposes.

(b) *Spare tires or new tubes.* A certificate for a spare tire or new tube may be issued to equip any of the vehicles which satisfy the conditions of this section, if a Board finds that a spare tire or new tube is necessary for the continued operation of the vehicle.

[Paragraph (b) added by Amendment 10, 8 F.R. 1839, effective 2-15-43 and amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

§ 1315.507 *Eligibility for emergency reserve of tires and tubes*—(a) *Who may apply for an emergency reserve.* The following persons may apply for an emergency reserve of tires and tubes:

[Section heading added by Amendment 36, 8 F.R. 9018, effective 7-6-43]

(1) A State (but not its agency or subdivision).

(2) A person who has an Interstate Commerce Commission Certificate of Public Convenience and Necessity as a common carrier or an Interstate Commerce Commission Permit as a contract carrier.

(3) A person who has applied for an Interstate Commerce Commission Certificate or Permit and has been notified by the Interstate Commerce Commission that he may continue the operations described in his application, pending final determination of his application.

(b) *Conditions to be satisfied by an applicant for an emergency reserve.* An applicant for an emergency reserve must satisfy the following conditions:

(1) That all the commercial motor vehicles operated by the applicant are used exclusively for the purposes set forth in § 1315.505 (a) (List A); and

(2) That he has satisfied the applicable provisions of §§ 1315.501, 1315.502 and 1315.504.

(c) *Vehicles for which an emergency reserve may be obtained.* An emergency reserve of tires and tubes may be obtained for the following vehicles if the majority of trips driven in the vehicles are over fifty (50) miles from a place where vehicles operated by the applicant are normally stationed:

(1) Commercial motor vehicles owned and operated by the applicant or leased to the applicant for his exclusive use for a period of at least six (6) months from the date of application;

(2) Vehicles, other than commercial motor vehicles, operated by the applicant for one of the purposes set forth in § 1315.503 (d) (1) (i) (fire fighting or public police service) or eligible under § 1315.506 (a) (3) (non-highway vehicles).

(d) *Amount of emergency reserve.* Certificates shall be issued for the number of tires or tubes required by the applicant in order to maintain a supply equal to 10% of the running wheels of vehicles which meet the requirements of paragraph (c). This supply is in addition to the tires and tubes on running wheels and allowable spares for vehicles operated by the applicant. In making the computation under this section a dual wheel shall be considered as two wheels.

(e) *Inspection and proof of sale.* An applicant for an emergency reserve must present a certification by an inspector on OPA Form R-1, revised, or R-21 for each tire or tube to be replaced or recapped. If the applicant requests certificates on OPA Form R-20 he must deliver to the Board a proof of sale on OPA Form R-22 for each tire or tube to be replaced. No certificate shall be issued for both tires and tubes.

[§ 1315.507 amended by Amendment 9, 8 F.R. 1629, effective 2-9-43]

§ 1315.508 *Eligibility for allotment of camelback*—(a) *Amount to which recapper entitled.* A certificate authorizing the acquisition of camelback may be issued to an applicant who is a recapper, but who is not a manufacturer of camelback. Such certificate shall authorize the applicant to acquire:

(1) Truck-type camelback for each mold operated by him and capable of recapping truck-type tires, sufficient to enable him to have the amount of truck-type camelback specified in the following table, less the combined total of:

(i) His inventory of such camelback as of midnight, February 18, 1942, irrespective of its location, and

(ii) The amount of such camelback authorized by the Board prior to October 12, 1942, as his initial allotment of such camelback, and

(iii) The amount of such camelback that he acquired from any person after February 18, 1942, without certificate:

Type of mold	Tire recapping capacity of mold	Number of pounds of camelback per mold	Type of camelback
Individual	7.50-20 or larger	1,000	Truck.
Individual	5.50-17, 30 x 5 or larger, but not 7.50-20 or larger.	300	Truck.
Multiple	7.50-20 or larger	1,500	Truck.

(2) [Revoked]

[Paragraph (2) revoked by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(b) *Limitation upon applications.* An applicant who has obtained a certificate authorizing him to acquire camelback under § 1315.805 of the Revised Tire Rationing Regulations[1] or under this section may not thereafter file another application, except for authority to purchase camelback for molds which he acquired subsequent to the issuance of the certificate.

[Paragraph (b) as amended by Amendment 7, 8 F.R. 1585, effective 2-8-43]

§ 1315.509 *Eligibility for allotment of tires and tubes*—(a) *Applicant must be a dealer or intend to become a dealer.* A State Director or District Manager may issue certificates authorizing the following persons to acquire allotments of passenger-type tires and tubes:

(1) A person who was a dealer on December 31, 1942 and who filed OPA Form R-17 for the quarter ending December 31, 1942 for the establishment for which application is made or was exempted from filing OPA Form R-17 for such establishment under § 1315.1007 (b);

(2) A person who intends in good faith to become a dealer if he, or a person in his employ, has had previous experience in the sale and servicing of tires, possesses equipment and facilities necessary to inspect and service tires properly and agrees to become a tire inspector. The State Director or District Manager may refuse to authorize the allotment if granting it will defeat or impair the effectiveness or policy of this Ration Order No. 1A.

[Paragraph (a) amended by Amendment 4, 7 F.R. 10336, effective 12-9-42, Amendment 5, 8 F.R. 435, effective 1-20-43, and Amendment 7, 8 F.R. 1585, effective 2-8-43]

(b) *Amount of allotment of Grade III tires.* Each applicant may be allotted one Grade III tire for each $1,000 of his 1941 retail and wholesale net dollar sales of passenger-type tires and tubes from the establishment for which the allotment is sought, but any applicant shall be entitled to at least twelve (12) Grade III tires: *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade III tires (including Parts B of certificates authorizing the acquisition of Grade III tires which he received in exchange for Grade III tires, but upon which he has not yet obtained replenishment) as of the date of his application.

[Paragraph (b) amended by Amendment 4, 7 F.R. 10336, effective 12-9-42 and Amendment 5, 8 F.R. 435, effective 1-20-43]

(c) *Amount of allotment of Grade I tires.* In addition, each applicant may be allotted one Grade I tire, for each $2,000 of his 1941 retail and wholesale net dollar sales of passenger-type tires and tubes from the establishment for which the allotment is sought, but any applicant shall be entitled to at least six tires: *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade I tires (including Parts B of certificates authorizing the acquisition of Grade I and Grade II tires) as of the date of his application.

[Paragraph (c) amended by Amendment 4, effective 12-9-42; Amendment 5, 8 F.R. 435, effective 1-20-43; and Amendment 25, 8 F.R. 5483, effective 5-1-43]

(d) [Revoked]

[Paragraph (d) added by Amendment 5, 8 F.R. 435, effective 1-20-43; amended by Amendment 7, 8 F.R. 1585, effective 2-8-43; and revoked by Amendment 13, 8 F.R. 2670, effective 3-15-43]

(e) *Allotment of tubes.* Each applicant who was authorized to acquire an allotment of Grade III tires prior to January 20, 1943, or who has been authorized to acquire an allotment of passenger-type tires as provided in paragraphs (b) and (c) or an allotment of used passenger-type tires under paragraph (d) prior to the revocation thereof, may be granted a certificate by the State Director or District Manager authorizing him to acquire one new passenger-type tube for each passenger-type tire that he has been authorized to acquire.

[Paragraph (e) added by Amendment 5, 8 F.R. 435, effective 1-20-43, and amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

(f) *One allotment only.* The State Director or District Manager shall grant only one allotment to an applicant under paragraph (b), one allotment under paragraph (c), one allotment under paragraph (d) and one allotment under paragraph (e) for each establishment for which such allotments are sought: *Provided,* That an applicant eligible for an allotment in excess of 200 Grade III tires but who was limited to an allotment of 200 Grade III tires prior to December 9, 1942, may be granted an additional allotment equal to the difference between the allotment for which he is eligible under paragraph (b) and 200 Grade III tires.

[Paragraph (f) added by Amendment 5, 8 F.R. 435, effective 1-20-43]

(g) *Calculation of sales by dealers in business part of 1941.* In determining his allotments under this section, an applicant who was a dealer for at least one (1) month in 1941 but for less than the entire year, may calculate his retail and wholesale net dollar sales of passenger-type tires and tubes by multiplying by twelve (12) his average monthly sales for the time during 1941 that he was a dealer.

[Paragraph (g) added by Amendment 7, 8 F.R. 1585, effective 2-8-43]

§ 1315.510 *Eligibility of recappers for curing tubes.* Any recapper may file an application for authority to acquire new tubes for use solely in recapping. The applicant must establish that he does not have more than one serviceable air bag or tube of the required size for each mold operated by him and that the new tube applied for is necessary to the operation of the mold. No recapper shall be authorized to acquire in any one calendar month more than four (4) new tubes for each mold operated by him.

[§ 1315.510 as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

§ 1315.511 *Eligibility of house trailers*—(a) *Permanent equipment.* A certificate for tires, new tubes or recapping service may be granted for a house trailer which meets the applicable conditions of §§ 1315.501 and 1315.504, if it is used exclusively to furnish housing to itinerant workers rendering the construction, maintenance or repair services listed in § 1315.505 (a) (14) (ii) or rendering other services essential to the public health, safety or the war effort, and is required to enable such persons to be located near their place of work.

(b) *Eligibility of towers of house trailers for tires for temporary mounting.* A person in the business of towing house trailers may be granted a certificate for tires, new tubes or recapping service to be used exclusively to tow house trailers, sufficient to provide him with eight tires and new tubes plus four additional tires and tubes for each separate branch where he maintains a tow car.

(c) *Grade of tire for house trailers.* An applicant under this section may obtain no better than a certificate for recapping service or for a Grade III tire, unless he shows that a Grade III tire cannot be used for this purpose.

[§ 1315.511 added by Amendment 2, 7 F.R. 10072, effective 12-1-42; amended by Amendment 10, 8 F.R. 1839 effective 2-15-43 and Amendment 28, 8 F.R. 6735, effective 5-20-43]

[1] 7 F.R. 1027, 2541, 3830, 4856, 5867, 6775, 7973.

§ 1315.512 *Eligibility for allotment of recappable and repairable tires*—(a) *Authorization.* A State Director or District Manager may authorize:

(1) Any applicant who operates molds capable of recapping passenger-type tires to acquire an allotment of recappable carcasses for each establishment operated by him, and

(2) Any applicant who operates tire repair vulcanizing units capable of repairing passenger-type tires to acquire an allotment of repairable tires for each establishment operated by him.

(b) *Amount and number of allotments.* (1) Each applicant may be allotted fifty (50) passenger-type recappable carcasses for each mold operated by him capable of recapping passenger-type tires and may apply for an additional allotment provided he has recapped all but twenty-four (24) recappable carcasses for each passenger-type mold, of the recappable carcasses previously allotted to him.

(2) Each applicant may be allotted twenty-five (25) repairable passenger-type tires for each tire repair vulcanizing unit operated by him capable of repairing passenger-type tires, and may apply for an additional allotment provided he has repaired all but twelve (12) repairable tires for each such unit, of the repairable tires previously allotted to him.

(c) *Time limitation.* Each applicant who has acquired an allotment of recappable carcasses or repairable tires under this section shall recap or repair the tires within thirty (30) days after he has acquired them.

(1) The State Director or District Manager who issued the authorization may, in his discretion, grant the applicant a thirty (30) day extension.

[§ 1315.512 added by Amendment 5, 8 F.R. 435, effective 1-20-43]

§ 1315.513 *Eligibility for allotment of rear-wheel tractor-type tires and tubes.—Who may obtain an allotment of rear-wheel tractor-type tires and tubes.* Any dealer or any person who intends in good faith to become a dealer may obtain an allotment of rear wheel tractor-type tires and rear-wheel tractor tubes.

[Section heading added by Amendment 36, 8 F.R. 9018, effective 7-6-43]

(b) *Amount of allotment of rear-wheel tractor-type tires and tubes.* The maximum allotment for an establishment shall be six rear-wheel tractor-type tires and six rear-wheel tractor tubes. In determining the amount that may be granted to an applicant, the amount of unmounted rear-wheel tractor-type tires and rear-wheel tractor tubes held at the establishment must be deducted from the maximum allotment, and certificates may be issued for no more than the difference. Only one allotment for each establishment may be granted.

The State Director or District Manager may refuse to authorize the allotment if granting it will defeat or impair the effectiveness or policy of this Ration Order No. 1A.

[§ 1315.513 added by Amendment 19, 8 F.R. 3837, effective 4-15-43. Effective date changed to 4-9-43 by Amendment 21, 8 F.R. 4179, 3-31-43]

APPLICATIONS AND CERTIFICATES

§ 1315.601 *Application for certificates*—(a) *Who may execute and file.* Any person may file with the Board having jurisdiction an application for a certificate authorizing the acquisition of tires, tubes, recapping services or camelback. Application may be made by an agent; but if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the jurisdiction of the appropriate Board. No member or employee of the Board to whom application is made and no authorized tire inspector shall act as agent of an applicant. The Board may require that principal and agent, or owner and operator join in an application. If application is made for tires, tubes or recapping service to equip a passenger automobile leased for a term of more than thirty days, both the lessor and the lessee shall join in the application.

[Paragraph (a) as amended by Amendment 10, 8 F.R. 1839, effective 2-15-43 and Amendment 38, effective 7-20-43]

(b) *Contents of application.* Each applicant shall set forth (1) facts showing jurisdiction of the Board; (2) facts showing need and eligibility for the tires, tubes, recapping service or camelback for which application is made; and (3) such additional information and commitments as may be required by the application or by the Board.

(c) *Presentation of tire inspection record.* Any applicant for a certificate who is required to have a tire inspection record (OPA Form R-534-B) shall present to the Board such record at the time of filing his application. If the serial numbers of any tire shown on the tire inspection record are different from those previously entered on the record, the applicant shall produce the Part D of a certificate authorizing the acquisition of such tire. Tire inspection records for automobiles operated on official rations need not show the serial number of any tire.

[Paragraph (c) as amended by Amendment 8, 8 F.R. 1628, effective 2-9-43]

(d) *Presentation of certificate of war necessity.* Any applicant for tires, tubes or recapping service for a commercial motor vehicle shall present to the Board a currently valid certificate of war necessity for such vehicle, as required by General Order ODT No. 21 and amendments or exemptions thereto.

[Paragraph (d) as amended by Amendment 2, F.R. 10072, effective 12-1-42 and Amendment 10, 8 F.R. 1839, effective 2-15-43]

(e) *Certification by applicant.* The applicant shall, in his application, state the true and complete facts required by the application or the Board to be set forth therein, and shall certify such facts. If an application is made by an agent, both the principal and agent shall be bound by and deemed to have knowledge of all statements set forth in the application.

§ 1315.602 *Filing of applications*—(a) *Tires and tubes for consumers.* Applications for certificates authorizing the acquisition of tires, tubes or recapping services (other than to establish, increase or replenish an emergency reserve) shall be filed with the Board having jurisdiction under § 1315.302 or § 1315.303 of Ration Order No. 1A. A separate application must be filed on OPA Form R-1 (revised) for each passenger automobile. One application may be made on OPA Form R-1 (revised) for all commercial motor vehicles or non-highway vehicles owned and operated by the same person, used for the same purposes and principally stationed or garaged at the same place. Such an applicant shall attach a statement to OPA Form R-1 (revised) stating the license number, state of registration, year, model, make and body-type of each commercial motor vehicle or non-highway vehicle for which application is made.

[Paragraph (a) amended by Amendment 31, 8 F.R. 9488, effective 6-9-43 and Amendment 36, 8 F.R. 9018, effective 7-6-43]

(b) *Emergency reserve for consumers.* Applications for certificates authorizing the acquisition of tires, tubes or recapping service to establish, increase or replenish an emergency reserve shall be filed on OPA Form R-19 with the Board for the area in which the applicant's principal place of business is located or, in the case of a State, in which its seat of government is located.

(1) If the applicant changes the location of his principal place of business, subsequent applications shall be filed with the Board for the area in which his new principal place of business is located and the records of the applicant's prior applications shall be forwarded to such Board.

(c) *Curing tubes for recappers.* Applications for certificates authorizing the acquisition of tubes to be used in molds shall be filed on OPA Form R-1 (revised) with the Board for the area in which the mold is located.

(d) *Allotment of camelback for recappers.* Applications for certificates authorizing the acquisition of an allotment of camelback shall be filed on OPA Form R-9 (Revised) with the State Director or District Manager for the area in which the principal place of business of the applicant is located.

[Paragraph (d) as amended by Amendment 7, 8 F.R. 1585, effective 2-8-43]

(e) *Allotment of tires and tubes to dealers.* Applications by a dealer for certificates authorizing the acquisition of an allotment of Grade III tires or an allotment of Grade I tires or an allotment of passenger-type tubes shall be filed on OPA Form R-54 with the State Director or District Manager for the area in which the establishment for which the allotment is sought is located.

[Paragraph (e) amended by Amendment 5, 8 F.R. 435, effective 1-20-43, Amendment 13, 8 F.R. 2670, effective 3-1-43 and Amendment 25, 8 F.R. 5483, effective 5-1-43]

(f) *Allotment of recappable and repairable tires.* Applications by a recapper or repairer for authorization to acquire an allotment of recappable or repairable passenger-type tires shall be filed on OPA Form R-52 with the State Director or District Manager for the area in which the establishment for which the allotment is sought is located.

[Paragraph (f) added by Amendment 5, 8 F.R. 435, effective 1-20-43]

(g) *Allotment of tires and tubes for new dealers.* Applications by persons eligible under § 1315.509 (a) (2) (new dealers) for an allotment of passenger-type tires and tubes shall be filed on OPA Form R-55 with the State Director or District Manager for the area in which the establishment for which the allotment is sought is to be located.

[Paragraph (g) added by Amendment 7, 8 F.R. 1585, effective 2-8-43]

(h) *Persons towing house trailers.* Applications for certificates for tires, tubes or recapping service by persons engaged in the business of towing house trailers shall be filed on OPA Form R-1 (Revised) with the Board for the area in which the principal office of the applicant is located.

[Paragraph (h) added by Amendment 10, 8 F.R. 1839, effective 2-15-43. Corrected, 8 F.R. 2152]

(i) *Allotment of rear-wheel tractor tires and tubes.* Application for an allotment of rear-wheel tractor-tires and tubes shall be filed on OPA Form No. R-60 with the State Director or District Manager for the area in which the establishment is located.

[Paragraph (i) added by Amendment 19, 8 F.R. 3837, effective 4-15-43. Effective date changed to 4-9-43 by Amendment 21, 3-31-43]

§ 1315.603 *Certification by inspector prior to filing application*—(a) *Inspection of tires and tubes.* No consumer may file an application for a certificate, and no such application shall be considered by a Board, until an inspector authorized by the Office of Price Administration has currently inspected the tires or tubes to be replaced or recapped and has executed and signed the "Certification by Inspector" contained in OPA Form R-1 (revised). This paragraph shall not apply when application is made for the following purposes:

(1) To establish or increase an emergency reserve; or

(2) To acquire a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted in § 1315.501 (a); or

(3) To replace a lost or stolen tire or tube.

(b) *Thorough inspection required.* No inspector may certify any fact concerning the condition of a tire or tube without making a personal and adequate inspection to determine such fact. The Board may in its discretion require an additional inspection and certification by an inspector named by the Board.

[Paragraph (b) as amended by Amendment 32, 8 F.R. 7660, effective 6-12-43]

(c) *No compensation to be paid for inspection.* No applicant may pay any compensation for the certification or the inspection required by this section, except that sums, not in excess of those set forth in the following schedule, may be paid the inspector, or any other person, for the service of removing and replacing a tire when such service is necessary for inspection purposes:

Schedule of fees for removing and replacing tires

Type of tire	*Fee*
(1) Passenger car tires, each	$0.50
(2) Small truck tires (7.50-20 or smaller), each	.75
(3) Large truck tires (larger than 7.50-20), each	1.00
(4) Additional charge for removing inside dual truck tires (larger than 7.50-20)	.50

§ 1315.604 *Investigation of facts by Board*—(a) *Power of the Board.* Before issuing a certificate the Board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the Board may make inquiries and investigations and may require an applicant to appear in person or by agent at the office of the Board at a designated time and supply such additional evidence and information and furnish such records and affidavits as may relate to the application.

(b) *Additional information.* If the applicant is applying for tires or tubes to be mounted on a vehicle which has less than the number of tires and tubes permitted by § 1315.501 (a) and which he has purchased or contracted to purchase, the Board shall require him to submit together with his application an affidavit from the vendor of the vehicle stating in full the reasons why the vehicle is not equipped with a sufficient number of tires or tubes. The Board must be satisfied from such affidavit before it may grant a certificate that the vendor is not responsible for the lack of a sufficient number of tires or tubes for such vehicle.

§ 1315.605 *Notation of reasons for action.* Whenever the Board acts upon an application, it shall note the reasons for its action upon the application. If the application is granted, the number, grade, and type of tires or tubes, or the type of recapping service or camelback shall be noted upon the application.

§ 1315.606 *Applicant to be notified of decision of Board.* After acting upon an application the Board shall promptly notify the applicant of its decision and, if the application is denied in whole or in part, shall state the reasons for its decision.

§ 1315.607 *Form of certificates to be issued*—(a) *By a Board.* The Board may issue the following certificates to an applicant who has established need and eligibility under this Ration Order No. 1A:

[Paragraph designated (a) and heading added; former paragraphs (a) through (d) designated (1) through (4); paragraph (e) revoked by Amendment 5, 8 F.R. 435, effective 1-20-43. Paragraph (4) revoked by Amendment 7, 8 F.R. 1585, effective 2-8-43]

(1) *For tires, tubes, and recapping service.* OPA Form R-2 (revised) authorizing an applicant to acquire tires, tubes, or recapping service, other than for the purpose of acquiring tires or tubes to establish, increase, or replenish an emergency reserve. Separate certificates shall be issued for tires and for tubes and for recapping service.

(2) *For emergency reserve.* OPA Form R-20 authorizing an applicant to acquire tires or tubes in order to establish, increase or replenish an emergency reserve.

(3) *For curing tubes.* OPA Form R-2 (revised) authorizing an applicant to acquire tubes to be used in molds.

(b) *By a State Director or District Manager.* A State Director or District Manager may issue the following certificates to an applicant:

(1) [Revoked]

[Paragraph (1) revoked Amendment 13, 8 F.R. 2670, effective 3-1-43]

(2) *For allotment of tires and tubes.* OPA Form No. R-2 (Revised) authorizing an applicant to acquire an allotment of Grade I or Grade III tires, passenger tubes or rear-wheel tractor-type tires or tubes.

[Paragraph (2) amended by Amendment 13, 8 F.R. 2670, effective 3-1-43; Amendment 19, effective 4-15-43 (effective date changed to 4-9-43 by Amendment 21, 8 F.R. 4179, 3-31-43); and Amendment 25, 8 F.R. 5483, effective 5-1-43]

(3) *For allotment of recappable carcasses or repairable tires.* OPA Form R-53 authorizing an applicant to acquire an allotment of recappable carcasses or repairable tires.

(4) *For allotment of camelback.* OPA Form R-10 (Revised) authorizing an applicant to acquire an allotment of camelback.

[Paragraph (4) added by Amendment 7, 8 F.R. 1585, effective 2-8-43. Paragraph (b) added by Amendment 5, 8 F.R. 435, effective 1-20-43]

§ 1315.608 *Certificates non-transferable.* No certificate or any part thereof may be transferred except as authorized by Ration Order No. 1A or by the Office of Price Administration, or in exchange for tires, tubes, recapping service or camelback.

§ 1315.609 *Execution and issuance of certificate*—(a) *Execution of certificates.* It shall be the responsibility of the Board, prior to issuing any certificate, to fill in Part A and Part B of the certificate setting forth the information required, except that the item on OPA Form R-20 which calls for the specification of the sizes of the tires or tubes to be purchased, need not be filled in unless requested by

the applicant. It shall also be the responsibility of the Board to indicate on Parts C and D of the certificate issued the number of the Board and its address. No certificate shall be valid unless Part A is signed by the issuing officer of the Board, who may be either a member of the Board or one of its clerks designated to act as issuing officer.

(1) The Board shall indicate on the certificate the tubes or the serial number of the tires to be replaced (including scrap tires or tubes), which the applicant must turn in. If the tire to be replaced is a recappable carcass, the Board shall write on the certificate after the serial number of such tire "recappable carcass".

(i) The applicant shall turn in all tires and tubes to be replaced, except when he is having his tire recapped, or if he can establish that he has no tires or tubes to turn in because he is establishing or increasing an emergency reserve, is acquiring a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted by § 1315.501 (a), is replacing a lost or stolen tire or tube, or is a government agency forbidden by law to make such disposition.

(2) The board shall indicate on the certificate the exact number, type, grade and size of the tires or tubes which may be acquired, or the number, type and size of the tires for which recapping service has been authorized.

[Paragraph (2) as amended by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(b) *Issuance of certificates.* When all of the foregoing steps have been taken, the Board shall issue the certificate by delivering or mailing it to the applicant or his agent.

(1) The board shall note on a certificate for recapping service that the applicant is entitled to truck-type camelback

[Paragraph (1) amended by Amendment 4, 7 F.R. 10336, effective 12-9-42 and Amendment 12, 8 F.R. 2348, effective 2-20-43]

(2) If the certificate to be issued by the Board is for implement tires, the Board shall mark Part B thereof "good for implement or tractor tires only".

(3) If a consumer desires to obtain tires or tubes stored by him in a public warehouse, he shall inform the Board of this fact, and, if the Board issues a certificate to him, it shall tear off and destroy Part B of such certificate.

(c) *By State Director or District Manager.* If a State Director or District Manager issues OPA Form R-2 (Revised) for an allotment of tires or tubes under § 1315.509, he shall tear off and destroy Parts A and C of such certificates. If the certificate is for Grade I tires, the State Director or District Manager shall mark Parts B and D thereof "Grade I tires only." If the certificate is for used passenger-type tires, he shall mark Parts B and D thereof "used passenger-type tires only." If the certificate is for tubes, he shall mark Parts B and D thereof "passenger-type tubes only."

[Paragraph (c) added by Amendment 5, 8 F.R. 5483, effective 1-20-43, and amended by Amendment 25, 8 F.R. 5483, effective 5-1-43]

§ 1315.610 *Action by certificate holders*—(a) *Use of certificate.* A certificate properly executed and issued may be used by the person to whom it was issued for the purposes specified thereon.

[Paragraph (a) as amended by Amendment 18, 8 F.R. 3702, effective 3-30-43]

(b) *Replaced tires or tubes to be turned in.* (1) If the certificate indicates that a tire or tube being replaced must be turned in and does not indicate that such tire is a recappable carcass, the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer, except in the case of purchase by mail. If the applicant acquires a tire or tube by mail, or withdraws it from a public warehouse, he shall within five days thereafter deliver the replaced tire or tube to a dealer. In every case in which a tire or tube being replaced by mail is turned in to a dealer, the applicant shall, within five days after receiving the replacement, file with the Board which issued the certificate OPA Form R-3 certifying that the replaced tire or tube has been turned in to a dealer.

(2) [Revoked]

[Paragraph (2) revoked by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(c) *Signing of certificates.* The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon, prior to acquiring the tires, tubes, recapping services or camelback specified thereon. The same person shall sign Parts B, C and D of OPA Form R-2 (revised) where the signature of the certificate holder is required. No member or employee of the Board issuing the certificate, no authorized tire inspector, and no dealer shall act as agent of the applicant in signing Parts A, B, C or D of OPA Form R-2, revised). However, in the case of purchase by mail the dealer may sign parts B, C and D of OPA Form R-2 (revised) in behalf of the certificate holder provided the certificate holder has signed Part A.

[Paragraph (c) as amended by Amendment 8, effective 7-20-43]

§ 1315.611 *Action by suppliers*—(a) *Turn in of tire or tube prerequisite to transfer.* If the applicant is required to turn in a tire or tube, no dealer shall transfer any tire or tube pursuant to the certificate until the applicant has turned in to him the tire or tube to be replaced, except in the case of purchase by mail.

(b) *Certificate to be completed.* No dealer or warehouseman shall transfer tires, tubes or camelback until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the dealer or warehouseman to whom the certificate has been surrendered shall deliver to the person indicated thereon, or to his agent, the exact number, type, grade and size of tires or tubes or the type of recapping service or camelback set forth on the certificate.

(1) Any dealer may, in exchange for a certificate for a Grade I or Grade II tire, transfer to the holder thereof a Grade I tire.

[Paragraph (1) as amended by Amendment 25, 8 F.R. 5483, effective 5-1-43]

(2) Any dealer may, in exchange for a certificate for a truck tube, transfer to the holder thereof a new passenger tube.

[Paragraph (2) added by Amendment 19, 8 F.R. 3837, effective 4-15-43 effective date changed to 4-9-43 by Amendment 21, 8 F.R. 4179, 3-31-43); and amended by Amendment 32, 8 F.R. 7660, effective 6-12-43]

(3) Any dealer may in exchange for a certificate for a passenger-type tire transfer to the holder thereof a passenger-type tire of any size suitable for use on the vehicle for which the certificate was issued.

[Paragraph (3) added by Amendment 32, 8 F.R. 7660, effective 6-12-43]

(4) Any dealer may in exchange for a certificate for a passenger tube transfer to be the holder thereof a new passenger tube of any size suitable for use on the vehicle for which the certificate was issued.

[Paragraph (4) added by Amendment 32, 8 F. R. 7660, effective 6-12-43]

(5) Any dealer may in exchange for a certificate for a tractor or implement-type tire transfer to the holder thereof a tractor, implement, industrial-type or Grade III tire.

[Paragraph (5) added by Amendment 32, 8 F.R. 7660, effective 6-12-43]

§ 1315.612 *Splitting of certificates.* A certificate holder who is unable to acquire from one supplier all the tires, tubes, recapping service or camelback which he has been authorized to acquire shall return the certificate to the issuing Board and the Board shall thereupon cancel the returned certificate and issue as many certificates as are necessary to permit the acquisition of such tires, tubes, recapping service or camelback from several suppliers.

REVOCATION OF CERTIFICATES OR RIGHT TO USE TIRES

§ 1315.651 *Revocation of certificates.* Any certificate, part of a certificate or authorization issued under Ration Order No. 1A shall be subject to revocation, cancellation, suspension, correction or modification by a Board or other agent designated for this purpose by the Office of Price Administration, Washington, D. C.

§ 1315.652 *Revocation of certificates issued by mistake.* Any certificate issued to a person not entitled thereto on the basis of the facts stated in the application and which has not been used by the person to whom it was issued, may be revoked by the issuing Board and the Board may order that such certificate be surrendered to it. If in such a case the Board finds that the certificate holder is entitled to a tire or tube of a different grade or type, it shall, subject to quota limitations, issue a certificate for such tire or tube in lieu of the certificate revoked.

§ 1315.653 *Revocation of certificates or declaration of ineligibility after hearing.* (a) *Procedure by Board.* When a Board has reason to believe that a consumer (1) has made a false statement in an application for a certificate, (2) has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was obtained, or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, or (3) has violated any provision of § 1315.901 (f) or (g), it or any other Board acting at its request may serve written notice of hearing upon such consumer and may recall any certificate issued to such consumer pending the determination of the proceedings before the Board. The notice shall be served at least three days prior to the date fixed for such hearing, and shall state the time and place of the hearing, the charge against such person, and the purpose for which the hearing is to be held. If the person against whom the proceeding is instituted admits the charges or fails to appear at the hearing, or if the Board determines on the basis of the evidence presented before it at the hearing that the consumer has committed any of the acts above specified, the Board shall by order revoke the certificates, if any, issued to him and direct him to surrender them to the Board, unless the certificates have been surrendered to a dealer, and declare that he shall not be eligible to receive a certificate for such period as it shall deem appropriate in the public interest: *Provided,* That if any person against whom an order was issued for failure to appear for hearing shows good cause to the Board, within five days from the effective date of the order, for such failure, the order shall be rescinded and the Board shall grant him a full hearing on the charges made. A copy of the Board's order shall promptly be served on the person against whom it is issued personally or by registered mail directed to his last known address, and copies thereof shall be sent to the District and State offices which have jurisdiction over the area in which the Board is located. Such order shall, if personally served, become effective twenty-four (24) hours after such service, or if served by mail, three (3) days after the date of mailing. The Board may designate one or more of its members to perform the functions prescribed in this paragraph.

(b) *Review by hearing commissioner.* Any person against whom an order has been issued after February 28, 1943, pursuant to the provisions of paragraph (a) may within fifteen (15) days after the effective date thereof, appeal from such order by filing a statement of objections to the order with the board which issued it. Within three (3) days after receipt of the statement the board shall forward it, together with a copy of the notice instituting such proceedings, a copy of the record, if any, and a copy of the board's order to the hearing commissioner having jurisdiction over the area in which the board is located. Within five (5) days after receipt of such statement from the board, the hearing commissioner shall notify the respondent and the regional attorney in the region in which the board is located of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of § 1300.169 of Procedural Regulation No. 4 and amendments thereto: *Provided,* That the provisions applicable to requests for hearing and review, stay orders and appeals pursuant to the provisions of §§ 1315.653 and 1315.655 in effect before March 1, 1943, shall govern the review, rights to appeal and appeals pending from orders issued pursuant to this paragraph before such date, and all provisions of such sections before such date are continued in effect for this purpose.

[Paragraph (b) as amended by Amendment 15, 8 F.R. 2719, effective 3-2-43. Paragraphs (c), (d) and (e) revoked.]

§ 1315.654 *Effective period of Board order.* Whenever any Board, pursuant to the provisions of § 1315.653 (a) has revoked a certificate or declared that a person should be ineligible to receive a certificate during a specified period, no certificate shall be issued to him except in accordance with the provisions of such order, unless a restoration is directed pursuant to the provisions of § 1315.655.

§ 1315.655 [Revoked]

[§ 1315.655 revoked by Amendment 15, 8 F.R. 2719, effective 3-2-43]

§ 1315.656 *Authority of regional administrators and State directors to revoke certificates.* (a) The several regional administrators of the Office of Price Administration within their respective regions, and such State directors (as defined in Procedural Regulation No. 9) as may be designated by the regional administrators for that purpose, are authorized to determine whether any certificate-holder who has not yet exchanged the certificate for the commodity described was entitled to receive such certificate on the basis of facts submitted in applying for his certificate. Upon notification to the holder of such proceeding, the certificate shall become null and void pending final determination of its validity in the manner provided in paragraph (b).

(b) In any such case the State director or regional administrator shall receive and consider any evidence presented by the holder of the certificate and may require him to appear for examination and to produce such witnesses or evidence as such officer may deem material. If such officer determines that the certificate-holder was not entitled to receive the certificate, he may order it surrendered to him within forty-eight (48) hours after the certificate-holder receives such order. The certificate-holder may appeal from an adverse decision upon such redetermination pursuant to Procedural Regulation No. 9.

[§ 1315.656 as amended by Amendment 15, 8 F.R. 2719, effective 3-2-43]

§ 1315.657 *Refusal of certificates.* If a Board finds that an applicant has violated any provision of § 1315.901 (f), (g), or (l) or has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was obtained or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, it may refuse to issue a certificate to the applicant and may declare that he shall not be eligible to receive a certificate for such period as it shall deem appropriate in the public interest. In such case, the Board shall serve upon the applicant a written statement of the grounds upon which the certificate was refused and the period for which he is declared ineligible.

INSPECTION OF PASSENGER AUTOMOBILE TIRES

§ 1315.701 *Periodic inspection.* Every person controlling the use of a passenger automobile for which a current gasoline ration has been issued, shall be issued a tire inspection record (OPA Form R-534-B) and shall have the tires mounted on the automobile inspected by an inspector authorized by the Office of Price Administration, as follows:

Type of coupon book issued	First inspection must be made by—	Subsequent inspections
Class A	March 31, 1943	Within every six months period thereafter; i. e. on or before September 30 and March 31 of each year. Inspections must be at least 90 days apart.
Class B	February 28, 1943	Within every four months period thereafter; i. e. on or before June 30, October 31 and February 28 of each year. Inspections must be at least 60 days apart.
ss C or bulk coupons	February 28, 1943	Within every three months period thereafter; i. e. on or before May 31, August 31, November 30 and February 28 of each year. Inspections must be at least 45 days apart.

The tires, at the time of inspection, shall be mounted on the vehicle for which the tire inspection record has been issued. The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization. Upon transfer of a passenger automobile, the record pertaining to the vehicle, and Parts D of certificates for tires mounted on the vehicle, must be transferred with it.

The provisions of this § 1315.701 shall not apply to motorcycles, passenger automobiles operating only on special rations, passenger automobiles not registered for

use on the highway, or passenger automobiles not propelled by the use of gasoline as defined in Ration Order No. 5C.

[Above paragraphs amended by Amendment 6, 8 F.R. 606, effective 1–14–43 and Amendment 23, 8 F.R. 4769, effective 4–15–43]

(a) *Check of serial numbers.* If the serial number of any tire inspected is not identical with that indicated on the tire inspection record, the inspector shall not sign such record unless Part D of a certificate is presented as evidence that the tire was obtained on certificate. Any discrepancy between the serial numbers on the tire inspection record including those on Part D, and those on the mounted tires, shall be recorded by the inspector on OPA Form R–47 and filed with the Board indicated on the record. An inspector may sign a record for an automobile operated on an official ration even though such record does not list the serial number of any tire, and the inspector need not report any discrepancy between serial numbers listed on such record and those on the mounted tires.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 1628, effective 2–9–43 and Amendment 23, 8 F.R. 4769, effective 4–15–43]

(b) *Report on mileage and condition of tires.* The inspector shall indicate on the Tire Inspection Record as of the time of the inspection:

(1) The odometer reading of the vehicle,

(2) Whether the tires inspected should be replaced or recapped, and

(3) Any repairs and adjustments necessary to keep the tires in proper running order; if the inspector indicates that repairs and adjustments, other than recapping or replacements, are necessary, he shall not sign the Tire Inspection Record until such repairs or adjustments have been made.

§ 1315.702 *New tire inspection record upon transfer of passenger automobile.* When application for a new gasoline ration is necessary under § 1394.8103 of Ration Order No. 5C as a result of a change in ownership of a vehicle, the transferee must turn in the existing tire inspection record to the board issuing the new gasoline ration and the board shall issue a new record for the vehicle as provided in § 1315.701. Where the transferee is unable to present the tire inspection record, the board, before issuing a new record, shall be satisfied that no tire inspection record has been issued for the vehicle, or that the transferee has made a diligent effort to obtain the tire inspection record. Within ten (10) days after receipt of the new record, the tires on the vehicle shall be inspected by an authorized Office of Price Administration inspector.

[§ 1315.702 amended by Amendment 23, 8 F.R. 4769, effective 4–15–43 and Amendment 34, 8 F.R. 8275, effective 6–21–43]

§ 1315.703 *Compensation to be paid for inspection.* An inspector may charge a fee not to exceed twenty-five cents (25¢) per vehicle for the inspection required by §§ 1315.701 and 1315.702. In addition, a sum not in excess of fifty cents (50¢) may be paid the inspector or any other person for the service of removing and replacing a tire when such service is necessary for inspection purposes under said sections.

§ 1315.704 *Shifting of tires.* No person shall mount on a passenger automobile any tire not duly entered upon the tire inspection record for such passenger automobile, or acquired in exchange for a certificate issued to equip such passenger automobile. This prohibition is subject to the following qualifications:

(a) Any person desiring to mount a tire upon, or remove a tire from, a passenger automobile pursuant to § 1315.802 (a) (3) or (4) must first surrender the tire inspection record for such automobile to the board having jurisdiction over the automobile. The board, upon being satisfied that the conditions of § 1315.802 (a) have been complied with, shall issue a new tire inspection record for the automobile.

[Paragraph (a) as amended by Amendment 23, 8 F.R. 4769, effective 4–15–43]

(b) Any person may mount tires which are being tested in accordance with § 1315.807 (c). He shall report the mounting by letter within seven days to the Board which issued the tire inspection record for the automobile upon which tires are to be mounted. The report shall state (1) identification of any vehicle involved and (2) serial numbers of any tires involved. Upon approval by the Board, such person shall be issued Part D of a certificate authorizing the mounting and use of such tires;

(c) Tires may be mounted upon automobiles operated on official rations without complying with the provisions of this section.

[§ 1315.704 amended by Amendment 8, 8 F.R. 1628, effective 2–9–43]

§ 1315.705 *Replacement of lost tire inspection records.* Any person who has lost a Tire Inspection Record for a passenger automobile shall apply to a Board for a new record. Before issuing such record, the Board shall re-examine and redetermine the current gasoline ration issued for such passenger automobile in accordance with § 1315.503 (a) and (b) and shall satisfy itself that the serial numbers of the tires shown on such new record are those which were entered on the lost record or that discrepancies are accounted for by Parts D of certificates in the possession of the applicant.

PROHIBITED AND PERMITTED TRANSACTIONS

§ 1315.801 *Prohibitions.* Notwithstanding the terms of any contract, agreement or other obligation, regardless of when made, no person, unless permitted by Ration Order No. 1A, or by an order, authorization or regulation issued by the War Production Board, shall:

(a) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire, new tube or camelback; or

(b) Use, alter or change the physical location of any tire, new tube or camelback; or

(c) Mount any tire or new tube upon a wheel or rim.

[§ 1315.801 as amended by Amendment 28, 8 F.R. 6735, effective 5–20–43]

§ 1315.802 *Mounting or use of tires or tubes*—(a) *Mounting or use generally.* Any tire or new tube may be mounted and used as follows, unless such mounting or use is specifically prohibited by other provisions of this order or involves a transfer of tires or new tubes prohibited thereby:

(1) Upon the equipment for which a certificate or authorization to acquire such tire or tube was granted under this order.

(2) Upon the equipment upon which it was mounted on April 14, 1943: *Provided,* That at the time the tires were mounted upon the equipment such mounting was not in violation of any existing provisions of this order, the revised tire rationing regulations or Ration Order No. 5C.

(3) Upon other equipment, provided the tire or tube is needed for its operation or as an allowable spare and immediately following such mounting the person mounting such tire or tube will use the equipment in operations which would make it eligible for the tube or the grade or type of tire in question. If the tire was obtained on certificate or authorization, its grade at the time of acquisition, and not its present grade, shall control.

(4) Upon other equipment not covered by subparagraph (3), only if authorized in writing by the board having jurisdiction over the vehicle upon which the tire or tube is to be mounted. The board may grant such authorization only where it is satisfied that the mounting or use will result in a conservation of rubber or the more efficient use of tires in activities essential to the war effort, the public health or safety.

(5) To move any house trailer to a site for housing purposes if the tire or tube was acquired under § 1315.511 (b) or is held under § 1394.8014 of Ration Order No. 5C.

(6) Any person mounting or using tires pursuant to this paragraph must comply with the requirements of § 1315.704, if applicable.

[Paragraph (a) amended by Amendment 10, 8 F.R. 1839, effective 2–15–43, Amendment 23, 8 F.R. 4769, effective 4–15–43, Amendment 28, 8 F.R. 6735, effective 5–20–43, and Amendment 36, 8 F.R. 9018, effective 7–6–43]

(b) *Mounting from stock prohibited.* No dealer or manufacturer shall declare on his tire inspection record or mount or use tires or new tubes taken from his stock unless he has obtained a certificate authorizing such mounting or use or unless such tires or new tubes were permanently removed from his stock and mounted on his vehicle prior to October 1, 1942.

[Paragraph (b) as amended by Amendment 28, 8 F.R. 6735, effective 5–20–43]

(c) *Temporary transfer, mounting and use of used tires.* A person may tempo-

rarily transfer, without certificate, used tires to another person who may mount and use them to:

(1) Replace a tire that is being repaired or recapped;

(2) Move a wrecked, disabled or repossessed vehicle to a garage or other place of safety or storage;

(3) Move vehicles held for resale from one sales premises to another;

(4) Move any house trailer to a site for housing purposes.

Such tires shall be returned to the transferor within three (3) days after the purpose for which the tires were transferred is accomplished.

[Paragraph (c) added by Amendment 23, 8 F.R. 4769, effective 4–15–43, and Amendment 28, 8 F.R. 6735, effective 5–20–43]

§ 1315.803 *Transfer to consumers upon certificate*—(a) *By retailers.* A retailer may, in exchange for a certificate, transfer tires or tubes to a consumer.

(b) *By manufacturers or wholesalers.* A manufacturer or wholesaler may, in exchange for a certificate:

(1) Lease tires or tubes to any person regularly engaged in the business of transporting passengers by bus, taxicab or jitney;

(2) Transfer tires or tubes to those consumers to whom he transferred tires or tubes between December 31, 1940, and December 11, 1941: *Provided,* That upon receipt of the replenishment portion (Part B) of a certificate or receipt, a manufacturer or wholesaler may deliver tires or tubes directly to a consumer or dealer for the account of any dealer who might himself lawfully make such delivery.

(c) *No tire in stock.* A dealer or manufacturer who does not have in stock a tire or tube ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of tires or tubes specified thereon for transfer to the consumer.

(d) *Tire requiring repair or recapping.* No dealer or manufacturer may transfer to a consumer a tire that requires repair or recapping.

(e) *By warehousemen.* A public warehouseman who has received tires or new tubes for storage may, in exchange for a certificate, transfer tires or new tubes to a consumer as follows:

(1) New tires or new tubes stored prior to December 11, 1941.

(2) Recapped tires used less than one thousand (1,000) miles after being recapped and stored prior to February 19, 1942.

(3) Used tires, including tires used more than one thousand (1,000) miles after being recapped, and stored prior to October 1, 1942.

[Paragraph (e) as amended by Amendment 28, 8 F.R. 6735, effective 5–20–43]

(f) *By recappers or repairers.* No recapper or repairer shall transfer a recapped or repaired tire to a consumer unless the quality of his workmanship in recapping or repairing the tire at least conforms to the minimum quality specifications contained in revised Price Schedule No. 66 and Maximum Price Regulation 107 issued by the Office of Price Administration.

[Paragraph (f) added by Amendment 5, 8 F.R. 435, effective 1–20–43]

(g) *Allotment of recappable and repairable tires.* A person who secured an allotment of recappable or repairable tires under § 1315.512 may, in exchange for a certificate, transfer the recapped or repaired tires to a consumer. If he has a supply of such tires of the size ordered, he may not refuse to transfer them to a consumer who presents a certificate for a Grade III tire if the consumer's order is accompanied with cash or its equivalent. He shall fill all accepted orders received on one day before filling any orders received on any subsequent day.

[Paragraph (g) added by Amendment 5, 8 F.R. 435, effective 1–20–43]

§ 1315.804 *Dealer and manufacturer transfers*—(a) *Establishments under common ownership.* No dealer or manufacturer may transfer or move tires, new tubes or camelback to an establishment where the business of a dealer is performed, except upon certificate or authorization of the Office of Price Administration, unless such transfer is expressly permitted by Ration Order No. 1A. If a manufacturer or dealer engages in the business of recapping tires, or selling tires, new tubes or camelback at two or more separate establishments, he shall be considered a separate dealer for each such establishment, and the transfer or movement of tires, new tubes or camelback between such establishments shall be subject to all the conditions that apply to transfers between separate dealers, unless expressly excepted by this Ration Order No. 1A.

[Paragraph (a) as amended by Amendment 28, 8 F.R. 6735, effective 5–20–43]

(b) *Changes of location.* A manufacturer or dealer may change the location of tires, new tubes or camelback within a single establishment or the location of the establishment itself, including the entire stock of tires, new tubes or camelback contained therein: *Provided,* That no change in ownership, possession or control occurs and: *Provided, further,* That a recapper who has acquired an allotment of camelback pursuant to § 1315.508 may, without certificate, transfer the camelback so acquired among recapping establishments owned or operated by him if no change in ownership or control of such camelback is thereby effected.

[Paragraph (b) as amended by Amendment 28, 8 F.R. 6735, effective 5–20–43]

(c) *Tires or tubes*—(1) *Restrictions on transfers by manufacturers.* No manufacturer shall during any calendar month transfer to or for the account of retail outlets owned or operated by him new tires or tubes of a wholesale dollar value amounting to a larger percentage of his total wholesale dollar value of new tires and tubes transferred for such month than the percentage of his total wholesale dollar value of new tires and tubes transferred to retail outlets owned or operated by him during the year 1941.

(2) *Restrictions on transfer of Parts B.* No dealer or manufacturer shall transfer tires or tubes in exchange for Part B of OPA Form R–2 (revised) or of OPA Form R–46 unless the name and address of the transferor of the Part B and the date of its transfer have been written thereon.

[Paragraph (2) amended by Amendment 33, 8 F.R. 7670, effective 6–12–43 and Amendment 36, 8 F.R. 9018, effective 7–6–43]

(3) *Permitted replenishment of tires or tubes.* Subject to the provisions of subparagraph (1) of this paragraph any dealer or manufacturer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate or receipt transfer to another dealer or manufacturer the number of tires or tubes authorized by the certificate or receipt in accordance with the table below:

If Part B calls for—	*Dealer or manufacturer may replenish with—*
Any size Grade I tire	Any size Grade I or III tire.
Any size Grade II tire	Any size Grade I or III tire.
Any size Grade III tire	Any size Grade III tire.
Any size Grade I or II tire only	Any size Grade I tire.
Any size truck-type tire	Any size truck, tractor, implement-type or Grade III tire.
Any size tractor or implement - type tire	Any size tractor, implement, industrial-type or Grade III tire.
Any size passenger tube	Any size new passenger tube.
Any size truck tube	Any size new truck or new passenger tube.

[Paragraph (3) amended by Amendment 4, 7 F.R. 10336, effective 12–9–42; Amendment 5, 8 F.R. 435, effective 1–20–43; Amendment 13, 8 F.R. 2670, effective 3–1–43; Amendment 19, 8 F.R. 3837, effective 4–15–43 (effective date changed to 4–9–43 by Amendment 21, 3–31–43); Amendment 25, 8 F.R. 5483, effective 5–1–43; Amendment 28, 8 F.R. 6735, effective 5–20–43; and Amendment 32, 8 F.R. 7660, effective 6–12–43]

(4) *Allotment of Grade III tires.* Any manufacturer or dealer may, in exchange for a certificate on OPA Form R–2 (Revised) transfer the number of Grade III tires authorized thereon to a dealer. No manufacturer or wholesaler who has a supply of Grade III tires of the size ordered may refuse to transfer them to a dealer who presents a certificate for an allotment of Grade III tires if the dealer's order is accompanied with cash or its equivalent. If the manufacturer or wholesaler has the size ordered but does not have the quantity ordered, he shall transfer the quantity he has on hand and fill the balance of the

order as instructed by the dealer. If the manufacturer or wholesaler does not have the size ordered, he shall transfer Grade III tires of a different size if the dealer requests him to do so. A manufacturer or wholesaler shall fill all accepted orders for Grade III tires received on one day before filling any orders received on any subsequent day.

[Paragraph (4) amended by Amendment 4, 7 F.R. 10336, effective 12-9-42, and Amendment 13, 8 F.R. 2670, effective 3-1-43]

(i) [Revoked]

[Paragraph (i) revoked by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(5) *Transfers by dealers without certificates.* Any dealer may, without certificate, transfer tires, new tubes or camelback to his supplier only for the following purposes:

(i) to return tires, new tubes or camelback of a size, grade, type or quality other than that ordered by him: *Provided*, That his supplier shall, without certificate, transfer to him in exchange therefor tires, new tubes or camelback of the size, grade, type or quality ordered.

(ii) [Revoked]

[Paragraph (ii) revoked by Amendment 11, 8 F.R. 2030, effective 2-15-43]

[Paragraph (5) amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

(6) *Transfer of legal title without certificate.* Any manufacturer who has transferred to a dealer possession of tires or tubes on consignment in exchange for the replenishment portion of a certificate, or who made such transfer prior to December 11, 1941, may, without certificate, transfer the legal title to such tires or tubes to the dealer.

(7) *Allotment of recappable or repairable tires.* Any manufacturer may, in exchange for the certificate of a State Director or District Manager (OPA Form R-53), transfer the number of recappable carcasses or repairable tires authorized thereon to the recapper or repairer authorized to acquire such tires.

[Paragraph (7) added by Amendment 5, 8 F.R. 435, effective 1-20-43]

(8) *Allotment of recappable and repairable carcasses.* A recapper or repairer who has a supply of tires, secured under § 1315.512, of the size ordered, may not refuse to transfer them to a dealer who presents a proper replenishment portion of a certificate, if the dealer's order is accompanied with cash or its equivalent. He shall fill all accepted orders received on one day before filling any orders received on any subsequent day.

[Paragraph (8) added by Amendment 5, 8 F.R. 435, effective 1-20-43]

(d) *Camelback*—(1) *Allotment.* A camelback dealer or manufacturer may, in exchange for a certificate (OPA Form R-10, revised), transfer camelback to a recapper.

(2) *For recapping.* A recapper may apply truck or passenger-type camelback to the tread surface of a tire carcass: *Provided*, That no truck-type camelback shall be used in recapping a tire to be mounted on any station wagon, suburban carry-all or on an automobile originally designed to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus or unless the vehicle is a taxicab or jitney. No recapper shall apply truck or passenger-type camelback to the tread surface of a tire carcass if the carcass will not be serviceable as a recapped tire. No recapper shall apply any rubber substance other than camelback to the tread surface of a tire for the purpose of tread renewal unless authorized by the Office of Price Administration or the War Production Board.

[Paragraph (2) as amended by Amendment 12, 8 F.R. 2348, 2600, effective 2-20-43]

(3) *Restrictions on transfer of Parts B.* No dealer or manufacturer shall transfer camelback in exchange for Part B of OPA Form R-2 (revised) unless the name and address of the transferor of the Part B and the date of its transfer have been written thereon.

[Paragraph (3) amended by Amendment 12, 8 F.R. 2348, effective 2-20-43, Amendment 33, 8 F.R. 7660, effective 6-12-43, and Amendment 36, 8 F.R. 9018, effective 7-6-43]

(4) *Permitted replenishment of camelback.* Subject to the provisions of subparagraph (3) of this paragraph any camelback dealer or manufacturer may, in exchange for the properly endorsed replenishment portion of a certificate marked "truck-type camelback", transfer the amount of camelback specified in the following table:

Size of tire	*Number of pounds of camelback which may be purchased for each such tire*
Smaller than 30 x 5	8½
30 x 5 up to but not including 7.50 x 18	12
7.50 x 18 up to but not including 9.00 x 20	16
9.00 x 20 up to but not including 12.00 x 20	22
12.00 x 20 and larger (regular truck-type)	32
12.00 and up (but not including tires 12.00 x 24 and larger) used on farm tractors (rear tires only), road-graders, earth movers and other similar equipment used primarily on off-the-road work	55
12.00 x 24 and larger	Amount necessary

When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion of the certificate or receipt a certified statement showing the amount of camelback necessary to recap the number of tires specified on the certificate or receipt, and he shall be entitled to purchase the amount of camelback appearing on such statement.

[Paragraph (4) as amended by Amendmen 12, 8 F.R. 2348, effective 2-20-43]

(5) *Recapping of Army and Navy tires.* Any camelback dealer or manufacturer may, without certificate, transfer camelback for use on tires owned by the United States Army, Navy, Marine Corps or Coast Guard to any recapper who has a prime contract with the War or Navy Department to recap such tires or who has a subcontract with such prime contractor, pursuant to a purchase order of the prime contractor or of the subcontractor if his order has been approved in writing by the prime contractor. The number or other identification of the prime contract must be written upon the order. A prime contractor or subcontractor shall not use OPA Form R-12 (revised) to replenish the camelback so used, but shall forward Part B thereof together with Part A to the Regional Office for the area in which the recapper is located.

(6) [Revoked]

[Paragraph 6 revoked by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(7) *For curing.* Any recapper may, without certificate, transfer to another recapper, for the purpose of curing, a tire to which camelback has been applied and the recapper who has cured the camelback may, without certificate, transfer the recapped tire to the recapper who applied the camelback.

(e) *Transfers without certificate upon authorization.* (1) The following transfers of tires, tubes or camelback may be made (without certificate) upon written authorization of the State Director or District Manager having jurisdiction over the area in which the transferee is located:

(i) From a person, other than a dealer or manufacturer, to a dealer or manufacturer.

(ii) From a retailer to a dealer or manufacturer.

(iii) From a wholesaler to a wholesaler or manufacturer.

(iv) From a manufacturer to a manufacturer.

(2) The following transfers of replenishment portions (Parts B) of certificates or receipts may be made upon authorization of the State Director or District Manager having jurisdiction over the area in which the transferee is located:

(i) From a retailer to a dealer.

(ii) From a wholesaler to a wholesaler.

(3) The application for authority to make any transfer permitted in subparagraphs (1) and (2) shall state the names and addresses of the transferor and transferee, the number of Parts B and the amount, type and grade of tires, tubes or camelback called for thereon and the amount, type and grade of tires, tubes or camelback to be transferred and the reason for the transfer.

[Paragraph (e) as amended by Amendment 11, 8 F.R. 2030, effective 2-15-43]

(f) *Transfers to sectional warehouses.* A manufacturer who complies with the following conditions may, without certificate, transfer tires, new tubes or camelback to or keep them upon any premises, if no change in ownership or control of such tires, new tubes or camelback is thereby effected:

(1) Except as provided hereinafter, the manufacturer shall not transfer to or keep such tires, new tubes, or camelback upon any premises whether or not such camelback, tires or new tubes were previously kept on such premises unless he has been authorized in writing to do so by the Office of Price Administration, Washington, D. C. Application in writing for such authorization shall be made by the manufacturer and shall state for each of such premises the location thereof and the name and address of the person who owns or controls them. For each of such authorized premises, except where the authorized premises are regional branches, the manufacturer shall appoint a specified individual as his agent to be responsible for the stock of tires, new tubes or camelback and shall submit with his application for authorization the name and address of the agent, a verified copy of his agreement with the agent and a statement that he will be fully responsible for acts of the agent and any person acting for him. The manufacturer shall not designate any other individual as his agent except upon authorization in writing from the Office of Price Administration, Washington, D.C. The Office of Price Administration may in its discretion deny, modify or revoke any authorization at any time.

(2) The tires, new tubes or camelback shall be kept segregated from any others owned, possessed or controlled by a person other than the manufacturer, and shall be kept readily identifiable upon inspection by signs, labels or similar means. The manufacturer shall at all times have access to the portion of the premises on which the camelback, tires or new tubes are so segregated.

(i) In the case of segregated stocks, "authorized premises" means only that portion of the premises upon which the segregated stock is located.

(3) The number of premises authorized for each manufacturer shall not exceed fifty.

(4) A manufacturer may not keep more than 500 tires, 500 new tubes and 20,000 pounds of camelback at any time on any authorized premises unless the Office of Price Administration authorizes him in writing to keep a greater stock, or unless the authorized premises are his regional branches.

(i) A "regional branch" means any premises wholly controlled by the manufacturer at which the functions of the manufacturer's business apart from production are performed: *Provided*, That such premises are not used in performing the functions of a retailer.

(5) Except in the case of transfer without certificate expressly permitted by other provisions of this Ration Order No. 1A, or transfer by a manufacturer from one of his authorized premises to another, no tires or new tubes shall be transferred from any authorized premises unless the manufacturer or his duly designated agent shall have first received in exchange therefor and in accordance with the requirements of Ration Order No. 1A an appropriate certificate or receipt or the replenishment portion of a certificate or receipt.

(6) The provisions of paragraph (f) of this section shall apply only to tires, new tubes or camelback located at any authorized premises and not to tires, new tubes or camelback located at the place of manufacture or in a public warehouse.

[Paragraph (f) as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

(g) *Transfers to dealer's warehouses.* Any dealer may, without certificate, transfer tires, tubes or camelback for the purpose of storage only to any warehouse owned or operated by him, if no change in ownership or control of such tires, tubes or camelback is thereby effected. Any dealer may, without certificate, withdraw the tires, tubes or camelback stored in such warehouse.

(h) [Revoked.]

[Paragraph (h) added by Amendment 5, 8 F.R. 435, effective 1-20-43 and revoked by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(i) *Quality of recapping and repairing.* No recapper or repairer shall transfer a recapped or repaired tire to a dealer unless the quality of his workmanship in recapping or repairing the tire at least conforms to the minimum quality specifications contained in Revised Price Schedule No. 66 and Maximum Price Regulation No. 107 issued by the Office of Price Administration.

[Paragraph (i) added by Amendment 5, 8 F.R. 435, effective 1-20-43]

(j) *Downstream transfers without certificate.* (1) A manufacturer or dealer may, upon written authorization of the State Director or District Manager having jurisdiction over the area in which the transferee is located, transfer tires or tubes to a dealer. A dealer who acquires tires or tubes under this paragraph shall surrender to the State or District Office which issued the authorization, within ninety (90) days of the date thereof, Parts B of certificates or receipts representing the number, type and grade of tires or tubes received pursuant to the authorization.

(2) Tires or tubes acquired by a dealer under this paragraph may be transferred to another dealer upon the written authorization of the State Director or District Manager having jurisdiction over the area in which the dealer to whom the transfer is to be made is located. In the case of such subsequent transfer, the transferor shall surrender a copy of the authorization (in lieu of Parts B) to the State or District Office having jurisdiction over the area in which he is located. The transferee must, within ninety (90) days of the date of the authorization for the subsequent transfer, surrender to the State or District Office which issued such authorization the Parts B representing the transferred tires or tubes.

(i) However, if the tires or tubes are to be transferred from a retailer to a dealer, or from a wholesaler to a wholesaler, the authorization at the option of the transferor may provide that the transferor and not the transferee shall be required to surrender the Parts B. If such an authorization is issued the transferor must surrender the Parts B and not a copy of the authorization to the State or District Office having jurisdiction over the area in which he is located.

(3) Application for authority to make a transfer under this paragraph shall be made by the transferor and shall state the names and addresses of the transferor and the transferee and the number, type and grade of tires or tubes to be transferred.

[Paragraph (3) as amended by Amendment 30, 8 F.R. 7198, effective 5-27-43]

(4) No authorization to make or receive a transfer under this paragraph shall be granted by a State Director or District Manager after June 30, 1943. An authorization issued by a State Director or District Manager under this paragraph shall state the person who is required to surrender Parts B of certificates or receipts representing the number, type and grade of the tires or tubes to be transferred.

(5) No manufacturer or dealer may be authorized under this paragraph to make more than one transfer to any one dealer.

[Paragraph (j) added by Amendment 29, 8 F.R. 6736, effective 5-20-43]

§ 1315.805 *Acquisition for retransfer purposes.* (a) Subject to the provisions of paragraph (c) of this section, tires, tubes or camelback may be acquired, without certificate, in the following cases:

[Paragraph (a) as amended by Amendment 11, 8 F.R. 2030, effective 2-15-43]

(1) *Exercise of governmental rights or powers.* The United States or any state or political subdivision thereof or any governmental agency may acquire from any person any tire, tube or camelback in the exercise of governmental rights or powers against such tire, tube or camelback.

(2) *Decedents' estates.* An executor or administrator, legatee or distributee may acquire any tire, tube or camelback pursuant to the appropriate laws of testate or intestate distribution.

(3) *Judicial process.* A person may acquire any tire, tube or camelback pursuant to judicial process or under the supervision of a court of competent jurisdiction.

(4) *Salvage.* A person who is engaged principally and primarily in the business of adjusting losses, or reconditioning and selling damaged commodities, and who takes possession of such commodities on the occurrence or imminence of casualties, or in direct connection with the adjustment of losses resulting from such casualties, may acquire any tire, tube or camelback that has been damaged or that is in imminent danger of being damaged or destroyed.

(5) *Subrogation upon payment of claim.* A common or contract carrier or any person duly authorized by law to engage in the insurance business may acquire any tire, tube or camelback in consequence of the right of subrogation or in consequence of the payment of a claim.

(6) *Security transfers.* A state or any agency thereof, the United States or any

agency thereof, or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a state or the United States may, without certificate, acquire tires, tubes or camelback for security purposes and may, without certificate, transfer such tires, tubes or camelback to the debtor upon release or extinguishment of the debt so secured. Any person may, without certificate, acquire a lien created by operation of law on tires, tubes or camelback and may satisfy or release such lien. Such security interest or liens may be enforced in the manner provided by applicable State or Federal laws, and subject to the provisions of this section, transfers necessary to such enforcement may be made.

(b) [Revoked]

[Paragraph (b) revoked by Amendment 11, 8 F.R. 2030, effective 2-15-43]

(c) *Required transfers.* A person other than a dealer acquiring full title to tires, tubes or camelback hereunder shall, within thirty days, sell such tires, tubes or camelback to a dealer or manufacturer if authorized to make the transfer as provided in section 804 (e), or to the Defense Supplies Corporation.

[Paragraph (c) as amended by Amendment 11, 8 F.R. 2030, effective 2-15-43]

§ 1315.806 *Transfers without certificate, special authorization or notice—*(a) *Transfers to Defense Supplies Corporation.* A person may, without certificate, transfer tires, tubes or camelback to Defense Supplies Corporation, Rubber Reserve Company, or Reconstruction Finance Corporation or any representative designated to receive tires, tubes or camelback on their behalf.

(b) *Changes in location.* A person, other than a dealer or manufacturer, may, without certificate, change the location of unmounted tires or tubes or of camelback if no change in ownership, possession or control results.

(c) *Transfers on vehicles.* A person may, without certificate, transfer a tire or tube as part of the equipment of a vehicle provided that such transfer is not prohibited by any order or regulation issued by the Office of Price Administration or the War Production Board.

(d) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of inspection, mounting or repair only and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

(e) *Return of lost or stolen tires, tubes or camelback.* A person may, without certificate, transfer tires, tubes or camelback which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(f) *Exchange of tires or tubes.* A consumer who in exchange for a certificate acquires any tire or tube that is of a size or grade different from that ordered may, without certificate, but only within ten (10) days after its acquisition, exchange it with the transferor for the size or grade ordered if such tire or tube has not been used by such person.

(g) *Turn in of tires or tubes to be replaced.* (1) A consumer who holds a certificate for a tire or tube and who is required to turn in the replaced tire or tube shall transfer it to a dealer in accordance with the provisions of § 1315.-610.

(2) A dealer receiving a tire, including a scrap tire, under this paragraph must attach to it a tag on which is stated the serial number of the tire, the date upon which it was turned in, the name of the certificate holder who turned it in and the serial number of the certificate. The dealer must hold such tire for at least thirty (30) days unless instructed to hold it for a longer or shorter period by an Office of Price Administration representative authorized to give such instructions. All tires held by a dealer under this paragraph must be segregated from any other tires and kept readily available for inspection.

(3) Defective tires acquired by a dealer under this paragraph may be transferred at any time (without certificate) to his supplier for adjustment provided the dealer maintains the following records:

(i) The serial number, size and type of the tire transferred;

(ii) The name and address of the certificate holder who turned the tire in and the serial number of the certificate;

(iii) The name and address of the supplier to whom the tire was transferred and the date of the transfer; and

(iv) A description of the defective condition of the tire.

[Paragraph (g) amended by Amendment 12, 8 F.R. 2348, effective 2-20-43, Amendment 23, 8 F.R. 4769, effective 4-15-43, and Amendment 32, 8 F.R. 7660, effective 6-12-43]

(h) *Transfers for recapping.* (1) A consumer may transfer a tire for recapping service to a dealer but only if accompanied by a certificate authorizing recapping service.

(2) A dealer may transfer a recappable carcass to a recapper if accompanied by Part B of a certificate authorizing recapping service and the recapper may transfer a used or recapped tire in exchange for such Part B.

[Paragraph (2) as amended by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(3) [Revoked]

[Paragraph (3) revoked by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(4) A person may have a tire recapped with passenger-type camelback without certificate.

[Paragraph (4) added by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(i) *Transfer of recappable tire to recapper.* A dealer who is not a recapper may, without certificate, transfer a recappable tire carcass to a recapper, provided such dealer obtains and retains as a record a proof of sale on OPA Form R-22 from the recapper to evidence such transfer.

(j) *Transfer of unit for unit.* (1) A dealer may, without certificate, transfer tires, tubes or camelback to a dealer in exchange for tires, tubes or camelback of the same amount, type and grade.

(2) A dealer may, without certificate, transfer tires, tubes or camelback to a manufacturer in exchange for tires, tubes or camelback of the same amount and type and of the same or an inferior grade.

[Paragraph (j) as amended by Amendment 11, 8 F.R. 2030, effective 2-15-43]

(k) *Transfers to and from carriers.* A person may, without certificate, transfer tires, tubes or camelback to a common or contract carrier for shipment, and such tires, tubes or camelback may be transferred by such carrier to the consignee in the regular course of business: *Provided,* That the transaction between the consignor and the consignee shall remain subject to the provisions of Ration Order No. 1A.

(l) *Transfer to and from public warehouses.* A person may, without certificate, transfer tires, tubes or camelback to a public warehouse for storage. A public warehouseman who has received tires, tubes or camelback for storage may, without certificate, transfer them to the following persons:

(1) A dealer or manufacturer who transferred such tire, tube or camelback for storage;

(2) A manufacturer, assembler or dealer in vehicles equipped with tires or tubes who has transferred such tires or tubes for storage;

(3) A person who has a security interest in or lien on such tires, tubes or camelback as provided in § 1315.805 (a) (6);

(4) A consumer who stored:

(i) New tires or tubes after December 10, 1941; or

(ii) Recapped tires after February 18, 1942, where such tires were used less than 1,000 miles after being recapped; or

(iii) Used tires including tires used more than one thousand (1,000) miles after being recapped, after September 30, 1942.

[Paragraph (l)(4)(iii) as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

(m) *Mounting of original equipment.* A manufacturer of vehicles may mount tires or tubes as original equipment upon a vehicle made by him unless he has been prohibited from doing so by general or special instructions of the War Production Board.

(n) *Transfers of passenger-type camelback.* No person may purchase any passenger-type camelback in an amount which would give him in excess of 1500 pounds of passenger-type camelback for each mold he operates capable of recapping tires smaller than 7.50-20. A manufacturer of, or dealer in, camelback may not ship passenger-type camelback to any person unless such person makes a certification accompanying his order that the amount of passenger-type camelback ordered plus his stock on hand at the date of ordering will not exceed the

amount he is entitled to possess under this paragraph.

[Paragraph (n) added by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(o) *Repossession by dealer or manufacturer.* A dealer or manufacturer may, without certificate, acquire tires, tubes or camelback which he has transferred pursuant to a conditional sales contract or chattel mortgage. The dealer or manufacturer shall notify his State or district office within ten days of the amount, type and grade of tires, tubes or camelback acquired.

[Paragraph (o) added by Amendment 20, 8 F.R. 4179, effective 4-6-43 and amended by Amendment 36, 8 F.R. 9018, effective 7-6-43]

(p) *Transfer and mounting of used solid tires and used tubes.* Any person may transfer, acquire, mount, use or change the physical location of used solid tires or used tubes without certificate or authorization.

[Paragraph (p) added by Amendment 28, 8 F.R. 6735, effective 5-20-43 and amended by Amendment 38, effective 7-20-43]

§ 1315.807 *Miscellaneous transactions.* (a) [Revoked]

[Paragraph (a) revoked by Amendment 14, 8 F.R. 2595, effective 3-1-43]

(b) *Secret Service.* A person may upon authorization in writing of the Office of Price Administration, Washington, D. C., transfer tires and tubes to the United States Secret Service.

(c) *Transfers and use for testing.* A manufacturer may, without certificate, mount tires and tubes on a vehicle owned by him or otherwise subject to his control which is used exclusively for testing such tires and tubes and not in connection with any other use. The transfer, acquisition, mounting, alteration or use of tires, tubes and camelback for testing purposes not expressly permitted by this paragraph (c) may be authorized by the Office of Price Administration, Washington, D. C. or the War Production Board.

(d) *Change-overs.* A dealer or manufacturer may transfer tires or tubes to a manufacturer, rebuilder or dealer in vehicles in exchange for tires or tubes mounted on a new or rebuilt vehicle as part of its original equipment upon authorization in writing from the Regional Office for the area in which the vehicle is located.

(e) *Lost, stolen or destroyed stock and Parts B.* The State Director or District Manager for the area in which the dealer is located may, upon the dealer's application, issue replenishment portions of certificates to replace tires, tubes, camelback, replenishment portions (Parts B) or certificates which have been lost, stolen, destroyed or irreparably damaged.

[Paragraph (e) as amended by Amendment 11, 8 F.R. 2030, effective 2-15-43]

(f) *Transfers by Defense Supplies Corporation.* Defense Supplies Corporation may transfer tires, tubes or camelback upon authorization of the Office of Price Administration, Washington, D. C.

(g) *Tires, new tubes or camelback held in customs.* Tires, new tubes or camelback imported into this country and held in customs may not be released to the claimant unless he holds a certificate, receipt or authorization from the Office of Price Administration which would entitle him to acquire such tires, new tubes or camelback.

[Paragraph (g) as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

§ 1315.808 *Transfers to certain governmental agencies, manufacturers of vehicles or for export*—(a) *Transfer to certain governmental agencies or for export.* A person may transfer tires, new tubes or camelback:

(1) To or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ships' service store, commissary, or similar agency or organization, except for use on vehicles operated by it;

(2) To or for the account of the government of any foreign country, pursuant to a contract or order placed by any agency of the United States Government under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), but subject in each case to such quotas, allocations, or other restrictions as may be prescribed by the War Production Board;

(3) For export to and consumption in any foreign country, for government or private account, otherwise than as provided in subparagraph (a) (2), but only when the exporter has been issued an individual or general export license for the tires, new tubes and camelback to be exported.

[Paragraph (a) as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

(b) *Transfer to manufacturer of vehicles or equipment.* No person may transfer tires or new tubes to any manufacturer of vehicles or equipment for mounting as original equipment on a vehicle or equipment made by him, except upon the written approval of the War Production Board.

[Paragraph (b) as amended by Amendment 11, 8 F.R. 2030, effective 2-15-43 and Amendment 28, 8 F.R. 6735, effective 5-20-43]

(c) *Receipt.* A person who makes any transfer pursuant to paragraphs (a) or (b) of this Section shall obtain a receipt from the purchaser upon OPA Form R-12 (revised): *Provided,* That a manufacturer who makes a transfer of tires, tubes or camelback pursuant to such paragraphs need not obtain such form from the purchaser if he complies with the provisions of § 1315.1005 (d) and: *Provided, further,* Any agency listed in subparagraph (a) (1) may transfer tires, tubes or camelback to any other agency listed in paragraph (a) (1) without obtaining such form.

§ 1315.809 [Revoked]

[§ 1315.809 revoked by Amendment 7, 8 F.R. 1585, effective 2-8-43]

OTHER PROHIBITED ACTS

§ 1315.901 *Offenses*—(a) *Mutilation and forgery of certificates.* No person shall without lawful authority willfully deface, mutilate, or destroy any certificate, receipt, authorization (whether issued or unissued), or any part thereof, and no person shall counterfeit or forge any such certificate, receipt, authorization, or any part thereof.

(b) *Illegal transfer of certificates.* No person shall transfer or assign and no person shall accept any transfer or assignment of any certificate, receipt, authorization (whether issued or unissued), or any part thereof, except in accordance with the provisions of Ration Order No. 1A.

(c) *Illegal use and possession of certificates.* No person shall use, possess, or control any certificate, receipt, authorization, or any part thereof, except the person or the agent of the person to whom such certificate, receipt, authorization (whether issued or unissued), or any part thereof, was issued or by whom it was acquired in accordance with the provisions of Ration Order No. 1A.

(d) *Possession of forged certificates.* No person shall without lawful authority transfer or accept a transfer of or have in his possession or under his control any forged, altered, or counterfeited certificate, receipt, authorization (whether issued or unissued), or any part thereof.

(e) *Illegal possession or use of tires.* No person shall possess, use, or permit the use of any tires, tubes or camelback (truck or passenger-type) acquired in violation of Ration Order No. 1A, and no person shall possess, use or permit the use of tires, tubes or camelback (truck or passenger-type) acquired under Ration Order No. 1A for any purpose in violation of Ration Order No. 1A.

[Paragraph (e) as amended by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(f) *Abuse of tires.* No person shall without lawful authority abuse, alter, damage, or neglect any tire, tube or camelback (truck or passenger-type) in his possession or control. Failure to make timely application for recapping or replacement shall constitute one form of abuse within the meaning of this paragraph.

[Paragraph (f) as amended by Amendment 12, 8 F.R. 2348, effective 2-20-43]

(g) *Speed limitation.* No person shall use or permit the use of tires or tubes in the operation of a motor vehicle at any rate of speed which is in excess of thirty-five (35) miles per hour. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the state mili-

tary forces organized pursuant to section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health, or safety: *Provided*, That this paragraph shall not be construed to authorize any such motor vehicle to be driven at a rate of speed in excess of that which is reasonable under the circumstances.

(h) *Tire Inspection Record.* No person shall use or permit the use of tires or tubes unless he has obtained and kept current the Tire Inspection Record as required by the Office of Price Administration or such records of tire inspection as are required by the Office of Defense Transportation.

(i) *Declaration of tires.* No person shall use or permit the use of tires or tubes on a motor vehicle unless he has filed a declaration of tires as required by the Office of Price Administration, the War Production Board or the Office of Defense Transportation.

(j) *Illegal use of gasoline.* No person shall use or permit the use of tires or tubes upon a motor vehicle for which gasoline has been obtained in violation of Ration Order No. 5C or for which gasoline or other fuel is used in violation of that order.

(k) *Violation of other orders.* No person shall use or permit the use of tires or tubes on a vehicle which he operates or controls in violation of any order, rule or regulation issued by the Office of Defense Transportation or other Federal agency.

(l) *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Ration Order No. 1A, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

(m) *Attempts.* No person shall solicit, offer, attempt, or agree to do, either directly or indirectly, any act in violation of Ration Order No. 1A.

RECORDS AND REPORTS

§ 1315.1001 *Records by boards, state and regional offices.* The Boards, State Directors, Regional Administrators and other administrative personnel of the Office of Price Administration shall maintain such records and file such reports in such form as may be required by the Office of Price Administration, Washington, D. C.

§ 1315.1002 *Posting names of successful applicants.* At intervals of not more than one week, a list of the names of the recipients of certificates issued during the previous week for Grade I tires or tubes shall be posted at the office of the board for public inspection and shall be released to the press. This requirement shall not apply to certificates issued to Army, Navy or government intelligence officers whose work requires secrecy.

[§1315.1002 as amended by Amendment 25, 8 F.R. 5483, effective 5-1-43]

§ 1315.1003 *Disposition of parts of certificates and receipts*—(a) *Certificates or receipts for tires, tubes or camelback.* A transferor of tires, tubes or camelback to whom a certificate is surrendered by an applicant or who receives an OPA Form R-12 (revised) receipt shall complete all the parts thereof and dispose of them as follows:

(1) *Part A.* Part A of OPA Form R-2 (Revised) and OPA Form R-46 shall be retained by the transferor as his record; Part A of OPA Form R-20 shall, within three days of the date of transfer of the tires or tubes, be sent to the issuing Board which shall retain it as its record; Part A of OPA Form R-10 (Revised) shall within five days of the date of transfer of the camelback be sent to the issuing State or district office which shall retain it as its record; Part A of OPA Form R-12 (Revised) shall be sent to the regional office for the area in which the transferor's principal place of business is located within fifteen (15) days from the end of each calendar month in which deliveries have been made, and Part A of OPA Form R-48 shall be retained by the recapper as his record.

[Paragraph (1) as amended by Amendment 7, 8 F.R. 1585, effective 2-8-43]

(2) *Part B.* Part B of OPA Form R-2 (revised), OPA Form R-20, OPA Form R-46, OPA Form R-12 (revised), OPA Form R-10 (revised) and OPA Form R-48, when transferred to a manufacturer for purposes of replenishment, shall be marked "void except for replenishment by ----------". The name of the first manufacturer to whom the Part B is surrendered shall be inserted in the blank and the Part B shall be used for replenishment only by such manufacturer. Parts B not used for replenishment must be retained by the manufacturer as his record.

(3) *Part C.* Part C of OPA Form R-2 (Revised) and OPA Form R-46 shall, within three (3) days of the date of transfer of the tires, tubes or camelback, be sent to the issuing Board, State or district office which shall retain it as its record. Part C of OPA Form R-20 and OPA Form R-12 (Revised) shall be retained by the transferor as his record.

[Paragraph (3) as amended by Amendment 7, 8 F.R. 1585, effective 2-8-43]

(4) *Part D.* Part D of OPA Form R-2 (revised), OPA Form R-46, OPA Form R-20, and OPA Form R-12 (revised) shall be retained by the transferee as his record.

(b) *Receipt for replaced tires or tubes.* OPA Form R-3 shall be retained by the Board as its record of the surrender of replaced tires or tubes.

(c) *File of certificates and receipts.* Every dealer, manufacturer, and warehouseman shall mintain a file of all certificates, receipts, or parts thereof which he is required to keep as his records.

(d) *Return of Parts B.* A recapper or repairer who has been authorized to acquire an allotment of recappable or repairable tires under § 1315.512 shall, on the fifth day of each calendar month, surrender to the State Director or District Manager who issued such authorization, Parts B of certificates, other than certificates for recapping service, received by him in exchange for the transfer of such recapped or repaired tires during the previous month. Such Parts B shall accompany the recapper's or repairer's monthly report required by § 1315.1010 (d). On or before September 30, 1943, he shall have surrendered to the State Director or District Manager Parts B of certificates representing a quantity of Grade III tires exchanged for those certificates equal to the number of recappable and repairable tires that he acquired under § 1315.512.

[Paragraph (d) added by Amendment 5, 8 F.R. 435, effective 1-20-43]

§ 1315.1004 [Revoked]

[§ 1315.1004 revoked by Amendment 33, 8 F.R 7670, effective 6-12-43]

§ 1315.1005 *Records and reports of transfers*—(a) *Records of transfers to and from dealers, manufacturers and warehousemen.* Every dealer, manufacturer and warehouseman shall keep true, accurate and complete records of all transfers of tires, new tubes or camelback to or by him: *Provided*, That no records need be kept of transfers permitted by § 1315.806 (d) relating to transfers for mounting or inspection. Such records shall show the sales price; date of transfer; the name of the transferee and

(1) If tires, other than recapped tires, are transferred, the number, size, type, and grade;

(2) If recapped tires are transferred, the number, size, type, and grade thereof and the type of camelback used in recapping the tires;

(3) If new tubes are transferred, the number, type, and size thereof;

(4) If camelback is transferred, the amount, type, and grade thereof; or

(5) If tires or new tubes are transferred for repair, information sufficient to identify the ownership of the tires or new tubes.

[Paragraph (a) as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43, and Amendment 33, 8 F.R. 7670, effective 6-12-43]

(b) [Revoked]

[Paragraph (b) revoked by Amendment 11, 8 F.R. 2030, effective 2-15-43]

(c) *Record of transfers upon authorization.* Any person who acquires or transfers, tires, tubes, camelback or replenishment portions of certificates pursuant to an authorization issued by the Office of Price Administration shall retain a copy of such authorization as part of his records.

[Paragraph (c) as amended by Amendment 11, 8 F.R. 2030, effective 2-15-43]

(d) *Manufacturer's records in lieu of Form R-12.* A manufacturer who transfers tires, tubes, or camelback pursuant to § 1315.808 and does not obtain a receipt therefor on OPA Form R-12 (revised) shall:

(1) Establish and maintain at his principal business office, for each transferee under § 1315.808, a separate file containing every invoice for shipment of tires, tubes or camelback to such transferee, which invoice shall be filed within ten days after the date of shipment covered thereby; and

(2) Show on such invoices the date of the transfer, the name and address of the purchaser and of the consignee (if different from the purchaser), the name of the carrier and the point to which shipment was made, and keep records showing proof of delivery and receipt of payment.

(e) *Records of temporary transfers of used tires.* Every person transferring tires temporarily pursuant to § 1315.802 (c) shall keep a record showing: (1) the purpose for which the transfer is made; (2) the serial number of the tire transferred; (3) the serial number of the tire temporarily replaced, if any; (4) the date the tire is transferred; (5) the name and address of the person to whom the tire is transferred; and (6) the date the tire is returned.

[Paragraph (e) added by Amendment 10, 8 F.R. 1839, effective 2-15-43 and amended by Amendment 23, 8 F.R. 4769, effective 4-15-43, Amendment 28, 8 F.R. 6735, effective 5-20-43 and Amendment 36, 8 F.R. 9018, effective 7-6-43]

(f) *Records of tires, tubes or camelback acquired by repossession.* Any dealer or manufacturer who acquires tires, tubes or camelback pursuant to § 1315.806 (o) shall notify his State or district office within ten days of the amount, type and grade of tires, tubes or camelback acquired.

[Paragraph (f) added by Amendment 20, 8 F.R. 4179, effective 4-6-43 and amended by Amendment 36, 8 F.R. 9018, effective 7-6-43]

§ 1315.1006 *Records and reports on camelback orders to recap Army and Navy tires*—(a) *Disposition of purchase orders and requisitions.* (1) A recapper who has a prime contract to recap Army, Navy, Marine Corps or Coast Guard tires and who requires camelback for this purpose shall make out the purchase order required by § 1315.804 (d) (5) in duplicate, showing upon its face the number or other identification of his prime contract with the War or Navy Department, shall forward one copy to the dealer or manufacturer from whom the camelback is to be acquired, and shall retain one copy in his files as his record. A recapper who is a subcontractor shall make out a purchase order in triplicate and shall submit one copy to the manufacturer or dealer in camelback, another copy to the prime contractor who shall approve the order in writing and forward it to the manufacturer or dealer in camelback, and shall retain the third copy in his files.

(2) When a manufacturer or dealer is also the recapper, he shall make out a requisition order setting forth the amount of camelback withdrawn and the date of withdrawal and shall retain it in his files.

(b) *Reports by camelback manufacturer or dealer.* (1) A manufacturer or dealer in camelback shall file a separate monthly report within fifteen (15) days from the end of each calendar month for each recapper to whom he has made any transfer of camelback pursuant to § 1315.804 (d) (5). Such report shall be filed with the Regional Office for the area in which the recapper is located and shall set forth the name and address of the prime contractor and the name and address of the subcontractor, if any, the numbers and dates of the purchase orders, and the amount and date of each shipment of camelback during such calendar month.

(2) When the manufacturer or dealer is also the recapper, he shall make out and file a monthly report within fifteen (15) days from the end of each calendar month with the Regional Office for the area in which he is located, stating the numbers and dates of the requisition orders, the amount of camelback used on such orders during the month, the dates when the recapped tires were shipped and the number of such tires.

§ 1315.1007 *Seller's inventories of tires and tubes.* Every person (except persons who are required to file an inventory of tires and tubes with the War Production Board) engaged in the business of selling tires, tubes or vehicles, and every person extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle, shall:

(a) Take a physical inventory of all unmounted tires and tubes in his possession or control on March 31, June 30, September 30 and December 31 of each year and keep a record thereof.

(b) File a report of such inventory on OPA Form R-17, in accordance with the instructions thereon.

[§ 1315.1007 amended by Amendment 20, 8 F.R. 4179, effective 4-6-43, and Amendment 33, 8 F.R. 7670, effective 6-12-43]

§ 1315.1008 [Revoked]

[§ 1315.1008 amended by Amendment 28, 8 F.R. 6735, effective 5-20-43, revoked by Amendment 33, 8 F.R. 7670, effective 6-12-43]

§ 1315.1009 *Production records of manufacturers.* Each manufacturer of camelback shall on the close of business on the last day of each calendar month take an inventory of all camelback in his possession or control and keep a record of his total production during such month. Each manufacturer of tires and tubes shall at the close of business on the last day of each calendar month record his total production of tires and tubes during such month.

§ 1315.1010 *Records and reports of camelback dealers, recappers and repairers*—(a) *Monthly inventory.* Each recapper or camelback dealer shall at the close of business on the last day of each calendar month take an inventory of all recapped tires and all camelback in his possession or control and keep a record of his total production of recapped tires and the amount of camelback used in recapping tires during the preceding month. Such record shall also indicate the number of tires recapped which were owned by the recapper and the amount of camelback used in recapping such tires.

[Section heading as amended by Amendment 5, 8 F.R. 435, effective 1-20-43]

(b) *Record of allotment of camelback.* Each recapper who has purchased an allotment of camelback pursuant to § 1315.508 shall keep records at his principal office and at each establishment where he operates molds capable of recapping tires showing the name and address of his supplier, the amount, type and grade of camelback he purchased, the date of purchase, the amount, type and grade of camelback that was transferred by his supplier to each of his establishments, and the date of such transfer. Each recapper who transfers camelback among his premises as provided in § 1315.804 (b) shall keep records at both the premises from which and to which the camelback is transferred, showing the address of each such premises, the date of transfer and the amount, type, and grade of camelback transferred.

(c) *Record of transfers of molds.* Each recapper who transfers a mold among his premises shall keep records at both the premises from which and to which the mold is transferred showing the address of each such premises, the date of transfer, the serial number, and the recapping capacity of the mold.

(d) *Reports by recappers and repairers.* Each recapper and repairer who has been authorized to acquire an allotment of recappable or repairable tires, as provided in § 1315.512, shall file monthly reports with the State Director or District Manager who issued the authorization, not later than the fifth day of the calendar month following the month covered by the report. Each report shall set forth in reference to such recappable carcasses and repairable tires respectively:

(1) The number on hand on the first day and the last day of the month.

(2) The number acquired during the month.

(3) The number recapped and repaired during the month.

(4) The number of such recapped and repaired tires transferred in exchange for certificates, other than certificates for recapping service, during the month.

(5) The number on hand on the last day of the month that have been recapped and repaired.

[Paragraph (d) added by Amendment 5, 8 F.R. 435, effective 1-20-43]

§ 1315.1011 *Preservation and filing of records.* Any person affected by this Ration Order No. 1A shall keep and file such additional records and reports as the Office of Price Administration may require. Any record required by Ration Order No. 1A, notwithstanding any amendment thereto, shall be preserved for not less than two (2) years, except that records of transfers for repair need be preserved only while the tires or new tubes to be repaired are in the possession of the repairer. Such records and any other records relating to tires, tubes or camelback shall be available at all times

for inspection by the Office of Price Administration.

[§ 1315.1011 as amended by Amendment 28, 8 F.R. 6735, effective 5-20-43]

§ 1315.1012 *Notice of legal proceedings.* Every person holding a certificate, part of a certificate or authorization shall, immediately upon the commencement of any legal action or proceeding involving such certificate, part of a certificate or authorization, notify the State or Regional Office for the area in which such action or proceeding is pending.

§ 1315.1013 *Report of violations*—(a) *By any person.* Any person may report a violation of this Ration Order No. 1A to a Board, District, State, or Regional Office of the Office of Price Administration or the Office of Price Administration, Washington, D. C. An official or employee of the office to which the report is made shall fill out a complaint (OPA Form R-4), secure the signature of the complainant, if possible, and transmit the complaint for investigation and action in accordance with the instructions of the Office of Price Administration.

(b) *By a Board.* Whenever a Board finds that an applicant has violated § 1315.901 (1), it shall immediately inform the nearest District Office of that fact in writing, transmitting all relevant documents with its report.

APPEALS

§ 1315.1101 *Who may appeal.* Any person whose application for a certificate, part of a certificate, authorization, or for adjustment of a tire inspection record under § 1315.704 has been denied in whole or in part by the action of a board, State Director, or Regional Administrator, or whose certificate, part of a certificate, or authorization has been revoked, cancelled, suspended, or modified by action of a board, State Director, or Regional Administrator, under Ration Order No. 1A, may appeal from such action or from any other adverse decision of a board.

[§ 1315.1101 as amended by Amendment 23, 8 F.R. 4769, effective 4-15-43]

§ 1315.1102 *Procedure.* Except for proceedings arising out of § 1315.653 an appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9, issued by the Office of Price Administration.

ENFORCEMENT

§ 1315.1151 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application or any other record, report, or certificate made pursuant to or required by the terms of Ration Order No. 1A, or who otherwise knowingly furnishes false information to a Board, inspector, or any other agent, employee or officer of the Office of Price Administration, or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 1A may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 1A may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

§ 1315.1152 *Suspension orders.* Any person who violates this Ration Order No. 1A may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any tires, tubes or camelback or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

§ 1315.1198 *Effective date of Ration Order No. 1A.* (a) Ration Order No. 1A (§§ 1315.151 to 1315.1198, inclusive) shall become effective December 1, 1942.

[Paragraph (a) as amended by Amendment 1, 7 F.R. 9724; effective 11-22-42]

(b) Ration Order No. 1A (§§ 1315.151 to 1315.1198, inclusive) supersedes War Production Board Supplementary Order No. M-15-c, as amended, and the revised tire rationing regulations, as amended: *Provided, however,* That any violations which occurred or rights or liabilities which have arisen prior to the effective date of this Ration Order No. 1A shall be governed by the orders, regulations, and amendments thereto, in effect at the time such violations occurred or such rights or liabilities arose: *And provided, further,* That the revised tire rationing regulations, as amended, shall remain in full force and effect in the territories and possessions of the United States until superseded by regulations or orders issued by the Office of Price Administration.

[Paragraph (b) amended by Amendment 3, 7 F.R. 10072, effective 12-1-42, and Amendment 14, 8 F.R. 2595, effective 3-1-43]

[Issued November 6, 1942]

§ 1315.1199 *Effective dates of amendments.*

[Effective dates of Amendments are shown in notes following the parts affected.]

NOTE: All reporting and record-keeping requirements of this ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11338; Filed, July 14, 1943; 3:18 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 116]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

In § 1340.159 (c) (6) (ii) Table I, the maximum price in Price Area S for 20.0°-24.9°, and 25.0° and above A. P. I. is amended to read $1.04.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11132; Filed, July 14, 1943; 3:25 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 413,[2] Amdt. 1]

HINGES AND BUTT HINGES

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 413 is amended in the following respects:

1. Section 7 (b) (1) (i) is amended to read as follows:

(i) *Shipments of 100 pounds or more.* On shipments of 100 pounds or more into Zone 1, the manufacturer shall bear all transportation charges which, in view of Supplementary Order No. 31, shall include the 3% Federal excise tax imposed on the transportation of property for hire under Section 620 of the Revenue Act of 1942. The maximum prices are, therefore, delivered prices at the destination.

"Zone 1" comprises the following states:

Connecticut.	Missouri.
Delaware.	New Hampshire.
District of Columbia.	New Jersey.
Illinois.	New York.
Indiana.	Ohio.
Iowa.	Pennsylvania.
Kentucky.	Rhode Island.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	West Virginia.
Michigan.	Wisconsin.
Minnesota.	

2. Section 7 (b) (2) is amended to read as follows:

(2) *Shipments into Zone 2.* On all shipments into Zone 2, the maximum prices are prices f. o. b. point of manufacture. However, the manufacturer shall pay the same proportion of the freight charges as he paid or would have paid on sales to purchasers of the same class on October 1, 1941. If the pur-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718.

[2] 8 F.R. 8948.

chaser pays the freight to the carrier, the maximum prices shall be reduced to the extent that the manufacturer is required to stand the burden of freight charges in accordance with the previous sentence.

"Zone 2" comprises the following states:

Alabama.	Nevada.
Arizona.	New Mexico.
Arkansas.	North Carolina.
California.	North Dakota.
Colorado.	Oklahoma.
Florida.	Oregon.
Georgia.	South Carolina.
Idaho.	South Dakota.
Kansas.	Tennessee.
Louisiana.	Texas.
Mississippi.	Utah.
Montana.	Washington.
Nebraska.	Wyoming.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11322; Filed, July 14, 1943; 3:22 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 401,[1] Amdt. 1]

CERTAIN CORN PRODUCTS FOR ANIMAL CONSUMPTION

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In section 4, the definition of "ear corn chops" is amended to read as follows:

"Ear corn chops" is corn and cob chopped with or without the husk and with no greater proportion of the cob, and husk being present than is present in the ear corn in its natural state.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11325; Filed, July 14, 1943; 3:17 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 427]

PROCESSED BEANS, MACARONI PRODUCTS AND NOODLE PRODUCTS

This Maximum Price Regulation No. 427 is issued by the Price Administrator in order to establish maximum prices for processed beans, macaroni products and noodle products at levels which are generally fair and equitable, and which will aid in stabilizing the cost of living. The statement of considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

§ 1351.356 *Maximum prices for processed beans, macaroni products and noodle products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Orders 9250 and 9328, Maximum Price Regulation No. 427 (Processed Beans, Macaroni Products and Noodle Products), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.356 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 427—PROCESSED BEANS, MACARONI PRODUCTS AND NOODLE PRODUCTS

CONTENTS

Sec.
1. Prohibition against dealing in processed beans, macaroni products and noodle products above maximum prices.
2. Maximum prices for processed beans, macaroni products and noodle products where the processor made and sold these items at any time during the period October 1, 1941, to March 31, 1942, inclusive.
3. Maximum prices for processed beans, macaroni products and noodle products where the processor's maximum price was originally established under § 1499.3 (b) of the General Maximum Price Regulation.
4. Maximum prices for new container types and sizes.
5. Inability to fix maximum prices.
6. Maximum prices for wagon wholesalers.
7. Maximum prices for primary distributors.
8. Fractions of a cent.
9. Customary allowances and discounts.
10. Evasion.
11. Enforcement.
12. Export and import sales.
13. Records and reports.
14. Relation to the General Maximum Price Regulation.
15. Petition for amendment.
16. Adjustable pricing.
17. Geographical applicability.
18. Definitions.

SECTION 1. *Prohibition against dealing in processed beans, macaroni products and noodle products above maximum prices.* (a) On and after July 20, 1943, regardless of any contract or obligation, no person shall sell or deliver any processed beans, macaroni products or noodle products and no person in the course of trade or business shall buy or receive any processed beans, macaroni products or noodle products at a price higher than the maximum price permitted by this regulation. Nor shall any person agree, offer, solicit, or attempt to do any of these things, except as provided in section 16.

(b) However, prices lower than maximum prices may be charged and paid.

SEC. 2. *Maximum prices for processed beans, macaroni products and noodle products where the processor made and sold these items at any time during the period October 1, 1941, to March 31, 1942, inclusive.* The processor's maximum price per sales unit, f. o. b. shipping point, for each brand, grade, variety, container type and size of processed beans, macaroni products, and noodle products to each class of purchaser thereof shall be:

(a) The weighted average price per sales unit, f. o. b. shipping point, charged by the processor for such item during the period October 1, 1941, to March 31, 1942, inclusive, hereinafter called the "base period"; plus

(b) The increase in the cost of all the ingredients thereof determined as follows:

(1) The cost per sales unit of the ingredients figured at the ceiling prices as of July 20, 1943, of the processor's principal supplier to the class of purchasers to which the processor belongs, or, if there are no ceiling prices, the March 1942 market prices; minus

(2) The sum of the weighted average actual cost per sales unit of each of the ingredients used to produce the same item during the base period.

The processor's "weighted average price" as used in paragraph (b) shall be the total gross sales dollars charged, f. o. b. shipping point, for the item being priced divided by the number of units of that item sold. All sales contracts made in the regular course of business during the base period shall be included, regardless of date of delivery. Sales contracts made before this period shall not be included, even though delivery was made during the period.

"Cost" as used in subparagraph (1), if the price of the processor's supplier is not a delivered price, means the price (ceiling or March 1942 market, as the case may be) plus cost of delivery of purchase in a usual amount to the processor's customary receiving point, from the customary shipping point by the usual mode of transportation.

A processor's "weighted average actual cost" as used in subparagraph (2) means his total cost of each ingredient figured on a delivered basis at his plant for the quantity used in producing all his processed beans, macaroni products and noodle products divided by the number of units in that quantity.

(c) *Delivered prices.* Any processor who regularly sold a purchaser an item covered by this section on a delivered price basis during the base period shall increase the maximum price for the item, figured f. o. b. shipping point under this section, by the amount of the transportation charge for that item which he

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7567.

added to his f. o. b. shipping point price during the base period. The resulting price is the processor's maximum delivered price for that purchaser.

However, any processor whose March 1942 transportation charge was based on the use of his own trucks, and who is now compelled to use a common or contract carrier, may add, instead, transportation charges figured by the new means of transportation, to the same destination and under the same freight tariff classification, but at the rate in effect during March 1942.

SEC. 3. *Maximum prices for processed beans, macaroni products and noodle products where the processor's maximum price was originally established under § 1499.3 (b) of the General Maximum Price Regulation.*[1] The processor's maximum price per sales unit for processed beans, macaroni products and noodle products where the processor's maximum price for such items was originally established under § 1499.3 (b) of the General Maximum Price Regulation shall be:

(a) The processor's maximum price authorized by the Office of Price Administration by order under § 1499.3 (b) of the General Maximum Price Regulation for such items, plus

(b) The increase in the cost of the ingredients thereof determined as follows:

(1) The cost per sales unit of the ingredients figured at the ceiling prices as of July 20, 1943, of the processor's principal supplier to the class of purchasers to which the processor belongs, or, if there are no ceiling prices, the March 1942 market prices; minus

(2) The ingredient cost as submitted to the Office of Price Administration in the application upon which the maximum price was established under § 1499.3 (b) of the General Maximum Price Regulation.

"Cost" as used in subparagraph (1), if the price of the processor's supplier is not a delivered price, means the price (ceiling or March 1942 market, as the case may be) plus cost of delivery of purchase in a usual amount to the processor's customary receiving point, from the customary shipping point by the usual mode of transportation.

SEC. 4. *Maximum prices for new container types and sizes.* The maximum price per sales unit to any class of purchaser for any brand, grade or variety of processed beans, macaroni products or noodle products packed in any container type or size which the processor did not sell during the applicable base period shall be figured as follows: He shall

(a) *Determine the base container.* If the processor sold the same product (that is, the same variety or kind, same grade, and same brand, if any) during the base period, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate the maximum price to that class of purchasers for the commodity under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container". If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar type" will be merely the container type which the processor is adding to or replacing, like the tin he may be replacing with glass. Where there has been only a size change "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(b) *Find the base price.* The producer shall take as the "base price" the maximum price which he may charge that class of purchasers for the item when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the processor's shipping point, the processor shall first convert it to a base price f. o. b. processor's shipping point simply by deducting whatever transportation charges were included in it.

(c) *Deduct the container cost.* Taking the base price f. o. b. shipping point, the processor shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the processor's plant, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include cost of filling, closing, labeling or packing.

(d) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(e) *Add the new container cost to get the price f. o. b. shipping point.* Next, the processor shall add to the adjusted figure the "direct cost of the container" in the new type and size.

(f) *Add tin to glass permitted increase.* In those cases only where the processor has made a change in his container type from tin to glass he shall finally add ⅔ cent per pound label weight of his finished product. If his maximum price for the item in the base container is an f. o. b. shipping point price the resulting figure is the processor's maximum price to that class of purchasers, f. o. b. shipping point.

(g) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the processor's maximum price for the item in the base container is a delivered price, he shall figure transportation charges to be added, as follows: the processor shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. However, if for any reason the commodity in the new container will move under a different freight tariff classification, he shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The processor shall then add these transportation charges to his f. o. b. shipping point price for the item in the new container. The resulting figure is the processor's maximum delivered price to that class of purchasers.

SEC. 5. *Inability to fix maximum prices.* If the processor's maximum price for any item cannot be priced under the provisions of the applicable pricing section, he may, at his election and if he is able, use the pricing formula set forth in paragraph (a) of this section to determine his maximum price, otherwise he shall make application for authorization of a maximum price under the provisions of paragraph (b) of this section.

(a) *Pricing formula.* The processor's maximum price per sales unit calculated under this paragraph shall be:

(1) His total "direct cost" per sales unit of the item being priced, calculated as follows:

(i) The total cost per sales unit of all ingredients and packaging materials subject to maximum prices established by the Office of Price Administration, figured at the current maximum prices applying to the class of purchasers to which he belongs; plus

(ii) The cost per sales unit of every ingredient and packaging material, for which no maximum price has been prescribed by the Office of Price Administration, figured at the current market price of the ingredient or packaging material in question; plus

(iii) The direct labor costs per sales unit figured at the October 3, 1942, wage rates or as adjusted and approved by the War Labor Board, between October 3, 1942, and July 20, 1943, applying to each class of direct labor employed in the manufacture of the item being priced; plus

(iv) Transportation charges by the usual mode of transportation, if the cost factors used in (i) and (ii) above are not delivered costs, and if such charges are customarily incurred from his customary supply point to his customary receiving point;

(2) Multiplied by a markup percentage determined as follows:

(i) The maximum selling price established under the General Maximum Price Regulation or other Maximum Price Regulation in effect at the time of the calculation reported under section 13 for the most closely comparable commodity produced by him with a cost structure similar to that of the item being priced, divided by

(ii) His current cost of ingredients, packaging materials and direct labor of that comparable commodity.

As used in this paragraph "most closely comparable commodity" means a food commodity which is most nearly similar and whose "direct cost" is closest to and in no event is less than two-thirds of the "direct cost" of the item being priced, and where similar methods are employed in its sale and merchandising to those which will be used in the sale and merchandising of the item being priced hereunder.

As used in this paragraph "current" means current at the time of calculating the maximum price under this paragraph.

(3) The markup percentage determined hereunder shall be used as the multiplying factor only if the computation thereof as prescribed results in a figure of 150% or less,—i. e., the maximum selling price determined under this paragraph for any item shall not exceed 150% of the cost of ingredients, packaging materials and direct labor thereof.

(4) The maximum price determined under the provisions of this paragraph (a) shall be subject to discounts, transportation allowances or other allowances and price differentials no less favorable than those given with respect to the comparable food commodity used in the calculation of the maximum price under this paragraph.

(5) In deciding whether items of labor cost are to be applied as separate items in figuring the price or are to be treated as overhead, the seller shall follow his customary practice. Thus, if a seller treated cleaning labor as an item of overhead in March 1942 he must continue so to treat it in figuring the maximum price.

(6) The seller shall employ no cost factors in addition to those which he used with respect to the comparable commodity by which he determined his percentage markup under subparagraph (2) and shall make no changes in the method of application of those factors which would result in a higher price.

(b) *Application for authorization.* In any case where a processor is unable to determine his maximum price under sections (2) or (3) of this regulation or does not elect or is unable to price under paragraph (a) of this section, he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price. His application shall set forth (1) a description in detail of the item for which a maximum price is sought, including its grade and the brand name to be used, if any, the number of packages in each shipping case, and a statement of the facts which make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price; (2) a detailed and itemized current cost breakdown of the item to be priced, showing separately all component cost factors (i. e., raw materials, direct labor, indirect labor, factory overhead, selling, advertising, and administrative cost, and freight if sold on a delivered basis), and the identical current cost breakdown of another commodity which contributes substantially to his total volume of business; (3) the desired selling price for the item, including a statement showing the necessity for the desired selling price, any discounts or allowances which should be made applicable to the desired price, and (for comparison) the maximum selling price, with discounts and allowances, for the second commodity included in clause (2), above; and (4) the method of distribution to be employed by the processor in marketing the new commodity (i. e., whether it is to be sold to wholesalers, retailers, consumers, or other classes of purchasers).

Until a maximum price is established, the applicant may not sell or deliver the item except under an agreement in each case to adjust the selling price to a figure no higher than the maximum price which is later established under this section.

SEC. 6. *Maximum prices for wagon wholesalers.* Wagon wholesalers shall determine their maximum prices per sales unit for each brand, grade, variety, container type and size of processed beans, macaroni products and noodle products by adding to their net cost thereof a markup of 25% of such net cost. These maximum prices shall be recalculated upon receipt of an item whenever there is any change in the net cost.

"Net cost" means the invoice price for processed beans, macaroni products and noodle products delivered in a customary quantity from a customary supplier by the customary mode of transportation at the wagon wholesaler's customary receiving point less all discounts allowed him, except the discount for prompt payment. No charge or cost for local unloading or local trucking shall ever be included.

A "wagon wholesaler" for the purposes of this regulation is a wholesaler who distributes processed beans, macaroni products or noodle products from an inventory stocked in trucks or other conveyances to retail outlets, or to commercial, industrial or institutional users. Such conveyances must be under the supervision of driver salesmen who make delivery at the time and point of sale.

Such wholesaler is a wagon wholesaler only for the processed beans, macaroni products and noodle products which he buys and resells in this manner.

SEC. 7. *Maximum prices for primary distributors.* The maximum price per sales unit which a primary distributor may charge for each brand, grade, variety, container type and size of processed beans, macaroni products and noodle products to each class of purchasers thereof shall be:

(a) The primary distributor's maximum price per sales unit to each class of purchasers for each brand, grade, variety, container type and size of processed beans, macaroni products and noodle products figured in accordance with the General Maximum Price Regulation, plus

(b) The difference between his supplier's maximum price for that item figured in accordance with this regulation and his supplier's maximum price for that item established under the General Maximum Price Regulation.

A "primary distributor" for the purposes of this regulation is one who purchases processed beans, macaroni products or noodle products from a producer thereof and resells them to wholesalers and retail distributing warehouses.

Such distributor is a primary distributor only for the processed beans, macaroni products and noodle products which he buys and resells in this manner.

SEC. 8. *Fractions of a cent.* Maximum prices as calculated under this regulation resulting in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and may be increased to the nearest higher cent if the fraction is one-half cent or more.

SEC. 9. *Customary allowances and discounts.* No processor shall change his customary allowances, discounts or trade practices unless such change results in the same or lower net price.

SEC. 10. *Evasion.* The pricing limitations set forth in this regulation shall not be evaded by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to any processed beans, macaroni products or noodle products alone or in conjunction with any other commodity or by way of any service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other understanding, or otherwise.

SEC. 11. *Enforcement.* Any person violating any provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and suspension of licenses provided for by the Emergency Price Control Act of 1942 as amended.

SEC. 12. *Export and import sales.* Maximum prices at which a person may export processed beans, macaroni products and noodle products shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration. Sales of processed beans, macaroni products and noodle products which have been processed outside of the geographical area to which this regulation applies are not covered by this regulation except in cases where the goods being priced are located within the area at the time of sale.

SEC. 13. *Records and reports.* Every processor who makes a sale of any item covered by this regulation shall:

(a) As long as the Emergency Price Control Act of 1942 as amended continues in effect, preserve for examination by the Office of Price Administration all his existing records which were the basis for the calculations required by this regulation.

(b) Preserve for the same period all records of the same kind as he has cus-

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 8 F.R. 4132, 5987, 7662.

tomarily kept relating to the prices charged for all processed beans, macaroni products and noodle products sold on and after July 20, 1943.

(c) File with the district or state office of the Office of Price Administration for the area in which he is located, within 30 days after the effective date of this regulation, a statement showing:

(1) For each brand, grade, variety, container type and size of every item which he has priced under this regulation, the weighted average price per sales unit figured f. o. b. shipping point which he received for such item sold during the base period (October 1, 1941, to March 31, 1942, inclusive), or the maximum selling price for the item authorized by order of the Office of Price Administration under § 1499.3 (b) of the General Maximum Price Regulation.

(2) The maximum prices which he figured for those items under this regulation. Where any maximum price is figured on a delivered basis, he shall also show his maximum price figured on an f. o. b. shipping point basis.

(3) A list of all his customary allowances, discounts and other price differentials.

(d) As long as the Emergency Price Control Act of 1942 as amended continues in effect, preserve at each plant a true copy of each such statement filed with the Office of Price Administration for examination by any person during ordinary business hours.

(e) Whenever he calculates a maximum price under section 4 or 5, file with the Office of Price Administration, Washington, D. C., a true copy of the calculations showing his determination of such maximum price. Such copy shall be filed within 10 days after the date of first sale of the item for which such maximum price is so calculated.

SEC. 14. *Relation to the General Maximum Price Regulation.* (a) This regulation supersedes the General Maximum Price Regulation, except that the following sections of the General Maximum Price Regulation, as well as amendments to them, shall apply to sales covered by this regulation.

(1) *Federal and state taxes* (§ 1499.7).
(2) *Sales slips and receipts* (§ 1499.14).
(3) *Registration* (§ 1499.15).
(4) *Licensing* (§ 1499.16).
(5) *Definitions and explanations* (§ 1499.20).

SEC. 15. *Petition for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of the Revised Procedural Regulation No. 1,* issued by the Office of Price Administration.

SEC. 16. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942 as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 17. *Geographical applicability.* This regulation applies only to the forty-eight states of the United States and to the District of Columbia.

SEC. 18. *Definitions.* (a) When used in this regulation the term:

"Processed beans" means dried beans of any variety cooked prior to packaging or in the package and packed with or without pork or sauce. Such beans shall also include dehydrated and frozen forms and may be packaged in any style container hermetically or non-hermetically sealed.

"Processed macaroni products and noodle products" means macaroni products and noodle products which have been cooked and combined with sauce.

"Macaroni products" means the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with water and with or without one or more of certain optional ingredients such as milk, whole wheat, soy flour, vegetables and salt and as further defined in the proposed order for Definitions or Standards of Identity of macaroni products of the Food and Drug Administration as printed in the FEDERAL REGISTER on December 22, 1942, 7 F.R. 10728 to 10734 inclusive. Plain noodles shall be deemed to be a macaroni product for the purposes of this regulation.

"Noodle products" means the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with liquid eggs, dried eggs, egg yolks, frozen yolks, or any combination of two or more of these with or without water and with or without one or more of certain optional ingredients such as milk, whole wheat, soy flour, vegetables and salt and as further defined in the proposed order for Definitions or Standards of Identity of noodle products of the Food and Drug Administration as printed in the FEDERAL REGISTER on December 22, 1942, 7 F.R. 10728 to 10734 inclusive.

(b) Unless the context otherwise requires, the definitions of section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used in this regulation.

Effective date. This regulation shall become effective July 20, 1943.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11326; Filed, July 14, 1943; 3:23 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53,[1] Amdt. 37]

LINSEED OIL SHORTENING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.151 (b) (17) (ii) is amended to read as follows:

(ii) September 1, 1943.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11324; Filed, July 14, 1943; 3:22 p. m.]

PART 1377—WOODEN CONTAINERS

[Rev. MPR 186,[2] Amdt. 8]

WESTERN WOODEN AGRICULTURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1377.110 (e) (3) is amended to read as follows:

(3) Metropolitan factories which make application by letter to the Lumber Branch, Office of Price Administration, Washington, D. C., may be authorized to make the special addition on local sales. Authorization will be granted by letter or order, and only those factories receiving authorization may make the addition.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11327; Filed, July 14, 1943; 3:18 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702, 8948, 9130, 9189, 9393, 9486, 9958, 10471, 10530, 11069; 8 F.R. 1200, 1972, 2875, 3251, 3784, 4335, 4348, 4349, 4514, 5267, 5566, 5589, 6359, 6843, 7568, 8011.

[2] 8 F.R. 1591, 3529, 3842, 4479, 6177, 7505, 8505, 8751.

[1] 8 F.R. 3313, 3533, 6173.

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

[Rev. MPR 139,[1] Amdt. 1]

USED HOUSEHOLD MECHANICAL REFRIGERATORS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 139 is amended in the following respect:

1. A new paragraph (e) is added in section 4 as follows:

(e) *Seasonal rentals.* Persons who rented refrigerators prior to April 1, 1942 for a period less than four months for use during that period in a resort community in households occupied by vacationers, shall compute their maximum prices in the manner provided by § 1499.103 (a) of Maximum Price Regulation No. 165.[2] The ceiling price for rentals on a seasonal basis by persons who did not rent refrigerators on a seasonal basis prior to April 1, 1942, is the price in line with level of seasonal rental prices, fixed by the Office of Price Administration after application to it for the fixing of such a price. No such persons may rent refrigerators on a seasonal basis until such an order has been issued.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11340; Filed, July 14, 1943; 3:17 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 219,[3] Amdt. 2]

NORTHEASTERN SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 219 is amended in the following respects:

1. Section 16 (b) is amended by the addition of subparagraph (11) to read as follows:

(11) Making any of the additions contained in the footnotes to the tables in Articles V to X inclusive, to the prices of the various items set forth in the tables unless the purchaser's order expressly requires the working, grade, condition, size, or length for which the additions are permitted.

2. Section 16 (b) is amended by the addition of subparagraph (12) to read as follows:

(12) Making an addition for double end trimming when standard lengths are ordered and shipped.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11342; Filed, July 14, 1943; 3:23 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 222,[1] Amdt. 1]

NORTHERN SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Article V, Table 13, is amended by inserting in parentheses after the caption "Mixed Northern Softwood Common Boards" the following words: (White pine, Norway pine, Eastern spruce and Jack pine).

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11341; Filed, July 14, 1943; 3:23 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[Rev. MPR 162]

CEILING PRICES FOR THE SALE AND RENTAL OF USED TYPEWRITERS

Maximum Price Regulation No. 162 is redesignated as Revised Maximum Price Regulation No. 162 and is amended to read as set forth below:

In the judgment of the Price Administrator, the maximum prices established by this revision of Maximum Price Regulation No. 162 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1398.71 *Ceiling prices for the sale and rental of used typewriters.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 162 (Ceiling Prices for the Sale and Rental of Used Typewriters), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1398.71 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

REVISED MAXIMUM PRICE REGULATION NO. 162—CEILING PRICES FOR THE SALE AND RENTAL OF USED TYPEWRITERS

SCOPE OF THIS REGULATION

Sec.
1. Purpose of this regulation.
2. Persons and transactions that are covered.
3. How this regulation relates to others.

CEILING RENTAL CHARGES FOR USED TYPEWRITERS

4. Base ceiling charges for typewriter rentals.
5. Applicability of 1-month and 3-month rates.
6. Ceiling rental charges for in-between periods.
7. Determination of rental period.
8. Rental delivery and pick-up charge.
9. Rental rates for special typewriters.
10. Rentals in territories and possessions of the United States.

CEILING PRICES FOR SALES OF USED TYPEWRITERS

11. Sales at retail.
12. Demonstrators.
13. Office-size typewriters.
14. Portable typewriters.
15. Wide-carriage typewriters.
16. Special typewriters.
17. Charges for credit, packing and transportation.
18. Sales in territories and possessions of the United States.
19. User-to-dealer sales.
20. Dealer-to-dealer sales.
21. Exports.

OTHER PROVISIONS

22. Definitions.
23. Statements and records.
24. Notices.
25. Licensing.
26. Prohibited practices.
27. Taxes.
28. Petitions for amendment.
29. Enforcement.
30. Geographical applicability.

Scope of This Regulation

SECTION 1. *Purpose of this regulation.* This regulation fixes ceiling prices for all sales and rentals of used typewriters. Regardless of any contract or other obligation, no person shall attempt, offer, or agree to sell or rent a used typewriter at a price or rate higher than the ceiling price or rate fixed in this regulation. A "used typewriter" is a typewriter which

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3706, 5484.

[2] 7 F.R. 6428, 6966, 8239, 8431, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5733, 6364, 8506, 8673.

[3] 8 F.R. 4948, 6620.

[1] 8 F.R. 8362.

has been in the possession of one or more users for more than 10 days and which has actually been used, or any typewriter which has been used far purposes of demonstration for more than 10 days; the words "used typewriter" include demonstrators and rough, reconditioned and rebuilt typewriters. Any other kind of typewriter is considered a new typewriter for purposes of this regulation. Generally, the word "typewriter" means any portable or office-size writing machine used for correspondence. A more exact definition will be found in section 22.

SEC. 2. *Persons and transactions that are covered.* This regulation covers all sales and rentals of used typewriters by any person to any other person including sales by an individual who is selling his own used typewriter and sales by auctioneers whether they sell for their own account or for the account of others. The word "person" includes: an individual, corporation, or any other organized group; their legal successors or representatives; the United States or any Government or any of its political subdivisions.

SEC. 3. *How this regulation relates to others*—(a) *Maximum Price Regulation No. 162.* This regulation supersedes the provisions of Maximum Price Regulation No. 162 after the effective date of this regulation.

(b) *General Maximum Price Regulation,*[1] *Maximum Price Regulation No. 188*[2] *and Maximum Price Regulation No. 165.*[3] This regulation covers all sales and rentals of used typewriters including a few models which until now were covered by the General Maximum Price Regulation. The rental of new typewriters and the sale of new typewriters by persons other than manufacturers are still covered by the General Maximum Price Regulation. Maximum Price Regulation No. 188 continues to govern the sale of new typewriters by manufacturers. Maximum Price Regulation No. 165 continues to govern the ceiling prices for the repair or maintenance of used typewriters if repair and maintenance is not in connection with a sale or rental.

(c) *Ration Order 4A.*[4] Ration Order 4A explains what sales and rentals of typewriters are permitted. This regulation does not authorize any transactions which are not authorized by the provisions of Ration Order 4A.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754.

[3] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

[4] 7 F.R. 10806; 8 F.R. 1065, 1588, 5172, 7384.

Ceiling Rental Charges for Used Typewriters

SEC. 4. *Base ceiling charges for typewriter rentals.* In the table below, a "non-commercial rental" means a rental of a typewriter for personal as opposed to business or professional use. "Commercial rentals" are all other rentals.

A "rental with maintenance service" is a rental which includes the supply when needed during the rental period of free service and maintenance at the place where the typewriter is used.

A "rental without maintenance service" is a rental which does not include the supply of such service and maintenance.

A "rental without maintenance service" is, of course, made at the option of the supplier.

Size	3 Days or less		½ Month (4 to 15 days)				1 Month (16 days to 1 month)				3 Months			
			With maintenance service		Without maintenance service		With maintenance service		Without maintenance service		With maintenance service		Without maintenance service	
	With maintenance service	Without maintenance service	Commercial	Non-commercial	Commercial	Non-commercial	Commercial	Non-commercial	Commercial	Non-commercial	Commercial	Non-commercial	Commercial	Non-commercial
Office-size typewriters:														
Under 14"	1.50	1.00	2.25	2.00	1.50	1.33	3.50	3.00	2.33	2.00	8.75	7.50	5.83	5.00
14" but under 16"	2.00	1.37	2.50	2.25	1.67	1.50	4.00	3.50	2.67	2.33	10.00	8.75	6.67	5.83
16" but under 18"	2.00	1.37	3.00	2.75	2.00	1.83	5.00	4.50	3.33	3.00	12.50	11.25	8.33	7.50
18" but under 22"	2.00	1.37	3.50	3.00	2.33	2.00	6.00	5.00	4.00	3.33	15.00	12.50	10.00	8.33
22" and over	2.00	1.37	4.75	4.25	3.17	2.83	8.50	7.50	5.67	5.00	21.25	18.75	14.17	12.50
Portable typewriters	1.50	1.00	2.25	2.00	1.50	1.33	3.50	3.00	2.33	2.00	8.75	7.50	5.83	5.00

SEC. 5. *Applicability of 1-month and 3-month rates.* The 1-month rate, prorated for the rental period, applies when the customer offers to contract for a rental period of more than 15 days and less than 3 months.

The 3-month rate, prorated for the rental period, applies when the customer offers to contract for a rental period of 3 months or more. No reduction in the rental rate need be made for cash in advance. It is not a violation of this regulation to make the payment of cash in advance, or a deposit for security, a condition of the renting of a typewriter.

SEC. 6. *Ceiling rental charges for in-between periods.* If the rental contract is for a period of more than 1 month and less than 3 months the charge may not exceed the 1-month rate prorated for the rental contract period. For example, if the contract specifies a 2-month commercial rental of an 11" office-size typewriter, the charge may not exceed $7.00 (2 x $3.50). If the rental contract is for a period which exceeds 3 months the rental charge may not exceed the 3-month rate prorated for the rental contract period. For example, if the contract specifies a 5-month non-commercial rental of a portable typewriter, the charge may not exceed $12.50 (or ⅓ of $7.50, multiplied by 5, the number of months).

SEC. 7. *Determination of rental period.* The rental period is the period specified in the contract or other writing required by section 23, unless a rental is terminated under the provisions of Ration Order 4A; in that case the rental period is the period during which the typewriter was available for use by the person to whom it was rented.

SEC. 8. *Rental, delivery and pick-up charge.* If a customer requests delivery and pick-up of a rented used typewriter, the supplier may add a reasonable charge for such service from and to his nearest place of business, provided this charge is billed as a separate item.

No charge may be made for packing rented typewriters for shipment.

SEC. 9. *Rental rates for special typewriters*—(a) *Electric carriage return.* 50% may be added to the rental charge for a used typewriter with an electric carriage return mechanism.

(b) *Electric keyboard.* 100% may be added to the rental charge for the rental of used typewriters with electric keyboard and electric carriage return mechanisms.

(c) *Special keyboard.* No service charge for type changes or other alteration may be made in connection with the rental of used typewriters, but 25% may be added to the rental charge for used typewriters which have one or more of the following features:

(1) Foreign keyboards with 8 or more special characters;

(2) Pitch other than 9, 10, or 12;

(3) Single case type designed for billing;

(4) American keyboards, designed for business purposes, with 8 or more special characters.

SEC. 10. *Rentals in territories and possessions of the United States.* 25% may be added to the ceiling rental charge for a rental in any territory or possession of the United States.

Ceiling Prices for Sales of Used Typewriters

SEC. 11. *Sales at retail.* A sale at retail is a sale to a person who buys the typewriter for use. Ceiling prices follow for all used typewriters, whether they are "demonstrators", or "rebuilt", "reconditioned", or "rough".

SEC. 12. *Demonstrators.* The base ceiling price for the sale at retail of a demonstrator is 80% of the manufacturer's list price of the typewriter when new. A "demonstrator" is a typewriter which has been in the possession of one or more users for a total time of more than 10 days and less than 6 months and which has been used; or any typewriter which has been used for more than 10 days and less than 6 months for purposes of demonstration; and on which the seller agrees to repair free of all charge, for a period of 12 months, any defects in operation caused by faulty materials, parts, or workmanship.

SEC. 13. *Office-size typewriters.* The base ceiling price for the sale at retail of a used office-size typewriter with a carriage 11" or less is the price set forth in the table which follows. As used in that table:

A "rebuilt" typewriter is one which has been dismantled and inspected since its last use and which meets the following specifications: all internal and external parts clean and free from rust, corrosion and flaws; main and carriage frame never bent nor broken; finish of main frame or mask approximately equivalent to new finish; working mechanism lubricated and adjusted to new-machine specifications; type whole, clear, accurately aligned; ribbon, typebar rest, platen surface, feed rolls, paper-finger or bail rolls new, and adjusted to give maximum performance; and on which the seller guarantees to repair free of all charge, for a period of 6 months, any defects in operation caused by faulty materials, parts, or workmanship;

A "reconditioned" typewriter is one which has been inspected since its last use and which meets the following specifications: all parts clean; internal parts free from rust, corrosion, flaws; working mechanism lubricated and accurately adjusted; type whole, clear, accurately aligned; ribbon new; platen, feed rolls and paper-finger or bail rolls of size, shape and adjustment to give positive feed, registration, and manifolding performance; and on which the seller guarantees to repair free of all charges for a period of 3 months any defects in operation caused by faulty materials, parts, or workmanship;

A "rough" typewriter is a used typewriter which is not a demonstrator or a rebuilt or reconditioned typewriter.

Make, model & serial number	Rough	Reconditioned	Rebuilt
BURROUGHS			
MANUAL CARRIAGE RETURN & SHIFT			
Without prefix A, any serial	$17.25	$32.25	$39.75
With prefix A			
to 109,500	26.50	41.50	49.00
109,501 to 169,000	40.00	55.00	62.50
169,001 to 231,500	43.50	58.50	66.00
231,501 to 271,500	48.00	63.00	70.50
271,501 to 395,000	54.25	69.25	76.75
395,001 up	69.25	84.25	91.75
ELECTRIC CARRIAGE RETURN & SHIFT			
Without prefix A, any serial	17.25	47.25	62.25
With prefix A:			
to 109,500	26.50	56.50	71.50
109,501 to 169,000	40.00	70.00	85.00
169,001 to 231,500	43.50	73.50	88.50
231,501 to 271,500	48.00	78.00	93.00
271,501 to 395,000	54.25	84.25	99.25
395,001 up	69.25	99.25	114.25
ELECTROMATIC			
[Base price for 10" or 11" carriage—add wide-carriage allowance]			
to 11,850	15.75	60.75	90.75
11,851 to 21,800	41.25	86.25	116.25
21,801 to 26,300	48.75	93.75	123.75
26,301 to 31,500	56.25	101.25	131.25
31,501 to 34,700	63.75	108.75	138.75
34,701 to 39,000	71.25	116.25	146.25
39,001 to 47,700	78.75	123.75	153.75
47,701 up	101.25	146.25	176.25
MONARCH STANDARD & NOISELESS			
Same as Remington Standard or Noiseless of similar model & serial number			
REMINGTON STANDARD			
No. 10, 11-R models:			
Straight serial numbers, no letter prefix	11.00	26.00	33.50
Two-letter prefix, first letter R. First digit 4, 5, 6, 7, 8, 9, 0, 1, 2 and later	11.00	26.00	33.50
No. 10, 11, L models and No. 11, 12, 20, 30; Two-letter prefix, first letter L or B:			
First digit 0, 1, 2, 3	11.00	26.00	33.50
First digit 4, 5	17.25	32.25	39.75
First digit 6, 7	23.50	38.50	46.00
First digit 8 and all-letter series	26.50	41.50	49.00
No. 12, 20, 30:			
Z100,000 to Z211,600	28.50	41.50	49.00
Z211,601 to Z316,500	28.75	43.75	51.25
Z316,501 to Z329,000	36.50	51.50	59.00
Z329,001 to Z336,500	40.00	55.00	62.50
Z336,501 to Z339,600	43.50	58.50	66.00
Z339,601 to Z342,700	48.00	63.00	70.50
Z342,701 to Z345,500	54.25	69.25	76.75
Z345,501 up	69.25	84.25	91.75
No. 16:			
Z400,000 to Z405,000	28.75	43.75	51.25
Z405,001 to Z438,500	36.50	51.50	59.00
Z438,501 to Z521,000	40.00	55.00	62.50
Z521,001 to Z566,000	43.50	58.50	66.00
Z566,001 to Z615,000	48.00	63.00	70.50
Z615,001 to Z646,700	54.25	69.25	76.75
Z646,701 up	69.25	84.25	91.75
No. 50, 60:			
W100,000 to W112,800	26.50	41.50	49.00
W112,801 to W126,500	28.75	43.75	51.25
W126,501 to W130,300	36.50	51.50	59.00
W130,301 to W139,500	40.00	55.00	62.50
W139,501 to W144,600	43.50	58.50	66.00
W144,601 to W149,200	48.00	63.00	70.50
W149,201 to W153,800	54.25	69.25	76.75
W153,801 up	69.25	84.25	91.75
No. 11:			
T10,000 to T12,000	40.00	55.00	62.50
T12,001 to T25,500	43.50	58.50	66.00
T25,501 to T36,000	48.00	63.00	70.50
T36,001 to T63,300	54.25	69.25	76.75
T63,301 up	69.25	84.25	91.75
No. 17:			
J100,000 to J154,400	54.25	69.25	76.75
J154,401 up	69.25	84.25	91.75
REMINGTON STANDARD-RENUMBERED			
No. 11:			
TR10,000 to TR10,400	28.75	43.75	51.25
TR10,401 up	36.50	51.50	59.00
No. 12, 20, 30:			
ZR300,000 to ZR312,900	20.25	35.25	42.75
ZR312,901 to ZR319,300	23.50	38.50	46.00
ZR319,301 to ZR322,600	26.50	41.50	49.00
ZR322,601 to ZR325,500	28.75	43.75	51.25
ZR325,501 up	36.50	51.50	59.00
No. 16:			
ZR 500,000 to ZR 502,200	20.25	35.25	42.75
ZR 502,201 to ZR 506,400	23.50	38.50	46.00
ZR 506,401 to ZR 510,700	26.50	41.50	49.00
ZR 510,701 to ZR 516,400	28.75	43.75	51.25
ZR 516,401 up	36.50	51.50	59.00
No. 50:			
WR 300,000 to WR 300,600	20.25	35.25	42.75
WR 300,601 to WR 301,000	23.50	38.50	46.00
WR 301,001 to WR 301,500	26.50	41.50	49.00
WR 301,501 to WR 301,750	28.75	43.75	51.25
WR 301,751 up	36.50	51.50	59.00

Make, model & serial number	Rough	Reconditioned	Rebuilt
REMINGTON ELECTRIC (FULL ELECTRIC KEYBOARD)			
Serial X, 1,000 up	$20.25	$50.25	$65.25
REMINGTON NOISELESS			
No. 5 Any serial	11.00	29.75	37.25
No. 6 Two-letter prefix, first letter Q:			
First digit 5	17.25	36.00	43.50
First digit 6, 7	23.50	42.25	49.75
First digit 8 and all-letter serial	26.50	45.25	52.75
No. 6 One-letter Prefix X:			
X100,000 to X157,300	26.50	45.25	52.75
X157,301 to X205,000	28.75	47.50	55.00
X205,001 to X234,000	36.50	55.25	62.75
X 234,001 up	40.00	58.75	66.25
No. 10 Prefix X or XD:			
X300,000 to X370,000	40.00	58.75	66.25
X370,001 to X398,000	43.50	62.25	69.75
X398,001 to X459,000	48.00	66.75	74.25
X459,001 to X500,000	54.25	73.00	80.50
X500,001 up	69.25	88.00	95.50
REMINGTON NOISELESS—RENUMBERED			
No. 6 Prefix XR or RX:			
XR 10,000 to XR 200,000	17.25	36.00	43.50
XR 200,001 to XR 213,000	20.25	39.00	46.50
XR 213,001 to XR 223,400	23.50	42.25	49.75
XR 223,401 to XR 224,400	26.50	45.25	52.75
XR 224,401 to XR 226,950	28.75	47.50	55.00
XR 226,951 up	36.50	55.25	62.75
No. 10 Prefix XR or RX:			
XR 300,000 to XR 303,400	36.50	55.26	62.75
XR 303,401 up	40.00	58.75	66.25
ROYAL STANDARD			
No. 1, 5, Any serial	11.00	26.00	33.50
No. 10, Q, X, SX, H, KH, KHM, KMM:			
to 950,000	17.25	32.25	39.75
950,001 to 1,125,000	23.50	38.50	46.00
1,125,001 to 1,340,000	26.50	41.50	49.00
1,340,001 to 1,520,000	28.75	43.75	51.25
1,520,001 to 1,610,000	36.50	51.50	59.00
1,610,001 to 1,833,000	40.00	55.00	62.50
1,833,001 to 1,990,000	43.50	58.50	66.00
1,990,001 to 2,166,000	48.00	63.00	70.50
2,166,001 to 2,482,000	54.25	69.25	76.75
2,482,001 up	69.25	84.25	91.75
ROYAL STANDARD-RENUMBERED			
Y prior to 40 series	26.50	41.50	49.00
Y 40 series and later	28.75	43.75	51.25
SY & CSY to 40 series	36.50	51.50	59.00
SY & CSY 40 series and later	40.00	55.00	62.50
HY & KHY prior to 40 series	43.50	58.50	66.00
HY & KHY 40 series and later	48.00	63.00	70.50
L C SMITH STANDARD			
No. 1, 2, 4 Any serial	11.00	26.00	33.50
No. 3-12", 3-14", 3-18", 5, 6-20", 6-26" any serial (Base price for 10" or 11" carriage—add wide-carriage allowance)	17.25	32.25	39.75
No. 7:			
to 21,600	11.00	26.00	33.50
21,601 to 23,017	17.25	32.25	39.75
23,018 to 25,067	23.50	38.50	46.00
25,067 up	26.50	41.50	49.00
No. 8 Standard & Superspeed:			
to 486,000	17.25	32.25	39.75
486,001 to 850,000	23.50	38.50	46.00
850,001 to 1,000,000	26.50	41.50	49.00
1,000,001 to 1,050,000	28.75	43.75	51.25
1,050,001 to 1,100,000	36.50	51.50	59.00
1,100,001 to 1,150,000	40.00	55.00	62.50
1,150,001 to 1,270,000	43.50	58.50	66.00
1,270,001 to 1,330,000	48.00	63.00	70.50
1,330,001 to 1,510,000	54.25	69.25	76.75
1,510,001 up	69.25	84.25	91.75
L C SMITH SILENT			
No. 8 Silent & Superspeed:			
to 1,150,000	40.00	58.75	66.25
1,150,001 to 1,270,000	43.50	62.25	69.75
1,270,001 to 1,330,000	48.00	66.75	74.25
1,330,001 to 1,510,000	54.25	73.00	80.50
1,510,001 up	69.25	88.00	95.50
L C SMITH STANDARD—RENUMBERED			
Prefix RA	23.50	38.50	46.00
Prefix RB	28.75	43.75	51.25
Prefix RC	40.00	55.00	62.50
SMITH PREMIER STANDARD			
No. 30, 50, 60:			
Two-letter prefix, first letter M, X, or W:			
First digit 0, 1, 2, 3	11.00	26.00	33.50
First digit 4, 5	17.25	32.25	39.75
First digit 6, 7	23.50	38.50	46.00
First digit 8 and all-letter series	26.50	41.50	49.00
One-letter prefix W—Same as Remington No. 50, 60.			

Make, model & serial number	Rough	Reconditioned	Rebuilt
UNDERWOOD STANDARD			
No. 4:			
to 1,900,000	$11.00	$26.00	$33.50
1,900,001 up	17.25	32.25	39.75
No. 5:			
to 1,900,000	17.25	32.25	39.75
1,900,001 to 2,330,000	23.50	38.50	46.00
2,330,001 to 3,635,000	26.50	41.50	49.00
3,635,001 up	28.75	43.75	51.25
No. 3-11", 3-12", 3-14", 3-16" (Base price for 10" or 11" carriage—add wide-carriage allowance)			
to 508,000	17.25	32.25	39.75
508,001 to 710,000	23.50	38.50	46.00
710,001 to 3,635,000	26.50	41.50	49.00
3,635,001 up	28.75	43.75	51.25
No. 3-18", 3-20", 3-26" (Base price for 10" or 11" carriage—add wide-carriage allowance)			
to 112,000	17.25	32.25	39.75
112,001 to 145,000	23.50	38.50	46.00
145,001 to 2,635,000	26.50	41.50	49.00
3,635,001 up	28.75	43.75	51.25
No. 68, Master, S-Master:			
to 4,085,000	28.75	43.75	51.25
4,085,001 to 4,290,000	36.50	51.50	59.00
4,290,001 to 4,440,000	40.00	55.00	62.50
4,440,001 to 4,610,000	43.50	58.50	66.00
4,610,001 to 4,800,000	48.00	63.00	70.50
4,800,001 to 5,155,000	54.25	69.25	76.75
5,155,001 up	69.25	84.25	91.75
UNDERWOOD NOISELESS			
to 3,880,000	28.75	47.50	55.00
3,880,001 to 3,900,000	36.50	55.25	62.75
3,900,001 to 3,944,000	40.00	58.75	66.25
3,944,001 to 3,960,000	43.50	62.25	69.75
3,960,001 to 4,800,000	48.00	66.75	74.25
4,800,001 to 5,155,000	54.25	73.00	80.50
5,155,001 up	69.25	88.00	95.50
WOODSTOCK STANDARD			
No 3, 4, 5:			
to 220,000	11.00	26.00	33.50
220,001 to 250,000	17.25	32.25	39.75
250,001 to 300,000	20.25	35.25	42.75
300,001 to 325,000	23.50	38.50	46.00
325,001 to 355,000	26.50	41.50	49.00
355,001 to 375,000	28.75	43.75	51.25
375,001 to 400,000	36.50	51.50	59.00
400,001 to 435,000	40.00	55.00	62.50
435,001 to 470,000	43.50	58.50	66.00
470,001 to 500,000	48.00	63.00	70.50
500,001 to 570,000	54.25	69.25	76.75
570,001 up	69.25	84.25	91.75
WOODSTOCK STANDARD-RENUMBERED			
Prefix RN any serial	36.50	51.50	59.00
Prefix RKS any serial	48.00	63.00	70.50
WOODSTOCK ELECTRITE			
to 347,000	17.25	47.25	62.25
347,001 up	20.25	50.25	65.25
All other office-size typewriters	8.50	23.50	31.00

SEC. 14. *Portable typewriters.* The base ceiling price for the sale at retail of a used portable typewriter is set forth in the table below. The words "rebuilt", "reconditioned" and "rough" are defined in the preceding section.

For the ceiling price, the seller shall supply a carrying case, except for models marked with an asterisk (*). If no carrying case is supplied the ceiling price must be reduced by 10%.

Model, Serial letters, and Serial numbers	Rough	Reconditioned	Rebuilt
BARR (BARR MORSE, MACY NO. 1)			
All	$26.35	$35.50	$38.50
CORONA (SMITH-CORONA)			
No. 3, 3T, 3X:			
to 613,500	7.50	15.50	17.50
613,501 to 663,000	9.75	17.50	19.50
663,001 to 693,000	12.00	19.50	21.50
693,001 up	13.75	21.50	23.50
No. 4 (without tabulator):			
E1 to E6 all	15.25	25.00	28.00
H1 to H6 all	15.25	25.00	28.00
1K to 6K all	15.25	25.00	28.00
1L to 6L all	15.25	25.00	28.00
1M to 6M all	20.00	29.50	32.50
1P to 6P all	20.00	29.50	32.50
1A to 6A all	20.00	29.50	32.50
1B to 5B all	20.00	29.50	32.50
1C all	26.35	35.50	38.50
1D to 6D all	26.35	35.50	38.50
1E to 6E all	26.35	35.50	38.50
1F all	26.35	35.50	38.50
L-P, L-A all	30.70	39.50	42.50

Model, Serial letters, and Serial numbers	Rough	Reconditioned	Rebuilt
CORONA (SMITH-CORONA)—Continued			
No. 4 (with tabulator):			
A, B all	$23.15	$33.50	$36.50
C, D, E, F, H, K, L all	27.50	37.50	40.50
M, L-P L-A all	34.85	44.50	47.50
No. 4A:			
15,000 to 5,500	12.00	19.50	21.50
No. 4X:			
4X 10,001 to 12,500	12.00	19.50	21.50
Junior:			
1J 1,001 to 4,000	18.35	27.50	30.50
1F-J 2,001 to 20,500	18.35	27.50	30.50
1F-JS 20,001 to 23,000	18.35	27.50	30.50
1F-JS 23,001 to 29,000	23.00	31.50	34.50
1F-JS 29,001 up	25.75	34.00	37.00
Zephyr:			
1Z all	23.00	31.50	34.50
Zephyr Deluxe:			
1Y to 13,500	23.00	31.50	34.50
1Y 13,501 up	25.75	34.00	37.00
Comet, Comet Deluxe:			
1W, 1N all	25.75	34.00	37.00
Smith-Corona to 1,034,000	23.15	33.50	36.50
1,034,001 up	27.50	37.50	40.50
Standard:			
1C, 2C, 3C to 160,500	26.35	35.50	38.50
1C, 2C, 3C 160,501 to 223,500	30.70	39.50	42.50
1C, 2C, 3C 223,501 up	34.00	42.50	45.50
1CR all	30.70	39.50	42.50
Silent:			
1S, 2S, 3S to 53,000	27.50	37.50	40.50
1S, 2S, 3S 53,001 to 79,500	34.85	44.50	47.50
1S, 2S, 3S 79,501 up	38.25	47.50	50.50
Sterling:			
1A, 2A, 3A to 29,000	27.50	37.50	40.50
1A, 2A, 3A 29,001 to 62,500	34.85	44.50	47.50
1A, 2A, 3A 62,501 up	38.25	47.50	50.50
1AR all	34.85	44.50	47.50
HERMES			
Baby, Featherweight:			
to 138,000	18.35	27.50	30.50
138,001 to 200,000	23.00	31.50	34.50
200,001 up	25.75	34.00	37.00
Model 2000:			
to 100,000	34.85	44.50	47.50
100,001 up	38.25	47.50	50.50
OLYMPIA			
All	18.35	27.50	30.50
REMINGTON (REMINGTON RAND, SMITH PREMIER)			
No. 1 & 2:			
(2 letters, 1st letter N):			
NA, NB, etc. to 80,000	15.25	25.00	28.00
NA, NB, etc. 80,001 to 90,000	20.00	29.50	32.50
(1 letter):			
V 100,000 to 411,500	20.00	29.50	32.50
V 411,501 up	26.35	35.50	38.50
No. 1, Deluxe, Quiet:			
P, 10,001 to 136,500	27.50	37.50	40.50
P, PD 135,501 to 178,000	34.85	44.50	47.50
P, PD 178,001 up	38.25	47.50	50.50
No. 3:			
BB 2,000 to 3,500	20.00	29.50	32.50
BB 3,501 up	26.35	35.50	38.50
No. 3:			
V 415,000 to 431,000	26.35	35.50	38.50
V 431,001 to 432,500	30.70	39.50	42.50
No. 3 Porto Rite:			
SR 5,001 to 15,000	20.00	29.50	32.50
SR 15,001 to 16,500	26.35	35.50	38.50
No. 3B, Simplified No. 3:			
C, MP, S, all	12.00	19.50	21.50
No. 4:			
V 500,000 to 525,000	20.00	29.50	32.50
No. 5, 5T (without tabulator) & Streamliner:			
V 10,000 to 10,500	26.35	35.50	38.50
V 600,001 to 604,000	20.00	29.50	32.50
V 604,001 to 770,500	26.35	35.50	38.50
V 750,501 to 760,000	30.70	39.50	42.50
V 760,001 to 956,500	26.35	35.50	38.50
V 956,501 to 973,500	30.70	39.50	42.50
V 973,501 to 1,116,500	34.00	42.50	45.50
V 1,116,501 to 1,137,000	25.75	34.00	37.00
B 25,001 to 78,000	30.70	39.50	42.50
B 78,001 up	34.00	42.50	45.50
No. 5T (with tabulator):			
V 525,001 to 528,000	23.15	33.50	36.50
V 528,001 to 599,000	27.50	37.50	40.50
No. 5 Smith Premier:			
VS 760,001 to 762,500	28.25	47.50	50.50
No. 9:*			
F 10,001 to 16,000	27.50	37.50	40.50
F 16,001 up	34.85	44.50	47.50
No. 101:			
A 10,000 to 11,500	38.25	47.50	50.50
Premier:			
P all	34.85	44.50	47.50
Bantam*			
Cadet*			
Monarch Pioneer*			

Model, Serial letters, and Serial numbers	Rough	Reconditioned	Rebuilt
REMINGTON (REMINGTON RAND, SMITH PREMIER)—Continued			
Pioneer*			
Remie Scout:*			
C, CA, CB, S all	$6.00	$12.00	$14.00
Compact:			
C to 39,000	9.75	17.50	19.50
C 39,001 up	12.00	19.50	21.50
Corsell Special:			
V C all	20.00	29.50	32.50
Junior:			
S to 225,500	13.75	21.50	23.50
S 225,501 up	16.50	23.50	25.50
Deluxe Junior, Smith Premier Jr., Remette, Remette Deluxe:			
C, CR, CQ, SD, VJ to 225,500	23.00	31.50	34.50
C, CR, CQ, SD, VJ, 225,501 up	25.75	34.00	37.00
Envoy:			
S, SD to 289,000	23.00	31.50	34.50
S, SD 289,001 up	25.75	34.00	37.00
Noiseless Junior:			
B all	18.35	27.50	30.50
Noiseless, Deluxe Noiseless:			
N 10,001 to 32,000	23.15	33.50	36.50
N 32,001 to 123,500	27.50	37.50	40.50
N 123,501 to 126,500	34.85	44.50	47.50
N 125,501 to 150,000	38.25	47.50	50.50
Noiseless Port. Deluxe:			
ND 150,001 to 180,500	34.85	44.50	47.50
ND 180,501 up	38.25	47.50	50.50
Noiseless No. 7,* 7T:*			
H 10,001 to 23,500	23.15	33.50	36.50
H 23,501 to 59,000	27.50	37.50	40.50
H 59,001 to 61,500	34.85	44.50	47.50
H 61,501 up	38.25	47.50	50.50
Noiseless No. 8:*			
E 10,001 to 16,500	23.15	33.50	36.50
E 16,501 to 37,000	27.50	37.50	40.50
F 37,001 to 38,000	34.85	44.50	47.50
F 38,001 up	38.25	47.50	50.50
ROYAL			
Safari:*			
F all	6.00	12.00	14.00
Junior, Sunset Sr., Backspace Jr.:			
FS, J, BJ, JC12,000 to 21,500	9.75	17.50	19.50
FS, J, BJ, JC21,501 to 66,500	12.00	19.50	21.50
FS, J, BJ, JC66,501 to 70,000	13.75	21.50	23.50
Mercury, Varsity, Companion:			
CM, D, E, C, UH, UR 70,001 to 112,500	23.00	31.50	34.50
CD, CM, D, D-88, DM, E 112,501 up	25.75	34.00	37.00
Arrow, Standard:			
P to 56,500	15.25	25.00	28.00
P, A 56,501 to 325,000	20.00	29.50	32.50
P, A, OT, O, C 325,001 to 742,000	26.35	35.50	38.50
P, O, C 742,001 to 927,000	30.70	39.50	42.50
C 927,001 up	34.00	42.50	45.50
Aristocrat, Deluxe, Speed King:			
A, P to 325,000	23.15	33.50	36.50
A, P 325,001 to 742,000	27.50	37.50	40.50
A, R, P 742,001 to 927,000	34.85	44.50	47.50
A, R 927,001 up	38.25	47.50	50.50
UNDERWOOD			
Three Bank:			
to 202,500	7.50	15.50	17.50
202,501 up	9.75	17.50	19.50
Junior:			
to 598,000	9.75	17.50	19.50
598,001 to 966,000	12.00	19.50	21.50
966,001 to 1,175,000	13.75	21.50	23.50
1,175,001 up	16.50	23.50	25.50
Ace Correspondent Leader Student:			
to 1,163,000	23.00	31.50	34.50
1,163,001 up	25.75	34.00	37.00
Universal, No. 4 (without tabulator):			
to 85,500	15.25	25.00	28.00
85,501 to 570,000	20.00	29.50	32.50
570,001 to 1,040,000	26.35	35.50	38.50
1,040,001 to 1,218,500	30.70	39.50	42.50
1,218,501 up	34.00	42.50	45.50
Champion, No. 4 (with tabulator):			
to 570,000	23.15	33.50	36.50
570,001 to 1,023,500	27.50	37.50	40.50
1,023,501 to 1,220,000	34.85	44.50	47.50
1,220,001 up	38.25	47.50	50.50
Noiseless No. 55, all	18.35	27.50	30.50
Noiseless No. 77* & Noiseless:			
to 577,500	23.15	33.50	36.50
577,501 to 968,000	27.50	37.50	40.50
968,001 to 1,179,500	34.85	44.50	47.50
1,179,501 up	38.25	47.50	50.50
All other portable typewriters	6.00	12.00	14.00

SEC. 15. *Wide-carriage typewriters.* If the used typewriter has a carriage wider than 11" there may be added to the retail ceiling price the following amounts:

Carriage width	Rough	Reconditioned	Rebuilt
Over 11" but under 14"	$3.75	$3.75	$3.75
14" but under 16"	7.50	8.75	8.75
16" but under 22"	15.00	17.50	17.50
22" and over	22.50	27.50	27.50

SEC. 16. *Special typewriters*—(a) *Attachments.* (1) If a new special attachment has been installed at the request of the purchaser, there may be added to the ceiling price an amount equal to the list price of the attachment established by the manufacturer, provided this charge is billed as a separate item. (2) If a used special attachment has been installed at the request of the purchaser, there may be added to the ceiling price an amount equal to 50% of the list price of the attachment established by the manufacturer, provided this charge is billed as a separate item. (3) No amount may be added to the ceiling price for attachments not ordered by and specifically installed for the purchaser.

(b) *Keyboards and type styles.* (1) If, in connection with the sale of a used typewriter, changes in type, characters or keyboard are made at the request of, and for the account of, an exporter or foreign buyer, there may be added to the ceiling price a conversion charge not exceeding the seller's ceiling price for such service determined under the provisions of Maximum Price Regulation No. 165 as amended,[5] provided this charge is billed as a separate item. The ceiling charge for such service is, generally, the highest price charged by the seller in March 1942. (2) In connection with the sale or rental of a used typewriter, no amount may be added to the ceiling price for special type, character, or keyboards not ordered by, and specifically installed for, an exporter or foreign buyer.

(c) *Electric carriage return.* On retail sales of used Underwood typewriters with electric carriage return and used Remington models 12, 16, 20, and 30 with electric carriage return, $15.00 may be added to the reconditioned ceiling price and $22.50 may be added to the rebuilt ceiling price. No amount may be added to the rough ceiling price.

SEC. 17. *Charges for credit, packing and transportation*—(a) *Credit.* No amount may be added to the ceiling price of a used typewriter as a charge for the extension of credit unless the amount charged the buyer is not greater than the charge made by the seller during the base period October 1–15, 1941, on the same unpaid balance for the same period of time. This charge must be billed separately. If the seller did not sell typewriters on credit during the base period, he may hereafter make a charge for credit, if the charge is billed separately and the amount is not greater than that made by the seller's closest competitor during the base period on the same unpaid balance and for the same period of time.

(b) *Packing.* No amount may be added to the ceiling price of a used typewriter for packing for shipment except as provided by the 2nd Maximum Export Price Regulation.[6]

(c) *Transportation.* In connection with the sale of a used typewriter the seller may charge for transportation or require the customer to pay transportation charges only if the seller customarily made such charge or required such payment on sales to the same class of customer in the same geographical location during the period October 1–15, 1941.

SEC. 18. *Sales in territories and possessions of the United States.* On the sale of a used typewriter in any territory or possession of the United States, the ceiling price may be increased by the cost of transporting, at the time of

[5] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8945, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

sale, a similar typewriter from the usual mainland shipping point.

SEC. 19. *User-to-dealer sales.* This section applies to used typewriters sold to dealers by individual users. Typewriters which were acquired for use may be sold to persons acquiring the typewriters for purposes of sale or rental at prices not exceeding ⅔ of the retail ceiling price.

SEC. 20. *Dealer-to-dealer sales.* This section applies to used typewriters sold by one dealer to another. Typewriters which were acquired for sale or rental may be sold to persons acquiring the typewriters for sale or rental at prices not exceeding ⅘ of the retail ceiling price.

SEC. 21. *Exports.* Ceiling prices for sales to an exporter and for export sales as defined by the 2nd Revised Maximum Export Price Regulation[6] are covered by the provisions of that regulation.

Other Provisions

SEC. 22. *Definitions*—(a) *"Typewriter".* A "typewriter" is any portable, office, commercial, noiseless or standard type of manually or electrically operated writing machine designed to be used for writing or copying letters or other documents and does not include Braille typewriters, telegraphically controlled writing machines, composing machines, toll billers, toy typewriters, machines with inbuilt features for handling or collating continuous forms, or front feed, vertical feed, electric duplicating, proportional spacing or right-margin justifying machines. To determine ceiling prices for machines excluded by this definition, refer to the General Maximum Price Regulation or other specific Office of Price Administration price regulations. Since this definition differs from that used in Ration Order 4A, refer to that order to determine which machines are under Office of Price Administration rationing control.

(b) *Other terms.* Definitions of other terms will be found in the regulation as follows:

(1) "Commercial rental": section 4.
(2) "Demonstrator": section 12.
(3) "Non-commerical rental": section 4.
(4) "Person": section 2.
(5) "Rebuilt": section 13.
(6) "Reconditioned"": section 13.
(7) "Rental period": section 7.
(8) "Rental with maintenance service": section 4.
(9) "Rental without maintenance service": section 4.
(10) "Rough": section 13.
(11) "Sale at retail": section 11.
(12) "Used typewriter": section 1.

SEC. 23. *Statements and records.* In connection with the sale or rental of a used typewriter (which the supplier had acquired for the purpose of rental or resale) the supplier shall furnish to the customer the following statements and shall keep, for so long as the Emergency Price Control Act of 1942 is in effect, the following records:

(2) *On rentals.* The supplier of a used typewriter for rental shall supply to the person renting the typewriter a contract, invoice or other writing which specifies the make, model and serial number of the typewriter rented; the contract period; the rental charge; the type of rental (rental "with" or "without maintenance service" and "commercial" or "non-commercial"; and the name and address of the person to whom the typewriter is rented.

The supplier shall keep for his record a carbon or other duplicate copy of this contract, invoice or other writing.

On all rentals except to the United States Government, the supplier of a used typewriter on rental shall insert on the contract, invoice or other writing the following statement: "The price charged for this rental is no higher than the ceiling fixed in Revised Maximum Price Regulation No. 162, which fixes ceiling prices for the rental of typewriters depending on the length of the rental period. Transportation charges may be added only if delivery and pick-up are requested by the customer."

(b) *On retail and dealer-to-dealer sales.* The seller of a used typewriter shall supply to the buyer a sales slip, invoice or other writing, which specifies the make, model and serial number of the typewriter sold; the grade of the typewriter sold (demonstrator, rebuilt, reconditioned, rough); the make, model, serial number and credit allowed for a typewriter if taken in exchange; the ceiling price; the price charged; the guarantee; and the name and address of the purchaser.

The seller shall keep for his record a carbon or other duplicate copy of this sales slip, invoice or other writing.

SEC. 24. *Notices.* Every person offering to supply for rent a used typewriter (which the supplier had acquired for the purpose of rental or resale) shall post a clearly legible sign which is no smaller than 11" by 17", and which is visible to customer traffic. This sign, copies of which may be obtained from district or regional offices of the Office of Price Administration, shall contain the following notice:

O. P. A. CEILING PRICES FOR THE RENTAL OF USED TYPEWRITERS

[With maintenance service]

	3 days	½ mo.	1 mo.	3 mos.
Commercial — pay no more than	$1.50	$2.25	$3.50	$8.75
Non-commercial — pay no more than	1.50	2.00	3.00	7.50

If you offer to make a 3-month rental contract, and to meet any credit and security terms permitted by OPA, the 3-month rate applies, prorated for the rental period.

Maintenance service is at the option of supplier. When maintenance service is not furnished, the rental rate is ⅓ less than the rates scheduled above.

Supplier may make an additional charge when:

The rented typewriter has a wide carriage.

Delivery and pick-up is requested by the customer.

The rented typewriter has a foreign keyboard or special type.

The rental is outside continental U. S.

For details: Consult Revised Maximum Price Regulation No. 162.

SEC. 25. *Licensing*—(a) *License required.* A license as a condition of selling and of renting is required of every person subject to this regulation selling or renting any used typewriters for which maximum prices are established by this regulation. No person whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell or rent any commodities or services as to which his license to sell or to rent is suspended.

(b) *License granted.* Every person subject to this regulation selling or renting any used typewriters for which maximum prices are established by this regulation is granted a license as a condition of selling or of renting such used typewriters. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. The license granted by this regulation became effective on October 14, 1942, or becomes effective when any person becomes subject to the provisions of this regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as this regulation or any applicable part, amendment or supplement remains in effect. The granting of this license does not, of course, relieve any person from the duty of filing the inventory report which is required of persons going into the typewriter business. That report is required by § 1398.134 of Ration Order 4A.

SEC. 26. *Prohibited practices.* The provisions of this regulation must not be evaded by any scheme or device or by any practice which has the effect of a higher-than-ceiling price. Among the practices prohibited are these:

(a) Refusing to permit persons renting typewriters to arrange for delivery from and to the supplier's place of business.

(b) Requiring a customer to pay in installments, or to buy or rent typewriters he does not want, or to buy or rent other goods, as a condition of acquiring a typewriter.

SEC. 27. *Taxes.* Any tax upon or incident to the sale or rental of a used typewriter may be added to the ceiling price provided the seller is permitted to state and does state the tax separately.

SEC. 28. *Petitions for amendment.* A person seeking any change in this Revised Maximum Price Regulation No. 162 or an exception to its terms may file a petition for amendment in accordance with the rules given in Revised Procedural Regulation No. 1,[7] issued by the Office of Price Administration.

SEC. 29. *Enforcement*—(a) *Liabilities.* Persons violating any provision of this Revised Maximum Price Regulation No. 162 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) *Communications.* Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 162 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

SEC. 30. *Geographical applicability.* This Regulation covers sales and rentals in the 48 states, the District of Columbia, and the territories and possessions of the United States.

Effective Date

This Revised Maximum Price Regulation No. 162 shall become effective July 31, 1943.

NOTE: The record-keeping provisions of this Revised Maximum Price Regulation 162 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11344; Filed, July 14, 1943; 3:20 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 55,[1] Correction]

MILEAGE RATIONING: GASOLINE REGULATIONS

The designations, § 1394.8215 (n) and (o), are corrected to read § 1394.8215 (l) and (m), respectively.

(Pub. Law 671, 76th Cong.; Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. 1, Supp. Dir. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11343; Filed, July 14, 1943; 3:16 p. m.]

PART 1405—FERRO ALLOYS

[MPR 258,[2] Amdt. 3]

CHROME ORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 258 is amended in the following respects:

1. In § 1405.114 (a) the provision as to maximum base price per gross ton is amended by inserting the words "at dock" immediately after the words "railroad cars" and before the words "New York".

2. In § 1405.115 (a) (1) the words "at dock" are inserted immediately after the words "railroad cars" and before the word "Baltimore".

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11334; Filed, July 14, 1943; 3:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION

Supplementary Regulation No. 14 has served as a repository for modifications of maximum prices for miscellaneous commodities and services otherwise governed by the General Maximum Price Regulation. Revised Supplementary Regulation No. 14 will continue to serve the same function.

The purpose of the revision is to provide a more logical and convenient arrangement and to simplify the form of the regulation. Those provisions which have become obsolete are eliminated. The remaining provisions, other than those relating to milk and milk products, are renumbered and grouped in Articles according to classes of commodities or services. They are continued in effect as of their original effective dates and, with respect to those heretofore amended, as of the effective dates of such amendments, with no change in application or meaning and with only such minor changes in form or language as have been necessary in order to accommodate them to the new arrangement. Future provisions of similar character may readily be fitted into appropriate Articles of the regulation.

The provisions on milk and milk products, constituting subparagraphs (1) and (1a) of paragraph (a) of Supplementary Regulation No. 14 (§ 1499.73), are not incorporated in the revised regulation but have been converted into a separate regulation which has been redesignated Supplementary Regulation No. 14A (§ 1499.73a).

Appendix A of this revised regulation consists of a table of cross-references which shows the present counterparts of the former provisions of Supplementary Regulation No. 14, their effective dates, and the amendments by which they were originally added or later amended.

A statement of the considerations involved in the issuance of this Revised Supplementary Regulation No. 14 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1499.73 *Modifications of maximum prices established by the General Maximum Price Regulation.* For the reasons above stated and under the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Orders Nos. 9250 and 9328, Revised Supplementary Regulation No. 14 (Modifications of Maximum Prices Established by the General Maximum Price Regulation), which is annexed hereto and made a part hereof, is hereby issued and the maximum prices established by the General Maximum Price Regulation are modified accordingly.

AUTHORITY: § 1499.73 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED SUPPLEMENTARY REGULATION NO. 14—MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY THE GENERAL MAXIMUM PRICE REGULATION

ARTICLE I—FOODS

Sec.
1.1 Fruit cake; sales by producers.
1.2 Holiday candy and chocolate covered cherries; sales by manufacturers.
1.3 Vanilla beans.
1.4 Halvah.
1.5 Oil meals and oil cakes.
1.6 Cane blackstrap molasses and beet sugar final molasses produced in the continental United States.
1.7 Roasted chicory.
1.8 Soybean, cottonseed, and peanut oil meals and oil cakes.
1.9 Coffee and coffee compounds sold in new containers.
1.10 Salt lake herring.
1.11 Oleomargarine sold in Oklahoma.
1.12 Bread and rolls.
1.13 Beef; retail prices may be established by order.
1.14 Bread crumbs.
1.15 Certain food and beverage specialty products.
1.16 Tea bags and packaged tea changed to weights and sizes required by Food Distribution Order No. 18; tea packers' maximum prices.
1.17 Canned fish flakes.
1.18 Edible cornstarch; sales to procurement agencies of the United States for the account of the Office of Lend-Lease Administration.
1.19 Pan bread in specified areas.
1.20 Sales of 5 cent confectionery items to and by owners, operators or lessors of vending machines.

ARTICLE II—BEVERAGES

2.1 Soft drinks.
2.2 Vintners' maximum prices for California grape wine.
2.3 Distillers' maximum prices for California grape spirits.

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[6] 8 F.R. 4132, 5987, 7662.

[7] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8180.

[2] 7 F.R. 9002; 8 F.R. 3371.

Sec.
2.4 Records, reports, and correction of maximum prices applicable to vintners and distillers subject to sections 2.2 and 2.3.
2.5 Bottlers' maximum prices for California grape wine.
2.6 Wholesalers' maximum prices for California grape wine.
2.7 Packers' maximum prices for California grape wine.
2.8 Retailers' maximum prices for California grape wine.
2.9 Wholesalers' maximum prices for California grape spirits.
2.10 Maximum prices for California grape wine and California grape spirits for sellers not specifically provided for.
2.11 Geographical applicability and definitions of terms used in sections 2.2 to 2.10, inclusive, relating to California grape wines and California grape spirits.
2.12 Imported distilled spirits and imported wines; permitted increase for new taxes.
2.13 Imported distilled spirits and all wines; automatic adjustments for monopoly states.
2.14 Fruit wines, berry wines and grape wines (other than California grape wines); permitted increase for new taxes.
2.15 Fruit wines, berry wines and grape wines (other than California grape wines).
2.16 Unfinished wines.
2.17 Packaged imported whiskey; sales by retailer off-premise licensees in the New York City metropolitan territory.

ARTICLE III—TEXTILES, LEATHER AND APPAREL

3.1 Used silk or nylon hosiery sold to Defense Supplies Corporation.
3.2 Cotton bale bagging sold by cotton oil mills (with and without ties).
3.3 Footwear.
3.4 Raw furs, skins, and peltries.
3.5 Manufacturers' prices for fall and winter outer clothing.
3.6 Twill jean cleaning cloths and frame cleaning equipment curtains; manufacturers' maximum prices.

ARTICLE IV—CHEMICALS, DRUGS AND PAINTS

4.1 Salt obtained from producers in Louisiana.
4.2 Shellac varnish.
4.3 Sales of natural oil of peppermint, natural oil of spearmint, and U. S. P. redistilled oil of peppermint.
4.4 Superphosphate.
4.5 Sulfuric acid sold on long-term contracts.
4.6 Charcoal.
4.7 Maximum prices for sales of defluorinated phosphate.
4.8 Synthetic propionic acid.

ARTICLE V—METALS

5.1 Silver salts.
5.2 Solder containing silver.
5.3 Virgin aluminum ingot; sales by Metals Reserve Company.
5.4 Semifabricated articles containing newly-mined domestic silver.
5.5 Silver other than newly-mined domestic silver.

ARTICLE VI—MISCELLANEOUS COMMODITIES AND SERVICES

6.1 Fat-bearing and oil-bearing animal waste materials.
6.2 Semi-vitreous china and pottery; sales by jobbers.
6.3 New commercial motor vehicles.
6.4 Remington "Envoy" portable typewriters; sales to consumers.
6.5 Vulcanized vegetable oil.
6.6 Imported pyrethrum flowers; sales under War Production Board directive.
6.7 Dog and cat foods; manufacturers' maximum prices of new packages.
6.8 Corrective eye glasses sold to the ultimate user and services involving the examination and refraction of eyes.
6.9 Chelsea cigarettes "20s".
6.10 "General Manager Type" grain doors.
6.11 Tear gas equipment.
6.12 Certain 5 and 10 cent sizes of cosmetics.
6.13 Hickory picker stick blanks, color no defect.
6.14 Elastic fabric sold by Defense Supplies Corporation.
6.15 Coir mats imported under contracts entered into prior to November 23, 1942.
6.16 Air-conditioning and refrigerating equipment of less than 25 h. p.; sales pursuant to War Production Board program.
6.17 Contract logging services in Oregon and Washington west of the crest of the Cascade Mountains.
6.18 Modification of maximum prices of commercial refrigeration and commercial refrigeration apparatus.
6.19 Twist tobacco.

ARTICLE VII—TRANSPORTATION SERVICES

7.1 Transportation of coal in barges along the Atlantic Coast.
7.2 Transportation of coal by motor vehicle from mines in Fayette, Westmoreland and Greene Counties, Pennsylvania.
7.3 Transportation of property in tank trucks.
7.4 Transportation of refined petroleum in tank trucks between points in Mississippi.
7.5 Transportation of fluid milk by motor truck.
7.6 Transportation of petroleum and petroleum products, in bulk, by barge along Gulf Intracoastal Waterway.
7.7 Transportation by motor vehicle within the New York City metropolitan area.
7.8 Transportation of fresh meat, meat products or packing house products and supplies from points of origin in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, West Virginia, or Wisconsin.
7.9 Transportation of rubbish, paving and asphalt materials and supplies, etc., for the City of Detroit.
7.10 Transportation by motor vehicle within the Chicago Metropolitan Area.
7.11 Transportation of property by carriers performing pick-up and delivery service for rail, motor, and waterline haul carriers.

ARTICLES VIII—STORAGE AND TERMINAL SERVICES

8.1 General provisions relating to storage and terminal services.
8.2 Dry storage services.
8.3 Cold storage services.
8.4 Bulk storage of liquid commodities.

ARTICLE IX—GENERAL PRICING PROVISIONS

9.1 Packers' maximum prices for commodities packed in new container types and sizes.
9.2 Accommodation sales at retail.
9.3 Sales covered by orders issued under regulations covering manufacturers' sales.

Appendix A: Table of Cross-References

Article I—Foods

SECTION 1.1 *Fruit cake; sales by producers.* (a) Producers of fruit cake who dealt in fruit cake of a comparable type in the period October 1 to December 31, 1941, inclusive, shall determine maximum prices to each class of purchaser as follows: Each producer shall ascertain the cost of ingredients and packaging materials as if such ingredients and packaging materials had been purchased in March, 1942. To the figure so obtained he shall add the difference between his average selling price to a purchaser of the same class and his average ingredient and packaging material cost for fruit cake of a comparable type sold by him during the period October 1 to December 31, 1941, inclusive. In computing the cost of ingredients and packaging materials as of March, 1942, each producer shall ascertain said costs from the highest prices quoted in March, 1942, by his usual supplier or suppliers; or, if no usual supplier was quoting prices in March, 1942, from prices quoted in March, 1942, by a seller of the same class as his usual supplier.

(b) A producer of fruit cake who did not deal in fruit cake of a comparable type in the period October 1 to December 31, 1941, inclusive, shall determine his maximum price to each class of purchaser applying the maximum price to the same class of purchaser of his most closely competitive seller selling a similar fruit cake.

(c) "Fruit cake of a comparable type sold by the producer in the period October 1 to December 31, 1941, inclusive," means a fruit cake (1) the ingredients of which would have had the same approximate total cost if such ingredients had been purchased in March, 1942, as the total cost of ingredients used in making the fruit cake for which a maximum price is to be determined if such ingredients had also been purchased in March, 1942, and (2) of the same weight when completed and ready for packaging as the fruit cake for which a maximum price is to be determined.

(d) "Similar fruit cake" means a fruit cake of approximately the same total cost of ingredients and packaging materials and of the same weight when completed and ready for packaging as the fruit cake for which a maximum price is to be determined.

SEC. 1.2 *Holiday candy and chocolate covered cherries; sales by manufacturers*—(a) *Maximum prices.* (1) The manufacturer's maximum price for holiday candy or for cholocate covered cherries to each class of purchasers shall be his cost of ingredients, packaging ma-

terial, and direct labor, computed at March, 1942, replacement prices, plus an average dollar-and-cents margin, as herein defined, obtained by the manufacturer between April 1, 1941, and March 31, 1942, on sales of holiday candy or chocolate covered cherries (whichever is being priced hereunder) of the same or the most nearly similar kind, sold to a purchaser of the same class: *Provided*, That in the case of fresh cherries, the manufacturer shall use, for purposes of calculating his cost, the actual cost to him of such ingredient.

(2) In those cases in which the manufacturer did not deal in the same or similar kind of holiday candy or chocolate covered cherries (whichever is being priced hereunder) between April 1, 1941, and March 31, 1942, the maximum price to each class of purchasers shall be the maximum price of the most closely competitive manufacturer of the same class for the same or the most nearly similar kind of holiday candy or chocolate covered cherries (whichever is being priced hereunder) sold to a purchaser of the same class.

(b) *Filing.* Before making any sales of holiday candy or chocolate covered cherries, each manufacturer shall file with the Office of Price Administration in Washington, D. C., a list of his maximum prices for such commodities (which he proposes to sell at prices computed hereunder) to each class of purchasers, together with a detailed description of such commodities for identification and a full explanation of the manner in which such maximum prices were computed under paragraph (a) above. If maximum prices have been determined under paragraph (a) (1) above, actual figures shall be submitted breaking down all component costs, i. e., ingredients, packaging material, and direct labor.

(c) *Definitions.* (1) "Holiday candy" is any candy which is manufactured and marketed specifically for such holidays or festivals as the following: St. Valentine's Day, Washington's Birthday, St. Patrick's Day, Easter, Mother's Day, Fourth of July, Halloween, Thanksgiving, and Christmas, and the form, color, or style of which definitely identifies it with the particular holiday or festival to the extent that such candies cannot readily be sold after the special occasion for which they were made.

(2) The manufacturer's cost of ingredients and packaging material "computed at March, 1942, replacement prices" shall be prices no higher than the highest prices charged to a purchaser of the same class by the manufacturer's usual suppliers during March, 1942, for such ingredients or packaging material, or, if no charge was made for such ingredients or packaging material by the manufacturer's usual suppliers, then "March, 1942, replacement prices" shall be prices no higher than the highest prices charged during March, 1942, to a purchaser of the same class by a seller of the same class as the manufacturer's usual suppliers. Direct labor "computed at March, 1942, replacement prices" shall be calculated at the rate of remuneration paid by the manufacturer to his employees engaged directly in the manufacture of the same or the most nearly similar kind of candy during March, 1942.

(3) "Average dollar-and-cents margin" of the manufacturer shall be determined by computing, for the period from April 1, 1941, to March 31, 1942, the difference between his average selling price and the average cost of ingredients, packaging material, and direct labor used in the manufacture of holiday candy or chocolate covered cherries (whichever is being priced hereunder). "Average selling price" and "average cost," as used in this definition, shall be an average weighted by the volume of units sold or purchased.

(d) *Adjustment of maximum prices.* Any price determined pursuant to this section shall be subject to adjustment at any time by the Office of Price Administration.

(e) *Applicability.* The provisions of this section shall be applicable to the 48 states of the United States and the District of Columbia.

SEC. 1.3 *Vanilla beans*—(a) *Maximum prices.* The maximum prices for vanilla beans shall be as follows:

	Dollars per pound f. o. b New York or Philadelphia
Mexican—Superior to Extra (Prime)	$11.00
Mexican—Cuts—First Quality	10.00
West Indies—Regular	10.00
Java—Firsts	9.50
Bourbons—Firsts	10.00
Tahiti—White Label	6.00
Tahiti—Yellow Label	5.75

In all cases the above descriptions apply to the best quality of each type and grade named. The maximum prices for grades and types not named shall be determined by applying the seller's differentials in effect during the period July–August 1941, or the differentials of the most closely competitive seller of the same class, if the seller had no established differentials during July–August 1941, for any grade or type of vanilla beans.

(1) The maximum prices quoted above are f. o. b. New York or Philadelphia. The maximum price f. o. b. any other point of entry will be determined by subtracting from the above prices the transportation charges per pound via the lowest cost available means of transportation from such point of entry to New York or Philadelphia, whichever is lower.

(2) The maximum delivered cost to the buyer shall be:

(i) If the beans are shipped from New York or Philadelphia, the maximum prices quoted above, plus actual transportation charges from New York or Philadelphia to the buyer's destination, or

(ii) If the beans are shipped to the buyer from a point of entry other than New York or Philadelphia, the f. o. b. point of entry price as determined under (1) above, plus actual transportation charges from such point of entry to the buyer's destination.

(iii) If the beans are resold, the maximum price at the point of resale, as determined in (i) or (ii) above, plus actually incurred transportation charges to the ultimate buyer's destination.

(3) The maximum prices herein established shall include all commissions and other charges.

(4) Premiums shall be allowed on small quantity sales of 50 pounds or less as follows:

(i) A primary dealer may add one per cent to the maximum price for beans established in paragraph (a) above on all sales of quantities of 50 pounds or less. "Primary dealer" means a person who buys for shipment from a producing country or one who acts as consignee or agent of a foreign shipper.

(ii) A person other than a primary dealer may add 10 percent to the maximum price established by paragraph (a) above on all sales of quantities of 50 pounds or less.

(b) *Permission to carry out contracts made prior to September 30, 1942.* Notwithstanding the provisions of paragraph (a) hereof, contracts entered into prior to September 30, 1942, may be carried out at contract prices: *Provided*, That these prices shall not exceed the maximum prices for vanilla beans as established by the General Maximum Price Regulation prior to the adoption of this section. Before delivering any vanilla beans under such contracts, persons shall file with the Office of Price Administration, Washington, D. C., the following information: (1) date of the contract, (2) the name and address of the buyer and seller, (3) the quantity, type, and grade of vanilla beans involved, (4) the cost of the vanilla beans to the seller, (5) the price contracted for with the buyer, and (6) the delivery date provided for in the contract.

(c) *Less than maximum prices.* Lower prices than the maximum prices established by this section may be charged, demanded, paid or offered.

(d) *Evasion.* The price limitations set forth in this section shall not be evaded, whether by direct or indirect methods in connection with the purchase, sale, delivery or transfer of vanilla beans, or by way of premium, commission, service, transportation or other charge, or by changing grade standards, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on September 30, 1942, or by any other means.

SEC. 1.4 *Halvah.* (a) The maximum price for halvah, sold and delivered by any seller, whether producer, wholesaler or retailer, shall be determined by adding 2½ cents per pound to the maximum price as determined under § 1499.2 of the General Maximum Price Regulation by any such seller, and the sum resulting shall be the adjusted maximum price for such seller.

(b) "Halvah" means all kinds of halvah, including plain, nut, and chocolate halvah made by the processing of ap-

proximately 50 percent ground hulled sesame seed with sugar, flavoring, and other ingredients resulting in a hardened paste-like confection.

SEC. 1.5 *Oil meals and oil cakes*—(a) *Sales in bulk*—(1) *Sales by a processor in less than carload lots; differential or margin over prevailing carload price.* The maximum differential or margin that a processor may charge over his prevailing carload price at his plant for sale of oil meal or oil cake in less than carload lots shall be $1.00 per ton in the case of sales to jobbers, wholesalers, and retailers and $3.00 per ton in the case of sales to persons other than jobbers, wholesalers, and retailers.

(2) *Sales by a jobber; profit margin over cost.* A jobber may charge the maximum profit margin or mark-up of 50 cents per ton.

(3) *Sales by a wholesaler; profit margin over cost.* If a wholesaler purchases from a processor, his maximum profit margin or mark-up shall be $2.50 per ton. If a wholesaler purchases from a jobber, his maximum profit margin or mark-up shall be $2.00 per ton.

(4) *Sales by a retailer; profit margin over cost.* If a retailer purchases from a processor, his maximum profit margin or mark-up shall be $5.50 per ton. If a retailer purchases from a jobber, his maximum profit margin or mark-up shall be $5.00 per ton. If a retailer purchases from a wholesaler, his maximum profit margin or mark-up shall be $3.00 per ton.

(5) *Maximum profit margins to be charged only once.* The maximum profit margins over cost specified in subparagraphs (2), (3), and (4) above may be charged only once, that is to say, on sales between jobbers or between wholesalers or between retailers, the applicable mark-up can be added only once.

(b) *Sales in sacks.* Where the jobber, wholesaler or retailer buys oil meal or oil cake unsacked and resells the same sacked, he may add to his maximum price as specified in paragraph (a) above, the replacement cost of sacks: *Provided*, That the total charge does not exceed $3.50 per ton.

(c) *Imported oil meals and oil cakes.* Where the jobber, wholesaler or retailer buys or imports oil meal or oil cake, he may add the actual duties paid, plus an additional 50 cents per ton to his maximum price as specified in paragraphs (a) and (b) above.

(d) *Profit margin includes all charges.* The profit margins as specified in paragraph (a) above includes, and no increases or charges shall in any manner be made for, brokerage, commissions, storage, insurance, extension of credit, carrying charges, handling charges or any other charges of any nature whatsoever.

(e) *Cost.* The cost to which the above specified profit margins may be added is as follows:

(1) In the case of the jobber, cost shall mean the actual price paid by him for each individual purchase. The price paid by the jobber's buyer (wholesaler or retailer, as the case may be) may include all applicable transportation charges provided that under no circumstances shall the jobber's profit margins or mark-up exceed 50 cents per ton.

(2) In the case of the wholesaler, the weighted average delivered price to him on deliveries at his warehouse or place of business for the period October 1, 1942, to October 31, 1942, both inclusive, shall be his cost for the period November 1, 1942, to November 30, 1942, both inclusive. For each succeeding month after November, 1942, his cost shall be the weighted average delivered price to him at his warehouse or place of business during the preceding calendar month. If no deliveries were made in any month, the costs shall be determined in the manner aforesaid on the basis of deliveries during the last preceding month in which deliveries were made. The price paid by the wholesaler's buyer (the retailer) may include all applicable transportation charges from the wholesaler's warehouse or place of business to the place designated by the retailer: *Provided*, That under no circumstances shall the wholesaler's profit margin or mark-up exceed, if he purchased from a processor, $2.50 per ton, or, if purchased from a jobber, $2.00 per ton.

(3) In the case of the retailer, the weighted average delivered price to him at his receiving point or points for the period October 1, 1942, to October 31, 1942, both inclusive, shall be his cost for the period November 1, 1942, to November 30, 1942, both inclusive. For each succeeding month after November, 1942, his cost shall be the weighted average delivered price at his warehouse or place of business during the preceding calendar month. If no deliveries were made in any month, the cost shall be determined in the manner aforesaid on the basis of deliveries during the last preceding month in which deliveries were made. Under no circumstances shall the retailer add any transportation charge from his receiving point to his buyer and under no circumstances shall the retailer's profit margins or mark-up exceed, if he purchased from a processor, $5.50 per ton; or, if he purchased from a jobber, $5.00 per ton; or, if he purchased from a wholesaler, $3.00 per ton.

(f) *Definitions.* (1) "Processor" means any person who by expeller, extraction or hydraulic process removes oil from soybeans, flaxseed, cottonseed, peanuts, sesame seeds, ivory nuts, palm kernels, coconuts, or other vegetable oil bearing materials, and in that process produces an oil meal or oil cake.

(2) "Jobber" or "dealer" means a person who buys oil meal or oil cake, whether in carlots or less than carlots, and resells the same without unloading into a warehouse.

(3) "Wholesaler" means a person who buys oil meal or oil cake and unloads his purchase into a warehouse and resells the same, except at retail.

(4) "Retailer" means a person who buys oil meal or oil cake and resells the same to a feeder or ultimate user.

(5) "Oil meal or oil cake" means the oil meal or oil cake produced in the manner hereinbefore described under the definition of processor.

(g) *Records and reports.* Every person making a sale or purchase of oil meals or oil cakes in the course of trade or business shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale or purchase showing: (1) the date thereof, (2) the name and address of the buyer and seller, (3) the product and the quantity bought or received, (4) the price charged and the method of computing it, listing separately all items of transportation charges and the mode of transportation. Such person shall submit such reports to the Office of Price Administration, and keep such other records, in addition to or in place of the records hereinbefore required, as the Office of Price Administration may from time to time direct.

(h) The provisions of this section shall be applicable to the 48 states of the United States and to the District of Columbia.

SEC. 1.6 *Cane blackstrap molasses and beet sugar final molasses produced in the continental United States*—(a) *Maximum prices.* The maximum prices for sales of cane blackstrap molasses and beet sugar final molasses produced in the continental United States by producers thereof and by distributors other than those exempted in paragraph (b) shall be the applicable maximum prices set forth in this paragraph (a), or the seller's maximum price as determined under §1499.2 of the General Maximum Price Regulation, whichever is higher: *Provided*, That a seller, once having elected to price his tank car lot sales of a type of molasses under § 1499.2 of the General Maximum Price Regulation, must also price his less than tank car lot sales of that type of molasses under § 1499.2. If, however, a seller elects to price his tank car lot sales of a type of molasses under subparagraph (1) below, he must then price his less than tank car lot sales of that type of molasses according to subparagraph (2) below.

(1) The maximum f. o. b. price shall be the applicable price f. o. b. the mill or factory, as specified below, for the area in which the mill or factory producing the molasses being sold is located. The maximum price for molasses delivered to the buyer shall be the applicable f. o. b. price set forth below, plus the charge at the lowest available rate for the transportation of an identical quantity from the mill or factory producing the molasses being sold to the buyer's place of business: *Provided*, That in no case may the seller add to the applicable f. o. b. price an amount in excess of the lower of the following:

(i) The exact charge, at the lowest available freight rate for the transportation of an identical quantity from the mill or factory producing the molasses being sold to the point designated by the buyer as his receiving point, or

(ii) The exact sum in dollars and cents actually paid for the transportation of the molasses being shipped, at the lowest available freight rate, from the mill or factory producing the molasses being sold to the buyer's designated receiving point.

Location of mill or factory	*F. o. b. mill or factory in tank cars*
Area No. 1	18 cents per gallon, 42° Baumé
Area No. 2	18¼ cents per gallon, 42° Baumé
Area No. 3	$20 per ton of 2,000 pounds
Area No. 4	$24.20 per ton of 2,000 pounds
Area No. 5	$33.20 per ton of 2,000 pounds

These areas shall be as follows:

Area No. 1—Louisiana, Florida, Texas, and Georgia.

Area No. 2—New York, Pennsylvania, Maryland, Massachusetts, and New Jersey.

Area No. 3—Oregon, Washington, and California.

Area No. 4—Idaho, Utah, Montana, Colorado, Wyoming, Kansas, South Dakota, and Nebraska, excluding Grand Island.

Area No. 5—Indiana, Michigan, Ohio, Wisconsin, Minnesota, Iowa, and Grand Island, Nebraska.

(2) The maximum prices set forth in subparagraph (1) shall be adjusted by the addition or subtraction, as the case may be, of a differential, if any, for sales in less than tank car lots. If during the period August 1, 1941, to March 31, 1942, (i) the seller customarily charged a differential over his tank car price for such sales, he may add to the applicable maximum f. o. b. tank car price set forth in subparagraph (1) an amount not higher than the highest differential charged by him during said period for the same type of molasses packed in the same type and size of container to a purchaser of the same class, or (ii) the seller customarily deducted a differential for such sales from his tank car price, he shall deduct from the applicable maximum f. o. b. tank car price set forth in subparagraph (1) an amount not less than the lowest differential charged by him during said period for the same type and size of container to a purchaser of the same class. If the seller's maximum prices for sales in less than tank car lots cannot be determined under the above provisions in this subparagraph (2), the seller's maximum prices for such sales in less than tank car lots shall be the highest price to each class of purchasers established by his most closely competitive seller under this subparagraph (2) for the same type of molasses packed in the same type and size of container.

Within 30 days from the effective date hereof, each producer of cane blackstrap molasses and beet sugar final molasses produced in the continental United States and each distributor thereof other than those persons exempted in paragraph (b) shall file with the Office of Price Administration, Washington, D. C., a complete list of his differentials over and under his tank car price, specifying the type of molasses, the type and size of container, and class of purchaser to which each applies.

(3) The maximum prices established by this paragraph (a) shall not be increased (i) by any charges for the extension of credit, or (ii) by commissions or any other charges.

(b) *Exempt sales.* This section shall not apply to:

(1) Sales at retail.

(2) Sales at wholesale by persons whose entire sales of cane blackstrap molasses and beet sugar final molasses during the period August 1, 1941, to March 31, 1942, were made in less than tank car lots, and

(3) Sales to and purchases by manufacturers of ethyl alcohol, butyl alcohol, and acetone or other solvents.

(c) *Definitions.* (1) "Cane blackstrap molasses" and "beet sugar final molasses" mean the final by-product from sugar manufacturing or sugar refining process after the extraction of all commercially available sucrose.

(2) "Continental United States" means only the 48 states and the District of Columbia.

SEC. 1.7 *Roasted chicory.* (a) The maximum prices *per roasted pound* for the best grade and quality roasted chicory in bulk, grown and harvested subsequent to 1941, shall be as follows:

(1) For sellers whose total bulk sales during the fiscal year 1941–42 did not exceed 4,000,000 pounds:

F. o. b. seller's factory shipping point, Port Huron, Michigan	$0.0885
F. o. b. seller's factory shipping point, New Orleans, Louisiana	0.0950

The maximum price at any other point of delivery shall be the maximum price at the factory shipping points listed above, plus transportation charges incurred from factory points to the point of delivery.

(2) For sellers whose total bulk sales during the fiscal year 1941–42 exceeded 4,000,000 pounds:

F. o. b. seller's factory shipping point	$0.0835

The maximum price at any other point of delivery shall be the maximum price at the factory shipping point listed above, plus transportation charges incurred from factory points to the point of delivery.

(3) Sellers who cannot determine their maximum prices under (1) or (2) hereof shall make application for a maximum price to the Office of Price Administration, Washington, D. C., giving: (i) an itemized statement of the applicant's costs of manufacturing and selling roasted bulk chicory, and (ii) a statement of the applicant's maximum price before the adoption of this paragraph (a).

(b) The maximum prices determined under the provisions of this paragraph (a) shall be the maximum prices for any quantity sold to any class of purchaser. But these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance or other price differentials may also be given when it results in a price less than the maximum price.

(c) "Chicory in bulk" means all roasted chicory, ground to any degree of fineness, except chicory packaged in containers of one pound or less.

(d) All sellers shall accompany their first delivery of roasted chicory to each customer at prices established herein with a statement of their maximum prices as established by the above paragraphs.

(e) The maximum price for the best grade and quality roasted chicory in packages of one pound or less, when sold by the processor or one other than a wholesaler or retailer as defined in Maximum Price Regulation No. 237 and Maximum Price Regulation No. 238 in any quantity and to any class of purchasers, customary discounts for cash or prompt payment deducted therefrom, shall be as follows:

(1) If prepared in granulated or powdered form at the rate of 18 cents per pound delivered at the buyer's customary point of acceptance, except when transportation expenses from processor's customary shipping point to such place exceeds one cent per pound, this price may be increased by the amount over one cent actually paid for such expenses using the cheapest transportation method available.

(2) If prepared in other than granulated or powdered form, such as in compressed tablets or rolls, such seller shall determine his maximum price by applying to the prices established for granulated or powdered form above the same dollars-and-cents differential charged for sales of compressed tablets or rolls in March, 1942.

(3) If the total maximum price for the amount in the seller's customary shipping case results in a fraction of one-half cent or more, it shall be raised to the next higher cent. If it results in a fraction of less than one-half cent, it shall be lowered to the next lower cent.

SEC. 1.8 *Soybean, cottonseed, and peanut oil meals and oil cakes*—(a) *Domestic soybeans, cottonseed, and peanut oil meals and oil cakes*—(1) *Sales by a processor in carload lots.* The maximum price for the sale or delivery of soybean, cottonseed, and peanut oil meals or oil cakes by a processor in carload lots shall be the highest price which he is permitted to charge on such sales or deliveries under and pursuant to contract heretofore executed between said processor and the Commodity Credit Corporation.

The highest price permitted by such processor's contract for the 1942 crop shall be the maximum price permitted by this section for all oil meal or oil cake produced by such processor whether made from cottonseed, soybeans or peanuts of the 1942, 1941 or any other crop heretofore grown.

(2) *Sales by a processor in less than carload lots.* The maximum price for the sale or delivery of soybean, cottonseed, and peanut oil meals or oil cakes by a processor in less than carload lots shall be: (i) in the case of sales to other than ultimate consumers, $1.00 per ton over his above specified maximum price for sales in carload lots; and (ii) in case

of sales to ultimate consumers, $3.00 per ton over his above specified maximum price for sales in carload lots.

(3) *Sales by a grinder.* The maximum price for the sale or delivery of soybean, cottonseed or peanut oil meals by a grinder shall be the maximum price of the processor (from whom the soybean, cottonseed or peanut oil cake was obtained) for a like sale of such oil meal (that is, the maximum price of the processor determined under subparagraph (1) or (2) above, as the case may be, dependent on the quantity sold), plus an addition at the rate of 50 cents per ton, plus actual or reasonable transportation charges, if any, incurred by the seller in respect to the lot sold.

(4) *Sales by a jobber.* The maximum price that a jobber may charge for the sale or delivery of soybean, cottonseed, and peanut oil meals or oil cakes in carload lots shall be 50 cents per ton (maximum mark-up) and in less than carload lots shall be $1.00 per ton (maximum mark-up) over the maximum price which he could lawfully have paid a processor for the quantity and quality purchased, together with actual or reasonable transportation charges incurred by the seller in respect to the lot sold.

(5) *Sales by a wholesaler.* The maximum price that a wholesaler may charge for the sale or delivery of soybean, cottonseed, and peanut oil meals or oil cakes shall be $2.50 per ton (maximum mark-up) over the maximum price which he could lawfully have paid the processor or jobber from whom he purchased (or if he purchased from any other class of person, over the maximum price which he could lawfully have paid a processor) for the quantity or quality purchased, together with actual or reasonable transportation charges incurred by the seller in respect to the lot sold.

(6) *Sales by a retailer.* The maximum price that a retailer may charge for the sale or delivery of soybean, cottonseed, and peanut oil meals and oil cakes shall be $5.50 per ton (maximum mark-up) over the maximum price which he could lawfully have paid to the processor, jobber or wholesaler from whom he purchased (or if he purchased from any other class of persons, over the maximum price which he could lawfully have paid a processor) for the quantity and quality purchased, together with actual or reasonable transportation charges incurred by the seller in respect to the lot sold.

(7) *Sales by others.* No ultimate consumer shall sell or deliver soybean, cottonseed or peanut oil meal or oil cake at a higher price than that of a retailer for a like sale or delivery: *Provided,* That no grower or ginner of cottonseed and no grower of soybeans or peanuts shall sell or deliver soybean, cottonseed or peanut oil meal or oil cake obtained from a processor in exchange for soybeans, cottonseeds or peanuts at a higher price than the maximum price of the processor with whom he traded for a like sale or delivery.

The maximum price for the sale or delivery of soybean, cottonseed, and peanut oil meals and oil cakes by: (i) any persons of a class not hereinbefore specifically mentioned and provided for; and (ii) any persons of a class hereinbefore specifically mentioned and provided for who purchased the same from a person of a like class, shall be the maximum price which his seller could lawfully have charged for a like sale or delivery.

(b) *Maximum prices for sales of imported cottonseed and peanut oil meals and oil cakes.* No person shall sell or deliver imported cottonseed or peanut oil meals or oil cakes at a higher price than could lawfully be charged for a like sale or delivery by a like class of seller of domestic cottonseed or peanut oil meals or oil cakes: *Provided,* That in the case of the first sale within the United States the seller can charge no more than he could lawfully charge if he had purchased the meal or cake in question from that domestic processor located at or nearest to the port of entry of the meal or cake in question: *And provided further,* That a mixed feed manufacturer in determining maximum prices under Maximum Price Regulation No. 378 on his mixed feed for animals and poultry shall calculate his "cost" of any imported cottonseed or peanut oil meals or oil cakes used therein at the maximum price thereof as above provided if he purchased the same within the United States or if he did not then at the maximum price thereof as above provided as if he were the first seller thereof within the United States to a buyer located at his production plant.

(c) *Premium for sacking.* Whenever any person buys soybean, cottonseed or peanut oil meal or oil cake unsacked and resells the same sacked he may add to his maximum price as hereinbefore specified the replacement value of the sacks not exceeding $3.50 per ton.

(d) *Profit margin includes all charges.* The maximum prices, differentials, and profit margins above specified include, and no increase or charges shall in any manner be made for, brokerage, commissions, storage, insurance, extension of credit, carrying charges, handling charges or any other charges of any nature whatsoever.

(e) *Definitions.* (1) "Grinder" means a person who buys soybean, cottonseed or peanut oil cake and processes or procures the processing of such cake into soybean, cottonseed or peanut oil meal and sells such oil meal.

(2) "Jobber" means a person other than a grinder who buys soybean, cottonseed or peanut oil meal or oil cake whether in car lots or less than car lots and resells the same without unloading into a warehouse.

(3) "Processor" means a person who by expeller, extraction or hydraulic process removes oil from soybeans, cottonseeds or peanuts and in that process produces soybean, cottonseed or peanut oil cake or oil meal.

(4) "Retailer" means a person other than a grinder who buys soybean, cottonseed or peanut oil meal or oil cake and resells the same to an ultimate consumer.

(5) "Soybean, cottonseed, and peanut oil meals or oil cakes" means the oil meal or oil cake produced in the manner hereinbefore described under the definition of processor.

(6) "Ultimate consumer" means a person who buys soybean, cottonseed or peanut oil meal or oil cake for the purposes of feeding the same to animals or poultry. It shall not include a grinder, a mixed feed manufacturer or a mineral mixed feed manufacturer.

(7) "Wholesaler" means a person other than a grinder who buys soybean, cottonseed or peanut oil meal or oil cake and unloads his purchase into a warehouse and resells the same, except at retail.

(8) "Transportation charges" shall include the tax imposed by section 620 of the Revenue Act of 1942 (Pub. Laws 753, 77th Cong., approved October 21, 1942) and said tax shall be deemed to be a part of and shall be included in said charges with like effect as if it were a like increase in the rate or amount charged by the carrier for the transportation in question. The provisions of Supplementary Order No. 31 issued by the Office of Price Administration on November 26, 1942, (Document No. 7632) shall have no application to this section.

(f) *Records and reports.* Every person making a sale or purchase of soybean, cottonseed or peanut oil meal or oil cake in the course of trade or business shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale or purchase showing: (1) the date thereof, (2) the name and address of the buyer and seller, (3) the product and the quantity bought or received, (4) the price charged and the method of computing it, listing separately all items of transportation charges and the mode of transportation. Such persons shall submit such reports to the Office of Price Administration, and keep such other records, in addition to or in place of the records hereinbefore required, as the Office of Price Administration may from time to time direct.

(g) The provisions of this section shall be applicable to the 48 states of the United States and to the District of Columbia.

(h) The provisions of section 1.5, shall, after December 29, 1942, apply only to oil meals and oil cakes other than soybean, cottonseed, and peanut oil meals and oil cakes.

SEC. 1.9 *Coffee and coffee compounds sold in new containers.* This section establishes maximum prices for brands of coffee or "coffee compounds" which were delivered or offered for delivery during March, 1942, in a metal or glass container but not in a paper or cardboard container, and which now or in the future are sold in a paper or cardboard container. A "coffee compound" is a blend of coffee with any other ingredient or ingredients in any proportions.

This section takes precedence over section 9.1 of this regulation as to coffee and coffee compounds sold in new containers.

"Maximum price," as used in this section, means the maximum price to a purchaser of the same class for the seller's customary unit of sale whether per case, per dozen or per can, jar, bag or the like.

(a) *Sales by manufacturers.* Manufacturers shall compute their maximum prices by applying either subparagraph (1) or subparagraph (2) which follow:

(1) The manufacturer shall subtract from his maximum price for coffee packed in metal or glass container two and three-fourths cents per pound; or

(2) The manufacturer shall (i) subtract from his maximum price for the coffee in the metal or glass container the "direct cost" of that container, and (ii) add to this figure the "direct cost" of the new paper or cardboard container. "Direct cost" means delivered cost of the container, label, cap, and outgoing shipping carton, but it does not include cost of filling, closing, labeling or packing. If this addition results in a fraction, it shall be raised or lowered to the nearest quarter cent.

The higher of these resulting figures shall be the manufacturer's maximum price for coffee or coffee compound in the new container.

(b) *Sales by wholesalers and retailers.* A seller at wholesale or retail of coffee or coffee compound for which the maximum price has been determined by the roaster in accordance with the provisions of this section shall determine his maximum price by applying the provisions of Maximum Price Regulation No. 237, if he is a wholesaler, and Maximum Price Regulation No. 238, if he is a retailer.

(c) *Report of prices.* Within 30 days after determining a maximum price under the provisions of this section, the manufacturer shall report this price to the Imported Foods Section, Office of Price Administration, Washington, D. C., in a statement which shall set forth (1) the brand and size of the coffee for which a maximum price is determined; (2) a brief description of the container in which the brand was delivered or offered for delivery in March, 1942, and a description of the new paper container, and (3) the maximum price or prices to each class of purchaser for the brand in metal or glass delivered in March, 1942, and the maximum price or prices to each class of purchaser for the brand in the new container.

If the manufacturer computes his price by applying (a) (2) above, his statement shall contain the following additional information: (4) the "direct cost" of the metal or glass container and (5) the "direct cost" of the new paper or cardboard container.

SEC. 1.10 *Salt lake herring*—(a) *First processor's maximum prices.* The maximum price of salt lake herring, f. o. b. the point of production, per 100 lb. keg, shall be the maximum price as determined under § 1499.2 of the General Maximum Price Regulation, plus 75 cents.

(b) *Final processor's maximum prices.* The maximum price per pound for salt lake herring, f. o. b. the manufacturing plant, shall be the maximum price as determined under § 1499.2 of the General Maximum Price Regulation, plus one cent.

(c) *Records and reports.* (1) Every first and final processor making a sale of salt lake herring, or otherwise dealing therein, after February 7, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale or transaction, showing the date thereof, the name and address of the buyer or recipient, the price contracted for or received, and the quantity sold or delivered.

(2) Every first and final processor shall (i) preserve for examination by the Office of Price Administration all his existing records from March, 1942, relating to sales of salt lake herring; (ii) file with the appropriate district or regional office of the Office of Price Administration on or before February 22, 1943, a statement showing the highest price per unit for which he sold or delivered salt lake herring during March, 1942, and the maximum prices determined hereunder for each container size and style of pack of salt lake herring; and (iii) preserve and keep such other records and submit such other reports to the Office of Price Administration, in addition to or in place of the records above specified, as the Office of Price Administration may from time to time require.

(d) *Definitions.* (1) "Salt lake herring" means a fish of the species of leucichthysartedi, caught in one of the following Great Lakes: Superior, Michigan, and Huron, and is back split, eviscerated, and preserved by salt packing in the usual container.

(2) "First processor" means any person who salts lake herring which are destined for future processing.

(3) "Final processor" means a person who repacks salt herring for sale in the form in which it is sold at retail.

SEC. 1.11 *Oleomargarine sold in Oklahoma*—(a) *Sales by wholesalers.* The maximum price that a wholesaler may charge for sales of an item of oleomargarine in the state of Oklahoma shall be the wholesaler's "net cost" of that item per pound, plus three cents for each pound.

(b) *Sales by a retailer.* The maximum price that a retailer may charge for sales of an item of oleomargarine in the state of Oklahoma shall be the retailer's "net cost" of that item per pound, plus four cents for each pound.

(c) *Definitions.* (1) "Oleomargarine" means all those products labelled and sold as oleomargarine.

(2) "Item" means any brand, kind, grade, container size and container type of oleomargarine. A separate maximum price shall be figured for each brand, kind, grade, container size and container type.

(3) "Wholesaler" means a person who buys oleomargarine and resells the same to commercial, industrial or institutional users or to retailers, located in the state of Oklahoma, without materially changing the form of the item.

(4) "Retailer" means a person who buys oleomargarine and resells the same to the ultimate consumer without materially changing the form of the item.

(5) "Net cost" means the amount paid for an item of oleomargarine delivered at the wholesaler's or retailer's (as the case may be) customary receiving point, less all discounts except the discount for prompt payment; however, no charge or cost for local unloading or local trucking shall be included. "Net cost" shall be based on the most recent purchase. A retailer may not base his "net cost" on purchases from another retailer. A wholesaler's "net cost" may not be based on purchases from another wholesaler.

SEC. 1.12 *Bread and rolls.* Notwithstanding any provision of any regulation or order heretofore issued by the Office of Price Administration to the contrary, no seller of bread or rolls need reduce his previous maximum price thereon by reason of any acts or omissions taken in compliance with any Food Distribution Order issued by the Food Distribution Administration of the United States Department of Agriculture: *Provided,* That any change in weight or in ingredients which reduces the value of such bread or rolls and is not specifically required by any such Food Distribution Order, shall require a corresponding change or establishment of a new maximum price for the new product as and in the manner provided in the General Maximum Price Regulation.

SEC. 1.13 *Beef; retail prices may be established by order.* The Office of Price Administration, or any duly authorized representative thereof, may by order establish specific maximum prices for sales of beef at retail in any area or locality. Any order establishing maximum prices issued under the authority of this provision will supersede the General Maximum Price Regulation with respect to the sales of beef subject to such order.

SEC. 1.14 *Bread crumbs*—(a) *Maximum prices.* (1) The maximum price or billing charge of every producer and of every other person for the sale or delivery of bread crumbs produced at a given production plant to any person other than an ultimate consumer or for the delivery of such bread crumbs to his distribution outlet shall be 10 cents per pound.

(2) The maximum price of every person or distribution outlet for the sale or delivery of bread crumbs to an ultimate consumer shall be 12½ cents per pound.

(3) To the foregoing maximum price, each seller of bread crumbs may add the actual packaging and transportation costs.

(4) If the figure resulting contains a fraction of one-half cent or more, it may be adjusted to the next higher cent, or if less than one-half cent, to the next lower cent.

(b) *Definitions.* (1) "Producer" means any person, firm or corporation operating a producing plant at which he manufactures or produces bread crumbs whether or not he also bakes the bread from which the crumbs are produced.

(2) "Ultimate consumer" is any person purchasing bread crumbs for use in prepared foods. However, it does not include cafes, cafeterias, hotels, and all other eating places purchasing bread crumbs for use in prepared foods sold or distributed to their customers and all institutions, public or private, purchasing bread crumbs for use in prepared foods for sale or distribution to their customers or inmates.

(3) "Billing charge" is the charge or entry as a part of the bookkeeping system of debits and credits made between different departments, branches or units of one concern or between different units of an affiliated group of concerns or organizations for services rendered or commodities produced by one and furnished or delivered by another.

(4) "Distribution outlet" means a department, branch or unit of one concern or a unit of an affiliated group of concerns or organizations which department, branch or unit performs a function equivalent to that of any other person in selling bread crumbs to ultimate consumers and which concern, concerns or organizations also deal in bread crumbs at other levels of distribution.

(5) "Bread crumbs" is the commodity heretofore known to the trade as such.

SEC. 1.15 *Certain food and beverage speciality products*—(a) *Applicability.* The provisions of this section shall apply only to those commodities listed in paragraph (i) hereof and only in those cases where the volume of the end-product of the new formula product is the same as or fairly equivalent to the end-product made from the old formula product.

(b) *Manufacturers' maximum prices.* (1) The maximum prices for sales and deliveries of the food and beverage specialty products hereinafter listed in paragraph (i), manufactured by the identical formula and sold in the same net weight containers as they were sold and delivered in during March 1942, shall be the maximum prices determined in accordance with the provisions of the General Maximum Price Regulation.

(2) On and after March 27, 1943, every manufacturer of a listed specialty product who since March 1942 has changed or who shall change his formula for the manufacture of such product either by the substitution, elimination or reduction of one or more of the ingredients thereof shall determine the maximum price of his new product as follows: He shall

(i) Calculate the current ingredient cost per his customary selling unit of all ingredients according to the formula used in March 1942 for the product which he sold in March 1942,

(ii) Calculate the current ingredient cost per his customary selling unit of all ingredients of his new formula for the product which he is pricing,

(iii) Subtract new formula ingredient costs from old formula ingredient costs ((ii) from (i)), and

(iv) Subtract the difference in ingredient costs as determined in (iii) from his previously established maximum selling price for his old formula product. The result shall be the manufacturer's maximum selling price per his customary selling unit for his new formula product. Fractions of one-half cent or more may be increased to the next higher cent and fractions of less than one-half cent shall be decreased to the next lower cent.

(3) Except as provided in paragraph (g) below, if the manufacturer's formula change results in the same or greater ingredient costs for his new formula product than for his old formula product, his maximum price of his new formula product shall remain unchanged from the maximum price of his old formula product.

(4) Discounts, allowances and terms, whether based on quantity, class of purchaser, or any other cause, shall be no less favorable to any purchaser of a new formula product of a listed specialty product than those in effect with respect to the same old formula product.

(c) *Maximum prices for sellers at wholesale and retail.* Sellers at wholesale and retail of any specialty product listed in paragraph (i) hereof shall not increase and they are not required to reduce their maximum prices established for that product under the General Maximum Price Regulation, regardless of any change in the net weight of such product which may result from a producer's formula change made under the provisions of this section.

(d) *Reports.* Every manufacturer who since March 1942 has made a change in his formula of a listed specialty product subject to the provisions of this section shall file with the Office of Price Administration, Washington, D. C., a statement showing (1) his actual current purchase price for each ingredient used to produce the product by the old formula, (2) the actual current purchase price for each ingredient used to produce the product by the new formula, (3) the name of his supplier of each ingredient, (4) his cost of such ingredients per his customary selling unit of the manufactured product for both the old and new formula, (5) his previous maximum selling price, and (6) his new maximum selling price. If the formula change was made prior to March 27, 1943, such statement must be filed within 15 days after such date. If the formula change is made on or after March 27, 1943, such statement must be filed within 5 days after the date of the first shipment of the new formula product.

(e) *Notification.* Whenever a formula change is made and a new maximum selling price is determined under the provisions of this section, the manufacturer making such change shall before or at the time of first delivery notify in writing each of the purchasers of the new formula product from him of his new maximum selling price.

(f) *Subsequent formula changes.* Each time a manufacturer makes a change in his formula of a listed specialty product he shall apply the provisions of this section to determine his new maximum prices of such product. Price changes, if any, shall always be in reduction of the maximum price for the product from which the change is made, except as may be otherwise authorized under paragraph (g).

(g) *Authorization of maximum prices.* In any case where a manufacturer by a subsequent formula change of a listed specialty product shall determine that his ingredient cost for such new formula product is greater than his ingredient cost for a previous new formula product the maximum price of which he has determined in accordance with provisions of this section, he may apply to the Office of Price Administration in Washington, D. C., for an authorization of a maximum price for his latest new formula product. Such application shall set forth (1) a description in detail of the product for which a maximum price is sought and wherein it differs from the product from which the change is made and (2) the current cost of ingredients of those two products. Such authorization will be given by the Price Administrator in writing prescribing the maximum price or a method of determining the maximum price for the applicant or for sellers of the product generally, including purchasers for resale, or for a class of such sellers. If authorization is given under the provisions of this paragraph (g), the maximum prices so authorized shall not exceed the maximum selling prices established for the product as produced and sold in March 1942.

(h) *Definitions.* (1) "Beverage mix preparations" means the dry or liquid product consisting of flavoring, coloring, acid, with or without sugar, without milk ingredients or with milk ingredients not exceeding 50 percent of the total weight or volume as packaged.

(2) "Dehydrated soup mixes" means the dry packaged product consisting of dehydrated vegetables, salt, sugar and seasonings, with or without alimentary paste products, and with or without capsules containing fats, vitamins or minerals, and with or without dehydrated meat or poultry particles.

(3) "Freezing mix preparations" means the liquid or semi-fluid product customarily sold in hermetically sealed containers, consisting of sugar and/or dextrose, flavoring, with or without fruit particles, coloring, salt, stabilizing colloid and/or any starch compound the entire combination being used to prepare frozen desserts.

(4) "Gelatin dessert preparations" means the dry packaged product consisting of sugar, gelatin, organic acid, coloring and flavoring.

(5) "Ice cream powders" means the dry packaged product consisting of sugar or dextrose, or both, milk powder, and/or skimmed milk powder, a stabilizing colloid, flavoring, coloring and salt. This definition shall also include ice cream powders with powdered rennin and sucrose.

(6) "Starch dessert preparations" means the dry packaged product consisting of sugar or dextrose or both, corn starch or other starches, or a combination of either, flavoring, coloring and salt. This definition shall also include rennin powdered dessert preparations.

NOTE: The above are general definitions to describe the commodities. The elimination of any ingredient specified, or the addition of any optional ingredient not specified does not exclude a product from the scope of the definition.

(7) "End-product" means the finished food or beverage prepared according to the directions on or in the container and as described by the manufacturer.

(8) "Ingredient cost" means the actual invoice cost of a customary quantity of any ingredient, plus delivery charge, if incurred, from the customary supplying point via the customary mode of transportation. In the absence of actual invoice cost, the potential cost may be substituted.

(9) "New formula" means the combination and proportion of ingredients which constitutes the new product and which, used according to the directions on or in the container, will produce the same or fairly equivalent volume of end-product as the old formula.

(10) "Old formula" means the combination and proportion of ingredients used to produce the listed specialty product in March 1942, or the combination and proportion of ingredients used to produce the product once calculated and reported under the provisions of this section where a subsequent formula change is involved.

(11) "Previously established maximum selling price" means the maximum selling price of the product as established by the General Maximum Price Regulation or by order of the Office of Price Administration, or as recalculated and reported under the provisions of this section where a subsequent formula change is involved.

(i) *Food and beverage specialty products covered by this section.* The following food and beverage specialty products, referred to in this section as listed specialty products, are covered by and the producers thereof shall be governed by the provisions of this section:

Beverage mix preparations.
Dehydrated soup mixes.
Freezing mix preparations.
Gelatin dessert preparations.
Ice cream powders.
Starch dessert preparations, including rennin powdered dessert preparations.

SEC. 1.16 *Tea bags and packaged tea changed to weights and sizes required by Food Distribution Order No. 18; tea packers' maximum prices*—(a) *For tea bags changed to 200 and 250 to the pound.* Packers who formerly packed tea in weights other than 200 to 250 tea bags to the pound and have changed them to those new sizes shall determine their maximum prices for such new weights of tea bags by calculating as follows:

(1) Calculate the total weight of tea in the shipping case containing the old size tea bags (tea bags packed other than 200 or 250 to the pound).

(2) Calculate the total weight of tea for the same number of *new size* tea bags (tea bags packed 200 or 250 to the pound).

(3) Subtract the smaller weight from the larger weight determined in (1) and (2).

(4) Multiply the difference in weight of tea found in (3) by the "cost per pound of tea." "Cost per pound of tea" shall mean the delivered maximum price per pound of bulk tea, used in the manufacturer's blend, determined in accordance with the provisions of §§ 1351.261 and 1351.262 of Revised Price Schedule No. 91 with ocean freight, war risk insurance and marine insurance computed at the lowest rates available on March 31, 1943.

(5) If the new size tea bags weigh more than the old size tea bags, add the figure obtained in (4) above, to the maximum price for the shipping case containing the old size tea bags. If less, subtract the figure obtained in (4).

(6) If the shipping case containing the new size bags does not contain the same number of tea bags as the shipping case containing the old size tea bags, the figure obtained in (5) above shall be changed in the exact proportion that the number of new size tea bags bears to the number of old size tea bags.

(7) If the price results in a fraction of one-half cent or more, it shall be raised to the next higher cent. If it results in a fraction of less than one-half cent, it shall be lowered to the next lower cent. The result of the above calculation shall be the maximum price for a shipping case of the new size tea bags.

Example: A tea packer desires to obtain a new maximum price on "XX" Brand Tea Bags formerly packed 175 to the pound of tea, in packages containing 25 tea bags each and sold in shipping cases of 24 packages at a ceiling price of $5.40, which he intends to pack 200 to the pound of tea, 25 bags to the package, 12 packages to the shipping case. He intends to use a blend of bulk tea which cost at maximum prices determined according to §§ 1351.261 and 1351.262 of Revised Price Schedule No. 91, 46½ cents per pound. He makes the following calculation:

(1) Weight of tea in the old size case of tea bags.	
25 tea bags in packages multiplied by 24 packages in case=600 tea bags.	
600 tea bags divided by 175 tea bags to the pound=3.42 lbs. of tea.	
(2) Weight of tea in the same number of new size tea bags. 600 tea bags divided by 200 tea bags to the pound=3 lbs. of tea.	
(3) Subtract from the weight of the tea in the old size tea bags (the larger figure)	3.42 lbs.
the weight of the tea in the new size tea bags (the smaller figure)	3. lbs.
	.42 lbs.
(4) Difference in weight of	.42 lbs.
Multiplied by the cost per lb. of tea	$.465
Total	$.19530
(5) The maximum price for the old size tea bags	$5.40
Less the figure obtained in (4)	.1953
	$5.2047

(6) Since the shipping container of the new size tea bags contains only 300 tea bags, we must take 300/600ths or ½ of $5.2047, the figure obtained in (5) which results in the figure $2.6023.

(7) Since 23/100ths of a cent is less than ½ cent, round out the figure of $2.6023 to $2.60.

(b) *For tea bags changed to 200 to the pound in packages containing 8, 16, and 48 tea bags; one ounce tea bags in packages containing multiples of 16 tea bags and packaged tea in 4 ounce and 1⅜ ounce packages.* Tea packers who formerly packed tea in weights and sizes other than (1) tea bags 200 to the pound in packages containing 8, 16 and 48 tea bags, (2) one ounce tea bags in packages containing multiples of 16 tea bags or (3) packaged tea in 4 ounce or 1⅜ ounce packages, and now change to such new weights or sizes shall determine their maximum prices for such new weights or sizes by calculating as follows:

(1) *Tea bags.* (i) Calculate the present (GMPR) maximum price per tea bag in old weight or size.

(ii) Add to or subtract from the maximum price per tea bag in old weight or size (result of (i)) the differential for this new weight or size as shown in Table No. 1.

(iii) For maximum price per case or other unit multiply maximum price per new size tea bag (result of (ii)) by number of tea bags to be used in new size case or unit.

Example

Old size pack: 36/10's, 250 tea bags to the pound. Maximum price $2.55.

New size pack: 36/8's, 200 tea bags to the pound.

1. 36×10=360 tea bags in old size unit pack, $2.55÷360=$.00708, maximum price per tea bag.

2. $.00708+$.00070 (the differential from Table 1)=$.00778.

3. $.00778×288 (number of bags in new size case)=$2.24 maximum price per new case.

(2) *Packaged tea; 1⅜ oz. size.* (i) Calculate the present (GMPR) maximum price of the old size per dozen packages.

(ii) Add to or subtract from this maximum price of the old size per dozen packages (result of (i)) the differential as shown for the new size in Table No. 1.

(iii) For a maximum price per case or other unit multiply (result of (ii)) maximum price per dozen of the new size by number of dozen packages to be used in new case or unit.

Example

Old size pack: 36/1⅛ oz. packages, maximum price, $2.50.

New size pack: 36/1⅜ oz. packages.

1. $2.50÷3 (number of dozen in old size pack)=$.83⅓ per doz.

2. $8.83⅓ − $8.06 (the differential from Table 1) = $8.77⅓.

3. $8.77⅓ × 3 (the number of dozen in new size pack) = $2.32, new maximum price per case.

(3) *Packaged tea; 4 oz. size.* (i) Calculate the present (GMPR) maximum price of the old size for one pound.

(ii) Subtract from maximum price per pound of old size packages (result of (i)) the differential shown for the new size in Table No. 1.

(iii) For a maximum price per case or other unit multiply the maximum price per pound of the new size package (result of (ii)) by the number of pounds to be used in the new size case or unit.

Example

Old size pack: 24/3 oz. package, maximum price, $3.70.

New size pack: 24/4 oz. packages.

1. 24×3 oz. = 72 oz. or 4½ pounds.

$3.70 ÷ 4½ pounds = $8.8222 per pound.

2. $8.8222 − $.01 (the differential from Table 1) = $8.8122.

3. 24×4 oz. (the new size) = 96 oz. or 6 pounds.

$8.8122 × 6 pounds = $4.87 maximum price per new pack.

(4) In calculating new maximum prices of the tea bags or tea packages as provided herein, all calculations shall be carried to the fifth decimal place of a dollar. Where the maximum price resulting from the calculations for the unit to be sold contains a fraction of one-half cent or more it shall be raised to the next higher cent. Where it results in a fraction of less than one-half cent, it shall be lowered to the next lower cent.

(5) If the maximum price for any size and weight of tea cannot be determined under this section, the tea packer's maximum prices for such weight and size shall be as specifically authorized by order of the Price Administrator after application. A packer who seeks such authorization shall file with the Office of Price Administration, Washington, D. C., an application for adjustment in the manner prescribed by the provisions of Revised Procedural Regulation No. 1, setting forth: (1) all his old sizes of the brand of packaged tea and tea bags and their maximum prices, (2) the new size.

TABLE I

If the new size is 8's (200 to the pound) tea bags:
Add the following amount per tea bag:

If old size is 8's packed 250 to the pound	$.0005
If old size is 9's packed 200 to the pound	.0001
If old size is 9's packed 250 to the pound	.0006
If old size is 10's packed 200 to the pound	.0002
If old size is 10's packed 250 to the pound	.0007
If old size is 12's packed 200 to the pound	.0003
If old size is 12's packed 250 to the pound	.0008

If the new size is 16's (200 to the pound) tea bags:
Add the following amount per tea bag:

If old size is 15's packed 200 to the pound	$.000
If old size is 15's packed 250 to the pound	.0005
If old size is 16's packed 250 to the pound	.0005
If old size is 18's packed 200 to the pound	.0001
If old size is 18's packed 250 to the pound	.0006
If old size is 20's packed 200 to the pound	.0002
If old size is 20's packed 250 to the pound	.0007
If old size is 25's packed 200 to the pound	.0002L
If old size is 25's packed 250 to the pound	.00075

If new size is 48's (200 to the pound) tea bags:
Add the following amount per tea bag:

If old size is 40's packed 200 to the pound	$.0000
If old size is 40's packed 250 to the pound	.0005
If old size is 50's packed 200 to the pound	.0000
If old size is 50's packed 250 to the pound	.0005

If new size is 1 oz. tea bags:
Add the following amount per tea bag:

If old size is ¾ oz	$.01

Subtract the following amount per tea bag:

If old size is 1½ oz	$.0125

If new size is 1⅜ oz. packaged tea:
Add the following amount per dozen packages:

If old size is 1⅛ oz	$.10
If old size is 1¼ oz	.05

Subtract the following amount per dozen packages:

If old size is 1½ oz	$.03
If old size is 1⅝ oz	.06
If old size is 1¾ oz	.10
If old size is 1⅞ oz	.13
If old size is 2 oz	.16
If old size is 2½ oz	.30

If new size is 4 oz. packaged tea:
Subtract the following amount per pound:

If old size is 2½ oz	$.02
If old size is 3 oz	.01
If old size is 3½ oz	.00

(c) *Definition.* "Tea packers" means the processor and packer of tea bags or tea balls or one who sells tea bags or tea balls which are packed for his account by another.

(d) *Report of prices.* Within 30 days after determining the established maximum prices under the provisions of this section, the tea packers shall send to the Imported Foods Section, Office of Price Administration, Washington, D. C., a letter enclosing a copy of the detailed figures for each brand by which their maximum prices were calculated, explained as in the example in paragraph (a) above.

(e) *Customary discounts, allowances and price differentials.* The same customary discounts, allowances, and price differentials which apply to sales and deliveries of the old size tea bags shall apply to sales and deliveries of the new size tea bags.

(f) *Maximum prices for tea bags and packaged tea of brands of tea formerly blended from the less expensive teas.* (1) Tea packers' maximum delivered prices on brands of tea for sales to wholesalers which heretofore have been lower than those listed in Column A, if such brands are now blended from Ceylon, India or Travencore teas, shall be as set out in Column A;

(2) Tea packers' maximum delivered prices on brands of tea for sales to retailers, restaurants and institutions which heretofore have been lower than those listed in Column B, if such brands are now blended from Ceylon, India or Travencore teas, shall be as set out in Column B.

	Maximum prices per thousand bags	
	Column A	Column B
5 tea bags to a package (200 tea bags to the pound)	6.75	7.00
16 tea bags to a package (200 tea bags to the pound)	6.45	6.70
48 tea bags to a package (200 tea bags to the pound)	6.15	6.40
100 tea bags to a package (200 tea bags to the pound)	6.15	6.40
100 tea bags to a package (250 tea bags to the pound)	5.75	6.00
	Maximum prices per sixteen tea bags	
	Column A	Column B
1 oz. tea bags	.80	.83
	Maximum prices per dozen packages	
	Column A	Column B
4 oz. packaged tea	2.16	2.25
1⅜ oz. packaged tea	.77	.80

Prices set out above are maximum prices delivered to the customer's usual place of acceptance. In calculating the maximum prices for a sales unit, fractions of ½ cent or more shall be raised to the next higher cent and fractions of less than ½ cent shall be lowered to the next lower cent. The above prices shall be reduced by those discounts for cash or prompt payment which have been customarily allowed for such brands.

SEC. 1.17 *Canned fish flakes.* Any seller may sell and deliver and any person may buy and receive 7½ ounce tin containers of fish flakes canned prior to January 1, 1943, at a maximum cash price f. o. b. seller's shipping point of $1.90 per dozen or the price established under the General Maximum Price Regulation prior to January 1, 1943, whichever is greater.

SEC. 1.18 *Edible cornstarch; sales to procurement agencies of the United States for the account of the Office of Lend-Lease Administration.* On and after April 30, 1943, the maximum price for sales to a procurement agency buying for the account of the Office of Lend-Lease Administration of edible cornstarch delivered to the point specified by such agency shall be the seller's maximum price established under the General Maximum Price Regulation for sales to a private purchaser (i. e., a purchaser other than a procurement agency of the United States) of such edible cornstarch in the same quantity and type of container delivered to the same point.

SEC. 1.19 *Pan bread in specified areas.*—(a) *Maximum prices.* The maximum price for sales of pan bread in the areas described below shall be the maximum price determined in accordance with the provisions of § 1499.2 and other applicable sections of the General Maximum Price Regulation, or the maximum prices specified below:

Areas	Net weight per loaf	Sales at wholesale	Sales at retail	Sales at retail by chain store private label
		Cents	Cents	Cents
In the State of Utah	16 to 18 oz.	7½	8½	7½
	19 to 22 oz.	9	11	9
	24 to 27 oz.	10	12	10
In Fargo, N. D., and Moorhead, Minnesota	16 to 18 oz.	7½	8½	7½
	19 to 22 oz.	9	11	9
	24 to 27 oz.	10	12	10

(b) *Other kinds of bread.* Except as specified in this section, maximum prices for all sales of bread shall remain subject to the provisions of the General Maximum Price Regulation.

(c) *Definitions.* (1) "Chain store private label" refers to pan bread sold under a distinctive name or label solely in one or more retail grocery or general merchandise stores, comprising the whole or part of a chain of four or more such stores, and operating as cooperatives, or under a common trade name or common ownership. Each of said four stores must customarily do more than 60% of their business in merchandise other than bakery products.

(2) "Pan bread" means any bread baked in a pan.

SEC. 1.20 *Sales of 5 cent retail confectionery items to and by owners, operators or lessors of vending machines.* (a) All manufacturers of 5 cent retail confectionery items having an established maximum price to vending machine owners, operators or lessors less than $2.62 per 100 items may increase their maximum price by an amount not in excess of 10 per cent of their established ceiling price: *Provided, however,* That the new maximum price shall not exceed the sum of $2.62 per 100 items.

(b) All vending machine owners, operators, or lessors who resell these items to their distributors or lessees may increase their established maximum prices to such distributors or lessees by an amount not in excess of 50 per cent of the actual increase made in the manufacturer's price.

(c) All purchasers and sellers are hereby authorized to buy and sell at prices not in excess of those permitted herein and nothing in this section shall be construed to increase the retail price of any item covered by this section.

(d) All vending machine owners, operators, or lessors prior to a resale of these items to their distributors or lessees shall mail or otherwise supply to each distributor or lessee a written notice as follows, together with a copy of the statement referred to therein:

The Office of Price Administration by sec. 1.20 to Revised Supplementary Regulation No. 14 has permitted manufacturers of 5 cent retail confectionery items to increase their established maximum prices to us by an amount not in excess of 10 per cent of their established ceiling price: *Provided, however,* That the new price shall not exceed the sum of $2.62 per 100 items. We are permitted to increase our established ceiling price to you by an amount not in excess of 50 per cent of the actual increase made by the manufacturer. Attached hereto is a certified copy of the manufacturer's invoice showing the actual cent increase to us for this item. Therefore, we are increasing our maximum price to you by __ cents per 100 items which sum is not in excess of 50 per cent of the increase made by the manufacturer. You are to maintain retail prices not in excess of your established maximum price.

Article II—Beverages

SEC. 2.1 *Soft drinks.*—(a) *Maximum prices for bottlers and wholesalers to sellers at retail.* (1) A bottler whose maximum price to a retailer for a soft drink as determined under the general provisions of § 1499.2 of the General Maximum Price Regulation (herein called the unadjusted maximum price) is less than the maximum adjusted price set forth in the schedule of this paragraph (a) may add to his unadjusted maximum price the amount of the "permitted increase" set forth in such schedule: *Provided,* That prices so increased shall in no event exceed the maximum adjusted price set forth in this schedule.

(2) A wholesaler whose supplier has adjusted his maximum price under the provisions of this section may adjust his own maximum price as determined under the general provisions of § 1499.2 of the General Maximum Price Regulation by adding thereto the amount of the "permitted increase" set forth in the schedule of this section: *Provided,* That the price so increased shall in no event exceed the maximum adjusted price set forth in such schedule.

(3) Schedule of permitted increase of maximum adjusted price for bottlers and wholesalers of soft drinks to retailers.

Size	Unit of sale	Permitted increase	Maximum adjusted price
6–23 oz. bottles, incl.	Case of 24	5 cents per cs.	$.80
24–32 oz. bottles, incl.	Case of 12	10 cents per cs.	1.00
33–64 oz. bottles, incl.	Case of 6	10 cents per cs.	.90
¼ barrels	¼ barrels	25 cents per ¼ bbl.	2.25
½ barrels	½ barrels	50 cents per ½ bbl.	4.00
Siphons	Case of 6 siphons	15 cents per case	.60
Bottled water	6½ gal. container	5 cents per 6½ gal. containers	.60
Bottled water	6-1 gal. container	10 cents per 6-1 gal. containers	.90
Bottled water	5 gal. container	10 cents per 5 gal. containers	.60

(b) *Maximum prices for bottlers to wholesalers.* The bottler's maximum price to a wholesaler for a soft drink shall be the maximum price determined under the schedule in paragraph (a) of this section less the amount expressed in dollars and cents by which the bottler's average selling price to retailers during July, 1941, exceeded the bottler's average selling price to wholesalers during the same period.

(c) *Maximum prices for retailers.* A seller of a soft drink at retail whose supplier has adjusted his maximum price under the provisions of this section may adjust his own maximum price as determined under the general provisions of § 1499.2 of the General Maximum Price Regulation by adding thereto the amount in dollars and cents by which his supplier's maximum price has been increased: *Provided,* That in the case of soft drinks sold in containers of 6–23 oz., inclusive, the maximum price at retail, as adjusted hereunder, shall not exceed five cents per bottle.

(1) In figuring his adjusted maximum price under the provisions of this section, a seller of a soft drink at retail shall take the amount of the increase in price per case which has been reported to him by his supplier and divide it by the number of bottles in the case to get the per bottle increase. For single bottle sales he shall add the per bottle increase to his unadjusted maximum price for a single bottle sale. For quantity sales he shall first multiply the per bottle increase by the number of bottles sold and add this latter figure to his unadjusted maximum price for a sale in that quantity. If, after doing this, in the case either of single bottle or quantity sales, he gets a fractional cent price, he shall adjust the price to the next lower cent if the fraction is less than half a cent, or to the next higher cent if the fraction is one-half a cent or greater.

(2) Table showing maximum prices which may be charged by a retailer when price to retailer has been increased by bottler or wholesaler.

Size	Type of sale	Maximum price
6–23 oz. bottles, incl.	Single bottles	March ceiling price plus increase but in no event more than five cents per bottle.
6–23 oz. bottles, incl.	Handy pack cartons or units of six bottles.	March ceiling price plus increase but in no event more than five cents per bottle.
24–32 oz. bottles, incl.	Single bottles or quantity sales	March ceiling price plus increase.
33–64 oz. bottles, incl.	Single bottles or quantity sales	March ceiling price plus increase.
¼ or ½ barrels	Sold per glass for consumption on premises.	March ceiling price.
Siphons	Single siphons or quantity sales	March ceiling price plus increase.
Bottled water	Single bottles or quantity sales	March ceiling price plus increase.

(d) *Definition.* "Soft drinks" means flavored or unflavored nonalcoholic beverages and waters in bottles or other closed containers, whether carbonated or not, but excluding milk drinks and drinks consisting of fruit juices, vegetable juices, and combinations thereof, where at least 85 per cent by weight of such drinks is pure fruit juices, vegetable juices or a mixture thereof.

(e) *Notification to retailers.* (1) On or before the first delivery after the effective date of the price increase every bottler and wholesaler who increases his maximum price or prices for soft drinks under the provisions of this section shall (i) prepare and supply to each retailer to whom he sells or contracts to sell such soft drinks, a statement written or printed by any method showing the soft drink and size thereof on which a price increase has been made, the permitted increase which may be made by the retailer per case and the permitted increase which may be made by the retailer per bottle on such sizes of such drinks, and (ii) file a copy of each such statement or, if the same statement is supplied to any class of purchasers, one copy of such statement within 30 days thereof with the Office of Price Administration, Washington, D. C.

(2) The statement to be supplied by the bottler or wholesaler to the retailer, as above required, shall contain the following information:

Item: (description of item, including bottle size.) Permitted increase per case of ____ bottles ____¢. You may add ____ cent (s) per bottle to your March 1942, ceiling price. However, the retail price shall not exceed 5 cents per bottle for 6 to 23 ounce bottles, inclusive.

On single bottle sales add the per bottle increase to your March 1942, ceiling price.

On quantity sales multiply the per bottle increase by number of bottles sold and add this amount to your March, 1942, ceiling price charged for sales of the same quantity.

If in either case above the total is a fractional cent price, adjust to next lower cent if fraction is less than half cent, or to the next higher cent if fraction is one-half cent or more.

_____
(Bottler or wholesaler firm name)

_____
(Address)

(f) *Applicability.* The provisions of this section shall be applicable to the United States and the District of Columbia.

SEC. 2.2 *Vintners' maximum prices for California grape wine*—(a) *Base maximum price; wine in carload lots.* On and after November 1, 1942, every vintner's base maximum price for California grape wine in bulk in carload lots shall be as follows:

	Cents per gallon naked, f. o. b. winery
Dessert wine	$.39
Table wine	.21½

Provided, That if the maximum price established for any vintner under § 1499.2 of the General Maximum Price Regulation for dessert wine or for table wine in bulk in carload lots is higher than the base maximum price set forth above, such vintner's base maximum price for such dessert or table wine shall be the maximum price established therefor under said § 1499.2. Vintners' customary price differentials charged in March 1942, for bulk California grape wine in barrels or other containers larger than 4½ gallons capacity but less than a carload lot may be charged for the same container size after November 1, 1942.

(b) *Permitted increase.* On and after November 1, 1942, any vintner may add to the maximum prices established for him under said § 1499.2 or to his base maximum prices for California grape wine established under (a), a permitted increase per gallon for dessert wine and for table wine computed as hereinafter prescribed. To compute his permitted increase per gallon, each vintner shall:

(1) Figure the weighted average price per ton paid by him during the 1941 season for grapes to be crushed into California grape wine.

(2) Figure the weighted average price per ton paid or contracted to be paid by him in good faith during the 1942 season up to and including October 27, 1942, for grapes to be crushed into California grape wine.

(3) Subtract the price computed under (1) from the price computed under (2). The result of the subtraction, or $8.30, whichever is the lower, shall be the vintner's allowable grape cost increase. In the case of a growers' cooperative operating a winery, and in the case of a vintner who grows more than 50 per cent of the grapes crushed and to be crushed by him, the allowable grape cost increase shall be $8.30.

(4) Figure the number of tons of grapes acquired or contracted to be acquired by him in good faith during the 1942 season up to and including October 27, 1942, for crushing into wine, and make a bona fide estimate of the number of additional tons of grapes he will acquire during the remainder of the 1942 season for crushing into wine. The number of tons of grapes acquired or contracted to be acquired by him in good faith and the estimated number of additional tons of grapes to be acquired shall be added together, and the total shall be the vintner's estimated 1942 grape tonnage.

(5) Divide his estimated 1942 grape tonnage computed under (4) into two parts corresponding to the portions of his estimated 1942 grape tonnage to be crushed into dessert wine and into table wine.

(6) Multiply his allowable grape cost increase figured under (3) by his estimated 1942 grape tonnage for dessert wine and for table wine figured under (5).

(7) Determine his total estimated 1942 crush by figuring his estimated 1942 grape tonnage as converted into wine on the basis of 80 gallons of dessert wine produced from each ton of grapes to be crushed for that purpose, and 160 gallons of table wine produced from each ton of grapes to be crushed for that purpose. The resulting figures will be the vintner's estimated 1942 crush of dessert wine and his estimated 1942 crush of table wine, respectively.

(8) Multiply his estimated 1942 crush of dessert wine by 1.7 cents. Multiply his estimated 1942 crush of table wine by 0.85 cents.

(9) Add the dollar amount computed under (6) for dessert wine to the dollar amount computed under (8) for dessert wine. Add the dollar amount computed under (6) for table wine to the dollar amount computed under (8) for table wine. The totals are, respectively, the vintner's total dollar allowance for dessert wine and his total dollar allowance for table wine.

(10) Figure in gallons his total inventory of dessert wine and of table wine, respectively, as of October 27, 1942 (including any portion of his 1942 crush then on hand) and add thereto his estimated 1942 crush of dessert wine and of table wine, respectively, computed under (7). The sum of his total inventory of dessert wine and his estimated 1942 crush of dessert wine shall be his total gallonage of dessert wine. The sum of his total inventory of table wine and his estimated 1942 crush of table wine shall be his total gallonage of table wine.

(11) Divide his total dollar allowance for dessert wine computed under (9) by his total gallonage of dessert wine computed under (10). Divide his total dollar allowance for table wine computed under (9) by his total gallonage of table wine computed under (10). The resulting figures are the vintner's permitted increases per gallon for dessert wine and for table wine, respectively: *Provided,* That in the case of concentrates and condensed grape must, the permitted increase per gallon shall be increased in proportion to the ratio of concentration: *And provided further,* That a vintner's permitted increase per gallon for California light sweet wine shall not exceed 90 percent of his permitted increase for dessert wine.

(c) *Taxes; permitted increase.* Any vintner may, at any time, add to the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation or to his base maximum prices for California grape wine the amount of any new tax, or any increase in an existing tax incident to the sale, delivery, processing or use thereof, imposed upon the vintner after March 31, 1942, by any statute of the United States, or by any statute or ordinance of any state or subdivision thereof: *Provided,* That such amount has actually been paid or has accrued and will be payable by the vintner to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape wine in question.

SEC. 2.3 *Distillers' maximum prices for California grape spirits*—(a) *Base maximum prices.* On and after November 1, 1942, every distiller's base maximum prices for California grape spirits shall be the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation.

(b) *Permitted increase.* On and after November 1, 1942, any distiller may add to his base maximum prices for California grape spirits a permitted increase per proof gallon computed as hereinafter set forth. To compute his permitted increase each distiller shall:

(1) Figure the weighted average price per ton paid by him during the 1941 season for grapes to be crushed into California grape spirits.

(2) Figure the weighted average price per ton paid or contracted to be paid by him in good faith during the 1942 season up to and including October 27, 1942, for grapes to be crushed into California grape spirits.

(3) Subtract the price computed under (1) from the price computed under (2). The result of this subtraction, or $8.30, whichever is lower, shall be the distiller's allowable grape cost increase. In the case of a growers' cooperative operating a winery and in the case of a distiller who grows more than 50 percent of the grapes crushed and to be crushed by him, the allowable grape cost increase shall be $8.30.

(4) Figure the number of tons of grapes acquired or contracted to be acquired by him in good faith during the 1942 season up to and including October 27, 1942, for crushing into grape spirits and make a bona fide estimate of the number of additional tons of grapes he will acquire during the remainder of the 1942 season for crushing into grape spirits. The number of tons of grapes acquired or contracted to be acquired by him in good faith and the estimated number of additional tons of grapes to be acquired shall be added together and the total shall be the distiller's estimated 1942 grape tonnage.

(5) Multiply his allowable grape cost increase figured under (3) by his estimated 1942 grape tonnage figured under (4).

(6) Determine his estimated 1942 crush by figuring his estimated 1942 grape tonnage as converted into grape spirits on the basis of 40 proof gallons of grape spirits produced from each ton of grapes to be crushed for that purpose.

(7) Multiply the number of proof gallons figured under (6) by 1½ cents per proof gallon.

(8) Add the dollar amount computed under (5) to the dollar amount computed under (7). The result will be the distiller's total dollar allowance for California grape spirits.

(9) Divide his total dollar allowance computed under (8) by his estimated 1942 crush computed under (6). The result will be the distiller's permitted increase per proof gallon.

(c) *Taxes; permitted increase.* Any distiller may at any time add to his base maximum prices for California grape spirits the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon the distiller after March 31, 1942, by any statute of the United States or by any statute or ordinance of any state or subdivision thereof: *Provided,* That such amount has actually been paid or has accrued and will be payable by the distiller to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape spirits in question.

(d) *Notification.* When a distiller sells any quantity of any type, quality and container size of California grape spirits at a price in excess of his base maximum price established under (a) he shall:

(1) Figure the total permitted increase per proof gallon under (b) and (c) for each type, quality, and container size of California grape spirits sold. No adjustments of fractional parts of a cent shall be made in figuring a distiller's permitted increase hereunder.

(2) Notify the purchaser at or before the first delivery of each type, quality, and container size of California grape spirits to such purchaser of the total permitted increase per container figured under (1) for each such type, quality, and container size.

(3) No distiller is required to give a notice to any purchaser of any type, quality or container size of California grape spirits after one notice to such purchaser of the distiller's maximum price for such type, quality, and container size as increased under (b) and/or (c): *Provided,* That if such distiller's maximum price for any type, quality, and container size of California grape spirits is subsequently adjusted under (c), a similar notice covering such adjustment shall be given by the distiller to such purchaser.

SEC. 2.4 *Records, reports, and correction of maximum prices applicable to vintners and distillers subject to sections 2.2 and 2.3*—(a) *Records.* (1) Each vintner of California grape wine and each distiller of California grape spirits shall preserve for so long as the Emergency Price Control Act of 1942 remains in effect all his existing records relating to

(i) The number of tons of grapes purchased by him during the 1941 season for crushing purposes and the prices paid therefor, and

(ii) The number of tons of grapes purchased or contracted to be purchased by him during the 1942 season prior to November 1, 1942, for crushing into wine and/or grape spirits respectively and the prices paid or contracted to be paid therefor.

(2) Each vintner of California grape wine and each distiller of California grape spirits shall make and preserve for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records relating to the number of tons of grapes purchased by him during the 1942 season subsequent to November 1, 1942, for crushing into wine and/or grape spirits respectively and to the prices paid therefor.

(b) *Reports.* (1) On or before January 15, 1943, each vintner of California grape wine and each distiller of California grape spirits shall file with the Office of Price Administration, Washington, D. C., a statement showing

(i) The number of tons of grapes actually purchased by him during the 1942 season to December 31, 1942, for crushing into wine and/or grape spirits respectively and the total price paid therefor.

(ii) The total number of gallons of unfinished wine purchased by him from November 1, 1942, to December 31, 1942, and the total price paid therefor.

(iii) The weighted average selling price per gallon charged by him for dessert wine and for table wine respectively in carload lots asked, f. o. b. winery, from November 1, 1942, to December 31, 1942.

(2) On or before February 15, 1943, each vintner of California grape wine and each distiller of California grape spirits shall file with the Office of Price Administration, Washington, D. C., a statement showing separately the number of gallons of finished and unfinished wine purchased or otherwise acquired by him either in bulk or in containers during the period from October 27, 1942, to December 31, 1942. Such statement shall show the date of each such purchase or acquisition, the name and address of the seller, the prices paid therefor, the type, quality, and quantity purchased from each seller and the kind of container in which the wine was received by the vintner or distiller. Each statement shall show whether the finished and unfinished wine so purchased is in the vintner's or distiller's inventory or has been used or sold, and if sold in bulk, shall show the date of sale, name and address of the buyer, selling price, and the place to which it was shipped by the vintner or distiller.

(c) *Correction of permitted increases by the Office of Price Administration.* The Office of Price Administration or any duly authorized officer thereof, may by order adjust the permitted increase computed by any vintner under paragraph (b) of section 2.2 or by any distiller under paragraph (b) of section 2.3, both of this regulation, if such vintner or distiller fails to file the statement required under (b) (1) and/or (b) (2) above, or if the statements filed show that:

(1) The weighted average price per ton of grapes computed under (b) (2) of section 2.2 or under (b) (2) of section 2.3, both of this regulation, is substantially above or below the weighted average price per ton actually paid by the vintner or distiller during the 1942 season for grapes to be crushed into wine or grape spirits respectively, or that

(2) The estimated 1942 grape tonnage computed under (b) (4) of section 2.2 or (b) (4) of section 2.3, both of this regulation, is substantially above or below the number of tons of grapes actually purchased by the vintner or distiller during the 1942 season for grapes to be crushed into wine or grape spirits respectively, or that

(3) The amount of finished or unfinished California grape spirits purchased or otherwise acquired by the vintner or distiller after October 27, 1942, and during the remainder of the 1942 season is more than 1.25 times the amount of similar California grape wine and California grape spirits purchased or acquired by the vintner during the 1941 season: *Provided*, That the Office of Price Administration will make no adjustment of a vintner's or distiller's permitted increase under this subparagraph (3) if the vintner or distiller demonstrates that his purchases of finished and unfinished California grape wine and California grape spirits in excess of 1.25 times the amount of similar purchases during 1941 were for the sole purpose of maintaining his normal inventory balance.

SEC. 2.5 *Bottlers' maximum prices for California grape wine*—(a) *Base maximum prices.* On and after November 1, 1942, every bottler's base maximum prices for California grape wine shall be the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation.

(b) *Permitted increase.* On and after November 1, 1942, any bottler may add to the base maximum prices established for him under (a) a permitted increase for any brand, type, quality, and container size of California grape wine computed as hereinafter set forth. To compute his permitted increase, each bottler shall:

(1) Figure his weighted average cost per gallon for the quantity of each type and quality of California grape wine sold by him during March, 1942, or during the bottler's customary fiscal month ending nearest March 31, 1942. Cost per gallon shall be figured on a naked f. o. b. winery basis.

(2) Figure his weighted average cost per gallon on his first purchase of the same type and quality of California grape wine at a price adjusted by the vintner under section 2.2 of this regulation. Cost per gallon shall be figured on a naked f. o. b. winery basis in the same containers used in the computation under (1).

(3) Subtract the costs computed under (1) from the corresponding costs computed under (2). The results of the subtractions shall be the bottler's initial permitted increase per gallon for each type and quality of California grape wine.

(4) Figure his weighted average cost per gallon for the quantity of each type and quality of California grape wine purchased by him during every calendar month after his first purchase at prices adjusted by the vintner under section 2.2 of this regulation, or during his customary fiscal month ending nearest the end of such calendar months. Cost per gallon shall be figured on a naked f. o. b. winery basis in the same containers as those used in the computation under (1).

(5) Subtract the costs computed under (1) for March, 1942, from the corresponding costs computed for each calendar or fiscal month under (4). The results of the subtraction shall be the bottler's permitted increase per gallon for each brand, type, and quality of California grape wine sold by him in the next calendar or fiscal month.

(6) Determine his permitted increase per container, case or other unit of sale for each brand, type, and quality of California grape wine by converting his permitted increase per gallon computed under (3) or (5) into the permitted increase applicable to such container, case or other unit of sale according to the number of gallons or fractional gallons of each brand, type, and quality of California grape wine therein.

(7) No bottler may increase his previous month's permitted increase per gallon for any brand, type or quality of California grape wine unless

(i) His permitted increase per gallon therefor, computed under (5) for a subsequent calendar or fiscal month, exceeds his previous month's permitted increase per gallon therefor by two or more cents per gallon; and

(ii) The quantity of the particular brand, type or quality of California grape wine upon which his permitted increase per gallon is computed under (5) is at least equal to the monthly average of his purchases of such California grape wine during the preceding twelve calendar or fiscal months.

(8) No bottler shall be required to decrease his previous month's permitted increase per gallon for any brand, type or quality of California grape wine unless his permitted increase per gallon therefor, computed under (5) for a subsequent calendar or fiscal month, is less than his previous month's permitted increase per gallon therefor by two or more cents per gallon: *Provided*, That no bottler shall be required to reduce his maximum price for a particular brand, type or quality of California grape wine below his base maximum price therefor established under (a), plus any increase in such base maximum price permitted under (c).

(c) *Taxes; permitted increase.* (1) Any bottler may, at any time, add to his base maximum prices for California grape wine the amount of any new tax, or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon the bottler after March 31, 1942, by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or has accrued and will be payable by the bottler to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape wine in question. After any bottler has adjusted his maximum prices to include a permitted increase under (b), the provisions of this paragraph shall no longer apply to the amount of the Federal floor stocks tax imposed in connection with the increase in Federal Excise Tax effective November 1, 1942.

(2) The bottler shall convert the permitted increase with respect to taxes into a permitted increase per container, case or other unit of sale on the basis of the number of gallons or fractional gallon of each brand, type, and quality of the California grape wine contained in the container, case or other unit of sale in question.

(d) *Notification.* Commencing with his first sale and monthly thereafter, in the event of an adjustment of his maximum prices, as provided in (b) and (c), each bottler shall:

(1) Figure the permitted increases under (b) and (c) for each brand, type, quality, and container size of California grape wine sold without adjusting fractional parts of a cent. If the total of such permitted increases includes the fractional part of a cent, the total shall be adjusted to the nearest higher full cent if the fraction is ½ cent or more, or to the nearest lower full cent if the fraction is less than ½ cent.

(2) Notify purchasers in writing as follows:

(i) If the purchaser is a wholesaler, the bottler shall notify him, at or before the first delivery of each brand, type, and quality of California grape wine to such wholesaler, of the total permitted increase per container, case or unit of sale figured under (d) (1) for each such brand, type, and quality of California grape wine.

(ii) If the purchaser is a retailer, the bottler shall confirm any sales or deliveries of California grape wine made to the retailer after November 1, 1942, and prior to November 9, 1942, by a written statement as follows, and shall supply the retailer, commencing November 9, 1942, on or before the bottler's first subsequent delivery of California grape wine, with a written statement as follows:

The Office of Price Administration has authorized us to increase our March, 1942, maximum prices for California grape wine to reflect increases in the Federal Excise Tax effective in November, 1942, and vintners' permitted increases. Your new Office of Price Administration ceiling price for each type of California grape wine listed in Tables Nos. I, II, III, IV, V, VI, and VII is your March, 1942, ceiling price, plus the "permitted increase" for each container size. These "permitted increases" to your ceiling prices include all Federal Excise Taxes effective on November 1, 1942. You may add no more. The Office of Price Administration requires you to keep this notice for examination.

TABLE I

California finished blending wines, industrial wines, and other wines containing more than 21 percent but not more than 24 percent alcohol by volume, on which the increase in Federal Excise Tax effective November 1, 1942, is 35 cents per gallon.]

Brand	Type	Container size	Permitted increase per bottle (amount retailer may add to March, 1942, ceiling price)
			Cents
.....	.....	¼ pint	3
.....	.....	3/10 gallon	5
.....	.....	1 pint	6
.....	.....	⅕ gallon	10
.....	.....	1 quart	12
.....	.....	½ gallon	24
.....	.....	1 gallon	48

TABLE II

[California champagne and sparkling wines on which the increase in Federal Excise Tax effective November 1, 1942, is 3 cents per half pint or fraction thereof.]

Brand	Type	Container size	Permitted increase per bottle (amount retailer may add to March, 1942, ceiling price)
			Cents
.....	.....	4 ounce	3
.....	.....	6½ ounce	3
.....	.....	8 ounce	3
.....	.....	3/10 gallon or 13 ounce	7
.....	.....	⅕ gallon or 26 ounce	13

TABLE III

[California artificially carbonated wines on which the increase in Federal Excise Tax effective November 1, 1942, is 1½ cents per half pint, or fraction thereof.]

Brand	Type	Container size	Permitted increase per bottle (amount retailer may add to March, 1942, ceiling price)
			Cents
.....	.....	4 ounce	2
.....	.....	6½ ounce	2
.....	.....	8 ounce	2
.....	.....	3/10 gallon or 13 ounce	4
.....	.....	⅕ gallon or 26 ounce	7

TABLE IV

[California light sweet wine on which the increase in Federal Excise Tax effective November 1, 1942, is 2 cents per gallon.]

Brand	Type	Container size	Permitted increase per bottle (amount retailer may add to March, 1942, ceiling price)
			Cents
.....	.....	½ pint	1
.....	.....	3/10 gallon	2
.....	.....	1 pint	3
.....	.....	⅕ gallon	4
.....	.....	1 quart	5
.....	.....	½ gallon	10
.....	.....	1 gallon	20

TABLE V

[Wine-base cordials and other rectified wines made wholly from California dessert wines (see definition sec. 2.11 (b) (22)) on which increase in Federal Excise Tax effective November 1, 1942, is 1½ cents per half pint.]

Brand	Type	Container size	Permitted increase per bottle (amount retailer may add to March, 1942, ceiling price)
			Cents
.....	.....	½ pint	3
.....	.....	3/10 gallon	4
.....	.....	1 pint	6
.....	.....	⅕ gallon	10
.....	.....	1 quart	12
.....	.....	½ gallon	24
.....	.....	1 gallon	47

TABLE VI

[California dessert wines, other than those specified in Tables I, II, III, IV or V]

Brand	Type	Container size	Permitted increase per bottle (amount retailer may add to March, 1942, ceiling price)
			Cents
.....	.....	½ pint	1
.....	.....	3/10 gallon	2
.....	.....	1 pint	3
.....	.....	⅕ gallon	5
.....	.....	1 quart	6
.....	.....	½ gallon	12
.....	.....	1 gallon	23

TABLE VII

[California table wines, other than those specified in Tables I, II, III, IV or V]

Brand	Type	Container size	Permitted increase per bottle (amount retailer may add to March, 1942, ceiling price)
			Cents
.....	.....	3/10 gallon	1
.....	.....	1 pint	1
.....	.....	⅕ gallon	2
.....	.....	1 quart	2
.....	.....	½ gallon	5
.....	.....	1 gallon	9

(iii) Notice given by a bottler to a retailer prior to January 28, 1943, in accordance with Amendment 54 to Supplementary Regulation No. 14, shall be deemed compliance with the provisions of (d) (2) (ii) with respect to the kinds of California grape wine listed in Tables VI and VII. Every bottler shall, however, give each retailer notice as provided in (d) (2) (ii) with respect to each kind of California grape wine listed in Tables I, II, III, IV, and V, at or before his first delivery thereof to such retailers after January 27, 1943.

(iv) No bottler is required to give a notice to any purchaser of any brand, type, quality or container size of California grape wine after one notice to such purchaser of the bottler's maximum price for such brand, type, quality, and container size as increased under (b) and/or (c): *Provided*, That if such bottler's maximum price for any brand, type, quality, and container size of California grape wine is subsequently adjusted upward or downward under (b) or (c), a similar notice covering such adjustment shall be given by the bottler to each purchaser other than a retailer.

SEC. 2.6 *Wholesalers' maximum prices for California grape wine*—(a) *Base maximum price.* On and after November 1, 1942, every wholesaler's base maximum prices for California grape wine shall be the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation.

(b) *Permitted increase; wines in bulk.* On and after November 1, 1942, any wholesaler may add to the base maximum prices established for him under (a) for any type and quality of California grape wine in bulk a permitted increase computed as hereinafter set forth. To compute his permitted increase each wholesaler shall:

(1) Figure his weighted average cost per gallon for the quantity of each type and quality of California grape wine in bulk sold by him during March, 1942, or during his customary fiscal month ending nearest March 31, 1942. Cost per gallon shall be figured on a naked f. o. b. winery basis.

(2) Figure his weighted average cost per gallon of his first purchase of the same type and quality of California grape wine in bulk at a price adjusted by the vintner under section 2.2 of this regulation. Such average cost shall be figured on a naked f. o. b. winery basis in the same containers used as in the computation under (1).

(3) Subtract the costs computed under (1) from the corresponding costs computed under (2). The results of the subtractions shall be the wholesaler's initial permitted increase per gallon for the quantity of each type and quality of California grape wine in bulk.

(4) Figure his weighted average cost per gallon for the quantity of each type and quality of California grape wine in bulk purchased by him during every calendar month after his first purchase at prices adjusted by the vintner under section 2.2 of this regulation, or during his customary fiscal month ending nearest the end of such calendar month. Cost per gallon shall be figured on a naked f. o. b. winery basis in the same containers as used in the computation under (1).

(5) Subtract the costs computed under (1) from the corresponding costs computed for each calendar or fiscal month under (4). The results of the subtraction shall be the wholesaler's permitted increase per gallon for each brand, type, and quality of California grape wine in bulk sold by him in the following calendar or fiscal month.

(c) *Permitted increase; wines other than bulk.* On and after November 1, 1942, upon receipt of notification given by a bottler pursuant to section 2.5 (d) (2) (i), any wholesaler may add to the base maximum price established for him under (a) above, for any brand, type, quality, and container size of California grape wine, the permitted increase stated in said notice and applicable to the brand, type, quality, and container size of California grape wine in question. Upon receipt of a subsequent notice from the bottler, raising or lowering the permitted increase applicable to any brand, type, quality, or container size of California grape wine, the wholesaler may adjust his permitted increase upward and shall adjust his permitted increase downward in accordance with said notice. Such adjustments in the wholesaler's permitted increase shall not apply to his inventory at the date of receipt of the notice.

(d) *Taxes; permitted increase.* Any wholesaler may, at any time, add to his base maximum prices for California grape wine the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof, imposed upon the wholesaler after March 31, 1942, by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or has accrued and will be payable by the wholesaler to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape wine in question. The wholesaler shall add the permitted increase for taxes to his maximum prices for the particular quantity of the brand, type, quality, and container size on the basis of the number of gallons or fractional gallon of California grape wine in the particular container, case or unit of sale.

(e) *Notification.* When a wholesaler sells any quantity of any brand, type, quality or container size of California grape wine either in bulk or otherwise at a price in excess of his base maximum price established under (a) above, he shall:

(1) Figure the total permitted increases under (b) or (c) and (d) for each brand, type, quality, and container size of California grape wine without adjusting fractional parts of a cent. If the total of such permitted increases includes the fractional part of a cent, the total shall be adjusted to the nearest higher full cent if the fraction is one-half cent or more or to the nearest lower full cent if the fraction is less than one-half cent.

(2) Confirm any sales or deliveries of any brand, type, quality, and container size of California grape wine made to any purchaser after November 1, 1942, and before November 9, 1942, by a written statement and supply the purchaser, commencing November 9, 1942, on or before the wholesaler's first subsequent delivery of any California grape wine to such purchaser, with a written statement in the manner and form provided in section 2.5 (d) (2), (i), (ii), (iii), and (iv) as if such wholesaler were a bottler.

(3) No wholesaler is required to give a notice to any purchaser of any brand, type, quality or container size of California grape wine after one notice to such purchaser of the wholesaler's maximum price for such brand, type, quality or container size as increased under (b) and/or (c) and (d): *Provided*, That if such wholesaler's maximum price for any brand, type, quality and container size of California grape wine is subsequently adjusted upward or downward under (b) and/or (c) and (d), a similar notice covering such adjustment shall be given by the wholesaler to each purchaser other than a retailer.

(f) Wholesalers' maximum prices for concentrates and condensed grape must shall be computed according to the ratio of concentration and in the same manner as herein provided for their maximum prices of California grape wine.

SEC. 2.7 *Packers' maximum prices for California grape wine*—(a) *Base maximum prices.* On and after November 1, 1942, every packer's base maximum prices for California grape wine shall be the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation.

(b) *Permitted increase*—(1) *Sales of bulk wine in original container or car.* On and after November 1, 1942, any packer may add to the base maximum price established for him under (a) a permitted increase for any kind and quality of California grape wine sold by him in the container or car in which it was received. Such permitted increase shall be computed in accordance with the provisions under section 2.6 (b) and (d) as if such packer were a wholesaler.

(2) *Sales of wine repacked.* On and after November 1, 1942, any packer may add to the base maximum price established for him under (a) a permitted increase for any brand, type, and quality of California grape wine sold by him otherwise than in the container or car in which it was received. Such permitted increase shall be computed in accordance with the provisions of section 2.5 (b) and (c) as if such packer were a bottler.

(c) *Taxes; permitted increase.* Any packer may at any time add to his base maximum prices for California grape wine the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof, imposed upon the packer after March 31, 1942, by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid, or has accrued and will be payable by the packer to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape wine in question. The packer shall add the permitted increase for taxes to his maximum prices for the particular quantity of the brand, type, quality, and container size on the basis of the number of gallons or fractional gallons of California grape wine in the particular container, case or unit of sale.

(d) *Notification.* When a packer sells any quantity of any brand, type, quality, and container size of California grape wine at a price in excess of the base maximum price established for him under (a) he shall:

(1) Figure the total permitted increase under (b) and/or (c) for each brand, type, and quality of California grape wine in the particular container, case or unit of sale. If the resulting total includes the fractional part of a cent, that total shall be adjusted to the nearest higher full cent if the fraction is one-half cent or more, or to the nearest lower full cent if the fraction is less than one-half cent.

(2) Notify purchasers in writing as if the packer were a bottler, as follows:

(i) If the purchaser is a wholesaler, the packer shall notify him in the manner and form provided in section 2.5 (d) (2) (i),

(ii) If the purchaser is a retailer, the packer shall notify him in the manner and form provided in section 2.5 (d) (2) (ii) and (iii).

(iii) Each packer shall give subsequent notices to purchasers in the manner and form and under the circumstances provided in section 2.5 (d) (2) (iv).

(e) Packers' maximum prices for concentrates and condensed grape must shall be computed according to the ratio of concentration and in the same manner as herein provided for their maximum prices for California grape wine.

SEC. 2.8 *Retailers' maximum prices for California grape wine.* (a) On and after November 1, 1942, any retailer may add to the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation for any brand, type, quality, and container size of California grape wine a permitted increase per bottle as follows:

Container size	Finished blending wines specified in Table I, section 2.5	Champagne and sparkling wines specified in Table II, section 2.5	Artificially carbonated wines specified in Table III, section 2.5	Light sweet wines specified in Table IV, section 2.5	Wine-base cordials specified in Table V, section 2.5	Other dessert wines specified in Table VI, section 2.5	Other table wines specified in Table VII, section 2.5
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
4 oz.		3	2				
6½ oz.		3	2				
½ pint	3	3	2	1	3	1	
6⅝ gal. or 12 or 13 oz.	5	7	4	2	4	2	1
1 pint or 15 oz.	6			3	6	3	1
⅕ gal or 23, 24, or 26 oz.	10	13	7	4	10	5	2
1 quart or 30 oz.	12			5	12	6	2
½ gal.	24			10	24	12	5
1 gal.	48			20	47	23	9

Permitted increases in container sizes larger than one gallon shall be proportionate to the permitted increase for one gallon.

(b) *Taxes; permitted increase.* Any retailer may at any time add to his base maximum prices for California grape wine established under (a) the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon him after March 31, 1942, by any statute of the United States or statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or has accrued and will be payable by the retailer to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape wine in question. If the permitted increase for new or existing taxes computed on the quantity of California grape wine in the particular container, case or unit of sale results in a figure including the fractional part of a cent, the retailer shall adjust his maximum price to the nearest higher full cent if the fraction is one-half cent or over, or to the nearest lower full cent if the fraction is under one-half cent. The provisions of this paragraph (b) shall not apply to the increases in the Federal Excise Tax which became effective November 1, 1942, as allowance for such tax increases is included in the increase of retail prices provided in (a) above.

SEC. 2.9 *Wholesalers' maximum prices for California grape spirits*—(a) *Base maximum prices.* On and after November 1, 1942, every wholesaler's base maximum prices for California grape spirits shall be the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation.

(b) *Permitted increase.* On and after November 1, 1942, upon receipt of notification given by a distiller pursuant to section 2.3 (d) (2), any wholesaler may add to the base maximum price established for him under (a) above for any brand, type, quality, and container size of California grape spirits the permitted increase stated in said notice and applicable to the type, quality, and container size of California grape spirits in question. Upon receipt of a subsequent notice from the distiller, adjusting the permitted increase applicable to any brand, type, quality or container size of California grape spirits, the wholesaler may adjust his permitted increase in accordance with said notice. Such adjustments in the wholesaler's permitted increase shall not apply to his inventory at the date of receipt of the notice.

(c) *Taxes; permitted increase.* Any wholesaler may at any time add to his base maximum prices for California grape spirits the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof, imposed upon the wholesaler after March 31, 1942, by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or has accrued and will be payable by the wholesaler to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape spirits in question. The wholesaler shall add the permitted increase for taxes to his maximum prices for the particular quantity of the type, quality, and container size on the basis of the number of proof gallons of California grape spirits in the particular container or unit of sale.

(d) *Notification.* When a wholesaler sells any quantity of any type, quality or container size of California grape spirits at a price in excess of his base maximum price established under (a) he shall:

(1) Figure the total permitted increases under (b) and (c) for each type, quality, and container size of California grape spirits. If the total of these permitted increases includes the fractional part of a cent, the total shall be adjusted to the nearest higher full cent if the fraction is ½ cent or more, or to the nearest lower full cent if the fraction is less than ½ cent.

(2) Confirm any sales or deliveries of any type, quality and container size of California grape spirits made to any purchaser after November 1, 1942, and before November 9, 1942, by a written statement and supply the purchaser commencing November 9, 1942, on or before the wholesaler's first subsequent delivery of any California grape spirits to such purchaser, with a written statement specifying the amount of the wholesaler's permitted increases for the particular type, quality, and container size of California grape spirits sold.

(3) No wholesaler is required to give notice to any purchaser of any type, quality or container size of California grape spirits after one notice to such purchaser of the wholesaler's maximum price for such type, quality, and container size as increased under (b) and/or (c): *Provided*, That if such wholesaler's maximum price for any type, quality, and container size of California grape spirits is subsequently adjusted under (c), a similar notice covering such adjustment shall be given by the wholesaler to each purchaser.

SEC. 2.10 *Maximum prices for California grape wine and California grape spirits for sellers not specifically provided for.* (a) If any seller's base maximum price for any brand, type or quality of California grape wine or California grape spirits cannot be determined under sections 2.2 to 2.9, inclusive, the seller's base maximum price therefor shall be the maximum price established under § 1499.2 of the General Maximum Price Regulation for the most closely competitive seller of the same class for the same kind and quality of California grape wine or California grape spirits, or for the similar commodities most nearly like them (as such term is defined in § 1499.2) for sales to a purchaser of the same class.

(b) If any seller of California grape wine or California grape spirits is unable to complete computations required under sections 2.2 to 2.9 to determine his permitted increases, such seller shall make written application to the Office of Price Administration, Beverage Section, Washington, D. C., for a determination of such permitted increases, and the Office of Price Administration or any duly authorized officer thereof may by order specify the manner in which they shall be determined.

SEC. 2.11 *Geographical applicability and definitions of terms used in sections 2.2 to 2.10, inclusive, relating to California grape wines and California grape spirits*—(a) *Geographical applicability.* The provisions of sections 2.2 to 2.10, inclusive, shall be applicable to the United States and to the District of Columbia.

(b) *Definitions.* When used in sections 2.2 to 2.10, inclusive:

(1) "Vintner" means any person who produces or manufactures California grape wine in a federal bonded winery in the state of California.

(2) "Distiller" means any vintner or any other person who produces or manufactures California grape spirits in a federal bonded winery or distillery in the state of California.

(3) "Bottler" means any person located anywhere in continental United States who packages California grape wine for sale in containers of less than five gallons each.

(4) "California grape wine" means grape wine produced in the state of California.

(5) "Grape wine" means grape wine produced in accordance with sections 3032, 3036, and 3044 of the Internal Revenue Code.

(6) "Dessert wine" means grape wine having an alcoholic content in excess of 14 per cent by volume but not in excess of 21 per cent by volume to which wine

spirits have been added in accordance with section 3032 of the Internal Revenue Code. "Dessert wine" shall also include finished blending wine having an alcoholic content in excess of 21 per cent by volume but not in excess of 24 per cent by volume and otherwise conforming to the definition herein contained. "Dessert wine" shall also include vermouth and other flavored wines composed of dessert wines with the addition of flavoring materials and aromatics.

(7) "Table wine" means California grape wine other than dessert wine.

(8) "California grape spirits" means grape spirits produced in the state of California.

(9) "Grape spirits" means wine spirits produced from grapes in accordance with section 3036 of the Internal Revenue Code but does not include commercial brandy.

(10) "Naked, f. o. b. winery" means a price at the California winery exclusive of California State marketing tax and exclusive of cost of containers or loading charges.

(11) "Weighted average price" with reference to a particular commodity means the total purchase price paid for that commodity in a particular period of time divided by the total number of units of the commodity purchased during such time.

(12) "Container size" means any weight or unit in which California grape wine is sold to the ultimate consumer in lots of less than five gallons.

(13) "1941 season" means the period from September 1, 1941, to August 31, 1942.

(14) "1942 season" means the period from September 1, 1942, to August 31, 1943.

(15) "Concentrates" and "condensed grape must" mean boiled or condensed grape juices or grape must concentrated to not more than 80° (Balling).

(16) "Grape must" means the juice of sound ripe grapes.

(17) "Sparkling wine" means grape wine rendered effervescent by secondary fermentation of the wine in a closed container, tank or bottle.

(18) "Artificially carbonated wine" means grape wine rendered effervescent otherwise than by secondary fermentation in a closed container, tank or bottle.

(19) "Light sweet wine" means table wine having an alcoholic content not in excess of 14 per cent by volume and a total solids content of not less than 7° (Balling).

(20) "Inventory" means all dessert wine and table wine owned by the vintner or other seller, as the case may be, and situated at any point in the continental United States irrespective of whether such wine be in bulk or bottled or in bond or tax paid.

(21) "Packer" means any person other than a vintner who resells or repacks bulk wine in containers of capacity of five gallons or more. A packer may also be a bottler.

(22) "Wine base cordials and other rectified wines" means those specific commodities when made wholly from California dessert wines with or without the addition of flavors and aromatics, and which bear United States Internal Revenue Wine tax-paid stamps showing tax payment at the rate of 5 cents per half pint. When so labeled and bearing wine tax-paid stamps, these products are classified as dessert wines and take permitted increases per Table VI, section 2.5.

SEC. 2.12 *Imported distilled spirits and imported wines; permitted increase for new taxes*—(a) *Maximum prices for imported distilled spirits.* (1) Any seller of imported distilled spirits may add to the maximum price established for him under § 1499.2 of the General Maximum Price Regulation with respect to any brand, type, quality, and container size of imported distilled spirits, the following:

(i) The amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof which is imposed upon such seller or any prior vendor after March 31, 1942, with respect to imported distilled spirits, by any statute of the United States, or statute or ordinance of any state or subdivision thereof: *Provided*, That such tax or increase in such tax shall be a floor-stocks tax and the amount thereof shall have been paid or shall have accrued and be payable by such seller to the proper taxing authorities or to any prior vendor, with respect to the particular quantity of such imported distilled spirits in question.

(ii) Subject to the provisions of subparagraph (2) of this paragraph (a), hereinafter set forth, the amount of any such new tax other than a floor-stocks tax, or any increase in any such existing tax other than a floor-stock tax, imposed upon such seller or any prior vendor after March 31, 1942, with respect to imported distilled spirits, by any statute of the United States or statute or ordinance of any state or subdivision thereof: *Provided*, That the amount of such tax or increase in such tax shall have been paid or shall have accrued and be payable by such seller to the proper taxing authorities or to any prior vendor, with respect to the particular quantity of such imported distilled spirits in question.

(2) *Liquidation of inventory.* Before selling any quantity of any brand, type, quality and container size of imported distilled spirits at an increased maximum price pursuant to (a) (1) (ii) hereof, each and every seller shall first sell a quantity thereof equal to the quantity of his floor-stocks, if any, with respect to which no new or increased tax has been imposed or for which his maximum price has been increased by a lesser amount pursuant to (a) (1) (i) hereof.

(b) *Maximum prices for imported wines.* (1) Any seller of imported wines may add to the maximum price established for him under § 1499.2 of General Maximum Price Regulation with respect to any brand, type, quality, and container size of imported wines, the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof which is imposed upon such seller or any prior vendor after March 31, 1942, with respect to imported wines by any statute of the United States or statute or ordinance of any state or subdivision thereof: *Provided*, That the amount of such tax or increase in such tax shall have been paid or shall have accrued and be payable by such seller to the proper taxing authorities or to any prior vendor, with respect to the particular quantity of such imported wines in question.

(2) *Liquidation of inventory.* Before selling any quantity of any brand, type, quality, and container size of imported wines at an increased maximum price pursuant to (b) (1) hereof, each and every seller shall first sell a quantity thereof equal to the quantity of his floor-stocks, if any, with respect to which no new or increased tax has been imposed.

(c) *Notification.* When a seller, other than sellers at retail, pursuant to paragraphs (a) or (b) hereof, sells any brand, type, quality, and container size of imported distilled spirits or imported wines at a price in excess of the maximum prices established for him with respect thereto under § 1499.2 of the General Maximum Price Regulation such seller shall:

(1) Compute the total permitted tax increase per case authorized under (a) or (b) hereof on the basis of the number of gallons or fractional gallons of each brand, type, quality, and container size of imported distilled spirits or imported wines contained in the particular case.

(2) Divide the total permitted tax increase per case computed under (1) with respect to each brand, type, and quality of imported distilled spirits or imported wines within the particular case by the number of individual containers of that brand, type, quality, and container size of imported distilled spirits or imported wines within such case.

(3) Adjust the figures arrived at under (2) to the next higher even cent if the fraction is ½ cent or over, and to the next lower even cent if the fraction is less than ½ cent. The resulting figure shall be the permitted tax increase per individual container for each brand, type and quality of imported distilled spirits or imported wines within the particular case.

(4) Notify the purchaser in writing as follows:

(i) If the purchaser is a wholesaler, he shall be notified of the total permitted tax increase per case computed under (1) with respect to each brand, type, quality, and container size of imported distilled spirits or imported wines within the particular case.

(ii) If the purchaser is a retailer he shall be notified of the purchaser's permitted tax increase per case arrived at under (1) and per individual container arrived at under (3) with respect to each brand, type, quality, and container size of imported distilled spirits or imported wines within the particular case. Such notification shall be accomplished by a written statement upon or attached to the invoice issued by the seller in connection with the particular transaction. No notification shall be required after the first notification to any particular purchaser with reference to any brand, type, quality, and container size of imported distilled spirits or imported wines unless the permitted tax increase is further adjusted pursuant to the provisions hereof.

(d) *Computation of permitted tax increase per unit served by retailers other than packaged good retailers.* If the seller is a retailer other than a packaged goods retailer, he shall compute the amount of the permitted tax increase per individual unit or drink served by dividing the amount of the permitted tax increase per container size by the number of particular units or drinks of equal quantity customarily derived by such seller from the particular container size. The figures thus arrived at shall be adjusted to the next higher even cent if the fraction is ½ cent or over, and to the next lower even cent if the fraction is less than ½ cent. The resulting figure shall be the permitted tax increase per individual unit or drink served by such sellers of imported distilled spirits or imported wines.

(e) *Definitions.* (1) "Container" when used in connection with imported distilled spirits shall mean a liquor bottle or other closed receptacle of imported distilled spirits; and when used in connection with imported wines shall mean any bottle, cask or other closed receptacle irrespective of size or of the material from which made.

(2) "Imported distilled spirits" shall mean any alcoholic distillate fit for beverage purposes, such as whiskey, gin, rum, liqueurs, cordials, and bitters; and all compounds, by whatever name called, containing distilled spirits and fit for beverage purposes (but shall not include wine as defined in (3), containing 24 per centum or less of alcohol by volume) produced outside of the continental United States or its territories and possessions and introduced into the continental United States.

(3) "Imported wines" shall mean still wines, including vermouth, artificial or imitation wines or compounds sold as still wines, champagne or sparkling wines, and artificially carbonated wines; and liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, made with wine containing not over 24 per centum of alcohol by volume and fortified with brandy only; produced outside of the continental United States or its territories and possessions and introduced into the continental United States.

(f) *Applicability.* The provisions of this section shall be applicable to the United States and the District of Columbia.

SEC. 2.13 *Imported distilled spirits and all wines; automatic adjustments for monopoly states*—(a) *Permitted increases.* (1) In the event that any vendor of imported distilled spirits or wines, whether domestic or imported, is permitted to increase his maximum price to any monopoly state for any imported distilled spirits or wines to cover any increased cost other than new or increased taxes, such monopoly state may adjust its maximum prices for such imported distilled spirits or wines by applying to the gross adjusted price (exclusive of new or increased taxes) charged to it by such vendor, the statutory or discretionary percentage markup in effect in such monopoly state on March 31, 1942.

(2) In the event that any vendor of imported distilled spirits or wines, whether domestic or imported, is permitted to increase his maximum price to any monopoly state for any imported distilled spirits or wines to cover new or increased taxes, such monopoly state may add to its maximum prices for such imported distilled spirits or wines in accordance with subparagraph (3) hereof the exact amount per case and per container which is furnished to it by its vendor pursuant to paragraph (b) below.

(3) In increasing its maximum prices established under § 1499.2 of the General Maximum Price Regulation pursuant to subparagraphs (1) and (2) hereof any monopoly state:

(i) May add to the amount determined from time to time pursuant to (a) (1) hereof the amount determined from time to time pursuant to (a) (2) hereof, and

(ii) May follow its practices of March 31, 1942, with reference to the disposition of fractional and odd cents, if any, existing in the figure determined pursuant to (3) (i) hereof.

(b) *Notification to monopoly states.* Any vendor who sells any imported distilled spirits or wines, whether domestic or foreign, to any monopoly state shall state upon the face of the invoice covering any particular transaction or upon a written notice prior to shipment (1) the gross adjusted price exclusive of any new or increased taxes for each brand, type, quality, and container size of imported distilled spirits or wines included in the particular transaction and (2) the amount of any new or increased tax with respect to each brand, type, quality and container size of imported distilled spirits or wines included in the particular transaction: *Provided*, That no notification shall be required after the first notification to any particular monopoly state unless the vendor's maximum price is further adjusted or other new or increased taxes are imposed. The total amount of any new or increased tax shall be computed on the basis of the number of gallons or fractional gallons of the particular brand, type, and quality of imported distilled spirits or wines contained in the particular case. The total amount of any new or increased tax so computed shall then be divided by the number of containers in the case of the particular brand, type, and quality of imported distilled spirits or wines. The figures so arrived at per case and per container shall then be adjusted to the next higher even cent if the fraction is ½ cent or more, and to the next lower even cent if the fraction is less than ½ cent. The final adjusted figures per case and per container shall be the figures stated with respect to new or increased taxes on the invoice or written notice as provided above.

(c) *Definitions.* (1) "Imported distilled spirits" means imported distilled spirits as defined in section 2.12 (e) (2) of this regulation.

(2) "Imported wines" means imported wines as defined in section 2.12 (e) (3) of this regulation; "California grape wine" as defined in section 2.11 (b) (4); and "fruit wine, berry wine, and grape wine (other than California grape wine)" as defined in section 2.14 (c).

(3) "Monopoly states" means the following states of the United States or the appropriate Alcoholic Beverage Control Board or Commission thereof: Alabama, Idaho, Iowa, Maine, Michigan, Montana, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming.

SEC. 2.14 *Fruit wines, berry wines and grape wines (other than California grape wines); permitted increase for new taxes*—(a) *Maximum prices.* (1) Any seller of fruit wines, berry wines, and grape wines (other than California grape wines) may add to the maximum price established for him under § 1499.2 of the General Maximum Price Regulation, with respect to any brand, type, quality, and container size of such wines, the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof which is imposed upon such seller or any prior vendor after March 31, 1942, with respect to fruit wines, berry wines and grape wines (other than California grape wines), by any statute of the United States or statute or ordinance of any state or subdivision thereof: *Provided*, That the amount of such tax or increase in such tax shall have been paid or shall have accrued and be payable by such seller to the proper taxing authorities or to any prior vendor, with respect to any particular quantity of such fruit wines, berry wines and grape wines (other than California grape wines) in question.

(2) *Liquidation of inventory.* Before selling any quantity of any brand, type, quality, and container size of fruit wines, berry wines, and grape wines (other than California grape wines) at an increased price pursuant to (a) (1) hereof, each and every seller shall first sell a quantity thereof equal to the quantity of his floor-stocks, if any, upon which no new or increased tax has been imposed.

(b) *Notification.* When a seller of any class as set forth below, other than sellers at retail, pursuant to paragraph (a) hereof, sells any brand, type, quality, and container size of fruit wines, berry wines, and grape wines (other than California grape wines) at a price in excess of the maximum prices established for him with respect thereto under § 1499.2 of the General Maximum Price Regulation, such seller shall:

(1) *Vintner.* The vintner shall compute the total tax increase per gallon authorized under (a) hereof, for each brand, type, and quality of fruit wines, berry wines, and grape wines (other than California grape wines) sold in any particular transaction.

(2) *Bottlers and wholesalers.* (i) The bottler and wholesaler shall convert the total tax increase per gallon into a permitted tax increase per case on the basis of the number of gallons or fractional gallons of each brand, type and quality of such wine within the particular case.

(ii) The bottler and wholesaler shall divide the total permitted tax increase per case computed under (2) (i) with respect to each brand, type and quality of such wine within the particular case by the number of individual containers of that brand, type, quality, and container size of such wine within the particular case.

(iii) The bottler and wholesaler shall adjust the figure arrived at under (ii) to the next higher even cent if the fraction is ½ cent or over and to the next lower even cent if the fraction is less than ½ cent. The resulting figures shall be the permitted tax increase per individual container for each brand, type, and quality of such wine within the particular case.

(3) Notify purchasers in writing as follows: (i) If the purchaser is a bottler, he shall be notified of the total tax increase per gallon computed under (1) with respect to each brand, type and quality of such wine sold.

(ii) If the purchaser is a wholesaler, he shall be notified of the total permitted tax increase per case computed under (2) (i) with respect to each brand, type, and quality of such wine within the particular case.

(iii) If the purchaser is a retailer he shall be notified of the permitted tax increase per case arrived at under (2) (ii) and per individual container arrived at under (2) (iii) with respect to each brand, type, quality, and container size of such wine within the particular case.

Such notification shall be accomplished by a written statement upon or attached to the invoice issued by the seller in connection with the particular transaction. No notification shall be required after the first notification to any particular purchaser with reference to any brand, type, quality and container size of fruit wine, berry wine, and grape wine (other than California grape wine), unless the permitted tax increase with reference thereto is further adjusted pursuant to the provisions hereof.

(c) *Definitions.* (1) "Berry wines," as used herein, shall mean any wines manufactured exclusively from berries in accordance with §§ 3032 and 3044 of the Internal Revenue Code.

(2) "Container," as used herein, shall mean any cask, bottle or other closed receptacle irrespective of size or of the material from which made.

(3) "Fruit wines," as used herein, shall mean any wines manufactured exclusively from fruits other than grapes in accordance with §§ 3032 and 3044 of the Internal Revenue Code.

(4) "Grape wines," as used herein, shall mean any wines produced from grapes in accordance with §§ 3032, 3036 and 3044 of the Internal Revenue Code, and manufactured outside of the state of California.

(d) *Applicability.* The provisions of this section shall be applicable to the United States and the District of Columbia.

SEC. 2.15 *Fruit wines, berry wines and grape wines (other than California grape wines)*—(a) *Maximum prices for all sellers other than sellers at retail*—(1) *Permitted increase; specified types of wine.* On and after February 5, 1943, any seller, other than a seller at retail, may add to the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation and section 2.14 of this regulation, for the fruit wines, berry wines and grape wines hereinafter described (other than California grape wines) made from the 1942 crop and prior crops of berries, fruits and grapes, a permitted increase per gallon as follows:

(i) *Berry wines containing less than 18 percent alcohol by volume.*

Group classification	Type of berry wine	Permitted increase per gallon
		Cents
Group A	Currant	12
Group A	Gooseberry	12
Group A	Loganberry	12
Group B	Blackberry	16
Group B	Dewberry	16
Group B	Raspberry	16
Group B	Youngberry	16
Group B	Other berry wines made from a single kind of berry.	16

(ii) *Fruit wines containing less than 18 percent alcohol by volume.*

Group classification	Type of fruit wine	Permitted increase per gallon
		Cents
Group C	Apricot	12
Group C	Apple	12
Group C	Cantaloupe	12
Group C	Cherry	12
Group C	Papaya	12
Group C	Pawpaw	12
Group C	Peach	12
Group C	Pear	12
Group C	Pineapple	12
Group C	Plum	12
Group C	Prune	12

(iii) *Table wine (exclusive of California grape wine and blended wine made with California grape wine).*

Group classification	Type of table wine	Permitted increase per gallon
		Cents
Group D	Champagne	4
Group D	Sparkling wine	4
Group D	Artificially carbonated wine	4
Group D	Other table wine	4

(iv) *Blended wines containing 40 per cent or more of California grape wine and not in excess of 18 per cent alcohol by volume.*

Group classification	Type of blended wine	Permitted increase per gallon
		Cents
Group E	Grape wines made outside the state of California with which California Grape Wine is blended to produce wine containing 40 per cent or more of California grape wine, blending wine or concentrates.	6

(v) *Wines containing 18 per cent or more alcohol by volume.*

Group classification	When made from wine in the following group classification	Permitted increase per gallon
		Cents
Group AA	Group A	16
Group BB	Group B	20
Group CC	Group C	16
Group DD	Group D	8
Group EE	Group E	10

(vi) *Vermouth.* (*a*) The permitted increase for vermouth made from wine or a blend of wines of which less than 40 per cent is California grape wine, shall be that specified under (v) for wines in Group DD.

(*b*) The permitted increase for vermouth made from wine or a blend of wines of which over 40 per cent but less than 100 per cent is California grape wine, shall be that specified under (v) for wines in Group EE.

(vii) *Combination wines.* The permitted increase for wine made by combining wines designated as being in the same group shall be that specified for wines of that group. The permitted increase for wine made by combining wines designated as being in different groups, or by making wine from a combination of berries, fruits and/or grapes, which separately would produce wines designated as being in different groups, shall be the lowest permitted increase specified for any such component wine, or for wine produced from any of such component berries, fruits and/or grapes without combination.

(2) Every seller, other than a seller at retail, shall convert his permitted increase per gallon computed under subparagraph (1) into a permitted increase per case, container or other unit of sale on the basis of the number of gallons of the particular type of wine contained therein, and if such permitted increase per case, container or other unit of sale includes the fractional part of a cent, shall adjust the permitted increase to the nearest higher full cent if the fraction is ½ cent or over, or to the nearest lower full cent if the fraction is less than ½ cent: *Provided*, That no seller's permitted increase for such wine sold in bottles or containers of any size are listed in Table I, shall exceed that specified in Table I.

(b) *Maximum prices for sellers at retail—permitted increase.* On and after February 5, 1943, any seller at retail, after receipt of notification from his supplier given under (d) hereof may add to the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation and section 2.14 of this regulation for the types of berry wines, fruit wines, and grape wines (other than California grape wines) described in (a) hereof, made from the 1942 crop and prior crops of berries, fruits or grapes, a permitted increase per bottle as follows:

TABLE I—PERMITTED INCREASES IN RETAIL PRICES

[Cents per bottle]

Container size	Berry wines		Fruit wines, Group C	Grape wines (other than California grape wines), Group D	Blended wines, Group E
	Group A	Group B			
½ pint	1	1	1		
1/10 gal. or 12 or 13 oz	1	2	1		1
1 pint or 15 oz	2	2	2	1	1
⅛ gal. or 23, 24 or 26 oz	2	3	2	1	1
1 quart or 30 oz	3	4	3	1	2
¼ gallon	6	8	6	2	3
1 gallon	12	16	12	4	6

	Group AA	Group BB	Group CC	Group DD	Group EE
½ pint	1	1	1		1
1/10 gal. or 12 or 13 oz	2	2	2	1	1
1 pint or 15 oz	2	3	2	1	1
⅛ gal. or 23, 24 or 26 oz	3	4	3	1	2
1 quart or 30 oz	4	5	4	2	3
¼ gallon	8	10	8	4	5
1 gallon	16	20	16	8	10

The permitted increase for container sizes larger than one gallon capacity shall be proportionate to the permitted increase for one gallon.

(c) *All sellers; new taxes.* Any seller may at any time add to the maximum prices established for him with respect to the types of berry wines, fruit wines, and grape wines (other than California grape wines) listed in (a) (1) and made from the 1942 crop or prior crops of berries, fruits or grapes, the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon such seller after March 31, 1942, by any statute of the United States, or any statute or ordinance of any state or subdivision thereof: *Provided,* That such amount has been paid, or has accrued and will be payable by such seller to the proper taxing authorities or to any prior vendor: *And provided, further,* That the provisions of this paragraph (c) shall not apply to the increases in the Federal Excise Tax which became effective November 1, 1942, as allowance for such tax increases is included in the seller's maximum prices established in accordance with § 1499.2 of the General Maximum Price Regulation and section 2.14 of this regulation.

(d) *Notification.* (1) On or before his first delivery to any purchaser of any brand, type, quality and container size of any berry wines, fruit wines or grape wines (other than California grape wines) at prices adjusted under (a) (1) hereof, every seller, other than a seller at retail, shall notify such purchaser of the total permitted increase applicable to the type of wine in the particular container, case or other unit of sale in question by delivering to the purchaser written notice as follows:

NOTICE OF PERMITTED INCREASE

The Office of Price Administration has authorized us to increase our ceiling prices for berry wines, fruit wines, and grape wines (other than California grape wines) made from the 1942 crop or prior crops of berries, fruits and grapes to reflect increased costs of production. Your new OPA ceiling price for each type of wine shown below is your March, 1942, ceiling price plus the increase for Federal Excise Taxes effective November 1, 1942, and plus the "permitted increase" stated for each of the container sizes shown below. The OPA requires you to keep this notice for examination.

TABLE TO BE USED AS PART OF THE NOTIFICATION FORM

Brand	Kind of wine	Gallons per case	Permitted increase per gallon	Permitted increase per case	Permitted increase per bottle							Other sizes (specify)
					½ pt.	1/10 gal.	1 pt.	⅛ gal.	1 qt.	¼ gal.	1 gal.	

(2) No seller is required to give a notice to any purchaser of any brand, type, quality or container size of berry wines, fruit wines, or grape wines (other than California grape wines) after one notice to such purchaser of the seller's maximum price for such brand, type, quality or container size of wine as increased under (a) (1) and/or (c): *Provided,* That if the maximum price of any seller, other than a seller at retail, for any brand, type, quality or container size of such wine is subsequently adjusted under (c) hereof, a similar notice covering the adjustment shall be given by the seller to each purchaser.

(e) *Determination of maximum prices by reference to maximum prices of most closely competitive seller.* If a seller's maximum price for any type, quality and container size of berry wines, fruit wines or grape wines (other than California grape wines) listed in (a) (1) hereof made from the 1942 crop or prior crops of berries, fruits or grapes cannot be determined under paragraphs (a) to (c) hereof, inclusive, his maximum price therefor shall be the maximum price established under (a) to (c) hereof, inclusive, for his most closely competitive seller of the same class for the same type, quality and container size of wine, or for the similar commodity most nearly like it (as such term is defined in § 1499.2 of the General Maximum Price Regulation) for sales to purchasers of the same class.

(f) *Definitions.* (1) "Berry wine" means any wine manufactured exclusively from berries other than grapes in accordance with §§ 3032 and 3044 of the Internal Revenue Code, and includes high acid berry wines "made with over 35 per cent sugar solution" within the limitations provided in § 22 (b) (5) of Regulation No. 4 issued by the Federal Alcohol Administration relating to the Labeling and Advertising of Wine.

(2) "Fruit wine" means any wine manufactured exclusively from fruits other than grapes in accordance with §§ 3032 and 3044 of the Internal Revenue Code.

(3) "Grape wines (other than California grape wines)" means grape wine produced in accordance with §§ 3032, 3036 and 3044 of the Internal Revenue Code in wineries located outside of the State of California, but does not include wine containing California grape wine.

(4) "California grape wine" means grape wine produced in accordance with §§ 3032, 3036 and 3044 of the Internal Revenue Code in wineries located within the state of California.

(5) "Table wine" means grape wine, other than dessert wine or blending wine.

(6) "Dessert wine" means grape wine having an alcoholic content in excess of 14 per cent by volume but not in excess of 21 per cent by volume to which grape

spirits have been added in accordance with § 3032 of the Internal Revenue Code.

(7) "Blending wine" means wine produced in accordance with § 3032 of the Internal Revenue Code and having an alcoholic content in excess of 21 per cent by volume but not in excess of 24 per cent by volume.

(8) "Grape spirits" means wine spirits produced from grapes in accordance with § 3036 of the Internal Revenue Code.

(9) "Concentrates" means boiled or condensed berry, fruit or grape juice concentrated to not more than 80 degrees (Balling).

(10) "Vermouth" means vermouth as defined in Section 21, Class 7 of Regulation No. 4 issued by the Federal Alcohol Administration relating to the Labeling and Advertising of Wine.

(11) "Sparkling wine" means grape wine rendered effervescent by secondary fermentation of the wine in a closed container, tank or bottle.

(12) "Artificially carbonated wine" means grape wine rendered effervescent otherwise than by secondary fermentation in a closed container, tank or bottle.

(g) *Applicability.* The provisions of this section shall be applicable to the United States and the District of Columbia.

SEC. 2.16 *Unfinished wines*—(a) *Maximum prices for unfinished wines; all sellers.* A seller's maximum price for a particular kind and type of unfinished wine shall be:

(1) The maximum price established for such seller under sections 2.2 to 2.11, inclusive, or section 2.15 of this regulation for wine of the same kind and type sold in a finished condition to a purchaser of the same class; or

(2) If a seller's maximum price for a particular kind and type of unfinished wine cannot be determined under (1), his maximum price therefor shall be that established under sections 2.2 to 2.11, inclusive, or section 2.15 of this regulation by a seller of the same class for the most closely comparable kind and type of unfinished wine sold to a purchaser of the same class.

(3) A seller's customary differentials charged in March 1942 for bulk unfinished wine in barrels or other containers larger than 4½ gallons capacity but less than a carload lot may be charged for the same container size after February 14, 1943.

(b) *Notice to be given to purchasers.* On and after February 15, 1943, every seller of unfinished wine shall place upon the invoice, or upon the other evidence of sale of unfinished wine delivered by him to any purchaser a signed statement as follows:

> The price for the unfinished wine covered by this invoice (or evidence of sale) does not exceed our ceiling price for unfinished wine established under OPA Regulation, Amendment No. 105 to Supplementary Regulation No. 14 to the General Maximum Price Regulation.
>
> (Signed) ----------
> (Seller)

Only one such statement need be given by a seller for any particular sale of unfinished wine.

(c) *Definitions.* (1) "Wine" means that commodity as defined in Article II of Regulation No. 4 (as amended to March 1, 1939) relating to the Labeling and Advertising of Wine and issued by the Federal Alcohol Administration.

(2) "Unfinished wine" means wine which in the usual course of wine production, will receive further finishing treatment before it is sold for consumption.

(3) "Finished condition" with reference to wine means wine which, in the usual course of wine production, will not receive further finishing treatment before it is sold for consumption.

(4) "Finishing treatment" means additional cellar treatment customarily used to change unfinished wine to wine in a finished condition, including but not limited to filtering, fining, aging, or the addition of acidulents or sweetening, but not including blending or fortification.

(5) "Kind and type" with reference to wine refers to the customary trade classification of wine as to (i) the material from which it is made, viz., fruit, berries, grapes grown in the state of California, or grapes grown elsewhere in the United States, etc., (ii) the alcoholic content, viz., table wine, dessert wine, unfortified wine, fortified wine, etc., (iii) the character of the processing used in its production, viz., natural sparkling, artificial carbonation, etc., and (iv) the type of wine within such classification, viz., sherry, champagne, American scuppernong, muscatel, etc.

(d) *Applicability.* The provisions of this section shall be applicable to the United States and the District of Columbia.

SEC. 2.17 *Packaged imported whiskey; sales by retailer off-premise licensees in the New York City metropolitan territory.* The maximum prices for sales of packaged imported whiskey by retailer off-premise licensees in the New York City metropolitan territory shall be the retailer off-premise licensee's maximum prices established under § 1499.2 of the General Maximum Price Regulation; or

(a) *Alternative maximum prices.* If the retailer off-premise licensee in the New York City metropolitan territory shall elect to establish an alternative maximum price for sales of any particular brand, type, and container size of packaged imported whiskey, he shall determine such maximum price as follows:

(1) The retailer off-premise licensee shall determine his net cost per case for his largest single purchase of the particular brand, type, and container size in question in February, 1943, or if no purchase of the particular commodity in question was made in that month, such net cost in the nearest preceding month in which a purchase of the commodity was made during the period from July 19, 1942, through January 31, 1943. "Net Cost" shall not include the amount of the increased Federal excise tax of November 1, 1942, and it shall mean the net price paid by the seller for the particular commodity in question delivered at his customary receiving point less all discounts allowed him, except the discount for prompt payment. No charge or cost for local unloading or local trucking shall be included.

(2) Multiply the net cost per case determined in accordance with subparagraph (1) by:

(i) 1.075 in the case of Class I retailer off-premise licensees; or

(ii) 1.15 in the case of Class II retailer off-premise licensees.

(3) Add to the resulting figure at (2) (i) or (ii), as the case may be, the amount of any new tax or increase in an existing tax incident to the sale, processing or use of imported whiskey which is imposed upon the seller or any prior vendor after March 31, 1942, with respect to the particular quantity of imported whiskey to be priced hereunder by any statute of the United States, statute of the State of New York, or ordinance of any subdivision thereof within the New York City metropolitan territory: *Provided,* That the amount of such tax shall have been paid or shall have accrued and be payable by such seller to the proper taxing authorities or to any prior vendor.

(4) Divide the resulting figure at (3), as computed by the Class I or Class II retailer off-premises licensee, as the case may be, by the number of individual containers of the particular brand, type and container size within the case. Adjust the figure thus arrived at to the next higher even cent if the fraction is ½ cent or over and to the next lower even cent if the fraction is less than ½ cent.

(5) Multiply the resulting figure at (4), as computed by the Class I or Class II retailer off-premise licensee, as the case may be, by the percentage rate of any sales tax or similar tax imposed upon the seller by any ordinance of any subdivision of the state of New York within the New York City metropolitan territory. The resulting figure shall be rounded off to the nearest full cent in accordance with the pr. tice of the seller in March, 1942, and added to the amount determined at (4): *Provided,* That

(6) The resulting figure at (5) shall be such retailer's maximum price per unit for sales of the particular brand, type, and container size of packaged imported whiskey in question, and such maximum price shall be applicable to such retailer's floor stocks of the particular commodity priced hereunder as well as to new purchases of such commodity, subject to the provisions of paragraph (b) and (c).

(b) *Reports.* Within five days after establishing a maximum price for any brand, type, and container size of packaged imported whiskey under paragraph (a), the retailer off-premise licensee shall file with the District Office of the Office of Price Administration, 525 Fifth Avenue, New York City, New York,, a report of the establishment of such maximum price. Such report shall set forth the classification of such licensee; a description of the commodity priced; his net cost per case for the commodity in question; the date of purchase by refer-

ence to which his net cost is determined; the name of his supplier; his former maximum price for the commodity in question; his new maximum price established under paragraph (a); and the method of his computations under paragraph (a).

(c) *Maximum prices cannot be changed.* (1) On and after the date of filing the report required by paragraph (b) the maximum price established by the retailer off-premise licensee for the particular brand, type, and container size of packaged imported whiskey in question shall not be changed unless an adjustment thereof is required for the addition of new or increased taxes in accordance with paragraph (a) (3), or unless a change is required by written notification from the District Office of the Office of Price Administration, New York City, New York.

(2) If a retailer off-premise licensee in the New York City metropolitan territory does not establish a maximum price under paragraph (a) by June 8, 1943, his maximum prices established under § 1499.2 of the General Maximum Price Regulation shall not be altered under the provisions of this section.

(d) *Definitions.* (1) "Class I retailer off-premise licensee" shall mean a retailer off-premise licensee whose gross sales of domestic and imported liquors, wines, and beers during the calendar year 1941 totalled $300,000 or more.

(2) "Class II retailer off-premise licensee" shall mean a retailer off-premise licensee whose gross sales of domestic and imported liquors, wines, and beers during the calendar year 1941 totalled less than $300,000.

(3) "Container size" shall mean the particular weight or unit in which imported whiskey is sold to the ultimate consumer in accordance with the regulations of the Federal Alcohol Administration.

(4) "New York City metropolitan territory" shall mean the geographical area within the counties of Bronx, Kings, Manhattan, Nassau, Queens, Richmond, Suffolk, and Westchester in the state of New York.

(5) "Packaged imported whiskey" shall mean any and all whiskey produced outside of the continental United States or its territories and possessions, and which is sold in the continental United States in containers having a capacity of one wine gallon or less.

(6) "Retailer off-premise licensee" shall mean a person licensed under the statutes of the state of New York to sell liquors and wines to the ultimate consumer for consumption off the premise of the licensee.

(e) *Classification of retailer off-premise licensees.* (1) Each retailer off-premise licensee shall determine his classification by reference to his gross sales of liquors, wines and beers for twelve months during the calendar year 1941. If such gross sales totalled $300,000 or more, he shall be a Class I retailer off-premise licensee for the purposes of this section. If such sales totalled less than $300,000, he shall be a Class II retailer off-premise licensee for the purposes of this section.

(2) If the retailer off-premise licensee cannot determine his classification by reference to such gross sales for 12 months during the calendar year 1941, such retailer shall determine his classification by reference to his gross sales during the earliest 12-month period commencing after January 1, 1941.

(3) Where the retailer's classification is determined by reference to any period of time after November 1, 1942, such retailer shall deduct from the amount of the gross sales made after such date the amount of the increase in the Federal excise tax which became effective on November 1, 1942 paid by the retailer to the proper taxing authorities or to any prior vendor.

(4) If the retailer off-premise licensee cannot determine his classification because he has not engaged in business for a 12-month period prior to March 8, 1943, such retailer's classification shall be determined upon application to the District Office of the Office of Price Administration, New York City, New York. Such application shall contain appropriate facts with reference to which applicant's classification may be established. The Price Administrator or any duly authorized officer of the Office of Price Administration in the District Office of the Office of Price Administration, New York City, New York, shall by order establish the classification of such retailer.

Article III—Textiles, Leather and Apparel

SEC. 3.1 *Used silk or nylon hosiery sold to Defense Supplies Corporation*—(a) *Maximum price.* The maximum price for used silk or nylon hosiery sold or delivered in carload lots to Defense Supplies Corporation shall be three and one-half cents per pound f. o. b. loading platform of common carrier at seller's point of shipment.

(b) *Other transactions.* The maximum price set forth in paragraph (a) above shall apply and § 1499.2 of the General Maximum Price Regulation or such other maximum price regulation as may be applicable shall apply to all sales of used silk or nylon hosiery other than sales described in said paragraph (a).

(c) *Definition.* The term "used silk or nylon hosiery," as used in this section, means any women's or misses' hosiery of any length or size of which the body is silk and/or nylon, which hosiery is used, worn or damaged so that it can only be sold as secondhand goods, and which is guaranteed by the seller to be a fair average of dealer's graded clean, dry stock, free of objectionable material, packed in machine compressed bales, covered with burlap or similar protective wrapper, tare not to exceed three and one-half per cent.

SEC. 3.2 *Cotton bale bagging sold by cotton oil mills (with and without ties)*—(a) *Maximum prices.* The maximum price for sales by cotton oil mills of cotton bale bagging (and ties, when sold in combination with cotton bale bagging at a single price for the combination) shall be determined in the following manner:

(1) The maximum price per pattern, f. o. b. seller's plant, for cotton bale bagging complete with five ties shall be the sum of:

(i) The replacement cost thereof; plus

(ii) Actual freight incurred in bringing such bagging and ties to seller's plant; plus

(iii) A mark-up of five cents.

(2) The maximum price per pattern, f. o. b. seller's plant, for cotton bale bagging without ties shall be the sum of:

(i) The replacement cost thereof; plus

(ii) Actual freight incurred in bringing such bagging to seller's plant; plus

(iii) A mark-up of four cents.

(3) No seller determining a maximum price under the provisions of this section shall be required to grant any discounts or allowances from the maximum price so determined.

(4) The provisions of this section shall apply and Revised Price Schedule No. 49 shall not apply to sales by cotton oil mills of cotton bale ties when sold in combination with cotton bale bagging at a single price for the combination.

(b) *Definitions.* (1) "Cotton bale bagging" means textile material sold for use as a covering for cotton bales, including, but not limited to, the following: new jute bagging, rewoven jute bagging, reworked jute bagging, sugar bag cloth, and cotton bagging.

(2) "Pattern" means a quantity of six linear yards of cotton bale bagging whether at the time of sale such bagging has been cut into pieces for application to the bale or is in the form of a continuous strip or roll.

(3) "Replacement cost" means the net price paid by such seller after May 18, 1942, or the net price the seller would have to pay after such date, when purchasing from his customary source of supply, to replace cotton bale bagging (and ties, when sold in combination with cotton bale bagging at a single price for the combination) of the same type, weight, and quality and in the same form as that for which a maximum price is being determined: *Provided*, That such net price may not exceed the maximum price of such seller's customary supplier determined pursuant to the applicable price schedule or regulation issued by the Office of Price Administration.

SEC. 3.3 *Footwear*—(a) *Method of determining maximum prices.* (1) The maximum price for sales and deliveries of footwear by manufacturers or wholesalers thereof shall be the maximum price determined in accordance with § 1499.2 of the General Maximum Price Regulation, except that the maximum price for each style in a line of footwear shall be the highest price charged by such seller during March, 1942, for any style in the line: *Provided*, That such seller in actual practice (i) priced each style in the line at the same price, (ii) offered the entire line at that one price,

giving the purchaser the option to choose without restriction any reasonable quantity of any style or styles, (iii) would not change the price of any style in the line without changing the price of all styles, and (iv) offered each style in the line only as part of the line and not as an individual item: *Provided further*, That the maximum price so determined may not be used for new styles added to the line unless all standards of quality of such new styles are at least equal to the standards of quality of the other footwear in the line with respect to workmanship and materials.

(2) For the purpose of determining the highest price charged by manufacturers or wholesalers during March, 1942, deliveries of sample footwear shall be deemed a delivery during March, 1942: *Provided*, That such samples (i) were delivered in March, 1942, as an advance delivery pursuant to a firm contract previously made for volume shipment, (ii) were the same footwear called for by such contract, (iii) were delivered at the contract price, and (iv) were not delivered by the seller to promote his own sales.

(3) The maximum price for sales of footwear at retail shall be the seller's maximum price determined in accordance with § 1499.2 of the General Maximum Price Regulation, except that the maximum price for each style in a line of footwear shall be the highest price charged by the seller during March 1942, for any style in the line: *Provided*, That such seller in actual practice (i) priced each style in the line at the same price and (ii) would not change the price of any style in the line without changing the price of all styles: *Provided further*, That the maximum price so determined may not be used for new styles added to the line unless all standards of quality of such new styles are at least equal to the standards of quality of the other footwear in the line with respect to workmanship and materials.

(4) A seller at retail who maintained in March, 1942, the practice of pricing at more than one resale price a manufacturer's or wholesaler's line of footwear, all styles of which were purchased by such seller at the same price, shall continue to price at the lower price level or levels at least the same proportion of footwear in such line as was in effect during March, 1942.

(b) *Definitions.* (1) "Footwear" means any type of outside covering for the human foot, but does not include hosiery, footwear made entirely of wood or footwear in which vulcanization is used in the process of manufacture.

(2) A "line of footwear" means an integrated group of styles of footwear offered by a seller at the same price for each style in the group.

SEC. 3.4 *Raw furs, skins, and peltries.* (a) The maximum price for any seller of raw furs, skins or peltries, the sale or delivery of which is subject to the provisions of the General Maximum Price Regulation, shall be:

(1) A price in line with the highest price charged by such seller during March, 1942, for the same or the nearest related type of raw furs, skins or peltries, making adjustments for differences in size, quality, condition, grade, fineness, color, and texture and suitability for use with a lot when offered for sale as a part of a lot; or

(2) If the maximum price cannot be so determined, the seller's maximum price shall be a price in line with the highest price charged during March, 1942, by such seller's most closely competitive seller of the same class for the same or the nearest related type of raw furs, skins or peltries, making adjustments for differences in size, quality, condition, grade, fineness, color, and texture and suitability for use with a lot when offered for sale as a part of such lot; or

(3) If the maximum price cannot be so determined, the seller's maximum price shall be a price in line with the general level of prices prevailing among sellers of the same class during the year ended March 31, 1942, for the same or similar raw furs, skins or peltries, making adjustments for differences in size, quality, condition, grade, fineness, color, and texture and suitability for use with a lot when offered for sale as a part of such lot.

(b) *Definition.* When used in this section, the term, "raw furs, skins, and peltries," means undressed or untanned furs and skins or hides, whether imported or domestic, the sale or delivery of which is subject to the General Maximum Price Regulation.

SEC. 3.5 *Manufacturers' prices for fall and winter outer clothing*—(a) *Definition of manufacturer.* A "manufacturer" of a garment means a seller otherwise than at wholesale or at retail.

(b) *Definition of fall and winter outer clothing.* "Fall and winter outer clothing" means any of the following garments:

(1) Coats, jackets, and vests when fully lined or entire body is lined with cotton flannel, cotton suede, cotton blanket or any wool or part-wool materials, but not including tailored garments covered by Maximum Price Regulation No. 177 or rainwear garments (men's and boys' only; all sizes except infants' garments);

(2) Mackinaws, swagger, and fingertip coats, but not including tailored garments covered by Maximum Price Regulation No. 177 (men's and boys' only; all sizes);

(3) Shirts made of wool, part wool, cotton flannel or cotton suede (men's and boys' only; all sizes except infants' garments);

(4) Jackets, loafer coats, and pants made of wool or part-wool kersey, melton, plaid or fleece weighing 18 ounces or more per yard on 54 inch width basis, excepting tailored garments covered by Maximum Price Regulation No. 177 (men's and boys' only; all sizes);

(5) Jackets and coats made of leather or of leather combined with wool or part-wool kersey, melton, plaid or fleece weighing 18 ounces or more per yard on 54 inch width basis (men's and boys' only; all sizes, excepting infants' garments);

(6) Leather coats and jackets when bodies and sleeves are made entirely of leather (women's and girls' only; all sizes except infants' garments);

(7) Corduroy coats, suits, jackets, vests, pants, and overalls (men's and boys' only; all sizes except infants' garments);

(8) Water repellent duck clothing and all hunting clothing, including coats, vests, pants, caps, and hats (men's and boys' only; all sizes);

(9) Ski and skating outerwear clothing, including pants, jackets, mittens, caps, and hoods, and combinations of these (for both sexes and in all sizes, except women's, girls' and children's jackets, skirts, coats, and skating suits covered by Maximum Price Regulation No. 153, as amended, and except infants' and children's ski pants up to and including size 14);

(10) Husking gloves and husking mittens;

(11) Fully lined work gloves;

(12) Gloves and mittens made of or fully lined with fur, wool, part wool, brushed rayon or leather, but not including females' unlined leather gloves and unlined leather work gloves;

(13) Single thickness jersey work gloves made of nine ounce material or heavier;

(14) Parka hoods; and

(15) Leather and leatherette helmets, excepting athletic helmets.

(c) For the purpose of determining a manufacturer's maximum price under the General Maximum Price Regulation for fall and winter outer clothing, the "highest price charged during March, 1942," by any seller means the price at which, from December, 1941, to March, 1942, inclusive, the seller first accepted an order from a purchaser of the same class for garments intended for the 1942 fall and winter season. But if the seller did not accept an order from a purchaser of a particular class, the "highest price charged during March, 1942," to purchasers of that class means the price at which the seller first accepted an order during those months from a purchaser of any class, adjusted to reflect the manufacturer's established allowances, discounts, and price differentials. No seller shall change his customary allowances, discounts, or other price differentials, if such change results in a higher price. No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any fall and winter outer clothing than the seller required purchasers of the same class to pay from December, 1941, to March, 1942, inclusive, on deliveries of such clothing.

(d) On or before December 1, 1942, every manufacturer of fall and winter outer clothing shall prepare a statement and keep it available for examination by the Office of Price Administration. This statement shall list each garment of fall and winter outer clothing which the manufacturer has sold, delivered or offered for sale after November 10, 1942, the seller's maximum price for the garment to each class of purchaser to whom it was sold, delivered or offered, and the manner in which the manufacturer determined his maximum price. This statement shall be kept up to date with respect to garments offered for sale on and after December 1, 1942. If the garment is one for which the seller from December, 1941, to March, 1942, inclusive, accepted orders for the 1942 fall and winter season, the statement shall show the price at which the seller first accepted an order for it from each class of purchaser.

SEC. 3.6 *Twill jean cleaning cloths and frame cleaning equipment curtains; manufacturers' maximum prices.* The maximum prices which may be charged by manufacturers for the sale and delivery of twill jean cleaning cloths and frame cleaning equipment curtains manufactured in accordance with Bell Telephone Laboratory, Inc., specifications set forth in paragraphs (a) and (b) respectively, shall be as set out below:

(a) *Twill jean cleaning cloths.*

Specification No.:	*Maximum price*
KS-2423, Issue Nos. 1 and 10	$23.31 per M

(b) *Frame cleaning equipment curtains.*

Specification No.:	
ESL-621922, Issue No. 6:	
Detail No. 1	$17.05 each
Detail No. 2	16.15 each
ESL-625565, Issue No. 5:	
Detail No. 2	17.05 each
Detail No. 3	16.15 each
ESO-632571, Issue No. 2:	
Group No. 1	36.50 per set of 4
Group No. 2	48.25 per set of 5
ESO-632294, Issue No. 2:	
Group No. 1	36.50 per set of 4
Group No. 2	48.25 per set of 5

Article IV—Chemicals, Drugs and Paints

SEC. 4.1 *Salt obtained from producers in Louisiana*—(a) *Maximum prices for sales by first buyers situated in certain parts of Florida.* Any seller obtaining the grades of salt listed herein directly from producers in Louisiana and Texas or such producers' agents and reselling the same may, at his option, establish as his maximum prices therefor, the prices set forth in this paragraph (a) in lieu of the maximum prices therefor established pursuant to other provisions of the General Maximum Price Regulation.

Grade and quantity:	*Maximum cash price f. o. b. seller's shipping point*
100 lbs. C–A, No. 1, 2, 3, and 4	$1.22
100 lbs. Cotton, kiln dried, rock	1.32
6/10 lb. Pockets fine rock	1.16
15/4 lb. Pockets fine rock	1.20
50 lbs. plain stock blocks	.66
50 lbs. sulfur stock blocks	.77
50 lbs. iodized stock blocks	.93

These maximum prices for the grades mentioned above shall also be the maximum prices for other grades whose cost to the seller is within two cents per hundred pounds, per 6/10 lb. pockets or 15/4 pound pockets, or per 50-pound block, as the case may be, of the cost to the seller of the grades of salt specifically enumerated above.

This paragraph (a) is applicable only to sellers whose place of business is situated within one of the following-named counties in Florida and only to sales made from a shipping point located in one of such counties:

Brevard	Martin
Broward	Monroe
Charlotte	Okeechobee
Citrus	Orange
Dade	Osceola
Desoto	Palm Beach
Hardee	Pasco
Hernando	Pinellas
Highlands	Polk
Hillsborough	St. Lucie
Indian River	Sarasota
Lake	Seminole
Lee	Sumter
Manatee	Volusia
Marion	

(b) *Maximum prices for sales by retailers of salt obtained from a seller described in paragraph* (a). Any retailer obtaining salt at a maximum price determined under paragraph (a) may, at his option, establish as his maximum price therefor, a price which is the sum of his maximum price established pursuant to other provisions of the General Maximum Price Regulation and the difference in dollars and cents between the seller's [the seller meant is the seller described in paragraph (a)] former maximum price and the seller's maximum price under paragraph (a).

(c) *Records and reports of sellers determining maximum prices under paragraph* (a). Any seller who determines his maximum selling price for any salt under paragraph (a) shall, within 10 days of his first sale at the maximum price so determined, file with the Office of Price Administration in Washington, D. C., a statement containing the following information with respect to each such commodity:

(1) The name of the commodity and the name of its producer.

(2) His maximum selling price on such commodity, as established under § 1499.2 of the General Maximum Price Regulation, together with his maximum selling price as adjusted under this section.

(3) The average percentage mark-up enjoyed by him during March, 1942, over the manufacturer's carload price after cash discount on such commodity.

(d) *Notification to retailers by sellers determining maximum prices under paragraph* (a) Any seller who determines his maximum price for any sale under paragraph (a) shall deliver invoices to retailers covering sales subject to this section, and at the time of delivery attach to his first invoice to each such retailer on any sale at a price so determined a notice as follows:

The Office of Price Administration has permitted us to raise our maximum prices on certain grades of salt. These grades, with our previous and new maximum prices, are as follows:

	(1) Previous maximum price	(2) New maximum cash price f. o. b. our shipping point	(3) Difference between columns (1) and (2)
100 lbs. C–A, Nos. 1, 2, 3, and 4		$1.22	
100 lbs. Cotton kiln dried rock		1.32	
6/10 lb. Pockets fine rock		1.16	
15/4 lb. Pockets fine rock		1.20	
50 lbs. Plain stock blocks		.66	
50 lbs. Sulfur stock blocks		.77	
50 lbs. Iodized stock block		.93	

These increases represent only that part of cost increases which we were unable to absorb. Your maximum price for a sale of any of the above named grades and quantities may be increased by the difference in dollars and cents between our previous and our new maximum price for that grade and quantity, as shown in the column numbered "(3)," above. If you sell any of the above listed grades in smaller quantities than those listed, you may add to your former maximum price for that smaller quantity an amount which bears the same proportional relationship to your maximum price increase for the quantity listed above as the smaller quantity bears to the quantity listed above. O. P. A. requires that you keep this notice for examination.

SEC. 4.2 *Shellac varnish*—(a) *Manufacturers' maximum prices.* Any manufacturer may, at his option, sell shellac varnish and any person may buy shellac varnish at the maximum prices established herein instead of at the maximum prices established for shellac varnish pursuant to other provisions of the General Maximum Price Regulation.

(1) *Maximum prices for sales by manufacturers other than at retail.* The maximum price per gallon, f. o. b. manufacturer's plant, for shellac varnish sold other than at retail may be calculated as follows:

(i) The maximum price per gallon in barrels, f. o. b. manufacturer's plant, shall be the sum of the following three items: the cost of alcohol used; the cost of shellac used; and the applicable mark-up.

(*a*) The cost of alcohol used shall be the actual delivered cost of such alcohol.

(*b*) The cost of the shellac used shall be the actual delivered cost of such shellac, except that:

If the manufacturer imported the shellac used or purchased it from the Defense Supplies Corporation, the cost of the shellac is calculated by using the applicable maximum price established in paragraphs (a) and (b) of § 1415.115 of Maximum Price Regulation No. 245; or,

If the manufacturer has bleached the shellac used, the cost of the shellac is calculated by using the applicable maximum price for bleached shellac established in paragraph (f) of § 1415.115 of Maximum Price Regulation No. 245.

(c) The mark-up shall be calculated as follows:

Cut in pounds	When the delivered cost of alcohol used is—		
	35¢ or less per gallon the mark-up shall be—	More than 35¢ but less than 48¢ per gallon the mark-up shall be—	48¢ or more per gallon the mark-up shall be—
	Per gallon of shellac varnish	*Per gallon of shellac varnish*	*Per gallon of shellac varnish*
1	$0.24	$0.27	$0.31
2	.33	.37	.40
3	.42	.45	.48
3½	.45	.49	.52
4	.49	.52	.55
5	.55	.58	.61
6	.60	.63	.66
7	.65	.68	.70
8	.69	.72	.74
9	.73	.76	.78
10	.77	.79	.81

(ii) *Container differentials.* For sales of shellac varnish in containers smaller than a barrel the following additional charges per gallon may be added to the maximum prices established above:

Container	Size	Per gallon
½ barrel	25–30 gallon	$0.05
Wooden container	5–15 gallon	.15
Can	5-gallon	.10
Can	1-gallon	.20
Glass jug	1-gallon	.25
Can	½-gallon	.30
Glass bottle	1-quart	.50
Can	1-quart	.50
Glass bottle	1-pint	.75
Can	1-pint	.75
Glass bottle	½-pint	1.15
Can	½-pint	1.15
Glass bottle	¼-pint	2.30
Can	¼-pint	2.30

(2) *Maximum prices for sales by manufacturers at retail.* The maximum price for sales of shellac varnish sold at retail by such manufacturers shall be 150 percent of the maximum prices established above.

(b) *Wholesalers' maximum prices.* Any wholesaler may, at his option, sell shellac varnish and any person may buy shellac varnish at the maximum prices established herein instead of at the maximum prices established for shellac varnish pursuant to other provisions of the General Maximum Price Regulation.

(1) *Maximum prices for sales by wholesalers to retailers.* The maximum price of shellac varnish for sales by a wholesaler to a retailer shall be 125 percent of the actual delivered cost of such shellac varnish to such wholesaler.

(2) *Maximum prices for sales by a wholesaler who repackages and sells to retailers.* The maximum price for sales of shellac varnish to retailers by a wholesaler who repackages such shellac varnish in smaller containers shall be 125 percent of the sum of the following items: the actual delivered cost of the shellac varnish to the wholesaler and the applicable differential shown herewith.

Container	Size	Per gallon
½ barrel	25–30 gallon	$0.05
Wooden container	5–15 gallon	.15
Can	5-gallon	.10
Can	1-gallon	.20
Glass jug	1-gallon	.25
Can	½-gallon	.30
Glass bottle	1-quart	.50
Can	1-quart	.50
Glass bottle	1-pint	.75
Can	1-pint	.75
Glass bottle	½-pint	1.15
Can	½-pint	1.15
Glass bottle	¼-pint	2.30
Can	¼-pint	2.30

For example *Per gallon*

Delivered cost of white shellac varnish in barrels to wholesaler is	$2.20
Differential for repackaging from barrels to quarts is	.50
	2.70
125 percent of $2.70 is	$3.38
Wholesaler's maximum price for quart, including container, is $3.38÷4 or	$0.85

(3) *Maximum prices for sales by wholesalers at retail.* The maximum price for sales of shellac varnish at retail by a wholesaler shall be 150 per cent of the delivered cost of such shellac varnish to such wholesaler.

(4) *Maximum prices for sales by a wholesaler who repackages and sells at retail.* The maximum price for sales of shellac varnish at retail by a wholesaler who repackages such shellac varnish in smaller containers shall be 150 per cent of the sum of the following items: the actual delivered cost of the shellac varnish to the wholesaler and the applicable differential shown in (2) above.

(c) *Retailers' maximum prices.* Any retailer may sell shellac varnish at retail at the maximum prices established herein instead of at the maximum prices established for shellac varnish pursuant to other provisions of the General Maximum Price Regulation.

(1) For sales of shellac varnish by a retailer the maximum price shall be 150 per cent of the actual delivered cost of such shellac varnish to such retailer.

(2) For sales of shellac varnish by retailers who repackage in smaller packages the maximum price shall be 150 per cent of the sum of the following items: the delivered cost of such shellac varnish to such retailer and the applicable differential shown herewith.

Container	Size	Per gallon
½ barrel	25–30 gallon	$0.05
Wooden container	5–15 gallon	.15
Can	5-gallon	.10
Can	1-gallon	.20
Glass jug	1-gallon	.25
Can	½-gallon	.30
Glass bottle	1-quart	.50
Can	1-quart	.50
Glass bottle	1-pint	.75
Can	1-pint	.75
Glass bottle	½-pint	1.15
Can	½-pint	1.15
Glass bottle	¼-pint	2.30
Can	¼-pint	2.30

For example *Per gallon*

Delivered cost of white shellac varnish in barrels to wholesaler is	$2.20
Differential for repackaging from barrels to quarts is	.50
	2.70
125 per cent of $2.70 is	$3.38
Wholesaler's maximum price for quart, including container, is $3.38÷4 or	$0.85

(d) *Additional container charges prohibited.* The maximum prices established in this section may not be increased by reason of any charge for containers other than the container differentials set forth herein, except that where sales of shellac varnish are made to the United States or any agency thereof, if the contract of sale requires special packaging, an additional charge may be made for the actual cost of such packaging provided that it is separately stated on the invoice.

(e) *Notification to retailers by sellers determining maximum prices under paragraphs* (a) *and* (b). Any seller who determines his maximum price for shellac varnish under paragraphs (a) and (b) shall deliver invoices to retailers covering sales subject to this section, and at the time of delivery attach to his first invoice to each such retailer on any sale at a price so determined a notice as follows:

The Office of Price Administration has permitted us to raise our maximum price on (*manufacturer inserts description of shellac varnish herein*) shellac varnish, . . . pound cut, from (*manufacturer inserts old price*) to (*manufacturer inserts new price*) per (*manufacturer inserts container size*). This increase represents only that part of cost increases which we are unable to absorb. Retailers are authorized to, (a) maintain their March 1942, ceiling price on such shellac varnish, or (b) determine a ceiling price by multiplying the current net delivered cost to such retailer by 1.50, whichever is higher. If such retailer repackages this shellac in smaller packages and also elects to determine a new ceiling price, according to the method provided under (b) above, he may add the appropriate differential from the following list before multiplying by 1.50:

CONTAINER DIFFERENTIALS

Container	Size	Differential per gallon
½ barrel	25–30 gallon	$0.05
Wooden container	5–15 gallon	.15
Can	5-gallon	.10
Can	1-gallon	.20
Glass jug	1-gallon	.25
Can	½-gallon	.30
Glass bottle	1-quart	.50
Can	1-quart	.50
Glass bottle	1-pint	.75
Can	1-pint	.75
Glass bottle	½-pint	1.15
Can	½-pint	1.15
Glass bottle	¼-pint	2.30
Can	¼-pint	2.30

The Office of Price Administration requires retailers to keep this notice for examination.

SEC. 4.3 *Sales of natural oil of peppermint, natural oil of spearmint, and U. S. P. redistilled oil of peppermint.* (a) Dealers in natural oil of peppermint, natural oil of spearmint, and U. S. P. redistilled oil of peppermint may, at their option, establish as their maximum prices those prices hereinafter specified in place of the maximum prices therefor established pursuant to other provisions of the General Maximum Price Regulation. The maximum prices are established as follows:

	Per pound
Natural oil of peppermint	$5.50
U. S. P. redistilled oil of peppermint	5.75
Natural oil of spearmint	3.50

(b) All discounts, allowances, and trade practices in effect with respect to the above listed commodities during March, 1942, by the seller shall remain in effect under this provision.

(c) The term "dealer" means any person selling oil of peppermint or oil of spearmint other than a person selling such commodities distilled by him from plants grown by him.

SEC. 4.4 *Superphosphate*—(a) *Bulk sales of ordinary superphosphate.* The maximum price a producer may charge for ordinary superphosphate (containing less than 22 per cent available phosphoric acid) for sale in bulk to fertilizer manufacturers or mixers shall be:

(1) *Pulverized superphosphate.* (i) For sales of run-of-pile, basis f. o. b. cars at each producing point, the price specified for that point as listed below:

Point of production:	*Maximum price per unit of available phosphoric acid*
Little Rock, Arkansas	$0.70
Texarkana, Arkansas	.70
Stege, California	.84
Vernon, California	.84
East Tampa, Florida	.50
Jacksonville, Florida	.53
Nichols, Florida	.50
Pierce, Florida	.50
Calumet City, Illinois	.68
Chicago Heights, Illinois	.68
East Saint Louis, Illinois	.63
Fort Wayne, Indiana	.68
Indianapolis, Indiana	.68
New Albany, Indiana	.65
Baltimore, Maryland	.64
Lowell, Massachusetts	.75
North Weymouth, Massachusetts	.75
Woburn, Massachusetts	.75
Detroit, Michigan	.70
Lansing, Michigan	.70
Carteret, New Jersey	.69
Paulsboro, New Jersey	.67
Buffalo, New York	.70
Acme, North Carolina	.62
Charlotte, North Carolina	.62
Durham, North Carolina	.62
Greensboro, North Carolina	.62
Laurinburg, North Carolina	.62
Navassa, North Carolina	.59
Selma, North Carolina	.62
Wadesboro, North Carolina	.62
Wilmington, North Carolina	.59
Wilson, North Carolina	.62
Cincinnati, Ohio	.65
Cleveland, Ohio	.68
Columbus, Ohio	.68
Lockland, Ohio	.65
Sandusky, Ohio	.68
Silica, Ohio	$0.68
Toledo, Ohio	.68
Washington Court House, Ohio	.68
Philadelphia, Pennsylvania	.67
Anderson, South Carolina	.62
Charleston, South Carolina	.55
Columbia, South Carolina	.60
Greenville, South Carolina	.62
Hartsville, South Carolina	.62
Lancaster, South Carolina	.62
Spartanburg, South Carolina	.62
Dallas, Texas	.70
Houston, Texas	.68
Alexandria, Virginia	.64
Lynchburg, Virginia	.64
Norfolk, Virginia	.63
Portsmouth, Virginia	.63
Richmond, Virginia	.64

(ii) For sales of run-of-pile, basis f. o. b. cars at buyer's destination within a delivery area as described below from any producing point listed as a price basing point for that area, a price equal to the price f. o. b. the one of the price basing points listed, plus the cost of transportation by rail in carload lots from that price basing point to the buyer's destination which will result in the lowest net delivered cost to the buyer, such transportation cost to include the three per cent tax thereon imposed by § 620 of the Revenue Act of 1942:

DELIVERY AREA

AREA 1

STATE OF GEORGIA

Price basing points	*Maximum price per unit of available phosphoric acid*
Albany, Ga	$0.61
Americus, Ga	.61
Athens, Ga	.61
Atlanta, Ga	.61
Augusta, Ga	.61
Columbus, Ga	.61
East Point, Ga	.61
La Grange, Ga	.61
Macon, Ga	.61
Pelham, Ga	.61
Rome, Ga	.61
Savannah, Ga	.55
Tifton, Ga	.61
Valdosta, Ga	.61

AREA 2

STATES OF ALABAMA AND FLORIDA WEST OF THE APALACHICOLA RIVER

Bessemer, Ala	$0.60
Birmingham, Ala	.60
Dothan, Ala	.60
Florence, Ala	.60
Mobile, Ala	.60
Montgomery, Ala	.60
Roanoke, Ala	.60
Troy, Ala	.60
Pensacola, Fla	.60
Nashville, Tenn	.60

AREA 3

STATES OF LOUISIANA AND MISSISSIPPI

Pensacola, Fla	$0.60
Harvey, La	.625
New Orleans, La	.625
Shreveport, La	.675

AREA 3—Continued

Price basing points	*Maximum price per unit of available phosphoric acid*
Shrewsbury, La	$0.625
Gulfport, Miss	.625
Hattiesburg, Miss	.625
Jackson, Miss	.625
Tupelo, Miss	.625
Nashville, Tenn	.60

AREA 4

STATES OF KENTUCKY AND TENNESSEE

Chattanooga, Tenn	$0.63
Greenville, Tenn	.63
Knoxville, Tenn	.63
Memphis, Tenn	.62
Mt. Pleasant, Tenn	.60
Nashville, Tenn	.60
Wales, Tenn	.60

A producer, selling for delivery outside an area for which his producing point is listed as a price basing point, or selling to a buyer who does not specify a point of destination at the time of the sale, may charge a price, basis f. o. b. cars at producing point, no higher than the price specified for that producing point.

(iii) For sales of superphosphate guaranteed by the producer to contain 18 per cent, 19 per cent or 20 per cent available phosphoric acid, with no charge for over-run, the maximum price as established under (i) or (ii), plus one and one-half cents per unit of available phosphoric acid guaranteed.

(2) *Granulated superphosphate.* The maximum price, as established under (i), (ii) or (iii) above, plus two cents per unit of available phosphoric acid.

(b) *Bulk sales of triple superphosphate.* The maximum price a producer may charge for triple superphosphate (containing 40 per cent or more available phosphoric acid) for sale in bulk to fertilizer manufacturers or mixers shall be:

(1) In the states of Washington, Oregon, California, Nevada, Utah, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Arizona, and New Mexico a price of 88½ cents per unit of available phosphoric acid, basis delivered to the point of destination designated by the buyer, except that the actual cost of transportation and the three per cent tax thereon imposed by section 620 of the Revenue Act of 1942, from Anaconda, Montana, to the point of destination, in excess of $8.03 per ton of 2000 pounds may be charged to the account of the buyer.

(2) In the other states of the United States and in the District of Columbia, a price per unit of available phosphoric acid, basis f. o. b. railroad cars at the point of production of:

(i) 70 cents for any producing point in Montana or Tennessee;

(ii) 65 cents for any producing point in South Carolina;

(iii) 62 cents for any producing point in Florida; and

(iv) For any producing point located in the District of Columbia or in any state other than Montana, Tennessee,

South Carolina or Florida, 62 cents, plus the cost per unit, of transportation by rail in carload lots, of 48 per cent superphosphate from East Tampa, Florida, to that producing point, such transportation cost to include the three per cent tax thereon imposed by section 620 of the Revenue Act of 1942.

(c) *Bulk sales of double superphosphate.* The maximum price per ton which a producer may charge, basis f. o. b. railroad cars at his plant, for double superphosphate (containing 22 per cent or more but less than 40 per cent available phosphoric acid) for sale in bulk to fertilizer manufacturers or mixers shall be:

(1) The product of 20 units of available phosphoric acid times the price per unit for a guaranteed grade of ordinary superphosphate, basis f. o. b. cars at producing point (a) (1) (iii), plus

(2) The product of the number of units contained therein in excess of 20 units times the applicable maximum price per unit for triple superphosphate, basis f. o .b. cars at the producing point (b). If the producer of such double superphosphate is not a producer of triple superphosphate, his applicable maximum price, for calculations required in this paragraph, shall be his actual delivered cost of triple superphosphate, or if none was purchased, the maximum price as established in (b) (2) (iv).

(d) *Sales of superphosphate in bags.* The maximum price a producer may charge for superphosphate for sales in bags to fertilizer manufacturers or mixers shall be the applicable maximum price for bulk sales as determined under (a), (b) or (c) above, plus $1.00 per ton of 2000 pounds, plus the producer's actual cost of the bags used to package 2000 pounds.

(e) *Sales of superphosphate to Government departments and agencies.* The maximum price a producer may charge for sales of superphosphate to the United States Treasury, the United States Department of Agriculture, or any agency of the United States shall be the applicable maximum price as established under (a), (b), (c) or (d) above, plus, in the case of such sales of triple superphosphate in bags, $1.00 per ton of 2000 pounds, in addition to $1.00 per ton of 2000 pounds allowed for bagging under (d) above.

(f) *Sales of superphosphate for export.* The maximum price a producer may charge for sales of superphosphate for export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(g) *Resales of double or triple superphosphate.* The maximum price which one fertilizer manufacturer or mixer may charge another fertilizer manufacturer or mixer for the sale of double or triple superphosphate not produced by the seller shall be his delivered cost of such superphosphate, plus $3.00 per ton of 2000 pounds.

SEC. 4.5 *Sulfuric acid sold on long-term contracts.* The maximum prices for sales of sulfuric acid by any manufacturer thereof to any buyer under a contract entered into prior to March, 1942, under which the contract price is to be adjusted for fluctuations in the cost of raw materials, labor or both shall be the maximum prices for such sales determined under § 1499.2 of the General Maximum Price Regulation: *Provided*, That the buyer and seller may adjust prices under such a contract on any delivery completed after April 2, 1943, to a price not in excess of the maximum price established under any maximum price regulation to be issued by the Office of Price Administration specifically establishing maximum prices for sulfuric acid.

SEC. 4.6 *Charcoal.* The Office of Price Administration, or any duly authorized representative thereof, may by order establish specific maximum prices for sales of charcoal by sellers located in any area or region. Any order establishing maximum prices issued under the authority of this provision will supersede the General Maximum Price Regulation with respect to the sales of charcoal subject to such orders.

SEC. 4.7 *Maximum prices for sales of defluorinated phosphate.* The maximum prices for sales and deliveries of defluorinated phosphate shall be as follows:

(a) *Sales by processors.* (1) The maximum price for all sales and deliveries by processors of defluorinated phosphate packed in 100 pound paper bags f. o. b. processor's plant shall be $34.25 per net ton.

(2) The maximum delivered price for such sales and deliveries by processors of defluorinated phosphate shall be the maximum price f. o. b. processor's plant, plus the lowest freight rate per net ton for deliveries from said processor's plant to the point designated by his buyer as the receiving point.

(3) For all other sales and deliveries of defluorinated phosphate by processors, the maximum price shall be the same as for sales and deliveries in 100 pound paper bags, plus or minus the difference in cost between this manner of shipment and the shipment in 100 pound paper bags.

(b) *Sales by any person other than a processor.* The maximum price for all sales and deliveries by any person other than a processor shall be $34.25 per net ton, plus the actual cost of transportation per ton by whomsoever paid from the processor's plant to said seller's established place of business.

(c) *Definitions.* (1) "Actual cost of transportation" means the lowest common carrier rate for the means of transportation in question not exceeding any applicable maximum price prescribed by the Office of Price Administration for such service, or if none, the reasonable value of such transportation. The said amount shall include the 3 per cent tax provided for in section 620 of the Revenue Act of 1942. Except where loading or unloading charges have heretofore been included in such transportation costs, no costs may be included in addition to said transportation costs for the loading or unloading of the commodity.

(2) "Defluorinated phosphate" shall mean that product obtained by processing phosphate so that the fluorine content is reduced below a toxic level.

(3) "Per net ton" shall mean a quantity of at least 2000 pounds.

SEC. 4.8 *Synthetic propionic acid*—(a) *Maximum prices.* The maximum prices for a producer's sales of synthetic propionic acid shall be those established under § 1499.2 of the General Maximum Price Regulation or those listed below, whichever are higher.

(1) Tank cars: 19¼ cents per lb., f. o. b. production point.

(2) Returnable drums, carload lots: 20¼ cents per lb., f. o. b. production point.

(3) The customary differentials shall apply for sales in other quantities or other containers.

(b) *Definition.* "Synthetic propionic acid" means propionic acid produced by the catalytic reaction of carbon monoxide and ethyl alcohol.

Article V—Metals

SEC. 5.1 *Silver salts*—(a) *Sales by producers of silver salts manufactured by them from silver bullion.* On and after September 22, 1942, the maximum price for the sale by a producer of a silver salt manufactured by him from silver bullion shall be the maximum price for the same silver salt as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus the amount by which the silver cost per unit of the product is increased as the result of using silver bullion which has a delivered cost per troy ounce to such manufacturer of more than the delivered cost per troy ounce of the silver bullion last delivered to him prior to August 31, 1942.

(b) *Sales by producers of silver salts manufactured by them from silver compounds.* On and after September 22, 1942, the maximum price for the sale by a producer of a silver salt manufactured by him from silver nitrate or any other silver compound shall be the maximum price for the same silver salt as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus the amount by which the cost of the silver compound per unit of the product is increased as the result of using a silver compound which has a delivered cost to such manufacturer of more than the delivered cost of the silver compound last delivered to him prior to August 31, 1942.

(c) *Sales by persons other than producers.* On and after September 22, 1942, the maximum price for the sale of a silver salt by a person other than a producer shall be the maximum price for the same silver salt as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus the amount by which the cost of the silver salt to such person has been increased on purchases made on and after August 31, 1942, over the cost of the last delivery to him made prior to August 31, 1942.

(d) *Definitions.* (1) "Silver salt" means any chemical compound which consists of silver and anions of acids, such as silver nitrate, silver ferricyanide, and silver nucleinate. For the purposes of this section, "silver salt" shall also include silver azide, silver oxide, and silver sulphide.

(2) "Silver bullion" means silver which has been melted, smelted or refined, and which is in such state or condition that its value depends primarily upon the silver content and not upon its form.

(3) "Silver compound" means any compound containing silver, such as silver nitrate, which is used instead of silver bullion in the production of silver salts.

(4) "Producer" means any person manufacturing a silver salt.

(e) *Reports.* (1) Whenever a producer of a silver salt determines a maximum price for a silver salt in accordance with the provisions of this section which is higher than his maximum price as determined in accordance with § 1499.2 of the General Maximum Price Regulation, he shall, before making any delivery of any such silver salt at a price higher than the maximum price determined in accordance with § 1499.2, submit by registered mail to the Office of Price Administration, Washington, D. C., a statement setting forth all relevant facts, including:

(i) A description of the silver salt being priced and whether it is produced from silver bullion or a silver compound;

(ii) The maximum prices for such silver salt determined under § 1499.2 of the General Maximum Price Regulation;

(iii) The delivered cost of the last delivery prior to August 31, 1942, of silver bullion or silver compound, showing a detailed breakdown of such cost;

(iv) The delivered cost of the silver bullion or silver compound now being used, showing a detailed breakdown of such cost;

(v) The maximum price for such silver salt determined pursuant to this section, showing the details of the computation of such price.

After the statement has been sent by registered mail to the Office of Price Administration, the producer may sell and deliver the silver salt at the proposed price, but the prices at which such sales or deliveries are made prior to the expiration of 15 days from the date of receipt of the statement by the Office of Price Administration shall be subject to disapproval in writing by the Office of Price Administration, and, if required by the Office of Price Administration, refunds shall be made. If at the expiration of 15 days from the receipt of the statement, the Office of Price Administration has not in writing disapproved the manufacturer's proposed price, the producer may thereafter continue to sell and deliver such silver salt at prices not in excess of his proposed price unless and until the Administrator establishes a lower maximum price.

(2) A seller of silver salts other than a producer shall, within 10 days after determining a maximum price pursuant to this section which is higher than the maximum price determined pursuant to § 1499.2 of the General Maximum Price Regulation, report such maximum price to the appropriate field office of the Office of Price Administration. Such report shall include a description of the silver salt being priced, the maximum price as determined pursuant to § 1499.2 of the General Maximum Price Regulation, and the full details of the calculations made in arriving at the new maximum price.

SEC. 5.2 *Solder containing silver*—(a) *Maximum prices.* On sales and deliveries made on and after August 31, 1942, the seller's maximum price for any tin base, lead base or tin-lead base solder containing silver shall be the maximum price for such article established by § 1499.2 of the General Maximum Price Regulation, plus 9.634 cents per fine troy ounce of silver content.

(b) *Discounts, allowances, and differentials.* All discounts, allowances, quantity price differentials, and trade practices in effect during March, 1942, with respect to solder as defined herein, shall remain in effect under this section.

(c) *Report of maximum prices.* Prior to November 16, 1942 or before making further sales and deliveries of solder as defined herein, whichever is later in time, each seller of such solder shall file with the Office of Price Administration in Washington, D. C., a statement showing:

(1) The highest prices which he charged to each class of purchaser for such of those solders as he sold and delivered during March, 1942, or, if no sales were made during that month, his highest offering prices to each class of purchaser for the sale and delivery of such solders during March, 1942, together with a detailed description as to shape, dimension, and metal content of each such solder;

(2) All his allowances, discounts, and other price differentials applicable to sales of solder as defined herein which prevailed during the month of March, 1942.

(d) *Definition.* The term "solder" means tin base, lead base or tin-lead base solder containing silver.

SEC. 5.3 *Virgin aluminum ingot; sales by Metals Reserve Company.* On and after February 1, 1943, Metals Reserve Company's maximum base price for virgin aluminum ingot 99.3 per cent pure shall be 15 cents per pound, regardless of the fact that individual shipments of such ingot may consist wholly or partially of material containing more or less than 99.3 per cent aluminum: *Provided*, That all of such ingot delivered by Metals Reserve Company to any single buyer during any calendar month shall have a minimum average analysis of 99.3 per cent aluminum.

SEC. 5.4 *Semifabricated articles containing newly-mined domestic silver*—(a) *Maximum prices.* On and after September 3, 1942, the seller's maximum price for any semifabricated article containing newly-mined domestic silver shall be the maximum price for the same article containing silver other than newly-mined domestic silver, as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus 36.125 cents per fine troy ounce of newly-mined domestic silver contained: *Provided, however*, That the seller's maximum price for any such article shall be the price so determined under § 1499.2 of the General Maximum Price Regulation for the same article containing silver other than newly-mined domestic silver, exclusive of any added amount, if the seller fails to comply with the conditions set forth herein, including the provisions herein contained as to records, reports and certificates.

(b) *Definitions.* (1) "Newly - mined domestic silver" shall mean silver which the Director of the Mint, subject to any regulations which have been or may hereafter be prescribed by the Secretary of the Treasury pursuant to sec. 4 (c) of the Act of July 6, 1939, is satisfied has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof. Silver purchased by any seller of semifabricated articles shall be deemed *prima facie* to be newly-mined domestic silver if purchases of such silver are reported to the Office of Price Administration in accordance with the provisions of this section, and if evidence that the silver so purchased is newly-mined domestic silver is submitted to the Director of the Mint as provided herein: *Provided*, That if, within one year from the receipt of such evidence, the Director of the Mint notifies the Administrator that the United States coinage mints are not satisfied that such silver, or any portion thereof, has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof, then the aggregate amount of newly-mined domestic silver reported as purchased by such seller shall be reduced accordingly.

(2) "Semifabricated article" refers to newly-mined domestic silver which has been melted, smelted, or refined, and further processed, or combined with other materials, by alloying, machining, rolling, drawing, turning, blanking, slitting, cutting, spinning, remelting, recasting, or other similar process, or by being subjected to special refining processes, and which is in such state or condition that its value depends primarily upon the metallic silver content and not upon its form. The term includes, but is not restricted to silver alloys, grain, shot, powder, wire, sheet, blanks, circles, solders, brazing alloys, sintered products, silver-clad metals, silver inlays, and bar silver in weights or degrees of fineness different from the weight and fineness of standard commercial bars; it excludes, but without limitation, standard commercial bar silver and any article, other than those specifically referred to herein, which is suitable for ultimate use without further processing or combination with other materials.

The term shall also include sheet, wire and tubing of rolled gold plate or gold-filled stock, consisting of fine or carat gold on a silver alloy base, notwithstanding the fact that the value thereof may not be primarily dependent upon the silver content.

(3) "Standard commercial bars" and "standard commercial bar silver" mean silver bullion in the form of bars weighing approximately 1000 ounces, .999 fine.

(4) A semifabricated article shall be deemed to contain newly-mined domestic silver if this fact is certified to the buyer by the seller and if the aggregate fine silver content of all semifabricated articles delivered by the seller at prices higher than the maximum prices established by § 1499.2 of the General Maximum Price Regulation, as modified by section 5.5 (b) of this regulation, for the same articles containing silver other than newly-mined domestic silver at no time exceeds the aggregate quantity of fine newly-mined domestic silver (including the fine silver content of semifabricated articles) purchased by the seller and reported to the Office of Price Administration in accordance with the provisions of this section, and not otherwise disposed of.

(5) Semifabricated articles containing newly-mined domestic silver shall be deemed to have been "delivered" if they have been delivered to the buyer or loaded on any carrier, including a carrier owned or controlled by the seller, for shipment to the buyer: *Provided*, That if any such articles are delivered, and are rejected or returned by the buyer, the aggregate of the fine silver content of the semifabricated articles containing newly-mined domestic silver reported as delivered by the seller may be adjusted upon application supported by evidence satisfactory to the Administrator.

(c) *Reports.* (1) On or before the twentieth day of each calendar month the seller of any semifabricated article containing newly-mined domestic silver shall file in the Office of the Secretary of the Office of Price Administration, Washington, D. C., a report on form OPA:677:125A covering the preceding calendar month and showing all purchases of newly-mined domestic silver, and the disposition thereof, made during the period covered by the report.

(2) The seller of any semifabricated articles containing newly-mined domestic silver, upon purchasing newly-mined domestic silver, shall cause the person from whom such silver is purchased to submit directly to the Director of the Mint, Treasury Department, Washington, D. C., evidence for the purpose of establishing that the silver so purchased is newly-mined domestic silver. Such evidence shall include miners' affidavits on Treasury Department Forms TSA–2 or TSA–2A, executed pursuant to section 80.7 of the Newly-Mined Domestic Silver Regulations of July 6, 1939; and the seller of any semifabricated articles containing newly-mined domestic silver shall authorize and direct the Director of the Mint to cancel such affidavits.

(d) *Records and certificates.* Every sale of semifabricated articles containing newly-mined domestic silver shall be invoiced by the seller. The original invoice shall be delivered to the buyer, who shall preserve every such invoice for inspection by the Office of Price Administration for a period of not less than two years, and the seller shall preserve a copy of every such invoice for the same period. Each such invoice shall contain:

(1) The names and addresses of the buyer and seller;

(2) A full description of the articles sold;

(3) A statement of the silver content, in fine troy ounces, of the articles sold;

(4) A statement of the price charged; and

(5) The following certificate by the seller:

I (We) hereby certify that the articles listed in this invoice are semifabricated articles containing newly-mined domestic silver, as defined in section 5.4 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, issued by the Office of Price Administration.

SEC. 5.5 *Silver other than newly-mined domestic silver*—(a) *Maximum prices for silver bullion other than newly-mined domestic silver.* On and after August 31, 1942, the seller's maximum price for silver bullion other than newly-mined domestic silver shall be the maximum price established for such silver bullion by § 1499.2 of the General Maximum Price Regulation, plus 9.625 cents per troy ounce .999 fine.

(b) *Maximum prices for semifabricated articles containing silver other than newly-mined domestic silver.* On and after August 31, 1942, the seller's maximum price for any semifabricated article containing silver other than newly-mined domestic silver shall be the maximum price for such article established by § 1499.2 of the General Maximum Price Regulation, plus 9.634 cents per fine troy ounce of silver contained.

(c) *Maximum prices for scrap silver.* On and after August 31, 1942, the seller's maximum price for scrap silver shall be the maximum price for such scrap established by § 1499.2 of the General Maximum Price Regulation, plus 9.634 cents per fine troy ounce of silver contained.

(d) *Definitions.* (1) "Newly mined domestic silver" means silver which the Director of the Mint, subject to any regulations which have been or may hereafter be prescribed by the Secretary of the Treasury pursuant to section 4 (c) of the Act of July 6, 1939, is satisfied has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

(2) "Silver bullion" means silver, other than newly-mined domestic silver, which has been melted, smelted or refined and which is in such state or condition that its value depends primarily upon the silver content and not upon its form.

(3) "Semifabricated article" refers to silver, other than newly-mined domestic silver, which has been melted, smelted or refined, and further processed, or combined with other materials, by alloying, machining, rolling, drawing, turning, blanking, slitting, cutting, spinning, remelting, recasting, or other similar process, or by being subjected to special refining processes, and which is in such state or condition that its value depends primarily upon the metallic silver content and not upon its form. The term includes, but is not restricted to, silver alloys, grain, shot, powder, wire, sheet, blanks, circles, solders, brazing alloys, sintered products, silver-clad metals, silver inlays and bar silver in weights or degrees of fineness different from the weight and fineness of standard commercial bars; it excludes, but without limitation, standard commercial bar silver and any article, other than those specifically referred to herein, which is suitable for ultimate use without further processing or combination with other materials.

(4) "Standard commercial bars" and "standard commercial bar silver" mean silver bullion in the form of bars weighing approximately 1,000 ounces, .999 fine.

(5) "Scrap silver" includes all materials containing silver, whether in metallic form or not, which are the waste or by-product of metal working of any kind, or of any use of silver in industry or the arts; it also includes all articles containing silver, whether in metallic form or not, which have been discarded from their original use because of obsolescence, failure, or other reasons. It does not include articles which are still useful in their existing state for their original purpose if such articles are bought and sold for reuse in their existing state for their original purpose.

Article VI—Miscellaneous Commodities and Services

SEC. 6.1 *Fat-bearing and oil-bearing animal waste materials.* (a) The maximum prices for fat-bearing and oil-bearing animal waste materials which are subject to the General Maximum Price Regulation, including but not limited to butcher shop fats, suets, and trimmings; slaughter-house fats, suets, and trimmings; breast fats or rattles; offal; bones; cooked grease, clear, rough or mixed; intercepter or trap grease, shall be computed in accordance therewith, except that November, 1941, shall be substituted for March, 1942, in computing the highest price which may be charged in accordance with § 1499.2 of the General Maximum Price Regulation.

(b) The maximum prices of grease collected under the War Production Board salvage campaign shall be:

(1) Four cents per pound on sales by the housewife or similar person to a butcher or grocer.

(2) Four cents per pound on sales by a group of housewives or similar persons to a renderer or independent collector. If the grease is not picked up by the renderer or independent collector but is shipped to the rendered or independent collector with the cost of transportation being paid by the group of housewives or similar persons, the actual cost of transportation may be added to the maximum price of four cents per pound.

(3) Five cents per pound on sales by a butcher or grocer to a renderer or independent collector. If the grease is not picked up by the renderer or independent collector at the place of business of the butcher or grocer but is shipped to the renderer or independent collector with the cost of transportation being paid by the butcher or grocer, the actual cost of transportation may be added to the maximum price of five cents per pound.

(4) Six cents per pound on sales by an independent collector to a renderer of grease collected in those areas in which an independent collector or renderer collected fat-bearing or oil-bearing waste materials during the period from May 1, 1942, to July 6, 1942, inclusive. This maximum price of six cents per pound shall be the maximum price of the grease delivered to the renderer, except that where the grease is shipped to the renderer by common carrier, the maximum price shall be six cents per pound f. o. b. point of shipment.

(5) Seven cents per pound on sales by an independent collector to a renderer of grease collected in those areas in which no independent collector or renderer collected fat bearing or oil bearing waste materials during the period from May 1, 1942, to July 6, 1942, inclusive. If the grease is not picked up by the renderer at the place of business of the independent collector but is shipped to the renderer with the cost of transportation being paid by the independent collector, the actual cost of transportation may be added to the maximum prices herein specified.

SEC. 6.2 *Semi-vitreous china and pottery: sales by jobbers*—(a) *Maximum prices.* The maximum price for the sale by a jobber of any article of semi-vitreous china and pottery, on which the difference between the jobber's maximum price under § 1499.2 of the General Maximum Price Regulation and the manufacturer's maximum price to the jobber under Maximum Price Regulation No. 116 is lower than the difference received by the jobber during the period October 1 to 15, 1941, on sales of the same or similar articles, shall be 102½ percent of the jobber's maximum prices established by § 1499.2 of the General Maximum Price Regulation.

(b) *Notification of purchasers.* Every jobber who increases the price of semi-vitreous china and pottery, pursuant to the authority herein granted, shall furnish each purchaser, on the first sale to such purchaser at the increased price, with a copy of the following notice: "This price increase of 2½% has been authorized by the Office of Price Administration. It represents the proportionate share of the increase in manufacturer's price granted by Maximum Price Regulation No. 116 which you are required to absorb. We are absorbing our share. You are, therefore, not permitted to raise your present ceiling prices."

SEC. 6.3 *New commercial motor vehicles*—(a) *Maximum prices.* To the maximum price of any new commercial motor vehicle, determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, there may be added for each calendar month or greater part thereof after February 28, 1942, which elapses prior to the sale of such new commercial motor vehicle:

(1) In the case of new commercial motor vehicles other than trailers, the lower of the following two amounts: (i) 1 per cent of the list price of such new commercial motor vehicle and of the list price of any extra, special or optional equipment built into or installed on such vehicle, or if there is no such list price, 1 per cent of the price at which such new commercial motor vehicle or extra, special or optional equipment was last contracted to be sold between January 1, 1942, and March 31, 1942, or (ii) $25;

(2) In the case of trailers continuously stored indoors on and after October 31, 1942, the lower of the following two amounts (i) ¾ of 1 per cent of the list price of such trailer and of the list price of any extra, special or optional equipment built into or installed on such trailer, or if there is no such list price, ¾ of 1 per cent of the price at which such trailer or extra, special or optional equipment was last contracted to be sold between January 1, 1942, and March 31, 1942, or (ii) $20; and

(3) In the case of trailers stored outdoors at any time on or after October 31, 1942, the lower of the following amounts: (i) ½ of 1 per cent of the list price of such trailer and of the list price of any extra, special or optional equipment built into or installed on such trailer, or if there is no such list price, ½ of 1 per cent of the price at which such trailer or extra, special or optional equipment was last contracted to be sold between January 1, 1942, and March 31, 1942, or (ii) $15: *Provided*, That no amount whatsoever under subparagraphs (1), (2) or (3) of this paragraph (a) shall be added to such maximum price unless such new commercial motor vehicle shall have received maintenance operations as set forth in subparagraphs (4), (5), (6) or (7) of this paragraph (a) and the seller, at the time of delivery, shall have executed and delivered to the purchaser and to the Office of Price Administration, Washington, D. C., the certification set forth in paragraph (e).

(4) The new commercial motor vehicle shall have received, on and after October 31, 1942, the maintenance operations set forth in paragraph (b), as therein required.

(5) The new commercial motor vehicle has not received, on and after October 31, 1942, the maintenance operations set forth in paragraph (b), as therein required, but the time for the performance thereof has been extended under the provisions of paragraph (c) to a certain date, and the new commercial motor vehicle shall have received on and after such date, the maintenance operations set forth in paragraph (b), as therein required.

(6) (i) The new commercial motor vehicle has not received, on and after October 31, 1942, the maintenance operations set forth in paragraph (b), as therein required, but the seller has, prior to delivery, obtained permission from the Office of Price Administration, in accordance with subdivision (ii) below, to omit the performance of certain specified maintenance operations, and the new commercial motor vehicle has received all the other maintenance operations set forth in paragraph (b), as therein required.

(ii) In order to obtain permission to omit the performance of certain specified maintenance operations, the seller shall file a report with the nearest Regional Office of the Office of Price Administration setting forth: (*a*) the specific maintenance operations which have not and/or will not be performed, and a detailed statement of the reasons therefor; (*b*) a statement that the new commercial motor vehicle is not and will not be damaged by the non-performance of such specified maintenance operations, and that the new commercial motor vehicle is and will remain in a condition substantially equal to its condition when newly manufactured; and (*c*) a statement that the new commercial motor vehicle has received, and will continue to receive until the date of sale, all the other maintenance operations set forth in paragraph (b). If the Regional Office of the Office of Price Administration shall approve such report, or shall fail to disapprove such report within 15 days after receiving it, the seller may omit the performance of the maintenance operations specified in such report.

(7) The new commercial motor vehicle has not received, on and after October 31, 1942, the maintenance operations set forth in paragraph (b), as therein required, but the following circumstances prevail:

(i) On or before March 15, 1943, the vehicle shall have been transferred, by voluntary or involuntary action, to the United States, or any agency thereof, or the manufacturer or a lien holder (in this subparagraph called the "transferee"), and

(ii) (*a*) Within 30 days after the transfer to the transferee the vehicle shall have been reconditioned by the transferee, and shall thereafter, until the date of any sale, have received the maintenance operations set forth in paragraph (b), as therein required, or

(*b*) Within 30 days after the transfer to the transferee, the vehicle shall have been sold to the manufacturer, or a distributor, exporter or retail dealer (other than the person who failed to perform the maintenance operations set forth in paragraph (b)) who delivers a written statement to the transferee that the vehicle will be reconditioned within 30 days after the sale to him, and that it will receive, on and after the date on which it is reconditioned, until it is sold by such person, the maintenance operations as set forth in paragraph (b), as

therein required. On any subsequent sale by such manufacturer, distributor, exporter or retail dealer the vehicle must have been reconditioned and maintained in accordance with such written statement.

(b) *Standards for maintenance of new commercial motor vehicles*—(1) *General instructions.* (i) All new commercial motor vehicles, other than trailers, must be stored indoors. Select a clean, dry building, suitable for storage of such vehicles. Cover all openings through which animals and birds may enter storage space. Prevent water leakage. Remove loose dirt and whitewash lime.

(ii) Allow sufficient space between vehicles for accessibility to perform all specified maintenance operations.

(iii) The operations specified under the heading "maintenance operations" are of two categories: "initial" operations, which if not already performed, are to be performed, and "repeat" operations, which must be performed at intervals of six months, or when necessary, as indicated below.

(iv) Symbol * indicates maintenance operations applicable to new commercial motor vehicles except trailers, third axles, and dollies. Symbol † indicates maintenance operations applicable to trailers, third axles, and dollies.

(2) TABLE OF MAINTENANCE OPERATIONS

No.	When to be done	Item	Maintenance operations
*†(i)	Initial and whenever necessary.	Vehicle	(a) Thoroughly wash vehicle; remove all foreign substances, mud, dirt, grease spots, oil, tar. (b) Check paint, touch up all exposed metal surfaces to prevent rust.
*(ii)	Initial	Windshield wiper	Remove blades; store in glove compartment.
*(iii)	Initial and every six months.	Upholstery	(a) Clean and moth-proof all upholstery, including seat cushions, seat backs, side walls, headlinings, floor mats, and carpets.
	Initial		(b) After moth-proofing upholstery, protect it from direct sunlight, except when on display in customary display room, by one of the following methods: (1) Cover all openings through which light may enter storage space. (2) Cover the inside of all car windows and windshields with paper, using masking tape. (3) Cover vehicle with a paper or cloth cover. (4) Completely cover all upholstery with paper, using masking tape.
	Initial		(c) Place floor mats in their normal position on floor, not rolled up.
*†(iv)	Initial and whenever necessary.	Chrome plated surfaces.	Thoroughly wash and clean all chrome plated surfaces with clear water; when dry, apply a coating of light oil, liquid wax or special preparations; wipe off until no excess oil or wax appears on the surface of the chrome.
(v)	Initial	Convertible tops	With respect to convertibles, see that the tops are up and leave the shipping cover over the top, or cover it with paper, using masking tape.
*(vi)	Initial	Engine	(a) Drain engine oil and refill crank case with at least ½ charge of rust-inhibiting oil. (b) Run engine for 5 minutes at idle speed or about 1,000 R. P. M. Leave this oil in engine.
*(vii)	Initial	Chrome plated and carburetor.	(a) Drain gasoline tank completely and replace filler cap to exclude dust. (b) Run engine until all gasoline is consumed.
*(viii)	Initial	Spark plugs	Remove spark plugs. Inject 2 ounces of rust-inhibiting oil into each cylinder when piston is on the power stroke. Slowly turn engine over a few revolutions with starter. Replace spark plugs.
*(ix)	Initial	Valve compartment (overhead valve engines).	Remove cover. Spray rust-preventive compound or S. A. E. 10 W on mechanism and inside cover, or pack with oil soaked rags. Replace cover.
*(x)	Initial	Seal engine	Seal the engine. This can be done in the following manner: remove engine oil filler tube cover and crankcase breather cover, if there is one, and seal the openings. Also seal the air cleaner, tail pipe, and any other openings into the engine. Tubes or pipes can be sealed satisfactorily by covering with a small piece of oiled or waxed paper, gathering the edges of the paper around the tube and tying them with a cord. The air cleaner can be sealed conveniently by covering with a paper bag and tying a cord around it at the solid part on the engine side of the air intake openings. Sealing the engine to a large extent prevents air moisture from entering the engine. NOTE: Since no provision has been made for turning the engine over at regular intervals, it is absolutely essential that the recommended procedure for conserving the engine be followed carefully.
*(xi)	Initial	Battery removal	(a) Remove the battery and store it in a cool place near recharging equipment, to facilitate servicing. Clean battery connections and wipe with light grease. (b) If dealer has portable battery charging equipment, he may elect to leave battery in car. In either case, battery must be maintained as per item (xii) below.
*(xii)	Initial and as specified under "maintenance operations."	Battery maintenance	(a) Check the specific gravity at regular intervals of 6 weeks, except in extremely hot weather when inspection periods should be cut to 3 weeks. (b) Check and correct water level at each inspection and recharge batteries as necessary to bring gravity reading to 1.280 or above. In no case should the specific gravity be allowed to fall below 1.220. NOTE: These specific gravity readings are given for batteries at 60° F. air temperature.

(2) TABLE OF MAINTENANCE OPERATIONS—Continued

No.	When to be done	Item	Maintenance Operations
*(xiii)	Initial	Cooling system	Completely drain cooling system, including radiator, cylinder block, pump, heater, hose, and all water connections. Leave system drain. NOTE: If coolant contains antifreeze and rust-inhibiting solution, it may be left in the cooling system.
*(xiv)	Initial	Brakes	Leave all brakes in released position.
*(xv)	Initial	Clutch	Block the pedal of dry clutches in partially disengaged position. If is not necessary to disengage other type clutches.
*†(xvi)	Initial and as specified under "maintenance operations."	Tires	(a) *Indoor storage.* Jack up vehicle in storage location taking weight off the tires. Maintain the air in tires between ½ and ⅔ operating pressure so that vehicles can be pushed or towed out quickly if necessary in an emergency. Tension in cords will be relieved by lowered pressure. (b) *Outdoor storage in the case of trailers.* Jack up vehicles in storage space. Remove tires from wheels. Leave wheels mounted on axle spindles. Lower weight of trailer to rest upon wheels. Store tires in a dark cool place protected from direct sunlight, in a horizontal position, with separators.
*†(xvii)	Initial, and, if necessary, every 6 months where applicable.	Latches, hinges, brake connections, vertical supporting mechanisms, and fifth wheels.	Lubricate with light oil all hood latches, hinges, and brake connections, vertical supporting mechanisms, and fifth wheels.
*†(xviii)	Initial where applicable.	Doors, windows, and vents.	(a) Close all doors, windows, and vents tightly. (b) Close all venti-panes. (c) Leave cowl ventilator open (if screened).

NOTE: Materials called for in the performance of these maintenance operations, such as oils, wax, and rust-inhibitor, should be of a grade recommended by the vehicle manufacturer.

(c) *Extension of time for performance of maintenance operations.* (1) Notwithstanding any other provision of this section, the time for the performance of any maintenance operation or operations set forth in the preceding paragraph (b) may be extended to a date not later than December 31, 1942, when satisfactory evidence has been furnished the Office of Price Administration, in accordance with subparagraph (2) below, showing that one or more of the following conditions exist:

(i) That there is, in the locality in which the new commercial motor vehicle is to be stored, a shortage of indoor storage facilities; or

(ii) That there is, in the locality in which the new commercial motor vehicle is stored, a shortage in the supply of a commodity necessary in the performance of any of the specified maintenance operations; or

(iii) That there is, in the locality in which the new commercial motor vehicle is stored, a shortage of mechanics to perform the specified maintenance operations.

(2) *Reports.* If any person desires such an extension of time under the circumstances set forth in the preceding subparagraph (1), a report shall be filed with the Office of Price Administration, Washington, D. C., containing a detailed statement of the facts making such extension of time necessary and the requested date thereof, which shall in no event be later than December 31, 1942.

(3) *Approval of extension.* If the Office of Price Administration approves the requested extension of time, or fails to disapprove it within 10 days after receiving such report, the date of the extension sought shall be substituted for October 31, 1942, throughout this section.

(d) *Lower maximum prices if standard delivery operations are not performed.* (1) The maximum price established by § 1499.2 of the General Maximum Price Regulation applicable to the sale of any new commercial motor vehicle delivered to the purchaser on and after March 15, 1943, shall be reduced by 5 per cent, unless (i) the vehicle shall have received, prior to delivery, all the standard delivery operations set forth in subparagraph (2) below, and (ii) the seller shall have delivered to the purchaser a copy of subparagraph (2) below, and (iii) the seller shall have, at the time of delivery, executed and delivered to the purchaser and to the Office of Price Administration, Washington, D. C., the certification set forth in paragraph (e).

(2) *Standard delivery operations; general purpose.* The operations set forth in the checklist below are identical with those established by Conservation Order M–216–A, as amended, issued by the War Production Board. Before any vehicle is delivered into the hands of a buyer, it shall be processed according to the provisions and instructions contained in the following checklist. This checklist is purposely detailed so as to discourage omissions of necessary operations. The sequence of the items listed is based on the fact that serious damage may result if certain operations are done out of turn. Accordingly, this list is arranged so that each operation is done only after the necessary preparatory work has been completed. The purpose of this checklist is to set forth this step-by-step procedure for conditioning every vehicle so that it will give maximum service when put to use. The procedure, as outlined in the following pages, is intended to be used as a checklist. A responsible person should be charged with the duty of seeing that the order of operations is followed strictly, and that each item is checked only after it is completed. Vehicles should be processed for delivery as near the storage location as practicable.

GENERAL INSTRUCTIONS

1. Under no circumstances should a reserve vehicle be operated, under its own power, until the Standard Delivery Operations numbered 1–13, inclusive, have been performed upon it.

2. With respect to change of location of reserve vehicles in storage, the following conditioning operations must be performed:

Before being towed by crane truck or rigid bar, Items Nos. 1 a, b; and 2 b.
Before being towed by loose linkage (rope or chain), Items Nos 1 a, b; and 2 b, e, f, g.

CHECKLIST OF OPERATIONS PERFORMED TO PREPARE THE FOLLOWING VEHICLE FOR USE

OFFICE OF PRICE ADMINISTRATION,
WASHINGTON, D. C.

Form No. 694:190 Form Approved
Budget Bureau No. 08–R368

Company ---------- Address ----------
(Insert name of seller)
Make of vehicle-------- Body type --------
Serial No. ---------- Engine No. ----------
Body & Ignit. Key No----------
Deck & Glove Box Key No----------
Vehicle prepared for delivery by----------
Date ----------
(Insert name of mechanic or mechanics who have performed the work)
Approved by ---------- Date ----------
(Insert name of shop foreman)

Item No. 1. *Tires.*

a. If tires are unmounted, inspect the rims and remove all rust. Mount tires and inflate them to tire manufacturer's recommended pressure.

b. If tires are mounted, inflate them to tire manufacturer's recommended pressure.

Item No. 2. *Brake system and front wheel lubricant*

a. Remove all wheels and drums and thoroughly clean rust from all braking surfaces. Also examine anchor pins to make sure their bearings are free so that springs return shoes to released position. *Do not work brake pedal* with bake drums off.

b. Repack front wheel bearings with new lubricant if necessary.

c. Check hydraulic master cylinder fluid level, adding approved fluid if necessary. See that filler cap vent is open.

d. Inspect brake system for leaks and repair any defects.

e. Work brake pedal several times to make sure system is operating. Jack up each wheel (if blocks were removed) and apply brakes. Check to see that they operate and then release fully so wheel can turn freely with no drag.

f. Check brake pedal-floor clearance and adjust if necessary.

g. With respect to conditioning vacuum booster, electric, and compressed air brake equipment, follow equipment manufacturer's recommendations.

Note: Remove outside body and window coverings. Protect upholstery while conditioning vehicle. If another location is required for remaining work, vehicle must not be run under its own power until ready for preliminary road test. (See General Instructions above.)

Item No. 3. *Fuel system*

a. Replace gasoline tank drain plug.

b. Thoroughly clean fuel line, fuel pump sediment bowl and filter screen, and carburetor. Reinstall.

c. Check all fuel connections, including carburetor flange nuts or cap screws.

d. Put gasoline in tank, adding ½ pint of SAE–10 engine oil to each 5 gallons of gasoline. Replace filler cap, making sure vent is free.

e. Check accelerator, throttle and choke linkages, idle and wide open positions.

f. Remove seal from air cleaner and add oil if necessary.

Item No. 4. *Ignition system*

a. Clean and adjust spark plugs. Leave them out so cylinders can be lubricated later.

b. Check distributor; adjust points; clean rotor and contact points.

c. Lubricate cam and rocker bearing surface.

d. Clean wire connections and push wires firmly into their sockets in distributor and coil.

Item No. 5. *Valve compartment (overhead valve engines).*

a. Remove cover and remove oil soaked rags if any.

b. Spray valve mechanism with suitable light oil. Leave cover off for observation of valve action later.

Item No. 6. *Seals.*

a. Remove seal from tail pipe opening.

b. Remove seals from oil filler tube, crankcase breather tube, and any other opening. Clean and replace covers.

Item No. 7. *Clutch.*

a. Remove block used to keep clutch disengaged and make sure there is correct amount of free pedal movement at top of travel.

Item No. 8. *Preparing engine for service.*

a. Tighten all cooling system, heater hose and defroster connections, replacing any defective hose. If cooling system was stored full, add sufficient coolant to make up for evaporation. If cooling system was stored empty, close drain cocks and replace drain plugs. Fill with clean water and check for leaks.

b. Drain oil from crankcase.

c. Drop oil pan, thoroughly clean pan, inside of crankcase and pump screen. Replace pan using new gasket.[1]

d. Fill crankcase with flushing oil. Pour 2 ounces of SAE–10 engine oil into each spark plug hole. Leave spark plugs out.

e. Lubricate generator, starter, and water pump.

f. Clean battery carrier, repainting if necessary. Install securely a fully charged battery (spec. gravity of 1.280 or above at 60 degrees F.; water level ¼" to ⅜" above plates). Clean cables and connections, tighten, and coat terminals with vaseline or approved corrosion preventive. Test battery hookup by turning on headlights (ammeter should show discharge).

g. With ignition switch off and clutch disengaged, crank engine for 30 seconds with starter in order to exercise reciprocating parts and bearings. While cranking engine listen carefully for indications of trouble. Remedy any trouble (such as engine failing to turn over or starter being stuck) before proceeding further. Reinstall spark plugs, using new gaskets if necessary.

h. Start engine (clutch disengaged) and run at idle speed for 5 minutes.

i. Adjust automatic choke control if necessary.

j. Set engine idle speed according to manufacturer's recommendations.

k. Turn off engine. Drain flushing oil immediately from crankcase.

l. If engine oil filter is sealer type, replace it with a new one. If it is replaceable element type, clean out filter chamber and install new element.[1]

m. Fill crankcase to correct level with engine oil of proper SAE viscosity for temperature conditions under which vehicle will operate. Start engine and run at idle speed.

Item No. 9. *While engine is running,* check the following items for proper operations, making all necessary adjustments and repairs:

a. All instruments (oil, gas, temperature, and ammeter).

b. Windshield wipers, with blades installed.

c. Horn.

d. Every switch position of every light on vehicle.

e. Heater, climatizer, defroster.

f. Cigar lighter, radio, clock, and other accessories.

g. Automatic top on convertibles.[2]

h. Charging rate, and voltage and current regulator.

i. Manifold heater valve.

j. Inspect all water hose connections, oil and fuel lines for leakage.

k. Check and, if necessary, adjust valve tappets according to vehicle manufacturer's recommendations.

Item No. 10. *After shutting off engine,* perform the following operations: Before any sediment in coolant has time to settle, make the following check of the cooling system:

a. If coolant carries little or no anti-freeze, completely drain entire cooling system, examining coolant for presence of rust or other foreign matter.

b. If coolant carries a considerable amount of anti-freeze, drain a quart from bottom of radiator. If liquid is clear, return sample to radiator.

c. If coolant shows rusty and dirty, completely drain entire cooling system, reverse flush radiator and engine block to remove sediment using a combination, water-air flushing nozzle. (Follow manufacturer's recommendations with respect to thermostats and water pumps before flushing the block.)

d. Fill cooling system (if not already done) with clean water and rust inhibitor, adding anti-freeze according to seasonal requirements. Watch for leaks at hose ends and pump, and correct any that develop.

e. While engine is still hot, tighten cylinder head nuts in recommended order.

f. Tighten manifold studs.

g. Tighten bolts at connection between exhaust manifold and pipe to muffler.

h. Replace valve compartment cover (overhead valve engines).

i. Check all belt adjustments and replace belts if necessary.

Item No. 11. *Lubrication.*

a. Lubricate every fitting and check the lubricant level of every reservoir according to vehicle manufacturer's lubrication chart, excepting those taken care of above. Flush out all gear boxes in which rust inhibitor was used during storage. Fill to correct level with new lubricant.

b. While lubricating, inspect underside of chassis and body for loose or damaged parts, and make any necessary adjustments or replacements.

Item No. 12. *Check, and if needed, tighten* the following items:

a. Nuts on spring U-bolts.

b. All steering connections.

c. Front and rear sway eliminator or stabilizer bolts.[2]

d. Body bolts.

e. Front and rear bumper bolts.

f. Gas tank straps.

g. Shock absorber bolts.

Item No. 13. *Front end and wheels.*

a. Check front wheel toe-in.

b. Test steering adjustments and connections. Check amount of wheel turn to stop on left and right.

c. Check steering wheel for correct amount of play.

Item No. 14. *Preliminary Road Test.* Road test every vehicle by driving it at least 3 miles and checking the operation of the following items:

a. All gear positions and operation of gear shift lever.

b. Accelerator.

c. Service brakes.

d. Hand brake.

e. All instruments: oil, gas, temperature, ammeter, speedometer, and odometer.

f. Set spark advance or octane selector at correct adjustment for economical performance, idling, pick-up in each forward gear, and ping in acceleration.

g. Springs and shock absorbers.

h. Locate squeaks, rattles, and unusual noises.

i. Special equipment, such as overdrives, 2-speed axles, hill-holding devices, and transmissions other than conventional type.

j. Note any other items upon which work needs to be done.

NOTE: Before road test, remove any stickers that obstruct vision, and wash windshield.

Item No. 15. *Return vehicle to shop* and do the following operations:

a. Focus headlights.

b. Do any work on clutch, service brakes and hand brake for which road test showed need.

c. Reinspect all water hose connections, oil and fuel lines for leakage.

d. Clean fuel filters at carburetor and fuel pump.

e. Make all necessary repairs or adjustments of any other items which road test showed to need attention.

f. Check all tire pressures again and, if necessary, replace valve core and inspect innertube and tire casing.

Item No. 16. *Final road test.*

a. Make further road tests if necessary to see that all equipment is operating satisfactorily.

b. Check for leaks under engine, transmission, and rear axle.

c. Clean and remove rust and dirt from engine and its accessories and other chassis parts. Touch up with paint of appropriate color if originally painted.

Item No. 17. *Body.*

a. Remove wax or grease from interior chrome; clean upholstery, carpets, and floor mats; and repair any damaged places. Use solvent cleaner which will not damage finish or upholstery.

b. Remove plugs or screening from holes in floorboards or dash.

c. Check and lubricate front seat adjustments.

d. Check operation of all windows, ventipanes, cowl ventilator, and sun visors. Clean windows, and windshield inside and outside and repair any defects.

e. Check operation of all doors from inside and outside, trunk lid, hood, and glove compartment.

f. Check operation of all keys and locks on doors, glove compartment, and trunk.

g. Check and clean tools in kit.

h. Re-cement any sponge rubber seal strips which may have pulled loose, replacing any which have deteriorated.

i. Inspect paint finish and repair or touch up any defects or damage.

j. Clean and polish vehicle body and chrome trim.

NOTE: Owner should drain engine crankcase at about 250 miles and refill to the full mark with a good grade of engine oil of proper SAE viscosity for temperature conditions under which vehicle will operate.

[1] Items 8c and 8l must be performed unless the manufacturer files a statement with the Automotive Division of the War Production Board, and with its dealers, stating that failure to perform these items on vehicles of its own manufacture will not impair their operation as new vehicles.

[2] Not applicable to trucks.

Truck Trailer Equipment

With respect to truck trailer equipment, the following conditioning operations must be performed when conditions show work to be necessary:

Items Nos. 1 a, b; 2 a, b, d, g; 9 d; 11 a, b; 12 a, b, d; 14 c, g, h, j; 15 b, e, f; 16 a; and 17 i, j.

Diesel Engines

With respect to Diesel Engines, follow manufacturer's instructions where they are at variance with corresponding operations for gasoline engines and equipment.

(e) *Form of certification.*

The undersigned hereby certifies, with respect to the -------- new commercial motor vehicle, bearing Motor No. -------- and/or serial No. ---------.

(1) *As to maintenance operations.* That all the requirements of sec. 6.3 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, which condition the addition to the maximum price of a percentage of the list price for each month elapsing between February 28, 1942, and the date of sale, have been fully satisfied.

(2) *As to standard delivery operations.* That all the standard delivery operations set forth in sec. 6.3 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation have been performed.

---------- ----------
(Date) (Name)

(Address)

NOTE: Unless a paragraph is stricken out, this certification applies to both paragraphs.

(f) *Definitions.* (1) "New commercial motor vehicle" means any light, medium or heavy motor truck, truck-tractor or trailer, or the chassis therefor, or any chassis on which a bus body is to be mounted, and which was manufactured subsequent to July 31, 1941; was designed to be propelled or drawn by mechanical power; was designed for use on or off the highways for transportation of property or persons; and has not been transferred to any person other than a sales agency for the purpose of resale. The term includes vehicles of the following types: trucks, truck-chassis, truck tractors, off-the-highway motor vehicles, full-trailers, semi-trailers, dollies, attachment third axles, ambulances, hearses, bus chassis, carry-all suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes and cab pickups, but does not include taxicabs and integral type buses.

(2) "List price" means the suggested retail price in effect on March 31, 1942, established by each manufacturer without any charge added thereto on account of transportation, Federal Excise Tax or handling and delivery.

(3) "Sales agency" means any distributor, exporter, or retail dealer of new commercial motor vehicles.

(4) "Trailer" means full trailers and semi-trailers and includes van, tank, livestock, dump, platform, and low bed trailers; but does not include trailers designed for the conveyance of passengers, or household trailers, which are not deemed to be included within the term "new commercial motor vehicle."

(5) "Lien holder" means any person who has a lien or claim against a new commercial motor vehicle as security for a loan, credit or guaranty made by him.

(6) "Recondition" means inspecting, repairing, and restoring a new commercial motor vehicle so that it is in a condition substantially equal to its condition when newly manufactured.

SEC. 6.4 *Remington "Envoy" portable typewriters; sales to consumers*—(a) *Maximum price.* The maximum price, exclusive of Federal excise tax, for the sale by any person to a consumer, of a new Remington "Envoy" portable typewriter shall be $40.00.

(b) *Tagging.* Every person who offers a new Remington "Envoy" portable typewriter for sale to a consumer shall attach to it a tag reading as follows, with the blank appropriately filled in:

The Office of Price Administration has established a maximum retail price of $40.00 for this Remington "Envoy" portable typewriter, exclusive of Federal excise tax. Our selling price is $----.

SEC. 6.5 *Vulcanized vegetable oil*—(a) *Maximum prices for types of vulcanized vegetable oil delivered or offered for delivery during March, 1942*—(1) *Molded vulcanized vegetable oil.* The maximum price for a sale by a manufacturer of a kind of molded vulcanized vegetable oil (other than truss pads) of a kind which is the same as a kind which was delivered or offered for delivery in March, 1942, by the manufacturer shall be the highest price charged for it by the manufacturer during March, 1942 (as defined in paragraph (c) of this section).

(2) *Unmolded vulcanized vegetable oil.* The maximum price for a sale by a manufacturer of a grade of unmolded vulcanized vegetable oil which is the same as a grade which was delivered or offered for delivery in March, 1942, by the manufacturer shall be the highest price charged for it by the manufacturer during March, 1942 (as defined in paragraph (c) of this section) adjusted by adding a certain percentage, named below, of the amount by which the replacement cost to the manufacturer, at July 25, 1942, maximum prices, for the vegetable oil used to produce the product being priced is greater than the inventory cost during March, 1942, of the same quantity of vegetable oil. For the purposes of this subparagraph and subparagraph (b) (4) of this section the "July 25, 1942, maximum price" for a particular vegetable oil means the maximum price for that oil when purchased in the quantity normally purchased by the manufacturer. The inventory cost during March, 1942, shall be determined by multiplying the quantity of the kind of vegetable oil used to produce the product being priced by the average cost of that oil charged to production during March, 1942, or, if it was not charged to production during that month, by the average cost at which it was in the manufacturer's inventory on March 1, 1942. The following named manufacturers shall use the specified percentages in calculating the amount of the adjustment to be made: Stamford Rubber Supply Company, 70 per cent; Carter Bell Manufacturing Company, 80 per cent; all other manufacturers, 100 per cent.

(3) *Transportation costs.* No seller shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery of a type of vulcanized vegetable oil delivered by the seller during March, 1942, than the seller required purchasers of the same class to pay during that month on deliveries of the same type.

(b) *Maximum prices for types of vulcanized vegetable oil not delivered or offered for delivery during March, 1942.* The maximum f. o. b. price for the sale by a manufacturer of a grade of unmolded vulcanized vegetable oil which is not the same as a grade which was delivered or offered for delivery by the manufacturer during March, 1942, shall be the sum total of direct labor costs, direct materials costs, gross margin, and an adjustment, determined in accordance with subparagraphs (1), (2), (3), and (4) of this paragraph. The maximum f. o. b. price for a sale by a manufacturer of a kind of molded vulcanized vegetable oil (other than truss pads) which is not the same as a kind which was delivered or offered for delivery by the manufacturer during March, 1942, shall be the sum total of the same components with the exception that it shall not contain an adjustment. The maximum delivered price for a type of vulcanized vegetable oil (other than truss pads) not delivered or offered for delivery during March, 1942, shall be the maximum f. o. b. price, plus the cost of transportation to the place of delivery.

(1) *Computation of direct labor costs.* Direct labor costs shall be determined by finding the average cost per pound of direct labor employed during the first quarter of 1942 in producing the type (unmolded white, unmolded brown or molded) of vulcanized vegetable oil which includes the particular grade being priced and multiplying that figure by the number of pounds being priced; except that for any kind of molded vulcanized vegetable oil (other than truss pads) which is individually molded and requires special hand labor which results in direct labor costs higher than the figure which would be obtained by computing the direct labor costs on the basis of average cost per pound as required by this subparagraph (1) for molded vulcanized vegetable oil generally, direct labor costs may be determined each time a quantity of such molded vulcanized vegetable oil is to be priced by multiplying the estimated number of hours of each type of labor required in the manufacture of the quantity being priced by the following wage rates: The wage rates to be used shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the kind of molded vulcanized vegetable oil being priced. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of

March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(2) *Computation of direct materials costs.* Direct materials costs shall be determined by multiplying the quantity of each material used in the manufacture of the vulcanized vegetable oil being priced by materials prices determined as follows:

The price of any material used in the manufacture of the vulcanized vegetable oil being priced shall be the first applicable among the following:

(i) The average cost at which the material was charged into production during March, 1942;

(ii) The average cost at which it was in the manufacturer's inventory on March 1, 1942;

(iii) The highest price charged during March, 1942, (as defined in paragraph (c) of this section) by the manufacturer's supplier. The manufacturer's supplier shall be (*a*) his March, 1942, supplier of the material, or (*b*) lacking a March, 1942, supplier of the material, his most recent supplier of the material. If neither of these exists, it shall be his potential supplier.

(iv) The first price at which the manufacturer's supplier offered to sell the material to a purchaser of the same class as the manufacturer after March 31, 1942. However, if the first applicable of those prices is higher than the maximum price established by the Office of Price Administration for the sale of the material to the manufacturer by his supplier, that maximum price shall be used as the price of the material.

(3) *Computation of gross margin.* The gross margin shall be determined as follows:

(i) Determine the total sales value for the first quarter of 1942 of each grade of the particular type (unmolded white, unmolded brown or molded) of vulcanized vegetable oil which includes the grade being priced, at its March, 1942, highest price, by multiplying the quantity of each grade of that type produced during that quarter by the highest f. o. b. price for which the grade was sold during March, 1942, or, if it was not sold during that month, by the highest f. o. b. price for which it was offered for sale during March, 1942. Add the resulting figures to determine the total sales value for the quarter at March, 1942, highest prices, for the particular type of vulcanized vegetable oil.

(ii) Subtract from that figure the total direct labor and materials costs for the particular type to determine the gross margin. Direct labor costs for this purpose shall be computed by multiplying the average direct labor costs per pound of the particular type of vulcanized vegetable oil produced during the first quarter of 1942, by the total quantity of that type produced during that period. Direct materials costs shall be computed by multiplying the quantity of each material, used in the manufacture of the particular type by the average cost at which the material was charged into production during March, 1942, or, if it was not charged into production in that month, by the average cost at which it was in the manufacturer's inventory on March 1, 1942.

(iii) Divide the figure resulting from subtracting direct costs from total sales value by the total direct costs figure to determine the gross margin percentage of direct costs. That percentage shall be applied to the direct costs of the grade being priced (computed in accordance with subparagraphs (b) (1) and (2) of this section) to determine the gross margin for that grade.

(4) *Adjustment.* The sum total of direct labor costs, direct materials costs, and gross margin for a grade of unmolded white or unmolded brown vulcanized vegetable oil, computed as required by this paragraph (b), shall be adjusted by adding the percentage, designated for the particular manufacturer in subparagraph (a) (2) of this section, of the amount by which the replacement cost to the manufacturer, at July 25, 1942, maximum prices for the vegetable oil used to produce the product being priced is greater than the inventory cost during March, 1942, of the same quantity of vegetable oil. The inventory cost during March, 1942, shall be determined by multiplying the quantity of the kind of vegetable oil required to produce the product being priced by the average cost of that oil charged to production during March, 1942, or, if it was not charged to production during that month, by the average cost at which it was in the manufacturer's inventory in March, 1942. No adjustment shall be made in the case of molded vulcanized vegetable oil.

(c) *Definitions.* (1) "Brown vulcanized vegetable oil" means vulcanized vegetable oil produced by hot vulcanization.

(2) "Highest price charged during March, 1942" means:

(i) The highest price which the seller charged to a purchaser of the same class for delivery of the commodity during March, 1942;

(ii) If the seller made no such delivery during March, 1942, such seller's highest offering price to a purchaser of the same class for delivery during that month;

(iii) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged by the seller during March, 1942, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(3) "Manufacturer" when referring to molded vulcanized vegetable oil means a person who makes the molded product from vulcanized vegetable oil manufactured by him.

(4) "Molded vulcanized vegetable oil" means a vulcanized vegetable oil in which the vulcanization reaction takes place substantially in molds which give shape utility to the production.

(5) "Type of vulcanized vegetable oil" means one of the three classifications of that product, namely, unmolded white, unmolded brown and molded.

(6) "Vulcanized vegetable oil" means the solid reaction product of unsaturated fatty oils and vulcanizing agents.

(7) "White vulcanized vegetable oil" means vulcanized vegetable oil produced by cold vulcanization.

(d) *Geographical applicability.* This section applies only to the 48 states of the United States and the District of Columbia.

SEC. 6.6 *Imported pyrethrum flowers; sales under War Production Board directive*—(a) *Maximum price.* The maximum price for the sale by an importer of imported pyrethrum flowers, sold to any purchaser in accordance with an order or directive of the Director of Industry Operations of the War Production Board, shall be the total landed costs of the pyrethrum flowers to the importer, plus any actual transportation costs incurred by the importer with respect to shipment of the pyrethrum flowers within the continental United States. This maximum price shall apply whether or not the seller normally sells pyrethrum flowers in the ordinary course of his business, but shall not apply to any sale which is not made in accordance with an order or directive of the Director of Industry Operations of the War Production Board.

(b) *Effect on other regulations.* The provisions of this section supersede the provisions of Revised Supplementary Regulation No. 12[3] and of Maximum Price Regulation No. 204[4] with respect to sales for which maximum prices are established herein.

(c) *Definitions.* (1) "Total landed costs" means the sum of the price paid to or for the account of the foreign seller, plus all the costs, expenses, and charges, including customs duties or entry fees, and dock charges, if any, incurred by the importer with respect to the shipment of the pyrethrum flowers from the point of shipment outside the continental United States to the point in the continental United States where delivery is made.

(2) "Importer" means any person who is the ultimate consignee in the United States of pyrethrum flowers entering into the continental United States.

SEC. 6.7 *Dog and cat foods; manufacturers' maximum prices of new packages.* Any manufacturer of any dog or cat food desiring to sell new packages (whether of different sizes and/or of different containers) of the same commodity shall determine his maximum price for such new packages as follows:

(a) Take the maximum price of the fastest selling old package of said dog or cat food to a given class of purchasers;

(b) Where a change to different containers is made deduct therefrom the actual cost of the old containers and of packing therein and add to the resultant figure the actual cost of the new containers and of packing therein;

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[3] 7 F.R. 10532; 8 F.R. 611, 2035.
[4] 7 F.R. 6479, 7366, 8948; 8 F.R. 4785, 6364.

(c) Where a size change is made divide said maximum price of the fastest selling old package of said dog or cat food to a given class of purchasers by the net weight number of ounces (or other unit of measurement) in the old size package and multiply that quotient by the net weight number of ounces (or other unit of measurement) in the new size package.

In like manner determine the new size maximum price to other classes of purchasers, using as the base, however, the same old package of dog or cat food but as sold to different classes of purchasers.

SEC. 6.8 *Corrective eye glasses sold to the ultimate user and services involving the examination and refraction of eyes.* (a) The extent to which sales to the ultimate user of corrective eye glasses and of services involving the examination and refraction of eyes are subject to the General Maximum Price Regulation shall be as follows:

(1) All sales other than manufacturers' sales of corrective eye glasses and spectacles are subject to the General Maximum Price Regulation.

(2) The charge to a person for services involving the examination and refraction of eyes is not subject to the General Maximum Price Regulation if the seller is not selling corrective eye glasses or spectacles to that person, either as part of the same transaction or as part of the general course of dealing.

(3) If a seller is rendering to any person services involving the examination and refraction of eyes, and he is also selling corrective eye glasses or spectacles to that person, either as part of the same transaction or as part of the same general course of dealing, the following rules apply:

(i) If the seller makes a single charge for the sale of both the glasses and the services, the joint sale is subject to the General Maximum Price Regulation.

(ii) If the seller makes a separate charge for the sale of the glasses and a separate charge for the sale of the services, and during March, 1942, he customarily made separate charges, then the charge for the services is not subject to the General Maximum Price Regulation. The sale of the glasses, however, is subject to the General Maximum Price Regulation.

(iii) If the seller makes a separate charge for the sale of the glasses and a separate charge for the sale of the services, but in March, 1942, he did not customarily make separate charges, and made a single charge for the services and the glasses, then the sum of the charge for the examination and refraction of eyes, plus the charge for the sale of the glasses shall not exceed the highest charge made in March, 1942, for the same combination of services and glasses. In order to maintain the correct maximum prices on the sale of the eye glasses, the sale of the glasses and the sale of the services shall be treated as a joint sale of the glasses and the services and shall be subject to the General Maximum Price Regulation.

SEC. 6.9 *Chelsea cigarettes "20s"*—(a) *Maximum prices of jobbers and wholesalers.* A jobber or wholesaler may sell and deliver and any person may buy and receive Chelsea cigarettes packed 20 to a package at price not in excess of $6.81 per thousand or the manufacturer's list price, whichever is the lower, less discounts and allowances customarily given in March, 1942, by such jobber or wholesaler on his sales of other cigarettes of the same price class to purchasers of the same class. A jobber or wholesaler may add to such price the amount of any state or local tax applicable to the particular quantity of cigarettes sold and paid or payable by him to the proper taxing authorities or to any prior vendor.

(b) *Maximum prices of retailers.* A seller at retail may sell and deli er and any person may buy and receive Chelsea cigarettes packed 20 to a package at a price not in excess of the particular retailer's maximum price established under § 1499.2 of the General Maximum Price Regulation for his sales of other cigarettes of the same price class to a purchaser of the same class. A retailer may add to such price the amount of any state or local tax applicable t the particular quantity of cigarettes sold and paid or payable by him to the proper taxing authorities or to any prior vendor.

(c) *Notification.* On and after March 6, 1943, any seller of Chelsea cigarettes packed 20 to a package (other than a retailer), at or before his first delivery thereof to a purchaser, shall supply such purchaser with a written or printed notice as follows:

The Office of Price Administration has authorized ceiling prices for sales of Chelsea cigarettes "20s". The ceiling price for jobbers and wholesalers is $6.81 per thousand cigarettes or the manufacturer's list price, whichever is the lower, less their March, 1942, customary discounts and allowances on sales of other cigarettes of the same price class to purchasers of the same class. The ceiling price for a retailer is his maximum price for sales of other cigarettes of the same price class to purchasers of the same class. Applicable state and local taxes may be added to such ceiling prices. Jobbers and wholesalers are required to supply purchasers with a copy of this notice at or before their first delivery of such cigarettes to the purchaser. The Office of Price Administration requires you to keep this notice for examination.

(d) *Applicability.* The provisions of this section shall be applicable to the 48 states of the United States and to the District of Columbia.

SEC. 6.10 *"General Manager Type" grain doors*—(a) *Products covered.* This section covers "General Manager Type" grain doors, which meet any of the following listed, or any similar, specifications:

Chicago, Burlington and Quincy R. R. specification #57359.

Atchison, Topeka and Santa Fe Railway specification #17-D-2224.

Great Northern Railway specification #1631.

Doors produced under the above specifications are also known as Grade No. 4 grain doors. This section also covers grain doors of Grades Nos. 3, 2, and 1.

(b) *Maximum prices.* Any seller's maximum price to a particular purchaser for a specific size and grade of "General Manager Type" grain door shall be his maximum price under the General Maximum Price Regulation to the same purchaser for the same size and grade of door, plus the amount by which the cost of lumber, charged in at market prices (not to exceed the applicable ceiling), and the cost of direct labor used in making the door has increased between March 1, 1942, and March 1, 1943.

If the General Maximum Price Regulation ceiling price used in computing the maximum price in accordance with this section included all or any portion of the freight charges, the maximum price so computed shall include the same proportion of freight charges. The maximum f. o. b. mill price shall be the price so computed less the average amount of the actual freight charges paid by the seller during March 1942.

If the General Maximum Price Regulation ceiling price used by a seller in computing his maximum price in accordance with this section was an f. o. b. mill price, his maximum price so computed is also an f. o. b. mill price.

To the f. o. b. mill price a seller may add his actual cost of delivery.

In no case shall the maximum f. o. b. mill price for grade No. 4 "General Manager Type" grain doors of the sizes specified exceed the following:

	Hemlock or other northern softwoods or hardwoods	Ponderosa pine, fir or other western softwoods	Southern pine, cypress, basswood or other southern or eastern softwoods or hardwoods
7'0" x 20" x 1⅜"	$1.15	$1.23	$1.23
7'0" x 10" x 1⅜"	.69	.74	.74

(c) *Deductions for grades lower than No. 4.* To determine the maximum price for grain doors of lower than No. 4 grades for which a seller had no price in March 1942 the following deductions must be made from the maximum price for grade No. 4 doors:

	Cents per door
No. 3 Doors made from No. 3 and No. 4 lumber with honeycomb backs or 6 foot lengths	5
No. 2 Doors made from all No. 4 lumber	10
No. 1 Doors lowest accumulation grade for light loading	15

(d) *Prices which cannot be determined under paragraphs (b) and (c).* If a seller cannot establish his maximum selling price for a particular door by either of the methods outlined in paragraph (b) and (c), he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a price.

(e) *Reports.* Any seller who figures a price for grain doors under this section must report the price for each size door

to the Lumber Branch, Office of Price Administration, Washington, D. C. The report must show:

(1) The seller's maximum price for the particular door in March 1942;

(2) Whether the March 1942 price was a f. o. b. mill price or a delivered price;

(3) The amount added for the increase in the cost of lumber from March 1, 1942, to March 1, 1943, and an explanation of the type of lumber used and how the increase in cost was figured; and

(4) The amount added for the increase in the cost of direct labor from March 1, 1942, to March 1, 1943, and an explanation of how the increase in cost was figured.

(5) Where the seller is not a manufacturer, the report should show the name, address, and maximum price of the plant which manufactures the grain doors sold by the seller.

(f) *Adjustment of incorrect maximum prices.* Where the report submitted shows that the seller figured the maximum price in an incorrect manner, the Office of Price Administration will, by letter, order the price adjusted to the correct ceiling price. Refunds must be made to adjust the prices charged by the seller to the correct maximum price. If the Office of Price Administration does not order the price adjusted within 30 days from the date of the application, the reported price shall be considered approved.

(g) *Maximum prices previously approved.* Nothing in this section shall be construed to invalidate price approvals for grain doors heretofore issued by the Office of Price Administration.

SEC. 6.11 *Tear gas equipment.* The maximum price for any item of tear gas equipment, including guns, shells, candles, and grenades, is the seller's maximum price as determined under § 1499.2 of the General Maximum Price Regulation or the price specified in the seller's price list in effect on April 15, 1942, whichever is higher.

SEC. 6.12 *Certain 5 and 10 cent sizes of cosmetics*—(a) *Maximum prices.* Where a cosmetic is packaged by or for the manufacturer thereof in a package contracted for by the manufacturer or packager prior to September 11, 1942, and where such package contains a lesser quantity of cosmetic than was contained in a package of cosmetic of the same kind, quality, and brand name sold at retail for 5 or 10 cents for which maximum prices for sales by the manufacturer were established under § 1499.2 of the General Maximum Price Regulation, the maximum prices for sales by any seller of such package of cosmetic containing a lesser quantity of cosmetic shall be the maximum prices established under the General Maximum Price Regulation for sales by such seller of the package of cosmetic which contained a greater quantity of cosmetic.

(b) *Definition.* "Manufacturer" means a person who packages a cosmetic under his own brand name or causes the same to be packaged for him under his own brand name.

(c) *Notification*—(1) *By manufacturers.* The manufacturer of a package of cosmetic containing a lesser quantity of cosmetic for which maximum prices are established under this section shall with or prior to the first delivery thereof to any purchaser furnish him with a notice reading as follows:

Maximum prices for sales by any seller of (describe package of cosmetic containing lesser quantity) are the same as the maximum prices established under the General Maximum Price Regulation for sales by that seller of (describe package of cosmetic containing greater quantity).

(2) *By wholesalers.* Any wholesaler of such a package of cosmetic shall with or prior to the first shipment thereof to a retailer furnish such retailer with the notice of the same kind as set forth in subparagraph (1) above.

SEC. 6.13 *Hickory picker stick blanks, color no defect*—(a) *Products covered.* This section covers, under the term "hickory picker stick blanks, color no defect," all sizes of picker stick blanks which satisfy the following specifications: manufactured from live, tough, heavy weight hickory logs; and to be bright, free from all timber defects, straight and straight grained, and color no defect.

(b) *Maximum price.* The maximum price for any size hickory picker stick blank, color no defect, is to be the price which prior to April 8, 1943, was the seller's ceiling price for the same size hickory picker stick blank, color a defect. This means that the seller's maximum prices for hickory blanks made entirely of white sapwood shall also be the seller's ceiling prices for hickory blanks which contain any amount of red heartwood.

SEC. 6.14 *Elastic fabric sold by Defense Supplies Corporation*—(a) *Maximum price.* The maximum price for the sale by the Defense Supplies Corporation of elastic fabric of any grade shall be 105 per cent of the weighted average cost of acquisition of its inventory falling within that grade.

(b) *Definition.* "Elastic fabric" means any fabric knitted, woven or braided containing bare rubber core or covered rubber thread, including all types of synthetic rubber core or thread, six inches in width or less, of any quality or in any condition whatsoever.

SEC. 6.15 *Coir mats imported under contracts entered into prior to November 23, 1942.* (a) The maximum price of an importer for a coir mat contracted for him prior to November 23, 1942, shall be:

(1) His maximum price on May 18, 1942, plus

(2) The increase in the amount of customs duty paid over the amount payable prior to May 15, 1942, on the same mat.

(b) The amount of the duty which the importer shall have added to his existing maximum price of a coir mat under paragraph (a) above may be added to the existing maximum price of any purchaser of such mat from the importer.

(c) The amount of duty which shall have been added to the existing price of a seller under paragraphs (a) or (b) above may be added to the existing maximum price of any subsequent purchaser who has paid the addition.

(d) Before offering to sell or deliver one of the coir mats under the provisions of paragraphs (a) (b) or (c) above, any seller (other than a seller at retail) shall state on each invoice the following:

The Office of Price Administration has authorized the addition of an amount equal to the increase in duty to our maximum price for the coir mat. This charge has been stated separately on the invoice. You and your subsequent purchasers are also authorized to add to your maximum prices the exact amount of the increase which you have paid, provided you bill the amount as a separate charge.

(e) The importer and each subsequent seller (other than at retail) shall be permitted to add the amounts authorized in paragraphs (a), (b), (c), and (d) above to his maximum prices under the General Maximum Price Regulation on the condition that he states it as a separate charge on the invoice.

(f) Prior to the first sale by the importer of any coir mat under the provisions of paragraph (a) above, the importer shall file with the Office of Price Administration in Washington, D. C., a statement of the number of coir mats contracted for prior to November 20, 1942, which became subject to an import duty of 12 cents per square foot, the number of such mats still on hand, and the number still to be imported.

SEC. 6.16 *Air-conditioning and refrigerating equipment of less than 25 h. p.; sales pursuant to War Production Board program.* (a) Notwithstanding provisions of the General Maximum Price Regulation, as amended, the maximum price applicable to the sale at the direction of the War Production Board of any industrial or commercial air-conditioning or refrigerating equipment of less than 25 h. p., to the manufacturer of such equipment by a person using such equipment and not engaged in the business of selling such equipment, shall be the installed cost of such equipment to such user, less depreciation at the rate of 5 per cent per year (except as provided in paragraph (b)); the maximum price applicable to the resale of any such equipment by the manufacturer on a reconditioned and guaranteed basis to a new user designated by the War Production Board shall be the total cost of the equipment to the manufacturer, including the cost of inspection, dismantling, and shipment to the manufacturer's plant, estimated if necessary; plus the cost of reconditioning the equipment, of shipment to the purchaser, and of installation, estimated if necessary; plus the amount of any other out-of-pocket expenses incurred in connection with such sale, estimated if necessary; plus a reasonable charge for engineering and a reasonable profit, not upon the cost to the manufacturer, but in the light of the manufacturer's risk and responsibility: *Provided*, That the amount of such profit, together with a description of the transaction, has been submitted to the Office of Price Administration, Washington, D. C., for its review and that the Office of Price Administration has approved or failed to disapprove the amount of such profit within 30 days after receipt of the information.

(b) If, upon a sale of industrial or commercial air-conditioning or refrigerating equipment of 25 h. p. or less by a state government, or any agency or political subdivision thereof, the War Production Board certifies to the Office of Price Administration prior to such sale that upon the basis of a competent engineering appraisal the 5 per cent rate of depreciation, referred to in paragraph (a), does not fairly reflect the actual depreciation of such equipment to the date of such sale, the rate of depreciation fixed by, and set forth in the certification of, the War Production Board as fairly reflecting such actual depreciation shall be used in the determination of the maximum price of such sale instead of the 5 per cent rate of depreciation.

SEC. 6.17 *Contract logging services in Oregon and Washington west of the crest of the Cascade Mountains.* The maximum prices of any contract logging service rendered in the states of Oregon and Washington west of the crest of the Cascade Mountains, determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, may be increased under the following conditions:

(a) Persons rendering contract logging service for any owner of stumpage, which results in the production of logs of the species described in Revised Maximum Price Regulation No. 161—West Coast Logs, and who operate 48 or more hours per week, may make additions to the maximum prices established for them by the General Maximum Price Regulation, in the same amounts provided for sellers of West Coast logs in § 1381.156 of Revised Maximum Price Regulation No. 161.

(b) The right to make the additions provided for by this section are subject to all the provisions and conditions of § 1381.156 of Revised Maximum Price Regulation No. 161, which is incorporated herein by reference, and may be made only after the contract logger has filed the application required and has been authorized by order of the Administrator to make the addition in the manner provided in that section. In filing such an application, the contractor shall submit the name of the person or persons for whom the contract service is rendered and a statement of the maximum price on his contract logging service as computed under § 1499.2 of the General Maximum Price Regulation.

SEC. 6.18 *Modification of maximum prices of commercial refrigeration and commercial refrigeration apparatus.* (a) On and after May 10, 1943, all persons other than manufacturers selling commercial refrigeration and commercial refrigeration apparatus, shall, in view of the provisions of section 614, Title VI of the Revenue Act of 1942 reduce their presently established maximum prices by an amount representing the federal excise tax imposed by section 546, Title V, Part IV of the Revenue Act of 1941, in the following manner:

(1) By the amount of the federal excise tax if shown as a separate item on the purchase invoice, or,

(2) By 1/11 of the presently established maximum price where the federal excise tax was not shown on the purchase invoice as a separate item but was included in the sales price.

The provisions of this section shall not be applicable to any article of commercial refrigeration or commercial refrigeration apparatus on hand May 10, 1943, originally purchased from the manufacturers thereof during the period November 1, 1941, to October 31, 1942, and for which the manufacturers were reimbursed for the federal excise tax paid by them on their sales.

(b) *Definitions.* (1) The term "commercial refrigeration and commercial refrigeration apparatus" means beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, milk cooler cabinets, refrigerators having a net storage space of more than 20 cubic feet, which were primarily designed for use with a mechanical refrigeration unit; and compressors, condensers, evaporators, expansion units, absorbers and controls for, or suitable for use as a part of or with, a refrigerating plant, refrigerating system, refrigerating equipment or unit, or any of the articles enumerated above.

(2) The term "manufacturer" means any person who makes the first sale of any article of commercial refrigeration or commercial refrigeration apparatus.

(c) Every person affected by this section shall immediately prepare a record showing all commercial refrigeration and commercial refrigeration apparatus on hand as of May 10, 1943, which was sold by the manufacturer thereof tax paid. This record which shall be retained for at least 90 days after such inventory has been sold or otherwise disposed of shall contain the following information with respect to each article: (1) a description, (2) the serial number if any, (3) the name of the manufacturer, (4) the date purchased, (5) the purchase price, (6) the name of the supplier, (7) the presently established maximum price, (8) the federal excise tax if shown as a separate item on the purchase invoice or the amount computed in accordance with (a) (2) above.

SEC. 6.19 *Twist tobacco*—(a) *Manufacturers' weight adjustment.* (1) A manufacturer of twist tobacco of a March 1942 suggested retail price class of 10 cents per twist may adjust the March 1942 weight thereof to a minimum weight of 1.333 oz. per twist or 12 twists per pound.

(2) A manufacturer of twist tobacco of a March 1942 suggested retail price class of 5 cents per twist may adjust the March 1942 weight thereof to a minimum weight of .64 oz. per twist or 25 twists per pound.

(3) A manufacturer of twist tobacco of a March 1942 suggested retail price class in excess of 10 cents per twist may adjust the March 1942 weight thereof to a minimum weight per twist computed as follows:

(i) He shall select the twist of a March 1942 suggested retail price class of either 10 cents or 5 cents per twist manufactured by him in March 1942, which corresponds, except for size, to the twist for which a minimum weight is being figured.

(ii) He shall next divide the March 1942 weight of the twist selected under (i) into the March 1942 weight of the twist for which a minimum weight is being figured.

(iii) He shall then multiply the figure obtained under (ii) by 1.333 or by .64 according to whether the twist selected under (i) is of the March 1942 suggested retail price class of 10 cents or 5 cents. The result shall be the minimum weight of the twist for which the computation is made.

(4) A manufacturer adjusting the weight of twist tobacco pursuant to this paragraph (a) shall make and keep available for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942 remains in effect, his records and figures showing the method he used in making such adjustment.

(b) *Manufacturers' maximum list price and maximum net selling price for twist tobacco.* (1) A manufacturer may sell, and any person may buy from that manufacturer, twist tobacco of a minimum weight provided for in paragraph (a) for a maximum list price equal to that established by the manufacturer under the General Maximum Price Regulation for the same twist tobacco prior to adjustment of its weight, and for a maximum net selling price determined pursuant to this paragraph (b).

(2) A manufacturer's maximum net selling price for any particular brand of twist tobacco shall be his maximum list price therefor, less, at his election, either

(i) His March 1942 customary discounts and allowances on sales of that brand to the particular class of purchasers in question, or

(ii) The following minimum discounts and allowances:

Amount of purchase	Trade discount	Additional discount for payment within 10 days
	Percent	*Percent*
Less than 30 lbs	10	2
30 lbs. but less than 60 lbs	10 and 3	2
60 lbs. or over	10 and 5	2

Trade discounts may be given wholly or partly in the form of free goods valued in the manner customarily used for that purpose by the particular manufacturer during March 1942.

(3) Except as expressly permitted in this paragraph, no manufacturer shall

so alter his March 1942 customary terms of sale to any class of purchasers as to make them more burdensome to a purchaser.

(c) *Manufacturers' notice to purchasers.* Before or at his first delivery of any twist tobacco of a weight other than its March 1942 weight, or at a maximum net selling price different from its March 1942 net selling price, to any purchaser, every manufacturer shall give the purchaser a completed notice in writing as follows:

OPA has authorized us to reduce the size of (insert brand name) twist tobacco from ____ ounces to ____ ounces per twist. OPA has authorized us to establish the following minimum discounts on our sales of (insert brand name) twist tobacco:

Amount of purchase	Trade discount	Additional discount for payment within 10 days
	Percent	*Percent*
Less than 30 lbs	10	2
30 lbs. but less than 60 lbs	10 and 3	2
60 lbs. or over	10 and 5	2

The permission given us does not allow you to increase your ceiling prices for this brand and no change in your ceiling prices or discounts can be made because of it. OPA requires you to keep this notice for examination.

(NOTE: The first or second sentence of the notice may be omitted if not applicable in a particular case. No more than one notice covering a particular brand and size of twist tobacco need be given to any purchaser.)

(d) *Wholesalers' and jobbers' maximum prices; notice to purchasers.* (1) After receipt of notice from his supplier, any wholesaler or jobber may sell, and any person may buy from that wholesaler or jobber, twist tobacco of a minimum weight provided in paragraph (a) at a maximum price not greater than that established by the particular wholesaler or jobber under the General Maximum Price Regulation for his sales of the same twist tobacco to a purchaser of the same class, prior to adjustment of its weight. No wholesaler or jobber shall so alter his March 1942 customary terms of sale to any class of purchasers as to make them more burdensome to a purchaser.

(2) Each wholesaler or jobber shall mark on the invoice or sales slip given to any purchaser, coyering his first sale to that purchaser of a brand of twist tobacco of a weight adjusted pursuant to (a) the following:

Weight of brands of twist tobacco included in this purchase has been reduced by the manufacturer with OPA authorization. Wholesalers, jobbers and retailers are authorized to sell the reduced weight without changing their ceiling prices for those brands.

(e) *Retailers' maximum prices.* After receipt of notice from his supplier, any retailer may sell, and any person may buy from that retailer, twist tobacco of a minimum weight provided in paragraph (a) for a maximum price not greater than that established by the particular retailer under the General Maximum Price Regulation for his sales of the same twist tobacco to a purchaser of the same class, prior to adjustment of its weight.

(f) *Definitions.* (1) "Twist tobacco" means rolled tobacco leaf, sweetened or unsweetened, commonly doubled or folded and having the ends of the roll twisted around each other.

(2) "March 1942 suggested retail price" means the retail price of a particular brand and size of twist tobacco suggested by the manufacturer thereof in his last standard price list effective during March 1942.

(g) *Geographical applicability.* The provisions of this section shall be applicable to the 48 States of the United States and to the District of Columbia.

Article VII—Transportation Services

SEC. 7.1 *Transportation of coal in barges along the Atlantic Coast.* (a) Maximum prices for the transportation of coal in barges along the Atlantic Coast between the origins and destinations referred to below by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942 shall be as follows:

MAXIMUM RATES [1] FOR TRANSPORTATION OF COAL IN BARGES

Destination	Origins		
	Lower New Jersey piers [2]	Upper New Jersey piers [3]	Hampton Roads
New York, N. Y.			$2.00
Stamford, Conn	$0.60	$0.55	2.50
Bridgeport, Conn	.65	.60	2.50
New Haven, Conn	.65	.60	2.50
New London, Conn	[4] 1.25	[4] 1.20	2.50
Allyns Point, Conn	[4] 1.30	[4] 1.25	2.55
Montville, Conn	[4] 1.30	[4] 1.25	2.55
Norwich, Conn	[4] 1.40	[4] 1.35	2.65
Newport, R. I	[4] 1.40	[4] 1.35	2.65
Providence, R. I	[4] 1.50	[4] 1.45	2.75
Pawtucket, R. I	[4] 1.60	[4] 1.55	2.85
Fall River, Mass	[4] 1.50	[4] 1.45	2.75
Somerset, Mass	[4] 1.50	[4] 1.45	2.75
New Bedford, Mass	[4] 1.65	[4] 1.60	2.90
Plymouth, Mass	[4] 1.85	[4] 1.80	3.10
Hull, Mass	[4] 1.85	[4] 1.80	3.10
Boston Harbor, Mass. [5]	[4] 1.75	[4] 1.70	3.00
Lynn, Mass	[4] 1.75	[4] 1.70	3.00
Marblehead, Mass	[4] 1.75	[4] 1.70	3.00
Salem, Mass	[4] 1.75	[4] 1.70	3.00
Beverly, Mass	[4] 1.75	[4] 1.70	3.00
Gloucester, Mass	[4] 1.85	[4] 1.80	3.10
Portsmouth, N. H	[4] 2.00	[4] 1.95	3.25
Portland, Maine	[4] 2.00	[4] 1.95	3.25
Boothbay, Maine	[4] 2.10	[4] 2.05	3.35
Bath, Maine	[4] 2.35	[4] 2.30	3.60
Gardner, Maine	[4] 2.75	[4] 2.70	4.00
Hallowell, Maine	[4] 2.85	[4] 2.80	4.10
Augusta, Maine	[4] 3.00	[4] 2.95	4.25
Rockland, Maine	[4] 2.75	[4] 2.70	4.00
Belfast, Maine	[4] 2.90	[4] 2.85	4.15
Camden, Maine	[4] 2.90	[4] 2.85	4.15
Searsport, Maine	[4] 2.85	[4] 2.80	4.10
Bucksport, Maine	[4] 2.50	[4] 2.85	4.15
Castine, Maine	[4] 3.00	[4] 2.95	4.25
N. E. Harbor, Maine	[4] 3.25	[4] 3.20	4.50
S. W. Harbor, Maine	[4] 3.25	[4] 3.20	4.50
Bar Harbor, Maine	[4] 3.25	[4] 3.20	4.50
Bangor, Maine	[4] 3.00	[4] 2.95	4.25
Brewer, Maine	[4] 3.00	[4] 2.95	4.25

[1] Rates are stated in terms of dollars per net ton and are exclusive of expenses for loading and discharging and for cargo insurance. The trimming charge made at loading piers is for the account of the vessel and is included in the rate.

[2] Lower New Jersey piers include piers in South Amboy, Perth Amboy, Port Reading, and Elizabethport.

[3] Upper New Jersey piers include Jersey City, Hoboken, Weehawken, Guttenberg, and Edgewater.

[4] Applicable only to cargoes of less than 2200 net tons. Subtract 5 cents per net ton from the rates shown when cargo is 2200 net tons or more but less than 2800 net tons, and 10 cents per net ton when cargo is 2800 net tons or more.

[5] Includes all points between but not including Hull, Massachusetts, and Lynn, Massachusetts.

MAXIMUM RATES [1] FOR TRANSPORTATION OF COAL IN BARGES

From [1] New York [1] to—	Weight of cargo in net tons per barge				
	700 or less	Over 700 but not over 1,200	Over 1,200 but not over 1,800	Over 1,800 but not over 2,000	Over 2,000
Stamford, Conn	$0.90	$0.80	$0.75	$0.70	$0.65
Norwalk, Conn	.95	.85	.80	.75	.70
Bridgeport, Conn	.95	.85	.80	.75	.70
Stratford, Conn	1.15	1.05	1.00	.95	.90
Devon, Conn	1.15	1.05	1.00	.95	.90
New Haven, Conn	.95	.85	.80	.75	.70
Branford, Conn	1.15	1.05	1.00	.95	.90
Middletown, Conn	1.35	1.25	1.20	1.15	1.10
Hartford, Conn	1.35	1.25	1.20	1.15	1.10
New London, Conn	1.35	1.25	1.15	1.05	1.00
Allyns Point, Conn	1.40	1.30	1.20	1.10	1.05
Montville, Conn	1.40	1.30	1.20	1.10	1.05
Norwich, Conn	1.45	1.35	1.25	1.15	1.10
Newport, R. I	1.90	1.75	1.60	1.45	1.35
Providence, R. I	1.90	1.75	1.60	1.45	1.35
Pawtucket, R. I	2.00	1.85	1.70	1.55	1.45
Warren, R. I	1.95	1.80	1.65	1.50	1.40
Fall River, Mass	1.90	1.75	1.60	1.45	1.35
Somerset, Mass	1.90	1.75	1.60	1.45	1.35
Woods Hole, Mass	2.15	2.00	1.85	1.70	1.60
Martha's Vineyard, Mass	2.30	2.15	2.00	1.85	1.75
Nantucket, Mass	2.50	2.35	2.20	2.05	1.95
New Bedford, Mass	2.08	1.90	1.75	1.60	1.50
Plymouth, Mass	2.45	2.30	2.10	1.85	1.75
Hull, Mass	2.50	2.35	2.15	1.90	1.80
Weymouth, Mass	2.45	2.30	2.05	1.80	1.70
Boston, Mass	2.40	2.25	2.07	1.75	1.65
Lynn, Mass	2.45	2.30	2.05	1.80	1.70
West Lynn Mass	2.50	2.35	2.10	1.85	1.75
Marblehead, Mass	2.45	2.30	2.05	1.80	1.70
Salem, Mass	2.40	2.25	2.00	1.75	1.65
Beverly, Mass	2.45	2.30	2.05	1.80	1.70
Gloucester, Mass	2.50	2.35	2.10	1.85	1.75
Newburyport, Mass	4.15	4.00	3.75	3.50	3.40
Portsmouth, N. H	2.65	2.50	2.25	2.00	1.90
Biddeford, Me	4.15	4.00	3.75	3.50	3.40
Saco, Me	4.15	4.00	3.75	3.50	3.40
Portland, Me	2.75	2.60	2.35	2.10	2.00
Portland, Me. (Fort McKinley)	3.55	3.40	3.15	3.00	2.70
Boothbay, Me	2.90	2.75	2.50	2.25	2.15
Bath, Me. [2]	3.05	2.90	2.65	2.40	2.30
Gardner, Me	3.55	3.40	3.15	2.90	2.80
Hallowell, Me	3.70	3.55	3.30	3.05	2.95
Augusta, Me	3.80	3.65	3.40	3.15	3.05
Rockland, Me. [2]	3.30	3.15	2.90	2.70	2.60
Belfast, Me	3.90	3.75	3.50	3.35	3.05
Camden, Me	3.90	3.75	3.50	3.25	3.05
Searsport, Me	3.50	3.35	3.10	2.85	2.75
Sandy Point, Me	3.55	3.40	3.15	2.90	2.80
Bucksport, Me	4.00	3.85	3.60	3.35	3.25
Castine, Me	4.00	3.85	3.60	3.35	3.25
N. E. Harbor, Me	4.00	3.85	3.60	3.35	3.25
S. W. Harbor, Me	4.00	3.85	3.60	3.35	3.25
Bar Harbor, Me	4.00	3.85	3.60	3.35	3.25
Bangor, Me	3.80	3.65	3.40	3.15	3.05
Brewer, Me	4.00	3.85	3.60	3.35	3.25
Stonington, Me	4.00	3.85	3.60	3.35	3.25

[1] Rates are stated in terms of dollars per net ton and are exclusive of expenses for loading and discharging and for cargo insurance. The trimming charge made at loading piers is for the account of the vessel and is included in the rate.

[2] From Hampton Roads to New York, the maximum rate for all cargoes shall be $2.00 per net ton. From Hampton Roads to the destinations described in this paragraph (a), the maximum rates set forth herein shall be increased by $1.25 per net ton.

[3] Rates shown apply from Lower New Jersey Piers, including South Amboy, Perth Amboy, Port Reading, and Elizabethport. Deduct 5 cents per net ton when transportation commences at Upper New Jersey Piers, including Jersey City, Hoboken, Weehawken, Guttenberg, and Edgewater.

[4] Add 25 cents per net ton when transportation is to piers with no more than fourteen feet of water

The maximum rate applicable to any destination on the Atlantic Coast northerly from New York not specified above shall be the rate shown from the same origin to the closest destination set forth above.

(b) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a), shall not apply until August 3, 1942, to the transportation of coal in barges between the origins and destinations referred to in paragraph (a) above, when such transportation is performed by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942.

SEC. 7.2 *Transportation of coal by motor vehicle from mines in Fayette, Westmoreland, and Greene Counties, Pennsylvania.* (a) The maximum rate per net ton that may be charged by truck owners and operators for transporting coal from mines in Fayette, Westmoreland, and Greene Counties, Pennsylvania, to beehive coke ovens, or to barges on the Monongahela River, or to rail cars, all in Fayette, Westmoreland and Greene Counties, Pennsylvania for distances up to and including 25 miles, shall be:

10¢ per mile—for the first 2 miles
6¢ per mile—for the next 3 miles
5¢ per mile—thereafter

5 cents per net ton additional for coal transported from stripping plants, 2 cents per net ton additional for accessorial services performed on contracts under which the contracting motor carrier operator assumes responsibility for the entire movement of the coal and supervises all trucks performing the transportation.

SEC. 7.3 *Transportation of property in tank trucks.* (a) The maximum price for transportation of property in tank trucks by any carrier other than a common carrier shall be either (1) the maximum price established for such service by § 1499.2 of the General Maximum Price Regulation or (2) a price agreed upon between the carrier and the shipper involved and reported to the Office of Price Administration by such carrier within 10 days of the agreement.

(b) Maximum prices established pursuant to paragraph (a) (2) above shall be subject to adjustment by the Office of Price Administration at any time: *Provided*, That a maximum price so adjusted by the Office of Price Administration shall thereafter be subject to increase by the carrier only after specific authorization by the Office of Price Administration.

(c) The report required in paragraph (a) (2) shall be mailed to the Office of Price Administration, Transportation Division, Washington, D. C. Such report shall be headed "Rate Report pursuant to section 7.3 of Revised Supplementary Regulation No. 14," shall be in duplicate, and shall contain the following information:

(1) Name and address of carrier, indicating whether an individual, partnership, or corporation.

(2) If a corporation, state and date of incorporation.

(3) Brief description of business indicating operating authority and permit numbers.

(4) Names and addresses of customers to be served.

(5) Commodity carried, points of origin and destination and distances over actual route of movement, and maximum price agreed upon.

(6) The price to which the carrier would have been limited under the General Maximum Price Regulation, except for paragraph (a).

(7) Description of any special service involved, such as split pick-ups and deliveries.

(8) Probable volume of movement under each price.

(9) Probable frequency of movement under each price.

(10) Common carrier rates for the same or similar deliveries, with reference to tariff authorities for such rates.

(11) Statement of facts in justification of price agreed upon, specifically indicating all relevant cost factors.

Such report shall also be accompanied by a statement, addressed to the Office of Price Administration and signed by the purchaser of the service, that any increase in the cost of the transportation service resulting from the reported price shall in no way be reflected in an increase in the price of the commodity being transported, and that such increase in the cost of transportation will not be used as the basis for a petition of amendment, adjustment or exception with respect to any price regulation issued by the Office of Price Administration.

SEC. 7.4 *Transportation of refined petroleum in tank trucks between points in Mississippi.* Maximum prices for the transportation of refined petroleum products in tank trucks between points in Mississippi by carriers other than common carriers shall be as follows:

Distance [1] Over	But not over	Rates in cents per gallon [2]
0	20	0.300
20	25	.342
25	30	.383
30	35	.425
35	40	.467
40	45	.508
45	50	.550
50	55	.592
55	60	.633
60	65	.675
65	70	.717
70	75	.758
75	80	.800
80	85	.842
85	90	.883
90	95	.925
95	100	.967
100	110	1.050
110	120	1.133
120	130	1.217
130	140	1.300
140	150	1.383
150	160	1.467
160	170	1.550
170	180	1.633
180	190	1.717
190	200	1.800
200	210	1.883
210	220	1.967
220	230	2.050
230	240	2.133
240	[3] 250	2.217

[1] The distance shall be computed by reference to the latest official highway map of the Mississippi Highway Department on the basis of the one way mileage between origin and destination over the shortest available highway route which is proper and safe for this type of traffic.

[2] Subject to a minimum charge based on full tank capacity with respect to trucks having a capacity of less than 3000 gallons and based on 3000 gallons with respect to trucks having a capacity of 3000 gallons or more. The term "truck" includes tractor-semitrailer and truck-trailer combinations.

[3] For distances in excess of 250 miles, the maximum price in cents per gallon shall be computed on the basis of 25 cents per mile or fraction thereof for the one way distance plus $4.00 for terminal costs, divided by 3000 gallons.

SEC. 7.5 *Transportation of fluid milk by motor truck.* (a) Maximum prices arrived at in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation for the transportation by truck of fluid milk consigned from the producers thereof to processing plants located in Coldwater, Ohio; Holgate, Ohio; Abington, Virginia; and Oostburg, Wisconsin, may be increased as follows:

(1) Milk consigned from the producer thereof to processing plants in Coldwater, Ohio; Holgate, Ohio; and Abington, Virginia, 5 cents per hundred pounds.

(2) Milk consigned from the producer thereof to processing plants in Oostburg, Wisconsin, 2 cents per hundred pounds.

SEC. 7.6 *Transportation of petroleum and petroleum products, in bulk, by barge along Gulf Intracoastal Waterway.*—(a) *Maximum prices.* Maximum prices for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Gulf Intracoastal Waterway shall continue to be determined under the provisions of the General Maximum Price Regulation, except that the maximum prices for distances of 150 miles or more shall be as follows:

[Rate in mills per net ton per mile]

Distance in miles	Type of service	Minimum cargo	
		16,000 barrels	24,000 barrels
150 to, but not including, 300	(Towing only	3.70	3.00
	(Tugs and barges	5.60	4.50
300 and over	(Towing only	3.50	2.80
	(Tugs and barges	5.30	4.25

Rules and Regulations

(1) *Distances.* Distances shall be determined in accordance with the official distance tables of the U. S. Engineers, except that 3 miles shall be added in the case of movements having one terminus east of Canal Street, New Orleans, and the other west of Harvey Canal lock.

(2) *Application of rates to cargoes.* The rates set forth above are based on the specified minimum cargoes. The maximum charge for cargoes of less than 16,000 barrels shall be the charge for a cargo of 16,000 barrels. The maximum charge for a cargo of over 16,000 barrels but less than 24,000 barrels shall not exceed the charge for a cargo of 24,000 barrels computed at the 24,000-barrel rate.

(3) *Wharfage and dockage.* The rates set forth above are exclusive of wharfage and dockage.

(4) *Tolls and port charges.* Canal tollage, lock charges, and port charges are included in the rates set forth above for tugs and barges but not in those specified for towing only.

(5) *Insurance.* The rates set forth above are exclusive of cargo insurance. Insurance on barges is included in the rates set forth above for tugs and barges but not those specified for towing only.

(6) *Pumping out by carrier.* When cargo is discharged by use of carrier's pumps, an additional charge of ¾ cent per barrel may be made for use of carrier's pump. If the carrier performs discharging service, an additional charge may be added not exceeding the actual cost to the carrier of furnishing such service.

(7) *Cleaning of equipment.* In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost of any cleaning which may be necessary to make such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. The carrier may also charge for all time necessary for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage. Where cleaning is required to render barges suitable for transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided*, That the amount which may be added to the maximum prices herein specified may not exceed the actual cost of such cleaning.

(8) *Demurrage.* The rates specified above include free time of 3 hours at loading point and 3 hours at unloading point, and contemplate a loading rate of 2500 barrels per running hour and a discharge rate of 1500 barrels per running hour, day or night, Saturday, Sundays, and holidays not excepted. Demurrage for all additional time may be charged at the rate of $10.00 per running hour or fraction thereof per tug and $2.50 per running hour or fraction thereof per barge.

(9) *Additional charge for operating in Gulf of Mexico.* When operating conditions on the Gulf Intracoastal Waterway between Panama City and Port St. Joe, Florida, necessitate operation in the Gulf of Mexico, an additional charge may be made of not more than 33 cents per ton when the maximum rate is based on a cargo of 16,000 barrels and 24 cents per ton when the maximum rate is based on a cargo of 24,000 barrels.

(b) *Definitions.* (1) "Barge" includes all non-self-propelled water craft used for the transportation of petroleum or petroleum products in bulk.

(2) "Points on the Gulf Intracoastal Waterway" includes all points which are served with barge transportation by use of the Gulf Intracoastal Waterway and all points on the Mississippi River south of, and including North Baton Rouge, Louisiana: *Provided*, That the provisions of this section shall not apply to any transportation performed wholly or partially on the Mississippi River north of North Baton Rouge, Louisiana.

SEC. 7.7 *Transportation by motor vehicle within the New York City metropolitan area.* (a) Persons furnishing services as carriers other than common carriers, by motor vehicle in the New York City metropolitan area (hereby defined to include the area comprising the commercial zones of New York City as established by the Interstate Commerce Commission and by the New York Public Service Commission and in addition thereto all of Long Island) who employ members of Locals Nos. 282, 807, and 816 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America affiliated with the American Federation of Labor, or who conform to the provisions of the directive in the National War Labor Board Case No. BWA 365, may sell and deliver such carrier services at prices not to exceed 5 per cent above the maximum prices established by them in March, 1942, provided the gross operating revenues of such persons for the year 1942 did not exceed $250,000.

(b) The maximum prices authorized herein may apply as of the effective date of payment of the wage award in National War Labor Board Case No. BWA 365.

SEC. 7.8 *Transportation of fresh meat, meat products or packing house products and supplies from points of origin in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, West Virginia, or Wisconsin.* (a) Carriers other than common carriers who transport shipments of fresh meat, meat products or packing house products and supplies from points of origin in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, West Virginia or Wisconsin, may increase by not more than 8 per cent their maximum prices established for such service at March, 1942, levels pursuant to the provisions of the General Maximum Price Regulation except that where the Office of Price Administration has heretofore granted to any such carrier an adjustment of maximum prices for such service, such adjusted maximum prices may, to the extent authorized, be charged by such carrier in lieu of the maximum prices authorized herein.

(b) Carriers who establish maximum prices pursuant to paragraph (a) above shall furnish to the Office of Price Administration, Transportation and Public Utilities Division, Transportation Branch, Washington, D. C.

(1) A statement of the maximum prices established pursuant to this section and the maximum March, 1942, prices prescribed by the General Maximum Price Regulation for such service; such statement shall be furnished within 30 days of the establishment of maximum prices under this section.

(2) Detailed profit and loss statements by quarters, beginning with the first quarter of 1943, supported by balance sheets for the same period, together with a reconciliation statement of surplus, if the carrier is a corporation, or of net worth, if the carrier is other than a corporation; such statements shall be furnished within 30 days after the end of each quarter.

SEC. 7.9 *Transportation of rubbish, paving and asphalt materials and supplies, etc., for the City of Detroit.* (a) Persons furnishing services as carriers other than common carriers by motor vehicle for the Department of Public Works in Detroit, Michigan, may sell and deliver such carrier services at prices not to exceed the following maximum prices:

(1) Transportation of rubbish and other waste materials:

	Per day
(i) Truck of 6 cubic yards capacity	$14.50
(ii) Trucks of 10 cubic yards capacity	19.50

(2) Transportation of paving and asphalt materials:

	Per hour
(i) 1½-ton trucks	$1.75
(ii) 3½-ton trucks	2.35
(iii) 5-ton trucks	2.75

(3) Transportation of material and equipment for sewer repair and construction:

	Per hour
(i) 3½-ton trucks	$2.35

(4) Transportation of material and equipment for sidewalk repair and construction:

	Per hour
(i) 1½-ton trucks	$1.75
(ii) 5-ton trucks	2.75

SEC. 7.10 *Transportation by motor vehicle within the Chicago Metropolitan Area.* (a) Persons furnishing services as carriers other than common carriers, by motor vehicle within the Chicago Metropolitan Area who employ members of Local 705 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, affiliated with the American Federation of Labor, or of Local 705 of the Chicago Truck Drivers, Chauffeurs and Helpers Union of Chicago and vicinity or who conform to the provisions of the directive in the National War Labor Case No. 11-153C may sell and deliver such carrier's services at prices not to exceed 8.5 per cent above the maximum prices established by them in March 1942.

(b) The maximum prices authorized herein may apply as of the effective date of payment of the wage award in National War Labor Case No. 11-153C.

SEC. 7.11 *Transportation of property by carriers performing pick-up and delivery service for rail, motor, and water-line haul carriers*—(a) *Maximum prices.* The maximum prices for transportation of property by carriers, other than common carriers, performing pick-up and delivery service for rail, motor, and water line haul carriers shall be either (1) the maximum price established for such service by § 1499.2 of the General Maximum Price Regulation, or (2) a price agreed upon between the seller and purchaser of the service and reported to, and approved by, the Office of Price Administration. Such report shall be on the form set forth in paragraph (e) below.

(b) *Filing of report.* The report required in paragraph (a) (2) above shall be filed by either the seller or the purchaser of the service with the Office of Price Administration, Transportation and Public Utilities Division, Washington, D. C., at least 30 days before the date on which the rates requested therein are proposed to be made effective.

(c) *Approval, adjustment, or modification of prices.* The requested increase in maximum rates for pick-up and delivery service set forth in a report filed with the Office of Price Administration pursuant to this section shall be deemed approved by the Office of Price Administration, subject to subsequent adjustment or modification thereof, if a notice of disapproval of such rates is not mailed to the seller and purchaser of the service within 30 days after the filing of such report with the Office of Price Administration.

(d) *Definitions.* (1) "Pick-up service" means the transportation of property to a terminal of a line haul carrier from the point of origin from which the line haul carrier's rate applies.

(2) "Delivery service" means the transportation of property from a terminal of a line haul carrier to the point of destination to which the line haul carrier's rate applies.

(3) "Pick-up and delivery carrier" means a carrier who contracts with a line haul carrier to perform pick-up and delivery services.

(4) "Line haul carrier" means a carrier by rail, motor, or water engaged in transportation of property for hire.

(e) *Form of report.* The maximum prices established pursuant to paragraph (a) (2) hereof shall be reported to the Office of Price Administration on the following form:

OPA Form: 383:8

United States of America
Office of Price Administration
Washington, D. C.

Application for approval of adjustment in rates charged by carriers performing pick-up and delivery service under contract for the account of line-haul rail, motor and rail carriers.

Form Approved
Budget Bureau No. 08-R469

Not to be filled in by applicant
Record of OPA Action

Date Received: Date of Action:
Check on:
Approved in Full: Approved in Part: Denied
By: Report No. P. U. D.

1. (Read carefully "Instructions" on page ---, before filling in form.)

2. Name of pick-up and delivery carrier:

Street --------- City -------- State --------

3. Requests permission to increase ceiling rates for pick-up and delivery services as follows:

From ---- cents per cwt. To ---- cents per cwt.

(If rates are stated differently, or if more than one rate is involved—attach complete schedule.)

For the account of the following carriers with whom applicant has entered into contracts for picking up and/or delivering property:

Name	Address	Rail, motor or water

(Attach separate sheet for additional listings.)

Description of cost item (1)	Percentage which cost of this item bears to total P. U. & D. revenue (2)	Cost on ---- (date) (See note 5-1 below) Unit of measure (3)	Unit cost (4)	Present unit cost (5)	Percent of cost increase (6)	Do not fill in this column (7)

Note 5-1. *If* your pick-up and delivery services supplied during March 1942 were given under a contract entered into *before* that date, show at the head of columns (3) & (4) either the date of such contract or Oct. 1, 1941, whichever is more recent. *If* your present authorized ceiling price for these P. U. & D. services was approved on a date later than March 1942, enter that date when this ceiling was approved at the head of these columns. In all other cases the date to be entered at the head of these columns should be "March 1942."

Note 5-2. If the requested adjustment in rate is based in any part upon an increase in labor cost which is not due to increased wages or salaries (such as increased cost resulting from manpower shortage), attach a separate sheet marked Exhibit 5-2 describing in detail the reasons for the increased cost.

4. Answer question 4 only if increased costs include increases in wage rates for pick-up and delivery service.

Check one

A. Do you employ in your entire firm more than eight individuals? Yes; No

B. Are you now paying wages or salaries higher than those paid on September 15, 1942? Yes; No

C. If the answer to "B" is yes, was the increase approved by the National War Labor Board? Yes; No

D. If the National War Labor Board has issued an order approving wage or salary increases for your employees after October 3, 1942, what is the title and date of such order?
Title: Date: ----------
month day year

E. If you base this application in whole or in part on wage or salary increases which still require the approval of the National War Labor Board and such increases are voluntary or agreed-upon, when and where did you file an application for wage or salary adjustment with that agency?
Date: ----------
month day year
Place ----------
city state

F. If you base this application in whole or in part on wage or salary increases which still require the approval of the National War Labor Board and such increases are disputed rather than voluntary or agreed-upon, when were you notified that your case was certified to the National War Labor Board and when were you notified of the proposed National War Labor Board decision?
Notification of certification----------
month day year
Notification of proposed action ----------
month day year

5. List below the expense items showing increased costs after the ceiling date as determined for columns (3) and (4), showing specific and appropriate unit costs for each item, such as (a) gasoline—per gallon, (b) wages—per hour, or per week, etc. Total pick-up and delivery revenue $ ----------, 1941; $ ----------, 1942; $ ----------, 1943 to ----------. Revenues and costs for purposes of computation in column (2) below shall be based on the calendar year 1941.
(*date*)

6. To be executed by pick-up and delivery carrier:

---------- hereby certifies that:
(Name of pick-up and delivery carrier)

A. It cannot continue to supply pick-up and delivery service at present ceiling rates;
B. It is not paying more for material or labor than the legally authorized ceiling prices and wages; and
C. The requested increase in pick-up and delivery rates is no more than is justified by the actual lawful increase in material and labor costs since the date shown in Question 5, Column 3, as the date when the present ceiling rates were established.

Dated at ----------
On ----------19----
By----------
(Signature of owner, partner or officer)
(Corporate Seal)
Title----------

7. To be executed by line-haul carriers:

---------- hereby certifies that:

A. It has reviewed the statements made above;
B. It has agreed to pay the increased pick-up and delivery rates requested in this application and will absorb such increased rates and will not increase its own charges for or on account of such increases; and
C. It will not use such increased pick-up and delivery rates as a basis for or a factor in any application to the Office of Price Administration or any other Federal, State or Municipal agency for permission to increase its rates.

Dated at ----------
On ----------19----
By----------
(Signature of owner, partner or officer)
(Corporate Seal)
Title----------

If additional line haul carriers are involved in this application, each of them should execute a similar certification and attach it to this form.

INSTRUCTIONS

(This method of adjustment may be applied only to rates charged by carriers other than common carriers performing pick-up and delivery service for rail, motor, and water line haul carriers.)

GENERAL

Purpose and Use

This form must be submitted by either the pick-up and delivery carrier or the line-haul carrier to obtain permission to adjust the ceiling rate charged for pick-up and delivery service in accordance with the provisions of sec. 7.11 of Revised Supplementary Regulation No. 14. This section allows a carrier performing pick-up and delivery service for line haul carriers by rail, motor or water to increase his ceiling rates by no more than the amount of any actual lawful dollar-and-cents increases in his material and labor costs incurred in supplying the services: *Provided*, That both carriers certify to the facts required by this form.

Number of Copies—Place and Time of Filing

Two copies of this form, with the appropriate sections filled in and signed by the pick-up and delivery carrier and the line haul carrier, must be filed with the Office of Price Administration, Transportation and Public Utilities Division, Washington, D. C., at least 30 days before the effective date of the increased rate.

Authorized Date for Use of New P. U. & D. Rates

A. If no wage or salary increase which requires National War Labor Board approval is quoted in support of your request for an increase in rate, the requested rate may be charged 30 days after such filing, *unless and until* the Office of Price Administration notifies the "pick-up and delivery carriers" and the "line haul carriers" to the contrary.

B. If an agreed-upon wage or salary increase requiring National War Labor Board approval is a factor in the increased costs reported in justification of the requested increase in rates, two copies of this form must be filed within 15 days from the date on which application for approval of the agreed-upon wage or salary adjustment was filed with the National War Labor Board.

C. If a disputed wage or salary proceeding is involved, the Office of Price Administration must be notified in writing within 15 days after the pick-up and delivery carrier receives notice that the case was certified to the National War Labor Board; and two copies of this form must be filed within five days of the date upon which carrier is notified of the proposed National War Labor Board decision in his case. In the case of either B or C, the pick-up and delivery carrier may not charge the increased rate until the date upon which the wage or salary increase becomes finally effective.

Definitions

"Pick-up service" means the transportation of property to a terminal of a line haul carrier from the point of origin from which the line haul carrier's rate applies.

"Delivery service" means the transportation of property from a terminal of a line haul carrier to the point of destination to which the line haul carrier's rate applies.

"Pick-up and delivery carrier" means a carrier who contracts with a line haul carrier to perform pick-up or delivery service.

"Line haul carrier" means a carrier by rail, motor, or water, engaged in transportation of property for hire.

Instructions on Questions

Question No. 3: Before inserting the ceiling rates in effect as of the date of the application, read carefully Note 5–1 in paragraph 5 for instructions on how to determine the proper ceiling date.

If the rate schedule applies to more than one line haul carrier, it should show clearly which rates are applicable to each such carrier. If the rate schedule contains varying rates for different classes of service, such as zone rates, the rates applicable to each classification of service should be set forth clearly.

Question No. 4: If your increased costs listed in question 5 includes an increase in wage rates as an item of increased cost of operation, check the appropriate blocks for "Yes" or "No" in lines A, B, and C. If line D applies to your case, give the title and date of the order in the space provided.

Question No. 5 Column (1): The description of the items of cost inserted in this column must be specific and brief. It should follow well-recognized breakdowns of truck operating expense and each entry should cover a single item. Example: "operating expenses," which might include cost of repairs, tires and gasoline, would be too general. Each of the items "repairs," "tires," and "gasoline" should be listed separately.

Column (2): The cost of each item as used in this column means the total dollar-and-cent cost of the item for the pick-up and delivery service covered by the application. It may be taken either from the applicant's profit and loss statements or may be arrived at by multiplying the unit cost as shown in column (4) by the total units of that item used in a given period. The calendar year 1941 shall be used as the basis for calculating both the revenue and the cost of any particular item. Where costs have advanced during a given period, use an average. The percentage is the result obtained by dividing the cost of the item by the total pick-up and delivery revenue.

Example: A pick-up and delivery carrier had an average revenue of $100 per month or a total of $1200 per year derived from pick-up and delivery service. His expenditure for gasoline during this same period was $180. Therefore, $180 divided by $1200 equals 15 percent, which is the percentage which the cost of gasoline bears to the pick-up and delivery revenue. On the other hand, if the pick-up and delivery carrier does not have information available to determine the amount of his total expense for gasoline, he should be able to estimate quite accurately the number of gallons of gasoline which he used during the period selected. Thus, if he uses 1200 gallons per year at an average cost of 15 cents per gallon, his gasoline cost would amount to $180 per year.

As used in this column, "P. U. & D." means "pick-up and delivery."

Column (3): Show the unit of measure, as "gallon," "mile," "hour," "week," etc.

Column (4): Show the unit cost of the item shown on each line (under Column (1)) for the date you inserted at the head of this column.

Column (5): "Present unit cost," as used in column (5), means the cost of items described in column (1) as of the date of the certification of the application or the closest practicable date thereto.

Column (6): Subtract column (4) from column (5) then divide the result by column (4), and insert the resulting percentage in column (6).

Question No. 6: This certification shall be signed and dated by the owner, or designated employee, of the company, or person, doing the pick-up and delivery service.

Question No. 7: This certification shall be executed by the line-haul carrier (railroad, motor truck, barge or other carrier) carrying the signature and official title of the officer signing as designated.

Article VIII—Storage and Terminal Services

SEC. 8.1 *General provisions relating to storage and terminal services*—(a) *Conversion of storage rates from net weight to gross weight basis.* Any person engaged in the storage of a packaged commodity for which his maximum price under the General Maximum Price Regulation is stated in terms of the net weight of the package who is requested by Food Distribution Administration, Agricultural Marketing Administration, or Federal Surplus Commodities Corporation to state his rates, in connection with storage bids, in terms of the gross weight of the package may convert his prices for storage and handling of such commodity to a gross weight basis by reducing his maximum price based on net weight by 10 per cent, adjusted to the nearest quarter cent per 100 lbs., and applying such reduced price to the gross weight of the package.

SEC. 8.2 *Dry storage services*—(a) *Storage of grain and rice*—(1) *Storage of grain in State of Idaho.* Maximum prices for storage of grain and for services incident thereto, performed by warehouses situated in the State of Idaho, shall continue to be determined under the provisions of the General Maximum Price Regulation, except that the maximum prices for the following services, when performed for persons other than the United States Government or any agency thereof, shall be as follows:

Storage of grain in warehouses, 15¢ per ton per month, with 30 days free storage.

Handling in and out of warehouse, $1.00 per ton.

(2) *Storage of grain and rice by certain warehouse companies in State of California.* Maximum prices for the storage of grain and rice by all warehouse companies in the State of California subject to Decisions Nos. 35333 (dated May 5, 1942) and 35520 (dated June 23, 1942) of the California Railroad Commission in Application No. 23608 and Case No. 4544 shall be the prices authorized by the California Railroad Commission in said decisions, namely, $1.50 per ton per season for storage and handling of grain and $1.75 per ton per season for storage and handling of rice, subject to all rules and regulations contained in pertinent tariffs on file with the California Railroad Commission on June 1, 1942, as subsequently amended pursuant to said decisions.

(3) *Storage of grain and services incident thereto in States of Oregon and Washington.* Maximum prices for the storage and warehousing of grain and for services incident thereto, performed by warehouses in the States of Washington and Oregon for persons other than the United States government or any agency thereof, shall continue to be determined under the provisions of the General Maximum Price Regulation, except that for the warehousing services specifically set forth in subdivisions (i) and (ii) below, maximum prices shall be as therein set forth.

All rates and charges herein provided are in terms of bushel quantities.

(i) Grain (wheat and other farm products customarily handled in the warehouse in the same manner) received by wagon or truck:

	Cents
Handling, including unloading and loading out	3
Storage, for each month or fraction thereof, after ten days free time	0.5
Insurance, for each month or fraction thereof, after ten days free time	0.1
Cleaning	.5

(ii) Grain received by rail or water:

	Wheat	Barley	Oats
	Cents	Cents	Cents
Wharfage	1.0	1.0	1.0
Unloading cars—bulk	.6	.5	.4
Unloading cars—sacked	2.0	1.5	1.0
Loading cars—bulk	.75	.6	.5
Loading cars—sacked	2.0	1.5	1.0
Loading ships—bulk	.4	.3	.25
Loading ships—sacked	2.0	1.5	1.0
Cleaning	.5	.5	.5
Loading and sacking out—catch wts	3.0	2.0	1.5
Loading and sacking out—even wts	3.0	2.0	1.5
Loading and sacking out—200# & over	3.0	2.0	1.5
Storage, for each month or fraction thereof, after 10 days free time	.6	.6	.6

(b) *Storage of cotton*—(1) *Cotton other than government loan or government owned cotton.* Maximum prices for storage and handling in and out of warehouse of cotton, other than government loan or government owned cotton, actually received for storage on or before August 24, 1942, shall be the prices set forth in subparagraph (1) (i) hereof. Maximum prices for storage and handling in and out of warehouse of cotton, other than government loan or government owned cotton, actually received for storage on or after August 25, 1942, shall be either the prices set forth in subparagraph (1) (i) hereof or the prices set forth in subparagraph (1) (ii) hereof, and every person engaged in the storage of cotton other than government loan cotton or government owned cotton must file with the appropriate field office of the Office of Price Administration, on or before September 25, 1942, on the form set forth in subparagraph (5) hereof, a notice of his election to observe as his maximum prices either the maximum prices specified in subparagraph (1) (i) hereof or the maximum prices specified in subparagraph (1) (ii) hereof:

(i) Maximum prices for storage and handling in and out of warehouse computed under § 1499.2 of the General Maximum Price Regulation, or

(ii) (*a*) For handling of cotton in and out of warehouse, 35¢ per bale;

(*b*) For storage: cotton stored in warehouses operating compress facilities, 17½¢ per bale per month, or fraction thereof, for the first six months of storage and 15¢ per bale per month, or fraction thereof, thereafter; cotton stored in warehouses not operating compress facilities, 20¢ per bale per month, or fraction thereof, for the first six months of storage and 17½¢ per bale per month, or fraction thereof, thereafter. The storage charge provided for in this subdivision (ii) includes fire insurance if the seller included fire insurance in the storage charge made to purchasers of the same class during the month of March, 1942.

(2) *Government loan cotton.* Maximum prices for storage and handling in and out of warehouse of government loan cotton actually received for storage on or after August 25, 1942, shall be the prices set forth in subparagraph (1) (ii) hereof. Maximum prices for storage and handling in and out of warehouse of government loan cotton actually received for storage on or before August 24, 1942, shall be the prices set forth in subparagraph (1) (i) hereof.

(3) *Government owned cotton.* Maximum prices for storage and handling in and out of warehouse of government owned cotton shall be the prices set forth in subparagraph (1) (i) hereof.

(4) *Definitions.* When used in this paragraph (b):

(i) The term "handling in and out" includes services ordinarily incident to receiving cotton for and delivering it from storage, such as weighing, marking, tagging, and sampling, but does not include services for which the particular seller customarily made a separate or different charge during the season from August 1, 1941, to July 31, 1942, in addition to or apart from his charges for receiving and delivering, and does not include penalty charges assessed for the delivery of uncompressed cotton from a warehouse operating compress facilities.

(ii) The term "government loan cotton" means cotton which is subject to a loan made by the United States Government or any agency thereof.

(iii) The term "government owned cotton" means cotton which is owned by the United States Government or any agency thereof.

(iv) The term "warehouse operating compress facilities" means a warehouse which has compress facilities and which customarily makes a charge for compressing cotton or collects a penalty charge for delivery of uncompressed cotton.

(v) The term "warehouse not operating compress facilities" means a warehouse which does not have compress facilities, or a warehouse which does not customarily make a charge for compressing cotton or make a penalty charge for delivery of uncompressed cotton even though such warehouse does operate compress facilities.

(5) *O. P. A. Form No. SR 14:7. Form of election under section 8.2 (b) of Revised Supplementary Regulation No. 14 to General Maximum Price Regulation.*

Office of Price Administration
----------(City)
----------(State)

Pursuant to the provisions of section 8.2 (b) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, I hereby elect to observe as maximum prices for the handling in and out of warehouse and storage of cotton other than government loan or government owned cotton:

( ) (1) The maximum prices specified in subparagraph (1) (i) of said section 8.2 (b).
( ) (2) The maximum prices specified in subparagraph (1) (ii) of said section 8.2 (b).

My maximum prices for such storage and handling:

( ) (1) Are set forth in the attached tariff.
( ) (2) Are as follows

For handling in and out of warehouse:

For storage:

---------- (Name of company)
---------- (Location of warehouse—a separate form must be filed for each separate warehouse unless the same election is made as to all warehouses operated by this company)
---------- (Name of person signing this form and position occupied in company)

(c) *Handling services incident to storage of peanuts for government agencies.* Maximum prices for the storage and warehousing of peanuts and for services incident thereto shall continue to be determined under the provisions of the General Maximum Price Regulation, except that the maximum prices for the following services, when performed for

the United States Government or any agency thereof, shall be as follows:

	Cents per ton
Loading in warehouses	75
Loading out of warehouses	75

SEC. 8.3 *Cold storage services*—(a) *Storage of apples, apricots, peaches, pears, plums, and prunes in States of Oregon and Washington*—(1) *Maximum prices*—(i) *Sellers supplying same service during 1941–42 season.* Maximum prices for the cold storage of apples, apricots, peaches, pears, plums, and prunes, including handling in and out of warehouse, in the States of Oregon and Washington shall be determined, as to each seller supplying the same service during the 1941–42 season, by adding the amounts listed below to the highest prices of such seller for supplying such services to purchasers of the same class during the 1941–42 season.

Service	*Amount of increase*
Cold storage of apples and pears other than cannery pears	3¢ per box
Cold storage of cannery apricots, cannery peaches, cannery pears, cannery plums and cannery prunes	$1.00 per ton

Where the price of a seller during the 1941–42 season was on the basis of a single charge for the entire season or period of storage, the increase permitted above may be added to the seasonal charge of such seller. Where the price of a seller during the 1941–42 season was on the basis of a charge per month or other period shorter than the entire period of storage, the increase permitted above may be added by such seller to the charge for any particular period or may be divided among two or more periods, but the total increase for the entire period of storage may not exceed the amount specified above.

(ii) *Sellers not supplying same service during 1941–42 season.* Maximum prices for the cold storage of apples, apricots, peaches, pears, plums, and prunes, including handling in and out of warehouse, in the States of Oregon and Washington shall be, as to each seller not supplying the same service during the 1941–42 season, the maximum prices established under subparagraph (1) (i) hereof for the most closely competitive seller of the same class who supplied such services during the 1941–42 season.

(iii) *Effective date of increased maximum prices.* The maximum prices authorized by this paragraph (a) shall be effective as of the beginning of the 1941–42 season.

(2) *Refund of additional amounts previously collected on a conditional basis.* Any person storing apples or pears in the State of Oregon or the State of Washington who, pursuant to Amendment No. 29 to Supplementary Regulation No. 14 to the General Maximum Price Regulation, made a conditional charge of an amount in excess of the increases authorized in this paragraph (a) shall immediately refund or remit such excess amount to the person to whom such charge was made.

(3) *Definitions.* As used in this paragraph (a), the term "season" refers to the period during which fruit maturing in a particular year remains in cold storage, the term "1941–42 season" refers to the period of storage of fruit maturing during 1941, and the term "1942–43 season" refers to the period of storage of fruit maturing during 1942.

(b) *Storage of apples in States of Maryland, New York, Pennsylvania, Virginia and West Virginia*—(1) *Maximum prices.* Maximum prices for the cold storage of apples, including handling in and out of warehouse, in the States of Maryland, New York, Pennsylvania, Virginia and West Virginia shall continue to be determined under § 1499.2 of the General Maximum Price Regulation, except that any seller in any of such states whose maximum price under said § 1499.2 is less than 20 cents per season per bushel basket, bushel box, or bushel crate, or is less than 50 cents per barrel per season, may charge and collect for such storage and handling services 20 cents per season per bushel basket, bushel box or bushel crate and 50 cents per barrel per season: *Provided, however,* That any such seller whose charges during the 1941–42 season were quoted on a per month as well as on a per season basis may charge, in addition to his maximum charge under § 1499.2 of the General Maximum Price Regulation, for the first month's storage, an amount equal to the increase in his per season charge authorized by this paragraph (b).

(2) *Definition.* As used in this paragraph (b), the term "season" means, as to each seller, a period corresponding to that to which the 1941–42 seasonal rates of such seller were applicable.

SEC. 8.4 *Bulk storage of liquid commodities*—(a) *Services connected with storage and distribution of aviation gasoline for War and Navy Departments*—(1) *Maximum prices.* Maximum prices for services involved in connection with the storage and distribution of aviation gasoline for the War Department and the Department of the Navy, including the services of arranging for shipment to and from supply and storage points, handling through terminals and bulk plants, delivery to points of consumption, and services incidental thereto, shall be either (i) the maximum prices established for such services by § 1499.2 of the General Maximum Price Regulation or (ii) prices agreed upon by the seller and the purchaser of such services and reported to the Office of Price Administration by such seller by February 16, 1943, or within 10 days of the date on which such agreement is made, whichever is later.

(2) *Adjustment of maximum prices by Office of Price Administration.* Maximum prices established pursuant to subparagraph (1) (ii) hereof shall be deemed to have been established and approved as maximum prices for the services to which they relate unless the Office of Price Administration disapproves or modifies such prices by an order mailed to the seller within 30 days after receipt of the report described in subparagraph (3) hereof. Such disapproval or modification shall become effective five days after the date of mailing of such order.

(3) *Form of report.* The report required by subparagraph (1) (ii) hereof shall be mailed in duplicate to the Office of Price Administration, Transportation and Public Utilities Division, Washington, D. C., shall be entitled "Report of Maximum Prices for Storage and Distribution of Aviation Gasoline for Armed Services Under Section 8.4 (a) of Revised Supplementary Regulation No. 14", and shall contain the following information.

(i) The name and address of the supplier of the service;

(ii) Either a complete copy of the agreement between the supplier of the service and the War Department or the Department of the Navy or a statement describing in full the service or services to be performed, the price to be charged therefor, the location at which each service is to be performed, and the volume of aviation gasoline to be handled at each such location; and

(iii) In the event the contract provides for the payment of a single price for two or more services, a statement of the amount calculated for each service in determining such single price.

(4) *Definitions.* As used in this paragraph (a), the term "aviation gasoline" means gasoline with an octane rating of 87 or higher.

(b) *Storage of alcohol for Defense Supplies Corporation*—(1) *Maximum prices.* Maximum prices for the storage and handling of alcohol for or belonging to Defense Supplies Corporation shall be as follows, except that no charge shall be made for handling with respect to alcohol stored by the manufacturers thereof at the premises at which such alcohol was manufactured:

(i) *For storage.* One cent per barrel per month, based on the total storage capacity of all tanks used during such month; plus ¾ cent per barrel per month, based on the average quantity in storage during such month, whenever the supplier of the service assumes a warehouseman's liability with respect to the alcohol. Such average quantity shall be calculated by adding together the number of gallons shown on all reports filed with Defense Supplies Corporation during such month and dividing the total by the number of such reports.

(ii) *For handling*—(a) *To or from tank, barge, or tanker.* One cent per barrel for handling into storage and one cent per barrel for handling out of storage;

(b) *To or from tank car.* Two cents per barrel for handling into storage and two cents per barrel for handling out of storage;

(c) *To or from tank truck.* Three cents per barrel for handling into storage and three cents per barrel for handling out of storage.

(iii) *For conversion of premises.* A charge not exceeding the actual direct cost of labor and materials, if any, in making the premises suitable for the storage of alcohol: *Provided,* That no charge shall be made for materials unless the supplier of the service provides by contract with Defense Supplies Corporation that all materials for which such a charge is made shall be subject to removal or sale by Defense Supplies Corporation upon termination of the contract.

(iv) *For cost of alcohol tax unit bonds.* A charge not exceeding the actual premiums paid on all alcohol tax unit bonds which the warehouseman is required by law to obtain in order to store alcohol.

(2) *Definition.* The term "barrel" means 42 wine gallons.

Article IX—General Pricing Provisions

SEC. 9.1 *Packers' maximum prices for commodities packed in new container types and sizes*—(a) *Explanation.* The purpose of the new method of pricing provided by this section is to permit the packer who is now packing certain commodities in containers of new types and sizes (that is, types and sizes which he did not deliver or offer for delivery during March, 1942) to establish maximum prices for those items. The method permits him to account for differences in container costs, and for differences in transportation costs caused by the difference in containers, without permitting him to increase the price per unit of the commodity packed in the new container. The new method, however, applies only where a previous maximum price of the commodity has been set for a container size not more than 50 per cent larger or smaller than the new size, and only in cases where both containers are of the nonreturnable, single-use type. Packers must refigure every maximum price set under the General Maximum Price Regulation for a commodity packed in a new container type or size to which the rules of this section are applicable. However, packers who before January 25, 1943, had figured the maximum price for a commodity under § 1499.2 (b) or § 1499.3 (b) of the General Maximum Price Regulation, or under the rules theretofore provided by § 1499.73 (a) (7) of Supplementary Regulation No. 14, may, if they wish, keep that price or instead figure a new maximum price using the new pricing method where it is applicable. The new pricing method applies to the following commodities:

(1) Food commodities, excepting coffee and coffee compounds (see section 1.9 of this regulation) and dog and cat foods (see section 6.7 of this regulation).

(2) Granite grit.

(b) *Pricing method.* To figure the maximum price to any class of purchasers for the commodity in the new container type or size, the packer shall:

(1) *Determine the base container.* The packer shall first determine the most similar container type in which he has already established a maximum price for the commodity to that class of purchasers without using the former provisions of § 1499.73 (a) (7) of Supplementary Regulation No. 14 (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50 per cent or less larger or, if there is no such size, 50 per cent or less smaller (even though he no longer sells those sizes). This will be the "base container." If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the packer is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(2) *Find the base price.* The packer shall take as the "base price" the maximum price which he may charge that class of purchasers for the commodity in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the packer's factory, the packer shall first convert it to a base price f. o. b. packer's factory simply by deducting whatever transportation charges were included in it.

(3) *Deduct the container cost.* Taking his base price f. o. b. factory, the packer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's factory, of the container, cap, label, and proportionate part of the outgoing shipping carton, but it does not include costs of filing, closing, labeling or packing.

(4) *Adjust for any difference in contents.* The figure gotten by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(5) *Add to new container cost to get the price f. o. b. factory.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the packer's maximum price to that class of purchasers, f. o. b. factory.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the packer's maximum price for the commodity in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The packer shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. However, if for any reason the commodity in the new container will move under a different freight tariff classification, he shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March, 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The packer shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the packer's maximum delivered price to that class of purchasers.

(c) *Units of sale and fractions of a cent.* The packer shall figure each maximum price, and the costs that enter into it, in terms of the same general units (like pounds, dozens, etc.) in which he has customarily quoted prices for the commodity in the base container. If any maximum price includes a fraction of a cent, the packer shall adjust the price to the nearest fractional unit (like 1 cent, ½ cent, ¼ cent, etc.) in which he has customarily quoted prices for the commodity in the base container.

(d) *Records.* Packers shall keep records showing how they figured each maximum price under this section.

(e) *Examples showing how the pricing method is to be applied.*

Case 1. *The maximum price f. o. b. factory if the base container is the same in size as the new container but different in type.* Assume the base container is a 16 oz. tin and the new container is a 16 oz. glass (pork and beans).

Maximum price per doz. f. o. b. factory in base container ("base price")	$0.55
Subtract "direct cost" of base container	−.20
	.35
Add "direct cost" of new container	+.34
New maximum price (f. o. b. factory)	$0.69

Case 2. *The maximum price f. o. b. factory if the base container is different in size from the new container and either the same or different in type.* Assume the base container is a 10½ oz. tin and the new container is an 8 oz. tin or glass (spaghetti sauce).

Maximum price per doz. f. o. b. factory in base container ("base price")	$1.20
Subtract "direct cost" of base container	−.15
	1.05
Adjust to new container:	
Divide by number of ounces of commodity in base container	$1.05 ÷.10½
	.10
Multiply by number of ounces of commodity in new container	×8
	.80
Add "direct cost" of new container (glass)	.26
New maximum price (f. o. b. factory)	$1.06

Case 3. *Maximum delivered price if the base container is the same in size as the new container but different in type.* Assume the

base container is a 16 oz. tin and the new container is a 16 oz. glass (pork and beans).

Maximum delivered price per doz. in base container (figured carload)	$0.60
Subtract transportation charges	−.05
Price f. o. b. factory ("base price")	.55
Subtract "direct cost" of container	−.20
	.35
Add "direct cost" of new container	+.34
Add new transportation charges: $.05 (old transportation charges) × 40 lb. (new shipping weight/case) / 34 lb. (old shipping weight/case)	
New maximum delivered price	$0.75

Case 4. *Same except that the new container type puts the commodity in a different freight tariff classification.* Assume the base container is a 16 oz. tin and the new container is a 16 oz. glass (pork and beans).

Maximum delivered price per doz. in base container (figured less than carload)	$ .60
Subtract transportation charges	−.05
Price f. o. b. factory ("base price")	.55
Subtract "direct cost" of container	−.20
	.35
Add "direct cost" of new container	+.34
Add new transportation charges: 40 lb. (new shipping weight) / 100 × $.185 (rate per cwt. under new classification)	=.074
New maximum delivered price (doz.)	$0.76

SEC. 9.2 *Accommodation sales at retail.* (a) The maximum price for an accommodation sale at retail of any commodity by a seller who, in March, 1942, had the fixed practice of making such accommodation sales, shall be the seller's maximum price for such commodity determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation or the actual cost of the commodity, whichever is higher.

(b) "Accommodation sale" means a sale made entirely without profit, solely for the benefit or convenience of the purchaser—for example, a sale by an employer to his employees, or by a school to its students—and not for the purpose of promoting trade. It does not include sales by cooperative, non-profit or other organizations which make sales, initially above cost, but later give refunds, bonuses, dividends or other allowances to purchasers.

(c) If the seller manufactures or produces the commodity, "cost" means the actual cost of manufacturing or producing the commodity, determined in the same manner as the seller normally determines his actual costs. If the seller does not manufacture or produce the commodity, "cost" means invoice cost, plus any transportation charges paid by the seller, less any discounts allowed to the seller, in connection with his purchase of the commodity. But in no case shall "cost" exceed the seller's lowest maximum price for such commodity for sales other than accommodation sales.

SEC. 9.3 *Sales covered by orders issued under regulations covering manufacturers' sales.* Maximum prices for wholesale and retail sales covered by the General Maximum Price Regulation may be set by orders issued under regulations covering manufacturers' sales of the commodities.

APPENDIX A—TABLE OF CROSS-REFERENCES

Former subparagraph of Supp. Reg. No. 14 § 1499.73 (a)	Effective date	Added to Supp. Reg. No. 14 by amendment no.	Other relevant amendments	Corresponding section in Rev. Supp. Reg. No. 14
(1)	7/16/42		6, 22, 34, 39, 43, 50, 56, 57, 60, 63, 77, 78, 79, 83, 89, 95, 104, 124, 125, 133, 134, 152, 153, 170, 181, 185, 188, 189, 193, 191.	[Supp. Reg. 14A].
(1a)	2/27/43	119	184	[Supp. Reg. 14A].
(2)	7/27/42	1	66	Sec. 1.1 [Superseded in part by MPR 249 and 250].
(3)	8/1/42	2	62, 97, 150	Sec. 6.1.
(4)	7/30/42	3	164	[Revoked].
(5)	8/3/42	4	36, 72, 149	Sec. 7.1.
(6)	8/10/42	5		Sec. 7.2.
(7)	8/21/42	7	96, 144	Sec. 9.1.
(8)	8/14/42	8	26, 41, 50	[Revoked; superseded by Supp. Reg 15].
(9)	8/31/42	9		Sec. 8.2.
(10)	8/31/42	10	178	[Revoked].
(11)	9/2/42	11		[Expired].
(12)	9/3/42	12	48, 68, 103	Sec. 5.4.
(13)	9/3/42	13		Sec. 2.1.
(14)	8/25/42	14	40	Sec. 8.2.
(15)	8/31/42	15	31	Sec. 5.5.
(16)	9/8/42	16		Sec. 1. 2.
(17)	9/8/42	17		Sec. 1. 2.
(18)	9/1/42	18		Sec. 7.3.
(19)	9/30/42	19	37, 51, 67, 101, 114, 136	Sec. 6.3.
(20)	9/19/42	20		[Superseded by MPR 336].
(21)	9/10/42	21		Sec. 6.2.
(22)	9/23/42	23		Sec. 3.3.
(23)	9/24/42	24		Sec. 3.4.
(24)	9/17/42	25		Sec. 3.1.
(25)	9/22/42	27	42	Sec. 5.1.
(26)	9/30/42	28		[Superseded by MPR 237, 235 and 311].
(27)	9/22/42	29	64	Sec. 8.3.
(28)	9/21/42	30		Sec. 8.3.
(29)	9/22/42	32		Sec. 3.2.
(30)	10/3/42	33		[Superseded by MPR 138].
(31)	9/30/42	35	65	Sec. 1.3.
(32)	10/16/42	38		Sec. 5.2.
(33)	10/29/42	44		[Superseded by MPR 290].
(34)	10/31/42	45		Sec. 1.4.
(35)	11/5/42	46		[Superseded by MPR 390 and 391].
(36)	11/6/42	47	75	[Revoked].
(37)	11/11/42	49		Sec. 3.5.
(38)	11/1/42	52		Sec. 2.12.
(39)	11/1/42	53		Sec. 2.14.
(40)	11/1/42	54	94	Secs. 2.2; 2.3; 2.4; 2.5; 2.6; 2.7; 2.8, 2.9; 2.10; 2.11.
(41)	11/1/42	55	69	Sec. 2.13.
(42)	11/13/42	58		[Superseded by MPR 390 and 391].
(43)	11/13/42	59	90, 122, 130, 146	Sec. 1.6.
(44)	11/12/42	61	71	Sec. 1.5.
(45)	12/8/42	70		[Superseded by MPR 405].
(46)	12/1/42	73		[Expired].
(47)	12/5/42	74		Sec. 6.4.
(48)	12/9/42	76		Sec. 8.2.
(49)	12/24/42	80	168	Sec. 1.7.
(50)	12/29/42	81	128, 172	Sec. 1.8.
(51)	12/29/42	82		Sec. 9.2.
(52)	1/9/43	84		Sec. 7.4.
(53)	1/18/43	85		Sec. 1.9.
(54)	1/16/43	86		Sec. 8.2.
(55)	1/22/43	87	147, 166	[Revoked; see MPR 378].
(56)	1/22/43	88	155	Sec. 4.1.
(57)	1/20/43	91		Sec. 8.1.
(58)	1/26/43	92		Sec. 6.6.
(59)	1/16/43	93	135, 139	Sec. 6.5.
(60)	2/5/43	98		Sec. 7.5.
(61)	2/5/43	99	112	Sec. 2.15.
(61a)	2/8/43	100		Sec. 1.10.
(62)	2/6/43	102		Sec. 6.7.
(63)	2/15/43	105		Sec. 2.16
(64)	2/15/43	106		Sec. 9.3.
(65)	2/16/43	107		[Superseded by MPR 407].
(66)	2/16/43	108		Sec. 8.4.
(67)	2/17/43	109		Sec. 4.2.
(68)	2/19/43	110		Sec. 6.8.
(69)	2/12/43	111		Sec. 1.11.
(70)	2/22/43	113		Sec. 1.12.
(71)	3/8/43	115		Sec. 2.17.
(72)	2/27/43	116		Sec. 5.3.
(73)	3/1/43	117	129	[Revoked].
(74)	2/19/43	118		Sec. 7.6.
(75)	3/4/43	120		Sec. 4.3.
(76)	3/6/43	121		Sec. 6.9.
(77)	3/12/43	123	158	Sec. 1.14.
(78)	3/13/43	126		Sec. 7.7.
(79)	3/5/43	127		Sec. 1.13.
(80)	3/20/43	131		Sec. 8.2.
(81)	3/22/43	132		Sec. 3.6.
(82)	3/27/43	137		Sec. 1.15.
(83)	3/27/43	138	163, 182	Sec. 6.10.
(84)	3/30/43	140	187	Sec. 4.4.
(85)	3/30/43	141		[Exempted by Supp. Order No. 45].
(86)	3/31/43	142		Sec. 6.11.
(87)	4/3/43	143		Sec. 4.5.

APPENDIX A—TABLE OF CROSS-REFERENCES—Continued

Former subparagraph of Supp. Reg. No. 14 § 1499.73 (a)	Effective date	Added to Supp. Reg. No. 14 by amendment no.	Other relevant amendments	Corresponding section in Rev. Supp. Reg. No. 14
(88)	3/31/43	145	180, 192	Sec. 1.16.
(89)	4/5/43	148		Sec. 6.12.
(90)	4/8/43	151		Sec. 6.13.
(91)	3/31/43	154		Sec. 7.8.
(92)	4/3/43	156	190	[Revoked].
(93)	4/3/43	157		Sec. 1.17.
(94)	4/19/43	159		Sec. 6.15.
(95)	4/12/43	160		Sec. 6.14.
(96)	4/30/43	161		Sec. 1.18.
(97)	5/1/43	162		Sec. 6.16.
(98)	5/5/43	165		Sec. 6.17.
(99)	5/10/43	167	183	Sec. 1.19.
(100)	5/11/43	169		Sec. 6.18.
(101)	5/21/43	171		Sec. 1.20.
(102)	5/13/43	173		Sec. 7.9.
(103)	5/14/43	174		Sec. 7.10.
(104)	5/20/43	175		Sec. 7.11.
(105)	6/1/43	176		Sec. 8.4.
(106)	5/25/43	177		Sec. 4.6.
(107)	6/12/43	179		Sec. 6.19.
(108)	6/23/43	186		Sec. 4.7.
(109)	7/3/43	191		Sec. 4.8.

Effective Date

This revised regulation shall become effective July 15, 1943.

NOTE: All reporting and record-keeping requirements of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

Issued this 13th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11335; Filed, July 14, 1943; 3:27 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14, Amdt. 195]

MILK AND MILK PRODUCTS

The purpose of this amendment is to remove from Supplementary Regulation No. 14 all provisions except those relating to milk and milk products and to redesignate the latter as constituting Supplementary Regulation No. 14A. The former provisions, which are being removed, are being incorporated in Revised Supplementary Regulation No. 14 except to the extent that they have become obsolete. They continue in effect without change in meaning or application. The provisions on milk and milk products, which make up the redesignated Supplementary Regulation No. 14A, have been altered in neither form nor content.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

Supplementary Regulation No. 14 is amended in the following respects:

1. Subparagraphs (2) to (109), inclusive, of paragraph (a) of § 1499.73 are removed but are continued in effect as and to the extent incorporated in Revised Supplementary Regulation No. 14.

2. Supplementary Regulation No. 14 (§ 1499.73) is redesignated Supplementary Regulation No. 14A (§ 1499.73a).

3. The title of the redesignated Supplementary Regulation No. 14A is amended to read as follows: "Milk and Milk Products."

4. The portion of the redesignated § 1499.73a which precedes subparagraph (1) of paragraph (a) is amended to read as follows:

§ 1499.73a *Modification of maximum prices established by the General Maximum Price Regulation for milk and milk products.* (a) Maximum prices established by the General Maximum Price Regulation for milk and milk products are modified as hereinafter provided:
* * *

5. Paragraph (b) of the redesignated § 1499.73a is amended to read as follows:

(b) *Effective dates.* This Supplementary Regulation No. 14A, which continues in effect subparagraphs (1) and (1a) of paragraph (a) of the former Supplementary Regulation No. 14 (§ 1499.73), shall be deemed to have taken effect on July 16, 1942, which was the effective date of Supplementary Regulation No. 14 as originally issued, except that portions added by amendment subsequent thereto shall be deemed to have taken effect on the effective dates of such amendments, respectively. These amendments, with their effective dates, which affected subparagraphs (1) and (1a) of paragraph (a) prior to redesignation of this regulation as Supplementary Regulation No. 14A, are as follows:

TABLE OF AMENDMENTS TO SUPPLEMENTARY REGULATION NO. 14

§ 1499.73 (a) (1) and (1a)

Amdt. No.	Date Issued	Date Effective	Fed. Reg. Citation
6	8/12/42	8/12/42	7 F.R. 6369
22	9/16/42	9/22/42	7 F.R. 7365
34	9/26/42	9/26/42	7 F.R. 7671
39	10/8/42	10/8/42	7 F.R. 8021
43	10/20/42	10/20/42	7 F.R. 8524
50	11/2/42	11/4/42	7 F.R. 8950
56	11/4/42	11/2/42	7 F.R. 9043
57	11/4/42	11/2/42	7 F.R. 9043
60	11/13/42	11/19/42	7 F.R. 9397
63	11/18/42	11/24/42	7 F.R. 9496
77	12/12/42	12/12/42	7 F.R. 10480
78	12/16/42	12/22/42	7 F.R. 10583
79	12/14/42	12/14/42	7 F.R. 10537
83	1/4/43	1/4/43	8 F.R. 277
89	1/16/43	1/18/43	8 F.R. 1139
95	1/16/43	1/16/43	8 F.R. 878
104	2/1/43	2/2/43	8 F.R. 1467
119	2/22/43	2/22/43	8 F.R. 2346
121	3/6/43	3/6/43	8 F.R. 2878
125	3/6/43	3/6/43	8 F.R. 2886
133	3/12/43	3/13/43	8 F.R. 3185
134	3/10/43	3/11/43	8 F.R. 2360
152	3/30/43	3/30/43	8 F.R. 4149
153	3/30/43	3/30/43	8 F.R. 4140
170	5/13/43	5/19/43	8 F.R. 6364
181	6/4/43	6/7/43	8 F.R. 7592
184	6/7/43	5/23/43	8 F.R. 7707
185	6/14/43	6/19/43	8 F.R. 8184
188	6/21/43	6/26/43	8 F.R. 8604
189	6/23/43	6/29/43	8 F.R. 8711
193	7/7/43	7/7/43	8 F.R.
194	7/7/43	7/7/43	8 F.R.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43 11336; Filed, July 14, 1943; 3:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 580 Under § 1499.3 (b) of GMPR]

BELDING HEMINWAY CORTICELLI

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.2118 *Maximum prices for the sale of acetate blanket binding manufactured by Belding Heminway Corticelli.* (a) Belding Heminway Corticelli, 119 West 40th Street, New York, New York, herein called the Applicant, may sell and deliver and any person may buy from it acetate blanket binding of the following sizes at a price not in excess of those set forth below:

Size:	*Maximum price per dozen*
5 yards; 1½" wide	$6.70
5 yards; 2" wide	8.11

(b) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March 1942.

(c) All requests of the Applicant not granted herein are denied.

(d) This Order No. 580 may be revoked or amended at any time by the Office of Price Administration.

(e) This Order No. 580 shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11338; Filed, July 14, 1943; 3:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 581 Under § 1499.3 (b) of GMPR]

FRIEND BROTHERS INC.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.2119 *Authorization of maximum prices for sales of "Friends Frosted Brick Oven Baked Beans" by Friend Brothers Inc.* (a) On and after July 15, 1943, the maximum prices for sales to retail stores by Friend Brothers Inc., Melrose, Massachusetts, of "Friends Frosted Brick Oven Baked Beans", packaged in paper containers with a cellophane bag liner, shall be as follows:

	Net
One pint package, delivered to retail store	$0.15
One pint package, f. o. b. freezing establishment	.14

(b) Friend Brothers Inc. is not required to apply any discounts to the maximum prices set forth in paragraph (a).

(c) This Order No. 581 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 581 shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11339; Filed, July 14, 1943; 3:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188,[1] Amdt. 16]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 188 is amended in the following respects:

1. In § 1499.166 the note preceding paragraph (a) is amended to read as follows:

NOTE: The articles listed below are not intended to include (a) any commodity subject to a specific maximum price regulation or price schedule in effect on August 1, 1942, or issued any time thereafter, (b) any commodity exempted from the General Maximum Price Regulation by any supplementary regulation thereto, in effect on August 1, 1942, or issued any time thereafter, (c) used, reconditioned, rebuilt, remodeled commodities or commodities made from any used materials, except commodities specifically described below as being made of used material, or (d) parts, except those specifically listed as such below. Since the designations of some articles are broad enough in certain instances to suggest that articles are included which are intended to be excluded, other regulations which might be applicable to the article or type of article have been indicated. Manufacturers selling articles listed below should, before pricing their products in accordance with this regulation, determine whether specific price regulations or regulations supplementary to the General Maximum Price Regulation have been issued subsequent to the date of this regulation with respect to the articles so listed.

2. Section 1499.166 (b) (1) is amended (a) so that the head-note reads "Bedding made of new materials and bedding made with reprocessed cotton, hair, feathers and down." (b) The item "Feathers and Down" is deleted from the list.

3. Section 1499.166 (b) (1) is amended by deleting from the list the item "Feathers and Down."

4. Section 1499.166 (b) (2) is amended by adding the following items:

Bulletin boards
Tool cases

5. Section 1499.166 (b) (3) is amended by adding as a separate item, the following: "Carpet lining."

6. Section 1499.166 (b) (4) is amended to read as follows:

(4) *Furniture.* All types of furniture manufactured from any new material or reprocessed cotton, hair, feathers and down, or used joinery hardware, for any purpose to be used in any location, and any other articles manufactured from new materials which are made to serve the functional purposes of furniture.

Furniture frames.
Partially assembled wood furniture parts made by furniture factories.

7. Section 1499.166 (b) (5) (ii) is amended by adding the following items to appear before "etc.":

Winches
Turnbuckles

8. Section 1499.166 (b) (5) (iii) is amended by adding the following items to appear before "etc.":

Lawnmowers and rollers (except horse and tractor drawn and garden tractors)

9. Section 1499.166 (b) (5) (ix) is amended by inserting between the words saddlery and hardware the words "and parachute," so that the phrase reads, "Saddlery and Parachute hardware including:"

10. Section 1499.166 (b) (6) is amended by inserting between the words, "Ice refrigerators" and "Air conditioning equipment" the following "Household dehydrators."

11. Section 1499.166 (b) (7) is amended by adding the following to appear before "etc.:"

Wood slat shades
Wood spoons, forks, etc.

12. Section 1499.166 (b) (7) is amended by deleting the following words: "Screens, windows."

13. Section 1499.166 (b) (9) is amended by deleting the word "items" and inserting the word "Fittings," so that the phrase reads "Marine Fittings as follows:"

14. Section 1499.166 (b) (9) is amended by adding the following to appear before "etc.:" "Turnbuckles."

15. Section 1499.166 (b) (10) (ii) is amended by adding the following to appear before "etc.:" "Shoetrees."

16. Section 1499.166 (b) (10) (xxi) is added to read as follows:

(xxi) Military type kits and bags made of canvas, duck, imitation leather and leather; unfitted and fitted, including drugs, toiletries, notions, sewing and shoe shine equipment.

Duffle bags
Money belts and pockets
Apron kits, fitted and unfitted

17. Section 1499.166 (b) (14) is amended to read as follows:

(14) Sporting goods made of new materials (except clothing and shoes) and reprocessed golf balls with used centers.

18. Section 1499.166 (b) (17) is amended to read as follows:

(17) Health supplies, equipment and sub-assemblies thereof (not including drugs, chemicals and medicines except when packed in and sold as a part of first aid kits) and not including rubber drug sundries covered by MPR No. 300.

19. Section 1499.166 (b) (19) is amended to read as follows:

(19) Industrial safety equipment (not including shoes, and scientific instruments covered by Maximum Price Regulation No. 136, as amended), including: Clothing designed for protection against specific industrial hazards: coats, pants, suits, aprons, sleeves, gloves, and like articles containing (1) metal or mineral insulation or reinforcement (such as asbestos); or (2) fabric or leather specially treated to resist extreme heat, extreme cold, or chemical reagents. Work clothes and work gloves (whether of fabric or leather) without the features enumerated are excluded.

Gas masks
Goggles, face shields, goggle cases, etc.
Helmets, safety hats, etc.
Respirators
Safety lamps

20. Section 1499.166 (b) (21) is amended by adding the following:

Cork stoppers
Finished flag poles and staffs
Bird leg bands
Poker chips
Hand cuffs, billies, etc.
Manufactured chalk for billiard, bowling, carpenters, drawing, tailor, etc., use.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11337; Filed, July 14, 1943; 3:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 564 Under § 1499.3 (b) of GMPR]

SOUTHERN CALIFORNIA FOOD COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2102 *Authorization of maximum prices for sales of pre-cooked dehydrated Navy and pink beans, packed forty-eight 8-ounce packages to the case, by Southern California Food Company, by wholesalers and retailers.* (a) On and after June 28, 1943, the maximum price for sales by Southern California Food Company, 1642 E. 41st Street, Los Angeles, California, of pre-cooked dehydrated Navy and pink beans, manufactured by it and packed in 8-ounce packages, 48 packages to the case, shall be $4.70 per case, f. o. b. factory, subject to a discount of 2% for prompt payment.

(b) Sellers at wholesale shall determine their maximum selling prices for pre-cooked dehydrated Navy and pink beans, manufactured by Southern California Food Company, by adding to their net cost of the item a markup of 12 per cent of their net cost. Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent; and where the fraction is one-half cent or larger, the seller may increase his maximum price per dozen to the next higher cent.

Net cost for a wholesaler as mentioned in this paragraph shall be his invoice price for the product delivered in a customary quantity of this type of item by the customary mode of transportation to his customary receiving point, less all discounts allowed him except the discount for prompt payment. No expense of local trucking or unloading shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices for pre-cooked dehydrated Navy and pink beans, manufactured by Southern California Food Company, by adding to their net cost of the item a mark-up of 29 percent of their net cost. Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent; and where the fraction is one-half cent or larger, the retailer may increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for the product delivered to his customary receiving point in a customary quantity of this type of item by the customary mode of transportation and from a customary source of supply, less all discounts allowed him except the discount for prompt payment. No expense of local trucking or unloading shall be included in net cost.

(d) On and after June 28, 1943, Southern California Food Company shall supply a written notification to each wholesaler before or at the time of the first delivery of its pre-cooked dehydrated Navy and pink beans to such wholesaler, and for a period of three months shall include with each shipping unit thereof, for each dozen packages, a written notification to retailers. If such retailer's notification is enclosed in a shipping unit, a legend shall be applied to the outside of such unit to read "Retailer's Notice Enclosed." The written notifications, for each type of purchaser, shall include the following appropriate statements:

Notification From Southern California Food Company to Wholesalers

The OPA has authorized us to charge wholesalers $4.70 per case, f. o. b. factory, for our pre-cooked dehydrated Navy and pink beans, packed in 8-ounce packages, 48 packages to the case, subject to a discount of 2% for prompt payment.

Wholesalers are authorized to establish their selling prices by adding to their net cost of this item 12 per cent of such net cost. Net cost is the invoice cost at the customary receiving point, less all discounts except the discount for prompt payment, and excluding expense of local trucking and unloading. Retailers shall establish ceiling prices by adding to their net cost 29 per cent of such net cost. Each individual ceiling price determined by a seller shall be figured to the nearest cent (raise one-half cent or larger fractions to the next even cent, and lower fractions of less than one-half cent to the next even cent). A copy of the notification to retailers is included in every shipping unit of this item. If the initial sale of the item to any retailer is a split case sale, wholesalers are required to provide such retailer with a copy of the retail notification so enclosed. OPA requires you to keep this notice for examination.

Notification From Southern California Food Company to Retailers

The OPA authorizes retailers to establish ceiling prices for our pre-cooked dehydrated Navy and pink beans by adding to their net cost of the item 29 per cent of such net cost. Net cost is the invoice cost at the customary receiving point less all discounts except the discount for prompt payment, and excluding expense of local trucking and unloading. Such ceiling prices shall be figured to the nearest cent (raise one-half cent or larger fractions to the next even cent, and lower fractions of less than one-half cent to the next even cent). OPA requires you to keep this notice for examination.

(e) This Order No. 564 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 564 (§ 1499.2102) shall become effective June 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 E.O. 9328, 8 F.R. 4681)

Issued this 26th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11348; Filed, June 26, 1943; 12:16 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 433]

PULPWOOD PRODUCED IN NORTH CAROLINA AND THAT PORTION OF VIRGINIA WEST OF THE COUNTIES OF CRAIG, MONTGOMERY, FLOYD, AND PATRICK

In the judgment of the Price Administrator the prices of pulpwood have risen and are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended.

The Price Administrator has ascertained and given due consideration to the price of pulpwood prevailing in North Carolina and that portion of Virginia west of the counties of Craig, Montgomery, Floyd, and Patrick, between October 1, 1941 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The Price Administrator has advised and consulted with representative members of the industry. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been prepared and is issued simultaneously herewith.*

§ 1347.902 *Maximum prices for pulpwood produced in North Carolina and that portion of Virginia west of the counties of Craig, Montgomery, Floyd, and Patrick.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 433 (Pulpwood Produced in North Carolina and that portion of Virginia West of the Counties of Craig, Montgomery, Floyd, and Patrick) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.902 issued under Pub. Laws 421 and 729; 77th Cong. E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 433—PULPWOOD PRODUCED IN NORTH CAROLINA AND THAT PORTION OF VIRGINIA WEST OF THE COUNTIES OF CRAIG, MONTGOMERY, FLOYD, AND PATRICK

CONTENTS

Sec.
1. Prohibitions.
2. Less than maximum prices.
3. Adjustable pricing.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5872, 7967, 8943, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754.

Sec.
4. Evasion.
5. Records and reports.
6. Enforcement.
7. Petitions for amendment.
8. Definitions.
Appendix A: Maximum prices for pulpwood.

SECTION 1. *Prohibitions.* (a) On and after July 14, 1943, in the continental limits of the United States, regardless of any contract, agreement, lease or other obligation, no person shall buy and no person shall sell, deliver or transfer pulpwood cut from the stump in North Carolina and that portion of Virginia west of the Counties of Craig, Montgomery, Floyd, and Patrick, at prices in excess of the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price.

(c) *Specific prohibited practices.* The following are among the practices prohibited:

(1) Paying a banking charge for wood not banked, or for wood banked without a request by the buyer, or banked unnecessarily at the buyer's request;

(2) Up-grading, up-scaling or allowing a greater net scale than the actual scale content of the logs or bolts;

(3) Increasing the price of logs or bolts by failing to make an effort in good faith to collect monetary or other advances such as trucks, tires or other equipment to producers. Any advance whatsoever to a producer is to be considered as part of the price of the logs or bolts to be supplied by the producer.

SEC. 2. *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

SEC. 4. *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 433 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to pulpwood cut in North Carolina and that portion of Virginia west of the Counties of Craig, Montgomery, Floyd, and Patrick, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, discount, premium or other privilege, or by tying agreement or other understanding, or otherwise.

SEC. 5. *Records and reports.* (a) Every person making a purchase or sale of pulpwood, for which a maximum price is established by this regulation, shall make and shall preserve, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 shall be in effect, the same records of such purchases and sales as such person customarily made prior to the effective date of this regulation.

(b) Every person required to keep records by paragraph (a) of this section shall submit such reports as the Office of Price Administration, with the approval of the Bureau of the Budget, may from time to time require.

SEC. 6. *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 433 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 7. *Petitions for amendment.* Persons seeking any amendment of this Maximum Price Regulation No. 433 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC. 8. *Definitions.* (a) When used in this Maximum Price Regulation No. 433 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing;

(2) "Pulpwood producer" or "seller" includes any person who sells pulpwood;

(3) "Consumer" includes any person who purchases pulpwood for its own consumption;

(4) "Pulpwood" means any species of wood (exclusive of mill waste or mill by-products) sold for manufacture into woodpulp;

(5) "Pine wood" includes longleaf pine, shortleaf pine, loblolly pine, slash pine, pond pine, sand pine, spruce pine, and any other species of the genus pinus;

(6) "Southern hardwood" includes red gum, black gum, maple, popular, tupelo, all species of oak, willow and associated species;

(7) "Rough pulpwood" means pulpwood from which the bark has not been removed;

(8) "Peeled pulpwood" includes any pulpwood which has been sap-peeled or barked prior to its delivery to a consumer;

(9) "Cord of pulpwood" means an amount of pulpwood which, when properly prepared and stacked, contains 128 cubic feet, or where pulpwood is sold in the form of logs, means 128 cubic feet at a ratio in proportion to the log scale used;

(10) "Dealer" means any person who sells to consumers pulpwood not cut or prepared by such person, but purchased by such persons in the condition in which it is to be delivered to the consumer, and who sold and delivered not less than 10,000 cords of pulpwood to consumers in the calendar year 1942, or who shall sell and deliver not less than 8,000 cords to consumers in any subsequent calendar year;

(11) "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells pulpwood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than a consumer;

(12) "Banked wood" means wood which has been temporarily stored at a shipping point at the request of the buyer;

(13) "Sale" or "sold" includes sales and deliveries, and sales and contracts to sell pulpwood;

(14) "Zone I" includes the Counties of Brunswick, Columbus, Bladen, Robeson, Scotland, Richmond, Anson, Union, Mecklenburg, Cabarrus, Rowan, Davidson, Davie, Forsyth, Surry, Yadkin, Iredell, Lincoln, Gaston, Cleveland, Catawba, Alexander, Wilkes, Alleghany, Ashe, Watauga, Caldwell, Burke, Rutherford, Polk, McDowell, Avery, Mitchell, Yancey, Buncombe, Henderson, Transylvania, Haywood, Madison, Jackson, Swain, Graham, Macon, Clay, and Cherokee in the state of North Carolina and the Counties of Giles, Pulaski, Carroll, Grayson, Wythe, Bland, Tazewell, Smyth, Washington, Russell, Buchanan, Dickenson, Wise, Scott, and Lee in the state of Virginia.

(15) "Zone II" includes all Counties in North Carolina excepting the counties included in Zone I.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Appendix A: Maximum prices for pulpwood. (a) (1) The maximum price per cord for pulpwood cut from the stump in Zone I shall not exceed the following, delivered f. o. b. cars at the seller's expense:

Rough pine	$7.10
Rough southern hardwood	7.60

(2) The maximum price per cord for pulpwood cut from the stump in Zone II shall not exceed the following, delivered f. o. b. cars at the seller's expense:

Rough pine	$7.60
Rough southern hardwood	8.10

(3) *Peeling differentials.* An amount not in excess of $2.70 per cord may be added to the prices set forth in subparagraphs (1) and (2) of this Appendix A for either peeled pine or peeled hardwood.

(4) *Barge wood.* An amount not in excess of $1.00 per cord may be added to the maximum prices set forth in subparagraphs (1), (2) and (3) of this Appendix A for wood sold f. o. b. barge at the seller's expense; *Provided, however,* That no dealer's or trader's commissions may be added to the maximum price for barge wood.

(5) *Delivered mill by truck or similar vehicle.* When pulpwood is delivered to a consumer by truck or similar vehicle, the maximum price shall be the f. o. b. car price stated above plus or minus the same dollars and cents differential, if any, which the particular mill paid over or under its highest f. o. b. car price in the months of January and February, 1943, for the same type of delivery over the same or a similar distance.

(6) *Wood sold at roadside and similar points.* The maximum price for pulpwood sold at points other than those listed above shall be arrived at by deducting from the maximum price established above, f. o. b. cars or on a barge, an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading the wood at the point of shipment actually used, or, in the case of wood trucked to the mill, the actual costs of such trucking.

(7) *Banked wood.* If wood is banked at a rail siding or barge landing at the buyer's request, and is later loaded at the seller's expense on the railway car or barge, an amount not in excess of 80¢ per cord may be added to the maximum price in the case of wood shipped by rail, $1.00 in the case of wood shipped by barge.

(b) The maximum prices provided herein are for sound wood of standard quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed.

(c) *Dealers and traders.* (1) If a consumer of pulpwood buys pulpwood through a dealer as defined in section 8 (a) (10), such consumer may pay such dealer, in addition to the maximum price provided in Appendix A, a commission not to exceed 75¢ per cord. If any person buys pulpwood through a trader, as defined in section 8 (a) (11), such person may pay such trader, in addition to the maximum price provided in Appendix A, a commission not to exceed 50¢ per cord; *Provided,* That no leader's or trader's commission may be paid on barge wood. *Provided further,* That in no case shall the aggregate amount of commissions on any cord of pulpwood exceed 75¢.

(2) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on pulpwood cut by him or by his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all of the following requirements (i) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii)) with respect to the transactions:

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The sale is made by the dealer to the consumer;

(iii) The pulpwood sold by the dealer to the consumer or sold by the trader to his vendee has been completely prepared for delivery and delivered by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the pulpwood and that the pulpwood is free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the pulpwood, and that the charges are not in excess of Maximum Price Regulation No. 433;

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever;

(vii) All pertinent provisions in this Maximum Price Regulation No. 433 are strictly complied with.

(3) Persons who have not qualified as dealers, but who intend to do so, shall state their intention so to do in writing to the Paper and Paper Products Branch of the Office of Price Administration, Washington, D. C. Nothing contained herein shall be construed to prohibit payment of a dealer's allowance in escrow to a bank or bank and trust company to be paid to such dealer if and when it shall have been determined by the Paper and Paper Products Branch of the Office of Price Administration that such dealer has qualified so as to be entitled to receive such commission, but otherwise to be repaid by such fiduciary to the consumer at the end of the calendar year.

Effective date. This Maximum Price Regulation No. 433 shall become effective July 14 1943.

NOTE: The record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11323; Filed, July 14, 1943; 3:51 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[MPR 339,[1] Amdt. 5]

WOMEN'S RAYON HOSIERY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 339 is amended in the following respect:

1. Section 1401.107 (a) (2) (iii) is amended to read as follows:

(iii) *Methods of marking.* The hosiery must be marked with a transfer, label, ticket, marker or other device which is firmly affixed to at least one stocking of each pair of hosiery at the time it is delivered to the purchaser. However, inserts may be used by manufacturers until September 1, and by other sellers until October 1, 1943.

This amendment shall become effective July 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11345; Filed, July 14, 1943; 3:51 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

CHESAPEAKE BAY GUNNERY RANGES

Pursuant to the provisions of section 7 of the River and Harbor Act of 8 August 1917 (40 Stat. 266; 33 U. S. C. 1), a portion of Chesapeake Bay between Cedar Point, Maryland, and Smith Point, Virginia, is hereby defined and established as a danger zone and the following regulations relating thereto are hereby adopted:

§ 204.30 *Chesapeake Bay.* * * *

(g) *Gunnery Ranges, U. S. Naval Air Station, Patuxent River, Md.*—(1) *The danger zone.*—(i) *Machine gun range.* The waters on the western shore of Chesapeake Bay south of Cedar Point, Maryland, within an area bounded as follows: On the north, a line 107° (true), a distance 1.5 miles, from the Armament Test Hangar at U. S. Naval Air Station; on the east, a line 147° (true) from Drum Point Light; on the south, a line 057° (true), a distance 2 miles from Point No Point; and on the west the shore line of Chesapeake Bay between Point No Point and the Armament Test Hangar.

(ii) *Aerial gunnery range.* The waters of Chesapeake Bay south of a line between Cedar Point, Maryland, and the southern tip of Barren Island; west of a line between the southern tip of Barren Island and Shanks Island, Virginia; north of a line between Shanks Island and Smith Point Light, Virginia, and east of a line between Smith Point Light and Point Lookout and the shore line of Chesapeake Bay between Point Lookout and Cedar Point.

(2) *The regulations.* (i) No vessel or other craft shall enter or remain in the Machine Gun Range at any time.

No vessel or other craft shall enter or remain in the Aerial Gunnery Range during its use for firing practice except as provided in subparagraph (2) (v).

(ii) Advance notice shall be given of the date on which the first firing practice

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2930, 3215, 4256, 4922, 6049.

[1] Chart filed as part of the original document.

is conducted and such notice shall be published in the "Notice to Mariners". The range will be in use throughout the year and no further notice is contemplated that firing is continuing.

(iii) Prior to the conduct of firing practice the area will be patrolled by Navy aircraft to insure that no watercraft are within the danger area, and any watercraft in the vicinity will be warned by means of signals that firing practice is to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(iv) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall remain outside the area until the conclusion of firing practice.

(v) Through navigation of commercial craft proceeding on established steamer lanes will be permitted traverse of the Aerial Gunnery Range at all times. Such vessels shall proceed on their normal course and shall not delay their progress.

(vi) These regulations shall be enforced by the Commandant, Potomac River Naval Command, and such agencies as he may designate.

(Sec. 7 of the River and Harbor Act of 8 August 1917 (40 Stat. 266, 33 U.S.C. 1) [Regs. 7 June 1943 (CE 800.2121 (Chesapeake Bay)—SPEKH)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-11360; Filed, July 15, 1943; 10:31 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—TREATMENT OF MAIL MATTER RECEIVED FROM FOREIGN COUNTRIES INVOLVING THE CUSTOMS REVENUE

DUTIES OR FINES; EXAMINATION OF CONTENTS OF DUTIABLE ARTICLES

Paragraph 16 (a) of the Joint Departmental Mail Regulations (section 2229 of the Postal Laws and Regulations, 1940, and Article 377 (a) of the Customs Regulations, 1937) amended to change the wording "duty (or fine)" to read "duty or fine, or the duty and fine, as the case may be" and to provide that the examination of the contents of dutiable articles shall not be permitted until after the duty or fine or the duty and fine assessed by the collector of customs shall have been paid by the addressees.

Paragraph 16 (a) of the Joint Departmental Mail Regulations (section 2229 of the Postal Laws and Regulations, 1940,[1] and Article 377 (a) of the Customs Regulations, 1937) is amended to read as follows:

(a) Postmasters and Navy mail clerks or assistants, upon delivery of dutiable articles to addressees, shall collect the duty or fine, or the duty and fine, as the case may be, and immediately forward same by means of certified checks or official postal checks, with the mail entry, as directed thereon, accompanied by customs receipt Form 3437, in duplicate, in penalty envelope, by ordinary mail, to the customs officer who issued the entry. The customs officer shall promptly acknowledge receipt. Postmasters and Navy mail clerks or assistants shall not permit addressees to examine the contents of dutiable articles until after the duty or fine or the duty and fine assessed by the collector of customs shall have been paid.

D. W. BELL,
Acting Secretary of the Treasury.
FRANK C. WALKER,
Postmaster General.

JULY 1, 1943.

[F. R. Doc. 43-11358; Filed, July 15, 1943; 10:44 a. m.]

[1] Not filed with the Division of the Federal Register.

TITLE 46—SHIPPING

Chapter II—Coast Guard; Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL AND WITHDRAWAL OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, 4481, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167 (46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 474, 481, 489, 367, 526–526t), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation regulations, approval, and withdrawal of approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter F—Marine Engineering

PART 51—MATERIALS

Section 51.20–9 is amended to read as follows:

§ 51.20–9 *Marking.* Valves, flanges and fittings shall be marked as required by § 55.19–3 (s) (1).

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Part 153 is amended by the addition of a new § 153.2a, immediately following § 153.2, reading as follows:

§ 153.2a *Davits; lifeboats, construction of.* The following provisions are, during the emergency, applicable as alternative details of construction for lifeboat davits to those provided in §§ 37.1–4, 59.3, 60.21, 76.15, 94.14 and 113.23.

(a) *Steel, structural.* Where structural steel is used for the fabrication of davit frames or davit arms the material shall be made by either or both of the following processes: open hearth or electric furnace. It shall conform to the following requirements as to tensile properties: (In substantial agreement with A. S. T. M. Designation A 7–42)

Tensile strength, psi	60,000 to 72,000
Yield point, min., psi	0.5 tens. str.
but in no case less than	33,000
Elongation in 8 in., min., percent	1,500,000 / tens. str.
Elongation in 2 in., min., percent	22

Section 153.7 *Additional equipment for life rafts approved prior to March 15, 1943, for ocean and coastwise vessels* is amended by deleting paragraph (a) *Bridles.*

Section 153.10 *Construction of life preservers* is amended by the addition of a new paragraph (d) reading as follows:

(d) *Thread.* The thread shall be of a size and strength not less than Type IB, No. 20, 4 ply cotton thread conforming to the requirements of Federal Specification V–T–276.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

LIFEBOATS

24' x 8' x 3'9" oar-propelled plywood lifeboat (452.5 Cu. Ft.) (Dwgs. Nos. 5LA 100 X, dated 20 April, 1943; 5LA–101–X, dated 24 April, 1943; and 5LA–102–X, dated 26 April, 1943), manufactured by Gunderson Bros. Engineering Corp., Portland, Ore.

24' x 8' x 3'9" motor-propelled plywood lifeboat, (452.5 Cu. Ft.) Dwgs. Nos. 5LA–100–X, dated 20 April, 1943; 5LA–102 X dated 26 April, 1943; and 5LA–104–X, dated 24 April, 1943), manufactured by Gunderson Bros. Engineering Corp., Portland, Ore.

16'2" x 6'2" x 2'8" oar-propelled wooden lifeboat (158 Cu. Ft.) (Dwg. dated 1 January, 1943), manufactured by Tropical Marine Ways, Inc., Riviera, Fla.

16' x 5' x 2'3" wooden lifeboat (108 Cu Ft) (Arrangement Dwg. dated 11 November, 1942, with modifications (A) to (L), inclusive, and additions (A) to (C), inclusive; and lines and offsets Dwg. dated 9 November, 1942, Alterations 7 May, 1943; and Specifications No. 10 dated 1 December, 1942) (For vessels other than tank vessels), manufactured by Brown-Saltman Company, South Gate, Calif.

DISENGAGING APPARATUS

Morrison-Rottmer releasing gears, Type A (Maximum working load of 4,500 pounds per hook) (Dwg. No. 258Z), Type B (Maximum working load of 5,500 pounds per hook) (Dwg. No. 259Z), Type C (Maximum working load of 7,100 pounds per hook) (Dwg. No. 260Z), manufactured by Frank Morrison & Son Company, Cleveland, Ohio.

SKATES AND SKID FENDERS FOR LIFEBOATS

Lifeboat skates (Dwg. No. 100 S82-1-2, dated 12 March, 1943), manufactured by Globe Shipbuilding Company, Superior, Wis.

DAVITS

Steward Mechanical Davit, Size 4 6-10 (Maximum working load of 5,200 pounds per arm) (General Arrangement Dwg. No. 170–D, dated 24 April, 1943), manufactured by The Landley Company, Inc., New York, New York.

Steward Mechanical Davit, Type 4 A-6-1 (Maximum working load of 5,288 pounds per arm) (General Arrangement Dwg. No. A 102, dated 1 April 1940), manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.

LIFE FLOATS

15-person rectangular solid balsa wood life float (Dwg. No. B–103, dated 10 May, 1943), manufactured by American Life Float Company, Portland, Ore.

20-person rectangular solid balsa wood life float (Dwg. No. B–104, dated 10 May, 1943), manufactured by American Life Float Company, Portland, Ore.

BUOYANT APPARATUS

20-person solid balsa wood buoyant apparatus (Dwg. No. B. A.–20, dated 1 June, 1943), manufactured by General Equipment Corporation, Long Island City, N. Y.

20-person plywood buoyant apparatus, Model 4 6–4, (Dwg. dated 18 May, 1943) submitted by R. L. Morey Company, Inc., New York, N Y.

LIFESAVING NET

Lifesaving net, Model A (Dwg. No. B–115, dated 24 June, 1943), manufactured by Ballou Service and Instrument Company, New York, N. Y.

LUMINOUS CLOTH OR TAPE FOR MARKING INTERIOR ACCOMMODATIONS, ETC.

Luminous tape, Press-Glo Blue-green, manufactured by Prescott Paint Company, New York, N. Y.

WATER LIGHTS

Electric Safe-T-Glo Type MG, Electric Automatic Floating Waterlight, (Dwg. No. E-451–7 Alt. 1, dated 5 April, 1943) submitted by C C. Galbraith & Son, Inc., New York, N. Y.

Electric Safe-T-Glo Type AC, Electric Automatic Floating Waterlight (Dwg. No. E–551–1 Alt. 0. dated 7 April , 1943), submitted by C C Galbraith & Son, Inc., New York, N. Y.

BILGE PUMP

Semi-rotary, hand-operated bilge pump (U S. C. G. No. 3 for use in lifeboats exceeding 700 cubic feet capacity) (Assembly and Parts List Dwg. No. 232–52, dated 6 April, 1943), manufactured by Goulds Pumps, Inc., Seneca Falls, N. Y.

LOW-PRESSURE HEATING BOILER

Vapor-Clarkson Steam Coil Generator (Maximum working pressure of 300 lbs p. s. i.) (Steam boiler arrangement and specifications Dwg. No 60057A, dated 24 May, 1943), manufactured by Vapor Car Heating Company, Inc., Chicago, Ill.

APPROVAL WITHDRAWN

Approval is withdrawn from the following items of equipment:

LIFESAVING SUITS

Goodall Rubber Company, Inc., Philadelphia, Pa Goodall Style CF "Overboard" suit. (1942) (Original approval, 17 July, 1942, 7 F.R. 5495)

B. F. Goodrich Company, Akron, Ohio. B. F Goodrich Company lifesaving suit, Model I (1942) (Original approval, 14 August, 1942, 7 F.R 6394)

B. F. Goodrich Company, Akron, Ohio. B. F. Goodrich Company lifesaving suit, Model 2 (1942) (Original approval, 26 September, 1942, 7 F R. 7616)

R. L. Morey Company, Inc., New York, N. Y. Boston fire-resistant overboard cover-all lifesaving suit, Model CM (1942) (Original approval 14 August, 1942, 7 F.R. 6394)

Seamless Rubber Company, New Haven, Conn. Model M–M–1 lifesaving suit (1942) (Original approval 14 August, 1942, 7 F.R. 6394)

Universal Life-Suit Company, Los Angeles, Calif. Universal lifesaving suit (1942) (Original approval 17 July, 1942, 7 F.R. 5495)

Universal Life-Suit Company, Los Angeles, Calif. Universal lifesaving suit, Model LSS–2 (1942) (Orginal approval 8 October, 1942, 7 F.R. 7980)

Vaco, Inc., New York, N. Y. Vaco lifesaving suit (gloveless type) (Original approval 17 July, 1942, 7 F.R. 5495)

The Watertight Slide Fastener Corporation, New York, N. Y. Morner lifesaving suit (1942) (Original approval 17 July, 1942, 7 F.R. 5495)

Notwithstanding the withdrawal of approvals, any of the foregoing suits now on board merchant vessels may be continued in service, provided such suits are in good and serviceable condition.

R. R. WAESCHE,
Commandant.

JULY 14, 1943.

[F. R. Doc. 43–11347; Filed, July 15, 1943; 9:39 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[No. 4844]

PART 31—UNIFORM BILLS OF LADING AND LIVESTOCK CONTRACTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of July, A. D. 1943.

In the matter of bills of lading, domestic bill of lading, and livestock contract.

It appearing, that by letter dated June 16, 1943, the Association of American Railroads requested to be advised whether the Commission had any objection to the publication in the Consolidated Classification in place of the uniform standard bill of lading and uniform order bill of lading now appearing therein, certain sample forms submitted therewith, the wording in such forms being the same as prescribed by the Commission in its several reports, changes being made only in the arrangement of the printed matter and the spacing:

It is ordered:

§ 31.15 *Uniform standard bill of lading and uniform order bill of lading.* Publication of the uniform standard bill of lading and uniform order bill of lading in the form presented by the Association of American Railroads is hereby authorized, subject to the conditions (1) that the wording on the face and back of the forms will conform to that now printed in the Classification, the only changes being in the arrangement and spacing of the printed matter on the face of the forms, and (2) that the rail carriers shall allow shippers to use up their present supply of bills of lading before requiring such bills to conform to the rearrangement herein authorized.

(Sec. 400, 41 Stat. 475)

And it is further ordered, That a copy of this order shall be served upon the Association of American Railroads, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, the National Archives.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43–11385; Filed, July 15, 1943; 11:24 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 91—ALASKA GAME REGULATIONS

GAME ANIMALS, FUR ANIMALS, GAME BIRDS, NONGAME BIRDS, AND GAME FISHES IN ALASKA

Pursuant to the authority and direction contained in section 9 of the Alaska Game Law of January 13, 1925 (43 Stat. 739), as amended July 1, 1943, Pub. No. 106, 78th Congress, I, Oscar L. Chapman, Assistant Secretary of the Interior, upon consultation with and recommendation from the Alaska Game Commission, have determined when, to what extent, and by what means game animals, fur animals, game birds, nongame birds, and game fishes may be taken, possessed, transported, bought, or sold in Alaska, and in accordance with such determinations do hereby adopt the following, effective July 1, 1943, as suitable regulations permitting and governing the taking of game animals, fur animals, game birds, nongame birds, and game fishes in Alaska:

GENERAL REGULATIONS

Sec.
91.1 Definitions
91.2 Licenses of hunters, trappers, fishermen, and guides
91.3 Taking animals, birds, and game fishes in emergencies
91.4 Using game as food for dogs or fur animals or as crab bait
91.5 Continuous close season on all species in specified areas
91.6 Continuous close season on certain species in specified areas

GAME ANIMALS

91.7 Taking game animals and methods of taking
91.8 Open seasons and limits on certain game animals
91.9 Possession and transportation of game animals
91.10 Marking packages containing game animals
91.11 Sale and serving of game animals
91.12 Sale of trophies of game animals

FUR ANIMALS

91.13 Fur districts and open seasons and limits on fur animals
91.14 Methods of taking fur animals
91.15 Setting traps in close season
91.16 Possession and transportation of skins of fur animals
91.17 Purchase and sale of skins of fur animals.
91.18 Sealing, possession, and sale of beaver and marten skins
91.19 Marking packages containing skins of fur animals
91.20 Possession of live fur animals
91.21 Recapture of escaped fur animals
91.22 Duties of fur farmers and fur dealers

GAME BIRDS

Sec.
91.23 Taking grouse and ptarmigan and methods of taking
91.24 Open season and limit on grouse, ptarmigan, and pheasants
91.25 Possession and transportation of grouse and ptarmigan
91.26 Marking packages containing grouse and ptarmigan
91.27 Sale and serving of grouse and ptarmigan
91.28 Taking and possession of migratory game birds
91.29 Transportation of migratory game birds
91.30 Marking packages containing migratory game birds
91.31 Sale of migratory game birds

TAKING WILD ANIMALS, BIRDS, AND THE NESTS AND EGGS OF BIRDS FOR SCIENTIFIC OR PROPAGATING PURPOSES AND ANIMALS OR BIRDS FOR THE PROTECTION OF PROPERTY

91.32 Taking game and fur animals, game, and nongame birds, and the nests or eggs of birds for scientific or propagating purposes
91.33 Licenses, guide, or other requirements
91.34 Taking animals or birds for the protection of property

UNPROTECTED NONGAME BIRDS

91.35 Certain nongame birds unprotected
91.36 Marking packages containing unprotected nongame birds

GAME FISHES

91.37 Methods of taking game fishes and sale
91.38 Open seasons and limits on game fishes

APPENDICES

Appendix A: Areas in which there is a continuous close season on all species, except for scientific or propagating purposes
Appendix B: Areas in which there are continuous close seasons on specified game animals, fur animals, and game birds, except for scientific or propagating purposes

GENERAL REGULATIONS

§ 91.1 *Definitions.* For the purpose of these regulations the following shall be construed, respectively, to mean:

(a) Secretary: The Secretary of the Interior.

(b) Commission: The Alaska Game Commission.

(c) Director: Director, Fish and Wildlife Service, Department of the Interior.

(d) Territory: Territory of Alaska.

(e) Person: The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

(f) Indians: Natives of one-half or more Indian blood.

(g) Eskimos: Natives of one-half or more Eskimo blood.

(h) Take: Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, fur animals, game or nongame birds, or game fishes; attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals, birds, or game fishes, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds, or nests or eggs of birds, or game fishes is permitted, reference is had to taking by lawful means and in lawful manner.

(i) Open season: The time during which animals, birds, or game fishes may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

(j) Closed season: The time during which animals, birds, or game fishes may not be taken.

(k) Transport: Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

(l) Game animals: Deer, moose, caribou, elk, mountain sheep, mountain goat, bison, muskox, and the large brown, grizzly, and black bears, which shall be known also as big game, and such other animals as the Secretary has or shall declare, as hereinafter provided, to be game animals, to be known also as big game if so designated in the declaration, including those that have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof.

(m) Fur animals: Beaver, muskrat, marmot, racoon, pika, hare or rabbit, squirrel, fisher, fox, lynx, marten or sable, mink, weasel or ermine, sea otter, land otter, wolverine, coyote, wolf, and polar bear, and such other animals as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof, and found and declared by the Secretary to be fur animals: *Provided*, That whenever the Secretary shall find that in any section of Alaska any animal is predominantly taken as a game rather than as a fur animal, or is predominantly taken as a fur animal rather than as a game animal, he shall so declare and then and thereafter, so long as such declaration remains in effect, such animal in the specified section of Alaska shall be considered to be a game animal or fur animal as the case may be, to the same extent as if it had been expressly included in the foregoing definitions of game and fur animals.

(n) Game birds: Anatidae, commonly known as waterfowl, including ducks, geese, brant, and swans: Haematopodidae, Charadriidae, Scolopacidae, and Phalaropodidae, commonly known as shorebirds, including oyster-catchers, plover, sandpipers, snipe, curlew, and phalaropes; Gruidae, commonly known as crane; and the several species of grouse and ptarmigan, and such other birds as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof, and found and declared by the Secretary to be game birds.

(o) Nongame birds: All wild birds except game birds.

(p) Hunting: The taking, as herein defined, of game animals, game birds, and nongame birds.

(q) Trapping: The taking, as herein defined, of fur animals.

(r) Game fishes: Rainbow, steelhead, cutthroat, eastern brook, and Dolly Varden trout, and grayling, and such other fishes as the Secretary may declare, from time to time, to be game fishes.

§ 91.2 *Licenses of hunters, trappers, fishermen, and guides.* (a) These regulations do not permit any person to take, possess, or transport game animals, fur animals, birds, or game fishes, or to purchase or sell fur animals or parts thereof, or to act as a guide in the Territory unless he is in possession of a valid license bearing his signature written in ink on the face thereof, if he is required by the Alaska Game Law or regulations of the Commission thereunder to have such a license, and he shall have his license on his person when taking such animals, birds, or game fishes, or when acting as a guide and shall produce it for inspection by any wildlife agent or other person requesting to see it.

(b) Each application for a license shall be made on the form prescribed by the Commission and if the application is made by mail it shall be accompanied by a bank draft or an express or postal money order payable to the Treasurer of the United States for the amount of the license fee.

(c) No license shall be required of native Indians and Eskimos, or of residents under the age of sixteen.

§ 91.3 *Taking animals, birds, and game fishes in emergencies.* An Indian or Eskimo, or an explorer, prospector, or traveler, may take animals, birds, or game fishes in any part of the Territory at any time for food when in need thereof and other sufficient food is not available, but he shall not transport or sell any animal, bird, game fish, or part thereof so taken, and an Indian or Eskimo also may take, possess, and transport, at any time, auks, auklets, guillemots, murres, and puffins and their eggs for food, and their skins for clothing for their own use and that of their immediate families.

§ 91.4 *Using game as food for dogs or fur animals or as crab bait.* No person is permitted to feed any mountain sheep (bighorn) or deer, or part thereof, to any dog or to any fur animal held in captivity, and no person is permitted to feed any other game animal, protected bird, game fish, or part thereof, to a dog or to a fur animal held in captivity, except the waste parts, such as hides, viscera, and bones; and no person is permitted to use any part of any game animal or protected bird for crab bait.

§ 91.5 *Continuous close season on all species in specified areas.* These regulations, including § 91.3, do not permit the taking at any time of any game animal, fur animal, game fish, or game or nongame bird, or the nests or eggs of such birds, on any area specified in Appendix A of these regulations except for scientific or propagating purposes, and then only under specific permit issued by the Secretary, supplemented by such permit as may be required by any other Department or agency having administrative supervision of the particular area.

§ 91.6 *Continuous close season on certain species in specified areas.* These regulations, including § 91.3, do not permit the taking at any time of the game animals, fur animals, game birds, or game fishes specified in Appendix B of these regulations on areas correlated with said animals, birds, or game fishes in said Appendix B, except for scientific or propagating purposes, and then only under specific permit issued by the Secretary, supplemented by such permit as may be required by any other Department or agency having administrative supervision of the particular area.

GAME ANIMALS

§ 91.7 *Taking game animals and methods of taking.* Game animals may be taken on areas not closed by §§ 91.5 and 91.6, during the respective open seasons and in the numbers not exceeding the respective season limits prescribed in § 91.8, with a shotgun (not larger than No. 10 gage, nor capable of holding more than three shells), rifle, or pistol, but not with the aid or use of a dog, machine or submachine gun, set gun of any description, bow and arrow, or spear, pit, deadfall, fire, jack light, searchlight, or other artificial light, or from or by means of a motor vehicle, airplane, steam or power launch, or any boat other than one propelled by paddle, oars, or pole, or while such animals are swimming; and when legally taken such animals, or parts thereof, may be possessed, transported, or sold as permitted by §§ 91.9 and 91.11.

§ 91.8 *Open seasons and limits on certain game animals.* (a) Deer, bucks (with horns not less than 3 inches above the top of the skull.

East of longitude 138° in southeastern Alaska, September 16 to November 15.
West of longitude 138° in the drainage to Prince William Sound north of the center of the C. R. & N. W. Railway and west of Mountain Slough, incl. ding the islands of said sound, except Hawkins and Knight Islands, September 20 to September 30.
Limit. East of longitude 138°, 2 a season. In area west of longitude 138°, 1 a season.

(b) Moose, bulls (except yearlings and calves).

North of the Alaska Range, Fall season, September 1 to September 30. Winter season, December 1 to December 31. South of the Alaska Range, November 16 to January 15.
Limit. 1 a season.

(c) Caribou (except calves).

Fall season, September 1 to September 30. Winter season, December 1 to December 31.
Limit. By resident, 2 a season, by nonresident, 1 a season.

(d) Mountain sheep.

North of the Alaska Range, September 1 to September 30. South of the Alaska Range, no open season.
Limit. 1 ram a season.

(e) Mountain goat (except kids).

First Judicial Division, except watershed of Tracy Arm, September 16 to November 15. In the rest of the Territory, September 1 to October 31.
Limit. 2 a season.

(f) Bear (large brown and grizzly).

September 1 to June 20.
Limit. 2 a season, except on Admiralty Island and the Kodiak-Afognak Islands group, 1.

(g) Bear (black, including its brown and blue, or glacier, bear, color variations).

In the First and Third Judicial Divisions of the Territory, September 1 to June 20. In the rest of Territory, no close season.
Limit. By nonresident, in the First Judicial Division, 2 a season; elsewhere in Territory, 3 a season. By resident, in First and Third Judicial Divisions, 3 a season; elsewhere in Territory, no limit.

(h) Any bear may be killed at any time or place in the Territory when about to attack or molest persons or their property. Persons so killing such animal shall make a written report to the Commission setting forth the reason for such killing and the time and place.

§ 91.9 *Possession and transportation of game animals.* Game animals (except live animals) legally taken in numbers not exceeding the respective season limits prescribed in § 91.8, the hides, heads, and feet thereof, and articles made therefrom, may be possessed and transported by any person at any time within the Territory, and, as hereinafter permitted by this section, may be transported out of the Territory; but until dismembered for consumption, either the horns or external sex organs of deer, moose, or mountain sheep shall be left attached to the carcass.

(a) *By resident.* (1) At the discretion of the Commission, a permit may be issued to a resident of the Territory for the export by express or freight of a legally taken or acquired game animal, or part thereof, for purposes other than sale. Such permit may be obtained from any wildlife agent upon payment of the required fee. The permit must accompany the bill of lading covering shipment to the port of clearance, where it will be taken up by the collector of customs and returned to the Commission.

(2) A resident may export by express, freight, or parcel post for mounting and return to the Territory within 1 year, but not for sale, any game animal or part thereof legally taken or acquired by him upon first procuring a resident export license, which license shall accompany the bill of lading when shipment is made by freight or express, and if made by parcel post, the license shall be attached securely to the outside of the package in a conspicuous place. On return of the trophy to the licensee by express or freight, the export license shall accompany the bill of lading, but if returned by parcel post, the license shall be attached securely to the outside of the package in a conspicuous place, and the collector of customs at the port of entry, or the postmaster through whose office the package is received, will detach the license, note thereon the contents of the shipment, and promptly return it to the Commission.

(3) A resident may, without a permit, export by express, freight, parcel post, or by other lawful means, black bears or parts thereof legally taken or acquired by him, but all such shipments must be accompanied by a statement as required by § 91.16.

(b) *By nonresident.* A nonresident citizen or an alien who is the holder of a valid license may possess and transport within the Territory, or export, by express or freight only, when legally taken by him, not to exceed in the aggregate 2 deer, not more than 1 of which shall have been taken west of longitude 138°; 1 moose; 2 caribou; 2 mountain goats; 2 in the aggregate of large brown and grizzly bears, not more than 1 of which shall have been taken on Admiralty Island and the Kodiak-Afognak Islands group; and 3 black bears; or any part of such animals. Before any such animal or part thereof shall be exported, the person offering it for export shall first deliver to the transportation agent at the point of shipment his affidavit that he has not violated any of the provisions of the Alaska Game Law or the regulations thereunder; that such animal or part thereof has not been purchased or sold and is not being shipped for sale; and that he legally killed and is the owner of such animal or part thereof. If the shipment consists of a large brown or grizzly bear or a deer, or part thereof, the affidavit must show where in the Territory the animal was killed. Such affidavit shall accompany the express or freight bill of lading to the port of clearance, there to be taken up and promptly transmited to the Commission by the collector of customs.

(c) *Manufactured articles and shed antlers.* Any person may without a permit or license possess and transport at any time within or out of the Territory any article manufactured from the hides or hoofs of deer, caribou, mountain goats, or skins of black bear, legally taken; and in fur districts 5 and 8 parka hood trimmings cut from the hides of grizzly bears in strips not to exceed 4 inches in width legally taken; and the shed antlers of deer, moose, and caribou.

(d) *Possession without license.* Any person possessing any game animal or part thereof without a valid hunting or trapping license shall furnish on demand to any officer authorized to enforce the Alaska Game Law an affidavit showing the name or license number of the person from whom he received it, together with such other information as the officer may require.

§ 91.10 *Marking packages containing game animals.* Each package in which game animals or parts thereof are transported within or out of the territory shall have clearly and conspicuously marked on the outside thereof the names and addresses of the consignor and consignee and an accurate statement of the number of each kind of game animal or part thereof contained therein.

§ 91.11 *Sale and serving of game animals.* (a) The meat of caribou legally killed in the Territory and the meat of moose legally killed north of the Alaska Range and the Kuskokwim-Bristol Bay Divide may be sold for food in the respective areas by the person killing said animals, to the owner or operator of a restaurant, roadhouse, or public or other eating house within said respective areas, but no person to whom such meat is so sold shall resell it otherwise than in cooked form and then only under permit prescribed by the Secretary and

issued in the discretion of the Commission, which permit may authorize the purchase and possession of caribou or moose in excess of the numbers permitted under these regulations, but such meats shall not be sold or served within 5 miles of the Alaska Railroad or of Steese Highway from Fairbanks to and including Chatanika. Otherwise the sale of game animal meat anywhere in the Territory is absolutely prohibited, nor may game animal meat be served at any place where charge is made for such meals, or where meals are furnished as part of the compensation for services performed.

§ 91.12 *Sale of trophies of game animals.* Any person may without a permit or license buy and sell at any time in the Territory the hides or parts of hides and the hoofs and articles manufactured therefrom of black bear, deer, moose, caribou, and mountain goats, and in fur districts 5 and 8, parka hood trimmings cut from the hides of grizzly bears in strips not to exceed 4 inches in width, legally taken; and the shed antlers of deer, moose, and caribou.

FUR ANIMALS

§ 91.13 *Fur districts and open seasons and limits on fur animals.* The following named fur animals may be taken in the fur districts herein defined, other than in areas closed to such taking by §§ 91.5 and 91.6, in the open seasons and in the numbers not exceeding the respective season limits prescribed in this section:

Fur District 1. All of the southeastern Alaska from Dixon Entrance to Cape Fairweather and along longitude 138° to the international boundary:

Open seasons:

Mink, land otter, weasel (ermine), fox (red, cross, and silver), and lynx—January 6 to February 5.

Muskrat—No open season.

Marten—No open season.

Beaver—No open season.

Wolf, coyote, wolverine, marmot, and squirrel—No close season; may be taken by any person at any time in a legal manner.

Fur District 2. That part of southern Alaska draining to the Gulf of Alaska and Cook Inlet, beginning with the western boundary line of fur district 1 and following longitude 138° from Cape Fairweather to the international boundary and along this boundary to Mount St. Elias; thence following the summit of the Chugach Range to the head of Miles Glacier; thence down the center line of said glacier to the center of the C. R. & N. W. Railway bridge across the Copper River at mile 49; thence up the center line of Childs Glacier to its summit; thence along the divide through Marshall Pass and Thompson Pass; thence along the divide to Tahneta Pass; thence along the divide separating the waters of the Matanuska River from the Nelchina River and the Talkeetna River from the Oshetna River; thence along the divide separating the waters of the Oshetna River from Kosina Creek to and across the Susitna River at a point 4 miles northwest of the mouth of Goose Creek; thence along the divide separating the waters flowing northwest into the Susitna River from those flowing southerly into the Susitna River; thence following said divide separating the waters flowing north into the Nenana River from those flowing southerly into the Susitna and Chulitna Rivers and across Broad Pass and the Alaska Railroad at mile 208; thence along the divide separating the waters flowing south into the Chulitna River from those flowing north into Cantwell Creek and the Nenana River to the summit of the Alaska Range; thence along said summit through Rainy Pass to Merrill Pass; thence along the summit of the Chigmit Mountains, separating the waters flowing easterly into Cook Inlet from those flowing westerly into the Kuskokwim River and Bristol Bay, to its intersection with the old portage from Kamishak Bay to Kakhonak Bay on Iliamna Lake; thence along said portage to Kamishak Bay.

Open seasons:

Mink, marten, land otter, weasel (ermine), fox (red, cross, and silver), and lynx—December 1 to the last day of February.

Muskrat—April 1 to May 31.

Beaver—February 1 to March 31, except there shall be no open season on Kenai Peninsula. Limit—10 a season.

Wolf, coyote, wolverine, marmot, and squirrel—No close season; may be taken by any person at any time in a legal manner.

Fur District 3. Consisting of the Aleutian Islands, Unimak Island, Amak Island, all the islands lying south of the Alaska Peninsula, the Kodiak-Afognak Islands group, the Barren Islands, Augustine Island, and the Alaska Peninsula from False Pass to the mouth of Reindeer Creek, thence following said creek and a line to the center of Aniakchak Crater, and including that part of said peninsula consisting of the drainage to the Pacific Ocean south of a line following the divide from the center of Aniskchak Crater to the old portage from Kamishak Bay to Kakhonak Bay; thence along said portage on the boundary of fur district 2 to Kamishak Bay.

Open seasons:

Mink, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx—November 16 to January 15; except that there shall be no open season for mink, land otter, or weasel (ermine) on Unimak Island.

Marten—No open season.

Muskrat—March 10 to May 10.

Beaver—No open season.

Wolf, coyote, wolverine, marmot, and squirrel—No close season; may be taken by any person at any time in a legal manner.

Fur District 4. All the drainage to Bristol Bay, bounded on the south by the northern boundary of fur district 3, on the east by the western boundary of fur district 2, and on the north by a line beginning at Cape Newenham and extending along the summit of the divide separating the waters flowing northerly into Kuskokwim Bay and Kuskokwim River from those flowing southerly into Bristol Bay, to its intersection with the western boundary of fur district 2 at a point approximately 22 miles south of Merrill Pass.

Open seasons:

Mink, marten, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx—November 16 to February 15.

Muskrat—March 10 to May 10.

Beaver—February 1 to March 31; except there shall be no open season in the Naknek River drainage and southwest thereof. Limit—10 a season.

Wolf, coyote, wolverine, marmot, and squirrel—No close season; may be taken by any person at any time in a legal manner.

Fur District 5. That part of western Alaska draining to Kuskokwim Bay, Bering Sea, Norton Sound, and Kotzebue Sound, bounded on the east by a line beginning at Cape Newenham and extending along the divide separating the waters flowing into Kuskokwim Bay and Kuskokwim River from those flowing into Bristol Bay and the Tikchik Lakes; thence along the divide separating the waters flowing into Tulasak River and Whitefish Lake from those flowing into the Aniak River and Swift Creek; thence to a point on the Kuskokwim River opposite the mouth of the first stream on the north bank above Chagamut; thence across the Kuskokwim River and following the center of said first north bank stream above Chagamut to its head; thence along the divide separating the waters of Paimute Portage flowing into Big Lake from those flowing into the Yukon River; thence to a point on the Yukon River 15 miles below Paimiut Village; thence following down the south bank of the Yukon River to a point 5 miles below Dogfish Village; thence across the Yukon River to Mount Chiniklik; thence along the divide separating the waters flowing into the Stuyabok River from those flowing into the Kuyukutuk River; thence continuing along said divide separating the waters flowing easterly into the Yukon River from those flowing westerly into Norton Sound; thence continuing along said divide separating the waters flowing into the Koyukuk River from those flowing into Kotzebue Sound to the summit of the divide separating those flowing into the Colville River from those flowing into the Noatak River; thence westerly along the divide separating the waters flowing north into the Arctic Ocean from those flowing south into the Noatak and Kukpuk Rivers to the coast of Cape Lisburne.

Open seasons:

Mink, marten, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx—November 16 to the last day of February.

Muskrat—North of the Unalakleet River drainage, April 1 to June 7; south of the Unalakleet River, including its drainage, April 1 to May 31.

Beaver—No open season.

Wolf, coyote, wolverine, polar bear, marmot, and squirrel—No close season; may be taken by any person at any time in a legal manner.

Fur District 6. All the watershed of the Tanana River, the upper Copper River, part of the lower Yukon River, and the upper Kuskokwim River, bounded on the east by the International boundary, on the south by the northern boundaries of fur districts 2 and 4, on the west by the eastern boundary of fur district 5, and on the north by a line beginning at International Boundary Monument No. 146 and following the divide separating the waters of the north fork of the Ladue River from those of the Ladue River; thence along the divide separating the waters flowing northerly into the Yukon River from those flowing southerly into the Tanana River, through Far Mountain, Twelve Mile Summit, and Wickersham Dome; thence along the divide separating the waters flowing easterly into the Beaver Creek from those flowing westerly into Hess Creek; thence along the divide separating the waters flowing southwesterly into Hess Creek from those flowing northerly into the Yukon River; thence along the divide separating the waters flowing southerly into Waldron Creek from those flowing northerly into the Yukon River, to the site of the old Fort Hamlin; thence across the Yukon River to the divide separating the waters flowing northerly into the Dall River from those flowing southerly into the Bay River; thence along the divide separating the waters flowing northerly into the Kanuti River from those flowing southerly into the Yukon River; thence along the divide separating the waters flowing westerly into the Koyukuk River from those flowing southerly into the Melozitna River; thence along the divide separating those waters flowing into the Koyukuk River above the upper end of Treat Island from those entering below said point, to the Koyukuk River; thence across the Koyukuk River at the upper end of Treat Island and northwesterly along the divide separating the waters flowing easterly into the Hogatza River and Koyukuk River from those flowing southerly into the Koyukuk River, to Cone Mountain; thence along the divide separating the waters flowing easterly into the Hogatza River from those flowing westerly into the Dakli River, to the intersection with the eastern boundary of fur district 5.

Open seasons:

Mink, marten, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx—November 16 to the last day of February.

Muskrat—March 1 to May 31.

Beaver—February 1 to March 31; except there shall be no open season in the Copper River drainage or in that part of the Tanana River drainage east of the Richardson Highway from Richardson Monument (mile 202 from Valdez) to Big Delta (mile 280 from Valdez) and south and east of the Goodpaster River drainage. Limit—10 a season.

Wolf, coyote, wolverine, marmot, and squirrel—No close season; may be taken by any person at any time in a legal manner.

Fur District 7. All the drainage to the upper Koyukuk and upper Yukon Rivers bounded on the east by the international boundary, on the north by the summit of the Brooks Range, on the west by the eastern boundary of fur district 5, and on the south by the northern boundary of fur district 6.

Open seasons:

Mink, marten, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx—November 6 to the last day of February.

Muskrat—March 1 to May 31.

Beaver—February 1 to March 31. Limit—10 a season.

Wolf, coyote, wolverine, marmot, and squirrel—No close season; may be taken by any person at any time in a legal manner.

Fur District 8. The Arctic coast of Alaska, consisting of all the drainage to the Arctic Ocean north of the northern boundaries of fur districts 5 and 7.

Open seasons:

Mink, marten, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx—December 1 to March 31.

Muskrat—April 10 to June 10.

Beaver—No open season.

Wolf, coyote, wolverine, polar bear, marmot, and squirrel—No close season; may be taken by any person at any time in a legal manner.

§ 91.14 *Methods of taking fur animals.* (a) Fur animals are not permitted to be taken by means, aid, or use of a set gun of any description, a shotgun, fire, jack light, pit lamp, searchlight, or other artificial light, trap or device known as the "klips," steel bear trap or any other trap with jaws having a spread exceeding 9 inches, strychnine, or other poison. No dog shall be used to take any such animal (except polar bears in fur district 8 and wolves and coyotes in fur districts 5, 6, 7, and 8), and no fur animal on which there is a close season shall be taken from its home, den, or hole by digging, smoking, or use of chemicals.

(b) Fish traps, commonly used near the Bering Sea coast and adjacent streams for taking blackfish, pike, ling, and whitefish, shall be provided with a top well of not less than 10 inches in diameter so as to allow the escape of any fur-bearing animal which may have entered the trap.

(c) No fur animal shall be taken by means of a trap set within 25 feet of any beaver house or dam, or within 100 feet of a fox den.

(d) Beaver or muskrat homes, houses, dens, dams, or runways are not permitted to be injured or destroyed.

§ 91.15 *Setting traps in close season.* During the close seasons on fur animals in the respective fur districts, no person, unless authorized by a permit, which may be issued in the discretion of the Commission, shall set, maintain, or attend traps for wolves, coyotes or other animals on which there is no close season. Application for such permit shall be addressed to the Alaska Game Commission, Juneau, Alaska, and shall contain a statement of the nature, extent, and locality of the proposed operations, and the species of animals to be taken.

§ 91.16 *Possession and transportation of skins of fur animals.* (a) The skins of fur animals or parts thereof, when legally taken or acquired, may be possessed and transported by any person at any time under the conditions prescribed in §§ 91.13 to 91.22, but no person who is engaged in fur farming or is a fur dealer shall possess or transport the skin of any fur animal or part thereof unless at the time of such possession or transportation he has a valid fur-farm or fur-dealer license, as the case may be, issued to him pursuant to the Alaska Game Law. No person is permitted to possess or transport at any time the skin or part thereof of a fur animal that has been illegally taken or acquired.

(b) Where transportation is by express or freight, the shipper shall first deliver to the transportation agent at the point of shipment, or where by parcel post, to the postmaster at the point of mailing, a statement correctly showing the number and kinds of skins in each shipment and stating that no illegal skins or unsealed beaver skin is contained therein. Such statement shall accompany the express or freight shipment to the port of clearance, there to be taken up by the collector of customs, or, in the case of parcel post shipments, by the postmaster at the office where mailed. Where such skins are transported out of the Territory by means other than express, freight, or parcel post, the person transporting them shall make and deliver a like statement to the collector of customs at the port of clearance. Such statements will be forwarded to the Commission by collectors and postmasters.

§ 91.17 *Purchase and sale of skins of fur animals.* (a) A person who is engaged or employed in the business of trading in skins of fur animals and who is in possession of a valid license issued pursuant to the Alaska Game Law, authorizing him so to do may at any time buy and sell the skins of fur animals legally taken, tagged, or sealed, as the case may be, and such person shall have his license with him when buying or selling such skins, except that a person buying or selling skins at an established place of business shall have his license posted conspicuously on the premises, and each such licensee shall produce his license for inspection by any wildlife agent or other person requesting to see it.

(b) A person who is not engaged or employed in the business of trading in the skins of fur animals may acquire by purchase or trade without a license the skins of such animals legally taken, possessed, or sealed, as the case may be, for his own use, but he is not permitted to sell the skins so acquired.

(c) A native-born Indian or Eskimo, or a licensed hunter or trapper may sell without a fur-dealer's license the skins of fur animals or parts thereof which he has legally taken and which, if required by §§ 91.13 to 91.22, are legally tagged or sealed.

§ 91.18 *Sealing, possession, and sale of beaver and marten skins.* (a) Skins of beavers and martens imported into the Territory shall be sealed with a seal prescribed by the Commission. Persons importing such skins shall within 30 days after such importation present them to a wildlife agent or other officer authorized by the Commission to seal such skins, together with such proof of entry and legal possession by affidavit or otherwise as the Commission or any such officer may require.

(b) Persons taking the skins of beavers in the Territory shall during the open season in which they were legally taken or within 30 days immediately thereafter personally present them for sealing or tagging to a wildlife agent or any other officer authorized by the Commission to seal or tag skins, together with an affidavit of legal taking on a form furnished by the Commission and such other affidavits as may be required by any officer authorized to seal or tag skins. Persons residing in remote localities and finding it impracticable to present skins to an officer authorized to seal them may present such skins, together with an affidavit of lawful taking on a form furnished by the Commission to any person authorized by the Commission to attach thereto a tag permitting skins, if legally taken, to be sold and transported within the territory subject to examination and authentication by a representative of the Commission. Skins so tagged shall be presented by a lawful possessor to a wildlife agent or any other officer authorized by the Commission to seal skins, for sealing during the open season in which they were taken or within 30 days immediately thereafter, but such officer may require further affidavits of the person taking the skins at any time before he accepts and seals them. No person is permitted to sell, trade, or otherwise dispose of the skins of beavers during the open season or within 30 days thereafter unless they have been sealed or tagged as hereinbefore provided, or to purchase or otherwise procure any such untagged or unsealed skins at any time.

(c) Skins of beavers and martens unless sealed under this regulation, or in accordance with previous regulations, shall not be possessed or transported by any person.

(d) No person is permitted to possess at any time in the Territory, unless sealed or tagged, numbers of skins of beavers in excess of the season limit prescribed in § 91.13.

§ 91.19 *Marking packages containing skins of fur animals.* Each package in which the skins of fur animals or

parts thereof are transported within or out of the Territory shall have clearly and conspicuously marked on the outside thereof the names and addresses of the consignor and consignee and an accurate statement of the number of each kind of such skins or parts thereof contained therein.

§ 91.20 *Possession of live fur animals.* Live fur animals, legally taken during the respective open seasons thereon, may be retained or sold for propagation within the Territory, but persons possessing such animals shall within 30 days after the close of said season report such taking and possession to the Alaska Game Commission at Juneau and apply for a permit to possess them.

§ 91.21 *Recapture of escaped fur animals.* Operators of licensed fur farms from which fur animals escape from captivity may conduct operations for the recapture of such escaped animals through the use of legal trapping devices within a period of 30 days after the discovery of the escape. If such operations are conducted during the closed season on wild animals of the same species, such operator shall immediately notify the nearest wildlife agent in writing of the numbers and kinds of escaped animals, the kinds of devices being used in recapturing operations, and the locality where such operations are being conducted.

§ 91.22 *Duties of fur farmers and fur dealers.* Each fur farmer or fur dealer, including Indians, Eskimos, cooperative stores operated exclusively by and for native Indians and Eskimos, and stores operated by missions exclusively for native Indians or Eskimos, must comply with the provisions of all Territorial laws relating to fur farmers and fur dealers, as the case may be, and at all reasonable hours, shall allow any member of the Commission, any wildlife agent, or any authorized employees of the United States Department of the Interior to enter and inspect the premises where operations are being carried on under the Alaska Game Law and the regulations thereunder, and to inspect the books and records relating thereto. Each fur farmer shall submit annually a written report on a form furnished by the Commission stating the numbers and kinds of fur animals farmed, the numbers and kinds of live fur animals or skins or pelts thereof bought or sold, and the methods of fur farming employed. Each fur dealer shall keep records showing the number of each kind of furs purchased or procured, the persons from whom purchased and to whom they were sold, date of purchase or sale, name of trapper and his license number, and shall on or before 30 days after the expiration of his license make a written report to the Commission on a form prepared and furnished by it setting forth in full such data. The aforesaid stores shall also keep records of transactions and render reports similar to those required of fur dealers.

GAME BIRDS

§ 91.23 *Taking grouse and ptarmigan and methods of taking.* Grouse and ptarmigan may be taken on areas not closed to such taking by §§ 91.5 and 91.6, during the open season and in the numbers not exceeding the respective daily limits prescribed in the following regulations, with a shotgun (not larger than No. 10 gage nor capable of holding more than three shells), rifle, pistol, bow and arrow, or spear, and with the aid of a dog, but they shall not be taken from or by means, aid, or use of aircraft or steam or powerboat of any kind, motor vehicle, jack light, searchlight, or other artificial light, nor within the First and Third Judicial Divisions of the Territory by shooting from, on, or across, or within 33 feet of the center line of any public highway, and when legally taken may be possessed, transported, or sold as permited by regulations 25 and 27.

§ 91.24 *Open season and limit on grouse, ptarmigan, and pheasants.* Open season:

Grouse and ptarmigan—September 1 to January 31. Limit—Grouse, 10; ptarmigan, 10; but not to exceed 10 in the aggregate of all kind of grouse and ptarmigan a day. Such daily limits shall include all such birds taken by any other person who for hire accompanies or assists in taking them.

Pheasants—No open season.

§ 91.25 *Possession and transportation of grouse and ptarmigan.* Grouse and ptarmigan legally taken and the skins and feathers thereof and articles made therefrom may be possessed and transported by any person at any time within the Territory, and, as hereinafter permitted by this regulation, may be transported out of the Territory.

(a) *By resident.* (1) At the discretion of the Commission, a permit may be issued to a resident of the Territory for the export by express of freight of legally taken or acquired grouse or ptarmigan, or parts thereof, for purposes other than sale. Such permit may be obtained from any wildlife agent upon payment of the required fee. The permit must accompany the bill of lading covering shipment to the port of clearance, where it will be taken up by the collector of customs and returned to the Commission.

(2) A resident may export by express, freight, or parcel post for mounting and return to the Territory within 1 year, but not for sale, any grouse or ptarmigan or part thereof legally taken or acquired by him upon first procuring a resident export license, which license shall accompany the bill of lading when shipment is made by freight or express, and if made by parcel post, the license shall be attached securely to the outside of the package in a conspicuous place. On return of the mounted specimen to the licensee by express or freight, the export license shall accompany the bill of lading, but if returned by parcel post, the license shall be attached securely to the outside of the package in a conspicuous place, and the collector of customs at the port of entry, or the postmaster through whose office the package is received, will detach the license, note thereon the contents of the shipment, and promptly return it to the Commission.

(b) *By nonresident.* A nonresident citizen or an alien who is the holder of a valid license may possess and transport within the Territory grouse and ptarmigan legally taken by him, or he may export by express or freight only, not to exceed in the aggregate 1 day's limit of such grouse or ptarmigan. Before any such grouse or ptarmigan or part thereof shall be exported, the person offering it for export shall first deliver to the transportation agent at the point of shipment his affidavit that he has not violated any of the provisions of the Alaska Game Law or the regulations thereunder; that such grouse or ptarmigan or part thereof has not been purchased or sold and is not being shipped for sale; and that he legally killed or is the owner of such grouse or ptarmigan or part thereof. Such affidavit shall accompany the express or freight bill of lading to the port of clearance, there to be taken up and promptly transmitted to the Commission by the collector of customs.

(c) Any person possessing any grouse or ptarmigan or part thereof without a valid license shall furnish on demand to any officer authorized to enforce the Alaska Game Law an affidavit showing the name and license number of the person from whom he received such grouse or ptarmigan or part thereof together with such other information as the officer may require.

§ 91.26 *Marking packages containing grouse and ptarmigan.* Each package in which grouse and ptarmigan, or parts thereof, are transported within or out of the Territory shall have clearly and conspicuously marked on the outside thereof the names and addresses of the consignor and consignee and an accurate statement of the number of each kind of such birds or parts thereof contained therein.

§ 91.27 *Sale and serving of grouse and ptarmigan.* (a) The meat of grouse or ptarmigan legally killed in the area north of the Alaska Range and the Kuskokwim-Bristol Bay Divide may be sold for food in that area by the person killing said birds, to the owner or operator of a restaurant, roadhouse, or public or other eating house within said restricted area, but no person to whom such meat is sold shall resell it otherwise than in cooked form and then only under permit prescribed by the Secretary and issued in the discretion of the Commission, which permit may authorize the purchase and possession of grouse or ptarmigan and the serving of such birds as provided herein, but such birds shall not be sold or served within 5 miles of the Alaska Railroad or of Steese Highway from Fairbanks to and including Chatanika. Otherwise the sale of grouse and ptarmigan meat anywhere in the Territory is absolutely prohibited, nor may grouse and ptarmigan meat be served at any place where charge is made for such meals, or where meals are furnished as part of the compensation for services performed.

§ 91.28 *Taking and possession of migratory game birds.* (a) Migratory game birds may be taken on areas not closed to such taking by §§ 91.5 and 91.6, during the open seasons, by the means, and in the numbers permitted, and when so taken, may be possessed in accordance with the terms, conditions, and restrictions of regulations of the Secretary of the Interior adopted and approved pursuant to the Migratory Bird Treaty Act of July 3, 1918, as amended, except, further, that they may not be taken by means, aid, or use of a jack light, searchlight, or other artificial light, or within the First and Third Judicial Divisions of the Territory by shooting from, on, or across, or within 33 feet of the center line of any public highway.

(b) Any person possessing a migratory game bird or part thereof without a valid license shall furnish on demand to any officer authorized to enforce the Alaska Game Law an affidavit showing the name or license number of the person from whom he received such bird or part thereof together with such other information as the officer may require.

§ 91.29 *Transportation of migratory game birds.* Migratory game birds, and parts thereof, may be possessed and transported within or out of the Territory as permitted by the regulations under the Migratory Bird Treaty Act referred to in § 91.28, under the following conditions:

(a) *By resident.* (1) At the discretion of the Commission a permit may be issued to a resident of the Territory for the export by express or freight of a legally taken or acquired migratory game bird, or part thereof, for purposes other than sale. Such permit may be obtained from any wildlife agent upon payment of the required fee. The permit must accompany the bill of lading covering shipment to the port of clearance, where it will be taken up by the collector of customs and returned to the Commission.

(2) A resident may export by express, freight, or parcel post for mounting and return to the Territory within 1 year, but not for sale, any migratory game bird or part thereof legally taken or acquired by him, upon first procuring a resident export license, which license shall accompany the bill of lading when shipment is made by freight or express, and if made by parcel post, the license shall be attached securely to the outside of the package in a conspicuous place. On return of the mounted specimen to the licensee by express or freight, the export license shall accompany the bill of lading, but if returned by parcel post, the license shall be attached securely to the outside of the package in a conspicuous place, and the collector of customs at the port of entry, or the postmaster through whose office the package is received, will detach the license, note thereon the contents of the shipment, and promptly return it to the Commission.

(b) *By nonresident.* A nonresident citizen or an alien who is the holder of a valid license may possess and transport migratory game birds within the Territory during the open seasons prescribed by the aforesaid regulations and in any one calendar week during such open seasons, respectively, may export by express or freight only, not to exceed the number of migratory game birds legally taken and permited to be possessed and transported under the said Migratory Bird Treaty Act regulations. Before any such migratory game bird or part thereof shall be exported, the person offering it for export shall first deliver to the transportation agent at the point of shipment his affidavit that he has not violated any of the provisions of the Alaska Game Law or the regulations thereunder; that such migratory game bird or part thereof has not been purchased or sold and is not being shipped for sale; and that he legally obtained and is the owner of such bird or part thereof. Such affidavit shall accompany the express or freight bill of lading to the port of clearance, there to be taken up and promptly transmitted to the Commission by the collector of customs.

§ 91.30 *Marking packages containing migratory game birds.* Each package in which migratory game birds or parts thereof are transported within or out of the Territory shall have clearly and conspicuously marked on the outside thereof the names and addresses of the consignor and consignee and an accurate statement of the number of each kind of such birds or parts thereof contained therein.

§ 91.31 *Sale of migratory game birds.* Migratory game birds (except specimens for scientific purposes and ducks and geese for propagation, as provided in §§ 91.32 to 91.34 of these regulations) or parts thereof are not permited to be sold at any time, except that the feathers of wild ducks and geese legally killed, and the feathers of such birds seized and condemned pursuant to law, may be sold and transported for use in making fishing flies, bed pillows, mattresses, and for such similar commercial purposes, but not for millinery or ornamental purposes.

TAKING WILD ANIMALS, BIRDS, AND THE NESTS AND EGGS OF BIRDS FOR SCIENTIFIC OR PROPAGATING PURPOSES AND ANIMALS OR BIRDS FOR THE PROTECTION OF PROPERTY

§ 91.32 *Taking game and fur animals, game, and nongame birds, and the nests or eggs of birds for scientific or propagating purposes.* (a) The Secretary may issue a permit to a duly accredited representative of an educational or scientific institution, public museum or park, governmental department of the United States, or of a State engaged in the scientific study of mammals or birds, or to a person known to be making a special mammal or bird investigation, authorizing the holder to take, possess, and transport game or fur animals, game or nongame birds, or the nests or eggs of birds for scientific purposes.

(b) The Secretary may issue a permit to any person to take, possess, and transport game and fur animals, migratory waterfowl, grouse, ptarmigan, and the eggs of such birds for propagation, but no permit to take, possess, and transport such animals, birds, or eggs for propagation shall be valid unless countersigned by the executive officer of the Commission.

(c) Such permit shall be carried on the person of the permittee when he is taking animals, birds, or nests or eggs for scientific or propagating purposes, and shall be exhibited to any wildlife agent or other person requesting to see it.

(d) Application for a permit to take, possess, buy, sell, exchange, or transport animals, birds, or the nests or eggs of birds for scientific purposes should be addressed to the Secretary of the Interior, Washington, D. C., and must state the name and address of applicant, his age, whether he is a taxidermist, the name and address of the public museum or park, if any, that he represents, the region in which he desires to take them, the number of each species of animal or bird or of nests or eggs he desires to take, the probable port and date of shipment, and the purpose for which they are intended.

(e) Application for a permit to take, possess, buy, sell, exchange, or transport animals, birds, or eggs for propagation should be addressed to the Alaska Game Commission, Juneau, Alaska, and must state the name and address of the applicant, the kinds and numbers of animals, birds, or eggs he desires to take, and how, when, and where they are to be taken and kept.

(f) The permit may limit the number of species of animals, birds, and nests and eggs that may be taken thereunder, and may authorize the permittee to possess, buy, sell, exchange, or transport such animals or birds, parts thereof, or nests or eggs for scientific or propagation purposes, and prescribe the manner in which they may be taken or transported, and it may limit the permittee to one or more of these privileges and prescribe such other restrictions as either the Secretary or the Commission may deem necessary.

(g) The permit unless otherwise provided therein shall expire on December 31 of the year of issue, shall be revocable at the discretion of the Secretary, and shall not be transferable. A permit revoked by the Secretary shall be surrendered to him by the person to whom issued on demand of any employee of the United States Department of the Interior or of the Commission authorized by the Secretary to make such demand.

(h) The holder of a permit to take, possess, buy, sell, exchange, or transport such animals or birds or eggs of birds for propagation shall on or before the 10th day of January of the year following the issuance of the permit, or as required by such permit, with respect to such animals, grouse, and ptarmigan report to the Alaska Game Commission, Juneau, Alaska, and with respect to migratory waterfowl, report to the Secretary of the Interior, Washington, D. C.,

with a duplicate to the Commission, the kinds, number, and sex of such animals or birds taken, possessed, bought, sold, exchanged, or transported by him under the permit, the disposition made of them, and whether any of them were killed or died as a result of operations under the permit.

(i) The holder of a permit to take, possess, buy, sell, exchange, or transport such animals, birds, nests, or eggs for scientific purposes shall report to the Secretary as required in such permit the number of animals, birds, nests, or eggs taken, purchased, or sold (if purchase or sale is permitted), exchanged, or transported thereunder during the preceding calendar year.

(j) The holder of a permit who transports within or out of the Territory wild animals or birds, or parts thereof, or the nests or eggs of birds, for scientific or propagating purposes, shall plainly and clearly mark, label, or tag the outside of the package containing said animals or birds, or parts, or nests or eggs, so as to show the names and addresses of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is transported, and that the contents thereof are for scientific or propagating purposes, as the case may be. When such package is transported out of the Territory the permittee must at the time forward to the collector of customs at the port of clearance a copy of his permit bearing the seal of the United States Department of the Interior and a list correctly showing the number and kinds of animals or birds, or parts thereof, or the nests or eggs of birds contained in the package, and in the event subsequent packages are exported under the one permit, such a list of the contents of each such subsequent package, together with a reference to the number of the permit, shall be mailed to the collector of customs at the port of clearance.

§ 91.33 *License, guide, or other requirements.* Unless specifically provided therein no permit of the Secretary to take, possess, buy, sell, exchange, or transport any game or fur animal or any bird for scientific or propagating purposes shall be deemed to exempt the permittee from compliance with the license, guide, or other requirements of the Alaska Game Law, but no license is required to export such species or specimens for such purposes.

§ 91.34 *Taking animals or birds for the protection of property.* When information is furnished the Secretary that any species of game or fur animal or bird has become, under extraordinary conditions, seriously injurious to agricultural or other interests in the Territory, an investigation will be made to determine the nature and extent of the injury and whether the animal or bird alleged to be doing the damage should be killed, and, if so, during what time and by what means. Upon his determination an appropriate order will be made.

UNPROTECTED NONGAME BIRDS

§ 91.35 *Certain nongame birds unprotected.* A resident of the Territory without a hunting and trapping license and a nonresident with a hunting license may take crows, hawks, owls, eagles, ravens, magpies, and cormorants and their nests and eggs at any time, in any number, and by any means except by the use of poison, and with the exception of eagles, such birds when so taken, or parts thereof, articles manufactured therefrom, and the nests and eggs may, without further license and at any time, be bought, sold, or transported within or out of the Territory: *Provided*, That bald eagles, or parts thereof, articles manufactured therefrom, and the nests and eggs may not be transported from the Territory to the United States or any other place subject to the jurisdiction thereof.

§ 91.36 *Marking packages containing unprotected nongame birds.* Every package containing any of the birds specified in § 91.35, or parts or nests or eggs thereof or articles manufactured therefrom, when transported out of the Territory shall be plainly and clearly marked, labeled, or tagged so as to show the names and addresses of the consignor and consignee and the contents of the package, specifying the kinds and number of each, of birds, parts, nests or eggs, or manufactured articles.

§ 91.37 *Methods of taking game fishes and sale.* Rainbow, steelhead, cutthroat, eastern brook, and Dolly Varden trout, and grayling may be taken during the open seasons, in the numbers not exceeding the respective daily bag limits prescribed in the following regulations, by angling with a line held in the hand or attached to a rod or rod and reel so held, but each line shall at no time have attached to it more than two flies or hooks nor more than one plug, spoon or spinner. Such game fish shall not be taken by the use of explosives, firearm, gill net, trap, seine or spear, except that Dolly Varden trout may be taken by the use of net, trap, or seine in the glacial waters of Trail, Kenai, Skilak and Tustumena Lakes on Kenai Peninsula and in any area where the taking without limit as to numbers and the sale, purchase and shipment from the Territory of Dolly Varden trout is permitted. In Buskin River and Lakes, Russian River and Lakes, Cooper Creek, and Summit Lakes on Kenai Peninsula, game fishes may be taken only by means of artificial flies, spinners, spoons or plugs.

The taking of rainbow, steelhead, cutthroat, and eastern brook trout, and grayling anywhere in the Territory, and of Dolly Varden trout in the lakes and streams east of Cook Inlet and in Nome and Snake Rivers on Seward Peninsula, shall not exceed the bag limits prescribed in § 91.38. The sale or shipment from the Territory of such game fishes is not permitted, except that Dolly Varden trout taken in salt water throughout the Territory and in the lakes and streams west of Cook Inlet, but not including Nome and Snake Rivers on Seward Peninsula, may be sold or purchased and shipped from the Territory.

§ 91.38 *Open seasons and limits on game fishes.* Kenai River (including Russian River and Lakes and Cooper Creek), Buskin River near Kodiak and all lakes and tributaries thereof—June 5 to September 30.

Dewey Lake near Skagway and Salmon Creek Reservoir near Juneau—June 1 to September 30.

Rest of Territory—No closed season.

Limits—Kenai River (including Russian River and Lakes and Cooper Creek), Buskin River, Lake Creek, Willow River and all lakes and tributaries thereof, and in all waters draining into Bristol Bay—10 fishes singly or in the aggregate, but not to exceed 10 pounds and 1 fish daily two daily bag limits in possession.

Rest of Territory—20 fishes singly or in the aggregate, but not to exceed 15 pounds and 1 fish daily two daily bag limits in possession.

Dolly Varden trout taken in salt water throughout the Territory and in lakes and streams west of Cook Inlet except Nome and Snake Rivers on Seward Peninsula—No limit.

APPENDIX A—AREAS IN WHICH THERE IS A CONTINUOUS CLOSE SEASON ON ALL SPECIES, EXCEPT FOR SCIENTIFIC OR PROPAGATING PURPOSES

(a) Mount McKinley National Park.
(b) Katmai National Monument.
(c) Glacier Bay National Monument.
(d) Sitka National Monument.
(e) Any bird refuge or other wildlife refuge or reservation, except under permit or regulation of the Secretary.
(f) Eyak Lake area, embracing the drainage area of Eyak Lake and Power Creek, north and east of Cordova, more particularly described as follows: Beginning on the north boundary line of the town of Cordova at a point where said boundary line is crossed by the divide between Eyak Lake and Power Creek and Orca Inlet and Orca Bay; thence in a general northeasterly direction along said divide to the intersection with parallel 60°40′ north; thence east along said parallel to the intersection with the divide between the watershed of Power Creek and Eyak Lake and the watershed of Ibek Creek; thence in a general southwesterly direction along said divide to the headwaters of Allen Creek; thence southwesterly along the course of Allen Creek to its confluence with Eyak Lake; thence southerly along the shore of Eyak Lake to the northerly side line of the C. R. & N. W. Railway right-of-way; thence in a general westerly direction along the northerly side line of said railway right-of-way to the intersection with the east boundary line of the town of Cordova; thence north along said east boundary line to the northeast corner of said town; thence west alond the northern boundary line of said town to the point of beginning (containing approximately 22,000 acres).
(g) Ward Lake and Mendenhall Lake areas, Tongass National Forest, as posted and described by the United States Forest Service.
(h) Mitkof Island area, embracing the drainage area of Wrangell Narrows from Sandy Beach on the north side of Mitkof Island southward to Blind Point more particularly described as follows: Beginning at

meander corner between secs. 23 and 26 of T. 60 S., R. 79 E., Copper River Meridian, located on Blind Point in Wrangell Narrows; thence easterly 88.13 chains to the southeast corner of sec. 24 of the same township; thence north along the township line 4 miles to the northeast corner of sec. 1 of the same township; thence northerly along the summit of the ridge bounding the drainage area tributary to Wrangell Narrows and Frederick Sound until the shore of Frederick Sound is reached at the Witness Corner Meander Corner between secs. 35 and 36 of T. 58 S., R. 79 E., Copper River Meridian, on the shore thereof; thence northwesterly along the shore of Frederick Sound to the entrance of Wrangell Narrows; thence southerly along the center of the steamboat channel of Wrangell Narrows to the place of beginning on Blind Point.

(i) Shoemaker Bay area embracing the entire watershed of Pat Creek and that portion of Wrangell Island draining into Zimovia Strait from Pat Creek to Polk Point.

(j) Haines area embracing the drainage of Klehini River from the British Columbia boundary to its confluence with Chilkat River.

(k) Salchaket Townsite, Salchaket Lake, sometimes known as Harding Lake, and the small lakes in sections 2 and 11, T. 5 S., R. 4 E., Fairbanks Meridian, as described and shown on U. S. Survey Number 1901.

(l) Strip 2 miles wide, situated as follows: beginning at a point on the railroad 6 miles north of the Curry Hotel, thence east 1 mile, thence south 7 miles, thence west 2 miles, thence north 7 miles, thence east 1 mile to the place of beginning.

SCHEDULE B—AREAS IN WHICH THERE ARE CONTINUOUS CLOSE SEASONS ON SPECIFIED GAME ANIMALS, FUR ANIMALS, AND GAME BIRDS, EXCEPT FOR SCIENTIFIC OR PROPAGATING PURPOSES

(a) *Any game animal or game bird.* In Keystone Canyon, embracing an area one-half mile on each side of and paralleling the Richardson Highway from milepost 13 (from Valdez) to milepost 20 (from Valdez).

In the Big Delta area described as follows: Beginning at a point on the south bank of the Tanana River 1 mile east of the ferry at Big Delta post office, thence south parallel to the Richardson Highway to a point 1 mile east of and opposite milepost 269 (from Valdez), thence westerly across and to a point on the west bank of the Big Delta River due west of aforesaid milepost 269, thence north along the west bank of the Big Delta River to its junction with the south bank of the Tanana River, thence easterly along the south bank of the Tanana River to the place of beginning.

(b) *Any game animal.* Strip one-half mile wide on either side of all public highways within the First, Second and Third Judicial Divisions; and strip one-quarter mile wide on either side of the following named public highways in the Fourth Judicial Division: Richardson Highway, Alcan Highway, Livengood Highway, and Steese Highway, including the Harrison Creek Spur, Porcupine Spur, and the Circle Springs Spur to the end of its extension on the Birch Creek drainage.

(c) *Any game animal or beaver.* Strip one-half mile wide on either side of the Alaska Railroad.

(d) *Deer.* In Yakutat Bay region between longitude 138° and 141°. In the Kodiak-Afognak Islands group.

(e) *Moose.* In Yakutat Bay region between longitude 138° and 141°. On the Alaska Peninsula south and west of Kvichak River, Iliamna Lake, and the old portage from Kamishak Bay to Kakhonak Bay. All that part of Kenai Peninsula north of Kenai River and Kenai Lake to a point opposite where Russian River intersects Kenai River, and west of the western boundary of the Chugach National Forest, thence along the west bank of Thurman Creek and Chickaloon River to Turnagain Arm of Cook Inlet. In the drainages of the Chilkoot and the Chilkat Rivers in southeastern Alaska.

(f) *Caribou.* An area five miles on either side of Steese Highway on Twelve-Mile Summit between mile posts 84 and 89, and on Eagle Summit between mile posts 102 and 112.

(g) *Mountain sheep and mountain goat.* In the eastern part of the Kenai Peninsula east of the center line of the Alaska Railroad. In the Girdwood area beginning at the center of the bridge of the Crow Creek road over California Creek, at approximately latitude 60°58′ north and longitude 149°8′ west of Greenwich, as shown on the preliminary topographic map of the Girdwood District, Alaska, 1931, published by the Geological Survey, Department of the Interior; thence on a course bearing due east continuing in a straight line to the west bank of Glacier Creek; thence northeasterly following the west and north bank of said creek and its largest northern tributary to its head; thence along the west side of the glacier it drains to the summit of the divide between Glacier Creek and the drainage to the north at approximately latitude 61°2′30″ north, longitude 149° west; thence westerly and northerly along said divide around the head of Raven Glacier to a point where said divide intersects the western margin of the most northern glacier in Raven Creek basin; thence following northeasterly and westerly along the western and southern margin of Eagle Glacier to its termination· thence westerly in a straight line to the junction of Camp and Raven Creeks; thence southwesterly along the south bank of Camp Creek to its head, at the divide between Camp Creek and the North Fork Ship Creek; thence northwesterly down the valley of the North Fork Ship Creek to a small lake in this valley; thence westerly along the south shore of said lake and continuing westerly along the south bank of North Fork Ship Creek to the junction of said creek with its first large tributary from the south, entering it about 1 mile east of Bird Creek Pass; thence southerly along the west bank of said tributary and its most westerly branch to divide between North Fork Ship Creek and Bird Creek; thence southwesterly in a straight line to the junction of Bird Creek with its first large tributary from the head entering it from the south; thence southeasterly along the northern and eastern side of the stream bed of said tributary to the summit of the divide between the said tributary and the drainage of California Creek; thence southerly along the divide between California Creek and Bird Creek to a summit marked 4322 on the said preliminary topographic map of Girdwood District, Alaska, said point being approximately latitude 60°59′ north, longitude 149°11′15″ west; thence southeasterly in a straight line to the point of beginning (containing approximately 77 square miles).

(h) *Mountain goat.* On Baranof and Chichagof Islands, and in the watershed of Tracy Arm.

(i) *Large brown or grizzly bear.* In the following areas on Admiralty Thayer Mountain—Beginning at the foot of the waterfall at the mouth of Hasselberg River on Salt Lake, head of Mitchell Bay; thence along the easterly bank of the Hasselberg River to the outlet of Hasselberg Lake; thence along the west shore of said lake to the outlet of the creek flowing into the head of the lake; thence upstream along the east bank of said creek to the trail crossing; thence in a southwesterly direction along the trail to the head of Thayer Lake; thence along the easterly shore of said lake to the extreme southern end of the lake; thence southeasterly approximately 2 miles in a straight line to the west end of Salt Lake at the head of Mitchell Bay; thence along to the line of mean high tide of Salt Lake to the foot of the waterfall on Hasselberg River, the place of beginning (containing approximately 60 square miles); and

Pack Creek—The entire watershed of Pack Creek, which empties into Seymour Canal near the north side of the entrance to Windfall Harbor (containing approximately 21 square miles).

In the Alaska Peninsula area, bordered on the west by False Pass and on the east by the Hail Trail which connects Herendeen Bay on the Bearing Sea with Portage Bay on the Pacific Ocean.

(j) *Black bear.* In the drainage of Anen Creek. In the Loring area: strip one-half mile wide on either side of the blazed trail leading from the outlet of Roosevelt Lagoon in Naha Bay to the Naha River outlet of Heckman Lake.

(k) *Buffalo (bison), musk ox, and elk.* In any part of Alaska.

(l) *Beaver.* On Admiralty, Baranof, and Chicagof Islands.

In the drainage to the Mendenhall Valley east of the main Glacier Highway.

In Fairbanks area, beginning at a point on the east bank of the Tanana River at the entrance of Pile Driver Slough; thence along the east bank of Pile Driver Slough to a point 4 miles south of Moose Creek; thence east along the divide between Moose Creek and French Creek around the head of Moose Creek and including all the drainage thereto, thence northwesterly along the divide between Moose Creek and Chena River; thence across the flats of Chena River to a point marked on Big Chena Bluffs; thence down the north bank of Chena River to its confluence with Tanana River; thence south along the east bank of Tanana River to the place of beginning.

On the Kodiak-Afognak Islands group.

(m) *Raccoon.*—In any part of Alaska.

(n) *Muskrat.* On the Kodiak-Afognak Islands group.

(o) *Migratory game bird.* Izembeck and Morzhovoi Bays on Alaska Peninsula, including all bays and islands thereof, and strip of land one-quarter mile wide bordering each of said bays.

(p) *Any fur animal.* In fur district 3, north and east of Kupreanof Straits—Afognak Island group.

(q) *Any game animal or fur animal except wolf or coyote.* In the Mt. Hayes-Blair Lakes Refuge described as follows: Beginning at a point 5 miles south of the Tanana River on Delta Creek commonly known as the Dry Delta and continuing up Delta Creek to its source, thence up the center of the glacier at the head of Delta Creek and following the summit of the range to Mt. Hayes, thence westerly along the summit of the Alaska Range to Mt. Deborah, thence down the divide between the drainage to Wood River and Drainage to Dry Creek to Snow Mountain Gulch, thence down the drainage of Snow Mountain Gulch to its confluence with Wood River, thence down Wood River to the point where it crosses the Bonnifield Trail; thence north on the Bonnifield Trail to a point where it crosses the Salchaket Slough; thence easterly paralleling the Tanana River 5 miles south of said river to the point of beginning on Delta Creek. (Approximately 2300 square miles.)

(r) Morten—Prince of Wales, Chichagof, and Baranof Islands.

(s) Mountain sheep—In the Sheep Mountain area, near headwaters of the Matanaska River, described as follows: Beginning at the bridge where the Glenn Highway crosses Caribou Creek, thence east and northeast along Glenn Highway to Mile 73 near Tahneeta Pass, thence north to Squaw Creek and generally west along Squaw Creek to Caribou Creek, thence south and westerly along Caribou Creek to the point of beginning to Glenn Highway. (Approximately 55 square miles.)

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of the Interior to be affixed in the city of Washington, this 13th day of July, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 43-11321; Filed, July 14, 1943; 3:14 p. m.]

PART 22—MOUNTAIN REGION NATIONAL WILDLIFE REFUGES

LAKE MASON NATIONAL WILDLIFE REFUGE, MONTANA

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (4 F. R. 2731) (53 Stat. 1431), and in extension of § 12.9 of the regulations of December 19, 1940 (5 F. R. 5284), for the Administration of National Wildlife Refuges Under the Jurisdiction of the Fish and Wildlife Service, the following is ordered:

Section 22.534 *Lake Mason National Wildlife Refuge, Montana; hunting,* (7 F.R. 8066) is amended by deleting paragraph (a) *Area open to hunting* and inserting in lieu thereof the following:

(a) *Area open to hunting.* All the lands of the refuge controlled by the United States within Lots 1, 3, 4, and 6 and the W½SW¼ section 22, T. 9 N., R. 24 E., Montana Principal Meridian, shall be open to hunting.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JULY 2, 1943.

[F. R. Doc. 43-11364; Filed, July 15, 1943; 11:13 a. m.]

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGE

SANTEE NATIONAL WILDLIFE REFUGE, SOUTH CAROLINA

Under authority of section 10 of the Migratory Bird Conservation Act, of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, the following is ordered:

Section 27.801 *Santee National Wildlife Refuge, South Carolina; fishing,* (7 F.R. 8067) is hereby amended:

1. By deleting the first paragraph of paragraph (a) *Areas open to fishing* and inserting in lieu thereof the following: (a) *Areas open to fishing.* Jacks Creek Pool (but not including the two rearing ponds), Dingle Pond, Potato Creek, and such part of the Pinopolis Pond as shall be designated by the officer in charge of the refuge shall be open to public sport or noncommercial fishing during the period May 30 to September 30, inclusive. The use of inboard and outboard motorboats is prohibited in these waters except for official purposes. No boat of any description shall be allowed to remain in these waters overnight without permission of the officer in charge. Fishing from dikes, dams, and water-control structures and the parking of automobiles and the building of fires on such dikes or dams are prohibited.

2. By deleting paragraph (e) *Penalties* and inserting in lieu thereof the following:

(e) *Forfeiture of privileges.* Failure of any person fishing on the refuge to comply with any of the provisions, conditions, restrictions, or requirements of the regulations in this section or the violation by him of any of the provisions of State or Federal laws or regulations applicable to fishing on the refuge not only will render him liable to prosecution under the law but will also be sufficient cause for removing him from the refuge and for refusing him further fishing privileges in the waters of the refuge.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JULY 3, 1943.

[F. R. Doc. 43-11365; Filed, July 15, 1943; 11:13 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. SA-81]

INVESTIGATION OF ACCIDENT OCCURRING NEAR OMAHA, NEBR.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 38629 and NC 32903 which occurred near Omaha, Nebraska, on July 12, 1943.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Tuesday, July 20, 1943, at 9:30 AM (CWT) in the North Courtroom, Post Office Building, Omaha, Nebraska.

Dated at Washington, D. C., July 14, 1943.

[SEAL] WM. K. ANDREWS, Jr.,
Presiding Officer.

[F. R. Doc. 43-11359; Filed, July 15, 1943; 10:48 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-481]

HOPE NATURAL GAS COMPANY

ORDER FIXING DATE OF HEARING

JULY 13, 1943.

Upon consideration of the application filed June 29, 1943, by Hope Natural Gas Company, a West Virginia corporation with its principal place of business located at 445 West Main Street, Clarksburg, West Virginia, seeking a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the following-described facilities:

(a) A 22-inch main transmission line, 1,140 miles in length, beginning at Applicant's Cornwell Compressor Station in Kanawha County, West Virginia, thence running generally west 85 miles, more or less, through Kanawha, Putnam, Cabell and Wayne Counties, West Virginia; 327 miles, more or less, through Boyd, Lawrence, Carter, Elliott, Rowan, Manifee, Montgomery, Powell, Clark, Madison, Garrard, Boyle, Washington, Marion, Nelson, Larue, Hardin, Breckenridge, Hancock, Ohio, Daviess, Henderson and Union Counties, Kentucky; 86 miles, more or less, through Gallatin, Saline, Williamson and Jackson Counties, Illinois; 278 miles, more or less, through Perry, St. Genevieve, St. Francois, Washington, Crawford, Phelps, Pulaski, Camden, Hickory, St. Clair, Cedar and Vernon Counties, Missouri; 364 miles, more or less, through Bourbon, Allen, Woodson, Wilson, Greenwood, Butler, Sedgwick, Kingman, Pratt, Barber, Kiowa, Clark, Meade and Seward Counties and to the edge of Stevens County, Kansas, to a point in or near the Hugoton Gas Field;

(b) An 8⅝ inch lateral transmission line beginning at a point of connection with the 22-inch main line in Kanawha County, West Virginia, thence in a northerly direction 3.6 miles more or less to Applicant's Hunt Compressor Station, Kanawha County, West Virginia;

(c) 9 compressor stations, initially having a total of 68,000 installed horsepower;

(d) Valves, metering and regulating equipment, and appurtenances.

The Commission *Orders*, That:

(A) A public hearing in this proceeding be held on August 18, 1943, at 9:45 a. m. (e. w. t.) in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N.W., Washington, D. C., respecting the matters involved and the issues presented by the application filed by the applicant, as aforesaid;

(B) Interested State commissions may participate in this proceeding, as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-11357; Filed, July 15, 1943; 10:31 a. m.]

INTERSTATE COMMERCE COMMISSION.

Bureau of Service.

[Corrected Special Permit 29 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 123 of June 19, 1943, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to SFRD 25454 shipped by Robinson Co., PFE 92470 shipped by Wasco Potato Shed, PFE 45415 shipped by Swanson & Brady, PFE 51886 shipped by J. W. McNeil, PFE 50896 shipped by Curtis W. Robinson, originating at Wasco, California; MDT 20625 shipped by Baine & Kurtz, Bakersfield, California, all consigned to L. Putterman, Milwaukee, Wisconsin; MDT 6303 shipped by American Fruit Growers, Tolleson, Arizona, consigned to H. Leshinsky, Milwaukee, Wisconsin; MDT 7403 shipped by Baunel & Krtz, Shasta, California, and SFRD 19833 shipped by Baunel & Krtz, Bakersfield, California, consigned to M. Goldman, Inc., Milwaukee, Wisconsin.

All of the above cars contain potatoes and are now on hand at Milwaukee, Wisconsin.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3d day of July, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11374; Filed, July 15, 1943; 11:24 a. m.]

[Special Permit 39 Under Service Order 123]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Either The Atchison, Topeka and Santa Fe Railway Company or The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), but not both, to accord a second reicing after the first or initial icing and one reicing to SFRD 22348, SFRD 32111, SFRD 22725, and ART 20577 containing potatoes from the Shafter district in California consigned to the Lakeland Fruit & Produce Co., Minneapolis, Minnesota.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3d day of July, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11375; Filed, July 15, 1943; 11:24 a. m.]

[Special Permit 40 Under Service Order 123]

MISSOURI PACIFIC RAILROAD CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri Pacific Railroad Company, (Guy A. Thompson, Trustee) to accord a second reicing to NP 90845 containing potatoes shipped by Charles Taxin Co., Jasmine, California, consigned to Max Rudin or C. H. Robinson Co., St. Louis, Missouri, for reconsignment.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3d day of July, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11376; Filed, July 15, 1943; 11:24 a. m.]

[Special Permit 41 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once after the first or initial icing ART 21022 and ART 19427 containing potatoes originating in Arkansas and Oklahoma respectively, now on the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned to the Plowaty Fruit Company, Chicago, for reconsignment.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 28th day of June, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11377; Filed, July 15, 1943; 11:24 a. m.]

[Special Permit 42 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to GARX 67557 containing potatoes originating at Rosedale, California, now on the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned to W. J. Engel & Co., Chicago, for reconsignment to Madison, Wisconsin.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 28th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11378; Filed, July 15, 1943; 11:24 a. m.]

[Special Permit 43 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to PFE 73288, PFE 97806, ART 15526, PFE 50998, MDT 4144, MDT 14699 containing potatoes originating in California now on the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned to W. J. Engel Company, Chicago, for local delivery reconsignment.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 29th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11379; Filed, July 15, 1943; 11:24 a. m.]

[Special Permit 44 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once after the first or initial icing ART 18200, ART 73730, and ART 24066 containing potatoes shipped from Conway, Arkansas, now on the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned Edward H. Anderson & Co., Chicago.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 30th day of June, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11380; Filed, July 15, 1943; 11:24 a. m.]

[Special Permit 45 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing, but not to exceed 8,000 pounds of ice, after the first or initial icing and one reicing to ART 19271 containing potatoes from Wasco, California, now on the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned to Independent Potato Exchange, Chicago, for reconsignment to Logansport, Indiana.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 30th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11381; Filed, July 15, 1943; 11:25 a. m.]

[Special Permit 46 Under Service Order 123]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Henry A. Scandrett, Walter J. Cummings and George I. Haight, Trustees) to accord a second reicing, but not to exceed 2,000 pounds of ice, after the first or initial icing and one reicing to MDT 4825 shipped by Levy & Zentner Co., Shafter, California, consigned Midwest Fruit Co., Cedar Rapids, Iowa; ART 18336 containing potatoes from Baine & Kurtz, Bakersfield, California, consigned Western Fruit Co., LaCrosse, Wisconsin; ART 15959 containing potatoes shipped by L. L. Lowe, Bakersfield, California, consigned to L. Gillarde, Chicago, Illinois.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 1st day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11382; Filed, July 15, 1943; 11:25 a. m.]

[Special Permit 47 Under Service Order 123]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Atchison, Topeka and Sante Fe Railway Company to reice MDT 18662, MDT 3501, MDT 20267, MDT 17451, FGE 11626, FGE 18317, SFRD 19986, and SFRD 19622 containing potatoes consigned Quartermaster Market Center, San Francisco, California.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 1st day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11383; Filed, July 15, 1943; 11:25 a. m.]

[Special Permit 48 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once after the first or initial icing PFE 94443, ART 24176, ART 23215, ART 17212, PFE 92136, PFE 73332, ART 15676, URT 349, NRC 8074, BRE 74853, ART 71716, NRC 4507, FGE 36627, ART 21780, PFE 20143, ART 74322, ART 24054 originating at points in Arkansas, also ERD 2502 originating in Oklahoma, all containing potatoes, now on hand at the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned Edward H. Anderson & Co., Chicago.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11384; Filed, July 15, 1943; 11:25 a. m.]

[Special Permit 2 Under Service Order 126]

LEHIGH VALLEY RAILROAD CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082, 8 F.R. 9033), permission is granted for:

The Lehigh Valley Railroad Company, or carriers shown on waybills, to initially ice or reice, not to exceed 10 cars containing potatoes, originating at the U. S. Naval Base, Bayonne, New Jersey, and destined to various Navy or Army installations.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11373; Filed, July 15, 1943; 11:25 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF COMMUNITY CEILING PRICES FOR REGION II UNDER GENERAL ORDER 51

The following orders under General Order 51 have been filed with the Division of the Federal Register.*

REGION II

Camden Order 4, Filed 2:32 p. m. July 12, 1943.

Camden Order 5, Filed 2:32 p. m. July 12 1943.

Newark Order 3, Amendment 2, Filed 2:36 p. m. July 12, 1943.

District of Columbia Order 4, Filed 2:30 p. m. July 12, 1943.

Maryland Order 3, Amendment 3, Filed 2:30 p. m. July 12, 1943.

Maryland Order 5, Amendment 1, Filed 2:30 p. m. July 12, 1943.

Trenton Order 3, Amendment 2, Filed 2:29 p. m. July 12, 1943.

Trenton Order 5, Filed 2:30 p. m. July 12, 1943.

Altoona Order 3, Amendment 1, Filed 2:40 p. m. July 12, 1943.

Pittsburgh Order 3, Amendment 2, Filed 2:40 p. m. July 12, 1943

Harrisburg Order 3, Amendment 1, Filed 2:43 p. m. July 12, 1943.

Harrisburg Order 4, Filed 2:43 p. m. July 12, 1943

Harrisburg Order 5, Filed 2:43 p. m. July 12, 1943.

Harrisburg Order 6, Filed 2:40 p. m. July 12, 1943

Harrisburg Order 7, Filed 2:41 p. m. July 12, 1943.

Scranton Order 6, Filed 2:44 p. m. July 12, 1943.

Wilmington Order 4, Amendment 2, Filed 2:40 p. m. July 12, 1943.

Binghamton Order 5, Filed 2:37 p. m. July 12, 1943.

Binghamton Order 6, Filed 2:28 p. m. July 12 1943.

Binghamton Order 6, Amendment 1, Filed 2:37 p. m. July 12, 1943.

Albany Order 4, Amendment 2, Filed 2:36 p. m. July 12, 1943.

Albany Order 5, Amendment 2, Filed 2:36 p. m. July 12, 1943.

Albany Order 6, Amendment 2, Filed 2:36 p. m. July 12, 1943

Albany Order 7, Amendment 1, Filed 2:36 p. m. July 12, 1943.

Albany Order 8, Filed 2:35 p. m. July 12, 1943.

Albany Order 8, Amendment 1, Filed 2:35 p. m. July 12, 1943.

Rochester Order 4, Filed 2:35 p. m. July 12, 1943.

New York Order 4, Filed 2:34 p. m. July 12, 1943.

Syracuse Order 3, Filed 2:34 p. m. July 12, 1943.

Syracuse Order 4, Filed 2:34 p. m. July 12, 1943.

Syracuse Order 5, Filed 2:32 p. m. July 12, 1943.

Williamsport Order 4, Filed 2:44 p. m. July 12, 1943.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11304; Filed, July 14, 1943; 11:41 a. m.]

*Copies may be obtained from Office of Price Administration.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 13, 1943.

REGION I

Connecticut Order 3, Filed 4:31 p. m.

New Hampshire Order 3, Filed 4:30 p. m.

Rhode Island Order 3, Amendment 1, Filed 4:30 p. m.

Boston Order 3, Amendment 3, Filed 4:31 p. m.

Vermont Order 5, Filed 4:31 p. m.

REGION II

Albany Order 7, Filed 4:30 p. m.

REGION III

Columbus Order 3, Amendment 1, Filed 4:29 p. m.

REGION V

New Orleans Order 1, Amendment 2, Filed 4:27 p. m.

New Orleans Order 4, Filed 4:27 p. m.

Kansas City Order 3, Amendment 1, Filed 4:28 p. m.

Arkansas Order 3, Amendment 1, Filed 4:28 p. m.

Wichita Order 3, Amendment 2, Filed 4:28 p. m.

Shreveport Order 3, Amendment 2, Filed 4:27 p. m.

Dallas Order 3, Amendment 1, Filed 4:29 p. m.

Fort Worth Order 3, Amendment 1, Filed 4:29 p. m.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11362; Filed, July 15, 1943; 10:58 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 14, 1943.

Order Number and Name
MPR 136, as amended, Order 76, General Aniline & Film Corp.
MPR 152, Order 41, California Packing Corp.
MPR 246, Order 6, Duplex Mfg. Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11361; Filed, July 15, 1943; 10:58 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS ETC. UNDER PRICE REGULATIONS

The following order was filed with the Division of the Federal Register on July 13, 1943.

Order number and name
MPR 188, Order 500, Novel Products, Inc.

Copies of this order may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11363; Filed, July 15, 1943; 10:58 a. m.]

Regional, State, and District Office Orders.

[Region VIII Order G-3]

ADJUSTED MAXIMUM PRICES OF FLUID MILK, CREAM, AND "HALF AND HALF" IN SEATTLE, WASHINGTON

Order No. G-3 under § 1351.807 of Maximum Price Regulation No. 280 as amended—Maximum Prices for Specific Food Products; (Formerly Order No. 4).

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.807 of Maximum Price Regulation No. 280 as amended, *It is hereby ordered:*

(1) The maximum price of fluid milk, cream, and "half and half" sold and delivered in the City of Seattle, Washington at wholesale other than in glass or paper containers to stores, hotels, restaurants and institutions shall be the seller's maximum price as established under Maximum Price Regulation No. 280 as amended, without the necessity however, of allowing customary discounts to purchasers.

(2) This order supersedes Order No. 3 under § 1351.807 of Maximum Price Regulation No. 280 as amended with respect to the sales covered by this order.

(3) All terms used in this order and also used in Maximum Price Regulation No. 280 as amended, shall have the same meaning in this order as in Maximum Price Regulation No. 280 as amended.

(4) The term "City of Seattle" includes the areas within a radius of 8 miles from the corporate limits of the City of Seattle in the State of Washington, except that it shall not include any territory separated from the City of Seattle by the waters of Puget Sound.

(5) Any adjusted maximum price established under this order shall be subject to further adjustment by the Office of Price Administration at any time.

(6) This order may be revoked or amended by the Office of Price Administration at any time.

(7) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of March 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11274; Filed, July 13, 1943; 4:25 p. m.]

[Region VIII Order G–12]

MAXIMUM PRICES FOR TRANSPORTATION OF ALFALFA HAY BY TRUCK IN CERTAIN LOCALITIES IN CALIFORNIA

Order No. G–12 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; (Formerly Order No. 16).

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) Maximum prices for the supplying of the service of transporting alfalfa hay by truck in certain specified localities in the State of California:

(a) The maximum prices which may be charged by any person, other than a common carrier, for the hauling of alfalfa hay in truck-lots from any of the hay producing areas mentioned below shall be the existing maximum price established for such person by the General Maximum Price Regulation, or the adjusted maximum price set forth below, whichever is higher:

Adjusted Maximum Price for Hauling to the Hynes-Bellflower Dairy Area and Hay Market

Hay producing areas:	Per ton
(i) Central San Joaquin Valley (consisting of the hay-producing areas of Tulare and Kings Counties together with that portion of Fresno County south of the city of Fresno)	$5.50
(ii) Southern San Joaquin Valley (consisting of the hay-producing area of that portion of Kern County, only, which is located in the southern San Joaquin Valley)	5.00
(iii) Antelope Valley (consisting of the hay-producing areas of Los Angeles County and that portion of Kern County lying in Antelope Valley)	3.50
(iv) Riverside and San Bernardino Counties (except that portion of Palo Verde Valley within a radius of 25 miles from the center of Blythe, California)	3.50
(v) Imperial County	5.00
(vi) Palo Verde Valley (consisting of that portion of Palo Verde Valley within a radius of 25 miles from the center of Blythe, California)	5.50

(b) To determine the adjusted maximum prices for the hauling of alfalfa hay to destinations in Southern California other than the Hynes-Bellflower dairy area and hay-market (for example, a haul from Imperial County to San Diego, or from one of the areas named above to a mill or dairy not located in the Hynes-Bellflower dairy area and hay-market) each seller shall deduct or add from his maximum prices adjusted as set forth above, the customary truck-freight differential in dollars and cents prevailing in March 1942 between hauls to the Hynes-Bellflower dairy area and hay market and hauls to the particular destination involved.

(2) For the purpose of this order:

(a) "Truck-lot" includes the transportation of alfalfa hay by truck, truck and trailer, or semi-trailer.

(3) Any adjusted maximum price established by this order shall be subject to further adjustment at any time by the Office of Price Administration.

(4) This order may be revoked or amended by the Office of Price Administration at any time.

(5) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 25th day of February, 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–11275; Filed, July 13, 1943; 4:24 p. m.]

[Region VIII Order G–13]

CERTAIN FLUID MILK PRICES AT WHOLESALE AND RETAIL IN AND ABOUT SEATTLE, WASHINGTON

Order No. G–13 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; (Formerly Order No. 17).

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c) of the General Maximum Price Regulation, as amended, It is hereby ordered:

(1) (a) The maximum price for fluid milk, cream, and "half and half" sold and delivered in the City of Seattle at wholesale in glass or paper containers to purchasers other than ultimate consumers, restaurants, hotels, stores and institutions shall be the seller's previous maximum price as determined under § 1499.2 of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher:

ADJUSTED MAXIMUM PRICES F. O. B. DISTRIBUTORS FACILITIES

Container size	Milkfat	Price
Standard grade milk:	*Percent*	
Quart	4	$0.0925
Quart	4½	.1025
Quart	5	.1125
Skim milk:		
Quart		.04
Plain churned buttermilk:		
Quart		.04
Cream:		
Quart	18	.355
Pint	18	.195
Half-Pint	18	.115
"Half and half" milk:		
Quart	10	.202
Pint	10	.102

(b) The adjusted maximum prices listed above may be charged in full, and no seller need allow any discount therefrom.

(2) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for sales of fluid milk, cream, and "half and half" at wholesale in glass or paper containers to stores in the City of Seattle are hereby adjusted by authorizing any seller to discontinue his existing discounts and to substitute discounts amounting to not less than those specified in the following schedule:

Monthly sales exclusive of butter:	Discount
$1.00 to $75.00	Net
75.01 to 150.00	2%
150.01 to 250.00	3%
250.01 to 400.00	4%
400.01 and over	5%

(3) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for sales of fluid milk, cream, and "half and half" in the City of Seattle to restaurants, hotels and institutions, whether such sales are at wholesale in glass or paper containers or at retail either in bulk or in glass or paper containers, are hereby adjusted by authorizing sellers to eliminate all existing discounts in connection with such sales.

(4) Definitions: For purposes of this order:

(a) "Milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(b) "Sale at wholesale" means a sale of fluid milk in bottles or paper containers to any person, including an industrial or commercial user, other than the ultimate consumer. College dormitories, fraternities and sororities shall be considered commercial users.

(c) "Sale at retail" means a sale of fluid milk to an ultimate consumer other than an industrial or commercial user.

(d) The term "the City of Seattle" includes the areas within a radius of 8 miles from the corporate limits of the City of Seattle in the State of Washington, except that it shall not include any territory separated from the City of Seattle by the waters of Puget Sound.

(5) Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(6) This order may be revoked or amended by the Office of Price Administration.

(7) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of March 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–11276; Filed, July 13, 1943, 4:24 p. m.]

[Region VIII Order G–14]

MAXIMUM PRICES OF ICE CREAM MANUFACTURED AND SOLD AT WHOLESALE AND RETAIL IN COCHISE COUNTY, ARIZONA

Order No. G–14 under § 1499.18 (c), as amended, of the General Maximum Price Regulation, (Formerly Order No. 18).

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) The maximum price of ice cream manufactured and sold at wholesale and retail in Cochise County, Arizona, shall be the seller's maximum price as determined under § 1499.2 of the General Maximum Price Regulation, unless such price has been reduced in accordance with the provisions of amendment 119 to Supplementary Regulation 14 to the General Maximum Price Regulation when such reduced price shall be substituted therefor, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is the higher.

Type of container	Butterfat content	Milk solids content	Pricing unit	Maximum price for sale at	
				Wholesale	Retail
Metal-in bulk	Not less than 12%	Not over 22%	Gallon	$1.00	
Cardboard carton	Not less than 12%	Not over 22%	Quart	.28	.37
Cardboard carton	Not less than 12%	Not over 22%	Pint	.15	.20

(2) Sellers of ice cream affected by this order shall not change their customary allowances, discounts, or other price differentials unless such change results in a lower price.

(3) Lower prices than those established by this order may be charged, demanded, paid or offered.

(4) Definitions: For the purposes of this order.

a. "Sale at wholesale" means a sale of ice cream to any person, including an industrial or commercial user, other than an ultimate consumer.

b. "Sale at retail" means a sale of ice cream to an ultimate consumer.

c. "Manufactured and sold" means that both the manufacture and sale must be performed and consummated within the borders of the geographic area designated in this order.

(5) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(6) No seller of ice cream affected by this order shall require any purchaser, and no purchaser shall be permitted, to pay any larger portion of the transportation or delivery costs incurred in the delivery or supply of ice cream sold by him, than the seller required purchasers of the same class to pay during March, 1942.

(7) This order may be revoked or amended by the Office of Price Administration at any time.

(8) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 27th day of March 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–11277; Filed, July 13, 1943; 4:25 p. m.]

[Region VIII Order G–15]

ADJUSTED MAXIMUM PRICES FOR CERTAIN SPLIT CEDAR FENCE POSTS IN OREGON

Order No. G–15 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; (Formerly Order No. 19). *Adjusted maximum prices of split cedar fence posts sold by Ford Harvey, Idahna, Oregon, and resold by sellers at retail in Salem, Oregon.*

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) The adjusted maximum price at which Ford Harvey of Idahna, Oregon, may sell and deliver split cedar fence posts to retail dealers in Salem, Oregon, is established to be 24¢ each delivered.

(2) The adjusted maximum price at which any seller at retail whose place of business is located in Salem, Oregon, may sell and deliver at retail split cedar fence posts purchased from Ford Harvey of Idahna, Oregon, is established to be 29¢ each.

(3) This order may be amended or revoked by the Office of Price Administration at any time, and shall in any event, unless sooner revoked, expire upon the effective date of any maximum price regulation or amendment thereto or revision thereof placing the sales of fence posts covered by this order under any specific maximum price regulation other than the General Maximum Price Regulation.

(4) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 27th day of March 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–11278; Filed, July 13, 1943; 4:25 p. m.]

[Region VIII Order G–16]

SALES OF STATE FIREWOOD IN WASHINGTON

Order No. G–16 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; (Formerly Order No. 375).

For the reasons set forth in an accompanying opinion, and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *General scope of order.* The terms in quotation marks used herein are defined in paragraph (c) below.

(1) On and after the effective date of this order, the adjusted maximum prices of "State firewood" sold and delivered by the "State" to any "qualified dealer" shall be those prescribed in Appendix A of this order.

(2) On and after the effective date of this order the adjusted maximum prices of State firewood sold and delivered by any qualified dealer shall be those prescribed in Appendix B of this order.

(3) The maximum prices for all other sales and deliveries of State firewood shall continue to be those now established by the General Maximum Price Regulation or orders of adjustment duly issued thereunder, without reference to this order.

(b) *Applicability of adjusted maximum prices.* (1) No previously existing maximum price established under the General Maximum Price Regulation or any order of adjustment, other than this order, shall be applicable to any sales of State firewood for which maximum prices are established by this order. The adjusted maximum prices fixed by this order are in lieu of, and not optional alternatives for, the previously existing maximum prices.

(2) No order heretofore issued adjusting maximum prices for sales of firewood, other than this order, shall be applicable to any sale of State firewood for which the maximum price is established by this order; and no order issued hereafter adjusting maximum prices for sales of firewood in general terms, without express reference to sales of State firewood, shall be deemed to be intended to amend, alter or adjust any maximum prices established by this order.

(c) *Definitions.* When used in this order the following terms shall have the meanings set forth below:

(1) "State" means the State of Washington or any department or agency thereof.

(2) "State firewood" means dry, sound firewood, split and sawed into cord or stove lengths, which has been produced by the State on its own land in Winston Creek Valley, Lewis County, Washington.

(3) "Qualified dealer" means a retail fuel dealer whose place of business is located in one of the following cities in Washington: Centralia, Chehalis, Olympia, Seattle, Tacoma, Vancouver: *Provided*, That any place of business located within a distance of three miles from the limits of any such city shall be deemed to be located within such city. A person who sells fuel at more than one place of business shall be deemed to be a different dealer in respect to each such separate place of business.

(d) *State records and reports.* (1) The state shall keep records showing, in respect to each sale of state firewood, the amount sold, the date of shipment, and the name and address of the buyer, and shall make such records available to inspection by representatives of the Office of Price Administration at any time.

(2) The state shall, on or before the tenth day of each month, submit to the Washington State Office of the Office of Price Administration duplicate invoices covering all shipments of state firewood made to qualified dealers during the preceding calendar month.

(e) *Qualified dealers' records and reports.* (1) Each qualified dealer who handles state firewood shall keep separate records in respect thereto showing (i) the amount of each purchase and the date of delivery thereof, and (ii) the amount of each sale, the date thereof, and the name and address of the buyer. Such records shall be made available to inspection by representatives of the Office of Price Administration at any time.

(2) On or before the tenth day of each month each qualified dealer who during the preceding calendar month made sales of state firewood shall submit to the Washington State Office of the Office of Price Administration a report showing the total amount of such sales, which report shall be separate from any other report he may make.

(3) In connection with each sale by him of state firewood, a qualified dealer shall furnish the buyer an invoice or sales slip which describes the wood sold as state firewood and states the amount sold and the total price.

(f) *Revocation and amendment.* This order is subject to revocation or amendment by the Office of Price Administration at any time hereafter, either by special order, or by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(g) *Effective date.* This Order No. G–16 shall become effective January 22, 1943.

(h) *Appendix A: Maximum prices for sales by the State.* The maximum prices for the sale by the State of State firewood to qualified dealers f. o. b. car at Winston Creek railroad siding are as follows:

	Per cord
4-foot lengths	$5.00
12-inch or 16-inch lengths	6.50

Provided, That the State shall deliver a copy of this order to each qualified dealer who purchases state firewood, and shall require each such qualified dealer to promise and agree, in consideration of the sale of state firewood to him, that he will not violate any of the terms of this order which may be applicable to his purchase or resale of such State firewood.

(i) *Appendix B: Maximum prices for sales by qualified dealers.* The maximum prices for sales by a qualified dealer of State firewood delivered to the premises of the buyer are those set forth below opposite the name of the city in which such qualified dealer has his place of business:

City	4-ft. lengths	12-in. & 16-in. lengths
Centralia or Chehalis	$10.50	$12.00
Olympia	11.00	12.50
Seattle	12.00	13.50
Tacoma	11.50	13.00
Vancouver	11.50	13.00

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 22d day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–11305; Filed, July 14, 1943; 11:41 a. m.]

[Region VIII Order G–16, Amdt. 1]

SALES OF STATE FIREWOOD IN WASHINGTON

Amendment No. 1 to Order No. G–16 (formerly Order No. 375) under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion attached hereto, and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, § 1499.18 (c), as amended, of the General Maximum Price Regulation, and pursuant to the authority reserved in Order No. G–16, issued under said § 1499.18 (c) to amend the said Order No. G–16, at any time, the said Order No. G–16 is hereby amended as follows:

(1) During the period for which this Amendment No. 1 shall remain in effect, the adjusted maximum prices of state firewood sold by qualified dealers in 12-inch, and 16-inch lengths, are hereby further adjusted by adding to the adjusted maximum prices for such sales by such dealers in such lengths set forth in paragraph (i) Appendix B of the said Order No. G–16, the additional sum of $1.00.

(2) In all other respects, the said Order No. G–16 shall remain in full force and effect.

(3) This Amendment No. 1, and the said Order No. G–16 as amended thereby, may be further amended or revoked by the Office of Price Administration at any time.

(4) This Amendment No. 1 shall become effective upon its issuance, and shall expire 60 days thereafter, unless earlier amended or revoked.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 15th day of February 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–11306; Filed, July 14, 1943; 11:41 a. m.]

[Region VIII, Order G–16, Amdt. 2]

SALES OF STATE FIREWOOD IN WASHINGTON

Amendment No. 2 to Order No. G–16 (formerly Order No. 375) Under § 1499.18 (c), as amended, of General Maximum Price Regulation.

For the reasons set forth in an opinion attached hereto, and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, and § 1499.18 (c), as amended, of the General Maximum Price Regulation, and pursuant to the authority reserved in Order No. G–16, issued under said § 1499.18 (c) to amend the said Order No. G–16 at any time, the said Order No. G–16 is hereby amended as follows:

(1) During the period for which this amendment No. 2 shall remain in effect, the adjusted maximum prices of state firewood sold by qualified dealers in 12 inches, and 16 inch lengths, are hereby further adjusted by adding to the adjusted maximum prices for such sales by such dealers in such lengths set forth in section (i) Appendix B of the said Order No. G–16, the additional sum of $1.00.

(2) In all other respects, the said Order No. G–16 shall remain in full force and effect.

(3) This Amendment No. 2, and the said Order No. G–16 as amended thereby, may be further amended or revoked by the Office of Price Administration at any time.

(4) This Amendment No. 2 shall become effective April 15, 1943, and shall expire June 15, 1943, unless earlier amended or revoked.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 15th day of April 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–11278; Filed, July 14, 1943; 11:41 a. m.]

[Region VIII Order G–16, Amdt. 3]

SALES OF STATE FIREWOOD IN WASHINGTON

Amendment No. 3 to Order No. G–16 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. 375 under section 18 (c) of the General Maximum Price Regulation).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, it is hereby ordered that Order No. G–16 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 375 under § 1499.18 (c) of the General Maximum Price Regulation) be amended in the following particulars:

(a) During the period for which this amendment No. 3 shall remain in effect, the adjusted maximum prices of State Firewood sold by qualified dealers in 12-inch and 16-inch lengths, are hereby further adjusted by adding to the adjusted maximum prices for such sales by such dealers in such lengths set forth in paragraph (i) Appendix B of the said Order No. G–16 (formerly Order No. 375), the additional sum of $1.00.

(b) In all other respects, the said Order No. G–16 (formerly Order No. 375) shall remain in full force and effect.

(c) This Amendment No. 3, and the said Order No. G–16 (formerly Order No. 375) as amended thereby, may be further amended or revoked by the Office of Price Administration at any time.

(4) This Amendment No. 3 shall become effective as of June 15, 1943, and shall expire August 15, 1943, unless sooner amended or revoked.

Issued: June 17, 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–11308; Filed, July 14 1943; 11:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812–327]

THE ATLANTIC COAST LINE CO.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of July, A. D., 1943.

The Atlantic Coast Line Company, a registered investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 of said Act the proposed sale to Atlantic Coast Line Railroad Company, an affiliated person of the applicant, of $1,113,000 principal amount of General First Mortgage 4% Bonds, due July 1, 1948, of Atlantic Coast Line Railroad Company of South Carolina.

It is ordered, Pursuant to section 40 (a) of the said Act, that a hearing on the aforesaid application be held on July 26, 1943, at ten o'clock a. m., e. w. t., in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and,

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11317; Filed, July 14, 1943; 3:00 p. m.]

[File No. 70–748]

BRADDOCK LIGHT & POWER CO., INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of July 1943.

Braddock Light & Power Company, Incorporated, a public utility subsidiary of The North American Company, Washington Railway and Electric Company and The Washington and Rockville Railway Company of Montgomery County, all registered holding companies, having filed a declaration and an amendment thereto pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, relating to the proposal of Braddock Light & Power Company, Incorporated, (a) to issue eight unsecured negotiable promisspry notes, non-interest bearing, each for the sum of $3,409.56, aggregating $27,276.48, in substitution for like notes heretofore issued to certain non-affiliated persons; and (b) to reacquire, cancel and retire such previously issued notes; and

Said declaration having been filed on the 25th day of June, 1943, and amended on the 1st day of July, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 6 (b), 9 (a) and 12 (c) and Rules U–42 and U–50 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U–23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U–24 that the said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11315; Filed, July 14, 1943; 3:00 p. m.]

[File Nos. 59–20, 59–8, 54–75]

THE COMMONWEALTH & SOUTHERN CORP. (DEL.), ET AL.

ORDER NAMING PARTIES TO PROCEEDING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 12th day of July 1943.

In the matter of The Commonwealth & Southern Corporation (Delaware), respondent, File No. 59–20; The Commonwealth & Southern Corporation (Delaware) and its subsidiary companies, respondents, File No. 59–8; The Commonwealth & Southern Corporation (Delaware), File No. 54–75.

The Commission having, on May 8, 1943, issued its notice of and order for hearing on the application for approval of a plan, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, filed by The Commonwealth & Southern Corporation (Delaware), a registered holding company, said plan involving a proposed change of Commonwealth's capitalization to one class of stock, namely common stock and the taking of related action; and

The United Corporation, a registered holding company and an affiliate of The Commonwealth & Southern Corporation (Delaware), of whose outstanding voting securities The United Corporation owns 5.1%, having requested to be made a party in the above-captioned proceeding; and

The United Gas Improvement Company, a registered holding company, having requested to be made a party in the above-captioned proceeding, representing that it owns 64,253 shares of preferred stock, 940,246$\frac{75}{100}$ shares of common stock, and option warrants to purchase 595,755$\frac{25}{100}$ shares of common stock of The Commonwealth & Southern Corporation; and

It appearing that under the proposed plan The United Corporation and The United Gas Improvement Company, will receive securities, the acquisition of which is subject to the provisions of sections 9 and 10 of the Act; and

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that The United Corporation and The United Gas Improvement Company be parties herein;

It is ordered, That The United Corporation and The United Gas Improvement Company be, and hereby are, made parties in the above-entitled proceeding.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11313; Filed, July 14, 1943; 3:00 p. m.]

[File No. 70–756]

CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of July, A. D. 1943.

Notice is hereby given that an application has been filed pursuant to the Public Utility Holding Company Act of 1935, by Consolidated Electric and Gas Company, a registered holding company.

All interested persons are referred to said application, which is on file at the offices of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Consolidated Electric and Gas Company proposes to sell to Scott, Horner and Mason, Incorporated, an investment banking firm of Lynchburg, Virginia, all of the capital stock of Lynchburg Gas Company, consisting of 7,890 shares, no par value, for $347,000 cash, subject to adjustments for dividends and net earnings after April 30, 1943. The said stock of the Lynchburg Gas Company is pledged with the Trustee under the indenture securing the Consolidated Electric and Gas Company Collateral Trust Gold Bonds.

Consolidated Electric and Gas Company proposes to apply the proceeds of the said sale to the purchase, in the open market, of such Collateral Trust Gold Bonds.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter, and that said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and Rules of the Commission thereunder be held on July 26, 1943 at 10 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at such hear-

ing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed transaction is detrimental to the public interest and the interest of investors and consumers.

2. Whether the consideration for the 7890 shares of the capital stock of Lynchburg Gas Company is reasonable.

3. Whether the proposed use of the proceeds of the sale to purchase the Collateral Trust Gold Bonds of the applicant in the open market is in conformity of the applicable provisions of the Act.

4. Whether, if the proposed transaction is approved by the Commission, it is necessary and appropriate to impose terms and conditions in the public interest or for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Consolidated Electric and Gas Company, Lynchburg Gas Company, the State Corporation Commission of Virginia, and to the Mayor of Lynchburg; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any other person desiring to be heard in connection with these proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before July 22, 1943, his request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11316; Filed, July 14, 1943; 3:00 p. m.]

[File No. 70-688]

GENERAL WATER GAS & ELECTRIC CO. AND ROCKLAND GAS CO., INC.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of July, A. D. 1943.

General Water Gas & Electric Company, a registered holding company, and in turn a subsidiary of International Utilities Corporation, also a registered holding company, and its subsidiary, Rockland Gas Co., Inc., having filed joint applications and declarations and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 regarding the following transactions:

Rockland Gas Co., Inc. proposed to issue and sell at 100¼% of the principal amount thereof, $400,000 First Mortgage Twenty-Year 4¼% Bonds, Series A, due March 1, 1963, to Occidental Life Insurance Company of California and California-Western States Life Insurance Company in the principal amount of $260,000 and $140,000, respectively, subject to the right of the Lincoln-National Life Insurance Company to purchase $100,000 of the principal amount of said bonds to be taken up by Occidental Life Insurance Company. Rockland Gas Co., Inc. further proposes to amend its Certificate of Incorporation to increase its authorized capital stock from 5,000 to 7,500 shares of a stated value of $82 per share. Rockland Gas Co., Inc. proposes to issue and sell 1,100 shares of said authorized stock to General Water Gas & Electric Company at $82 per share. This stock and the proceeds from the sale of said 4¼% bonds will be applied to the retirement and cancellation of its presently outstanding bonds and notes in the aggregate amount of $454,000 and to reduce its open account indebtedness of $57,426.28 by $37,200. General Water Gas & Electric Company owns all of the outstanding securities of Rockland Gas Co., Inc. and upon the receipt by General Water Gas & Electric Company of the stock and the proceeds of the sale of said 4¼% bonds, that company will apply the cash received to the further redemption of the indebtedness due by it to Bank of America National Trust and Savings Association and American Trust Company, San Francisco, California.

Rockland Gas Co., Inc. states in its application that there are no underwriters in connection with the issuance and sale of said 4¼% bonds or of said stock. The issuance and sale of said bonds and issuance of said stock have received the approval of the New York Public Service Commission.

Said applications and declarations having been filed on March 15, 1943, and amendments thereto on April 7, June 17, June 22, June 30, and July 8, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said applications and declarations within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of sections 6 (b), 10, 12 (c), 12 (d), and 12 (f) of the Act are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications and to permit said declarations to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the said applications be and the same are hereby granted and that the said declarations be and the same are hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11314; Filed, July 14, 1943; 3:00 p. m.]

[File No. 31-494]

MANUFACTURERS TRUST CO.

ORDER GRANTING LIMITED EXTENSION OF EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of July 1943.

Manufacturers Trust Company, the owner of all of the common stock of The Marion-Reserve Power Company, of all of the common stock and 6,621 shares of the preferred stock of Eastern Minnesota Power Corporation, and of 248,483 shares of the common stock of New England Public Service Company, having filed a verified application for an indefinite extension of the exemption granted it pursuant to section 3 (a) (4) of the Public Utility Holding Company Act of 1935 by our orders of April 20, 1939, May 17, 1941, February 26, 1942, and February 26, 1943, alleging in substance that it has received an offer from the Ohio Edison Company to purchase its interest in The Marion-Reserve Power Company and desires additional time in which to complete negotiations with respect to said offer and to consummate its disposal of said interest; and the Commission having considered said applications and the reasons in support thereof, and finding that a limited extension of said exemption should be granted subject to the conditions hereinafter specified;

It is ordered, That Manufacturers Trust Company be and it is hereby exempted until September 15, 1943, from all of the provisions of said Act applicable to it as a holding company with respect to its ownership of the voting securities of The Marion-Reserve Power Company, Eastern Minnesota Power Corporation and New England Public Service Company;

It is further ordered, That all the provisions contained in the next to the last paragraph of our order in the above styled and numbered matter dated May 17, 1941 relating to the exemption of Manufacturers Trust Company with respect to its ownership of the voting securities of New England Public Service Company not in conflict with the terms of this order remain in full force and effect until the further order of this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11312; Filed, July 14 1943, 3:00 p. m.]

[File No. 1-2177]

SHAWMUT ASSOCIATION

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of July, A. D. 1943.

The Shawmut Association, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its common stock, no par value, from listing and registration on the Boston Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, July 29, 1943, at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11311; Filed, July 14, 1943; 3:00 p. m.]

[File Nos. 37-26, 37-25, 37-36, 37-57]

FEDERAL ADVISERS, INCORPORATED, ET AL.

ORDER DISMISSING PROCEEDING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of July, 1943.

In the Matters of Federal Advisers, Inc., File No. 37-26; Electric Advisers, Inc., File No. 37-25; Gas Advisers, Inc., File No. 37-36; Cities Service Company, Cities Service Power & Light Company, Federal Light & Traction Company, Arkansas Natural Gas Corporation, Central Arkansas Public Service Corporation, Petroleum Advisers, Inc., Federal Advisers, Inc., Electric Advisers, Inc., Gas Advisers, Inc., File No. 37-57.

The Commission having on March 24, 1943 issued an order pursuant to section 18 of the Public Utility Holding Company Act of 1935 directing that a hearing be held in the above entitled matter regarding the operations of service companies in the Cities Service Company system; and

Respondents having filed a motion to dismiss the proceedings upon the basis of certain proposed adjustments in its servicing operations (filed as amendments to the applications of Federal Advisers, Inc., File No. 37-26, Electric Advisers, Inc., File No. 37-25 and Gas Advisers, Inc. File No. 37-36) and to avoid an extended hearing at this time; and

The Commission having considered the record and the proposed adjustments and having made and filed its memorandum opinion herein;

It is ordered, That the aforesaid motion to dismiss the proceeding instituted on March 24, 1943 in the above entitled matter be granted and the amendments to said applications be forthwith allowed subject to the requirements of the Act, rules, regulations or orders of the Commission and subject also to the following provisions:

1. The Commission may re-examine the operations of the service companies in the Cities Service Company system at any time to insure compliance with present or future requirements of the Act, rules, regulations or orders of the Commission.

2. The Commission's authorization of the servicing operations of Electric Advisers, Inc., Gas Advisers, Inc. and Federal Advisers, Inc., may be revoked at any time if, after notice and opportunity for hearing, it is determined that such servicing operations are not consistent with the standards of section 13 and rules, regulations or orders thereunder.

3. Subject to the foregoing, the provisions of the Commission's orders of January 31, 1942 (File Nos. 37-25 and 37-36) for termination of authorization of servicing operation on thirty days' written notice, is rescinded.

4. The Commission reserves for a later date the determination of the proper allocation of certain expenses, past and prospective, relating to the Section 11 proceedings involving the Cities Service Company holding-company system which expenses in the past have been charged in part to public utility companies in said system.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11356; Filed, July 15, 1943; 10:31 a. m.]

WAR FOOD ADMINISTRATION.

[Suspension Order S-121 revocation]

COFFEE CORP. OF AMERICA

REVOCATION OF WAR PRODUCTION BOARD SUSPENSION ORDER

By virtue of the authority vested in the War Food Administrator (Executive Orders Nos. 9280, 9322, and 9334; 7 F. R. 10179; 8 F.R. 3807 and 5423), Suspension Order No. S-121 (§ 1010.121), as amended (7 F.R. 8584, 9773, 10777, 8 F.R. 417, 1783), against the Coffee Corporation of America, Chicago, Illinois, issued by the Director General for Operations of the War Production Board on October 22, 1942, is hereby terminated and revoked.

Issued this 14th day of July 1943.

MARVIN JONES, *War Food Administrator.*

[F. R. Doc. 43-11386; Filed, July 15, 1943; 11:17 a. m.]

[Suspension Order S-142, Revocation]

CAMBRIDGE COFFEE CO.

REVOCATION OF WAR PRODUCTION BOARD SUSPENSION ORDER

By virtue of the authority vested in the War Food Administrator (Executive Orders Nos. 9280, 9322, and 9334; 7 F.R. 10179, 8 F.R. 3807 and 5423), Suspension Order No. S-142 (Section 1010.142) against Cambridge Coffee Company, Chicago, Illinois, issued by the Director General for Operations of the War Production Board on November 14, 1942 (7 F.R. 9420), is hereby terminated and revoked.

Issued this 14th day of July 1943.

MARVIN JONES, *War Food Administrator.*

[F. R. Doc. 43-11387; Filed July 15, 1943; 11:17 a. m.]

[Suspension Order S-209]

STAR COFFEE CO.

REVOCATION OF WAR PRODUCTION BOARD SUSPENSION ORDER

By virtue of the authority vested in the War Food Administrator (Executive Orders Nos. 9280, 9322, and 9334; 7 F.R. 10179, 8 F.R. 3807 and 5423), Suspension Order No. S-209 (Section 1010.209) against Peter Rubinelli, doing business as Star Coffee Company, St. Louis, Missouri, issued by the Director General for Operations of the War Production Board on January 7, 1943 (8 F.R. 349), is hereby terminated and revoked.

Issued this 14th day of July, 1943.

MARVIN JONES, *War Food Administrator.*

[F. R. Doc. 43-11388; Filed, July 15, 1943; 11:17 a. m.]

[Suspension Order S-244, revocation]

DE WITT-NASH COMPANY

REVOCATION OF WAR PRODUCTION BOARD SUSPENSION ORDER

By virtue of the authority vested in the War Food Administrator (Executive Orders Nos. 9280, 9322, and 9334; 7 F.R. 10179, 8 F.R. 3807 and 5423), Suspension Order No. S-244 (§ 1010.244) against De Witt-Nash Company, Cleveland, Ohio, issued by the Director General for Operations of the War Production Board on February 18, 1943 (8 F.R. 2232), is hereby terminated and revoked.

Issued this 14th day of July 1943.

MARVIN JONES, *War Food Administrator.*

[F. R. Doc. 43-11389; Filed, July 15, 1943; 11:17 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS DATED DECEMBER 8, 1942

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with certain synthetic rubber facilities construction projects to which urgency numbers listed below were assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency rating number	Builder's serial number	Plancor number	Name of builder & address	Location of project
33	9594	611	Goodyear Tire & Rubber Company of California, Akron, Ohio.	Los Angeles, Calif.
34	28534	876	Firestone Tire and Rubber Company, Akron, Ohio	Baton Rouge, La.
36	8536	980	U. S. Rubber Company, 1230 6th Avenue, New York, New York.	Institute, W. Va.

Issued this 13th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11280; Filed, July 13, 1943; 4:59 p. m.]

FEDERAL REGISTER

VOLUME 8 NUMBER 141

Washington, Saturday, July 17, 1943

The President

EXECUTIVE ORDER 9361

SUPPLEMENTING THE EXECUTIVE ORDER ESTABLISHING THE OFFICE OF WAR MOBILIZATION AND PROVIDING FOR THE UNIFYING OF FOREIGN ECONOMIC AFFAIRS

By virtue of the authority vested in me by the Constitution and the Statutes of the United States, particularly by the First War Powers Act, 1941, as President of the United States and as Commander in Chief of the Army and Navy, and in order to provide for the more effective unification of the agencies concerned with foreign economic affairs, it is hereby ordered as follows:

1. The Board of Economic Warfare, existing pursuant to paragraph 2 of Executive Order No. 8839,[1] July 30, 1941, as amended by Executive Order No. 8982,[2] December 17, 1941, is terminated. There is established in the Office for Emergency Management an Office of Economic Warfare, at the head of which shall be a Director, appointed by the President, who shall exercise the functions, powers and duties of the Board of Economic Warfare. The Director shall receive such salary, travel, subsistence or other allowances as the President may determine.

There are transferred to the Office of Economic Warfare for use in connection with the exercise and performance of its functions, powers and duties so much of the unexpended balances, appropriations, allocations and other funds now available for, as well as all the personnel, property and records heretofore used in the administration of the functions, powers and duties of, the Board of Economic Warfare.

No part of any funds appropriated or made available under Public 139, approved July 12, 1943 shall be used, directly or indirectly, after August 15, 1943, by the Office of Economic Warfare for the procurement of services, supplies, or equipment outside the United States except for the purpose of executing general economic programs or policies formally approved in writing by a majority of the War Mobilization Committee and such writing has been filed with the Secretary of State prior to any such expenditure.

2. The United States Commercial Company, the Rubber Development Corporation, the Petroleum Reserve Corporation and the Export-Import Bank of Washington and their functions, powers and duties, together with the functions, powers and duties of the Reconstruction Finance Corporation and of the Secretary of Commerce with respect to them are transferred to the Office of Economic Warfare. All personnel, property, records, funds (including all unexpended balances of appropriations, allocations or other funds now available) contracts, assets, liabilities and capital stock of these corporations, together with so much of the personnel, records, and property of the Reconstruction Finance Corporation used in the administration of these corporations as the Director of the Bureau of the Budget shall determine, are transferred with these corporations to the Office of Economic Warfare for use in connection with the exercise and performance of its functions, powers and duties. The Director of the Office of Economic Warfare may reconstitute the Boards of Directors of these corporations and take such other action as he deems necessary in respect of them to carry out the purposes of this Order.

3. (a) Until such time as the Congress shall provide other means of financing, the Secretary of Commerce and the Reconstruction Finance Corporation are authorized and directed to supply necessary funds to the corporations transferred to the Office of Economic Warfare by this Order through loans, using for this purpose all the borrowing powers and unobligated funds of the Reconstruction Finance Corporation. Such funds shall be supplied at such times and in such amounts and in such manner and upon such terms and conditions as the Director of War Mobilization, on the

(Continued on next page)

[1] 3 F.P. 3823.
[2] 4 F.R. 6530.

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page
Economic warfare, unification of agencies concerned with foreign economic affairs 9861

REGULATIONS AND NOTICES

CIVIL AERONAUTICS ADMINISTRATION:
Civil airways, redesignation and deletion 9864
CIVIL AERONAUTICS BOARD:
Pan American Airways, Inc., notice of oral argument 9888
FEDERAL HOME LOAN BANK ADMINISTRATION:
Duties of executive officers 9865
INTERSTATE COMMERCE COMMISSION:
Common carriers by railroad, reicing of potatoes 9888
OFFICE OF DEFENSE TRANSPORTATION:
Rail equipment conservation, carload freight traffic (Special Direction ODT 18, Rev. 5, Am. 2) 9887
Water transport, delegation of authority (Admin. Order ODT 1, Am. 6) 9887
OFFICE OF PRICE ADMINISTRATION:
Adjustments, exceptions, etc.:
Mower Lumber Co 9879
Alcohol, butyl, and esters (MPR 37, Am. 6) 9884
Eggs and egg products (MPR 333, Am. 11) 9879
Firewood rationing (RO 14, Am. 1) 9879
Fruits, berries, and vegetables, fresh; for processing (MPR 425) 9879
Meat, fats, fish, and cheeses; rationing (RO 16, Am. 47) 9886
Milk, fluid:
(SR 14A, Am. 1) 9885
(MPR 280, Am. 30) 9883
(MPR 329, Am. 12) 9884
Petroleum and petroleum products (RPS 88, Am. 117) 9876
Transportation:
(Rev. SR 11, Am. 29) 9878
(Rev. SR 14, Am. 1) 9878

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Regional, state, and district office orders:	
Fluid milk, Rhode Island (3 documents)	9889, 9890
Fuel wood at Republic, Wash.	9892
Manufacturing milk, California	9892
Motor vehicle carriers:	
Los Angeles area	9891
San Francisco Bay area	9890
Potatoes transportation in Kern County, Calif. (2 documents)	9891
Shoes, rationing (RO 17, Am. 28)	9884
Used consumer durable goods (MPR 429)	9877
SECURITIES AND EXCHANGE COMMISSION:	
Scranton-Spring Brook Water Service Co., notice of filing	9893
SELECTIVE SERVICE SYSTEM:	
Classification, miscellaneous amendments	9865
Delivery and induction, miscellaneous amendments	9866
Forms prescribed, revised, etc.:	
Delivery list	9868
Medical identification card	9867
Mount Weather project, Va., establishment for conscientious objectors	9893
Work of national importance under civilian direction:	
Determination of acceptability, local board action after final-type physical examination of Class IV-E registrants	9867
Reception at camps, and separation classification	9767
WAR FOOD ADMINISTRATION:	
Milk handling:	
New York metropolitan marketing area	9862
Shreveport, La., marketing area	9862
Rice, sale and distribution (FDO 10, Am. 2)	9863
WAR PRODUCTION BOARD:	
Consent orders:	
Alexander's Department Stores, Inc.	9894
Ashbach and Rubloff, etc.	9893
Goldsmith, Henry	9894
Jackson Industries	9894
Standard Cycle and Auto Supply Co.	9895
Stewart, Lynn, Co.	9894
Controlled materials plan, local housing authorities (CMP Reg. 5A, Dir. 1)	9875
Film (L–178)	9872
Photographic film and film base (L–233)	9874
Priorities system operation (PR 3, Direction 1)	9872
Uniform method of application and extension of preference ratings (PR 3)	9869
Tires, casings, tubes, etc.; delegation of rationing authority (Supp. Dir. 1Q)	9868

request of the Director of the Office of Economic Warfare, may from time to time determine. The disbursement of the funds so supplied shall be under the exclusive direction of the Director of the Office of Economic Warfare, except as otherwise provided in this Order.

(b) The functions, powers and duties and outstanding contracts and obligations relating to activities and transactions in or pertaining to foreign countries, now vested in, or in the name of, any corporation created and organized under Section 5 (d) of the Reconstruction Finance Corporation Act, or of any other corporation organized by the Reconstruction Finance Corporation, shall, unless the Director of War Mobilization otherwise determines, be transferred to the corporation or corporations designated by the Director of the Office of Economic Warfare, and the charter and by-laws of the corporations affected by such transfers, so far as necessary, shall be amended accordingly. Following such transfers, no corporations created and organized by the Reconstruction Finance Corporation, other than those transferred to the Office of Economic Warfare by this Order, shall exercise any of its powers and functions in regard to any activity or transaction in or pertaining to any foreign country except as ordered by the Director of War Mobilization. The Secretary of Commerce, the Reconstruction Finance Corporation, and any corporation organized by it, shall execute and deliver all instruments which may be deemed necessary by the Director of War Mobilization to carry out the provisions of this Order.

4. The functions of the Office of War Mobilization shall include the authority to arrange for the unification and coordination of the activities of the Federal Government relating to foreign supply, foreign procurement and other foreign economic affairs in conformity with the foreign policy of the United States as defined by the Secretary of State. In providing for such unification the Office of War Mobilization may utilize the facilities of other departments and agencies, including the machinery for the coordination of foreign economic affairs established in the Department of State.

5. All prior Executive orders and directives in so far as they are in conflict herewith are amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 15, 1943.

[F. R. Doc. 43-11437; Filed, July 16, 1943; 10:55 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter IX—War Food Administration

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING A CERTAIN PROVISION

Order suspending a certain provision of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, it is hereby determined that the provision of such order for a reduction in the Class I price of milk sold under a program approved by the Secretary of Agriculture and upon which payment is made out of Federal funds does not tend to effectuate the declared policy of the act with respect to producers of milk under such order.

It is therefore ordered, That, effective as of 12:01 a. m., e. w. t., August 1, 1943, § 927.4 (a) (2) of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, is hereby suspended.

Done at Washington, D. C., this 16th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11434; Filed, July 16, 1943; 11:18 a. m.]

PART 952—MILK IN THE SHREVEPORT, LOUISIANA, MARKETING AREA

HANDLING OF MILK

It is hereby found and determined that the above entitled order regulating the handling of milk in the Shreveport, Louisiana, marketing area, issued by the

Secretary of Agriculture on November 28, 1940,[1] and effective on and after the 1st day of December 1940, no longer tends to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

It is, therefore, ordered, That said order regulating the handling of milk in the Shreveport, Louisiana, marketing area is hereby terminated.

Done at Washington, D. C., this 15th day of July, 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11403; Filed, July 15, 1943; 3:33 p. m.]

Chapter XI—War Food Administration

[FDO 10, Amdt. 2]

PART 1432—RICE

SALE AND DISTRIBUTION

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of rice for defense, for private account and for export; and, therefore, the following amendment to Food Distribution Order No. 10, issued by the Secretary of Agriculture January 21, 1943 (8 F.R. 1076), as amended, is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1432.1 *Restrictions on sale and distribution of rice*—(a) *Definitions.* (1) "Person" means any individual, or any partnership, association, corporation, or other business entity, or any State, Territorial, Municipal, County, or other local government, or instrumentality or subdivision thereof, or any agency of the United States other than a governmental agency.

(2) "Governmental agency" means (i) the Armed Services of the United States (excluding, for purposes of this order, United States Army post exchanges, United States Navy ships' service departments, and United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), which purchases rice in accordance with said regulation.

(3) "Armed Services of the United States" means the Army, the Navy, Marine Corps, or Coast Guard of the United States.

(4) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the War Food Administration, designated by such Director.

(5) "First owner" means any person, including a miller, who, on the effective date of this order, is the original owner of brown, undermilled, or milled rice, or who becomes the original owner of any such rice.

(6) "Miller" means any person who converts rough rice into brown, undermilled, or milled rice.

(7) "Rough rice" means the commodity defined by the "United States Standards for Rough Rice", as amended May 15, 1942.

(8) "Brown rice" means the commodity defined by the "United States Standards for Brown Rice", as amended May 15, 1942.

(9) "Undermilled rice" means rice from which all of the hull and part of the bran and germ have been removed.

(10) "Milled rice" means the commodity defined by the "United States Standards for Milled Rice," as amended June 1, 1943: *Provided*, That, as used in paragraph (b) (2) of this order, the term "milled rice" shall not include Screenings milled rice or Brewers milled rice.

(b) *Restrictions.* (1) No person shall sell or otherwise dispose of, except to a governmental agency, or use more than fifty-five percent of the total quantity of brown, undermilled, or milled rice as to which he is, at any time, the first owner; and every person shall set aside for sale to a governmental agency milled rice of the grade No. 4 or better of one of the classes I to X inclusive, in an amount equal to forty-five percent of the brown, undermilled, or milled rice as to which he is, at any time, the first owner. Sales of other grades or classes of brown, undermilled, or milled rice to a governmental agency by a first owner may be credited against the amount of rice he is required to set aside. All rice set aside may be offered for sale by the first owner at no more than ceiling prices established by the Office of Price Administration to a governmental agency in response to announcements or notices by such agency that offers for the sale of such rice will be received on specified dates.

(2) No first owner shall sell, ship, consign, or deliver brown, undermilled, or milled rice to persons within any State or the District of Columbia in amounts which will result in his total deliveries to persons within such State or the District during the year August 1, 1943, to July 31, 1944, exceeding eighty-five percent of the quantity of such rice delivered by him to persons in such State or the District during the year August 1, 1941, to July 31, 1942.

(c) *Exemptions from restrictions of paragraph* (b) (1). (1) The Director may, upon application of any first owner, authorize such first owner to deliver to persons other than governmental agencies brown, undermilled, or milled rice and to credit such deliveries against the quantity of milled rice required to be set aside for sale to governmental agencies, when satisfactory evidence is submitted to the Director that the brown, undermilled, or milled rice so delivered is to be subsequently delivered to a governmental agency in the form of rice or a product thereof.

(2) The Director may upon application of any first owner authorize such first owner for a designated period of time to deliver to persons other than governmental agencies all of the brown, undermilled, or milled rice as to which he is a first owner during such period, on condition that such first owner will during a designated later period of time set aside for sale to governmental agencies a sufficient quantity of milled rice of the grade No. 4 or better of one of the classes I to X inclusive, to constitute forty-five percent of the total brown, undermilled, or milled rice as to which he is a first owner during such periods.

(d) *Transfer, establishment, reduction or increase of quotas under paragraph* (b) (2). (1) The Director may upon application of any first owner authorize the transfer of such first owner's quota or any part thereof with respect to any State or the District, to another first owner, upon submission of satisfactory proof that both first owners have agreed to such transfer and the first owner whose quota is transferred agrees to refrain from delivering brown, undermilled, or milled rice under such quota to the extent that it has been transferred.

(2) The Director may establish a quota for, or reduce or increase the quota of, any first owner, for any State or the District of Columbia, if he determines that such action is necessary to insure the efficient and proper distribution of the available supply of rice.

(e) *Applicability of restrictions.* (1) The restrictions contained in this order shall be observed without regard to existing contracts or any payments made or any action taken thereunder.

(2) The restrictions contained in this order shall not apply to rice owned by any individual for use in his own household.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of rice of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order. Every person subject to this order shall maintain accurate and complete records concerning inventories, production and sales for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(h) *Bureau of the Budget Approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the

[1] 5 F.R. 2808, 4701; 7 F.R. 5931.

Budget pursuant to the Federal Reports Act of 1942.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director of Food Distribution, War Food Administration, Washington, D. C., setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD-10.

(k) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using rice, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(l) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(m) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., August 1, 1943. With respect to any violations of said Food Distribution Order No. 10, as amended, or rights accrued, liabilities incurred, or appeals taken under said order, prior to the effective time of the provisions of this amendment, said Food Distribution Order No. 10 as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 14th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11369; Filed, July 15, 1943; 11:17 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 26 of Part 600]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION AND DELETION OF CERTAIN CIVIL AIRWAYS

JULY 5, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of civil airways: Green Civil Airways Nos. 2, 6; Amber Civil Airways Nos. 1, 6; Red Civil Airways Nos. 2, 5, 7, 10, 23; Blue Civil Airways Nos. 2, 21; deletion of Blue Civil Airway No. 17.

1. By striking in § 600.10001 *Green Civil Airway No. 2 (Seattle, Wash., to Boston, Mass.)* the words:

"Belgrade, Mont., radio range station;" and substituting in lieu thereof the following:

"Bozeman, Mont., radio range station;" and inserting after the words:

"Buffalo, N. Y., radic range station:" the following:

the intersection of the center lines of the on course signals of the east leg of the Buffalo, N. Y., radio range and the southwest leg of the Rochester, N. Y., radio range; Rochester, N. Y., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Rochester, N. Y., radio range and the west leg of the Syracuse, N. Y., radio range;

2. By amending § 600.10005 *Green Civil Airway No. 6 (Alice, Tex., to Norfolk, Va.)*, to read as follows:

§ 600.10005 *Green Civil Airway No. 6 (Alice, Tex., to Norfolk, Va.).* From the Alice, Tex., radio range station, via the Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; New Orleans, La., radio range station; Mobile, Ala., radio range station; Maxwell Field, Ala., radio range station; the intersection of the center lines of the on course signals of the east leg of the Maxwell Field, Ala., radio range and the southwest leg of Atlanta, Ga., radio range; Atlanta, Ga., radio range station; Spartanburg, S. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Spartanburg, S. C., radio range and the west leg of the Charlotte, N. C., radio range; the intersection of the center lines of the on course signals of the north leg of the Charlotte, N. C., radio range and the southwest leg of the Greensboro, N. C., radio range; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Blackstone, Va., radio range and the southwest leg of the Richmond, Va., radio range; Richmond, Va., radio range station; and the Norfolk, Va., radio range station to the Municipal Airport, Norfolk, Va.

3. By inserting after the words:

"and the Long Beach, Calif., radio range station," in § 600.10100 *Amber Civil Airway No. 1 (San Diego, Calif., to Nome, Alaska)*, the following:

to the Los Angeles, Calif. radio range station.

4. By striking in § 600.10105 *Amber Civil Airway No. 6 (Jacksonville, Fla., to U. S.-Canadian Border)* the following portion of the caption:

U. S.-Canadian Border.

and substituting in lieu thereof the following:

Niagara Falls, N. Y.

and deleting the following:

the Buffalo, N. Y., radio range station; and the intersection of the center lines of the on course signals of the northeast leg of the Buffalo, N. Y., radio range and the southeast leg of the Toronto, Ontario, radio range, to the intersection of the center line of the on course signal of the southeast leg of the Toronto, Ontario, radio range and the U. S.-Canadian Border.

and substituting in lieu thereof the following:

and the Buffalo, N. Y., radio range station to the Niagara Falls Airport, Niagara Falls, N. Y.

5. By striking in § 600.10201 *Red Civil Airway No. 2 (Whitehall, Mont., to Belgrade, Mont.)* the following portion of the caption:

Belgrade, Mont.

and substituting in lieu thereof the following:

Bozeman, Mont.

6. By amending § 600.10204 *Red Civil Airway No. 5 (Sioux Falls, S. Dak., to Minneapolis, Minn.)* to read as follows:

§ 600.10204 *Red Civil Airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.)* From the Sioux Falls, S. Dak., radio range station, via the Minneapolis, Minn., radio range station to the St. Paul Airport, St. Paul, Minn.

7. By amending § 600.10206 *Red Civil Airway No. 7 (Atlanta, Ga., to Greensboro, N. C.)* to read as follows:

§ 600.10206 *Red Civil Airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).* From the intersection of the center lines of the on course signals of the south leg of the Greenville, S. C., radio range and the southwest leg of the Spartansburg, S. C., radio range, via the Greenville, S. C., radio range station to the intersection of the center lines of the on course signals of the east leg of the Greenville, S. C., radio range and the southwest leg of the Spartanburg, S. C., radio range. From the intersection of the center lines of the on course signals of the northeast leg of the Spartanburg, S. C., radio range and the west leg of the Charlotte, N. C., radio range, via the Charlotte, N. C., radio range station to the intersection of the center lines of the on course signals of the north leg of the Charlotte, N. C., radio range and the southwest leg of the Greensboro, N. C., radio range.

8. By striking in § 600.10209 *Red Civil Airway No. 10 (Amarillo, Tex., to Charleston, S. C.)* the following:

"to the Atlanta, Ga., radio range station." and substituting in lieu thereof the following:

to the intersection of the center lines of the on course signals of the southeast leg of the Birmingham, Ala., radio range and the southwest leg of the Atlanta, Ga., radio range.

9. By amending § 600.10222 *Red Civil Airway No. 23 (Buffalo, N. Y., to New York, N. Y.)* to read as follows:

§ 600.10222 *Red Civil Airway No. 23 (U. S.-Canadian Border to New York, N. Y.).* From the intersection of the center line of the on course signal of the southeast leg of the Toronto, Ontario, radio range and the U. S.-Canadian Border, via the intersection of the center lines of the on course signals of the southeast leg of the Toronto, Ontario, radio range and the northeast leg of the Buffalo, N. Y., radio range; the intersection of the center lines of the on course signals of the east leg of the Buffalo, N. Y., radio range and the northwest leg of the Elmira, N. Y., radio range and the Elmira, N. Y., radio range station to the New York, N. Y. (New York, LaGuardia Field), radio range station.

10. By striking in § 600.10301 *Blue Civil Airway No. 2 (Birmingham, Ala., to Erie, Pa.)* the following:

From the intersection of the center lines of the on course signals of the east leg of the Birmingham, Ala., radio range and the southwest leg of the Chattanooga, Tenn. radio range,

and substituting in lieu thereof the following:

From the Birmingham, Ala., radio range station via the intersection of the center lines of the on course signals of the north leg of the Birmingham, Ala., radio range and the southwest leg of the Chattanooga, Tenn., radio range,

11. By deleting § 600.10316 *Blue Civil Airway No. 17 (Blythe, Calif., to Kingman, Ariz.)*

12. By adding a new § 600.10320 *Blue Civil Airway No. 21 (Pittsburgh, Pa., to Erie, Pa.)* to read as follows:

§ 600.10320 From the intersection of the center lines of the on course signals of the northwest leg of the Pittsburgh, Pa., radio range and the south leg of the Youngstown, Ohio, radio range, via the Youngstown, Ohio, radio range station; to the intersection of the center lines of the on course signals of the north leg of the Youngstown, Ohio, radio range; and the southwest leg of the Erie, Pa., radio range.

This amendment shall become effective 0001 e. w. t., July 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-11423; Filed, July 16, 1943; 9:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

[Bulletin 25]

PART 6—FEDERAL HOME LOAN BANK ADMINISTRATION

DUTIES OF EXECUTIVE OFFICERS

JULY 15, 1943.

Section 6.2 of the Rules and Regulations for the Federal Home Loan Bank System is hereby amended, effective July 15, 1943, by striking out paragraphs (a), (b), (c), (d), and (e) in their entirety and by inserting the following in lieu thereof:

§ 6.2 *Organization*—(a) *The Governor, Federal Home Loan Bank System.* The Governor of the Federal Home Loan Bank System shall be the Chief Executive and Administrative Officer, directly responsible to the Federal Home Loan Bank Commissioner for the examination of, supervision over and administration of the banks, pursuant to regulations prescribed by the Federal Home Loan Bank Administration and as directed by it. Officials of the banks and the public shall deal directly with the Governor in all administrative matters pertaining to the Federal Home Loan Bank System. The Governor shall be responsible for the examination of and such supervision over member institutions as is provided by the Act, other Federal statutes and the regulations issued thereunder. Such examination and supervision shall be accomplished through such staff as may be necessary in Washington, D. C., and in the field through duly designated agents or representatives of the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation.

(b) *Assistant Governors.* The Assistant Governors of the Federal Home Loan Bank System shall cooperate with and assist the Governor in the examination, supervision and administration of the banks, other and related activities of the Federal Home Loan Bank System, and the examination of and supervision over member institutions. In the absence of the Governor, an Assistant Governor duly designated by him, shall act in his stead.

(c) *Chief Examiner.* The Chief Examiner shall be responsible, under the direction of the Governor, for the examination of Federal savings and loan associations, other insured institutions and other member institutions. The Chief Examiner shall also perform such other duties as may be assigned to him by the Governor.

(d) *Comptroller.* The Comptroller of the Federal Home Loan Bank Administration shall be responsible, under the direction of the Governor, for the exercise of supervision over the operations of the banks, their accounting systems and procedures, and the semi-annual examinations thereof. The Comptroller shall also be responsible for the fiscal operations of the Federal Home Loan Bank Administration, including jurisdiction over all receipts and disbursements, and the maintenance of the necessary accounting and other records in connection therewith. The Comptroller shall also perform such other duties as may be assigned to him by the Governor.

(e) *Chief Supervisor.* The Chief Supervisor shall be responsible, under the direction of the Governor for such purpose, for the appropriate supervision over all member institutions. The Chief Supervisor shall also perform such other duties as may be assigned to him by the Governor.

(f) *General Counsel.* The General Counsel shall be responsible for the legal affairs of the Federal Home Loan Bank Administration and shall give advice and render such other legal services as may be appropriate in connection with the Federal Home Loan Bank System.

(Secs. 17, 19, 47 Stat. 736, 737; sec. 9, 49 Stat. 295; sec. 5 (a), 48 Stat. 132; sec. 402 (a), (c), 48 Stat. 1256; 12 U.S.C. 1437, 1439, 1464 (a), 1725 (a), (c), and Sup.)

This amendment is deemed to be of a minor and procedural character within the provisions of paragraph (b) of § 8.3 of the Rules and Regulations for the Federal Home Loan Bank System.

[SEAL] JAMES TWOHY,
Governor.
HAROLD LEE,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 43-11402; Filed, July 15, 1943; 2:55 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 162, 2d Ed.]

PART 622—CLASSIFICATION

MISCELLANEOUS AMENDMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraphs (a) and (b) of § 622.15 to read as follows:

§ 622.15 *Class I–C: Member of land or naval forces of United States.* (a) In Class I–C shall be placed or retained:

(1) Every registrant who is, or who by induction, enlistment, or appointment becomes, a commissioned officer, warrant officer, field clerk, pay clerk, or enlisted man of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Federally recognized active National Guard, the Officers' Reserve Corps, the Army of the United States, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve (other than temporary), or any other branch or component of the land or naval forces; or

(2) Every registrant who is a cadet of the United States Military Academy, a midshipman of the United States Naval Academy, or a cadet of the United States Coast Guard Academy; or

(3) Every registrant who has been separated from the land or naval forces by death at any time; or

(4) Every registrant who has been separated from the land or naval forces by honorable discharge based on physical or mental disability: *Provided*, The classification of such registrant may be reopened and he may be placed in a class immediately available for service under the provisions of Part 633.

(b) When the local board receives authentic information that a registrant is in the land or naval forces, he shall be classified in Class I–C without regard to the manner in which he entered such land or naval forces.

2. Amend § 622.42 to read as follows:

§ 622.42 *Class IV–B: Officials deferred by law and men relieved from liability for training and service.* In Class IV–B shall be placed any registrant who is the Vice President of the United States, a Governor of a State, any other State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, a judge of a court of record of the United States or of a State; or who is a commissioned officer in the Coast and Geodetic Survey; or who is a commissioned officer in the Public Health Service or the Public Health Service Reserve whether on active duty or in an inactive status, or who is a cadet of the advanced course, senior division, of the Reserve Officers' Training Corps or the Naval Reserve Officers' Training Corps; or who has been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as a cadet or to the United States Naval Academy as a midshipman or to the United States Coast Guard Academy as a cadet, but only during the continuance of such acceptance.

3. Amend the regulations by adding a new section to be known as § 622.82 to read as follows:

§ 622.82 *Identifying administratively rejected registrants.* Whenever a selected man has been found acceptable for limited military service at the induction station but is not immediately inducted, his classification shall not be changed but he shall be identified in all records by following his classification with the letter "(L)." If such registrant is in Class I–A, he shall be identified thus, "Class I–A (L)." If such registrant is in Class I–A–O, he shall be identified thus, "Class I–A–O (L)."

4. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 15, 1943.

[F. R. Doc. 43–11407; Filed, July 15, 1943; 4:31 p. m.]

[Amdt. 163, 2d Ed.]

PART 633—DELIVERY AND INDUCTION

MISCELLANEOUS AMENDMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 633.13 to read as follows:

§ 633.13 *Classification when man is inducted.* Upon receiving notice from the induction station that a selected man has been inducted, he shall be placed in Class I–C.

2. Amend the regulations by adding a new section to be known as § 633.13–1 to read as follows:

§ 633.13–1 *Identification of man accepted for limited service but not inducted.* (a) Upon receiving notice from the induction station that a selected man has been found acceptable for limited military service but is not immediately inducted, the local board will not change his classification but will identify him in all records by following his classification with the letter "(L)." Such a registrant may again be forwarded to the induction station by the local board under instructions issued by the Director of Selective Service.

(b) If the local board determines there has been a change in the status of such a registrant before he is again ordered to report for induction, it will reopen such registrant's classification and classify him in the usual manner.

3. Amend the regulations by adding a new section to be known as § 633.13–2 to read as follows:

§ 633.13–2 *Classification of man not accepted.* (a) Upon receiving notice from the induction station that a selected man has not been accepted because he is disqualified for service in the land or naval forces, the local board shall reopen his classification and classify him in Class IV–F unless he is a man who was honorably discharged from the land or naval forces based on physical or mental disability, in which case the local board shall classify him in Class I–C.

(b) The classification of a registrant who has been placed in Class IV–F or Class I–C under the provisions of paragraph (a) of this section may be reopened subject to such provisions of §§ 633.14 and 633.15 as may be applicable to such registrant.

4. Amend § 633.14 to read as follows:

§ 633.14 *Classification of man separated from the land or naval forces.* (a) The local board shall not change the classification of a registrant separated from the land or naval forces by death but shall note the facts in the Classification Record (Form 100), on the registrant's Cover Sheet (Form 53), and on his Registration Card (Form 1).

(b) When a man has been separated from the land or naval forces by honorable discharge based on physical or mental disability, the local board shall, if the man is a registrant, retain him in Class I–C or, if the man was not a registrant at the time of his separation but thereafter registers, classify him in Class I–C. The classification of a registrant retained or placed in Class I–C under the provisions of this paragraph may be reopened and consideration may be given to classifying him anew. If, after reopening the classification of such a registrant, it is determined that he is qualified for a deferred classification, he shall be retained in Class I–C. If it is determined that he should be placed in a class available for service, the provisions of § 633.15 shall be complied with before such registrant is so classified.

(c) When a man has been separated from the land or naval forces for any cause other than those stated in paragraph (a) or (b) of this section, the local board shall, if the man is a registrant, reopen his classification and classify him anew or, if the man was not a registrant at the time of his separation but thereafter registers, classify him in the usual manner. If, in classifying a registrant under the provisions of this paragraph, it is determined that he should be placed in a class available for service, the local board shall comply with instructions issued by the Director of Selective Service pertaining to such registrants before such registrant is so classified.

5. Amend the regulations by adding a new section to be known as § 633.15 to read as follows:

§ 633.15 *Instructions concerning separated or disqualified men.* (a) A registrant who has been separated from the land or naval forces or who has not been accepted at the induction station because he is disqualified for military service shall be placed in a class available for service only after instructions pertaining to such registrants issued by the Director of Selective Service have been complied with, including, when applicable, forwarding the registrant to a member or members of the medical advisory board for special physical examination.

(b) It shall be the duty of the registrant (1) to comply with any directions given by the local board in carrying out the instructions of the Director of Selective Service, (2) to report to and be examined by a member or members of the medical advisory board when directed to do so by the local board, and (3) to comply with such directions and to submit to such examination as the member or members of the medical advisory board shall deem necessary to make a complete determination of the registrant's physical condition.

6. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 15, 1943.

[F. R. Doc. 43–11408; Filed, July 15, 1943; 4:31 p. m.]

[Amdt. 164, 2d Ed.]

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

LOCAL BOARD ACTION FOLLOWING FINAL-TYPE PHYSICAL EXAMINATION OF CLASS IV–E REGISTRANTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (b) and add paragraphs (c), (d), and (e) to § 651.10 to read as follows:

§ 651.10 *Action of local board following final-type physical examination of Class IV–E registrants.* • • •

(b) When the Report of Physical Examination and Induction (Form 221) indicates that a registrant in Class IV–E is physically, mentally, or otherwise disqualified for service, the local board will reopen his classification and classify him in Class IV–F.

(c) The classification of a registrant who has been placed in Class IV–F under the provisions of paragraph (b) of this section may be reopened and consideration may be given to classifying him anew; *Provided, however,* That such a registrant shall not again be placed in a class available for service until instructions pertaining to such registrants issued by the Director of Selective Service have been complied with, including, when applicable, forwarding the registrant to a member or members of the medical advisory board for special physical examination.

(d) It shall be the duty of the registrant (1) to comply with any directions given by the local board in carrying out the instructions of the Director of Selective Service, (2) to report to and be examined by a member or members of the medical advisory board, and (3) to comply with such directions and to submit to such examination as the member or members of the medical advisory board shall deem necessary to make a complete determination of the registrant's physical condition.

(e) When a registrant has been classified in Class IV–F under the provisions of paragraph (b) of this section, the Surgeon General's Copy and the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221) of each such registrant will be forwarded to the State Director of Selective Service who will forward both copies to the Director of Selective Service, and the Armed Forces' Original and the Local Board's Copy of the Report of Physical Examination and Induction (Form 221) will be filed in the registrant's Cover Sheet (Form 53).

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 15, 1943.

[F. R. Doc. 43–11409; Filed, July 15, 1943; 4:31 p. m.]

[Amdt. 165, 2d Ed.]

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

RECEPTION AT CAMPS AND SEPARATION CLASSIFICATION

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (e) and add paragraphs (f) and (g) to § 653.11 to read as follows:

§ 653.11 *Reception at camps.* • • •

(e) Upon receiving notice that a registrant has been accepted for work of national importance, the local board shall not change his classification but shall note the fact of his acceptance for such work upon the Classification Record (Form 100).

(f) Upon receiving notice that a registrant has been rejected for work of national importance, the local board shall reopen his classification and classify him in Class IV–F.

(g) The classification of a registrant who has been placed in Class IV–F under the provisions of paragraph (f) of this section may be reopened subject to the provisions of paragraphs (c) and (d) of § 651.10.

2. Amend the regulations by adding a new section to be known as § 653.11–1 to read as follows:

§ 653.11–1 *Classification when separated from work of national importance.* (a) The local board shall not change the classification of a registrant separated from work of national importance by death but shall note the facts in the Classification Record (Form 100), on the registrant's Cover Sheet (Form 53), and on his Registration Card (Form 1).

(b) When a registrant has been separated from work of national importance by any cause other than death, the local board shall reopen his classification and classify him anew. If, in classifying a registrant under the provisions of this paragraph, it is determined that he should be placed in a class available for service, the local board shall comply with instructions issued by the Director of Selective Service pertaining to such registrants before such registrant is so classified, including, when applicable, forwarding the registrant to a member or members of the medical advisory board for a special physical examination.

(c) It shall be the duty of the registrant (1) to comply with any directions given by the local board in carrying out the instructions of the Director of Selective Service, (2) to report to and be examined by a member or members of the medical advisory board when directed to do so by the local board, and (3) to comply with such directions and to submit to such examination as the member or members of the medical advisory board shall deem necessary to make a complete determination of the registrant's physical condition.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 15, 1943.

[F. R. Doc. 43–11410; Filed, July 15, 1943; 4:31 p. m.]

[No. 195]

MEDICAL IDENTIFICATION CARD

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 210, entitled "Medical Identification Card," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JUNE 21, 1943.

[F. R. Doc. 43–11405; Filed, July 15, 1943; 4:31 p. m.]

[1] Form filed as part of the original document.

[No. 196]

DELIVERY LIST

ORDER REVISING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, U.S.C., Sup. 301-318, inclusive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 151, entitled "Delivery List," effective immediately upon the filing hereof with the Division of the Federal Register.' The supply of DSS Form 151 on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JUNE 30, 1943.

[F. R. Doc. 43-11406; Filed, July 15, 1943; 4:31 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1Q, as Amended July 1, 1943 [2]]

RATIONING OF TIRES, TIRE CASINGS, TIRE TUBES, ETC.

Further delegation of authority with reference to the rationing of tires, tire casings, tire tubes, tire retreading and recapping materials, gasoline and passenger automobiles.

§ 903.22 *Supplementary Directive 1Q.* (a) The authority heretofore delegated to the Office of Price Administration by Directive No. 1, § 903.1, is hereby extended to include the exercise of control over:

(1) The sale, transfer, delivery or other disposition of all tires, tire casings, tire tubes, tire retreading and recapping materials, and used passenger automobiles by or to any person:

(2) The use, alteration, mounting, or other disposition of tires, tire casings, tire tubes, tire retreading and recapping materials, and passenger automobiles by any person, and

(3) The sale, transfer, delivery or other disposition of gasoline by any person to any consumer; the use of gasoline by any consumer, the use of gasoline substitutes or gasoline blends by any consumer in a motor vehicle, and the blending of gasoline by any gasoline dealer; and

(4) The sale, transfer, delivery or other disposition of gasoline by any person to any person other than a consumer, to the extent of requiring the delivery of such coupons, certificates or other evidence as the Office of Price Administration may prescribe as a condition to such sale, transfer, delivery or disposition.

(5) The importation by any person, for the personal use of such person, of tires, tire tubes and tire casings.

(b) The authority of the Office of Price Administration shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of tires, tire casings, tire tubes, tire retreading and recapping materials, gasoline and passenger automobiles to, or acquisition, use, alteration, mounting or other disposition of said materials and facilities by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The authority delegated by this order does not include the power to limit or restrict:

(1) The quantity of the materials and facilities referred to herein obtainable by the Army, Navy, Marine Corps or Coast Guard of the United States, or by government agencies or other persons to the extent to which they acquire such materials or facilities for export to and consumption or use in any foreign country; and

(2) The manufacture of tires, tire tubes, tire casings, tire retreading, and recapping materials and passenger automobiles or the manufacture, processing, distilling or refining of gasoline; and

(3) The importation, use, sale, transfer, delivery or other disposition of airplane tires, airplane tire casings, or airplane tire tubes.

(4) The importation for testing purposes of tires, tire tubes or tire casings by any manufacturer of camelback, tires, tire tubes or tire casings; and

(5) The importation of bicycle tires, tire tubes or tire casings manufactured in the continental United States, Canada or the British Isles; and

(6) The importation from the Dominion of Canada of tires, tire tubes or tire casings manufactured in the continental United States, Canada or the British Isles; and

(7) The importation of tires, tire tubes or tire casings by diplomatic representatives of any foreign Government, for their personal use or the use of members of their staffs; and

(8) The importation of tires, tire tubes or tire casings by commercial representatives of any foreign Government, for use in their official business.

(d) As used herein:

(1) "Passenger automobile" means a passenger automobile of any model, built upon a standard or lengthened passenger car chassis, having a seating capacity of not more than ten persons, irrespective of the number of miles it has been driven (or the chassis of such automobile), including taxis, but not including ambulances, hearses and station wagons.

(2) "Used passenger automobile" means any 1941 or earlier model passenger automobile which has been driven 1000 miles or more.

(3) "Gasoline" means any petroleum product either commonly known or sold as gasoline (including casinghead and natural gasoline) or having a flash point below 100° Fahrenheit (closed cup test, ASTM D-56-36), except: (i) fuel oil as defined in Ration Order No. 11, naphthas, aromatics, synthetic rubber raw materials, solvents or specialties, not used or blended for use as fuel in internal combustion engines, (ii) any finished petroleum product having an octane rating of 85 or more (ASTM D-357-42T) or any component thereof, used for the propulsion of aircraft, and (iii) liquefied petroleum gases.

(4) "Motor vehicle" means any rubber-tired, self-propelled conveyance the motive power for which is furnished by an internal combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(5) "Tire, tire tube, tire casing, and tire recapping and retreading materials" mean any of the foregoing made in whole or in part of any kind of rubber.

(6) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(7) "Person" includes any individual, partnership, corporation, association, business trust, government or government agency, or any organized group of persons whether incorporated or not.

(8) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(9) "Gasoline dealer" means any person engaged in the business of selling or transferring gasoline, except a person who transfers, receives, or uses gasoline in such a manner as to be required to account for the state motor fuel taxes imposed thereon directly to the motor fuel tax administration of a state.

(e) This supplementary directive supersedes the delegation of authority to the Office of Price Administration made by Supplementary Order M-15-c, § 940.4, as amended, Supplementary Directive No. 1-B, § 903.3, as amended, and Supplementary Directive No. 1-H, § 903.9, as amended: *Provided, however*, That all action heretofore taken (including, without limitation, regulations or orders heretofore issued) by the Office of Price Administration pursuant thereto or pursuant to said supplementary directives as originally issued, is hereby ratified, approved and confirmed, and the authority so delegated shall continue to remain in full force and effect with respect to all such action which is not inconsistent with the terms of this directive, for all purposes including the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation heretofore committed or right or liability heretofore incurred under or pursuant to the terms thereof.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379; Sec. 2 (a), Pub. No. 671, 76th Cong., as amended by Pub. No. 89, 77th Cong., and by Pub. No. 507, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562; W.P.B. Reg. No. 1, 7 F.R. 561, as amended, 7 F.R. 2126)

Issued this first day of July, 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-11433; Filed, July 16, 1943; 10:12 a. m.]

[1] Form filed as part of the original document.

[2] This document is a restatement of Amendment 1 to Supplementary Directive 1-Q which appeared in the FEDERAL REGISTER of July 13, 1943, page 9492, and reflects the order in its completed form as of July 1, 1943.

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub Laws 89 and 507, 77th Cong.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 3, as Amended July 16, 1943]

UNIFORM METHOD OF APPLICATION AND EXTENSION OF PREFERENCE RATINGS

§ 944.23 *Priorities Regulation 3*—(a) *Definitions.* For the purposes of this regulation:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under the authority of the War Production Board, of the right to use such rating.

(4) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the War Production Board, and includes the initial issuance by any governmental agency, under authority of the War Production Board, of a preference rating certificate rating a delivery or the use of facilities directly to or for such agency.

(5) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(b) *General provisions.* (1) Any person may apply a preference rating assigned to him by any regulation, preference rating certificate or preference rating order issued to him in his name or as one of a class, and, subject to the provisions of this regulation, any person may extend any rating which has been applied or extended to deliveries to be made by him.

(2) A preference rating may be applied by a person to whom it is assigned only to the specific quantities and kinds of material authorized (or to the minimum required amounts of material when no specific quantities are authorized) or to the particular use of facilities specified.

(3) No person shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers for delivery of material to which he has applied or extended a rating, in such manner that the amount of the material ordered exceeds the amount to which he is authorized to apply or extend the rating, even though he intends to cancel or reduce his purchase orders to the authorized amount prior to completion of delivery.

(c) *Restrictions upon the application or extension of ratings for the use of facilities.* Ratings may be applied or extended to obtain the use of facilities only, in the following cases:

(1) A rating which has been specifically assigned by the War Production Board to permit a named person to obtain the use of specified facilities only may be applied only by the person named and only to obtain the use of the specified facilities.

(2) When a person is authorized to apply or extend a rating to obtain material which he will deliver (or which will be physically incorporated in material to be produced or delivered) he may apply or extend the same rating to obtain the processing by a concern regularly engaged in such business of the material to be produced or delivered or of material which will be physically incorporated therein, regardless of the fact that the material to be so processed may be the property of the customer for whom the processing is to be done. As used in this paragraph (c) (2) the term "processing" includes manufacturing and fabricating operations which are incidental to the production of finished material, but does not include processing of goods after their production is completed. For example, it includes industrial dyeing for manufacturers when such dyeing is incidental to the preparation of goods or material for sale but does not include the dyeing of clothing after it has been sold by the manufacturer.

(3) A person to whom a rating has been applied or extended pursuant to paragraphs (c) (1) and (2) to obtain the use of his facilities only may not extend the rating for any purpose. The person applying or extending a rating for the use of facilities only shall place upon the purchase order an endorsement substantially as follows: "For the use of facilities only; may not be extended by you for any purpose".

(d) *Extension of ratings for material.* The following provisions of this paragraph (d) shall be applicable to all *extensions* of preference ratings originally applied by any person to obtain deliveries of material, notwithstanding any inconsistent provisions of the preference rating certificate or preference rating order assigning the rating. No preference rating may be extended to the delivery of any material except:

(1) Material which will itself be delivered by the person extending the rating on a delivery bearing the rating which is being extended, or which will be physically incorporated into material to be so delivered, including the portion of such material normally consumed or converted into scrap or byproducts in the course of processing; or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however*, That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design or substitutions of less scarce materials, which in any case do not substantially alter the purpose for which the same is to be used.

A person may not extend a rating to any materials in excess of the quantities specified in this paragraph (d), nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance, repair or operating supplies.

(e) *CMP Regulation 3 and Priorities Regulation 11.* Nothing contained in paragraphs (b) or (d) above shall be deemed to enlarge or limit or to alter in any way any of the provisions or restrictions contained in CMP Regulation 3 (§ 3175.3) or Priorities Regulation 11 (§ 944.32).

(f) *Restrictions upon application and extension of ratings.* The following provisions are designed to eliminate or limit the use of preference ratings with respect to certain materials and products as to which such use is inappropriate because of adequate supply, specialized needs or other particular factors:

(1) *Items as to which preference ratings have no effect: List A.* Any item on List A attached to this regulation may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) *Items to which MRO ratings do not apply: List B.* Items on List B attached to this regulation are not subject to preference ratings assigned by any regulation or order of the War Production Board for maintenance, repair or operating supplies (including CMP Regulation 5 and CMP Regulation 5A), and no person shall apply or extend any such rating for such a purpose. Ratings assigned for purposes other than maintenance, repair and operating supplies may, however, be used to acquire items on List B. If any person receives an order for any item on List B bearing a rating assigned for maintenance, repair

or operating supplies (as shown by the symbol MRO or other prescribed identification, or which he otherwise knows to have been assigned for that purpose) he shall not give effect to such rating, and such rating shall be void.

(3) *Illustration.* A manufacturer of a product listed on Schedule II of CMP Regulation 5 is assigned a rating of AA-2 for operating supplies. He may not use the rating to buy wooden shelving for his own use since it is on List B. A contractor has received an order bearing a rating of AA-3 to install wooden shelving in an Army camp. He may extend that rating to obtain the wooden shelving from the manufacturer since in this case the shelving is production material as to him and not operating supplies. If, however, wooden shelving were on List A instead of List B, neither rating could be used.

(4) *Items to which only ratings assigned under specified orders apply: List C.* No person may apply or extend any preference rating to the delivery of any item on List C attached to this regulation, unless the rating is assigned or authorized by the particular order specified after that item on the list. No person shall give any effect to any rating in delivering any such item unless the purchase order bears the specific endorsement or certification required by the order assigning the rating; or, if no such endorsement or certification is required by the order, unless the purchase order bears a notation substantially as follows: "This rating has been assigned by Order No. ------".

(g) *Method of application or extension.* (1) Any person authorized to apply or extend preference ratings may do so:

(i) On a written contract or order by endorsing on or attaching to it a certification in substantially the form prescribed by CMP Regulation No. 7 (Section 3175.7), or substantially as follows, if preferred:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar.

(Name of Purchaser and PRP Certificate No. if Purchaser is a PRP Unit)

(Address)

By ---
(Signature and Title of Duly Authorized Officer)

(Date)

The certification which is used shall be signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for that purpose.

(ii) On a purchase order placed by telegraph, by including in the telegram the following abbreviated certification: "Ratings certified". The requirements for manual signature or authorization under Priorities Regulation No. 7 (§ 944.27) will be satisfied in such case if the copy of the outgoing telegram retained by the person placing the order is signed or authorized in the manner provided in that regulation.

(iii) On a purchase order placed by telephone and requiring shipment within seven days, by stating to the supplier at the time of placing the order the substance of either certification authorized in subdivision (i) of this paragraph (g) (1): provided, however, in such case, that the person making the statement is an official duly authorized to make such certification, and the person making the statement furnishes to the supplier within fifteen days after placing the purchase order confirmation in writing describing the material ordered and bearing a certification of such preference rating substantially in one of the forms authorized by subdivision (i) of this paragraph (g) (1). No preference rating received by telephone shall be extended by the supplier to replace in inventory any material delivered, until receipt by the supplier of the written confirmation herein required. On or before the twentieth day of each month, any supplier who has received in the prior month a preference rating applied or extended by telephone shall notify the War Production Board, Compliance Division, of any case in which a purchaser has failed to furnish to him the written certification when due.

(iv) The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying or extending a rating must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply or extend such rating, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. In addition thereto, each person applying or extending a rating shall execute and file with the War Production Board all reports and questionnaires required by the applicable preference rating certificate or preference rating order and such other reports and questionnaires as said Board shall from time to time request.

(2) Such certification may be used in lieu of any other form of certification required by the terms of any regulation, preference rating order or preference rating certificate (including, without limitation, the instructions accompanying Forms PD-1A, PD-3A and PD-25A) as a means of applying or extending a preference rating and in lieu of furnishing any copy of any preference rating order required thereby; except that the provisions of Priorities Regulation No. 9 (§ 944.30) with respect to the method of applying (but not extending) preference ratings covering certain types of exports must be complied with when ratings are applied pursuant to that regulation.

(3) Notwithstanding the requirements of any applicable preference rating order or certificate,

(i) A person may defer extending any rating for a period of not more than three months after he becomes entitled to extend the same;

(ii) Ratings of the same grade assigned by different preference rating certificates or orders may be combined and extended to a single delivery; and

(iii) Ratings of different grades whether assigned by the same or different preference rating certificates or orders, may be extended to deliveries under a single purchase order provided the amount of each material to which a particular grade of rating is extended is shown either as a separate item, or on a percentage basis where the material involved is of such type and in such quantities that the supplier can readily determine, from percentage figures alone, the exact effect of the extension of the rating on his production and delivery schedule. To the extent necessary to avoid production or delivery of material in quantities smaller than the minimum commercially practicable, items to which ratings of different grades might be extended may be combined and the rating of the lowest grade extended to the total production or delivery.

(4) In addition to complying with the foregoing requirements of this paragraph (g), any person applying or extending a preference rating shall include on his purchase order or contract such information (except designation of the number or serial number of the preference rating certificate or preference rating order assigning the rating) as may be required by the terms of any applicable order of the War Production Board and which the person placing the purchase order is able to furnish.

(h) *Applicability of other restrictions.* Except as expressly otherwise provided in paragraphs (d) and (g) of this regulation, the application or extension of any rating shall be subject to any applicable restrictions contained in any order of the War Production Board assigning the preference rating in question or regulating transactions in the material or the use of the facilities involved, including, without limitation, restrictions as to the kind and amount of material to which preference ratings may be applied or extended, requirements of countersignature or other written approval of particular transactions, and restrictions on the use of material or facilities.

(i) *Effect on existing certificates and orders.* All existing forms of preference rating certificates issued by or under authority of the Office of Production Management or the War Production Board are continued in full force and effect, and additional certificates on such forms may continue to be issued by the persons now or hereafter authorized to issue the same until such authority is revoked or amended, subject to the provisions of this and other regulations of the War Production Board. All certificates and all existing orders of the Office of Production Management or the War Production Board are to be deemed amended by this regulation only where and to the extent that the provisions of this regulation indicate that it is to control.

Issued this 16th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to preference ratings of any kind:

1. Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry, as petroleum industry is defined in Preference Rating Order P-98-b:
a. Anti oxidants (gum inhibitors) for motor fuels.
b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.
c. Chemical additives and compound bases for hypoid gear oils.
d. Synthetic catalysts for oil cracking operation.
e. Synthetic catalysts for cumene and codimer manufacture.
f. Synthetic catalysts for petroleum isomerization operations.
g. Synthetic catalysts for petroleum sweetening operations.
2. Communications services.
3. Dental burs.
4. Dental units and dental chairs.
5. Electric energy.
6. [Revoked]
7. Gas, manufactured.
8. Gas, natural.
9. Petroleum—restricted products as defined in Order M-201.
10. Steam heating, central.
11. Sterilizer equipment, as defined in Order L-266.
12. Track-laying Tractor Repair Parts (See Limitation Order L-53-b).
13. Ice.
[1]14. Tobaccos.
[1]15. Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible, and including their by-products and residues (whether resulting from refining, distillation, saponification, pressing or settling).
[1]16. Sulfated, sulfonated, and sulfurized fats and oils.
[1]17. Tall oil.
[1]18. Wool grease.
[1]19. Soap (other than metallic).
[1]20. Fatty acids.
[1]21. Glycerine.

LIST B

NOTE: Item 43 added; item 31 deleted; items 16, 20 and 30 amended, July 16, 1943.

Preference ratings assigned to the delivery of maintenance, repair and operating supplies may not be used to obtain the following items:

1. Anti-freeze, all types.
2. Automotive maintenance equipment as defined in Limitation Order L-270.
3. Automotive replacement batteries as defined in Limitation Order L-180.
4. Automotive replacement parts as defined in Limitation Order L-158.
5. Cellophane and cellulose acetate film less than three one thousandths (0.003) of one inch thick, or cellulose caps or bands of any gauge.
6. Chinaware.
7. Clocks and watches.
8. Construction machinery costing in excess of $10'00

[1] Subject to FD Reg. No. 1 of the War Food Administration. Any rating purporting to be applied or extended on or after June 30, 1943 to any such item is void. However, delivery before July 20, 1943, under any rated orders placed before June 30, 1943 is expressly permitted.

9. Containers, fabricated, other than shipping reels and skids (in knock-down or set-up forms whether assembled or unassembled) required for packaging products to be shipped or delivered, including but not limited to:
a. Cans, as defined in Order M-81.
b. Closures for glass containers.
c. Corrugated and solid fibre sheets not constituting "shipping containers" or "parts" as defined in Order P-140.
d. Fibre cans, fibre tubes (except shell containers), fibre bottles, and fibre mailing cases.
e. Folding and set-up boxes (paperboard).
f. Glass containers.
g. Grocers and variety bags.
h. Gummed stay and sealing tape, paper and cloth.
i. Ice cream cans (paperboard), and paraffin cartons and pails.
j. Paper and paperboard bottle caps, closures and hoods.
k. Paper cups and paper food containers.
l. Paper milk containers.
m. Paper shipping sacks.
n. Specialty bags and envelopes, including bags partly or wholly made of transparent films.
o. Textile bags.
10. Cutlery, as defined in any order of the L-140 series.
11. Enameled ware, as defined by Limitation Order L-30-b.
12. Filing Cabinets, wooden.
13. Fire protective equipment, including
a. Couplings, playpipes and allied fittings;
b. Fire hose, hose dryers, racks and reels;
c. Fire hydrants;
d. Fire pumps;
e. Fire sprinkler systems;
f. Foam generators;
g. Indicator posts;
h. Lightning rod systems;
i. Piped extinguishing systems;
j. Portable fire extinguishers;
k. Stirrup pumps;
l. Water spray nozzles.
14. Frying pans.
15. Furniture for use in offices, factories or industrial establishments.
16. Galvanized ware governed by Limitation Order L-30-a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout measures).
17. Glass tableware.
18. Glass tumblers.
19. Kitchen ware, heavy duty:
a. Bakery utensils;
b. Butcher blocks;
c. Butcher benches;
d. Canopies or hoods;
e. Carriers, food;
f. Carriers, tray;
g. Coffee mills and grinders;
h. Counters, cafeteria, lunch and serving;
i. Cutters, meat, bone and fish;
j. Counter protectors;
k. Cutters, french fry;
l. Dispensers, milk and cream;
m. Dough dividers;
n. Dough troughs;
o. Display racks;
p. Knife sharpeners and grinders;
q. Pans, cold;
r. Potato mashers;
s. Potato and vegetable parers or peelers;
t. Racks, bread (bakery);
u. Racks, pans (bakery);
v. Racks, dump (bakery);
w. Sandwich units;
x. Slicers, meat and bread;
y. Toaster stands;
z. Trucks, food;
aa. Tables, cooks, chef, salad and work;
bb. Tables, soiled and clean dish;
cc. Tables, bakers;
dd. Tray stands;
ee. Urn stands.
20. Kitchen household and miscellaneous articles governed by Limitation Order L-30-d.
21. Laboratory instruments and equipment (except ratings assigned by Preference Rating Order P-43, P-89 and P-98-b).
22. Lockers, wooden, for offices and factories.
23. Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment), including,
a. Anaesthesia and oxygen equipment and accessories;
b. Atomizers;
c. Clinical thermometers;
d. Crutches;
e. Dental consumable supplies;
f. Dental equipment and appliances;
g. Diagnostic instruments and apparatus;
h. Electric light bulbs for diagnostic instruments;
i. Hearing aids;
j. Hospital and medical rubber drug sundries;
k. Hospital enamelware and stainless steel ware;
l. Hypodermic needles and syringes;
m. Operating and examining room furniture;
n. Operating and examining room lights;
o. Ophthalmic goods;
p. Orthopedic appliances including splints, belts and trusses;
q. Physical therapy equipment and supplies;
r. Sterilizers;
s. Surgical dressings;
t. Suture needles;
u. Sutures;
v. X-ray equipment and supplies.
24. Medical, surgical and dental instruments.
25. Medicinal preparations, including vitamins.
26. Photographic film, sensitized, as controlled by Order L-233.
27. Pails and tubs, wooden, including wooden mop pails.
28. Printing and publishing:
a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;
b. Processed printing plates;
c. Type metal, stereotyping metal and electrotype backing-metal;
d. Printing paper, paperboard and binders' board;
e. Book cloth;
f. Blankbook and loose-leaf binders, metal parts and units;
g. Mechanical bindings.
29. Signal and alarm equipment, including
a. Central Station, proprietary, auxiliary and automatic fire alarms;
b. Watchman's time recording, burglar, bank vault, holdup and intrusion systems.
30. Cast iron ware, as defined by Limitation Order L-30-c.
32. Wooden shelving.
33. Any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:
a. Air raid warnings or detection of the presence of enemy aircraft; or
b. Blackouts or dimouts; or
c. The protection of civilians, either individually or collectively, against enemy action or attack.
34. Flatware.
35. Fuel.
36. Pens, Fountain.
37. Pencils, Mechanical.
38. Pencils, Wood Cased.
39. Pen Nibs, Steel.
40. Pen Holders.
41. Adhesive tape backed with cellophane or similar transparent material derived from cellulose.
42. Cellulose caps or bands of any gauge.
43. Safety pins.

LIST C

Only the ratings assigned or authorized by the particular orders specified may be used to obtain any of the following items:

1. Animal bristles and hair and products made primarily therefrom, M-328
2. Closures, apparel M-328; P-131
3. Clothing, footwear, hats, gloves and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics. M-328. This item is not intended to include the following types when specifically designed and used to furnish protection against specific occupational hazards (other than weather):
   a. Asbestos clothing.
   b. Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
   c Metal mesh gloves, aprons and sleeves.
   d. Other safety leather gloves or mittens, but only if steel stitched or steel reinforced
   e. Plastic and fibre safety helmets.
   f. Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.
   g. Safety industrial leather clothing other than gloves or mittens.
   h. Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.
4. Combinations of cotton, wool or synthetic yarn, or cotton, wool or synthetic woven, felted, knitted or braided fabrics. M-73; M-148; M-166; M-298; M-328; P-131.
5. Containers: "Shipping Containers" or "Parts" as defined in Order P-140. P-140.
6. Cotton yarn or cotton woven, knitted or braided fabric. P-116; P-131; M-107; M-134; M-148; M-166; M-207; M-218; M-293; M-328; L-282.
7. Dyestuffs. M-328.
8. Eyelets, metal. M-328; P-131.
9. Findings, shoe. M-328.
10. Hides, skins, furs, leather and products made primarily from any of the foregoing, excepting transmission belting, hydraulic packing, mechanical and textile leather. M-328.
11. Sponges. M-328.
12. Synthetic yarn or synthetic woven, knitted or braided fabric. M-148; M-166; M-328; P-131.
13. Tacks, cut steel. M-328.
14. Textile or cordage fibers, (animal or vegetable) and products made primarily therefrom. M-328; M-85.
15. Wool, wool yarn or wool woven, knitted, felted or braided fabric. M-73; M-148; M-328; P-131.

INTERPRETATION 2

The restrictions on the use of ratings for the items on Lists A, B and C, which were added to the regulation by the amendment of June 4, 1943, apply to orders for such items which had been placed before June 4 but were not yet filled.

Paragraph (f) provides that no person shall give effect to any rating the use of which is restricted by that paragraph, in filling an order. It follows, therefore, that (1) all outstanding ratings on unfilled orders for items on List A are cancelled; (2) all outstanding ratings assigned for maintenance, repair or operating supplies which have been applied on unfilled orders for items on List B are cancelled; and (3) all outstanding ratings other than those specifically authorized by List C on unfilled orders for items on that list are cancelled. [Issued June 12, 1943]

INTERPRETATION 3

FIRE PROTECTIVE EQUIPMENT

Preference ratings assigned to the delivery of maintenance, repair and operating supplies (MRO ratings) may be used to obtain repair parts and materials for existing fire protective equipment, but may not be used to obtain end items of fire protective equipment. The term "Fire protective equipment", item 13 on List B attached to Priorities Regulation 3, includes only end items and does not include materials or parts required for the repair or maintenance of existing fire protective equipment.

For example, a fire extinguisher or a fire hose coupling is an end item of fire protective equipment and therefore may not be obtained on MRO ratings, whereas a part required to repair an extinguisher or coupling is not an end item and therefore may be obtained on MRO ratings. Similarly, MRO ratings may not be used to obtain a fire sprinkler system nor to extend an existing sprinkler system, but such ratings may be used to repair or replace sprinkler heads which have been opened up by fire or damaged in any other way However, MRO ratings may not be used to repair or replace new equipment which is still usable. [Issued June 17, 1943]

[F. R. Doc. 43-11432; Filed, July 16, 1943; 10:12 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Direction 1 to Priorities Regulation 3, as Amended]

The following Direction is issued pursuant to Priorities Reg. 3 as amended.

Use of ratings assigned on Form WPB-837 (formerly PD-408) for maintenance, repair or operating supplies. Ratings assigned, for the third quarter of 1943 only, to governmental agencies and institutions on Form WPB-837 (formerly PD-408) for maintenance, repair and operating supplies may be used to the extent authorized on the form. The use of these ratings is permitted as an exception to the restrictions of paragraph (f) (2) of Priorities Regulation 3 which prohibits the use of ratings assigned for maintenance, repair or operating supplies for certain items set out on List B.

Issued this 16th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11431; Filed, July 16, 1943; 10:12 a. m.]

PART 3032—FILM

[General Limitation Order L-178, as Amended July 16, 1943]

§ 3032.1 *General Limitation Order L-178*—(a) *Definitions.* For the purposes of this order:

(1) "35 mm. film" means unexposed film 35 mm. wide with a nitrate or safety base, whether negative or positive, other than film packaged for use in 35 mm. still cameras.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(3) "Transfer" means the sale, lease, trading, loan, delivery, shipment or transfer of 35 mm. film by one person to any other person, but shall not include:

(i) Transfers of 35 mm. film from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control, located within the 48 states and the District of Columbia of the United States of America;

(ii) Transfers of title merely for security purposes;

(iii) Transfers of 35 mm. film to and from warehouses where no substantial change in right, title or ownership to such 35 mm. film is effected;

(iv) Transfers to and from carriers in order to effect the transfers specified in this paragraph;

(v) The following transfers of 35 mm. film when actually delivered to the second named persons within the 48 states and the District of Columbia of the United States of America:

(*a*) Eastman Kodak Company to J. E. Brulatour, Inc.

(*b*) Du Pont, E. I. de Nemours & Company to Smith & Aller, Ltd.

(c) Agfa Ansco to Agfa Raw Film Corporation.

(4) "Class A producer" means any of the following producing companies and their subsidiaries:

Columbia Pictures Corporation
Hollywood Square
Hollywood, California
Metro-Goldwyn-Mayer
Culver City, California
Paramount Pictures, Inc.
5451 Marathon Street
Hollywood, California
Radio-Keith-Orpheum Corporation
780 North Gower Street
Hollywood, California
Republic Pictures Corporation
4024 Radford Avenue
North Hollywood, California
Universal Pictures Company, Inc.
Universal City, California
Twentieth Century Fox Film Corporation
10201 West Pico Boulevard
Los Angeles, California
Warner Brothers Pictures, Inc.
400 West Olive Street
Burbank, California

(5) "Class B producer" means any person other than a Class A producer who exposes 35 mm. picture negative film for the purpose of producing an entertainment motion picture for exhibition in theaters, at least one of whose motion pictures produced during 1941 was distributed by any Class A or Class B distributor.

(6) "Class C producer" means any person other than a Class A or Class B producer who exposes 35 mm. picture negative film for the purpose of producing an entertainment motion picture for exhibition in theaters.

(7) "Class A distributor" means any of the following distributing companies and their subsidiaries:

Columbia Pictures Corporation
729 Seventh Avenue
New York, New York
Loew's Inc. (Metro-Goldwyn-Mayer)
1540 Broadway
New York, New York
Paramount Pictures, Inc.
1501 Broadway
New York City
Radio-Keith-Orpheum Corporation
1270 Sixth Avenue
New York, New York
Republic Pictures Corporation
1790 Broadway
New York, New York
Twentieth Century Fox Film Corporation
444 West 56th Street
New York, New York

Universal Pictures Company, Inc.
1250 Sixth Avenue
New York, New York
Vitagraph, Inc. (Warner Brothers)
321 West 44th Street
New York, New York

(8) "Class B distributor" means any of the following distributing companies and their subsidiaries:

Monogram Productions, Inc.
4376 Sunset Drive
Hollywood, California
Producers Releasing Corporation
1501 Broadway
New York, New York
United Artists Corporation
729 Seventh Avenue
New York, New York

(9) "Class C distributor" means any person other than a Class A or Class B distributor, who distributes 35 mm. prints of entertainment, factual, or special pictures for exhibition.

(10) "Expose", "exposing" or "exposed" includes, in addition to its normal meaning, to process by an imbibition method, such as technicolor.

(11) "Entertainment picture" means any picture, including a trailer for such picture, other than a factual or special picture or a newsreel.

(12) "Factual picture" means any picture whose main function is informational or instructional, including advertising and sales promotion pictures and newsreels produced by Class B newsreel producers, but not including special pictures or pictures whose main function is entertainment.

(13) "Newsreel" means any picture whose main function is to report news events.

(14) "Class A newsreel producer" means any of the following producing companies and their subsidiaries:

Paramount Pictures, Inc., producing Paramount News
Pathe News, Inc.
Universal Pictures Company, Inc., producing Universal Newsreel.
News-of-the-Day Newsreel, Inc.
Movietonenews, Inc.
Time, Inc., producing the March of Time.

(15) "Class B newsreel producer" means any person other than a Class A newsreel producer who produces newsreels.

(16) "Special picture" means any picture (i) Produced for scientific research purposes, such as recording and measuring;

(ii) Produced for micro-filming purposes;

(iii) Produced for identification picture purposes;

(iv) Produced for such other special purposes as the War Production Board may from time to time specify.

(b) *Restrictions on transfers of 35 mm. film for exposure in connection with entertainment pictures.* (1) No person shall transfer any 35 mm. film to any other person whatsoever for exposure in connection with entertainment pictures, except (i) Motion picture laboratories and other service organizations processing 35 mm. film may transfer 35 mm. film to or for the account of Class A or B distributors; or

(ii) With specific authorization of the War Production Board.

(2) During the period of three months beginning April 1, 1943, and during each three months period thereafter until otherwise ordered by the War Production Board, the War Production Board, upon proper application, will grant authorizations for the transfer of 35 mm. film to or for the account of the following persons exposing such film in connection with entertainment pictures:

(i) Any Class A producer and its Class A distributor in an amount not to exceed, in the absence of special circumstances, that specified in Schedule A of this order;

(ii) Any Class B distributor in an amount not to exceed, in the absence of special circumstances, that specified in Schedule A of this order;

(iii) Any Class B producer in such amounts as the War Production Board shall, from time to time, determine after taking into account the amounts of 35 mm. film which such Class B producer has obtained from, or, through a charge against the account of, any Class A or Class B distributor;

(iv) Any Class C producer or Class C distributor in an amount not to exceed, in the absence of special circumstances, 25% of the 35 mm. film exposed by or for the respective account of such Class C producer or Class C distributor during the calendar year 1941.

(3) In addition to the amount of 35 mm. film which the War Production Board will authorize to be transferred pursuant to paragraph (b) (2) of this order, the War Production Board will authorize the transfer of additional amounts of 35 mm. film to any Class A, B or C distributor in amounts equal to 50% of the linear feet of 35 mm. film contained in positive prints of entertainment pictures which such distributor turned over to the Army of the United States for distribution and exhibition by the Army of the United States in the preceding calendar quarter, and 100% of the linear feet of 35 mm. film contained in positive prints of entertainment pictures which such distributor turned over to the Navy of the United States for distribution and exhibition by the Navy of the United States in the preceding calendar quarter.

(c) *Restrictions on transfers of 35 mm. film for exposure in connection with factual pictures.* (1) No person shall transfer any 35 mm. film to any other person (including government agencies) for exposure in connection with factual pictures except pursuant to (i) Such rules and regulations as the Bureau of Motion Pictures of the Office of War Information shall from time to time specify; or

(ii) The specific authorization of the War Production Board.

(2) During the three months period beginning April 1, 1943, and during each three months period thereafter until otherwise ordered, the War Production Board and the Bureau of Motion Pictures of the Office of War Information, unless there are special circumstances, shall not authorize the transfer of more 35 mm. film for exposure in connection with factual pictures than 25,150,000 linear feet.

(d) *Restrictions on transfers of 35 mm. film for exposure in connection with special pictures.* No person shall transfer any 35 mm. film to any other person (including government agencies) for exposure in connection with special pictures except pursuant to the specific authorization of the War Production Board.

(e) *Restrictions on transfers of 35 mm. film for exposure by Class A newsreel producers.* (1) No person shall transfer any 35 mm. film for exposure by Class A newsreel producers in connection with newsreels produced by them, except (i) Motion picture laboratories or other service organizations processing 35 mm. film may transfer 35 mm. film to or for the account of Class A newsreel producers; or

(ii) Pursuant to specific authorization of the War Production Board.

(2) During the period of three months beginning April 1, 1943, and during each three months period thereafter until otherwise ordered by the War Production Board the War Production Board, upon proper application, will grant authorizations for the transfer of 35 mm. film to or for the account of Class A newsreel producers for exposure in connection with newsreels in an amount not to exceed, in the absence of special circumstances, the amount specified opposite such Class A newsreel producer's name in Schedule B of this order.

(f) *Restrictions on exposure of 35 mm. film by laboratories.* No motion picture laboratory or other service organization processing 35 mm. film shall expose any such film, except (1) For the account of any person who has been authorized by the Bureau of Motion Pictures of the Office of War Information to obtain a transfer of 35 mm. film;

(2) For the account of any Class A or Class B distributor or any Class A newsreel producer.

(3) For the account of any person who has been authorized by the War Production Board to obtain a transfer of 35 mm. film; or

(4) With the specific authorization of the War Production Board.

(g) *Applications for authorizations to transfer 35 mm. film.* Any person may apply to the War Production Board for a specific authorization to transfer 35 mm. film by executing and filing Form PD-763 with the Motion Picture and Photographic Section of the Consumers Durable Goods Division of the War Production Board, Washington, D. C.

(h) *Film authorizations effective only for 180 days.* All specific authorizations of the War Production Board granted pursuant to this order, heretofore or hereafter issued, shall remain in effect only for the 180 days following the date of authorization and shall have no force or effect thereafter, unless the particular authorization expressly states otherwise. This paragraph shall not apply to authorizations granted by the Bureau of Motion Pictures of the Office of War Information pursuant to paragraph (c) (1) (i) of this order.

(i) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) Every motion picture laboratory and other service organization processing 35 mm. film shall execute and file with the War Production Board, Washington, D. C., Ref: L–178, on or before the 10th day following the close of each calendar month, Form PD–764.

(j) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Appeals.* Any appeal from the provisions of this order must be made on Form PD–500.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref.: L–178.

NOTE: Paragraphs (h), (i), (j), (k), (l) and (m) redesignated (i), (j), (k), (l), (m) and (n), July 16, 1943.

Issued this 16th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

	Linear feet
Columbia Pictures Corporation	30, 253, 296
Metro-Goldwyn-Mayer and Loew's, Inc	42, 147, 476
Monogram Productions, Inc	5, 848, 397
Paramount Pictures, Inc	30, 722, 843
Producers Releasing Corporation	5, 500, 000
Radio-Keith-Orpheum Corporation	27, 435, 119
Republic Pictures Corporation	18, 380, 444
Twentieth Century Fox Film Corporation	31, 803, 298
United Artists Corporation	15, 086, 803
Universal Pictures Company, Inc.	27, 448, 441
Warner Brothers Pictures, Inc and Vitagraph, Inc	33, 742, 077

SCHEDULE B

Movietonenews, Inc	12, 121, 701
News-of-the-Day Newsreel, Inc	11, 685, 076
Paramount Pictures, Inc., producing Paramount News	11, 627, 566
Pathe News, Inc	7, 895, 750
Time, Inc., producing the March of Time	2, 164, 195
Universal Pictures Company, Inc., producing Universal Newsreel	*Linear feet* 7, 085, 524

[F. R. Doc. 43–11428; Filed, July 16, 1943; 10:12 a. m.]

PART 3147—PHOTOGRAPHIC FILM AND FILM BASE

[General Limitation Order L–233 as Amended July 16, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for film and film base for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3147.1 *General Limitation Order L–233*—(a) *Definitions.* For the purposes of this order:

(1) "Amateur-type still film" means roll films and 35 millimeter perforated films (whether packaged as cartridges, spools or in bulk) except 35 millimeter motion picture film.

(2) "Amateur-type motion picture film" means 8 and 16 millimeter reversal-type motion picture film.

(3) "Cut-sheet film" means film packaged in lots of individual flat pieces including film packs, but excluding X-ray film.

(4) "Group I products" means amateur-type still films and amateur-type motion picture films.

(5) "Group II product" means cut-sheet film.

(6) "Group III product" means 35 millimeter motion picture film.

(7) "Restricted film" means Group I, Group II and Group III products, and film base for such products.

(8) "Base period" means the calendar year 1941.

(9) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not, engaged in the business of producing any film or film base whatsoever.

(10) "Preferred order" means any order, contract or subcontract placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Government of Canada, the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), and government agencies or other persons acquiring film or film base for export to and consumption or use in, any foreign country.

(b) *General restrictions.* No manufacturer shall:

(1) On and after December 16, 1942, produce any restricted film other than for preferred orders except in accordance with the provisions of paragraph (c) of this order;

(2) On and after January 1, 1943, produce and sell, lease, trade, ship, lend or transfer any restricted film pursuant to a preferred order except in accordance with the provisions of paragraph (d) of this order;

(3) On and after January 1, 1943, produce any film or film base other than restricted film, whether or not such production is pursuant to a preferred order except in accordance with the provisions of paragraph (e) of this order.

(c) *Limitations on production of restricted film other than for preferred orders.* (1) During the month of December, 1942, no manufacturer shall produce more film base (excluding preferred orders) intended to be used by any person for the production of finished Group I, Group II or Group III products than the following percentages of such film base (including preferred orders) produced by him during the base period:

(i) Film base for Group I products, 5%.

(ii) Film base for Group II product, 7%.

(iii) Film base for Group III product, 7%.

(2) During the month of December 1942, no manufacturer shall produce more finished Group I, Group II or Group III products (excluding preferred orders) than the following percentages of such finished film (including preferred orders) produced by him during the base period:

(i) Group I products, 5%.

(ii) Group II product, 7%.

(iii) Group III product, 7%.

(3) During the three months period beginning January 1, 1943, and for each three months period thereafter, no manufacturer shall produce more film base (excluding preferred orders) intended to be used by any person for the production of finished Group I, Group II or Group III products than the following percentages of such film base (including preferred orders) produced by him during the base period:

(i) Film base for Group I products, 12½%.

(ii) Film base for Group II product, 19%.

(iii) Film base for Group III product, 19%.

(4) During the three months period beginning January 1, 1943, and for each three months period thereafter, no manufacturer shall produce more finished Group I, Group II or Group III products (excluding preferred orders) than the following percentages of such finished film (including preferred orders) produced by him during the base period:

(i) Group I products, 12½%.

(ii) Group II product, 19%.

(iii) Group III product, 19%.

(5) On or after March 9, 1943, no manufacturer shall produce or transfer any restricted film pursuant to a preferred order except in accordance with the provisions of paragraph (d) of this order.

(d) *Limitations on production and delivery of restricted film for preferred orders.* On or before December 20, 1942, and on or before the first day of each third succeeding calendar month thereafter, each manufacturer shall file with the War Production Board a statement in writing in quadruplicate which shall include:

(1) Such manufacturer's proposed production schedule of restricted film for preferred orders so far as then planned, but in any event, for not less than the next succeeding calendar quarter.

(2) His proposed delivery schedules of restricted film for preferred orders so far as then planned, but in any event for not less than the next succeeding calendar quarter.

The War Production Board shall notify manufacturers of its approval or disapproval of the production and delivery schedules for the calendar quarter or more covered in the report. Either at the time the schedule is initially filed by the manufacturer, or at any time thereafter, the War Production Board may change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer; or direct the delivery of any restricted film whether or not produced pursuant to a preferred order, to any other person, at the established price and terms. No manufacturer shall produce or deliver any restricted film pursuant to a preferred order, except in accordance with schedules approved or prescribed by the War Production Board as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the War Production Board. In connection with the delivery of any Group III product, the War Production Board may direct that such Group III product be delivered in accordance with the restrictions contained in General Limitation Order L–178 as amended from time to time (§ 3032.1).

(e) *Limitations on production of film and film base other than restricted film.* On or before December 20, 1942, and on or before the first day of each third succeeding calendar month thereafter, each manufacturer shall file with the War Production Board a statement in writing in quadruplicate which shall include such manufacturer's proposed production schedule for any film or film base whatsoever (including preferred orders) other than restricted film so far as then planned, but in any event, for not less than the next succeeding calendar quarter.

The War Production Board shall notify manufacturers of its approval or disapproval of the production schedules for the calendar quarter or more covered in the report. Either at the time the schedule is initially filed by the manufacturer, or at any time thereafter, the War Production Board may change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer, or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer. No manufacturer shall produce any film or film base whatsoever (including preferred orders) other than restricted film, except in accordance with schedules approved or prescribed by the War Production Board as above provided; and no manufacturer shall alter any such approved or prescribed production schedule unless authorized or directed to do so by the War Production Board.

(f) *Special provision affecting the distribution of film.* (1) All orders for film shall be filled as unrated orders except orders with ratings of AA–5 or higher where film is specifically mentioned on the form; assigned:

(i) On Form WPB–541 (formerly PD–1A);

(ii) On Form WPB–542 (formerly PD–3A);

(iii) On Form WPB–837 (formerly PD–408);

(iv) In accordance with procedures authorized for use by the Bureau of Supplies and Accounts (Navy), Coast Guard or other supply arm or bureau in place and instead of using Form WPB–542 (formerly PD–3A).

(2) No person who has received a rated order for film shall extend the rating unless the rating is AA–5 or higher and unless he is informed in writing by the person placing the order that the rating was expressly assigned in accordance with one of the forms or the procedures prescribed in this paragraph.

(3) Nothing in this paragraph (f) shall affect the distribution of the 35 mm. film controlled by Limitation Order L–178.

(g) *Reports.* (1) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington, D. C., Ref: L–233, on or before the 10th day following the close of each calendar month, Form PD–655.

(2) Every person affected by this order shall execute and file with the War Production Board such other reports and questionnaires as said Board shall from time to time request.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(i) *Audit and inspection.* All records required to be kept by this order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the production of any film or film base whatsoever, inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production of the rates permitted by this order.

(k) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(l) *Appeal.* Any appeal from the provisions of this order should be made on Form PD–500, addressed to the War Production Board, Consumers' Durable Goods Division, Ref: L–233.

(m) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of any film or film base whatsoever, to a greater extent than the limits imposed by this order, such other order shall govern unless otherwise specified therein.

(n) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(o) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref: L–233.

Issued this 16th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11429; Filed, July 16, 1943; 10:12 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIAL PLAN

[CMP Regulation 5A, Direction 1]

LOCAL HOUSING AUTHORITIES

The following direction is issued pursuant to CMP Reg. 5A (§ 3175.5a).

The ratings and symbol assigned by CMP Regulation 5A shall not be used by any local housing authority to obtain maintenance, repair or operating supplies (including minor capital additions as defined in paragraph (b) (6) of said regulation). Local housing authorities may use the ratings and symbol assigned to the Federal Public Housing Authority to obtain maintenance, repair and operating supplies to the extent and in the manner that such use is specifically authorized by the Federal Public Housing Authority.

Issued this 16th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11430; Filed, July 16, 1943; 10:12 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88,[1] Amdt. 117]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (b) (11) is amended to read as follows:

(11) (i) Notwithstanding any other provision of § 1340.159 (b), except as otherwise provided in this subparagraph (11), a seller's maximum tank wagon price at a particular point for a particular grade of gasoline, kerosene, range or stove oil, distillate fuel oils, and tractor and diesel fuel shall be the maximum price as determined under other provisions of this Schedule of the reference tank wagon seller named hereunder for the same grade at the same point provided the reference tank wagon seller's maximum price is higher than the maximum price which would otherwise be applicable.

(ii) (a) Where deliveries are made within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and New York, any seller's maximum price for tank wagon and returnable steel barrel deliveries of gasoline to a consumer of any class shall be as follows:

(*1*) For tank wagon deliveries in single lots of 250 gallons or more to a purchaser whose semi-annual requirements, as hereinafter defined, for bulk delivery are:

(*i*) 10,000 gallons and up to 60,000 gallons the maximum commercial consumer's tank wagon price, as determined under other provisions of this price schedule, of the reference tank wagon seller named hereunder.

(*ii*) Under 10,000 gallons one-half cent (½¢) per gallon in addition to the maximum price established under (*i*).

(*iii*) 60,000 gallons or more one-quarter cent (¼¢) per gallon less than the maximum price established under (*i*).

(*2*) For tank wagon deliveries in single lots of less than 250 gallons, one cent (1.0¢) per gallon in addition to the maximum price of the reference tank wagon seller, named hereunder, for single lot deliveries of 250 gallons or more.

(*3*) For returnable steel barrel deliveries, 3¢ per gallon in addition to the maximum commercial consumer's tank wagon price as determined under other provisions of this price schedule of the reference tank wagon seller named hereunder.

(*b*) Where deliveries are made within the States of New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, any seller's maximum price for tank wagon and returnable steel barrel deliveries of gasoline to a consumer of any class shall be as follows:

(*1*) For tank wagon deliveries in single lots of 250 gallons or more to a purchaser whose semi-annual requirements as hereafter defined for bulk delivery are:

(*i*) Under 10,000 gallons, the maximum commercial consumer's tank wagon price as determined under other provisions of this price schedule of the reference tank wagon seller named hereunder.

(*ii*) 10,000 gallons and up to 60,000 gallons, one-half cent (½¢) per gallon less than the maximum price established under (*i*).

(*iii*) 60,000 gallons and more, three-quarters cent (¾¢) per gallon less than the maximum price established under (*i*).

(2) For tank wagon deliveries in single lots of less than 250 gallons, one cent (1.0¢) per gallon in addition to the maximum price of the reference tank wagon seller, named hereunder, for single lot deliveries of 250 gallons or more.

(3) For returnable steel barrel deliveries, two cents (2.0¢) per gallon in addition to the maximum commercial consumer's tank wagon price as determined under other provisions of this price schedule of the reference tank wagon seller named hereunder.

(iii) For the purpose of this section, a consumer's semi-annual requirements of gasoline shall be the sum of all lawful ration allotments for bulk delivery only converted to semi-annual basis in effect to a given consumer as of January 1 for the first six months, and July 1 for the last six months of any calendar year.

It shall be the responsibility of the purchaser to provide reasonable proof to the seller as to the amount of the purchaser's semi-annual gasoline requirements for bulk delivery as calculated in the manner prescribed above. In the event that the purchaser fails to provide the seller with reasonable proof of the purchaser's annual gasoline requirements for bulk delivery as prescribed above, then such purchaser shall be presumed to have semi-annual gasoline requirements for bulk delivery of less than 10,000 gallons.

(iv) For a product of a particular seller to be regarded as of the same grade as a product of the reference seller, it must customarily have been so regarded in trade practice at the point of sale and it must be a product that has customarily been sold in competition with the product of the reference seller.

(v) The companies hereinafter named are the reference tank wagon sellers for any point in the Continental United States, in the state, states or districts set out opposite the name of the company: *Provided*, That such company has an applicable maximum price for such point:

For any point in the State of:	*Reference tank wagon sellers*
Alabama	Standard Oil Company of Kentucky.
Arizona	Standard Oil Company of California.
Arkansas	Standard Oil Company of Louisiana.
California	Standard Oil Company of California.
Colorado	Continental Oil Company.
Connecticut	Socony-Vacuum Oil Company, Inc.
Delaware	The Atlantic Refining Company.
District of Columbia	Standard Oil Company of New Jersey.
Florida	Standard Oil Company of Kentucky
Georgia	Standard Oil Company of Kentucky.
Idaho	Continental Oil Company.
Illinois	Standard Oil Company of Indiana.
Indiana	Standard Oil Company of Indiana.
Iowa	Standard Oil Company of Indiana.
Kansas	Standard Oil Company of Indiana.
Kentucky	Standard Oil Company of Kentucky.
Louisiana	Standard Oil Company of Louisiana.
Maine	Socony-Vacuum Oil Company, Inc.
Maryland	Standard Oil Company of New Jersey.
Massachusetts	Socony-Vacuum Oil Company, Inc.
Michigan	Standard Oil Company of Indiana.
Minnesota	Standard Oil Company of Indiana.
Mississippi	Standard Oil Company of Kentucky.
Missouri	Standard Oil Company of Indiana.
Montana	Continental Oil Company.
Nebraska	Standard Oil Company of Nebraska.
Nevada	Standard Oil Company of California.
New Hampshire	Socony-Vacuum Oil Company, Inc.
New Jersey	Standard Oil Company of New Jersey.
New Mexico	Continental Oil Company.
New York	Socony-Vacuum Oil Company, Inc.
North Carolina	Standard Oil Company of New Jersey.
North Dakota	Standard Oil Company of Indiana.
Ohio	Standard Oil Company of Ohio.
Oklahoma	Continental Oil Company.
Oregon	Standard Oil Company of California.
Pennsylvania	Atlantic Refining Company.
Rhode Island	Socony-Vacuum Oil Company, Inc.
South Carolina	Standard Oil Company of New Jersey.
South Dakota	Standard Oil Company of Indiana.
Tennessee	Standard Oil Company of Louisiana.
Texas	The Texas Company.
Utah	Continental Oil Company
Vermont	Socony-Vacuum Oil Company, Inc.
Virginia	Standard Oil Company of New Jersey.
Washington	Standard Oil Company of California.
West Virginia	Standard Oil Company of New Jersey.
Wisconsin	Standard Oil Company of Indiana.
Wyoming	Continental Oil Company.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718, 3795, 3845, 4130, 4131, 3841, 4252, 4334, 4783, 4840.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11390; Filed, July 15, 1943; 2:12 p. m.]

PART 1366—USED CONSUMER DURABLE GOODS

[MPR 429]

CERTAIN USED CONSUMER DURABLE GOODS

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 429 are and will be generally fair and equitable and will effectuate the purpose of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1366.1 *Maximum prices for certain types of used consumer durable goods.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 429 (Ceiling Prices for Certain Types of Used Consumer Durable Goods), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1366.1 issued under Pub. Laws 421 and 727, 77th Cong.; E.O. 9250, 7 F.R 7871.

MAXIMUM PRICE REGULATION No. 429—CEILING PRICES FOR CERTAIN TYPES OF USED CONSUMER DURABLE GOODS

CONTENTS

Sec.
1. What to look for in this regulation.
2. Relation to the General Maximum Price Regulation and other regulations.
3. Antiques and objects of art.
4. What transactions and persons are covered by this regulation.
5. How to determine your ceiling prices
6. How to find the price of the new article.
7. How to determine the class of used article.
8. How to find the ceiling price for each class.
9. Fixing of dollars-and-cents ceiling prices for certain articles by Regional or other offices of the Office of Price Administration.
10. Application for permission to charge higher prices under certain specified circumstances.
11. Credit, delivery, and other charges.
12. Evasion, licensing and enforcement.
13. Posting ceiling price notice.
14. Tagging.
15. Sales slips or receipts.
16. Petitions for amendment.
17. Geographical coverage of this regulation.

SECTION 1. *What to look for in this regulation.* This regulation tells how to find ceiling prices for certain types of used goods. As defined in this regulation used goods includes reconditioned, rebuilt, and renovated goods. However, this regulation does not cover goods which were sold new and which have been returned to the original seller who has returned to the buyer the full amount paid on account of the purchase of the goods. (Such goods are to be treated as new goods under Office of Price Administration price regulations).

This regulation does not cover the sale of all used goods. It only covers the sale of the used goods listed below:

(a) All kinds of furniture made from any kind of material, to be used for any purpose, including furniture used in offices, stores, restaurants, hospitals, hotels, camps, trailers, boats, institutions and similar places as well as homes.

(b) All kinds of bedding including mattresses, pillows, studio couches, sofa beds, boxsprings, and pads, but not including non-upholstered metal coil or flat bedsprings, folding bedsprings or bedsprings with stationary or folding legs attached, metal cots and fold-away beds.

(c) All kinds of domestic cooking and space heating stoves except gas cooking stoves.

(d) All kinds of soft surface floor coverings including carpets and rugs; and hard surface floor coverings including linoleum, inlaid, and felt base. Knotted oriental rugs are not included.

(e) All kinds of portable lamps and lamp shades.

(f) The following houseware items: clothes wringers, metal ironing tables, laundry boilers, ice cream freezers, kitchen and bathroom scales, pressure canners, kitchen cutlery, choppers and grinders, small electrical appliance (including irons, fans, space heaters, heating pads, etc.) metal cooking utensils, carpet sweepers, step ladders, and stools.

(g) All kinds of hand tools including, but not limited to the following: chisels, of all types, pliers, wrenches, screw drivers of all types, snips, shears, shovels, farm and garden tools commonly known as steel goods, axes, hammers, hatchets, saws, sledges, wedges, mauls, picks, legging tools, carpenter's tools (such as planes, levels and squares).

(h) The following hardware items: wheelbarrows, blow torches, chain and chain products.

(i) All kinds of musical instruments except pianos.

(j) All kinds of baby carriages, strollers, and baby walkers.

(k) Portable room coolers of one horse power or less.

(l) All kinds of commercial and institutional kitchen equipment including, but not limited to, ranges, broilers, automatic fryers, roasting and baking ovens, steam tables, hot plates, griddles, coffee urns and coffee making systems, toasters, dishwashers, glasswashers, mixers, choppers, slicing machines, burnishers, potato peelers, vegetable steamers, and canopies.

(m) All kinds of store or office fixtures including, but not limited to, filing cabinets, lockers, storage cabinets, wardrobes, movable safes, time clocks, and store measuring devices used in the sale of merchandise such as scales, liquid and bulk measures and linear measuring machines. Office business machines are not included.

(n) All kinds of beauty and barber shop furniture fixtures.

(o) All kinds of coin operated vending machines for cigarettes, candy, beverages, etc.; and coin operated weighing machines and juke boxes, pin ball machines and other amusement machines.

SEC. 2. *Relation to the General Maximum Price Regulation and other regulations.* This regulation takes the place of the General Maximum Price Regulation[1] for the sales of the used articles which are listed in section 1 above. However, this regulation does not cover the sale of the used goods listed below which are covered by other regulations.

Used household mechanical refrigerators (nonmechanical refrigerators remain under the General Maximum Price Regulation are not covered by Maximum Price Regulation 429.)	MPR 139 [2]
Used typewriters	MPR 162 [3]
Used vacuum cleaners	MPR 294 [4]
Used washing machines	MPR 372 [5]
Used bedsprings	MPR 380 [6]

[2] 7 F.R. 3393, 3489, 6053, 8948; 8 F.R. 3706, 5484.
[3] 7 F.R. 4484, 4584, 8356, 8948.
[4] 8 F.R. 139, 3528, 8979.
[5] 8 F.R. 5533.
[6] 8 F.R. 5929, 7114.

SEC. 3. *Antiques and objects of art.* This regulation does not cover the sale of antiques and objects of art. An article is an antique if it is more than 75 years old, tends to increase rather than decrease in value because of its age and is commonly known and dealt in as an antique by the trade.

SEC. 4. *What transactions and persons are covered by this regulation.* (a) This regulation covers all sales by any person to any other person with the following exceptions only:

(1) Sales by a householder who is selling goods which he originally bought for his own use. Sales made by a householder through a dealer in used goods and sales of used goods out of a residence as a regular business are covered.

(2) Sales at good faith auctions of goods which are sold for the account of a householder. This exception does not include a sale at auction, conducted in or by a retail establishment regularly engaged in the business of selling used goods other than by auction.

(3) Sales by the War Department, the Department of the Navy of the United States, or the Procurement Division of the Treasury Department.

(4) Sales at wholesale. A sale at wholesale is a sale to a person who buys for the purpose of reselling the goods, rather than for use. Sales at wholesale remain covered by the General Maximum Price Regulation.

(b) "Person" includes an individual, corporation, partnership, or any other organized group of persons.

SEC. 5. *How to determine your ceiling prices.* (a) First, you must find the

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

price of a new article (which is the same as or similar to the used article you are pricing), according to the rules in section 6.

(b) Second, you must find the class in which the used article you are pricing belongs. (Class I or Class II—See section 7).

(c) You then find your ceiling price which is either ¾ or ⅓ of the price of the new article, depending on the class in which the used article you are pricing belongs.

SEC. 6. *How to find the price of the new article.* You find the price of the new article by using these rules in the order in which they appear:

(a) *Rule 1.* Find the retail selling price of the same article, new, for sale in your own stock.

(b) *Rule 2.* If you do not have the same article, new, in stock, find the retail selling price of a similar article, new, in your own stock. A used article is "similar" to a new article if the used article has the same uses and when new would give fairly equivalent service. In addition, the used article, when new, must have sold for approximately the same price as the similar new article now sells for.

(c) *Rule 3.* If you do not have a similar article, new, in stock, find the retail selling price of the same article, new, in the same shopping area. (The shopping area is the area in which persons in your community shop for new goods of the kind you are pricing.

(d) *Rule 4.* If the same article, new, is not for sale in the same shopping area, find the retail selling price of a similar article, new, for sale in the same shopping area. A used article is "similar" to a new article if the used article has the same use and when new would give fairly equivalent service. In addition, the used article, when new, must have sold for approximately the same price as the similar new article now sells for.

(e) *Rule 5.* If the same or similar article is not being sold in your community, find the retail selling price when this article was last sold in your community.

(f) *Rule 6.* If you cannot find the retail selling price under any of these Rules above, apply to the appropriate Office of Price Administration District Office, for information on how to determine your price.

Remember, if you can find the price of the new article in Rule 1, you cannot use Rules 2, 3, 4, 5, or 6. If you can use Rule 2, you cannot use Rules 3, 4, 5, or 6. If you can use Rule 3, you cannot use Rules 4, 5, or 6. If you can use Rule 4, you cannot use Rules 5 or 6.

SEC. 7. *How to determine the class of a used article*—(a) *Class I.* An article is a Class I article if:

(1) No part is missing which is necessary to make the article fully useful.

(2) The article is in good working condition, can be used by the consumer for the purpose intended without further repair, and the article is clean and its appearance is good.

For example: In the case of floor covering, upholstered furniture and bedding, the fabric must be clean and substantially free from burns, cuts, tears, stains, frayed edges, faded colors, and worn spots.

(b) *Class II.* An article is a Class II article if it is not in Class I.

SEC. 8. *How to find the ceiling price for each class.* The ceiling price for the used article must be no more than:

Class I ¾ (75%) of new.
Class II. ⅓ (33⅓%) of new.

Example for Class I: If the selling price of a new article is $40, you determine the ceiling price of the used article by multiplying $40 by 3 and dividing the result by 4; 3 times $40 is $120; $120 divided by 4 is $30; $30 is the ceiling price for the Class I used article.

Example for Class II: The selling price of the new article is $30. To determine the ceiling price of the used article, you divide the $30 by 3; $30 divided by 3 is $10. This is the ceiling price for the Class II used article.

No sales, attempts to sell or offers to sell shall be made at prices higher than the ceiling price. Of course, sales may be made at lower than ceiling prices.

SEC. 9. *Fixing of dollars-and-cents ceiling prices for certain articles by Regional or other offices of the Office of Price Administration.* Any Regional Office of the Office of Price Administration or such other offices as may be authorized by the appropriate Regional Office, may by order fix dollars-and-cents ceiling prices for the sales of any articles covered by this regulation in any area or locality within its jurisdiction. Any order fixing maximum prices issued under the authority of this provision will supersede the provisions of this regulation with respect to sales subject to such order.

SEC. 10. *Adjustment of prices under certain circumstances.* Any regional office of the Office of Price Administration or such other offices as may be authorized by the proper regional office may grant permission to any person subject to this regulation to charge a higher price for the sale of any rebuilt or reconditioned article than is permitted by this regulation if it is found that:

(a) The article is essential, and is one of which there is a serious shortage.

(b) There has been expended (in the course of rebuilding, reconditioning, or renovating the used article) a substantial amount for labor and materials.

(c) Considering the substantial amount expended for labor and materials, the establishment of a price by the Class I formula would result in a price so low that he could not reasonably be expected to continue to recondition or rebuild the article.

For further information consult with your nearest district office of the Office of Price Administration.

Until such permission is granted the ceiling price is the price fixed by this regulation.

SEC. 11. *Credit, delivery and other charges.* (a) Any additional charge for credit, packing, delivery, or anything else, which is not quoted and billed separately is considered part of the selling price. (b) You may make a charge for the extension of credit or delivery, or packing only if: (1) during March 1942, you made a separate charge for any of those services, (2) the amount which you charge the buyer is not greater than the charge you made during March 1942. If the charge is for credit, the rate of charge cannot exceed the rate charged during March 1942 on the same unpaid balance for the same period of time on sales of used goods, and (3) you quote and bill these extra charges separately.

If you were not engaged in the business of selling used goods in March 1942 then your charge for credit delivery or packing may not exceed the charge made by your closest competitor selling used goods who makes a separate charge for credit, delivery, or packing.

You cannot require the customer to take any of these services.

SEC. 12. *Evasion, licensing and enforcement*—(a) *Evasion.* You must not evade any of the provisions of this regulation by any scheme or device, or by any practice which has the effect of getting a higher-than-ceiling price. Specifically, you cannot offer to sell used goods covered by this regulation only on condition that the customer agree to pay for reconditioning, repairing, or rebuilding to be performed by you before or after he buys the merchandise or only on condition that the customer buy goods which he does not wish to buy. If the customer buys an article from you, and asks you to rebuild it or recondition it, the total amount which you receive on account of the sale of the goods and on account of the reconditioning or rebuilding cannot exceed the ceiling price of the goods if you offered the goods for sale as Class I goods.

You may not use the published list price as the price of the new article under section 6, if that published list price was generally not observed by sellers of new goods. Section 6 requires you to find the actual selling price of the new article.

(b) *Registration and licensing.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation apply to every person subject to this regulation, selling the goods covered by this regulation at retail.

(c) *Enforcement.* On and after Sept. 1, 1943, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended, if you violate any provision of this regulation.

SEC. 13. *Posting ceiling price notice.* If you are a retailer, you must post a sign no smaller than 11" x 17" in size, in a place that is permanently and clearly visible to all customers for used goods. Your nearest Office of Price Administration Office can help you get this sign. This sign must read substantially as follows except that you may omit from it any articles not sold in your store.

CEILING PRICES ON USED, RECONDITIONED, OR REBUILT ARTICLES

(Name of your establishment)

Our ceiling prices for the used, reconditioned, rebuilt and renovated articles listed below have been fixed under Maximum Price Regulation No. issued by the Office of Price Administration.

The regulation sets up ceiling prices for the following articles:

Furniture.
Bedding.
Floor Coverings.
Stoves, ranges and space heaters.
Baby Carriages.
Musical instruments, except pianos.
Lamps and lamp shades.
Housewares.
Hand tools.
Room Coolers.
Office and store furniture and fixtures.
Commercial and institutional Kitchen Equipment.
Beauty and barber shop furniture, fixtures and equipment.
Coin operated vending machines.

CEILING PRICES

The used goods covered by the regulation must be classified as Class I or Class II, according to quality.

This store is not allowed to charge more for these used goods than the ceiling prices described below under the two classes.

Class I: This group includes all used articles which meet the conditions shown below.

Ceiling prices for articles in Class I must not be priced higher than 75 percent of the present retail selling price of the same or a similar article.

Used articles may be included in Class I only if they meet these conditions:

1. No part is missing which is necessary to make the article fully useful.

2. The article is in good working condition, can be used by the consumer for the purpose intended without further repair, and the article is clean and its appearance is good

For example—in the case of floor covering, upholstered furniture and bedding, the fabric must be clean and substantially free from burns, cuts, tears, stains, frayed edges, faded colors and worn spots.

Class II: This group includes all articles which do not meet the requirements of Class I.

Ceiling prices of articles in Class II must not be priced higher than 33⅓ percent of the present retail selling price of the same or a similar article.

ARTICLES SELLING AT $2.00 OR MORE MUST HAVE PRICE TAGS

SALES SLIPS WILL BE GIVEN TO ANY CUSTOMER UPON REQUEST

SEC. 14. *Tagging.* If you are a retailer, you must tag or label every article covered by this regulation with the actual selling price in plain dollars-and-cents figures, except that if the selling price is less than $2.00 a tag is not required. In addition to the selling price, the tag must show the class (Class I or Class II). This tag or label must not be removed except by the person to whom you sell the article. The price written on the tag or label must be the one set by this regulation or a lower price. Any goods priced and tagged under the provisions of this regulation, before the effective date, are covered by this regulation.

SEC. 15. *Sales slips or receipts.* If you have customarily given a customer a sales slip, receipt, or similar evidence of purchase you shall continue to do so. Upon request, regardless of previous custom, you shall give a receipt showing the date, your name and address, a list of the articles bought and the prices paid, kind and amount of any additional charges, and the name and address of the customer.

SEC. 16. *Petitions for amendment.* You may seek a change in this Maximum Price Regulation No. 429 or any exception to its terms by filing a petition for amendment in accordance with the rules outlined in Revised Procedural Regulation No. 1 [8] issued by the Office of Price Administration.

SEC. 17. *Geographical coverage of this regulation.* The provisions of this regulation apply to the forty-eight states, the District of Columbia and the territories and possessions of the United States. It becomes effective in the territories and possessions 45 days after its effective date in continental United States.

Effective Date

The regulation shall become effective September 1, 1943.

NOTE: The reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11391; Filed, July 15, 1943; 2:13 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 14,[1] Correction to Amdt. 1]

FIREWOOD

In section 1.3a(g) the reference to "paragraph (b)" is corrected to read "paragraph (f)".

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 597, 77th Cong.; Pub. Law 421, 77th Cong.; WPB Dir. No. 1, 7 FR. 562; Supp. Dir. No. 1–U, 8 F.R. 1835; E.O. 9125, 7 F.R. 2719).

Issued this 15th day of July 1943.

PRENTISS M. BROWN.
Administrator.

[F. R. Doc. 43–11392; Filed, July 15, 1943; 2:11 p. m.]

PART 1429—POULTRY AND EGGS

[MPR 333,[2] Amdt. 11]

EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[*]

Maximum Price Regulation 333 is amended in the following respect:

A new § 1429.69 (f) (1) is added to read as follows:

(1) Shell eggs of Consumer Grade AA or Consumer Grade A when treated with a mineral oil for purposes of preservation and sold to the United States or any agency thereof may sell at one cent per dozen more than the maximum price for such grades when not so treated.

This amendment shall be effective as of May 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved: July 2, 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43–11393; Filed, July 15, 1943; 2:15 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[Correction to MPR 425 [1]]

FRESH FRUITS, BERRIES, AND VEGETABLES FOR PROCESSING

Maximum Price Regulation 425 is corrected in the following respects:

1. In section 3, "Cherries, red sour pitted" is corrected to read "Cherries, red sour".

2. The price per pound named for youngberries in section 4 of Maximum Price Regulation No. 425 is corrected to read "12¢" instead of "13¢".

This correction shall be effective as of July 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, F.R. 7871; E. O. 9328, 8 F.R. 4681)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11394; Filed, July 15, 1943; 2:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 582 Under § 1499.3 (b) of GMPR]

MOWER LUMBER CO.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, *It is hereby ordered:*

§ 1499.2120 *Approval of maximum prices for the sale of small dimension hardwood lumber by the Mower Lumber Company.* (a) The Mower Lumber Company, Masonic Building, Charleston, West Virginia, may sell and deliver and any person may buy from said company, small dimension hardwood lumber at prices f. o. b. mill no higher than those hereinafter set forth:

[*] Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2595, 9010.

[2] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6626, 6182, 6476, 7457, 9300.

[8] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

[1] 8 F.R. 9303.

KILN DRIED CLEAR HARDWOODS

Thickness (inches)	Width (inches)	Length (inches)	Price per M f. o. b. mill
1 1/16	1	25	$55.00
1	1 3/8	39	65.50
1	2	27	65.50
1	1 3/8	21	60.50
1 1/4	1	16 1/2	60.50
1 1/2	1	13	60.50

KILN DRIED CLEAR OAK

1 1/16	1	25	$55.50
1	1 1/4	39	65.50
1	1 3/8	21	60.50
1	2	27	65.50

(b) All discounts, credit allowances and other terms relating to payment in effect by applicant in March 1942 shall apply to the prices herein determined.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 16, 1943.

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11395; Filed, July 15, 1943; 2:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11, Amdt. 29]

EXCEPTIONS, TRANSPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

New subparagraphs (125) and (126) are added to paragraph (b) of § 1499.46 to read as set forth below.

§ 1499.46 *Exceptions for certain services.* * * *

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges or compensation for the following services:

* * * * *

(125) Transportation of petroleum and petroleum products by carriers other than common carriers, in bulk by barge between points on the Gulf Intracoastal Waterway, and its tributaries, for distances under 75 miles.

"Points on the Gulf Intracoastal Waterway" include all points which are or may be served with barge transportation by use of the Gulf Intracoastal Waterway and all points on the Mississippi River south of, and including, North Baton Rouge, Louisiana.

(126) Towage services, by carriers other than common carriers, within harbors and harbor district areas on the U. S. Gulf of Mexico.

This amendment shall become effective July 16, 1943.

*Copies may be obtained from the Office of Price Administration.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11412; Filed; July 15, 1943; 4:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14, Amdt. 1]

TRANSPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS

The statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 7.6 is amended to read as follows:

SEC. 7.6 *Transportation of petroleum and petroleum products in bulk by barge along the Gulf Intracoastal Waterway, the Atlantic Intracoastal Waterway south of Norfolk, Virginia, the Mississippi River, including their tributary waterways, and the Gulf of Mexico, and charter of tugboats and barges for use on certain inland waterways—*(a) *Definitions.* (1) "Barge" means all non-self-propelled water craft licensed by the U. S. Coast Guard, Bureau of Inspection and Navigation, and used, for the transportation of petroleum or petroleum products in bulk.

(2) "Petroleum" and "petroleum products" mean products of Grade B and lower as defined by the U. S. Coast Guard, Bureau of Inspection and Navigation, Tanker Rules and Regulations. (Rates and charges for the transportation of Grade A petroleum products in bulk by barge shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation.)

(3) "Ton" and "net ton" mean two thousand (2,000) pounds avoirdupois.

(4) "Points on the Gulf Intracoastal Waterway" mean all points which are or may be served with barge transportation by use of the Gulf Intracoastal Waterway and all points on the Mississippi River south of, and including, North Baton Rouge, Louisiana.

(5) "Points on the Gulf of Mexico" mean all points in the United States which are or may be served with barge transportation conducted wholly or in principal part on the Gulf of Mexico.

(6) "Points on the Atlantic Intracoastal Waterway" mean all points which are or may be served with barge transportation by use of the Atlantic Intracoastal Waterway south of, and including, Norfolk, Virginia, and all points on the tributaries of the Atlantic Intracoastal Waterway south of Norfolk, Virginia.

(7) "Points on the Mississippi River and its tributaries" mean all points which are or may be served with barge transportation by use of the rivers in Group A, Group B and Group C, as hereinafter defined.

(8) "Group A" and "Group B" mean:

Group A

Lower Mississippi River.
Ohio River.
Kanawha River.
Illinois River.
Allegheny River.
St. Croix River.
Stillwater River.
Monongahela River.

Group B

Tennessee River.
Cumberland River.
Green River.
Barren River.
Kentucky River.
Ouachita River.
Missouri River.
Licking River.

(9) "Group C" means the Upper Mississippi River and its tributaries (except the Illinois and Missouri Rivers) north of St. Louis, Missouri, including all loading stations located within a radius of 25 miles of St. Louis.

(b) *Maximum prices on the Gulf Intracoastal Waterway.* Maximum prices for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Gulf Intracoastal Waterway, for distances of 75[1] miles or more, shall be as set forth in the table below. (See proviso in paragraph (e) of this section 7.6.)

[Rate in mills per net ton per mile]

Distance in miles	Minimum cargoes in tow			
	500 tons	1,000 tons	2,000 tons	3,000 tons
75 to, but not including, 100 miles	7.00	6.50	6.00	5.50
100 to, but not including, 150 miles	6.50	6.25	5.50	5.00
150 miles and over	6.00	5.75	5.00	4.25

Rules and Regulations Applicable to the Gulf Intracoastal Waterway

(1) *Distances.* Distances shall be determined in accordance with the official distance tables of the U. S. Engineers, except that three miles may be added in the case of movements having one terminus east of Canal Street, New Orleans, Louisiana, and the other west of Harvey Canal Lock.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges by the carrier. Maximum prices for furnishing towing services only shall not exceed 75% of the maximum prices herein provided for furnishing tugs and barges.

The rates set forth in the above table are based on the specified minimum cargoes in tow. The maximum charge for a cargo in tow of less than 500 tons for distances over 75 miles shall be either (i) the charge determined by agreement between the parties, or (ii) the maximum charge for a cargo of 500 tons computed at the 500-ton rate for the applicable distance. Charges determined under subdivision (i) of this subparagraph which exceed the maximum charges computed in accordance with the terms of subdivision (ii) shall be reported by the carrier within 10 days of the date of the agreement to the District Office of the Office of Price Administration, Canal Building, New Orleans, Louisiana.

The maximum charge for a particular cargo shall not, in any case, exceed the maximum charge for a cargo of the next higher minimum tonnage computed at the rate applicable thereto. For example, the maximum charge for a cargo in tow of more than 500 tons but less than 1,000 tons shall be computed at the rate established in the above table for minimum cargoes of 500 tons, unless the charge thus computed exceeds the charge for a cargo of 1,000 tons computed at the 1,000-ton rate, in which event the latter charge shall prevail.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Tolls and port charges.* Canal tollage, lock charges, and port charges are included in the rates set forth in the above table for tugs and barges but are not included in the rates for towing only.

(5) *Insurance.* Cargo insurance is not included in the rates set forth in the above table. Insurance on barges is included in the rates for tugs and barges but is not included in the rates for towing only.

(6) *Pumping out by carrier.* When cargo is discharged by use of carrier's pumps, a charge of three-quarters (¾) of one cent per barrel may be made for use of carrier's pumps. In addition, if the carrier performs discharging service, at the request of the shipper, an additional charge therefor may be made, which shall not exceed the actual cost to the carrier of furnishing such service.

(7) *Cleaning of equipment.* Where cleaning is required to render barges suitable for the transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided*, That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(8) *Demurrage.* The rates specified above include free time of three hours at loading point and three hours at unloading point. Loading and discharge rates shall be determined by agreement between the parties, or, in the absence of such agreement, the loading rate shall be 2,500 barrels per running hour and the discharge rate shall be 1,500 barrels per running hour, day or night, Saturdays, Sundays and holidays not excepted. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at the rate of $10.00 per running hour or fraction thereof per tug and $2.50 per running hour or fraction thereof per barge.

(9) *Additional charge for operating on the Gulf of Mexico.* When operating conditions on the Gulf Intracoastal Waterway between Panama City and Port St. Joe, Florida necessitate operation on the Gulf of Mexico, an additional charge may be made of not more than 33¢ per ton when the maximum rate is based on a minimum cargo of 2,000 tons or less and 24¢ per ton when the maximum rate is based on a minimum cargo of 3,000 tons.

(Attention is directed to the provisions of paragraph (h) of this section 7.6 requiring persons subject to the terms of this paragraph (b) to file quarterly financial reports with O. P. A.)

(c) *Maximum prices on the Gulf of Mexico.* Maximum prices for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Gulf of Mexico shall continue to be determined under the provisions of section 1499.2 of the General Maximum Price Regulation, except that, for distances of 75 miles and over, maximum prices shall be as follows:

[Rate in mills per net ton per mile]

Distance in miles	Minimum cargoes in tow		
	1,000 tons	2,000 tons	3,000 tons
Under 150 miles	6.50	6.00	5.50
150 to, but not including, 300 miles	6.25	5.50	4.50
300 to, but not including, 700 miles	6.00	5.50	4.25
700 miles and over	5.70	5.00	4.00

Rules and Regulations Applicable to the Gulf of Mexico

(1) *Distances.* Distances shall be determined in accordance with United States Coast and Geodetic Survey Charts, from the bar of the port of loading to the bar of the port of discharge, to which may be added actual mileage from the bar to the dock at each port.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges by the carrier. Maximum prices for furnishing towing service only shall not exceed 75% of the maximum prices herein provided for furnishing tugs and barges.

The rates set forth in the above table are based on the specified minimum cargoes in tow. The maximum charge for a cargo in tow of less than 1,000 tons shall be the maximum charge for a cargo of 1,000 tons computed at the 1,000-ton rate. The maximum charge for a particular cargo shall not, in any case, exceed the maximum charge for a cargo of the next higher minimum tonnage computed at the rate applicable thereto. For example, the maximum charge for a cargo in tow of more than 1,000 tons but less than 2,000 tons shall be computed at the rate established in the above table for minimum cargoes of 1,000 tons, unless the charge thus computed exceeds the charge for a cargo of 2,000 tons computed at the 2,000-ton rate, in which event, the latter charge shall prevail.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Port charges.* Port charges on vessels are included in the rates set forth in the above table.

(5) *Insurance and crew's bonus payments.* Cargo insurance is not included in the rates set forth in the above table, but insurance and war risk insurance on vessels, war risk insurance on crews and bonus payments to crew members are included.

(6) *Pumping out by carrier.* Use of the carrier's pumps for discharging and the service of pumping out cargo are included in the rates set forth in the above table.

(7) *Cleaning of equipment.* Where cleaning is required to render barges suitable for transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided*, That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(8) *Demurrage.* The rates set forth in the above table include free time of three hours at loading point and three hours at unloading point for minimum cargoes in tow of less than 2,000 tons and six hours at loading point and six hours at unloading point for minimum cargoes in tow of 2,000 tons and over. Loading and discharge rates shall be determined by agreement between the parties or, in the absence of such agreement, they shall be the maximum loading and discharge rates of the available pumping equipment. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at the rate of $35.00 per running hour or fraction thereof for tugs having minimum cargoes of 2,000 tons and over and $25.00 per running hour or fraction thereof for

[1] Rates and charges for distances less than 75 miles and for harbor towage and towage within harbor district areas are exempt from maximum price regulation under § 1499.46 (b) (125) and (126) of Revised Supplementary Regulation No. 11 to the General Maximum Price Regulation.

tugs having minimum cargoes in tow of less than 2,000 tons. The following demurrage rates for barges may be charged:

	Per running hour or fraction thereof
Under 3,000 tons capacity [1]	$7.50
3,000 to, but not including, 4,000 tons capacity	10.00
4,000 to, but not including, 5,000 tons capacity	12.50
5,000 tons capacity and over	15.00

[1] Capacity shall be the full cubical capacity of the barge as allowed in its certificate without regard to the density of the cargo.

(Attention is directed to the provisions of paragraph (h) of this section 7.6 requiring persons subject to the terms of this paragraph (c) to file quarterly financial reports with O. P. A.)

(d) *Maximum prices on the Atlantic Intracoastal Waterway.* Maximum prices for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Atlantic Intracoastal Waterway south of Norfolk, Virginia, and its tributaries, shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation, except that the maximum prices for distances of 25 miles or more shall be as follows:

[Rate in mills per net ton per mile]

Distance in miles	Minimum cargoes in tow			
	750 tons	1,000 tons	2,000 tons	3,000 tons
25 to, but not including, 150 miles	9.60	9.00	7.60	6.50
150 to, but not including, 300 miles	9.40	8.60	6.60	5.50
300 miles and over	9.20	8.30	6.30	5.25

Rules and Regulations Applicable to the Atlantic Intracoastal Waterway

(1) *Distances.* Distances shall be determined in accordance with the official distance tables of the U. S. Engineers, and, to the extent that distances are not thus ascertainable, in accordance with actual mileage.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges by the carrier. Maximum prices for furnishing towing services only shall not exceed 75% of the maximum prices herein provided for furnishing tugs and barges.

The rates set forth in the above table are based on the specified minimum cargoes in tow. The maximum charge for cargoes in tow of less than 750 tons shall be the charge for a cargo of 750 tons computed at the 750-ton rate. The maximum charge for a particular cargo shall not, in any case, exceed the maximum charge for a cargo of the next higher minimum tonnage computed at the rate applicable thereto. For example, the maximum charge for a cargo in tow of more than 750 tons but less than 1,000 tons shall be computed at the rate established in the above table for minimum cargoes of 750 tons, unless the charge thus computed exceeds the charge for a cargo of 1,000 tons computed at the 1,000-ton rate, in which event the latter charge shall prevail.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Tolls and port charges.* Canal tollage, lock charges and port charges are included in the rates set forth in the above table for tugs and barges but are not included in the rates for towing only.

(5) *Insurance.* Cargo insurance is not included in the rates set forth in the above table. Insurance on barges is included in the rates for tugs and barges but is not included in the rates for towing only.

(6) *Pumping out by carrier.* When cargo is discharged by use of carrier's pumps, a charge of three-quarters (¾) of one cent per barrel may be made for use of carrier's pumps. In addition, if the carrier performs discharging service, at the request of the shipper, an additional charge therefor may be made, which shall not exceed the actual cost to the carrier of furnishing such service.

(7) *Cleaning of equipment.* Where cleaning is required to render barges suitable for transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided*, That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(8) *Demurrage.* The rates set forth above include free time of three hours at loading point and three hours at unloading point. Loading and discharge rates shall be determined by agreement between the parties, or, in the absence of such agreement, the loading rate shall be 1,250 barrels per running hour and the discharge rate shall be 750 barrels per running hour, day or night, Saturdays, Sundays and holidays not excepted. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at the rate of $10.00 per running hour or fraction thereof per tug, and $2.50 per running hour or fraction thereof per barge.

(Attention is directed to the provisions of paragraph (h) of this section 7.6 requiring persons subject to the terms of this paragraph (d) to file quarterly financial reports with O. P. A.)

(e) *Maximum prices on the Mississippi River.* Maximum prices for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Mississippi River and its tributaries, shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation, except that the maximum prices for distances of 150 miles or more shall be as set forth below: *Provided*, That the provisions of paragraph (b) of this section 7.6, governing transportation on the Gulf Intracoastal Waterway, shall apply to transportation originating on the Gulf Intracoastal Waterway and terminating or transferring at a point on the Mississippi River south of, and including, North Baton Rouge, Louisiana, and also to movements on the Mississippi River wholly between points south of, and including, North Baton Rouge, Louisiana.

[Rate in mills per net ton per mile]

Group A	
150 to, but not including, 300 miles	4.00
300 miles and over	3.75
Group B	
150 to, but not including, 300 miles	4.10
300 miles and over	3.90
Group C	
150 to, but not including, 300 miles	3.75
300 miles and over	3.50

Rules and Regulations Applicable to the Mississippi River

(1) *Distances.* Distances shall be determined in accordance with the 1942 U. S. Coast Guard Light List, with no deductions for cut-offs.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges or towboats and barges by the carrier. Maximum prices for furnishing towing services only shall not exceed 75% of the maximum prices herein provided for furnishing tugs and barges or towboats and barges.

The rates set forth above are based on minimum cargoes of 500 tons per barge. The maximum charge for cargoes of less than 500 tons per barge shall be the charge for a cargo of 500 tons.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Insurance.* Cargo insurance is not included in the rates set forth in the above table. Insurance on barges is included in the rates for tugs and barges and towboats and barges but is not included in the rates for towing only.

(5) *Pumping out by carrier.* When cargo is discharged by use of carrier's pumps installed on barges, an additional charge of three-quarters (¾) of one cent per barrel may be made for use of carrier's pumps. If the carrier performs discharging service, at the request of the shipper, an additional charge therefor may be made, which shall not exceed the actual cost to the carrier of furnishing such service.

(6) *Cleaning of equipment.* Where cleaning is required to render barges suitable for transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided*, That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(7) *Demurrage.* The rates specified above include free time of three hours at loading point and three hours at unloading point. Loading and discharge rates shall be determined by agreement between the parties or, in the absence of such agreement, the loading rate shall be 2,500 barrels per running hour and the discharge rate shall be 1,500 barrels per running hour, day or night, Saturdays, Sundays, and holidays not excepted. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at rates for barges which shall not exceed three-tenths (3/10) of one mill per barrel of 42 gallons per hour, based on barge capacity, size of barge to be determined by Barge Calibration Table, and at rates for tugboats which shall not exceed three (3) cents per indicated or rated horsepower, as the case may be, per hour.

(Attention is directed to the provisions of paragraph (h) of this section 7.6 requiring persons subject to the terms of this paragraph (c) to file quarterly financial reports with O.P.A.)

(f) *Maximum prices for the charter of tank barges.* Maximum prices for the time charter of tank barges for use in the transportation of petroleum and petroleum products between points on the Gulf Intracoastal Waterway, the Atlantic Intracoastal Waterway south of Norfolk, Virginia, and the Mississippi River, and their tributary waterways, shall be as follows:

Capacity of barge:	*Rate per barrel per month Cents*
12,000 barrels and over	12
9,000 barrels to, but not including, 12,000 barrels	13
6,000 barrels to, but not including, 9,000 barrels	15
3,000 barrels to, but not including, 6,000 barrels	19
1,500 barrels to, but not including, 3,000 barrels	22
750 barrels to, but not including, 1,500 barrels	25
Under 750 barrels	(1)

[1] The maximum charge for a barge of less than 750 barrels capacity shall be the maximum price for a barge of 750 barrels capacity computed at the 750-barrel rate.

Rules and Regulations Applicable to the Charter of Tank Barges

(1) Capacity shall be the full cubical capacity of the barge as allowed in its certificate without regard to the density of the cargo.

(2) The maximum charge for a particular barge shall not, in any case, exceed the maximum charge for a barge of the next greater capacity group computed at the rate applicable thereto. For example, the maximum charge for a barge of more than 750 barrels capacity but less than 1,500 barrels shall be computed at the rate established in the above table for barges of 750 to, but not including, 1,500 barrels, unless the charge thus computed exceeds the charge for a barge of 1,500 barrels capacity computed at the 1,500-barrel rate, in which event the latter charge shall prevail.

(3) The rates set forth in the above table may be increased by twenty percent (20%) for barges equipped with pumps.

(4) The rates set forth in the above table are for a period of one month extending from the date on which the charter commences to, but not including, the same date in the next calendar month, but, if there be no corresponding date in the next succeeding calendar month, it shall extend to and include the last day of that month. Fractions of a month shall be computed on the basis of one-thirtieth (1/30) of the monthly rate for each twenty-four hour period or fraction thereof.

(g) *Maximum prices for the charter of tugboats.* Maximum prices for the charter of tugboats and towboats shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation except that the maximum prices for the time-charter of heavy-duty Diesel and steam-powered tugboats, for use in transportation service (other than salvage, deep-sea and harbor towage) on the Gulf Intracoastal Waterway and the Atlantic Intracoastal Waterway south of Norfolk, Virginia, and their tributary waterways, shall be as follows:

Description	*Rate per hour*
59 horsepower and under	$3.50
60 horsepower to 100	5.00
101 horsepower to 150	7.00
151 horsepower to 164	8.00
165 horsepower to 230	9.00
231 horsepower to 355	11.00
356 horsepower to 475	15.00
476 horsepower to 650	18.50
651 horsepower to 750	20.00
751 horsepower and over	21.00

Rules and Regulations Applicable to the Charter of Tugboats

(1) In determining the horsepower of Diesel tugboats, for purposes of this paragraph (g), the rated horsepower at maximum revolutions per minute shall be used and the indicated horsepower shall be used in determining the horsepower of steam powered tugboats.

(2) The maximum price for the charter of a tugboat for less than 5 hours shall be the maximum price for a charter period of 5 hours computed on the basis of the rates set forth in the above table.

(3) In determining maximum prices for charter periods of less than seventy-two (72) hours but more than five (5) hours, ten percent (10%) may be added to the maximum prices computed on the basis of the rates set forth in the above table and, for charter periods of more than 30 consecutive days, ten percent (10%) shall be deducted.

(4) The above rates include the furnishing of full crew, subsistence for the crew, necessary supplies, fuel, maintenance, and insurance customarily provided by the owner. They do not include charges for wharfage, dockage, lockage or cargo insurance.

(h) *Reports.* Carriers whose maximum prices are subject to the provisions of this section 7.6 shall file the following information with the Office of Price Administration, Transportation and Public Utilities Division, Transportation Branch, Washington, D. C., within thirty days after the end of each quarter.

(1) Quarterly profit and loss statements, in detail, beginning with the quarter ending September 30, 1943, on forms to be supplied by the Washington Office of the Office of Price Administration. If the transportation services covered by this Amendment constitute only a portion of a carrier's business, an allocation of the items of operating revenue and operating expenses applicable to such service shall be made, with an explanation of the basis and method of allocation.

(2) Balance sheets as of September 30, 1943, and quarterly thereafter, together with a reconciliation statement of surplus, if the carrier is a corporation, or of net worth, if the carrier is other than a corporation, on the forms referred to in paragraph (1) above.

(3) A statement setting forth the number of tons transported, and miles operated, at each rate.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: Record keeping and reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11413; Filed, July 15, 1943; 4:51 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amdt. 30]

SPECIFIC FOOD PRODUCTS: FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 280 is amended in the following respects:

1. Section 1351.808 (h) is amended to read as follows:

(h) Fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants, and institutions, in the "Dallas Regional Area," "Memphis, Tennessee Area," "Chicago, Illinois Area," "New York Met-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5165, 7566, 6357, 7193, 7599, 7670, 8065, 8180.

ropolitan Area," "Baltimore-Annapolis, Maryland Area" and State of Florida. Maximum prices for such sales are set in § 1499.73a (a) (1) of Supplementary Regulation No. 14A to the General Maximum Price Regulation.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11417; Filed, July 15, 1943; 4:53 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[MPR 329,[1] Amdt. 12]

PURCHASES OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 329 is amended in the following respects:

1. Section 1351.402 (a) (1) is amended to read as follows:

(1) Maximum prices for purchases of "milk" from producers for resale as fluid milk in the Atlanta Regional Area; the Arlington-Alexandria marketing area and in the Baltimore-Annapolis, Maryland area; Fairfax County, Virginia, except that part of Fairfax County included in the Arlington-Alexandria, Virginia marketing area; the Montgomery, Maryland area; the Harford, Maryland, area; the Norfolk-Portsmouth and Newport News-Williamsburg, Virginia area; and the State of Florida are modified and adjusted in § 1351.415 below.

2. Section 1351.402 (a) (2) to § 1351.402 (a) (6), inclusive, are hereby revoked.

3. The first undesignated paragraph of § 1351.415 (a), beginning with the words "The maximum price," is amended to read as follows:

The maximum price for each grade of "milk" purchased from a producer for resale as fluid milk in the Atlanta Regional Area (except Arlington and Fairfax Counties in Virginia; the Norfolk-Portsmouth and the Newport News-Williamsburg, Virginia areas; and the State of Florida, for which adjusted maximum prices are set in paragraphs (e), (i), (o) and (p) of this section) shall be the highest price each purchaser from a producer paid that producer for "milk" of the same grade received during January 1943, or the following, whichever is higher:

4. A new § 1351.415 (p) is added to read as follows:

(p) The maximum price which a purchaser of "milk" may pay for sales and deliveries in the State of Florida shall be the maximum price determined under § 1351.402 (a) and (b), above, or the following, whichever is higher: 37½ cents per gallon, sold and delivered f. o. b. purchaser's plant in Area I; 39 cents per gallon, sold and delivered f. o. b. purchaser's plant in Area II; 42 cents per gallon, sold and delivered f. o. b. purchaser's plant in Area III; and 44 cents per gallon, sold and delivered f. o. b. purchaser's plant in Area IV. Areas I to IV, inclusive, are defined in § 1499.73a (a) (1) (vii) (*a*) (8) (i) of Supplementary Regulation 14A to the General Maximum Price Regulation.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11415; Filed, July 15, 1943; 4:52 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 28]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 2.11 (a) (1) is amended to read as follows:

(1) Imported huaraches and imported huarache oxfords, released by the Collector of Customs before June 1, 1943.

2. Section 2.11 (a) (3) is amended by deleting the words "July 16, 1943" and substituting instead the following, "August 16, 1943."

This amendment shall become effective July 15, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Directive 1, 7 F.R. 562; Supp. Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11414; Filed, July 15, 1943; 4:52 p. m.]

PART 1412—SOLVENTS

[MPR 37,[1] Amdt. 6]

BUTYL ALCOHOL AND ESTERS THEREOF

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 37 is amended in the following respects:

1. Section 1412.103 (b) is hereby revoked.

2. Section 1412.116 (a) (1) is amended to read as follows:

(1) *Maximum prices per pound, delivered, in eastern territory*—(i) *Sales in tank cars of butyl alcohol and butyl acetate produced after June 30, 1943.*

	Butyl alcohol	Butyl acetate	Base average cost per bushel of whole grain
Produced by fermentation of molasses	$0.185	$0.18	
Produced by Commercial Solvents Corp. by fermentation of grain	.188	.1795	$1.22
Produced by U. S. Industrial Chemicals, Inc. and Publicker Commercial Alcohol Corp. by fermentation of grain	.226	.2115	1.22

(ii) *Differentials for fluctuations in average cost per bushel of whole grain.* For every increase or decrease of $.035 in the average cost per bushel of whole grain from the corresponding base average cost set opposite the maximum prices in subdivision (i) above, the corresponding price of grain fermentation butyl alcohol shall be increased or decreased, as the case may be, by $.005 per pound, and the corresponding price of grain fermentation butyl acetate shall be increased or decreased, as the case may be, by $.0035 per pound. The increases or decreases in the maximum prices for grain butyl alcohol and grain butyl acetate required by increases or decreases in the average cost of grain shall be made for each calendar month on the first day of each month and shall apply to the butyl alcohol and butyl acetate produced during each such month, except that such price determinations for July 1943 shall be made within ten days after July 15, 1943, and shall apply to the grain butyl alcohol and grain butyl acetate produced during July 1943. In making such increases or decreases, a producer shall compute his average cost for a current month by one of the following methods:

(*a*) The average cost for a current month shall be the actual average cost per bushel of grain used in production during the preceding month, computed by taking the actual average cost of the grain inventory on hand at the beginning of the preceding month plus the grain received during the preceding month; or

(*b*) The average cost for a current month shall be the actual average cost of the grain to be used during the current month, computed by taking the actual average cost of the inventory on hand at the beginning of the current month plus the grain for which contracts have been made for delivery during the current month for use in butyl alcohol production.

(iii) *Meaning of average cost per bushel of whole grain.* For the purposes of this subparagraph (1), "Average cost per bushel of whole grain" shall mean the average cost, delivered to the plant:

(*a*) In the case of wheat, of a 60-pound bushel.

(*b*) In the case of corn, of a 56-pound bushel.

(*c*) In the case of alcomeal or wheat flour, of 56-pounds of the granulated material, less the milling charges.

(*d*) In the case of rye, of 1⅛ bushels (65½ lbs.).

(iv) *Election of method of computation and reporting.* Within ten days after July 15, 1943, each producer of grain fermentation butyl alcohol and butyl acetate listed in subdivision (i) shall inform the Office of Price Administration by registered mail which one of the above methods of determining actual average cost of grain he elects to use; the maximum prices for butyl alcohol and butyl acetate which he has determined for July 1943 under that method; and a detailed statement of the average grain cost upon which such prices were determined. Thereafter, within ten days after the first day of each succeeding month, each such producer shall report to the Office of Price Administration his maximum prices for butyl alcohol and butyl acetate for that month computed under the method chosen by him, and a detailed statement of the actual average grain cost upon which such prices are determined. A producer having once elected to compute his average cost by one of the two methods set forth above, must continue using that method thereafter.

(v) *Sales in tank cars of butyl alcohol and butyl acetate produced before July 1, 1943.* The maximum prices under subdivisions (i) and (ii) shall apply only to butyl alcohol and butyl acetate produced after June 30, 1943. For normal fermentation butyl alcohol and butyl acetate produced before July 1, 1943 the following maximum prices are established for sales in tank cars:

	Butyl alcohol	Butyl acetate
Produced in Indiana and Illinois	$0.1425	$0.1475
Produced elsewhere in the U. S.	.19	.1825

(vi) *Differentials for sales in other than tank cars.* For sales in drums in carload lots, and for sales in drums in less than carload lots, there may be added to the maximum tank car prices $.01 and $.015 per pound, respectively.

3. Section 1412.116 (a) (5) (i) is amended to read as follows:

(i) *Sales from plants in the territories and possessions.* The following maximum prices per pound are established for sales of normal fermentation butyl alcohol and normal fermentation butyl acetate produced in plants in the territories and possessions of the United States, f. o. b. plant:

	Normal fermentation butyl alcohol	Normal fermentation butyl acetate
Tank cars	$0.1375	$0.1425
Drums carload lots	.1475	.1525
Drums l. c. l.	.1525	.1575

4. Section 1412.116 (b) is amended to read as follows:

(b) *Sales in containers of 50 gallons or more of normal synthetic butyl alcohol and normal synthetic butyl acetate.* The maximum prices for normal synthetic butyl alcohol or normal synthetic butyl acetate in containers of 50 gallons or more shall be the seller's maximum prices for such commodities as determined under the provisions of the General Maximum Price Regulation.

This amendment shall become effective as of July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11411; Filed, July 15, 1943; 4:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14A, Amdt. 1]

FLUID MILK IN CERTAIN SOUTHERN STATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Regulation No. 14A to the General Maximum Price Regulation is amended in the following respects:

1. The first undesignated paragraph of § 1499.73a (a) (1) (vii) is amended as follows:

This subdivision (vii) establishes maximum prices for "approved fluid milk" sold and delivered within certain specified areas of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Maximum prices are established for specified types of wholesale and retail sales of approved fluid milk sold and delivered in the State of Florida in bulk and in glass and paper containers of one quart or less, and sold and delivered in the remainder of the Atlanta Regional Area in glass and paper containers of one quart or less.

2. The second undesignated paragraph of § 1499.73a (a) (1) (vii) is amended by adding the State of Florida to the series of states listed therein.

3. The fourth undesignated paragraph of § 1499.73a (a) (1) (viii) is amended to read as follows:

A formula is provided by which persons who sold premium milk during May 1943 in the State of Florida and during January 1943 in the remainder of the Atlanta Regional Area may determine a premium to be added to the prices specified for standard approved fluid milk.

4. The sixth undesignated paragraph of § 1499.73a (a) (1) (vii) is deleted.

5. A new § 1499.73a (a) (1) (vii) (*a*) (*8*) is added to read as follows:

(*8*) *Florida*—(*i*) *Tables of maximum prices.* The maximum prices set forth below are the maximum prices for approved fluid milk sold and delivered to persons in the respective size and type containers set forth in the respective areas, regardless of the quantities sold or delivered, the seller's classification of purchasers, or the seller's customary discounts, allowances or other price differentials maintained prior to the effective date of this subdivision. (On sales larger than one gallon the price stated is per gallon. In all other instances, the price is determined by the container used, assuming that the container is full.)

Area I shall include the following counties:

Calhoun	Leon
Columbia	Madison
Gadsden	Okaloosa
Hamilton	Osceola
Holmes	Santa Rosa
Jackson	Suwannee
Jefferson	Walton
Lafayette	Washington

Area II shall include the following counties:

Alachua	Hillsborough
Bay	Levy
Citrus	Liberty
Dixie	Manatee
Escambia	Marion
Franklin	Pasco
Gilchrist	Pinellas
Gulf	Sarasota
Hardee	Taylor
Hernando	Wakulla

Area III shall include the following counties:

Baker	Lake
Bradford	Nassau
Broward	Okeechobee
Charlotte	Orange
Clay	Polk
Dade	Putnam
DeSoto	St. Johns
Duval	Seminole
Flagler	Sumter
Glades	Union
Highlands	Volusia

Area IV shall include the following counties:

Brevard	Monroe (except that part included in Area V)
Collier	Palm Beach
Hendry	Saint Lucie
Indian River	
Lee	
Martin	

Area V shall include the following counties:

The Florida Keys of Monroe County extending south and west from and including Key Largo to and including Key West.

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[1] 7 F.R. 6657, 7001, 7910, 8941, 8948; 8 F.R. 6046, 8874.

[1] 8 F.R. 2038, 2874, 3612, 3252, 4726, 5907, 5933, 6737, 8063.

[1] F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3533, 4129, 3948, 4716, 5589, 5878, 5879, 5567, 5756, 6046, 6687, 7189, 7261, 8061, 8357, 8601, 9062.

*Copies may be obtained from the Office of Price Administration.

(A) *Retail out-of-store or retail home-delivered sales.*

Size of container	Area I (cents)		Area II (cents)		Area III (cents)		Area IV (cents)		Area V (cents)	
	Retail out-of-store	Retail home-delivered	Retail out-of-store	Retail home-delivered	Retail out-of-store	Retail home-delivered	Retail out-of-store	Retail home-delivered	Retail out-of-store	Retail home-delivered
Quart (glass)	17	17	17	18	18	19	19	19	22	22
Pint (glass)	9	9	9	9	10	10	11	11	12	12
Half-pint (glass)	5½	5½	5½	5½	6	6	6	6	6½	6½

Except. That the maximum price at which any seller may sell or deliver approved fluid milk in pints or half-pints shall be either the price set forth above or the maximum price for such container established by such seller under § 1499.2, General Provisions, of the General Maximum Price Regulation, whichever is higher.

One-third quart container sizes. The seller shall adjust his maximum price for one-third quart container sizes as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportionate to the increase or decrease in his ceiling price for quart container sizes as a result of the foregoing listed maximum prices.

Milk packaged in paper containers. If milk packaged in paper containers was sold during May 1943 at a differential in price over milk of a similar grade sold in glass bottles, the seller may establish a maximum price for sales in paper by adding this differential for the appropriate package size to the maximum price established for him for sales in glass.

(B) *Retail sales of approved fluid milk by hotels, restaurants, soda fountains, cafes, bars and other eating establishments for consumption on the premises.* The seller may use his established maximum price under the General Maximum Price Regulation, or he can determine his adjusted maximum price by adding to the wholesale price paid by him, 3 cents per pint, 2½ cents per one-third quart and 2 cents per half pint.

(C) *Retail sales other than out-of-store sales, home deliveries, and retail sales by hotels, restaurants, soda fountains, cafes, bars, and other eating establishments for consumption on the premises.* The maximum prices for retail sales, other than out-of-store sales, home deliveries, and retail sales by hotels, restaurants, soda fountains, cafes, bars and other eating establishments for consumption on the premises shall equal the listed wholesale prices.

(D) *Certain wholesale sales.* Wholesale sales in glass or paper containers to any person and wholesale sales other than in glass or paper containers to stores, hotels, restaurants, and institutions. This subdivision (D) shall not cover sales to the Army or Navy.

Size of container	Area I (cents)	Area II (cents)	Area III (cents)	Area IV (cents)	Area V (cents)
More than one gallon	56	56	60	64	70
Gallon	58	58	62	66	78
Quart (glass)	15	15	16	17	20
Pint (glass)	8	8	9	10	11
Half-pint (glass)	4¼	4¼	4½	4¾	5¼

Except. That the maximum price at which any seller may sell or deliver approved fluid milk in pints or half-pints shall be either the price set forth above or the maximum price for such container established by such seller under § 1499.2, General Provisions, of the General Maximum Price Regulation, whichever is higher.

One-third quart container sizes. The seller shall adjust his maximum price for one-third quart container sizes as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportionate to the increase or decrease in his ceiling price for quart container sizes as a result of the foregoing listed maximum prices.

Milk packaged in paper containers. If milk packaged in paper containers was sold during May 1943 at a differential in price over milk of a similar grade sold in glass bottles, the seller may establish a maximum price for sales in paper by adding this differential for the appropriate package size to the maximum price established for him for sales in glass.

(E) *Special provision for Army and Navy sales in Florida.* General provisions applicable to all states in the Atlanta Regional Area, including Florida, for sales to the Army and Navy are set forth in § 1499.73a (a) (1) (vii) (*b*) below; *Provided*, That the premium referred to in (*b*) (*1*) therein shall be one cent instead of one-half cent.

6. The first sentence of § 1499.73a (a) (1) (vii) (*b*) (*1*) is amended to read as follows:

(*1*) (Note additional special provision for the State of Florida contained in § 1499.73a (a) (1) (vii) (*a*) (*8*) (i) (E) above.) The maximum price for approved fluid milk sold and delivered by any person at any point in the Atlanta Regional Area to the Army and Navy in any size and type of container in the case of Florida, and in glass and paper containers of one quart or less in the case of the remainder of the Atlanta Regional Area shall be:

7. Section 1499.73a (a) (1) (vii) (*b*) (2) is amended in the headnote and twice in the first sentence by inserting before the word "March" the words "July 15, 1943, in the case of Florida and", and by inserting after the year "1943" the words "for the remainder of the Atlanta Regional Area".

8. Section 1499.73a (a) (1) (vii) (*b*) (3) is added to read as follows:

(3) Persons who make sales to the Army and Navy in such quantity as to necessitate purchase of supplies of milk from areas outside their customary milkshed may apply to the Atlanta Regional Office of the Office of Price Administration, Candler Building, Atlanta, Georgia, for permission to charge maximum prices on such sales in excess of the maximums established herein. The Atlanta Regional Office is authorized to make adjustments in the maximum prices with respect to such Army and Navy sales where a hardship is imposed upon the distributor because of the higher costs of making such sales of outside milk.

9. In § 1499.73a (a) (1) (vii) (*c*) after the headnote "Premium milk" the following parenthetical sentence is added:

(In this subdivision (c) in the case of Florida insert "May" wherever "January" appears.)

10. In § 1499.73a (a) (1) (vii) (*c*) (*1*) the date "April 5, 1943" is deleted and the following is inserted instead: "August 10, 1943, in the case of Florida and April 5, 1943, in the case of the remainder of the Atlanta Regional Area".

11. In § 1499.73a (a) (1) (vii) (*c*) (*2*) the date "March 6, 1943" is deleted and the following is inserted instead: "July 15, 1943, in the case of Florida and April 5, 1943, in the case of the remainder of the Atlanta Regional Area".

12. Section 1499.73a (a) (1) (vii) (*g*) (*4*) is amended by deleting the words "January 1943" and inserting instead the words "May 1943 in the case of Florida, and January 1943 in the case of the remainder of the Atlanta Regional Area which premium is".

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11416; Filed, July 15, 1943; 4:52 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 47]

MEAT, FATS, FISH, AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 22.5 is amended to read as follows:

SEC. 22.5 *Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.* (a) Allotments of foods covered by this order for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

This amendment shall become effective July 22, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 16th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11436; Filed, July 16, 1943; 11:46 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6446.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 1, Amdt. 6]

PART 503—ADMINISTRATION

DELEGATIONS OF AUTHORITY; WATER TRANSPORT

Pursuant to Executive Order 8989, § 503.7 of Administrative Order ODT 1, as amended (8 F.R. 6001, 7285, 7620, 9034, 9571, 9631), is hereby amended by adding to paragraph (a) thereof a subparagraph numbered (6) to read as follows:

§ 503.7 *Water transport.* (a) * * *

(6) *Approval of sale, transfer, and charter of vessels.* To execute and issue in his discretion and in the name of the Director of the Office of Defense Transportation the approvals provided for in § 502.156 of General Order ODT 40 (8 F.R. 9167), or as amended hereafter, and to amend, modify, or revoke any such approvals. The authority conferred by this subparagraph may be exercised by such Assistant Director through such members of the staff of the Office of Defense Transportation as he may designate.

This Amendment 6 to Administrative Order ODT 1 shall become effective on July 15, 1943.

(E.O. 8989, 6 F.R. 6725).

Issued at Washington, D. C., this 15th day of July, 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-11401; Filed, July 15, 1943; 2:48 p. m.]

[Special Direction ODT 18, Rev. 5, Amdt. 2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, SPECIAL DIRECTIONS

SUBPART C—CARLOAD FREIGHT TRAFFIC

Pursuant to § 500.22 of General Order ODT 18, Revised, as amended, *It is hereby ordered*, That Amendment 1 to Special Direction ODT 18, Revised-5, as amended (8 F.R. 186, 4935) is superseded and in lieu thereof the following provisions are inserted in § 520.486 of Special Direction ODT 18, Revised-5 under and within the caption "Perishable Products":

Apples. (a) In standard boxes, shall be loaded to a weight not less than 39,900 pounds;

(b) When shipped loose in open-top, unlidded boxes, or in baskets of one bushel or less capacity, or in bulk, shall be loaded to a weight not less than 31,500 pounds.

Bananas. Shall be loaded to a weight not less than 23,000 pounds.

Beets. (Fresh harvested new beets) (a) In cloth or burlap sacks, or in bulk, shall be loaded to a weight not less than 30,000 pounds;

(b) In L. A. crates, when loaded in refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 358 crates;

(c) In half crates, shall be loaded with not fewer than 640 crates;

(d) In L. A. crates, when loaded in refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 427 crates.

Butter and butter substitutes. (Shipped from packing plants, creameries or warehouses) (a) When shipped fresh, in prints, shall be loaded to a weight not less than 35,000 pounds;

(b) When shipped fresh, in tubs, or in fibre-board containers, or when shipped frozen, in prints, or other types of containers, shall be loaded to a weight not less than 45,000 pounds.

Cabbage. (Fresh harvested, new cabbage) (a) In bulk, or in sacks, shall be loaded to a weight not less than 30,000 pounds;

(b) In L. A. crates, when loaded in refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 316 crates;

(c) In half crates, shall be loaded with not fewer than 638 crates;

(d) In L. A. crates, when loaded in standard refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 364 crates.

Cabbage. Winter storage cabbage in cloth, burlap, or paper sacks, or in bulk, shall be loaded to a weight not less than 35,000 pounds.

Carrots. (Fresh harvested, new carrots) (a) in cloth or burlap sacks, or in bulk, shall be loaded to a weight not less than 30,000 pounds;

(b) In L. A. crates, when loaded in refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 358 crates;

(c) In half crates, shall be loaded with not fewer than 640 crates;

(d) In L. A. crates, when loaded in standard refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 427 crates.

Carrots. Winter storage carrots in cloth, burlap, or paper sacks, or in bulk, shall be loaded to a weight not less than 40,000 pounds.

Cheese. In any type of container, or in bulk, when shipped from packing plants or warehouses, shall be loaded to a weight not less than 40,000 pounds.

Citrus fruit. (a) Shipments in standard nailed boxes shall be loaded not less than 3 layers high; 2 layers, each box placed on end, and the top layer, each box placed on its bottom or side down, each layer to be the same length and width as the floor space of the car;

(b) Shipments in Bruce wire-bound crates, shall be loaded not less than 5 layers high, each crate placed bottom or side down, each layer to be the same length and width as the floor space of the car.

Cranberries. In quarter barrel boxes, shall be loaded each box placed down, 6 layers high, each layer to be the same length and width as the floor space of the car.

Eggs, dried. In any type of container, when moving from packing plants or warehouses, shall be loaded to a weight not less than 40,000 pounds.

Eggs, shell. In standard cases when shipped from packing plants, creameries, or warehouses, shall be loaded with not fewer than 600 cases.

Frozen commodities.[1] (Straight or mixed carload shipments) Frozen eggs, fruits, vegetables, juices, sea-food, poultry, and meats (except frozen eggs, in tin cans, or in paper containers, shipped during the months of July, August, or September, and frozen fruits, in barrels), when packed in cartons or other containers, in a closed freight car, shall be loaded to an elevation not lower than 18 inches from the roof of the car measured at its side walls, each layer of containers to be the same length and width as the floor space of the car.

Frozen eggs.[1] (Shipped during the months of July, August, or September) In tin cans, or in paper containers, shall be loaded not less than 3 tiers high, on end, each tier to be the same length and width as the floor space of the car.

Fruits and berries.[2] (Frozen or cold-pack) In barrels, shall be loaded each barrel on end, not less than 2 tiers high, each tier to be the same length and width as the floor space of the car.

Grapes.[1] (a) (Table varieties) In display or plain lug boxes, shall be loaded to a weight not less than 34,000 pounds;

(b) (Juice varieties) In any type of container, shall be loaded to a weight not less than 36,000 pounds.

Ice. In bars, or blocks, 150 pounds or more gross weight each, shall be loaded, each bar or block placed upright on end, in one tier, covering the entire floor space of the car.

Lettuce. (In Standard L. A. crates) (a) When loaded in standard refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 316 crates;

(b) When loaded in standard refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 364 crates.

Lard. (a) Fresh, in prints, shall be loaded to a weight not less than 35,000 pounds;

[1] Change from provisions of Amendment 1.
[2] New item not appearing in Amendment 1.

(b) Fresh, in tubs, or fibreboard containers; or frozen, in prints, or other types of containers, shall be loaded to a weight not less than 45,000 pounds.

Melons.[1] (Straight or mixed carload shipments) Watermelons, cantaloupes, honeyball, casaba, Persian, or honeydew melons, shall be loaded to a weight not less than 24,000 pounds.

Onions.[1] (a) (Fresh harvested, new onions) In any type of container, shall be loaded to a weight not less than 30,000 pounds;

(b) (Matured, dried, or storage onions) In any type of container, shall be loaded to a weight not less than 40,000 pounds.

Oysters. Shall be loaded to a weight not less than 12,500 pounds.

Peaches. (a) In full bushel baskets, shall be loaded not less than 3 layers high, each layer to be the same length and width as the floor space of the car;

(b) In half bushel baskets, shall be loaded not less than 4 layers high, each layer to be the same length and width as the floor space of the car;

(c) In standard crates, shall be loaded not less than 4 layers high, each layer to be the same length and width as the floor space of the car;

(d) In standard peach boxes, shall be loaded not less than 9 layers high, each layer to be the same length and width as the floor space of the car.

Potatoes. (Late crop, white, mature) (a) In cloth or burlap bags, paper sacks or boxes, containing 100 pounds or more each, shall be loaded to a weight not less than 45,000 pounds;

(b) In cloth or burlap bags, paper sacks or boxes, containing less than 100 pounds each, shall be loaded to a weight not less than 42,000 pounds;

(c) In bulk, shall be loaded to a weight not less than 40,000 pounds.

Potatoes. (Early crop, fresh harvested, white, immature) (a) In cloth or burlap bags, or paper sacks, shall be loaded to a weight not less than 30,000 pounds;

(b) In wooden crates, baskets, or tubs, shall be loaded to a weight not less than 31,500 pounds;

(c) In wooden boxes or barrels, shall be loaded to a weight not less than 36,000 pounds.

Pears. Winter variety, in any type of container, shall be loaded to a weight not less than 37,800 pounds.

Pineapples. In standard crates, shall be loaded not less than 5 layers high, each layer to be the same length and width as the floor space of the car.

Poultry—dressed. Fresh chilled, when shipped from packing plants, warehouses, or creameries, shall be loaded to a weight not less than 28,000 pounds.

Root vegetables. (Fresh harvested, in mixed carloads) (a) In cloth or burlap sacks, or in bulk, shall be loaded to a weight not less than 30,000 pounds;

(b) In L. A. crates, when loaded in refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 358 crates;

(c) In half crates, shall be loaded with not fewer than 640 crates;

(d) In L. A. crates, when loaded in refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 427 crates.

Shell eggs, dressed poultry and dairy products. (a) When shipped in mixed carloads from packing plants, warehouses, creameries, or points at which such shipments were assembled or consolidated for mixed carload movement, shall be loaded to a weight not less than 36,000 pounds;

(b) When shipped from producing areas in straight or mixed carloads, to warehouses, packing plants, processing plants, or points at which such shipments are assembled or consolidated for straight or mixed carload movement, which are located not more than 350 miles from the point of production, shall be loaded to a weight which equals or exceeds the applicable tariff minimum weight.

Sweet potatoes.[2] (a) (Fresh harvested) In bushel containers, shall be loaded 4 layers high, each layer to be the same length and width as the floor space of the car;

(b) (Kiln-dried) In bushel containers, shall be loaded not less than 5 layers high, each layer to be the same length and width as the floor space of the car.

Turnips. (Fresh harvested, new turnips) (a) In cloth or burlap sacks, or in bulk, shall be loaded to a weight not less than 30,000 pounds;

(b) In L. A. crates, when loaded in refrigerator cars equipped with stationary ice-bunkers shall be loaded with not fewer than 358 crates;

(c) In half crates, shall be loaded with not fewer than 640 crates;

(d) In L. A. crates, when loaded in refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 427 crates.

Tomatoes.[1] (a) When packed in standard lug boxes and loaded solid throughout the full length and width of the car, the load shall consist of not less than 5 complete layers;

(b) When packed in standard lug boxes, and the load is divided by center gates, the load shall consist of not less than 6 complete layers in each half of the car and the space for center gates shall be no greater than the width of two stacks of lug boxes.

Amendment 1 to Special Direction ODT 18, Revised-5 is hereby revoked as of the effective date of this Amendment 2.

This Amendment 2 to Special Direction ODT 18, Revised-5 shall become effective July 15, 1943.

(E.O. 8989, 6 F.R. 6725, Gen. Order ODT 18, Revised, as amended, 7 F.R. 8337, 10083; 8 F.R. 5682).

Issued at Washington, D. C., this 15th day of July 1943.

V. V. BOATNER,
Director, Division of Railway Transport.

[F. R. Doc. 43-11400; Filed, July 15, 1943; 2:48 p. m.]

[1] Change from provisions of Amendment 1.
[2] New item not appearing in Amendment 1.

Notices

CIVIL AERONAUTICS BOARD.

[Docket Nos. 300 and 499]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and services connected therewith of Pan American Airways, Inc. in the transpacific operations.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held on July 22, 1943, 10:00 a. m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW, Washington, D. C., before the Board.

Dated July 15, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-11426; Filed, July 16, 1943; 10:01 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 49 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to NRC 5315 containing potatoes from Eloy, Arizona, now on hand at the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned Louis Cohen Co., Inc., Chicago.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11435; Filed, July 16, 1943; 11:37 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional, State, and District Office Orders.

[Region I Order G-20]

FLUID MILK IN THE STATE OF RHODE ISLAND

Order No. G-20 under § 1499.18 (c), of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c), of the General Maximum Regulation, as amended by Amendment No. 33, by § 1351.807 of Maximum Price Regulation No. 280, as amended, and by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and by § 1351.803 of Maximum Price Regulation No. 280 for fluid milk sold or delivered in the Rhode Island Milk Marketing Areas, as defined in Appendix A of this order, and established by § 1351.403 of Maximum Price Regulation No. 329 for fluid milk bought or received from producers in Region I for ultimate resale as fluid milk in such areas, are modified so that the maximum prices for such fluid milk shall be the prices specified in the applicable schedule below:

(1) Rhode Island Milk Marketing Areas 1; 2A; 2B; 2C.

Milk	Retail: Delivered	Retail: Over counter	Wholesale: To stores, schools, restaurants, etc.	Wholesale: Dealer to peddlers (per quart)
Quart bottles	$0.16	$0.15	$0.13	$0.125
Pint bottles			.07	.13
10-ounce bottles			.05	.13
Half-pint bottles			.04	.13
8-quart cans			1.00	
10-quart cans			1.25	
40-quart cans			4.80	

Producer price: $4.25 per hundredweight.

(2) Rhode Island Milk Marketing Area 5A.

Milk	Retail: Delivered	Retail: Over counter	Wholesale: To stores, schools, restaurants, etc.	Wholesale: Dealer to peddlers (per quart)
Quart bottles	$0.16	$0.16	$0.14	$0.13
Pint bottles			.08	.135
10-ounce bottles			.05	.135
Half-pint bottles			.04	.135
8-quart cans			1.04	
10-quart cans			1.30	
40-quart cans			4.80	

Producer price: $4.25 per hundredweight.

(3) Rhode Island Milk Marketing Areas 3, 4A, 4B, 4C, 5C, 6.

Milk	Retail: Delivered	Retail: Over counter	Wholesale: To stores, schools, restaurants, etc.	Wholesale: Dealer to peddlers (per quart)
Quart bottles	$0.15	$0.14	$0.125	$0.12
Pint bottles			.07	.125
10-ounce bottles			.0475	.125
Half-pint bottles			.0375	.125
8-quart cans			.96	.125
10-quart cans			1.20	
40-quart cans			4.40	

Producer price: $4.00 per hundredweight.

(4) Rhode Island Milk Marketing Area 5B.

Milk	Retail: Delivered	Retail: Over counter	Wholesale: To stores, schools, restaurants, etc.	Wholesale: Dealer to peddlers (per quart)
Quart bottles	$0.16	$0.15	$0.135	$0.13
Pint bottles			.07	.135
10-ounce bottles			.05	.135
Half-pint bottles			.04	.135
8-quart cans			1.00	
10-quart cans			1.25	
40-quart cans			4.80	

Producer price: $4.25 per hundredweight.

(b) The prices set in paragraph (a) of this order are subject to the following qualifications:

(1) The above "Retail: Delivered" prices shall include sales for home consumption by any person, whether sold for cash or on credit, and whether sold on the premises or delivered, except as provided in subparagraph (2), (6) and (7) hereof.

(2) The above "Retail: Over counter" prices shall include sales for home consumption by stores where the milk is sold over the counter and is not delivered, except as provided in subparagraph (7) hereof.

(3) The above "Wholesale: to stores, schools, restaurants, etc." prices shall include delivered sales to stores, schools, restaurants, hotels, institutions, and government agencies, either for consumption or for resale to consumers.

(4) The above "Wholesale: Dealer to peddlers" prices shall be the maximum prices per quart at dealer's platform and shall apply to sales to sub-dealers or peddlers by a dealer who processes, stores and also supplies milk and containers for such sub-dealer or peddler. When the selling dealer does not supply the containers, the maximum price at the dealer's platform shall be one cent less per quart.

(5) The above "Producer price" fixed for each milk marketing area shall be applicable to fluid milk bought or received from producers in Region I for ultimate resale for human consumption as fluid milk in such milk marketing area.

(6) The maximum price for milk sold by a producer thereof directly to the consumer at the dairy on the premises where produced shall be three cents per quart less than the above "Retail: Over counter" price in the particular milk marketing area if the consumer provides the container, and two cents per quart less than the above "Retail: Over counter" price in such area if the producer without charge provides the container.

(7) The maximum price for all milk supplied to consumers in a particular milk marketing area under authority of any charitable or welfare agency shall be three cents less per quart container than the above "Retail: Delivered" prices for such area. The maximum price for all milk sold to recognized charitable institutions in any container shall be at the rate of two cents per quart less than the above "Wholesale: to stores, schools, restaurants, etc." prices. This subparagraph (7) shall not apply to any transaction in which the charitable or welfare agency or the charitable institution involved has not been approved by the Rhode Island Milk Control Board.

(8) A deposit charge of not more than five cents per bottle may be made to and by stores purchasing milk in glass bottles for resale, such bottles to be redeemed at the same price as is thus charged.

(9) When sale is made at wholesale or retail in a paper container, an additional charge of not more than one cent per container may be made over and above the applicable prices specified in the respective schedules as set forth above.

(10) All other customary deposit charges and price differentials for special milk, including but not limited to Grade A milk, flavored milk, trade marked milk, and milk of specially high or low butterfat content, which any seller (or pur-

chaser from a producer) had in effect during the base period, may be added to or must be subtracted from, as the case may be, the maximum prices for standard milk as fixed in this order. The base period to be used for computing all such differentials shall be:

(i) For sales of fluid milk subject to the General Maximum Price Regulation, March 1942.

(ii) For sales of fluid milk subject to Maximum Price Regulation No. 280, the period September 28, 1942, to October 2, 1942, inclusive.

(iii) For purchases of fluid milk from producers subject to Maximum Price Regulation No. 329, January 1943.

(11) Where the total bill at the time of sale, if sold for cash, or at the end of any billing period, comes out at a fraction of a cent, the seller may charge the next higher cent.

(c) Each milk distributor selling milk subject to this order to purchasers for purposes of resale shall promptly notify such purchasers in writing of the maximum prices permitted by this order for sales by the distributor and by such purchasers, and of the requirement that such maximum prices be posted by such purchasers in accordance with the provisions of section 13 of the General Maximum Price Regulation.

(d) Unless the context otherwise requires, the definitions set forth in the regulation applicable to any sale of any fluid milk under this order shall apply to the terms used herein with reference to such sale.

(e) This order, on and after its effective date, shall supersede Region I Price Order 13 (redesignated as Order No. G–13), under § 1499.18 (c), as amended, of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280—Fluid Milk in Rhode Island Milk Marketing Areas 4A and 4B.

(f) This order may be revoked, amended or corrected at any time. This order shall become effective April 1, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of March 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

APPENDIX A

RHODE ISLAND MILK MARKETING AREAS

Area number	
1	The Cities of Providence, Pawtucket, Central Falls, all of the City of Warwick except Potowomut Neck, all of the City of Cranston except that area in the southwesterly corner of said City bounded by a circle within a two-mile radius centered at the junction of the westerly boundary of said City and the northerly boundary of the Town of Coventry; and the Towns of North Providence, East Providence, Barrington, Johnston, Smithfield, and those parts of the Towns of Lincoln and Cumberland within a distance of two miles from the outer limits of the City of Central Falls.
2A	The City of Woonsocket, the Town of North Smithfield, and such parts of the Towns of Lincoln and Cumberland as are not included in Area 1.
2B	The towns of Bristol and Warren.
2C	The Towns of East Greenwich, West Warwick, North Kingstown, and that portion of the City of Warwick known as Potowomut Neck, such part of the City of Cranston as is not included in Area 1, and that part of the Town of Coventry east of the Victory Highway (Route #102).
3	The Town of Burrillville.
4A	The Town of Westerly.
4B	The Towns of Charlestown, South Kingstown, Narragansett, Richmond and Hopkinton.
4C	The Town of Jamestown.
5A	The City of Newport.
5B	The Town of Tiverton.
5C	The Towns of Middletown, Portsmouth, and Little Compton.
6	The Towns of Glocester, Foster, West Greenwich, Exeter, New Shoreham, and such parts of the Towns of Scituate and Coventry as are not included in Area 2C.

[F. R. Doc. 43–11349; Filed, July 15, 1943; 11:56 a. m.]

[Region I Order G–20, Correction]

FLUID MILK IN THE STATE OF RHODE ISLAND

Correction of Order Number G–20 under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

The section reference to Maximum Price Regulation No. 329 in paragraph (a) which reads "§ 1351.403" is corrected to read "§ 1351.402."

This correction shall become effective as of April 1, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 26th day of April 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11350; Filed, July 5, 1943; 11:56 a. m.]

[Region I Order G–20, Amdt. 1]

FLUID MILK IN THE STATE OF RHODE ISLAND

Amendment 1 to Order No. G–20 under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, and by § 1351.807 of Maximum Price Regulation No. 280, as amended, *It is hereby ordered*, That subparagraph (12) be added to paragraph (b), that the line "This order shall become effective April 1, 1943, at 12:01 a. m." be designated as paragraph (g), and that paragraph (h) be added, to read as set forth below:

(12) Where fluid milk is delivered between June 1 and September 30, both dates inclusive, by a dealer to a summer establishment in a milk marketing area other than the one in which the dealer's place of business is located, his maximum price for such milk shall be the maximum price for such milk in the marketing area in Region I in which his place of business is located if such price is higher than that in the marketing area in which he delivered the milk. Any summer establishment which resells such milk may increase its maximum price therefor by the exact amount of the increase in the cost of such milk to it effected by this subparagraph (12). "Summer establishment" shall include any retail store, hotel, boarding house, restaurant, camp, dwelling or other living or retail selling establishment which is not regularly occupied or operated, as the case may be, at any time during the year except for one or more periods between June 1 and September 30, both dates inclusive.

(g) This order shall become effective April 1, 1943, at 12:01 a. m.

(h) Amendments to Region I Order Number G–20 shall become effective as follows:

(1) Amendment No. 1 shall become effective as of June 1, 1943, at 12:01 a. m.

Issued this 4th day of June 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11351; Filed, July 15, 1943; 11:56 a. m.]

[Region VIII Order G–17]

MOTOR VEHICLE CARRIERS IN THE SAN FRANCISCO BAY AREA

Order No. G–17 under § 1499.18 (c), as amended, of the General Maximum Price Regulation, (Formerly Order No. 21)—Adjustment of Maximum Prices of Motor Vehicle Carriers Other Than Common Carriers in the San Francisco Bay Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices established by the General Maximum Price Regulation for service rendered by carriers by motor vehicle other than common carriers are hereby adjusted by authorizing each such carrier to charge to the consignee, in addition to the existing maximum price for such service, a further sum determined as hereinafter provided, under the following conditions:

(1) In the case of shipments weighing 10,000 lbs. or more, where the consignee, having been notified not later than 3:30 p. m. on a Friday that a shipment will be delivered on the following day, and where such shipment is actually available for delivery between the hours of 8 a. m. and 5 p. m. on the following day, but the consignee refuses to accept the shipment.

(2) In the case of shipments weighing less than 10,000 lbs. where the consignee refuses to accept delivery of such shipment between the hours of 8 a. m. and 12 o'clock noon on Saturday, or where the consignee refuses to accept delivery of such shipment between the hours of 1 p. m. and 5 p. m. on Saturday after having been notified not later than 10 a. m. on said day that such shipment is available for delivery and that delivery will be made.

(b) The amount of the additional charge which may be made shall be an amount equal to that which would result from the application of the drayage rate established by the California Railroad Commission as minimum by Decision No. 28632 of March 16, 1936, as amended, in Case No. 4084 and Decision No. 29217 of October 26, 1936, as amended, in Case No. 4108, and as set forth in City Carriers' Tariffs Nos. 1 and 2, for the transportation of the same kind and quantity of property between points within the San Francisco or East Bay Drayage zone in which the point of destination is located, other than the rates provided by or set forth in sections 3 and 4 of said tariffs.

(c) This order shall apply to transportation having point of destination within the City and County of San Francisco, or within the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, or Piedmont, in the County of Alameda, California.

(d) This order may be revoked, amended or corrected at any time. This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of April 1943.

FRANK E. MARSH,
Regional Administrator.

[F R Doc. 43–11397; Filed, July 15, 1943; 12:37 p. m.]

[Region VIII Order G–18]

MOTOR VEHICLE CARRIERS IN THE LOS ANGELES AREA

Order No. G–18 under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Adjustment of Maximum Prices of Motor Vehicle Carriers Other Than Common Carriers in the Los Angeles Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices established by the General Maximum Price Regulation for service rendered by carriers by motor vehicles other than common carriers are hereby adjusted by authorizing each such carrier to charge to the consignee, in addition to the existing maximum price for such service, a further sum determined as hereinafter provided, under the following conditions:

(1) In the case of shipments of all weights, where the consignee refuses to accept delivery on any day from Monday to Friday, inclusive, between the hours of 8:00 a. m. and 12:00 o'clock noon, or between the hours of 1:00 p. m. and 5:00 p. m.

(2) In the case of shipments weighing 10,000 lbs. or more, where the consignee, having been notified not later than 3:30 p. m. on a Friday that a shipment will be delivered on the following day, and where such shipment is actually available for delivery between the hours of 8:00 a. m. and 5:00 p. m. on the following day, but the consignee refuses to accept the shipment.

(3) In the case of shipments weighing less than 10,000 lbs. where the consignee refuses to accept delivery of such shipment between the hours of 8:00 a. m. and 12:00 o'clock noon on Saturday, or where the consignee refuses to accept delivery of such shipment between the hours of 1:00 p. m. and 5:00 p. m. on Saturday after having been notified not later than 10:00 a. m. on said day that such shipment is available for delivery and that delivery will be made.

(b) The amount of the additional charge which may be made shall be an amount equal to that which would result from the application of the rates established by the California Railroad Commission as minimum by Decision No. 32504, as amended, in Case No. 4121, and as set forth in Sections 2, 3, and 4 of City Carriers' Tariff No. 4—Highway Carriers' Tariff No. 5, for the transportation of the same kind and quantity of property between points within the one of which the point of destination is located.

(c) This order shall be applicable to transportation having point of destination within the Los Angeles drayage area, as described in items 30 to 33 series inclusive, of City Carriers' Tariff No. 4 and Highway Carriers' Tariff No. 5, as issued by the California Railroad Commission in its Decision No. 3250, Case No. 4121.

(d) This order may be revoked, amended, or corrected at any time. This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of May 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43–11398; Filed, July 15, 1943; 12:37 p. m.]

[Region VIII Order G–19]

TRANSPORTATION OF POTATOES IN KERN COUNTY, CALIFORNIA

Order No. G–19 under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Adjustment of Maximum Prices for the Transportation of Potatoes by Truck from Field to Packing Shed in Kern County, California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration of § 1499.18 (c) as amended, by the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices which may be charged by any carrier other than a common carrier for the service of hauling potatoes by truck in Kern County from the field in which they were grown to the shed at which they are to be washed, graded and sacked, including loading at the field and unloading at the shed, shall be the following:

(1) Where the distance from field to shed is less than seven miles, the adjusted maximum price shall be $1.35 per ton.

(2) Where the distance from field to shed is seven miles or more, but less than twelve miles, the adjusted maximum price shall be $1.50 per ton.

(3) Where the distance from field to shed is twelve miles or more, the adjusted maximum price shall be $1.60 per ton.

(b) Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

(d) This order shall become effective upon its issuance, and shall remain in effect for a period of sixty days thereafter.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of May, 1943.

BEN C. DUNIWAY,
Acting Regional Administrator.

[F. R. Doc. 43–11399; Filed, July 15, 1943; 12:42 p. m.]

[Region VIII Order G–20]

TRANSPORTATION OF POTATOES IN KERN COUNTY, CALIFORNIA

Order No. G–20 under § 1499.18 (c) as amended of the General Maximum Price Regulation—Adjustment of Maximum Prices for the Transportation of Potatoes Purchased by the Government of the United States from Kern County to Various Points in California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices which may be charged by any carrier other than a common carrier for the service of hauling by truck potatoes purchased by the United States Government or any agency thereof, from any point in Kern County, California to any point in California, shall be determined as follows:

(1) Where the point of destination is any of the points listed in Appendix A, attached hereto, the maximum price shall be the price listed in Appendix A, opposite the point of destination involved.

(2) Where the point of destination is a point not listed in Appendix A, the maximum price shall be the price specified for that point listed in Appendix A, which is closest to the point of destination involved.

(b) Any maximum price determined under this order shall be subject to further adjustment at any time by the Office of Price Administration.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

(d) This order shall become effective upon its issuance, and shall remain in effect for a period of ninety days thereafter.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 14th day of May 1943.

FRANK E. MARSH,
Regional Administrator.

APPENDIX A

Point of destination and approximate location:	*Adjusted maximum price per 100 pounds*
Benicia Arsenal, within city limits of Benicia	$0.37
Camp Beale, within city limits of Marysville	.40
Camp Clayton, 11 miles from Salinas	.29
Camp Cook, 9 miles NW. of Lompoc	.26
Camp Dunlap, 3–5 miles NE. of Niland	.40
Camp Elliot, 3 miles S. of Miramar	.33
Camp Haan, 10.5 miles SE. of Riverside	.28
Camp Ibes, 22 miles N. of Needles	.40
Camp Kearney, 15 miles S. & E. of Del Mar	.33
Camp Kohler, 12 miles from Sacramento	.34
Camp Laws, 5 miles N. of Bishop	.31
Camp Lockett, 6 miles NW. of Campo	.42
Camp Marion, 7 miles from San Luis Obispo	.23
Camp Marr, 36 miles N. of Barstow	.25
Camp McClelland Field, 9½ miles NE. of Sacramento	.34
Camp McQuaide, 6 miles from Watsonville	.31
Camp Ono, 4 miles N. of San Bernardino	.25
Camp Pendleton, 3 miles N. & 7 E. of Oceanside	.29
Camp Pinedale, 7 miles N. of Fresno	.18
Camp Roberts, 5 miles N. of San Miguel	.20
Camp San Luis Obispo, 6 miles NW. of San Luis Obispo	.23
Camp Seeley, 1 mile beyond Seeley	.42
Camp Stoneman, Pittsburgh	.33
Fort Ord, 9 miles from Salinas	.29
Gardner Field, near Taft, California	.10
Hamilton Field, 8 miles N. of San Rafael	.40
Hammer Air Field, near Fresno	.18
Mare Island Naval Yard, 2 miles from Vallejo	.37
March Field, 10.5 miles SE. of Riverside	.28
Mather Field, 14 miles NE. of Sacramento	.34
Minter Field, 10 miles N. of Bakersfield	.10
Muroc Bombing Range, 12 miles NE. of Muroc	.17
North Island Naval Air Station, 3½ miles N. of Coronado	.34
Reams Field, 17 miles SE. of San Diego, near San Ysidro	.34
Rockwell Field, 4 miles N. of Coronado	.34
Santa Ana Army Air Base, 6.5 miles SE. of Santa Ana	.23
U. S. Army Munitions Base, 10 miles NW. of Doyle	.56
Wagoner Field Naval Air Training Station, 3 miles from Livermore	.31
Camp Anza, Riverside, California	.26
San Bernardino Air Depot, San Bernardino, California	.25
Victorville Army Flying School, Victorville, California	.23
Manzanar Relocation Center, Manzanar, California	.28
Camp Mathews, Linda Vista, California	.31
Las Vegas Air Corps School, near Las Vegas, Nevada	.37
Torney General Hospital, Palm Springs, California	.31
Port Hueneme, near Oxnard, California	.21
All points in the City of San Diego, California	.33
All points in the City and County of San Francisco, California	.37
All points in San Pedro, California	.22
All points in the City of Los Angeles, California, except San Pedro	.21

[F. R. Doc. 43-11391; Filed, July 15, 1943; 12:37 p. m.]

[Region VIII Order G-21 Under 18 (c)]

FUEL WOOD AT REPUBLIC, WASHINGTON

Order No. G-21 under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Adjustment of maximum prices for fuel wood sold to governmental users at Republic, Washington.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum prices which may be charged by any seller for firewood of the kinds hereinafter described sold to any federal, state, county, municipal or other governmental agencies located in Republic, Washington, are hereby established to be the following, delivered to the premises of the buyer:

$8.00 per cord for fir and tamarack forest wood in 4 foot lengths.

$6.00 per cord for heavy firm and tamarack tie slabs in 4 foot lengths.

(b) No seller affected by this order shall change his discounts, differentials and price allowances in effect during March 1942, unless such change results in a lower price.

(c) This order may be revoked, amended, or corrected at any time.

(d) Unless the context otherwise requires, the definitions set forth in section 20 of the General Maximum Price Regulation as amended shall apply to the terms used herein.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of May 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-11438; Filed, July 15, 1943; 12:36 p. m.]

[Region VIII Order G-22 Under 18 (c)]

TRANSPORTATION OF MANUFACTURING MILK IN CALIFORNIA

Order No. G-22 under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Adjusted maximum prices for the transportation of manufacturing milk by carriers other than common carriers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum price which may be charged by any carrier other than a common carrier for the service, rendered to any manufacturing milk processor whose plant is located in any of the counties in California named below, of hauling manufacturing milk by truck to such plant, shall be a price approved by the District Office of the Office of Price Administration having jurisdiction over the locality in which the processor's plant is situated, upon the filing of the following in duplicate by the particular carrier:

(1) A statement signed by the carrier stating his established maximum price determined under the General Maximum Price Regulation as amended, and requesting an adjusted maximum price which may not exceed the sum of the established maximum price and an increase amounting to not more than 10% of the existing maximum price, and also not more than an amount which will compensate for the increase during the first five months of 1943 over the first five months of 1942 in the cost to the carrier of any of the following items: Fuel and lubrication, repair and maintenance, tires and tubes, and labor supplied by employees of the carrier.

(2) A statement signed by the manufacturing milk processor certifying that he is willing to pay the higher price requested by the carrier, that the processor will not pass on the increase in the carrier's price in any form to any of his customers, that the processor will not use the increased price in any way as the basis for an application for adjustment of his maximum price for any commodity or service, and that any application filed by the processor will be filed upon the basis of the maximum price for the transportation service as established by the General Maximum Price Regulation as amended.

(b) The appropriate District Office of the Office of Price Administration shall, after the filing of the statements described in paragraph (a) above, approve or disapprove the requested adjusted maximum price in writing. Such approval or disapproval may be in the form of a letter addressed to the carrier and signed by the District Director or Acting District Director. If the appropriate District Office should, within 15 days from the filing of the statements, fail to approve or disapprove the requested adjusted maximum price, it shall be deemed to have been approved subject to subsequent disapproval or adjustment at any time by the said District Office.

(c) This order shall be applicable to carriers other than common carriers hauling milk to manufacturing milk processing plants located in any of the following counties in the State of California: Alpine, Amador, Butte, Calaveras, Colusa, Eldorado, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba.

(d) Definitions: For the purposes of this order.

(1) The term "manufacturing milk" means liquid cow's milk in a raw unprocessed state which is purchased for purposes other than resale for human consumption as fluid milk.

(e) This order may be revoked or amended or corrected at any time.

This order shall become effective June 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-11439; Filed, July 15, 1943; 12:36 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-758]

SCRANTON-SPRING BROOK WATER SERVICE COMPANY

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of July, A. D. 1943.

Notice is hereby given that a declaration or application (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Scranton-Spring Brook Water Service Company, which in turn is a subsidiary of Federal Water and Gas Corporation, a registered holding company; and

Notice is further given that any interested person may, not later than July 29, 1943 at 5:30 p. m., e. w. t. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Scranton-Spring Brook proposes to merge with itself 62 of its wholly-owned, inactive subsidiaries which serve no purpose except to hold charters or franchises, etc. The merger will be effected through the acquisition by Scranton of the assets of such subsidiaries in exchange for the common stock of the respective companies, such stocks being the only securities outstanding.

Sections 9, 10, 11 and 12 of the Act and Rules U-42 and U-43 promulgated thereunder have been designated by Scranton-Spring Brook Water Service Company as applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11424; Filed, July 16, 1943; 9:43 a. m.]

SELECTIVE SERVICE SYSTEM.

[Order 114]

MOUNT WEATHER PROJECT, VA.

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, by virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–313, inclusive); E.O. No. 8675, 6 F.R. 831, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission under Administrative Order No. 26, 7 F. R. 10512, hereby designate the Mount Weather Project to be work of national importance, to be known as Civilian Public Service Camp No. 114. Said project, located near Bluemont, Loudoun County, Virginia, will be the base of operations for work under the direction of the Weather Bureau, Department of Commerce, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said project will be engaged in plotting weather data on the daily Northern Hemisphere charts for use of meteorologists in their study of past weather conditions in an effort to increase the accuracy of long range weather forecasts. Selected men will be trained in making weather observations, including the operation of radiosonde devices; these men to be assigned to isolated weather stations for which it is difficult to supply personnel. The men will be under the direction of the Weather Bureau, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Department of Commerce. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

JULY 13, 1943.

[F. R. Doc. 43-11404; Filed, July 15, 1943; 4:31 p. m.]

WAR PRODUCTION BOARD.

ASHBACH AND RUBLOFF, ETC.

CONSENT ORDER

Leonard Ashbach and Harry L. Rubloff, a partnership, doing business as Ashbach and Rubloff, Domestic Distributing Company, or M. L. Gersh Furniture Company, 152 East Huron Street, Chicago, Illinois, were charged in a letter from the Regional Compliance Chief of the Chicago Regional Office of the War Production Board with having violated Limitation Order L–183 in that between January 1, 1943 and April 24, 1943 they manufactured, produced, fabricated or assembled electronic equipment, namely, approximately 2,380 radio sets by converting the use or mode of operation of said radio sets from automobile radios to radios for home use pursuant to orders bearing no preference ratings, and transferred aproximately 3,880 radio sets on orders which did not bear a preference rating of A–3 or higher. Ashbach and Rubloff, Domestic Distributing Company, and M. L. Gersh Furniture Company, by Leonard Ashbach and Harry L. Rubloff, admit the aforementioned violations as charged, and have consented to the issuance of the within Order.

Wherefore, upon agreement and consent of the Respondents, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Leonard Ashbach and Harry L. Rubloff, doing business as Ashbach and Rubloff, Domestic Distributing Company, M. L. Gersh Furniture Company or otherwise, their successors and assigns, are hereby prohibited from selling, leasing, trading, lending, shipping, transferring, or negotiating for the sale of any elec-

tronic equipment, as defined in Limitation Order L–265, except to fill preferred orders, as defined in Limitation Order L–265, or unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Leonard Ashbach and Harry L. Rubloff, doing business as Ashbach and Rubloff, Domestic Distributing Company, M. L. Gersh Furniture Company or otherwise, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 15, 1943 and shall expire on September 15, 1943.

Issued this 15th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11418; Filed, July 15, 1943; 4:56 p. m.]

JACKSON INDUSTRIES, ETC.

CONSENT ORDER

David Krechman, doing business as Jackson Industries or Jackson Radio Sales and Service, 220 West Huron Street, Chicago, Illinois, was charged in a letter dated June 7, 1943 from the Regional Compliance Chief of the Chicago Regional Office of the War Production Board with having violated Limitation Order L–183 in that between January 1, 1943 and April 24, 1943 he manufactured, produced, fabricated or assembled electronic equipment, namely, approximately 6,852 radio sets by converting the use or mode of operation of said radio sets from automobile radios to radios for home use pursuant to orders bearing no preference ratings. David Krechman admits the aforementioned violations as charged, and has consented to the issuance of the within order.

Wherefore, upon agreement and consent of the Respondent, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) David Krechman, doing business as Jackson Industries, Jackson Radio Sales and Service or otherwise, his successors and assigns, are hereby prohibited from selling, leasing, trading, lending, shipping, transferring, or negotiating for the sale of any electronic equipment, as defined in Limitation Order L–265, except to fill preferred orders, as defined in Limitation Order L–265, or unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve David Krechman, doing business as Jackson Industries, Jackson Radio Sales and Service or otherwise, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 15, 1943, and shall expire on September 15, 1943.

Issued this 15th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11419; Filed, July 15, 1943; 4:56 p. m.]

ALEXANDER'S DEPARTMENT STORE, INC.

CONSENT ORDER

Alexander's Department Stores, Inc., a New York corporation engaged in the retail distribution of consumers' goods as a department store in the City of New York, is charged by the Regional Compliance Chief of the New York Regional Office of the War Production Board with violating Limitation Order L–219, in that during the period May 1, 1943, through July 3, 1943, it had receipts of consumers' goods amounting to approximately $1,600,000, whereas the allowable receipts of the company, under the terms of said order, amounted to approximately $1,200,000. Alexander's Department Stores, Inc., admits the excessive receipts as charged, and consents to the issuance of the within order.

Wherefore, upon the agreement and consent of the Respondent, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Up to and including July 25, 1943, Alexander's Department Stores, Inc., its successors or assigns, shall receive no consumers' goods other than such receipts as are permissible under the letter of grant from the War Production Board dated June 28, 1943, bearing symbols "Case No. 515; HLW", together with any modifications and amendments thereto.

(b) During the third quarterly period, commencing on August 2, 1943, Alexander's Department Stores, Inc., its successors or assigns, shall in all ways conduct its operations as if it were a controlled merchant, as defined in Limitation Order L–219, whose mercantile inventory is greater than its inventory limit at the beginning of the quarterly period.

(c) During the third quarterly period, commencing August 2, 1943, Alexander's Department Stores, Inc., shall not receive consumers' goods in excess of 85 per cent of its allowable receipts for such quarterly period as computed in accordance with Limitation Order L–219: *Provided, however*, That nothing in this order shall prevent Alexander's Department Stores, Inc., from making an application for relief on the merits to the War Production Board, and nothing contained herein shall preclude such relief from being granted.

(d) Nothing contained in this order shall be deemed to relieve Alexander's Department Stores, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect upon issuance and shall expire November 1, 1943.

Issued this 15th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11420; Filed, July 15, 1943; 4:56 p. m.]

LYNN STEWART COMPANY

CONSENT ORDER

Lynn Stewart, doing business as Lynn Stewart Company, 3900 Sheridan Road, Chicago, Illinois, was charged in a letter dated June 7, 1943 from the Regional Compliance Chief of the Chicago Regional Office of the War Production Board with having violated Limitation Order L–183 in that between January 1, 1943 and April 24, 1943 he manufactured, produced, fabricated or assembled electronic equipment, namely, approximately 3,953 radio sets by converting the use or mode of operation of said radio sets from automobile radios to radios for home use pursuant to orders bearing no preference ratings, and transferred such electronic equipment on orders which did not bear a preference rating of A–3 or higher. Lynn Stewart admits the aforementioned violations as charged, and has consented to the issuance of the within Order.

Wherefore, upon agreement and consent of the Respondent, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Lynn Stewart, doing business as Lynn Stewart Company or otherwise, his successors and assigns, are hereby prohibited from selling, leasing, trading, lending, shipping, transferring, or negotiating for the sale of any electronic equipment, as defined in Limitation Order L–265, except to fill preferred orders, as defined in Limitation Order L–265, or unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Lynn Stewart, doing business as Lynn Stewart Company or otherwise, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 15, 1943 and shall expire on September 15, 1943.

Issued this 15th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11421; Filed, July 15, 1943; 4:56 p. m.]

HENRY GOLDSMITH

CONSENT ORDER

Henry Goldsmith, 222 North Wells Street, Chicago, Illinois, was charged in a letter dated June 7, 1943 from the Regional Compliance Chief of the Chicago Regional Office of the War Production Board with having violated Limitation Order L–183 in that between January 1, 1943 and April 24, 1943 he manufactured, produced, fabricated or assembled electronic equipment, namely, approximately 519 radio sets by coverting the use or mode of operation of said radio sets from automobile radios to radios for home use pursuant to orders bearing no preference ratings, and transferred such electronic equipment on orders which did not bear a preference rating of A–3 or higher. Henry Goldsmith admits the aforementioned violations as charged, and has consented to the issuance of the within order.

Wherefore, upon agreement and consent of the Respondent, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Henry Goldsmith, his successors and assigns, are hereby prohibited from selling, leasing, trading, lending, shipping, transferring, or negotiating for the sale of any electronic equipment, as defined in Limitation Order L–265, except to fill preferred orders, as defined in Limitation Order L–265, or unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Henry Goldsmith, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 15, 1943 and shall expire on September 15, 1943.

Issued this 15th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11422; Filed, July 15, 1943; 4:56 p. m.]

STANDARD CYCLE AND AUTO SUPPLY COMPANY

CONSENT ORDER

Standard Cycle and Auto Supply Company, a corporation, doing business at 22 Rowley Street, Winsted, Connecticut, is charged by the Regional Compliance Chief of the Boston Regional Office of the War Production Board with violations of Limitation Order L–70, in that said Company, between April 1, 1942, and July 21, 1942, delivered or caused to be delivered to service stations and bulk consumers approximately 99,300 gallons of motor fuel in excess of said customers monthly quotas. Standard Cycle and Auto Supply Company admits the violations as charged but claims that they were not wilful. It certifies that its average monthly receipts of motor fuel for distribution and resale during the months of March, April and May, 1943, were 137,200 gallons.

Wherefore, upon the agreement and consent of the Respondent, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) During each of the months of July through November, 1943, Standard Cycle and Auto Supply Company, its successors or assigns, shall not accept delivery of, or receive, directly or indirectly, more than 125,000 gallons of motor fuel, as defined in Limitation Order L–70, except that if during any one of said months said company receives less than 125,000 gallons, it may add to its receipts in the following month the difference between 125,000 gallons and the lesser amount actually received.

(b) The service station located at 22 Rowley Street, Winsted, Connecticut, owned and operated by said Standard Cycle and Auto Supply Company, shall not accept delivery of, or receive, directly or indirectly, any motor fuel, from any other supplier than said Standard Cycle and Auto Supply Company during the months of July through November, 1943, nor in any other manner attempt to avoid the effect of the above restriction upon receipts of said company.

(c) Neither said Standard Cycle and Auto Supply Company, nor its officers, will enter, directly or indirectly, into any contract, or other agreement, with any supplier of motor fuel, (which supplier delivers motor fuel directly or indirectly for redelivery or consumption) to deliver or cause to be delivered, motor fuel, to service stations or bulk consumers serviced by said Standard Cycle and Auto Supply Company during the months of April, May and June, 1943, for that period in which the above restrictions are in effect.

(d) This order shall take effect upon issuance and shall expire November 30, 1943.

Issued this 16th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11427; Filed, July 16, 1943; 10:12 a. m.]

Reference

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 8 NUMBER 142

Washington, Tuesday, July 20, 1943

The President

PROCLAMATION 2589

AMENDMENTS OF REGULATIONS RELATING TO MIGRATORY BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior, under authority of and in compliance with section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II[1] (53 Stat. 1431), has adopted and submitted to me the following amendments, which he has determined to be suitable amendments of certain of the regulations approved by Proclamation No. 2345 of August 11, 1939,[2] as last amended by Proclamation No. 2562 of July 14, 1942,[3] permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), I, Oscar L. Chapman, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and, in accordance with such determinations, do hereby amend, as specified, the regulations approved by Proclamation No. 2345 of August 11, 1939, as last amended by Proclamation No. 2562 of July 14, 1942, and as so amended do hereby adopt such regulations as suitable regulations, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds," is amended to read as follows:

Regulation 4.—Open Seasons on and Possession of Certain Migratory Game Birds

Waterfowl (except snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' geese, and swans), coots, rails and gallinules, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons may be taken each day from one-half hour before sunrise to sunset, except in Alexander County, Illinois, geese may be taken only from sunrise to 12:00 o'clock noon, and in Texas white-winged doves may be taken only from noon to sunset, during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by

(Continued on p. 9899)

[1] 4 F.R. 2731.
[2] 4 F.R. 3621.
[3] 7 F.R. 5471.

CONTENTS

THE PRESIDENT

PROCLAMATION: Page
Amendments of regulations relating to migratory birds 9897

REGULATIONS AND NOTICES

AGRICULTURAL ADJUSTMENT AGENCY:
Crop parity payment regulations, 1942 9900

ALIEN PROPERTY CUSTODIAN:
Subordination orders:
Amber Mines, Inc 10045
Byk, Inc 10046
Steffens, Jones and Co., Inc 10046
Vesting orders:
Abe Appliances 10033
Adlanco X-Ray Corp 10041
Alber, Margareta 10042
Albers, Mary 10035
Alfa-Romeo, S. A 10033
Amer, Elizabeth B 10042
American Felsol Co 10035
Baessler, Anna 10035
Bencs, Stephen 10036
Berger, Bertha 10043
Cantale, Natale 10036
Capocciamo, John 10043
Carrera, Fiorentino 10037
"Corrado" Societa Anonima di Navigazione 10033
Cuneo, Vittorio 10043
Daly, Margaret P 10044
Davis, Horace 10044
Dundek, Mary 10045
Eckert, Emma H 10045
Faust, Edwin G. and Paul D 10037
Friedman, Nathaniel E 10037
Girten, Michael F 10038
Helmke, Emma Juliane 10038
Hesse, Holger 10034
Igersheimer, Adolph 10038
Klesse, Armand 10039
Lembo, Pitro 10039
Molitor, Alfrieda Johanna Eichholz 10039
Mugnaini, Giuseppe 10040
Neuhuettler, Joseph 10040
Pospischil, Kathe 10041
Schaefer, John Gabriel 10041
Siemens & Halske A. G 10034
Sumida, T., & Co., Ltd 10032
Yokohama Specie Bank, Ltd. (Honolulu) 10032

(Continued on p. 9898)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
BITUMINOUS COAL DIVISION:	
District 10, minimum price schedule amended	9937
Hearings, etc.:	
Applications dismissed (2 documents)	10026
Expiration of Coal Act; statement of the Director	10026
Goodrich, B. F., Co	10025
Logan Clay Products Co	10026
Oakland Coal Co	10025
Rio Grande Coal Co	10026
Truck Coal Association of Western Pennsylvania	10025
CENSUS BUREAU:	
Foreign Trade Statistics; government supplies shipped abroad	9936
CIVIL AERONAUTICS BOARD:	
Air traffic; light and signal rules	9936
CIVIL SERVICE COMMISSION:	
War service recruitment and placement	9900
COAST GUARD:	
Approval of equipment; miscellaneous amendments	10023
FEDERAL POWER COMMISSION:	
Jersey Central Power and Light Co., hearing	10030
FISH AND WILDLIFE SERVICE:	
Swan Lake National Wildlife Refuge, Mo., fishing	10023
FISHERIES COORDINATOR:	
Alaskan salmon canning industry; miscellaneous amendments	10024
FOOD AND DRUG ADMINISTRATION:	
Definitions and standards for food; miscellaneous amendments	9936
GENERAL LAND OFFICE:	
Land withdrawals:	
California	10027
Nevada	10027
GRAZING SERVICE:	
Field employees:	
Wage fixing procedures	10027
Wage recommendations	10027
INDIAN AFFAIRS:	
Loans from industry among Indians and tribal funds	9937
INTERIOR DEPARTMENT: (*see also* component agencies)	
Patent policies and procedures; delegation of authority	10023
INTERSTATE COMMERCE COMMISSION:	
Reicing of potatoes:	
Common carriers by railroad (4 documents)	10030, 10031
Louisiana and Arkansas Railway Co	10031
NATIONAL LABOR RELATIONS BOARD:	
Run-off elections, notice of open hearing on policy	10031
OFFICE OF DEFENSE TRANSPORTATION:	
Conservation of rail equipment, exceptions and permits; merchandise traffic	10023
Starkville, Miss., area; coordinated operations of certain taxicab operators	10046
OFFICE OF ECONOMIC WARFARE:	
Board of Economic Warfare, et al.; ratification and continuation of orders, licenses, etc.	9938
OFFICE OF PRICE ADMINISTRATION:	
Adjustable pricing (GMPR, Am. 57)	9991
Adjustments, exceptions, etc.:	
California Roasters Co	9996
Furst-McNess Co	9992
General Foods Sales Co., Inc	10022
List of orders filed (2 documents)	10047, 10050
Lumber, hardwood; distribution yard sales	10047
McCormick and Co	9996
Ritter, W. M., Lumber Co	9992
Walter, B., and Co	9992
Apparel; outerwear garments (RMPR 287, Am. 1)	10001
Beef and veal carcasses and wholesale cuts (RMPR 169, Am. 21)	9995
Bituminous coal (2d Rev. Max. Export Price Reg., Am. 3)	9998
Farm equipment (MPR 246, Am. 8)	9997
Firewood (RO 14, Am. 2)	10022
Food and drink sold for immediate consumption; Ohio, designated counties (Restaurant MPR 3-5, Am. 1)	10001
Food rationing; institutional users (Gen. RO 5)	10002
Fuels, solid (MPR 121, Am. 19)	9992
Gasoline; Puerto Rico (RO 5E)	9975
Hogs, dressed, and wholesale pork cuts (RMPR 148, Am. 5)	9998
Logging services and stumpage purchasers; request for approval of joint action program	10047
Logs and bolts (MPR 348, Am. 6)	10023
Lumber, Appalachian hardwood (MPR 146, Am. 13)	9998
Potatoes and onions (RMPR 271, Am. 4)	9995
Potatoes, white, canned in tin (Rev. SR 1, Am. 19)	10002
OFFICE OF PRICE ADMINISTRATION—Continued.	
Pulpwood:	
Certain Southeastern states (MPR 388, Am. 2)	9993
Eastern Virginia (MPR 437)	9993
Radios and phonographs (MPR 430)	9971
Regional, state, and district office orders:	
Fluid milk and cream, California (4 documents)	10048, 10049
Ice, California	10048
Rubber commodities (MPR 220, Am. 10)	9997
Virgin Islands; prices (MPR 395, Am. 2)	9996
RAILROAD RETIREMENT BOARD:	
Municipal Docks Railway, Jacksonville, Fla.; examiner designated	10050
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Carver, Wm. R	10052
Commonwealth and Southern Corp. (Del.)	10051
Connecticut and Passumpsic Rivers Railroad Co	10052
International Utilities Corp	10051
McClellan, Patrick H	10053
Moores-Coney Corp	10052
Nash, A., Co	10052
South Carolina Electric and Gas Co. and General Gas and Electric Corp	10051
SELECTIVE SERVICE SYSTEM:	
Local Board physical examination; waiver of requirements	9937
WAGE AND HOUR DIVISION:	
Fruit and vegetable packing and farm products assembling industry; committee appointment (2 documents)	10029
Learner employment certificates (2 documents)	10028
WAR DEPARTMENT:	
Les Fils de J. Kahn, et al., order discontinuing royalty payments	10024
Procurement and disposal of equipment and supplies; miscellaneous amendments	9908
WAR FOOD ADMINISTRATION:	
Bartlett and Beurre hardy pears; California, Oregon and Washington (FDO 65)	9905
Chicory, packaged (FDO 5, Am. 2)	9906
Dairy products:	
Butter (FDO 2-2)	9904
Cheddar cheese (FDO 15-2)	9904
Dried skim milk (FDO 54-2)	9904
Duluth - Superior, Minn.-Wis. marketing area; handling of milk	9903
WAR PRODUCTION BOARD:	
Ammunition (L-286)	9951
Containers:	
Cans (M-81)	9957
Shipping containers, wooden and fibre (P-140)	9968
Shipping drums, new steel (M-255)	9967
Textile bags (M-221)	9965

(Continued on next page)

CONTENTS—Continued

	Page
WAR PRODUCTION BOARD—Con.	
Controlled materials plan:	
(CMP 4)	9949
(CMP 4, Brass Mill Warehouse Direction 1)	9951
(CMP 4, Supp. Brass Mill Warehouse Direction 1-a)	9951
(CMP 4, Wire Mill Warehouse Direction 1)	9951
(CMP 5, Int. 8)	9951
Cooking utensils (L-30-d)	9939
Files (L-216, Schedule V)	9943
Laboratory equipment (L-144, Int. 1)	9942
Logging services and stumpage purchasers; approval of joint action program (Certificate 96)	10053
Machinery, food processing (L-292)	9953
Railroad equipment (L-97)	9941
Suspension orders:	
Baer Bros	9938
Cutting Room Appliances Corp	9938
Zynda Brewing Co	9939

regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State, Alaska, Puerto Rico, or in the District of Columbia during the period constituting the open season where taken and for an additional period of 45 days next succeeding said open season, but no such bird shall be possessed in any State, Alaska, Puerto Rico, or the District of Columbia at a time when such State, Alaska, Puerto Rico, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl and coot.—The open seasons on waterfowl (except geese in Alexander County, Illinois, snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' geese, and swans), and coot, in the several States, Alaska, and Puerto Rico, shall be as follows, both dates inclusive:

In Iowa, Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Ohio, Pennsylvania, South Dakota, Vermont, Wisconsin, and Wyoming, September 25 to December 3.

In California, (except on the Colorado River and within ten miles of its western bank), Colorado, Connecticut, Idaho, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New York (except certain hereinafter designated portions of Essex, Clinton, and Washington Counties) including Long Island, Oklahoma, Oregon, Rhode Island, Utah, Washington, and West Virginia, October 15 to December 23.

On the Colorado River in California and within ten miles of its western bank, November 2 to January 10.

In those portions of Essex and Clinton Counties, New York, east of the Delaware and Hudson Railroad tracks and that part of Washington County east of the aforesaid tracks to and including the town of South Bay and all of the waters of South Bay and one mile distant from such waters in any direction, September 25 to December 3.

In Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 2 to January 10.

In Puerto Rico, December 15, to February 12.

In Fur Districts 1 and 3 in Alaska, as defined in the regulations governing the taking of game in Alaska adopted July 13, 1943 (8 F.R. 9841), September 21 to November 29; and in the remainder of Alaska, September 1 to November 9: Provided, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30; and in Connecticut, Massachusetts, New York including Long Island, and Rhode Island, from September 15 to October 15, and thereafter from land or water during the open seasons for other waterfowl in these States.

Geese, in Alexander County, Illinois, October 15 to December 13.

Rails and gallinules (except coot).—The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31.

Louisiana, September 15 to December 15.

Maine, and Wisconsin, September 25 to December 3.

Maryland, September 1 to October 31.

Massachusetts, and New York, including Long Island, October 15 to December 23.

Minnesota, September 16 to November 30.

Puerto Rico, December 15 to February 12.

California, District of Columbia, Hawaii, Idaho, Iowa, Montana, Nevada, Oregon, Tennessee, and Washington, no open season.

Woodcock.—The open seasons on woodcock shall be as follows, both dates inclusive:

That part of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Pennsylvania, and Wisconsin, October 1 to October 15.

That part of New York lying south of the line above described and in Indiana and West Virginia, October 15 to October 29.

That part of New York known as Long Island, and in New Jersey, and Rhode Island, November 1 to November 15.

Arkansas, and Oklahoma, December 1 to December 15.

Connecticut, October 16 to October 30.

Delaware, and Maryland, November 15 to November 29.

Louisiana, and Mississippi, December 15 to December 29.

Maine, New Hampshire, Ohio, and Vermont, October 10 to October 24.

Massachusetts, October 20 to November 3.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 15 to October 29.

Minnesota, October 3 to October 17.

Missouri, November 10 to November 24.

Virginia, November 20 to December 4.

Mourning or turtle dove.—The open seasons on mourning or turtle dove shall be as follows, both dates inclusive:

Alabama, Georgia, Louisiana, Mississippi, and South Carolina, November 20 to December 19.

Arizona, California, Colorado, Kansas, Nevada, New Mexico, and Oklahoma, September 1 to October 12.

Arkansas, Delaware, Kentucky, Maryland, Tennessee, and Virginia, September 16 to October 15.

Florida, December 1 to December 30.

Idaho, September 1 to September 10.

Illinois, and Missouri, September 1 to September 30.

Minnesota, September 16 to September 30

North Carolina, November 25 to December 24.

Oregon, September 1 to September 15.

Texas, in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Bell, Falls, McLennan, Hill, Navarro, Kaufman, Hunt, Hopkins, Delta, and Lamar Counties, and all counties north and west thereof, September 1 to October 12; in remainder of State, November 20 to December 19.

White-winged dove.—The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, September 1 to September 15.

Texas, September 13 to September 19.

Band-tailed pigeon.—The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, New Mexico, and Washington, September 16 to October 15.

California, December 1 to December 30.

Oregon, September 1 to September 30.

Regulation 5—Daily Bag and Possession Limits on Certain Migratory Game Birds

The subtitles "Sora," "Coot" and "Mourning or turtle dove and white-winged dove" of Regulation 5 are amended to read as follows:

Sora and Coot.—Twenty-five in the aggregate of both kinds, and any person at any one time may possess not more than 25 in the aggregate of both kinds.

Mourning or turtle dove and white-winged dove.—Ten in the aggregate of

both kinds, and any person at any one time may possess not more than 10 mourning doves or more than 20 white-winged doves.

Regulation 6—Shipment, Transportation, and Possession of Certain Migratory Game Birds

Regulation 6 is amended by striking out the numerals "30" wherever they occur in the said regulation and by inserting in lieu thereof the numerals "45", and the second paragraph of the said regulation is amended to read as follows:

Not more than the number of such birds permitted by regulation 5 of these regulations to be taken by one person in one day, or in 2 days in the case of white-winged doves, woodcock and ducks (except wood ducks), nor more than 6 geese, including brant, in the aggregate of all kinds of which not more than 4 in any combination may be species other than blue geese, shall be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or the State where taken or from Canada or Mexico into the United States.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this fifteenth day of July, 1943.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United State of America, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 16th day of July, in the year of our Lord nineteen hundred and forty-
[SEAL] three, and of the Independence of the United States of America the one hundred and sixty-eighth.

FRANKLIN D ROOSEVELT

By the President
CORDELL HULL,
Secretary of State.

[F. R. Doc. 43-11587; Filed, July 19, 1943; 11:08 a. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

RECRUITMENT AND PLACEMENT

Section 18.4 *Recruitment and placement* is amended as follows:

§ 18.4 *Recruitment and placement*—(a) *Procedure in filling vacancies.* * * *

(7) Upon the receipt of a request for names of qualified persons, the Commission will supply an adequate number from the head of appropriate lists of eligibles, or from such other sources as, in the judgment of the Commission, may be appropriate. The eligibles supplied by the Commission will not include the name of persons suggested by the appointing officer unless, in the judgment of the Commission, such persons are among the best qualified and available persons known to the Commission.

The Commission will not normally certify the name of a person proposed by an agency unless and until it has had a minimum period of two weeks in which to certify qualified applicants in response to the requisition. Under emergency circumstances, the Commission may shorten the time period specified in the preceding sentence, and the Commission may require a longer time period in the event of doubt as to the qualifications of the proposed appointee and in the temporary absence of other better qualified candidates.

Whenever public announcement is made of a special competitive examination for filling a particular vacancy in which the statement is made that the register will expire upon appointment to the particular vacancy, such vacancy may not thereafter be filled noncompetitively by promotion, transfer, reinstatement, or otherwise. Applications for such examination, however, may be accepted by the Commission from persons who are currently in the Federal service, or who have a status for reappointment to such service, and who are specially recommended by the appointing officer at any time before appointment is made to the vacancy involved. The qualifications of such persons will be rated under the competitive standards observed in the examination, and their names will be entered on the register and certified as if they had orginally filed an application in the competitive examination.

* * * * *

(d) *Selection.* The nominating or appointing officer shall, with sole reference to merit and fitness, make selections for appointment from the names of eligibles furnished by the Commission unless better qualified persons for the position in question could be obtained by the Commission by presenting for consideration other names on the list of eligibles or by going outside the list entirely. The names of persons suggested by an appointing officer will not be included among the eligibles furnished by the Commission unless, in the judgment of the Commission, such persons are among the best qualified and available persons known to the Commission. An appointing officer who passes over an eligible granted disability preference or military preference and selects a person not granted such preference shall file with the Commission a statement setting forth in detail his reasons for so doing, which reasons shall not be made available to the veteran or to anyone else except in the discretion of the appointing officer.

The Commission may, in its discretion, require that selections for appointment be made in the order and manner provided for in Part 7 of this chapter.

(E.O. No. 9063 dated February 16, 1942, 7 F.R. 1075; E.O. No. 9243 dated September 12, 1942, 7 F.R. 7213; Directive X, War Manpower Commision dated September 14, 1942, 7 F.R. 7298)

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 43-11553; Filed, July 17, 1943; 1:52 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

PART 741—1942 CROP PARITY PAYMENT REGULATIONS

SUBPART E—1942

Parity payments for the 1942 crop year will be made to producers of corn (in the commercial corn-producing area), wheat, and types 41–44, 46, and 51–55 tobacco, who comply with the provisions of these regulations.

Sec.
741.401 Eligibility for payment.
741.402 Rate of payments and deductions.
741.403 Division of payments and deductions.
741.404 Proration of net deductions.
741.405 Deductions incurred on other farms.
741.406 General provisions relating to payments.
741.407 No deduction for association expenses.
741.408 Application for payment.
741.409 Appeals.
741.410 Forms and instructions.
741.411 Performance of duties of State and County committees in Hawaii and Puerto Rico.
741.412 Definitions.
741.413 Authority and availability of funds.

AUTHORITY: §§ 741.401 to 741.413, inclusive, issued under 56 Stat. 664, 52 Stat. 38, 45; 7 U. S. C. 1301, 1303.

§ 741.401 *Eligibility for payment.* An application for parity payment with respect to a crop may be made by any person for whom, under the provisions of § 741.403, a share in the payment with respect to a crop may be computed.

§ 741.402 *Rates of payments and deductions*—(a) *Corn*—(1) *Payment: corn-allotment farms.* 7.2 cents per bushel of the normal yield of corn for each acre in the corn allotment.

(2) *Deduction*—(i) *Corn-allotment farms.* 10 times the payment rate for each acre planted to corn in excess of the corn allotment. The deduction for excess corn acreage shall not exceed the payment computed for corn plus 10 times the payment rate for each acre planted to corn in excess of 130 percent of the corn allotment.

(ii) *Non-corn-allotment farms.* 10 times the payment rate for each acre planted to corn in excess of 15 acres or 130 percent of the corn allotment, whichever is larger.

(b) *Wheat*—(1) *Payment; wheat-allotment farms.* 13.7 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

(2) *Deduction*—(i) *Wheat-allotment farms.* 10 times the payment rate for each acre planted to wheat in excess of the wheat allotment except that the deduction for any person who seeded within his allotment but who did not store his excess volunteer wheat until it could be marketed free of marketing quota penalty shall be (a) ten times the payment rate for each acre by which the sum of the acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity is in excess of the allotment times his percentage share (applicable if the wheat allotment exceeds 15 acres or if the sum of the acreage seeded to wheat and the acreage of volunteer wheat which reached maturity is less than 110 percent of the wheat allotment) or (b) the sum of the wheat payment for the farm and 10 times the payment rate for each acre of wheat harvested in excess of 15 acres times his percentage share (applicable if wheat allotment is 15 acres or less and the sum of acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity equals or exceeds 110 percent of wheat allotment): *Provided, however,* That on any farm in the Southern Region except Oklahoma and Texas, which comprised more than one farm under the 1941 Agricultural Conservation Program, but which was determined by the county committee after the wheat was seeded for harvest in 1942 to comprise only one farm, the deduction for excess wheat acreage for the combined farm shall not exceed the larger of (1) the deduction which would have been computed had there been no combination for 1942 and (2) the wheat payment for the combined farm.

(ii) *Non-wheat-allotment farms.* Ten times the payment rate for each acre of wheat on the farm harvested for grain, or for any other purpose after reaching maturity, in excess of the larger of 15 acres or the wheat allotment or permitted acreage, whichever is applicable, or, in the East Central Region and in the Southern Region except Texas and Oklahoma, in excess of the largest of (a) the wheat acreage allotment or permitted acreage, whichever is applicable, (b) 15 acres, or (c) if no wheat is sold from the farm, 3 acres per family living on the farm and having an interest in the wheat crop grown thereon: *Provided,* That for any farm in the Southern Region except Oklahoma and Texas, which in 1941 comprised more than one farm but which was determined by the county committee after the wheat was seeded for harvest in 1942 to comprise only one farm, the deduction shall not exceed the deduction which would have been computed had there been no combination for 1942.

(c) *Tobacco (Types 42–44, 46 and 51–55*—(1) *Payment.* 1 cent per pound of the normal yield of tobacco for the farm for each acre in the tobacco allotment.

(2) *Deduction.* 10 times the payment rate for each acre of tobacco harvested in excess of the tobacco allotment or permitted acreage, whichever is applicable.

(d) *Tobacco (Type 41)*—(1) *Payment.* .2 cent per pound of the normal yield of tobacco for the farm for each acre in the tobacco allotment.

(2) *Deduction.* 10 times the payment rate for each acre of tobacco harvested in excess of the tobacco allotment or permitted acreage, whichever is applicable.

§ 741.403 *Division of payments and deductions.* The net payment or net deduction computed for any farm with respect to any crop shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop(s) grown on the farm in 1942. Such determination shall be made at the time the county committee approves the application for payment: *Provided,* That if any such crop is not grown on the farm in 1942, or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plantbed disease, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1942: *And provided further,* That, in cases where two or more separately owned tracts of land comprise a farm in any area designated by the Agricultural Adjustment Agency as an area in which a substantial proportion of the farms comprise two or more separately owned tracts of land, and all persons who are entitled to receive a share of the proceeds of any such crop agree, as shown by their signatures on the application for payment or a separate statement, the share of each such person in the net payment or net deduction computed with respect to such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and sharecroppers as classes as each such class shares in the crop, or proceeds thereof, with respect to which the payment or deduction is being made. In cases where landlords, tenants, or sharecroppers have lost their interests in any crop for which special crop allotments are determined after planting but prior to harvest thereof, by reason of the acquisition of title to or lease of the farm for use in connection with the national war effort, the net payment (excluding any compensation for the loss of payment) or the net deduction computed with respect to such crops shall be divided among such persons in the same proportion that the county committee determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of such crops except for such acquisition of title or lease.

Notwithstanding any other provisions herein, any deduction computed for failure to store excess volunteer wheat until it could be marketed free of marketing quota penalty shall be considered as a personal deduction for the person who failed to comply.

§ 741.404 *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

§ 741.405 *Deductions incurred on other farms*—(a) *Other farms in the same county.* Each person's share of the net deduction computed for a farm shall be deducted from his share of the net payment computed for any other farm in the county.

(b) *Other farms in the same State.* Each person's share of the net deduction computed for all farms in the county shall be deducted from his share of the net payment computed for any other farm in the State, if the State committee finds under the 1942 Crop Parity Payment Program that the crops grown on the farms for which net deductions are computed substantially offset the contribution to the program on other farms.

§ 741.406 *General provisions relating to payments*—(a) *Payments restricted to effectuation of purposes of the program.* All or any part of any payment which otherwise would be computed for any person under this program may be withheld or required to be returned if he adopts or has adopted any practice which tends to defeat any of the purposes of the 1942 Crop Parity Payment Program; if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or if, with respect to grazing land, forest land, or woodland owned or controlled by him, he adopts or has adopted any practice which is contrary to sound conservation practices.

Practices which tend to defeat the purposes of this program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

Practice and Amount To Be Withheld or Refunded

(1) A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease or operating agreement, or by an oral or written agreement supple-

mentary to such lease or operating agreement, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any Government payment which the tenant or sharecropper has received or is to receive for participating in the 1942 Crop Parity Payment Program.

Amount: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the rental customarily paid in the community for similar land and use, a sum of money or any thing, or service of value equivalent to all or a portion of the Government payment which may be, is being, or has been earned by the tenant or sharecropper.

Amount: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(3) A landlord or operator knowingly omits the names of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1942 Crop Parity Payment Program, or knowingly shows incorrectly his or their acreage shares of a crop, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of any Government payment to which they are entitled.

Amount: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(4) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but causes or fails to prevent the substantial offsetting of such performance by the farming operations of a partnership, association, estate, corporation, trust, or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.

Amount: The amount of the net deduction computed for such business enterprise.

(5) A partnership, association, estate, corporation, trust, or other business enterprise carried on its operations so as to qualify for payment, but one of the persons who is interested in and in position to control the operations or policies of such partnership, association, estate, corporation, trust or other business enterprise, substantially offsets such performance by such person's individual operations.

Amount: All or any part of the person's payments shall be forfeited except that the amount so forfeited shall not be less than the greater of the amount of the deduction incurred with respect to the person's farm or the person's share of the payment computed for the partnership, association, estate, corporation, trust, or other business enterprise, and the payments to the partnership, association, estate, corporation, trust, or other business enterprise, shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

(6) A person operates farms in two or more States and substantially offsets his performance in one State by overplanting his farm allotments in another State.

Amount: The net amount of the deduction which would be computed for such person for such overplanting if the farms were in the same State.

(7) A person rents land for cash, standing, or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land.

Amount: The net amount of the deduction which would be computed if the person were entitled to receive all the crops planted on the land so rented.

(8) A person participates in the planting, production, or harvesting of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the planting, production, or harvesting of a crop if the committee finds that he furnished labor, machinery, workstock, or financial assistance for the planting, production, or harvesting of such crop and that he has a financial interest in such crop.)

Amount: The proportion of the net amount of the deduction which would be computed for the farm which the committee determines was such person's interest in the crops planted, produced, or harvested.

(9) A tenant, in settling his obligations under a written or oral rental contract or operating agreement, or a written or oral contract or agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord or operator the whole or any part of any Government payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the regional director.

Amount: The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by such landlord or operator the whole of the payments with respect to all of his farms under the program involved: *Provided, however,* That, where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's or operator's payments shall be withheld or recovered.

(10) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the Government payment that would otherwise be made to the tenant or sharecropper with respect to such crop.

Amount: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(11) A person misuses or participates in the misuse of a marketing card with respect to any crop for which marketing quotas are in effect or fails to file or knowingly falsifies any report required by or under the regulations pertaining to marketing quotas for the 1941–42 or 1942–43 marketing year and such misuse or failure to file or falsification of such report results in any erroneous or incomplete record pertaining to any farm in connection with marketing quotas.

Amount: The entire payment which has been or would otherwise be made to such person with respect to the farm.

(b) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except for indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1942 any change in the arrangements which existed on the farm in 1941 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1942 program than would have been made to the landlord or operator for performance on the farm under the 1941 program, payments to the landlord or operator under the 1942 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1941 had been continued in 1942, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1942 is less than the average number on the farm during the three years 1939 to 1941 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves such reduction.

The action of the county committee under this paragraph (c) is subject to approval or disapproval by the state committee.

If the state committee finds that any person who files an application for payment pursuant to the provisions of the 1942 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the 1942 Crop Parity Payment Program to which such person would normally be entitled, the War Food Administrator may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1942 program.

(d) *Deductions in cases of erroneous notice of acreage allotments.* Notwithstanding the provisions of § 741.402, in any case where, through error in a county or State office, the producer was officially notified of an allotment or permitted acreage for a crop larger than the finally approved allotment or permitted acreage for that crop and the county and State committee find, if the notice was in writing, or the county and State committees, with the approval of the Chief of the Agricultural Adjustment Agency, find, if the notice was not in writing, that the producer, acting upon information contained in the erroneous notice, planted an acreage to the crop in excess of the finally approved allotment of permitted acreage, the producer will not be considered to have exceeded the allotment or permitted acreage for the crop unless he planted an acreage to the crop in excess of the acreage stated in the notice erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of that stated in the notice erroneously issued.

(e) *Operated farms.* Payments will be made only with respect to farms that are operated except in areas designated by the Agricultural Adjustment Agency as areas in which a substantial number of farms will not be operated for causes beyond the control of the operators. In these areas the payment for any crop on a farm that is not operated will be computed on the smaller of (1) the acreage allotment or (2) 125 percent of the acreage planted to the crop.

§ 741.407 *No deduction for association expenses.* No part of the parity payment computed for any farm shall be deducted for county association expenses incurred or to be incurred in connection with 1942 crop parity payments.

§ 741.408 *Application for payment.* Applications heretofore or hereafter filed in the county office for 1942 agricultural conservation and parity payments or for 1942 parity payments will be regarded as applications for 1942 crop parity payments and the data on these applications will be used in determining 1942 crop parity payments.

§ 741.409 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting his right to or the amount of payment for any farm in which he has an interest as landlord, tenant, or sharecropper. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If he is dissatisfied with the decision of the county committee he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under the section by the county of State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

§ 741.410 *Forms and instructions.* The Agricultural Adjustment Agency shall prescribe such forms and issue such instructions as may be necessary to carry out these regulations.

§ 741.411 *Performance of duties of State and county committees in Hawaii and Puerto Rico.* The Officer in Charge of the Office of the Agricultural Adjustment Agency for the Territory of Hawaii or for Puerto Rico, as the case may be, shall perform the duties of both the State and county committees as set forth in these regulations.

§ 741.412 *Definitions.* As used herein and in all forms and documents relating to 1942 crop parity payments for producers of corn (in the commercial corn-producing area) wheat or tobacco, unless the context or subject matter otherwise requires, the terms:

(a) "Secretary," "Regional Director," "State committee," "county committee," "person," "landlord," "tenant," "sharecropper," "commercial corn-producing area," "special crop allotment," "acreage planted to corn," and "acreage planted to wheat," shall have the same meanings as are assigned to them in ACP–1942 as amended.

(b) "Farm" means the area of land considered as a farm for the purposes of ACP–1942, as amended.

(c) "Parity" and "marketing year" shall have the same meanings as those assigned to them in the Agricultural Adjustment Act of 1938.

(d) "Allotment" means the allotment established for the farm in accordance with ACP–1942, as amended.

(e) "Normal yield" means the normal yield for a commodity determined in accordance with ACP–1942, as amended.

(f) "Permitted acreages of wheat or tobacco" means the permitted acreage of such commodity determined in accordance with ACP–1942, as amended.

(g) Non-corn-allotment farm and non-wheat-allotment farm mean such farms as defined in ACP–1942, as amended.

§ 741.413 *Authority and availability of funds.* These regulations are issued pursuant to the authority to make commitments for such payments vested in the Secretary of Agriculture by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1943, and the Department of Agriculture Appropriation Act, 1944, sections 301 and 303 of the Agricultural Adjustment Act of 1938, as amended, and pursuant to the authority vested in the War Food Administrator by Executive Order 9322, as amended by Executive Order 9334.

Done at Washington, D. C., this 16th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11484; Filed, July 16, 1943; 3:30 p. m.]

Chapter IX—War Food Administration

PART 954—MILK IN THE DULUTH-SUPERIOR MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING OF MILK

§ 954.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 1941 Supp., 900.1–900.16; 7 F.R. 3350; 8 F.R. 2815), a public hearing was held upon certain proposed amendments to the marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Duluth-Superior marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (c) of the act are not reasonable in view of the prices of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as

and is applicable only to persons in the respective classes of industrial and commercial activity specified in the tentatively approved marketing agreement, upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers of more than 50 percent of the volume of milk covered by the said order, as amended and as hereby further amended, which is marketed within the Duluth-Superior marketing area, have signed the tentatively approved marketing agreement, as amended, regulating the handling of milk in the aforesaid marketing area, and it is hereby further determined that the issuance of this order further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of the order and who, during the determined representative period, were engaged in the production of milk for sale in the Duluth-Superior marketing area.

Order relative to handling. It is therefore ordered that from and after the effective date hereof the handling of milk in the Duluth-Superior marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Delete § 954.1 (a) (8) and substitute therefor the following:

(8) The term "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator of the United States.

2. Substitute the term "War Food Administrator" for the term "Secretary" wherever appearing in the order.

3. Delete § 954.5 (a) (1) and substitute therefor the following:

(1) Class I milk—For each delivery period the price for Class II milk for such delivery period plus $0.52.

4. Delete § 954.5 (a) (2) and substitute therefor the following:

(2) Class II milk—For each delivery period the price which results from the following computation by the market administrator: (i) determine the average of the daily prices per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period; (ii) multiply by 4; (iii) add 25 percent thereof; and (iv) add an additional 7/10 cent for each 1 10 cent that the average f. o. b. gross factory price per pound of dry skim milk solids for human consumption as reported to the United States Department of Agriculture by the American Dry Milk Institute, Inc., for the month second preceding such delivery period is above 7 cents.

5. Renumber as § 954.12 the section headed "Market Advisory Committee" which appeared as § 954.11 in Amendment No. 1, effective February 1, 1942.

6. Add as § 954.14 the following:

§ 954.14 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 16th day of July 1943, to be effective on and after the 20th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11517; Filed, July 17, 1943; 11:26 a. m.]

Chapter XI—War Food Administration

[FDO 2-2]

PART 1401—DAIRY PRODUCTS

BUTTER

Pursuant to the authority vested in me by Food Distribution Order No. 2, dated January 5, 1943, as amended, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered,* As follows:

§ 1401.15 *Percentages of butter to be set aside during the months of August, September, and October, 1943.* (a) Each person who is required to set aside butter during the month of August, September, or October, 1943, pursuant to the provisions of Food Distribution Order No. 2, as amended, shall set aside during each of said months in which he is required to set aside butter, a quantity of butter equal to at least the following percentages of all butter produced by him during each such month:

(1) August, 40 percent;
(2) September, 30 percent;
(3) October, 30 percent.

(b) This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 2, 8 F.R. 253, 5696)

Issued this 19th day of July 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-11593; Filed, July 19, 1943; 11:29 a. m.]

[FDO 15-2]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE

Pursuant to the authority vested in me by Food Distribution Order No. 15, dated February 6, 1943, as amended, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered,* As follows:

§ 1401.3 *Percentages of Cheddar cheese to be set aside during the months of August, September, and October, 1943.* (a) Each person who is required to set aside Cheddar cheese during the month of August, September, or October, 1943, pursuant to the provisions of Food Distribution Order No. 15, as amended, shall set aside in each of said months in which he is required to set aside Cheddar cheese, a quantity of Cheddar cheese equal to at least the following percentages of all Cheddar cheese produced by him in each such month:

(1) August, 60 percent;
(2) September, 60 percent;
(3) October, 50 percent.

(b) This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O.9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FBO 15, 8 F.R. 1704, 5698)

Issued this 19th day of July 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-11592; Filed, July 19, 1943; 11:29 a. m.]

[FDO 54-2]

PART 1401—DAIRY PRODUCTS

DRIED SKIM MILK

Pursuant to the authority vested in me by Food Distribution Order No. 54, issued by the War Food Administrator on May 29, 1943, effective pursuant to Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered,* As follows:

§ 1401.28 *Percentages of dried skim milk to be set aside.* (a) Each person who is required to set aside dried skim milk pursuant to the provisions of Food Distribution Order No. 54 shall set aside in the calendar month of August 1943, and in each succeeding calendar month, a quantity of spray dried skim milk equal to 75 percent of all spray dried skim milk produced by him during each such month, and a quantity of roller dried skim milk equal to 75 percent of all roller dried skim milk produced by him during each such month.

(b) This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 54, 8 F.R. 7210)

Issued this 19th day of July 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-11594; Filed, July 19, 1943; 11:29 a. m.]

[FDO 65]

PART 1405—FRUITS AND VEGETABLES

BARTLETT AND BEURRE HARDY PEARS GROWN IN CALIFORNIA, OREGON, OR WASHINGTON

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of pears produced in the States of California, Oregon, or Washington, for defense and private account, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.16 *Restrictions relative to the shipment of pears.*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "pears" means any and all strains of the Bartlett and Beurre Hardy varieties of fresh pears grown in the States of California, Oregon, or Washington.

(2) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) The term "region 1" means the State of California.

(4) The term "region 2" means the States of Oregon and Washington.

(5) The term "ship" means to convey fresh pears, or to cause fresh pears to be conveyed, by railroad, truck, boat, or any other means whatsoever from a point within region 1 to a point without region 1, or from a point within region 2 to a point without region 2.

(6) The term "shipper" means any person (except a carrier of pears owned by another person) who ships pears.

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(8) The term "canned pears" means pears which have been packed for commercial purposes in hermetically sealed metal or glass containers and sterilized in the containers by the use of heat.

(9) The term "canner" means any person who packs pears for commercial purposes in hermetically sealed metal or glass containers and sterilizes said pears in the containers by the use of heat.

(10) The term "season" means from April 1 of any year through March 31 of the succeeding year.

(b) *Restrictions.* (1) No person may during the season beginning April 1, 1943 except pursuant to (b) (2) or (b) (3) hereof, ship (i) any pears from region 1 in excess of 100% of the quantity of pears shipped by such person from said region 1 for fresh consumption during the season beginning on April 1, 1942, or (ii) any pears from region 2 in excess of 75% of the quantity of pears shipped by such person from said region 2 for fresh consumption during the season beginning on April 1, 1942: *Provided,* That any person who has shipped in excess of the quotas herein prescribed prior to the effective date hereof shall not be deemed to have violated the provisions of this order.

(2) The Director may authorize any person to ship a particular lot of pears if (i) the pears are not suitable for canning; (ii) canning facilities are not accessible; or (iii) for any other reason the Director may deem necessary in order to effectuate the purposes of this order.

(3) The Director may, notwithstanding any other provision hereof, if he deems that such will tend to effectuate the purposes of this order, issue general authorizations from time to time authorizing the shipment of certain varieties, grades, or sizes of pears and the quantities thereof which may be shipped.

(4) The Director may, notwithstanding any other provision hereof, if he deems that such will tend to effectuate the purposes of this order, prescribe the minimum grade of all pears which may be shipped from region 1 or region 2.

(5) Each person, prior to making each shipment of pears, shall, when the Director so prescribes and announces, cause each such shipment to be inspected by a duly authorized representative of the Federal-State Inspection Service; and each such shipper shall submit promptly, or cause to be submitted promptly, to the program manager for the region from which the respective lot of pears is shipped, the Federal-State shipping point inspection certificate with respect to each shipment of pears by such person, which certificate shall set forth the variety, grade, or size of the pears contained in such lot or shipment.

(6) No canner may, from the effective date hereof, can any pears in region 1 or region 2 until after said canner has delivered to the Director a written notice of intent to can pears.

(7) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Administration.* (1) The Director shall designate one person to be program manager for region 1 and one person to be program manager for region 2, and shall prescribe the duties of such program managers and fix the amount of their salaries. Insofar as he performs functions for the United States, a program manager shall act under his appointment as collaborator without compensation from the United States, which appointment will be otherwise provided. Each program manager shall be subject to removal by the Director at any time, and all of his acts shall be subject to the continuing right of the Director to disapprove of the same at any time and, upon such disapproval, his acts shall be deemed null and void except insofar as any other person has acted in reliance thereon or in compliance therewith prior to such disapproval. Each program manager is authorized and directed to:

(i) Receive and examine the inspection certificates; compile records of shipments; assemble data with respect to the growing, shipping, and marketing conditions affecting pears; and furnish to the Director such available information as may be requested;

(ii) Keep books and records which will clearly reflect all of his acts and transactions, which books and records shall be subject at any time to examination by the Director;

(iii) Collect the assessments, as provided in this order, from those persons required by the order to pay such assessments;

(iv) Deliver to the Director, promptly after the designation of the respective program manager, a bond, in an amount and with surety thereon satisfactory to the Director, conditioned upon the faithful performance of his duties under this order;

(v) Employ and fix the compensation of such persons as may be necessary to enable him to perform his duties hereunder: *Provided,* That only collaborators without compensation from the United States may be employed by the program manager, and the program manager may recommend to the Regional Administrator, War Food Administration, San Francisco, California, persons to be appointed as such collaborators.

(vi) Obtain a bond with reasonable surety thereon covering each employee of his office who handles funds under the order;

(vii) Investigate and report to the Director any violation of this order;

(viii) Submit to the Director for approval a budget of expenses hereunder of the program manager and the advisory committee;

(ix) Pay out of the funds collected by him as program manager the cost of his bond and of the bonds of his employees, his own compensation and that of his employees, the per diem allowance and traveling expenses of the advisory committee, and all other expenses necessarily incurred by him in the performance of his duties hereunder;

(x) Cause his books of account to be audited whenever requested by, and submit a copy of such audit to, the Director; and

(xi) Perform such other duties as the Director may from time to time specify.

(2) The Director shall appoint in each region designated herein such number of persons as he deems appropriate to act as an "advisory committee" or as "ad-

visory committees" and may also appoint an alternate for each member. Any such alternate shall act only in the event that the member for whom he is alternate is unable to act. Each member of the committee shall be subject to removal by the Director at any time. Each advisory committee shall meet at the call of its chairman or at the call of a majority of the members thereof. The committee members may be paid their actual traveling expenses and each member, except the program manager, may be paid $10 for each day of attendance at a committee meeting. Each advisory committee shall counsel with the program manager for the respective region, and shall recommend to the Director such amendments to this order and such changes in the operation thereof as it deems advisable. Each advisory committee may also recommend such person or persons as it may prefer for the position of program manager of the region in which such committee is located. Each advisory committee may further recommend to the Director action to be taken with respect to petitions for relief from hardship, filed in accordance with (f) hereof.

(3) Each shipper and each canner, respectively, doing business in region 1 or region 2, shall pay to the program manager for the respective region his pro rata share, as is specified by the Director, of the expenses which the Director finds will be necessarily incurred by the respective program manager in accordance with the provisions hereof. Each shipper shall, with respect to each shipment of pears, pay the aforesaid assessment to the program manager (within ten days after the end of each calendar month after said assessment is specified) of the region from which the respective shipment of pears was made. Each canner doing business in region 1 or region 2 shall, with respect to each lot of pears purchased for canning, pay the aforesaid assessment to the program manager (within ten days after the end of each calendar month after said assessment is specified) of the region in which the respective lot of pears was canned.

(4) At the end of each season, the program manager in each region specified herein shall refund to each shipper and canner, respectively, any amount paid in excess of such person's pro rata share of the aforesaid expenses incurred by the Program Manager, in accordance with the provisions hereof.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of fresh or canned pears of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Acts of 1942.

(f) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(g) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using pears, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(h) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the War Food Administrator, be addressed to the Regional Program Manager located in the region where such reports or communications originate.

(j) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., July 22, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 19th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11595; Filed, July 19, 1943; 11:29 a. m.]

[FDO 5, Amdt. 2]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

RESTRICTING THE SALE OF PACKAGED CHICORY

Food Distribution Order No. 5 (8 F.R. 512), issued by the Secretary of Agriculture on January 12, 1943, as amended, is hereby further amended to read as follows:

§ 1490.1 *Restrictions on sale of packaged chicory*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "processor" means any person engaged in the business of processing dried chicory root.

(2) The term "packager" means any person engaged in the business of packaging chicory in consumer size packages for retail distribution.

(3) The term "chicory" means pure roasted chicory, whether granulated, in rolls, compressed tablet, or in any other form; or that portion of pure roasted chicory compounded with cereal, peas, beans, or any other substance except coffee.

(4) The term "packaged chicory" means pure chicory, or that portion of pure chicory which is compounded with cereal, peas, beans, or any other substance except coffee, in consumer size packages intended or suitable for retail distribution.

(5) The term "bulk chicory" means pure chicory, or that portion of pure chicory which is compounded with cereal, peas, beans, or any other substance except coffee, which is not sold in consumer size packages intended or suitable for retail distribution.

(6) The term "package" means the act of placing pure chicory, or chicory compounded with cereal, peas, beans, or any other substance except coffee, in consumer size packages intended or suitable for retail distribution.

(7) The term "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(8) The term "person" means any individual, partnership, corporation, association, or other business entity.

(9) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; sales commissaries; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing chicory in accordance with said Food Distribution Regulation 2.

(10) The term "Armed Services of the United States" means, the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(b) *Restrictions.* During the calendar month of July 1943 and each calendar month thereafter, no processor or packager shall sell to purchasers other than governmental agencies a total quantity of packaged chicory which is in excess of 25 percent of the total quantity of bulk chicory delivered by such processor or packager to persons other than processors or packagers in the immediately preceding month: *Provided,* That, during the first 15 days of any such calendar month, a processor or packager may sell any portion of his allowable package sales which was not sold in the preceding month.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of chicory of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provisions of this order from receiving, making any deliveries of, or using chicory, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD–5.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e.w.t., July 19, 1943. With respect to violations, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 5, as heretofore amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 16th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11518; Filed, July 17, 1943; 11:26 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 81 and 83 are hereby prescribed. These regulations are also contained in War Department procurement regulations dated September 5, 1942 (7 F.R. 8082), as amended by Change No. 20, 6 July 1943.[1] In section numbers the figures to the right of the decimal point correspond with respective paragraph numbers in the procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U. S. C. 1193-1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U. S. C. Sup. 601-622.

GENERAL INSTRUCTIONS

In § 81.107 paragraphs (h) and (i) are amended as follows:

§ 81.107 *Authority with respect to procurement.* • • •

(h) *Delegation to Chief Counsel and Chief, Legal Branch to approve contract forms.* Under date of June 18, 1943, the following memorandum was issued:

Memorandum for: Chief Counsel, Purchases Division, Chief, Legal Branch, Purchases Division

Subject: Delegation of Authority to Approve Contract Forms and Deviations from Approved Forms.

The authority delegated to the Director, Purchases Division, by the Commanding General, Services of Supply, dated September 15, 1942 and the authority delegated to me by the Under Secretary of War, dated September 15, 1942 (in respect of matters relating to the Army Air Forces) to act for the Secretary of War or the Under Secretary of War in approving War Department contract forms and deviations from approved forms is hereby further delegated to the Chief Counsel, Purchases Division, and to the Chief, Legal Branch, Purchases Division, Army Service Forces, or either of them, and to any person who for the time being may be acting in either capacity.

ALBERT J. BROWNING,
Colonel, General Staff Corps,
Director, Purchases Division.

(i) *Authority delegated by these procurement regulations.* These regulations to the extent, and only to the extent, that they actually confer authority upon the chiefs of the technical services and other officers or civilian officials of the War Department to exercise power to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon shall constitute a redelegation by the Commanding General, Army Service Forces of the authority delegated to him as set forth in § 81.107(e), and by the Special Representative of the Under Secretary of War of the authority delegated to him, as set forth in § 81.107(g). The authority granted as provided in the preceding sentence, of course, does not dispense with the necessity of obtaining any approval expressly specified in any paragraph of these procurement regulations (see e. g. § 81.315(a)). Authority conferred upon the chiefs of the supply services under any paragraph of these procurement regulations may be redelegated (with or without power of further redelegation) to such officer or officers or civilian official or officials as the chiefs of the technical services severally may direct, whether or not express mention of the powers of redelegation is made in any such paragraph, unless it is expressly provided in the paragraph that the power shall not be redelegated. The exercise prior to the date of these regulations of any such authority by any such officer or officers or civilian official or officials is hereby ratified and confirmed in all respects.

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Section 81.108 (e) is amended as follows:

§ 81.108 *Applicability as to various activities.* • • •

(e) *Definition of terms*—(1) *Technical services and supply services.* Pursuant to Circular No. 30, Army Service Forces, May 15, 1943, the designation of "supply services" is changed to "technical services." This change is being made in the Procurement Regulations as occasion arises to reprint pages for other reasons. In the meantime, the term "supply services" should be read as "technical services".

(2) *Service commands.* These regulations are applicable to the procurement activities of the service commands. Where procurement is accomplished by a service command at the direction of the chief of a technical service or his duly authorized representative, the directions will contain references to the applicable paragraphs of the procurement regulations and will also contain supplementary instructions where appropriate. In such a case, for the purposes of these regulations, the procurement shall be regarded as procurement by the technical service concerned and the contract will be regarded as a contract of that technical service. In all other cases, the service command accomplishing the procurement shall act independently of any technical service and the term "technical service" and the term "service", as used in these regulations, shall be deemed to refer to the service commands and the term "chiefs of technical services" and "chiefs of services" shall be deemed to refer to the Commanding Generals of the Service Commands. In connection with this subparagraph (2) see subparagraph (1) above.

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GENERAL PURCHASE POLICIES

Section 81.223 (a) is amended as follows:

§ 81.223 *Factors governing placement of contracts.* • • •

(a) *Ability to perform.* Primary emphasis shall be placed upon securing performance or deliveries at the time, in the quantity, and of the quality required by the war program. In addition an effort should be made to have for each item of supply and equipment at least two producers so located as not to be subject to the same hazard. The effort to be made shall be such as is deemed reasonable by the chief of the technical service concerned.

• • • • •

Section 81.228 is added as follows:

§ 81.228 *Labor aspects of production rescheduling*—(a) *General policy.* (1) When production in an individual plant is reduced substantially as a result of rescheduling, withdrawal or reduction of contracts or for other reasons, the War Manpower Commission will be informed of the change so that that agency may (i) work with the employer, determine the number and types of workers to be released and on what date; and (ii) arrange for the immediate reemployment of the displaced workers in other essential industry.

(2) In such cases, workers to be released as a result of the cut-back will be notified of their pending separation, of the assistance to be provided by the War Manpower Commission in obtaining other employment for them, and, so far as security considerations permit, of the reasons for the cut-back.

(3) These arrangements are desired to avoid impairment of labor morale, to insure continuous employment of workers in essential jobs and to avoid public impression that cut-backs are due to poor allocation of materials, inefficient management of the facility itself or unsatisfactory work by the employees laid off.

(4) To accomplish these objectives, the procedure specified in paragraphs (b) to (d) of this section will be followed. The procedure applies only after final decision to make a cut-back is reached and it has been determined that the facilities made available by the cut-back probably will not be used by another contracting agency. Application of the procedure should not be withheld because of a vague possibility that some other agency might use the facilities.

(b) *Procedure for technical services.* Each technical service is responsible for:

(1) Notifying the regional office of the War Manpower Commission in whose area the plant is located of the cut-back, transmitting a copy of the notification to the headquarters office of the technical service involved. If the technical service making the notification has knowledge of subcontractors and suppliers who will be substantially affected, notification concerning these employers should also be transmitted to the appropriate War Manpower Commission regional offices.

(2) Advising management of the cut-back and the reasons therefor. If the notification is first made verbally, it should be confirmed by letter. Management should be asked to notify the workers affected and their union representatives if any. Management should also be asked to inform such of their subcontractors or suppliers as may be substantially affected by the cut-back.

(3) Preparing official statements to the press announcing the curtailment and the reasons for it. These statements will be cleared with the Bureau of Public Relations. After the latter's approval they will be transmitted to the appropriate field procurement office for release in the locality in which the facility is located. Such action is normally desirable only when a large lay off results or there is an unusually adverse community reaction to the change.

(4) Establishing and operating necessary controls to insure that management carries out its responsibilities.

(5) Transmitting to the War Manpower Commission information concerning where, in the technical service's opinion, the displaced workers might be reemployed with advantage to the war production program.

(6) Determining that classified information is not revealed in notifications, explanations, meetings, press releases, etc., except as authorized in § 5.4.

(c) *Responsibilities of the management of the affected facilities.* (1) Appropriate notification to workers individually or as a group using written or verbal methods as indicated by the individual situation.

(2) Notification to subcontractors and suppliers with a request that they in turn inform such of their employees as may be released because of the change.

(3) Cooperate with the War Manpower Commission in determining the workers to be released and in placing them elsewhere. Management should also give the War Manpower Commission the names of such of the subcontractors and suppliers who, it is believed, will be substantially affected.

When the facility involved is a Government owned one, the Commanding Officer will discharge the responsibilities of management as described above.

(d) *Temporary curtailments.* When a temporary curtailment of production due to changes in specifications, change over to production of a different product or to other factors occurs, the following procedure will be followed:

(1) The technical service involved will notify the contractor of the change and reasons therefor. The technical service will make every effort to give the contractor such information as will permit exact determination of the date on which employment operations will be resumed.

(2) Management will be asked to transmit this information to the workers affected and to take steps to avoid disintegration of its labor force pending resumption of full operations. However, it is not desirable that the temporarily displaced workers be idle during the interim. Therefore, management should solicit the aid of the War Manpower Commission in finding temporary local employment for the workers involved.

In § 81.292 paragraphs (b) and (c) are amended as follows:

§ 81.292 *Responsibility of the chiefs of the supply services and the commanding generals of the service commands.* • • •

(b) Responsibility for the preparation, typing, checking, and distribution of the daily report on procurement (daily log). The Statistics and Progress Branch, Control Division, Headquarters, Army Service Forces, will advise as to the form and distribution of this report. The Control Approval Symbol for this report is ICY–32.

(c) Responsibility for the preparation of individual strips for all purchase actions in excess of $150,000. From these strips arranged in alphabetical order, pages will be made up for a quarterly report. These pages will be submitted to the Statistics and Progress Branch for reproduction and final compilation of the report required to be filed with Congress pursuant to Public Law 528, 77th Congress. That Branch will advise as to the form and time schedule of these strips. The Control Approval Symbol for this report is ICY–35.

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The introductory paragraph in § 81.294 is amended as follows:

§ 81.294 *Monthly summary of purchase actions.* A summary of all negotiated purchase actions in excess of $10,000 will be rendered for each calendar month as of the last day thereof and submitted on an 8"x10½" sheet through the offices of the chiefs of the various services in accordance with the time schedule (5 calendar days after close of the month) and procedure stated in § 81.291 (e) (on the basis of net obligations undertaken during the month and not appropriations authorized). The form set forth below will be used for all reports submitted following the submission of the reports covering the month of April, 1943. Accordingly, the reports submitted in June covering purchase actions in May and any unreported activity for previous months will be on the new form.

Control Approval Symbol ICY–34

(1) Station _____ (2) Date of Submittal _____, 19____
(3) Transactions not previously reported for month of _____ (4) Reported through _____

Subject: Summary report of purchase actions in excess of $10,000.

(5) Value of negotiated purchase actions:
a. Original awards _____
b. Cancellations _____ (Decrease).
c. Changes and supplements reported on blue purchase action reports _____
d. Changes and supplements not reported on blue purchase action reports _____
e. Net total _____

(6) Number of negotiated purchase actions.
a. Original awards _____
b. Cancellations _____ (decrease)
c. Net total _____

(7) Signature _____
Name _____
Rank: Service _____

• • • • •

CONTRACTS

In § 81.302 subparagraph (4) of paragraph (c) is amended as follows:

§ 81.302 *Definitions.* • • •

(c) *Contracting officer.* • • •

(4) A designation authorized by subparagraph (3) above may be made by instructions relating to particular contractual instruments or classes of instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the representative to take any or all action thereunder which could lawfully be taken by the contracting officer. In no event, however, shall a representative, by virtue of his appointment as such, be empowered to execute any contract or supplemental agreement (as distinguished from change order). Of course, if he has also been appointed a contracting officer pursuant to subparagraph (1) of this paragraph, he may, pursuant to any authority conferred by such appointment, execute contracts or supplemental agreements.

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Section 81.303a is added as follows:

§ 81.303a *Use of letters of intent and letter orders*—(a) *Letters of intent and letter orders.* The use of letters of intent and letter orders (see § 81.386a) was frequently necessary in the earlier stages of the war procurement program to enable contractors to start work immediately upon war contracts prior to the time when the information was available upon which a definitive contract could be negotiated and without the delay incident to contract negotiations. At the present stage of the procurement program, such temporary contractual instruments will be used only for the most cogent reasons and will be superseded at the earliest possible moment by definitive contracts. In general, such instruments should be used only (1) where it is essential to give the contractor a binding commitment to permit of preparatory work immediately and without any delay, or (2) where because of the experimental nature of the work involved or the lack of definite information as to the volume of supplies to be ordered, the amount of work to be done, or detailed specifications, it is impossible to negotiate a definitive contract. Such instruments should not be used as a method of delaying the making of a definitive contract until a substantial portion of the contractor's performance of the contract has been completed. The standard termination provisions for inclusion in letter orders and letters of intent (see § 81.386a) leave room for the insertion of a date by which the definitive contract is to be executed, and also permit postponement of such date by mutual consent (see paragraph 6 (a) of the contract forms set forth in §§ 81.1307, 81.1308, 81.1309, 81.1310). The date inserted should be the earliest date feasible under the circumstances, and postponement should not be consented to except for good cause.

(b) *Use of provisions for allowance of profit in standard termination provisions.* The standard termination provisions (see § 81.386a) permit of an allowance for profit in the event of termination of a letter of intent or letter order for the convenience of the Government. The chiefs of the technical services will include such provisions for a profit allowance (other than those providing for the payment of a unit price for completed articles) only (1) in those letter orders and letters of intent which, because of inability on the part of the Government to furnish full specifications or essential information or other similar reason, will

[1] For previous changes see 7 F.R. 8163, 9268, 9660, 10184, 10247, 10640, 10906; 8 F.R. 401, 411, 2531, 3339, 3486, 3752, 5133, 5210, 8629 and 8918.

necessarily remain in effect for a considerable period before they can be superseded by definitive contract, or (2) in cases where the contractor is required to proceed under a letter of intent or letter order, although willing to quote a reasonable fixed price, solely because the Government for its own interest is unwilling immediately to negotiate a definitive contract.

Section 81.304 (a) is amended as follows:

§ 81.304 *Definitions*—(a) *Standard forms of contract.* The phrase "standard forms of contract", as used in §§ 81.304 to 81.308g, includes:

(1) Forms of contract which may from time to time be approved for the general use of all technical services by the Chief Counsel or the Chief, Legal Branch, Purchases Division, Headquarters, Army Service Forces. The following contract forms are hereby approved for such use:

(i) United States Standard forms of contract: *Provided,* They comply with the requirements of §§ 81.322 to 81.365 inclusive.

(ii) War Department Contract Form No. 1, Lump Sum Supply Contract. (See § 81.1301)

(iii) War Department Contract Form No. 2, Lump Sum Construction Contract. (See § 81.1302)

(iv) War Department Contract Form No. 3, Fixed-Fee Architect-Engineer Contract. (See § 81.1303)

(v) War Department Contract Form No. 4, Fixed-Fee Architect-Engineer Contract. (See § 81.1304)

(vi) War Department Contract Form No. 5, Short-Form Supply Contract (Negotiated). (See § 81.1305)

(vii) War Department Contract Form No. 6, Offer and Acceptance. (See § 81.1306)

(viii) War Department Contract Form No. 7, Letter Purchase Order. (See § 81.1307)

(ix) War Department Contract Form No. 8, Letter Contract (Supplies). (See § 81.1308)

(x) War Department Contract Form No. 9, Letter Contract (Fixed-Fee Construction). (See § 81.1309)

(xi) War Department Contract Form No. 10, Letter Contract (Lump Sum Construction). (See § 81.1310)

(xii) War Department Contract Form No. 11, Defense Supplies Corporation Contract. (See § 81.1311)

(xiii) War Department Contract Form No. 12, Fixed-Fee Architect-Engineer-Construction-Management Services Contract. (See § 81.1312)

(xiv) War Department Contract Form No. 13, for contracts with War Supplies Limited. (See § 81.1313)

(xv) War Department Contract Form No. 14, Government-owned Equipment Rental Agreement. (See § 81.1314)

(xvi) War Department Contract Form No. 15, Negotiated Electric Service Contract. (See § 81.1315)

(xvii) War Department Contract Form No. 16, Lump Sum Contract for Architect-Engineer Services with Optional Supervision. (See § 81.1316)

(xviii) War Department Contract Form No. 17 (W. D. Forms Nos. 47 and 47-a). Government's Order and Contractor's Acceptance. (See § 81.1317)

(2) Forms of contract, devised by a particular technical service, or a staff division exercising procurement functions, to meet the needs of a recurrent situation or a special type, which may from time to time be approved by the Chief Counsel or the Chief, Legal Branch, Purchase Division, Headquarters, Army Service Forces (see § 81.107 (h)), for the general use of that technical service or staff division. Forms so approved should be periodically revised (see § 81.301 (a)) to accord with requirements of these procurement regulations published following approval of the forms. If deviation from such requirements appears to be necessary, the forms should be resubmitted for approval.

(3) The forms of contract enumerated below have been approved pursuant to subparagraph (2) above:

Office of the Chief of Chemical Warfare Service:
- Short Form Research Contract (consideration nominal).

Office of the Chief of Engineers:

Engineer Form No. 4B	Release of Claim for Additional Fee.
Engineer Form No. 4C	Release of Claim for Additional Fee to Extent Only of Joint-Venturer.
Engineer Form No. 17	Hire by Government of Plant or Equipment.
Engineer Form No. 80	Fixed-Fee Construction Subcontract Under Fixed-Fee Construction Contract.
Engineer Form No. 81	Lump Sum Construction Subcontract Under Fixed-Fee Construction Contract.
Engineer Form No. 82	Fixed-Fee Construction Subcontract Under A-E-C-M Services Contract.
Engineer Form No. 83	Lump Sum Construction Subcontract Under A-E-C-M Services Contract.
CE Form No. 186	Lease of Plant.
Engineer Form No. 213a	Quotation.
Engineer Form No. 213b	Purchase Order.
Engineer Form No. 429	Water Service, No Connection Charge.
Engineer Form No. 430	Electric Service, No Connection Charge.
Engineer Form No. 431	Gas Service, No Connection Charge.

Office of the Chief of Ordnance:
- Notice of Award (Ordnance Procurement Instructions, ¶ 13.002)
- Purchase Order Form (O. P. I. ¶ 13.003)
- Equipment Lease Form (O. P. I. ¶ 13.004)
- Facility, Lease and Operation Form (O. P. I., ¶ 13.005)
- Disposition of Personal Property—Form S (O. P. I., ¶ 13.006.1)
- Dispcsition of Personal Property—Form S (Allocation) (O. P. I., ¶ 13.006.2)
- Gage Repair Contract (O. P. I., ¶ 13.008)
- Lease of Government-Owned Machine Tool Equipment, etc., and Supplement Thereto (O. P. I., ¶¶ 13.009.1 and 13.009.2)
- Supplemental Agreement for Modifying Production Rates in Existing Contracts (O. P. I., ¶ 13.015)
- Extension of Letter Contract (O. P. I., ¶ 13.016)

Office of The Quartermaster General:

QMC Form No. 300	Purchase Order for Use in Purchasing Certain Food Supplies.
QMC Form No. 308	Purchase Order.
QMC Form No. 315	Invitation, Bid and Acceptance Form for Purchasing Coal.
QMC Form No. 327	Contract for Sale of Waste Material.

- Uniform Burial Contract.
- Contract for Purchasing Lubricating Oils and Greases.

Office of the Chief Signal Officer:

O. C. S. O. Form No. 6-D	Purchase Order.
W. D. S. C. Form No. 57	General Contract for Trunkline and other Communication Facilities and Services.
W. D. S. C. Form No. 134	Contract for Communication and Electric Time Facilities and Services.
W. D. S. C. Form No. 1137	Telephone Service Order.
W. D. S. C. Form No. 1165	General Contract for Commercial Telephone Service Similar to That Furnished the Business Public.

- Letter Contract for Supplies.
- Letter Contract for Motion Picture Training Film.
- Contract for Motion Picture Training Film.
- General Contract for Operation and Maintenance in Connection with Army Telephone Systems.

Office of The Surgeon General:

S. G. Form No. 1-C	Supply Contract.
S. G. Form No. 2	Long Form Supply Contract.
S. G. Form No. 3-A	Purchase Order.

- Contract with Universities for Courses of Instruction.
- Contract with Universities for Research in Prevention of Epidemic Diseases.
- Contract for Blood Plasma Processing.
- Supplemental Agreement for Use of Cellular Residue.

Office of the Chief of Transportation:

TC Form No. 101	Lease of Equipment Under Public No. 779, 77th Congress.
TC Form No. 102	Lease of Equipment, with Indemnity, Under Public No. 779, 77th Congress.
TC Form No. 104	Freight Handling Agreement.

Army Air Forces:
- Matériel Command, Contract Form No. 82—Fixed Price Supply Contract.
- Army Air Forces, Form No. 98—Purchase Order.
- Letter Contract, Fixed Price.
- Letter Contract, Cost-Plus-A-Fixed-Fee.
- Cost-Plus-A-Fixed-Fee Supply Contract (CPFF Form 8, revised).
- General Airlines Service Contract.
- Flying School Contract.

Army Specialized Training Division:
- Training Unit Contract.

Special Service Division:
- Contract for Physical Distribution of 16 mm Films.
- Contract for Physical Distribution of 35 mm Films.
- Contract for Radio and Phonograph Recordings.
- Contract for Correspondence Instruction.

Service Commands:
- General and Medical Laundry Contracts (see Memorandum No. S5-93-43, Office of The Adjutant General, May 22, 1943).

* * * * * * *

Section 81.306(d) is amended as follows:

§ 81.306 *Making and approval of contracts, supplemental agreements and change orders.* * * *

(d) *Contracts, supplemental agreements and change orders requiring approval of Purchases Division.* The approval of the Purchases Division, Headquarters, Army Service Forces shall be obtained, as herein provided, in connection with all contracts other than those specified in § 81.306 (a), and all supplemental agreements and change orders other than those specified in § 81.306 (c). Where approval is necessary solely because one or more provisions of the contract, supplemental agreement or change order fail to comply with the requirements of §§ 81.322 through 81.365 or present a matter or matters of policy which should be considered by authority higher than the supply service, the necessary approval may be obtained, prior to execution of the instrument on behalf of the technical service, on submission of the contract or the material provisions thereof to the Chief Counsel or the Chief, Legal Branch, Purchases Division, whose approval will be signified by indorsement, memorandum, letter or telegram in response to the request for approval; or on submission of the contract, supplemental agreement or change order, after execution on behalf of the technical service, for approval and manual execution by the Director, Purchases Division. In every other instance the contract, supplemental agreement or change order must be submitted, after execution on behalf of the technical service, for approval and manual execution by the Director, Purchases Division. Upon receipt of requests for the approval of deviations from the contract clauses set forth in §§ 81.365 (a) to 81.365 (i), the Chief Counsel or the Chief, Legal Branch, Purchases Division, will attend to all necessary clearances with the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces.

Section 81.308b is amended as follows:

§ 81.308b *Correction of mistakes.* (a) Effecting amendment of contracts with the least possible delay to correct misunderstanding, mistakes, errors, and ambiguities will facilitate the prosecution of the war by expediting the procurement program and by giving contractors proper assurance that mistakes unavoidable in a war program as large and extensive as that now in progress, will be corrected expeditiously and fairly. Accordingly, mistakes may be corrected by supplemental agreement pursuant to Title II of the First War Powers Act, 1941, and Executive Order No. 9001, as follows:

(1) Each chief of a technical service may, within the time prescribed by § 81.308f, enter into a supplemental agreement correcting mistakes found by the chief of the technical service to be of the following types:

(i) Misunderstandings, mistakes, and errors of the parties to a written agreement, or ambiguities therein, the correction of which would result in benefit to the Government;

(ii) Misunderstandings, mistakes and errors of the parties to a written agreement, or ambiguities therein, which consist solely of a failure to express in the written agreement the true agreement between the parties in accordance with the negotiations between them, or of a mutual mistake as to a material fact;

(iii) Mistakes and errors of a contractor, even if unilateral which consist solely of the failure of the contractor, in good faith, to set forth in a bid or in a written agreement what he intended to include therein.

Except as to misunderstandings, mistakes, errors or ambiguities of the type referred to in subdivision (i) above, the authority conferred upon the chiefs of the technical services by this subparagraph (1) is subject to the following limitations:

(*a*) The notice of the mistake must have been given by the Contractor to the Contracting Officer before completion of performance or termination of the contract;

(*b*) The change involved must not result in an adjustment in excess of $50,000; and

(*c*) Where the contract was made as a result of a formal or informal invitation to bid the change must not result in the payment to the contractor of a sum in excess of the amount of any bid submitted by any other bidder upon substantially the same terms and conditions, except that if the contract was not originally placed on a basis of competition as to price but primarily on the basis of other considerations the limitation contained in this subdivision (c) shall not be applicable.

(2) In any other case where the chief of a technical service determines that it will facilitate the prosecution of the war to execute a supplemental agreement to correct a mistake, he will first obtain approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(3) Approval of the Director, Purchases Division, will not be required in the case of any supplemental agreement correcting a mistake, under which the Government receives adequate new legal consideration, regardless of whether the supplemental agreement involves an adjustment amounting to $50,000 or more, and regardless of the time of execution of such supplemental agreement.

(b) Requests for approval by the Director, Purchases Division, Headquarters, Army Service Forces, of supplemental agreements to correct misunderstandings, mistakes, errors and ambiguities in contracts in accordance with the provisions of this section will be accompanied by a full statement of the circumstances including all relevant papers or copies thereof. The evidence submitted shall show that an error or mistake was made or that a misunderstanding or ambiguity exists, in what it consists, and how it occurred, the true intent of the parties, and the effect of the mistake, if not corrected, upon the financial condition of the contractor. When this paragraph does not require that the approval of the Director, Purchases Division, be obtained, the chief of the technical service approving or executing such agreement will see that a similar statement is prepared with respect to each such supplemental agreement and that such statement and all relevant papers and evidences are carefully preserved. Attention is directed to the provisions of § 81.308g.

Section 81.318 (b) is rescinded as follows:

§ 81.318 *Special cases.* * * *

(b) *United States Employees' Compensation Commission.* [Rescinded]

Section 81.325 is amended as follows:

§ 81.325 *Anti-discrimination clause.* (a) Every contract, regardless of subject matter or amount, will contain the following clause without deviation:

Anti-discrimination.—(a) The Contractor, in performing the work required by this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin.

(b) The Contractor agrees that the provision of paragraph (a) above will also be inserted in all of its subcontracts. For the purpose of this article, a subcontract is defined as any contract entered into by the contractor with any individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, for a specific part of the work to be performed in connection with the supplies or services furnished under this contract: *Provided, however,* That a contract for the furnishing of standard or commercial articles or raw material shall not be considered as a subcontract.

(b) The contract clause set forth in paragraph (a) above is required, under

the provisions of Executive Order No. 9346 issued under date of May 27, 1943, to be included "in all contracts hereafter negotiated or renegotiated • • •". The inclusion of the word "renegotiated" has been interpreted as imposing the requirements set forth in paragraphs (c) and (d) below.

(c) Whenever the terms of a contract or contracts are to be modified by the execution of a supplemental agreement, and the contract or contracts to be modified do not contain a clause identical in wording with that set forth in paragraph (a) of this section, such supplemental agreement will provide that the contract or contracts are modified to include such a clause.

(d) Normally the provisions of paragraph (c) above will not be applicable to renegotiation agreements executed pursuant to the Renegotiation Act referred to in Procurement Regulation No. 12 (§§ 81.1200–81.1292). If, however, the renegotiation agreement expressly purports to modify the terms of specified existing contracts with respect to future deliveries, the provisions of paragraph (c) will be applicable. Likewise, if the renegotiation agreement is to be followed by a supplemental agreement or agreements, modifying, with respect to future deliveries, the terms of existing contracts, such supplemental agreement or agreements will provide for the inclusion, in the contracts modified thereby, of the clause set forth in paragraph (a) of this section.

(e) The clause set forth in paragraph (a) of this section, which prohibits discrimination against any employee or applicant for employment because of "national origin", is construed as prohibiting discrimination based on non-citizenship as well as discrimination based on country of origin. In this connection, see § 81.990.

Section 81.329a is amended as follows:

§ 81.329a *"Changes" article for supply contracts.* In any case where it is desired to include in a supply contract a provision giving the contracting officer in addition to the powers set forth in § 81.1301 (b) a power by change order (1) to increase or decrease within stated percentage limits the quantity of articles called for by the contract or (2) to accelerate or reduce the rate of delivery of the articles in the quantity called for by the contract, the following article relating to changes may be used instead of the article set forth in § 81.1301 (b).

ARTICLE • • • *Changes.* The Contracting Officer may at any time, by a written order, and without notice to the sureties make changes of any one or more of the following types: (a) changes in the directions as to shipment and packing of any supplies; (b) increases or decreases in the quantity of supplies to be furnished hereunder, the total increase or decrease not, however, to exceed ------% of the quantity of supplies deliverable hereunder; (c) changes in the drawings or specifications, where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications; (d) extensions of the delivery schedules hereunder reducing the rate of deliveries of the supplies called for by this contract; or (e) accelerations of the delivery schedules hereunder by an increase or increases in the rate of deliveries hereunder. Unless consented to in writing by the Contractor, no change orders hereunder of the type mentioned in clause (d) of the preceding sentence shall cause decreases in the deliveries hereunder, and no change orders of the type mentioned in clause (e) of such sentence shall cause increases in the deliveries called for hereunder, amounting respectively in the aggregate in any one month to more than ------% of the quantity of supplies, the delivery of which is called for in such month by the delivery schedule originally contained in this contract. If such changes cause an increase or decrease in the amount of work under this contract or in the cost of performance of this contract or in the time required for its performance an equitable adjustment shall be made which adjustment may include in any instance an adjustment (i) in the purchase price, including (but not limited to) any adjustment in unit price fair in the light of any change in volume caused by such order, and (ii) in the delivery time or schedule, or (iii) in either the price or delivery schedule and the contract shall be modified in writing accordingly. Any claim for adjustment under this article must be asserted within 30 days from the date the change is ordered: *Provided, however,* That the Contracting Officer, if he determines that the facts justify such action, may receive, consider and adjust any such claims asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made the dispute shall be determined as provided in Article -------- (Disputes) hereof. But nothing provided in this Article shall excuse the Contractor from proceeding with the contract as changed.

When the article set forth in § 81.1301 (b) is used, the fourth sentence of the article set out above beginning with the words "Any claim for adjustment • • •" may be used, at the discretion of the Contracting Officer, in lieu of the fourth sentence (beginning with the same words) of the Article 2 of the contract form set forth in § 81.1301. The provisions of clauses (d) and (e) of the first sentence of the foregoing article, or either of such clauses, may be omitted in the discretion of the Contracting Officer and, in the event of any such omission, the second sentence of the article will either be omitted or appropriately modified.

Section 81.334 is amended as follows:

§ 81.334 *Records of Government-owned property.* All contracts, in connection with which property or supplies of any kind owned by the United States are furnished to a contractor for use on the contract or as guides, samples, etc. will contain the following clause without deviation:

Records of Government-owned property

The Property Officer, ----------, is designated as the officer to maintain the necessary property records in connection with this contract, as contemplated by AR 35-6520.[1]

Section 81.338 is amended as follows:

§ 81.338 *Plant protection clause.* In those cases where the Contracting Officer deems it necessary to retain some control as to the plant protective devices in a particular plant, the contract will contain a clause substantially similar to one of those set forth below. Such a clause will not normally be necessary in construction contracts.

Plant protection.—The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage.

Plant protection.—The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage. If the Contracting Officer from time to time shall require the installation of plant protective devices or the employment of watchmen, guards or other personnel, or both, in addition to those deemed necessary by him on the date the Contractor shall commence performance of this contract, the cost of any such devices installed or the pay of any such personnel employed, or both, at the written request and upon the written authorization of the Contracting Officer, shall be reimbursed to the Contractor upon submission of vouchers approved by the Contracting Officer, provided that no reimbursement of the cost of any such installation or pay of any such personnel, or both, shall be made in excess of the cost thereof, as estimated in advance and approved in writing by the Contracting Officer.[1]

Plant protection.—(a) The Contractor and such Subcontractor, at his own expense, at all times during the term of this contract, or any subcontract hereunder, shall continue all such precautions for the guarding and protection of his plant, property and work in process, as immediately prior to the date of this contract have been taken by the Contractor or Subcontractor for the protection of the plant, and shall make available such information with respect thereto as the Contracting Officer may request.

(b) The Contractor agrees to furnish the authorized Security and Safety personnel of the War Department with a survey of the existing internal security system at the Contractor's plant. The Contractor agrees, at his own expense, to make the changes set forth in Appendix ------ hereto annexed and made a part hereof to cause his existing internal security system to comply with the regulations of ----------
(Chief of Technical Service)
including the recommendations made by the appropriate War Department Internal Security personnel.

(c) At any time during the term of this contract, the Contracting Officer or his duly authorized representative may require the Contractor or Subcontractor to install and maintain in and about the plant additional protective devices, equipment and personnel. The Contractor and each Subcontractor shall submit promptly to the Contracting Officer or his duly authorized representative, for prior approval as to estimated cost, detailed inventories, including the estimated cost of each item of protective devices or equipment so required to be installed and of installing the same and a detailed estimate of the cost of maintaining any such additional protective devices or equipment and personnel.

[1] Administrative regulations of the War Department pertaining to property accountability and responsibility.

[1] If desired an additional provision may be added, reading substantially as follows:

Provided further that no reimbursement of the cost of any such installation or pay of any such personnel is being made to the contractor by other means.

(d) The Contractor or Subcontractor shall be reimbursed, upon the submission of a voucher approved by the Contracting Officer or his duly authorized representative, the invoice price of the additional plant protective devices or equipment so required pursuant to Paragraph (c) hereof. In addition the Contractor or Subcontractor shall be reimbursed the reasonable cost of installing such additional plant protective devices or equipment. Such reasonable cost shall include only transportation to the Contractor's or Subcontractor's plant, direct labor, and direct material necessary for the installation of the additional plant protective devices or equipment. The Government shall not be under obligation to make reimbursement of total cost of such additional plant protective devices or equipment and of installing the same in excess of the estimate approved in advance by the Contracting Officer unless payment of such excess shall be approved or ratified by the Contracting Officer as reasonable. If the Contracting Officer and the Contractor or Subcontractor, as the case may be, are able to agree upon the amount of the cost of such additional devices or equipment, such sum shall be the amount to be reimbursed hereunder.

(e) Title to all plant protective devices and equipment added under Paragraph (c) of this Article shall be in the Government. The Contractor or Subcontractor, during the term of this contract or any extension thereof or during the term of the Subcontract or any extension thereof, at his own expense, shall maintain and keep in good condition and repair all such protective devices and equipment. If such protective devices and equipment are to be installed on premises leased by the Contractor, the Contractor shall take appropriate steps to preserve the Government's right to remove such property pursuant to Paragraph (g) of this Article.

(f) The ---------- or his
(Chief of Technical Service)
duly authorized representative, and authorized plant protection personnel of the War Department, at all times during the performance of this Contract or any extension thereof, or during the term of the Subcontract or any extension thereof, and until after expiration of the right of removal set forth below, shall have access to the Contractor's plant, or the plant of the Subcontractor, in order to inspect, inventory, or remove any of said plant protective devices or equipment required pursuant to Paragraph (c) hereof, and to inspect the premises with respect to compliance with all regulations and requirements concerning plant protection, including any recommendations made by the appropriate War Department Internal Security personnel.

(g) After the completion or termination of this contract and prior to final settlement thereof, the Contractor, or the Subcontractor, as the case may be, shall have the option, exercisable in writing, to purchase at the then value as fixed by the Contracting Officer, or his duly authorized representative, any special plant protective devices or equipment theretofore installed in his plant pursuant to Paragraph (c). Not later than the date of final settlement, the Contractor or Subcontractor shall notify the Contracting Officer in writing to remove any such devices or equipment as to which the option to purchase is not to be exercised, and the Government shall have the right, at any time within 180 days after the receipt of such notice, to remove at its own expense any such plant protective devices or equipment.

(h) The Contractor agrees to insert in each of his subcontracts the following provision:

"The Subcontractor agrees to be bound by the provisions of Article ---------- of the
(This Article)
prime contract with the Government insofar as they are applicable to this contract. The Prime Contractor will reimburse the Subcontractor for the cost of such special devices, equipment and personnel as have been or hereafter may be added by the Subcontractor, pursuant to Paragraph (c) of Article ----------, for which reimbursement has not been made by the Government direct to the Subcontractor according to the terms set forth in Paragraph (d) of Article ----------"

(i) For the purpose of this Article a subcontract is defined as any contract or agreement entered into between the Contractor and any other party, for the performance of all or any part of the work called for under this Contract.

(j) The Contractor, upon the request of the Contracting Officer, shall dismiss any officer or employee whose continued employment is deemed by the Contracting Officer to endanger the safety of the plant. In the event any such officer or employee is reinstated upon request of the Contracting Officer, the Contractor shall be reimbursed the costs incident to such rehiring, including back wages approved by the Contracting Officer.

(k) If guard personnel are members of the Civilian Auxiliary to the Military Police or successor organization, the Contractor shall be reimbursed for such additional cost approved by the Contracting Officer as may be incurred because of compliance with regulations and orders issued by a military commanding officer in charge of the Contractor's plant guards.

Section 81.363 is amended as follows:

§ 81.363 *Disposition of government-owned property by contractors.* The following clause may be inserted in cost-plus-a-fixed-fee contracts when authorized by the provisions of § 83.727:

• • • • • •

In § 81.373 paragraph (f) is added as follows:

§ 81.373 *Where the contract contains no article substantially in the form set forth in § 81.234 or § 81.324 (a), or where there is failure to agree on a negotiated settlement.* • • •

(f) The provisions of this paragraph do not apply to letters of intent, letter purchase orders and letter contracts (see §§ 81.303a (a), 81.386a to 81.386a (d)).

Section 81.386a is added as follows:

§ 81.386a *Standard termination provisions for letter orders and letters of intent.* The standard termination provisions for inclusion in letter orders (see § 81.303a) are those set forth in § 81.1307 (f) (Letter Order for Supplies, No Price Stated), § 81.1308 (f) (Letter Order for Supplies, Price Stated), § 81.1309 (f) (Letter Order for Cost-Plus-a-Fixed-Fee Construction), and § 81.1310 (f) (Letter Order for Lump Sum Construction). As to letters of intent, provisions conforming as nearly as may be to the provisions set forth in the cited sections shall be regarded for purposes of this section as standard termination provisions. As used in this section and in §§ 81.303a and 81.303a (a) the term "letter order" includes instruments of the type hitherto sometimes referred to as letter contracts or letter purchase orders.

(a) *Technical services authorized to include standard termination provisions in existing letter orders and letters of intent.* (1) The standard termination provisions furnish expeditious and equitable methods of terminating letter orders and letters of intent, and provide for a negotiated settlement of the amount due by reason of termination, thus in various respects reducing misunderstanding, expense, auditing difficulties, delays in settlements, and other inconvenience both for the Government and for contractors in a manner which will facilitate the prosecution of the war. Use of such provisions will assist materially in enabling contractors, whose letter orders and letters of intent have been terminated, to undertake other production on war work at an early date, in a manner consistent with the public interest.

(2) The chiefs of the several technical services, in their discretion and without the approval of higher authority, are hereby authorized by supplemental agreement to amend any letter of intent or letter order to include therein the substance of the appropriate standard termination provisions, other than those provisions which permit an allowance of profit (except that the unit price may be paid for completed articles if the terminated instrument specifies a unit price). Wherever possible, such amendments will be made prior to the giving of notice of termination. However, the chiefs of the several technical services are authorized to make such amendments even after the giving of a termination notice (compare § 81.373).

(3) Amendment of any type other than that authorized in subparagraph (2) of this paragraph (and other than the execution of a definitive contract), of the termination provisions of a letter of intent or letter order, whether effected before or after the giving of a notice of termination, will be made only with the approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(4) Pursuant to the First War Powers Act, 1941, and Executive Order No. 9001, authority is delegated to the chiefs of the technical services to make amendments consistently with the provisions of this paragraph. It is determined that the making of such amendments will facilitate the prosecution of the war. The chiefs of the technical services will be liberal in permitting and agreeing to such amendments.

(5) Amendments pursuant to this paragraph should not be utilized to delay in any manner whatsoever the execution of a definite contract (see § 81.303a).

(b) *Procedure on termination under standard termination provisions.* In general, and so far as relevant, the procedure in terminating letter orders and letters of intent containing standard termination provisions will be similar to that provided in §§ 81.370 to 81.386 inclusive, making due allowance for the difference between such instruments and definitive contracts. The chief of each technical service may prescribe such instructions, not inconsistent with these regulations, regarding termination of

Description of Item	Schedule or Supplies	Period
Explosives and blasting accessories	4, Supp. No. 1	Jan. 1 to Dec. 31, 1943.
Gasoline and fuel oil	7 and 14 Regions 1 to 6, inclusive.	July 1, 1943, to June 30, 1944.
Tire chains	8, Supp. No. 3	Jan. 1 to June 30, 1943 (extended to June 30, 1944).
Greases and gear lubricants	14, Supp. No. 1	May 15, to Dec. 31, 1943.
Automotive storage batteries	17, Supp. No. 2	Sept. 15, 1942, to Mar. 15, 1943 (extended to Sept. 15, 1943).
Telephones and parts	17, Supp. No. 6	Sept. 1, 1941, to Aug. 31, 1942 (extended to Aug. 31, 1943).
Electric lamps	17, Supp. No. 3A	Sept. 1, 1942, to Aug. 31, 1943.
Wood furniture	26, Part I	June 1 to Dec. 31, 1942 (portion extended to Dec. 31, 1943).
Wood furniture	26, Part I	Jan. 1 to Dec. 31, 1943.
Victory chairs	26, Part I, Supp. No. 1	Apr. 1 to Dec. 31, 1943.
Common spline-seat chair	26, Part I, Supp. No. 2	June 1, 1943, to Dec. 31, 1943.
Steel furniture	26, Part II	Jan. 1 to Dec. 31, 1942 (portion extended to Dec. 31, 1943).
Floor coverings	27, Supp. No. 5	Jan. 1 to Sept. 30, 1943.
Floor and window coverings (not obligating the field services of the War Department for certain items).	27, Supp. No. 7	Apr. 15 to Sept. 30, 1943.
Books	35	Dec. 1, 1942, to Nov. 30, 1943.
Books	35, Supp. No. 2	Dec. 21, 1942, to Nov. 30, 1943.
Machine tools (only the following items: 40-M-8, 40-M-9, 40-M-9-100, and 40-T-22 to 40-T-37, incl.). *	40	Mar. 1 to Aug. 31, 1943.
Woodworking saws	40, Supp. No. 1	Aug. 15, 1942, to June 30, 1943 (extended to June 30, 1944).
Binders	53, Supp. No. 1	Feb. 15 to Nov. 30, 1943.
Paper drinking cups	53, Supp. No. 2	July 1, 1941, to June 30, 1944.
Office equipment	54	June 1, 1943, to June 30, 1943 (portion extended to June 30, 1944).
Office equipment	54, Supp. No. 10	Dec. 22, 1942, to June 30, 1943 (extended to June 30, 1944).
Offset duplicating supplies and certain office equipment	54	July 1, 1941 to June 30, 1944.
Electric typewriters	54, Supp. No. 5 (issued in Amendment No. 9)	Aug. 1, 1942, to June 30, 1943 (extended to June 30, 1944).
Office equipment	54, Supp. No. 7 (issued in Amendment No. 113).	Oct. 24, 1942, to June 30, 1944.
Office equipment	54, Supp. No. 10	July 1, 1943, to June 30, 1943 (portion extended to June 30, 1944).
Copy holders and recording and reproducing machines	54, Supp. No. 11	June 15, 1943, to June 30, 1943 (portion extended to June 30, 1944).
Portable drinking fountains	63, Supp. No. 1	Feb. 1, 1942, to Feb. 28, 1943 (extended to Feb. 29, 1944).
Airplane tires and tubes	83	Mar. 1, 1942, to June 30, 1942 (extended to Sept. 30, 1943).
Recording and transcription service	103, Supp. No. 2	Aug. 15, 1942, to June 30, 1943.
Household and quarters furniture	(Part 1)	Sept. 15, 1942, to Aug. 31, 1943.
Household and quarters furniture	(Part 2)	July 1 to Dec. 31, 1943.
Household and quarters furniture	(Part 3)	June 15 to Dec. 31, 1943.
Household and quarters furniture		July 1 to Dec. 31, 1941.

Item	Spec.[1]	Req.	Funds	Pur.	Insp.
All Boats, Vessels and Floating Equipment Except those listed Below	TC	TC	TC	TO	TC
Boats, Vessels and Floating Equipment Required for river, harbor and fortification works	ENG	ENG	ENG	ENG	ENG
Barrage Balloon Equipment					
Boats, Power Driven BH	ENG	ENG	ENG	TC	TC
Barges, Double End BH	ENG	ENG	ENG	TC	TC
Barges, Double End BH	ENG	ENG	ENG	TC	TC
Barges, Power Driven BH	ENG	ENG	ENG	TC	TC
Corps of Engineers Tactical Equipment:					
Boats, Assault	ENG	ENG	ENG	ENG	ENG
Boats, Reconnaissance	ENG	ENG	ENG	ENG	ENG
Boats, Storm	ENG	ENG	ENG	ENG	ENG
Boats, Pneumatic	ENG	ENG	ENG	ENG	ENG
Boats, Tower, Utility w/Trailer	ENG	ENG	ENG	ENG	ENG
Floats, Pneumatic	ENG	ENG	ENG	ENG	ENG
Rafts, Pneumatic	ENG	ENG	ENG	ENG	ENG
Pontoon (Bear Navy Type)					
Barges and Pontoons for Bridge and Wharf Construction and Corps of Engineers Discharge	ENG	ENG	ENG	TC	TC
Barges and Pontoons, all Other Uses	TC	TC	TO	TO	TO
Rafts, Life for Aircraft	AAF	AAF	AAF	AAF	AAF

[1] All boats, barges, vessels and floating equipment, excluding pneumatic boats, purchased by the Army from the Navy, shall be procured from the Transportation Corps. Items (Spec. No. 1000) from (), WC are procured by Maritime Commission, with Transportation Corps responsible for determination of requirements.

such instruments as he may deem proper.

Section 81.390 (f) is amended as follows:

§ 81.390 *Assignments.* * * *

(f) *Recognition of assignments prohibited by Revised Statutes.* Assignments or transfers of contracts and claims prohibited by sections 3477 and 3737 of the Revised Statutes are merely voidable and may be validated by the Government. Authority to validate such assignments or transfers is vested in the chiefs of the technical services.

* * * * *

INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

In § 81.605 (a) subparagraph (9) is amended as follows:

§ 81.605 *Assignments.*—(a) *Federal standard stock catalog classes.* * * *

(9) *Assignment of boats, vessels and floating equipment (FSSC Class 9).*

* * * * *

LABOR

Copeland ("Anti-Kickback") Act

Section 81.907 (a) is amended as follows:

§ 81.907 *Applicability.*—(a) *Character of contracts.* Generally the Act applies to contracts and subcontracts regardless of amount for the construction, prosecution, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States.

* * *

In § 81.908 subparagraphs (2) and (3) of paragraph (c) and subparagraph (2) of paragraph (d) are amended as follows:

§ 81.908 *Procedure.* * * *

(c) *Submission of weekly affidavits and subcontractors summaries.* * * *

(2) After such examination and check as may be made, one affidavit and one copy of the payroll of each contractor and subcontractor engaged on Federal construction (except shipbuilding and railroad), covering the weekly payroll periods ending nearest January 15, April 15, July 15, and October 15 shall be submitted quarterly by the contracting officer or other designated officer to the U. S. Department of Labor within 14 days after the close of the specified payroll period.

(3) Affidavits and payrolls for all contracts (except shipbuilding and railroads) located in the States listed below should be mailed to the addresses indicated:

State	Location of regional office
North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi	Harris P. Dawson, Jr., Bureau of Labor Statistics, 4th Floor, Carl Witt Bldg., Atlanta, Ga.
Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut	Frances M. Jones, Bureau of Labor Statistics, 294 Washington St., Boston, Mass.
Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota	Harry D. Wilson, Bureau of Labor Statistics, 1212 Merchandise Mart, 222 West North Bank Dr., Chicago, Ill.
Ohio, Kentucky, West Virginia	Victor S. Baril, Bureau of Labor Statistics, 1236 Engineers' Bldg., 1365 Ontario Ave., Cleveland, Ohio.
Texas, Oklahoma, Louisiana	C. Wilson Randle, Bureau of Labor Statistics, B–10 Rio Grande National Bldg., Dallas, Tex.
Montana, Idaho, Wyoming, Utah, Colorado, New Mexico	Paul E. Warwick, Bureau of Labor Statistics, 422 Chamber of Commerce Bldg., Denver, Colo.
Michigan	Randle E. Dahl, Bureau of Labor Statistics, Room 926, David Stott Bldg., 1150 Griswold St., Detroit, Mich.
Missouri, Arkansas, Nebraska, Kansas, Iowa	Odis C. Clark, Bureau of Labor Statistics, Fidelity Bldg., c/o National War Labor Board, Kansas City, Mo.
New York, New Jersey	Harold R. Hosea, Bureau of Labor Statistics, 713 Parcel Post Bldg., 341 Ninth Ave., New York, N. Y.
Pennsylvania, Maryland, Delaware, District of Columbia, Virginia	Harry Ober, Bureau of Labor Statistics, 1634 Widener Bldg., Chestnut & Juniper Sts., Philadelphia, Pa.
California, Washington, Oregon, Nevada, Arizona	Louis M. Solomon, Bureau of Labor Statistics, 355 Market Street, Rm. 153–B, San Francisco, Calif.

* * * * * *

(f) *Authorized payroll deductions.* * * *

(2) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with the District of Columbia, Federal, or State credit union statutes.

* * * * * *

Section 81.909 is amended as follows:

§ 81.909 *Alternative procedures for railway carriers.* By letters of October 5, 1942 and January 22, 1943 from the Secretary of Labor to the Secretary of War, a partial exemption regarding the submission of weekly reports above described in § 81.908 (a) was granted to railway carriers and an alternative method for obtaining permission of the Secretary of Labor to make certain types of deductions was approved. Copies of these letters may be obtained from the office of Labor Relations Branch, Industrial Personnel Division, Headquarters, Army Service Forces.

In § 81.912 paragraphs (a) and (f) are amended as follows:

§ 81.912 *Regulations, forms and procedure*—(a) *Regulations.* The regulations of the Secretary of Labor described in §§ 81.908 through 81.908 (l) where pertinent, are applicable to all contracts subject to the Act.

* * * * *

(f) *Procedures; prevailing rate information.* Each request submitted as indicated in paragraph (e) of this section will be accompanied by one or more copies of Department of Labor Form BB–15, executed in accordance with the instructions on that form, which require a separate form for each occupation. In filling out this form, the contracting officer will consult the following and consider the information obtained therefrom in forming the opinion which he is required to state on the form:

(1) The Building Trades Council (or some other local federation or council of the various craft unions),

(2) Independent labor organizations not allied with the local Building Trades Council,

(3) Municipal officials (the commissioner of public works, the city clerk or other officials in charge of municipal construction who have data on the wage rates paid on city projects),

(4) The employers' organizations (such as Master Builders, the Master Painters, or other contractors' associations, the local chamber of commerce, etc.),

(5) Individual contractors and architests in the locality,

(6) The State Labor Department or its equivalent,

(7) The contracting officer and supervising superintendent, and

(8) The local office of the United States Employment Service or affiliated agency.

* * * * *

Section 81.921 is amended as follows:

§ 81.921 *Seamless hosiery industry.* Manufacture or furnishing of seamless hosiery.

Date effective: July 8, 1943.

Wage: 40 cents per hour or $16.00 per week for a week of 40 hours, arrived at either upon a time or piece-work basis, provided that learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, which were adopted for the purposes of this determination.

Section 81.925 is amended as follows:

§ 81.925 *Men's neckwear industry.* Manufacture and supply of men's neckwear (exclusive of knitted neckwear and of women's ties of design and construction similar to such men's neckwear.

Date effective: July 8, 1943, except that learners and apprentices may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after July 8, 1943, in the performance of contract bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Wage: 50 cents per hour or $20.00 per week for a 40-hour week arrived at either upon a time or piece work basis: *Provided,* That learners and apprentices may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which were adopted for the purposes of this determination.

Establishments manufacturing products as defined in this industry shall be granted a tolerance for persons actually employed as boxers and trimmers: *Provided,* That such boxers and trimmers be paid not less than 40 cents per hour or $16.00 per week for a 40-hour week and not less than the piece rates paid to all other workers in the same occupational classification.

Section 81.928 is amended as follows:

§ 81.928 *Handkerchief industry.* The handkerchief industry, for the purpose of this determination, is defined as follows: The manufacture of men's, women's and children's handkerchiefs, plain or ornamented, from any material.

Date effective: July 8, 1943.

Wage: 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis: *Provided,* That learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which were adopted for the purpose of this determination.

Section 81.964 (w) is added as follows:

§ 81.964 *Interpretations, former and present.* * * *

(w) *National War Labor Board approval required for premium pay on sixth day of workweek.* On May 31, 1943, the National War Labor Board adopted a resolution to the effect that, where, pursuant to the terms of a collective bargaining agreement, or the custom and practice in a plant, a premium rate or extra compensation was regularly paid, prior to October 1, 1942, for services performed on Saturday, as such, not more than time and one-half premium wage compensation may be paid, without the approval of the National War Labor Board, for services performed on the sixth day of work in the regularly scheduled workweek, in accordance with the provisions of Executive Order 9240.

In § 81.975 a footnote is added to paragraph (a) as follows:

§ 81.975 *Executive Order No. 9250.* * * *

(a) *Title II of Executive Order No. 9250 provides* * * *[1]

Section 81.976i is rescinded as follows:

§ 81.976i *Limitations on certain salaries (§ 4001.9).* [Rescinded.]

Sections 81.977w to 81.977bb inclusive, and § 81.977dd, as published in the FEDERAL REGISTER January 12, 1943 (8 F.R. 401), are hereby rescinded.

In § 81.977ll paragraph (g) is rescinded and paragraph (p) is amended as follows:

§ 81.977ll *Functions and jurisdictions of the Salary Stabilization Unit and its regional offices.* * * *

(g) *Applications for authorization of salaries in excess of $25,000 limit.* [Rescinded] (The section formerly appearing at this paragraph was rescinded by section 4 (b), Act of April 11, 1943, Public Law 34, 78th Congress. See footnote to paragraph 7 of Executive Order quoted in § 81.975 (a)).

* * * * * *

(p) *Effect of modification or reversal.* If a decision with respect to any application is modified on reconsideration by the head of a regional office, or is modified or reversed by the Deputy Commissioner, such modification or reversal shall, from its effective date, be deemed to be the determination of the Commissioner under § 4001.4 of the general regulations of the Economic Stabilization Director, ((§ 81.976d) (§§ 1002.10 and 1002.11 of the Salary Stabilization regulations) (§§ 81.977m and 81.977n)); but no reversal or partial reversal of a prior decision approving an application, wholly or in part, shall take effect before the first day of the payroll period immediately following the date of such reversal, and payments for services rendered between the effective date of the prior decision and the effective date of the reversal shall not be held to be in contravention of the Salary Stabilization Regulations, T. D. 5186, except as provided in the last clause of paragraph 10 thereof.

* * * * * *

Section 81.978 is amended as follows:

§ 81.978 *Wage stabilization policy of the National War Labor Board.* (a) The policy directive given the National War Labor Board by Congress and by the President is clear. Under that directive, the Board will act on the presumption that wage rates prevailing on September 15, 1942 are proper. The Board will grant wage increases over the level prevailing on September 15, 1942 only in exceptional cases and in accordance with the following paragraph of Executive Order No. 9250 of October 3, 1942:

> The National War Labor Board shall not approve any increases in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

The National War Labor Board will examine carefully each claim for such exceptional treatment before approving any increase. In considering specific cases, the Board will be guided by the following general principles. The application of these principles by regional directors will be subject to all general orders of the Board and to its announced rules of procedure.

(1) *Maladjustments.* If a group of employees has received increases amounting to 15% in their average straight-time rates over the level prevailing on January 1, 1941, the Board will not grant further increases as a correction for maladjustments.

Beginning about January 1, 1941 a race between wages and prices began. Between that date and May, 1942, when the President's seven point program to stabilize the cost of living was announced the cost of living had risen 15% as measured by the general index of the Bureau of Labor Statistics.

In the same period, very considerable but varying increases in wage rates were made. The irregularity of wage increases caused many maladjustments in the wage relationships between different plants and industries. A substantial majority of industrial workers had received more than 15% increase; some had received less.

To correct these maladjustments, the Board will consider requests for general increases in straight-time rates up to 15% above the level prevailing on January 1, 1941. This policy sets a terminal point for general wage increases. It is not applicable to individual workers or to employees in particular job classifications. It will be applied only to groups composed of all the employees in a bargaining unit, in a plant, a company, or an industry, depending upon the circumstances of each case.

Adjustment of wage rates to correct maladjustments may be made by regional directors: *Provided, however,* That their authority in this regard will be limited to cases arising in those industries which have been specifically designated by the Board, and if in the judgment of a regional director a wage adjustment for the correction of a maladjustment would act to unstabilize wages, the case shall be referred by him to a tri-partite regional panel.

A list of designated industries is attached hereto and may be enlarged or modified by the Board from time to time. Any proposed wage adjustments in industries not listed must be referred to the National War Labor Board at Washington for action.

(2) *Inequalities and gross inequities.* The wage rate inequalities and the gross inequities which may require adjustment under the stabilization program are those which represent manifest injustices that arise from unusual and unreasonable differences in wage rates.

Wage differentials which are established and stabilized are normal to American industry and will not be disturbed by the Board.

The Board itself will review cases where evidence is submitted to show that existing differences in wage rates are so discriminatory as to make their continuance a manifest injustice. Such evidence may be submitted to the regional director. If the regional director is satisfied that the evidence submitted so justifies, the claim may then be transmitted to the National War Labor Board in Washington for consideration.

(3) *Substandards of living.* In the President's Message of April 27, 1942 and again in the Executive Order of October 3, 1942, the word "substandard" is used with reference to the need for eliminating substandards of living. The National War Labor Board has dealt with but a very few cases in which the substandard issue has been a factor. Therefore, the Board is not in a position at this time to enunciate a general policy to govern the adjustment of wages to eliminate substandards of living. The Board will not undertake to measure substandards of living by any fixed wage rate.

Such cases involving substandards of living as may arise will be considered by the Board on their individual merits until sufficient experience has accumulated to permit the statement of a more general policy.

(4) *Effective prosecution of the war.*— Under Executive Order 9250, the National War Labor Board may approve any increase of the wage rates prevailing on September 15, 1942 if such an increase is necessary "to aid in the effective prosecution of the war." Every adjustment in September 15, 1942 wage levels that the Board may make will be, in its judgment, for a more effective prosecution of the war.

The National War Labor Board will not approve wage increases for the purpose of influencing or directing the flow of manpower.

When in a particular case management and labor, in cooperation with the War Manpower Commission and other government agencies, have taken concerted action to solve a manpower need, the Board will consider a request in that case to correct whatever inequalities or gross inequities may then need correction.

(b) *Policy directive clarifying Executive Order 9328.* Executive Order No. 9328 was issued April 8, 1943. (See § 81.984.) On May 12, 1943, the Director of Economic Stabilization issued a policy directive clarifying and defining the basis of the War Labor Board in making wage adjustments under that order. The text of the directive follows:

> Executive Order No. 9328, dated April 8, 1943, is hereby supplemented under section 5 as follows:
>
> 1. In order to provide clear-cut guides and definite limits as a basis for correcting substandards of living, and as a basis for permitting the Board to make within the existing price structure and within existing levels of production costs, minimum and non-inflationary adjustments which are deemed necessary to 'aid in the effective prosecution of the war or to correct gross inequities' within the meaning of section 1 of the Act of October 2, 1942, the Board is authorized to establish as rapidly as possible, by occupational groups and labor market areas, the wage-rate brackets embracing all those various rates found to be sound and tested going rates. All the rates within these brackets are to be regarded as stabilized rates, not subject to change save as permitted by the Little Steel Formula. Except in rare and unusual cases in which the critical needs of war production require the setting of a wage at some point above the minimum of the going wage bracket, the minimum of the going rates within the brackets will be the point beyond which the adjustments mentioned above may not be made. The careful application of these wagerate brackets to concrete cases within the informed judgment of the War Labor Board will strengthen and reinforce the stabilization line to be held. Maladjustments between wages and the cost of living will be considered by the Board only for the purpose of correcting substandard conditions of living, or determining adjustments within the 15% limit of the Little Steel Formula. In connection with the approval of wage adjustments necessary to eliminate substandards of living or to give effect to the Little Steel Formula or in connection with the adoption of a longer work week, the Board may approve wage or salary adjustments for workers in immediately interrelated job classifications to the extent required to keep the minimum differentials between immediately interrelated job classifications necessary for the maintenance of productive efficiency.
>
> 2. All wage adjustments made by the Board which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings, or if no price ceilings are involved which may increase the production costs above the level prevailing in comparable plants or establishments, shall become effective only if also approved by the Economic Stabilization Director. The Board shall cooperate with the Office of Price Administration or such other agency as the Economic Stabilization Director may designate with a view to supplying the Economic Stabilization Director with the data necessary to judge the effect of any proposed wage adjustment on price ceilings and the levels of production costs.

(c) *Statement of Director of Economic Stabilization regarding Policy Directive of May 12, 1943.* In issuing the general policy directive, the Director of Economic stabilization stated:

> 1. The directive makes clear that alleged maladjustments between the cost of living and existing wage schedules will be considered by the Board only to the extent necessary to eliminate substandard conditions of living or to determine wage adjustments within the 15% limit of the Little Steel Formula.
>
> 2. The directive makes clear the ancillary authority of the Board to make wage adjustments to keep the minimum differentials between immediately interrelated job classifications necessary to maintain productive efficiency.
>
> This authority is needed to enable the Board to avoid intraplant inequities which would otherwse be created by wage adjustments ordered by the Board to elminate substandard conditions of living or to satisfy the Little Steel Formula.
>
> Similar adjustments for immediately interrelated salary job classification may be necessitated, and are authorized, when a longer work week is adopted which creates a maladjustment between the pay of workers on an hourly oasis and those on a salary basis.
>
> Adjustments of this character, however, are to be so staggered as to avoid the need for adjustment in higher wage or salary brackets.
>
> 3. The directive also makes clear the authority of the Board to make wage adjustments within the existing price structure and within existing levels of production for the purpose of stabilizing wage schedules for recognized categories of employments in various labor markets. It does not permit adjustments to correct "inequalities" which were permitted by the Executive Order of October 3, 1942. It does, however, permit the Board to make adjustments in accordance with the language of the Act of Congress of October 2, 1942, "to aid in the prosecution of the war or correct gross inequities": *Provided* Such adjustments do not increase prices or increase production costs. Such adjustments, except where necessary to eliminate substandard conditions of living or to give effect to the Little Steel Formula, are not to bring the wages of the worker affected above the minimum of the going rates for comparable work in comparable plants or establishments in the same labor market.
>
> In rare and unusual cases where critical war production cannot otherwise be obtained, the minimum of the preexisting going rates may be stepped up to the next lowest of the going rates for other most nearly comparable work in the same labor market. A good example of such a case is the situation found in the canning and first processing of perishable foods and feeds industries in a number of localities where the necessary seasonal labor to process this year's crops cannot be recruited on the basis of last year's obsolete wage schedules. On May 10th a special directive was issued to deal with this situation.
>
> Apart from the rare and exceptional case, adjustments to the minimum of the applicable going rates are to be made, not to increase existing wage schedules, but only to bring obvious and sporadic stragglers into line.
>
> 4. The directive again makes clear that any wage adjustments which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings, or if no price ceilings are involved which may increase the production costs above the level prevailing in comparable plants or establishments, cannot become effective until approved by the Economic Stabilization Director.

Section 81.979 is amended as follows:

§ 81.979 *Jurisdiction and procedure of Regional War Labor Boards.* On April 5, 1943, the War Labor Board created twelve regional war labor boards and outlined the jurisdiction of these regional boards and the procedure to be followed in matters within their jurisdiction. This information is contained in the succeeding paragraphs.

(a) *Constitution of regions and regional War Labor Boards.* (1) A regional war labor board has been established in each of the following regions:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island. 209 Washington Building, Boston, Mass.

Region II: New York, the Northern part of New Jersey (including following counties: Sussex, Passaic, Bergen, Warren, Morris, Hudson, Union, Middlesex, Somerset, Monmouth, Hunterdon). 220 E. 42nd Street New York, N. Y.

Region III: Pennsylvania, Maryland, Delaware, District of Columbia, Southern part of New Jersey (including following counties: Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May). Room 428 Stephen Girard Building, 21 S. 12th Street, Philadelphia, Pa.

Region IV: Virginia, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida. 116 Candler Building, Atlanta, Ga.

Region V: Ohio, Kentucky, West Virginia. 3rd. Floor, Guardian Building, 629 Euclid Avenue, Cleveland, Ohio.

Region VI: Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota. 222 W. Adams Street, Room 533, Chicago, Ill.

Region VII: Missouri, Arkansas, Kansas, Iowa, Nebraska. 11th Floor, Fidelity Building, 911 Walnut Street, Kansas City, Mo.

Region VIII: Texas, Oklahoma, Louisiana. 9th Floor, New Mercantile Bank Building, Dallas, Texas.

Region IX: Colorado, New Mexico, Utah, Wyoming, Idaho, Montana. 504 Boston Building, Denver, Colo.

Region X: California, Nevada, Arizona. 1355 Market Street, San Francisco, Calif.

Region XI: Michigan. Room 1164 Penobscot Building, Detroit, Mich.

Region XII: Washington, Oregon, Alaska. White Henry Stewart Building, Seattle, Wash.

(2) Each regional war labor board consists of the following members appointed by the National War Labor Board:

(i) Eight representatives of labor, four of whom are to be regular members and four alternate members.

(ii) Eight representatives of industry, four of whom are to be available for service with the regional war labor board at any given time.

(iii) Representatives of the public, four of whom are to be available for service with the regional war labor board at any given time. There is a chairman and one vice-chairman, designated by the National War Labor Board from among full-time members.

(3) Six members constitute a quorum and 12 constitute full attendance; the composition at any given time is to be equally tripartite.

(4) The National War Labor Board, after considering the recommendations of the regional war labor boards, appoints tripartite panels in appropriate places throughout the regions to serve in dispute cases, as hereinafter described.

(5) The staff of each regional war labor board consists of a wage stabilization director, a disputes director, a regional attorney, and such other assistants as the National War Labor Board may approve. The staff is under the general supervision of the regional war labor board.

(6) Regional representatives designated by the Director of the U. S. Conciliation Service of the Department of Labor act as liaison officers between each regional war labor board and the U. S. Conciliation Service.

(b) *Procedure in dispute cases not involving wages or salaries.* (1) Immediately upon the certification of a labor dispute to the National War Labor Board, under the provisions of Executive Order No. 9017, the regional war labor board for the region in which the dispute has arisen will be notified and the formal certification, together with all other available data and reports, will be transmitted to it (except in those cases in which the National War Labor Board

[1] Section 7 was rescinded by section 4 (b), Act of April 11, 1943, Public Law 34, 78th Congress, which reads as follows:

(1) Section 7 of Title II and all other provisions of Executive Order 9250, "providing for the stabilization of the national economy" issued October 3, 1942, and all provisions of § 4001.9, promulgated by the Economic Stabilization Director on October 27, 1942, which are in conflict with this section are hereby rescinded; and (2) all orders, regulations, and other directives, and all decisions, promulgated or made by virtue of said Executive Order or regulation which are in conflict with this section are hereby rescinded.

may elect to retain original jurisdiction or refer the case to an authorized agency or commission or back to the conciliation service.)

(2) Upon receipt of the certification, the case will be considered by a New Case Committee of the regional war labor board, composed of the chairman or vice-chairman, one industry, and one labor member, and the disputes director. If the committee does not consider the case ready for a hearing, it may refer the case back to the parties for further negotiation or to the regional representative of the Conciliation Service for further information or further investigation or conciliation. If the case is deemed ready for a hearing, the committee will designate a tripartite panel to hear the case, unless the parties agree to have the case heard by a single person, in which event the regional war labor board will designate one of the public panel members or some other suitable person to hear the case. Wherever the term "panel" is hereafter used, it will be deemed to include a single hearing officer in the cases just mentioned.

(3) The New Case Committee, in determining what action to take, will consult with the regional representative of the Conciliation Service. If it is determined to set the case down for hearing, the parties shall be notified at least 10 days in advance of the date and place of the hearing. They shall be requested to submit to the disputes director a written and signed statement of such of the facts as they can agree upon, together with such supplementary statements, briefs, and exhibits as they believe necessary to explain and support their respective contentions. There should be included a statement by the employer as to whether price relief will be requested if a wage or salary increase is directed. These documents will be transmitted to the panel prior to the hearing. (In cases where, prior to certification, the commissioner of conciliation has obtained from the parties an agreed statement of facts and the other documents above mentioned, this procedure may be modified accordingly.)

(4) The hearing before the panel will be informal and, save, in exceptional cases and upon the instructions of the regional war labor board, not stenographic record of the hearing will be kept. Upon the conclusion of the hearing, if a settlement is not effected, the panel will submit its report and recommendations as speedily as possible to the regional war labor board, together with the written statements, briefs, and exhibits of the parties. Copies of the report and recommendations will be furnished to the authorized representatives of each of the parties to the dispute, and the parties will be afforded one week after receipt of the report within which to submit comments to the regional war labor board. (In unusual cases and for good cause shown this time may be extended by the regional chairman.)

(5) If the panel's report is unanimous, the regional war labor board will not, save in exceptional cases, hear argument upon the matter but will proceed to a decision. If the report is not unanimous, the regional war labor board may in its discretion hear argument upon the case before reaching a decision.

(6) Any regional war labor board may certify to the National War Labor Board any case, or any question in any case, upon which it desires the National War Labor Board's decision; but the National War Labor Board may in its discretion reject such certification and require the regional war labor board to decide the case or the particular question, with or without a subsequent review by the National War Labor Board.

(c) *Procedure in dispute cases and in arbitration proceedings involving wages or salaries.* The procedure will be the same as in other dispute cases (see paragraph (b) of this section), except as follows:

(1) If an agreement between the parties calling for a wage or salary adjustment is brought about, the conciliator assigned to the dispute or the panel chairman or the hearing officer, as the case may be, will file the agreement directly with the appropriate regional wage stabilization director together with a completed application Form 10, which he will assist the parties in preparing. Conciliators, through the regional representative and panels will be at liberty in all cases to consult the regional wage stabilization director in advance of any settlement regarding the application to the particular situation of the Board's wage stabilization policy.

(2) If an agreement to refer the wage or salary question to arbitration is brought about, whether as a result of conciliation or without it, and the arbitrator's award provides for a wage or salary adjustment, the arbitrator shall file the award, together with a completed application Form 10 (or if the parties prefer not to sign such a form, a statement of the necessary facts on which to base a decision) directly with the appropriate regional wage stabilization director. Arbitrators should consult the regional wage stabilization director, in advance of any award, regarding the application to the particular situation of the Board's wage stabilization policy.

(3) After either of the above steps has been taken, the procedure will be the same as in voluntary wage and salary adjustment cases. In all cases the conciliator, hearing officer, or panel chairman should remind the employer that he should promptly apply to the Office of Price Administration for price relief if he intends to make any order requiring increased payment of wages and salaries the basis for asking such relief.

(d) *Procedure in voluntary wage and salary adjustment cases.* This procedure is set forth in paragraphs (e) to (h) of this section.

(e) *The handling of preliminary inquiries about jurisdiction.* (1) An employer or a union (or an employee or a group of employees not represented by a union with respect to an adjustment) directly concerned in a proposed wage or salary adjustment may ask the nearest office of the Wage and Hour and Public Contracts Division of the U. S. Department of Labor in the region (hereinafter referred to as the Wage and Hour Office) for a ruling as to whether the proposed adjustment may be made without Board approval. The Wage and Hour Office, as agent of the National War Labor Board, shall then issue a written ruling and send copies of it to the person or persons who made the inquiry and to the appropriate regional attorney.

(2) If said ruling is that the proposed wage or salary adjustment may be made without approval of the Board:

(i) The ruling shall be deemed to be authoritative and shall remain in effect unless reversed as provided below.

(ii) If, on receipt of the ruling from the Wage and Hour Office, it is reversed by the regional attorney (after consultation, where necessary, with the regional wage stabilization director), the Wage and Hour Office shall be notified promptly, and it shall immediately notify the person or persons who made the inquiry that the adjustment requires approval. If in the meantime the employer has made the adjustment, relying upon the ruling by the Wage and Hour Office that it did not need approval:

(*a*) The adjustment may be continued in effect for a period of ten days following the notification by the Wage and Hour Office, within which period the employer may file with the Wage and Hour Office (jointly with a duly recognized collective bargaining agency, or by himself, as subsequently provided), an application for approval of the adjustment and

(*b*) If such an application is so filed, the adjustment may be further continued in effect until and unless it is finally disapproved. Such disapproval shall take effect only from the date of the issuance of the order of disapproval.

(iii) If the Wage and Hour Office to which an inquiry has been addressed rules that the proposed adjustment cannot properly be made without approval, the ruling shall be deemed to be authoritative. The person or persons who made the inquiry may seek from the regional attorney, by written petition filed within 10 days after the ruling of the Wage and Hour Office, a reversal of the ruling. The regional attorney's ruling (after consultation, where necessary, with the regional wage stabilization director) on the question so submitted shall be final and shall be transmitted to the applicant through the Wage and Hour Office.

(f) *The filing of applications for approval of wage or salary adjustments.* (1) Each application for approval of proposed voluntary wage or salary adjustments (other than those described in paragraph (c) of this section) shall be filed with the nearest Wage and Hour Office in the region. All applications shall be made upon appropriate forms prepared by the National War Labor Board.

(2) Such applications may be of two kinds. The first kind, in which approval is sought of an adjustment agreed upon by the parties, may be signed by any party (or jointly by any or all the parties) to the contract. The application shall state whether all the parties to the contract have signed the application and shall state the name and address of each party who has not signed the application. If there be any such party who has not signed, the Wage and Hour Office at which the application was filed shall, as agent of the Board, before acting on the application, send said party a notice of the application. The notice shall request the party to state whether he contests the fact of the contract having been made. If, within seven days of the sending of the notice, he has not filed a statement contesting such fact or if he files a statement admitting it, the application will then be acted upon. If he contests the fact of the contract having been made, the matter will be treated as a dispute case and referred to the Conciliation Service of the Department of Labor, unless (i) the contract was in writing, (ii) the writing or a certified or otherwise authenticated copy thereof has been produced, and (iii) the Wage and Hour Office is satisfied that no substantial question exists as to the party being a party thereto. Where the Wage and Hour Office is so satisfied, it shall rule accordingly and proceed with the handling of the application. The ruling may be reviewed (on petition of the protesting party) by the regional attorney when the application is transmitted to the regional war labor board under subparagraph (7) below. His ruling shall be final.

(3) The second kind of application, in which an employer on his own initiative wishes to make a wage or salary adjustment, shall be signed either (i) jointly by the employer and a duly recognized collective bargaining agent for any or all of the employees who are to be affected by the proposed wage or salary adjustment, or (ii) by the employer alone. In either case the application shall state whether or not there is a duly recognized collective bargaining agent (for any or all of the affected employees) which has not joined with the employer in the application. If it appears that there is such an organization which has not so joined, the Wage and Hour Office at which the application was filed shall, before acting on the application, send to the appropriate local officials of such organization a notice of the application, requesting the organization, if it has any objections to the application being acted upon, so to inform the office. If no such objections are filed within seven days of the sending of the notice, or if the organization in question states that it has no objections, the application will then be acted upon. If objections are made within said period, the matter will be treated as a dispute case and referred to the Conciliation Service of the Department of Labor.

(4) In cases where the employer has signed or joined in signing an application for approval of a wage or salary increase he shall state in the application whether he intends to make the proposed increase, if approved, the basis of the application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.

(5) In cases where the employer has not signed or joined in signing an application for approval of a wage or salary increase, he shall be requested in the notice of the filing of the application sent to him by the Wage and Hour Office to state whether he intends to make the proposed wage or salary increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices. He shall be asked to make this statement (i) within seven days of the sending of said notice or (ii), if (as described in subparagraph (2) above) he contests the fact of the agreement or arbitration award having been made, within seven days of any ruling by the Wage and Hour Office finding him to be a party to said agreement.

(6) If the employer states that he intends to make the proposed wage or salary increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices, (i) his statement shall be entered in an appropriate place on the application before the application is acted on by the regional wage stabilization director as provided below, and (ii) the employer will be required to furnish further information, the nature and effect of which will be set forth under paragraph (j) below.

(7) When an application has been submitted to a Wage and Hour Office and no preliminary inquiry about jurisdiction has been made under paragraph (e) of this section, the office shall first make certain that the application needs approval. If the office believes that approval is not or may not be required by the applicable regulations and orders, the office shall proceed exactly as if the applicant has asked for a preliminary ruling on jurisdiction. If no jurisdictional question is involved or if such a question has been cleared up under paragraph (e) above, the Wage and Hour Office shall see that appropriate forms are fully and accurately filled out and shall transmit them to the regional wage stabilization director of the appropriate regional war labor board.

(8) Upon receipt of the application, the regional wage stabilization director, acting in collaboration with the regional attorney, shall first make certain that the application requires Board approval (unless this question has already been ruled upon and determined under paragraph (e) above). If it is determined by the regional attorney that the application does not require Board approval, a written ruling to that effect shall be made and copies sent to the applicant or applicants. If it is determined that the application requires Board approval, it shall be acted upon as provided in paragraph (i) of this section. In any case, the regional wage stabilization director may, before acting, obtain further needed information informally from the applicant or applicants, from the Wage and Hour Office, from the United States Bureau of Labor Statistics, or any other source or refer the application back to the Wage and Hour Office for such information as he may specify. In cases where the application reveals that the employer intends to make the proposed increase the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices, the Regional Wage Stabilization Director shall send a copy of the application to the Office of the Economic Advisor, Office of Price Administration, Washington, D. C.

(g) *Application by Employers' Association for approval of wage or salary adjustment.* (1) Application for approval of a wage or salary adjustment may be made on a form approved by the National War Labor Board on behalf of more than one employer by an employers' association or other similar organization. Such an application may be executed by the appropriate representative of the association or other similar organization acting on behalf of all such employers.

(2) The application shall state, in addition to the other matters required by paragraphs (e) to (h) of this section, the name and address of each employer on whose behalf it is made and who has not signed the application. The application shall be filed with the Wage and Hour Office in the city where the association or other similar organization customarily carries on its wage or salary negotiations. The Wage and Hour Office with which the application is filed shall, before acting on the application, send to each such employer a notice of the application.

(3) The notice shall request the employer to state whether he has authorized the applicant to file the application on his behalf. If the employer has not filed a statement contesting the authorization within seven days of the sending of the notice or if he files a statement admitting it, the application will then be acted upon. If he contests the fact of authorization, he will not be considered as a party to the application.

(4) The application shall be accompanied by individual statements which shall contain for each employer the information required by the National War Labor Board's Form No. 10, except that, where such information is identical for all or some of the employers, an appropriate consolidated statement containing such information may be filed with the application.

(5) In all other respects the procedure herein set forth shall obtain, and the word "employer" wherever used herein shall, for the purpose of this section, include, "employers' association or other similar organization".

(h) *Single application by employer with plants or establishments in more than one region.* (1) In the case of an employer with plants or establishments in more than one region, a single application may be filed covering employees in all or some of such plants or establishments.

(2) The application may be filed at the regional Wage and Hour Office in the region where the employer maintains his principal place of business.

(3) The application shall be accompanied by individual statements which

shall contain for each plant or establishment covered by the application on the information required by the National War Board's Form No. 10, except that the regional director of the Wage and Hour Office may, in appropriate cases and for good cause shown, modify this requirement so as to provide for one or more consolidated statements covering all or some of the plants or establishments.

(4) Upon receipt of the application, together with such statements, the said regional director of the Wage and Hour Office, if not satisfied that sufficient data and information have been presented with respect to each plant or establishment, may require the applicant to submit additional data or information or may refer any statement relating to a particular plant or establishment not in his region to the appropriate regional director of the Wage and Hour Office for such additional data or information as may be necessary.

(5) When the regional director of the Wage and Hour Office is satisfied that sufficient data and information have been presented, he shall transmit the application, together with the statements and all other pertinent information, to the appropriate regional war labor board which shall inform other affected regional war labor boards and shall act on the application unless it determines that due to the scope of the employer's operations, or because of important policy questions, the application should be referred to Washington.

(6) In all other respects, the procedure herein set forth shall obtain.

(i) *Disposition of applications for approval of wage or salary increases in which the application indicates that no price relief will be sought if approval is granted.* (1) In cases where he is authorized so to do by orders or regulations of the National War Labor Board, the regional wage stabilization director shall rule upon the application, subject to the rights of review hereinafter set forth and subject to his right to refer any case for decision with his recommendation to the regional war labor board, if he believes that the case is sufficiently important from a stabilization point of view or presents sufficiently serious and doubtful questions of interpretation of policy to justify such action.

(2) If the regional wage stabilization director disapproves the application (or approves a lesser increase than that requested), the applicant, or any applicant if there be more than one, may within ten days after the date of the issuance of the ruling file with the regional war labor board a petition for a review.

(3) Copies of all rulings made by regional wage stabilization directors shall be promptly filed with the chairman of the regional war labor board, whose duty it will be to lay before the regional war labor board for such action as it may care to take all rulings which involve serious questions of policy. Copies shall also be promptly filed with the National War Labor Board's wage stabilization division together with such additional information as the division may require for purposes of review.

(j) *Disposition of applications for approval of wage or salary increases in which the applicant states that he intends to make the proposed wage or salary increase, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.* The procedure shall be the same as in the cases described under paragraph (i) of this section except that:

(1) A copy of the application shall be sent by the regional wage stabilization director to the Office of the Economic Advisor, Office of Price Administration, Washington, D. C. Copies of any forms which the employer has filled out, pursuant to the requirement of the Office of Price Administration (and which have been supplied for that purpose by said Office to the Wage and Hour Offices) shall be sent at the same time as the copy of the application to the Office of Price Administration.

(2) In those cases where the Office of Price Administration determines that the proposed wage or salary adjustment will not require an adjustment of the employer's prices or an amendment of the regulations establishing those prices, the Regional War Labor Board will be so notified. In cases where such notice has been received, the ruling of the regional stabilization director or of the regional war labor board may be made effective without further reference to the Office of Price Administration or the Office of Economic Stabilization.

(3) In those cases where the Office of Price Administration determines that approval of the wage or salary increase will necessitate an adjustment of the employer's prices or an amendment of the regulations establishing these prices, the regional war labor board will be no notified. In such cases, if the application for a wage or salary increase is approved, the ruling shall state that it will become effective only on final approval by the Economic Stabilization Director, as required by the provisions of Executive Order No. 9250.

(4) Unless the regional war labor board has been notified as in subparagraph (2) above, copies of every ruling shall be sent to the Office of the Economic Adviser, Office of Price Administration, Washington, D. C.

(k) *Authority of Regional War Labor Boards*—(1) *Applications for approval of voluntary wage or salary adjustments.* (i) Each regional war labor board shall have authority to approve or disapprove applications for voluntary wage or salary adjustments.

(ii) Each such ruling shall be final, subject only to the National War Labor Board's right of review on its own initiative. Any reversal or modification of such ruling by the National War Labor Board shall take effect only from the date of its issuance: *Provided, however,* That, if a ruling denying an application for permission to make a wage or salary adjustment is overruled, the final ruling of the National War Labor Board shall incorporate as the effective date of the adjustment the date specified in the application or such other date as the National War Labor Board shall specify.

(iii) Copies of all such rulings and of any accompanying opinions (together with such other material as the wage stabilization division may require) shall, when issued, be filed with the National War Labor Board. Unanimous rulings may be issued when made. Rulings which are not unanimous may be issued only upon the expiration of ten days after the date of their receipt in Washington (subject thereafter to the National War Labor Board's power of nonretroactive review on its own motion), unless (*a*) the ruling is earlier approved by the National War Labor Board, or (*b*) within the ten-day period the National War Labor Board sets the case down for review, in which event the ruling will be stayed until the case is finally disposed of.

(2) *Directive orders in dispute cases.* (i) Regional War Labor Boards are authorized to issue directive orders in dispute cases in conformity with the policies of the National War Labor Board. Each order shall bear the date of its actual issue and the date it becomes effective. Orders requiring a wage or salary adjustment and other orders in cases where, in the judgment of the Regional War Labor Board, immediate compliance is not necessary in the public interest, shall not become effective until the time within which a petition for review may be filed has elapsed. If such a petition is filed, the order, if not then in effect, shall remain suspended until the National War Labor Board otherwise directs.

(ii) Copies of all directive orders and of any accompanying opinions (together with such other material as the wage stabilization division may require) shall, when issued, be filed with the National War Labor Board.

(iii) Within fourteen days of the date of issuance of any directive order, any party may file with the Board at Washington, D. C., an original and four copies of a petition (including a legal brief if he desires) setting forth objections to the directive order and seeking review thereof by the National War Labor Board. In such cases the burden will be on the petitioner to persuade the Board that (*a*) a novel question is involved of sufficient importance to warrent national action, or (*b*) that the procedure resulting in the order was unfair to the petitioner and has caused substantial hardship, or (*c*) that the order exceeds the National War Labor Board's jurisdiction or contravenes when issued, be filed with the National War Labor Board.

(iv) The party filing the petition shall at the same time serve a copy thereof upon each other party and shall file a copy with the regional war labor board. The regional war labor board and the parties may within seven days after receipt of the copy of the petition file an original and four copies of a reply or comment with the National War Labor Board and serve the same upon each other party. If the original petition relates only to a part of the order, the reply or comment may include a request to review other parts thereof. Upon proper cause shown, the National War Labor Board may extend the period within which parties may file petitions and replies or comments.

(v) The National War Labor Board may on its own motion assume jurisdiction over any dispute case at any stage of the proceedings either before or after the final order of a regional war labor board.

(vi) If the National War Labor Board takes jurisdiction of a case on its own motion or on petition of a party for review, it shall determine what, if any, further oral or written argument of the parties it will require or permit.

(l) *Regional War Labor Boards subject to National War Labor Board policies.* Decisions, regulations, and policies which the National War Labor Board will continue to announce from time to time shall control the regional war labor boards, Wage and Hour Offices, and staffs in performing the duties and exercising the powers assigned to them herein.

Section 81.979a is amended as follows:

§ 81.979a *War Labor Board instructions to Regional Boards re Executive Order 9328 and supplementary directive of May 12, 1943.* On May 29, 1943, the National War Labor Board announced that instructions for handling certain types of wage and salary cases under the "Hold-the-Line" Executive Order No. 9328 have been sent to its Regional Boards and industry commissions. The Board pointed out that under the Executive Order "reasonable adjustments of wages and salaries in case of promotions, reclassifications, merit increases, incentive wage or the like" may be made by the Board if such adjustments "do not increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices."

(a) Within the meaning of the provision of the Executive Order quoted in the initial paragraph of this section, the Regional Boards were instructed that they may deal with the following three types of cases within their sound discretion:

(1) Intra-plant adjustments which are necessary to do equity and to promote production and which are not mentioned in the May 12 directive of the Economic Stabilization Director.

(2) Applications by employers not under the Fair Labor Standards Act to pay time and one-half for hours over forty, or to change from a fluctuating to a fixed workweek for the purpose of computing overtime as currently permitted to employers who are under said Act.

(3) Adjustments incident to the improvement of work conditions which do not involve increasing basic wage rates and which do not exceed the sound prevailing practice in the industry or area. The adjustments specified in subparagraph (3) includes such items as vacation pay, sick leave plans, night shift bonuses, and holiday pay.

(b) The Board's instructions also stated that specific regulations for approval of incentive plans cannot be given until further experience with various types of cases have been reported to the National Board. The Board emphasized that the working out of such incentive plans is particularly suited to collective bargaining and that where a collective bargaining agency exists it should be consulted in the preparation of such plans. Reiterating that the Little Steel Formula usually requires that the adjustment be applied to the largest appropriate group, the Board stated that in unusual cases where adjustments are being sought by a single individual or for relatively few persons, the formula may be applied to them where the application would "afford an equitable and expeditious method of disposing of the case."

(c) In cannery cases, the Board stated that rates may be adjusted through use of the wage rate bracket section of the May 12 directive of the Economic Stabilization Director in cases where it would not be practicable to use the Director's earlier order on canneries issued May 11, 1943.

Section 81.979e is rescinded as follows:

§ 81.979e *National War Labor Board decentralization plan.* [Rescinded]

Section 81.980e is amended, paragraphs (a), (b), (c) and (d) (8 F.R. 2531) being rescinded.

§ 81.980c *General Order No. 5.*

General Order No. 5. Subject to the requirements of General Order No. 31, wage adjustments may be made in wage rates of individual employees, without approval of the National War Labor Board, if they are incident to the application of the terms of a wage agreement which existed previous to or has been approved since October 3, 1942, or incident to an established or approved wage rate schedule covering the work assignments of employees and are made as a result of:

(a) Individual promotions or reclassifications

(b) Individual merit increases within established rate ranges

(c) Operation of an established plan of wage increases based upon length of service within established rate ranges

(d) Increased productivity under piecework or incentive plans

(e) Operation of an apprentice or trainee system

Wage adjustments made under this order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(a) *Interpretation No. 1 of General Order No. 5.* [Rescinded]

(b) *The reduction or acceleration of the time intervals.* [Rescinded.]

(c) *Where a length of service schedule contains several steps.* [Rescinded]

(d) *A wage rate schedule.* [Rescinded]

Section 81.980f is amended, paragraphs (a) and (b) being rescinded.

§ 81.980f *General Order No. 6.*

General Order No. 6. (a) The hiring of an individual at a wage rate in excess of the rate previously established in the plant for employees of similar skill and productive ability within the classification in which the individual is employed is a "wage increase" within the meaning of Executive Order No. 9250.

(b) If a wage rate or range of rates for a job classification has not theretofore been established by the employer for the plant involved, the rate or rate range should bear the same relation to rates or ranges of rates for similar classifications in the area as the existing rates or rate ranges in the plant bear to comparable rates or rate ranges in the area: *Provided, however,* That schedules covering new establishments or new departments within existing establishments must be submitted for approval as provided in General Order No. 31.

(a) *General Order No. 6–A.* [Rescinded]

(b) *Interpretation No. 1 of General Order No. 6.* [Rescinded]

Section 81.980g is amended as follows:

§ 81.980g *General Order No. 7.*

General Order No. 7. Since Title VI, section 1 of Executive Order No. 9250, dated October 3, 1942, states that "nothing in this order shall be construed as affecting the present operation of the Fair Labor Standards Act," and since statutes and orders of the duly constituted authorities of the several states fixing minimum rates for certain types of workers carry out the true purposes and intent of the Fair Labor Standards Act, and are designed and intended to eliminate substandards of living within the meaning of section 2 of Title II of Executive Order No. 9250, the National War Labor Board hereby approves increases in wage and salary rates made in compliance with such statutes and orders, *Provided, however,* That, if any changes in such statutes or orders are made or promulgated after April 8, 1943, increases in wage or salary rates directed thereby may not be made without the approval of the Board.

In § 81.980i, section III of General Order No. 9 of the National War Labor Board contained therein is amended as follows:

§ 81.980i *General Order No. 9.* • • •

III. *Salary increases which do not require Board approval.* Subject to the requirements of General Order No. 31, salary adjustments may be made in salary rates of individual employees over which the Board has jurisdiction without the approval of the Board, if they are incident to the application of the terms of a salary agreement which existed previous to or has been approved since October 27, 1942, or incident to an established or approved salary rate schedule and are made as a result of:

(a) Individual promotions or reclassifications

(b) Individual merit increases within established rate ranges

(c) Operation of an established plan of salary increases based on length of service within established rate ranges

(d) Increased productivity under incentive plans

(e) Operation of an apprentice or trainee system, or

(f) Such other reasons, or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations.

Salary adjustments made under this order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

• • • • •

Paragraph (b) is added to § 81.980j as follows:

§ 81.980j *General Order No. 10.* • • •

(b) *Ruling of War Labor Board on payment of bonuses.* On April 2, 1943, the National War Labor Board clarified its position on bonus payments by explaining that a bonus may not be paid without Board approval, if no bonus was paid in the year immediately preceding the proposed payment. The term "preceding bonus year" as used in General Order No. 10 has been interpreted to mean the year, calendar or fiscal, immediately preceding the year, calendar or fiscal, in which it desired to pay a bonus. If no bonus was paid in the year immediately preceding, no bonus may be paid without Board approval.

Section 81.980l is amended as follows:

§ 81.980l *General Order No. 12–B.*

General Order No. 12–B. General Order No. 12 adopted November 12, 1942, was revoked as of December 29, 1942. In its stead the procedures set forth in the Joint Statement of the National War Labor Board and the Commissioner of Internal Revenue, dated December 26, 1942 were adopted as General Order No. 12–A on January 6, 1943. General Order No. 12–A was revoked on May 25, 1943, and in its stead there was adopted, as General Order No. 12–B, the Joint Statement of the National War Labor Board and the Commissioner of Internal Revenue, dated May 25, 1943, and set forth hereinafter.

JOINT STATEMENT OF THE NATIONAL WAR LABOR BOARD AND THE COMMISSIONER OF INTERNAL REVENUE

On November 12, 1942, and December 26, 1942, the National War Labor Board and the Commissioner of Internal Revenue issued joint statements with respect to the procedure to be followed in making adjustments in salaries and wages of state, county, municipal and other non-federal governmental employees. It was stated that Congress in the Act of October 2, 1942, clearly intended that all employers and all employees would be covered by the national stabilization policy, and since millions of public employees are engaged in the same kind of work as private employees, the duty of public employers to conform to that policy is as plain as that of private employers It was also stated that the Joint Committee on Salaries and Wages had been authorized to advise whether particular adjustments were in accordance with the national stabilization policy.

It is presumed that public employers will continue to cooperate as they have in the past and will not make adjustments in wages or salaries which would be in contravention of the national stabilization policy as expressed in Executive Order 9250 of October 3, 1942, and Executive Order 9328 of April 8, 1943, and the Economic Stabilization Director's policy directive of May 12, 1943. Adjustments will continue to be deemed approved without the necessity of filing certificates for the information of the Board or the Commissioner, and adjustments will neither be approved nor disapproved by the National War Labor Board or the Commissioner of Internal Revenue.

The Joint Committee on Salaries and Wages will continue to advise, when requested, as to the national stabilization policy. However, it should be understood that reliable advice relating to the national stabilization policy may also be obtained from the Regional War Labor Boards and the regional offices of the Bureau of Internal Revenue, as well as from the Commissioner of Internal Revenue, in Washington and the National War Labor Board.

On November 25, 1942, the National War Labor Board determined that General Order No. 12, applies to employees of the District of Columbia. It is therefore to be assumed that General Order No. 12–B likewise applies to such employees.

In paragraph (b) of § 81.980n the following Engineers fixed-fee projects are added in their proper sequence as follows:

§ 81.980n *General Order No. 14* • • •

(b) *Government-owned, privately-operated facilities.* • • •

Non-manual employees employed on the following fixed-fee Engineers projects are embraced within the delegation to the War Department Agency.

Engineers projects	Nearest city	State
• • •	•	•
Alterations and additions to existing laundry.	Chatham	Massachusetts.
Alterations and additions to existing laundry.	Falmouth	Massachusetts.
• • •	•	•
Customhouse wharf	Portland	Maine
• • •	•	•

Paragraph (c) is added to § 81.980p as follows:

§ 81.980p *General Order No. 16.* • • •

(c) *Effect of Executive Order No. 9328 on General Order No. 16.* General Order No. 16 has neither been impaired nor amended as a result of Executive Order No. 9328. It remains in full force and effect. (Letters from National War Labor Board Chairman to Secretary of Labor, made public June 4, 1943.)

Section 81.980bb is added as follows:

§ 81.980 bb *General Order No. 31.*

General Order No. 31. The following regulations supplementary to General Orders 5, 6, and 9 relating to wage and salary schedules and to plans for making individual wage and salary adjustments under such schedules are hereby adopted.

I. *Established schedules within the meaning of General Orders 5 and 9—A. Definitions and criteria—1. Specific criteria for all established schedules.* A "schedule" involves job-classification rates or rate ranges and a plan for making individual adjustments within and between such rates or rate ranges.

a. Job-classification rates or rate ranges in existence on May 31, 1943, do not require approval of the National War Labor Board.

(1) Rate ranges consist of clearly designated minimum and maximum rates in existence as of May 31, 1943, for jobs of similar skill and responsibility. (Such minimum and maximum rates are not necessarily the rates actually being paid on May 31, 1943, for particular job classifications. Thus individual minimum or maximum or with-in-grade rates may be "vacant" at any given time. Nor are the established minimum and maximum rates for any given job classification necessarily determined by the fact that for special reasons particular employees may be receiving less than the minimum or more than the maximum rate. Save as exceptional cases may be brought to the Board's attention, no rate range exists (a) where the employer customarily pays single rates for particular job classifications, or (b) where jobs are remunerated on a piece-rate method of wage payment.)

b. A *plan* for making individual adjustments within and between rate ranges which was in existence on May 31, 1943, does not require Board approval if

(1) It is contained in a collective bargaining agreement in existence on May 31, 1943; or

(2) It conforms to the employer's practice prior to October 27, 1942, as demonstrated by (a) a plan formally communicated to the employees; or (b) the employer's payroll records; or

(3) It was specifically approved by the National War Labor Board or any of its authorized agents or agencies; or

(4) It includes one or more of the following methods and conforms to the appropriate standards set forth under each:

(a) *Merit increases.* (These increases may be made only within rate ranges)

i. These are individual wage or salary rate adjustments made as a reward for superior quantity and/or quality of work or service.

ii. No employee may receive more than two merit increases during any calendar year.

iii. Except in cases where there have been substantial fluctuations in employment, no more than 50 percent of the average number of employees in a job classification may receive merit increases during any calendar year.

iv. No merit increase may exceed 33⅓ percent of the difference between the minimum and maximum rates of the appropriate range.

(b) *Automatic length of service increases.* (These increases may be made only within rate ranges)

i. These are individual adjustments usually made automatically at the end of specified periods of satisfactory service.

ii. Frequency of adjustment may not exceed four times in any calendar year.

iii. Amount of adjustment may not exceed 25 percent of the difference between the minimum and maximum rates of the appropriate range.

(c) *Promotions or reclassifications.* (These adjustments may be made between single-rate jobs as well as between jobs which bear rate ranges)

i. These are individual adjustments which result from moving an employee into a different job classification.

ii. When promoted or reclassified to a higher-rated job, an employee may receive a rate not in excess of 15 percent above his rate on his former job or the minimum rate for the new job, whichever is higher: *Provided, however,* That where an employee has special ability and experience, he may be paid a rate within the appropriate range corresponding to such ability and experience.

(d) *Apprentice or trainee system.* (Under these systems, adjustments may be made with respect to jobs which bear single rates as well as with respect to jobs which bear rate ranges.)

i. These are individual rate adjustments resulting from improvement, over specified periods of time, in the productive abilities of apprentices or trainees who are employed under a bona fide apprentice or trainee plan as defined below.

ii. Apprenticeship plans—with respect to length of apprenticeship period; proportion of number of apprentices to number of journeymen; and relation of apprentice wage rate at various periods to journeymen wage rate—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

iii. Learner or trainee plans—with respect to length of learning period; proportion of number of learners to number of experienced workmen in a given job classification; and relation of learner or beginner rate to the rate paid experienced workmen—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

iv. Nothing in this section precludes the reexamination or modification of existing apprentice or trainee programs in the interest of greater production for the war effort.

2. General criteria for all established schedules. a. Each job classification must be clearly defined and described.

b. Except where there has been a substantial fluctuation in employment, proportionate distribution of employees within and among rate ranges must remain substantially the same from quarter-year to quarter-year.

c. No appreciable increase in the level of production costs may result from individual rate adjustments.

B. *Records.* Any employer who makes individual wage or salary rate adjustments pursuant to an established schedule must hereafter keep the following records available in his establishment(s) for a period of two years:

1. The rate or range of rates for each job classification.

2. The description of each job classification

3. A statement of the plan of making adjustments within the rate ranges and between the rates or rate ranges.

4. The date when the schedule was established.

5. For each job classification in which merit increases have been made, the number of employees in each such job classification during the payroll period when adjustments were made.

6. With respect to each employee who received an adjustment:

a. Name of employee

b. Date on which employee was hired

c. For each adjustment given to the employees:

(1) Date of adjustment

(2) Job classification prior to and after the adjustment

(3) Rate of pay prior to and after the adjustment

(4) Reason for adjustment.

No particular order or form is prescribed for these records, provided that the information required is easily obtainable.

II. *New schedules.* A. All wage or salary rate schedules which are not exempt from the requirement of Board approval under (I) above must be submitted for approval to the appropriate Regional War Labor Board. Pending final action by the Board, individual rate adjustments may be made in accordance with the criteria set forth under (I) above.

B. *Requirements for obtaining approval—1. Rate ranges.* (Where ranges are desired for the purpose of making individual merit or length-of-service increases.)

a. *Existing establishments.*—(1) The minimum rate for each job classification shall be fixed at (a) the minimum rate prevailing in the plant or establishment for each job classification or (b) at a level not exceeding the minimum of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market, whichever is higher; provided, however, that in rare and unusual cases where the critical needs of war production require, a higher minimum rate may be set.

(2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.

b. *New establishments or new departments in existing establishments.* (1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary, in the case of new departments, to maintain internal balance of the rate structure, the minimum rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.

(2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.

2. Single rates (where single rates are desired for making promotions or reclassifications or for making individual rate adjustments under apprentice or trainee plans).

a. *Existing establishments.* (1) A reclassification of single rates for existing establishments, may, if designed to bring about a more harmonious and appropriate relationship of rates within an establishment, be approved where it will not appreciably affect the level of production costs or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.

b. *New establishments or new departments in existing establishments.* (1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary, in the case of new departments, to maintain internal balance of the rate structure, the rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.

3. Plans for making adjustments between rates or within and between rate ranges (existing establishments or new establishments and departments). A proposed plan for making individual adjustments within and between rate ranges should contain the following information with respect to one or more of the methods outlined below. The plan should also indicate to what extent the adjustments to be made thereunder will affect the proportionate distribution of employees within and among the rates or rate ranges, and to what extent production costs will be increased thereby. The plans so submitted need not necessarily conform to the criteria set forth in (I) above.

a. *Merit increases.* (1) The number of increases within the appropriate range to be given to any employee during the calendar year.

(2) The percentage of the number of employees in each job classification who will receive increases during the calendar year.

(3) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases to be given in each job classification.

b. *Automatic length of service increases.* (1) How frequently such increases are to be given during the calendar year.

(2) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases which are to be given in each job classification.

c. *Promotions or reclassifications.* (1) The rate to be paid upon promotion or reclassification to a higher-rated job (whether the minimum rate called for by the new job, or a rate in excess of such minimum).

(2) If a rate in excess of the minimum called for by the new job is to be paid, the criteria that will determine the rate should be described (i. e. special skill and experience, other unusual qualifications, etc.).

d. *Apprentice or trainee systems.* (1) How does the plan conform to the standards set forth in appropriate collective bargaining agreements or in appropriate regulations of federal or state agencies with respect to the following items: length of apprenticeship or learner period; proportion of number of apprentices or learners to number of experienced workmen in a given job classification; relation of apprentice or learner rate at various periods to the rate paid experienced workmen?

C. Any employer who makes individual wage or salary adjustment pursuant to an approved schedule must keep in his establishment(s) for a period of two years the records listed in (I).

III. Any employer who wishes to change one or more provisions of his established or approved wage or salary rate schedules may obtain consideration of such proposed change from the appropriate Regional War Labor Board without the necessity of having his entire schedule approved or reapproved.

IV. If there is a duly recognized or certified labor organization which represents any or all of the employees included in a proposed schedule or in a proposed change in any existing schedule, approval must be jointly requested by the employer and such labor organization. But if agreement on any point can not be reached, the parties may jointly submit the issues to the appropriate Regional War Labor Board for determination or may ask the Regional Board to refer the matter to the National War Labor Board for determination. Failing joint submissions, the matter will be treated as a dispute case.

V. Where an application includes more than one establishment, it shall set forth separately a schedule for each establishment, or for groups of similar establishments.

VI. Companies having establishments in more than one Region may apply for approval of schedules, where approval is necessary, in each of the Regions where the establishments are located or in the Region in which is located the company office at which the schedules are determined. In the latter case, the Regional Board may, if it considers that the application warrants national consideration, refer it to the National War Labor Board.

Section 81.983d is added as follows:

§ 81.983d *Procedure under Executive Order 9250.* (a) When probable noncompliance on the part of a prime contractor with Executive Order 9250 or the regulations is discovered by or brought to the attention of the technical services, such agency should inform each such prime contractor of the apparent violation and advise him to bring his practices in compliance with the provisions of the Executive Order and the regulations.

(b) The technical services should report apparent violations of Executive Order 9250 to the Labor Branch, Industrial Personnel Division, Headquarters, Army Service Forces, Washington, D. C., their reports should include the following information:

(1) Name and address of contractor.

(2) Date, number and place of performance of contract.

(3) Résumé of facts constituting alleged violations including approved wage rates, by whom approved, wages actually paid, names or designations of persons paid, dates of alleged improper payments, and name of party making payments if other than contractor.

(4) The Regional War Labor Board or other agency which has jurisdiction over approval of wage rates in the case.

(c) Each probable violation reported to the Labor Branch, Industrial Personnel Division, will be taken up with the appropriate Government agency authorized, under Executive Order 9250 and the regulations issued thereunder, to determine whether a violation has, in fact, occurred, the extent of the violation and the corrective action to be taken.

(d) When the technical services have made such report of a probable violation, no further action is required of them until they are specifically directed by the Labor Branch of the Industrial Personnel Division to withhold payments or

take other action in a particular case. If the contractor is found, by the appropriate Government agency, to have violated Executive Order 9250 or the regulations, specific instructions will be issued through the Labor Branch, Industrial Personnel Division, to the technical service.

(e) Final determinations of violations are in all cases to be made by the National War Labor Board or other wage agency named in the regulations. The technical services are not required or authorized to make the determination, in the first instance, that the prime contractor is guilty of violation of the Order and regulations. Agencies of the War Department are not required to conduct audits, investigations, or payroll reviews merely for the purpose of ascertaining whether or not contractors have complied with the Order and regulations.

(f) All responsibilities which the technical services had prior to issuance of Executive Order 9250 on this regulation with respect to reimbursement of contractors in accordance with other laws and regulations are in no way affected by this regulation.

EMPLOYMENT OF ALIENS

Section 81.990 is added as follows:

§ 81.990 *Joint statement on employment of aliens*—(a) *Statement.* Under date of June 7, 1943, the Secretary of War, the Attorney General, the Secretary of the Navy and the Chairman of the Maritime Commission issued a joint statement on the employment of aliens. This statement reads as follows:

I. *Introductory statement.* 1. The protection of the war effort against espionage, sabotage, and subversive activities is paramount to all other considerations. The Departments of War, Justice and Navy, and the Maritime Commission, recognize clearly the importance of meeting to the fullest possible extent the expanding military and industrial demands for manpower. The governmental agencies herein named are, therefore, making this joint statement with respect to the national policy to the end that the available manpower may be utilized by contractors and sub-contractors to the maximum degree consistent with the paramount importance of internal security.

2. The granting of full employment opportunities to all loyal and qualified workers irrespective of national origin or citizenship is urged upon and expected of all contractors and sub-contractors of the government agencies herein named. The applicable national policy was clearly stated by the President in his statement of July 11, 1942, in which he said:

"Persons should not hereafter be refused employment, or persons at present employed discharged, solely on the basis of the fact that they are aliens or that they were formerly nationals of any particular foreign country. A general condemnation of any group or class of persons is unfair and dangerous to the war effort. The Federal Government is taking the necessary steps to guard against, and punish, any subversive acts by disloyal persons, citizens as well as aliens."

3. The policy and procedure herein outlined apply to the employment of aliens by Government contractors and sub-contractors within the continental United States. Special regulations apply to the employment of aliens on shipboard and in territories outside of the continental United States.

II. *Permission to employ an alien is required in only two classes of cases.* 4. Contractors and sub-contractors are required to obtain the written consent of the head of the Government department concerned, before employing aliens under the following conditions only:

(a) *Aeronautical contracts:* Written consent is required before an alien employee may be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials under contracts involving aircraft, aircraft parts, or aeronautical accessories for the United States.

(b) *Classified contracts:* Written consent is required before aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials.

5. War and Navy Department and Maritime Commission contractors and sub-contractors may employ aliens as freely as American citizens except under the specific conditions specified in paragraph 4, (a) and (b), above.

III. *Application of anti-discrimination clause.* 6. Pursuant to Executive Order No. 8802, dated June 25, 1941, an anti-discrimination clause (sometimes called "non-discrimination" clause) has been included in all War and Navy Department and Maritime Commission contracts entered into since June 25, 1941. This clause requires the granting of full employment opportunities to all loyal and qualified workers regardless of race, creed, color, or national origin. This clause is intended to apply equally to citizens and non-citizens. For contractors or sub-contractors of the War or Navy Departments, or of the Maritime Commission to require American citizenship as an essential condition for employment is considered for employment is considered a breach of the clause in the contract and is contrary to the national policy as expressed in the Executive Order.

7. Even on aeronautical and classified contracts, if a qualified applicant whose services the contractor needs is an alien whose loyalty to the United States the contractor has no reason to doubt, the contractor is obligated to cooperate with the applicant in applying for consent to his employment. Failure to request consent for the employment of, or to employ such an alien upon securing consent, if except for his alien status he would have been employed, constitutes a breach of the anti-discrimination clause of the contract and is contrary to national policy as expressed in the Executive Order. If a contractor refuses employment to a qualified and authorized alien worker, he should be prepared to present specific and sufficient reasons to avoid a charge of discrimination.

8. In no case, except those in which an individual alien is denied employment by the specific action of the War or Navy Departments or the Maritime Commission, is a contractor justified in informing an applicant that he is being refused employment because of Government regulations. The same considerations apply to removal from employment.

IV. *Procedure for requesting consent to employ aliens for work on aeronautical or classified contracts.* 9. In order to obtain consent of the Head of the Government Department concerned, for the employment of an alien on an aeronautical or classified contract, the alien and the contractor are required to fill out their respective parts of an Alien Questionnaire form. The procedure in this connection is as follows:

(a) The alien may go to the nearest office of the United States Employment Service, which will furnish him with the application form and will assist him in filling out his portion of the Questionnaire. However, if the contractor has forms and office facilities conveniently available, the alien may go directly to the contractor's plant and may there fill out his portion of the questionnaire. The Plant Security Officer is instructed to furnish to contractors the Alien Questionnaire forms. However, the form may also be secured from the local office of the United States Employment Service.

(b) When the alien's portion of the Questionnaire has been completed, the form will then be submitted to the employer who will fill out his portion of the Questionnaire. Insofar as possible, statements made by the contractor or reported by him, regarding the loyalty of the alien, should be factual rather than simply expressions of opinion.

(c) When the contractor has completed the Alien Questionnaire (seven copies), he will retain one copy and will deliver the others to the plant security officer. This officer will retain one copy and will forward the others to the authorized representative of the head of the department concerned.

(d) This representative, after full investigation of the loyalty of the alien applicant makes his recommendation, pursuant to which the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission grant or deny consent to employ the alien. Notice of such action is sent directly to the contractor. In the normal case, the employer should receive a decision on his request within less than two weeks from the date the application is filed with the plant security officer.

V. *Significance of, and appeals from denial of consent.* 10. The denial of consent does not necessarily indicate a decision that the alien concerned has disloyal tendencies, but may merely mean that his loyalty to the United States has not yet been positively proved.

11. If consent is denied, the contractor should promptly so inform the alien applicant, and at the same time advise him as to possible reconsideration.

12. Reconsideration of a denial of consent may be requested by either the alien or the contractor and additional evidence of loyalty, and letters of recommendation, may be sent direct to the Office of the Provost Marshal General.

13. Aliens whose applications for employment on aeronautical or classified contracts have been denied by the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, should be directed to the United States Employment Service for referral to other work.

VI. *No penalties apply if consent is obtained before employing aliens on aeronautical and classified contracts.* 14. Some contractors and sub-contractors have hesitated to employ aliens because of a lack of clear understanding of the statutory restrictions, and concern as to the penalty for violation thereof. It is repeated and emphasized that the only restrictions are those set forth in paragraph 4 above, and that an employer is not subject to any penalty if, in good faith, he obtains the written consent of the head of the Government department concerned before an alien is permitted to have access to the work, plans, or trials under aeronautical or classified contracts.

VII. *Responsibilities for plant security.* 15. The contractor is responsible for the protection of the plant against all persons who might endanger its security, regardless of their citizenship. Contractors will comply with detailed regulations concerning plant security issued from time to time by the War and Navy Departments and the Maritime Commission, including:

(a) Complying with the provisions of their contracts respecting the safeguarding of all plans and specifications and all work under these contracts.

(b) In any case and at any time where there is a definite indication that an employee is subversive or engaged in subversive activities, no investigation will be conducted by the employer, but the facts will be furnished to the Federal Bureau of Investigation for appropriate consideration. (Employees have the same duty of reporting in this regard as have employers.)

VIII. *Prior statements and contract provisions.* 16. This joint statement is applicable with equal force to the employment of aliens under all existing contracts. If any clause of any existing contract prescribes greater restrictions on the employment of aliens than are hereby required or permitted, the Government will waive compliance with such clause, to the extent that it conflicts with this Statement.

17. All previous statements of the Departments of War, Navy, Justice, and the Maritime Commission with respect to the policy and procedure in connection with the employment of aliens, are hereby superseded insofar as they may be inconsistent with any statements contained herein.

HENRY L. STIMSON,
Secretary of War.
FRANCIS BIDDLE,
Attorney General.
FRANK KNOX,
Secretary of the Navy.
E. S. LAND,
Chairman, U. S. Maritime Comm.

(b) *Procedure.* It is to be noted that under Article IV of the Joint Statement set forth in paragraph (a) of this section, it is contemplated that the Alien Questionnaire, when completed, will be delivered to the plant security officer. If, at a given plant, there is no plant security officer, the questionnaire should be delivered to the Director of Internal Security at the Headquarters of the Service Command within the limits of which the plant is located.

MISCELLANEOUS PURCHASE INSTRUCTIONS

Section 81.1187 is added as follows:

§ 81.1187 *Restrictions on purchases of selected items for the duration of the war.* Circular No. 420 issued by the Director, Bureau of the Budget, under date of May 21, 1943, provides as follows:

TO THE HEADS OF EXECUTIVE DEPARTMENTS, INDEPENDENT ESTABLISHMENTS AND AGENCIES

Subject: Restrictions on Purchases of Selected Items for the Duration of the War.

The necessity for maximum curtailment of expenditures by all agencies, and the scarcity of materials used in the manufacture of numerous office equipment and supply items, require immediate administrative action to limit the purchase of luxury and nonessential items.

The head of each Government agency is hereby requested to issue instructions to all offices under his jurisdiction, prohibiting, for the duration of the war, the purchase in the commercial market of the following list of items, as well as any additional items which he may choose to add.

1. All items of steel furniture, such as desks, tables, chairs, stands, file cabinets, supply cabinets, wardrobes, costumers, coat racks, etc.
2. All items of leather upholstered furniture such as chairs, davenports, etc.
3. Baskets, waste, metal
4. Book ends
5. Calendar pads and stands, other than standard Government specification, as furnished from Procurement stock or from the General Schedule of Supplies
6. Carafes and carafe sets
7. Carpets
8. Cases, brief, leather
9. Clocks
10. Cushions, chair, rubber, cork, or from similar critical material.
11. Cuspidors.
12. Desks (over $100)
13. Frames, picture (except frames for maps or charts)
14. Guards, telephone wire or coil
15. Lamps, desk and floor
16. Letter openers, metal
17. Mats, chair, from rubber or similar critical material
18. "Memo-pal" or similar metal roller-type memo pads
19. Mirrors
20. Pens, fountain, desk sets (over $2.00)
21. Plate glass tops for desks, tables, etc.
22. Rugs
23. Shears
24. Stands, smoking
25. Tables (over 96 inches)
26. Trays, ash
27. Trays, desk, metal
28. Work organizers, leather

Many of the items listed above will be available from time to time from Federal surplus property stocks and may be obtained from that source by filing Purchase Authority with the appropriate Regional Property Officer of Treasury Procurement. [See § 81.613 and following].

In the event any of the items listed herein are found to be absolutely necessary for operation and unavailable from surplus stores of the Procurement Division, requests for purchase in the commercial market should be submitted to the head of the agency for advance approval.

Instances have been reported where agencies, especially through their field offices, have ignored War Production Board priority regulations and purchased such items as stapling machines, staples, gem clips, rubberbands, twine, etc., in local markets at exorbitant prices. Any steps necessary should be taken to prevent such purchases.

It will be appreciated if three copies of instructions issued pursuant to this circular are forwarded to the Equipment and Supply Section, Estimates Division, Bureau of the Budget, upon issue.

HAROLD D. SMITH,
Director.

The purchase of the items referred to in the above circular is prohibited for the duration of the war except in accordance with the provisions of said circular.

Section 81.1307 is amended to read as follows:

§ 81.1307 *W. D. Contract Form No. 7.*

W. D. Contract Form No. 7.

LETTER ORDER FOR SUPPLIES

(No priced stated)

Contract No. _____
(Negotiated)
Date _____
Place _____
_____
(Contractor)
_____
(Address)

GENTLEMEN:

1. An order is hereby placed with you for the manufacture and delivery to the Government of the following supplies:

_____
_____
_____

2. You are directed, upon your acceptance of this order, to proceed immediately to procure the necessary equipment and materials, and to commence the manufacture of the supplies called for in paragraph 1, and to pursue such work with all diligence to the end that the supplies may be delivered to the Government at the earliest practicable date.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal Law, Executive Order, or War Department Procurement Regulations to be included in contracts for supplies of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 1[1] and will include all applicable articles then required by Federal Law, Executive Order and War Department Procurement Regulations to be included in contracts for supplies of the kind herein described. The definitive contract will also contain a detailed delivery schedule and prices, terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order, subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($ _____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ Dollars ($_____) in the aggregate.

[1] With appropriate modifications, this letter order may also be used where the definitive contract is to be written on a fixed-price contract form for supplies other than W. D. Contract Form No. 1.

6. (a) In case a definitive contract is not executed by _____, 19____ (or any subsequent date at any time mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree upon a negotiated settlement on reasonable terms of the amount to be paid by reason of such termination (but no allowance of profit will be made to you *in case of termination pursuant to paragraph 6 (a)*).[2] Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of payments previously made) to reimburse you for the costs incurred by you in the performance of this order and for any amounts paid by you or for your account in settling withe the approval of the Contracting Officer your applications for commitments made in the performance of this order. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. The total of such reimbursement (and of all payments previously made), together with the amount of any obligations assumed, shall not exceed the amount above specified.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you. If termination shall take place for the convenience of the Government pursuant to paragraph 6 (a) of this order, such allowance of profit will be made to you with respect to the work done by you prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances.[2]

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, completed supplies, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, completed supplies, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a profit in the event of a termination for the convenience of the Government) will be treated and resolved as a dispute under the "Disputes" article[3] incorporated in this order by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same:

_____

9. Your acceptance of this order will be indicated by affixing your signature to this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____, 194__. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

UNITED STATES OF AMERICA,

By _____

[CORPORATE SEAL]

_____

(Official title)

Accepted _____, 19____

_____

(Contractor)

By _____

(Title)

_____

(Address)

Section 81.1308 is amended to read as follows:

§ 81.1308 *W. D. Contract Form No. 8.*

W. D. Contract Form No. 8

LETTER ORDER FOR SUPPLIES

(Price stated)

Contract No. _____

(Negotiated)

Date _____

Place _____

_____

(Contractor)

_____

(Address)

GENTLEMEN:

1. An order is hereby placed with you for _____ at a unit price of

(quantity and item)

_____ dollars ($_____).

2. Deliveries on this order shall begin on or about _____, 19____, and shall be completed on or before _____ 19____. Pending execution of a definitive contract, payment will be made at the price above mentioned for each item of supplies delivered and accepted, upon the submission of properly certified invoices or vouchers.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal law, Executive Order, or War Department Procurement Regulations to be included in contracts for supplies of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 1[4] and will include all applicable articles then required by Federal law, Executive Order and War Department Procurement Regulations to be included in contracts for supplies of the kind herein described. The definitive contract will also contain a detailed delivery schedule and prices, terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order, subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($_____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ Dollars ($_____) in the aggregate.

6. (a) In case a definitive contract is not executed by _____ 19_____ (or any subsequent date at any time mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree upon a negotiated settlement on reasonable terms of the amount to be paid by reason of such termination (but no allowance of profit will be made to you in case of termination *pursuant to paragraph 6 (a)*,[5] except to the extent that the unit price for completed supplies may include a profit). Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of payments previously made):

(1) To pay you the unit price above specified for all completed supplies;

(2) To reimburse you for the costs incurred by you with respect to the uncompleted portion of this order and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments with respect to such uncompleted portion of this order. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments with respect to the uncompleted portion of this order, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you (except as the payment of the unit price for completed supplies may include a profit). If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of profit (in addition to any profit included in paying the unit price for completed supplies) will be made to you with respect to the work done by you on uncompleted supplies prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances.[5]

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, completed supplies, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon repayment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, completed supplies, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (*including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a profit in the event of a termination for the convenience of the Government*)[3] will be treated and resolved as a dispute under the "Disputes" article[3] incorporated in this order by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same:

_____

9. Your acceptance of this order will be indicated by affixing your signature on this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____, 19__. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

[CORPORATE SEAL]

UNITED STATES OF AMERICA,

By _____

_____

(Official Title)

Accepted _____, 19____

_____

(Contractor)

By _____

(Title)

_____

(Address)

Section 81.1309 is amended to read as follows:

§ 81.1309 *W. D. Contract Form No. 9.*

LETTER ORDER

(For Cost Plus a Fixed Fee Construction)

Contract No. _____

(Negotiated)

Date _____

Place _____

_____

(Contractor)

_____

(Address)

GENTLEMEN:

1. An order is hereby placed with you to furnish the equipment and materials (except such as are furnished by the Government) and perform the work necessary for the construction and completion of: _____

_____

_____

_____

The cost of the project is now estimated to be _____ Dollars ($_____), exclusive of any fee to you.

2. The work shall be started immediately upon your acceptance hereof and shall be completed within _____ months thereafter. Your acceptance hereof shall operate as a notice to you to proceed.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal law, Executive Order, or War Department Procurement Regulations to be included in contracts for work of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 3[1] and will include all applicable articles then required by Federal law, Executive Order and War Department Procurement Regulations to be included in contracts for work of the kind herein described. The definitive contract will also contain detailed terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($_____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ Dollars ($_____) in the aggregate. Subject to the foregoing limitations, reimbursements will be made to you in the manner described and for the items set forth in War Department Contract Form No. 3 as reimbursable items when approved or ratified by the Contracting Officer.

6. (a) In case a definitive contract is not executed by _____, 19____ (or any subsequent date at any time mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination..

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree upon a negotiated settlement on reasonable terms of the amount to be paid by reason of such termination (but no allowance of profit will be made to you *in case of termination pursuant to*

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[1] With appropriate modifications, this letter order may also be used where the definitive contract is to be written on W. D. Contract Form No. 4 or 12.

[2] The italicized words will be omitted where existing letter orders and letters of intent are amended to contain the standard termination provisions as authorized by subparagraph (2) of § 81.386a (a). The italicized words will be included in new letter orders and letters of intent only in compliance with § 81.303a (a).

[3] Where the letter order is for an amount less than $5,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 81.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 81.326 or that contained in General Provision 11 of W.D. Contract Form No. 17 (§ 81.1317).

[4] With appropriate modifications, this letter order may also be used where the definitive contract is to be written on a fixed-price contract form for supplies other than W. D. Contract Form No. 1.

[5] The italicized words will be omitted where existing letter orders and letters of intent are amended to contain the standard termination provisions as authorized by subparagraph (2) of § 81.386a (a). The italicized words will be included in new letter orders and letters of intent only in compliance with § 81.303a (a).

paragraph 6 (a).[2] Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of payments previously made) to reimburse you for the costs incurred by you in the performance of this order and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligation for commitments made in the performance of this order. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. The total of such reimbursement (and of all payments previously made), together with the amount of any obligations assumed, shall not exceed the amount above specified.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you. If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of a fee will be made to you with respect to the work done by you prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances; but such fee shall in no event exceed ____ per cent (____%) of so much of the estimated cost set forth in paragraph 1 as is allocable to such work.[2]

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (*including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a fee in the event of a termination for the convenience of the Government*)[2] will be treated and resolved as a dispute under the "Disputes" article incorporated in this order by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same

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9. Your acceptance of this order will be indicated by affixing your signature on this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than ____, 19____. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

UNITED STATES OF AMERICA,

[CORPORATE SEAL] By _____
(Official Title)

Accepted _____, 19____.
_____
(Contractor)

By _____
(Title)

_____
(Address)

Section 81.1310 is amended to read as follows:

§ 81.1310 *W. D. Contract Form No. 10.*

LETTER ORDER FOR LUMP SUM CONSTRUCTION

Contract No. _____
(Negotiated)

Date _____

Place _____

_____
(Contractor)

_____
(Address)

GENTLEMEN:

1. An order is hereby placed with you to furnish the equipment and materials and perform the work necessary for the construction and completion of:

---

2. The work shall be started immediately upon your acceptance hereof and shall be completed within ____ months thereafter. Your acceptance hereof shall operate as a notice to you to proceed.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal law, Executive Order, or War Department Procurement Regulations to be included in contracts for work of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 2[1] and will include all applicable articles then required by Federal law, Executive Order and War Department Procurement Regulations to be included in contracts for work of the kind herein described. The definitive contract will also contain detailed terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5 Pending the execution of a definitive contract, each expenditure, order, subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($_____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ ($_____) in the aggregate.

6. (a) In case a definitive contract is not executed by _____, 19____ (or any subsequent date mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree upon a negotiated settlement on reasonable terms of the amount to be paid by reason of such termination (but no allowance of profit will be made to you *in case of termination pursuant to paragraph 6 (a)*).[2] Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of any payments previously made) to reimburse you for the cost incurred by you in the performance of the order and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. In lieu of reimbursing you for the expenditures made by you in settling any of your obligations for commitments, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. The total of such reimbursement (and of all payments previously made), together with the amount of any obligations assumed, shall not exceed the amount above specified.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you. If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of profit will be made to you with respect to the work done by you prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances.[2]

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (*including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a profit in the event of a termination for the convenience of the Government*)[2] will be treated and resolved as a dispute under the "Disputes" article incorporated in this order by reference.[3]

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same: _____

9. Your acceptance of this order will be indicated by affixing your signature on this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____, 19____. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

UNITED STATES OF AMERICA,

By _____
_____
(Official Title)
(Corporate Seal)

Accepted _____, 19____
_____
(Contractor)
_____
(Title)
_____
(Address)

In § 81.1317, paragraphs (1) and (2) of explanatory notes at beginning of section are amended as follows:

[2] Where the letter order is for an amount less than $5,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 of 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 81.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 81.326 or that contained in General Provisions 11 of W. D. Contract Form No. 17 (§ 81.1317).

[2] The italicized words will be omitted where existing letter orders and letters of intent are amended to contain the standard termination provisions as authorized by subparagraph (2) of § 81.386a (a). The italicized words will be included in new letter orders and letters of intent only in compliance with § 81.303a (a).

[1] With appropriate modifications, this Letter Order may also be used where the definitive contract is to be written on W. D. Contract Form No. 16.

[2] The italicized words will be omitted where existing letter orders and letters of intent are amended to contain the standard termination provisions as authorized by subparagraph (2) of § 81.386a (a). The italicized words will be included in new letter orders and letters of intent only in compliance with § 81.303a (a).

[3] Where the letter order is for an amount less than $5,000, the "Disputes" articles will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 81.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in §81.326 or that contained in General Provision 11 of W. D. Contract Form No. 17 (§ 81.1317).

§ 81.1317 *W. D. Contract Form No. 17 (W. D. Forms Nos. 47 and 47a).*

EXPLANATORY NOTES: (1) W. D. Contract Form No. 17, comprising War Department Forms Nos. 47 and 47a, is available for *optional* use by the technical services (including the service commands) in contracting for *any* supplies or services not exceeding *$500,000* in amount, regardless of the number of payments or the time of performance involved.

(2) Subject to the $500,000 limitation, the chiefs of the technical services (including the commanding generals of the service commands) may prescribe regulations governing the use of the form by their respective commands.

* * * * *

PART 83—DISPOSITION OF SURPLUS AND UNSERVICEABLE PROPERTY

DISPOSITION OF PROPERTY

§ 83.701 *Rescission of regulation.* This Procurement Regulation No. 7 does not rescind, amend, or otherwise affect the provisions of Technical Manual 38–220 or other Directives concerning stock control for military property. All other regulations and instructions inconsistent herewith are hereby rescinded. This Procurement Regulation No. 7 does not, however, rescind or in any way supersede any other Army Regulations or manuals of procedure dealing with the disposition of property except to the extent of any inconsistency with the provisions hereof.

§ 83.702 *Property defined.* The term "property" as hereinafter used in this Procurement Regulation No. 7 means all property, title to which is in the Government, other than real property. This disposition of real property is governed by AR 100–62 (§§ 52.5–52.16) and 100–63: This Procurement Regulation No. 7 is not applicable to property not owned by the Government which is in the hands of a contractor under a contract in process of termination, but the general principles stated in § 83.702 are equally applicable to such property.

§ 83.703 *Classification of property.* The following classifications of property owned by the United States and under the control of the War Department are established for the purpose of this Procurement Regulation No. 7.

(a) All property is divided into military property and non-military property.

(b) Military property consists of all supplies and equipment held for issue or issued, to or for troops, military posts within the United States, and theaters of operation; and includes tactical supplies and equipment, subsistence items, and property required by tables of allowances, tables of basic allowances, and tables of equipment.

(c) Non-military property is all property other than military property. Non-military property is in turn divided into industrial property and miscellaneous property.

(1) Industrial property is all equipment and materials which are used or usable, directly or indirectly in manufacturing or processing activities, other than military property. Industrial property includes machine tool equipment; processing equipment; construction equipment of all kinds; perishable tools, gages and precision measuring equipment; plant protective equipment and clothing; manufacturing aids; buildings, fixtures and appurtenances when severed from realty; raw materials, partly fabricated materials, completely processed or fabricated materials; scrap, cuttings and by-products of all kinds and forms resulting directly or indirectly from manufacturing operations; and all other equipment, assemblies and subassemblies, materials and by-products of industrial operations; which may be used directly or indirectly in manufacturing activities: *Provided*, That no articles of military property and no article specifically listed as miscellaneous property in subparagraph (2) below shall be classified or treated as industrial property within the meaning of this paragraph.

(2) Miscellaneous property is all non-military property other than industrial property. Miscellaneous property includes, but is not limited to, all automotive vehicles and equipment, typewriters, office machinery and equipment, office furniture and fixtures, electrical building materials, plumbing and heating materials, and agricultural equipment, that art not classified as military property under paragraph (b) of this section.

(d) All property is classified in respect of degree of serviceability as serviceable and unserviceable.

(e) Serviceable property is property which is suitable for use in its existing condition.

(f) Unserviceable property is property which is unsuitable for use in its existing condition, and scrap and waste. Unserviceable property is divided into repairable property and non-repairable property.

(1) Repairable property is unserviceable property which can in the best interests of the Government be mended or restored to serviceability. This Procurement Regulation No. 7 does not relate to the repair or reclamation of Government property, which is governed by Circular 75, War Department, 1943, and Pamphlet No. 38–1, War Department, 1943.

(2) Nonrepairable property is unserviceable property which cannot in the best interests of the Government be mended or restored to serviceability, and scrap and waste. Nonrepairable property includes, but is not limited to obsolete property and also any industrial equipment, components and assemblies (whether partially or completely fabricated, processed or assembled) for which there is no reasonable use except as scrap.

(g) All serviceable property is classified in respect of state of supply as authorized, excess and surplus.

(1) Authorized is, in the case of military property, the maximum stock level authorized for a particular organization, supply point, or technical service, and, in the case of non-military property, the amount for which there is an immediate or definitely foreseeable need for use in the function, activity, and

project or industrial operation in connection with which the property was acquired or accrued.

(2) Excess is any amount above the authorized amount.

(3) Surplus is an amount declared by competent authority to be, or deemed to be, above the amount for which there is an immediate or definitely foreseeable need for use in the War Department in accordance with the provisions of this Procurement Regulation No. 7.

§ 83.704 *Negotiation.* The term "negotiation" as used in this Procurement Regulation No. 7 means any method of reaching an agreement on the terms of sale except the formal sealed bid procedure contemplated by section 3709 Revised Statutes with respect to purchases. (There is no statutory requirement for such procedure in the case of sales of government property. See Opinions of the Judge Advocate General dated March 19, 1941, SPJGC 1941, 163, and March 30, 1943, SPJGC, 1943, 3449).

§ 83.705 *Disposition of proceeds of sale.* The subject of disposition of the proceeds of sales of property (other than Government property being used by or in the care custody or possession of contractors under cost-plus-a-fixed-fee contracts which is dealt with in § 83.727) is not covered by this Procument Regulation No. 7. Reference is made to AR 35–780 and AR 35–6660.

§ 83.706 *Written contracts of sale, numbering and distribution thereof.* All contracts for the sale of property for an amount in excess of $1,000 and all contracts for more than $500 which are not to be performed within sixty days, and all contracts authorized under §§ 83.721, 83.722, 83.723 (a), or 83.724 shall be evidenced by a written contract. Unless otherwise prescribed by the chief of the technical service concerned, all other sales may be evidenced on an accounting form acceptable to the Fiscal Director, Headquarters, Army Service Forces, who shall in this respect be deemed to be acting as representative of the Secretary of War. The provisions of § 81.309 and of § 81.318b (e) of this chapter relating to the numbering of contracts are applicable to contracts for the sale of property except that in connection with such contracts a separate series of numbers will be used in which the letter "s" will be added immediately after the letters representing the technical service (or service command) concerned. Contracts for the sale of property will be distributed in the same manner as other contracts (see §§ 81.315–81.318), except that (1) when a sale of War Department property is made under a contract or agreement the officer or agent of the War Department by whom funds are received as a result thereof will, in turning the funds over to a disbursing officer, accompany such remittance with a copy of the contract or agreement covering the terms of the sale; and (2) the original signed number of each unnumbered contract of sale will be forwarded through channels to the General Accounting Office instead of being sent to the Finance Officer, as in the case of unnumbered contracts of purchase.

§ 83.707 *Compliance with OPA and WPB regulations.* All sales or other transfers (except transfers within the Government) of property made under the authority of this Procureemnt Regulation No. 7 or otherwise shall conform to applicable orders and regulations of the War Production Board and the Office of Price Administration.

§ 83.708 *Application to Army Air Forces.* This Procurement Regulation No. 7 is applicable to the Army Air Forces. Whenever the phrase "technical service" is used herein it shall include the Army Air Forces, and when the phrase "chief of a technical service" is used, it shall be deemed to include the Commanding General, Army Air Forces, or his delegate or delegates. Unless otherwise specifically indicated, wherever reference herein is made to the authority of or action by the Director, Production Division, Headquarters, Army Service Forces, such authority or action shall, with respect to the Army Air Forces, be exercised by the officer who is acting as Special Representative of the Under Secretary of War, under § 81.107 (g) of these Procurement Regulations.

§ 83.709 *Designation of Redistribution and Salvage Officer.* The chief of each technical service will designate a Redistribution and Salvage Officer in his office. In the case of the Army Air Forces, the Commanding General may designate such an officer in such Command or Commands of the Army Air Forces as he may specify. The Redistribution and Salvage Officer will assume responsibility for coordinating the activities of the technical service as to salvage activities; as to the determination of what items of non-military property are excess within the technical service; as to the determination of what items of military property should be processed for declaration by competent authority as surplus; and as to the acquisition and use by the technical service of military and non-military items available from other technical services. A report of the appointment of such officer will be made within five days of the receipt of this Procurement Regulation No. 7, to the Director, Production Division, Headquarters, Army Service Forces.

§ 83.710 *Sales over $1,000,000.* No contract of sale involving a price of more than $1,000,000, authorized by this Procurement Regulation No. 7 or otherwise, will be executed without the prior approval of the Director, Production Division, Headquarters, Army Service Forces.

§ 83.711 *Coordination with Property Officer.* All transfers or sales of property under authority herein contained must be coordinated with the Property Officer accountable for the property involved for compliance with applicable property accountability regulations.

§ 83.712 *Reports.* (a) On or before November 1, 1943, each technical service will report to the Director, Production Division, Headquarters, Army Service Forces, the following information as to transactions during the period July 1 through September 30, 1943; and will maintain such records as will permit submission of like reports of transactions for subsequent periods upon request of the Director, Production Division, Headquarters, Army Service Forces, and within 30 days of such request:

(1) Cost, estimated if not known, of serviceable property transferred to other technical services.

(2) Cost, estimated if not known, of serviceable property transferred to Government agencies and instrumentalities outside the War Department, separately by agencies and instrumentalities.

(3) Realization from property sold to purchasers as follows:

(i) Other government agencies or instrumentalities separately by agencies or instrumentalities.

(ii) Others than government agencies or instrumentalities separately as between sales of serviceable property and nonrepairable property (including scrap and waste).

(b) Cost figures required under subparagraphs (1) and (2) above will be such as to afford a fair indication of the magnitude of transfers. Record costs may be used without regard for storage, transportation, handling or other overhead costs. In the absence of record costs, estimates may be made on the basis of data at hand, without resort to refined accounting or engineering studies.

(c) The report required by § 83.712 shall be known as Redistribution and Salvage Report and shall carry Control Approval Symbol UPT–17.

§ 83.713 *Direct correspondence authorized.* Direct correspondence is authorized among all levels of the technical services and representatives of other Government agencies in respect of redistribution of available non-military property under this Procurement Regulation No. 7.

§ 83.714 *Special treatment of items of interest to a particular technical service.* The Director, Production Division, Headquarters, Army Service Forces, is authorized to require that specified items of nonmilitary property which may be of peculiar interest to a particular technical service be reported to such technical service prior to any circularization required under this Procurement Regulation No. 7 and to prescribe special treatment of such items.

DISPOSITION OF PROPERTY FOR PURPOSES DIRECTLY RELATED TO THE PROSECUTION OF THE WAR

§ 83.720 *Disposition of property.* Section 83.720 to 83.733, relates to the disposition of property without regard to its classification as military or non-military, or as to serviceability or state of supply. Since all sales, leases or transfers of property under the authority of the following §§ 73.721 to 83.733 will be for the purpose of enabling the property involved to be utilized directly in the prosecution of the war, the authority granted by such sections may be exercised without first obtaining from the Chief of Staff a certificate under the Act of June 28, 1944, Title I, sec. 14a, 54 Stat. 681, 10 U. S. C. 1262a. The authority to dispose of industrial property under these sections is subject to the provisions of § 83.760 (a).

§ 83.721 *Authorization of the chiefs of the technical services.* The chiefs of the technical services are authorized, when it is determined by them that such action will facilitate the prosecution of the war, to make contracts by negotiation for the sale of, and to sell to manufacturers and suppliers having war contracts, including employees and suppliers of war contractors, any machine tool equipment, processing equipment, uniforms, safety clothing and equipment, plant protective clothing and other special articles necessary to persons employed in or otherwise connected with war industries or establishments, manufacturing aids, raw materials, manufactured materials or other materials or facilities presently owned or hereafter acquired by the Government. Such sales shall, however, be made only for the purpose of facilitating the performance of such war contracts. All such contracts will recite that they are entered into pursuant to the First War Powers Act and Executive Order 9001.

§ 83.722 *Sales to Red Cross and U. S. O.* The chiefs of the technical services are authorized to make contracts by negotiation and to sell to the Red Cross and the United Service Organization any military, subsistence or other supplies or property which the chief of the technical service finds is needed by such institution in connection with its activities with the Army: *Provided*, That no such sale of military property will be made without the prior approval of the Director, Stock Control Division, Headquarters, Army Service Forces, or in the case of the Army Air Forces, the Commanding General, Army Air Forces, or his delegate or delegates. All such contracts will recite that they are entered into pursuant to the First War Powers Act and Executive Order 9001. Copies of all such contracts for the sale of military equipment, munitions, or supplies, the original cost of which exceeded $2,000 will be transmitted to the Chairman of the Military Affairs Committees of the House and Senate within twenty-four hours after such contracts are made.

§ 83.723 *Leases.* The chiefs of the technical services are authorized, when it is determined by them that such action will facilitate the prosecution of the war—

(a) To enter into agreements to lease any machine tool equipment, processing equipment, manufacturing aids, or other facilities presently owned or hereafter acquired by the Government, and under the control of the chiefs of the technical services or any of them, such leases (1) to be made only to manufacturers and suppliers having war contracts and to suppliers of such war contractors, for the purpose of facilitating the performance of such contracts, (2) in no case to cover property having an estimated value in excess of $1,000,000 and (3) to comply with § 81.1002 and any other applicable sections of these procurement regulations.

(b) In cases where the property involved was acquired under authority of section 1 (b) of the Act of July 2, 1940 (54 Stat. 712) as continued in effect by section 13 of the Act of June 5, 1942, (Public Law 580, 77th Congress), to include in any lease agreement an option in the lessee to buy property which is the subject of the lease, such option comes into effect (1) either one year after the expiration of the lease or (2) upon the receipt by the contractor of a written notice from the Government that it does not desire to remove the facilities, whichever happens first; and to continue only for a limited time.

(c) To waive the requirement of performance bonds in connection with leases or agreements made pursuant to paragraphs (a) and (b) above.

§ 83.724 *Other sales and leases under the First War Powers Act.* In addition to contracts of sale and leases specifically authorized by §§ 83.721 through 83.723, the chiefs of the technical services are authorized to enter into by negotiation, any other agreements for the disposition of property (whether by sale, lease or otherwise, and with or without options to purchase) authorized by the First War Powers Act and Executive Order No. 9001: *Provided*, That the approval of the Director, Production Division, Headquarters, Army Service Forces, is first obtained.

§ 83.725 *Leases under other statutes.* In addition to the authority contained in the First War Powers Act, authority for the execution of leases may be found in other statutes. See AR 850–30 [1] for the term of those statutes.

§ 83.726 *Required clauses.* All contracts and agreements authorized by §§ 83.721, 83.723 (a) or 83.724 will contain a "Disputes Clause" (§ 81.326), and "Officials Not to Benefit" clause (§ 81.322 and a "Covenant Against Contingent Fees." The latter clause will read as follows:

> The Purchaser warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or at at its option, to recover from the Purchaser the amount of such commission, percentage, brokerage, or contingent fee, in addition to the consideration herein set forth. This warranty shall not apply to commissions payable by the Purchaser upon contracts or purchases secured or made through bona fide established commercial agencies maintained by the Purchaser for the purposes of doing business.

§ 83.727 *Disposition by contractors.* The chiefs of the technical services are authorized, when it is determined by them that insertion of such provision will facilitate the prosecution of the war or is necessary to carry out the purposes specified in section 1 of the Act of July 2, 1940 (Public Law 703, 76th Congress, 54 Stat. 712), to insert in cost-plus-a-fixed-fee contracts heretofore or hereafter executed, the clause set forth in § 81.363, and any property may be disposed of by contractors pursuant to such clause.

§ 83.728 *Transfer to other Federal Agencies.* Any property not declared or deemed surplus may, upon the requisition of another Federal agency made pursuant to section 7 (a) of the Act of May 21, 1920 (41 Stat. 613) as amended by section 601 of the Act of June 30, 1932 (47 Stat. 417) and by the Act of July 20, 1942, (Public Law 670, 77th Congress, 56 Stat. 661, 31 U.S.C. 686), be transferred to such agency in accordance with said section: *Provided*, That military property will be transferred under the supervision and authority of the Director, Stock Control Division, Headquarters, Army Service Forces, or, in the case of the Army Air Forces, the Commanding General, Army Air Forces, or his delegate or delegates.

§ 83.729 *Transfer to other War Department components.* Any property may, by direction of the chief of the technical service having control thereof, be transferred to another War Department component which has need of such property and makes request therefor. Such transfers will be effected without any reimbursement or transfer of funds for either the cost of the property, packing, handling, or transportation. Transfers of military property will be made under the supervision and authority of the Director, Stock Control Division, Headquarters, Army Service Forces, or, in the case of military property of the Army Air Forces, the Commanding General, Army Air Forces, or his delegate or delegates.

§ 83.730 *Transfers to and from Navy.* Upon request from the Navy, any property may be transferred to the Navy with the approval of the chief of the technical service concerned and any property requested by the chief of the technical service concerned may be accepted from the Navy, in either case without reimbursement or transfer of funds for either the cost of the property, packing, handling or transportation, in accordance with the procedure established in § 83.731. Such transfers of property to the Navy will be subject to such further regulations and limitations as may be prescribed by the Director, Production Division, Headquarters, Army Service Forces, as to non-military property, of the Director, Stock Control Division, Headquarters, Army Service Forces as to military property, and of the Commanding General, Army Air Forces, as to property of the Army Air Forces.

§ 83.731 *Procedure for transfers without reimbursement.* Officers authorized to transfer or direct the transfer of property without reimbursement under § 83.729 or § 83.730 will prepare written orders or shipping tickets, listing in de-

[1] Administrative regulations of the War Department pertaining to the lease of personal property belonging to the United States under the control of the Secretary of War.

tail the property to be transferred, copies of which will be furnished to the Accountable Property Officer and the receiving officer. Such orders will contain a request that the authority directing the transfer be advised of any discrepancies between the order and the property shipped or received. A copy of such orders will be used as a valid debit or credit voucher to property accounts. An Accountable Property Officer will accept accountability of property transferred upon being furnished satisfactory evidence of receipt of property and of request thereafter by the chief of the technical service concerned. It will not be necessary to list dollar values of property transferred, for fiscal or accounting purposes.

§ 83.732 *Gifts and loans of drawings and similar property.* The chiefs of the technical services are authorized, without further approval, to give or lend drawings, manufacturing and other information and samples of supplies and equipment to be manufactured or furnished, to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for the use of the War Department under approved production plans, and to give or lend to organizations engaged in experimental research, testing, or development such items and any other material, supplies or equipment for use in connection therewith: *Provided*, That if in the case of a gift the estimated value of the property in question exceeds $1,000, or, in the case of a loan, $50,000, the approval of the Director, Production Division, Headquarters, Army Service Forces, will first be obtained.

§ 83.733 *Exchange of property.* A number of statutes authorize the exchange of particular articles or types or classes of property in full or part payment for new articles or property of like character. (See 39 Stat. 635; 10 U.S.C. 1271; 40 Stat. 43, 849; 10 U.S.C. 1272; 38 Stat. 1064, 10 U.S.C. 1273; 38 Stat. 1161, 41 U.S.C. 26; 50 Stat. 64, 5 U.S.C. 118d; 53 Stat. 739, 10 U.S.C. 1271 (a); 44 Stat. 680, 10 U.S.C. 1209, 1210). Exchanges of property may be made with the prior approval of the Director, Production Division, Headquarters, Army Service Forces.

DISPOSITION OF NONREPAIRABLE PROPERTY

§ 83.740 *Disposition of nonrepairable industrial property—(a) Nonrepairable industrial property other than current production scrap.* Nonrepairable industrial property (other than current production scrap, which will be disposed of under (b) below, and industrial property to be disposed of under § 83.763 (d), will be disposed of as follows, unless disposed of under §§ 83.720 to 83.733 above.

(1) A list of the property involved will be prepared by or submitted to an officer designated by the chief of the technical service concerned, who will accomplish the following certification thereon:

It is my opinion that the property listed hereon is properly classified as nonrepairable industrial property in accordance with the provisions of Procurement Regulation No. 7, and that its condition is not due to fault or neglect.

The certifying officer will require the submission of such statement of facts, including any report of inspection, as he deems necessary as a basis for the execution of the certificate.

(2) A copy of such list appropriately certified will be furnished to the Property Officer accountable for the property involved and will operate as a credit voucher discharging accountability.

(3) Property so certified will be turned over to a salvage officer (who may be designated by the chief of the technical service concerned) together with a copy of such list appropriately certified. Property which cannot be certified under the foregoing provisions of this paragraph (a) will be held for report of survey or other action in accordance with applicable regulations. Upon completion of such action, the property involved will be turned over to a salvage officer who may be designated by the chief of the technical service concerned.

(b) *Current production scrap.* Current production scrap resulting from the fabricating or processing of raw materials (such as chips, cuttings, borings, and short ends of ferrous and non-ferrous metals, clippings and cuttings from wool and cotton fabric, residues from chemicals and plastics, rubber and treated fabric offal, glass, paper and lumber offal, damaged and unsuitable packing materials and containers), other than that disposed of by a cost-plus-a-fixed-fee contractor under contract provisions, will be turned over to a salvage officer (who may be designated by the chief of the technical service concerned), without the certification required under paragraph (a) above, and will be sold by negotiation or otherwise disposed of by such salvage officer under the direction of and pursuant to regulations established by the chief of the technical service concerned.

§ 83.741 *Disposition of nonrepairable military and miscellaneous property.* Unless disposed of pursuant to §§ 83.720 to 83.733 hereof, nonrepairable military and miscellaneous property will be turned over to a salvage officer in accordance with applicable regulations.

§ 83.742 *Disposition by salvage officer.* All property turned over to a salvage officer in accordance with the provisions of § 83.740 (a) and § 83.741 will be reclaimed, sold by negotiation in existing condition or after any processing, or otherwise disposed of, in accordance with applicable regulations, which, in the case of property turned over to a salvage officer under § 83.740 (a), may be regulations prescribed by the chief of the technical service concerned, and approved by the Director, Production Division, Headquarters, Army Service Forces.

§ 83.743 *Donations.* In addition to the methods of disposal provided in § 83.742, any property turned over to a salvage officer may be donated, without reimbursement except for the costs of packing, handling and transportation to schools for use in connection with vocational training, or to any charitable or tax-supported institution, with the prior approval of the Director, Production Division, Headquarters, Army Service Forces, or in the case of Army Air Forces, the Commanding General, Army Air Forces.

DISPOSITION OF SURPLUS SERVICEABLE MILITARY AND MISCELLANEOUS PROPERTY

§ 83.750 *Disposition of surplus serviceable military property.* In view of existing and potential shortages of materials, and to diminish so far as possible current demands upon the manufacturing and producing resources of the nation during the war period, it is important that serviceable property shall not be permitted to accumulate unreasonably and unnecessarily in the possession of the War Department. Accordingly in addition to the powers of disposition set forth in §§ 83.720 to 83.733 hereof and pursuant to the First War Powers Act and Executive Order 9001, and any other relevant provisions of law, in order to facilitate the prosecution of the war by making unneeded serviceable military property available for any proper use, chiefs of technical services are authorized to declare serviceable military property surplus, with the approval of, or subject to regulations prescribed by, the Director, Stock Central Division, Headquarters, Army Service Forces, or the Commanding General, Army Air Forces, or his delegate or delegates, as to property of the Army Air Forces, when the property is of no immediate or definitely foreseeable use (1) in the function, activity or project in connection with which it was acquired or accrued, and (2) to the technical service concerned; and to dispose of such property in the manner provided in §§ 83.752 and 83.753, notwithstanding the provisions of section 14a of Chapter 440 of Title I of the Act of June 28, 1940, 54 Stat. 681, 10 U.S.C. 1262a: *Provided*, That all sales of military property, the original cost of which exceeded $2,000, made pursuant to § 83.753 will be reported to the Chairmen of the Military Affairs Committee of the House and Senate within twenty-four hours after the contract is made.

(b) The chiefs of technical services may, with the approval of the Director, Stock Control Division, Headquarters, Army Service Forces, or of the Commanding General, Army Air Forces, or his delegate or delegates, as to property of the Army Air Forces, classify as industrial property and dispose of as such, any parts or components of items of military property which are held for issue or have been issued and which have been determined to be obsolete or excess.

§ 83.751 *Disposition of surplus miscellaneous property.* When miscellaneous property is found to be excess it will be circularized to such an extent as may be deemed desirable by the technical service concerned to effect expeditious redistribution by transfer within the War Department or in such other manner as is permitted under §§ 83.720 to 83.733 of this Procurement Regulation No. 7. In the case of items as to which purchase responsibility has been assigned to a particular technical service, such circularization will include in every case reporting to such technical service. Items which are not so redistributed within a reasonable time will be deemed to be surplus, without further determination.

§ 83.752 *Report to Procurement Division, Treasury Department.* Military property declared surplus under § 83.750, miscellaneous property deemed to be surplus under § 83.751, and industrial property required or permitted to be reported to Procurement Division, Treasury Department, under §§ 83.760 to 83.781 of this Procurement Regulation 7, will be reported to that agency, on the forms prescribed by that agency. Reference is made to § 81.613 (e) of these Procurement Regulations for a list of Regional Offices of the Procurement Division, Treasury Department, where reports of surplus property may be filed.

§ 83.753 *Disposition.* Property reported to the Procurement Division, Treasury Department, as surplus, will be delivered to or upon the order of that agency, or withheld from sale pending disposition by it for such time as may be prescribed by the Director, Production Division, Headquarters, Army Service Forces. At the expiration of such time or upon earlier clearance by the Procurement Division, the property may be sold by negotiation under the direction of the chief of the technical service concerned.

DISPOSITION OF SERVICEABLE INDUSTRIAL PROPERTY

§ 83.760 *General.* The prompt return to industry of all forms of property and materials not immediately needed by the War Department which are usable directly or indirectly in manufacturing or processing activities is necessary to the successful prosecution of the war and to the protection of the national economy against shortages of needed materials. It is accordingly determined that all such property for which there is no immediate or definitely foreseeable need in connection with the function, activity, project or industrial operation in connection with which it was acquired, and which is not disposed of in accordance with the preceding provisions of this Procurement Regulation No. 7, is not essential to the national defense, and that its sale or other disposition will promote the Army procurement program and will facilitate the prosecution of the war.

(a) Industrial property in the hands of a contractor of the War Department with whom a contract is in process of termination may be disposed of pursuant to any provision of such contract. Furthermore, such property may be disposed of pursuant to §§ 83.720 to 83.733 of this Procurement Regulation No. 7 at any time prior to the transmittal of circularization lists under § 83.761 (c). During and after the circularization period specified in §83.761 (d) industrial property may be disposed of as provided in §§ 83.762 and 83.763.

(b) For the purpose of carrying out the policies stated in the introductory paragraph of the section, the chiefs of the technical services are directed to actively review the items of industrial property on hand and in process of manufacture, including industrial property title to which has in fact passed to the Government as the result of contract termination and which has not been disposed of pursuant to §§ 83.720 to 83.733 of this Procurement Regulation No. 7, to determine the essentiality of these items for the prosecution of approved functions, activities, projects or industrial operations and to establish procedures for the sale or disposition of excess items in accordance with the following provisions of these §§ 83.760 to 83.781.

§ 83.761 *Circularization.* Determinations will be made as frequently as practicable as to which items of serviceable industrial property on hand and in process of manufacture are excess, and such items, if not disposed of pursuant to §§ 83.720 to 83.733 of this Procurement Regulation No. 7, will be listed in the Circularization Lists for circularization in accordance with the following provisions of this paragraph. It is intended that determinations of excess will be made at the lowest practicable level within the technical service and that circularization will be effected contemporaneously within the technical service and among other technical services to the fullest extent practicable. The chiefs of the technical services will prescribe the intervals and levels at which determinations of excess will be made, and the levels from which circularization will be effected, with due regard for the nature of the property and the organization of the technical service.

(a) *Circularization lists.* Circularization Lists will be divided into Part 1, Part 2, Part 3, Part 4, and Part X. Property listed under the respective subdivisions will be referred to as "Part 1 property", "Part 2 property", and so forth.

(1) Part 1 will include all items of the nature set forth in § 83.780.

(2) Part 2 will include all construction equipment of a standard type not so restricted in design as to render it unsuitable for non-military use of a recurring nature. Such construction equipment includes, but is not limited to, drilling and boring equipment, earth and rock, including core drills, rock drills, churn drills, earth borers and horizontal augers; power cranes and shovels, drag lines, buckets, stiff-leg derricks, and dredges; scrapers, maintainers, and graders; tractors, track-laying and wheel types; tractor-mounted construction equipment including angledozers, bulldozers, and power control units; winches and hoists, contractors elevating; road brooms concrete buggies and carts, bins, centerline marking equipment, road discs, ditchers, aggregate dryers, joint and crack filling machinery, road forms, form tamping machines, mud jacks, portable snow loaders, tamping rollers, scarifiers, concrete towers, contractors' crawler wagons, and similar equipment; construction material mixers, spreaders, pavers, surfacers, finishers, tampers, vibrators, and related construction machinery; construction material processing equipment, including asphalt plants and portable crushers.

(3) Part 3 will include all items not included in Parts 1, 2, or 4 which, in the judgment of the technical service, have a reasonably foreseeable use for industrial or military purposes or for civilian supply and which cannot practicably and expeditiously be redistributed without wide circularization.

(4) Part 4 will include controlled materials in the forms and shapes and in the minimum quantities set forth in § 83.781. Part 4 will be subdivided into—

Part 4A, consisting of steel;
Part 4B, consisting of copper and copper base alloy; and
Part 4C, consisting of aluminum.

(5) Part X will include all items not included in Parts 1, 2, 3, and 4.

(b) *Description and coding.* (1) Circularization Lists will be on 8" x 10½" paper and will contain the following information:

(i) Identification of issuing office with station identification number and contract symbol assigned by the Chief of Finance.

(ii) Serial number of list. Each issuing office will serially number each list circularized beginning with the number 1.

(iii) Date of circularization, which will be the date of transmittal required under paragraph (c) of this section.

(iv) Date of transmittal to War Production Board required under § 83.763 (b), in the case of Part 1 and 4 property.

(v) Serial number of items or lots. Items or lots will be serially numbered under each part of each list, and, in the case of Part 1, under each section.

(vi) Description of items or lots. Descriptions will comprise such information as would be required by the controlling technical service if it were procuring the property, including, when pertinent, name of manufacturer, manufacturer's catalog number if available, identification numbers, location, age, condition, quantity and cost per unit if available.

(vii) Specific instructions by which an interested agency may be guided in negotiating sale or transfer of property reported. Names, mail and telephone addresses of officers authorized to carry on negotiations may be either included in each list circularized, or published in bulletin form by the technical service concerned to all recipients of the lists.

(2) Items of property at any one location, of a cost, estimated if not known, of less than $100 per item may be reported in Part X either singly or in mixed lots with such abbreviated description as would inform an interested agency of the general nature and utility of such property, subject to inspection or the furnishing of a more detailed description upon specific inquiry.

(3) For the purpose of convenient abbreviation in communications regarding property circularized, items may be identified by code, which will include in sequence, the station identification num-

ber and contract symbol of the issuing office, serial number of item. For example, a particular heat exchanger listed as the second item in Part 1 of the third list circularized by an office of Ordnance Department having station identification number "123" would be identified as "123–Ord–3–1–BQ–2".

(c) *Transmittal of lists.* Circularization will be accomplished by transmitting copies of circularization lists as follows:

(1) Parts 1, 2, 3, and 4 to Production Division, Headquarters, Army Service Forces, to the Redistribution Division, War Production Board, Washington, D. C. Information copies will be transmitted to Procurement Division, Treasury Department, upon request of that agency, but the furnishing of such copies will not constitute a reporting as surplus of the items comprised therein.

(2) Part X, to Production Division, Headquarters, Army Service Forces, to procurement officers of other technical services at such levels and within such geographical areas as the technical service concerned deems desirable, and to the Regional Offices of War Production Board and the Procurement Division, Treasury Department, for the regions in which the property is located. Transmittal of Part I to the Procurement Division, Treasury Department will not constitute a reporting as surplus of the items comprised therein.

(3) Copies of Circularization Lists will be transmitted to the Navy Department as directed by the Director, Production Division, Headquarters, Army Service Forces.

(d) *Circularization period.* The period of 20 days after transmittal of copies of Circularization Lists will be referred to as the "circularization period."

§ 83.762 *Disposition during circularization period.* Before the termination of the circularization period, the technical service concerned will determine what property included in Circularization Lists should be retained for present or definitely foreseeable needs within such service for military or industrial purposes and will withdraw such property from availability. Property which is not so withdrawn may be disposed of in accordance with the provisions of §§ 83.720 to 83.733 of this Procurement Regulation No. 7 upon request of an interested service or agency made prior to the expiration of the circularization period. The Redistribution and Salvage Officer designated by the Chief of Engineers is specifically charged with acquiring items of Part 2 property not withdrawn under the first sentence of this paragraph, which are suitable for troop use or tactical operations.

§ 83.763 *Disposition after circularization period*—(a) *Disposition of Part 2 property upon termination of circularization period.* Upon the termination of the circularization period, Part 2 property which has not been withdrawn or disposed of under § 83.763 will be deemed to be surplus and will be promptly reported as surplus to the Regional Office of Procurement Division, Treasury Department, for the region in which the property is located, in the manner provided in § 83.752, and will be disposed of in accordance with the provision of § 83.753.

(b) *Disposition of Part 1 property and Part 4 property upon termination of circularization period.* Upon the termination of the circularization period Part 1 and 4 property which has not been withdrawn or disposed of under § 83.762 will be promptly reported as follows:

(i) Part 1 property, to Redistribution Division, War Production Board, Washington, D. C.

(ii) Part 4A property, to War Production Board, c/o Steel Recovery Corporation, 5835 Baum Boulevard, Pittsburgh, Pa.

(iii) Part 4B property, to War Production Board, c/o Copper Recovery Corporation, 200 Madison Avenue, New York, N. Y.

(iv) Part 4C property, to War Production Board, c/o Murray Cook, Agent for Metals Reserve Corporation, 155 East 44th Street, New York, N. Y. Such report may be made in the form of either the original Circularization List with Physical deletion of items withdrawn or disposed of under § 83.762, or the original Circularization List with a memorandum of deletions, or a new list including only items not withdrawn or disposed of under § 83.762.

(2) Part 1 and 4 property reported under this (b) may be (i) disposed of in accordance with the provisions of section II of this Procurement Regulation No. 7, or (ii) sold to any private purchaser, or (iii) delivered to Procurement Division, Treasury Department, upon request of that Division, or (iv) withdrawn, prior to disposal, for an immediate or definitely foreseeable use within the technical service concerned; provided that after the reporting of such property and prior to the expiration of the second calendar month following the month in which such property is reported, such disposititon or withdrawal will be subject to the specific authorization of War Production Board. Items sold under (ii) or delivered under (iii) of this subparagraph (2) will be deemed to be surplus for the purpose of such sale or delivery.

(c) *Disposition of Part 3 property and Part X property upon termination of circularization period.* Upon the termination of the circularization period, Part 3 and Part X property may be withdrawn or disposed of in the manner provided in paragraph (b) subparagraph (2) of this section, except that such withdrawal or disposition will not require the specific authorization of War Production Board prescribed by paragraph (b) subparagraph (2) of this section.

(d) *Disposition of slow-moving items.* Excess industrial property which has been circularized under these §§ 83.760 to 83.781 and has not been withdrawn or disposed of within a reasonable time (to be fixed by the technical service concerned, with due regard for the nature of the property) after (1) the expiration of the second calendar month after the month of reporting under paragraph (c) subparagraph (2) of this section, in the case of Part 1 and Part 4 property, (2) the clearance of items by Procurement Division, Treasury Department, in the case of Part 2 property, (3) the termination of the circularization period, in the case of Part 3 and Part X property, will be turned over to a salvage officer in the manner provided for nonrepairable property in § 83.740 (a).

§ 83.764 *Sales.* Sales of industrial property under these § § 83.760 to 83.781 will be made by negotiation under regulations prescribed by the responsible technical service and which will assure that the negotiating officer will obtain such degree of competititon, by inquiry or otherwise, as is practicable in the circumstances, and consistent with economy, efficiency and the expeditious completion of the proposed sale, and that the negotiating officer will make every effort to effect the sale in such manner and for such further uses as will most effectively facilitate the prosecution of the war.

§ 83.765 *Deviation from regulations in exceptional cases.* When adherence to the regulations prescribed in these §§ 83.760 to 83.781 would impede the expeditious return of unneeded industrial property to use in the war effort, the Director, Production Division, Headquarters, Army Service Forces, is authorized to permit deviation therefrom with respect to the disposition of classes or particular items of industrial property. Applications under these §§ 83.760 to 83.781 will include the following:

(a) A description of the class of items, or in the case of particular items, a reference to the list in which the items have been listed, or a description of the items in accordance with § 83.761 (b) (1) (vi) if they have not been listed.

(b) A statement of the circumstances indicating the desirability of deviation from the procedures established in §§ 83.760 to 83.781. Bulletins will be issued from time to time which will set forth classes of property in respect of which deviation will be permitted.

§ 83.766 *Industrial property peculiar to Army Air Forces.* These §§ 83.760 to 83.781 do not apply to industrial property to aircraft production to the extent that any of the provisions hereof may be inconsistent with procedures established for the redistribution of such property by or under the direction of the Aircraft Resources Control Office of the Aircraft Production Board.

§ 83.780 *Items to be included in lists of Part 1 property.*

Section	Item	Type and size limitations
AA	Power boilers	All types, 100 lbs. design pressure and up, except: boilers for locomotive use.
BA	Engines, Internal combustion	All gasoline, gas and diesel types in all sizes except: engines for marine and aircraft propulsion.
BB	Turbines	All types and sizes, except: turbines for marine propulsion.
BC	Compressors and dry vacuum pumps.	All types and sizes except: compressors for air conditioning, ice making, food and beverage cooling, processing, preservation and cold storage systems; and compressors as part of air brake systems.
BD	Pumps industrial	All types and sizes, except: measuring and dispensing; reciprocating compressors and dry vacuum pumps (include under section BC); units and sets complete with tanks; small water system pumping units.
BE	Conveying machinery	All types and sizes, except: bellag; farm machinery; power and hand lift trucks, cranes, hoists and platform elevators (include under sections HF or HG); construction machinery (include under Part 2); mine conveyors; steel mill tables, slatting conveyors and rotary car dumpers.
BF	Cranes and hoists	All types and size of: (a) Overhead electric traveling cranes; (b) Rotary or Whirley cranes; (c) Gantry cranes; (d) Locomotive cranes. (e) Hand and electric hoists.
BG	Trucks and tractors, industrial	All industrial types and sizes for intra-plant use.
BH	Fans, blowers and exhausters	Following types and sizes only: (a) Mechanical driven fans, forced or induced draft, all types and sizes; (b) Heavy process ventilating fans, 24" inlet and larger; (c) Planing mill exhaust fans, 16" inlet and larger. (Include high pressure blowers, compressors, exhausters and vacuum pumps under section BC.)
BJ	High pressure blowers, compressors, exhausters, and vacuum pumps.	Rotative type, centrifugal differentials of 1½ pounds and up. Include: diesel superchargers and scavengers. Exclude: blowers for shipboard, use other than diesel superchargers and scavengers; centrifugal refrigeration compressors; airbrake engine superchargers.
BK	Mechanical power transmission equipment.	All open and enclosed gearing for marine propulsion gears; gears built into turbines; types used on household, manually powered, automotive or farm machinery. Include: speed reducers; unmounted herring bone gears, 6" and larger; unmounted worm gears, fine and coarse pitch, unmounted spur gears, up to 6' diameter, 20 diametrical pitch and finer.
BM	Coal stokers	All types, 36 feet of grate area and up.
BN	Flexible couplings	Bushed, spring and gear types, all sizes.
BQ	Heat exchangers	All equipment or apparatus (other than direct fired or direct contact involving physical mixing of the fluids designed for the purpose of transferring heat by exchange of heat between two or more fluids (liquids, gases or vapors).
BR	Plastics presses	All types and sizes of extrusion, injection and molding presses.
BT	Pressure vessels	All sealed metallic vessels or shells subjected to internal or external pressure designed for the purpose of retaining one or more materials (not refrigeration, aircraft, automotive, instrument, regulating and control valves) including (a) steel; all types, (b) iron; safety and relief and all other iron body, and (c) bronze safety and relief; compressed gas and cylinders and all industrial work. Exclude fittings for low pressure steam or water heating or plumbing work; vessels of less than 30 cubic feet in volume, regardless of pressure; vessels designed as heat exchangers of the surface type or enclosures therefor (include under BQ); vessels designed for cooking foodstuffs or used directly in preparing foodstuffs for packaging.
CA	Generators, motor generator sets, power frequency changers.	All other types and sizes of electrical power generating equipment; generators for aircraft. (Include motor generators for blating and anodizing under Section FC.)
CB	Generator sets, electric	Internal combustion, steam and hydraulic drive, all types and sizes.
CC	Switchgear, circuit breakers and transformers.	Except: marine propulsion. Following types and sizes only: (a) Electric meters and instruments, switchboard and portable type, including: indicating, integrating, curve drawing and recording voltmeters, ammeters, wattmeters, KVAR meters, frequency meters and power factor meters, and synchroscopes; indicating, integrating and recording watthour meters; (b) Switchboard apparatus for power control, indoor and outdoor, including manually operated, mechanically operated or automatically controlled air break, air blast and oil break switches; (c) Transformers, power and distribution, instrument, series transformers, and auto transformers 100 KVA and up.

Section	Item	Type and size limitations
CD	Motor and motor control equipment, electric.	Following types and sizes only: (a) Shipboard type motors and controls; integral sizes; (b) Fractional horsepower motors; exclude: shipboard and aircraft type, and appliance type, and appliance type A/C induction motors. (c) Other than totally enclosed, explosion proof, industrial type motors and controls; (d) Mill and crane type motors and controls integral sizes.
DA	Floor finishing equipment	All types and sizes.
DB	Pedicting presses	All types and sizes.
EA	Foundry equipment	All types and sizes of electric metal melting furnaces.
EB	Heat treating	All types and sizes of heat treating furnaces and their accompanying instruments.
FC	Plating and anodizing equipment.	Following types and sizes only: (a) Motor generator sets for plating and anodizing, 6 to 50 volts, 500 amperes and up. (b) Rectifiers for plating and anodizing, 6 to 50 volts, 400 amperes and up.
FD	Welding and cutting equipment.	Following types only: (a) Gasoline engine driven arc welding machines; (b) Resistance welding, foil and seam welding; (c) Flame cutting machines. All types and sizes.
KA	Railroad locomotives and rolling stock.	Following types and sizes only: (a) Locomotive cranes;
PA	Industrial typo instruments	(b) Pressure-filled tube system temperature instruments; indicating, recording or controlling types; exclude: bi-metallic type temperature measuring instruments; (c) Differential flow and liquid level instruments; indicating, recording, integrating or controlling fluid manometer or bellows type. (d) Liquid level float instruments; indicating, recording or controlling types having an external float chamber used on boiler feed water supply tanks. (e) Industrial thermometers having scale length commonly designated as 7", 9", 10" or 12" and any submarine type 9"; (f) Pressure gauges; circular dial pressure or vacuum types; (g) Control valves; diaphragm operated pneumatic or hydraulic types. (h) Regulators; self-operated valves used for controlling temperature, flow or liquid level, and weight loaded type valves used to control pressure; (i) Control valves; globe type, with inner portion automatically lifted by electromagnetic or hydraulic power, designed for use with industrial type instruments; (j) Liquid level controllers; float cage, external ball float or displacement type normally used for control of liquid level in industrial type processes.
	Fire extinguishers	All carbon dioxide type (except portable, wheeled and systems). Include: fire extinguishing agents which are converted into carbon dioxide when expelled.
	Unit heaters	All industrial types.
	Oxygen equipment	Medical and safety types.
	Guard weapons & ammunition	All types.
	Valves	Industrial, marine, hydrant, sluice gate, drilling, flow line, cocks, etc. (but not refrigeration, aircraft, automotive, instrument, regulating and control valves) including (a) steel; all types, (b) iron; safety and relief and all other iron body, and (c) bronze safety and relief; compressed gas and cylinder and all industrial work. Exclude fittings for low pressure steam or water heating or plumbing work.
	Pipe fittings	All steel types, 150 pounds and up, American Standard thread, carbon steel 70,000 p. s. i. min., alloy steel 125,000 p. s. i. min., in size of 2½" to 7" diameter 2½" to 7" long, American Standard thread, carbon steel 70,000 p. s. i. min., alloy steel 125,000 p. s. i. min., in size of 2½ or more of a single item.
	Stud bolts and nuts	Following types and sizes only: (a) Forging. All sizes of steam drop hammers, board drop hammers and forging hammers manufactured by Erie Foundry Co. or Chambersburg Engineering Co. since 1935; (b) Forging presses, 500 ton and up, manufactured since 1936 by the following companies: Ajax Manufacturing Company, Rieksboro Steel Forg. & Mach. Co., E. W. Bliss Company, Baldwin Southward Division, Baldwin Locomotive Corp., Hydraulic Press Mfg. Co., Mesta Machine Company, Watson Stillman Co., Williams, White & Company, R. D. Wood Company, Fulton Iron Works.

Section	Item	Type and size limitations
ZA	Machine tools—Continued.	(c) All types of Fellows Gear Co. machines. (d) Heald and Ex-Cell-O precision boring machines. (e) Way and special horizontal and vertical drilling machines. (f) All types of spur and helical gear grinders. (g) Internal centerless grinders. (h) Lathes, 30 inch swing and larger. (i) Planers, double-housing and open side, 72 inch and wider. (j) Jig borers, 45 inch and larger table travel. (k) Thread grinders, all makes, types and sizes
ZB	Precision instruments and gages.	Following types only: (a) Universal testing machines; (b) Rockwell hardness testers; (c) Brinell testers and microscopes; (d) Optical comparators; (e) Toolmakers microscopes; (f) Measuring machines; (g) Supermicrometers; (h) Vernier Tools; (i) Scales; (j) Micrometers.

NOTES: (1) Where integral sets cannot practicably be disposed of piecemeal, they will be included under major classification and components will not be separately listed under other classifications.
(2) Include major repair parts with equipment to which they pertain.

§ 83.781 *Items to be included in lists of Part 4 property.*

Forms and shapes	*Minimum quantity per item of a simple size and grade*
Part 4A—Carbon and alloy steel:	
Carbon steel:	
Bars, cold finished; Bars, hot rolled; Ingots, billets, blooms, slabs, tube rounds, skelp and sheet and tin bar; Pipe (new only); Plates; Sheets and strip; Structural shapes and piling; Tin plate, terne plate and tin mill black plate; Wire rods, wire .0475 inch diameter and up, and other wire products	2,000 pounds
Tubing, 1½ inch diameter and up (new only); Tubing under 1½ inch diameter (new only)	1,000 feet
Wire under .0475 inch diameter	500 pounds
All tool steel	100 pounds
Alloy steel:	
Bars, cold finished; Bars, hot rolled; Ingots, billets, blooms, slabs tube rounds, sheet bar; Pipe (new only); Plates and structural shapes; Sheets and strip; Wire rods, wire .0475 inch diameter and up, and other wire products	2,000 pounds
Tubing 1½ inch diameter and up	1,000 feet
Tubing under 1¼ inch diameter	
Wire under .0475 inch diameter	500 pounds
All stainless steel	100 pounds
All tool steel	
Part 4B—Copper and copper base alloy:	
Brass mill copper base alloy products: Sheet and strip; Rods, bars and wire (including extruded shapes, not including slugs); Tubing and Pipe; Brass mill copper products: Plate, sheets and strip; Rods, bars and extruded shapes (excluding wire bars and ingot bars); Tube and pipe; Wire mill copper products: Wire and cable (including insulated wire and cable); Foundry copper and copper base alloy Products: Castings	500 pounds
Part 4C—Aluminum:	
Rod, bar, wire and cable; Forgings, pressings and impact extrusions; Castings; Shapes, rolled or extruded; Sheet, strip, plate and foil; Tubing; Ingot and powder; Rivets	300 pounds

NOTE: Smaller quantities than those above listed, but not less than the following, may be included in Part 4 if desired by the Technical Service concerned:

Carbon steel:	
Structural and plates	500 pounds
Bar, sheet and strip, pipe and tube, and wire	100 pounds
Tool steel	25 pounds
Alloy steel:	
Tool steel	25 pounds
All other	100 pounds
Copper and copper base alloy	100 pounds
Aluminum	100 pounds

WAR DEPARTMENT
Headquarters, Army Service Forces
WASHINGTON, D. C.

SPICY — Date: 24 June 43.
Memorandum for: Director, Production Division
Subject: Assignment of Control Approval Symbol.

1. The following report submitted by your office for clearance is approved in accordance with ASF Circular No. 17, April 13, 1943:
Redistribution and Salvage Report
2. The following symbol is assigned to the above report and should be inscribed in the upper right-hand corner of the first page:
Control Approval Symbol UPT–17
3. The words "Control Approval Symbol" as well as the symbol itself must appear in the upper right corner of the first page of the report. If the directive requires a report for which no standard form is required, the directive must specify the control approval symbol that is to appear on the report. It is not necessary to refer to the symbol in the requiring directive, if the directive requires submission of a report form on which the symbol has been reproduced.
4. It is requested that the following material be furnished this office as soon as the report has actually been requested of the agencies that are to prepare it:
a. One copy of the directive calling for the submission of the report and giving instructions for its preparation.
b. One blank copy of the report inscribed with the Control Approval Symbol.
5. Any major changes or revisions in the report as approved or in the instructions for its preparation should be resubmitted for clearance prior to issue.

By command of Lieutenant General Somervell.

C. F. ROBINSON,
Brigadier General, G. S. C.,
Director, Control Division.

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-11448; Filed, July 16, 1943; 2:22 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amdt. 60–1, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

LIGHT AND SIGNAL RULES: AIRCRAFT ON GROUND

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of July, 1943.

Effective July 13, 1943, § 60.60 of the Civil Air Regulations is amended to read as follows:

§ 60.60 *Aircraft on the ground.* Between sunset and sunrise all aircraft parked or moved within, or in dangerous proximity to, the usable portion of all landing areas used for, or available to night flight operations shall be clearly illuminated or lighted, or the area marked with obstruction lights.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-11586; Filed, July 19, 1943; 10:53 a. m.]

TITLE 15—COMMERCE

Subtitle B—Regulations Relating to Commerce

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 41]

PART 30—FOREIGN TRADE STATISTICS

GOVERNMENT SUPPLIES SHIPPED ABROAD

JULY 17, 1943.

Section 30.46 (b) is hereby revoked and § 30.46 (a) is renumbered § 30.46.

(R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C. 22, 501)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 43-11560; Filed, July 17, 1943; 5:01 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

PART 2—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG AND COSMETIC ACT

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [sec. 701 (a); 52 Stat. 1055; 21 U. S. C. 371 (a)], the following regulations are hereby promulgated:

The following new regulation is added to the regulations for the enforcement of such Act (21 C. F. R. Part 2):

§ 2.13 *Conformity to definitions and standards of identity.* In the following conditions, among others, a food does not conform to the definition and standard of identity therefor:

(a) If it contains an ingredient for which no provision is made in such definition and standard;

(b) If it fails to contain any one or more ingredients required by such definition and standard;

(c) If the quantity of any ingredient or component fails to conform to the limitation, if any, prescribed therefor by such definition and standard.

PART 10—DEFINITIONS AND STANDARDS FOR FOODS

Section 10.0 of the regulations under such Act, entitled "General Regulation" (21 C.F.R. 10.0, Supp. 1939), is amended to read as follows:

§ 10.0 *General regulations.* (a) The definitions and interpretations of terms contained in section 201 of the Act shall be applicable also to such terms when used in regulations promulgated under the Act.

(b) If a regulation prescribing a definition and standard of identity for a food has been promulgated under section 401 of the Act and the name therein specified for the food is used in any other regulation under section 401 or any other provision of the Act, such name means the food which conforms to such definition and standard, except as otherwise specifically provided in such other regulation.

(c) No provision of any regulation prescribing a definition and standard of identity or standard of quality or fill of container under section 401 of the Act shall be construed as affecting the application of any provision of the Act or regulations thereunder. For example, all regulations under section 401 contemplate that the food and all articles used as components or ingredients thereof shall be clean, sound and fit for food; a provision in such regulations for the use of coloring or flavoring does not authorize such use under circumstances or in a manner whereby damage or inferiority is concealed or whereby the food is made to appear better or of greater value than it is.

[SEAL] PAUL V. MCNUTT,
Administrator.

JULY 16, 1943.

[F. R. Doc. 43-11598; Filed, July 19, 1943; 11:25 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 29—LOANS TO INDIANS FROM INDUSTRY AMONG INDIANS AND TRIBAL FUNDS

MISCELLANEOUS AMENDMENTS

The following sections and paragraphs are amended to read:

§ 29.1[1] *Eligibility.* • • •

(d) To be eligible for a loan from industry among Indians funds, or for the use of tribal funds in the establishment and operation of tribal enterprises, a tribe must have a plan of operation and management acceptable to the Commissioner of Indian Affairs.

§ 29.7 *Application and requests, approval by Commissioner.* Requests of tribes for use of tribal funds in the development and operation of tribal enterprises shall be submitted to the Commissioner of Indian Affairs for prior approval.

Applications of the following character shall also require prior approval of the Commissioner:

(a) Applications of Government employees;

(b) Applications from individuals who will have an aggregate indebtedness to the United States exceeding $3,000;

(c) Applications for loans from tribal funds for the purchase of livestock, machinery, and equipment, and for the development and cultivation of irrigable allotments, with maturities exceeding six years;

(d) Applications for loans from industry among Indians for the development and cultivation of irrigable allotments with maturities exceeding six years;

(e) Applications of old, indigent, or disabled Indians for support purposes;

(f) Applications of cooperative associations;

(g) Applications for enterprises which are not conducted on lands within the boundaries of the reservation;

(h) Applications of tribes for loans from industry among Indians funds.

§ 29.20 *Default.*[2] Failure on the part of any tribe to use tribal funds advanced for tribal enterprises in accordance with its agreement, shall be grounds for any one or all of the following steps to be taken at the option of the Commissioner of Indian Affairs:

(§§ 29.20 (a) to 29.20 (i) inclusive, continue as approved Oct. 24, 1941; 6 F.R. 5662.)

(5 Stat. 302, 303, Pub. Law 645, 77th Cong.; 25 U.S.C. Supp. 303, 306, 306A)

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JULY 2, 1943.

[F. R. Doc. 43-11555; Filed, July 17, 1943; 10:04 a. m.]

[1] 6 F.R. 5662.

[2] 6 F.R. 5664.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2010]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER CORRECTING ORDER GRANTING RELIEF

Order correcting order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for Mine Index No. 1629.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with this Division by District Board No. 10, requesting, among other matters, the establishment both temporary and permanent, of price classifications and minimum prices for the coals in Size Group 29 of New Coal Co. Mine, Mine Index No. 1629, of New Coal Company, in District No. 10, for truck shipments.

Supplement T attached to and made a part of the Order Granting Temporary Relief and Conditionally Providing For Final Relief issued in the above-entitled matter on June 8, 1943, 8 F.R. 8528, inadvertently established a minimum price for the said coals in Size Group 34 rather than in Size Group 29 as requested in the original petition. It appears, therefore, that the said Supplement T should be corrected accordingly.

Now, therefore, *It is ordered*, That Supplement T, § 330.25 (*General prices in cents per net ton for shipment into all market areas*), attached to and made a part of the order granting temporary relief and conditionally providing for final relief, issued on June 8, 1943, 8 F.R. 8528, in the above-entitled matter, be, and it hereby is, amended by deleting therefrom the designation "Size Group 34" and substituting in lieu thereof the designation "Size Group 29."

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11447; Filed, July 16, 1943; 1:25 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 623—CLASSIFICATION PROCEDURE

[Amdt. 166, 2d Ed]

WHEN LOCAL BOARD PHYSICAL EXAMINATION NOT REQUIRED

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 623.41 to read as follows:

When Local Board Physical Examination Not Required

§ 623.41 *Local board physical examination not required in certain cases.* (a) The physical examination of registrants by an examining physician shall not be required when:

(1) Under the provisions of § 623.35, the Director of Selective Service or the State Director of Selective Service waives such examination; or

(2) The examining physician is disqualified to make such examination under the provisions of § 603.63; or

(3) The registrant is a delinquent; or

(4) The registrant is outside an area where local boards are organized; or

(5) The registrant is outside the area of his local board and the local board determines that the registrant is so far from his local board as to make his return for such examination a hardship; or

(6) The registrant fails to appear at the time and place fixed for his examination.

Copper and copper base alloy	100 pounds
Aluminum	100 pounds

Board held at its office in Washington, D. C., on the 13th day of July, 1943.

such definition and standard.

(b) When physical examination by an examining physician is not required under the provisions of this section, the registrant affected shall be classified in the manner provided in paragraph (f) of § 623.51.

2. Amend the regulations by deleting § 623.42 in its entirety.

3. Amend paragraph (f) of § 623.51 to read as follows:

§ 623.51 *Procedure for classification after physical examination.* * * *

(f) If the physical examination of the registrant by an examining physician has been waived or is not required, the classification of the registrant shall be completed in the manner set forth in this section with the exception that the local board shall make its determination without the assistance of a report of the examining physician and shall not consider whether the registrant has a physical or mental defect which would require that he be classified in Class IV–F. Such registrant shall, therefore, be classified in either Class I–A, Class I–A–O, or Class IV–E. The classification thus made by the local board shall have the same effect as a classification made following physical examination by an examining physician. The rights and obligations of each such registrant following classification under such circumstances are exactly the same as if he had been classified following a physical examination by the examining physician.

* * * * *

4. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 16, 1943.

[F. R. Doc. 43–11561; Filed, July 17, 1943; 11:18 a. m.]

Chapter VIII—Office of Economic Warfare

[Order No. 1]

ORDERS, LICENSES, ETC. OF BOARD OF ECONOMIC WARFARE AND CERTAIN CORPORATIONS

RATIFICATION AND CONTINUATION IN EFFECT

By virtue of the authority vested in me by Executive Order No. 9361 of July 15, 1943 (8 F.R. 9861), *It is hereby ordered*, As follows:

Pending my further order, all licenses, orders, rules and regulations, procedures, instructions and delegations of authority, of whatever character, heretofore issued, prescribed or executed by, on behalf of, or with respect to, the Board of Economic Warfare, the corporations referred to in paragraph 2 of said order, and, with respect to their activities and transactions in or pertaining to foreign countries, the corporations referred to in paragraph 3(b) of said order, are hereby ratified, confirmed and continued in effect, and any action taken thereunder shall be deemed to be in conformity with said order, even though performed in the name of the Board of Economic Warfare.

[SEAL] LEO T. CROWLEY,
Director.

JULY 16, 1943.

[F. R. Doc. 43–11491; Filed, July 17, 1943; 9:08 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Amdt. 1 to Suspension Order S–343]

CUTTING ROOM APPLIANCES CORPORATION

Cutting Room Appliances Corporation, 45 West 25th Street, New York, New York, has appealed from the provisions of Suspension Order S–343, issued June 18, 1943. After a review of the case by the Chief Compliance Commissioner, it has been determined that Suspension Order S–343 should be modified so as to expire at an earlier date than is now specified.

In view of the foregoing, it is hereby ordered that paragraph (d) of § 1010.343 Suspension Order S–343, issued June 18, 1943, be amended to read as follows:

(d) This order shall take effect June 20, 1943, and shall expire on August 20, 1943.

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11534; Filed, July 17, 1943; 11:21 a. m.]

PART 1010—SUSPENSION ORDER

[Suspension Order S–365]

BAER BROTHERS

Abraham Baer and Max Baer are partners, doing business under the firm name of Baer Brothers, and operating a factory in Stamford, Connecticut, which makes such products as paints and varnishes; gold, aluminum and bronze powders and leaf. Their office is located at 738–48 West 37th Street, New York, New York. During the period July 14, 1942 through November 9, 1942, the respondents processed approximately 63,000 pounds of copper scrap without obtaining authorization from the War Production Board, in fact contrary to specific instruction of the War Production Board. This was a violation of Supplementary Order M–9–b, as amended May 9, 1942. During the period June 1, 1942 through July 19, 1942, the respondents sold approximately 972 pounds of bronze powder, in violation of Supplementary Conservation Order M–9–c–3, as amended June 1, 1942. On June 15, 1942 the War Production Board authorized the respondents to sell certain specified bronze powders, pursuant to a request made by the respondents, but during the period July 16, 1942 through October 31, 1942, the respondents sold bronze powders which were not permitted under Supplementary Conservation Order M–9–c–3 and were not included in the said authorization granted on July 15, 1942. Despite the fact that respondents had been directed in the authorization from the War Production Board, dated July 15, 1942, to deliver to each purchaser of bronze powder a copy of the said authorization of July 15, 1942, which contained certain instructions to guide the purchasers, nevertheless, respondents failed to supply such purchasers with copies of the said letter of authorization.

These violations by the respondents, who had been in this business for over half a century, were wilful. They not only involved critical metal, but were performed, in some instances, contrary to specific and clear instructions from the War Production Board. Critical material has been diverted by the respondents from uses authorized by the War Production Board and their acts have hampered and impeded the war effort of the United States. In view of the foregoing; *It is hereby ordered*, That:

§ 1010.365 *Suspension Order S–365.* (a) Deliveries of material to Abraham Baer and to Max Baer, doing business as Baer Brothers, or otherwise, their or its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to Abraham Baer or Max Baer, doing business as Baer Brothers, or otherwise, their or its successors or assigns, of any material or product, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Abraham Baer or Max Baer, doing business as Baer Brothers or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the 17th day of July, 1943 and shall expire on the 17th day of November, 1943.

Issued this 12th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11535; Filed, July 17, 1943; 11:22 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–367]

ZYNDA BREWING COMPANY

The Zynda Brewing Company, a corporation of Detroit, Michigan, is engaged in the business of manufacturing, bottling and selling malt beverages. During the months of June through November, 1942, the company used in the bottling of such beverages 3704 gross of closures in excess of its quota for those months as established and provided under Conservation Order M–104. During this period the company knew of the provisions of Conservation Order M–104 and knew the extent of its quota as established therein, but knowingly and wilfully exceeded its quota.

The company did further during the period from June to December, 1942 inclusive, purchase and accept excessive deliveries of closures as defined in Order M–104 and by so doing effected an increase in its inventory thereof in the amount of 638 gross over and above 20% of the number used during the calendar year 1941 as provided in said order which also was a knowing and wilful violation thereof.

These violations of Conservation Order M–104 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.367 *Suspension Order S–367.* (a) During the months of July, August and September, 1943, the Zynda Brewing Company, its successors and assigns, shall not use in the bottling of malt beverages more than 50% of the closures which it would otherwise be entitled to use under the provisions of Conservation Order M–104.

(b) Nothing contained in this order shall be deemed to relieve the Zynda Brewing Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 17, 1943, and shall expire on September 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 16th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11536; Filed, July 17, 1943; 11:22 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary Limitation Order L–30–d, as Amended July 17, 1943]

MISCELLANEOUS COOKING UTENSILS AND OTHER ARTICLES

Section 1052.5 *Supplementary Limitation Order L–30–d* is hereby amended to read as follows:

§ 1052.5 *Supplementary Limitation Order L–30–d*—(a) *Definitions.* For the purposes of this order:

(1) "Manufacturer" means any person who produces or assembles any article listed on Schedule A or Schedule B attached to this order, or any part for any such article.

(2) "To produce" or "to assemble" an article does not include the application of a coating or finish or the attaching of bails, handles, spouts or ears to articles which are otherwise completed.

(3) "To put into process" means for a person to perform the first manufacturing or assembly operations on material or parts received by him.

(4) "Base period" means the twelve months ending June 30, 1941.

(5) "Joining hardware" means nuts, screws, nails, bolts, clasps, rivets and other similar items of small hardware used for joining or other similar purposes.

(6) "Repair parts" means any part for an article or product which is not produced for or used in a new article or product.

(7) "Preferred order" means any purchase order, contract, or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(b) *Prohibition of production of articles on Schedule A.* No manufacturer shall produce or assemble any of the articles listed on Schedule A or parts (including repair parts) for such articles containing any metal.

(c) *Restrictions on production of articles on Schedule B.* No manufacturer shall produce or assemble any articles listed on Schedule B or any parts (including repair parts) for such articles containing any metal except in accordance with the provisions of that schedule.

(d) *Exceptions.* The provisions of paragraphs (b) and (c) shall not apply to:

(1) Articles produced in fulfillment of preferred orders;

(2) Articles containing no metal, except for the minimum amount of iron and steel not exceeding 5% of the weight of the article contained in necessary joining hardware;

(3) Articles the production of which is governed by Supplementary Limitation Orders L–30–a, L–30–b, or L–30–c, as amended from time to time, or

(4) Articles produced from iron or steel which, on November 17, 1942, had been cut, blanked or otherwise formed to size or shape for such article (except material which is in mill standard gauges and sizes).

(e) *Provisions concerning distribution.* (1) For the purpose of this paragraph (e):

(i) "Special order" means a rated purchase order or contract bearing a statement that the preference ratings were assigned pursuant to Form WPB–547 (formerly PD–1X). It is the policy of the War Production Board to assign such ratings only to take care of emergencies or to fill special needs arising from war conditions.

(ii) "Total quarterly production" means either the total dollar value or the total number of units of each article produced under this order during a calendar quarter. Articles produced or sold on preferred orders shall be disregarded in this calculation.

(2) Of his total quarterly production of any article each manufacturer shall allocate his sales so that 25% are sold on special orders and 75% on other orders. Fifteen days after the end of the quarter any balance of the 25% for which he has no special orders may be sold on other orders. For example, articles produced in the third quarter and held for sale on special orders may be sold on or after October 15th on other orders.

(3) It is hereby declared to be the policy of the War Production Board that each manufacturer shall distribute equitably all articles sold on other than special orders. In line with this policy, each manufacturer should follow his 1942 pattern of distribution, making any adjustments necessary to take care of population and other changes resulting from war conditions. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any person to distribute his product equitably, and may issue such instructions as are necessary to obtain equitable distribution. Any instructions pursuant to this paragraph to be valid must be in writing.

(4) It is hereby further declared to be the policy of the War Production Board that the following articles produced in accordance with Schedule B shall be sold for use only by commercial or industrial establishments, and not by the general public:

Baking pans—commercial type.
Heavy duty roast pans.
Basting spoons.
Cake turners.
Can openers—institutional type.
Ice cream dippers.

Ice picks
Scoops.
Wire whips.
Garment hangers.

(5) In complying with the provisions of subparagraphs (3) and (4) above, each manufacturer shall fill all rated orders (other than special orders) in accordance with applicable War Production Board Regulations. However, it should be noted that under Priorities Regulation No. 3, as amended, articles produced under this order are not subject to preference ratings assigned by any Regulations or Orders of the War Production Board for maintenance, repair or operating supplies (including CMP Regulation Nos. 5 and 5A).

(f) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of any articles to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(h) *Appeals.* Any appeal from this order should be made on Form WPB–1477 (formerly PD–500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(i) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(j) *Reports.* Each manufacturer shall file with the War Production Board, on or before August 15, 1943, Form WPB–2861 showing the amount of iron and steel by weight put into process by him during the base period in the production of each article in column (2) of Schedule B which he produces or intends to produce after June 30, 1943. This reporting provision has been approved by the Bureau of the Budget in accordance with the Federal Reporting Act of 1942.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref: L–30–d.

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A: *Prohibited articles.* The production of the following articles is prohibited in accordance with the provisions of paragraph (b) of this order, except as provided in paragraph (d):

Cake coolers
Camp grids
Candlesticks
Carpet beaters
Clothes pins
Concrete garbage receptacles containing more than 5 percent, by weight, of metal, exclusive of the weight of separate bases or blocks
Cup frames
Curtain rods and fixtures and drapery attachments
Cuspidors and spittoons
Dish pans
Dust pans, silent butlers and crumb sets
Fly swatters
Funnels
Household storage articles (all articles designed for the storage of foods or household supplies, including but not limited to, vegetable bins, canisters, spice sets, bread boxes, cake covers or safes, holders for salt, soap or cleanser cartons, step-on cans and window boxes for the storage of food, but excluding (i) pails, buckets and tubs; and (ii) containers designed for the packing, shipment or delivery of materials or products of any kind, including but not limited to, cans as defined in Conservation Orders M–81 or M–135, glass containers or closures as defined in Limitation Order L–103, and drums as defined in Limitation Order L–197
Picnic stoves
Pot chains
Pot cover holders
Sink accessories, including but not limited to, sink drainers, dish drainers, rinsing pans and pot scourers (except pot scourers produced from wire scrap only)
Soap savers and soap dishes
Toilet paper holders
Tooth brush holders
Towel bars and racks
Wash boards

SCHEDULE B. *Permitted articles.* The production of the articles listed must conform to the restrictions of this schedule in accordance with the provisions of paragraph (c) of Order L–30–d, except as provided in paragraph (d) of that order.

No manufacturer shall produce or assemble any article falling within any class in column (1) or any part for such article, containing any metal, except articles listed in column (2) conforming to the restrictions of column (3) and containing only the metals listed in column (4).

Definitions of terms used in column (4)

"Iron and steel" means unalloyed iron and steel.

"Black steel" means uncoated, polished or lacquered carbon steel. It does not include any steel which has a metal or vitreous-enameled coating.

"Plated" means that the iron or steel may be plated with another metal when not prohibited by any M Order or any other Order of the War Production Board.

"Specified materials" means iron or steel which falls within one or more of the following classes:

(i) Iron or steel obtained pursuant to a special sale as defined in Priorities Regulation No. 13, and in accordance with the terms of that regulation;

(ii) Top cuts of steel (being that portion of steel in ingot normally discarded as not meeting special quality requirements of the customer's order for which it was melted);

(iii) Bessemer processed steel;

(iv) Sheet mill seconds, rejects and wasters, 28-gauge and heavier;

(v) Tin mill black plate rejects, 29 and 30-gauge;

(vi) Iron or steel obtained from a warehouse (as defined in Conservation Order M–21–b);

(vii) Rerolled rail steel.

(viii) Scroll-sheer butts and slitter waste;

(ix) Wire shorts and rejects.

Quarterly quotas of iron and steel. Except in fulfillment of preferred orders, no manufacturer shall put into process during any calendar quarter, beginning July 1, 1943, more iron and steel, by weight, in the production of any articles listed in column (2) and parts for such articles, than the percentage specified in column (5) of the average quarterly amount of iron and steel, by weight, put into process by him in the production of such articles and parts during the base period. Unless otherwise noted, the base period production shall include all articles of the type listed in column (2) produced by him in the base period, whether or not they conformed to the limitations of columns (3) and (4).

In addition to his quota as explained above, a manufacturer may put into process in the production of any articles during any calendar quarter any unused part of his previous quarter's quota of iron and steel for such articles.

(1) Class of articles	(2) Permitted type in each class	(3) Restrictions on size, weight, etc.	(4) Permitted metals	(5) Quarterly quotas
Miscellaneous cooking utensils (any utensil containing more than 10% by weight, of metal which is designed primarily for use in the preparation or cooking of food, whether for household, institutional, commercial, governmental or any other purpose.	Utensils containing more than 10% but less than 20% of metal, by weight.		Iron and steel; plated	100% plus 5% for repair parts.
	Frying pans	Top diameter—8 to 12 inches, inclusive.	Black steel	50%.
	Baking pans of a type designed for household use.		Black steel; only Bessemer or material in inventory on July 17, 1943.	July to Sept., 1943—70%; Oct. to Dec., 1943, and thereafter—20%.
	Baking pans of a type designed for use and reuse in commercial bakeries and institutions.		Tin plate and black steel	75%.
	Heavy duty roast pans	Without covers; capacity—675 cubic inches to 2000 cubic inches, inclusive; two or three reinforcing straps; wired edges.	Black steel	35%.
Kitchen tools (articles containing more than 5% by weight, of metal, commonly known as kitchen tools, including, but not limited to, can openers, jar openers, bottle openers, strainers, flour sifters, food whips, food mills, dippers, scoops, choppers, slicers, corers, mashers, shapers, beaters, graters, grinders, cutters, sieves, cake turners, basting spoons, cork screws and skewers, but excluding cutlery (which is governed by Limitation Order L–140–a), electrical appliances (as governed by Limitation Order L–65), gas appliances and power-driven equipment.	Basting spoons	Over-all length, 14 to 21 inches, inclusive.	Bessemer steel; plated	35%.
	Cake turners	Over-all length, 13 to 21 inches, inclusive	Bessemer steel; plated	35%.
	Can openers, household type.	Not more than 16 oz. of metal.	Iron and steel; plated	50%.
	Can openers, institutional type.		Iron and steel; plated; bronze bearings and bushings.	15%.
	Egg beaters, rotary type	Over-all length, 10 inches or more.	Iron and steel; plated	35%.
	Flour sieves	With wood rims	Iron and steel	35%.
	Food choppers and grinders		Iron and steel; tinned, if permitted under Order M-43, or under relief granted pursuant to an appeal from that Order.	75%.
	Food mills		Iron and steel; plated	35%.
	Ice cream dippers, commercial type.		Iron and steel; plated; die-cast zinc gears.	15%.
	Ice picks	Wood handles; metal in ferrules and blades only; length of blade, including part in handle—5½ inches or less.	Iron and steel	50%.
	Jar wrenches	No rubber; not more than 12 oz. of metal.	Iron and steel; plated	35%.
	Scoops, commercial type	Iron and steel in blade only; Over-all length—6 to 10 inches, inclusive.	Iron and steel; plated; only specified materials or material in inventory on March 26, 1943.	35%.
	Wire strainers		Iron and steel; plated	35%.
	Wire whips, commercial type.	Over-all length—12 inches or more.	Iron and steel; plated	35%.
	Repair parts for any kitchen tool.		Any metal, subject to applicable M Orders.	5% of metal in such tool in base period.
Clothes wringers (except wringers which are integral parts of power-driven equipment as covered by Limitation Orders L–6 and L–91, as amended from time to time).	Hand clothes wringers	Weight—18 pounds or less; not more than 50% of metal, by weight.	Iron and steel	30%, plus 5% for repair parts.
Carpet sweepers	Carpet sweepers	Containing 1½ pounds of metal or less.	Iron and steel	30%.
Vacuum bottles and jugs	Vacuum bottles with capacity of one quart or less.		Iron and steel; plated	75%.
Lunch boxes and dinner pails	Workers' lunch boxes of a type designed to hold a vacuum bottle.	28-gauge or lighter	Iron and steel; only specified materials and material in inventory on July 17, 1943.	July-Sept., 1943 and Oct.–Dec., 1943—100%; Jan.–Mar., 1944 and thereafter—75%.
	Miners' dinner pails		Iron and steel; tinplate for water compartment only, if permitted under Order M–21–c or under relief granted pursuant to an appeal from that Order.	July-Sept., 1943, and Oct.–Dec., 1943 100% of average quarterly number of units in base period; Jan. to Mar., 1944 and thereafter—75% of same.
Closet accessories, including but not limited to coat and garment hangers (whether used in closets or elsewhere), tie racks and boot and shoe trees, except coat and hat hooks if expressly permitted by Order L–236 or a Schedule under it.	Garment hangers	Metal in hooks and joining hardware only.	Iron and steel	100%.
	Garment hangers, other than hangers specifically designed for trousers or skirts only.	No wire heavier than .1205 inch.	Iron and steel; only if obtained by special sale under Priorities Regulation 13 or in inventory on July 17, 1943.	20%.
Pails, buckets and tubs, except: (i) pails or tubs designed expressly for use as packing or shipping containers; and (ii) dairy pails	Pails, buckets and tubs	Metal in hoops, bails, ears, handles and joining hardware only, not exceeding 15% of total weight.	Iron and steel, zinc coated	Unlimited.

[F. R. Doc. 43–11519; Filed, July 17, 1943; 11:19 a. m.]

PART 1188—RAILROAD EQUIPMENT

[General Limitation Order L–97, as Amended July 17, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of locomotives for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1188.1 *General Limitation Order L–97*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Locomotives" means all types of new or used locomotives, including but not limited to steam, electric, diesel, diesel-electric gasoline and gasoline-electric locomotives. This definition does not include underground mine-type locomotives.

(3) "Producer" means any person engaged in the production of new locomotives; or in the repairing, rebuilding, redesigning, or otherwise processing of used locomotives.

(4) "Produce" means to produce new locomotives; or to repair, rebuild, redesign or otherwise process used locomotives for the purpose of sale or resale. This definition does not include the repairing, rebuilding, redesigning or otherwise processing of used locomotives by or for the owner thereof.

(c) *Restrictions on production and delivery of locomotives.* Irrespective of the terms of any contract of sale or purchase or of any other commitment, no producer shall produce or deliver any locomotives except as authorized pursuant to the provisions of paragraphs (d), (e), and (f) hereof.

(d) *Production and delivery schedules.* (1) Each producer shall schedule, or reschedule, if necessary, his production and make deliveries of locomotives in accordance with such specific directions as may be issued from time to time by the War Production Board.

(2) The production and delivery schedules established by any specific direction issued pursuant to paragraph (d) (1) above shall be maintained without regard to any preference ratings already assigned or hereafter assigned to particular contracts, commitments, or purchase orders and without regard to production schedules in effect on January 1, 1943, and may be altered only upon specific direction of the War Production Board.

(3) If it becomes impossible for any producer to maintain production and delivery of locomotives in accordance with any such schedule, he shall immediately notify the War Production Board, and, unless otherwise directed by the War Production Board, he shall continue to produce and deliver locomotives in the order set forth in such schedule and shall postpone production and delivery of any such locomotives only to the extent required by the circumstances causing his failure to maintain production and delivery as required by such schedule.

(e) *Prohibition of transfer of used locomotives.* Except as provided in paragraph (f) hereof, no person shall sell, lease, trade, lend, deliver, ship or transfer any used locomotive, and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any used locomotive.

(f) *Exceptions from prohibition of transfer of used locomotives.* Nothing in paragraphs (c), (d) or (e) hereof shall be construed to prevent:

(1) Any sale, lease, trade, loan, delivery, shipment or transfer of any used locomotive which has been specifically authorized by the War Production Board pursuant to an application filed upon Form PD–747; or

(2) Railroads from selling, leasing, trading, loaning, delivering, shipping or transferring used locomotives to other railroads; or

(3) The redelivery (to the owner) of any used locomotive which has been repaired, rebuilt, redesigned or otherwise processed for such owner; or

(4) Any of the following transactions in used locomotives pursuant to established practices:

(i) Customary daily switching operations for which charges are made on either an hourly or a tonnage basis;

(ii) Any delivery, shipment or transfer from one branch, division or section of a single enterprise to another branch, division or section of the same enterprise;

(iii) Leases or loans between persons who are parents or subsidiaries of each other, or who are subsidiaries of the same parent; or

(iv) Leases or loans in cases of emergency: *Provided*, That each such lease or loan is limited to a period not to exceed thirty days, and that application for confirmation thereof is forwarded to the War Production Board on Form PD–747 by the lessor within 48 hours after delivery of the locomotive.

(5) Any person from transferring title to a locomotive which has been delivered pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to January 1, 1943, or from retaking, repossessing or obtaining redelivery of any such locomotive upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to such date.

(g) *Restriction on dismantling or scrapping.* Except upon specific authorization of the War Production Board, application for which may be filed upon Form PD–747, no person shall dismantle or scrap any locomotive.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sale or disposal of locomotives, which records shall be available for audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Communications.* All communications concerning this order should be addressed to War Production Board, Transportation Equipment Division, Washington, D. C., Ref.: L–97.

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

As used in paragraph (g) and authorizations issued thereunder.

1. The term "dismantle" means to remove or strip all usable parts from a locomotive for re-use on other locomotives and to reduce the remainder to scrap material;

2. The term "scrap" means to reduce the entire locomotive to scrap material without removing any parts for re-use. (Issued Feb. 15, 1943.)

INTERPRETATION 2

The question has arisen to what extent a production and delivery schedule for a given number of locomotives, prescribed for a producer by the War Production Board pursuant to paragraph (d) (1) of Order L–97, takes precedence over any preference ratings which may be applied or extended to him, either for the locomotives themselves or for parts thereof.

A production and delivery schedule so established is protected by paragraph (d) (2), which provides that it "shall be maintained without regard to any preference ratings already assigned or hereafter assigned . . .". This protection of the schedule under Order L–97 extends not only to locomotives in completed form, but also to any locomotive parts manufactured by the producer which enter into the scheduled locomotives, to the extent that the diversion of such parts to fill rated orders would interfere with fulfillment of the prescribed schedule. (Issued April 12, 1943.)

[F. R. Doc. 43–11520; Filed, July 17, 1943; 11:19 a. m.]

PART 1261—LABORATORY EQUIPMENT

[Interpretation 1 of General Limitation Order L–144, as Amended]

The following Interpretation is issued to General Limitation Order L–144, as amended:

The word "distributor", wherever it appears in Order L–144 [§ 1261.1] includes only distributors located in the United States, its territories or possessions. The order permits delivery to "distributors" without requiring specific authorization on Form WPB–1414 (formerly PD–620). The purpose of this provision is to eliminate the necessity of double authorizations on the sale of equipment from producer to distributor followed by resale from distributor to user. It was contemplated, however, that the distributors would be reselling either to the Army or Navy or serial-numbered laboratories, or to other persons who had received specific authorization on Form WPB–1414; and therefore the War Production Board would have control over the ultimate disposition of the equipment. In the case of sales to distributors in foreign countries, the War Production Board has no control over sales by the distributor to the ultimate user. For this reason distributors in foreign countries must receive specific authorization on Form WPB–1414, just as in the case of any other foreign purchaser.

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11521; Filed, July 17, 1943; 11:19 a. m.]

PART 3114—SIMPLIFICATION AND STANDARDIZATION OF PORTABLE TOOLS, CHUCKING EQUIPMENT, MECHANIC'S HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, AND MACHINE TOOL ACCESSORIES

[Schedule V to Limitation Order L–216]

FILES

§ 3114.6 *Schedule V to Limitation Order L–216*—(a) *Definitions.* For the purpose of this schedule, including the appendix:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of files.

(3) "File" means any file or rasp including American Pattern, Swiss pattern and straight and curved-tooth milled files and rasps, but excluding rotary files, finning burs and small burs as defined in Schedule IV of this order, and excluding ampoule scorers, surgical rasps, dental files and veterinarian rasps and files.

(4) "Total quarterly production" means the total number of units of all types and sizes of files manufactured by a producer in any given quarter.

(b) *Limitations on manufacture and sale.* On and after July 17, 1943, no person shall manufacture or sell any file of size and type other than the sizes and types listed in the appendix hereto attached, subject to the following provisions:

(1) Any producer may apply to the War Production Board for permission to manufacture and sell files for special or precision work which do not conform to the dimensional specifications contained in the attached appendix: *Provided, however,* That the total quantity of such special files to be manufactured by such producer during any quarter shall not exceed six per cent of such producer's average total quarterly production for the year 1942.

(2) The limitations contained in this paragraph (b) shall not be deemed to prohibit the completion and sale of any files for which the producer has material on hand on July 17, 1943, nor to prohibit the sale of any files from inventories on hand as of July 17, 1943.

(c) *Tolerance permitted for file dimensions.* The following tolerances are permitted in the width and thickness dimensions for finished files shown in the attached appendix:

(1) *American pattern files and rasps.* (i) Warding files plus or minus 1/32" in both width and thickness.

(ii) Other American pattern files up to and including 6" in length plus or minus 1/16" in width and 1/32" in thickness.

(iii) Other American pattern files over 6" in length—plus or minus 1/16" in both width and thickness.

(iv) Horse rasps and shoe rasps—plus or minus 1/8" in both width and thickness.

(2) Straight and curved-tooth milled files—plus or minus 1/16" in both width and thickness.

(3) *Swiss pattern files.* (i) Three square, half-round and crossing files—plus or minus 1/16" in both width and thickness.

(ii) Other Swiss pattern files up to and including 6" in length—plus or minus 1/32" in width and 1/64" in thickness.

(iii) Other Swiss pattern files over 6" in length—plus or minus 1/32" in both width and thickness.

(d) *Limitation on steel sizes.* On and after July 17, 1943, no producer shall purchase any steel for incorporation into a type and size of file with respect to which the attached appendix indicates that a specified steel size is to be used in such manufacture, other than the size of steel permitted in the appendix for such type and size of file, subject to standard mill tolerances.

(e) *Necessity for preference ratings.* (1) No producer shall sell or deliver any metal cutting file except in accordance with the provisions of General Preference Order E–6, as amended from time to time.

(2) No producer shall sell or deliver any file other than a metal cutting file pursuant to any purchase order placed prior to July 17, 1943 unless such order bears a preference rating of A–9 or higher, or pursuant to any purchase order placed subsequent to July 17, 1943 unless such order bears a preference rating of AA–5 or higher, or except pursuant to specific permission of the War Production Board.

Issued this 17th of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX

TABLE 1—AMERICAN PATTERN FILES

Mill Files[1]

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch: Bastard Min.	Bastard Max.	Smooth Min.	Smooth Max.
4	7/16	1/16	54	62		
6	5/8	1/8	48	52	68	74
7	45/64	1/8	46	50		
8	13/16	9/64	43	46	56	62
10	1	11/64	38	41	51	56
12	1 3/16	3/16	34	37	45	50
14	1 3/8	7/32	30	33	39	43
16	1 1/2	1/4	26	29		

Mill Files—2 Round Edges[1]

6	5/8	1/8	48	52		
8	13/16	9/64	43	46		
10	1	11/64	38	41		

Mill Files—Blunt[1]

[Also known as Special Cross-cut files]

6	5/8	1/8	48	52		
7	45/64	1/8	46	50		
8	13/16	9/64	43	46		
10	1	11/64	38	41		

[1] Mill files shall be made from the following steel sizes:

Length of file (inches)	Width of Steel (inches)	Thickness of Steel (inches)
4	.430	.081
6	.620	.116
7	.715	.134
8	.810	.142
10	1.000	.167
12	1.180	.195
14	1.360	.225
16	1.540	.255

Square Files

Length (inches)	Width of Side (inches)	Cuts—teeth per inch: Bastard Min.	Bastard Max.	Second Cut Min.	Second Cut Max.	Smooth Min.	Smooth Max.
4	5/16	43	48	56	63	72	79
6	1/4	33	37	43	49	55	61
8	5/16	25	29	36	41	44	49
10	3/8	22	25	31	35	39	44
12	1/2	19	21	29	31	36	39
14	5/8	16	18	26	28	33	36
16	3/4	15	17				
18	7/8	14	16				

Round Files[2]

4	5/16	37	44	46	53	58	65
6	1/4	26	31	34	39	46	51
7	17/64	25	30				
8	5/16	21	25	28	32	39	43
10	3/8	19	21	26	29	36	39
12	1/2	17	19	23	26	32	35
14	5/8	16	18	21	23	30	33
16	3/4	15	17				

[2] Bastard sizes 6-inch and larger and second cut sizes 12- and 14-inch are double cut. All other sizes are single cut.

TABLE 1—AMERICAN PATTERN FILES—continued

Half-Round Files [4]

Length (In.)	Width (Inches)	Thickness (Inches)	Cuts—teeth per inch: Bastard, Back, Min.	Bastard, Back, Max.	Bastard, Flat, Min.	Bastard, Flat, Max.	Second cut, Back, Min.	Second cut, Back, Max.	Second cut, Flat, Min.	Second cut, Flat, Max.	Smooth, Back, Min.	Smooth, Back, Max.	Smooth, Flat, Min.	Smooth, Flat, Max.
4	7/16	1/8	37	45	37	45	51	59	51	59	65	73	65	73
6	5/8	5/32	29	34	29	34	41	46	41	46	50	56	50	56
8	3/4	7/32	24	28	24	28	33	37	33	37	44	50	44	50
10	13/16	9/32	21	24	21	24	29	32	29	32	39	43	39	43
12	1 1/8	11/32	19	21	18	20	26	29	26	29	34	37	34	37
14	1 5/16	13/32	17	19	16	18	23	26	23	26	31	34	31	34
16	1 1/2	29/64	15	17	14	16	20	23	21	24	29	32	29	32

Knife Files

Length (Inches)	Width (Inches)	Thickness: Thick edge (Inches)	Thickness: Thin edge (Inches)	Bastard: Min.	Bastard: Max.	Second cut: Min.	Second cut: Max.	Smooth: Min.	Smooth: Max.
4	13/32	7/64	1/32	49	55	60	68	82	90
6	1 1/16	9/64	1/16	41	45	52	59	66	73
8	7/8	5/16	1/16	33	37	42	48	54	60
10	1 3/16	3/4	1/16	28	32	34	39	43	49

[4] Flat sides are double cut. Second-cut sizes 4- and 6-inch and all smooth sizes may be single or double cut on the back. All other double cut on back.

Flat Files [2]

Length (Inches)	Width (Inches)	Thickness (Inches)	Cuts—teeth per inch: Bastard, Min.	Bastard, Max.	Second cut, Min.	Second cut, Max.	Smooth, Min.	Smooth, Max.
4	3/16	7/64	40	48	50	58	65	73
6	5/8	9/64	30	33	41	45	52	57
8	13/16	11/64	23	26	33	37	44	48
10	1	13/64	20	22	29	32	37	41
12	1 1/16	15/64	17	19	26	28	33	36
14	1 1/8	19/64	16	18	23	25	29	32
16	1 11/32	11/32	14	16	21	23	29	32
18	1 7/32	23/64	13	15				

Hand Files [2]

6	5/8	9/64	31	35	41	46	50	56
8	13/16	11/64	23	26	34	38	44	50
10	1	13/64	20	23	29	32	38	42
12	1 1/16	15/64	17	19	26	28	34	38
14	1 1/8	19/64	16	18	24	26	31	34
16	1 11/32	11/32	15	17				

Hand Finishing Files [3]

12	1 3/16	15/64					35	40
14	1 1/8	19/64					33	38

Warding Files

4	7/16	1/16	50	55	68	73	84	91
6	5/8	3/64	41	45	55	59	68	73
8	2 3/32	3/64	34	37	44	48	55	60
10	1 5/16	1/8	28	31	36	39	43	48

Pillar Files

6	7/16	7/32	34	40	44	50	56	64
8	9/16	9/32	28	32	37	42	47	54
10	1 1/16	11/32	23	26	33	37	43	48
12	1 5/16	13/32	20	23				

[2] Flat, Hand and Hand Finishing files shall be made from the following steel sizes:

Length of file, inches	Width of steel	Thickness of steel
	Inches	*Inches*
4	.430	.107
6	.620	.140
8	.810	.180
10	1.000	.220
12	1.180	.265
14	1.360	.300
16	1.540	.345
18	1.720	.360

TABLE 1—AMERICAN PATTERN FILES—continued

Pillar Files

Length (inches)	Width of side, inches	Thickness (inches)	Cuts—teeth per inch: Bastard, Min.	Bastard, Max.	Second cut, Min.	Second cut, Max.	Smooth, Min.	Smooth, Max.
6	7/16	7/32	33	37	43	49	55	61
8	9/16	9/32	25	29	35	41	44	49
10	11/16	11/32	22	25	31	35	39	44

Double Ender Files

Length, inches	Width of side, inches	Cuts—teeth per inch: Minimum	Cuts—teeth per inch: Maximum
7	7/32	68	83
8	9/32	55	69
9	11/32	52	66
10	3/8	47	57

Taper Files

Length, inches	Tapers single cut: Width of side	Tapers single cut: Teeth per inch, Min.	Tapers single cut: Teeth per inch, Max.	Slim tapers: Width of side	Slim tapers: Teeth per inch, Min.	Slim tapers: Teeth per inch, Max.	Extra slim tapers: Width of side	Extra slim tapers: Teeth per inch, Min.	Extra slim tapers: Teeth per inch, Max.	Double extra slim tapers: Width of side	Double extra slim tapers: Teeth per inch
	In.			*In.*			*In.*			*In.*	Teeth per inch
4				1/4	58	63	3/16	61	68	3/32	Min. / Max.
4½				17/64	55	60	1/4	60	66	7/64	62 / 70
5				5/16	54	59	5/16	59	64	1/8	61 / 68
5½							3/8	58	63	9/64	60 / 66
6	3/8	40	45	3/8	50	55	7/16	55	60	5/32	58 / 63
7	9/16	37	42	7/16	45	50	1/2	51	55	3/16	55 / 60
8	3/4	26	40	1/2	41	45	9/16			1/4	52 / 57
10	3/4	32	36				5/8				

Band-Saw Files—Blunt

Length (inches)	Regular: Width of side (inches)	Regular: Teeth per inch, Min.	Regular: Teeth per inch, Max.	Slim: Width of side (inches)	Slim: Teeth per inch, Min.	Slim: Teeth per inch, Max.
6	1/2	40	45	3/8	50	55
8	5/8	30	40	1/2	41	45

TABLE 1—AMERICAN PATTERN FILES—continued

Pillar Files

Length (inches)	Width of side, inches	Thickness (inches)	Cuts—teeth per inch: Bastard, Back, Min.	Bastard, Back, Max.	Bastard, Flat, Min.	Bastard, Flat, Max.
6	7/16	7/32	47	50	47	50
8	9/16	9/32	43	46	43	46

Cant-Saw Files

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch: Back, Min.	Back, Max.	Sides, Min.	Sides, Max.
6	15/32	1/64	49	55	49	55
8	19/32	1/64	44	48	44	48
10	23/32	3/64	39	43	39	43

Cross-Cut Files (Great American)

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch: Back, Min.	Back, Max.	Sides, Min.	Sides, Max.
8	13/16	9/32	42	48	43	49
10	1 1/16	11/64	38	43	39	43

Aluminum Files [5]

Length (inches)	Width: Flat, Min.	Width: Flat, Max.	Thickness: Flat	Cuts—teeth per inch: Half Round, Back, Min.	Half Round, Back, Max.	Half Round, Flat, Min.	Half Round, Flat, Max.
6	16	18	1/64	16	18	16	18
8	14	16	1/64	15	17	15	17
10	14	16	1/64	14	16	15	16
12	14	16	1/64	14	16	14	16
14	14	16	1/64	14	16	14	16
16	14	16	1/32	14	16	14	16

Foundry Files [3]

Length (inches)	Width: Flat, Min.	Width: Flat, Max.	Thickness: Flat	Cuts—teeth per inch: Back, Min.	Back, Max.	Flat, Min.	Flat, Max.
8	13/16	1	1/64	24	27	25	28
10	1 1/16	1 3/16	1/64	23	26	23	26
12	1 5/16	1 7/16	1/64	21	24	21	24
14	1 1/2	1 5/8	1/64	18	20	18	20
16	1 11/32	1 11/32	1/32	15	17	16	18

[5] Flat, Aluminum Files, Flat Foundry Files, Flat Level Float Files and Flat Long Angle Lathe Files shall be made from the same steel sizes as shown in footnote 2 for Flat Files and Hand Files.

TABLE 1—AMERICAN PATTERN FILES—continued

Brass Files—Half Round

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch: Back Min.	Back Max.	Flat Min.	Flat Max.
6	17/32	9/64	28	32	28	32
8	23/32	13/64	22	26	22	26
10	29/32	1/4	21	25	21	25
12	1 3/16	11/32	19	21	19	21

Lead Float Files—Half Pound

8	5/8	7/32	17	19	17	19
10	15/16	9/32	15	17	15	17
12	1 1/16	11/32	13	15	13	15

Lead Float Files—Flat [1]

Length (Inches)	Width (Inches)	Thickness (Inches)	Cuts—teeth per inch: Minimum	Maximum
8	1 3/16	1 3/64	17	19
10	1	1 3/64	15	17
12	1 5/16	1 7/64	13	15

Long Angle Lathe—Flat [1]

10	1	1 3/64	22	26
12	1 3/16	1 7/64	20	24
14	1 23/64	1 9/64	19	21

Flat Wood Rasps

Length (inches)	Width (inches)	Thickness (inches)	Bastard: Teeth per row	Bastard: Rows per inch	Smooth: Teeth per row	Smooth: Rows per inch
8	1 3/16	9/32	7	6 3/5	8	10
10	1	11/32	7	5 5/7	9	8 4/5
12	1 3/16	13/32	7	5 3/7	10	8 4/5
14	1 3/4	15/32	7	4 4/7	11	6 2/5
16	1 17/32	15/32	7	4 1/4	12	5 3/4

Wood Rasps Half-Round—Bastard

Length (inches)	Width (inches)	Thickness (inches)	Cuts: Back Teeth per row	Back Rows per inch	Flat Teeth per row	Flat Rows per inch
6	3/8	15/64	7	9	6	9
8	1 3/16	5/16	8	6 2/3	7	6 2/3
10	1	13/32	8	5 3/4	7	5 3/4
12	1 3/16	15/32	8	5 1/4	7	5 1/4
14	1 3/8	17/32	9	4 3/4	7	4 3/4
16	1 9/16	1 7/64	10	4 3/4	7	4 3/4

Wood Rasps Half-Round—Smooth

6	3/8	15/64	8	12	7	12
8	1 3/16	5/16	9	10	8	10
10	1	13/32	10	8 2/5	9	8 2/5
12	1 3/16	15/32	11	8 2/3	10	8 2/5
14	1 3/8	17/32	12	6 2/3	11	6 2/5
16	1 9/16	1 7/64	13	6 2/3	12	6 2/5

Cabinet Rasps—Second Cut

6	23/32	3/16	7	9	6	9
8	15/16	1/4	9	8 2/3	8	8 2/5
10	1 1/8	9/32	11	6 2/3	10	6 2/5
12	1 5/16	11/32	11	6 2/3	10	6 2/5
14	1 1/2	13/32	12	6 2/3	11	6 2/5

Cabinet Rasps—Smooth

6	23/32	3/16	10	12	9	12
8	15/16	1/4	12	12	11	12
10	1 1/8	9/32	12	10	11	10
12	1 5/16	11/32	15	10	14	10
14	1 1/2	13/32	15	10	14	10

[1] Flat Aluminum Files, Flat Foundry Files, Flat Lead Float Files and Flat Long Angle Lathe Files shall be made from the same steel sizes as shown in footnote 2 for Flat Files and Hand Files.

TABLE 1—AMERICAN PATTERN FILES—continued

Horse Rasps—Plain Half File

Length (inches)	Width (inches)	Thickness (inches)	Cuts: Rasp Side Teeth per row	Rasp Side Rows per inch	File Side Teeth per Inch Minimum	File Side Teeth per Inch Maximum
12	1 9/32	11/32	5	7	11	15
14	1 11/32	3/8	6	7	10	14
16	1 23/32	7/16	6	7	10	13

Horse Rasps—Slim Half File

18	1 23/32	7/16	6	7	10	13

Horse Rasps—Tanged Regular

12	1 17/32	3/8	5	7	11	14
14	1 27/32	7/16	5	7	10	13

Horse Rasps—Tanged Thin

14	1 23/32	2 3/64	6	7	10	14

Shoe Rasps—Half-Round

Length, inches	Width, inches	Thickness, inches	Cuts: Rasp end Flat Teeth per row	Rasp end Flat Rows per inch	Rasp end Back Teeth per row	Rasp end Back Rows per inch	File end, teeth per inch Min.	File end, teeth per inch Max.
8	3/4	7/32	8	12	9	12	19	21
9	31/32	1/4	8	12	9	12	18	20
10	1 3/16	9/32	8	11	9	11	17	19

TABLE 2—STRAIGHT- AND CURVED-TOOTH MILLED FILES

Length, inches	File Blades [6] Width, inches	File Blades [6] Thickness, inches	Tang Files [7] Width, inches	Tang Files [7] Thickness, inches	Cuts—teeth per inch: Regular cut	Fine	Smooth
7	5/8	1/4			14		
8	1 3/16	11/64	55/64	5/16	14	16	18
10	1	5/16	1	13/64	12	14	17
12	1 3/16	13/64	1 7/32	9/32	10	13	16
14	1 1/2	7/32	1 27/64	2 3/64	8	12	16

[6] Flexible or rigid (half-round shell or half-round moulding).

[7] Rigid files with tangs for handles. Any of the following types: Flat, flat babbitt, flat utility, half oval, pillar, square and half-round.

TABLE 3—SWISS PATTERN FILES

"X" as used in the following tables indicates file may be made in the size and cut shown.

Where dimensions for width, thickness or diameter are not given in the following tables, these dimensions are to be the option of the individual manufacturer.

All dimensional figures are inches.

Hand

Size: Length	Size: Width	Thickness	Cuts: 00	0	1	2	3	4	6
3	7/16	3/32	x	x	x	x	x	x	----
4	17/32	1/8	x	x	x	x	x	x	----
6	3/4	5/32	x	x	x	x	x	x	x
8	29/32	3/16	x	x	x	x	x	x	x
10	1 3/32	7/32	x	x	x	x	x	x	----
12	1 1/4	9/32	x	x	x	x	----	x	----

Pillar

3	1 9/64	3/32	x	x	x	x	x	x	----
4	23/64	5/64	x	x	x	x	x	x	x
6	31/64	5/32	x	x	x	x	x	x	----
8	39/64	7/32	x	x	x	x	x	x	----
10	47/64	15/64	x	x	x	x	----	x	----
12	55/64	17/64	x	x	x	x	----	x	----

Narrow Pillar

3	7/32	5/64	x	x	x	x	x	x	x
4	17/64	3/64	x	x	x	x	x	x	x
6	25/64	5/32	x	x	x	x	x	x	x
8	15/32	3/16	x	x	x	x	x	x	----
10	9/16	1/4	x	x	x	x	----	x	----
12	41/64	5/16	x	x	x	x	----	x	----

Extra Narrow Pillar

3	9/64	3/32	x	x	x	x	x	x	x
4	5/16	3/64	x	x	x	x	x	x	x
6	1/4	5/32	x	x	x	x	x	x	x
8	5/16	3/16	x	x	x	x	x	x	----
10	3/8	7/32	x	x	x	x	----	x	----
12	7/16	1/4	x	x	x	x	----	x	----

Pillar Tapering

Length	Cuts: 0	Cuts: 1
6	x	x
8	x	x

TABLE 3—SWISS PATTERN FILES—continued

Knife

Size			Cuts						
Length	Width	Thickness	00	0	1	2	3	4	6
3	3/8	5/64	x	x	----	x	----	x	----
4	13/32	7/64	x	x	x	x	x	x	----
5	9/16	9/64	x	x	----	x	----	x	----
6	11/16	1/32	x	x	x	x	x	x	----
8	7/8	3/16	x	x	x	x	x	x	----

Taper Round

Size		Cuts						
Length	Diameter	00	0	1	2	3	4	6
3	7/64	x	x	x	x	x	x	x
4	1/8	x	x	x	x	x	x	x
5	5/32	x	x	x	x	x	x	x
6	3/16	x	x	x	x	x	x	x
8	1/4	x	x	x	x	x	x	----
10	21/64	x	x	x	x	----	x	----
12	27/64	x	x	x	x	----	x	----

Parallel Round

Length		Cuts						
		00	0	1	2	3	4	6
4	1/8	x	x	----	x	----	x	----
5	5/32	x	x	----	x	----	x	----
6	3/16	x	x	----	x	----	x	----
8	1/4	x	x	----	x	----	x	----

Half Round

Length	Cuts						
	00	0	1	2	3	4	6
3	x	x	x	x	x	x	----
4	x	x	x	x	x	x	----
5	x	x	x	x	x	x	----
6	x	x	x	x	x	x	x
8	x	x	x	x	x	----	----
10	x	x	x	x	----	x	----
12	x	x	x	x	----	x	----

Half Round Ring

Length	Cuts						
	00	0	1	2	3	4	6
6	x	x	x	x	----	x	----
7	x	x	x	x	----	x	----

Square

Size		Cuts					
Length	Width of side	00	0	1	2	3	4
3	5/64	x	x	x	x	x	x
4	3/32	x	x	x	x	x	x
6	5/16	x	x	x	x	x	x
8	1/4	x	x	x	x	x	x
10	11/32	x	x	x	x	----	x
12	7/16	x	x	x	x	----	x

Three Square

3	5/32	x	x	x	x	x	x
4	1/4	x	x	x	x	x	x
5	5/16	x	x	x	x	----	x
6	3/8	x	x	x	x	x	x
8	1/2	x	x	x	x	x	x
10	5/8	x	x	x	x	----	x

Metal Saw

3	5/64	----	x	----	x	----	x
4	1/8	----	x	----	x	----	x
5	5/32	----	x	----	x	----	x
6	3/16	----	x	----	x	----	x
8	1/4	----	x	----	x	----	x

TABLE 3—SWISS PATTERN FILES—continued

Crossing

Length	Cuts						
	00	0	1	2	3	4	6
3	x	x	x	x	x	x	x
4	x	x	x	x	x	x	x
5	x	x	x	x	x	x	x
6	x	x	x	x	x	x	----
8	x	x	x	x	x	x	----
10	x	x	x	x	x	x	----

Warding

3	x	x	x	x	----	x	----
4	x	x	x	x	----	x	----
6	x	x	x	x	----	x	----
8	x	x	x	x	----	x	----
10	x	x	x	x	----	x	----

Square Edge Mill

Length	Cuts						
	00	0	1	2	3	4	6
4	x	----	x	x	----	----	----
6	x	----	x	x	----	----	----
8	x	----	x	x	----	----	----
10	x	----	x	x	----	----	----
12	x	----	x	x	----	----	----
14	x	----	x	x	----	----	----

Equaling

3	x	x	x	x	----	x	----
4	x	x	x	x	----	x	----
6	x	x	x	x	----	x	----
8	x	x	x	x	----	x	----

Crochet

3	x	x	x	x	----	x	----
4	x	x	x	x	----	x	----
6	x	x	x	x	----	x	----
8	x	x	x	x	----	x	----
10	x	x	x	x	----	x	----

Finishing

8	----	----	----	x	----	x	x
10	----	----	----	x	----	x	x
12	----	----	----	x	----	x	x

Barrette

3	x	x	x	x	----	x	----
4	x	x	x	x	----	x	----
6	x	x	x	x	----	x	----
8	x	x	x	x	----	x	----

Pippin

4	x	x	x	x	----	----	----
6	x	x	x	x	----	----	----
8	x	x	x	x	----	----	----

Checkering

6	x	x	x	x	----	----	----
8	x	x	x	x	----	----	----

Slitting

4	x	x	----	x	----	----	----
6	x	x	----	x	----	----	----

TABLE 3—SWISS PATTERN FILES—continued

Square Edge Joint

Length	Cuts						
	00	0	1	2	3	4	6
4	----	x	----	x	----	----	----
6	----	x	----	x	----	----	----

Fork

6	----	x	----	x	----	----	----

Bench

#1 cut on one side.
#3 cut on reverse side.
Lengths: 10 and 12.

Screw Head, Tanged and Plain

Length: 3

Coil

Lengths: 3½ and 5½.

Pivot, Right and Left

Lengths, 3.

Broach

Steel wire gauges 10 to 65, inclusive.
Length, 3.

Auger Bit

Length, 7.

Doctor, Tanged and Plain

Length, 14.

Die Sinkers

Cuts: 0, 1 and 2—12 shapes permitted.
Length, 3½.

Round Edge Joint

Length	Cuts						
	00	0	1	2	3	4	6
4	----	x	----	x	----	----	----
6	----	x	----	x	----	----	----

Corrugating

6	----	x	----	x	----	x	----

Escapement—or Square Handled Needle

Cuts:—0, 2, 4 and 6—12 shapes permitted
Length:—5½

Straight Blade, Round Handled Needl

Cuts:—0, 2, 4 and 6—12 shapes permitted;
Lengths:—4, 5½ and 6¾

Curved Blade, Round Handled Needle

Cuts:—0, 2, 4 and 6—12 shapes permitted
Lengths:—4, 5½ and 6¾

Die Sinkers Rifflers

Cuts:—0, 2 and 4—18 shapes permitted
Length:—6½

Silversmiths Rifflers

Cuts:—0 and 2—12 shapes permitted
Length:—7

Parallel Machine

Cuts:—00, 0 and 2—12 shapes permitted
Lengths:—As required

Special Parallel Machine

Tension and Compression Types
Cuts:—1 and 3—10 shapes permitted
Lengths:—As required.

[F. R. Doc. 43-11522; Filed, July 17, 1943; 11:19 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, as Amended July 17, 1943]

SALES OF CONTROLLED MATERIALS BY WAREHOUSES AND DISTRIBUTORS

§ 3175.4 *CMP Regulation 4*—(a) *Purpose and scope.* This regulation describes the procedure to be followed by warehouses and distributors in delivering controlled materials from stock (including consigned stock) except that in the case of steel, deliveries from one distributor to another are governed by Orders M-21-b-1 and M-21-b-2.

Steel

(b) *Definitions with respect to steel.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I of CMP Regulation No. 1.

(2) "Distributor" means any person (including a warehouse, jobber, dealer or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(c) *Rejection of orders.* (1) A distributor must reject all orders except those which he is required or permitted to fill under paragraph (d).

(2) A distributor must reject any order calling for delivery to any one person, at any one destination, at any one time or at the convenience of the distributor, of 56,000 pounds or more of rails or of 40,000 pounds or more of all other steel products except:

(i) Where acceptance of the order is specifically authorized by the War Production Board at the request of the buyer or seller, or

(ii) Where the order covers only oil country tubing, oil country casing, or oil country drill pipe, or

(iii) Where the order includes 10 or more individual items and each item differs from each other item in specified quality or cross section and no item weighs more than 8,000 pounds.

No person shall subdivide an order for the purpose of avoiding any of the requirements of this paragraph (c) (2).

(3) A distributor must not deliver any steel on an authorized controlled material order bearing a specific allotment number except in the period for which the allotment was made or within 15 days before or 30 days after such period. For example, a distributor receiving an order bearing the allotment number N-1-4Q43 may fill the order at any time during the period September 15, 1943, through January 31, 1944. Orders bearing symbols such as MRO which do not have to bear any quarterly identification are not subject to this provision.

(4) A distributor may reject any order for steel on which the customer does not specify immediate delivery. Even if he elects to accept an authorized controlled material order calling for future delivery, he is not allowed to set aside the steel covered by such order. He must deliver it on any order calling for immediate delivery that he is required to fill under paragraphs (d) (1), (2) or (3), and may deliver it on any order calling for immediate delivery that he is permitted to fill under paragraph (d) (4).

(5) A distributor may reject any order calling for the delivery of steel which he does not have in stock or which he does not know is in transit to his stock.

(6) A distributor may reject all or any part of an order which the War Production Board specifically authorizes him to reject. If a delivery would deplete his stock to a point where his function in the distribution of steel would be seriously impaired, he may apply to the War Production Board for authority to reject the order and may delay filling the order until his application is acted upon.

(d) *Orders which must be filled.* A distributor must fill the following kinds of orders unless he is required or permitted to reject them under paragraph (c):

(1) A distributor must fill all authorized controlled material orders.

(2) A distributor must fill orders for delivery to farmers as required by Priorities Regulation No. 19.

(3) A distributor must fill orders bearing preference ratings of AAA.

(4) A distributor may fill other orders as follows, but is not required to do so regardless of whether rated or not:

(i) Orders in amounts of $10 or less. No endorsement is required on such orders.

(ii) Orders calling for delivery to one customer during any calendar quarter of not more than 10 tons of carbon steel, 1,000 pounds of stainless steel and 2 tons of other alloy steel, providing such deliveries of any one product group and type to one customer do not exceed the amounts shown below:

	Quantities in Pounds per quarter unless otherwise stated		
	Carbon (Including wrought iron)	Stainless	Alloy (Other than stainless)
Tool steel, including drill rod	300	------	300
Tool steel bits	------	------	5
Mechanical tubing	1,000*	100*	300*
Wire rope and strand	300*	------	------
Music wire	300	------	------
All other wire and wire products in controlled material form	2,000	100	------
Pipe	2,000	------	------
Galvanized, lead-coated and painted sheets and strip (including formed roofing and siding)	2,000	------	------
Tin and terne plate	2,000	------	------
Fence posts	2,000	------	------
All other steel products	20,000	1,000	4,000

*Feet per quarter.

Each order placed under this paragraph (d) (4) (ii) must be accompanied by or endorsed with a certificate signed manually or as provided in Priorities Regulation No. 7 in substantially the following form (or, in the form provided in CMP Regulation No. 7):

The undersigned hereby certifies to the distributor with whom this order is placed and to the War Production Board, subject to the criminal penalties provided in Section 35 (A) of the United States Criminal Code, that receipt of the steel covered by this order, together with all other steel received by, or on order for delivery to, the undersigned, from all sources, during the same quarter, will not exceed the limits specified in paragraph (d) (4) of CMP Regulation No. 4.

A distributor shall be entitled to rely on such certificate unless he knows or has reason to believe it to be false.

The purpose of this paragraph (d) (4) (ii) is to permit persons using small quantities of steel to obtain their requirements without the use of allotments; it is not to allow users of large quantities to obtain steel in addition to their purchases on authorized controlled material orders. Therefore, a person who buys any steel under this paragraph (d) (4) (ii) cannot receive steel in any quarter in excess of the amounts shown in the above table, whether the steel comes from producers, distributors, or other sources and whether it is received on authorized controlled material orders or otherwise.

Copper

(e) *Definitions with respect to copper.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy.

(2) "Wire mill product" means bare or insulated wire or cable for electrical conduction made from copper or copper base alloy.

(3) "Warehouse" means any industrial supplier, mill supplier, plumbing supply house, electrical wholesaler or other person engaged in the business of distributing brass mill products or wire mill products to industry or trade otherwise than as a controlled materials producer and includes warehouses owned by mills.

(4) "Item of brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy, which is different from all other items of that form, by reason of one or more differences of its specifications, such as size, shape, gauge, thickness or alloy. Differences in temper or length do not differentiate items.

(5) "Item of wire mill product" means any wire or cable made from copper or copper base alloy for electrical conduction which is different from all other items of that form by reason of one or more differences of its specifications, such as size, alloy or insulation. Differences in temper or length do not differentiate items.

(6) "Warehouse stock" means brass mill or wire mill products physically located in warehouse inventories, whether owned or held on consignment by the warehouse.

(f) *Delivery of brass mill or wire mill products*—(1) *Delivery from warehouse stock.* (i) A warehouse shall fill authorized controlled material orders for brass mill or wire mill products, in accordance with this regulation, if it can fill the orders from its stock. In addition, until October 1, 1943, a warehouse shall fill from its stock orders for brass mill or wire mill products bearing preference ratings of AA-5 or higher, in accordance with this regulation, except that the total quantity of brass mill and wire mill products shipped on rated orders during the period commencing July 1, 1943, and ending September 30, 1943, must not exceed 2 percent of the total quantity of brass mill or wire mill products, respectively, shipped by the warehouse during the period commencing April 1, 1943, and ending June 30, 1943. In no case, however, may a warehouse fill an order for brass mill or wire mill products unless the purchaser has the right to accept delivery under paragraphs (f) (1) (ii) and (f) (1) (iii), which limit the amount of brass mill and wire mill products which a purchaser may get from a warehouse. A warehouse is entitled to rely on a certificate furnished by any of its customers under paragraph (f) (1) (iv) unless it knows or has reason to believe it to be false. A warehouse shall not fill any order for brass mill or wire mill products except those which it is required to fill by this paragraph (f) (1) (i).

(ii) No person shall order from warehouse stocks any item of brass mill product for delivery to any one destination, on any one day, which aggregates more than 500 pounds gross weight, or for delivery during any one calendar month, which aggregates more than 2,000 pounds gross weight, and no person shall accept any such delivery. However, the 500 pound limitation does not apply to a single straight length of rod, tube, pipe, sheet, or strip and neither the 500 pound nor the 2,000 pound limitation applies to condenser tubes.

(iii) No person shall order from warehouse stock any item of wire mill product for delivery to any one destination, during any one calendar month, which aggregates more than 3,000 pounds copper content and no person shall accept any such delivery.

(iv) No person shall place an order under this paragraph and no warehouse shall accept an order unless it is accompanied by, or endorsed with, a certificate in the form provided in CMP Regulation No. 7, signed manually or as provided in Priorities Regulation No. 7.

(2) *Other deliveries.* A warehouse receiving an authorized controlled material order from a customer and wishing to arrange for direct shipment to such customer by the producer or other supplier thereof, shall, in placing such order, specify direct delivery and shall show on its own purchase order the name of the customer and the allotment number or symbol appearing on the customer's order. A purchase order specifying direct delivery and giving such information shall be deemed an authorized controlled material order. A warehouse placing such an order shall not consider the delivery as made from its stock, and it may not request replacement.

(3) *Delivery after September 30, 1943.* No warehouse shall make a delivery after September 30, 1943, of any brass mill or wire mill product except to fill an authorized controlled material order.

Aluminum

(g) *Definitions with respect to aluminum.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP Regulation unless otherwise indicated:

(1) "Aluminum" means aluminum in any of the forms and shapes constituting controlled material as defined in CMP Regulation No. 1.

(2) "Distributor" means any person who is specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale.

(h) *Deliveries of aluminum by distributors on authorized controlled material orders.* (1) Each distributor shall, to the extent of his available stocks, fill authorized controlled material orders, except that a distributor shall reject any authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of more than 500 pounds of any gage, alloy and size of aluminum sheet, or more than 300 pounds of any alloy, shape and size of aluminum wire, rod or bar, or more than 200 pounds of any alloy, size and shape of aluminum tubing, extrusions or structural shapes: *Provided, however,* That any distributor shall be entitled to fill an authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of 2,000 pounds or less of any gage, alloy and size of aluminum sheet, 1,000 pounds or less of any gage, alloy and size of aluminum wire, rod or bar, or 500 pounds or less of any alloy, size and shape of aluminum tubing, extrusions or structural shapes, if such distributor shall first have requested the mill supplying him to fill such order and such mill shall have advised such distributor to fill the same from his stock. Such request and advice may be made verbally but shall be confirmed in writing.

(2) No distributor shall deliver any aluminum except to fill an authorized controlled material order or pursuant to a specific direction of the War Production Board.

General Provisions Applicable to Steel, Brass Mill Products, Wire Mill Products and Aluminum

(i) *Directions to distributors and warehouses.* Each distributor and warehouse shall comply with such directions as may be issued from time to time by the War Production Board with respect to making or withholding deliveries of steel, brass mill products, wire mill products or aluminum, and with respect to the earmarking of stocks of such material.

(j) *Placement of authorized controlled material orders.* A delivery order for steel, brass mill products, wire mill products or aluminum, shall be deemed an authorized controlled material order, if but only if,

(1) It is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board; or

(2) It is endorsed with the appropriate allotment number as required by paragraph (s) (3) of CMP Regulation No. 1.

(k) *Verbal delivery orders.* Any delivery order requiring shipment within seven days may be placed verbally or by telephone by stating to the distributor or warehouse the substance of the information required by this regulation, *Provided,* That the person placing the order furnishes to the distributor or warehouse, within seven days after placing the same, written confirmation of the order complying with the requirements of this regulation. In case of failure to receive written confirmation within seven days, the distributor or warehouse shall not accept any other order from, or deliver any additional material of any kind to, the purchaser until such written confirmation is furnished. On or before the 15th day of each month any distributor or warehouse who has received in the prior month a delivery order by telephone, shall notify the appropriate Regional Compliance Office of the War Production Board, of any case in which a purchaser has failed to furnish to him the written confirmation when due.

(l) *Special provisions with respect to AAA orders.* Notwithstanding the foregoing provisions of this regulation, an authorized controlled material order placed with a distributor or warehouse bearing a rating of AAA shall be filled in preference to any other authorized controlled material orders regardless of time of receipt.

(m) *Communications.* All communications concerning this regulation should be addressed to the War Production Board, Washington, D. C., Ref: CMP Regulation No. 4 (specify whether steel, copper or aluminum).

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

The definitions of "distributor" and "warehouse" appearing in paragraphs (b) (2) and (e) (3) of CMP Regulation No. 4 are not deemed to include persons engaged solely in the business of distributing automotive replacement parts. Consequently, such persons may sell, for use as automotive replacement parts, such items as bulk or spooled primary and spark plug wire, battery cables and magnet wire, without reference to the terms of CMP Regulation No. 4, but subject to the provisions of General Limitation Order L-158 and other applicable regulations or orders. (Issued Feb. 27, 1943)

[F. R. Doc. 43-11528; Filed, July 17, 1943; 11:20 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Revocation of Brass Mill Warehouse Direction 1 of CMP Reg. 4]

Brass Mill Warehouse Direction 1 of CMP Regulation No. 4 [§ 3175.4] issued March 8, 1943, is hereby revoked.

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11529; Filed, July 17, 1943; 11:21 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Revocation of Supp. Brass Mill Warehouse Direction 1-a of CMP Reg. 4]

Supplementary Brass Mill Warehouse Direction 1-a of CMP Regulation No. 4 [§ 3175.4] issued May 26, 1943, is hereby revoked.

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11530; Filed, July 17, 1943; 11:21 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Revocation of Wire Mill Warehouse Direction 1 of CMP Reg. 4]

Wire Mill Warehouse Direction 1 of CMP Regulation No. 4 [§ 3175.4] issued March 8, 1943, is hereby revoked.

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11531; Filed, July 17, 1943; 11:21 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 8 to CMP Reg. 5]

CAPITALIZED REPAIRS

The following Interpretation 8 is issued to CMP Regulation 5:

Products or materials needed for repairs or replacements which are capitalized cannot be obtained under CMP Regulation No. 5 [§ 3175.5] except to the extent permitted by paragraph (b) (3) of the regulation relating to minor capital additions costing less than $500.

Issued this 17th day of July, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11532; Filed, July 17, 1943; 11:21 a. m.]

PART 3234—AMMUNITION

[Limitation Order L-286 as Amended July 17, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of ammunition for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3234.1 *Limitation Order L-286*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Manufacturer" means any person engaged in the business of manufacturing ammunition.

(3) "Dealer" means any person engaged in the business of selling ammunition at retail to the public.

(4) "Distributor" means any person engaged in the business of selling ammunition other than a manufacturer or dealer.

(5) "Ammunition" means any cartridge loaded with gun powder and containing a metallic bullet or metallic shot, designed to be fired in a pistol, revolver, rifle, shotgun or submachine gun of the following caliber or gauge:

.22 caliber long rifle
.25-35 caliber
.25-20 caliber
.270 caliber
.250-3000 caliber
.30-06 caliber
.30-30 caliber
.300 caliber (except .300 H & H Magnum)
.30 caliber
.32 caliber
.32-20 caliber
.35 caliber
.351 caliber
.38 caliber
.380 caliber
.357 caliber
.45 caliber
12-gauge
16-gauge
20-gauge
410-gauge

The term "ammunition" also includes primers, designed for re-loading fired cartridges, but does not include any tear gas cartridge or projectile, any re-loaded cartridge, or any cartridge not manufactured in North America.

(6) "Authorized purchaser" means any person for whom a quota is assigned in Schedule A of this order.

(7) "Defense plant" means any plant in which any product or material is manufactured, processed or assembled, pursuant to a contract or subcontract with, or for the account of the United States Government or any department or agency thereof.

(8) "Defense plant guard" means any person who is employed as a guard in a defense plant and who requires ammunition in connection with the performance of his duties.

(9) "Law enforcement agency" means any law enforcement agency of the United States Government, and any law enforcement agency of any State, county, city or other governmental subdivision, within the United States or any of its territories or possessions.

(10) "Law enforcement officer" means any member of a law enforcement agency regularly employed as such, who requires ammunition in connection with the performance of his official duties, but the term does not include defense plant guards.

(11) "Special guard" means any person who is employed as a guard by a public utility, a transportation or express company, a bank or trust company, a public warehouse or any company furnishing armored car service, or any payroll guard, who requires ammunition in connection with the performance of his duties and who is required by his employer to furnish all his own ammunition.

(12) "Farmer or rancher" means any person who operates a farm or ranch as owner or as tenant of the owner.

(13) "Calendar quarter" means the several three months of the year commencing January 1, April 1, July 1, and October 1.

(b) *Restrictions on sale and delivery of ammunition.* No manufacturer, distributor or dealer shall sell or deliver any ammunition, and no person shall purchase or accept delivery of any ammunition from any manufacturer, distributor or dealer, except where such ammunition is sold or delivered:

(1) To fill any order for ammunition to be delivered to, or for the account of (i) the Army or Navy of the United States, Defense Supplies Corporation or

the Office of Strategic Services; or, (ii) the Government of any foreign country if pursuant to specific authorization of the Army of the United States or the War Production Board.

(2) To fill any order placed by any agency of the United States Government for ammunition to be delivered to, or for the account of the government of any country, including those in the western hemisphere, pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) To a manufacturer, distributor or dealer.

(4) To any authorized purchaser not in excess of his current quota as fixed in Schedule A of this order, upon receipt of a certificate as provided in paragraph (c) of this order.

(5) To any person who has been specifically authorized to purchase or accept delivery of ammunition by the War Production Board pursuant to the provisions of paragraph (d) of this order or otherwise.

(6) From stock in the hands of any dealer on the effective date of this order if the retail value of said stock of ammunition according to maximum prices fixed by the regulations of the Office of Price Administration is less than $250.

(7) By the Army or Navy of the United States.

(c) *Certification.* Any authorized purchaser, prior to purchasing or accepting delivery of ammunition pursuant to the authorization in paragraph (b) (4) of this order, shall file with the seller, a purchase order, together with a written certificate signed by him in substantially the form hereinafter provided for such purchaser in this paragraph (c). Such certification shall constitute a representation by such purchaser to the seller and to the War Production Board, of the facts certified therein. No person shall make delivery of ammunition based on such certification who has reason to believe that any of the facts certified therein are false.

CERTIFICATE No. 1

Law Enforcement Agencies

To _____
Name of Seller
_____
Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that the purchaser is familiar with the provisions of Limitation Order L-286; that purchaser is a law enforcement agency as defined in said order; that purchaser has _____ persons regularly employed as law enforcement officers on a full time basis to whom purchaser furnishes ammunition; that during the current calendar quarter, purchaser has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity to which purchaser is entitled under the applicable quota as established by Schedule A of Limitation Order L-286; that purchaser's present stock of ammunition is inadequate and that the ammunition ordered is necessary for the public safety; that said ammunition will not be used except in connection with the discharge of the official duties of the officers employed by purchaser.

Date: _____
_____
Legal Name of Purchaser
By _____
Authorized Official
_____
Title of Official
_____
Address of Purchaser

CERTIFICATE No. 2

Defense Plants

To _____
Name of Seller
_____
Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Limitation Order L-286; that he is the operator of a defense plant as defined in said order; that he has _____ persons regularly employed as defense plant guards on a full time basis to whom he furnishes ammunition; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity to which he is entitled under the applicable quota as established by Schedule A of Limitation Order L-286; and that the ammunition ordered is necessary for the protection of said plant; that said ammunition will not be used except in connection with the discharge of the official duties of the defense plant guards employed by purchaser.

Date _____
_____
Legal Name of Purchaser
By _____
Authorized Official
_____
Title of Official
_____
Address of Purchaser

CERTIFICATE No. 3

Special Guards

To _____
Name of Seller
_____
Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Limitation Order L-286; that he is a special guard as defined in paragraph (a) (11) of said order; and that he is employed by _____ in
Name and address of employer
the capacity of _____; that he is required to furnish all his own ammunition; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity for said quarter to which he is entitled under the applicable quota as established by Schedule A of said order; that his present supply of ammunition is inadequate for the performance of his official duties and that he will not use any of the ammunition hereby ordered except in connection with the performance of his official duties.

Date _____
_____
Signature of Purchaser
_____
Address of Purchaser.

Approved by
_____
Employer

CERTIFICATE No. 4

Farmers and Ranchers

To _____
Name of Seller
_____
Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Schedule A to Limitation Order L-286; that he operates a farm or ranch; that the ammunition ordered by the attached purchase order is necessary to protect livestock or crops from predatory animals or birds and that his present stock of ammunition is inadequate; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition hereby ordered) in excess of the quantity for said quarter to which he is entitled under the applicable quota established by Schedule A to Limitation Order L-286.

Date _____
_____
Signature of Purchaser

(d) *Application for authorization.* Any person other than an authorized purchaser seeking authorization to purchase ammunition and any authorized purchaser who, in any quota period requires ammunition in addition to the applicable quota as fixed in Schedule A shall make application on Form PD-860, which shall be filed with the Governmental Division, War Production Board, Washington, D. C., Ref: L-286. Authorization, if granted, shall be delivered to the seller with the purchase order. In case of emergency, application may be made by telephone or telegraph stating all pertinent facts.

(e) *Miscellaneous provisions*—(1) *Records.* All manufacturers, distributors and dealers affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventory and sale of ammunition, including all certificates and purchase orders referred to in paragraph (c) and all authorizations by the War Production Board referred to in paragraph (d) of this order.

(2) *Reports.* All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as said Board shall from time to time request.

(3) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by authorized representatives of the War Production Board.

(4) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds for the appeal.

(6) *Communications.* A report required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Governmental Division, War Production Board, Washington, D. C., Ref: L-286.

(7) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A OF LIMITATION ORDER L-286

(a) *Quotas:* Pursuant to the provisions of paragraph (b) (4) of Limitation Order L-286, quotas of ammunition for authorized purchasers are established on a current quarterly basis as follows:

(1) To any law enforcement agency for each of its law enforcement officers, employed on a full-time basis to whom it furnishes all of the ammunition required in connection with the performance of his official duties:

20 rounds of pistol ammunition, except .22 caliber but no more than 10 rounds of .38 caliber special service, and not more than 10 rounds of .38 caliber midrange.
100 rounds of .38 caliber primers.
100 rounds of rifle ammunition, except .22 caliber
200 rounds of .22 caliber long rifle cartridges.
25 shot gun shells of any gauge.

(2) To the operator of any defense plant, for each defense plant guard whom he employs on a full-time basis and to whom he furnishes all of the ammunition required in connection with the performance of his duties:

The same quotas as listed in paragraph (1) of this paragraph (a).

(3) To any special guard:

The same quotas as listed in paragraph (1) of this paragraph (a).

(4) To any farmer or rancher:

100 rounds .22 caliber long rifle cartridges.
140 rounds of rifle ammunition except .22 caliber but not more than 40 rounds of .30-30 caliber and not more than 100 rounds of .30-06 caliber.
25 rounds of shot gun shells of any gauge.

[F. R. Doc. 43-11523; Filed, July 17, 1943; 11:19 a. m.]

PART 3250—FOOD PROCESSING MACHINERY

[General Limitation Order L-292 as Amended July 17, 1943]

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of materials used in the production of food processing machinery, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3250.1 *General Limitation Order L-292*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or organized group of persons, whether incorporated or not, including any governmental agency or corporation.

(2) "Processor" means any person to the extent that he is engaged in the business of preparing, processing, canning, packing or packaging human or animal foods or tobacco for distribution (except food for consumption on the premises). A person shall not be deemed to be a processor to the extent that he is engaged in the production of food or tobacco, but an operator of a processing plant located on a farm and engaged in the business of preparing, processing, canning, packing or packaging human and animal food for distribution shall be deemed a processor.

(3) "Food processing machinery" means new, used, reconditioned and rebuilt machinery and equipment, of the kinds specified in Schedule A hereto, with a sales value of $50 or more for any single new machine or piece of equipment or $300 for any single used, rebuilt or reconditioned machine or piece of equipment; excluding (i) refrigerating machinery and equipment as defined in Limitation Order L-38, (ii) machinery and equipment used on a farm or a fishing vessel for production and handling of food or tobacco prior to delivery to a processor, (iii) scales and balances as defined in Limitation Order L-190, or (iv) conveying machinery as defined in Limitation Order L-193.

(4) "Manufacturer" means any person engaged in the fabrication, assembly, reconditioning or rebuilding of food processing machinery; and includes subsidiaries and affiliates of any such person.

(5) "Dealer" means any person engaged in the business of acquiring food processing machinery for resale; but the term shall not include any manufacturer.

(6) "Approved order" means any order of the following kinds:

(i) An order for any food processing machinery bearing a preference rating of AA-3 or higher assigned on Form WPB-617 formerly PD-200.

(ii) An order for canning machinery or equipment as described in Schedule A to be delivered to a processor located within the territorial limits of the United States and Canada, bearing a preference rating of AA-3 or higher assigned on Form WPB-576 formerly PD-285.

(iii) An order for dairy, egg, or poultry processing machinery or equipment as described in Schedule A to be delivered to a processor located within the territorial limits of the United States and Canada, bearing a preference rating of AA-3 or higher assigned on Form WPB-748 formerly PD-414.

(iv) An order for food processing machinery approved by the War Production Board pursuant to subparagraph (b) (2) hereof; or

(v) Any other order for food processing machinery bearing a preference rating of AA-3 or higher assigned on Form PD-1A or on Form WPB-837 (formerly PD-408).

(7) "Order" means any commitment or other arrangement for the delivery of food processing machinery, whether by sale, lease, consignment, or otherwise.

(b) *Restrictions on orders and deliveries.* (1) On and after June 15, 1943, no manufacturer, dealer, or processor shall accept any order for food processing machinery unless the order is an approved order. On and after June 30, 1943, no manufacturer, dealer, or processor shall deliver any food processing machinery and no person shall accept delivery of food processing machinery from any manufacturer, dealer, or processor, except pursuant to an approved order.

(2) A manufacturer or dealer may apply for approval of orders received by him prior to the date of this order, to be delivered on or after June 30, 1943, by filing in triplicate a list of such orders together with the following information with respect to each:[1]

Name and address of customer and date of order.
Description of food processing machinery ordered.
Expected delivery date.
Rating and source thereof (i. e., Form PD-1A, PD-285, etc.) if known.
Percentage of completion of order and amount of additional material necessary.
Use to be made of machine.

(c) *Restrictions on manufacture.* On and after June 30, 1943, no manufacturer shall fabricate or assemble any new machinery or equipment of the kinds listed on Schedule B hereto, or any parts therefor. The limitations and restrictions of this paragraph shall not apply to (1) the completion of any food processing machine or piece of equipment for which parts weighing, in the aggregate, not less than 75% of the weight of the finished machine or piece of equipment were fabricated prior to June 5, 1943 to the extent that they could not be used either as maintenance or repair parts for other kinds of food processing machinery or in the assembly of food processing machinery not subject to the restrictions of this paragraph; or (2) the fabrication or assembly of maintenance and repair parts or parts used in the reconditioning or rebuilding of used food processing machinery. As used in this paragraph "maintenance" shall mean the upkeep of food processing machinery in sound working condition; and "repair" shall mean the restoration, without change of design, of any portion of food processing machinery to sound working condition, when such portion has been rendered inoperative or unsafe or unfit

[1] This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

for service by wear and tear, damage, destruction or failure of parts, or other similar causes.

(d) *Simplification and standardization.* (1) On and after June 30, 1943, no manufacturer of dairy, egg, or poultry processing machinery or equipment shall fabricate or assemble any machinery or equipment of the kinds listed in Schedule C except in the size, style, or model therein prescribed.

(2) On and after June 30, 1943, no manufacturer of canning machinery or equipment shall fabricate or assemble any type or kind of machinery or equipment in more than one model for any one operation on any food or food product; except that a second model may be fabricated and assembled if it will provide at least 50% greater food processing capacity than that of the smaller model produced by the same manufacturer and performing the same operation on the same food or food product. In any event no manufacturer shall fabricate or assemble more than two models of any type or kind of machine. The provisions of this subparagraph shall not be construed to limit or restrict the number of sizes in any model which may be produced.

(3) Prior to June 30, 1943, each manufacturer of canning machinery and equipment shall file with the War Production Board on Form WPB–1902, formerly PD–754, a list of the models, and of the sizes thereof, which he proposes to manufacture in accordance with the restrictions of subparagraph (d) (2); and thereafter, unless otherwise directed by the War Production Board such manufacturer shall be permitted to produce only the models so reported.

(4) Notwithstanding any other provision of this paragraph (d) no manufacturer shall be prohibited from completing any machine or piece of equipment for which parts weighing in the aggregate not less than 75% of the weight of the finished machine were fabricated prior to June 5, 1943, to the extent that they could not be used either as maintenance or repair parts for other kinds of food processing machinery or in the assembly of food processing machinery in compliance with the restrictions of this paragraph (d).

(e) *Conservation of critical materials.* On and after June 30, 1943, no manufacturer shall fabricate or assemble any food processing machinery or equipment of the kinds listed in Schedule D hereto otherwise than in accordance with the restrictions on the use of materials contained in such schedule: *Provided, however,* That the provisions of this paragraph shall not prohibit the assembly of any such machinery or equipment from parts fabricated prior to June 5, 1943.

(f) *Exemptions.* (1) The limitations and restrictions of subparagraph (b) (1) shall not apply to:

(i) Orders from or deliveries to a manufacturer or dealer to enable him to fill approved orders which he has actually received, or to replace machinery delivered by him to fill approved orders;

(ii) The seizure or transfer of food processing machinery upon distraint or levy, or upon default in the terms of a conditional sales agreement, chattel mortgage, pledge, or other security agreement;

(iii) The transfer of food processing machinery at judicial or sheriff's auction or sale, tax sale, or other similar transaction conducted by a judicial or other legal officer;

(iv) The transfer of food processing machinery by will or intestacy, or by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, or receivership, proceedings or pursuant to any assignment for the benefit of creditors;

(v) The transfer of food processing machinery as part of a merger, consolidation, sale and purchase of assets, sale and purchase of stock, or lease of plant, involving all or substantially all the assets of a business, where no liquidation or dismemberment of assets is involved or contemplated;

(vi) The transfer of food processing machinery within a plant or from one plant or branch to another under common control, but not the transfer from a plant manufacturing the machinery to a plant which will use it;

(vii) The transfer of food processing machinery as a trade-in for other food processing machinery where the latter is delivered pursuant to an approved order;

(viii) The transfer of food processing machinery to be scrapped for its material content;

(ix) The transfer of any interest in a written instrument evidencing a lien upon or claim against food processing machinery: *Provided however,* That nothing in this subdivision (ix) shall be construed to permit the physical delivery of the food processing machinery involved;

(x) The return of any leased food processing machinery by the lessee to the lessor upon the expiration, termination or cancellation of the lease; or to

(xi) An order for or delivery of food processing machinery to be used directly by the Army, or Navy, Maritime Commission, or War Shipping Administration.

(2) The limitations and restrictions of paragraphs (c) and (d) shall not apply prior to September 3, 1943, to any order for or delivery of food processing machinery to be used directly by the Army, Navy, Maritime Commission or War Shipping Administration.

(g) *Production quotas.* (1) The War Production Board may at any time, by amendment to this order, adopt schedules prescribing the number of units of food processing machinery of any kind which may be fabricated and assembled by any manufacturer. On and after the date of issuance of any such schedules (or such other date as shall be specified in the schedule), no manufacturer shall fabricate or assemble more units of any kind of food processing machinery than the number thereof specified in such schedule.

(2) Unless and until the War Production Board shall otherwise provide by schedules adopted in accordance with the provisions of paragraph (g) (1) above:

(i) During the period from January 1, 1943 to September 30, 1943, no manufacturer shall fabricate or assemble any kind of food processing machinery in excess of the number of units of such kind fabricated and assembled by him during the similar period in 1942; except that in any case where the restrictions of this subparagraph prevent a manufacturer from filling an order which he has heretofore received rated AA–3 or higher he may fabricate and assemble the necessary number of additional units to enable him to fill such order.

(ii) During the fiscal year beginning October 1, 1943 and ending September 30, 1944, no manufacturer shall fabricate or assemble any kind of food processing machinery in excess of 50% of the annual average number of units of such kind of machinery which he fabricated and assembled during the calendar years 1939, 1940, and 1941.

(3) The War Production Board may at any time prescribe a production schedule for any manufacturer in respect to any kinds or styles of food processing machinery, regulating the time in which such items shall be produced and the number of units of a model to be produced in any one size. From and after the receipt of any such schedule, the manufacturer may carry on production only in accordance with the schedule. The provisions of this subparagraph shall not be construed to affect the other provisions of this order regulating the aggregate number and kinds of machines or pieces of equipment which may be produced by any manufacturer.

(h) *Miscellaneous provisions.*—(1) *Reports.* On or before the 20th day of June and of each succeeding calendar month, each manufacturer shall file a report on Form WPB–2721.

(2) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L or M order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(3) *Violations.* Any person who willfully violates any provision of this order, or who willfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(4) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C. Ref.: L–292.

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Machinery and equipment included in definition of "Food Processing Machinery," under paragraph (a) (3).

1. Baking machinery and equipment.
2. Brewing machinery and equipment including bottling machinery and equipment but excluding refrigeration machinery.
3. Canning machinery and equipment. This term includes all preparation machinery and equipment, filling, labeling and casing machinery used in the canning, dehydrating, freezing and fresh packing of fruits, vegetables, fishery products (including fishery by-products) and all other human or animal foods, but excluding (1) preparation equipment for meat and meat products (2) home canning and home dehydrating equipment (3) container sealing and closing and jar capping machines (4) refrigeration equipment.
4. Coconut shredding and processng equipment.
5. Coffee, tea, cocoa, and spice grinding and processing equipment, 1 H. P. and larger.
6. Confectionery machinery and equipment.
7. Dairy, egg and poultry processing machinery and equipment used in the commercial processing of milk and milk products, egg and poultry except (1) machinery or equipment used on a farm for the production and handling of milk, eggs or poultry prior to delivery to a processor and (2) machinery or equipment covered by the provisions of Limitation Order L-170.
8. Flour, grain, feed milling and processing machinery and equipment.
9. Food slicing and meat grinding machinery and equipment, 1 H. P. and larger, excluding food slicing and grinding equipment designed as canning machinery.
10. Macaroni processing machinery and equipment.
11. Meat canning and packing house machinery and equipment used in the preparation and processing of edible meat products including machinery and equipment used on the cutting floor, packing floor, trimming floor, in sausage manufacturing and smoked meat handling but excluding machinery and equipment used in fertilizer, glue hair and oleo processing, on the killing floor and in the press room or tank room.
12. Non-alcoholic beverage manufacturing machinery and equipment including bottling machinery and equipment but excluding refrigeration machinery.
13. Sugar processing machinery and equipment.
14. Tobacco processing machinery and equipment.
15. Seed cleaning equipment.

SCHEDULE B

Food Processing Machinery and Equipment which cannot be manufactured unless specifically provided for under the terms of paragraph (g) (1).

1. The following items of baking machinery and equipment:
   a. Angel food pan washing machine.
   b. Cake slicing machine.
   c. Dough brakes.
   d. Dough hopper (ind. unit).
   e. Doughnut machines.
   f. Vibrating screens.
   g. Filling machines.
   h. Fruit cleaning machines.
   i. Icing machines.
   j. Oven and conveyor dump units excluding dump racks.
   k. Pan greasers.
   l. Pan washing machines.
   m. Pie pan washing machines.
   n. Retarding dough box.
   o. Sack cleaners.
   p. Sweet and plain roll tables.
   q. Sweet roll cutting machines.
   r. Trolleys.
   s. Trough dividing boards.
   t. Chocolate melting kettles.
   u. Dough sheeting and stamping machines.
   v. Enrobers.
   w. Icing trolleys.
   x. Marshmallow depositors.
   y. Oil spraying machines.
   z. Sandwich machines.
   aa. Spreading machines.
   bb. Sugar topping machines.
   cc. Sugar wafer machines.
2. All brewing machinery and equipment including bottling machinery and equipment but excluding refrigeration machinery and equipment.
3. All coconut shredding and processing equipment.
4. Coffee, tea, cocoa and spice grinding and processing equipment except equipment by and for the direct use of the Army, Navy, Maritime Commission and War Shipping Administration, and except equipment used in the manufacture of soluble and dehydrated coffee.
5. All confectionery machinery.
6. The following items of dairy machinery and equipment:
   a. Automatic pasteurizing and holding controls for vat pasteurizers.
   b. Batch measures.
   c. Batch weighers.
   d. Butter wrappers.
   e. Butter cutters—power driven.
   f. Fruit feeders.
   g. Flavor tanks for ice cream mix.
   h. Ice cream freezers, except on order by and for the direct use of the Army, Navy, Maritime Commission and War Shipping Administration.
   i. Ice cup—package fillers.
   Coating and dipping machines, all types.
   Bar and popsicle machinery
   j. Ice cream cutting and wrapping machines.
   k. Homogenizers for whole fluid milk.
   l. Milk bottle hooding machines.
   m. Milk irradiator.
   n. Milk bottle case washers.
   o. Paper bottle filling machines.
   p. Soft curd machinery.
   q. Vacuum milk samplers.
   r. Clarifiers for fluid milk.
   s. Foam destroyers.
   t. Multiple effect vacuum pan.
   u. Automatic pocket type holding systems.
   v. Milk can washers for handling chained type covers.
   w. All sanitary fittings for dairy machinery and equipment except the following, as set forth in the International Association of Milk Dealers Code:
   ≠2C—ell.
   ≠2F—ell, one end threaded.
   ≠6—tee, one end recessed.
   ≠7—tee.
   ≠9—cross.
   ≠10C—valve.
   ≠11C—valve, 3 way.
   ≠13H—union nut.
   ≠14—union ferrule.
   ≠14A—union ferrule.
   ≠14R—union ferrule, recessless
   ≠15—union ferrule, threaded.
   ≠15R—union ferrule, threaded, recessless.
   ≠16A—cap
   ≠17—coupling.
   ≠20—pipe clamp, tapped ¾" I. P. T.
   ≠21—nipple adapter.
   ≠22—coupling adapter.
   ≠23A—thermometer ferrule, fine thread.
   ≠23B—thermometer ferrule.
   ≠24—pipe hanger clamp ⅜" I P. T.
   ≠25H—malleable wrench.
   ≠26D—ell 45°.
   ≠31R—reducing ferrule, concentric.
   ≠32—eccentric reducing ferrule.
   ≠32–15—reducing ferrule, eccentric, small end.
   ≠32–R—eccentric reducing ferrule, flat face.
   ≠33B—can filler.
   ≠38—vat outlet.
   ≠43—tank outlet.
   ≠45H—check valve, hexagon nut.
   ≠45V—check valve.
   ≠30W—angle valve, inlet recessed.
   ≠30WC—angle valve 90°.
   ≠60T—compression valve, tee.
   ≠60C—compression valve, cross.
   ≠60Y—compression valve, straightway.
   ≠60R—compression valve, recessless.
7. The following items of egg machinery and equipment:
   a. Egg graders, hand.
   b. Egg graders, power.
8. The following items of flour and grain milling machinery:
   a. Mixers (molasses, etc.).
   b. Pellet machines.
9. Food slicing and meat grinding machinery and equipment except:
   1. Preparation machinery for canning and dehydrating;
   2. Freezing equipment;
   3. Machinery and equipment used in commercial meat packing houses;
   4. On order by and for the direct use of the Army, Navy, Maritime Commission, and War Shipping Administration.
10. All macaroni processing machinery and equipment except drier.
11. Non-alcoholic beverage manufacturing machinery including bottling machinery and equipment but excluding refrigeration equipment and excluding fresh fruit and vegetable juice machinery.
12. The following items of Poultry Machinery and Equipment:
   a. Blood cups.
   b. Poultry killing machines.
   c. Waxers, poultry.
   d. Wax extractors, poultry.
13. All sugar milling machinery and equipment.
14. All tobacco processing machinery and equipment.

SCHEDULE C

SIMPLIFICATION SCHEDULE FOR DAIRY MACHINERY AND EQUIPMENT

(Permitted styles, sizes & capacities per manufacturer. Nearest standard style and size or capacity formerly manufactured.)

Type of machine	Style	Size or capacity
Cheese vat agitators	1	16' to 20'.
Babcock testers	1 (motor driven)	2 (24 & 36, short & long bottles).
	1 (hand operated)	2 (4 and 12 bottles).
Butter cutters, hand	1 (manual)	2 (30 and 60 lbs.).
Bottle cappers, hand	1	1.
Cheese curd mills	1 (portable)	2 (8" and 12").
Cheese hoops	1 style each size	5 (Cheddar, Longhorn, Daisies, Twin, Loaf).
Cheese presses	1 (manual)	1 (2-row convertible to 4, 20 ft.).
Cheese vats	1 (wood body)	3 (300, 800 and 1200 gallons).
Churns, butter wood barrel	1 (roll-less)	3 (1000, 1700 & 2600 lbs.).
small	1	2 (under 1000 lbs.).
Clarifiers	1 (Airtight, for eggs only)	2 (6000 & 12,000 lbs. per hour milk basis).
Coolers, plate type	See plate pasteurizers	As approved for projects.
Dehydrators or Driers for milk and eggs.	2 (roll and spray)	
Fillers for dairy products:		
(a) Hand	1 (single capper)	2 (2 and 4 valve).
(b) Power	1	4 (Frame and Bowl sizes).
Fillers for evaporated milk	1	1.
Filters	2 (cloth & screen)	Existing.
Forewarmers	1	2 (200 and 600 gallons).
Hot Wells	1 (single well)	2 (500 & 1000 gallons).
Homogenizers for evaporated & dehydrated milk & ice cream.	1 (up to 5000 lbs. pressure)	4 (Frame and Head sizes).
High Pressure Sanitary Pumps	1 (up to 7000 lbs. pressure)	2 (Frame and Head sizes).
Pasteurizers:		
(a) Cheese	1 (Regenerative surface)	Upon application.
(b) Coil	1	4 (300, 600, 800 & 1,000 gallons).
(c) Plate	2 (screw type)	2 size plates.
(d) Vat and Starter Can	2	4 (150, 250, 300 & 500 gallons).
Paraffining Equipment	1	1 (2 Cheddar).
Pumps, Sanitary:		
(a) Centrifugal	1	3 (1", 1½" and 2").
(b) Positive	1 (rotary only)	2 (1½" & 2") No variable speed driven.
Separators, open & closed types	1 (open)	2 (3,500 & 7,000 lbs.).
	1 (closed)	2 (7,000 & 11,000 lbs.).
Tanks, Storage:		
(a) Open Top	1	3 (200, 500 & 1,000 gallons).
(b) Cylindrical	2 (Horizontal & vertical—nonrefrigerated).	2 (84" & 96" diam.) minimum 2,000 gallons.
Tanks, Receiving	1	4 (100, 300, 500 & 1,000 gallons).
Vacuum Pans	1	2 (60" & 72").
Washers:		
Hand Milk Bottle	1	2 (1 and 3 brush).
Sterilizer, Can	1	1.
Milk Bottle, Soaker Type	3	4 (20, 48, 72 & 120 B. P. M.).
Milk Can, rotary	1 (Cold air drying only)	2 (3 & 6 C. P. M.).
Milk Can, Straightway	1 (Cold air drying only)	2 (8–10 & 12–14 C. P. M.). Single or double tank.
Weigh Cans	3 (1 compartment)	2.
	(2 compartment)	2.
	(round)	2.

SIMPLIFICATION SCHEDULE FOR EGG PROCESSING EQUIPMENT

Type of machine	Style	Size or capacity
EGG BREAKING EQUIPMENT		
Egg breaking cups	1	1 not over 3 eggs per cup.
Egg breaking knife	1	1 10½".
Egg breaking separator	1	1 1⅜".
Egg breaking tray	1	1 medium 11½ x 10 x 1¼".
Egg breaking tray grid	1	1 medium 11¼ x 9 x ¾".
Egg candlers, hand	1	1 1 hole.
Egg candlers, flash	1	1 three dozen.
Egg churns	2	2 500 lbs. and 800 lbs. eggs.
Egg crushers (frozen) Sanitary.	1	1.
Egg hashers	1	1.
Egg leaker trays & grid	1	1 13 x 13 x 3½".
Egg suckers	1	1.
Egg treating machines	[1] 1	1 16–20 cases per hour.
Egg washers	2	2 six and ten cases per hour.
Sterilizer	1	1 40 x 44 x 30" (16 ga. Galv.).

[1] Tray type.

SIMPLIFICATION SCHEDULE FOR POULTRY PROCESSING EQUIPMENT

Type of machine	Style	Size or capacity
Cooling racks for dressed poultry.	1	1 180 birds.
Eviscerating equipment	1	3 40 ft. 20–26 birds per minute.
	1	32 ft. 10–15 birds per minute.
	1	Cafeteria tray top, hand.
Feather driers	1	2 5000 & 8000 birds per day.
Feather wringers	1	1.
Giblet cleaning equipment.	[2] 1	1.
Live poultry holding trucks.	[2]	2 8 and 16 compartment.
Packing bench & tables.	1	1 36 x 46.
Picking machines:		
(a) Automatic	1	1.
(b) Hand fed	[4] 1	3 (1, 2 or 3 operators each)
Rubber fingers	1	1.
Pinning conveyors	1	2.
Scalding machines	1	2 Poultry size and Turkey size.
Shackles	[2]	2 Poultry size & Turkey size.
Tanks & wash sinks	1	2 Poultry size & Turkey size.

[1] Loose pans.
[2] Metal or wood.
[3] Motor driven drum.
[4] Plain and locking.

SCHEDULE D

CONSERVATION PROVISIONS

[#1—DAIRY EQUIPMENT]

1. As used herein "contact parts" means those parts of a dairy equipment which come in direct contact with dairy or egg products, and the fittings to hold such parts in place.

2. No aluminum, cadmium, bismuth, tin, magnesium, copper, zinc, nickel, chromium or alloys containing these metals other than as impurities shall be used for parts, finishings or plating except as otherwise specifically permitted in this schedule "D"—1.

3. Copper and copper base alloys are permitted only in electrical conductors, bearings, valves, instruments, motors, worm driven gears, and cappers for dairy products, and in contact parts for the following equipment:

Cheese pasteurizers
Clarifiers
Coolers—Sanitary, all types for milk & egg processing plants
Dehydrators for milk and eggs
Fillers for milk and eggs
Filters for milk and eggs
Forewarmers
Heaters for milk and eggs
Hot wells
Homogenizers and high pressure sanitary pumps
Pasteurizers, coil and vat
Preheaters for dairy and egg products
Separators
Tanks and vats, sanitary for milk and egg products
Vacuum pans
Washers
(a) Bottle
(b) Milk bottle soaker type

4. Chromium or nickel or stainless steel alloys containing these metals may be used only in parts that come in contact with milk or egg products in clarifiers, coolers, dehydrators or driers for milk and eggs, fillers, filters, forewarmers, hot wells, homogenizers, high pressure sanitary pumps, pasteurizers, separators, storage tanks, vats including receiving tanks, vacuum pans and weigh cans.

5. Secondary copper—nickel alloys (white metal) made only from scrap or remelt may be used for sanitary fittings and for capping equipment.

6. Tin may be used for solder and for plating or coating parts which come in contact with milk or egg products.

7. Rubber can only be used for gaskets, filling valves and couplings.

8. Zinc for protective coating is permitted.

[#2—EGG EQUIPMENT]

No aluminum, cadmium, bismuth, tin, magnesium, copper, zinc, nickel, chromium, iron and steel or alloys containing these metals other than as impurities shall be used for parts, finishes, or plating except in bearings, valves, instruments, motors, or solder, or to the extent permitted below:

Equipment	*Permitted metals*
Egg breaking cups, Egg breaking knife, Egg breaking tray, Egg breaking tray grid, Egg breaking separator	Chrome or nickel stainless steel only where in contact with egg or egg product.

Equipment	*Permitted metals*
Egg candlers, flash	Iron or steel except in benches.
Egg churns, Egg hashers, Egg crushers (sanitary) for frozen eggs	Chrome or nickel stainless steel, secondary copper nickel alloy (white metal) made only from scrap or remelt and tin coated iron or steel, and only where in contact with egg or egg product. Balance of equipment iron or steel.
Egg suckers, Egg leaker trays and grids, Egg treating machines	Iron, zinc for galvanizing.
Egg tables, Egg washers	Iron and steel.

[#3—POULTRY EQUIPMENT]

No more than 12% crude rubber may be used in rubber fingers. No aluminum, cadmium, bismuth, tin, magnesium, copper, zinc, nickel, chromium, iron and steel or alloys containing these metals other than as impurities shall be used for parts, finishes, or plating except in bearings, instruments, valves, motors, solder, or to the extent permitted below.

Equipment	*Permitted metals*
Cooling racks for dressed poultry.	Iron or steel in axles, casters and hangers only.
Eviscerating equipment.	Iron and steel, zinc for galvanizing top only.
Feather driers	Iron or steel—12 gauge or lighter except in base.
Feather wringer	Iron and steel, zinc for galvanizing.
Giblet cleaning equipment.	Iron and steel, zinc for galvanizing.
Live poultry holding trucks	Iron and steel, zinc for galvanizing.
Packing bench and tables	Galvanized iron for top only.
Picking machines	Iron and steel, zinc for galvanizing on drum only.
Pinning conveyors	Iron and steel.
Scalding machines	Iron and steel.
Shackles	Iron and steel, zinc for galvanizing.
Sterilizers	Iron and steel, zinc for galvanizing.
Tanks and wash sinks	Iron and steel.

[#4—CANNING MACHINERY AND EQUIPMENT]

(A) As used herein "contact parts" mean those parts of a food processing or packing machine or item of equipment which come in direct contact with the edible portion of the food product being processed at any stage of the processing operation.

(B) No stainless steel shall be used except in:

1. Contact parts for machinery processing fishery products, citrus products, pineapple, tomato and tomato products, vinegar and vinegar contact products, sauerkraut, chicken, mayonnaise, apples and apple products, riced potatoes for dehydration, and cranberries and cranberry products.

2. Cutting knives as used in food processing equipment for peeling, coring, extruding, slicing or dicing.

(C) No copper other than for electrical conductors shall be used except for contact parts for acidulous fruits and vegetable products, or in steam-jacketed kettles and in tubing for cooking coils.

(D) No bronze or other copper base alloys shall be used except in—

1. Bearings, gears and fittings;

2. Parts which are in contact with corrosive glues in labeling and sealing machines or with brine and salt water;

3. Contact parts of equipment handling acidulous fruit, vegetable or fishery products;

4. Bearings and packing glands in fresh fruit, vegetable and fishery products, grading, packing and treating equipment.

(E) No copper-nickel alloy shall be used except secondary metal made from reprocessed scrap is permitted in

1. Filling chambers, plunger valves for fillers and contact parts in pumps for baby foods, citrus, and pineapple products;

2. Pump parts that come in contact with hydrochloric solution or brine in fresh fruit, vegetable and fish washing and treating equipment.

(F) No nickel shall be used except in pineapple screens.

(G) No monel metal shall be used except for bolts, nuts, nails and rods in fresh fruit and vegetable washing and treating equipment.

(H) No aluminum shall be used except in citrus fruit extractor heads.

(I) No structural steel framework shall be used in the building of viners or viner feeders, cleaners or recleaners, or shaker shoes.

(J) No tin shall be used except in the plating (including hot dipping and hot wiping) of contact parts and in solder.

(K) No rubber shall be used in any canning machinery or equipment, except the following items in which only reclaimed rubber shall be permitted:

1. Apron flaps and viner screens (which shall be impregnated fabric with coating not to exceed 1/64" thickness on each side);

2. Inspection tables, conveyors and sorting belts for fruits and vegetables (which shall be only impregnated fabric with coating on one side not to exceed 1/64" and coating on other side not to exceed 1/32");

3. Belts or rolls for can and bottle unscramblers and fruit and vegetable dicers, slicers, slitters and cutters (which shall be only impregnated fabric with coating on one side not to exceed ¼" in thickness);

4. Baffle strips and separators in continuous peelers;

5. Green corn husking rolls; grading ropes for vegetable graders.

6. Valve seals, rings, washers, hoses and displacement members in filling machines; spacing rolls and seaming pads in labeling machines; type and typeholders in can and package marking devices; food rolls for green corn-cutting machines; gaskets for vacuum pans, centrifuges, heaters and batch peelers; pump parts; and hose, tubing and baffles in fresh fruit and vegetable grading, packing and treating equipment.

(L) No temperature and pressure automatic recording control instruments (industrial type) shall be furnished except on continuous cookers, continuous blanchers, continuous preheaters, continuous scalders and continuous juice tanks.

(M) No metallic paints or filling coats shall be used.

(N) No ball bearing metal rollers shall be used on washing, sorting, packing, scalding, peeling or blanching tables or on fruit and vegetable conveyors. Metal ferrules only will be permitted with wood rollers in tables and conveyors.

(O) Retort cages, crates or covers shall be of the perforated type made of sheet steel, 14 gauge in thickness or less.

[F. R. Doc. 43-11524; Filed, July 17, 1943; 11:20 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-81, as Amended July 17, 1943]

CANS

§ 3270.31 *Conservation Order M-81*—(a) *Definitions.* (1) "Can" means any unused container which is made in whole or in part of tinplate, terneplate, blackplate, or waste, and which is suitable for packing any product. The term includes any container closure or fitting made in whole or in part of tinplate, terneplate, blackplate, or waste, but does not include a closure or fitting to be used on or as a part of a glass container. The term does not include fluid milk shipping containers, as defined in Conservation Order M-200.

(2) "Tinplate" means any sheet steel coated with tin and includes "primes", "seconds", "waste-waste" (except "electrolytic waste-waste"), and all other forms of tinplate except waste.

(3) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes", "seconds", "waste-waste", and all other forms of terneplate except waste.

(4) "Blackplate" means any sheet steel 29-gauge or lighter, other than tinplate or terneplate. The term includes "blackplate rejects" and "electrolytic waste-waste", and all other forms of blackplate except waste.

(5) "Waste" means scrap tinplate, terneplate, and blackplate, produced in the ordinary course of manufacturing cans.

(6) "Pack", unless particularly specified, means the quantity, by area measurement of tinplate, terneplate, and blackplate required for the manufacture of all sized cans used by a person for packing a particular product during the base period specified.

(b) *Restrictions upon manufacture, sale, and delivery of cans.* (1) No person shall sell or deliver any can except under a purchase order or contract validated by a delivery to such person of a purchaser's certificate, manually signed by the purchaser or an authorized official of the purchaser, in substantially the form attached hereto as Exhibit A. No person shall manufacture, sell, or deliver any can which he knows or has reason to believe will be used in violation of any provision of this order.

(2) No person shall manufacture any cans smaller than five gallons with ears, bails, or handles, or any metal keys for opening cans, except that the restrictions of this paragraph (b) (2) shall not apply to cans or keys to be delivered to (1) the Army, Navy, Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such Commission or Administration for use thereon), pursuant to a letter of intent approved by or a purchase order or contract negotiated for or with any of these agencies, or (2) to other persons pursuant to authorization by the Maritime Commission under Form PD-300.

(c) *Restrictions upon purchase, acceptance of delivery, and use of cans.* (1) No person shall, during the calen-

dar year 1943 (or the seasonal year 1942–1943, when specified), purchase, accept delivery of, or use for packing a product any can except to the extent permitted in Schedules I, II, and III, attached to this order: *Provided, however,* That a jobber or retail store may obtain and sell cans in conformity with the provisions of this order.

(2) The schedules attached to this order list the only products permitted to be packed in cans, packing quotas, sizes of cans, and the kinds of plate permitted for the manufacture of cans.

The calendar year basis shall obtain except for products for which a seasonal year is specified. A seasonal year for a particular product represents a twelve months' period beginning in one calendar year and ending in the next.

The sizes of the can specified for a particular product indicate the only sized cans which may be used for packing that product, except that such product may, subject to all other restrictions imposed by this order, be packed in cans larger than the largest size specified therefor.

When tinplate is specified for the manufacture of cans for packing a particular product, the coating indicated represents the maximum weight of tin coating per single base box. The term "0.50 tinplate" or "0.75 tinplate" wherever used in this order, includes "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 pounds per base box. When SCMT is specified, Special Coated Manufacturers' Terneplate is referred to. When blackplate is specified, the specification includes chemically treated blackplate (CTB).

(3) No product packed in a can shall be repacked for sale in a can or any other container by the same or a different person in the same or a different form except to the extent specifically permitted in the schedules attached to this order or pursuant to Conservation Order M-104.

(4) No dried or frozen fruit or vegetable shall be packed in a can, except to the extent specifically permitted in the schedules attached to this order.

(d) *Exceptions.* (1) The restrictions imposed by this order shall not apply to the purchase, acceptance of delivery, or use of the following cans:

(i) Cans (other than for samples distributed for the purpose of advertising or promoting the sale of a product), for packing any product which is not to be sold in the same or different form.

(ii) Fiber or paper bodied cans with ends made of waste for packing the following products: any food product for human consumption, antiseptic or medicinal powders, dental plastics, dentifrice powders, insect and rodent poisons, seed disinfectants and seed inoculants, caulking compound, cements, and photographic chemicals.

(iii) Open-top sanitary tinplate cans for packing any products listed in Schedules I and II attached to this order: *Provided,* (*a*) The packer has packed and set aside the full amount of any such product which he is required to set aside pursuant to Food Distribution Order No. 22 and orders supplementary thereto; (*b*) the cans are not of any of the specific sizes listed for open-top sanitary cans in Schedules I or II; and (*c*) the cans either were manufactured on or before December 9, 1942, or were or are manufactured from parts lithographed, cut to individual size, or partially assembled on or before December 9, 1942, and/or from parts produced from tinplate which, on or before December 9, 1942, was so processed or was of such size, gauge or grade that it is not suitable for the manufacture of tinplate cans of the types and sizes permitted by this order (exclusive of cans for which "frozen tinplate" is specified).

(iv) Cans (other than open-top sanitary tinplate cans) for packing, subject to quota restrictions, any product listed in Schedules I, II, and III or, if the cans are not suitable for any such product, for packing any product not so listed: *Provided,* That, in either event, the cans (*a*) are not of the specific sizes listed, in the schedules attached to this order, for the products for which the cans were originally designed and (*b*) either were completely manufactured on or before December 9, 1942, or were or are manufactured from parts cut to individual size for such cans on or before December 9, 1942.

(v) Cans for packing any products not listed in Schedules I and II attached to this order when such cans are to be delivered either (*a*) packed or empty to the Army, Navy Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such commission or Administration for use thereon), pursuant to a letter of intent approved by or a purchase order or contract negotiated for or with any of these agencies, or (*b*) to other persons pursuant to authorization by the Maritime Commission under Form PD-300.

(2) [Revoked April 27, 1943]

(3) No certificate shall be required for the sale or delivery of cans to any purchaser who has already filed a certificate with his seller under Conservation Order M-81.

(e) *Miscellaneous provisions.*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington, D. C. Ref.: M-81.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) [Revoked April 27, 1943]

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

PURCHASER'S CERTIFICATE

One copy of this certificate is to be delivered to each person from whom purchases are made of cans made in whole or in part of tinplate, terneplate, blackplate, or waste. Such certificate shall cover all purchases present and future so long as Conservation Order M-81, in its present form or as it may be amended from time to time, remains in effect.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-81, as heretofore amended, and that during the life of such order he will not use or sell any can purchased from

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(Name of Seller)

(Address of Seller)

pursuant to this or future purchase orders or contracts in violation of terms of such order.

Date_____ _____
(Legal name of Purchaser)

By _____
(Authorized Official)

_____
(Title of Official)

_____
(Address of Purchaser)

Section 35A of the U. S. Criminal Code (18 U. S. C. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

SCHEDULE I—FOOD CANS

NOTE: Paragraph (2), items 1 through 10, 13, 21, 22, 29, 34, 35, 57, 65, and note following item 42 amended; columns (6) and (7), and items 10a, 29a, 33a, 34a added; note following item 66, and item 67 revoked July 17, 1943.

(1) Packing quotas specified in this Schedule I indicate total packs of the respective products listed, for all purposes including cans required by any order of the War Production Board, the Department of Agriculture, or the Director of Food Distribution, to be set aside for purchase by a government agency. The designation FDO-22 indicates that cans may be used for packing only the quantity of product required to be set aside by Food Distribution Order No. 22 and orders supplementary thereto, as same may be amended from time to time. Such quantity is hereinafter sometimes referred to as "set aside quotas."

(2) (a) Until September 30, 1943, all persons manufacturing cans shall, to the greatest extent available, use 0.50 tinplate wherever the single asterisk appears in Columns (4) or (5), and chemically treated blackplate wherever the double asterisk appears. All persons using cans marked with the asterisk are hereby required to accept from the manufacturer making delivery, to the greatest extent available, cans made as specified of 0.50 tinplate wherever the single asterisk appears, and cans made as specified of chemically treated blackplate wherever the double asterisk appears. Wherever the double asterisk appears, to the extent that chemically treated blackplate is not available, 0.50 tinplate is to be used by manufacturers, and cans made therefrom accepted by users, to the greatest extent available, in preference to 1.25 tinplate.

On and after September 30, 1943, all persons manufacturing cans and all persons using cans for packing any products listed in this schedule, bearing the single asterisk in Columns (6) or (7), shall use 0.50 tinplate to the extent of not less than 50 percent of the pack of each product packed after that date.

(b) On and after September 30, 1943, no person shall manufacture and no person shall use, for packing any products listed in this schedule, any cans made of materials except as specified in Columns (6) and (7). However, the provisions of this paragraph (b) shall not apply to cans which were or are made, from 1.25 tinplate, when the tinplate was either in process at the tin mill, in the inventory of the tin mill for the account of the can manufacturer, or in the inventory of the can manufacturer:

(i) On or before August 15, 1943 and the cans were produced specifically for items bearing either the single or double asterisk in Columns (4) or (5).

(ii) On or before September 30, 1943 and the cans were produced specifically for items which in Columns (6) or (7) bear the single asterisk or specify 0.75 tinplate.

(3) Wherever the triple asterisk appears in Column (3) for any product, every canner who possesses No. 10-size can equipment shall pack at least two-thirds of his entire set-aside quota in No. 10 cans, if the fullest practicable use of that equipment provides sufficient capacity. If such use does not provide sufficient capacity, he shall pack as much of the set-aside quota in No. 10-size cans as such capacity does permit, and shall pack the balance of that quota in the other sizes of cans permitted for the particular product. The provisions of this paragraph (3) shall not in any way affect packing in glass, but only the packing of set-aside quotas in No. 10-size cans in preference to other can sizes.

SCHEDULE 1—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials until Sept. 30, 1943		Can materials after Sept. 30, 1943	
			Body	Ends	Body	Ends
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FRUITS AND FRUIT PRODUCTS						
1. Apples, including crabapples. Whole apples not to be packed.	100% 1942-43	10	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
2. Apple sauce, including sauce from crabapples	75% 1942-43	2-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
3. Apricots. Whole apricots not to be packed unless fully ripe and 12 or more to the pound.	FDO-22	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
4. Blackberries, black raspberries, red raspberries, boysenberries, loganberries, and youngberries when packed as berries.	Unlimited	2-2¾-10***	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
5. Blueberries or huckleberries	Unlimited	2-10***	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
6. Cherries—other than white	Unlimited	2-2½-10***	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
7. Cherries—white	Unlimited	2-2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
8. Cherries, RSP—frozen only	50% of total frozen tonnage packed in all containers in 1942.	½ of pack in 30 lb. cans; ½ of pack in 50 lb. cans.	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
9. Figs—(Kadota)	Unlimited	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
10. Fruit cocktail—consisting of any combination of fruits listed in this Schedule I and grapes; provided that the combination, by drained weight, shall consist of not less than 50 percent peaches and pears, and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans, to the extent of 10 percent of the fruit cocktail.	Unlimited	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
10a. Mixed fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 55 percent nor more than 65 percent Diced Peaches, and not less than 35 percent nor more than 45 percent Diced Pears; or a combination of not less than 50 percent nor more than 60 percent Diced Peaches and not less than 30 percent nor more than 40 percent Diced Pears with not less than 6 percent nor more than 10 percent Grapes. Such peaches or pears shall be peeled, pitted, or cored, and diced to a size such that no more than 20 percent of the units will pass through a 5/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than ¾", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	2½-10	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
11. Grapefruit, segments	FDO-22	2	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
12. Grapefruit juice	Unlimited	2-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
13. Olives—ripe and green-ripe	25% 1941-42	10	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
14. Orange juice	FDO-22	2-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
15. Orange-grapefruit juice blended (30% orange—50% grapefruit).	FDO-22	2-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
16. Peaches (clingstone), halves, slices or cubes	Unlimited	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
17. Peaches (freestone), halves, slices, or cubes. Not to be packed in California.	Unlimited	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
18. Pears, halves, slices, or cubes	Unlimited	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
19. Pineapple, slices, chunks, crushed or tidbits. Spears not to be packed.	Unlimited	2-2½-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
20. Pineapple juice	Unlimited	2-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
21. Plums	Unlimited	2½-10	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
22. Prunes, fresh Italian. Not to be packed in California	100% 1942	2½-10	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
VEGETABLES AND VEGETABLE PRODUCTS						
23. Asparagus, all green or culturally bleached	Unlimited	2-2½-10***	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
24. Beans, green or wax	Unlimited	2-2½-10***	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
25. Fresh shelled beans (whether referred to as beans or peas).	Unlimited		1.25 tin*	1.25 tin**	0.50 tin	0.50 tin.
Lima beans		2-2½-10***				
Other fresh shelled beans, including but not limited to blackeyed peas or beans, field peas, soy beans.		2-2½-10				
26. Beets. Whole beets over 1½" diameter not to be packed	100% 1942	2-2½-10***	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
27. Carrots. Whole carrots not to be packed	130% 1942	2-2½-10***	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
28. Corn, fresh, sweet, cut	Unlimited		1.25 tin*	1.25 tin**	0.50 tin	0.50 tin.
Cream style		2-10				
Whole kernel		2-2 vacuum (307 x 306) for vacuum packing***.				
29. Mixtures of vegetables (except succotash, and peas and carrots) which consist of not less than 90 percent of any combination of vegetables listed in this schedule (or of any such combination and celery, onions, and peppers): *Provided*, That the combination, by drained weight, shall consist of not more than 60 percent of any one vegetable; and, *Provided, further*, That no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	75% 1941	2 vacuum (307 x 306) 2-2½-10.	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
29a. Succotash—*Provided*, That no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	2-2½-10	1.25 tin*	1.25 tin**	0.50 tin	C T B.
30. Mushrooms	50% 1941-2	2 oz-4 oz-5oz	1.25 tin	1.25 tin.*	1.25 tin.*	0.50 tin.
31. Okra	100% 1940	2-2½-10	1.25 tin	1.25 tin*	1.25 tin	1.25 tin.*
32. Tomatoes and okra	100% 1940	2-2½-10	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
33. Peas, green	Unlimited	2-2 vacuum (307 x 306) for vacuum packing***	1.25 tin.*	1.25 tin.**	0.50 tin	C T B.

SCHEDULE 1—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials until Sept. 30, 1943		Can materials after Sept. 30, 1943	
			Body	Ends	Body	Ends
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FRUITS AND FRUIT PRODUCTS—continued						
33a. Peas and carrots—fresh green peas only. Carrots not to exceed 40 percent of total drained weight. No vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	2-2¾-10	1.25 tin	1.25 tin.*	1.25 tin	0.50 tin.
34. Pumpkin and squash	100% 1942	2½	1.25 tin	1.25 tin.*	1.25 tin	0.50 tin.
34a. Sweet potatoes—including yams	50% 1941	2½-3 Vac	1.25 tin	1.25 tin.*	1.25 tin	0.50 tin.
35. Soups—Limited to the below-listed kinds of seasonal and non-seasonal soups containing no less than the specified percentage, by weight, of solids (dry or salt-free, whichever is specified) from dairy products in any form; poultry or poultry products in any form; fresh, brined, or frozen meats, fish, vegetables, and other products of the kinds listed in Schedules I or II.						
a. Seasonal soups	Unlimited	1 picnic	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
Kinds: *Minimum solids*						
Asparagus 7% dry solids.						
Pea 7% dry solids.						
Spinach 7% dry solids.						
Tomato 7% dry solids.						
Mushroom 18 1/3% salt-free solids.						
b. Non-seasonal soups	75% of total 1942 pack of specified non-seasonal soups.	1 picnic	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
Kinds: *Minimum Solids*						
Chicken, chicken gumbo, chicken noodle, gumbo creole, consumme, bouillon 6% dry solids.						
Clam or fish chowders, turtle 8% dry solids.						
Scotch broth, vegetable, vegetable-vegetarian, pepper pot, oxtail, mock turtle, country style chicken, and corn chowder 10% dry solids.						
Beef and vegetable-beef 12% dry solids.						
Bean [from dried beans] 23% salt-free solids.						
36. Green leafy vegetables			1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
Spinach	80% 1942	2½-10***				
Other green leafy vegetables, limited to beet, collard, dandelion, kale, mustard, poke, and turnip greens.	80% 1942	2½-10				
37. Tomatoes	Unlimited	2-2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
38. Tomato catsup, not less than 25 percent (specific gravity 1.11), by weight of total dry solids.	FDO-22	2½-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
39. Tomato juice, which may contain not more than 30 percent of other vegetable juices.	Unlimited	2-3 cyl-10***	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
40. Tomato sauce, including spaghetti sauce, containing not less than 8.7 percent (specific gravity 1.037), by weight of dry tomato solids and not less than 10.0 percent (specific gravity 1.042) by weight of total dry solids, salt free. In addition to salt, the contents may contain pepper, spice oils, and other flavoring ingredients.	Unlimited	2-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
	125% 1942 pack sizes 8Z and 1 picnic.	5 gal reusable	1.25 tin	1.25 tin	1.25 tin	1.29 tin
		8Z—1 picnic	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
41. Tomato paste from fresh tomatoes, containing not less than 25 percent, by weight of dry tomato solids.	Unlimited	2½-10***-12	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
		5 gal reusable	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
	125% 1942 pack of size 6Z	6Z	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
42. Tomato pulp or puree, from fresh tomatoes, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight of dry tomato solids.	Unlimited	2-2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
		5 gal reusable	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
	125% 1942 pack of size 1 picnic.	1 picnic	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*

NOTE: Tomato paste, tomato pulp or puree and tomato sauce, may be repacked from No. 10, or from 5 gal. or larger reusable cans when required for packing other products, or for repacking in different form (other than in the form of tomato paste, or tomato pulp or puree); but none may be repacked in the same form. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest canning plant.

FISH AND SHELLFISH

(Processed, and in hermetically sealed cans)

43. Clams, soft, hard, or razor	Unlimited	½ flat (307 x 200.25) (307 x 201.25)-1 picnic (211 x 400)-1 tall (301 x 411)-2 (307 x 409)-10 (603 x 700).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin
44. Crabmeat	Unlimited	½ flat (307 x 201.25)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
45. Fish flakes. Dried fish flakes not to be packed	Unlimited	300 (300 x 407)-2 (307 x 409).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
46. Ground fish, containing no filler and packed for human consumption only	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
47. Fish livers and fish liver oils	Unlimited	5 gal. reusable	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
48. Fish roe	Unlimited	300 (300 x 407)-½ oval (513 x 307 x 103).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin
49. Herring, Atlantic Sea, by whatever name known, including sardines.	Unlimited	¼ drawn (300.5 x 404 x 014.5)-¾ drawn (304 x 508 x 105)-¾ three piece (308 x 412 x 112)-300 (300 x 407).				
Packed in brine			1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
Packed in oil			1.25 tin*	1.25 tin**	0.50 tin	C T B
Packed in mustard or tomato sauce			1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
50. Herring, Pacific Sea	Unlimited	1 tall (301 x 411)				
Packed in brine			1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
Packed in oil			1.25 tin*	1.25 tin**	0.50 tin	C T B
Packed in mustard or tomato sauce			1.25 tin	1.25 tin	1.25 tin	1.25 tin.*

SCHEDULE I—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials until Sept. 30, 1943		Can materials after Sept. 30, 1943	
			Body	Ends	Body	Ends
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FISH AND SHELLFISH—continued						
51. Herring, river (alewives)	Unlimited	300 (300 x 407)–2 (307 x 409)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
52. Mackerel	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
53. Menhaden	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
54. Mullet	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
55. Mussels	Unlimited	1 picnic (211 x 400)–2 (307 x 409)–10 (603 x 700).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
56. Oysters. No. 1 picnic cans shall contain not less than 7½ ounces of oysters by cut-out drained weight; No. 2 cans 11 ounces; and other permitted size cans shall contain a fill correspondingly proportionate to the No. 1 picnic can.	Unlimited	1 picnic (211 x 400)–1 tall (301 x 411)–2 (307 409).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
57. Pilchards, by whatever name known including sardines.	Unlimited	SZ short (211 x 300)–½ oblong (304 x 508 x 1033)–(306 x 510 x 1041–300 (300 x 307)–1 oval (607 x 406 x 108).				
Round and oval cans:						
Packed in brine			1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
Packed in oil			1.25 tin	1.25 tin**	0.50 tin	CTB.
Packed in mustard or tomato sauce			1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
Oblong cans:						
Packed in brine			1.25 tin	1.25 tin*	1.25 tin	0.50 tin
Packed in oil			1.25 tin	1.25 tin**	1.25 tin	CTB
Packed in mustard or tomato sauce			1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
58. Salmon	Unlimited	½ flat (307 x 200.25)–(307 x 200.55)–1 flat (401 x 210.5)–(401 x 211)–1-tall (301 x 411).	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
59. Shad	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
60. Shrimp	Unlimited	1 picnic (211 x 400)–5 (502 x 506).	1.25 tin*	1.25 tin*	0.50 tin	0.50 t.n.
61. Squid	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
62. Tuna, bonito, and yellowtail	Unlimited	½ tuna (307 x 113)–1 tuna (401 x 205.6)–4 lb. tuna (603 x 408).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
63. Turtle	Unlimited	300 (300 x 307)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
DAIRY PRODUCTS						
64. Condensed milk, as defined by the Federal Security Administrator, FEDERAL REGISTER July 2, 1940, §18.525, page 2444 and § 18.530, page 2445, as amended, FEDERAL REGISTER August 8, 1941, pages 3973 and 3974.	100% 1942	14 oz	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
65. Evaporated milk as defined by the Federal Security Administrator, FEDERAL REGISTER, July 2, 1940, § 18.520, page 2444.	Unlimited	8 lb	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
	95% 1942 pack of 14½ oz. size.	14½ oz	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
	95% 1942 pack of 6 oz. size.	6 oz	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
66. Liquid modifications of milk, for human consumption only, including only milk treated or mixed with other edible substances; *provided* the packer packed the product in substantially the same form in 1942.	90% 1942	14½ oz	1.25 tin	1.25 tin	0.75 tin	0.75 tin.

SCHEDULE II—FOOD CANS

NOTE: Paragraph (2), and items 1, 7, 16 through 27 amended; columns (6) and (7) added July 17, 1943.

(1) Packing quotas specified in this Schedule II indicate permitted packs of the respective products listed, for all purposes except for the Army, Navy, Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such Commission or Administration for use thereon), or for any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend Lease Act). While restrictions pertaining to can sizes and can materials are applicable to such cans, cans used for packing the respective products listed shall be, in addition to the specified quotas, when delivered either (a) pursuant to a letter of intent approved by, or a contract or purchase order negotiated with or for, any of the foregoing agencies, or (b) to other persons pursuant to authorization by the Maritime Commission under Form PD 300. The word "none" indicates that no cans shall be used for packing the applicable product except for the above-mentioned agencies. When determining a quota for packing a product listed in this Schedule II, cans packed during the base period (1942) for the above-mentioned agencies shall be excluded.

(2) (a) Until September 30, 1943, all persons manufacturing cans shall, to the greatest extent available, use 0.50 tinplate wherever the single asterisk appears in Columns (4) or (5), and chemically treated blackplate wherever the double asterisk appears. All persons using cans marked with the asterisk are hereby required to accept from the manufacturer making delivery, to the greatest extent available, cans made as specified of 0.50 tinplate wherever the single asterisk appears, and cans made as specified of chemically treated blackplate wherever the double asterisk appears. Wherever the double asterisk appears, to the extent that chemically treated blackplate is not available, 0.50 tinplate is to be used by manufacturers, and cans made therefrom accepted by users, to the greatest extent available, in preference to 1.25 tinplate.

On and after September 30, 1943, all persons manufacturing cans and all persons using cans for packing any products listed in this schedule, bearing the single asterisk in Columns (6) or (7), shall use 0.50 tinplate to the extent of not less than 50 percent of the pack of each product packed after that date.

(b) On and after September 30, 1943, no person shall manufacture and no person shall use, for packing any products listed in this schedule, any cans made of materials except as specified in Columns (6) and (7). However, the provisions of this paragraph (b) shall not apply to cans which were or are made, from 1.25 tinplate, when the tinplate was either in process at the tin mill, in the inventory of the tin mill for the account of the can manufacturer, or in the inventory of the can manufacturer:

(i) On or before August 15, 1943 and the cans were produced specifically for items bearing either the single or double asterisk in Columns (4) or (5).

(ii) On or before September 30, 1943 and the cans were produced specifically for items which in Columns (6) or (7) bear the single asterisk or specify 0.75 tinplate.

SCHEDULE II—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials until Sept. 30, 1943		Can materials after Sept. 30, 1943	
			Body	Ends	Body	Ends
(1)	(2)	(3)	(4)	(5)	(6)	(7)
MEATS AND MEAT PRODUCTS (Processed and in hermetically sealed cans)						
1. Bacon	None	{4 oz {1 lb	1.25 tin* 1.25 tin	1.25 tin** 1.25 tin	0.50 tin 1.25 tin	CTB. (Bttm. 0.50 tin. (Top 1.25 tin.
2. Beef, veal, mutton, and pork (including tushenka); corned, roast, or boiled, and containing not less than 85 percent meat by cooked weight.	None					
Cans with all seams soldered		Any size	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
Cans with only side seams soldered		Any size	1.25 tin*	1.25 tin**	0.50 tin	CTB.
3. Brains	100% 1942	10½ oz	1.25 tin*	1.25 tin**	0.50 tin	CTB.
4. Meat products as follows:						
a. Chili con carne when packed without beans and containing not less than 50 percent meat, by uncooked weight, exclusive of added tallow.	(1)	300 [300 x 407]	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
b. Meat loaf, containing not less than 90 percent meat, by uncooked weight, and no added water. When packed as a chopped product, meat loaf may contain not more than 10 percent of the following ingredients: cereal or dehydrated milk, eggs, and seasoning.	(1)	7 oz	1.25 tin*	1.25 tin**	0.50 tin	CTB.
c. Meat spreads, including ham, tongue, liver, roe, and sandwich spreads. When packed as a spread, the chopped product shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.	(1)	3 oz	1.25 tin*	1.25 tin**	0.50 tin	CTB.
d. Sausage in casings, containing no cereal or similar substance and not to exceed 10 percent added water, by weight, except pork sausage, which may be prepared with not to exceed 3 percent added water by weight:						
Vienna sausage, pork sausage	(1)	4 oz	1.25 tin*	1.25 tin**	0.50 tin	CTB.
Sausage in oil, lard or rendered pork fat	(1)	No. 5	1.25 tin*	1.25 tin**	0.50 tin	CTB.
e. Bulk sausage meat, containing not to exceed 30½ percent cereal and not to exceed 3 percent added water, by weight.	(1)	24 oz	1.25 tin*	1.25 tin**	0.50 tin	CTB.
f. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.	(1)	12 oz	1.25 tin*	1.25 tin**	0.50 tin	CTB.
g. Potted meat, consisting of chopped meat or by-products of meat, with cut added cereal or similar substance, and labeled as potted or deviled meat product.	(1)	3¼ oz	1.25 tin*	1.25 tin**	0.50 tin	CTB.
5. Tongue	50% 1942	6 oz	1.25 tin*	1.25 tin**	0.50 tin	CTB.
6. Turkey, boned, and chicken, boned	None	1 lb	1.25 tin*	1.25 tin**	0.50 tin	CTB.
MISCELLANEOUS FOODS						
7. Baby foods: Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits, vegetables, meats, poultry products, dairy products, sugar, salt, or seasoning, yeast or yeast derivatives. Dried fruits may be included and frozen fruits and vegetables may be used. Potatoes and cereal products may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product. Pineapple may be repacked from No. 10 or larger cans.	125% 1942	202 BF (202 x 214)	1.50 tin	1.50 tin	1.50 tin	150 tin.
Milk formulas and soybean milk, liquid	100% 1942	14½ oz	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
Milk formulas, dry or powdered	120% 1942	1 lb	0.50 tin	CTB	0.50 tin	CTB.
No person shall pack any milk formulas unless he packed the product in substantially the same form in 1942.						
8. Dehydrated vegetables	None	10	0.50 tin	CTB	0.50 tin	CTB.
9. Grape juice and grape pulp	100% 1942	(5 gal	0.50 tin	0.50 tin	0.50 tin	0.50 tin.
10. Citrus pulp and citrus peel	100% 1942	5 gal reusable	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
11. Honey	Unlimited	60 lb reusable	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
12. Goat's milk	100% 1942	14½ oz	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
13. Milk, skimmed, dry or powdered	None	50 lb	0.50 tin	0.50 tin	0.50 tin	0.50 tin.
14. Milk, whole, dry or powdered	100% 1942	1 lb–2½ lb., 5 lb	0.50 tin	0.50 tin**	0.50 tin	CTB.
		25 lb–50 lb	0.50 tin	0.50 tin	0.50 tin	0.50 tin.
15. Special food products; limited to foods other than usual table foods. No person shall pack any special food product unless he packed the product in substantially the same form in 1942, and unless he obtains prior permission upon application to the War Production Board.	See product column					
16. Special edible oils, including only animal, vegetable, olive, fish and other marine animal and edible blends of such oils.	50% 1942 pack of size 5 gal.	5 gal. reusable	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
17. Citrus concentrates	None	10	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
18. Butter and oleomargarine	None	10	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.

†50% of total 1942 pack of meat products, a, b, c, d, e, and g plus 75% of total 1942 pack of meat product f.

SCHEDULE II—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials until Sept. 30, 1943		Can materials after Sept. 30, 1943	
			Body	Ends	Body	Ends
(1)	(2)	(3)	(4)	(5)	(6)	(7)
MISCELLANEOUS FOODS—continued						
19. Maple syrup, limited to syrup made by the evaporation of maple sap, containing not more than 35 percent water and weighing not less than 11 pounds to the gallon.	Unlimited	1 gal	Frozen tinplate	Frozen tinplate	Frozen tinplate	Frozen tinplate.
20. Pectin, liquid only	Unlimited	5 gal. reusable	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
FISH AND SHELLFISH						
(For refrigerated shipment, fresh)						
21. Oysters, fresh-shucked: July 1, 1943 to October 1, 1943	100% of corresponding period 1942.	1 gal. (pint cans are permitted within quota limits for shipment into States which required delivery of oysters in tamper-proof consumer packages prior to 7/1/43).	CTB	CTB	CTB	CTB.
October 1, 1943 to December 31, 1943	75% of corresponding period 1942.					
22. Clams, fresh-shucked: July 1, 1943 to October 1, 1943	100% of corresponding period 1942.	1 gal	CTB	CTB	CTB	CTB.
October 1, 1943 to December 31, 1943	75% of corresponding period 1942.					
23. Mussels, fresh-shucked: July 1, 1943 to October 1, 1943	Unlimited	1 gal	CTB	CTB	CTB	CTB.
October 1, 1943 to December 31, 1943	75% of total poundage shucked during this period.					
24. Fillets & steaks, fresh: July 1, 1943 to October 1, 1943	100% of corresponding period 1942.	20 lb	CTB	CTB	CTB	CTB.
October 1, 1943 to December 31, 1943	50% of corresponding period 1942.					
25. Crabmeat, fresh-cooked: July 1, 1943 to October 1, 1943	100% of corresponding period 1942.	1 lb	CTB	CTB	CTB	CTB.
October 1, 1943 to Dec. 31, 1943	60% of corresponding period 1942.					
26. Lobster meat, fresh-cooked: July 1, 1943 to October 1, 1943	100% of corresponding period 1942.	1 lb	CTB	CTB	CTB	CTB.
October 1, 1943 to Dec. 31, 1943	60% of corresponding period 1942.					
27. Shrimp, fresh-cooked—to be packed in Alaska only.	Unlimited	1 gal	CTB	CTB	CTB	CTB.

SCHEDULE III—NON-FOOD CANS

(1) Packing quotas specified in this Schedule III indicate permitted packs of the respective products listed, for all purposes except for the Army, Navy, Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such Commission or Administration for use thereon), or for any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act). Cans used for packing the respective products listed shall be in addition to the specified quotas, when delivered either (1) pursuant to a letter of intent approved by, or a contract or purchase order negotiated with or for, any of the foregoing agencies, or (2) to other persons pursuant to authorization by the Maritime Commission under Form PD-300. The word "none" indicates that no cans shall be used for packing the applicable product except for the above-mentioned agencies. When determining a quota for packing a product listed in this Schedule III, cans packed during the base period (1942) for the above-mentioned agencies shall be excluded.

(2) Wherever blackplate is specified for making the body or ends of a can for packing a product listed in this Schedule III, Special Coated Manufacturers' Terneplate, may be substituted for making any part or fitting of the can which is required to be soldered. Wherever SCMT is specified for making the body or ends of cans for packing a product listed in this Schedule III, black plates or sheet steel coated with lead containing not more than 2½% residual tin may be used.

(3) No compound containing crude rubber, latex, or synthetic rubber as defined in Order M-15-b, shall be used in the manufacture of cans for packing any product listed in this Schedule III.

SCHEDULE III—NON-FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
(1)	(2)	(3)	(4)	(5)
1. Abrasives, and grinding and buffing compounds. Not to be packed dry	Unlimited	Any size	Blackplate	Blackplate.
2. Acid nitro-hydrochloric (outer Container)	100% 1942	1-lb	Blackplate	Blackplate.
3. Aniline	100% 1942	5-lb	1.25 tin	1.25 tin.
4. Bee feeder cans, friction top, for use in shipping bees	100% 1942	2-2½-3	0.50 tin	CTB.
5. Benzol, naphtha, toluene, and xylene	100% 1942	1-gal	SCMT	Blackplate.
6. Blood plasma	Unlimited	Any size	0.50 tin	CTB.
7. Calcium carbide	100% 1942	2-lbs, 10-lbs	Blackplate	Blackplate.
8. Calcium hypochlorite, Grade A	100% 1942	3¾ lbs., 5-lbs	SCMT	Blackplate.
9. Carbon bisulfide	100% 1942	1-lb	SCMT	SCMT.
10. Cements and dressings, limited to belting, furnace, linoleum, pipe joint, and radiator. Not to be packed dry.	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
11. Cements, rubber, solvent, or latex	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
12. Chlorpicrin, bromacetone, monochloracetone, and acrolein	100% 1942	1-lb	SCMT	SCMT.
13. Chloroform and ether	100% 1942	Any size	1.25 tin	1.25 tin.
14. Chromic acid (outer container)	100% 1942	¼-lb., 1-lb	Blackplate	Blackplate.
15. Chromium trioxide	100% 1942	25-lb	Blackplate	Blackplate.
16. Creosote	100% 1942	1-gal	SCMT	Blackplate.
17. Cyanide, calcium, potassium sodium, and mixtures (including cyanide-chloride mixtures).	100% 1942	1-lb., 2½-lbs	SCMT	Blackplate.
18. Fire extinguisher fluid, limited to chlorinated hydrocarton type, and foam powder extinguisher charges.	100% 1942	1-qt., 1-gal	SCMT	SCMT.
19. Gasket assembling compounds	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
20. Glues and adhesives, liquids	100% 1942	1-qt., 1-gal	SCMT	SCMT.
21. Grain fumigant, liquid	100% 1942	1-gal	SCMT	SCMT.
22. Graphite, with liquid content	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
23. Greases, lubricating	100% 1942	10-lb., 25-lb	Blackplate	Blackplate.
24. Inks, printing, duplicating, and lithographing. Slip cover style cans of sizes based upon cans which hold the indicated weights of water.	50% 1942	8-oz., 12 oz., 1-lb., 2-lb., 5-lb., 10-lb., 25-lb., 50-lb.	Blackplate	Blackplate.
25. Ink, spirit niline and rotogravure	100% 1942	1-gal	SCMT	SCMT.
26. Lye	100% 1942	13-oz	Blackplate	Blackplate.
27. Drain cleaner	100% 1942	12-oz	Blackplate	Blackplate.
28. Toilet bowl cleaner, limited to cleaners containing not less than 70% bisulphate of soda: Until September 30, 1943	75% 1942	10-oz	Blackplate	Blackplate.
After September 30, 1943	12% 1942	10-oz	Fiber	Blackplate.
29. Nicotine sulphate	Unlimited	5-lb	1.50 tin	1.50 tin.
30. Nitric acid, fuming (outer Container)	100% 1942	¼-lb., 1-lb	Blackplate	Blackplate
31. Oils, essential; distilled or cold pressed	100% 1942	1-qt	1.25 tin	1.25 tin.
32. Oils, transformer	100% 1942	1-gal	0.50 tin	0.50 tin.
33. Ointment and salve	Unlimited	Any size	Limited to frozen tinplate and frozen blackplate and blackplate rejects.	
34. Paints, copper bottom or antifouling	Unlimited	1-gal	1.25 tin	1.25 tin.
35 Paints. Pigmented oil or oleoresinous, ready mixed, semipaste and paste, including but not limited to white lead in oil, colors in oil, pigmented lacquers, resin emulsion paste, casein paste, and vegetable protein paste paints.	55% 1942	1-gal	Fiber	Blackplate.
		1-qt	Fiber	Blackplate ring. Plug and bottom made from waste blackplate recovered in manufacture of ends for 1-gal. fiber bodied paint cans.
		½-pt	Fiber	Terneplate or blackplate waste.
36. Phenol	100% 1942	5-lb	1.50 tin or frozen charcoal tinplate.	
37. Phosphoric acid meta sticks	100% 1942	25-lb	Blackplate	Blackplate.
38. Phosphorus	100% 1942	1-oz., ¼-lb., 1-lb	1.25 tin	1.25 tin.
39. Potassium hydroxide	100% 1942	25-lb	Blackplate	Blackplate.
40. Potassium permanganate, reagent grade	100% 1942	5-lb	1.25 tin	1.25 tin.
41. Potassium sulfide	100% 1942	25-lb	Blackplate	Blackplate.
42. Shoe polish, leather dressing, and saddle soap. Not after June 30, 1943 unless specifically authorized by the War Production Board.	50% 1942	Any size	Frozen blackplate and blackplate rejects.	
43. Soap, paste, limited to mechanic's hand soap	100% 1942	3-lb	Frozen blackplate and blackplate rejects.	
44. Sodium and potassium metals	100% 1942	1-oz., ¼-lb., 1-lb	1.25 tin	1.25 tin.
45. Sodium hydroxide	100% 1942	25-lb	Blackplate	Blackplate.
46. Sodium peroxide	100% 1942	1-oz., ¼-lb., 1-lb	Blackplate	Blackplate.
47. Sodium sulfide	100% 1942	25-lb	Blackplate	Blackplate.
48. Soldering pastes and boiler sealing compounds	100% 1942	Any size	Blackplate	Blackplate.
49. Zinc chloride	100% 1942	25-lb	Blackplate	Blackplate.
50. Dangerous chemicals for shipment in compliance with Interstate Commerce Commission regulations when a metal can is required by such regulations and no alternate package is permitted.	100% 1942	Any size	Blackplate	Blackplate.

INTERPRETATION 1

Frozen tinplate, terneplate or blackplate means only tinplate, terneplate or blackplate which, since prior to December 9, 1942, has been held in the inventory of a can manufacturer (or in the inventory of a supplier of such plate, having been produced for the account of a can manufacturer) because it had been so processed, or was of such size, gauge or grade, that it was not suitable for the manufacture of cans for which tinplate, terneplate or blackplate are specified, without qualifications, in the "Can Material" columns of the schedules attached to the said order. (Issued February 22, 1943.)

[F. R. Doc. 43-11525; Filed, July 17, 1943; 11:20 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-221, as Amended July 17, 1943]

TEXTILE BAGS

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of textile bags for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense;

§ 3270.23 *Conservation Order M-221.*

Definitions

(a) *Definitions.* For the purposes of this order:

(1) "Textile bag" means any hand- or machine-sewed bag made of cotton, burlap, or other textile fabric, excepting bale covers, textile wrappings, and combination textile-paper bags (bags made of textile laminated with paper).

(2) "New textile bag" means any textile bag when neither the fabric nor the bag has been previously used.

(3) "Used textile bag" means any textile bag when the bag or the fabric previously has been used one or more times.

(4) "Bag maker" means any person engaged in the business of manufacturing new textile bags.

(5) "Dealer" means any person whose principal business is that of buying, selling, or reconditioning empty textile bags.

(6) "User" means any person who acquired 500 or more empty new or used textile bags for use in his business during 1942 or who acquires such amount during any subsequent calendar year.

(7) A person shall be deemed a "commercial emptier" at such times when in any of the three immediately preceding calendar months he acquired in his business and emptied 400 filled textile bags.

(8) "Export" means any shipment from the continental United States (the 48 states and the District of Columbia).

General Restrictions for All Persons

(b) *Joint responsibility.* No person shall deliver textile bags to any other person if he has reason to believe that the other person is not entitled to accept them under the provisions of this order or that they will be used for any purpose prohibited by this order.

(c) *Sampling bag-contents.* No person shall sample the contents of any new or used textile bag except by opening the closure or by inserting a probe or trier without damage to the fabric.

(d) *Sand bags.* No person shall purchase or accept delivery of any new or used textile bag to be used for protection against air raids or other war hazards.

(e) *Size-changing.* No dealer, user, or commercial emptier shall change the size of any burlap textile bag while it has a commercial use as a bag, with or without mending.

(f) *Processing of used bags for sale.* No dealer, user, or commercial emptier shall sell or deliver any used textile bag to any person for his own use unless the bag has been processed and repaired and all holes, including trier or probe holes, properly mended or patched. Nothing in this paragraph shall prevent the delivery of any bag for the purpose of repair or delivery to the owner. For the purposes of this provision, "process" means to clean a used textile bag by washing, vacuuming, or any other method sufficient to prepare the bag for further re-use.

(g) *Sale of used raw sugar bags.* No dealer, user, or commercial emptier shall sell or deliver any textile bag which has been used for packing raw sugar, and which is capable of carrying raw sugar, to any person for any use other than packing raw sugar.

(h) *Export of empty bags.* Unless specifically authorized by the War Production Board, no person shall export any empty new or used burlap textile bag. The requirement for such authorization is in addition to, and not in place of, any applicable export licensing requirements of the Board of Economic Warfare. Application for authorization for such export shall be made by letter or telegram to the War Production Board stating the pertinent facts, including (1) the destination of the bags, and (2) the source from which the bags have been or are to be acquired. Such applications concerning exports which also require licensing by the Board of Economic Warfare should be submitted through that agency to the War Production Board. The restriction of this paragraph shall not apply to:

(1) *Foreign re-users.* The export of empty used bags which previously contained any of the following products and which, in accordance with established practice of the industry involved, are being exported in the expectation that they will be re-used by foreign suppliers of the same product for further packing of that product: sugar, asbestos, or any other product designated by the War Production Board because it so impregnates the bag material as to make the bag unsuitable for packing any other commodity without excessive cleaning.

(2) *Transshipment.* Completing the transshipment of textile bags which are in transit from a point outside the continental United States to another such point and which have been landed in the continental United States (in a free zone or free port or in bond) pending such transshipment.

(3) *Exports to Canada.* The export of empty new or used burlap textile bags to Canada.

Additional Restrictions for Bag Makers

(i) *Overstitching.* No bag maker shall overstitch the raw edge or selvage edge of any new textile bag.

(j) *Eyelets, grommets.* No bag maker shall manufacture any new textile bags with metal eyelets or metal grommets.

(k) *Bag sizes for certain commodities—*(1) *Sizes permitted.* No bag maker shall manufacture any new textile bag designed for packing any commodity listed below, except in any size of more than 100 lbs. or in any of the sizes specified below for that commodity:

Bag designed for packing commodity specified	Bag size (net weight capacity unless otherwise specified)
(1)	(2)
Beans	2–5–10–25–50–100 lbs.
Cement (standard portland)	94 lbs.
Flour (milled wheat)[1]	2–5–10–25–50–100 lbs.
Meal	2–5–10–25–50–100 lbs.
Plaster (gypsum)	2–5–10–25–50–100 lbs. (gross weight).
Potatoes	2–5–10–15–25–50–100 lbs.
Processed feed (mixed, mill).	2–5–10–25–50–100 lbs.
Rice	2–3–5–10–15–25–50–100 lbs.
Salt	2–1–10–25–50–100 lbs.
Seeds	2–5–10–25–50–100 lbs., 1, 2 bu.
Starch (corn)	2–5–10–25–50–100 lbs.
Sugar (refined cane beet)	2–5–10–25–50–100 lbs.

[1] "Flour (milled wheat)" means any flour product produced by milling wheat, including blends of wheat flours and bleached, bromated, enriched, phosphated, and self-rising flours, but excluding durum wheat products (semolina), farina, pancake flour, and cake flour.

(2) *Exception for export by bag maker.* The size restrictions of subparagraph (k) (1) above shall not apply to the manufacture of bags to be exported, empty, by the bag maker. However, the export-authorization requirement of paragraph (h) above shall apply if the bags are made of burlap.

(3) *Exception for export by user.* The size restrictions of paragraph (k) (1) above shall not apply to the manufacture of bags ordered by any person for packaging any listed commodity to be exported by him, provided the bag maker receives from such person a written certification as provided for in Exhibit A attached to this order. However, the export-authorization requirement of paragraph (h) above shall apply if the bags are made of burlap.

Additional Restrictions for Commercial Emptiers

(l) *Emptying bags.* No commercial emptier shall remove the contents of any textile bag except by opening the closure, unless the contents have become so caked or solidified that salvage of the bag is not practicable.

(m) *Time-limit on holding empty bags.* Within 60 days after emptying any number of textile bags, a commercial emptier shall use, or transfer to dealers or users, an equal number of empty used textile bags from his inventory. Such disposition may be deferred beyond the 60-day period in the following cases:

(1) *Seasonal re-users.* If the commercial emptier needs the bags for packing a seasonal product (whether or not produced by him), he may retain them until the product becomes available for packing, subject, however, to the inventory restriction of paragraph (n) below.

(2) *Carload accumulation.* If, in accordance with his past practice, the commercial emptier wishes to accumulate a carload quantity of such bags for return to users for further packing of the kind of product last packed in them, he may retain such bags until he has accumulated a carload quantity.

Additional Restrictions for Users

(n) *Inventory restriction.* No user shall accept delivery of any empty new or used textile bags at a time when, or when by virtue of the delivery, his inventory of new or used empty textile bags is or will be in excess of a practical minimum working inventory for the uses which are not prohibited by this order. Except in the case of bags required by a user for packing a seasonal product (whether or not produced by him), such inventory shall not exceed the aggregate number of new or used empty textile bags which will be required to carry on his business during the next 60 days.

(o) *Quota restriction on acceptances of burlap bags.* During any calendar year, no user shall accept delivery of more than his quota of new burlap textile bags for packing the products below. His quota shall be the larger of the following amounts: (1) 500 such bags for all the products or (2), for each class of product listed below, the specified percentage of the number of such bags he accepted during the calendar year 1941 for packing that class:

Petroleum Waxes	50%
Flour	100%
Potatoes	100%
Processed feed	100%
Seed and grain	70%
All other products permitted by paragraph (p) below (except mohair, wool, wool products)	50%

The above restriction does not apply to bags made of "scrim" (burlap weighing

less than 7 ounces per yard—40" width) nor to bags for packing mohair, wool, or wool products. The number of any such bags accepted by any user during 1941 shall not be included in computing any quota above.

(p) *Products permitted for burlap bags.* No user shall use any new textile bag made of burlap for packing any products other than the following:

Mohair; wool; wool products; petroleum waxes; stearic acid (cakes or slabs); agricultural products (except refined sugar, salt, tankage, or fertilizer).

(q) *Products permitted for cotton bags.* No user shall use any new textile bags made of cotton for packing any products other than the following:

Agricultural products; cement; chemicals; core sand; currency, coin, or securities; fertilizer; glues; gypsum; malt; meats; metal abrasives; metal parts; pastes; plaster; sand; shellfish; tire chains; or such other products as may be authorized by the War Production Board, pursuant to application on Form WPB–1319 (PD–556).

"Agricultural products" includes, but is not limited to, beans; coffee; cotton; feed; flour; fruits; grain; meal; nuts; potatoes; poultry grits; rice; salt; seeds; starch; sugar; tobacco; vegetables.

(r) *Mohair bags.* No user shall use any new or used textile bag for packing mohair unless the word "Mohair" appears in legible type on both sides of the bag.

(s) *Use of wool bags.* No user shall use any wool bag except as provided below. A "wool bag" is any new or used textile bag, made of burlap, between 5½ and 7½ feet in length, ordinarily used to package wool. Such bag shall not be considered a wool bag when no longer capable of carrying any of the following: grease wools, scoured wools, noils, wool wastes or mohair.

(1) *General.* Wool bags shall be used only for packing or wrapping wool or wool products and only in accordance with the further restrictions of paragraphs (s) (2), (3), and (4) below.

(2) *Heavy #1 wool bags.* A "heavy #1 wool bag" is a new or used wool bag made of 12-ounce or heavier burlap and capable of being packed or repacked to its intended capacity with any of the types of wool listed below in this subparagraph. Heavy #1 wool bags shall be used only for packing any of the following types of wool:

Graded wools; Territory, California, or Texas grease wools or mohair.

(3) *Light #1 wool bags.* A "light #1 wool bag" is a new wool bag made of burlap lighter than 12-ounce weight. Light #1 wool bags shall be used only for packing any of the following types of wool:

Territory, California, or Texas grease or scoured wools or mohair; carbonized wool; carbonized noils; carbonized card waste; fine white garnetts; fine white laps; cut wool tops; broken wool tops; wool backings; rayon; synthetic fibres.

(4) *#2 Wool bags.* A "#2 wool bag" is any used wool bag other than a heavy #1 wool bag. #2 wool bags shall be used only for packing any of the following types of wool:

Grease wools; fleece wools; pulled wools; scoured wools or noils; carbonized or uncarboned wool wastes.

General Exceptions

(t) *Bags for certain Government agencies.* The restrictions of this order shall not apply (1) to the manufacture of textile bags manufactured to meet the packaging specifications of, and for delivery to or for the account of, the government agencies listed below or (2) to the purchase, acceptance, use, or export of textile bags by those agencies: the Army, Navy, Maritime Commission, United States Post Office, Federal Reserve System, United States Treasury Department (for Lend-Lease requirements and for coin, currency, and securities requirements), War Shipping Administration, or any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(u) [Revoked July 17, 1943.]

Miscellaneous Provisions

(v) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington, D. C., Ref: M–221.

(w) *Appeals.* Appeals from the quota restrictions of paragraph (o) above shall be made by application in triplicate on Form WPB–2907 (PD–88–c). Appeals from any other restriction of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(x) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(y) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(z) [Revoked July 17, 1943.]

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By. J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

The certification provided for in paragraph (k) (3) shall be substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

"The bags ordered herewith are for packaging commodities for export by the undersigned and therefore need not correspond with the sizes specified in Order M–221 for the commodities concerned.

Company ---------- By ----------
Date ---------- Title ----------"

Any such certification shall constitute a representation to the War Production Board and to the bag manufacturer. The bag manufacturer shall be entitled to rely thereon unless he has reason to believe it is not true.

[F. R. Doc. 43–11526; Filed, July 17, 1943; 11:20 a. m.]

PART 3270—CONTAINERS[1]

[General Preference Order M–255 as Amended July 17, 1943]

NEW STEEL SHIPPING DRUMS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of new steel shipping drums for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3270.17[1] *General Preference Order M–255*—(a) *Definitions.* For the purposes of this order:

(1) "Drum" means any single walled, cylindrical or bilged container with a capacity of 110 gallons or less (including but not limited to buckets, kits and pails) constructed wholly of steel. The term shall not be deemed to refer to cans or high or low pressure gas steel cylinders, or to any container not susceptible of commercial use in the transportation and storage of commodities.

(2) "New drum" means any drum which has never been partially or wholly filled with any product or commodity for storage or shipping purposes in the course of business excluding rejects or seconds.

(3) "Manufacturer" means any person engaged in the business of producing drums and/or any metal part thereof (other than flanges, plugs or cap seals) for sale to others or for his own use in packing products of any kind.

(4) "Reject or second" means any newly manufactur d drum which cannot be used for the purpose for which it was intended due to some defect in material or manufacture.

(5) "User" means any person who packs a product in steel drums for sale or delivery thereof.

(b) *Restrictions on deliveries and receipts.* (1) On and after the 16th day of November, 1942, no manufacturer shall sell or deliver any new drum or any metal part thereof (other than flanges, plugs or cap seals) except pursuant to purchase order accompanied by the authorization of the War Production Board provided for in paragraph (c) below.

(2) On and after the 16th day of November, 1942, no person shall receive or

[1] Formerly Part 3127, § 3127.1.

accept delivery of any new drum or any metal part thereof (other than flanges, plugs or cap seals) if he knows or has reason to believe that the delivery of such drum is prohibited by the terms of subparagraph (1) of this paragraph (b).

(3) On and after the 16th day of November, 1942, no manufacturer shall use any new drum or any metal part thereof (other than flanges, plugs or cap seals), the manufacture of which was completed after the 16th day of November, 1942, except as specifically authorized by the War Production Board upon application pursuant to paragraph (c) hereof.

(4) On and after July 17, 1943, no manufacturer shall sell or deliver to anyone other than the Army, Navy, Maritime Commission or War Shipping Administration, any rejects or seconds in excess of ¾ of 1% of his monthly production of new steel drums except pursuant to authorization of the War Production Board upon application pursuant to paragraph (c) (4) hereof. Rejects or seconds may be sold to the extent herein stated without authorization but only for an amount less than the unit price of the order or contract for which they were made, and not in excess of any applicable maximum price regulation.

(c) *Procedure for obtaining authorization of the War Production Board.* (1) The authorization of the War Production Board for the sale, delivery, receipt, acceptance of delivery or use of new drums or parts thereof, required by the provisions of paragraph (b) of this order, may be applied for by the purchaser or the user.

(2) Except as otherwise permitted by subparagraph (4) of this paragraph (c), such application shall be made on Form PD–835, in the manner described therein, and supplying all data called for therein.

(3) Except as otherwise permitted in accordance with subparagraph (5) of this paragraph (c), the authorization of the War Production Board for the sale, delivery, receipt, acceptance of delivery or use of new drums or parts thereof shall be accomplished by returning to the applicant an approved copy of Form PD–835.

(4) The authorization of the War Production Board for the sale and delivery of rejects or seconds required by the provisions of paragraph (b) (4) of this order may be applied for: (i) by the user, when such sale is to a user, on Form PD–835 in the manner described therein and supplying all of the data called for therein; and (ii) by the manufacturer, when such sale is to a person other than a user, by letter setting forth (a) the quantity, size, gauge, and type of closure, (b) reasons why drums were rejected, (c) if rejected by purchaser, give name of purchaser and contract numbers.

(5) The War Production Board may: (i) In any particular case, request data in addition to that called for by Form PD–835 in considering applications for authorization to sell, deliver, receive or use new drums or parts thereof;

(ii) Waive the receipt of any information called for by the said Form PD–835 in considering such applications;

(iii) In cases of urgency, accept telegraphic application for authorization to sell, deliver, purchase, receive or use new drums or parts thereof, and grant such authorization by telegram.

NOTE: Paragraph (5) redesignated July 17, 1943.

(d) *Miscellaneous provisions.*

(1) [Revoked July 17, 1943]

(2) [Revoked July 17, 1943]

(3) [Revoked July 17, 1943]

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington, D. C. Ref: M–255.

Issued this 17th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11527; Filed, July 17, 1943; 11:20 a. m.]

PART 3270—CONTAINERS[1]

[Preference Rating Order P–140, as amended July 14, 1943[1]]

WOODEN AND FIBRE SHIPPING CONTAINERS

To facilitate the acquisition of wooden and fibre shipping containers in the public interest and to promote the defense of the United States, preference ratings are hereby assigned to deliveries of such containers upon the following terms:

§ 3270.7[2] *Preference Rating Order P–140*—(a) *Definitions.* For the purposes of this order:

(1) "Shipping Container" means:

(i) Any empty new or used box, crate, case, barrel, keg, kit, pail, tub, drum, basket, or hamper, in set-up or knock-down form, which is made in whole or in part from wood or corrugated or solid fibre and which is used as an outer container for the delivery or shipment of materials. The term does not include trunks, luggage or military locker boxes.

(ii) Any corrugated or solid fibre sheet or roll to be used for wrapping or packaging or otherwise protecting a product or material for shipment. This shall not include any corrugated or solid fibre sheet intended for use in the manufacture of shipping containers or parts by concerns commonly referred to in the industry as "sheet plants."

(2) "Part" means any shook, cleat, stave, heading, veneer, plywood, or corrugated or solid fibre which is cut to size for a shipping container. This shall not include any corrugated or solid fibre sheet intended for use in the manufacture of shipping containers or parts by concerns commonly referred to in the industry as "sheet plants".

(3) "User" means any person who:

(i) Uses shipping containers for the shipment or delivery of materials in connection with the sale thereof;

(ii) Gives, sells, rents or lends shipping containers to his suppliers of any product for their use in shipping or delivering such product to him.

(b) *Assignment of preference ratings.* (1) Preference ratings are hereby assigned as follows to deliveries of shipping containers or parts for the uses indicated below:

(i) AA–1 for the uses specified in List 1 attached hereto;

(ii) AA–2X for the uses specified in List 2 attached hereto;

(iii) AA–3 for the uses specified in List 3 attached hereto;

(iv) AA–4 for the uses specified in List 4 attached hereto;

(v) AA–5 for the uses specified in List 5 attached hereto.

(2) Preference ratings for uses not specified in the Lists attached hereto, as well as preference ratings differing from those assigned for Listed uses in accordance with subparagraph (1) of this paragraph (b) may, on application by any person on Form PD 802, be assigned to deliveries of shipping containers or parts by the War Production Board. Such assignment shall be accomplished by returning to the applicant an approved copy of said Form PD 802.

(3) Except where specifically stated to the contrary, the preference ratings assigned hereunder shall be available for the uses authorized, irrespective of whether or not the materials to be placed in the shipping containers have any inner wrappings or containers.

(c) *Application and extension of preference ratings.* (1) The preference ratings assigned pursuant to paragraphs (b) (1) and (2) above may be applied by any user in the manner provided in Priorities Regulation 3, for the purpose of obtaining shipping containers or parts for the uses indicated.

(2) Notwithstanding the provisions of any other preference rating order, preference rating certificate, or Regulation of the War Production Board, on and after February 24, 1943, no person receiving a rated order for the delivery of shipping containers or parts shall extend such rating to obtain any materials (other than parts as herein defined) for use in the manufacture of such shipping containers or parts; but if the person receiving such rated order acquires shipping containers or parts for redelivery without fabrication by him, other than the assembly of parts, he may extend such rating (as provided in Priorities Regulation 3) to such purchases.

(3) Notwithstanding any contrary provision of any Regulation of the War Production Board, no person eligible under this paragraph (c) to apply or extend preference ratings hereunder shall be considered ineligible because he is a PRP unit.

(d) *Ratings applicable to existing unfilled orders.* (1) Preference ratings assigned hereunder may be applied or extended to any unfilled order for shipping containers or parts placed prior to February 24, 1943. Any ratings so applied or extended shall supersede any other ratings applicable to such orders to the extent provided by Priorities Regulation 12.

(2) No person shall give effect to any preference rating which has been applied or extended to any existing unfilled order placed prior to February 24, 1943, for shipping containers or parts, unless

(i) Such preference rating has been applied or extended to such order after February 24, 1943 in accordance with subparagraph (1) of this paragraph (d), or

(ii) The items covered by such order are actually in transit or delivered to the customer on or before the 11th day of March 1943, or

(iii) He has been advised in writing by the person from whom such order was received that the rating originally applied or extended thereto is consistent with the ratings assigned under this order.

(3) The provisions of this paragraph (d) shall not affect rated orders placed prior to February 24, 1943, for the delivery of materials, other than parts, to be used in the manufacture of shipping containers or parts, nor require the cancellation or rerating of such orders.

(e) *Restrictions on application, extension and acceptance of other ratings.* (1) Subject to the provisions of paragraph (f) of this order, but notwithstanding any contrary provisions of any other preference rating order, preference rating certificate or regulation of the War Production Board, no person shall apply or extend any preference rating, for the delivery of shipping containers or parts except as specified in and in accordance with this order.

(2) No person receiving an order for shipping containers or parts shall give effect to any preference rating applied or extended thereto on and after February 24, 1943, if he knows or has reason to believe that said rating has not been applied or extended in accordance with the provisions of this order.

(f) *AAA ratings.* Nothing in this order shall apply to or in any way restrict the application or extension of any rating of AAA.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided in this order, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as same may be amended from time to time.

(2) *Effect of other orders.* The assignment of preference ratings hereunder shall not constitute authorization for the delivery, receipt, manufacture or use of any materials in violation of the provisions of any conservation or limitation order heretofore or hereafter issued by the War Production Board.

(3) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, a user and each other person placing or receiving any purchase order or contract rated pursuant to this order shall retain for a period of two years for inspection by representatives of the War Production Board endorsed copies of all such orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(4) *Reports.* Each person who applies a preference rating assigned by or pursuant to this order shall file such reports as may be required from time to time.

(5) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington, D. C. Ref.: P–140.

(6) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(7) *Revocation or amendment.* This order may be revoked or amended at any time as to any person. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the person affected by such revocation.

Issued this 14th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LISTS OF USES OF SHIPPING CONTAINERS TO WHICH PREFERENCE RATINGS ARE ASSIGNED BY ORDER P–140

LIST 1—AA–1

Shipping containers or parts for:

(a) The delivery or shipment, to the Army or Navy of the United States of the following combat end products complete for tactical operations—

(1) Aircraft
(2) Ammunition
(3) Armament and weapons
(4) Tanks
(5) Vehicles
(6) Escort naval vessels
(7) The following subsistence items:
  a. Emergency rations
  b. Canned meats, fish and poultry
  c. Canned butter and powdered milk
  d. Canned dried eggs
(8) Drugs, pharmaceutical and biological preparations
(9) Medical and surgical supplies and equipment

(b) The delivery or shipment of materials which are to be physically incorporated in any of the foregoing products provided—

(i) such products are to be delivered to the Army or Navy of the United States;

(ii) orders for the shipping containers or parts indicate that they are to be used solely for the delivery or shipment of such materials.

LIST 2—AA–2X

Shipping containers or parts for the following uses to the extent not covered by List 1:

(1) Export shipment of any article to any point outside of the forty-eight states of the United States, the District of Columbia, or Canada.

(2) Delivery or shipment of materials to or for the account of the Army or Navy of the United States (exclusive of United States Army or Marine Corps Post Exchanges or United States Navy Ships Service Departments located within the Continental limits of the United States), the United States Maritime Commission, the War Shipping Administration and the Panama Canal.

(3) Delivery or shipment of materials which are to be physically incorporated into products to be delivered to or for the account of any of the following, where orders for the shipping containers or parts indicate that they are to be used solely for such delivery or shipment:

Army or Navy of the United States (exclusive of United States Army or Marine Corps Post Exchanges or United States Navy Ships Service Departments).
United States Maritime Commission.
War Shipping Administration.
Panama Canal.
Any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(4) Delivery or shipment of foods set aside for purchase by government agencies pursuant to orders heretofore or hereafter issued by the War Production Board or the Secretary of Agriculture. Use of shipping containers for storage of such foods during the set aside period pending government purchase shall be considered use for delivery or shipment for purposes of this order.

(5) Delivery, shipment or storage of "controlled meats", as defined in Restriction Order No. 1 of the Office of Price Administration, delivered or held for delivery "without charge against quotas" as provided by said order.

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[1] This document is a restatement of Amendment 1 to P–140 which appeared in the FEDERAL REGISTER of July 16, 1943, page 9746, and reflects the order in its completed form as of July 14, 1943.

[2] Formerly Part 3243, § 3243.17.

LIST 3—AA-3

Shipping containers or parts for the delivery or shipment of the following products (to the extent that such delivery or shipment is not covered by any preceding list):

1. Abrasive wheels and abrasives.
2. Agricultural implements; machinery, parts, accessories and equipment therefor.
3. *Alcohol, 5 gallons.
4. Automotive replacement parts and replacement batteries as defined in Orders L-158 and L-180.
5. *Butter, 10 lbs.
5a. Canned foods.
6. Chemicals, except those in List 4.
7. Communication equipment.
8. Crucibles, commercial.
9. Dried apples, dried apricots and dried peaches.
10. *Driers for paints, varnish and lacquer, 5 gallons.
11. Drugs, pharmaceutical and biological preparations.
12. *Edible or inedible oils or greases, 30 gallons.
13. Fish, including shell fish.
14. Fresh fluid milk.
15. Fresh fruits and vegetables as follows:

Apples	Plums
Apricots	Pears
Bananas	Prunes, fresh
Cherries	Berries
Citrus	Beans, snap and lima
Grapes	Carrots
Nectarines	Peas, fresh green
Peaches	Tomatoes

16. Fresh meat, meat products and lard.
17. *Fruit and vegetable juices, 10 gallons.
17a Glass food containers (except containers for beverages in liquid form); closures therefor.
18. *Honey, 10 gallons.
19. Industrial machinery, including electrical equipment; parts, accessories and equipment, engines and batteries therefor.
20. Internal combustion engines.
21. Laboratory Reagent Chemicals, C. P. Grade.
22. *Lard, tallow and shortening, 5 gallons.
23. *Lubricating greases, 5 pounds.
24. *Lubricating oils, 5 gallons.
25. Machine tools and accessories.
26. Medical and surgical supplies.
27. Mechanical power transmission machinery and equipment.
28. Metal sheets, rods and tubes.
29. Mining machinery.
30. *Paint, except dry powder, 5 gallons.
31. *Pickled foods, 5 gallons.
32. Printing ink.
33. *Putty, glazing and caulking compounds, 5 gallons.
34. Professional and scientific equipment and instruments.
35. Railroad machinery, equipment and track accessories.
36. *Refractory cements, 5 gallons.
37. *Roof cements, plastic, 5 gallons.
38. *Roof coatings, liquid, 5 gallons.
39. Tractors and construction equipment (including motor vehicles); parts, accessories and equipment therefor.
40. *Varnish and Lacquer, 5 gallons.

LIST 4—AA-4

Shipping containers or parts for the delivery or shipment of the following products (to the extent that such delivery or shipment is not covered by any preceding list):

1. Alloys and rollings.
2. Asbestos products.
3. †Asphalt, 30 gallons.
4. Batteries.
5. †Beverages, 5 gallons.
6. Burners, boilers and mechanical stokers; accessories therefor.
7. [Revoked May 28, 1943.]
8. Castings and forgings.
9. Chemicals, as follows:
   - Aluminum sulfate
   - Ammonium chloride
   - Ammonium nitrate
   - Ammonium phosphate (Di)
   - Ammonium phosphate (Mono)
   - Ammonium sulfate
   - Borax
   - Boric acid
   - Calcium arsenate
   - Calcium carbonate
   - Calcium oxide
   - Calcium phosphate (Di basic)
   - Calcium phosphate (Tri basic)
   - Calcium phosphate (Mono basic)
   - Calcimine
   - Carbon (activated)
   - Copper carbonate
   - Copper sulfate
   - Lead arsenate
   - Manganese sulfate
   - Magnesium carbonate
   - Magnesium sulfate (Epsom Salts)
   - Paradichlorobenzene
   - Potash Alum
   - Potassium carbonate
   - Potassium bicarbonate
   - Potassium tartrate
   - Sal soda
   - Soda alum
   - Soda ash
   - Sodium bicarbonate
   - Sodium carbonate (sesqui)
   - Sodium chloride
   - Sodium metaborate
   - Sodium phosphate (di basic)
   - Sodium phosphate (mono basic)
   - Sodium phosphate (tri basic)
   - Sodium phosphate (hexameta)
   - Sodium phosphate (tetra)
   - Sodium pyrophosphate
   - Sodium pyrophosphate (tetra)
   - Sodium silicates, dry
   - Sodium sulfate (anhydrous)
   - Sodium sulfate (Glaubers salt)
   - Stearic acid
   - Sulfur dust
   - Sulfur refined
   - Tartaric acid
   - Zinc sulfate
   - Zinc stearate
   - Related compounds:
     - Adhesives (dry)
     - Boiler compounds (dry)
     - Dry detergents (except those containing more than 5% Caustic Soda or Caustic Potash and excepting synthetic wetting agents).
10. Compressed and liquefied gas.
11. Cork products.
12. Dairy products not otherwise listed.
13. Dried, frozen and preserved foods not elsewhere listed.
14. Explosives and ammunition (non-military).
15. Fibrous glass products.
16. Fire extinguishers.
17. Fresh fruits and vegetables, as follows:

Cranberries	Kale
Quinces	Lettuce
Asparagus	Okra
Beets	Onions, green
Broccoli	Peppers, green
Cauliflower	Radishes
Celery	Rhubarb
Chickory Greens	Shallots
Collards	Spinach
Cucumbers	Potatoes, sweet
Egg Plant	Squash, summer
Escarole	Turnips
Greens	

18. Fruit and vegetable trees and plants (excluding ornamental).
18a. Glass containers not otherwise listed; closures therefor.
19. Hardware (including but not limited to nuts, bolts, nails, screws, and spikes).
20. Mineral wool products.
21. †Molasses, 5 gallons.
22. Petroleum products.
23. Pipe and pipe fittings.
24. Poultry and poultry products (including shell and dry eggs).
25. Pumps and pumping equipment.
26. Refractories.
27. †Rosin, 30 gals.
28. Shortening and edible oil.
29. Stamping and machine shop metal products
30. Steam fittings.
31. Steam turbines.
32. Steel springs.
33. Tin cans and tinware.
34. Tools.
35. †Turpentine, 30 gals.
36. †Tar, 30 gals.

LIST 5—AA-5

Shipping containers or parts for the delivery or shipment of the following products (to the extent that such delivery or shipment is not covered by any preceding list):

1. Beverages.
2. Bicycles.
3. Blowers and fans.
4. Caskets or coffins.
5. Clothing.
6. Cooking and heating appliances.
7. Enameled iron sanitary ware.
8. Fabricated structural metals.
9. Flat glass.
10. Leather products.
11. Office and store machines.
12. Paint—dry powder.
13. Protective coatings.
14. Putty, glazing and caulking compounds.
15. Paper and pulp products.
16. Refrigerators.
17. Steam and hot water appliances.
19. Steel doors and windows.
19. Textiles.
20. Tobacco.
21. Vitreous plumbing and enameled products.
22. Waxes and polishes.
23. Fresh fruits and vegetables not elsewhere listed.

[F. R. Doc. 43-11533; Filed, July 17 1943; 11:21 a. m.]

*The preference rating assigned to List 3 uses is available to obtain shipping containers or parts for the materials on said list marked with an asterisk only when such materials are packed without inner packaging or wrapping and only when the containers have a capacity equal to or greater than that indicated after each such material.

†The preference rating assigned to List 4 uses is available to obtain shipping containers or parts for the materials on said list marked with an asterisk only when such materials are packed without inner packaging or wrapping and only when the containers have a capacity equal to or greater than that indicated after each such material.

Chapter XI—Office of Price Administration

PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

[MPR 430]

ASSEMBLED RADIOS AND PHONOGRAPHS

By Limitation Orders L-44A and L-183, the War Production Board stopped general production of radio receiving sets and phonographs. However, these orders did not prevent either the completing of radio receiving sets or phonographs which were put into production prior to April 1942 or completion of the assembly of radio receiving sets or phonographs from a fully fabricated chassis and other parts where the assembly operation was commenced prior to April 1942. A substantial quantity of these sets have been assembled by retailers and distributors. Demand for this equipment is great, but the supply is limited. The General Maximum Price Regulation[1] and Revised Price Schedule No. 83[2] are not adequate for their pricing because sets of the type now being assembled were not sold or offered for sale in March 1942.

In the judgment of the Administrator, the maximum prices established by this regulation are necessary to check inflation and to effectuate the purpose of the Emergency Price Control Act of 1942.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1336.201 *Maximum prices for assembled radio receiving sets and phonographs.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 430 (Assembled Radios and Phonographs), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1336.201 issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7671; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 430—ASSEMBLED RADIOS AND PHONOGRAPHS

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.
1. Prohibition against dealing in assembled radio receiving sets or phonographs above maximum prices.
2 Scope of this regulation.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

3. Maximum prices for radio receiving sets and phonographs assembled by a distributor-assembler.
4. Maximum prices for radio receiving sets and phonographs assembled by a retailer-assembler.
5. Maximum prices for sales of any model containing a chassis dismounted after July 25, 1943, from a table or portable radio receiving set or phonograph.
6. Reports of maximum prices.
7. Minor changes.
8. Credit charges.
9. Taxes.
10. Guarantee.
11. Stock numbers, retail price tags, and labels.
12. Pricing by specific authorization by the Office of Price Administration.

ARTICLE III—MISCELLANEOUS

13. Relation between Maximum Price Regulation No. 430 and the General Maximum Price Regulation.
14. Sales for export.
15. Sales slip and receipts.
16. Petitions for amendment.
17. Evasion.
18. Enforcement.
19. Geographical applicability.
20. Appendix A: Reports of maximum prices under section 6.

Article I—Prohibitions and scope of Regulation

SECTION 1. *Prohibition against dealing in assembled radio receiving sets or phonographs above maximum prices.* (a) Regardless of any contract or other obligation, no person in the course of trade or business shall buy, sell or deliver a radio receiving set or phonograph at a price higher than the maximum price established by this regulation nor shall any person sell or deliver such radio receiving set or phonograph unless the tag and label as required by section 11 (b) and (c) of this regulation are attached thereto and no person shall offer, solicit, attempt or agree to do any of the foregoing.

(b) Prices lower than the maximum prices may be charged, demanded, paid or offered.

SEC. 2. *Scope of this regulation.* Maximum prices for manufacturers' sales of radio receiving sets and phonographs were set by Revised Price Schedule No. 83. Any models manufactured by a person who was manufacturing radio receiving sets or phonographs on or prior to February 9, 1942, shall continue to be priced under that schedule at the manufacturing level and under the General Maximum Price Regulation at the wholesale and retail levels. This regulation does not apply to sets produced by those manufacturers.

This regulation applies to radio receiving sets, electrical phonographs or combinations (except those specially designed for commercial, police, or military use) assembled by persons who were not engaged in manufacturing radio receiving sets or phonographs on or prior to February 9, 1942. Some models produced by such assemblers, however, have already been priced by orders under § 1499.3 (b) of the General Maximum Price Regulation. This regulation does not apply to sales of those models and the established maximum prices remain in effect. Some models have been priced by such assemblers under § 1499.2 of the General Maximum Price Regulation. Before making further deliveries, the assembler must reprice such a model under this regulation. Sets delivered by the assembler prior to July 26, 1943, to a purchaser or to a common carrier not owned or controlled by the assembler for shipment to the purchaser, are not to be repriced under this regulation; resales of such sets must be priced under the General Maximum Price Regulation.

Article II—Maximum prices and terms of sale

SEC. 3. *Maximum prices for radio receiving sets and phonographs assembled by a distributor-assembler.* When used in this regulation, the term "distributor-assembler" means an assembler who customarily sells radio receiving sets and phonographs to retailers for resale.

(a) *Method for determining distributor-assembler's costs.* The distributor-assembler shall first determine the unit direct labor and material cost of the model on the basis of the following:

(1) *Chassis.* The distributor-assembler shall take as his cost of the chassis the lower of (i) his actual net cost of the chassis, exclusive of federal excise tax, plus freight, less the realizable salvage value of any discarded parts, or (ii) the maximum allowable cost of the chassis determined in accordance with the following paragraph, exclusive of federal excise tax, plus direct freight charges involved in transporting the chassis from the factory to the assembler, less the realizable salvage value of any discarded parts.

The distributor-assembler's maximum allowable cost of the chassis shall be the original manufacturer's maximum price under Revised Price Schedule No. 84[3] for sales of the chassis to a distributor or jobber. If the original manufacturer's maximum price for such sales of the chassis has not been established or cannot be ascertained, the maximum allowable cost shall be a price in line with the level of maximum prices established by Revised Price Schedules Nos. 83 and 84 for sales by manufacturers to distributors or jobbers. If the assembler is unable to ascertain the original manufacturer's maximum price, he shall so state in the report required by Section 6 and shall propose a price for the chassis in line with the level of manufacturers' maximum prices established by Revised Price Schedules Nos. 83 and 84. The proposed price shall be accompanied by a detailed explanation of the method by which it was calculated and a statement of the reasons why the assembler believes the proposed price to be in line with the level of manufacturers' maximum prices established by Revised Price Schedules Nos. 83 and 84.

(2) *Cabinet.* The distributor-assembler shall ascertain the original manufacturer's maximum price under Maximum Price Regulation No. 188[4] for sales of the cabinet to a purchaser of a class in which the assembler belongs, plus direct freight charges involved in transporting the cabinet from the factory to the distributor-assembler. He shall also ascertain his net invoice cost of the cabinet, plus freight. The distributor-assembler shall take the lower of the two figures so ascertained as his cost of the cabinet.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3096.

[2] 7 F.R. 1360, 2000, 2132, 2302, 8125, 3820, 8948.

[3] 7 F.R. 1362, 2000, 2132, 2169, 2303, 2512, 2543, 3821, 6771, 7902, 8948; 8 F.R. 3703, 5632.

[4] 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754.

(3) *Parts other than chassis and cabinet.* The distributor-assembler shall ascertain an established parts jobber's maximum prices of each of the parts other than the chassis and cabinet for sales to a class of purchaser to which the assembler belongs. He shall also ascertain his net invoice cost of the parts other than the chassis and cabinet. The distributor-assembler shall take the lower of the two figures so ascertained, and add freight actually paid to determine his cost of the parts other than the chassis and cabinet.

(4) *Wage rates.* Direct labor costs shall be based on wage rates in effect on October 3, 1942, or currently in effect if they have been adjusted and approved by the War Labor Board.

(b) *Method for determining distributor-assembler's maximum selling prices.* The distributor-assembler shall add to the unit direct cost 122% thereof. From the resulting figure, the distributor-assembler shall subtract 40% thereof to determine his delivered maximum selling price of the model to retailers. The federal excise tax may be collected in addition to the delivered maximum selling price of the model as determined by this section, if the tax is separately stated.

For sales by a distributor-assembler to ultimate consumers, the maximum price shall be determined by adding to the unit direct cost 82%. The federal excise tax must then be added and the price so determined, adjusted to the nearest quarter of a dollar.

(c) *Method for determining retailers' selling prices for models assembled by a distributor-assembler.* The maximum price at retail for a model assembled by a distributor-assembler must be computed by the distributor-assembler by adding 122% to the unit direct cost. The federal excise tax must then be added, and the price so determined, adjusted to the nearest quarter of a dollar. Retailers will be able to ascertain their maximum prices from the tag required by section 11 (b).

SEC. 4. *Maximum prices for radio receiving sets and phonographs assembled by a retailer-assembler.* When used in this regulation, the term "retailer-assembler" means any assembler who sells radio receiving sets or phonographs only to the ultimate consumer.

(a) *Method for determining retailer-assembler's costs.* The retailer-assembler shall first determine the unit direct labor and material cost of the model on the basis of the following:

(1) *Chassis.* The retailer-assembler shall calculate the amount he shall use as his cost of the chassis as follows: He shall take the lower of (i) his actual net cost of the chassis, exclusive of federal excise tax, or (ii) the maximum allowable cost of the chassis determined in accordance with the following paragraph. He shall deduct the realizable salvage value of any discarded parts of the chassis and shall add freight actually paid.

The retailer-assembler's maximum allowable cost of the chassis shall be an established parts jobber's or distributor's maximum price, exclusive of federal excise tax, for sales of the chassis to purchasers of the class to which the retailer-assembler belongs. If such a maximum price did not exist or cannot be ascertained, the maximum allowable cost shall be a price in line with the level of maximum prices established by the General Maximum Price Regulation for sales of radio and phonograph sets and chassis to purchasers of the class to which the retailer-assembler belongs, exclusive of federal excise tax, to the class of purchaser to which the retailer-assembler belongs. If the assembler is unable to ascertain an established parts jobber's or distributor's maximum price for the chassis, he shall so state in the report required by section 6 and shall propose a price for the chassis in line with the level of maximum prices established by the General Maximum Price Regulation for sales of radio and phonograph sets and chassis to purchasers of the class to which he belongs. The proposed price shall be accompanied by a detailed explanation of the method by which it was calculated and a statement of the reasons why the assembler believes the proposed price to be an in-line price.

(2) *Cabinet.* The retailer-assembler shall ascertain the original manufacturer's maximum price under Maximum Price Regulation No. 188 for sales of the cabinet to a purchaser of a class in which the retailer-assembler belongs, plus direct freight charges involved in transporting the cabinet from the factory to the retailer-assembler. He shall also ascertain his net invoice cost of the cabinet, plus freight. The retailer-assembler shall take the lower of the two figures so ascertained as his cost of the cabinet.

(3) *Parts other than chassis and cabinet.* The retailer-assembler shall ascertain for each of the parts used other than the chassis and cabinet, an established parts jobber's or distributor's maximum price, exclusive of federal excise tax, to the class of purchaser to which the retailer-assembler belongs. He shall also ascertain his net invoice cost of each part, exclusive of federal excise tax. The retailer-assembler shall take the lower of the two figures so ascertained and add freight actually paid to determine his costs for each part.

(4) *Wage rates.* Direct labor costs shall be based on wage rates in effect on October 3, 1942, or currently in effect if they have been adjusted and approved by the War Labor Board.

(b) *Method for determining retailer-assembler's maximum selling prices.* The retailer-assembler shall add 82% to the unit direct cost. He shall also add the federal excise tax. The resulting figure adjusted to the nearest quarter of a dollar shall be the maximum price, inclusive of federal excise tax, for a sale at retail by any person.

SEC. 5. *Maximum prices for sales of any model containing a chassis dismounted after July 25, 1943, from a table or portable radio receiving set or phonograph.* This regulation does not permit an assembler to dismount a chassis from a table or portable model, remount it into a different cabinet, and sell the new set at a price higher than his maximum price for the original table or portable model determined in accordance with the General Maximum Price Regulation. For a set assembled from a chassis dismounted after July 25, 1943, the assembler shall determine his maximum price as follows: He shall first determine his maximum price under the General Maximum Price Regulation for sales of the table or portable model from which the chassis was dismounted. He shall then calculate what his maximum price for the new set would be if it were priced under section 3 or 4 of this regulation, whichever is applicable. The lower of the two prices shall be his maximum price for the set so assembled.

SEC. 6. *Reports of maximum prices.* Every assembler setting a maximum price for an assembled radio receiving set or phonograph pursuant to section 3, 4, or 5 of this regulation must submit to the nearest regional office of the Office of Price Administration the information required in OPA Form 6813–404:1 set forth in section 20, Appendix A of this regulation, prior to first offering the radio receiving set or phonograph for sale. Fifteen (15) days after the mailing of the report, in the absence of a contrary direction from the Office of Price Administration, the distributor-assembler or retailer-assembler may offer for sale the set at the price reported. Any maximum price established under this regulation shall be subject to adjustment by the Office of Price Administration at any time.

Any regional office of the Office of Price Administration may approve, disapprove, and make adjustments in prices reported under this regulation.

SEC. 7. *Minor changes.* (a) Any assembled radio receiving set or phonograph which differs from a comparable assembled radio receiving set or phonograph priced pursuant to section 3, 4, or 5 of this regulation by reason of minor changes only shall have the same maximum wholesale and retail price as the comparable model. However, no assembled radio receiving set or phonograph may be priced pursuant to this section if changes in material, construction or design reduce the unit direct labor and material cost by more than $1.00 or prevent its offering "fairly equivalent serviceability". "Fairly equivalent serviceability" means a condition of serviceability which exists when the following conditions are fulfilled:

(1) The model being priced and the comparable model have substantially the same physical and electrical characteristics.

(2) The performance specifications of undistorted watt output, selectivity, frequency response, tuning range and image rejection of the two models do not vary by more than normal manufacturing tolerances.

(3) The changes made in the chassis of the model being priced do not alter any of the essential operating characteristics of any part of the circuit of the chassis.

(b) Every assembled radio receiving set or phonograph priced pursuant to this section shall have attached thereto the label and tag required by section 11 (b) and (c) of this regulation. This label and tag shall also contain the assembler's stock number, which shall be the stock number of the comparable model followed by the letters M. C.

SEC. 8. *Credit charges.* Charges for the extension of credit may be added to the maximum retail prices established by this regulation only to the extent permitted by this section.

(a) Sellers who in March 1942 separately stated and collected an additional charge for the extension of credit on sales of assembled radios or like articles may collect a charge for the extension of credit on sales under this regulation. The charge collected must not exceed the charge in March 1942 on a similar sale to the same class of purchaser. Other sellers may make a charge for the extension of credit only on instalment-plan sales, not on charge-account sales. The charge shall not exceed the additional charge separately stated and collected for the extension of similar credit in March 1942 by the seller's closest competitor who made such a charge.

An instalment-plan sale, as used in the above paragraph, means a sale where the unpaid balance is to be paid in instalments over a period of (1) six weeks or more from the date of sale in the case of weekly instalments or (2) eight weeks or more in the case of other than weekly instalments.

(b) All charges for the extension of credit shall be quoted and billed separately. Any charge which is not quoted and billed separately shall, for the purposes of this regulation, be considered to be part of the price charged for the article sold.

(c) No seller may require as a condition of sale that the purchaser must buy on credit.

SEC. 9. *Taxes.* Any tax upon or incident to the sale or processing of any assembled radio receiving set or phonograph or any component part thereof imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof except a federal excise tax may be separately stated and collected in addition to the maximum prices determined by this regulation. The tax may not be included in calculating the unit direct cost of any radio receiving set or phonograph. The federal excise tax may be added to the maximum prices as provided in section 3, 4, or 5 of this regulation.

SEC. 10. *Guarantee.* The maximum prices determined under section 3, 4, or 5 of this regulation may be charged only if the seller furnishes the purchaser with a written guarantee under which, (a) the seller, for a period of 90 days from the date of sale, is required to correct any impairment of satisfactory performance resulting from improper assembly, and to replace without charge for labor or materials any part which proves to be either defective or improper for use in the particular set, and (b) the seller warrants that the set conforms in all essential respects to accepted safety requirements. This guarantee shall be set forth on the tag as required by section 11 (b). If the guarantee is not furnished, the maximum price shall be a price specifically established by the Office of Price Administration upon application as set forth in section 12.

SEC. 11. *Stock numbers, retail price tags, and labels.* (a) Every assembler shall assign to each assembled radio receiving set or phonograph a stock number. This stock number shall be added to every label and tag as required by paragraphs (b) and (c) of this section, and every sales slip as required by section 15 of this regulation.

(b) Before the delivery of an assembled radio receiving set or phonograph for which a maximum price must be determined under section 3, 4, or 5 of this regulation, the assembler must attach securely to each assembled radio receiving set and phonograph, so that it is clearly visible, a durable tag containing in easily readable lettering, the statement in the following form, with the blanks properly filled in:

The retail ceiling price of this set is $_____
Assembler's stock number of set_____

This set has been assembled and priced pursuant to O. P. A. Maximum Price Regulation No. 430.

This tag may not be removed until after delivery to a consumer.

This tag shall also contain a statement that the set is guaranteed as required by section 10. The following form shall be used:

For a period of 90 days, the seller agrees to replace at no charge any part which proves to be either defective or improper for use in this set, and to correct any impairment of satisfactory performance resulting from improper assembly. This set conforms in all essential respects to accepted safety requirements.

(c) Every assembler shall affix on to the inside of every cabinet of an assembled radio receiving set or phonograph a label clearly showing (1) the circuit diagram of the chassis, including the location of the tube sockets properly marked with the corresponding tube number, (2) the original manufacturer's name and model number of the chassis and phonograph (3) the assembler's name and address, and (4) the stock number.

SEC. 12. *Pricing by specific authorization by the Office of Price Administration.* (a) The maximum price for any assembled radio receiving set or phonograph which is assembled by any person other than a distributor-assembler or retailer-assembler or which is not guaranteed as required by section 10 of this regulation shall be the price specifically authorized by the Office of Price Administration, Washington, D. C.

(b) *Reports of maximum prices.* Prior to first offering for sale an assembled radio receiving set or phonograph priced under section 12 (a), the assembler shall submit to the Office of Price Administration, Washington, D. C., a report applying for specific authorization of a maximum price. The report shall contain a statement of facts indicating why the model cannot be priced under sections 3, 4, and 5, the name of the manufacturer of each major component part used in the assembly, the cost of each part, and the proposed maximum price with a detailed explanation of its computation. The assembler shall submit such other relevant information to supplement his report as the Office of Price Administration may require. Upon receipt of the authorization, the assembler may offer the assembled radio receiving set or phonograph for sale in accordance with the terms of the authorization.

Article III—Miscellaneous

SEC. 13. *Relation between Maximum Price Regulation No. 430 and The General Maximum Price Regulation.* The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

SEC. 14. *Sales for export.* The maximum price at which a person may export an assembled radio receiving set or phonograph shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

SEC. 15. *Sales slips and receipts.* Regardless of any former practice, after the effective date of this regulation, every person selling an assembled radio receiving set or phonograph in the course of trade or business shall furnish the purchaser of each such radio receiving set or phonograph with a sales slip, receipt, invoice or other similar written evidence of purchase showing assembler's stock number, date of sale, price charged, a statement showing whether the set is guaranteed or not guaranteed, and the name and address of the purchaser. Such sales slip, receipt, invoice or other written evidence of purchase shall be kept by every person who buys a radio receiving set or phonograph for resale, and the carbon copy shall be kept by every seller for inspection by the Office of Price Administration.

SEC. 16. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

SEC. 17. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to an assembled radio receiving set or phonograph alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise, unless authorized by this regulation.

SEC. 18. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suit for treble damages provided for by the Emergency Price Control Act of 1942.

SEC. 19. *Geographical applicability.* The provisions of this regulation apply to the forty-eight states and the District of Columbia.

SEC. 20. *Appendix A: Reports of maximum prices under section 6–6813–404:1.* This OPA form 6813–404:1 or a reasonable facsimile thereof shall be used for the reporting of maximum prices as required pursuant to section 6 of this regulation.

[1] 8 F.R. 4132, 5987, 7662.

Form Approved
Budget Bureau No. 08-R449
OPA Form 6813—404:1

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

REPORT OF MAXIMUM PRICE DETERMINATION OF ASSEMBLED RADIO RECEIVING SETS AND PHONOGRAPHS, PRICED ACCORDING TO MAXIMUM PRICE REGULATION NO. 430

(1) Firm Name_____ Date_____
(2) Address_____
Street Town State
(Read Instructions on Reverse Side)

(3) *Description of Set and Major Parts*

[Fill in or check]

Kind of Set_____ Radio ☐ Phonograph ☐ Radio Phonograph ☐
Chassis Mechanism_____ Attach circuit diagram with application
Speakers_____ Electro Dynamic ☐ P. M. ☐ Size-Cone Rim ____ in.
Phonograph Pickup Mechanism__ Automatic ☐ Manual ☐ Capacity _____ Records
Cabinet_____ Kind of Wood _____ Height ____ Width ____ Depth ____
Console ☐ Chairside ☐ Portable ☐ Other ☐

(4) *Information on Chassis*

a. Was chassis dismounted from a set? Yes ☐ No. ☐. If so state model number of set _____; suggested retail list price of set $_____. Was it dismounted after _____, 1943, from a portable or table model? Yes ☐ No ☐. If so, attach statement showing your ceiling price for original set and method by which it was determined.

b. Chassis cost (enter lower of following figures in Col. IV of 5 (a)).

i. Net invoice price paid for chassis less tax $_____.

ii. Maximum allowable cost of chassis $_____.

Is this an established ceiling? Yes ☐ No ☐

If so, state whose _____

If not, attach a detailed explanation of proposed in-line price.

(5) DETERMINATION OF UNIT DIRECT COSTS

Parts	I Name and city of supplier	II Name of part mfg. if available	III Stock No.	IV Price less tax	V Freight	VI Total cost
(a) Chassis						
(b) Cabinet						
(c) Phonograph						
(d) Speaker						
(e) Other parts costing $5 or more						
(f) All other materials						
(6) Unit material cost (total of items in Col. VI)					$	
(7) Total unit direct labor cost					$	
(8) Salvage value of material not used					$	
(9) Total unit direct cost (items 6 and 7 minus 8)					$	

(10) Federal Excise Tax paid:
(a) by parts manufacturers $_____
(b) by assembler $_____
Total federal excise tax_____ $_____

For distributor assemblers:

(11) *Determination of Maximum Selling Price*

(a) Add 122% to item (9) to determine a retailer's selling price less excise tax_____ $_____
(b) Retailer's maximum selling price including excise tax (item 10 plus item 11a)_____
(c) Subtract 40% from item 11a to determine selling price less excise tax_____
(d) Your maximum selling price including excise tax to persons other than the ultimate consumer (item 10 plus item 11c)_____
(e) Add 82% to item (9) to determine your selling price to an ultimate consumer less excise tax_____

(12) For Retail Assemblers:
(a) Add 82% to item (9) to determine retail price less excise tax_____
(b) Maximum selling price including excise tax (item 10 plus item 12a)_____

(13) Your model number of assembled set_____
(14) Is this model guaranteed for 90 days? Yes ☐ No ☐
(15) Estimated number of sets of this model to be assembled within next 90 days_____

SPECIFIC INSTRUCTIONS

3. This section when properly filled in will present a comprehensive description of the set being assembled. A separate report should be filed for each set using different component parts.

4. Before calculating the figures to be entered under the chassis cost (b), distributor-assemblers should read the instructions in section 3 (1) (a) and retailer-assemblers should read section 4 (1) (a) of the regulation. On line (i) the assembler should state the net invoice price he paid for the chassis, exclusive of federal excise tax, and on line (ii) he should state the maximum allowable cost of the chassis, exclusive of federal excise tax. The maximum allowable cost for distributor-assemblers is the manufacturer's ceiling price for sales of the chassis to a distributor or jobber. For retailer-assemblers it is the ceiling price of an established jobber or distributor for sales of the chassis to retailers. If such ceiling price has not been established or if the assembler is unable to ascertain it without undue expense or delay, he should enter as the maximum allowable cost a price which he believes to be in line with the level of established ceiling prices for sets and chassis and should attach to the report an explanation of the method used in calculating the price and the reasons why he believes it to be in line. For example, if a distributor-assembler bought a complete set from the manufacturer, receiving an affirmation that the price did not exceed the supplier's ceiling, and dismounted the chassis prior to July 26, 1943, he could calculate an in-line price for the chassis by allocating the set price between the chassis and the cabinet in proportion to the estimated cost of each.

5. In Column I, lines a, b, c, d, and e, list the name and city of firm from whom the part was purchased. In Column II and III list the name of the part manufacturer and the stock number or identifying title of the part. In Column IV, line a, enter as the chassis cost the lower of the two figures listed under 4 (b) of the report. On the other lines under Column IV list the unit cost of other parts and materials determined in accordance with the directions in either section 3 (1) (b) and (c) of the regulation if you are a distributor-assembler or section 4 (1) (b) and (c) if you are a retailer-assembler. If you are not able to ascertain a proper supplier's maximum price without undue expense or delay, you may enter the net invoice price paid by you and indicate in a footnote that this procedure is used. In Column V unit freight charges should be listed. The entries to be made in Column VI are the sums of the entries made in Columns IV and V. No entries need be made in Columns I, II, and III of line (f).

7. Compute unit direct labor cost for labor expended directly in the assembly of the set. In computing this cost use the highest wage rates you actually paid for each class of labor on October 3, 1942. If a class of labor previously not used by you is to be employed on the radio set, use the highest October 3, 1942 wage rate for that class of labor paid by the nearest employer operating under comparable conditions. If your wage rates or the wage rates of the nearest employer using a class of labor not previously employed by you have been adjusted by the War Labor Board, you may use current wage rates. If necessary for a clear understanding, a breakdown of the total labor cost should be attached to this report. This total must not include supervision, or other indirect labor or factory burden. Allowance for these expenses is included in the margin between direct cost and maximum selling price.

8. If there are any parts of the original chassis which are not used in the set being priced, make an not entry of the dollar salvage value to you of the discarded parts. This dollar salvage value shall be identical with your replacement cost of the part, if it is readily or generally usable for replacement, repair, or resale purposes. If the discarded part is not readily or generally usable or salable, list its realizable salvage value.

10. Give under (a) the amount of federal excise tax paid by the parts manufacturer which was in turn passed on to you, and under (b) the amount of the federal excise tax to be paid by you under section 3404 of the Internal Revenue Code.

11. The retail prices computed on line (b) and (c) should be adjusted to the nearest quarter of a dollar.

12. The retail price computed on line (b) should be adjusted to the nearest quarter of a dollar.

I hereby certify that I am the owner of the company whose name appears on this report, or that I am authorized to make this report on behalf of the company; that I have read this report and that all of the statements and figures contained in this report are correct. I also certify that I have read and am familiar with Maximum Price Regulation No. ——, and that the model priced in this application complies with the provisions and requirements of that Regulation.

_____
(Company)
_____
(Title)

Effective date. This regulation shall become effective July 26, 1943.

NOTE: The record keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11405; Filed, July 17, 1943; 9:36 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5E]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR PUERTO RICO

Preamble: The Office of Price Administration has been directed by the Rubber Director to carry out the recommendations contained in the report of the President's Special Committee to Study the Rubber Situation.

The recommendations of the Committee include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.

2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles. * * *

3. Prompt and strict enforcement of a Nation-wide speed limit not exceeding thirty-five miles an hour. * * *

4. Compulsory periodic tire inspection.

This Ration Order 5E has been adopted pursuant to the direction of the Rubber Director to complement the mileage rationing: Tire regulations (Ration Order 1B) and also to meet the peculiar circumstances of the Territory of Puerto Rico. In adopting this regulation it has been necessary not only to take into consideration the necessity for saving rubber, but also the fact that all rubber and gasoline must be imported into the Territory of Puerto Rico by water, thus making it necessary to consider the question of transportation as affected by world conditions. Due to transportation difficulties the regulation is geared not only to the available supply of rubber in the continental United States, but to the quantity of tires and gasoline that it is estimated may be imported into the Territory.

The mileage rationing: Gasoline Regulations (Ration Order 5E) control the use and acquisition of gasoline as a means to conserve rubber and gasoline and to maintain the transportation system. To safeguard against violation of the fundamental scheme, control is extended to gasoline generally, whether or not for motor vehicles.

The Office of Price Administration, through its local War Price and Rationing Boards, will regulate the use and allowable mileage of passenger automobiles and commercial vehicles.

Commercial vehicles are required to have a currently valid Certificate of War Necessity, issued by the Office of Defense Transportation. Comercial vehicles receive service rations, of which there are several types according to the type and use of the vehicle involved. Separate types of service rations are issued for taxicabs (publicoa), buses, light trucks, heavy trucks, and government-owned vehicles.

All passenger automobiles, with certain exceptions, will receive a small basic ration, or mileage allowance, in order, primarily, to prevent casting all persons normally using such facilities on to public transportation systems not equipped to handle tremendously increased loads. The private passenger automobile is, in this sense, an integral and indispensable part of the Island's system of transportation.

Above this basic ration, mileage will be allowed for occupational uses of the vehicle. But these supplemental rations are strictly tailored in accordance with need. Moreover, carrying out the program of the Committee that essential driving be given first place, a maximum allowance of 48 miles per week is placed upon the occupational use of passenger automobiles and 140 miles per month for motorcycles. The list of those users who may be allowed preferred mileage above this maximum is limited to those who use their vehicles for purposes essential to the war effort or to the civilian economy.

Certain exceptional, non-occupational, necessary motor vehicle uses, such as the procuring of food and supplies, or medical care are recognized and special rations are allowed for such purposes. Since the desire for conservation of gasoline in Puerto Rico is fully as important as the conservation of rubber, non-highway rations are required for purposes not involving wear of rubber tires.

By these means the vital supplies of tires and gasoline in Puerto Rico will be utilized for purposes most essential to the public welfare, and will be made to last, if possible, beyond the period of critical shortage. There is, of course, no assurance that the rubber supply situation in the future will not require further curtailment and conservation of tire use. To a great extent, this will depend upon whether the driving public will alter and restrict its driving habits, and conserve to the utmost extent the tires now in use. The Committee said:

> Let there be no doubt that only actual needs, not fancied wants, can, or should, be satisfied. To dissipate our stocks of rubber is to destroy one of our chief weapons of war. We have the choice!
>
> Discomfort or defeat. There is no middle course.

§ 1394.9204 *Mileage rationing: gasoline regulations for Puerto Rico.* Under the authority vested in the Office of Price Administration and the Price Administrator by Directive No. 1 of the War Production Board, issued January 24, 1942, and by Supplementary Directive No 1-J, issued June 30, 1942, this Ration Order 5E (Mileage Rationing: Gasoline Regulations for Puerto Rico) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1394.9204 issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, WPB Directive 1, Supp. Dir. 1-J, 7 F.R. 562.

RATION ORDER 5E—MILEAGE RATIONING: GASOLINE REGULATIONS FOR PUERTO RICO

ARTICLE I—INTRODUCTION

Sec.
1.1 Territorial limitations.
1.2 Scope of restrictions.
1.3 Effect of Ration Order 5E on outstanding rations.
1.4 Effect on Ration Order 1B.
1.5 Applicability of Order to rations issued under Ration Order 5B.
1.6 Definitions.
1.7 Personnel.
1.8 Jurisdiction of Boards over issuance of rations.
1.9 Action on applications.
1.10 Records of applications.

ARTICLE II—TYPES OF RATIONS

2.1 Basic rations.
2.2 Basic ration books.
2.3 Application for and issuance of basic rations.

Supplemental Rations

2.4 Supplemental rations.
2.5 Application for supplemental ration.
2.6 Allowance of occupational mileage.
2.7 Preferred mileage.
2.8 Issuance of supplemental rations.
2.9 Renewals of supplemental rations.
2.10 Classes B, C and D ration books marked "Fleet."

Service Rations

2.11 Persons entitled to service rations.
2.12 Service ration books.
2.13 Application for service rations.
2.14 Issuance of service rations.
2.15 Essential service rations.
2.16 Service ration for equipment mounted on commercial motor vehicles.
2.17 Interchangeable service ration books.
2.18 Zafra season.
2.19 Zafra season ration.
2.20 Weekly reports by Sugar Centrals.
2.21 Return of S type ration book.

Special Rations

Sec.
2.22 Application for special ration.
2.23 Form and issuance of special rations.

Non-Highway Rations

2.24 Persons entitled to non-highway rations.
2.25 Non-highway ration books.
2.26 Application for non-highway ration.
2.27 Issuance of non-highway rations.

Issuance of Ration Books—Acknowledgment of Delivery by the OPA

2.28 Issuance of ration books by Office of Price Administration.
2.29 Acknowledgment of delivery and allotment authorizations.
2.30 Use of gasoline obtained by Army and other exempt agencies.
2.31 Value of coupons.

ARTICLE III—RESTRICTIONS ON TRANSFER AND USE OF RATIONS AND GASOLINE

3.1 Restrictions as to purpose.
3.2 Rations not transferable.
3.3 Change of occupation of holder of Class C ration.
3.4 Use of rations issued for vehicles or boats available for public rental.

Prohibited Acts

3.5 Restrictions on consumption of gasoline.
3.6 Restrictions on blending and use of blended gasoline.
3.7 Rations for racing or exhibition purposes.
3.8 Display of sticker.
3.9 Restriction on use of gasoline in vehicle without ration.
3.10 Use in violation of Ration Order 1B.
3.11 Tires unlawfully acquired.
3.12 Abuse or neglect of tires.
3.13 Tire inspection records.
3.14 Certificate of War Necessity.
3.15 Mileage limitation.
3.16 Limitation on speed.
3.17 Mutilation, destruction, or counterfeiting of coupon books or certificates.
3.18 Transfer at illegal price.

ARTICLE IV—RENEWAL OF RATIONS, ISSUANCE OF FURTHER RATIONS, AND DECLARATION OF TIRES

4.1 Renewal of rations.
4.2 Issuance of further ration for use prior to expiration date of current ration.
4.3 General provisions.
4.4 Tire inspection record and declaration of tires.

ARTICLE V—GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF GASOLINE RATIONS

5.1 Presentation of license certificate.
5.2 Notation on license certificate.
5.3 Notation on ration books and applications.
5.4 Change in motor vehicle license number.
5.5 Authorization of bulk purchase.
5.6 Lost, stolen, destroyed, mutilated, or wrongfully withheld coupon books or bulk coupons.
5.7 Signature on coupon book.

ARTICLE VI—EXPIRATION AND REVOCATION OF RATIONS

6.1 Surrender of expired coupons.
6.2 Expiration of rations.
6.3 Expiration of rations upon cessation of use or change in ownership.
6.4 Denial of gasoline rations.
6.5 Coupon books property of Office of Price Administration; summary revocations.
6.6 Revocation, suspension, and denial of consumer's ration after hearing.
6.7 Effective period of order revoking ration and of declaration of ineligibility.
6.8 Presentation of registration cards and tire inspection records after revocation of ration or denial of rations for a specified period and notations thereon.

ARTICLE VII—RESTRICTIONS ON TRANSFER

7.1 Restriction on transfer to consumers.
7.2 Transfers to consumers.
7.3 Transfer to consumers in exchange for coupons.
7.4 Transfers in exchange for acknowledgment of delivery and allotment authorization.
7.5 Emergency transfers.
7.6 Transfer of vehicle, boat or equipment.
7.7 Transfer of consumer establishments.
7.8 Transfers from fuel tank of vehicles and boats forbidden.
7.9 Discrimination by dealers and intermediate distributors.
7.10 Restriction on transfers between dealers and distributors.
7.11 Night deliveries: third party deliveries.
7.12 Upstream transfers.
7.13 Preservation of coupons: coupon sheets.
7.14 Preservation of acknowledgments.
7.15 Summary of coupons.
7.16 Exchange of coupons for exchange certificates.
7.17 Certification of shortage.

ARTICLE VIII—RECORDS AND REPORTS BY DISTRIBUTORS AND DEALERS

8.1 Records to be kept by dealers and intermediate distributors.
8.2 Reports by oil companies.
8.3 Reports by Collector of Customs.
8.4 Explanation by oil companies.
8.5 Accountability and records of dealers and intermediate distributors.
8.6 Inspection of record and facilities.

ARTICLE IX—OPENING, CLOSING AND TRANSFERRING OF BUSINESS

9.1 Registration of new or reopened place of business.
9.2 What constitutes gasoline on hand.
9.3 What constitutes storage capacity.
9.4 Issuance of registration certificates.
9.5 Issuance of inventory coupons.
9.6 Restriction on use of inventory coupons.
9.7 Cessation of business.
9.8 Sale of place of business.
9.9 Change of storage capacity.

ARTICLE X—ADJUSTMENTS AND APPEALS

10.1 Adjustment of errors made by registrars.
10.2 Appeals from decisions of Boards.

ARTICLE XI—ENFORCEMENT

11.1 Criminal prosecutions.
11.2 Suspension orders.

Article I—Introduction

SECTION 1.1 *Territorial limitations.* Ration Order No. 5E shall apply to the Territory of Puerto Rico.

SEC. 1.2 *Scope of restrictions.* (a) Nothing in Ration Order No. 5E shall be construed to:

(1) Limit the quantity of gasoline which may be acquired by or for the account of the Army or Navy, of the United States, the United States Maritime Commission, the Panama Canal, the Coast & Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research & Development.

(2) Limit the quantity of gasoline which may be acquired by any person for export to and consumption or use in any foreign country.

(3) Affect or apply to any transfer of gasoline between the agencies named in paragraph (a) hereof.

SEC. 1.3 *Effect of Ration Order No. 5E on outstanding rations.* (a) Except as provided in paragraph (b) of this section and section 1.5, no provision of Ration Order No. 5E shall affect the validity or valid period of any ration issued pursuant to Ration Order No. 5B,[1]

(b) No ration issued pursuant to Ration Order No. 5B may be used for a purpose prohibited by the provisions of Ration Order No. 5B or Ration Order No. 5E. All rations issued pursuant to Ration Order 5E shall be subject to modifications, revocation and redetermination pursuant to the provisions of Ration Order No. 5E.

SEC. 1.4 *Effect on Ration Order No. 1B.* No allotment of gasoline issued pursuant to Ration Order No. 5E for use with a motor vehicle shall be construed to authorize such use where it would be in violation of Ration Order No. 1B or to remove or avoid any disqualification of such vehicle under Ration Order No. 1B which would otherwise result from such use.

SEC. 1.5 *Applicability of Order to Rations issued under Ration Order No. 5B.* All rations issued pursuant to Ration Order No. 5B which shall remain in effect after the effective date of this Order, shall be subject to the same restrictions, prohibitions and conditions of use as though they were issued pursuant to Ration Order No. 5E.

SEC. 1.6 *Definitions.* (a) When used in Ration Order No. 5E:

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(2) "Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

(3) "Bulk transfer" means any transfer of gasoline other than:

(i) Into the fuel tank of a registered motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates; or

(ii) Into the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(4) "Bus" means a motor vehicle built or rebuilt primarily for the purpose of carrying passengers, licensed by the Insular Government of Puerto Rico to carry passengers for hire, and having a rated seating capacity of ten or more persons, including a station wagon operating over a regular route on a regular schedule under a certificate of necessity and convenience issued by the Public Service Commission of Puerto Rico.

(5) "Certificate of War Necessity" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 34.

(6) "Commercial motor vehicle" means a straight truck, a combination truck-tractor and semi-trailer, a combination truck-tractor and a full trailer, any combination thereof, or any other rubber-tired motor vehicle, excluding a motorcycle or airplane, propelled or drawn by mechanical power and built or rebuilt primarily for the purpose of transporting property on the highways; and any bus, taxicab, public, or other rubber-tired motor vehicle, excluding a motorcycle, propelled or drawn by mechanical power and used or licensed for use in the transportation of persons upon the highways for hire, or available for public rental, including ambulances and hearses.

(7) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(8) "Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The terms also includes any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline directly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business.

(9) "Director" means Director of the Office of Price Administration for Puerto Rico, any person duly authorized to act in his place, or any person to whom he may delegate his authority to act hereunder.

(10) "Distributor" means an intermediate distributor, a licensed distributor, or both.

(11) "Equipment" means any conveyance, other than a motor vehicle, which is designed for and capable of operation on one or more wheels and any machinery in the operation of which wheels, with mounted tires, are used.

(12) "Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline, and exchangeable for such gasoline. This term shall include coupons, acknowledgements of delivery, inventory coupons, exchange certificates on Form OPA R–548 issued by a Board in return for other evidences received, and export certificates on Form OPA R–560.

(13) "Fleet" as applied to a passenger automobile or motorcycle, means that such vehicle is one of four or more passenger automobiles or four or more motorcycles owned or leased by and used by the same person or organization principally in connection with the same or related occupations, or, as applied to a commercial motor vehicle, that such vehicle is one of four or more commercial vehicles owned or operated by the same person.

(14) "Gasoline" means any liquid fuel which is commonly or usually used for the propulsion of motor vehicles or motorboats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzine, benzol, and naptha.

(15) "Heavy truck" means a truck which has a rated capacity of more than one ton and is duly licensed as a heavy or a heavy-public truck by the Insular Government of Puerto Rico, unless such license is not required by law.

(16) "Highway use" means a use of gasoline in a registered motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, including a use of gasoline in any machinery permanently mounted on a registered motor vehicle.

(17) "Inboard motorboat" means any self-propelled water craft, the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(18) "Intermediate distributor" means any person, other than a licensed distributor, who is engaged in the business of transferring gasoline for resale. Any such person shall be deemed to be an intermediate distributor as to each place at which such business is carried on.

(19) "Inventory coupon" means a one-gallon or one hundred gallon coupon issued by a Board to represent unfilled storage capacity of a dealer or intermediate distributor, or for such other purpose as may be provided in Ration Order No. 5E.

(20) "Light truck" means a truck which has a rated capacity of one ton or less and is duly licensed as a commercial or a commercial-public truck by the Insular Government of Puerto Rico unless such license is not required by law.

(21) "Motorcycle" means any motor vehicle designed for operation on three wheels or less, but does not include tractors.

(22) "Motor vehicle" means any rubber-tired self-propelled conveyance, the motive power for which is furnished by an internal-combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(23) "Motor vehicle dealer" means any person engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(24) "Motor vehicle rental agency" means any person engaged in the business of leasing motor vehicles to others.

(25) "Non-highway use" means any use of gasoline other than "Highway use".

(26) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study.

(27) "Occupational mileage" means mileage driven by a person in carrying on an occupation, or to and from a place where such occupation is carried on.

(28) "Oil company" means any person who imports gasoline into the Territory of Puerto Rico.

(29) "Passenger automobile" means any motor vehicle (other than an ambulance, hearse, motorcycle, taxicab, public, or vehicle used or licensed for use in the transportation of persons on the highways for hire) built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less persons, including a non-commercial station wagon or suburban carryall regardless of seating capacity.

(30) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(31) "Public" or "public car" means any passenger motor vehicle duly licensed by the Insular Government of Puerto Rico as a public car and authorized by the Public Service Commission to carry passengers for hire.

(32) "Ration", as the context requires, means either a right to acquire and use gasoline which is represented by an evidence issued on the basis of an application, or the amount of gasoline acquired in exchange for coupons, or both.

(33) "Registered" or "licensed" means that a motor vehicle is duly licensed for operation on public roads or highways by the appropriate agency of the Federal Government of the United States, the Insular Government of Puerto Rico, the government of a state of the United States, or any territorial or foreign government.

(34) "Scrap", as applied to a tire, means incapable of being repaired for use.

(35) "Serial number", as applied to a tire, means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(36) "Taxicab" means a taxicab authorized as such by a Certificate of Necessity and Convenience issued by the Public Service Commission.

(37) "Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier.

(38) "Transfer", as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, de-

[1] 7 F.R. 5607, 6389, 6390, 7400, 6871, 7398, 8385, 8355, 9134, 9431, 9817, 10109, 10379, 10530; 8 F.R. 534, 976, 2026, 2356, 5267, 5351.

vice, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(39) "Vehicle available for public rental" means any registered motor vehicle leased from, or held for rental by, a motor vehicle rental agency, but does not include a "público".

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

SEC. 1.7 *Personnel.* (a) Ration Order 5E shall be administered by the Office of Price Administration through its War Price and Rationing Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 5E shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may, from time to time, delegate.

(b) No person participating in the administration of Ration Order 5E shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

SEC. 1.8 *Jurisdiction of Boards over issuance of rations.* (a) A Board shall have jurisdiction over:

(1) The issuance of rations for motor vehicles, equipment, or machinery normally garaged or stationed in the area in which the Board is designated to serve.

(2) The issuance of a ration to any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of this section; any person applying for a ration pursuant to this paragraph shall furnish the Board with the number of the Board having jurisdiction under paragraph (a) (1).

SEC. 1.9 *Action on applications.* (a) The Board shall render its decision on an application for a ration within ten (10) days after the date of submission of such application. In any case of apparent emergency, such decision shall be made within forty-eight (48) hours, if possible. The Board shall within three (3) days notify the applicant of its decision.

SEC. 1.10 *Records of applications.* (a) Except as provided in paragraph (b) of this section, each Board shall maintain a file of all applications for gasoline rations passed upon by it or received by it from any other Board or source.

(b) A Board, after passing upon an application for a ration made pursuant to paragraph (a) (2) of section 1.8 shall forward such application to the Director for forwarding to the Board having jurisdiction:

Article II—Types of Rations

BASIC RATIONS

SEC. 2.1 *Basic rations.* (a) The owner or the person entitled to the use of a licensed passenger automobile or a licensed motorcycle may obtain on application to a Board a basic ration for use with such vehicle except that no basic ration shall be issued for use with a passenger automobile or motorcycle which is:

(1) A public car, taxi, or vehicle available for public rental:

(2) Owned or leased by a Federal, Insular, municipal, or foreign government or government agency;

(3) Specially built or re-built as an ambulance or hearse; or

(4) Part of a fleet of passenger automobiles or motorcycles.

(5) Held by a motor vehicle dealer for sale or resale.

SEC. 2.2 *Basic ration books.* (a) Class A ration books shall be issued as basic rations for passenger automobiles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof only during the following periods:

Coupons:	*Valid period*
A 12	July 1943.
A 13	August 1943.
A 14	September 1943.
A 15	October 1943.
A 16	November 1943.
A 17	December 1943.
A 18	January 1944.

(b) *Class D ration books.* D ration books marked "basic" shall be issued as basic rations for motorcycles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof at any time during the semiannual period commencing February 1st or August 1st for which they shall be issued.

SEC. 2.3 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on Form OPA PRR–1 to the Board having jurisdiction. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) The application must be signed by the registered owner of the vehicle for which a ration is sought, and by the person entitled to the use of the vehicle in the event that the registered owner is not entitled to the use thereof. The application may not be signed by an agent, unless the registered owner or person entitled to the use of the vehicle is physically unable to sign or is outside the Territory of Puerto Rico.

(c) A basic ration shall be issued by a Board. The Board shall remove from any class A ration book all expired coupons and one currently valid coupon for each full four days which have elapsed in the valid period during which such book is issued. In the case of a basic D ration book, one coupon shall be removed for each full three and one-half days which shall have elapsed in the valid period during which such book is issued.

(d) No more than one valid basic ration shall be outstanding at any time for a vehicle, and no person shall be entitled to more than one basic ration for the same vehicle at any one time: *Provided*, That any person who has surrendered a basic ration to a Board by reason of having ceased to use the motor vehicle for which the ration was issued may apply to a Board for reissuance thereof. Application for reissuance shall be made on Form OPA PRR–1, and the applicant shall attach thereto a certification in which he shall set forth the date and place of issuance of the ration surrendered, together with the date and place of surrender thereof, the reason therefor, and the serial number of the ration books surrendered and the number of unused coupons remaining in the book at the time of surrender.

(e) Applications for renewals of basic ration books shall be made at such times as shall be designated by the Director of the Boards during the month prior to the expiration of such rations.

SUPPLEMENTAL RATIONS

SEC. 2.4 *Supplemental rations.* (a) The following coupon books may be issued by a Board as supplemental rations to a holder of a basic ration book to provide for occupational or preferred mileage, to the extent allowed by the Board pursuant to section 2.6:

(1) B or C ration books for use with passenger automobiles.

(2) D ration books marked "Supplemental" for use with motorcycles.

(b) B and C ration books shall contain twelve (12) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof only during the periods as follows:

B or C coupons bearing number:	*Valid period—6 days commencing with*
35	July 5, 1943.
36	July 12, 1943.
37	July 19, 1943.
38	July 26, 1943.
39	August 2, 1943.
40	August 9, 1943.
41	August 16, 1943.
42	August 23, 1943.
43	August 30, 1943
44	September 6, 1943
45	September 13, 1943
46	September 20, 1943.
47	September 27, 1943
48	October 4, 1943.
49	October 11, 1943
50	October 18, 1943.
51	October 23, 1943
52	November 1, 1943
53	November 8, 1943
54	November 15, 1943.
55	November 22, 1943.
56	November 29, 1943.
57	December 6, 1943
58	December 13, 1943
59	December 20, 1943
60	December 27, 1943

(c) D ration books marked "Supplemental" shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof at any time during the semi-annual period commencing February 1st or August 1st for which they shall be issued.

SEC. 2.5 *Application for supplemental ration.* (a) Application for a supplemental ration may be made to a Board on Form OPA PRR–2, by the owner or person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be signed by an agent.

(b) An applicant shall establish the monthly mileage required for each of the following purposes during the ration period for which such ration is valid:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal use of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) If two or more passenger vehicles for which supplemental rations are desired, are owned by persons living in the same household, all applications for supplemental rations shall, except for good cause shown, be submitted at the same time to the same Board. Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of section 2.6, a separate application for a supplemental ration shall be made for each such vehicle. Each such application shall include only the mileage driven in the vehicle for which it is made and, if such vehicles are all within the jurisdiction of one Board, all such applications must be submitted to it at the same time. If such vehicles are within the jurisdictions of different Boards, each application must be accompanied by duplicate copies of the applications for other vehicles used in such ride-sharing arrangement.

SEC. 2.6 *Allowance of occupational mileage.* (a) Except as provided in paragraph (c) of this section, occupational mileage shall be allowed by a Board for a purpose specified in paragraph (b) of section 2.5 only if the applicant establishes, in connection with the use of the vehicle for that purpose either:

(1) That a bona-fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations and that transportation is needed for such purpose: *Provided*, That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or overcrowded conditions, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Board may find sufficient.

(3) In the event application is made for a Supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, the application must be certified, as indicated thereon, by a responsible official of the organization, if any, for or under the direction of which the work is performed.

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving for any of the purposes listed in paragraph (b) of section 2.5 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per week required by the applicant, as established in accordance with paragraph (b) of section 2.5, and shall issue a supplemental ration for such mileage requirements sufficient for a twelve week period: *Provided*, That the Board may not allow more than 48 miles per week for a passenger automobile and 40 miles per month for a motorcycle for any occupational mileage other than preferred mileage as defined in section 2.7: *Provided further*, That in allowing occupational mileage, the Board shall disregard the basic ration, no part of which shall be required for occupational use.

(c) A Board having jurisdiction over an area adequately served by public transportation systems shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant establishes that the use of such public transportation system would not be reasonably adequate for the purpose for which such mileage is claimed.

SEC. 2.7 *Preferred mileage; C rations.* (a) The mileage driven in a passenger automobile or motorcycle by the owner or the person entitled to the use thereof shall be deemed preferred mileage, only if it is necessary for carrying out one or more of the following purposes:

(1) By a duly elected or appointed agent, officer, representative, or employee of a Federal, Insular, Municipal, or foreign government or government agency or the American Red Cross for performing the official business or carrying out an official function of such government or government agency or American Red Cross, in a passenger automobile or motorcycle not owned or leased by such government or government agency or the American Red Cross.

For the purpose of this paragraph:

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business or carrying out an official function,

(ii) Travel by duly elected members of the Insular legislature between their places of residence and San Juan, Puerto Rico, for the sole purpose of attending the legislative sessions, and other travel in pursuit of legislative business shall be deemed the carrying out of an official function.

(2) For the transportation of mail on behalf of the United States Government, in a passenger automobile or motorcycle not owned or leased by such government.

(3) By public school teachers or officials for the performance of official duties which require travel from school to school.

(4) For the wholesale delivery of newspapers.

(5) For making necessary professional calls by a physician, surgeon, farm veterinarian at agricultural establishments, chiropractor, osteopath, midwife, dentist, or public health nurse (but not a private or visiting nurse), licensed as such by the appropriate governmental authorities and regularly rendering necessary professional services outside of his office; or by a licensed funeral director or embalmer, for rendering services necessary in connection with the preparation for interment and the interment of a deceased person.

(6) By a regularly practicing minister or practitioner of any religious faith who actually serves a congregation for giving religious comfort, assistance, advice or instruction.

(7) By a farmer for transporting farm products and necessary farm supplies between farm and market, shipping point or point of delivery, or between one farm establishment and another, and for no other purpose.

(8) By members of the armed forces of the United States or State military

forces organized pursuant to section 61 of the National Defense Act as amended, for transportation to, from, or between places at which their duties are performed, and between their residence and places at which their duties are performed.

(9) By engineers, architects, repair and maintenance men or other workers (but not including salesmen) to enable them to render services or to transport materials and equipment necessary for construction, repair, installation, or maintenance work (other than the repair or maintenance of portable household appliances) or for rendering indispensable services of a specialized nature to agricultural, extractive or industrial establishments. "Services of a specialized nature" shall include services related to the natural breeding of livestock; crop or livestock inspection in the marketing or processing thereof; inspection in the improvement of farm sanitation; protection of crops, livestock or farms from blights, disease or pests; and soil conservation.

(10) By a worker (including an executive, technical, or office worker, but not including salesmen) or by an employer, employer's representative or representative of a labor organization in travel to, from, within, or between the following establishments or facilities, for purposes necessary to the operation or functioning of such establishments or facilities or to the maintenance of peaceful industrial relations therein, any industrial, extractive, military, naval, or hospital establishment, power generation or transmission facilities, transportation or communication facilities, construction project or farm.

(11) For delivery or messenger service in a motorcycle.

(12) For the operation and maintenance of the health requirements of a municipality, but only if the applicant is joined in by the municipality certifying the need for such mileage, the maximum mileage required, and the absence of adequate municipal facilities.

(13) By traveling salesmen engaged in the sale of necessary productive equipment or supplies for farms, factories, mines and similar productive or extractive establishments, of medical supplies or of petroleum products if the marketing of such equipment or supplies by salesmen is essential to the war effort.

(14) For any other necessary travel certified by the Director to be essential to the war effort or the public welfare.

SEC. 2.8 *Issuance of supplemental rations.* (a) Not more than one B ration book shall be issued to an applicant by a Board after removal of coupons as necessary to provide only the total occupational mileage allowed in accordance with section 2.6, except upon specific written authorization of the Director.

(1) The maximum number of coupons on any page of a B ration book shall be as follows:

Passenger automobiles

Mileage allowed during week of validity of coupons of B ration book page:	*Number of B coupons to remain in page*
1– 6	1
7–12	2
13–18	3
19–24	4
25–30	5
31–36	6
37–42	7
43–48	8

(b) No C ration book shall be issued unless the mileage for which application is made is preferred mileage as set forth in section 2.7. Not more than one C ration book shall be issued to any applicant by a Board, except upon specific written authorization of the Director.

(1) Coupons shall be removed from C ration books before issuance as required to provide only the preferred mileage allowed and such occupational mileage as may be allowed pursuant to paragraph (c).

(2) The maximum number of coupons on any page of a C ration book shall be as follows:

Passenger automobiles

Mileage allowed during week of validity of coupons:	*Number of C coupons to remain in page*
1– 18	1
19– 36	2
37– 54	3
55– 72	4
73– 90	5
91–108	6
109–126	7
127–144	8

(c) No person shall be eligible to receive both a B and C ration book. Any person who is entitled to a C ration book may be allowed total occupational mileage, in accordance with section 2.6, in addition to the allowance of preferred mileage, but such allowance shall not exceed 48 miles in any week for occupational mileage.

(d) Not more than one D ration book marked "Supplemental" shall be issued by the Board after removal of coupons as necessary to provide only the total occupational and preferred mileage allowed in accordance with sections 2.6 and 2.7 except upon special written authorization of the Director, or as provided in sub-section (2).

(1) The maximum number of coupons on any page of a D ration book marked "Supplemental" shall be one (1) coupon for each 17½ miles or major fraction thereof allowed.

(2) Law enforcement agencies of the Federal and Insular Governments shall be entitled to additional D books marked "Supplemental" from time to time to satisfy their proven requirements for law enforcement.

(e) Ration books shall be issued only for the unexpired pro rata portions of the ration period for which they shall be valid, and the Board shall remove and cancel all expired coupons and all coupons in excess of the number to be issued.

(f) For the purpose of this section, a passenger automobile is conclusively presumed to operate 12 miles, and a motorcycle 35 miles, per gallon of gasoline.

SEC. 2.9 *Renewals of supplemental rations.* Applications for renewals of supplemental rations shall be made to the Boards at such times as shall be designated by the Director during the month prior to the expiration of such rations.

SEC. 2.10 *Fleet Rations—Classes B, C and D ration books marked "Fleet."* (a) Any person to whom a Board shall have issued B or C ration books on behalf of four or more passenger automobiles shall be entitled, upon surrender of such ration books to the issuing Board, to receive in exchange therefor, books of the same class marked "Fleet" and containing the same number of valid coupons.

(b) Any person to whom a Board shall have issued "Supplemental" D ration books on behalf of four or more motorcycles shall be entitled, upon surrender of such ration books to the issuing Board, to receive in exchange therefor, "Supplemental" D ration books of the same class marked "Fleet" and containing the same number of valid coupons.

(c) Each ration book marked "Fleet" shall have endorsed on the cover the license number, make and year of manufacture of each vehicle which is part of the fleet.

(d) Coupons contained in ration books marked "Fleet" shall be valid for transfers of gasoline only to those vehicles listed by the issuing Board in accordance with paragraph (c) hereof.

SERVICE RATIONS

SEC. 2.11 *Persons entitled to service rations.* (a) The owner or person entitled to the use of a registered commercial vehicle for which a currently valid certificate of War Necessity has been issued (unless such vehicle has been exempted therefrom) may obtain from a Board the appropriate class of service ration book authorizing the acquisition of the maximum number of gallons of gasoline allowed by the Board for the operation of such vehicle.

(b) The Federal, Insular, Municipal, or a foreign government or a governmental agency which owns or is entitled to the use of a registered motor vehicle (other than a motorcycle) for which a Certificate of War Necessity is not required may obtain from a Board S–5 ration books authorizing the acquisition of the maximum number of gallons of gasoline allowed by the Board for the operation of such vehicle.

SEC. 2.12 *Service ration books.* (a) Service ration books of the following classes shall be issued by a Board for the following vehicles:

(1) S–1 ration books for taxicabs and "públicos".

(2) S–2 ration books for heavy trucks.

(3) S–3 ration books for busses.

(4) S–4 ration books for light trucks including ambulances and hearses.

(5) S–5 ration books for motor vehicles (other than motorcycles) owned, leased or operated by the Federal, Insular, Municipal, or foreign government or governmental agency and used exclusively for the official uses of such government or governmental services.

(i) S–5 containing green (verde) coupons shall be issued for passenger automobiles, containing gold (oro) coupons shall be issued for light trucks, and containing white (blanco) coupons shall be issued for heavy trucks.

(6) D ration books marked "Service" for motorcycles.

(b) Service ration books shall consist of eight (8) coupons to a page, and the following numbers of pages according to the type of service ration:

Ration books	No. of pages	No. of pages for each valid period
S–1 or S–2	12	1
S–3 or S–4	12	1
S–5 (green)	12	1
S–5 (gold)	24	2
S–5 (white)	36	3

(c) D ration books marked "Service" shall contain six (6) pages and shall be valid for transfers of gasoline to the holder thereof at any time during the semi-annual period commencing February 1st or August 1st for which they shall be issued.

(d) Coupons of all categories of S ration books shall be valid for transfers of gasoline to the holders thereof only during the period as follows:

S–1, S–2, S–3, S–4 or S–5 coupons bearing number:	*Valid period, 6 days commencing with*
35	July 12, 1943
36	July 19, 1943
37	July 26, 1943
38	August 2, 1943
39	August 9, 1943
40	August 16, 1943
41	August 23, 1943
42	August 30, 1943
43	September 6, 1943
44	September 13, 1943
45	September 20, 1943
46	September 27, 1943
47	October 4, 1943
48	October 11, 1943
49	October 18, 1943
50	October 25, 1943
51	November 1, 1943
52	November 8, 1943
53	November 15, 1943
54	November 22, 1943
55	November 29, 1943
56	December 6, 1943
57	December 13, 1943
58	December 20, 1943
59	December 27, 1943

SEC. 2.13 *Application for service rations.* (a) Application shall be made by the owner or the person entitled to the use of the commercial motor vehicle or by the authorized agent, to a Board on Form OPA PRR–3. All questions on such forms shall be answered by the applicant. A single application may be used for each fleet of vehicles or each group of fleet vehicles for which the applicant seeks a "Fleet" service ration. A separate application must be used for each vehicle which is not part of a fleet.

(b) In the case of a public car (público), bus or taxi the applicant shall describe the route traveled or the area served by the vehicle or vehicles for which application is made, and shall furnish such further information as the Board may deem relevant to the determination of the mileage to be allowed.

SEC. 2.14 *Issuance of service rations.* (a) No service ration shall be issued on behalf of a commercial motor vehicle for which a Certificate of War Necessity is required unless the applicant has presented to the Board, at the time of application a currently valid Certificate of War Necessity. In the case of a fleet, a currently valid Fleet Certificate issued for the fleet may be presented to the Board.

(b) The Board may issue for proven mileage requirements for each valid period, after removing and destroying excess coupons, the following S ration books for the following classes of vehicles:

(1) *S–1 ration book.* (i) Not more than one (1) book, to provide the gallonage necessary for the minimum mileage required for the valid period, unless the Board is satisfied beyond a reasonable doubt that public necessity requires the issuance of an additional book, but in no event more than two (2) books, except that:

(ii) For the continued operation of públicos transporting passengers regularly between fixed terminals in different towns over fixed routes under schedules and at rates fixed by the Public Service Commission and for the operation of which Certificates of Necessity and Public Convenience have been continuously outstanding since August 1, 1942, sufficient S–1 ration books to provide the gallonage necessary for the minimum mileage required for the valid period for not more than one daily round trip over its fixed routes between the fixed terminals.

(iii) No S–1 ration book shall be issued to any taxicab or público unless the operator presents to the Board a currently valid certificate of convenience and necessity or a currently valid special permit issued by the Public Service Commission of the Insular Government and his signed statement that he is complying with all applicable orders of the Office of Defense Transportation. No ration shall be issued and no ration issued for a taxicab or público shall be used unless it:

(*a*) Carries as many persons as is legally and practically possible on each trip;

(*b*) Is permanently and conspicuously marked as a taxicab or público;

(*c*) Does not "cruise" for the purpose of seeking fares; and

(*d*) Is not used for sightseeing purposes.

(2) *S–2 ration book.* Not more than one book, unless for essential service rations as provided in section 2.15.

(3) *S–3 ration book.* Sufficient S–3 ration books for the operation of each bus (i) on the route or according to the schedule prescribed for it by the Public Service Commission of the Insular Government, or (ii) continuously operated as one of a fleet of buses which has been in continuous operation since November 1, 1941 over regular routes and for which no certificate of convenience and necessity has been obtained.

(4) *S–4 ration book.* Not more than one book, unless for essential service rations as provided in section 2.15.

(5) *S–5 ration book.* Not more than one book, unless the Board shall recommend to the Director and obtain his written authority in advance in each instance, for the issuance of such additional books as may be essential. No vehicle for which an S–5 ration book may have been issued shall be used for any purpose except official business.

(c) The following classes of vehicles shall be conclusively presumed to obtain the following number of miles per gallon:

(1) Passenger automobiles and publicos—12 miles per gallon.

(2) Light trucks—10 miles per gallon.

(3) Heavy trucks—8 miles per gallon.

(4) Buses—8 miles per gallon.

(5) Motorcycles—35 miles per gallon.

(6) The Board shall, if so requested by the applicant, receive proof of the average actual number of miles obtained per gallon in the case of a light truck, a heavy truck, or a bus. If it is satisfied beyond all reasonable doubt that such mileage represents the average actual minimum mileage obtained by the heavy truck or bus per gallon by the most efficient possible operation, it shall accept such mileage in computing the number of coupons to be issued.

(d) The Board shall issue ration books only for the unexpired pro rata portions of the ration period for which they shall be valid and shall remove and cancel all expired coupons and all coupons in excess of the number actually required by the applicant as his proven need. At the time of issuance of any service ration for use with a commercial motor vehicle for which a Certificate of War Necessity is required to be presented, the Board shall note on the face of such Certificate the Board number, the period for which the ration is issued, the serial number of the ration book or books and the initial of the person issuing such books. In the case of a Fleet Certificate the Board shall note on the reverse side thereof the same information and shall also note the total gallonage for which coupons are issued, and the number of the issuing board. If the applicant has requested that bulk coupons be issued to him, and if the applicant meets the requirements of paragraph (a) of section 2.12, the Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested.

(e) No service ration may be issued for any vehicle which does not comply with (1) the applicable orders of the Office of Defense Transportation, or (2) the requirements of Ration Order No. 1B relating to periodic inspection of tires.

SEC. 2.15 *Essential service rations.* (a) A Board may issue additional S–2 and S–4 books for any truck principally used in one or more of the following essential services:

(1) To maintain fire-fighting services;

(2) To maintain necessary public police services;

(3) To maintain garbage disposal and other sanitation services;

(4) To transport mail on behalf of the United States Government, in a truck not owned or leased by such Government;

(5) To transport ice, water, milk, fuel;

(6) To transport farm products, foods and food supplies to processing plants, storage houses, or wholesale or retail establishments, but not from retail establishments to consumers;

(7) To transport medicines or medical equipment;

(8) To transport waste and scrap material;

(9) To maintain the essential services of public utility systems;

(10) To transport material and equipment for farm, highway, industrial, or government construction, maintenance or repair;

(11) To deliver newspapers at wholesale;

(12) To operate and maintain the health requirements of a municipality, but only if the application is joined in by the municipality certifying the need for such mileage, the maximum mileage required, and the lack of available public facilities to satisfy such requirements.

(b) The Board shall issue such additional books only if it is satisfied that the life, health and safety of the people of Puerto Rico so require.

SEC. 2.16 *Service ration for equipment mounted on commercial motor vehicles.* (a) Notwithstanding any other provisions of Ration Order No. 5 E the applicant for a ration for machinery or equipment permanently attached to a commercial motor vehicle which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the vehicle, may set forth in his application for a service ration for such vehicle the amount of gasoline needed for the operation of such machinery or equipment during the period for which the service ration is sought. The Board shall ascertain and allow the amount of gasoline needed for such purpose during such period and shall include in the service ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate such machinery or equipment during such period.

SEC. 2.17 *Interchangeable service ration books.* (a) An applicant for a service ration for use with fleet vehicles may request the Board to note on the ration books issued, a clearly discernible name or other identification of the fleet or, if the vehicles bear no clearly discernible name or identification, the serial number of the fleet Certificate of War Necessity issued for such vehicles in lieu of the registration number of a particular vehicle. The Board may grant such a request with respect to any vehicles in the fleet which are used interchangeably and which bear a clearly discernible fleet name, identification or designation or, in the absence of such designation with respect to any vehicles, for which a fleet Certificate has been issued. Any book on which a fleet identification or fleet Certificate number is noted may be used interchangeably for all vehicles in the fleet bearing such identification or covered by such fleet Certificate. Each service ration book marked "Fleet" issued hereunder shall have endorsed on the cover thereof the license number, make, and year of manufacture of each vehicle in the fleet. Coupons contained in ration books marked "Fleet" shall be valid for transfers of gasoline only to those vehicles so listed.

SEC. 2.18 *Zafra season*—(a) *Definition.* Sugar cane is cut and processed in Puerto Rico during a period approximately from January 1st to July 1st in each year which period is known as the "Zafra" or Grinding Season.

SEC. 2.19 *"Zafra" season ration.* (a) The owner or the person entitled to the use of a truck actually used for the transportation of cane, sugar or supplies essential to the cutting, processing, grinding and planting of sugar during the "Zafra" season shall be entitled to a special "Zafra" season ration.

(b) Applicant shall use the S type ration book issued to him by a Board to acquire gasoline for the necessary haulage on the first day of his participation in the "Zafra." At the conclusion of his first day's work he shall surrender to a member of the Board assigned to the Sugar Central by which applicant has been engaged all ration books issued to him for the operation of each truck used by him on that date and upon proof by applicant to such member of the Board of the consumption of a specific quantity of gasoline that day, he shall receive a "Zafra" certificate authorizing the acquisition of such quantity of gasoline. The "Zafra" certificate shall be on Form OPA PRR–189, shall be signed by the authorized member of the Board, signed and sealed by the person duly authorized to sign on behalf of the Sugar Central and signed by the applicant or his agent prior to its delivery to the applicant. Thereafter a "Zafra" certificate shall be issued at the completion of each day's work for the quantity of gasoline consumed during that day.

(c) Each "Zafra" certificate shall be valid for transfers of gasoline only on the next succeeding working day into the tanks of trucks specifically listed on the reverse thereof. Upon transfer of a quantity of gasoline into the truck or trucks whose license numbers are listed on the reverse thereof the applicant or his agent shall insert the number of gallons so transferred to each such truck, and sign his name in the columns provided therefor.

(d) Each dealer shall deliver all "Zafra" certificates in his possession in accordance with the provisions of section 7.16 to the Board having jurisdiction not later than noon of the first Monday following the transfer of gasoline thereon and shall receive an exchange certificate (Form OPA R–548) in exchange therefor.

(e) "Zafra" certificates shall be numbered serially. The original or copy on white paper shall be delivered to the applicant. The duplicate original, or yellow copy, which shall be signed by the applicant, representative of the Sugar Central and by the member of the Board, shall be retained by the Sugar Central until such time as the Director shall require its surrender to the Office of Price Administration.

SEC. 2.20 *Weekly reports by Sugar Central.* (a) Each Sugar Central shall prepare in duplicate a weekly report on Form OPA PRR–190. Such report shall be signed by a duly authorized officer or agent of the Sugar Central. The original thereof shall be mailed to the Office of Price Administration for Puerto Rico and a duplicate original thereof to the Board having jurisdiction on the Monday following each calendar week of the "Zafra" season.

SEC. 2.21 *Return of S type ration book.* (a) Upon the termination of the use of a truck for the "Zafra" season, the owner or the person entitled to the use thereof and the duly authorized officer or agent of the Sugar Central shall both certify to that fact by executing Form OPA PRR–191. Upon surrender thereof to the Board having jurisdiction over the Sugar Central, the Board shall remove from the ration book for cancellation all expired coupons and a proportionate number of coupons for that portion of the currently valid period which has already passed and shall then return the ration book to the person entitled thereto.

(b) Nothing contained in sections 2.18 to 2.21 shall be construed to limit the right of any person to use any other type of ration authorized pursuant to Ration Order No. 5E.

SPECIAL RATIONS

SEC. 2.22 *Application for special ration.* (a) The owner or person entitled to the use of a motor vehicle or of a boat or outboard motor who finds that transportation in such vehicle, or boat is necessary for one or more of the purposes specified in paragraph (b) of this section, and who finds that a ration issued for such vehicle or boat is not sufficient to permit its necessary use for such purpose, may apply to a Board on OPA Form PRR–6 for a special ration. Application for a special ration on behalf of an individual may not be signed by an agent. A special ration may be issued for any period not exceeding the current valid period of the appropriate class of ration, and in no event exceeding twelve (12) weeks.

(b) Special rations may be issued in order to permit the acquisition of gasoline for use with a motor vehicle, motor boat or outboard motor boat for one or more of the following purposes:

(1) To obtain medical attention or therapeutic treatment or to procure necessary food or supplies;

(2) To move such a vehicle or boat in connection with a bona fide change of the regular place of residence of the person entitled to the use thereof;

(3) To transport a person who is called, or is serving, as a juror on a grand or petit jury in criminal or civil cases, between his home or lodging and the place where he is required to be present for jury service: *Provided*, That the applicant shall present to the Board a statement from the presiding judge or officer responsible for the attendance of jurors setting forth that the presence of the applicant is required for jury service and the number of miles necessary to provide the required transportation;

(4) To transport the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization, if the Board finds that such expedition is in the public interest;

(5) To carry person to and from the polls for the purpose of voting in public elections (including primary elections); or to act as duly appointed election officials or poll watchers; or by a bona fide candidate for public office for purposes essential to the prosecution of his candidacy;

(6) To operate a motor vehicle or motorboat held by a motor vehicle or boat dealer for sale or resale, for the purpose of demonstrating such vehicle or boat to prospective purchasers: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purposes;

(7) To move such vehicle or boat to a place of storage upon repossession, or upon seizure by a government authority;

(8) To deliver such vehicle or boat after bona fide sale thereof or pursuant to a bona fide lease of more than ninety (90) days;

(9) To move such vehicle or boat from a sales establishment or place of storage to another sales establishment or place of storage: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purposes.

(10) For any other purposes certified by the Director to be essential to the war effort or the public welfare.

SEC. 2.23 *Form and issuance of special rations.* (a) The Board may grant a special ration only if it finds:

(1) That such special ration is needed by the applicant for the purpose claimed;

(2) That a ration previously issued for such vehicle, boat or outboard motor is not reasonably adequate or cannot be used for such purposes;

(3) That transportation is necessary to the accomplishment of such purpose; and

(4) That no reasonably adequate alternative means of transportation are available.

(b) If the Board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for accomplishment of the purpose or purposes stated from the date of its decision to the end of the period for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, except Class A books, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in such book. It shall mark "special" any book which it so issues. It shall remove from the book and cancel any coupons in excess of the number representing the gallonage which it determines should be granted in accordance with the provisions of this paragraph.

(c) No special ration may be issued for the operation of a vehicle if such operation violates any order of the Office of Defense Transportation.

NON-HIGHWAY RATIONS

SEC. 2.24 *Persons entitled to non-highway rations.* Any person who requires gasoline for a non-highway purpose may obtain a non-highway ration authorizing the acquisition of the amount of gasoline required for such purpose.

SEC. 2.25 *Non-highway ration coupons and books.* R ration coupons and books shall be issued as non-highway rations for twelve week periods. R ration books shall contain six (6) pages of eight (8) coupons to a page. Non-highway rations shall be valid for transfers of gasoline to the holder thereof at any time.

SEC. 2.26 *Application for non-highway ration.* (a) Application for a non-highway ration shall be made to a Board on Form OPA PRR–5. Application may be signed by an agent.

(b) The applicant shall state the amount of gasoline needed for a non-highway use during the twelve week period, and the non-highway purpose or purposes for which such gasoline is needed.

SEC. 2.27 *Issuance of non-highway rations.* (a) The Board shall determine the amount of gasoline required for the twelve week period, and, subject to the provisions of paragraphs (b) and (c) of this section shall issue to the applicant one or more R coupons or books, or any combination of them, to enable the applicant to acquire the amount of gasoline so determined to be necessary for such period. Upon issuance of any ration under this paragraph, the Board shall remove from the book any coupons in excess of the number allotted. The Boards shall maintain accountability records of all R ration books, and all coupons issued and not issued.

(b) If the application is made for a non-highway ration for use in an inboard motorboat or outboard motor operated wholly or in part for non-occupational purposes, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess of the number of gallons determined by the following formulae:

(1) In the case of an inboard motorboat, the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but not in excess of sixty (60) gallons for the 12 week period;

(2) In the case of an outboard motor, the number of gallons equal to two and one half times the manufacturer's rated horsepower of such motor, but not in excess of ten (10) gallons for the 12-week period.

(3) For purposes of this paragraph the Board shall issue a separate ration for such non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on such book that it is issued for a non-occupational purpose. For purposes of this paragraph non-occupational uses shall include the use of a motor boat or outboard motor for sightseeing, guiding pleasure parties or conducting fishing parties other than to procure fish for sale or processing.

(c) If application is made for a non-highway ration for the operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or inboard motorboat) the Board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

(d) Except as provided in paragraph (a) of section 6.3, not more than one non-occupational ration may be issued for an inboard motorboat or an outboard motor during any 12-week period.

ISSUANCE OF RATION BOOKS AND ACKNOWLEDGMENT OF DELIVERY BY OPA

SEC. 2.28 *Issuance of ration books by Office of Price Administration.* (a) Coupon books of all types designated in Ration Order No. 5E may be issued by the Director of the Office of Price Administration for Puerto Rico, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) of this section which requires coupon books for use by such officers, agents, or employees shall make application therefor to the Director of the Office of Price Administration for Puerto Rico and shall state the number and type of books required and the use for which such books are intended.

SEC. 2.29 *Acknowledgment of delivery and allotment authorization.* (a) The Army, Navy, Marine Corps, Coast Guard, and Maritime Commission of the United States may obtain gasoline in exchange for a duly executed Acknowledgment of Delivery on Form OPA R–544. Such form shall bear the signature of an authorized

officer, agent, or employee of any such agencies and shall be valid as an authorization for the transfer of gasoline by any person to whom it is presented to the extent of the gallonage stated thereon.

(b) The Army, Navy, Marine Corps, and Coast Guard of the United States, may obtain gasoline, and any person authorized by one of such agencies may obtain gasoline needed for the performance of services for such agency, in exchange for an Allotment Authorization executed by an authorized officer thereof. Such Allotment Authorization shall be valid as an authorization for the transfer of gasoline by any person to whom it is presented to the extent of the gallonage stated thereon.

SEC. 2.30 *Use of gasoline obtained by Army and other exempt agencies.* (a) Gasoline obtained pursuant to 2.29 may be used without restriction by the agency which executed the Acknowledgment of Delivery form or Allotment Authorization.

(b) Gasoline obtained pursuant to 2.29 may not be used in a vehicle, boat, or motor not owned, leased, or operated by the agency issuing such Acknowledgment of Delivery form or Allotment Authorization unless the person obtaining such gasoline surrenders, to the officer executing such form or transferring such gasoline, valid ration coupons having a gallonage value equal to the amount of gasoline transferred or authorized to be transferred by the Acknowledgment or Allotment Authorization. Coupons so surrendered shall be destroyed by the agency receiving them.

(c) For the purpose of this section the term "Army" shall include Post Exchanges operated by the Army of the United States, and the term "Navy" shall include Naval Stores operated by the United States Navy.

SEC. 2.31 *Value of coupons.* (a) Each gasoline ration coupon of the class hereinafter designated shall have the following value in gallons of gasoline:

Class:	Gallons
A	½
B	½
C	1½
D	½
R	1, 5, and 10
S1	3
S2	4
S3	8
S4	2
S5 (any color)	2
Gallon bulk	1
50 Gallon bulk	50
100 Gallon bulk	100

(b) The value of each coupon may be changed from time to time by the Director.

Article III—Restrictions on Transfer and Use of Rations and Gasoline

SEC. 3.1 *Restrictions as to purpose.* (a) No person to whom a special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a supplemental, service, fleet, or non-highway ration has been issued may use or permit the use of such ration for a purpose other than that for which such ration was obtained.

SEC. 3.2 *Rations not transferable.* (a) No ration may be transferred or assigned. A ration may, however, subject to the provisions of 3.4 be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for the purpose for which such ration was obtained and so long as there is no change in ownership of such vehicle, boat or equipment.

(b) No person shall transfer or assign any ration and no person shall accept such transfer or assignment.

(c) No person shall transfer or assign, and no person shall accept a transfer or assignment of any gasoline coupon book or any bulk, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or exchange certificate or other evidence, except in accordance with the provisions of Ration Order 5E.

(d) No person shall have in his possession any gasoline coupon book or bulk, inventory or other coupon, whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration, or exchange certificate, or other evidence, except the person, or the agent of the person, to whom such book, coupon, certificate or other evidence was issued, or by whom it was acquired, in accordance with the provisions of Ration Order 5E.

(e) The provisions of paragraphs (b), (c), and (d) of this Section shall not be applicable to public officials acting in the performance of their official duties.

(f) No person shall offer, solicit, attempt or agree to do any act in violation of the provisions of this Section.

SEC. 3.3 *Change of occupation of holder of Class C ration.* (a) The holder of a Class C ration (or of a Class D ration based on allowed mileage in excess of 280 miles per month) shall report to the issuing Board any change in the principal occupation for the pursuit of which such ration was issued. Such report shall be transmitted to the Board within five (5) days after such change and shall describe fully the nature of the new occupation, the exact type of work performed, the business or industry in which such work is performed, and the purpose, if any, for which the motor vehicle will be used in such new occupation. If, on the basis of such report, the Board finds that such motor vehicle will no longer be used for a preferred purpose listed in 2.7 it shall notify such holder, in writing, that his right to such ration is to be reexamined. Such notice shall be mailed to such holder at the address shown on his application (or at the address shown on his report), and shall require him to file a new application for a ration within ten (10) days after the mailing date shown on such notice. If no new application is filed within such time, the Board shall revoke such ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 280 miles per month) issued in connection therewith. If a new application is filed, and if the Board determines that the motor vehicle will be used for a preferred purpose listed in 2.7 it shall take no further action. If the Board finds that the vehicle will no longer be used for a preferred purpose listed in 2.7, it shall revoke the ration and recall the coupons or coupon book originally issued and shall issue, in lieu thereof, such ration, if any, as it determines that the holder is entitled to receive on the basis of his new application.

SEC. 3.4 *Use of rations issued for vehicles or boats available for public rental.* (a) A motor vehicle rental agency may permit a lessee to use a Service ration issued to such agency for a vehicle leased by him, during the period of a bona fide lease for one week or less.

(b) A lessee of a vehicle available for public rental who leases such vehicle for a period of more than one week shall be deemed to be a person entitled to the use of such vehicle, within the meaning of 2.5. Such lessee may apply for a ration for use of such vehicle on his own behalf, and his right to such ration shall be determined solely by the nature and extent of his use of the vehicle. Application by such lessee for a ration pursuant to section 2.5 shall be made on Form OPA PRR–4, and the allowed mileage for the vehicle shall be computed in the manner established by section 2.6 for fleet vehicles. Upon termination of the lease, any ration issued to such lessee shall expire and all coupons or coupon books issued to him shall be returned by him to the issuing Board.

(c) Each motor vehicle rental agency shall keep a record showing the name and address of each lessee, the date and duration of the lease, the mileage driven by the lessee and the number of gallons, if any, supplied to the lessee and the number of coupons (if any) in its ration books, used by the lessee during the period of the lease. The lessee shall be required to sign such record and his signature shall constitute a certification as to the truth thereof.

(d) A boat rental agency may permit a lessee to use a non-highway ration issued for an inboard motorboat or outboard motor leased to him, only during the period of a bona fide lease for one week or less. A lessee of such boat or motor who leases it for a period of more than one week may obtain a non-highway ration on his own behalf pursuant to the provisions of 2.24 to 2.27 inclusive.

PROHIBITED ACTS

SEC. 3.5 *Restrictions on consumption of gasoline.* (a) Except as provided in sections 3.2 (a), 3.4 (a) and 7.7, no person shall consume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons or evidences: *Provided*, That:

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations) gasoline owned by him and in his possession prior to August 1, 1942.

(2) Any consumer may use gasoline owned by him and in his possession prior to August 1, 1942, for the operation of a licensed motor vehicle, or for non-occupational boat operation if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he returns to the local board currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred.

(b) The provisions of this section shall not be applicable to the consumption of gasoline by the Army, Navy, Marine Corps, Coast Guard or Maritime Commission of the United States, or to the consumption by anyone of gasoline brought into Puerto Rico in the fuel supply tank of a vehicle, boat or equipment.

(c) No new issue or renewal of any type of ration book, basic or otherwise, shall be issued to any person unless such person shall have consumed, or shall have transferred to a dealer, all gasoline in his possession prior to August 1, 1942. At the time of such transfer, such person shall report to the local board having jurisdiction over the area in which he resides the name and address of the dealer to whom the gasoline was transferred, the gallonage of gasoline transferred, and the date of the transfer. If the dealer is subject to the jurisdiction of a different local board, the report shall be transmitted to such local board.

SEC. 3.6 *Restrictions on blending and use of blended gasoline.* (a) No person shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly transfer or accept a transfer of, or consume gasoline so blended, diluted, or mixed.

SEC. 3.7 *Rations for racing or exhibition purposes.* (a) No gasoline ration shall be issued, or may be used, under the provisions of this ration order, for the operation of any motor vehicle or boat in exhibition or races for public entertainment or prizes.

SEC. 3.8 *Display of sticker.* (a) No person may use a class A, B, C, or S ration issued for a registered motor vehicle unless a sticker identifying the class of ration issued, in such form as may be prescribed by the Office of Price Administration, is permanently affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times. A person to whom a Class B or C ration in addition to a Class A ration has been issued shall display the sticker identifying such additional ration. No person shall retain or display such sticker upon a motor vehicle unless a ration corresponding to such sticker has been issued for use on such vehicle and is still unexpired and unrevoked.

SEC. 3.9 *Restriction on use of gasoline in vehicle without ration.* (a) On and after August 1, 1942, no gasoline may be used in Puerto Rico in a motor vehicle licensed in Puerto Rico unless a valid ration has been issued and is outstanding for use with such vehicle, and a sticker, indicating that a gasoline ration has been issued, is displayed on such vehicle in accordance with section 3.8.

SEC. 3.10 *Use in violation of Ration Order 1B.* No person shall use or permit the use of gasoline for the operation of any motor vehicle which results in use of tires in violation of Ration Order No. 1B.

SEC. 3.11 *Tires unlawfully acquired.* No person shall use or permit the use of gasoline for the operation of any motor vehicle which results in use of any tire or tube acquired in violation of Ration Order No. 1B.

SEC. 3.12 *Abuse or neglect of tires.* No person shall use or permit the use of gasoline in a motor vehicle in such a manner as to result in abuse or neglect of any tire or tube. Driving of a motor vehicle beyond the point where tires are recappable may be found to be abuse within the meaning of this section.

SEC. 3.13 *Tire inspection records.* No person shall use or permit the use of gasoline in a motor vehicle unless a Tire Inspection Record has been issued and is currently maintained for such vehicle as required by Ration Order No. 1B.

SEC. 3.14 *Certificate of War Necessity.* No service ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used unless the operator has obtained and holds a currently valid Certificate of War Necessity with respect to such vehicle.

SEC. 3.15 *Mileage limitation.* No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for use with such vehicle.

SEC. 3.16 *Limitation on speed.* (a) No person shall use or permit the use of gasoline in the operation of a motor vehicle at any rate of speed in excess of thirty (30) miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health or public safety.

SEC. 3.17 *Mutilation, destruction, or counterfeiting of coupon books or certificates.* (a) No person other than a person authorized pursuant to Ration Order 5E shall deface, mutilate, alter, burn or otherwise destroy any coupon book or bulk coupon or other coupons (whether such book was issued as a ration book and whether or not such coupon was issued as a ration or part of a ration book) or other evidence.

(b) No person shall counterfeit or forge any coupon book, or bulk coupon, or other coupon, or any other evidence.

(c) No person shall transfer, receive a transfer of, possess or use any forged, altered, or counterfeited coupon book or bulk coupon or other coupon or evidence.

(d) Any defacement, mutilation or alteration of a coupon or coupon book in violation of any provision of this section shall render such coupon or book and the coupons therein, invalid.

(e) The provisions of paragraphs (a), (c), and (d) of this section shall not be applicable to public officials acting in the course of their duties.

SEC. 3.18 *Transfer at illegal price.* No person shall sell or otherwise transfer and no person shall in the course of trade or business buy or receive gasoline in Puerto Rico at a price in excess of the applicable maximum price established for that commodity in Puerto Rico by the Office of Price Administration.

Article IV—Renewal of Rations, Issuance of Further Rations, and Declaration of Tires

SEC. 4.1 *Renewal of rations.* (a) Rations shall expire as provided in sections 6.2 and 6.3. At any time within ten (10) days prior to the expiration of any ration, or at any time thereafter, application for a further ration may be made. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) If there have been no substantial changes since the date of the original application in the applicant's gasoline needs, or in the nature, amount, and conditions of use of the motor vehicle for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a further ration other than a basic ration may be made by executing the renewal certificate on such original application. The applicant shall, in such case, note on such renewal certificate any change in the nature or amount used since the date of the original application.

(c) When issuing a further ration prior to the expiration date of a current ration of the same class, the Board shall note on the application and on the front cover of the coupon book representing such further ration the date on which such further ration shall become valid. Such date shall be the day following the expiration date of the current ration.

(d) Except as provided in section 4.2, no further ration of any class may be issued for use prior to, or may be used prior to, the expiration of the current ration of such class.

SEC. 4.2 *Issuance of further ration for use prior to expiration date of current ration.* (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to seasonal variation in the amount of occupational mileage needed, or miscalculation of needs, a ration of any class other than a Basic ration issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

(b) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than ten (10) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration;

(c) If the Board determines that, for one or more reasons specified in paragraph (a) of this section, more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may grant a further ration.

SEC. 4.3 *General provisions.* (a) All of the provisions of Ration Order No. 5E applicable to the issuance of an original ration shall apply to the issuance of a further ration.

SEC. 4.4 *Tire inspection record and declaration of tires.* (a) No gasoline ration shall be renewed for the operation of any passenger automobile or commercial motor vehicle, unless the applicant, as required by ration order, shall have obtained a tire inspection record and set forth thereon a declaration of the number, size and serial number of all tires (including scrap tires) which are owned by the registered owner of the vehicle or by any person living in his household and related to him by blood, marriage or adoption.

(b) A separate tire inspection record shall be obtained for each motor vehicle.

(c) The requirements of this section shall not apply to:

(1) Motorcycles.

(2) Vehicles operated solely on a special ration.

(3) Vehicles not registered for use on the highway.

(4) Farm tractors and implements, road graders, earth movers, or industrial, mining or construction equipment not designed primarily for use on the highway.

(5) Tires reported on OPA Form PRR–17 by any person required to file such Form.

(6) Rations issued pursuant to section 2.28.

Article V—General Provisions With Respect to Issuance of Gasoline Rations

SEC. 5.1 *Presentation of license certificate.* (a) No gasoline ration, other than a special ration issued pursuant to section 2.22 (b) (6) to (9) inclusive, shall be issued for any motor vehicle, unless a license certificate issued by the Department of Interior of the Insular Government of Puerto Rico, or a registration card or registration certificate of a state of the United States or of any foreign or territorial government, authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued, is presented to the registrar or the Board.

(b) No gasoline ration shall be issued pursuant to the provisions of paragraph (a) of this section unless the license certificate to be exhibited shall be current and valid at the time of the issuance of such ration.

SEC. 5.2 *Notation on license certificate.* (a) At the time of issuing a gasoline ration for a licensed motor vehicle other than a fleet vehicle, except in the case of a ration issued pursuant to section 2.22 (b) (6) to (9) inclusive, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the front of the license certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book issued.

SEC. 5.3 *Notation on ration books and applications.* (a) At the time of issuance of any ration book for a licensed motor vehicle, the person issuing such book shall make a clear notation on the cover thereof in ink, indelible pencil, or by typewriter, of the license number of the vehicle for which it is issued and of the name and address of the licensed owner of such vehicle.

(b) At the time of issuance of a non-highway ration book, the Board shall make a clear notation on such book in ink, indelible pencil, or by typewriter, of the name and address of the applicant and of the period during which such book shall be valid. Such period shall also be noted on the application.

SEC. 5.4 *Change in motor vehicle license number.* (a) The holder of a ration book issued for a licensed motor vehicle, other than a ration book bearing a fleet identification, shall, upon any change in the license number of such vehicle, submit such ration book, together with the license certificate or registration card evidencing the new number, to a Board within five (5) days after such change for the purpose of having the notation thereon changed to correspond to the new license number. The person authorized to make the change for the Board to which such book is presented shall not obliterate the license number appearing thereon, but shall note thereon, in addition, in ink, indelible pencil, or by typewriter, the new license number issued for such vehicle, and countersign or initial the change made on the book. Notation on the new license certificates or registration card shall also be made, as prescribed in section 5.2.

(b) The holder of any book bearing a fleet identification shall, upon any change in the name, identification, or designation of such fleet, submit such book to the Board which issued it for appropriate modification. Upon ascertaining the new name, identification or designation of such fleet, the Board shall change the designation on such book to correspond thereto.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

(d) Any alteration on the face or cover of any ration book, unless made and countersigned by a person authorized to do so under Ration Order No. 5E shall render such book, and the coupons therein, invalid.

SEC. 5.5 *Authorization of bulk purchase.* (a) Any person who establishes to the satisfaction of a Board that he maintains a storage tank for supplying gasoline to one or more motor vehicles or units of non-highway equipment operated by him, and that he has maintained such tank for such purposes prior to June 1, 1942, or that it is now necessary for supplying gasoline to such vehicles or for such use to maintain a storage tank or to acquire gasoline in a tank, tank truck, drum, or other container, may, when applying for a gasoline ration, request the Board to issue such ration in the form of bulk coupons, or partly in bulk coupons and partly in coupon books. Such person may also request the Board to make a notation on any coupon books issued to him indicating that coupons in such books may be used for a bulk transfer of gasoline.

(b) If the applicant establishes the facts required by paragraph (a) hereof, the Board may issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested: *Provided,* That, with respect to applications for supplemental rations or for fleet rations for passenger automobiles or motorcycles the Board shall first determine the type, number and expiration date of the coupon books to which the applicant is entitled; it may then issue bulk coupons, to the extent requested by the applicant, having a gallonage value equal to the value in units of the coupons in the coupon books to which the applicant is entitled and in lieu of which such bulk coupons are issued: *Provided further,* That bulk coupons shall not be issued unless the applicant establishes the necessity for acquiring 100 gallons or more per month by such coupons.

(c) No bulk transfer of 50 gallons or more shall be made to a consumer by any person unless prior written authorization has been granted by the Director.

(d) No gasoline acquired under the provisions of this section may be transferred into any storage tank in which gasoline is stored for sale or for the private use of any other bulk ration holder.

SEC. 5.6 *Lost, stolen, destroyed, mutilated, or wrongfully withheld coupon books or bulk coupons.* (a) In the event of loss, theft, destruction, or mutilation of any coupon book or bulk coupons or the wrongful withholding of such coupons from the rightful holder, the person entitled to the possession thereof shall make application for the replacement of such book or coupons pursuant to the provisions of Procedural Regulation No. 12: *Provided,* That where application is made for replacement of a coupon book or bulk coupons which have been lost or stolen, the board may waive all waiting periods provided for in paragraphs (a) and (b) of § 1390.954 of Procedural Regulation No. 12[2] where such requirement will result in extreme hard-

[2] 8 F.R. 3171, 6543.

ship upon the individual, impede essential transportation or will be contrary to the public interest; *Provided further,* That where application is made to a board other than the board of original issuance of the coupon book or bulk coupons, an additional copy of the application shall be made to be forwarded to the board of original issuance.

(b) Any person who finds a gasoline coupon book, coupon, exchange certificate or other evidence shall, within five (5) days, surrender it to a Board.

(c) The Board to which surrender is made pursuant to paragraph (b) shall forward such coupon book, coupon, exchange certificate or other evidence through the Director to the Board having jurisdiction over the issuance thereof. The Board having jurisdiction shall return such coupon book, coupon, exchange certificate or other evidence to the person to whom it was originally issued, or, if a duplicate thereof has already been issued, shall destroy such coupon book, coupon, exchange certificate or other evidence.

SEC. 5.7 *Signature on coupon book.* No coupon book shall be valid until the person to whom such book is issued has signed the certification provided for therein.

Article VI—Expiration and Revocation of Rations

SEC. 6.1 *Surrender of expired coupons.* (a) No coupon book issued in Puerto Rico shall be valid for the transfer of gasoline to a consumer in Puerto Rico after the expiration thereof, or to any consumer at any time outside of Puerto Rico.

(b) The person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the issuing Board all expired coupon books and all unused coupons representing such ration.

SEC. 6.2 *Expiration of rations.* All basic rations shall expire at midnight, January 31, 1944 and at six month intervals thereafter. All other rations shall expire at midnight of the last date on which the highest numbered coupon therein is valid.

SEC. 6.3 *Expiration of rations upon cessation of use or change in ownership.* (a) Upon cessation of use or bona fide transfer of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation or change, be surrendered to the issuing Board by the person to whom such ration was issued. The transferee of such vehicle, boat or equipment may apply for a gasoline ration in accordance with the applicable provisions of Ration Order No. 5E.

(b) Upon cessation of use of a ration, other than a basic ration, for a purpose for which such ration was obtained, such ration shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation, be surrendered to the issuing Board by the person to whom such ration was issued.

SEC. 6.4 *Denial of gasoline rations.* (a) No person whose name has been recorded by a Board, in accordance with the provisions of § 1394.2806 (c) of Ration Order 5B for refusal to surrender a gasoline ration book upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination, shall be entitled to obtain a ration of any type under Ration Order No. 5E while his name remains thus recorded.

SEC. 6.5 *Coupon books property of Office of Price Administration; revocations.* (a) All coupon books, bulk coupons, inventory coupons, other evidences and tire inspection records are and when issued shall remain the property of the Office of Price Administration. The Office of Price Administration may suspend, cancel, revoke or recall any ration and may require the surrender and return of any coupon book, bulk coupon, inventory coupon, other evidences and tire inspection records during suspension or pursuant to revocation or cancellation, whenever it is deemed in the public interest to do so.

(b) Upon certification by the Office of Defense Transportation that any person to whom a gasoline ration has been issued has been found by it to have violated an order of such office, which now is or may hereafter be applicable to Puerto Rico, and upon recommendation by such office that a gasoline ration issued to such person or any part thereof, be revoked, the Director acting through a board or such officers or agents as he may designate shall revoke such ration or such part thereof in accordance with such recommendation.

(c) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application, may be revoked by the issuing Board and the Board may order that any coupons or coupon books issued therefor be surrendered. If the Board finds that the holder is entitled to a ration of a different class or quantity than that issued, it shall issue such ration in lieu of the ration revoked.

(d) Within forty-eight hours of receiving notice of an order requiring the surrender of coupons or coupon books made pursuant to the provisions of this section, the person holding such coupons or coupon books shall surrender them to the Board or the representative of the Office of Price Administration that issued such order.

SEC. 6.6 *Revocation, suspension, and denial of consumer's ration after hearing.* (a) A Board, after hearing, may revoke, cancel or suspend the ration, or rations of a person in whole or in part, and in such a case require the surrender to it of coupons, coupon books or other ration evidences to the extent required to make such revocation cancellation or suspension effective, may deny a ration or rations in whole or in part and for such period as the Board may deem appropriate in the public interest where a person has violated any of the provisions of Ration Order 1B or Ration Order 5E. Such order of revocation and declaration of ineligibility shall be made pursuant to the following procedure:

(1) Notice of the date, time, place and purpose of the hearing and the violation with which he is charged shall be given to the person (hereafter called the respondent) against whom the proceedings are instituted at least five (5) days before the date set for the hearing. A copy thereof shall be sent to the Territorial office at San Juan. If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that the respondent has committed any of the acts or violations with which he is charged, the Board may by order revoke, cancel and suspend for a period which shall be stated therein, the rations issued to him in whole or in part and direct him to surrender to it the coupons, coupon books or other ration evidences issued to him to the extent required to make such revocation effective, and the Board may by order deny him a ration or rations in whole or in part for such period as the Board may deem appropriate in the public interest.

(2) If a respondent against whom an order has been issued for failure to appear at the hearing shows, within a reasonable time not to exceed thirty days from the effective date of such order, good cause to the Board for such failure, the Board may cancel or order the stay of such order and shall grant the respondent a full hearing on the charges made.

(3) A copy of the order shall be served promptly on the respondent personally or by registered mail, return receipt requested, directed to his last known address, and copies thereof shall be sent to the Territorial Office at San Juan. The Board, in its discretion, shall fix the effective date of such order except that if the Board fails to fix such effective date such order shall, if personally served, become effective at the time of such service, and if served by registered mail, on the date of delivery shown on the return receipt.

(4) The Board may designate one or more of its members to perform the functions prescribed in this paragraph. The Board may appoint volunteer hearing officers approved by the Director to conduct hearings pursuant to this section. In matters in which a hearing officer has been appointed, he shall preside at the hearing, and make an oral or written report of his findings to the Board, which shall decide the matter.

(b) Any person against whom an order has been issued pursuant to the provisions of paragraph (a) of this section, may, within fifteen (15) days after the effective date thereof, appeal from such order by filing a statement of objections to the order with the Board which issued it. Within three (3) days after receipt of the statement the Board shall forward it, together with a copy of the notice instituting such proceed-

ings, a copy of the record, if any, and a copy of the Board's order to the Hearing Commissioner for the Territory of Puerto Rico at San Juan. Within five (5) days after the receipt of the statement the Hearing Commissioner shall notify the respondent and the Chief Counsel for the Territory of Puerto Rico of the time and place set for the hearing. The hearing shall be heard and determined pursuant to the provisions of § 1300.169 of Procedural Regulation Number 4[3] and amendments thereto.

SEC. 6.7 *Effective Period of order revoking ration and of declaration of ineligibility.* Whenever a ration of a ration holder has been revoked, cancelled, or suspended or a person has been denied a ration for a specified period pursuant to the provisions of section 6.5 (b) or section 6.6 (a), or pursuant to the provisions of Procedural Regulation No. 4, no ration or renewal of a ration shall be issued, during the period of such revocation, cancellation, suspension or denial, to such ration holder or to any other person for his use in lieu of such revoked ration or in lieu of the ration which such ration holder has been declared ineligible to receive, except in accordance with the provisions of such order or as otherwise provided in Ration Order No. 5E or in Procedural Regulation No. 4 or any order issued pursuant thereto.

SEC. 6.8 *Presentation of Registration Cards and Tire Inspection Records after revocation of ration or denial of rations for a specified period and notations thereon.* Whenever by an order issued pursuant to the provisions of Ration Order No. 5E a ration of a person is revoked, cancelled or suspended in whole or in part, or a person has been denied a ration for a specified period, pursuant to section 6.6 (a) or such an order has been modified or nullified, such person shall, within twenty-four (24) hours after such order becomes effective, present the Tire Inspection Record and the registration card or registration certificate, if any, of any motor vehicle affected by any such order to the Board or representative of the Office of Price Administration that issued or modified such order. Thereupon such officer or the Board shall make a clear notation in ink, indelible pencil or by typewriter on the Tire Inspection Record and the registration card or registration certificate, if any, stating the effect of such order or any modification thereof.

Article VII—Restrictions on Transfer

SEC. 7.1 *Restriction on transfer to consumers.* (a) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer, intermediate distributor or oil company shall (except as provided in 2.30, 7.6 and 7.7) transfer or offer to transfer gasoline to a consumer, and no consumer shall accept transfer of such gasoline.

(b) No dealer shall transfer gasoline to a consumer between the hours of 6 p. m. on any day and 8 a. m. on the following day, nor between the hours of 1 p. m. on a Saturday and 8 a. m. on the following Monday.

SEC. 7.2 *Transfers to consumers.* Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer, intermediate distributor, or oil company may transfer gasoline to a consumer in Puerto Rico, and such consumer may accept such transfer of gasoline, only in exchange for valid coupons or other evidences issued in Puerto Rico.

SEC. 7.3 *Transfer to consumers in exchange for coupons.* (a) A transfer of gasoline may be made in exchange for coupons contained in Class A, B, C, D, S–1, S–2, S–3, S–4 or S–5 books, under the following conditions:

(1) At the time of transfer, the transferor shall require presentation of the coupon book and must detach therefrom coupons having an aggregate gallonage value equal to the amount of gasoline transferred: *Provided*, That if the transferee is able to accept only a portion of the amount of gasoline represented by the gallonage value of a coupon, the transferor shall nevertheless detach an entire coupon. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor. At the time of transfer, the transferor shall write legibly, in ink or indelible pencil, across the face of each coupon accepted in exchange for the transfer, the license number of the vehicle into the fuel tank of which the fuel has been transferred.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented: *Provided*, That if such book bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for coupons in such book: *Provided further*, That bulk transfer may also be made of an amount of gasoline, not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply. In such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer for identification.

(3) Transfer may be made only during the valid period of the coupons pursuant to sections 2.2; 2.4; and 2.12.

(b) Bulk transfer may be made in exchange for R coupons under the following conditions:

(1) No transfer in exchange for R coupons may be made into the fuel tank of, or knowingly made for use in, a licensed motor vehicle or a motor vehicle held by a motor vehicle dealer for sale or resale.

(2) The transferor shall require surrender, at or before the time of transfer, of bulk coupons having a value in gallons equal to the number of gallons of gasoline transferred: *Provided*, That in the case of any delivery made in the absence of the transferor or his agent, by tank car or other carrier, or the absence of the transferee or his agent, coupons need not be surrendered simultaneously with delivery, but must be forwarded by the transferee to the transferor within forty-eight (48) hours after delivery.

SEC. 7.4 *Transfers in exchange for acknowledgement of delivery and allotment authorization.* (a) Transfer may be made in exchange for an acknowledgement of delivery or an allotment authorization duly executed by an appropriate officer of the armed forces of the United States in accordance with the provisions of section 2.29.

SEC. 7.5 *Emergency transfers.* (a) Transfer may be made in exchange for an emergency receipt on Form OPA R–555, which may be obtained from any dealer.

(b) Any person requiring gasoline in order to meet an emergency involving serious threat to life, health, or valuable property, may obtain such gasoline by signing an emergency receipt in quadruplicate and stating thereon the emergency purpose for which such gasoline is required and the reason why he is unable to present coupons in exchange for such gasoline. If such gasoline is required for use in a licensed motor vehicle, he shall also state the license number of the vehicle in which such gasoline is to be used.

(c) Any dealer, intermediate distributor, or oil company who has transferred gasoline in exchange for an emergency receipt, shall retain one copy at the establishment, where the transfer occurred, and shall transmit triplicate copies of such emergency receipt to the Board having jurisdiction over the area in which his place of business is located. The Board, if it is satisfied that the transferor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, shall issue to him, in exchange therefor, inventory coupons equal in gallonage value to the amount of gasoline so transferred. The Board shall retain one copy of such receipt in its own files, shall transmit the second copy to the Board having jurisdiction over the area in which the transferee resides, as stated on the receipt, and shall send the third copy to the Director of the Office of Price Administration for Puerto Rico.

SEC. 7.6 *Transfer of vehicle, boat or equipment.* (a) Nothing in Ration Order No. 5E shall be deemed to forbid the transfer of gasoline actually in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a bona fide transfer of such vehicle, boat or equipment itself; or the consumption by the transferee in such vehicle, boat, or equipment of gasoline actually in the fuel supply tank thereof at the time of transfer.

SEC. 7.7 *Transfer of consumer establishments.* (a) Nothing in Ration Order No. 5E shall be deemed to forbid the transfer of gasoline actually in a storage tank or other container maintained by a consumer as part of an enterprise or establishment in conjunction with a bona fide transfer of such enterprise or establishment itself, or a transfer of gasoline by legal process or operation of law.

(b) Any person to whom a transfer of the character described in paragraph (a) of this section is made shall forthwith report such transfer and the amount of gasoline involved to the Board having jurisdiction over the area in which such gasoline is located. Such person, if a dealer or intermediate distributor, shall surrender to the Board, together with such report, coupons or other evidences having a value equal to the number of gallons of gasoline transferred. Such person, if not a dealer or intermediate distributor, may either:

(1) Transfer all or any part of such gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred: *Provided*, That such coupons or other evidences shall forthwith be surrendered by him to the Board for cancellation; or

(2) Consume such gasoline to the extent of any gasoline ration issued to him: *Provided*, That he may consume such gasoline only for the purpose for which such ration may be issued and shall surrender to the Board, for cancellation, coupons equal in value to the amount of gasoline consumed or to be consumed.

SEC. 7.8 *Transfers from fuel tank to fuel tank of vehicles and boats forbidden.* (a) No gasoline contained in the fuel tank of any licensed motor vehicle, inboard motorboat, outboard motor, or non-highway equipment shall be transferred therefrom to the fuel tank of any licensed motor vehicle, or of any inboard motorboat or outboard motor operated in Puerto Rico.

SEC. 7.9 *Discrimination by dealers and intermediate distributors.* (a) No dealer or intermediate distributor shall discriminate in the transfer of gasoline among any consumers lawfully entitled to acquire gasoline under the provisions of Ration Order No. 5E by selling only to favored consumers or classes of consumers, or only to regular customers, and refusing to sell to others who are entitled to acquire gasoline under the provisions of Ration Order No. 5E. Nothing in this section, however, shall be construed to prohibit a dealer or intermediate distributor from adopting restrictions which apply to all consumers or from holding reserve stocks for delivery to persons presenting acknowledgments of delivery or allotment authorizations duly executed by the authorized officer of the armed forces of the United States.

SEC. 7.10 *Restriction on transfers between dealers and distributors.* (a) Except as provided in section 7.11, no dealer, intermediate distributor, or oil company shall transfer or offer to transfer to or shall receive a transfer of gasoline from any other dealer, intermediate distributor or oil company, except in exchange for a quantity of valid Exchange Certificates on Form OPA R–548, issued by Local Boards, at or before the time of actual delivery of the gasoline, equal in gallonage value to the amount of gasoline so transferred.

SEC. 7.11 *Odd-lot deliveries.* (a) If an oil company or intermediate distributor elects to make delivery of gasoline to a dealer in an amount less than the total gallonage represented by an exchange certificate or certificates then in the possession of the dealer, he may do so, provided that the number of gallons delivered and the date are endorsed upon the certificates together with the balance in gallonage remaining to the credit of the dealer, and the endorsement is initialed by both the dealer (or his agent) and the distributor (or his agent).

(b) The distributor shall indicate upon the invoice of the sale, which is left with the dealer pursuant to section 8.1, the total gallonage value of the exchange certificate covering the sale.

SEC. 7.12 *Upstream transfers.* (a) Any oil company or intermediate distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor in Puerto Rico other than in connection with a transfer of the place of business of such dealer or intermediate distributor, shall deliver to such dealer or intermediate distributor a quantity of accumulated Exchange Certificates on Form OPA R–548 equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Any dealer who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the place of business of such consumer, shall deliver to the Board having jurisdiction over the area in which the place of business of such dealer is located a quantity of coupons or other evidences equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement setting forth the name and address of the consumer from whom the gasoline was acquired, the quantity of gasoline so acquired, and the date thereof.

SEC. 7.13 *Preservation of coupons: coupon sheets.* (a) Each dealer shall affix the coupons received by him directly from consumers to a Coupon Sheet (Form OPA R–542) in the manner indicated thereon. Only coupons of one class shall be attached to any one sheet.

SEC. 7.14 *Preservation of acknowledgments.* (a) Each dealer and intermediate distributor shall attach the Acknowledgments and Allotment Authorizations delivered to him by authorized purchasers to a Summary of Acknowledgments (Form OPA R–541) on which he shall enter for each such Acknowledgment and Allotment Authorization in order the date of purchase, name of purchaser, and number of gallons sold.

SEC. 7.15 *Summary of coupons.* (a) Each dealer shall, prior to every delivery by him of coupons and all other evidences to the Boards, in accordance with section 7.16, prepare, in duplicate on Form OPA R–541, a Summary of Coupons and the Acknowledgments, in the manner directed thereon, certifying the number of each type of coupon and the number of evidences to be delivered. The original of this summary shall be delivered to the Local Board by him, attached to the coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year.

SEC. 7.16 *Exchange of coupons for exchange certificates.* (a) Each dealer shall, from time to time, deliver to any Board all coupons or other evidences in his possession, together with a summary thereof on Form OPA R–541, as set forth in section 7.15, and shall receive in place thereof an Exchange Certificate (Form OPA R–548), of which a duplicate shall be retained by the Board for its files, which shall specify the total gallonage value of the coupons or other evidences and the total number of each class of coupons or other evidences: *Provided*, That no exchange certificate shall be issued by the Board unless the dealer has complied with the provisions of paragraph (b) of this section.

(b) Each dealer shall in accordance with paragraph (a) hereof, turn in all coupons or other evidences of any class or type, by not later than 4.00 p. m. Saturday of the week during which such coupons or other evidences were valid, and shall deliver to the Board on every such Saturday, from 1:00 to 4:00 p. m., on Form OPA–PRR–186 (Revised), a report showing the gasoline movement of the dealer during said week.

(c) No Exchange Certificate shall be transferred at any time without an endorsement on the back thereof showing the date of the transfer, the names of the transferor and transferee, and the reason for the transfer.

SEC. 7.17 *Certification of shortage.* (a) Dealers and intermediate distributors shall be permitted, not later than the fifth day of any month, to apply on Form OPA–R–549 for compensation for losses, in the preceding month of gasoline through evaporation, handling, accident, or other extraordinary circumstances; and dealers, intermediate distributors and oil companies shall be permitted so to account for unavoidable loss of coupons. The certification of shortage shall be submitted to the Board having jurisdiction of the area in which such dealer or intermediate distributor has the place of business to which the shortage is to be attributed, and shall show the nature and quantity of such shortage with a full explanation therefor. The Board shall forward the application with its recommendation to the Director, and upon his written approval, may issue to the applicant a quantity of inventory coupons equal to the amount of the proven loss: *Provided*, That the Board may issue without the approval of the Director, as compensation for a shortage resulting from shrinkage or evaporation, certificates having a gallonage value not in excess of 1% of the gallonage delivered each month.

[3] 8 F.R. 1744, 2035, 6424.

Article VIII—Records and Reports by Distributors and Dealers

SEC. 8.1 *Records to be kept by dealers and intermediate distributors.* (a) At the time of making delivery of gasoline to any dealer or intermediate distributor in Puerto Rico, every oil company shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the purchaser and the date and quantity of the purchase; and every such purchaser shall retain at his place of business for a period of at least one year from the date of his purchase of gasoline the invoice, delivery ticket, or other evidence so furnished him.

SEC. 8.2 *Reports by oil companies.* (a) Every oil company shall, on or before the 10th day of each month, submit to the Director a written report for the previous calendar month showing:

(1) The gasoline gallonage on hand at the close of business on the last day of the month preceding the month for which the report is made.

(2) The gallonage imported during the month for which the report is made.

(3) The gallonage transferred to and received from other oil companies during the month for which the report is made.

(4) The gallonage on hand at the close of business on the last day of the month for which the report is made.

(5) The gallonage transferred to the armed forces of the United States during the month for which the report is made.

(6) The gallonage transferred to intermediate distributors, dealers, or consumers during the month for which the report is made.

(7) Any balance due any dealer at the end of the month resulting from odd-lot deliveries pursuant to Section 7.11.

(b) Every oil company shall attach to such report all evidences received in exchange for gasoline so transferred by it during the month for which the report is made. The oil company shall include in its report a reconciliation of any difference between the total gallonage reported so transferred and the total gallonage represented by the evidences attached to the report.

SEC. 8.3 *Reports by Collector of Customs.* (a) As soon after the first of each month as is practicable, the United States Collector of Customs for the Island of Puerto Rico shall prepare and send to the Director a written report for the previous calendar month containing the following information:

(1) The total gasoline gallonage imported into the Island of Puerto Rico during the previous month, and the gallonage allotted to each oil company.

(2) The total gallonage and the gallonage of each oil company exported from the Island of Puerto Rico during the previous month.

(3) The total gasoline inventory of the oil companies, and the inventory of each individual oil company, at the close of business on the last day of the month for which the report is made.

SEC. 8.4 *Explanation by oil companies.* (a) The Director may, at any time, require any oil company to explain a discrepancy existing between the figures supplied in its monthly report and the number of evidences turned in by it to the Office of Price Administration for Puerto Rico and the monthly report made by the Collector of Customs.

(b) The Director may at any time require any dealer to explain the discrepancy existing between the total of his inventory of gasoline on hand plus the number of evidences received by him in connection with the sale of gasoline and the total amount of gasoline plus the number of evidences which he should have on hand.

SEC. 8.5 *Accountability and records of dealers and intermediate distributors.* (a) Every dealer and intermediate distributor shall be accountable for all gasoline, coupons, ration credits and other evidences received by him and shall at all times have in his possession or control coupons, ration credits or other evidences having an aggregate gallonage value which, when added to the number of gallons of gasoline on hand, is equivalent in gallonage to his total gasoline storage capacity as stated in his registration filed with the Board pursuant to section 9.1 of Ration Order 5E or sections 9.8 and 9.9 of Ration Order 5E (except for such gasoline as may be accounted for by evaporation, handling, accident or other extraordinary circumstances, and except for such coupons or other evidences as may be accounted for by theft or unavoidable loss or by failure to receive all inventory coupons to which he was entitled upon registration).

(b) At the time of making any delivery of gasoline to any dealer or intermediate distributor, every distributor shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the transferee and the date and quantity of the transfer; and every such transferee shall retain at his place of business for a period of at least one year from the date of his receipt of such gasoline the invoice, delivery ticket, or other evidence so furnished him.

SEC. 8.6 *Inspection of records and facilities.* (a) All records, reports, forms, accounts, or other documents required by Ration Order 5E to be prepared and kept by any person, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees or by such persons as the Office of Price Administration may designate for the purpose of making inspections. Such inspections may be made at the place of business of any such person during regular hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any reasonable time and place designated by the Office of Price Administration.

Article IX—Opening, Closing and Transferring of Business

SEC. 9.1 *Registration of new or reopened place of business.* (a) Any dealer or intermediate distributor who opens or reopens in Puerto Rico a place of business not previously registered by such dealer or intermediate distributor pursuant to Ration Order 5B shall, prior to receipt or transfer of any gasoline, register on Form OPA R-545 in duplicate with the Director the following matters together with such other information as may be required:

(1) His total inventory of gasoline on hand at the time of registration.

(2) His total gasoline storage capacity.

(3) His name, firm name, business address, and type of business.

(4) A certification as to the correctness of each of the foregoing items of information.

(b) Separate registration shall be made by such dealer or intermediate distributor for each place of business in Puerto Rico where gasoline is transferred.

SEC. 9.2 *What constitutes gasoline on hand.* (a) The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which did not arrive at his place of business prior to the date of registration. Gasoline shipped to a dealer or intermediate distributor on or prior to the date of registration, but received by him at any time after the date of registration shall be deemed to be gasoline transferred to him subsequent to the date of registration, and shall require an exchange therefor of coupons or other evidences in the manner provided in sections 7.10 and 7.12.

SEC. 9.3 *What constitutes storage capacity.* (a) The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums, or other movable containers: *Provided, however,* That a registrant who maintains no stationary gasoline storage tanks shall register the total capacity of all his delivery facilities.

SEC. 9.4 *Issuance of registration certificates.* (a) The Director, on determining that the information and certification submitted by the registrant are in good order, shall by his signature approve the same, in duplicate, forward duplicate to local Board having jurisdiction, and return the original to the registrant, who shall retain it as a certificate of registration at the place of business to which it applies and shall present it as an identification at the time of transacting business with any Board.

SEC. 9.5 *Issuance of inventory coupons.* (a) The Board shall, at the time of receiving an approved registration certificate, issue to the registrant inventory coupons in the amount of the difference between the total gasoline storage capacity for each place of business and the total inventory of gasoline on hand as certified by the registrant. A one-hundred gallon inventory coupon or a quantity of class A coupons may at any time subsequent to registration be exchanged at any Board in Puerto Rico by a dealer or intermediate distributor for an equivalent amount of one-gallon inventory coupons.

SEC. 9.6 *Restriction on use of inventory coupons.* (a) Every dealer and intermediate distributor shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall exchange his inventory coupons only when a delivery to him exceeds the number of consumer coupons or other evidences available for exchange: *Provided, however,* That one-gallon inventory coupons may be used at any time to make up the difference between the number of gallons in any delivery and the nearest number of gallons which can be represented by the use of consumer coupons or other evidences.

SEC. 9.7 *Cessation of business.* (a) Any dealer or intermediate distributor who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction of the area in which his place of business is located the original certificate of registration of such place of business and a quantity of coupons or other evidences equal in gallonage value to the total capacity of the gasoline storage facilities of such place of business.

SEC. 9.8 *Sale of place of business.* (a) Any person acquiring from a dealer or intermediate distributor a place of business already registered in accordance with the provisions of § 1394.2901 of Ration Order 5B shall, prior to receipt or transfer of any gasoline, register such place of business, and shall be issued inventory coupons equal in gallonage value to the total capacity of the entire gasoline storage facilities of such place of business, as prescribed in sections 9.1 to 9.5, inclusive. He shall then deliver to the transferor of such place of business a quantity of inventory coupons equal in gallonage value to the total amount of gasoline on hand as of the time of transfer. The transferor shall deliver to the Board having jurisdiction over the area in which the place of business transferred by him is located, the certificate of registration of such place of business, together with a quantity of coupons or other evidences equal in gallonage value to the total capacity of the entire gasoline storage facilities of such place of business.

SEC. 9.9 *Change of storage capacity.* (a) Any dealer or intermediate distributor in any manner altering the total capacity of the gasoline storage facilities of a place of business shall deliver for cancellation, to the Board having jurisdiction over the area in which each place of business is located, his original certificate of registration, and shall obtain a new certificate of registration in the manner provided by sections 9.1 to 9.4, inclusive, of Ration Order 5E. The Board shall attach to its copy of the new certificate the original and copy of the cancelled certificate. Where the capacity of the gasoline storage facilities is decreased, the dealer or intermediate distributor shall furnish to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of the decrease. Where the capacity of his gasoline storage facilities is increased, the Board shall issue to the dealer or intermediate distributor in the manner described in section 9.1 of Ration Order 5E a quantity of inventory coupons equal in gallonage value to the amount of the increase.

Article X—Adjustments and Appeals

SEC. 10.1 *Adjustment of errors made by registrars.* (a) Any person who claims that a registrar improperly refused to issue a basic ration book or made an error in issuing a basic ration book on the basis of his application, may apply to a Board, orally or in writing, for an adjustment of such error. Any person who claims that a basic ration book was denied or was incorrectly issued to him by a registrar, by reason of an error in his application, may make a new application, to a Board, for a basic ration book. Application pursuant to this paragraph shall be made to the Board having jurisdiction over the area in which such original application was made, or in which the motor vehicle for which the application was made is customarily garaged or stationed.

(b) The Board shall obtain and examine the original application or, if such original application cannot expeditiously be found, it shall require the applicant to prepare a duplicate of such application and to certify that it is an exact duplicate thereof. If the Board finds that an error was made by the applicant or by the registrar, it shall issue a basic ration book, or correct the book issued by the registrar, or issue a new book in place of the one issued by the registrar, or take such other action in accordance with the provisions of this order as may be necessary to correct the error. The Board shall, if it replaces a book, remove from the book issued by it coupons having gallonage value equal, as nearly as possible, to the value in gallons of the coupons found to be detached from the book to be replaced and, in the case of an A or D book, any expired coupons.

SEC. 10.2 *Appeals from decisions of Boards.* (a) Any person may appeal within thirty (30) days from an adverse decision of a Board. Except as provided in section 6.6 such appeals shall be taken only in accordance with the provisions of Procedural Regulation No. 9 and amendments thereto, issued by the Office of Price Administration.

Article XI—Enforcement

SEC. 11.1 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of Ration Order 5E or who otherwise knowingly furnishes false information to any Board or any other agent, employee or officer of the Office of Price Administration, or falsifies or who conceals or covers up a material fact, by any trick, scheme or device, or who makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order 5E may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required by any provision of Ration Order 5E may, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

SEC. 11.2 *Suspension orders.* (a) Any person who violates Ration Order 5E may, by administrative suspension order, be prohibited from receiving any deliveries or transfers of, or selling or using or otherwise disposing of, any gasoline, tires, tubes or camelback. Proceedings for the suspension orders shall be instituted and governed by the provisions of Procedural Regulation No. 4.

Effective date. This ration order shall become effective as of July 12, 1943.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of July, 1943.

JAMES P. DAVIS,
Acting Director, Puerto Rico.

Approved:

WALLACE COHEN,
Acting Regional Administrator, Region IX.

[F. R. Doc. 43-11492; Filed, July 17, 1943; 9:27 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amdt. 57 to GMPR [1]]

ADJUSTABLE PRICING

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The General Maximum Price Regulation is amended by adding a new section, § 1499.19a, to read as follows:

§ 1499.19a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery;

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3096, 3849, 4337, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11502; Filed, July 17, 1943; 9:29 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 572 Under § 1499.3 (b) of GMPR]

FURST-M'NESS COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2110 *Authorization of maximum prices for sales of "imitation cinnamon" by Furst-McNess Company, Freeport, Illinois.* (a) The Furst-McNess Company may sell and deliver "imitation cinnamon" packed in one-half pound size containers at a price not higher than $3.27 per dozen f. o. b. factory, subject, however, to the provisions of paragraph (b) below.

(b) The above price is a price before discounts. The Furst-McNess Company shall reduce this price by applying to it the same discounts and allowances which it customarily applied on similar sales of natural cinnamon; and shall also allow purchasers a 5% discount on the purchase price where cash accompanies such purchaser's order.

(c) This Order No. 572 may be revoked or amended at any time by the Office of Price Administration.

(d) This Order No. 572 shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11509; Filed, July 5, 1943; 11:57 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 573 Under § 1499.3 (b) of GMPR]

W. M. RITTER LUMBER COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

§ 1499.2111 *Approval of maximum prices for the sale of small dimension furniture stock by W. M. Ritter Lumber Company.* (a) W. M. Ritter Lumber Company, Columbus, Ohio, may sell and deliver and any person may buy from such company, small dimension furniture stock at prices f. o. b. mill no higher than those hereinafter set forth:

	Thickness	Widths	Lengths	Price per M f. o. b. mill
Plain and quartered oak:				
Grade No.:				
40	1"–1¼"; 1½"–2"	1"–1¼"; 1½"–2"	17"–23"	$
41	1"–1¼"; 1½"–2"	1"–1¼"; 1½"–2"	24"–48"	
42	1"–1¼"	2"–2¼"–2½"; 2¾" and 3"	10"–23"	
43	1"–1¼"	2"–2¼"–2½"; 2¾" and 3"	24"–48"	
44	1"–1¼"	3" and wider	17"–23"	
45	1"–1¼"	3" and wider	24"–48"	
Poplar and basswood:				
Grade No.:				
46	1"–1¼"	3" and wider	17"–23"	
47	1"–1¼"	3" and wider	24"–48"	
Beech, birch and maple:				
Grade No.:				
48	1"–1¼"–2"; 2"	1"–1¼"; 1½"–2"	17"–23"	
49	1"–1¼"–2"; 2"	1"–1¼"; 1½"–2"	24"–48"	
50	1"–1¼"	3" and wider	17"–23"	
51	1"–1¼"	3" and wider	24"–48"	

(b) All discounts, credit allowances and other terms relating to payment in effect by applicant in March 1942 shall apply to the prices herein determined.

(c) All prayers of the applicant not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 10, 1943.

Issued this 9th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11510; Filed, July 9, 1943; 4:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 574 Under § 1499.3 (b) of GMPR]

B. WALTER AND CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250; *It is hereby ordered:*

§ 1499.2112 *Approval of maximum prices for sale of small dimension stock by B. Walter and Company, Inc.* (a) B. Walter and Company, Inc., Wabash, Indiana, may sell and deliver and any person may buy from said company, mixed birch, maple, and oak, small dimension stock, 1 inch thick, 16 to 18 inches long, and 2 inches to 10 inches and upwards in width, kiln dried, containing 90 percent beech, and 10 percent maple and oak, at a price no higher than $50 per M'BM, f. o. b. mill.

(b) All discounts, credit allowances and other terms relating to payment in effect by applicant in March 1942 shall apply to the prices herein determined.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 10, 1943.

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11511; Filed, July 9, 1943; 4:16 p. m.]

PART 1340—FUEL

[MPR 121,[1] Amdt. 19]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.249 (c) (3) is added to read as follows:

(3) If the maximum price cannot be determined under paragraph (a), (b), (c) (1) or (c) (2) of this section, the maximum price for the sale of miscellaneous solid fuel by a producer or distributor thereof shall be the price set by the Office of Price Administration in line with the level of maximum prices established by this Regulation. The producer or distributor shall apply by letter to the Office of Price Administration, Washington, D. C. for the establishment of such a maximum price, setting forth (i) a description of the miscellaneous solid fuel for which a maximum price is to be established; (ii) the reasons why such price cannot otherwise be determined; (iii) the maximum price requested by the applicant and a detailed explanation of how such price was determined; and (iv) the reasons why the applicant believes such price to be in line with the level of maximum prices otherwise established by this Regulation. The office of Price Administration may require the applicant to furnish additional relevant information, if necessary, and may approve, disapprove, or make adjustments in the maximum price requested. Any maximum price established pursuant to this subparagraph (3) shall be subject to adjustment at any time.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729; E.O. 9250 and 9328, 7 F.R. 7871, 8 F.R. 4681)

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11496; Filed, July 17, 1943; 9:29 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3237, 3989, 4483, 5941, 6002, 6366, 8587, 8521, 8938, 8948, 10529; 8 F.R. 1895, 2756, 4179, 5757, 6261, 6951, 6957, 7599, 8065.

The Price Administrator has ascertained and given due consideration to the price of pulpwood prevailing in Eastern Virginia between October 1, 1941 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The Price Administrator has advised and consulted with representative members of the industry. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been prepared and is issued simultaneously herewith.*

§ 1347.903 *Maximum prices for pulpwood produced in Eastern Virginia.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 437 (Pulpwood Produced in Eastern Virginia) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.903 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 437—PULPWOOD PRODUCED IN EASTERN VIRGINIA

CONTENTS

Sec.
1. Prohibitions.
2. Less than maximum prices.
3. Adjustable pricing.
4. Evasion.
5. Records and reports.
6. Enforcement.
7. Petitions for amendment.
8. Definitions.
Appendix A: Maximum prices for pulpwood.

SECTION 1. *Prohibitions.* (a) On and after July 16, 1943, in the continental limits of the United States, regardless of any contract, agreement, lease or other obligation, no person shall buy and no person shall sell, deliver, or transfer pulpwood cut from the stump in Eastern Virginia at prices in excess of the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit, or attempt to do any of the foregoing:

(b) *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price.

(c) *Specific prohibited practices.* The following are among the practices prohibited:

(1) Paying a banking charge for wood not banked, or for wood banked without a request of the buyer, or banked unnecessarily at the buyer's request.

(2) Upgrading, upscaling or allowing a greater net scale than the actual scale content of the logs or bolts;

(3) Increasing the price of logs or bolts by failing to make an effort in good faith to collect monetary or other advances such as trucks, tires or other equipment to producers. Any advance whatsoever to a producer is to be considered as part of the price of the logs or bolts to be supplied by the producer.

SEC. 2. *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

SEC. 4. *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 437 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to pulpwood cut in Eastern Virginia alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, discount, premium or other privilege, or by tying agreement or other understanding, or otherwise.

SEC. 5. *Records and reports.* (a) Every person making a purchase or sale of pulpwood, for which a maximum price is established by this regulation, shall make and shall preserve, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall be in effect, the same records of such purchases and sales as such person customarily made prior to the effective date of this regulation.

(b) Every person required to keep records by paragraph (a) of this section shall submit such reports as the Office of Price Administration, with the approval of the Bureau of the Budget, may from time to time require.

SEC. 6. *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 437 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 7. *Petitions for amendment.* (a) Persons seeking any amendment of this Maximum Price Regulation No. 437 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC 8. *Definitions.* (a) When used in this Maximum Price Regulation No. 437 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing;

(2) "Pulpwood producer" or "seller" includes any person who sells pulpwood;

(3) "Consumer" includes any person who purchases pulpwood for its own consumption;

(4) "Pulpwood" means any species of wood (exclusive of mill waste or mill by-products) sold for manufacture into woodpulp;

(5) "Pine wood" includes longleaf pine, shortleaf pine, loblolly pine, slash

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PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 388,[1] Amdt. 2]

PULPWOOD CUT FROM THE STUMP IN CERTAIN SOUTHEASTERN STATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Subparagraph (6) of section 1 (a) is amended to read as follows:

(6) "The Southeastern States" include the State of Kentucky.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729; 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11498; Filed, July 17, 1943; 9:28 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 437]

PULPWOOD PRODUCED IN EASTERN VIRGINIA

In the judgment of the Price Administrator the prices of pulpwood have risen and are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5853.

pine, pond pine, sand pine, spruce pine, and any other species of the genus pinus;

(6) "Gum wood" includes red gum (liquidambar styraciflua), black gum (nyssa sylvatica), tupelo gum (nyssa aquatics);

(7) "Rough pulpwood" means pulpwood from which the bark has not been removed;

(8) "Other hardwoods" includes maple, poplar, all species of oak, willow and associated species;

(9) "Peeled pulpwood" includes any pulpwood which has been sap-peeled or barked prior to its delivery to a consumer;

(10) "Cord of pulpwood" means an amount of pulpwood which, when properly prepared and stacked, contains 128 cubic feet or where pulpwood is sold in the form of logs, means 128 cubic feet at a ratio in proportion to the log scale used;

(11) "Dealer" means any person who sells to consumers pulpwood not cut or prepared by such person, but purchased by such person in the condition in which it is to be delivered to the consumer, and who sold and delivered not less than 10,000 cords of pulpwood to consumers in the calendar year 1942, or who shall sell and deliver not less than 8,000 cords to consumers in any subsequent calendar year;

(12) "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells pulpwood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than a consumer;

(13) "Sale" or "sold" includes sales and deliveries, and sales and contracts to sell pulpwood;

(14) "Eastern Virginia" includes all of Virginia east of the Counties of Giles, Pulaski and Carroll in that Commonwealth.

(15) "Banked wood" means wood which has been temporarily stored at a shipping point at the request of the buyer.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Appendix A: Maximum prices for pulpwood. (a) (1) The maximum price per cord for pulpwood cut from the stump in Eastern Virginia shall not exceed the following, delivered at the points indicated.

[F. o. b. cars or barge landing]

Species	Rough	Peeled
Pine	$8.00	$11.60
Gum wood	8.50	12.10
Other hardwoods	8.00	11.60

(2) *Delivered mill by truck or similar vehicle.* When pulpwood is delivered to a consumer by truck or similar vehicle, the maximum price shall be the f. o. b. car price stated above, plus or minus the same dollars and cents differential, if any, which the particular mill paid over or under its highest f. o. b. car price in the months of January and February 1943, for the same type of delivery over the same or a similar distance.

(3) *Maximum prices for wood sold otherwise than on the basis indicated in subparagraphs (1) and (2) above.* The maximum price for pulpwood sold otherwise than on the basis indicated in subparagraphs (1) or (2) above shall be arrived at by deducting from the maximum price established by subparagraph (1) or subparagraph (2), as the case may be, an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading the wood at the point of shipment actually used, or in the case of wood trucked to the mill, the actual cost of such trucking.

(4) *Loading allowance.* If wood is banked at a rail siding at the buyer's request or delivered at a barge landing and is later loaded at seller's expense on the railway car or barge, an amount not in excess of 80¢ per cord may be added to the maximum price in the case of wood shipped by rail or $1.00 in the case of wood shipped by barge.

(b) The maximum prices provided herein are for sound wood of standard quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed.

(c) *Dealers and traders.* (1) In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in section 8 (a) (11) hereof, such consumer may pay such dealer not more than the maximum price above plus a dealer's allowance not in excess of 80¢ per cord for rough wood, and $1.20 per cord for peeled wood. If any person buys pulpwood through a trader, as defined in section 8 (a) (12), such person may pay such trader, in addition to the maximum price provided in Appendix A, a commission not to exceed 50¢ per cord. Provided, that in no case shall the aggregate amount of commissions exceed 80¢ on any cord of rough wood, and $1.20 on any cord of peeled wood.

(2) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on pulpwood cut by him or by his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all of the following requirements (1) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii) with respect to the transactions:

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The sale is made by the dealer to the consumer;

(iii) The pulpwood sold by the dealer to the consumer or sold by the trader to his vendee has been completely prepared for delivery and delivered by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the pulpwood and that the pulpwood is free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the pulpwood, and that the charges are not in excess of Maximum Price Regulation No. 437;

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever;

(vii) All pertinent provisions in this Maximum Price Regulation No. 437 are strictly complied with.

(3) Persons who have not qualified as dealers, but who intend to do so, shall state their intention so to do in writing to the Paper and Paper Products Branch of the Office of Price Administration, Washington, D. C. Nothing contained herein shall be construed to prohibit payment of a dealer's allowance in escrow to a bank or bank and trust company to be paid to such dealer if and when it shall have been determined by the Paper and Paper Products Branch of the Office of Price Administration that such dealer has qualified so as to be entitled to receive such commission, but otherwise to be repaid by such fiduciary to the consumer at the end of the calendar year.

Effective date. This Maximum Price Regulation No. 437 shall become effective July 16, 1943.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11497; Filed, July 17, 1943; 9:27 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 271,[1] Amdt. 4]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 271 is amended in the following respects:

1. In section 9 (b) (3) the words "except for sales to carlot or trucklot distributors, retailers, commercial, industrial or institutional users," following the parenthetical phrase ending with the words, "(. . . . similar customary sales activities)" are deleted.

2. In section 10 the price, 8 cents per 50 pounds for onions is corrected to read 9 cents.

3. A proviso is added to section 10 to read as follows:

* * * *Provided*, That a carlot distributor who sells a carlot of potatoes or onions to two or more persons without breaking a carlot shall continue to be a carlot distributor and shall not thereby become entitled to any portion of the markups allowed by this regulation to intermediate sellers.

4. Section 11 (b) is amended to read as follows:

(b) Every sale of potatoes or onions by an intermediate seller shall be accompanied by a notification in writing showing the base price for such sale, the variety and grade of potatoes or onions being sold, and the state or district within a state where the potatoes or onions were produced. See paragraph (a) of this section 11 for computation of the "base price."

5. Section 11 (c) (8) is added to read as follows:

(8) Any intermediate seller who shall have purchased potatoes or onions and stored them for more than 30 days may use the appropriate price set forth in Table III of section 24 under the month in which he sells the potatoes or onions instead of the month in which they were purchased from a country shipper, grower or other intermediate seller in computing his base price, but he may add nothing on account of storage charges.

6. In Table III of section 24, the lists for the states of Illinois and Missouri are amended to read as follows:

State	Producing area	July 1943	August 1943	September 1943
East North Central:				
Illinois	Counties of Madison, St. Clair, Montce, Clinton, Washington, Randolph, Perry, Jackson, Union, Alexander.	$2.70	$2.70	$2.55
	Rest of State	2.95	2.70	2.55
West North Central:				
Missouri	Counties of Lincoln, Warren, St. Charles, St. Louis, Franklin, Washington, Jefferson, St. Francois, St. Genevieve, Perry, Madison, Bollinger, Cape Girardeau, Scott, Mississippi.	2.70	2.70	2.55
	Rest of State	2.50	2.45	2.30

7. Table IV of section 24 is amended to read as follows:

TABLE IV—DRY ONIONS (1943 CROP) MAXIMUM PRICES PER 50 LBS. GRADED AND IN BAGS[1]

States	July 15–31	1943 August	1943 September	1943 October	1943 November	1943 December	1944 January	1944 February	1944 March	1944 April
1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island	$1.75	$1.65	$1.50	$1.45	$1.65	$1.75	$1.85	$2.00	$2.15	$2.30
2. Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia	1.75	1.70	1.55	1.50	1.70	1.80	1.90	2.05	2.20	2.35
3. Michigan, Indiana, Ohio, Kentucky, Illinois, Wisconsin	1.70	1.60	1.45	1.40	1.60	1.70	1.80	1.95	2.10	2.25
4. Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Missouri, Kansas	1.65	1.50	1.35	1.30	1.50	1.60	1.70	1.85	2.00	2.20
5. Montana, Idaho, Washington, Oregon (Counties of Wallowa, Union, Grant, Baker, Harney, and Malheur) Wyoming, Colorado, Utah, Arizona, New Mexico, Nevada	1.55	1.45	1.25	1.20	1.40	1.50	1.60	1.75	1.90	2.05
6. Oregon (rest of state)	1.60	1.50	1.35	1.30	1.50	1.60	1.70	1.85	2.00	2.15
7. California	1.70	1.60	1.45	1.40	1.60	1.70	1.80	1.95	2.10	2.25
OTHER STATES										
8. East of Mississippi River	1.75	1.70	1.55	1.50	1.70	1.80	1.90	2.05	2.20	2.35
9. West of Mississippi River	1.70	1.60	1.45	1.40	1.60	1.70	1.80	1.95	2.10	2.25

[1] These prices apply to dry onions produced in the calendar year 1943 and are subject to the following differentials:
(a) For white onions, U. S. Grade No. 1, in 50-pound sacks, the country shipper may add 30¢ per 50 pounds to the maximum prices shown above.
(b) For dry onions, U. S. Grade No. 1, 3 inches and larger in 50-pound sacks, the country shipper may add 20¢ per 50 pounds to the maximum prices shown above.
(c) For dry onions, graded and packed in 10-pound sacks or less, the country shipper may add 15¢ per 50 pounds to the maximum prices shown above.
(d) For white boiler and pickler onions, graded and packed in 50-pound sacks, the country shipper may add $1.00 per 50 pounds to the maximum prices.
(e) For dry onions, ungraded and packed in sacks of any size, the country shipper shall subtract 15¢ per 50 pounds from the maximum prices.
(f) For dry onions, ungraded and unsacked, the country shipper shall subtract 30¢ per 50 pounds from the maximum prices shown above.
(g) If the purchaser furnishes sacks, the country shipper shall subtract 15¢ per 50 pounds from the maximum prices.
(h) For dry onions, graded and packed in mesh bags of 10 lbs. or less, the country shipper may add 25¢ per 50 pounds to the maximum prices.
(i) For dry onions, graded and packed in mesh bags of 25 lbs. the country shipper may add 10¢ per 50 pounds to the maximum prices shown above.
(j) For Babcsa type onions, the country shipper may, up to and including July 31, 1943, but not after that date, add 20¢ per 50 pounds to the maximum prices stated above.

This amendment shall become effective 12:01 a. m., July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES, *Administrator,*
War Food Administration.

[F. R. Doc. 43-11499; Filed, July 17, 1943; 9:31 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7017, 7494, 8075, 9160.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,[1] Amdt. 21]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this Amendment No. 21 to Revised Maximum Price Regulation No. 169 has been issued si-

[1] 8 F.R. 4097, 4787, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066.

multaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.452 (m) (2) is amended to read as follows:

(2) The maximum f. o. b. boning plant price for frozen boneless beef (Army specifications) in each of the following price zones shall be:

[Carload or less than carload quantities; in dollars per hundredweight; frozen and packaged]

Price zone	Grade		
	Good or A	Commercial or B	Utility or C
1	$29.35	$26.00	$23.75
2	28.35	25.60	22.75
3	26.95	24.15	21.35
4	26.95	24.15	21.35
5	27.65	24.85	22.00
6	28.00	25.20	22.35
7	28.35	25.55	22.70
8	28.70	25.90	23.05
9	29.00	26.25	23.45
10	29.35	26.60	23.75

2. Section 1364.453 (b) is amended to read as follows:

(b) *Carload discount.* For all beef carcasses and/or beef wholesale cuts and/or other meat items subject to this subpart B and § 1364.453 and § 1364.454, delivered in a straight or mixed carload shipment or sold as a part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

3. Section 1364.454 (d) is amended to read as follows:

(d) *Wholesalers' selling addition.* On sales of any beef carcass or beef wholesale cut not obtained through custom slaughtering, a person who at the time of the sale is a wholesaler may add 75 cents per hundredweight to the applicable zone price: *Provided, however,* That on and after August 9, 1943, no person shall charge the addition permitted by this § 1364.454 (d) unless by such date such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person: (1) is engaged in the business of buying beef carcasses and/or beef wholesale cuts for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 169. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

*Copies may be obtained from the Office of Price Administration.

4. Section 1364.468 (b) is amended to read as follows:

(b) *Carload discount.* For all veal carcasses and/or veal wholesale cuts and/or other meat items subject to this subpart C and §§ 1364.468 and 1364.469, delivered in a straight or mixed carload shipment or sold as part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

5. Section 1364.469 (d) is amended to read as follows:

(d) *Wholesalers' selling addition.* On sale of any veal carcass or veal wholesale cut not obtained through custom slaughtering, a person who at the time of sale is a wholesaler may add 75 cents per hundredweight to the applicable zone price: *Provided, however,* That on and after August 9, 1943, no person shall charge the addition permitted by this § 1364.469 (d) unless by such date such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person: (1) is engaged in the business of buying veal carcasses and/or veal wholesale cuts for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 169. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceedings arising from such investigation.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11500; Filed, July 17, 1943; 9:29 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 2]

MAXIMUM PRICES IN THE VIRGIN ISLANDS OF THE UNITED STATES

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In the table following section 13 (a) the headnotes "Feb. 15–June 30 inclusive" and "July 1–Feb. 14 inclusive" are amended to read "Feb. 15–Aug. 14 inclusive" and "Aug. 15–Feb. 14 inclusive".

[1] 8 F.R. 6621, 8873.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11501; Filed, July 17, 1943; 9:31 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 584 Under § 1499.3 (b) of GMPR]

M'CORMICK AND COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2122 *Authorization of maximum prices for sales of "imitation cinnamon" by McCormick and Company, Inc., Baltimore, Maryland.* (a) McCormick and Company may sell and deliver imitation cinnamon packaged in 1¾ ounce packages at the following delivered prices:

	Per gross	Per dozen
Sales and delivery from the Baltimore warehouse	$8.76	$ .73
Sales and delivery from the San Francisco warehouse	9.72	.81

(b) The above prices are prices before discounts. McCormick and Company shall reduce these prices by applying to them the same discounts and allowances which it customarily applied on similar sales of 1 ounce tins of McCormick Ginger.

(c) This Order No. 584 may be revoked or amended by the Administrator at any time.

(d) This order shall become effective July 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11547; Filed, July 17, 1943; 12:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 585 Under § 1499.3 (b) of GMPR]

CALIFORNIA ROASTERS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2123 *Authorization of maximum prices governing sales by the California Roasters Co., Los Angeles, California, of its product containing 99% roasted hulled barley and 1% roasted figs.* (a) The California Roasters Co. may sell and deliver its product composed of 99% roasted hulled barley and 1% roasted figs at an ex-warehouse price not higher than $8.00 per bag containing 100 pounds net.

(b) The above price is before discounts. The California Roasters Co. shall reduce the above price by applying to it the same discounts and allowances which it customarily applied on bulk sales of comparable products.

(c) This order may be revoked or amended by the Administrator at any time.

(d) This order shall become effective July 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11548; Filed, July 17, 1943; 12:03 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220,[1] Amdt. 10]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 220 is amended in the following respects:

1. Section 1315.1558b is added to read as follows:

§ 1315.1558b *Maximum prices for certain specified rejected commodities.* Notwithstanding any other provisions of this regulation, the maximum price of the following commodities which have been manufactured for the use of the United States, or any agency thereof, but have been rejected as not meeting the purchaser's standards, hereinafter referred to as "government rejects," shall be determined as follows:

(a) *Maximum prices for sales, other than sales at retail, of certain government reject raincoats.* The maximum price for sales, other than sales at retail, of the following government reject raincoats to the following persons shall be as follows:

MAXIMUM NET PRICES

Item	Sales to persons, other than retailers	Sales to retailers
Enlisted men's raincoats	$4.00	$4.80
WAC (or WAAC) members' raincoats	5.00	6.00

(b) *Maximum manufacturers' prices for government fabrics.* The maximum manufacturers' price for the sale of government reject fabrics made in whole or in part of rubber shall be 75% of the contract price for the sale of the perfect fabric.

2. Section 1315.1560a is added to read as follows:

§ 1315.1560a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

3. Section 1315.1561 is amended to read as follows:

§ 1315.1561 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

4. Section 1315.1564 is redesignated § 1315.1563.

5. Section 1315.1565 is redesignated § 1315.1564.

6. Section 1315.1566 is redesignated § 1315.1565.

7. Section 1315.1567 is redesignated § 1315.1566.

8. Section 1315.1568 is redesignated § 1315.1567.

This amendment shall become effective July 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11538; Filed, July 17, 1943; 12:04 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] F.R. 7282, 8936, 8948, 11111; 8 F.R. 1584, 2667, 4130, 3942, 5809, 6043, 7497.

[2] 7 F.R. 9597, 9039, 8948; 8 F.R. 235, 544, 6045, 6425, 7767.

PART 1361—FARM EQUIPMENT

[MPR 246,[1] Amdt. 8]

MANUFACTURERS' AND WHOLESALE PRICES FOR FARM EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1361.55a is added to read as follows:

§ 1361.55a *Emergency service charges*—(a) *Additional charge.* Notwithstanding any other provisions of this regulation, a manufacturer of farm equipment parts may add an emergency service charge to the maximum price of any farm equipment part which is sold to a manufacturer who physically incorporates the part into a completed item of farm equipment or a farm equipment part produced by him. Such an emergency service charge must be billed or invoiced separately, and must be specifically authorized by the Office of Price Administration as set forth in (c) below.

(b) *Definition of emergency service charge.* When used in this section the term "emergency service charge" means the extra costs incurred in order to make delivery at the request of the purchaser on a date which would not have been possible without incurring the extra costs. These extra costs may result either from the necessity of obtaining the same material from a more expensive source than the usual source, or from the necessity of using a substitute material or a material of different specifications from that normally used by the manufacturer.

(c) *Approval of addition of emergency service charge.* The addition of the emergency service charge permitted by (a) above to the maximum price established by this regulation is conditioned upon the approval thereof by the Office of Price Administration. A manufacturer may add this charge, without prior consent of or application to the Office of Price Administration: *Provided,* That if the charge is added to the maximum price, the manufacturer shall, within seven days after delivery, file a statement with the Office of Price Administration, Washington, D. C., setting forth:

(1) The name and address of the purchaser.

(2) The quantity of each part or parts sold.

(3) The price received.

(4) The dollar amount of the emergency service charge added to each maximum price.

(5) The reasons why the addition of the emergency service charge was necessary.

(6) The method by which the amount of the emergency service charge was computed.

(7) A statement signed by the purchaser to the effect that he will not in turn increase his price or request an adjustment in the price of any item of farm equipment or any farm equipment part if the emergency service charge is permitted to be added.

(8) A statement of the reasons why the purchaser could not obtain delivery of the part or parts on the desired date in the normal course of business and the reasons why the purchaser must obtain delivery of the part or parts on that date. This statement shall be signed by the purchaser.

Unless disapproved within thirty days after receipt of this report by the Office of Price Administration, the addition of the emergency service charge will be considered as approved. If the Office of Price Administration disapproves the addition of all or some of the amount of the emergency service charge, it will require that refunds be made by the manufacturer to the purchaser.

This amendment shall become effective July 23, 1943.

NOTE: All report and record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961, 3313, 8533, 6173.

with the provisions of the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11539; Filed, July 17, 1943; 12:03 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 148, Correction to Amdt. 5 [1]]

DRESSED HOGS AND WHOLESALE PORK CUTS

Amendment No. 5 under Revised Maximum Price Regulation No. 148 is corrected in the following respects:

1. In Items 5 and 6 of Schedule I (a) of § 1364.35, the weight classifications for cooked regular boneless and fatted hams and cooked, skinless, boneless and fatted hams are corrected to read "Under 8, 8–10, and Over 10", respectively, instead of "Under 8, 8–12, and Over 12."

2. In Items 8 et seq. of Schedule I (a) of § 1364.35, the headings of the columns listing prices for smoked, ready-to-eat and cooked products are corrected to include the word "wrapped."

3. In Item 6 of Schedule I (e) of § 1364.35, the prices for fresh or frozen and cured blade meat are corrected to read "$32.25" instead of "$32.35."

4. The designation of Schedule II (b) of § 1364.35 is corrected to read Schedule II (h).

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11540; Filed, July 17, 1943; 12:02 p. m.]

PART 1375—EXPORT PRICES

[2d Rev. Max. Export Price Reg., Amdt. 3 [2]]

BITUMINOUS COAL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 7 (c) is revoked, section 3 (d) is amended, and a new section 8.1 is added, as set forth below:

SEC. 3. *Maximum export prices for export sales other than to procurement agencies of the United States for the account of the Office of Lend-Lease Administration.* * * *

(d) In the case of solid fuels exported to the territories of Alaska and Hawaii, the Dominion of Canada and Newfoundland, the maximum export price shall be that established by Maximum Price Regulation Nos. 120, 121, and 122 to the extent that such regulations are applicable, except that on offshore shipments of bituminous coal to Newfoundland the maximum export price shall be determined in accordance with the provisions of section 8.1 of this regulation.

Sec. 8.1 *Export prices for bituminous coal on sales other than for the account of the Office of Lend-Lease Administration.*

(a) In the case of an exporter of bituminous coal who is the producer of the coal to be exported, or who is acting as a sales agent for the producer, the maximum export price shall be the aggregate of:

(1) The exporter's maximum domestic price for the particular type or grade of coal as established by Maximum Price Regulation No. 120; and

(2) A premium not in excess of 55 cents per net ton of 2,000 pounds if the contract of sale stipulates that railroad demurrage charges shall be for the account of the exporter and not charged to the buyer outside the Continental United States, or 40 cents per net ton if railroad demurrage charges are for the account of and to be paid by such buyer; and

(3) Expenses incident to exportation and actually incurred or to be incurred by the exporter, such as inland transportation to the port of exit, cartage, wharfage, lighterage, stevedoring, unloading and reloading cars, dumping and trimming, forwarders' fees, port charges, railroad and steamer demurrage, storage on ground at or near port of exit, ocean freight and surcharges, marine and war risk insurance, and consular fees: *Provided,* That no charge shall be included in the export price for railroad demurrage if the exporter uses the higher premium provided for in section 8.1 (a) (2) above where such demurrage is for the account of the exporter.

(b) In the case of an exporter of bituminous coal who is not the producer of the coal to be exported and who is not acting as a sales agent for the producer, but who acts as an export merchant buying and reselling for his own account, the maximum export price shall be the aggregate of:

(1) The maximum domestic price which would be applicable to a current sale of the coal to the exporter by the supplier thereof, as established by Maximum Price Regulation No. 120 or Maximum Price Regulation No. 122; and

(2) A premium not in excess of 70 cents per net ton of 2,000 pounds of the contract of sale stipulates that railroad demurrage charges shall be for the account of the exporter and not charged to the buyer outside the Continental United States, or 55 cents per net ton if railroad demurrage charges are for the account of and to be paid by such buyer; and

(3) Expenses incident to exportation and actually incurred or to be incurred by the exporter, such as inland transportation to the port of exit, cartage, wharfage, lighterage, stevedoring, cost of bags and bagging, unloading and reloading cars, dumping and trimming, forwarders' fees, port charges, railroad and steamer demurrage, storage on ground at or near port of exit, ocean freight and surcharges, marine and war risk insurance, and consular fees: *Provided,* That no charge shall be included in the export price for railroad demurrage if the exporter uses the higher premium provided for in section 8.1 (b) (2) above where such demurrage is for the account of the exporter; and

(c) On sales of less than 2,000 net tons the premiums established by sections 8.1 (a) (2) and 8.1 (b) (2) above may be increased by not more than 10 cents per net ton.

(d) If the coal is bagged for shipment, the exporter may charge the following premiums in lieu of those established by sections 8.1 (a) (2), 8.1 (b) (2), and 8.1 (c) above:

(1) $3.00 per net ton if the sale does not exceed 50 net tons; or

(2) $2.00 per net ton if the sale is over 50 net tons but does not exceed 100 net tons; or

(3) $1.50 per net ton if the sale is over 100 net tons but does not exceed 250 net tons; or

(4) $1.00 if the sale is over 250 net tons but does not exceed 500 net tons.

(5) 80 cents if the sale is over 500 net tons.

(e) Maximum prices for bituminous coal delivered or handled from shore facilities in the continental United States for use as bunker fuel on the vessel to which the delivery is made shall be determined in accordance with the provisions of Maximum Price Regulation No. 189, regardless of the nationality of the vessel.

(f) The maximum export prices established by sections 8.1 (a) and 8.1 (b) above shall not be increased by reason of interest or financing charges connected with the transaction or by reason of any fees or commissions, including commissions paid to intermediaries, whether domestic or foreign.

This Amendment No. 3 shall become effective July 23, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 9328; 8 F.R. 4681)

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11541; Filed, July 17, 1943; 12:05 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 146,[3] Amdt. 13]

APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 146 is amended in the following respects:

1. In § 1382.8 (a), the first sentence in subparagraph (3), and subparagraph (12) are amended, to read as set forth below:

(3) "Appalachian hardwood lumber" means lumber:

(i) Produced from the botanical species of yellow poplar (Liriodendron tulipifera), tough white ash (Fraxinus americana), beech (Fagus americana), soft maple (Acer rubrum), butternut (Juglans cinerea), chestnut (Castanea dentata), hard maple (Acer saccharum), and the botanical species included in the genera of red oak and white oak (Quercus), hickory (Hicoria), basswood (Tilia) birch (Betula), buckeye (Aesculus), cherry (Prunus), and all other hardwood species; and

(ii) Processed into lumber at mills located within the Appalachian hardwoods area.

* * * * *

(12) Unless otherwise specified, grade terms used herein have the meaning set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber", issued by the National Hardwood Lumber Association, effective January 1, 1943.

2. In § 1382.11 (b) subparagraph (22) is redesignated subparagraph (24), and new subparagraphs (22) and (23) are added, to read as set forth below:

(22) WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6	$43	$46	$50	$54	$59	$65	$73
2 x 8	43	46	50	54	59	65	73
2 x 10	45	48	52	56	61	67	75
2 x 12	49	52	56	60	65	71	79
2 x 14	53	56	60	64	69	75	83
2 x 16	58	61	65	69	74	80	88
3 x 6	43	46	50	54	59	65	73
3 x 8	43	46	50	54	59	65	73
3 x 10	45	48	52	56	61	67	75
3 x 12	49	52	56	60	65	71	79
3 x 14	53	56	60	64	69	75	83
3 x 16	58	61	65	69	74	80	88
4 x 6	43	46	50	54	59	65	73
4 x 8	43	46	50	54	59	65	73
4 x 10	45	48	52	56	61	67	75
4 x 12	49	52	56	60	65	71	79
4 x 14	53	56	60	64	69	75	83
4 x 16	58	61	65	69	74	80	88
6 x 6	43	46	50	54	59	65	73
6 x 8	45	48	52	56	61	67	75
6 x 10	47	50	54	58	63	69	77
6 x 12	49	52	56	60	65	71	79
6 x 14	53	56	60	64	69	75	83
6 x 16	58	61	65	69	74	80	88
8 x 8	45	48	52	56	61	67	75
8 x 10	47	50	54	58	63	69	77
8 x 12	49	52	56	60	65	71	79
8 x 14	53	56	60	64	69	75	83
8 x 16	58	61	65	69	74	80	88
10 x 10	47	50	54	58	63	69	77
10 x 12	49	52	56	60	65	71	79
10 x 14	53	56	60	64	69	75	83
10 x 16	58	61	65	69	74	80	88
10 x 18	63	66	70	74	79	85	93
12 x 12	53	56	60	64	69	75	83
12 x 14	55	58	62	66	71	77	85
12 x 16	60	63	67	71	76	82	90
12 x 18	66	69	73	77	82	88	96
12 x 20	72	75	79	83	88	94	102
14 x 14	56	59	63	67	72	78	86
14 x 16	62	65	69	73	78	84	92
14 x 18	68	71	75	79	84	90	98
14 x 20	75	78	82	86	91	97	105
14 x 22	83	86	90	94	99	105	113
14 x 24	92	95	99	103	108	114	122
14 x 26	102	105	109	113	118	124	132
14 x 28	113	116	120	124	129	135	143
16 x 16	69	72	76	80	85	91	99
16 x 18	76	79	83	87	92	98	106
16 x 20	84	87	91	95	100	106	114
16 x 22	92	95	99	103	108	114	122
16 x 24	101	104	108	112	117	123	131
16 x 26	111	114	118	122	127	133	141
16 x 28	122	125	129	133	138	144	152
18 x 18	83	86	90	94	99	105	113
18 x 20	91	94	98	102	107	113	121
18 x 22	100	103	107	111	116	122	130
18 x 24	110	113	117	121	126	132	140
18 x 26	121	124	128	132	137	143	151
18 x 28	133	136	140	144	149	155	163

Notes on White Oak or Red Oak—Structural Stock or Sound Square Edge

Random Widths, in 2", 3" and 4" thicknesses—$43.00.

Free of heart in 2", 3" and 4" thicknesses—add $6.00 to maximum price for same thickness, width and length in above schedule.

Prices for Specific Sizes not in Schedule

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such short ernext length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this Regulation.

(23) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6	$50	$55	$61	$67	$74	$83	$95
2 x 8	50	55	61	67	74	83	95
2 x 10	53	57	63	69	77	86	98
2 x 12	58	63	69	75	82	91	103
2 x 14	64	68	74	80	88	97	109
2 x 16	70	75	81	87	95	104	116
3 x 6	50	55	61	67	74	83	95
3 x 8	50	55	61	67	74	83	95
3 x 10	53	57	63	69	77	86	98
3 x 12	58	63	69	75	82	91	103
3 x 14	64	68	74	80	88	97	109
3 x 16	70	75	81	87	95	104	116
4 x 6	48	55	60	65	71	78	88
4 x 8	48	55	60	65	71	78	88
4 x 10	50	58	62	67	73	80	90
4 x 12	55	62	67	72	78	85	95
4 x 14	59	67	72	77	83	90	100
4 x 16	65	73	78	83	89	96	106
6 x 6	48	55	60	65	71	78	88
6 x 8	50	58	62	67	73	80	90
6 x 10	53	60	65	70	76	83	92
6 x 12	55	62	67	72	78	85	95
6 x 14	59	67	72	77	83	90	100
6 x 16	65	73	78	83	89	96	106
8 x 8	50	58	62	67	73	80	90
8 x 10	53	60	65	70	76	83	92
8 x 12	55	62	67	72	78	85	95
8 x 14	59	67	72	77	83	90	100
8 x 16	65	73	78	83	89	96	106
10 x 10	53	60	65	70	76	83	92
10 x 12	55	62	67	72	78	85	95
10 x 14	59	67	72	77	83	90	100
10 x 16	65	73	78	83	89	96	106
10 x 18	71	79	84	89	95	102	112
12 x 12	56	64	68	73	79	86	95
12 x 14	62	70	74	79	85	92	102
12 x 16	67	76	80	85	91	98	108
12 x 18	74	83	88	92	98	106	115
12 x 20	81	90	95	100	106	113	122
14 x 14	68	71	76	80	86	94	103
14 x 16	69	78	83	88	94	101	110
14 x 18	76	85	90	95	101	108	118
14 x 20	84	94	98	103	109	116	126
14 x 22	93	103	108	113	119	126	136
14 x 24	103	114	119	124	130	137	146
14 x 26	114	126	131	136	142	149	158
14 x 28	127	139	144	149	155	162	172
16 x 16	77	86	91	96	102	109	119
16 x 18	85	95	100	104	110	118	127
16 x 20	94	104	109	114	120	127	137
16 x 22	103	114	119	124	130	137	146
16 x 24	113	125	130	134	140	148	157
16 x 26	124	137	142	146	152	160	169
16 x 28	137	150	155	160	166	173	182
18 x 18	93	103	108	113	119	126	136
18 x 20	102	113	118	122	128	136	145
18 x 22	112	124	128	133	139	146	156
18 x 24	123	136	140	145	151	158	163
18 x 26	136	149	154	158	164	172	181
18 x 28	149	163	168	173	179	186	196

Notes on White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber

Random Widths; in 2" and 3" thicknesses—$50.00.

Free of Heart; in 2" and 3" thicknesses—add $8.00 to maximum price for same thickness, width and length in above schedule.

Prices for Specific Sizes not in Schedule

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this Regulation.

3. In § 1382.11 paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) are redesignated (d), (e), (f), (g), (h), (i), (j), and (k); a new paragraph (c) is added; and redesignated paragraph (d) is amended, all to read as set forth below:

(c) *Maximum prices for dunnage.* (1) The maximum rail-delivered price for 1,000 feet of dunnage lumber shall be as follows:

Delivered at:	*Maximum delivered price*
Baltimore, Maryland	$26.00
Beaumont, Texas	16.00
Boston, Massachusetts	30.00
Charleston, South Carolina	17.00
Corpus Christi, Texas	17.00
Galveston, Texas	17.00
Gulfport, Mississippi	16.00
Houston, Texas	17.00
Jacksonville, Florida	17.00
Lake Charles, Louisiana	16.00
Mobile, Alabama	16.00
Morgan City, Louisiana	16.00
Newark, New Jersey	28.00
New Orleans, Louisiana	16.00
New York, New York	28.00
Pensacola, Florida	17.00
Philadelphia, Pennsylvania	27.00
Port Arthur, Texas	17.00
Portsmouth, Virginia	20.00
Savannah, Georgia	17.00
Tampa, Florida	19.00

(2) The maximum price for dunnage delivered at the above ports by water shall be the rail-delivered price as above set forth less the difference between the rail transportation charge from the point of shipment to the particular port, computed by multiplying the applicable rail rate by the weight of the lumber based on 3500 pounds for M'BM, and the actual water transportation charge from the point of shipment to the particular port.

(3) The term "dunnage" as used above means lumber of any hardwood species, of standard widths and lengths, but poorer in quality than the lowest standard grade in the particular species.

(d) *Deduction for green.* For lumber shipped in a "green" condition, deduct from the maximum prices for air-dried lumber established in this Appendix A, 10% of the maximum price for rough, air-dried material in the same specifications. This deduction, however, shall not apply to the prices for material contained in subparagraphs (22) and (23) of paragraph (b) above.

For the purposes of this paragraph, hardwood lumber shall be considered to be "green" unless it has been stacked on the yard for air-drying.

A purchaser may waive any requirement as to moisture content, in which case, if the lumber has been stacked on the yard, the air-dried price shall be applicable, regardless of the moisture content, but if the lumber has not been stacked on the yard for air-drying the "green" price shall be applicable.

4. In § 1382.12 (a) (1), a new subdivision (iii) is added to read as follows:

(iii) The provisions of this section shall not apply to applications filed on and after July 23, 1943. After that date, all

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7671.

[2] 8 F.R. 4132, 5987, 7662.

[3] 7 F.R. 3776.

applications for maximum prices for material of the type described in this Appendix B shall be filed in accordance with the provisions of Appendix D, § 1382.14 herein. That maximum prices for "recurring special" grades or items previously established for individual mills under the provisions of this Appendix B, shall remain in full force and effect, except as to items now covered by Appendix C, § 1382.13.

5. Section 1382.13 is revoked, and a new § 1382.13 is added to read as follows:

§ 1382.13 *Appendix C: Maximum prices for Appalachian hardwood lumber in "standard special" grades or items—*(a) *Standard special widths and lengths.* The f. o. b. mill price for 1,000 feet of Appalachian hardwood lumber in the species and the "standard special" lengths and widths listed below shall be as follows:

(1) STANDARD SPECIAL WIDTHS AND LENGTHS—ALL HARDWOOD SPECIES

[Except as otherwise provided in subparagraph (2) below]

Width and/or length	Grade	Maximum additions to maximum prices established in §1382.11 for lumber in corresponding standard grades and same thicknesses
5" or 6" and wider; regular lengths	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	$2.00
8' and longer	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	1.00
10' and longer; or 12' and longer	No. 2 Common; No. 3A Common; No. 3 Common.	2.00
All 14' to 16' or all one length 10' to 14'	No. 2 Common; No. 3A Common; No. 3 Common.	4.00
All 16'	No. 2 Common; No. 3A Common; No. 3 Common.	5.00
8" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common.	4.00
10" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common.	5.00
12" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common.	6.00
All 10' to 16' or all 10'	No. 1 Common and Better	3.00
All 12' to 16'	No. 1 Common and Better	6.00
All 12' and 14' or all 12'	No. 1 Common and Better	8.00
All 14' and 16' or all 14'	No. 1 Common and Better	10.00
All 16'	No. 1 Common and Better	15.00
All 7" and wider; standard lengths	No. 1 Common and Better	4.00
All 8" and wider; standard lengths	No. 1 Common and Better	8.00
All 9" and wider; standard lengths	No. 1 Common and Better	12.00
All 10" and wider; standard lengths	No. 1 Common and Better	16.00
All 11" and wider; standard lengths	No. 1 Common and Better	20.00
All 12" and wider; standard lengths	No. 1 Common and Better	25.00
For each additional inch over 12" and wider	No. 1 Common and Better	5.00
All one width	No. 3 Common and Better	(1)
Step Plank	No. 1 Common and Better	25.00

[1] Same price as for same width and wider.

(2) STANDARD SPECIAL WIDTHS—BASSWOOD AND POPLAR

Width and/or length	Grade	Maximum additions to maximum prices established in §1382.11 for lumber in corresponding standard grades and same thicknesses
7" and wider; standard lengths	No. 1 Common and Better	$4.00
8" and wider; standard lengths	No. 1 Common and Better	5.00
9" and wider; standard lengths	No. 1 Common and Better	7.00
10" and wider; standard lengths	No. 1 Common and Better	10.00
11" and wider; standard lengths	No. 1 Common and Better	11.00
12" and wider; standard lengths	No. 1 Common and Better	12.00
13" and wider; standard lengths	No. 1 Common and Better	13.00
14" and wider; standard lengths	No. 1 Common and Better	14.00
15" and wider; standard lengths	No. 1 Common and Better	15.00
16" and wider; standard lengths	No. 1 Common and Better	16.00
17" and wider; standard lengths	No. 1 Common and Better	17.00
18" and wider; standard lengths	No. 1 Common and Better	18.00
20" and wider; standard lengths	No. 1 Common and Better	20.00
For each additional inch over 20" and wider	No. 1 Common and Better	2.00

STANDARD DIFFERENTIALS FOR WHITE MAPLE [1]

Grade or Designation:	Maximum addition to Ceiling Price of Standard Grade
No. 1 White	$20.00
No. 1 and No. 2 White	15.00
No. 2 White	10.00

[1] NHLA grades of White Maple, P. 56, January 1943 Rules for the Measurement and Inspection of Hardwood lumber.

(b) *Additions, adjustments and restrictions.* The additions, adjustments, and restrictions provided in paragraphs (d), (e), (f), (g), (h), (i), (j), and (k) of § 1382.11 (Appendix A) shall apply to the prices established in this Appendix.

(c) *Effect on special prices.* The maximum prices contained in this Appendix C supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

6. A new § 1382.14 is added to read as follows:

§ 1382.14 *Appendix D: Maximum prices for Appalachian hardwood lumber in grades, specifications and extras not specifically priced.*—(a) *Application of Appendix D.* (1) Appalachian hardwood lumber sold on special grades or specifications or with special services or other extras not specifically mentioned in Appendices A and C (§§ 1382.11 and 1382.13) is nevertheless subject to this regulation. The maximum price for such lumber shall be determined in accordance with the formula in paragraph (b) below.

(2) For the purposes of this section the term "Appalachian hardwood lumber" shall include all items of lumber in the species set forth in § 1382.8 (a) (3) but shall not include the following items. (The term "items" includes specifications, workings, services and/or extras):

(i) Glued stock
(ii) Moulding
(iii) Shiplap
(iv) Risers
(v) Step treads
(vi) Thresholds
(vii) Hand rails
(viii) Bevel and drop siding
(ix) Flooring
(x) Switch, cross, and mine ties.
(xi) Mine material.
(xii) Small dimension stock.
(xiii) Lath.
(xiv) Navy oak ship stock (See Maximum Price Regulation No. 281).

(b) *Maximum prices for grades, specifications and extras not specifically priced.* (1) The maximum price for Appalachian hardwood lumber in grades, specifications and extras not specifically priced in Appendices A and C, shall be a price which bears the October 1941 relation to the most comparable standard item. The seller should find his price difference between the special item and this most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or if this is impossible, the price differential he would have used. This difference is then added to or subtracted from the maximum price of the comparable standard grade, and the result is the maximum price for the special grade. This price must be reported to the Office of Price Administration, Washington, D. C., on OPA Form 246; 1 Rev. given in paragraph (3) below. It may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report, it is approved.

(2) A seller using this pricing section can go ahead with delivery of the lumber and collection of the price he has computed or requested. But he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

(3) OPA Form 246:1 Rev. is as follows:

OFFICE OF PRICE ADMINISTRATION
LUMBER BRANCH
HARDWOOD SECTION

Form 246:1 Rev.

Form Approved
Budget Bureau No. 08-R551

Report of Sales of Appalachian Hardwood Lumber in Special Items or Special Grades (other than Combination Grades), or Prepared with Special Workings, Treatments or Services.

Company _____
Address _____
Mill location _____

Sales of special stocks of lumber

(As defined in Appendix D to Maximum Price Regulation No. 146).

This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of Appalachian hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment, or service.

Date of Order _____
Origin of Shipment _____
Order No. _____
Destination of shipment _____
Purchaser _____
(Name and address)

F. o. b. Mill Price _____
(Including discounts or commissions, if any)

(Species) _____ (Thickness) _____
(Widths) _____ (Lengths) _____

(Designation of grade, item, working, treatment or service)

Differential in relation to most comparable standard grade or item which was employed or would have been employed during October 1-15, 1941 _____

Most comparable standard grade or item to which differential is applied _____

Complete description of special grade, item, working, treatment, or service (including a statement whether the lumber is rough or machined and is air-dried, kiln dried, or green) _____

Detailed explanation of how maximum price was computed or built up _____

(Name) _____ (Office or title) _____

(c) *Additions, adjustments and restrictions.* The additions, adjustments and restrictions provided in paragraphs (d), (e), (f), (g), (h), (i), (j) and (k) of § 1382.11 (Appendix A) shall apply to the prices established in this Appendix D.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective July 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11542; Filed, July 17, 1943; 12:02 p. m.]

PART 1389—APPAREL

[Rev. MPR 287,[1] Amdt. 1]

MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS', CHILDREN'S AND TODDLERS' OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 22 (a) is amended to read as follows:

(a) *Maximum Price Regulations 287 and 153, as amended.* This regulation shall be considered as an amendment to Maximum Price Regulation 287 and Maximum Price Regulation 153, as amended, for all purposes, except that it shall be known as Revised Maximum Price Regulation 287.

Manufacturers may at their option deliver garments on or before July 20, 1943 at prices established under Rule 3 or Rule 12 of Maximum Price Regulation 287.

This amendment shall be effective as of June 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11543; Filed, July 17, 1943; 12:03 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-5, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION, DESIGNATED COUNTIES IN OHIO

A statement of the considerations involved in the issuance of this Amendment No. 1 to Restaurant Maximum Price Regulation No. 3-5 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Restaurant Maximum Price Regulation No. 3-5 is amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. *No ceiling price to be higher than the highest price in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal which you did not offer in the seven-day period than the highest price at which you offered a food item or meal under the same class during the seven-day period, except that, if, during the thirty-day period immediately prior to April 4, 1943, you served a food item or meal at a price higher than the highest price charged for food items or meals in the same class during the aforesaid seven-day base period, then you may continue to sell that same food item or meal at the higher price. In any such case, your records, as set forth in section 9 (b) herein, must include the menu or information showing the previous offering of such food item or meal at the higher price.

Example 1. If you figured an "in line" price for a week day at $1.25, and your highest price in the week day dinner class is $1.00, your ceiling price for the new dinner is $1.00.

Example 2. If during the seven-day period your highest price for soup was 15 cents, you may not offer any soup at a price higher than 15 cents.

Example 3. If during the seven-day period your highest price for a week day dinner was $1.25, in general that is the highest price you may charge for any week day dinner. If, however, you served a chicken dinner at $1.50 on any week day within 30 days prior to April 4, 1943, then you may continue to serve the same chicken at $1.50 even though that is a higher price than any price charged for the same class dinner during the seven day period. But you may not add a new meal not served during the 30 day period, at a price in excess of $1.25. Observe the requirement that a supporting menu (or price list) be made available to justify such exception.

2. Section 17 is amended to read as follows:

SEC. 17. *Provision for amendments and adjustments* — (a) *Amendments.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

(b) *Adjustments.* The Office of Price Administration may adjust the maximum prices for any eating or drinking establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9122.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your Office of Price Administration District Office an application in duplicate. The application should contain the following information:

(1) Your name and address.

(2) A description of your eating establishment, including the type of service rendered, such as cafeteria, table service, etc.; classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty-day period. (In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and requested adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the Regional Administrator or by any District Director who has been authorized to do so by order of the Regional Administrator.

This amendment shall become effective July 1, 1943.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681)

Issued this 1st day of July 1943.

BIRKETT L. WILLIAMS,
Regional Administrator,
Region III.

[F. R. Doc. 43-11546; Filed, July 17, 1943; 12:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, Correction to Amdt. 19 [1]]

CANNED (IN TIN) WHITE POTATOES

The designation, section 4.3 (j), is corrected to read section 4.3 (l).

[1] 8 F.R. 9016.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11544; Filed, July 17, 1943; 12:02 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Incl. Amdt. 31]

FOOD RATIONING FOR INSTITUTIONAL USERS

Section 28.8 (e) is amended by Amendment 31, effective July 23, 1943, so that General Ration Order No. 5 shall read as follows:

Why restaurants and other institutional users must be rationed. Food is consumed not only in private homes, but also in other types of eating places, such as restaurants, boarding houses and public and private institutions. For people who do all their eating at home, the ordinary individual rationing controls, through food ration stamps, provide fair and equitable distribution of scarce foods. However, these controls do not cover the problem of the many people who take some or all of their meals in public eating places, or in institutions.

It would not be reasonable to restrict home consumption and, at the same time, to permit restaurant use of food to remain uncontrolled. On the other hand, it is clear that adequate provision must be made for those who are not home consumers. Their needs must be satisfied and, to the extent possible, they should be placed in the same position as those who eat at home.

This was recognized when the sugar rationing program was started. Restaurants, boarding houses and other eating establishments were registered as "institutional users", and a method was provided for giving them "allotments" of sugar. When coffee rationing began, institutional users were again registered and given allotments of coffee. Under both programs, the aim was to give eating establishments allotments which would put their patrons in much the same position as home consumers. That aim—to give restaurant consumers their fair share of scarce foods, and no more—is common to all food rationing programs.

Need for a general institutional user program. With the launching of a program for rationing processed foods and with the prospective extension of rationing to meat and other foods, it becomes necessary to eliminate the complications which would result from handling eating establishments on a program by program basis. In order to avoid confusion, a general method for getting all rationed foods should be made available to eating establishments.

[1] 8 F.R. 2195.

The purpose of this order is to bring together all rules which institutional users follow in getting supplies of rationed foods—those now being rationed and those to be rationed in the future. At the same time, this order is prepared in the light of the problems and experience of institutional users under earlier food programs. Where experience has shown that earlier programs did not give full recognition to certain differences in their operations and functions, this order recognizes those differences. Where experience has shown that greater flexibility is needed, this order provides it.

The program is timed to begin on the same date as processed foods rationing—and the date coincides with the beginning of sugar and coffee allotment periods. In that way, institutional users simply register under this order—instead of registering under the processed foods order and, at the same time, apply for sugar and coffee allotments. The information they furnish at registration will be used to determine not only their allotments of processed foods, but also of sugar and coffee—and, to the extent possible, of meats and other foods, when they are rationed.

How institutional users are rationed. Food eaten in private homes is rationed by issuing books to the individual members of the household. This method is not, at the present time, readily adaptable to food eaten in public eating places. It would require complicated machinery for the issuance of stamps for meals, or for very small quantities of each rationed food—a stamp good for the two spoonfuls of sugar used at a meal, a stamp for a cup of coffee, a stamp for a helping of canned vegetables. The complexity of these methods and of others which were considered, as well as the burdens which would be involved in administering them, indicated that it would be better, under present conditions, to ration foods for eating establishments on a broader basis—by giving each establishment an allotment of rationed foods, which it can use for serving meals.

The problem then arises as to how the allotment should be figured. The amount of patronage in each restaurant may change greatly over a short period of time. There are many differences among restaurants—some serve large portions, while some serve small ones—some specialize in one food, while some specialize in another. Moreover, the size of the meals eaten by customers varies widely. One customer makes a meal out of a sandwich and a cup of coffee. Another eats five or six courses. To make fair allotments of rationed foods involves the consideration of several items of information. It also involves computations which are time-consuming. However, this cannot be avoided if the public interest is to be protected, and if institutional users are to be treated fairly.

There are, however, two types of institutional users whose problems and operations can be covered very simply and easily. These are small boarding houses, which are called Group I institutional users, and institutions of involuntary confinement (such as jails, prisons, asylums and homes for delinquents), which are called Group II institutional users. Other eating establishments—such as restaurants, cafeterias, hotels, refreshment stands, canteens, charity establishments and the like (called Group III institutional users) have problems which are somewhat more complex. Group III users get their allotments on the basis of more detailed information and computations made by the ration Boards.

The Group I plan for boarding houses and similar establishments. Boarding houses, particularly the small ones, are very much like enlarged family households. They are therefore treated in much the same way as households. They get their supplies of rationed foods by using the ration books of their boarders and of the other people who eat there. They thus operate on what is known as the "pooled book" plan. (There are certain very small users who are not covered by the program at all. Those who serve fewer than seven people a day are not even required to register, since they can be regarded as ordinary households.)

This plan is compulsory for eating places (other than institutions of involuntary confinement, and certain other specified users), where less than fifty (50) people reside and where eighty (80) percent of the food service is to people living on the premises and eating eight (8) or more meals a week there. Any institutional user establishment whatsoever—a large boarding house, a hotel or a restaurant, or even a jail—may adopt this plan if it so desires. But any establishment which operates under this plan cannot acquire rationed foods in any other manner.

The idea behind this plan is that a small boarding house, where almost all the meals are served to regular boarders, does not need and should not get an allotment. It can get rationed foods, just like a family household, through the pooled ration books of its boarders. A person who takes eight or more meals at a place where he lives presumably does not have to use his ration book anywhere else. If he does, he can make appropriate arrangements with the boarding house keeper. The occasional meals served to outside guests should create no hardship. If necessary, the guests can arrange to let the owner get food for them by using their books, just like guests in an ordinary family household.

The pooled book plan may be too burdensome for very large boarding establishments, and impracticable for restaurants without steady customers. For that reason, they are not required to operate under that plan. Yet there are individual cases where such establishments may find it worthwhile to make arrangements with their customers for the use of their ration books to get food for them, and may regard the pooled book plan as less troublesome than applying for allotments. Such places are therefore allowed to operate on the pooled book plan if they wish to do so.

The Group II plan for institutions of involuntary confinement. In the case of institutions of involuntary confinement, the problem of controlling the supply of rationed foods is simplified by the circumstance that they have a relatively stable population, and even more by the fact that they generally operate on a food budget per person. The obvious solution is to give them an allowance per person for each rationed food, which approximates the private consumer's ration. That allowance is the maximum which they can get.

Institutions of this type cannot be compelled to operate on a pooled book basis since many of their inmates will not have or will not be entitled to ration books.

At the time of registration, applicants in this group declare the number of persons served during the month of December 1942. (December 1942 is the base month which generally serves as the standard in institutional user calculations.) The Board multiplies this figure by the allowance per person. It then multiplies the result by two and the figure obtained is the first allotment, for the two month period beginning March 1, 1943. The same allotment is granted for the second period.

The allotments for all periods after the first two will be based on the number of persons served during the two calendar months preceding the date on which applications for new allotments can be made.

Institutions may apply for a supplemental allotment (calculated on a per person basis) under certain circumstances to take care of an increase in the number of persons served.

The Group III plan for restaurants and similar eating places. In solving the allotment problems for the largest class of eating places, the Group III institutional user establishments, it was necessary to work out fair methods for measuring two things—the basis for computing allotments when a rationing program goes into effect, and the changes in allotments that should be made to take care of changes in the volume of business that are bound to arise in the course of the program.

How the allotment basis is fixed. To fix the allotment basis, the month of December 1942 was selected as the standard. This month was chosen because it represents conditions prior to the start of processed foods rationing and of other rationing programs that may follow. The amount of food a restaurant or other eating establishment used in December will show, by and large, the amount of the consumer demand which it normally satisfies. (If an establishment was not operated in December 1942, the order makes provision for using figures for a different month to fix the allotment basis).

While the actual use of a food during December can be taken as a basis for fixing the allotment, it would not be proper to give an allotment equal to the full December use. The average home consumer gets, under rationing, less than his normal supply of a rationed food. Restaurants and restaurant consumers should bear a reduction comparable to that borne by home consumers. To accomplish this, the December use is multiplied by a percentage (called a "factor") that is set by the Office of Price Administration for each rationed food. That percentage corresponds to the reduction that the home consumer bears. However, sugar and coffee were rationed in December and their December use was already curtailed by rationing. Therefore there is, at least for the first period, no reduction for sugar and coffee.

December use is, however, not the only fact which must be taken into account in fixing an allotment basis. Certain restaurants feature, and serve unusually large portions of, a particular food, such as meat. When that food is rationed such restaurants would have an advantage over other restaurants that did not feature it, if the allotments to all restaurants were based only on December use. Under rationing, the amount of rationed food which a restaurant and a restaurant consumer can get should not be increased merely because unusually large portions of that food were served in the past. Rationed foods are too scarce for that.

In order to prevent unfairness, a second test is also applied in fixing the allotment basis. The number of customers served during December is multiplied by an allowance per person for the particular rationed food, which approximates the private consumer's ration. The figure reached this way is compared with the figure reached on the basis of December use. Whichever figure is smaller is taken as the allotment basis. In this way, the basis takes into account the type of operation and the volume of business and, through the "per person" allowance, aims to make certain that no institutional user can get more than a fair share of a scarce food.

The allotment for the first two periods is then fixed at two times this allotment basis—since the allotment is for a two month period, while the basis covers only one month of operation (December 1942).

How increased allotments are given. The second major problem affecting Group III users arises from changes in the volume of their business. Allotments for later periods should, of course, be based on the experience and the need of the applicant and his patrons. There are two customary ways of measuring changes in the volume of business—change in the number of persons served, and change in dollar revenue. Of these, the more important, from the point of view of rationing, is the number of persons served, since that shows how much food is needed. However, that figure—the number of persons served—is not altogether reliable for all purposes. It

may include a larger number of milk-and-pie sales rather than complete meals. Or a restaurant may reduce its prices and serve more people, but if it serves less to each person it would not need more food. In order to check whether an increase in number of persons served really shows an increased service of food, dollar revenue must be examined. A restaurant which reduced both its portions and its prices does not need, and would not get, larger allotments merely because it served more people.

Therefore, in determining allotments for later periods, every applicant in Group III is required to show (1) his revenue for the first two of the three calendar months before the new allotment period, and (2) the number of persons he served during those two months. These figures are compared with his December figures. If they show that the average number of persons he served and his average dollar revenue both increased, as compared with December, his allotment is increased. However, since his dollar revenue is used as a check, for the reasons stated above, only the smaller increase is counted—so that if dollar revenue increased less than persons served, his allotment is increased only in proportion to the growth in his dollar revenue. If, on the other hand, the average number of persons he served shows a decrease, as compared with December, his allotment is decreased proportionately, regardless of his dollar revenue. (This is done so that a restaurant cannot get a larger allotment just by increasing the price of its meals.) In all other cases, the allotment remains the same. For example, if the number of persons served increased, while dollar revenue decreased, the allotment is unchanged—because dollar revenue is used as a check against increases, as explained before.

In the case of establishments that do not charge for meals, no increases in allotments are given. The reason for this is that increases are primarily intended for places which serve the public at large and which meet an increased public need. Generally speaking, the fact that an establishment charges for food is a fair indication that it serves the public at large. There are, of course, certain exceptions, but that is the fairest and simplest general rule. In order to take care of cases of undue hardship, provision is made for adjustments—and establishments of other types that do not charge for food are given an opportunity to petition for an adjustment when a situation which warrants relief exists.

Treatment of individuals who live in Group II and Group III establishments. A person who lives in a hotel and takes his meals there regularly, does not need his war ration books while he is there. Since he gets meals without using his books he does not need them to buy food. The same is true of a person who is confined in an institution where he is fed.

For these reasons, the order provides that a person who lives in a Group II or Group III establishment for seven days or more, and who takes eight or more meals a week there, must turn over his war ration books to the owner of the establishment. The owner must tear out stamps covering the period of his stay, and must send them to the board for cancellation. The owner of the establishment is, of course, not allowed to use the stamps. When a person ends his stay at the establishment, his books must be returned.

The purpose of this rule is to make sure that ration stamps are not used in cases where they are obviously not needed. The rule applies only to cases where a person regularly eats at an institutional user establishment in Group II or III, and also lives there. In cases of that sort, it is reasonable to assume that he does not need the stamps in his books, since he gets food where he lives, without using the books to get it.

If a person lives in a Group I establishment, however, he needs his books to get food because the establishment operates on a pooled-book basis. Therefore, he does not have to give up stamps for cancellation—and he may let the boarding house keeper use his books to get rationed food for service to him.

Adjustments. To take care of special situations which may arise, and of cases of serious hardship, the order contains provisions for granting many types of adjustments. Hospitals may, for example, obtain additional allotments to meet the dietary needs of patients. An institutional user whose operations increase substantially during an allotment period, and whose allotment is not large enough to cover the increase, may get a supplemental allotment. Provision is made for emergency allotments, in cases of public disasters such as fires, floods and similar emergencies, when sufferers must be fed.

The order thus aims to achieve maximum flexibility and to take care, as far as possible, of all cases of legitimate need. However, the need must, of course, be of a type which can properly be recognized in the light of the scarcity of rationed foods and the necessity of fair control over their distribution and use.

§ 1305.202 *Food rationing for institutional users.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942, Directive No. 1 and Supplementary Directives No. 1–E, 1–M, and 1–R of the War Production Board, issued on January 24, April 21, September 12, and November 20, 1942, respectively, Executive Order No. 9280, issued by the President on December 5, 1942, and Food Directive No. 1, issued by the Secretary of Agriculture on January 16, 1943, General Ration Order No. 5 (Food Rationing for Institutional Users), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1305.202, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77 Cong.; E.O. 9125, 7 F.R. 2719, E.O. 9280, 7 F.R. 10179, WPB Dir. 1, Supp. Dir. 1–E, 1–M, and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively, Food Dir. 1, 8 F.R. 827.

GENERAL RATION ORDER NO. 5[1]—FOOD RATIONING FOR INSTITUTIONAL USERS

ARTICLE I—USERS AND ESTABLISHMENTS COVERED BY ORDER

Sec.
1.1 What is an institutional use?
1.2 What is an institutional user establishment?
1.3 Who is an institutional user?
1.4 Persons who registered farms as institutional users.

ARTICLE II—GROUPS OF INSTITUTIONAL USERS ESTABLISHMENTS

2.1 Institutional user establishments are divided into three groups.
2.2 Group I establishments and users.
2.3 Group II establishments and users.
2.4 Group III establishments and users.
2.5 Institutional users who have establishments in more than one group.

ARTICLE III—REGISTRATION AND OPENING INVENTORY OF INSTITUTIONAL USERS

3.1 Institutional users must register at board.
3.2 Institutional users must report their opening inventory of processed foods.
3.3 Opening inventory of sugar and coffee.
3.4 Late registration.
3.5 Special procedure where board does not have Form R–1307.
3.6 Inventory of foods covered by Ration Order No. 16.
3.7 Correction of registration.
3.8 Opening inventory of frozen fruits and vegetables in containers over ten (10) pounds.

ARTICLE IV—GROUP I INSTITUTIONAL USERS

4.1 Group I institutional users get rationed foods by using "pooled" war ration books.
4.2 Group I user must account for opening inventory.

ARTICLE V—ALLOTMENTS FOR GROUP II AND III USERS

5.1 Group II and III users are entitled to allotments.
5.2 Allotments are given for two month periods.
5.3 Group II and III users must apply for allotments.
5.4 Future allotments for certain Group II or III institutional users.

ARTICLE VI—COMPUTATION OF ALLOTMENT FOR GROUP II USERS

6.1 Allotment is computed on basis of number of persons served.
6.2 Amount of allotments for each of the first two allotment periods.
6.3 Amount of subsequent allotments

ARTICLE VII—COMPUTATION OF ALLOTMENT FOR GROUP III USERS

7.1 Group III users have a "base" for each rationed food.
7.2 The allotment for each of the first two periods is twice the base.
7.3 Computation of allotments for subsequent periods for institutional users who charge for food services.
7.4 Computation of allotments for subsequent periods for institutional users who do not charge for food services.
7.5 Change of registration to include certain military and naval personnel.
7.6 Change of registration to include frozen fruits and vegetables in containers over ten (10) pounds.

[1] Words which are specially defined in this order are shown in quotation marks the first time they appear. All definitions are given in § 22.1 of the order.

ARTICLE VIII—INSTITUTIONAL USERS WHO DID NOT OPERATE DURING ALL OR PART OF DECEMBER 1942

Sec.
8.1 Institutional users who operated during only part of December 1942.
8.2 Institutional user who did not operate in December 1942.

ARTICLE IX—ISSUANCE OF CERTIFICATE

9.1 Institutional users may get certificates for their allotments.
9.2 No certificate may be issued to an institutional user who has excess inventory.
9.3 Certificate may be issued in certain cases to institutional users who have unbalanced stocks.
9.4 Emergency certificates for foods covered by Ration Order No. 16.

ARTICLE X—SEASONAL USERS

10.1 Group II and III seasonal users.
10.2 Seasonal liquidation of inventory.
10.3 A Group I seasonal user may obtain a certificate in certain cases.

ARTICLE XI—SUPPLEMENTAL ALLOTMENTS

11.1 Group II and III users may get supplemental allotments if operations increase.
11.2 Supplemental allotment for Group II users.
11.3 Supplemental allotment in first two periods for Group III user.
11.4 Supplemental allotment for subsequent periods, for Group III user.
11.5 Applicant accounts for supplemental allotment when applying for subsequent allotment.
11.6 Supplemental allotments for hospitals.

ARTICLE XII—EMERGENCY ALLOTMENTS AND ADJUSTMENTS

12.1 Emergency allotments may be obtained to meet public emergencies.
12.2 Petitions for adjustment or for other relief.

ARTICLE XIII—NEW INSTITUTIONAL ESTABLISHMENTS

13.1 New Group I establishments.
13.2 New Group II establishments which are registering separately.
13.3 New Group III establishments which are registering separately.
13.4 Combined registration of new Group II and III establishments.
13.5 Where new establishments are registered.

ARTICLE XIV—APPEALS

14.1 Appeals.

ARTICLE XV—ACQUISITION AND USE OF RATIONED FOODS

15.1 Acquisition of rationed foods.
15.2 Use of rationed food.
15.3 Restrictions on use of rationed foods and certificates.
15.4 Institutional users may transfer rationed foods in certain cases.
15.5 Deductions.

ARTICLE XVI—RATION BANK ACCOUNTS

16.1 What a ration bank account is.
16.2 Who may open accounts.
16.3 Use of ration bank accounts.

ARTICLE XVII—PERSONS LIVING IN INSTITUTIONAL USER ESTABLISHMENT

17.1 A person who lives in Group II or III institutional user establishment must give up his war ration books.

ARTICLE XVIII—REPORTS AND RECORDS

Sec.
18.1 In general.
18.2 Records required.
18.3 Disclosure of information.

ARTICLE XIX—PROHIBITIONS

19.1 Prohibitions.

ARTICLE XX—ENFORCEMENT

20.1 Suspension orders.

ARTICLE XXI—TO WHOM THIS ORDER DOES NOT APPLY

21.1 To whom this order does not apply.

ARTICLE XXII—DEFINITIONS

22.1 Definitions.

ARTICLE XXIII—POST EXCHANGES AND SHIP SERVICE DEPARTMENTS ASHORE

23.1 How post exchanges and ship service departments ashore obtain rationed foods for institutional use.

ARTICLE XXIV—CERTAIN GOVERNMENT AGENCIES OBTAIN ALLOTMENTS FROM WASHINGTON OFFICE

24.1 Certain Government agencies obtain allotments from Washington office.

ARTICLE XXV—OBTAINING RATIONED FOODS FOR SERVICE TO CERTAIN MILITARY AND NAVAL PERSONNEL

25.1 Obtaining rationed foods for service to military or naval personnel pursuant to written contract.
25.2 How organized messes obtain rationed foods.

ARTICLE XXVI—ALLOTMENT FOR CERTAIN EMPLOYERS

26.1 Allotments for certain employers.

ARTICLE XXVII—SPECIAL ALLOTMENTS

27.1 Certain group III users may get special allotments of processed foods.
27.2 Certain group III users may get special allotments of meat and fats.

ARTICLE XXVIII—HOME PROCESSING BY INSTITUTIONAL USERS

28.1 Explanation of terms "home processed foods" and "kitchen."
28.2 Group I institutional users use and transfer home processed foods in accordance with Ration Order 13.
28.3 Group II and III institutional users must report amount of home processed foods they produce and are charged with excess inventory.
28.4 A Group II or III institutional user may transfer home processed foods he produces.
28.5 Institutional users producing processed foods in place other than a "kitchen" may get permission to treat them as home processed foods.
28.6 A Group I institutional user obtains sugar for producing home processed foods in accordance with sugar regulations.
28.7 A Group II or III institutional user may obtain a sugar allotment for producing home processed foods from fresh fruits.
28.8 Special provisions for processed foods produced by government agency in commercial-scale processing facilities.

ARTICLE XXIX—SALE OR TRANSFER OF INSTITUTIONAL USER ESTABLISHMENTS

Sec.
29.1 Sale or transfer of a Group I establishment.
29.2 Sale or transfer of other institutional user establishments.
29.3 Transfers of chain establishments.
29.4 Where and how the transferee registers the establishments acquired by him.
29.5 Computation of subsequent and supplemental allotments.
29.6 Some transferred establishments will be new institutional user establishments.

ARTICLE XXX—CLOSING OF INSTITUTIONAL USER ESTABLISHMENTS

30.1 What an institutional user who closes his Group I establishment must do.
30.2 What a person who closes his Group II or III establishment must do.
30.3 Closing of chain establishments.

Article I—Users and Establishments Covered by Order

SECTION 1.1 *What is an institutional use?* (a) Any use by a "person" of a "rationed food" in the preparation of food which he serves to consumers, or in the service of food to consumers, is an "institutional use." However, such use of rationed food in a household or farm is not an institutional use unless an average of seven or more people a day are served there, not counting those who maintain the household or farm, the members of their family, and their employees and servants.

[Paragraph (a) as amended by Amendment 23, 8 F.R. 7105, effective 5–31–43]

(b) Any use of a rationed food for producing an article which is not a rationed food and which is not to be served by the person who uses it, is an industrial and not an institutional use. (For example, if processed foods and sugar are used at a bakery to bake pies which it sells to consumers, such use is an industrial use since the bakery does not "serve" the pies. If at the same place, pie is served to consumers who eat there, the use of rationed foods to make such pie is an institutional use.)

(c) On and after May 1, 1943 any use of a rationed food for experimental, educational, testing or demonstration purposes is an industrial and not an institutional use.

[Paragraph (c) added by Amendment 18, 8 F.R. 5485, effective 4–30–43]

SEC. 1.2 *What is an institutional user establishment?* (a) Any place where there is an institutional use of rationed foods is an "institutional user establishment."

(b) If the person who prepares the food does not serve it at a fixed location, the term "institutional user establishment" refers to his institutional use of food, and not to the place at which he happens to be serving it at any given time. (For example, a caterer, or a person who prepares food and serves it from a mobile canteen or from a railroad dining car may have no fixed location

at which he serves the food. In that case, this operation is regarded as his institutional user establishment.)

(c) If a person prepares food at one place and serves it at another fixed place, any rationed food used in its preparation is considered used in the establishment where he serves it.

(d) If a person prepares food at a place where no food is served, and then serves that food somewhere else, the place where it is prepared is not an institutional user establishment. (For example, if a person prepares food at a central kitchen where no food is served, and then sends it to his restaurant for service there, the kitchen is not an institutional user establishment, but the restaurant is.)

(e) The same place may be both an industrial user establishment and an institutional user establishment. (For example, if a bakery uses sugar to bake pies which it does not serve to consumers, and also to bake pies which are served to consumers who eat there, the bakery is both an industrial user establishment and an institutional user establishment.)

SEC. 1.3 *Who is an institutional user?* (a) Any person who makes an institutional use of a rationed food is called an "institutional user."

SEC. 1.4 *Persons who registered farms as institutional users.* (a) A person who is not an institutional user with respect to his establishment under section 1.3 (a) as amended, but who registered as such (for example, because he fed his farm employees in a bunkhouse rather than in his household) may not apply for or obtain allotments for that establishment on or after June 15, 1943. His registration of the establishment shall be cancelled at the end of the second allotment period, and he shall then be deemed to be closing that "establishment", for the purposes of this order.

[Sec. 1.4 added by Amendment 23, 8 F.R. 7105, effective 5-31-43]

Article II—Groups of Institutional User Establishments

SEC. 2.1 *Institutional user establishments are divided into three groups.* (a) Institutional user establishments are divided into three groups:

(1) A "pooled book" group, called Group I;

(2) An "involuntary confinement" group, called Group II;

(3) A "general" group, called Group III.

(b) Establishments in Group I do not receive allotments of rationed foods, but may obtain those foods for preparation and service through the use of the "war ration books" of the persons eating there. Establishments in the other groups are given allotments of rationed foods.

SEC. 2.2 *Group I establishments and users.* (a) An institutional user establishment is in Group I if:

(1) Food is served in that establishment to persons who live there or who live in premises maintained by the institutional user in connection with it; and

(2) Fewer than fifty (50) persons, on the average, lived in the establishment (or in the premises maintained in connection with it), during December 1942; and

(3) Eighty percent (80%) or more of the food services in the establishment during December 1942, were to persons who lived there (or in the premises maintained in connection with it) for seven consecutive days or more and who had eight or more meals a week there. In making the above determinations, members of the family, employees and servants must be included.

(b) Institutions of involuntary confinement (such as prisons, insane asylums and homes for delinquents) and also lake steamers, fishing vessels, tugs, barges, and other ships, are not in Group I even if they meet the above tests.

(c) If an institutional user establishment was not in operation during December 1942, its figures during its last full calendar month of operation after January 1, 1942, are used for determining whether it is a Group I establishment. Its figures for that month are to be treated, for this purpose, just as if they were for December 1942.

(d) An institutional user may, if he desires, register and operate any of his institutional user establishments as a Group I establishment. (However, if he does so, he must operate it on a "pooled book" basis and he cannot get an allotment for that establishment.)

(e) Any institutional user who has an establishment in Group I is called a Group I institutional user with respect to that establishment.

SEC. 2.3 *Group II establishments and users.* (a) An institutional user establishment is in Group II if it is operated as a prison, jail, insane asylum, home for delinquents or other institution of involuntary confinement.

(b) Any institutional user who has an establishment in Group II is called a Group II institutional user with respect to that establishment.

SEC. 2.4 *Group III establishments and users.* (a) All institutional user establishments not covered by sections 2.2 or 2.3 are in Group III. In addition, any lake steamer, fishing vessel, tug, barge, or other ship, is in Group III.

(b) Any institutional user who has an establishment in Group III is called a Group III institutional user with respect to that establishment.

SEC. 2.5 *Institutional users who have establishments in more than one group.* (a) An institutional user who has establishments in more than one group is treated separately for each group. For the purposes of this order, he is treated as a separate person for each group (except for certain purposes in connection with registration and application for allotments).

Article III—Registration and Opening Inventory of Institutional Users

SEC. 3.1 *Institutional users must register at board.* (a) Every institutional user must register with the Office of Price Administration, on OPA Form R-1307, at any time from March 1 to March 10, 1943, inclusive, or at such other time or times as may be designated by the Deputy Administrator in Charge of Rationing. (Seasonal users see section 10.1.)

(b) Two copies of the registration form must be completed and signed by the institutional user or his authorized agent, and must be filed with the board for the place where his principal business office is located. He must give all information called for by the form. He must retain a third copy at all times at his principal business office.

(c) If an institutional user has establishments in more than one group, he must give the information called for by the form separately for each group.

(d) An institutional user who has more than one institutional user establishment must either combine all his establishments in a single registration, or must file a separate registration form for each of them. He may not combine some and register others separately. If he registers his establishments separately, the registration form for each establishment must be filed with the board for the place where that establishment is located, and the third copy must be retained at all times at that establishment. If he combines all his establishments in a single registration, he must attach to the form a list of his establishments, showing the name and address of each and the group to which it belongs. However, if he operates mobile conveyances (such as ships, airplanes, dining cars or mobile canteens), he need not list them but he must describe on the form the types he operates.

(e) If an institutional user who has more than one institutional user establishment registers them separately, each establishment is to be treated separately, for all the purposes of this and any other food ration order, just as if it were operated by a different person. This rule applies to all operations under this order, except where specific provision to the contrary is made for establishments which are separately registered.

SEC. 3.2 *Institutional users must report their opening inventory of processed foods.* (a) As part of his registration on OPA Form R-1307, every institutional user must report the point value of his inventory of "processed foods" at the close of business on February 28, 1943. (This inventory is called his "opening inventory" of processed foods.) If he files a combined registration for institutional user establishments in more than one group, he must report separately the total inventory of his establishments in each group.

(b) An institutional user's opening inventory of processed foods consists of all processed foods in the inventory of his institutional user establishment. The inventory of an establishment includes all processed foods physically located at or in transit to it, except:

(1) Processed foods stored there for another person, or held there as security for a loan or similar transaction, or in transit to it for either of those purposes; and

(2) Processed foods included in the inventory of any other establishment under Ration Order No. 13 (processed foods ration order).

(c) An institutional user's opening inventory of processed foods also includes all processed foods which he holds at or which are in transit to any place other than his institutional user establishment, for his institutional use. However, processed foods included in the inventory of any other establishment, under Ration Order No. 13, must not be reported as part of his opening inventory.

(d) If an institutional user has more than one establishment, or if he has establishments in more than one group, processed foods which are physically located at or in transit to an establishment must be included in the inventory of that establishment or, if he has registered his establishments together, of the group to which it belongs. However, any other processed foods in his inventory may be divided among his establishments as he chooses.

(e) An institutional user's opening inventory of processed foods does not include any held for personal or family use. (These must, however, be declared, to the extent required, in an application for War Ration Book Two.)

(f) The point value of an institutional user's inventory of processed foods at the close of business on February 28, 1943, is to be computed in the following way:

(1) The amount in pounds in each of the following classes is determined:

(i) Canned and bottled; dry peas, beans and lentils;

(ii) Frozen;

(iii) Dried and dehydrated fruits, soups and soup mixtures.

[Paragraph (1) as amended by Amendment 2, 8 F.R. 2598, effective 3-1-43]

(2) The amount in each class is multiplied by a factor fixed by the Office of Price Administration (in a supplement to this order) to represent the average point value of processed foods in that class.

(3) The resulting figures are added, and the total is the point value of his processed foods inventory.

SEC. 3.3 *Opening inventory of sugar and coffee.* (a) At the time of an institutional user's registration, the amounts of sugar and coffee, as of February 28, 1943, which the board or boards with which he has registered for sugar and coffee would have been required to deduct from certificates issued for his future institutional user allotments or allowances under Ration Orders No. 3 and 12 (sugar and coffee rationing regulations) shall be his "opening inventory" of sugar and coffee. If the institutional user was registered at a board or boards other than the one with which he is now registering, he shall notify the latter board of the address of the board or boards with which he was registered and of his opening inventories of sugar and coffee at each of those boards.

(b) If an institutional user has establishments in more than one group, his opening inventory of sugar and coffee may be divided between the groups as he chooses. If he has more than one establishment in a group, and registers them separately, his opening inventory of sugar and coffee may be divided among them, as he chooses.

(c) An institutional user who registered on OPA Form R-310, as both an industrial and an institutional user of sugar, may divide his opening inventory of sugar between these uses in proportion to his use of sugar in each.

SEC. 3.4 *Late registration.* The board may, in its discretion, permit an institutional user to register after March 10, 1943. In such case, except for good cause shown, the allotment shall be reduced by an amount corresponding to the part of the period which has elapsed at the time of registration and no allotment shall be granted for any allotment periods which have expired prior to registration.

SEC. 3.5 *Special procedure where board does not have Form R-1307.* (a) If a board does not have a sufficient quantity of OPA Forms R-1307, the Regional Administrator may authorize it to grant allotments of rationed foods to Group II or III institutional users who have been unable to register under this order because of the lack of such forms.

(b) Application must be made to the board on OPA Form R-315. The applicant must state:

(1) The number of persons he served during December 1942 (computed in the way provided in Secs. 6.1 (a) and 7.1 (b) and (c)).

(2) His inventory (in pounds) of processed foods at the close of business on February 28, 1943, stated separately for each of the classes described in Sec. 3.2 (f) (1), as amended.

(3) In the case of a Group III user, the amount in pounds, of sugar and coffee used by him during December, 1942, and the amount, in pounds, of processed foods used by him in December, 1942, stated separately for each of the classes described in Sec. 3.2 (f) (1), as amended. (Each shall be computed in accordance with Sec. 7.1 (c)).

(c) Upon the filing of such application, the Board shall grant to the applicant allotments of rationed foods for the first allotment period, computed in the way provided in Articles VI and VII, and shall issue certificates therefor subject to the provisions of Article IX.

(d) Any institutional user who receives an allotment pursuant to this section must nevertheless register with the board prior to April 15th, 1943, on OPA Form R-1307, and must furnish all of the information required by that form.

[Sec. 3.5 added by Amendment 7, 8 F.R. 3255, effective 3-15-43]

SEC. 3.6 *Inventory of foods covered by Ration Order No. 16.* (a) As part of his application for his first allotment of "foods covered by Ration Order No. 16", an institutional user must report in pounds his inventory of each class of those foods at the close of business on March 28, 1943 in accordance with the rules stated in paragraphs (a) to (e) of section 3.2 with respect to processed foods. However, for the purpose of this section, all references to Ration Order No. 13 shall be read as Ration Order No. 16.

[Section heading as amended by Amendment 25, 8 F.R. 7453, effective 6-2-43]

(b) The point value of an institutional user's inventory of food covered by Ration Order No. 16 at the close of business on March 28, 1943 is to be computed in the following way:

(1) The amount in pounds in each of the following classes is determined:

(i) Meat (except poultry but including canned fish)

(ii) Rationed cheeses

(iii) Butter (as defined in Ration Order No. 16)

(iv) Margarine (as defined in Ration Order No. 16)

(v) Shortening (as defined in Ration Order No. 16)

(vi) Cooking or salad oils (as defined in Ration Order 16)

(2) The amount in pounds in each of the above classes are added together;

(3) The resulting sum is multiplied by a factor fixed for that purpose by the Office of Price Administration (in a supplement to this order). The result is treated as the point value of his inventory.

[Sec. 3.6 added by Amendment 8, 8 F.R. 3851, effective 3-29-43]

(c) As part of his application for his allotment of foods covered by Ration Order No. 16 for the third allotment period, an institutional user must report in pounds his inventory of "canned milk" at the close of business on June 1, 1943 in accordance with the rules stated in paragraphs (a) to (e) of section 3.2 with respect to processed foods. However, for the purpose of this paragraph, all references to Ration Order No. 13 shall be read as Ration Order No. 16. Such inventory shall be treated as excess inventory.

(d) The point value of an institutional user's inventory of canned milk at the close of business on June 1, 1943 is computed by multiplying the total weight in pounds by one (1) point per pound.

[Paragraphs (c) and (d) added by Amendment 25, 8 F.R. 7453, effective 6-2-43]

SEC. 3.7 *Correction of registration.* (a) A person who uses rationed food for experimental, educational, testing or demonstration purposes and who has included such use in his registration as an institutional user shall correct his registration to exclude such use.

[Sec. 3.7 added by Amendment 18, 8 F.R. 5485, effective 4-30-43]

SEC. 3.8 *Opening inventory of frozen fruits and vegetables in containers over ten (10) pounds.* (a) As part of his application for an allotment of processed foods for the third allotment period or when he applies for an allotment pursuant to section 7.6 (b), whichever is earlier, an institutional user must report in pounds his inventory of frozen fruits and vegetables in containers over ten (10) pounds at the close of business on June 5, 1943 in accordance with the rules stated in paragraphs (a) to (e) of section 3.2. Such inventory shall be treated as excess inventory.

(b) The point value of an institutional user's inventory of frozen fruits and vegetables in containers over ten (10) pounds at the close of business on June 5, 1943 is to be computed by multiplying the total weight in pounds by a factor fixed for that purpose by the Office of Price Administration (in a supplement to this order).

[Sec. 3.8 added by Amendment 26, 8 F.R. 7600, effective 6-5-43]

Article IV—Group I Institutional Users

SEC. 4.1 *Group I institutional users get rationed foods by using "pooled" war ration books.* (a) Institutional users are not entitled to allotments of rationed foods for establishments in Group I. They may, however, get rationed foods for the preparation or services of food in Group I establishments through the use of the war ration books of the individuals eating there. The books of these individuals may be "pooled" with the institutional user, who may act as their agent in acquiring rationed foods for service to them. Individuals eating in a Group I establishment may make such arrangement for the use of their war ration books by the person operating the establishment as may be mutually satisfactory. (However, they are not required to give up their books to him.)

SEC. 4.2 *Group I user must account for opening inventory.* (a) An institutional user who had an opening inventory of a rationed food for his Group I establishment must not buy or acquire any more of that rationed food until he gives up to the board currently valid stamps or certificates received by him, equal to that opening inventory. Only stamps taken from the war ration books of individuals eating in his establishment and only certificates received from those individuals may be given up by him.

(b) However, upon application on OPA Form R-315, showing that the applicant's opening inventory of processed foods and the stamps and certificates which he would have after giving up stamps or certificates equal to his opening inventory will not provide him with a reasonable quantity of particular types of processed foods needed in the operation of his establishment, the board may authorize him to retain stamps or certificates to enable him to acquire a reasonable quantity of those types of processed foods, and to surrender stamps or certificates of an equal point value at such future dates as may be fixed by the board. (For example: An applicant may have an opening inventory of 1,000 points consisting entirely of canned soups. The total point value of currently valid stamps and certificates of individuals eating in his establishment, which he can surrender to the board, may be 1,000 points. If he surrendered those certificates and stamps he would be unable to acquire canned vegetables. In such case the board may permit him to retain 200 points for the purchase of canned vegetables, if he needs them in the operation of his establishment. The board can require the surrender of those 200 points at the beginning of subsequent periods of validity of stamps.)

[Paragraph (b) as amended by Amendment 25, 8 F.R. 7453, effective 6-2-43]

Article V—Allotments for Group II and III Users

SEC. 5.1 *Group II and III users are entitled to allotments.* (a) Institutional users are entitled to allotments of rationed foods for establishments in Group II and III. (An institutional user who is a roaster of green coffee under Ration Order No. 12 may be entitled not only to an allotment under this order but also to an allowable inventory as a roaster under Ration Order No. 12. As a roaster, he is also required to comply with the provisions of Ration Order No. 12 applicable to roasters.)

SEC. 5.2 *Allotments are given for two month periods.* (a) Allotments for Group II and III institutional users are given for two month periods. The first allotment period is from March 1, 1943 to April 30, 1943, inclusive. However, in the case of foods covered by Ration Order No. 16, the first allotment period is from March 29, 1943 to April 30, 1943. Each consecutive two month period which follows is an allotment period.

[Sec. 5.2 as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

SEC. 5.3 *Group II and III users must apply for allotments.* (a) An institutional user in Group II or III must apply for an allotment for each period for which he needs one. (An institutional user in these groups may use rationed foods only up to the amounts of the allotments he gets. His allotment establishes his right to use rationed foods—it is not just a method by which he gets those foods. Therefore, he may need an allotment even if his stocks on hand are adequate.)

(b) An institutional user's registration on OPA Form R-1307 is treated as an application for allotments for the first allotment period. (However, an institutional user who has registered under this order may apply for an allotment of foods covered by Ration Order No. 16 for the first allotment period by making a written request therefor to the board at any time between March 29, 1943 and April 7, 1943.) Application for allotments for the second allotment period shall be made to the board in writing, but need not be made on any particular form. All applications for subsequent allotment periods must be made to the board on OPA Form R-1309. Application for the second and subsequent allotment periods may be made in person or by mail and must be filed not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period.

[Paragraph (b) as amended by Amendment 11, 8 F.R. 4784, effective 4-16-43]

(c) The board may, in its discretion, permit an application for an allotment to be made later than the time fixed in the last paragraph. In such case, it shall reduce the allotment by an amount corresponding to the part of the allotment period which has elapsed at the time of application.

SEC. 5.4 *Future allotments for certain Group II or III institutional users.* (a) Because of transportation difficulties or unusually long distances from markets, some Group II or III institutional users must obtain rationed foods to last for more than one allotment period. When such institutional users apply for allotments pursuant to section 5.3 (b), they may also apply in writing, for allotments to be used in later allotment periods. (An allotment to be used in a later allotment period is called a future allotment.) The board may, for good cause, permit an application for a future allotment to be made at any other time.

(b) If the board finds that the applicant meets the tests set out in paragraph (a), it may grant the future allotments required by him.

(c) Each future allotment of a rationed food shall be equal in amount to the last allotment granted on application made pursuant to section 5.3(b). (For example on May 1, 1943, an applicant applies pursuant to section 5.3(b) for an allotment of sugar for May and June, and a future allotment for July and August. If his allotment for May and June is 500 pounds, the board may grant an allotment of an additional 500 pounds for July and August.)

(d) When an applicant who has received a future allotment next applies for allotments pursuant to section 5.3(b), the board shall compute the allotment which he would have received pursuant to that section for the allotment period covered by the future allotment. If the amount of a future allotment exceeds the amount of the allotment he would have been entitled to receive for that period pursuant to section 5.3(b), the difference shall be deducted from the allotment for which he is applying. If the amount of the future allotment is less than the amount which he would have been entitled to receive, the difference shall be added to the allotment for which he is applying.

[Sec. 5.4 added by Amendment 16, 8 F.R. 5476, effective 4-29-43.]

Article VI—Computation of Allotment for Group II Users

SEC. 6.1 *Allotment is computed on basis of number of persons served.* (a) An institutional user's allotment for establishments in Group II is based on the number of persons to whom he served food there. In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served. (For example, a person who was served on 30 separate occasions is to be counted as if he were 30 persons.)

SEC. 6.2 *Amount of allotments for each of the first two allotment periods.* (a) The allotment of sugar, coffee and processed foods for each of the first two allotment periods and of foods covered by Ration Order No. 16 for the second allotment period is computed in the following way:

(1) The number of persons served during December 1942 is multiplied by the "allowance per person" fixed for that food by the Office of Price Administration, as set forth in the supplement to this order;

(2) The result is multiplied by two (since the allotment is for two months);

(3) The figure obtained is the allotment.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

(b) The allotment of foods covered by Ration Order No. 16 for the first allotment period is computed in the following way:

(1) The number of persons served during December 1942 is multiplied by the "allowance per person" fixed for those foods by the Office of Price Administration as set forth in a supplement to this Order.

(2) The result is multiplied by one and one-tenth (1.1) (since the allotment is for one and one-tenth months);

(3) The figure obtained is the allotment.

[Paragraph (b) added by Amendment 8, 8 F.R. 3851, effective 3-29-43]

SEC. 6.3 *Amount of subsequent allotments.* (a) The allotment of each rationed food for each subsequent allotment period (after the second period) is computed in the following way:

(1) The number of persons served during the first two of the three calendar months preceding the allotment period is determined;

(2) That number is multiplied by the allowance per person fixed for that food;

(3) The figure obtained is the allotment.

Article VII—Computation of Allotment for Group III Users

SEC. 7.1 *Group III users have a "base" for each rationed food.* (a) An institutional user has a "base" for each rationed food, for his establishments in Group III. That "base" is determined in the following way:

(1) The amount of rationed food he used there during December 1942 is multiplied by the "December use factor" fixed for that food by the Office of Price Administration, as set forth in the supplement to this order (for the purpose of determining the base, canned milk shall be excluded from and all cheeses except cottage, pot and bakers', shall be included in foods covered by Ration Order No. 16);

[Paragraph (1) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43 and Amendment 25, 8 F.R. 7453, effective 6-2-43]

(2) The total number of persons he served there during December 1942, is multiplied by the "allowance per person" fixed for that food by the Office of Price Administration, as set forth in the supplement to this order;

(3) The smaller of the two figures obtained under (1) and (2) above is his "base" for that rationed food.

(b) In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served. (For example, a person who was served on 30 separate occasions is to be counted as if he were 30 persons.)

(c) In counting the number of persons served and in determining the amount of rationed food used during December 1942, food service to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer, pursuant to written contract with an agency of the United States, is not to be included.

[Paragraph (c) as amended by Amendment 15, 8 F.R. 5265, effective 4-19-43]

(d) The amount of sugar and coffee used is figured in pounds. The amount of processed foods and foods covered by Ration Order No. 16 used is figured in points and their point value is to be computed in the same way as the point value of the opening inventory of processed foods and foods covered by Ration Order No. 16. (This computation is covered by sections 3.2 (f) and 3.6 (b)). In determining December use of coffee, the weight of any substances or substitutes, such as, but not limited to, chicory, cereal, peas, or beans, which the institutional user mixed, blended or compounded with the coffee used by him, is not to be included.

[Paragraph (d) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

(e) Whenever the "December use factor" or the "allowance per person" for a rationed food is changed, the base for that food of any institutional user affected by the change shall be recomputed when he applies for his allotment. The recomputed base shall be treated as his base for all purposes.

[Paragraph (e) added by Amendment 13, 8 F.R. 4839, effective 4-12-43]

SEC. 7.2 *The allotment for each of the first two periods is twice the base.* (a) An institutional user's allotment of each rationed food for each of the first two allotment periods, for his establishments in Group III, is twice his base for that food. (It is twice the base because the allotment period is two months, while the base was determined by his figures for only one month of operation. However, his allotment of foods covered by Ration Order No. 16 for the first allotment period, for his establishments in Group III is one and one-tenth (1.1) times his base for those foods.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

SEC. 7.3 *Computation of allotments for subsequent periods for institutional users who charge for food services.* (a) If an institutional user charges for food service, and did charge during the month used in determining his base, his allotment of each rationed food for any subsequent allotment period (after the second period) for his establishments in Group III, is determined by comparing his volume of business during December 1942 with his volume during the first two of the three calendar months preceding the allotment period.

(b) If the number of persons he served during the first two of the three calendar months preceding the allotment period is less than two times the number he served in December 1942, his allotment of a rationed food is computed in the following way:

(1) The number of persons he served during those first two months is divided by the number he served during December 1942;

(2) The figure so obtained is multiplied by his base for that food;

(3) The result is his allotment.

(c) If the number of persons he served and his dollar revenue during the first two of the three calendar months preceding the allotment period are both more than two times his corresponding figures for December 1942, his allotment of a rationed food is computed in the following way:

(1) The number of persons he served during those first two months is divided by the number he served in December 1942;

(2) His dollar revenue for those first two months is divided by his dollar revenue for December 1942;

(3) The smaller of the two figures obtained under (1) and (2) above is multiplied by his base for that food;

(4) The result is his allotment.

(d) In all other cases, his allotment of a rationed food is two times his base for that food.

(e) In counting the number of persons served and in determining his dollar revenue, food service to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer pursuant to written contract with an agency of the United States is not to be included.

[Paragraph (e) as amended by Amendment 15, 8 F.R. 5265, effective 4-19-43]

(f) Where an institutional user makes a combined charge for food and lodging or for food and other services, his dollar revenue is computed by determining how much of the total charge reasonably covers the service of food and non-alcoholic beverages. (However, if the combined charge covers entertainment, that

part of the charge is included in dollar revenue.) If a determination has been made under any maximum rent regulations of the Office of Price Administration, of the part of the total charge which is for rent, that determination shall be used for the purposes of this paragraph.

SEC. 7.4 *Computation of allotments for subsequent periods for institutional users who do not charge for food services.* (a) If a Group III institutional user does not charge for food service, or did not charge during the month used in determining his base, his allotment of each rationed food for any subsequent allotment period (after the second period), for his establishments in Group III, is twice his base for that food. However, if the number of persons he served during the first two of the three calendar months preceding the allotment period is less than twice the number he served in December 1942, the allotment is computed in the following way:

(1) The number of persons he served during those first two months is divided by the number he served in December 1942.

(2) The figure so obtained is multiplied by his base for that food;

(3) The result is his allotment.

NOTE: A Group III institutional user may not, under this section, obtain an increased allotment for a Group III establishment which made no charge for food services.

SEC. 7.5 *Change of registration to include certain military and naval personnel.* (a) An institutional user who, when he registered under this order, excluded from his report of dollar revenue, December use, or number of persons served, food service to Army, Navy, Marine Corps, or Coast Guard personnel or selectees, for which government meal tickets were received, shall change his registration to include such service. His base for each rationed food shall be recomputed on the basis of the changed registration and his allotments for the second and subsequent allotment periods shall be calculated on the recomputed base.

(b) The board shall add to his allotments for the second allotment period, the difference between the allotments he would have received for the first period if the recomputed base had been used and the allotments he actually received for that period. However, from this sum there shall be deducted the amount of any ration checks or certificates received by him for food served to military or naval personnel from March 1, 1943 to April 30, 1943, inclusive, other than those received for service to military or naval personnel during that period pursuant to a written contract with a government agency, where government meal tickets were not used.

(c) Ration checks or emergency acknowledgments may not be issued by the Army, Navy, Marine Corps, or Coast Guard or accepted by an institutional user, for service on government meal tickets.

[Sec. 7.5 added by Amendment 15, 8 F.R. 5265, effective 4-19-43]

SEC. 7.6 *Change of registration to include frozen fruits and vegetables in containers over ten (10) pounds.* (a) An institutional user shall change his registration to include in his December 1942 use of processed foods the amount of frozen fruits and vegetables in containers over ten (10) pounds he used in that month. His base for processed foods shall be recomputed on the basis of the changed registration and his allotments of processed foods for the third and subsequent allotment periods shall be calculated on the recomputed base.

(b) On or after June 6, 1943, the Board shall, upon application, grant to an institutional user whose base for processed foods is increased when frozen fruits and vegetables in containers over ten (10) pounds are included pursuant to paragraph (a), an additional allotment of processed foods for the second allotment period computed as follows:

(1) Subtract the allotments he actually received for the second allotment period from the allotments he would have received for that period if the recomputed base had been used;

(2) Multiply the remainder by .41;

(3) The result is the amount of the additional allotment to be granted to the institutional user.

[Sec. 7.6 added by Amendment 26, 8 F.R. 7600, effective 6-5-43]

Article VIII—Institutional Users Who Did Not Operate During All or Part of December 1942

SEC. 8.1 *Institutional users who operated during only part of December 1942.* (a) If a Group II or III institutional user operated his establishment for only part of December 1942 the figures which determine his base and his allotments are to be converted to a full December basis, in the following way:

(1) The number of persons served and, in the case of a Group III user, the amount of rationed food used and his dollar revenue, during December 1942, are divided by the number of days he operated or was open for business during that month;

(2) The results are multiplied by the number of days he would have operated or would have been open for business during December 1942 if it had been a normal month of operations;

(3) The figures so obtained are treated as his figures for December 1942, for all the purposes of this order, just as if those were his actual figures.

SEC. 8.2 *Institutional user who did not operate in December 1942.* (a) If a Group II or III institutional user did not operate his establishment during any part of December 1942, but did do so at any time between January 1, 1942 and February 28, 1943, the figures which determine his base and his allotments are taken from his most recent period of operations, instead of December 1942.

(b) His base and his allotments are to be based on the number of persons he served and, in the case of a Group III user, the amount of rationed food used and his dollar revenue, during his last full calendar month of operation between January 1, 1942 and February 28, 1943. If he did not operate for a full calendar month, his allotments are to be based on his actual figures for the last calendar month in which he operated. However, if the last calendar month was February 1943, his actual figures shall be converted to a full month basis in the way provided in section 8.1 for institutional users who operated during only part of December.

(c) The figures referred to in paragraph (b) are used, instead of his December figures, for all the purposes of this Order. His base and his allotments are determined on the basis of those figures, just as if they were for the full month of December 1942.

Article IX—Issuance of Certificate

SEC. 9.1 *Institutional users may get certificates for their allotments.* (a) An institutional user who is given an allotment of a rationed food is entitled to a certificate for the amount of his allotment (except as provided in section 9.2).

(b) If his opening inventory of a rationed food is less than his allotment of that food for the first allotment period, he is entitled to receive a certificate for the difference. He will then be entitled, for each subsequent allotment period, to a certificate for the amount of his allotment for that period.

(c) Not more than six (6) certificates are to be issued, regardless of the size of the allotment. Certificates for pounds shall not be issued in fractions of pounds, but shall be issued to the nearest pound; however, on and after June 15, 1943, where the fraction is one-half, the certificates shall be issued to the next higher pound.

[Paragraph (c) as amended by Amendment 10, 8 F.R. 4131, effective 3-30-43 and Amendment 21, 8 F.R. 6439, effective 5-21-43]

(d) If an institutional user has establishments in more than one group, his opening inventory and his allotments are determined separately for each group and he is to receive separate certificates for each group. If he has registered his establishments separately, his opening inventory and his allotments are determined separately for each establishment and he is to receive separate certificates for each.

[Paragraph (d) as amended by Amendment 10]

(e) An institutional user who will not need his full allotment should apply for a certificate only in the amount which he will actually need.

SEC. 9.2 *No certificate may be issued to an institutional user who has excess inventory.* (a) If an institutional user's opening inventory of a rationed food is larger than his allotment of that food for the first allotment period, the difference is "excess inventory". He is not entitled to a certificate for the first allotment period. He may not be given a certificate until the total of his subsequent allotments exceeds his excess inventory, at which time he may get a certificate for the difference.

SEC. 9.3 *Certificate may be issued in certain cases to institutional users who have unbalanced stocks.* (a) Upon application on OPA Form R-315 by a Group II or III institutional user whose remaining excess inventory of processed foods or of foods covered by Ration Order 16 is more than half of his allotment for the period for which application is made and whose inventory (together with the certificates, if any, issued to him for that period) will not provide him with a reasonable quantity of particular types of those foods needed in the operation of his establishment or establishments, the board may issue certificates to him to enable him to acquire a reasonable quantity of such foods. The amount of such certificates (together with any other certificates issued for that period) shall not exceed fifty (50) percent of his allotment for that period. Issuance of such certificates shall not be deemed to be an increase in the allotment, but the amount of the certificates is added to the applicant's excess inventory (or, if he has no excess inventory shall be treated as excess inventory).

[Sec. 9.3 as amended by Amendment 19, 8 F.R. 5843, effective 5-10-43]

SEC. 9.4 *Emergency certificates for foods covered by Ration Order No. 16.* (a) A Group II or III institutional user who has registered under this order and who needs foods covered by Ration Order No. 16 before his application for an allotment of those foods can be passed upon, may apply, in any convenient manner, for an emergency certificate for those foods. Only one application may be made under this section.

(b) The Board may issue a certificate in an amount computed in the following way:

(1) The number of persons served in December 1942 shall be multiplied by 0.93;

(2) The result shall be divided by 2;

(3) The quotient is the maximum amount (in points) of the certificate which may be issued.

(c) The amount of the emergency certificate issued shall be added to the opening inventory of the applicant and the sum shall be considered his opening inventory for the purposes of sections 9.1 and 9.2. The certificate shall not be considered to increase his allotment.

[Sec. 9.4 added by Amendment 8, 8 F.R. 3851, effective 3-27-43]

Article X—Seasonal Users

SEC. 10.1 *Group II and III seasonal users.* (a) A Group II or III institutional user is a seasonal user with respect to an establishment which is not in operation during every month in the year. However, if he has more than one establishment in Group II or III and his establishments are registered together, he is a seasonal user with respect to establishments in either group only if there is some month in the year in which he operates no establishment in that group.

[Section heading as amended by Amendment 16, 8 F.R. 5476, effective 4-20-43]

(b) A seasonal user who is not in operation between March 1 and March 10, 1943 inclusive, may register either between those dates, or at any time prior to resuming operations. His registration constitutes an application for an allotment for the first allotment period in which he will operate. If he registers between March 1 and March 10, 1943, the board may, at his request, issue a certificate to him when he resumes operations, instead of at the time of registration.

(c) His application for an allotment for any subsequent allotment period in which he will operate must be filed not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period. However, when he suspends operations he may apply for an allotment for the allotment period following the date on which he suspends operations, even though he will not be in operation during that period. The allotment to which he would be entitled for that period is to be used as his allotment for the period in which he resumes operations. The board may, at his request, issue a certificate to him when he resumes operations, instead of at the time of the application.

(d) Until a seasonal user has operated in at least three calendar months after February 28, 1943, his allotment for each rationed food shall be twice his base for that food, except that:

(1) If his base was determined on a full calendar month of operation (or by conversion to a full calendar month basis of his figures for part of December 1942 or February 1943) and he will not be in operation during the entire allotment period, he shall notify the board of the number of days he will not be in operation during that allotment period. His allotment shall be equal to twice his base reduced by an amount corresponding to the part of the period during which he will not be in operation; and

(2) If his base was determined on his actual figures for part of a month only (not converted to a full calendar month basis) and he will operate in any allotment period less than twice the number of days he operated during the month used to determine his base, he shall notify the board of the number of days he was in operation during the month used in determining his base and of the number of days he will be in operation during the allotment period. His allotment shall be computed by multiplying his base by the number of days that he will be in operation during the allotment period and then dividing the result by the number of days he was in operation during the month used in determining his base.

(e) After a seasonal user has been in operation in three calendar months after March 1, 1943, his allotments shall be determined in accordance with section 6.3, 7.3, or 7.4, whichever is applicable. In computing his allotments, the calendar months in which he was not in operation shall be disregarded and the months in which he was in operation shall be treated as if he operated continuously. For example, a seasonal user may operate only from August 15 to September 15 and from December 15 to February 28. His January-February allotment will be based on his actual operations in August and September. (That is, from August 15 to September 15—the first two of the three calendar months preceding the allotment period.)

SEC. 10.2 *Seasonal liquidation of inventory.* (a) Notwithstanding any provisions to the contrary in any ration order, an institutional user in Group II or III who operates on a seasonal basis may, when he completes his season, transfer his remaining inventory of rationed foods to a retailer or wholesaler in exchange for stamps, certificates or ration checks.

(b) He shall turn in to the board for cancellation the stamps, certificates or ration checks received by him and notify the board of the name and address of the transferee. However, if he has an account for a rationed food, he shall deposit such stamps, certificates and ration checks received for that food and he shall issue to the board a certified check in the amount of the stamps, certificates and ration checks so deposited. When he next resumes operations, the board shall issue to him, if he so requests, a certificate for each rationed food in the amount for which he surrendered stamps, certificates or ration checks for that food.

SEC. 10.3 *A Group I seasonal user may obtain a certificate in certain cases.* (a) A Group I institutional user is a seasonal user with respect to an establishment which is not in operation during every month in the year.

(b) A Group I seasonal user who must get rationed foods before the persons who will eat at his establishment arrive may apply for certificates for rationed foods to be used until he can obtain such foods with the ration books of those persons. If, because of transportation difficulties or unusually long distances from markets, the applicant finds it a hardship to acquire supplies of rationed foods as each successive stamp or series of stamps in war ration books become valid, he may include in his application a request for certificates covering a longer period.

(c) Application must be made to the board in writing and must show:

(1) The name, address and business of the applicant;

(2) The date on which such persons will arrive at his establishment;

(3) The earliest date thereafter on which rationed foods can be obtained with the books of such persons;

(4) The number of persons he expects to serve during the period covered by the application (in estimating the number of persons to be served, an individual is counted separately for each occasion on which he is served but no one individual may be counted more than three (3) times on any one day;

(5) Where the applicant includes in his application a request for certificates covering a longer period, the period of

time for which his purchasing must be done.

(d) The board may issue certificates for an amount of a rationed food computed by multiplying the allowance per person for that food by the number of persons which it determines will be served during the period for which such certificates are required.

(e) An institutional user who has received a certificate under this Section must give up, to the board, stamps or certificates equal to the amount of the certificate issued to him. Only stamps taken from the war ration books of the individuals eating in his establishment, or certificates received from them may be given up. He must give them up within 60 days after receiving the certificate. However the board may, for good cause, give him additional time.

(f) An institutional user who obtains an allotment pursuant to section 26.1 of this order may not receive a certificate under this section for the same purpose.

[Sec. 10.3 added by Amendment 16, 8 F.R. 5478, effective 4–29–43]

Article XI—Supplemental Allotments

SEC. 11.1 *Group II and III users may get supplemental allotments if operations increase.* (a) If an institutional user finds that, because of increased operations, the allotment of any rationed food for his establishments in Group II or III will be exhausted before the end of the current allotment period, he may apply for a supplemental allotment. The application must be made to the board on OPA Form R–315. However, an institutional user is not entitled to a supplemental allotment for establishments in Group III if he does not charge for food, or did not charge during the month used in determining his base.

(b) The application must show the number of persons he served from the beginning of the current allotment period to the date of the application. In the case of a Group III user, it must also show his dollar revenue during that period.

SEC. 11.2 *Supplemental allotment for Group II user.* (a) In the case of an application by a Group II user for a supplemental allotment of coffee, sugar or processed foods for the first or second allotment period, or for a supplemental allotment of foods covered by Ration Order No. 16 for the second allotment period, the board shall grant the supplemental allotment only if it finds that the number of persons he will serve, during the allotment period in which the application is made, will be more than ten (10) percent larger than twice the number he served during December 1942. The supplemental allotment is to be computed as follows:

(1) The number of persons he served during December 1942 is multiplied by two;

(2) The resulting figure is subtracted from the total number he will serve during the current period;

(3) The difference is multiplied by the allowance per person for the rationed food for which the application is made;

(4) The result is the supplemental allotment to be granted.

[Paragraph (a) as amended by Amendment 3, 8 F.R. 3851, effective 3–29–43 and Amendment 21, 8 F.R. 6439, effective 5–21–43]

(b) In the case of application by a Group II user for a supplemental allotment of foods covered by Ration Order No. 16 for the first allotment period, the Board shall grant the supplemental allotment only if it finds that the number of persons he will serve during that allotment period will be more than ten (10) percent larger than one and one-tenth (1.1) times the number he served during December 1942. The supplemental allotment is computed as follows:

(1) The number of persons he served during December 1942 is multiplied by one and one-tenth (1.1);

(2) The resulting figure is subtracted from the total number he will serve during the current period;

(3) The difference is multiplied by the allowance per person for those foods;

(4) The result is the supplemental allotment to be granted.

[Paragraph (b) added by Amendment 8, 8 F.R. 3851, effective 3–29–43 and amended by Amendment 21, 8 F.R. 6439, effective 5–21–43. Former paragraph (b) redesignated (c) by Amendment 8]

(c) In the case of an application by a Group II user for a supplemental allotment for a subsequent allotment period (after the second period), the board shall grant the supplemental allotment only if it finds that the number of persons he will serve during the allotment period in which the application is made, will be more than ten (10) percent larger than the number he served during the first two of the three calendar months preceding that period. The supplemental allotment is to be computed in the following way:

(1) The number of persons he served during those first two months is subtracted from the total number he will serve during the current period;

(2) The difference is multiplied by the allowance per person for the rationed food for which the application is made;

(3) The result is the supplemental allotment to be granted.

[Paragraph (c) as amended by Amendment 29, 8 F.R. 8500, effective 6–23–43]

SEC. 11.3 *Supplemental allotment in first two periods for Group III user.* (a) If a Group III user applies for a supplemental allotment of coffee, sugar or processed foods for the first or second allotment period or of foods covered by Ration Order No. 16 for the second allotment period, the Board shall grant the supplemental allotment only if it finds that both:

(1) The number of persons he will serve during the allotment period in which the application is made, will be more than ten (10) percent larger than twice the number he served during December 1942; and

(2) His dollar revenue during the allotment period in which application is made will be more than ten (10) percent larger than twice his dollar revenue during December 1942.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 3851, effective 3–29–43 and Amendment 21, 8 F.R. 6439, effective 5–21–43]

(b) His supplemental allotment of a rationed food is to be computed in the following way:

(1) The amount of the estimated increase in the number of persons he will serve is divided by twice the number he served during December 1942;

(2) The amount of the estimated increase in his dollar revenue is divided by twice his dollar revenue for December 1942;

(3) The smaller of the two figures obtained in (1) and (2) above, is multiplied by his allotment of the rationed food for the period in which application is made;

(4) The result is the supplemental allotment to be granted.

(c) If a Group III user applies for a supplemental allotment of foods covered by Ration Order No. 16 for the first allotment period, the Board shall grant the supplemental allotment only if it finds that both:

(1) The number of persons he will serve during that allotment period will be more than twenty (20) percent larger than one and one-tenth (1.1) times the number he served during December 1942; and

(2) His dollar revenue during that allotment period will be more than twenty (20) percent larger than one and one-tenth (1.1) times his dollar revenue during December 1942.

(d) His supplemental allotment of foods covered by Ration Order No. 16 is to be computed in the following way:

(1) The amount of the estimated increase in the number of persons he will serve is divided by one and one-tenth (1.1) times the number he served during December 1942;

(2) The amount of the estimated increase in his dollar revenue is divided by one and one-tenth (1.1) times his dollar revenue for December 1942;

(3) The smaller of the two figures obtained in (1) and (2) above is multiplied by his allotment of those foods for the first allotment period;

(4) The result is the supplemental allotment to be granted.

[Paragraphs (c) and (d) added by Amendment 8, 8 F.R. 3851, effective 3–29–43]

SEC. 11.4 *Supplemental allotment for subsequent periods, for Group III user.* (a) If a Group III user applies for a supplemental allotment for a subsequent allotment period (after the second period) the board shall grant the supplemental allotment only if it finds that both:

(1) The number of persons he will serve during the current allotment period will be more than ten (10) percent larger than the number he served during the first two of the three calendar months preceding that period; and

(2) His dollar revenue during the current period will be more than ten (10) percent larger than his dollar revenue during those first two months.

[Paragraph (a) as amended by Amendment 21, 8 F.R. 6439, effective 5–21–43]

(b) His supplemental allotment of a rationed food is to be computed in the following way:

(1) The amount of the estimated increase in the number of persons he will serve is divided by the number he served during those first two months.

(2) The amount of the estimated increase in his dollar revenue is divided by his dollar revenue for those first two months;

(3) The smaller of the two figures obtained in (1) and (2) above, is multiplied by his allotment of the rationed food for the current period;

(4) The result is the supplemental allotment to be granted.

SEC. 11.5 *Applicant accounts for supplemental allotment when applying for subsequent allotment.* (a) An institutional user who has received a supplemental allotment of a rationed food during the first or second allotment period shall, when he applies for the allotments for the fourth allotment period, report the number of persons served and his dollar revenue for the period for which he received the supplemental allotment. The Board shall then compute an allotment in the same way it computes allotments pursuant to section 6.3 or 7.3, whichever is applicable, using the figures for the allotment period in question as if they were the figures for the first two of the three calendar months preceding that period. If the result so obtained is less than the sum of the original and the supplemental allotment received for the period, the difference shall be deducted from the allotment for the fourth period. However, an institutional user who received a supplemental allotment for foods covered by Ration Order 16 for the first allotment period, shall report the number of persons served and his dollar revenue for the period from March 29, 1943 to April 30, 1943, inclusive. In making the computation for foods covered by that order, the Board shall divide the number of persons he served and his dollar revenue during that period by the number of persons served and his dollar revenue in December 1942. The smaller of these two quotients is to be multiplied by his base for foods covered by Ration Order 16. (In the case of Group II users, only the figures of the number of persons served are used.) If the result so obtained is less than the sum of the original and the supplemental allotment he received for that period, the difference shall be deducted from the allotment for the fourth period.

[Paragraph (a) as amended by Amendment 30, 8 F.R. 8614, effective 6–26–43]

(b) If an institutional user has received a supplemental allotment of a rationed food during an allotment period after the second period it is added to his allotment for that period. If the sum is larger than the allotment to which he is entitled for the next period, the difference must be deducted from that allotment.

(c) The provisions of this section do not apply to supplemental allotments granted under section 11.6.

SEC. 11.6 *Supplemental allotments for hospitals.* (a) An institutional user who operates a hospital or other establishment engaged in the care and treatment of the sick may apply for a supplemental allotment of a rationed food, if needed to meet the dietary requirements of the persons living and receiving care there. Application must be made to the board on OPA Form R–315. It must contain a statement by the superintendent or other executive officer, or by the physician in charge of the establishment, showing the reason why a supplemental allotment is required and the additional amount of the rationed food needed for that purpose.

[Paragraph (a) as amended, by Amendment 14, 8 F.R. 5341, effective 4–27–43]

(b) The board shall grant a supplemental allotment in the amount which it finds necessary to meet the dietary requirements of the persons living and receiving care in the establishment.

(c) An institutional user who has received a supplemental allotment under this section must report at the end of the allotment period in which it was granted, the amount, if any, which was not used for such purpose during that period. That amount shall be treated as excess inventory.

Article XII—Emergency Allotments and Adjustments

SEC. 12.1 *Emergency allotments may be obtained to meet public emergencies.* (a) Upon the occurrence or imminence of a public disaster, such as a flood, fire or tornado, any institutional user or other person who feeds or is about to feed people who require assistance because of the disaster, may apply for an emergency allotment of any rationed food needed for that purpose. The application may be made to any board, on OPA Form R–315. The applicant must describe the nature of the public emergency, the number of people he is feeding or will feed during that emergency, and the amount of the allotment he needs.

(b) If the board finds that the applicant needs an allotment of rationed food for the purposes described in paragraph (a) above, it may grant the application and give him an allotment in the amount it finds necessary for those purposes. It shall issue a certificate for the amount of the allotment.

(c) Within thirty (30) days after he has received the allotment, the applicant must report to the Board which issued the certificate the amount of the allotment he used for those purposes, and must return to that board certificates, ration checks, or stamps for any amount not so used. However, if the board finds that the emergency still exists, it may allow him to account at a later date.

SEC. 12.2 *Petitions for adjustment or for other relief.* (a) Any institutional user or other person desiring to become an institutional user may petition the board, for an adjustment of his base or allotment, or for any other relief. The petition shall state the name and address of the petitioner, the nature of the relief he seeks, the grounds on which the relief is sought, and any other relevant facts. The board may request any additional information it considers pertinent. Within ten (10) days after receiving the petition the board shall send it, together with all evidence and information received, to the district office unless the board has been authorized by the Washington office to act on the petition. The board may attach to the petition its recommendation concerning the action to be taken.

[Paragraph (a) as amended by Amendment 12, 8 F.R. 4785, effective 4–10–43, and Amendment 21, 8 F.R. 6439, effective 5–21–43]

(b) The district office shall not act upon the petition (unless authorized by the Washington Office to do so) but shall forward it, together with all other material received from the board, to the Washington Office for appropriate action. The petitioner may be requested to furnish further information and to appear personally.

Article XIII—New Institutional Establishments

SEC. 13.1 *New Group I establishment.* (a) Any person may operate a new Group I establishment if he first registers it by giving written notice to the board of his intention to do so. The notice must give the name and address of the establishment and his inventory of rationed foods, if any, for that establishment. (He shall not include in the inventory any rationed foods previously included in the inventory of any other establishment or any rationed foods acquired by him in exchange for stamps or certificates.) That inventory shall be his opening inventory for that establishment.

SEC. 13.2 *New Group II establishments which are registering separately.* (a) A person who desires to operate a new Group II establishment and who has no Group II establishment, or who has two or more institutional user establishments which have been registered separately, or who has only one Group II establishment and will register the new establishment separately, must register the new establishment by filing OPA Form R–315. He must state on the form the address of the proposed establishment, the date on which he will commence operations, the number of persons he expects to serve during the allotment

period in which he commences operations and his inventory of rationed foods, if any, for that establishment. (He shall not include in the inventory any rationed foods previously included in the inventory of any other establishment or any rationed foods acquired by him in exchange for certificates or ration checks.) That inventory shall be his opening inventory for that establishment.

[Paragraph (a) as amended by Amendment 29, 8 F.R. 8500, effective 6-23-43]

(b) If the board is satisfied that the new establishment will be a Group II establishment, it shall grant an allotment for each rationed food for the allotment period in which he commences operations. It shall compute the allotment by multiplying the number of persons which it estimates will be served during that allotment period by the allowance per person for the rationed food.

(c) The institutional user shall, at the end of the period during which he commenced operations, report to the Board the number of persons served by him during that period. If the number is less than the number the board estimated he would serve, the difference shall be multiplied by the allowance per person for each rationed food and the result shall be deducted from his next allotments of that food.

(d) Application for allotments for subsequent periods shall be made on OPA Form R-1309 in accordance with section 5.3.

(e) Allotments for the two periods immediately following the one in which the institutional user commenced operations shall be computed in the following way:

(1) The number of persons he served between the date of registration and the date of his application for an allotment is divided by the number of days he operated between those dates;

(2) The figure so obtained is multiplied by 60;

(3) The result is multiplied by the allowance per person for each rationed food. This figure is his allotment of that food.

(f) Thereafter, allotments shall be computed in accordance with section 6.3.

SEC. 13.3 *New Group III establishments which are registering separately.* (a) A person who desires to operate a new Group III establishment at which a charge will be made for the food served, and who has no Group III establishment, or who has two or more institutional user establishments which have been registered separately, or who has only one Group III establishment and will register the new establishment separately, must apply to the board to be registered pursuant to this section.

[Paragraph (a) as amended by Amendment 29, 8 F.R. 8500, effective 6-23-43]

(b) Application shall be made on OPA Form R-315, on which the applicant shall state:

(1) The proposed location of the establishment;

(2) The date on which he will commence operations;

(3) The type of operation in which he intends to engage (for example, a table restaurant, cafeteria, drugstore lunch counter, industrial canteen, hamburger or hot dog stand);

(4) The seating capacity of the establishment;

(5) His schedule of prices;

(6) Whether he intends to bake his own pies, cakes, bread, and other pastry;

(7) The number of persons he expects to serve there during the allotment period in which he commences operations (other than Army, Navy, Marine Corps or Coast Guard personnel which will be messed under the command of a commissioned or non-commissioned officer pursuant to written contract with an agency of the United States); and

[Paragraph (7) as amended by Amendment 15, 8 F.R. 5265, effective 4-19-43]

(8) His inventory of rationed foods, if any, for that establishment. (However, he shall not include any foods which he reported on any previous declaration of inventory or which he acquired in exchange for certificates or ration checks.) That inventory shall be his opening inventory for that establishment.

(c) The board shall send the application to the district office.

(d) If the district office is satisfied that the new establishment will be a Group III establishment, it shall give the applicant allotments of rationed foods for the allotment period in which he commences operations, and issue any certificates to which he may be entitled. The amount of the allotment of each rationed food for that period shall be determined by the district office on the basis of the manner in which the establishment will be operated, the number of persons which it estimates will be served during that time, and of allotments which have been granted to similar or comparable establishments. However, the allotment shall not be more than the amount obtained by multiplying the allowance per person for that food by the estimated number of persons to be served. After acting on the application the district office shall return the file to the board. Thereafter, applications for allotments shall be made to the board.

(e) When he applies for his second allotments, he shall report to the board on OPA Form R-1307, the number of persons served, the dollar revenue, and his use during the last thirty (30) days of the food items set out in Schedule A of that form. If he has not yet operated for thirty (30) days, he shall report the information for the period he did operate and the figures are to be converted to a full month basis in the manner described in section 8.1. The figures for the last thirty (30) days (or converted to a full month basis) shall be used for such establishment whenever this order refers to use, dollar revenue, or number of persons served during December 1942.

(f) The board shall compute a base for each rationed food (to be used in determining the amount of allotments for the periods following the one in which he commenced operation) in the following way:

(1) The allotment of each rationed food given by the district office is divided by the number of persons the district office estimated he would serve and the result is multiplied by the number of persons served during the last 30 days computed in accordance with paragraph (e) of this section.

(2) The figure obtained shall be his base. However, if his use of the rationed food during those 30 days is less than that figure, the amount he used shall be his base for that food.

(g) The allotment for each rationed food for the allotment period following the one in which he commenced operations shall be twice the base for that food. It shall also be twice the base for the next period if, at the time application for the allotment is made, the establishment has not been in operation in three calendar months. The allotments for the following periods shall be computed in accordance with section 7.3.

(h) At the end of the period in which he commenced operations, the institutional user shall report to the board (on OPA Form R-1307), the number of persons served during that period. If the number of persons actually served during the period in which the institutional user commenced operations is less than the number of persons which the district office estimated he would serve, he shall be charged with excess inventory in an amount computed in the following way:

(1) The allotment of each rationed food given by the district office is divided by the number of persons the district office estimated he would serve.

(2) The figure obtained is multiplied by the difference between the number of persons actually served and the number of persons which the district office estimated he would serve.

(3) The result shall be treated as excess inventory.

SEC. 13.4 *Combined registration of new Group II and III establishments.* (a) A person who desires to operate a new Group II or III establishment to be registered together with one or more institutional establishments of the same group which he already operates must notify the board of his intention to do so and of the address of the proposed establishment. This shall constitute registration of the establishment on the form already filed for his other establishments. No separate allotment will be granted for the new establishment, but a supplemental allotment may be granted by the board pursuant to section 11.2, section 11.3 or section 11.4 whichever is applicable.

[Sec. 13.4 as amended by Amendment 21, 8 F.R. 6439, effective 5-21-43]

SEC. 13.5 *Where new establishments are registered.* (a) If an institutional user already has two or more establishments which are registered together he shall register a new institutional user establishment together with his other establishments and at the same board. If he already has institutional user establishments registered separately the new establishment shall be registered separately with the board where it will be located. If he has only one other establishment he may elect whether his establishments will be registered together or separately. If he registers them together, registration shall be at the board for the area where his principal office is located. If he registers them separately, registration shall be at the board for the area where the establishment will be located.

Article XIV—Appeals

SEC. 14.1 *Appeals.* (a) Any person directly affected by any action of a board, district office, State director, or regional administrator, under this order, may appeal, in accordance with the provisions of Procedural Regulation No. 9.[3]

(b) This section shall not apply to any action on a petition made pursuant to section 12.2, except action taken by an official who has been authorized by the Office of Price Administration to grant or deny such petition.

Article XV—Acquisition and Use of Rationed Foods

SEC. 15.1 *Acquisition of rationed foods.* (a) An institutional user may acquire a rationed food only in the way provided in the order rationing such food and he shall surrender stamps, certificates, or ration checks and shall issue ration checks in connection with such food, only for the purposes permitted and with the effect provided in such order and, if he has an account, in General Ration Order No. 3A.

SEC. 15.2 *Use of rationed food.* (a) No Group II or III institutional user may use more of any rationed food during an allotment period than his allotments of that rationed food for that period plus any unused part of his allotments for earlier periods and any allotments granted to him for the next period. This restriction does not apply, however, to rationed foods used for food services to Army, Navy, Marine Corps, or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer pursuant to written contract with an agency of the United States.

[Paragraph (a) as amended by Amendment 15, 8 F.R. 5265, effective 4-19-43]

SEC. 15.3 *Restrictions on use of rationed foods and certificates.* (a) No institutional user may use for any purpose other than an institutional use any rationed food included in his opening inventory, or any rationed food acquired for institutional use.

(b) An institutional user may not transfer to, or use for, any institutional user establishment rationed foods, war ration books, stamps, certificates, ration checks or "ration credits" acquired for another institutional user establishment, unless both establishments are Group II or III establishments, are in the same group and are registered together.

SEC. 15.4 *Institutional users may transfer rationed foods in certain cases.* (a) (1) A Group II or III institutional user who desires to sell or transfer any of his excess inventory of a rationed food may apply for permission to do so. The application must be made on OPA Form R-315 to the Board. He must state in his application the amount (in points for foods rationed under the point system and in pounds for other rationed foods) he wishes to sell or transfer, the reason he wishes to sell or transfer it, the manner in which it is to be sold or transferred and any other information the Board requests. The Board shall grant the application if good cause is shown. If the application is granted, the food must be sold or transferred for stamps, certificates or ration checks in the same way that a retailer is permitted to sell or transfer that food. Within five (5) days after the sale or transfer, the transferor must give up to the Board all stamps, certificates and ration checks which he received for the rationed food sold or transferred. The Board shall reduce his excess inventory of that food in an equal amount.

(2) The same rules apply to Group I institutional users who have a remaining opening inventory of a rationed food.

(3) The rules contained in (1) and (2) above do not apply to home processed foods or to processed foods produced in accordance with section 28.8. Transfers of those foods are governed by sections 28.2, 28.4 and 28.8.

(b) An institutional user who operates a railway dining car or railway terminal dining facilities may sell or transfer rationed foods to other such institutional users for use at establishments of that type. Such sale or transfer may be made only in exchange for certificates or ration checks equal in value to the rationed foods sold or transferred. Both the transferor and transferee must keep a record of the transfer, showing the name and address of the transferor and transferee, the date on which the rationed food was sold or transferred, the quantity of rationed foods transferred and the amount of the certificates or ration checks received. The transferor may use any certificates or rationed checks so received.

[Sec. 15.4 added by Amendment 27, 8 F.R. 8064, effective 6-16-43]

SEC. 15.5 *Deductions.* (a) Any institutional user who acquires a rationed food (after it has been rationed by an order of the Office of Price Administration) without surrendering stamps, certificates or ration checks, and who is not required by the order rationing that food, or by any other provision of this order, to account, or to turn over to the Office of Price Administration stamps, certificates, or ration checks, for the food so acquired, must report to the Board in writing such acquisition and the amount acquired. Group II and III institutional users shall make the report when applying for their next allotments; Group I institutional users shall make the report within ten (10) days after the acquisition. The amount so acquired shall be treated as excess inventory in the case of a Group II or III institutional user, and as opening inventory in the case of a Group I institutional user.

(b) The provisions of paragraph (a) do not apply to:

(1) Home processed foods produced by the Group I institutional user;

(2) Home processed foods with respect to which a Group II or III institutional user was charged with an excess inventory under section 28.3 (b) or (c); and

(3) Processed foods with respect to which a Group II or III institutional user was charged with an excess inventory under section 28.8.

[Sec. 15.5 added by Amendment 28, 8 F.R. 8357, effective 6-22-43]

Article XVI—Ration Bank Accounts

SEC. 16.1 *What a ration bank account is.* (a) A ration bank account is very much like an ordinary checking account. An institutional user who opens a ration bank account deposits in it certificates and ration checks issued to him, and issues ration checks drawn on it to transfer ration credits. The rules governing the opening and use of ration bank accounts are contained in General Ration Order No. 3A.[4]

SEC. 16.2 *Who may open accounts.* (a) A Group II or III institutional user may open an account for any rationed food. (A Group I user may not.) Only one ration bank account may be opened for the foods covered by Ration Order No. 16. The opening of an account for one rationed food will not require him to open an account for any other rationed food.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

(b) If the establishments of a Group II or III institutional user are separately registered, he may open separate accounts for any one or more of his establishments without opening accounts for the others. He may not use the same account for more than one establishment.

(c) Any Group II institutional user who has combined his establishments in one registration, may open one account for all his Group II establishments, or a separate account for each or for any combination of them. Any Group III institutional user whose establishments are registered together has the same privilege for his Group III establishments. No account may be opened for, or serve, establishments in more than one group. If an account is opened pursuant to this paragraph for any establishment in Group II or Group III, all other establishments in the same group must also have an account or accounts.

SEC. 16.3 *Use of ration bank accounts.* (a) An institutional user who has an account may deposit in it certificates is-

[3] 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929.

[4] 8 F.R. 1130, 1449, 1963, 3520, 4627, 5843.

sued to him only in the form and during the periods prescribed by the order rationing the food for which he has the account. Ration checks issued to him may be deposited at any time.

(b) An institutional user may issue checks drawn on his account only for the purposes permitted and with the effect prescribed by the order rationing the food for which he has the account. Ration credits may be transferred by the use of a ration check, without the delivery of rationed foods between accounts of establishments in the same group which are registered together.

(c) An account opened by an institutional user may be used only for his operations as an institutional user. It may not be used for his operations in any other capacity, as for example, an industrial user or wholesaler.

Article XVII—Persons Living in Institutional User Establishments

SEC. 17.1 *A person who lives in Group II or III institutional user establishment must give up his war ration books.* (a) A person who lives in any Group II or III institutional user establishment (or in premises maintained in connection with it) for seven consecutive days or more, and who takes eight or more meals a week there, must turn over all his war ration books containing stamps designated for the acquisition of any rationed food, to the institutional user who operates the establishment. If he makes arrangements in advance to live there for seven consecutive days or more and to take eight or more meals a week, he must turn over the books before the week begins. Otherwise he must turn them over as soon as he has lived there for seven consecutive days and has eaten, during that period, eight or more meals.

(b) An institutional user who operates a Group III establishment in which fewer than fifty (50) people regularly live must get the war ration books of all persons who live in the establishment (or in premises maintained in connection with it) for seven consecutive days or more and who eat eight or more meals a week there. He must take the books from any person who makes arrangements in advance, as soon as the week begins. Otherwise, he must get the books as soon as the person has lived there for seven consecutive days and has, during that period, eaten eight or more meals. He may not serve food to any person who does not turn over all his war ration books containing stamps designated for rationed foods, when required to do so by this order.

(c) An institutional user who operates a Group II or a Group III establishment in which fifty or more people live, must accept and hold war ration books which are turned over to him by persons who live there.

(d) An institutional user in Group II or III must remove from any War Ration Book One turned over to him, sugar and coffee stamps which expire while he has them. He must also remove from any War Ration Book Two eleven points (as nearly as possible) of currently valid blue stamps and fourteen points (as nearly as possible) of currently valid red stamps for each week during which the person who turned over the book lives in his establishment (or in premises maintained in connection with it) for seven consecutive days and takes eight or more meals there. He must surrender to his board all stamps so removed, at the time of his next application for an allotment and, in any event, not later than five days after the beginning of the next allotment period. He must not use those stamps for any purpose, nor may he deposit them in any ration bank account.

[Paragraph (d) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43.]

(e) A war ration book shall be returned, temporarily, to the person from whom it was received for use in acquiring any rationed product other than a rationed food product, or for use in obtaining another war ration book.

(f) The war ration books, with stamps detached as required above, must be returned to the person from whom they were received when he leaves the establishment or stops taking eight or more meals a week there.

Article XVIII—Reports and Records

SEC. 18.1 *In general.* (a) All institutional users shall maintain such records and make such reports as this order requires and as the Office of Price Administration may from time to time require. Such records shall be maintained for a period of not less than two years and shall be available during such period for inspection by the Office of Price Administration, through any authorized representative, at any reasonable time.

SEC. 18.2 *Records required.* (a) Every Group II and III institutional user shall maintain records showing by calendar months, for each such group of his establishment, (and, if his establishments are separately registered, for each such establishment) the number of persons served and the dollar revenue.

SEC. 18.3 *Disclosure of information.* (a) Information and documents obtained pursuant to this order will not be disclosed, in response to subpoena or otherwise, to any person other than the person furnishing such information or documents unless the Administrator of the Office of Price Administration (or a representative of the Office of Price Administration designated by him) determines that the requested disclosure is not contrary to law and consents to such disclosure.

Article XIX—Prohibitions

SEC. 19.1 *Prohibitions.* (a) No person shall use points, stamps, war ration books, certificates or ration checks unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall offer, solicit, attempt or agree to do or assist in doing any act in violation of this order.

(c) No person shall, in any registration, report, application or other statement or record made pursuant to this order make any untrue statement of fact or omit to state any fact which is required to be stated or which is necessary to make any statement not misleading.

Article XX—Enforcement

SEC. 20.1 *Suspension orders.* (a) Any person who violates this order may, by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or from selling or using or otherwise disposing of, any rationed foods or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest to promote the national security.

Article XXI—To Whom This Order Does Not Apply

SEC. 21.1 *To whom this order does not apply.* (a) This order does not apply to the Army, Navy, Marine Corps, Coast Guard, or War Shipping Administration, of the United States, or to ocean going vessels operating in foreign, coastwise, or intercoastal trade acquiring rationed foods as ships' stores for consumption aboard such vessels. (Those users obtain rationed foods in accordance with the ration orders governing such foods.)

(b) The provisions of this order do not apply to the Maritime Commission, the Panama Canal, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development, of the United States, with respect to sugar. (Those users obtain sugar in accordance with Rationing Order No. 3.)

[Paragraph (b) as amended by Amendment 17, 8 F.R. 5476, effective 4-29-43.]

(c) The provisions of this order do not apply to the Maritime Commission of the United States with respect to coffee. (The Maritime Commission obtains coffee in accordance with Ration Order No. 12.)

(d) The provisions of this order do not apply to the Office of Lend-Lease Administration and the Food Distribution Administration, of the United States with respect to processed foods. (Those users obtain processed foods in accordance with Ration Order No. 13.)

Article XXII—Definitions

SEC. 22.1 *Definitions.* When used in this order:

"Account" means a ration bank account carried by a bank, in which the bank keeps a record of deposits of stamps, certificates and ration checks and of transfers of ration credits.

"Acquire" means to get possession or title in any way.

"Allowance per person" means the allowance of a rationed food per person as set forth in the supplement to this order.

"Army, Navy, Marine Corps and Coast Guard personnel" means "Army, Navy, Marine Corps and Coast Guard personnel of the United States or of any Allied Nation."

[Above definition added by Amendment 29, 8 F.R. 8500, effective 6-23-43]

"Board" means a war price and rationing board. "The board" means the war price and rationing board with which the institutional user establishment is, or is required to be registered.

"Certificate" means a certificate issued in accordance with Rationing Order No. 3, or Ration Orders No. 12, 13, or 16.

[Above definition as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

"Coffee" means coffee as defined in Ration Order No. 12.

"District office" means the district office of the Office of Price Administration for the area in which the board with which an institutional user has registered is located, or, if there is no such district office, the State office of the Office of Price Administration in that area.

"Dollar revenue" means gross dollar revenue derived from the service of food and non-alcoholic beverages. Where a combined charge is made for food and lodging or for food and other services, dollar revenue is computed by determining how much of the total charge reasonably covers the service of food and non-alcoholic beverages. (However, if the combined charge covers entertainment, that part of the charge is included in dollar revenue.) If a determination has been made under any maximum rent regulations of the Office of Price Administration, of the part of the total charge which is for rent, that determination shall be used in computing dollar revenue. Dollar revenue does not include revenue derived from food services to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer pursuant to written contract with an agency of the United States.

[Above definition as amended by Amendment 15, 8 F.R. 5265, effective 4-19-43]

"Foods covered by Ration Order No. 16" means "canned milk", "meat", "canned fish", "rationed cheeses" and "rationed fats or oils". These terms have the meaning given them in Ration Order No. 16.

[Above definition added by Amendment 8, 8 F.R. 3851, effective 3-29-43 and amended by Amendment 25, 8 F.R. 7453, effective 6-2-43]

"Issue", when used with respect to a ration check, means the delivery of a completed ration check to the person to whose account the ration check is made payable.

"Person" means any individual, corporation, partnership, association, business trust, and includes the United States or any agency thereof, and any state or any political subdivision or agency thereof, and any other government or agency thereof, or any organized group of individuals.

"Processed foods" means processed foods as defined in Ration Order No. 13.

"Ration check" means a check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

"Ration credits" means the credits in an account reflecting deposits of stamps, certificates or ration checks.

"Rationed food" means sugar, coffee, foods covered by Ration Order No. 16, or processed foods.

[Above definition as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

"Stamp" means a stamp in, or taken from a war ration book.

"Sugar" means sugar as defined in Rationing Order No. 3.

"War ration book" means War Ration Book One (OPA Form R-302) or War Ration Book Two (OPA Form R-121).

"Washington office" means the National headquarters of the Office of Price Administration, in Washington, D. C.

[Above definition added by Amendment 6, 8 F.R. 3216, effective 3-13-43]

Article XXIII—Post Exchanges and Ship Service Departments Ashore

SEC. 23.1 *How post exchanges and Ship Service Departments Ashore obtain rationed foods for institutional use.* (a) Army, Navy, Marine Corps, and Coast Guard post exchanges and Ship Service Departments Ashore, which make an institutional use of rationed foods, are not required to register with a board under this order. The Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard, and the Marine Corps may, at any time apply to the Washington Office of the Office of Price Administration for allotments of rationed foods for the post exchanges and Ship Service Departments Ashore, for allotment periods, beginning with March 1, 1943. Allotments will be given in accordance with arrangements made with the Office of Price Administration. The Washington Office will issue one certificate for each rationed food. The amount for which the certificate is issued may be distributed, through the use of ration checks, to the various post exchanges and Ship Service Departments Ashore.

(b) Ration bank accounts may be opened for post exchanges and ship service departments ashore.

[Paragraph (b) as amended by Amendment 4, 8 F.R. 2667, effective 3-1-43]

(c) If, during March 1943, post exchanges or ship service departments ashore are unable, for any reason, to use ration checks to acquire rationed foods for institutional use, the person in charge may use an emergency acknowledgment instead of a ration check for that purpose. Such emergency acknowledgment may be in any form but must show the name and address of the person to whom it is issued, the name and address of the post exchange or ship service department ashore, the amount of rationed foods for which it is issued (in points for processed foods and foods covered by Ration Order No. 16, and in pounds for sugar and coffee), and the date of issuance. The person who issues the acknowledgment must sign his name and state his rank or position. The post exchange or ship service department ashore named thereon must exchange the emergency acknowledgment, upon presentation, for a ration check, after ration bank accounts have been opened on which it may draw ration checks.

[Paragraph (c) added by Amendment 4, 8 F.R. 2667, effective 3-1-43 and amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

Article XXIV—Certain Government Agencies Obtain Allotments From Washington Office

SEC. 24.1 *Certain government agencies obtain allotments from Washington Office.* (a) The following government agencies may, at any time, apply to the Washington Office for allotments of rationed foods for any purpose:

(1) The Veterans' Administration;

(2) The Coast and Geodetic Survey.

(b) The following government agencies may, at any time, apply to the Washington Office for allotments of rationed foods for institutional use:

(1) The War Relocation Authority and the Department of Justice, in connection with the operation of war relocation centers and enemy alien detention stations and camps.

(c) Allotments will be given in accordance with arrangements made with the Washington Office. The Washington Office will issue certificates, the amount of which may be distributed, through the use of ration checks, to the various centers, stations, camps or activities, for which allotments are granted pursuant to this paragraph.

(d) Ration bank accounts may be opened for these centers, stations, camps or activities.

(e) These agencies are not required to register their institutional user establishments with a board.

[Article XXIV added by Amendment 1, 8 F.R. 2348, effective 2-23-43, and amended by Amendment 17, 8 F.R. 5476, effective 4-29-43. Sec. 24.1 added by Amendment 17. Former 24.1 revoked. Sec. 24.2 added by Amendment 9, 8 F.R. 4325, effective 4-8-43 and revoked by Amendment 17]

Article XXV—Obtaining Rationed Foods for Service to Certain Military and Naval Personnel

SEC. 25.1 *Obtaining rationed foods for service to military or naval personnel pursuant to written contract.* (a) Whenever, pursuant to a written contract made with an agency of the United States, an institutional user needs (or has used) rationed foods for the preparation of food which he will serve (or has served) to Army, Navy, Marine Corps, or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer and for which government meal tickets will not be (or were not) received, an officer authorized by the Army, Navy, Marine Corps, or Coast Guard may issue ration checks to him or to his supplier, for the amount of rationed foods needed (or used) for such purpose.

(b) If, for any reason, ration checks are not available, an authorized officer

may issue an emergency acknowledgment instead of a ration check. The emergency acknowledgment may be in any form, but must show the name and address of the person to whom it is issued, the amount of rationed foods for which it is issued (in points for foods rationed under a point system, and in pounds for other rationed foods) and the date of issuance. The person who issues the acknowledgment must sign his name, state his rank and the name and address of the activity or organization to which he is attached. The emergency acknowledgment must be exchanged for a ration check when ration checks are available, upon presentation to the activity or organization named thereon.

(c) The weight of any substitute or substance, including but not limited to chicory, cereal, peas or beans, mixed, blended or compounded (or to be mixed, blended or compounded) by the institutional user with the roasted coffee used (or to be used) shall not be included in the amount of any ration check or emergency acknowledgment issued for coffee pursuant to this section.

[Sec. 25.1 added by Amendment 15, 8 F.R. 5265, effective 4-19-43. Former Sec. 25.1 revoked]

SEC. 25.2. *How organized messes obtain rationed food.* (a) The Army, Navy, Marine Corps, or Coast Guard may authorize messes organized pursuant to their respective regulations to draw on exempt ration bank accounts or to open exempt ration bank accounts in accordance with arrangements made with the Office of Price Administration. Messes so authorized are not required to register with a board under this order. They may acquire rationed foods only in exchange for ration checks drawn on such accounts in accordance with instructions issued by the Army, Navy, Marine Corps, or Coast Guard.

[Sec. 25.2 added by Amendment 15, 8 F.R. 5265, effective 4-19-43. Article XXV added by Amendment 3, 8 F.R. 2666, effective 3-1-43]

Article XXVI—Allotment for Certain Employers

SEC. 26.1 *Allotments for certain employers.* (a) Regardless of any other provision of this Order, any person who in the conduct of his business is about to feed, or, on and after March 1, 1943, has fed, rationed foods (after they have been rationed by an order of the Office of Price Administration), to employees whom he hires (or hired) temporarily for a period of less than thirty (30) days, may apply for allotments of rationed foods for that purpose. However, Group II and III institutional users may not apply for allotments pursuant to this section.

(b) Application must be made on OPA Form R-315 to the Board. Persons who are not institutional users may apply to the Board for the area in which such rationed foods are required. An application to replenish rationed foods already served to such employees, must be made within five (5) days after the end of the thirty (30) day period in which such service was made. The application must show the name, address and business of the applicant, and the number of such employees he will serve (or has served) during the thirty (30) day period. (In estimating the number of employees served, an employee is counted separately for each occasion on which he will be (or was) served. However, no one employee may be counted more than three (3) times on any one day.

(c) If the Board finds that the applicant needs an allotment of rationed food for the purposes described in paragraph (a) above, it shall grant the application and give him an allotment for each rationed food required (or used), computed in the following way: It shall multiply the number of such employees which it estimates or finds he will serve (or has served) during the thirty (30) day period by the allowance per person for the rationed food. If, at the time application is made, the applicant is not under an obligation to surrender stamps or certificates to a Board, the Board shall issue a certificate for the amount of the allotment. If he is under an obligation to surrender stamps or certificates, that obligation shall be cancelled to the amount of the allotment granted under this Section. Where the amount of the allotment is greater than his obligation, the Board shall issue a certificate for the difference.

(d) Where an applicant was granted an allotment prior to feeding his employees, he shall within five (5) days after the end of the thirty (30) day period, report to the Board the number of such employees served by him during that period. If the number is less than the number the Board estimated he would serve, the difference shall be multiplied by the allowance per person for the rationed food and stamps or certificates in an amount equal to the result obtained must be surrendered to the Board in accordance with such arrangement as may be made with the Board.

(e) An employee specified in paragraph (a) who lives in the place where food is served to him (or in premises maintained in connection with that place) for seven consecutive days or more, and who takes eight or more meals a week there, must turn over all his War Ration books to his employer, in the manner described in paragraph (a) of section 17.1 during the period for which his employer has received allotments of rationed foods pursuant to this section. The duties of the employer with respect to the War Ration Books which are turned over to him are the same as those specified for institutional users in paragraphs (c), (d), (e) and (f) of Sec. 17.1.

[Article XXVI added by Amendment 5, 8 F.R. 3178, effective 3-12-43]

Article XXVII—Special Allotments

SEC. 27.1 *Certain group III users may get special allotments of Processed Foods.* (a) A Group III institutional user may apply for a special allotment of processed foods if he needs additional processed foods to feed his employees, or to feed employees of another person pursuant to a contract, if he cannot get enough fruits or vegetables to meet the minimum nutritional needs of such employees for such foods because:

(1) The place where he feeds such employees is so located, or the employer's business or occupation is of such a nature that a source of supply of fresh fruits and vegetables is not reasonably accessible; and

[Paragraph (1) as amended by Amendment 29, 8 F.R. 8500, effective 6-23-43]

(2) He has no facilities for preserving such foods long enough, and in the quantities required, to meet such needs. (A Group I institutional user may not apply for a special allotment under this Section. Consumers eating in Group I establishments are permitted, under similar circumstances, to apply for additional points under Ration Order No. 13.)

(b) Application shall be made to the Board on OPA Form R-315, in person or by mail. A separate application must be made for each allotment period for which the special allotment is needed. The application must state in detail:

(1) The number of employees, the period of time covered by the application, and the place where such employees will be fed;

[Paragraph (1) as amended by Amendment 16, 8 F.R. 5476, effective 4-29-43]

(2) The nearest source of supply of fresh fruits and vegetables;

(3) A description of the facilities he has for preserving fresh fruits and vegetables;

(4) The amount of processed foods (in pounds) on hand on the date of application;

(5) The number of pounds of fresh fruits and vegetables, excluding potatoes, which the applicant can get and use during the period covered by the application; and

(6) The amount of his allotment (in points) of processed foods for the current allotment period.

(c) The regional administrator may authorize boards, district offices and State offices in his region to rule on applications. If the board has not been given such authority, it shall forward the application, with its recommendation, to the district office (or, where there is none, to the State office). If the district (or State) office has not been authorized to act on such application, it shall transmit the file to the regional office.

(d) If the regional office or an authorized board, district or State office finds that the applicant meets the tests set out in paragraph (a), it shall grant a special allotment in the amount required. In determining the amount of the allotment, consideration shall be given to the amount of fresh fruits and vegetables, excluding potatoes, which will be available to the applicant during the period covered by the application. The Washington office and the regional administrators may issue further instructions governing the granting of special allotments.

(e) Any board which grants an allotment under this section shall keep a record of the number of points issued each month. It shall, within five (5) days after the end of each month, send to the district (or State) office a statement of the total number of points issued each month. The district (or State) office shall forward such statement to the regional office along with a statement of the number of points it has issued, if any. The regional office shall forward such statements to the Washington office along with a statement of the number of points it has issued, if any.

(f) A certificate shall be issued for the amount of the special allotment. However, if the applicant has an excess inventory of processed foods, no certificate shall be issued to him but an amount of the excess inventory equal to the allotment shall be cancelled. If the excess inventory is less than the allotment, a certificate for the difference shall be issued.

SEC. 27.2 *Certain Group III users may get special allotments of meat and fats.* (a) A Group III institutional user may apply for a special allotment of foods covered by Ration Order 16 if he needs additional amounts of such foods to feed his employees, or to feed employees of another person pursuant to a contract, if he cannot get enough fresh fish, poultry or eggs to meet the nutritional needs of such employees because:

(1) The place where he feeds such employees is so located, or the employer's business or occupation is of such a nature that a source of supply of fresh fish, poultry and eggs is not reasonably accessible, except at infrequent intervals; and

(2) He has no facilities for preserving such foods long enough, and in the quantities required, to meet such needs. (A Group I institutional user may not apply for a special allotment under this section. Consumers eating in Group I establishments are permitted, under similar circumstances, to apply for additional points under Ration Order 16.)

(b) Application shall be made to the Board on OPA Form R-315, in person or by mail. A separate application must be made for each allotment period for which the special allotment is needed. The application must state in detail:

(1) The number of employees, the period of time covered by the application, and the place where such employees will be fed;

(2) The nearest source of supply of fresh fish, poultry and eggs;

(3) A description of the facilities he has for preserving these foods;

(4) The number of pounds of fresh fish and poultry and the number of dozens of eggs which the applicant can get and use during the period covered by the application; and

(5) The amount of his allotment (in points) of foods covered by Ration Order 16 for the current allotment period.

(c) The regional administrator may authorize boards, district offices and State offices in his region to rule on applications. If the board has not been given such authority, it shall forward the application, with its recommendation, to the district office (or, where there is none, to the State office). If the district (or State) office has not been authorized to act on such application, it shall transmit the file to the regional office.

(d) If the regional office or an authorized board, district or State office finds that the applicant meets the tests set out in paragraph (a), it shall grant a special allotment in the amount required. In determining the amount of the allotment, consideration shall be given to the amount of fresh fish, poultry and eggs which will be available to the applicant during the period covered by the application. Boards, district and State offices shall be governed by any further instructions issued by the regional or Washington offices.

(e) Any board which grants an allotment under this section shall keep a record of the number of points issued each month. It shall, within five (5) days after the end of each month, send to the district (or State) office a statement of the total number of points issued each month. The district (or State) office shall forward such statement to the regional office along with a statement of the number of points it has issued, if any. The regional office shall forward such statements to the Washington Office along with a statement of the number of points it has issued, if any.

(f) A certificate shall be issued for the amount of the special allotment. However, if the applicant has an excess inventory of foods covered by Ration Order 16, no certificate shall be issued to him but an amount of the excess inventory equal to the allotment shall be cancelled. If the excess inventory is less than the allotment, a certificate for the difference shall be issued.

[Sec. 27.2 added by Amendment 22, 8 F.R. 6956, effective 5-29-43. Article XXVII added by Amendment 6, 8 F.R. 3216, effective 3-13-43]

Article XXVIII—Home Processing by Institutional Users

SEC. 28.1 *Explanation of terms "home processed foods" and "kitchen".*—(a) *Home processed foods.* Processed foods which are produced in a "kitchen" are "home processed foods."

(b) *Kitchen.* A "kitchen" is a place principally used for the preparation of meals, or for the demonstration of such preparation (such as a kitchen in a school or in a home economics center).

SEC. 28.2 *Group I institutional users use and transfer home processed foods in accordance with Ration Order 13.* (a) A person who is a Group I institutional user may use and transfer home processed foods he produces, in the manner provided for ordinary consumers by Ration Order 13.

SEC. 28.3 *Group II and III institutional users must report amount of home processed foods they produce and are charged with excess inventory.*—(a) *Group II or III institutional users must report amount they produce.* A Group II or III institutional user who produces home processed foods during any month, must report to the board, on or before the tenth day of the following month, the total amount of such foods he produced.

(b) *He is charged with an excess inventory of processed foods.* The board shall charge him with an excess inventory of processed foods equal to the point value of the home processed foods he produced. (The point value of home processed foods is fixed by Revised Supplement No. 1 to Ration Order 13.) This excess inventory charge may be apportioned, at his request, over a period of time not exceeding one year from the date of such report.

(c) *Such excess inventory may be charged to his separately registered Group II and III establishments.* If he operates separately registered Group II or III establishments, he may have this excess inventory charged against those establishments in such proportions as he chooses.

(d) *Home processed foods he uses are regarded as part of his allotment.* For the purposes of section 15.2 of this Order, home processed foods used by a Group II or III institutional user are to be included, (at their point value), in determining the amount of processed foods he used during an allotment period.

SEC. 28.4 *A Group II or III institutional user may transfer home processed foods he produces*—(a) *He may transfer them only for points.* A Group II or III institutional user may sell or transfer home processed foods produced by him only if he gets from the transferee points equal to the point value of the foods he transfers. He need not give up points for a movement of such foods to his Group II or III establishment which was charged with an excess inventory under section 28.3 (b) or (c) for the production of such foods, or to any of his other establishments which are in the same group and registered together with such establishment. A movement of such foods to another of his Group II or III establishments which is registered separately is to be treated as a transfer to another person.

(b) *He must keep records and surrender points to the board.* For this purpose, he need not register as a processor or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers of home processed foods for points during any month, he must give up the points to the board, on or before the tenth day of the next month.

(c) *The excess inventory charges against him shall be credited with the points surrendered.* The excess inventory charged against him under section 28.3 (b) or (c) shall be credited with the number of points he surrenders to the board pursuant to the last paragraph.

SEC. 28.5 *Institutional users producing processed foods in place other than a*

"kitchen" may get permission to treat them as home processed foods. (a) In some cases, an institutional user may produce processed foods in a place not used principally for the preparation of meals or for the demonstration of such preparation (and hence not a kitchen as defined in section 28.1). Yet the facilities he uses may not differ substantially from the facilities ordinarily found in a "kitchen" and may clearly not be commercial-scale processing facilities. For example, a state prison may have on its premises, in addition to its "kitchen", a separate place containing facilities used for processing foods, which are of a type similar to those normally used by such institutions in kitchens. An institutional user who has such a place and facilities may apply to the board in writing for permission to treat the processed foods produced there as "home processed foods". He shall describe the facilities he intends to use, the purposes for which those facilities are ordinarily used, the total amount of processed foods he expects to produce there, and the disposition to be made of such processed foods.

(b) If the board finds that the facilities used are clearly not commercial-scale processing facilities, and do not differ substantially from those normally used by such institutional users in kitchens, it shall notify the applicant that the foods so produced may be treated as home processed foods. The applicant may then use and transfer them as permitted by sections 28.2, 28.3 and 28.4 of this order.

SEC. 28.6 *A Group I institutional user obtains sugar for producing home processed foods in accordance with sugar regulations.* (a) A person who is a Group I institutional user who wishes to get a sugar allowance for the purpose of acquiring sugar with which to produce home processed foods from fresh fruits, and for making jams, jellies, preserves or fruit butters applies in the same manner as any other person who is registered as a consumer, pursuant to §§ 1407.71 and 1407.71a of Rationing Order No. 3. For this purpose, the War Ration Books One of persons eating at his establishment may be pooled.

SEC. 28.7 *A Group II or III institutional user may obtain a sugar allotment for producing home processed foods from fresh fruits*—(a) *He must apply to the board on OPA Form R–315.* A Group II or III institutional user may obtain an allotment of sugar to be used in producing home processed foods from fresh fruits, for use or transfer pursuant to sections 28.3 and 28.4 of this order. He must make application for such allotment to the board on OPA Form R–315, stating the name and address of the place at which the home processed foods are to be produced, the amount of sugar needed, the amounts of home processed foods to be produced with such sugar, the type of facilities to be used in producing such foods, and the disposition to be made of such foods.

(b) *He may get an allotment of sugar.* The board may grant an allotment of sugar in an amount not exceeding one (1) pound of sugar for each four (4) quarts of home processed foods to be produced from fresh fruits. It shall issue a certificate for the amount of the allotment. However, if the applicant has an excess inventory of sugar, the amount thereof shall be deducted from the amount for which the certificate is to be issued. Any excess inventory so deducted shall be cancelled.

SEC. 28.8 *Special provisions for processed foods produced by government agency in commercial-scale processing facilities*—(a) *It must report amount produced.* In some cases, a government or government agency which operates one or more Group II establishments or eleemosynary Group III establishments, may produce processed foods in commercial-scale processing facilities, primarily for use in the preparation and service of food in such establishments. A government or agency which so produces processed foods in any month, must report to the board, on or before the tenth day of the following month, the total amount of such processed foods it produced.

(b) *It is charged with an excess inventory of processed foods.* The government or government agency shall be charged with an excess inventory of processed foods at a rate of four (4) points for each pound of such processed foods so produced. This excess inventory charge may be apportioned, at its request, over a period of time not exceeding one year from the date of the report required by paragraph (a) of this section. If it operates separately registered Group II or eleemosynary Group III establishments, it may have this excess inventory charged against those establishments in such proportions as it choses.

(c) *It may obtain sugar allotment to produce such processed foods.* The government agency may obtain an allotment of not more than one (1) pound of sugar for each eight (8) pounds of such processed foods to be so produced from fresh fruits. Application for the allotment must be made on OPA Form R–315. The application must show:

(1) The name and address of the applicant;

(2) The location of the facilities to be used;

(3) The amount of sugar requested;

(4) The number of pounds of processed foods to be produced with such sugar; and

(5) The disposition to be made of such processed foods.

(d) *It uses such processed foods as part of its allotment.* For the purposes of section 15.2 of this Order, the point value of such processed foods used by such government or government agency at its Group II and eleemosynary Group III establishments is to be included at the rate of four (4) points per pound, in determining the amount of processed foods used during an allotment period.

(e) *It may transfer such foods to similar establishments at reduced point value.* It may sell or transfer such processed foods to other Group II or eleemosynary Group III institutional user establishments operated by a government or government agency, or to the Lend-Lease Administration, or to the Army, Navy, Marine Corps or Coast Guard at the rate of four (4) points per pound. A transfer to a separately registered establishment operated by it, which was not charged with an excess inventory of processed foods pursuant to paragraph (b) of this section for the production of the foods transferred, is treated just as if it were a transfer to another establishment of the same type operated by a different person, and may be made only for points. (However, no points need be given up for a movement of such foods to a Group II or eleemosynary Group III establishment operated by it, which was charged with an excess inventory, pursuant to paragraph (b) of this section, for the production of the foods transferred, or which is in the same group and registered together with such an establishment.)

[Paragraph (e) as amended by Amendment 31, effective 7-23-43]

(f) *It must keep records and surrender points to the board.* For this purpose, it need not register as a processor or make reports, but it must keep records of the amounts of such foods transferred and the names and addresses of the persons to whom transfers are made. It must surrender to the board, on or before the tenth day of each month, all points received for such transfers during the preceding month. The excess inventory of processed foods charged pursuant to paragraph (b) of this section, shall be credited with the number of points surrendered pursuant to this paragraph.

(g) *Any other transfers must be at full point value.* Transfers to any person or establishment other than those mentioned in paragraph (e) may be made only at the regular point value of such processed foods, as fixed by Revised Supplement No. 1 to Ration Order 13. If the government or government agency makes such transfers, it must register as a processor as to all its transfers, and must file reports as required by section 3.2 of that order.

[Article XXVIII added by Amendment 20, 8 F.R. 6118, effective 5-15-43]

Article XXIX—Sale or Transfer of Institutional User Establishments

SEC. 29.1 *Sale or transfer of a Group I establishment.* (a) When an institutional user sells or transfers to any other person the business and inventory of his Group I establishment, for continued operation, he may transfer his stocks of rationed foods to the transferee of the establishment without the surrender of stamps, certificates or ration checks. Both the transferor and the transferee must notify the board with which the establishment is registered. The notice must be given in writing, within five (5) days after the sale or transfer, and must state:

(1) The name and address of the establishment and of the persons transferring and acquiring it;

(2) The inventory of rationed foods transferred to the transferee (in points for foods rationed under the point system and in pounds for other rationed foods), showing separately the amount which represents remaining opening inventory of the transferor (that is, the part of his opening inventory for which he has not yet accounted to the Board in accordance with section 4.2).

(b) The notice required by paragraph (a) shall constitute a cancellation of the transferor's registration for the establishment.

(c) The amount of the transferor's remaining opening inventory of a rationed food, or the amount of that food transferred to the transferee pursuant to paragraph (a), whichever is greater, shall be treated as the transferee's opening inventory of that food.

SEC. 29.2. *Sale or transfer of other institutional user establishments*—(a) *General.* (1) When an institutional user sells or transfers to any other person the business and inventory of his institutional user establishment (other than a Group I establishment), for continued operation, he may transfer his stocks of rationed foods to the transferee of the establishment without the surrender of stamps, certificates or ration checks. Both the transferor and the transferee must notify the Board at which the establishment is registered. The notice must be given in writing, within five (5) days after the sale or transfer, and must state:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The inventory of rationed foods transferred (in points for foods rationed under the point system and in pounds for other rationed foods);

(iii) The balances, if any, in the establishment's ration bank accounts, and the amount of any stamps, certificates or ration checks on hand, including any in the hands of a supplier for rationed foods not yet shipped;

(iv) The number of persons served in, and the dollar revenue of, the establishment transferred for the month in which the transfer takes place and for the two preceding months; and

(v) The amount of any rationed foods, other than those already included in the inventory of an establishment, which the transferee has for use in the transferred establishment.

(2) If the transferor has a ration bank account for the establishment, he must notify the district office, in the way required by General Ration Order 3A.

(b) *Transferor must give up unused stamps, certificates and ration checks.* The seller or transferor must give up to the board all unused stamps, certificates and ration checks he has for the establishment. If the establishment has ration bank accounts, he must give up to the board certified ration checks payable to the Office of Price Administration for the balances in such accounts. The notice described in paragraph (a) of this section, and the surrender of the stamps, certificates and ration checks, will be treated as a cancellation of the transferor's registration and allotments.

(c) *Application for allotments by transferee.* The transferee may use the stocks of foods transferred only up to the amount of the allotments he gets for the establishment. The application for allotments must be made on OPA Form R–315, to the board for the place where the establishment was registered and must state facts showing whether the transferee will continue to operate the establishment in substantially the same manner as it was operated by the transferor. (Thus, if a restaurant which specialized in meat dishes will be operated by the transferee as a vegetarian restaurant, the transferee will not be operating it in substantially the same manner as before the transfer.) The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(d) *Granting allotments and assigning bases.* If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer, it shall assign to the transferee the transferor's allotments for that establishment, and, in the case of a Group III establishment, the transferor's bases. It shall also give him certificates equal in value to the stamps, certificates and ration checks that the transferor surrendered to the board, or, if the amount of a rationed food transferred to the transferee with the establishment is larger than the unused part of the allotment of that food for the current allotment period plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotments already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment. (The district office shall also treat as excess inventory any amounts of rationed foods, other than those already included in the inventory of an establishment, which the transferee has for use in the transferred establishment.)

SEC. 29.3 *Transfers of chain establishments*—(a) *Same rules apply to sale of entire chain.* The rules set forth in sections 29.1 and 29.2 apply where a person who has more than one institutional user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(b) *Sale of part of a chain.* (1) When the seller or transferor has more than one institutional user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in section 29.1 or 29.2, whichever is applicable, must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one institutional user establishment which he registered together, and sells or transfers one or more, but not all of them, the procedure described in section 29.1, or in paragraphs (a) and (c) of section 29.2, whichever is applicable, must be followed, except that:

(i) If Group I establishments are being transferred, the remaining opening inventory may be divided between the establishments which were transferred and those which were not transferred in any way that the transferee chooses; and

(ii) If Group II or III establishments are being transferred, the transferor must also apply to the Board with which he is registered for a redetermination of his allotments and, in the case of Group III establishments, of his bases.

In the case of a transfer of Group III establishments, the transferor must also report the December 1942 use of rationed foods, the number of persons served and the December 1942 dollar revenue for the establishment or establishments transferred. The board shall send the application and notices of both parties, and the transferor's registration, to the district office. If the transferred establishments are in Group II or III and if the district office finds that they will continue to be operated in substantially the same manner as before the transfer, it shall grant allotments to the transferee and, in the case of Group III establishments, shall assign bases to him. It shall first determine the amount of the transferor's allotments and, in the case of Group III establishments, of the transferor's bases allocable to the transferred establishment or establishments. Those bases shall be assigned to the transferee. The transferee's allotments shall be the part of the transferor's allotments corresponding to the unexpired part of the allotment period. The bases and allotments assigned to the transferee shall be deducted from the bases and current allotments of the transferor. The district office shall issue certificates to the transferee (or determine his excess inventory) on the basis of the allotments granted to him, the amount of the inventory he acquired from the transferor and the amount of rationed food not already included in the inventory of an establishment which the transferee has for use in the transferred establishment. If the amount of a rationed food which is transferred with the establishment is less than the allotment of that food assigned to the transferee, the transferor must give up to the board certificates or ration checks for the difference. If he does not give up certificates or ration checks, the difference shall be treated as excess inventory.

SEC. 29.4 *Where and how the transferee registers the establishments acquired by him.* (a) A person who buys or otherwise acquires an institutional user establishment and who already has two or more establishments in the same group as the one acquired by him, which are registered together, must register the new establishment together with his other establishments and at the same board. The remaining opening inventory (in the case of Group I establishments), allotments and the bases (in the case of Group III establishments) assigned to him shall be added to the remaining

opening inventory, allotments and bases he already has for his other establishments in that group. If he already has his other establishments in the same group registered separately, the transferred establishment must be registered separately with the Board for the place where it is located. If he has only one other establishment in the same group, he may elect whether his establishments will be registered together or separately. If he registers them together, registration shall be at the board for the place where his principal office is located and remaining opening inventory, allotments or bases assigned to him shall be added to the remaining opening inventory, allotments or bases he already has for his other establishment. If he registers them separately, registration shall be at the board for the place where the establishment is located.

(b) If the transferee acquires more than one institutional user establishment and is entitled to or is required to, register them separately, the district office must compute separately the portion of the transferor's remaining opening inventory, allotments or bases allocable to each of the establishments acquired, in the way described in section 29.3.

SEC. 29.5 *Computation of subsequent and supplemental allotments.* (a) For purposes of determining allotments (other than those issued by the district office for the unexpired part of the allotment period in which the transfer is made) for the establishment transferred, the dollar revenue of, and number of persons served by, the transferor shall be used as if they were the figures of the transferee.

SEC. 29.6 *Some transferred establishments will be new institutional user establishments.* (a) If the district office determines that a transferred Group II or III establishment will not be operated by the transferee in substantially the same manner as it was operated by the transferor, it shall treat it as a new institutional user establishment.

[Article XXIX added by Amendment 24, 8 F.R. 7554, effective 6-7-43]

Article XXX—Closing of Institutional User Establishments

SEC. 30.1 *What an institutional user who closes his Group I establishment must do.* (a) An institutional user who goes out of business at his Group I establishment must, within five (5) days after closing the establishment, notify the board to that effect. He may transfer any remaining stock of rationed foods in the same manner that a retailer is permitted to make transfers under the ration orders governing those foods. He must surrender to the board the stamps, certificates or ration checks so received.

SEC. 30.2 *What a person who closes his Group II or III establishment must do.* (a) An institutional user who goes out of business at his Group II or III establishment must notify the board. The notice must be given in writing, within five (5) days after he goes out of business. It must state:

(1) The name and address of the establishment;

(2) The inventory of rationed foods (in points for foods rationed under the point system and in pounds for other rationed foods) at the time he stopped doing business there; and

(3) The balances, if any, in the establishment's ration bank accounts, and the amount of any certificates or ration checks on hand, including the value of any certificate or ration check in the hand of his suppliers for rationed foods not yet shipped. If he has a ration bank account, he must also notify the district office, in the way required by General Ration Order No. 3A (the ration banking order).

(b) He must account to the Office of Price Administration for all stamps, certificates or ration checks he has for the establishment. If all his stocks of rationed foods have not been disposed of at the time of the notice, he must account for such stocks as soon as they have been liquidated. He may sell or transfer his unused stocks of rationed foods in the same way that a retailer is permitted to make sales or transfers under the ration orders governing those foods.

SEC. 30.3 *Closing of chain establishments*—(a) *Same rules apply to closing of entire chain.* The rules set forth in sections 30.1 and 30.2 apply where a person who has more than one institutional user establishment goes out of business at all of them, whether or not they were registered separately.

(b) *Closing of part of chain.* (1) A person who has several institutional user establishments, which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in section 30.1 or 30.2, whichever is applicable, as to each of the establishments at which he goes out of business.

(2) A person who has several institutional user establishments which are registered together may go out of business at one or more, but may continue to operate the others. In that case he must notify the board within five (5) days. If the establishments were in Group I, the rules of section 30.1 apply. If the establishments were in Group II or III, the notice must state:

(i) The name and address of the establishment or establishments;

(ii) The number of persons served (and in the case of the closing of Group III establishments the amount of rationed foods used and his dollar revenue) in December 1942, at the establishment or establishments being closed; and

(iii) The number of persons served in (and in the case of Group III establishments, the dollar revenue for) the establishment or establishments for the month in which they go out of business and for the two preceding months.

In the case of a Group II or III user, the board shall send the notification and his registration to the district office.

(c) The district office shall reduce the institutional user's allotments for the allotment period in which the establishments are closed (and, in the case of Group III establishments, his bases) by the amount allocable to the closed establishments. He must give up to the Office of Price Administration certificates or ration checks equal to the amount of the reduction in his allotments. If he does not have certificates or ration checks to give up, that amount shall be treated as excess inventory.

(d) Subsequent allotments for Group III institutional users shall be computed by using the bases as recomputed in accordance with paragraph (c), and the dollar revenue of, and number of persons served in, the establishments still in operation.

[Article XXX added by Amendment 24, 8 F.R. 7554, effective 6-7-43]

Effective Date

This general ration order shall become effective 12:01 a. m., March 1, 1943, except that sections 22.1 and 23.1 shall become effective February 20, 1943, and section 24.1 shall become effective February 23, 1943.

[Paragraph as amended by Amendment 1, 8 F.R. 2348, effective 2-23-43]

[Issued February 18, 1943]

NOTE: All reporting and record-keeping requirements of this Ration Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11556; Filed, July 17, 1943; 4:33 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 14,[1] Amdt. 2]

FIREWOOD

A rationale for this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1.3a (c) is amended by adding after the period of the end of the paragraph the sentence, "However, the provisions of this paragraph shall not apply to consumers who need firewood for any purpose other than heat, domestic hot water, or domestic cooking."

This amendment shall become effective on July 17, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 597, 77th Cong.; Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1-C, 8 F.R. 1835; E.O. 9125, 7 F.R. 2719)

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11559; Filed, July 17, 1943; 4:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 586 Under § 1499.3 (b) of GMPR]

GENERAL FOODS SALES CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2595, 9010.

§ 1499.2124 *Authorization of maximum prices for sales of Teem by the Maxwell House Division of General Foods Sales Co., Inc.* (a) The General Foods Sales Co., Inc. ma ysell and deliver Teem at the following delivered prices:

Quantity:	*Price per case of 10 cartons containing 100 bags each*
Less than carload	$6.65
Pool cars	6.62½
Carload	6.61¾

(b) The above prices are prices before discounts. The General Foods Sales Co., Inc. shall reduce these prices by applying to them the same discounts and allowances which it customarily applied on similar sales of Maxwell House Red Tag Tea Balls.

(c) This Order No. 586 may be revoked or amended at any time by the Office of Price Administration.

(d) This order shall become effective July 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 17th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11558; Filed, July 17, 1943; 4:33 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 346,[1] Amdt. 6]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 9, paragraph (f), unnumbered paragraph following subparagraph (3), is amended so that "July 15, 1943", the final date on which petitions may be filed, is changed to read "August 14, 1943".

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11557; Filed, July 17, 1943; 4:34 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 1842]

PART 4—DELEGATION OF AUTHORITY

Section 4.1 (b) (8 F.R. 3217) is hereby amended by adding subparagraph (6) as follows:

§ 4.1 *Delegation of authority to the Under Secretary, First Assistant Secretary, and Assistant Secretary.* * * *

(b) *First Assistant Secretary.* * * *

(6) Patent Policies and Procedures.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 14, 1943.

[F. R. Doc. 43-11537; Filed, July 17, 1943, 10:04 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3670.

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4482, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167 (46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 475, 481, 489, 367, 526–526t), and Executive Order 9083, dated February 28, 1943 (7 F.R. 1609), the following amendment to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter F—Marine Engineering

PART 52—CONSTRUCTION

Section 52.14–4 (a) is amended to read as follows:

§ 52.14–4 *Installation.* (a) The steam drum of every boiler shall be equipped with not less than two safety valves of equa size. On those river steamers whose boilers are connected in batteries without means of shutting off one boiler from another, each battery of boilers shall be treated as a single boiler and equipped with not less than two safety valves of equal size.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

DAVIT

Welin Crescent sheath screw davit, Type B (Arrangement Dwg. No. 1974, dated 4 November, 1941) (Maximum working load of 5,250 pounds per arm), manufactured by Welin Davit and Boat Corp., Perth Amboy, N. J.

LINE-THROWING GUN

2½" line-throwing gun, Type "B" (Dwgs. CP1814A, dated 2 June, 1943; DP1814–AS, Rev. A, dated 1 June, 1943; DP1814–GB, Rev. A, dated 25 May, 1943; and DP1814–GC, Rev. A, dated 20 April, 1943), manufactured by Heat Transfer Products, Inc., New York, N. Y.

LIFE PRESERVER

Wilco Style 104 adult kapok life preserver (Standard Navy Type with body strap) Approval No. B–190 (Dwg. No. 2–104, dated 8 May, 1943, and Bureau of Ships ad Interim Specification 23P12 (INT), dated 1 December 1942), manufactured by Wilber & Son, San Francisco, Calif.

R. R. WAESCHE,
Commandant.

JULY 16, 1943.

[F. R. Doc. 43-11552; Filed, July 17, 1943; 1:17 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 1–3]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART A—MERCHANDISE TRAFFIC

In accordance with the provisions of paragraph (d), § 500.2a of General Order O.D.T. No. 1, as amended, it is hereby authorized, that:

§ 520.5 *Cotton consigned to or shipped from compress facilities or warehouses.* Merchandise consisting of cotton may be handled in cars between freight stations and compress facilities or warehouses located in the same municipality, contiguous municipalities, or within a zone adjacent to and commercially a part of any such municipality or municipalities, where carriers by railroad have entered into contracts under which such compress facilities or warehouses are depots for the delivery of cotton shipped by rail, or depots for the receipt of cotton intended for shipment by rail, or where, under applicable transit privileges, tariff rates include delivery to or receipt from such compress facilities or warehouses.

(E.O. 8989, 6 F.R. 6725; Gen. Order O.D.T. No. 1, as amended, 7 F.R. 3046, 3213, 3753, 9744)

This General Permit ODT 1–3 shall become effective July 19, 1943.

Issued at Washington, D. C., this 19th day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-11599; Filed, July 19, 1943; 12:02 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 24—WEST CENTRAL REGION, NATIONAL WILDLIFE REFUGES

SWAN LAKE NATIONAL WILDLIFE REFUGE, MISSOURI

Under authority of section 10 of the Migratory Bird Conservation Act, of February 18, 1929 (45 Stat. 1222; 16 U. S. C. 715i), as amended, the following *Is hereby ordered:*

§ 24.886 *Swan Lake National Wildlife Refuge, Missouri; fishing.* Noncommercial fishing is permitted in the waters specified herein of the Swan Lake National Wildlife Refuge, Missouri, during the daylight hours of the period May 30 to September 15, inclusive, of each year in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges Under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), and subject to the following conditions, restrictions, and requirements:

(a) *Waters open to fishing.* The following waters of the refuge shall be open to fishing: *Area 1:* the area south of levee No. 1 in sections 3, 4, and 9, T. 55 N., R. 20 W.; *Area 2:* the waters adjacent to levee No. 3 in sections 6 and 7, T. 55 N., R. 20 W., and section 31, T. 56 N., R. 20 W.; and *Area 3:* the waters of Swan Lake adjacent to and within one-fourth mile of levee No. 4 in section 2, T. 55 N., R. 21 W., and in sections 26, 27, 34, and 35, T. 56 N., R. 21 W., including the area along the north shore line of Swan Lake between levee No. 4 and the picnic area. No other waters of the refuge shall be open to fishing.

(b) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Missouri. Fishing shall be by hook and line (including rod and reel) only, as defined by State law. The use of trot lines, set lines, bank lines, nets, seines, or other similar contrivances is prohibited.

(c) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Missouri State Conservation Commission, if such license is required. This license shall serve as a Federal permit for fishing in the specified waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the Missouri State Conservation Commission or of the Fish and Wildlife Service.

(d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel and be restricted to such parking areas as may be designated by suitable posting by the officer in charge of the refuge.

(e) *Use of boats.* The use of rowboats, canoes, and other similar floating devices is permitted only in fishing Area 3, and the use of such boats, canoes, or other devices in any other part of the refuge is prohibited except for official purposes. The use of motorboats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

(f) *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JULY 7, 1943.

[F. R. Doc. 43-11504; Filed, July 17, 1943; 10:05 a. m.]

Chapter IV—Office of the Coordinator of Fisheries

[Order 1787, Amdt. 3]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

SALMON CANNING INDUSTRY ALASKA

Section 401.1 of Order No. 1787 dated March 3, 1943 (8 F.R. 2892), is hereby amended as follows:

1. Schedule A is amended by altering those items designated below in Districts numbered II, V, IX, X, XI, and XII, and by adding the items designated below in District numbered XIV, so that all said items appear as follows:

SCHEDULE A

II ALASKA PENINSULA

Name of person	Nucleus plant	No. of lines
(2) P. E. Harris & Co., False Pass	P. E. Harris & Co., False Pass	2
(3) Pacific American Fisheries, Inc., King Cove	Pacific American Fisheries, Inc., King Cove	3
V COOK INLET		
(12) Nakiska Bay Packing Co., Boulder Point	Nakiska Bay Packing Co., Boulder Point	1
(13) Reilly & Williams Cannery, Cook Inlet	Reilly & Williams Cannery, Cook Inlet	1
IX ICY STRAIT		
(1) Burnett Inlet Salmon Co., Elfin Cove Cape Cross Salmon Co., Pelican City.	Burnett Inlet Salmon Co., Pelican City	1
X WESTERN DISTRICT		
(2) Todd Packing Co., Todd	Todd Packing Co., Todd	2
XI EASTERN DISTRICT		
(5) Sebastian Stuart Fish Co., Tyee	Sebastian Stuart Fish Co., Tyee	2
XII WEST COAST DISTRICT		
(3) Peratrovich & Son Packing Co., Klawock Craig Packing Co. (or successor operator, if any), Craig.	Peratrovich & Son Packing Co., Klawock	1
XIV OTHER DISTRICTS		
(1) Northern Commercial Co., Kwiguk	Northern Commercial Co., Kwiguk	1
(2) Bering Trading Co., Kwiguk	Bering Trading Co., Kwiguk	1

2. Paragraph (c) is amended by adding the following sentences at the end of the pargaraph, immediately before Schedule A:

* * * In any situation where, in the judgment of the Field Administrator, the circumstances do not permit the delay which would otherwise result, Schedule A may be amended or extended, or any item thereof altered or deleted by the Field Administrator, in such manner as he shall deem reasonable and advisable to secure maximum production with a minimum expenditure of critical materials and services. Any person claiming to be adversely affected by such amendment may file with the Fishery Coordinator a petition for relief as set out in paragraph (f); pending action on such petition, the amendment by the Field Administrator shall become and remain effective according to its terms.

3. Paragraph (d) is amended by altering the title thereof to read as follows: "Restrictions and authorizations applicable to specific persons named in Schedule A, by deleting subparagraphs (1) and (3), and by adding the following subparagraphs:

(4) Peninsula Packing Co., is authorized to operate its floating cannery independently in other areas after the close of operations at Port Moller.

(5) Peratrovich & Son Packing Co., Klawock, is authorized to operate one line exclusively for packing one-half pound cans, in addition to the authorization in Schedule A.

Issued this 15th day of July 1943.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-11571; Filed, July 19, 1943; 9:43 a. m.]

Notices

WAR DEPARTMENT.

[Royalty Adjustment Order W-2]

LES FILS DE J. KAHN, ET AL.

ORDER DISCONTINUING PAYMENT OF ROYALTIES

In the Matter of Les Fils de J. Kahn, and Rene J. Kahn Price, Licensors, and the Cleveland Pneumatic Tool Company, Licensee.

Whereas, pursuant to authority contained in the Act of October 31, 1942 (Public Law 768, 77th Congress) written notice was given on or about February 18, 1943 to Les Fils de J. Kahn, a co-partnership, and to Rene J. Kahn Price (said co-partnership and said Price being jointly and severally hereinafter called "Licensor"), to The Cleveland Pneumatic Tool Company (hereinafter called "Licensee"), and to Benjamin Kaye of the firm of Kaye, Scholer, Fierman & Hays, Attorneys and Counsellors at Law, 149 Broadway, New York City, attorneys for

the aforesaid Licensors that the rates or amounts of royalties relating to certain alleged inventions, to wit, "Devices for Securing Together Articles such as Plates or the Like" described and claimed in Letters Patent of the United States No. 2,136,875 granted November 15, 1938, and "Devices for Assembling Plates or other Superposed Pieces" described and claimed in Letters Patent of the United States No. 2,187,929 granted January 23, 1940, as the same were specified in that certain agreement entered into between Licensor and Licensee on or about the 10th day of April, 1940, and which said royalties are directly or indirectly charged or chargeable to the War Department for or on account of manufacture, use, sale, or other disposition for the United States of the inventions hereinbefore described, were believed to be unreasonable or excessive taking into account the conditions of wartime production, and that until the making of an order herein no royalty should be paid by Licensee to Licensor on account of such manufacture, use, sale, or other disposition for the United States; and

Whereas said Licensor and Licensee, upon their request, have presented in writing and in person such facts and circumstances as they desired having a bearing upon the rates or amounts of royalties to be determined, fixed and specified by order pursuant to said Act;

Now, therefore, upon consideration of the facts and circumstances presented as aforesaid and taking into account the conditions of wartime production, *It is hereby ordered*, As follows: viz:

That, until further order, Licensee is directed not to make any further payments whatsoever of royalties to Licensor, pursuant to the agreement above mentioned or any other agreement which in any respect continues, supplements, modifies or supersedes the same, on account of any manufacture, use, sale or other disposition of said alleged inventions conducted for the War Department while sections 1 and 2 of said Act of October 31, 1942 remain in force.

W. F. VOLANDT,
Chief, Procurement Branch, Office, Assistant Chief of Air Staff, Material, Maintenance and Distribution.

The foregoing order is hereby approved in behalf of the Secretary of War.

By direction of the Under Secretary of War.

Dated: July 12, 1943.

FRED C. FOY,
Acting Director, Purchases Division.

[F. R. Doc. 43-11554; Filed, July 17, 1943; 3:26 p. m.]

DEPARTMENT OF THE INTERIOR

Bituminous Coal Division

OAKLAND COAL COMPANY

[Docket No. B-15]

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

On May 28, 1943, after due notice and hearing, W. A. Cuff, a duly designated Examiner of the Division, submitted a report in which he found that respondent, Oakland Coal Company, a registered distributor (Registration No. 6934), in accepting distributor's discounts on coal resold to Gallant Lumber and Coal Company, had not wilfully violated paragraphs (c), (d), (e) or (g) of its agreement by Registered Distributor, paragraphs 11 and 12 of section 4 II (i) of the Bituminous Coal Act or Rules 11 and 12 of section XIII of the Marketing Rules and Regulations. The Examiner recommended that an Order be entered in accord with these findings.

Upon full consideration I have determined that the proposed findings of fact and proposed conclusions of law of the Examiner adequately and correctly reflect the record and are fully supported by the evidence. No exceptions thereto having been filed, I believe that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the Director;

Accordingly, It is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered and determined, That Oakland Coal Company, a registered distributor (Registration No. 6934), in the acceptance and retention of distributor's discounts on the sale of coal to Gallant Lumber and Coal Company, as set forth in the notice of and order for hearing, has not wilfully violated paragraphs (c), (d), (e) or (g) of the Agreement by Registered Distributor executed by it, paragraphs 11 and 12 of section 4 II (i) of the Bituminous Coal Act of 1937, or Rules 11 and 12 of section XIII of the marketing rules and regulations;

It is further ordered, That the proceeding is dismissed.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc 43-11440; Filed, July 16, 1943; 1:24 p. m.]

[Docket No. C-15]

B. F. GOODRICH COMPANY

MEMORANDUM OPINION AND ORDER GRANTING EXEMPTION

In the matter of the application of the B. F. Goodrich Company for exemption.

On May 11, 1943, after notice and hearing, Travis Williams, a duly designated Examiner of the Division, submitted a Report in which he found that coal produced since June 22, 1942 at the coal mining properties located in Tuscarawas County, Ohio, owned by The B. F. Goodrich Company, has been produced by The B. F. Goodrich Company and has been transported by The B. F. Goodrich Company to itself for consumption by it. The Examiner found that for a period of some months prior to June 22, 1942, coal had been produced at the coal mining properties involved by an independent contractor, not by applicant for exemption, The B. F. Goodrich Company, but that, since June 22, 1942, The B. F. Goodrich Company has been engaged in the business of mining coal at the mining properties owned by it and has been consuming the coal so produced. The Examiner concluded that the transactions in coal covered by the application for exemption are exempt from section 4 of the Act by reason of the provisions of sections 4 II (1) and 4-A. He recommended that the application for exemption should be granted, effective as of June 22, 1942, but further recommended that the order granting exemption should be conditioned upon the annual filing by applicant of a verified statement indicating what changes, if any, have been effected in its coal mine activities in Tuscarawas County, Ohio.

Opportunity was afforded all parties to file exceptions to the Report of the Examiner. No exceptions have been filed.

I have considered the report of the Examiner and I find that it accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law, and recommendation set forth in the Report, and upon the entire record in this proceeding;

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That, effective as of June 22, 1942, the application of The B. F. Goodrich Company is granted; *Provided, however*, That the exemption granted by this order shall be deemed automatically terminated if The B. F. Goodrich Company fails to file annually from the date of issuance of this order a verified statement indicating what changes, if any, have been effected in its coal mining activities in Tuscarawas County, Ohio.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11441; Filed, July 16, 1943; 1:24 p. m.]

TRUCK COAL ASSOCIATION OF WESTERN PENNSYLVANIA

[Docket No. C-30]

ORDER DISMISSING APPLICATION

In the matter of the application of Truck Coal Association of Western Pennsylvania for provisional approval as a marketing agency.

An application, pursuant to section 12 of the Bituminous Coal Act of 1937 and pursuant to Order No. 6 of the National Bituminous Coal Commission, which order has been adopted and ratified as an order of the Bituminous Coal Division of the Department of the Interior, having been duly filed with the Bituminous Coal Division by the above-named party; and

It appearing that the matter concerned in the above-named application is of a controversial nature and would necessitate a hearing prior to final action and there being insufficient time before the expiration of the Bituminous Coal Act

of 1937 on August 24, 1943, to conduct such hearing and reach a final determination;

Now, therefore, *It is ordered*, That the application of Truck Coal Association of Western Pennsylvania for provisional approval as a Marketing Agency be and the same hereby is dismissed.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11443; Filed, July 16, 1943; 1:24 p. m.]

[Docket No. B-364]

RIO GRANDE COAL COMPANY

ORDER POSTPONING EFFECTIVE DATE OF CODE REVOCATION

In the matter of E. K. Olson, W. F. Olson, Francis Bradley, and Mrs. George M. Hansen, individually and as partners, doing business under the name and style of Rio Grande Coal Company.

In accordance with admissions and consent contained in an application for disposition without formal hearing, an order was entered on May 29, 1943, in the above-entitled matter revoking the Code Membership of E. K. Olson, W. F. Olson, Francis Bradley and Mrs. George M. Hansen, individually and as partners, doing business under the name and style of Rio Grande Coal Company, effective fifteen (15) days from the date thereof and providing for the payment of a tax in the amount of $1,828.39 by the Code Member as a condition precedent to restoration to membership in the Code.

On June 25, 1943, the Code Member filed additional information in the nature of a supplement to its original application for disposition without formal hearing, indicating inability to pay the amount of tax provided for in said order, and requesting reconsideration of the matter. On the basis of the facts recited in said supplemental statement, the Director is of the opinion that further consideration should be given this matter and that the effective date of revocation of the Code Membership of the Code Member should be postponed to August 15, 1943, pending such further consideration.

It is therefore ordered, Nunc pro tunc, that the effective date of revocation of the Code Membership of said E. K. Olson, W. F. Olson, Francis Bradley and Mrs. George M. Hansen, individually and as partners, doing business under the name and style of Rio Grande Coal Company, shall be August 15, 1943, instead of the date heretofore specified in the above-mentioned order of May 29, 1943.

In all other respects said order of May 29, 1943 shall remain in full force and effect.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11442; Filed, July 16, 1943; 1:24 p. m.]

[Docket No. 1525-FD]

LOGAN CLAY PRODUCTS COMPANY

ORDER CANCELLING HEARING AND DISMISSING APPLICATION

In the matter of the application of the Logan Clay Products Company for a determination of the status of the coal produced at the Logan Clay Products Mine No. 1, Hocking County, Ohio, in District No. 4, pursuant to section 4-A of the Bituminous Coal Act of 1937.

A hearing in the above designated docket having heretofore been duly scheduled; and in view of the fact that the Bituminous Coal Act of 1937 expires at 12:01 a. m. August 24, 1943, it appearing appropriate to cancel said hearing and dismiss the application;

Now, therefore, it is ordered, That the hearing now scheduled in the above designated docket be, and the same hereby is, cancelled and the application be, and the same hereby is, dismissed.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11446; Filed, July 16, 1943; 1:25 p. m.]

ORDER DISMISSING APPLICATIONS

In the matter of certain applications filed pursuant to Rule 10 of section II of the marketing rules and regulations and §§ 317.12 (b) (8) and 317.19 (c) (formerly §§ 304.12 (b) (8) and 304.19 (c) respectively), of the rules and regulations for the registration of distributors. Dockets Nos. 1497-FD, 1498-FD, D-19, D-22, D-25, D-26, D-28, D-29, D-30, D-32, D-33, D-34, D-35, D-36, D-37, D-38, D-39, D-40, D-41, D-42.

There are pending before the Division applications filed in each of the above designated dockets, upon which no hearings have been held; and it appearing appropriate, in view of the expiration of the Bituminous Coal Act of 1937 at 12:01 a. m. on August 24, 1943, to dismiss each of said applications;

Now, therefore, *It is ordered*, That effective midnight, August 23, 1943, each of the applications filed in the above designated dockets be, and the same hereby is dismissed.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11444; Filed, July 16, 1943; 1:24 p. m.]

ORDER DISMISSING APPLICATIONS

In the matter of all applications filed pursuant to sections 4-A and 4 II (1) of the Bituminous Coal Act of 1937 and miscellaneous applications requesting exemptions from the Act which are now pending. Docket Nos. C-2, C-9, C-14, C-21, C-25, C-28, C-29, 471-FD, 488-FD, 561-FD, 618-FD, 685-FD, 960-FD, 1109-FD, 1162-FD, 1171-FD, 1182-FD, 1183-FD, 1184-FD, 1185-FD, 1186-FD, 1190-FD, 1219-FD, 1222-FD, 1223-FD, 1324-FD, 1325-FD, 1326-FD, 1460-FD, 1461-FD, 1463-FD, 1465-FD, 1467-FD, 1469-FD, 1470-FD, 1477-FD, 1479-FD, 1481-FD, 1522-FD, 1523-FD, 1524-FD, 1525-FD, 1528-FD, 1529-FD, 1633-FD, 1868-FD, 1878-FD.

Applications in certain of the above designated dockets having been filed with the Bituminous Coal Division requesting exemptions under section 4-A and 4 II (1) of the Bituminous Coal Act of 1937, and miscellaneous applications for exemptions from the Act having been filed; and it appearing appropriate, in view of the expiration of the Bituminous Coal Act of 1937 at 12:01 a. m. on August 24, 1943, to dismiss each of the said applications;

Now, therefore, *It is ordered*, That effective midnight, August 23, 1943, each of the above-mentioned applications in the above designated dockets be, and the same hereby is, dismissed.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11445; Filed, July 16, 1943; 1:25 p. m.]

[Statement No. 101]

STATEMENT CONCERNING EXPIRATION OF COAL ACT

Statement of the Director concerning expiration of Coal Act and concerning petitions, applications and proceedings under the act and the rules and regulations promulgated thereunder.

In view of the expiration of the Bituminous Coal Act of 1937 and the various rules and regulations promulgated thereunder at 12:01 a. m., August 24, 1943, no petitions or applications filed pursuant thereto after 12:01 a. m., July 15, 1943 (including, without limitation, petitions filed pursuant to section 4 II (d) of the Act, applications for approval of sales agents' commissions filed pursuant to Rule 13 of section II of the marketing rules and regulations and applications for registrations as "registered distributors" filed pursuant to the rules and regulations for the registration of distributors) will be acted upon by the Director.

Similarly, if, in the opinion of the Director, appropriate action cannot be concluded prior to 12:01 a. m., August 24, 1943, with regard to any pending petition, application or proceeding, the petition, application or proceeding will be dismissed with such comment or statement as may be deemed advisable.

Appropriate dispositive action will be taken by the Director in regard to all petitions, applications or proceedings not covered by the foregoing paragraphs.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11575; Filed, July 19, 1943; 10:27 a. m.]

General Land Office.

[Public Land Order 145]

NEVADA

ORDER WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH THE PROSECUTION OF THE WAR

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943,[1] *It is ordered*, As follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use in connection with the prosecution of the war:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 36 E.,
sec. 33, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

The areas described aggregate 160 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, and the withdrawal for a proposed grazing district made by the Secretary of the Interior on November 30, 1937, so far as such withdrawals affect the above-described lands.

MICHAEL W. STRAUS,
Acting Secretary of the Interior.

JULY 8, 1943.

[F. R. Doc. 43-11505; Filed, July 17, 1943; 10:04 a. m.]

[Public Land Order 146]

CALIFORNIA

ORDER WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943,[1] and to section 3 of the act of June 17, 1902, 32 Stat. 388 (U.S.C., title 43, sec. 416), *It is ordered*, As follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 20 E.,
sec. 8;
sec. 17, N½.

The areas described aggregate 960 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for reclamation purposes made by the order of July 4, 1930, of the Secretary of the Interior, so far as such order affects the above-described lands.

Jurisdiction over the lands hereby reserved shall revert to the Department of the Interior, and to any other Department or agency of the Federal Government which had any jurisdiction over such lands immediately preceding the issuance of this order, according to their respective interests, upon expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered, pending classification and a determination as to whether the lands, or portions thereof, are needed for public purposes.

MICHEAL W. STRAUS,
Acting Secretary of the Interior.

JULY 8, 1943.

[F. R. Doc. 43-11506; Filed, July 17, 1943; 10:05 a. m.]

[1] 8 F.R. 5516.

Office of the Secretary.

WAGE FIXING PROCEDURES, FIELD EMPLOYEES, GRAZING SERVICE, DEPARTMENT OF THE INTERIOR

For the purpose of determining the prevailing rate of wages to be paid certain classes of field employees of the Grazing Service and to enable the payment to such employees of time and one-half for work in excess of 40 hours per week the following procedure is established:

I. *Wage Board.* A Wage Board, composed of three representatives of the Department, is hereby established to determine prevailing wages for similar work in the locality of their employment for persons employed by the Government in the various trades and occupations excluding employees whose wages are fixed on an annual basis pursuant to the Classification Act of 1923, as amended, and to make recommendations with respect to such wages to the Secretary of the Interior.

II. *Procedure to be Followed by Board.* In determining the prevailing wages of various trades and occupations being considered by the Board, the Board shall procure evidence of the wages and compensation being paid to and perquisites received by those employed in these trades and occupations from local contractors, Federal agencies (including wage scales currently being paid pursuant to minima established pursuant to the Davis-Bacon Act), private industrial employers, and others employing labor in the locality, whether pursuant to union agreements or otherwise. Hearings for the purpose of adducing evidence of wages paid in the locality may be held when, in the judgment of the Board, this is required in order to determine the prevailing rates of wages.

Based on the evidence procured as to prevailing wages and the perquisites of employment in the locality in the classifications under consideration by the Wage Board, the Board shall make its recommendations to the Secretary of the Interior as to the rates of wages to be paid to the Government employees of the classes above specified. The wages recommended shall become effective upon May 1, 1943, unless otherwise directed by the Secretary of the Interior: *Provided*, That the Secretary of the Interior may direct the Board to reconsider any recommendation in whole or in part when, in his judgment, the recommended wage does not accord with the evidence procured as to the prevailing wage in the locality or when there is insufficient evidence to support the wage recommended.

III. *Effective Period of Approved Wage Determinations.* Any wage rate fixed in the manner above provided shall remain in effect until that rate has been supplanted by a different rate determined by the Wage Board with the approval of the Secretary of the Interior. Unless directed by the Secretary of the Interior to do so at other intervals, the Wage Board shall review wage rates at six-month intervals, beginning with the effective date of the first schedule of wages made in accordance with the procedure herein provided; *Provided*, That the Secretary of the Interior may direct a review at any other time when, in his judgment, this is desirable.

Unless otherwise ordered, the Board shall be composed of these departmental representatives:

Duncan Campbell, who shall act as Chairman of the Board, and Guy W. Numbers, selected from the Office of the Secretary of the Interior,

Archie D. Ryan, selected from the Grazing Service.

HAROLD L. ICKES,
Secretary of the Interior.

JUNE 15, 1943.

[F. R. Doc. 43-11507; Filed, July 17, 1943; 10:05 a. m.]

RECOMMENDATIONS OF GRAZING SERVICE WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 15, 1943, and entitled "*Wage Fixing Procedures, Field Employees, Grazing Service, Department of the Interior*" (*supra*), the Grazing Service Wage Board has determined prevailing wage rates for field employees of the Grazing Service who are not allocated to grade under the Classification Act of 1923, as amended, and who are engaged in construction in Region 9 of the Grazing Service. Region 9 is composed of the State of Arizona. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Grazing Service Wage Board finds that the hourly wage rates listed below are prevailing for construction work in the State of Arizona and recommends them for your adoption.

Construction job title	Prevailing hourly rate on private work	Recommended basic hourly rate for Grazing Service field employees
Blacksmith	$1.25	$1.25
Blacksmith helper	.90	.90
Carpenter	1.25	1.25
Compressor operator	1.00	1.00
Concrete finisher	1.37½	1.37½
Concrete mixer operator	1.25	1.25
Construction laborer	.82½	.82½
Construction laborer leadman	.92½	.92½
Electrician	1.50	1.50
Electrician helper	.90	.90
Grader operator (road or blade)	1.25	1.25
Heavy duty mechanic	1.37½	1.37½
Iron worker, reinforcing	1.37½	1.37½
Iron worker, structural	1.50	1.50
Jackhammer operator	1.00	1.00
Labor foreman	1.25	1.25
Mixed gang foreman	1.50	1.50
Apprentice engineer and oiler	.97½	.97½
Painter	1.25	1.25
Pile driver operator	1.50	1.50
Plasterer	1.50	1.50
Plumber	1.50	1.50
Powderman	1.25	1.25
Powderman helper	.82½	.82½
Rock crusher operator	1.25	1.25
Shovel or dragline operator	1.62½	1.62½
Stone mason	1.65	1.65
Teamster, 2 up	.82½	.82½
Teamster, 3 up	.87½	.87½
Teamster, 4 up	.92½	.92½
Tractor operator (under 80 horsepower)	1.25	1.25
Tractor operator (50 horsepower and over)	1.50	1.50
Truck driver	1.00	1.00
Truck driver, special	1.25	1.25
Well driller	1.25	1.25
Well driller helper	.90	.90

It is the understanding of the Wage Board that the Grazing Service employees paid in connection with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

The Wage Board recommends that all field employees of the Grazing Service in Region 9 not allocated to grade and engaged in construction be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The Wage Board further recommends that no person employed by the Grazing Service on or after May 1, 1943, shall receive a reduction in basic wage rate due to promulgation of the recommended rates listed above.

The foregoing recommendations approved and adopted by the Grazing Service Wage Board this 2nd day of July, 1943.

DUNCAN CAMPBELL,
Chairman.
ARCHIE D. RYAN,
Member.
GUY W. NUMBERS,
Member.

Approved: July 14, 1943.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-11508; Filed, July 17, 1943; 10:05 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 15, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM. PRODUCT. NUMBER OF LEARNERS. LEARNING PERIOD. LEARNER WAGE. LEARNER OCCUPATION. EXPIRATION DATE

Stoddard Manufacturing Company, 1809 South Federal Street, Mason City, Iowa; Refrigerators; six learners (T) in the occupations of hand assembling operations in the manufacture of wooden ice refrigerators for a period of 160 hours; expiring September 23, 1943.

Signed at New York, N. Y., this 17th day of July 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-11590; Filed, July 19, 1943; 11:13 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learners Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Baker Clothes, 26th & Reed Streets, Philadelphia, Pennsylvania, Men's wool clothing, army overcoats; five percent (T); July 13, 1943 and expiring July 13, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry:

Aalf-Baker Manufacturing Company, Le Mars, Iowa; Boys' & Men's overalls, 50 learners (E); effective July 12, 1943 and expiring January 12, 1944.

Anchor Sportswear Company, 415 Delaware Avenue, West Pittston, Pennsylvania, Infants' and children's wear; 30 learners (ALT); effective July 15, 1943, expiring January 25, 1944.

The B. V. D. Corporation, 527 West Pratt Street, Baltimore (1) Maryland; Union suits, pajamas, sport shirts; ten percent (T); effective July 19, 1943 and expiring July 19, 1944.

Blue Bell-Globe Manufacturing Company, Commerce, Georgia; denim coats, H B T. combat jackets; ten percent (T); effective August 21, 1943 and expiring August 21, 1944.

Bozart Company, Glens Falls, New York, Ladies blouses; 10 learners (T); effective July 19, 1943 and expiring July 19, 1944.

Cornbleet Brothers, Shwanzetown, Illinois; Cotton wash dresses and rayon dresses, ten percent (T); effective July 15, 1943, expiring July 15, 1944.

Great Lakes Garment Manufacturing Company, Onaway, Michigan; Cotton trousers for Navy, cotton play suits for civilians; ten learners (T); effective July 17, 1943 and expiring July 17, 1944.

Greenberg Clothing Company, Inc., 1010 Georgia Avenue, Chattanooga, Tennessee; Pants, jackets; 15 learners (ALT); effective July 19, 1943 expiring October 26, 1943.

M. Handelsman, 16 Jefferson Avenue, Elizabeth, New Jersey; Pants; ten learners (T); effective July 16, 1943, expiring July 16, 1944.

Marmon Sportswear Company, Brockton, Pennsylvania; Ladies' wearing apparel, slacks, blouses, cotton & rayon skirts, nurses' cotton uniforms; ten percent (T); effective July 14, 1943, expiring July 14, 1944.

Nelly Ann Dress Company, 140 West 54th Street, Chicago, Illinois; Dresses; ten percent (T); effective July 17, 1943, expiring July 17, 1944.

Ray Shire Dress Manufacturing Company, 151 Pryor Street, S. W. Atlanta, Georgia; Dresses; 10 learners (T); effective July 14, 1943, expiring July 14, 1944.

Reliance Manufacturing Company, South Magnolia Street, Laurel, Mississippi; Work pants and shirts, Navy shirts; ten percent (ALT); effective July 19, 1943, expiring January 7, 1944.

Victory Dress Company, 307 Penn Avenue, Scranton, Pennsylvania; Ladies' dresses; 15 learners (E); effective July 14, 1943, expiring July 14, 1944.

Wood Garment Manufacturing Company, Marionville, Missouri; Cotton Pants; 30 learners (E); effective July 19, 1943, expiring January 19, 1944.

Hosiery Industry

Amos & Smith Hosiery Company, Pilot Mountain, North Carolina; Full fashioned hosiery; ten percent (ALT); effective July 21, 1943, expiring January 21, 1944.

Belle Meade Hosiery, Inc., 31st & Centennial Blvd., Nashville, Tennessee; Seamless hosiery; ten learners (ALT); effective July 15, 1943, expiring January 15, 1944.

Dixie Hosiery Mills, Inc., Mount Gilead, North Carolina; Seamless hosiery; five learners (ALT); effective July 19, 1943, expiring January 4, 1944.

Harriman Hosiery Mills, Harriman, Tennessee; Seamless hosiery; 150 learners (ALT); effective July 14, 1943, expiring January 14, 1944. This certificate replaces the one previously issued effective April 5, 1943 and terminating October 5, 1943.

J. H. Kissinger Knitting Company, Inc., Market Street, Millersburg, Pennsylvania; Seamless hosiery; 5 learners (ALT); effective July 14, 1943 expiring January 7, 1944.

B. C & C. W. Mayo, Tarboro, North Carolina; Seamless hosiery; ten percent (ALT); effective July 26, 1943, expiring January 28, 1944.

Philadelphia Hosiery Mills, Inc., Philadelphia, Tennessee, Seamless hosiery; 9 learners (T); effective July 14, 1943, expiring July 14, 1944.

Silver Knit Hosiery Mills, Inc., High Point, North Carolina; Seamless hosiery; five percent (ALT); effective July 19, 1943, expiring January 11, 1944.

Knitted Wear Industry

John B. Davidson Woolen Mills, Inc., Jackson & Elizabeth Streets, Eaton Rapids, Michigan; Wool hockey caps; 4 learners (T); effective July 16, 1943, expiring July 19, 1944.

Stratford Knitting Mills, Linfield, Pennsylvania; Cotton knitted winter weight ladies' pajamas & gowns, cotton knitted infants' sleeping garments (sacques, kimonos, gowns), five learners (E); effective July 14, 1943, expiring November 30, 1943.

Gloves Industry

Bals Manufacturing Company, First Street, Hopkinsville, Kentucky; Knit fabric & work gloves; 5 percent (T); effective July 13, 1943, expiring July 13, 1944.

The Daniel Hays Company, Inc., Gloversville, New York; Leather and fabric gloves; 5 learners (T); effective July 14, 1943, expiring July 14, 1944.

Artificial Feathers & Flowers Industry

Superior Molding Company, 66 West 38th Street, New York, New York; Artificial flowers and knitted novelties; 2 learners (T); effective July 16, 1943, expiring August 27, 1943.

Cigar Industry

Consolidated Cigar Corporation, 5-15 North Cherry Street, Poughkeepsie, New York; Cigars; ten percent (T); in the occupations of Cigar Machine Operator, Cigar Packer for 320 hours and Stripping Machine Operators for 160 hours at 75 percent of the applicable hourly minimum; effective July 15, 1943, expiring July 15 1944.

Consolidated Cigar Corporation, 9th & Liberty Streets, Camden, New Jersey; Cigars; ten percent (T) in the occupations of Cigar Machine Operator and Cigar Packer for 320 hours and Stripping Machine Operators for 160 hours at 75 percent of the applicable hourly minimum; effective July 15, 1943, expiring July 15, 1944.

Consolidated Cigar Corporation, 737 Cortlandt Street, Perth Amboy, New Jersey; Cigars; ten percent (T) in the occupations of Cigar Machine Operator, and Cigar Packers for 320 hours and Stripping Machine Operators for 160 hours at 75 percent of the applicable hourly minimum; effective July 15, 1943, expiring July 15, 1944.

Textiles Industry

Aponaug Chenille Company, McComb, Mississippi, Cotton chenille garments; 70 learners (E); effective July 17, 1943, expiring January 17, 1944.

Aponaug Manufacturing Company, Aponaug Road, Kosciusko, Mississippi; Cotton textiles; 25 learners (ALT); effective July 17, 1943, expiring January 17, 1944.

Copland Fabrics, Inc., Burlington, North Carolina; Rayon cloth; 3 percent (T); effective July 21, 1943, expiring July 21, 1944.

Liberty Throwing Company, Inc., Pringle & Zerby Avenue, Kingston, Pennsylvania; Rayon yarn; six percent (ALT); effective July 21, 1943, expiring January 21, 1944.

Liberty Throwing Company, Inc., 203 East Church Street, Nanticoke, Pennsylvania; Rayon and cotton yarns; six percent (ALT); effective July 21, 1943, expiring January 21, 1944.

Macon Textiles, Inc., Lake Street, Macon, Georgia; Cotton and wool rayon; three percent (T); effective July 19, 1943, expiring July 19, 1944.

Micolas Cotton Mills, Incorporated, Opp, Alabama; Cotton; five percent (ALT); effective July 14, 1943, expiring January 14, 1944.

Poulan Cotton Mills, Poulan, Georgia, Osnaburg; 20 learners (ALT); effective July 19, 1943, expiring January 25, 1944.

Signed at New York, N. Y., this 17th day of July 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-11591; Filed, July 19, 1943; 11:14 a. m.]

[Administrative Order 206]

FRUIT AND VEGETABLE PACKING AND FARM PRODUCTS ASSEMBLING INDUSTRY

INDUSTRY COMMITTEE APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby appoint on Industry Committee No. 62 for the Fruit and Vegetable Packing and Farm Products Assembling Industry the following additional members:

For the public:
Robert Patton, Columbus, Ohio.
Clarence E. Ayres, Austin, Tex.
Louis A. Wood, Eugene, Oreg.
For the employers:
M. L. Moringstar, Rathbury, Mich.
A. E. Isham, Redlands, Calif.
Glenn Phillips, Salinas, Calif.
For the employees:
Marie Wells, Los Angeles, Calif.
David Kaplan, Washington, D. C.
Margarita Rendon, San Antonio, Tex.

Industry Committee No. 62 will meet at 10:00 a. m. on July 27, 1943, in the Victoria Room of the Victoria Hotel, New York, New York.

Signed at New York, New York, this 15th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-11589; Filed, July 19, 1943; 11:13 a. m.]

[Administrative Order 207]

FRUIT AND VEGETABLE PACKING AND FARM PRODUCTS ASSEMBLING INDUSTRY

COMMITTEE RESIGNATION AND APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignations of Harold E. Fey of Chicago, Illinois, and Hal P. Angus of Oakland, California, from Industry Committee No. 62 for the Fruit and Vegetable Packing and Farm Products Assembling Industry, and do appoint in their stead, respectively, Charles O. Gregory of Chicago, Illinois, as representative for the Public, and Jack Stallings of Sunnyvale, California, as representative for the Employees on such Committee.

The Committee will meet in the Victoria Room of the Hotel Victoria, New York, New York, at 10:00 a. m. on July 27, 1943.

Signed at New York, New York, this 15th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-11588; Filed, July 19, 1943; 11:13 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5837]

JERSEY CENTRAL POWER AND LIGHT CO.

ORDER SUSPENDING SUPPLEMENTAL RATE SCHEDULES AND FIXING DATE FOR HEARING

JULY 15, 1943.

It appearing to the Commission that:

(a) Jersey Central Power & Light Company on March 24, 1931, entered into a formal agreement with Public Service Electric & Gas Company providing for the interchange of emergency power and service under terms and conditions therein specified; that this emergency interchange agreement has been designated in the files of the Commission as Jersey Central Power & Light Company Rate Schedule FPC No. 1.

(b) At approximately the same time Jersey Central and Public Service entered into an arrangement for the interchange of economy energy and service by means of the interconnection facilities provided under the agreement specified in (a) above; that such arrangement, when reduced to writing and filed with the Commission in accordance with the Commission's Order No. 36, will be designated in the files of the Commission as Jersey Central Power & Light Company Rate Schedule FPC No. 2.

(c) On May 3, 1943, the Supreme Court of the United States in Jersey Central Power & Light Co. *v.* Federal Power Commission, and New Jersey Power & Light Co. *v.* Federal Power Commission, Nos. 299 and 329, Oct. Term, 1942, upheld the Commission's determination In the Matter of New Jersey Power & Light Co., and Jersey Central Power & Light Co., Docket No. IT-5818, that Jersey Central was a "public utility" within the meaning of that term as used in the Federal Power Act, upon the basis of its ownership and operation of facilities for the transmission of electric energy in interstate commerce pursuant to the arrangements described in paragraphs (a) and (b), above.

(d) On June 15, 1943, the Commission received a copy of a letter written by Jersey Central Power & Light Company to Public Service Electric & Gas Company giving formal notice of its intention to terminate by Jersey Central Power & Light Company the agreement for the emergency interchange of power and service between the parties as provided for in the agreement of March 24, 1931; that this notice providing for the termination of emergency service has been designated in the files of the Commission as Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 1.

(e) On June 26, 1943, the Commission received a letter from Jersey Central Power & Light Company advising that 30 days from date the arrangement with Public Service Electric & Gas Company for the interchange of economy energy and service was to be terminated and at that time switches would be opened on the interconnection between Jersey Central and Public Service extending from South Amboy to Perth Amboy, New Jersey; that this notice has been designated in the files of the Commission as Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 2.

(f) Jersey Central Power & Light Company proposes to open switches on the interconnection facilities between South Amboy and Perth Amboy, thereby endangering the continuity of service upon its own system as well as the system of Public Service Electric & Gas Company in case of an emergency.

(g) Unless suspended by order of the Commission, Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 1 and Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 2 will permit Jersey Central Power & Light Company to alter and amend the arrangement for the supply of emergency power and service with Public Service Electric & Gas Company so that in every case of emergency it will be necessary to close the disconnect switches and bring the Jersey Central system and Public Service system into synchronism before the interchange of emergency power is possible, thereby endangering the continuity of customer service which the emergency interchange agreement is designed to safeguard; that necessary and resulting changes in operations on the system of Jersey Central and Public Service may and probably will result in higher costs in providing adequate generating reserves as a guarantee against service interruption in case of an emergency on either system, which increased costs must be borne by the ultimate consumer.

(h) Unless suspended by order of the Commission, Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 2 would permit Jersey Central Power & Light Company to terminate the existing arrangement for the interchange of economy energy and service with Public Service Electric & Gas Company, resulting in the necessary use of higher cost generating facilities, waste of critical natural resources, and consequent higher costs, which must be borne by the consuming public; that the termination of the existing arrangement which has been operative since 1931 appears to be contrary to the public interest.

The Commission finds that:

It is necessary and appropriate in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in existing rate schedules providing for emergency interchange of electric energy and service and the interchange of economy energy and service and that the said supplements to existing rate schedules be suspended pending such hearing and the decision thereon.

The Commission, upon its own motion, Orders That:

(A) A public hearing be held on September 1, 1943, beginning at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the lawfulness of the proposed changes in service which will result if Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 1 and Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 2 become effective.

(B) Pending such hearing and decision thereon, the changes in service provided for in Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 1, as well as the changes in service provided for in Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 2, be and they are hereby suspended until December 15, 1943, and until such time thereafter as such schedules shall be made effective in the matter provided by the Federal Power Act under rules and regulations prescribed.

(C) During such period of suspension, the rates, charges, and service relating to the interchange of emergency energy and service, as well as interchange of economy energy and service as provided for, and as such service has been supplied in the past, under the arrangements embodied in Jersey Central Power & Light Company Rate Schedule FPC No. 1 and Jersey Central Power & Light Company Rate Schedule FPC No. 2 shall continue in full force and effect.

(D) At the hearing, the burden of proof to show the lawfulness of the proposed changes in service shall be upon Jersey Central Power & Light Company.

(E) Interested state commissions may participate in said hearing as provided in § 39.4 of the Rules of Practice and Regulations under the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-11569; Filed, July 19, 1943; 9:43 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 50 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to BREX 75238 and NADX 6255 containing potatoes originating in California now on hand at the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned Robert L. Berner Co., Chicago, for reconsignment to Champaign, Illinois, and Evansville, Indiana, respectively.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11512; Filed, July 17, 1943; 11:10 a. m.]

[Special Permit 51 Under Service Order 123]

COMMON CARRIER BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to IC 55822 containing potatoes originating at Arvin, California, now on the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned Central Potato Company, Incorporated, Chicago.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11513; Filed, July 17, 1943; 11:10 a. m.]

[Special Permit 52 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to PFE 27663 and PFE 71071 containing potatoes originating at Bakersfield, California, now on hand at the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned to Zivi & Co. or Louie Cohen Co., Inc., Chicago.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11514; Filed, July 17, 1943; 11:10 a. m.]

[Special Permit 53 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to PFE 16320 containing potatoes originating in California now on hand at the Chicago Produce Terminal Company tracks, Chicago, Illinois, consiged W. J. Engel Company, Chicago.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11515; Filed, July 17, 1943; 11:10 a. m.]

[Special Permit 54 Under Service Order 123]

LOUISIANA AND ARKANSAS RAILWAY CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Louisiana & Arkansas Railway Company to reice once in transit after the first or initial icing GARX 9414 containing potatoes originating at Hartford, Arkansas, now on hand at Baton Rouge, Louisiana.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 4th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11516; Filed, July 17, 1943; 11:10 a. m.]

NATIONAL LABOR RELATIONS BOARD.

POLICY AS TO RUN-OFF ELECTIONS

NOTICE OF OPEN HEARING

The Board now has under consideration a change in policy with respect to run-off elections. Before adopting a new policy, the Board wishes to have the criticisms and suggestions of labor organizations and employers.

An open hearing to discuss the recommended run-off policy will be held on Tuesday, August 3, 1943, at 2:00 p. m. in the Hearing Room on the first floor, Rochambeau Building, 815 Connecticut Avenue, Washington, D. C. All persons interested are invited to notify the Board by July 31, 1943, of their desire to appear at this hearing. Anyone unable to attend may present his views in writing. The Board will be glad to receive briefs from any interested parties, which are due not later than August 3, 1943.

The present policy of the National Labor Relations Board as to when run-off elections are ordered after inconclusive elections, and the form of the ballot, has been in effect for more than 3 years. The Board sets out here, briefly, the present policy and the plan which it is considering adopting.

Present policy. 1. Run-offs are ordered on request of any union on the ballot in the first ordered election, when the total of the votes for all unions constitutes a majority, unless the vote for "neither" is the largest, or unless two unions are tied, with no votes for "neither."

2. The run-off ballot carries the names of the two unions and drops the "neither."

3. In inconclusive elections involving three unions or more, a run-off keeps all the organizations on the ballot, dropping "none." If the run-off is inconclusive, a farther run-off is ordered, eliminating the organization with the lowest number of votes.

4. Petitions are dismissed when "neither" receives a majority or plurality, and when votes are equally divided between two unions with no votes for "neither," or between one union and "neither" or "none."

Proposed policy. 1. That run-off elections be ordered automatically wherever none of the choices on the ballot has received a majority, but a majority have voted for union representation.

2. That the interest receiving the lowest vote be dropped, whether it is a union or "neither," and that the run-off ballot carry the two choices with the larger votes, i. e., either the two unions with the larger votes, or only the union with the largest vote where "neither" had the largest or the second largest vote.

3. That in inconclusive elections involving three unions or more, only the two interests with the largest votes be carried on the run-off ballot, unless the third interest is a union with more than 25 percent of the votes. (Or alternatively that the one lowest interest, whatever it is, be dropped, and successive run-offs, if necessary, be directed until one interest receives a majority.)

4. That petitions be dismissed (a) in the event that "neither" receives a majority; and (b) where there is a tie between two unions or between one union and "none," there being no other valid votes.

5. That the original Direction of Election authorize the Regional Director to direct a run-off forthwith, in accordance with established policy.

The form of run-off ballot under present policy, and under the proposed policy, for various types of distribution of votes in the first election, is as follows:

Votes in first election	Present policy	Proposed policy
Two unions first and second in number of votes, "neither" third.	Choice between two unions.	Choice between two unions.
"Neither" the second interest	Choice between two unions.	Vote for or against union with largest vote.
"Neither" the largest vote, but not a majority.	No run-off, dismiss	Vote for or against union with largest vote.
"Neither" a majority	No run-off, dismiss	No run-off, dismiss.
Three unions, with the "none" vote second or lower.	Choice among three unions.	Choice between two largest interests, either two unions or top union and "none".
Three unions, where third interest is union with more than 25 percent of the votes.	Choice among three unions.	Choice between three top interests.
Two unions tie, a few votes for "neither"	Choice between two unions.	Choice between two unions
"Neither" tied with union with largest vote, and another union with smaller vote.	(No precedent)	Vote for or against union with largest vote.
"Neither" tied with union with smaller vote, another union having larger vote.	(No precedent)	Vote for or gainst union with largest vote.
"Neither" the largest vote but less than majority, two unions tie with smaller number of votes.	No run-off, dismiss	Repeat election using same ballot as in first.

Dated Washington, D. C., July 16, 1943.
By direction of the Board.

DONN N. BENT,
Executive Secretary.

[F. R. Doc. 43-11485; Filed, July 16, 1943; 3:38 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1501]

THE YOKOHAMA SPECIE BANK, LTD., (HONOLULU)

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that The Yokohama Specie Bank, Ltd., a Japanese corporation, Tokyo, Japan, is a national of a designated enemy country (Japan);

2. Finding that said The Yokohama Specie Bank, Ltd., has an established agency or branch office at Honolulu, Hawaii engaged in the conduct of business within the United States and therefore is, to that extent, a business enterprise within the United States;

3. Finding, therefore, that the property described as follows:

All property of any nature whatsoever subject to the jurisdiction of the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, said Honolulu branch of the aforesaid The Yokohama Specie Bank, Ltd., is property of a business enterprise within the United States which is a national of a designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The property herein vested, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11467; Filed, July 16, 1943; 2:38 p. m.]

[Vesting Order 1631]

T. SUMIDA & COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the following named persons, whose last known addresses appear opposite their respective names, are nationals of a designated enemy country (Japan):

Names:	*Last known addresses*
Tajiro Sumida	Osaka, Japan
Seijiro Sumida	Hiroshima, Japan
Koichiro Sumida	Osaka, Japan

2. Finding that Daizo Sumida, Yoshio Tagashira and Shinzaburo Sumida, who are interned in the Territory of Hawaii, are subjects of Japan, and are nationals of a designated enemy country (Japan);

3. Finding that T. Sumida & Company, Ltd. is a corporation organized under the laws of and doing business in the Territory of Hawaii, and is a business enterprise within the United States;

4. Finding that 1,994 shares of 850 par value common capital stock of T. Sumida & Company, Ltd. are registered in the names of and owned by the following persons in the amounts appearing opposite their respective names:

Names:	*Number of shares*
Tajiro Sumida	50
Seijiro Sumida	50
Daizo Sumida	763
Yoshio Tagashira	1
Koichiro Sumida	450
Shinzaburo Sumida	680
Total	1,994;

5. Finding that said 1,994 shares constitute a substantial part (namely, approximately 99.70%) of all of the issued and outstanding capital stock of said business enterprise and represent control thereof;

6. Finding, therefore, that T. Sumida & Company, Ltd. is a national of a designated enemy country (Japan);

7. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

8. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11468; Filed, July 16, 1943; 2:40 p. m.]

[Vesting Order 1665]

ABE APPLIANCES

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Joseph Chokichi Abe (also known as Chokichi, Abe, Kyozo Abe, and Portuguese Abe) is a citizen of Japan, whose last known address is 119 Yobu, Uto Machi, Uto Gunn, Kumamoto Prefecture, Japan, and is a national of a designated enemy country (Japan);

2. Finding that Abe Appliances is a sole proprietorship, doing business at Honolulu, Territory of Hawaii, and is a business enterprise within the United States;

3. Finding that Abe Appliances is owned and controlled by Joseph Chokichi Abe and is therefore a national of a designated enemy country (Japan);

4. Finding that the property described as follows:

All right, title and interest of Joseph Chokichi Abe (also known as Chokichi Abe, Kyozo Abe, and Portuguese Abe) in and to Abe Appliances (a sole proprietorship),

is an interest in said business enterprise which is a national of a designated enemy country (Japan);

5. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of, or the account of, or owing to said Abe Appliances,

is property of a business enterprise within the United States which is a national of a designated enemy country (Japan);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraphs 4 and 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11469; Filed, July 16, 1943; 2:39 p. m.]

[Vesting Order 1696]

CLAIM OF ALFA-ROMEO, S. A.

Re: Claim of Alfa-Romeo, S. A., for fair and just compensation, arising by reason of the requisitioning by the War Production Board of 1,070,640 pounds of steel billets owned by Alfa-Romeo, S. A.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Alfa-Romeo, S. A., is a corporation organized under the laws of Italy, with its principal place of business at 33, Via M. U. Traiano, Milano, Italy, and is a national of a designated enemy country (Italy);

2. Finding that Alfa-Romeo, S. A., is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All right, title and interest, of any name or nature whatsoever, of Alfa-Romeo, S. A., in and to a claim for fair and just compensation, arising by reason of the requisitioning by the War Production Board of 1,070,640 pounds of steel billets, pursuant to Requisition No. 297, dated October 6, 1942,

is property which is in condemnation or other similar proceedings and which is payable or deliverable to, or claimed by, a national of a designated enemy country, and is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11470; Filed, July 16, 1943; 2:40 p. m.]

[Vesting Order 1697]

CLAIM OF "CORRADO" SOCIETA ANONIMA DI NAVIGAZIONE

Re: Claim of "Corrado" Societa Anonima di Navigazione for just compensation arising out of the requisitioning by the United States Maritime Commission of the S. S. Dino, a vessel owned by "Corrado" Societa Anonima di Navigazione.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that "Corrado" Societa Anonima di Navigazione is a business enterprise organized under the laws of the Kingdom of Italy with its principal place of business at Salita S. Nicolosio 1-10, Genoa, Italy, and is a national of a designated enemy country (Italy);

2. Finding that "Corrado" Societa Anonima di Navigazione is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All right, title and interest, of any name or nature whatsoever, of "Corrado" Societa Anonima di Navigazione, in and to a claim for just compensation arising out of the requisitioning by the United States Maritime Commission of title to and possession of the S. S. Dino, including all tackle, apparel, furniture, spare parts, gear and equipment, and all stores and supplies, including fuel aboard the vessel,

is property which is in libel or other similar proceedings and which is payable or deliverable to, or claimed by, a national of a designated enemy country, and is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11471; Filed, July 15, 1943; 2:39 p. m.]

[Vesting Order 1699]

INVENTION AND DISCLOSURE THEREOF OF HOLGER HESSE

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Holger Hesse is a resident of Denmark and a citizen of Germany and is therefore a national of foreign countries (Denmark and Germany);

2. Finding that the disclosure and other property related thereto identified in subparagraph 3 hereof are property of Holger Hesse;

3. Finding that the disclosure identified as follows:

TC No.	Inventor	Title	Date of Disclosure
TC-143	Holger Hesse	Method and device for regulating temperatures...	5-1-41

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure,

is property of a national of foreign countries (Denmark and Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11472; Filed, July 16, 1943; 2:38 p. m.]

[Vesting Order 1706]

INTEREST OF SIEMENS & HALSKE A. G.

Re: Interest of Siemens & Halske A. G. in an agreement with Eastman Kodak Company relating to magazine reloading fees.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Siemens & Halske A G is a corporation organized under the laws of Germany with its principal place of business at Berlin, Germany, and is therefore a national of a designated enemy country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Siemens & Halske A. G;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Siemens & Halske A. G. by virtue of an agreement dated November 16, 1939 (including all modifications thereof and supplements thereto, if any) by and between Siemens & Halske A. G and Eastman Kodak Company, which agreement relates, among other things, to certain magazine reloading fees payable to Siemens & Halske A. G.,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11473; Filed, July 16, 1943; 2:38 p. m.]

[Vesting Order 1766]

AMERICAN FELSOL COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 54 of July 22, 1942, that Roland Kommandit Gesellschaft, G. m. b. H., Essen, Germany, is a corporation organized under the laws of Germany and is a national of a designated enemy country (Germany);

2. Finding that American Felsol Company is a corporation organized under the laws of and doing business in the State of Ohio, and is a business enterprise within the United States;

3. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Roland Kommandit Gesellschaft, G. m. b. H., and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to it by said American Felsol Company including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly the interest aggregating $3,430 represented by a dividend of $14.00 a share declared on June 8, 1942, and payable to Roland Kommandit Gesellschaft, G. m. b. H., as the then registered holder of 245 shares of the capital stock of American Felsol Company,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11474; Filed, July 16, 1943; 2:42 p. m.]

[Vesting Order 1768]

ESTATE OF MARY ALBERS

In re: Estate of Mary Albers, deceased; File D-28-3723; E. T. sec. 6265.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Du Page, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Du Page County, Illinois; and

(2) Such property and interests are payable and deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Theodore Schumacher	Germany.
Gustave Schumacher	Germany.
Gesine Ahrens	Germany.
Gustave Ahrens	Germany.
Wilhelm Schwerdtfeger	Germany.
Adele Schwerdtfeger	Germany.
Bertha Rippe	Germany.
Christine Entelmann	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Theodore Schumacher in the sum of $1,152.87, Gustave Schumacher in the sum of $1,152.87, Gesine Ahrens in the sum of $763.53, Gustave Ahrens in the sum of $763.53, Wilhelm Schwerdtfeger in the sum of $558.18, Adele Schwerdtfeger in the sum of $558.18, Bertha Rippe in the sum of $558.18 and Christine Entelmann in the sum of $558.18, which amounts were deposited with the Treasurer of Du Page County, Illinois, on August 22, 1941, pursuant to order of the court of August 18, 1941, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11475; Filed, July 16, 1943; 2:35 p. m.]

[Vesting Order 1769]

ESTATE OF ANNA BAESSLER

In re: Estate of Anna Baessler, deceased; File No. D-28-3566; E. T. Sec. 5776.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	Last known address
Mrs. Hedwig Weldman	Diepplst. 9, Hersfeld, Germany, or Berlin, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such

person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Mrs. Hedwig Weidman in the sum of $225.50, which amount was deposited with the Treasurer of Cook County, Illinois, on October 15, 1941, pursuant to order of the court of October 15, 1941, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11476; Filed, July 16, 1943; 2:35 p. m.]

[Vesting Order 1770]

ESTATE OF STEPHEN BENCS

In re: Estate of Stephen Bencs (also known as Steve Bench), deceased; File D–34–557; E. T. sec. 6315.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Taft Faust, Clerk of Court, Livingston, Louisiana, as depositary, acting under the judicial supervision of the Twenty-first Judicial District Court of Livingston Parish, Louisiana; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Alexander Fordor	Sajokapolna, Hungary.
Lidia Fordor Nagy	Sajokapolna, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Alexander Fordor in the sum of $2,169.52 and Lidia Fordor Nagy in the sum of $2,169.52, which amounts were deposited in the Registry of the Twenty-first Judicial District Court of Livingston Parish, Louisiana, pursuant to Court Order entered April 5, 1943, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11477; Filed, July 16, 1943; 2:35 p. m.]

[Vesting Order 1771]

ESTATE OF NATALE CANTALE

In re: Estate of Natale Cantale, deceased; File D–38–480; E. T. sec. 5496.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Salvatore Lupica, Administrator, 3538 Orange Avenue, Cleveland, Ohio, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Cuyahoga;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Brother of Natale Cantale, deceased (name unknown).	Tortorici, Messina, Italy.
Sister of Natale Cantale, deceased (name unknown).	Tortorici, Messina, Italy.
Person or persons, names unknown, the legal heirs of Natale Cantale, deceased.	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultations and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of the brother and sister, names unknown, of Natale Cantale, deceased, and person or persons, names unknown, the legal heirs of Natale Cantale deceased, and each of them, in and to the estate of Natale Cantale, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11478; Filed, July 16, 1943; 2:35 p. m.]

[Vesting Order 1772]

ESTATE FIORENTINO CARRERA

In re: Estate of Fiorentino Carrera, deceased; File D–38–1041; E. T. sec. 2890.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Beniamino Di Sebastiano, Administrator c. t. a., acting under the judicial supervision of the Orphans' Court of Montgomery County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Lucia Carrera	Italy.
Carmine Carrera	Italy.
Michele Carrera	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lucia Carrera, Carmine Carrera and Michele Carrera, and each of them, in and to the estate of Fiorentino Carrera, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11479; Filed, July 16, 1943; 2:35 p. m.]

[Vesting Order 1774]

TRUST FOR EDWIN G. FAUST AND PAUL D. FAUST

In re: Trust for the benefit of Edwin G. Faust and Paul D. Faust under agreement dated October 24, 1929; File D–28–2425; E. T. sec. 3708.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Mercantile Trust Company, Substituted Trustee, acting under the judicial supervision of the Circuit Court Number 2 of Baltimore City, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Paul D. Faust	Germany.
Edwin G. Faust	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Paul D. Faust and Edwin G. Faust, and each of them, in and to the Trust created for the benefit of Paul D. Faust and Edwin G. Faust under an agreement dated October 24, 1929,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11480; Filed, July 16, 1943; 2:36 p. m.]

[Vesting Order 1775]

ESTATE OF NATHANIEL E. FRIEDMAN

In re: Estate of Nathaniel E. Friedman, deceased; File No. D–34–143; E. T. Sec. 5658.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Melvina Lefkovitz	Rakoczi—Korut 56 Kassa, Hungary.
Saline Friedman	Rakoczi—Korut 56 Kassa, Hungary.
Hermine Friedman	Rakoczi—Korut 56 Kassa, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Melvina Lefkovitz in the sum of $343.69, Saline Friedman in the sum of $343.69, and Hermine Friedman in the sum of $343.69, which amounts were deposited with the Treasurer of Cook County, Illinois, on April 5, 1941, pursuant to order of the court of March 17, 1941, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11481; Filed, July 16, 1943; 2:36 p. m.]

[Vesting Order 1776]

ESTATE OF MICHAEL F. GIRTEN

In re: Estate of Michael F. Girten, deceased; File No. D–28–3513; E. T. Sec. 5737.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Margarethe Schubert	Germany.
Antonie Zeller	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Margarethe Schubert in the sum of $242.17 and Antonie Zeller in the sum of $337.52, which amounts were deposited with the Treasurer of Cook County, Illinois, on April 1, 1942, pursuant to order of the court of March 26, 1942, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11482; Filed, July 16, 1943; 2:36 p. m.]

[Vesting Order 1777]

ESTATE OF EMMA JULIANE HELMKE

In re: Estate of Emma Juliane Helmke, deceased; File No. D–28–3516; E. T. sec. 5740.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Peter Riepen	Oster York, Kreis York, Alten Lande, Hanover, Germany.
Gesine Helmke	Oster York, Kreis York, Alten Lande, Hanover, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consulation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Peter Riepen in the sum of $100.00, and Gesine Helmke in the sum of $50.00, which amounts were deposited with the Treasurer of Cook County, Illinois, on December 18, 1940, pursuant to order of the court of December 16, 1940 to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11483; Filed, July 16, 1943; 2:36 p. m.]

[Vesting Order 1778]

ESTATE OF ADOLPH IGERSHEIMER

In re: Estate of Adolph Igersheimer, deceased; File No. D–28–3524; E. T. sec. 5710.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ida Hemmerdinger	Hasselbrookstrasse 68 Hamburg, Germany.
Bertha Sternfeld	43 Karlstrasse 43 Heilbronn, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Ida Hemmerdinger in the sum of $396.20 and Bertha Sternfeld in the sum of $396.20, which amounts were deposited with the Treasurer of Cook County, Illinois, on February 19, 1942, pursuant to order of the court of December 12, 1941, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11449; Filed July 16, 1943; 2:36 p. m.]

[Vesting Order 1779]

ESTATE OF ARMAND KLESSE

In re: Estate of Armand Klesse, deceased; File D–28–3761; E. T. sec. 6359.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jacob V. Schaetzel, Trustee, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
The daughters, names unknown, of Franz Klesse, deceased.	Germany.
The surviving spouse or children of the daughters, names unknown, of Franz Klesse, deceased.	Germany.
Martha Pohl and her surviving spouse or children.	Germany.
Heinrich Galle and his surviving spouse or children.	Germany.
Hedwig Klesse and her surviving spouse or children.	Germany.
The surviving spouse or children, names unknown, of Franz Klesse, deceased.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of the daughters, names unknown, of Franz Klesse, deceased brother, the surviving spouse or children of the daughters, names unknown, of Franz Klesse, deceased, Martha Pohl and her surviving spouse or children, Heinrich Galle and his surviving spouse or children, Hedwig Klesse and her surviving spouse or children and the surviving spouse or children, names unknown, of Franz Klesse, deceased nephew, and each of them, in and to the Estate of Armand Klesse, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R Doc. 43-11450; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1780]

ESTATE OF PITRO LEMBO

In re: Estate of Pitro Lembo, deceased; File No. D–38–519; E. T. sec. 5733.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois, and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Filomena Lembo	Lucera Foggia, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Filomena Lembo in the sum of $211.58, which amount was deposited with the Treasurer of Cook County, Illinois, on January 19, 1942, pursuant to order of the court of January 7, 1942, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F R. Doc. 43-11451; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1781]

ESTATE OF ALFRIEDA JOHANNA EICHHOLZ MOLITOR

In re: Estate of Alfrieda Johanna Eichholz Molitor, deceased; Proceedings entitled "Succession of Mrs. Alfrieda Johanna Eichholz, widow of Franz or Frank Molitor; File D–28–1756; E. T. sec. 900.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Whitney National Bank of New Orleans, Executor, acting under the judicial supervision of the Civil District Court, for the Parish of Orleans, State of Louisiana;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Mrs. Elise Molitor Schmidt	Germany.
Mrs. Anna Molitor Prier	Germany.
Mrs. Eva Molitor Smitt	Germany.
Child or children, names unknown, of Mrs. Bobbett Molitor Richer, who died a resident of Germany.	Germany.
Child or children, names unknown, of Mrs. Marie Molitor Kunkle, who died a resident of Germany.	Germany.
Child or children, names unknown, of Adam Molitor, who died a resident of Germany.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Elise Molitor Schmidt, Mrs. Anna Molitor Prier, Mrs. Eva Molitor Smitt, child or children, names unknown, of Mrs. Bobbett Molitor Richer, who died a resident of Germany, child or children, names unknown, of Mrs. Marie Molitor Kunkle, who died a resident of Germany, and child or children, names unknown, of Adam Molitor, who died a resident of Germany and each of them in and to the Estate of Alfrieda Johanna Eichholz Molitor, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11452; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1782]

ESTATE OF GIUSEPPE MUGNAINI

In re: Estate of Giuseppe Mugnaini, deceased; File No. D–38–523; E. T. sec. 5805.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Fedora Angeloni Mugnaini.	Ponte San Pietro, Prov. of Lucca, Italy.
Maria Grazia Mugnaini.	Ponte San Pietro, Prov. of Lucca, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Fedora Angeloni Mugnaini in the sum of $269.80, and Maria Grazia Mugnaini in the sum of $539.58, which amounts were deposited with the Treasurer of Cook County, Illinois, on January 5, 1942, pursuant to order of the court of November 24, 1941, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11453; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1783]

ESTATE OF JOSEPH NEUHUETTLER

In re: Estate of Joseph Neuhuettler, deceased; File No. D–28–3554; E. T. sec. 5722.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Joseph Neuhuettler	Keisersteinbruk Bei Bruck, a d Leitha, Germany.
Mary Fink	Meiersdorf Bei Weiner, Neustadt, Germany.
Therese Susenbeck	Keisersteinbruk Bei Bruck, a d Leitha, Germany.
Regina Strasser	Vienna, Germany (Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Joseph Neuhuettler in the sum of $286.06, Mary Fink in the sum of $142.69, Therese Susenbeck in the sum of $142.69, and Regina Strasser in the sum of $142.70, which amounts were deposited with the Treasurer of Cook County, Illinois, on May 6, 1942, pursuant to order of the court of March 5, 1941, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11454; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1784]

ESTATE OF KATHE POSPISCHIL

In re: Estate of Kathe Pospischil, deceased; File No. D–28–2071; E. T. sec. 2366.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Hans Felsegg	Salzburg, Germany (Austria).

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Hans Felsegg in the sum of $1,480.78, which amount was deposited with the Treasurer of Cook County, Illinois, on November 4, 1942, pursuant to order of the court of October 1, 1942, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11455; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1785]

ESTATE OF JOHN GABRIEL SCHAEFER

In re: Estate of John Gabriel Schaefer, deceased; File No. D–28–3548; E. T. sec. 5716.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Karl Schaefer	Betra-Post Dettinger, Hohenzollern, Germany.
Maria Schaefer	Betra-Post Dettinger, Hohenzollern, Germany.
Agatha Zimmerman	Betra-Post Dettinger, Hohenzollern, Germany.
Martin Schaefer	Betra-Post Dettinger, Hohenzollern, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Karl Schaefer in the sum of $305.54, Maria Schaefer in the sum of $305.54, Agatha Zimmerman in the sum of $437.14, and Martin Schaefer in the sum of $305.54, which amounts were deposited with the Treasurer of Cook County, Illinois, on November 26, 1941, pursuant to order of the court of October 30, 1941, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11456; Filed, July 16, 1943; 2:38 p. m.]

[Vesting Order 1786]

ADLANCO X-RAY CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 425 of December 1, 1942, that Adlanco X-ray Corporation, a corporation organized and doing business under the laws of the State of New York, is a business enterprise within the United States and is a national of a designated enemy country (Germany);

2. Having found in said Vesting Order No. 425 of December 1, 1942, that Siemens-Reiniger-Werke, a corporation organized under the laws of Germany, is a national of a designated enemy country (Germany);

3. Finding that General Radiological, Ltd., a corporation organized and doing business under the laws of Great Britain, with its principal office at London, England, was a wholly owned subsidiary of the said Siemens-Reiniger-Werke, and is a national of a designated enemy country (Germany);

4. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the said Gen-

eral Radiological, Ltd. in and to all obligations, contingent or otherwise, and whether or not matured, owing to it by said Adlanco X-ray Corporation, including but not limited to all security rights in and to any and all collateral for any or all such obligations, and the right to enforce and collect such obligations, and including particularly an obligation represented on the books of Adlanco X-ray Corporation as an account payable in the amount of $20,033.75 due said General Radiolcgical, Ltd.,

is an interest in Adlanco X-ray Corporation held by a national of a designated enemy country (Germany);

5 Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7 Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and business enterprise within the United States as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11457; Filed, July 16, 1943; 2:43 p. m.]

[Vesting Order 1788]

ESTATE OF MARGARETA ALBER

In re: Estate of Margareta Alber, deceased; File D–28–3810; E. T. sec. 6432.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John F. Kappel, Executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Margaret Kappel	Germany.
Alma Kappel	Germany.

And determining that—

(3) If such nationals are persons NOT within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Margaret Kappel, and Alma Kappel and each of them, in and to the Estate of Margareta Alber, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11458; Filed, July 16, 1943; 2:40 p. m.]

[Vesting Order 1789]

TRUST UNDER WILL OF ELIZABETH B. AMER

In re: Trust under the Last Will of Elizabeth B. Amer, deceased; File D–28–2030; E. T. sec. 2170.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by First National Bank and Trust Company of Evanston, 800 Davis Street, Evanston, Illinois, Trustee, acting under the judicial supervision of the Circuit Court of Cook County, State of Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
John Baurle (sometimes known as Johann Baeuerle).	Wellhelm near Hechingen, Germany.
Anna Baurle (sometimes known as Anna Christine Baeuerle).	Hechingen, Gammertinger Str. 21, Germany.
Otto Baurle (sometimes known as Otto Baeuerle).	Burladingen near Hechingen, Germany.
Barbara Baurle Hofer (sometimes known as Barbara Anna Baeuerle Hofer).	Hechingen, Schadenweiler Str. 52, Germany.
Sophie Baurle (sometimes known as Sofie Baeuerle).	Hechingen, Gammertinger Str 21, Germany.
Emily Baurle (sometimes known as Emilie Baeuerle).	Hechingen, Gammertinger Str. 21, Germany.
Person or persons, names unknown, consisting of other descendants of John Baurle, Senior (sometimes known as John Baeuerle, Senior), brother of Elizabeth B. Amer and father of the above-mentioned nationals.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of John Baurle (sometimes known as Johann Baeuerle), Anna Baurle (sometimes known as Anna Christine Baeuerle), Otto Baurle (sometimes known as Otto Baeuerle), Barbara Baurle Hofer (sometimes known as Barbara Anna Baeuerle Hofer), Sophie Baurle (sometimes known as Sofie Baeuerle), Emily Baurle (sometimes known as Emilie Baeuerle) and person or persons, names unknown, consisting of other descendants of John Baurle, Senior (sometimes known as John Baeuerle, Senior), brother of Elizabeth B. Amer and father of the above-mentioned nationals, and each of them, in and to the Trust under the Last Will of Elizabeth B. Amer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11459; Filed, July 16, 1943; 2:40 p. m.]

[Vesting Order 1790]

ESTATE OF BERTHA BERGER

In re: Estate of Bertha Berger, deceased; File D–28–3661; E. T. sec. 5988.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by August B. Mugge, 1713 Hills Avenue, Tampa, Florida, Executor, acting under the judicial supervision of The County Judge's Court in and for Hillsborough County, State of Florida;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Marie Diegelmann (nee Mugge)	Germany.
Walter Mugge	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Maria Diegelmann (nee Mugge) and Walter Mugge, and each of them, in and to the estate of Bertha Berger, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11460; Filed, July 16, 1943; 2:40 p. m.]

[Vesting Order 1791]

ESTATE OF JOHN CAPOCCIAMO

In re: Estate of John Capocciamo, deceased; File D–38–1124; E. T. Sec. 2742.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Potter Title and Trust Company, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Nicolina Capocciamo	Italy.
Giacinita Capocciamo	Italy.
Cesidia Capocciamo	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Nicolina Capocciamo, Giacinita Capocciamo and Cesidia Capocciamo, and each of them, in and to the estate of John Capocciamo, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11461; Filed, July 16, 1943; 2:41 p. m.]

[Vesting Order 1792]

TRUST UNDER WILL OF VITTORIO CUNEO

In re: Trust under the Will of Vittorio Cuneo, deceased; File D–38–1032; E. T. Sec. 2839.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bank of America National Trust and Savings Association, Trustee, acting under the judicial supervision of the Superior Court, State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Quelrolo Dosolina (Dosolini) Cuneo	Italy.
Vallerio (Valerio) Cuneo	Italy.
Maria (Marie) Cuneo	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Quelrolo Dosolina (Dosolini) Cueno, Vallerlo (Valerio) Cuneo and Maria (Marie) Cuneo, and each of them, in and to the Trust Estate created under the Will of Vittorio Cuneo, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11462; Filed, July 16, 1943; 2:41 p. m.]

[Vesting Order 1793]

ESTATE OF MARGARET P. DALY

In re: Estate of Margaret P. Daly, deceased; File D–34–65; E. T. Sec. 862.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James W. Gerard and H. Carroll Brown as executors and trustees acting under the judicial supervision of the Surrogate's Court, New York County, New York and the District Court of the Fourth Judicial District in the State of Montana, in and for the County of Ravalli

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

Nationals:	*Last known address*
Count Anton Sigray	Hungary.
Countess Harriot D. Sigray	Hungary.
Margit Sigray	Hungary.
The issue of Margit Sigray, whose names are unknown.	Hungary.
Amelia Zeh	Germany.

And determining that—

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Count Anton Sigray, Countess Harriot D. Sigray, and Amelia Zeh, and each of them, in and to the estate of Margaret P. Daly, deceased, including real, personal and mixed property and all other assets, however the same may be described, which constitute the said Estate of Margaret P. Daly, deceased, and

All right, title, interest and claim of any kind or character whatsoever of Harriot D. Sigray, Margit Sigray, the issue of Margit Sigray, whose names are unknown, and each of them, in and to the trust created for the benefit of Marcus Daly under the Last Will and Testament of Margaret P. Daly, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11463; Filed, July 16, 1943; 2:41 p. m.]

[Vesting Order 1794]

TRUST UNDER WILL OF HORACE DAVIS

In re: Trust under will of Horace Davis, deceased; File D–66–311; E. T. Sec. 2565.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by American Trust Company, Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Louisa Bancroft Davis	Italy.

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Louisa Bancroft Davis in and to the Trust Estate created under the Will of Horace Davis, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11464; Filed, July 16, 1943; 2:41 p. m.]

[Vesting Order 1795]

ESTATE OF MARY DUNDEK

In re: Estate of Mary Dundek (also known as Meri Dundek), deceased; File D–34–139; E. T. Sec. 5425.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Rev. Stephen Csepke, 105 West Second Street, Niles, Ohio, Executor, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Trumbull;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

Nationals:	*Last known address*
Joseph Molnar	Berlin, Germany.
Denes Molnar	Budapest, Hungary.
Joseph Lakatos	Kenyeri vas megye, Hungary.
John Lakatos	Kenyeri vas megye, Hungary.
Mary Lakatos	Kenyeri vas megye, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Joseph Molnar, Denes Molnar, Joseph Lakatos, John Lakatos, and Mary Lakatos, and each of them, in and to the estate of Mary Dundek (also known as Meri Dundek), deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11465; Filed, July 16, 1943; 2:41 p. m.]

[Vesting Order 1796]

ESTATE OF EMMA H. ECKERT

In re: Estate of Emma H. Eckert, deceased; File D–28–3717; E. T. sec. 6180.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Hans Roedel, 1410 West Burleigh Street, Milwaukee, Wisconsin, Executor, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee:

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Herman Hoffmann	Harra Thuringen, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Herman Hoffman in and to the estate of Emma H. Eckert, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11466; Filed, July 16, 1943; 2:41 p. m.]

[Subordination Order 1]

CLAIM AGAINST AMBER MINES, INC.

Whereas all of the issued and outstanding shares of the capital stock of Amber Mines, Inc., a New York corporation, were owned and held by Preussische Berg Werks und Heuten, A. G., a national of a designated enemy country (Germany), and were vested by the undersigned by Vesting Order No. 43 dated July 1, 1942 (7 F.R. 5104, July 7, 1942); and

Whereas a certain claim against Amber Mines Inc., in the sum of $26,446.84, owned by Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur G. m. b. H., both nationals of a designated enemy country (Germany), was vested by Vesting Order No. 350 dated November 11, 1942 (7 F.R. 9799, November 25, 1942), as amended; and

Whereas Amber Mines, Inc. is presently being liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Amber Mines, Inc., Preussische Bernstein Manufactur, and Staatliche Bernstein Manufactur G. m. b. H. were subsidiaries of Preussische Berg Werks und Heuten, A. G. and were dominated by it, and that all said business enterprises were in fact adjuncts and parts of a single organization; and

2. Finding that the advances by Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur G. m. b. H. to Amber Mines, Inc., which resulted in said claim of $26,446.84, were in the nature of capital contributions to Amber Mines, Inc.; and

3. Finding that the assets of Amber Mines, Inc. are insufficient to pay all claims against it in full; and

4. Determining that it is equitable and in the national interest of the United States to subordinate said claim of Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur G. m. b. H. to the claims of other creditors of Amber Mines, Inc.;

Hereby directs Amber Mines, Inc., and its duly authorized officers, to subordinate the claim of Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur G. m. b. H. in the sum of $26,446.84, heretofore vested by the undersigned as aforesaid, to the claims of other creditors of and claimants against Amber Mines, Inc.; and further

Directs Amber Mines, Inc. to pay all its creditors, except Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur G. m. b. H., in full and to deliver and pay over to the undersigned all assets remaining after such payments, the same to be applied on account of the said claim hereby directed to be subordinated.

Executed at Washington, D. C., July 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11549; Filed, July 16, 1943; 2:39 p. m.]

[Subordination Order 2]

CLAIM AGAINST BYK, INC.

Whereas all of the issued and outstanding shares of the capital stock of Byk, Inc., a Delaware corporation, were owned and held by or for Byk-Guldenwerke Chemische Fabrik, A. G., a national of a designated enemy country (Germany), and were vested by the undersigned by Vesting Order No. 34, dated June 30, 1942 (7 F.R. 5077, July 4, 1942); and

Whereas a certain claim against Byk, Inc., in the sum of $17,108.25, owned by Byk-Guldenwerke Chemische Fabrik, A. G., was vested by Vesting Order No. 363, dated November 13, 1942 (7 F.R. 9470, November 18, 1942); and

Whereas Byk, Inc., is presently being liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Byk, Inc., was a wholly owned subsidiary of Byk-Guldenwerke Chemische Fabrik, A. G., and was dominated by it, and that both said business enterprises were in fact adjuncts and parts of a single organization; and

2. Finding that the advances by Byk-Guldenwerke Chemische Fabrik, A. G. which resulted in said claim of $17,108.25 were in the nature of capital contributions to Byk, Inc.; and

3. Finding that the assets of Byk, Inc., are insufficient to pay all claims against it in full; and

4. Determining that it is equitable and in the national interest of the United States to subordinate said claim of Byk-Guldenwerke Chemische Fabrik, A. G. to the claims of other creditors of Byk, Inc.:

Hereby directs Byk, Inc. and its duly authorized officers to subordinate the claim of Byk-Guldenwerke Chemische Fabrik, A. G. in the sum of $17,108.25, heretofore vested by the undersigned, as aforesaid, to the claims of other creditors of and claimants against Byk, Inc.; and further

Directs Byk, Inc. to pay all its creditors except Byk-Guldenwerke Chemische Fabrik, A. G. in full, and to deliver and pay over to the undersigned all assets remaining after such payments, the same to be applied on account of said claim hereby directed to be subordinated.

Executed at Washington, D. C., July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11550; Filed, July 16, 1943; 2:39 p. m.]

[Subordination Order 3]

CLAIM AGAINST STEFFENS, JONES & CO., INC.

Whereas all of the issued and outstanding shares of the capital stock of Steffens, Jones & Co., Inc., New York, New York, a New York corporation, were owned by Dr. Robert F. Lachman, a national of a designated enemy country (Germany), and were vested by the undersigned in Vesting Order No. 214 of October 3, 1942, as amended December 29, 1942 (8 F.R. 200, January 5, 1943); and

Whereas certain claims against Steffens, Jones & Co., Inc., aggregating $48,736.74, owned by Dr. Robert F. Lachman and by Julius Lachman, a national of a designated enemy country (Germany), were vested by the said vesting order, as amended; and

Whereas Steffens, Jones & Co., Inc. is presently being liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that all of the issued and outstanding shares of the capital stock of Steffens, Jones & Co., Inc. were owned and held by the said Dr. Robert F. Lachman, and the the business of said corporation was dominated and controlled by him;

2. Finding that Steffens, Jones & Co., Inc. was, by virtue of the acts of Dr. Robert F. Lachman and Julius Lachman, initially improperly and insufficiently capitalized;

3. Finding that the advances by Dr. Robert F. Lachman, which resulted in a claim by him of $34,308.83 against said corporation, were in fact capital contributions to Steffens, Jones & Co., Inc. and were not intended to create an enforceable debt obligation;

4. Finding that the advances made by Julius Lachman, which resulted in a claim in his name of $14,427.91, were in fact made for and for the benefit of Dr. Robert F. Lachman and were controlled by him and were in fact capital contributions to Steffens, Jones & Co., Inc. and that the said Dr. Robert F. Lachman had agreed to subordinate the said claim and that it was not to be paid unless and until the other creditors of the corporation were paid in full;

5. Finding that the assets of Steffens, Jones & Co., Inc. are insufficient to pay all claims against it in full; and

6. Determining that it is equitable and in the national interest of the United States to subordinate the claims of and in the names of Dr. Robert F. Lachman and Julius Lachman to the claims of other creditors of Steffens, Jones & Co., Inc.;

Hereby directs Steffens, Jones & Co., Inc., and its duly authorized officers, to subordinate the claims in the names of Dr. Robert F. Lachman and Julius Lachman aggregating $48,736.74 heretofore vested by the undersigned, as aforesaid, to the claims of other creditors of and claimants against Steffens, Jones & Co., Inc.; and further

Directs Steffens, Jones & Co., Inc. to pay all its creditors in full, except the claims in the names of the said Dr. Robert F. Lachman and Julius Lachman and to deliver over to the undersigned all the assets remaining after such payments, the same to be applied on account of the said claim hereby directed to be subordinated.

Executed at Washington, D. C., July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11551; Filed, July 16, 1943; 2:39 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 20A-1]

STARKVILLE, MISSISSIPPI, AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of and between Starkville and State College, Mississippi, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-1" and, unless otherwise directed should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective July 26, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of July 1943.

JOSEPH B. EASTMAN,
Director.
Office of Defense Transportation.

APPENDIX 1

S. W. Johnson, Starkville, Mississippi.
R. E. Josey, Starkville, Mississippi.
J. W. Patrick, Starkville, Mississippi.
Raymond V. Ray, Starkville, Mississippi.
R. W. Wellington, Starkville, Mississippi.
Hugh W. Wade, Starkville, Mississippi.
J. H. Peters, Starkville, Mississippi.
W. V. Shearer, Jr., Starkville, Mississippi.

[F. R. Doc. 43-1160C; Filed, July 19, 1943; 12:02 p. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 15, 1943.

Order No.:	Name
RPS 64, Order 106	A. J. Lindemann & Hoverson Co.
RMPR 125, Order 36	National Bearing Metals Corp.
RMPR 125, Order 37	The Standard Brass Foundry Co.
RMPR 125, Order 38	A. W. Cadman Mfg. Co.
MPR 134, Order 7	Bunting Tractor Co.
MPR 188, Order 202, Amendment 1	Sonotone Corp.
MPR 188, Order 296, Amendment 1	E. A. Myers & Sons.
MPR 188, Order 507	Herzog Iron Works.
MPR 188, Order 1 under Order A2	Thomas A. Wagner.
MPR 213, Order 6, Amendment 1	Fulton Metal Bed Mfg. Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERWIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11493; Filed, July 17, 1943; 9:36 a. m.]

[Order 1 Under § 1499.19a of GMPR]

DISTRIBUTION YARD SALES OF HARDWOOD LUMBER

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1499.19a of the General Maximum Price Regulation, *It is ordered:*

(a) *Maximum prices for distribution yard sales of hardwood lumber.* The maximum prices for distribution yard sales of hardwood lumber, shall be the seller's present maximum prices as established under the General Maximum Price Regulation, *Provided*, That the seller may agree with the buyer to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery.

(b) *Definition of distribution yard sale of hardwood lumber.* For the purposes of this order, a "distribution yard sale of hardwood lumber" is any sale of hardwood lumber which is not a "sale for direct mill shipment" or a sale "where shipment originates at the mill", as those terms are used in the hardwood lumber regulation applying in the region where the particular lumber was produced. Where the origin of the particular lumber is unknown or is in an area not covered by specific hardwood lumber regulation, the lumber may be considered as having originated from the nearest hardwood lumber producing area covered by specific regulation.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order becomes effective July 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11545; Filed, July 17, 1943; 12:04 p. m.]

PURCHASERS OF LOGGING SERVICES AND STUMPAGE

REQUEST FOR APPROVAL OF PROGRAM INVOLVING JOINT ACTION

JULY 3, 1943.

The CHAIRMAN, WAR PRODUCTION BOARD:

In order for the Office of Price Administration adequately to discharge its duties under the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, it is necessary that buyers of logging services and stumpage, who are subject to Supplementary Services Regulation No. 16 (8 F.R. 8750) under Maximum Price Regulation 165, as amended—Services, and to Maximum Price Regulation 348, as amended—Logs and Bolts (8 F.R. 3670, 5163, 5565, 6356, 8751), act together in a manner proper to the preparation of joint petitions for area pricing.

Section 1499.666 of Supplementary Services Regulation No. 16 under Maximum Price Regulation 165 reads as follows:

§ 1499.666 *Logging services and stumpage.*—(a) *Maximum prices on certain logging services.* The maximum prices established by Maximum Price Regulation No. 165—Services, for logging services are modified in the following respects:

(1) When a proposal for dollars-and-cents maximum prices on contract logging is filed under section 9 of Maximum Price Regulation No. 348—Logs and Bolts, the maximum prices for those services may be suspended by the Lumber Branch, Office of Price Administration, under the following conditions:

(i) In the case of any petition filed under section 9 of Maximum Price Regulation No. 348, filed before July 15, 1943, the petitioners may have the operation of their ceiling prices on the logging services they purchase suspended during the forty-five days immediately following the filings. The privilege can be used only by those who join in the petition.

(ii) Petitioners who, in good faith, are preparing petitions may start the forty-five day period of suspension running before the completion of the petition by filing, instead of the petition, a letter stating that the petition is in preparaion and giving an outline of the proposed area and plan. In such cases the total exemption period will not be more than forty-five days from the filing of the letter.

(iii) The letter or petition must establish that the supply of the service is required to meet military or essential civilian needs and cannot be obtained at the March 1942 level of prices; that it is impracticable to adjust the maximum price for the service under the adjustment provisions of Maximum Price Regulation No. 165; and that the need is so urgent, action cannot be delayed pending preparation and consideration of the proposal.

(2) At the conclusion of the suspension period the maximum prices on contract logging services for the particular area involved shall be the dollars-and-cents prices set forth in an appropriate appendix to this regulation or, if no dollars-and-cents prices have been established, the maximum price shall be that established for the supplier under the first applicable paragraph of §§ 1499.102 and 1499.103 of Maximum Price Regulation No. 165.

(b) *Definition.* As used in this Supplementary Services Regulation, the term "logging services" means services in connection with the production of logs, bolts, cordwood and other primary forest products (including all operations in connection therewith, such as felling, bucking, cutting, skidding, yarding, peeling, loading, and reloading, et cetera).

A new paragraph (f) has been added to section 9 of Maximum Price Regulation 348—Logs and Bolts, to read as follows:

(f) *Inclusion of contract logging and stumpage proposals in petition.* A petition for area pricing may include a proposal for a ceiling price system for contract logging and stumpage. When this is done, temporary suspension of ceiling prices set out in the preced-

ing paragraph (e) may be granted by the Lumber Branch, Office of Price Administration, on the ceiling prices on contract logging established by any regulation, provided conditions of paragraph (e) are met and the following conditions are established by the letter of intent or petition:

(1) The supply of the service is required to meet military or essential civilian needs and cannot be obtained at the March 1942 level of prices.

(2) It is impracticable to adjust the maximum price for the service under the adjustment provisions of Maximum Price Regulation No. 165.

(3) The need is so urgent that action cannot be delayed pending preparation and consideration of the proposal.

An area pricing petition may be submitted for contract logging or stumpage apart from log purchases, in any case in which the petitioners show that they do not buy logs. The petition must be filed not later than July 15, 1943, to obtain the benefit of the suspension. Since pulpwood is not subject to this regulation, proposals on contract logging of pulpwood may be filed under this section only where the pulpwood is cut in conjunction with some other forest products.

Notwithstanding the above provisions, contract logging services remains subject to Maximum Price Regulation No. 165 and the proposal will be processed under that Regulation or Supplementary Service Regulation No. 16.

Under date of April 21, 1943, this Office requested your approval of a program involving joint action by purchasers of logs and bolts. The request appears in 8 F.R. 5577. Certificate 56 approving such program was issued by your Office April 24, 1943 and appears in 8 F.R. 5578. The amendment to Maximum Price Regulation 348 and Supplementary Services Regulation No. 16 under Maximum Price Regulation 165 are to be administered in conjunction with the program approved in the foregoing Certificate 56. The original program related to area pricing covering the purchase of logs and bolts; this request will permit purchasers of logging services and stumpage to discuss in meetings or in correspondence the following additional matters in connection with proposals for area pricing:

1. Prices of services in connection with the production of logs, bolts, cordwood and other primary forest products, including all operations in connection therewith, such as felling, bucking, cutting, skidding, yarding, peeling, loading, reloading, etc.; contract logging in connection therewith.

2. Stumpage prices.

All joint actions and discussions contemplated by these regulations are to relate directly, and are restricted, to the proper preparation of petitions for area pricing under section 9 of Maximum Price Regulation 348 and Supplementary Services Regulation No. 16 under Maximum Price Regulation 165. If the actions or discussions in concert go beyond this limitation, the entire course of joint conduct shall be considered improper and subject to the restrictions of law which would apply in the absence of any certification by you pursuant to this recommendation. Specifically, but not exclusively, the following actions or discussions shall be deemed to be improper:

1. Discussions relating to products made from logs and bolts, including matters of prices, costs of production, and trade practices, or the like.

2. Discussions relating to allocations of contract loggers, of territories within a given area, to allocations to particular buyers of sellers or of products.

3. The use of any coercion, direct or indirect, to secure participation of any individual or group in the permissible discussions or the petitions. Coercive practices include the imposition of any condition or prerequisites to participation, such as requiring the joining of an association, grading bureau, or the like.

4. Interfering with, or preventing, the communication to the Office of Price Administration, of the separate views or expressions of any affected individual or group. This includes preventing a person from joining in the petition with reservations or conditions.

It appearing that some joint discussions and actions by buyers of logging services and of stumpage are in conformity with Supplementary Services Regulation No. 16 under Maximum Price Regulation 165 and Maximum Price Regulation 348, as amended, and that the effectuation thereof will accomplish the purposes of the regulation, I have approved the program set out in Supplementary Services Regulation No. 16 and section 9 of Maximum Price Regulation 348, as amended, and recommend that you find and certify pursuant to section 12 of Public Law 603, 77th Congress (56 Stat. 357) the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with this Recommendation and Supplementary Services Regulation No. 16 under Maximum Price Regulation 165 and section 9 of Maximum Price Regulation 348, is requisite to the prosecution of the war.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11597; Filed, July 19, 1943; 11:34 a. m.]

[Region VIII Order G-2 Under MPR 154]

ADJUSTED MAXIMUM PRICES FOR ICE IN CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by 1393.8 (c) of Maximum Price Regulation No. 154: *It is hereby ordered:*

(a) The adjusted maximum price for sales of ice at wholesale and retail in Victorville, Oro Grande, and Adelanto, California shall be as follows:

Type of sale	Quantity unit	Adjusted maximum price
Wholesale	Ton	$9.00
Retail	25 pounds	.25
	50 pounds	.40
	100 pounds	.70
	200 pounds	1.20

(b) The adjusted maximum price for sales of ice at wholesale and retail in Lucerne Valley, California shall be as follows:

Type of sale	Quantity unit	Adjusted maximum price
Wholesale	Ton	$11.00
Retail	25 pounds	.40
	50 pounds	.70
	100 pounds	1.20
	200 pounds	2.10

(c) This order shall terminate September 1, 1943.

This order shall become effective June 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-11486; Filed, July 15, 1943; 12:39 p. m.]

[Region VIII Order G-2 Under 18 (c), Amdt 8]

FLUID MILK AND CREAM IN CALIFORNIA

Amendment No. 8 to Revised Order No. G-2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c), as amended, of the General Maximum Price Regulation)—Adjusted Maximum Prices of Fluid Milk and Cream at Wholesale and Retail in Certain Localities in The State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that Revised Order No. G-2 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c) as amended of the General Maximum Price Regulation) be amended as set forth below:

(a) Schedule B as amended is hereby further amended by striking out the schedule of prices under the heading "Ukiah Valley Marketing Area" and substituting in place and stead thereof the following:

[Not less than 3.8% milk fat]

	Wholesale delivered	Retail store	Retail home delivered
Gallon	$0.40	$0.54	$0.76
Half-gallon	.25	.29	.29
Quart	.125	.145	.15
Pint	.0675	.085	----
Half-pint	.041	----	----

(b) Schedule B is hereby further amended by adding at the end of Schedule B the following:

[Not less than 3.8 percent milk fat]

	Wholesale delivered	Retail store	Retail home delivered
Point Arena (Mendocino County) radius of 5 miles:			
Quart, glass or fibre	$0.11	$0.13	$0.13
Half-pint	.035	----	----
Mendocino (Mendocino County) radius of 5 miles:			
Quart	.12	.14	.14
Half-pint	.04	----	----
Fort Bragg(Mendocino County) radius of 7 miles:			
Quart	.125	.145	.15
Half-pint	.04	----	----
Willits (Mendocino County):			
Quart	.12	.14	.14
Half-pint	.04	----	----
Laytonville (Mendocino County):			
Quart	.12	.14	.14
Half-pint	.04	----	----

(c) Schedule A as amended is hereby further amended by inserting after the schedule of prices under the heading "San Luis Obispo Marketing Area" the following:

NOTE: The maximum price of milk sold in fibre containers to Camp Roberts shall be $.125 per quart.

(d) Schedule C as amended is hereby further amended by inserting after the schedule of prices under the heading "Monterey-Santa Cruz Marketing Area" the following:

NOTE: The maximum price of milk sold in fibre containers to Camp Roberts shall be $.125 per quart.

(e) Schedule A as amended is hereby further amended by adding after the schedule of prices under the heading "Santa Barbara Marketing Area and Ventura County" the following:

	Wholesale delivered	Retail store	Retail home delivered
Half and half quarts (12 percent milk fat)	$0.30	$0.34	$0.34

(f) Schedule C is hereby further amended by adding after the schedule of prices under the heading "San Francisco Marketing Area" the following:

	Wholesale delivered	Retail store	Retail home delivered
Half and half quarts (12 percent milk fat)	$0.28	$0.33	$0.35

(g) Section 3 (e) is hereby amended to read as follows: Except as otherwise specifically provided, the name of any city or town includes the area within a radius of three miles from the city limits if such city or town is an incorporated municipality, and within a radius of three miles from the center of such city or town if it is not an incorporated municipality. This amendment to Order G-2 shall become effective June 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-11487; Filed, July 15, 1943; 12:38 a. m.]

[Region VIII Order G-2 Under 18 (c), Amdt. 9]

FLUID MILK AND CREAM IN CALIFORNIA

Amendment No. 9 to revised Order No. G-2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly revised Order No. 3 under section 18 (c), as amended, of the General Maximum Price Regulation)—Adjusted Maximum Prices of Fluid Milk and Cream at Wholesale and Retail in Certain Localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and §1499.18(c) as amended of the General Maximum Price Regulation, Order No. G-2 under § 1499.18(c) as amended of the General Maximum Price Regulation (formerly Order No. 3 under section 18 (c) of the General Maximum Price Regulation) is hereby amended in the following particulars:

(a) Section 2 (c) is amended to read as follows:

(c) The adjusted maximum price of fluid milk and buttermilk in quart, pint and half pint containers, sold or delivered to the Armed Forces of the United States, or to any person who, pursuant to a contract with the Armed Forces of the United States, operates subsistence facilities or furnishes meals to members of the Armed Forces exclusively, and to federal, state, county and municipal institutions in the localities specified in Schedules A, B, and C attached hereto, shall be computed as follows:

From the adjusted maximum price specified in Schedules A, B, and C attached hereto for the locality involved for sales at wholesale of milk sold in the same type of container, the following amounts shall be deducted:

	Each
For quarts	$0.01
For pints	.0075
For ½ pints	.005

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 21st day of June 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-11488; Filed July 15, 1943; 12:38 p. m.]

[Region VIII Order G-2 Under 18 (c), Amdt. 10]

FLUID MILK AND CREAM IN CALIFORNIA

Amendment No. 10 to Revised Order No. G-2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Revised Order No. 3 under § 18 (c), as amended, of the General Maximum Price Regulation)—Adjusted Maximum Prices of Fluid Milk and Cream at Wholesale and Retail in Certain Localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that Revised Order No. G-2 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c) as amended of the General Maximum Price Regulation) be amended as set forth below:

(A) Schedule B as amended is hereby further amended by adding at the end thereof the following:

[Not less than 3.8% milk fat]

	Wholesale delivered	Retail store	Retail home delivered
Alturas (Modoc County):			
Gallon, container or four quarts	----	----	$0.50
Quart, glass or fibre	$0.105	$0.125	.13
Half pint	.035	----	----
Canby and Adin (Modoc County):			
Quart, glass or fibre	.11	.13	----
Tionesta (Modoc County):			
Quart, glass or fibre	.12	.14	----

This amendment to Order No. G-2 shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-11489; Filed, July 15, 1943; 12:38 p. m.]

[Region VIII Order G-2 Under 18 (c), Amdt. 11]

FLUID MILK AND CREAM IN CALIFORNIA

Amendment No. 11 to Revised Order No. G-2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Revised Order No. 3 under § 18 (c) as amended of the General Maximum Price Regulation)—Adjusted Maximum Prices of Fluid Milk and Cream at Wholesale and Retail in Certain Localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation it is hereby ordered that Revised Order No. C-2 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c) as amended of the General Maximum Price Regulation) be amended as set forth below:

(a) Schedule A as amended is hereby further amended by striking out the schedule of prices under the heading "Los Angeles Marketing Area" and substituting in place and stead thereof the following:

Not less than	Wholesale delivered		Retail store		Retail home delivered	
	3.4 per-cent milk fat	4.2 per-cent milk fat	3.4 per-cent milk fat	4.2 per-cent milk fat	3.4 per-cent milk fat	4.2 per-cent milk fat
Milk prices:						
Gallon, glass	$0.46		$0.51		$0.54	
Half-gallon, glass	.235	$0.265	.27	$0.30	.29	$0.32
Half-gallon, fibre	.24	.27	.27	.30	.29	.32
Quart, glass	.1175	.1325	.135	.15	.145	.16
Quart, fibre	.12	.135	.135	.15	.145	.16
Pint, glass	.065	.075	.0825	.0675	.0925	.0975
Pint, fibre	.07	.08	.0825	.0875	.0925	.0975
Half-pint, glass	.039	.043				
Half-pint, fibre	.044	.048				
One-third quart	.0467	.053				
Cream prices (not less than 19 percent):						
Quart	$0.415		$0.45			
Pint	.22		.25			
Half-pint	.12		.14		$0.16	
"Half and half" prices (not less than 12 percent milk fat):						
Gallon	1.06					
Quart	.27		.30			
Pint	.14		.16		.18	

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of July, 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-11490; Filed, July 15, 1943; 12:38 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER NO. 51

The following orders under General Order No. 51 were filed with the Division of the Federal Register on July 15, 1943.

REGION III

Dayton Order No. 5, Filed 9:49 a. m.
Saginaw Order No. 7, Filed 9:33 a. m.
Saginaw Order No. 8, Filed 9:37 a. m.
Saginaw Order No. 9, Filed 9:36 a. m.

REGION V

Oklahoma City Order No. G-4, Filed 9:32 a. m.
Dallas Order No. 3, Filed 9:32 a. m.
Shreveport Order No. 5, Filed 9:35 a. m.
New Orleans Order No. 1, Amendment No. 3, Filed 9:35 a. m.
New Orleans Order No. 5, Filed 9:34 a. m.

REGION VI

La Crosse Order No. 3, Amendment No. 1, Filed 2:42 p. m.
La Crosse Order No. 4, Amendment No. 1, Filed 2:42 p. m.
La Crosse Order No. 5, Filed 2:44 p. m.
Fargo-Moorhead Order No. 6, Filed 2:43 p. m.
Quad-Cities Order No. 4, Filed 2:43 p. m.
Des Moines Order No. 4, Filed 2:37 p. m.
Milwaukee Order No. 3, Amendment No. 1, Filed 2:44 p. m.
Duluth-Superior Order No. 3, Amendment No. 1, Filed 2:43 p. m.
Peoria Order No. 4, Filed 2:45 p. m.
Springfield Order No. 7, Filed 2:42 p. m.
Springfield Order No. 8, Filed 2:45 p. m.

REGION VII

Utah State Order No. 1, Amendment No. 1, Filed 9:40 a. m.
Boise Order No. 5, Amendment No. 2, Filed 9:46 a. m.
Boise Order No. 6, Amendment No. 2, Filed 9:45 a. m.
Boise Order No. 9, Filed 9:45 a. m.
Colorado State Order No. 2, Amendment No. 1, Filed 9:47 a. m.
Colorado State Order No. 3, Amendment No. 1, Filed 9:47 a. m.
Colorado State Order No. 4, Amendment No. 1, Filed 9:47 a. m.
Colorado State Order No. 9, Amendment No. 1, Filed 9:46 a. m.
New Mexico Order No. 5, Amendment No. 2, Filed 9:29 a. m.
New Mexico Order No. 7, Filed 9:49 a. m.
New Mexico Order No. 7, Amendment No. 1, Filed 9:29 a. m.
New Mexico Order No. 8, Filed 9:48 a. m.
Montana State Order No. 1 Filed 9:44 a. m.
Montana State Order No. 2, Filed 9:43 a. m.
Montana State Order No. 3, Filed 9:42 a. m.
Montana State Order No. 4, Filed 9:42 a. m.
Montana State Order No. 13, Filed 9:41 a. m.
Montana State Order No. 14, Filed 9:41 a. m.
Montana State Order No. 15, Filed 9:40 a. m.
Montana State Order No. 16, Filed 9:39 a. m.
Montana State Order No. 17, Filed 9:38 a. m.
Montana State Order No. 18, Filed 9:38 a. m.
Montana State Order No. 19, Filed 9:37 a. m.

REGION VIII

Nevada Order No. 4, Filed 2:37 p. m.
Los Angeles Order No. 3, Amendment No. 3, Filed 2:37 p. m.
Sacramento Order No. 5, Amendment No. 1, Filed 2:37 p. m.
Sacramento Order No. 3, Amendment No. 1, Filed 2:39 p. m.
Sacramento Order No. 3, Amendment No 2, Filed 2:39 p. m.
Phoenix Order No. 3, Amendment No. 1, Filed 2:39 p. m.
Spokane Order No. 3, Amendment No. 2, Filed 2:39 p. m.
Spokane Order No. 4, Filed 2:41 p. m.
Seattle Order No. 3, Amendment No. 3, Filed 2:41 p. m.
Seattle Order No. 4, Amendment No. 3, Filed 2:40 p. m.
Seattle Order No. 5, Amendment No. 2, Filed 2:40 p. m.
Seattle Order No. 6, Amendment No. 2, Filed 2:40 p. m.
Seattle Order No. 7, Amendment No. 1, Filed 2:40 p. m.
Seattle Order No. 8, Filed 2:40 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11494; Filed, July 17, 1943; 9:27 a. m.]

RAILROAD RETIREMENT BOARD.

[Jurisdictional Docket 21]

MUNICIPAL DOCKS RAILWAY, JACKSONVILLE, FLA.

ORDER DESIGNATING EXAMINER

Whereas, the issues determined in the opinion of the General Counsel of February 26, 1943, L-43-163, relating to the employer status under the Railroad Unemployment Insurance Act of the Municipal Docks Railway (sometimes called Municipal Docks and Terminals Railway) of the City of Jacksonville, Florida, were, on June 30, 1943, ordered reopened by the General Counsel, pursuant to the authority vested in him by Part 319 of the Regulations governing proceedings under section 5 (c) of the Railroad Unemployment Insurance Act, for further consideration and proceedings; and

Whereas, the said order of June 30, 1943, provided that the determination of the employer status of the Municipal Docks Railway would proceed on the basis of the record theretofore made in the proceeding, unless on or before July 20, 1943, any properly interested party should express an intention to submit additional evidence or to present argument in accordance with §§ 319.42 and 319.45 of the said Regulations; and

Whereas, on July 7, 1943, the Municipal Docks Railway through its attorney requested an opportunity to be heard further on the question of the employer status of the Municipal Docks Railway under the Railroad Unemployment Insurance Act:

Now, therefore, for the conduct of such proceedings as may be necessary for the further consideration of all the issues determined in the General Counsel's opinion of February 26, 1943, L-43-163, relating to the employer status under the Railroad Unemployment Insurance Act of the Municipal Docks Railway, the General Counsel, pursuant to the authority vested in him by § 319.45 of the regulations governing proceedings under section 5 (c) of the Railroad Unemployment Insurance Act, hereby designates Mr. A. M. Kobrick to serve as Examiner, with all powers, duties and functions accrued to such Examiner pursuant to such designation under Part 319 of the said regulations. The Examiner shall arrange for a hearing at the earliest date meeting the convenience of parties of interest, and shall notify all parties properly interested in any issue involved in the proceeding of their rights to participate in the proceeding and to present evidence and argument.

[SEAL] JOSEPH H. FREEHILL,
General Counsel.

JULY 12, 1943.

[F. R. Doc 43-11570; Filed, July 19 1943; 9:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-20, 59-8, 54-75]

COMMONWEALTH & SOUTHERN CORPORATION (DEL.)

ORDER AUTHORIZING PAYMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of July 1943.

In the matter of The Commonwealth & Southern Corporation (Delaware), Respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware), and its subsidiary companies, Respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), Applicant, File No. 54-75.

Order authorizing payments by Transportation Securities Corporation upon its outstanding notes owned by Ohio Edison Company and The Commonwealth and Southern Corporation (Delaware).

The Commonwealth & Southern Corporation, a registered holding company, having filed a Plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of enabling the company to comply with section 11 (b) (2) of the Act and with this Commission's order dated April 9, 1942 directing the company to change its equity capitalization to a single class of common stock; and

Such Plan providing, among other things, that Transportation Securities Corporation, a non-utility subsidiary of The Commonwealth & Southern Corporation, shall bring to completion its program for the disposition of its transportation assets and shall apply the proceeds of such disposition to payments proportionately upon its outstanding income notes, owned respectively by The Commonwealth & Southern Corporation and by Ohio Edison Company, one of its public-utility subsidiary companies; and

This Commission having previously reserved jurisdiction over the use by Transportation Securities Corporation of the cash proceeds of $950,000 received in an earlier transaction; and

The Commonwealth & Southern Corporation having requested that this Commission enter an order authorizing payments by Transportation Securities Corporation, from funds available for such purpose, proportionately upon the principal amount of its note indebtedness;

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That Transportation Securities Corporation be and hereby is authorized to make payments, from the proceeds of the disposition of its assets and any other funds available for such purpose, proportionately on the principal amount of its note indebtedness to The Commonwealth & Southern Corporation and Ohio Edison Company and that jurisdiction be and hereby is released with respect to the use by Transportation Securities Corporation of the above amount of $950,000 in cash.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11503; Filed, July 17, 1943; 10:04 a. m.]

[File No. 70-754]

INTERNATIONAL UTILITIES CORPORATION

ORDER PERMITTING DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of July, A. D. 1943.

The above-named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the declaration and payment by International Utilities Corporation, a registered holding company, out of capital or unearned surplus, of a regular quarterly dividend on August 1, 1943, on its $3.50 Prior Preferred Stock, at the rate of 87½¢ per share on the 95,946 shares of such stock presently outstanding, the aggregate amount of such payment being $83,952.75;

Said declaration having been filed on June 28, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named person having requested that said declaration become effective on or about July 17, 1943; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11562; Filed, July 19, 1943; 9:42 a. m.]

[File No. 70-749]

SOUTH CAROLINA ELECTRIC AND GAS CO. AND GENERAL GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of July 1943.

South Carolina Electric & Gas Company, a subsidiary of General Gas & Electric Corporation, a registered holding company, which, in turn, is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of the Act of the issue and sale, in accordance with Rule U-50 promulgated under the Act, of $20,000,000 principal amount of First Mortgage Bonds dated July 1, 1943, and maturing July 1, 1973; and General Gas & Electric Corporation having filed a declaration pursuant to section 12 (f) of the Act and Rule U-43 thereunder with respect to the sale to South Carolina Electric & Gas Company of $391,000 principal amount of Broad River Power Company (now South Carolina Electric & Gas Company) First and Refunding Mortgage 5% Bonds, Series due 1954, and $650,000 principal amount of Lexington Water Power Company First Mortgage 5% Bonds, Series due 1968, for the purpose of redemption; and South Carolina Electric & Gas Company having requested that the ten-day period for inviting bids, as provided by Rule U-50 (b), be shortened to a period of not less than six days; and having requested the rescission of the condition with respect to the restriction on common stock dividends, contained in the order of the Commission dated June 15, 1943 (South Carolina Electric & Gas Company, File No. 70-591); and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its Findings and Opinion herein;

It is ordered, That the ten-day period for inviting bids, as provided by Rule U-50 (b), be shortened to a period of not less than six days.

It is further ordered, That subject to Commission approval by further order, after the terms of the bond financing have been determined by competitive bidding, that said application be and hereby is granted, and said declaration be and hereby is permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24 and to the following additional condition in lieu of the condition with respect to the restriction on common stock dividends contained in the order of the Commission dated June 15, 1943:

That South Carolina Electric & Gas Company, the consolidated company, is prohibited, subject to further order of this Commission either upon the Commission's own motion or upon application of the consolidated company, South Carolina Electric & Gas Company, from declaring or paying any dividends on its common stock except out of earnings realized subsequent to the date of the consummation of the proposed refunding, and then only if the balance in earned surplus is not reduced below the balance at the date of the consummation of the proposed refunding, plus $200,000 for each twelve months elapsed since the date of the refunding, until such time as the earned surplus of the consolidated company, South Carolina Electric & Gas Company, has reached the amount of $1,575,000.

It is further ordered, That jurisdiction be and hereby is reserved over the fees of Milbank, Tweed & Hope and the legal expenses of South Carolina Electric & Gas Company in connection with the present application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11563; Filed, July 19, 1943; 9:42 a. m.]

[File No. 1-618]

THE CONNECTICUT AND PASSUMPSIC RIVERS RAILROAD CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of July, A. D. 1943.

In the matter of The Connecticut and Passumpsic Rivers Railroad Company, First Mortgage 4% Bonds, due April 1, 1943.

The Boston Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the First Mortgage 4% Bonds, due April 1, 1943, of The Connecticut and Passumpsic Rivers Railroad Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 26, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11564; Filed, July 19, 1943; 9:42 a. m.]

[File No. 1-1300]

A. NASH COMPANY

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of July, A. D. 1943.

In the matter of The A. Nash Company, $25 Par Common Stock.

The Cincinnati Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $25 Par Common Stock of The A. Nash Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:30 a. m. on Wednesday, August 18, 1943, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That C. J. Odenweller, Jr. an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11565; Filed, July 19, 1943; 9:42 a. m.]

[File No. 1-1408]

THE MOORES-CONEY CORPORATION

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of July, A. D. 1943.

In the matter of The Moores-Coney Corporation, Class A Common Stock, no par value, Class B Common Stock, no par value.

The Cincinnati Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Class A Common Stock, No Par Value and Class B Common Stock, No Par Value of The Moores-Coney Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11:15 a. m. on Wednesday, August 18, 1943, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its office herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That C. J. Odenweller, Jr., an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11566; Filed, July 19, 1943; 9:42 a. m.]

WILLIAM R. CARVER

FINDINGS AND ORDER SUSPENDING REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of July, A. D. 1943.

In the matter of William R. Carver, 120 East Washington Street, Syracuse, New York.

1. William R. Carver (the "registrant") is registered as a dealer pursuant to section 15 of the Securities Exchange Act of 1934.

2. The Commission, on the basis of facts reported to it, ordered a hearing pursuant to section 15 (b) of the Securities Exchange Act to determine whether or not the allegations of fact set out in said order are true and whether or not said registration should be revoked or suspended pending final determination. The facts alleged, if true, tend to show that the registrant is permanently enjoined by a decree of the Supreme Court of the State of New York, held in and for the County of Onondaga, entered on or about February 19, 1943, from engaging in and continuing certain conduct and practices in connection with the sale of securities.

3. Notice of the proceeding was sent by registered mail to the registrant at the address designated by him in his application for registration as amended. The notice was returned unclaimed. The registrant did not appear and was not represented at the hearing.

4. The trial examiner filed an advisory report, a copy of which was mailed to the registrant and returned unclaimed.

5. On an independent review of the record, we find that registrant is permanently enjoined by a decree of the Supreme Court of the State of New York from selling securities within the State of New York unless and until he meets certain conditions prescribed in said decree.

Because notice of our proceeding was not received by the registrant, we do not decide at this time whether or not his registration should be revoked. However, in view of the injunction described above, we find that it is necessary in the public interest and for the protection of investors that Carver's registration be suspended pending final determination of whether or not his registration should be revoked, which matter will be determined when he comes in to be heard or notice is received by him. *It is, therefore, ordered*, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of William R. Carver be, and it hereby is, suspended until further order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11567; Filed, July 19, 1943; 9:42 a. m.]

PATRICK H. MCCLELLAN

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 16th day of July 1943.

In the matter of Patrick H. McClellan, 125 Burnet Avenue, Syracuse, New York.

1. Patrick H. McClellan (hereinafter referred to as the registrant) is registered as a broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934

2. The Commission, on the basis of facts reported to it, instituted a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether or not the registration of the registrant should be revoked.

3. After due notice a hearing was held. The registrant did not appear and was not represented at the hearing.

4. The Trial Examiner filed an advisory report in which he found that on April 14, 1943, a judgment was entered in the Supreme Court of the State of New York permanently enjoining the registrant, among other things, from engaging in the sale of securities.

5. On an independent review of the record, we adopt the Trial Examiner's findings and find further that revocation of the registration of Patrick H. McClellan as a broker and dealer is in the public interest. On the basis of the foregoing, and pursuant to section 15 (b) of the Securities Exchange Act of 1934;

It is ordered, That the registration of Patrick H. McClellan as a broker and dealer be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11568; Filed, July 19, 1943; 9:43 a. m.]

WAR PRODUCTION BOARD.

[Certificate 96]

PURCHASERS OF LOGGING SERVICES AND STUMPAGE

APPROVAL OF JOINT ACTION PROGRAM

To the ATTORNEY GENERAL:

I submit herewith a memorandum dated July 3, 1943, from the Administrator of the Office of Price Administration describing a program for joint action and discussion by purchasers of logging services and stumpage[1] relating to the preparation of petitions for area pricing under Maximum Price Regulation 348, as amended. The program is to be administered in conjunction with a related program certified on April 24, 1943 (Certificate No. 56).

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the program as described in the memorandum; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such approval is requisite to the prosecution of the war.

Dated: July 16, 1943.

DONALD M. NELSON, *Chairman.*

[F. R Doc. 43-11596; Filed, July 19, 1943; 11:34 a. m.]

[1] *Supra.*

Reference

JUL 22 '43

FEDERAL REGISTER

VOLUME 8 NUMBER 143

Washington, Wednesday, July 21, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP—1943—Insular]

PART 702—INSULAR AGRICULTURAL CONSERVATION PROGRAM*

1943 INSULAR REGION BULLETIN

Payments and grants of aid will be made for participation in the 1943 Agricultural Conservation Program in Alaska, Hawaii, and Puerto Rico (hereinafter referred to as the 1943 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

Sec.

702.401 Production practices.
702.402 Rice.
702.403 Tobacco.
702.404 Division of payments and deductions.
702.405 Increase in small payments.
702.406 Payments limited to $10,000.
702.407 Deductions incurred on other farms.
702.408 General provisions relating to payments.
702.409 Application for payment.
702.410 Appeals.
702.411 Definitions.
702.412 Authority, availability of funds, and applicability.

AUTHORITY: §§ 702.401 to 702.412, inclusive, issued under sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 728; 55 Stat. 257, 860; 16 U. S. C. (1940 ed.) 590g–590q; 56 Stat. 761; E.O. 9322 as amended by E.O. 9334.

§ 702.401 *Production practices*—(a) *Allowance in connection with production practices.* The production practice allowance for a farm is the maximum amount of payment which will be made for carrying out on the farm the production practices specified in paragraphs (c), (d), and (e) of this section.

(1) This allowance for any farm will be the sum of the following: except, that payment for performance under Practice No. 1 in each area will not be affected by the limitations in this paragraph.

(i) $4.00 per acre, not in excess of 10 acres; and $1.00 per acre, in excess of 10 acres, of cropland in the farm in excess of the largest acreage devoted to sugarcane at any one time in 1943.

(ii) 40 cents per acre, not in excess of 1,000 acres, and 10 cents per acre, in excess of 1,000 acres, of pasture land included in the farm but not included in the cropland or, in Hawaii, of range land (for which the Territory tax-assessment valuation is 50 cents or more per acre) included in the farm but not included in the cropland.

(b) *Payment in connection with production practices.* Payment will be made, within the limit of the production practice allowance established for the farm in accordance with paragraph (a) of this section, for carrying out in the calendar year 1943 any of the production practices listed in paragraphs (c), (d), and (e), at the rates specified, provided the practice is carried out by methods and with kinds of seeds trees, and other materials that conform to good farming practice, and in accordance with the specifications listed herein and any additional specifications that may be issued by the regional director to assure that the practices will be performed in workmanlike manner and in accordance with good farming practices for the locality.

No payment will be made with respect to practices carried out with labor and materials (other than trees) furnished entirely by any Federal or Territorial agency or any agency of Puerto Rico. If a portion of the labor, seed or other materials (except trees) used in carrying out any practice is furnished by a Federal or Territorial agency or any agency of Puerto Rico and this portion represents one-half or more of the total cost of carrying out the practice, no payment will be made with respect to it; if this portion represents less than one-half of the total cost of carrying out the practice, payment will be made with respect to one-half of it: *Provided,* That labor, seed, trees, and materials furnished to the Territories of Alaska or Hawaii or to Puerto Rico, or a political subdivision or agency thereof, by any agency of either Territory or of

(Continued on next page)

*Subject matter assigned to Parts 702, 703, and 704 will hereafter be consolidated under Part 702.

CONTENTS

REGULATIONS AND NOTICES

	Page
AGRICULTURAL ADJUSTMENT AGENCY:	
Alaska, Hawaii, and Puerto Rico; 1943 agricultural conservation program bulletin	10055
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
Cable, Taylor	10092
Edie, W. A., & Son	10092
Fannon, C. J.	10091
Kolarich, Charly	10092
Truax-Traer Coal Co., et al.	10091
Whited, E. P. and J. B.	10092
Minimum price schedules amended:	
District 1	10063
District 13	10064
District 15 (2 documents)	10066
FISH AND WILDLIFE SERVICE:	
Alaska commercial fisheries, salmon traps (2 documents)	10091
GENERAL LAND OFFICE:	
Land withdrawals:	
Idaho	10093
Utah	10093
Petersburg National Military Park, Va., transfer of jurisdiction to Secretary of War	10090
Potash permits and leases	10090
INTERSTATE COMMERCE COMMISSION:	
Reicing of fruits and vegetables, permits:	
Chicago, Burlington, and Quincy Railroad Co., et al. (2 documents)	10094, 10095
Common carriers by railroad	10094
Missouri-Kansas-Texas Railroad Co	10094
Missouri Pacific Railroad Co. (2 documents)	10094, 10095
St. Louis-San Francisco Railway Co. and Missouri Pacific Railroad Co	10093
Southern Pacific Co., et al. (3 documents)	10094, 10095
JUSTICE DEPARTMENT:	
Foreign agents, news services	10093
NATIONAL PARK SERVICE:	
St. Paul's Church, Eastchester, N. Y.: designation	10090
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Lists of orders filed (2 documents)	10096

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Containers, used fruit and vegetable (MPR 434) 10086
Fish and seafood, fresh (MPR 418, Am. 1) 10086
Foods, processed; rationing:
(RO 13, Rev. Supp. 1, Am. 12) 10085
(RO 13, Rev. Supp. 1, Am. 13) 10089
Fuel oil rationing:
(RO 11, Am. 71) 10089
(RO 11, Am. 72) 10082
Gasoline rationing (RO 5C, Am. 67) 10082
Hearing Administrator and Hearing Commissioners, delegation of authority (Gen. Order 46, Am. 2) 10096
Lumber; maple, birch, and beech flooring (MPR 432) 10079
Meat; sausage products for war procurement agencies (MPR 286, Am. 4) 10079
Meat, fats, fish and cheeses; rationing:
(RO 16, Am. 48) 10085
(RO 16, Supp. 1, Am. 11) 10090
Rationed foods for servicemen on leave or furlough (Gen. RO 9, Am. 1) 10079
Rationing suspension orders, issuance (Procedural Reg. 4, Am. 3) 10085
Refrigerators, used household mechanical (Rev. MPR 139, Am. 2) 10079
Regional, state, and district office orders:
Alabama-Georgia Syrup Co. 10102
Citrus fruit packing services, Florida 10101
Eggs and egg products, Louisiana 10102

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.
Regional, state, and district office orders—Continued. Page
Fluid milk:
Massachusetts (5 documents) 10098, 10099
New York, Dutchess and Putnam Counties 10101
Ohio, sales to Cleveland Board of Education 10104
Region III, trade practices 10103
Rhode Island 10100
Hardwood cordwood and firewood, Massachusetts 10097
Ice, Sampson County, N. C. 10103
Softwood-slabwood, Maine (2 documents) 10100
Solid fuels:
Bituminous coal, Metropolitan Boston area 10096
Middlesex County, N. J. (2 documents) 10100, 10101
Sugar:
Direct consumption (RPS 60, Am. 10) 10079
Rationing, establishment of zones (RO 3, 7th Rev. Zoning Order 1) 10084
Tires, tubes, recapping, and camelback; rationing:
(RO 1A, Am. 39) 10079
(RO 1A, Am. 40) 10085
SELECTIVE SERVICE SYSTEM:
Forms:
Employee notification form, revision 10067
Property list, discontinuance 10067
WAR DEPARTMENT:
Les Fils de J. Kahn, et al., order discontinuing payment of royalties (Corr.) 10091
Medical and dental attendance, individual surgical and orthopedic appliances 10062
WAR FOOD ADMINISTRATION:
California plums (FDO 55, Am. 1) 10061
Olympic Confectionery, suspension order 10062
WAR PRODUCTION BOARD:
Carbon black, furnace type (M-244) 10076
Honey (M-118, revocation) 10076
Priorities system operation (PR 13) 10067
Suspension orders:
Dartboard Equipment Co. 10076
May Co. 10076
Richter Metalcraft Corp. 10076
WAR SHIPPING ADMINISTRATION:
Requisitioned Lithuanian vessel "Denny", notice of deposit on account of just compensation 10104

Puerto Rico, respectively, or furnished under the Agricultural Demonstration Project of the Works Project Administration, or furnished for use in carrying out Production Practice No. 1 for Puerto Rico, shall not be deemed to have been furnished by a "Federal or Territorial agency or any agency of Puerto Rico" within the meaning of this paragraph.

(c) *Schedule of production practices for Alaska.* (1) Planting food crops for human consumption of the types specified by the regional director: $5.00 per acre.

(2) Interplanting protective nondepleting cover crops with other crops: $2.00 per acre.

(3) Planting protective nondepleting cover crops in rotation with other crops: $3.00 per acre.

(4) Using protective nondepleting cover crops for green manuring: $4.00 per acre.

(5) Planting perennial varieties of protective nondepleting cover crops on properly prepared land for permanent pasture or for cutting green for livestock feed: $4.00 per acre.

(6) Strip-cropping land of 2 percent or more slope along lines deviating not more than 2 percent from contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing: $1.00 per acre.

(7) Seeding pasture land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed: $0.20 per pound of seed sown.

(8) Applying crop residue on the surface of soil subject to serious wind erosion to promote the establishment of a permanent vegetative cover: $0.10 per cubic yard.

(9) Planting and cultivating land of 2 percent or more slope along lines deviating not more than 2 percent from contour lines.

(i) When the land is planted to truck crops: $2.00 per acre.

(ii) When the land is planted to other crops: $0.50 per acre.

(10) Listing land along lines deviating not more than 2 percent from contour lines for fallowing or for planting protective nondepleting cover crops: $0.50 per acre.

(11) Constructing permanent ditching on land of 6 percent or more average slope, with suitable outlets, for the diversion of surface water to prevent soil washing. No credit will be given for ditches of more than 4 percent slope nor for any temporary field ditching.

(i) When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor: $0.80 per 100 linear feet.

(ii) When constructed on other land: $0.40 per 100 linear feet.

(12) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion. No credit will be given for more than 500 feet of terrace per acre: $1.00 per 100 linear feet of terrace.

(13) Constructing and maintaining check dams in gullies: $0.10 per linear foot.

(14) Establishing a good stand of erosion-resistant perennial grasses in gullies: $0.02½ per 100 square feet.

(15) Applying ground limestone or its equivalent. No credit will be given for the application of more than 2 tons per acre: $6.00 per ton.

(16) Applying 48 percent superphosphate or 50 percent muriate of potash,

or both, or their equivalent, to, or in connection with the seeding of protective nondepleting cover crops. No credit will be given for the application of more than 200 pounds per acre: $2.25 per 100 pounds.

(17) Planting land entirely to forest trees or windbreak trees: $5.00 per acre.

(18) Planting forest trees on the sides or crests of gulches or on erosion scars: $0.02 per tree.

(d) *Schedule of production practices for Hawaii.* (1) Planting food crops for human consumption on at least 30 percent of the cropland on the farm (excluding sugarcane and orchards), with a minimum requirement of ¼ acre and a maximum requirement of 50 acres devoted to this practice once during 1943, *Provided,* That the food crops planted are of the types specified by the regional director: $5.00 per acre for the first 10 acres and $4.00 per acre for the next 40 acres (within 30 percent of the cropland), with a minimum of $5.00 and a maximum of $210.00. No credit will be given for farms having more than 500 acres of cropland.

(2) Interplanting protective nondepleting cover crops with other crops: $2.00 per acre.

(3) Planting protective nondepleting cover crops in rotation with other crops: $3.00 per acre.

(4) Using protective nondepleting cover crops for green manuring: $4.00 per acre.

(5) Planting perennial varieties of protective nondepleting cover crops on properly prepared land for permanent pasture or for cutting green for livestock feed: $4.00 per acre.

(6) Seeding depleted range land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed.

(i) For Koa Haole (Lucaena glauca) seed: $0.10 per pound.

(ii) For other varieties of seed: $0.20 per pound.

(7) Planting slips or stools of adapted varieties of perennial grasses on depleted range land: $2.00 per acre.

(8) Applying crop residue on the surface of soil subject to serious wind erosion to promote the establishment of a permanent vegetative cover: $0.10 per cubic yard.

(9) Furrowing range land along lines deviating not more than 3 percent from contour lines, with furrows not less than 8 inches in width and 4 inches in depth: $0.05 per 100 linear feet. No credit will be given for more than 4,000 linear feet per acre.

(10) Clearing range land heavily infested with range-destroying plants: $5.00 per acre.

(11) Clearing range land lightly infested with range-destroying plants: $2.00 per acre.

(12) Mowing or employing other approved means to prevent the reinfestation of cleared range land. No credit will be given for mowing if the plants mowed are used for hay or sold for any purpose: $0.25 per acre for each operation within limits set by the State office.

(13) Removing all livestock from range land which was pastured in 1942 (including range land which was withheld from use in 1942 for the purpose of eradicating range-destroying plants) for a continuous period of more than four months, the months for which payment is made to be within the calendar year 1943. Credit will be given for not more than eight months and only under the following conditions:

(i) This practice shall not be applicable to more than 25 percent of the range land included in the farm;

(ii) On lands on which cattle or horses are grazed, the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock;

(iii) On lands used exclusively for grazing sheep, either the area to be kept free of grazing is fenced and the fence maintained sufficiently to prevent the entry of livestock or the entry of livestock is prevented by herding;

(iv) The remaining range land in the farm is not pastured to such extent as will decrease the stand of grass or injure the forage, tree growth, or watershed;

(v) This practice shall not be applicable to land which normally is used for other purposes during the period in which livestock are excluded: $0.10 per acre for each month, in excess of four, during which livestock are removed.

Developing Stock Water on Range Land

Payment will be made with respect to the following water-development practices number (14), (15), (16), and (17): *Provided,*

(i) Carrying out the practice results in supplying ample water, at points remote from the ranch headquarters, for the number of livestock using the adjoining range during the grazing season;

(ii) The purpose of the development is solely to bring about a distribution of stock on the range that will conserve and restore the vegetative cover thereof;

(iii) No part of the water impounded or supplied is used for irrigating purposes.

(14) Drilling or digging wells, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. The drilling of an artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough.

(i) When well casing is four inches or more in diameter: $2.00 per linear foot of well depth.

(ii) When well casing is less than four inches: $1.00 per linear foot of well depth.

(15) Developing springs or seeps, provided the source is protected from trampling and the water is conveyed to a tank or storage reservoir.

(i) When material excavated is soil or gravel: $0.30 per cubic foot.

(ii) When material excavated is rock: $0.50 per cubic foot. The maximum payment for any single development shall be $100.00.

(16) Constructing permament watersheds of galvanized iron or other approved material for accumulating rainwater for range livestock, provided other methods of furnishing or accumulating water are not available and the water is conveyed to a tank or storage reservoir: $0.02½ per square foot of shed constructed.

(17) Constructing water storage tanks of redwood, steel, or other approved material on adequate foundations or constructing reservoirs lined with concrete or stone set in mortar: $0.50 per 100 gallons of capacity.

(18) Planting and cultivating land of 2 percent or more slope along lines deviating not more than 2 percent from contour lines. No credit will be given either on land under irrigation unless it is planted to truck crops or on land of more than 6 percent slope unless adequate ditching or terracing protection is provided in accord with specifications covering practices (19), (20), or (24).

(i) When the land is planted to truck crops: $2.00 per acre.

(ii) When the land is planted to other crops: $0.50 per acre.

(19) Protecting fallowed land with furrows averaging not more than 10 feet apart and not less than 8 inches in width and 4 inches in depth, deviating not more than 2 percent from contour lines, or, in areas subject to wind erosion, at approximately right angles to the direction of the prevailing winds. No credit will be given on land of 6 percent or more average slope unless it is protected from erosion by adequate ditching or terracing: $1.00 per acre.

(20) Constructing permanent ditching on land of 3 percent or more average slope, with suitable outlets, for the removal of surface runoff water to prevent soil washing. No credit will be given for ditches of more than 4 percent slope, unless protected by adequate vegetative cover.

(i) When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor: $0.25 per cubic yard of water-carrying capacity.

(ii) When constructed on other land: $0.40 per 100 linear feet of ditching.

(21) Constructing temporary ditching on fields of 6 percent or less average slope, with suitable outlets, for the diversion of surface water to prevent soil washing. No credit will be given for ditches of more than four percent slope.

(i) When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor: $0.04 per cubic yard of water-carrying capacity.

(ii) When constructed on other land: $0.05 per 100 linear feet of ditching.

(22) Lining ditches, carrying water on a grade of 2 percent or more. Credit will be given for irrigation ditches used only for irrigation of truck or forage crops; ditches constructed in accordance with the specifications of practice (20); and ditches for the discharge of water from systems of contour cultivation, ditching, or terracing.

(i) When the ditch surface is lined with concrete or stone set in mortar: $0.06 per square foot of ditch surface lined.

(ii) When the ditch surface is lined with plaster; or concrete, iron, or com-

position pipe is used: $0.03 per square foot of ditch surface lined or of the inside surface of pipe used, respectively.

(23) Establishing a protective sod lining in ditches used for removing excess water from systems of contour cultivation, ditching, or terracing: $0.25 per 100 square feet of ditch surface.

(24) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion. No credit will be given for more than 500 feet of terrace per acre: $1.00 per one hundred linear feet of terrace.

(25) Constructing and maintaining check dams in gullies: $0.10 per linear foot.

(26) Establishing a good stand of erosion-resistant perennial grasses in gullies: $0.02½ per 100 square feet.

(27) Applying ground limestone or its equivalent. No credit will be given for the application of more than 2 tons per acre: $6.00 per ton.

(28) Applying 48 percent superphosphate or 50 percent muriate of potash, or both, or their equivalent, to, or in connection with the seeding of protective nondepleting cover crops. No credit will be given for the application of more than 200 pounds per acre: $2.25 per 100 pounds.

(29) Planting land entirely to forest trees or windbreak trees: $5.00 per acre.

(30) Planting forest trees on the sides or crests of gulches or on erosion scars or, if planted in sufficient numbers to insure a complete forest stand at maturity, in areas having a partial, but inadequate stand of trees: $0.02 per tree.

(31) Planting shade trees in established coffee groves by planting seedling trees or cuttings: $0.10 per tree.

(32) Constructing and maintaining during 1943 individual terraces or catch pits among coffee trees: $0.04 per terrace or catch pit.

(33) Constructing and maintaining during 1943 individual terraces among fruit or nut trees: $0.08 per terrace.

(34) Applying coffee pulp around coffee trees. No credit will be given for the application of more than 5 tons per acre: $1.00 per ton (unfermented weight).

(e) *Schedule of production practices for Puerto Rico.* (Minimum performance under this practice is a prerequisite to any payment under the 1943 Agricultural Conservation Program for Puerto Rico.)

(1) Planting of food crops for human consumption on an acreage equal to 30 percent of the cropland on the farm (excluding sugarcane and orchards) with a minimum requirement of ¼ acre and a maximum requirement of 50 acres devoted to this practice during the calendar year of 1943: *Provided*, That the food crops planted are of the types specified by the regional director and are planted in the proportions specified by him.—$5.00 per acre for the first 10 acres and $4.00 per acre for the next 40 acres (within 30 percent of the cropland), with a minimum of $5.00 and maximum of $210.00. No credit will be given for farms having more than 500 acres of cropland; and no credit will be given for acreages planted to foodstuffs to meet the condition included in Sugar Determination No. 156.

§ 702.402 *Rice*—(a) *State allotment.* The State allotment of rice for Hawaii is 900 acres.

(b) *Farm allotments.* The State office shall establish rice acreage allotments in accordance with the provisions of this subsection and instructions issued by the Agricultural Adjustment Agency.

(1) A rice acreage allotment shall be determined for each producer who is participating in the production of rice in 1943 and who participated in the production of rice in one or more of the five years 1938 to 1942, inclusive, on the basis of his past production of rice adjusted to the available acreage adapted to the production of rice, taking into consideration crop-rotation practices, soil fertility and other physical factors affecting the production of rice, including the labor and equipment available to him for the production of rice.

(2) An acreage not to exceed 3 percent of the State rice acreage allotment shall be apportioned among producers who are participating in the production of rice in 1943 for the first time since 1937 on the basis of the applicable standards of apportionment set forth under subparagraph (1) of this paragraph (b); Except, that the rice acreage allotment to any producer who is participating in the production of rice in 1943 for the first time since 1937 shall not exceed 75 percent of the rice acreage allotment that would have been made to him had he participated in the production of rice in one or more of the five years 1938 to 1942, inclusive.

(3) The farm rice acreage allotment will be the sum of the allotments established for all producers participating in the production of rice on the farm. The sum of the farm allotments shall not exceed the State allotment.

(c) *Normal yield.* The State office shall determine for each farm participating in the 1943 program in the State a normal yield for rice in accordance with the provisions of this subsection and instructions issued by the Agricultural Adjustment Agency.

(1) Where reliable records of the actual yield of rice per acre for the five years 1938 to 1942, inclusive, are presented by the farmer or are available to the State office, the normal yield of rice for the farm shall be the average of these yields.

(2) If for any year of this five-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in that year, the State office shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for that year, and the yield so determined shall be used as the actual yield for that year under subparagraph (1) of this paragraph (c).

(3) If the average of the normal yields for all farms participating in the 1943 program in the State (weighted by the rice acreage allotments therein) exceeds the average yield per acre for the State during the five years 1938 to 1942, inclusive, established by the Administrator, the normal yields for these farms, determined under subparagraphs (1) and (2) of this paragraph (c), shall be reduced pro rata so that the average of the normal yields shall not exceed the State average yield.

(d) *Payment in connection with rice acreage allotment.* Payments will be made at the rate of 2.0 cents per 100 pounds (rough rice) of the normal yield of the farm for each acre in the rice acreage allotment.

(e) *Deduction in connection with rice acreage allotment.* The payment computed for any farm under §§ 702.401 and 702.402 shall be subject to a deduction of ten times the payment rate for each acre by which the acreage of rice planted is less than its rice allotment, but not to exceed the maximum rice payment computed for the producer on that farm.

§ 702.403 *Tobacco*—(a) *State allotment.* The State allotment of tobacco for Puerto Rico will be established by the Administrator.

(b) *Farm allotments.* The State office shall establish tobacco acreage allotments in accordance with the provisions of this subsection and instructions issued by the Agricultural Adjustment Agency.

(1) A tobacco acreage allotment for the 1943–44 crop shall be determined for each farm for which a tobacco acreage allotment was, or could have been, established under the 1942 Agricultural Conservation Program on the basis of the tobacco acreage allotment which was, or could have been, established for the farm under the 1942 Agricultural Conservation Program, the land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(2) The tobacco acreage allotment for any farm on which tobacco is produced in the 1943–44 tobacco season for which no allotment can be established under subparagraph (1) of this paragraph (b) shall be determined on the basis of the land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(3) The sum of the farm acreage allotments shall not exceed the State allotment.

(c) *Normal yield.* The State office shall determine for each farm for which an acreage allotment is established under subsection (b) of this section a normal yield for tobacco in accordance with instructions issued by the Agricultural Adjustment Agency.

(1) If the average of the normal yields established for all farms (weighted by the tobacco acreage allotments therein) exceeds the adjusted average yield (farm weight) per acre for the State during the five crop years 1938–1939 to 1942–43, inclusive, the normal yields for these farms shall be reduced pro rata so that the average of the normal yields shall not exceed this figure. The adjusted average yield will be established by the Administrator prior to the 1943–44 tobacco season.

(d) *Payment in connection with tobacco acreage allotment.* Payment will be made on the basis of the normal yield (farm weight) of the farm for each acre in the tobacco acreage allotment: *Provided*, That, where the tobacco acreage allotment for the farm has not been planted in full, no payment will be made unless an acreage equal to the tobacco acreage allotment or the unplanted part thereof (in addition to the minimum requirement under Practice No. 1) has been planted to one or more of the food crops specified by the regional director under § 702.401 (e) (1). (Minimum performance under Practice No. 1 for Puerto Rico is a prerequisite to any payment under the tobacco provision of the 1943 Agricultural Conservation Program for Puerto Rico.)

(e) *Deduction for excess tobacco acreage.* The payment computed for any farm under §§ 702.401 and 702.403 shall be subject to a deduction based on the normal yield (farm weight) of the farm for each acre planted to tobacco in excess of the tobacco acreage allotment established for the farm. The rate of deduction will be established by the Administrator prior to the beginning of the 1943–44 tobacco season.

§ 702.404 *Division of payments and deductions*—(a) *Payments in connection with production practices.* The amount of payment earned in connection with production practices carried out on the farm shall be made to the landlord, tenant, or sharecropper who carried out the production practices thereon. If more than one such person contributes to the carrying-out of production practices on the farm in 1943, the payment shall be divided in proportion to the contribution made by each person contributing to the practices carried out on the farm in 1943. All persons contributing to any practice carried out on a particular acreage shall be deemed to have contributed equally to the carrying out of that practice unless they establish to the satisfaction of the State office that their respective contributions thereto were not in equal proportion, in which event the participation shall be determined by the proportion which the State office finds each person contributed thereto. Contribution of land shall not be considered as contributing to the carrying out of a practice.

(b) *Payments and deductions in connection with rice and tobacco acreage allotments.* The net payment or net deduction computed for any farm with respect to the rice or tobacco acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that these persons are entitled at the time of harvest to share in the proceeds (other than a fixed commodity payment) of the rice crop grown on the farm in 1943 or the tobacco crop grown on the farm in the 1943–44 tobacco season: *Provided*, That, if rice is not grown on the farm in 1943 or tobacco is not grown on the farm in the 1943–44 tobacco season, the net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the State office determines that these persons would have shared in the proceeds of the rice or tobacco crop if the entire acreage in the rice or tobacco acreage allotment had been planted and harvested, for rice, in 1943, or, for tobacco, in the 1943–44 tobacco season: *Provided further*, That, if because of crop failure the harvested acreage of tobacco is less than the planted acreage of the crop and the State office finds, in accordance with instructions issued by the Agricultural Adjustment Agency, that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, the net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the State office determines that these persons would have shared in the proceeds of the tobacco crop if the entire acreage planted to the crop in the 1943–44 tobacco season had been harvested: *Provided further*, That in cases where landlords, tenants, or sharecroppers, after planting but prior to harvest, lose their interest in a rice or tobacco crop by reason of acquisition of title to or lease of the farm for use in connection with the national war effort, the net payment (less any compensation for the loss of payment) or the net deduction computed with respect to the crop shall be divided among such persons in the same proportion that the State office determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of the crop except for such acquisition of title or lease.

(c) *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on the farm, the sum of the net deductions computed for all persons on the farm shall be prorated among the persons on the farm for whom a net payment is computed, on the basis of the computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to this farm and the amount of the net deductions in excess of the net payments shall be prorated among the persons on the farm for whom a net deduction is computed, on the basis of the computed net deductions.

§ 702.405 *Increase in small payments.* The total payment computed under §§ 702.401 to 702.403, inclusive, for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to 71 cents or less shall be increased to $1.00;

(b) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by forty percent;

(c) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	[1]
$200.00 and over	[2]

[1] Increase to $200.00.
[2] No increase.

§ 702.406 *Payments limited to $10,000.* The total of all payments made in connection with programs for 1943 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, Territory, or possession, shall not exceed the sum of $10,000. The total of all payments made in connection with such program to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1943 program may

be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, or formation of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

§ 702.407 *Deductions incurred on other farms.* If the deductions computed under §§ 702.402 and 702.403 with respect to any farm exceed the payment computed under §§ 702.401, 702.402, and 702.403 for full performance on the farm, a landlord's or tenant's share of the amount by which the deduction exceeds the payment shall be deducted from the payments which would otherwise be made to him with respect to any other farms in Hawaii or Puerto Rico (considering only farms located in the same one of these areas) if the State office concerned finds that the crops grown and practices adopted on the farm or farms with respect to which the deductions are computed substantially offset the contribution to the program made on the other farms.

§ 702.408 *General provisions relating to payments*—(a) *Payment restricted to effectuation of purposes of the program.* All or any part of any payment which is made or otherwise would be made to any person under the 1943 program may be withheld or required to be returned (1) if he adopts or had adopted any practice which tends to defeat any of the purposes of the 1943 or previous agricultural conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which the payment is otherwise authorized, or (3) if, with respect to grazing land, forest land, or woodland owned or controlled by him, he adopts or has adopted any practice which the regional director finds is contrary to sound conservation practices.

Payments other than payments in connection with production practices will be made only with respect to farms which are being operated in 1943.

(b) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under Territorial law, or the laws of Puerto Rico, without deduction of claims for advances (except as provided in paragraph (d) of this § 702.408 and for indebtedness to the United States subject to setoff under orders issued by the Administrator) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1943 any change of the arrangements which existed on the farm in 1942 is made between the landlord or operator and the tenants or sharecroppers and this change would cause a greater proportion of the payments to be made to the landlord or operator under the 1943 program than would have been made to him for performance on the farm under the 1942 program, payments to the landlord or operator under the 1943 program with respect to the farm shall not be greater than the amount that would have been paid to him if the arrangements which existed on the farm in 1942 had been continued in 1943, unless the State office certifies that the change is justified and approves it.

If on any farm the number of sharecroppers or share tenants in 1943 is less than the average number on the farm during the years 1940 to 1942, inclusive, and the reduction would increase the payments that would otherwise be made to the landlord or operator, payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the State office certifies that the reduction is justified and approves it.

If the State office finds that any person who files an application for payment pursuant to the provisions of the 1943 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which the latter would normally be entitled, the Administrator may withhold in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1943 program.

(d) *Assignments.* Any person who may be entitled to any payment in connection with the 1943 program may assign his interest in the payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1943. No assignment of this kind will be recognized unless it is made in writing on Form ACP-69 in accordance with the instructions (ACP-70-Revised) issued by the Agricultural Adjustment Agency and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Agency.

Nothing contained in this paragraph (d) shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Administrator or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

(e) *Deductions in case of erroneous notice of acreage allotment.* Notwithstanding the deduction provisions of §§ 702.403 and 702.404, in any case where, through error in a State office, the producer was officially notified of an allotment for a commodity larger than the finally approved allotment for that commodity and the State office involved finds that the producer, acting upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment for such commodity unless he planted an acreage to the commodity in excess of the acreage stated in the notice erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of that stated in the notice erroneously issued.

§ 702.409 *Application for payment*—(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of § 702.404, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to the whole of or a share in any of the crops grown, or its proceeds, or livestock produced on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of the farm and participates thereon in 1943 in carrying out approved production practices.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the respective State offices on or before March 31, 1944, except that the timely filing of an application by one person on a farm shall constitute a timely filing on behalf of all persons on that farm. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which he is operating or renting to another person for a share of the crops grown thereon or for cash or standing rent. Any application for payment may be rejected if any form or information required is not submitted to the State office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, any time limit to be such as affords a full and fair opportunity to those eligible to file the form or information within the period prescribed. Notice shall be given by mailing it to the office of each county agricultural extension agent and making copies of it available to the press.

(c) *Application for other farms.* If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in Alaska, Hawaii, or Puerto Rico (considering only farms located in one of these areas) and makes application for payment with respect to one of these farms, he must make application for payment with respect to all these farms which he operates or rents to other persons and on which rice is planted in 1943 or tobacco is planted in the 1943-44 tobacco season and a deduction is computed.

(d) All calculations involving land area in Puerto Rico will be made on the basis that one cuerda equals 0.97 acre.

§ 702.410 *Appeals.* Any person may, within fifteen days after notice thereof is forwarded to or made available to him, request the State office in writing to reconsider its recommendation or determination with respect to any of the

following matters affecting any farm in which he has an interest: (a) eligibility to file an application for payment; (b) acreage allotment or normal yield of rice or tobacco; measurement; or production practice allowance; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify him of its decision in writing within fifteen days after receipt of a written request for reconsideration. If he is dissatisfied with the decision of the State office, he may within fifteen days after the decision is forwarded to or made available to him, request the regional director to review the decision of the State office.

§ 702.411 *Definitions.* For the purposes of the 1943 program, unless the context otherwise requires;

"Administrator" means the War Food Administrator.

"Regional Director" means the director of the division of the Agricultural Adjustment Agency in charge of the agricultural conservation program in the Insular Region.

"Insular Region" means the area included in the territory of Alaska, the territory of Hawaii, and Puerto Rico.

"State office" means the office of the Agricultural Adjustment Agency in Fairbanks, Territory of Alaska; Honolulu, Territory of Hawaii; and San Juan, Puerto Rico, depending upon the area concerned.

"Person" means an individual, partnership, association, corporation, trust, or estate, and, wherever applicable, a State, Territory, or possession, or a political subdivision or agency thereof.

"Landlord or owner" means a person who owns land and either rents it to another person or operates it himself.

"Operator" means a person who controls land through lease or other arrangement and operates it on and for his own account.

"Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

"Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

"Farm" means all tracts of cropland, pasture land, and other farm land in Alaska, Hawaii or Puerto Rico (considering tracts located in only one of these areas) operated by one or more persons in 1943 as a single farming unit, with cropping practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit, and including any other land which serves as a watershed for the supply of water for the farm and on which any applicable production practice is performed.

"Cropland" means farm land which is tilled annually or in a regular rotation or is devoted to bearing or non-bearing orchards other than abandoned orchards.

"Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, banana plants, or vineyards.

"Pasture land" means farm land on which the predominant growth is forage suitable for grazing and on which the number and spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

"Range land" means any land which produces or can produce forage suitable for grazing by range livestock without cultivation or general irrigation.

"Tobacco season" means the period beginning on September 1 of one calendar year and ending on March 31 of the succeeding calendar year.

"Protective nondepleting cover crops" means any of the following: all grasses, field peas, cow peas, pigeon peas, soy beans, velvet beans, sword beans, crotalaria, alfalfa, vetch, clover, lespedeza, lupines, koa haole (Lucaena glauca).

§ 702.412 *Authority, availability of funds and applicability*—(a) *Authority.* This program is approved pursuant to the authority vested in the War Food Administrator under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148, 16 U.S.C. 1940 ed. 590g to 590q), as amended, and E.O. 9322 as amended by E.O. 9334. In connection with the effectuation of the purposes of section 7 (a) of said Act for 1943, the payments provided for herein will be made for participation in the 1943 program.

(b) *Availability of funds.* The provisions of the 1943 program are necessarily subject to all legislation affecting the program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon whatever appropriation the Congress may hereafter provide for the purpose; and the amounts of payments will necessarily be within the limits finally determined by the appropriation, its apportionment under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation, the rates of payment and deduction with respect to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) *Applicability.* The provisions of the 1943 program contained herein, except where the context otherwise indicates, are applicable only to the Territories of Alaska and Hawaii and to Puerto Rico. They do not apply to any department or bureau of the United States Government or any corporation wholly owned by the United States, or to lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership.

The program is applicable to land owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Agency finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

Issued at Washington, D. C., this 19th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11672; Filed, July 20, 1943; 11:34 a. m.]

Chapter XI—War Food Administration

[FDO 55, Amdt. 1]

PART 1405—FRUITS AND VEGETABLES

CALIFORNIA PLUMS

Food Distribution Order No. 55, § 1405.7, issued by the War Food Administrator on June 7, 1943 (8 F.R. 7626) is amended as follows:

1. By deleting from (a) (3) thereof the words "in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce" and inserting in lieu thereof the words "from a point within the State of California to a point outside said State."

2. By inserting in (b) (2), immediately following the words "Branch Office, War Food Administration, 331 Federal Building, P. O. Box 230, Sacramento, California," the words "or to the program manager at such place as he shall designate and of which he shall give public notice."

3. By relettering paragraphs (c), (d), (e), (f), (g), (h), and (i) of said section as paragraphs (d), (e), (f), (g), (h), (i), and (j), respectively.

4. By inserting as paragraph (c) of said section the following:

(c) *Administration.* (1) The Director shall designate a person to act as "program manager" under this order, and shall fix the amount of his salary. Insofar as he performs functions for the United States, the program manager will act under his appointment as collaborator without compensation from the United States, which appointment will be otherwise provided. The program manager shall be subject to removal by the Director at any time, and all his acts shall be subject to the continuing right of the Director to disapprove of the same at any time. Upon such disapproval, his acts shall be deemed null and void except insofar as any other person has acted in reliance thereon or in compliance therewith prior to such disapproval. The program manager is authorized and directed to:

(i) Receive and examine the inspection certificates; compile records of shipments; assemble data with respect to the growing, shipping, and marketing conditions affecting plums; and furnish to the Director such available information as may be requested.

(ii) Keep books and records which will clearly reflect all of his acts and transactions, which books and records shall be subject at any time to examination by the Director.

(iii) Collect the assessments as provided in this order from those persons required by the order to pay such assessments.

(iv) Deliver to the Director promptly after his designation a bond, in an amount and with surety thereon satisfactory to the Director, conditioned upon the faithful performance of his duties under this order.

(v) Employ and fix the compensation of such persons as may be necessary to enable him to perform his duties hereunder.

(vi) Obtain a bond with reasonable surety thereon covering each employe of his office who handles funds under the order.

(vii) Investigate and report to the Director any violation of this order.

(viii) Submit to the Director for approval a budget of expenses hereunder of the program manager and the Advisory Committee.

(ix) Pay out of the funds collected by him as program manager the cost of his bond and of the bonds of his employees, his own compensation and that of his employees, the per diem allowance and traveling expenses of the Advisory Committee, and all other expenses necessarily incurred by him in the performance of his duties hereunder.

(x) Cause his books of account to be audited whenever requested by, and submit a copy of such audit to, the Director.

(2) The Director shall designate seven persons to act on an "Advisory Committee" and an alternate member for each of the members. Any such alternate shall act only in event that the member for whom he is alternate is unable to act. The program manager shall be an additional member ex officio and shall act as chairman of the Advisory Committee. Each member of the committee shall be subject to removal by the Director at any time. The Advisory Committee shall meet at the call of the chairman, or at the call of any four members thereof. The Committee members shall be paid their actual traveling expenses, and each member, except the Program Manager, shall be paid $5.00 for each day of attendance at a committee meeting. The Advisory Committee shall counsel with the program manager, and shall recommend to the Director such amendments to this order and such changes in the operation thereof as it deems advisable.

(3) Each person who ships plums shall pay to the program manager on demand made by the program manager from time to time the sum of one cent for each hundredweight of plums shipped by such person after May 1, 1943. Any money so collected and remaining in the possession of the program manager upon the termination of this order shall be distributed in such manner as the Director may order.

This amendment shall become effective the 21st day of July 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F. R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 19th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11673; Filed, July 20, 1943; 11:34 a. m.]

[Suspension Order Docket No. FDA-NE-11]

PART 1590—SUSPENSION ORDERS

OLYMPIC CONFECTIONERY

Gust Psychos, an individual doing business as Olympic Confectionery, 103 North Main Street, Coudersport, Pennsylvania (hereinafter referred to as "respondent"), was duly served with a statement of charges and procedure, in which it was alleged that respondent had violated Food Distribution Order 13 (8 F.R. 2530), issued by the Secretary of Agriculture on February 2, 1943, and made effective by him on February 3, 1943, by selling and delivering cream, the milk fat content of which was in excess of 19 per cent. The respondent, in a letter which has been considered as his answer, admitted the commission of the violations alleged in the statement of charges and stated that he did not wish to be heard thereon. The respondent and his employee also executed sworn statements admitting the sales and deliveries of cream in violation of Food Distribution Order 13, as alleged in the statement of charges. Sworn statements executed by a special agent of the Compliance Branch, Food Distribution Administration, War Food Administration, and another investigator corroborate the admissions of the respondent and his employee. An analysis by a commercial testing laboratory of the cream involved in this matter revealed that the milk fat content thereof was 41 per cent.

Upon the basis of these sworn statements, the analysis, and the admissions contained in the answer, the War Food Administrator, acting under authority conferred upon him by Executive Order No. 9334 (8 F.R. 5423), hereby determines, that:

(a) Respondent is a producer as that term is defined in Food Distribution Order 13, doing business as Olympic Confectionery, at 103 North Main Street, Coudersport, Pennsylvania.

(b) Respondent sold and delivered cream, on or about May 2, 1943, at his place of business, known as Olympic Confectionery, 103 North Main Street, Coudersport, Pennsylvania, the milk fat content of which was 41 per cent, in violation of said Food Distribution Order 13, which provides that no producer may deliver cream having a milk fat content in excess of 19 per cent.

Because of the great scarcity of dairy products, including cream, in the normal channels of distribution for the fulfillment of the requirements of the United States for defense, for private account, and for export, and because of the importance of having dairy products, including cream, distributed in a manner to assure an adequate supply and efficient distribution thereof for war and essential civilian needs, the aforesaid violation by the respondent has impeded the war effort and has, therefore, been contrary to public interest. It also appears that further violations by the respondent are likely unless appropriate action is taken.

It is therefore ordered, That:

§ 1590.2 *Suspension order against Gust Psychos, an individual doing business as Olympic Confectionery.* (a) The respondent, his agents, successors, or assigns shall not, in any manner, either directly or indirectly, (1) deliver cream to any person; or (2) accept delivery of cream from any person.

(b) No person shall, in any manner, directly or indirectly, deliver cream to the respondent, his agents, successors, or assigns.

(c) Nothing contained in this order shall be deemed to relieve the respondent, his agent, successors, or assigns from any restriction, prohibition or provision contained in any order or regulation of the War Food Administrator, except insofar as the same may be inconsistent with the provisions hereof.

(d) The term "person", as used in this order, means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(e) Any terms used in this order which are defined in Food Distribution Order 13 (8 F.R. 2530), issued by the Secretary of Agriculture on February 2, 1943, and made effective by him on February 3, 1943, shall have the meaning therein given to them, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(f) This order shall become effective 12:01 a. m., e. w. t., July 29 1943, and, unless sooner terminated, shall expire 11:59 p. m., e. w. t., August 27, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 19th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11674; Filed, July 20, 1943; 11:34 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 77—MEDICAL AND DENTAL ATTENDANCE

INDIVIDUAL SURGICAL AND ORTHOPEDIC APPLIANCES

Paragraph (g) of § 77.3 is rescinded, the regulations contained therein having been superseded in amendment of Army Regulation 40-505.

§ 77.3 *Civilian medical attendance for military patients at public expense.* * * *

(g) *Individual surgical and orthopedic appliances.* [Rescinded]

(R.S. 161; 5 U.S.C. 22) [Par. 3*h*, AR 40–505, 1 September 1942, as amended by C4, 3 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–11645; Filed, July 20, 1943; 9:47 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 3695, Supp. 3]

PART 5—ADMINISTRATION OF FOREIGN AGENTS REGISTRATION ACT

EXEMPTION OF CERTAIN NEWS SERVICES, RADIO SERVICES, ETC.

JULY 17, 1943.

Pursuant to the authority vested in me by the Foreign Agents Registration Act of 1938, as amended (Public Law 532, 77th Congress, 2d Session), paragraph (b) of Rule 303 (§ 5.303 (b)) of the rules and regulations prescribed on June 23, 1942 (7 F.R. 4717), to carry out the provisions of said Act is amended to read as follows:

(b) Any person who is an agent of a news service, radio news service, photo news service, or press service or association, organized under the laws of or having its principal place of business in a foreign country, or who is an agent of a newspaper, magazine, periodical or other publication published by a foreign principal, shall be regarded as exempt under the provisions of section 3 (d) with respect to his activities as such agent if, and so long as, his "political activity", as defined in § 5.100, is confined to:

(1) Gathering and reporting information which is reasonably adapted to being, and which he intends to be, used by his principal purely for news purposes, and not for the purpose of disseminating political propaganda;

(2) Broadcasting or writing for publication within the United States, concerning which the Foreign Agent Registration Section has previously been notified in writing, or the making of extemporaneous oral communications, which broadcasts, writings, or communications are not intended for the purpose of disseminating political propaganda;

Provided, however, That such agent shall not be regarded as exempt under the provisions of section 3 (d) if:

(i) Any of the activities of the agent are performed for or directed by any foreign government or foreign political party;

(ii) The foreign principal is owned or subsidized, in whole or in part, by, or any of its activities are directed by, any foreign government or foreign political party;

(iii) The foreign principal is any such service or association organized under the laws of, or having its principal place of business in, or any such publication printed in, any foreign country with which the United States is at war, or any foreign country allied with, or occupied or dominated by, any such country; or

(iv) The agent engages in any activity set out in paragraph (a) (8) (iv) or (viii) of § 5.100.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43–11612; Filed, July 19, 1943; 1:46 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

[Docket No. A–2059]

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines; for the changing of shipping points of certain other mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and for changes in the shipping points for the coals of certain other mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: July 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
2741	Brady, George	Summit #8	12	E	Juneau, Pa.[2]	B&O						
					Glen Campbell, Pa.	PRR	[3] 63	(†)	(†)	G	G	G
4031	Coal River Collieries, Inc	Bluetown #1	4	E	Hawthorn, Pa.	PRR	75	(†)	(†)	G	(†)	(†)
4032	Coal River Collieries, Inc	Bluetown #2	4	D	Hawthorn, Pa.	PRR	75	(†)	(†)	G	(†)	(†)
3401	Etherson, T. J.	Etherson	6	E	Juneau, Pa.[2]	B&O						
					Glen Campbell, Pa.	PRR	[3] 63	(†)	(†)	F	(†)	(†)
3034	Kerr, James R	J. R. Kerr #1	12	C′	Glen Campbell, Pa.	PRR	50	(†)	(†)	G	(†)	(†)
4035	Kerr, James R	J. R. Kerr #2	12	D	Glen Campbell, Pa.	PRR	50	(†)	(†)	G	(†)	(†)
3503	Lamkie Brothers (W. H. Lamkie)[1]	Lamkie #9[1]	12	E	Glen Campbell, Pa.[2]	PRR	[3] 50	G	G	G	G	G
4001	Neff, Edward	Neff	32	B	Foustwell, Pa.	B&O	100	(†)	(†)	E	(†)	(†)
3057	Skonier Brothers (A. J. Skonier)	Charles P. Miles	18	D	Irvona, Pa.	PRR	50	(†)	(†)	F	(†)	(†)
4051	Stefanko, John E., Jr	Stefanko	34	A′	Dunlo, Pa.	PRR	49	(†)	(†)	F	(†)	(†)
4040	Stoker Coal Company, The (John R. Torquato)	Stoker Coal Co. No. 1	34	A′	Dunlo, Pa.	PRR	49	(†)	(†)	F	(†)	(†)
2609	Sunderland & Pearce (M. T. Pearce)	Sun	12	D	Juneau, Pa.[2]	B&O						
					Glen Campbell, Pa.	PRR	[3] 63	G	G	G	G	G
3877	Thompson, Orin S	Deer Creek #1	8	B	Bigler, Pa.	PRR	45	(†)	(†)	D	(†)	(†)
4033	Tomer, Raymond V	Tomer No. 1	15	D	Dixonville, Pa.	CT&D	59	(†)	(†)	F	(†)	(†)

[1] Indicates change in name.
[2] Indicates change in shipping point.
[3] Indicates change in F. O. G.
†Indicates no classifications effective for these size groups.

NOTE.—The above prices are applicable only via the respective freight origin groups, shipping points and railroads shown for the respective mines. Freight origin groups, shipping points and railroads previously assigned to these mines are no longer applicable.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Coal River Collieries, Inc	4031	Bluetown #1	4	Clarion	E	260	235	235	220	210
Coal River Collieries, Inc	4032	Bluetown #2	4	Clarion	D	260	235	235	220	210
Houston & Dunmeyer Coal Co., (Eddie Houston).	4022	Houston & Dunmeyer	41	Somerset	Pittsburgh	(†)	(†)	240	(†)	(†)
Kerr, James R	4035	J. R. Kerr #2	12	Indiana	D	(†)	(†)	235	(†)	(†)
Kunkle, Roy & Floyd (Roy Kunkle)	4037	Kunkle	15	Indiana	D	(†)	(†)	240	(†)	(†)
Lamkie Brothers (W. H. Lamkie) [1]	3503	Lamkie #9 [1]	12	Indiana	E	(†)	(†)	235	(†)	(†)
Stefanko, John E., Jr	4051	Stefanko	34	Cambria	A'	(†)	(†)	240	(†)	(†)
Stoker Coal Company, The (John R. Torquato).	4040	Stoker Coal Co. No. 1	34	Cambria	A'	(†)	(†)	240	(†)	(†)
Tomer, Raymond V	4033	Tomer No. 1	15	Indiana	D	(†)	(†)	240	(†)	(†)

†Indicates no prices effective for these size groups.
[1] Indicates change in name.

[F. R. Doc. 43-11572; Filed, July 19, 1943; 10:27 a. m.]

[Docket No. A-1548, Part II]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

MEMORANDUM OPINION AND ORDER OF DIRECTOR

Memorandum opinion and order of the Director in the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of the Carr No. 2 Mine (Mine Index No. 1273) of W. C. Carr, and for the coals of the Tennessee Valley Mine (Mine Index No. 276) of R. D. Campbell for all shipments except truck.

This proceeding was instituted upon a petition [1] filed with the Bituminous Coal Division on July 22, 1942, by District Board 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13 for which classifications and effective minimum prices have not previously been established. The petition herein proposes the establishment of price classifications and minimum prices for the coals of the Carr No. 2 Mine (Mine Index No. 1273), of W. C. Carr,[2] and the Tennessee Valley Mine (Mine Index No. 276), of R. D. Campbell, for all shipments except truck.

Pursuant to appropriate order, and after notice to interested persons, a hearing in this matter was held on September 29, 1942, before Travis Williams, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 13 appeared. The parties waived the preparation and filing of a Report by the Examiner and the record was thereupon submitted to me for consideration.

The Carr No. 2 Mine [3] is a small mine recently opened, producing approximately 50 tons daily, and operating in the Wadsworth Seam in St. Clair County, Alabama. Its coal moves to the southeastern market areas of central Tennessee, north Alabama and northwest Georgia. According to N. E. Cross, Secretary of District Board 13, and the only witness at the hearing, there are no other mines in St. Clair County operating in the Wadsworth Seam which ship by rail. There are, however, certain mines in Shelby County, operating in the Wadsworth Seam, which ship by rail,[4] and the price classifications and minimum prices proposed for the Carr No. 2 Mine are the same as those previously established for the Shelby County mines operating in the Wadsworth Seam. The record further discloses that the Wadsworth Seam in St. Clair County is approximately of the same quality as the Wadsworth Seam in Shelby County.[5] The witness maintained that the differential between truck and rail prices in Size Groups 13 and 23 as proposed for the Carr No. 2 Mine is the same as that heretofore established for the Shelby County mines operating in the Wadsworth Seam. Finally, the witness testified that the Carr No. 2 Mine is located about six miles from Odenville, the Odenville, the proposed shipping point, which was established as the point of origin by the Interstate Commerce Commission,[6] and that the prices proposed for railroad locomotive fuel were the same as those established for the Brookston Mine (Mine Index No. 55) in St. Clair County, which is the only other mine connected with the Seaboard railroad.[7]

The uncontroverted evidence establishes that the coals of the Carr No. 2 Mine of St. Clair County are of similar quality and analytical content, move to similar market areas, and enjoy similar market acceptability as do the coals of the Shelby County mines operating in the Wadsworth Seam referred to above. I find, therefore, that the price classifications and minimum prices for the Carr No. 2 Mine should be correlated with the price classifications and minimum prices of these Shelby County mines.

The petition also requests price classifications and minimum prices for the coals of the Tennessee Valley Mine (Mine Index No. 276) of R. D. Campbell, located in Jackson County, Alabama.[8] This mine produces approximately 25,000 tons annually, and is located near the Tennessee-Alabama borderline. Originally it was coordinated in price for

[1] By an order dated August 20, 1942, granting temporary relief and conditionally providing for final relief, petitioner was granted the relief requested for all mines, except, among others, the Carr No. 2 Mine (Mine Index No. 1273) and the Tennessee Valley Mine (Mine Index No. 276) for which this proceeding was severed and scheduled for hearing.

[2] The schedules of effective minimum prices for District No. 13 refer to the code member as W. C. Carr (Carr Coal Co.).

[3] Also referred to in the record as the Gillison Coal Company Mine.

[4] Ann Blair Mine (Mine Index No. 134) of Neill Coal Company, and Pen's Wadsworth and Pen's Wadsworth #2 Mines (Mine Index Nos. 514 and 1424) of the Pen Coal Company.

[5] The foregoing is confirmed by the fact that proximate analyses of mine run coal of the Carr No. 2 Mine in St. Clair County and that of the Pen Coal Company's Mine in Shelby County indicate these following similarities, i. e., in moisture (1.40 and 1.17), volatile (33.60 and 35.95), fixed carbon (57.50 and 56.20), and ash (7.50 and 7.67). Although sulphur content and B. t. u.'s were not available for the Pen Coal Company's Mine, the witness asserted that the coals of the respective mines were also similar in these qualities.

[6] Supplement No. 29 to I.C.C., A8010.

[7] Prices for vessel fuel were proposed to equal those of the Cahaba mines, such as Mine Index Nos. 9, 11, 12, 17, 58 and 69.

[8] The schedule of effective minimum prices for District No. 13 refers to this mine as the Tenn. Valley Mine (Mine Index No. 270) of R. D. Campbell (Tennessee Valley Coal Co.). Although originally designated as operating in the Talley Seam, it has since been ascertained that this mine operates in the Battle Creek Seam.

FEDERAL REGISTER, *Wednesday, July 21, 1943*

truck shipment with Subdistrict 2 truck mines in the same vicinity. The proposal to classify this mine for rail shipment depends on different factors. The record discloses that the coals of this mine are produced from the seam generally mined in Subdistrict 3. It appears further that these coals move over the N. C. & St. L. Railroad which connects the principal mines of Subdistrict 3, the Tennessee-Georgia area of District 13, and that freight rates from Bass, the principal shipping point, to the probable destination of this coal, are substantially similar to the freight rates of these Subdistrict 3 mines.[9] Inasmuch as the coals of the Tenn. Valley Mine will come into competition with the coals of the Subdistrict 3 mines rather than with those of the Subdistrict 1 mines, it was proposed that the Tenn. Valley Mine be classified for rail shipment the same as the Subdistrict 3 mines operating in the same seam. In the opinion of the witness, the requested relief will not disturb the coordinated relationship of District 13 coals. In the circumstances thus disclosed, I find that the Tenn. Valley Mine should be classified for rail shipment the same as Subdistrict 3 mines operating in the Battle Creek Seam.

In order, therefore, to reflect, as nearly as possible, the true value of the coals of the Carr No. 2 Mine and the Tenn. Valley Mine, and to preserve, as nearly as may be, existing fair competitive opportunities of producers in District 13, I find (1) that price classifications and minimum prices for the coals of the Carr No. 2 Mine should be established to equal those of similarly sized coals of Shelby County mines operating in the Wadsworth Seam; and (2) that the price classifications and minimum prices of the coals of the Tenn. Valley Mine should be established to equal those of similarly sized coals of Subdistrict 3 mines operating in the Battle Creek Seam. I find further that the foregoing price classifications and minimum prices comply with the standards set forth in sections 4 II (a) and (b) of the Act, and are required to effectuate the purposes thereof.

Upon the basis of the above findings of fact, and upon the entire record in this proceeding,

It is hereby ordered, That effective fifteen (15) days from the date hereof, § 333.6 (*General prices*), § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*), § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) and § 333.25 (*Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) in the schedule of effective minimum prices for District No. 13 for all shipments except truck is amended to include the price classifications and minimum prices for the coals of the Carr No. 2 Mine (Mine Index No. 1273) of W. C. Carr (Carr Coal Co.), St. Clair County, Alabama, and of the Tenn. Valley Mine (Mine Index No. 276) of R. D. Campbell (Tennessee Valley Coal Co.), Jackson County, Alabama, as set forth in Supplements R–I, II, III and IV, which supplements are hereinafter set forth and hereby made a part hereof.[10]

Dated: July 13, 1943.

[SEAL] DAN H. WHEELER,
Director.

[9] For example, to the east, to Chattanooga, and to the west, to Huntsville, the rates are the same as those of the Whitwell Mine (Mine Index No. 95) of the Tennessee Products Corporation in Subdistrict 3.

[10] The price classifications and minimum prices therein contained shall reflect the increase in prices for District 13 directed by the order in General Docket No. 21, effective October 1, 1942.

DISTRICT No. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ST. CLAIR COUNTY, ALA.				
[1] 1273	Carr, W. C. (Carr Coal Co.)	Carr #2	1	Wadsworth	70
	JACKSON COUNTY, ALA.				
[2] 276	Campbell, R. D. (Tennessee Valley Coal Co.	Tennessee Valley	1	Battle Creek	190

[1] Shipping point: Odenville, Ala., Railroad: S. A. L. This mine shall have in Size Groups 13 and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 135 (Neill Coal Co., Ann Blair mine, Price Schedule No. 2) as listed in Group No. 65.

[2] Shipping point: Bass, Ala., Railroad: N. C. & St. L. On each respective price table for subdistrict 3 mines, Mine Index No. 276 shall be priced the same as the coals included in Group No. 3, and the price instructions, exceptions, and size groups applicable to subdistrict 3 mines shall apply to the coals of Mine Index No. 276.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply]

For all mines in Subdistrict No. 1			For all sizes customarily furnished railroads for locomotive fuel			
Mine index number	Central [1] of Georgia	Seaboard [1] Air Line Railway	St. Louis and San Francisco Railroad for consignment West of the Mississippi River	St. Louis and San Francisco Railroad for consignment East of the Mississippi River	A. B. & C. Railroad	All other railroads not specifically shown
1273		273	230	250		250

[1] Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Size groups and prices applicable for steamship vessel fuel					
	Mine group	14, 15, 16, 17, 18	12	13	23	
1273	Cahaba	300		300		

§ 333.25 *Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*—Supplement R–IV.

[For mines in subdistrict No. 3]

Mine Index No.	Size	Price
276	For all sizes except screenings.	250
	Screenings with top size not more than 2".	245

[F. R. Doc. 43-11288; Filed, July 14, 1943; 10:43 a. m.]

[Docket No. A-1497]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

MEMORANDUM OPINION AND ORDER MODIFYING ORDER

Memorandum opinion and order modifying order dated May 13, 1943, in the matter of the petition of District Board No. 15 for revision of the effective minimum prices for certain coals produced in District No. 15.

On June 7, 1943 the petitioner herein filed an application for modification of the order issued in this docket on May 13, 1943, 8 F.R. 6921. Said application alleged that said order failed to give consideration to a change in the base price on certain sizes that became effective on October 1, 1942 in General Docket No. 21; that it failed to give consideration to the order dated July 29, 1942, 7 F.R. 6253, and the order dated August 22, 1942, 7 F.R. 6931, in Docket No. A–1533; that it failed to apply the freight rates made effective by order of Interstate Commerce Commission and Ex Parte No. 148 to minimum prices heretofore established; that it disturbed classification and coordination between and among minimum prices on coals for Marketing Area No. 75; petitioner requested that the order dated May 13, 1943 be modified to provide prices for Market Area No. 75 in accordance with "Appendix A" attached to said application.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petition of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That effective June 12, 1943 and pending final disposition of the above-entitled matter temporary relief is granted as follows: § 335.7 (*General prices; domestic, commercial and industrial coal schedule*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: July 7, 1943.

[SEAL] DAN H. WHEELER, *Director*.

DISTRICT NO. 15

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.7 *General prices; domestic, commercial and industrial coal schedule*—Supplement R

Domestic, commercial and industrial coal schedule—Part I. Minimum prices f. o. b. mine for coal shipped by rail to Market Area No. 75—Greater Kansas City. Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 7 cents per ton. Subject to Price Instructions and Exceptions § 335.1]

Production group No.	Domestic and commercial														Industrial			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	12	13	14	15
	Fcy. lump	Lump	Furn. or egg	Egg nut	Fcy. nut	Std. nut	#2 nut	Ch. nut *	M/R	Nut run	Spec. stok.	Raw P. P. scgs.	Wash. scgs.	Raw scgs.	Raw P. P. scgs.	Wash. scgs.	Raw scgs.	Raw dust
1	250	250	250	250	265	250	235	215	215	200	*194*	*179*	*179*	150	*148*	*148*	120	40
2	258	258	258	258	250	235	220	200	215	185	205	190	190	155	155	155	135	40
3	258	258	258	258	253	238	225	203	215	188	188	173	173	113	138	138	78	40
4	292	292	292	292	277	262	247	227	x	212	*226*	*211*		132	178		97	40
5	290	290	290	290	277	262	247	227	x	212	*226*	*211*	x	132	*178*	x	97	40
6	283	283	283	283	x	x	x	x	x	x	x	x	x	x	x	x	x	x
7	325	325	325	300	x	275	x	155	240	115	x	x	x	90	x	x	x	x
8	275	275	275	250	x	225	x	155	240	115	x	x	x	90	x	x	x	x
10	200	200	200	180	x	160	x	130	180	115	*94*	x	x	65	x	x	x	x
11	204	204	204	199	x	160	x	130	159	115	*94*	x	x	65	x	x	x	x

To destinations in this Market Area, Production Group 1, unwashed "A" Grade coals establish the base, except to destinations within the Market Area where Production Group 2 active rail-shipping mines have intra-state mileage rates, or specific point to point rates, either of which are less than the published and effective group rates. To such destinations within the Market Area, Production Group 2 establishes the base.

NOTE: Items that are italicized are the items in which the changes occur.

[F. R. Doc. 43-11573; Filed, July 19, 1943; 10:27 a. m.]

[Docket No. A-1533]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

MEMORANDUM OPINION AND ORDER MODIFYING ORDER

Memorandum opinion and order modifying order dated May 13, 1943, in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 15.

On June 7, 1943 the petitioner herein filed application for modification of the order previously issued in this docket on May 13, 1943, 8 F.R. 6723. Said application alleged that the Order dated May 13, 1943, failed to give consideration to a change in the base price of certain sizes that became effective October 1, 1942, in General Docket No. 21; that it failed to give consideration to orders in this docket dated August 22, 1942, 7 F.R. 6931 and September 14, 1942, 7 F.R. 7519; that said order disturbed classification and coordination between and among minimum prices in District No. 15 and that it fails to apply to minimum prices heretofore established the freight rates made effective May 15, 1943 by order of Interstate Commerce Commission in Ex Parte No. 148; petitioner requested that the order dated May 13, 1943 be modified to provide prices for Marketing Area No. 75 in accordance with Appendix A attached to said application;

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth;

No petition of intervention having been filed with the Division in the above-entitled matter;

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That effective June 12, 1943 and pending final disposition of the above-entitled matter temporary relief is granted as follows: § 335.7 (*General prices; domestic, commercial and industrial coal schedule*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in Proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: July 6, 1943.

[SEAL] DAN H. WHEELER, *Director*.

DISTRICT NO. 15

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCKS

§ 335.7 *General prices; domestic, commercial and industrial coal schedule*—Supplement R.

Section in the schedule of effective minimum prices	To market area No.	From production group No.	Domestic and commercial size group 13, washed screenings	Industrial size group 13, washed screenings
335.7	75	*4*	*211*	*178*
335.7	78	4	192	

NOTE.—Items that are italicized are the items in which the changes occur.

[F. R. Doc. 43-11574; Filed, July 19, 1943; 10:27 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 197]

EMPLOYEE NOTIFICATION FORM

ORDER REVISING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 82, entitled "Employee Notification Form,"[1] effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing revision became a part of the Selective Service Regulations effective as of March 1, 1943.

LEWIS B. HERSHEY, *Director*.

JULY 19, 1943.

[F. R. Doc 43-11635; Filed, July 20, 1943; 8:59 a. m.]

[No. 198]

PROPERTY LIST

ORDER DISCONTINUING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 253, entitled "Property List," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing discontinuance shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the ruptcy, receivers and other kinds of liqui- Federal Register.

LEWIS B. HERSHEY, *Director*.

JULY 16, 1943.

[F. R. Doc. 43-11636; Filed, July 20, 1943; 8:59 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13 as Amended July 19, 1943]

Section 944.34 *Priorities Regulation 13* is hereby amended to read as follows:

§ 944.34 *Priorities Regulation No. 13*—(a) *Purpose of this regulation.* This regulation, in general, describes the rules under which materials may be sold by persons who are not in the regular business of selling such materials. While most sales of this kind will be sales of frozen, idle, or extra materials, the regulation is broader in its scope. For example, a person who has idle materials on hand because his business has been converted to war work, or because the business he used to carry on has been stopped or limited by War Production Board orders, or whose contract has been cancelled or changed, may sell off the idle or excess materials only under the rules in this regulation and, if he follows this regulation, he does not have to look to any other order or regulation except in a few cases which are described below. This regulation also controls liquidation sales, bankruptcy sales, general auction sales, and other sales which are not considered sales in the regular course of business.

(b) *Special definitions used in this regulation.* This regulation deals only

[1] Form filed as part of the original document.

with "special sales" of "industrial materials." As used in the regulation, those terms have the following meanings:

(1) "Special sale" means a sale of material by a person who does not, in the regular course of his business, sell that material in that form. A sale by a retailer or a wholesaler of items from his stocks is not a special sale because that is what the retailer or wholesaler makes a regular business of doing. For the same reason, a sale by a manufacturer of the product he makes is not a special sale. But if a manufacturer sells the raw material he has bought to use in making his regular product, it is a special sale because selling raw material is not his regular business. Or if a contractor has bought material to build a building and cannot finish it and sells off the materials, that is a special sale because his business is building houses, not selling lumber and nails and pipe. Liquidation sales by trustees in bankdators (unless they are continuing to operate a business) and general auctioneers are special sales as they are considered not to be regularly in the business of selling any particular products.

(2) "Industrial material" means the kind of material products are made out of, or which are put together to make other products. The definition includes simple material forms like pipe, metal sheet and rod, wire, lumber, chemicals and yarn. It includes both new and used materials. It does not include assembled parts or products, like motors, valves or drums or anything which has already been put together so that it is no longer in a simple form. Also, the definition does not cover any of the following:

(i) *Scrap.* There are special orders covering certain types of scrap and, except in those cases, scrap may be sold to a scrap dealer.

(ii) *Foods for humans or animals, medicines, tobacco, oils and fats.* These products are regulated by the War Food Administration or are rationed by another government agency and so the orders of the War Production Board do not apply.

(iii) *Tools.* This regulation does not cover cutting tools, hand tools or any other tools. There are special orders covering such items.

(iv) *Finished products of the kind that are sold at retail and that are bought to be used just as they are, and not to be used in making something else.* For example, an ash tray, or a towel or sheet, or a metal sign or a lightning rod is used just as it is and is not used to make another product. But nails or wire or pipe or chemicals or a bolt of cloth are bought to be used in making something else and to be put together with other things, and they are covered by the regulation.

(c) *Kinds of special sales of industrial materials which may be made.* If a person wants to make a special sale (as described above) of an industrial material (as described above), the rules in this regulation apply and only these rules. There is no need to look at any other order or regulation, and these rules must be followed, no matter how the material was bought, and no matter what any other order or regulation provides. The only exceptions to this rule are stated in paragraph (f) (2). The types of special sales which may be made are the following:

(1) *Steel and Iron reported to Steel Recovery Corporation.* If the industrial material is iron or steel that has been reported as idle or excess inventory to the War Production Board, in care of the Steel Recovery Corporation in Pittsburgh, it may not be sold without permission from a regional office of the War Production Board or from the War Production Board office at Steel Recovery Corporation. Each regional office can only give permission to sell iron and steel which is located in that region, so, if application is made to a regional office, it must be made to the head office of the region in which the iron or steel is located. Either the buyer or the seller may apply for permission, in person, or by writing or telephoning. The permission can be given only if the person applying gives exact details of the proposed sale, including the names of the buyer and seller, the serial number and item number on the seller's report form, and an exact description of the weight, size, analysis, finish and form of the material and, if the buyer is using a CMP allotment to buy the material, the CMP symbol and number which he will use. The application should also tell what the iron or steel will be used for. It is necessary to keep close track of these sales so that the master record of idle and excess iron and steel can be kept up to date and material will not be listed as available if it has already been sold.

(2) *Materials on List A.* If the industrial material that the seller wants to sell is one of the materials listed on List A attached to this regulation or is made out of one or more of those materials (and is not iron or steel which has been reported as idle or excess inventory as described in subparagraph (1) of this paragraph), the following are the only kinds of sales that can be made, and if the sale is permitted under any one of the following subparagraphs, it may be made:

(i) A holder may sell freely to one of the following Government corporations, or to anyone buying as agent for one of them: Commodity Credit Corporation, Defense Supplies Corporation, Metals Reserve Company, or Rubber Reserve Company.

(ii) A holder may sell if he has been given permission by the War Production Board to make the particular sale. This kind of permission can usually be given only by the War Production Board in Washington. Requests should be addressed to the Redistribution Division of the War Production Board and form WPB–1161 (PD–470) should be used in making the request. That form shows the kind of information which is needed before permission can be given. Copies of the form can be obtained in district or regional offices of the War Production Board.

(iii) A holder may sell freely to anyone if he has a total of less than $100 worth of the particular material sold, unless it is one of the materials listed on the attached List B. In deciding whether the holder has $100 worth, he must count all material of the same type and composition. For example, all bare copper wire, or all cattle hides, or all cotton duck. This paragraph does not mean that a person may sell freely lots worth less than $100 if he has more than that amount. It only allows the sale if all he has of that kind of material is worth less than $100

(iv) If the material is copper, copper base alloy, aluminum or steel in a form described as a "controlled material" in CMP Regulation 1, the holder may sell it to fill an authorized controlled material order or to a buyer who gives him an order bearing a CMP allotment symbol and number and this certification:

> The undersigned certifies that he is entitled under CMP regulations to place an authorized controlled material order for the above material.
>
> ----------

Or the certification may be the optional form set out in CMP Regulation 7.

(v) Sales may be made in accordance with List A. That list has four columns showing classes of buyers who might want to buy materials. Opposite each material on the list in each column is shown whether, and under what conditions, sales can be made to the class of buyer described in the heading of the column.

(3) *Special orders.* If the War Production Board, by an order or in any other way, has ruled that all persons engaged in a particular business may sell or exchange materials between themselves, they can do so (unless the material is iron or steel covered by paragraph (c) (1)) and the other parts of this regulation do not forbid it.

(4) *Materials not on List A.* If the holder's industrial material is not on List A, he may sell freely to anyone.

(d) *Transfers within a company.* If a company wants to move material from one branch or subsidiary to another, but the transfer is not a sale because no money changes hands, the company should determine whether the branch or subsidiary which holds the material could sell it to the other for cash under this regulation. If so, the transfer may be made under this regulation even though it is not a sale.

(e) *Replacing material sold.* If a person sells material under this regulation to someone who gives him a priority rating or a CMP allotment symbol or number, the seller cannot use the rating or allotment to replace the material he has sold. The effect of the rating or symbol or number stops when the seller receives it.

(f) *Sales not covered by this regulation.* (1) If a sale is not a "special sale" (as described in paragraph (b) (1)) or if the item to be sold is not an "industrial material" (as described in paragraph (b) (2)), this regulation does not govern the sale and any other orders or regulations apply. There are special orders which deal with some kinds of equipment, and there are general rules in § 944.11 of Priorities Regulation No. 1. Any field office of the War Production Board can give information about these orders.

(2) If another order or regulation expressly mentions Priorities Regulation No. 13 and says that this regulation does not apply to a particular type of sale, then that order or regulation takes the place of this regulation. There are very few of those orders, principally relating to chemicals, and there are special rules which have been laid down for certain aircraft materials. Otherwise, there is no necessity of referring to any other order or regulation if the making of a special sale of an industrial material is involved. If any seller is allowed to make a sale under this regulation, the buyer is permitted to buy and accept delivery, except that:

(i) The buyer may not violate any regulation or order controlling the quantity of material which he may have or buy or receive or the amount of any product he may make or the use that he may make of any particular material. All the prohibitions in orders against the use of materials for particular purposes remain in effect.

(ii) If any order or regulation provides that a buyer of material must make any report or furnish any information either to the War Production Board or to the seller, this regulation does not excuse him from these requirements.

(iii) If any holder of material knows that a person who wants to buy it will use it for a prohibited purpose or would have more of the material than he is permitted to have, the sale cannot be made.

(g) *What records and reports must be kept and made.* (1) Anyone who has reported copper or copper base alloy to the War Production Board, care of Copper Recovery Corporation, New York, and who sells or transfers an item that he has reported must immediately tell Copper Recovery Corporation about the sale so that its records can be kept accurate by taking that item off its list of available material. The report should show clearly the item or lot number on the form on which the seller reported the material. A simple way of giving notice is to send a copy of the invoice of sale.

(2) Any person making a sale under this regulation must keep sufficient records so that he can show that the sale was permitted under this regulation, but no reports of sales need be made except for copper and copper base alloys under the paragraph above, or unless List A has a note requiring reports.

(h) *Listing materials with the War Production Board.* If anyone has any extra, idle or frozen material that he wants to sell, he should tell his nearest War Production Board office about the material and they will try to help him.

(i) *Letters and questions.* Any letters or questions about this regulation should be sent either to the Redistribution Division of the War Production Board in Washington, marked "Ref: P. R. 13", or to any of the field offices of the War Production Board, marked for the attention of the Redistribution Manager.

(j) The reporting requirements in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: Schedule A redesignated List A; introductory explanation amended; items "Aluminum," "Copper," "Iron," "Steel and Wrought Iron" in Part I amended; items "Ethyl acetate," "Isopropyl acetate" in Part II amended; items "Acetaldehyde," "Alcohols, denaturants," "Congo Copal," "Methyl isobutyl ketone," "Staybelite," "Tapioca flour," added to Part II; items "Nitrocellulose, soluble," "Paraffin, chlorinated" revoked from Part II; items "Jewel bearing material," "Kapok (new)" amended in Part III; items "Broom corn," "Coir fiber and products," "Horse mane hair" added to Part III; July 19, 1943.

Explanation. This list is described in paragraph (c) (2) (v) of the regulation. In column (1) are listed the scarce materials that are restricted under the regulation. Columns (2), (3), (4) and (5) each applies to a type of possible buyer. Opposite each material in each column is shown the conditions under which a special sale of the particular material may be made to the person described in the heading of the column.

Column (2) applies to persons who make or produce material in the form in which the holder bought it. If the holder bought copper wire, column (2) refers to a wire mill, which makes copper wire. If he bought a chemical, it refers to a company who makes or produces that kind of chemical.

Column (3) refers to persons who have a permitted use for the kind of material the holder has. If the holder has some leather to sell, column (3) would cover anyone else who has a permitted use for that kind of leather in making a product.

Column (4) refers to persons who buy new or used, rejected or second-grade materials and who rework them or make them over into something that is as good as new or can be used as if it were new. If the holder has some solvent that he has used until it is dirty or no longer usable, and some other person is in the business of cleaning the solvent so as to make it usable again, that other person would be a "reprocessor". Also, a secondary smelter who melted metal into alloy forms would be a reprocessor in column (4).

Column (5) relates to persons who are wholesalers dealing in the material the holder has, like a wholesaler in chemicals or textiles. Column (6) contains notes which should be read whenever a star (*) shows on the list.

If the list shows "No", it means that the holder cannot sell to the class of person mentioned in the column head without special permission of the War Production Board except when a note in Column (6) allows certain kinds of sales. Paragraph (c) (2) (ii) of the body of the regulation tells how to get permission.

If the list shows "PR" followed by a letter and number, like "PR AA-5", it means that the holder can sell to anyone who can give him an AA-5 priority rating for the sale, or a higher rating.

If the list shows "W.O.P.", it means the holder can sell to the person at the head of the column without any priority rating or allocation.

If the list shows "X", it means that there are no persons who fall in the description at the top of the column so far as that particular material is concerned.

As pointed out in the body of the regulation, no one may buy if in doing so he would break any rule about the amount of a material he may have, and no buyer may use material for a forbidden use. Also, the buyer must make any reports that are required by any order.

Industrial material	Classes of buyers to whom special sales of industrial materials may be made in accordance with this list, subject to paragraph (f) (2) of this regulation				Remarks
	Persons who produce material in the form in which the holder bought it.	Users permitted to buy and use under existing WPB Orders	Reprocessors who are permitted to buy	Wholesale dealers who sell the material in the form held by holder	
(1)	(2)	(3)	(4)	(5)	(6)
PART I—METALS AND METALLIC ORES					
Alloy steel (see Steel).					
Alumina	No	No	No	No	
Aluminum:***					
In controlled material form	W. O. P.	No.*	W. O. P.**	W. O. P.**	*Only to fill CMP orders under paragraph (c) (2) (iv) of the regulation.
Not in controlled material form	W. O. P.	No	W. O. P.**	W. O. P.**	**Only to approved reprocessors and wholesale dealers. Lists available at WPB offices. ***Listed on List B and is therefore excluded from paragraph (c) (2) (iii).
Antimony:					
Antimony*	W. O. P.	W. O. P.**	W. O. P.**	W. O. P.	*Includes ores and concentrates, metal, liquated antimony and any alloy containing 30% or more of antimony by weight. ** A buyer may purchase not more than 2,240 lbs. of contained antimony in any one month.
Chemicals (see Chemicals).					
Antimonial lead (see Lead).					
Babbitt (see Tin).					
Bauxite	No	No	No	No	
Beryllium*	W. O. P.	No	No	W. O. P.	*Includes ores, concentrates, and metal beryllium.
Bismuth	W. O. P.	No	No	W. O. P.	
Brass (see Copper).					
Brass mill and wire mill products (see Copper).					
Bronze (see Copper).					
Cadmium:					
Cadmium*	No	No	No	No	*Includes metallic cadmium in all forms, residues, dross, and other cadmium bearing material.
Chemicals (see Chemicals)					
Calcium:					
Calcium metal*	W. O. P.	No	X	No	*Includes any product containing 85% or more of calcium.
Chemicals (see Chemicals)					
Calcium-silicon*	W. O. P.	No	X	W. O. P.	*Electric furnace product containing from 25 to 35% calcium and from 60 to 65% silicon.
Carbon steel (see Steel).					
Cast Iron products (see Iron).					
Chromium*	W. O. P.	No	X	W. O. P.	*Includes ores, concentrates, metal, chromium containing materials commercially suitable for alloying and chromium refractory products and materials.
Cobalt*	W. O. P.	No	No	W. O. P.	*Includes ores, concentrates, crudes, residues, and all material from which cobalt is commercially recoverable.
Copper:					
In the case of all sales, made under this regulation, of copper or copper base alloy items which have previously been reported to War Production Board, care of Copper Recovery Corporation, 200 Madison Ave., New York, N. Y., the seller must send a copy of the invoice or other notice of sale to that address, showing clearly the item or lot number on the seller's report form.					
Copper ingots and refinery shapes	W. O. P.	No**	X	No**	**Only to persons holding allocation certificates or specific authorization to buy.
Copper base alloy ingots (40% or more copper by weight.	W. O. P.	No**	X	No**	
In controlled material forms:					
Brass mill products	W. O. P.	No*	No**	No**	*Only to fill CMP orders under paragraph (c) (2) (iv) of the regulation.
Wire mill products (bare or insulated)	W. O. P.	No*	No**	No**	
Copper and copper base alloy foundry products	No**	No*	X	No**	
Not in controlled material form***	W. O. P.	PR AA-5	PR AA-5	PR AA-5	***Such as semi-fabricated or fabricated un assembled parts or products.

Industrial material	Classes of buyers to whom special sales of industrial materials may be made in accordance with this list, subject to paragraph (f) (2) of this regulation				Remarks
	Persons who produce material in the form in which the holder bought it.	Users permitted to buy and use under existing WPB Orders	Reprocessors who are permitted to buy	Wholesale dealers who sell the material in the form held by holder	
(1)	(2)	(3)	(4)	(5)	(6)
PART 1—METALS AND METALLIC ORES—Continued					
Cryolite	No	No	No	No	
Electrical resistance material*	No	No	W. O. P.**	No	*Material in form of ribbon or wire in which nickel or chromium or both are used to create electrical resistance for development of heat. This material listed on List B and is therefore excluded from paragraph (c) (2) (iii). **Only used material.
Ferroalloys* (other than ferrocolumbium)					*May be sold as provided for principal nonferrous element.
Ferrocolumbium*	W. O. P.	W. O. P.**	X	X	*Includes any alloy containing 45% or more of columbium. **Only in quantities of 500 lbs. or less may be sold to any one buyer in any month.
Inconel (see Nickel).					
Iridium	W. O. P.	No	No	No	
Iron:					
These provisions apply only to iron which has *not* been reported to War Production Board, care Steel Recovery Corporation, 5835 Baum Boulevard, Pittsburgh, Pa. Iron so reported may only be sold pursuant to paragraph (c) (1) of this regulation.					
Alloy iron castings*	W. O. P.	PR A-1-k	W. O. P.	X	*Does not include materials commonly known as "ferro-alloys".
Malleable iron castings	W. O. P.	PR A-9	W. O. P.	W. O. P.	
Pig iron*	No	No	No	No	*Subject to allocation under M-17.
Wrought iron and wrought iron products (See Steel and Wrought Iron).					
Cast iron products	W. O. P.	PR A-9	W. O. P.	W. O. P.	
Lead:					
Lead	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Antimonial lead	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Lithium:					
Lithium ore	W. O. P.	No	No	No	
Lithium chemicals (see Chemicals).					
Magnesium	W. O. P.	W. O. P.	W. O. P.*	No	*Only to approved reprocessors. Lists available at WPB offices.
Mercury:					
Mercury	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Mercury chemicals (see Chemicals).					
Molybdenum*	W. O. P.	No	W. O. P.	W. O. P.	*Includes ores, concentrates, metal, ferro-molybdenum and material from which molybdenum is commercially recoverable.
Monel (see Nickel).					
Nickel:					
Nickel pig, ingot, cathode, pellet, shot and anode	W. O. P.	No	No	W. O. P.	
Other nickel* (Including monel and inconel)	W. O. P.	PR AA-5	No	W. O. P.	*Includes any other alloyed or unalloyed metallic nickel, ferro nickel, matte and materials from which nickel is commercially recoverable.
Chemicals (see Chemicals).					
Nickel steel (see Steels).					
Osmium*	W. O. P.	W. O. P.	W. O. P.	W. O. P.	*Can be used only in electrical contacts.
Pig iron (see Iron).					
Platinum:					
Platinum	W. O. P.	W. O. P.*	W. O. P.	W. O. P.	*Cannot be used for jewelry.
Chemicals (see Chemicals).					
Rhodium:					
Rhodium	W. O. P.	W. O. P.*	W. O. P.	W. O. P.	*Cannot be used for jewelry.
Chemicals (see Chemicals).					
Silver:					
Foreign silver	W. O. P.	PR A-1-a	W. O. P.	W. O. P.	
Domestic silver	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Solder	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Stainless steel (see Steels).					
Steel and Wrought Iron:					
Steel and wrought iron which has been reported as idle or excess inventory to Steel Recovery Corporation, Pittsburgh, Pa.	No*	No*	No*	No*	*Only with special authorization of a WPB regional office or Steel Recovery Branch in Pittsburgh under paragraph (c) (1) of the regulation.
Steel and wrought iron which has *not* been reported to Steel Recovery Corporation, Pittsburgh, Pa.:					
In controlled material form:					
Rails and track accessories*	No	No	No	No**	*See L-88.
Tin plate, terne plate and tin mill black plate.*	W. O. P.	No**	No**	No**	*Subject to the limitations of M-21-e.
All other controlled material forms of steel and wrought iron.	W. O. P.	No**	No**	No**	**Only to fill CMP orders under paragraph (c) (2) (iv) of the regulation.
Not in controlled material form:*					
Steel	W. O. P.	PR AA-5	PP AA-5	PR AA-5	*See CMP Reg. 1 for list of controlled material forms.
Wrought Iron	W. O. P.	PR A-9	W. O. P.	W. O. P.	
Tantalum*	No	No	X	No	*Includes ores, ferro-tantalum, concentrates and materials containing commercially recoverable tantalum.
Terne plate (see Steels).					
Tin:					
Tin	No	No	No	No	
Babbitt	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Tin solder (see Solder).					
Tin bearing alloys	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Foil	W. O. P.	W. O. P.	W. O. P.	W. O. P.	

Industrial material	Classes of buyers to whom special sales of industrial materials may be made in accordance with this list, subject to paragraph (f) (2) of this regulation				Remarks
	Persons who produce material in the form in which the holder bought it	Users permitted to buy and use under existing WPB Orders	Reprocessors who are permitted to buy	Wholesale dealers who sell the material in the form held by holder	
(1)	(2)	(3)	(4)	(5)	(6)
PART I—METALS AND METALLIC ORES—Continued					
Tin mill black plate (see Steel).					
Tin plate (see Steel).					
Tool steel (see Steel).					
Tungsten*	W. O. P.	No	W. O. P.	W. O. P.	*Includes ores, concentrates, powder, metal in all forms, ferro-tungsten, and other materials containing commercially recoverable tungsten.
Uranium*	W. O. P.	No	W. O. P.	W. O. P.	*Includes metal, crude ores, residues, matte and any alloy or mixture containing 1/10 of 1 or more uranium by weight.
Vanadium*	W. O. P.	No	W. O. P.	W. O. P.	*Includes ores, concentrates, metal, ferro-vanadium, and material containing commercially recoverable vanadium.
Welding rods and electrodes	W. O. P.	PR AA-5	X	W. O. P.	
Wrought iron (see Iron)					
Zinc	W. O. P.	PR AA-5	W. O. P.	W. O. P.	
Zinc—					
Chemicals (see Chemicals).					
Dust	W. O. P.	W. O. P.*	W. O. P.	W. O. P.	*Only for use on military orders.
PART II—CHEMICALS					
Acetaldehyde	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Acetate, vinyl (and polymers of)	W. O. P.	No	X	No	
Acetic anhydride*	W. O. P.	No	X	W. O. P.	*Also called ethanoic anhydride, acetyl oxide and acetic oxide.
Acids:					
Acetic	W. O. P.	W. O. P.	X	W. O. P.	
Adipic*	W. O. P.	W. O. P.	W. O. P.	W. O. P.	*Includes all derivatives except "Nylon."
Arsenious*	W. O. P.	No	X	W. O. P.	*Also called arsenic trioxide and white arsenic.
Naphthenic	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Sulfamic*	W. O. P.	W. O. P.	W. O. P.	W. O. P.	*Including fire retardant derivatives.
Sulfuric	W. O. P.	W. O. P.*	X	W. O. P.	*Use certification required
Tannic U. S. P.	No	No	X	No	*Unpolymerized esters of acrylic and methacrylic acids.
Acrylic monomer*	No	No	X	No	*Polymerized form of esters of acrylic and methacrylic acids in forms specified in M-260.
Acrylic resins*	W. O. P.	W. O. P.	X	W. O. P.	*Also called vinyl cyanide.
Acrylonitrile*	W. O. P.	W. O. P.	X	W. O. P.	
Agar					
Alcohols:	W. O. P.	No	X	W. O. P.	*Includes isobutyl, secondary butyl, and tertiary butyl.
Butyl*	W. O. P.	No	X	W. O. P.	*Also called methyl hexyl carbinol or 2-Octanol.
Caprylic*	W. O. P.	W. O. P.	X	W. O. P.	
Ethyl	W. O. P.	No	X	W. O. P.	*As defined in M-270.
Hexahydric*	W. O. P.	No	X	W. O. P.	*Also called secondary propanol.
Isopropyl*	W. O. P.	No	X	W. O. P.	
Methyl (methanol)					
Alcohols, denaturants:	W. O. P.	W. O. P.	X	W. O. P.	
Acetaldol	W. O. P.	W. O. P.	X	W. O. P.	
Dehydrol	W. O. P.	W. O. P.	X	W. O. P.	
G. C. 78	W. O. P.	W. O. P.	X	W. O. P.	
St. 115	W. O. P.	No	X	No	
Alkanolamines	No	No	No	W. O. P.	
Aluminum hydrate	W. O. P.	W. O. P.	X		
Aluminum chloride, anhydrous				W. O. P.	*Includes salts and solutions.
Ammonia:	W. O. P.	No	X	W. O. P.	*Containing 20.5% nitrogen or less.
By-product ammonia*	W. O. P.	No	X	W. O. P.	*Includes salts and solutions.
Sulphate of ammonia*	W. O. P.	No	X	W. O. P.	
Synthetic ammonia*	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Ammonium sulfamate	W. O. P.	No	X	W. O. P.	*A buyer may purchase in any one month not more than 2240 lbs. of contained antimony.
Aniline, aniline oil, and aniline salts	W. O. P.	W. O. P.*	W. O. P.*	W. O. P.	*A buyer may purchase in any one month not more than 2240 lbs. of contained antimony.
Antimony sulphide	W. O. P.	W. O. P.*	W. O. P.*	W. O. P.	
Antimony oxide	W. O. P.	W. O. P.	X	W. O. P.	*Includes solvents or naphthas of petroleum origin containing more than 30% of aromatic hydrocarbons and all grades of Xylol.
Antimony chemicals, other	W. O. P.	No	X	W. O. P.	
Aromatic petroleum solvents* (excluding toluol and lenrol)					
Barbasco root	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Benzene	W. O. P.	No	No	W. O. P.	
Benzene containing oils	W. O. P.	No	No	W. O. P.	
Beryllium chemicals	W. O. P.	W. O. P.	X	W. O. P.	
Butadiene	W. O. P.	No	X	W. O. P.	
n-butanol	W. O. P.	No	X	W. O. P.	
Butyl alcohol	W. O. P.	W. O. P.	X	W. O. P.	
Butyl phthalyl butyl glycollate	W. O. P.	No	No	W. O. P.	
Cadmium chemicals	W. O. P.	W. O. P.	X	W. O. P.	
Calcium carbide	W. O. P.	No	X	No	
Calcium hypochlorite, high test*					*Available chlorine content 65% or more by weight.
Carbolates, containing 10% or more of phenols (see Phenols).					
Carbon black, furnace type	W. O. P.	W. O. P.	X	W. O. P.	
Carbon tetrachloride	W. O. P.	PR A-10	W. O. P.	W. O. P.	
Casein	W. O. P.	No	No	No	
Castor oil phthalate	W. O. P.	W. O. P.	X	W. O. P.	*In primary unfabricated forms.
Cellulose acetate*	W. O. P.	W. O. P.	X	X	*In primary unfabricated forms.
Cellulose acetate butyrate*	W. O. P.	W. O. P.	X	X	*Including cellulose acetate flake, cellulose acetate butyrate flake, cellulose acetate propionate flake.
Cellulose ester flake*	W. O. P.	No	No	No	
Cellulose nitrate, plasticized*	W. O. P.	W. O. P.	X	X	*In primary unfabricated forms, except that used in explosives and protective coatings.
Charcoal	W. O. P.	W. O. P.	X	W. O. P.	
Chlorate and perchlorate chemicals*	W. O. P.	No	No	W. O. P.	*Includes potassium, sodium and barium chlorates; potassium and ammonium perchlorates; perchloric acid; and any other chlorate or perchlorate chemical.
Chlorethylene	W. O. P.	PR A-10	W. O. P.	W. O. P.	
Chloride of lime*	W. O. P.	W. O. P.	X	W. O. P.	*Calcium hypochlorite with available chlorine content of from 30 to 65% by weight.
Chlorine	W. O. P.	No	X	W. O. P.	
Chlorinated hydrocarbon refrigerants*	W. O. P.	W. O. P.	X	W. O. P.	*Methane and ethane refrigerants as specified in M-28.
Chlorinated hydrocarbon solvents	W. O. P.	PR A-10	W. O. P.	W. O. P.	
Chlorinated rubber (see Rubber, Part III).					
Cobalt oxide	W. O. P.	No	X	W. O. P.	
Copal, Copal	W. O. P.	W. O. P.	X	W. O. P.	
Copper carbonate	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Copper chloride	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Copper cyanide	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Copper nitrate	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Copper oxide	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Copper sulphate	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Cotton pulp, chemical	W. O. P.	No	X	W. O. P.	
Cresols: ortho, meta, and para	W. O. P.	No	No	W. O. P.	
Cube root	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Cyanamid	W. O. P.	No	X	W. O. P.	
Derris root	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Diamyl phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Dibutoxy ethyl phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Dibutyl phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Dicapryl phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Dichlorethyl ether	W. O. P.	No	No	No	
Dicyandiamide	W. O. P.	No	X	W. O. P.	
Dicyclohexyl phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Diethanolamine	W. O. P.	No	X	W. O. P.	
Diethyl phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Di-2-ethyl hexyl phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Diethoxy ethyl phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Dimethylcyclohexyl phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Dimethyl phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Diphenylamine*	W. O. P.	No	X	W. O. P.	*Also called phenylaniline.
Dyestuffs, organic	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Ethyl acetate	W. O. P.	W. O. P.*	W. O. P.	W. O. P.	*A buyer may buy without specific authorization in any one month not more than an aggregate of 54 gallons of ethyl acetate and isopropyl acetate.
Ethyl cellulose	No	No	X	No	
Ethyl chloride	W. O. P.	W. O. P.	X	W. O. P.	
Ethylene dichloride	W. O. P.	PR A-10	W. O. P.	W. O. P.	
Ethyl phthalyl ethyl glycollate	W. O. P.	W. O. P.	X	W. O. P.	
Formaldehyde	W. O. P.	No	X	W. O. P.	
Furfural	W. O. P.	No	X	W. O. P.	
Glycols*	W. O. P.	No	X	W. O. P.	*Includes ethylene, diethylene, triethylene, and propylene.
Guanidine	W. O. P.	No	X	W. O. P.	
Hexamethylenetetramine	W. O. P.	No	X	W. O. P.	
Hydrogenated castor oil phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Isobutyl castor oil phthalate	W. O. P.	W. O. P.	X	W. O. P.	
Isopropyl acetate	W. O. P.	W. O. P.*	W. O. P.	W. O. P.	*A buyer may buy without specific authorization in any one month not more than an aggregate of 54 gallons of isopropyl acetate and ethyl acetate.
Lithopone	W. O. P.	W. O. P.	X	W. O. P.	
Lithium chemicals*	W. O. P.	No	No	W. O. P.	*Excluding crude lithium sodium phosphate.
Manila	W. O. P.	No	X	W. O. P.	
Melamine	W. O. P.	No	X	W. O. P.	
Mercury chemicals	W. O. P.	W. O. P.	X	W. O. P.	
Methacrylic acid (see acrylic monomer and acrylic resins)					
Methanol	W. O. P.	No	X	W. O. P.	
Methyl ethyl ketone	W. O. P.	No	X	W. O. P.	
Methyl isobutyl ketone	W. O. P.	W. O. P.	X	W. O. P.	
Methyl phthalyl ethyl glycollate	W. O. P.	W. O. P.	X	W. O. P.	
Mineral oil polymers	W. O. P.	W. O. P.	X	W. O. P.	
Morpholine	W. O. P.	No	X	W. O. P.	
Naphthalene	W. O. P.	No	W. O. P.	W. O. P.	
Naphthenates*	W. O. P.	No	X	W. O. P.	*Excluding crude or refined sodium naphthanate intended for manufacture of other naphthenates.
Naphthenic acid	W. O. P.	No	X	W. O. P.	
Nickel chemicals*	W. O. P.	No	No	W. O. P.	*Salts, oxides, and carbonates.
Oleum	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Paraform aldehyde	W. O. P.	No	X	W. O. P.	
Pentaerythritol	W. O. P.	No	X	W. O. P.	
Perchlorate chemicals	W. O. P.	No	No	W. O. P.	
Perchlorethylene	W. O. P.	PR A-10	W. O. P.	W. O. P.	
Perchloric acid	W. O. P.	No	No	W. O. P.	
Petroleum sulfonates*	W. O. P.	W. O. P.	X	W. O. P.	*As defined in M-188. Includes products known variously to the trade as mahogany soap, mahogany sulfonate, sodium sulfonate, soap base, oil or water soluble sulfonates and their metallic salts whether in crude or refined form.

Industrial material	Classes of buyers to whom special sales of industrial materials may be made in accordance with this list, subject to paragraph (f) (2) of this regulation				Remarks
	Persons who produce material in the form in which the holder bought it	Users permitted to buy and use under existing WPB Orders	Reprocessors who are permitted to buy	Wholesale dealers who sell the material in the form held by holder	
(1)	(2)	(3)	(4)	(5)	(6)
PART II—CHEMICALS—Continued					
Phenols (tar acids)*	W. O. P.	No	No	W. O. P.	*Includes: phenol, cresols and Xylenols and mixtures thereof.
Phosphorus (yellow and white)	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Phthalic anhydride	W. O. P.	W. O. P.	X	W. O. P.	
Plasticisers:					
Phosphate*	No	No	X	No	*Tricresyl and triphenyl.
Phthalate*	W. O. P.	W. O. P.	X	W. O. P.	*As defined in M-203.
Plastics, cellulose*	W. O. P.	No	W. O. P.	W. O. P.	*In primary unfabricated forms.
Plastics, other:					
Polymerized:					
Laminated or cast phenolic condensation products in sheet, tube or rod form.	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Unpolymerized:					
Heat reactive synthetic resins and compounds in primary forms.	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Platinum chemicals	W. O. P.	No	X	W. O. P.	
Polyvinyl acetal	W. O. P.	No	X	W. O. P.	
Polyvinyl butyral resin	W. O. P.	No	X	W. O. P.	
Polyvinyl formal	W. O. P.	W. O. P.	X	W. O. P.	
Potash*					*Includes muriate of potash, sulphate of potash, sulphate of potash-magnesia, and run-of-the-mine potash of the specifications given in M-291.
Potassium tantalum fluoride	No	No	X	No	
Pyrethrum	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Pyridine	W. O. P.	No	No	W. O. P.	
Resin:					
Natural*	W. O. P.	W. O. P.	X	W. O. P.	*As defined in M-56 (does not include shellac or pine resin or products made therefrom).
Para-phenyl-phenol	W. O. P.	No	X	W. O. P.	
Phenolic	W. O. P.	W. O. P.	X	W. O. P.	
Phthalic alkyd	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Synthetic, other	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Rhodium chemicals	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Rotenone					
Rubber, synthetic (see Rubber, Part III).					
Shellac	W. O. P.	No	X	W. O. P.	
Sodium nitrate	W. O. P.	W. O. P.	X	W. O. P.	
Sorbitol (d): (see Hexahydric alcohol).					
Staybelite	W. O. P.	No	X	No	
Styrene*	W. O. P.	W. O. P.	X	W. O. P.	*In primary unfabricated forms.
Synthetic resins: (see Resins).					
Synthetic rubber (see Rubber, Part III).					
Tantalum chemicals*	No	No	X	No	*Potassium tantalum fluoride, tantalum oxide, tantalum carbide.
Tapioca flour	W. O. P.	No	X	W. O. P.	
Timbo root	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Toluene (toluol)*	W. O. P.	No	No	W. O. P.	*As defined in M-34.
Tributyl glycerol triphthalate	W. O. P.	W. O. P.	X	W. O. P.	
Triethanolamine	W. O. P.	No	X	W. O. P.	
Tuba root	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Uranium chemicals	W. O. P.	No	W. O. P.	W. O. P.	
Vanadium chemicals*	W. O. P.	No	W. O. P.	W. O. P.	*As defined in M-23-a.
Vat dyes (see Dyestuffs).					
Vinyl Polymers*	W. O. P.	No	X	W. O. P.	*Plasticised or unplasticised polymers and copolymers of vinyl acetate, vinyl chloride and polyvinyl alcohol and includes their condensation products.
Xylenols	W. O. P.	No	No	W. O. P.	
Xylol	W. O. P.	No	X	W. O. P.	
Zinc oxide	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Zinc sulphide pigments	W. O. P.	W. O. P.	X	W. O. P.	
PART III—MISCELLANEOUS					
Agave fibre:					
Suitable for cordage	No	No	X	No	
Not suitable for cordage	W. O. P.	W. O. P.	X	W. O. P.	
Asbestos fibre	W. O. P.	W. O. P.	X	W. O. P.	
Asbestos textiles	W. O. P.	W. O. P.	W. O. P.	W. O. P.	*New or reclaimed.
Balsa	W. O. P.	PR A-10	W. O. P.	W. O. P.	
Bristles, pigs', and hogs'* (two inches and over)	W. O. P.	W. O. P.	X	W. O. P.	*As defined in M-47, other Burlap same as jute products.
Broom Corn	W. O. P.	W. O. P.	X	W. O. P.	
Burlap*					
Cantala (see Agave fibre).					
Cattlehides, calf and kip skins (raw)	W. O. P.	W. O. P.	X	W. O. P.	
Cattle tail hair*	W. O. P.	W. O. P.	W. O. P.	W. O. P.	*New or reclaimed.
Coir fibre and products	W. O. P.	W. O. P.	X	W. O. P.	
Coke, petroleum	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Cork:					
Raw	W. O. P.	No	X	No	
Manufactured and by-product	W. O. P.	W. O. P.	No	W. O. P.	*Emery, ruby, and sapphire not included.
Corundum*	W. O. P.	No	No	W. O. P.	
Cotton duck (see Duck).					*As defined in M-117.
Cotton, American extra staple, reserved*	W. O. P.	W. O. P.	X	W. O. P.	*As defined in M-117. Use certification required.
Cotton, Egyptian, reserved*	W. O. P.	W. O. P.	X	W. O. P.	*Produced after August 1, 1942.
Cotton linters*	W. O. P.	No	X	W. O. P.	*Suitable for military use.
Deerskins*	W. O. P.	W. O. P.	X	W. O. P.	*Report sales as required by M-109.
Diamonds, industrial*	W. O. P.	PR A-1-j	PR A-1-j	PR A-1-j	
Diamond dies	W. O. P.	No	No	No	*Width 15" to 87". **No rating required for those stocks released by Army or Navy.
Duck, Cotton*	W. O. P.	PR A-1-k**	X	W. O. P.	

Industrial material	Classes of buyers to whom special sales of industrial materials may be made in accordance with this list, subject to paragraph (f) (2) of this regulation				Remarks
	Persons who produce material in the form in which the holder bought it	Users permitted to buy and use under existing WPB Orders	Reprocessors who are permitted to buy	Wholesale dealers who sell the material in the form held by holder	
(1)	(2)	(3)	(4)	(5)	(6)
PART III—MISCELLANEOUS—Continued					
Flax fibre and flax fibre products*	W. O. P.	W. O. P.	W. O. P.	W. O. P.	*As defined in M-264.
Goose and duck feathers*	W. O. P.	W. O. P.	W. O. P.	W. O. P.	*Only new feathers.
Graphite, strategic grades*	No	No	No	No	*As defined in M-61.
Hemp seeds*	W. O. P.	W. O. P.	X	W. O. P.	*As defined in M-82.
Hemp, Sunn*	W. O. P.	W. O. P.	X	W. O. P.	*As defined in M-187.
Henequen (see Agave fibre).					
Horsehide*	W. O. P.	W. O. P.	X	W. O. P.	*Suitable for military use.
Horse Mane Hair	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Hull fibre*	W. O. P.	No	X	W. O. P.	*Produced after August 1, 1942.
Istle, raw*	W. O. P.	W. O. P.	X	W. O. P.	*Unprocessed istle.
Jewel bearings	W. O. P.	No	No	W. O. P.	
Jewel bearing material*	W. O. P.	No	No	W. O. P.	*Natural spinel not included.
Jute:					
Raw jute	W. O. P.	W. O. P.	X	W. O. P.	
Jute products*	W. O. P.	W. O. P.	X	W. O. P.	*As defined in M-70.
Kapok (new)	W. O. P.	W. O. P.	X	W. O. P.	
Kyanite, Indian crude and calcined*	No	No	No	No	*Includes andalusite and sillimanite.
Leather, sole*	W. O. P.	W. O. P.	W. O. P.	W. O. P.	*Suitable for military use.
Loofa (see Woods).					
Loofa sponges*	W. O. P.	PR A-1-a	X	W. O. P.	*Suitable for military use.
Maguey (see Agave fibre).					
Mahogany (see Woods).					
Manila fibre and cordage:					
Cordage*	W. O. P.	W. O. P.	No	W. O. P.	*As defined in M-36.
Fibre*	No	No	No	No	*As defined in M-36. May be sold W. O. P. to the U. S. Navy.
Mica					
Strategic	W. O. P.	W. O. P.	X	W. O. P.	
Splittings	W. O. P.	W. O. P.	X	W. O. P.	
Nutgalls	W. O. P.	W. O. P.*	X	W. O. P.	*Use certification required.
Oil wool clips (see Wool).					
Paint, aluminum	W. O. P.	No	No	W. O. P.	
Phosphate rock	W. O. P.	W. O. P.	X	W. O. P.	
Plywood (see Woods).					
Quartz crystals	X	No	No	No	
Rattan (see Woods).					
Rayon yarn, high tenacity*	W. O. P.	No	No	No	*As defined in paragraph (d) of M-37-d.
Rayon yarn, reserved	No	No	No	No	
Rubber:					
Latex and crude	No	No	No	No	
Balata	No	No	No	No	
Compounded latex	No	No	No	No	
Chlorinated	W. O. P.	No	No	X	
Synthetic	W. O. P.	No	No	X	
Reclaimed	W. O. P.*	W. O. P.*	W. O. P.*	No	*With approval of Rubber Reserve Company.
Rubber products:					
Cement	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Elastic thread	No	No	X	No	
Elastic fabrics	No	No	X	No	
Yarn	No	No	X	No	
Other products	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Silk:					
Raw	X	No	X	No	
Waste, noils, etc.*	No	W. O. P.**	W. O. P.**	W. O. P.	*As defined in M-26. **Use certification required.
Sisal (see Agave fibre).					
Sole leather (see Leather).					
Wood pulp	No	No	X	No	
Woods:					
Balsa	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Logs:					
Douglas Fir	W. O. P.	W. O. P.	X	W. O. P.	
Noble Fir	No	No	No	No	
Sitka Spruce	No	No	No	No	
Western Hemlock, aircraft	No	No	No	No	
White Oak	W. O. P.	W. O. P.	X	W. O. P.	
Mahogany:					
Firsts, Seconds, Selects	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Worthy grades (pattern stock)	W. O. P.	PR AA-1	PR AA-1	W. O. P.	
No. 1, common and poorer	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Plywood:					
Softwood	W. O. P.	PR AA-5	X	W. O. P.	
Hardwood	W. O. P.	W. O. P.	X	W. O. P.	
Rattan, round	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Rattan, slab	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Wool:					
Wool	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
OD Clips	W. O. P.	W. O. P.	W. O. P.	W. O. P.	

LIST B

NOTE: Schedule B redesignated List B July 19, 1943.

This lists those materials which are excluded from paragraph (c) (2) (iii). Sales may be made only in accordance with paragraphs (c) (2) (i), (ii), (iv), (v), and (c) (3).

(1) Electrical resistance material (material in form of ribbon or wire in which nickel or chromium or both are used to create electrical resistance for development of heat).

(2) Aluminum.

[F. R. Doc. 43-11632; Filed, July 19, 1943; 4:22 p. m.]

PART 1010—SUSPENSION ORDERS

[Amdt. 1 to Suspension Order S-263]

DARTBOARD EQUIPMENT CO.

J. W. Tempest and T. W. Tempest, doing business as Dartboard Equipment Company, 306 Cherry Street, Philadelphia, Pennsylvania, have appealed from the provisions of Suspension Order S-263, issued April 3, 1943. After a review of the case it has been determined by the Chief Compliance Commissioner that the appeal be denied but that Suspension Order S-263 be modified so as to expire at an earlier date than now is specified.

In view of the foregoing, paragraph (e) of § 1010.263 Suspension Order S-263, issued April 3, 1943, is hereby amended to read as follows:

(e) This order shall take effect on April 5, 1943 and shall expire on August 5, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 19th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11633; Filed, July 19, 1943; 4:22 p. m.]

PART 1010—SUSPENSION ORDERS

[Amdt. 1 to Suspension Order S-318]

THE MAY COMPANY

The May Company has appealed from the provisions of Suspension Order S-318, issued May 12, 1943. After the respondent had presented its appeal and argument in person, including presentation of additional evidence, the Chief Compliance Commissioner, after reviewing the case, has denied the appeal, except that he has directed that paragraph (a) of the suspension order be modified so as to remove maintenance and repair items from the prohibitive terms of the order.

In view of the foregoing, paragraph (a) of § 1010.318, Suspension Order S-318, issued May 12, 1943, is hereby amended to read as follows:

(a) Neither The May Company, its successors or assigns, nor any other person, shall order, purchase, accept delivery of, withdraw from inventory or in any manner secure or use material or construction plant in order to begin construction or to continue construction on the premises situated at Eighth and Broadway in Los Angeles, California, operated by The May Company as a department store, except as specifically authorized in writing by the War Production Board.

Issued this 19th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11634; Filed, July 19, 1943; 4:22 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-366]

RICHTER METALCRAFT CORPORATION

The respondent, Richter Metalcraft Corporation, a New York corporation, now located at 160 East First Street, Mount Vernon, New York, is a manufacturer of electrical items, primarily desk lamps and lighting fixtures.

During the period from November 14, 1942 to January 8, 1943, the respondent produced approximately 418 electric heaters to fill orders or contracts having a preference rating lower than A-2. This constituted a violation of Order L-65 as amended September 30, 1942.

As a result of having been engaged for ten years in the manufacture of lighting fixtures, and of the wide publicity given to restrictions on the production of electrical equipment and appliances for nonessential uses, the Richter Metalcraft Corporation must be considered as having known of the restrictions of Order L-65 on the manufacture of electric heaters.

The respondent's actions have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing; *It is hereby ordered*, That:

§ 1010.366 *Suspension Order S-366.* (a) Deliveries of material to Richter Metalcraft Corporation, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to Richter Metalcraft Corporation, its successors or assigns, of any material or product, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Richter Metalcraft Corporation, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on July 20, 1943 and expire on October 20, 1943.

Issued this 13th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11669; Filed, July 20, 1943; 11:21 a. m.]

PART 1150—HONEY

[Revocation of General Preference Order M-118]

§ 1150.1 *General Preference Order M-118, as amended,* is hereby revoked, the said order having been superseded by Food Distribution Order 47, War Food Administration. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-118.

Issued this 20th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11670; Filed, July 20, 1943; 11:21 a. m.]

PART 3100—FURNACE TYPE CARBON BLACK

[Allocation Order M-244, as Amended July 20, 1943]

The order title "General Preference Order M-244" is hereby amended to read "Allocation Order M-244".

Section 3100.1 is hereby amended to read as follows:

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of furnace type carbon black for defense, for private account and for export; and the following order is deemed necessary in the public interest and to promote the national defense:

§ 3100.1 (*Allocation Order M-244*)—(a) *Definitions.* (1) "Furnace type carbon black" means the black produced by the thermal decomposition of hydrocarbons and includes the soft and semi-reinforcing blacks, but excludes the channel carbon blacks and lamp blacks.

(2) "Supplier" means any person who produces furnace type carbon black, or who purchases furnace type carbon black for resale as furnace type carbon black.

(b) *Restrictions on delivery and acceptance of delivery.* (1) No supplier shall deliver furnace type carbon black to any other person, or divert furnace type carbon black to his own use, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A annexed.

(2) No person shall accept delivery of 5,000 pounds or more of furnace type carbon black in the aggregate from all suppliers during any calendar month, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B.

(3) No person shall accept delivery of between 100 and 5,000 pounds of furnace type carbon black in the aggregate from all suppliers during any calendar month, or place any purchase order for such delivery, unless and until he shall have furnished each supplier with a use certificate pursuant to Appendix C annexed.

(c) *Restrictions on use.* No person shall use furnace type carbon black, except as follows:

(1) In compounding rubber; or

(2) As specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B annexed; or

(3) For any purpose, if the furnace type carbon black was in the user's inventory on October 16, 1942.

The use of furnace type carbon black in compounding rubber shall not be limited to the compounding of any particular type of rubber for any particular end use described in an application filed pursuant to Appendix B or C annexed, if, in view of changing circumstances, such limited use would not be practicable.

(d) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of furnace type carbon black; or

(2) Production of furnace type carbon black; or

(3) Preparation and filing of forms and certificates required by Appendices A, B and C annexed.

(e) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries shall apply only to deliveries to other persons, notwithstanding the provisions of Section 944.12 (intra-company deliveries) of Priorities Regulation No. 1, as amended, except in the case of suppliers diverting furnace type carbon black to their own use.

(3) *Approval of reporting requirements.* Forms WPB-2945 (formerly PD-600) and WPB-2947 (formerly PD-602) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) *Previous applications and allocations.* The amendment to this order on July 20, 1943, does not affect authorizations issued under this order prior to that date, and does not require renewal of applications filed previous to that date.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priority assistance.

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M-244.

Issued this 20th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

INSTRUCTIONS TO SUPPLIERS FOR FILING APPLICATIONS TO DELIVER, OR TO DIVERT TO THEIR OWN USE, FURNACE TYPE CARBON BLACK

Each supplier seeking authorization to deliver furnace type carbon black, or to divert furnace type carbon black to his own use, may file application on Form WPB-2947 (formerly PD-602) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2947 (formerly PD-602). Copies of Form WPB-2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to deliver (or divert to use) is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington, D. C., Reference M-244.

Number of sets. Each supplier shall file a separate set of applications for each different grade or type of furnace type carbon black, but may file a consolidated set of applications for all his plants and warehouses.

Heading. Under name of material, specify furnace type carbon black; under War Production Board order number, specify M-244; specify the grade or type in terms of producer's trade name; specify pounds as unit of measure; and otherwise fill in as indicated.

Table I. First, in Column 1, list customers who have filed WPB-2945 (formerly PD-600) forms with the applicant and in Column 1a specify "WPB-2945" or "PD-600"; second, list customers who have filed use certificates with the applicant, and in Column 1a enter the products and end uses stated in such certificates; third, specify in Column 1 "Aggregate uncertified small orders (100 pounds or less)", and leave Column 1a blank; fourth, the applicant may certify in Column 1 his own name, and in Column 1a each product and end use for which he requests authorization to divert furnace type carbon black to his own use (See instructions for Columns 3 and 4 in Appendix B). Fill in other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock.

Table II. Fill in as indicated, for the grade or type specified in the heading.

In Columns 10 and 13 enter only those stocks of furnace type carbon black not authorized for use or delivery on the dates specified.

Special instructions for small distributors. Any distributor may deliver furnace type carbon black on uncertified small orders of 100 pounds or less without application to, or specific authorization from, the War Production Board, if he himself acquired such furnace type carbon black on an uncertified small order of 100 pounds or less, or if he acquired it pursuant to specific authorization or Appendix C certificate for the purpose of filling uncertified small orders of 100 pounds or less.

APPENDIX B

INSTRUCTIONS TO SUPPLIERS FOR FILING APPLICATIONS TO DIVERT FURNACE TYPE CARBON BLACK TO THEIR OWN USE

Each supplier seeking authorization to divert furnace type carbon black to his own use may file application on Form WPB-2947 (formerly PD-602) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2947 (formerly PD-602). Copies of Form WPB-2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to divert to use is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington, D. C., Reference M-244.

Number of sets. Each supplier shall file a separate set of applications for each different grade or type of furnace type carbon black, but may file a consolidated set of applications for all his plants and warehouses.

Heading. Under name of material, specify furnace type carbon black; under War Production Board order number, specify M-244; specify the grade or type in terms of producer's trade name; specify pounds as unit of measure; and otherwise fill in as indicated.

Table I. First, in Column 1, list customers who have filed WPB-2945 (formerly PD-600) forms with the applicant and in Column 1a specify "WPB-2945" or "PD-600"; second, list customers who have filed use certificates with the applicant, and in Column 1a enter the products and end uses stated in such certificates; third, specify in Column 1 "Aggregate uncertified small orders (100 pounds or less)", and leave Column 1a blank; fourth, the applicant may certify in Column 1 his own name, and in Column 1a each product and end use for which he requests authorization to divert furnace type carbon black to his own use (See instructions for Columns 3 and 4 in Appendix B). Fill in other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock.

Table II. Fill in as indicated, for the grade or type specified in the heading.

In Columns 10 and 13 enter only those stocks of furnace type carbon black not authorized for use or delivery on the dates specified.

Special instructions for small distributors. Any distributor may deliver furnace type carbon black on uncertified small orders of 100 pounds or less without application to, or specific authorization from, the War Production Board, if he himself acquired such furnace type carbon black on an uncertified small order of 100 pounds or less, or if he acquired it pursuant to specific authorization or Appendix C certificate for the purpose of filling uncertified small orders of 100 pounds or less.

APPENDIX C

INSTRUCTIONS TO SUPPLIERS FOR FILING APPLICATIONS TO DIVERT FURNACE TYPE CARBON BLACK TO THEIR OWN USE

Each supplier seeking authorization to divert furnace type carbon black to his own use may file application on Form WPB-2947 (formerly PD-602) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2947 (formerly PD-602). Copies of Form WPB-2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to divert to use is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington, D. C., Reference M-244.

Number of sets. Each supplier shall file a separate set of applications for each different grade or type of furnace type carbon black, but may file a consolidated set of applications for all his plants and warehouses.

Heading. Under name of material, specify furnace type carbon black; under War Production Board order number, specify M-244; specify the grade or type in terms of producer's trade name; specify pounds as unit of measure; and otherwise fill in as indicated.

Table I. First, in Column 1, list customers who have filed WPB-2945 (formerly PD-600) forms with the applicant and in Column 1a specify "WPB-2945" or "PD-600"; second, list customers who have filed use certificates with the applicant, and in Column 1a enter the products and end uses stated in such certificates; third, specify in Column 1 "Aggregate uncertified small orders (100 pounds or less)", and leave Column 1a blank; fourth, the applicant may certify in Column 1 his own name, and in Column 1a each product and end use for which he requests authorization to divert furnace type carbon black to his own use (See instructions for Columns 3 and 4 in Appendix B). Fill in other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock.

Table II. Fill in as indicated, for the grade or type specified in the heading.

In Columns 10 and 13 enter only those stocks of furnace type carbon black not authorized for use or delivery on the dates specified.

Special instructions for small distributors. Any distributor may deliver furnace type carbon black on uncertified small orders of 100 pounds or less without application to, or specific authorization from, the War Production Board, if he himself acquired such furnace type carbon black on an uncertified small order of 100 pounds or less, or if he acquired it pursuant to specific authorization or Appendix C certificate for the purpose of filling uncertified small orders of 100 pounds or less.

APPENDIX B

INSTRUCTIONS FOR FILING APPLICATIONS FOR SPECIFIC AUTHORIZATION TO ACCEPT DELIVERY OF FURNACE TYPE CARBON BLACK (OR TO USE FURNACE TYPE CARBON BLACK FOR A PURPOSE OTHER THAN THE COMPOUNDING OF RUBBER)

Specific authorization by the War Production Board is required for acceptance of delivery of 5000 pounds or more of furnace type carbon black from all suppliers in any calendar month, for any purpose. Also, specific authorization is required for the use of any quantity of furnace type carbon black for any purpose other than the compounding of rubber.

Application for such specific authorization may be made on Form WPB–2945 (formerly PD–600), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB–2945 (formerly PD–600). Copies of Form WPB–2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 15th day of the month preceding the month for which authorization for use or acceptance of delivery is sought.

Number of copies. Five copies shall be prepared, of which one copy shall be retained by the applicant, one copy shall be forwarded to the supplier and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Reference M–244.

Number of sets. Application shall be made on separate forms for each different grade or type of furnace type carbon black, and separate sets shall be submitted for each delivery destination of the applicant.

Heading. Under name of chemical, specify furnace type carbon black; under War Production Board order number, specify M–244; under unit of measure, specify pounds; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for use or acceptance of delivery is sought.

Column 1. Specify grade or type of furnace type carbon black in terms of the producer's trade name for the product.

Column 2. Specify separately the quantities (in pounds) required for each different grade or type of furnace type carbon black required for each different type of rubber or other primary product listed in Column 3 of the application.

Column 3. Specify primary products in terms of the following:

Crude rubber
Liquid latex
Whole tire reclaim
All other reclaim
Scrap rubber
Buna S
Buna N
Butyl
Thiokol
Neoprene
All others (specify)
Other primary products (specify)
Export (as furnace type carbon black)
Resale (as furnace type carbon black)
Inventory (as furnace type carbon black)

Column 4 (if the primary product is rubber). Opposite each different type of rubber specified in Column 3, specify in Column 4 the end use pattern in terms of the following code numbers, giving the percentage of furnace type carbon black requested for each different code number:

Use	War orders (code number)	Civilian orders (code number)
Passenger tires and tubes	20	50
Truck and bus tires & tubes	21	51
Farm tractors & implement tires and tubes	22	52
Tank blocks, treads & tracks	23	
Solids, industrial & truck solids and bogie wheels	24	54
Bicycle tires & tubes	25	55
Airplane tires & tubes	26	56
Passenger type camelback	27	57
Truck & bus camelback	28	58
Tires & tube repair material	30	60
Belting	31	61
Hose and tubing	32	62
Packing and gaskets	33	63
Other mechanical goods	34	64
Wire and cable	35	65
Footwear	36	66
Heels	37	67
Soles	38	68
Proofing, clothing and fabrics	40	70
Drug sundries	41	71
Bullet sealing fuel cells	42	
Life rafts, boats, vests	43	
Miscellaneous	44	73

The above code numbers are transcribed from WPB Form 76 (formerly PD–49), issued by the Office of Rubber Director.

Column 4 (if the primary product is not rubber). Opposite any primary product other than rubber in Column 3, specify in Column 4 the end use and the reasons why substitutions cannot be made for furnace type carbon black.

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom or for whose account the furnace type carbon black will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Resale" in Column 3, suppliers shall write into Column 4, "upon further authorization" or "for uncertified small orders of 100 pounds or less".

Opposite "Inventory" in Column 3, write in Column 4 "to hold subject to further authorization".

Columns 9 and 10. Leave blank except for remarks, if any, in Column 10.

Table II. Fill in as indicated the grade for each grade or type of furnace type carbon black referred to in Column 1 of the application.

Table III. Fill in as indicated.

Table IV. Leave blank.

APPENDIX C

INSTRUCTIONS FOR FILING CERTIFICATES WITH PURCHASE ORDERS FOR FURNACE TYPE CARBON BLACK, FOR PERSONS ORDERING BETWEEN 100 AND 5000 POUNDS PER MONTH FROM ALL SUPPLIERS

(1) Each person seeking delivery of between 100 and 5000 pounds of furnace type carbon black during September, 1943 or during any calendar month thereafter, for use in compounding rubber, shall, upon placing any purchase order for such delivery, furnish the supplier with a certificate specifying the type of rubber and end use for which the furnace type carbon black is sought.

(2) Such certificate shall be endorsed on or attached to the purchase order and shall be in substantially the following form, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7:

(List of quantities in pounds of furnace type carbon black ordered for each primary product and end use specified—see instructions in Appendix B for Columns 3 and 4.)

The undersigned hereby certifies that the furnace type carbon black covered by the accompanying purchase order will be used in compounding rubber, and that the above detailed description of primary product and end use is accurate on the basis of present knowledge and belief of the undersigned.

---------- (Name of purchaser) ----------(Address)

By ---------- (Signature and title of duly authorized Officer) ----------(Date)

The above certificate shall constitute a representation to, but shall not be filed with, the War Production Board.

(3) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941, (Lend-Lease Act), provided such purchase order specifies the Lend-Lease contract or requisition number, shall constitute a purchase order certificate for the purpose of this order.

[F. R. Doc. 43–11671; Filed, July 20, 1943; 11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 9,[1] Amdt. 1]

RATIONED FOODS FOR SERVICEMEN ON LEAVE OR FURLOUGH

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The last sentence of paragraph (b) of § 1305.65 is amended to read as follows:

The application may be presented to any Board if the applicant himself applies for the certificates or other ration evidences. If the person named in the application (or a member of his household) applies for the certificates or other ration evidences, the application must be presented to the Board for the area where such person lives.

This amendment shall become effective July 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11601; Filed, July 19, 1943; 2:48 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[2] Amdt. 39]

TIRES, TUBES, RECAPPING, AND CAMELBACK; SPARE TIRES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

Section 1315.502 (c) is added to read as follows:

(c) *Spare tire.* That, if the applicant owns or controls serviceable tires available for use on the running wheels of the vehicle for which application is made, he does not own or control a tire which can be used or repaired for use as an emergency spare tire regardless of its condition. This provision shall not apply to the persons eligible under § 1315.503 (d) (1).

Section 1315.503 (d) (7) is added to read as follows:

(7) An applicant who is eligible for a spare tire may be issued no better than a certificate for a Grade III tire, unless he establishes eligibility under § 1315.503 (d) (1).

This amendment shall become effective July 24, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E. O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 19th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–11602; Filed, July 19, 1943; 2:46 p. m.]

PART 1334—SUGAR, CONFECTIONERY AND SOFT DRINKS

[RPS 60,[1] Amdt. 10]

DIRECT CONSUMPTION SUGARS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Section 1334.51 (a) (1) is amended by adding thereto:

(1) * * * Except that for fine granulated sugar processed by said refineries and sold for delivery outside of the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware the maximum basis price shall be $5.45 per 100 lbs. f. o. b. United States Seaboard Cane Sugar Refinery nearest freightwise to the point of delivery.

This amendment shall become effective July 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–11603; Filed, July 19, 1943; 2:46 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 286,[2] Amdt. 4]

CERTAIN SAUSAGE PRODUCTS FOR WAR PROCUREMENT AGENCIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1364.804 is amended to read as follows:

§ 1364.804 *Evasion.* The price limitations set forth in this Maximum Price Regulation 286 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to any of the products listed herein, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means: *Provided,* That a payment by a buyer to a seller for icing services performed after June 13, 1943, and before delivery of sausage to a railroad whose charges are paid directly to such railroad by the buyer shall not be construed as an evasion of such price limitations if the charge for such icing services is no higher than the cost actually incurred by the seller in performing such services and no higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad.

This amendment shall become effective as of June 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11604; Filed, July 19, 1943; 2:47 p. m.]

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

[Rev. MPR 139,[1] Amdt. 2]

USED HOUSEHOLD MECHANICAL REFRIGERATORS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new paragraph (c) is added in section 8 to read as follows:

(c) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation continue to be applicable to every person selling the commodities for which a maximum price is established by this regulation.

This amendment shall become effective July 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11605; Filed, July 19, 1943; 2:49 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 432]

MAPLE, BIRCH, AND BEECH FLOORING

In the judgment of the Price Administrator it is necessary and proper to establish specific maximum prices for the sale of maple, birch, and beech flooring. The Price Administrator has ascertained and given due consideration to the prices of

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7107.

[1] 7 F.R. 9160, 9392, 9724.

[2] 7 F.R. 1320, 2132, 2510, 5664, 6787, 8928, 8948, 8949; 8 F.R. 5809, 6044, 6424, 9288.

[1] 7 F.R. 10554; 8 F.R. 2157, 2350, 4640, 7681.

[1] 8 F.R. 3706, 5484.

maple, birch, and beech flooring prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1382.302 *Maximum prices for maple, birch and beech flooring.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 432 (Maple, Birch, and Beech Flooring) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1382.302 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION 432—MAPLE, BIRCH, AND BEECH FLOORING

Article I—Scope of the Regulation

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after July 24, 1943, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business, any maple, birch, or beech flooring for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *What products, transactions, and persons are covered.* This regulation covers all direct-mill sales of maple, birch, and beech flooring graded as such under the effective Grading Rules of the Maple Flooring Manufacturers Association. The regulation applies regardless of the kind of mill or plant in which the flooring is produced, and regardless of whether the particular item is specifically priced in the price tables or not. Any person who makes a sale of this kind, for himself or others, is subject to this regulation.

Article II—Maximum Prices and Terms of Sale

SEC. 3. *Maximum f. o. b. mill prices.* (a) The maximum f. o. b. mill prices for maple, birch, and beech flooring are set forth in Article IV.

(b) *Small quantities.* The following additions per M' may be made when the purchaser (or purchasers in the case of a pool car) orders an item consisting of one species, thickness, and grade, in the following quantities:

Quantity ordered:	Addition per M'
3000 to 4000 feet	$1.00
2000 to 2999 feet	2.00
1000 to 1999 feet	2.50
999 feet or less	3.00

SEC. 4. *Delivered prices.* The general rule is that the maximum delivered price shall be a price not higher than the f. o. b. mill maximum price plus the actual transportation charges paid or incurred by the seller in making shipment directly from the mill to the point of delivery required by the purchaser. However, it is permissible to quote and charge delivered prices based on the rail rate times the estimated weight as given in the following table:

	Estimated weights per M'BM
Tongued and grooved flooring:	Weight pounds
3/8 x 1½"	1000
3/8 x 2"	1000
½ x 1½"	1400
½ x 2"	1400
½ x 2¼"	1400
5/8 x 1½"	1600
5/8 x 2"	1600
5/8 x 2¼"	1600
25/32 x 1½"	2000
25/32 x 2"	2000
25/32 x 2¼"	2000
25/32 x 3¼"	2250
33/32 x 2"	2250
33/32 x 2¼"	2400
33/32 x 3¼"	2500
33/32 x 4"	2500
41/32 x 2¼"	2560
41/32 x 3¼"	2700
Jointed flooring:	
25/32 x 2½"	2250
25/32 x 3½"	2400
33/32 x 2½"	2500
33/32 x 3½	2600

SEC. 5. *Grades, services, or extras not listed.* (a) If a seller wishes to sell a grade or item which is not specifically priced in the price tables, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables, in October 1941, from the seller's own records, or if that is impossible, from experience of the trade. If no established price differential which can be used for comparison existed, a detailed analysis of the calculation of the requested price should be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but the final payment may not be made until the price has been approved. Action on the request may be by letter or telegram.

Article III—Specific Duties and Privileges and Prohibited Practices

SEC. 6. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 7. *Petitions for adjustment or amendment.*—(a) *Government contracts.* (1) The term "Government contract" is here used to include any contract with the United States or any of its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States." The term also includes any subcontract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract", who believes that the maximum prices established by this regulation impede or threaten to impede production of maple, birch, or beech flooring essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6,[1] as amended, by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration.

SEC. 8. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

SEC. 9. *Records.* All sellers and all buyers of maple, birch, and beech flooring for direct-mill shipment must retain a copy of the invoice covering each transaction or maintain records in other form containing a complete description of the flooring, name and address of the other party to the transaction, date of sale, and the price paid, including any special addition for extra service, working, or specification. These records must be retained for two years, for inspection by the Office of Price Administration.

SEC. 10. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 11. *Imports.* The provisions of this regulation do not apply to the purchases, sales or deliveries of the commodities named in this regulation if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.

SEC. 12. *Relation to other regulations.* Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation.[3]

Article IV—Price Tables

TABLE 1—MAPLE FLOORING, TONGUED AND GROOVED, AND END MATCHED

Thickness and width	Length	Maximum prices per MBM
25/32 x 2¼":		
First Grade	2-16'	$93.50
	4-16'	97.50
	2-5½'	87.50
	2-3½'	83.50
	7-21"	71.00
Second Grade	1½-16'	88.50
	4-16'	93.00
	1½-5½'	83.50
	1½-3½'	79.00
	7-21"	64.00
Third Grade	1-16'	73.00
	2-16'	75.00
25/32 x 1½":		
First Grade	2-16'	80.00
	4-16'	83.50
	2-5½'	73.50
	2-3½'	70.00
	7-21"	51.50
Second Grade	1½-16'	64.50
	1½-3½'	55.50
	7-21"	46.50
Third Grade	1-16'	56.00
25/32 x 2":		
First Grade	2-16'	83.50
	4-16'	86.50
	2-5½'	77.00
	2-3½'	74.00
	7-21"	57.00
Second Grade	1½-16'	78.00
	1½-5½'	68.50
	1½-3½'	65.50
	7-21"	53.50
Third Grade	1-16'	66.00
25/32 x 3¼":		
First Grade	2-16'	90.00
	2-3½'	80.50
	7-21"	67.50
Second Grade	1½-16'	85.50
	7-21"	59.00
Second and Better	1½-16'	87.00
Third Grade	1-16'	74.50
Third and Better	1-16'	80.50
3/8 x 1½":		
First Grade	2-16'	71.00
Second Grade	1½-16'	60.00
Third Grade	1-16'	27.50
½ x 2":		
First Grade	2-16'	76.00
Second Grade	1½-16'	65.00
Third Grade	1-16'	32.00
5/8 x 1½":		
First Grade	2-16'	67.50
Second Grade	1½-16'	58.00
Third Grade	1-16'	43.00

TABLE 1—MAPLE FLOORING, TONGUED AND GROOVED, AND END MATCHED—Con.

Thickness and width	Length	Maximum prices per M BM
5/8 x 2¼":		
First Grade	2-16'	$82.00
Second Grade	1½-16'	74.50
Second and Better	1½-16'	84.50
Third Grade	1-16'	59.50
33/32 x 1½":		
First Grade	2-16'	86.50
Second Grade	1½-16'	66.50
Third Grade	1-16'	52.00
33/32 x 2":		
First Grade	2-16'	90.00
Second Grade	1½-16'	74.00
Third Grade	1-16'	59.50
33/32 x 2¼":		
First Grade	2-16'	97.50
Second Grade	1½-16'	92.50
	3-16'	96.00
	4-16'	97.50
Second and Better	1½-16'	98.00
Third Grade	1-16'	70.50
33/32 x 3¼":		
First Grade	2-16'	97.50
Second Grade	1½-16'	91.00
Second and Better	1½-16'	93.50
Third Grade	1-16'	73.50
41/32 x 2¼":		
First Grade	2-16'	101.50
Second Grade	1½-16'	91.00
Second and Better	1½-16'	96.50
Third Grade	1-16'	64.00
41/32 x 3¼":		
First Grade	2-16'	98.50
Second Grade	1½-16'	90.00
Second and Better	1½-16'	94.00
Third Grade	1-16'	64.00
53/32 x 2¼":		
Third and Better	1-16'	80.50

TABLE 1A—JOINTED MAPLE FLOORING

Thickness and width	Length	Maximum prices per MBM
25/32 x 2½":		
First Grade	2-16'	$96.50
Second and Better	1½-16'	91.50
Third Grade	1-16'	69.50
Third and Better	1-16'	81.50
25/32 x 3½":		
First Grade	2-16'	98.00
Second and Better	1½-16'	90.50
Third Grade	1-16'	72.50
Third and Better	1-16'	80.50
33/32 x 2½":		
First Grade	2-16'	101.50
Second and Better	1½-16'	96.50
Third Grade	1-16'	70.50
Third and Better	1-16'	90.00
33/32 x 3½":		
First Grade	2-16'	105.00
Second and Better	1½-16'	99.00
Third Grade	1-16'	75.00
Third and Better	1-16'	90.00

TABLE 2—BIRCH FLOORING, TONGUED AND GROOVED, AND END MATCHED

Thickness and width	Length	Maximum prices per M BM
25/32 x 1½":		
First Grade	2-16'	$71.00
	4-16'	74.00
	2-5½'	68.00
	2-3½'	66.50
	7-21"	45.00
Second Grade	1½-16'	58.50
	7-21"	40.00
Third Grade	1-16'	47.50
25/32 x 2":		
First Grade	2-16'	71.00
Second Grade	1½-16'	61.50
Third Grade	1-16'	55.50
25/32 x 2¼":		
First Grade	2-16'	84.00
	4-16'	89.00
	2-5½'	78.50
	2-3½'	76.00
	7-21"	62.00

TABLE 2—BIRCH FLOORING, TONGUED AND GROOVED, AND END MATCHED—Con.

Thickness and width	Length	Maximum prices per M BM
25/32 x 2½":		
Second Grade	2-16'	$78.50
	4-16'	84.50
	1½-5½'	74.00
	1½-3½'	70.50
	7-21"	54.00
Third Grade	1-16'	64.50
	2-16'	67.50
25/32 x 3¼":		
First Grade	2-16'	81.50
	2-3½'	83.50
	7-21"	66.50
Second and Better	1½-16'	78.00
Second Grade	1½-16'	77.00
	7-21"	55.50
Third Grade	1-16'	67.00
3/8 x 1½":		
First Grade	2-16'	62.00
Second Grade	1½-16'	51.50
Third Grade	1-16'	21.50
½ x 2":		
First Grade	2-16'	66.00
Second Grade	1½-16'	55.00
5/8 x 1½":		
First Grade	2-5½'	51.00
	8-21"	38.00
5/8 x 2¼":		
First Grade	2-16'	72.00
Second Grade	1½-16'	67.00
Third Grade	1-16'	51.00

TABLE 2A—JOINTED BIRCH FLOORING

Thickness and width	Length	Maximum prices per MBM
25/32 x 3½":		
First Grade	2-16'	$67.50
Second Grade	1½-16'	56.50
Third Grade	1-16'	54.50

TABLE 3—BEECH FLOORING, TONGUED AND GROOVED, AND END MATCHED

Thickness and width	Length	Maximum prices per MBM
25/32 x 1½":		
First Grade	2-16'	$71.50
	2- 5½'	69.50
	8-21"	43.50
Second Grade	1½-16'	56.50
Third Grade	1-16'	45.50
	1-5½'	44.00
25/32 x 2":		
First Grade	2-16'	73.00
Second Grade	1½-16'	64.00
Third Grade	1-16'	55.50
25/32 x 2¼":		
First Grade	2-16'	83.50
	2-5½'	78.00
	8-21"	62.00
Second Grade	1½-16'	77.50
	1½-5½'	74.00
Third Grade	1-16'	65.50
	1-5½'	63.00
	8-21"	47.00
25/32 x 3¼":		
Second and Better	1½-16'	77.00
Third Grade	1-16'	61.00

Effective date. This regulation shall become effective July 24, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11611; Filed, July 19, 1943; 2:49 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

[3] 8 F.R. 3096.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 72]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5503 (f) is amended by substituting the phrase "Class 1 or Class 2 coupon sheet" for the phrase "coupon sheet."

2. Section 1394.5684 (b) is amended by adding after the period at the end of the paragraph the sentence, "Inventory coupons may be deposited on or before, but not after, August 31, 1943."

3. Section 1394.5705 (f) is amended by adding after the period at the end of the paragraph the sentence, "On and after September 1, 1943, all inventory coupons shall be void."

4. Section 1394.5707 (a) (3) is added to read as follows:

(3) On and after August 16, 1943, no fuel oil may be transferred in exchange for inventory coupons.

5. Section 1394.5723 (a) is amended by inserting after the period at the end of the first sentence the sentence, "On and after September 1, 1943, no exchange certificates shall be furnished in exchange for inventory coupons."

This amendment shall become effective on July 24, 1943.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11606; Filed, July 19, 1943; 2:48 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[2] Amdt. 67]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects.

1. Section 1394.7551 (a) (57) is added to read as follows:

(57) "Earliest renewal date" means the first day following the last day of the period for which a particular ration was issued. It is the first day upon which a renewal of a ration may be valid for use.

2. Section 1394.7701 (b) is amended to read as follows:

(b) When issued as a supplemental ration, Class B, C, and D books shall contain the number of coupons specified in the tables set forth in § 1394.7705 (according to the type of book and the area in which it is issued), necessary to provide the mileage allowed by the Board. Each coupon in a Class B, Class C or supplemental Class D book shall have a value of one unit. Coupons in Class B, C and supplemental Class D books shall authorize the transfer of gasoline to consumers from the validity date, which shall be noted on the ration book by the issuing Board, until such rations or books expire or are revoked.

3. Section 1394.7705 (a) (1) (i) is amended to read as follows:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: One Class B book containing the number of coupons specified in Table I for the mileage allowed. The Board shall note the date of issuance on such book as the date on which it becomes valid, and an earliest renewal date three months from the date of issuance.

4. Section 1394.7705 (a) (1) (ii) is amended to read as follows:

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7704 (b) or § 1394.7707 exceeds 470 miles per month: One or more Class C books containing the number of coupons specified in Table II for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

5. Section 1394.7705 (a) (2) (i) is amended to read as follows:

(i) In the event that the mileage allowed by the Board is 360 miles per month or less: One or two class B books containing the number of coupons specified in Table IA for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date four months from the date of issuance.

6. Section 1394.7705 (a) (2) (ii) is amended to read as follows:

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7704 (b) or § 1394.7707 exceeds 360 miles per month: One or more Class C books containing the number of coupons specified in Table IIA for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

7. In § 1394.7705 (a) (3) the text and Table I preceding Table IA are amended to read as follows:

In the case of a motorcycle one or more Class D books (to be marked "supplemental") containing the number of coupons specified in Table I or in Table II to provide the mileage allowed by the Board. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

TABLE I [2]—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION

For passenger automobiles and motorcycles with an allowed mileage of more than 150 but not more than 470 miles per month

["B" coupons issued to passenger automobiles. "D" coupons issued to motorcycles]

Miles per month:	"B" or "D" coupons for 3 months
Up to 150	0
151–170	1
171–190	2
191–210	3
211–230	4
231–250	5
251–270	6
271–290	7
291–310	8
311–330	9
331–350	10
351–370	11
371–390	12
391–410	13
411–430	14
431–450	15
451–470	16

8. Section 1394.7705 (b) is amended to read as follows:

(b) The Board shall remove and cancel all coupons in Class B, C and D books in excess of the number to be issued hereunder.

9. Section 1394.7751 (b) is amended to read as follows:

(b) When issued as an Official or Fleet ration, Class B, C and D books shall contain the number of coupons specified in the tables set forth in § 1394.7705 and § 1394.7755 (according to the type of book and the area in which it is issued), necessary to provide the mileage allowed by the Board. Coupons in such books shall authorize the transfer of gasoline to consumers on and after the validity date, which shall be noted on such books by the issuing Board, until such rations or books expire or are revoked.

10. Section 1394.7755 (a) (1) (i) is amended to read as follows:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: one or two Class B books containing the number of coupons specified in Table III for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

11. Section 1394.7755 (a) (1) (ii) is amended to read as follows:

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7754 (b) exceeds 470 miles per month: one or more Class C books containing the number of coupons specified in Table IV for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

12. Section 1394.7755 (a) (2) (i) is amended to read as follows:

(i) In the event that the mileage allowed by the Board is 360 miles per month or less: one or two Class B books containing the number of coupons specified in Table IA in § 1394.7705 (a) (3) for the mileage allowed. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date four months from the date of issuance.

13. Section 1394.7755 (a) (2) (ii) is amended to read as follows:

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7754 exceeds 360 miles per month: one or more class C books containing the number of coupons specified in Table IIA in § 1394.7705 (a) (3) for the mileage allowed. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

14. Section 1394.7755 (a) (2) which begins with the phrase "In the case of motorcycles": is redesignated § 1394.7755 (a) (3); Table IIIA and Table IVA are deleted and the text and Table III preceding Table IIIA are amended to read as follows:

(3) In the case of motorcycles: One or more Class D books (to be marked "fleet" if issued for use with a fleet motorcycle and "official" if issued for use with an official motorcycle) containing the number of coupons specified in Table III or Table IV to provide the mileage allowed by the Board. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

TABLE III [1]—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

For passenger automobiles and motorcycles with an allowed mileage of not more than 470 miles per month

["B" coupons issued to fleet passenger automobiles. "D" coupons issued to fleet motorcycles]

Miles per month:	"B" or "D" coupons for 3 months
1–20	1
21–40	2
41–60	3
61–80	4
81–100	5
101–120	6
121–140	7
141–160	8
161–180	9
181–200	10
201–220	11
221–240	12
241–260	13
261–280	14
281–300	15
301–320	16
321–340	17
341–360	18
361–380	19
381–400	20
401–420	21
421–440	22
441–460	23
461–470	24

15. In § 1394.7755 (b) the first sentence is amended to read as follows:

(b) The Board shall remove and cancel all coupons in Class B, C, and D books in excess of the number to be issued hereunder.

16. In § 1394.7757 (c) the last sentence is amended by substituting for the final clause "and the date on which it expires." the clause "and the earliest renewal date."

17. Section 1394.7758 (c) is amended to read as follows:

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in the manner provided in § 1394.7754 and shall issue a ration in accordance with the provisions of paragraphs (a), (b) and (c) and (e) of § 1394.7755 except as otherwise provided herein. The Board issuing the ration shall, at the time of issuance, note on the cover of the book the name and address of the person to whom the ration is issued. If the term of the lease remaining from the date of issuance of the ration is less than the valid period of the ration as determined in accordance with the provisions of paragraph (a) of § 1394.7755, the Board shall issue a ration containing coupons sufficient to allow the allowed mileage for the remaining term of the lease, and shall remove from the ration book or books issued all coupons in excess of such number. In such a case the ration shall expire on the date on which the lease terminates, and the Board shall not note an earliest renewal date on the book or books issued, but shall write on the outside front cover the date on which the lease terminates, and that the book or books will expire on that date.

18. Section 1394.7852 (b) is amended by adding the following sentence at the end of the present text:

The coupons contained in any such book issued shall be valid for transfers of gasoline to consumers from the date of issuance, which shall be noted on the book by the Board. They shall expire at the end of the period for which the ration is issued. The Board shall not note an earliest renewal date on the book or books issued, but shall write on the outside front cover the date on which the ration expires, and that the book or books will expire on that date.

19. Section 1394.7902 (a) is amended to read as follows:

(a) Class E and Class R coupon books shall be issued as non-highway rations. Coupons in Class E and Class R books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer from the validity date noted on such books by the Board until such rations or books expire or are revoked.

20. In § 1394.8004 (a) the last sentence is amended to read as follows:

The Board shall make a notation on the cover of such book (other than a Basic book) and on the application therefor, of the date on which it becomes valid and, as the case may be, either of its expiration date, or of its earliest renewal date.

21. Section 1394.8004 (b) is amended to read as follows:

(b) At the time of issuance of a Non-highway ration book, the Board shall make a clear notation on such book in ink, indelible pencil or by typewriter of the name and address of the applicant, the date when such ration shall become valid and the earliest renewal date. Such dates shall also be noted on the application.

22. Section 1394.8004 (f) is amended by substituting for the final phrase "and the date of expiration of such ration" the phrases "and either the date of expiration or the earliest renewal date of such ration".

23. Section 1394.8006 (b) is amended by substituting for the words "expiration date" the words "earliest renewal date".

24. Section 1394.8051 (a) is amended by substituting for the second sentence thereof the following two sentences:

Application for a renewal of a Basic or Special ration or a Transport ration for which no Certificate of War Necessity is required may be made at any time within thirty days prior to the expiration of such ration, or at any time thereafter. Application for a renewal of a Supplemental, Official, Fleet or Non-highway ration may be made within fifteen days before the earliest renewal date or at any time thereafter.

25. Section 1394.8051 (c) is amended to read as follows:

(c) When renewing a ration prior to the end of the period for which a current ration of the same class was issued, the Board shall note on the application and on the front cover of the coupon book (if any) representing such renewed ration the date on which such book shall become valid. Such date shall be the earliest renewal date of the current ration or the day following the expiration date.

26. Section 1394.8051 (d) is amended to read as follows:

(d) Except as provided in § 1394.8052 and § 1394.8053, no ration of any class may be renewed for use before (or may

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9427, 9430, 9621, 9478, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1204, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2730, 2887, 2942, 2993, 2887, 3105, 3521, 3628, 3734, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6960, 7588, 6137, 9059.

[2] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441.

[1] To be used only for vehicles entitled to basic rations.

[1] To be used only for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to basic rations.

be used before) the end of the period for which the preceding ration of the same class was issued.

27. In § 1394.8052 the head-note is amended to read as follows:

§ 1394.8052 *Issuance of further ration for use before end of period of current ration.* • • •

28. Section 1394.8052 (a) is amended by substituting for the phrase "the expiration of his current ration" at the end of the first sentence, the phrase "the end of the period for which his current ration was issued."

29. Section 1394.8052 (b) (2) is amended to read as follows:

(2) The reason or reasons why a further ration will be needed for use before the end of the period for which the current ration was issued.

30. Section 1394.8053 (a) is amended by substituting for the final words "the expiration of such current ration" the words "the end of the period for which such current ration was issued."

31. Section 1394.8053 (c) (3) is amended to read as follows:

(3) The reason or reasons why a further ration is sought for use before the end of the period for which the current ration was issued.

32. Section 1394.8054 (b) is amended to read as follows:

(b) Except as provided in paragraph (c) of this section, when granting a further ration pursuant to the provisions of § 1394.8052 or § 1394.8053 for use before the end of the period for which the current ration was issued, the Board shall require the surrender of such current ration and upon receiving the surrender thereof shall issue a new ration valid from the date of issuance.

33. Section 1394.8102 (a) is amended by substituting for the third sentence the following sentences:

All special rations (except rations issued for leave or furlough) and rations issued for leased vehicles pursuant to § 1394.7758 shall expire as noted on the books or applications. Any other ration shall expire on the date when a renewal of such ration becomes valid.

34. Section 1394.8153 (a) (3) is amended to read as follows:

(3) Transfer may be made only on and after the validity date noted on the cover of the book presented or, in the case of a Class A book, only during the period of validity of the coupon in exchange for which the transfer is to be made. Transfer, in the case of a Class T–1 or Class T–2 book, may be made only during the valid period noted on the cover of the book presented, except that from July 1, 1943 to July 25, 1943, inclusive, transfer may be made in the Restricted Area in exchange for a Class T coupon issued in that area for use during the second calendar quarter of 1943. Transfers in the case of special rations and rations issued for leased vehicles pursuant to § 1394.7758 may be made only during the valid period noted on the cover of the book presented.

This amendment shall become effective July 24, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11607; Filed, July 19, 1943; 2:47 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Seventh Rev. Zoning Order 1 Under RO 3 [1]]

SUGAR RATIONING REGULATIONS; ORDER ESTABLISHING ZONES

Pursuant to § 1407.168, the Sixth Revised Zoning Order No. 1 is amended to read as follows:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the States of Maine, Massachusetts New Hampshire, Rhode Island and Vermont.

Zone 2 shall include the States of Connecticut and New York; and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex and Union Counties in the State of New Jersey.

Zone 3 shall include the States of Delaware and Pennsylvania and that part of the State of New Jersey not included in Zone 2.

Zone 3A shall include Ashland, Ashtabula, Athens, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Erie, Fairfield, Gallia, Geauga, Guernsey, Harrison, Hocking, Holmes, Huron, Jackson, Jefferson, Knox, Lake, Lawrence, Licking, Lorain, Lucas, Mahoning, Medina, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Perry, Portage, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Vinton, Washington, Wayne and Wood Counties in the State of Ohio; and Brooke, Hancock, Ohio and Marshall Counties in the State of West Virginia.

Zone 4 shall include the State of Maryland, the District of Columbia; Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan Counties in the State of West Virginia; Accomac, Arlington, Caroline, Charles City, Clarke, Culpeper, Elizabeth City, Essex, Fairfax, Fauquier, Frederick, Gloucester, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Madison, Mathews, Middlesex, Nausemond, New Kent, Norfolk, Northampton, Northumberland, Orange, Page, Prince George, Princess Anne, Prince William, Rappahannock, Richmond, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, and York Counties, and the independent cities of Alexandria, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, Suffolk, Williamsburg and Winchester in the State of Virginia.

Zone 5 shall include the State of North Carolina and all points in the State of Virginia not included in Zone 4 and all points in the State of West Virginia not included in Zones 3A and 4.

Zone 6 shall include the States of Georgia and South Carolina.

Zone 7 shall include that part of the State of Florida which lies east of the Apalachicola River.

Zone 8 shall include the States of Arkansas, Alabama, Kentucky, Louisiana, Mississippi and Tennessee; that part of the State of Florida which lies west of the Apalachicola River; Alexander, Bond, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Macon, Madison, Marion, Massac, Monroe, Montgomery, Moultrie, Perry, Piatt, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Shelby, Union, Vermilion, Wabash, Washington, Wayne, White and Williamson Counties in the State of Illinois; and Barry, Bollinger, Butler, Cape Girardeau, Carter, Christian, Crawford, Dallas, Dent, Douglas, Dunklin, Franklin, Gasconade, Greene, Howell, Iron, Jefferson, Laclede, Lawrence, McDonald, Madison, Maries, Mississippi, New Madrid, Newton, Oregon, Osage, Ozark, Pemiscot, Perry, Phelps, Pulaski, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Stone, Taney, Texas, Washington, Wayne, Webster and Wright Counties in the State of Missouri.

Zone 9 shall include all points in the State of Texas where the base rate is 35 cents or less.

Zone 10 shall include the lower peninsular of the State of Michigan.

Zone 11 shall include all counties in the State of Indiana except Lake County, and all points in the State of Ohio not included in Zone 3A.

Zone 12 shall include all of the continental United States not included in Zones 1 to 11 inclusive.

(b) "Base rate" as used herein, refers to the lowest published refiners' base rate in effect on the effective date of this Seventh Revised Zoning Order No. 1.

(c) Sugar may be delivered, shipped, or transferred as follows:

(1) From Zones 2, 3 or 4 to any point in Zone 3A.

(2) From Zone 8 to any point in Zones 9 or 11 and to any point in the City of Bristol located in the State of Virginia.

(3) From Zone 12 to any point in Zone 9.

(d) Confectioners' sugar in bulk may be delivered, shipped or transferred from Zone 4 to any point in the States of Virginia and West Virginia located in Zone 5, and to any point in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland; from Zone 6 to any point in the State of North Carolina where the base rate is based on shipments from Savannah, Georgia, and to any point in Zone 7.

(e) Any carrier who has, prior to the effective date of this Seventh Revised Zoning Order No. 1, accepted sugar for a delivery, shipment or transfer not at that time prohibited by §§ 1407.168 and 1407.281 may complete such delivery, shipment or transfer after the effective date of this Seventh Revised Zoning Order No. 1.

This revised zoning order shall become effective July 19, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1 and Supp. Dir. 1E, 7 F.R. 562, 2965; Food Dir. 3, 8 F.R. 2005; § 1407.168 of Rationing Order 3)

Issued this 19th day of July 1943.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 43–11608; Filed, July 19, 1943; 2:48 p. m.]

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 8811.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 18,[1] Amdt. 12 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (g) is added to read as follows:

(g) Fruit juice single strength (natural fruit juice) or diluted shall have the point value set forth in the Official Table of Point Values. Fruit juice concentrated to more than single strength shall have a proportionately higher point value. (For example, a double strength fruit juice shall have a point value of twice the point value set forth in the table.)

This amendment shall become effective July 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 19th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–11610; Filed, July 19, 1943; 2:47 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 48]

MEATS, FATS, FISH AND CHEESES; CANNED MILK AND SOFT CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respect:

The second sentence of section 15.5 (a) is amended by deleting the words "July 5" and inserting the words "August 1" in their place.

This amendment shall become effective July 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11609; Filed, July 19, 1943; 2:46 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589.

[1] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6138, 6181, 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7281, 7455, 7492, 8357, 8540, 8614, 8869, 8844, 9025, 9014, 9024.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 40]

TIRES, TUBES, RECAPPING AND CAMELBACK, CERTIFICATES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

Section 1315.306 is added to read as follows:

§ 1315.306 *Issuance of certificates by the Office of Price Administration.* The Office of Price Administration, Washington, D. C., may receive and act upon applications for certificates for tires, tubes or recapping service for privately owned vehicles operated by officers, agents or employees of the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, who use such vehicles in the performance of official duties which depend upon secrecy.

This amendment shall become effective July 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 19th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–11638; Filed, July 20, 1943; 9:17 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724.

[1] 8 F.R. 1744, 2035, 6424.

PART 1300—PROCEDURE

[Procedural Reg. 4,[1] Amdt. 3]

ISSUANCE OF RATIONING SUSPENSION ORDERS

Procedural Regulation No. 4 is amended in the following respects:

1. The text of § 1300.170 (a) is amended to read as follows:

(a) The respondent or the Regional Attorney may appeal to the Office of the Hearing Administrator from any order of a hearing Commissioner issued under this regulation within ten (10) days (or in the case of orders issued in the Territories and Possessions within thirty (30) days) after service of such order.

2. The text of § 1300.172 is amended to read as follows:

§ 1300.172 *Stay pending appeal.* The Hearing Administrator, the Deputy Hearing Administrator, the Assistant Hearing Administrators, and the several Hearing Commissioners may, for good cause shown, upon application by the respondent, stay or suspend the operation of an order of a Hearing Commissioner pending the determination of the appeal.

3. The text of § 1300.173 is amended to read as follows:

§ 1300.173 *Records on appeal.* The Hearing Commissioner shall, within three (3) days after the receipt of the notice of appeal, send to the office of the Hearing Administrator the complete record in the case which shall include:

(a) The notice of hearing and proof of service thereof;

(b) The transcript of testimony and all exhibits;

(c) The order of the Hearing Commissioner; and

(d) In a case instituted before a Board, the order of the Board.

4. The text of paragraphs (a) and (b) of § 1300.174 is amended to read as follows:

(a) Any party may submit to the Office of Hearing Administrator a brief in support of or in opposition to the order of the Hearing Commissioner.

(b) All briefs shall be submitted within twenty (20) days (or in the case of orders issued in the Territories or Possessions within forty (40) days) after service of the order appealed from. Two (2) copies of the brief shall be filed with the Office of the Hearing Administrator and a copy thereof served upon the opposing party at or before the time of filing.

5. Section 1300.175 (d) is added to read as follows:

(d) The provisions of this § 1300.175 applicable to the Hearing Administrator shall apply with equal force to the Deputy Hearing Administrator or any Assistant Hearing Administrator, when either is acting in lieu of the Hearing Administrator pursuant to paragraph (b) of General Order No. 46, as amended.

This amendment shall become effective July 19, 1943.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong.; and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11637; Filed, July 20, 1943; 9:17 a. m.]

[1] 8 F.R. 5909, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 8811.

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[1] Amdt. 1]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 418 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation fixes the maximum prices at which producers and wholesalers may sell fresh fish and seafood. On and after July 13, 1943, the date this regulation takes effect as to sales governed by prices listed in Tables A and B in section 20, and on and after July 19, 1943, the date this regulation takes effect as to sales governed by prices listed in Tables C, D and E in section 20, no producer or wholesaler may sell or deliver any fresh fish or seafood, and no person in the course of trade or business may buy or receive any fresh fish or seafood from a producer or wholesaler at prices higher than the prices fixed by this regulation. But prices lower than those fixed may be charged or paid.

2. The headnote of section 4 is amended to read as follows: "*Maximum prices for sales by wholesalers other than primary fish shipper wholesalers.*"

3. Section 4 (b) (1) is amended by inserting after the words "provided in section 7," the sentence "These prices apply to sales to other wholesalers as well as to retailers and purveyors of meals."

4. Section 4 (c) (1) is amended by inserting after the words "provided in section 7," the sentence "These prices apply to sales to other wholesalers as well as to retailers and purveyors of meals."

5. Section 8 is amended to read as follows:

SEC. 8. *Imported fresh fish and seafood.* The maximum prices at which a wholesaler, including any agent of a foreign shipper, may sell any fresh fish and seafood listed in the regulation shall be the prices listed in Table B, C, D or E, depending on the type of sale involved, plus the container prices provided in section 19 when containers are used, plus transportation as provided in section 7.

6. Section 10 is amended to read as follows:

SEC. 10. *Where this regulation applies.* The provisions of this regulation shall apply to the forty-eight states of the United States and the District of Columbia and, notwithstanding the provisions of Maximum Price Regulation 194, to the Territory of Alaska.

7. Section 11 (a) is amended to read as follows:

(a) The provisions of this regulation shall not be applicable to sales or deliveries of fresh fish and seafood to a purchaser (1) with respect to prices listed in Tables A and B in section 20, if prior to July 13, 1943 such fresh fish and seafood have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser, and (2) with respect to prices listed in Tables C, D and E in section 20, if prior to July 19, 1943 such fresh fish and seafood have been received by a carrier, other than a carrier owned or controlled by the seller for shipment to such purchaser.

8. In section 18 the definition of "Container" is amended to read as follows:

"Container" means a box, barrel, carton or crate, of wood, paper, metal or other substance used for packing fish.

9. In section 18 the definition of "Fillet" is amended to read as follows:

"Fillet" means the heavily meated section or strip of fish cut from along the backbone and outside the rib bones, extending from the nape and gills to the tail, or portions thereof.

10. Footnote 3 following Table A in section 20 is amended by inserting after the words "Port Williams 2½¢," the sentence "For fish landed ex-vessel in any other port of entry in Alaska deduct that amount specified for the nearest port of entry."

11. Footnote 4 following Table A in section 20 is amended by inserting after the words "Port Williams 2½¢." the sentence "For fish landed ex-vessel in any other port of entry in Alaska deduct that amount specified for the nearest port of entry."

12. The title of Table B in section 20 is amended to read as follows: "Table B—Maximum Prices for Primary Fish Shipper Sales Of Fresh Fish And Seafood.[14]"

13. Footnote 14 is added at the end of Table B in section 20 to read as follows:

[14] The additions and deductions made applicable to the prices of particular species of fish by footnotes following Table A in section 20 are also applicable to the prices for such species in Table B in section 20.

14. The title of Table C in section 20 is amended to read as follows: "Table C—Maximum Prices For Retailer-Owned Cooperative Sales Of Fresh Fish And Seafood.[15]"

15. Footnote 15 is added at the end of Table C in section 20 to read as follows:

[15] The additions and deductions made applicable to the prices of particular species of fish by footnotes following Table A in section 20 are also applicable to the prices for such species in Table C in section 20.

16. The title of Table D in Section 20 is amended to read as follows: "Table D—Maximum Prices For Cash And Carry Sales Of Fresh Fish And Seafood.[16]"

17. Footnote 16 is added at the end of Table D in section 20 to read as follows:

[16] The additions and deductions made applicable to the prices of particular species of fish by footnotes following Table A in section 20 are also applicable to the prices for such species in Table D in section 20.

18. The title of Table E in section 20 is amended to read as follows: "Table E—Maximum Prices For Service And Delivery Sales Of Fresh Fish And Seafood.[17]"

19. Footnote 17 is added at the end of Table E in section 20 to read as follows:

[17] The additions and deductions made applicable to the prices of particular species of fish by footnotes following Table A in section 20 are also applicable to the price for such species in Table E in section 20.

20. The effective date provision of Maximum Price Regulation 418 is amended to read as follows:

Effective date. This regulation shall become effective July 13, 1943 as to sales governed by prices listed in Tables A and B in section 20 and sections 1 to 19 inclusive, and July 19, 1943 as to sales governed by prices listed in Tables C, D and E in section 20.

This amendment shall become effective July 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11640; Filed, July 20, 1943; 9:17 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 434]

USED FRUIT AND VEGETABLE CONTAINERS

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1377.302 *Maximum prices for used fruit and vegetable containers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328, Maximum Price Regulation No. 434 (Used Fruit and Vegetable Containers), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1377.302, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9366.

MAXIMUM PRICE REGULATION 434—USED FRUIT AND VEGETABLE CONTAINERS

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.

1. Prohibition against dealing in used fruit and vegetable containers and parts thereof at prices above the maximum.
2. Less than maximum prices.
3. To what products, transactions and persons this regulation applies.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

4. Maximum prices.
5. Containers and parts not specifically priced.
6. Additions for delivery.
7. What the invoice must contain.
8. Prohibited practices.

ARTICLE III—MISCELLANEOUS

9. Adjustable Pricing.
10. Applications for adjustment and petitions for amendment.
11. Records and reports.
12. Enforcement.
13. Licenses.
14. Definitions.
15. Relation to other regulations.
16. Appendix.

Article I—Prohibitions and Scope of Regulation

SECTION 1. *Prohibition against dealing in used fruit and vegetable containers and parts thereof at prices above the maximum.* On and after July 26, 1943, regardless of any contract or other obligation, no person, other than a "farmers' cooperative" may sell or deliver, and no person may buy or receive any used fruit and vegetable containers or their component parts at prices higher than those contained in this regulation. No person shall agree, offer or attempt to do these things.

The provisions of this regulation shall not be applicable to sales or deliveries which, prior to the effective date of this regulation, have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser.

SEC. 2. *Less than maximum prices.* Prices less than the maximum prices established by this regulation may, of course, be charged and paid.

SEC. 3. *To what products, transactions and persons this regulation applies*—(a) *Products covered.* This regulation, under the term "used fruit and vegetable containers" covers all used containers and component parts made of wood, solid fiber, or corrugated board or a combination of any of these materials used for packaging, handling, storing or shipping fresh fruits and vegetables. This regulation does not cover cooperage products and veneer or plywood drums.

(b) *Transactions covered.* This regulation covers all sales and purchases of used fruit and vegetable containers; except that sales to members by "farmers' cooperatives," as herein defined, and sales made in the states of Arizona, Utah, Nevada, California, Oregon and Washington are specifically exempt from the coverage of the regulation.

(c) *Persons covered.* This regulation extends to any person except a "farmers' cooperative," who makes a sale and any person who makes a purchase which is covered by the regulation.

Article II—Maximum Prices and Terms of Sale

SEC. 4. *Maximum prices.* The maximum prices, f. o. b. the seller's loading point, for used fruit and vegetable containers and parts are listed in the price tables of the Appendix (section 16) of this regulation.

SEC. 5. *Containers and parts not specifically priced.* Used fruit and vegetable containers and parts not specifically priced in this regulation are nevertheless subject to its terms. Any person desiring to buy or sell used fruit and vegetable containers not specifically priced herein shall make application to the Office of Price Administration, Washington, D. C., for approval of a price. The application shall contain a complete description of the container to be priced; the type of purchase or sale, that is, whether by an emptier, accumulator, dealer or the Army or Navy, and the requested price. The applicant may use the requested price, subject to adjustment upon the action of the Office of Price Administration, pending approval of the price. Approval may be by letter or telegram, and any requested price not disapproved within 15 days from receipt of application for approval shall be automatically approved until revoked or amended by the Office of Price Administration.

SEC. 6. *Additions for delivery.* On shipments by common or contract carriers the actual cost of transportation paid or incurred by the seller may be added to the maximum price, f. o. b. seller's loading plant. If shipment is by private truck owned or controlled by the seller, actual transportation costs may be added; except that in no case shall the addition exceed 80 percent of the common carrier truck charges for the same shipment.

SEC. 7. *What the invoice must contain.* All invoices must contain a sufficiently complete description of the containers or parts to show whether the price is proper or not. They must also show the name and address of the seller, the name and address of the purchaser, the quantity of each particular container, the origin and destination of the shipment, and any addition to the maximum price for delivery. In sales by dealers the invoice must also show the license number of the dealer.

SEC. 8. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

Article III—Miscellaneous

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 10. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price established in this regulation is impeding or threatens distribution of used fruit and vegetable containers which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[1] issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

SEC. 11. *Records and reports.* (a) All persons making sales covered by this regulation which amount to $50.00 or more in any one month must keep records which will show a complete description of the containers sold, the quantity, price, date of sale and the name and address of the buyer. Buyers must keep similar records including the name and address of the seller.

[1] 7 F.R. 5087, 5664; 8 F.R. 6175, 6174.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

These records must be kept for two years for inspection by the Office of Price Administration.

(b) Any reports that the Office of Price Administration has required in the past, or requires from time to time must be submitted.

SEC. 12. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies. Sales and purchases by such agencies are nevertheless subject to the terms of the regulation.

SEC. 13. *Licenses.* A license, as a condition of selling used fruit and vegetable containers or parts is required of every person covered by this regulation. Such license is hereby granted to all emptiers and accumulators. Dealers must make application to the Office of Price Administration for specific licenses within 30 days from the issuance of this regulation. The applicant must certify that he buys and sells used fruit and vegetable containers and parts; that he maintains from season to season enclosed warehouse space and facilities for selecting and for reconditioning such containers. The applicant must describe his warehousing and reconditioning facilities and the type of containers which he buys and sells. Licenses will be granted by letter within 30 days from receipt of the application to those who file such applications.

SEC. 14. *Definitions.* (a) *Emptier.* An "emptier," as referred to in this regulation, is any person who acquires for use or sale fruit or vegetables in containers and after removing the contents, sells the containers. Included in the term are grocery stores, canneries, restaurants, hotels, markets, institutions, etc. Specifically excluded are army and navy posts.

(b) *Accumulator.* An "accumulator," as referred to in this regulation, is any person who collects used fruit and vegetable containers or parts from emptiers for resale to dealers, growers, shippers, etc. Included in the term are salvage warehouses (chain), commission merchants, peddlers, junkies, or open lot dealers.

(c) *Dealer.* A "dealer", as referred to in this regulation, is any person who buys and sells used fruit and vegetable containers and maintains from season to season enclosed storage space and facilities for selecting and/or reconditioning such containers.

(d) *Farmers' cooperative.* A "farmers' cooperative" as referred to in this regulation is any organization or association approved by the Farm Credit Administration and engaged in selling used fruit and vegetable containers or parts.

(e) *Reconditioned or selected containers.* A "reconditioned or selected container', as referred to in this regulation, is any used fruit or vegetable container which has no broken or missing parts and which has utility equal to that of a new container.

SEC. 15. *Relation to other regulations*—(a) *General Maximum Price Regulation.* Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation.[3]

(b) *Second Revised Maximum Export Regulation.* The maximum price for export sales of used fruit and vegetable containers is governed by the Second Revised Maximum Export Regulation.[4]

SEC. 16. *Appendix; maximum prices for used fruit and vegetable containers.* The maximum prices, f.o.b. seller's loading point, for used fruit and vegetable containers and parts are shown in the following tables:

TABLE I—BASKETS; HAMPERS; COVERS

Container description	Units	Emptier	Accumulator	Dealer	
		Unselected and unreconditioned	Unselected and unreconditioned	Selected and/or reconditioned	Throw-outs
		Cents	*Cents*	*Cents*	*Cents*
1 bu. export tubs (solid bottom)—with crown or rimmed covers	Each	8	11	17	
1 bu.—3 hoop—bent bottom or improved baskets—with covers	Each	7	10	16	
1 bu.—2 hoop—round bottom baskets—with flat or rimless covers	Each	5	8	13	
1 bu.—baskets—all types—unassorted—with covers	Each	6	9½		
1 bu.—baskets—all types—unassorted—no covers	Each	4	6½		3½
½ bu. export tubs (solid bottom)—with crown or rimmed covers	Each	5	8	13	
½ bu. C. S. baskets—with covers	Each	4	7	12	
½ bu baskets—all types—unassorted—with covers	Each	4½	7½		
½ bu. baskets—all types—unassorted—no covers	Each	3	5		2½
1 bu. and ½ bu. covers—with rims	Each	2	3	4	
1 bu. and ½ bu. covers—flat or rimless	Each	1½	2½	3	
8-12-16 qt. solid fibre—tomato baskets—with handles and covers	Dozen	12	24	48	
1 qt. and 1 pt. berry cups	Hundred	20	35	55	
1 qt. till baskets	Dozen	4	6	9	
2 qt. till baskets	Dozen	6	8	11	
3 qt. till baskets	Dozen	7	9	12	
4 qt. till baskets	Dozen	8	10	14	
1½ bu. cabbage hampers—with covers	Each	6	9	15	
1¼ bu. hampers—with covers	Each	6	9	15	
1 bu. bean or potato hampers—with covers	Each	5	8	14	
⅝ bu. hampers—no covers	Each	4	6	10	
½ bu. hampers—no covers	Each	3	5	8	
All hampers—without covers	Each				3½
1½ bu. and 1 bu. hamper covers—flat or rimless	Each	1½	2½	3	
4 qt. Climax baskets—with handles and covers	Dozen	15	21	42	
4 qt. Climax covers—only	Dozen	3	4	6	
12 qt. Climax baskets—with handles and covers	Dozen	30	54	60	
12 qt. Climax covers—only	Dozen	9	12	15	
8 and 12 qt. splint or slab market baskets	Dozen	24	36	60	
16 and 24 qt. splint or slab market baskets	Dozen	36	48	72	
32 qt. splint or slab market baskets	Dozen	48	66	99	

NOTE: An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025.
[4] 8 F.R. 4132, 5987, 7662.

TABLE II—NAIL TYPE CRATES; COVERS; CORRUGATED OR SOLID FIBRE BOXES

Container description	Units	Emptier	Accumulator	Dealer
		Unselected and unreconditioned	Unselected and unreconditioned	Selected and/or reconditioned
		Cents	*Cents*	*Cents*
1⅘ bu. and 1⅗ bu. citrus crates—no covers	Each	5	9	17
Standard lemon crates—no covers	Each	5	9	17
1 bu. to 1⅕ bu. standard apple boxes-no covers	Each	7	11	17
Corrugated or solid fibre apple boxes	Each	3	7	12
Standard celery crates—16" to 22"—no covers	Each	5	9	16
Western (L. A.) lettuce crates—no covers	Each	5	9	16
Standard and jumbo cantaloupe crates—no covers	Each	5	9	16
Standard cauliflower crates—no covers	Each	5	9	16
⅘ bu. standard pepper crates—no covers	Each	5	9	16
1 bu. New England market boxes—no covers	Each	7	10	16
½ bu. New England market boxes—no covers	Each	5	7	10
32 qt. hinged cover berry crates—no cups or dividers	Each	17	22	29
24 qt. hinged cover berry crates—no cups or dividers	Each	15	20	27
16 qt. hinged cover berry crates—no cups or dividers	Each	13	18	25
36 pt. hinged cover berry crates—no cups or dividers	Each	14	19	26
24 pt. hinged cover berry crates—no cups or dividers	Each	13	18	25
24 qt. folding type berry crates—no cups or dividers	Each	12	17	24
All other berry crates not specifically priced—no covers, cups or dividers	Each	4	8	14
Berry crate dividers	Each	1	1½	2
⅘ bu. tangerine crates—no covers	Each	4	8	14
1⅗ bu. lemon crates—no covers	Each	4	8	14
Lettuce crates (2-dozen size)—no covers	Each	4	8	14
Jumbo (L. A.) lettuce crates—no covers	Each	4	8	14
Lug boxes—no covers	Each	4	8	14
Western standard pear boxes—no covers	Each	4	8	14
Asparagus crates—no covers	Each	4	8	14
1 bu. vegetable crates—no covers	Each	4	8	14
1 bu. potato crates—no covers	Each	4	8	14
Lug cantaloupe crates—no covers	Each	4	8	14
Lug cauliflower crates—no covers	Each	4	8	14
1 bu. pouch crates—no covers	Each	4	8	14
New England type lettuce crates—no covers	Each	4	8	14
Fruit basket carrier crates—no covers or tills	Each	4	8	14
8 qt. corrugated or solid fibre tomato lugs	Each	2	3	5
All covers for above crate	Each	1	1½	2
All single slats for above crates	Each	½	½	½

NOTE: An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

TABLE III—WIREBOUND BOXES

Container description	Units	Emptier	Accumulator	Dealer	
		Unselected and unreconditioned	Unselected and unreconditioned	Selected and/or reconditioned	Throw-outs
		Cents	*Cents*	*Cents*	*Cents*
1⅘ bu. Bruce citrus boxes—made up	Each	6	9	14	5
1⅗ bu. Bruce citrus boxes—K. D. (flat)	Each	8	11	17	
⅘ bu. Bruce citrus boxes—made up	Each	4	7	12	5
⅗ bu. Bruce citrus boxes—K. D. (flat)	Each	6	9	15	
Howard celery crates—made up	Each	5	8	13	5
Howard celery crates—K. D. (flat)	Each	7	10	16	
24 pt. berry crates—made up—no cups or dividers	Each	4	7	12	
24 pt. berry crates—K. D. (flat)—no cups or dividers	Each	6	9	15	
1 bu. James sweet potato crates—made up	Each	4	7	12	

NOTE: An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

TABLE IV—ALL USED AGRICULTURAL CONTAINERS—ARMY INSTALLATIONS AND NAVAL ACTIVITIES

Container description	Units	Unselected and unreconditioned
		Cents
1 bu. baskets—unassorted—no covers	Each	6½
½ bu. baskets—unassorted—no covers	Each	5
½ bu. to 1½ bu. hampers—no covers	Each	6
All basket and hamper covers	Each	2½
4 qt. Climax baskets—with handles—no covers	Dozen	17
4 qt. Climax basket covers only	Dozen	4
12 qt. Climax baskets—with handles—no covers	Dozen	42
12 qt. Climax baskets covers only	Dozen	12
1 qt. and 1 pt. berry cups	Hundred	35
All hinged cover berry crates—no cups or dividers	Each	19
Berry crate dividers	Each	1½
All nail type crates—no covers	Each	9
Covers for above crates	Each	1½
All wirebound crates—made up	Each	8

Effective date. The effective date of this regulation is July 26, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11665; Filed, July 20, 1943; 11:17 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Corr. to Amdt. 71]

FUEL OIL RATIONING REGULATIONS

§ 1394.5707 (a) the reference to "March 1, 1943" is corrected to read "March 16, 1943."

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Dir. 1, 7 F.R. 562; Supp. Directive 1–0, as amended, 7 F.R. 8416, E.O. 9125, 7 F.R. 2719)

Issued this 20th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11666; Filed, July 20, 1943; 11:18 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[2] Amdt. 13 to Rev. Supp. 1]

PROCESSED FOODS; R, S, AND T STAMPS

Section 1407.1102 (e) (4) is added to Revised Supplement 1 to Ration Order 13 to read as follows:

(4) Stamps lettered R, S, and T may be used from August 1 to September 7, 1943, inclusive.

This amendment shall become effective July 26, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 20th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11668; Filed, July 20, 1943; 11:17 a. m.]

[1] 7 F.R. 8480, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1316, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2871, 2720, 2942, 2993, 2887, 3106, 3521, 3628, 3733, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6046, 6262, 6960, 7588, 6137, 9059.

[2] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9012.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16[1] Amdt. 11 to Supp. 1]

MEATS, FATS, FISH AND CHEESE

Section 1407.3027 (f) is amended by adding the following:

T-------- July 25, 1943 to August 31, 1943
U-------- August 1, 1943 to August 31, 1943
V-------- August 8, 1943 to August 31, 1943
W-------- August 15, 1943 to August 31, 1943

This amendment shall become effective July 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729; 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 20th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11667; Filed, July 20, 1943; 11:17 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 1—AREAS ADMINISTERED BY THE NATIONAL PARK SERVICE

ORDER DESIGNATING THE SAINT PAUL'S CHURCH, EASTCHESTER, MOUNT VERNON, N. Y. AS A NATIONAL HISTORIC SITE[2]

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, Saint Paul's Church, Eastchester, situated in the City of Mount Vernon, County of Westchester and State of New York, is recognized as possessing national significance because of its close and intimate connection with the events leading to the establishment of the Bill of Rights, and its place in American architectural history and the American Revolution; and

Whereas, a cooperative agreement has been made between the Corporation of Saint Paul's Church, Eastchester, and the United States of America, providing for the designation, preservation, and use of Saint Paul's Church, Eastchester, as a national historic site:

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of and pursuant to the authority contained in the Act of August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, together with all historic structures thereon and all appurtenances connected therewith, to be a national historic site, having the name "Saint Paul's Church, Eastchester, National Historic Site":

All those lots, pieces, or parcels of land and historic structures which are now owned or controlled, or which may become owned or controlled, by the Corporation of Saint Paul's Church, Eastchester, located within the square bounded by South Columbus Avenue, South Third Avenue, Edison Avenue, and South Fulton Avenue, in the City of Mount Vernon, County of Westchester and State of New York.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the Act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the City of Washington, this 5th day of July 1943.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-11648; Filed, July 20, 1943; 9:50 a. m.]

[1] 8 F.R. 3591, 3714, 4892, 5408, 5758, 6840, 7264, 7456, 7492, 7825, 8869.

[2] Affects tabulation in § 1.13 f.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PETERSBURG NATIONAL MILITARY PARK, VA.

ORDER TRANSFERRING JURISDICTION OVER CERTAIN LANDS TO SECRETARY OF WAR

Pursuant to the provisions of the act of June 5, 1942 (Public Law 585, 77th Congress, 2d sess.), there is hereby transferred to the Secretary of War jurisdiction over the following described lands owned by the United States lying south and east of the Hickory Hill Road within the Petersburg National Military Park in the Commonwealth of Virginia:

Beginning at an Original War Department Camp Lee Monument ⌖32 on the northwest side of the Hickory Hill Road and a corner of the Hickory Hill Farm. Thence N 42°28'45" E 130.65' to a point, thence N 36°47' E—2175.70' along a line offset 15' Northwest of the center line of the Hickory Hill Road to a point, thence N 41°10'45" E—630.78' to an iron pin located 15' from the center line of the Hickory Hill Road and on the property line between Camp Lee and the Petersburg National Military Park. Thence S 57°10' E—2466.97' along a line approximately 150' northeast of the Northeastern side of Virginia Route ⌖37 (previously known as Route ⌖10) to a Park Monument. Thence S 62°27' E—2416.96' to a Park Monument and thence N 84°21'30" E 777.50' along Virginia Route ⌖37 to a Park Monument. Thence S 1°24'05" W 1917.91' to old Camp Lee Monument ⌖20 and thence S 1°24'05" W—1890.85' to Camp Lee Monument ⌖21 thence N 86°05'15" W 2510.59' to a Monument, thence N 86°43'20" W 1876.01' to Camp Lee Monument ⌖22. Thence S 76°27'05" W—1504.50' to Camp Lee Monument ⌖23, thence S 41°27'15" W—710.40' to Monument ⌖23-B, thence N 18°16'25" W—229.05' to Monument ⌖23-C, thence N 23°06'35" E—223.35' to Monument ⌖23-D, thence N 8°00'25" W—110.15' to Monument ⌖23-E, thence N 56°43'35" E—707.35' to Monument ⌖FVIII, thence N 1°13'55" E—607.30' to Monument ⌖FIX, thence N 9°38'45" E—211.20' to Monument ⌖FX, thence N 9°55'05" E—633.14' to Camp Lee Monument ⌖24, thence N 80°12'35" W—441.85' to Camp Lee Monument ⌖25 thence N 8°53'15" E—291.00' to Camp Lee Monument ⌖26, thence N 74°49'35" W—484.75' to Camp Lee Monument ⌖27, thence S 11°00'15" W—275.35' to Camp Lee Monument ⌖28, thence N 80°12'15" W—190.17' to Camp Lee Monument ⌖FXI, thence N 83°09'05" W—154.32' to Camp Lee Monument ⌖FXII, thence S 73°04'05" W—122.00' to Camp Lee Monument ⌖FXIII, thence N 73°08'45" W—205.00' to a Monument, thence N 74°24'30" W—161.10' to Camp Lee Monument ⌖Y-1, thence S 5°59'45" E—843.44' to Camp Lee Monument ⌖Y-2, thence N 77 31'40" W—589.34' to Camp Lee Monument ⌖Y-3, thence N 78°08'15" W—835.19' to Camp Lee Monument ⌖Y-4, thence N 55°30'10" W—620.15' to Camp Lee Monument ⌖Y-5, thence N 22°05'00" E—240.20' to Camp Lee Monument ⌖Y-6, thence N 10°32'20" E—213.00' to Camp Lee Monument ⌖Y-7, thence N 30 21'40" E—253.85' to Camp Lee Monument ⌖Y-8, thence N 2°58'45" W—210.08' to Camp Lee Monument ⌖Y-9, thence S 32°00'00" E—139.35' to Camp Lee Monument ⌖Y-10, thence S 64°38'40" E—126.95' to Camp Lee Monument ⌖Y-11, thence S 34°45'30" E—343.85' to Camp Lee Monument ⌖Y-12, thence N 43°17'45" E—82.44' to Camp Lee Monument ⌖Y-13, thence S 53 17'45" E—346.07' to Camp Lee Monument ⌖Y-14, thence S 58°19'10" E—263.89' to Camp Lee Monument ⌖29, thence N 83°43'05" E—603.50' to Camp Lee Monument ⌖30, thence N 9°28'05" E—757.86' to Camp Lee Monument ⌖31, thence N 63°36'45" W—505.30' to Camp Lee Monument ⌖32 which is a corner of the Hickory Hill Farm and lies on the northwest side of the Hickory Hill Road (Virginia Route ⌖633).

Thence following the line of the Hickory Hill Farm and on the northwestern side of the Hickory Hill Road to the point of the beginning as follows: from Monument ⌖31 N 65°58'15" E 136.27' to Camp Lee Monument ⌖FXIV, thence N 43°56'35" E—264.60' to Camp Lee Monument ⌖FXV, thence N 47°28'05" E—441.09' to Camp Lee Monument ⌖FXVI, thence N 47°20'55" E—188.75' to Camp Lee Monument ⌖FXVII, thence N 61°31'15" E—206.95' to Camp Lee Monument ⌖32, which is the point of beginning, as shown on the attached map[1] entitled 'National Park Service Property proposed for transfer to the U. S. War Department."

This transfer is made subject to any leases, licenses, or permits now in force, which may in any way affect the above described lands.

Issued this 21st day of June 1943.

[SEAL] ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-11650; Filed, July 20, 1943; 9:50 a. m.]

[Circular No. 1561]

PART 194—POTASH PERMITS AND LEASES

Section 194.6 of Title 43 is revoked.

FRED W. JOHNSON,
Commissioner.

Approved: July 10, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-11649; Filed, July 20, 1943; 9:48 a. m.]

[1] Filed as part of the original document.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter Q—Alaska Commercial Fisheries

PART 205—ALASKA PENINSULA AREA FISHERIES

PART 223—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

AREAS OPEN TO SALMON TRAPS

Effective only through December 31, 1943, § 205.17 is hereby amended as follows:

In § 205.17 *Areas open to salmon traps* paragraph (a) (3) is amended, and paragraph (c) is hereby reinserted as follows:

(a) Unimak Island: (3) from a point at 54 degrees 46 minutes 6 seconds north latitude, 163 degrees 11 minutes 42 seconds west longitude to a point at 54 degrees 46 minutes 42 seconds north latitude, 163 degrees 11 minutes 12 seconds west longitude.

* * * * *

(c) Along the coast on the west side of Morzhovoi Bay within 2,500 feet measured along the coast from a point at 55 degrees 0 minutes 52 seconds north latitude, 163 degrees 9 minutes 39 seconds west longitude.

Effective only through December 31, 1943, § 223.19 is hereby amended as follows:

In § 223.19 *Areas open to salmon traps* paragraph (b) is suspended, and paragraph (a) is inserted as follows:

(a) Baranof Island: Northwest coast beginning at a point 1,000 yards southward of Point Kakul and extending southward ½ statute mile.

OSCAR L. CHAPMAN,
Assistant Secretary.

JULY 12, 1943.

[F. R. Doc. 43-11646; Filed, July 20, 1943; 9:48 a. m.]

PART 203—KODIAK AREA FISHERIES

AREAS OPEN TO SALMON TRAPS

Effective only through December 31, 1943, § 208.22 is hereby amended as follows:

In § 208.22 *Areas open to salmon traps* paragraph (g) is amended to read as follows:

(g) Uganik Island: West coast from a point at 153 degrees 28 minutes west longitude to a point at 153 degrees 29 minutes west longitude.

OSCAR L. CHAPMAN,
Assistant Secretary.

JULY 10, 1943.

[F. R. Doc. 43-11647; Filed, July 20, 1943; 9:47 a. m.]

Notices

WAR DEPARTMENT.

[Royalty Adjustment Order W-2]

LES FILS DE J. KAHN, ET AL.

ORDER DISCONTINUING PAYMENT OF ROYALTIES

Correction

In F. R. Doc. 43-11554 appearing on page 10024 of the issue for Tuesday, July 20, 1943, the words "Colonel, Air Corps" and "Colonel, General Staff Corps" were omitted after the signatures of W. F. Volandt and Fred C. Foy, respectively.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-227, A-573, A-1734]

TRUAX-TRAER COAL COMPANY, ET AL.

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of the petition of Truax-Traer Coal Company and United Electric Coal Companies on behalf of themselves and certain retail dealers in the Chicago Area requesting free alongside prices for the retail dealers, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937; Docket No. A-227.

In the matter of the petition of Consumers' Counsel for free alongside prices from Districts 8 and 10 for the Hoskins Coal and Dock Corporation, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937; Docket No. A-573.

In the matter of the petition of Central States Collieries, Inc., for the establishment of minimum prices for f. a. s. shipments to certain retail dealers in Chicago; Docket No. A-1734.

The above-entitled proceedings were instituted upon petitions filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Truax-Traer Coal Company and United Electric Coal Companies (Docket No. A-227), Consumers' Counsel (Docket No. A-573), and Central States Collieries, Inc. (Docket No. A-1734), respectively, requesting the establishment of minimum prices for free alongside deliveries to specified retail coal dealers in the City of Chicago.

These three related proceedings raise questions involving the relationship of river and rail coals under the schedules of effective minimum prices established by the Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937. The questions raised are complex and difficult and would justify extended investigation and analysis. I do not believe that this would be profitable, however, in view of the fact that the Act will expire August 24, 1943. The proceedings will accordingly become moot at that time. The record does not indicate that affected parties are being prejudiced by sales of coal under existing established prices and further relief for the short period remaining before the Act expires would not appear to be necessary or appropriate.

Accordingly, *It is ordered*, That the petitions filed in each of the above-entitled dockets, are severally dismissed, effective midnight, August 23, 1943.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11653; Filed, July 20, 1943; 10:54 a. m.]

[Docket No. B-295]

C. J. FANNON

MEMORANDUM OPINION AND ORDER TO CEASE AND DESIST

On June 1, 1943, after notice and hearing, Edward J. Hayes, a duly designated examiner of the Division, submitted a report in which he found that C. J. Fannon, operating the Blue Gem Mine, Mine Index No. 1648, near Barbourville, Kentucky, in District No. 8, wilfully violated the Bituminous Coal Code, the regulations thereunder and the order of the Director in General Docket No. 19, dated October 9, 1940, by selling and delivering on or about April 19, 1941 to J. R. Ketchum, approximately 150 tons of slack coals at a price of $1.00 per ton f. o. b. cars at Barbourville siding, Barbourville, Kentucky, although no minimum prices had been established for the coals produced for rail shipment at Mine Index No. 1648 at the time of the sale.

The examiner recommended that an order be entered requiring code member, C. J. Fannon, to cease and desist from selling coal in violation of the order of the Director in General Docket No. 19, dated October 9, 1940 or from otherwise violating the Code and the regulations thereunder.

Opportunity was afforded all parties to file exceptions to the examiner's report. No exceptions have been filed.

I have considered the report of the examiner and find that it adequately and accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law, and recommendations set forth in the report, and upon the entire record in this proceeding:

It is hereby ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director;

It is further ordered, That C. J. Fannon, his agents, employees, representatives, heirs and assigns and all persons acting or claiming to act in his behalf, cease and desist from violation of the order of the Director, dated October 9, 1940, in General Docket No. 19 or from otherwise violating the Act, the code or orders, rules and regulations issued thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a United States Circuit Court of Appeals for the enforcement thereof, or may otherwise proceed as authorized by the Act.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11654; Filed, July 20, 1943; 10:54 a. m.]

[Docket No. B-313]

W. A. EDIE AND SON

MEMORANDUM OPINION AND ORDER TO CEASE AND DESIST

In the matter of W. A. Edie and Harold C. Edie, individually and as copartners, doing business as W. A. Edie & Son, code members, District No. 4.

On May 28, 1943, after notice and hearing, W. A. Cuff, a duly designated Examiner of the Division, submitted a report in which he found W. A. Edie and Harold C. Edie, individually and as copartners doing business as W. A. Edie & Son, operating the Edie Mine, Mine Index No. 1729, in Tuscarawas County, Ohio, Subdistrict No. 4 of District 4, wilfully violated section 4 II (e) of the Act and corresponding section of the code by selling and delivering to various persons during the period from January 1, 1941, through March 31, 1942, 445 tons of ¾" slack coal and during the period February 1 through November 30, 1942, 60 tons of ¾" lump coal at prices below the effective minima therefor established in the schedule of effective minimum prices for District No. 4 for truck shipments which were $1.80 and $2.25 per net ton f. o. b. the mine, respectively.

The examiner recommended that an order be entered requiring code members W. A. Edie and Harold C. Edie to cease and desist from selling coal at prices below the applicable minimum prices established by the Division or from otherwise violating the Act, the code, and orders, rules and regulations issued thereunder.

Opportunity was afforded all parties to file exceptions to the examiner's report. No exceptions have been filed.

I have considered the report of the examiner and find that it adequately and accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law, and recommendations set forth in the Report, and upon the entire record in this proceeding;

It is hereby ordered, That the proposed findings of fact and proposed conclusions of law of the examiner are approved and adopted as the findings of fact and conclusions of law of the Director;

It is further ordered, That W. A. Edie and Harold C. Edie, individually and as copartners doing business as W. A. Edie & Son, a copartnership, their agents, employees, representatives, successors and assigns, and all persons acting or claiming to act in their behalf or interest cease and desist from violating section 4 II (e) of the Act, the corresponding section of the code, or from otherwise violating the Act, the code, or orders, rules and regulations issued thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a United States Court of Appeals for the enforcement thereof, or may otherwise proceed as authorized by the Act.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11655; Filed, July 20, 1943; 10:54 a. m.]

[Docket No. B-57]

CHARLY KOLARICH

MEMORANDUM OPINION AND ORDER TO CEASE AND DESIST

On June 2, 1943, after notice and hearing, D. C. McCurtain, a duly designated examiner of the Division submitted a report in which he found that Charly Kolarich, operating the Sunrise Mine, Mine Index No. 181, located in Carbon County, Montana in Subdistrict 2 of District 22, sold and delivered to various persons during the period October 6, 1940 to May 28, 1941, inclusive, 173.20 tons of various sizes of coal produced at such mine at prices below the effective minima therefor, as established by the schedule of effective minimum prices for District No. 22 for all shipments, thereby wilfully violating section 4 II (e) of the Act and the corresponding section of the code.

The examiner recommended that an order be entered requiring code member, Charly Kolarich to cease and desist from violating the schedule of effective minimum prices for District No. 22 for all shipments or from otherwise violating the Act, the code and rules and regulations thereunder.

Opportunity was afforded all parties to file exceptions to the examiner's report. No exceptions have been filed.

I have considered the report of the examiner and find that it adequately and accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law and recommendation set forth in the report and upon the entire record in this proceeding:

It is hereby ordered, That the proposed findings of fact and proposed conclusions of law of the examiner are approved and adopted as the findings of fact and conclusions of law of the Director;

It is further ordered, That Charly Kolarich, his agents, employees, representatives, heirs and assigns and all persons acting or claiming to act in his behalf cease and desist from violation of section 4 II (e) of the Act, the corresponding section of the code, the schedule of effective minimum prices for District No. 22, for all shipments or from otherwise violating the Act, the Code and rules and regulations thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to the United States Circuit Court of Appeals for the enforcement thereof, or may otherwise proceed as authorized by the Act.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11656; Filed, July 20, 1943; 10:54 a. m.]

[Docket Nos. 1591-FD, 1592-FD]

E. P. WHITED AND J. B. WHITED

ORDER RESTORING CODE MEMBERSHIP

In the matter of E. P. Whited, code member; Docket No. 1591-FD.

In the matter of J. B. Whited, code member; Docket No. 1592-FD.

Written complaints dated February 24, 1941, having been filed February 24, 1941, by the Bituminous Coal Producers Board for District No. 8, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violations by E. P. Whited, Swords Creek, Virginia, and J. B. Whited, Dye, Virginia, of the Bituminous Coal Code and rules and regulations thereunder; and

An order having been issued in the above-entitled matters on January 26, 1942, revoking and cancelling the code membership of each of said code members in the code, effective fifteen days from the date of said order, and providing that prior to any reinstatement of said E. P. Whited and J. B. Whited, or either of them, to membership in the code, they shall pay to the United States a tax in the amount of $431.43 as provided in section 5 (c) of the Bituminous Coal Act of 1937; and

Said code members having filed with the Bituminous Coal Division on May 17, 1943, an application for restoration of the code memberships of said E. P. Whited and J. B. Whited effective as of the date of said revocations; and

It appearing from said application and other information in possession of the Division, that said code members paid to the Collector of Internal Revenue at Richmond, Virginia, on May 10, 1943, the sum of $431.43, the amount specified in said order dated January 26, 1942, as a condition precedent to the restoration of said code memberships, and that such restorations should be made effective as of the date of revocations of said code memberships;

Now, therefore, *It is ordered*, That memberships in the Bituminous Coal Code of E. P. Whited and J. B. Whited, be, and they hereby are, restored as of February 10, 1942.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11658; Filed, July 20, 1943; 10:54 a. m.]

[Docket No. A-1037]

TAYLOR CABLE

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of the petition of Taylor Cable, a code member in District No. 8, for revision of effective minimum prices for forked coal produced from the Cable Coal Mine (Mine Index No. 3299), for truck shipment pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

On June 17, 1943, after notice and hearing, Charles S. Mitchell, a duly designated examiner of the Bituminous Coal Division, filed a report in which he found that the effective minimum price for truck shipment of the forked coal (Size Group 3) produced at the Cable Mine (Mine Index No. 3299) of Taylor Cable, located in Wolfe County, Kentucky, Subdistrict 3, should not be reduced 35 cents per ton f. o. b. the mine, as requested in the petition herein, and recommended that an order be entered denying the petition.

An opportunity to file exceptions to the Report of the Examiner was afforded all interested parties. As of the date hereof, no such exceptions have been filed.

I have considered the entire record in this proceeding, including the report of the examiner, and I find that the examiner's proposed findings and conclusions are adequate and accurate and that his recommendation should be allowed. Accordingly, I have concluded to approve and adopt the proposed findings of fact and conclusions of law of the examiner as the findings of fact and conclusions of law of the Director.

Upon the basis of the entire record in this proceeding, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director;

It is further ordered, That the petition of Taylor Cable requesting a reduction of 35 cents per ton in the effective minimum price for the forked coal (Size Group 3) produced at the Cable Mine (Mine Index No. 3299) located in Wolfe County, Kentucky, Subdistrict 3 of District 10 is hereby denied.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11657; Filed, July 20, 1943; 10:55 a. m.]

General Land Office.

[Public Land Order 148]

IDAHO

ORDER WITHDRAWING ADDITIONAL PUBLIC LAND FOR GRAZING USE BY THE DEPARTMENT OF AGRICULTURE

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U. S. C., title 43, secs. 141-143), and pursuant to Executive Order No. 9337 of April 24, 1943, *It is ordered*, As follows:

Subject to valid existing rights, the following-described public land in Idaho is hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved for use by the United States Experiment Station and Western Sheep Breeding Laboratory, Department of Agriculture, as additional grazing land in connection with the lands reserved for that purpose by Executive Order No. 2268 of October 30, 1915, as modified by Executive Orders No. 2491 of November 21, 1916, and No. 3141 of August 6, 1919:

BOISE MERIDIAN

T. 13 N., R. 40 E., sec. 19, lot 1.
The area described contains 39.51 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of the Acting Secretary of the Interior dated November 3, 1936, establishing Grazing District No. 3, Idaho, so far as such order affects the above-described land.

HAROLD L. ICKES, *Secretary of the Interior.*

JULY 14, 1943.

[F. R. Doc. 43-11652; Filed, July 20, 1943; 9:49 a. m.]

[Air-Navigation Site Withdrawal 206]

UTAH

ORDER WITHDRAWING PUBLIC LANDS FOR USE AS AIR-NAVIGATION SITE

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U.S.C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, for use in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 206:

SALT LAKE MERIDIAN

Beginning at a point in what probably will be unsurveyed sec. 8, T. 5 N., R. 11 W., about one-third mile southeast of Hogup Station, from which mile post No. 721 in center line of main track of the Southern Pacific Railroad bears No. 10° 28' E., 200 ft., and N. 79°32' W., 1000 ft.

From the initial point,
S. 10°28' W., 50 ft.;
S. 79°32' E., 50 ft.;
N. 10° 28' E., 50 ft.;
N. 79°32' W., 50 ft., to the place of beginning.
The tract as described contains 0.057 acres.

T. 6 N., R. 9 W.,
Sec. 21, lot 7, exclusive of patented mining claim.
The tract as described contains 24.02 acres.

This order shall take precedence over, but shall not modify, the orders of the Secretary of the Interior of April 8, 1935, establishing Grazing District No. 1 in Utah, and of the Acting Secretary of the Interior of March 19, 1942, adding lands to Utah Grazing District No. 2, so far as they affect the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six-months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941, 55 Stat. 1647. Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government, according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

HAROLD L. ICKES, *Secretary of the Interior.*

JULY 14, 1943.

[F. R. Doc. 43-11651; Filed, July 20, 1943; 9:49 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 55 Under Service Order 123]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees) to reice once after the first or initial icing MDT 21832, MDT 17398, MDT 17977, MDT 17334, MDT 17026, MDT 16789, MDT 3058, MDT 17000, MDT 17217, MDT 20241, MDT 146705, MDT 19768, (or MDT 19708), MDT 4399, MDT 21884, ART 21177, (or ART 21179), ART 17191, WFE 22158, (or WFE 62158), MDT 18287, MDT 21156, MDT 21585, MDT 20719, MDT 21593, MDT 17567, MDT 8069, MDT 16861, MDT 20127, MDT 21529, MDT 4288, MDT 17505, PFE 61525, (or PFE 60525), MDT 17889, MDT 22375, PFE 25432, (or PFE 25632), and WFE 61655 containing potatoes originating in Arkansas and Oklahoma now on hand at St. Louis, consigned to the Food Distribution Administration; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to reice once, but not in excess of 6,000 pounds, after the first or initial icing NRC 8282, NRC 1514, (or NRC 5614), NRC 2110, NRC 10186, PFE 91086, PFE 98713, FGE 9115, ART 22570, NRC 10377, NRC 15642, NRC 5326, NRC 10151, NRC 6880, NRC 10087, NRC 15255, NRC 23771, MDT 7038, ART 21838, ART 19336, and ART 17661, (or ART 17561) containing potatoes originating in Arkansas and Oklahoma now on hand at St. Louis, consigned to the Food Distribution Administration; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to reice once, but not in excess of 1,000 pounds, after the first or initial icing NRC 16163, PFE 61986, SFRD 31191, and SFRD 20980 containing potatoes now on hand at St. Louis, consigned to the Food Distribution Administration.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 5th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11582; Filed, July 19, 1943; 10:33 a. m.]

[Special Permit 56 Under Service Order 123]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri-Kansas-Texas Railroad Company to reice once in transit, but not to exceed 8,000 pounds of ice per car, NRC 4015, NRC 10116, NRC 15275, NRC 16247, NRC 4403, NRC 10402, NRC 3152, NRC 5774, NRC 7022, NRC 10323, ART 22481, ART 22779, ART 19851, ART 23187, ART 24045, containing potatoes, originating in Arkansas and Oklahoma, now on hand at St. Louis, consigned to the Food Distribution Administration.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11583; Filed, July 19, 1943; 10:33 a. m.]

[Special Permit 57 Under Service Order 123]

MISSOURI PACIFIC RAILROAD CO.

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to reice once in transit after the first or initial icing ART 18209, NRC 10309, NRC 8197, NRC 4582, ART 21055, ART 23789, ART 18584, ART 21874, NWX 1072, CX 50065, WFE 49197, URT 85182, ART 22472, and NRC 15408 now on hand at St. Louis, consigned Food Distribution Administration for reconsignment.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11584; Filed, July 19, 1943; 10:33 a. m.]

[Special Permit 59 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once after the first or initial icing ART 18584, ART 23789, NRC 4582, NRC 10309, and URT 85182 containing potatoes originating in Arkansas and Oklahoma now on hand at the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned to E. H. Anderson & Company.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 10th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11585; Filed, July 19, 1943; 10:33 a. m.]

[Special Permit 19 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

REICING CARROTS AND CELERY IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, or The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees) to initially ice or reice, with both bunker and top or body ice, PFE 73401 containing carrots shipped by The William H. Gumpertz Co. to Applebaum-Ernst Company, Chicago, Illinois; also for the Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or The Alton Railroad Company (Henry A. Gardner, Trustee) to initially ice or reice, with both bunker and top or body ice, PFE 30258 containing carrots consigned to Mark Owen Company, Chicago, Illinois; also for the Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to initially ice or reice, with both bunker and top or body ice, ART 16675 containing carrots shipped by The William H. Gumpertz Co. consigned to the American Fruit Growers, Inc., St. Louis, Missouri; also for the Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, or the Toledo, Peoria & Western Railroad (Holly Stover, Federal Manager) to initially ice or reice, with both bunker and top or body ice, PFE 92168 containing celery consigned to the Atlantic Commission Co., care of the Great Atlantic and Pacific Tea Company, Pittsburgh, Pennsylvania.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 7th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11576; Filed, July 19, 1943; 10:34 a. m.]

[Special Permit 20 Under Service Order 133]

CHICAGO, BURLINGTON AND QUINCY RAILROAD CO.

REICING FRUITS AND VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Chicago, Burlington & Quincy Railroad Company to initially ice or reice, with both bunker and top or body ice (not to exceed 500 pounds snow ice in car) PFE 98185 containing fruits and vegetables in mixed shipments destined Sioux Falls, South Dakota; also for The Kansas City Southern Railway Company to initially ice or reice, with both bunker and top or body ice (but not in excess of 4,000 pounds snow ice in car) ART 73099 loaded with vegetables in mixed shipments destined Camp Crowder, Missouri; also for the Union Pacific Railroad Company to initially ice or reice, with both bunker and top or body ice (not to exceed 2,000 pounds snow ice in car) PFE 73948 containing fruits and vegetables in mixed shipments destined Fort Riley, Kansas; also for the Missouri Pacific Railroad Company (Guy A. Thompson Trustee) to initially ice or reice, with both bunker and top or body ice, (not to exceed 4,000 pounds snow ice in car) PFE 90194 containing vegetables in mixed shipments destined Camp Phillips, Kansas, all originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 7th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11577; Filed, July 19, 1943; 10:33 a. m.]

[Special Permit 21 Under Service Order 133]

SOUTHERN PACIFIC COMPANY, ET AL.

REICING OF CARROTS IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, or the Wabash Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 18068 containing carrots shipped by the Atlantic Commission Co., Oxnard, California, consigned to the Atlantic Commission Co., St. Louis, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 8th day of July, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11578; Filed, July 19, 1943; 10:33 a. m.]

[Special Permit 22 Under Service Order 133]

CHICAGO, BURLINGTON AND QUINCY RAILROAD CO.

REICING OF FRUITS AND VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Chicago, Burlington & Quincy Railroad Company to initially ice or reice, with both bunker and top or body ice (not to exceed 3,000 pounds snow ice in car) PFE 93808 containing fruits and vegetables in mixed shipments destined Woodlawn, Nebraska; also for the Union Pacific Railroad Company to initially ice or reice, with both bunker and top or body ice (not to exceed 4,000 pounds snow ice in car) MDT 20598 containing vegetables in mixed shipments destined Fort Riley, Kansas, all originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 8th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11579; Filed, July 19, 1943; 10:33 a. m.]

[Special Permit 23 Under Service Order 133]

MISSOURI PACIFIC RAILROAD COMPANY

REICING OF FRUITS AND VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to initially ice or reice, with both bunker and top or body ice (not to exceed 1,000 pounds of snow ice) PFE 40286 containing fruits and vegetables in mixed shipments destined Great Bend, Kansas, originating beyond or at Kansas City.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 8th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11580; Filed, July 19, 1943; 10:33 a. m.]

[Special Permit 24 Under Service Order 133]

SOUTHERN PACIFIC COMPANY, ET AL.

REICING VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, or The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees) to initially ice or reice, with both bunker and top or body ice, PFE 74594 containing vegetables shipped by William H. Gumpertz Co., Oxnard, California, consigned to Applebaum-Ernst Co., Chicago, Illinois; also for the Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees) the Wabash Railroad Company, or the Pere Marquette Railway Company to initially ice or reice, with both bunker and top or body ice, MDT 8024 containing vegetables shipped by William H. Gumpertz Co., Oxnard, California, consigned to Andrews Brothers, Detroit, Michigan; also for the Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or The Alton Railroad Company (Henry A. Gardner, Trustee) to initially ice or reice, with both bunker and top or body ice, PFE 41897 containing vegetables shipped by William H. Gumpertz Co., Oxnard, California, consigned to Westco Foods Co., Chicago, Illinois; also for the Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or the Chicago, Burlington & Quincy Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 60999 containing vegetables shipped by William H. Gumpertz Co., Oxnard, California, consigned to American Fruit Growers, Inc., St. Louis, Missouri; also for the Southern Pacific Company, the Union Pacific Railroad Company, or the Wabash Railroad Company to initially ice or reice, with both bunker and top or body ice, BREX 74960 containing vegetables shipped by The Atlantic Commission Co., Inc., Oxnard, California, to The Atlantic Commission Co., Inc., St. Louis, Missouri; also for the Pacific Electric Railway Company or The Atchison, Topeka and Santa Fe Railway Company to initially ice or reice, with both bunker and top or body ice, PFE 35397 containing vegetables shipped by Keim Produce Co., Los Angeles, California, consigned to Babbitt Brothers Trading Co., Winslow, Arizona; also for the Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, the Toledo, Peoria & Western Railroad (Holly Stover, Federal Manager), or The New York, Chicago and St. Louis Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 42037 containing vegetables from Atlantic Commission Co., Inc., Los Angeles, California, to Atlantic Commission Co., Cleveland, Ohio; also for the Southern Pacific Company, the Union Pacific Railroad Company, or the Wabash Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 18068 containing vegetables shipped by Atlantic Commission Co., Inc., Oxnard, California, consigned to Atlantic Commission Co., Inc., St. Louis, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11581; Filed, July 19, 1943; 10:34 a. m.]

OFFICE OF PRICE ADMINISTRATION.

List of Individual Orders Granting Exceptions, Etc., Under Price Regulations

The following order was filed with the Division of the Federal Register on July 16, 1943.

Order number, MPR 120, Order 222; name, Big Vein Coal Co.

Copies of this order may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11621; Filed, July 19, 1943; 2:46 p. m.]

[Gen. Order 46,[1] Amdt. 2]

Hearing Administrator and Hearing Commissioners

DELEGATION OF AUTHORITY

General Order 46 is amended in the following respects:

1. The text of paragraph (a) is amended to read as follows:

(a) The Hearing Administrator, the Deputy Hearing Administrator, the Assistant Hearing Administrators and the several Hearing Commissioners are authorized:

2. Subparagraph (4) of paragraph (a) is amended to read as follows:

(4) To exercise any power, authority or discretion conferred by paragraph (a) (2) of this General Order No. 46 through such officer or employee of the Office of Price Administration as the Hearing Administrator, the Deputy or any Assistant Hearing Administrator, or any Hearing Commissioner may designate for such purpose.

3. Paragraph (b) is amended to read as follows:

(b) The Hearing Administrator is authorized to consider and determine all petitions for reconsiderations of or appeals from suspension orders heretofore or hereafter issued, to issue such orders and take such action thereon as may be appropriate in the premises. Whenever the Hearing Administrator shall declare himself personally disqualified or shall for any other reason be unable or consider it impracticable personally to exercise the authority delegated in this subsection, then the Deputy or Assistant Hearing Administrators are authorized to perform the functions set forth in this subsection.

4. Paragraph (c) is amended to read as follows:

(c) Any decision made, order issued or action taken by the Hearing Administrator, the Deputy Hearing Administrator, the Assistant Hearing Administrators or by any Hearing Commissioner pursuant to this General Order No. 46, shall have the same force and effect as if made, issued or taken by the Administrator.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong.; and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719)

Issued and effective July 19, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11644; Filed, July 20, 1943; 9:16 a. m.]

[1] 8 F.R. 2072.

List of Individual Orders Granting Adjustment, Etc. Under Price Regulations

The following orders were filed with the Division of the Federal Register on July 19, 1943.

Order number	*Name*
MPR 39, Order 8	Louisville Textiles, Inc.
MPR 246, Order 7	Dayton Pump & Mfg. Co.
MPR 244, Order 28	Chicago Hardware Foundry Co.
MPR 327, Order 11	Industrial Chemical & Processing Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial & Reference Section.

[F. R. Doc. 43-11659; Filed, July 20, 1943; 11:04 a. m.]

Regional, State, and District Office Orders.

[Region I Order G-7 Under Rev. MPR 122, Amdt. 2]

Bituminous Coal in Metropolitan Boston Area

Amendment No. 2 to Order No. G-7 under Revised Maximum Price Regulation 122—Solid Fuels Sold and Delivered by Dealers; Bituminous Coal; Metropolitan Boston Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.-260 of Revised Maximum Price Regulation 122, Region I Order No. G-7 under Revised Maximum Price Regulation 122 is hereby amended in the following respects:

1. Subparagraphs (1) and (2) of paragraph (b) are amended to read as follows:

(b) *Maximum prices for sales f. o. b. transportation facilities at seller's yard, dock or other terminal facilities*—(1) *Table of prices, per net ton:*

Kind of coal	Classes of purchasers		
	Classes AA & A	Class B	Class C
Domestic run of mine	7.65	7.87	8.09
Straight run of mine	7.40	7.62	7.84
Mixed run of mine	7.55	7.77	7.99
Nut & slack	7.15	7.37	7.59
Slack	7.10	7.32	7.54
1½" nut and slack	7.40	7.62	7.84
Mixed nut and slack	7.25	7.47	7.69
Low volatile pea	7.55	7.77	7.99
High volatile modified stoker	7.20	7.42	7.64
High volatile nut or pea	7.65	7.87	8.09
Cavalier nut and slack	7.30	7.52	7.74
Cavalier double screened stoker	8.00	8.22	8.44
Cavalier modified stoker	7.77	7.99	8.21
High volatile egg or lump	7.30	7.52	7.74
High volatile nut and slack	7.00	7.22	7.44

(2) *Classes of purchasers:*

(i) Class AA shall consist of all persons who purchase f. o. b. railroad cars at seller's yard, dock or other terminal facilities.

(ii) Class A shall consist of the following persons who purchase f. o. b. truck or wagon:

(a) All wharf dealers.

(b) Dealers (other than wharf dealers) who have yards or other terminal facilities located outside of the Metropolitan Boston Area, whether or not such facilities are designed or are customarily used for the handling of bituminous coal.

(c) Those consumers who have customarily been supplied by one or more wharf dealers at the same, or substantially the same, price applicable to sales to wharf dealers, whether said price was quoted as f. o. b. point of shipment, or, when delivery was arranged for, as a delivered price which was in fact arrived at by the addition to said f. o. b. price of the actual cost of transportation.

(iii) Class B shall consist of the following persons who purchase f. o. b. truck or wagon:

(a) Dealers (other than wharf dealers) who have yards or other terminal facilities located in the Metropolitan Boston Area, whether or not such facilities are designed or are customarily used for the handling of bituminous coal.

(b) Operators of greenhouses which are used for the growth of vegetables and/or flowers.

(iv) Class C shall consist of the following persons who purchase f. o. b. truck or wagon:

(a) All dealers who are not included in Class A or Class B, except brokers.

(b) All consumers who purchase on an f. o. b. truck, or wagon basis and who are not included in Class A or Class B.

Provided, however, That nothing contained herein shall be so construed as to require a dealer to sell coal on an f. o. b. shipping point basis to any consumer to whom said dealer has not customarily so sold, or who has customarily purchased on a delivered basis.

2. Subparagraph (1) of paragraph (c) is amended to read as follows:

(1) *Table of prices, per net ton:*

Kind of coal	Classes of purchasers				
	Class I	Class II	Class III	Class IV	Class V
Domestic mine run	$10.05	$9.80	$9.55	$9.05	$8.80
Straight mine run	9.80	9.55	9.30	8.80	8.55
Mixed mine run	9.95	9.70	9.45	8.95	8.70
Nut and slack	9.55	9.30	9.05	8.55	8.30
Slack	9.50	9.25	9.00	8.50	8.25
1½" nut and slack	9.80	9.55	9.30	8.80	8.55
Mixed nut and slack	9.65	9.40	9.15	8.65	8.40
Low volatile pea	9.95	9.70	9.45	8.95	8.70
High volatile modified stoker	9.60	9.35	9.10	8.60	9.35
High volatile nut or pea	10.05	9.80	9.55	9.05	8.80
Cavalier nut and slack	9.70	9.45	9.20	8.70	8.45
Cavalier double screened stoker	10.40	10.15	9.90	9.40	9.15
Cavalier modified stoker	10.17	9.92	9.67	9.17	8.92
High volatile egg or lump	9.70	9.45	9.20	8.70	8.45
High volatile nut and slack	9.40	9.15	8.90	8.40	8.15

The foregoing prices apply to deliveries made directly from truck or wagon into the consumer's storage facilities, and are inclusive of any trimming that may be necessary. If the coal cannot be so discharged and is carried or wheeled from the truck or wagon to consumer's storage facilities, an additional 50¢ per ton may be charged if such charge is separately stated on the invoice or similar document rendered to the purchaser.

3. Subparagraph (4) of paragraph (f) is amended to read as follows:

(4) "Nut and slack" is bituminous coal screenings which, at the mine, have passed through a screen with openings larger than three-quarters (¾) of an inch but smaller than one and one-half (1½) inches, other than "High volatile nut and slack" as defined herein.

4. Subparagraphs (12), (13), (14), (15) and (16) are added to paragraph (f), to read as follows:

(12) "1½" nut and slack" is bituminous coal screenings which, at the mine, have passed through a screen with openings one and one-half (1½) inches or larger, other than "High volatile nut and slack" as defined herein.

(13) "Mixed nut and slack" is a mixture of "1½" nut and slack" with "Nut and slack" and/or "Slack," containing not less than fifty per cent (50%) of "1½" nut and slack."

(14) "Cavalier double screened stoker" is the bituminous coal which is known by that trade name, produced by Consolidation Coal Company at its mine having Index No. 5445, and which has passed through a one and one-quarter (1¼) inch screen and over a three-eighths (⅜) inch screen at the mine.

(15) "Cavalier modified stoker" is the bituminous coal which is known by that trade name, produced by Consolidation Coal Company at its mine having Index No. 5445, and with the following composition as screened at the mine:

72% of coal which has passed through a one and one-quarter (1¼) inch screen and over a three-eighths (⅜) inch screen. 22% of coal which has passed through a one-eighth (⅛) inch screen and over a 50 mesh screen. 6% of coal which has passed through a 50 mesh screen.

(16) "High volatile nut and slack" is bituminous coal screenings which, at the mine, have passed through a screen with openings one and one-quarter (1¼) inches or larger but not larger than two (2) inches, and produced in the high volatile section of Producing District 8.

5. Paragraph (g) is inserted, to read as follows:

(g) *Records and reports.* (1) Any dealer who mixes "1½" Nut and Slack" with "nut and slack" and/or "Slack" for sale as "Mixed nut and slack" shall:

(i) Keep a record of all of the coal which goes into such mixture, which record shall show the date when the coal goes into the mixture, the kind and tonnage of each kind; and a record of all sales of such mixture.

(ii) Submit to the Regional Office for Region I of the Office of Price Administration, on or before the 10th day of each calendar month beginning with August 10, 1943, a report for the preceding calendar month showing, as to all coal which went into such mixture during such month, the date, kind and amount of coal, and the total sales of such mixture during such month.

This Amendment No. 2 to Order No. G-7 shall become effective July 23, 1943.

Issued this 16th day of July 1943.

NOTE: The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-11616; Filed, July 19, 1943; 3:00 p. m.]

[Region I Order G-14, Under 18 (c), Amdt. 2]

Hardwood-Cordwood and Firewood in Massachusetts

Amendment 2 to Order No. G-14 under section 18 (c) of the General Maximum Price Regulation—Hardwood Cordwood and Firewood in Massachusetts.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That paragraph (a) (1) be amended, that paragraph (a) (2) (iv) be amended, that paragraph (a) (4) be amended, and that subparagraph (2) of paragraph (g) be added, to read as set forth below:

(a) • • •

(1) For purposes of this order, the localities in the Commonwealth of Massachusetts have been allocated among seven zones, as defined below, and the maximum prices for hardwood-cordwood and hardwood-firewood sold and delivered in the localities in each zone shall be as follows:

(i) Hardwood-cordwood, in 4 foot lengths:

Zone	At roadside (per cord)	Delivered at retailer's yard (per cord)	Delivered at buyer's premises		
			Per cord	½ cord	¼ cord
1	$11.00	$13.00	$15.00	$7.75	$4.25
2	11.00	13.00	15.00	7.75	4.25
3	13.00	15.00	17.00	8.75	4.75
4	14.00	17.00	19.00	9.75	5.25
5	15.00	18.00	20.00	10.25	5.50
6		20.00	23.00	11.75	6.25
7			26.00	13.25	7.00

(ii) Hardwood-firewood in 12 inch, 16 inch and 24 inch lengths:

Zone	Delivered at retailer's yard (per "cut-up cord")	Delivered at buyer's premises			
		Per "cut-up cord"	½ "cut-up cord"	¼ "cut-up cord"	1 to 5 cu. ft. (per cu.f t.)
1	$15.00	$17.00	$8.75	$4.75	$0.40
2	15.00	17.00	8.75	4.75	.40
3	17.00	19.00	9.75	5.25	.40
4	19.00	21.00	10.75	5.75	.40
5	20.00	23.00	11.75	6.25	.40
6	23.00	26.00	13.25	7.00	.40
7		28.50	15.00	8.00	.40

(2) • • •

(iv) "Delivered" means deposited on or at the premises designated by the buyer; *Provided, however,* That the delivered prices set forth in paragraph (a) (1) shall not include the service charges set forth in paragraph (a) (4).

• • • • • •

(4) *Service charges.* (i) A service charge may be added by the seller if, at the buyer's request, the seller shall carry the wood into the buyer's house or any of his covered outbuildings and neatly stack or pile the wood therein, as follows:

(*a*) A charge at the rate of $2.50 per full cord or "cut-up cord" and proportionately for additional fractions thereof may be added.

(*b*) A charge of $1.50 per half cord or "cut-up cord," $1.00 per quarter cord or "cut-up cord," and $.75 per eighth cord or "cut-up cord" may be added.

(*c*) For other fractions of the above units of measure between one cord or "cut-up cord" and one-eighth cord or "cut-up cord," a charge at a directly proportionate reduction in price from the service charge fixed for the next larger unit of measure may be added.

(*d*) No service charge may be added to the maximum price for sales and deliveries of quantities of less than one eighth cord or "cut-up cord."

(ii) A service charge may be added by the seller if, at the buyer's request, the seller shall neatly stack or pile the wood at a spot on the buyer's premises designated by him other than in his house or covered outbuildings, as follows:

(*a*) A charge at the rate of $1.50 per full cord or "cut-up cord" and proportionately for additional fractions thereof may be added.

(*b*) A charge of $1.00 per half cord or "cut-up cord", and $.50 per quarter cord or "cut-up cord" may be added.

(*c*) For other fractions of the above units of measure between one cord or "cut-up cord" and one-quarter cord or "cut-up cord," a charge at a directly proportionate reduction in price from the service charge fixed for the next larger unit of measure may be added.

(*d*) No service charge may be added to the maximum price for sales and deliveries of quantities of less than one-quarter cord or "cut-up cord."

(g) • • •

(2) Amendment No. 2 shall become effective July 3, 1943, at 12:01 a. m.

Issued this 2d day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-11622; Filed, July 19, 1943; 3:10 p. m.]

[Region I Order G-16 Under 18 (c), Amdt. 1]

FLUID MILK IN MASSACHUSETTS

Amendment 1 to Order G-16 under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Fluid Milk in the Commonwealth of Massachusetts (formerly General Order 16).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, by § 1351.807 of Maximum Price Regulation No. 280, and by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That paragraph (a) be amended, that subparagraphs (7), (8) and (9) of paragraph (b) be added, and paragraph (i) be added, to read as set forth below:

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and by § 1351.803 of Maximum Price Regulation 280 for fluid milk sold or delivered in the Massachusetts Milk Marketing Areas, as defined below, and by § 1351.402 of Maximum Price Regulation 329 for fluid milk bought or received from producers in Region I for ultimate resale as fluid milk in such Areas, are modified so that the maximum prices for such fluid milk shall be the prices specified in the applicable schedule below:

• • • • • •

(b) • • •

(7) The above "Price to producers" fixed for each milk marketing area shall be applicable to fluid milk bought or received from producers in Region I for ultimate resale for human consumption as fluid milk in such milk marketing area.

(8) Any person making "Retail delivered", "Retail over counter" or "Wholesale delivered" sales of fluid milk, or other sales of fluid milk subject to the General Maximum Price Regulation or to Maximum Price Regulation 280, in Milk Marketing Areas 10D, 15C, 17 or 11AB may reduce the butterfat content of fluid milk sold by him so that it shall have a butterfat content of not more than 3/10 of 1% by weight less than the butterfat content of fluid milk sold by him during the base periods of the General Maximum Price Regulation or Maximum Price Regulation 280, respectively, without reducing the maximum prices established for sales by him of fluid milk of a butterfat content the same as that sold by him during the respective base periods of the General Maximum Price Regulation and Maximum Price Regulation 280: *Provided, however*, That such reduction in butterfat content shall not result in fluid milk having a butterfat content less than that permitted by the laws of the Commonwealth of Massachusetts or the regulations or orders of the Massachusetts Milk Control Board.

(9) Where the total bill at the time of sale, if sold for cash, or at the end of any billing period, if sold on credit, comes out at a fraction of a cent, the seller may charge the next higher cent.

• • • • • •

(i) Amendments to Region I Order No. G-16 shall become effective as follows:

(1) Amendment 1 shall become effective May 1, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of April 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-11625; Filed, July 19, 1943; 3:11 p. m.]

[Region I Order G-16 Under 18 (c), Amdt. 2]

FLUID MILK IN MASSACHUSETTS

Amendment 2 to Order G-16 (formerly General Order 16) under § 1499.18 (c) of the General Maximum Price Regulation—Fluid Milk in the Commonwealth of Massachusetts.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, by § 1351.807 of Maximum Price Regulation No. 280, and by § 1351.408 of Maximum Price Regulation No. 329: *It is hereby ordered*, That subparagraphs (35) and (37) of paragraph (a) be amended, that a new subparagraph (6) of paragraph (b) be added, that subparagraph (6) of paragraph (b) be renumbered (7), that a new subparagraph (8) of paragraph (b) be added, that subparagraphs (7), (8), and (9) of paragraph (b) be renumbered (9), (10), and (11), respectively, that paragraph (c) be amended, and that subparagraph (2) of paragraph (i) be added, to read as set forth below:

(a) • • •

(35) Massachusetts Milk Marketing Area 16C (the town of Nantucket).

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.18	$0.17	$0.15
10-ounce bottles			.0625
Half-pint bottles			.045
8-quart cans			1.04
10-quart cans			1.30
20-quart cans			2.40
40-quart cans			4.80

Price to producers: $4.10 per hundredweight.

• • • • • •

(37) Massachusetts Milk Marketing Area 19 (the city of Fall River and the towns of Swansea, Somerset, and so much of the town of Westport as lies west of the line running midway between Drift and Pine Hill Roads).

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.075
10-ounce bottles			.0625
Half-pint bottles			.04
8-quart cans	1.28		1.04

Price to producers: $4.24 per hundredweight.

• • • • • •

(6) The maximum prices for buttermilk sold and delivered in each Massachusetts milk marketing area shall be 1¢ per quart less than the maximum prices fixed in this order for standard milk sold and delivered in such Area.

(7) • • •

(8) Where fluid milk is delivered between June 1 and September 30, both dates inclusive, by a dealer to a summer establishment in a milk marketing area other than the one in which the dealer's place of business is located, his maximum price for such milk shall be the maximum price for such milk in the marketing area in which his place of business is located if such price is higher than that in the marketing area in which he delivered the milk. Any summer establishment which resells such milk may increase its maximum price therefor by the exact amount of the increase in the cost of such milk to it effected by this subparagraph (8). "Summer establishment" shall include any retail store, hotel, boarding house, restaurant, camp, dwelling or other living or retail selling establishment which is not regularly occupied or operated, as the case may be, at any time during the year except for one or more periods between June 1 and September 30, both dates inclusive.

(9) • • •

(10) • • •

(11) • • •

(c) The maximum price for any sale of fluid milk subject to the General Maximum Price Regulation or to Maximum Price Regulation 280, for which no price is fixed in paragraphs (a) and (b) of this order in the localities specified therein, shall be computed by increasing the seller's maximum price as determined under these regulations (without considering the increases permitted by Region I General Order 15 in Areas IB, 3A, 3B, 5B, 6B, 6C, 7A, 9A and 9B on February 21, 1943, or by Region I Price Order 2 in Area 9A on November 19, 1942) by the following amounts per quart:

1½ cents—Areas 1B, 3A, 3B, and 9A.
1 cent—Areas 4, 5B, 6B, 7A, 9B, 15B, 16C, and 19.
½ cent—Areas 2B, 5A, 6A, 6C, 7B, 7C, 7E, 7F, 9C, 9E, 10C, 10D, 11 AB, 12, 15C, 16A (No.), 16A (So.), 17, and 18.
No increase—Areas 1C, 2A, 8, 10B, 11C, 13A, 13B, 14A, 14B, 15A, and 15B.

• • • • • •

(i) • • •

(2) Amendment 2 shall become effective May 22, 1943, at 12:01 a. m.

Issued this 22d day of May 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-11626; Filed, July 19, 1943; 3:12 p. m.]

[Region I, Order G-16 under 18 (c), Amdt. 3]

FLUID MILK IN THE COMMONWEALTH OF MASSACHUSETTS

Amendment 3 to Order G-16 under Section 18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, by § 1351.807 of Maximum Price Regulation No. 280, and by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That subparagraph (33) of paragraph (a) be amended, and that subparagraph (3) of paragraph (i) be added, to read as set forth below:

(a) • • •

(33) Massachusetts Milk Marketing Area 16A So.

(i) The towns of Barnstable, Bourne, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Mashpee, Orleans, Provincetown, Sandwich, Truro, Wellfleet, and Yarmouth.

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.17	$0.16	$0.14
Pint bottles			.08
10-ounce bottles			.0575
Half-pint bottles			.045
8-quart cans			1.06
10-quart cans			1.33
20-quart cans			2.65
40-quart cans			5.00

Price to Producers: $4.10 per hundredweight.

(ii) The town of Gosnold.

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.20	$0.20	$0.19

Price to Producers: $4.10 per hundredweight.

• • • • • •

(i) • • •

(3) Amendment 3 shall become effective June 21, 1943, at 12:01 a. m.

Issued this 19th day of June 1943.

RICHARD H. FIELD,
Acting Regional Administrator.

[F. R. Doc. 43-11627; Filed, July 19, 1943; 3:12 p. m.]

[Region I Order G-16 Under 18 (c), Amdt. 4]

FLUID MILK IN THE COMMONWEALTH OF MASSACHUSETTS

Amendment 4 to Region I Order G-16 under section 18 (c) of the General Maximum Price Regulation—§ 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, by § 1351.807 of Maxium Price Regulation No. 280, and by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That subparagraph (25) of paragraph (a) be amended, and that subparagraph (4) of paragraph (i) be added, to read as set forth below:

(a) • • •

(25) Massachusetts Milk Marketing Area 11AB (the cities of Lawrence and Lowell and the towns of Andover, Billerica, Boxford, Chelmsford, Dracut, Dunstable, Methuen, North Andover, Tewskbury, Tyngsborough and Westford):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$0.145	$0.13
Pint bottles			.0675
10-ounce bottles			.055
Half-pint bottles			.04
8-quart cans			1.00
10-quart cans			1.25
20-quart cans			2.50
40-quart cans			4.80

Price to producers: $4.14 per hundredweight (for producers located in Massachusetts); $4.10 per hundredweight (for producers located elsewhere in Region I).

(i) • • •

(4) Amendment No. 4 shall become effective July 1, 1943, at 12:01 a. m.

Issued this 30th day of June 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-11628; Filed, July 19, 1943; 3:12 p. m.]

[Region I Order G-16 Under 18 (c), etc., Amdt. 5]

FLUID MILK IN THE COMMONWEALTH OF MASSACHUSETTS

Amendment 5 to Region I Order G-16 under section 18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, by § 1351.807 of Maximum Price Regulation No. 280, and by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That subparagraphs (24) and (25) of paragraph (a) be amended, that subparagraph (10) of paragraph (b) be revoked, that subparagraph (11) of paragraph (b) be renumbered (10), and that subparagraph (5) of paragraph (i) be added, to read as set forth below:

(a) • • •

(24) Massachusetts Milk Marketing Area 10D (the towns of Bedford, Burlington, Lincoln, North Reading, Weston and Wilmington): Area 15C (the town of Hull): and Area 17 (the cities of Beverly, Boston, Cambridge, Chelsea, Everett, Lynn, Malden, Medford, Melrose, Newton, Peabody, Quincy, Revere, Salem, Somerville, Waltham, and Woburn and the towns of Arlington, Belmont, Braintree, Brookline, Dedham, Lexington, Marblehead, Milton, Nahant, Needham, Reading, Saugus, Stoneham, Swampscott, Wakefield, Watertown, Wellesley, Weymouth, Winchester, and Winthrop):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.145	$0.13
Pint bottles			.0775
10-ounce bottles			.055
Half-pint bottles			.0425
8-quart cans			1.00
10-quart cans			1.25
20-quart cans			2.45
40-quart cans			4.80

Price to producers: $4.10 per hundredweight.

(25) Massachusetts Milk Marketing Area 11AB (the cities of Lawrence and Lowell and the towns of Andover, Billerica, Boxford, Chelmsford, Dracut, Dunstable, Methuen, North Andover, Tewksbury, Tyngsborough and Westford):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.145	$0.13
Pint bottles			.0675
10-ounce bottles			.055
Half-pint bottles			.04
8-quart cans			1.00
10-quart cans			1.25
20-quart cans			2.50
40-quart cans			4.80

Price to producers: $4.14 per hundredweight (for producers located in Massachusetts); $4.10 per hundredweight (for producers located elsewhere in Region 1).

* * * * *

(b) * * *

(10) * * *

(1) * * *

(5) Amendment No. 5 shall become effective July 3, 1943, at 12:01 a. m.

Issued this 2d day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-11629; Filed, July 19, 1943; 3:13 p. m.]

[Region I Order G-20 Under 18 (c), Amdt. 2]

FLUID MILK IN THE STATE OF RHODE ISLAND

Amendment 2 to Order Number G-20 under section 18 (c), as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, and by § 1351.807 of Maximum Price Regulation No. 280, as amended, *It is hereby ordered*, That subsection (13) be added to section (b), and that subsection (2) be added to section (h), to read as set forth below:

(b) * * *

(13) The maximum prices for buttermilk sold and delivered in each Rhode Island Milk Marketing Area shall be 1¢ per quart less than the maximum prices fixed in this Order for standard milk sold or delivered in such Area.

* * * * *

(h) * * *

(2) Amendment No. 2 shall become effective July 1, 1943, at 12:01 a. m.

Issued this 29th day of June 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-11623; Filed, July 19, 1943; 3:11 p. m.]

[Region I Order G-27 Under 18 (c)]

SOFTWOOD-SLABWOOD SOLD AND DELIVERED IN PARIS, LEWISTON, AUBURN AND SANFORD, MAINE

Order No. G-27 under Section 18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, *It is hereby ordered:*

(a) *Maximum prices for softwood-slabwood.* For softwood-slabwood sold and delivered in Paris, Lewiston, Auburn, and Sanford, Maine, the maximum prices established by the General Maximum Price Regulation are modified, so that the maximum prices for softwood-slabwood sold and delivered therein shall be as follows:

Delivered at buyers' premises	*Maximum price per cord*
Paris	$3.00
Lewiston	9.00
Auburn	9.00
Sanford	7.00

(b) *Evasion.* (1) The maximum prices set forth in this Order No. G-27 shall not be evaded, whether by direct or indirect methods in connection with, or relating to, an offer, solicitation, agreement, sale, delivery, purchase, or receipt of softwood-slabwood in Paris, Lewiston, Auburn, and Sanford, Maine, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(2) The maximum prices established in this Order No. G-27 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment and shall be decreased for prompt payment to the same extent that the price would have been decreased for prompt payment during March, 1942.

(c) *Definitions.* The definitions set forth in Section 302 of the Emergency Price Control Act, as amended, and in Section 20 of the General Maximum Price Regulation shall apply to the terms used in this order, except when the context otherwise requires and except that the terms listed below shall be construed as follows:

(1) "Softwood-slabwood" means the refuse, except sawdust and bark not adhering to the wood, from sawing any coniferous logs.

(2) "A cord." A cord shall contain 128 cubic feet of wood. A cord of 16-inch wood shall contain the equivalent of three piles of wood four feet high, eight feet long, and 16 inches wide. A cord of 12-inch wood shall contain the equivalent in four piles of wood four feet high, eight feet long, and 12 inches wide. No cord of wood of any length shall contain less than 128 cubic feet of wood. This order does not recognize the terms, "a run" or "Stove cord" except as they apply to that proportion of a cord of wood containing 128 cubic feet.

(d) This order shall apply only to those sales on which the buyer receives physical delivery of the softwood-slabwood in Paris, Lewiston, Auburn, or Sanford, Maine, as the case may be.

(e) This order may be revoked, amended, or corrected at any time.

(f) This order shall terminate on September 30, 1943. This order shall become effective June 28, 1943.

(Pub. Laws 421 and 729, 77th Congress; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of June 1943.

RICHARD H. FIELD,
Acting Regional Administrator.

[F. R. Doc. 43-11630; Filed, July 19, 1943; 3:13 p. m.]

[Region I Order G-27 Under 18 (c), Amdt. 1]

SOFTWOOD-SLABWOOD SOLD AND DELIVERED IN PARIS, LEWISTON, AUBURN AND SANFORD, MAINE

Amendment No. 1 to Order No. G-27 under section 18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, *It is hereby ordered*, That paragraph (c) (1) be amended and that paragraph (g) be added, to read as set forth below:

(c) * * *

(1) "Softwood-slabwood" means the refuse, cut into 18-inch or 12-inch lengths, resulting from the sawing of coniferous logs, excluding, however, bark not adhering to the wood.

* * * * *

(g) *Effective date of amendments.* (1) Amendment No. 1 shall become effective July 7, 1943, at 12:01 a. m.

Issued this 6th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-11631; Filed, July 19, 1943; 3:14 p. m.]

[Region II Order G-1 Under Rev. MPR 122]

SOLID FUEL IN MIDDLESEX COUNTY, N. J.

Order No. G-1 Under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122 (formerly Order No. 1).

It is the judgment of the Regional Administrator that there exists or threatens to exist in Middlesex County in the State of New Jersey, a shortage in the supply of a solid fuel which is essential to a standard of living consistent with the prosecution of the war; that such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of dealers in Middlesex County for such solid fuel; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended and § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion to be issued forthwith, *It is ordered*, That:

(a) On and after January 16, 1943, the maximum prices of dealers in Middlesex County, New Jersey, for the sale and delivery in Middlesex County of the sizes of anthracite coal set forth in the following schedules shall be the applicable adjusted maximum prices specified therein:

(1) *Maximum delivered prices.*

Size	Price per net ton delivered	Price per ½ net ton delivered
Egg, stove and nut	$12.60	$6.55
Pea	10.80	6.65
Buckwheat	9.00	4.75
Rice	8.00	4.25

(2) *Maximum prices at the dealer's yard.*

Size	Price per net ton	Price per net ½ ton	Price per cwt. for sales of 100 lbs. and over, but less than ½ ton	Price on cwt. basis for sales of less than 100 lbs.
Egg, stove, and nut	$10.60	$5.30	$.65	$.75
Pea	9.35	4.70	.60	.65
Buckwheat	7.70	3.85	.45	----------
Rice	6.70	3.35	.45	----------

(b) The foregoing adjusted maximum prices include the amount of the railroad freight rate increase incurred by dealers in Middlesex County as a result of the Interstate Commerce Commission's order in its Docket Ex Parte 148, effective March 18, 1942, and such railroad freight rate increase may not be added to the adjusted maximum prices, notwithstanding the provisions of § 1340.257 of Revised Maximum Price Regulation No. 122.

(c) Each dealer in Middlesex County may add to the adjusted maximum price for each size of fuel set forth in the above schedules any increase in his supplier's maximum price to him for the same fuel over such supplier's present maximum price to him for the same fuel; and may also add to such adjusted maximum price the amount authorized by Section 1340.265 of Revised Maximum Price Regulation No. 122 for taxes actually paid or payable by such dealer.

(d) The adjusted maximum prices prescribed herein shall not apply to sales and deliveries by dealers in Middlesex County to persons outside of such county.

(e) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or in supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(f) *Definition.* When used in this order:

(1) The size of anthracite coal described as egg, stove, nut, pea, buckwheat and rice shall refer to the same sizes of anthracite coal as were sold by the dealers in Middlesex County with such designation during December, 1941.

(2) The term "maximum delivered prices" used in paragraph (a) (1) hereof shall refer to the maximum prices for delivery to the purchaser's premises or to such other place in Middlesex County as the purchaser may designate.

(3) Unless the context otherwise requires, the definitions set forth in Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

Issued January 16, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-11619; Filed, July 19, 1943; 3:06 p. m.]

[Region II Order G-1 Under MPR 122]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

Amendment No. 1 to Order No. G-1—(formerly designated Order No. 1) under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and paragraph (a) of Order No. G-1 (formerly designated Order No. 1 under § 1340.259 (a) (1) of Maximum Price Regulation No. 122), and for the reasons set forth in an opinion issued simultaneously herewith, Order No. G-1 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) On and after June 1, 1943, the maximum prices of dealers in Middlesex County, New Jersey, for the sale and delivery in Middlesex County of the sizes of anthracite coal set forth in the following schedules shall be the applicable adjusted maximum prices specified therein:

(1) *Maximum delivered prices.*

Size	Price per net ton delivered	Price per ½ net ton delivered
Egg, stove, and nut	$12.55	$6.55
Pea	10.75	5.65
Buckwheat	8.95	4.75
Rice	7.95	4.25

(2) *Maximum prices at the dealer's yard:*

Size	Price per net ton	Price per net ton	Price per cwt. for sales of 100 lbs. and over, but less than ½ ton	Price on cwt. basis for sales of less than 100 lbs.
Egg, stove, and nut	$10.55	$5.30	$.65	$.75
Pea	9.30	4.65	.60	.65
Buckwheat	7.65	3.85	.45	----------
Rice	6.65	3.35	.45	----------

2. Paragraph (b) is eliminated.

This amendment to Order No. G-1 shall become effective June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of May 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-11618; Filed, July 19, 1943; 3:04 p. m.]

[Region II Order G-4, Under 18 (c), Amdt. 1]

FLUID MILK FOR DUTCHESS AND PUTNAM COUNTIES

Amendment No. 1 to Order No. G-4 Under § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 to Maximum Price Regulation No. 280—Adjustment of the Wholesale and Retail Prices of Fluid Milk for the Counties of Dutchess and Putnam.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.807 of the General Maximum Price Regulation No. 280, as amended, *It is herewith ordered*, That paragraph (a) (2) of said order No. G-4 be amended to read as follows:

(a) * * *

(1) * * *

(2) For sales in containers other than glass or paper containers at wholesale to stores, hotels, restaurants and institutions, the seller's maximum price shall be the higher of either of the following:

(i) Ten (10) cents per quart, except that during the period July 1, 1943 to and including September 15, 1943 only, such maximum price shall be eleven (11) cents per quart; or

(ii) The maximum price established under § 1351.803 (a) of Maximum Price Regulation No. 280, as amended.

This amendment to Order No. G-4 shall become effective July 1, 1943 and expire September 16, 1943 unless earlier revoked.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9259, 7 F.R. 7871)

Issued this 30th day of June 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-11620; Filed, July 19, 1943; 3:07 p. m.]

[Region IV Order G-1 Under MPR 165]

CITRUS FRUIT IN FLORIDA

General Order No. G-1 under Maximum Price Regulation 165—Adjustment of Maximum Price for Citrus Fruit Packing Services Sold by Sellers Located in the State of Florida.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, *It is hereby ordered:*

(a) On and after the effective date of this order, each seller of citrus fruit packing services located in the State of

Florida may sell and offer to sell any of the services set out below at a price no higher than such seller's present maximum price for such service under Maximum Price Regulation No. 165, plus the appropriate increase listed below:

	Increase permitted
(1) Oranges.	*(Basis std.*
Container type:	*1⅗ bu. box)*
Standard box (1⅗ bu.)	09¢
Bruce box (1⅗ bu.)	07¢
Bags:	*Per bag*
½ Box bag	03¢ 01. 5¢
20# Bag	03¢ 00. 75¢
8# Bag	03½¢ 00. 35¢
5# Bag	04¢ 00. 25¢
(2) Grapefruit.	
Container type:	
Standard box (1⅗ bu.)	08¢
Bruce box (1⅗ bu.)	06¼¢
Bags:	
½ Box bag	03¢ 01. 5¢
(3) Tangerines.	
Container type:	
Std. ½ strap box (⅘ bu.)	13¢

(b) Lower prices than those provided herein may be charged.

(c) No seller may use any increase permitted by this order as a basis for a request for increase in maximum prices permitted under Maximum Price Regulation No. 292.

(d) *Definitions.* (1) Citrus fruit packing services shall include (but not limited to) the receiving of citrus fruit at the platform of the packer, the processing of this fruit for packing, washing, grading and packing in the specified containers, and the placing of the fruit on the shipping platform of the packing establishment. It shall include, in addition to these services, any other service customarily performed by the particular seller during March 1942 as part of, or in connection with, the services above set forth.

(2) Except as provided herein, and unless the context otherwise requires, the definitions set forth in Section 1499.116 of Maximum Price Regulation No. 165 shall apply to the terms used herein.

(d) Each seller must continue all discounts, allowances and other price differentials which were in effect to each class of purchaser in March 1942.

(f) The seller herein named shall keep posted at a conspicuous place in his place of business a copy of this order.

(g) Except as otherwise provided herein, all transactions subject to this order shall remain subject to all of the provisions of Maximum Price Regulation No. 165, together with all amendments, supplementary regulations and orders that heretofore have been, or hereafter may be, issued.

(h) This order may be revoked, amended or corrected at any time.

(i) This order shall become effective retroactive to September 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued June 28, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-11613; Filed, July 19, 1943; 2:57 p. m.]

[Region IV Order G-2 Under 3 (c)]

RECONDITIONED USED SYRUP BARRELS FOR ALABAMA-GEORGIA SYRUP CO.

Order No. G-2 under § 1499.3 (c) of the General Maximum Price Regulation—Adjustment of Reconditioned Used Syrup Barrels for the Alabama-Georgia Syrup Company, Montgomery, Alabama and Retail Outlets Purchasing From Such Company; (formerly Order 3 (c)-2)

The Alabama-Georgia Syrup Company, Montgomery, Alabama, has made application under § 1499.3 (c) of General Maximum Price Regulation for determination of a maximum price for reconditioned used standard half barrels of approximately 35 gallons capacity, mainly of cypress construction used in the packaging of raw sugar cane syrup, and known to the trade as "syrup barrels." Due consideration has been given to the application, and an opinion in support of the Order has been issued simultaneously herewith. For the reasons set forth in the opinion under the authority vested in the Regional Administrator of the Office of Price Administration for Region IV by Administrative Order 25, (redesignated as General Order No. 32) issued and effective September 1, 1942, and in accordance with § 1499.3 (c) of General Maximum Price Regulation, *It is hereby ordered,* That:

I. *Authorization of a maximum price for reconditioned used syrup barrels for the Alabama-Georgia Syrup Company and other persons.* (1) On and after November 7, 1942, regardless of any contract or other obligation, the Alabama-Georgia Syrup Company may sell or deliver to any retail dealer for resale, and any retail dealer may, from the Alabama-Georgia Syrup Company, buy or receive for resale a reconditioned used syrup barrel at a price no higher than $2.60 per barrel.

(2) On and after November 7, 1942, regardless of any contract or other obligation, the Alabama-Georgia Syrup Company, any retail dealer or other person, may sell or deliver to an ultimate consumer a reconditioned used syrup barrel at a price no higher than $2.85 per barrel.

(3) The stated maximum prices shall include the furnishing of all services customarily performed by the seller during the 1941 selling season incidental to the sale of reconditioned used syrup barrels, including, but not limited to, terms of delivery and replacement and adjustment of defective units.

(4) All credit terms, discounts, allowances and price differentials offered by the seller during the 1941 selling season shall be maintained.

II. *Requirements of marking.* All reconditioned used syrup barrels sold pursuant to this order shall be marked by the Alabama-Georgia Syrup Company prior to sale and delivery by branding, stencil, or other customary permanent means in such a manner that such unit shall be capable of immediate identification as an Alaga barrel.

III. *Requirements of notification and posting.* (1) The Alabama-Georgia Syrup Company shall on or before the effective date of this order, deliver a copy of such order to each retail dealer to whom deliveries of any reconditioned used syrup barrels have been made during the 1941 selling season, or during that portion of the 1942 selling season prior to the effective date hereof; and shall deliver a copy of such order to any other retail dealer on or before the first delivery of any such barrel to such other retail dealer after the effective date hereof.

(2) Every person making sales subject to this order shall post a copy of this order in a conspicuous place in his place of business, and shall make such order available during business hours for examination by any person requesting to see same.

IV. *Definitions.* For purposes of this order:

(1) "Retail dealer" shall mean any person who buys and receives reconditioned used syrup barrels for resale to the ultimate consumer.

(2) "Ultimate consumer" shall include any person who buys or receives reconditioned used syrup barrels for purposes of packaging raw sugar cane syrup at the place of production thereof, and such person for purposes of this regulation shall not be considered to be an industrial or commercial user.

(3) "Selling season" shall mean the months of October, November, and December.

(4) "Reconditioned used syrup barrel" shall mean a standard half barrel of approximately 35 gallons capacity, mainly of cypress construction, to which all operations of cleaning by steam, recooperage and of other reconditioning customary to the trade have been fully performed prior to the time of sale and delivery and which bears the marking required by paragraph II of this order.

(5) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

V. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

VI. *Effective date.* This order shall become effective November 7, 1942.

This order may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October, 1942.

OSCAR R. STRAUSS, Jr.
Regional Administrator.

[F. R. Doc. 43-11614; Filed, July 19, 1943; 2:57 p. m.]

[Region V Order G-2 Under MPR 333]

EGGS AND EGG PRODUCTS IN LOUISIANA

Order No. G-2 under § 1429.63 of Maximum Price Regulation No. 333—Modification of Prices in Certain Named Parishes in the State of Louisiana.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority of § 1429.63 of Maximum Price Regulation No. 333, as amended: *It is hereby ordered,*

(a) That the maximum price for any person selling and delivering Grades A and B of consumer grade shell eggs to any retailer, or to any commercial, industrial, institutional, or non-Federal Governmental user located in any of the parishes of East Baton Rouge, Jefferson, Orleans or Plaquemines in the State of Louisiana, shall be as hereinafter set out in Table A:

TABLE A—WEEKLY PRICES, MONDAY THROUGH SUNDAY

Item—Week beginning	June	July				August					September				October				November					December			
	28	5	12	19	26	2	9	16	23	30	6	13	20	27	4	11	18	25	1	8	15	22	29	6	13	20	27
Grade A	45	46	47	48	49	50	51	52	52	53	54	55	56	57	58	58	59	59	59	58	57	56	55	53	53	52	51
Grade B	42	42	43	44	44	45	46	46	46	47	47	47	47	48	49	49	49	49	50	50	50	50	49	48	48	48	48

(b) Maximum prices for other egg sizes and grades. The premiums specified in § 1429.67 (g) of Maximum Price Regulation No. 333 for other egg sizes and grades shall be applicable to the prices set out in Table A.

(c) Unless the context otherwise requires, the definitions as set forth in Maximum Price Regulation No. 333, as amended, shall apply to all of the terms used herein.

(d) This General Order No. II under § 1429.63 of Maximum Price Regulation No. 333, as amended, shall become effective at 12:01 a. m., Wednesday, June 30, 1943, and shall expire, unless sooner terminated, midnight, December 31, 1943.

(e) This adjustment order may be revoked or amended at any time by the Regional Administrator, Region V.

(f) General Order No. I under Maximum Price Regulation No. 333, issued by the Administrator on June 15, 1943, is revoked.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1943, at Dallas, Texas.

C. B. BRAUN,
Acting Regional Administrator.

[F R Doc. 43-11615; Filed, July 19, 1943; 2:59 p. m.]

[Raleigh Order G-2 Under MPR 154, as Amended]

ICE PRICES IN SAMPSON COUNTY, NORTH CAROLINA

Order Number G-2 Under Maximum Price Regulation No. 154 as Amended.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the District Director of the Office of Price Administration, Raleigh, North Carolina, by order issued by the Atlanta Regional Office pursuant to § 1393.8 (e) of Maximum Price Regulation No. 154 as amended: *It is hereby ordered:*

(a) On and after the effective date of this order the maximum prices for ice sold in Sampson County, North Carolina, shall be as follows:

Platform prices	
1 block (300 lbs.)	$1.20
½ block (150 lbs.)	.70
100 lbs	.50
75 lbs	.40
50 lbs	.35
25 lbs	.20
Delivered prices	
1 block (300 lbs.)	$1.50
½ block (150 lbs.)	.75
100 lbs	.55
75 lbs	.45
50 lbs	.35

(b) *Definitions.* Unless the context otherwise requires, the definitions set forth in § 1393.10 of Maximum Price Regulation No. 154 as amended shall apply to the terms used herein.

(c) Every seller whose maximum prices for ice are established by this order shall keep posted at a conspicuous place in his place of business a copy of this order.

(d) Except as otherwise provided herein all transactions subject to this order shall remain subject to all of the provisions of Maximum Price Regulation No. 154 as amended together with all amendments and orders that have been heretofore issued or may be hereafter issued.

(e) This order may be revoked, amended or corrected at any time.

This order shall become effective June 15, 1943.

(Pub. Laws 421, and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of June 1943.

THEODORE S. JOHNSON,
District Director.

[F. R. Doc. 43-11617; Filed, July 19, 1943; 3:03 p. m.]

[Region III, Order G-17 Under Section 18 (c)]

CERTAIN MILK TRADE PRACTICES

Order No. G-17 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly General Order No. 1) pertaining to certain trade practices in Region III.

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation, § 1351.803 of Maximum Price Regulation No. 280, and any order heretofore issued by the Regional Administrator of Region III, *It is hereby ordered,* That:

I. *Discounts.* Any person selling fluid whole milk at retail or wholesale in the States of Indiana, Kentucky, Michigan, Ohio, or West Virginia may discontinue the granting of discounts.

For the purpose of this section, fluid whole milk is defined to mean all grades of cow's milk which has been produced, processed, distributed and sold for human consumption in fluid form, except condensed and evaporated milk.

II. *Special milk.* A. Special milk is defined to mean plain Homogenized Milk, Vitamin D Homogenized milk, Softcurd milk, Buttermilk, Regular or Standard milk flavored with chocolate, Chocolate drink, Skim milk, and in addition, any milk conforming to both of the following requirements: (1) It must contain a greater butterfat content than regular or standard milk, and (2) it must have sold during the month of March 1942 at prices higher than regular or standard milk.

B. If, pursuant to the provisions of any order issued by the Regional Administrator of Region III, any person in the States of Indiana, Kentucky, Ohio, Michigan, or West Virginia has been permitted to increase the price of raw or pasteurized regular, standard milk sold by him, such person may now (except as provided in paragraph C of this section) add an amount equal to such increase to the retail and wholesale price of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation.

C. The adjusted maximum price of plain Homogenized milk, Chocolate drink, Buttermilk, and Skim milk as established under the preceding Paragraph B shall in no event exceed the adjusted maximum price established under any previous order of the Regional Administrator of Region III for raw or pasteurized regular, standard milk.

D. If any person selling special milk as herein defined, in an area in which an adjustment has heretofore been granted by the Regional Administrator of Region III, cannot determine his maximum prices for such special milk under the provisions under paragraph B or C of this section II, he may apply by letter to the Regional Office, Office of Price Administration, Union Commerce Building, Cleveland, Ohio, for determination of his maximum price. He shall submit full information as to his present maximum price, the prices of his most closely competitive sellers, the type and approximate butterfat content of the special milk sold by him and his most closely competitive sellers, and a full statement of the reasons why he is unable to determine an adjusted price under paragraphs B or C hereof.

III. *Reports.* Each person, other than a retail store, adjusting his maximum prices on special milk pursuant to the provisions of this order shall, within five days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter, of the following facts:

A. The increase, if any, permitted by previous order in the price of raw or pasteurized regular, standard milk.

B. The previous maximum price for each type of special milk.

C. His adjusted maximum price for each type of special milk.

Effective January 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued January 14, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-11660; Filed, July 20, 1943; 11:09 a. m.]

[Region III Order G-5 Under Section 18 (c)]

FLUID MILK SOLD TO CLEVELAND BOARD OF EDUCATION

Order No. G-5 under § 1499.18 (c), as amended of the General Maximum Price Regulation (formerly Order No. III—1499.18 (c)-3)—Order adjusting the maximum prices for sales of fluid milk at wholesale to the Cleveland Board of Education.

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the Provisions of § 1499.18 (c) of the General Maximum Price Regulation, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation, and until further order of the Regional Administrator of said Region, *It is hereby ordered,* That any person, corporation, partnership, association, or any other organized group of persons, may sell and deliver to the Cleveland Board of Education at wholesale, and the Cleveland Board of Education may buy and receive fluid whole milk at prices not exceeding .0324¢ per one-half pint bottle.

Effective December 5, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued December 4, 1942.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-11675; Filed, July 20, 1943; 11:12 a. m.]

WAR SHIPPING ADMINISTRATION.

REQUISITIONED LITHUANIAN VESSEL "DENNY"

NOTICE OF DEPOSIT ON ACCOUNT OF JUST COMPENSATION

Notice is hereby given that, pursuant to the provisions of section 1 of the Act of June 6, 1941 (Public Law 101, 77th Congress), as amended, and Executive Order 9054 of February 7, 1942, as amended, the War Shipping Administrator, on October 8, 1942, deposited with the Treasurer of the United States, the amount of $22,500.00 on account of just compensation for the former Lithuanian Vessel "Denny", title to which was requisitioned by the War Shipping Administrator on June 1, 1942.

The attention of interested parties is invited to the provisions of section 1 of the above-mentioned Act concerning claims against the vessel which existed at the time of requisition.

By order of the War Shipping Administrator.

[SEAL] A. J. WILLIAMS,
Acting Secretary.

JULY 19, 1943.

[F. R. Doc. 43-11664; Filed, July 20, 1943; 11:25 a. m.]

Reference

THE NATIONAL ARCHIVES
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1934
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VOLUME 8 NUMBER 144

Washington, Thursday, July 22, 1943

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS

RIGHTS WHICH CANNOT BE GRANTED WITHOUT SPECIFIC AUTHORITY

Section 52.12 (a) is rescinded as follows:

§ 52.12 *Rights which cannot be granted without specific statutory authority.* Except when specifically authorized by Congress, the Secretary of War is without authority to grant an interest in real estate of the United States for any of the following purposes:

(a) [Rescinded]. (R.S. 161, 5 U.S.C. 22 [Par. 8*a*, AR 100-62, 15 September 1942, C 2, 12 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-11690; Filed, July 20, 1943; 5:10 p. m.]

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

FLIGHT OFFICERS

Section 73.351 (c) is amended as follows:

§ 73.351 *Flight officers.* • • •

(c) *Termination.* The officers authorized to appoint flight officers in the Army of the United States are authorized to terminate such appointments when the best interests of the service make such action desirable. Persons whose appointments as flight officers are thus terminated honorably will, if otherwise eligible and they volunteer for enlistment within 6 months after termination of appointment if 38 years of age or over, or within 15 days after termination of appointment if between the ages of 18 and 38 years, be enlisted in the enlisted grade held by them at the time of their appointment, or enlisted in such other enlisted grade as the appointing authority deems appropriate in the circumstances, regardless of physical disqualification incurred or having its inception in line of duty while on active duty, and regardless of whether a vacancy exists in the appropriate enlisted grade; and such enlistment will be without loss of seniority, and active service as a flight officer will be counted as service for all purposes. (56 Stat. 649; 10 U.S.C. 299a-299e) [Par. 7*a* and *b*, AR 610-50, 5 November 1942, as amended by C2, 12 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-11689; Filed, July 20, 1943; 5:10 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4726]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN BUTTON MOULD MANUFACTURERS ASSOCIATION, INC., ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of button molds and buckle molds, and on the part of respondent American Button Mould Manufacturers Association, four individuals, officers thereof, and six member concerns, and their agents, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of them and others not parties hereto, to (1) fix, establish, or maintain prices, discounts, or terms of sale for button and buckle molds, or adhere to or promise to adhere to the prices, discounts, or terms of sale so fixed; (2) hold meetings for the purpose of agreeing upon prices to be charged or discounts to be allowed by the mem-

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
FEDERAL COMMUNICATIONS COMMISSION:	
Western Union Telegraph Co. and Postal Telegraph, Inc., hearing on merger	10290
FEDERAL TRADE COMMISSION:	
Cease and desist orders:	
American Button Mould Manufacturers Assn., Inc., et al	10105
International Trustees, et al.	10106
INTERSTATE COMMERCE COMMISSION:	
Holding of cars of potatoes, vacation of prohibition	10289
Icing of fruits and vegetables, permits:	
Chicago, Burlington & Quincy Railroad Co. and Kansas City Southern Railway Co	10291
Common carriers by railroad	10291
Missouri Pacific Railroad Co. and Missouri-Kansas-Texas Railroad Co	10291
Southern Pacific Co., et al. (3 documents)	10291, 10292
Union Pacific Railroad Co., et al	10291
Rerouting of freight traffic, vacation of permission	10289
OFFICE OF ECONOMIC STABILIZATION:	
Pacific Electric Railway Co., Emergency Board wage recommendations	10292
OFFICE OF PRICE ADMINISTRATION:	
Fish and seafood, fresh, at retail (MPR 439)	10267
Hawaii (MPR 373, Am. 7)	10270
Jewelry and certain other articles (MPR 374, Am. 1)	10269
Machine tools, second-hand (MPR 1)	10116
Peanuts and peanut butter (Rev. MPR 335, Am. 1)	10264
Shoes, rationing (RO 17, Am. 29)	10269
Tires, tubes, recapping, and camelback; rationing (RO 1A, Am. 41)	10264
Tobacco, Georgia and Florida shade grown, 1943 crop (MPR 440)	10264

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Consolidated Electric and Gas Co., et al	10293
Hughes, Charles, & Co., Inc	10292
WAR DEPARTMENT:	
Appointment of commissioned officers, warrant officers, and chaplains; flight officers	10105
Military reservations, rights which cannot be granted without specific statutory authority	10105
Western Defense Command, total exclusion area	10289
WAR MANPOWER COMMISSION:	
Appeals, effect of appeal on action appealed from	10107
WAR PRODUCTION BOARD:	
Builders' finishing hardware, cabinet locks, and padlocks (L–236, Sch. I)	10109
Containers, textile bags (M–221, Corr.)	10115
Molasses (M–54)	10107
WAR SHIPPING ADMINISTRATION:	
Contracts for carriage on War Shipping Aministration vessels, uniform sugar charter for Cuban sugar transport	10286

ber respondents in the sale of their products; (3) compile or distribute price lists showing prices or discounts cooperatively fixed or determined; (4) execute or agree to execute indemnifying bonds guaranteeing or purporting to guarantee the observance by the member respondents of any agreement with respect to prices or discounts; (5) cause the books of any member respondent to be examined for the purpose of ascertaining whether such member has adhered to prices or discounts theretofore agreed upon by respondents; or (6) cooperatively reduce prices or allow discounts for the purpose of forcing competitors of the member respondents out of business or compelling such competitors to sell their business to any member respondent; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec 45b) [Cease and desist order, American Button Mould Manufacturers Association, Inc., et al., Docket 4726, July 10, 1943]

In the Matter of American Button Mould Manufacturers Association, Inc., a Membership Corporation, and Its Officers and Members, as Follows: Isidore A. Weidhorn, President; Sidney Baritz, Vice President; Harry Chalfin, Treasurer; Samuel Luloff, Secretary; Liberty Die & Button Mould Company, Inc., a Corporation; C & C Button & Trimming Company, Inc., a Corporation; Jacob Rabinowitz, Inc., a Corporation; Elias Jaffe and Solomon Jaffe, Copartners, Doing Business as Jaffe & Jaffe; Handy Button Machine Company of New York, Inc., a Corporation; and Defiance Button Machine Company, a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, American Button Mould Manufacturers Association, Inc., a corporation, and its officers, Isidore A. Weidhorn, Sidney Baritz, Harry Chalfin, and Samuel Luloff, individually and as officers of said Association; Liberty Die & Button Mould Company, Inc., C & C Button & Trimming Company, Inc., Jacob Rabinowitz, Inc., Handy Button Machine Company of New York, Inc., and Defiance Button Machine Company, corporations, and their respective officers, and Elias Jaffe and Solomon Jaffe, individually and as copartners trading as Jaffe & Jaffe, or trading under any other name (hereinafter referred to as member respondents); and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of button moulds and buckle molds in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

1. Fixing, establishing, or maintaining prices, discounts, or terms of sale for button and buckle molds, or adhering to or promising to adhere to the prices, discounts, or terms of sale so fixed.

2. Holding meetings for the purpose of agreeing upon prices to be charged or discounts to be allowed by the member respondents in the sale of their products.

3. Compiling or distributing price lists showing prices or discounts cooperatively fixed or determined.

4. Executing or agreeing to execute indemnifying bonds guaranteeing or purporting to guarantee the observance by the member respondents of any agreement with respect to prices or discounts.

5. Causing the books of any member respondent to be examined for the purpose of ascertaining whether such member has adhered to prices or discounts theretofore agreed upon by respondents.

6. Cooperatively reducing prices or allowing discounts for the purpose of forcing competitors of the member respondents out of business or compelling such competitors to sell their business to any member respondent.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-11706; Filed, July 21, 1943; 11:35 a. m.]

[Docket No. 4863]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INTERNATIONAL TRUSTEES, ET AL.

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Nature, in general.* In connection with offer, etc., in commerce, of respondent Beals' envelopes, form letters, and questionnaires, or any other similar printed or written material, and on the part of said respondent Beals, his agents, etc., and among other things, as in order set forth, (1) using the words "International Trustees," or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent acts in the capacity of a trustee; (2) using the words "Fiduciary Agents," or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent acts in the capacity of a fiduciary agent; (3) representing, directly or by implication, that the information sought through respondent's letters, questionnaires, or other material is for the purpose of determining whether the person concerning whom such information is sought is entitled to receive trust funds or any other property; or (4) using, or placing in the hands of others for use, form letters, questionnaires, or other material, which represent, directly or by implication, that respondent's business is other than that of obtaining information for use in the collection of debts, or that the information sought through such letters, questionnaires, or other material is for any purpose other than for use in the collection of debts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, International Trustees, et al., Docket 4863, July 8, 1943]

In the Matter of Guy C. Beals, an Individual Trading Under the Name International Trustees, and Spiegel, Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents (that of respondent Spiegel, Inc., admitting all of the material allegations of fact set forth in the complaint and waiving all intervening procedure and further hearing as to the facts), testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent Beals and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Guy C. Beals, individually and trading under the name International Trustees, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of his envelopes, form letters, and questionnaires, or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

(a) Using the words "International Trustees," or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent acts in the capacity of a trustee.

(b) Using the words "Fiduciary Agents," or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent acts in the capacity of a fiduciary agent.

(c) Representing, directly or by implication, that the information sought through respondent's letters, questionnaires, or other material is for the purpose of determining whether the person concerning whom such information is sought is entitled to receive trust funds or any other property.

(d) Using, or placing in the hands of others for use, form letters, questionnaires, or other material, which represent, directly or by implication, that respondent's business is other than that of obtaining information for use in the collection of debts, or that the information sought through such letters, questionnaires, or other material is for any purpose other than for use in the collection of debts.

2. *It is further ordered*, That respondent Spiegel, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale and distribution of respondent's merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, including the collection or attempted collection of the purchase price of such merchandise, do forthwith cease and desist from:

(a) Using any form letters, questionnaires, or any other printed or written material, which contain any representation prohibited in paragraph 1 hereof.

(b) Using, in connection with the collection or attempted collection of the purchase price of merchandise, any form letters, questionnaires, or any other printed or written material, which represent, directly or by implication, that the information sought through such means is for any purpose other than for use in the collection of debts.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-11707; Filed, July 21, 1943; 11:35 a. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Regulation 5, Amdt. 1]

PART 906—REGULATION GOVERNING APPEALS

EFFECT OF APPEAL ON ACTION APPEALED FROM

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, § 906.9 (e), (8 F.R. 6816), is hereby amended to read as follows:

(e) *Effect of appeal on action appealed from.* Whenever the War Manpower Commission issues a statement of availability to any worker or permits or requires an employer to release a worker, the appeal of the employer or worker, respectively, shall in no way stay the action as to the worker or employer satisfied with the action, but the officer to whom the appeal is taken may direct that subsequent cases involving other workers of the employer and raising identical issues be suspended pending final settlement of such issues. In all other cases the taking of an appeal shall stay the action appealed from, unless the Chairman of the Committee to whom the appeal is taken specifically directs otherwise.

(E.O. 9139 and 9279, 7 F.R. 2919, 10177)

PAUL V. MCNUTT, *Chairman, War Manpower Commission.*

JULY 19, 1943.

[F. R. Doc. 43-11692; Filed, July 21, 1943; 9:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1031—MOLASSES

[General Preference Order M–54 as Amended July 21, 1943]

The fulfillment of requirements for the defense of the United States has cre-

ated a shortage in the supply of molasses for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1031.1 *General Preference Order M-54* — (a) *Definitions.* For the purposes of this order:

(1) "Molasses" means any molasses, sirup, sugar solution, or any form of fermentative sugar (derived from sugar cane or sugar beets) and hydrol (corn sugar molasses). The term does not, however, include sugar as defined in Rationing Order No. 3 or sugar intended for and used for manufacture into sugar as so defined, or edible molasses as defined in Food Distribution Order No. 51. Blackstrap molasses is any final molasses produced in the manufacture of sugar from sugar cane or from the refining of raw sugar and includes all beet molasses produced in the manufacture of sugar from sugar beets. Invert molasses is any molasses made from sugar cane without extraction of sugars. For the purpose of this order one gallon of invert molasses is to be construed as one and a half gallons of blackstrap molasses and one gallon of hydrol is to be construed as one gallon of blackstrap molasses.

(2) "Producer" means any person engaged in the production of molasses and includes any person who has molasses produced for him pursuant to toll agreement.

(3) "Importer" means any person who transports molasses in any manner into the continental United States. Release from the bonded custody of the United States Bureau of Customs shall be deemed a transportation.

(4) "Primary distributor" means any person, other than an importer or a producer, who sells molasses which he has acquired (other than as broker) from an importer or a producer.

(5) "Secondary distributor" means any person, other than an importer, producer or primary distributor, who sells molasses which he has acquired (other than as broker) from some person other than an importer or producer.

(6) A person may, at the same time, be an importer, a producer, a primary distributor and a secondary distributor. His classification, in a particular case, will be determined by the source of the molasses involved; i. e., with respect to molasses imported, he will be an importer, with respect to molasses acquired from a producer, he will be a primary distributor, etc.

(7) "Broker" means any person who buys and sells molasses on a fee basis as agent either for the buyer or the seller or both.

(8) "Class 1 purchaser" means any person who requires molasses in the manufacture of any one or more of the following products:

(i) Insecticides (except as provision is made therefor in paragraphs (a) (14) and (d) (3) hereof).

(ii) Lactic acid.

(iii) Graphite paste.

(iv) Printing rollers.

(v) Dye stuffs.

(vi) Ink.

(vii) Ephedrine.

(viii) Sugar for human consumption (produced from beet molasses).

(ix) Denatured rum for flavoring.

(x) Biological and pharmaceutical products for human and veterinary uses.

and any person who requires molasses for any one or more of the following purposes:

(xi) Dust extraction.

(xii) Leather tanning.

(9) "Class 2 purchaser" means any person who requires molasses in the manufacture (including custom grinding) of mixed feeds (including molasses treated beet pulp).

(10) "Class 3 purchaser" means any person who requires molasses in the manufacture of any one or more of the following products:

(i) Yeast.

(ii) Citric acid.

(11) "Class 4 purchaser" means any person who requires molasses in the manufacture of vinegar and any person who requires molasses for foundry purposes.

(12) "Class 5 purchaser" means any person who requires molasses in the manufacture (including blending and/or packaging) of any one or more of the following products:

(i) Molasses (edible).

(ii) Sirup (edible).

(13) "Class 6 purchaser" means any person who requires molasses in the manufacture of other products for human consumption (not specified above).

(14) "Class 7 purchaser" means any person who requires molasses for sale directly (without the intervention of any other handler) to persons who require the same for ensilage direct feed or insect control.

(15) "Calendar quarter" means the several three month periods of the year commencing January 1, April 1, July 1, and October 1.

(16) "Calendar quarterly supply" means a quantity of molasses not in excess of the quantity used by a purchaser listed above during a corresponding calendar quarter in the twelve month period ended June 30, 1941. Purchasers shall determine a calendar quarterly supply with respect to each use specified in the applicable subparagraph above. Quantity shall in all cases be computed on a blackstrap molasses basis.

(17) "30 day supply" means a quantity of molasses not in excess of one-twelfth of the quantity used by a purchaser listed above during the twelve month period ended June 30, 1941. Purchasers shall determine a 30 day supply with respect to each use specified in the applicable subparagraphs above. Quantity shall in all cases be computed on a blackstrap molasses basis.

(18) "Fiscal year" means the twelve month period commencing October 1 and ending September 30.

(19) "Yearly supply" means a quantity of molasses not in excess of the quantity used by a purchaser listed above during the twelve month period ended June 30, 1941. Purchasers shall determine a yearly supply with respect to each use specified in the applicable subparagraph above. Quantity shall in all cases be computed on a blackstrap molasses basis.

(b) *Applicability of Priorities Regulation 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(c) *Restrictions on deliveries.* Anything in Priorities Regulation 1 to the contrary notwithstanding:

(1) No Class 1, 2, 3, 4, 5, 6 or 7 purchaser shall, during any calendar quarter (fiscal year in the case of a Class 3 or 5 purchaser), accept deliveries of molasses in excess of the quantity set forth below less any quantity in excess of a 30 day supply on hand on the first day of the calendar quarter (fiscal year in the case of a Class 3 or 5 purchaser) in which delivery is to be made:

(i) Class 1 purchaser—during any calendar quarter, 40% of a calendar quarterly supply if molasses is required for the manufacture of sugar for human consumption (produced from beet molasses); 100% of a calendar quarterly supply if molasses is required by such Class 1 purchaser for the manufacture of any other product.

(ii) Class 2 purchaser—during any calendar quarter, 50% of a calendar quarterly supply.

(iii) Class 3 purchaser—during a fiscal year, 120% of a yearly supply if molasses is required for the manufacture of yeast; 130% of a yearly supply if molasses is required for the manufacture of citric acid.

(iv) Class 4 purchaser—during any calendar quarter, 110% of a calendar quarterly supply.

(v) Class 5 purchaser—during a fiscal year, 100% of a yearly supply.

(vi) Class 6 purchaser—during any calendar quarter, 100% of a calendar quarterly supply.

(vii) Class 7 purchaser—during any calendar quarter, 100% of a calendar quarterly supply.

(2) Prior to delivery of molasses, within the limitations of paragraph (c) (1) hereof, the prospective deliveree, if he be a Class 1, 2, 4, 6 or 7 purchaser, shall submit to the deliveror a certificate in substantially the following form, properly filled out and manually signed by a duly authorized official:

The delivery, in the calendar quarter ended ..... of ..... gallons of molasses (blackstrap molasses basis), in connection with which this certificate is furnished, will not, taking into consideration molasses received and to be received during the same calendar quarter from all sources and inventory on hand on the first day of such calendar quarter, be in excess of ..... per cent of a calendar quarterly supply to which the undersigned, as a Class ..... purchaser, is entitled pursuant to General Preference Order No M-54 amended, with the terms of which order the undersigned is familiar.

Dated: .....

..... (Name of purchaser)

By ..... (Duly authorized official)

Prior to delivery of molasses, within the limitations of paragraph (c) (1) hereof, the prospective deliveree, if he be a Class 3 or 5 purchaser, shall submit to the deliveror a certificate in substantially the following form, properly filled out and manually signed by a duly authorized official:

The delivery of ..... gallons of molasses (blackstrap molasses basis), in connection with which this certificate is furnished, will not, taking into consideration molasses received and to be received during this fiscal year from all sources and inventory on hand on the first day of this fiscal year, be in excess of ..... percent of a yearly supply to which the undersigned, as a Class ..... purchaser, is entitled pursuant to General Preference Order No M-54, amended, with the terms of which order the undersigned is familiar.

Dated: .....

..... (Name of purchaser)

By ..... (Duly authorized official)

(3) No person shall knowingly deliver molasses to any Class 1, 2, 3, 4, 5, 6 or 7 purchaser in violation of the terms of paragraphs (c) (1) and (2) hereof.

(4) Except as otherwise provided in paragraph (d) hereof, no deliveries of molasses shall be made by any producer, primary distributor, secondary distributor or importer unless the same shall have been specifically authorized by the War Production Board; and no person shall accept delivery of molasses if such delivery would be made in violation of the foregoing clause.

(5) [Revoked January 21, 1943.]

(d) *Permissive deliveries.* Subject to the provisions of Priorities Regulation No. 1, amended, (and more particularly the inventory provisions thereof) and paragraphs (f) and (g) hereof, the following deliveries of molasses shall not be subject to the provisions of paragraph (c) (4) hereof:

(1) Within the limitations of paragraphs (c) (1) and (2) hereof, deliveries to purchasers specified in paragraph (a) hereof.

(2) Deliveries to primary distributors and secondary distributors for purposes of resale. All quantities of molasses, delivery of which primary distributors and secondary distributors accept, shall be subject to allocation, re-distribution or re-delivery in accordance with specific directions which the War Production Board may from time to time hereafter issue.

(3) Deliveries by a Class 7 purchaser of molasses to which he is entitled pursuant to paragraph (c) (1) (vii) hereof) to persons who require molasses for ensilage, direct feed or insect control.

(4) Deliveries of any one of the products specified in paragraph (a) (12) hereof which after manufacture (including blending and/or packaging) fall within the definition of molasses.

(5) Deliveries originating, completed and for use outside of the continental United States.

(6) Deliveries to an importer originating outside of the continental United States.

(e) *Restrictions on consumption.* Unless otherwise authorized by the War Production Board, no purchaser specified in paragraph (a) hereof shall, during any calendar quarter commencing with the month of January, 1942, use or consume more molasses:

(1) Than he would be permitted to receive during such calendar quarter, in the case of a Class 1, 2, 4, 6 or 7 purchaser (assuming that such purchaser had no molasses on hand on the first day of the calendar quarter).

(2) Than 110% of a calendar quarterly supply, in the case of a Class 3 purchaser.

(3) Than a calendar quarterly supply, in the case of a Class 5 purchaser.

(f) *Restrictions with respect to beverage spirits.* Except as may be otherwise provided by the War Production Board, after January 15, 1942, no person shall deliver, use, or accept delivery of molasses for the manufacture of beverage spirits.

(g) *Restrictions on export.* No molasses shall be exported by any person except upon express authorization of the War Production Board.

(h) *Intra-company transactions.* The prohibitions or restrictions contained in this order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of the same or any other enterprise owned or controlled by the same person.

(i) *Prior authorizations.* Specific mail or telegraphic authorizations heretofore issued by the War Production Board by way of relief from the provisions of this order as it existed prior to March 27, 1942, shall not be prejudiced or in any manner affected hereby.

(j) *Reports.* Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Division of the War Production Board. Importers shall notify the Chemicals Division of the War Production Board of the importation of molasses into the continental United States at least fifteen (15) days prior to movement of the same from the place of origin. The following persons shall fill out and file with the Chemicals Division of the War Production Board the forms set forth below at the times and in the manner prescribed in said forms:

Manufacturers (using molasses) of yeast, citric acid and edible sirup or molasses—Form PD-456.

Manufacturers (using molasses) of Alcohol—Form PD-457.

Producers, importers and primary distributors of molasses—Form PD-458.

(k) *Notification of customers.* Producers, distributors and importers shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this order.

(l) *Violations or false statements.* Any person who violates this order or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the War Production Board, or otherwise wilfully furnishes false information to the War Production Board may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining further deliveries of materials subject to allocation. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(m) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of molasses conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board. Reference: M-54, attention Chemicals Division, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(n) *Exemptions.* None of the restrictions, prohibitions or requirements contained in this order shall apply to the delivery, acceptance of delivery or use of molasses outside of the continental United States.

Issued this 21st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11696; Filed, July 21, 1943; 10:59 a. m.]

PART 3154—HARDWARE SIMPLIFICATIONS

[Limitation Order L-236, Schedule I, as Amended July 21, 1943]

BUILDERS' FINISHING HARDWARE, CABINET LOCKS, AND PADLOCKS

§ 3154.2 *Schedule I to Limitation Order L-236*—(a) *Definitions.* For the purposes of this schedule:

(1) "Producer" means any person who manufactures, fabricates, assembles, melts, casts, extrudes, rolls, turns, spins, or otherwise processes builders' finishing hardware, cabinet locks and padlocks.

(2) "Builders' finishing hardware" means a device for supporting, guarding, operating, controlling, or securing various parts of any building or structure. Such part of a building or structure shall include, but is not limited to, doors, windows, transoms, scuttles, gates, partitions, and closets.

(3) "Cabinet locks and padlocks" means a lock operated by key or com-

bination (exclusive of communicating door locks) which is designed and constructed for the purpose of

(i) Guarding, controlling, securing or preventing the entrance to a building or structure or any part of a building or structure; or

(ii) Guarding, controlling, securing or preventing the opening or moving of any article, item or container used for the purpose of storage, transportation or safekeeping. Such article, item or container shall include, but is not limited to, furniture, luggage, baggage, chests, bags, lockers, cabinets or boxes.

(4) "Lend Lease government" means the government of any foreign country whose defense the President deems vital to the defense of the United States, as provided in the act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(b) *Exclusions from provisions of Schedule I to Limitation Order L–236.* (1) Any builders' finishing hardware, cabinet lock or padlock, for any use

(i) On or in any ship or vessel, or

(ii) In the operations of a railroad or street railway, other than the construction of a building, or

(iii) Other than construction, repair or maintenance of a building, when purchased by or for the account of the Army, Navy, Maritime Commission or War Shipping Administration, or

(iv) As a protection to electric power equipment; or

(2) Any prison lock, time lock, safe deposit lock or automotive lock; or

(3) Any parts manufactured for repair and maintenance of any builders' finishing hardware, cabinet locks, or padlocks shall not be subject to the limitations of this Schedule.

(c) *Simplified practices.* Pursuant to Limitation Order L–236, the sizes, types, grades, finishes and weights set forth in tables 1 through 15 of this Schedule I as amended are established for the manufacture of builders' finishing hardware, cabinet locks and padlocks except that a producer may manufacture such hardware, cabinet locks or padlocks which shall not be subject to the limitations established by this Schedule I as amended and tables attached thereto, for export under a license issued by the Board of Economic Warfare, or to fill an order of a Lend-Lease Government for builders' finishing hardware, cabinet locks or padlocks differing in size or design from those manufactured for domestic use in accordance with Table 1 through Table 15 of this Schedule I as amended, when the sizes or designs as manufactured for domestic use will not fulfill the requirements of foreign use.

(d) *Effective date of simplified practices.* On and after the first day of April 1943 no producer shall manufacture, put in process, assemble or otherwise complete any builders' finishing hardware, cabinet lock, or padlock which does not conform to the catalog number, size, grade, and type established by paragraph (c) of this schedule as amended and as set forth in the tables attached hereto, except upon approval by the War Production Board.

(e) *List of builders' finishing hardware, cabinet locks and padlocks to be manufactured subsequent to the first day of April 1943.* On or before the 20th day of March 1943 every producer shall file Form PD–754 with the Building Materials Division of the War Production Board, Washington, D. C., Ref. L–236, listing product, catalog number, size, grade, and type of builders' finishing hardware, cabinet locks and padlocks currently produced by such producer and which such producer proposes to continue in production in accordance with the limitations of this schedule to Limitation Order L–236. On and after the 1st day of April 1943 no producer shall deviate from the catalog numbers, sizes, grades, and types as listed by him, and no producer shall enter into the production of any catalog number, size, grade, and type of builders' finishing hardware, cabinet locks and padlocks not listed by him on such form unless the War Production Board shall otherwise direct.

(f) *Records covering materials, work in progress, etc.* Each producer of builders' finishing hardware, cabinet locks and padlocks shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(g) *Relationship of other orders of the War Production Board.* Notwithstanding the provisions of Conservation Order M–9–c, builders' finishing hardware, cabinet locks and padlocks may be manufactured, assembled or completed pursuant to paragraph (c) of this schedule from fabricated parts which contain copper, copper base alloy and other metals, *Provided:*

(1) The content of metal, other than copper and copper base alloy, is equal to or exceeds 10% of the weight of the fabricated part, and

(2) Such fabricated parts were in the possession of the producer on or before the 31st day of May, 1942.

Issued this 21st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE 1. BUTTS, HINGES, AND RELATED ITEMS

Numbers shown refer to designs of items only, materials and finishes permitted are as follows:

All items shall be steel, cast iron or antimonial lead except that brass may be used where permitted under the terms of Copper Order M–9–c Amended.

Where the use of brass is permitted, such brass may be finished US3 or US4, all other items shall be finished US1b, US18A, US18A unsanded, USP, US2G, US2H, lead and unfinished.

Where tips are indicated by numbers shown, such tips shall be button tips only.

Butts made to template, of designs and sizes listed, may be manufactured.

A tolerance of 5/32 of an inch greater or less than sizes set forth is permitted.

The following type numbers have been taken from Federal Specification FF–H–116b:

Type numbers permitted:		*Sizes permitted*
2212	Steel pin	8", 10", 12".
2209	Steel pin	6", 8", 10", 12".
2203	Steel pin	4", 6", 8", 10", 12".
2140	Hardened washer bearings only permitted.	12", 18", 24", 36".
2138	Hardened washer bearings only permitted.	12", 18", 24", 36".
B2080½		3", 3½", 4", 4½".
2040	Except no non-rising pin	3" x 4", 4" x 5", 4" x 6", 5" x 8", 4½" x 6", 4" x 7", 5" x 7".
2031		2" x 2", 2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½".
2029		2" x 2", 2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4".
2018½		3" x 3", 2½" x 2", 2½" x 2½".
2014½	Plain steel bushing permitted when produced in brass.	2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5".

The following type numbers have been taken from catalog #28 of P & F Corbin, for use as a guide; similar products of any other manufacturer will be permitted.

Type numbers permitted:	*Sizes permitted*
169	4½", 5".
162	2½" x 2½", 3" x 3", 3½" x 3½".
161½BT	2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5".
160BT	2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5".
152	3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5".

The following type numbers have been taken from catalog #61 of Stanley Works, for use as a guide; similar products of any other manufacturer will be permitted.

Type numbers permitted:	*Sizes permitted*
1775	With 10" hinges.
1665	½" x 4", ⅝" x 5", ¾" x 6", ⅞" x 7".
1664	½" x 6", ⅝" x 8", ¾" x 10", ⅞" x 10".
1260	Each manufacturer limited to 3 sizes.
999	1½" x ⅜", 2" x ⅜", 2½" x ⅜", 2½" x ½", 3" x ½", 3" x ⅝", 3½" x ½", 3½" x ⅝", 3½" x ¾", 4" x ⅝", 4" x ¾", 4" x ⅞", 5" x ⅞", 5" x 1", 6" x ⅞", 6" x 1", 8" x 1½".
998	½" x ¾", ½" x 1", ½" x 1½", ½" x 2", ½" x 2½", ¾" x 1", ¾" x 1½", ¾" x 2", ¾" x 2½", ¾" x 3".

Type numbers permitted—Continued.		*Sizes permitted*
997		1" x ½", 1½" x ½", 2" x ⅝", 2½" x ⅝", 8" x ¾", 8½" x ¾", 4" x ⅞", 5" x 1", 6" x 1⅛", 8" x 1¼".
996		¾" x 4½", ⅞" x 4½", 1" x 4½", 1¼" x 4½", 1½" x 4½".
995½		2½" x 2½", 3" x 3", 4" x 4", 5" x 5", 6" x 6".
995		2" x ⅜", 2½" x ⅜", 3" x ¾", 3½" x ¾", 4" x ⅞", 5" x 1", 6" x 1⅛", 8" x 1¼", 10" x 1¼", 12" x 1¼".
976		1", 1¼", 1½", 4", 5", 2", 2½", 3", 3½".
975		4", 5", 6".
972		4", 5", 6".
952		6", 8", 10", 12", 14", 16", 18", 20", 22", 24", 30", 36".
951		6", 8", 10", 12", 14", 16", 18", 20", 22", 24", 30", 36".
941		7½" through 8" (one size only).
925		3", 4".
915		2½", 3½", 4½", 6".
912		3", 4½", 6", 8".
913		3", 4½", 6", 8".
904		2", 3", 4", 6", 8".
900		2", 3", 4", 6", 8".
840	Tight pin permitted.	1" x 1", 1½" x 1⅜", 2" x 1⅝6", 2½" x 1¹¹⁄₁₆", 3" x 2".
BB852		5" x 6" x ⅜".

TABLE 2. CHECKING FLOOR HINGES

Type numbers shown refer to designs of items only, materials and finishes permitted are as follows:

Materials permitted for checking floor hinges are ferrous metal and antimonial lead.

Checking floor hinges may be manufactured only for the following uses:

1 Where self-closing function is required by applicable fire regulations.

2 For exterior entrance and exit doors of public and industrial buildings.

3 Where essential in hospitals, except for patients' rooms, wards, etc.

Finishes permitted are USP, US18A, and lead finishes.

The following type numbers have been taken from Federal Specifications FF–H–121a:

Type numbers permitted:	*Sizes permitted*
US Type 3500	Size III.
US Type 3510	Size I.
US Type 3520 and A	Size II.
US Type 3520 and A	Size III.

One Type similar to "Unicheck" as manufactured by the Oscar C. Rixson Co., Catalog No 5

TABLE 3. CABINET HARDWARE INCLUDING CABINET HINGES

Materials permitted are ferrous metal, antimonial lead, glass, wood or plastic for all items except drawer pulls and knobs. Drawer pulls and knobs may be non-metallic only.

Finishes permitted are USP, US18a, US2G, enamel, and lead.

A tolerance of 5/32 of an inch greater or less than sizes set forth is permitted.

Cabinet Hinges

Full surface type—(applied on outside of cabinet door) to be made only for flush and ⅜" offset doors—Each manufacturer limited to three (3) designs.

Semi-surface type—semi-concealed hinges to be made only for flush doors and doors with ⅜" offset—Each manufacturer limited to three (3) designs.

Half surface type—for flush doors only—Each manufacturer limited to three (3) designs.

Knobs and Pulls

Knobs—Each manufacturer limited to three (3) designs with sizes permitted from ⅞" to 1¼" inclusive.

Pulls—Each manufacturer limited to three (3) designs with sizes permitted from 2½" to 4½" inclusive.

NOTE: Knobs and pulls shall be applied by steel screw or bolt. (No metal bushing or shoulder ferrule permissible.)

Cabinet Catches

Friction catches—Each manufacturer limited to three (3) types.

Elbow catches—Each manufacturer limited to two (2) designs.

Each manufacturer shall be limited to one design of any one size of all items listed in this table 3.

TABLE 4. HYDRAULIC DOOR CLOSERS

Materials permitted for hydraulic door closers are ferrous metals and antimonial lead.

Finishes permitted are USP, or any lacquer finish.

Hydraulic door closers may be manufactured only for the following uses:

1. Where self-closing function is required by applicable fire regulations.

2. For exterior entrance and exit doors of public and industrial buildings.

3. Where essential in hospitals, except for patients' rooms, wards, etc.

Types permitted:	*Sizes permitted*
Standard surface type	C, D.
Underwriters Laboratories approved type with fusible link (one type only)	D.
Brackets; soffit, corner and extension	To fit C, D.

TABLE 5. HANGERS, TRACK AND RELATED ITEMS

Materials permitted are ferrous metals, except that zinc base die castings may be used where permitted by the Zinc Order M–11–b.

Finishes permitted are US1B, US2G, US2H, and lead.

This table shall not affect the manufacture of elevator door hardware.

Each manufacturer will be limited to the designs and quantities shown under the following sub-headings.

Reference to Richards-Wilcox means item numbers in Richards-Wilcox Catalog No. 90.

A tolerance of 5/32 of an inch greater or less than sizes set forth is permitted.

Sliding door bumper—Each manufacturer limited to one design.

Garage door holder—Each manufacturer limited to one design.

Overhead door hardware except rolling steel shutters—Sliding folding door sets using flat steel track for combinations from 2 to 6 doors. Sliding-folding door sets using formed steel track for combinations from 2 to 10 doors.

Overhead Door Hardware

One type of weight counterbalanced hardware, for each standard size of door, for one piece overhead door.

One type of spring counterbalanced hardware for each standard size of door for one piece overhead door.

One type of hardware in two sizes for sectional type overhead doors.

One or Two Section Vertical Lift Doors

Limited to one type of weight counterbalance hardware for each size of door.

Jackknife Doors

Limited to one type of weight counterbalanced hardware for each size of door.

Folding Partition Door Hardware

One type using hangers at top placed in center of door and no guide track at bottom similar to Richards-Wilcox No. 135.

One type using door supporting rollers at bottom or top and guide track at top or bottom.

One type with hangers at top placed in center of doors with special operating device, either manually or electrically controlled, similar to Richards-Wilcox No. 405.

Door Hangers Other Than Above

One type of flat steel track hinged hangers in three sizes.

One type of flat steel track rigid hangers in three sizes.

Flat steel track in three sizes as follows: 1" x 3/16", 1¼" x 3/16", 3½" x 3/8".

Trolley or formed track, rectangular or round, with removable brackets, and hangers in six (6) sizes, suitable for the following door weights:

100 lbs.
to 300 lbs.
to 600 lbs.
to 800 lbs.
to 1,200 lbs.
to 2,000 lbs.

Track for doors over 2,000 lbs.—each manufacturer limited to one design.

A storm-proof track—each manufacturer limited to one design.

Sliding Door Stay Rollers

Lag screw types, straight and bent.

One type for light doors for side attachment, similar to Richards-Wilcox No. 53.

One type for light doors for floor attachment, similar to Richards-Wilcox No. 54.

One type for heavy doors for side attachment, similar to Richards-Wilcox No. 68

One type for heavy doors for floor attachment, similar to Richards-Wilcox No. 59, 154.

Sliding Door Guides

Single type guide for light doors, similar to Richards-Wilcox No. 372.

Double and triple type guides for parallel doors similar to Richards-Wilcox No. 172, and 173.

One type for light center parting doors similar to Richards-Wilcox No. 271.

One type for heavy center parting doors similar to Richards-Wilcox No 171.

One type used as end stop similar to Richards-Wilcox No. 572.

One type for sliding-folding doors similar to Richards-Wilcox No. 771.

Sliding Door Pulls

Extra heavy casts pulls similar to Richards-Wilcox No. 470.

Cast iron or steel pulls in two sizes, similar to Richards-Wilcox No. 70–1, 70–2.

Surface type pulls in two sizes.

Bumper Shoes

One type, similar to Richards-Wilcox 435 x 72.

Door Latches

Gravity type, reversible in two sizes with two types of keepers.

Bar type, in two sizes with two types of keepers similar to Richards-Wilcox No. 152.

Draw type latch for parallel doors similar to Allith Prouty type 396, Catalog No. 101.

Reversible flush type similar to Richards-Wilcox No. 520.

Swinging door latch similar to Lawrence Bros. type 122, Catalog No. 19.

Reversible type for light doors similar to Richards-Wilcox No. 325.

Fire Door Hardware

Single sliding door sets using Underwriters' standard hardware with flat or round track for tin clad or steel door, incline or level track.

Center parting sliding door sets using Underwriters' standard hardware with flat or round track for tin clad or steel doors incline or level track.

Verticle sliding door sets, with Underwriters' standard hardware, using flat track for tin clad or steel doors.

Single swing door sets, using Underwriters' standard hardware, for tin clad or steel doors.

Double swing door sets, using Underwriters' standard hardware, for tin clad or steel doors.

Single swing shutter sets using Underwriters" standard hardware for tin clad or steel shutters.

Double swing shutter sets, using Underwriters' standard hardware, for tin clad or steel shutter.

Trap doorsets for light trap doors, using hardware for tin clad or steel doors.

Trap door sets for heavy trap doors using hardware for tin clad or steel doors.

Heavy Industrial Hinge.

Ten types similar to Richards-Wilcox 434–WA, B, C, CC, D, E, J, K, 1035, 1036. To have either disc or ball bearings.

TABLE 6. LOCKS AND DOOR TRIM

Materials permitted are ferrous metals, antimonial lead, plastic, wood, pottery or glass. Zinc base die castings and brass may be used where permitted by the Copper Order M-9-c and the Zinc Order M-11-b.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

Finishes permitted are US1B, US18A, US2G, and lead finishes. Where the use of brass is permitted, such brass may be finishes US3.

A tolerance of $\frac{1}{32}$ of an inch greater or less than sizes set forth is permitted.

Each manufacturer shall be limited to the number of designs shown under each subheading.

Federal numbers shown here have been taken from Federal Specifications FF–H–106.

Cylindrical and tubular locks and latches, with comparative functions, may be substituted for mortise locks and latches described hereinafter.

Tubular and cylindrical type locksets—Each manufacturer shall be limited to sets of three roses and three designs of knobs.

Pin tumbler tubular mortise latches and dead locks—Each manufacturer shall be limited to three types; one mortise latch, one dead bolt and one mortise dead latch with auxiliary bolts.

Mortise locksets with pendant or rectangular trim—Each manufacturer shall be limited to three designs of wrought trim, except that cast trim is permitted where specified in the War Housing Manual.

Door knobs general—May be ferrous metal, glass, wood, plastic or pottery. Glass knobs shall be limited to using wrought steel shanks.

Roses general—All roses shall be of plain design approximate sizes 1¾", 2" and 2⅛".

Key plates general—Key plates shall be limited to one type, similar to Government specifications FF–H–106, type 351.

Rim knob locks and latches commercial jobbing types—Each manufacturer shall be limited to three catalogue numbers in japanned finish.

Locks general—Locks and latches shall be limited to the following descriptive numbers:

Mortise Knob Latches

1. Mortise latch.
   Case—Lacquered wrought steel or japanned iron, approximately $1\frac{3}{16}$" x $3\frac{1}{4}$" x ½".
   Front—Wrought steel or cast iron, approximately $2\frac{7}{8}$" x ¾". Steel strike.
   Latch bolt—Wrought steel or cast iron, approximate throw $\frac{5}{16}$".
   Backset—Approximately 2½".
2. Mortise latch.
   Case—Japanned iron, approximately $1\frac{5}{8}$" x $3\frac{1}{4}$" x $\frac{9}{16}$".
   Front—Approximately $3\frac{3}{8}$" x ⅞". Strike ferrous metal.
   Bolt—Approximate throw $\frac{13}{32}$".
   Backset—Approximately 2½".

Mortise Bit Key Knob Locks

1. Mortise locks similar to FF–H–106 Type 4 modified.
   Case—Japanned iron, approximately $3\frac{5}{8}$" x $3\frac{1}{8}$" x ½".
   Bolts—Approximate throw Latch $\frac{3}{8}$" bolt $\frac{7}{16}$".
   Tumbler—1.
   Backset—Approximately 2½".
   Front—$5\frac{1}{4}$" x ⅞". Steel strike.
2. Mortise locks, similar to FF–H–106, type 4a.
   Case—Japanned iron, approximately $3\frac{1}{4}$" x $3\frac{1}{8}$" x ⅝".
   Front—$5\frac{1}{2}$" x ⅞", strike ferrous metal.
   Bolts—Minimum throw latch $\frac{7}{16}$" bolt $\frac{7}{16}$".
   Tumbler—3.
   Backset—Approximately 2½".
   Construction—Double compression easy spring.
8. Mortise lock, similar to FF–H–106, type 7.
   Case—Japanned iron, approximately $4\frac{1}{4}$" x $3\frac{1}{8}$" x ⅝".
   Front—Approximately 6" x 1", strike ferrous metal.
   Bolts—Minimum throw latch $\frac{3}{8}$" bolt $\frac{7}{16}$".
   Tumblers—3.
   Backset—Approximately $2\frac{3}{4}$".
   Construction—Double compression easy spring.

Mortise Vestibule Locks

1. Cylinder key type, similar to FF–H–106 type 91.
   Case—Japanned iron approximately $4\frac{3}{4}$" x $3\frac{5}{8}$" x ¾".
   Front—Approximately 7" x $1\frac{1}{16}$". Strike ferrous metal.
   Bolt—Approximate throw latch ½" bolt ½".
   Backset—Approximately 2½".
   Construction—Double compression easy spring.
   Operation—Outside by key. Both sides by knobs. Outside knob is set by stops in face. One cylinder.

Office Door Locks

1. Cylinder type, similar to FF–H–106 Type 97. Case—Japanned iron approximately 5" x $3\frac{7}{8}$" x ¾".
   Front—Approximately $7\frac{1}{2}$" x $1\frac{1}{16}$". Strike ferrous metal.
   Bolts—Approximate throw ½".
   Backset—Approximately $2\frac{3}{4}$".
   Construction—Double compression easy spring. 1 cylinder, auxiliary latch bolt.
1. Cylinder type, similar to FF–H–106 Type 97—Continued.
   Operation—Outside by key-both sides by knobs. Outside knob is set by stops in face.

Mortise Dead Locks

1. Bit key type, similar to FF–H–106 type 38A
   Case—Japanned iron approximately $2\frac{1}{8}$" x $3\frac{1}{4}$" x 9/16".
   Front—Approximately $3\frac{7}{8}$" x 1". Strike ferrous metal
   Bolt—Approximate throw $\frac{7}{16}$".
   Backset—Approximately $2\frac{3}{4}$".
   Tumblers—3.
   Operation—Bit key both sides.
2. Cylinder type, similar to FF–H–106 type 114 x No turn.
   Case—Japanned iron approximately $2\frac{1}{2}$" x $3\frac{1}{2}$" x $\frac{13}{16}$".
   Front—Approximately $4\frac{1}{4}$" x $1\frac{1}{16}$". Strike ferrous metal.
   Bolt—Approximate throw ½".
   Backset—Approximately $2\frac{3}{4}$".
   Operation—Cylinder 1 side only. No turn knob.
3. Cylinder type, similar to FF–H–106 type 114
   Case—Japanned iron approximately $2\frac{1}{8}$" x $3\frac{1}{2}$" x $\frac{13}{16}$".
   Front—Approximately $4\frac{1}{4}$" x $1\frac{1}{16}$". Strike ferrous metal.
   Bolt—Approximate throw ½".
   Backset—Approximately $2\frac{3}{4}$".
   Operation—Cylinder 1 side, turn knob 1 side.
4. Cylinder type, similar to FF–H–106 type 115.
   Case—Japanned iron, approximately $2\frac{1}{2}$" x $3\frac{1}{2}$" x $\frac{13}{16}$".
   Front—Approximately $4\frac{1}{4}$" x $1\frac{1}{16}$". Strike ferrous metal.
   Bolt—Approximate throw ½".
   Backset—Approximately $2\frac{3}{4}$".
   Tumbler—3.
   Operation—Latch bolt by knobs from either side, outside knob is locked or released by key from either side, inside knob operative at all times.

Mortise Bath Room Locks

1. Bath room lock. 17A modified.
   Case—Japanned iron approximately $3\frac{1}{2}$" x $3\frac{1}{8}$" x $\frac{9}{16}$".
   Front—Steel, approximately $5\frac{1}{4}$" x ⅞". Strike steel.
   Bolts—Iron; approximate throw latch $\frac{7}{16}$", bolt ½".
   Backset—Approximately $2\frac{3}{8}$".
   Construction—Free action latch bolt
   Operation—Latch bolt by knobs either side Dead bolt by turn knob from inside only Emergency key.

Mortise Asylum Locks

1. The limited number of asylum locks may be retained as shown in manufacturers' catalogues with only those restrictions or limitations imposed by other orders.

Mortise Bit Key Front Door Locks

1. Bit key front door locks.
   Case—Japanned iron, approximately $4\frac{1}{8}$" x $3\frac{3}{8}$" x $\frac{11}{16}$".
   Front—Wrought steel, approximately 7" x 1". Strike steel.
   Bolts—Cast iron, approximate throw, latch $\frac{13}{32}$", bolt $\frac{7}{16}$".
   Backset—Approximately 2½".
   Tumbler—1.
   Construction—Easy spring on latch firm on knob.
   Operation—Latch bolt by key outside all times, by knob from either side, except when outside knob is set by stops in face.

Mortise Locks Fire Door Bearing Underwriters Labels

1. The limited number of locks normally required for fire doors bearing Underwriters labels may be retained in manufacturers' catalogues with only those restrictions or limitations imposed by other orders

Mortise Cylinder Front Door Locks

1. Cylinder front door locks, similar to FF–H–106 type 88.
   Case—Japanned iron, approximately $5\frac{1}{2}$"x $3\frac{5}{8}$"x$3\frac{3}{4}$".
   Front—Approximately $7\frac{1}{2}$" x 1". Strike ferrous metal.
   Bolt—Approximate throw latch $\frac{7}{16}$", bolt ½".
   Backset—Approximately 2½".
   Construction—Double compression easy spring.
   Operation—Latch bolt by key from outside at all times, and by knobs either side, except when outside knob is set by stops in face. Dead bolts by key from outside and turn knob inside.

Mortise Cylinder Front Door Lock—Type 93, Same as Type 88

Operation—Latch bolt by knob either side; dead bolt by key from outside and turn knob from inside.

Mortise School House Locks

1. Bit key type.
   Case—Japanned iron, approximately $5\frac{3}{8}$" x $3\frac{7}{8}$" x ¾".
   Front—Approximately $7\frac{1}{2}$" x $1\frac{1}{16}$", Strike ferrous metal.
   Bolt—Approximate throw ½".
   Backset—Approximately $2\frac{3}{4}$".
   Tumbler—3.
   Construction—Easy spring compression type on latch, auxiliary latch to lock to latch bolt to prevent its being forced back when door is closed.
   Operation—Latch bolt by knobs from either side, outside knob is locked or released by key from either side, inside knob operative at all times.
2. Cylinder type school house lock.
   Case—Japanned iron, approximately 5" x $3\frac{7}{8}$" x ¾".
   Front—Approximately $7\frac{1}{2}$" x $1\frac{1}{16}$", Strike ferrous metal.
   Bolt—Approximate throw ½".
   Backset—Approximately $2\frac{3}{4}$".
   Construction—Double compression easy spring, auxiliary latch to lock to latch bolt to prevent its being forced back when door is closed.
   Operation—Latch bolt by knobs from either side, outside knob is locked or released by key from either side, inside knob operative at all times.

Rim Knob Latches

1. Rim knob latch, cast iron case, box strike, similar to FF–H–106, Type 80.
   Case—Japanned iron, approximately $2\frac{3}{4}$" x $3\frac{1}{2}$" x $\frac{5}{8}$".
   Backset—Approximately $2\frac{3}{4}$".
   Bolt—Cast iron approximate throw ⅜".
   Operation—By knobs both sides.
2. Rim knob latch with slide bolt.
   Case—Japanned iron, approximately $2\frac{3}{4}$" x $3\frac{1}{2}$" x $\frac{5}{8}$".
   Backset—Approximately $2\frac{3}{4}$".
   Bolt—Cast iron approximate throw latch $\frac{3}{8}$" bolt $\frac{3}{8}$".
   Operation—By knob both sides.

TABLE 7 MISC. SASH, SCREEN, AND SHELF HARDWARE

Materials permitted are ferrous metals or antimonial lead only except that zinc base die castings may be used where permitted by the Zinc Order M-11-b.

A tolerance of $\frac{1}{32}$ of an inch greater or less than sizes set forth is permitted.

Finishes permitted are US1B, US18A, US2G, US18a unsanded, and lead.

NOTE: Federal numbers shown have been taken from Federal Specificati on FF–H–111.

Item-description	Similar to—		Sizes
	Fed. No.	Mfr.'s No.	
DOUBLE HUNG WINDOW HARDWARE			
Window spring bolt	A1060		3½".
Friction sliding springs similar in operation to "Jiffy", "Noiseless", etc.			
Sash fasteners, cast, or wrgt	1139A		2½", 2¾".
Hook sash lifts, cast, or wrgt	1201A		
Stop scs. & washers FH scs	1341		1 x 8".
Sash pole hook, cast	1264A		3".
Sash pole, wood			6'.
Sash socket		Ives 1800S	(Catalog #17)
Sashcord saddle—non-metallic			
Sash weights—(only from burnt cast, iron, such as stove plate, grate bars, annealing pots, terne plate, slag iron, city dump scrap) except tin can scrap, tin can scrap if permission is granted by the Administrators of M-72A)			
TRANSOM HARDWARE			
Transom catch, cast or wrgt	1097A		1¼ x 2".
Transom chains, steel chain minimum tensil strength 300 lbs	1120A		12"–15".
Rabbeted transom sash centers		Sargent 136, J-71, 13¼, 2¾" (Catalog #42)	
Sash centers, cast		Corbin 1303, 1304 (Catalog #18)	
DOOR PULLS			
Push plates-non-metallic	463		14 x 3½ or smaller.
Hospital arm pull		Sargent 1526 (Catalog #42)	
Door pulls, cast or wrgt	1269		
Door pulls, cast or wrgt	1274		
Door pulls, wrgt	1276A		
BOLTS			
Barrel bolts—cast or wrgt	1019"1		2, 2½"–3–4–5".
Chain bolts round or square cast or wrgt	1022B		3–6–8–10".
Foot bolts, round or square cast or wrgt	1049A & B		3–6–8–10".
Extension bolts, wrought or cast	B1044B		
Cane bolts, cast or wrgt	1051A		12", 15", 24".
Mortise bolt	1053A	Champion 1¾" 3710 Backset (Catalog #18).	
Square bolt cast or wrgt	1059		6", 8".
Surface bolts cast or wrgt	1060A		3⅛ x 3", 4"–6".
Cane bolts			¾" x 20", 1" x 30".
Bolts cremone (not permitted for residential or private garage use).	A1028		
MISCELLANEOUS			
Hooks and eyes	1601C		1½–2–2–½–3–4"
Door buttons, cast or wrgt	1069		1¾".
Door fasteners with chain, cast or wrgt	1118A		4".
Thumb latch	1189A		
House numbers, non-metallic			3".
Shutter fasteners			Lawrence 5" 188, (Catalog #19)
Padlock eyes	1430		1 and 2.
Cellar window catch	B-1137A		
Handrail bracket	1061A		
Door stops, non-metallic			
SCREEN DOOR HARDWARE			
Screen latch, cast or wrgt. Limited to one type in one size for each manufacturer.			
Perfection spring, Nos. 2 to 6 inclusive, with double wire loop ends.			
Screen door hinges (full or half surface). Each manufacturer limited to one size of each design permitted.			Bommer 2100, 960 (Catalog #63.)
Coil springs			Stanley 1751 (Catalog #61.)
			Bommer 2400 (Catalog #63) 9", 11", 13".
Pneumatic door checks	3015		(For hospital use only).
SCREEN WINDOW AND STORM SASH HARDWARE			
Hangers in pairs with screws, wrgt	1825		
Hangers in pairs with screws, wrgt	1825H		
Hangers in pairs with screws, wrgt	1830		
Hangers in pairs with screws, wrgt., set			Stanley 1732 (Catalog #61.)
Screen lift	A1223A		
Storm and screen adjuster and fastener	1650		Lawrence 1149 (Catalog #19.)
Storm sash fasteners, set consisting of one pair of fasteners and one pull.			Stanley 1727 (Catalog #61.)
CASEMENT WINDOW HARDWARE			
Adjuster; rod & thumb nut, cast or wrgt	1002A		10–12".
Friction stay			Payson 39 (Catalog #39).
Casement fastener, cast or wrgt			Yale 1067 (Catalog #5).
Casement fastener, cast or wrgt			Ives 0660 (Catalog #17).
Casement operator			Ives 17136 (Catalog #17).
Pivot which consists of sill plate, sash plate, and sliding shoe			
Hardware for industrial type wood sash			Not to exceed 2½ lbs per unit.

TABLE 8. NIGHT LATCHES AND DEADLOCKS

Materials permitted are ferrous metal or antimonial lead except that brass may be used where permitted under the Copper Order M–9–c as Amended, and zinc where permitted under Zinc Order M–11–B.

All flat strikes shall be eliminated except when ordered separately.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

All metallic finishes shall be eliminated.

The manufacture of the following types shall be permitted.

A tolerance of 1/32 of an inch greater or less than sizes set forth will be permitted.

One catalog number narrow backset, disc tumbler, separate cylinder, rim night latch, in black finish, with rim strike only.

One catalog number narrow backset, pin tumbler cylinder, rim night latch, square and bevel bolt in black finish, similar to Government Type 134, with rim strike only.

Two catalog numbers standard 2 3/8" backset, pin tumbler cylinder, rim night latch, with iron bolt, in black finish, with rim stike only.

One catalog number standard 2 3/8" backset, square bolt type pin tumbler, cylinder rim deadlock, approximate size 2 3/8", 1 3/16", 3 5/8", in black finish, with rim strike only.

One catalog number jimmy-resisting deadlocks without chain attachment, with rim strike only.

One catalog number jimmy-resisting deadlocks with double cylinders, with rim strike only.

TABLE 9. SPRING HINGES

Numbers shown refer to designs of items only, materials and finishes permitted are as follows:

All items shall be ferrous metal or antimonial lead except that the use of brass will be permitted in the manufacture of those hinges permitted under the terms of Copper Order M–9–c Amended.

Where the use of brass is permitted, such brass may be finished US3 or US4, all other items shall be finished US1B, US18A unsanded, USP, US2G, and lead.

A tolerance of 1/32 of an inch greater or less than sizes set forth is permitted.

The following type numbers have been taken from Catalog #63 of Bommer Spring Hinge Company for use as a guide, similar products of any other manufacturer will be permitted.

Single and double acting hinges may be manufactured only for the following uses:

1. Army, Navy and Maritime Commission.
2. Industrial and commercial.
3. Multi-family dwellings, where required by local fire regulations.

Spring Hinges

Type numbers permitted		Description
Federal Type No.	Bommer numbers Catalog #63	
2330–A	479 to 498	Double acting spring hinges, hanging strip required, sizes 3" 4" 6" 7" 8" 10".
	3029 to 3045	Double acting spring hinges, no hanging strip required, sizes 3" 4" 6" 7" 8" 10".
2331–A	451—459, 463—467	Single acting spring hinges, hanging strip required, sizes 4" 6" 7" 8".
	3051—3059, 3063—3067	Single acting spring hinges, no hanging strip required, sizes 4" 6" 7" 8".
	10042 to 10048	With one clamp flange, hanging strip required, double action furnished in 8" 10" & 12"
2334	15 (not permitted for residential use)	Floor surface spring hinge horizontal type, furnished in steel only for doors 1 1/4" to 2 3/4" thick as required.
	24 (not permitted for residential use)	Vertical spring pivot floor hinge—release type.

TABLE 10. LAVATORY DOOR HARDWARE

Numbers shown refer to designs of items only, materials and finishes permitted are as follows:

All items shall be ferrous metal or antimonial lead except that the use of brass will be permitted in the manufacture of those items permitted under the terms of Copper Order M–9–c Amended.

Where the use of brass is permitted, such brass may be finished US3 or US4, all other items shall be finished US1B, US18A unsanded, USP, US2G, and lead.

The following type numbers have been taken from catalog #63 of Bommer Spring Hinge Company for use as a guide, similar products of any other manufacturer will be permitted.

Type numbers permitted		Description
Federal Type No.	Bommer numbers	
4200	1334	Gravity pivot, diameter of housing not less than 1 3/4".
	1330	Lavatory gravity pivots, diameter of housing not less than 1 3/4" suitable attachments will be supplied as specified, depending on construction of partition.
	0—1053—1055—1057, 1056–1073	Strikes.
	5000	Throw latch, bar not less than 4" with strike and keeper for hanging stile.
4309	5009	Rim bolt latch.

Lavatory Stall Fittings

1130	1147—1 1/4" only.	1158	1139	1155	1170
1131	1150	1159	1142	1156	1171
1132	1151	1160	1143	1172	1173
1137	1152	1161	1116		
1138	1153	1163			

TABLE 11. PANIC BOLTS

Materials permitted are ferrous metals or antimonial lead except that the use of brass or zinc base die casting will be permitted for any uses permitted by Copper Order M–9–c or Zinc Order M–11–b.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

Finishes permitted are US1B, US18A, US2G and lead. Where the use of brass is permitted, such brass may be finished US3.

Flat keyed, secure lever chest locks—Each manufacturer limited to two (2) designs, approximate sizes 1 1/2" x 2" for 3/4" wood; 1 3/4" x 2 1/2" for 7/8" wood.

Double link, warded, barrel key, chest locks—Each manufacturer limited to one (1) design, approximate size 2 1/2" x 1 9/16".

Pin tumbler, small cylinder, half mortise drawers and/or cupboard locks—Each manufacturer limited to one design with deadbolt approximately 2" x 1 9/16".

Disc tumbler, dead bolt, surface type drawer and/or cupboard locks—Each manufacturer limited to one design only.

Disc tumbler, dead bolt, half mortise drawer and/or cupboard locks—Each manufacturer limited to one design only.

Flat key, secure lever, half mortise, dead bolt drawer locks—Each manufacturer limited to one (1) design, approximate size 1 3/4" x 1 7/16".

Flat key, secure lever, surface type drawer locks—Each manufacturer limited to two (2) designs, approximate sizes 1 3/4" x 1 7/8"; 1 3/4" x 1 1/4".

Half mortise, warded, barrel key drawer locks—Each manufacturer limited to one (1) design, approximate size 2 1/2" x 1 3/4".

Pin tumbler, surface type, locker and wardrobe locks—Each manufacturer limited to one design, approximate size 1 5/8" x 1 1/4" with a 7/8" or 1 1/8" cylinder.

Flat key, secure lever, surface type, locker and wardrobe locks—Each manufacturer limited to four (4) designs, approximate sizes 1 7/8" x 7/8"; 2" x 1 3/4"; 2 3/4" x 1 1/4"; 2 5/8" x 1 3/4".

Barrel key, warded, surface type, locker and wardrobe locks—Each manufacturer limited to two (2) designs, approximate sizes 2 1/2" x 1 1/4"; 3" x 1 3/4".

The manufacturer shall make only one design of a size.

TABLE 12. SASH BALANCES

Sash balances shall be of single coiled spring (clock spring) type with suspension tape, or twin coiled spring "flat" type with suspension cables, or single helical-spring "vertical" type with or without tubular housing. Springs may be high-carbon steel uniformly tempered. The single coiled-spring type must have pressed steel or cast iron case and front for mounting in mortise in the window frame. The twin coiled-spring type must have pressed steel case for mounting flatwise in the cutout in the window frame.

Materials permitted are ferrous metals only, except that zinc may be used where permitted by Zinc Order M–11–B. Finishes permitted are US2G, US2H, USP lead and lacquer.

Coiled spring type balances may be made in two types:

(a) Using suspension tape.

(b) Using wire cable.

They may be made in adjustable or non-adjustable types.

Coiled spring and vertical type sash balances may be made as stock items in the following weight capacities:

4 to 26 lbs.
26 to 58 lbs.
58 to 80 lbs.
80 to 110 lbs.

TABLE 13. CABINET LOCKS

Materials permitted for cabinet locks are ferrous metal or antimonial lead only, except that zinc base die casting or brass may be used for cylinder assemblies of pin tumbler and disc tumbler locks and for the tubes, centers and levers of secure lever locks. Keys for pin and disc tumbler locks may be of brass.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

Finishes permitted are US1B, US18A, US2G and lead. Where the use of brass is permitted, such brass may be finished US3.

Flat keyed, secure lever chest locks—Each manufacturer limited to two (2) designs, approximate sizes 1 1/2" x 2" for 3/4" wood; 1 3/4" x 2 1/2" for 7/8" wood.

Double link, warded, barrel key, chest locks—Each manufacturer limited to one (1) design, approximate size 2 1/2" x 1 9/16".

Pin tumbler, small cylinder, half mortise drawers and/or cupboard locks—Each manufacturer limited to one design with deadbolt approximately 2" x 1 9/16".

Disc tumbler, dead bolt, surface type drawer and/or cupboard locks—Each manufacturer limited to one design only.

Disc tumbler, dead bolt, half mortise drawer and/or cupboard locks—Each manufacturer limited to one design only.

Flat key, secure lever, half mortise, dead bolt drawer locks—Each manufacturer limited to one (1) design, approximate size 1 3/4" x 1 7/16".

Flat key, secure lever, surface type drawer locks—Each manufacturer limited to two (2) designs, approximate sizes 1 3/4" x 1 7/8"; 1 3/4" x 1 1/4".

Half mortise, warded, barrel key drawer locks—Each manufacturer limited to one (1) design, approximate size 2 1/2" x 1 3/4".

Pin tumbler, surface type, locker and wardrobe locks—Each manufacturer limited to one design, approximate size 1 5/8" x 1 1/4" with a 7/8" or 1 1/8" cylinder.

Flat key, secure lever, surface type, locker and wardrobe locks—Each manufacturer limited to four (4) designs, approximate sizes 1 7/8" x 7/8"; 2" x 1 3/4"; 2 3/4" x 1 1/4"; 2 5/8" x 1 3/4".

Barrel key, warded, surface type, locker and wardrobe locks—Each manufacturer limited to two (2) designs, approximate sizes 2 1/2" x 1 1/4"; 3" x 1 3/4".

The manufacturer shall make only one design of a size.

TABLE 14. PADLOCKS

Materials permitted are steel, cast iron, antimonial lead malleable iron, brass, or zinc. The use of brass will be permitted only for cylinder assemblies and keys (not including cases) and levers for lever tumbler and disc tumbler locks. The use of zinc will be permitted for cylinder assemblies and keys (including cases) and levers for lever tumbler and disc tumbler locks.

Locks for use by the Army, Navy and Maritime Commission may have zinc base die cast cases whether case is part of cylinder assembly or not.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

A tolerance of 1/32 of an inch greater or less than sizes set forth shall be permitted.

Each manufacturer shall make only one design of a size.

Finishes permitted are US18A, US2G, and lacquer finish.

Pin tumbler padlocks—Four sizes, 1 1/8" to 2".

Warded or ward lever padlocks—Three sizes, 1" to 1 3/4".

Spring or bolt spring padlocks—Four sizes, 5/8" to 2".

Disc tumbler padlocks—Three sizes, 1" to 1 3/4".

Ratchet shackle padlock—Limited to one size for each manufacturer.

Combination padlocks—Limited to one size for each manufacturer.

Secure lever padlocks—Limited to one size for each manufacturer.

Special shackles may be furnished on order.

Chains may be supplied on order.

TABLE 15. DOOR HOLDING DEVICES

Materials permitted are ferrous metals and antimonial lead only except that zinc base die castings and brass may be used where permitted by the Copper Order M–9–c and the Zinc Order M–11–b.

Finishes permitted are USP, US18A, US1D and lead.

The following type numbers have been taken from the catalog of Glynn-Johnson Co., for use as a guide; similar products of any other manufacturer will be permitted.

G–J 320 Friction door holder—not exceeding 1 3/4 lbs. average weight (in sizes required for various size doors in hospitals only).

The following items may be manufactured only for uses in schools, hospitals and industrial buildings.

G–J 70 Door holder—not exceeding 2 1/4 lbs. average wgt.

G–J 40 Door holder—not exceeding 22 oz. in weight (with strikes suitable for floor or head installation).

[F. R. Doc. 43–11695; Filed, July 21, 1943; 10:59 a. m.]

PART 3270—CONTAINERS

[Conservation Order M–221, as Amended July 17, 1943]

TEXTILE BAGS

Correction

In the document appearing on page 9965 of the issue for Tuesday, July 20, 1943, the heading of § 3270.23 (m) (1) should read "(1) *Seasonal re-use.*"

The reference to the form in § 3270..3 (w) should be Form WPB–2907 (PD–188–c).

Chapter XI—Office of Price Administration

PART 1301—MACHINE TOOLS

[MPR 1]

SECOND-HAND MACHINE TOOLS

Revised Price Schedule 1[1] is redesignated Maximum Price Regulation 1 and is revised and amended to read as set forth herein:

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942 as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

§ 1301.1 *Maximum prices for second-hand machine tools and extras.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation 1 (Second-Hand Machine Tools), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1301.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 1—SECOND-HAND MACHINE TOOLS

CONTENTS

Sec.
1. Commodities and transactions covered by this regulation.
2. Prohibitions.
3. Maximum prices for sales.
4. Sales by Defense Plant Corporation.
5. Adjustable pricing.
6. Maximum prices for rentals and leases.
7. Less than maximum prices.
8. Evasion.
9. Records and reports.
10. Definitions.
11. Petitions for amendment.
12. Licensing provisions.
13. Enforcement.
Appendix A.
Appendix B.

SECTION 1. *Commodities and transactions covered by this regulation*—(a) *Transactions covered.* This regulation establishes maximum prices for all sales of second-hand machine tools and second-hand extras, and all rentals and leases of second-hand machine tools and extras by all persons. (For maximum prices for sales and rentals of new machine tools and extras, see Revised Price Schedule No. 67[2]—New Machine Tools.)

(b) *Definitions of second-hand machine tools and extras for the purposes of this regulation.* A "second-hand machine tool" is a machine tool which has been used. The term "machine tool" means all machines (except portable machine tools) for the cutting (except heat cutting), abrading, shaping, forming, straightening and forcing of metals. A "second-hand extra" means any used attachment for a machine tool which is standard supplementary equipment normally furnished by the manufacturer at additional cost to his price of the machine tool, any used attachment for a machine tool manufactured by a person other than the manufacturer of the machine tool to which it is to be attached, and all used attachments sold separately as replacements.

SEC. 2. *Prohibitions.* (a) On and after July 26, 1943, regardless of any contract or other obligation:

(1) No person shall sell, offer or agree to sell, negotiate the sale of, transfer, or deliver, and no person shall buy, offer or agree to buy, or accept transfer or delivery of, any second-hand machine tool or extra at a price higher than the maximum price established by this regulation.

(2) No person shall lease or rent or offer or agree to lease or rent any second-hand machine tool or extra at a rental price higher than the maximum rental price established by this regulation, and no person shall pay or receive a rental price for any second-hand machine tool or extra higher than the maximum rental price established by this regulation. However, nothing in this regulation shall require the reduction of the rental price specified in any lease or rental of second-hand machine tools or extras entered into before the effective date of this regulation at or below prices established by Maximum Price Regulation No. 136, as amended.

SEC. 3. *Maximum prices for sales*—(a) *Method of calculation.* Maximum prices for second-hand machine tools and second-hand extras f. o. b. wherever located, shall be the percentages set forth below of the March 1, 1941, price of the nearest equivalent new machine tool or extra having a price in effect on that date; except that prices arrived at by this computation may be adjusted upward to the nearest dollar. Attachments which are standard equipment normally furnished by the manufacturer at no additional cost above the price of the machine tool shall be considered part of the machine tool for the purpose of determining maximum prices and all such attachments must be included in order for the machine tool to be considered as rebuilt and guaranteed. Any attachments sold separately as replacements or in addition to equipment normally furnished at no additional cost, or manufactured by a person other than the manufacturer of the machine tool to which it is to be attached, shall be considered as extras. If an extra is sold separately, its age classification is determined by the date of its manufacture. If an extra is sold with a second-hand machine tool, the age classification of the extra is determined by the date of the manufacture of the machine tool with which it is sold.

CLASSIFICATION: *Age and condition*

Date of manufacture	1 Jan. 1 1936, and after	2 Jan. 1 1930, to Dec. 31, 1935	3 Jan. 1 1920, to Dec. 31, 1929	4 Before Jan. 1, 1920
	Percent	*Percent*	*Percent*	*Percent*
Rebuilt and guaranteed	95	90	80	70
Other condition	70	65	55	45

(b) *Determination of date of manufacture.* The date of manufacture can be determined from the serial number stamped on the machine by the manufacturer. Where the manufacturer's serial number and year of manufacture are not known to the seller or lessor the machine tool shall, for all purposes under this regulation, be deemed to have been manufactured prior to January 1, 1920. In all cases where the serial number is not known, and the seller or lessor contends that the machine tool was manufactured after January 1, 1920, all of the evidence upon which such contention is based must be submitted with the first report on such machine tool required by this regulation.

(c) *Meaning of the term "rebuilt and guaranteed".* A rebuilt machine tool is one in which worn or missing parts have been replaced or reworked, and which has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new. The term "rebuilt and guaranteed" applies only to a machine tool which (1) has been rebuilt or is in equivalent condition to a rebuilt machine tool and is invoiced as such; (2) has been inspected, and tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new; (3) carries a binding written guaranty of satisfactory performance for a period of not less than thirty days from date of shipment; *and* (4) is expressly invoiced as a rebuilt machine tool or its equivalent and as having been guaranteed for satisfactory operation for thirty days. In the event of a sale by a government agency, such agency may substitute for the warranty, the invoicing and the guaranty of satisfactory operation, a written certificate by a qualified person who is not engaged in the business of selling second-hand machine tools and who is approved by the purchaser, to the effect that (1) he has inspected the second-hand machine tool, that (2) all worn or missing parts have been replaced or reworked, and that (3) tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new.

(d) *Determination of the nearest equivalent new machine tool and its March 1, 1941, price.* (1) Where for any second-hand machine tool an equivalent machine tool is named in "Prices of New Machine Tools as of March 1, 1941, Revised", set forth in Appendix A, that machine tool shall be considered the nearest equivalent new machine tool for all purposes under this regulation.

(2) Where for any machine tool a specific base price or a method of computing a specific base price is established in "Prices of New Machine Tools as of March 1, 1941, Revised", set forth in Appendix A, such base prices are to be deemed the March 1, 1941, price of the nearest equivalent new machine tool for all purposes under this regulation.

(3) Where a second-hand machine tool was first manufactured after March 1, 1941, and where a machine tool of new design is used as an equivalent and such machine tool was first manufactured after March 1, 1941, and did not have a price in effect on that date, the price of the first such machine tool manufactured shall be deemed to be the March 1, 1941, price of such machine tool for all purposes under this regulation.

(4) All prices stated in "Prices of New Machine Tools as of March 1, 1941, Revised", set forth in Appendix A are to be deemed prices in effect on March 1, 1941, for the machine tools, attachments, and extras opposite which they are set for all purposes under this regulation. All other data set forth in Appendix A is to be deemed correct for all purposes under this regulation.

(5) Where a geared head machine tool is used as an equivalent to a second-hand machine tool which is not a geared head machine tool, as defined in this regulation, the price of the equivalent new machine tool is determined by deducting 20% from the March 1, 1941, price of the new geared head machine tool.

(e) *Maximum prices for sales of part ownership in second-hand machine tools and extras.* The maximum price for a part ownership in a second-hand machine tool or second-hand extra shall be determined by multiplying the maximum price of the machine tool or extra by the percentage of the seller's ownership.

(f) *Dismantling and loading charges.* Maximum prices established by this regulation are for machine tools and extras f. o. b. wherever located. In the event the buyer elects to dismantle and load such machine tool, then the selling price plus the cost of dismantling and loading, not in excess of any maximum price established for such service, shall not exceed the maximum price established by this regulation.

(g) *Special packing charges.* If the buyer has required packing to his specifications, and such specifications involve an increase in cost over the cost of the packing normally furnished at no increase in price, the difference between the cost of the direct labor and materials used in such packing, and the cost of direct labor and materials used in standard packing may be added to the maximum price if billed or invoiced separately.

(h) *Financing charges.* Maximum prices established by this regulation shall not be increased by any charges for the extension of credit or any financing charge, unless (1) the seller during March 1941 required payment of an additional charge for the extension of credit to purchasers of the same class, and (2) the amount charged for financing the sale is separately stated and billed and is not in excess of the charge the seller had in effect during March 1941 for extension of credit involving the same amount and term.

(i) *Federal and State Taxes.* Any tax levied upon the sale of a second-hand machine tool or extra by any statute of the United States or statute or ordinance of any state or political subdivision thereof which does not prohibit payment of such tax by the purchaser may be collected by the seller in addition to the maximum price if such tax is stated and invoiced separately from the purchase price.

SEC. 4. *Sales by Defense Plant Corporation.* Notwithstanding any other provision of this regulation, the maximum price applicable to the sale by the Defense Plant Corporation of any second-hand machine tool or extra which was acquired by the Defense Plant Corporation for the purposes of rental shall be computed as provided in paragraphs (a) and (b) below:

(a) *Where the purchaser is the first lessee of the machine tool or extra under an agreement with the Defense Plant Corporation.* The maximum price shall be computed by adding the sum of the following:

(1) The cost of the machine tool or extra to the Defense Plant Corporation, f. o. b. the plant of the manufacturer of the machine tool or extra;

(2) The freight paid by the Defense Plant Corporation from the plant of the manufacturer of the machine tool or extra to the plant of the purchaser;

(3) The cost to the Defense Plant Corporation of unloading the machine tool or extra at the plant of the purchaser;

(4) The cost to the Defense Plant Corporation of the installation of the machine tool or extra in the plant of the purchaser;

(5) Interest on items in subparagraphs (1) to (4), inclusive, at the rate actually charged the purchaser under the agreement of lease between the Defense Plant Corporation and the purchaser, or if no interest rate was specified in such agreement the average rate charged by the Defense Plant Corporation to other lessees of comparable machine tools and extras, such interest to be computed from the date that each of such items was paid by the Defense Plant Corporation to the date of sale.

(6) Direct expenses actually incurred by Defense Plant Corporation and normally charged the purchaser under the agreement of lease between Defense Plant Corporation and the purchaser; or, if no provision for direct expense is specified in such agreement, direct expenses actually incurred by Defense Plant Corporation and normally charged by Defense Plant Corporation to other lessees of comparable machine tools and extras.

From the sum of items in subparagraphs (1) and (5), inclusive, *deduct* depreciation of the original total cost of acquisition by Defense Plant Corporation at the rate of eight per cent (8%) per annum from the date of initial use after acquisition by Defense Plant Corporation of such machine tool or extra to the date of sale, except that in the event of sale within ninety (90) days after such initial use no depreciation shall be deducted.

(b) *Where the purchaser is a person other than the first lessee of the machine tool or extra.* The maximum price delivered to the plant of the purchaser shall be computed by adding the sum of the following:

(1) The cost of the machine tool or extra to the Defense Plant Corporation, f. o. b. the plant of the manufacturer of the machine tool or extra;

(2) An allowance equal to the freight charge for the transportation of such machine tool or extra from the location of the machine tool or extra at the time of sale by Defense Plant Corporation to the plant of the purchaser. From the sum of paragraphs (1) and (2), *deduct* depreciation on the original total cost of acquisition by Defense Plant Corporation at the rate of eight per cent (8%) per annum from the date of initial use after acquisition by Defense Plant Corporation of such machine tool or extra to the date of sale, except that in the event of sale within ninety (90) days after such initial use no depreciation shall be deducted.

SEC. 5. *Adjustable pricing in Navy Department Emergency Plant Facilities Contracts.* Nothing in this regulation shall be construed to prevent the inclusion in any Navy Department Emergency Plant Facilities Contract of a provision for the sale of a second-hand machine tool or extra at a price not to exceed the maximum price at the time of delivery.

SEC. 6. *Maximum prices for leases*—(a) *Annual rental.* The maximum annual rental of any lease or rental entered into subsequent to the effective date of this regulation for a second-hand machine tool or extra shall be a sum equal to the maximum sale price multiplied by the applicable percentage rate set forth below:

	8-hour operation	16-hour operation	24-hour operation
	Percent	*Percent*	*Percent*
General use	25	30	35
Outdoor use of tools designed for indoor use	35	45	55

(b) *Less than annual rental.* The maximum daily rental shall be 1/200 of annual rental; the maximum monthly rental shall be 1/10 of annual rental.

(c) *Rates most favorable to lessee.* (1) Notwithstanding the provisions of paragraph (b) of this section, whenever a second-hand machine tool or extra rented or leased on a daily basis is used for so many days that the total rental at 1/200 of the annual rental price per day exceeds 1/10 of the annual rental, the maximum rental shall be the rental calculated in accordance with the provisions that apply to the monthly rentals. Whenever a second-hand machine tool or extra rented or leased on a monthly basis is used for so many months that the total rental at 1/10 of the annual rental per month exceeds the annual rental, the maximum rental shall be calculated at the annual rate.

(2) The total amount of rental payments received by a lessor or renter from any one person for the lease or rental of any second-hand machine tool or extra shall not exceed the maximum sale price of such machine tool or extra, calculated as of the date on which said machine tool or extra was first delivered to the person leasing or renting the machine tool. The preceding sentence shall be applicable even though such rental payments are made under distinct or successive leases or rentals of the same machine tool or extra. Rental payments shall be deemed to be between the parties to the original lease or rental of a second-hand machine

[1] 7 F.R. 1202, 2132, 8996, 8948, 10618; 8 F.R. 4129.

[2] 7 F.R. 1937, 1836, 2105, 2000, 2472, 2473, 2680, 2996, 3445, 3820, 4176, 5513, 5987, 6385, 7239, 7834, 8928, 9039, 9052, 9053, 11074, 8948.

tool or extra if they are made with relation to the same machine tool or extra and if said machine tool or extra remains continuously on the same premises on which it was first operated following its delivery to such premises.

(d) *Additional charges.* Charges for dismantling, loading, transportation, maintenance, and power supplied by lessor may be in addition to rental charges, but must be invoiced separately. Such charges must not exceed any maximum price established for the same.

SEC. 7. *Less than maximum prices.* Selling or rental prices less than those set forth herein may be charged, demanded, paid, or offered.

SEC. 8. *Evasion.* The price limitations set forth in this regulation shall not be evaded by additional or extra charges for repairs or reconditioning, commissions, or otherwise, or by a sale, lease, or rental of any second-hand machine tool or extra jointly with an article not subject to price control, or by requiring any purchaser or lessee of second-hand machine tools to permit the seller or lessor to recondition or rebuild the machine tool, or by making any charge to the purchaser for inbound freight to the seller's place of business, or by invoicing or billing, or in any way representing that a machine tool is the equivalent of a rebuilt and guaranteed machine tool without actually having complied with the requirements of section 3, or otherwise. It shall be a violation of this regulation for any person to pay a fee, commission, or other compensation for the finding or locating of, or for the services of anyone acting as a broker or dealer concerning a machine tool or extra if the total of any such charge and the selling or rental price charged that person for the machine tool exceeds the maximum price established by this regulation for the sale, lease, or rental of the machine tool.

SEC. 9. *Records and reports*—(a) *General rules.* (1) All reports on second-hand machine tools and second-hand extras shall be made on Form 100:1, Revised, set forth in Appendix B. Such reports shall be made according to instructions on said form, unless otherwise directed by the Office of Price Administration. Copies of Form 100:1, Revised, may be had upon request to the Regional Office of the Office of Price Administration. Form 100:1, Revised, may be reproduced by the seller, or printed on the reverse side of regular stock sheets if the style and content of the report is not changed and if the report is on 8½ x 11 inch paper.

(2) Each person making a report shall use a separate inventory number for each second-hand machine tool handled by him and shall use this number in making reports hereunder. All reports shall be signed by the owner or the person making the sale for the owner, or by a person authorized to sign for him.

(3) Where a person has acted as purchasing agent, auctioneer, or broker, he shall make a report on the second-hand machine tool as if it had been purchased and immediately sold by him (see paragraph (b) (2) herein) and shall report the amount paid by the purchaser, including any commission paid to him as purchasing agent, auctioneer, or broker. The making of a report as required by this subparagraph (3) relieves the owner of the necessity of filing a report on the same sale of the machine tool.

(4) For the purpose of reporting sales, the receipt of an order shall be reported as a sale. (If the order is later cancelled, the appropriate office of the Office of Price Administration is to be advised forthwith and the machine tool reported as added to inventory.)

(b) *Report of offering price or additions to stock*—(1) *Who shall file.* Any dealer who offers a second-hand machine tool for sale shall file, if he has not already reported such information, a separate report on each floor type second-hand machine tool and on each other type of second-hand machine tool (as defined in section 1 (b)) of any description which has an offering price of $100 or more in his stock or for sale through him as agent. If a second-hand machine tool is held in joint ownership, the inventory report shall be made by the person who has possession of the machine tool, or, if none of the owners has possession of it, by the person in whose name the machine tool was purchased.

(2) *Time of filing.* Reports required by paragraph (b) (1) of this section shall be filed not later than August 3, 1943, for each second-hand machine tool in stock as of July 26, 1943. A report for each second-hand machine tool added to stock after July 25, 1943, shall be filed not more than one week after the machine tool is purchased or otherwise acquired. When a second-hand machine tool is sold or otherwise disposed of within one week after acquisition and before the report of offering price or addition has been filed, such report shall not be required. In such case, however, the report of sale or other disposition (required by paragraph (c) or (d) of this section) shall note that no previous report on the machine tool has been filed. Failure to object to an offering price as disclosed by a report does not constitute approval of the price by this Office.

(3) *Reports of machine tools to be sold at auction.* An auctioneer proposing to sell at auction any second-hand machine tool or extra shall file with the Regional Office or District Office of the Office of Price Administration within whose jurisdiction the sale will be held, a complete inventory of all such items proposed to be offered for sale or sold at such auction sale. The maximum price applicable to such machine tool or extra must be set forth for each item. Such inventory shall be filed at least ten days prior to the date fixed for such sale. Unless such inventory is filed as aforesaid, no second-hand machine tool or extra can be sold or offered for sale at such auction. A second-hand machine tool or extra which is not listed on such inventory cannot be sold or offered for sale at such auction.

(c) *Reports of sale*—(1) *Who shall file.* Any person who sells or negotiates the sale of a second-hand machine tool or second-hand extra, except in the case of a sale by a person other than a dealer to a dealer, shall file a separate report, listing entries in all items from 1 through 22 on Form 100:1, Revised, on each floor type second-hand machine tool, or other type second-hand machine tool (as defined in section 1 (b)) sold for $100 or more, which is sold or otherwise disposed of by him or through him as agent, broker, or auctioneer. The machine tool and each extra must be itemized, described fully, given trade name, etc., and priced, in order as invoiced. When a second-hand machine tool that is held in joint ownership is sold, the person in whose name the sale is made shall report the sale, referring to the inventory number previously assigned to the machine tool.

(2) *Time of filing.* A report for each second-hand machine tool sold or otherwise disposed of shall be filed within one week after the transaction. Every report of sale or other disposition shall state the name and address of the purchaser and state, under Item 21 of Form 100:1, Revised, whether the purchaser is a dealer or the ultimate user. Information on the sale price need be noted only on the report of sale filed with the Office of Price Administration.

(d) *Reports of leases.* Any person who leases or rents out a second-hand machine tool, or disposes of it otherwise than by sale, shall file a separate report on Form 100:1, Revised.

(e) *Records.* (1) Records of each transaction involving the purchase, sale, lease, rental, or other disposition of a second-hand machine tool or extra shall be preserved by all persons subject to this regulation. One copy of each report required to be made by this regulation shall be preserved by the person making the report. Separate records of inventories of attachments and extras not listed in said reports shall be preserved.

(2) Invoices and sales slips. Any person subject to this regulation shall furnish to the person to whom he sells, leases, or rents a machine tool or extra such invoices, sales slips, or receipts as he has regularly furnished and as required by this regulation, and shall, in any event, upon request of the person to whom he sells, leases, or rents made at the time of delivery, give a signed invoice or slip showing the date of the transaction, the date of delivery, identification of the machine sold, leased, or rented, and the price charged therefor. Machine tools and extras sold, and all other allowable charges made, shall be itemized, and separately priced on invoices or sales slips.

(3) Requests may be made at any time by any Office of the Office of Price Administration for copies of invoices, of reports, or of other records, and for any other information relating to transactions involving second-hand machine tools or extras. Such copies and information must be furnished or made available for inspection as requested.

SEC. 10. *Definitions.* When used in this regulation, the term:

"Dealer" means any person engaged in the business of buying and selling second-hand machine tools as a principal or in the business of buying or selling such tools as agent, auctioneer, or broker.

A "geared head" machine means a machine in which the variations of the spindle speeds are selectively obtained through a series of gears operated by levers integral with the machine. The term "other than geared head" machine includes all machines in which variations of spindle speeds are obtained by the shifting of a belt running between stepped cone pulleys or with a belt running between single pulleys or equipped with any motor drive that is not integral with the machine.

"Government agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Department of the Treasury Department, and the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Corporation, Metals Reserve Corporation, Defense Plant Corporation, and Defense Supplies Corporation.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Portable machine tool" means a machine tool designed to be taken to the material on which it is to be used and to be moved and applied to such material as the work requires, as distinguished from a stationed tool to which the material is brought for processing.

"Stock" referring to second-hand machine tools, includes tools which are owned by the person in question, or on which he has obtained an option, or for which he has secured a selling agency.

"User" means any purchaser of a second-hand machine tool or extra, other than a dealer, broker, agent, or auctioneer in or for new machine tools.

"Worn part" means a part in such a condition that unless it is replaced or reworked the machine tool will not have a substantially equivalent performance to that of the machine when new.

SEC. 11. *Petitions for amendment.* Any person seeking modification of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

SEC. 12. *Licensing provisions.* (a) The provisions of Supplementary Order No. 20,[1] licensing, among others, dealers selling second-hand machine tools or extras, are applicable to every dealer selling second-hand machine tools or extras, for which maximum prices are established by this regulation. When used in this paragraph, the term "dealer" has the definition given to it by Supplementary Order No. 20.

SEC. 13. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

[1] 7 F.R. 971, 3663, 6967, 8520, 8961; 8 F.R. 3313, 3533, 6173
[2] 7 F.R. 7490, 11007.

APPENDIX A.—PRICES OF NEW MACHINE TOOLS AS OF MARCH 1, 1941, REVISED

TRADE NAMES

Trade name	Type of machine	Name of manufacturer	Address
Abrasive	Cut-off	Bridgeport Safety Emery Wheel Co	Stratford, Conn.
Acme	Pipe threading	Hill-Acme Co	Cleveland, Ohio.
Acme-Gridley	Screw cutting	Callahan Can Mach. Co	Brooklyn, N. Y.
Automatic	Grinder	Buffalo Forge Co	Buffalo, N. Y.
Badger	Grinder	Badger Pattern Co	Brighton, Mass.
Bath	Grinder	Fitchburg Grind. Mach. Co	Fitchburg, Mass.
Beaury	Hammers	Barbour Stockwell Co	Cambridge, Mass.
Bement	Slitting	Keuffel-Pfeifler Co	Worcester, Mass.
Bertsch	Lathes	General Machinery Co	Hamilton, Ohio.
Betts-Bridgeford	Lathes	Consolidated Mach. Tool Co	Rochester, N. Y.
Bickford	Drills	Cincinnati Bickford Tool Co	Cincinnati, Ohio.
Bliss	Milling, cam cut	Brown & Sharpe Mfg. Co	Providence, R. I.
Bore-Matic	Grinders	Heald Mach. Co	Worcester, Mass.
Bowgage	Grinders	Bryant Chucking Grinder Co	Springfield, Vt.
Bridgeport	Milling	Bridgeport Milling Mach. Co	Bridgeport, Conn.
Briggs (built after Mar. 1, 1941).		C. C. Bradley & Son, Inc	Syracuse, N. Y.

Trade name	Type of machine	Name of manufacturer	Address
Bristol	Milling, hand	Producto Mach. Co	Bridgeport, Conn.
Cincinnatic	Grinders	Fitchburg Grinding Co	Fitchburg, Mass.
Cam-O-Matic	Nibbling	Scott & Chain & Cable Co	Worcester, Mass.
Campbell	Power press	American Can Co	Bridgeport, Conn.
Canco	Shears	American Can Co	Chicago, Ill.
Canton	Lathes, etc	Hill Acme Co., Canton Division	Cleveland, Ohio
Carpenter-Matic	Lathes, etc	W. C. Lipe, Inc	Syracuse, N. Y.
Cataract	Keyseater	Hartinge Bros	Elmira, N. Y.
Catlin	Press	Chattanooga Mach. Co	Chattanooga, Tenn.
Ceco Stamp	Drills	Chambersburg Eng. Co	Chambersburg, Pa.
Champion	Drills	Champion Blower & Forge Co	Lancaster, Pa.
Chapin	Lathes, turning lathes	Defiance Mach. Works	Defiance, Ohio
Chief	Brakes—shears	Western Mach. Tool Co	Holland, Mich.
Chicago	Upright drills	Dreis & Krump Mfg. Co	Chicago, Ill.
Cincinnati	Vertical mills	Cincinnati Bickford Co	Cincinnati, Ohio.
Cleveland	Presses, boring	Summers & Adams	Cleveland, Ohio.
Colburne	Power machinery	Consolidated Machine Tool, Inc	Rochester, N. Y.
Consolidated	Chucking and turn	Fosdick Machine Co	Windsor, Vt.
Contin-U-Matic	Sawing	Bullard Co	Bridgeport, Conn.
Contour	Diamond tool boring	Continental Mach., Inc	Minneapolis, Minn.
Cooper-Load	Rolls	Norton Co	Worcester, Mass.
Craftsman	Broach	Smith, Adams, Meby, Co	Cleveland, Ohio
Curoby	Rolls	Birdsboro Steel Fdry. & Mchy. Co	Birdsboro, Pa.
Cyclematic	Broach	Oilgear Co	Milwaukee, Wis.
Demco	Drills	Toledo General Mfg. Co	Toledo, Ohio
Detroit-Reg	Rolling	Ohio Mach. Tool Co	Kenton, Ohio.
Diamonville	Rolls	Birdsboro Steel Foundry & Machine Co	Birdsboro, Pa.
Dill	Slotters	Lobdell Car Co	Wilmington, Del.
Di-Matic	Auto. screw mach	Billings & Spencer	Hartford, Conn.
Doall	Comb. band saw, filing machine	Continental Mach. Co	Minneapolis, Minn.
Dreses, M. T	Drills-lathes	Cincinnati Gilbert Machine Tool Co	Cincinnati, Ohio.
Duomatic	Auto. lathe	Ledge & Shipley	Cincinnati, Ohio.
Durie	Rolls	Birdsboro Steel & Foundry Co	Birdsboro, Pa.
Economy	Grinding	Fosdick Mach. Tool Co	Cincinnati, Ohio.
Economy	Lathe	Hisey Wolf Mach. Co	Cincinnati, Ohio.
Eda	Turret punch	Peterson Machinery Works	Torrance, Calif.
Electromil	Milling	Sundstrand Mach. Co	Rockford, Ill.
Elmes	Tapering and thread	Wiedeman Mach. Co	Philadelphia, Pa.
Excello	Boring machines	Engineering & Research Corp	Detroit, Mich.
Excel	Power hacksaws	Champion Blower & Forge Co	Lancaster, Pa.
Farvel	Gear holder	Adams Mfg. Co	Riverdale, Md.
Fay	Automatic	Jones & Lamson Co	Benton Harbor, Mich.
Flexmatic	Drill-hdp. and reain	Kingsbury Machine Tool Co	Springfield, Vt.
Fox Universal	Thread rolls	Springfield Machy. Tool Co	Springfield, Iowa.
Gage-Matic	Internal	Warner & Swasey Co	Keene, N. H.
Garvin	Tappers	Western Machine Tool Works	Cleveland, Ohio.
Garvin	Trotter	Frew Machine Co	Springfield, Ohio.
Garvin	Grind-flotters	John B. Stevens Co	Worcester, Mass.
Gemco-Kelly	Shapers	General Engineering & Manufacturing Co	Hollard, Mich.
Giant	Keyseaters	Mills & Morrill Co	Pittsburgh, Pa.
Gildemeister & Lewis #40	Boring	The Locomotive Finished Materials Co	Saginaw, Mich.
Doall	Grinders	Gallmeyer & Livingston Co	Grand Rapids, Mich.
Grays	Turret, rotary Baldwin type	Southwark Foundry & Machine Co	Philadelphia, Pa.
Gridley	Automatic	National Acme Co	Cleveland, Ohio.
Hamilton	Presses	General Machinery Co	Hamilton, Ohio.
Hamilton	Drills	Hamilton Tool Co	Hamilton, Ohio.
Harrington	Milling	Foote-Burt	Cleveland, Ohio.
Hercules	Drills	Consolidated Machine Tool Co	Rochester, N. Y.
Hanmers	Hammers	Chambersburg Eng. Co	Chambersburg, Pa.
Higley	Cold saw and lathes	Porter Met'llcal Machine Tool Co	Lancaster, Pa.
Hille-Jones	Planers	Consolidated Machine Tool Co	Rochester, N. Y.
Hisey-Wolf	Drilling	Molline Tool Co	Moline, Ill.
Hole Wizard	Drilling	American Tool Works Inc	Cincinnati, Ohio.
Hydrolcut	Abrasive cutting	Cincinnati-Milacron Chain & Cable	Bridgeport, Conn.
Hydrotap	Tapping	Norton Co	Worcester, Mass.
Ingersoll	Lathes	Gleason Works	Rochester, N. Y.
Imperial	Grinding	Springfield Machine Tool	Springfield, Ohio.
Index	Mills	Blank & Burt Machy Co	Cedar Rapids, Iowa.
Keller	Cutter-drill grind	Pratt & Whitney Co	West Hartford, Conn.
Kelly	Crank shaper	Gen. Eng. & Mfg. Co	St. Louis, Mo.

APPENDIX A—PRICES OF NEW MACHINE TOOLS AS OF MARCH 1, 1941, REVISED—Con.

TRADE NAMES—Continued

Trade name	Type of machine	Name of manufacturer	Address
Kwik-way	Grinders	Cedar Rapids Eng. Co.	Cedar Rapids, Iowa.
Landmaco	Threading	Landis Mach. Tool Co.	Waynesboro, Pa.
Lenox	Shears	Marshalltown Mfg. Co.	Marshalltown, Iowa.
Libby	Turret lathe	International Machine Tool Company.	Indianapolis, Ind.
Lo-Swing	Lathes	Seneca Falls Mach. Co.	Seneca Falls, N. Y.
Marquette	Presses	E. W. Bliss Company.	Brooklyn, N. Y.
Marschke	Grind. and polish	Vonnegut Moulders Corp.	Indianapolis, Ind.
Marvel	Saws	Armstrong Blum Mfg. Co.	Chicago, Ill.
Maximiller	Milling	Kempsmith Machine Co.	Milwaukee, Wis.
Midland	Metal cutting	Avey Drilling Company.	Cincinnati, Ohio.
Milwaukee	Milling	Kearney Trecker Corp.	Milwaukee, Wis.
Milwaukee	Shears	Dodger & Kursten Corp.	Milwaukee, Wis.
Monarch	Hyd. press	A. B. Farquhar Co., Ltd.	York, Pa.
Monotrol	Eng. lathes	Sidney Mach. Tool Co.	Sidney, Ohio.
Mult-Au-Matic	Turning, threading and boring.	Hullard Company	Bridgeport, Conn.
Multi-Cut	Lathes	LeBlond Mach. Tool Co.	Cincinnati, Ohio.
Multi-Duty	Radial drill	Cincinnati Gilbert Machine Tool Co.	Cincinnati, Ohio.
Nazel	Hammers	Lobdell Car Wheel Co.	Wilmington, Del.
Newton	Cold saws	Consolidated Machine Tool Co.	Rochester, N. Y.
Niles	Boring	General Machinery Co.	Hamilton, Ohio.
Pacemaker	Lathe	American Tool Works	Cincinnati, Ohio.
Peck	Drop press	Farrel Birmingham Co.	Ansonia, Conn.
Peerless	Pipe cut. and thread.	Bignall & Keeler	Edwardsville, Ill.
Pels	Punching shear	Henry Pels & Co.	New York, N. Y.
Pexto	Power press	Peck, Stow & Wilcox Co.	Southington, Conn.
Pittsburgh	Lathe	Sommerfield Machine Co.	Braddock, Pa.
Plymouth	Grinding	Clizbe Bros. Mfg. Co.	Plymouth, Ind.
Pond	Boring	General Machinery Co.	Hamilton, Ohio.
Precision	Horiz. bor. mill	Lucas Machine Tool Co.	Cleveland, Ohio.
Precision	Lathe and grinding	Rivett Lathe & Grind. Co.	Boston, Mass.
Prentice	Drills	Reed-Prentice Corp.	Worcester, Mass.
Prydoll	Spinning lathes	S. S. Hepworth Co.	Long Island City, N. Y.
Putnam	Planer	General Machinery Co.	Hamilton, Ohio.
Queen	Grinding	Clizbe Bros. Mfg. Co.	Plymouth, Ind.
Radiac	Cut-off	A. P. Desanno & Son	Phoenixville, Pa.
Rafter	Press brakes	Ferracute Mach. Co.	Bridgeton, N. J.
Rahn-Lahrmon	Lathes	Nebel Mach. Tool Co.	Cincinnati, Ohio.
Ranson	Grinders	Lipsman Eng. Works.	Milwaukee, Wis.
Reed	Lathe	Reed-Prentice Corp.	Worcester, Mass.
Regal	Lathes	R. K. LeBlond Mach. Tool Co.	Cincinnati, Ohio.
Revacycle	Gear cutting	Gleason Works	Rochester, N. Y.
Rigidmill	Milling	Sundstrand Mach. Tool Co.	Rockford, Ill.
Rite-Speed	Polish lathes	Hammond Machinery Co.	Kalamazoo, Mich.
Robinson	Presses	New Albany Mach. Mfg. Co.	New Albany, Ind.
Robot	Hor. surf. grind	Robaczynski Mach. Co.	Brooklyn, N. Y.
Rochester	Gear tooth rounder	Consolidated Mach. Tool Co.	Rochester, N. Y.
Rockford	Drill	Moline Tool Co.	Moline, Ill.
Rock River	Punches	Hannifin Mfg. Co.	Chicago, Ill.
Rodtop	Hammers	Ajax Manufacturing Co.	Cleveland, Ohio.
Rogers	Turret lathe	Rogers Machine Works	Alfred, N. Y.
Rotomatic	Boring drill	Davis & Thompson Co.	Milwaukee, Wis.
Rotorex	Cutter and tool grind.	Douglas Mach. Co.	New York, N. Y.
Router	Planer	Hammond Machinery Co.	Kalamazoo, Mich.
Royal	Drills	Canedy Otto Mfg. Co.	Chicago Heights, Ill.
Sawmore	Metal-cutting	Rasmussin Machine Co.	Racine, Wis.
Short-cut	Lathes	Seneca Falls Machine Co.	Seneca Falls, N. Y.
Simplex	Boring machine	Stokermatic Corp.	Milwaukee, Wis.
Simplex	Milling	Kearney & Trecker	Milwaukee, Wis.
Simplimatic	Lathe	Gisholt Machine Co.	Madison, Wis.
Single Stroke	Grinder	O. S. Walker Co.	Worcester, Mass.
Size-Matic	Grinders	Heald Mfg. Co.	Worcester, Mass.
Skipper	Grinder	U. S. Elec. Tool Co.	Cincinnati, Ohio.
Slo-Speed	Drill press	Delta Mfg. Co.	Milwaukee, Wis.
Stamco	Shears	Streine Tool & Mfg. Co.	New Bremen, Ohio.
Standard Pattern	Grinding	Clizbe Bros. Mfg. Co.	Plymouth, Ind.
Star	Eng. lathes	Seneca Falls Mach. Co.	Seneca Falls, N. Y.
Steelweld	Presses	Cleveland Crane & Eng. Co.	Cleveland, Ohio.
Steptoe	Milling	Frew Machine Co.	Philadelphia, Pa.
Steptoe	Shaper	Western Machine Tool Co.	Holland, Mich.
Sterling	Grinder	McKonough Mfg. Co.	Eau Claire, Wis.
Stiles	Presses	E. W. Bliss Co.	Brooklyn, N. Y.
Sturdybender	Presses	Cyril Bath & Co.	Cleveland, Ohio.
Super Power	Presses	Fox Machine Co.	Jackson, Mich.
Super Service	Drills	Cincinnati Bickford Co.	Cincinnati, Ohio.
Sykes	Gear generator	Farrel Birmingham Co.	Ansonia, Conn.
Terromatic	Grinder	Heald Mfg. Co.	Worcester, Mass.
Thiel	Die filing	Marburg Bros.	New York, N. Y.
Time Saver	Lathes and planers	General Machy. Co.	Hamilton, Ohio.
Toledo	Hand millers	Kent Owens Machine Co.	Toledo, Ohio.
Toledo	Presses	E. W. Bliss Co.	Brooklyn, N. Y.
Tritral	Lathes	Sidney Machine Tool Co.	Sidney, Ohio.
Utility	Hammers	Barbour Stockwell Co.	Cambridge, Mass.
Varl-Speed	Lathe	Hammond Machinery Co.	Kalamazoo, Mich.
Vernon	Vert. mill and jig borer and l shaper.	Machinery Mfg. Co.	Los Angeles, Calif.
Victory	Lathe	Hammond Machinery Co.	Kalamazoo, Mich.
Wet-R-Dry	Grinding	Porter Cable Machine Co.	Syracuse, N. Y.
Whitcomb	Shapers	Reed Prentice Co.	Worcester, Mass.
Williams	Power pipe	Oster Manufacturing Co.	Cleveland, Ohio.
Willmarth & Morman	Grinder	Cuvel Manufacturing Co.	Benton Harbor, Mich.

EQUIVALENTS

In the following pages are listed a number of obsolete machines and the equivalents to be used.

Care should be exercised that the type, size and model number taken as an equivalent corresponds to that of the obsolete machine in question.

In doubtful cases send the serial number, specifications and photograph of machine to Office of Price Administration for decision.

Equivalents on machines no longer manufactured by the companies listed below have been shown immediately following the price data for said companies.

Hardons & Oliver, Inc.
Brown & Sharpe Manufacturing Co.
International Machine Tool Co. "Libby."
Kearney & Trecker.
National Acme Co.
New Britain-Gridley MachineTool Co
Pratt & Whitney.
Van Norman Machine Tool Co.
Warner & Swasey.

AUTOMATICS

OBSOLETE MACHINES	EQUIVALENTS
Chicago	Cleveland
Cincinnati	National Acme
Gridley (single spindle)	Cleveland
Hartford up to 1"	Brown & Sharpe
Hartford over 1"	Cleveland
Pratt & Whitney	Cleveland
Prentice #73	$4,500

BORING MILL (HORIZONTAL) FLOOR TYPE

	Up to 3½" cap.	Over 3½" cap use prices shown with exceptions noted
Beaman & Smith	Use Cincinnati-Gilbert Machine Tool Co.	4" cap.—$8,000 4½" cap.—9,000 5" cap—10,500 5½" cap.—11,000 6" cap.—12,000 7" cap.—15,000 8" cap.—17,500
Betts		
Cuffman (Franklin)		
Detrick & Harvey		
Fosdick		
Newton		
Niles		
Pawling & Harnischfeger		
Pedrick & Ayers		
Ryerson		
Rochester	Giddings & Lewis Machine Tool Co.	

BORING MILL (HORIZONTAL) TABLE TYPE

Beaman & Smith	Lucas Machine Tool Co.
Betts	Do.
Binse	Do.
Cleveland	Do.
Coffman	Do.
Fosdick	Yoder Machine Tool Co.
Lambert	Lucas Machine Tool Co.
Landis	Do.
Lucas Duplex 2¾"	$10,000.
Lucas three way	$12,000.
Morris	Lucas Machine Tool Co.
Niles	Do.
Rochester	Do.
Rockford Duplex (Bar)	Price—$8,000.
Rockford Horizontal	(Single—$2,000. (Double—$3,000.
Barnes drills	

BORING MILL (VERTICAL)

NOTE. Prices of General Machinery do not include electrical equipment. Up to 36" single head machines compare to Rogers. On all mills over 36" and up to and including 45" use Bickford—48"—$7,000. Over 45" and up to 73" use General. Over 73" and up to 120" use King. Above 120" add $7,500 for each 2" bed, except those listed below.

American	General Machinery Corporation.
Baush and Harris	Do.
Baush	Do.
Bement	Do.
Betts	Consolidated Machine Tool Corporation.
Blckett	General Machinery Corporation.
Bridgeport	Bickford.
Brown & Sharpe	Rogers Machine Works
Bullard Maximill	Bullard Standard Vertical Turret Lathe.
Bullard—rail type	General Machinery Corporation.
Bullard—rapid production vert. turret Lathe and New Era.	Bullard.
Gisholt	Do.
Niles	Do.
Pond	Do.
Poole	Do.
Rogers-Hemphill	Bickford.
Schuckhardt & Schutte	General Machinery Corporation.
Warner & Swasey	Rogers Machine Works.

BULLDOZERS

Ajax	Williams-White & Co
Blackeslee	Do.
Long & Alstader	Do.
Lourie, Springfield, Ill.	Do.
National	Do.
Rock River	Do.
Ryerson-Kling	Do.
Walburn-Swenson	Do.

CENTERING

Use equivalents shown for double-end machines. On single-end take 75 percent of amounts shown.

Cadillac	Sundstrand Machine Tool Co.
Garvin	Do.
Hanson-Whitney	Do.
Hendey	Do.
Pratt & Whitney	Do.
Whiton	Do.

DRILLS (RADIAL), GEARED

Baush 7' flat	Western Machine Tool Works (Leader type).
Cisco	Cincinnati-Gilbert Machine Tool Co.
Dresses	Cincinnati-Gilbert Machine Tool Co.
Dresses (Flat Face Col.)	Western Machine Tool Works (Leader type).
Economic	Canedy-Otto Mfg. Co.
Fosdick (Flat Face Col.)	Western Machine Tool Works (Leader type).
Gang	Canedy-Otto Mfg. Co.
Hamilton	American Tool Works.
Harrington	Western Machine Tool Works (Leader type).
Mueller	Cincinnati-Gilbert Machine Tool Co.
Niles	General Machinery Corporation.
Prentice	Western Machine Tool Works (Leader type).
Ryerson-Conradson	American Tool Works.

DRILLS (RADIAL) SENSITIVE

Almond	Foote-Burte (Hammond Co.)
American—fixed arm	Canedy-Otto Mfg. Co.
Carlton	Canedy-Otto Mfg. Co.—3'6" column.
Dauber & Krantsch	Canedy-Otto Mfg. Co.
Taylor & Fenn	Do.

DRILLS (UPRIGHT)

Any drill not listed below is to be compared with Sibley.

American	Cincinnati-Bickford Machine Tool Co.
Aurora	Do.
Barnes, W. F. & J.	Sibley Machine & Foundry Corporation.
Cleveland	Do.
Garvin	Do.
Hamilton	Cincinnati-Bickford Machine Tool Co.
Heefer	Sibley Machine & Foundry Corporation.
Kerns	Do.
Kokomo	Cincinnati-Bickford Machine Tool Co.
Mechanics	Sibley Machine & Foundry Corporation.
Rockford	Do.
Seybold	Cincinnati-Bickford Machine Tool Co.
Superior	Do.
Weigel	Do.

DRILLS (RAIL)

All other rail similar in weight or size to those listed below compare with Foote-Burte.

Harrington (rail)	Foote-Burte Co.
Niles	Do.

DRILLS (MULT.)

Holey (drill press)	Nateo D-5 (National Automatic Tool Co.)
Baush (mechanical feed)	Nateo (National Automatic Tool Co.)
Buhr	Nateo D-5 (National Automatic Tool Co.)
Fox	Nateo (National Automatic Tool Co.)
Gardam	Do.
Harrington	Do.
Pratt & Whitney	Do
Western	Do.

DIE FILERS

Barry & Barry	Oliver Instrument Co.
Bauer	Do.
Rearwin	Do.

GEAR MACHINERY

Bilton	Producto Machine Co.
Brainerd	Adams Co.
Cincinnati (gear cutter)	Newark Gear Cutting Machine Co.
Cincinnati (gear hobber)	Barber-Colman Co.
Planter hobber to and incl. 12".	Adams Co. (hobber).
Planter hobber over 12"	Gould & Eberhardt.
Planter gear cutter	Newark Gear Cutting Machine Co.
Sunderland & Schutte	Gould & Eberhardt
Wilson	Adams Co.

GRINDERS (INSERTED TOOTH)

Cincinnati	Oliver #2—Oliver Instrument Co.
Gisholt	Do.
Gould & Eberhardt (tub grind)	Do.
Ingersoll (tub grind.)	Do.

GRINDERS (CYLINDRICAL)

Diamond	Fitchburg Grinding Machine Co.
Fraser #1: 18 x 8	Fitchburg 6 x 32 (Fitchburg Grinding Machine Co.).
10 x 18	Do.
6 x 16	Fitchburg 6 x 18 (Fitchburg Grinding Machine Co.).
8 x 30	Fitchburg 6 x 32 (Fitchburg Grinding Machine Co.).
Automatic #142	Arter 4 x 32—$6,100 (Arter Grinding Machine Co.).
Fitchburg 8 x 20	Fitchburg Grinding Machine Co. (6 x 32).
Greenfield #1—5 x 12	Simplicity—7 x 8—$675 (Simplicity Mfg. Co.)[1]
Iroquois 10 x 28	Fitchburg 6 x 32 (Fitchburg Grinding Machine Co.).
Lea #3—14 x 50	Landis 14 x 50 (Landis Tool Co.)
Modern	Landis Tool Co.
Morse #1	Fitchburg Grinding Machine Co.
Morse No. 2	Do.
Ott	Do.
Queen City: 12 x 48	Landis Tool Co.
14 x 72	Do.
Webster & Parks	Fitchburg 6 x 32 (Fitchburg Grinding Machine Co.)
Taft-Pierce	Fitchburg 6 x 32.

GRINDERS (DISC)

Badger	Gardner Machine Co.
Diamond	Do.
Gorton	Do.
Graham	Do.
Oliver	Do.
Superior	Do.

GRINDERS (INTERNAL)

Capitol	$1,600.
Cincinnati	Heald Machine Co.
Churchill-Morgan	$4,000.
Greenfield Hydroil #5	Heald #70A-Belt Drive—$4,265.
Greenfield Hydroil #52	Heald #72A3 Belt—$5,360.
Greenfield Hydroil #28	Heald #74—$8,690.
Hanson-Whitney	$1,960.
Mayer and Schmidt	$2,100.
Schmidt	
Micro	$2,100.
Taylor and Fenn	$4,050.
Terromatic (G&L)	Heald Machine Co
Tindell Morris	$3,000.
Baxter D. Whitney (cylinder).	$2,100.

GRINDERS (SURFACE)

American	Reid Bros. Co.
Badger	Gardner Machine Co.
Rinsee	Reid Bros. Co.
Bristol	Heald Machine Co.
Diamond #1	$1,820.
Diamond #2	$2,320.
Diamond #3	$2,820.
Diamond #4	$3,320.
Diamond #5	$3,820.
Diamond #6	$4,320.
Illinois (power feed)	Reid Bros Co.
LaSalle	Gerity-Adrian $1,185.
Wilmarth & Morman #1 (6 x 18)	$650—hand feed.
Wilmarth & Morman #2 (8 x 20)	($1,500—hand feed. ($1,800—power feed.
Wilmarth & Morman #3 (8 x 24)	$2,200—power feed

ROTARY TABLE—HORIZONTAL SPINDLE GRINDER (SURFACE)

Bristol 5" belt driven	$1,500.
Bristol 12" belt driven	$2,000.
O. S. Walker	Heald Machine Co.

GRINDERS (FACE)

Diamond (30" or 36" wheel size).	Bridgeport Safety Emery Wheel Co.—#5.

GRINDERS (PLANER TYPE)

Springfield	$4,000.

GRINDERS (TOOL AND CUTTER)

All-Angle	Gallmeyer & Livingston.
Dauber & Kratch	Do
Greenfield	Do.
Landis	Do.
Oakley	Do.
Ohio	Do
Osterlein	Do.
Stoll	Do.
Walker	Do.
Wells	Do.
Wilmarth & Morman	Do
Woods	Do.

[1] Simplicity Mfg. Co., Port Washington, Wis.

IRON WORKERS

Amplex	Buffalo Forge Co.
Beatty	Do.
Kent Owens	Do.
Long & Alstatter	Do.
Oeking	Do.
Pels	Do
Schatz	Do.
Smith	Do.

LATHES (ENGINE)

Amtew	South Bend Lathe Works.
Barnes	Nebel Machine Tool Co.
Blaisdell	Do
Bridgeport	General Machinery Corporation.
Champion (Champion Blower & Forge).	South Bend Lathe Works.
Champion (Champion Tool Works).	Nebel Machine Tool Co
Cisco	Do
Davenport	Do
Davis 12"	South Bend Lathe Works.
Davis 14"	Nebel 16" cone—$1,325.
Davis 16"	Nebel 18" cone—$1,385
Davis 18"	Nebel 18"—$2,000
Davis over 18"	Nebel Machine Tool Co.
Draper	Do
Fay & Scott	Do
Fitchfield	Wicket Stand.
Fitchburg (Eng.)	Nebel to 36"—General above 36".
Fitchburg (Lo Swing)	Seneca Falls (Lo Swing) Machine Co.
Flathers	Nebel Machine Tool Co.
Fulton	Do.
Giddings & Lewis	Do.
Greaves & Klusman	Boye & Emmes to 36"—over 36"—General.
Hamilton	Lehmann Machine Co.
Harrington	General Machinery Corporation.
Houston-Stanwood & Gamble.	LeBlond, R. K., Machine Tool Co.
Illinois	South Bend Lathe Works.
Johnson	Wickes (Stand).
Lodge & Davis	Nebel Machine Tool Co.
Meyers	South Bend Lathe Works.
Miami	Do.
Milwaukee	Nebel Machine Tool Co.
Morris	South Bend Lathe Works.
Mueller	Nebel Machine Tool Co.
Mulliner	Hendey Machine Co. (Cone)
National	Nebel Machine Tool Co.
New Haven	Nebel up to 27" General for 27" and over.
Niles	General Machinery Corporation.
Niles-Bement-Pond	Do.
Oliver Cone Drive	Nebel Machine Tool Co.
Oliver-Geared	Sebastian.
Pittsburgh	General Machinery Corporation.
Pond	Do.
Porter	Nebel Machine Tool Co.
Prentice 12"	Do.
Prentice 14"	Nebel 16" cone—$1,325.
Prentice 16"	Nebel 18" cone—$1,385.
Prentice 18"	Nebel 18"—$2,000.
Prentice over 18"	Nebel Machine Tool Co.
Prentiss Bros	Do.
Putnam	General Machinery Corporation.
Reed, F. E. 12"	South Bend Lathe Works.
Reed, F. E. 14"	Nebel 16" cone—$1,325.
Reed, F. E. 16"	Nebel 18" cone—$1,385.
Reed, F. E. 18"	Nebel 18"—$2,000.
Reed, F. E. over 18"	Nebel Machine Tool Co.
Reed-Prentice	Reed-Prentice 20" and under—over 20" Nebel.
Reed-Prentice Production	Sundstrand Automatic—Sundstrand Machine Tool Co.
Rockford to and including 16"	D & M—Torrance, Calif.
Rockford over 16"	Lehmann Machine Co.—cone drive.
Ryerson-Conradson	Lehmann Machine Co.
Simplex Cone	South Bend to 16"—over 16" Nebel.
Simplex geared 12"	D. & M.—$1,500.
Sundstrand-Rockford Tool Room.	Hendey cone—Hendey Machine Co.
Superior	Nebel Machine Tool Co.
Van Wyck	Do.
Vernon	South Bend Lathe Works.
Walcott 12"	Do.
Walcott 14"	Nebel 16" cone—$1,325.
Walcott 16"	Nebel 18" cone—$1,385.
Walcott 18"	Nebel 18"—$2,000.
Walcott over 18"	Nebel Machine Tool Co.
Whitcomb-Blaisdell	Do.
Willard	South Bend Lathe Works.
Willard geared head	Nebel Machine Tool Co.
Worcester	South Bend Lathe Works.
Wright	Wickes (Stand).

LATHES (TURRET)

Biggs	Foster Div. (Internat'l Mach. Tool Corporation).
Bridgeport	Do.

LATHES (TURRET)—Continued

Bullard—Rapid Production and New Era.	Bullard.
Bullard—Horizontal 22"—2⅝"—S. B. G.	$3,000.
Bullard—Horizontal 22"—2⅝"—D. B. G.	$3,500.
Bullard-Machine "H" 2⅝"—D. B. G.	$4,000.
Conradson	Gisholt Machine Co.
Davis	Foster Div. (I. M. T. Corporation).
Dresses	Foster Div. (Internat'l Mach. Tool Corporation).
Economic	South Bend Lathe Works.
Federal	Bardons & Oliver.
Garvin	Foster Div. (Internat'l Mach. Tool Corporation).
Greenlee	Jones & Lamson Machine Co.
Millholland	Foster Div. (Internat'l Mach. Tool Corporation).
Niles	Gisholt Machine Co.
Pearson	Foster Div. (Internat'l Mach. Tool Corporation).
Pierce	Do.
Smurr & Kamer	Do.
Southworth	Warner & Swasey.
Springfield (not Fox type)	Foster Div. (I. M. T. Corporation).
Steinle	Gisholt Machine Co.
Stecher	Foster Div. (Internat'l Mach. Tool Corporation).
Superior	Do.
Windsor	Do.
Woods	Bardons & Oliver, Inc.

LATHES (FOX)

American	Cone Driven $1,200.
Dresses	Do.
Hardons & Oliver	Do.
Warner & Swasey	Do.
Springfield	Do.

LATHES (SPINNING)

Atlantic	Prybil.[1]
Ballard	Do.
Schultz and any other	Do.

LINCOLN TYPE MILLS

Specify table size and travel for comparison.

American	Gooley & Edlund (Cooper Bros.)
Becker	Do.
Becker-Brainerd	Do.
Bilton	Do.
Carter & Hakes	Do.
Cincinnati	Pl. Auto No. 1-12.
Dalton	Gooley & Edlund (Cooper Bros.)
Fox	Do.
Garvin	Do.
Hartford	Do.
Hendey	Do.
Hoefer	Do.
Kempsmith #32	$3,500.
Kempsmith #33	$4,500.
Potter & Johnson	Gooley & Edlund.
Productomatic	Producto Machine Co.
Putnam	Gooley & Edlund (Cooper Bros.).
Reed, F. E.	Do.
Rockford	Do.
Sellers	Do.
Warner & Swasey	Do.

MILLERS (CAM)

Bilton	Producto Machine Co.
Garvin	Frew Machine Co.

MILLS—HAND

Armour	U. S. Machine Tool Co.
Auerbach	Do.
Athas	Do.
Bickford	Standard Engineering Works.
Bickett	U. S. Machine Tool Co.
Brainerd	Standard Engineering Works.
Brown & Sharpe #00	Do.
Carter & Hakes #3	Do.
Chicago	Do.
Cincinnati #0	#3 Frew Machine Co.
Farwell	Standard Engineering Works.
Fox #1 & #2	#1 & #2 Standard Engineering Works.
Fox #3	#3 Frew Machine Co.
Fraser #1	U. S. Machine Tool Co.
Garrigus	Standard Engineering Works.
Garvin #1 & #2	#1 & #2 Standard Engineering Works.
Garvin #3	#3 Frew Machine Co.
Kempsmith #2	Do.
Learo	U. S. Machine Tool Co.
Newton	#3 Frew Machine Co.
Mossberg & Granville	Standard Engineering Works.
New Atlantic	Do.
Niles	Do.

[1] S. S. Hepworth Co., Long Island City, N. Y.

MILLS—HAND—Continued

Pratt & Whitney #1½	#3 Frew Machine Co.
Reed	Do.
Rockford	Do.
Smith	U. S. Machine Tool Co.
Steptoe	#3 Frew Machine Co.
Superior	Do.
Toledo #1	Do.
Van Norman #1	Do.
Vulcan	U. S. Machine Tool Co.
Whitney	Standard.
Wisconsin	Do.

On all other hand mills not manufactured 3/1/41 use U. S. Machine Tool Co.

MILLS (HORIZONTAL)

American	Kempsmith Machine Co. (cone).
Becker	Do.
Cincinnati Duplex mechanical feed.	Cincinnati hydromatic plain: $5,125, $7,320, $9,115, $11,620.
Cleveland	Kempsmith Machine Co.
Dow, B. G	Kempsmith Machine Co. #1 (cone).
Fox (all sizes)	Do.
Garvin	Kempsmith Machine Co. (cone).
Garvin Duplex #1	$2,250.
Garvin Duplex #2	$2,500 (belt).
Garvin Duplex #3	$2,750.
Grand Rapids	Kempsmith Machine Co. (cone).
Hendy Norton	Kearney & Trecker Type H $8,140.
Ingersoll #5	
LeBlond (cone) over #1	Kempsmith (max.) ded. 20% for cone drive.
LeBlond (geared)	Kempsmith Machine Co. (max.).
LeBlond #1 cone plain	Kempsmith #1, Pl. Type G—$3,675 less 20% for cone.
LeBlond #1 cone universal	Kempsmith #1, Universal Type G—$4,350 less 20% for cone.
National Transit	Kempsmith Machine Co. (max.).

MILLS (HORIZONTAL)—Continued

Oesterlein Ohio geared	Kempsmith Machine Co. (max.)
Oesterlein Ohio cone	Kempsmith Machine Co. (cone).
Oesterlein Ohio #40 tilted and offset.	$7,500.
Oesterlein Ohio #48 tilted and offset.	$8,140.
Owen	Kempsmith Machine Co.
Potter & Johnson 2M	Cincinnati Hydro (Cinn. Milling & Grinder Co.).
Rockford (cone)	Kempsmith Machine Co. (cone).
Rockford (geared)	Kempsmith Machine Co. (max.).
Ryerson-Conradson	Do.
Steptoe	Kempsmith Machine Co. #1 Pl. cone.
Valley City	Kempsmith Machine Co. (cone).

MILLER (VERTICAL)

Becker	See Reed-Prentice list of Becker Mills.
Becker-Brainerd	Do.
Bickett	Do.
Billings & Spencer Die Sinker.	Do.
Blake & Johnson	Do.
Bristol	Do.
Espen-Lucas	Do.
Garvin	Do.
Gould & Eberhardt	Do.
Jackson Die Sinker #5	Do.
Jackson Die Sinker #8	Do.
Newton	Do.
Niles	Do.
Niles-Bement-Pond	Do.
Potter & Johnson	Do.
Putnam	Do.
Rockford	Do.
Taylor & Fenn	Do.
Toledo	Do.
Warner & Swasey #3 Ingersoll Vertical	Do. $8,140.

BECKER VERTICAL MILLS

Model No.	Drive	Price Mar. 1, 1941, new	Weight	Feeds Long	Feeds Cross	P—Power V. knee	P—Power V. head
1	Cone	$800	900				
2	do	950	1,000	12″	11″	10″	3″
2H	do	1,300	1,345	16″	8″	16″	5″
2A	do	1,350	1,360	P19″	11″	16″	3″
3	do	1,750	1,801	P21″	12″	17″	15″
3H	do	1,950	1,940	27″	10″	17″	5″
4B	do	3,000	2,540	P28″	14″	19″	5″
AB	Gear box	3,500	3,234	P32″	P14″	P14″ travel	14″
5	Cone	4,000	5,000	39″	14″	Vert.	7″
5B	do	4,450	4,500	P32″	P13″	12″	14″
5C	do	4,750	5,000	P54″	P15″	12″	14″
B	Gear box	5,000	5,200	P36″	P14″	12″	14″
C	do	6,250	7,700	P43″	P15½″	P15″	14″
C1	do	6,500	7,800	P55″	P15½″	P15″	14″
C2	do	7,000	7,800	P68″	P15½″	P15″	14″
6	Cone	8,000	8,400	P62″	P20″	P22″	14″

Model SD Becker Vertical High-Power Milling Machine with a 40″ rotary table, weight 17800#. No equivalent, Mar. 1, 1941, price $6,875.
Model B-1 with rotary table, weight 6200#. No equivalent, Mar. 1, 1941, price $2,950.
Model C Becker Continuous Rotary Miller, weight 8000#. No equivalent, Mar. 1, 1941, price $5,450.
Model CS Continuous-Operation Circular Machine, weight 8800#. No equivalent, Mar. 1, 1941, price, $4,68

PLANERS

For double housing type use *Cincinnati*—for open-side type use *Cleveland*.

On planers shown below with an asterisk or any others not built on March 1, 1941—50 percent is to be deducted from prices listed by the companies shown to the right, to get the equivalent price.

The 24″ x 24″ x 6′ Cincinnati double housing standard is to be used as an equivalent on *any* double housing planer of smaller dimensions—50 percent of amount given to be deducted to arrive at the base price.

The 26″ x 26″ x 6′ Cleveland open-side planer is to be used as an equivalent on *any* openside planer of smaller dimensions—50 percent of amount given to be deducted to arrive at the base price.

Ames *	Lynn-Farquhar *
American	New Albany *
Bedford *	New Haven *
Belmar-Eames *	Patch *
Bertram *	Pease *
Bethlehem	Smith Silk
Betts	Pond
Chandler	Powell
Detrick & Harvey	Pratt & Whitney *
Dustin *	Rochester *
Ferris & Miles *	Rockford
Flather *	Whipp *
Glensen *	Whitcomb *
Gorton	Whitcomb-Blaisdell *
Hamilton	Wheeler *
Hendey *	Woodward-Powell
Lodge & Davis *	

Use Cincinnati Planer Co. or Cleveland Planer Co. in accordance with above instructions.

PRESSES (ARCH)

Holden	Use prices as shown below.
Leller	Do.
R & K	American Can Co.[1]

FLYWHEEL

Weight—lbs.:	Price
3,600-4,000	$1,200.00
4,000-4,700	1,350.00
4,700-5,200	1,500.00
5,200-6,000	1,650.00
6,000-8,000	1,800.00
8,000-12,000	1,950.00

GEARED

4,000-5,000	1,750.00
5,000-5,500	1,875.00
5,500-6,000	2,000.00
6,000-7,500	2,125.00
7,500-9,000	2,250.00
9,000-12,000	2,375.00

PRESS BRAKES

A & J	Dreis & Krump Mfg. Co.
Long & Allstatter	Do.
Bertch	Bertch.
Loy & Mawrath	Dreis & Krump Mfg. Co.
Ohl	Do.
Poorman	Do.
Robinson	Do.
Geo. Whiting	Geo. Whiting.

[1] Information on American Can Co. can be obtained from company's Cincinnati office.

PRESSES (DOUBLE CRANE)

Michigan	Zeh & Hahnemann Co.
Stoll	Do.

PRESSES (HORN)

Hartley	Rockford Iron Works.
Ledler	Do.
National	Do.
Stoll	Do.

PRESSES (O. B. I.)

Advance	Walsh Press & Die Co.
Baird	Do.
Crosby	Do.
Dreis & Krump	Verson Allsteel Press Co.
Etna	Walsh Press & Die Co.
Henry-Wright	Varson Allsteel Press Co.
Michigan	Walsh Press & Die Co.
R & K	American Can Co.
Verson (cast iron)	Walsh Press & Die Co.
Willard	Do.

PRESSES (OPEN BACK)

Crosby	Niagara Machine & Tool Works.
National	Do.
Terris Wald	Do.
Wald	Do.
Willard	Do.

PRESSES (SPRUE CUTTER)

Milwaukee	Obermayer, S., Co.[1]
Scully	Do.
Tessmer	Do.

PROFILERS

Garvin	Frew Machine Co.
Leland-Gifford	Do.
Newton	Do.
Nube	Pratt and Whitney Keller Type E-6.
Reed-Prentice	Frew Machine Co.

PUNCHES (GANG)

All gang presses not listed and not being manufactured—Williams & White.

Bertsch	Williams & White.
Long & Allstatter	Do.

PUNCHES (SINGLE END)

Buckley	Williams-White & Co.
Camden	Do.
Etna	Do.
Long & Allstatter	Do.
Rock River	Do.
Stiles & Parker	Do.
Whiting	Do.

PUNCHES & SHEARS (DOUBLE END)

Badger	Williams-White & Co.
Camden	Do.
Long & Allstatter	Do.

SEAMERS (DOUBLE)

Holden	Callahan Can Machine Co.
Terris-Wald	Do.

SHAPERS

American	For American & Columbia single pulley drive use Gould & Eberhardt. For Cone Drive use "Steptoe" manufactured by Western Machine Tool Works. On all other cone driven machines, sizes 14″ to 24″ inclusive, use Steptoe. For 28″ use base price of $2,930. For size 32″ - 36″ use "Kelly" manufactured by General Eng. & Mfg. Co. and deduct $195. For Geared Head 14″ to 24″ inclusive add $195, to price of Steptoe. For 28″ use base price of $3,150. For 32″+ 36″ use Kelly.
Columbia	
Averbeck	
Barker	
Barker-Churchill	
Davis	
Edmonston	
Flather	
Hamilton	
Juengst	
Matthews	
Milwaukee	
Niles	
Potter & Johnson	
Queen City	
Sterling	
Stocker Bros.	
Springfield	
Walcott	
Whipp	

SHAPER PLANER—MECHANICAL (OPENSIDE AND DOUBLE HOUSING)

Cincinnati	$3,000.00.
Collier	$3,000.00.
Lynn Farquhar	$3,000.00.
Rockford	$3,000.00.
Whipp	$3,000.00.

[1] Information on American Can Company can be obtained from company's Cincinnati office.
[2] The S. Obermayer Company, Chicago, Ill.

SHEARS (ALLIGATOR)

Compared to	Hill Acme Co. (Canton Div.).

SHEARS (BAR AND ANGLE)

Carlin	Cleveland Punch & Shear Works Co.
Fisher	Do.
Garrison	Do.
Hilles & Jones	Do.
Long & Alstatter	Do.
Pels	Do.
United Engineering	Do.

SHEARS & PUNCHES (SINGLE AND DOUBLE END)

Badger	Williams-White & Co.
Buckley	Do.
Camden	Do.
Canton	Do.
Carlin	Do.
Etna	Do.
Garrison	Do.
Hilles & Jones	Do.
Long & Alstatter	Do.
Rock River	Do.
Stiles & Parker	Do.
Whiting	Do.

SQUARING SHEARS (FOOT & POWER)

Bliss	Niagara Machine & Tool Works.
Canton	Do.
Edwart & Kutscheid	Do.
Excelsior	Do.
Garrison	Do.
Hilles & Jones	Do.
Long & Alstatter	Do.
Loy & Nawrath	Do.
Ohl	Do.
Robinson	Do.
Stool	Do.
Toledo	Do.
Woodward	Do.

SHEARS (ROTARY)

Hilles & Jones	Quickwork Whiting Division, George Whiting Corporation.
Lennox	Do.
Long & Alstatter	Do.
Marshalltown	Do.
Yoder	Do.

SLOTTERS

Bement	Dill-Lobdell Car Wheel Co.
Bertram	Do.
Betts	Do.
Garvin	Rhodes (see B. C. Ames).
Hanson-Whitney	Pratt & Whitney.
New Haven	Dill-Lobdell Car Wheel Co.
Newton	Do.
Niles	Do.
Sellers	Do.
Putnam	Do.

ABRASIVE MACHINE TOOL CO., EAST PROVIDENCE, R. I.

	No. 3 machine	No. 33 machine
Last serial No. for year:		
1919	273	None
1929	1374	363
1935	1562	403

ACME MACHINE TOOL CO., CINCINNATI, OHIO

Last serial No. for year:	
1919	4545
1929	5697
1935	5907

ACME MACHINERY DIVISION, THE HILL ACME CO., CLEVELAND, OHIO

Last serial No. for year:	
1919	13647
1929	16256
1935	16407

THE ADAMS CO., DUBUQUE, IOWA

	Last serial No. for year— 1919	1929	1935
No. 1 Adams Gear Hobber	460	534	535
No. 2 Adams Gear Hobber	115	150	----
No. 3 Adams Gear Hobber	114	141	142
No. 4 Adams Gear Hobber	226	247	249
No. 5 & 6 Adams Gear Hobber & Thread Millers and 5M & 6M Adams Jig Hobbers	----	13	20

AIRCRAFT MACHINERY CORPORATION, BURBANK, CALIF.

Last serial No. for year 1935	10035

ALBANY HARDWARE SPECIALTY MANUFACTURING CO., ALBANY, WIS.

Last serial No. for year:	
1919	1087
1929	1502
1935	1632

CHARLES G. ALLEN CO., HARRE, MASS.

Last serial No. for year:	
1919	10032
1929	13598
1935	14389

AMERICAN BROACH AND MACHINE CO., ANN ARBOR, MICH.

Last serial No. for year:	
1919	106
1929	676
1935	2209

AMERICAN TOOL WORKS CO., CINCINNATI, OHIO

Last serial No. for year:	
1919	50166
1929	58161
1935	59597

NOTE: Serial numbers have run consecutively since 1898.

B. C. AMES CO., WALTHAM, MASS.

Bench lathes		Bench millers		Rhodes shapers and slotters (not made by Ames until 1929)	
1919	1163	1919	500	1929	2409
1929	2242	1929	703	1935	2593
1935	2400	1935	762		

THE MAX AMS MACHINE CO., BRIDGEPORT, CONN.

Serial No. of last machine manufactured during the year:	
No. 168 Double Seamer, 1919	42567
No. 168-B Double Seamer, 1929	61720
No. 751 Lining Machine, 1935	69399

ARMSTRONG-BLUM MANUFACTURING CO., CHICAGO, ILL.

	Last serial No. for year— 1919	1929	1935
Nos. 1 & 2 Marvel Hack Sawing Machines. These small models have never been serial numbered.			
Nos. 6 & 6A Marvel Hack Sawing Machines. New model brought out in 1930			6419
No. 4B Marvel Hack Sawing Machines. New model brought out in 1934			4540
No. 8 Marvel Metal Band Sawing Machines. Started serials in 1922		8676	8898
No. 18 Marvel Hack Sawing Machines. New model brought out in 1936			
Nos. 9 & 9A Marvel Hack Sawing Machines. New model brought out in 1931			9278

ARTER GRINDING MACHINE CO., WORCESTER, MASS.

	Last serial No. for year— 1919	1929	1935
Model A-1-8″	231	503	R-2-46
Model A-1-12″	12155	12243	R2-12251
Model A-16″	1625	16100	R-2-16111

THE AVEY DRILLING MACHINE CO., CINCINNATI, OHIO

Last serial No. for year:	
1919	8297
1929	15454
1935	16428

AXELSON MANUFACTURING CO., LOS ANGELES, CALIF.

	Last serial No. for year—		
	1919	1929	1935
16 inch	381	648	664
18 inch	382	647	660
24 inch	376	643	665
30 inch		650	

BAKER BROS., INC., TOLEDO, OHIO

Last serial No. for year:

1919	6022
1929	9331
1935	11141

BARBER-COLMAN CO., ROCKFORD, ILL.

	Last serial No. for year—		
	1919	1929	1935
No. 2 Hobbing Machine	40	198	
No. 12 Hobbing Machine	1637	3319	3582
No. 16 Hobbing Machine		56	
No. 17 Hobbing Machine		13	17
Type "B" Hobbing Machine		7	26
No. 3 Hobbing Machine	396	1050	1157
Type "A" Hobbing Machine			252
Type "T" Hobbing Machine			12
No. 3 Hob Sharpening Machine	5	51	328
No. 4 Hob Sharpening Machine		3	9
Reamer Sharpening Machine		35	52

NOTE: At the present time Barber-Colman Co. also manufactures Type "D" Hobbing Machines, Type "S" Hobbing Machines, Type "V" Hobbing Machines and Combination Sharpening Machines but as none of these models were produced prior to 1936, they have not been included in the above list.

BARDONS AND OLIVER, INC., CLEVELAND, OHIO

Last serial No. for year:

1919	9062
1929	10279
1935	10474

BARNES DRILL CO., ROCKFORD, ILL.

	Last serial No. for year 1919
22" Single Spindle Drill	258
22" Gang Drill	21-(259, 260)
26" Single Spindle Drill	442
26" Gang Drill	38-(131-2-3-4)
20" Standard Single Spindle Drill	1582
20" Self-Oiling Single Spindle Drill	1967
20" Standard Gang Drill	246-(875-874)
20" Self-Oiling Gang Drill	043-(139-40-1-2)
24" Standard Single Spindle Drill	723
24" Self-Oiling Single Spindle Drill	0158
24" Gang Drill	52-(161-2-3-4)
20" Self-Oiling Single Spindle Drill	01272
20" Self-Oiling Gang	0233-(722-3)
210 Single Spindle Drill	B-354
210 Gang Drill	B-45-(338-9-40)
22" Self-Oiling Single Spindle Drill	663
22" Gang Drill	94-(664-5)
24" Single Spindle Drill	0641
24" Gang Drill	0165-(228-9-90)
242 Drill	D-305
242 Gang Drill	D-41-(301-2-3-4)
263 Drill	F-975
263 Gang Drill	F-50-(973-4)
211 Cam Driven Honer	B-304
212 Honer	B-348
214 Honer	DH-52
249 Honer	DH-40
Last serial No. for year 1935	285

NOTE: Year of 1935 above company began numbering machines consecutively for entire line.

BARRETT MACHINE TOOL CO., MEADVILLE, PA.

Last serial No. for year:

1919	2101
1929	2241
1935	2258

BEATTY MACHINE & MANUFACTURING CO., HAMMOND, IND.

Last serial No. for year:

1919	650
1929	5912
1935	7800

BAUSCH MACHINE TOOL CO., SPRINGFIELD, MASS.

Last serial No. for year:

1919	4613
1929	5279
1935	5437

BIGNALL & KEELER MACHINE WORKS, EDWARDSVILLE, ILL.

Last serial No. for year:

1919	5199
1929	5744
1935	5790

THE BILLINGS & SPENCER CO., HARTFORD, CONN.

	Last serial No. for year—		
	1919	1929	1935
Board Drop Hammers	1853	2301	2315
Die Sinking Machine—Model M-19		43	49
Trimmer Miller—Model 21		38	47
Trimming Presses	250	335	336

BLANCHARD MACHINE CO., CAMBRIDGE, MASS.

Last serial No. for year:

1919	1097
1929	2066
1935	2445

E. W. BLISS CO., BROOKLYN, N. Y.

	Last serial No for year—		
	1919	1929	1935
Toledo Presses	13305	25698	27218
Consolidated Presses	3694	7972	9683
Brooklyn Presses	73522	98811	103962

THE BODINE CORPORATION, BRIDGEPORT, CONN.

Model 40—16 Machines Produced in 1935.

THE BOYE & EMMES MACHINE TOOL CO., CINCINNATI, OHIO

	Last serial No. for year—		
	1919	1929	1935
14" Lathes		50 #1	50 #25
16" Lathes		100 #9	100 #25
18" Lathes	300 #1	300 #243	300 #262
20" Lathes	142 #6	200 #165	200 #181
24" Lathes	400 #2569	400 #100	400 #115
26" Lathes	200 #2		
27" Lathes		500 #13	500 #16
28" Lathes	182 #1166		
30" Lathes	108 #644	600 #35	600 #44
32" Lathes	111 #660	600 #36	600 #49
36" Lathes	40 #172	600 #28	600 #50

THE BRADFORD MACHINE TOOL CO., CINCINNATI, OHIO

(Last serial numbers and approx. year Lathes built)

Serial No.:	*Year built*
Series 1800 to 2000 inclusive	1915
Series 2100 to 2600 inclusive	1916
Series 2700 to 3100 inclusive	1917
Series 3200 to 3500 inclusive	1918
Series 3600 to 3800 inclusive	1919
Series 3900 and 4000	1920
Series 4100	1921
Series 4200	1922
Series 4300	1923 to 1926
Series 4400	1927
Series 4500	1928 to 1937

BRIDGEPORT SAFETY EMERY WHEEL CO., STRATFORD, CONN.

No serial numbers used in 1919 and 1929. Following apply to 1935:

17 M Buff Navy	BA-108
194 Buff	BA-109
117 C Single Wheel Grinder	J-101
QB Buff (10-27-33)	BB-102
23 Buff	BH-112
185 Floor Grinder	FA-130
6 AC Floor Grinder	FA-129
7 AC Floor Grinder	FA-128
8 AC Floor Grinder	FA-127
½ AC Floor Grinder	FA-125
184 Floor Grinder	FA-122
186 Floor Grinder	FA-119
2 AC Floor Grinder	FA-113
101 Floor Grinder	FB-111

BRIDGEPORT SAFETY EMERY WHEEL CO., STRATFORD, CONN.—Continued

1 BD Floor Grinder	FH-109
74—170" Hyd. Grinder	H-110
74—50" Hyd. Grinder	H-111
74—156" Hyd. Grinder	H-114
48 Dry Cut-off Machine	A-113
179—60" Knife Grinder	M-113
3 TGM Tool Grinder	T-121
2 TGAM Comb. Twist Drill & Tool Grinder	T-120
2 TGM Tool Grinder	T-118
16 AC Buff	BA-104
15 AC Buff	BA-105
R BD Buff	BH-101
6 U Truing Lathe	H-101
2 BD Floor Grinder	FH-103
74—100" Hyd. Face Grinder	H-109
84—110" Hyd. Face Grinder	H-108
74—50" Hyd. Face Grinder	H-107
74—70" Hyd. Face Grinder	H-102
74—176" Hydraulic Face Grinder	H-101
82—82" Knife Grinder	M-112
82—102" Knife Grinder	M-111
82—62" Knife Grinder	M-110
32—11 Fur Knife Grinder	M-107
179—116" Knife Grinder	M-106
180—50" Knife Grinder	M-105
179—100" Knife Grinder	M-103
1 SFM Swing Grinder	SF-103
2 SFM Swing Grinder	SF-101

All 47W and 48W Abrasaws made after 1935

BRYANT CHUCKING GRINDER CO., SPRINGFIELD, VT.

Last serial No. for year:

1919	V-1701
1929	V-1832
1935	V-1919

BULLARD CO., BRIDGEPORT, CONN.

Last serial No. for year:

1919	1104
1929	1486
1935	1530

Numbers run consecutively irrespective of type

CALLAHAN CAN MACHINE CO., BROOKLYN, N. Y.

Last serial No. for year:

1919	[1]
1929	[1]
1935	1003

CARLTON MACHINE TOOL CO., CINCINNATI, OHIO

	Last serial No for year—		
	1919	1929	1935
Model-2A		5273	5329
Model-3A	10	85[2]	98

CARROLL-JAMIESON MACHINE TOOL CO., BATAVIA, OHIO

	Last serial No. for year—		
	1919	1929	1935
13" lathes—Old model	429		
14" & 16"—Old model	2523		
13-14-15-16" Lathes, old model		3309	3453

CHAMBERSBURG ENGINEERING CO., CHAMBERSBURG, PA.

Last serial No. for year:

1919	4119-51
1929	167-82
1935	1-25-52

CHAMPION BLOWER & FORGE CO., LANCASTER, PA.

Last serial No. for year:

1923	13-21
1929	15-37
1935	15-62

These Serial Numbers apply to 20", 21" and 24" upright power and electric driven drill presses.

CHATTANOOGA MACHINERY CO., CHATTANOOGA, TENN.

Last serial No. for year:

1919	899
1929	857
1935	962

[1] Letter preceding serial number serves to identify model number.

[2] Predecessor Adriance Machine Works did not number machines serially.

CINCINNATI BICKFORD TOOL CO., CINCINNATI, OHIO

	Last serial No. for year—		
	1919	1929	1935
UPRIGHT DRILLS			
21" Direct Drive		N909	N1060
21" Direct Drive		2N302	2N393
17" Sliding Head	J919	J1545	J1605
21" Stationary Head	A4445	A5185	A5247
21" Stationary Head	B3454	B4859	B4998
24" Stationary Head	C1046	C1245	C1283
24" Stationary Head	D595	D676	D679
24" Stationary Head	E316	E359	
24" Stationary Head	H121	H134	
21" Sliding Head (Shaft Driven)	B371	B521	B531
24" Sliding Head (Shaft Driven)	C90	C125	C128
24" Sliding Head (Shaft Driven)	D56	D80	D82
24" Sliding Head (Shaft Driven)	E34	E43	
42" Sliding Head (Shaft Driven)	H30	H36	
21" Motor Service (U Type)		3U39	
21" Motor Service (Present Style)			1L69
21" Motor Service (Present Style)			2L142
24" Motor Service (Present Style)			5L4
RADIAL DRILLS			
3' A. F. Radials (3A)	3A3611	3A4392	
3' A. F. Radials (2A)			2A54
3' A. F. Radials (1R)			1R83
4' Plain Universal	4A1278	4A1316	
4' Plain (D Type)	4D585	4D848	4D849
4' Full Universal	5A840	5A869	
5' Plain (D Type)	5D938	5D1492	
5' Full Universal	6A546	6A579	
6' Plain (D Type)	6D252	6D340	6D343
11' Plain Column Super			2E56
13' Plain Column Super		3E236	3E325
15' Plain Column Super		4E136	4E189
17' Plain Column Super		5E93	5E114
15' Plain Column Super		6E74	6E107
20' A. F. Plain Column Self-Service	2C46	2C71	2C73

CINCINNATI ELECTRIC TOOL CO., CINCINNATI, OHIO

Last serial No. for year:

1919	29680
1929	07825
1935	77280

CINCINNATI GILBERT TOOL CO., CINCINNATI, OHIO

	Last serial No. for year—		
	1919	1929	1935
20" & 24" Arm Simplex Radial Drills	3569		
20" & 24" Arm Plain Radial Drills	3629		
20" Arm Plain Radial Drill	3655		
6' Plain Radial Drill (Arm)	3375		
20" Arm Full Universal Radial Drill	3443		
6' Arm Full Universal Radial Drill	3701		
20" & 24" Arm 17" column Radial Drill		4136	
17" & 24" Arm 17" column Radial Drill		4046	
20" & 24" Arm 17" column Radial Drill		3971	
6' 17" Arm 17" & 19" column Radial Drill		4129	
5' & 6' Arm 20" column Radial Drill			4205
5' & 6' Arm 20" column Radial Drill			4176
4' & 5' Arm 20" column Radial Drill			4198
4' & 5' Arm 20" column Radial Drill			4226
5' & 6' Arm 17" column Radial Drill			4161

CINCINNATI SHAPER CO., CINCINNATI, OHIO

Last serial No. for year:

1919	7728
1929	9965
1935	10649

CLEVELAND AUTOMATIC MACHINE CO., CLEVELAND, OHIO

Last serial No. for year:

1919	30140
1929	34872
1935	53160

CLEVELAND HOBBING MACHINE CO., CLEVELAND, OHIO

Last serial No. for year:

1929	20–160
1935	258–1253

CLEVELAND PLANER CO., CLEVELAND, OHIO

Last serial No. for year:

1919	1001
1929	1161
1935	1181

CLEVELAND PUNCH & SHEAR CO., CLEVELAND, OHIO

Last serial No. for year:

1919	4496–4504
1929	6677
1935	7277

COCHRANE-BLY CO., ROCHESTER, N. Y.

	Last serial No. for year—		
	1919	1929	1935
No. 1 Filing Machine	7641	7881	7901
No. 2 Filing Machine	6860	6006	6016
Metal Sawing Machine with Circular Blade:			
No. 1	17863	17960	
No. 2-H	18883	18959	18962
No. 4-B	11409		11515
No. 4-C		11510	11515
No. 5	15389	15590	15595
No. 6	15394	15592	15594
No. 55 and No. 55-B		55-14	55-26
No. 66		66-55	66-57
No. 7 and No. 77		77-12	
No. 21 Plain		21-36	21-46
No. 21 Automatic		21-A-38	21-A-52
No. 31 Hydraulic		31-2	31-A-6
No. 11 Universal Vertical Miller-Shaper	5198	5337	5364
No. 11 Saw Blade Sharpening Machine	4394	4540	4552

COLONIAL BROACH MACHINE CO., DETROIT, MICH.

Last serial No. for year 1935—555186 and M-1000 through M-1240 inclusive.

COLUMBIA MACHINE TOOL CO., HAMILTON, OHIO

Last serial No. for year:

1919	199
1929	614
1935	634

CONE AUTOMATIC MACHINE CO., INC., WINDSOR, VT.

Last serial No. for year:

1919	[1] 50
1929	1306
1935	1820

CONSOLIDATED MACHINE TOOL CORPORATION, ROCHESTER, N. Y.

Last serial No. for year:

1929	E-4136
1935	E-4579

CONTINENTAL MACHINES, INC., MINNEAPOLIS, MINN.

Last serial No. for year 1935 23518

COVELL MANUFACTURING CO., BENTON HARBOR, MICH.

	Last serial No. for year—		
	1919	1929	1935
No. 99 Universal Cutter and Tool Grinder			151
No. 1 Universal Cutter and Tool Grinder	686	1094	1113
No. 78 Surface Grinder	102	372	383
Drill Grinders	13740	16109	16933
Nos. 1, 2, 3, Surface Grinders	1680	2130	
No. 5 Surface Grinder			109
No. 72 Surface Grinder			172

COX AND SONS CO., BRIDGETON, N. J.

Last serial No. for year:

1919	1519
1929	1783
1935	1801

[1] Prior to 1921 machines were not given serial numbers

[2] Approximate number of machines manufactured before 1919.

CURTIS AND CURTIS CO., BRIDGEPORT, CONN

Last serial No. for year:

1919	17008
1929	18035
1935	19110

DAUBER CO., OSHKOSH, WIS.

Last serial No. for year:

1919	197
1929	296
1935	338

DAVENPORT MACHINE TOOL CO., ROCHESTER, N. Y.

Last serial No. for year:

1919	299
1929	778
1935	958

DAVIS KEYSEATER CO., ROCHESTER, N. Y.

	Last serial No. for year—		
	1919	1929	1935
No. 1	809		
No. 2	988		
Old Style Fixed Table		1462	
New Style Tilting Table			1534
No. 3			7
No. 4			14
No. 5			1

DAVIS & THOMPSON CO., MILWAUKEE, WIS.

Last serial No. for year:

1919	8
1929	315
1935	444

DEFIANCE MACHINE WORKS, INC., DEFIANCE, OHIO

Last serial No. for year:

1919	189-19
1929	557-29
1935	716-35

A. P. DESANNO & SON, PHOENIXVILLE, PA.

Last serial No. for year—1935 Type C—3227

DIAMOND MACHINE CO.

SUPPLIED BY AMERICAN ENGINEERING COMPANY—PHILADELPHIA

Serial Nos. for the year 1919—on Face Grinders:

1021	997	1090	1109	1038	1149
1059	1070	1097	1112	1133	1160
1019	1066	1083	1139	1137	1047
1058	1064	1091	1121	1095	1148
1040	1074	1102	1093	1144	1116
896	1091	1103	1094	1128	1145
1067	1081				

Serial Nos. for the year 1929—on Face Grinders:

1617	1620	1623	1705	1720	1741
1618	1621	1573	1725	1730	1464
1619	1622	1628			

Serial Nos. for the year 1935—On Face Grinders 182

DREIS & KRUMP MANUFACTURING CO., CHICAGO, ILL.

	Last serial No. for year—		
	1919	1929	1935
Power Brakes	13850	30180	33960
Power Press Brakes		7481	8436
Press Brakes, lighter type			L-321
Power Shears		S-2267	S-2464

ECONOMY ENGINEERING CO., WILLOUGHBY, OHIO

Last serial No. for year:

1919	[1] 999
1929	5508
1935	33625

EASTERN MACHINE SCREW CORPORATION, NEW HAVEN, CONN.

	Threaders	Grinders
Last serial No. for year:		
1929	411	217
1935	467	241

[1] Approximate.

DIAMOND MACHINE CO.—Continued

SUPPLIED BY DIAMOND MACHINE CO.—PROVIDENCE

Serial Nos. for the year 1919—on Face Grinders:

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48
49	50	51	52	53	54
55	56	57	58	59	60
61	62	63	64	65	66
67	68	69	70	71	72
73	74	75	76	77	78
79	80	81	82	83	84
85	86	87	88	89	90
91	92	93	94	95	96
97	98	99	100	101	102
103	104	105	106	107	108
109	110	111	112	113	114
115	116	117	118	119	120
121	122	123	124	125	126
127	128	129	130	131	132
133	134	135	136	137	138
139	140	141	142	143	144
145	146	147	148	149	150
151	152	153	154	155	156
157	158	159	160	161	162
163	164	165	166	167	168
169	170	171	172	173	174
175	176	177	178	179	180
181	182	183	184	185	186
187	188	189	190	191	192
193	194	195	196	197	198
199	200	201	202	203	204
205	206	207	208	209	210
211	212	213	214	215	216
217	218	219	220	221	222
223	224	225	226	227	228
229	230	231	232	233	234
235	236	237	238	239	240
241	242	243	244	245	246
247	248	249	250	251	252
253	254	255	256	257	258
259	260	261	262	263	264
265	266	267	268	269	270
271	272	273	274	275	276
277	278	279	280	281	282
283	284	285	286	287	288
289	290	291	292	293	294
295	296	297	298	299	300
301	302	303	304	305	306
307	308	309	310	311	312
313	314	315	316	317	318
319	320	321	322	323	324
325	326	327	328	329	330
331	332	333	334	335	336
337	338	339	340	341	342
343	344	345	346	347	348
349	350	351	352	353	354
355	356	357	358	359	360
361	362	363	364	365	366
367	368	369	370	371	372
373	374	375	376	377	378
379	380	381	382	383	384
385	386	387	388	389	390
391	392	393	394	395	396
397	398	399	400	401	402
403	404	405	406	407	408
409	410	411	412	413	414
415	416	417	418	419	420
421	422	423	424	425	426
427	428	429	430	431	432
433	434	435	436	437	438
439	440	441	442	443	444
445	446	447	448	449	450
451	452	453	454	455	456
457	458	459	460	461	462
463	464	465	466	467	468
469	470	471	472	473	474
475	476	477	478	479	480
481	482	483	484	485	486
487	488	489	490	491	492
493	494	495	496	497	498
499	500	501	502	503	504
505	506	507	508	509	510
511	512	513	514	515	516
517	518	519	520	521	522
523	524	525	526	527	528
529	530	531	532	533	534
535	536	537	538	539	540
541	542	543	544	545	546
547	548	549	550	551	552
553	554	555	556	557	558
559	560	561	562	563	564
565	566	567	568	569	570
571	572	573	574	575	576
577	578	579	580	581	582
583	584	585	586	587	588
589	590	591	592	593	594
595	596	597	598	599	600
601	602	603	604	605	606
607	608	609	610	611	612
613	614	615	616	617	618
619	620	621	622	623	624
625	626	627	628	629	630
631	632	633	634	635	636
637	638	639	640	641	642
643	644	645	646	647	648
649	650	651	652	653	654
655	656	657	658	659	660
661	662	663	664	665	666
667	668	669	670	671	672
673	674	675	676	677	678
679	680	681	682	683	684
685	686	687	688	689	690
691	692	693	694	695	696
697	698	699	700	701	702
703	704	705	706	707	708
709	710	711	712	713	714
715	716	717	718	719	720
721	722	723	724	725	726
727	728	729	730	731	732
733	734	735	736	737	738
739	740	741	742	743	744
745	746	747	748	749	750
751	752	753	754	755	756
757	758	759	760	761	762
763	764	765	766	767	768
769	770	771	772	773	774
775	776	777	778	779	780
781	782	783	784	785	786
787	788	789	790	791	792
793	794	795	796	797	798
799	800	801	802	803	804
805	806	807	808	809	810
811	812	813	814	815	816
817	818	819	820	821	822
823	824	825	826	827	828
829	830	831	832	833	834
835	836	837	838	839	840
841	842	843	844	845	846
847	848	849	850	851	852
853	854	855	856	857	858
859	860	861	862	863	864
865	866	867	868	869	870
871	872	873	874	875	876
877	878	879	880	881	882
883	884	885	886	887	888
889	890	891	892	893	894
895	896	897	898	899	900
901	902	903	904	905	906
907	908	909	910	911	912
913	914	915	916	917	918
919	920	921	922	923	924
925	926	927	928	929	930
931	932	933	934	935	936
937	938	939	940	941	942
943	944	945	946	947	948
949	950	951	952	953	954
955	956	957	958	959	960
961	962	963	964	965	966
967	968	969	970	971	972
973	974	975	976	977	978
979	980	981	982	983	984
985	986	987	988	989	990
991	992	993	994	995	996
997	998	999	1000	1001	1002
1003	1004	1005	1006	1007	1008
1009	1010	1011	1012	1013	1014
1015	1016	1017	1018	1019	1020
1021	1022	1023	1024	1025	1026
1027	1028	1029	1030	1031	1032
1033	1034	1035	1036	1037	1038
1039	1040	1041	1042	1043	1044
1045	1046	1047	1048	1049	1050
1051	1052	1053	1054	1055	1056
1057	1058	1059	1060	1061	1062
1063	1064	1065	1066	1067	1068
1069	1070	1071	1072	1073	1074
1075	1076	1077	1078	1079	1080
1081	1082	1083	1084	1085	1086
1087	1088	1089	1090	1091	1092
1093	1094	1095	1096	1097	1098
1099	1100	1101	1102	1103	1104
1105	1106	1107	1108	1109	1110
1111	1112	1113	1114	1115	1116
1117	1118	1119	1120	1121	1122
1123	1124	1125	1126	1127	1128
1129	1130	1131	1132	1133	1134
1135	1136	1137	1138	1139	1140
1141	1142	1143	1144	1145	1146
1147	1148	1149	1150	1151	1152
1153	1154	1155	1156	1157	1158
1159	1160	1161	1162	1163	1164
1165	1166	1167	1168	1169	1170
1171	1172	1173	1174	1175	1176
1177	1178	1179	1180	1181	1182
1183	1184	1185	1186	1187	1188
1189	1190	1191	1192	1193	1194
1195	1196	1197	1198	1199	1200
1201	1202	1203	1204	1205	1206
1207	1208	1209	1210	1211	1212
1213	1214	1215	1216	1217	1218
1219	1220	1221	1222	1223	1224
1225	1226	1227	1228	1229	1230
1231	1232	1233	1234	1235	1236
1237	1238	1239	1240	1241	1242
1243	1244	1245	1246	1247	1248
1249	1250	1251	1252	1253	1254
1255	1256	1257	1258	1259	1260
1261	1262	1263	1264	1265	1266
1267	1268	1269	1270	1271	1272
1273	1274	1275	1276	1277	1278
1279	1280	1281	1282	1283	1284
1285	1286	1287	1288	1289	1290
1291	1292	1293	1294	1295	1296
1297	1298	1299	1300	1301	1302
1303	1304	1305	1306	1307	1308
1309	1310	1311	1312	1313	1314
1315	1316	1317	1318	1319	1320
1321	1322	1323	1324	1325	1326
1327	1328	1329	1330	1331	1332
1333	1334	1335	1336	1337

EDLUND MACHINERY COMPANY, INC., CORTLAND, N. Y.

	1-B	2-B	3-B	4-B
Last serial No. for year:				
1919	546-1B	99-B	------	------
1929	857-1B	1518B	253	4B170
1935	99701B	1812B	3B470	4B239

CHARLES F. ELMES ENGINEERING WORKS, CHICAGO, ILL.

Last serial No. for year:	
1919	F-793
1929	H-8432
1935	I-9161

ERIE FOUNDRY CO., ERIE, PA.

	Steam or air hammer	Board drop hammer	Presses
Last serial No. for year:			
1919	1720	------	730
1929	2203	5210	912
1935	2486	5279	962

ESPEN LUCAS MACHINE WORKS, PHILADELPHIA, PA.

Last serial No. for year:	
1919	S. O. 8003
1929	S. O. 11727
1935	S. O. 12972

ETNA MACHINE CO., TOLEDO, OHIO

Last serial No. for year:	
1919	570
1929	801
1935	862

EX-CELL-O CORPORATION, DETROIT, MICH.

	Serial No. of last machine for year 1935
No. 2112 Ex-Cell-O Precision Boring Machine	1074
No. 1212 Ex-Cell-O Precision Boring Machine	2079
No. 112 Ex-Cell-O Precision Boring Machine	154
No. 215 Ex-Cell-O Precision Boring Machine	2005
No. 13 Ex-Cell-O Precision Thread Grinder	116
No. 35 Ex-Cell-O Precision Thread Grinder	1001
No. 44 Ex-Cell-O Carbide Tool Grinder	1130

FARREL-BIRMINGHAM CO., ANSONIA, CONN.

Last serial No. for year:	
1929	801B
1935	845B

FEDERAL PRESS CO., ELKHART, IND.

	Last serial No. for year—		
	1919	1929	1935
No. 0	------	------	130
No. 1	179	179	214
No. 2	------	228	305
No. 3	------	300	384
No. 33	------	102	111
No. 4	------	189	233
No. 5	------	173	225
No. 6	------	------	108
No. 7	------	------	108

FELLOWS GEAR SHAPER CO., SPRINGFIELD, VT.

Last serial No. for year:	
1919	7272
1929	14414
1935	15868

FERRACUTE MACHINE CO., BRIDGETON, N. J.

Last serial No. for year:	
1919	12705
1929	18905
1935	19500

FISCHER MACHINE CO., PHILADELPHIA, PA.

	Fischer Oil Grooves	
	No. 1	No. 2
Last serial No. for year:		
1919	389	13
1929	652	34
1935	683	40

FITCHBURG GRINDING MACHINE CORPORATION, FITCHBURG, MASS.

	Universal and Spline	Plain Cyl.
Last serial No. for year:		
1919	1360	623
1929	1762	839
1935	1835	855

FOOTE-BURT CO., CLEVELAND, OHIO

Last serial No. for year:	
1919	398
1929	1012
1935	1104

Serial Nos. on machines indicate year manufactured: i. e. 12938-35 the last two numbers "35" designate the year 1935.

FOSDICK MACHINE TOOL CO., CINCINNATI, OHIO

Last serial No. for year:	
1919	4715
1929	6567
1935	6956

FRENCH OIL MILL MACHINERY CO., PIQUA, OHIO

Last serial No. for year:	
1919	3995
1929	6031
1935	7882

FREW MACHINERY CO., PHILADELPHIA, PA.

Last serial No. for year:	
1929	262
1935	303

GALLMEYER AND LIVINGSTON CO., GRAND RAPIDS, MICH.

	Last serial No. for year—		
	1919	1929	1935
No. 0 Hand Feed Surface Grinder	------	------	021
No. 10	------	------	SG1097
No. 15 Hand Feed Surface Grinder	------	------	S15033
No. 18 Hand Feed Surface Grinder	------	------	S18016
No. 25 Hydraulic Feed Surface Grinder	------	------	S25073
No. 30	------	------	S3054
No. 35 Hydraulic Feed Surface Grinder	------	------	S35074
No. 3-V Hydraulic Feed Surface Grinder	------	------	VS308
No. 40	------	------	S4043
No. 45 Hydraulic Feed Surface Grinder	------	------	S45047
No. 50 Hydraulic Feed Surface Grinder	------	------	S5053
No. 55 Hydraulic Feed Surface Grinder	------	------	S55067
No. 65 Hydraulic Feed Surface Grinder	------	------	S65017
No. 1½ Universal Cutter & Tool Grinder	------	U1569	U1604
No. 3 Universal Cutter & Tool Grinder	------	U3120	U3145
No. 4 Universal Cutter & Tool Grinder	------	U4053	U4067
No. 5 Universal Cutter & Tool Grinder	------	U5020	U5034

GARDNER MACHINE CO., BELOIT, WIS.

	Last serial No. for year—		
	1919	1929	1935
No. 1 Disc Grinder	1431	1637	1654
No. 2 Disc Grinder	2624	21101	21133
No. 3 Disc Grinder	------	------	30106
No. 4 Disc Grinder	4603	4841	4874
No. 6 Disc Grinder	6291	6568	6558
No. 7 & No. 7¼ Disc Grinders	7202	7462	7499
No. 8 Disc Grinder	818	825	826
No. 14 Disc Grinder	14560	14712	14760
No. 24 Disc Grinder	24267	24482	24526
No. 79 Disc Grinder	------	791011	79171I
No. 86 Disc Grinder	------	8678	86107
No. 88 Disc Grinder	------	8814	8826
No. 215 Disc Grinder	------	------	21501
No. 218 Disc Grinder	------	------	21801
No. 220 Disc Grinder	------	------	22002
No. 0 Polishing Lathe	034P	0451P	0451P
No. 1 Polishing Lathe	1350P	16191P	16255P
No. 2 Polishing Lathe	2334P	27671P	27571P
No. 3 Polishing Lathe	3928P	329141P	329501P
No. 4 Polishing Lathe	432P	490P	4901P
No. 3-D Polishing Lathe	------	3D526	3D570
No. 123 Disc Grinder	------	------	12302

GENERAL ENGINEERING & MANUFACTURING CO., ST. LOUIS, MO.

Last serial No. for year:	
1919	3021
1929	3471
1935	3530

GENERAL MACHINERY CORPORATION, HAMILTON, OHIO

Last serial No. for year.	
1919	18050
1929	20407
1935	21265

GEOMETRIC TOOL CO., NEW HAVEN, CONN.

	Last serial No. for year—		
	1919	1929	1935
Threading Machines	834	1537	1573
Geometric Chaser Grinders	378	541	550

GIDDINGS & LEWIS MACHINE TOOL CO., FOND DU LAC, WIS.

No. 0	Serial No. 4101-4559, incl. Last Serial No. issued 1919.
No. 32	Serial No. 4560-4790, incl. Last Serial No. issued 1929.
No. 45	Serial No. 8000-8224, incl. Last Serial No. issued 1935.
No. 300	Serial No. P-1000-P-1010, incl. Last Serial No. issued 1929.
No. UR3	Serial No. 300-318, incl. Last Serial No. issued 1933.
No. 25-T	Serial No. 1-41, incl. Last Serial No. issued 1929.
No. 330-T	Serial No. 4801 & up First Serial No. issued 1929.
No. 350-T	Serial No. 8650 & up First Serial No. issued 1940.
No. 700-T	Serial No. 6003 & up First Serial No. issued 1931.
No. 50 & 56-T	Serial No. 8501 & up First Serial No. issued 1928.

GISHOLT MACHINE CO., MADISON, WIS.

	Last serial No. for year—		
	1919	1929	1935
Type:			
"G"	115-144	145	------
"H"	200-224	------	------
	300-349	------	------
	501-504	505	------
"I"	225-249	------	------
"J"	350-411	412	------
	168-113	------	------
	260-271	272-274	------
"1L"	------	601-609	610-612
"2L"	------	651-660	661-665
"3L"	------	1104	------
	------	901-910	------
	------	912-914	------
	------	916-918	------
"3AL"	------	906-911	------
	------	913-915	------
	------	917	919-922
"K"	114	------	------
	275-290	297	------
No. 2	------	701-707	------
No. 3	------	751-756	757
	------	------	765
	------	------	766
No. 4	------	801-820	821-825
	------	------	761-762
	------	------	766-767
	------	------	827-826
No. 5	------	------	862
No. 6	------	851-861	------
Type:			
"4L"	------	1131	------
	------	951-961	962-963
	------	954-955	964
"5L"	------	1055-1058	------
"3D"	------	18500-18518	------
	------	819-829	830-832
			3001
No. 12	------	------	------

GLEASON WORKS, ROCHESTER, N. Y.

Last serial No. for year:	
1919	1207
1929	1700
1935	1761

GOOLEY & EDLUND

Last serial No. for year:	
1919	1274
1929 (Type A or D)	3005
NOTE: During 1926—5 machines numbered through 4004 shipped.	3600

GEORGE GORTON MACHINE CO., RACINE, WIS.

	Last serial No. for year—		
	1919	1929	1935
Engravers:			
1-G	8322	9946	------
3-G	------	11415	11446
1-D	8276	10594	------
3-D	------	11509	11527
1-A	8998	9752	------
3-A	------	11608	11619
1-J	6107	10134	10139
3-J	------	11702	11732
3-F	------	------	12909
3-U	------	------	13015
1-H	9311	10805	------
3-H	------	10994	10995
1-S	------	10423	10426
3-S	------	------	11812
3-E	------	------	12528
3-Q	------	------	12442
3-K	------	------	11904
3-X	------	11013	11021
3-Z	------	11233	11274
3-B	------	------	12603
3-L	------	------	13100
Mullers:			
8-D Hand Feed Vertical	------	11320	12732
8-D Power Feed Vertical	------	------	12107
8-D Universal	------	------	12220
8½-D Vertical	------	------	12829
9-J Vertical	------	------	12313

GOSS & DELEEUW MACHINE CO., NEW BRITAIN, CONN.

Last Serial No. for year ending:	
1929	382
1935	508

GOULD & EBERHARDT, NEWARK, N. J.

	Last serial No. for year—		
	1919	1929	1935
Shapers	13080	702A1	1214A1
Gear Cutters	3408	6-7A1	1096A1

G. A. GRAY CO., CINCINNATI, OHIO

Last serial No. for year:	
1919	6139
1929	6749
1935	6819

GREENLEE BROS. & CO., ROCKFORD, ILL.

	Last serial No. for year—		
	1919	1929	1935
Automatic Screw Machines	------	A-108	A-152
Special Multiple Spindle Drilling & Tapping Equipment	------	1510	1989

GROB BROS., GRAFTON, WIS.

	Last serial No. for year—		
	1919	1929	1935
Type B-3	------	------	188
Type A-3	------	------	275
Type S	------	------	13

HALL PLANETARY CO., PHILADELPHIA, PA.

	Last serial No. for year—		
	1919	1929	1935
"A"	131	555	591
"B"	------	6	509
"C"	136	------	------
"D"	------	553	577

HAMMOND MACHINERY BUILDERS, KALAMAZOO, MICH.

	Last serial No. for year—		
	1919	1929	1935
Victory Pol. Lathe	------	556-B	651
Rite Speed Pol. Lathe	------	1704	2416
Heavy Duty Pol. Lathe	------	752	786
Straight Line & Rotary Automatic Burring & Polishing Machine	------	------	688
Grinders	------	5044	5455

HANCHETT MANUFACTURING CO., BIG RAPIDS, MICH.

	Last serial No. for year—		
	1919	1929	1935
Rotary Grinders:			
No. 72	------	------	72C-9
Badger Disc Grinders:			
No. 2	204	241	242
No. 4	426	466	474
No. 6	626	680	693
No. 7	704	726	727
No. 8	818	861	870
No. 9	------	1001	1002
No. 206	------	1901	1903
No. 220	903	901	9004
No. 221	------	1542	1576
No. 224	------	1711	1714
No. 228	------	------	------
No. 230	------	------	3002
Vertical Spindle Surface Grinders:			
No. 400	------	------	480-1
Face Grinders—Table Type:			
No. 900	------	------	900-10
UK Travelling Type Grinders:			
No. 500	------	231	234
No. 600	------	605	------

HANNA ENGINEERING WORKS, CHICAGO, ILL.

Last serial No. for year:	
1919	2224
1929	4490
1935	5016

HANNIFIN MANUFACTURING CO., CHICAGO, ILL.

Last serial No. for year:	
1919	8310
1929	A-3463
1935	A-18022

HANSON-WHITNEY MACHINE CO., HARTFORD, CONN.

	Last serial No. for year—	
	1929	1935
Vertical Die Shaping Machine	93	108
Rapid Precision Centering Machine	59	60
7½" x 11½" Thread Milling Machine	245	317

HARDINGE BROTHERS, INC., ELMIRA, N. Y.

Last serial No. for year:	
1929	10200 (approx.)
1935	13400 (approx.)

R. G. HASKINS CO., CHICAGO, ILL.

Type of machine	Serial No.	Year
"M" Tapping Equipment	C-395	Dec. 1931
"M" Tapping Equipment	C-847	Dec. 1932
"T1" Tapping Equipment	C-1402	Dec. 1933
"2-A" Tapping Equipment	T-345	Dec. 1934
"2HA" Tapping Equipment	T-1295	Dec. 1935

HENDEY MACHINE CO., TORRINGTON, CONN.

	Last serial No. for year—		
	1919	1929	1935
Friction Shapers	6675	------	------
20" Crank Shaper	405	1387	1455
16/20" Crank Shaper	------	1293	1366
24/28" Crank Shaper	------	1249	1496
32" Crank Shaper	------	1285	1286
12" Crank Shaper	------	------	1615
Lathes	23651	27060	28835

HENDLEY & WHITTEMORE CO., BELOIT, WIS.

Last serial No. for year:	
1919	3184
1929	6607
1935	7129

HENRY & WRIGHT MANUFACTURING CO., HARTFORD, CONN.

	Last serial No. for year—		
	1919	1929	1935
All Drilling Machines Except Classes O and R	25519	29152	29240
Class O Drilling Machines (Bench Type)	206	308	312
Class R Drilling Machines (Sensitive Floor Type)	------	464	501
Dieing Machines and conventional type welded Steel Presses	37	643	35847

HOEFER MANUFACTURING CO., FREEPORT, ILL.

Last serial No. for year:	
1919	3984
1929	18902
1935	20750

HUNTER SAW & MACHINE CO., PITTSBURGH, PA.

	Last serial No. for year—		
	1919	1929	1935
No. 1-A	------	258	288
No. 6	------	------	134
No. 0	------	131	------
No. 2-B	------	------	112

ILLINOIS MACHINE & MANUFACTURING CO., LASALLE, ILL.

Last serial No. for year:	
1929	11-36 and 10-A-45
1935	11-43 and 10-A-52

INGERSOLL MILLING MACHINE CO., ROCKFORD, ILL.

Last serial No. for year:	
1919	2802
1929	4744
1935	11080

INTERNATIONAL MACHINE TOOL CORPORATION, ELKHART, IND.

	Last serial No. for year—		
	1919	1929	1935
No. 0 machine	6977	01110	------
No. 1 machine	10541	10822	10817
No. 2 machine	22039	23067	------
No. 3 machine	31995	32818	32858
No. 4 machine	41265	------	------
No. 5 machine	5435	5687	------
No. 6 machine	6287	------	------
No. 7 machine	7046	7216	7225
No. 1-B machine	1B-351	1B-687	1B-736
No. 2-B machine	2B-107	2B-168	2B-173
No. 3-B machine	3B-102	3B-199	3B-216

LANDIS MACHINERY CO., WAYNESBORO, PA.—Con.

	Last serial No. for year 1935
No. 0 Hand Feed Surface Grinder	0-1
No. 10	10-1
No. 15 Hand Feed Surface Grinder	15-1
No. 18 Hand Feed Surface Grinder	18-1
No. 25 Hydraulic Feed Surface Grinder	25-1
No. 30	30-1
No. 35 Hydraulic Feed Surface Grinder	35-1
No. 3-V Hydraulic Feed Surface Grinder	3V-1
No. 40	40-1
No. 45 Hydraulic Feed Surface Grinder	45-1
No. 50 Hydraulic Feed Surface Grinder	50-1
No. 55 Hydraulic Feed Surface Grinder	55-1
No. 65 Hydraulic Feed Surface Grinder	65-1
No. 1½ Universal Cutter & Tool Grinder	1½U-1
No. 3 Universal Cutter & Tool Grinder	3U-1
No. 4 Universal Cutter & Tool Grinder	4U-1
No. 5 Universal Cutter & Tool Grinder	5U-1

LEES-BRADNER CO., CLEVELAND, OHIO

	Last serial No. for year—		
	1919	1929	1935
Plain Millers	1-A	1-B	1-C
Universal Millers	1-A	1-B	1-C
Vertical Millers	1-A	1-B	1-C
Hydraulic Millers	------	1-B	1-C
Hydraulic Profilers	------	1-B	1-C
Hydraulic Duplicators	------	1-B	1-C
Hydraulic Die Sinkers	------	1-B	1-C
Hydraulic Die Profilers	------	1-B	1-C
Hydraulic Die

FOSTERMATICS

	Last machine built in 1929	*Last machine built in 1935*
1-F	#1F-18	#1F-35
2-F	#2F-33	#2F-57
3-F	#3F-31	#3F-67
4-F	#4F-10	#4F-10

INTERNATIONAL MACHINE TOOL CORPORATION, INDIANAPOLIS, IND.

	1919	1929	1935
Type A	A-705	A-1600	
Type C	C-725	C-7512	
Type H			1H-6-1663

JARECKI MANUFACTURING CO., ERIE, PA.

	Last serial No. for year—		
	1919	1929	1935
No. 66 machine	193	359	
No. 44 machine			244

JONES MACHINE TOOL WORKS, INC., PHILADELPHIA, PA.

The following machines were built in 1929:
1—4′′ horizontal boring mill.
1—5′′ horizontal boring mill.
2—6′′ vertical shapers.
2—12′′ slotters.
1—20′′ light duty slotter.
1—25′′ light duty slotter.

JONES & LAMSON MACHINE CO., SPRINGFIELD, VT.

	Last serial No. for year—		
	1919	1929	1935
Thread Grinding Machine			100104
Turret Lathes:			
2¼ x 24′′	11085	40539	40545
2½ x 24′′		41011	41117
3 x 30′′	16475	30408	30421
2¼ x 32′′			31062
Double spindle	20738	50180	50197
Universal			60141
Fay Automatic Lathes:			
8′′			75196
12′′			80259
14′′	2070	6965	
20′′			80241
24′′		6998	7374

KANE & ROACH, INC., SYRACUSE, N. Y.

Last serial No. for year:

1919	198757
1929	201707
1935	202388

KEARNEY & TRECKER CORPORATION, MILWAUKEE, WIS.

	Last serial No. for year—		
	1919	1929	1935
No. 1 F	610	1522	1998
No. 1½ F	611	1530	1962
No. 2 F	606	1542	2031
No. 3 F	605	1629	1981
No. 4 F	578	1521	1713
No. 1 K			1785
No. 2 K			1984
No. 3 K			1977
No. 4 K			1977
No. 1200 Series Bedtype			2008
No. 1800 Series Bedtype			1933
No. 1400 Mil-Waukee-Mils		1482	2040
No. 2200 Mil-Waukee-Mils		1517	1931
Face Mill Grinder			2047

KEMPSMITH MACHINE CO., MILWAUKEE, WIS.

Last serial No. for year:

1919	6050
1929	10470
1935	10789

KENT MACHINE CO., CUYAHOGA FALLS, OHIO

	Last serial No. for year—		
	1919	1929	1935
6-d Driller		Z-98	Z-108
2¼ Bar Pointer		W-45	W-52
½′′ Stud Threader		H-26	HD-36
1′′ Stud Threader		K-13	
Bolt Threader		V-4	
117 Slotter		N-6	N-12
No. 3 Slotter		S-6	
Nut Countersinker			200-52
Nut Countersinker			201-26
2 Spindle Pointer			237-107

KENT-OWENS MACHINE CO., TOLEDO, OHIO

	Last serial No. for year—		
	1919	1929	1935
No. 1 Hand Mill Machine		973	1112
No. 2 and 3 Mill Machine		357	541

KING MACHINE TOOL CO., CINCINNATI, OHIO

Last serial No. for year:

1919	887
1929	1252
1935	1347

KINGSBURY MACHINE TOOL CORPORATION, KEENE, N. H.

Last serial No. for year:

1929	B-1289
1935	B-1951

KLING BROS. ENGINEERING WORKS, CHICAGO, ILL.

Last serial No. for year:

1919	615
1929	1550
1935	1823

W. B. KNIGUT MACHINERY CO., ST. LOUIS, MO.

	Last serial No. for year—		
	1919	1929	1935
No. 1 Knight Miller	800	880	898
No. 1½ Knight Miller (Hand Feed)	328	373	
No. 1½ Knight Miller (Power Feed)	382–A	1467–A	1476–A
No. 2 Knight Miller	243	419	454
No. 3 Knight Miller	60		
No. 3B Knight Miller		E-116	E-127
No. 4 Knight Miller		F-536	F-556

L & J PRESS CORPORATION, ELKHART, IND.

	Last serial No. for year—		
	1919	1929	1935
No. 0 Bench or Stand		618	690
No. 1 or Special	154	563	638
No. 2 or Special	196	917	1008
No. 3 or Special	556	1432	1539
No. 4	217	722	801
No. 4½			108
No. 5	155	457	492
No. 4 geared	217	722	801
No. 4½ geared			108
No. 5 geared or special	155	457	492
No. 4 comb. geared	556	1432	1539
No. 4½ comb. geared			108
No. 5 comb. geared or special	155	457	492

WILLIAM LAIDLAW, INC., BELMONT, N. Y.

Last serial No. for year:

1919	505
1929	934
1935	1083

LANDIS MACHINERY CO., WAYNESBORO, PA.

Last Serial No. for year 1919

½′′ Single Bolt Cutter	18975
½′′ Double Bolt Cutter	19238 and 19239
1′′ Single Bolt Cutter	19236
1′′ Double Bolt Cutter	19200 and 19201
1′′ Triple Bolt Cutter	18905—18906—18907
1½′′ Single Bolt Cutter	19341
1½′′ Double Bolt Cutter	19316 and 19317
1½′′ Triple Bolt Cutter	18362—18393—18394
2′′ Single Bolt Cutter	19067
2′′ Double Bolt Cutter	19156 and 19187
2′′ Triple Bolt Cutter	18853—18854—18855
2½′′ Single Bolt Cutter	19169
2½′′ Double Bolt Cutter	19263 and 19264
3′′ Single Bolt Cutter	18690
4′′ Single Bolt Cutter	18977
4′′ Double Bolt Cutter	18822 and 15723
1¼′′ Single Bolt Cutter	19332
1¼′′ Double Bolt Cutter	19119 and 19120
⅛′′ Single Pipe and Nipple	18817
⅛′′ Double Pipe and Nipple	18856 and 18857
1¼′′ Single Pipe and Nipple	19135
1¼′′ Double Pipe and Nipple	18856 and 18857
1′′ Double Pipe and Nipple	19171 and 19172
2′′ Single Pipe and Nipple	19145
2′′ Double Pipe and Nipple	19322 and 19333
4′′ Single Pipe and Nipple	18899
4′′ Double Pipe and Nipple	18899 and 18900
2′′ Pipe Threading & Cutting Machine.	19354
4′′ Pipe Threading & Cutting Machine.	19397 and 19398
6′′ Pipe Threading & Cutting Machine.	19146
8′′ Pipe Threading & Cutting Machine.	19273 and 19274

Last serial No. for year 1[illegible]

½′′ Single Bolt Cutter	½′′ S #88–1 37256
½′′ Double Bolt Cutter	½′′ D #142–2 37679 and 37680
9/16′′ Double Bolt Cutter	9/16′′ S #138–2X 9R614 and 9R615
¾′′ Single Bolt Cutter	¾′′ #19–2 6R1198
¾′′ Double Bolt Cutter	¾′′ D #88–2 6R1306 and 6R1307
1′′ Single Bolt Cutter	35569 and 8R562
1′′ Double Bolt Cutter	36623, 36624, 8R556 and 8R557
1′′ Triple Bolt Cutter	12R148—12R149—12[illegible]
1¼′′ Single Bolt Cutter	38195 and 12R229
1½′′ Double Bolt Cutter	38255, 38256, 12R[illegible] & 12R227
1¼′′ Triple Bolt Cutter	37739—37740—37741
2′′ Single Bolt Cutter	38345 and 16R45
2′′ Double Bolt Cutter	38257, 38258, 16R37 & 16R38
2′′ Triple Bolt Cutter	37908—37909—37910—16R30—16R31—16R32
2½′′ Single Bolt Cutter	37967 & 20R10 & 8R[illegible]
2½′′ Double Bolt Cutter	37295, 37296, 20R03, 20R10
3′′ Single Bolt Cutter	38180
4′′ Single Bolt Cutter	37179
4′′ Double Bolt Cutter	36378 & 36379
1′′ Triple Bolt Factory Threader.	1′′ T16X 8R528, 8R529 & 8R530.
1½′′ Triple Bolt Factory Threader.	1½′′ T–5 12R199–12R[illegible], 12R192.
¾′′ Automatic Forming & Threading.	Aft. 6—#99
⅛′′ Single Pipe Nipple	1′′ S #90–2 4T55
⅛′′ Single Pipe & Nipple	38343 (H. C. Hd. Burton)
⅛′′ Double Pipe & Nipple	½′′ D 142–2 37679—37[illegible]
⅛′′ Double Pipe & Nipple	½′′ D 144–2 4T59 & 4T60
1¼′′ Single Pipe & Nipple	37858 & 16T61
1¼′′ Double Pipe & Nipple	38212, 38213, 10T56, 16T57
2′′ Single Pipe & Nipple	38262 & 16T29
2′′ Double Pipe & Nipple	38196, 38197, 16T26, 16T[illegible]
4′′ Single Pipe & Nipple	38202
4′′ Double Pipe & Nipple	38278 & 38279
2′′ Pipe Threading & Cutting.	Type 2–#161–2 R4[illegible]
3′′ Pipe Threading & Cutting.	38247
4′′ Pipe Threading & Cutting.	Type 4–#120–3 38[illegible] & 38360
6′′ Pipe Threading & Cutting.	Type 6–#292–4 38[illegible] & 38330
8′′ Pipe Threading & Cutting.	Type 8–#154–4 38[illegible] & 38029
12′′ Pipe Threading & Cutting	Type 12–#163–5 38371 & 38374
16′′ Pipe Threading & Cutting	Type 16–#22 816–3
18′′ Pipe Threading & Cutting	Type 18–#17–2 818–[illegible]
20′′ Pipe Threading & Cutting	Type 20–#3–2 820–03
#2 Chaser Grinder	Model 2 No. 9–2

Last serial No. for year 1935

⅜′′ Double Bolt Cutter	⅜′′ D No. 176–2 3[illegible]23
½′′ Single Bolt Cutter	40087
½′′ Double Bolt Cutter	½′′ D No. 168–2 3[illegible]9
⅝′′ Double Bolt Cutter	⅝′′ D No. 172–2 4T[illegible]4
9/16′′ Double Bolt Cutter	9/16′′ S No. 170–2 9[illegible]1
9/16′′ Double Bolt Cutter	9/16′′ D No. 175–2 9[illegible]4
¾′′ Single Bolt Cutter	¾′′ S No. 34–2 6R[illegible]
¾′′ Double Bolt Cutter	¾′′ D No. 115–2 6[illegible]9
1′′ Single Bolt Cutter	39993
1′′ Single Bolt Cutter	8R945

LANDIS MACHINERY CO., WAYNESBORO, PA.—Con.

Last serial No. for year 1935

1′′ Double Bolt Cutter	40214/15
1′′ Double Bolt Cutter	8R897/8
1′′ Single Bolt Cutter	12R574
1′′ Single Bolt Cutter	39626
1′′ Double Bolt Cutter	38895/6
1′′ Double Bolt Cutter	12[illegible]381/2
2′′ Single Bolt Cutter	40249
2′′ Single Bolt Cutter	16R196
2′′ Double Bolt Cutter	38920 & 28527
2′′ Double Bolt Cutter	16[illegible]200-1
2′′ Single Bolt Cutter	39850
2′′ Single Bolt Cutter	20R[illegible]96
2′′ Double Bolt Cutter	39[illegible]4
2′′ Double Bolt Cutter	20R[illegible]5/6
3′′ Single Bolt Cutter	39855
4′′ Single Bolt Cutter	39627
4′′ Double Bolt Cutter No. 1	39223 1/3 Hds. Burton 2 1934 to 1935
1′′ Triple Bolt Cutter	Nothing from 36498/500 6/29/28 & 40494/8 2/36
1′′ Triple Bolt Factory Threader	Nothing 1929 to 1936
1′′ Triple Bolt Factory Threader	1′′T17 8R542/3/4
1′′ Triple Bolt Factory Threader	38401/2/3
1½′′ Triple Bolt Factory Threader	1½′′ T No. 14–1 12R[illegible] 433/4/5.
1½′′ Triple Bolt Cutter	Nothing from 1929 to 1936
2′′ Triple Bolt Cutter	38890/1/2
2′′ Single Bolt Cutter	2′′ S #35–2 7V93
2′′ Double Bolt Cutter	2′′ DX #110–2 7V65/6
1′′ Single LANDMACO Bolt Cutter	1L22 8R806
1′′ Double LANDMACO Bolt Cutter	1L23 8R809/800
⅜′′ Single LANDMACO Bolt Cutter	1–1/21.57 12R380
1½′′ Double LANDMACO Bolt Cutter	1½L59 12R602/3
2′′ Single LANDMACO Bolt Cutter	2L10 15R203
2′′ Double LANDMACO Bolt Cutter	2L03X 16R174/5
2½′′ Single LANDMACO Cutter	2½L02 20R41
⅛′′ Single Pipe & Nipple	⅛′′S 192–2 39643
⅛′′ Single Pipe & Nipple	⅛′′ S 1166–2 4R108
⅛′′ Double Pipe & Nipple	3960/66 ⅛′′ Double Bolt Cutter Drury 12/18/33
⅛′′ Double Pipe & Nipple	⅛′′ D 171 4T117 18
¼′′ Single Pipe & Nipple	10T74
¼′′ Double Pipe & Nipple	10T1567

Last serial No. for year 1935

2′′ Single Pipe & Nipple	39610–2′′
2′′ Single Pipe & Nipple	16R143–16T118
2′′ Double Pipe & Nipple	39229 and 39230
2′′ Double Pipe & Nipple	16T127/8–16R198/9
3′′ Single Pipe & Nipple	Size 3′′ P. M. No. 739350
4′′ Single Pipe & Nipple	39337
4′′ Double Pipe & Nipple	40255/6
1¼′′ Single LANDMACO Pipe & Nipple.	1¼′′L09 10T141
1¼′′ Double LANDMACO Pipe & Nipple.	1¼′′ L03–0 10T81/2
2′′ Single LANDMACO Pipe & Nipple.	2′′ L08 16T119
2′′ Double LANDMACO Pipe & Nipple.	2L11 16T129/30
2′′ Little Landis Pipe Threading & Cutting.	200#61 9¼′′–79 2′′–77
2′′ Pipe Threading & Cutting.	Type 2 #244–2 40207
4′′ Pipe Threading & Cutting.	Type 4 #158–3 40183–40105
6′′ Pipe Threading & Cutting.	Type 6 #365–4 40089
	Type 6 #388–4 39834–39835
	Type 6 #300–4X 40027–40029
8′′ Pipe Threading & Cutting.	Type 8 #223–4 40198–39336
12′′ Pipe Threading & Cutting.	Type 12 #195–5 40196
16′′ Pipe Threading & Cutting.	Type 16 #25 816–35–1X
18′′ Pipe Threading & Cutting.	Type 18 #18–2 812–12
20′′ Pipe Threading & Cutting.	Type 20 #4–2 820–03
8⅝′′ Pipe Threading & Cutting.	8′′ Rec. 29–1 Type 8LRX 206–5
13⅜′′ Pipe Threading & Cutting.	13⅜′′ 12–1 Type 13⅜′′ LRX 12 1
¾′′ Automatic Forming & Threading.	Aft. 6 No. R171–4
1′′ Automatic Forming & Threading.	Aft. 5 No. R170–4

LANDIS TOOL CO., WAYNESBORO, PA.

Last serial No. for year:

1919	13500
1929	162000
1935	170000

LAPOINTE MACHINE TOOL CO., HUDSON, MASS.

Last serial No. for year:

1919	1966
1929	29038
1935	35058

R. K. LEBLOND MACHINE TOOL CO., CINCINNATI, OHIO

	Last serial No. for year—		
	1919	1929	1935
12′′ Heavy Duty Engine Lathe			NB–153
14′′ Heavy Duty Engine Lathe			NC–279
16′′ Heavy Duty Engine Lathe	D–4533		
17′′ Heavy Duty Engine Lathe	ND–6239		ND–7589
18′′ Heavy Duty Engine Lathe	E–2798		NE–4261
19′′ Heavy Duty Engine Lathe	NE–3761	NE–4220	
20′′ Heavy Duty Engine Lathe	F–1840		
21′′ Heavy Duty Engine Lathe	NF–4048	NF–4422	NF–4439
22′′ Heavy Duty Engine Lathe			NG–244
24′′ Heavy Duty Engine Lathe		NG–216	
25′′ Heavy Duty Engine Lathe	H–1168		NH–1665
27′′ Heavy Duty Engine Lathe	NH–1410	NH–1643	
30′′ Heavy Duty Engine Lathe		NI–488	NI–496
36′′ Heavy Duty Engine Lathe	NJ–265	NJ–307	NJ–312
39′′ Heavy Duty Engine Lathe			NK–287
42′′ Heavy Duty Engine Lathe	NK–200	NK–276	
16′′ Tool Room Lathe			NG–278
16′′ Toolroom Lathe			A–287
16′′ Toolroom Lathe			B–2211
16′′ Toolroom Lathe			C–5832
16′′ Toolroom Lathe			D–4857
16′′ Toolroom Lathe			E–2920
8′′ Automatic Crankshaft			6AC–18
20′′ Universal Crankshaft			NF–4437
6′′ Motor Cut Lathe	6MC–3	6MC–326	6MC–398
9′′ Motor Cut Lathe	9MC–73	9MC–589	9MC–691
12′′ Motor Cut Lathe		12MC–290	12MC–336
12′′ Universal Cutter Grinder	2715	3636	
12′′ Automatic Lathe		12AL–63	12ML–91
16′′ Automatic Lathe		16AL–146	16AL–161
10′′ Radial Production Lathe		NA–791	NA–1016
14′′ Radial Production Lathe	C–5182	C–3024	
15′′ Radial Production Lathe		ND–266	
16′′ Radial Production Lathe		D–4732	5D–95
17′′ Radial Production Lathe		ND–7423	
19′′ Radial Production Lathe			NE–4260
#3–B Plain Cone Miller	597		
#1 Plain Cone Miller		631	
#1–B Plain Cone Miller			
#2 Plain Cone Miller	542		
#2½ Plain Cone Miller		1697	
#3–H Plain Cone Miller	1393		
#1 Plain Cone Miller	1395		
#3–B Universal Cone Miller	1391		
#2 Universal Cone Miller	567	638	
#3–H Universal Cone Miller	1435		
#4–GH Pl. Single Pulley Gear Miller	239	283	
#2–G Univ. Sing. Pull. Gear Miller	243		
#3–GB Univ. Sing. Pull. Gear Miller		1715	
	1394	1571	

LEES-BRADNER CO., CLEVELAND, OHIO

	Last serial No. for year—		
	1919	1929	1935
Standard Thread Miller	396	491	541
Special Thread Miller	874	920	928
5–A Hobbing Machine	509		
5–AC Hobbing Machine		953	982
No. 1 Hobbing Machine		166	194
No. 10–B Gear Grinder		341	345
2–HS Gear Grinder			115

LEHMANN MACHINE CO., ST. LOUIS, MO.

	First No.	
	1	5000
Last serial No. for year:		
1919	662	
1929	1251	5129
1935	1296	5154

LELAND-GIFFORD CO., WORCESTER, MASS.

	Last serial No. for year—		
	1919	1929	1935
#1 Machine	S1–9550	SL–11200	SL–11425
#2 Machine	25200	H–20800	H–20001
#3 Machine		3–24–299	3–24–310

LIBERT MACHINE CO., GREEN BAY, WIS.

Last Serial No. for year 1935

Model 1036	124
Model 1344	057
Model 1354	065
Model 1336	066
Model 1430	160

LIBERTY PLANER & MANUFACTURING CO., HAMILTON, OHIO

Last serial No. for year:

1919	88
1929	449
1935	471

LINLEY BROTHERS CO., BRIDGEPORT, CONN.

Last serial No. for year:

1919	10–D 168
1929	10–A 315

W. C. LIPE INC., SYRACUSE, N. Y.

	Last serial No. for year—		
	1919	1929	1935
9′′ Production Lathe, 20′′ bed.	1238–L	1576–H	1–1592–B
9′′ Production Lathe, 12′′ bed.	1691–H	2288–H	2347–H
Carbo Lathe			297–C
Carbo Hydraulic			501–CH

LITTLE GIANT, INC., MANKATO, MINN.

	Last serial No. for year—		
	1919	1929	1935
25# Hammer	2720	4496	4723
50# Hammer	3990	5467	5656
100# Hammer	515	871	899
250# Hammer	191	332	341
500# Hammer	513	526	527

LODGE & SHIPLEY MACHINE TOOL CO., CINCINNATI, OHIO

	Last serial No. for year—		
	1919	1929	1935
13′′ Lathe			13–A–1
14′′ Lathe			14–A–1
16′′ Lathe			16–A–1
18′′ Lathe			18–A–1
20′′ Lathe			20–A–1
24′′ Lathe			24–A–1
27′′ Lathe			27–A–1
30′′ Lathe			30–A–1
36′′ Lathe			36–A–1
42′′ Lathe			42–A–1
48′′ Lathe			48–A–1
60′′ Lathe			60–A–1
72′′ Lathe			72–A–1
84′′ Lathe			84–A–1
96′′ Lathe			96–A–1
108′′ Lathe			108–A–1
120′′ Lathe			120–A–1
144′′ Lathe			144–A–1
168′′ Lathe			168–A–1
192′′ Lathe			192–A–1
216′′ Lathe			216–A–1
240′′ Lathe			240–A–1
288′′ Lathe			288–A–1
336′′ Lathe			336–A–1
384′′ Lathe			384–A–1
432′′ Lathe			432–A–1
480′′ Lathe			480–A–1
528′′ Lathe			528–A–1
576′′ Lathe			576–A–1
624′′ Lathe			624–A–1
672′′ Lathe			672–A–1
720′′ Lathe			720–A–1
768′′ Lathe			768–A–1
816′′ Lathe			816–A–1
864′′ Lathe			864–A–1
912′′ Lathe			912–A–1
960′′ Lathe			960–A–1
1008′′ Lathe			1008–A–1
1056′′ Lathe			1056–A–1
1104′′ Lathe			1104–A–1
1152′′ Lathe			1152–A–1
1200′′ Lathe			1200–A–1
1248′′ Lathe			1248–A–1
1296′′ Lathe			1296–A–1
1344′′ Lathe			1344–A–1
1392′′ Lathe			1392–A–1
1440′′ Lathe			1440–A–1
1488′′ Lathe			1488–A–1
1536′′ Lathe			1536–A–1
1584′′ Lathe			1584–A–1
1632′′ Lathe			1632–A–1
1680′′ Lathe			1680–A–1
1728′′ Lathe			1728–A–1
1776′′ Lathe			1776–A–1
1824′′ Lathe			1824–A–1
1872′′ Lathe			1872–A–1
1920′′ Lathe			1920–A–1
1968′′ Lathe			1968–A–1
2016′′ Lathe			2016–A–1
2064′′ Lathe			2064–A–1
2112′′ Lathe			2112–A–1
2160′′ Lathe			2160–A–1
2208′′ Lathe			2208–A–1
2256′′ Lathe			2256–A–1
2304′′ Lathe			2304–A–1
2352′′ Lathe			2352–A–1
2400′′ Lathe			2400–A–1
2448′′ Lathe			2448–A–1
2496′′ Lathe			2496–A–1
2544′′ Lathe			2544–A–1
2592′′ Lathe			2592–A–1
2640′′ Lathe			2640–A–1
2688′′ Lathe			2688–A–1
2736′′ Lathe			2736–A–1
2784′′ Lathe			2784–A–1
2832′′ Lathe			2832–A–1
2880′′ Lathe			2880–A–1
2928′′ Lathe			2928–A–1
2976′′ Lathe			2976–A–1
3024′′ Lathe			3024–A–1
3072′′ Lathe			3072–A–1
3120′′ Lathe			3120–A–1
3168′′ Lathe			3168–A–1
3216′′ Lathe			3216–A–1
3264′′ Lathe			3264–A–1
3312′′ Lathe			3312–A–1
3360′′ Lathe			3360–A–1
3408′′ Lathe			3408–A–1
3456′′ Lathe			3456–A–1
3504′′ Lathe			3504–A–1
3552′′ Lathe			3552–A–1
3600′′ Lathe			3600–A–1
3648′′ Lathe			3648–A–1
3696′′ Lathe			3696–A–1
3744′′ Lathe			3744–A–1
3792′′ Lathe			3792–A–1
3840′′ Lathe			3840–A–1
3888′′ Lathe			3888–A–1
3936′′ Lathe			3936–A–1
3984′′ Lathe			3984–A–1
4032′′ Lathe			4032–A–1
4080′′ Lathe			4080–A–1
4128′′ Lathe			4128–A–1
4176′′ Lathe			4176–A–1
4224′′ Lathe			4224–A–1
4272′′ Lathe			4272–A–1
4320′′ Lathe			4320–A–1
4368′′ Lathe			4368–A–1
4416′′ Lathe			4416–A–1
4464′′ Lathe			4464–A–1
4512′′ Lathe			4512–A–1
4560′′ Lathe			4560–A–1
4608′′ Lathe			4608–A–1
4656′′ Lathe			4656–A–1
4704′′ Lathe			4704–A–1
4752′′ Lathe			4752–A–1
4800′′ Lathe			4800–A–1
4848′′ Lathe			4848–A–1
4896′′ Lathe			4896–A–1
4944′′ Lathe			4944–A–1
4992′′ Lathe			4992–A–1
5040′′ Lathe			5040–A–1
5088′′ Lathe			5088–A–1
5136′′ Lathe			5136–A–1
5184′′ Lathe			5184–A–1
5232′′ Lathe			5232–A–1
5280′′ Lathe			5280–A–1
5328′′ Lathe			5328–A–1
5376′′ Lathe			5376–A–1
5424′′ Lathe			5424–A–1
5472′′ Lathe			5472–A–1
5520′′ Lathe			5520–A–1
5568′′ Lathe			5568–A–1
5616′′ Lathe			5616–A–1
5664′′ Lathe			5664–A–1
5712′′ Lathe			5712–A–1
5760′′ Lathe			5760–A–1
5808′′ Lathe			5808–A–1
5856′′ Lathe			5856–A–1
5904′′ Lathe			5904–A–1
5952′′ Lathe			5952–A–1
6000′′ Lathe			6000–A–1
6048′′ Lathe			6048–A–1
6096′′ Lathe			6096–A–1
6144′′ Lathe			6144–A–1
6192′′ Lathe			6192–A–1
6240′′ Lathe			6240–A–1
6288′′ Lathe			6288–A–1
6336′′ Lathe			6336–A–1
6384′′ Lathe			6384–A–1
6432′′ Lathe			6432–A–1
6480′′ Lathe			6480–A–1
6528′′ Lathe			6528–A–1
6576′′ Lathe			6576–A–1
6624′′ Lathe			6624–A–1
6672′′ Lathe			6672–A–1
6720′′ Lathe			6720–A–1
6768′′ Lathe			6768–A–1
6816′′ Lathe			6816–A–1
6864′′ Lathe			6864–A–1
6912′′ Lathe			6912–A–1
6960′′ Lathe			6960–A–1
7008′′ Lathe			7008–A–1
7056′′ Lathe			7056–A–1
7104′′ Lathe			7104–A–1
7152′′ Lathe			7152–A–1
7200′′ Lathe			7200–A–1
7248′′ Lathe			7248–A–1
7296′′ Lathe			7296–A–1
7344′′ Lathe			7344–A–1
7392′′ Lathe			7392–A–1
7440′′ Lathe			7440–A–1
7488′′ Lathe			7488–A–1
7536′′ Lathe			7536–A–1
7584′′ Lathe			7584–A–1
7632′′ Lathe			7632–A–1
7680′′ Lathe			7680–A–1
7728′′ Lathe			7728–A–1
7776′′ Lathe			7776–A–1
7824′′ Lathe			7824–A–1
7872′′ Lathe			7872–A–1
7920′′ Lathe			7920–A–1
7968′′ Lathe			7968–A–1
8016′′ Lathe			8016–A–1
8064′′ Lathe			8064–A–1
8112′′ Lathe			8112–A–1
8160′′ Lathe			8160–A–1
8208′′ Lathe			8208–A–1
8256′′ Lathe			8256–A–1
8304′′ Lathe			8304–A–1
8352′′ Lathe			8352–A–1
8400′′ Lathe			8400–A–1
8448′′ Lathe			8448–A–1
8496′′ Lathe			8496–A–1
8544′′ Lathe			8544–A–1
8592′′ Lathe			8592–A–1
8640′′ Lathe			8640–A–1
8688′′ Lathe			8688–A–1
8736′′ Lathe			8736–A–1
8784′′ Lathe			8784–A–1
8832′′ Lathe			8832–A–1
8880′′ Lathe			8880–A–1
8928′′ Lathe			8928–A–1
8976′′ Lathe			8976–A–1
9024′′ Lathe			9024–A–1
9072′′ Lathe			9072–A–1
9120′′ Lathe			9120–A–1
9168′′ Lathe			9168–A–1
9216′′ Lathe			9216–A–1
9264′′ Lathe			9264–A–1
9312′′ Lathe			9312–A–1
9360′′ Lathe			9360–A–1
9408′′ Lathe

LORDELL CAR WHEEL CO., WILMINGTON, DEL.

	Last serial No. for year—		
	1919	1929	1935
Nazel Hammers:			
1-B	668	1234	1238
2-B	930	1353	1365
3-B	902	1333	1372
4-B	687	1305	1315
5-B	708	1145	1149
6-B	731	1375	1376
4-N	750	765	765
5-N	520	791	792
6-N	801	809	809
4-1	513	828	834
5-1	505	850	851
6-1	274	875	875
10-S			1501
13-S			1502
Dill Slotters:			
10"	284	284	284
12"	288	498	498
15"	367	517	517
18"	374	549	549
20"	227	565	565
24"	388	596	596

LODGE & SHIPLEY MACHINE TOOL CO., CINCINNATI, OHIO

Last serial No. for year:

1919	25800
1929	30000
1935	30400

LUCAS MACHINE TOOL CO., CLEVELAND, OHIO

	Last serial No. for year—		
	1919	1929	1935
No. 31 Model with 3" dia. spindle.	31-20-24	.....	.....
No. 32 Model with 3¾" dia. spindle.	32-14-24	.....	.....
No. 33 Model with 4½" dia. spindle.	33-8-12	.....	.....
No. 41 Model with 3" dia. spindle.	.....	41-2-12	41-6-7
No. 42 Model with 4" dia. spindle.	.....	42-6-7	42-11-1
No. 43 Model with 5" dia. spindle.	.....	43-5-12	43-7-12

E. J. MANVILLE MACHINE CO., WATERBURY, CONN.

Last serial No. for year:

1919	3957
1929	4436
1935	4575

MARBURG BROS., INC., NEW YORK

Last serial No. for year 1935 109

MARSHALLTOWN MANUFACTURING CO., MARSHALLTOWN, IOWA

Last serial No. for year:

1919	1130
1929	3265
1935	3536

MATTISON MACHINE WORKS, ROCKFORD, ILL.

Last serial No. for year 1935 11262

METALWOOD MANUFACTURING CO., DETROIT, MICH.

Last serial No. for year:

1919	1209
1929	1621
1935	1687

MICHIGAN TOOL CO., DETROIT, MICH.

	Last serial No. for year 1935
No. 854 Gear Finishing Machine (Rock Type)	241
No. 858 Internal Gear Finishing Machine	203
No. 991 Gear Lapping Machine	197
No. 1124 Universal Involute Checking Machine	122
No. 1224-A Universal Involute Checking Machine	123
No. 1125 Universal Involute Checking Machine	132
No. 1126 Universal Involute Checking Machine	139
No. 1128 Gear Finishing Machine (Rock Type)	140
No. 1201 Spiral Gear Lead Checking Machine	149

MINSTER MACHINE CO., MINSTER, OHIO

Last serial No. for year:

1929	1039
1935	1579

MITTS & MERRIL, SAGINAW, MICH.

Last serial No. for year:

1919	92253
1929	A-112277
1935	B-121714

MOLINE TOOL CO., MOLINE, ILL.

Last serial No. for year:

1919	1931
1929	2912
1935	3055

MONARCH MACHINE TOOL CO., SIDNEY, OHIO

	Last serial No. for year—		
	1919	1929	1935
Series:			
E	E-124 #12	.....	.....
A	A-617 #1	.....	FA-105 #12
FA	.....	.....	FA-105 #12
B	B-207 #12	.....	.....
FB	.....	.....	FB-103 #9
H	.....	.....	H-104 #9
L	.....	.....	L-103 #21
D	D-105 #3	.....	D-121 #6

Serial No. A-2163 to D-3031—1929.
Serial No. N-4208 to CU-4574—1935.

MOORE SPECIAL TOOL CO., BRIDGEPORT, CONN.

Last serial No. for year 1935 (Jig Borer) 10

MORGAN ENGINEERING CO., ALLIANCE, OHIO

Last serial No. for year:

1919	1339
1929	1388
1935	1408

MORRIS MACHINE TOOL CO., CINCINNATI, OHIO

	Last serial No. for year—		
	1919	1929	1935
12" column, 4½' arm Radial Drill	T-150	.....	.....
9½" column, 3½' arm Radial Drill	R-564	.....	.....
16" x 8' Lathe	C-193	.....	.....
18" x 8' Lathe	D-563	.....	.....
Horizontal Boring Mill	S-117	.....	.....
9½" column, 4' arm Radial Drill	.....	H-108	.....
11" column, 4' arm Radial Drill	.....	J-260	.....
13" column, 5' arm Radial Drill	.....	K-362	K-279
12" column, 4' arm Radial Drill	.....	T-266	.....
High Speed Radial, 3' arm	.....	L-47	.....
9" column, 4' arm Radial Drill	.....	.....	G-135
11" column, 3' arm Radial Drill	.....	.....	J-280

MORTON MANUFACTURING CO., MUSKEGON, MICH.

	Last serial No. for year—		
	1919	1929	1935
Shapers	1341	1632	.....
60" T. H. P.	1312	1646	.....
72" T. H. P.	1314	.....	.....
84" T. H. P.	1326	.....	1727
18" Keyseaters	1356	.....	.....
24" Keyseaters	1362	1568	.....
36" P. Keyseaters	.....	1432	1743
Journal Miller	.....	1641	.....
Flash Trimmers	.....	.....	1741

MURCHEY MACHINE AND TOOL CO., DETROIT, MICH.

Last serial No. for year:

1919	L-5002
1929	D-3897
1935	G-3700

NATIONAL BROACH & MACHINE CO., DETROIT, MICH.

	Last serial No. for year 1935
Gear Shaving Machine	154
Gear Sound Testing Machine	170
Gear Lapping Machine	210
Gear Measuring Machine	129

NATIONAL MACHINERY CO., TIFFIN, OHIO

Last serial No. for year:

1919	10115
1929	13015
1935	14850

NEBEL MACHINE TOOL CO., CINCINNATI, OHIO

	Last serial No. for year—		
	1919	1929	1935
LN 16"–18"	.....	Lot 11 Mch 13.	3[illegible]
AA 18"–20"	Lot 29 Mch 25.	Lot 77 Mch 5.	3[illegible]
B 20"–22"	Lot 24 Mch 12.	Lot 35 Mch 3.	[illegible]
D 24"–26"	Lot 19 Mch 6.	Lot 32 Mch 4.	[illegible]
N 25"–27"	.....	.....	2[illegible]
F 30"–32"	Lot 11 Mch 2.	Lot 19 Mch 3.	[illegible]
AG Gap 15⅝"–29⅝".	Lot 2 Mch 1.	Lot 25 Mch 8.	3[illegible]
G Gap 21⅛"–25⅝".	Lot 15 Mch 7.	Lot 30 Mch 4.	3[illegible]

N. O. NELSON CO., EDWARDSVILLE, ILL.

Last serial No. for year:

1919	5200
1929	5741
1935	5799

NEWARK GEAR CUTTING MACHINE CO., NEWARK, N. J.

Last serial No. for year:

1919	468
1929	497
1935	537

NIAGARA MACHINE AND TOOL WORKS, BUFFALO, N. Y.

	Last serial No. for year—		
	1919	1929	1935
Power Presses	7156	12560	14170
Power Squaring Shears	24837	32731	33883
Power Rotary Shears	8062	8062	33883

NORTON CO., WORCESTER, MASS.

	Last serial No. for year—		
	1919	1929	1935
Plain Grinders Type A and C	8170	11391	12297
Plain Grinders Type BA	.....	BA550	.....
Surface Grinders, 6" x 10"	.....	H-120	.....
Surface Grinders, 6" x 18"	.....	.....	H-161
Surface Grinders, 10"	.....	.....	M-166
Universal Grinders	.....	L-69	L-101
Tool & Cutter Grinders	2675	3283	347[illegible]

OESTERLEIN MILLING MACHINE

	Last serial No. for year—		
	1919	1929	1935
No. 1 and 2 Plain Milling Machine	A-636	A-739	.....
No. 1 and 2 Universal Milling Machine	B-321	B-484	.....
No. 2 and 3 Plain Milling Machine	C-515	C-611	.....
No. 2 and 3 Universal Milling Machine	D-409	D-5[illegible]	.....
No. 3 and 4 Plain Milling Machine	E-162	E-2[illegible]	.....
No. 3 and 4 Universal Milling Machine	F-97	F-12[illegible]	.....
No. 2 Tool and Cutter Grinder	S-705	S-972	.....
No. 3 Tool and Cutter Grinder	T-357	T-4[illegible]	.....
40" Ohio Tilted Rotary	G-22	G-11[illegible]	.....
48" Ohio Tilted Offset Milling Machine	.....	H-47	.....
28" Ohio Tilted Offset Milling Machine	.....	J-4[illegible]	.....
Aurora Drilling Machine	.....	4[illegible]	.....

OHIO MACHINE TOOL CO., KENTON, OHIO

	Last serial No. for year—		
	1919	1929	1935
Ohio Shapers	95B-352	1B-10178	3M-1055
Ohio Planers	B-1981	.....	.....
Ohio Production Milling Machines	.....	.....	4/115
Ohio Horizontal Boring, Drilling & Milling	.....	B-10000	M-172

OIL GEAR CO., MILWAUKEE, WIS.

Last serial No. for year:

1919	about 50
1929	about 9350
1935	about 15000

OLIVER INSTRUMENT CO., ADRIAN, MICH.

	Last serial No. for year—	
	1929	1935
No. 4 Drill Grinder	D-463	.....
No. 5 Drill Grinder	D-475	.....
No. 31, No. 41, No. 51 Drill Grinders	E-01111	.....
Point Thinner	T-221	PT-319
No. 1 ARC Face Mill Grinder	C-153	.....
No. 2 ARC Face Mill Grinder	2-C-101	2-C-219
Tap Grinder	TG-101	TG-205
No. 10 Drill Grinder	.....	F-2164
Universal Tool & Cutter Grinder	.....	UCG-152

OSTER MANUFACTURING CO., CLEVELAND, OHIO

	1919	*1929*	*1935*
Last serial No. for year	?	291031	33834

OLSEN TESTING MACHINE CO., PHILADELPHIA, PA.

Last serial No. for year:

1919	8747
1929	19770
1935	25070

PAWTUCKET MANUFACTURING CO., PAWTUCKET, R. I.

	Last serial No. for year—		
	1919	1929	1935
Boring Machines:			
4"	451	486	.....
5"	456	496	.....
5C	454	500	.....
14"	455	501	.....
19"	439	.....	.....
Shapers:			
No. 1	181	217	221
No. 2	182	.....	.....
No. 3	.....	216	.....

PEERLESS MACHINE & TOOL CO., PHILADELPHIA, PA.

Last serial No. for year:

1919	258—Horiz. Bor. Mill
1929	516—Bending Machine
1935	1556—Bending Machine

PEERLESS MACHINE CO., RACINE, WIS.

	Last serial No. for year—		
	1919	1929	1935
Shapers:			
6" x 6"	7591	8238	8509
9" x 9"	9-1750	9-2541	9-2648
12" x 12"	13-203	13-460	13-474
Universals:			
6" x 6"	.....	3160	3365
9" x 9"	.....	U9-355	U9-520
12" x 12"	.....	U13-2007	U13-2082
Band Ders:			
10" Vertical	.....	.....	C-1616
4" x 10" Dry Cut Cap Saw	.....	392	503
12" x 16" Cap Saw	.....	405	409

HENRY PELS & CO., NEW YORK, N. Y.

Last serial No. for year:

1919	4059
1929	10210
1935	12610

PERKINS MACHINE CO., PERKINS, MASS.

Last serial No. for year:

1919	11850
1929	12838
1935	13252

POPE MACHINERY CORPORATION, HAVERHILL, MASS.

Popo Vertical Milling Machine, Motor Driven, High Speed—1939 04059

PORTER-MCLEOD MACHINE TOOL CO., INC., HATFIELD, MASS.

Last serial No. for year:

1919	2733
1929	3084
1935	3100

POTTER & JOHNSTON MACHINE CO., PAWTUCKET, R. I.

	Last serial No. for year—		
	1919	1929	1935
Model:			
5-A	20897	21325	.....
6-A	18314	19318	19418
4-D	.....	335	620
5-D	.....	51029	51232
6-D	.....	701113	70704
6-C	.....	70310	.....

PROVIDENCE ENGINEERING WORKS, INC., PROVIDENCE, R. I.

Last serial No. for year:

1919	229
1929	921
1935	1575

QUICKWORK-WHITING, HARVEY, ILL.

	Last serial No. for year—		
	1919	1929	1935
8A	X8x8x48	8Ax26x112	8Ax32x124
10A	18x1x9	18x11x117	18x12x134
20A	28x1x21	28x15x193	28x18x210
25A	.....	.....	25Sx2x2
25A	.....	25Sx13x58	25Sx17x68
30A	38x2x3	38x14x66	38x15x69
40A	48x1x1	48x8x42	48x14x52
50A	58x1x6	58x6x26	58x7x29
60A	10Kx5x48	68x8x61	68x10x63

RACINE TOOL & MACHINE CO., RACINE, WIS.

Last serial No. for year:

1919	10852, A3653
1929	B3197, X578, J1020, E679
1935	B3632, X739, J1242, E886, W104, M106

REED-PRENTICE CORPORATION, WORCESTER, MASS.

	Last serial No. for year—		
	1919	1929	1935
Reed-Prentice Sl. Gear Hd. Lathes	.....	13995	15139
Reed-Prentice Fric. Geared Hd. Lathe	10899	.....	.....
Reed Cone Head Engine Lathes	6958	.....	.....
Becker No. 2 Vertical Miller	16064	.....	.....
Becker No. 3 Vertical Miller	16091	.....	.....
Becker 4B Vertical Miller	16067	.....	.....
Becker 5C Vertical Miller	16069	.....	.....
Becker No. 6 Vertical Miller	16061	.....	.....

POTTSTOWN MACHINE CO., POTTSTOWN, PA.

Last serial No. for year:

1919	A3372
1929	0229
1935	0301

PRODUCTION MACHINE CO., GREENFIELD, MASS.

	Last serial No. for year—		
	1919	1929	1935
Type "A" Production Centerless Belt Feed Machine	2132	253	2588
Type "S" Production Centerless Belt Feed Machine	.....	5057	5157
Type "R" Multi-Purpose Machine	.....	4039	4051
Type No. 101 Production Centerless Machine	.....	.....	7049
Peerless Surfacing Machine—9", 14", 20" vertical & horizontal	.....	.....	9012

THE PRODUCTO MACHINE CO., BRIDGEPORT, CONN.

	Last serial No. for year—		
	1919	1929	1935
No. 1 Producto Gear Cutter	1GM-C-246	1GM-5-303	1GM-1602
No. 2 Producto Gear Cutter	2G-2153	2G-2409	2G-M-3066
No. 3 Producto Gear Cutter	3½GA-393	3½N-3516	3½G-3528
No. 0 Bristol Hand Miller	AM-100	MAM-119	MAM-124
No. 6 Automatic Miller	6½G-624	6½G-77	6½G-80
No. 7½ Automatic Miller	7G-68	.....	7½G-104

REED-PRENTICE CORPORATION, WORCESTER, MASS.—Continued

	Last serial No. for year—		
	1919	1929	1935
No. 2 Type Reed-Prentice Vertical Miller	.....	13759	.....
2V Model	.....	.....	15071
No. 3 Reed-Prentice Vertical Miller	.....	13568	.....
3VG Miller	.....	.....	14349
No. 5 Reed-Prentice Vertical Miller	.....	13191	15087
No. 6 Reed-Prentice Vertical Miller	.....	13128	15054
3' Reed-Prentice Radial Drill	5252	.....	.....
4' Reed-Prentice Radial Drill	5293	.....	.....
5' Reed-Prentice Radial Drill	5219	.....	.....

RICKERT-SHAFER CO., ERIE, PA.

Last serial No. for year:

1919	4150
1929	44470
1935	57120

RIVETT LATHE & GRINDER, INC., BOSTON, MASS.

	Last serial No. for year—		
	1919	1929	1935
Lathe:			
No. 305	44	427	577
No. 608	26	241	358
Grinder			
No. 103	64	.....	.....
No. 104	.....	146	199
No. 106	15	78	59
No. 112	.....	.....	162

W. ROBERTSON MACHINERY & FOUNDRY CO., BUFFALO, N. Y.

Last serial No. for year:

1929	31DM-1405
1935	40-D-1962

ROCKFORD DRILLING MACHINE DIV., ROCKFORD, ILL.

Last serial No. for year:	
1919	OS-8814
1929	OS-10127
1935	OS-11091

ROCKFORD IRON WORKS, ROCKFORD, ILL.

Last serial No. for year:	
1919	1943
1929	3322
1935	3585

ROCKFORD MACHINE TOOL CO., ROCKFORD, ILL.

Last serial No. for year:	
1919	1750
1929	2917
1936	3363

ROWBOTTOM MACHINE CO., WATERBURY, CONN.

Last serial No. for year:	
1919	135–24
1929	135–73
1935	300–4–1

ROGERS MACHINE WORKS, ALFRED, N. Y., FORMERLY GANEY MACHINERY CO.

24" Vertical Turret Lathe With Side Head:

	Last serial No.
1919	440
1929	1007
1935	1007

W. J. SAVAGE CO., KNOXVILLE, TENN.

Last serial No. for year:	
1919	614
1929	1015
1935	2084

WILLIAM SELLERS & CO., INC., PHILADELPHIA, PA.

	Last serial No. for year—		
	1919	1929	1935
Vertical Boring & Turning Mills	635	733	742
Planers	1418	1448	1465
Horizontals—Floor Borers	1223	1302-1203	1329

SENECA FALLS MACHINE CO., SENECA FALLS, N. Y.

	Last serial No. for year—		
	1919	1929	1935
Star Engine Lathe:			
10"	918818	920544	920554
12"	118889	120316	120535
14"	318620	320570	320609
Star Tool Room Lathe—14"	218878	220520	220649
Short-cut Lathe—13"	1662	15-2	1574
Lo-swing Lathe:			
3½"	4803	4954	
4"		5535	5380
8"	4370	4568	4582
Model R		6061	6077
Model U		25-U-5122	25-U-5187

SIBLEY MACHINE & FOUNDRY CORPORATION, SOUTH BEND, IND.

Last serial No. for year:	
1919	2098
1929	4483
1935	4547

THE SIDNEY MACHINE TOOL CO., SIDNEY, OHIO

Last serial No. for year:	
1919	2637—Lot 220
1929	5532—Lot 160
1935	5974—Lot 160

SMALLEY-GENERAL CO., BAY CITY, MICH.

Last serial No. for year:	
1919	36
1929	342
1935	355

THE SMITH & MILLS CO., CINCINNATI, OHIO

Last serial No. for year:	
1919	9800
1929	11101
1935	11229

SOUTH BEND LATHE WORKS, SOUTH BEND, IND.

Last serial No. for year:	
1919	22156
1929	46492
1935	63838

THE SPRINGFIELD MACHINE TOOL CO., SPRINGFIELD, OHIO

	Last serial No. for year—		
	1919	1929	1935
14"	511	709	810
16"	823	993	1054
18" and 20"	691	901	969
24" and 27"		290	

STANDARD ENGINEERING WORKS, PAWTUCKET, R. I.

Last serial No. for year:	
1919	1345
1929	1918
1935	1984

STANDARD MACHINERY CO., PROVIDENCE, R. I.

	Last serial No. for year—		
	1919	1929	1935
Automatic Drop Hammer:			
½	182	215	
1	416	580	592
2	237	387	392
3	135	225	233
4	66	102	
5	94	154	161
8	28	43	
Plain Drop Hammers:			
½	123	141	
1	349	394	
1½	129		
2	66		
3	21		
3½	30		
5	143	156	
8	24		
Turks Heads (Friction Drive) Universal Type:			
2-U		127	150
3-U		330	345
4-U		20	32
5-U		51	57
Turks Heads (Friction Drive) Plain Type:			
2-P		128	152
3-P		329	331
4-P		21	
Power Presses:			
2-B	122		189
3-B	209	232	
4-B	122	133	
5-B	82	103	
6-B	16		
2-J	60	123	127
3-J	74	96	
4-J	61	68	
5-J			53
5-S		644	743
7-S	189	346	417
5-S Double Plunger			881
7-S Double Plunger			104

JOHN B. STEVENS, INC., NEW YORK CITY

	Last serial No. for year—		
	1919	1929	1935
No. 11 Plain Milling Machine	614		
No. 12 Plain Milling Machine	1081		
No. 13 Plain Milling Machine	2720	5002	
No. 13 Back Geared Machine	2753		
No. 14 Plain Milling Machine	574		
No. 15 Plain Milling Machine	569		
No. 2-A Plain Milling Machine	611		
No. 21 Plain Milling Machine	1941		
No. 21 Geared Milling Machine	1929		
No. 20 Vertical Milling Machine	225		
No. 22 Vertical Milling Machine	603		
No. 14 Vertical Spindle Miller	51		
No. 15 Vertical Spindle Miller	79		
No. 1 Duplex Milling Machine	76		
No. 1½ Duplex Milling Machine	106		
No. 2 Duplex Milling Machine	172		
No. 3 Duplex Milling Machine	160		
No. 00 Screw Machine	262	505	
No. 1 Screw Machine	1729	3002	
No. 2 Screw Machine	2103	3002	
No. 2½ Screw Machine	1782	5005	
No. 12½ Screw Machine	1780		
No. 1½ Universal Miller	2139		
No. 2 Universal Miller	1068		
No. 2-A Universal Miller	1045		
No. 3-A Universal Miller	112		
No. 00 Duple Drill		103	
No. 0 Duple Drill		202	
No. 1 Duple Drill		402	
No. 2 Duple Drill		502	
No. 11 Saving Machine		2005	
12" Hand Lathe		1071	

STORM MANUFACTURING CO., INC.

Model P—Manufactured from 1929 to 1932
Model D—Manufactured from 1931 to 1935.
Model DE—Manufactured from 1935 to 1942.

THE STREINE TOOL & MANUFACTURING CO., NEW BREMEN, OHIO

Last serial No. for year:	
1919	107
1929	785
1935	1009

SUNDSTRAND MACHINE TOOL CO., ROCKFORD, ILL.

	Last serial No. for year—		
	1919	1929	1935
"Rockford" Knee Type Millers (All Types)	3078	5047	
No. 1 Rockford Hand Millers	3201	5297	
No. 2 Rockford Hand Millers	3306	5253	
No. 3 Rockford Hand Millers	E-3161	E 5089	
Rockford Tool Room & Engine Lathes	A-1108	A-1211	
No. 3 Rockford Miller		4047	
Sundstrand 9" Mfg. Lathes	D-443	D-946	
Double End Lathes		102	
8" Sundstrand Stub Lathes		H-1218	
12" Sundstrand Stub Lathes		J-129	
6" Automatic Stub Lathe			
15" Sundstrand Automatic Lathes		N-163	
Model 8 Automatic Lathes			
Model 10 Automatic Lathes			
No. 3 Sundstrand Rigidmill		5302	
No. 5 Sundstrand Rigidmill		5105	
No. 3A Rigidmills			
Radius and Link Grinders		1041	
Three-Wheel Tool Grinders			
No. 53 Centering Machines		CM-756	
No. 56 Centering Machine			
Special Machines			

SUPERIOR MACHINE & ENGINEERING CO., DETROIT, MICH.

	Last serial No. for year—		
	1919	1929	1935
Milling	77	240	279
Slot Miller	36	76	102

TABOR MANUFACTURING CO., PHILADELPHIA PA.

Last serial No. for year:	
1919	17641
1929	19790
1935	20251

TAYLOR & FENN CO., HARTFORD, CONN.

	Last serial No. for year—		
	1919	1929	1935
20" Wet Tool Grinder	1700	2078	2084
Vertical Milling Machine	100	280	301
6" Duplex Spline Mill. Machine, Internal Bore Grinder	15	70	96
M6 Pl. Bearing Drill. Machine, Column Not Numbered		1741	1732
M6 Pl. Bearing Drill. Machine, Head Not Numbered			666
M66 Production Drill. Machine, Column		70	195
M66 Production Drill. Machine, Head		278	490
M60 High Speed Drill. Machine, Column			198
M60 High Speed Drill. Machine, Head			129

THOMAS MACHINE MANUFACTURING CO., PITTSBURGH, PA.

Last serial No. for year:	
1919	702
1929	4216
1935	4731

THOMPSON GRINDER CO., SPRINGFIELD, OHIO

Last serial No. for year:	
1919	229
1929	780
1935	A-4581

TOLEDO PIPE THREAD MACHINE CO., TOLEDO, OHIO

	Last serial No. for year—	
	1929	1935
No. 999	625	2174
No. 1-2-4		42
2-H-S		25
No. 1000-M. R. D. Rad.		21

TORRINGTON CO., TORRINGTON, CONN.

Last serial No. for year:	
1919	1477
1929	2209
1935	S-2382

UNITED STATES ELECTRICAL TOOL CO., CINCINNATI, OHIO

Last serial No. for year:	
1919	45280
1929	117981
1935	147246

VAN NORMAN MACHINE TOOL CO., SPRINGFIELD, MASS.

Last serial No. for year:	
1919	7479
1929	12599
1935	13221

VERSON ALLSTEEL PRESS CO., CHICAGO, ILL.

Last serial No. for year 1935	1691

V. & O. PRESS CO., INC., HUDSON, N.Y.

	Last serial No. for year—		
	1919	1929	1935
00	7710	770-13	770-17
0	7468	780-28	001-157
		(001-128	002-6
005		750-44	750-78
1	8081	670-1 to 11	0-125
		0-76	
01	8023	610-A to L	010-184
		610-1 to 21	
		010-117	
1W			010-W-2
1-2	7967	550-A to Q	100-289
		100-174	
		660-R to Y	
		660-1 to 20	
1W			1-W-1
1½	7558	560-A to J	150-264
		670-A to P	
		650-1 to 35	
		150-178	
2	8112	500-A to Y	200-236
		200-114	
		630-1 to 79	
2W	5721	2-W-5	2-W-17
2½	8176	530-A to 1	250-377
		530-1 to 24	
2½W	7294	250-202	25-W-18
		25-W-14	
3	8170	600-A to O	300-180
		600-1 to 37	
		300-115	
3W		3-W-1	3-W-3
3½		27812	35974
4		320-1 to 45	351-1154 to
		320-1 to 112	351-127
			352-1 to 26
		540-1 to 74	
		400-110	
4	7967	820-A to J	400-177
		820-1 to 28	
4W		4-W-2	4-W-4
4½	7757	600-10	402-1 to 12
		300-85	501-98
5W		5-W-9	5-W-11
5		850-30	551-14
6	8041	620-20	620-24
6½	6488		601-3
11	5945		32748

V. & O. PRESS CO., INC., HUDSON, N. Y.—Con.

	Last serial No. for year—		
	1919	1929	1935
12	7990		
12½		27661	32549
13	7532		33387
14	7346	25740	28532
15		23632	32547
20	8082	26809	28223
21	6626	210-8	210-8
22	7647	220-7	220-7
22½	7284	225-1	225-1
		22709	
23	8026	230-4	230-4
		23409	
23½		B-23½-S-42	B-23½-S-50
24	7295	240-1	240-1
31	7089	27379	
31½		27742	
41		720-13	720-67
42	7779	540-12	540-24
43			430-3
44			440-3
45			450-4
70	7411	701-1	701-6
71	7899	710-84	710-100
72	7431	740-14	740-24
73	6355	731-12	731-14
101	7357	760-8	760-8
102	7988	29081	31171
103	7561	25131	
104	7345	24863	
201	8051	570-3	970-34
		970-23	
201W		971	
202			
201½		980-3	980-33
		580-10	
201½W			981-1
202½			982-4
41N		41N-31	41N53
410			410-17

WESTERN MACHINE TOOL WORKS, HOLLAND, MICH.

	Last serial No. for year—		
	1919	1929	1935
Western Radial Drills	5965	E-11340-TB	E-11971-TB-D
Chard Lathes	1054, lot 25	1554, lot 30	4449, lot 102
Garvin Auto. Tappers:			
No. 2-X	1941	5371	5440
No. 1	1263	4307	4384
No. 2-RG	1740	6037	6052
No. 3-H			6501
Western High Speed Radials			HS-1011-D
Stepto Shaper		BB-40185-TB	A-40284-TB

WHITNEY METAL TOOL CO., ROCKFORD, ILL.

Last serial No. for year 1935	396

WICACO MACHINE CORPORATION, PHILADELPHIA, PA.

Last serial No. for year:	
1929	500-E-1
1935	500-H-11

WICKES BROS., SAGINAW, MICH.

	Last serial No. for year—		
	1919	1929	1935
36" Engine Lathe	37646	3234	
42" Engine Lathe	43153		
48" Engine Lathe		4024	
60" Engine Lathe		4784	
20" Engine Lathe	41034		
24" Engine Lathe	39639	31013	
26" Engine Lathe	38892	4033	
30" Engine Lathe	42044	36??	6216
32" Engine Lathe	39863	4072	

WILLIAMS TOOL CORPORATION, ERIE, PA.

Last serial No. for year:	
1919	3598
1929	6364
1935	37529

O. S. WALKER CO., WORCESTER, MASS.

	Last serial No. for year—		
	1919	1929	1935
Model DA Machine		58	68
Model DB Machine			9

WALSH PRESS AND DIE CO., CHICAGO, ILL.

Last serial No. for year:	
1919	1549
1929	2532
1935	2938

WARNER AND SWASEY CO., CLEVELAND, OHIO

Last serial No. for year:	
1919	149,999
1929	354,999
1935	415,000

WATERBURY FARREL FOUNDRY & MACHINERY CO., WATERBURY, CONN.

	Ser. No.
No. 40 Thread Roller, manufactured 1928	122
No. 4½-2A Pillar Type Press, manufactured 1916	46569
No. 33 W-F Double Stroke Solid Die Cold Bolt Header	83766-28
No. 10 Automatic Inclined Thread Roller, 1936	11568 881
No. 50 WOF Hand Thread Roller, Machine No. 76	86148
No. 3½ Solid Die Double Stroke Header, 1915	59798
No. 2 2½c capacity Crank Type Solid Die Single Stroke Header, 1912	30776-29
No. 2 Back geared Double Action Drawing Press—1927	85021

WATSON-STILLMAN CO., ROSELLE, N. J.

Last serial No. for year:	
1919	30,022
1929	45,527
1935	51,506

WILLIAMS, WHITE & CO., MOLINE, ILL.

Last serial No. for year:	
1919	8689
1929	C-522
1935	C-855

ZIH AND HAHNEMANN CO., NEWARK, N. J.

Last serial No. for year:	
1919	7723
1929	14229
1935	15971

ABRASIVE MACHINE TOOL CO., EAST PROVIDENCE, R. I.

GRINDERS

Type	Size	Price
No. 1½	10" x 17" x 12"	$975
No. 3½	8" x 24" x 12"	1,850
No. 34	Vertical spindle (8 x 24 x 12")	1,950
No. 5	14" x 48" x 14"	4,800
No. 6	14" x 60" x 14"	5,350

ACME MACHINE TOOL CO., CINCINNATI, OHIO

RAM TYPE TURRET LATHES (UNIVERSAL)

Model No.	Bar capacity	Length turret travel	Swing over vees	Weight bare machine (pounds)	Price arr. for motor drive	Extra 2" cap. auto. chuck, master collet, and power screw bar feed	Extra 2½" cap. auto. chuck, master collet, power screw bar feed
5R	2"	14"	20"	4,400	$4,040	$390	
6R	2¼"	14"	20"	4,550	4,440		$450

WAY TYPE TURRET LATHE (UNIVERSAL)

Model No.	Bar capacity	Swing over vees	Weight bare machine (pounds)	Price arranged for motor drive	Extra 2" cap. auto. chuck, master collet power screw bar feed	Extra 2½" cap. auto. chuck, master collet power screw bar feed
5W	2"	20"	4,450	$4,180	$385	
6W	2½"	20"	4,650	4,675		$440

SADDLE TYPE TURRET LATHES (UNIVERSAL)

Model No.	Bar capacity round	Swing over vees	Swing over cross slide	Weight	Price arranged for motor drive	Extra for cross sliding hollow hexagon turret	Extra 2' bed	Extra 3' bed
	Inches	*Inches*		*Pounds*				
Fixed center hollow hexagon turret:								
1	2½	20		6,750	$5,785		$500	$630
1-S-25"	2½	20		7,160	6,635	$595	500	630
2	3½	30		6,750	6,125		500	630
3-S	4½	30½		9,600	8,525	800	625	875
3-S-28"	4½	30		10,000	9,215	800	625	875
Cross sliding hollow hexagon turret:								
1	2½	20	14	6,750	6,290		500	630
2	3½	20	14	6,750	6,720		500	630

Models discontinued Jan. 27, 1940

RAM TYPE UNIVERSAL TURRET LATHE

	Weight	Price
Model 4R—18" swing, arranged for motor drive	*Pounds* 4,210	$3,300

$350 extra for 1¼" capacity automatic chuck, master collet, and power screw bar feed.

SADDLE TYPE TURRET LATHES

Model	Weight	Price
Fixed center hollow hexagon turret:	*Pounds*	
3	8,600	$6,725
17 and 4½"	8,600	7,525
Cross sliding hollow hexagon turret:		
3	8,600	7,180
17 and 4½"	8,600	8,250

UNIVERSAL BRASS LATHE

	Weight	Price
21" full universal geared head monitor turret lathe with setover turret. Taper attachment and bed-type chasing attachment; arranged for motor drive	*Pounds* 5,000	$3,960

$405 extra for 1¼" capacity automatic chuck, master collet, bar feed, stock support, and operating mechanism.

ACME MACHINERY DIVISION (THE HILL-ACME CO.), CLEVELAND, OHIO

ACME SINGLE BOLT CUTTERS—CLASS A

[Fitted with special adjustment hobbed type dieheads]

Size	Price of machine only	Add for cap dies (carbon steel) Number sets	Add for cap dies (carbon steel) Price	Add for nut taps (carbon steel) Number	Add for nut taps (carbon steel) Price	Add for tap chuck	Price of machine complete	Extra for— Power feed attachment	Extra for— Lead screw	Extra for— Motor drive arrangement without motor: Constant speed	Extra for— Motor drive arrangement without motor: Variable speed
½"	$620	5	$47.50				$667.50				
1"	770	7	66.50	7	$10.00	$23.00	869.50	$127	$36.50	$350	$225
1¼"	795	8	76.00	8	16.00	24.25	912.15	127	36.50	350	225
1½"	820	9	85.50	9	27.25	24.25	957.00	127	36.50	350	225
2"	1,075	11	126.50	11	48.75	33.00	1,283.25	145	46.00	425	275
2½"	1,600	13	175.50	13	137.40	42.50	1,955.40	165	57.00	425	275
3"	1,920	13	201.50	13	241.00	55.00	2,417.50	230	60.00	475	300
3½"	2,035	15	232.50	15	380.00	55.00	2,702.50	230	60.00	475	300
4"	2,460	13	247.00	(1)	(1)	69.50	2,776.50	265	72.00	625	360
5"	2,580	15	315.00	(1)	(1)	75.00	2,920.00	265	72.00	625	360
6"	2,875	17	391.00	(1)	(1)	82.50	3,348.50	265	72.00	625	360

1 No taps included.

SPECIFICATIONS

Size	Detail sizes of cap dies furnished in regular equipment: Number sets	Sizes (inches)	Weights: Gross pounds	Weights: Net pounds	Motor Req.: Size	Motor Req.: Approximate speed
½"	5	¼ to ½ by 16ths	1,250	950	1 hp.	1,200
¾"	7	¼ to 1 by 8ths	1,800	1,400	2 hp.	1,200
1"	8	⅜ to 1¼ by 8ths	2,100	1,750	3 hp.	1,200
1¼"	9	½ to 1½ by 8ths	2,300	1,850	3 hp.	1,200
1½"	11	½ to 1¾ by 8ths, 1¾, 2	3,200	2,600	5 hp.	1,200
2"	13	¾ to 2 by 8ths, 2¼, 2½	4,000	3,400	7½ hp.	1,200
2½"	13	1 to 2 by 8ths, 2¼, 2½, 2¾, 3	4,700	4,100	7½ hp.	1,200
3"	15	1 to 2 by 8ths, 2¼ to 3½ by 4ths	4,900	4,200	7½ hp.	1,200
3½"	13	1¼ to 2 by 8ths, 2¼ to 4 by 4ths	7,200	6,000	10 hp.	1,200
4"	15	1½ to 2 by 8ths, 2¼ to 4 by 4ths, 4½, 5	7,200	6,200	10 hp.	1,200
5"	15	1½ to 2 by 8ths, 2¼ to 4 by 4ths, 4½, 5	8,300	7,300	10 hp.	1,200
6"	17	2 to 6 by 4ths				

ACME DOUBLE BOLT CUTTERS—CLASS A

[Fitted with special adjustment hobbed dieheads]

Size	Price machine only	Add for cap dies carbon steel Number sets	Add for cap dies carbon steel Price	Add for nut taps carbon steel Number	Add for nut taps carbon steel Price	Add for tap chuck	Price of machine complete	Extra for— Power feed attach	Extra for— Lead screw	Extra for— Motor drive arrangement without motor: Constant speed	Extra for— Motor drive arrangement without motor: Variable speed
½"	$940	10	$95.00				$1,035.00				
1"	1,380	12	114.00	7	$10.00	$23.00	1,527.00	$254	$73	$350	$225
1¼"	1,435	13	123.50	8	16.90	24.25	1,599.65	254	73	350	225
1½"	1,570	14	133.00	9	27.25	24.25	1,754.50	254	73	350	225
2"	1,975	20	230.00	11	48.75	33.00	2,286.75	290	92	425	275
2½"	2,425	21	324.00	13	137.40	42.50	2,928.90	330	114	535	275
3"	3,325	No Dies or Taps Included in Reg. Equip.					3,325.00	460	120	535	360

SPECIFICATIONS

Size	Detail sizes of cap dies furnished in regular equipment: Number sets	Sizes (inches)	Weight: Gross pounds	Weight: Net pounds	Motor requirements: Size	Motor requirements: Approximate speed
½"	10	2 each ¼ to ½ by 16ths	1,800	1,550	2 hp.	1,200
1"	12	2 each ¼ to ¾ by 8ths 1 each ⅞, 1	2,750	2,300	3 hp.	1,200
1¼"	13	2 each, ⅜ to ⅞ by 8ths. 1 each 1 to 1¼ by 4ths	3,600	2,800	5 hp.	1,200
1½"	14	2 each ½ to 1 by 8ths 1 each 1⅛ to 1½ by 8ths.	3,800	3,200	5 hp.	1,200
2"	20	2 each ½ to 1½ by 8ths 1 each 1¾, 2.	4,900	4,300	7½ hp.	1,200
2½"	24	2 each ¾ to 2 by 8ths 1 each 2¼, 2½.	6,500	5,700	10 hp.	1,200
3"	No dies incl. in reg. equip't		8,300	7,200	10 hp.	1,200

ACME TRIPLE BOLT CUTTERS—CLASS A

[Fitted with special adjustment hobbed die heads]

Taps and Tap Chuck not furnished with these machines unless ordered

Size	Price machine only	Add for cap dies carbon steel		Price of machine complete	Extra for— Power feed attachment	Extra for— Lead screw	Extra for— Motor drive arrangement without motor: Constant speed	Extra for— Motor drive arrangement without motor: Variable speed
1"	$2,900.00	6	$57.00	$2,057.00	$381.00	$109.50	$425.00	$275.00
1½"	2,350.00	9	85.50	2,435.50	381.00	109.50	425.00	275.00
2"	2,975.00	11	126.50	3,101.50	435.00	138.00	550.00	275.00

SPECIFICATIONS

Size	Detail sizes of cap dies furnished in regular equipment: Number sets	size (inches)	Weights: Gross pounds	Weights: Net pounds	Motor requirement: Size	Motor requirement: Approximate speed
1"	6	1 each ⅜ to 1 by 8ths	3,250	2,850	5 hp	1,200
1½"	9	1 each ½ to 1½ by 8ths	4,400	3,900	7½ hp	1,200
2"	11	1 each ½ to 1½ by 8ths, 1¾, 2	6,500	5,800	10 hp	1,200

ACME QUADRUPLE BOLT CUTTERS—CLASS A

Fitted with special adjustment hobbed type die heads]

Of any standard pitches within range of machine

Size	Price machine only	Add for cap dies carbon steel		Price of machine complete	Extra for— Power feed attachment	Extra for— Lead screw	Extra for— Motor drive arrangement with out motor: Constant speed	Extra for— Motor drive arrangement with out motor: Variable speed
1"	$2,625	8	$76.00	$2,701	$508	$146	$425	$275
1½"	3,000	8	76.00	3,076	508	146	500	275

Regular equipment consists of the machine fitted with diehead, pump, countershaft and automatic attachment and necessary wrenches.

Regular equipment of dies consist of carbon steel cap dies for cutting U. S. S. sharp V, Whitworth or metric threads of sizes listed on reverse side of page.

Above machines can be equipped with tangent dieheads at a slight additional cost.

Dies for cutting special threads—Advance 50 percent over prices listed for standard dies.

For price of high speed steel dies—see sheet 21-D.

For price of extra dies and caps—see sheet 21-D.

SPECIFICATIONS

Size	Detail sizes of cap dies furnished in regular equipment: Number sets	Size (inches)	Weights: Gross pounds	Weights: Net pounds	Motor requirement: Size	Motor requirement: Approximate speed
1"	8	Of any standard pitches within range of machine.	5,200	4,400	7½ hp	1,200
1½"	8	Of any standard pitches within range of machine.	6,700	5,800	10 hp	1,200

ACME SINGLE STAYBOLT CUTTER—CLASS A

[Fitted with acme hobbed type die heads]

Size	Price of machine only	Add for cap dies, carbon steel		Add for nut taps		Add for tap chuck	Price of machine complete	Extra for—			
		Number sets	Price	Number	Price			Power feed attachment	Lead screw	Motor drive arrangement without motor	
										Constant speed	Variable speed
1¼"—4 spindle	$1,085	9	$85.50	9	$27.25	$24.25	$1,222.00	$127	$48	$350	$225

ACME DOUBLE STAYBOLT CUTTER—CLASS A

[Fitted with acme hobbed type die heads]

1¼"—4 spindle	$1,762	14	$133.00	9	$27.25	$24.25	$1,946.50	$254	$96	$350	$225

Taper threading attachment applied to staybolt cutters, net $250 per spindle.

ACME SINGLE BOLT CUTTERS—CLASS B

[Fitted with acme hobbed type die heads]

1"	$550	6	$57.60	6	$9.64	$23.00	$639.54	Class "B" machines are not equipped with power feed attachment or arranged for motor drive.
1¼"	575	8	76.00	8	16.90	24.25	692.15	
1½"	625	9	85.50	9	27.25	24.25	762.00	

ACME LONG BED BOLT CUTTERS

[Fitted with acme hobbed type die heads]

Size	Price of machine with—			Add for carbon cap dies per set	Add for U. S. cap dies per set	Add for lead screws			Extra for motor drive arrangement without motor	
	8' bed	10' bed	12' bed			8' bed	10' bed	12' bed	Constant speed	Variable speed
2"	$1,600	$1,675		$11.50	$19.25	$71.50	$93.50		$425	$275
2½"		2,100	$2,175	13.50	25.00		110.00	$137.50	425	275
3"		2,425	2,600	15.50	34.00		110.00	137.50	485	350
3½"		2,525	2,650	15.50	34.00		110.00	137.50	485	350
4"		2,850	3,000	19.00	48.00		110.00	137.50	625	350
5"		3,050	3,160	21.00	49.00		110.00	137.50	625	350
6"		3,300	3,450	23.00	50.00		110.00	137.50	625	350

Regular equipment consists of the machine fitted with die head, pump, countershaft, and automatic attachment and necessary wrenches.

Class B machines are equipped with oil reservoir in place of oil pump.

Long-bed machines are equipped with power feed attachment.

Regular equipment of dies consist of carbon steel cap dies for cutting U. S. S. sharp V, Whitworth or metric threads of sizes listed on reverse side of page.

Above machines can be equipped with tangent die heads at a slight additional cost.

ACME HAND NUT TAPPERS

Size machine	Price machine only	Add for tapper taps U. S. S., sharp V, Whitworth or metric			Add for ring sockets		Price machine complete	Add for motor drive without motor	Deduct for pump if required not
		Number	Sizes (inches)	Length	Price	Number	Price		
½"—4 spindle	$630	4	1 ea. ¼, 5/16, ⅜, ½	12"	$3.70	4	$55.00	$688.70	$230	$16
½"—6 spindle	1,075	6	2 ea. ¼ to ½ by 8ths	12"	5.70	6	82.50	1,163.20	230	16
1"—4 spindle	1,060	6	1 ea. ⅜ to 1 by 8ths	12"	11.35	6	99.00	1,170.35	230	16
1"—6 spindle	1,350	6	1 ea. ⅜ to 1 by 8ths	12"	11.35	6	99.00	1,460.35	300	16
1½"—4 spindle	1,280	9	1 ea. ½ to 1½ by 8ths	15"	34.00	9	180.00	1,491.00	300	20
1½"—6 spindle	1,730	9	1 ea. ½ to 1½ by 8ths	15"	34.00	9	180.00	1,944.00	300	20
2"—4 spindle	1,675	11	1 ea. ½ to 1½ by 8ths, 1¾, 2	15"	56.00	11	242.00	1,973.00	385	20
2"—6 spindle	1,900	11	1 ea. ½ to 1½ by 8ths, 1¾, 2	15"	56.00	11	242.00	2,198.00	385	20

ACME SEMIAUTOMATIC NUT TAPPERS

½"—6 spindle	$1,760	6	½"	12"	$6.90	6	[1]$210.00	$1,976.90	$230	$16
¾"—6 spindle	1,950	6	¾"	15"	12.60	6	99.00	2,061.60	230	16
1"—6 spindle	2,400	6	1"	15"	21.90	6	99.00	2,520.90	440	16
1½"—6 spindle	3,250	6	1"	15"	21.90	6	120.00	3,391.90	440	20
1½"—8 spindle	4,250	8	1"	15"	29.20	8	160.00	4,439.20	440	20
1½"—10 spindle	5,300	10	1"	15"	36.50	10	200.00	5,536.50	760	20
2"—6 spindle	4,785	6	1"	15"	21.90	6	132.00	4,938.90	550	20

[1] One-half inch semiautomatic tappers are equipped with special adjustable quick acting chucks to accommodate straight shank taps ½" and smaller, 12" long over-all. ¾" semiautomatic tappers may also be equipped in this manner at a slight additional cost, but ring sockets are provided for the larger sizes of taps.

ACME DOUBLE-REVERSING NUT TAPPERS

Size	Capacity hex and square nuts	Price of machine with regular equipment	Add for motor drive attachment without motor	Size motor required (variable speed)	Specifications, regular equipment
½"	½" nuts and smaller	$1,900	$230	2 hp.	Machine complete with pump, countershaft, wrenches, and automatic attachment.
1"	1" nuts and smaller	2,000	230	3 hp.	
1½"	1½" nuts and smaller	2,400	230	5 hp.	
2"	2" nuts and smaller	2,950	300	7½ hp.	

ACME HAND NUT BURRING MACHINES

1"	1" nuts and smaller	$420	$145	3 hp.	Machine complete with countershaft, wrenches, 3 cutter blades, 9 pilots and adjustable nut holder.
1½"	1½" nuts and smaller	475	145	5 hp.	

ACME SINGLE SPINDLE SEMI-AUTOMATIC NUT BURRING MACHINES

1"	1" nuts and smaller	$2,050	$215	3 hp.	Machine complete with countershaft, wrenches, 1 set cutter blades, 5 sets of adjusting strips, 5 nut pilots.
1½"	1½" nuts and smaller	2,175	215	3 hp.	
2"	2" nuts and smaller	2,275	290	5 hp.	

ACME DOUBLE SPINDLE SEMI-AUTOMATIC NUT BURRING MACHINES

¾"	¾" nuts and smaller	$2,250	$215	3 hp.	Machine complete with countershaft, wrenches, 2 sets cutter blades, 10 sets of adjusting strips, 10 nut pilots.
1"	1" nuts and smaller	2,900	215	3 hp.	
1½"	1½" nuts and smaller	3,400	215	3 hp.	
2"	2" nuts and smaller	3,650	290	5 hp.	

ACME BOLT POINTERS

Size	Equipment			Price machine complete	Specifications
½"	5 sets cutting tools	Carbon steel	1 each ¼" to ½" by 16ths	$420	Each machine is complete with pump, countershaft and necessary wrenches.
1"	6 sets cutting tools	Carbon steel	1 each ⅜" to 1" by 8ths	560	
1½"	9 sets cutting tools	Carbon steel	1 each ½" to 1½" by 8ths	645	
2"	11 sets cutting tools	Carbon steel	1 each ½" to 1½" by 8ths, 1¾, 2"	765	

ACME MODEL XN HEADING, UPSETTING, AND FORGING MACHINES

[Fitted with silent clutch]

Size machine	Price	Motor required		Allowance for—			Add for—	
		Size (hp.)	Speed (r. p. m.)	Lubricating system	Motor drive attachment	Sample dies	Jib crane without hoist	Rivet attachment
1"	$8,950	10	1,200	$200	$125	$150.00	----------	$275
1¼"	10,800	10	1,200	200	160	187.50	----------	275
1½"	12,680	15	1,200	250	210	225.00	----------	300
2"	16,485	20	1,200	275	230	300.00	----------	325
2½"	19,850	25	1,200	300	235	375.00	$400	----------
3"	25,870	30	1,200	350	250	450.00	350	----------
4"	38,150	50	1,200	350	----------	600.00	400	----------
5"	50,250	60	1,200	400	----------	750.00	425	----------
6"	72,500	75	1,200	400	----------	(1)	430	(2)
	76,125	75	1,200	400	----------	(1)	430	(2)

[1] Not included.
[2] 18" stroke standard.
[3] 20" stroke special.

Motor specifications High torque, high slip, continuous rating, constant speed motors required for all sizes model XN machines.

Note: 1½" machines and smaller are equipped with side shear. 2" machines and smaller can be equipped with rivet attachment if desired.

Specifications: Regular equipment—centralized pressure feed lubrication system, motor-driven with adjustable time cycle operating with main motor. Vertical automatic relief device, cushion drive, one set sample dies (see note). Machine arranged for motor drive through multiple "V" belt, without motor.

Specifications

Size machine	Capacity	Net weight	Strokes of machine (per minute)	Floor space
1"	1" and smaller	14,000	90	4'8" x 8'9".
1¼"	1¼" and smaller	19,150	85	
1½"	1½" and smaller	27,150	75	5'4" x 10'3".
2"	2" and smaller	40,600	65	6'0" x 11'6".
2½"	2½" and smaller	57,000	55	6'5" x 13'9".
3"	3" and smaller	80,500	45	6'6" x 15'0".
4"	4" and smaller	160,000	35	7'8" x 18'0".
5"	5" and smaller	190,000	30	8'8" x 19'3".
6"	6" and smaller	255,000	27	

ACME "ALL STEEL" HAMMER BOLT MACHINES

Size	Capacity	Price of machine with regular equipment	Add for motor-drive attachment without motor	Motor required		Specifications for machine with regular equipment
				Size (hp.)	Approximate speed	
½"	½" diameter and smaller	$3,300	$580	5	1,200	Complete with countershaft, necessary wrenches, and one set of sample tools.
¾"	¾" diameter and smaller	4,350	660	7½	1,200	
1"	1" diameter and smaller	8,675	725	10	1,200	

SPECIFICATIONS

Size	Gross weight	Net weight	Floor space	Speed machine (r. p. m.)	Width of belt
½"	4,200	3,500	5'2" x 3'3½"	120	4"
¾"	6,100	5,300	5'11" x 3'9"	110	4"
1"	8,500	7,600	7'0" x 4'7"	100	5"

ACME "ALL STEEL" HOT PRESSED NUT MACHINES

Size	Capacity	Price of machine with regular equipment	Add for motor-drive attachment without motor	Motor required		Specifications for machine with regular equipment
				Size (hp.)	Approximate spee..	
⅜"	⅜" to ⅜"	$5,150	$660	7½	1,200	Complete with necessary wrenches and set of sample tools. (No countershaft is necessary on this machine.) For making square or hexagon nuts.
1"	½" to 1"	7,600	695	10	1,200	
1½"	¾" to 1½"	10,560	880	15	900	
2"	1" to 2"	14,450	910	20	800	

SPECIFICATIONS

Size	Gross weight	Net weight	Floor space	Speed machine (r. p. m.)	Width of belt
⅜"	10,000	9,000	7'6" x 5'0"	90	5"
1"	17,000	15,600	9'6" x 6'0"	75	6"
1½"	25,000	23,300	11'6" x 6'7½"	60	6"
2"	32,500	30,400	13'10" x 7'1"	45	7"

ACME "ALL STEEL" HOT FORGED NUT MACHINES

Size	Capacity	Price machine complete	Regular equipment
⅜"	⅛" to ⅜"	$2,650	Complete with countershaft wrenches and one set of sample tools. This machine is used for making square nuts only.
½"	5/16" to ½"	3,700	
¾"	⅜" to ¾"	4,750	
1"	½" to 1"	6,200	

SPECIFICATIONS

Size	Gross weight	Net weight	Floor space	Speed machine (r. p. m.)	Width of belt
3/4"	2,600	2,070	3'8" x 3'6"	120	4"
1"	5,200	4,350	4'8" x 4'4"	85	4"
1½"	6,600	5,000	5'1" x 5'4"	75	5"
1"	8,000	7,500	5'10" x 6'2"	60	6"

ADAMS CO., DUBUQUE, IOWA

GEAR HOBBERS AND THREAD MILLERS

Machine size	For gear diameter up to—	Maximum distance between centers	Net weight current (pounds)	Current price
Gear hobber and thread miller:				
5	10"	48"	6,125	$5,550
6	10"	24"	5,325	5,075
Manufacturing hobber:				
5M	8"	48"	6,125	5,550
6M	8"	24"	5,325	5,075

GEAR HOBBERS—DISCONTINUED MODELS

Model No.	Net weight when discontinued (pounds)	Price when discontinued
#1	1,250	$1,200
#2	2,500	2,200
#3	4,000	2,500
#4	4,100	2,800

AIRCRAFT MACHINERY CORPORATION, BURBANK, CALIF.

Armor Universal Turret Milling Machine, $1,800, weight 1,485 pounds.

AJAX MANUFACTURING CO., EUCLID BRANCH POST OFFICE, CLEVELAND, OHIO

UPSETTING FORGING MACHINE

Size	Weight	Price	Extra	
	Pounds			
1"	17,000	$9,650	With side shear	Add $135
			With back stop	Add 150
			With rivet attached	Add 500
			Without dies	Allow 150
			Without toolholder	Allow 100
1½"	26,000	12,600	With side shear	Add 185
			With back stop	Add 200
			With rivet attached	Add 500
			Without dies	Allow 225
			Without toolholder	Allow 150
2"	37,000	16,750	With side shear	Add 225
			With back stop	Add 250
			With rivet attached	Add 600
			With shell dies and tools	Add 850
			Without dies	Allow 300
			Without toolholder	Allow 200
2½"	47,000	20,000	With side shear	Add 250
			With back stop	Add 300
			With rivet attached	Add 600
			With compressor on header slide	Add 700
			With shell dies and tools	Add 975
			Without dies	Allow 375
			Without toolholder	Allow 250
3"	85,000	26,400	With side shear	Add 300
			With back stop	Add 375
			With compressor on header slide	Add 725
			With shell dies and tools	Add 1,100
			Without dies	Allow 450
			Without toolholder	Allow 300

AJAX MANUFACTURING CO., EUCLID BRANCH POST OFFICE, CLEVELAND, OHIO—Continued

UPSETTING FORGING MACHINE—continued

Size	Weight	Price	Extra	
	Pounds			
4"	134,000	$38,000	With side shear	Add $350
			With back stop	Add 450
			With compressor on header slide	Add 750
			With shell dies and tools	Add 1,000
			Without dies	Allow 600
			Without toolholder	Allow 400
5"	190,000	51,000	With side shear	Add 400
			With back stop	Add 600
			With compressor on header slide	Add 800
			With shell dies and tools	Add 2,100
			Without dies	Allow 750
			Without toolholder	Allow 500
6"	260,000	73,500	With side shear	Add 450
			With back stop	Add 750
			With compressor on header slide	Add 800
			With shell dies and tools	Add 3,100
			Without dies	Allow 900
			Without toolholder	Allow 600
7"	375,000	99,200	With side shear	Add 500
			With back stop	Add 900
			With compressor on header slide	Add 1,000
			With shell dies and tools	Add 4,150
			Without dies	Allow 1,050
			Without toolholder	Allow 700
8"		123,600	With compressor on header slide	Add 1,000
			With shell dies and tools	Add 5,200
			Without dies	Allow 1,600
			Without toolholder	Allow 800

SOLID DIE FORGING MACHINE

Size: 3" $29,800

Motors not included. Extra, long stroke plus 2½%. Extra long stroke and bed plus 10% f. o. b. Cleveland, Ohio. Extra charge for cross tie clamp and extra die height is (inches of extra die height plus 2) x $100 x size of machine.

FORGING PRESSES

Size	
5-C standard speed	$13,800
5-C high speed	14,600
7-C standard speed	18,500
7-C high speed	19,500
10-C standard speed	24,400
10-C high speed	25,600
13-C standard speed	32,700
13-C high speed	34,300
16-C standard speed	45,400
16-C high speed	47,800
20-C standard speed	68,000
20-C high speed	70,800
25-C high speed	80,600

Motors, bolsters, and dies not included, f. o. b., Cleveland, Ohio.

FORGING ROLLS

Size		
No. 0—Spring leaf		$5,150
With air clutch and brake	Add	$1,500
With side shear	Add	150
With horizontal front press	Add	1,500
With vertical side press	Add	900
No. 0—Standard		5,265
With air clutch and brake	Add	$1,500
With side shear	Add	150
With horizontal front press	Add	1,500
With vertical side press	Add	900

Motors not included, f. o. b., Cleveland, Ohio.

FORGING ROLLS—continued

Size		
No. 1		$7,400
With air clutch and brakes	Add	$2,000
With side shear	Add	250
No. 2		8,900
With air clutch and brake	Add	2,500
With side shear	Add	350
No. 3		13,100
With air clutch and brake	Add	3,000
With side shear	Add	500
No. 5		39,200
Air clutch and brake and side shear included.		
No. 6		62,650
Air clutch and side shear included.		

Motors not included, f. o. b., Cleveland, Ohio.

CRANKSHAFT TWISTERS

Size	
No. 1	$9,500
No. 2	19,250
No. 3	26,000

Motors not included, f. o. b., Cleveland, Ohio.

HOT SAWING BURRING MACHINES

Size	
No. 2	$3,220
No. 3	3,850

f. o. b., Cleveland, Ohio.

ALBANY HARDWARE SPECIALT MFG. CO., ALBANY, WIS.

12" high speed friction tool-room drill plain belt drive	$175
Motor drive, without motor or electrical equipment	190

CHAS. G. ALLEN CO., BARRE, MASS.

NO. 2 BELTED SPINDLE

[Type B—hand feed, 8" 12" and 15" overhang—tight and loose pulley drive]

Number of spindles	1	2	3	4	5	6	2 on 3	3 on 5
Price:								
8" overhang	$410	$680	$990	$1,280	$1,570	$1,860	$740	$1,110
12" overhang	440	725	1,050	1,355	1,660	1,965	800	1,200
15" overhang	470	790	1,150	1,490	1,830	2,170	900	1,370

NOS. 2 AND 2½ MOTOR SPINDLE—DIRECT OR BACK GEARED

[Type MS—hand feed. Type MSPF—power feed. Type MSCF—cam feed. Type MST—Reversing motor tapper—hand controlled—semiautomatic—automatic one to six spindles—8", 12", and 15" overhang. No. 2 has ¾" capacity sliding head and spindle assembly. No. 2½ has 1¼" capacity sliding head and spindle assembly]

Number of spindles	1	2	3	4	5	6	2 on 3	3 on 5
Price:								
8" overhang—No. 2 MS	$600	$1,070	$1,545	$2,015	$2,485	$2,960	$1,220	$1,835
12" overhang—No. 2 MS	640	1,140	1,640	2,135	2,635	3,135	1,305	1,965
15" overhang—No. 2 MS	675	1,210	1,750	2,285	2,825	3,395	1,405	2,135
Motor driven coolant system including pump, tank, piping, and nozzles	125	135	145	155	165	175	145	165

NO. 3 BELTED SPINDLE DIRECT OR BACK GEARED

[Type C—hand feed. Type CPF—power feed. Type CCF—cam feed. 1 to 6 spindles—12" overhang only—1¼" capacity]

Number of spindles	Type C hand feed							
	1	2	3	4	5	6	2 on 3	3 on 5
Price—clutch pulley belt drive	$800	$1,415	$2,035	$2,705	$3,325	$3,945	$1,660	$2,575
Coolant system including pump, tank, piping and nozzles	65	80	95	110	125	140	95	125
V-Belt motor drive to back shaft including belts, sheaves and guards; exclusive of motor and starter but includes attaching and wiring same	80	80	100	100	120	120	100	120

NO. 2 KH V-BELT VERTICAL MOTOR DRIVE

[Fractional horsepower. 9 speeds. Hand feed only. 1 to 6 Spindles—7" and 12" overhang—⅞" capacity]

Number of spindles	Type KH—Hand feed only							
	1	2	3	4	5	6	2 on 3	3 on 5
Price:								
7" overhang	$420	$760	$1,100	$1,440	$1,780	$2,120	$820	$1,220
12" overhang	450	815	1,180	1,545	1,910	2,275	890	1,330
Motor-driven coolant system including pump, tank, piping and nozzles	125	135	145	155	165	175	145	165
Each standard T-slot in table	15	18	21	24	27	30	21	27

Prices as given above cover 1½ h. p. standard ball bearing motor, and switch, mounted and wired on each top column, and include "A" section V-belts, sheaves and guard to provide 9 spindle speeds in 1 of 4 ranges. (1) 170—260—390—515—735—1120—1690—2390—3500; (2) 330—440—580—750—1050—1475—1820—2350—3350; (3) 500—660—870—1150—1560—1950—2580—3510—4800; (4) 770—1000—1270—1575—1840—2380—3020—3760—4360

CHAS. G. ALLEN CO., BARRE, MASS.—Continued

SUPER SPEED MACHINES—V-BELT VERTICAL MOTOR DRIVE TO SPINDLE

[Hand feed, power feed, cam feed, reversing spindle tapper. Each spindle equipped with ½ hp. ball bearing motor and switch attached and wired 1 to 6 spindles—8" and 12" overhang—⅜" capacity]

Number of spindles	Type HMD drill—hand feed only—4 spindle speeds 1250—1895—3125—4960							
	1	2	3	4	5	6	2 on 3	3 on 5
Bench type—price:								
8" overhang	$310	$610	$910	$1,210	$1,510	$1,810	$670	$1,030
12" overhang	340	655	970	1,285	1,600	1,915	720	1,100
Floor type—price:								
8" overhang	400	720	1,040	1,360	1,680	2,000	800	1,200
12" overhang	430	775	1,120	1,465	1,810	2,155	870	1,310
Each standard T slot in table	15	18	21	24	27	30	21	27
Motor driven coolant system including pump, tank, piping and nozzles (floor type only)	125	135	145	155	165	175	145	165

NO. 2 V-BELT VERTICAL MOTOR DRIVE

[Type VB—hand feed. Type VPF—power feed. Type VCF—cam feed. Type VT—tapper—mechanical reverse—semiautomatic. Type VTH—tapper—mechanical reverse—hand controlled. Type VMT—reversing motor tapper—hand controlled—semiautomatic—automatic 1 to 6 spindles—8", 12", and 15" overhang—¾" capacity]

Number of spindles	Type VB—hand feed							
	1	2	3	4	5	6	2 on 3	3 on 5
Price:								
8" overhang	$410	$680	$990	$1,280	$1,570	$1,860	$760	$1,110
12" overhang	440	725	1,050	1,358	1,660	1,965	810	1,180
15" overhang	470	790	1,150	1,490	1,830	2,170	900	1,330
Motor-driven coolant system including pump, tank, piping and nozzles	125	135	145	155	165	175	145	165
Each standard T-slot in table	15	18	21	24	27	30	21	27

NO. 2 AND NO. 2½ HEAVY DUTY V-BELT VERTICAL—MOTOR DRIVE—DIRECT OR BACK GEARED

[Type MSV—hand feed. Type MSVP—power feed. Type MSVC—cam feed. Type MSVT—reversing motor tapper—hand controlled—semiautomatic—automatic 1 to 6 spindles—8", 12", and 15" overhang. No. 2 has ¾" capacity sliding head and spindle assembly. No. 2½ has 1¼" capacity sliding head and spindle assembly]

Number of spindles	1	2	3	4	5	6	2 on 3	3 on 5
Price:								
8" overhang—No. 2 MSV	$500	$870	$1,245	$1,615	$1,985	$2,360	$1,020	$1,535
12" overhang—No. 2 MSV	540	940	1,340	1,735	2,135	2,535	1,105	1,665
15" overhang—No. 2 MSV	575	1,010	1,450	1,885	2,325	2,965	1,205	1,835
Motor-driven coolant system including pump, tank, piping and nozzles	125	135	145	155	165	175	145	165
Standard T-slot in table	15	18	21	24	27	30	21	27

NO. 3 B-BELT VERTICAL MOTOR DRIVE—DIRECT OR BACK GEARED

[Type VC—hand feed. Type VCPF—power feed. Type VCCF—cam feed. Type VCT—reversing motor tapper—semiautomatic—automatic 1 to 6 spindles—12" overhang only—1¼" capacity]

Number of spindles	Type VC—hand feed							
	1	2	3	4	5	6	2 on 3	3 on 5
Price	$800	$1,415	$2,035	$2,705	$3,325	$3,945	$1,635	$2,525
Motor driven coolant system including pump, tank, piping and nozzles	125	135	145	155	165	175	145	165

AMERICAN BROACH & MACHINE CO., ANN ARBOR, MICH.

SEMIAUTOMATIC VP (VERTICAL PULL) BROACHING MACHINES

Machine No.	Net weight	List price
	Pounds	
VP-3 10-30	9, 660	$6, 580
VP-4 15-36	14, 440	7, 850
VP-4 20-36	15, 020	9, 275
VP-5 15-48	16, 720	8, 175
VP-5 20-48	17, 010	9, 675
Ring Gear Broaching Machine	8, 500	5, 685

THREE-WAY UNIVERSAL PULL PUSH AND SURFACE BROACHING MACHINES

T-4-24 3-way Broaching Machine	4, 100	$2, 485
T-6-24 3-way Broaching Machine	4, 300	2, 940
T-8-24 3-way Broaching Machine	4, 600	3, 270
T-6-36 3-way Broaching Machine	6, 900	4, 820
T-10-36 3-way Broaching Machine	7, 750	5, 440
1-10-36 3-way Broaching Machine	9, 150	6, 580

STRAIGHTENING PRESSES

15-ton Straightening Press	3, 500	$1, 800
25-ton Straightening Press	5, 500	2, 365
35-ton Straightening Press	6, 500	2, 580
50-ton Straightening Press	11, 000	2, 955

HYDRAULIC PRESSES

V-O (1-ton) bench type with pedestal	605	$575
V-1 (2-ton)	1, 400	700
V-1½ (4-ton)	1, 800	925
V-2 (6-ton)	3, 350	1, 200
V-2 (12-ton)	3, 550	1, 545
V-2 (8-ton) built with adjustable guide ways	3, 475	1, 795

HORNING TYPE PRESSES

2-ton with table	2, 300	$1, 025
4-ton with table	2, 500	1, 105
6-ton with table	3, 750	1, 675
12-ton with table	4, 350	1, 980

SINGLE SURFACE BROACHING MACHINES

Machine No.	Net weight	List price
	Pounds	
SB-30-3-ton capacity	4, 800	$4, 840
SB-48-3-ton capacity	5, 800	5, 335
SB-42-5-ton capacity	8, 400	5, 850
SB-54-5-ton capacity	10, 800	6, 275
SB-42-10-ton capacity	10, 900	6, 545
SB-54-10-ton capacity	11, 200	6, 940
SB-48-15-ton capacity	11, 200	8, 180
SB-66-15-ton capacity	14, 800	9, 175
SB-48-25-ton capacity	13, 200	10, 795
SB-66-25-ton capacity	17, 300	12, 200

SINGLE-DUAL SURFACE BROACHING MACHINES

SB-30-3-2	6, 300	$5, 520
SB-48-3-2	9, 300	6, 135
SB-42-5-2	9, 400	6, 705
SB-54-5-2	11, 800	7, 250
SB-42-10-2	12, 400	7, 880
SB-54-10-2	13, 300	8, 140
SB-48-15-2	16, 800	9, 400
SB-66-15-2	18, 800	10, 650
SB-48-25-2	19, 300	12, 375
SB-66-25-2	22, 800	14, 150

DUPLEX HYDRAULIC SURFACE BROACHING MACHINES

SHD-30-3-ton capacity	7, 400	$7, 220
SHD-48-3-ton capacity	8, 800	7, 995
SHD-42-5-ton capacity	12, 710	8, 845
SHD-54-5-ton capacity	16, 300	9, 425
SHD-42-10-ton capacity	14, 580	9, 810
SHD-54-10-ton capacity	17, 280	10, 400
SHD-48-15-ton capacity	24, 980	12, 260
SHD-66-15-ton capacity	31, 400	13, 750
SHD-48-25-ton capacity	29, 480	16, 180
SHD-66-25-ton capacity	38, 400	18, 285

AMERICAN BROACH & MACHINE CO., ANN ARBOR, MICH.—Continued

H-TYPE, HORIZONTAL HYDRAULIC BROACHING MACHINES

Machine No.	Net weight	List price
	Pounds	
H-2-30	2, 500	$1, 540
H-6-36 and outer support table with carriage	4, 050	2, 935
H-6-48 and outer support table with rear broach carriage	5, 100	3, 455
H-10-48 and outer support table with broach carriage	5, 400	3, 775
H-15-60 and outer support table with rear broach carriage	8, 500	4, 585
H-20-60 and outer support table with rear broach carriage	9, 000	5, 725
H-30-66 outer support table with rear broach carriage and automatic front support	13, 500	7, 320
36-inch rotary surface broaching machine	15, 400	7, 680
16-inch rotary surface broaching machine with pedestal	5, 500	3, 490

AMERICAN CHAIN & CABLE CO., BRIDGEPORT, CONN.

Prices and specifications—Campbell nibbling machines

[All prices are net f. o. b. Bridgeport, Conn.]

NO. 0 NIBBLING MACHINE

3/32" capacity ..... 8" throat

SPECIFICATIONS

(Furnished only with direct motor drive. Be sure to specify current. Standard motor is single phase A. C.]

Equipment includes circle cutting attachment, 1 doz. punches (double end), 3 dies, wrenches, ¼ H. P. G. E. motor, starting switch, and ten-foot extension cord with plug.

PRICES

Bench type	$175.00
Legs, extra	20.00
3 phase motor, extra	20.00
25 cycle on D. C.	10.00
Punches, patented (doz.)	3.50
Dies (doz.)	2.50

NO. 1 NIBBLING MACHINE

3/16" capacity ..... 6" throat

SPECIFICATIONS

Equipment includes circle cutting attachment, 1 doz. punches (double end), 1 each sizes "A", "B", and "C" dies, wrenches.

PRICES

Belt drive type	$275
Motor drive type add additional as follows:	
3 phase, 60 cycle, 110, 220, or 440 volts, A. C	95
115 or 230 volts, D. C	105
Single phase, 60 cycle, 110 or 220 volts, A. C. (Motor drive includes 1 hp. G. E. motor, motor bracket, starting switch or rheostat, belt and motor pulley.)	120

All prices subject to change without notice.

NO. 1-A NIBBLING MACHINE

3/16" capacity ..... 10" throat

PRICES

Belt drive type	$350
Motor drive, add additional as follows:	
3 phase, 60 cycle, 110, 220, or 440 volts, A. C	95
115 or 230 volts, D. C	105
Single phase, 60 cycle, 110 or 220 volts, A. C. (Motor drive includes 1 hp. G. E. motor, motor bracket, starting switch or rheostat, belt and motor pulley. Completely wired and mounted.)	120
Motor bracket only (quickly assembled on belt drive type. No machining required)	20

NO. 1-B NIBBLING MACHINE

3/16" capacity ..... 24" throat

AMERICAN CHAIN & CABLE CO., BRIDGEPORT, CONN.—Continued

PRICES

Belt drive type	$350
Motor drive, add additional as follows:	
3 phase, 60 cycle, 110, 220, or 440 volts, A. C	100
115 or 230 volts, D. C	110
Single phase, 60 cycle, 110 or 220 volts, A. C. (Motor drive includes 1 hp. G. E. motor, motor bracket, starting switch or rheostat, belt and motor pulley. Completely wired and mounted.)	125
Motor bracket only (quickly assembled on belt drive type. No machining required)	25

All prices subject to change without notice.

All prices are Net F. O. B. Bridgeport, Conn.

NO. 2 NIBBLING MACHINE

3/8" capacity ..... 12" throat

SPECIFICATIONS

Equipment includes circle cutting attachment, 1 doz. punches (double end), 3 dies, wrenches.

PRICES

Belt drive type	$675
Motor drive, add additional as follows:	
3 phase, 60 cycle, 110, 220, or 440 volts, A. C	150
115 or 230 volts, D. C	170
Single phase, 60 cycle, 110 or 220 volts, A. C. (Motor drive includes 1½ hp. G. E. motor, motor bracket, starting switch or rheostat, belt and motor pulley. Completely wired and mounted.)	180
Motor bracket only (quickly assembled on belt drive. No machining required)	30

NO. 2-B NIBBLING MACHINE

3/4" capacity ..... 30" throat

SPECIFICATIONS

Equipment includes circle cutting attachment, 1 doz. punches (double end 2), dies, wrenches.

PRICES

Belt drive type	$1, 200
Motor drive, add additional as follows:	
3 phase, 60 cycle, 110 or 220 volts, A. C	150
115 or 230 volts, D. C	240
Single phase, 60 cycle, 110 or 220 volts, A. C. (Motor drive includes 3 hp. G. E. motor, motor bracket, starting switch or rheostat, belt and motor pulley. Completely wired and mounted.)	210
Motor bracket only (quickly assembled on belt drive. No machining required)	30

NO. 3-B NIBBLING MACHINE

¾" capacity ..... 30" throat

PRICE

Belt drive type $1, 500

SPECIFICATIONS

Equipment included circle cutting attachment 1 dozen 7/16" punches, double end. 1 dozen ¾" punches, double end. Three 7/16" dies. Three, ¾" dies. One ⅜" collet. One 7/16" collet. French curve and wrenches All prices subject to change without notice.

NO. 250 NIBBLING MACHINE

Capacity ¼"—Mild Steel ..... 30" throat

3/16"—Corrosion-resisting steel.

Equipment includes: circle cutting attachment—1 dozen ¼" punches—1 each A. B. & C. plain dies—1 each ¾" A. B. & C. line-cutting dies—1 dozen 9/32" punches for ¼" stock—1 only 9/64" plain die.

Price of #250 Campbell nibbling machine without electrical equipment $1, 200

PRICES OF ELECTRICAL EQUIPMENT

Electrical characteristics	Hp.	Motor data: Bearings	Motor data: Type	R. p. m.	Frame	Switch	Push button station	Total price electrical equip. incl.
110 volt-220 volt, 1 ph., 60 cyl., A. C	2	Ball	SCR	1, 200	254	CR7006	CR2940	
Price			$126			$30	$2	$158
110 volt-220 volt, 1 ph., 50 cyl., A. C	2	Ball	SCR	1, 000	254	CR7006	CR2940	
Price			$126			$30	$2	158
110 volt-220 volt, 440 volt-550 volt, 60 cyl., 3 ph.	2	Ball	K	1, 200	225	CR7006	CR2940	
Price			$59			$16	$2	[1]
110 volt-220 volt, 440 volt-550 volt, 50 cyl., 3 ph.	2	Ball	K	1, 000	225	CR7006	CR2940	
Price			$60			$16	$2	[1]
110 volt-220 volt, 440 volt-550 volt, 25 cyl., 3 ph., A. C.	2	Ball	K	1, 500	225	CR7006	CR2940	
Price			$93			$16	$2	111
15 volt-230 volt, D. C	2	Ball with drip covers	R	1, 200	225	CR1003		
Price			$138			$20		15

Mounting charge if customer supplies his own motor $20

All prices subject to change without notice.

[1] Identical in 2-B and 3-B Campbell nibbling machines.

AMERICAN CHAIN & CABLE CO., BRIDGEPORT, CONN.—Continued

NO. 0 CAMPBELL TOOL GRIP CUTTER

All items such as special drive or special mounting, where required, are included in machine price.

Prices quoted stand firm for a period of 30 days only after which orders will be accepted at prices prevailing at the time of shipment.

When customer desires to furnish own electrical equipment, same must agree in all general dimensions with equipment specified on electrical equipment list and must be sent, freight paid, to our factory at Bridgeport, Conn., for mounting.

Electrical characteristics	Price of machine without electrical equipment	Motor data: Hp.	Motor data: Bearings	Motor data: Type	Motor data: R. p. m.	Motor data: Frame	Motor data: Base	Switch	Price with elec. trical equipment
110 or 220 volt, single ph. 60 cyl. A. C., 1,800 r. p. m., 1 Hp.		1	Ball	SCR	1,800	204	204	CR1062	
Price	$325			$41			$8	$6.50	$378.50
220 or 440 volt, 3 ph. 60 cyl. A. C., 1,800 r. p. m. 1½ hp.		1½	Ball	K	1,800	224	224	CR1062	
Price	$325			$46			$8	$7.50	$384.50

Mounting charge for customer's electrical equipment—$15.

THE AMERICAN TOOL WORKS CO., CINCINNATI, OHIO

Condensed "American" lathe price list

FACEMAKER

Size	Center distance	Weight	Price
		Pounds	
14 inches	30 inches	5, 360	$3, 360
Add for 2 feet of bed		120	
16 inches	30 inches	5, 400	3, 840
Add for 2 feet of bed		470	125
18 inches	30 inches	8, 200	4, 100
Add for 2 feet of bed		500	145
20 inches	48 inches	8, 500	5, 200
Add for 2 feet of bed		600	180
22 inches	48 inches	9, 200	5, 510
Add for 2 feet of bed		600	194

HIGH DUTY

24 inches	48 inches	11, 500	$7, 150
Add for 2 feet of bed		688	250
27 inches	48 inches	11, 700	7, 525
Add for 2 feet of bed		688	270
30 inches	60 inches	17, 500	9, 260
Add for 2 feet of bed		1, 000	345
36 inches	60 inches	18, 000	10, 110
Add for 2 feet of bed		1, 092	360

SUPER-PRODUCTIVE

38 inches	60 inches	28, 600	$12, 320
Add for 2 feet of bed		1, 954	450
42 inches	60 inches	29, 054	13, 470
Add for 2 feet of bed		30, 000	14, 000
48 inches	60 inches	1, 956	500
Add for 2 feet of bed			

THE AMERICAN TOOL WORKS CO., CINCINNATI, OHIO—Continued

Condensed "American" radial prices

Size	Weight	Price
	Pounds	
9 SPEEDS [1]		
9-inch column:		
3 foot	5, 600	$3, 240
4 foot	5, 750	3, 430
12 SPEEDS [1]		
9-inch column:		
3 foot	5, 650	3, 690
4 foot	5, 850	3, 780
12 SPEEDS [1]		
11-inch column:		
4 foot	8, 000	4, 800
5 foot	8, 600	5, 100
6 foot	9, 400	5, 400
32 SPEEDS	10, 000	5, 700
13-inch column:		
4 foot	13, 300	6, 998
5 foot	13, 900	7, 300
15-inch column:		
4 foot	14, 900	8, 025
5 foot	15, 700	8, 333
6 foot	16, 500	8, 675
17-inch column:		
5 foot	18, 700	9, 550
6 foot	19, 635	9, 945
7 foot	20, 670	10, 360

[1] These prices include electrical equipment.

AMERICAN CHAIN & CABLE CO., BRIDGEPORT, CONN.—Continued

NO. 20 CAMPBELL DRY ABRASIVE CUTTING MACHINE

Electrical characteristics	Price of machine without electrical equipment	Electrical equipment: Motor data: Hp.	Bearings	Type	R. p. m.	Frame	Main switch	Push button station	Pump switch	Thrustor switch	Hyd. motor switch	Price with electrical equipment
220 volt 3 ph. 60 cyl. A. C.		7½	Ball	KF	3, 600	254	CR7006	CR2940	CR1062			
Price	$932			$97			$30	$2	$6.50	$7.50		$1, 068.50

Mounting charge for customer's electrical equipment—$20.

NO. 203 CAMPBELL WET ABRASIVE CUTTING MACHINE

220 volt 3 ph. 60 cyl. A. C.		7½	Ball	KF	3, 600	254	CR7006	CR2940	CR1062	CR1062		
Price	$1, 179			$97			$30	$2	$7.50	$7.50		$1, 322.00

Mounting charge for customer's electrical equipment—$20.

NO. 212 CAMPBELL WET ABRASIVE CUTTING MACHINE

220 volt 3 ph. 60 cyl. A. C.		7½	Ball	KF	3, 600	254	CR7006	CR2940	CR1062	CR1062		
Price	$1, 179			$97			$30	$2	$7.50	$7.50		$1, 315.50

Mounting charge for customer's electrical equipment—$20.

NO. 213 CAMPBELL WET ABRASIVE CUTTING MACHINE

Electrical characteristics	Price of machine without electrical equipment	Electrical equipment: Motor data: Hp.	Bearings	Type	R. p. m.	Frame	Main switch	Push button station	Pump switch	Thrustor switch	Hyd. motor switch	Price with electrical equipment
220 volt 3 ph. 60 cyl. A. C.		7½	Ball	KF	3, 600	254	CR7006	CR2940	CR1062			
Price	$1, 351			$97			$30	$2	$6.50	$7.50		$1, 494.00

Mounting charge for customer's electrical equipment—$20.

NO. 302 CAMPBELL HORIZONTAL WET ABRASIVE CUTTING MACHINE

220 volt, 3 ph. 60 cyl. A. C.		7½	Ball	KF	1, 800	284	CR7006	CR2940		CR1062	CR1062	
Price	$2, 254			$97			$30	$2		$7.50	$6.50	$2, 392.00

Mounting charge for customer's electrical equipment—$25.

NO. 401 CAMPBELL CUTAMATIC WET ABRASIVE CUTTING MACHINE

220 volt, 3 ph. 60 cyl. A. C.		15	Ball	KF	1, 800	326	CR7006	CR2940		CR1062		
Price	$3, 163			$111			$30	$2		$7.50	$7.50	$3, 351.00

Mounting charge for customer's electrical equipment—$35.

B. C. AMES CO. WALTHAM, MASS.—Continued

AMES BENCH LATHES AND ATTACHMENTS

	Lathe No. 3	Lathe No. 3	Lathe No. EH3
Collet capacity	5/8"	1"	1"
Swing over bed	8 3/8"	8 3/8"	8 3/8"
Length of bed	36"	36"	36"
Distance between centers, maximum	17 1/4"	16 1/4"	17 1/2"
All Ames lathe beds have back T slots.			
Ames ball bearing open head bench lathe No. 3, including slotted bed for thread chasing attachment, hold-down bolt, nut and washer, open headstock with preloaded ball bearings; drawback spindle and hand wheel; center chuck, drive plate and center, tailstock and center	$325	$340	-------
Ames ball bearing enclosed head bench lathe No. EH3, including slotted bed for thread chasing attachment, holddown bolt, nut and washer, enclosed headstock with preloaded ball bearings, double V belts; drawback spindle and hand wheel; center chuck, drive plate and center, tailstock and center	-------	-------	$425
ATTACHMENTS			
Slide rest, compound, complete with tool post	140	140	140
Slide rest, double for forming and cutting off	175	175	175
Slide rest, rack and pinion	(1)	(1)	(1)
DRIVING EQUIPMENT			
Bench, ABJ-1000, 60" long, 30" wide, 36" high, with wood top, steel drawer, jackshaft underneath drive; cone pulley driving flat belt to open headstock; 220 or 440 volt, 60 cycle, 3 phase, two-speed reversing motor and drum switch,[2] wired and assembled	200	200	-------
Bench, ABJ-2000, 60" long, 30" wide, 36" high, with wood top, steel drawer, 6-speed ball bearing jackshaft with clutch and brake, 220 or 440 volt, 3 phase, 60 cycle reversing motor with drum switch,[2] wired and assembled	300	300	-------
Bench, AH-1000, 60" long, 30" wide, 33 3/4" high, with wood top, steel drawer, 6-speed gear transmission; 220 or 440 volt, 60 cycle, 3 phase reversing motor and drum switch,[2] wired and assembled	425	425	-------
Bench, AEH-1000, 60" long, 30" wide, 36" high, 2 1/4" thick, with wood top, collet and chuck board, light; variable drive with manual speed control and 220 or 440 volt, 3 phase, 60 cycle, 1/2 hp. reversing motor and drum switch,[2] push button control and magnetic line starter, wired and assembled	-------	-------	465
Bench, AEH-2000, 60" long, 30" wide, 36 1/4" high, 2 1/4" thick, with wood top, collet and chuck board, steel drawer, light; 8-speed ball bearing jackshaft with clutch and brake; 220 or 440 volt, 60 cycle, 3 phase, reversing motor with drum switch,[2] wired and assembled	-------	-------	440
Countershaft, two-speed, ball bearing with treadles	45	45	-------
Countershaft, three-speed, ball bearing with treadles	50	50	-------

[1] Price on application.
[2] Motors and controls of different specifications. Prices on application.

AMES BENCH MILLING MACHINES AND ATTACHMENTS

Ames bench milling machine, with regular equipment including overarm cutter head of 5/8" collet capacity and draw-in spindle; indexing head of 5/8" collet capacity and tailstock; swivel vise with graduated base; 1/2" cutter arbor; necessary wrenches $1,315

Ames bench milling machine, as above, with overarm cutter head of 1" collet capacity and indexing head of 1" collet capacity 1,370

Weight of bench milling machine, approximately 325 pounds.

ATTACHMENTS

Cutter head, with overarm, 5/8" capacity	$60
Cutter head, with overarm 1" collet capacity	265
Cutter head, vertical spindle, 5/8" collet capacity	300
Cutter head, vertical spindle, 1" collet capacity	335
Indexing head, with draw-in spindle, drive plate and center, 5/8" collet capacity	280
Indexing head, as above, 1" collet capacity	300
Vise, swivel with graduated base	95

DRIVING EQUIPMENT

Bench, CB-1000, 32" long, 30" wide, 26 1/4" high, wood top, steel legs; six-speed gear transmission; 1/2 hp. reversible motor of 220, 440, or 550 volts, 60 cycle, 3-phase, with switch, endless belts; completely wired and assembled	$375
Cast iron floor stand, CB-2000, 30" long, 25" wide, 28 1/2" high, six-speed gear transmission, 1/2 hp. motor of 220, 440, or 550 volts, 60 cycle, 3-phase, with switch, endless belts; completely wired and assembled	550
Gear transmission, six speeds	265

RHODES SHAPERS, SLOTTERS, AND ATTACHMENTS

Rhodes 7" horizontal shaper, motor driven, with swivel knee, swivel vise, wrenches, belts, and wiring; complete	565
Rhodes 31/2" vertical slotter, motor driven, with swivel knee, plain rotary table, in and out table, wrenches, belts, and wiring complete	700

B. C. AMES CO., WALTHAM, MASS.—Continued

RHODES SHAPERS, SLOTTERS, AND ATTACHMENTS—continued

Rhodes combination shaper and slotter, motor driven, with swivel knee, swivel vise, plain rotary table, in and out table, wrenches, belts, and wiring; complete	$845

Above prices include 1/2 hp., 3-phase motors of either 220, 440, or 550 volts, and switches. Prices of machines with motors and switches of different specifications quoted on request.

Additional charge for export boxing $10 net.

SEPARATE ATTACHMENT PRICES

Plain rotary table	96
Indexing rotary table with 3 index plates	145
In and out table	45
Horizontal shaper ram assembly, complete	95
Vertical slotter attachment, complete	175
Swivel vise with wrench	50

MAX AMS MACHINE CO., BRIDGEPORT, CONN.

DOUBLE SEAMERS

Model No.	Price
No. 131-B	$50
No. 172	109
No. 168-C	358
No. 98-C	630
No. 8-R	790
No. 248	2,575
No. 835-A	3,975
Model description:	
No. 751 mould liner	180
No. 5-B thread roller	583
No. 92 thread roller	1,099
No. 126-B press	656
No. 321 h. press	973
No. 134 inclinable press	864
No. 6-S power former	165
No. 5-C flanger	353

ARMSTRONG-BLUM MFG. CO., 5700 BLOOMINGDALE AVENUE, CHICAGO, ILL.

MARVEL HACK SAWING MACHINES NOS. 1 AND 2

[Prices and weights: Resale prices net list f. o. b. Chicago, cash terms, 2 percent 10th prox., net thereafter. Capacity: No. 1 saw, 4" x 4"; No. 2 saw, 6" x 6" on long stroke, 8" x 8" on short stroke]

	No. 1 saw 4" x 4"		No. 2 saw 8" x 8"	
	Shipping wt. crated	Price f. o. b. Chicago	Shipping wt. crated	Price f. o. b. Chicago
	Pounds		*Pounds*	
Belt driven	140	$46	300	$79
Motor driven complete including motor:				
A. C. 110- or 220-volt, 60- or 50-cycle, single phase	225	90	450	185
A. C. 110- or 220-volt, 25- or 30-cycle, single-phase	235	97	450	192
D. C. 115- or 230-volt, direct current	225	94	450	187
A. C. 220- or 440-volt, 60- or 50-cycle, 3-phase	225	93	450	187
A. C. 220- or 440-volt, 25- or 30-cycle, 3-phase	235	98	450	192
Portable truck, extra	50	15	50	15

ARMSTRONG-BLUM MFG. CO., 5700 BLOOMINGDALE AVENUE, CHICAGO, ILL.—Continued

MARVEL METAL BAND SAW NO. 8

[Prices and weights: Cash terms, 1 percent 10 days, net 30 days, resale prices net list f. o. b. Chicago]

	No. 8 band saw 18" x 15"	
	Shipping wt. crated	Price f. o. b. Chicago
STANDARD 3-SPEED MACHINES		
(Unless otherwise specified, standard 3-speed machines will always be quoted and furnished, providing 3-blade speeds of 80, 115, 200 blade-feet per minute by means of 3-step cone pulleys on all machines.)		
Belt driven	*Pounds* 2,125	$1,025
Motor driven, complete including motor:		
A. C. 110, 220, 440, 550 volt; 1, 2, or 3 phase, 60 or 50 cycle	2,280	1,165
A. C. 110, 220, 440, 550 volt; 1, 2, or 3 phase, 25 or 30 cycle	2,280	1,193
D. C. 115 or 230 volt, direct current	2,280	1,228
Arranged for motor drive without motor:		
For A. C. motors only, any voltage, any frequency	2,140	1,120
For D. C. 115 or 230 volt motors only	2,140	1,142
SPECIAL 6-SPEED MOTOR DRIVEN MACHINES		
(Special 6-speed motor-driven machines are available, equipped with special 2-speed double-winding "Louis Allis" motor, providing 6 blade speeds (through 3-step cone pulleys on all machines) of 40, 58, 80, 100, 115, 200 blade-feet per minute at following prices:)		
Motor driven, complete including special 2-speed motor:		
A. C. 220 volt, 3 phase, 60 cycle	2,310	1,227
A. C. 440 or 550 volt, 3 phase, 60 cycle	2,310	1,227
(Special 6-speed machines are very desirable for installations in tool rooms and tool-steel stock rooms, as they provide slower-than-standard blade speeds often desired when cutting exceptionally hard materials such as high-carbon high-chrome die steel, treated die steels, stainless steels, etc., without sacrifice of the regular standard high speeds desired for softer alloy and mild steel work.)		
SPECIAL ACCESSORIES		
Special guide roller holders and special rollers to guide the blade at right angles to its normal position or crosswise to the table, for making long cuts through sheets or plates, etc., by hand feeding the stock	40	55
Marvel cutting oil, for use on all Marvel sawing machines, furnished in 5-gallon pails only	40	5
		Per 5-gal. pail
Marvel band saw blades, 14'8" x 3/4" x 0.032" x 6, 8, 10, 12, 14, 18, 24 teeth per inch (12 teeth per inch is standard)	2	2.90
		each
(Resale price, band-saw blades only, following quantity discounts from list price of $2.90 each. Quantities 1 to 11 blades, 15 percent; 12 to 47 blades, 20 percent; 48 or more blades, 25 percent.)		

ARMSTRONG-BLUM MFG. CO., 5700 BLOOMINGDALE AVENUE, CHICAGO, Ill.—Continued

MARVEL HIGH-SPEED LIGHT-DUTY HACK SAWING MACHINE NO. 4B

[Prices and weights: Resale prices net list f. o. b. Chicago, cash terms, 1 percent 10 days, 30 days net.]

	No. 4B saw 6" x 6"	
	Shipping wt. crated	Price f. o. b. Chicago
BELT DRIVEN		
Single speed (without transmission), belt driven, open-leg base	*Pounds* 590	$242
With 4-speed transmission, belt driven cabinet base	1,090	395
MOTOR DRIVEN, COMPLETE INCLUDING STANDARD SINGLE-SPEED SLEEVE BEARING MOTOR		
Single speed (without transmission), with motor, open-leg base:		
60 or 50 cycle, 220, 440, 550 volt, 3 or 2 phase	850	361
25 or 30 cycle, 220, 440, 550 volt, 3 phase	870	381
Direct current, 115 or 230 volt	870	435
With 4-speed transmission, with motor, cabinet base:		
60 or 50 cycle, 220, 440, 550 volt, 3 or 2 phase	1,350	514
25 or 30 cycle, 220, 440 volt, 3 phase	1,370	534
Direct current, 115 or 230 volt	1,370	588
SPECIAL 2-SPEED MOTOR DRIVEN MACHINE		
2-speed, 60 cycle, 220 volt, 3 phase, with motor, open-leg base	900	401
2-speed, 60 cycle, 440 or 550 volt, 3 phase, with motor, open-leg base	900	401

ARMSTRONG-BLUM MFG. CO., 5700 BLOOMINGDALE AVENUE, CHICAGO, ILL.—Continued

MARVEL HIGH-SPEED LIGHT-DUTY HACK SAWING MACHINE NO. 4B—continued

[Prices and weights: Resale prices net list f. o. b. Chicago, cash terms, 1 percent 10 days, 30 days net.]

	No. 4B saw 6" x 6"	
	Shipping wt. crated	Price f. o. b. Chicago
BASIC AND ACCESSORY PRICES		
(When customer does not specify accessories desired, such as transmission, motor, etc., quote following basic and accessory prices which agree exactly with above complete price.)		
Belt driven, single speed, open-leg base, without transmission (basic price)	*Pounds* 590	$242
4-speed ball bearing transmission, including cabinet base, extra	500	153
Motor drive arrangement, without motor, but including automatic motor starter, push button, and limit switch for automatic stop; including mounting and wiring if we furnish the motor; but if customer furnishes his own motor and sends to us, an additional charge of $15 will be made for mounting and wiring:		
For A. C. motors only, extra	165	75
For D. C. 115- or 230-volt motors, only, extra	165	97
Standard motor only, 1 hp. sleeve bearing, 1,200 r. p. m., 220, 440, 550 volt, 60 or 50 cycle, 2 or 3 phase, extra	95	44
(Motors for any other circuit will be furnished at General Electric Co.'s current list price.)		
Special 2-speed motor only, sleeve bearing, 1 hp. at 1,200 r. p. m. 1/2 hp. at 600 r. p. m., including 2-speed switch to provide 2-blade speeds of 140, 75 strokes per minute:		
220 volt, 60 cycle, 3 phase, extra	145	84
440 or 550 volt, 60 cycle, 3 phase extra	145	84
Cabinet base (instead of open-leg base) extra	300	25

ARMSTRONG-BLUM MFG. CO., 700 BLOOMINGDALE AVENUE, CHICAGO, ILL.—Continued

MARVEL HIGH SPEED HEAVY DUTY BACK SAWING MACHINES—continued

	No. 9 saw 10″ x 10″		No. 9A saw 10″ x 10″	
	Shipping weight	Price f. o. b. Chicago	Shipping weight	Price f. o. b. Chicago
	Pounds		*Pounds*	
BELT DRIVES				
Single speed (without transmission), belt driven	1,470	$853	2,150	$1,153
With 4-speed transmission, belt driven	1,720	981	2,380	1,281
MOTOR DRIVEN, COMPLETE INCLUDING MOTOR				
Single speed (without transmission), with motor:				
60 or 50 cycle, 220, 440, 550 volt, 3 or 2 phase	1,750	$990	2,400	1,293
25 or 30 cycle, 220, 440, 550 volt, 3 phase	1,750	1,024	2,400	1,324
Direct current, 115 or 230 volt	1,750	1,083	2,460	1,385
With 4-speed transmission, with motor:				
60 or 50 cycle, 220, 440, 550 volt, 3 or 2 phase	1,950	1,118	2,600	1,418
25 or 30 cycle, 220, 440, 550 volt, 3 phase	1,950	1,151	2,600	1,451
Direct current, 115 or 230 volt	1,950	1,213	2,660	1,513
BASIC AND ACCESSORY PRICES				
(When customer does not specify accessories desired, such as transmission, motor, etc., quote following basic and accessory prices which agree exactly with above complete prices.)				
Belt driven, single speed, without transmission (basic price)	1,470	$853	2,150	1,153
4-speed ball-bearing transmission, extra	200	128	200	128
Motor-drive arrangement, without motor, but including automatic starter, push-button station, and limit switch for automatic stop. $15 additional charge for mounting and wiring motor if customer furnishes motor.				
For A. C. motors only, extra	200	75	200	75
For D. C. 115 or 230-volt motors only, extra	200	97	200	97
Motor only, 1½ h. p. for Nos. 9 and 9A; ball bearing, 1,200 r. p. m., 220, 440, 550 volt, 60 or 50 cycle, 2 or 3 phase, extra	100	62	100	62
SPECIAL EQUIPMENT				
New style heavy-duty bar push-up, 12 ft. long			435	150
Additional 8 ft. track			255	17
Stock stands and track equipment, including 4 stands, 2 rollers, 2 traveling vises, and 2 track bars 12 ft. long (extra for No. 9, included with No. 9A)	630	125	inc.	inc.
1 pair special nest clamps and quick action toggle gauge, for holding and end-gauging a nest of small bars, extra	20	20	20	20
Special blade holder for 14″ blades, extra	3	6	3	6

ARMSTRONG-BLUM MFG. CO., 700 BLOOMINGDALE AVENUE, CHICAGO, ILL.—Continued

MARVEL HIGH SPEED HEAVY DUTY BACK SAWING MACHINES

[Prices and weights Regale prices net list f. o. b. Chicago, cash terms, 1 percent 10 days, net 30 days]

	No. 6 saw 6″ x 6″		No. 6A saw 6″ x 6″	
	Shipping weight crated	Price f. o. b. Chicago	Shipping weight crated	Price f. o. b. Chicago
	Pounds		*Pounds*	
BELT DRIVES				
Single-speed (without transmission), belt driven	1,200	$533	1,600	$783
With 4-speed transmission, belt driven	1,500	661	1,850	911
MOTOR DRIVEN, COMPLETE INCLUDING MOTOR				
Single-speed (without transmission), with motor:				
60 or 50 cycle, 220, 440, 550 volt, 3 or 2 phase	1,550	664	1,850	914
25 or 30 cycle, 220, 440, 550 volt, 3 phase	1,550	696	1,850	946
Direct current, 115 or 230 volt	1,550	746	1,850	996
With 4-speed transmission, with motor:				
60 or 50 cycle, 220, 440, 550 volt, 3 or 2 phase	1,750	792	2,050	1,042
25 or 30 cycle, 220, 440, 550 volt, 3 phase	1,750	815	2,050	1,098
Direct current, 115 or 230 volt	1,750	874	2,050	1,124
BASIC AND ACCESSORY PRICES				
(When customer does not specify accessories desired, such as transmission, motor, etc., quote following basic and accessory prices which agree exactly with above complete prices.)				
Belt driven, single-speed, without transmission (basic price)	1,200	533	1,600	783
4-speed ball-bearing transmission, extra	300	128	200	128
Motor-drive arrangement, without motor, but including automatic starter, push-button station, and limit switch for automatic stop. $15 additional charge for mounting and wiring motor if customer furnishes motor.				
For A. C. motors only, extra	200	75	200	75
For D. C. 115 or 230-volt motors only, extra	200	97	200	97
Motor only, 1½ h. p. for Nos. 6 and 6A, ball bearing, 1,200 r. p. m., 220, 440, 550 volt, 60 or 50 cycle, 2 or 3 phase, extra	100	66	100	66
SPECIAL EQUIPMENT				
New style heavy duty bar push-up 12 ft. long			435	135
Additional 8 ft. track			255	17
Stock stands and track equipment, including 4 stands, 2 rollers, 2 traveling vises, and 2 track bars 12 ft. long (extra for No. 6, included with No. 6A)	300	90	inc.	inc.
One pair special nest clamps and quick action toggle gauge, for holding and end-gauging a nest of small bars, extra	20	20	20	20
Special blade holder for 12″ blades, extra	3	5	3	5

ARTER GRINDING MACHINE CO, WORCESTER, MASS.

		Weight pounds	Price
A-1-8″	Rotary surface grinder	2,950	$2,925
A-1-12″	do	3,050	3,265
A-3-12″	do	4,100	3,840
A-3-16″	do	4,350	4,150
B-20″	do	7,600	7,670
B-30″	do	8,400	8,260
B-48″	do	9,700	9,760
C-12″	do	5,800	6,180
C-16″	do	6,000	6,350
D-12″	do	5,000	4,500
2-B	Automatic piston ring grinder	2,800	3,275

Above prices are for machines arranged for motor drive but without motor or starting equipment.

AUTOMATIC MACHINERY MFG. CORP., BRIDGEPORT, CONN.

Description	*Price*
Coulter diamond tool boring machine:	
"B-10"	$2,800
A-121	4,250
Coulter open side shaper planer:	
Crank type P-10	3,610
Crank type P-12	3,860
Hydraulic type PH-10	3,610
Hydraulic type PH-12	3,875
Hydraulic type PH-14	4,180

AUTOMATIC MACHINERY MFG. CORP., BRIDGEPORT, CONN.—Continued

Description	*Price*
13″ LE enclosed head automatic threading lathe, size:	
6′	$3,995
8′	4,340
10′	4,595
12′	5,050
14′	5,500
16′	5,975
18′	6,450
20′	6,950
U6 HOB thread milling:	
14″ x 16″	4,725
14″ x 20″	5,175
14″ x 40″	5,400
14″ x 60″	5,575
A-140 horizontal variable speed profile and cam milling	8,250
12E is single spindle hand profile milling	
H. P. hand profiling and vertical milling	
SL-2 scroll cutting lathe	5,675

AUTOMETRIC MACHINE TOOL COMPANY, BERKELEY, CALIF.

	Weight (pounds)	Base price
Autometric Universal Jig Boring, Lay-out, and Inspection Machine	2,700	$4,325
Automatic Horizontal Universal Precision Boring Machine	2,600	4,090

THE AVEY DRILLING MACHINE CO., CINCINNATI, OHIO

BELTED-AVEY—COLUMN TYPE

Size	Overhang	1-spindle	2-spindle	3-spindle	4-spindle	6-spindle
	Inches					
No. 1½	6¼	$350	$615	$880	$1,145	$1,675
No. 1½ Heavy	6¼	375	660	945	1,230	1,800
No. 1½	7½	475	820	1,165	1,510	2,195
No. 1	7½	435	740	1,015	1,320	1,930
No. 2	7½	465	765	1,065	1,430	2,100
No. 2	12	495	835	1,175	1,540	2,240
No. 2	15	540	915	1,300	1,695	2,465
No. 3	12	780	1,400	2,020	2,650	3,900

Size	Overhang	1-spindle
TOOL ROOM	*Inches*	
No. 1	7½	$500
No. 2	7½	590

Size	Overhang	1-spindle
	Inches	
No. 2 round table tool room drill	12	$670
No. 3 round table	12	950

MOTOR-AVEY—8 SPEEDS—TYPE MA 8

Size	Overhang	1-spindle	2-spindle	2-spindle	4-spindle	6-spindle
No. 1 bench	6¾	$440	$825	$1,210	$1,595	$2,365
No. 1 column	6¾	365	920	1,330	1,745	2,575

MOTOR-AVEY—6 SPEEDS—TYPE MA 6

No. 1	7½	$605	$1,080	$1,555	$2,030	$2,980
No. 2	7½	665	1,195	1,725	2,255	3,325
No. 2	12	725	1,300	1,875	2,450	3,600
No. 2	15	760	1,375	1,990	2,610	3,840
No. 3	12	1,070	1,990	2,910	3,830	5,670

MOTOR-AVEY—1 SPEED—TYPE MA 1

No. 2	7½	$565	$995	$1,425	$1,855	$2,725
No. 2	12	625	1,100	1,575	2,050	3,000
No. 2	15	660	1,175	1,690	2,210	3,240
No. 3	12	960	1,770	2,580	3,390	5,010

MOTOR-AVEY—2 SPEEDS—TYPE MA 2

No. 2	7½	$615	$1,095	$1,575	$2,055	$3,025
No. 2	12	675	1,200	1,725	2,250	3,300
No. 2	15	710	1,275	1,840	2,410	3,540
No. 3	12	1,010	1,870	2,780	3,590	5,310

	No. 1	No. 2	No. 3
Aveymatic feed per spindle	$180	$200	$275
Plain-power feed per spindle		180	190
Friction-type tapping attachment	120	120	
Back gear tapping attachment	130	130	
No. 2 tapping unit on column		270	300
No. 3 tapping and drilling head			400

AXELSON MANUFACTURING CO., LOS ANGELES, CALIF.

AXELSON 24-SPEED SELECTIVE TYPE GEARED HEAD HEAVY DUTY ENGINE LATHES WITH DIRECT MOUNTED 220 V, 3 PH. 60-CYCLE MOTORS INCLUDED

Size	Weight of base length	Price	Extra per 2′ of bed
	Pounds		
14″ x 6′	4,150	$3,235	$110
16″ x 6′	5,100	3,588	121
18″ x 8′	8,000	4,169	140
20″ x 8′	9,000	5,103	170
24″ x 10′	14,650	6,989	245
30″ x 10′ [1]	15,250	7,667	245
32″ x 10′	17,300	10,338	345

[1] The 30″ lathe no longer made as the 32″ has taken its place.

THE BAIRD MACHINE COMPANY, STRATFORD, CONN.

SINGLE ACTION OPEN BACK BENCH POWER PRESSES

	Plain machine
Size 1	$220
Motor-drive arrangement	35
Mounting motor and starter	10
Iron table and legs	25
Back roll feed attachment	110
Side roll feed attachment	110
Size 2	345
Motor-drive arrangement	42
Mounting motor and starter	10.50
Iron table and legs	31
Back roll feed attachment	160
Side roll feed attachment	180

HEAVY PATTERN SINGLE ACTION OPEN BACK PRESSES

	Plain machine
Size 2	$625
Motor drive arrangement	130
Mounting motor and starter	13.50
Back roll feed attachment	260
Side roll feed attachment	300
Size 3	770
Motor-drive arrangement	150
Mounting motor and starter	15
Back roll feed attachment	285
Side roll feed attachment	320
Size 4	1,120
Motor-drive arrangement	175
Mounting motor and starter	16
Back roll feed attachment	325
Side roll feed attachment	340
Size 5	1,530
Motor-drive arrangement	220
Mounting motor and starter	16
Back roll feed attachment	400
Side roll feed attachment	410
Standard 7″ six-spindle Horizontal Automatic Lathe, Price	10,000
Automatic four-spindle continuous Vertical Price	9,900

BAKER BROTHERS INC., TOLEDO, OHIO

MECHANICAL FEED

Type	Capacity	Length of feet	Approximate weight	Price
	In.	*In.*	*Lb.*	
No. 121 single purpose	1½	11	2,400	$1,370
No. 121 single purpose	1½	15	2,600	1,525
No. 121 quick change	1½	11	2,500	1,695
No. 121 quick change	1½	15	2,700	1,855
217 single purpose	2	12	2,950	1,875
321 single purpose	3	16	4,100	2,600
321 single purpose	3	20	4,400	2,800
422 single purpose	4	16	4,800	3,195
314 quick change*	3	16	4,500	3,550

* See note on following page.

HYDRAULIC FEED (PICK OFF GEAR TYPE) (SINGLE SPINDLE TYPE)

16-HO	2	16	7,000	$3,190
26-HO	3	16	7,800	3,645
36-HO	5	16	12,400	4,985

HYDRAULIC FEED (SIMPLIFIED TYPE FOR MULTIPLE HEAD APPLICATION)

	Horsepower			
20-HO	Up to 15	16	6,500	$2,795
30-HO	Up to 25	16	10,000	4,125
60-HO	Up to 20	16	12,000	5,565
75-HO	Up to 40	16	14,500	7,335

BAKER BROTHERS INC., TOLEDO, OHIO—Continued

HYDRAULIC FEED (UNIVERSAL QUICK CHANGE TYPE) (SINGLE SPINDLE TYPE)

Type	Capacity	Length of feed	Approximate weight	Price
	Inches			
10-HO	1¼	16	7,400	$3,390
20-HO	2½	16	8,200	4,190

HYDRAULIC FEED (EXTRA HEAVY DUTY WORM AND WORM GEAR TYPE DRIVE)

	Horsepower	*Inches*	*Lbs.*	
20-HO-4	Up to 30	16	14,500	$6,525
60-HO-4	Up to 40	20	16,000	8,055

HYDRAULIC FEED UNITS

5A12*	Up to 5	12	1,000	$1,355
7½A14	Up to 7½	14	1,150	1,530

CAM FEED UNIT

No. 2C*	Up to 5	6	1,100	$1,090

CONTOUR GRINDER

No. 3	*Inches* ½ to 4 dia.		950	$900

KEYSEATERS

No. 0	Up to 1	Up to 9	1,975	$1,343
No. 1	Up to 1½	Up to 12	2,700	2,160
No. 2 arr. for motor drive without bars and cutters				2,931
No. 2 arr. for motor drive with bars and cutters				3,273

*Denotes price correction advised by manufacturer. Prices differ from those shown in 1st edition of New Machine Tools.

THE BAKEWELL MANUFACTURING COMPANY, LOS ANGELES, CALIF.

PRECISION TAPPING MACHINE

No. 1	$1,350
No. 2	3,250

EXTRA FOR LEAD SCREW

No. 1—Right hand	22.50
No. 1—Left hand	27.50
No. 2—Right hand	27.50
No. 2—Left hand	35.00

BARBER-COLMAN CO., ROCKFORD, ILL.

HOBBING MACHINES

[Prices and specifications]

Model No.	Capacity, face	Capacity, diameter	Net wt.	Base price[1]
	Inches	*Inches*	*Lbs.*	
"A"—standard length	12	12	5,725	$4,400
"D"	14	14	9,500	8,000
"S"	½	1	350	2,200
"F"	10	13	8,500	7,150
"C"	9	8	9,000	8,250
#3 standard	7	5	1,700	2,300
#3 precision	7	5	1,700	2,850

Model	Wt.	Price
	Lbs.	
No. 3 hob sharpening machine	2,800	$3,100
No. 4 hob sharpening machine	4,400	6,050
Combination sharpening machine	2,750	3,200
Reamer sharpening machine	3,500	4,500

[1] Price corrections advised by manufacturer. Prices differ from those shown in first edition of "Prices of new machine tools."

BARROUR STOCKWELL COMPANY, 205 BROADWAY, CAMBRIDGE, MASS.

BEAUDRY CHAMPION

Size of hammer	100-pound	150-pound	300-pound	500-pound
Weight of ram, lbs	100	150	300	500
Estimated force of blow, lbs	600	900	1,800	3,000
Lift of ram, inches[1]	8	9	11½	12
Will work stock, inches	2¼	3	4½	6
Size of dies, inches	3½ x 7	3½ x 7	4½ x 10½	5½ x 12
Height to center of shaft	5'6"	6'0"	7'0"	7'7"
Floor space, inches	2'3" x 3'5"	2'5" x 4'	2'11" x 4'6"	4' x 5'10"
Speed of hammer	255	240	200	175
Size of pulley, belt-drive	16 x 5	17 x 5½	19 x 6	22 x 7
Size of pulley, motor-drive	16 x 4½	19 x 5	22 x 5½	22 x 7
Approx. diam. motor pulley, inches	5	5¾	7½	9¼
Approx. hp. motor	5	5	7½	10
Approx. speed of motor, r. p. m.	850	850	800	750
Approx. wgt., belt-driven	3,000	3,700	5,400	9,000
Approx. wgt., motor-driven	3,600	4,200	6,000	9,700
Price, belt-driven	$950	$950	$1,250	$1,850
Price, arranged for motor	$975	$1,125	$1,500	$2,100

BEAUDRY UTILITY

Size of hammer	25-pound	50-pound	100-pound
Weight of ram, lbs	25	50	100
Lift of ram[1]	6"	8"	10"
Will work stock	1½" sq.	2" sq.	3" sq.
Number of blows per minute	400	350	300
Size of dies	2 x 3"	2 x 3½"	2½ x 5".
Size of pulley	3½ x 10"	4 x 12"	5 x 16".
Height over all	60"	68"	76"
Floor space	16 x 21"	20 x 24"	24 x 28".
Horse power	1 hp.	2 hp.	3 hp.
Speed of motor, r. p. m.	1,200	1,200	1,200
Approx. shipping weight	850 lbs.	1,500 lbs.	2,500 lb s.
Price, belt-driven	$150	$235	$350
Price, arranged for motor	$170	$255	$470

[1] At full speed.

BARDONS & OLIVER, INCORPORATED, CLEVELAND, OHIO

[Prices include motor and controls]

Model No.	Maximum capacity (diameter)	Swing	Prices: Without automatic chuck and bar feed	Prices: With automatic chuck and bar feed
1[1]	1"	13½"	$1,665	$2,565
2	1½"	15¾"	2,263	3,321
3	2"	18"	3,396	5,801
5	2½"	21½"	3,949	4,491

[1] Model No. 1 discontinued about September 1, 1939. Price shown was in effect at that time.

Compare old-style machines as shown below

Old		*New*
No. 2	to	2
No. 4	to	3
No. 7	to	5
No. 9	to	7

BARNES DRILL CO., ROCKFORD, ILL.

DRILLING MACHINES

Machine	Net weight	Base price
	Pounds	
20" box column single spindle drill[1] ..... each	1,800	$1,130
20" box column gang drill[1] ..... per spindle	1,800	1,295
20¼ box column single spindle drill ..... each	1,800	1,440
20¼ box column gang drill ..... per spindle	2,000	1,015
20¼ box column gang drill ..... do	2,800	2,080
22½ box column gang drill ..... each	3,650	2,965
242 box column single spindle drill ..... per spindle	3,350	2,760
242 box column gang drill ..... each	3,200	2,645
262 box column single spindle drill ..... per spindle	3,400	2,825
262 box column gang drill ..... each	1,050	1,400
S-201 box column single spindle drill[1] ..... each	1,200	1,160
S-201 box column gang drill[1] ..... per spindle	1,200	1,015
210 box column single spindle drill ..... each	1,750	1,740
210 box column gang drill ..... per spindle	2,000	1,515
H-2 Hydram drilling machine (one speed) ..... each	5,000	3,185
H-3 Hydram drilling machine (one speed) ..... do	7,000	4,500
H-4 Hydram drilling machine (one speed) ..... do	11,600	7,100

[1] These machines temporarily withdrawn from market.

CYRIL BATH & COMPANY, CLEVELAND, OHIO

PRESS ON STRAIGHT-SIDE, DUAL SUSPENSION PENDULUM PRESSES

Size	Capacity	Price	Extra per ft. extension of bed and ram	Extra for add'l inch stroke, or fraction	Horsepower and price main drive elec. equipt.
AA-4	3" x 10 ga.	$2,075	$45		$70, 1½ hp.
AA-5	4" x 12 ga.	2,175			
A-4	4" x 3/16"	3,100	55	$200	70, 1½ hp.
A-5	5" x 10 ga.	3,220			
A-6	6" x 10 ga.	3,500	65	200	114, 5 hp.
A-8	8" x 12 ga.	3,600			
103-1	4" x 14"	3,620			
103-G	6" x 3/16"	3,755			
103-8	8" x 10 ga.	3,890			
104-1	4" x 18"	4,330	65	200	114, 5 hp.
C1-G	6" x 1/4"	4,480			
C1-8	8" x 3/16"	4,840	70	200	114, 5 hp.
C3-10	10" x 10 ga.	4,675			
C3-12	12" x 11 ga.	5,165	80	200	114, 5 hp.

All prices are f. o. b. cars at factory, Cleveland, Ohio.

Extra for Hydraulic Cushion Equipment motor and control, for 220/440 volt, 60-cycle, 3-phase, or 550 volt, 3-phase, 60-cycle, 3-wire current, consisting of: Madison-Kipp automatic pressure lubricating system, micrometer dial gauge, cam adjustment, limit switch, dual Madison-Kipp automatic pressure lubricating system, plain filler block, necessary wrenches, ram arranged for taper work, main drive arranged for Vee belt motor drive with pulley and belts furnished, but without main drive motor or control. Model AA is arranged for grease lubrication, but otherwise has same standard equipment.

Extra for Hydraulic Cushion Equipment (for models B and C only), with safety overload clutch, to give speeds of 10 and 30 strokes per minute, with motor and control, for connection on 220 or 440 volt, 60-cycle, 3-phase, $500.

Motor prices are for an 1800 r. p. m., flywheel type, high slip, ball bearing, punch press motor with drum type "Forward-Reverse" control.

Extra for wiring and mounting main motor and control, if not purchased from us, but sent to us for mounting, $25.

Extra for full length, single hand control backstroke, $225.

Extra for full length, double hand control backstroke, $300.

Prices on special machines, additional shut heights, dies, punching attachments, etc., may be had on application.

BAUSH MACHINE TOOL COMPANY, SPRINGFIELD, MASS.

NEW "W" TYPE HYDRAULIC MACHINES

Size	W-4 type	W-7 type	W-6 type
Capacity	20 to 30 hp.	15 to 20 hp.	5 to 10 hp.
Weight, approx.	20,000 pounds	17,000 pounds	12,000 pounds
Base price, with low C. I. bed	$8,349	$5,816	$4,546
Base price, with high welded steel bed	8,652	6,246	5,312
Extra for floated 2-speed attachment	413	413	333
Electric control panel	396	396	396
Arranged for tapping			

NEW "W" TYPE HYDRAULIC MACHINES—Continued

Add to above prices: heads, adjustable.

	Checker-board ball bearing heads	Plain bearing heads
20" x 52" rectangular	$1,680	$1,430
20" x 82" rectangular	1,962	1,180
20" x 30" rectangular	1,298	1,117
18" x 30" rectangular	1,208	1,034
16" x 24" rectangular	1,041	894
32" round		745
28" round		1,165
24" round		938
20" round		911
16" round		962

To above prices add the underneated prices for size and number of adjustable spindles required.

Size (diameter)	¾"	⅞"	1"	1¼"	1½"	2"	2½"	3"
Price each	$49	$54	$55	$69	$74	$99	$114	$173	$295

Price for Double deck skeleton fixed center support plate: $190

For 16 x 24 Head barrel for slip sleeve spindles 180

For 20 x 82 Head barrel for slip sleeve spindles 250

Add to above plate prices $11 per hole bored according to number of spindles required; when 6 bored holes or under special price.

Extras

Box tables

16 x 30 x 18	$196
24 x 30 x 20	230
24 x 42 x 20	250
30 x 30 x 20	260
21 x 42 x 20	270
30 x 42 x 20	278
30 x 48 x 20	300
30 x 72 x 30	519

Rotating tables

18 diameters with 3 stations	$388
24 diameters with 3 stations	473
31 diameters with 3 stations	775
44 diameters with 3 stations	862
50 diameters with 3 stations	1,020
Additional stations	$18 each

Adjustable knee table for W-6 580

Adjustable knee table for W-7 625

BARNES DRILL CO., ROCKFORD, ILL.—Continued

BORING MACHINES

Machine	Net weight	Base price
	Pounds	
152 mechanically reciprocated vertical boring machine[1] ..... each	1,250	$1,130
172 hydraulically reciprocated vertical boring machine ..... do	1,100	1,295
224 hydraulically reciprocated vertical bore machine ..... do	4,100	2,965
240 hydraulically reciprocated vertical bore machine ..... do	4,700	3,500
240-1 hydraulically reciprocated vertical bore machine ..... do	4,700	3,500
246-H hydraulically reciprocated vertical bore machine[1] ..... do	5,100	4,000
260-C hydraulic combined fine boring and boring machine ..... do	5,400	4,000
2610 hydraulically reciprocated vertical boring machine[1] ..... do	10,100	8,000
2611 hydraulically reciprocated vertical boring machine[1] ..... do	8,300	6,500
3020 hydraulically reciprocated vertical bore machine[1] ..... do	18,000	13,500
4020 hydraulically reciprocated vertical boring machine ..... do	27,000	19,000
4040 hydraulically reciprocated vertical boring machine ..... do	32,000	24,000
214 hydraulically reciprocated vertical multiple spindle boring machine, not including cutting tools ..... each	10,000	7,500
No. 6 x 6' travel hydraulically reciprocated horizontal internal boring machine ..... each	10,000	7,500
Extra cost for additional travel per each additional 2 feet or fraction thereof ..... do	13,000	1,000
No. 6 x 8' travel hydraulically reciprocated horizontal internal boring machine ..... do	31,000	23,000
Extra cost for additional travel per each additional 2 feet or fraction thereof ..... do	38,000	3,000
No. 12 x 16' travel hydraulically reciprocated horizontal internal boring machine ..... do	46,000	34,000
Extra cost for additional travel per each additional 2 feet or fraction thereof ..... do	54,000	4,000
No. 20 x 36' travel hydraulically reciprocated horizontal internal boring machine ..... do	72,000	54,000
Extra cost for additional travel per each additional 2 feet or fraction thereof ..... do	84,000	6,000
No. 5 x 10' travel hydraulically reciprocated horizontal external boring machine ..... do	12,000	9,000

[1] These machines temporarily withdrawn from market.

BARRETT MACHINE TOOL CO., MEADVILLE, PA.

HORIZONTAL BORING MILL

	Arranged with D. C. drive	Arranged with A. C. drive		Arranged with D. C. drive	Arranged with A. C. drive
Type "O"—3" bar	$8,850	$10,350	Type #3—7" bar	$16,150	$18,450
Type #1—3½" bar	9,750	11,250	Type #6—8" bar	20,050	22,050
Type #2—5" bar	11,250	13,050	Type #7—8" bar	25,000	27,000
Type #3—6" bar	14,500	16,050			
Type #2—pipe facing machine					11,870
Type #3—3-way facing machine					10,341

[1] Without motor equipment, but arranged with A. C. motor drive.

BEATTY MACHINE & MFG. CO., HAMMOND, IND.

NO. 2 QUICK-ACTING SINGLE-END PUNCH

Punches ..... ⅜" x ⅜"
Shears bars ..... 3" x 3½" flats—1" rounds
Shears angles ..... 1¾" x 1¾" x ¼"
Splits plates ..... ⅜"

Throat	Weight	Price
	Pounds	
12"	2,800	$893
15"	3,200	987
18"	3,550	1,030
24"	4,100	1,138
30"	4,500	1,260
36"	5,000	1,376
42"	5,500	1,491
48"	6,000	1,600

Extra for motor connections $81
Extra for motor and starter 83

NO. 3 SINGLE AND DOUBLE-END PUNCHES AND SHEARS

Punches ..... ⅞" x ¾"
Shears bars ..... 5" x ¾" flats—1½ h. p.
Angles ..... 4" x 4" x ¾"
Splitting plate ..... ¾"

SINGLE END

Throat	Weight	Price
	Pounds	
12"	5,500	$1,760
15"	6,600	1,859
20"	7,800	2,017
25"	8,400	2,212
30"	9,600	2,412
36"	10,200	2,557
42"	13,000	3,039
48"	14,500	3,320
54"	16,500	3,724
60"	18,300	4,090

DOUBLE END

12"	8,800	$3,257
15"	9,500	3,472
20"	14,200	3,765
25"	15,200	4,130

NO. 5 SINGLE AND DOUBLE-END PUNCHES AND SHEARS

20"	17,900	$4,470
26"	19,700	4,810
42"	24,700	5,700
48"	26,800	6,240
54"	31,300	7,050
60"	34,700	7,520

NO. [illegible] SINGLE AND DOUBLE-END PUNCHES AND SHEARS

Punches ..... 1" x 1"
Shears flats ..... 6" x 1"
Shears rounds ..... 1¾"
Shears angles ..... 6" x 6" x ¾"
Splitting plates ..... ⅞"

SINGLE END

Throat	Weight	Price
	Pounds	
15"	9,500	$2,008
20"	10,200	2,160
25"	11,000	2,400
30"	13,200	2,700
36"	14,000	2,900
42"	17,500	3,530
48"	19,000	3,830
54"	20,400	4,220
60"	22,700	4,500
72"	24,000	4,900

DOUBLE END

15"	13,700	$3,600
20"	15,100	3,900
25"	21,000	4,475
30"	24,700	5,000
36"	29,100	5,480
42"	32,000	6,750
48"	35,000	7,575
54"	39,000	8,145
60"	43,000	8,740

BEATTY MACHINE & MFG. CO., HAMMOND, IND.—Continued

NO. 6-A SPECIAL SINGLE-END PUNCH

Weight, 12,500. Arranged for direct-connected motor drive requiring a 5 h. p. 1,200 r. p. m. motor. No electrical equipment included in this quotation. 14" to 15" throat from center of ram; ram—40" x 11" ..... *Price* $2,800

Capacity: Punching 1" holes in 1" plate, or equivalent in multiple punching.

NO. 6-B SINGLE-END PUNCH

Weight 11,000 pounds, motor required is 5 h. p., 1,200 r. p. m. Motor and starter for 220/440 volt, 3 phase, 60 cycle current. No electrical equipment included in above price. Depth of throat—15". 1½" stroke $2,570
Extra for motor and starter 106

Table fitted with cast iron bolster with tee slots to match face of ram.
Capacity: Punching 1" through 1".

NO. 7 SINGLE- AND DOUBLE-END PUNCHES AND SHEARS

Punches 1¼ x 1". Shears round bars 2". Splits plates 1". Shears flats 7 x 1". Shears angles 6 x 6 x ⅝.

SINGLE ENDS

Throat	Weight	Price
	Pounds	
15"	12,000	$2,440
20"	13,200	2,680
25"	16,300	3,310
30"	17,500	3,570
36"	20,600	4,180
42"	23,000	4,680
48"	24,800	5,050
54"	25,900	5,300
60"	27,500	5,600
72"	30,600	6,200

DOUBLE END

15"	20,900	$4,270
20"	24,500	5,000
25"	30,500	6,240
30"	32,800	6,700
36"	39,200	8,000
42"	42,000	8,560
48"	47,500	9,700
54"	49,700	9,650
60"	52,900	10,700
72"	59,100	12,065

Extra for motor and starter $142

Motor required: 7½ hp., 1,200 r. p. m., motor and starter for 220/440 volt, 3 phase, 60 cycle current.

NOTE.—Prices based on standard equipment with plain table, one set of single stem punching tools and fitted with tight and loose pulley for belt drive.

NO. 7-72" SINGLE END PUNCH

Weight 33,425 pounds, 72" throat, 2" stroke, requires a 7½ hp. 1,200 r. p. m. motor and starter for 220/400 volt, 3 phase, 60 cycle current ..... *Price* $6,815
Extra for motor connections 117
Extra for complete set dishing tools 219
Extra for motor and starter 142

Capacity of 100 tons ram pressure, or 1¼" through 1" plate.

NO. 7 QUICK ACTING SINGLE END PUNCH

Weight 12,200 pounds; capacity—1¼" through 1", or four (4) 1¹³/₁₆" holes through ⅜" angles .. $2,510

NO. 7 QUICK ACTING SINGLE END PUNCH AND SPACING TABLE

Weight 23,000 pounds, 15" throat; 1¾" stroke. Punching 1¼" through 1", or four (4) 1¹³/₁₆" holes through ⅜" angles, or two (2) 1¹³/₁₆" holes through ⅝" $8,515

NO. 8-B BEAM PUNCH

(Die space arranged for single row punching tools)

Weight 27,800 pounds, requires 10 hp., 1,200 r. p. m., motor and starter for 220/440 volt, 3 phase, 60 cycle current. 22" depth of throat, 31" x 40" table, with 2" stroke $4,186
Extra for motor and starter 164

Capacity: 137 tons ram pressure, or two 1" holes through ⅝" plate.

NO. 8 DOUBLE END PUNCH PRESS

(Extra large die space. 1" vertical adjustment build in 2" x 1" stroke)

Weight—30,700 pounds; motor—10 hp., 1,200 r. p. m., motor and starter for 220/440 volt, 3 phase, 60 cycle current. No electrical equipment is included with the above price $5,530

BEATTY MACHINE & MFG. CO., HAMMOND, IND.—Continued

NO. 8 DOUBLE END PUNCH PRESS—continued

Capacity:
Punching ..... 1½" x 1"
Shearing flats ..... 8" x 1½"
Shearing rounds ..... 2¼"
Shearing angles ..... 6 x 6 x
Shearing plates ..... 1½"

Extra for motor and starter ..... $[illegible]

NO. 8 SINGLE END PUNCH
(With Special Ram and Table)

Weight—17,725 pounds, 10 hp., 1,200 r. p. m. motor and starter for 220/220 volt, 3 phase, 60 cycle current. No electrical equipment included in price. 26" x 24" table, stroke of slide, 2½" ..... *Price* $3,[illegible]

Capacity: Punching 1¾" holes through 1" material. Ram pressure 137 tons.

Extra for motor and starter ..... [illegible]

NO. 8 SINGLE AND DOUBLE END PUNCHES AND SHEARS

Punches 1¾" x 1". Shears rounds 2¼". Splits plates 1½". Shears flats 8 x 1½". Shears angle 6 x 6 x ½".

SINGLE END

Throat	Weight	Price
	Pounds	
15"	15,000	$[illegible]
20"	17,700	[illegible]
25"	21,000	[illegible]
30"	24,000	[illegible]
36"	27,500	[illegible]
42"	28,000	[illegible]
48"	32,700	[illegible]
54"	36,700	[illegible]
60"	38,000	[illegible]

DOUBLE END

	Pounds	
15"	24,000	[illegible]
20"	29,000	[illegible]
25"	37,500	[illegible]
30"	45,000	[illegible]
36"	49,700	[illegible]
42"	51,800	[illegible]
48"	62,000	[illegible]
54"	65,700	[illegible]
60"	69,400	[illegible]

NO. 8 SINGLE END PUNCH AND SHEAR

Weight 17,700 pounds, machine arranged for direct connected motor drive ..... *Price* $[illegible]

Capacity: Ram pressure 137 tons. Punching 1¼" through 1" material. Shearing 1¾" x ⅝" mild steel, or 2¼ rounds.

Stroke of ram ..... 3"
Depth of throat ..... 17"
Table ..... 17" x 28"

NO. 8-B-1 BEAM PUNCH

(Die space arranged for double row punching tools)

Weight—28,500 pounds, required—10 hp., 1,200 r. p. m. motor and starter for 220/440 volt, 3 phase, 60 cycle current ..... $[illegible]
Depth of throat ..... 28"
Table ..... 28" x 40"

NO. 9 SINGLE END PUNCH
(Enlarged Die Space)

Weight—21,500 pounds; depth of throat—17"; 18" x 30" table; 2" stroke; requires 15 hp., 1,200 r. p. m. $5,044
Extra for motor and starter 265

NO. 9 SINGLE AND DOUBLE END PUNCHES AND SHEARS

Punches: 2½" x 1¼". Flats: 2½" Rds. Angles 6 x 6 x ¾". Shears Bars: 9" x 1¼" Splitting Plates 1¼".

SINGLE END

Throat	Weight	Price
	Pounds	
15"	20,700	$[illegible]
25"	24,000	[illegible]
30"	26,700	[illegible]
36"	31,000	[illegible]
42"	34,000	[illegible]
60"	37,000	[illegible]

DOUBLE END

15"	*Pounds* 32,[illegible]	[illegible]

BEATTY MACHINE & MFG. CO., HAMMOND, IND.—Cod.

NO. 9-B HEAVY DUTY SINGLE END PUNCH

Weight 34,000 pounds; 24" throat; 46½" x 32" table; 2½" stroke; 15 hp., 1,200 r. p. m. (no electrical equipment included) ..... *Price* $5,420

NO. 9-B-1 HEAVY DUTY SINGLE END PUNCH

Weight 36,600 pounds, requires motor 15 hp., 1,200 r. p. m. Punching two (2) holes 1⅛" x 1". Punching four (4) holes 1¾/₁₆ x ¾" 5,640
Extra for motor and starter 206

NO. 9-B-2 HEAVY DUTY SINGLE END PUNCH

Punching one (1) 2¾" hole through 1¼" material or equivalent in multiple punching or slotting .. 5,225
Extra for motor and starter 206

NO. 9-B-3 HEAVY DUTY SINGLE END PUNCH

Weight 25,700 pounds; 15 hp., 1,200 r. p. m. motor and starter for 220/440 volt, 3 phase, 60 cycle current. Punching one (1) 2¾" hole through 1¼" material or equivalent in multiple punching or slotting 5,235

NO. 10 SINGLE END PUNCH

(Equipped with blanking and forming dies for 12 and 16" heads for tanks)

Weight 36,700 pounds, 20 hp., 1,200 r. p. m. motor and starter for 220/440 volt, 3 phase, 60 cycle current 5,969
Capacity: 200 tons ram pressure or punching 2½" hole through 1¼" material or equivalent in multiple punching, blanking or pressing.
Extra for motor and starter 265

NO. 10-C DOUBLE END PUNCH

Weight 47,850 pounds; 250 tons ram pressure or 2½" through 1½" material 9,973
Extra for motor and starter 265

NO. 10 BEAM PUNCH—STANDARD

Weight 46,000 pounds; capacity—2¾" through 1¾" mild steel 9,376
Extra Motor and starter 265

NO. 10 SINGLE END PUNCHES AND SHEARS

1—22,000 pounds approximate 4,480
2—27,000 pounds approximate 5,630
Extra for motor and starter 265
Capacity: Punches 2½" x 1⅝". Angles 6 x 6 x [illegible]. Shears bars 10" x 1¼". Flats—2¾" Rds. Splitting plates 1⅝".

HEATTY MACHINE & MFG. CO., HAMMOND, IND.

OPEN FRONT BAR SHEARS

No. 4—4,500 pounds. Requires 3 hp., 1,200 r. p. m. ..... *Price* $1,425
Extra for motor connection 65
Extra for motor and starter 82
No. [illegible]—6,500 pounds. Requires 3 hp., 1,200 r. p. m. 1,630
Extra for motor connection 65
Extra for motor and starter 82
No. [illegible]—9,000 pounds. Requires 5 hp., 1,200 r. p. m. 1,950
Extra for motor connection 72
Extra for motor and starter 105
No. 7—12,000 pounds. Requires 7½ hp., 1,200 r. p. m. 2,240
Extra for motor connection 72
Extra for motor and starter 140
No. 8—17,500 pounds. Requires 10 hp., 1,200 r. p. m. 2,900
Extra for motor connection 80
Extra for motor and starter 160
No. 9—26,500 pounds. Requires 15 hp., 1,200 r. p. m. 4,412
Extra for motor connection 80
Extra for motor and starter 265
No. 10—33,000 pounds. Requires 20 hp., 1,200 r. p. m. 4,520
Extra for motor connection 100
Extra for motor and starter 265
No. 11—33,000 pounds. Requires 25 hp., 1,200 r. p. m. 5,625
Extra for motor connection 105
Extra for motor and starter 300

CHARLES H. BESLY AND COMPANY, 118-124 NORTH CLINTON ST., CHICAGO, ILL.

SINGLE SPINDLE BELT-DRIVEN BESLY GRINDERS

	No. 110-10, 18"	No. 168, 20"	No. 168, 23"	No. 114-14, 26"	No. 114-14, 30"	No. 17, 30"	No. 21, 36"
Base: Ball bearing	$255	$325	$325	$350	$390	------	------
Base: Ring oiling	170	------	------	250	250	$350	$450
Countershaft:							
Ring oiling	50	70	70	70	70	70	70
Timken roller bearing	85	95	95	110	110	110	110
Disc wheels, plain, each	18	21	28	37	49	49	97
Disc wheels, drilled for bolted-on discs, each	21	24	31	40	53	53	102
Geared lever feed table, standard type, each	126	139	139	153	153	153	165
Combination table, each	52	65	65	80	80	80	80
Plain table	34	40	40	46	46	46	58
Truing device (lever table)	5	5	5	5	5	5	5
Truing device (plain table)	15	15	15	15	15	15	15
Welded steel exhaust hoods.[1]							

[1] On application.

SINGLE SPINDLE MOTOR-DRIVEN BESLY GRINDERS

	No. 5, 18"	No. 131, 18"	No. 141, 20"	No. 141, 23"	No. 151, 26"	No. 151, 30"	No. 161, 30"
Base: Ball bearing	$265	$685	$890	$890	$1,125	$1,250	$1,800
Disc wheels, plain, each	18	18	21	28	37	49	57
Disc wheels, drilled for bolted-on discs, each	21	21	24	31	40	53	61
Geared lever feed table, standard type, each	100	126	139	139	153	153	220
Combination table, each	52	52	65	65	80	80	------
Plain table	34	34	40	40	46	46	80
Truing device (lever table)	5	5	5	5	5	5	5
Truing device (plain table)	15	15	15	15	15	15	15
Welded steel exhaust hoods, each	25	On application.					

For the No. 5 "F" type or "R" type grinder:
Solid emery wheel rest and 12" wheel guard .. $30
12" x 1" x 1" grinding wheel 6

SINGLE SPINDLE BESLY GRINDERS ARRANGED FOR MOTOR DRIVE

	No. 205, 15"	No. 205, 18"	No. 210, 18"	No. 208, 20"	No. 208, 23"	No. 214, 26"	No. 214, 30"
Base, arranged for motor drive, including V-belts, motor sheave, belt guard, right-hand and left-hand welded steel exhaust hoods. (No motor or starter)	$290	$295	$670	$850	$860	$1,030	$1,270
Disc wheels, plain, each	16	18	18	21	28	37	49
Disc wheels, drilled for bolted-on discs, each	18	21	21	24	31	40	53
Geared lever feed table, standard type, each	126	126	139	153	153	220	220
Combination table	48	48	65	80	80	------	------
Plain tilting table	34	34	40	46	46	80	80
Truing device (lever table)	5	5	5	5	5	5	5
Truing device (plain table)	15	15	15	15	15	15	15

VERTICAL SPINDLE (HORIZONTAL) BESLY GRINDERS ARRANGED FOR MOTOR DRIVE

	No. 326, 23"	No. 326, 26"	No. 342, 30"	No. 342, 36"	No. 342, 42"	No. 372, 53"	No. 372, 72"	No. 186, 18" M. D.	No. 29, 53"
Dry base, arranged for motor drive, with multiple Vee-belt transmission including Vee belts, motor sheave and belt guard, radial arm compensating truing device. No motor or starter	$850	$880	$1,120	$1,330	$1,630	$1,870	$2,860	------	------
Wet base, arranged for motor drive, with multiple Vee-belt transmission including Vee belts, motor sheave and belt guard, radial arm compensating truing device, motor driven circulating pump, piping and settling tank. No spindle driving motor or starter	1,025	1,065	1,345	1,555	1,855	2,135	3,180	------	------
Disc wheels, drilled for bolted-on discs	31	40	53	102	(Included in price of base).			------	------
Dry base, ball bearing, complete with 5 h. p., 1,200 r. p. m., 220/440 volt, 3-phase, 60-cycle motor push button control and radial arm compensating truing device								$685	------
Wet base, ball bearing, complete with 5 h. p., 1,200 r. p. m., 220/440 volt, 3-phase, 60-cycle motor, push button control and radial arm compensating truing device, also motor driven pump and piping								875	------
Base with spindle, exhauster drive pulley (no exhauster), arranged for motor drive by means of flexible coupling connecting motor shaft to horizontal shaft of machine including coupling. No motor or starter (also furnished belt driven at same price)								------	$1,230
Disc wheel, drilled for bolted-on discs								20	181
Bar type truing device								------	75

CHARLES H. BESLY AND COMPANY, 115-121 NORTH CLINTON ST., CHICAGO, ILL.—Continued

BESLY GRINDER PARTS AND ACCESSORIES

	10"	12"	15" or 16"	18"	20"	23"	26"	30"	30" F. H.	36"	42"	53"	72"
Steel disc wheels, plain	$13	$11	$16	$18	$21	$28	$37	$49	$57	$97	$132	$172	$517
Steel disc wheels, drilled for bolted-on drives	14	13	18	21	24	31	40	53	61	102	138	181	530
	No. 1	No. 10	No. 108	No. 12		No. 14	No. 21						
Plain tilting tables:													
Standard	$32	$34	$40	$40	.....	$46	$58	.....	.....	.....	.....	.....	.....
Extra large	46	52	54	54	.....	69	75	.....	.....	.....	.....	.....	.....
Combination tables	48	52	65	80	.....	80	.....	.....	.....	.....	.....	.....	.....
	No. 1	No. 10	No. 108	No. 14		No. 21	No. 16-30						
Geared lever feed tables:													
Standard	$97	$126	$139	$153	.....	$165	$220	.....	.....	.....	.....	.....	.....
Commercial	.....	95	100	110	.....	120	.....	.....	.....	.....	.....	.....	.....

H. BICKFORD & COMPANY, LAKEPORT, N. H.

BORING MILL

Machine:	Price	Machine—Continued.	Price
48" mill, belt driven	$7,000	84" mill, belt driven	$8,300
60" mill, belt driven	7,350	84", spread to 96", belt driven	9,000
72" mill, belt driven	7,750		

BIGNALL & KEELER MACHINE WORKS OF THE N. O. NELSON CO., EDWARDSVILLE, ILL.

PIPE THREADING AND CUTTING-OFF MACHINES

Size machine	Capacity	Weight	Belt drive	Motor drive
		Pounds		
No. 2 B&K	⅛ to 2 inches	1,450	$475	$655
No. 2 Peerless	⅛ to 2 inches	2,600	800	1,025
No. 2 PDQC	⅛ to 2 inches	2,900	900	1,125
No. 3 Peerless	⅛ to 3 inches	3,000	1,000	1,220
No. 3 PDQC	⅛ to 3 inches	3,200	1,130	1,350
No. 4 Peerless	1 to 4 inches	3,800	1,260	1,480
No. 4 PDQC	1 to 4 inches	4,200	1,560	1,780
No. 6 Duplex	1¼ to 6 inches	6,000	1,810	2,050
No. 8 Duplex	2½ to 8 inches	7,500	2,220	2,485
No. 10 Duplex	3½ to 10 inches	11,100	2,980	3,340
No. 12 Duplex	4 to 12 inches	12,000	3,430	3,790
No. 18 Duplex	8 to 18 inches	13,400	4,150	4,535

BILGRAM GEAR AND MACHINE WORKS, INC., PHILADELPHIA, PA.

PRICES ON MACHINES FOR CUTTING STRAIGHT AND SPIRAL TEETH

	Price
6" machine	$5,200 without motor. $5,400 with motor.
8" machine	$5,800 without motor. $6,000 with motor.
12" pinion machine	$12,500 with motor and P. I. V. drive.
16" machine	$9,500 with motor and P. I. V. drive, straight. $10,000 with motor and P. I. V. drive, spiraloid.
32" machine	$15,000 with motor and P. I. V. drive.

NOTE.—The above types of 6", 8", 12", and 16" machines are suitable for cutting spiral tooth bevel gears as well as straight teeth. All the above machines are equipped with a complete line of necessary accessories.

THE HILLINGS & SPENCER CO., HARTFORD, CONN.

BOARD DROP HAMMERS

[Approximate present prices]

Size (pounds)	Model D pulley drive	Model F pulley drive	Model G motor drive
400	$2,377	.....	.....
580	2,377	.....	.....
600	3,082	.....	.....
800	3,502	.....	.....
1,000	3,902	$5,208	$8,583
1,200	4,167	5,450	8,833
1,400	4,667	5,667	9,535
1,600	5,103	6,000	9,667
1,800	6,167	7,500	11,167
2,000	6,500	7,833	11,500
2,500	8,250	10,750	14,750
3,000	9,833	11,333	15,333

DIE SINKING MACHINE

[Approximate present prices]

Pulley Drive	$5,633
Motor Drive	5,833

TRIMMER MILLER NO. 21

[Approximate present prices]

Pully Drive	$2,720
Motor Drive	3,173

"DI-MATIC" 2 SPINDLE BAR STOCK AUTOMATIC

Model B-1	$4,300
Model B-2	5,200

TRIMMING PRESSES

[Approximate present prices]

Size	Pulley	Motor drive
No. 1	$2,493	These sizes not built with motor drive.
No. 2	2,820	Do.
No. 2½	3,417	$3,822.
No. 3	4,873	$5,137.

THE BLANCHARD MACHINE CO., 64 STATE ST., CAMBRIDGE, MASS.

SURFACE GRINDERS

No.	Wheel	Diameter of chuck	Shipping weight	Price[1] f. o. b. cars, Cambridge, Mass.
			Pounds	
10[2]	10" x 4" x 5"	16"	6,600	$3,150
11	11" x 5" x 9"	16"	6,100	3,250
16	18" x 5" x 15"	26"	10,200	5,160
16	18" x 5" x 15"	30"	10,450	5,424
16	18" x 5" x 15"	36"	10,700	5,792
18	18" x 5" x 15"	30"	12,100	6,824
18	18" x 5" x 15"	36"	12,350	7,088
27	27"	48" short base	36,000	20,480
27	32"	60" short base	39,000	22,790
27	32"	60" long base	46,000	23,840
27	36"	60" long base and extension ring, 84" diameter on chuck.	47,800	25,460
27	42"	60" long base and extension ring, 96" diameter on chuck.	49,400	26,670
16-A	18" x 5" x 10"	30" plain table	11,750	6,700
16-A1	18" x 5" x 10"	30" magnetic chuck	11,750	7,100
16-A2 (2)[3]	18" x 5" x 10"	42" plain table	21,000	10,500
16-A2 (2)[3]	18" x 5" x 10"	40" magnetic chuck	21,000	12,850

[1] All prices now subject to increase not exceeding 10 percent 90 days before scheduled shipping date.
[2] The No. 10 is obsolete, being superseded by No. 11. Price given was in effect in 1940. A belted type, same size, sold for $3,000.
[3] Extra-dial leader, $400.

BLANK AND BUXTON MACHINERY CO., JACKSON, MICH.

INDEX HIGH-SPEED VERTICAL MILLS

No. 401I	$960.00
No. 201I—Same as 401I—less verniers	895.00
No. 3s1I—Same as 4uII—less verniers and spindle feed	795.00
Power feed on any machine	154.00

SPECIFICATIONS

Capacity, 1⅝" to 5⅝".
Table, work surf., 8" x 22".
Drive, heavy duty silent V belt.
Height, overall, 69½".
Weight, 950 lbs. net.

J. G. BLOUNT COMPANY, EVERETT, MASS.

WET TOOL GRINDERS

	Sizes			
	14" Comb.	14"	20"	30"
BELT DRIVEN				
Machine with countershaft and 1 wheel	$202	$158	$247	$441
MOTOR DRIVEN—FLAT OR V-BELT DRIVE				
Machine with belt tightener, 1 wheel, no motor	213	169	156	458

J. G. BLOUNT COMPANY, EVERETT, MASS.—Continued

BUFFERS, BELT DRIVEN, BABBITT BEARINGS, SELF-OILING

	Sizes					
	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7
Complete machine	$53	$64	$75	$83	$97	$130
Head on column	42	50	59	67	78	102
Head only	30	33	43	48	56	75
Column only	12	16	16	19	23	27
Countershaft only	11	14	15	16	19	29
Head only, with T & L Pulleys on spindle	37	40	50	56	66	87
Complete, without countershaft, with T & L pulleys on spindle	49	56	67	74	89	113

BALL BEARING BUFFERS—BELT DRIVEN

	Sizes		
	No. 3	No. 5	No. 7
Complete, with roller bearing countershaft	$114	$154	$209
Complete, with plain self-oiling countershaft	87	121	155
Head on column	73	102	128
Head only	57	80	101
Hyatt roller-bearing countershaft	41	52	81
Plain self-oiling countershaft	14	19	27
Head only, with T & L pulleys on spindle	63	87	110
Complete, without countershaft, with T & L pulleys on spindle	80	109	137
Column only	16	22	27

OVERHANG BUFFERS, BELT DRIVEN, BABBITT BEARING SELF-OILING

	Sizes	
	No. 6	No. 7
Complete machine	$100	$137
Head on column	80	108
Head only	57	81
Column only	23	27
Countershaft only	19	29
Complete, w/o countershaft, with T & L pulleys on spindle	90	120
Head only, with T & L pulleys on spindle	66	93

MODEL H. S.—10" HIGH SPEED QUILL TYPE GRINDER

Machine complete with motor and starter $428.00

SPEED LATHES—BELT DRIVEN—COMPLETE WITH COUNTERSHAFT

	Sizes											
	11" x 3'	11" x 4'	11" x 5'	11" x 6'	13" x 5'	13" x 6'	13" x 8'	13" x 10'	16" x 6'	16" x 8'	16" x 10'	16" x 12'
Floor legs	$130	$137	$144	$151	$191	$200	$231	$277	$260	$300	$355	$400

Speed lathe with self-oiling head, $9 extra.

SETOVER SWIVEL TAILSTOCK LATHES—BELT DRIVEN

With countershaft	$191	$202	$210	$216	$275	$283	$319	$360	$352	$393	$439	$490

LEVER DRAW-IN SPEED LATHES—BELT DRIVEN

	Sizes			
	11" x 3'	11" x 4'	11" x 5'	11" x 6'
Complete with countershaft, floor type	$270	$276	$283	$291

HAND WHEEL DRAW-IN SPEED LATHES—BELT DRIVEN

	Sizes			
	11" x 3'	11" x 4'	11" x 5'	11" x 6'
Complete with countershaft, floor type	$270	$278	$290	$296

Lathes with ring-oiling bearings, $11.50 extra.

J. G. BLOUNT COMPANY, EVERETT, MASS.—Continued

LATHES WITH RING-OILING BEARINGS, BELT DRIVEN

	Sizes			
	11" x 3'	11" x 4'	11" x 5'	11" x 6'
Complete with countershaft, 3-step cone, floor type	$152	$159	$167	$174
Complete with countershaft, 4-step cone, floor type	158	165	173	180

½ H. P., A. C. MOTOR HEADSTOCK LATHE, WITH HAND-FEED CARRIAGE AND SET-OVER SWIVEL TAILSTOCK

	Sizes				
	12" x 4'	12" x 5'	12" x 6'	12" x 7'	12" x 8'
Complete, floor type	$510	$519	$529	$540	$554

Plain tailstock, deduct $59.

J. C. BLOUNT COMPANY, EVERETT, MASS.—Continued

2 H. P., A. C. MOTOR HEADSTOCK PATTERN MAKERS' LATHE WITH SETOVER SWIVEL TAILSTOCK, HAND FEED CARRIAGE, 8 SPEED HEADSTOCK, FOR A. C. 220, 440, OR 550 VOLTS, 3 PHASE, 60 CYCLES

	Sizes			
	16" x 6'	16" x 8'	16" x 10'	16" x 12'
Complete, floor type	$979	$1,030	$1,069	$1,130

Extra for fully enclosed magnetic starter with overload- and low-voltage release, and including push button automatically operated from controller handle.

LATHE ATTACHMENTS

	Sizes		
	11" lathe	13" lathe	16" lathe
Friction countershaft, Bulletin D-8	$39	$44	$49
Regular slide rest	57	69	84
Improved slide rest	79	88	.....
Cut-off rests	67	68	73
Turrets	82	92	.....

THE BODINE CORPORATION, BRIDGEPORT, CONN.

	Base price list					
	40-10	41-20	42-20	42-30	48-20	48-30
Machine complete (tapping) with 220-volt, 3-phase, 60-cycle motor, starter, coolant pump, 1 adjustable ball-bearing tapping spindle, no tools	$1,900	$2,400	$3,200	$3,750	$4,000	$4,500
Machine complete (drilling) with 220-volt, 3-phase, 60-cycle motor, starter, coolant pump, 1 adjustable ball-bearing standard drilling spindle, no tools	1,900	2,400	3,200	3,750	4,000	4,500
Each additional standard ball-bearing tapping spindle on vertical slide	150	150	200	200	200	200
Each additional standard ball-bearing drilling spindle on vertical slide	150	150	200	200	200	200
Threading spindle for self-opening die head or collapsible tap, with bracket, drive, trip mechanism, etc., but less motor, or starter, or die head, or tap	.....	.....	400	400	400	400
Threading spindle, heavy duty, for self-opening die head or collapsible tap, with bracket, drive, trip mechanism, etc., but less motor, or starter, or die head, or tap	.....	.....	550	550	550	550
Milling spindles, special, depending on work to be done, approximate price per spindle	.....	.....	600	600	600	600
Screw-inserting mechanism including hopper, chutes, transfer fingers, screw-driver spindle, spinning spindle, backing-up spindle, drive, starter and wiring, less motor, per set, approximate	975	975	1,050	1,050	1,050	1,050
Jack shaft assemblies with drive pulley and gear	100	100	125	125	140	140
Cam shaft clamping device for two stations, add to machine price	75	100	.....	.....	.....	.....
Drill jigs, dependent on type, etc., approximate, each	75	75	90	90	90	90
Pressure pads or strippers, dependent on type, approximate	40	40	50	50	50	50
Dials and rings depend upon work to be done. Prices can only be quoted after engineering layout. Simple type tools start at, per set	50	110	125	200	125	200

Automatic screw-inserting machine 61A, less tools, $950.
Automatic screw-inserting machine 61AA, less tools, $950.
All prices f. o. b. our factory at Bridgeport, Conn., packed for domestic shipment.

BOYAR-SCHULTZ CORPORATION, CHICAGO, ILL.

Boyar-Schultz Profile Grinder No. 1, weight 85 pounds; retail selling price	$260
Boyar-Schultz Profile Grinder No. 2, single-spindle model, weight 750 pounds, retail selling price	1,040
Boyar-Schultz Profile Grinder No. 2, dual spindle model, weight 1,000 pounds, retail selling price	1,690

BOYE & EMMES MACHINE TOOL CO., CINCINNATI, OHIO

Model No.	Rated size and distance between centers	Base weight	Price, base machine	Weight 2' bed extra	Price per 2' bed extra
		Pounds		*Pounds*	
AA	14" x 30"	3,990	$3,066	260	$111
A	16" x 30"	4,400	3,381	300	125
B	18" x 30"	5,850	3,935	380	147
C	20" x 48"	8,100	4,914	500	179
D	22" x 48"	8,400	5,250	500	189
E	24" x 48"	11,800	7,004	700	252
F	27" x 48"	12,200	7,424	700	263
H	30" x 60"	15,500	9,308	900	317
J	36" x 60"	16,100	9,975	900	357

THE BRADFORD MACHINE TOOL CO., CINCINNATI, OHIO

LATHES

Size	Base weight	Base price	Extra 2' bed	Taper attachment
12" x 6'	2,800	$2,800	$105	$250
14" x 6'	3,100	2,950	110	260
16" x 6'	3,500	3,200	120	285

C. C. BRADLEY & SON, INC., SYRACUSE, N. Y.

BRADLEY CUSHIONED UPRIGHT HELVE HAMMER

(DOMESTIC NET PRICES)

Size (pounds)	Belt-driven	Motor-driven
30	$635	$690
50	825	850
75	885	915
100	1,080	1,105
125	1,140	1,170
150	1,300	1,355
200	1,455	1,510
300	2,185	2,240
500	2,440	2,495

BRADLEY CUSHIONED HELVE HAMMER

15	$550	$680
25	635	660
40	825	850
60	1,175	1,200
80	1,345	1,360
100	1,425	1,455
200	2,090	2,145

The motor-driven hammer prices cover the hammer arranged for motor drive including motor stand but do not cover motor, motor pulley, or belting.

Export prices include hammer boxes for ocean transportation, delivered f. o. b. New York City. Domestic prices include hammer skidded for rail or truck transportation delivered f. o. b. Syracuse.

C. C. BRADLEY & SON, INC., SYRACUSE, N. Y.—Con

BRADLEY COMPACT HAMMERS

Size (pounds)	Belt drive	Motor drive
15	$485	$515
30	575	600
50	675	700
75	735	760
100	870	890
125	925	955
150	1,080	1,105
200	1,215	1,235
300	1,840	1,895

BRADLEY UPRIGHT STRAP HAMMERS

15	$460	$485
30	635	660
50	825	850
75	885	915
100	1,080	1,105
125	1,140	1,170
150	1,300	1,355
200	1,455	1,510

BRIDGEPORT MACHINES, INC., BRIDGEPORT, CONN.

TURRET MILLING MACHINE

Turret milling machine complete with master attachment and 1 collet	$995 00
Less attachment	720 00

(Machine put on market 1938, no change in price)

"MASTER ATTACHMENT"

No. 2 Morse or No. 7 Brown & Sharpe, spindle taper optional, price complete with ½ h. p. motor, wrench, [illegible]	[illegible]
Extra collets, size [illegible]	each 4 25

Weight: Machine on the motor in lbs. total 117 lbs.

(Machine put on market 1931, no change in price)

BRIDGEPORT MACHINES, INC., BRIDGEPORT CONN.—Continued

½ H. P. ATTACHMENT

Price complete with single or 3-phase motor, wrench, 1 collet or adapter	$245 00
Extra collets, sizes ⅛", ¼", ⅜", ½", ⅝", ¾", ⅞", 1"	each 5 00
Adapters for No. 2 Morse or No. 7 B. & S. tapers	each 5 00

Weight: Machine 46 lbs.; motor 54 lbs.; total 100 lbs.

(Machine put on market 1932, no change in price.)

THE BRIDGEPORT SAFETY EMERY WHEEL CO., BRIDGEPORT, CONN.

BRIDGEPORT FLOOR GRINDERS, HEAVY-DUTY SERIES, BALL BEARING, ALTERNATING CURRENT GENERAL ELECTRIC MOTORS, 3 PHASE

Type	H. p.	R. p. m. speed, no load	Size of wheels	Weight crated	Price
				Pounds	
2 A. C.	3	1,200	16" x 2½"	1,210	$492
2 A. C.	5	1,200	16" x 2½"	1,250	540
2 A. C. 25 cy	3	1,500	16" x 2½"	1,210	492
6 A. C.	5	1,200	18" x 3"	1,640	605
6 A. C. 25 cy	5	1,500	18" x 3"	1,640	605
7 A. C.	7½	900	24" x 4"	2,300	750
7 A. C. 25 cy	7½	750	24" x 4"	2,300	750
8 A. C.	10	900	24" x 4"	2,970	930
8 A. C. 25 cy	10	750	24" x 4"	2,970	930
9 A. C.	15	720	30" x 4"	3,300	1,110
9 A. C. 25 cy	15	750	30" x 4"	3,300	1,110

BRIDGEPORT HIGH SPEED FLOOR GRINDERS, ALTERNATING CURRENT, 60 CYCLE, 2 OR 3 PHASE, 3 SPEEDS, TIMKEN BEARINGS

Type	H. P.	Size of wheels	Weight crated	Price
			Pounds	
161	10	24" x 3"	4,450	$1,140
161	15	24" x 3"	4,600	1,260
162	15	30" x 3"	4,600	1,320

Above prices are with magnetic full voltage (across-the-line) starters and push-button station, without wheels or adaptors.

For reduced voltage starters (auto-transformer type) add $60.

BRIDGEPORT FLOOR GRINDERS, HEAVY-DUTY SERIES, BALL BEARING, MOTOR DRIVE, DIRECT CURRENT, CROCKER-WHEELER MOTORS

Type	H. P.	Speed r.p.m., no load	Size of wheels	Weight crated	Price
				Pounds	
2 D. C.	2½	1,350	14" x 2"	1,530	$516
6 D. C.	3	1,100	18" x 3"	2,285	642
7 D. C.	3½	800	24" x 4"	2,750	792
8 D. C.	5	800	24" x 4"	3,300	984
9 D. C.	10	800	24" x 4"	3,300	1,176

DIRECT CURRENT—WESTINGHOUSE MOTOR

35 D. C.	3	1,200	*Inches* 18 x 3	*Pounds* 1,720	$642
36 D. C.	5	850	24 x 4	2,250	792
37 D. C.	7½	850	24 x 4	2,600	984
38 D. C.	10	850	24 x 4	3,100	1,176

BRIDGEPORT FLOOR GRINDERS

[Ball Bearings. Alternating current. General Electric Motor. 3 phase]

181 A. C.	2	1,800	*Inches* 12 x 2	*Pounds* 590	$264
181 A. C. 25 cy	2	1,500	12 x 2	590	264
183 A. C.	3	1,200	16 x 2½	915	396
183 A. C. 25 cy	3	1,500	16 x 2½	915	396
185 A. C.	5	1,200	18 x 3	1,170	450
186 A. C. 25 cy	5	1,500	16 x 3	1,190	494

Prices cover machine with regular equipment of steel plate hinged door guards, automatic starter, overload and undervoltage protection push button control, ball bearing spindle.

THE BRIDGEPORT SAFETY EMERY WHEEL CO., BRIDGEPORT, CONN.—Continued

BRIDGEPORT BELT-DRIVEN FLOOR GRINDERS

Type	Cone speed r. p. m. new wheels 5,500 r.p.m. slow speed	Size of plain wheel	Size of taper safety wheel	Weight crated	Price with countershaft	Price without counter shaft
		Inches	*Inches*	*Pounds*		
1 BD.	503	12 x 2	12 x 2	470	$120	$108
2 BD.	410	16 x 2½	16 x 2	795	156	138
6 BD.	511	18 x 3	18 x 2½	1,020	192	174
7 BD.	526	20 x 3	20 x 2½	1,475	246	222
8 BD.	478	24 x 4	24 x 3½	1,760	324	300
9 BD.	438	30 x 4	30 x 3½	2,235	444	414

BRIDGEPORT FLOOR-BUFFING LATHES

[Heavy-duty series—Ball bearing 60 cycles—3 phase]

Type	HP	Speed r. p. m. no load	Weight crated	Price
			Pounds	
15 A. C.	1¾	3,600	715	$210
16 A. C.	3	1,800	810	390
18 A. C.	15	1,800	1,475	582
19 A. C.	20	1,800	1,675	750

BRIDGEPORT FLOOR-BUFFING LATHES

[Heavy-duty series—Ball bearing, alternating current—60 cycle—3 phase]

Type	HP	Speed r. p. m. no load	Weight crated	Price
			Pounds	
16 A. C.	5	1,800	800	$402
16 A. C.	7½	1,800	860	428
16 A. C.	7½	3,600	800	440
16 A. C.	10	3,600	860	465
17 A. C.	7½	1,800	950	480
17 A. C.	10	3,600	950	516
17 A. C.	10	1,800	1,000	503
17 A. C.	15	1,800	1,000	540
17 A. C.	15	3,600	1,000	558

BRIDGEPORT FLOOR-BUFFING LATHES—continued

[Direct current]

Type	HP	Speed r. p. m. no load	Weight crated	Price
			Pounds	
16 D. C.	3	2,500	710	$441
17 D. C.	5	2,450	1,080	552
18 D. C.	5	2,350	1,475	630
19 D. C.	15	2,380	1,675	810

BRIDGEPORT BELT DRIVEN FLOOR-BUFFING LATHES

Type	Diameter of spindle in bearings	Distance between wheels	Weight crated	Price with countershaft	Price without countershaft
	Inches	*Inches*	*Pounds*		
22	1⅜	48	600	*$125	$108
23	1¾	54	745	162	138
24	2	64	970	198	174
QB	2	48	1,000	228	210
R	2	54	1,100	336	318

BRIDGEPORT FLOOR-BUFFING LATHES—BALL BEARING

[Alternating current—60 cycles—2 or 3 phase]

Type	Hp.	Speed r. p. m. no load	Weight crated	Price
			Pounds	
194	2	1,800	530	$246
194	3	3,600	530	240
195	5	1,800	790	342
195-A	3	1,800	775	314
195	7½	3,600	810	350
196	10	1,800	880	426
196-A	7½	1,800	960	414
196	10	3,600	960	422

BRIDGEPORT FLOOR BUFFING LATHES—BALL BEARING

[Alternating current—60 cycles—2 or 3 phase]

Type	Hp.	Weight crated	Price
		Pounds	
16 M A. C.	5	1,050	$630
16 M A. C.	3	1,020	612
17 A A. C.	10	1,300	750
17 M A. C.	7½	1,260	732

THE BRIDGEPORT SAFETY EMERY WHEEL CO., BRIDGEPORT CONN.—Continued

BRIDGEPORT COMBINATION WET AND DRY GRINDERS, HEAVY-DUTY SERIES, BALL BEARING, MOTOR DRIVE, DIRECT CURRENT—CROCKER-WHEELER MOTORS

[Belt drive]

Type	Countershaft speed r. p. m. new dry wheel 5,500 r. p. m. slow speed	Size of dry wheel in inches	Size of wet wheel in inches	Weight crated	Price with countershaft	Price without countershaft
				Pounds		
2 BDW	656	14 x 2	12 x 2	810	$354	$330
6 BDW	460	20 x 3	18 x 2½	1,490	486	450
7 BDW	403	26 x 4	24 x 3	2,500	618	582

BRIDGEPORT WET TOOL GRINDERS, HIGH OR DROP BOWL

[Motor drive]

Type	Hp.	Wheel speed r. p. m.	Size of wheel	Weight crated	Price, D. C. motor	Price, A. C. motor
			Inches	*Pounds*		
2 TGM [1]	1½	1,090	14 x 2 –6	780	$318	$234
3 TGM	3	765	20 x 2½–7	1,150	420	309
4 TGM	3	585	26 x 3 –10	1,375	540	426
4½ TGM	3	510	30 x 4 –12	1,575	600	486
5 TGM	5	425	36 x 4– 22	2,575	780	612
6 TGM	5	365	42 x 4 –24	2,800	870	702

[Belt drive]

Type	Wheel speed r. p. m.	Countershaft speed r. p. m.	Size of wheel	Weight crated	Price with countershaft	Price without countershaft
			Inches	*Pounds*		
2 TGB [1]	1,090	341	14 x 2 – 6	625	$168	$156
3 TGB	765	287	20 x 2½– 7	1,025	210	192
4 TGB	585	292	26 x 3 –10	1,100	330	312
4½ TGB	510	255	30 x 4 –12	1,325	390	372
5 TGB	425	239	36 x 4 –22	2,000	480	462
6 TGB	365	205	42 x 4 –24	2,200	570	552

[1] Not made in drop bowl.

BRIDGEPORT MEDIUM-WEIGHT KNIFE AND FACE GRINDERS

Size	Knife grinders				Type 82A sectional wheel 16", A. C. motor drive	Face grinder, type 82A sectional wheel 16", A. C. motor drive
	Straight wheel 26 x 1½"		Cup wheel 20 x 8 x 2"			
	Belt drive	A. C. motor drive	Belt drive	A. C. motor drive		
32"	$630	$840	$708	$978	$1,434	$1,374
42"	708	918	708	1,068	1,530	1,458
52"	798	1,008	912	1,182	1,650	1,590
62"	912	1,122	1,014	1,284	1,740	1,644
72"	1,008	1,218	1,116	1,386	1,842	1,734
82"	1,110	1,320	1,218	1,488	1,944	1,824

For 20" sectional wheel on type 82A machine, add $20.

Alternating current motor drive 3 hp. motor is furnished on straight wheel machines, 7½ hp. motor on cup wheel or type 82A machine. Prices are based on squirrel-cage motors, 220/440 or 550 volt, 60 cycle, 2 or 3 phase, with full voltage magnetic starters and push button station.

THE BRIDGEPORT SAFETY EMERY WHEEL CO., BRIDGEPORT, CONN.—Continued

NO. 94 BRIDGEPORT HEAVY DUTY FACE GRINDER, 42" SECTIONAL WHEEL, HYDRAULIC DRIVE, TIMKEN-EQUIPPED SPINDLE

Size of machine	Maximum capacity		Approximate weight	Price with A. C. motors as specified below
	Length	Height		
	Inches	*Inches*	*Pounds*	
86"	86	33	30, 270	$12, 120
110"	110	33	33, 270	13, 440

Prices given above are on No. 94 Bridgeport face grinder with hydraulic carriage drive and hydraulic automatic feed of grinding wheel head using Oilgear pump and oil motor, with speed range of 5 to 90 feet per minute; 42" sectional grinding wheel mounted in cast steel chuck; 6-T slot carriage 32" wide; Timken-equipped spindle; motor drive for 220 volts, 60 cycles, 3 phase current, using:
60 hp. A. C. motor, 900 r. p. m. with hand compensator
7½ hp. A. C. motor, 1,200 r. p. m., with automatic starter (full voltage) and 2 push button stations.
1 hp. A. C. motor 1,200 r. p. m., with automatic starter and push button station.

NO. 85 BRIDGEPORT HEAVY DUTY FACE GRINDER, 32" SECTIONAL WHEEL, HYDRAULIC DRIVE, TIMKEN-EQUIPPED SPINDLE

Size of machine	Maximum capacity		Approximate weight	Price with A. C. motors as specified below
	Length	Height		
	Inches	*Inches*	*Pounds*	
80"	86	23	22, 200	$8, 395
100"	100	(1)	23, 620	8, 980
110"	110	(1)	24, 760	9, 380
120"	120	(1)	25, 800	9, 790
136"	136	(1)	27, 400	10, 440
154"	154	(1)	29, 400	11, 195
168"	168	(1)	30, 700	11, 785
180"	180	(1)	32, 100	12, 360
216"	216	(1)	35, 700	15, 840

Prices given above are on No. 85 Bridgeport face grinder with hydraulic carriage drive and hydraulic automatic feed of grinding wheel head using Oilgear pump and oil motor, with speed range of 5 to 90 feet per minute, 32" sectional grinding wheel mounted in cast steel chuck; 5-T-slot carriage, 27" wide; Timken-equipped spindle; motor drive for 220 volt, 60 cycle, 3 phase current using:
40 hp. A. C. motor, 1,200 r. p. m., with hand compensator
5 hp. A. C. motor, 1,200 r. p. m. (on 86" machine) (7½ hp. on longer), with magnetic starter and push button station.

[1] NOTE.—32" x 42" chucks, when specially ordered, may be fitted to carry blocks 3" face instead of 4" increasing capacity of No. 85 face grinder from 23" to 25" and the 94 from 33" to 35" in height.

NO. 75 BRIDGEPORT HEAVY DUTY KNIFE AND FACE GRINDER 26" SECTIONAL WHEEL, HYDRAULIC DRIVE, TIMKEN EQUIPPED SPINDLE

Size	Price with A. C. motors as specified below			Approximate weight without knife or angle bars	Maximum capacity length (height 19½")	
	Without knife bar	With angle bar	With reg. revolving bar		As face grinder or with angle bar	With revolving bar
				Pounds	*Inches*	*Inches*
60"	$6, 310	$6, 395	$6, 455	13, 620	60	52
70"	6, 480	6, 580	6, 635	14, 380	70	62
80"	6, 650	6, 760	6, 810	15, 100	80	72
90"	6, 815	6, 950	6, 985	15, 830	90	82
100"	6, 985	7, 135	7, 210	16, 550	100	92
110"	7, 150	7, 315	7, 390	17, 320	110	102
120"	7, 320	7, 495	7, 565	18, 050	120	112
136"	7, 600	7, 800	7, 865	19, 350	136	128
154"	7, 930	8, 160	8, 255	20, 660	154	146
168"	8, 135	8, 380	8, 470	21, 530	166	158
180"	8, 615	8, 880	8, 965	22, 520	180	172
190"	8, 975	9, 260	9, 335	23, 200	190	182
210"	9, 680	9, 990	10, 085	25, 000	210	202
216"	9, 875	10, 200	10, 280	24, 370	216	208

Prices given above are on No. 75 Bridgeport heavy-duty knife and face grinder with hydraulic carriage drive and hydraulic automatic feed of grinding wheel head, using Oilgear pump and oil motor, with speed range of 5 to 90 feet per minute, 26" sectional grinding wheel mounted in cast steel chuck, 4-T slot carriage 22" wide, Timken-equipped spindle, motor drive for 220, 440 or 550 volt, 60 cycle, 3 phase current using:
25 hp. A. C. motor, 1,200 r. p. m.
15 hp. A. C. motor, 1,200 r. p. m. (on 60" to 136" sizes)
7½ hp. A. C. motor, 1,200 r. p. m. (on 154" to 216" sizes)

THE BRIDGEPORT SAFETY EMERY WHEEL CO., BRIDGEPORT, CONN.—Continued

NO. 179 BRIDGEPORT HEAVY DUTY KNIFE AND FACE GRINDER, 26" SECTIONAL WHEEL, ON LEG BED

Size	Without knife bar	With angle bar	With revolving bar	Approximate weight revolving bar or angle bar	As face grinder or with angle bar	With revolving bar
				Pounds	*Inches*	*Inches*
50"	$2, 725	$2, 810	$2, 870	8, 000	60	52
60"	2, 830	2, 933	2, 990	8, 525	70	62
70"	2, 940	3, 055	3, 100	8, 750	80	72
80"	3, 050	3, 180	3, 215	9, 050	90	82
90"	3, 155	3, 305	3, 385	9, 475	100	92
100"	3, 265	3, 425	3, 505	9, 750	110	102
110"	3, 595	3, 740	3, 810	10, 100	120	112
126"	3, 820	4, 020	4, 085	10, 725	136	128
144"	4, 100	4, 325	4, 420	11, 200	151	146
156"	4, 290	4, 535	4, 625	11, 600	166	158
170"	4, 625	4, 890	4, 975	12, 125	180	172
180"	4, 865	5, 150	5, 225	12, 400	190	182

Prices given above are on No. 179 Bridgeport heavy-duty knife and face grinder; 26" sectional grinding wheel mounted in cast steel chuck; 3-T-slot carriage; motor drive for 220, 440 or 550 volt, 60 cycle, 3 phase current using 15 hp. A. C. motor, 1,200 r. p. m. with automatic starter and push-button station.
All A. C. motors are normal torque, normal starting current, constant speed, with squirrel cage motor, with starters having overload and under-voltage protection. All D. C. motors are shunt wound, constant speed.

NO. 180 BRIDGEPORT HEAVY-DUTY KNIFE AND FACE GRINDER, 26" SECTIONAL WHEEL

Size	Price with 20 hp. A. C. motor			Approximate weight revolving bar or angle bar	Maximum capacity length—height 15"	
	Without knife bar	With angle bar	With revolving bar		As face grinder or with angle bar	With revolving bar
				Pounds	*Inches*	*Inches*
50"	$3, 920	$4, 030	$4, 090	8, 630	60	52
60"	4, 040	4, 140	4, 195	9, 160	70	62
70"	4, 160	4, 270	4, 320	9, 700	80	72
80"	4, 280	4, 410	4, 445	10, 200	90	82
90"	4, 400	4, 550	4, 625	10, 750	100	92
100"	4, 520	4, 680	4, 760	11, 280	110	102
110"	4, 880	5, 050	5, 125	11, 800	120	112
126"	5, 135	5, 335	5, 400	12, 370	136	128
144"	5, 430	5, 660	5, 755	12, 970	154	146
156"	5, 620	5, 870	5, 960	13, 300	166	158
170"	6, 110	6, 370	6, 455	15, 000	180	172
180"	6, 455	6, 740	6, 815	15, 620	190	182
200"	7, 150	7, 465	7, 560	16, 800	210	202
206"	7, 290	7, 615	7, 704	17, 800	216	208

Prices given above are on No. 180 Bridgeport heavy-duty knife and face grinder, cabinet base; 26" sectional grinding wheel mounted in cast steel chuck, 3-T slot carriage; motor drive for 220 volt, 60 cycle, 3 phase current using 20 hp. A. C. motor, 1,200 r. p. m. with magnetic starter and push-button station.

BROWN & SHARPE MANUFACTURING CO., PROVIDENCE, R. I.

MILLING MACHINES (FITTED WITH MOTORS)

Type	Capacity			Working surface of table	Weight	Price
	Length	Trans.	Vert.			
	Inches	*Inches*	*Inches*	*Inches*	*Pounds*	
Plain:						
2 light	28	10	15	45 x 10	2, 700	$3, 410
2 light—with power fast travel	28	10	15	45 x 10	2, 700	3, 575
2-B standard	28	10	18½	51¾ x 11 31/32	4, 525	4, 575
2-B dual control	28	10	18½	51¾ x 11 31/32	4, 575	5, 070
3-B standard	34	12	19½	60¼ x 14	5, 825	5, 745
3-B dual control	34	12	19½	60¼ x 14	5, 875	6, 350
000	5½	2	5½	25¾ x 7⅞	1, 050	1, 600
10	12	2	11½		2, 920	3, 366
12	18	3¼	10½	48⅜ x 12	4, 375	4, 175
Universal:						
2-A (std.)	28	10	17½	51¾ x 11 31/32	4, 825	5, 400
2-A (dual cont.)	28	10	17½	51¾ x 11 31/32	4, 875	5, 895
3-A (std.)	34	12	18½	60¼ x 14	6, 200	6, 680
3-A (dual cont.)	34	12	18½	60¼ x 14	6, 250	7, 285
2 light	28	10	15	45 x 10	2, 950	4, 070
2 light with power fast travel	28	10	15	45 x 10	2, 950	4, 028
Vertical:						
2 light	28	10	14	45 x 10	2, 900	4, 180
2 light—with high speed spindle	28	10	14	45 x 10	2, 900	4, 430
2 light—with power fast travel	28	10	14	45 x 10	2, 900	4, 140
2 light—with power fast travel & H. S. S.[2]	28	10	14	45 x 10	2, 900	4, 388
2 standard	28	12	20	54¾ x 14	6, 100	6, 540
Omniversal	17	5¾	15	34½ x 9	3, 300	6, 310

GRINDERS

Type	Center diameter	Swing length	Weight	Price
	Inches	*Inches*	*Pounds*	
Plain, fitted with motors, complete:				
5	3	12	2, 610	$3, 265
10	6	18	5, 100	4, 455
12	6	30	5, 400	4, 730
20	10	18	8, 500	7, 180
20-A	10	18	8, 500	6, 642
22	10	36	9, 100	7, 510
22-A	10	30	9, 100	6, 970
Universal:				
1 fitted with motors	10	20	2, 650	3, 580
1 complete with countershaft	10	24	2, 750	2, 574
2 fitted with motors	14	30	4, 825	5, 090
3 fitted with motors	14	40	5, 470	5, 495
4 fitted with motors	14	60	6, 825	6, 390
Univ. and tool				
13 fitted with motors	8	24	2, 450	2, 735
13 overhead drive, complete with countershaft	8	24	2, 540	2, 290
Cutter and tool	10	20	1, 045	1, 165

	Work capacity		Weight	Price
	Length	Width		
	Inches	*Inches*	*Pounds*	
Surface grinders:				
2 fitted to receive motor	18	6	1, 330	$1, 165
2-B (with hand feeds) fitted with motors	18	6	1, 230	1, 000
2 overhead drive complete with countershaft	18	6	1, 375	1, 008
2-B (with hand feeds) overhead drive complete with countershaft	18	6	1, 325	846
5 fitted with motors	24	8	2, 500	2, 035

[1] See notation at end.
[2] With power fast travel and high speed spindle arrangement.

BROWN & SHARPE MANUFACTURING CO., PROVIDENCE, R. I.—Continued

AUTOMATIC SCREW MACHINES—HIGH SPEED

Model No.	Capacity work diameter	Geared for motor drive, fitted to receive motor		Complete with countershaft	
		Weight	Price	Weight	Price
		Pounds		*Pounds*	
00	⅜"	1, 725	$3, 060	975	$2, 420
0	⅝"	2, 350	3, 375	1, 330	3, 145
2	1"	2, 875	4, 275	2, 075	3, 695

AUTOMATIC SCREW THREADING MACHINES—HIGH SPEED

	Weight	Price
	Pounds	
No. 00G—For motor drive only. Fitted to receive motor. Takes work to ¾" diameter	1, 575	$3, 080
No. 0)—Complete with countershaft. Takes work to ⅝" diameter	1, 290	2, 600

AUTOMATIC TURRET FORMING MACHINES—HIGH SPEED

Model No.	Capacity work diameter	Geared for motor drive, fitted to receive motor		Complete with countershaft	
		Weight	Price	Weight	Price
		Pounds		*Pounds*	
00	⅜"	1, 450	$2, 817	950	$2, 178
0	⅝"	1, 925	3, 465	1, 410	2, 853
2	1"	2, 500	3, 930	1, 935	3, 352

AUTOMATIC CUTTING OFF MACHINES—HIGH SPEED

00	⅜"	1, 450	$2, 860	950	$2, 220
0	⅝"	1, 925	3, 540	1, 390	2, 920
2	1"	2, 500	4, 025	1, 935	3, 447

WIRE FEED SCREW MACHINES

0	⅜"	1, 030	$1, 955	760	$1, 660
1	⅝"	1, 300	2, 140	1, 025	1, 815
2	1"	1, 450	2, 685	1, 525	2, 300

NOTE.—Price corrections advised by manufacturer differ from those shown in first edition of "Prices of New Machine Tools."

OBSOLETE MACHINES
[Use equivalent as shown]

BROWN & SHARPE

AUTOMATIC SCREW MACHINES

No. 1. Compared to Brown & Sharpe No. 2	$4,065
No. 4. / No. 6. } Compared to Cleveland A-2"	5,450
No. 19. Compared to Brown & Sharpe OOG Auto. Screw cap ⅝"	3,390

BORING MILLS—VERTICAL

Compared to Rogers Machine Works.

GEAR CUTTERS

No. 13. Compared to Gould & Eberhardt 36-B.
No. 13H. Compared to Gould & Eberhardt 36-B.
Others compared to Newark Gear Cutting Machine Company

GEAR HOBBERS

No. 34. Compared to Gould & Eberhardt 24 H. S.
No. 44. Compared to Gould & Eberhardt 24H.

GRINDERS (CYLINDRICAL)

No. 14. Plain compared to Brown & Sharpe No. 22	$8,260
No. 16. 11 x 72 cyl. compared to Landis 12 x 72 Type C	7,925
No. 21. Universal compared to Landis Type C Univ. 14 x 36	6,805
No. 30A Plain compared to Brown & Sharpe 20A	7,380

GRINDERS (INTERNAL)

No. 22. / No. 23.	2,100

GRINDERS (PLANER TYPE)

No. 3. 3' table	1,500
No. 5. 5' table	2,000

GRINDERS (TOOL AND CUTTER)

Compared to Gallmeyer & Livingstone.

HAND SCREW MACHINES

No. 0. / No. 1. / No. 2. } Use prices in Book.

No. 6. Compared to Warner & Swasey No. 5 Univ. (Plain cross slide)	4,715
No. 4. Compared to Warner & Swasey No. 3 Univ. (Plain cross slide)	3,500

MILLS—PLAIN

Size	Comparison	Price
No. 10 (hand mill)	U. S. Machine Tool	$350
No. 0		1,650
No. 1 (without back gears)		1,750
No. 1 (with back gears)	No. 1 Kempsmith Cone, Plain.	1,950
No. 1½	No. 1 Kempsmith Cone, Plain.	1,950
No. 0Y		1,650
No. 1Y		1,750
No. 1B	Cincinnati (L) Type, No. 2 Pl.	3,805
No. 2Y	No. 2 Kempsmith Plain, cone.	2,250
No. 4 Plain / No. 4B	Cincinnati Dial Type, Pl.	7,970
No. 4B Heavy	Cincinnati No. 4 high power, Pl.	8,125
No. 5 / No. 5B	Cincinnati No. 5 high power pl.	8,930
No. 24	Cincinnati No. 4, Plain	7,970
No. 21		4,500
No. 22		6,000
No. 33	Kempsmith No. 33	4,500

MILLS—UNIVERSAL

No. 4A	Cincinnati No. 4 Dial Type, medium speed.	$9,680
No. 4A heavy	Cincinnati No. 4 Dial Type, high speed.	10,500
No. 1	Kempsmith No. 1 Universal	2,625
No. 1A	Brown & Sharpe No. 2 Univ. light type.	4,290
No. 1D	Kempsmith No. 1 Univ.	2,625
No. 13B	Production Mill comp. to No. 12.	
No. 1½	Brown & Sharpe No. 2 Univ. light type	4,290

MILLS—VERTICAL

No. 1 Standard compared to Brown & Sharpe No. 2	$4,415
No. 2. Standard compared to Brown & Sharpe No. 2 (light type)	4,415
No. 3. Standard compared to Brown & Sharpe No. 2 (stan. type)	7,020

MILLS—LINCOLN TYPE

No. 11	$4,000
No. 12 / No. 13 / No. 13-B	4,595
Others	Gooley & Edlund

BRYANT CHUCKING GRINDER CO., SPRINGFIELD, VT.

INTERNAL GRINDERS

Machine	Net weight	Present selling price
	Pounds	
No. 4	2,450	$5,600
No. 4-B	2,875	7,000
No. 5	2,250	4,200
No. 5-A	2,500	5,925
No. 5-B	2,650	5,550
No. 16, 16"	7,000	6,500
No. 16, 22"	8,200	7,950
No. 16, 28"	7,750	7,500
No. 16, 38"	8,100	8,100
No. 16-A, 16"	7,815	7,795
No. 16-A, 22"	9,175	9,450
No. 16-A, 28"	8,450	8,845
No. 16-A, 38"	8,700	9,450
No. 16-C, 16"	7,050	7,350
No. 24, 26"	12,000	9,650
No. 24, 36"	13,800	11,500
No. 24-L, 26"	12,750	12,300
No. 24-L, 36"	14,650	14,200
No. 112	5,500	7,240

BUFFALO FORGE COMPANY, BUFFALO, N. Y.

DRILLING MACHINES

No.

13. Simplex. Capacity—½". Speeds—855, 1,210, 2,380, 3,400 r. p. m. Type—medium and high speed ball bearing, bench, ½" geared chuck:
Motor drive—less motor $24

EXTRAS

14. Hi-Speed. Capacity—½", ⅜", or ¼", maximum according to speed range selected. Speeds—600 to 9,600 r. p. m. Type—high speed, precision, all ball bearing, with individual motor drive. ⅜" or ½" balanced chuck or No. 1 Morse Taper optional:

Round column, floor type	$225
Spindles—Pedestal	
One	345
Two	650
Three	975
Four	1,225
Six	1,850

Motors—each spindle not less than ½ hp.

EXTRAS

Morse taper No. 2 spindle	10
Morse taper No. 1 spindle	Optional

15. Universal. Capacity—½". Type—All ball bearing metal and wood working—medium and high speed. ½" geared chuck

15P.	Pedestal type—single spindle	$215
15P.	Pedestal type—two spindle	310
15P.	Pedestal type—three spindle	385
15P.	Pedestal type—four spindle	510
15P	Pedestal type—six spindle	800
15F	Floor type	48
15M	Manufacturing, single	65
15M	Manufacturing, two spindle	135
15M	Manufacturing, three spindle	205
15M	Manufacturing, four spindle	280
15T	Tapper, ¼" capacity	145
	½" capacity	160
15.	Head, column, adapter only	36
15M	Head, column, adapter only	45
15.	Head only	33
15M	Head only	40

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Cont.

16. Sensitive. Capacity—⅝" in steel. Speeds—460, 670, 1,100, 1,800, 3,000 r. p. m. Type—sliding head, sensitive, direct-belted motor:

Round column, floor type	$160
Spindles—Pedestal	
One	300
Two	500
Three	800
Four	1,070
Six	1,500

Motors—¼ to ¾ hp. at 1,750 r. p. m.—select power and speed to suit application.

EXTRAS

Power feed	$45
12" Overhang, per spindle	45
15" Overhang, per spindle	60

For other extras see price sheet No. 3002

18. Stationary head, Sensitive. Capacity—1" in cast iron or brass. Type—All ball bearing. Five speeds, 400 to 3,000 r. p. m.:

18A.	Floor type	$170
18B	Floor type	155
18C	Floor type	150
18D.	Floor type	145
18E.	Floor type	160
18F	Floor type	150
18G.	Floor type	145
18H.	Floor type	120
18I.	Floor type	140
18J	Floor type	125
18K	Floor type	120
18L.	Floor type	110
18.	Single spindle, pedestal	320
18.	Two spindle, pedestal	730
18.	Three spindle, pedestal	725
18.	Four spindle pedestal	885
18.	Six spindle, pedestal	1,175
	Tapping attachment, ⅜" cap	110
	Head column and adapter with head raising device	135
	Standard head, column and adapter	80
	Motors recommended—⅛ or ¼ hp—1,750 r. p. m.	
	Stationary head. Capacity—1½" in cast iron. Type—stationary head, flat belt, back geared	
	Tight and loose pulley drive	70
	Motor—1 hp. at 1,750 r. p. m.	
	Tapping—use reversing motor control.	

EXTRAS

1. Motor drive—top mounting—V-belted	5
3. Deduct for omission of power feed	5
4. Deduct for omission of back gears	15

22 Drill. Capacity—1¼" in steel. Speed—65, 90, 150, 230, 400, 575, 900, 1,350 r. p. m. Type—sliding head, power feed back-geared single or multiple spindles

Round column type—single spindle	700
Pedestal type—square table—single spindle	485
Pedestal type—two spindles	1,400
Pedestal type—three spindles	2,250
Pedestal type—four spindles	2,600
Pedestal type—six spindles	4,500

Motor—1 to 3 hp. at 1,200 r. p. m. Select power and speed to fit application.

25 Stationary head. Capacity—1¼" in cast iron. Type—stationary head, back-geared, flat belt.

Tight and loose pulley drive	125
Motors—2 hp. at 1,750 r. p. m. (See Sheet No. 2069-J Tapping—use reversing motor control	

EXTRAS

4. Deduct for omission of power feed	25
5. Deduct for omission of back gear	20

NO. 2 MOTOR SPINDLE DRILLS

[1 to 6 spindles—8" and 13" overhang—1" capacity]

Number of spindles	Type S [1] 8" overhang		Type S [1] 13" overhang		Coolant system	T-slot in table or wear plate, price, each	Wear [illegible]
	Price	Code	Price	Code	Price		Price
One	$700	ALIZN	$765	ALKAR	$100	$15	$27
Two	1,200	ALJAP	1,380	ALKES	110	18	40
Three	1,700	ALJER	1,995	ALKIT	120	21	60
Four	2,225	ALJIS	2,635	ALKOV	130	24	87
Five	2,775	ALJOT	3,300	ALKUW	140	27	110
Six	3,350	ALJUV	3,995	ALLAS	150	30	140

[1] Sensitive machine, without back gears or power feed. Above prices include motors and magnetic controls.

EXTRAS

Ball-bearing back-gears (per spindle)	$150
Power feed (per spindle)	195
Motor reverse tapping (per spindle)	110
Compound table	325

	8" overhang	*13" overhang*
1 Spindle	$275	$300
2 Spindles	350	450
3 Spindles	425	600

EXTRAS—continued

Head only (above pedestal) including motor and magnetic control:

8" overhang	$425
13" overhang	465

	8" overhang	*13" overhang*
Pedestal and table assembly:		
4 Spindles	$750	$775
5 Spindles	850	875
6 Spindles	800	1,200

BUFFALO FORGE CO., BUFFALO, N. Y.—Continued

NO. 1 MOTOR SPINDLE DRILLS

[1 to 6 spindles—13" overhang—1¼" capacity]

Number of spindles	Type S [1] 13" overhang		Coolant system	T-slots in table or wear plate, price, each	Wear plate
	Price	Code	Price		Price
One	$1,150	ALIPD	$100	$15	$25
Two	2,150	ALIRF	110	18	40
Three	3,150	ALISG	120	21	60
Four	4,175	ALITH	130	24	85
Five	5,225	ALIVJ	140	27	110
Six	6,300	ALIXL	150	30	140

[1] Sensitive machine, without back gears or power feed. Above prices include motors and magnetic controls.

EXTRAS

Ball-bearing back gear (per spindle)	$150	Pedestal and table assembly:	
Power feed (per spindle)	250	1. Spindle	$300
Motor reverse tapping (per spindle)	110	2. Spindle	450
Compound table	325	3. Spindle	600
Head only (above pedestal including motor and magnetic control)	850	4. Spindle	775
		5. Spindle	975
		6. Spindle	1,200

NO. 2 "RPMSTER"

[1 to 6 spindles—13" overhang—1" capacity]

Number of spindles	Type S [1] 13" overhang		Coolant system	T-slots in table or wear plate, price, each	Wear plate
	Price	Code	Price		Price
One	$850	ALMOX	$100	$15	$25
Two	1,550	ALMUY	110	18	40
Three	2,250	ALNAV	120	21	60
Four	2,975	ALNEW	130	24	85
Five	3,725	ALNIX	140	27	110
Six	4,500	ALNOY	150	30	140

[1] Sensitive machine, without back gears or power feed. Above prices include motors and magnetic controls.

EXTRAS

Ball-bearing back gear (per spindle)	$150
Power feed (per spindle)	195
Compound table (single spindle units only)	325
Pedestal and table assembly:	
1. Spindle	300
2. Spindle	450
3. Spindle	600
4. Spindle	775
5. Spindle	975
6. Spindle	1,200

NO. 3 "RPMSTER"

[1 to 6 spindles—13" overhang—1½" capacity]

Number of spindles	Type S [1] 13" overhang, price	Coolant system, price	T-slots in table or wear plate, price, each	Wear plate, price
One	$1,050	$100	$15	$25
Two	1,950	110	18	40
Three	2,850	120	21	60
Four	3,775	130	24	85
Five	4,725	140	27	110
Six	5,700	150	30	140

[1] Sensitive machine, without back gears or power feed. Above prices include motors and magnetic controls.

EXTRAS

Ball bearing back gear (per spindle)	$150
Power feed (per spindle)	250
Compound table (single spindle units only)	325
Pedestal and table assembly:	
1. Spindle	300
2. Spindle	450
3 Spindle	600
4. Spindle	775
5. Spindle	975
6. Spindle	1,200

Item No.		Drill No. 14	Drill No. 16	Drill No. 22
26	Coolant system, Buffalo motor pump, control, valves, and tank complete:			
	1 spindle	$100	$100	$100
	Per spindle added	15	15	15
29	Deduct for omission of one drilling head from any multiple spindle machine	145	110	400
	Pedestal, base, and table unit only, without heads:			
30	1 valve	180	180	250
31	2 valves	280	280	480
32	3 valves	415	415	880
33	4 valves	525	525	1,140
34	6 valves	700	700	- -

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

PLUNGER MACHINES

Universal Iron Workers Type: U. I. W.

Machine numbers	0	½	1½	2½	2¾	1	2
Bar cutter, capacity std. knives							
Rounds	1¼	1⅝	1⅞	2¼	2¼	1⅝	1⅞
Squares	1⅛	1½	1¼	2	2	1½	1¼
Angles, squares	3 x ⅜	4 x ½	4 x 9/16	6 x ½	6 x ⅝	4 x ⅜	4 x ⅝
Angles, mitre	2 x 5/16	3 x 5/16	3 x ⅜	4 x ½	4 x ½	3 x 5/16	3 x ⅜
Tees, square	2½ x 4	3 x ⅜	4 x ⅜	4 x 5 x ½	4 x 5 x ½	3 x ⅜	1 x ⅜
Bar cutter, capacity special knives:							
Beams	4"-71.8#	5"-121.4#	6"-143.4#	9"-21.8#	9"-21.8#	5"-93.4#	6"-121.4#
Channels	5"-63.2#	7"-121.4#	8"-133.4#	10"-20#	10"-20#	7"-98#	8"-111.2#
Angles, square	4 x 4 x ¼	3½ x 6 x 5/16	5 x 5 x ⅜	3½ x 7 x ½	3½ x 7 x ½	3½ x 6 x 5/16	5 x 5 x ⅜
Angles, square	3 x 4 x 5/16	3½ x 5 x ⅜	4 x 6 x ⅜			3½ x 5 x ⅜	4 x 6 x ⅜
Angles, flare	4 x 5 x 5/16	5 x 5 x ⅜	6 x 6 x 7/16	6 x 6 x ⅝	6 x 6 x ⅝	5 x 5 x ⅜	6 x 6 x 7/16
H-Columns			4"-13⅜"	6" 20#	6" 20#		4"-13.8#
B-Beams				9" 20.5#	9" 20.5#		
Tees	3 x 3 x ⅜	4 x 4 x 5/16	4 x 4 x 9/16	4 x 4 x ⅝	4 x 4 x ⅝		
Specifications:							
H. P. motor	2	3	5	10	10	3	5
R. P. M. motor			1,500 or 1,800				
Weight, pounds	1,900	3,650	5,300	7,000	9,000	5,860	9,200
Ram pressure—tons	30	50	65	85	85	50	65
Built-in square coper on shear end:							
Capacity:							
Angles	3 x ¼	3 x ⅜	3 x ½	4 x ½	4 x ½	3 x ⅜	3 x ½
Tees	2 x 5/16	3 x ⅜	3 x ½	4 x ½	4 x ½	3 x ⅜	3 x ½
Flanges of beams	3 to 4	3 to 6	3 to 7	4 to 10	4 to 10	3 to 6	3 to 7
Flanges of channels	3	3 to 6	3 to 7	4 to 9	4 to 9	3 to 6	3 to 7
Plates	¼	⅜	½	½	½	⅜	½
Width of cut	2	2	2	2¼	2¼	2	2
Depth of cut	2¾	3	3	3½	3½	3	3
Punch capacity	13/16 x 7/16	1 x ⅝	1 1/16 x ¾	1 3/16 x ⅞	1 3/16 x ⅞	1 1/16 x 1	1 1/16 x ⅝
	¾ x ½	13/16 x ¾	⅞ x ⅞	1 x 1	1 7/16 x ⅞	⅞ x ⅝	⅝ x ¾
Shear capacity: Plates (through center)	⅜	½	⅝	¾	¾	½	⅝
Plates—Trim only	½	⅝	¾	⅞	⅞	⅝	¾
Flats—With standard knives	4 x ½	6 x ⅝	6 x ¾	8 x ⅞	8 x ⅞	6 x ⅝	6 x ¾
Trim 1 leg of angles	2½ x ⅜	3 x ½	4 x ⅝	6	6	3 x ½	4 x ⅝
Length of knives—inches	8	10	12	14	14	10	12

NOTE.—For holes larger in diameter than the rated capacity, special oversize punches, dies, couplings, sockets, strippers, and die blocks are required. Prices depend on the largest holes and are given on application.

2-PLUNGER MACHINES—TYPE: U. I. W.

Machine numbers	0	½	1½	2½	2¾	1	2
Prices, pulley drive:							
Machine equipped as per note No. 1	$1,050	$1,500	$2,300	$3,000	$3,500	$1,975	$2,750
Machine including built-in notcher-punch	1,240	1,720	2,550	3,300	3,800	2,195	3,000
Machine including built-in notcher-shear	1,200	1,800	2,650	3,400	3,900	2,275	3,100
Machine including built-in coper-shear	1,200	1,800	2,650	3,400	3,900	2,275	3,100
Machine including built-in notcher and coper	1,480	2,020	2,900	3,700	4,200	2,495	3,350
Prices, arranged for motor drive:							
Machine equipped as per Note 1	1,125	1,600	2,425	3,135	3,635	2,075	2,875
Machine including built-in notcher-punch	1,315	1,820	2,675	3,435	3,935	2,298	3,125
Machine including built-in notcher-shear	1,365	1,900	2,775	3,535	4,035	2,375	3,225
Machine including built-in coper-shear	1,365	1,900	2,775	3,535	4,035	2,375	3,225
Machine including built-in notcher and coper	1,555	2,120	3,025	3,835	4,335	2,595	3,475

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

PUNCHES, SLITTING SHEARS AND BAR-CUTTERS—TYPE U. D. 3-PLUNGER TYPE—FIXED THROAT DEPTH

Machine numbers	2½	3½	4½
Punch capacity	1⅜ x ¾, 1 x ⅞.	1¼ x ⅞, 1⅜ x 1.	1⅝ x 1¼, 1⅜ x 1⅜.
Shear capacity:			
Plates—(through center)	¾	⅞	1¼
Trim only	⅞	1	1⅜
Flats:			
With standard knives	6 x ⅞	7 x 1	7½ x 1⅜
With special upper knives	3 x ⅞	3½ x 1	4 x 1½
With special upper knives	10¼ x ½	12 x ½	14 x ¾
Trim one leg of angles	6 x ¾	6 x ⅞	6 x 1
Length of knives, inches	12	13¾	16½
Bar cutter, capacity std. knives:			
Rounds	2¼	2¼	3
Squares	2	2¼	2⅝
Angles, square	6 x ½	6 x ⅝	6 x ⅞
Angles, mitre	4 x ½	4 x 9/16	6 x ⅝
Tees, square	4 x 5 x ½	4 x 5 x 9/16	6½ x 6½ x ½
Bar cutter—capacity special knives:			
Beams	9"—21/8 #.	10"—30 #.	12"—35 #.
Channels	10"—20 #.	10"—30 #.	12"—35 #.
Angles, square	3½ x 7 x ½.	6 x 8 x ½.	8 x 8 x ⅞.
Angles, flare	6 x 6 x ⅝.	6 x 6 x ¾.	8 x 8 x ¾.
H columns	6"—20 #.	6"—23 #.	8"—35 #.
B beams	9"—20½ #.	9"—22 #.	12"—36 #.
Tees	4 x 4 x ⅝.	6½ x 6½ x ½	
Specifications:			
Hp motor	10	15	20.
R. p. m. motor	1,500 or 1,800	1,500 or 1,800	1,500 or 1800.
Weight, including expert packing, pounds	9,800	14,000	33,000.
Ram pressure, tons	85	110	190.
Prices, pulley drive:			
Machine equipped as per Note No. 1	$3,550	$4,800	$8,850.
Machine, including built-in notcher-punch	3,850	5,150	9,300.
Prices, arranged for motor drive:			
Machine equipped as per note No. 1	3,685	4,950	9,040.
Machine including built-in notcher-punch	3,985	5,300	9,490.

SAME AS ABOVE, BUT WITH VARIOUS THROAT DEPTHS

	25—U. D.	26—U. D.	27—U. D.	28—U. D.	29—U. D.
Capacity	1⅜6 x ¾.	1¼ x ⅞.	1⅜ x 1.	1½ x 1¼.	1¾ x 1½.

SAME AS FOREGOING, BUT WITH VARIOUS THROAT DEPTHS

	25—U. D.	26—U. D.	27—U. D.	28—U. D.	29—U. D.
Capacity	1 x ⅞	1⅛ x 1	1¼ x 1⅜	1⅜ x 1⅜	1⅜ x 1⅜
Plates	¾	⅞	1	1¼	1½
Flats, standard knives	3½ x 1	4 x 1¼	4¾ x 1⅜	5 x 1⅜	6 x 2
Rounds	2	2¼	2½	3	3¾
Squares	1¾	2	2¼	2⅝	3¼
Angles-square	6 x ½	6 x ⅝	6 x ¾	7 x ¾	8 x ⅞
Size motor, h. p.	7½	10	15	25	35
25" Throat—Weight	9,500	14,000			
Price	$4,250	$5,800			
30" Throat—Weight	10,500	15,000	21,000		
Price	$4,650	$6,500	$8,000		
36" Throat—Weight	11,500	16,500	22,000	35,000	42,000
Price	$5,100	$6,750	$8,500	$9,500	$12,800
48" Throat—Weight	13,600	19,500	25,500	43,000	55,000
Price	$6,100	$8,100	$9,500	$12,100	$15,000
60" Throat—Weight	16,500	25,000	30,000	55,000	70,000
Price	$7,500	$10,575	$11,800	$15,150	$19,500
72" Throat—Weight	18,500	28,500	35,000	61,000	80,000
Price	$8,300	$12,100	$12,800	$17,050	$22,575
Ram pressure (tons)	85	110	130	180	250
Thickness of frames	2¾-1⅜	3-1	3¼-1¼	3¾-1½	4¼-1⅝

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

UNIVERSAL SHEARS AND BAR CUTTERS—TYPE: U. S.

	Single Plunger Machine				Double Plunger Machine		
	0	½	1½	2½	2½	3½	4½
Plates	¾	½	⅝	⅞	¾	⅞	1¼
Plates, trim	½	⅝	¾	⅞	⅞	1	1¼
Flats, Standard knives	4 x ½	6 x ⅝	6 x ⅞	8 x ⅞	6 x ⅞	7 x 1	7½ x 1⅜
Length knives (inches)	8	10	12	14	12	13¾	16½
Rounds	1⅝	1¾	1⅞	2¼	2¼	2½	3
Squares	1¼	1½	1¾	2	2	2⅜	2⅝
Angles, square	3 x ⅜	4 x ⅜	4 x ½	6 x ½	6 x ½	0 x ⅝	6 x ⅞
Size motor, h. p.	2	3	5	10	10	15	20
Weight	1,650	2,750	4,300	6,000	6,300	9,000	15,000
Price-pulley dr.:							
Note No. 1	$875	$1,250	$1,875	$2,250	$2,650	$3,600	$6,200
Including built-in notcher	1,115	1,550	2,225	2,650			
Including built-in coper	1,115	1,550	2,225	2,650			
Price Arr'd for Motor Drive	950	1,350	2,000	2,385	2,785	3,750	6,390
Including built-in notcher	1,190	1,650	2,350	2,785			
Including built-in coper	1,190	1,650	2,350	2,785			
Ram pressure-tons	27	48	62	83	83	107	185

SINGLE END PUNCHES—TYPE: P.

Numbers	44	45	46	47	48	49
12" Throat—Weight	1,500	2,000	3,600	5,100	8,400	
Price	$570	$725	$1,275	$1,725	$2,475	
16" Throat—Weight	1,600	2,300	3,800	5,400	8,800	10,500
Price	$600	$825	$1,350	$1,800	$2,600	$3,200
20" Throat—Weight	1,725	2,700	4,000	5,700	9,200	11,500
Price	$650	$975	$1,450	$1,875	$2,725	$3,350
24" Throat—Weight	1,850	3,200	4,600	6,100	9,700	12,500
Price	$710	$1,160	$1,625	$2,025	$2,850	$3,700
30" Throat—Weight	2,100	3,600	5,100	6,700	10,700	13,600
Price	$820	$1,300	$1,800	$2,500	$3,150	$4,150
36" Throat—Weight	2,400	4,100	5,900	7,400	12,000	15,200
Price	$900	$1,500	$2,100	$2,800	$3,550	$4,600
48 inch—Weight	3,400	5,300	7,500	9,500	15,000	18,600
Price	$1,300	$1,920	$2,650	$3,200	$4,325	$5,600
60 inch—Weight	5,100	7,100	8,900	12,300	18,400	22,500
Price	$1,950	$2,600	$3,150	$4,100	$5,425	$6,700
72 inch—Weight	6,200	8,300	10,500	14,200	20,800	25,000
Price	$2,375	$3,000	$3,750	$4,750	$6,150	$7,450
Hp. motor	1½	2	3	5	5	7.5
Ram pressure—tons	18	35	60	80	130	160

SINGLE END PUNCHES—TYPE: P

Throat numbers	50	51	52	53	54	55
16 inch—Weight	13,500					
Price	$3,800					
20 inch—Weight	14,300	18,000	22,500			
Price	$4,050	$4,650	$5,400			
24 inch—Weight	15,000	19,000	23,500	28,500	32,500	39,000
Price	$4,250	$4,900	$5,700	$7,150	$7,600	$9,100
30 inch—Weight	16,000	20,500	26,000	11,500	36,000	42,500
Price	$4,550	$5,300	$6,200	$7,850	$8,650	$10,250
36 inch—Weight	18,000	23,500	29,000	34,000	40,000	48,000
Price	$5,000	$6,100	$6,900	$8,500	$9,600	$11,800
48 inch—Weight	23,000	30,000	39,000	44,000	49,000	60,000
Price	$6,600	$7,800	$9,300	$11,600	$12,100	$14,350
60 inch—Weight	29,000	38,000	50,000	55,000	61,000	74,000
Price	$8,250	$9,850	$12,300	$14,350	$15,150	$17,700
72 inch—Weight	34,000	44,000	58,000	63,000	70,000	84,000
Price	$9,700	$11,450	$14,350	$16,600	$17,200	$20,000
Hp. motor	10	10	15	15	20	20
Ram pressure—tons	190	250	305	370	420	500

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

HORIZONTAL PUNCHES—TYPE: H. P.

Numbers	46	47	48	50
Capacity	1 x ⅝	1⅛ x ¾	1¾ x 1	2 x 1
Capacity	⅝ x ¾	1 x ⅞	1¼ x 1⅜	1½ x 1¾
Throat	12	16	16	16
Punches:				
Beams in flanges	6"–12"	7"–18"	7"–24"	7"–24"
Beams in web	5"–15"	7"–18"	7"–18"	7"–18"
Channels in flange	6"–12"	7"–18"	7"–18"	7"–18"
Channels in web	5"–15"	7"–18"	7"–18"	7"–18"
Length	7'–3"	7'–4"	8'–0"	10'–0"
Width	2'–8"	2'–10"	3'–4"	4'–0"
Height	3'–8"	4'–4"	5'–0"	6'–3"
Weight	3,350	5,800	9,500	14,000
Price	$1,600	$2,530	$3,750	$4,825
Hp. motor	3	5	10	15
R. p. m.	280	275	235	250
Ram pressure, tons	59	80	130	190

ACCESSORIES

		0	½–1	1½–2	2½	3½	4½		
Machine	23–U	24–U		25–U	25–UD, 26–U	26–UD	27–UD, 27–U	28–UD, 28–U	29–UD, 29–U
Numbers	44		45	46	47		48	49	50
Motor drive arrangements	$65	$75	$100	$125	$135	$150	$175	$190	$225
Gear guard #44, to #55 only	35		55	60	75		90	120	150
Gear and flywheel guard, U, UD, UIW	55	60	80	110	150	180	225	250	290
Built-in notcher-punch end	175	190	220	250	300	350	400	450	525
Built-in notcher-shear end		210	300	350	400				
Built-in coper-shear end		240	300	350	400				
Triple punching attachments	165	175	200	260	375	410	475	525	575
Stake punch attachments	55	65	70	100	125	140	165	175	200
Slitting shear knife holder	90		100	120	140		160	200	250
Cut-off knife holder	85		90	105	120		145	180	225

Machine numbers	51	52	53	54	55
Motor drive arrangement	$255	$280	$300	$325	$375
Gear guard No. 44 to 55 only	175	200	235	260	350
Gear and flywheel guard, U, UD, UIW	625	675	750	825	900
Triple punching attachments	300	375	450	525	600
Slitting shear knife holder	275	350	425	500	575
Cut-off knife holder					

Above refers to punches, dies, shear blades, bar cutter knives, special die blocks, triple attachments, stake punch attachments, built-in 90° notchers, built-in square copers, interchangeable 90° notchers and square copers, 90° notching tools, square coping tools, motor drive, arrangements, gear guards, flywheel guards, sub-bases, trucks.

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

RAPID ACTING PUNCHES—TYPE, R. A. P.

Throat		43	44	45	46	47	48
12"	Capacity	⅜ x ¼	⅜ x ⅜	¾ x ⅝	⅞ x ⅝	1 x ¾	1 x 1
	Length	3' 2"	3' 8"	4' 5"	5' 0"	5' 11"	
	Width	2' 3"	2' 8"	3' 0"	5' 6"	6' 0"	
	Height	5' 2"	6' 6"	6' 3"	6' 8"	7' 9"	
	Weight—pounds	1,500	2,600	3,200	4,300	6,000	
	Price	$560	$855	$1,025	$1,500	$1,965	
18"	Weight—pounds	1,600	2,725	3,400	4,500	6,400	9,000
	Price	$590	$900	$1,200	$1,610	$2,240	$3,320
24"	Weight—pounds	1,750	3,000	3,750	5,100	7,000	11,000
	Price—A	$650	$990	$1,350	$1,850	$2,450	$3,800
36"	Weight—pounds	1,950	3,700	4,800	6,600	8,500	12,600
	Price	$750	$1,200	$1,800	$2,400	$3,100	$4,200
48"	Weight—pounds	2,200	5,100	6,000	8,300	10,500	14,500
	Price	$830	$1,700	$2,200	$3,000	$3,750	$4,850
60"	Weight—pounds	2,500	6,500	7,500	10,000	12,500	16,500
	Price	$970	$2,150	$2,700	$3,800	$4,500	$5,500
72"	Weight—pounds	2,900	8,000	9,000	12,000	15,000	18,500
	Price	$1,100	$2,600	$3,100	$4,500	$5,200	$6,200
	Ram pressure, tons	9	18	35	60	80	130
	Frames	⅝	⅝	¾	⅞	1	1¼
	H. p.	1½	2	3	5	7½	10
	R. p. m. motor	900	900	900	1,200	1,200	1,200
	Capacity rivets, cold	¼	⅜	½			

SINGLE END SHEARS—TYPE S

Throat		Numbers					
		44	45	46	47	48	49
12"	Weight—pounds	1,600	2,125	3,750	5,350	8,800	10,300
	Price	$600	$770	$1,325	$1,875	$2,875	$3,100
16"	Weight—pounds	1,700	2,425	3,950	5,700	9,200	11,000
	Price	$640	$880	$1,400	$1,925	$2,975	$3,300
20"	Weight—pounds	1,825	2,825	4,150	6,150	9,600	11,800
	Price	$680	$1,075	$1,475	$2,100	$3,100	$3,600
24"	Weight—pounds	1,950	3,325	4,750	6,500	10,100	13,000
	Price	$750	$1,225	$1,675	$2,200	$3,275	$3,900
	Hp. motors	2	3	5	7.5	10	15
	Ram pressure—tons	18	35	60	80	130	160
		50	51	52	53	54	55
12"	Weight—pounds	13,400	16,800	21,000	25,000	30,000	35,000
	Price	$3,775	$4,450	$5,100	$5,700	$6,500	$7,600
16"	Weight—pounds	14,200	18,000	23,000	28,000	32,500	37,500
	Price	$4,000	$4,750	$5,600	$6,400	$7,000	$8,100
20"	Weight—pounds	15,000	19,000	24,500	30,000	35,000	40,000
	Price	$4,250	$5,000	$5,900	$6,850	$7,550	$8,700
24"	Weight—pounds	16,000	20,000	26,000	32,000	37,000	42,000
	Price	$4,400	$5,300	$6,250	$7,300	$8,000	$9,100
	Hp. motors	15	20	20	25	30	40
	Ram pressure—tons	190	250	305	370	420	500

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

SINGLE END PUNCHES WITH SHEARS—TYPE, P. W. S.

Type Cut-off sh. / Throat		44	45	46	47	48
	P. capacity	½ x 3/16	¾ x ½	1 x 5/16	1¼ x ¾	1⅜ x 1
	P. capacity	5/16 x 7/16	5/16 x 5/8	7/8 x ¾	1 x ⅞	1¾ x 1⅜
	Plates (sl. sh.)	3/8	1/2	5/8	3/4	1
	Flats (sl. sh.)	3 x ½	3 x 5/8	3½ x ¾	5 x ⅞	5½ x 1⅜
	Flats	3½ x 5/16	4 x ¼	6½ x ¼	8 x ⅜	10 x ⅜
	Rounds	1⅜	1⅜	1⅝	1½	2
	Squares	¼	1	1 3/16	1⅜	1¾
	Angles	1½ x 7/16	2½ x 5/16	3 x ⅜	4 x ⅜	4 x ½
	Tees	1⅜ x ¼	2 x ¼	2½ x 5/16	3 x ⅜	4 x ⅜
Throat						
12"	Weight—pounds	1,650	2,200	3,850	5,500	9,100
	Price	$680	$860	$1,430	$1,925	$3,025
16"	Weight—pounds	1,750	2,500	4,050	5,850	9,600
	Price	$715	$870	$1,500	$2,050	$3,200
20"	Weight—pounds	1,875	2,900	5,240	6,200	10,100
	Price	$760	$1,100	$1,600	$2,125	$3,300
24"	Weight—pounds	2,000	3,400	4,850	6,650	10,700
	Price	$826	$1,300	$1,775	$2,250	$3,450
	Hp. motor	2	3	5	7½	10
	Ram pressure—tons	18	35	59	80	130

DOUBLE END PUNCHES AND SHEARS—TYPE, P. A. S.

Throat		Numbers 45	46	47	48	49
12"	Weight—pounds	4,300	5,500	8,400	12,500	
	Price	$1,575	$1,925	$2,850	$4,140	
16"	Weight—pounds	4,700	6,000	9,000	13,500	18,000
	Price	$1,700	$2,125	$3,050	$4,400	$4,650
20"	Weight—pounds	5,000	6,500	9,700	14,700	17,700
	Price	$1,825	$2,300	$3,275	$4,775	$5,325
24"	Weight—pounds	5,350	7,000	10,600	15,800	19,000
	Price	$1,950	$2,475	$3,575	$5,125	$5,725
30"	Weight—pounds	6,000	7,900	12,000	17,700	21,000
	Price	$2,175	$2,775	$4,075	$5,775	$6,350
36"	Weight—pounds	6,800	9,000	13,500	19,800	23,500
	Price	$2,475	$3,200	$4,550	$6,500	$7,050
48"	Weight—pounds	8,500	11,500	17,500	24,500	30,000
	Price	$3,100	$4,100	$5,800	$8,000	$9,000
60"	Weight—pounds	10,300	14,200	22,600	30,500	39,000
	Price	$3,750	$5,000	$7,600	$10,250	$11,900
72"	Weight—pounds	11,300	15,600	25,200	36,000	45,000
	Price	$4,100	$5,500	$8,500	$12,100	$13,850
	H. p. motor	3	5	7½	10	15
	Ram pressure—tons	35	60	80	130	160

Throat		50	51	52	53	54	55
16"	Weight—pounds	18,000					
	Price	$5,500					
20"	Weight—pounds	19,200	26,000	38,000			
	Price	$6,000	$8,875	$9,150			
24"	Weight—pounds	20,600	29,000	40,500	47,000	63,000	75,000
	Price	$6,700	$7,650	$9,800	$11,500	$12,300	$15,900
30"	Weight—pounds	22,500	32,500	44,500	52,000	68,000	83,000
	Price	$7,300	$8,575	$10,775	$12,500	$13,850	$17,500
36"	Weight—pounds	25,700	36,500	50,000	60,000	74,000	90,000
	Price	$8,200	$9,700	$12,300	$13,550	$15,400	$19,500
48"	Weight—pounds	33,000	48,500	69,000	75,000	88,000	105,000
	Price	$10,800	$12,800	$15,300	$16,400	$18,500	$22,050
60"	Weight—pounds	42,000	62,000	75,000	86,000	105,000	125,000
	Price	$14,000	$16,850	$18,500	$19,750	$21,600	$26,700
72"	Weight—pounds	48,000	70,000	85,000	95,000	115,000	140,000
	Price	$16,000	$18,750	$20,600	$21,600	$24,100	$29,000
	H. p. motor	15	20	20	25	30	40
	Ram pressure—tons	190	250	305	370	420	500

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

SPRUE CUTTERS—TYPE, S. C.

	Number 45	46	47	48	48
Capacity	Single end.	Single end.	Single end.	Single end.	Double end.
Steel castings	1 sq. in.	1.75 sq. in.	2.5 sq. in.	4 sq. in.	4 sq. in.
Malleable iron	1 sq. in.	1.75 sq. in.	2.5 sq. in.	4 sq. in.	4 sq. in.
Depth throat	12"	16"	24"	30"	30"
Size motor, h. p.	3	3	5	7½	7½
Weight—pounds	2,750	4,100	6,500	12,000	16,000.
Price	$1,000	$1,650	$2,225	$3,200	$5,000.
Motor drive arrange.	$100.	$125.	$135.	$175.	$175.
Gear guard	$60.	$60.	$75.	$80.	$90.
Flywheel guard	$50.	$55.	$65.	$75.	$75.

SINGLE END ANGLE SHEARS—TYPE, S. A. S.

	Capacity 3"	4"	6"	8"	8" HVY
Angles, square	3 x ⅜	4 x ½	6 x ⅝	8 x 1¼	8 x 1½
Angles, 45°	2½ x ⅜	4 x ⅝	6 x ¾	8 x 1	8 x 1¼.
Size Motor-h. p.	5	7½	15	20	25.
Weight, Lbd.	1,700	3,350	9,000	25,000	30,000.
Price	$1,025	$1,700	$4,075	$6,950	$8,800.
Motor drive arrange.	$80	$100	$130	$170	$225.
Gear guards only	90	125	180	230	300.
Gear-flywheel and V-belt guards	175	250	350	450	600.
Ram pressure—tons	45	70	200	390	460.

DOUBLE-END ANGLE SHEARS—TYPE D. A. S.

	Capacity 3"	4"	6"	8"	8" HVY.
Angles, square	3 x ⅜	4 x ½	6 x ⅝	8 x 1¼	8 x 1½
Angles, 45°	2½ x ⅜	4 x ⅜	6 x ¾	8 x 1	8 x 1¼
Size motor, h. p.	5	7½	15	20	25
Weight—pounds	2,500	5,000	12,000	33,000	40,000
Price	$1,275	$2,275	$4,850	$8,250	$10,250
Turntable	$900	$1,400	$2,000	$2,800	$3,500
Motor drive arrange.	$80	$100	$130	$170	$225
Gear guards only	$90	$125	$180	$230	$300
Gear-flywheel and V-belt guards	$175	$250	$350	$450	$600
Ram pressure—tons	45	70	200	390	460

DOUBLE END ANGLE AND BAR SHEARS—TYPE D. A. B. S.

	Capacity 3"	4"	6"	8"	8" HVY.
Angles, square	3 x ⅜	4 x ½	6 x ⅝	8 x 1¼	8 x 1½
Angles, 45°	2½ x ⅜	4 x ⅜	6 x ¾	8 x 1	8 x 1¼
Rounds	1½	1¾	3¼	4⅜	4¾
Squares	1¼	1¾	2¾	4	4¾
Flats	2 x ¾	2½ x 1	4 x 1¾	6 x 2½	6 x 3
Weight—pounds	3,500	7,500	20,000	42,000	50,000
Price	$1,550	$2,725	$6,050	$8,800	$12,100
Turntable	$1,000	$1,600	$2,300	$3,200	$4,000
Motor drive arrange.	$80	$100	$130	$170	$225
Gear guards only	$90	$125	$180	$230	$300
Gear-flywheel, and V-belt guards	$175	$250	$350	$450	$600
Ram pressure—tons	45	70	200	390	460

Prices cover pully driven machines and include one set of knives.

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

SHEARING SHEARS—TYPE S. S.

	Capacity No. 22	23	24	25	26	27	28	29
Plates—thru center	1¼	3/8	1/2	5/8	3/4	1	1¼	1½
Plates—trim	9/32	7/16	9/16	11/16	7/8	1⅛	1⅜	1¾
Rounds	½	5/8	3/4	1	1¼	1⅝	2¼	3
Squares	7/16	9/16	11/16	7/8	1⅛	1½	2	2¾
Flats, std. knives	2 x 5/16	2 x ½	2½ x 3/8	3 x ¾	3½ x 1	4½ x 1⅛	5 x 1⅝	6 x 1¾
Angles	- - -	2½ x ¼	3 x 3/8	3½ x ½	4 x ½	5 x 5/8	6 x ¾	6 x 1
Size motor, h. p.	1	2	3	5	7½	15	25	35
Weight—pounds	550	900	2,200	2,300	4,400	8,400	14,000	22,000
Price	$260	$425	$700	$925	$1,600	$2,725	$3,925	$6,200
Motor drive arrange	$60	$80	$100	$110	$135	$150	$175	$190
Gear guards only	$35	$45	$55	$70	$90	$125	$150	$180
Gear-flywheel, and V-belt guard	$70	$90	$110	$140	$175	$250	$300	$350
Ram pressure—tons	5	12	24	42	70	143	250	400

BAR CUTTERS—TYPE B. C.

	Number 5	6	7	8	9	10	11
Rounds	1¼	1⅜	2¼	2¾	3⅜	3¾	4½
Squares	1⅜	1½	2	2½	3	3½	4
Angles	2½ x ¼	3½ x ⅜	4 x ½	4½ x ⅝	5 x ¾	6 x ¾	8 x 1
Tees	2¼ x ¼	3½ x ⅜	4 x ⅜	4½ x ⅝	5 x ¾	6 x ¾	6 x 7/4
Size motor, h. p.	2	3	5	7.5	10	15	25
Weight—pounds	1,050	2,575	4,250	7,500	10,000	16,000	23,000
Price	$700	$1,300	$2,100	$2,800	$3,700	$5,600	$8,100
Motor drive arrange	$90	$110	$150	$230	$260	$280	$300
Gear, flywheel, and V-belt guards	$125	$175	$225	$285	$375	$475	$575
Ram press—tons	30	55	110	170	240	325	430

SPECIAL BAR CUTTERS—TYPE, S. P. B. C.

	Number 5	6	7	8	9	10	11
Rounds	1¼	1⅜	2¼	2¾	3⅜	3¾	4½
Squares	1⅜	1½	2	2½	3	3½	4
Angles	2½ x ¼	3½ x ⅜	4 x ½	5 x ⅝	6 x ¾	8 x ¾	8 x 1
Flats	2½ x ½	4 x ⅝	5 x ¾	6 x ⅞	7 x 1	8 x 1¼	10 x 1½
Size motor, h. p.	2	3	5	7½	10	15	25
Weight—pounds	1,300	2,700	4,500	8,200	11,500	16,500	25,000
Price	$825	$1,475	$2,425	$3,350	$4,400	$6,150	$9,600
Motor drive arrange.[1]	$90	$110	$150	$230	$260	$280	$300
Gear, flywheel and V-belt gds	$125	$175	$225	$285	$375	$475	$575
Ram pressure—tons	30	55	110	170	240	325	430

[1] Not including motor nor control, but V-belts.

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

DIAGONAL BAR CUTTERS—TYPE, D. B. C.

	Number 5	6	7	8	9	10	11
Round bars	1¼	1⅝	2¼	2 13/16	3⅜	3 15/16	1 4½
Square bars	1⅛	1½	2	2½	3	3½	1 4
Angles, sq	3 x 3 x ⅜	4 x 4 x ½	6 x 6 x ½	6 x 6 x ¾	6 x 6 x ⅞	8 x 8 x ¾	1 8 x 8 x 1
Angles, 45°	2 x 2 x 5/16	3 x 3 x 7/16	4 x 4 x ½	4 x 4 x ⅝	6 x 6 x ⅝	6 x 6 x ¾	1 6 x 6 x 1
Flat bars	3 x ½	4 x ⅝	5 x ¾	6 x ⅞	7 x 1	10 x 1¼	1 12 x 1½
H. P., motor	3	5	5	7½	10	15	25
Weight—pounds	1,800	3,500	6,000	10,000	14,000	20,000	30,000
Price	$1,175	$1,850	$3,300	$4,125	$5,725	$7,375	$11,550
Motor drive arrange.[1]	$90	$110	$150	$230	$260	$280	$300
Gear, flywhl. and V-belt gds	$125	$175	$225	$285	$375	$475	$575
Ram pressure—tons	30	55	110	170	240	325	430

[1] Standard knives.
[1] Prices include the belts but not the motor nor controls.

BILLET SHEARS—TYPE, B. S.

	Number 7	8	9	10	11	12[1]
Round billets	2¼	2 13/16	3⅜	3 15/16	4½	1 5
Square billets	2	2½	3	3½	4	4½
Flat bars	8 x ¾	9 x ⅞	10 x 1	12 x 1¼	14 x 1⅜	16 x 1¾
Flat bars	6 x 1	6 x 1¼	6 x 1½	8 x 1¾	10 x 1¾	14 x 2
H. P., motor	5	7½	10	15	25	35
Weight—pounds	4,300	7,500	10,000	15,000	20,000	30,000
Price	$2,100	$2,900	$3,775	$5,975	$8,550	$10,600
Motor dr. arrange.[1]	$150	$230	$255	$280	$300	$320
Extra for herringbone grs	$300	$325	$375	$450	$600	$800
Ram pressure—tons	110	170	240	325	430	540
Automatic stripper				$550	$625	$650
Gear guards only	$110	$135	$180	225	275	300
Gear, flywheel and V-belt gds	$225	285	375	475	575	625

	Number 13	14	15	16	17	
Round billets	5¾	6¾	7¾	9	10	
Square billets	5	6	7	8	9	
Flat bars	18 x 2¼	20 x 2½	22 x 3	26 x 3½	28 x 4	
Flat bars	15 x 2½	16 x 3	16 x 3¾	20 x 4	20 x 4½	
H. P., motor	50	60	75	100	125	
Weight—pounds	45,000	60,000	80,000	125,000	165,000	
Price	$15,000	$19,750	$27,500	$38,500	$50,000	
Motor drive arrange.[1]	$370	$460	$520	$600	$675	
Extra for herringbone gears	$950	$1,200	$1,500	$1,200	$1,500	
Ram pressure—tons	675	1,000	1,300	1,750	2,200	
Automatic stripper	$700	$750	$875	$950	$1,075	
Gear guards only	$350	$400	$475	$675	$825	
Gear, flywheel and V-belt guards	$725	$850	$1,000	$1,400	$1,750	

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

BUFFALO "ARMOR-PLATE" SIMPLEX BENDING ROLLS—TYPE, S. B. R.

Capacity and Specification	No. ½	No. 1	No. 2	No. 3	No. 4
Flats, on flat	½ x 14 (6')	½ x 15¾ x 20D	3 x 21¾ x 20D	5 x 33¾ x 30D	6 x 43¾ x 36D
Sq. bars (soft steel)	¾ x 24D	2 x 20D	2¾ x 30D	4 x 40D	5 x 60D
Round bars	2 x 24D	2¼ x 24D	3 x 30D	4½ x 36D	6 x 48D
Standard pipe	2¼ x 24D	2½ x 24D	3¼ x 24D	5 x 36D	8 x 72D
Size motor, h. p	¾	1	2	3	5
Speed of motor	1,200	1,200	1,200	900	900
Weight, upper shaft	1½	4½	6	7¾	12
Weight, upper shaft, pounds	1,825	4,000	8,000	10,325	37,500
Price includes 1 set of standard rolls, standard speed reducer, arr. motor drive, less motor	$950	$2,100	$3,400	$4,400	$15,600
	Incl. rolls for bending 4 rings,	Nos. 1, 2, and 4 prices	including roll of flats on the	bending rolls, deduct price	of flat rolls from the price
	of machine and add price of rolls wanted.				

STRAIGHTENING MACHINES—TYPE, S. M.

Number of machine	47	48	50
Distance between blocks	6" to 14"	8" to 16"	8" to 18"
Straightens beams up to	6"—17.25 lb.	9"—30 lb.	10"—35 lb.
Ram pressure, tons	60	100	100
Size of motor, hp	5	7.5	10
Weight, pounds	6,850	11,000	16,500
Price	$3,000	$4,350	$6,050
Motor drive arrangement	$100	$150	$190
Gear guard	$45	$75	$120
Flywheel guard	$55	$75	$140

NO. 24 STRUCTURAL IRON WORKER—TYPE, S. I. W.

PRICES	
Arranged for motor drive—no motor:	
Machine equipped as per note No. 1	$3,485
Machine incl. built-in notcher in punch-head	3,785
Machine incl. built-in notcher on shear end	3,885
Machine incl. built-in copet on shear end	3,885
Machine incl. built-in notcher and coper	4,185
Gooseneck dieblock (refer note No. 2)	200
Turntable	200
Attachment for cutting flats in bar-cutter section	135
3-foot bar-cutter gauge	65
Light-socket, switch, 50-foot cable and receptacle	60

BULLARD CO., BRIDGEPORT, CONN.

SPIRAL DRIVE VERTICAL TURRET LATHES

Size	Weight (pounds)	Prices: Standard type[1]	Prices: High-speed type[2]	Extra height
24"	10,000	$7,575	$8,545	$550
30"	17,750	10,040	11,130	550
42"	20,300	11,360	12,460	550
54"	24,400	12,850	19,980	550

1 Includes V-belt motor drive.
2 With 2 heads.

1 Includes 2 V-belt motor drive.
2 With 3 heads.

BULLARD CO., BRIDGEPORT, CONN.—Continued

CUT MASTER VERTICAL TURRET LATHES

Size	Weight (pounds)	Price
30"	26,000	[1] $10,590
36"	29,000	[1] 12,900
42"	39,000	[2] 17,740
54"	46,600	[2] 19,555
64"	54,000	[2] 21,535

1 With two heads.
2 With three heads.

TYPE "D" MULT-AU-MATIC LATHES

Size	Six spindle with five heads: Weight (pounds)	Six spindle with five heads: Price	Eight spindle with seven heads: Weight (pounds)	Eight spindle with seven heads: Price	Extra height
15"	26,600	$20,080	34,700	$26,570	660
18"	27,600	22,435	35,500	29,450	660
18"	31,000	27,210	42,000	32,290	660

THE BURKE MACHINE TOOL COMPANY, CONNEAUT, OHIO

MILLING MACHINES

#0 Bench cone type milling machine, complete with counter shaft	$170
#1 Bench cone type milling machine, complete with counter shaft	180
#2 Bench cone type milling machine, complete with counter shaft	265
#3 Bench cone type milling machine, complete with counter shaft	195
#4 Bench cone type milling machine, complete with counter shaft	275

THE BURKE MACHINE TOOL COMPANY, CONNEAUT, OHIO—Continued

MOTOR DRIVEN MILLING MACHINES

(When ordering, advise voltage, cycle, and phase of motor required)

#1 Motor driven milling machine (including belting, wrenches, reversible drum type switch), spindle, Timken roller bearing	$300
#2 Motor driven milling machine (including belting, wrenches, reversible drum type switch), spindle, Timken roller bearing	385
#3 Motor driven milling machine (including belting, wrenches, reversible drum type switch), spindle, Timken roller bearing	320
#4 Motor driven milling machine (including belting, wrenches, reversible drum type switch), spindle, Timken roller bearing	410
Universal table for No. 4 miller, extra	40

ATTACHMENTS

Arbors, for Nos. 1, 2, 3 and 4 millers, No. 9 B & S taper (when ordering state diameter) ¾" and 1"	7
Column for No. 0 miller	15
23-inch column for Nos. 1, 2, 3 and 4 millers	18
28-inch column for Nos. 1, 2, 3 and 4 millers	22
38-inch cabinet column for Nos. 1, 2, 3 and 4 millers	37
The following attachments include necessary wrenches:	
Index centers, tilting head, including one plate	52
Index centers, stationary head, including one plate	35
Extra index plates, each	2.50
Draw-in collet attachment for miller with one round collet	18
Draw-in collet attachment for index centers with one round collet	10
Extra collets, each	4
Vertical milling attachment, ball bearing spindle, including one collet	7
Quick opening vise	15
Miller and drill press vise, plain	14
Graduated swivel base vise	14
	8

JOHN T. BURR & SON, BROOKLYN, N. Y.

KEYSEAT MILLING MACHINES

Prices—weights

Mach. No.	Length	36 inches	48 inches	60 inches	72 inches	84 inches	96 inches
3	Price	$760	$820	$895			
	Weight, pounds	1,600	1,800	2,000			
5	Price		$925	$960	$1,075		
	Weight, pounds		2,800	3,000	3,200		
6	Price		$1,050	$1,125	$1,200		
	Weight, pounds		3,300	3,500	3,700		
7	Price				$1,600	$1,750	$1,850
	Weight, pounds				4,500	5,000	5,500
8	Price				$1,925	$2,050	$2,175
	Weight, pounds				4,900	5,300	5,500

Routing attachment, extra.—No. 5, $225; No. 6, $250; No. 7, $350; No. 8, $390.
Arrangeing for motor drive, extra.—No. 3, $175; No. 5, $175; No. 6, $185; No. 7, $220; No. 8, $240.

Specifications

Machine No.	3	5	6	7	8
Standard lengths (inches)	36–48–60	48–60–72	48–60–72	72–84–96	72–84–96
Width of platen (inches)	6¾	9	11	12	12
Automatic feed (inches)	36–48–60	48–60–72	48–60–72	72–84–96	72–84–96
Takes through housing, width (inches)	9	10½	13½	14	17
Takes through housing, height (inches)	7⅝	9½	9½	11	14
Work capacity on V-blocks (inches)	4	6	8	10	12
Motor required (horsepower)	3	3	3	5	5
Motor speed, plain machine	1, 200	1, 200	1, 200	1, 200	1, 200
Motor speed, router machine	750/1, 500	750/1, 500	750/1, 500	750/1, 500	750/1, 500

BURR KEYSEAT MILLING MACHINES

(Carriage type—for straight shafting only)

Machine No.	4	4½
Shafting capacity (inches)	4½	4¾
Carriage travel (inches)	24	48
Price	$525	$625
Weight (pounds)	1,600	2,000

BURR PORTABLE SHAFT KEYSEATERS

Horizontal spindles, hand operated

Machine number	1	1-A	2	3
Largest shaft capacity (inches)	5	6	8	12
Longest keyway in one setting (inches)	12	12	12	12
Number of hand cranks	1	2	2	2
Will mill all widths (inches)	¼–1–1¼	¼–1¼	¼–2	¼–2¼
Net weight (pounds)	85	95	200	325
Price (regular equipment)	$95	$105	$145	$225
Price (arranged for drill drive)	$130	$140	$185	$260

JOHN T. BURR & SON, BROOKLYN, N. Y.—Continued

Horizontal spindles, motor driven

Machine number	11	11-A	12	13
Largest shaft capacity (inches)	5	6	8	12
Will mill at each setting (inches)	12	12	12	12
Size of motor (horsepower)	½	1½	¾	1
Net weight (pounds)	225	300	425	525
Price (regular equipment)	$225	$275	$375	$475

Vertical spindles, motor and arranged for drill drive

Machine number	20	21	25
Largest shaft capacity (inches)	6	12	10
Longest keyseat at one setting (inches)	7	12	8
Capacity (or widths (inches)	¼–1¾	¼–1¾	¼–1¾
Net weight (motor driven) (pounds)	185	250	250
Net weight (arranged air motor) (pounds)	150	200	200
Price (motor driven A. C.)	$250	$375	$390
Price (motor driven D. C.)	$260	$390	$410
Price (arranged drill drive)	- -	- -	$390

BURR COLD SAWS

Machine number	I	II	2	3
Capacity rounds (inches)	3½	3¾	5	6
Capacity squares (inches)	3	3	4	5
Saw diameter (inches)	10	10	14	16
Weight belt driven (pounds)	600	600	1, 100	1, 500
Weight arranged, motor drive (pounds)	575	675	1, 450	2, 150
Size motor required (horsepower)	1	1½	2	3
Price (belt driven)	$225	$275	$475	- -
Price (arranged motor drive)	$265	$325	$525	$665

BURR PORTABLE BORE KEYSEATER, HAND OPERATED

Capacity for keyways to 1½" wide.
Capacity for keyways to 12" long.
Price, with base but without tools, $200.
Weight, with base but without tools, 500 pounds.
Price, without base, and without tools, $185.
Price of any required tool equipment on application.

CALLAHAN CAN MACHINE COMPANY, INC., BROOKLYN, N. Y.

DOUBLE ACTION PRESSES

Description	Price	Extras: V-belt drive, no motor	Extras: Flat belt drive, no motor
No. 44 Flywheel press	$1, 010	$110	$90
No. 44 Geared press	1, 240	140	90
No. 45 Flywheel press	1, 170	125	100
No. 45 Geared press	1, 500	125	100
No. 46 Flywheel press	1, 810	125	100
No. 46 Geared press	2, 140	125	100
No. 49 Flywheel press	9, 500	150	100
		Non-skip stock feed	Non-skip dexter feed
		11, 000	13, 000

DOUBLE CRANK PRESSES

Description	Price	Extras: V-belt drive, no motor	Extras: Flat belt drive, no motor
No. 56 Flywheel press	$1, 610	110	90
No. 56 Geared press	1, 840	- -	- -
No. 57 Flywheel press	2, 280	125	100
No. 57 Geared press	2, 410	- -	- -
No. 58 Flywheel press	2, 925	140	110
No. 58 Geared press	3, 275	- -	- -
No. 58½ Flywheel press	3, 025	140	110
No. 58½ Geared press	3, 275	- -	- -
No. 59 Flywheel press	3, 240	170	120
No. 59 Geared press	3, 750	- -	- -
No. 59½ Flywheel press	5, 420	170	120
No. 59½ Geared press	5, 750	- -	- -

BUFFALO FORGE COMPANY, BUFFALO, N. Y.—Continued

WRAPPING ROLLS—TYPE, W. R.

Number	½	1	2	3	4
Standard capacities	6 x 1/8 x 6	8 x ¼ x 8	10 x ⅜ x 12	12 x ½ x 16	16 x ¾ x 20
Horsepower	½	1	2	3	5
Weight, pounds	1, 900	3, 100	6, 000	10, 000	15, 000
Price incl. motor, 3 ph., 60 cycle	$1, 600	$2, 200	$3, 450	$5, 350	$7, 250

[1] In addition to the motor, a reversing switch equipped with two thermal overload relays, and a 3-way lever switch are included in the price. Gear motors are G. E. controls A. R.

ANGLE BENDING ROLLS—TYPE: V. B. R. & H. B. R.

Vertical

Number	00	0	½	1	2
Angles-leg out	¾ x ⅞ x ⅛	1½ x 1½ x 3/16	2 x 2 x ¼	3 x 3 x ¾	4 x 4 x ⅝
Minimum diameter	20	24	40	60	84
Angles-leg in	¾ x 1¼ x ⅛	1¼ x 1¼ x 3/16	1½ x 1½ x ¼	2½ x 2½ x ¾	3½ x 3½ x ⅝
Size motor, h. p	1	½	½	1	2
Speed motor	1, 800	1, 200	1, 200	1, 200	1, 200
Weight, pounds	575	875	2, 600	4, 500	13, 750
Price	$600	$875	$1, 000	$2, 050	$4, 750
Wiring motor and controls	$55	$60	$75	$100	$120
	00	0	1	2	½
With std. rolls, leg out			3½ x 3½ x 5/16	5 x 5 x ⅜	
With std. rolls, leg in			3 x 3 x 3/16	4 x 4 x ¾	
Minimum diameter			36	60	

Horizontal

Number	½	1	2	3	4
Angles-leg out	2 x 2 x ⅛	3 x 3 x 3/16	4 x 4 x ¼	6 x 6 x ⅜	8 x 8 x 1
Minimum diameter	20	24	40	60	84
Angles-leg in	1½ x 1½ x ⅛	2½ x 2½ x 3/16	3½ x 3½ x ¼	5 x 5 x ⅜	8 x 8 x 1
Size motor, h. p	¼	½	½	¾	1
Speed motor	1, 200	1, 200	1, 200	1, 200	1, 200
Weight, pounds	3, 240	5, 600	14, 000	30, 775	72, 100
Price	$1, 550	$2, 050	$2, 775	$4, 150	$22, 100
Wiring motor and controls	$75	$100	$120	$150	$350
With std. rolls, leg out			$6, 250	$11, 625	$24, 600
With std. rolls, leg in					
For drive above floor					

CALLAHAN CAN MACHINE COMPANY, INC., BROOKLYN, N. Y.—Continued

ARCH PRESSES

Description	Price	Extras: V-belt drive, no motor	Extras: Flat belt drive, no motor
No. 404 Flywheel press	$1,065	$110	$90
No. 404 Geared press	1,365	----	----
No. 405–O Flywheel press	1,480	125	100
No. 405–O Geared press	1,850	----	----
No. 406–A Flywheel press	1,210	125	100
No. 406–A Geared press	1,500	----	----
No. 375 Strip feed press	2,650	110	90

O. B. I. PRESSES

No. 2 Flywheel press	$290	$90	$65
No. 3 Flywheel press	440	95	75
No. 4 Flywheel press	615	105	80
No. 4 Geared press	840	105	80
No. 5 Flywheel press	800	110	90
No. 5 Geared press	1,030	110	90
No. 6 Flywheel press	1,010	130	110
No. 6 Geared press	1,345	130	110

Horning presses	Price	Swinging table	Sliding bolster	V-belt drive, no motor	Flat belt drive, no motor
No. 23 Flywheel press	$506	$120	$70	$95	$75
No. 24 Flywheel press	800	130	100	100	80
No. 25 Flywheel press	865	195	100	100	80
No. 23 Geared press	765	----	----	----	----
No. 24 Geared press	1,060	----	----	----	----
No. 25 Geared press	1,125	----	----	----	----

DUPLEX HORNS

9"	$340
12"	660
15"	960
19"	1,200

STANDARD HORNS

9"	190
12"	220
15"	265
19"	340
5-gal. Dixie	430

ROLL FEEDS

No. 603 single, for No. 3 press	410
No. 604 single, for No. 4 press	495
No. 605 single, for No. 5 press	550
No. 606 single, for No. 6 press	675
No. 6041 single, for No. 44 double action horning press	495
No. 6057 single, for No. 57 double crank press	590

DIAL FEEDS

No. 502, for No. 2 press	355
No. 503, for No. 3 press	420
No. 504, for No. 4 press	520
No. 505, for No. 5 press	560
No. 506, for No. 6 press	655

PUNCHING AND DRAW PRESSES

No. 225 Geared punch press	1,405
No. 225 Flywheel punch press	1,170
No. 14–S Drawing press	5,000

CANEDY-OTTO MANUFACTURING CO., CHICAGO HEIGHTS, ILL.

21" STATIONARY HEAD FLOOR DRILLS

Capacity—0" to 1½" in cast iron. Eight spindle speeds. 3 power feeds.

Back geared, power feed, belt driven	$275
Geared motor drive, less motor only	330
Geared motor drive, complete with 1 hp. ball bearing motor, 1,725 r. p. m.:	
110/220v—50cy—two or three phase, or 110/220v—60cy—two or three phase	382
220/440v—50cy—two or three phase, or 220/440v—60cy—two or three phase, or 550v—50cy—two or three phase, or 550v—60cy—two or three phase	382
208v—50cy—two or three phase, or 208v—60cy—two or three phase	382
110/220v—50cy—single phase, or 110/220v—60cy—single phase	385

CANEDY-OTTO MANUFACTURING CO., CHICAGO HEIGHTS, ILL.—Continued

21" STATIONARY HEAD FLOOR DRILLS—continued

Geared motor drive—Continued.	
115v direct current or 230v direct current	$445
110v, 220v, 440v, or 550v—25cy—two or three phase	420
110/220v—25cy—single phase	422
V-belted motor drive:	
Less motor only	315
110/220v—50cy—two or three phase, or 110/220v—60 cy—two or three phase	367
220/440v—50cy—two or three phase, or 220/440v—60cy—two or three phase	367
550v—50cy—two or three phase, or 550v—60cy—two or three phase	367
208v—50cy—two or three phase, or 208v—60cy—two or three phase	367
110/220v—60cy—single phase, or 110/220v—50cy—single phase	370
110/220v—25cy—single phase	405
110v, 220v, 440v, or 550v—25cy—two or three phase	407
115v direct current or 230v direct current	430

21" SLIDING HEAD MOTOR-DRIVEN FLOOR DRILL

Timken and ball bearing equipped throughout. Back geared—Geared power feed. Four power feeds with neutral. Eight spindle speeds—200–340–560–1,280 open belt. 73–120–270–425 r. p. m. with back gear engaged. Spindle—Timken bearing equipped with No. 4 Morse taper hold. Drive—Vertical motor with flat belt. Belt—Endless fabric type furnished. Motor—1 hp. ball bearing 1,125 r. p. m. Control—Magnetic switch with overload and undervoltage protection, including push-button starter station, all wiring enclosed in conduit per NEMA code. Capacity—0" to 1½" in mild steel.

21" sliding head, flat drive, back gear and power feed with square oil grooved or round Tee-slotted table, less motor and switch only	$515
With 1 hp., 1,200 r. p. m. ball bearing motor and magnetic switch and push-button:	
220v—50cy—two or three phase, or 220v—60cy—two or three phase	605
208v—50cy—two or three phase, or 208v—60cy—two or three phase	605
550v—50cy—two or three phase, or 550v—60cy—two or three phase	605
440v—50cy—two or three phase, or 440v—60cy—two or three phase	605
110/220v—50cy—single phase, or 110/220v—60cy—single phase	630
115v direct current or 230v direct current	675
110v, 220v, 440v, 550v—25cy—two or three phase	625
Extras:	
To equip with 2 hp. motor in 50cy or 60cy—2 or 3 phase A. C. or D. C., add	40
Reversing magnetic switch with 3 button starter, for tapping	60

21" SLIDING HEAD MOTOR-DRIVEN FLOOR DRILL V-BELT DRIVE

Timken and ball bearing equipped throughout. Back geared, geared power feed. Four power feeds with neutral. Eight spindle speeds: eight in open belt 306—456—610—824—1,025—1,305—1,648—2,100 r. p. m.; eight with back gear engaged 82—124—160—225—281—358—452—576. Spindle—Timken bearing equipped with No. 4 Morse taper hold. Drive—Vertical motor with Vee belt. Belt—Endless Vulco type furnished. Motor—2 hp. ball bearing, 1,140 r. p. m. Control—magnetic switch with overload and undervoltage protection including separate push-button starter station, all wiring enclosed in conduit per NEMA code. Capacity—0" to 1½" in mild steel.

Drill complete less motor and control only	$560
Drill complete with 2 hp. motor, magnetic switch and push button starter:	
220v—50cy—two or three phase, or 220v—60cy—two or three phase	675
208v—50cy—two or three phase, or 208v—60cy—two or three phase	675
440v—50cy—two or three phase, or 440v—60cy—two or three phase	675
550v—50cy—two or three phase, or 550v—60cy—two or three phase	675
110/220v—50cy—single phase, or 110/220v—60cy—single phase	745
110v, 220v, 440v, 550v—25cy—two or three phase	780
115v direct current or 230v direct current	810

Extras—Refer to extra listing under 21" Sliding Head Drill.

21" SLIDING HEAD FLOOR DRILL, BOX TYPE COLUMN, FLAT DRIVE

Timken and ball bearing equipped throughout. Back geared, power feed. Capacity—0" to 1½" mild steel. Eight spindle speeds with four power feeds. Spindle—Timken bearing equipped, No. 4 Morse taper hold in spindle. No. 2 or No. 3 Morse taper optional, if specified. Drive—vertical motor with flat belt. Motor—1 hp. ball bearing 1,125 r. p. m. Belt—endless fabric type furnished. Control—magnetic switch with overload and undervoltage protection, including push-button starter station. All wiring enclosed in conduit, per NEMA code. Note—Multiple spindle models have individual motor and control on each head.

CANEDY-OTTO MANUFACTURING CO., CHICAGO HEIGHTS, ILL.—Continued

21" SLIDING HEAD FLOOR DRILL, BOX TYPE COLUMN, FLAT DRIVE

	Number of spindles: 1	2	3	4	6
Less motor and control	$600	$1,250	$1,900	$2,[illegible]	$3,900
With 1 hp., 1,200 r. p. m. motor and controls: 220v—50cy or 60cy—two or three ph., or 208v—50cy or 60cy—two or three phase, or 440v—50cy or 60cy—two or three phase, or 550v—50cy or 60cy—two or three phase	690	1,430	2,170	3,[illegible]	4,[illegible]
110/220v—50cy or 60cy—single phase	715	1,480	2,245	3,[illegible]	4,[illegible]
115v Direct Current or 230v D. C.	760	1,570	2,380	3,[illegible]	4,[illegible]
110v, 220v, 440v, 550v—25cy two or three phase	710	1,470	2,230	3,[illegible]	4,[illegible]

Drilling head only, less motor and control, $[illegible]

EXTRAS

To equip with 8-step V pulleys, giving 16 spindle speeds, with back gears and tilting motor bracket to permit changes, including 2 hp. motor add to above prices per spindle in 50cy or 60cy—2 or 3 phase A. C. or D. C.	$90
To equip with 2 hp. motor in 50cy or 60cy—2 or 3 phase A. C. or D. C., per spindle	40
Reversing magnetic switch with 3 button starter station, for tapping, per spindle	60
Full enclosed belt guard, per spindle	24
Full enclosed telescopic spindle guard, per spindle	55
Tapping attachments for spindle insertion or with casting head for mounting on spindle, each. Specify type:	
1/16" capacity in steel—No. 1E	45
1/4" capacity in steel—No. 2E	60
1/2" capacity in steel—No. 3E	85
Motor driven coolant pump, piping, valve and tank	100
Extra piping, per spindle, with valve	15
Special Gear Box	175
Raising Block 8" high to increase distance from spindle to table	35
Foot operated electrical reversing switch with 10X cable, wired ready to operate	23

17" SLIDING HEAD FLOOR DRILL WITH LEVER FEED

Timken and ball bearing throughout. Capacity—0 to 3/8" in mild steel. Four geared power feeds. Four spindle speeds—260–540–950–1580 r. p. m. Spindle—Timken bearing equipped with No. 3 Morse taper hole, No. 2 Morse taper optional, if specified. Motor—¾ hp. ball bearing, 1,125 r. p. m. Drive—Vertical motor with flat belt. Control—NEMA snap switch, with wiring between motor and switch in conduit. Belt—Endless fabric type supplied. Tables—Square angling or round oil grooved optional. Specify type wanted.

220v—50cy—two or three phase or 220v—60cy—two or three phase	$355
208v—50cy—two or three phase or 208v—60cy—two or three phase	360
440v—50cy—two or three phase or 440v—60cy—two or three phase	355
110/220v—50cy—single phase	365
110/220v—50cy—single phase	421
115v direct current or 230v direct current	

EXTRAS

Magnetic switch with overload and undervoltage protection, including push-button starter station, all wiring enclosed in conduit, per NEMA code	All
For alternating current	135
For direct current	60
To equip with 8-step V belt pulley drive with tilting motor bracket to permit belt changes, and	60
Reversing switch for tapping	60
Motor driven coolant pump, piping, valve and tank	100
Foot operated electrical reversing switch with 10X cable wired ready to operate	23

17" SLIDING HEAD FLOOR DRILL, WITH LEVER FEED

Timken and ball bearing throughout. Capacity—0" to 3/8" mild steel. Spindle—Timken bearing equipped. Four spindle speeds—260–540–950–1,580 r. p. m. Motor—¾ hp. ball bearing, 1,125 r. p. m. Drive—Vertical motor with flat belt. Control—NEMA snap switch, with wiring between motor and switch in conduit. Belt—Endless fabric type supplied. Tables—Square angling or round oil grooved optional. Specify type wanted.

	Number of spindles: 1	2	3	4	6
220v—50cy or 60cy—two or three phase or 208v—60cy—two or three phase	318	610	904	1,202	1,793
440v—50cy or 60cy—two or three phase	325	330	925	1,248	1,835
230v direct current	325	330	925	1,248	1,835

Drilling head only, less motor and switch and less lower column, $130.

16" NO. 3000 FV BOX TYPE COLUMN SLIDING HEAD FLOOR DRILL, SINGLE AND MULTIPLE SPINDLE

Capacity—0" to 3/8" in steel. Spindle speeds—900, 1,350, 2,000, 3,100, 4,800, 5,400 r. p. m. Drive—Vertical, heavy duty endless Vulco type V belt. Spindle—Full ball bearing design 0" to 3/8" Jacobs chuck mounted on taper plug spindle is standard. No. 1 Morse taper hole [illegible] optional if specified. Table equipped [illegible] Motor—1 hp. ball bearing, 1,750 r. p. m. Switch—NEMA toggle type furnished, with wiring between motor and switch enclosed in conduit. 6-inch vertical spindle travel is standard.

	Number of spindles: 1	2	3	4	6
Drill complete, less motor and switch only	$285	$550	$805	$1,070	$1,595
110/220v—50cy or 60cy—single phase	315	610	895	1,190	1,775
208v—50cy or 60cy—two or three phase; 208v—50cy or 60cy—two or three phase 440v—50cy or 60cy—two or three phase	318	610	904	1,202	1,793
110v direct current	325	330	925	1,248	1,835
230v direct current	325	330	925	1,248	1,835

Drilling head only, less motor and switch and less lower column, $130.

16" NO. 3000 FV BOX TYPE COLUMN SLIDING HEAD FLOOR DRILL, SINGLE AND MULTIPLE SPINDLE

Capacity—0" to 3/8" in steel. Spindle speeds—900, 1,350, 2,000, 3,100, 4,800, 5,400 r. p. m. Drive—Vertical, heavy duty endless Vulco type V belt. Spindle—Full ball bearing design 0" to 3/8" Jacobs chuck mounted on taper plug spindle is standard. No. 1 Morse taper hole is optional if specified. Table equipped with [illegible] Motor—1 hp. ball bearing, 1,750 r. p. m. Switch—NEMA toggle type furnished, with wiring between motor and switch enclosed in conduit. 6-inch vertical spindle travel is standard.

CANEDY-OTTO MANUFACTURING CO., CHICAGO, HEIGHTS, ILL.—Continued

11" NO. 3000 FV SLIDING HEAD FLOOR DRILL

Capacity—3/4" cast iron, 1/2" mild steel. Drive—Vertical motor with V belt. Six spindle speeds—345, 715, 1,040, 1,515, 2,200, 3,205 r. p. m. Belt—Endless V belt furnished. Motor—1½ hp. ball bearing, 1,750 r. p. m. Switch—NEMA toggle type furnished, wiring between motor and switch in conduit. Spindle—Full ball bearing design. No. 2 Morse taper hole standard. No. 1 Morse taper only if specified.

110/220v—60cy—single phase or 110/220v—50cy—single phase	$186.00
220v—60cy—two or three phase or 220v—50cy—two or three phase	196.00
208v—60cy—single phase	191.00
208v—60cy—three phase or 440v—60cy—three phase	201.00
115 volt Direct Current	210.00
230 volt Direct Current	210.00
Drill complete, less motor and switch only	161.00

EXTRAS

Magnetic switch with push button starter station, mounted on drill with wiring between motor and switch enclosed in conduit—for alternating current	$30.00
Magnetic switch and station, same as above except for direct current	62.00
Full enclosed belt guard for spindle and motor cone pulleys	25.00
Full enclosed spindle guard	30.00
Foot pedal bell	28.00
0" to 1/8" geared Jacobs chuck—No. 6–A	7.50
0" to 1/2" geared Jacobs chuck—No. 2–A	5.50
No. 1 Morse taper, or No. 2 Morse taper arbor	1.50
Foot operated electrical reversing switch with 11X cable wired ready to operate	23.00

14" NO. 5000 FV SLIDING HEAD FLOOR DRILLS

Capacity—0" to 3/8" chuck. Drive—Vertical motor with V belt. Six spindle speeds—900, 1,350, 2,000, 3,100, 4,800, 5,400 r. p. m. Belt—Endless V type furnished. Motor—1 hp. ball bearing, 1,750 r. p. m. Switch—NEMA toggle type furnished, wiring between motor and switch in conduit. Spindle—Full ball bearing design. 0" to 3/8" Jacobs chuck, mounted on taper plug spindle, is standard. No. 1 Morse taper hold, less chuck, optional if specified. Telescopic spindle guard is regular equipment.

	Number of spindles: 1	2	3	4	6
Drill complete, less motor and switch only	$298	$592	$878	$1,174	$1,761
110/220v—50cy or 60cy—Single phase	323	642	993	1,274	1,911
208v—60cy single phase	328	652	968	1,294	1,941
220v—60cy or 50cy—Two or three phase	335	666	980	1,322	2,013
208v—60cy—Two or three ph or 440v—60cy—Two or three ph	340	676	1,004	1,342	2,043
115v Direct Current	348	692	1,028	1,374	2,091
230v Direct Current	348	692	1,028	1,374	2,091

Drill head only, less base, motor, switch and lower column, $190.

16" NO. 10000 FV BOX TYPE COLUMN SLIDING HEAD FLOOR DRILL SINGLE AND MULTIPLE SPINDLES

Capacity 0" to 5/16" in steel. Spindle speeds 1,800, 2,700, 4,000, 6,200, 9,600, 10,800 r. p. m. Drive—Vertical motor with endless Vulco Vee belt. Spindle—Full ball bearing design. 0" to 5/16" Jacobs chuck mounted on taper plug spindle is standard. No. 1 Morse taper hole less chuck optional if specified. Telescopic spindle guard regular equipment. Motor—½ hp. ball bearing, 3,450 r. p. m. Switch—NEMA toggle type furnished, with all wiring between motor and switch enclosed in conduit.

	Number of spindles: 1	2	3	4	6
Drill complete, less motor and switch only	$278	$552	$818	$1,094	$1,641
110/220v—50cy or 60cy—single phase	303	602	893	1,194	1,791
208v—60cy—single phase	308	612	908	1,214	1,821
220v—60cy or 50cy—two or three phase	315	626	929	1,242	1,863
208v—60cy—two or three phase or 440v—60cy—two or three phase	320	636	944	1,262	1,893
115v direct current	328	652	968	1,294	1,941
230v direct current	328	652	968	1,294	1,941

EXTRAS

Complete drilling head only, less motor and switch	$161.00
Complete drilling head only, with ½ hp. 110v—60cy single, split phase motor	196.00
Ground tubular column, 3" diameter, 61" length	6.75
Column adapter, 3" bore	3.00

16" NO. 16 ROYAL SENSITIVE MOTOR-DRIVEN FLOOR DRILL HIGH SPEED MODEL, FULL BALL BEARING EQUIPPED

Capacity—0" to ½". All motors ball bearing. Five spindle speeds—460, 917, 1,700, 2,835, 5,200 r. p. m. Spindle—Ball bearing design having 0" to ½" Jacobs chuck mounted on taper plug end, as standard equipment. No. 1 or No. 2 Morse taper hole in spindle, less chuck, optional if specified.

110v—50cy or 60cy single phase, ⅓ hp. split phase motor, built-in switch	$61.50
110/220v—50cy or 60cy single phase ⅓ hp. capacitor type motor, built-in switch	67.75
220v—50cy or 60cy three phase, ⅓ hp. motor, including separate switch	67.75
440v—60cy—three phase ⅓ hp. motor, including separate switch	70.75
110v—50cy—single phase or 220v—60cy single phase, ½ hp. split phase motor, built-in switch	$67.75
110/220v—50cy or 60cy single phase, ½ hp. capacitor-type motor, built-in switch	71.25
220v—50cy or 60cy three phase, ½ hp. motor, including separate switch	73.50
440v—60cy three phase ½ hp. motor, including separate switch	76.75
115v Direct Current ⅓ hp. motor, built-in switch	$84.25
230v Direct Current ⅓ hp. motor, built-in switch	85.75
115v Direct Current ½ hp. motor, built-in switch	93.75
230v Direct Current ½ hp. motor, built in switch	96.25
Drill complete, less motor only	51.00
Complete drilling head only, less motor only	26.00
Complete drilling head only, with ⅓ hp. 110v—60cy single, split phase motor	46.75
Ground tubular column, 3" diameter, 61" length	6.75
Column adapter, 3" bore	3.00

16" NO. 16 ROYAL SENSITIVE MOTOR-DRIVEN FLOOR DRILL, SLOW SPEED MODEL

Identical in design and specifications to high-speed model except for larger spindle cone pulley with five spindle speeds of 385, 732, 1,240, 1,950, 3,110 r. p. m., add to any size motor or voltage as given for high-speed floor drill $3.00

16" NO. 16 ROYAL SENSITIVE PRODUCTION BOX COLUMN TYPE FLOOR DRILLS, HIGH SPEED MODELS, SINGLE AND MULTIPLE SPINDLES

[Full ball bearing equipped. Ball bearing motors]

Five spindle speeds—460, 917, 1,700, 2,835, 5,200 r. p. m. Spindle—Ball bearing design having 0" to 1/2". Jacobs chuck mounted on taper plug end as standard equipment No. 1 or No. 2 Morse taper hole in spindle less chuck, optional if specified.

CANEDY-OTTO MANUFACTURING CO., CHICAGO, HEIGHTS, ILL.—Continued

	Number of spindles: 1	2	3	4	6
Complete drill, less motor and switch	$169	$326	$389	$552	$698
All motors below are ⅓ hp. specify cycle					
110v—50 cy or 60cy—single, split phase, built-in switches	180	346	419	592	738
110/220v—50 cy or 60cy—single phase, capacitor type, built-in switches	187	360	440	600	780
220v—50cy or 60cy—three phase, including separate switches	188	362	443	604	786
440v—50cy or 60cy—three phase, including separate switches	192	370	457	628	810
115v D. C., built-in switches	191	374	463	628	822
230v D. C., built-in switches	196	378	469	636	834
All motors below are ½ hp, specify cycle					
110v—50cy or 60cy—single, split phase, built-in switches	187	360	440	600	780
110/220v—50cy or 60cy—single phase, capacitor type, built-in switches	191	368	454	616	804
220v—50cy or 60cy—three phase, including separate switches	193	372	460	624	816
440v—50cy or 60cy—three phase, including separate switches	197	380	472	640	840
115v D. C., built-in switches	213	412	520	704	936
230v D. C., built-in switches	215	416	526	712	948

Complete drilling head, including column and adapter, less motor and switch only, $41.

16" NO. 16 ROYAL SENSITIVE SINGLE AND MULTIPLE PRODUCTION TYPE FLOOR DRILLS, SLOW SPEED MODELS

Identical in design and specifications to high speed models, except for larger spindle cone pulley with five spindle speeds of 385, 732, 1,240, 1,950, 3,110 r. p. m.

Add to any size motor or voltage given above, per single spindle $3

Extra list identical to No. 16 Royal single spindle drill

15" NO. 18 ROYAL SENSITIVE MOTOR DRIVEN FLOOR DRILL

Capacity—¾" to 1" in cast iron, depending on HP rating of motor. Full ball bearing design having six spindle speeds: 3,205, 2,200, 1,515, 1,040, 715, 345 with the use of an 1,800 RPM motor; 2,185, 1,470, 1,020, 700, 450, 240 RPM with 1,200 RPM motor; and 1,600, 1,100, 755, 505, 355, 175 RPM with the use of a 900 RPM motor. Standard spindle bore—No. 2 Morse taper. Drive—Vertical motor with Vee belt. Belt—endless sturdy Vee type Vulco belt. ½ HP motor standard equipment, switches furnished. Standard Equipment—square angling 14" x 14" table, raise and lower mechanism in table.

Complete unit less motor and control only	$118.00
½ hp., 110/220v—60cy—single phase, 1,725 r. p. m.	152.00
½ hp., 110/220v—60cy—single phase, 1,200 r. p. m.	170.00
½ hp., 110/220v—60cy—single phase, 900 r. p. m.	182.00
½ hp., 220v—50cy or 60cy—three phase, 1,725 r. p. m.	165.00
½ hp., 220v—50cy or 60cy—three phase, 1,200 r. p. m.	170.00
½ hp., 220v—50cy or 60cy—three phase, 900 r. p. m.	182.00
½ hp., 110/220v—50cy—single phase, 1,425 r. p. m.	153.50
½ hp., 110/220v—25cy—single phase, 1,425 r. p. m	167.00
½ hp., 110/220v—25cy—single phase, 715 r. p. m.	178.00
½ hp., 220v—60cy—three phase, 1,725 r. p. m.	153.00
½ hp., 220v—25cy—three phase, 1,425 r. p. m.	178.00
½ hp., 115 volt D. C., 1,725 r. p. m.	163.50
½ hp., 115 volt D. C., 1,200 r. p. m.	166.50
¾ hp., 110/220v—60cy—single phase, 1,800 r. p. m.	162.80
¾ hp., 220v—50cy or 60cy—three phase, 1,800 r. p. m.	162.80
¾ hp., 110/220v—50cy—single phase, 1,425 r. p. m.	164.50
¾ hp., 110/220v—25cy—single phase, 1,525 r. p. m.	182.50
¾ hp., 110v, 208v, 220v, 440v, or 550v—50cy or 60cy—2 or 3 phase 1,200 r. p. m.	176.00
¾ hp., 110v, 208v, 220v, 440v, or 550v—50cy or 60cy—2 or 3 phase, 900 r. p. m.	191.50
¾ hp., 110/220v—50cy or 60cy—single phase, 1,200 r. p. m.	190.00
¾ hp., 110/220v—50cy or 60cy—single phase, 900 r. p. m.	242.00
¾ hp., 115 volt D. C. or 230 volt D. C., 1,725 r. p. m.	173.00
¾ hp., 115 volt D. C. or 230 volt D. C., 1,200 r. p. m.	237.00
¾ hp., 115 volt D. C. or 230 volt D. C., 900 r. p. m.	258.00
¾ hp., 110v, 220v, 440v, or 550v—25cy—2 or 3 phase, 750 r. p. m.	206.00
1 hp., 110v, 208v, 220v, 440v, or 550v—60cy or 50cy—2 or 3 phase, 1,725 r. p. m.	170.00
1 hp., 110v, 208v, 220v, 440v, or 550v—60cy or 50cy—2 or 3 phase, 1,200 r. p. m.	179.50
1 hp., 110v, 208v, 220v, 440v, or 550v—60cy or 50cy—2 or 3 phase, 900 r. p. m.	201.00
1 hp., 110/220v—50cy or 60cy—single phase, 1,800 r. p. m.	173.50
1 hp., 110 220v—50cy or 60cy—single phase, 1,200 r. p. m.	209.00

CANEDY-OTTO MANUFACTURING CO., CHICAGO HEIGHTS, ILL.—Continued

18" NO 18 SENSITIVE MOTOR DRIVEN FLOOR DRILL—con.

1 hp., 110/220v—50cy or 60cy—single phase, 900 r. p. m.	$264. 50
1 hp., 110v, 220v, 440v, or 550v—25cy—2 or 3 phase, 1,600 r. p. m.	207. 50
1 hp., 110v, 220v, 440v, or 550v—25cy—2 or 3 phase, 750 r. p. m.	207. 50
1 hp., 115 volt or 230 volt D. C., 1,725 r. p. m.	233. 00
1 hp., 115 volt or 230 volt D. C., 1,200 r. p. m.	272. 00
1 hp., 115 volt or 230 volt D. C., 850 r. p. m.	292. 60

EXTRAS

Raise and lower mechanism for head	8. 00
No. 3 Morse taper in spindle	10. 00
Oil Groove rectangular production table, figure 4	20. 00
Oil Groove Tee slotted base, figure 2	15. 00
Foot lever feed attachment, figure 7	18. 00
Fully enclosed belt guard	12. 00
Column, 3½" O. D. by 60" long	7. 00
Foot operated electrical reversing switch with BX cable, wired ready to operate	23. 00

Radial Drills—Direct Motor Spindle Type

FULL ANTI-FRICTION BEARING DESIGN

Eight spindle speeds by means of a 4-speed motor and back gear train. Motor—2 HP constant horsepower type in either 1,800 or 1,200 r. p. m. having instantaneous forward and reverse rotation. Power raise and lower movement of arm on column. Complete electrical control is furnished as standard equipment. All wiring enclosed in conduit per NEMA code. Capacity—0" to 1¼" in mild steel.

Three-foot arm, 9" column, 220v—60cy—three-phase or 440v—60cy—three-phase, 1,800 r. p. m. motor	$2, 300
Three-foot arm, 9" column, 220v—60cy—three-phase or 440v—60cy—three-phase, 1,200 r. p. m. motor	2, 400
Three-foot arm, 11" column, 220v—60cy—three-phase or 440v—60cy—three-phase, 1,800 r. p. m. motor	2, 500
Three foot arm, 11" column, 220v—60cy—three-phase or 440v—60cy—three-phase, 1,200 r. p. m. motor	2, 600
Four foot arm, 11" column, 220v—60cy—three-phase or 440v—60cy—three-phase, 1,800 r. p. m. motor	2, 750
Four foot arm, 11" column, 220v—60cy—three-phase or 440v—60cy—three-phase, 1,200 r. p. m. motor	2, 940
Five foot arm, 11" column, 220v—60cy—three-phase or 440v—60cy—three-phase, 1,800 r. p. m. motor	3, 300
Five foot arm, 11" column, 220v—60cy—three-phase or 440v—60cy—three-phase, 1,200 r. p. m. motor	3, 490

We are in a position to furnish these units in 25 cycle also, excepting the unit will have six speeds instead of eight (60, 115, 250, 375, 750, 1,500 r. p. m.). This 25-cycle application can be furnished in 1,425 r. p. m. only. Add to above price with 1,800 r. p. m. motors, $325.

EXTRAS

Box-type table 16" high by 22" by 20"	$115
Motor driven coolant pump with piping and valves	160
Universal Box Table 22" x 20" x 24"	475

THE CARLTON MACHINE TOOL CO., CINCINNATI, OHIO

RADIAL DRILLS

Length of arm (feet)	Diameter of col.	Speeds in head	Cost D. C. motor	Cost A. C. 220-3-60
	Inches			
3	11	12	$5, 530	$5, 280
4	11	12	5, 860	5, 610
5	11	12	6, 190	5, 940
6	11	12	6, 520	6, 270
4	13	18	7, 450	7, 700
5	13	18	7, 810	8, 060
4	15	18	8, 550	8, 800
5	15	18	8, 935	9, 185
6	15	18	9, 320	9, 570
5	17	18	10, 285	10, 535
6	17	18	10, 695	10, 945
7	17	18	11, 105	11, 355
6	19	36	12, 180	12, 430
7	19	36	12, 620	12, 870
8	19	36	13, 060	13, 310
7	22	36	20, 625	21, 035
8	22	36	21, 215	21, 625
9	22	36	21, 805	22, 215
10	22	36	22, 395	22, 805
8	26	36	23, 260	23, 670
9	26	36	23, 850	24, 260
10	26	36	24, 440	24, 850
11	26	36	25, 030	25, 440
12	26	36	25, 600	26, 030

THE CARROLL-JAMIESON MACHINE TOOL CO., BATAVIA, OHIO

List shows only geared head lathes—they discontinued manufacture of cone head lathes more than a year ago.

THE CARROLL-JAMIESON MACHINE TOOL CO., BATAVIA, OHIO—Continued

C. & J. 12-SPEED GEARED HEAD QUICK CHANGE GEAR LATHES

Arranged for motor drive in cabinet leg, triple Vee belt drive from motor to drive shaft. Timken roller bearings on main spindle. Price does not include motor.

Complete with large and small face plates, steady and follow rests, chuck plate, centers, wrenches and thread indicator. Crated for shipment f. o. b., Batavia, Ohio.

Size (inches)	Actual swing	Length bed					
		5 feet	6 feet	8 feet	10 feet	12 feet	14 feet
	Inches						
15	15¼	$1, 090	$1, 115	$1, 170	$1, 225	$1, 285	$1, 350
16	16¼	1, 170	1, 195	1, 250	1, 305	1, 365	1, 430

NOTE.—C. & J. 16" lathe can be furnished raised in sand to swing 18¼".

Prices of attachments and extras: *15" and 16" lathes*

Arbor for milling cutters (with collars)	$15. 00
Arbor for Woodruff type cutters	8. 00
Apron control for clutch pulley (geared head lathes only)	70. 00
Boxing for export lathes 8-foot bed and under	30. 00
Boxing for export lathes over 8-foot bed	40. 00
Centers round, for head or tailstock, each	3. 50
Centers, crotch or spur	4. 00
Centers, pipe ½ inch to 2⅝ inches capacity	12. 00
Centers, pipe 1⅞ inches to 3⅝ inches capacity	15. 00
Centers, pipe 2 inches to 8 inches capacity	23. 00
Centers, pipe 2½ inches to 12 inches capacity	25. 00
Chuck plate, fitted to chuck and lathe spindle	8. 00
Chuck plate, semifinished, fitted to spindle	6. 00
Collets up to ⅝-inch capacity, round, each	6. 50
Draw-in attachment (includes one round collet)	45. 00
Drill pad	8. 00
Fitting drill chuck with taper shank	3. 50
Metric gear box and screw, instead of regular	35. 00
Micrometer carriage stop	30. 00
Milling and keyway cutting attachment (without arbor)	70. 00
Oil pan, built into lathe, price for 6-foot bed	40. 00
Oil pan, extra per foot over 6-foot lathe bed	4. 00
Oil pump and piping	50. 00
Plain rest	30. 00
Raising 16" lathe in sand to swing 18¼"	165. 00
Raising blocks, 2-inch or 4-inch	70. 00
Steady rest extra size capacity 3 inches to 7½ inches	35. 00
Single pulley drive for geared head lathes instead of motor drive—deduct	45. 00
Taper attachment, standard type	110. 00
Taper attachment, telescopic screw type	145. 00
Turret: Style "C"	150. 00
Thread cutting stop, adjustable	5. 00

CEDAR RAPIDS ENGINEERING COMPANY, CEDAR RAPIDS, IOWA

Standard valve facing machine (Model "C")	$155. 00
Wet grinding attachment	28. 50
Surface grinding attachment	27. 50
Cabinet and wet grinding attachment	72. 50
Super-speed valve facing machine	197. 50
Wet grinding attachment	29. 00
Surface grinding attachment	27. 50
Cabinet and wet grinding attachment	72. 50
Seat grinder with ball bearing grinder unit (without arbors, wheels or cecentrimeter)	117. 00
Seat grinder with plain bearing grinder unit (without arbors, wheels or cecentrimeter) (Wheels and arbors for both seat grinders price according to size cecentrimeter)	79. 50
	16. 00
Model "F" cylinder boring machine	375. 00
Model "FS" cylinder boring machine	322. 50
Vortex	150. 00
Model "H" piston turning and grinding machine with cam mechanism and power worktable feed, with Cam "A" and six piston cones	950. 00
Extra cams (B, C, D, and E) each	9. 00
Extra piston cones priced according to size	
Valve attachment	60. 00

CEDAR RAPIDS ENGINEERING COMPANY, CEDAR RAPIDS, IOWA—Continued

Main bearing line boring machine with standard equipment and 50" bar longer length boring bars, $10 per added foot of length	$310 00
Babbitting fixtures for Ford A, B, and V-8	68 50

Prices quoted are f. o. b. Cedar Rapids, Iowa, in domestic crating and are subject to change without notice. Machine prices are based upon equipping them with standard alternating current, 110-volt, single-phase, 50- or 60-cycle motors or 220-volt, single-phase, 50- or 60-cycle motors.

CHAMBERSBURG ENGINEERING CO., CHAMBERSBURG, PA.

NOTE: Prices corrected upon advice of manufacturer, differ from those shown in first edition of "New Machine Tools."

BELT-DRIVEN MODEL "J-2" BOARD DROP HAMMERS, CECOLLOY

Falling weight (pounds)	Shipping weight	Price, inverted guides	Price, inverted guides
	Pounds		
1,000	36, 300	$5, 677	$5, 491
1,500	50, 000	7, 118	6, 909
2,000	63, 500	8, 486	8, 250
2,500	80, 600	9, 782	9, 537
3,000	99, 500	11, 991	11, 714
4,000	131, 500	15, 364	15, 039
5,000	175, 100	19, 450	19, 178

20 to 1 cecolloy anvils, cecolloy frames, forged steel rams.

For additional weight: anvil, 0.057¢ per lb.
For additional weight: ram, 0.159¢ per lb.
Prices include wood pulleys.

MOTOR-DRIVEN MODEL "J-2" BOARD DROP HAMMERS CECOLLOY

1,000	38, 000	$6, 395	$6, 209
1,500	51, 700	7, 927	7, 723
2,000	66, 300	9, 382	9, 145
2,500	83, 500	10, 995	10, 736
3,000	103, 400	13, 609	13, 332
4,000	136, 800	17, 150	16, 850
5,000	182, 300	21, 586	21, 277

20 to 1 cecolloy anvils, cecolloy frames, forged steel rams.

Prices include 220/440-volt, 3-phase, 60-cycle A. C. motor and starter.

BELT-DRIVEN MODEL "J-2" BOARD DROP HAMMERS

1,000	35, 600	$6, 886	$6, 700
1,500	48, 200	8, 636	8, 444
2,000	61, 000	10, 314	10, 098
2,500	76, 500	11, 891	11, 627
3,000	98, 000	15, 091	14, 800
4,000	129, 200	19, 141	18, 852
5,000	173, 000	24, 127	23, 830

20 to 1 steel anvils, steel frames, forged steel rams.

For additional weight: anvils, 0.088¢ per lb., rams, 0.159¢ per lb.
Prices include wood pulleys.

MOTOR-DRIVEN MODEL "J-2" BOARD DROP HAMMERS

1,000	37, 300	$7, 618	$7, 432
1,500	50, 000	9, 459	9, 241
2,000	63, 700	11, 441	11, 207
2,500	79, 300	13, 132	12, 894
3,000	101, 800	16, 741	16, 465
4,000	134, 800	20, 000	19, 668
5,000	180, 000	26, 327	26, 009

20 to 1 steel anvils, steel frames, forged steel rams.

Prices include 220/440-volt, 3-phase, 60-cycle A. C. motor and starter.

TYPE "B" HYDRO-PNEUMATIC PRESSES

Size, tons	Stroke	Between column	Horsepower required	Bed end width	Bed length	Weight	Price	Weight with pedestals	Price with pedestals	Weight with "U" base	Price with "U" base
	Inches	*Inches*		*Inches*	*Inches*	*Pounds*		*Pounds*		*Pounds*	
50	13	27	5	22	60	7, 500	$1, 777	7, 900	$1, 927	7, 200	$1, 777
	18	36	5	30	60	7, 750	1, 805	8, 350	1, 858	7, 450	1, 805
75	18	27	8	22	60	8, 300	1, 914	8, 700	1, 977	7, 700	1, 914
	18	36	5	24	60	8, 500	1, 959	9, 100	2, 065	7, 900	1, 959
100	18	36	5	30	60	9, 750	2, 065	10, 250	2, 127	8, 850	2, 065
	24	30	7½	24	60	10, 000	2, 091	10, 500	2, 145	9, 100	2, 091
	24	36	7½	30	60	11, 000	2, 186	11, 600	2, 236	10, 100	2, 186
125	24	30	7½	24	60	12, 000	2, 259	12, 500	2, 318	10, 800	2, 259
	24	36	7½	30	60	13, 200	2, 405	13, 860	2, 468	12, 150	2, 405
150	24	36	10	30	72	14, 500	2, 586	15, 100	2, 645	13, 100	2, 586
250	24	36	10	36	120	28, 700	3, 832	-------	-------	-------	-------

CHAMBERSBURG ENGINEERING CO., CHAMBERSBURG, PA.—Continued

TYPE "B" HYDRO-PNEUMATIC PRESSES—continued

Size, tons	Stroke	Between columns	Horsepower required	Base to table	Surface of base	Surface of table	Weight	Price	Extra for stripping cylinder
	Inches	*Inches*		*Inches*	*Inches*	*Inches*	*Pounds*		
200	24	42	15	42	42 x 72	42 x 60	32, 500	$5, 727	$300

50- to 250-ton size inclusive, two columns. 300-ton size, four columns, fig. No. 811. Pneumatic pullbacks. Return of all presses approximately 36 inches P. M. Shop air or water pressure used for rapid travel of ram.

VERTICAL WHEEL PRESSES

Size, tons	Inches between bars	Weight	Price	Size, tons	Inches between bars	Weight	Price
		Pounds				*Pounds*	
100	42	9, 200	$2, 814	400	1 66	-------	-------
150	1 42	-------	-------	400	60	25, 000	$4, 832
150	1 65	-------	-------	400	1 96	-------	-------
200	42	10, 400	2, 959	500	54	25, 000	4, 832
200	48	10, 800	3, 018	500	60	27, 600	5, 077
200	66	12, 700	3, 200	600	66	33, 200	5, 432
250	42	14, 500	3, 582	600	84	37, 500	5, 809
300	54	15, 800	3, 782	600	100	42, 000	6, 191
300	66	17, 600	4, 000	750	1 84	-------	-------
300	78	19, 300	4, 168	750	1 108	-------	-------
400	1 42	-------	-------	800	1 84	-------	-------
400	54	18, 500	4, 209	800	1 108	-------	-------

1 Price upon request.

STEEL SIDE TRIMMING PRESSES

Size hammer	Size press number	Weight	Price	Motor horsepower required	Reduce for sprue
Pounds		*Pounds*			
Geared 1, 200	60 GT	8, 700	$2, 732	7½	800#—159
Do 2, 500	80 GT	10, 500	3, 236	7½	1, 000#—186
Do 4, 000	100 GT	14, 500	3, 868	10	1, 200#—209
Do 6, 000	1150 GT	25, 100	4, 650	15	1, 450#—250
Do 10, 000	200 GT	41, 500	8, 109	15	1, 700#—295
Double-geared 15, 000	300 DGT	62, 000	11, 391	20	2, 000#—355
Do 22, 000	500 DGT	-------	-------	-------	-------
Flywheel 1, 200	60 FT	7, 600	2, 450	7½	No sprue.
Do 2, 500	80 FT	8, 400	2, 891	10	
Do 4, 000	100 FT	12, 000	3, 509	15	
Do 6, 000	150 FT	22, 500	4, 391	20	

1 150-ton size, extra for air clutch $1,700; 4,400 pounds.

The sizes recommended with respect to hammer sizes are for general use only. For specific recommendations blueprints should be sent to Chambersburg. Prices do not include motors. Flywheel presses (FT) to be driven from line shaft or individual motor mounted independent from press. Air clutch is standard on all geared presses (GT and DGT) 200 size and up.

EXTRAS

Size press number	For first inch increase L to R	For each additional inch increase L to R
60-ton	95	14
80-ton	105	18
100-ton	123	23
150-ton	136	27
200-ton	145	32
300-ton	-------	-------
500-ton	-------	-------

CECOSTAMP

Ram inches between guides	Ram inches front to back	Stroke	Approximate shipping weight	Price
		Inches	*Pounds*	
15	12	30	8, 500	$2, 291
30	24	36	13, 850	3, 341
48	36	42	43, 850	5, 159
48	48	42	53, 300	6, 109
66	36	48	52, 800	6, 145
66	48	48	63, 200	9, 164
66	60	48	101, 800	9, 691
96	48	48	101, 400	9, 759
96	60	48	150, 000	11, 550
96	96	48	163, 200	15, 132
120	48	48	135, 500	12, 027
120	60	48	168, 000	14, 509
120	96	48	225, 000	18, 136
120	120	48	283, 000	20, 045

HIGH-SPEED DUPLEX CAR WHEEL PRESSES

Size tons	Inches	Weight	Price	Extra pneumatic pullback
		Pounds		
200–400	48	43, 500	$10, 541	423
250–500	48	52, 500	11, 777	423
300–600	48	60, 000	13, 068	423

SELF-CONTAINED SINGLE FRAME TOOL DRESSING HAMMERS

Falling weight, pounds	Shipping weight	Price
	Pounds	
100	2, 650	$1, 000
200	4, 600	1, 218
250	4, 650	1, 250
400	8, 300	1, 555

SINGLE FRAME FORGING HAMMERS

Falling weight, pounds	15:1 semisteel anvils semisteel frames		Deduction for 7½:1 semisteel anvil	
	Shipping weight	Price	Weight	Price
	Pounds		*Pounds*	
400	10, 500	$1, 714	3, 000	$109
750	19, 425	2, 159	5, 625	205
1,100	29, 950	3, 232	7, 500	277
1,500	39, 250	3, 877	11, 250	409
2,000	51, 000	4, 641	15, 000	550
2,500	61, 750	5, 445	18, 750	686
3,300	82, 750	7, 182	21, 750	800
4,000	101, 000	8, 536	30, 000	1, 100

CHAMBERSBURG ENGINEERING CO., CHAMBERSBURG, PA.—Continued

DOUBLE FRAME GUIDED RAM-STEAM HAMMERS

Falling weight, pounds	Shipping weight	Price	Deduct for 7½:1 anvil	
			Weight	Price
	Pounds		*Pounds*	
1,500	38, 450	$4, 291	11, 250	$409
2,000	43, 200	5, 005	15, 000	550
2,500	61, 250	5, 836	18, 750	691
3,000	73, 200	6, 614	22, 500	827
3,500	84, 200	7, 182	26, 250	959
4,000	98, 400	8, 432	30, 000	1, 100
5,000	123, 000	9, 885	37, 500	1, 377
6,000	147, 600	11, 391	47, 000	1, 655
8,000	177, 400	13, 205	60, 000	2, 230
10,000	218, 000	18, 086	75, 000	2, 755
12,000	268, 800	21, 856	90, 000	3, 309
14,000	348, 600	25, 220	105, 000	3, 854
16,000	398, 500	28, 668	120, 000	4, 409

CHAMBERSBURG PNEUMATIC FORGING HAMMERS—MOTOR DRIVEN

Falling weight, pounds	Net shipping weight	Price
	Pounds	
200	8, 150	$2, 718
300	11, 900	3, 311
500	20, 500	4, 709
750	29, 800	5, 241
1,000	38, 000	6, 285
1,500	64, 100	9, 085
2,000	74, 900	10, 432
2,500	95, 000	13, 127
3,000	106, 500	14, 491
200 1	7, 800	2, 627
300 1	9, 500	3, 200

1 Frame and anvil cast integral, one piece.

MODEL "E" STEAM DROP HAMMERS

Falling weight, pounds	Shipping weight	Price	Deduct "H" type piston valve
	Pounds		
1,000	36, 500	$7, 777	377
1,500	49, 500	9, 418	400
2,000	68, 500	11, 236	434
2,500	79, 000	12, 827	445
3,000	93, 000	14, 700	477
4,000	120, 000	18, 352	509
5,000	148, 000	21, 818	545
6,000	172, 000	24, 641	582
8,000	227, 500	30, 414	647
10,000	334, 000	39, 386	703
12,000	398, 600	44, 559	727
14,000	450, 600	48, 341	805
16,000	525, 200	59, 709	859

PRODUCTION MOUNTERS FOR CAR WHEELS

Size, tons	Inches between bars	Weight	Price
		Pounds	
200	1 42	-------	-------
300	1 42	-------	-------
300	54	17, 100	$1, 061
400	1 42	-------	-------
400	54	19, 300	4, 500
500	54	26, 300	5, 200

1 Price upon request.

CONVERTIBLE WHEEL PRESSES

Size, tons	Inches between bars	Weight	Price
		Pounds	
200	1 66	-------	-------
200	1 108	-------	-------
300	1 66	-------	-------
300	172	-------	$4, 800
400	66	25, 000	5, 005
400	1 96	-------	-------
400	96	32, 000	6, 118
500	84	35, 800	6, 359
600	96	35, 900	6, 382
600	84	39, 000	6, 745
600	108	45, 300	7, 082
600	120	49, 700	7, 509
750	1 84	-------	-------
750	1 108	-------	-------
800	1 84	-------	-------
800	108	62, 000	864

1 Price upon request.

CHAMBERSBURG ENGINEERING CO., CHAMBERSBURG, PA.—Continued

INCLINE WHEEL PRESSES

Size, tons	Inches between bars	Weight	Price
		Pounds	
200	[1] 66		
200	108	21,000	$5,200
300	[1] 66		
300	72	19,400	4,064
400	66	24,800	4,700
400	[1] 90		6,380
400	96	32,100	5,800
500	84	34,900	6,032
600	66	36,000	6,032
600	84	38,000	6,377
600 [2]	100	44,300	6,714
600 [2]	120	48,700	7,130
750 [2]	[1] 84		
800	[1] 108		
800 [2]	[1] 84		
800 [2]	108	61,000	8,277

THREE-CYLINDER LOCOMOTIVE TYPE

600	100	53,000	$9,505
800	108	76,600	10,482

[1] Price upon request.
[2] Arranged for booster gear.

MODEL "F" BOARD DROP HAMMERS

Falling weight, pounds	Shipping weight	Price with bronze bearing head	Price with roller bearing head
	Pounds		
100	3,600	$1,186	
200	5,200	1,364	
400	11,500	1,786	
600	15,100	2,069	
800	21,200	2,695	
1,000	28,000	3,236	$3,568
1,200	32,600	3,641	3,977
1,500	39,300	4,359	4,727
2,000	51,000	5,200	5,627
2,500	60,000	5,877	6,405
3,000	78,000	7,436	8,509
4,000	105,000	9,836	11,105
5,000	135,000	12,150	13,936

CHAMPION BLOWER & FORGE CO., LANCASTER, PA.—Engine Lathes

Size No.	Length	Prices: Electric: Bench [3]	Prices: Electric: Floor	Prices: Engine
9 inches	3′	$240	$250	
	4′	250	260	
10 inches	4′		400	$300
	5′		410	310
	5′		530	400
	6′		550	420
13 inches	8′		590	460
	10′		630	500
16 inches	6′		680	550
	8′		710	580
	10′		740	610

CHAMPION BLOWER & FORGE CO., LANCASTER, PA.—Continued

HACK SAWS

Model No.	Prices: Power	Prices: Electric driven	Prices: Electric driven, less motor
0	$13.50		
1	45.00	$80.00	$50.00
2	80.00	144.00	96.00

HAMMERS

Model No.	Prices: Power	Prices: Electric driven
0	$155	$240
1	230	350
2	600	750

No. 4 Arbor press	$200

UPRIGHT DRILLS

	Price
No. 20315	$124.00
No. 20315 P	130.00
No. 20315 C. P	154.00
No. 20315 E electric driven upright drill	250.00
No. 397	110.00
No. 397 F	116.00
No. 397 C. P	140.00

POWER DRILL

14″	120.00
24″ Back geared	360.00
24″ Positive gear feed back geared	400.00
21″ Back geared	240.00
21″ Positive gear feed back geared	280.00
20″ Back geared	202.00
20″ Less back gears	196.00
20″ With wheel and lever feed	186.00
20″ With lever feed	176.00
Extra for electric drive, less motor	46.00
Mounting and wiring customer's motor and switch	12.50
Extra for flat belts	8.00

CHAMPION BLOWER & FORGE CO., LANCASTER, PA.—Continued

ELECTRIC DRIVEN DRILL

Size	Prices: 110 or 220 volt, 60 cycle, single phase	Prices: 110 or 220 volt, 60 cycle, 2 or 3 phase	Prices: 115 or 230 volt, D. C.	Extra for positive gear feed
20″	$350	$310	$380	$40
21″	383	342	418	
24″	508	472	538	

ELECTRIC DRIVEN FLOOR DRIVEN DRILL

Size	Prices: 60 cycle, 3 p. or 3-phase, A. C.	Prices: 110/220 volt, 25-cycle, A. C.	Prices: 115/230 volt, D. C.
15 A	$169	$190	$190
15 B	200	215	215
15 C	260	275	275

	Price
14″ Electric driven drill	$220

NO. 2000 HIGH SPEED DRILL

1 hp. motor	200
½ hp. motor	189
Less motor	134

FLOOR DRILLS

Model No.	Prices: 110 volt, 60 cycle single phase motor	Prices: Less motor
1500 A. C	$58.50	$48
1600 A. C	61.50	51

CHATTANOOGA MACHINERY CO., CHATTANOOGA, TENN.

KEYSEATERS

Machine	Maximum capacity width by length	Belt driven with countershaft: Weight	Belt driven with countershaft: Price	Motor driven, not including motor, switch, or wiring: Weight	Motor driven, not including motor, switch, or wiring: Price
		Pounds		*Pounds*	
No. 0, Catlin Keyseater	7/16 x 6	400	$368	500	$450
No. 1, Catlin Keyseater	1⅝ x 12	1,000	618	1,400	720
No. 2, Catlin Keyseater	2 x 19	1,400	740	2,000	830
No. 3, Catlin Keyseater	2 x 23	2,000	930	2,700	1,120
No. 3½, Catlin Keyseater	2½ x 23	2,200	990	2,900	1,180
No. 4, Catlin Keyseater	4 x 28	4,800	1,670	5,500	1,910
No. 5, Catlin Keyseater	4 x 37	5,100	1,850	5,900	2,060
No. 6, Catlin Keyseater	5 x 40	6,600	2,050	7,425	2,290
No. 7, Catlin Keyseater	2 x 38	2,700	1,150	3,300	1,340
No. 8, Catlin Keyseater	1½ x 13	800	538	875	598
No. 15, Catlin Keyseater	2 x 90	4,500	3,050		3,210
No. 20, Catlin Keyseater				9,000	5,810
60″ stroke	5 x 60			9,000	4,770
90″ stroke	5 x 90				

CHISHOLM-RYDER COMPANY, INCORPORATED, NIAGARA FALLS, N. Y.

9″ bar horizontal boring and milling machine... $15,000
(This price is for the base machine only.)

THE CINCINNATI BICKFORD TOOL CO., OAKLEY, CINCINNATI, OHIO

	Net weight (approximate)	Price (less motor)
UPRIGHT DRILLS	*Lb.*	
21″ Ind. col. Super Service Upright Drill	1,900	$1,650
21″ Box col. Super Service Upright Drill	2,100	1,705
24″ Ind. col. Super Service Upright Drill	2,350	1,980
24″ Box col. Super Service Upright Drill	2,700	2,035
28″ Ind. col. Super Service Upright Drill	2,650	2,530
28″ Box col. Super Service Upright Drill	3,100	2,585
RADIAL DRILLS	*Lb.*	
20″ dia. col. High Speed Radial Drill	4,100	[1] $3,125
4⅝″ dia. col. High Speed Radial Drill	4,500	[1] 3,335
3′11″ dia. col. Super Service Radial Drill	9,000	[1] 6,050
4′11″ dia. col. Super Service Radial Drill	9,500	[1] 6,380
4′12″ dia. col. Super Service Radial Drill	10,600	7,700
4′13″ dia. col. Super Service Radial Drill	11,300	8,060
4′14″ dia. col. Super Service Radial Drill	12,700	8,800
5′0″ dia. col. Super Service Radial Drill	13,400	9,185
5′12″ dia. col. Super Service Radial Drill	14,500	9,570
5′17″ dia. col. Super Service Radial Drill	17,000	10,535
6′12″ dia. col. Super Service Radial Drill	18,050	10,945
7′12″ dia. col. Super Service Radial Drill	19,200	11,355
6′12″ dia. col. Super Service Radial Drill	22,000	12,430
7′12″ dia. col. Super Service Radial Drill	23,100	12,870
8′12″ dia. col. Super Service Radial Drill	24,400	13,310

[1] Includes driving motor and starter (all others not). [2] Does not include power traverse or electric column clamping. On all others 13″ to 19″ column sizes this is standard equipment.

THE CINCINNATI ELECTRICAL TOOL CO., CINCINNATI, OHIO

HEAVY DUTY PEDESTAL GRINDERS

Type HTA—12″	$300 C
Type HCA—14″	345 C
Type HEA—14″	380 C
Type FFA—18″	490 C

For other than 50 or 60 cycles, increase price 10%.

Type HT—12″	405 C
Type HC—14″	475 C
Type HE—14″	500 C
Type FF—18″	726 C

For 12 and 14 inch bench grinders, deduct $10 from above prices.
For boiler plate guards, increase prices, the equivalent of 15% of A. C. pedestal grinder prices.

COMBINATION WET AND DRY GRINDERS

Type WTA—2 H. P.	$440 C
Type WGA—3 H. P.	450 C

For other than 50 or 60 cycles, increase price 10%.

Type WT—2 H. P.	$540 C
Type WG—3 H. P.	555 C
Surface grinding attachment	45 C

WIDE TYPE PEDESTAL GRINDERS

Type WAA—8″	$160 A
Type WBA—10″	235 B
Type WSA—12″	330 C
Type WCA—14″	380 C
Type WFA—14″	425 C

For other than 50 or 60 cycles, increase price 10%.

Type WA—8″	$175 A
Type WB—10″	270 B
Type WS—12″	435 C
Type WC—14″	510 C
Type WF—14″	635 C

For ½ hp. bench type, deduct $20; for 1 hp., $30.
For boiler plate guards, increase prices, the equivalent of 15% of A. C. pedestal grinder prices.

COMBINATION PEDESTAL GRINDERS AND BUFFERS

Type HHA—8″	$130 A
Type HLA—10″	210 B
Type HSA—12″	315 C
Type HVA—14″	370 C

For other than 50 or 60 cycles, increase price 10%.

Type KH—8″	$135 A
Type KB—10″	250 B
Type KT—12″	420 C
Type KV—14″	500 C

For ½ hp. bench type, deduct $20; for 1 hp., $30.

THE CINCINNATI ELECTRICAL TOOL CO., CINCINNATI, OHIO—Continued

HEAVY DUTY PEDESTAL GRINDERS

Type CFA—18″	$650 C
Type HGA—20″	705 C
Type JSA—24″	880 C
Type JTA—24″	935 C

For other than 50 or 60 cycles, increase price 10%.

Type CF—18″	600 C
Type HG—20″	975 C
Type JS—24″	1,180 C
Type JT—24″	1,290 C
Wheel Dresser	30 C
10 or 12 inch bore flanges (set 4)	80 C

For boiler plate guards, increase prices, the equivalent of 15% of A. C. pedestal grinder prices

THREE SPEED SNAGGING GRINDERS

Type BAA—18″	$1,100 C
Type BCA—20″	1,210 C
Type BGA—24″	1,290 C
10 or 12 inch bore flanges (set 4)	80 C

Direct current and odd cycles alternating current, prices on application.

VARIABLE SPEED SNAGGING GRINDERS

Type VCFA—18″	$1,440 D
Type VBKA—24″	1,695 D
Type VBMA—30″	1,725 D

COMBINATION SINGLE END DISC GRINDERS

Type FHAC—½ hp	$255 B
Type FOAC—1 hp	315 B
Type HTAC—2 hp	415 C
Type HCAC—3 hp	460 C
Type HEAC—5 hp	575 C
Type FSAC—7½ hp	715 C

For other than 50 or 60 cycles, increase price 10%.

Type FHC—½ hp	$260 B
Type FOC—1 hp	295 B
Type HTC—2 hp	520 C
Type HCC—3 hp	590 C
Type HEC—5 hp	785 C
Type FSC—7½ hp	985 C

DOUBLE END DISC GRINDERS

Type HTAD—2 hp	$460 C
Type HCAD—3 hp	505 C
Type HEAD—5 hp	610 C
Type FSAD—7½ hp	835 C

For other than 50 or 60 cycles, increase price 10%.

Type HTD—2 hp	$565 C
Type HCD—3 hp	615 C
Type HED—5 hp	860 C
Type FSD—7½ hp	1125 C

PEDESTAL BUFFERS

Type DHA—½ hp	$130 A
Type DRA—1 hp	200 B

For other than 50 or 60 cycles, increase price 10%.

Type DH—½ hp	$145 A

For ½ hp bench type, deduct $20.00; for 1 hp., $30.

Type DTA—2 hp	$300 C
Type DVA—3 hp	345 C
Type DFA—5 hp	380 C
Type DSA—7½ hp	465 C

For other than 50 or 60 cycles, increase price 10%.

Type DT—2 hp	$405 C
Type DV—3 hp	475 C
Type DF—5 hp	590 C
Type DS—7½ hp	675 C

For bench type, deduct $10 from above prices.

Type DKA—2 hp	$275 C
Type DLA—3 hp	315 C
Type DMA—5 hp	330 C

For other than 50 or 60 cycles, increase price 10%.

Type DK—2 hp	$380 C
Type DL—3 hp	445 C
Type DM—5 hp	540 C

For bench type, deduct $10 from above prices.

VEE BELT BUFFERS

Type COA—3 hp Single Motor	$450 C
Type EOA—5 hp Single Motor	470 C
Type GOA—7½ hp Single Motor	530 C
Type HOA—10 hp Single Motor	585 C
Type LOA—15 hp Single Motor	710 C

For bench type, deduct $10 from above prices.

Type DOA—3 hp Double Motor	665 C
Type MOA—5 hp Double Motor	730 C
Type NOA—7½ hp Double Motor	790 C
Type SOA—10 hp Double Motor	900 C

For "A" dimension 17″, add $50 to above prices. For other than 50 or 60 cycles and direct current, prices on application.

THE CINCINNATI ELECTRICAL TOOL CO., CINCINNATI, OHIO—Continued

HIGH SPEED CUT-OFF MACHINE

Type JCA—7½ hp	$800 D
Type JC—7½ hp	1025 D
Angle Cutting Vise (if furnished with machine)	50 D

1 H. P. GRINDER, 10″ x 1¾″ WHEELS

Type GPOA—pedestal grinder	$110 B

2, 3, AND 5 HP PEDESTAL GRINDERS

Type GPTA—2 hp 12″ x 2″ Wheels	$180 C
Type GPCA—3 hp 14″ x 2½″ Wheels	205 C
Type GPEA—5 hp 14″ x 3″ Wheels	260 C

1, 2, 3, AND 5, HP WIDE SPREAD FOUR BEARING BUFFING AND POLISHING LATHES

Type GPAA—1 hp	$125 B
Type GPBA—2 hp	185 C
Type GPFA—3 hp	240 C
Type GPGA—5 hp	295 C

1, 2, 3 AND 5 HP EXTENDED SPINDLE BUFFERS

Type GPDA—1 hp	$105 B
Type GPKA—2 hp	155 C
Type GPLA—3 hp	175 C
Type GPMA—5 hp	200 C

1, 2, 3 AND 5 HP COMBINATION GRINDERS AND BUFFERS

Type GPRA—1 hp	$125 B
Type GPSA—2 hp	185 C
Type GPVA—3 hp	210 C
Type GPWA—5 hp	265 C

CINCINNATI-GILBERT MACHINE TOOL CO., CINCINNATI, OHIO

RADIAL DRILLS—PRICES AND SPECIFICATIONS

Length of arm (feet)	Diameter of column	Number of spindle speeds	Weight (pounds)	Price [1]
	Inches			
3	9	12	5,400	$3,315
4	9	12	5,700	3,525
3	11	12	6,600	4,890
4	11	12	7,100	5,100
5	11	12	8,000	5,235
4	13	32	11,000	7,150
5	13	32	11,800	7,480
4	15	32	13,300	8,170
5	15	32	14,000	8,515
6	15	32	15,000	8,860
5	17	32	17,200	9,700
6	17	32	18,200	10,120
7	17	32	19,200	10,485
6	19	32	21,000	11,540
7	19	32	22,000	11,940
8	19	32	24,000	12,340

BORING MILLS

	Weight	Price
FLOOR TYPE (3½″ SPINDLE)	*Lb.*	
36″ vertical travel x 36″ horizontal travel	14,000	$7,300
Extra each additional foot of vertical travel	500	275
Extra each additional foot of horizontal travel	400	200
Above price does not include bed plate.		
Bed plates:		
Less than 60 square feet $35 per square foot.		
More than 60 square feet $90 per square foot.		
TABLE TYPE (3½″ SPINDLE)		
36″ x 60″ table, 36″ vertical travel, 60″ face plate to bar support	25,000	13,500
Extra per foot of vertical travel	650	350
Extra per 24″ of bed length (face plate to bar support)	1,400	400

[1] Prices corrected upon advice of manufacturer, differ from those shown in first edition of "Prices of New Machine Tools."

THE CINCINNATI LATHE & TOOL CO., OAKLEY, CINCINNATI, OHIO

QUICK CHANGE GEARED HEAD—MOTOR DRIVEN LATHES
GEARED HEAD MOTOR DRIVING ENGINE LATHES

Size	Price of lathe	2 foot extra bed	Taper attachment
14″ x 6′	$3,170	$115	$256
16″ x 8′	3,526	121	276
18″ x 8′	3,618	130	280
20″ x 10′	5,031	149	340
24″ x 10′	7,031	292	400

CINCINNATI MILLING AND GRINDING MACHINES, INC., CINCINNATI, OHIO

MILLING MACHINES

	Weight in pounds	Price
M-type vertical milling machines (model EA) No. 2M	3,900	$4,760
L-type milling machines (model EL):		
No. 2 plain	2,950	3,605
No. 2 universal	3,300	4,435
MH milling machines (model ED):		
No. 2 plain	4,100	4,465
No. 2 universal	4,400	5,270
Dial types, medium speed milling machines (ER):		
No. 2 plain	6,250	5,565
No. 3 plain	8,380	6,810
No. 4 plain	9,050	7,970
No. 2 universal	6,600	6,470
No. 3 universal	9,000	7,970
No. 4 universal	10,000	9,680
No. 2 vertical	7,050	6,455
No. 3 vertical	9,200	8,140
No. 4 vertical	9,850	9,180
Dial types, high speed milling machines (model ER):		
No. 2 plain	6,350	6,105
No. 3 plain	8,480	7,440
No. 4 plain	9,150	8,760
No. 2 universal	6,700	7,070
No. 3 universal	9,100	8,595
No. 4 universal	10,100	10,500
No. 2 vertical	7,100	6,980
No. 3 vertical	9,300	8,760
No. 4 vertical	9,950	9,980
High power milling machines (model HO):		
No. 4 plain	10,250	8,125
No. 5 plain	11,500	8,930
No. 4 universal	10,525	9,515
No. 5 universal	11,850	10,590
No. 4 vertical	10,500	8,910
18" plain manufacturing milling machine (OK)	2,350	2,390
No. 0-8 vertical milling machine (model EA) for 50 or 60 cycle, A. C. current	1,700	2,120
No. 0-8 plain automatic milling machine (EA) for 50 or 60 cycle, A. C. current:		
Without rise and fall spindle carrier	1,450	1,980
With rise and fall spindle carrier	1,500	2,380
Plain automatic milling machines:		
1-12 (model EA)	3,100	3,190
1-18 (model EA)	3,250	3,450
2-18 (model ER)	4,500	4,330
2-24 (model ER)	4,600	4,610
Automatic rise and fall milling machines (ER):		
2-18	4,650	5,640
2-24	4,850	5,920
Hydromatic milling machines (model EA) plain 3-24	8,200	5,125
3-36	8,400	5,520
34-36	10,500	6,370
4-36	12,300	7,320
34-48	10,800	6,860
4-48	12,600	7,810
35-48	12,200	7,935
45-48	14,500	8,800
5-48	15,000	9,115
35-60	12,700	8,520
45-60	15,100	9,465
5-60	15,500	9,690
36-72	16,500	9,735
46-72	16,500	10,685
56-72	17,500	10,905
36-90	17,500	10,450
46-90	17,800	11,395
56-90	18,000	11,620
Duplex 3-24	10,800	7,175
3-36	11,000	7,590
34-36	12,500	8,420
4-36	13,800	10,210
34-48	14,000	8,910
4-48	15,500	10,695
35-48	15,000	9,990
45-48	17,500	11,770
5-48	18,500	12,420
35-60	15,500	10,575
45-60	18,000	12,355
5-60	19,500	13,000
36-72	19,000	11,785
46-72	20,000	13,570
56-72	21,700	14,220
36-90	19,500	12,500
46-90	20,500	14,285
56-90	23,400	14,935
Hydro-tel vertical milling machines (model EM):		
28-60	25,000	18,320
28-96	31,000	21,375
28-120	34,500	22,825
Hydro-tel horizontal milling machines (model OK):		
36-72	50,000	26,300
36-120	54,500	29,950
Four-spindle 360 degree automatic profiler (model OT)	10,300	14,850

CINCINNATI MILLING AND GRINDING MACHINES, INC., CINCINNATI, OHIO—Continued

CUTTER SHARPENING MACHINES

	Weight in pounds	Price
No. 2 cutter and tool grinder (model EM):		
Plain machine	2,100	$1,545
Universal machine	2,325	1,975
Monoset cutter and tool grinder (model ER)	1,350	2,915

BROACHING MACHINES

Vertical Hydro-Broach Machines:		
1-30, single ram machines—fixed table (model ER)	3,400	$3,165
3-30	8,050	3,785
3-48	8,700	4,210
5-42	9,700	4,440
5-54	10,500	4,890
10-54	13,600	6,690
10-66	14,600	7,260
15-48	18,500	8,050
15-66	20,200	9,140
25-48	25,300	10,930
25-66	27,600	12,465
Single ram machines—receding table (model ER):		
1-30	3,400	3,780
3-30	8,050	4,400
3-48	8,700	4,825
5-42	9,700	5,055
5-54	10,500	5,505
10-54	13,600	7,420
10-66	14,600	7,990
15-48	18,500	8,785
15-66	20,200	9,875
25-48	25,300	11,660
25-66	27,600	13,200
Duplex machines—fixed table (model ER):		
1-30	5,100	4,740
3-30	8,500	5,755
3-48	9,500	6,385
5-42	12,000	6,730
5-54	13,200	7,410
10-54	21,000	10,125
10-66	23,000	10,985
15-48	29,500	12,170
15-66	32,000	13,805
25-48	38,000	16,490
25-66	42,500	18,790
Duplex machines—swivel table (model ER):		
1-30	5,100	5,665
3-30	8,500	6,675
3-48	9,500	7,310
5-42	12,000	7,655
5-54	13,200	8,335
10-54	21,000	11,220
10-66	23,000	12,080
15-48	29,500	13,265
15-66	32,000	14,900
25-48	38,000	17,585
25-66	42,500	19,885

GRINDING MACHINES

Plain Hydraulic Grinding Machines (model EA):		
6" x 18"	7,200	$5,145
6" x 30"	7,300	5,595
10" x 18"	7,400	6,435
10" x 36"	7,550	6,940
Plain hydraulic grinding machines (model ER):		
6" x 18"	6,100	4,600
6" x 30"	6,600	4,905
10" x 18"	8,600	7,835
10" x 36"	9,930	8,240
10" x 48"	10,800	8,635
10" x 72"	12,600	9,045
10" x 96"	14,400	9,455
Universal hydraulic grinding machines (model ER):		
12" x 24"	5,700	5,420
12" x 36"	6,100	5,940
12" x 48"	6,700	6,535
12" x 72"	7,900	7,755
14" x 36"	7,600	6,840
14" x 48"	8,400	7,510
14" x 72"	9,800	8,175
16" x 36"	7,700	7,185
16" x 48"	8,500	7,720
16" x 72"	9,900	8,390
18" x 36"	7,800	7,285
18" x 48"	8,600	7,920
18" x 72"	10,000	8,590
Plain self-contained grinding machines (model EM):		
14" x 36"	13,300	11,800
14" x 48"	14,500	12,355
14" x 72"	16,900	13,080
14" x 96"	19,300	14,075
14" x 120"	21,700	15,415
14" x 144"	24,100	16,535
14" x 168"	26,500	17,945

CINCINNATI MILLING AND GRINDING MACHINES, INC., CINCINNATI, OHIO—Continued

GRINDING MACHINES—continued

	Weight in pounds	Prices
Plain self-contained grinding machines (model EM)—Continued.		
16" x 36"	14,300	$12,715
16" x 48"	15,500	13,165
16" x 72"	17,900	14,190
16" x 96"	20,300	15,240
16" x 120"	22,700	16,780
16" x 144"	25,100	18,505
16" x 168"	27,500	20,235
Plain self-contained grinding machines (model OK):		
20" x 96"	42,000	27,225
20" x 120"	46,000	29,360
20" x 144"	51,000	31,360
20" x 168"	56,000	33,425
20" x 192"	61,000	35,490
24" x 96"	44,500	29,080
24" x 120"	48,500	31,130
24" x 144"	53,500	33,215
24" x 168"	58,500	35,280
24" x 192"	63,500	37,315
Plain self-contained grinding machines (model OK):		
28" x 96"	47,000	30,940
28" x 120"	51,000	33,005
28" x 144"	56,000	35,070
28" x 168"	61,000	37,135
28" x 192"	66,000	39,200
Centerless grinding machines:		
No. 2 Model EA	6,800	5,485
No. 3 Model EA	11,000	6,775
No. 4 Model ER	12,500	7,905

LAPPING MACHINES

Centerless lapping machine (model ED)	10,000	$7,020

THE CINCINNATI PLANER CO., CINCINNATI, OHIO

DOUBLE HOUSING PLANER

	Weight	List price	Extra per foot of bed	Extra rail-head	Extra for side head
	Lb.				
24" x 24" x 6', standard	8,000	$3,770	$170	$675	(1)
30" x 30" x 6', standard	11,500	4,905	240	710	(1)
30" x 30" x 8', heavy	15,000	7,065	265	780	$1,105
36" x 36" x 8', standard	16,500	7,465	265	780	1,105
30" x 30" x 8', hypro	17,000	7,540	280	780	1,105
36" x 36" x 8', hypro	23,000	9,810	280	935	1,310
42" x 42" x 10', hypro	31,200	11,125	315	970	1,400
48" x 48" x 10', hypro	39,000	13,180	350	1,100	1,515
56" x 56" x 10', hypro	44,000	14,415	400	1,100	1,980
62" x 62" x 12', hypro	50,000	15,445	425	1,100	2,045
72" x 72" x 12', hypro	76,000	19,910	505	1,445	2,980
	84,000	24,755	570	1,445	2,900

OPEN SIDE PLANERS

36" x 36" x 8'	40,000	$13,178	$340	$970	$1,980
48" x 48" x 10'	58,000	17,500	435	1,100	2,200
60" x 60" x 12'	90,000	23,825	545	1,445	2,970

[1] Not furnished.

BORING MILLS—ALL BASED WITH TWO RAILHEADS

Size	Weight	List price	Slide head
	Pounds		
54"	36,000	$15,245	$3,570
64"	40,000	16,940	3,850
6'	60,000	19,965	4,290
7'	69,000	22,265	4,950
8'	104,000	31,790	4,950
10'	121,000	34,375	4,950
12'	150,000	41,140	4,950

THE CINCINNATI SHAPER CO., CINCINNATI, OHIO—Continued

CINCINNATI SHAPERS

[Prices f. o. b. cars Cincinnati]

Machine	Stroke / Service	Utility 16"	Utility 20"	Cincinnati Rapid Traverse 16" and 20" U. 16" Hvy.	20" Std.	20" Hvy.	24" Std.	24" Hvy.	28" Hvy.	32" Hvy.	36" Hvy.	Railroad 32"	Railroad 36"
Single pulley belt drive, including vise		$2,150	$2,305	$2,415	$2,505	$2,670	$2,760	$3,135	$3,220	$3,400	$3,595	$4,300	$4,485
Motor drive, flat belt, no motor		$125	$126	$125	$125	$130	$130	$135	$135	$160	$160	$160	$160
Motor drive, silent chain, no motor		$125	$125	$125	$125	$130	$130	$135	$135	$160	$160	$160	$160
Universal Table making Universal		$125	$125	$125	$125	$130	$130	$135	$135	$160	$160	$160	$160
Shaper		$310	$310	$310	$310	$325	$325	$300	$300	$500	$540		
Table support for Universal Table				$90	$90	$70	$80	Incl.	Incl.	Incl.	Incl.		
Credit for omitting Power Traverse		$55	$55	$55	$55	$60	$70	Incl.	Incl.	Incl.	Incl.	Incl.	Incl.
Vise regularly furnished, single or double screw				$55	$55	$60	$70	$70	$80	$80	$80	$80	$85
Motor recommended, F. P. m., 1,800	inches		13	13	13	13	15	15	15	15	15	15	15
	horsepower		3-5	5	5	5	7½	10	10	10	10-15	10	10-15

Standard equipment.—Includes single or double screw vise, automatic visible oiling system, internal transmission, clutch and brake, belt and ram guards, and all necessary wrenches.

Vise.—Vises are furnished with swivel base, and c. d. belt driven, having tiller pulley on stock side furnished with shipper, all completely mounted. Motor arranged for wiring with flexible conduit when facing wall with terminals on bottom. Motor and control delivered from factory will be mounted and wired.

32" and 36" Railroad Shapers.—Are 32" and 36" Heavy Duty shapers equipped with special railroad table, circular feeding head, and boom crane for machining locomotive driving boxes and cross heads.

ATTACHMENTS

[Additional prices for machine equipped with the following attachments]

Machine	Stroke / Service	16" and 20" U. 16" Hvy.	20" Std.	20" Hvy.	24" Std.	24" Hvy.	28" Hvy.	32" Hvy.	36" Hvy.
Power feed to head with automatic stop		$160	$160	$160	$160	$180	$180	$195	$195
Concave attachment		90	90	90	90	115	115	125	125
Auxiliary front cross feed		160	170	170	170	195	195	195	195
Universal table top		170	170	170	170	195	195	195	195
Supplementary table top									
Power vertical movement to table								1 280	1 280
Mould makers tilting table		285	285	320	320	340	350	450	450
Circular feeding table, correct attachment									
Index centers, 8" swing, 18" opening								1 365	1 365
Circular feeding head and special table for locomotive driving boxes		150	150	150	150	175	175	175	175
Circular feeding head if purchased without feeding table, correct attachment								1 590	1 590
Circular feeding head if purchased without driving box table								1 280	1 280
Driving box table if purchased without circular feeding head									
Driving rod brass attachment								1 365	1 365
Shoe and wedge chuck						310	310	310	310
Hand traverse feed to machine						150	150	150	150
15" Double Screw Vise, jaws 2½" x 12", open 13"		165		165		165	195	195	195
15" Single Screw Vise, jaws 3" x 15", open 13"		175		175		175			
15" Single Screw Vise, jaws 3" x 15", open 15"								195	195
18" Mould Makers Vise, jaws 4½" x 12", open 13"		225		225		225			
15" Mould Makers Vise, jaws 5" x 15", open 15"								280	280
15" Double Screw Steel Vise		280		280		280		335	335
15" Double Screw Steel Vise									

[1] Inclosed with Railroad Shapers.

THE CINCINNATI SHAPER CO., CINCINNATI, OHIO—Continued

CINCINNATI ALL STEEL SHAPERS

Series number of slides	Capacity in mild steel	Length between housings	Horsepower of motor	Approximate shipping weight	Price with standard throat
	Gage	*' "*		*Pounds*	
1014	12	6 3	7½	16,000	$8,985
1008R	10	6 3	5	16,000	8,985
1008	10	6 3	5	11,000	7,870
1010	10	8 3	7½	17,000	9,210
1012	10	10 3	7½	21,000	10,000
1412	10	12 3	7½	24,000	10,790
1414	¼	14 3	10	25,000	11,580
2516	⅜	16 3	15	30,000	13,165
2518	⅜	18 3	15	35,000	14,750
1606	¼	6 3	7½	18,000	9,210
1610	¼	10 3	10	22,000	10,790
1612	¼	12 3	10	25,000	11,580
2512	⅜	12 3	15	32,000	13,165
2514	⅜	14 3	15	34,000	14,750
1806	¼	6 3	10	21,000	10,790
1808	¼	8 3	10	24,000	11,580
1810	¼	10 3	10	27,000	12,370
1812	¼	12 3	10	30,000	13,165
2512	⅜	12 3	15	32,000	13,165
2514	⅜	14 3	15	34,000	14,750
2516	⅜	16 3	15	36,000	16,340
2518	⅜	18 3	15	38,000	17,930
2520	⅜	20 3	15	40,000	19,520
2512	⅜	12 3	20	32,000	13,165
2514	⅜	14 3	20	34,000	14,750
2516	⅜	16 3	20	36,000	16,340
2518	⅜	18 3	20	38,000	17,930
2520	⅜	20 3	20	40,000	19,520
2524	⅜	24 3	20	44,000	22,700
4514	½	14 3	25	60,000	24,290
4518	½	18 3	25	66,000	26,665
4520	½	20 3	25	70,000	28,255
4524	½	24 3	25	74,000	31,435
4530	½	30 3	25	78,000	34,615
4536	½	36 3	25	82,000	37,795
4542	½	42 3	25	86,000	40,975
4548	½	48 3	25	90,000	44,155
4554	½	54 3	25	94,000	47,335
4560	½	60 3	25	98,000	50,515
4566	½	66 3	25	102,000	53,695
4572	½	72 3	25	106,000	56,875
4578	½	78 3	25	110,000	60,055
4584	½	84 3	25	114,000	63,235
4590	½	90 3	25	118,000	66,415
4596	½	96 3	25	122,000	69,595
4508	½	8 3	15	70,000	29,870
4510	½	10 3	15	76,000	31,460
4512	½	12 3	15	80,000	33,050
4514	½	14 3	15	84,000	34,640
4516	½	16 3	15	88,000	36,230
4518	½	18 3	15	92,000	37,820
4520	½	20 3	15	96,000	39,410
4524	½	24 3	15	100,000	42,590
4530	½	30 3	15	104,000	45,770
4536	½	36 3	15	108,000	48,950
4542	½	42 3	15	112,000	52,130
4548	½	48 3	15	116,000	55,310
4554	½	54 3	15	120,000	58,490
4560	½	60 3	15	124,000	61,670
4566	½	66 3	15	128,000	64,850
4572	½	72 3	15	132,000	68,030
4578	½	78 3	15	136,000	71,210
4584	½	84 3	15	140,000	74,390
4590	½	90 3	15	144,000	77,570
4596	½	96 3	15	148,000	80,750
6208	¾	8 3	20	90,000	38,110
6210	¾	10 3	20	96,000	39,850
6212	¾	12 3	20	102,000	41,590
6214	¾	14 3	20	108,000	43,330
6216	¾	16 3	20	114,000	45,070
6218	¾	18 3	20	120,000	46,810
6220	¾	20 3	20	126,000	48,550
6224	¾	24 3	20	132,000	52,030
6230	¾	30 3	20	138,000	55,510
6236	¾	36 3	20	144,000	58,990
6242	¾	42 3	20	150,000	62,470
6248	¾	48 3	20	156,000	65,950
6254	¾	54 3	20	162,000	69,430
6260	¾	60 3	20	168,000	72,910
6266	¾	66 3	20	174,000	76,390
6272	¾	72 3	20	180,000	79,870
6278	¾	78 3	20	186,000	83,350
6284	¾	84 3	20	192,000	86,830
6290	¾	90 3	20	198,000	90,310
6296	¾	96 3	20	204,000	93,790
10008	1	8 3	30	130,000	56,130
10010	1	10 3	30	136,000	57,720
10012	1	12 3	30	142,000	59,310
10008R	1¼	8 3	30	150,000	60,900
10010R	1¼	10 3	30	156,000	62,490
10012R	1¼	12 3	30	162,000	64,080

Three-speed mechanism $520 additional all sizes up to 400 series. Four-speed mechanism $1,040 additional 400 series. Longer stroke, $10 additional per inch. Lead indicator, $100.

Standard equipment includes ram elevating motor; reverse, universal, or flat top tiller blocks; and arcmeting and wiring, but not including drive motor.

Drive motors should be 1,800 r. p. m., high torque, approximately 10 percent slip for a. c.; compound wound for d. c. 60, 90, 70, 90, 120, 130 series are shipped assembled on skids. Additional charge for dismantling for shipment.

The 190, 210, 340, 400, and 500 series are ship ed dismantled.

THE CINCINNATI SHAPER CO., CINCINNATI, OHIO—Continued

WEIGHTS

Machine... {Stroke / Service}	16" Util.	20" Util.	16" Hvy.	20" Std.	30" Hvy.	24" Std.	24" Hvy.	28" Hvy.	32" Hvy.	36" Hvy.	32" R. R.	36" R. R.
Single pulley—Belt drive:												
Net weight—pounds	3,450	3,600	3,750	3,850	4,400	4,500	6,000	6,250	7,150	7,400	8,800	9,100
Domestic shipping	3,700	3,900	4,000	4,050	4,600	4,700	6,300	6,600	7,400	7,700	9,200	9,500
Export shipping	4,500	4,600	4,800	4,900	5,600	5,800	7,400	7,700	8,400	9,000	10,700	11,000
Cubic feet export packing	120	125	128	134	150	160	190	200	220	230	300	330
Motor drive—Without motor:												
Net weight	3,650	3,800	4,000	4,100	4,650	4,750	6,300	6,500	7,350	7,600	9,100	9,400
Domestic shipping	4,000	4,050	4,200	4,300	4,900	5,000	6,600	6,800	7,600	7,800	9,500	9,800
Export shipping	4,700	4,800	5,100	5,200	5,800	6,100	7,700	8,000	9,000	8,200	11,000	11,400
Cubic feet export packing	120	125	128	134	150	160	190	200	220	230	300	330
Motor drive—Including motor:												
Net weight	3,850	4,000	4,200	4,350	4,850	5,000	6,800	7,000	7,650	7,900	9,400	9,700
Domestic shipping	4,150	4,300	4,400	4,550	5,200	5,300	7,100	7,200	8,000	8,200	9,800	10,100
Export shipping	4,900	5,000	5,300	5,400	6,100	6,300	8,100	8,300	9,350	9,600	11,500	12,000
Cubic feet export packing	140	145	140	148	165	175	210	220	240	250	300	330
Universal Shapers:												
Add to weight of any equipment above, for Shapers equipped with Universal Table:												
Pounds	350	350	350	350	300	300	425	425	800	800	.....	.....
Cubic feet	0	0	0	0	0	0	0	0	0	0	.....	.....

CLEEREMAN MACHINE TOOL CO., GREEN BAY, WIS.

JIG BORERS

[Base prices of machines arranged for motor drive but without motor included]

Model No.	With end measuring equipment		With precision lead screws		With both end measures and precision lead screws	
	Weight	Price	Weight	Price	Weight	Price
	Pounds		*Pounds*		*Pounds*	
1824	5,600	$5,900	5,500	$5,900	5,700	$6,450
1830	6,400	6,600	6,300	6,650	6,500	7,250
1836	7,200	7,700	7,100	7,800	7,300	8,400

DRILLING MACHINES

Size (feet)	Round column		Box column	
	Weight	Price	Weight	Price
	Pounds		*Pounds*	
25	2,500	$2,000	2,700	$2,050
30	3,300	2,550	3,650	2,600

THE CLEVELAND AUTOMATIC MACHINE CO., CLEVELAND, OHIO

SINGLE SPINDLE MACHINES

Size and model	Weight	Price
	Pounds	
9/16" A	1,915	$3,520
11/16" A	3,340	4,150
1 3/16" A	4,390	4,650
2" A	6,725	5,450
2 1/2" A	6,725	5,450
3" A	10,240	9,100

THE CLEVELAND AUTOMATIC MACHINE CO., CLEVELAND, OHIO—Continued

Size and model	Weight	Price
	Pounds	
5 3/4" A	19,000	$13,500
8" A	24,500	16,000
9 1/4" B	1,380	2,810
1 1/16" B	2,475	3,465
1 1/2" B	4,950	4,375
2 1/2" B	5,500	4,595
1 1/2-18" B	7,150	5,225
2 1/2-18" B	7,150	5,800

MULTIPLE SPINDLE MACHINES

	Pounds	
1 1/16" K-4	7,450	$8,085
1 3/8" K-4	9,425	8,785
1 1/2" K-4	11,100	9,160
2" K-4	16,200	10,500
2 1/2" K-4	16,750	11,375
3" K-4	26,500	13,190
3 1/2" K-4	26,800	13,970
1 3/4" K-6	11,750	10,645
2" K-6	21,000	11,700

THE CLEVELAND CRANE & ENGINEERING CO., WICKLIFFE, OHIO

CYRIL BATH & CO., GENERAL SALES AGENTS, CLEVELAND, OHIO

STEELWELD BENDING PRESSES

Model	Normal capacity	Price of standard machine	Extension of bed and ram per foot	2-speed attachment	Additional stroke per inch or fraction	Main drive motor and control
	Tons					
F-3-6	112	$4,600	$70	$475	$250	5 hp., $144
F-3-8	112	4,800	70	475	250	
F-3-10	112	5,050	70	475	250	
F-3-12	112	5,450	70	475	.....	
H-3½-6	150	5,300	80	475	250	7½ hp., $204
H-3½-8	150	5,450	80	475	250	
H-3½-10	150	5,700	80	475	250	
H-3½-12	150	6,050	80	475	250	
I-4-8	187	6,650	95	550	300	10 hp., $229
I-4-10	187	7,000	95	550	300	
I-4-12	187	7,450	95	550	300	
J-4½-10	225	8,100	105	550	300	15 hp., $325
J-4½-12	225	8,700	105	550	300	
J-4½-14	225	9,350	105	550	300	
K-5-10	300	10,350	120	650	400	20 hp., $420
K-5-12	300	11,150	120	650	400	
K-5-14	300	12,000	120	650	400	
L-5½-10	375	12,450	150	750	500	25 hp., $466
L-5½-12	375	13,350	150	750	500	
L-5½-14	375	14,450	150	750	500	
M-6	450	(1)	(1)	(1)	(1)	(1)

[1] Prices on request.

Standard equipment includes ram adjustment motor and control, micrometer dial gage, automatic pressure lubricating system, necessary wrenches, plain filler block, ram arranged for taper work, main drive arranged for V belt motor drive with pulley and belts furnished, but without main drive motor or control.

Extra for load indicator	$135
Extra for set of (2) universal gages with screw adjustment	75
Extra for wiring and mounting motor and control if bought elsewhere	30

Motor recommended is a 40° continuous-duty, high-slip, high-torque punch-press type, with magnetic, reversing, full voltage starter and v heavy-duty start-stop-reverse push-button control. Speed 1,800 r. p. m. on all sizes up to Model J. Models J, K, and L require 1,200 r. p. m. motor.

THE CLEVELAND HOBBING MACHINE CO., CLEVELAND, OHIO

Model No. 130, single spindle universal	$3,300
Model No. 130, special single spindle differential type	4,000
Model No. 135, single spindle axle shaft	3,300
Model No. 140, single spindle—10" travel	3,800
Model No. 140, single spindle—differential type	4,500
Model No. 145, single spindle—flywheel gear machine	5,000
Model No. 150, single spindle—thread miller	3,500
Model No. 155, single spindle—infeed machine	4,200
Model No. 160, single spindle rigidhobber—combination infeed and vertical feed (same as Model No. 130, but including infeed attachment)	4,500

THE CLEVELAND HOBBING MACHINE CO., CLEVELAND, OHIO—Continued

Model No. 165, single spindle rigidhobber—combination infeed and vertical feed (same as Model No. 135, but including infeed attachment)	$4,500
Model No. 310, single spindle—spiral bevel ring gear machine	7,500
Model No. 410, single spindle—spiral bevel pinion machine	7,500
Model No. 220, eight spindle rotary machine	21,500
Model No. 225, eight spindle rotary—axle shaft machine	21,500
Model No. 616, single spindle rigidturner	5,000
Model No. 8618, eight spindle rigidturner	27,000

THE CLEVELAND PLANER CO., CLEVELAND, OHIO

OPENSIDE PLANERS

Standard size	1 rail head	Extra 2'	Extra rail head	Extra side head
20" x 20" x 6'	$4,626	$409	$608	$717
30" x 30" x 8'	6,782	563	658	804
36" x 36" x 8'	8,201	717	732	878
42" x 42" x 10"	9,503	799	799	932
48" x 48" x 12"	11,633	1,024	915	1,098
60" x 60" x 14'	18,821	1,186	1,062	1,244
72" x 72" x 16'	23,250	1,318	1,172	1,353

Widening, types of drive, and electrics are extra.

CLEVELAND PUNCH & SHEAR WORKS COMPANY, CLEVELAND, OHIO

VERTICAL OPEN GAP PUNCH AND SHEAR WITH SINGLE PUNCHING ATTACHMENT

Description of machine tool

		Angle shear	Bar shear	Plate shear	Gear guards
Type "C":					
12" throat	$1,810.00	$180.00	$120.00	$120.00	$150.00
24" throat	1,980.00	180.00	120.00	120.00	150.00
30" throat	2,270.00	180.00	120.00	120.00	150.00
Type "EF":					
12" throat	2,670.00	200.00	200.00	200.00	200.00
15" throat	2,730.00	200.00	200.00	200.00	200.00
24" throat	2,950.00	200.00	200.00	200.00	200.00
30" throat	3,400.00	200.00	200.00	200.00	200.00
48" throat	3,750.00	200.00	200.00	200.00	200.00
60" throat	4,100.00	200.00	200.00	200.00	200.00
Type "G":					
12" throat	3,930.00	450.00	270.00	270.00	200.00
24" throat	4,330.00	450.00	270.00	270.00	200.00
30" throat	4,660.00	450.00	270.00	270.00	200.00
48" throat	5,180.00	450.00	270.00	270.00	200.00
Type "V": 15" throat	6,500.00	640.00	335.00	335.00	300.00
Type "W": 18" throat	7,660.00	640.00	320.00	320.00	300.00
Type "X": 18" throat	10,083.00	690.00	450.00	450.00	300.00
Type "IG": 24" throat	5,625.00	.....	.....	.....	200.00
Type "I": 24" throat	7,085.00	.....	.....	.....	200.00
Horizontal punching machine:					
"AI" type: 12" throat	3,000.00	.....	.....	.....	200.00
Type "I":					
10" throat	2,641.00	.....	.....	.....	175.00
15" throat	2,691.00	.....	.....	.....	175.00
Horizontal bending machines:					
No. 1, 9" dia. top roll, 7" dia. lower roll	3,219.00	.....	.....	.....	175.00
No. 1½ light duty	3,500.00	.....	.....	.....	175.00
No. 1½ heavy duty	3,912.00	.....	.....	.....	175.00
No. 2, 11" dia. top roll 8" dia. lower roll	9,668.00	.....	.....	.....	200.00

SPECIFICATIONS—VERTICAL, OPEN GAP PUNCHING, SHEARING, COPING, NOTCHING MACHINES

CAPACITY TABLE

Style	Punching			Shearing						Throat depths (in.)
	Punching pressure in tons	Diameter of hole (in.)	Thickness of plate (in.)	Plate (in.)	Bars (in.)	Round bars (in.)	Square bars (in.)	Angles: Square off (in.)	Angles: With shear to blades (in.)	
C	50	1 3/16	3/4	1/2	5 x 1/2	1 1/2	1 1/4	3 x 3 x 3/8	4 x 4 x 3/8	12, 24, 36, 48.
EF	97 1/2	1 1/4	1	7/8	6 x 1	2	1 1/2	4 x 4 x 1/2	6 x 6 x 3/8	12, 15, 24, 36, 48, 54, 60, 72.
G	166	2	1	1 3/8	8 x 1	2 1/2	2	6 x 6 x 1/2	.....	12, 24, 36, 48, 60, 72.
V	225	2 1/4	1 1/4	1 1/4	8 x 1 1/4	3	2 1/4	6 x 6 x 3/4	8 x 8 x 1/2	12, 24, 36.
W	312 1/2	2 1/2	1 1/2	1 1/2	10 x 1 1/2	3 1/2	3	8 x 8 x 3/4	.....	18, 36, 48, 60, 72.
X	500	4	1 1/2	2	10 x 2 1/2	5	3 1/2	8 x 8 x 1 1/4	.....	18, 30, 48, 60, 72.

Style	Coping	Standard punching range	Length of plunger	Throat depths (in.)
IG	15" standard beams.	6" to 24" standard sections in flange and web.	.....	24.
L	6" to 24" standard I beams.	6" to 24" standard sections in flange and web.	.....	24, 36.

CLEVELAND PUNCH & SHEAR WORKS COMPANY, CLEVELAND, OHIO—Continued

SPECIFICATIONS—HORIZONTAL PUNCHING MACHINES

Style	Capacity	Punching pressure in tons	Stroke	Throat depths
T	1" x 1"	78½	1½"	10" arch jaw. 15" plain flat
AI	1¼" x 1"	97½	1¼"	12", 15" arch jaw. 12" plain flat.

DESCRIPTION OF MACHINE TOOL

Angle shearing machine:	
No. 3	$6,000
No. 4	6,500
Bar shearing machine:	
No. 4	4,980
No. 2	3,214
No. 6	14,823
Plate shear:	
No. 1, 6" gap:	
4-foot	6,326
5-foot	6,614
6-foot	6,750
7-foot	6,886
8-foot	7,036
24" Gap	Add $143
No. 2:	
15" gap:	
4-foot	8,740
5-foot	8,890
6-foot	8,930
7-foot	9,010
8-foot	9,100
10-foot	9,300
24" gap	Add $190

DESCRIPTION OF MACHINE TOOL—Continued

Plate shear—Continued	
No. 3:	
15" gap:	
4-foot	$9,950
5-foot	10,200
6-foot	10,430
7-foot	10,700
8-foot	10,990
10-foot	11,250
24" gap	Add $203
No. 4:	
24" gap:	
4-foot	11,700
5-foot	11,931
6-foot	12,170
7-foot	12,600
8-foot	12,700
10-foot	14,351
36" gap	Add $490
Plate bending roll:	
No. 1:	
6-foot	6,214
8-foot	6,315
10-foot	6,309
No. 2:	
8-foot	4,092
10-foot	4,980
12-foot	5,222
14-foot	5,466
No. 2-A:	
8-foot	9,517
10-foot	9,773
12-foot	10,080
14-foot	10,331
15-foot	10,557
No. 3, with 13" and 9" rolls:	
8-foot	9,790
10-foot	10,312
12-foot	10,840
Air-flanging clamp:	
10-foot	2,621

SPECIFICATION—ANGLE SHEARS

Style	Capacity	Stroke	Base	Base diameter
3	6" x 6" x ¾"	2¾"	Stationary or circular	1-1
4	6" x 6" x 1"	2¾"	Stationary or circular	

SPECIFICATIONS—BAR SHEARS

Style	Capacity	Stroke	Length of blades
2	2" round, 1½" square	2¼"	13" standard and maximum.
4	3" round, 2½" square	3½"	12" standard and maximum.
6	5" round, 4½" square	6"	36" sectional or one piece maximum.

CLEVELAND PUNCH & SHEAR WORKS COMPANY, CLEVELAND, OHIO—Continued

CLEVELAND INCLINABLE PRESSES

Size of press	4–1	4½–1	5–1	6–1	7–1	8–1	8–1–Sp	8–1–A	9–1	10–1	11–1
Shaft:											
Main bearings	2	2½	2½	3	3½	4	4	4	4½	5	5½
Crank pin	2¼	2½	3¾	4½	5½	6	6	6	6½	7	7½
Price: Not grd., std. stroke. K. O. in slide and plain bol	$505	$605	$675	$830	$1,025	$1,400	$1,540	$1,915	$1,925	$2,500	$2,815
Weight: Plain machine (pounds)	1,100	1,500	2,300	3,600	5,400	8,000	8,500	11,800	13,000	17,000	22,500
Price: Geared, std. stroke. K. O. in slide and plain bolster				$1,135	$1,350	$1,735	$1,870	$2,235	$2,355	$2,960	$3,325
Weight: Geared machine (pounds)				4,100	6,360	9,200	9,700	13,000	14,500	19,000	25,000
Extra: Bolster (plain)	25	30	35	40	50	65	65	105	85	110	125
Open. str.: (Not over max.)	25	30	30	35	40	45	45	45	50	55	65
Flanged slide				65	80	95	Incl.	Incl.	110	115	120
Tie rods, nuts and washers			20	25	30	34	35	35	37	40	45
Geared motor drive, exclusive of motor	75	75	80	85	97	110	110	110	120	125	130
V-belt drive (motor) including V-belts and sheave, exclusive of motor					115	130	130	130	140	145	150
Increased die space if frame patt. is cut	80	85	85	92	97	105	105	115	115	125	140
Boxing for export	80	80	80	85	92	97	110	120	120	145	175

[1] Carried in stock with standard specifications. Other sizes built on order.

WALL-TYPE RADIAL DRILLING AND COUNTERSINKING MACHINE

	Lever feed	Hand wheel feed	Automatic feed
Type No. 1: 6-foot arm	$1,465	$1,640	$1,770
Type No. 3: 6-foot arm	1,897	2,072	2,202

Extra per foot for any additional arm length required $23.

COCHRANE-BLY CO., ROCHESTER, N. Y.

	Weight	Price
	Pounds	
No. 1 bench filing machine, belt drive	45	$75
No. 2 floor type filing machine, belt drive	500	335
No. 11 saw sharpening machine, belt drive	800	700
No. 11–A saw sharpening machine, belt drive	900	775
No. 11–B saw sharpening machine, belt drive	1,000	880
No. 55–11 hydraulic metal sawing machine with V-belt drive, but without saw blades or electrical equipment	7,000	4,150
No. 66–11 hydraulic metal sawing machine with V-belt drive, but without saw blades or electrical equipment	7,600	6,150
No. 31 (4" capacity) automatic hydraulic high speed nonferrous metal sawing machine, including V-belt drive for blade driving motor, but without blades or electrical equipment	7,200	5,875
No. 31 enlarged (7" maximum capacity) automatic hydraulic high speed nonferrous metal sawing machine including V-belt drive for blade driving motor, but without blades or electrical equipment	8,500	6,675
No. 14 universal vertical Miller shaper arranged for belt drive and complete with standard equipment	2,600	3,700

NOTE: Above prices do not include electrical equipment.

	Price
Coolant tank and pump	$125
Dual safety control	40

COLONIAL BROACH COMPANY, DETROIT, MICH.

COLONIAL JUNIOR PRESSES

[Prices f. o. b. Detroit]

Size of machine	Net weight	Shipping weight	Price
	Pounds	*Pounds*	
VJ1–1000 12	300	375	$455
VJ1–1–12	350	425	495

NOTE: Above prices do not include electrical equipment.

	Price
Coolant tank and pump	$125
Dual safety control	40

COLONIAL BROACH COMPANY, DETROIT, MICH.—Continued

COLONIAL SENIOR PRESS—VBS MODEL

[Prices f. o. b. Detroit]

Size of machine	Extra price for wiring of electrical equipment	Price
1–18	$15	$725
3–18	15	915
3–24	20	1,300
6–24	20	1,450
6–36	20	1,820
10–30	20	1,935
10–42		

NOTE: Above prices do not include electrical equipment.

	Price
Coolant pump and piping	$45

COLONIAL OPENSIDE PRESS—VPI MODEL

Size of machine	Extra price for wiring of electrical equipment	Price
VPI–2–18	$15	$1,400
VPI–4–18	15	1,540

NOTE: Above prices do not include electrical equipment.

COLONIAL OPENSIDE PRESS—VPI MODEL

[Prices f. o. b. Detroit]

Size of machine	Price	Extra price for wiring of electrical equipment
VPI–4–24	$1,705	$15
VPI–6–24	1,980	15
VPI–6–36	2,695	15
VPI–10–24	2,200	20
VPI–10–36	2,365	20
VPI–12–36	2,585	20
VPI–15–36	2,805	20

Coolant pump and piping, $45.

NOTE: Above prices do not include electrical equipment.

COLONIAL HORIZONTAL BROACHING MACHINE

[Prices f. o. b. Detroit]

HAS–3–36	$2,135	$15
HAS–6–48	3,080	20
HAS–6–60	3,450	20
HAS–10–48	3,450	20
HAS–10–60	3,810	20
HAS–10–90	4,980	20
HAS–15–60	4,200	25
HAS–15–72	4,565	25
HAS–15–90	5,735	25
HAS–20–60	5,180	25
HAS–20–72	5,545	25
HAS–25–60	7,185	25
HAS–25–72	6,120	25
HAS–40–72	6,550	25
HAS–50–72	8,190	25
	10,850	25

COLONIAL BROACH COMPANY, DETROIT, MICH.—Continued

ADDITIONAL EQUIPMENT

Follow Rest

	Price	
	Slide type	Roller type
36" stroke	$325	$425
48" stroke	355	465
60" stroke	385	485
72" stroke	425	525

Chip trough

60" stroke	$140	
72" stroke	175	
90" stroke	250	

NOTE.—Above prices do not include electrical equipment.

COLONIAL PULLDOWN BROACHING MACHINE WITH AUTOMATIC BROACH HANDLING

[Prices f. o. b. Detroit]

Size of machine	Price	Extra price for wiring of electrical equipment
VMS–3–24	$3,225	$15
VMS–6–36	4,825	20
VMS–6–48	5,140	20
VMS–10–36	6,390	20
VMS–10–48	6,655	20
VMS–15–48	8,160	25
VMS–15–60	8,815	25
VMS–20–48	9,645	25
VMS–20–60	10,450	25

NOTE.—Above prices do not include electrical equipment.

COLONIAL PULLUP BROACHING MACHINES WITH AUTOMATIC BROACH HANDLING

[Prices f. o. b. Detroit]

VDS–6–36	$4,825	$20
VDS–6–48	5,140	20
VDS–10–36	6,390	20
VDS–10–48	6,655	20
VDS–15–48	8,160	25
VDS–15–60	8,815	25
VDS–20–48	9,645	25
VDS–20–60	10,450	25

NOTE.—Above prices do not include electrical equipment.

COLONIAL SINGLE RAM BROACHING MACHINE WITH RECEDING TABLE

[Prices f. o. b. Detroit]

VAS–3–30	$4,150	$15
VAS–3–48	4,535	15
VAS–5–42	4,730	20
VAS–5–54	5,140	20
VAS–10–42	6,530	20
VAS–10–54	6,930	20
VAS–10–66	7,445	25
VAS–15–48	8,160	25
VAS–15–66	9,150	25
VAS–25–48	10,770	25
VAS–25–66	12,175	25

For prices of machines with stationary table deduct as follows:

Machines up to and including 5-ton	$840
Machines 10-ton and over	995

Above prices do not include electrical equipment.

COLONIAL BROACH COMPANY, DETROIT, MICH.—Continued

COLONIAL DUAL RAM BROACHING MACHINE WITH RECEDING TABLE

[Prices f. o. b. Detroit]

Size of machine	Price	Extra price for wiring of electrical equipment
VAD–3–30	$6,225	$15
VAD–3–48	6,750	15
VAD–5–42	7,100	20
VAD–5–54	7,720	20
VAD–10–42	9,785	20
VAD–10–54	10,375	20
VAD–10–66	11,170	20
VAD–15–48	12,240	25
VAD–15–66	13,720	25
VAD–25–48	16,160	25
VAD–25–66	18,255	25

For prices of machines with stationary table deduct as follows:

For Machines up to and including 5 ton...each...	$840
For Machines 10 ton and over...do...	995

Above prices do not include electrical equipment.

CONE AUTOMATIC MACHINE COMPANY, INC., WINDSOR, VT.

Machine	Weight	Price
	Pounds	
⅝" 4-spindle Conomatic	8,000	$7,250
1¼" 4-spindle Conomatic	11,500	7,835
1½" 4-spindle Conomatic	13,500	8,365
2" 4-spindle Conomatic	16,000	9,650
2⅛" 4-spindle Conomatic	18,000	11,200
2⅜" 4-spindle Conomatic	18,000	11,500
2½" 4-spindle Conomatic	18,000	12,000
4⅜" 4-spindle Cone Automatic	26,000	13,600
4¾" 4-spindle Cone Automatic	26,000	14,300
6" 4-spindle Cone Automatic	39,000	20,000
7" 4-spindle Cone Automatic	39,000	22,500
1¼" 6-spindle Conomatic	20,000	10,175
1½" 6-spindle Conomatic	20,000	11,750
1⅞" 6-spindle Conomatic	24,000	13,200
2⅛" 6-spindle Conomatic	28,000	14,400
2⅜" 6-spindle Conomatic	28,000	15,000
3½" 6-spindle Conomatic	36,000	18,650
1¼" 8-spindle Conomatic	16,000	10,900
1½" 8-spindle Conomatic	16,000	11,200
1⅞" 8-spindle Conomatic	16,000	11,300
2¼" 8-spindle Conomatic	40,000	17,100
2⅝" 8-spindle Conomatic	40,000	18,450
1" 4-spindle Cone Vertical	10,000	7,000
1¼" 4-spindle Cone Vertical	10,000	7,500
2⅛" 4-spindle Cone Vertical	18,000	10,000

CONSOLIDATED MACHINE TOOL CORPORATION, ROCHESTER, N. Y.

FETTS-BRIDGEFORD GEARED HEAD LATHES

Base sizes	Base price	Extra price 2' of bed
26" x 10'	$7,040	$250
30" x 10'	7,505	265
32" x 12'	10,915	385
36" x 12'	11,475	395
36" x 14'	12,625	450
42" x 13'	13,360	460
42" extra heavy x 14'	14,570	510
48" x 14'	15,135	530
64" x 14'	16,200	540

COLBURN HEAVY DUTY BORING MILLS

[2 swivel heads, constant speed, motor drive]

Base sizes	Base price
42"	$11,385
48"	12,375
54"	13,035
60"	15,345
72"	17,765
84"	22,825

CONSOLIDATED MACHINE TOOL CORPORATION, ROCHESTER, N. Y.—Continued

COLBURN DRILL PRESSES

Base sizes	Base price
D–4 24" swing 3¼" capacity	$3,035
D–6 36" swing 3½" capacity	3,445
D–7 48" swing 3½" capacity	3,850
D–8 36" swing 5" capacity	4,425
No. 2 20" swing 1½" capacity	1,065
No. 4 24" swing 2" capacity	1,755
No. 6 28" swing 3" capacity	2,640
No. 14 24" swing 2" capacity	2,010

CONSOLIDATED MACHINE TOOL CORPORATION, ROCHESTER N. Y.—Continued

NEWTON COLD SAWS

Base sizes	Base price
32"	$6,110
36"	6,430
42"	7,035
48"	9,075

CONTINENTAL MACHINES, MINNEAPOLIS, MINN.

	Model V16	Model ML	Model V36	Model V26	Model FM	Model FC
Standard machine	$865	$1,250	$1,850	$1,925	$270	$380
Super butt welder extra	85	85	85	85		
Hydraulic power feed	140	225	225	140		
Cutting off	30	30	35	35		
Disc cutting	25	25	35	35		
Band polishing	15	15	20	20		
Power feed attachment	75	(1)	(1)	(1)		

[1] Standards

THE JAMES COULTER MACHINE COMPANY, BRIDGEPORT, CONN.

Type "H" Coulter Hob thread milling machine [1]	$4,000
Type "C" Coulter cartridge case trimmer	4,500
Model T–3" Coulter cartridge case finishing machine	8,575
Model T–5" Coulter cartridge case finishing machine	8,975
Model T–6" Coulter cartridge case finishing machine	10,350

[1] Price for this machine does not include complete tooling; it represents standard base price of the machine. The other prices are for machines completely tooled.

COVEL MANUFACTURING COMPANY, BENTON HARBOR, MICH.

UNIVERSAL CUTTER AND TOOL GRINDERS—NO. 91-A MACHINE, MOTOR DRIVE

No. 91–A—Universal cutter and tool grinder. Plain, hand feed with roller bearing type table with motor drive to wheel head, including ¾ hp., 1,750 r. p. m. motor with standard electric current specifications as listed below, with switch and wiring, with equipment as listed in attachment list "A" $1,440

Extra for power feed including ¾ hp., 1,750 r. p. m. motor	250
Extra for equipment as listed in attachment list "B" (for details see next page)	342

MOTOR EQUIPMENT FOR NO. 91–A MACHINE

The following motors will be furnished as standard equipment:

Single phase 50 or 60 cycle, 110 volt. Three phase 50 or 60 cycle, 220 volt and 440 volt. An extra charge of $20 for a ¾ hp., 1,750 r. p. m., or $12.50 for a ½ hp., 1,750 r. p. m. motor will be made for another electric current.

ATTACHMENT LIST "A"

(Attachments for No. 91–A Universal cutter and tool grinder)

No. 1—L. H. tailstock with center	24
No. 2—R. H. tailstock with center	18
No. 4—Universal face mill attachment for grinding cutter with either a B & S taper or National No. 50 taper (3½" per foot) with reducing collets from No. 12 to No. 10, No. 9 and No. 7 B & S taper hole	90

(Can be furnished with a ¼ hp. motor to convert into a motor drive headstock, including bracket to mount motor, large pulley to fasten to to spindle with belt and guard, including motor. Not included in price of complete machines with attachment list "A".)

ATTACHMENT LIST "B"

(Attachments for 91–A Universal cutter and tool grinder)

Attachments to convert the Universal face mill attachment into a motor drive headstock, including ¾ hp. motor, 1,750 r. p. m., switch bracket, and pulley (for motor drive only)	70
Spindle extension for surface grinding, 2 furnished and $11 each with 1 single end wrench with 17/16" opening	22
4" 3-jaw Universal chuck with mounting, including inside and outside jaws or 4-jaw independent	70
Gear cutter grinding attachment, complete	50
Tilting swivel vise for surface grinding	65
Internal grinding attachment, complete with pulley, belt, extension spindle and 2 grinding wheels	65

COVEL MANUFACTURING COMPANY, BENTON HARBOR, MICH.—Continued

SPECIAL ATTACHMENTS

[Not included in machine prices]

(For No. 91–A Universal cutter and tool grinder)

Steady rest, complete, capacity 2"	$30
Face grinding attachment, including face plate and a 1" dia. expansion collet (other sizes from ⅝" to 1½" can be furnished at $5 each) mounted on No. 9 B & S taper shank	25
Radius dresser for grinding wheel, including diamond	42
Standard radius grinding attachment (without diamond)	225
Small end mill grinding attachment	40
Three-speed motor drive headstock with ¾ hp. motor	250
Draw-in collet attachment (for 3-speed headstock or universal face mill grinding attachment) with 1 collet (capacity ⅜") not illustrated	75
Extra collets, each	7
Large face mill grinding attachment (without liprest)	190
Surface grinding attachment	110
Set of 6 index centers 10⅝" dia. capacity with 1 index plate	90
Rotary table without motor	180
Arranged to take large dia. grinding wheel (10" dia. x ⅜" face)	30
Standard universal attachment	100
No. 2 tap grinding attachment (with chuck for small taps)	185
Large radius grinding attachment:	
Lower main part (net wgt. 125 lbs.)	240
Upper part (same as No. 4 Uni. Face Mill Attachment).	
Net weight 26 lbs	90
Universal Angle Vise, Style A	25
Horizontal Universal Vise, Style D	95
Net grinding attachment including splash guard for table tank with pump and vertical ⅛ hp., 1,750 r. p. m. motor complete. Net weight 200 pounds	230
Cabinet to take all standard attachments	35

YANKEE TWIST DRILL GRINDERS

Style WFL, Wet and dry double end combination drill grinder, one end wet with holder for holding drill ¼" to 2½", and one end dry for holding drills No. 30 to ⅜".	
Motor drive, including motor, AC	565
Motor drive, including motor, DC	640
Style WFJ, Wet and dry double end combination drill grinder, one end wet with holder for holding drills ½" to 4", and one end dry for holding drills 3/32" to 1½".	
Motor drive, including motor, AC	640
Motor drive, including motor, DC	715
Style WFL, Wet and dry double end combination drill grinder, one end wet with holder for drills ½" to 4", and one end dry for drills No. 30 to ⅜".	
Motor drive, including motor, AC	627
Motor drive, including motor, DC	700
Style PO. PT. Single end, wet, drill grinder with point thinning grinding wheel. Drill capacity ¾" to 2½".	
Motor drive, including motor, AC	525
Motor drive, including motor, DC	600
Style PO. PT. Single end, wet, drill grinder with point thinning grinding wheel. Drill capacity ½" to 4".	
Motor drive, including motor, AC	575
Motor drive, including motor, DC	650
Style JPO. PT. Single end, wet, drill grinder with point thinning grinding wheel. Drill capacity 5/32" to 1½".	
Motor drive, including motor, AC	520
Motor drive, including motor, DC	595

COVEL MANUFACTURING COMPANY, BENTON HARBOR, MICH.—Continued

YANKEE TWIST DRILL GRINDERS—continued

Style JH, PT. Single end, dry, drill grinder, with point thinning grinding wheel. Drill capacity 3/32" to 1½"
Motor drive, including motor, AC $415
Motor drive, including motor, DC 620

Style B, PT. Single end, dry, drill grinder, with point thinning grinding wheel (both grinding wheels 9) " diameter). Drill capacity ¼" to 2½"
Motor drive, including motor, AC 470
Motor drive, including motor, DC 545

Style F, PT, A. Single end, dry, drill grinder with point thinning grinding wheel, both grinding wheels 12" diameter. Drill capacity ¼" to 2½".
Motor drive, including motor, AC 480
Motor drive, including motor, DC 555

Style F, PT. Single end, dry, drill grinder with point thinning grinding wheel. Drill capacity ½" to 4".
Motor drive, including motor, AC 540
Motor drive, including motor, DC 615

Style No. 44 Bench type, single end, dry drill grinder with point thinning grinding wheel. Capacity of drills when furnished with "J" holder 3/32" to 1/4". Capacity of drills when furnished with "L" holder No. 30 to 5/8".
Price including ½ hp. motor and "V" belt drive 225
Pedestal for mounting machine, extra 25

Dual drill grinding attachment, arranged for two lip drills, including one drill holder, net wgt 80 lbs 250

SURFACE GRINDERS

No. 5—8 x 24 Hydraulic feed surface grinder. Hydraulic feed to table. (Capacity 8 x 24 x 11 under a 12" grinding wheel. Dust guards on vertical slide may be removed to increase vertical capacity 2"). Pump for hydraulic mechanism direct driven thru flexible coupling with a 2 hp., 1150 r. p. m. motor mounted on a bedplate in base of machine. Dry. Furnished with wrenches and one grinding wheel 12" diameter x ¾" face. Price includes electric motors and controls. Furnished with a 2 hp. direct built-in motor (60 cycle AC electric current only) to drive spindle at 1750 r. p. m. 2,245

No. 20—6 x 18 Hydraulic feed surface grinder, without electrical equipment, dry with necessary belt, wrenches and one grinding wheel. 1,445
Electrical equipment recommended:
One 1½ hp., 1,750 or 1,425 r. p. m. B. B. motor for spindle.
One 1 hp., 1,150 or 1,425 r. p. m., totally enclosed B. B. motor for hydraulic pump.
Two magnetic starters with push button stations.

No. 20V—6 x 18 Vertical spindle hydraulic feed surface grinder with a 3 hp., 3,500 r. p. m. direct connected vertical motor and control without automatic cross feed (hand cross feed only), without motor to drive hydraulic pump, dry with necessary wrenches and one grinding wheel. Furnished for 60 cycle AC electric current only 1,795

COVEL MANUFACTURING COMPANY, BENTON HARBOR, MICH.—Continued

SURFACE GRINDERS—continued

No. 20V—Continued
Electric equipment recommended:
One 1 hp., 1,150 r. p. m. totally enclosed B. B. motor for hydraulic pump.
One magnetic starter with push button station.

No. 2611—6 x 18 Hand feed surface grinder without electrical equipment; with necessary belt, wrenches, and one grinding wheel $1,175
Electrical equipment recommended:
One 1½ hp., 1,750 or 1,425 r. p. m. B. B. motor for spindle.
One magnetic starter with push button station.

Mounting Charges For No. 5 and 20

If customer furnishes motor and control for mounting and wiring by us, there will be a charge of 20
Mounting charge for magnetic chuck 15
No charge for mounting and wiring if we furnish magnetic chuck.
Attachments for No. 5 and 20 Surface Grinders:
Built-in wheel truing device, including diamond 175
Wet attachment, including ½ hp., 1,750 or 1,425 r. p. m. vertical motor, pump, coolant tank, splash guards, etc 150
High speed attachment 183
Dust exhaust attachment, furnished motor drive only including 1 hp., 1,750 or 1,425 r. p. m. motor 183
Magnetic chuck—Price on application.
DC generator—Price on application.
DC rectifier—Price on application.

No. 15—6 x 18 Hand feed surface grinder. Dry, motor drive to spindle by V-belt, 3 speeds. Includes belt, and a 10 x ¾" face grinding wheel, but without motor or switch (1½ hp., 1,750 r. p. m. motor recommended) 505
Special flush type electric switch mounted in column 12

No. 72 Hand feed surface grinder. Dry, capacity 6" x 18", motor drive arranged to drive spindle at two different speeds (1,900 and 2,600 r. p. m.) including belt, and a 10x¾" face grinding wheel, but without motor or switch. A 1½ hp., 1,750 r. p. m. motor is recommended 535

No. 72A Hand feed surface grinder with head that swivels 30 degrees to right or left. Capacity 6" x 18" x 12½" high under a 10" diameter wheel, arranged for motor drive to spindle by V-belt, 3 speeds—1,900, 2,400 and 2,900 r. p. m. Includes belt, and a 10 x ¾" face grinding wheel, but without motor or switch (a 1½ hp. 1,750 r. p. m. motor is recommended) 695

ATTACHMENTS FOR NO. 15, NO. 72 AND 72A SURFACE GRINDERS

Built-in wheel truing device, including diamond 65
Wet attachment, including ½ hp., 1,750 or 1,425 r. p. m. vertical motor, pump, coolant tank, splash guards and pipe. Net weight 200 lbs 150
Swivel table complete (not furnished with wet attachment) 90
Dust Exhaust Attachment, furnished complete with collector fan, 1 hp., 1,750 or 1,425 r. p. m. motor and piping. Net weight 310 pounds 181

THE COX AND SONS COMPANY, BRIDGETON, N. J.

PIPE MACHINES

Type machine	2E	4E	4F	6F	8F	12D	12F	18D
Capacity pipe size ..... inches	¼ to 2	¼ to 4	¼ to 4	1 to 6	2½ to 8	4 to 12	4 to 12	8 to 18
Machine with "full range" die belt drive, including countershaft or motor drive (motor)	.....	$2,370	$2,500	$2,950	$3,400	$4,875	$5,700	.....
Ditto with "standard" exp. dies	$1,175	$2,075	$2,100	$2,550	$2,900	$4,475	$5,125	$6,270
Ditto with "interchangeable" exp. dies	$1,085	$2,115	$2,250	$2,500	$3,080	$4,450	$5,100	$6,185
Size motor—hp	½	½	½	½	7½	10	10	15
Speed motor—r. p. m	1,750	1,750	1,750	1,750	1,750	1,200	1,750	1,200
Approx. net weight belt drive with "standard" exp. dies ..... pounds	2,850	5,435	5,485	6,000	8,025	12,250	12,887	14,500
Approx. net weight motor drive with motor and "standard" exp. dies ..... pounds	2,715	5,335	5,385	5,900	7,925	11,780	12,509	14,262
Net price packing for export	$55	$55	$55	$60	$70	$115	$115	$150

NOTE: Prices include oil pump, reaming attachment, die equipment, countershaft or installation of motor equipment (motor and starter not included). Machines 2" to 8" inclusive are equipped with universal front gripping-chuck, 12" x 18" with independent 4-jaw. Back steady chucks: 2" universal, 4" 3-jaw independent, 6", 8", 12", 18" 4-jaw independent gripping for pipe and flanges. Die heads are equipped for United States or British (Whitworth) standard threads. A. P. I. casing or drill pipe threads can be furnished for extra price.

THREADING DIES

	2"	4"	6"	8"	12"
"Full range" die pipe sizes	½ to 2"	½ to 4"	1 to 6"	2½ to 8"	3½ to 12"
Price with chasers	$445	$740	$825	$1,014	$1,440
Price per set extra chasers	$14	$57	$77	$96	$134

	1"	2"	4"	6"	8"	10"	12"
"Standard" exp. die pipe sizes	¼ x ⅜ (in.) ½–3–t–1.	1¼ x 1¾ 2".	2½–3 3½–4	4½–5–6	7–8	9–10	12
Price without chasers	$45	$60	$99	$105	$111	$136	$175
"Interchangeable" exp. die pipe sizes	No. 1, ¼ to 2"	No. 2, 2½ to 4"		No. 3, 2½ to 6".	No. 4, 2½ to 8".	No. 5, 7 to 12".	
Price without chasers	$120		$210	$310	$445		$510

NOTE: For delivery f. o. b. New York add 60¢ per cwt. For delivery f. a. s. New York add 33½¢ per cwt. (minimum charge $8.32) plus 55¢ per ton, pieces 6,000 pounds and over. Prices for motors and control are net installed and subject to change without notice in accordance with manufacturer's current prices.

TUBE CUTTING OFF MACHINES

	2"	4"	6"
Type machine:	¾" to 2"	1½" to 4"	2" to 6".
Tube sizes	3"	5"	6½".
Bore spindle	$2,400	$3,025	$3,350.
Belt drive with countershaft, or constant speed motor drive (motor not included).	$2,000	$2,350	$2,675.
Variable speed motor drive (motor not included)	7½	10	15.
Size motor—h. p	1,200	1,750	1,750.
Speed motor—r. p. m	450/1,800	400/1,600	400/1,600.
Variable speed D. C. motor—r. p. m	3,583	5,085	7,225.
Approx. net weight including variable speed motor (pounds)	$35	$55	$60.
Net price packing for export			

NOTE: Machines equipped with two cutter knives, tube bushings and length gauge. Cutting head: 2" machine (double tool mill type). 4" and 6" machines (Universal Double Tool). Variable speed motor drive, motor mounted on extended leg at rear of machine.

THE COX AND SONS COMPANY, BRIDGETON, N. J.—Continued

CHASER GRINDERS

Approximate net weight	pounds	175
Approximate shipping weight	do	750
Approximate contents (motor drive)	cubic feet	21
Approximate contents (belt drive)	do	33
Prices:		
Belt drive with countershaft		$255
Motor drive without motor		$280

NOTE: For delivery f. o. b. New York add $0.60 per cwt. For delivery f. a. s. New York add $0.03¾ per cwt. (minimum charge $8.32) plus $0.55 per ton, pieces 6,000 pounds and over.

CROSS GEAR & MACHINE CO., DETROIT, MICH

No. 12 Cross Mill Lathe	$15,300
No. 36 Cross universal pendulum milling machine[1]	1,400
No. 39 Cross gear tooth rounder	3,750
No. 40 Cross gear tooth pointing machine	3,250
No. 41 Cross gear tooth pointing machine	5,250
No. 50 Cross gear tooth chamfering machine	3,850
No. 60 Cross gear tooth pointing machine	3,700
No. 69 Cross gear tooth pointing machine	5,800
No. 70 Cross gear tooth burring machine	2,750
No. 71 Cross gear tooth burring machine	2,900
No. 73 Cross gear tooth burring machine	3,350
No. 74 Cross gear tooth burring machine	3,850

[1] Price correction advised by manufacturer. Price differs from that shown in 1st edition of "New Machine Tools."

THE CURTIS & CURTIS COMPANY, BRIDGEPORT, CONN.

PIPE CUTTING AND THREADING MOTOR DRIVEN

Machine number	430	437	442	258	265	269	269–B
Capacity (inches) R. H	⅛–2 in.	⅛–3 in.	1–4 in.	1–6 in.	1–8 in.	2½–12 in.	8–16 in.
Prices for motor specifications:							
60 cycle—2- or 3-phase	$725	$880	$975	$1,685	$2,420	$4,000	$5,200
60-cycles—single-phase	$760	$930	$1,025	$1,685	$2,520	$4,200	$5,500
Direct current	$800	$980	$1,075	$1,720	$2,705	$4,300	$5,570
No motor or electrical equipment	$640	$780	$875	$1,470	$2,305	$3,870	$5,070
Specifications: Net weight (pounds)	425	487	680	1,435	2,400	4,025	6,000
Motor:							
Horse power (hp.)	1	2	2	3	3	5	7½
Speed (r. p. m.)	1,800	1,800	1,800	1,800	1,800	1,800	1,800

Regular equipment for direct connected electric machines, includes commercial motor and switch, complete set of dies for range of machine, cut-off attachment and high-speed steel cutting-off tools, automatic die release, automatic oiling system, pipe rest, wrenches and cutting oil. Specifications on machines for left-hand operation, and machines equipped with motors of special types and voltages and reversing electric controls quoted on application

BELT-DRIVEN MACHINES

Machine number	70	77	84	96	98–A	108	120
Capacity (inches) R. H	⅛–2 in.	⅛–3 in.	1–4 in.	1–6 in.	1–8 in.	2½–12 in.	8–16 in.
Price complete with C. S	$370	$440	$535	$835	$1,785	$3,000	$4,500
Floor base and high pipe rest	$100	$100	$100	$100	(1)	(1)	(1)
Weight (pounds)	392	428	694	1,295	2,350	3,750	5,150

[1] Standard equipment.

D. & M. MACHINE WORKS, TORRANCE, CALIF.

PRICES AND SPECIFICATIONS

Size of swing (inches)	Distance between centers	Length of bed	Net weight	Price arranged for motor drive
	Inches	Feet	Pounds	
12	27	5	1,650	$1,589.50
14	37	6	1,750	2,040.00
16	51	8	3,000	2,612.50

THE DAUBER COMPANY, OSHKOSH, WIS.

3', high speed sensitive radial drill press	$1,340
4', high speed sensitive radial drill press	1,402

DAVENPORT MACHINE TOOL CO., ROCHESTER, N. Y.

BASE PRICES ON DAVENPORT MACHINES

Model B, five spindle, Automatic Screw Machine, plain type; capacity—9/16" round, ½" hexagon, ⅜" square	$5,275
Model B, five spindle, Automatic Screw Machine, oversize, plain type; capacity, ¾" round, ⅝" hexagon, ½" square	5,475
(In the above cases, motor drive and all attachments are extra)	
Automatic Clock Pinion Turning Machine, belt drive; capacity, from 0.075" to ⅜"	3,250

DAVIS & THOMPSON CO., MILWAUKEE, WIS.

MILLING MACHINES

	Price[1]
No. 1–A:	
Miller arranged for motor drive without fixtures or clamping	$6,410
Chain clamping (2 chains)	610
Chain clamping (3 chains)	910
Fixture approximately (plain V-block)	610

DAVIS & THOMPSON CO., MILWAUKEE, WIS.—Continued

MILLING MACHINES—continued

	Price[1]
No. 1–A—Continued.	
Toggle lever fixtures—for chain clamping	$850–2,450
Motors: 7 to 10 H. P., 1,200 R. P. M.	
Weight: Approximately 8,000 lb.	
No. 1–A	
Miller with heavy heads, arranged for motor drive	7,620
Chain clamping	610
Chain clamping	910
Fixture, approximately (plain V-block)	850–2,450
Motors: 10 to 15 H. P., 1,200 R. P. M.	
Weight: Approximately 10,000 lb.	
No. 1–B: Miller, streamliner	8,250
No. 2:	
Miller without fixtures	10,175
Chain clamping	715
Fixture, approximately	715–960
Motors: 12 to 20 H. P., 1,200 R. P. M.	
Weight: Approximately 20,000 lb.	
No. 2–A:	
Miller without fixtures, 2 heads	13,200
Miller without fixtures, 3 heads, 2 spindles in center head	15,800
Miller without fixtures, 3 heads, 4 spindles in center head	17,100
No. 2–B:	
Miller without fixtures and clamping	12,100
Chain clamping (2 chains)	715
Fixture, approximately	960–1,820
Motors: 25 H. P., 1,200 R. P. M.	
Weight: Approximately 22,000 lb.	
No. 3:	
Miller, single end, including fixture	10,800
Miller, double end, including fixture	13,000
Motors: 25 to 30 H. P., 1,200 R. P. M.	

DAVIS & THOMPSON CO., MILWAUKEE, WIS.—Continued

MILLING MACHINES—continued

	Price[1]
No. 3–A—Continued.	
Weight:	
Single end: Approximately 20,000 lb.	
Double end: Approximately 28,000 lb.	
No. 4: Miller without fixtures	$17,000
4 spindle rise and fall milling machines, without fixtures	10,825
Davis axle miller with fly wheels	10,650

DRILLING MACHINES

12 spindle continuous vertical rotary, without fixture, and pump, arranged for motor drive	$13,420
Motors: 20 to 30 H. P., 1,200 R. P. M. (without pump).	
Weight: Approximately 21,000 lb.	
8 spindle continuous vertical rotary, without fixture, and pump, arranged for motor drive	9,750
Motor: 10 H. P., 1,200 R. P. M.	
Weight: Approximately 12,000 lb.	
SV–8: 8 spindle continuous vertical rotary, without fixture, and arranged for motor drive	5,860
Motor: 7½ H. P., 1,800 R. P. M.	
Weight: Approximately 6,500 lb.	
Piston driller, double end drive, without fixtures	10,200
Fixtures per station	215
12 spindle horizontal driller, with compound tank in base without fixtures or automatic clamping	14,200

[1] Prices corrected upon advice of manufacturer, differ from those shown in first edition "Prices of New Machine Tools."

DAVIS KEYSEATER COMPANY, ROCHESTER, N. Y.

NEW STYLE MACHINES WITH TILTING TABLE

	Code	Price
No. 3 machine belt drive, capacity keyways 1/16" to ½" in width, with regular table equipment.	Actor	$430
Arranged for motor drive including motor base plate but without motor or electrical equipment.	Acresss	496
No. 4 machine belt drive, capacity keyways 1/16" to 1" wide, with regular table equipment	Accurate	520
Arranged for motor drive including motor base plate but without motor or electrical equipment.	Accost	576
No. 5 machine belt drive, capacity keyways 1/16" to 1¼" in width, with regular table equipment.	Adapt	738
Arranged for motor drive including motor base plate but without motor or electrical equipment.	Addict	810

OLD STYLE MACHINES WITH FIXED TABLE

No. 1 machine belt drive, capacity keyways 1/16" to 1" in width, with regular table equipment.	Acquaint	$396
Arranged for motor drive including motor base plate but without motor or electrical equipment.	Macquaint	462
No. 2 machine belt drive, capacity keyways 1/16" to ⅜" wide, with regular table equipment	Acquit	300
Arranged for motor drive including motor base plate but without motor or electrical equipment.	Macquit	366
We can furnish motor if desired, in which case we will make no charge for mounting.		
Belt-driven machines do not require countershaft.		

DAVIS KEYSEATER COMPANY, ROCHESTER, N. Y.—Continued

CUTTERS

Size (width of keyway) (inches)	Standard— Length (inches)	Standard— Width (inches)	Carbon steel	High speed steel	Code
3/64 [1]	2	1/16	$10.00	$11.00	Tab.
1/32 [1]		1/16	10.75	10.00	Table.
1/16 [1]		1/16	8.00	10.00	Tablet.
3/32 [1]		1/16	7.75	9.50	Tack.
1/8 [1]		1/16	6.00	9.00	Tar.
5/32 [1]		1/16	5.25	9.00	Taint.
3/16 [1]		1/16	5.40	9.00	Take.
7/32 [1]		1/16	5.75	9.50	Talk.
1/4 [1]		1/16	6.00	10.00	Tame.
5/16 [1]		1/16	6.15	10.50	Tamp.
3/8 [1]		1/16	7.00	12.00	Tan.
7/16 [1]		1/16	7.50	13.20	Tank.
1/2 [1]		1/16	7.95	13.70	Tap.
9/16 [1]		1/16	8.50	14.30	Tar.
5/8 [1]		1/16	8.75	14.85	Tare.
11/16 [1]		1/16	9.50	15.40	Tart.
3/4 [1]		1/16	10.00	15.00	Task.
7/8 [1]		1/16	10.50	15.50	Taste.
15/16 [1]		1/16	10.75	16.50	
1 [1]		1/16			

[1] Reinforced back 3/64" thick. Can furnish special cutters to order. Cutters in intermediate sizes not listed, and cutters for more than 1" width of keyway will be quoted upon request.

BUSHINGS

Size	Diameter	Height	Code	Price
No. 1	1/4 to 2 in. as ordered	2 in.		$7.80
No. 2	2 1/16 to 3 in. as ordered	3 1/16 in.		10.20
No. 3	3 1/16 to 4 in. as ordered	4 1/16 in.		14.40
No. 4	4 1/16 to 5 in. as ordered	5 1/16 in.		18.60

BUSHING HOLDERS

Size	Takes Bushings	Code	Price
No. 1	1/4 in. to 2 in. diam.		$8.40
No. 2	2 1/16 in. to 3 in. diam.		9.60
No. 3	3 1/16 in. to 4 in. diam.		10.80
No. 4	4 1/16 in. to 5 in. diam.		12.00

Only one holder required for each group of bushings.
Prices of swinging clamp bars when ordered as extras with machines. For No. 3, $18.00. For No. 4, $24.00. For No. 5, $30.00. Long clamp bar for No. 1 machine $30.00.

DEFIANCE MACHINE WORK, INC., DEFIANCE, OHIO—Continued

DRILLING MACHINES

Defiance No. 112-21" Production Drilling Machine $1,524

[Standard equipment consists of 1 slot table with 3/4" head slide and 12" head travel, change gears for 16 speeds, and feeds single pulley drive.]

DELOE MACHINE WORKS, MELROSE PARK, ILL.

O. B. I. PRESSES, BENCH-TYPE

Tables and legs for mounting above presses can be furnished if desired.
Specifications of floor type presses furnished on request.

A. P. DE SANNO & SON, INC., PHOENIXVILLE, PA.

RADIAL CUT-OFF MACHINE

Type K—Both Wet and Dry Cutting

Cut-off discs: For wet cutting, Rubber Bond, 16 inches in diameter and 1/32" to 1/4" thick. For dry cutting, Resinoid Bond, 14 inches in diameter and 1/8" to 1/4" thick.
The price of the machine complete is as follows:
For 60 cycles, 2 or 3 phase, 220, 440, 550 volts... $1,153
For 50 cycles, 2 or 3 phase, 220, 440, 550 volts... 1,168
For direct current, 115 or 230 volts..... 1,437
The price of the machine without the 7½ h. p. motor, magnetic switch, push-button station and drum speed changer, but with motor pulley and 7 V belt and also with the ¾ h. p. pump motor is as follows:
For 60 cycles, 2 or 3 phase, 220, 440, 550 volts... 940
For 50 cycles, 2 or 3 phase, 220, 440, 550 volts... 947
For direct current, 115 or 230 volts..... 945
Price of standard straight or swivel vise when purchased as extra equipment..... 90
Charge for installing electrical equipment furnished by customer..... 20

Type J—Wet Cutting

Cut-off discs, 16 inches in diameter and 1/64 to 1/8 inch thick. Selected for customer's particular requirements.
The price of the machine complete is as follows:
For 60 cycles, 2 or 3 phase, 220, 440, 550 volts... 1,070
For 50 cycles, 2 or 3 phase, 220, 440, 550 volts... 1,082
For 25 cycles, 2 or 3 phase, 220, 440, 550 volts... 1,280
For direct current, 115 or 230 volts..... 1,280
The price of the machine without the 7½ h. p. motor, magnetic switch and push-button station, but with motor pulley and 7 V-belts and also with the ¾ h. p. pump motor is as follows:
For 60 cycles, 2 or 3 phase, 220, 440, 550 volts... 934
For 50 cycles, 2 or 3 phase, 220, 440, 550 volts... 941
For direct current, 115 or 230 volts..... 940
Price of standard straight or swivel vise when purchased as extra equipment..... 90
Charge for installing electrical equipment furnished by customer..... 20

A. P. DE SANNO & SON, INC., PHOENIXVILLE, PA.—Continued

RADIAL CUT-OFF MACHINE—Continued

Type G—Wet Cutting

The price of the machine complete is as follows:
For 60 cycles, 2 or 3 phase, 220, 440, 550 volts... $490
For 50 cycles, 2 or 3 phase, 220, 440, 550 volts... 508
For 25 cycles, 2 or 3 phase, 220, 440, 550 volts... 546
For direct current 115 or 230 volts..... 675
The price of the machine without the 1½ h. p. motor and switch, but with motor pulley and 2 V-belts and also with the ¾ h. p. pump motor is as follows:
For 60 cycles, 2 or 3 phase, 220, 440, 550 volts... 440
For 50 cycles, 2 or 3 phase, 220, 440, 550 volts... 445
For 25 cycles, 2 or 3 phase, 220, 440, 550 volts... 453
For direct current 115 or 230 volts..... 443
Charge for installing electrical equipment furnished by customer..... 15

Type H

Machine complete, with motor for 2 or 3 phase, 60 cycle, 220-440-550 volt current..... 398
Machine without electrical equipment..... 300
Extra for D. C., 230 or 240 cycle current—See reverse motor on application.
Charge for installing electrical equipment furnished by customer..... 10

Type C

The price of the machine complete is as follows:
For 60 cycles 2 or 3 phase, 220, 440, 550 volts, totally inclosed motor..... 821
For 50 cycles 2 or 3 phase, 220, 440, 550 volts, totally inclosed motor..... 867
For 25 cycles, 2 or 3 phase, 220, 440, 550 volts, totally inclosed motor..... 1,127
For D. C. 115 or 230 volts totally inclosed motor. 1,127
For D. C. 115 or 230 volts splash proof motor.. 1,032
The price of the machine without the 1½ h. p. motor but with motor pulley and 7 V-belts is as follows:
For 60 cycles, 2 or 3 phase, 220, 440, 550 volts... 632
For 50 cycles, 2 or 3 phase, 220, 440, 550 volts... 638
For 25 cycles, 2 or 3 phase, 220, 440, 550 volts... 672
For D. C. 115 or 230 volts..... 672
Charge for installing electrical equipment furnished by customer..... 20
Swivel vise, each..... 76

DEFIANCE MACHINE WORK, INC., DEFIANCE, OHIO

HORIZONTAL BORING MACHINES

Older Model No. 5 with 3" bar..... $9,130
Older Model No. 5A with 3¼" bar..... 12,000
Older Model No. 6 with 4½" bar..... 15,000

NEW MODELS

No. 25-A with 3¾" bar and 5' bed, 30" x 60" table, 30" vertical movement, weight, 25,350 lbs.... 13,395
No. 26 with 4½" bar and 7' bed, 36" x 84" table, 39" vertical movement, weight 49,300 pounds.. 18,775

DEFIANCE MACHINE WORK, INC., DEFIANCE, OHIO—Continued

EXTRAS FOR ABOVE NEW MODELS

Size	No. 25-A	No. 26
Bed, 6'	$280	$300
Bed, 8'	600	640
Bed, 10'		980
Vertical movement of head, 36"	240	260
Vertical movement of head, 42"	480	520
Vertical movement of head, 48"		720
Vertical movement of head, 60"	1,000	1,440
Vertical movement of head, 66"		
Table with suitable saddle, 36" x 72"	225	300
Table with suitable saddle, 36" x 84"	300	390
Table with suitable saddle, 42" x 72"	300	390
Table with suitable saddle, 42" x 84"	350	1,150

DEFIANCE MACHINE WORK, INC., DEFIANCE, OHIO—Continued

DRILLING MACHINES—continued

Defiance No. 209-26" Heavy Duty Production Drilling Machine $1,994

[Standard equipment consists of 1 slot table with 3/4" head slide and 12" head travel, change gear strips for head slide and 12" head travel, change gears for 12 speeds and 16 feeds, single pulley drive.]

DOELGER & KIRSTEN, INC., MILWAUKEE, WIS.

ALL STEEL ALLIGATOR SHEARS F. O. B. MILWAUKEE

No. 1 High and Low Knife With 10-Inch Blades

Belt driven, shear only (without motor, belt or timbers)	$845
Belt driven, shear only on timbers (without motor and belt)	875
Belt driven, shear on timbers (with 3 hp., 3 ph., 60 cy., 220 v. motor and belt	965
Gear driven, shear only (without motor and timbers)	875
Gear driven, shear only on timbers (without motor)	910
Gear driven, shear on timbers (with 3 hp., 3 ph., 60cy., 220 v. motor)	980
Gear driven, shear on wheels (with 3 hp., 3 ph., 60cy., 230 v. motor)	1,030
For 12" blades, add $25; for 14" blades, add $50 to above lists.	
For Automatic No. 1 add to above lists	225

No. 1½ High and Low Knife With 18- or 24-Inch Blades

Belt driven, shear only (without belt, motor or timbers)	1,420
Belt driven, shear only on timbers (without belt and motor)	1,465
Belt driven, shear on timbers (with 5 hp., 3 ph., 60 cy., 220 v. motor and belt)	1,580
Gear driven, shear only (without motor or timbers)	1,475
Gear driven, shear only on timbers (without motor)	1,520
Gear driven, shear on timbers (with 5 hp., 3 ph., 60 cy., 220 v. motor)	1,610
Gear driven, shear on wheels (with 5 hp., 3 ph., 60cy., 230 v. motor)	1,670
For automatic No. 1½ add to above lists	325

No. 2 Low Knife With 21- or 24-Inch Blades

Belt driven, shear only (without belt, motor, starter or timbers)	1,995
Belt driven, shear only on timbers (without belt, motor or starter)	2,045
Belt driven, shear on timbers (with 7½ hp., 3 ph., 60cy., 220 v. motor, starter and belt)	2,220
Gear driven, shear only (without motor, starter or timbers)	2,095
Gear driven, shear only on timbers (without motor or starter)	2,145
Gear driven, shear on timbers (with 7½ hp., 3 ph., 60cy., 220 v. motor and starter)	2,290
For automatic No. 2 add to above lists	425

No. 2 High Knife With 21- or 24-Inch Blades

Belt driven, shear only (without belt, motor, starter or timbers)	2,045
Belt driven, shear only on timbers (without motor, starter or belt)	2,095
Belt driven, shear on timbers (with 7½ hp., 3 ph., 60cy., 220 v. motor, starter and belt)	2,270
Gear driven, shear only (without motor, starter or timbers)	2,145
Gear driven, shear only on timbers (without motor or starter)	2,195
Gear driven, shear on timbers (with 7½ hp., 3 ph., 60cy., 220 v. motor and starter)	2,340
For automatic No. 2 add to above lists	425

3-5-7½ hp. motors are 1,750 r. p. m.

No. 3 Low Knife

21" blades, belt driven shear only (without motor, starter, or belt)	3,410
30" blades, belt driven shear only (without motor, starter, or belt)	3,520
24" blades, belt driven shear (with 15 hp., 3 ph., 60cy., 220 v. motor, starter and belt)	3,715
30" blades, belt driven shear (with 15 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	3,825
24" blades, gear driven (without motor or starter)	3,685
30" blades, gear driven shear (without motor or starter)	3,795
24" blades, gear driven shear (with 15 hp., 3 ph., 60cy., 220 v. motor and starter)	3,920
30" blades, gear driven shear (with 15 hp., 3 ph., 60 cy., 220 v. motor and starter)	4,030
For automatic No. 3 add to above lists	800

DOELGER & KIRSTEN, INC., MILWAUKEE, WIS.—Continued

ALL STEEL ALLIGATOR SHEARS F. O. B. MILWAUKEE—con.

No. 3 High Knife

24" blades, belt driven shear only (without motor, starter or belt)	$3,520
30" blades, belt driven shear only (without motor, starter or belt)	3,630
36" blades, belt driven shear only (without motor, starter or belt)	3,795
24" blades, belt driven shear (with 15 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	3,825
30" blades, belt driven shear (with 15 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	3,935
36" blades, belt driven shear (with 15 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	4,100
24" blades, gear driven shear (without motor and starter)	3,795
30" blades, gear driven shear (without motor and starter)	3,910
36" blades, gear driven shear (without motor and starter)	4,075
24" blades, gear driven shear (with 15 hp., 3 ph., 60 cy., 220 v. motor and starter)	4,030
30" blades, gear driven shear (with 15 hp., 3 ph., 60 cy., 220 v. motor and starter)	4,140
36" blades, gear driven shear (with 15 hp., 3 ph., 60 cy., 220 v. motor and starter)	4,310
For Automatic No. 3 add to above lists	800

No. 3½ Low Knife

24" blades, belt driven shear only (without motor, starter or belt)	4,835
30" blades, belt driven shear only (without motor, starter or belt)	5,000
24" blades, belt driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	5,445
30" blades, belt driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	5,610
24" blades, gear driven shear only (without motor or starter)	5,165
30" blades, gear driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor and starter)	5,335
24" blades, gear driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor and starter)	5,720
30" blades, gear driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor and starter)	5,890

No. 3½ High Knife

30" blades, belt driven shear only (without motor, starter or belt)	5,010
36" blades, belt driven shear only (without motor, starter or belt)	5,305
42" blades, belt driven shear only (without motor, starter or belt)	5,555
30" blades, belt driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	5,665
36" blades, belt driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	5,915
42" blades, belt driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	6,165
30" blades, gear driven shear only (without motor or starter)	5,390
36" blades, gear driven shear only (without motor or starter)	5,640
42" blades, gear driven shear only (without motor or starter)	5,890
30" blades, gear driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor and starter)	5,945

DOELGER & KIRSTEN, INC., MILWAUKEE, WIS.—Continued

ALL STEEL ALLIGATOR SHEARS F. O. B. MILWAUKEE—con.

No. 5½ High Knife—Continued

36" blades, gear driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor and starter)	$6,195
42" blades, gear driven shear (with 25 hp., 3 ph., 60 cy., 220 v. motor and starter)	6,500

No. 4 Low Knife

24" blades, belt driven shear only (without motor, belt or starter)	6,355
30" blades, belt driven shear only (without motor, belt or starter)	6,470
36" blades, belt driven shear only (without motor, belt or starter)	6,665
24" blades, belt driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	7,035
30" blades, belt driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	7,145
36" blades, belt driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	7,340
24" blades, gear driven shear only (without motor and starter)	6,745
30" blades, gear driven shear only (without motor and starter)	6,855
36" blades, gear driven shear only (without motor and starter)	7,055
24" blades, gear driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor and starter)	7,310
30" blades, gear driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor and starter)	7,420
36" blades, gear driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor and starter)	7,615
For Automatic No. 4 add to above lists	1,000

No. 4 High Knife

24" blades, belt driven shear only (without motor and starter)	6,625
30" blades, belt driven shear only (without motor and starter)	6,735
36" blades, belt driven shear only (without motor and starter)	6,935
24" blades, belt driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	7,300
30" blades, belt driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	7,415
36" blades, belt driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor, starter and belt)	7,610
24" blades, gear driven shear only (without motor or starter)	7,015
30" blades, gear driven shear only (without motor or starter)	7,125
36" blades, gear driven shear only (without motor or starter)	7,325
24" blades, gear driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor and starter)	7,575
30" blades, gear driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor and starter)	7,690
36" blades, gear driven shear (with 40 hp., 3 ph., 60 cy., 220 v. motor and starter)	7,885
For automatic No. 4 add to above lists	1,000

3, 5, 7½ hp. motors are 1,750 r. p. m. 15, 25, 40 hp. motors are 1,150 r. p. m.

DOUGLAS MACHINERY CO., INC., NEW YORK, N. Y.

No. 0 Douglas Plain Miller without motor, $1,650, weight 1,635 pounds.

No. 7 Douglas Universal Slotting Machine without motor, $2,155, weight 1,525 pounds.

DREIS & KRUMP MFG. CO., CHICAGO, ILL.

NOTE: Price corrections on L. & D. presses and steel press brakes. Changes made upon advice of manufacturer. Prices differ from those shown in "Prices of New Machine Tools," first edition.

"L" SERIES PRESSES

Size	Capacity, mild steel: Length	Capacity	Distance between housings	Over-all bending length	Weight	Price, one-speed	Price, vari-speed
	Inches	*Gage*	*Inches*	*Inches*	*Pounds*		
4L6	72	10	54	72	8,000		$1,710
6L8	96	12	78	96	9,225		1,850
8L10	120	15	102	120	11,035		1,990

Prices on these sizes include drive motor with reversing control, also power adjustment of ram with motor and control, for 2- or 3-phase A. C. current. Extra for direct current on application. Single phase A. C. not furnished. Variable speed drive, die holder, and standard back gage furnished as regular equipment. All dies are extra. Extra for front-operated micrometer back gage, $90.

DREIS & KRUMP MFG. CO., CHICAGO, ILL.—Continued

"D" SERIES PRESSES

Size	Capacity, mild steel plate	Distance between housings	Over-all bending length	Approximate shipping weight	Price	Air counterbalance	18-inch throat	Longer stroke per inch	2-speed	Motor required[1]
	Ft. In.	*Ft. In.*	*Ft. In.*	*Pounds*						
404D	4 5/16	4 6	6 0	12,800	$2,875	$210				
406D	6 7/32	6 6	8 0	15,200	2,975	210				
408D	8 3/16	8 6	10 0	19,300	3,090	210	$150	$125	$350	(4)
410D	10 (3)	10 6	12 0	22,900	3,300	220				
412D	12 (3)	12 6	14 0	26,200	3,670	220				
454D	4 5/16	4 6	6 0	16,500	3,460	235				
456D	6 5/16	6 6	8 0	20,000	3,525	235				
458D	8 1/4	8 6	10 0	23,500	3,740	235				
4510D	10 5/16	10 6	12 0	28,600	4,950	250	180	150	375	(4)
4512D	12 5/32	12 6	14 0	33,100	4,200	250				
4514D	14 1/8	14 6	16 0	38,900	4,830	250				
504D	4 5/16	4 6	6 6	23,400	3,850	265				
506D	6 5/16	6 6	8 6	28,600	4,075	265				
508D	8 5/16	8 6	10 6	30,400	4,275	265				
5010D	10 1/4	10 6	12 6	35,200	4,510	280	220	200	400	(4)
5012D	12 5/32	12 6	14 6	41,000	4,790	280				
5014D	14 5/16	14 6	16 6	49,100	5,230	280				
5016D	16 5/32	16 6	18 6	56,300	6,140	No extra				
606D	6 9/16	6 6	8 6	34,500	6,175	320				
608D	8 5/16	8 6	10 6	40,600	6,380	320				
610D	10 3/8	10 6	12 6	48,000	6,500	345	270	235	500	(7)
612D	12 5/16	12 6	14 6	56,200	7,120	No extra				
614D	14 1/2	14 6	16 6	64,000	7,530	No extra				
616D	16 7/32	16 6	18 6	74,000	8,575	No extra				
708D	8 5/8	8 6	12 0	57,400	8,600					
710D	10 1/2	10 6	14 0	65,800	8,940	No extra	320	260	No extra	(4)
712D	12 1/2	12 6	16 0	73,600	9,300					
714D	14 7/16	14 6	18 0	82,000	10,200					
716D	16 3/8	16 6	20 0	14,700	11,000					
808D	8 5/8	8 6	12 0	73,000	11,400					
810D	10 3/4	10 6	14 0	82,000	11,880					
812D	12 9/16	12 6	16 0	92,000	12,480	No extra	390	275	No extra	(4)
814D	14 1/2	14 6	18 0	113,000	13,550					
816D	16 5/16	16 6	20 0	125,000	15,120					

Prices on these sizes include ram adjustment motor, standard die holder, one pair adjustable gages, and arrangement for V-belt motor drive, including sheaves and belts, but not including drive motor and control.

[1] Motor recommended: High-slip continuous-duty type. Air dies are extra. Air-operated clutch can be furnished at additional cost.

[2] 10-gage. [3] 12-gage. [4] 5 hp., 1,800 r. p. m. [5] 7½ hp. 1,800 r. p. m. [6] 10 hp., 1,800 r. p. m. [7] 15 hp., 1,800 r. p. m. [8] 20 hp., 1,800 r. p. m. [9] 30 hp., 1,800 r. p. m.

HAND BOX AND PAN BRAKES

No.	Length	Capacity	Finger extension	Price
	Feet	*Gage*	*Inches*	
30	3	14	6	$185
31	4	14	6	225
32	5	14	6	290
33	3	14	8	210
34	4	14	8	265
35	5	14	8	335
36	6	14	6	305
37	8	14	6	385
38	10	16	6	465
39	6	14	8	375
40	8	16	8	450

Full set of fingers in 3-inch, 4-inch and 5-inch widths furnished as standard equipment.

PORTABLE BRAKES

No.	Length	Capacity	Price
	Inches	*Gage*	
420	49	20	$105
620	61	20	110

FOLDER BRAKES

25	36	20	$115
26	42	20	125
27	48	20	135

UNIVERSAL HAND BRAKES

	Feet inches	*Gage*	
L–3	3 1½	12	$280
W–3	3 1½	14	230
L–4	4 1½	12	300
W–4	4 1½	14	260
L–5	5 1	12	380
W–5	5 1	14	345
R–5	5 1	16	290
L–6	6 1	12	430
W–6	6 1	14	370
R–6	6 1	16	320
L–8	8 1	12	545
W–8	8 1	14	460
R–8	8 1	16	380
W–10	10 1	14	610
R–10	10 1	16	540
U–10	10 1	18	480

Standard equipment includes regular bending bars U1, U2, U5, U6, angle bar U7, filler bar U22, swinging quadrant gage, and wrenches.

Moulding forms and clamps can be furnished as on standard brakes at same prices.

STANDARD HAND BENDING BRAKES

	Feet inches	*Gage*	
312	3 3½	12	$180
314	3 3½	14	130
316	3 3½	16	105
412	4 3½	12	190
414	4 3½	14	150
416	4 3½	16	115
512	5 1	12	260
514	5 1	14	225
516	5 1	16	170
518	5 1	18	130
612	6 1	12	300
614	6 1	14	240
616	6 1	16	190
618	6 1	18	150
812	8 1	12	405
814	8 1	14	310
816	8 1	16	230
818	8 1	18	170
1014	10 1	14	440

DREIS & KRUMP MFG. CO., CHICAGO, ILL.—Continued

STANDARD HAND BENDING BRAKES—continued

No.	Length	Capacity	Price
	Feet inches	*Gage*	
1016	10 1	16	$370
1018	10 1	18	310
1218	12 1	18	550
1222	12 1	22	450

Standard equipment includes wrenches and stop gage. Moulding forms not included in above prices. Extra for set of five moulding forms and clamps.

3-foot brakes, $5; 4-foot brakes, $6; 5-foot brakes, $7. 6-foot brakes, $8; 8-foot brakes, $40; 10-foot brakes, $12. 12-foot brakes, $14.

CHICAGO STEEL POWER BRAKES WITH HAND CLAMP

[All prices cover machines on skids f. o. b. Chicago, Ill.—prices net]

No.	Length	Capacity	Price
	Ft. in.		
133	3 3½	12 gage	$550
134	3 3½	10 gage	575
135	3 3½	3/16 inch	650
136	3 3½	¼ inch	900
137	3 3½	5/16 inch	1,160
138	3 3½	⅜ inch	1,425
143	4 3½	12 gage	625
144	4 3½	10 gage	705
145	4 3½	3/16 inch	900
146	4 3½	¼ inch	1,190
147	4 3½	5/16 inch	1,740
148	4 3½	⅜ inch	1,775
162	6 1	14 gage	650
163	6 1	12 gage	705
164	6 1	10 gage	1,025
165	6 1	3/16 inch	1,230
166	6 1	¼ inch	1,700
167	6 1	5/16 inch	1,990
168	6 1	⅜ inch	2,825
181	8 1	16 gage	680
182	8 1	14 gage	840
183	8 1	12 gage	975
184	8 1	10 gage	1,260
185	8 1	3/16 inch	1,480
186	8 1	¼ inch	2,320
201	10 1	16 gage	825
202	10 1	14 gage	980
203	10 1	12 gage	1,205
204	10 1	10 gage	1,560
205	10 1	3/16 inch	2,500
221	12 1	16 gage	1,520
222	12 1	14 gage	1,690
223	12 1	12 gage	2,130
224	12 1	10 gage	3,160
241	14 1	16 gage	1,875
242	14 1	14 gage	2,320
243	14 1	12 gage	3,400
261	16 1	16 gage	2,375
262	16 1	14 gage	3,265
263	16 1	12 gage	3,815

POWER BOX AND PAN BRAKES WITH HAND CLAMP

No.	Length	Capacity	Finger extension	Price
	Feet		*Inches*	
60	4	10 gage	6	$900
61	5	10 gage	6	1,030
62	6	10 gage	6	1,250
63	8	10 gage	6	1,600
64	4	10 gage	8	980
65	5	10 gage	8	1,150
66	6	10 gage	8	1,430
67	8	10 gage	8	1,725
68	4	10 gage	12	1,155
70	5	10 gage	12	1,475
71	6	10 gage	12	1,700
72	8	10 gage	12	1,995

POWER BRAKES WITH POWER CLAMP

	Ft. In.		
187	8 1	3/16 inch	$3,750
188	8 1	¼ inch	4,400
189	8 1	5/16 inch	6,250
206	10 1	¼ inch	5,880
207	10 1	5/16 inch	6,040
208	10 1	⅜ inch	7,640
209	10 1	½ inch	8,100
225	12 1	3/16 inch	4,430
226	12 1	¼ inch	5,475
227	12 1	5/16 inch	6,200
228	12 1	⅜ inch	7,450
229	12 1	½ inch	10,500
244	14 1	10 gage	3,580
245	14 1	¼ inch	5,820
246	14 1	5/16 inch	6,675
247	14 1	⅜ inch	8,400
248	14 1	½ inch	11,880
264	16 1	10 gage	5,890
265	16 1	¼ inch	7,250
266	16 1	5/16 inch	11,000
267	16 1	⅜ inch	12,350
268	16 1	½ inch	14,400

DREIS & KRUMP MFG. CO., CHICAGO, ILL.—Continued

CHICAGO STEEL POWER SQUARING SHEARS—continued

Size	Capacity, continuous duty			Motor required	
	Mild steel	Stainless steel	Cutting length	Horsepower	Speed
			Inches		
253	14 gage	16 gage	36	25	1,800
254	do	do	48	35	1,800
255	do	do	60	50	1,800
333	do	do	72	60	1,800
334	do	do	96	75	1,800
335	do	do	120	100	1,800
336	do	do	144	125	1,800
337	do	do	168	150	1,800
536	¾ inch	⅝ inch	36	75	1,800
542	do	do	42	75	1,800
548	do	do	48	75	1,800
560	do	do	60	75	1,800
572	do	do	72	75	1,800
596	do	do	96	75	1,800
6120	do	do	120	75	1,800
6144	do	do	144	75	1,800
6168	do	do	168	75	1,800
642	⅝ inch	½ inch	42	75	1,800
648	do	do	48	75	1,800
660	do	do	60	75	1,800
672	do	do	72	75	1,800
696	do	do	96	75	1,800
6120	do	do	120	75	1,800
6144	do	do	144	75	1,800
6168	do	do	168	75	1,800
748	¾ inch	⅝ inch	48	75	1,800
760	do	do	60	75	1,800
772	do	do	72	75	1,800
796	do	do	96	75	1,800
7120	do	do	120	75	1,800
7144	do	do	144	75	1,800
7168	do	do	168	75	1,800
860	⅞ inch	¾ inch	60	75	1,800
872	do	do	72	75	1,800

THE ECONOMY ENGINEERING COMPANY, WILLOUGHBY, OHIO

Type S—4 inch standard automatic shaving machine without motor $1,975

Type S—4 inch automatic semiautomatic threading machine without motor or die head 1,975

Type P—4 inch automatic pointing machine and threading machine, without die head or motor 2,980

Type PT—4 inch automatic combined pointing and shaving machine for short tapers, without motor 2,075

Type PS—4 inch automatic combined pointing and threading machine, without die head or motor 2,990

Prices include motor with reversing control, for 3- or 3-phase A. C. current. Extra for direct current quoted on application. Prices include 2 die holder and standard back gage not furnished. All dies are extra. Extra for front-operated micrometer back gages $90.

CHICAGO STEEL POWER SQUARING SHEARS

[All prices cover machines on skids f. o. b. Chicago, Ill. Add 20 percent to list prices]

No.	Capacity, continuous duty		Cutting length	Without gap	Add for 18" gap	Add for 24" gap	Weight	Price, one-speed	Price, variable-speed	Motor required	
	Mild steel	Stainless steel								Horsepower	Speed
			Inches				*Pounds*				
256	14 gage	16 gage	36	$840	$70	$120	2,600	$700	$806	3	1,200
212	do	do	48	900	70	120	3,300	833	900	3	1,200
248	do	do	48	940	70	120	3,750	850	975	3	1,200
260	do	do	60	1,040	70	120	4,200	1,020	1,075	3	1,200
272	do	do	72	1,080	70	120	4,750	1,110	1,165	3	1,200
2120	do	do	120	1,705	70	130	5,400	1,185	1,260	5	1,200
2144	do	do	144	2,130	70	130				5	1,200
2168	do	do	168	3,030	120	210				5	1,800
348	10 gage	12 gage	48	1,080	130	210				5	1,800
360	do	do	60	1,180	130	210				5	1,800
372	do	do	72	1,270	130	210				5	1,800
396	do	do	96	1,670	130	210				5	1,800
3120	do	do	120	2,080	130	210				5	1,800
3144	do	do	144	2,600	130	210				5	1,800
3168	do	do	168	3,100	130	210				5	1,800
436	¼ inch	10 gage	36	1,320	150	250				7½	1,800
442	do	do	42	1,375	150	250				7½	1,800
448	do	do	48	1,460	150	250				7½	1,800
460	do	do	60	1,590	150	250				7½	1,800
472	do	do	72	1,720	150	250				7½	1,800
496	do	do	96	2,490	150	250				7½	1,800
4120	do	do	120	2,760	150	250				10	1,800
4144	do	do	144	3,000	180	300				10	1,800
4168	do	do	168	3,680	180	300				10	1,800
536	⅜ inch	⅛ inch	36	1,680	180	300				7½	1,800
542	do	do	42	1,740	180	300				7½	1,800
548	do	do	48	1,825	180	300				7½	1,800
560	do	do	60	1,940	180	300				7½	1,800
572	do	do	72	2,040	180	300				7½	1,800
596	do	do	96	2,760	180	300				7½	1,800
5120	do	do	120	3,210	180	300				10	1,800
5144	do	do	144	3,900	180	300				10	1,800
5168	do	do	168	4,600	180	300				10	1,800
642	⅝ inch	¼ inch	42	2,280	240	360				10	1,800
648	do	do	48	2,430	240	360				10	1,800
660	do	do	60	2,640	240	360				10	1,800
672	do	do	72	2,850	240	360				10	1,800
696	do	do	96	3,660	240	360				10	1,800
6120	do	do	120	3,070	240	360				15	1,800
6144	do	do	144	4,530	240	360				15	1,800
6168	do	do	168	6,030	240	360				15	1,800
748	¾ inch	⅜ inch	48	3,450	300	480				15	1,800
760	do	do	60	4,380	300	480				15	1,800
772	do	do	72	4,380	300	480				15	1,800
796	do	do	96	5,220	300	480				20	1,800
7120	do	do	120	6,240	300	480				20	1,800
7144	do	do	144	7,380	300	480				20	1,800
7168	do	do	168	8,520	300	480				20	1,800
860	⅞ inch	½ inch	60	4,740	420	650				25	1,800
872	do	do	72	5,510	420	650				25	1,800

EDUARD MACHINERY COMPANY, INC., CORTLAND, N. Y.

DRILLS

Type of machine	Model No.	Number of spins	Weight	Price
			Pounds	
Eduard No. 4B-12"	4-B-1	1	2,000	$730
Do	4-B-2	2	2,035	1,020
Do	4-B-3	3	3,035	1,920
Do	4-B-4	4	4,500	2,540
Eduard No. 2MS-12"	1-MS	1	1,025	715
Do	2-MS	2	2,000	1,265
Do	3-MS	3	3,150	1,815
Do	4-MS	4	3,900	2,365
Do	5-MS	5	4,725	2,915
Do	6-MS	6	5,565	3,465
Do	8-MS	8	7,200	4,710
Eduard No. 2MS-18"	1-MS	1	1,550	745
Do	2-MS	2	2,625	1,345
Do	3-MS	3	3,800	2,065
Do	4-MS	4	4,800	2,535
Do	5-MS	5	5,800	3,135
Do	6-MS	6	6,800	3,740
Do	8-MS	8	8,800	5,015

ENGINEERING AND RESEARCH CORPORATION, RIVERDALE, MD.

"ERCO" SHEET METAL FORMERS—MOTOR DRIVEN

Model "HD." Complete with two-speed (900-1,800 r. p. m.) motor, magnetic switch, cam operated finish bar foundation, and one set machining tools $1,350

Model "HD." Without motor and control but including motor base, grooved motor pulley, belts and one set machining tools 1,265

Extra for each additional set of tools, or relief, or thickness of material (except some special tools) per set 20

1 One set flanging tools consists of 1 bold-down tool, 1 brakebeam tool, and 2 filler blocks.

ENGINEERING AND RESEARCH CORPORATION, RIVERDALE, MD.—Continued

"ERCO" SHEET METAL SHRINKER—MOTOR DRIVEN

No. 476. Complete with motor, magnetic starter, push button station and one set of shrinking jaws	$2,000
Extra shrinking jaws (4 to set with springs)	60

"ERCO" AUTOMATIC PUNCHING AND RIVETING MACHINES—PNEUMATIC

No. 244-96". Beam type	3,500
No. 1002-48". Throat C frame type with foot operated pneumatic remote control unit and drop anvil support that can be lowered and raised 3½" by the same remote control to obtain 4½" maximum opening in riveting head (standard equipment on this number)	4,500
No. 279-36". Throat C frame type with stationary foot pedal control	3,400
No. 262-18". Throat C frame type on floor pedestal with stationary foot pedal control and balancer with hand operated control	3,400
No. 262-18". Throat C frame type on floor pedestal with stationary foot pedal control	3,200
No. 262-18". Throat C frame type with balancer and hand operated control but without floor pedestal and foot control	3,000
Above riveter prices include tooling for one diameter and head style rivet. Extra parts to change for different diameter rivet including hopper, feed, punch, stripper, anvil post, anvil, rivet shoe, rivet set, and die button (per set)	200
Extra parts to change for different style rivet head without diameter change (per set)	75

"ERCO" STRETCHING PRESSES—HYDRAULIC

HYSP-1-75. One cylinder, 75-ton capacity, complete with pumps, motors, and control	[1] 7,000
HYSP-2-150. Two cylinder, 150-ton capacity, complete with pumps, motors, and control	12,000
HYSP-2-300. Two cylinder, 300-ton capacity, complete with pumps, motors and control	19,000

Motor prices included in machine quotations are for the more common 220-440 or 550-volt, 2 or 3-phase 60-cycle current. When the available electrical current requires higher-priced motors and control an additional charge will be made covering the extra cost of such motors and control.

All prices are f. o. b. Riverdale and include boxing for domestic shipping.

All prices are subject to change without notice.

Free propeller profiling machine, less cams and cam grinding attachment $10,000

[1] Denotes price correction advised by manufacturer. Differs from that shown in first edition of "Prices of New Machine Tools."

ERIE FOUNDRY CO., ERIE, PA.

DOUBLE FRAME FORGING HAMMERS

[Semisteel anvils, frames and bedplates; forged steel rams; steel anvil caps; high carbon steel dies; anvils approximately 7½-1 ratio]

Rated size (pounds)	Total net weight	Price
	Pounds	
1,700	32,300	$5,410
2,000	42,000	6,850
2,500	50,000	7,370
3,000	58,000	8,410
3,500	65,000	9,160
4,000	78,000	10,590
5,000	84,000	11,030
6,000	106,000	13,670
8,000	125,000	15,400
10,000—2-piece bedplate	171,000	18,580
12,000—2-piece bedplate	195,000	21,540

SELF-CONTAINED TOOL DRESSING HAMMERS

[Semisteel anvils and frames (anvil and frame cast integral); forged steel rams; high carbon steel dies]

Rated size (pounds)	Total net weight	Price
	Pounds	
50	2,000	$1,080
100	3,000	1,250
150	3,200	1,320
200	4,200	1,490
300	5,300	1,680

All sizes regularly equipped for foot treadle and hand over operation.

ENGINEERING AND RESEARCH CORPORATION, RIVERDALE, MD.—Continued

SINGLE FRAME FORGING HAMMERS

[Semisteel anvils and frames; forged steel rams; forged steel anvil caps; high carbon steel dies; anvils approximately 7½ to 1 ratio]

Rated size (pounds)	Total net weight	Price
	Pounds	
250	5,700	$1,700
400	8,200	2,060
600	12,300	2,650
800	15,000	3,020
1,000	24,000	3,980
1,500	33,000	4,930
2,000	40,000	5,920
2,500	48,500	6,770
3,000 separate bedplate and frame	59,000	8,220
3,500 separate bedplate and frame	63,000	8,670
4,000 separate bedplate and frame	64,500	8,910

Larger sizes on application.

STEAM DROP HAMMERS

Rated size (pounds)	Type of anvil	Approximate shipping weight	Price
		Pounds	
400		14,000	$5,290
600		21,000	6,550
800		26,000	7,040
1,000		35,000	7,980
1,500		50,000	10,170
2,000		64,000	12,490
2,500		76,000	13,920
3,000		94,000	16,730
4,000		115,000	18,890
5,000		151,000	23,540
6,000		172,000	27,740
8,000		234,000	35,070
10,000		276,000	41,600
12,000	80-ton C. S. top—40- ton S. S. bottom.	320,000	43,620
12,000	100-ton C. S. top—20- ton R. S. bottom.	320,000	45,090

20–1 ratio cast steel anvils (unless otherwise stated).
Cast steel cylinders with semisteel liner.
Forged carbon steel rams.
Cast semisteel, cast steel, or forged steel guides.
Plain for antifriction bearings in operating connections.

STANDARD TYPE A BOARD DROP HAMMERS

[20–1 ratio semisteel anvils; semisteel ribbed box section frames—extended type; forged alloy steel sow blocks; forged carbon steel rams; plain bearings]

Rated size (pounds)	Approximate shipping weight	Price
	Pounds	
600	22,840	$4,790
800	27,000	5,120
1,000	34,500	6,170
1,200	39,000	6,600
1,400	43,000	7,330
1,500	45,200	7,610
1,600	47,300	7,960
2,000	60,000	9,160
2,500	70,500	10,220
3,000	94,000	12,620
3,500	104,500	13,570
4,000	115,000	15,190

TYPE AV BOARD DROP HAMMERS

[20–1 ratio semisteel anvils; semisteel ribbed box section frames—extended type; forged alloy steel sow blocks; forged carbon steel rams; plain bearings; prices include motor, brackets, plates, and mountings; V-belt drives, motor sheaves, motors, and control]

Rated size (pounds)	Approximate shipping weight	Price
	Pounds	
600	23,300	$5,290
800	27,500	5,640
1,000	36,000	6,760
1,200	40,200	7,180
1,400	44,200	8,310
1,500	46,500	8,510
1,600	48,600	8,760
2,000	62,000	10,590
2,500	72,500	11,770
3,000	96,500	14,100
3,500	107,000	15,040
4,000	118,000	15,890

ENGINEERING AND RESEARCH CORPORATION, RIVERDALE, MD.—Continued

TYPE F BOARD DROP HAMMERS

[20–1 ratio cast steel anvils; cast steel box section frames—extended type; forged alloy steel sow blocks; forged carbon steel rams; rolled steel tie plates; cast steel roll housings; antifriction bearings on roll shafts]

Rated size (pounds)	Approximate shipping weight	Price
	Pounds	
600	28,400	$6,420
800	28,600	6,810
1,000	37,600	7,980
1,200	41,800	8,620
1,400	45,900	9,350
1,500	47,600	9,800
1,600	49,700	10,100
2,000	61,100	11,840
2,500	71,500	13,150
3,000	95,300	16,870
3,500	105,800	18,100
4,000	117,200	20,320

TYPE FV BOARD DROP HAMMERS

[20–1 ratio cast steel anvils; cast steel box-section frames—extended type; forged alloy steel sow blocks; forged carbon steel rams; cast steel roll housings; antifriction bearings on roll shafts; prices include motor brackets, plates, and mountings, V-belt drives, motors, and control]

Rated size (pounds)	Approximate shipping weight	Price
	Pounds	
600	25,000	$7,070
800	29,200	7,370
1,000	38,500	8,640
1,200	42,700	9,110
1,400	46,900	10,110
1,500	49,000	10,500
1,600	51,100	10,870
2,000	63,500	12,440
2,500	74,000	13,970
3,000	98,000	18,220
3,500	108,700	19,480
4,000	120,000	21,810

TYPE M DIRECT MOTOR-DRIVEN BOARD DROP HAMMERS

[20–1 ratio cast steel anvils; cast steel ribbed box section frames—extended type; all steel geared lifting heads; antifriction bearings except on roll shafts; steel tie plates; forged alloy steel sow blocks; forged carbon steel rams; prices include motor plate, mountings, motor, and control]

Rated size (pounds)	Approximate shipping weight	Price
	Pounds	
600	25,600	$7,540
800	29,800	7,890
1,000	40,800	9,740
1,200	45,000	10,150
1,400	49,200	10,880
1,500	51,300	11,270
2,000	63,400	11,490
2,500	75,500	14,260
3,000	101,000	19,150
3,500	112,500	21,280
4,000	123,000	23,140

FOUR ROLL BELT-DRIVEN BOARD DROP HAMMERS—COMPLETE

[20–1 ratio cast steel anvils; cast steel ribbed box section frames—extended type; forged carbon steel rams; antifriction bearings]

Rated size (pounds)	Approximate shipping weight	Price
	Pounds	
4,000	124,000	$22,450
5,000	161,000	29,060
6,000	182,000	32,920
7,500	213,500	35,940
10,000	290,500	41,280

ENGINEERING AND RESEARCH CORPORATION, RIVERDALE, MD.—Continued

FOUR ROLL MOTOR-DRIVEN BOARD DROP HAMMERS—COMPLETE

[20–1 ratio cast steel anvils; cast steel ribbed box section frames—extended type; forged carbon steel rams; antifriction bearings; prices include motor brackets, plates, and mountings, V-belt drives, pulleys, motor sheaves, motors, and control]

Rated size (pounds)	Approximate shipping weight	Price
	Pounds	
4,000	127,500	$25,270
5,000	167,000	32,190
6,000	188,000	35,780
7,500	219,500	39,450
10,000	272,500	46,080

PLAIN FLYWHEEL DRIVE—SOLID FRAME—WITH SIDE SHEAR

Size	Total net weight	Price
	Pounds	
8 Plain	7,700	$2,030
10 Plain	9,700	2,450

GEARED—SOLID FRAME—WITH SIDE SHEAR

10 S. G.	10,500	$2,780
12 S. G.	17,000	3,400
14 S. G.	22,000	4,440
16 S. G.	30,000	5,860
18 D. G.	42,000	10,450

GEARED—TIE ROD FRAME—WITH SIDE SHEAR

18 D. G.	48,000	$12,100
20 D. G.	65,000	15,020
22 D. G.		
24 D. G.	100,000	29,180

GEARED—SOLID FRAME—DOUBLE CRANK—WITHOUT SIDE SHEAR

14 S. G.	31,000	$6,320

PLAIN FLYWHEEL DRIVE—SOLID FRAME—WITHOUT SIDE SHEAR

8 Plain	7,100	$1,940
10 Plain	9,000	2,270

PUNCHING OR COLD TRIM PRESSES

[1]	10,700	$2,900
[2]	11,000	3,040

[1] Plain.
[2] Geared.

AXLE FADDING PRESS—TIE ROD TYPE—C. S. FRAMES, BASE, AND CROWN

20A	65,000	$18,510
20A	65,000	18,510

Without motor or motor bracket.

THE ESPEN LUCAS MACHINE WORKS, PHILADELPHIA, PA.

Cold sawing machines:	
No. 440	$4,325
No. 629	9,885
No. 633	7,650
No. 637	7,850
No. 641	11,860
No. 647	7,850
No. 670	10,360
No. 673	8,367
No. 680	6,750
No. 693	14,300

ETNA MACHINE CO., TOLEDO, OHIO

SWAGING MACHINES (2-DIE)

Series No.	Std. mach. No.	Max. cap. on tubing	Length of die std. mach.	Max. length of die	Flywheel	R.P.M. of swager	H. P. of motor	Wgt. std. mach. skidded	Price std. mach.	Dies per set
								Pounds		
30	31	5/8"	1"	2"	10½" x 2¼"	600	1	[1] 400	$461	$22.50
70	72	¾"	2"	4"	24" x 4"	400	2	[1] 1,400	928	25.00
100	103	1"	3"	6"	28½" x 4½"	375	3	2,300	1,406	31.00
150	156	1½"	6"	18"	31½" x 5"	250	7½	4,300	1,969	45.00
200	S204	2"	8"	18"	41" x 6½"	175	10	10,250	3,488	73.00
200	208	2"	8"	18"	41" x 6½"	175	10	10,250	3,488	73.00
300	312	3"	12"	18"	47¾" x 9"	165	25	18,700	6,075	141.00
400	412	4"	12"	18"	53¾" x 10¾"	144	40	21,250	7,622	169.00

[1] Weight without motor.

SWAGING MACHINES (4-DIE)

Series No.	Std. mach. No.	Max. cap. on tubing	Length of die (std.)	R. P. M. of swager	H. P. of motor	Weight std. mach. skidded	Price	Dies per set
						Pounds		
150	154	1½"	4"	200	7½	4,000	$2,025.00	$84.38
200	208	2"	8"	175	15	9,500	3,937.50	140.63
300	312	3"	12"	190	25	16,000	6,187.50	253.13
400	412	4"	12"	142	40	30,000	9,000.00	365.63

EX-CELL-O CORPORATION, DETROIT, MICH.

Description	Weight	Price
	Pounds	
Precision boring machines:		
2112-A	4,000	$2,200
1212-A	4,400	3,650
112-C	5,200	3,575
215-A	5,900	4,350
218	6,500	4,850
54—2 way	5,000	5,500
56—3 way	7,000	6,975
61—single end, angular type	14,000	7,850
61—extra heavy duty, single end angular type	20,000	12,000
62—single end angular type	10,000	6,850
Thread grinders—precision:		
31	4,530	5,750
31-L	4,830	7,050
33	5,075	9,500
33-L	6,500	10,750
35	8,500	11,500
35-L	9,500	12,950
39 internal	8,000	11,650
50	15,000	19,500
Carbide tool grinders:		
41-A	135	150
44	1,370	745
46	360	255
47	360	345
48	650	375
Lapping machines:		
74 internal	1,300	1,250
74 center	380	585
No. 12 facing machine	4,000	3,550

EXCELSIOR TOOL & MACHINE CO., EAST ST. LOUIS, ILL.

No. 6 lever shear	$90
No. 10 combined punch and reversible shear, carbon steel blades	255
No. 11 double cutting machine, carbon steel blades	275
No. 15 lever shear	90
No. 14 angle bending machine, belt driven, 5 h. p. capacity	795
For a motor driven unit, add $185 making the total cost	980
No. 14 angle shearing attachment, extra	95
Up to last May we made a 3 h. p. unit which sold for $750, belt driven. Same has been discontinued.	
No. 20 punch press, 20" throat, belt driven	395
No. 20 punch press, 26" throat, belt driven	440
For motor-driven unit, add $135 to either size machine.	
No. 50 squaring shear, 50" cutting capacity, belt driven	1,475
For motor-driven shear, add $175. 50" capacity shear is the only type we have made for the past 5 years, other sizes are obsolete.	

FAMCO MACHINE COMPANY, RACINE, WIS.

FAMCO ARBOR PRESSES

	Price
No. 2 plain lever type	$21.50
No. 2 with 14" pilot wheel	25.50
No. S platen—plain lever type	21.50
No. S with pilot wheel	25.50
No. 3 plain lever type	30.00
No. 3 with 14" pilot wheel	34.00
No. 3 with 24" pilot wheel	38.00
No. 3–R simple ratchet type	35.00
No. W platen—plain lever type	30.00
No. W with 14" pilot wheel	34.00
No. W with 24" pilot wheel	38.00
No. W–R platen—simple ratchet type	35.00
No. 3½ plain lever type	48.00
No. 3½ with 24" pilot wheel	56.00
No. 3½–R simple ratchet type	58.00
No. 3½–R with 24" pilot wheel	66.00
No. 3½–C combination compound type	80.00
No. 3½–C with 24" pilot wheel	88.00
No. 4 plain lever type	70.00
No. 4 with 24" pilot wheel	78.00
No. 4–R simple ratchet type	82.50
No. 4–R with 24" pilot wheel	90.50
No. 4–C combination compound type	110.00
No. 4–C with 24" pilot wheel	118.00
No. 13 armature—plain lever type	33.00
No. 13 with 14" pilot wheel	37.00
No. 13 with 24" pilot wheel	41.00
No. 13–R armature—simple ratchet type	38.00
No. 21 plain lever type	45.00
No. 21 with 14" pilot wheel	49.00
No. 21 with 24" pilot wheel	53.00
No. 21–R simple ratchet type	52.50
No. 25 plain lever type	50.00
No. 25 with 24" pilot wheel	58.00
No. 25–R simple ratchet type	60.00
No. 25–R with 24" pilot wheel	68.00
No. 25–C combination compound type	85.00
No. 25–C with 24" pilot wheel	93.00
No. 31 plain lever type	50.00
No. 31 with 24" pilot wheel	58.00
No. 31–R simple ratchet type	57.50
No. 31–R with 24" pilot wheel	65.50
No. 5–R simple ratchet type	160.00
No. 5–R with 24" pilot wheel	168.00
No. 5–C combination compound type	195.00
No. 5–C with 24" pilot wheel	203.00
No. 6–R simple ratchet type	215.00
No. 6–R with 24" pilot wheel	223.00
No. 6–C combination compound type	245.00
No. 6–C with 24" pilot wheel	253.00

FLOOR STANDS

Nos. 2, S, 3, W, 13 (all models)	22.00
Nos. 3½, 21, 31 (all models)	28.00
Nos. 4, 25 (all models)	36.00

FAMCO FOOT PRESSES

Floor type:	
No. 6	37
No. 8	45
No. 10	56
No. 12	68
No. 15	80
No. 18	92

FARREL-BIRMINGHAM CO., ANSONIA, CONN.

SYKES GEAR GENERATING MACHINES AND EQUIPMENT

Size of machine	Domestic weight	Price machine proper	Price supplying and mounting motors		Price full set change gears	Price full set change gears, face plates, etc.
			AC	DC		
	Pounds					
No. 1-A	7,875	$11,750	$320	$320	$360	$1,525
No. 2-C	13,650	18,850	585	765	510	2,190
No. 3-C	16,250	21,500	680	860	510	2,200
No. 4-B	36,275	27,000	850	1,310	900	4,200
No. 5-B	37,375	29,500	850	1,310	100	4,625

All quotations subject to escalator clauses on labor and material until further notice.
Prices on No. 1-A and No. 2-C machines *do not* include rim stays.
Prices on No. 3-C, 4-B, and 5-B machines include rim stays.
All prices subject to change without notice.
NOTE.—We also build in addition to the above standard machines a No. 10-B and a No. 12, which are made up on special orders, the price being in accordance with the particular specifications and the circumstances and conditions at the time the quotation is made.
The approximate selling price on the No. 10-B is $87,000, and on the No. 12 is approximately $150,000.

THE FEDERAL PRESS CO., ELKHART, IND.

FLYWHEEL TYPE

	0	1	2	3	33	4	5	6	7
Standard floor type presses (f. o. b. Elkhart)	$198.00	$280.00	$350.00	$540.00	$665.00	$720.00	$965.00	$1,550.00	$1,975.00
Standard bench type	168.00								
Standard horizontal type	300.00	395.00	490.00	660.00					
EXTRAS									
Special stroke, 1" to standard	12.00	12.00	12.00	18.00	18.00	24.00	30.00	36.00	40.00
Special stroke, from standard to maximum ram to clear gibs on up stroke	23.00	27.50	27.50	30.00	30.00	35.00	38.50	45.00	50.00
Bronze bushings, main bearings and pitman	22.00	35.00	45.00	60.00	60.00	80.00	100.00	135.00	165.00
Belt motor, drive. Motor bracket, without belt, motor pulley or motor, and not installed	45.00	55.00	55.00	60.00	60.00	75.00	98.00	105.00	110.00
Geared motor, drive. Motor bracket including pinion, gear guard, but not motor installation	48.00	60.00	60.00	65.00	65.00	75.00	110.00	115.00	125.00
V-Belt drive, including bracket, V-belts and motor sheaves, but not motor or installation	33.00	40.00	40.00	46.50	50.00	55.00	80.00	90.00	95.00
Motor-horsepower and speed	1-1,200	1-1,200	1-1,200	2-1,200	2-1,200	2-1,200	3-1,200	3-1,200	5-1,200 7½-1,200
Mounting and wiring	$6.00	$7.50	$7.50	$8.50	$8.50	$8.50	$8.50	$8.50	$12.00 $12.00
Flywheel guards	30.00	35.00	37.50	40.00	40.00	42.50	45.00	47.50	47.50
Brake release	15.00	20.00	20.00	25.00	25.00	25.00	30.00	35.00	45.00
Bolster plates, each	5.50	8.50	13.50	21.00	42.00	35.00	51.50	95.00	128.00
Tie rods complete with nuts and self-aligning washers				17.50	17.50	25.00	30.00	35.00	40.00
Extra for special die space with bed ext.	25.00	35.00	45.00	55.00	.....	80.00	100.00	.....	.....
Multiple disk clutch	85.00	95.00	100.00	110.00	.....	.....	.....	.....	.....
Safety slip wheel	40.00	45.00	50.00	60.00	60.00	70.00	80.00	.....	.....

FEDERAL GEARED PRESSES

	2 geared	3 geared	33 geared	4 geared	5 geared	6 geared	7 geared
Standard geared presses (f. o. b. Elkhart, Ind.)	$425.00	$625.00	$750.00	$865.00	$1,208.00	$1,840.00	$2,310.00
Motor-horsepower—speed	1½-1,800	2-1,800	2-1,800	3-1,800	3-1,800	5-1,800	7½-1,800
Use extras listed above.							

FELLOW GEAR SHAPER CO., SPRINGFIELD, VT.

6 TYPE GEAR SHAPERS

	Price
No. 61	$4,795
No. 64	5,510
No. 612	4,940
No. 621	5,650
No. 615 [1]	4,930
No. 645 [1]	5,635

6-A TYPE GEAR SHAPERS

No. 61A	6,580
No. 612A	6,710
No. 64A	7,575
No. 621A	7,700
No. 615A	6,780
No. 645A	7,745
No. 62A3	6,710
No. 624A3	7,700
No. 65A3	6,780
No. 645A3	7,745

GEAR SHAPER

No. 30	25,000

7 TYPE GEAR SHAPERS

No. 7	3,750
No. 71	3,750
No. 72	3,860
No. 712	3,860
No. 75 [1]	3,835
No. 715 [1]	3,835
No. 725 [1]	3,950

FELLOW GEAR SHAPER CO., SPRINGFIELD, VT.—Continued

7 TYPE GEAR SHAPERS—continued

	Price
No. 7125 [1]	$3,950
No. 77	4,350
No. 775	4,375

7-A TYPE GEAR SHAPERS

No. 7A	4,060
No. 71A	4,060
No. 75A [1]	4,180
No. 715 A [1]	4,180
No. 725 A [1]	4,330
No. 7125A [1]	4,330
No. 77A	4,695
No. 775A	4,720

RACK SHAPER

No. 3-48	9,875
No. 3-60	10,045

HORIZONTAL GEAR SHAPER

No. Z-model	12,875

PITCH GEAR SHAPER

No. 3 fine	2,700

[1] Price correction advised by manufacturer. Prices differ from those shown in first edition of Prices of New Machine Tools.

FELLOW GEAR SHAPER CO., SPRINGFIELD, VT.—Continued

STRAIGHT LINE GEAR GENERATOR

	Price
	$4,000

THREAD GENERATOR

No. 4-T	7,275

HOURGLASS THREAD GENERATOR

No. 5-T	5,487
No. 6-T	6,000

NOTE.—No. 6-T Discontinued in 1938.

ENVELOPING GEAR GENERATOR

No. 4	7,000
No. 8	2,900

GEAR FINISHING

No. 18	7,800

18-TYPE GEAR LAPPING

No. 7LS	3,995
No. 8LS	4,995
No. 10LS	4,175
No. 13LS	5,150
For work support	245

GEAR BURNISHING

No. 4B	2,895
No. 8B—see note	1,750

NOTE.—Spec. 3-inch gear attachment, $395.

HELICAL CUTTER SHARPENING

No. 4S—without automatic feed	3,895
No. 18—with automatic feed	4,400

RED LINER

No. 6M	1,800
No. 20M	3,000

INVOLUTE MEASURING

Without recording device:	
No. 6M	2,000
No. 12M	2,700
No. 18M	3,400
With recording device:	
No. 6M	2,900
No. 12M	3,600
No. 18M	4,200

FERRACUTE MACHINE COMPANY, BRIDGETON, N. J.

Capacity, 20 tons	50,150
Horizontal toggle and crank, 100-ton capacity	9,925
P5 special punching, 75-ton capacity, streamline special design with steel casting frame, etc	2,750
Special press C12, open back, 20-ton capacity, press with extra automatic dial feed attachment	7,722
Special gage punch, 150-ton capacity, special press with steel casting frame	8,775
Double action drawing DDG4 press, 55-ton capacity, special press with long strokes and accessories	3,900
Double action DD4 press, 55-ton capacity, standard press with roll feed, scrap cutter, motor drive	2,096

BAKER STEEL PRESS BRAKES

Series	Length	Weight	Price
	Feet	*Pounds*	
25	4	12,000	$3,695
25	5	12,670	3,980
25	6	13,300	3,195
25	7	14,400	3,295
25	8	15,500	3,375
25	10	16,500	3,420
50	5	15,750	3,400
50	6	14,500	3,380
50	8	17,000	3,500
50	10	19,000	3,700
50	12	24,000	4,200
100	4	55,000	4,295
100	10	27,500	4,200
100	12	30,000	4,695
150	8	40,000	6,295
150	10	46,000	6,500
150	12	52,000	6,900

STANDARD THROAT PUNCHING PRESSES

Not geared only

	Price
P1—20-ton pressure—weight 1,820 pounds with bolster	$1,[illegible]
Bolster	17
Ram knock-out bar type	[illegible]
P2—30-ton pressure—weight 2,775 pounds with bolster	[illegible]
Bolster	[illegible]
Ram knock-out bar type	[illegible]
P3—40-ton pressure—weight with bolster 4,[illegible] pounds	[illegible]
Bolster	[illegible]
Ram knock-out bar type	[illegible]
P4—55-ton pressure—weight with bolster 6,[illegible] pounds	645
Bolster	[illegible]
Ram knock-out bar type	94
P5—75-ton pressure—weight with bolster 9,[illegible] pounds	1,[illegible]
Bolster	55
Ram knock-out bar type	115
P6—105-ton pressure—weight with bolster, 14,465 pounds	1,[illegible]
Bolster	74
Ram knock-out bar type	145

FERRACUTE MACHINE COMPANY, BRIDGETON, N. J.—Continued

STANDARD THROAT PUNCHING PRESSES—continued

Geared only

	Price
PG1—20-ton pressure—weight with bolster 1,980 pounds	$605
Bolster	17
Ram knock-out bar type	55
PG2—30-ton pressure—weight with bolster 3,000 pounds	695
Bolster	22
Ram knock-out bar type	66
PG3—40-ton pressure—weight with bolster 4,250 pounds	845
Bolster	28
Ram knock-out bar type	77
PG4—55-ton pressure—weight with bolster 6,450 pounds	1,185
Bolster	39
Ram knock-out bar type	94
PG5—75-ton pressure—weight with bolster 10,050 pounds	1,655
Bolster	55
Ram knock-out bar type	115
PG6—105-ton pressure—weight with bolster 15,125 pounds	2,310
Bolster	72
Ram knock-out bar type	145

INCLINABLE POWER CUTTING PRESSES, OPEN BACK

Standard Machine—Flywheel Type

C1—8-ton pressure—weight with bolster and elevator 1,325 pounds	515
Bolster	10
Ram knock-out	25
C2—15-ton pressure—weight with bolster and elevator 2,300 pounds	565
Bolster	15
Ram knock-out	30
C3—25-ton pressure—weight with bolster and elevator 3,000 pounds	650
Bolster	25
Ram knock-out	35
C4—35-ton pressure—weight with bolster and elevator 4,900 pounds	820
Bolster	35
Ram knock-out	40
C5—50-ton pressure—weight with bolster and elevator 8,000 pounds	1,055
Bolster	55
Ram knock-out	44
C6—70-ton pressure—weight with bolster and elevator, 11,000 pounds	1,400
Bolster	74
Ram knock-out	55
C7—100-ton pressure—weight with bolster and elevator 16,000 pounds	2,005
Bolster	120
Ram knock-out	64

Geared Type

CG11—8-ton pressure—weight with bolster and elevator, 1,425 pounds	595
Bolster	10
Ram knock-out	25
CG12—15-ton pressure—weight with bolster and elevator, 2,450 pounds	655
Bolster	15
Ram knock-out	30
CG13—25-ton pressure—weight with bolster and elevator, 3,200 pounds	765
Bolster	25
Ram knock-out	35
CG14—35-ton pressure—weight with bolster and elevator, 5,200 pounds	975
Bolster	35
Ram knock-out	40
CG15—50-ton pressure—weight with bolster and elevator, 8,350 pounds	1,285
Bolster	55
Ram knock-out	44
CG16—70-ton pressure—weight with bolster and elevator, 11,500 pounds	1,690
Bolster	74
Ram knock-out	55
C22A—15-ton pressure—approximate weight, 1,600 pounds	550
Bolster	16
Ram knock-out	30
C23—25-ton pressure—approximate weight, 2,400 pounds	605
Bolster	25
Ram knock-out	35
C23A—25-ton pressure—approximate weight, 2,900 pounds	765
Bolster	25
Ram knock-out	35
C24—35-ton pressure—approximate weight, 4,300 pounds	875
Bolster	35
Ram knock-out	40
C25—50-ton pressure—approximate weight, 6,775 pounds	1,200
Bolster	55
Ram knock-out	45
C26—70-ton pressure—approximate weight, 9,500 pounds	1,695
Bolster	74
Ram knock-out	55

Flywheel Type

C21—8-ton pressure—approximate weight, 760 pounds	365
Bolster	10
Ram knock-out	25
C21A—8-ton pressure—approximate weight, 1,000 pounds	430
Bolster	10

FERRACUTE MACHINE COMPANY, BRIDGETON, N. J.—Continued

INCLINABLE POWER CUTTING PRESSES, OPEN BACK—con.

Flywheel Type—Continued

	Price
Ram knockout	$25
C22—15-ton pressure—approximate weight, 1,300 pounds	490
Bolster	16
Ram knockout	30
C25—50-ton pressure—approximate weight, 5,300 pounds	1,295
Bolster	55
Ram knockout	45
C25A—50-ton pressure—approximate weight, 10,000 pounds	2,010
Bolster	55
Ram knockout	45

Geared Type

CG21—8-ton pressure—approximate weight, 850 pounds	475
Bolster	10
Ram knockout	25
CG21A—8-ton pressure—approximate weight, 1,100 pounds	545
Bolster	10
Ram knockout	25
CG22—15-ton pressure—approximate weight, 1,450 pounds	600
Bolster	16
Ram knockout	30
CG22A—15-ton pressure—1,750 pounds	670
Bolster	16
Ram knockout	30
CG23—25-ton pressure—approximate weight, 2,600 pounds	845
Bolster	25
Ram knockout	35
CG23A—25-ton pressure—approximate weight, 3,100 pounds	895
Bolster	25
Ram knockout	35
CG24—35-ton pressure—weight, 4,550 pounds	1,020
Bolster	35
Ram knockout	40
CG25—50-ton pressure—approximate weight, 5,650 pounds	1,510
Bolster	55
Ram knockout	45
CG25A—50-ton pressure—approximate weight, 10,350 pounds	2,270
Bolster	55
Ram knockout	45

STANDARD THROAT ADJUSTABLE BED PUNCH PRESSES

Standard Machine Nongeared Only

PA1—20-ton pressure—approximate weight, 4,000 pounds	$590
Adjustable bed	85
Bolster	17
Ram knockout bar type	55
PA2—30-ton pressure—approximate weight, 5,800 pounds	735
Adjustable bed	105
Bolster	22
Ram knockout bar type	66
PA3—40-ton pressure—approximate weight, 7,200 pounds	920
Adjustable bed	140
Bolster	28
Ram knockout bar type	77
PA4—55-ton pressure—approximate weight, 8,600 pounds	1,215
Adjustable bed	175
Bolster	39
Ram knockout bar type	94
PA5—75-ton pressure—approximate weight, 11,200 pounds	1,620
Adjustable bed	215
Bolster	55
Ram knockout bar type	115
PA6—105-ton pressure—approximate weight 18,300 pounds	2,375
Adjustable bed	275
Bolster	72
Ram knockout bar type	145

Geared Only

PAG1—20-ton pressure—approximate weight 4,000 pounds	690
Adjustable bed	85
Bolster	17
Ram knockout bar type	55
PAG2—30-ton pressure—approximate weight 5,800 pounds	845
Adjustable bed	105
Bolster	22
Ram knockout bar type	66
PAG3—40-ton pressure—approximate weight 7,200 pounds	1,035
Adjustable bed	140
Bolster	28
Ram knockout bar type	77
PAG4—55-ton pressure—approximate weight 8,600 pounds	1,415
Adjustable bed	175
Bolster	39
Ram knockout bar type	94
PAG5—75-ton pressure—approximate weight 11,200 pounds	1,905
Adjustable bed	215

FERRACUTE MACHINE COMPANY, BRIDGETON, N. J.—Continued

STANDARD THROAT ADJUSTABLE RED PUNCH PRESSES—continued

Geared Only—Continued

	Price
Bolster	$55
Ram knockout bar type	115
PAG6—105-ton pressure—approximate weight 18,300 pounds	2,735
Adjustable bed	275
Bolster	72
Ram knockout bar type	145
PA2 Special, with motor drive, without bed	1,505

DEEP THROAT PUNCH PRESSES 12" TO 20" THROAT

Nongeared

P21—20-ton pressure—approximate weight 2,750 pounds	$580
Bolster	17
Ram knockout bar type	55
P22—30-ton pressure—approximate weight 4,440 pounds	730
Bolster	22
Ram knockout bar type	66
P23—40-ton pressure—approximate weight 6,420 pounds	910
Bolster	28
Ram knockout bar type	77
P24—55-ton pressure—approximate weight 9,570 pounds	1,200
Bolster	39
Ram knockout bar type	94
P25—75-ton pressure—approximate weight 13,420 pounds	1,705
Bolster	55
Ram knockout bar type	115
P26—105-ton pressure—approximate weight 20,130 pounds	2,600
Bolster	72
Ram knockout bar type	145

Geared

PG21—20-ton pressure—approximate weight 2,900 pounds	700
Bolster	17
Ram knockout bar type	55
PG22—30-ton pressure—approximate weight 4,650 pounds	860
Bolster	22
Ram knockout bar type	66
PG23—40-ton pressure—approximate weight 6,450 pounds	1,055
Bolster	28
Ram knockout bar type	77
PG24—55-ton pressure—approximate weight 9,900 pounds	1,510
Bolster	39
Ram knockout bar type	94
PG25—75-ton pressure—approximate weight 13,860 pounds	2,150
Bolster	55
Ram knockout bar type	115
PG26—105-ton pressure—approximate weight 20,790 pounds	3,035
Bolster	72
Ram knockout bar type	145

TOP TOGGLE, TIE-ROD CONSTRUCTION, GEARED TYPE EMBOSSING PRESSES

EG151—150-ton pressure—approximate weight 11,500 pounds	$3,180
These prices without bolster, bar knockout, motor drive, guards or automatic force feed oiling system.	
Bolster	40
Bar knockout in ram	40
EG251—250-ton pressure—approximate weight 19,600 pounds	4,635
Bolster	65
Bar knockout in ram	45
E401—400-ton pressure—approximate weight 2,400 pounds	5,855
Bolster	80
Bar knockout in ram	65
E601—600-ton pressure—37,500 pounds	8,055
Bolster	105
Bar knockout in ram	80
E801—800-ton pressure—approximate weight 51,000 pounds	10,770
Bolster	120
Bar knockout in ram	105
E1001—1,000-ton pressure—approximate weight 81,000 pounds	14,605
Bolster	150
Bar knockout in ram	135

NOTCHING PRESSES FOR LARGE DISCS—15-TON PRESSURE DISC DIAMETERS WITH STANDARD GEARS

C92—approximate weight 2,350 pounds	$2,200
Reeves variable speed drive without motor	155
C93—approximate weight 2,750 pounds	2,500
Reeves variable speed drive without motor	155
C94—approximate weight 3,150 pounds	2,650
Reeves variable speed drive without motor	155

EXTERNAL OR INTERNAL NOTCHING PRESSES—7-TON PRESSURE

#CS2—approximate weight 1,400 pounds	$1,275
External attachment	850
Internal attachment	1,000
#CS3—approximate weight 1,500 pounds	1,400

FERRACUTE MACHINE COMPANY, BRIDGETON, N. J.—Continued

EXTERNAL OR INTERNAL NOTCHING PRESSES—7-TON PRESSURE—continued

	Price
External attachment	$850
Internal attachment	1,000
#C83—Special—approximate weight 1,400 pounds.	1,530
External attachment	1,020
Internal attachment	1,200

INCLINABLE POWER CUTTING PRESSES OPEN BACK

Dual C22-C22—20-ton capacity—weight 1,300 pounds	
With friction dial, hopper, motor drive and motor	$6,039
Dual C23-C23—30-ton capacity—weight 2,400 pounds	
With friction dial, hopper, motor drive and motor	6,452
C21—10-ton capacity—weight 750 pounds	
With feed attachment, motor drive and motor	3,735
C22—20-ton capacity—weight 1,300 pounds	
With feed attachment, motor drive and motor	4,020

DEEP THROAT PUNCHING PRESSES 12" TO 20" THROAT

P12—30-ton pressure—weight 3,550 pounds	$735
Bolster	22
Ram knockout bar type	66
P31—20-ton pressure—weight 3,990 pounds	790
Bolster	17
Ram knockout bar type	55
P33—40-ton pressure—weight 7,125 pounds	1,635
Bolster	28
Ram knockout bar type	77
P24—55-ton pressure—weight 10,050 pounds	2,325
Bolster	39
Ram knockout bar type	
PG33—40-ton pressure—weight 7,350 pounds	1,960
Bolster	28
Ram knockout bar type	77
P034—55-ton pressure—weight 10,370 pounds	2,520
Bolster	39
Ram knockout bar type	94
P43—40-ton pressure—weight 10,000 pounds	1,780
Bolster	28
Ram knockout bar type	77

STANDARD THROAT SPRUE-CUTTING PRESSES

PSG2—30-ton pressure—weight 2,970 pounds	$1,070
Cutters	95
PSG5—75-ton pressure—weight 9,900 pounds	2,715
Cutters	110
PSG6—105-ton pressure—weight 14,850 pounds	3,250
Cutters	120

DEEP THROAT SPRUE CUTTING PRESSES 12" TO 20" THROATS

PS12—30-ton pressure—weight 3,520 pounds	$1,035
Cutters	95
PS13—40-ton—weight 4,840 pounds	1,255
Cutters	95

BENCH AND LEG TYPE INCLINABLE POWER PRESSES

CBO1—2-ton—weight 325 pounds	$295
CO1—2-ton—weight 425 pounds	310
CBO2—4-ton—weight 425 pounds	325
CO2—4-ton—weight 550 pounds	355

BENCH AND PEDESTAL TYPE THROATED PUNCHING PRESSES

PBO1—2-ton—weight 520 pounds	$295
Bolster	9
PO1—2-ton—weight 710 pounds	315
Bolster	9
PBO2—4-ton—710 pounds	345
Bolster	12
PO2—4-ton—910 pounds	360
Bolster	12
PBO3—8-ton—weight 1,040 pounds	410
Bolster	14
PO3—8-ton—weight 1,260 pounds	435
Bolster	14

STRAIGHT SIDE EMBOSSING PRESSES

E2—30-ton—weight 2,100 pounds	$1,034
Bolster	35
Ram knockout bar type	66
E3—40-ton—weight 3,100 pounds	1,165
Bolster	45
Ram knockout bar type	77
E4—50-ton—weight 4,500 pounds	1,310
Bolster	55
Ram knockout bar type	94

ARCH POWER PRESSES

E26—105-ton—12,000 pounds	$1,865
Bolster	100
Ram knockout bar type	145
EG21—20-ton—2,100 pounds	900
Bolster	40
Ram knockout bar type	55
EG24—55-ton—6,300 pounds	1,750
Bolster	70
Ram knockout bar type	94

BOTTOM TOGGLE EMBOSSING PRESSES

E52—150-ton—weight 5,900 pounds	$2,295
Bolster	45

BOTTOM TOGGLE EMBOSSING PRESSES—continued

	Price
Bar knockout for the ram	
E53—250-ton—9,700 pounds	$2,535
Bolster	60
Bar knockout for the ram	
EG51—75-ton—4,100 pounds	1,830
Bolster	35
EG52—150-ton—6,200 pounds	2,475
Bolster	45
EG53—250-ton—10,000 pounds	2,865
Bolster	60

ADJUSTABLE BED CUTTING PRESSES

CA11—8-ton—1,800 pounds	$950
Adjustable bed	75
Bolster	10
Ram knockout bar type	25
CA13—25-ton—4,150 pounds	1,270
Adjustable bed	145
Bolster	25
Ram knockout bar type	35
CA14—35-ton—weight 6,650 pounds	1,340
Adjustable bed	225
Bolster	25
Ram knockout bar type	40
CA15—50-ton—10,200 pounds	1,635
Adjustable bed	300
Bolster	55
Ram knockout bar type	44
CA16—70-ton—17,300 pounds	2,665
Adjustable bed	450
Bolster	74
Ram knockout bar type	55

STANDARD THROAT DRAWING PRESSES—SOLID FRAME

DG6—105-Ton—weight 19,800 pounds	$4,300
DG7—150-ton—weight 29,700 pounds. Including bolster, motor drive, and guards.	9,880
DG7½—175-ton—weight 38,500 pounds. Including bolster motor drive, and guards.	11,625

STANDARD THROAT, DOUBLE ACTION DRAWING PRESSES—SOLID FRAME

DD5—75-ton pressure—weight 9,735 pounds. Including bolster and elevator.	$5,215
DDG5—75-ton pressure—weight 10,175 pounds. Including bolster and elevator.	5,505

STANDARD, STRAIGHT SIDE, DRAWING PRESSES—TIE ROD CONSTRUCTION

DG54—55-ton—weight 8,360 pounds	$2,410
Bolster	60
Ram knockout bar type	50
DG56—105-ton—18,700 pounds	3,810
Bolster	100
Ram knockout bar type	70

STANDARD, SINGLE CRANK DRAWING PRESSES, TIE ROD CONSTRUCTION—SINGLE GEARED

DG56½—125-ton—weight 23,100 pounds	$6,800
Bolster	120
Ram knockout bar type	90
DG57—150-ton—weight 25,300 pounds	9,420
Bolster	140
Ram knockout bar type	110
DG58—200-ton—35,200 pounds	13,070
Bolster	175
Ram knockout bar type	140
DPG55 solid—75-ton—weight 13,000 pounds	2,579
Bolster	70

STANDARD, SINGLE CRANK, DOUBLE ACTION, TOGGLE DRAWING PRESSES—TIE ROD CONSTRUCTION

DD121—125-ton capacity press with bolster, motor drive, and guards—Weight 33,000 pounds	$14,070
D251—250-ton capacity press with bolster, motor drive, and guards—Weight 68,200 pounds	22,150

BLANKING AND CUPPING DOUBLE ACTION PRESSES—SINGLE CRANK—TIE ROD CONSTRUCTION

DD55—75-ton capacity—with roll feed, scrap cutter, V-belt motor drive, etc	$10,600
DDG55—105-ton capacity—with roll feed, scrap cutter, V-belt motor drive, etc	12,300
DDG55—75-ton capacity—(solid frame) with sliding feed attachment, motor drive, etc	3,871
DD1—15-ton capacity—with roll feed, scrap cutter, motor drive, etc	4,285

STANDARD STAMPING PRESSES—SOLID COLUMN

S35—40-ton—weight 4,950 pounds	$1,975
Bolster	65
SG15—20-ton—3,400 pounds	1,990

STANDARD THROAT STAMPING PRESSES

55-Ton Capacity

S51 Tie Rod—Weight 9,900 pounds—Incl. Air Ram Balance	$2,800
STG51—Weight 10,340 pounds. Price includes Bolster and Air Ram Balance	3,255

STANDARD THROAT STAMPING PRESSES—continued

55-Ton Capacity—Continued

	Price
S52 Tie Rod—Weight 11,000 pounds. Price includes Bolster and Spring Ram Balance	$2,855
S53—Weight 12,100 pounds. Price includes Bolster and Spring Ram Balance	3,240

75-Ton Capacity

SG73 Tie Rod—Weight 18,700 pounds. Price includes Bolster and Spring Ram Balance	$7,700
SG77 Tie Rod—Weight 28,600 pounds. Price includes Bolster, Knockout, and Air Ram Balance	11,720

SINGLE ACTION DRAWING PRESSES

E4—55-ton capacity—with 2-tract feeding attachment, hopper and V-belt motor drive	$8,900
DG55—75-ton capacity—with automatic feeding attachment and V-belt motor drive	10,945
DG56—105-ton capacity—(12" stroke) with automatic feeding attachment and V-belt motor drive	11,875
DG56—105-ton capacity—(16" stroke) with automatic feeding attachment and V-belt motor drive	11,905
DG56—105-ton capacity—(20" stroke) with automatic feeding attachment and V-belt motor drive	12,075
DG56—105-ton capacity—(24" stroke) with automatic feeding attachment and V-belt motor drive	12,110
DG56½—125-ton capacity—(14" stroke) with automatic feeding attachment and V-belt motor drive	12,475
DG57—150-ton capacity—(14" stroke) with automatic feeding attachment and V-belt motor drive	13,760
DG56½—125-ton capacity—(24" stroke) with automatic feeding attachment and V-belt motor drive	13,980
D251—250-ton capacity—(28" stroke) with V-belt motor drive, without attachments	13,375
D251—250-ton capacity—(40" stroke) with V-belt motor drive, without attachments	14,245
D301—300-ton capacity—(16" stroke) with V-belt motor drive, without attachments	14,165
D301—300-ton capacity—(20" stroke) with V-belt motor drive, without attachments	14,535
D301—300-ton capacity—(40" stroke) with V-belt motor drive, without attachments	17,880
D301—300-ton capacity—(50" stroke) with V-belt motor drive, without attachments	18,050
D401—400-ton capacity—(18" stroke) with V-belt motor drive, without attachments	18,040
D401—400-ton capacity—(24" stroke) with V-belt motor drive, without attachments	18,750

DOUBLE CRANK STAMPING PRESSES

SRG 103—105-ton capacity—with bolster, motor drive and guards	$3,380
SNG 104—105-ton capacity—with bolster, motor drive and guards	4,775
SG 111—105-ton capacity—with bolster, motor drive and guards	6,070
SG 113—105-ton capacity—with bolster, motor drive and guards	6,180
SG 114—105-ton capacity—with bolster, motor drive and guards	6,290
SG 116—105-ton capacity—with bolster, motor drive and guards	9,132
SG 121—125-ton capacity—with bolster, motor drive and guards	5,860
SGF 121—125-ton capacity—with bolster, motor drive and guards	9,970
SGF 151—150-ton capacity—with bolster, motor drive and guards	10,856
SG 153—150-ton capacity—with bolster, motor drive and guards	9,498
S 153—150-ton capacity—with bolster, motor drive and guards	9,700
S 173—175-ton capacity—with bolster, motor drive and guards	11,675
S 201—200-ton capacity—with bolster, motor drive and guards	13,720
SG 203—200-ton capacity—with bolster, motor drive and guards	13,205
S 251—250-ton capacity—with bolster, motor drive and guards	15,585
S 252—250-ton capacity—with bolster, motor drive and guards	17,805
S 253—250-ton capacity—with bolster, motor drive and guards	17,235
S 254—250-ton capacity—with bolster, motor drive and guards	18,000
S 406—400-ton capacity—with bolster, motor drive and guards	20,000

SINGLE ACTION DRAWING OR TAPERING PRESSES

DGGF 56—105-ton capacity double geared—(30" stroke), without attachments	$13,715
DGGF 56—105-ton capacity double geared—(40" stroke), without attachments	14,490
DGGF 55—75 ton capacity double geared—(30" stroke), without attachments	11,700
DGF 55—75-ton capacity single geared—(22" stroke), with air clutch, etc	7,847

HOT TOGGLE, TIE ROD CONSTRUCTION, INDENTING AND HEADING PRESSES

FG 251—250-ton capacity—with dial feeding attachment, motor drive and guards	$11,950
F 401—400-ton capacity—with dial feeding attachment, motor drive and guards	12,500
F 601—600-ton capacity—with dial feeding attachment, motor drive and guards	17,750
F 1001—1,000-ton capacity—with dial feeding attachment, motor drive and guards	30,000
F 1201—1,200-ton capacity—with dial feeding attachment, motor drive and guards	35,400
F 1501—1,500-ton capacity—with dial feeding attachment, motor drive and guards	36,875

PRESSES AND MACHINES FOR MUNITION WORK, ETC.

C 12—20-ton capacity, .30 and .45 Cal. Cannelure and Finishing Press with hopper, motor, etc	$6,706
[illegible]—55-ton capacity, .30 Cal. Automatic Bullet Assembling Press with hoppers, motor, etc	14,550
[illegible]—75-ton capacity, .50 Cal. automatic bullet assembling press with hoppers, motor, etc	16,600
Loading and heading machine—50-ton capacity, .50 cal. with hopper, motor, etc	5,450
Loading and heading machine—100-ton capacity, .50 cal. with hopper, motor, etc	10,307
Automatic straight line loading machine—.50 cal. with hoppers, etc., but without motor	15,750
Automatic straight line priming machine with motor—.50 cal.	16,250
Tapering press with dial and attachments but without motor 30-ton capacity—.30 caliber	9,100
Tapering press with dial and attachments but without motor 75-ton capacity—.50 caliber	14,140
Dual presses C24-C24—40-ton capacity—with friction dials, hopper, motor, etc	9,600
Dual presses C24-C24—40-ton capacity—with friction dials, hoppers, motor, etc	9,500
Dual presses C025-C025—75-ton capacity—with friction dials, hoppers, motor, etc	11,065
Dual presses C016-C016—75-ton capacity—with friction dials, hopper, motor, etc	12,815
C 24—40-ton capacity—with dial feeding attachment, etc., but without motor	8,250
D 25—75-ton capacity—with dial feeding attachment, etc., but without motor	10,250
C 025—75-ton capacity—with dial feeding attachment, etc., but without motor	8,550
Reducer trimming lathe without motor but with hopper	4,400
F 61—75-ton capacity—automatic, 4-station drawing press with hopper, etc., but without motor	11,850
Reducer jacket, trimming lathe with hopper	3,600

MULTICOLUMN PRESSES

CM[illegible]—150-ton capacity—with bolster, motor drive and guards	15,970

FISCHER MACHINE COMPANY, PHILADELPHIA, PA.

Lander oil groover No. 1 (motor not included, 2 hp. 900-1200 r. p. m.)	$875
Reducing and taper attachment No. 1—extra	200
Reducing and taper attachment No. 1 when ordered with machine	175
Reducing attachment only, No. 1, extra	175
Reducing attachment only, No. 1, when ordered with machine	150
Air chuck for O. G. No. 1, attached, extra	198
Three-jaw universal chuck (6 inches) for O. G. No. 1, extra	42
High speed chucking equipment (relieving attachments, extra as above	250
High speed chucking equipment, collets in six-tenths up to 2 inches each	4
Tool stock No. 1	85
Arrange for motor drive, including belts, geared, motor bracket and wiring if motor is supplied	40
Boxing for export	50
Lander oil groover No. 2 arranged for motor drive, including belts, guard, etc. (Motor not included. 3 hp. 600 to 900 r. p. m., variable speed.)	2,600
Reducing and taper attachment No. 2	400
Three jaws (12¾ inches), combination chuck	168
Tool stock	170
Spindle steady rest	60
Bench face plate	25
Boxing for export	50
Prices f. o. b. Philadelphia, Pa.	

FITCHBURG GRINDING MACHINE CORPORATION, FITCHBURG, MASS.

PRESENT PRICES

12" x [illegible]" bath universal grinder	$4,880
6" x 18" plain cylindrical grinder	3,840
6" x 24" plain cylindrical grinder	*4,170
14" x 24" spline and gear grinder (base price only)	5,830
14" x 36" spline and gear grinder (base price only)	6,860
12" x 60" spline and gear grinder (base price only)	7,920

OBSOLETE MACHINES (LAST PRICE)

10" x 27" bath Universal (overhead-drive)	3,440
12" x 36" bath Universal (overhead-drive)	4,170
6" x 20" plain grinder	2,920
8" x 20" plain grinder	3,260
8" x 36" plain grinder	3,420

THE FOOTE-BURT CO., CLEVELAND, OHIO

SENSITIVE DRILLING MACHINE

	Weight	Belt drive	Motor drive
	Pounds		
DE type—Floor type:			
1 spindle	410	$345	$405
2 spindle	590	605	725
3 spindle	850	865	1,045
4 spindle	1,140	1,120	1,365
6 spindle	1,975	1,650	2,015
DE type—Bench type:			
1 spindle	195	290	350
2 spindle	350	525	645
3 spindle	520	760	940
4 spindle	660	980	1,220
6 spindle	1,030	1,435	1,800
BK type:			
1 spindle	525	360	425
2 spindle	830	580	710
3 spindle	1,075	780	980
4 spindle	1,350	1,035	1,320
6 spindle	1,900	1,580	1,975
2 spindle on 3 Sp. Base	900	625	760
BW or No. 2, 8" over-hang:			
1 spindle	1,050	470	510
2 spindle	1,450	770	880
3 spindle	1,850	1,100	1,265
4 spindle	2,500	1,435	1,655
6 spindle	3,700	2,105	2,435
BX or No. 2, 12" overhang:			
1 spindle	1,175	495	540
2 spindle	1,610	835	945
3 spindle	2,080	1,185	1,350
4 spindle	2,660	1,540	1,760
6 spindle	3,800	2,240	2,570
No. 3 machine:			
1 spindle on 30" base	2,200	720	------
2 spindle on 30" base	2,900	1,325	------
1 spindle on 15" base	1,700	600	------

THE FOOTE-BURT CO., CLEVELAND, OHIO—Con.

INDEPENDENT FEED DRILLING MACHINES

Number	Type	Capacity	Weight	Present price
			Pounds	
1	4-spindle	¾"	2,500	$2,400
1½	5-spindle	¾"	4,600	3,960
2	4-spindle	1⅜"	7,000	4,640
3	6-spindle	1⅜"	12,000	7,815
4	4-spindle	2"	10,000	6,350
5	6-spindle	2"	14,000	8,975
4½	4-spindle	3"	12,000	8,470
5½	6-spindle	3"	17,000	11,700
17	2-spindle	2"	8,600	4,265

HIGH-DUTY DRILLING MACHINES

21½	Manufacturing	1½"	1,750	$1,470
22½	do	2½"	3,575	2,220
23½	do	3½"	5,500	3,025
23	Gear box	1½"	1,875	1,775
23	Manufacturing	1½"	1,750	1,380
24	Gear box	2"	2,650	2,510
24	Manufacturing	2"	2,575	2,085
25	24" gear box	3"	3,100	2,715
25	30" gear box	3"	3,400	3,140

HAMMOND RADIAL DRILLS

[Type C & D on column and base. Friction head for drilling and tapping]

Specifications

	Type C	Type D
Vertical adjustment of saddle	24"	24"
Traverse of spindle	8"	8"
Diameter of spindle	1"	1⅜"
Hole in spindle	No. 2 Morse taper	No. 3 Morse taper.
Diameter of friction cone	7"	10"
Spindle speeds	390–625–1000	300–485–775.
Working surface of base	34" x 48"	34" x 48".
Shipping weight with table	3,000 pounds.	3,000 pounds.
Shipping weight without table	2,500 pounds.	2,500 pounds.
Capacity in steel	⅝" drill, ½" taper	⅞" drill, ¾" taper.
Capacity in cast iron	¾" drill, ⅝" taper	1" drill, ¾" taper.

Prices

	Type C	Type D
On column and base complete with motor and starter	$1,210	$1,295
On column and base arranged for, but not including motor	1,135	1,220
On column and base arranged for, belt drive	1,135	1,220
20" x 30" box type work table 22" high	95	95

TYPE G RADIAL, 6-SPEED BALL-BEARING GEARED HEAD FOR DRILLING AND TAPPING AUTOMATIC (AND HAND) REVERSAL

Specifications

Vertical adjustment of saddle 24"
Traverse of spindle 7"
Motor, 1 h. p. 900-1800 r. p. m.
Spindle speeds, 95, 190, 380, 570, 760, 1140 r. p. m.
Diameter splined end of spindle, 1¼"
Standard hole in spindle, No. 3 Morse Taper.
Capacity in steel, 1⅛" drill, ⅞" tap.
Capacity in cast-iron, 1¼" drill 1" tap.
Working surface of base, column and base type 34" x 48"
Shipping weight, column and base type, with work table 3,000 lbs.
Shipping weight, column and base type without work table 2,500 lbs.
Shipping weight, post or wall type 950 lbs.

Prices

	Column and base type	Post or wall type
Complete with electrical equipment power elevating mechanism and controls	$1,720	------
Arranged for hand elevation, complete otherwise	1,485	$1,255
Extra for 20" x 30" x 22" box type work table	95	------

HAMMOND NO. 2 SURFACE GRINDER

[Direct inbuilt motor spindle, hand feed]

Specifications

Longitudinal travel, 18"
Transverse travel, 6½"
Vertical travel, 10¾"
Standard wheel, 7" x 1¾" x 1¼" hole
Distance 7" wheel to table, 9½" maximum
Working surface of table, 6" x 18"
Spindle speed, 3,450 r. p. m.
Transverse feed, .250" per rev.
Vertical feed, .050" per rev.
Shipping weight, 1,900 pounds.

Prices

No. 2 grinder arranged for but not including spindle	$1,000
Extra for spindle	225
Extra for motor-driven exhaust attachment complete	135

THE FOSDICK MACHINE TOOL CO., CINCINNATI, OHIO

UPRIGHT DRILLS

	Weight, crated for shipment	Price
	Pounds	
21″ round-column upright drill	2,800	$1,600
21″ box-column upright drill	3,000	1,650
30″ round-column upright drill	4,000	2,300
30″ box-column upright drill	4,350	2,350

FOSDICK ECONOMAX HYDRAULIC RADIAL DRILLS

Size	Shipping weight	Price
	Pounds	
3-foot 11-inch column	7,650	$6,215
4-foot 11-inch column	7,800	6,515
4-foot 13-inch column	11,200	7,000
4-foot 15-inch column	13,800	8,000
5-foot 13-inch column	12,100	7,325
5-foot 15-inch column	15,300	8,350
5-foot 17-inch column	18,800	9,575
6-foot 15-inch column	18,850	8,700
6-foot 17-inch column	20,300	9,950
6-foot 19-inch column	22,400	11,300
7-foot 17-inch column	21,850	10,325
7-foot 19-inch column	24,000	11,700
8-foot 19-inch column	25,300	12,100

UPRIGHT DRILLS

25″ round column	3,200	$1,800
25″ box column	3,500	1,850

(Above weights cover the machines crated for shipment.)

JIG BORERS

No. 30 table size 15″ x 36″	[1] 6,700	$5,000
No. 30-A table size 22″ x 44″	[1] 7,600	6,000

[1] Crated for shipment.

NO. 1 AND NO. 2 SUPERSPEED SENSITIVE DRILLS

No. 1 bench type	Weight	Price	No. 2 floor type	Weight	Price
	Pounds			*Pounds*	
1-spindle	360	$305	1-spindle	700	$365
2-spindle	700	560	2-spindle	875	635
3-spindle	850	795	3-spindle	1,390	905
4-spindle	1,100	1,025	4-spindle	1,900	1,290
6-spindle		1,500	6-spindle	2,550	1,725

NO. 4 AND NO. 5 HIGH-SPEED BALL-BEARING SENSITIVE DRILLS

[No. 4, 7/8″ capacity; No. 5, 1¼″ capacity. 12″ overhang]

No. 4 sensitive	Weight	Price	No. 5 sensitive	Weight	Price
	Pounds			*Pounds*	
1-spindle	1,400	$600	1-spindle	1,750	$760
2-spindle	2,100	1,000	2-spindle	3,150	1,345
3-spindle	2,800	1,420	3-spindle	4,100	1,920
4-spindle	4,300	1,850	4-spindle	5,800	2,595
5-spindle	4,750	2,155	5-spindle		
6-spindle	5,460	2,690	6-spindle	8,500	3,760

NO. 4-BM AND NO. 5-BM HIGH-SPEED BALL-BEARING MOTOR-DRIVEN SENSITIVE DRILLS

[No. 4-BM, 7/8″ capacity; No. 5-BM. 1¼″ capacity 12″ overhang]

No. 4-BM	Weight	Price	No. 5-BM	Weight	Price
	Pounds			*Pounds*	
1-spindle	1,650	$895	1-spindle	2,150	$1,065
2-spindle	2,400	1,625	2-spindle	4,200	1,990
3-spindle	3,900	2,360	3-spindle	6,250	2,910
4-spindle	5,400	3,080	4-spindle	7,900	3,835
5-spindle	7,000	3,805	5-spindle		
6-spindle	8,000	4,535	6-spindle	10,500	5,680

FOX GRINDERS, INC., PITTSBURGH, PA.

SWING FRAME GRINDERS

Size carrying wheels without motors			With motor	
No. 8.	16 x 2 or 2½ x 6	$500	7½ H.P.—2 V-Belts	$640
No. 6.	20 x 2 or 2½ x 6	660	10 H. P.—3 V-Belts	762
No. 4.	24 x 3 or 12″	777	15 H. P.—3 V-Belts	970

STAND GRINDERS

No. 5.	24 x 3 x 12	$578	10 H. P.—4 V-Belts	$720
No. 7.	30 x 4 x 12	756	15 H. P.—4 V	930

All motors are totally enclosed, fan-cooled ball-bearing type. Motor prices include starting equipment.
Prices are based on using 220/440-volt 50-cycle, 3-phase current.

FRAY MACHINE TOOL CO., GLENDALE, CALIF.

Fray No. 7 all-angle milling machine. Price..... $1,475
Price does not include head or milling attachment. Approximate weight of machine 1,500 lbs.
Fray all-angle milling attachment type A. Weight 60 lbs. Price..... 195
Equipped with back gear unit. Price..... 245
Fray all-angle milling attachment type B. Weight 105 lbs. Price..... 245
Equipped with back gear unit. Price..... 295
Fray all-angle milling attachment type C. Weight 115 lbs. Price..... 345
Equipped with back gear unit. Price..... 395

THE FREW MACHINE CO., PHILADELPHIA, PA.

NO. 1 AUTOMATIC TAPPING MACHINES

Belt drive with plain countershaft..... $530
Vee belt motor drive, without motor, but with motor base and motor pulley:
Single spindle speed..... 545
Three spindle speeds..... 575
Mounting and wiring customer's motor and switch..... 20
Foot treadle..... 40

[1] Prices corrected upon advice of manufacturer. They differ from those shown in first edition of Prices of New Machine Tools.

NO. 2 AUTOMATIC TAPPING MACHINES

Single speed, belt drive with countershaft..... $840
Two speeds, belt drive with countershaft..... 920
Four speeds, gear box, motor drive but without motor..... 1,210
Mounting and wiring customer's motor and switch..... 20
Oil pump and piping for tappers..... 95

PROFILING MACHINES

Size	Single spindle	Double spindle
No. 4, belt drive	$2,150	$2,450
No. 5, belt drive	2,800	3,450
No. 5A, belt drive	2,900	3,550
No. 6, belt drive	3,550	4,050
No. 6A, belt drive	3,850	4,450
Motor drive parts but without motor		155
Pump and piping		125
Mounting and wiring customer's motor and switch		25
No. 3 motor on spindle drive, including motor and switch		2,000

CAM MILLING MACHINES

6″ cam cutter, no fixtures, belt drive with countershaft	$1,105
6″ flat cam fixture for above	500
6″ cylinder cam fixture for above	590
12″ cam cutter, no fixtures, belt drive	(1)
12″ flat cam fixture for above	(1)
12″ cylinder cam fixture for above	(1)
24″ and 30″ cam cutters	(1)
Pump and piping	95
12″ cam cutting attachment for standard milling machines, power feed	750

[1] Prices on application.

THE FREW MACHINE CO., PHILADELPHIA, PA.—Continued

NO. 3 CHUCKING LATHE

No. 3, Chucking Lathe, air operated, with 6″ chuck and cylinder, plain slide, belt drive..... $1,[illegible]
Pump and piping..... 1[illegible]

HAND MILLING MACHINES

No. 2, Hand Miller, belt drive, four step cone, countershaft, bench type..... $[illegible]
No. 2, Vee-Driv Hand Miller, bench type, with ¾ hp. motor and switch, three spindle speeds: 3,600—2,700—1,800 r. p. m.; 1,800—1,350—900 r. p. m.; 1,200—900—600 r. p. m.; 900—675—450 r. p. m. [illegible]
No. 2, Vee-Driv Hand Miller, bench type but without motor or switch [illegible]
Mounting customer's motor and switch..... 1[illegible]
Extras for No. 2 millers:
Screw feed to table instead of lever feed..... [illegible]
Screw feed to knee instead of lever feed..... [illegible]
Screw and lever feed to table..... [illegible]
Floor column base..... [illegible]
4″ plain vise..... [illegible]
Arbors, 1″ or ¾″ diameter..... [illegible]
Oil pump and piping..... [illegible]
No. 3, Hand Miller, belt drive with countershaft..... [illegible]
No. 3, Hand Miller, motor drive but without motor..... $[illegible]
Mounting and wiring customer's motor and switches..... [illegible]
8″ plain vise..... 4[illegible]
Arbor, 1″..... [illegible]
Oil pump and piping..... 1[illegible]

DUPLEX HORIZONTAL DRILLS

No. 0, Duplex Drill, hand screw feed, with drum countershaft..... $[illegible]
No. 0, Duplex Drill, lever feed, drum countershaft..... [illegible]

Other types and sizes of duplex drills special.
All prices which include motors and switches are based on 220/440 volt, 50 or 60 cycle, 2- or 3-phase currents.

GALLMEYER & LIVINGSTON CO., GRAND RAPIDS, MICH.

GRAND RAPIDS DRILL GRINDERS

[Prices, net crated f. o. b. Grand Rapids—motor driven—complete with 50 or 60 cycle motor and switch.]

Double Holder Types—Wet and Dry

Style	Capacity	Net weight	Crated weight	Net price
		Pounds	*Pounds*	
B-6-A	No. 52—1¼″	640	740	$540
C-6-A	No. 52—2½″	650	750	547
C-6-B	⅛—2½″	660	760	547
D-6-H	⅛—4″	735	845	608
D-6-A	No. 52—4″	725	835	608
E-6-B	⅛—5″	800	880	667

Single Holder Types—Wet

Style	Capacity	Net weight	Crated weight	Net price
		Pounds	*Pounds*	
A-6-T	No. 52—¾″	605	700	$510
B-6-T	⅛—1¼″	610	710	517
C-6-T	⅛—2½″	630	750	540
D-6-T	⅛—4″	700	810	585

Single Holder Types—Dry

Style	Capacity	Net weight	Crated weight	Net price
		Pounds	*Pounds*	
A-5-T	No. 52—¾″	480	580	$425
B-5-T	⅛—1¼″	490	590	432
C-5-T	⅛—2½″	500	600	440
A-7-T	No. 52—¾″	270	370	270
B-7-T	No. ⅛—1¼″	275	375	275
00	No. 60—⅞″	225	325	275

Bench Type

Style	Capacity	Net weight	Crated weight	Net price
		Pounds	*Pounds*	
A-7-T	No. 52—¾″	120	145	$313
B-7-T	⅛—1¼″	125	150	325
00	No. 60—⅞″	100	125	255

[1] Extra for direct current equipment, $50.

GALLMEYER & LIVINGSTON CO., GRAND RAPIDS, MICH.—Continued

TOOL AND CUTTER GRINDERS

Specifications

	No. 1½	No. 2	No. 4	No. 5
Size of table	5 x 26	5 x 26	5¼ x 42	6 x 60
Longitudinal travel	16	16	24	32
Transverse movement	6	8	9	10
Vertical movement	6¾	7	10¾	10¾
Maximum swing	9½ x 20	9½ x 20	10¾ x 32	10½ x 42
Capacity for face milling cutters	2½	2½	3¾	4½
Weight of machine, pounds	745	675	1,850	2,300
Weight complete, crated	875	790	2,000	2,400
Weight complete, boxed	1,025	840	2,200	2,600

HAND FEED SURFACE GRINDERS

No.	Type	Capacity	Net weight	Crated weight	Price of machine	Chuck price
			Pounds	*Pounds*		
1M	Single holder	No. 6 to 1¼″	390	455	$400	$100
2M	Single holder	⅜″ to 3″	400	475	425	115
12M	Double holder attachment on No. 12 machine for bent shank taps	No. 6 to 3″	425	500	495	115

[1] Extra for direct current equipment, $35.

GRAND RAPIDS COMBINATION TAP AND DRILL GRINDERS

[Motor driven 1—complete with 50 or 60 cycle motor and switch 1]

No. and type	Capacity	Net weight	Crated weight	Net price
		Pounds	*Pounds*	
10-A—taps No. 6 to 1½″, drills No. 52 to ¾″		500		$493
10-T—taps No. 6 to 1½″, drills No. 52 to 1½″		510		495
20-H—taps ¾″ to 3″, drills ½″ to 1½″		550		510
20-C—taps ¾″ to 3″, drills ¾″ to 2½″		560		513

[1] Extra for direct current equipment, $35.

UNIVERSAL CUTTER AND TOOL GRINDERS

Plain cutter and reamer grinder, motor driven, hand feed, equipped with headstock bored to take No. 12 B & S and standard milling machine taper with reducing collets to take No. 10, No. 9, and No. 7 B & S taper hole and cone; tools—quick-action lever handle; wheel guards; tooth rests; wrenches, quick-action lever handle; including standard 50 or 60 cycle electrical equipment and 6 grind wheels:

	Price
No. 3	$1,250
No. 4	1,360
No. 5	1,500
Extra for power feed proving 6 table speeds on No. 4 and No. 5 machines	175
Extra for wet grinding attachment on No. 4 and No. 5 machines	85
Complete universal cutter and tool grinder, motor driven, hand feed with attachments as listed with plain machine and cylindrical grinding attachment with ¼ hp., 50 or 60 cycle motor; internal grinding attachment; surface grinding attachment; gear cutter grinding attachment:	
No. 3	1,575
No. 4	1,675
No. 5	1,825
Extra for power feed providing 6 table speeds on No. 4 and No. 5 machines	175
Extra for wet grinding attachment on No. 4 and No. 5 machines	85

Prices of attachments included in prices of complete universal machines which may be deducted from total price if attachment not desired. These prices do not apply to sale of individual attachments purchased at a later date.

Cylindrical grinding attachment including 4″ 5-jaw chuck with taper to fit spindle of No. 4 machine, ¼ hp., 50 or 60 cycle motor..... $140.00

Internal grinding attachment including pulley, belt, T-slot bolts, and three wheels (requires cylindrical grinding attachment)..... 175.00

Surface grinding attachment including universal vise with extra V-jaw, center holder, tools, and extension spindle..... 875.00

Gear cutter grinding attachment..... 845.00

EXTRAS

Extra for steady rest		(1)
Extra for metal cabinet for attachments	(1)	165
Extra for 10″ chuck with taper shank and 12 expansion collets		20
Extra for deep hole internal attachment on no. 5 machine		85.00
Extra for 10″ chuck on no. 5 machine		15.00
Extra for universal milling attachment		125.00
Plain cutter and tool grinder no. 1½ machine, motor driven, equipped with headstock bored to take no. 12 B & S taper with reducing collets to take no. 10, no. 9, and no. 7 B & S taper hole and cone; spindle nose threaded to fit 3″ B & S taper hole and cone; tailstock with center; wheel flanges; wheel guards; tooth rests; tools—quick-action lever handle; wrenches, five grinding wheels and standard 50 or 60-cycle electric equipment:				
No. 1½			$4,125	$925
No. 2			3,675	400
Universal cutter and tool grinder, complete no. 1½ motor-driven universal cutter and tool grinding machine with cylindrical grinding attachment, motor headstock with ¼ hp. 50- or 60-cycle motor; surface grinding attachment; gear cutter grinding attachment, and internal grinding attachment:				
No. 1½			3,290	275
No. 2			2,625	253
No. 4			2,200	210
No. 5			1,500	115

Above prices cover motor driven machines complete with standard 50- or 60-cycle alternating current motors and controls, wired, ready to attach to line wires.
Prices on machines equipped with direct current or odd-frequency motors on application.

	Price
Extra for portable self-contained motor-driven unit for 45, 55, and 65 machines	$165.00
Extra for dust-collecting system on above machines	160.00
Extra for handwheel operation of longitudinal table movement on nos. 35, 45, 55 and 65	85.00
Extra for power-feed longitudinal table movement on no. 25 machines	60.00
Extra for patented vertical movement on no. 25 machine	75.00
Extra for power rapid vertical travel of wheel head on no. 44, regular equipment on nos. 45 and 55	125.00
Extra for raised column and 20″ diameter wheel on nos. 45, 55, and 65	$375.00
Extra for handling and mounting 8″ x 24″ or smaller magnetic chuck if furnished by customer	17.50
Larger than 8″ x 24″	25.00
Extra for truing device built into wheel hood with diamond	125.00
Extra for radius and angular truing device with diamond	220.00
Extra for radius truing device with diamond for both convex and concave radii	235.00

GALLMEYER & LIVINGSTON CO., GRAND RAPIDS, MICH.—Continued

SURFACE GRINDER

Model A Cross Traveling Head Type

Prices covering Model A machines include portable motor driven coolant system, standard 50 or 60 cycle alternating current motors with controls, and power rapid vertical travel of wheel head. Prices on direct current and odd frequency equipment on application.

Working surface of table (inches)	Capacity under standard wheel	Wheel size	Net weight	Code	Machine price	Chuck price, mounted
	Inches	*Inches*	*Pounds*			
12 x 36	17	14 x 3 x 5	9, 350		$4, 875	$400
12 x 48	17	14 x 3 x 5	10, 650		5, 400	525
12 x 60	17	14 x 3 x 5	11, 850		5, 800	650
12 x 72	17	14 x 3 x 5	14, 500		6, 200	775
14 x 36	17	14 x 3 x 5	9, 850		5, 475	450
14 x 48	17	14 x 3 x 5	11, 100		6, 200	600
14 x 60	17	14 x 3 x 5	12, 250		6, 800	750
14 x 72	17	14 x 3 x 5	15, 250		7, 400	900

Above machines can be equipped with 20" x 3" x 8" grinding wheel with 15-horsepower motor for driving wheel spindle and with capacity of 16" under the full 20" diameter wheel at an additional charge of $200.

Model F Production Type

[Prices quoted cover standard machines complete with motor driven self-contained coolant system, standard 50 or 60 cycle alternating current motors and controls and power rapid vertical travel of wheel head. Prices on machines with odd frequency and direct current motors will be furnished on request.]

Working surface of table (inches)	Capacity under standard wheel	Wheel size	Net weight	Code	Machine price	Chuck price, mounted
	Inches	*Inches*	*Pounds*			
12 x 36	16	14 x 3 x 5	12, 500		$6, 100	$400
12 x 48	16	14 x 3 x 5	14, 000		6, 600	525
12 x 60	16	14 x 3 x 5	15, 500		6, 900	650
12 x 72	16	14 x 3 x 5	17, 000		7, 450	775
14 x 36	16	14 x 3 x 5	13, 500		6, 750	450
14 x 48	16	14 x 3 x 5	15, 000		7, 200	600
14 x 60	16	14 x 3 x 5	16, 500		7, 650	750
14 x 72	16	14 x 3 x 5	18, 000		8, 300	900
16 x 48	17	20 x 4 x 10	22, 500		8, 800	700
16 x 60	17	20 x 4 x 10	23, 500		9, 250	825
16 x 72	17	20 x 4 x 10	24, 500		9, 700	1, 050
18 x 48	17	20 x 4 x 10	23, 000		9, 100	825
18 x 60	17	20 x 4 x 10	24, 500		9, 550	950
18 x 72	17	20 x 4 x 10	26, 000		10, 000	1, 200
20 x 48	25	20 x 6 x 10	24, 000		9, 640	925
20 x 60	25	20 x 6 x 10	25, 500		10, 050	1, 125
20 x 72	25	20 x 6 x 10	27, 000		10, 500	1, 400

Extra for automatic down feed (page 12)	$525
Extra for motor driven dust collector unit	250
Extra for diamond trueing device with diamond (page 12)	185
Extra for two spindle speeds 12" and 14" wide machines	400
Extra for two spindle speeds 16" and 18" wide machines	425
Extra for two spindle speeds 20" and 24" wide machines	475

GARDNER MACHINE CO., BELOIT, WIS.

SINGLE SPINDLE DISK GRINDERS

[With 1 plain and 1 universal table, 2 steel disk wheels. Motor-driven machines include Standard A. C. motors]

Size	Drive	Weight	Price
		Pounds	
No. 1, 12"	Belt	640	$423.00
No. 1, 12"	M. D	1, 125	671.00
No. 2, 18"	Belt	1, 400	669.00
No. 2, 18"	M. D	1, 820	903.00
No. 4, 20"	Belt	2, 500	758.00
No. 4, 20"	M. D	2, 640	1, 143.00
No. 5, 18"	M. D	1, 600	618.00
No. 6, 26"	Belt	2, 600	857.00
No. 6, 26"	M. D	2, 775	1, 387.00
No. 7½, 30"	Belt	3, 350	1, 043.00
No. 7½, 26"	M. D	3, 150	1, 614.00

DOUBLE SPINDLE DISK GRINDERS

No. 14, 20"	Belt	3, 100	$1, 333.00
No. 14, 20"	M. D	3, 100	1, 558.00

VERTICAL SPINDLE HORIZONTAL DISK GRINDERS

No. 88, 18"	Vert. motor	1, 800	$561.50
No. 86, 30"	Belt	1, 700	912.00
No. 86, 30"	Vert. motor	1, 800	1, 017.00
No. 24, 53"	do	4, 700	1, 945.00
No. 124, 53"	No motor	6, 350	1, 670.00
No. 79, 72"	Vert. motor	10, 000	3, 275.00
No. 179, 72"	No motor	11, 500	2, 525.00

THE GEAR GRINDING MACHINE CO., DETROIT, MICH.

LIST PRICE SCHEDULE

	Price f. o. b. Detroit
Types of gear grinding machines (involute and straight sided keys):	
GG-10 (external) 9" I. H., 10" diameter work, 10" between centers	$6, 850
GG-19 (external) 9" I. H., 10" diameter work, 24" between centers	7, 000

THE GEAR GRINDING MACHINE CO., DETROIT, MICH.—Continued

LIST PRICE SCHEDULE—con.

	Price f. o. b. Detroit
Types of gear grinding machines (involute and straight sided keys)—Continued.	
GG-22 (external) 90" Index Worm Wheel, 24" to 72" diameter work, 12" face	$61, 300
GG-23 (external) 28" Index Worm Wheel, 2½" to 24" diameter work, 24" face	17, 800
GG-23-A Special (external) 35" Index Worm Wheel, 6¾" to 33" diameter work, 24" face	20, 650
GG-24 (external) 16" I. H., 2½" to 16" diameter work, 24" face	15, 650
GG-27 (external rack) 18" Long Rack, up to 20° R. or L. angle, 4" face	9, 850
GG-29 (external and internal) 12" I. H., 2" to 12" external and 3" to 8" internal, 2½" face, internal	10, 800
GG-30 (internal) 16" I. H., 3½" to 16" internal, 3" face	11, 600
GG-31 (internal) 12" I. H., 3½" to 12" internal, 3" face	10, 600
GG-32 (external) 16" I. H., 4" to 15" diameter work	10, 450
GG-33 (external) 16" I. H., 1½" to 16" diameter work, up to 42" between centers	10, 780
GG-33 (internal) 16" I. H., 1½" to 16" diameter work, up to 48" between centers	11, 000
GG-34 (external) 12" I. H., 1½" to 12" diameter work, 6" face	10, 235
Types of shaft grinders (square keys):	
SG-9, 9" I. H., 10" diameter work, 16" between centers	6, 225
SG-11, 9" I. H., 10" diameter work, 24" between centers	6, 560
SG-12, 12" I. H., 10" diameter work, 60" between centers	10, 425
SGG-16, 12" I. H., 10" diameter work, 80" between centers	18, 500
SG-17, 12" I. H., 10" diameter work, 42" between centers	10, 200
Worm Grinder WG-2	29, 600
Types of measuring instruments:	
MI-1, 72" diameter, Gear Tooth Curve Indicator. (Price upon request.)	
MI-3, 1" to 18" diameter Gear Tooth Curve Indicator	2, 350
MI-5, 4" to 18" diameter Gear Tooth Curve Indicator	2, 800
MC-3, 2½" to 10" diameter Gear Tooth Curve Comparator	900
ME-2, 18" diameter, Gear Eccentricity Clock Indicator	750

GENERAL ENGINEERING & MANUFACTURING CO., ST. LOUIS, MO

KELLY HEAVY DUTY SHAPERS

Size of machine Series	16 inches Heavy	20 inches Heavy	24 inches Heavy	28 inches Heavy	32 inches Heavy	36 inches Heavy
Standard machine, regular equipment, single pulley drive	$2, 180	$2, 280	$2, 640	$2, 780	$3, 307	$3, 490
Standard machine, regular equipment, arranged for motor drive through V-belts but no electrical equipment	2, 290	2, 390	2, 755	2, 890	(1)	(1)
Mounting and wiring of starter and motor at factory	20	20	25	25		

[1] No longer made.

NOTE: Prices corrected upon advice of manufacturer. They differ from those shown in first edition of Prices of New Machine Tools.

GENERAL MACHINERY CORPORATION, HAMILTON, OHIO

BORING MILLS

Size	A. C. equipment		D.C. equipment	
	Weight	Price	Weight	Price
	Pounds		*Pounds*	
53" heavy	24, 300	$9, 700	23, 700	$9, 000
62" heavy	30, 300	11, 300	29, 700	10, 600
73" standard	31, 500	11, 700	31, 000	11, 000

RADIAL DRILLS

5'	14, 300	$6, 500	13, 300	$6, 000
6'	16, 300	7, 000	15, 300	6, 500

ENGINE LATHES

Size	Centers	Weight	Price	Extra 2 feet of bed
		Pounds		
27"	4'	15, 000	$7, 250	270
30"	5'	15, 600	8, 100	320
36"	5'	16, 900	9, 150	350

GENERAL MACHINERY CORPORATION, HAMILTON, OHIO—Continued

ENGINE LATHES—continued

Heavy		A. C. equipment		D.C. equipment		Extra 2 feet of bed
Size	Centers	Weight	Price	Weight	Price	
		Pounds		*Pounds*		
36"	5'	27, 800	$12, 000	27, 000	$11, 250	425
42"	5'	29, 050	12, 850	28, 250	12, 100	455
48"	5'	37, 100	14, 350	35, 800	13, 250	485
60"	7'	53, 500	19, 100	52, 000	18, 000	540
72"	7'6"	72, 700	31, 185	71, 000	29, 315	750

PLANERS

Size	Weight	Price	Per extra foot
	Pounds		
36" x 8"	27, 000	$10, 065	$270
42" x 8"	29, 800	11, 330	305
48" x 10"	43, 000	13, 090	340
60" x 12"	71, 400	18, 040	430
72" x 12"	85, 400	22, 440	475

GENERAL MANUFACTURING COMPANY, DETROIT, MICH.

GENERAL FLEXIBLE POWER PRESSES

Press No.	Description	Price
30	3-ton Arbor, G-F-P press, bench type, belt drive, with standard 6" stroke, 12" opening, and 5" table height	$360
	Head only, belt drive with standard 6" stroke	300
	Add the Following Extras to Above Price:	
	Column to bring table 40" from floor	40
	Lathe attachment	20
	Special opening less than standard 12" opening	6
	Special opening more than standard 12" opening, $6.00 plus $0.40 per inch over standard.	
	Special 9" stroke	12
	Special 12" stroke	18
	Silent chain motor drive attachment (not including motor or control) shipped with press	60
	Same attachment ordered later	75
	V-belt motor, drive attachment, with swinging motor bracket (not including motor or control) shipped with press	90
	Same attachment ordered later	105
	Mounting and wiring (not including motor or control)	20
	Motor required: 2 hp., 1,200 r. p. m., motor, less slide rails and pulley.	
33	3-ton, 3 post, G-F-P press, belt drive, with standard 6" stroke, 12" opening, and 40" table height	420
	Head only, belt drive, with standard 6" stroke	310
	Add the Following Extras to Above Prices	
	Special legs for 29" table height	5
	Special opening less than standard 12" opening	6
	Special opening more than standard 12" opening, $6 plus $0.40 per inch over standard.	
	Special 9" stroke	12
	Special 12" stroke	18
	Extra nosepiece for straightening attachment	14
	Nosepiece for straightening attachment in place of standard nosepiece	7
	Silent chain motor-drive attachment (not including motor or control) shipped with press	95
	Same attachment ordered later	110
	V-belt motor-drive attachment (not including motor or control) shipped with press	95
	Same attachment ordered later	110
	Mounting and wiring (not including motor or control)	20
	Motor required: 2 hp., 1,200 r. p. m., motor, less slide rails and pulley.	
83	8-ton, 3 post, G-F-P press, belt drive, with standard 9" stroke, 12" opening, and 30" table height	700
	Head only, belt drive, with standard 9" stroke	525

GENERAL MANUFACTURING COMPANY, DETROIT, MICH.—Continued

GENERAL FLEXIBLE POWER PRESSES—continued

Press No.	Description	Price
	Add the Following Extras to Above Prices	
83	Special column for 40" table height	$15
	Special opening less than 12" standard opening	6
	Special opening more than 12" standard opening, $6 plus $.50 per inch over standard.	
	Special 12" stroke	15
	Special 15" stroke	22
	Special 18" stroke	30
	Extra nosepiece for straightening attachment	15
	Nosepiece for straightening attachment in place of standard nosepiece	7
	Silent chain motor-drive attachment (not including motor or control) shipped with press	160
	Same attachment ordered later	170
	V-belt motor-drive attachment (not including motor or control) shipped with press	160
	Same attachment ordered later	170
	Mounting and wiring (not including motor or control)	20
	Motor required: 5 hp., 1,200 r. p. m., motor, less slide rails and pulley.	
	8-ton, 3-post, horizontal G-F-P press, belt drive, with standard 9" stroke, 24" opening, height from floor to center of ram, 36"	825
	Add the following extras to above prices	
	Special opening less than standard 24" opening	6
	Special opening more than standard 24" opening, $6 plus $.60 per inch over standard.	
	Special 12" stroke	15
	Special 15" stroke	22
	Special 18" stroke	30
	(No motor-drive attachment for this press.)	
84	8-ton, 4 post, G-F-P press, belt drive, with standard 9" stroke, 12" opening, and 30" table height	965
	Add the following extras to above prices	
	Special opening less than standard 12" opening	
	Special opening more than standard 12" opening, $8 plus $0.75 per inch over standard.	
	Special 12" stroke	15
	Special 15" stroke	22.50
	Special 18" stroke	30
	(No motor-drive attachment for this press.)	
201	20-ton, adjustable knee, G-F-P press, belt drive, with standard 18" stroke, 3" to 27" opening and 43" to 19" table height	1, 220
	Add the following extras to above prices	
	Extra parts necessary including straightening nose piece for use with no. 900 shaft straightening attachment	22
	Same parts in place of standard parts	7
	Extra parts necessary including straightening nose piece for use with no. 910 shaft straightening attachment	45
	Same parts in place of standard parts	30
	Silent chain motor drive attachment (not including motor or control) shipped with press	130
	Same attachment ordered later	175
	V-belt motor drive attachment, with swinging motor bracket (not including motor or control) shipped with press	190
	Same attachment ordered later	235
	Mounting and wiring (not including motor or control)	25
	Motor required: 10 hp., 1,200 r. p. m., motor less slide rails and pulley.	
202	20-ton, 3 post, G-F-P press, belt drive, with standard 12" stroke, 18" opening, and 30" table height	1, 100
	Head only, with standard 12" stroke	825
	Add the following extras to above prices	
	Special legs, for 24" table height	5
	Special legs, for 21" table height	5
	Special opening less than standard 18" opening	9
	Special opening more than standard 18" opening—$9 plus $1 per inch over standard.	
	Special 15" stroke	25
	Special 18" stroke	34
	Special 21" stroke	43
	Extra no. 1035 straightening nose piece for use with no. 900 heavy base shaft straightening attachment	20
	No. 1035 nose piece in place of standard nose piece	8
	Extra no. 1036 straightening nose piece for use with no. 910 heavy base shaft straightening attachment	18
	No. 1036 nose piece in place of standard nose piece	6
	Silent chain motor drive attachment (not including motor or control) shipped with press	180
	Same attachment ordered later	200
	V-belt motor drive attachment (not including motor or control) shipped with press	180
	Same attachment ordered later	200
	Mounting and wiring (not including motor or control)	20
	Motor required: 10 hp., 1,200 r. p. m., motor less slide rails and pulley	
203	20-ton, 3 post, horizontal G-F-P press, belt drive, with standard 12" stroke, 21" opening, height from floor to center of ram, 40"	1, 375

GENERAL MANUFACTURING COMPANY, DETROIT, MICH.—Continued

GENERAL FLEXIBLE POWER PRESSES—continued

Press No.	Description	Price
	Add the following extras to above prices	
203	Special opening less than standard 24" opening	9
	Special opening more than standard 24" opening—$9 plus $1 per inch over standard.	
	Special 15" stroke	25
	Special 18" stroke	34
	Special 21" stroke	43
	(No Motor Drive Attachment for this press.)	
204	20-ton, 4 post, G-F-P press, belt drive, with standard 12" stroke, 15" opening, and 30" table height	1,730
	Add the Following Extras to Above Prices	
	Special opening less than standard 15" opening	10
	Special opening more than standard 15" opening—$10 plus $1.50 per inch over standard.	
	Special 15" stroke	25
	Special 18" stroke	34
	Special 21" stroke	43
	(No Motor Drive Attachment for this press.)	
605	60-ton, lever type, G-F-P, belt drive, with standard 4" stroke, 21" opening and 30" table height	2,300
	Add the Following Extras to Above Prices	
	Extra straightening nose piece for use with shaft straightening attachment	25
	Straightening nose piece in place of standard nose piece	15
	Silent chain motor drive attachment (not including motor or control) shipped with press	160
	Same attachment ordered later	175
	V-belt motor drive attachment, with swinging motor bracket (not including motor or control) shipped with press	200
	Same attachment ordered later	215
	Mounting and wiring (not including motor or control)	25
	Motor Required. 10 hp., 1,200 r. p. m., motor less slide rails and pulley.	
	Shaft Straightening Attachments	

NOTE.—The first dimension after the attachment type, denotes the maximum swing for the work and is followed by the maximum length the attachment will take between centers, which will be shipped unless otherwise specified (however 24", 36", 48", 60" are optional on all attachments when specified).

When supplying customer with an attachment for a machine which he already has, it must be remembered that the machine must have a straightening nose piece and other parts necessary to work properly with this attachment. These are all shown under the various machine extras.

Type	Description	Price
900–A	8" x 24" light base (24" long) spring center type	$115
900–AV	8" x 24" light base (24" long) roller vee type	115
900–B	8" x 36" light base (40" long) spring center type	140
900–BV	8" x 36" light base (40" long) roller vee type	140
900–C	8" x 36" heavy base (40" long) spring center type	160
900–CV	8" x 36" heavy base (40" long) roller vee type	160
900–A, B, or C	Specify type and size desired, carriage only	70
900–AV, BV, CV	Specify type and size desired, carriage only	70
	Add the Following Extras to Above Attachment Prices	
	Special length between centers over 48" (60", 72", 84", 96", 108", 120")	25
	Special no. 1691 indicator holder (for any no. 900 attachment)	10
	Special no. 901 jack (with any no. 900 attachment)	12
910–B	10" x 36" light base (40" long) screw center type	175
910–BV	10" x 36" light base (40" long) roller vee type	165
910–C	10" x 36" heavy base (40" long) screw center type	190
910–CV	10" x 36" heavy base (40" long) roller vee type	180
910–B or C	Specify type and size desired, carriage only	90
910–BV or CV	Specify type and size desired, carriage only	80
	Add the Following Extras to Above attachment Prices	
	Special length between centers over 60" (72", 84", 96", 108", 120")	20
	Special no. 1692 indicator holder (for any no. 910 attachment)	10
	Special no. 901 jack (with any no. 910 attachment)	12
906–C	6" x 36" heavy base (40" long) screw center type	225
906–CV	6" x 36" heavy base (40" long) roller vee type	215
906–C	Specify type and size desired, carriage only	100
906–CV	Specify type and size desired, carriage only	90

GENERAL MANUFACTURING COMPANY, DETROIT, MICH.—Continued

GENERAL FLEXIBLE POWER PRESSES—continued

Type	Description	Price
	Add the Following Extras to Above Attachment Prices	
	Special length between centers over 60" (72", 84", 96", 108", 120")	20
	Special no. 1692 indicator holder (for any no. 906 attachment)	10
1514–C	14" x 48" heavy base (48" long) screw center type	500
1514–CV	14" x 48" heavy base (48" long) roller vee type	475
1514–C	14" x 48" screw center type, carriage only	350
1514–CV	14" x 48" roller vee type, carriage only	325

Add the Following Extras to Above Attachment Prices

Either C or CV	14" x 72"	14" x 84"	14" x 96"	14" x 108"	14" x 120"
Attachments	$50	$65	$80	$95	$110
Carriage only	$10	$20	$30	$40	$50

THE GEOMETRIC TOOL COMPANY, NEW HAVEN, CONN.

NO. 20 GEOMETRIC CHASER GRINDER

No. 20 chaser grinder complete with ½ hp., capacitor type, 110 volt, single phase, 60 cycle, 1725 r. p. m., open, sleeve bearing motor, resilient base mounting, single pole conduit box switch, foot cord and plug, also one dish grinding wheel 9" x ¾" x 1¼"—weight 560 pounds	$425
One Style E universal chaser grinding fixture with one chaser holder	70
Magnetic tilting chuck, size 4" x 8" (direct current only)	100

GEOMETRIC THREADING MACHINES

Machine, including pump, oil hood, splash guard, necessary wrenches, die operating yoke, vee belt drive, one pair change gears of pick-off type, but *exclusive* of die head, chasers holding device, motor, motor sliding base, electrical equipment and wiring (does not include bench):	
Machine No. 11 (weight, 305 pounds)	375
Machine No. 14 (weight, 625 pounds)	550
Machine No. 16 (weight, 1,025 pounds)	700
Bench for No. 11 machine only	20
Standard vise type chuck, including automatic work gage but exclusive of chuck jaw bushings:	
Machine No.:	
11	125
14	175
16	225

GIDDINGS & LEWIS MACHINE TOOL CO., FOND DU LAC, WIS.

The following are the current base list prices of our machines:

No. 25–T, 2½" bar table type	$8,000
No. 25–RT. As above except with built-in revolving table	8,800
No. 330–T, 3" bar table type	15,000
No. 340–T, 4" bar table type	18,000
No. 350–T, 5" bar table type	24,000
No. 560–T, 6" bar table type	44,000
No. 570–T, 7" bar table type	48,000
No. 770–T, 7" bar table type	60,000
No. 780–T, 8" bar table type	65,000
No. 50–T, 5" bar table type	24,800
No. 56–T, 6" bar table type	28,600
No. 340–F, 4" bar floor type	16,000
No. 350–F, 5" bar floor type	21,500
No. 360–F, 6" bar floor type	23,000
No. 560–F, 6" bar floor type	37,500
No. 570–F, 7" bar floor type	41,500
No. 770–F, 7" bar floor type	52,000
No. 780–F, 8" bar floor type	57,000

GISHOLT MACHINE CO., MADISON, WIS.

CURRENT GISHOLT PRICES

Machine	Description	Weight	Price
		Lb.	
No. 3	1½" Ram Type Turret Lathe	5,000	$3,590
No. 4	2" Ram Type Turret Lathe	5,500	3,880
No. 5	2½" Ram Type Turret Lathe	5,800	4,365
1L	2½" Saddle Type Turret Lathe	8,200	5,725
2L	3½" Saddle Type Turret Lathe	9,700	6,975
3L	4½" Saddle Type Turret Lathe	10,600	8,675
3AL	6¼" Saddle Type Turret Lathe	14,200	9,375
4L	9¼" Saddle Type Turret Lathe	19,000	10,800
	12¼" Saddle Type Turret Lathe	19,000	12,800
5L	9¼" Saddle Type Turret Lathe	23,000	16,100
3D	Platen Type Simplimatic Lathe	11,000	4,900
No. 12	Hydraulic Automatic Lathe	6,000	4,300

GISHOLT LATHES

(Classification by types and dates of manufacture. Additional information of interest)

1. *Classification.*—Classification by date of manufacture wherein:
   "1" indicates lathes of 1936 and after.
   "2" indicates lathes of 1930–35, inclusive.
   "3" indicates lathes of 1920–29, inclusive.
   "4" indicates lathes of 1919 and before.
2. *Type.*—Symbol or number indicating specific type of lathe.
3. *Lot numbers.*—Lot numbers under which lathes were manufactured. (The serial number of any one machine is comprised of the lot from which the machine came and a number indicating the sequence of that machine in its lot.)
4. *Year.*—Years in which the various lots were authorized. In several cases manufacture of a lot was not completed until the following year, but such exceptions are not important enough to be noted.
5. *Size.*—Figures indicating capacity of machine in round bar stock, and in earlier machines, the spindle bore size.
6. *Current model of comparable size.*—Current model of comparable size gives reference to machines listed on the sheet entitled "Current Gisholt Prices." Particular attention should be called to the fact that manufacture of the earlier styles of lathes (Type "0," "1," "1," "J," and "K" especially) have long ago been discontinued, and modern lathes are of too advanced a nature to be considered at all comparable except in size.
7. *Weight.*—Approximate weight of machine. For earlier machines, these weights are only approximate.

GISHOLT MACHINE CO., MADISON, WIS.—Continued

TURRET LATHES—OLD TYPE

Classification	Type	Lot Nos.	Year	Size	Current model of comparable size No.
				Inches	
4	O	115–135	1898–1915	11	3
4	O	136–144	1915–19	21	5
3	O	145	1920	21½	5
4	H	200–224	1898–1904	2	4
4	H	300–313	1905–08	2	4
				3½	2L
4	H	314–349	1908–19	3½	2L
	H	501–504			
3	H	505	1920	3½	2L
4	I	225–249	1898–1919	5	3L
		350–411		6	3AL
3	I	412	1920	6¼	3AL
4	J	108–113	1898–1919	3½	2L
		250–271		6¼	3AL
3	J	272–274	1923–27	6¼	3AL
				7½	3AL
4	K	114	1898–1913	4½	3L
		275–292			
4	K	293–296	1914–18	6¼	3AL
3	K	297	1924	6¼	3AL

TURRET LATHES—RAM TYPE

Classification	Type No.	Lot Nos.	Year	Size	Current model of comparable size No.	Weight
				Inches		*Pounds*
3	2	704–707	1925–29	1	3	
3	3	751–756	1924–28	1½	3	3,300
2	3	757–765–768	1930–35	1½	3	5,000
		769				
		773				
		775				
		778				
1	3	780	1936–38	1½	3	5,000
		782				
		784				
		785				
		786				
3	4	801–820	1924–29	2	4	4,000
		821–823				
		761				
2	4	762	1930–35	2	4	5,500
		766				
		767				
		770–772				
		774				
		777				
		779				
1	4	781	1936–38	2	4	5,500
		783				
		787				
1	13	788–799	1939–41	1¼(3)	3(3)	5,000(3)
	14	745–746		2(4)	4(4)	5,500(4)
2	5	825–826	1934–35	2½	5	4,200
1	5	827–848	1936–41	2½	5	5,800
3	6	851–861	1924–28	2½	5	3,800
2	6	862	1934	2½	5	3,800

[1] Even. [2] Odd.

GISHOLT MACHINE CO., MADISON, WIS.—Continued

TURRET LATHES—SADDLE TYPE

Classification	Type No.	Lot Nos.	Year	Size	Current model of comparable size No.	Weight
				Pounds		*Pounds*
3	1L	601–609	1927–29	2½	1L	5,600
2	1L	610–612	1930–35	2½	1L	8,200
	1L	613–627	1936–41	2½	1L	8,200
3	2L	651–660	1926–29	3½	2L	7,700
2	2L	661–665	1930–35	3½	2L	7,500
		666				
		667				
		669				
		670				
		672				
		674				
		675				
1	2L	676	1936–41	3½	2L	9,700
		678				
		680				
		682				
		684				
		686				
		688				
		690				
3	3L	1104	1923–28	4½	3L	10,600
		901–910				
		912				
		914				
2	3L	916	1929	4½	3L	10,600
		918				
		923				
		668				
		671				
1	3L	673	1936–41	4½	3L	10,600
		677				
		679				
		681				
		683				
1	3L	685	1936–41	4½	3L	10,600
		687				
		689				
		691				
		906–911				
3	3AL	913	1926–29	6¼	3AL	14,200
		915				
		917				
2	3AL	919–922	1930–35	6¼	3AL	14,200
1	3AL	924–929	1936–39	6¼	3AL	14,200
				9¼		
3	4L	1131	1924–29	9¼	4L	19,000
		951–961		10½		
				12¼		
				9¼		
2	4L	962–963	1935	9¼	4L	
				12½		
				9¼		
	4L	964–967	1936–41	9¼	4L	19,000
1		970–971		10½		
				12½		
3	5L	954–955	1926	9¼	5L	23,000
2	5L	962	1935	9¼	5L	23,000
		965				
1	5L	966	1937–40	9¼	5L	23,000
		968		10½		

AUTOMATIC LATHES

Classification	Type No.	Lot Nos.	Year	Size	Current model of comparable size No.	Weight
Simplimatic lathes:						
3	3D	1055	1921–29		3D	11,000
		1058				
		18500–18518				
		519–529				
2	3D	530–532	1930–35		3D	11,000
1	3D	533–546	1936–41		3D	11,000
Hydraulic lathes:						
2	12	3001	1935		12	6,000
1	12	3002–3014	1936–41		12	6,000

Gleason Works,[1] Rochester, N. Y.

SPIRAL BEVEL AND HYPOID GEAR MACHINERY

Machine:	Price
3" spiral bevel gear generator	$4,900
No. 7 spiral bevel and hypoid generator	9,875
No. 11 single cycle formate gear finishing machine	11,150
No. 14 spiral bevel and hypoid formate gear grinder	16,500
No. 16 hypoid generator arranged for jobbing work	12,090
No. 16 hypoid generator arranged for production work	12,050
No. 17 hypoid grinder	24,500
No. 22 single cycle spiral bevel and hypoid formate gear finishing machine	16,500
No. 26 hypoid generator	19,200
No. 40 spiral and hypoid bevel gear planing generator	30,750
No. 10 spiral bevel and hypoid gear rougher	8,550
No. 11 gear roughing and semi-finishing machine	8,885
No. 15 spiral bevel pinion rougher	10,475
No. 22 spiral bevel and hypoid gear roughing machine	13,875
No. 7 spiral bevel cutter sharpener	1,300
No. 13 spiral bevel cutter sharpener	8,500
15" spiral bevel cutter sharpener	2,235
cutter truing device	975
cutter angle testing device	750

STRAIGHT BEVEL GEAR MACHINERY

3" straight bevel gear generator	4,900
No. 6 revex-cycle completing machine	14,150
No. 9 completing generator	15,920
12" straight bevel gear generator	9,410
No. 24 straight bevel gear generator	17,800
No. 9 automatic disc cutter sharpener	2,100
No. 12 generator tool sharpener	950
No. 12 straight bevel gear rougher (2 tool planer type)	7,700
No. 7 revex straight rougher (special disc cutter type)	8,590

BEVEL AND SPUR GEAR PLANERS

54" straight bevel gear planer	16,200
77" straight bevel gear planer	31,000

[1] Prices corrected upon advice of manufacturer. They differ from those shown in first edition of Prices of New Machine Tools.

Gleason Works, Rochester, N. Y.—Continued

AUXILIARY MACHINES

	Price
3" bevel gear testing machine	$1,125
No. 4 (No. 0) angular bevel and hypoid gear testing machine	1,975
10" gear concentricity and space testing fixture	815
No. 13 Universal gear testing machine	4,825
No. 17 comb. testing and lapping machine	5,125
No. 17 hypoid testing machine	3,275
No. 17 spiral bevel pinion burnishing machine	7,485
No. 27 hypoid testing machine	5,580
15" quenching press	2,800
25" quenching press	3,550
No. 2 surface hardening machine	5,650
tooth spacing tester	800
angular hand rolling fixture	750

Machine	Last price	Year dropped
4" Spiral bevel gear generator[1]	$3,500	1929
10" Spiral bevel generator (suitable for mass production)	4,950	1935
15" Spiral bevel gear generator (fixed spindle single motor)	5,600	1928
15" Spiral bevel gear generator (2 motor type)	6,000	1934
15" Hypoid gear generator	6,300	1932
No. 15 Spiral bevel and hypoid pinion grinder	24,500	1940
No. 16 Spiral bevel gear generator	8,950	1935
No. 15A Spiral bevel pinion rougher	11,250	1940
25" Spiral bevel gear generator	15,500	1940
15" Spiral bevel gear rougher	2,680	1935
15" Spiral bevel pinion rougher	3,610	1935
3 Spindle straight bevel gear rougher	9,350	1941
3 Spindle rougher cutter sharpener	975	1941
3" Straight bevel gear generator (old model)[1]	2,000	1926
6" Mfg. generator	7,250	1940
6" Straight bevel gear generator[1]	4,400	1929
11" Straight bevel gear generator[1]	3,650	1924
18" Straight bevel gear generator[1]	4,400	1927
25" Straight bevel gear generator	15,500	1940
37" Straight bevel gear planer (form copying type)	12,450	1940
24" Straight bevel gear planer (form copying type)	5,500	1928
12" Automatic spiral bevel cutter sharpener	5,725	1940
No. 18 Spur gear tester	4,750	1939

[1] Price is shown with full equipment. Many of these machines were shipped stripped for one mass production job. To supply full equipment would cost from $1,000 to $1,500.

Gooley and Eglund

Prices as furnished by Cooper Bros., of Cortland, N. Y.

HIGH DUTY MILLING MACHINES

Type A—Prices and Specifications

Traverse of table (inch)	Distance between housings	Taper of arbor	Table working surface	Net weight with countershaft	Price
	Inches		*Inches*	*Pounds*	
16	12¼	No. 11 B. & S.	24 x 8	2,350	$1,320
22	12¼	No. 11 B. & S.	30 x 8	2,500	1,370
28	12¼	No. 11 B. & S.	36 x 8	2,650	1,410
38	12¼	No. 11 B. & S.	49 x 8	2,800	1,650

With extra cutter arbor either 1", 1¼", or 1½", each, $82.
Without oil pump and piping, deduct, $15.
Regular equipment consists of motor bracket, sheaves, V-belts, reverse feed, one oil pump with piping, one cutter arbor (specify size), and one set of wrenches. Prices do not include motor nor electrical controls.

Gooley and Edlund—Continued

HIGH DUTY MILLING MACHINES—continued

Type B—Prices and Specifications

Traverse of table (inch)	Distance between housings	Taper of arbor	Table working surface	Net weight with countershaft	Price
	Inches		*Inches*	*Pounds*	
34	17	No. 12 B. & S.	50 x 11	4,400	$2,000
42	17	No. 12 B. & S.	50 x 11	4,400	2,120
52	17	No. 12 B. & S.	56 x 11	4,650	2,300
60	17	No. 12 B. & S.	64 x 12	4,650	2,400
72	17	No. 12 B. & S.	78 x 12	5,000	3,000

With extra cutter arbor either 1¼", 1½", 1¾", or 2", each, $40.
Without oil pump and piping, $15.
Regular equipment consists of motor bracket, sheaves, V-belts, reverse feed one oil pump, with piping, one cutter arbor (specify size), and one set of wrenches. Prices do not include motor nor electrical controls.

George Gorton Machine Company, Racine, Wis.

VERTICAL MILLING MACHINES

	H. F. weight	H. F. price	P. F. weight	P. F. price
8–D	1,500	$1,495	1,700	$2,125
8½–D	2,300	2,175	2,500	2,945
9–J	3,000	2,730	3,275	3,475

VERTICAL MILLING MACHINES EQUIPPED AS DUPLICATORS

8–D	1,730	$3,205	1,930	$3,835
8½–D	2,660	4,005	2,860	4,825
9–J	3,570	4,790	3,845	5,535

PANTOGRAPH ENGRAVING MACHINES

Standard Two-Dimensional

Style	Weight	Price
3–U	700	$998
3–F Same as 3–U, but with small pantograph	675–700	998
3–S	2,200	3,255

Standard Three-Dimensional

3–B	935	$1,195
3–L	2,225	2,470

The Goss and De Leeuw Machine Company, New Britain, Conn.

TOOL ROTATING FOUR-SPINDLE MACHINES

	6 x 6¼	8½ x 8
Plain machine	$7,000	$10,700
Single threading machine	7,650	11,500
Double threading machine	7,750	11,700

All machines are arranged for motor drive, but do not include the main drive motor. Motor base, chain, chain guard and sprockets are furnished.

On all threading machines the electrical equipment, including A. C. motor, is furnished complete. An extra charge is made for this equipment if for D. C. power or odd voltages or cycles.

Standard equipment includes: Five G. & D.L. 2-jaw chucks—one set of change gears, one hardened steel feed cam, one rear lead screw with single lead adjustment, one rear and one front lead screw with double threading machine, and complete set of wrenches.

The Goss and De Leeuw Machine Company, New Britain, Conn.—Continued

WORK ROTATING MACHINES

6 Spindle

Plain Machine	$12,250
Machine is arranged for direct motor drive, not including motors or controllers. Standard equipment includes one set of change gears, one hardened steel cam, and one set of wrenches.	
Extra equipment and attachments:	
Cross slides (3)	950
Pump and piping	175
Hand or electric chucks	1,350
Motors and controllers	List
Lead screw threading attachment	1,500

8 Spindle

Plain machine, 8" diameter	11,750
Machine is arranged for direct motor drive, not including motors or controllers. Standard equipment includes one set of change gears, one hardened steel cam, and one set of wrenches.	
Extra equipment and attachments:	
Cross slides (3)	950
Pump and piping	175
Hand or electric chucks	1,250
Motors and controllers	List
Lead screw threading attachment	1,500

8 Spindle

Plain Machine	13,150
Machine is arranged for direct motor drive, not including motors or controllers. Standard equipment includes one set of change gears, one hardened steel cam, and one set of wrenches.	
Extra equipment and attachments:	
Cross slides (4)	1,200
Pump and piping	175
Hand or electric chucks	1,800
Motors and controllers	List
Lead screw threading attachment (one position)	1,500
Lead screw threading attachment (two positions)	2,000

Gould & Eberhardt, Newark, N. J.

Shaper and gear cutting machine prices

SHAPERS

Size	Weight	Price
14" Plain Tool Room:	*Pounds*	
Regular table	2,925	$2,175
Universal table	3,200	2,465
16" Tool Room:		
Regular table	3,100	2,365
Universal table	3,350	2,640
16" Industrial:		
Regular table	4,050	2,565
Universal table	4,350	2,935
16/20" Industrial:		
Regular table	4,100	2,640
Universal table	4,350	3,010
20" Industrial:		
Regular table	4,500	2,795
Universal table	4,800	3,190
20/24" Industrial:		
Regular table	4,550	2,885
Universal table	4,800	3,280
24" Industrial:		
Regular table	6,000	3,280
Universal table	7,400	3,750
28" Industrial:		
Regular table	7,000	3,335
Universal table	7,400	3,810
32" Industrial:		
Regular table	7,100	3,500
Universal table	7,600	3,965
36" Industrial		
Regular table	8,225	3,940
Universal table	8,750	4,495

Gould & Eberhardt, Newark, N. J.—Continued

GEAR HOBBING MACHINES

Size	Weight	Price
161S (spur gears only)	7,700	$5,400
241S (spur gears only)	8,400	5,950
361S (spur gears only)	12,000	8,090
481S (spur gears only)	15,600	10,085
161I (Universal spur and helical gears)	7,800	5,625
241I (Universal spur and helical gears)	8,400	6,250
361I (Universal spur and helical gears)	12,300	8,435
481I (Universal spur and helical gears)	16,400	10,550
721I (Universal spur and helical gears)	303,000	22,000
841I (Universal spur and helical gears)	60,000	42,000
961I (Universal spur and helical gears)	75,000	52,000

GEAR CUTTING MACHINES (DISC TYPE)

36S (spur gears only)	5,200	$6,040
36B (spur and bevel gears)	5,200	6,615
36BM (bevel gear—multiple)	5,200	6,965
36R (rack only)	5,800	7,495
60S (spur gears only)	15,600	10,700
60B (spur and bevel gears)	15,600	11,300
60BM (bevel gear—multiple)	15,800	11,850
60R (rack only)	16,600	12,900

All prices above apply to machines arranged for motor drive but without electrical equipment.

SPECIFICATIONS

Style No.	Face[1] capacity spur pinions and gears	Face capacity 45° helical gears	Maximum diameter spur gear (with support)	Maximum diameter spur gear (no support)[2]	Net weight limited equipment
	Inches	*Inches*	*Inches*	*Inches*	*Pounds*
12H	10	7	12	18	4,700
16H	10	7	14	18	7,550
21H	14	10	16	27	8,150
36H	14	10	24	45	11,800
48H	18	12½	32	60	16,000
60H	18	12	40	72	20,000
72H	24	18	48	90	

[1] Standard rated pitch.
[2] Standard rated pitch hob.

E. O. Grado Machine Works, Inc., New York, N. Y.

Metal spinning lathes with standard equipment

SINGLE BED SPINNING LATHES

12-inch swing, 4-foot bed, complete, with countershaft	$225
15-inch swing, 5-foot bed, complete, with countershaft	250
18-inch swing, 5-foot bed, complete, with countershaft	310
22-inch swing, 5-foot bed, complete, with countershaft	345
26-inch swing, 5-foot bed, complete, with countershaft	420
Boxing machines for export, 12- to 18-inch swing net	12
Boxing machines for export, 22- to 26-inch swing net	15

E. O. Grado Machine Works, Inc., New York, N. Y.—Continued

EXTENSION BED (GAP) SPINNING LATHES

No. 4 gap lathe, swing 26 to 48 inches, complete	$750
No. 5 gap lathe, swing 30 to 60 inches, complete	1,500
Boxing gap lathe for export, No. 4 net	25
Boxing gap lathe for export, No. 5 net	40

BALL BEARING REVOLVING BACK CENTERS

Type "D" revolving centers for all lathes, extra, each	18
Extra heavy revolving center for gap lathe	30

These lathes are used extensively by manufacturers of lighting fixtures and other brass workers. Prices include either lever, or hand screw, on the tail stock and regular equipment.

12-inch swing, 4-foot bed, speed lathe, without slide rest	$175
14-inch swing, 4-foot bed, speed lathe, without side rest	200

E. O. Grado Machine Works, Inc., New York, N. Y.—Continued

BALL BEARING REVOLVING BACK CENTERS—continued

Compound slide rest extra	$75
Boxing speed lathes for export net	10
Universal chucks, 3-inch, 4-inch, 5-inch and 6-inch diameter, with either 3 or 4 jaws, furnished and fitted extra.	
Fitting universal chucks, any size each	10

RIGHT AND LEFT LATHES WITH STANDARD EQUIPMENT

These lathes are used by lighting fixture manufacturers for drilling and tapping irregular shapes and fittings. It has two kinds of work holders, viz.: a vise and a clamp.

12-inch swing, 4-foot bed, right and left lathe, complete	$290
14-inch swing, 4-foot bed, right and left lathe, complete	315
Allowance for parts:	
If without clamp, deduct	45
If without vise, deduct	45
Special tool holder for 4 tools extra	65

Granite State Machine Co., Inc., Manchester, N. H.

No. 0 Vertical Miller Machine, $835.

SPECIFICATIONS

Diameter of spindle at driving end	inch	78
Size of table	do	6¼ x 20
Longitudinal travel of table	do	12
Cross travel of table	do	7
Collet capacity	do	⅜
Weight	pounds	900

The Grant Mfg. & Machine Co., Bridgeport, Conn.

RIVET SPINNING MACHINES

[All prices cover machines crated f. o. b. Bridgeport, Conn.]

No.	Capacity	Throat	Type	Price
	Inch	*Inch*		
80	5/16	5⅜	Pedestal with countershaft, choice of flat or horn type table, supporting anvil, roll holder, one pair spinning rolls for one diameter	$210
82A	5/32	2 13/16	Pedestal with countershaft, other equipment as above	95
82A	5/32	2 13/16	Pedestal for horizontal motor, other equipment as above	115
82A	5/32	2 13/16	Pedestal with horizontal motor, other equipment as above	125
82A	5/32	2 13/16	Pedestal with vertical motor, other equipment as above	
84	5/16		Pedestal with countershaft, flat table, two roll holders, two pairs spinning rolls for one diameter	360
83	5/16		Pedestal with two direct-connected motors, otherwise as above	545
101	5/16	5⅜	Pedestal with bracket for horizontal motor drive, with flat or horn type table, supporting anvil, roll holder, one pair rolls	240
101	5/16	5⅜	Pedestal with horizontal motor, other equipment as above	265
103	5/16	5⅜	Pedestal with vertical motor, other equipment as above	285
107	5/16	11½	Pedestal with countershaft, other equipment as above	255
107	5/16	11½	Pedestal with bracket for horizontal motor drive, with other equipment as above	255
107	5/16	11½	Pedestal with horizontal motor, other equipment as above	310
107	5/16	11½	Pedestal with vertical motor, other equipment as above	330
120A	7/16	5⅜	Pedestal with countershaft, choice of flat or horn type table, supporting anvil, holder, one pair spinning rolls for one diameter	295
120A	7/16	5⅜	Pedestal with bracket for horizontal motor, other equipment as above	295
120A	7/16	5⅜	Pedestal with vertical motor, other equipment as above	290
120A	7/16	5⅜	Pedestal with horizontal motor, other equipment as above	370
183	⅜		Pedestal with countershaft, two roll holders, two pairs spinning rolls	525
183A	⅜		Pedestal as above	545

When we are required to mount horizontal motors furnished by customers, we make additional charge of $15.
Prices quoted above on machines including motors are for alternating current only. Where direct-current motors are required, prices quoted on application.

SPECIAL RIVET SPINNING MACHINES

Pedestal type milk crate riveting machine—with countershaft, special table with automatic gripping mechanism, crate support, roll holder with spinning rolls for one diameter wire	$300
Pedestal type milk crate riveting machine—arranged for horizontal motor drive, without motor	340
Pedestal type milk crate riveting machine—with horizontal motor	445
Pedestal type milk crate riveting machine—with vertical motor	465
Two-spindle vertical pedestal with countershaft, roll holder with a pair of spinning rolls in each spindle, exclusive of fixtures	630
Three-spindle vertical pedestal equipped as above	745
Four-spindle vertical pedestal equipped as above	860
Five-spindle vertical pedestal equipped as above	975

No.	Capacity	Type	Price
	Inch		
83	5/16	Pedestal type, double-end automatic chain riveting machine with countershaft, roll holder with spinning rolls in each spindle for one diameter pin	$875
183	⅜	Pedestal type, double-end automatic chain riveting machine with countershaft, and other equipment as above	1,250
1	¼	Pedestal type, internal rivet spinner with countershaft roll holder, one pair spinning rolls and supporting anvil	375
1	¼	Pedestal type, internal rivet spinner with vertical motor, other equipment as above	450

THE G. A. GRAY CO., CINCINNATI, OHIO

DOUBLE HOUSING PLANERS

Size	Base weight	Base price head	Extra rail head	Side head	Extra 1' extension	Type of drive
	Pounds					
24" x 24" x 6' standard pattern	8,500	$3,775	$747	-------	$174	Belt.
30" x 30" x 6' standard pattern	11,000	4,908	770	-------	270	Do.
36" x 36" x 8' standard pattern	14,500	7,328	855	-------	293	Do.
30" x 30" x 8' maximum service	25,000	10,719	1,306	$1,450	280	Rev., M. D.
36" x 36" x 8' maximum service	33,000	12,108	1,078	1,611	328	No electrical equipment.
42" x 42" x 8' maximum service	42,000	14,146	1,021	2,021	375	Do.
48" x 48" x 10' maximum service	62,000	14,243	1,211	2,148	415	Do.
56" x 56" x 10' maximum service	66,000	15,818	1,333	2,257	437	Do.
60" x 60" x 12' maximum service	78,000	19,534	1,595	3,165	519	Do.
72" x 72" x 12' maximum service	86,000	24,715	1,595	3,190	599	Do.

OPENSIDE PLANERS

36" x 36" x 8' maximum service	41,000	$13,270	$1,211	$2,196	$353	No electrical equipment.
48" x 48" x 10' maximum service	62,000	17,353	1,333	2,453	456	Do.
60" x 60" x 12' maximum service	90,000	24,408	1,595	3,255	566	Do.

Widening of planers and different types of drive extra.

GRAY MACHINE COMPANY, PHILADELPHIA, PA.

TURRET HEAD METAL CUTTER OR NIBBLER

Following standard equipment, furnished with all sizes of machines: 6 cutting tools in 2 selected sizes for line or template cutting, 4 dies to fit tools; 1 double-end wrench; motor base for mounting motor.

Size No. 1, 24" throat, 3/16" capacity in mild steel, 250 strokes per min. 60 cycle, 110 volts, motor 3/4 hp. single phase, 1,750 r. p. m. $544
Shipping weight, 500 pounds.
Machine No. 1 is a bench model, shown on page 4, and can be mounted on a pedestal for $50 extra.

Size No. 3, 24" throat, 1/4" capacity in mild steel, 450-800 strokes per min 850
Shipping weight, 1,400 pounds.

Size No. 3A, 36" throat, 1/4" capacity in mild steel, 450-800 strokes per min 905
Shipping weight, 2,100 pounds.

Size No. 5, 36" throat, 1/4" capacity in mild steel, 450-800 strokes per min 1,020
Shipping weight, 2,900 pounds.

Size No. 6, 12" throat, 3/8" capacity in mild steel, 450-800 strokes per min 833
Shipping weight, 1,750 pounds.

Size No. 7, 24" throat, 3/8" capacity in mild steel, 350-700 strokes per min 935
Shipping weight, 3,750 pounds.

Size No. 10-A, 36" throat, 1/2" capacity in mild steel, 190 strokes per min 2,500
Shipping weight, 5,000 pounds.

Size No. 11, 36" throat, 3/4" capacity in mild steel, 160 strokes per min 2,700
Shipping weight, 6,000 pounds.

Size No. 12, 36" throat, 3/4" capacity in mild steel, 160 strokes per min 4,500
Shipping weight, 7,000 pounds.

No. 11, 3/4" capacity and No. 12, 3/4" capacity punchings are of welded steel construction, also No. 10-A, 1/2" capacity.
Motor, 3 hp., single phase, and special voltage motors are furnished on application.
Prices quoted on heavier capacity machines, up to 1", on application.

PARTS FOR 3/4" AND 3/4" CAPACITY MACHINES

Belts, each	$35
Belt guards, each	35
Table support arms	25
Flu type circle cutting attachment	45

PRICE LIST OF EXTRA EQUIPMENT AND TOOLS FOR GRAY TURRET HEAD METAL CUTTER

Adjustable table support arms, to support sheet plate level with die while cut is being made, shown at 18 and 18-A, page 4 of catalog	$12.00
Flu type circle cutting attachment for cutting circular disks, rings, large washers, round gaskets, etc.	18.00
Turret circle cutting attachment	45.00
18 gage shearing attachment	55.00
10 gage shearing attachment	75.00
10 gage nipper and lower blades, each	3.50
Belt guards, each	8.50
Leather belts, 3/4" capacity machines, each	10.00
Leather belts, 3/4" capacity machines, each	65.00
12-position swivel square die and tool holder	2.50
18 gage shearing tools, upper and lower, each	15.00
18 gage shearing die holder	15.00
10 gage shearing die holder	65.00
10 gage nipper and lower blades, each	3.50

GREENERD ARBOR PRESSES, NASHUA, N. H.

Standard equipment includes motor and starter with start and stop buttons in cover for 220/440/550 two or three phase 50/60 cycle current.

15-TON BENCH TYPE

H-53-F3	$510.00
H-53-F	500.00
H-53-E	520.00
H-54-F3	510.00
H-54-F	550.00
H-54-E	530.00
H-54-F-16	565.00
Extra for stand	15.00
Extra for foot control	15.00
H-53-F	600.00
H-53-E	615.00
H-54-F	640.00
H-54-E	625.00

2-TON PRESSES

H-2-A	$1,100.00
H-2-B	1,100.00
H-2-C	1,100.00
H-2-D	1,100.00
H-2-E	1,100.00
H-2-F	1,100.00
H-2-G	1,100.00
H-2-H	1,100.00
H-2-J	1,100.00
H-2-K	1,100.00
H-2-L	1,100.00
H-2-M	1,100.00
H-2-N	1,100.00
H-2-P	1,100.00
H-2-R	1,100.00
H-2-S	1,100.00
H-2-T	1,100.00
H-2-U	1,100.00
H-2-V	1,100.00
H-2-W	1,100.00
H-2-X	1,100.00
H-2-Y	1,100.00
H-2-Z	1,100.00
H-2-AA	1,100.00
H-2-AB	1,100.00
H-2-AC	1,100.00
H-2-AD	1,100.00
H-2-AE	1,100.00
H-2-AF	1,100.00
H-2-AG	1,100.00
H-2-AH	1,100.00
H-2-AJ	1,100.00
H-2-AK	1,100.00
H-2-AL	1,100.00
H-2-AM	1,100.00
H-2-AN	1,100.00
H-2-AP	1,100.00
H-2-AR	1,100.00
H-2-AS	1,100.00
H-2-AT	1,100.00
H-2-AU	1,100.00
H-2-AV	1,100.00
H-2-AW	1,100.00
H-2-AX	1,100.00
H-2-AY	1,100.00
H-2-AZ	1,100.00
H-2-BA	1,100.00
H-2-BB	1,100.00
H-2-BC	1,100.00
H-2-BD	1,100.00
H-2-BE	1,100.00
H-2-BF	1,100.00
H-2-BG	1,100.00
H-2-BH	1,100.00
H-2-BJ	1,100.00
H-2-BK	1,100.00
H-2-BL	1,100.00
H-2-BM	1,100.00
H-2-BN	1,100.00
H-2-BP	1,100.00
H-2-BR	1,100.00
H-2-BS	1,100.00
H-2-BT	1,100.00
H-2-BU	1,100.00
H-2-BV	1,100.00
H-2-BW	1,100.00
H-2-BX	1,100.00
H-2-BY	1,100.00
H-2-BZ	1,100.00
H-2-CA	1,100.00
H-2-CB	1,100.00
H-2-CC	1,100.00
H-2-CD	1,100.00
H-2-CE	1,100.00
H-2-CF	1,100.00
H-2-CG	1,100.00
H-2-CH	1,100.00
H-2-CJ	1,100.00
H-2-CK	1,100.00
H-2-CL	1,100.00
H-2-CM	1,100.00
H-2-CN	1,100.00
H-2-CP	1,100.00
H-2-CR	1,100.00
H-2-CS	1,100.00
H-2-CT	1,100.00
H-2-CU	1,100.00
H-2-CV	1,100.00
H-2-CW	1,100.00
H-2-CX	1,100.00
H-2-CY	1,100.00
H-2-CZ	1,100.00
H-2-DA	1,100.00
H-2-DB	1,100.00
H-2-DC	1,100.00
H-2-DD	1,100.00
H-2-DE	1,100.00
H-2-DF	1,100.00
H-2-DG	1,100.00
H-2-DH	1,100.00
H-2-DJ	1,100.00
H-2-DK	1,100.00
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H-2-DM	1,100.00
H-2-DN	1,100.00
H-2-DP	1,100.00
H-2-DR	1,100.00
H-2-DS	1,100.00
H-2-DT	1,100.00
H-2-DU	1,100.00
H-2-DV	1,100.00
H-2-DW	1,100.00
H-2-DX	1,100.00
H-2-DY	1,100.00
H-2-DZ	1,100.00
H-2-EA	1,100.00
H-2-EB	1,100.00
H-2-EC	1,100.00
H-2-ED	1,100.00
H-2-EE	1,100.00
H-2-EF	1,100.00
H-2-EG	1,100.00
H-2-EH	1,100.00
H-2-EJ	1,100.00
H-2-EK	1,100.00
H-2-EL	1,100.00
H-2-EM	1,100.00
H-2-EN	1,100.00
H-2-EP	1,100.00
H-2-ER	1,100.00
H-2-ES	1,100.00
H-2-ET	1,100.00
H-2-EU	1,100.00
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H-2-EX	1,100.00
H-2-EY	1,100.00
H-2-EZ	1,100.00
H-2-FA	1,100.00
H-2-FB	1,100.00
H-2-FC	1,100.00
H-2-FD	1,100.00
H-2-FE	1,100.00
H-2-FF	1,100.00
H-2-FG	1,100.00
H-2-FH	1,100.00
H-2-FJ	1,100.00
H-2-FK	1,100.00
H-2-FL	1,100.00
H-2-FM	1,100.00
H-2-FN	1,100.00
H-2-FP	1,100.00
H-2-FR	1,100.00
H-2-FS	1,100.00
H-2-FT	1,100.00
H-2-FU	1,100.00
H-2-FV	1,100.00
H-2-FW	1,100.00
H-2-FX	1,100.00
H-2-FY	1,100.00
H-2-FZ	1,100.00
H-2-GA	1,100.00
H-2-GB	1,100.00
H-2-GC	1,100.00
H-2-GD	1,100.00
H-2-GE	1,100.00
H-2-GF	1,100.00
H-2-GG	1,100.00
H-2-GH	1,100.00
H-2-GJ	1,100.00
H-2-GK	1,100.00
H-2-GL	1,100.00
H-2-GM	1,100.00
H-2-GN	1,100.00
H-2-GP	1,100.00
H-2-GR	1,100.00
H-2-GS	1,100.00
H-2-GT	1,100.00
H-2-GU	1,100.00
H-2-GV	1,100.00
H-2-GW	1,100.00
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H-2-HF	1,100.00
H-2-HG	1,100.00
H-2-HH	1,100.00
H-2-HJ	1,100.00
H-2-HK	1,100.00
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H-2-HM	1,100.00
H-2-HN	1,100.00
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H-2-HS	1,100.00
H-2-HT	1,100.00
H-2-HU	1,100.00
H-2-HV	1,100.00
H-2-HW	1,100.00
H-2-HX	1,100.00
H-2-HY	1,100.00
H-2-HZ	1,100.00
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H-2-JB	1,100.00
H-2-JC	1,100.00
H-2-JD	1,100.00
H-2-JE	1,100.00
H-2-JF	1,100.00
H-2-JG	1,100.00
H-2-JH	1,100.00
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H-2-JU	1,100.00
H-2-JV	1,100.00
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H-2-JY	1,100.00
H-2-JZ	1,100.00
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H-2-RK	1,100.00
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H-2-RN	1,100.00
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H-2-RX	1,100.00
H-2-RY	1,100.00
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H-2-SG	1,100.00
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H-2-SP	1,100.00
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H-2-SU	1,100.00
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H-2-TC	1,100.00
H-2-TD	1,100.00
H-2-TE	1,100.00
H-2-TF	1,100.00
H-2-TG	1,100.00
H-2-TH	1,100.00
H-2-TJ	1,100.00
H-2-TK	1,100.00
H-2-TL	1,100.00
H-2-TM	1,100.00
H-2-TN	1,100.00
H-2-TP	1,100.00
H-2-TR	1,100.00
H-2-TS	1,100.00
H-2-TT	1,100.00
H-2-TU	1,100.00
H-2-TV	1,100.00
H-2-TW	1,100.00
H-2-TX	1,100.00
H-2-TY	1,100.00
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H-2-UB	1,100.00
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H-2-UH	1,100.00
H-2-UJ	1,100.00
H-2-UK	1,100.00
H-2-UL	1,100.00
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H-2-UN	1,100.00
H-2-UP	1,100.00
H-2-UR	1,100.00
H-2-US	1,100.00
H-2-UT	1,100.00
H-2-UU	1,100.00
H-2-UV	1,100.00
H-2-UW	1,100.00
H-2-UX	1,100.00
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H-2-UZ	1,100.00
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H-2-VC	1,100.00
H-2-VD	1,100.00
H-2-VE	1,100.00
H-2-VF	1,100.00
H-2-VG	1,100.00
H-2-VH	1,100.00
H-2-VJ	1,100.00
H-2-VK	1,100.00
H-2-VL	1,100.00
H-2-VM	1,100.00
H-2-VN	1,100.00
H-2-VP	1,100.00
H-2-VR	1,100.00
H-2-VS	1,100.00
H-2-VT	1,100.00
H-2-VU	1,100.00
H-2-VV	1,100.00
H-2-VW	1,100.00
H-2-VX	1,100.00
H-2-VY	1,100.00
H-2-VZ	1,100.00
H-2-WA	1,100.00
H-2-WB	1,100.00
H-2-WC	1,100.00
H-2-WD	1,100.00
H-2-WE	1,100.00
H-2-WF	1,100.00
H-2-WG	1,100.00
H-2-WH	1,100.00
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H-2-WK	1,100.00
H-2-WL	1,100.00
H-2-WM	1,100.00
H-2-WN	1,100.00
H-2-WP	1,100.00
H-2-WR	1,100.00
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H-2-WT	1,100.00
H-2-WU	1,100.00
H-2-WV	1,100.00
H-2-WW	1,100.00
H-2-WX	1,100.00
H-2-WY	1,100.00
H-2-WZ	1,100.00
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H-2-XE	1,100.00
H-2-XF	1,100.00
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H-2-XH	1,100.00
H-2-XJ	1,100.00
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H-2-XM	1,100.00
H-2-XN	1,100.00
H-2-XP	1,100.00
H-2-XR	1,100.00
H-2-XS	1,100.00
H-2-XT	1,100.00
H-2-XU	1,100.00
H-2-XV	1,100.00
H-2-XW	1,100.00
H-2-XX	1,100.00
H-2-XY	1,100.00
H-2-XZ	1,100.00
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H-2-YB	1,100.00
H-2-YC	1,100.00
H-2-YD	1,100.00
H-2-YE	1,100.00
H-2-YF	1,100.00
H-2-YG	1,100.00
H-2-YH	1,100.00
H-2-YJ	1,100.00
H-2-YK	1,100.00
H-2-YL	1,100.00
H-2-YM	1,100.00
H-2-YN	1,100.00
H-2-YP	1,100.00
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H-2-YT	1,100.00
H-2-YU	1,100.00
H-2-YV	1,100.00
H-2-YW	1,100.00
H-2-YX	1,100.00
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H-2-YZ	1,100.00
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H-2-ZT	1,100.00
H-2-ZU	1,100.00
H-2-ZV	1,100.00
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H-2-AAJ	1,100.00
H-2-AAK	1,100.00
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H-2-AAM	1,100.00
H-2-AAN	1,100.00
H-2-AAP	1,100.00
H-2-AAR	1,100.00
H-2-AAS	1,100.00
H-2-AAT	1,100.00
H-2-AAU	1,100.00
H-2-AAV	1,100.00
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H-2-AAX	1,100.00
H-2-AAY	1,100.00
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H-2-ABE	1,100.00
H-2-ABF	1,100.00
H-2-ABG	1,100.00
H-2-ABH	1,100.00
H-2-ABJ	1,100.00
H-2-ABK	1,100.00
H-2-ABL	1,100.00
H-2-ABM	1,100.00
H-2-ABN	1,100.00
H-2-ABP	1,100.00
H-2-ABR	1,100.00
H-2-ABS	1,100.00
H-2-ABT	1,100.00
H-2-ABU	1,100.00
H-2-ABV	1,100.00
H-2-ABW	1,100.00
H-2-ABX	1,100.00
H-2-ABY	1,100.00
H-2-ABZ	1,100.00
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H-2-ACG	1,100.00
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H-2-ACM	1,100.00
H-2-ACN	1,100.00
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H-2-ACS	1,100.00
H-2-ACT	1,100.00
H-2-ACU	1,100.00
H-2-ACV	1,100.00
H-2-ACW	1,100.00
H-2-ACX	1,100.00
H-2-ACY	1,100.00
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H-2-ADF	1,100.00
H-2-ADG	1,100.00
H-2-ADH	1,100.00
H-2-ADJ	1,100.00
H-2-ADK	1,100.00
H-2-ADL	1,100.00
H-2-ADM	1,100.00
H-2-ADN	1,100.00
H-2-ADP	1,100.00
H-2-ADR	1,100.00
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H-2-ADT	1,100.00
H-2-ADU	1,100.00
H-2-ADV	1,100.00
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H-2-AEF	1,100.00
H-2-AEG	1,100.00
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H-2-AEJ	1,100.00
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H-2-AEN	1,100.00
H-2-AEP	1,100.00
H-2-AER	1,100.00
H-2-AES	1,100.00
H-2-AET	1,100.00
H-2-AEU	1,100.00
H-2-AEV	1,100.00
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H-2-AEX	1,100.00
H-2-AEY	1,100.00
H-2-AEZ	1,100.00
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H-2-AFB	1,100.00
H-2-AFC	1,100.00
H-2-AFD	1,100.00
H-2-AFE	1,100.00
H-2-AFF	1,100.00
H-2-AFG	1,100.00
H-2-AFH	1,100.00
H-2-AFJ	1,100.00
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H-2-AFL	1,100.00
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H-2-AFN	1,100.00
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H-2-AFR	1,100.00
H-2-AFS	1,100.00
H-2-AFT	1,100.00
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H-2-AFW	1,100.00
H-2-AFX	1,100.00
H-2-AFY	1,100.00
H-2-AFZ	1,100.00
H-2-AGA	1,100.00
H-2-AGB	1,100.00
H-2-AGC	1,100.00
H-2-AGD	1,100.00
H-2-AGE	1,100.00
H-2-AGF	1,100.00
H-2-AGG	1,100.00
H-2-AGH	1,100.00
H-2-AGJ	1,100.00
H-2-AGK	1,100.00
H-2-AGL	1,100.00
H-2-AGM	1,100.00
H-2-AGN	1,100.00
H-2-AGP	1,100.00
H-2-AGR	1,100.00
H-2-AGS	1,100.00
H-2-AGT	1,100.00
H-2-AGU	1,100.00
H-2-AGV	1,100.00
H-2-AGW	1,100.00
H-2-AGX	1,100.00
H-2-AGY	1,100.00
H-2-AGZ	1,100.00
H-2-AHA	1,100.00
H-2-AHB	1,100.00
H-2-AHC	1,100.00
H-2-AHD	1,100.00
H-2-AHE	1,100.00
H-2-AHF	1,100.00
H-2-AHG	1,100.00
H-2-AHH	1,100.00
H-2-AHJ	1,100.00
H-2-AHK	1,100.00
H-2-AHL	1,100.00
H-2-AHM	1,100.00
H-2-AHN	1,100.00
H-2-AHP	1,100.00
H-2-AHR	1,100.00
H-2-AHS	1,100.00
H-2-AHT	1,100.00
H-2-AHU	1,100.00
H-2-AHV	1,100.00
H-2-AHW	1,100.00
H-2-AHX	1,100.00
H-2-AHY	1,100.00
H-2-AHZ	1,100.00
H-2-AJA	1,100.00
H-2-AJB	1,100.00
H-2-AJC	1,100.00
H-2-AJD	1,100.00
H-2-AJE	1,100.00
H-2-AJF	1,100.00
H-2-AJG	1,100.00
H-2-AJH	1,100.00
H-2-AJJ	1,100.00
H-2-AJK	1,100.00
H-2-AJL	1,100.00
H-2-AJM	1,100.00
H-2-AJN	1,100.00
H-2-AJP	1,100.00
H-2-AJR	1,100.00

HAMMOND MACHINERY BUILDERS, INCORPORATED, KALAMAZOO, MICH.

Polishing and buffing lathes

TYPE "C"—3 TO 20 HORSEPOWER

With Master Electric Co. motor and air cleaner

[F. O. B. Kalamazoo, Mich.]

	Price complete
Model 3–C	$330
Model 5–C	345
Model 3–CH	380
Model 5–CH	395
Model 7–CH, 440-volt, 3-phase, 60-cycle	421
Model 7–CH, 220-volt, 3-phase 60-cycle	435
If wanted with push-button control only, no combination switch and brake (deduct)	15

With Totally Enclosed Fan-cooled Motor Mounted Outside Base

Same machine as shown above—Only difference is in motor. (Any standard make totally enclosed fan-cooled motor can be used.)

Model 3–C	$355
Model 5–C	380
Model 3–CH	405
Model 5–CH	430
Model 7–CH, 440-volt, 3-phase, 60-cycle	476
Model 7–CH, 220-volt, 3-phase, 60-cycle	490
Model 10–CH	655
Model 10–CEH, extra heavy duty	655
Model 15–CEH, extra heavy duty	685
Model 20–CEH, 440-volt, 3-phase, 60-cycle, extra heavy duty	750
Model 20–CEH, 220-volt, 3-phase, 60-cycle, extra heavy duty	770
If wanted with push-button control only, no combination switch and brake (deduct)	15
Also available with two speeds at extra charge of	10

TYPE "R"—5 TO 10 HP.

With Motor Mounted Inside Base

Model 3–RH	$405
Model 5–RH	420
Model 7–RH, 440-volt, 3-phase, 60-cycle	446
Model 7–RH, 220 volt, 3-phase 60-cycle	460
Model 10–RH (same general specifications as 7–RH except 10 hp. motor)	595
If wanted with push-button control only—no combination switch and brake (deduct)	15

TYPE "RO"—OVERHANGING SPINDLE, 3 TO 20 HP.

With Motor Mounted Inside Base

Model 3–ROH	$430
Model 5–ROH	455
Model 7–ROH, 440-volt, 3-phase, 60-cycle	483
Model 7–ROH, 220-volt, 3-phase, 60-cycle	477
Model 10–ROH (same general specifications as 7–ROH except 10 hp. motor)	510
Model 10–ROEH, extra heavy duty	625
Model 15–ROEH, extra heavy duty	700
Model 20–ROFH, extra heavy duty	750
If wanted with push-button control only—no combination switch and brake (deduct)	15

TYPE "RR"—TWO-SPINDLE, MOTORS-IN-BASE, 5 TO 7½ HP. EACH SPINDLE

With Motors Mounted Inside Base

Model 5–RR	$610
Model 5–RR	650
Model 7–RRW, 440-volt, 3-phase, 60-cycle	710
Model 7–RRW, 220-volt, 3-phase, 60-cycle	738
If wanted with push-button control only—no combination switch and brake (deduct)	30

TYPE "RRH"—TWO-SPINDLE, MOTORS-IN-BASE, 10 TO 15 HP. EACH SPINDLE

With Motors Mounted Inside Base

Model 10–RRH	$998
Model 15–RRH	1,050
If wanted with push-button control only—no combination switch and brake (deduct)	30

Type "CCO" Overhanging—Motors on Rear of Pedestal

	Price
Model 3–CCO with open ball bearing motors	$630
Model 3–CCO with totally enclosed fan cooled motors	676
Model 5–CCOH with open ball bearing motors	784
Model 5–CCOH with totally enclosed fan cooled motors	840
Model 7–CCOH, 440 volt, 3 phase, 60 cycle, with open ball bearing motors	809
Model 7–CCOH, 440 volt, 3 phase, 60 cycle, with totally enclosed fan cooled motors	887
For 220 volt, 3 phase, 60 cycle, service on model 7–CCOH only (add)	28
If wanted with push-button control only—no combination switch and brake (deduct)	30

HAMMOND MACHINERY BUILDERS, INCORPORATED, KALAMAZOO, MICH.—Continued

TYPE "RV" AND "RRV"

Model "VRO" variable speed polishing lathe

	Price
Model 3–VRO	$535
Model 5–VRO	550
Model 7–VRO, 440 volt, 3 phase, 60 cycle	576
Model 7–VRO, 220 volt, 3 phase, 60 cycle	590
If wanted with push button control only—no combination switch and brake (deduct)	15

TYPE "RRW" WIDE SWING—TWO SPINDLE

Model 3–RRWA	$640
Model 3–RRWB	680
Model 5–RRWA	680
Model 5–RRWB	690
Model 7–RRWA, 440 volt, 3 phase, 60 cycle, a. c.	740
Model 7–RRWA, 220 volt, 3 phase, 60 cycle, a. c.	768
Model 7–RRWB, 440 volt, 3 phase, 60 cycle, a. c.	750
Model 7–RRWB, 220 volt, 3 phase, 60 cycle, a. c.	778
If wanted with push button control only—no combination switch and brake (deduct)	30

TYPE "R" MOTOR-IN-BASE 2 OR 3 HP.

Model 2–R with manual starter having overload protection	$267
Model 3–R with manual starter having overload protection	275
Extra for magnetic starter	12
Extra for combination switch and brake	15

ACCESSORIES

Adjustable exhaust hoods, per pair of 2	$40.00
Taper points:	
For 1" diameter spindles (each)	2.75
For 1¼" diameter spindles (each)	3.25
Foot operating brake can be had instead of hand brake on all models except 2-spindle machines at an extra cost per machine of	15.00
Flat top shelf—same as used on type "R," can be had on all models without extra charge.	

TYPE "C-2" TWO SPEED, 3 AND 5 HP.

Add $10 to prices of 3–C, 5–C 3–CH, and 5–CH rite speeds as listed in column 1, page 1, of this price list. Available in 3 and 5 hp. sizes only.

LOW BASE—NO. 10

No. 10 with single tight pulley	$105.00
No. 10 with tight and ball bearing loose pulley	120.00

TYPE "RO" COMBINATION GRINDER AND POLISHER

With 3 hp. motor, 14" boiler plate guard	$450.00
With 5 hp. motor, 14" boiler plate guard	465.00
With 7½ hp., 440 volt, a.c. motor, 14" guard	491.00
With 7½ hp., 220 volt, a.c. motor, 14" guard	505.00
If wanted with push button control—no combination switch and brake (deduct)	15.00

TYPE "L" MOTOR-ON-SPINDLE

Light duty

1 horsepower, 2-bearing, floor type	$105
2 horsepower, 2-bearing, floor type	155
3 horsepower, 2-bearing, floor type	170
For bench model (deduct)	10

Above lathes similar to heavy duty models shown below but lighter construction.

Heavy Duty—Four-Bearing

3 horsepower	$346
5 horsepower	371
7½ horsepower, 440 volt, 3 phase, 60 cycle	427
7½ horsepower, 220 volt, 3 phase, 60 cycle	441

VICTORY—HEAVY DUTY (2 AND 4 BEARING)

Victory single pulley	$110
Victory T & L pulley	130
Heavy duty 2-bearing, single pulley	150
Heavy duty 2-bearing, T & L pulley	170
Heavy duty 4-bearing, single pulley	165
Heavy duty 4-bearing, T & L pulley	185

Other Belt Driven Models

No. 9 lathes	Prices on application
No. 12 single pulley	$160
No. 12 T & L pulley	180
No. 5 double spindle	250
Extra for 4-groove pulley for V-belt drive instead of standard flat belt pulley	10

Belt Strapping Attachment

Complete with cross bar, cross bar column, and rest	$85

TYPE "W" 1½, 2 AND 3 HORSEPOWER—TOTALLY ENCLOSED MOTORS, BENCH AND FLOOR MODELS

1½ horsepower, 10" x 1¾", floor A. C. with manual starter having overload protection, no eye shields	$185
1½ horsepower, 12" x 2" wheels, floor A. C. with manual starter having overload protection, no eye shields	187

HAMMOND MACHINERY BUILDERS, INCORPORATED, KALAMAZOO, MICH.—Continued

TYPE "W" 1½, 2 AND 3 HORSEPOWER—TOTALLY ENCLOSED MOTORS, BENCH AND FLOOR MODELS—Cont.

	Price
2 horsepower, 12" x 2", floor A. C. with manual starter having overload protection, no eye shields	$196
3 horsepower 14" x 3", A. C. with manual starter having overload protection, no eye shields	240
Extra for eye shields, per machine	4
Extra for magnetic starter	12
For bench mounting (deduct)	25
Prices do not include wheels.	

TYPE "WS" 2 AND 3 HORSEPOWER WIDE-SWING GRINDER—TOTALLY ENCLOSED MOTORS

2 horsepower, 12" x 2", with manual starter having overload protection	$290
3 horsepower, 14" x 2½", with manual starter having overload protection (On above models, distance between wheels, 30")	340
Extra for eye shields	5
Extra for magnetic starter	12
3 horsepower, wide-swing heavy duty 4-bearing grinder with magnetic starter, eye shields, 14" x 3" boiler plate wheel guards (distance between wheels 36")	430

TYPE "W" 3, 5, 7½ HP. TOTALLY ENCLOSED AND TOTALLY ENCLOSED FAN COOLED MOTORS

3 hp. with 14" boiler plate guards, manual starter and totally enclosed motor	$330
With totally enclosed fan cooled motor	378
Extra for magnetic starter	12
5 hp. with 18" boiler plate guards, magnetic starter and totally enclosed motor	470
With totally enclosed fan cooled motor	500
With 20" guards (add)	12
7½ hp. with 20" boiler plate guards, 440 volts, 3 phase, 60 cycle, A. C. totally enclosed motor	450
With totally enclosed fan cooled motor	504
For 220 volts, 3 phase, 60 cycle service in 7½ hp. size only (add)	14

TYPE "WH" 5 AND 7½ HP. TOTALLY ENCLOSED AND TOTALLY ENCLOSED FAN COOLED MOTORS

5 hp. with 18" boiler plate guards, magnetic starter and totally enclosed motor	$420
With totally enclosed fan cooled motor	504
Extra for 20" boiler plate guards instead of 18"	15
7½ hp. with 20" boiler plate guards, magnetic starter and 440 volts, 3 phase, 60 cycle totally enclosed motor	666
With totally enclosed fan cooled motor	720
For 220 volts, 3 phase, 60 cycle service in 7½ hp. size only (add)	14
This 7½ hp. grinder is heavy enough to accommodate 24" wheels. If wanted with 24" boiler plate guards, this would require an 850 r. p. m. motor. For 24" machine (add)	80
(Not available with larger than 7½ hp. motor.)	
7½ hp. for 20" high-speed wheels, with 440 volts, 3 phase, 60 cycle totally enclosed, 1,750 r. p. m. motor	670
With totally enclosed fan cooled motor	720
For 220 volts, 60 cycle, 3 phase service in 7½ hp. size only (add)	14
Extra for large hole steel flanges up to 12" usually employed with high-speed wheels (per machine)	50

TYPE "DW" COMBINATION DISC AND PRODUCTION GRINDER, 2, 3, 5, AND 7½ HP.

Totally enclosed motors on 2 hp., totally enclosed or totally enclosed fan cooled motors on 3, 5, 7½ hp. sizes.

2 hp., 12" with manual starter	275
2 hp., 12" with magnetic starter	325
3 hp., 14", manual starter, totally enclosed motor	445
3 hp., 14", manual starter totally enclosed fan cooled motor	495
Extra for magnetic starter	12
5 hp., 18", magnetic starter, totally enclosed motor	541
5 hp., 18" magnetic starter, totally enclosed fan cooled motor	589
7½ hp., 20" magnetic starter, totally enclosed motor for 440 volts, 3 phase, 60 cycle	567
7½ hp., 20" with magnetic starter and totally enclosed fan cooled motor for 440 volts, 3 phase, 60 cycle	621
Extra for 220 volts, 3 phase, 60 cycle, in 7½ hp. sizes only	14
Prices include steel guard for grinding wheel, disk, and plain table. If lever feed table is wanted, add $50.00.	

TYPE "D" DOUBLE DISC 3, 5, 7½ HP. TOTALLY ENCLOSED AND TOTALLY ENCLOSED FAN COOLED MOTORS

3 hp., 14", manual starter, totally enclosed motor	$520
3 hp., 14", manual starter, totally enclosed fan cooled motor	643
Extra for magnetic starter	12
5 hp., 18" magnetic starter, totally enclosed motor	601
5 hp., 18", magnetic starter, totally enclosed fan cooled motor	640

HAMMOND MACHINERY BUILDERS, INCORPORATED, KALAMAZOO, MICH.—Continued

TYPE "J" ROTARY AUTOMATIC POLISHING MACHINES, WITH TABLES 21", 25", 31", AND 34" IN DIAMETER

Indexing Type

[For continuous rotating table machines, see models "M" and "MB" below]

Model	Horsepower of motor	Type of drive	Table diameter	Number of heads	Number of work spindles	Type of head	Price
			Inches				
S	1½	Motor-on-spindle	21	3	8	Nonlift	$2,125
S	2	do	21	3	8	do	2,155
S	3	do	21	3	8	do	2,190
S	5	do	21	3	8	do	2,270
S	7½	do	21	3	8	do	2,360
SL	1½	do	21	3	8	Lift	2,660
SL	2	do	21	3	8	do	2,690
SL	3	do	21	3	8	do	2,695
SL	5	do	21	3	8	do	2,780
SL	7½	do	21	3	8	do	2,850
SH	3	Multi-V belt	21	3	8	Nonlift	2,675
SH	5	do	21	3	8	do	2,750
SHL	3	do	21	3	8	Lifting	3,280
SHL	5	do	21	3	8	do	3,315
S–6	3	Motor-on-spindle	34	14	6	Nonlift	2,380
S–6	5	do	34	14	6	do	2,430
SH–6	3	Multi-V belt	34	14	6	do	3,430
SHL–6	3	do	34	14	6	do	3,490
	5	do	34	14	6	Lifting	4,030
SS	(1–5	Motor-on-spindle	31	3	8	Nonlift	3,020
	(2–7½						
SSB	(1–5	Multi-V belt	31	3	8	do	3,575
	(2–7½						

Continuous Rotating Type Without Electro-Magnetic Chucks

M	3	Motor-on-spindle	23	3		Nonlift	2,615
M	5	do	23	3		do	2,695
MH	3	Multi-V belt	23	3		do	3,315
MB	5	do	23	3		do	3,400

1 5 horsepower maximum size of this model.
2 Independent heads.
Price of "J" base and table without heads (table having 8 work spindles) is $1,045. Therefore, if "J" with floor supported (independent heads) is wanted, add to this price for the number and kind of independent heads wanted.

	Price
1-RW—Spec	$155.15
2-RW—Spec	198.60
2-RWH	976.80
2-CW	356.00
CDH–26–30" disk grinder (without disks)	999.25
CDH–18–20" disk grinder (without disks)	466.00

This price list covers special grinders—sold to one customer only.

HAMMOND MACHINERY BUILDERS, INCORPORATED, KALAMAZOO, MICH.—Continued

TYPE "D" DOUBLE DISC 3, 5, 7½ HP. TOTALLY ENCLOSED AND TOTALLY ENCLOSED FAN COOLED MOTORS—Con.

	Price
7½ hp., 20", magnetic starter, totally enclosed motor for 440 volts, 3 phase, 60 cycle	$657
7½ hp., 20", magnetic starter, totally enclosed fan cooled motor for 440 volts, 3 phase, 60 cycle	711
Extra for 220 volts, 3 phase, 60 cycle in 7½ hp. sizes only	14
Prices include two disks, one plain and 1 lever feed table	
If equipped with two plain tables, deduct	50
If equipped with two lever feed tables (add)	50

TYPE "EW" MULTI-V BELT DRIVE 1 TO 2 HP. TOTALLY ENCLOSED MOTOR

1 hp., 220–440 volt, 3 phase, 60 cycle for 10" x 1¼" wheels cast iron guards, with manual starter having overload protection, no eye shields or wheels	$221
Extra for 1 hp., 25-cycle motor	28
If wanted with 10" x 2" grinding wheels (add)	5
2 hp., 440 volts, 3 phase, 60 cycle, as above except, for 12" x 2" wheels	240
Extra for 2 hp., 25-cycle motor	40
Extra for shatterproof eye shields (per machine)	5
Extra for magnetic starter	12

TYPE "EW"

1½ hp., 10" x 1¾", floor A. C. with manual starter	$203
2 hp., 12" x 2", floor, A. C. with manual starter	248
For bench mounting, deduct from above prices	25
Extra for magnetic starter both sizes	12

RITE-SPEED ELECTRIC GRINDER—3, 5, AND 7½ HP. TOTALLY ENCLOSED FAN COOLED MOTOR

3 hp. rite-speed, 4-bearing, spindle 46" long overall, 35" between wheels, with 14" boiler plate guards and 3 hp., A. C. 1,800 R. P. M. totally enclosed fan cooled motor, no wheels	$445
5 hp., same as above	470
7½ hp., same as above	515
10 hp., rite-speed electric grinder, same as above except with 16" boiler plate guards and 1,200 r. p. m. motor	615

HAMMOND MACHINERY BUILDERS, INCORPORATED, KALAMAZOO, MICH.

RITE-SPEED ELECTRIC GRINDER—3, 5, 7½ HP. TOTALLY ENCLOSED FAN COOLED MOTOR

Indexing Type

	Price
7½ hp. extra heavy rite-speed, 4-bearing, spindle 50" long overall, 39" between wheels with 18" boiler plate wheel guards, no wheels	$776

TYPE "WRO" OVERHANGING SPINDLE GRINDER FOR LARGE AND BULKY PIECES, SPINDLE 32" LONG OVER-ALL, WHEEL SPACING 46" BETWEEN CENTERS

3–WRO with 3 hp., A. C., 60-cycle motor 14" exhaust type wheel guards, no work rests	$450
5–WRO with 5 hp., A. C., 60-cycle motor 14" exhaust type wheel guards, no work rests	465
Extra for work rests (per machine)	15

This Grinder is the same as the type "RO" Polishing Lathe, except it is fitted with boiler plate guards for grinder purposes. An excellent Grinder where extra working space is required around the wheels.

TYPE "WR" "MULTI-HI SPEED" 10, 15, AND 20 HP.

Motors-in-Base for Vitrified or High-Speed Wheels

10 hp., 2-speeds, 20" boiler plate wheel guards	$1,005
10 hp., 2-speeds, 24" boiler plate wheel guards	1,125
10 hp., 3-speeds, 24" boiler plate wheel guards	1,225
If totally enclosed fan cooled motor wanted (add)	54
15 hp., 2-speeds, 24" boiler plate wheel guards	1,150
15 hp., 3-speeds, 24" boiler plate wheel guards	1,250
If totally enclosed fan cooled motor wanted (add)	58
20 hp., 2-speeds, 24" boiler plate wheel guards	1,185
20 hp., 3-speeds, 24" boiler plate wheel guards	1,285
If totally enclosed fan cooled motor wanted (add)	79
3 hp. rite-speed, 4-bearing, spindle 46" long overall, 35" between wheels, with 14" boiler plate guards and 3 hp., A. C. 1,800 R. P. M. totally enclosed fan cooled motor, no wheels	60
Extra for large hole steel flanges up to 12", usually employed with high-speed wheels (per machine)	50

ACCESSORIES FOR GRINDERS

Extra for foot treadle switch, all models	$15

HANCHETT MANUFACTURING CO., BIG RAPIDS, MICH.

SURFACE GRINDERS (STANDARD)

Description	Diameter of table available	Weight	Price
	Inches	*Pounds*	
Rotary, standard:			
No. 36	40	20,000	$7,950
No. 36–A	30	15,000	7,900
No. 36–A2	30	27,500	10,500
No. 24–A	24	12,000	6,000
No. 24–A2	24	22,000	7,800
No. 72		26,000	14,375
Rotary plano, standard.		75,000	18,000
	Table lengths available	Weight in 60" length	
	Inches	*Pounds*	
Vertical spindle, standard:			
300	36–84	16,500	$6,825–$8,340
400	50–132	24,000	8,925–12,335
400SS	60 and 120	32,000	17,850–19,850

HANCHETT MANUFACTURING CO., BIG RAPIDS, MICH.—Continued

BADGER GRINDERS, STANDARD WITH BUILT-IN MOTOR DRIVE

Description	Weight	Price
	Pounds	
2	950	$550
4	1,600	786
6	2,800	968
7	3,100	1,165
8	4,000	1,430
9	5,500	2,200
153, 53" disk [1]	7,240	2,435
206	1,500	750
214	3,600	1,500
220	6,000	2,255
221	9,000	2,720
228	15,000	3,300
230	18,000	4,070

[1] Belted type motor drive.

FACE GRINDERS (STANDARD)

Model No.	Capacities	Weight	Price
	Inches	*Pounds*	
900	60–218	24,000–29,000	$8,500–$15,370
1000	60–218	22,000–37,000	7,795– 12,285
2000	60–218	16,000–29,000	6,310– 9,890
3000	60–218	14,000–26,000	5,685– 9,085
4000		13,000–21,500	4,600– 7,070

PLANO SURFACE GRINDERS

Width of table	Table lengths	Weight	Prices	
			Straight wheel, standard	Vertical spindle segmental wheel
Inches	*Inches*	*Pounds*		
30	72–220	45,000 and up	$17,650 and up	$17,400 and up.
50	72–220	85,000 and up	27,000 and up	26,750 and up.

TRAVELING WHEEL GRINDERS (STANDARD)

Model number	Lengths	Weight	Price
	Inches	*Pounds*	
500 UK	84–170	20,000–32,000	$7,320–$10,115.
600 UK	84–170	35,000–54,000	13,105–18,300.
700 UK	84–170	58,000–75,000	20,960–28,635 and up.

SWING ARM GRINDERS (STANDARD)

Model number	Weight	Price
	Pounds	
700	2,500	$955
800	3,500	1,420

No. 14 automatic grinder, standard, 200 pounds.. $287

THE HANSON-WHITNEY MACHINE CO., HARTFORD, CONN.

4" x 9" THREAD MILLING MACHINE

[Regular equipment including machine with two motors, one each for work head and cutter head, and controller, regular headstock with draw-back collet mechanism and 2" master collet, cutter head with arbor and support]

Tailstock and one lead cam for any pitch specified	$4,600
Extra charge for applying motors if sent to us by customer	20
Extra lead cams, each	15

8" x 16" THREAD MILLING MACHINE

Regular equipment, including machine with two motors, one each for work head and cutter head, and controller, regular headstock with draw-back collet mechanism and either 2" or 3" master collet, cutter head with arbor and support]

Tailstock and one lead cam for any pitch specified	$5,950
Extra charge for bed 74" long	700
Extra charge for applying motors if sent to us by customer	20
Extra lead cams, each	15
Relieving attachment with one cam	190
Extra relief cams, each	45

THE HANSON-WHITNEY MACHINE CO., HARTFORD, CONN.—Continued

10" x 24" THREAD MILLING MACHINE

[Regular equipment, including machine with two motors, one each for work head and cutter head, and controller, regular headstock with draw-back collet mechanism with either 2½" or 4" master collet cutter head with arbor and support]

Tailstock and one lead cam for any pitch specified	$6,750
10" x 48" machine with bed 84" long	7,685
Extra for machine with 19" swing	1,320
Extra for machine with 22" swing	1,350
Extra for extended cross slide	200
Extra charge for applying motors if sent to us by customer	20
Extra lead cams, each	15
Relieving attachment with one cam	190
Extra relief cams, each	45

HARDINGE BROTHERS, INC., ELMIRA, N. Y.

Open Cone Plain Bearing Lathe with slide rest	$400
Open Cone Ball Bearing Lathe with slide rest	425
Enclosed Head Ball Bearing Lathe with pedestal drive and slide rest	950
Enclosed Head Ball Bearing Lathe with bench drive and slide rest	850
Plain Bearing Cone Style Vertical Milling Machine	535
Plain Bearing Cone Style Horizontal Milling Machine	530
Ball Bearing Cone Style Horizontal Milling Machine	555

R-G-HASKINS CO., CHICAGO, ILL

Haskins, no. 1–C air-controlled tapping machine, recommended for handling taps up to and including No. 10 or ¼" in mild steel and ¾" in brass, less tap lubricant pump, for operation on—

110 or 220 volt, 60 cycle, single-phase current	$530.00
220 or 440 volt, 60 cycle, 3-phase current	530.00
550 volt, 60 cycle, 3-phase current	540.00
115 or 230 volt direct current	545.00

Haskins no. 2–C air-controlled tapping machine, recommended for handling taps from No. 8 to ⅜" in mild steel and ⅝" in brass, less tap lubricant pump, for operation on—

110 or 220 volt, 60 cycle, single-phase current	$570.00
220 or 440 volt, 60 cycle, 3-phase current	570.00
550 volt, 60 cycle, 3-phase current	580.00
115 or 230 volt direct current	585.00

Haskins no. 3–C air controlled tapping machine, recommended for handling taps from No. 10 to ⅝" S. A. E. in mild steel or brass, less tap lubricant pump, for operation on—

220 or 440 volt, 60 cycle, 3-phase current	640.00
550 volt, 60 cycle, 3-phase current	650.00
115 or 230 volt direct current	655.00

R-G-HASKINS CO., CHICAGO, ILL.—Continued

Haskins single shot, air-operated lubricant pump mounted on any of the above machines	$40.00
Haskins continuous flow, motor-driven lubricant pump mounted on any of the above machines—	
110 to 220 volt, 60 cycle, single phase	57.00
220 volt, 60 cycle, 3 phase	75.00
440 volt, 60 cycle, 3 phase	80.00
550 volt, 60 cycle, 3 phase	80.00
115 or 230 volt direct current	80.00
Work tables. Specifications listed in catalog indicate size of standard work table for each machine. Larger tables may be substituted for standard table at the following additional prices:	
11½" x 14¾" table for nos. 1–C and 2–C	8.00
12" x 21¾" table for nos. 1–C and 2–C machines	16.00
12" x 21¾" table for no. 3–C machine	12.00
Reversing switch (for left-hand tapping)	12.50
Dirt and moisture trap	6.00

	Weight or shipping (pounds)
No. 1–C tapper:	
Net weight with air-operated oil pump	366
Net weight with motor-driven oil pump	387
Weight crated with air-operated oil pump	466
Weight crated with motor-driven oil pump	487
No. 2–C tapper:	
Net weight with air-operated oil pump	374
Net weight with motor-driven oil pump	395
Weight crated with air-operated oil pump	474
Weight crated with motor-driven oil pump	495
No. 3–C tapper:	
Net weight with air-operated oil pump	576
Net weight with motor-driven oil pump	597
Weight crated with air-operated oil pump	702
Weight crated with motor-driven oil pump	723

THE HEALD MACHINE CO., WORCESTER, MASS.

BORING MACHINES

[Complete with motors and controls, water attachments, and all standard equipment, but without boring heads, quills, and tools]

No.	Approximate weight	Price
	Pounds	
44, facing machine	5,500	$3,650
45, single end	11,000	6,200
45, double end	13,000	8,500
46B, single end	7,500	4,650
46B, double end	8,000	4,850
47A	5,500	3,695
48A	2,800	2,240
49, single end	5,150	3,500
49, double end	5,600	3,805
49, universal chucker	6,000	3,650

ROTARY SURFACE GRINDING MACHINES

[Complete with all standard equipment, including magnetic chuck, grinding wheel, mounted diamond, tools, and wrenches. Motor-driven machine prices include motors and controls]

No.	Approximate weight	Price
	Pounds	
22, 8" belt drive	3,400	$3,435
22, 8" motor drive	3,700	3,780
22, 12" belt drive	3,450	3,745
22, 12" motor drive	3,750	3,830
25A, 12" belt drive	7,000	5,500
25A, 12" motor drive	7,300	6,195
25A, 16" belt drive	7,000	6,000
25A, 16" motor drive	7,300	6,295
29A, 24" motor drive	8,500	7,595
29A, 30" motor drive	9,100	8,585

CYLINDER GRINDING MACHINES

[Complete with all standard equipment, including 22" cross slidetable, standard 7½", 10", 11"–18" wheel spindle and arm as specified, grinding wheel, mounted diamond, and necessary wrenches. Without pump, tank, and water attachments. Motor-driven machine prices include motors and controls]

No.	Approximate weight	Price
	Pounds	
50, belt drive	5,500	$3,775
50, motor drive	6,000	3,945
55, belt drive	4,500	3,705
55, motor drive	4,900	3,975

THE HEALD MACHINE CO., WORCESTER, MASS.—Continued

INTERNAL GRINDING MACHINES

[Complete with all standard equipment including workhead and wheelhead cross slide but not including wheelheads, fixtures, or pump, tank, and water attachments. Motor-driven machine prices include motors and controls]

No.	Approximate weight	Price
	Pounds	
70A, belt drive	5,100	$4,265
70A–3, motor drive	5,500	5,140
72A–3, plain belt drive	5,600	5,360
72A–5, plain belt drive	7,350	5,755
72A–3, plain 2-motor drive	5,800	5,500
72A–5, plain 2-motor drive	7,550	5,895
72A–3, plain 3-motor drive	5,900	5,945
72A–5, plain 3-motor drive	7,650	6,340
72A–3, dial indicator belt drive	5,800	5,810
72A–5, dial indicator belt drive	7,850	6,205
72A–3, dial indicator 2-motor drive	6,000	5,950
72A–5, dial indicator 2-motor drive	7,750	6,345
72A–3, dial indicator 3-motor drive	6,100	6,395
72A–5, dial indicator 3-motor drive	7,850	6,790
72A–3, electric indicator belt drive	5,700	7,660
72A–5, electric indicator belt drive	7,450	8,055
72A–3, electric indicator 2-motor drive	5,900	7,795
72A–5, electric indicator 2-motor drive	7,650	8,190
72A–3, electric indicator 3-motor drive	6,000	8,240
72A–5, electric indicator 3-motor drive	7,750	8,635
72A–3, size-matic belt drive	5,700	7,660
72A–5, size-matic belt drive	7,450	8,055
72A–3, size-matic 2-motor drive	5,900	7,795
72A–5, size-matic 2-motor drive	7,650	8,190
72A–3, size-matic 3-motor drive	6,000	8,240
72A–5, size-matic 3-motor drive	7,750	8,635
72A–3, gage-matic belt drive	6,000	8,410
72A–5, gage-matic belt drive	7,750	8,805
72A–3, gage-matic 2-motor drive	6,200	8,545
72A–5, gage-matic 2-motor drive	7,950	8,940
72A–3, gage-matic 3-motor drive	6,300	8,990
72A–5, gage-matic 3-motor drive	8,050	9,385
73A, belt drive	3,800	3,260
73A, 2-motor drive	4,000	3,975
72, size-matic duplex	14,000	15,420
75, airplane cylinder grinder	11,500	8,480
74, paim	12,000	8,690
172, gap base	11,800	7,775
174, gap base	16,000	9,880
81, plain chucker	4,375	5,025
81, size-matic chucker	4,375	7,220
82, gage-matic chucker	4,375	7,480
81, plain (hand loading) centerless	5,400	8,430
81, size-matic centerless	5,400	9,950
81, gage-matic centerless	5,400	9,950

OBSOLETE HEALD GRINDING MACHINES (SEE NOTE)

[The following Heald machines are now obsolete. The last quotations were made in the years designated and the prices are those quoted at that time]

No.	Price	Year
20	$1,950	1929
60	2,100	1922
65	2,350	1927
80	1,600	1920
85	750	1929
250	660	1919
300	750	1919
355	1,300	1919
360	1,950	1921

NOTE: Compare following obsolete models as shown below:
No. 20—Rotary surface grinder to No. 22.
No. 265—Rotary surface grinder to No. 22.
No. 65—Planetary cylinder grinder to No. 50.
No. 60—Planetary cylinder grinder to No. 55.

THE HENDEY MACHINE CO., TORRINGTON, CONN.

HENDEY CONE TYPE LATHES—TIE BAR HEADSTOCK

Size lathe	Approximate net weight	Price	Extra per 2 feet bed
	Pounds		
12" x 30"	2,000	$2,650	$120
14" x 30"	2,280	2,760	130
16" x 30"	3,350	2,475	140
18" x 30"	3,500	2,900	160
20" x 48"	4,600	3,260	200

HENDEY 18-SPEED GEARED HEAD LATHES

12" x 30"	2,900	$3,620	$130
14" x 30"	3,550	3,895	150
16" x 30"	4,800	4,595	170

THE HENDEY MACHINE CO., TORRINGTON, CONN.—Continued

HENDEY 12-SPEED GEARED HEAD LATHES

Size lathe	Approximate net weight	Price	Extra per 2 feet bed
	Pounds		
12" x 30"	2,900	$3,420	$130
14" x 30"	3,550	3,685	150
16" x 30"	4,800	4,225	170
18" x 30"	6,100	4,835	180
20" x 48"	6,600	5,465	200
24" x 48"	7,350	6,050	220

HENDEY 4C 12-SPEED GEARED HEAD LATHE

14" x 42"	4,500	$3,990	$150

THE HENDEY MACHINE CO., TORRINGTON, CONN.—Continued

HENDEY CRANK SHAPERS

Size lathe	Approximate net weight	Price	Extra per 2 feet bed
	Pounds		
12" high speed universal	2,850	$2,750	
14" heavy duty	4,800	3,020	
16" standard	5,000	3,100	
20" heavy duty	5,800	3,270	
24" standard	6,100	3,250	
24" heavy duty	8,100	3,900	
28" standard	8,500	3,980	

HENDLEY & WHITTEMORE, BELOIT, WIS.

Punches, shears, and bending rolls

COMBINED POWER PUNCHES AND SHEARS (BELT DRIVE) PRICES AND SPECIFICATIONS

Size number	Throat depth	Capacity punch [1]	Shear flat bars	Shear rounds	Shear angles	Stroke	Approximate weight skidded	List price
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Pounds*	
51	5	⅝ through ⅞	3½ x 2 or ¼ x 4	⅝	¼ x 1½	¾	1,050	$350
52	6	⅞ through 1½	3½ x 4 or ⅜ x 6	1	¼ x 2	¾	1,650	380
53	7	⅝ through ⅞	⅝ x 4 or ½ x 6	1¼	¼ x 3	⅞	2,350	590
54	8	¾ through ⅞	¾ x 4 or ⅝ x 6	1½	⅜ x 3	17/16	3,250	650
55	10	1 through ¾	⅝ x 4 or ¾ x 6	1¾	⅜ x 4	1	5,000	890
55½	12	1 through 1	1 x 6	2	½ x 4	1 ⅜	8,500	1,500
56	12	1½ through 1	1 x 8	2¼	½ x 5	1 ⅝	11,000	2,000

[1] All ratings based on mild steel.

ALLIGATOR SHEARS (BELT DRIVE), PRICES AND SPECIFICATIONS

Size number	Capacity rounds [1]	Capacity flats [1]	Size blades	Weight	List price
	Inches	*Inches*	*Inches*	*Pounds*	
46	1	4 x ⅜	6 and 9	1,300	$320
46½	1¼	6 x ½	6½ and 10	2,150	440
47	1½	6 x ⅝	7 and 12	2,800	500
48	2	6 x 1	7 and 12	4,600	700
49	2½	8 x 1	10 and 15	8,000	1,250

[1] All ratings based on mild steel.

ALLIGATOR SHEARS (BELT DRIVE) PRICES AND SPECIFICATIONS

Size number	Capacity rounds [1]	Capacity squares [1]	Size blades	Domestic shipping weight	List price
	Inches	*Inches*	*Inches*	*Pounds*	
1	1	⅞	4½ and 7	1,250	$280
1½	1½	1¼	7 and 12	4,000	730
2	2	1¾	7 and 12	5,800	880
2½	2½	2¼	10 and 15	8,400	1,360

[1] Ratings based on soft steel.

SPLITTING SHEARS PRICES AND SPECIFICATIONS

Size No.	Splitting capacity [1]	Length shear blades	Approximate weight skidded	List price
	Inches	*Inches*	*Pounds*	
40	5/16	6½	650	$190
41	⅜	6½	750	220
42	5/16	7	1,150	280
43	⅜	10	2,000	370
44	½	12	2,750	500
25	⅜	10	1,800	360
26	½	12	3,000	650
27	⅝	12	4,000	730

[1] Ratings based on soft steel.

DOUBLE END COMBINED POWER PUNCHES AND SHEAR (BELT DRIVE) PRICES AND SPECIFICATIONS

Size No.	Punching capacity [1]	Punch throat depth [1]	Shearing			Stroke		Approximate weight skidded	List price
			Round bars	Flat bars	Angles	Punch end	Shear end		
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Pounds*	
9–A	⅜ x ½	12	1	⅜ x 4	½ x 3	⅝	1¾	2,800	$750
9–B	⅝ x ⅝	12	1¼	⅝ x 5	⅝ x 3	1	1⅜	3,800	880
9–C	¾ x ¾	12	1½	¾ x 6	⅝ x 4	1⅛	1½	5,400	1,180
9–D	1 x 1	12	1¾	1 x 6	½ x 4	1½	2	11,000	2,000

[1] Ratings based on soft steel.

HENDLEY & WHITTEMORE, BELOIT, WIS.—Con.

SINGLE END COMBINED POWER PUNCHES AND SHEAR (BELT DRIVE) PRICES AND SPECIFICATIONS

Size No.	Throat depth	Approximate weight skidded	List price
	Inches	*Pounds*	
57	6	1,350	$320
58	12	1,450	340
59	18	1,800	380
60	24	2,300	440
61	30	2,800	500
62	36	3,200	550
63	45	4,450	750
A-6	6	2,650	630
A-12	12	3,050	690
A-18	18	3,750	750
A-24	24	4,700	820
A-36	36	6,000	1,000
B-12	12	5,000	940
B-24	24	6,350	1,070
B-36	36	8,500	1,250

PYRAMID TYPE BENDING ROLLS (BELT DRIVE) PRICES AND SPECIFICATIONS

Size No.	Capacity	Length	Diameter top roll	Diameter lower rolls	Approximate weight	List price
	Inches	*Inches*	*Inches*	*Inches*	*Pounds*	
10A	5/16	50	6	5	3,125	$750
10B	1/4	62	6	5	3,350	820
10C	1/4	74	6¾	6	4,000	940
10D	7/32	86	6⅞	6	4,350	1,000
10E	5/16	98	6⅞	6	4,700	1,050
10F	5/16	110	6⅞	6	5,250	1,100
11A	5/16	62	7	6⅜	4,100	940
11B	5/16	74	7	6⅜	4,600	1,000
11C	5/16	86	7	6⅜	5,200	1,070
11D	1/4	98	7	6⅜	5,700	1,160
11E	5/16	110	7	6⅜	6,200	1,250
11F	3/8	122	7	6⅜	6,700	1,350
12A	3/8	62	7½	7	5,675	1,220
12B	3/8	74	7½	7	6,150	1,280
12C	3/8	86	7½	7	6,700	1,380
12D	5/16	98	8	7	7,300	1,570
12E	1/4	110	8	7	8,000	1,630
12F	1/4	122	8	7	8,700	1,750
13A	1/2	62	8½	7½	7,050	1,380
13B	1/2	74	8½	7½	7,800	1,500
13C	3/8	86	8½	7½	8,550	1,630
13K	11/32	98	8½	7½	8,875	1,690
13L	5/16	110	8½	7½	9,700	1,820
13M	5/16	122	8½	7½	10,250	1,900
13D	1/4	98	9	7½	9,150	1,730
13E	1/2	86	9½	8	9,325	1,820
13F	1/2	98	10	8½	10,325	1,940
13G	3/8	122	10	8½	11,765	2,200
14A	3/8	146	12	9	18,600	3,080
14H	1/2	122	12	9	17,020	2,800
14C	3/8	146	13	9½	20,300	3,200
14D	3/8	74	10½	9½	10,700	2,000
14E	3/8	98	12	9	15,000	2,600
14F	3/8	122	13	9½	18,000	3,000
14G	3/8	146	14	10	21,500	3,800

INITIAL TAPE BENDING ROLLS (BELT DRIVE) PRICES AND SPECIFICATIONS

Size No.	Capacity [1]	Diameter top roll	Diameter lower roll	Length	Approximate shipping weight	List price
		Inches	*Inches*	*Inches*	*Pounds*	
1-A	10 GA.	4¼	4¼	38	1,650	$360
1-B	11 GA.	4¼	4¼	44	1,770	380
1-C	12 GA.	4¼	4¼	50	1,850	400
1-D	14 GA.	4¼	4¼	62	2,000	440
1-E	16 GA.	4¼	4¼	74	2,200	470
1-F	18 GA.	4¼	4¼	86	2,700	500
1-G	20 GA.	4¼	4¼	98	2,800	540
1-H	22 GA.	4¼	4¼	122	3,200	600
2-A	8 GA.	4¾	4¾	38	1,740	380
2-B	9 GA.	4¾	4¾	44	1,860	400
2-C	10 GA.	4¾	4¾	50	1,970	420
2-D	11 GA.	4¾	4¾	62	2,150	470
2-E	14 GA.	4¾	4¾	74	2,400	510
2-F	15 GA.	4¾	4¾	86	2,730	570
2-G	16 GA.	4¾	4¾	98	3,050	630
2-H	18 GA.	4¾	4¾	122	3,600	770
3-A	1/4"	6	5	38	2,750	650
3-B	1/4"	6	5	44	2,875	680
3-C	1/4"	6	5	50	3,000	680
3-D	3/16"	6	5	62	3,250	750
3-E	3/16"	6	5	74	3,500	820
3-F	3/16"	6	5	86	3,650	880
3-G	10 GA.	6	5	98	4,250	950
3-H	12 GA.	6	5	122	4,800	1,070
4-A	3/8"	7	6⅜	38	3,650	750
4-B	3/8"	7	6⅜	44	3,825	790
4-C	3/16"	7	6⅜	50	4,000	820
4-D	3/16"	7	6⅜	62	4,350	900
4-E	3/16"	7	6⅜	74	4,850	980
4-F	1/4"	7	6⅜	86	5,250	1,070
4-G	1/4"	7	6⅜	98	5,600	1,140
4-H	10 GA.	7	6⅜	122	6,300	1,250

[1] Ratings based on soft steel.

HENDLEY & WHITTEMORE, BELOIT, WIS.—Con.

HEAVY DUTY SHORT ROLLS (BELT DRIVE) PRICES AND SPECIFICATIONS

Size No.	Capacity [1]	Diameter top roll	Diameter lower roll	Length	Approximate shipping weight	List price
		Inches	*Inches*	*Inches*	*Pounds*	
5-A	1/4	6	6	14	2,450	$570
5-B	1/4	6	6	20	2,600	600
5-C	1/4	6	6	26	2,750	630
5-D	1/4	6	6	32	2,900	660
6-A	3/8	7	7	14	2,700	630
6-B	3/8	7	7	20	3,000	670
6-C	3/8	7	7	26	3,300	700
6-D	3/8	7	7	32	3,600	740

[1] Ratings based on soft steel.

ANGLE BENDING ROLLS

Price belt drive, No. 20A	$1,250
Specifications:	
Diameter of angle rolls—inches	7
R. p. m. of rolls	14.50
Feet per minute, angle rolls	26.50
Diameter shafts in bearings—inches	3
Diameter in roll heads—do	2½
Gear ratio	1-22.8
Approximate shipping weight—pounds	2,300

HAND FORMING ROLLS—BELT DRIVE, SINGLE BACK GEAR, PRICES AND SPECIFICATIONS

Bench type

Size No.	Capacity	Length	Diameter top roll	Diameter lower roll	Approximate weight	List price
	Gage	*Inches*	*Inches*	*Inches*	*Pounds*	
1	14	32	3	3	550	$140
2	14	38	3	3	600	150
3	16	44	3	3	650	170
4	16	50	3	3	700	180
5	18	62	3	3	800	200
6	20	74	3	3	900	230
7	22	86	3	3	1,000	250
8	24	98	3	3	1,100	270

BELT DRIVE DRILLING MACHINES WITH EXCEPTION OF CLASS "AA" WHICH IS ALWAYS FURNISHED WITH MOTOR DRIVE MOTORS

Machine No. / Number of spindles	1 1	2 2	3 3	4 4	5 5	6 6	7 7	8 8	21 2	33 3	47 4
Class "AA":											
8" overhang:											
Price	$435	$775	$1,115	$1,450		$2,150					
Weight—pounds	700	1,100	1,400	1,870		3,200					
12" overhang:											
Price	$465	$840	$1,225	$1,580		$2,335					
Weight—pounds	1,070	1,525	1,830	2,360		3,685					
Class "B":											
8" overhang:											
Price	$405	$675	$955	$1,245	$1,540	$1,830	$2,115	$2,405	$775	$1,100	$1,500
Weight—pounds	720	1,200	1,500	1,806	2,500	2,900	3,150	3,400	1,325	2,150	2,925
12" overhang:											
Price	$410	$740	$1,065	$1,390	$1,720	$2,045	$2,375	$2,700	$845	$1,270	$1,650
Weight—pounds	975	1,335	1,650	2,000	2,800	3,200	3,500	3,800	1,475	2,450	2,975
Class "K":											
8" overhang:											
Price	$395	$660	$935	$1,210	$1,485	$1,760	$2,035	$2,205	$745	$1,050	$1,350
Weight—pounds	625	850	1,050	1,425	1,700	1,925	2,170	2,450	1,324	1,700	1,875
12" overhang:											
Price	$425	$725	$1,045	$1,350	$1,650	$1,955	$2,265	$2,570	$810	$1,160	$1,450
Weight—pounds	775	938	1,230	1,565	1,950	2,175	2,480	2,825	1,500	1,750	2,180
Class "T":											
8" overhang:											
Price	$600	$1,100	$1,610	$2,120		$3,135			$1,210		
Weight—pounds	1,128	1,450	2,324	3,000		5,000			2,374		
12" overhang:											
Price	$640	$1,175	$1,725	$2,270		$3,370			$1,250		
Weight—pounds	1,175	1,525	2,440	3,370		6,300			2,475		
Class "R," Four speed quick change:											
8" overhang:											
Price	$470	$830	$1,205	$1,570	$1,925	$2,275					
Weight—pounds	820	1,550	2,300	2,800							
12" overhang:											
Price	$705	$920	$1,320	$1,730	$2,115	$2,560					
Weight—pounds	1,020	1,800	2,500	3,100							
Class "R," Single purpose including four pairs of pulleys for standard speeds:											
8" overhang:											
Price	$430	$790	$1,150	$1,490	$1,835	$2,190					
Weight—pounds	820	1,550	2,300	2,800							
Class "R," Single purpose:											
12" overhang:											
Price	$495	$885	$1,295	$1,690	$2,090	$2,495					
Weight—pounds	1,020	1,800	2,500	3,100							

HENDLEY & WHITTEMORE, BELOIT, WIS.—Con.

HAND FORMING ROLLS—BELT DRIVE, SINGLE BACK GEAR, PRICES AND SPECIFICATIONS

Floor type

Size No.	Capacity	Length	Diameter top roll	Diameter lower roll	Approximate weight	List price
	Gage	*Inches*	*Inches*	*Inches*	*Pounds*	
11	13	32	3½	3½	740	$190
12	13	38	3½	3½	800	210
13	14	44	3½	3½	875	230
14	14	50	3½	3½	950	250
15	16	62	3½	3½	1,100	270
16	18	74	3½	3½	1,240	290
17	20	86	3½	3½	1,400	320
18	22	98	3½	3½	1,550	350

HAND FORMING ROLLS—BELT DRIVE, DOUBLE BACK GEAR, PRICES AND SPECIFICATIONS

Floor type

Size No.	Capacity	Length	Diameter top roll	Diameter lower roll	Approximate weight	List price
	Gage	*Inches*	*Inches*	*Inches*	*Pounds*	
21	10	38	4¾	4¾	1,435	$340
22	11	44	4¾	4¾	1,535	320
23	12	50	4¾	4¾	1,635	340
24	14	62	4¾	4¾	1,785	380
25	16	74	4¾	4¾	1,985	410
26	18	86	4¾	4¾	2,285	440
27	20	98	4¾	4¾	2,585	480
28	22	122	4¾	4¾	2,985	540
31	8	38	4¾	4¾	1,535	320
32	9	44	4¾	4¾	1,645	340
33	10	50	4¾	4¾	1,755	360
34	11	62	4¾	4¾	1,935	410
35	14	74	4¾	4¾	2,185	450
36	15	86	4¾	4¾	2,515	510
37	16	98	4¾	4¾	2,865	570
38	18	122	4¾	4¾	3,585	690

THE HENRY & WRIGHT MANUFACTURING CO., HARTFORD, CONN.

BELT DRIVE DYEING MACHINES EQUIPPED WITH DOUBLE ROLL FEED AND BOLSTER PLATE

Machine	Weight	Price
	Pounds	
10-ton	1,700	$2,500
25-ton	3,570	2,985
50-ton	8,500	4,265
60-ton	10,000	5,700
75-ton	25,000	8,020
100-ton	27,000	8,940
150-ton	29,000	9,980

E. S. HEPWORTH COMPANY, LONG ISLAND CITY, N. Y.

STANDARD STRAIGHT BED TYPE SPINNING LATHES

[Including regular equipment and choice of tailstock style A, B, or D]

15" swing semiball bearing	$415
19" swing semiball bearing	445
22" swing semiball bearing	500
26" swing semiball bearing	600
32" swing semiball bearing	1,275
(Tailstock style "A" is standard equipment, style "B" or "D" to special order only.)	
Headstock will be furnished with lugs for future use of oval chuck at an additional charge (to special order only)	25
All ball bearing headstock, add to price of lathe (to special order only)	45
Additional length of bed per foot for any size straight bed lathe (to special order only)	45

STANDARD EXTENSION BED OR GAP TYPE SPINNING LATHES, NOT BACK GEARED

[Including regular equipment and choice of tailstock style A or B on 22" x 44" and 27" x 60" only. (Tailstock style "A" is standard equipment. Style "B" to special order only.)]

22" x 44" swing semiball bearing	$875
27" x 60" swing semiball bearing	1,850
32" x 72" swing semiball bearing	2,300
27" x 60" swing semiball bearing, extra heavy duty	2,300
Headstock will be furnished with lugs for future use of oval chuck at an additional charge (to special order only)	25
All ball bearing headstock on 22" x 44" lathe only, add to price of lathe (to special order only)	75

THE HIGH SPEED HAMMER CO., INC., ROCHESTER, N. Y.

HIGH SPEED RIVETING HAMMERS

No.	Type	Horizontal gap	Capacity	With AC motor	Arranged for motor drive
		Inches	*Inches*		
1AA	Bench	3	1/64 to 3/32	$215	$202.15
1AA	Pedestal	3	1/64 to 3/32	230	217.15
1½B	Bench	3	1/16 to 1/8	215	202.15
1½B	Pedestal	3	1/16 to 1/8	230	217.15
2A heavy duty	Bench	6	1/8 to 3/16	385	333.75
2A heavy duty	Pedestal	6	1/8 to 3/16	395	343.75
3A	do	8	3/16 to 5/16	458	406.75
3A heavy duty	do	8	1/4 to 3/8	570	514.00
4A	do	11	1/4 to 7/16	675	619.00
5A	do	14	3/8 to 1/2	1,070	999.00
5½B	do	14	1/2 to 3/4	1,545	1,462.00
6B	do	15¼	5/8 to 1¼	2,435	2,327.00
7B	do	15½	3/4 to 1½	3,055	2,918.00

ELECTRICAL DATA

Motor driven hammers equipped with motorshelf, direct connected motor installed, including special motor pulley and belt.

Hammers 1AA and 1½B furnished with 110-volt, single phase, 60-cycle, AC motors; 2AHD to 7B inclusive with 220- or 110-volt, 3 phase, 60-cycle motors.

The above prices do not include motor control.

Prices with DC and other types of AC motors furnished on request.

Drilling machine model R–53 cap. No. 80¼

MOTOR SPECIFICATIONS—4 SPEED BENCH TYPE

Complete with 110-volt, single phase, 50- or 60-cycle motor	$185
Complete with 220-volt, single phase, 50- or 60-cycle motor	190
Complete with 220-volt, 3-phase, 50- or 60-cycle motor	205
Complete with 440-volt, 3-phase, 50- or 60-cycle motor	210
Complete with 110-volt, single phase, 25-cycle motor	190
Complete with 220-volt, single phase, 25-cycle motor	195
Complete with 115-volt, DC motor	195
Complete with 230-volt, DC motor	200
Pedestal (extra)	40
Foot treadle for bench or pedestal type (extra)	5
Deduct $5 from above prices for 3-speed type. Deduct $8 from above prices for 2-speed type.	
All prices include 80-¼" chuck.	
Control switch, and plug furnished with single phase AC and DC motors.	
No switch or control furnished with polyphase motors. Prices with other types of motors furnished on request.	

THE HILL ACME COMPANY, CLEVELAND, OHIO

Canton division

NO. 1½ HIGH-KNIFE SHEAR

Belt driven, shear only (without motor, belt, or fan)	$1,420
Belt driven, shear only, on timbers (without motor or belt)	1,465
Belt driven, shear on timbers (with 5 hp., 3-phase, 60-cycle, 220-volt motor and belt)	1,580

THE HILL ACME COMPANY, CLEVELAND, OHIO—Continued

NO. 1½ HIGH-KNIFE SHEAR—Continued

Gear driven, shear only (without motor or timbers)	$1,475
Gear driven, shear only, on timbers (without motor)	1,520
Gear driven, shear on timbers (with 5 hp., 3-phase, 60-cycle, 220-volt motor)	1,610
Gear driven, shear on portable truck (with 5 hp., 3-phase, 60-cycle, 220-volt motor)	1,690

NO. 2 LOW-KNIFE SHEAR

Belt driven, shear only (without motor, belt, or timbers)	$1,995
Belt driven, shear only, on timbers (without motor or belt)	2,045
Belt driven, shear on timbers (with 7½ hp., 3-phase, 60-cycle, 220-volt motor, starter, and belt)	2,220
Gear driven, shear only (without motor or timbers)	2,095
Gear driven, shear only, on timbers (without motor or starter)	2,145
Gear driven, shear on timbers (with 7½ hp., 3-phase, 60-cycle, 220-volt motor and starter)	2,290

NO. 2 HIGH-KNIFE SHEAR

Belt driven, shear only (without motor, belt, or timbers)	$2,045
Belt driven, shear only, on timbers (without motor or belt)	2,095
Belt driven, shear on timbers (with 7½ hp., 3-phase, 60-cycle, 220-volt motor, starter, and belt)	2,270
Gear driven, shear only (without motor or timbers)	2,145
Gear driven, shear only, on timbers (without motor or starter)	2,195
Gear driven, shear on timbers (with 7½ hp., 3-phase, 60-cycle, 220-volt motor and starter)	2,340

S. E. HEPWORTH COMPANY, LONG ISLAND CITY, N. Y.—Continued

STANDARD BACK-GEARED EXTENSION BED OR GAP TYPE SPINNING LATHES

[Including regular equipment, choice of tailstock style A or B on 22" x 44" and 27" x 60" only. (Tailstock style "A" is standard equipment, style "B" to special order only.)]

22" x 44" swing semiball bearing	$1,295
27" x 60" swing semiball bearing	2,300
32" x 72" swing semiball bearing	2,875
Headstock will be furnished with lugs for future use of oval chuck on 22" x 44" only at an additional charge (to special order only)	25

STANDARD MOTOR-DRIVEN STRAIGHT BED TYPE SPINNING LATHE

[Including regular equipment and choice of tailstock style A, B, or D]

15" swing semiball bearing	$600
18" swing semiball bearing	660
For voltages other than 220 volt in 3 phase, 60 cycle, AC, requiring special winding, add to listed prices of motor-driven lathes	30

OVAL CHUCKS

6" type D	$500
8" type D	630
8" special, type D, all steel and bronze construction. Including extra pair of loose and tight pulleys for countershaft, and tailstock plate, when furnished with lathe.	1,250

STANDARD COMPOUND SLIDE REST NO. 5

For 18" lathe	$215
For 22" lathe	225
For 26" lathe	235
For 22" x 44" extension gap lathe	225

THE HILL ACME COMPANY, CLEVELAND, OHIO—Continued

NO. 3 LOW-KNIFE SHEAR

24" blades, belt driven, shear only (without motor, starter, or belt)	$3,410
30" blades, belt driven, shear only (without motor, starter, or belt)	3,520
24" blades,[1] belt-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	3,715
30" blades,[1] belt-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	3,825
24" blades, gear-driven shear (without motor or starter)	3,685
30" blades, gear-driven shear (without motor or starter)	3,795
24" blades, gear-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	3,920
30" blades, gear-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,030

NO. 3 HIGH-KNIFE SHEAR

24" blades, belt-driven, shear only (without motor, starter, or belt)	$3,520
30" blades, belt-driven, shear only (without motor, starter, or belt)	3,630
36" blades, belt-driven, shear only (without motor, starter, or belt)	3,795
24" blades,[1] belt-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	3,825
30" blades,[1] belt-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	3,935
36" blades,[1] belt-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,105
24" blades, gear-driven shear (without motor or starter)	3,795
30" blades, gear-driven shear (without motor or starter)	3,910
36" blades, gear-driven shear (without motor or starter)	4,075
24" blades, gear-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,030
30" blades, gear-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,140
36" blades, gear-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,310

NO. 4 LOW-KNIFE SHEAR

24" blades, belt-driven, shear only (without motor, starter, or belt)	$3,835
30" blades, belt-driven, shear only (without motor, starter, or belt)	3,945
24" blades,[1] belt-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,265
30" blades,[1] belt-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,375
24" blades, gear-driven shear (without motor or starter)	4,165
30" blades, gear-driven shear (without motor or starter)	4,275
24" blades, gear-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,545
30" blades, gear-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,655

NO. 4 HIGH-KNIFE SHEAR

30" blades, belt-driven shear only (without motor, starter, or belt)	4,053
36" blades, belt-driven shear only (without motor, starter, or belt)	4,220
30" blades,[1] belt-driven shear (with 15 hp., 3-phase, 60-cycle 220-volt motor and starter)	4,490
36" blades,[1] belt-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,645
30" blades, gear-driven shear only (without motor or starter)	4,390
36" blades, gear-driven shear only (without motor or starter)	4,555
30" blades, gear-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,780
36" blades, gear-driven shear (with 15 hp., 3-phase, 60-cycle, 220-volt motor and starter)	4,935

NO. 5 LOW-KNIFE SHEAR

26" blades, belt-driven shear only (without motor, starter or belt)	4,535
30" blades, belt-driven shear only (without motor, starter, or belt)	5,090
26" blades,[1] belt-driven shear (with 25 hp., 3-phase, 60-cycle, 220-volt motor and starter)	5,445
30" blades,[1] belt-driven shear (with 25 hp., 3-phase, 60-cycle, 220-volt motor and starter)	5,610

NO. 5 LOW-KNIFE SHEAR

26" blades, gear-driven shear only (without motor or starter)	5,165
30" blades, gear-driven shear only (without motor or starter)	5,335
26" blades, gear-driven shear (with 25 hp., 3-phase, 60-cycle, 220 volt motor and starter)	5,720
30" blades, gear-driven shear (with 25 hp., 3-phase, 60-cycle, 220-volt motor and starter)	5,890

NO. 5 HIGH-KNIFE SHEAR

30" blades, belt-driven shear only (without motor, starter, or belt)	5,010
36" blades, belt-driven, shear only (without motor, starter, or belt)	5,305
30" blades,[1] belt-driven shear (with 25 hp., 3-phase, 60-cycle, 220-volt motor and starter)	5,665
36" blades,[1] belt-driven shear (with 25 hp., 3-phase, 60-cycle, 220 volt motor and starter)	5,915

[1] Price includes belt, also motor complete with pulley and slide rails.

THE HILL ACME COMPANY, CLEVELAND, OHIO—Continued

NO. 5 HIGH-KNIFE SHEAR—continued

30" blades, gear-driven shear only (without motor or starter)	$5,390
30" blades, gear-driven shear only (without motor or starter)	5,640
30" blades, gear-driven shear (with 25 hp., 3-phase, 60-cycle, 220-volt motor and starter)	5,945
36" blades, gear-driven shear (with 25 hp., 3-phase, 60-cycle, 220-volt motor and starter)	6,195

All prices f. o. b. factory.

All prices given above covering motor-driven equipment include standard alternating current motors, 2- or 3-phase, 60-cycle, and 220 or 440 volt. All 5 and 7½ hp. motors are 1,750 r. p. m., 15, and 25 hp. motors are 1,200 r. p. m. We furnish starters only with 7½ hp. motors and larger.

All prices include one extra set of standard knives. Nos. 1½ and 2 shears when mounted on timber foundations are shipped completely assembled.

When belt is required and not included in price, it can be furnished as follows:

	No. 1½	No. 2	No. 3	No. 4	No. 5
Belt	$17.50	$22.50	$45	$85	$110

THE HISEY-WOLF MACHINE COMPANY, CINCINNATI, OHIO

BENCH AND FLOOR GRINDERS

Catalog page	Type	Horsepower	Current	Size wheel	Style	Price with—Manual starter	Price with—Magnetic starter
				Inches			
	4LAS	2	Alternating current	12 x 2	Floor	$229	$241
	4LDS	2	Direct current	12 x 2	do	282	310
	3LA	1	Alternating current	10 x 1	do	180	192
	4LA	2	do	12 x 1½	do	268	280
	6LAS	3	do	14 x 2	do	311	323
	3LD	1	Direct current	10 x 1	do	210	238
	4LD	2	do	12 x 1½	do	312	340
5	6LA	3½	Alternating current	14 x 3	do	350	362
	7LAS	5	do	18 x 4	do	383	395
	6LWA	3½	do	14 x 2½	do	375	387
	6LD	3½	Direct current	14 x 3	do	452	480
	6LWD	3½	do	14 x 2½	do	487	515
6	7LA	5	Alternating current	18 x 3	do		468
	8LA	7½	do	20 x 4	do		515
	7WFA	5	do	18 x 3	do		615
	7WFAH	5	do	18 x 3	do		665
	7WFAS	5	do	20 x 4	do		675
	8WFA	7½	do	20 x 4	do		685
	8WFAH	7½	do	20 x 4	do		675
	8WFAS	7½	do	24 x 4	do		820
	10WFA	10	do	24 x 4	do		870
	7LD	5	Direct current	18 x 3	do		680
	8LD	7½	do	20 x 4	do		730
	7WFD	5	do	18 x 3	do		860
	8WFD	7½	do	20 x 4	do		945
	10WFD	10	do	24 x 4	do		1,135

DRILL GRINDERS

Catalog page	Type	Horsepower	Current	Size wheel	Style	Price with—Manual starter	Price with—Magnetic starter
				Inches			
8	1JA	¼	Alternating current	6	Floor	$188	
	2JA	½	do	7	do	235	
	1JD	¼	Direct current	6	do	207	
	2JD	½	do	7	do	260	
9B	3JA	1	Alternating current	10	do	305	$317
	4JA	2	do	12	do	357	369
	3JD	1	Direct current	10	do	340	368
	4JD	2	do	12	do	405	433
	3JJA	1	Alternating current	10	do	365	377
	3JJD	1	Direct current	10	do	400	428
9C	3JJWA	1	Alternating current	10	Wet	490	502
	3JWA	1	do	10	do	430	442
	4JWA	2	do	12	do	477	489
	3JJWD	1	Direct current	10	do	530	548
	3JWD	1	do	10	do	460	488
	4JWD	2	do	12	do	524	552

THE HISEY-WOLF MACHINE COMPANY, CINCINNATI, OHIO—Continued

COMBINATION AND DOUBLE END DISC GRINDERS

Type	Horsepower	Current	Price of plain table	Price of universal table	Price of machine less tables—Manual starter	Price of machine less tables—Magnetic starter	CLD
3DCA	1	Alternating current	$33	$110	$238	$250	C
6DCA	3½	do	52	146	----------	415	C
7DCA	5	do	58	168	----------	493	C
8DCA	7½	do	58	168	----------	545	C
3DA	1	do	33	110	238	250	C
6DA	3½	do	52	146	----------	415	C
7DA	5	do	58	168	----------	493	C
8DA	7½	do	58	168	----------	545	C
3DCD	1	Direct current	33	110	273	285	C
6DCD	3½	do	52	146	----------	535	C
7DCD	5	do	58	168	----------	667	C
8DCD	7½	do	58	168	----------	757	C
3DD	1	do	33	110	273	285	C
6DD	3½	do	52	146	----------	535	C
7DD	5	do	58	168	----------	687	C
8DD	7½	do	58	168	----------	757	C

COMBINATION GRINDERS AND BUFFERS

Type	Horsepower	Current	Description	Price with—Manual starter	Price with—Magnetic starter	CLD
CMA	½	Alternating current	Floor	$118	----------	B
3COA	1	do	do	185	$197	B
4COA	2	do	do	248	260	C
3CEA	1	do	do	210	222	B
4CEA	2	do	do	273	285	C
CMD	½	Direct current	do	125	----------	B
3COD	1	do	do	210	238	B
4COD	2	do	do	307	335	C
3CED	1	do	do	235	263	B
4CED	2	do	do	332	360	C

BUFFERS AND POLISHERS

Type	Horsepower	Current	Description	Price with—Manual starter	Price with—Magnetic starter	CLD
HMA	½	Alternating current	Floor	$117	----------	B
3HOA	1	do	do	170	$182	B
4HOA	2	do	do	238	250	C
6HOAS	3	do	do	288	300	C
6HOA	3½	do	do	335	347	C
7HOA	5	do	do	370	382	C
8HOA	7½	do	do	[1] 410	422	C

BUFFERS AND POLISHERS

Type	Horsepower	Current	Description	Price with—Manual starter	Price with—Magnetic starter
HMD	½	Direct current	Floor	$119	----------
3HOD	1	do	do	193	$223
4HOD	2	do	do	297	325
6HOD	3½	do	do	442	470
3HEA	1	Alternating current	do	195	207
4HEA	2	do	do	263	275
6HEAS	3	do	do	311	323
6HEA	3½	do	do	368	380
7HEA	5	do	do	400	412
8HEA	7½	do	do	[1] 410	432
3HED	1	Direct current	do	220	248
4HED	2	do	do	322	350
6HED	3½	do	do	472	500

[1] 220 volts must be furnished with magnetic starter.

THE HISEY-WOLF MACHINE COMPANY, CINCINNATI, OHIO—Continued

TEX-DRIVE GRINDERS

Type	Horsepower	Price less motor—With manual starter	Price less motor—With magnetic starter	CL	Price of motor net—No discount—Open ball-bearing	Price of motor net—No discount—Enclosed ball-bearing
3F	1	$210	$222	C	$39	$43
4F	2	225	237	C	53	76
5F	3	245	257	C	59	82
4FE	2	270	282	C	53	76
6MGE	3	410	422	C	59	82

TEX-DRIVE DISC AND COMBINATION GRINDERS

Type	Horsepower	Less tables—Manual starter	Less tables—Magnetic starter	CL	Open ball-bearing	Enclosed ball-bearing
4D	2	$255	$267	C	$53	$76
5D	3	280	292	C	59	82
4DF	2	255	267	C	53	76
5DF	3	280	292	C	59	82
Plain table (each)			$33	C		
Universal table (each)			110	C		

TEX-DRIVE SNAGGING GRINDERS

Type	Horsepower	Less tables—Manual starter	Less tables—Magnetic starter	CL	Open ball-bearing	Enclosed ball-bearing
7E1	5		$590	C	$71	$99
8E1	7½		670	C	92	131
10E1	10		700	C	118	172
10F1	10		1,020	C	118	172
15F1	15		1,065	C	[1] 141	[2] 194
8E2	7½		730	C	92	131
10E2	10		760	C	118	172
10F2	10		1,125	C	118	172
15F2	15		1,160	C	[1] 141	[2] 194
10FF1	10		1,170	C	118	172
15FF1	15		1,220	C	[1] 141	[2] 194
					Each	*Each*
8FFF1	7½		1,170	C	92	131
1010FF1	10		1,220	C	[3] 118	[4] 172
8FFF2	7½		1,370	C	92	131
1010FF2	10		1,420	C	[3] 118	[4] 172
7TW	5		750	C	71	----------
8TW	7½		775	C	92	----------
10TW	10		800	C	118	----------
15TW	15		870	C	[1] 141	----------
8TTW	7½		850	C	92	----------
10TTW	10		875	C	118	----------

TEX-DRIVE WET AND COMBINATION GRINDERS

Type	Horsepower	Price less motor—With manual starter	Price less motor—With magnetic starter	CL	Price of motor net—No discount—Open ball-bearing	Price of motor net—No discount—Enclosed ball-bearing
3FWS	1	$415	$427	C	$39	$43
4FWS	2	425	437	C	53	76
5FWS	3	445	457	C	59	82
3FWW	1	495	507	C	39	43
4FWW	2	505	517	C	53	76
5FWW	3	525	537	C	59	82
16FW	3	660	672	C	59	82
18FW	3	670	682	C	59	82
20FW	5	685	697	C	71	99
24FW	5	700	712	C	71	99
16FWW	3	690	702	C	59	82
18FWW	3	700	712	C	59	82
20FWW	5	720	732	C	71	99
24FWW	5	730	742	C	71	99

[1] For high-speed wheels. Motor for vitrified wheels is $185.
[2] For high-speed wheels. Motor for vitrified wheels is $263.
[3] For high-speed wheels. Motor for vitrified wheels is $141.
[4] For high-speed wheels. Motor for vitrified wheels is $194.

THE HISEY-WOLF MACHINE COMPANY, CINCINNATI, OHIO—Continued

TEX-DRIVE BUFFING AND POLISHING MACHINES

Type	Horsepower	Price less motor—With manual starter	Price less motor—With magnetic starter	CL	Price of motor net—No discount—Open	Price of motor net—No discount—Enclosed
3FB	1	$190	$202	C	$39	$43
4FB	2	210	222	C	53	76
5FB	3	220	232	C	59	82
3FBE	1	220	232	C	39	43
4FBE	2	240	252	C	53	76
5FBE	3	250	262	C	59	82
6MO	3	325	337	C	59	82
7MO	5	335	347	C	71	99
8MO	7½	[1] 350	362	C	92	131
6ME	3	355	367	C	59	82
7ME	5	365	377	C	71	99
8ME	7½	[1] 380	392	C	92	131
6TV				[3]		
7TV				[3]		
8TV				[3]		
7MSO	5		430	C	71	99
8MSO	7½		450	C	92	131
10MSO	10		465	C	118	172
15MSO	15		480	C	141	194
15FO	15		895	C	141	194
20FO	20		930	C	168	247
25FO	25		945	C	194	272
7MSE	5		460	C	71	99
8MSE	7½		480	C	92	131
10MSE	10		495	C	118	172
15MSE	15		510	C	141	194
15FE	15		940	C	141	194
20FE	20		980	C	168	247
25FE	25		995	C	194	272
					Each	Each
6MMO	3		510	C	59	82
7MMO	5		530	C	71	99
8MMO	7½		570	C	92	131
10FFO	10		1,055	C	118	172
15FFO	15		1,080	C	141	194
6MME	3		525	C	59	82
7MME	5		545	C	71	99
8MME	7½		585	C	92	131
10FFE	10		1,085	C	118	172
15FFE	15		1,110	C	141	194
7TO	5		435	C	71	----------
8TO	7½		455	C	92	----------
10TO	10		475	C	118	----------
7TE	5		470	C	71	----------
8TE	7½		490	C	92	----------
10TE	10		510	C	118	----------
6TTO	3		500	C	59	----------
7TTO	5		525	C	71	----------
6TTE	3		585	C	59	----------
7TTE	5		600	C	71	----------

[1] 220 volts must be supplied with magnetic starter. [2] For high-speed wheels. Motor for vitrified wheels is $194.

VERTICAL SPINDLE GRINDERS

Type	Horsepower	Current	Size wheel in inches (cup wheel)	Price
3VA	½	Alternating current	4	$173
4VA	1	do	6	210
5VA	2	do	6	292
6VA	3	do	6	345
7VA			----------	(*)
8VA			----------	(*)
10VA			4	202
3VD	½	Direct current	6	260
4VD	1	do	6	362
5VD	2	do	6	459
6VD	3	do	----------	----------
7VD			----------	----------

*Discontinued. [Prices of Bare Machines Without Electrical Equipment]

HOEFER MFG. CO., FREEPORT, ILL.

DRILLING MACHINES

Prices of Hoefer Self-Contained Hydraulic Feed Units

(Including one pair of speed change gears)

1½" capacity 1½ HP	$635
¾" capacity 3 HP	750
1¼" capacity 5 HP	865
2" capacity 7½ HP	1,200
2¾" capacity 10 HP	1,650
— capacity 15 HP	2,125

Prices subject to change without notice.

MULTIPLE SPINDLE HEAD PRICE LIST

[Base price type A full ball bearing]

Number of spindles	2	3	4	5	6	7	8	9	Over 10
No. 1 M. T. Spindle	$128	$150	$168	$188	$209	$231	$252	$274	$30
No. 2 M. T. Spindle	135	160	182	205	230	255	280	305	33
No. 3 M. T. Spindle	151	184	214	245	278	311	344	377	41
No. 4 M. T. Spindle	195	250	302	355	410	465	520	575	63

Above prices cover heads fitted with M. T. drive or flange quill adaption.

Above prices are based on 8" maximum center distance. Complete to nearest even inch. Example: 35/16—13 in. 13 5/16—14 in. Add $10 per inch to above prices for every inch over 8 in. center distance.

HUNTER SAW & MACHINE CO., PITTSBURGH, PA.

HIGH SPEED METAL CUT-OFF SAWS

[Prices of bare machines without electrical equipment]

No. 1A	$600
No. 6	385
No. 2B	1,450
No. 2A	2,050

ILLINOIS MACHINE & MFG. CO., LA SALLE, ILL.

GRINDERS—PRICES AND SPECIFICATIONS

Model No.	Maximum distance, wheel to table	Distance between wheels	Two wheels	Table	Spindle pulley	Belt drive		Motor drive including motor [1]	
						Weight crated	Price	Weight crated	Price
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Pounds*		*Pounds*	
10	11	18	8 x 1 x ¾	10 x 20	3½ x 2¼	530	$192.50	650	$315
				Table travel, inches					
11	11	18	8 x 1 x ¾	24 x 6	3½ x 2¼	660	360.00	850	488

[1] Motor is 1 hp. ball-bearing type—1,720 r. p. m.

THE INGERSOLL MILLING MACHINE COMPANY

Prices on the following mills have been established by the Office of Price Administration.

TYPE A-20 ADJUSTABLE RAIL INGERSOLL MILLING MACHINE

This machine has four heads. Each head has two speeds. Spindles are driven by a 20-horsepower motor. Control is through levers and hand-operated rheostats. Table is carried on tubular ways and driven by a Johnson drive.

30" x 30" x 10-ft., 4 head	$18,550
2-ft. of additional length up to 28-ft	580
36" x 30" x 10-ft., 4-head	18,850
2-ft. of additional length up to 28-ft	660

TYPE A-20 ADJUSTABLE RAIL INGERSOLL MILLING MACHINE—continued

42" x 30" x 10-ft., 4-head	$19,175
2-ft. of additional length up to 28-ft	620
48" x 30" x 10-ft., 4-head	19,500
2-ft. of additional length up to 28-ft	640
54" x 30" x 10-ft., 4-head	19,825
2-ft. of additional length up to 28-ft	660
Additional 6" of height	700

The following features may be deducted at the following prices:

Left-hand horizontal head, each	$2,225
Vertical head or right-hand horizontal head, each	1,780

THE INGERSOLL MILLING MACHINE COMPANY—Con.

TYPE A-30 ADJUSTABLE RAIL INGERSOLL MILLING MACHINE

This machine has four heads. Each head has two speeds. Spindles are driven by 30-horsepower motor. Control is through push button pendant. Fluorescent lights are contained in the rail. Table is carried on tubular ways and driven by a Johnson drive.

42" x 36" x 10-ft., 4-head	$24,345
2-ft. of additional length up to 28-ft	625
48" x 36" x 10-ft., 4-head	24,600
2-ft. of additional length up to 28-ft	675
54" x 36" x 10-ft., 4-head	24,930
2-ft. of additional length up to 28-ft	700
60" x 36" x 10-ft., 4-head	25,250
2-ft. of additional length up to 28-ft	725
Additional 6" of height	750

THE INGERSOLL MILLING MACHINE COMPANY—Con.

The following features may be deducted at the following prices:

Left-hand horizontal head	$2,375
Each vertical head or right-hand horizontal head	1,935

INGERSOLL FIXED RAIL MILLING MACHINE

With offset milling and boring head

Head is mounted on a slide that travels horizontally on a fixed rail at right angles to the table, and is driven by a 15-horsepower motor. Table is mounted on the bed with flat ways and driven by a Johnson drive.

42" wide by 6-ft. long	$19,200
60" wide by 6-ft. long	20,000
60" machine may be equipped with additional head	1,820

INTERNATIONAL MACHINE TOOL CORPORATION, FOSTER DIV., ELKHART, IND.

NOTE.—Price corrections made upon advice of manufacturer. Prices differ from those shown in first edition of Prices of New Machine Tools.

Size and type of machine	Bar capacity	Swing	Approx. weight (pounds)	Prices					
				Bare machine	Automatic chuck and bar feed when purchased with machine	Automatic chuck and bar feed when purchased separately	Bar feed purchased separately	Power feed to turret	Power cross feed to cross slide
Screw machine:									
No. 1 motor in base	1 3/16	11 1/16	2,400	$2,040	$380	$450	$200	None	None
No. 3 all geared head	1 3/16	14 1/2	2,225	2,200	330	220	110	$300	$200
No. 5 all geared head	1 13/16	17 1/2	3,350	2,400	320	200	120	300	200
No. 7 all geared head	2 1/16	20 3/4	5,600	3,400	425	275	150	Included with bare machine.	Not available.
No. 5 Univ. all geared head.	1 13/16	17 1/2	5,600	3,550	375	250	125	Included with bare machine.	
No. 7 Univ. all geared head.	2 1/16	20 3/4	5,800	3,900	450	300	150	Do.	
No. 1B Universal	2 1/16	20 3/4	6,000	5,300	365	265	100	Do.	
No. 2B Universal	3 3/4	22	6,500	6,200	725	475	250	Do.	
No. 3B Universal	4 1/2	28	11,500	8,000	1,100	800	300	Do.	

UNIVERSAL FASTERMATICS, TURRET TYPE

Model No.	Swing over bed	Diameter hole through spindle	Length of cross slide	Price, standard machine, motor drive mounting without motor
	Inches	*Inches*	*Inches*	
1-F	19	2 1/8	16 1/2	$6,875
2-F	23 3/4	3	19	8,200
3-F	28 3/4	4	22 1/2	11,800
4-F	35 1/2	4	22 1/2	14,850

UNIVERSAL FASTERMATICS, PLATEN TYPE

Model No.	Swing over bed	Diameter hole through spindle	Length of cross slide	Price, standard machine with main slide, front and rear cross slides, motor drive, without motor	Deduct for main slide	Deduct for each cross slide
	Inches	*Inches*	*Inches*			$000
1-F	19	2 1/8	16 1/2	$6,875	$577.50	793
2-F	23 3/4	3	19	8,200	695.00	905
3-F, 12-speed head	28 3/4	4	22 1/2	9,080	695.00	905
3-F, 16-speed head	28 3/4	4	22 1/2	11,800	695.00	905
4-F, 16-speed head	35 1/2	4	22 1/2	14,850	1,110.00	1,220

INTERNATIONAL MACHINE TOOL CORPORATION, INDIANAPOLIS, IND.

NOTE.—Price corrections made upon advice of manufacturer. Prices differ from those shown in first edition of "Prices of New Machine Tools as of March 1, 1941."

"LIBBY" TURRET LATHES

Type	Swing	Spindle bore	Price
	Inches	*Inches*	
H-5"	18	5¼	$10,050
1H-5"	24	5¼	10,675
2H-8"	27	8¼	12,560
3H-8"	29	8¼	13,575
4H-12"	32	12½	18,470
5H-12"	39	12½	20,988

Prices shown are stripped prices on the machine only. Does not include any chucks, electrical or tooling equipment. For extra length of bed add approximately $600 per foot.

OBSOLETE MACHINES

[Use equivalents as shown]

Model	Capacity	Equivalent to—		
		Model	Company	Base price
A	18" x 3½"	2L	Gisholt	$6,975
A	18" x 5"	3L	Gisholt	8,675
C	20" x 4½"	3L	Gisholt	8,675
C	26" x 7½"	3AL	Gisholt	9,375
C	26" x 8"	3AL	Gisholt	9,375
C	26" x 10½"	4L	Gisholt	10,900
D	32"	4L	Gisholt	12,500

JARECKI MANUFACTURING COMPANY, ERIE, PA.

JARECKI PIPE THREADING MACHINES

[Consumers' net prices, f. o. b. Erie, Pa.]

Style No.	Range	Sets of dies required	Cost per set	Belt with standard dies	With A. C. motor 110, 220, or 440 volt			D. c. motor, 110 or 220 phase volt, and starter	Arranged for, but less motor and starter
					60 cycle, 2 or 3 phase, and starter	25 cycle, 2 or 3 phase, and starter	60 cycle, single phase, and non-revolving starter		
7	(Std. ¼–2	4	$5.70	$439					
	(Spec. 1⅛	1	7.15						
22	Bolt ⅜–1½	8	5.70	627	$721	$761	$820	$836	$650
7-B	(Std. ¼–3	5	6.95	644					
	(Spec. 1⅛	1	8.70						
33	Bolt ⅝–2	11	6.95	762	856	897	955	970	785
44	(Std. 1–4	4	8.50	1,033	1,151	1,189	1,268	1,332	1,059
	(Spec. 1½–3¼ (Bolt Spec.)	1	10.65						
66	(Std. 1¼–6	5	11.60	1,201	1,318	1,356	1,437	1,499	1,228
	(Spec. 1–1¼ (Bolt Spec.)	1	11.50						
88	(Std. 2½–8	5	15.30	1,834	1,979	2,026	2,122	2,206	1,865
	(Spec. 1½–2	1	19.15						
100	(Std. 2½–10	6	18.80	2,308	2,450	2,497	2,594	2,677	2,336
	(Spec. 1½–2	1	23.50						
120	(Std. 2½–12	7	21.80	2,619	2,769	2,816	2,912	2,995	2,655
	(Spec. 1½–2	1	23.75						
4 HD	(Std. 1–4	2	10.40	2,322	2,477	2,518	2,598	2,664	2,371
	(Spec. 1½–3¼ (Bolt Spec.)	1	12.70						
6 HD	(Std. 1½–6	2	14.55	2,639	2,822	2,870	2,968	3,054	2,684
	(Spec. 1–1¼	1	16.85						
8 HD	(Std. 2½–8	11	19.40	3,172	3,354	3,402	3,500	3,586	3,216
	(Spec. 1½–2	1	19.40						
12 HD	(Std. 4–12	11	37.45	5,379	5,623	5,710		5,911	5,437
	(Spec. 2½–3½	1	37.45						

[1] 2 furnished.

Nipple holders, solid die holders, nut gripping chuck, special chucks and die heads, and pipe machine repairs—list less 40%.

JACKSON MACHINE & TOOL COMPANY, JACKSON, MICH.

	Price
Jackson No. 1 Horizontal Milling Machine, including totally enclosed ball bearing motor (870 r. p. m. 220/440, 60 cycle, 3 phase), thermally protected starting switch, and longitudinal power feed to table	$925.00
Jackson No. 2 Vertical Milling Machine, including totally enclosed ball bearing motor (850 r. p. m. 220/440, 60 cycle, 3 phase) and thermally protected starting switch	950.00
Longitudinal power feed for No. 2 mill (complete with motor and reversing switch), installed	210.00
Automatic coolant system (for either No. 1 or No. 2 mill), installed	170.00
1" Arbor and wrench (for No. 1 mill)	20.00
4½" swivel base vise	23.60
6½" swivel base vise	32.55
6" Universal Angleworm Vise	160.00
L-W 11" dividing head and tail stock (for No. 2 Mill)	128.55
Cralcy Eccentric Boring Head (for No. 2 Mill)	65.00
12" rotary table	160.00
DA-15 dividing attachment for 12" rotary table	35.00
9" rotary table	97.00

JEFFERSON MACHINE TOOL CO., CINCINNATI, OHIO

	Price
No. 100F floor type hand miller complete with ⅓ horsepower motor reversing control, draw-in attachment and ½-inch collet and hand lever feed	$410
No. 200F floor type screw and power feed miller complete with ½ horsepower motor, reversing control, draw-in attachment and ½-inch collet.	460
Arbors ½, ¾, ⅞, each	9
6-inch swing dividing head and tailstock with 3 plates	120
Vertical attachment with one collet	100
Each extra collet	6
Plain vise hardened jaws attached handle bolts and clamps	25

JEFFERSON MACHINE TOOL CO., CINCINNATI, OHIO—Continued

	Price
Swivel vise hardened jaws graduated for 360°	$36

SPECIFICATIONS

Table:	*Inches*
Longitudinal travel	8
Traverse travel	3
Vertical travel	5¾
Working surface	14½ x 4⅞

Three spindle speeds.

Shipping weight: Floor type, 500 pounds.

JONES & LAMSON MACHINE CO., SPRINGFIELD, VT.

UNIVERSAL RAM TYPE TURRET LATHES—PRICES AND SPECIFICATIONS

Model No.	Bar capacity	Swing	Price	Model No.	Bar capacity	Swing	Price
	Inches	*Inches*			*Inches*	*Inches*	
3	1½	10	$4,310	5	2½	14	$4,950
4	1¾	10	4,425	5-5	5¾		5,995

SADDLE TYPE TURRET LATHES

Model No.	Bar capacity	Swing	Prices				
			Universal fixed head with fixed center 6 position hollow hexagon turret	Universal fixed head with 6 position cross sliding hollow hexagon turret	Cross sliding head with 6 position fixed center flat turret	Fixed head with 6 position fixed center flat turret	Fixed head with fixed center, 6 position hollow hexagon turret 5¾" hole in spindle
	Inches	*Inches*					
7	2½	40	$6,380	$7,183	$5,957	$5,187	$7,425
8	3	36	6,501	7,304	6,078	5,308	7,546

FAY AUTOMATIC LATHE

Size	Purpose	Price	Size	Purpose	Price
8" x 15"	(Center work	$2,855	16" x 33"	(Center work	$8,750
	(Chuck work	2,770		(Chuck work	8,230
8" x 21"	(Center work	3,256	16" x 51"	Center work	9,335
	(Chuck work	3,171	16" x 69"	do	10,065
8" x 33"	Center work	3,460	16" x 87"	do	10,800
8" x 45"	do	3,658	20" x 25"	(do	6,254
8" x 63"	do	4,169		(Chuck work	5,806
12" x 15"	(do	4,351	20" x 37"	(Center work	6,551
	(Chuck work	4,180		(Chuck work	6,103
12" x 21"	(Center work	4,642	20" x 55"	Center work	7,134
	(Chuck work	4,471	20" x 73"	do	7,865
12" x 33"	Center work	4,928	20" x 91"	do	8,597
12" x 45"	do	5,225	20" x 127"	do	10,195
12" x 63"	do	5,808	24" x 25"	do	10,379
12" x 81"	do	6,545		(Chuck work	9,815
12" x 99"	do	7,271	24" x 60"	Center work	11,110
16" x 21"	(do	8,455	24" x 96"	do	12,579
	(Chuck work	7,930			

THREAD-GRINDING MACHINES

External

Size	Maximum swing	Maximum: Distance between centers	Maximum: Thread length	Net weight	Base price
	Inches	*Inches*	*Inches*	*Pounds*	
6″ x 15″	6½	15	3	5,450	$6,750
6″ x 36″	7½	36	12	8,200	10,175
12″ x 45″	21	45	18	10,300	11,880

Internal

Size	Maximum swing	Maximum thread length	Minimum diameter	Maximum diameter	Net weight	Base price
	Inches	*Inches*	*Inches*	*Inches*	*Pounds*	
6″ x 3″	7	3	1	5	5,500	$7,250
6″ x 24″	7½	5	1	5	8,300	11,675
12″ x 30″	21	5	1	14	10,400	13,880

JONES MACHINE TOOL WORKS, INC., PHILADELPHIA, PA.

SLOTTERS—HEAVY DUTY

15″ stroke	$6,500
20″ stroke	8,500
25″ stroke	11,350
30″ stroke	12,000
36″ stroke	16,000

VERTICAL SHAPERS

6″ stroke	4,500
8½″ stroke	5,800
12″ stroke	6,800

DUPLEX CONTROL SLOTTER

12″ stroke	5,250

KEARNEY & TRECKER CORPORATION, MILWAUKEE, WIS.

KNEE AND COLUMN TYPE MACHINES

Machine	Net weight	Price
	Pounds	
1H-12 manufacturing	2,600	$3,560
1H-18 manufacturing	2,700	3,805
1H-12 manufacturing vertical	2,700	4,820
1H-18 manufacturing vertical	2,700	4,050
1H-plain	2,600	3,540
1H-Univ. Conv. lead	2,800	4,215
1H-plain vertical	2,800	4,215
2HL plain	2,700	3,660
2HL univ. conv. lead	3,000	4,335
2HL plain vertical	3,000	4,320
2H plain	3,750	4,050
2H univ. conv. lead	3,950	4,785
2H plain vertical	4,350	4,915
2KM plain	6,100	5,185
2KM univ. conv. lead	6,400	6,005
2KM plain vertical	6,800	6,260
2K plain	6,100	5,565
2K univ. conv. lead	6,400	6,440
2K plain vertical	6,800	6,670
3H plain	6,150	6,780
3H univ. conv. lead	6,450	6,715
3H plain vertical	6,850	7,250
3KM plain	7,800	6,280
3KM univ. conv. lead	8,250	7,345
3KM plain vertical	8,900	7,775

KEARNEY & TRECKER CORPORATION, MILWAUKEE, WIS.—Continued

KNEE AND COLUMN TYPE MACHINES—continued

Machine	Net weight	Price
	Pounds	
3K plain	7,800	$6,725
3K univ. conv. lead	8,250	7,785
3K plain vertical	8,900	8,210
4H plain	7,850	7,075
4H univ. conv. lead	8,250	8,400
4H plain vertical	8,850	8,410
4K plain	12,900	8,170
4K univ. conv. lead	13,300	9,750
4K plain vertical	13,850	9,665
5H plain	12,500	8,670
5H univ. conv. lead	13,200	10,250
5H plain vertical	14,150	10,165

NOTE.—Prices corrected on all 1H and 2HL machines upon advice of manufacturer. Prices differ from those shown in first edition of Prices of New Machine Tools.

"MILWAUKEE" KNEE TYPE MILLING MACHINES

Discontinued Models	*Horizontal Current Equivalent Machines*
1B plain—1 plain (or universal)	1H plain (or universal).
1½B plain—2BS plain—2 spec. plain (or universal)	2H plain (or universal).
2 standard plain (or universal)	
2B plain—2 hy. plain (or universal)	2KM plain (or universal)
3 standard plain (or universal)	3H plain (or universal).
3B plain—3 hy. plain (or universal)	3KM plain (or universal)
4 standard plain (or universal)	4H plain (or universal).
4B plain—4 hy. plain (or universal)	4K plain (or universal).
4B plain and 4 hy. plain with 52″ table Fd. (or universal)	5H plain (or universal).

MANUFACTURING

1A—1 mfg.	1H18 mfg.
1½A mfg.	
2AS mfg.	2H plain.
2A mfg.	2H plain.
1404 simplex	1404 simplex, 1940 price.
1404 duplex	1404 duplex, 1940 price.

KEARNEY & TRECKER CORPORATION, MILWAUKEE, WIS.—Continued

PLAIN VERTICAL

Discontinued Models	*Horizontal Current Equivalent Machines*
1B vertical—1 plain vertical	1H vertical.
1½B vertical—2BS vertical—2 spec. vertical	2H vertical.
2 standard vertical	
2B vertical—2 hy. vertical	2KM vertical.
3 standard vertical	3H vertical.
3B vertical—3 hy. vertical	3KM vertical.
4 standard vertical	4H vertical.
4B vertical—4 hy. vertical	4K vertical.
4B and 4 hy. vertical, 52″ table Fd	5H vertical.

MANUFACTURING VERTICAL

1A vertical—1 vertical	1H18 mfg. vertical.
2AS vertical—2 spec. vertical	2H vertical.
2A mfg. vertical—2 mfg. vertical	2KM vertical.

THE KEMPSMITH MACHINE CO., MILWAUKEE, WIS.

MAXIMILLER—ALL GEARED MILLING MACHINES

[All Maximillers are motor-in-base of single pulley drive]

Size of milling machine	Approximate shipping weight	Price
	Pounds	
No. 2, plain Maximiller	6,100	$4,785
No. 3, plain Maximiller	6,620	5,420
No. 4, plain Maximiller	9,400	6,710
No. 5, plain Maximiller	10,600	7,355
No. 2, universal Maximiller	6,410	5,610
No. 3, universal Maximiller	6,870	6,370
No. 4, universal Maximiller	10,050	7,975
No. 5, universal Maximiller	11,300	8,820
No. 2, vertical Maximiller	7,250	4,980
No. 3, vertical Maximiller	7,550	5,655
No. 4, vertical Maximiller	11,300	7,245
No. 2, vertical Maximiller with adjustable spindle	7,350	6,380
No. 3, vertical Maximiller with adjustable sprindle	7,750	7,800
No. 4, vertical Maximiller with adjustable spindle	11,600	8,800

MILLING MACHINES—PRICES AND SPECIFICATIONS

Model Number	Description	Power feed range: Length-wise	Trans.	Vertical	Table working surface	Net weight	Price
		Inches	*Inches*	*Inches*	*Inches*	*Pounds*	
1	Plain, motor in base, 3 hp., a. c.	22	8	18	42 x 10	3,500	$3,675
2	Plain, motor in base, 3 hp., a. c.	28	10	18	45 x 10	3,700	3,750
1	Universal, motor in base, 3 hp., a. c.	22	8	19	42 x 10	3,800	4,350
2	Universal, motor in base, 3 hp., a. c.	28	10	19	45 x 10	4,000	4,450
1	Plain, cone drive	22	8	19	42 x 10	3,100	1,950
2	Plain, cone drive	28	9	19	45 x 10	3,475	2,250
3	Plain, cone drive	34	11	20	54 x 12	4,740	2,725
1	Universal, cone drive	22	7½	18	39½ x 8¼	3,200	2,625
2	Universal, cone drive	28	8½	18	45 x 10	3,700	2,950
3	Universal, cone drive	34	10	19	52 x 12	5,150	3,475

THE KENT MACHINE COMPANY, CUYAHOGA FALLS, OHIO

¾″ AUTOMATIC CAP SCREW AND BOLT THREADER

Kent automatic cap screw and bolt threader ¼″ size, belt drive, with countershaft and all equipment necessary to thread one size of work, without die head or chasers	$2,090.00
Additional for motor drive, not including motor or starter	165.00
A 2 hp. 1,200 r. p. m. motor is required to operate.	
Any standard die head with chasers desired will be furnished mounted on machine at manufacturer's list price.	

1″ AUTOMATIC CAP SCREW AND BOLT THREADER

Kent automatic cap screw and bolt threader, 1″ size, belt drive, including countershaft and all equipment necessary to thread one size of work, without die head and chasers	2,695.00
Additional for motor drive, not including motor or starter	220.00
A 3 hp. 1,200 r. p. m. motor is required to operate.	

STUD THREADERS

Kent ½″ standard stud threaders, for studs up to ¾″ diameter and 4½″ long, belt drive, including countershaft and all equipment for one diameter stud, except die heads and chasers	1,705.00

THE KENT MACHINE COMPANY, CUYAHOGA FALLS, OHIO—Continued

STUD THREADERS—continued

Kent ½″ special stud threader for studs up to ½″ diameter and 7½″ long, belt drive, including countershaft and all equipment for one diameter stud, except die heads and chasers	$1,980.00
Additional for arranging for motor drive, not including motor or starter	275.00
A 2 hp. motor is required to operate.	
Any standard die head and chasers will be furnished mounted on machine at die head manufacturer's list price.	
Kent 1″ standard stud threader, for studs ⅝″ to 1″ diameter, and 1¾″ to 6″ long, belt drive, including countershaft and all equipment for one diameter stud, except die head and chasers	2,145.00
Kent 1″ special stud threader for studs ⅝″ to 1″ diameter, and 1¼ to 9″ long, belt drive, including countershaft and all equipment for one diameter stud, except die head and chasers	2,447.50
Additional for motor drive for either standard or special 1″ stud threaders	275.00
A 3 hp. motor is required to operate.	
Any standard die head and chasers will be furnished mounted on machine at manufacturer's list price.	

THE KENT MACHINE COMPANY, CUYAHOGA FALLS, OHIO—Continued

NO. 2 BOLT THREADER

No. 2 Kent two spindle threading machine, belt drive, including countershaft, but without die heads or work holding fixtures	$990.00
Arranging for motor drive, without motor or starter	93.00
A 1 hp. 1,800 r. p. m. motor is required to operate.	
Any standard die head with chasers desired will be furnished mounted on machine at the manufacturer's list price.	

NO. 2A BOLT THREADER

No. 2A Kent two spindle threading machine, belt drive, including countershaft and one set of standard vise jaws, but without die heads or chasers	715.00
Arranging for motor drive, without motor or starter	93.00
A 1 hp. 1,800 r. p. m. motor is required to operate.	

SCREW SLOTTERS

No. 117 Kent screw slotter, belt drive, including countershaft, pump and piping for cutting lubricant, but without work holding disks	715.00
Arranging for motor drive, not including motor or starter	120.00
A 1 hp. 1,200 r. p. m. motor is required to operate.	
No. 3 Kent screw slotter, belt drive, including countershaft, pump and piping for cutting lubricant and one set (10) standard work holding bushings	770.00

KENT DUPLEX DRILLING MACHINE

Kent duplex drilling machine arranged for hand feed, with one set of grip jaws for round work, equipped with motor drive, but without motor or control	2,255.00
One (1) 1½ hp., 1,200 r. p. m., 3 phase, 60 cycle, 220/440 volt, motor with double extended shaft, installed in driller	68.00
Transfer mechanism for feeding blanks from front of machine to the grip jaws	195.00
Hopper for standard screws with motor drive and gear reduction including chute to transfer mechanism	560.00

KENT-OWENS MACHINE COMPANY, TOLEDO, OHIO

	Weights	Prices
	Pounds	
No. 1-M hand milling machine	950	$790
No. 1-M DS (double spindle) milling machine	1,100	1,680
No. 1-8 DS (double spindle) milling machine	1,450	2,590
No. 1-14 hydraulic milling machine	1,500	2,020
No. 1-8 hydraulic milling machine	1,300	1,720
No. 1-14 DS (double spindle) milling machine	1,650	2,930
No. 1-V hydraulic milling machine	1,440	2,100
No. 2-20 hydraulic milling machine	3,500	3,620
No. 2-RV hand milling machine	2,575	1,250

DISCONTINUED MODELS

Kent-Owens No. 2 hand milling machine (plain drive), base price effective after March 1, 1940 (discontinued sometime before March 1, 1941)	$895

KENT-OWENS MACHINE COMPANY, TOLEDO, OHIO—Continued

DISCONTINUED MODELS—continued

Kent-Owens No. 3 miller (power-feed to table), base price effective after March 1, 1940 (discontinued sometime before March 1, 1941)	$1,240
Kent-Owens No. 3RV power-feed with varispeed to spindle, base price effective after April 1, 1940 (discontinued sometime before March 1, 1941)	1,390
Kent-Owens No. 1 hand milling machine plain miller base price effective after March 1, 1940 (this machine discontinued December 31, 1940)	595
Kent-Owens 1RV hand milling machine (plain miller with varispeed drive to spindle) base price effective after March 1, 1940 (this machine discontinued December 31, 1940)	645

KING MACHINE TOOL CO., CINCINNATI, OHIO

VERTICAL BORING AND TURNING MILLS (NEW TYPE HVY. DUTY)

Size	Base weight	Prices[1]: Arranged for 900 r. p. m. motor drive	Prices[1]: 500/1000 r. p. m. motor drive	Extra side head: Weight	Extra side head: Price
	Pounds			*Pounds*	
30″ [2]	20,000	$10,500	$10,100	------	------
36″ [2]	24,000	11,500	11,100	------	------
42″ [2]	29,000	13,070	12,470	------	------
42″	25,000	10,700	10,100	7,000	$3,250
52″ [3]	34,000	12,600	12,000	7,000	3,550
62″ [3]	48,000	14,900	14,150	8,000	3,900
72″ [3]	54,000	17,200	16,450	8,000	3,900
84″ [3]	75,000	22,000	21,150	10,000	4,400
109″ [3]	95,000	28,600	27,750	10,000	4,400
129″ [3]	140,000	------	38,800	10,000	4,925

[1] Prices are: 1. Arranged for 900 r. p. m. direct coupled, constant speed motor drive, less electrical equipment. 2. Arranged for 500/1,000 r. p. m. adjustable speed motor drive.

[2] These machines have as standard equipment: Swivel turret only on rail, right hand side head with 4-position tool holder, plain table.

[3] These machines have as standard equipment right and left hand swivel heads on rail, plain table.

Size 42″ has 2 swivel heads on rail, and plain table.

KINGSBURY MACHINE TOOL CORPORATION, KEENE, N. H.

KINGSBURY SEMISTANDARD VERTICAL MODEL DRILLING MACHINES

	Weight	Price
	Pounds	
Model VAP, 1-spindle floor type	475	$478
Model VDMP, 2-spindle floor type	975	1,957
Model MDMP, 3-spindle floor type	1,900	1,479
Model MDMP, 4-spindle floor type	2,150	1,826

[1] Denotes price correction advised by manufacturer. Price differs from that shown in first edition of Prices of New Machine Tools.

KING BROTHERS ENGINEERING WORKS, 1300 NORTH KOSTNER AVENUE, CHICAGO, ILL.

COMBINATION SHEAR, PUNCH, AND COPER

[When sold for delivery in Illinois 2 percent is added on account of State occupational tax]

	No. 3	No. 4	No. 5
Capacity to punch	1 1/16″ through ½″	1 3/16″ through ¾″	1 5/8″ through 1″.
Depth of throat	10″	15″	24″.
Shearing capacities:			
Angles 90° with standard blades	4″ x 4″ x ¾″	4″ x 4″ x 7/8″	6″ x 6″ x 1¼″.
Round bars	1 3/16″	1¾″	2¼″.
Square bars	1¼″	1⅝″	2″.
Flat bars	½″ x 4″	⅝″ x 6″	1″ x 7″.
Plate	⅜″	½″	¾″.
Motor required—1,800 r. p. m.	2 horsepower	5 horsepower	10 horsepower.
Net weight—Pounds, approximate	3,000	5,100	13,000.

REGULAR EQUIPMENT

Standard punch holder with stripper coupling nut and punch.	#4 H and J	#6 H and J	#7 H and J.
Small architectural jaw with die	1″ x ¾″	1″ x ¾″	Not inclusive.
Large architectural jaw with die	1½″ x 1″	1½″ x 1″	2⅜″ x 1¼″.

PRICES

Price, B. D. with countershaft:		Price, Arr. M. D. No. El. (equipment):	
No. 3	$1,545	No. 3	$1,575
No. 4	2,300	No. 4	2,330
No. 7	3,925	No. 7	3,965

KLING SINGLE END VERTICAL GEARED PUNCHES

	No. 2	No. 4	No. 7
Capacity, M. S.:			
Punch	¼″ x 1 1/16″ x ¾″	¾″ through ¾″	1¼″ through 1″.
Shear angles	1½″ x 1½″ x ½″	3″ x 3″ x 3/8″	5″ x 5″ x ⅝″.
Shear flats	3″ x ½″	5″ x ½″	6″ x 1″.
Shear rounds	¾″	1¼″	2″.
Shear plate	¼″	½″	⅝″.
Height, gap	10″	17″	17″.
Flywheel	30″ x 3″	42″ x 4½″	54″ x 5″.
Size, gear	36″ x 3½″	36″ x 5½″	44″ x 6″.
Diameter pinion	4⅝″	5½″	69 3/32″.

	No. 10	No. 12	No. 14
Capacity, M. S.:			
Punch	2″ through 1″	2″ through 1¼″	2½″ x 1¼″.
Shear angles	6″ x 6″ x ½″	6″ x 6″ x ¾″	8″ x 8″ x ¾″.
Shear flats	8″ x 1¾″	8″ x 1½″	10″ x 1½″.
Shear rounds	2½″	2¾″	3″.
Shear plate	1¾″	1¾″	1½″.
Height, gap	20″	20″	22″.
Flywheel	54″ x 7″	54″ x 5¾″	54″ x 6¼″.
Size, gear	63″ x 7″	63″ x 7″	72″ x 8″.
Diameter pinion	77⅝″	73½″	8″.
Motor	10 horsepower	10 horsepower	15 horsepower.
Motor r. p. m.	1,200	1,200	1,200.

	No. 2	No. 4	No. 7
Motor	3 horsepower	5 horsepower	7½ horsepower.
Motor r. p. m.	1,200	1,200	1,200.

KLING BROTHERS ENGINEERING WORKS, 1300 NORTH KOSTNER AVENUE, CHICAGO, ILL.—Continued

NO. 2 (3/4" THROUGH 1½)

Depth throat	Weight	Price
	Pounds	
1"	3,000	$840
15"		
18"	3,800	940
24"	4,600	1,045
30"	5,200	1,150
36"		
48"		
60"		
72"		

NO. 4 (3/4" THROUGH 3/4")

12"		
15"	6,600	$1,235
18"		
24"	7,500	1,350
30"		
36"	9,200	1,640
48"	11,000	1,965
60"		
72"		

NO. 7 (1¾" THROUGH 1")

12"	10,600	$1,875
15"		
18"	11,500	2,018
24"	12,200	2,150
30"		
36"	15,000	2,565
48"	19,000	3,135
60"	24,000	3,675
72"	32,000	4,440

NO. 10 (2" THROUGH 1")

12"		
15"	16,000	$2,755
18"		
24"	20,000	3,145
30"		
36"	22,500	3,555
48"	26,500	4,005
60"	35,000	4,845
72"		

NO. 12 (2" THROUGH 1¼")

12"		
15"		
18"	20,000	$3,250
24"		
30"		
36"	28,000	4,820
48"	35,000	
60"		
72"		

NO. 14 (2½" THROUGH 1¼")

12"		
15"		
18"		
24"	29,000	$4,380
30"		
36"		
48", 60", 72"*	45,000	6,190

*Have no weight or price listed.

MOTOR DRIVE ARRANGEMENT

No. 2	$83
No. 4	95
No. 7	127
No. 10	153
No. 12	171
No. 14	176

Prices on complete machines cover regular belt drive arrangement, with either plain or architectural jaw punching attachment only.

Extra charge for motor drive arrangement covers motor bracket, pinion and gear, but does not include the 1,200 r. p. m. motor.

Double end punches.—To obtain price, add the prices of two single end machines, and deduct 5 percent. Figure weights in the same manner.

KLING BROTHERS ENGINEERING WORKS, 1300 NORTH KOSTNER AVENUE, CHICAGO, ILL.—Continued

SINGLE END VERTICAL FLYWHEEL PUNCHES—QUICK ACTING TYPE

	No. 1	No. 2
Capacity:		
Punch holes	3/4" through 25/32"	1/2" through 1".
Shear angles	1 1/4" x 1 1/4" x 1/4".	1" x 1" x 1/4".
Shear flat bars	2" x 3/4"	2" x 1/2".
Shear round bars	3/4"	3/4".
Shear plate	3/8"	1/4".
Height of gap	8"	10".
Size of flywheel	36" x 4 3/4"	38" x 5 3/4".
Size of motor required	2 horsepower	3 horsepower.
Speed of motor revolutions per minute	1,200	1,200.

Depth of throat	Weight	Price
	Pounds	
8" on No. 1	1,200	$600
12" on No. 2	2,700	705
18" on No. 2	3,000	790
24" on No. 2	3,800	890
30" on No. 2	4,800	995

EXTRAS

Motor Drive Arrangement, without motor (No. 1) $76

Prices of complete machines cover regular belt driven arrangement, with either plain or architectural jaw. Unless otherwise specified, architectural jaw will be furnished (No. 2) 83

Extra charge for motor drive arrangement covers motor bracket, pinion and cutting fly-wheel gear, but does not include the motor.

These quick-acting punches are not geared, being designed for direct drive to flywheel.

KLING HORIZONTAL PUNCHES

	No. 4	No. 7
Punching capacity	3/4" through 3/4"	1 3/4" through 1".
Depth of throat	7"	13".
Size of motor required	5 horsepower	7 1/2 horsepower.
Weight (approximately)	6,150 pounds	10,000 pounds.

Arranged for belt drive:
No. 4 $1,450
No. 7 2,060

Extra for direct motor drive arrangement:
No. 4 160
No. 7 130

Extra for gear guards:
No. 4 $100
No. 7 135

Extra charge for motor drive arrangement covers motor bracket, pinion and gear, but does not include the motor.

KLING SINGLE END BEAM BENDER AND STRAIGHTENER

Capacity	15"	24".
I-beams up to	15"	24".
Channels up to	15"	Maximum standard.
Angles up to	8"	8"
Rails up to	90 pounds per yard	130 pounds per yard.
Horsepower required	7 1/2 horsepower	15 horsepower.
Speed of motor recommended	1,200 revolutions per minute	1,200 revolutions per minute
Net weight (pounds)	14,500	33,400.

15 inches:
Arranged for belt drive $2,995
For direct motor drive arrangement 130
For gear guards complete 135

24 inches:
Arranged for belt drive 5,300
For direct motor drive arrangement 165
For gear guards complete 145

These machines are designed for bending and straightening I-beams, channels and other structural shapes and rails.

Machines are furnished for either belt drive with tight and loose pulleys as shown, or at an extra charge for geared motor drive.

BENDING END

Capacity:
I-beams and channels 15".
Angles up to 8".
Rails up to 90 pounds per yard.

PUNCHING END

Punching capacity 1 1/4" through 1".
Depth of throat 15".
Net weight, pounds 20,000.
Horsepower required to operate 1,200 r. p. m. 10 horsepower.

These machines are designed for bending, straightening, and punching I-beams, channels, and other structural shapes.

Arranged for belt drive $3,460
For direct motor drive arrangement 145
For gear guards 135

KLING BULLDOZERS

	No. 3.	No. 6
Stroke of crosshead	16"	20".
Face of crosshead	39" x 10"	62" x 16".
Size of motor required	10 horsepower.	20 horsepower.
Speed of motor (r. p. m.)	1,200	1,200
Net weight	8,600 pounds.	25,000 pounds.

PRICE.

Belt drive:
No. 3 $1,870
No. 6 3,690

For motor drive, less motor:
No. 3 130
No. 6 195

For gear guards:
No. 3 260
No. 6 265

This machine is used for a large variety of bending, pressing, forming, punching and shearing operations.

Both sizes are double-geared and fitted with friction clutch drive.

These machines can be furnished arranged either for belt drive or for direct geared motor drive as desired; in either case a friction clutch is incorporated in the drive mechanism.

POWER BAR BENDER

This machine is furnished arranged for direct motor drive.

	No. 1	No. 2
Capacity—round or square—hard grade steel to 180 around center pin.	1 1/4"	2".
Horsepower motor required	15 horsepower	25 horsepower.
Speed of motor required (r. p. m.)	1,800	1,200.
Weight—net, without motor.	2,800 pounds.	6,800 pounds.

Less motor:
No. 1 $1,670
No. 2 3,990

Regular equipment includes two stops, one set of dies, gear guards rawhide pinion and motor base.

KLING BROTHERS ENGINEERING WORKS, 1300 NORTH KOSTNER AVENUE, CHICAGO, ILL.—Continued

KLING ANGLE BENDING ROLLS

Capacity, cold bending	No. 0	No. 1	No. 2
Mild steel:			
Angles	2" x 2" x 1/4"	4" x 4" x 1/2"	6" x 6" x 1/2".
Tees	2" x 1 1/2" x 1/4"	6" x 2" x 1/2"	Largest standard.
Zees		6" x 3 1/2" x 1/2"	6" x 3 1/2" x 1/2".
Bar on edge	2" x 1/2"	4" x 1"	6" x 1".
Diameter of rolls	7"	18"	19 1/4".
Horsepower required	5	15 and 3	30 and 3.
Motor Speed—r. p. m.	1,200	1,200	900.
Approximate net weight	2,900	15,500	22,000.

Belt driven:
No. 0 $1,645
No. 1 4,950
No. 2 6,810

Motor driven, without motors:
No. 0 1,745
No. 1 5,080
No. 2 6,930

Gear guards:
No. 0 $105
No. 1 215
No. 2 245

No. 1 and No. 2 require a separate 3 horsepower reversing motor for power adjustment of the upper roll.

No. 1—Extra for power raise and lower (not including electrical equipment), $385.

KLING PYRAMID TYPE PLATE BENDING ROLLS

Capacity full length	Length between housing	Diameter of rolls: Upper	Diameter of rolls: Lower	Size of motor required	Weight approximate	Price
	Feet Inches	*Inches*	*Inches*	*Horsepower*	*Pounds*	
1/4"	6 2	6 1/2	5	5	5,850	$1,395
	8 2	7 1/2	6	5	8,000	2,025
	10 2	8	7	7 1/2	10,000	2,530
	12 2	10	8	10	14,500	3,035
3/8"	6 2	7 1/2	6	5	6,500	1,645
	8 2	8	7	7 1/2	9,000	2,025
	10 2	10	8	10	13,000	3,340
	12 2	12	9	15	20,000	4,335
1/2"	6 2	8	7	7 1/2	7,300	1,965
	8 2	10	8	10	11,500	2,910
	10 2	12	9	15	19,500	3,840
	12 2	13	9 1/2	15	23,000	4,650
5/8"	6 2	10	8	10	10,000	2,785
	8 2	12	9	15	17,500	3,715
	10 2	13	9 1/2	15	22,500	4,650
	12 2	14	10	20	28,500	5,700

With power adjustment for upper roll

Capacity full length	Length between housing	Diameter of rolls: Upper	Diameter of rolls: Lower	Size of motor required	Weight approximate	Price
	Feet Inches	*Inches*	*Inches*	*Horsepower*	*Pounds*	
1/2"	6 2	8	7	10	10,000	$2,785
	8 2	10	8	10	15,000	3,715
	10 2	12	9	15	24,000	4,650
	12 2	13	9 1/2	15	27,000	5,820
	14 2	14	10	20	35,000	7,552
	16 2	15	11	25	44,000	8,360
	18 2	16	11 1/2	30	50,000	9,130
	20 2	17	12	30	57,500	9,900
5/8"	6 2	10	8	10	13,500	3,520
	8 2	12	9	15	22,000	4,275
	10 2	13	9 1/2	15	26,000	5,700
	12 2	14	10	20	32,000	7,330
	14 2	15	11	25	41,500	8,015
	16 2	16	11 1/2	30	47,500	9,285
	18 2	17	12	30	54,200	10,175
	20 2	18	13	35	68,000	15,455
3/4"	6 2	12	9	15	18,700	3,960
	8 2	13	9 1/2	15	24,000	5,500
	10 2	14	10	20	29,500	6,930
	12 2	15	11	25	40,000	7,810
	14 2	16	11 1/2	30	45,000	8,470
	16 2	17	12	35	51,000	9,660
	18 2	18	13	40	63,000	14,235
	20 2	20	14	40	81,000	17,325
1"	8 2	14	10	20	27,000	6,775
	10 2	15	11	25	35,000	7,480
	12 2	16	11 1/2	30	41,500	8,690
	14 2	17	12	35	47,500	9,900
	16 2	18	13	35	60,000	13,620
	18 2	20	14	40	76,500	17,325
	20 2	22	15 1/2	50	110,000	23,520
1"	8 2	15	11	25	32,000	7,125
	10 2	16	11 1/2	30	38,000	8,050
	12 2	17	12	35	46,000	9,660
	14 2	18	13	35	56,000	13,000
	16 2	20	14	40	72,000	16,095
	18 2	22	15 1/2	50	104,000	22,275

Prices listed above do not include gear guards.

KLING BROTHERS ENGINEERING WORKS, 1300 NORTH KOSTNER AVENUE, CHICAGO, ILL.—Continued

KLING FRICTION SAWS

Hand feed

Phase	Cycle	Volts	Size of motor required	Price
3	60	220	No. 0	$1,145
			No. 1	2,190
			No. 2	2,940
			No. 2½	3,160
3	50	440 or 550	[1]	
3	25	220, 440, 550	No. 0 [1]	
			No. 1	2,395
			No. 2	3,145
			No. 2½	3,395
3		230 d. c.	No. 0	1,440
			No. 1	3,200
			No. 2	3,475
			No. 2½	3,650
		115 d. c.	No. 0	1,630
			No. 1	3,565
			No. 2	3,840
			No. 2½	4,490
		550 d. c.	No. 0	1,575
			No. 1	3,280
			No. 2	3,565
			No. 2½	4,090

[1] Cannot supply No. 0 saw for 25 cycle operation.

Self-contained constant pressure, oil feed

	Size of motor required	Price
3 phase, 50 cycle, 220 volt	No. 1	$3,060
	No. 2	3,830
	No. 2½	4,070
	No. 3	4,785
	No. 3½	5,470
	No. 4	6,380
	No. 4½	7,900
	No. 5	11,880
3 phase, 50 cycle, 440 or 550 volt		
3 phase, 25 cycle, 220, 440, 550 cycle	No. 1	3,200
	No. 2	4,070
	No. 2½	4,300
	No. 3	4,995
	No. 3½	5,700
	No. 4	6,600
	No. 4½	8,095
	No. 5	12,080
230 d. c.	No. 1	4,190
	No. 2	4,490
	No. 2½	4,665
	No. 3	5,455
	No. 3½	6,510
	No. 4	7,415
	No. 4½	9,735
	No. 5	13,705
115 d. c.	No. 1	4,555
	No. 2	4,840
	No. 2½	5,500
	No. 3	6,305
	No. 3½	6,940
	No. 4	7,865
	No. 4½	None
	No. 5	None
550 d. c.	No. 1	4,310
	No. 2	4,620
	No. 2½	5,150
	No. 3	5,940
	No. 3½	7,150
	No. 4	8,050
	No. 4½	8,865
	No. 5	13,860

The downstroke friction saw equipped with pneumatic feed and 15 horsepower standard a. c. motor is (without work table) $1,650

Equipped with 20 horsepower standard a. c. motor is 1,705

Equipped with 25 horsepower standard a. c. motor is 1,815

Our large downstroke saw is suitable for many sawing jobs and is regularly supplied without work table but with self-contained hydraulic feeding mechanism. It can be furnished with main motor from 40 to 75 horsepower arranged for friction sawing, with electrical equipment for 220 or 440 volts, 3 phase, 60 cycle, a. c. at following prices:

40 horsepower	3,990
50 horsepower	4,280
60 horsepower	4,630

FRICTION SAW BLADE DRESSING MACHINE

Machine complete with hob and milling cutters:
Belt drive with pulley 965
Geared motor drive without 2 horsepower 1,500–1,800 motor 1,075

KLING BROTHERS ENGINEERING WORKS, 1300 NORTH KOSTNER AVENUE, CHICAGO, ILL.—Continued

CUTTING CAPACITIES, COLD, MILD STEEL KLING FRICTION SAWS

	0	1	2	2½	3	3½	4	4½	5
I-beams	8″	12″	18″	18″	24″	24″	30¾″	30¾″	Maximum 150
Rails (pounds)	30	50	80	100	100	130	130	150	150
Rounds	1″	1⅝″	2″	3″	3″	4″	4″	4½″	4½″
Squares	¾″	1¼″	1¾″	2½″	2½″	3½″	3½″	4″	4″
Horsepower	10	30	40	50	50	75	75	125	125
Shipping weight:									
Hand feed	1,458	4,300	5,660	6,060					
Hydraulic feed		4,800	6,200	6,660	10,040	10,420	17,270	18,395	28,875

DOUBLE ANGLE SHEARS

	No. 2	No. 3	No. 4	No. 5
Capacity—square cut	4″ x 4″ x ¾″	6″ x 6″ x ½″, 6″ x 6″ x 1″	8″ x 8″ x 1¼″	8″ x 8″ x 1½″.
Flywheel—size	44″ x 7″ x 5″ x 2⅝″	54″ x 5½″ x 5″ x 3″	54″ x 7″ x 5″ x 3½″	66″ x 8″ x 8″ x 4″.
Motor recommended	5 horsepower	10 horsepower	20 horsepower	25 horsepower.
Net weight	13,000 pounds	21,000 pounds	38,000 pounds	48,000 pounds.
Turntable:				
Diameter	72″	89″	118″	118″.
Weight	4,000 pounds	6,500 pounds	13,000 pounds	13,000 pounds.

Price with C. I. cut gears:

No. 2	$3,035
No. 3	4,495
No. 4	8,250
No. 5	None
Price with steel cut gears:	
No. 2	3,260
No. 3	4,760
No. 4	8,625
No. 5	10,150
Extra for gear guards:	
No. 2	160
No. 3	210
Extra for gear guards—Continued.	
No. 4	$265
No. 5	265
Extra for turntable:	
No. 2	635
No. 3	880
No. 4	1,595
No. 5	1,595

Kling angle shears are of the double shaft driven type, each slide having its own clutch with automatic stop, and operating independently of the other slide.

KLING GUILLOTINE TYPE BARS SHEARS

	No. 1	No. 3	No. 4	No. 6
Capacity, mild steel:				
Round bars	1⅛″	2⅛″	3″	6″.
Square bars	1″	2″	2⅝″	6″.
Flat bars	4″ x ⅞″	8″ x 1¼″	10″ x 1¼″	20″ x 1½″.
Angles	4″ x 4″ x ⅝″	6″ x 6½″	6″ x 6″ x ¾″	8″ x 8″ x 1⅛″.
Size of motor required	7½ horsepower	10 horsepower	15 horsepower	40 horsepower.
Speed of motor recommended	1,200 r. p. m.	1,200 r. p. m.	900 r. p. m.	900 r. p. m.
Net weight (Approximate)	5,400 pounds	11,600 pounds	7,000 pounds	79,000 pounds.

Belt drive:

No. 1	$1,370
No. 2	2,635
No. 3	3,795
No. 6	18,095
Motor drive without motor:	
No. 1	1,350
No. 3	2,750
No. 4	3,920
No. 6	18,290

ADDITIONAL EQUIPMENT

Bar-shearing equipment and adjustable bar hold-down attachment. Belt driven machines are equipped with tight and loose pulleys.

Extra charge for motor-drive arrangement includes sub-base for motor, pinion, and gearing, but does not include motor.

TYPE "TT" GRINDER—FOR 36″ X 4″ X 12″ GRINDING WHEELS

Type "TT" grinder equipped for five-speed changes and with 220-440 or 550 volt, 3 phase, 60 cycle electrical equipment—price, complete, f. o. b. our plant, not including wheels $1,720

Type "TT" grinder, same as above except with 230 volt, direct current electrical equipment—price, complete, not including wheels 1,950

TYPE "ST" GRINDER—FOR 24″ X 3″ X 12″ GRINDING WHEELS

Type "ST" grinder equipped for three-speed changes and with 220-440 or 550 volt, 3 phase, 60 cycle electrical equipment—price, complete, f. o. b. our plant, not including wheels 1,330

Type "ST" grinder, same as above except with 230 volt direct current electrical equipment—price, complete, not including wheels 1,575

TYPE "RT" GRINDER—FOR 18″ X 2″ X 7″ GRINDING WHEELS

Type "RT" grinder equipped for three-speed changes and with 5 horse-power motor 220-440-550 volt, 3 phase, 60 cycle electrical equipment—price, complete, f. o. b. our plant, not including wheels 880

Type "RT" grinder same as above except with 230 volt, direct current electrical equipment—price, complete, excepting wheels 1,080

Type "RT" grinder equipped for three-speed changes and with 7½ horsepower, 220-440-550 volt, 3 phase, 60 cycle electrical equipment—price, complete, f. o. b. our plant, not including wheels 925

Type "RT" grinder, same as above, with 230 direct current equipment (except wheels ... 1,095

W. B. KNIGHT MACHINERY CO., ST. LOUIS, MO.

MILLING MACHINES—PRICES AND SPECIFICATIONS

Size No.	Table travel		Spindle head travel on column	Table working surface	Weight	Price
	Longitudinal	Transverse				
	Inches	*Inches*	*Inches*	*Inches*	*Pounds*	
20	23	10	12	9 x 33½	5,900	$5,170
30	25	12	14	10 x 42	4,000	4,290
40	28	14	15	12 x 46	3,000	3,520
1½					1,600	1,050
1					750	535

No. 2 discontinued price Mar. 1, 1941, $1,800.

L & J PRESS CORPORATION, ELKHART, IND.

LIST PRICES OF L & J PRESSES

Model No.	Weight	List price, f. o. b. Elkhart, Ind.
0 bench	300	$[illegible]
0 stand	510	1[illegible]
1	1,000	[illegible]
1 special	1,050	2[illegible]
2	1,350	3[illegible]
2 special	1,400	[illegible]
3	2,050	4[illegible]
3 special	2,150	[illegible]
4	3,600	6[illegible]
4½	4,100	7[illegible]
5	5,700	9[illegible]
5 special geared	6,000	1,0[illegible]
4 geared	4,017	9[illegible]
4½ geared	4,500	1,0[illegible]
5 geared	6,700	1,2[illegible]
5 special geared	6,900	1,3[illegible]
4 combination geared	4,167	1,0[illegible]
4½ combination geared	4,630	1,1[illegible]
5 combination geared	6,850	1,2[illegible]
5 special combination geared	7,050	1,3[illegible]

WILLIAM LAIDLAW, INC., BELMONT, N. Y.

SAWS

[Crated f. o. b.]

[For machines with other than the standard electrical equipment regularly furnished, prices will be quoted on request]

	Consumer's price
1 Type C. M. T. With hydraulic feed, has 30″ disk wheels, distance from table to upper saw guide when in highest position 12″, cuts long or short pieces on both sides at the same time, 4-speed sliding gear transmission, ball bearing throughout, all gears run in oil, motor gear reduction and transmission unit housed in base of machine. Complete with standard ball bearing alternating current motor, with overload control, starting switch, 2 stock stands and 2 saws	$1,442.75
2 Type C. M. T. Same as above except with gravity feed. (Shipping weight approximately 3,700 pounds)	1,185.50
3 Type J. M.-30″. With hydraulic feed, has 30″ disc wheels, steel table 18″ x 8′, capacity 18″ x 40″, 4 or 8 speeds, standard 2 horsepower alternating current motor, with overload control starting switch. (Shipping weight approximately 2,600 pounds)	1,185.50
4 Type J. M.-30″. With 8 speeds, gravity feed, 30″ disc wheels, capacity of vise 12″, traveled carriage 12″, 18″ from table to upper saw guide. Complete with standard alternating current motor with overload control, starting switch, stock stand and 2 saw blades. (Shipping weight approximately 2,000 pounds)	892.50
5 Type J. M.-30″. Same as above except with 4 speeds	846.25
6 Type S. M.-30″. With 8 speeds 30″ rounder square table. Complete with 2 horsepower standard alternating current motor with overload control starting switch and 2 saw blades	790.75
Same as above equipped with 30″ square tilting table	869.75
7 Type S. M.-30″. Same as above except with 4 speeds	739.75
Equipped with tilting table	790.75

NOTE.—30″ saws having a speed of 1,450 feet and over require a 3 horsepower motor. Additional cost to be added to above prices.

8 Type J. M. With hydraulic feed, has 30″ wheels, vise 12″ x 40½″ with opening, travel of carriage 10″, distance from table to upper guide when in highest position 9″, 8 speed changes through short endless belt and gear box drive, ball bearing throughout. Complete with standard alternating current motor with overload control starting switch, stock stand and 2 saws	812.00
9 Type J. M. Same as above except with gravity feed. (Shipping weight approximately 1,350 pounds)	790.00
10 Type J. M. With gravity feed, has 20″ wheels, capacity of vise 6″, travel of carriage 6¼″, distance from table to upper guide when in highest position 9″, 8 speed changes through short endless belt and gear box drive, ball bearing throughout. Complete with standard alternating current motor with overload control, starting switch, stock stand and 2 saws. (Shipping weight approximately 1,200 pounds.)	625.25

WILLIAM LAIDLAW, INC., BELMONT, N. Y.—Continued

SAWS—continued

	Consumer's price
11 Type S. M. Has 20″ wheels, 24″ round or square table, distance from table to upper guide when in highest position 10″, 8 speeds through short endless belt and gear box drive. Complete with standard alternating current motor, overload control starting switch and 2 saw blades. (Shipping weight approximately 850 pounds.)	$504.00
12 Type S. M. Same as above except with 4 speeds. (Shipping weight approximately 850 pounds.)	464.00
13 Type S. M. 20″ equipped with tilting table add $40 to above prices.	
NOTE.—20″ saws having a speed of 1,450 feet and over require a 1½ horsepower motor. Additional cost to be added to above prices.	
14 Saw guides. All are ball bearing, roller type. The ¼″ and ⅜″ are made up on one roller. 4 flanged rollers and 2 plain rollers make a complete set. ½″ rollers will accommodate 1 size only, ⅝″ rollers will accommodate 1 size only	20.00
Complete set of replacement rollers consisting of 4 flanged and 2 plain rollers from ¼″ up to ⅜″	11.50
15 Saw guides. Complete set of saw guides with rollers for ¾″ or 1″ saw blade	22.50
Complete set of replacement rollers consisting of 4 flanged and 2 plain rollers from ¾″ up to 1″	13.50
When saws 1½″ wide or wider are used we recommend plain iron wheels but if saws narrower than 1½″ are to be used, it is necessary to use rubber tired wheels. Unless otherwise ordered all machines are shipped with iron wheels.	
16 Model 110 J. R. Portable bandsaw butt welder. Capacity blades ¼″ to ⅝″ in width for 110 volts, 15 amperes. Can be plugged into any light socket	130.00
The same as above less portable stand. Can also be furnished with capacity ¼″ to 1″ for an additional $25.00.	115.00
C. M. T.-N	1,925.00

LANDIS MACHINE CO., WAYNESBORO, PA.

LANDIS STANDARD THREADING MACHINES

[Plain machines arranged for motor drive but without motor]

Size	Net weight	Price
	Pounds	
⅛″ single	1,150	$925
¼″ single	1,150	960
1″ single	1,750	1,235
1¼″ single	1,800	1,310
2″ single	2,500	1,650
2½″ single	2,600	1,960
3″ single	5,200	3,015
4″ single	5,500	3,400
⅛″ double	1,750	1,390
¼″ double	1,750	1,455
1″ double	2,750	2,055
1¼″ double	2,850	2,220
2″ double	4,350	2,750
2½″ double	4,500	3,140
4″ double	9,000	5,400
1″ triple	3,800	2,605
1¼″ triple	4,350	3,120
2″ triple	6,200	3,870

[Machines equipped with lead-screw attachments, arranged for motor but without motor]

⅛″ single	1,150	$1,135
¼″ single	1,150	1,170
1″ single	1,750	1,485
1¼″ single	1,800	1,560
2″ single	2,500	1,960
2½″ single	2,600	2,270
3″ single	5,200	3,430
4″ single	5,500	3,815
⅛″ double	1,750	1,810
¼″ double	1,750	1,875
1″ double	2,750	2,535
1¼″ double	2,850	2,720
2″ double	4,350	3,370
2½″ double	4,500	3,760
4″ double	9,000	6,230
1″ triple	3,800	3,355
1¼″ triple	4,350	3,870
2″ triple	6,200	4,800

LANDIS MACHINE CO., WAYNESBORO, PA.—Con.

LANDMACO THREADING MACHINES

[Plain machines arranged for motor drive but without motor]

Size	Net weight	Price
	Pounds	
1″ single	2,600	$1,695
1½″ single	2,900	1,695
2″ single	3,600	2,355
2½″ single	3,650	2,790
1″ double	4,500	2,510
1½″ double	4,950	2,805
2″ double	5,900	3,695
2½″ double	5,950	3,960
1″ quadruple	8,300	5,950
1½″ quadruple	8,500	6,320

[Machines equipped with lead-screw attachments, arranged for motor but without motor]

1″ single	2,600	$1,910
1½″ single	2,900	2,010
2″ single	3,600	2,725
2½″ single	3,650	3,160
1″ double	4,500	3,140
1¼″ double	4,950	3,435
2″ double	5,900	4,435
2½″ double	5,950	4,730
1″ quadruple	8,300	6,500
1½″ quadruple	8,500	6,870

PIPE THREADING AND CUTTING MACHINES

[Machines arranged for motor drive but without motor]

2″ little Landis	1,075	$545
2″ standard machine	3,000	1,550
4″ pipe machine	5,400	2,560
6″ pipe machine	9,800	3,175
8″ pipe machine	10,500	3,565
10″ pipe machine	15,800	5,370
12″ pipe machine	15,800	6,140
16″ pipe machine	19,000	8,020
18″ pipe machine	23,100	9,570
20″ pipe machine	23,300	10,120

PIPE THREADING AND CUTTING MACHINES WITH RECEDING CHASER DIE HEADS

[Machines arranged for motor drive but without motor]

4¾″	6,950	$3,870
8¾″	11,050	4,895
13⅜″	18,200	8,625

LANDMACO PIPE AND NIPPLE THREADING MACHINES

[Machines arranged for motor drive but without motor]

1¼″ single	2,310	$1,945
2″ single	2,750	2,665
1¼″ double	4,170	3,325
2″ double	4,450	4,335

STANDARD PIPE AND NIPPLE THREADING MACHINES

[Machines arranged for motor drive but without motor]

⅛″ single	1,150	$1,075
1¼″ single	1,800	1,525
2″ single	2,500	1,890
4″ single	5,800	3,915
1¼″ double	1,750	1,655
1¼″ double	2,900	2,610
2″ double	4,300	3,230
4″ double	9,000	6,205

LANDMACO SHELL TAPPERS

[Machines arranged for motor drive but without motor]

1¼ R single	2,900	$3,350
1½ H O single	2,900	2,725
1½ H O double	4,950	4,550

AUTOMATIC FORMING AND THREADING MACHINES

[Machines arranged for motor drive but without motor]

¾″	4,700	$4,360
1″	4,700	4,560

LANDIS MACHINE CO., WAYNESBORO, PA.—Con.

FOUR SPINDLE SEMIAUTOMATIC THREADING MACHINE

[Machine arranged for motor drive but without motor]

Size	Net weight	Price
	Pounds	
¾″	6,550	$6,800

CHASER GRINDERS

[Machines equipped with 220 volt—3-phase—60-cycle motors]

Model "O"	225	$295
No. 1	675	440
No. 1½	1,395	865

LANDIS TOOL CO.

CURRENT PRICES OF LANDIS GRINDING EQUIPMENT

Machine	Net weight	Price, including standard equipment
	Pounds	
*4″ x 12″ type H plain	4,000	$3,955
*4″ x 18″ type H plain	4,400	4,290
10″ x 18″ type DC plain	11,800	9,695
10″ x 36″ type DC plain	12,850	9,485
10″ x 48″ type DC plain	13,550	10,105
10″ x 72″ type DC plain	14,950	11,325
14″ x 36″ type D plain	13,050	11,850
14″ x 48″ type D plain	13,750	12,480
14″ x 72″ type D plain	15,150	13,165
16″ x 36″ type D plain	13,350	12,310
16″ x 48″ type D plain	14,050	12,745
16″ x 72″ type D plain	15,450	13,500
6″ x 18″ type C plain	5,500	4,565
6″ x 30″ type C plain	6,000	4,855
10″ x 18″ type LC plain	5,600	5,110
10″ x 30″ type LC plain	6,100	5,795
10″ x 18″ type C plain	8,000	7,075
10″ x 36″ type C plain	9,300	8,080
10″ x 48″ type C plain	10,125	8,470
10″ x 72″ type C plain	11,925	8,870
10″ x 96″ type C plain	16,800	9,415
10″ x 120″ type C plain	18,500	9,970
14″ x 18″ type C plain	8,500	8,475
14″ x 36″ type C plain	9,800	8,880
14″ x 48″ type C plain	10,625	9,270
14″ x 72″ type C plain	12,425	9,670
14″ x 96″ type C plain	17,300	10,215
14″ x 120″ type C plain	19,000	10,770
10″ x 96″ type BD plain	17,800	12,015
10″ x 120″ type BD plain	19,800	14,030
14″ x 96″ type BD plain	18,900	14,150
14″ x 120″ type BD plain	20,900	15,460
16″ x 96″ type B plain	27,500	17,300
16″ x 120″ type B plain	30,500	19,020
16″ x 144″ type B plain	33,500	20,745
16″ x 168″ type B plain	36,500	22,430
16″ x 192″ type B plain	39,500	24,155
20″ x 96″ type B plain	36,600	27,310
20″ x 120″ type B plain	41,000	28,375
20″ x 144″ type B plain	46,600	31,445
20″ x 168″ type B plain	51,600	33,545
20″ x 192″ type B plain	56,900	35,610
24″ x 96″ type B plain	38,500	29,180
24″ x 120″ type B plain	43,500	31,240
24″ x 144″ type B plain	48,500	33,320
24″ x 168″ type B plain	53,500	35,420
24″ x 192″ type B plain	58,500	37,480
28″ x 96″ type B plain	40,900	31,120
28″ x 120″ type B plain	45,000	33,230
28″ x 144″ type B plain	50,000	35,300
28″ x 168″ type B plain	55,000	37,400
28″ x 192″ type B plain	60,000	39,470
*10″ x 24″ type C universal	4,155	4,785
*12″ x 30″ type LC universal	5,350	5,570
*12″ x 36″ type LC universal	5,535	5,895
*12″ x 40″ type LC universal	5,750	6,070
*12″ x 48″ type LC universal	6,100	6,580
*12″ x 36″ type C universal	7,500	6,895
*12″ x 48″ type C universal	8,300	7,290
*12″ x 72″ type C universal	9,900	7,925
*14″ x 36″ type C universal	7,600	6,805
*14″ x 48″ type C universal	8,400	7,470
*14″ x 72″ type C universal	10,000	8,135
*16″ x 36″ type C universal	7,700	7,045
*16″ x 48″ type C universal	8,500	7,685
*16″ x 72″ type C universal	10,100	8,350
*18″ x 36″ type C universal	7,800	7,225
*18″ x 48″ type C universal	8,600	7,890
*18″ x 72″ type C universal	10,200	8,594
3″ type C chucking	3,200	4,600
10″ x 16″ type D crank	15,200	11,045
10″ x 34″ type D crank	15,500	11,765

See footnotes at end of table.

LANDIS TOOL CO.—Continued

CURRENT PRICES OF LANDIS GRINDING EQUIPMENT—con.

Machine	Net weight	Price, including standard equipment
	Pounds	
14" x 16" type D crank	15, 400	$11, 835
14" x 34" type D crank	15, 700	12, 635
16" x 32" type D crank	17, 700	14, 885
16" x 42" type D crank	18, 000	15, 475
16" x 62" type D crank	21, 400	17, 290
16" x 72" type D crank	21, 700	17, 900
5" x 26" type D cam	12, 700	13, 295
5" x 30" type D cam	12, 900	13, 565
5" x 36" type D cam	13, 100	13, 860
5" x 40" type D cam	13, 300	14, 035
*18" radial cam	7, 150	9, 075
*No. 1 Race-a-way	3, 500	4, 345
*No. 2 Race-a-way	4, 800	4, 540
36" x 120" type 30 roll	110, 700	42, 140
36" x 144" type 30 roll	114, 700	42, 670
36" x 168" type 30 roll	118, 700	43, 890
36" x 192" type 30 roll	122, 700	44, 855
36" x 216" type 30 roll	126, 700	45, 990
36" x 240" type 30 roll	130, 700	47, 065
44" x 144" type 30 roll	130, 800	45, 825
44" x 168" type 30 roll	134, 800	46, 985
44" x 192" type 30 roll	138, 800	48, 090
44" x 216" type 30 roll	142, 800	49, 285
44" x 240" type 30 roll	146, 800	50, 555
44" x 264" type 30 roll	150, 800	52, 035
44" x 288" type 30 roll	154, 800	53, 535
50" x 144" type 30 roll	138, 800	50, 225
50" x 168" type 30 roll	142, 800	51, 275
50" x 192" type 30 roll	146, 800	52, 385
50" x 216" type 30 roll	150, 800	53, 580
50" x 240" type 30 roll	154, 800	54, 915
50" x 264" type 30 roll	158, 800	56, 150
50" x 288" type 30 roll	162, 800	57, 545
60" x 144" type 30 roll	155, 700	55, 600
60" x 168" type 30 roll	159, 700	56, 815
60" x 192" type 30 roll	163, 700	58, 105
60" x 216" type 30 roll	167, 700	59, 400
60" x 240" type 30 roll	171, 700	60, 905
60" x 264" type 30 roll	175, 700	62, 430
60" x 288" type 30 roll	179, 700	64, 015
16" x 96" type B roll	30, 000	20, 640
16" x 120" type B roll	33, 000	22, 365
16" x 144" type B roll	36, 000	24, 090
16" x 168" type B roll	39, 000	25, 775
16" x 192" type B roll	42, 000	28, 050
20" x 96" type B roll	39, 100	30, 880

LANDIS TOOL CO.—Continued

CURRENT PRICES OF LANDIS GRINDING EQUIPMENT—con.

Machine	Net weight	Price, including standard equipment
	Pounds	
20" x 120" type B roll	44, 100	$32, 945
20" x 144" type B roll	49, 100	35, 025
20" x 168" type B roll	54, 200	37, 120
20" x 192" type B roll	59, 000	39, 730
24" x 96" type B roll	41, 000	32, 910
24" x 120" type B roll	46, 000	34, 980
24" x 144" type B roll	51, 000	37, 050
24" x 168" type B roll	56, 000	39, 150
24" x 192" type B roll	61, 000	41, 765
28" x 96" type B roll	42, 500	35, 005
28" x 120" type B roll	47, 500	37, 120
28" x 144" type B roll	52, 500	39, 185
28" x 168" type B roll	57, 500	41, 285
28" x 192" type B roll	62, 500	43, 910
*18" x 62" type C regrinding	10, 800	9, 370
22" x 72" type C regrinding	10, 400	9, 530

*All machines so indicated are supplied with complete electrical equipment as a part of standard equipment and therefore this electrical equipment is included in the price. Machines not so indicated do not have the electrical equipment as a part of standard equipment and the prices given therefore do not include electrical equipment.

LANGELIER MANUFACTURING COMPANY, PROVIDENCE R. I.

No. 41 drill, sensitive	$150
No. 11 drilling unit	450
No. 31 drilling unit	700
No. 12 tapper	450
No. 22 tapper	600
No. 1 hammering machine	500
No. 2 hammering machine	750
No. 3 hammering machine	1, 100
A swager	250
B swager	600
C swager	800
E swager	1, 600
G swager	2, 200
H swager	3, 000

Prices shown above are for the base machines without electrical equipment.

THE LAPOINTE MACHINE TOOL CO., HUDSON, MASS.

LAPOINTE TYPE "SPD" SMALL FULL DOWN VERTICAL BROACHING MACHINES

	Size of machine			
	SPD 4-12	SPD 6-18	SPD 8-24	SPD 10-24
Complete machine (see standard equipment)	[1]$1, 925	$2, 310	$2, 640	$2, 860

LAPOINTE TYPE "CPC" CAST HYDRAULIC PRESS

	Size of machine				
	CPC-5-12	CPC-5-18	CPC-5-24	CPC-5-30	CPC-5-36
Complete machine (see standard equipment)	$1, 700	$1, 725	$1, 750	$1, 775	$1, 800
Additional, hardened ways	150	150	150	150	150
Additional, coolant pump	50	50	50	50	50
Additional, hand-operated broach lift	200	200	200	200	200

[1] The above prices do not include electrical equipment.

THE LAPOINTE MACHINE TOOL CO., HUDSON, MASS.—Continued

LAPOINTE TYPE "CPC" CAST HYDRAULIC PRESS—continued

	Size of machine				
	CPC-6-12	CPC-6-18	CPC-6-24	CPC-6-30	CPC-6-36
Complete machine (see standard equipment)	$1, 825	$1, 850	$1, 875	$1, 900	$1, 925
Additional, hardened ways	150	150	150	150	150
Additional, coolant pump	50	50	50	50	50
Additional, hand-operated broach lift	200	200	200	200	200

	Size of machine			
	CPC-8-18	CPC-8-24	CPC-8-30	CPC-8-36
Complete machine (see standard equipment)	$2, 295	$2, 335	$2, 375	$2, 415
Additional, hardened ways	150	150	150	150
Additional, coolant pump	50	50	50	50
Additional, hand-operated broach lift	200	200	200	200

	Size of machine			
	CPC-10-18	CPC-10-24	CPC-10-30	CPC-10-36
Complete machine (see standard equipment)	$2, 485	$2, 535	$2, 585	$2, 635
Additional, hardened ways	150	150	150	150
Additional, motorized lubricant pump	50	50	50	50
Additional, hand-operated broach lift	200	200	200	200

	Size of machine			
	CPC-12-18	CPC-12-24	CPC-12-30	CPC-12-36
Complete machine (see standard equipment)	$2, 690	$2, 750	$2, 810	$2, 870
Additional, hardened ways	150	150	150	150
Additional, motorized coolant pump	50	50	50	50
Additional, hand-operated broach lift	200	200	200	200

	Size of machine			
	CPC-15-18	CPC-15-24	CPC-15-30	CPC-15-36
Complete machine (see standard equipment)	$3, 060	$3, 120	$3, 180	$3, 240
Additional, hardened ways	150	150	150	150
Additional, coolant pump	50	50	50	50
Additional, hand-operated broach lift	200	200	200	200

The above prices do not include main motor or starting switch.

LAPOINTE "UNIVERSAL TYPE" BROACH SHARPENER

	Size of machine		
	60 inches	72 inches	80 inches
Complete machine—With motors (see standard equipment)	$3, 245	$3, 465	$3, 630
Accessories [1]			

[1] See price sheet.

THE LAPOINTE MACHINE TOOL CO., HUDSON, MASS.—Continued

LAPOINTE TYPE "SRV" SINGLE RAM SURFACE BROACHING MACHINES

	Size of machine				
	SRV 3-30	SRV 3-48	SRV 5-42	SRV 5-54	SRV 10-42
Complete machine (see standard equipment)	$3, 580	$3, 965	$4, 175	$4, 585	$5, 860

	Size of machine				
	SRV 10-54	SRV 15-48	SRV 15-66	SRV 25-48	SRV 25-66
Complete machine (see standard equipment) Extra equipment.[1] (See list below.)	$6, 250	$7, 490	$8, 490	$10, 105	$11, 500

[1] Prices on request.

LAPOINTE TYPE "DRV" DOUBLE RAM SURFACE BROACHING MACHINES

	Size of machine				
	DRV 3-30	DRV 3-48	DRV 5-42	DRV 5-54	DRV 10-42
Complete machine (see standard equipment)	$5, 370	$5, 945	$6, 200	$6, 875	$8, 790

	Size of machine				
	DRV 10-54	DRV 15-48	DRV 15-66	DRV 25-48	DRV 25-66
Complete machine (see standard equipment) Extra equipment.[1] (See list below.)	$9, 375	$11, 235	$12, 720	$15, 165	$17, 250

[1] Prices on request.

LAPOINTE TYPE "V" VERTICAL HYDRAULIC BROACHING MACHINES

	Size of machine			
	V-1	V-2	V-3	V-4
Complete machine [1] (see standard equipment)	$5, 350	$7, 175	$8, 700	$9, 335

	Size of machine			
	V-5	V-7	V-8	V-9
Complete machine [2] (see standard equipment)	$10, 450	$12, 950	$15, 470	$17, 425
Automatic broach lifters [3]				
Automatic broach pullers [3]				

[1] The above prices do not include main motor or starter.
[2] Prices on request.
[3] See automatic broach pullers and lifters.

THE LAPOINTE MACHINE TOOL CO., HUDSON, MASS.—Continued

LAPOINTE "L" TYPE HYDRAULIC BROACHING MACHINES

[F. O. B. Hudson, Mass., U. S. A.]

	Size of machine			
	2 SL	2 SL6	2 L	2 L6
Complete machine [1] (see standard equipment)	$2, 550	$2, 700	$2, 800	$3, 135
Sliding broach support with soft ways and broach-clamping fixture	245	245	275	275
Sliding broach support with hardened steel ways and broach-clamping fixture	330	330	355	355
Additional reducing bushing	10	10	10	10
Additional pull bushing	10	10	10	10

	Size of machine			
	3 L	3 L S	3½ L	4 L
Complete machine [1] (see standard equipment)	$3, 600	$4, 600	$5, 300	$7, 550
Sliding broach support with soft ways and broach-clamping fixture	300	410	410	410
Sliding broach support with hardened steel ways and broach-clamping fixture	385	495	495	495
Additional reducing bushing	10	18	18	18
Additional pull bushing	10	15	15	15

[1] Prices do not include electrical equipment.

LAPOINTE "HP TYPE" HORIZONTAL HYDRAULIC BROACHING MACHINES

	Size of machine		
	HP-15	HP-20	HP-30
Complete machine [1] (see standard equipment)	$3, 200	$3, 525	$4, 500
Sliding broach support with soft ways and broach-clamping fixture	300	300	325
Sliding broach support with hardened steel ways and broach-clamping fixture	400	400	425

	Size of machine			
	HP-40	HP-50	HP-75	HP-100
Complete machine [1] (see standard equipment)	$4, 950	$6, 750	$8, 300	$10, 900
Sliding broach support with soft ways and broach-clamping fixture	450	450	450	775
Sliding broach support with hardened steel ways and broach-clamping fixture	550	550	550	875

[1] Prices do not include main motor or starting switch.

LAPOINTE SCREW TYPE BROACHING MACHINES

	Size of machine						
	No. 0	No. 1	No. 2	No. 2 short stroke	No. 3	No. 4	No. 3 duplex
Complete belt-driven machine	$750	$1, 375	$1, 650	$1, 430	$1, 870	$2, 475	$2, 915
Complete motor-driven machine [1]	900	1, 565	1, 870	1, 675	2, 100	2, 860	3, 245
Broach guiding trays		175	175	175	200	250	350

[1] Motor drive prices do not include motor or starter.

THE R. K. LEBLOND MACHINE TOOL CO., CINCINNATI, OHIO—Continued

REGAL TYPE

Size	Weight	Price	Extra for 2 feet of bed	Extra taper attachment
	Pounds			
13" x 18" floor type	1,045	$847	$40	------
13" x 18" bench type	970	826	40	------
15" x 18" floor type	1,240	1,004	60	------
15" x 30" floor type	1,985	1,609	60	------
19" x 30" floor type	2,225	1,569	74	------
21" x 30" floor type	4,150	2,784	124	------
24" x 30" floor type	4,275	3,218	124	------
Complete with switch, 2 adjustable stop plates, and hold-down clamps.				

[Prices f. o. b. St. Louis, Mo., crated. Includes automatic pump lubrication to carriage, cross slide (and taper attachment when furnished)]

Size of lathe	16"	18"	20" Ltd. Int.	20" Int. Hvy.	22"	24"	24" Int. Hvy.	27"	30"	36"
Base center distance	30"	30"	30"	30"						
Base bed length	7	7	7	7						
Actual swing	18½"	20½"	22½"	22½"	24½"	27½"	27½"	30½"	34½"	37½"
Cone drive, double back geared, hardened spindle and double spindle nose	$2,425	$2,600	$2,600	------	$4,040	$4,330	------	------	------	------
Weight, base length, crated, pounds	3,150	3,350	3,600	------	7,400	7,300	------	------	------	------
Sixteen speed reared head, arranged for motor drive (not including motor)	------	------	------	------	------	------	------	------	------	------
Three inch spindle bearings	$3,440	$3,700	$3,850	$5,420	$5,620	$5,920	------	------	------	------
Sleeve type spindle bearings	4,550	4,600	4,800	8,300	8,400	8,800	------	------	------	------
Weight, base length, crated, pounds	------	------	------	------	------	------	------	------	------	------
Sixteen speed hydratrol, arranged for motor drive (not including motor)	$4,005	$4,270	------	$5,775	$6,005	$6,350	$7,470	$9,790	$10,095	$10,740
Three inch spindle bearings	$4,120	$4,380	------	$5,960	$6,130	$6,480	$7,700	$9,980	$10,290	$10,940
Sleeve type spindle bearings	4,000	4,400	------	8,250	8,600	8,900	11,200	13,500	13,900	18,200
Weight base length, crated, pounds	4,000	4,400	------	------	------	------	------	------	------	------
7¾" hollow spindle	$3,400	$3,400	------	------	------	------	------	$11,440	$11,805	$12,375
11" hollow spindle	------	------	------	------	------	------	------	11,730	12,095	12,500
13" hollow spindle	------	------	------	------	------	------	------	12,100	12,500	13,100
14"	------	------	------	------	------	------	------	------	------	------
16"	5,200	------	------	------	------	------	------	------	------	------
Weight, base length, crated, pounds	------	------	------	------	------	------	------	10,000	10,400	10,700
Taper turning and relieving attachment	$145	$150	$150	$200	$200	$320	$320	$325	$340	$360
Weight, extra 2 feet of bed, pounds	350	350	350	600	600	1,000	1,000	1,000	1,000	1,000

Above arranged for M. D., not including motors.

THE LEES-BRADNER CO., CLEVELAND, OHIO

Type machine	Model	Weight	Price
		Lbs.	
Gear hobber	14" 5-AC	6,000	$4,500
	10" 5-AC	6,100	4,800
	7-AC single spindle	5,800	3,500
	7-AC 4-spindle	24,750	20,000
Rotary gear hobber	7-AC 4-spindle	36,000	30,000
	7-AC 5-spindle	44,750	24,000
Vertical gear hobber	12-S	8,000	4,400
Horizontal spline hobber	SH 6 x 54"	9,000	6,000
Tool tester		622	1,500
Lead tester		1,252	2,750
Gear grinder	10-H	6,000	6,500
	2-HS	16,800	13,900
Light thread miller	LTT 6" x 36"	5,200	5,100
	LTT 6" x 72"	7,400	5,880
	LTT 6" x 132"	11,000	8,350
Heavy thread miller	HTT 12" x 24"	6,965	6,100
	HTT 12" x 30"	7,300	6,800
	HTT 12" x 36"	7,650	7,350
	HTT 12" x 48"	8,000	8,550
	HTT 12" x 102"	10,000	7,250
Thread miller	CTT 30"	9,150	7,100
	CTT 54"	9,400	7,250

[Prices f. o. b. St. Louis, Mo., crated. Includes automatic pump lubrication to carriage, cross slide (and taper attachment when furnished)]

Size of lathe	16"	18"	20" Ltd. Int.	20" Int. Hvy.	22"	24"	24" Int. Hvy.	27"	30"	36"
Base center distance	30"	30"	30"	30"						
Base bed length	7	7	7	7						
Actual swing	18½"	20½"	22½"	22½"	24½"	27½"	27½"	30½"	34½"	37½"
Cone drive, double back geared, hardened spindle and double spindle nose	$2,425	$2,600	$2,600	------	$4,040	$4,330	------	------	------	------
Weight, base length, crated, pounds	3,150	3,350	3,600	------	7,400	7,300	------	------	------	------
Sixteen speed reared head, arranged for motor drive (not including motor)	------	------	------	------	------	------	------	------	------	------
Three inch spindle bearings	$3,440	$3,700	$3,850	$5,420	$5,620	$5,920	------	------	------	------
Sleeve type spindle bearings	4,550	4,600	4,800	8,300	8,400	8,800	------	------	------	------
Weight, base length, crated, pounds	------	------	------	------	------	------	------	------	------	------
Sixteen speed hydratrol, arranged for motor drive (not including motor)	$4,005	$4,270	------	$5,775	$6,005	$6,350	$7,470	$9,790	$10,095	$10,740
Three inch spindle bearings	$4,120	$4,380	------	$5,960	$6,130	$6,480	$7,700	$9,980	$10,290	$10,940
Sleeve type spindle bearings	4,000	4,400	------	8,250	8,600	8,900	11,200	13,500	13,900	18,200
Weight base length, crated, pounds	4,000	4,400	------	------	------	------	------	------	------	------
7¾" hollow spindle	$3,400	$3,400	------	------	------	------	------	$11,440	$11,805	$12,375
11" hollow spindle	------	------	------	------	------	------	------	11,730	12,095	12,500
13" hollow spindle	------	------	------	------	------	------	------	12,100	12,500	13,100
14"	------	------	------	------	------	------	------	------	------	------
16"	5,200	------	------	------	------	------	------	------	------	------
Weight, base length, crated, pounds	------	------	------	------	------	------	------	10,000	10,400	10,700
Taper turning and relieving attachment	$145	$150	$150	$200	$200	$320	$320	$325	$340	$360
Weight, extra 2 feet of bed, pounds	350	350	350	600	600	1,000	1,000	1,000	1,000	1,000

THE LAPOINTE MACHINE TOOL CO., HUDSON, MASS.—Continued

BROACH SHARPENER ACCESSORIES—MAGNETIC CHUCKS

[Electromagnetic type]

No.	Working surface	Magnetic surface	Watts used	Shipping weight	Price [1]
	Inches	*Inches*		*Pounds*	
408	4 by 12	3 by 11¾	27	60	$70
618	6 by 18	4⅞ by 16¾	60	125	115
624	6 by 24	5¾ by 22¾	75	150	150
1,060	10 by 60	9¾ by 57⅝	460	665	550

Complete with switch, 2 adjustable stop plates, and hold-down clamps.

[1] Prices of other size chucks will be quoted upon request.

These chucks are available for use on 110- or 220-volt direct current. To avoid delay, voltage should be specified in order. These chucks cannot be used on alternating current (A. C.) circuits.

VISES FOR FLAT BROACHES [1]

No.	Width of jaws	Depth of jaws	Jaws open	Height	Net weight	Shipping weight	Price, each
	Inches	*Inches*	*Inches*	*Inches*	*Pounds*	*Pounds*	
21 F	4¼	1⅝	2	2⅜	21	26	$70
22 F	5½	1¾	2⅝	3¼	34	42	90
23 F [1]	6⅜	2⅛	3⅛	3⅝	58	82	75
24 F	7¾	2	4⅝	4¾	98	113	115

[1] In most cases 2 vises are required.

[2] Magnetic chucks are recommended for holding broaches over 3½" wide.

Regal prices include 3-phase, 60-cycle motors. *Price*

No. 1 Universal tool and cutter grinder:	$1,550
With hand equipment	1,096
With plain equipment	
Complete with motor and starter.	

LEHMANN MACHINE CO., ST. LOUIS, MO.

FREQUENCY CHANGER

Frequency changer with 2 fixed speeds [1]..... $600

[1] Frequency changers are furnished with speeds of 3,600 and 7,200 r. p. m. for 60-cycle current. Frequency changers for use with 50-cycle current will have speeds of 3,000 and 6,000 r. p. m. Other combinations of two fixed speeds may be provided. Prices will be quoted upon request.

AUTOMATIC BROACH PULLERS AND LIFTERS

Outside diameter of broach	Automatic broach puller, each	Automatic broach lifter	
		Price, each	Type
Up to and including 1¼"	$95	$110	1 finger
Over 1¼ to 1⅝"	110	190	1 finger
Over 1⅝ to 2½"	110	190	2 finger
Over 2½" to 3⅜"	165	220	2 finger
Over 3⅜"	220	275	2 finger

NOTE.—Broach pullers and lifters are made in any one size within the above ranges. Price is for any one size of puller or lifter within the corresponding size range. The above listed pullers are for use only with Shottel broach shanks and for vertical pull-down machines.

LELAND GIFFORD CO., WORCESTER, MASS.

FRICTION MACHINES

Belted spindle

Model and size	1-spindle		2-spindle		3-spindle		4-spindle		5-spindle		6-spindle	
	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price
	Lbs.		*Lbs.*		*Lbs.*		*Lbs.*		*Lbs.*		*Lbs.*	
No. 1:	165	$290	275	$525	400	$760	525	$980	------	------	650	$1,435
12" bench	300	345	450	605	600	865	740	1,120	------	------	1,000	1,650
12" floor												
No. 2:	700	455	1,080	745	1,360	1,005	1,800	1,385	2,300	$1,705	2,940	2,040
16"	805	485	1,385	810	1,540	1,145	2,000	1,490	2,500	1,720	3,100	2,165
20"	1,055	530	1,530	890	1,700	1,265	2,300	1,650	2,700	2,025	3,300	2,400
No. 3: 24"	1,800	805	3,200	1,445	4,600	2,080	6,000	2,720	------	------	------	------

MOTOR SPINDLE

[Prices include built-in light]

Swing and type	1-spindle		2-spindle		3-spindle		4-spindle		5-spindle		6-spindle	
	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price
	Lbs.		*Lbs.*		*Lbs.*		*Lbs.*		*Lbs.*		*Lbs.*	
No. 1, L. M. S.—2 speeds from 60 c.:	525	$440	1,000	$805	1,600	81,100	1,900	81,345	2,525	$2,165	2,900	$2,590
12" bench	750	510	1,300	930	1,600	1,345	2,270	1,745	2,525	------	------	------
12" floor		480	------	885	------	1,310	------	1,705	------	------	------	------
20" bench	980	550	1,500	1,010	1,925	1,465	2,620	1,905	3,000	2,370	3,600	2,840
20" floor												
No. 1, L. M. S.—4 speeds from 60 c.:	525	470	------	865	------	1,275	1,900	1,670	------	2,310	2,900	2,770
12" bench	750	540	1,300	985	1,600	1,430	2,270	1,860	2,525	------	------	------
12" floor		510	------	945	------	1,395	------	1,820	------	------	------	------
20" bench	980	580	1,500	1,065	1,925	1,550	2,620	2,020	3,000	2,515	3,600	3,020
20" floor												
No. 2, L. M. S.:	1,100	700	1,600	1,240	2,850	1,785	3,800	2,330	5,050	2,875	6,050	3,425
16" bench	1,400	735	2,200	1,295	3,200	1,865	4,200	2,425	5,350	2,990	6,250	3,555
20"	1,650	775	2,500	1,375	3,450	1,990	4,500	2,595	5,600	3,210	6,500	3,820
M. D. coolant		125	------	135	------	145	------	155	------	165	------	175

No. 3 motor spindle

Number of spindles	Weight	Price	
		Plain machine	M. D. coolant
	Pounds		
1	1,800	$1,225	$125
2	3,200	2,240	135
3	4,600	3,255	145
4	6,000	4,300	155

THE LEWIS MACHINE CO., CLEVELAND, OHIO

LEWIS AUTOMATIC WIRE STRAIGHTENING AND CUTTING MACHINES—SPECIFICATION SHEET

Model	Capacity	Length	Price less electrical equipment	Price with electrical equipment (X)	Extra for length per foot	Roll straightener	Feed transmission	Feed and flywheel transmission	Motor size	Wire feed per minute with std. extra equipment
No. 7	⅛"	1'	$215.00	X $302.50	------	------	------	------	½ hp., 345 r. p. m.	80'
1-C	⅛", ¼"	2'	605.00	X 667.00	$22.00	------	------	------	1½ hp., 1,800 r. p. m.	115'
1-C	⅛", ⅜"	2'	688.00	X 757.00	33.00	------	------	------	2 hp., 1,800 r. p. m.	100'
2-C, S. C.	⅛", ⅜"	1½"	798.00	X 867.00	------	------	------	------	2 hp., 1,800 r. p. m.	145'
2-C	⅜", ½"	3'	1,030.00	X 1,122.00	38.50	------	------	------	5 hp., 1,800 r. p. m.	100'
3-C, S. C.	⅜", ½"	3"	1,205.00	X 1,297.00	------	------	------	------	5 hp., 1,800 r. p. m.	100'
3-C	⅛", ⅜"	2'	1,075.00	X 1,283.00	38.50	$165.00	$110.00	[1] $110.00	5 hp., 1,800 r. p. m.	95'–120'
4-C	⅜", ¼"	3'	1,805.00	X 2,146.00	44.00	330.00	165.00	275.00	15 hp., 1,800 r. p. m.	95'–195'
6-C	½", ⅜"	3'	2,085.00	X 2,529.00 z 2,466.00	50.00	435.00	182.00	314.00	20 hp., 1,800 r. p. m.	95'–195'
8-C	⅝", ⅜"	3'	2,365.00	X 2,915.00 z 2,852.00	55.00	577.50	215.00	375.00	25 hp., 1,200 r. p. m.	95'–195'
9-C	¾", ½"	3'	4,240.00	X 4,808.00	60.00	(*)	247.50	412.50	30 hp., 1,800 r. p. m.	95'–195'
10-C	⅝", ⅝"	3'	5,401.00	X 6,308.00 z 6,122.00	66.00	(*)	275.00	495.00	40 hp., 1,200 r. p. m.	90'–165'
11-C	½", ¾"	4'	8,690.00	X 9,695.00 z 9,509.00	110.00	(*)	(*)	------	50 hp., 1,200 r. p. m.	------
3-F	⅝", ⅜"	3'	2,805.00	X 3,013.00	49.50	(*)	(*)	------	5 hp., 1,800 r. p. m.	95'–195'
4-F	⅞", ½"	3'	3,828.00	X 4,169.00	60.00	(*)	(*)	------	15 hp., 1,800 r. p. m.	95'–195'
8-F	⅝", ⅜"	3'	4,774.00	X 5,324.00 z 5,261.00	88.00	(*)	(*)	------	25 hp., 1,200 r. p. m.	95'–195'
9-F	¾", ½"	3'	6,050.00	X 6,618.00	88.00	(*)	(*)	------	30 hp., 1,800 r. p. m.	95'–195'
10-F	⅝", ⅝"	4'	8,393.00	X 9,300.00 z 9,174.00	99.00	(*)	(*)	------	40 hp., 1,200 r. p. m.	90'–165'
11-F	½", ¾"	4'	12,100.00	X 13,105.00 z 12,919.00	110.00	(*)	(*)	------	50 hp., 1,200 r. p. m.	75'–115'
14-C	⅜", SQ.	3'	1,842.50	1,934.50	49.50	(*)	------	------	3 hp., 1,200 r. p. m.	120'
16-C	½", SQ.	3'	3,459.50	3,800.50	49.50	(*)	------	------	10 hp., 1,200 r. p. m.	120'
20-F	⅝"–⅞", SQ.	4'	9,750.00	10,384.00	99.00	(*)	------	------	30 hp., 1,200 r. p. m.	115'

[1] Flywheel transmission only.

NOTE.—Asterisk (*) indicates that the item is included in the original price of the machine.
Above prices (X) on machines with electrical equipment cover 220- and 440-volt, 3-phase, 60-cycle current—unless marked (z) which are for 440-volt only.

LIBERTY PLANERS, INC., HAMILTON, OHIO—Continued

NEW DESIGN DOUBLE HOUSING PLANERS

Size	36 x 36	42 x 42	48 x 48	54 x 54	60 x 60	72 x 72
Length of stroke.....feet	8	10	10	10	12	12
Price with 1 head arranged for reversing motor drive	$11,132	$12,794	$14,245	$15,580	$18,500	$24,800
Price extra foot	310	350	400	430	510	600
Price extra rail head	1,050	1,050	1,100	1,100	1,550	1,550
Right-hand side head	1,600	1,640	2,000	2,000	3,000	3,000
Left-hand side head	1,600	1,690	2,000	2,000	3,000	3,000
Single speed countershaft	640	750	800	900	----	----
Overhead motor drive	700	750	800	900	----	----
	Weight in pounds					
Weight with 1 head reversing motor drive	30,000	42,000	50,000	61,000	77,000	85,000
Weight extra foot	1,304	1,600	1,900	2,000	2,600	3,000
Weight extra rail head	800	800	1,000	1,000	1,700	1,700
Weight right-hand side head	2,000	2,400	2,400	2,400	3,300	3,400
Weight left-hand side head	2,000	2,400	2,400	2,400	3,300	3,400
Weight single speed countershaft	660	695	780	795	----	----
Weight overhead motor drive	1,850	1,925	2,025	2,120	----	----

NEW DESIGN OPENSIDE PLANERS

Price with 1 head arranged for reversing motor drive	$13,900	$14,665	$17,325	$19,800	$23,870	$29,030
Price extra foot	310	350	400	430	510	600
Price extra rail head	1,050	1,050	1,100	1,100	1,550	1,550
Side head	2,000	2,000	2,300	2,300	3,100	3,100
Single speed countershaft	400	420	460	500	----	----
Overhead motor drive	700	750	800	860	----	----
	Weight in pounds					
Weight with 1 head reversing motor drive	40,000	50,500	61,000	70,000	86,000	95,000
Weight extra foot	1,300	1,600	1,900	2,000	2,600	3,000
Weight extra rail head	800	800	1,000	1,000	1,700	1,700
Weight side head	2,100	2,100	2,500	2,500	3,575	3,575
Weight single speed countershaft	465	495	560	580	----	----
Weight overhead motor drive	1,850	1,925	2,025	2,100	----	----

LINLEY BROTHERS COMPANY, BRIDGEPORT, CONN.

Description	Riveting	Price
No. 10C	3/4" capacity, floor type, countershaft drive, with countershaft	$105.00
No. 10D	3/4" capacity, floor type, horizontal motor drive without motor but with motor base	120.00
No. 10E	3/4" capacity, floor type, horizontal motor drive with motor	105.00
No. 10E	3/4" capacity, floor type, direct connected vertical motor drive with motor	125.00
	Prices on above motor driven machines are for 1/4 horsepower, 110-volt, alternating-current, 50- or 60-cycles, single-phase motors.	
	For series 10 machines add to above machine prices with 1/4 horsepower, 220-volt, alternating current, 50- or 60-cycles, single-phase motors	12.50
No. 20D	1/2" capacity, floor type horizontal motor drive, 1/2 horsepower, 110-, 220-, or 440-volt, alternating-current, 50- or 60-cycle, single or 3-phase motor	225.00
No. 20F	1/2" capacity, floor type, horizontal motor drive without motor but with motor base	200.00
No. 20E	1/2" capacity, floor type, horizontal motor drive with motor, 1/4 horsepower, 110-, 220-, or 440-volt, alternating-current, 50- or 60-cycle, single or 3-phase motor	240.00
No. 20	3/4" capacity, floor type, countershaft drive, with countershaft	200.00
No. 30D	3/4" capacity, floor type, horizontal motor drive without motor, but with motor base	250.00
No. 30E	3/4" capacity, floor type, horizontal motor drive without motor, 1 horsepower, 220- or 440-volt, alternating-current, 60 cycle, 3-phase motor	200.00
No. 30D	3/4" capacity, floor type, direct connected vertical motor drive, 1 horsepower, 220- or 440-volt, alternating-current, 60 cycle, 3-phase motor	290.00
No. 30E	3/4" capacity, floor type, direct connected vertical motor drive, 1 horsepower, 220- or 440-volt, alternating-current, 60 cycle, 3-phase motor	265.00
	Jig boring machine, bench model, 5 1/2" x 13" table size	1,055.00
	Jig boring machine, floor model, 5 1/2" x 13" table size	1,425.00
	Vertical milling machine, floor model, 6" x 29" table size	1,425.00
	Riveting machine, floor model, 3/4" capacity, 2 spindles	265.00
	Also round collets for milling and jig boring machine in 1/32" to 1/4" capacity	each. 4.35

LIBERTY MACHINE COMPANY, GREEN BAY, WIS.

SHEARING

Model	Capacity	Throat depth	Approximate shipping weight	Hand control	Foot control
	Gage	*Inches*	*Pounds*		
1430	14	30	850	($340	($
1236	12	36	1,240	(1)	475
1036	10	36	1,610	(1)	665
1160	14	60	1,450	625	795
1260	12	60	2,100	795	1,025
1060	10	60	2,460	950	

1 Not furnished.

LIBERTY PLANERS, INC., HAMILTON, OHIO

STANDARD DOUBLE HOUSING PLANERS

Size	22 x 22	24 x 24	30 x 30	36 x 36	42 x 42	48 x 48
Length of stroke.....feet	4	6	8	8	10	20
Price with one head arranged for reversing motor drive	$4,000	$4,500	$6,260	$9,450	$10,850	$12,100
Price extra foot	170	200	300	310	320	400
Price extra rail head		800	850	890	890	950
Right-hand side head		1,050	1,200	1,360	1,360	1,700
Left-hand side head		1,100	1,250	1,400	1,400	1,800
Single speed countershaft	300	400	500	600	700	750
Overhead motor drive	400	400	500	700	700	750
	Weight in pounds					
Weight with 1 head reversing motor drive	5,000	9,000	13,000	20,000	24,000	32,000
Weight extra foot	450	550	800	1,000	1,200	1,600
Weight extra rail head		325	350	600	1,000	1,000
Weight right-hand side head		1,050	780	1,200	1,300	1,400
Weight left-hand side head		1,050	780	1,200	1,300	1,400
Weight single speed countershaft	305	465	490	600	630	740
Weight overhead motor drive	850	1,150	1,300	1,850	1,925	2,025

STANDARD OPENSIDE PLANERS

Length of stroke.....feet	6	8	10	8	10	20
Price with one head arranged for reversing motor drive	$6,200	$8,000	$11,200	$12,480	$14,700	
Price extra foot	200	300	310	350	400	
Price extra rail head	800	850	890	890	950	
Side head	1,050	1,200	1,360	1,360	1,700	
Single speed countershaft	400	400	500	600	750	
Overhead motor drive			700			
	Weight in pounds					
Weight with 1 head reversing motor drive	12,000	20,000	24,000	31,000	38,000	
Weight extra foot	550	800	1,000	1,300	1,300	
Weight extra rail head	325	350	600	1,000	1,000	
Weight side head	780	1,200	1,300	1,400	1,400	
Weight single speed countershaft	495	490	600	650	740	
Weight overhead motor drive	1,150	1,300	1,850	1,925	2,025	

W. C. LIPE, INC., SYRACUSE, N. Y.

Model	Approximate weight	Base price
	Pounds	
6" production lathe	1,200	$850
6" production lathe (high speed)		990
Mechanical carbo (low speed)	3,000	1,805
Mechanical carbo (high gear)		1,840
Hydraulic carbo	4,500	3,235
Hydraulic carbo with backfacing attachment		3,610
Carbo-matic (low geared)	7,500	4,100
Carbo-matic (high geared)		4,145

Above prices do not include abrasive wheels.

LIEBMANN ENGINEERING WORKS, MILWAUKEE, WIS.

DIRECT CONNECTED—ALTERNATING CURRENT, 60 CYCLES, 2- OR 3-PHASE, 220 OR 440 VOLTS ONLY

No. 108 floor type 1 horsepower, 12 x 2"	$175
No. 109 floor type 1 horsepower, 12 x 2"	260

Prices include motor, starter, and style N guards.

DIRECT CONNECTED—DIRECT CURRENT, 230 VOLTS ONLY

No. 116 3 horsepower, 12 x 2"	$380
No. 126 3 horsepower, 14 x 2"	390

Prices include motor, starter having overload and under-voltage protection, and style N guards.

DIRECT CONNECTED—ALTERNATING CURRENT, 2- OR 3-PHASE, 220 OR 440 VOLTS, EITHER 25 OR 60 CYCLES

	60 cycles	25 cycles
No. 110, 2 hp., 12 x 2"	$260	----
No. 111, 3 hp., 12 x 2"	275	----
No. 120, 2 hp., 14 x 2"	270	$310
No. 121, 3 hp., 14 x 2"	285	340
No. 123, 5 hp., 14 x 2"	350	----

Prices include motor, starter having overload and under-voltage protection, and style N guards.

DIRECT CONNECTED—ALTERNATING CURRENT, 2- OR 3-PHASE, 220 OR 440 VOLTS, EITHER 25 OR 60 CYCLES

	60 cycles		25 cycles
124, 5 hp., 14 x 3"	$435		
141, 5 hp., 18 x 3"	450	5 hp., 16 x 3"	$500
130C, 5 hp., 20 x 3"	460		
132, 7½ hp., 18 x 3"	580	7½ hp., 16 x 3"	680
132C, 7½ hp., 20 x 3"	590		
141, 5 hp., 24 x 4"	600		
142, 7½ hp., 24 x 4"	670		

Prices include motor, starter having overload and under-voltage protection, an style N guards.

RW TYPE—DIRECT CURRENT, CONSTANT SPEED, 230 VOLTS, OPERATING UP TO 6,500 FEET SURFACE SPEED

No. 15 RW, 3 horsepower, 11" or 12" x 3"	$545
No. 16 RW, 4½ horsepower, 11" or 12" x 3"	620
No. 25 RW, 3 horsepower, 14" x 3"	545
No. 26 RW, 4½ horsepower, 14" x 3"	620
No. 35 RW, 3 horsepower, 16" x 3"	560
No. 36 RW, 5 horsepower, 16" x 3"	635
No. 37 RW, 7½ horsepower, 16" x 3"	685
No. 46 RW, 5 horsepower, 18" x 3"	635
No. 47 RW, 7½ horsepower, 18" x 3"	685
No. 56 RW, 5 horsepower, 20" x 3"	650
No. 57 RW, 7½ horsepower, 20" x 3"	690
No. 66 RW, 5 horsepower, 21" x 3"	650
No. 67 RW, 7½ horsepower, 21" x 3"	750
No. 75 RW, 5 horsepower, 24" x 4"	720
No. 76 RW, 5 horsepower, 24" x 4"	830
No. 77 RW, 7½ horsepower, 24" x 4"	940
No. 78 RW, 10 horsepower, 24" x 4"	1,040
No. 87 RW, 7½ horsepower, 27" x 4"	1,015
No. 88 RW, 10 horsepower, 27" x 4"	1,110
No. 89 RW, 15 horsepower, 27" x 4"	1,205
No. 97 RW, 7½ horsepower, 30" x 4"	1,055
No. 98 RW, 10 horsepower, 30" x 4"	1,110
No. 99 RW, 15 horsepower, 30" x 4"	1,205

Prices include motor and style G guards, also belt on machines smaller than 24" and texrope on machines 24" and larger; but no starter or field failure relay. If machines smaller than 24" are wanted with texrope drive instead of belt drive, add the following extras: 3 horsepower $15, 5 horsepower $20, and 7 horsepower $25. Extra for push button, automatic starter having overload and under-voltage protection, and field-failure relay: 3 horsepower $112, 5 horsepower $112, 7½ horsepower $112, 10 horsepower $130, and 15 horsepower $160.

Harbors are wanted smaller in diameter than standards listed, add $5 per machine.

If standard arbors listed are smaller than holes in customer's wheels, we will furnish steel bushings to go on the arbor without extra charge.

Machines arranged to take safety shape wheels or straight side wheels wider than listed require longer spindle and wider guards for which there is an extra charge of $15 per machine. This extra, however, does not include safety shaped flanges.

Above prices do not include abrasive wheels.

RW TYPE—DIRECT CURRENT WITH SPEED CONTROLLER, 230 VOLTS ONLY OPERATING UP TO 6,500 FEET SURFACE SPEED

No. 36 RW, 5 horsepower, 16" x 3"	$985
No. 37 RW, 7½ horsepower, 16" x 3"	1,035
No. 46 RW, 5 horsepower, 18" x 3"	985
No. 47 RW, 7½ horsepower, 18" x 3"	1,035
No. 56 RW, 5 horsepower, 20" x 3"	995
No. 57 RW, 7½ horsepower, 20" x 3"	1,045
No. 75 RW, 5 horsepower, 24" x 4"	1,010
No. 76 RW, 5 horsepower, 24" x 4"	1,160
No. 77 RW, 7½ horsepower, 24" x 4"	1,210
No. 78 RW, 10 horsepower, 24" x 4"	1,275

Prices include motor, automatic starter having overload and under-voltage protection, field-failure relay, speed controller, texrope drive, and style F guards.

RW TYPE—ALTERNATING CURRENT, SINGLE- OR TWO-SPEED MACHINES 2- OR 3-PHASE, 220 OR 440 VOLTS, EITHER 25 OR 60 CYCLES. OPERATING UP TO 6,500 FEET SURFACE SPEED.

Prices cover single-speed machines. For prices two-speed machines, see extra below

	60 cycles	25 cycles
No. 10 RW, 3 horsepower, 11" or 12" x 3"	$495	$539
No. 11 RW, 5 horsepower, 11" or 12" x 3"	510	570
No. 20 RW, 3 horsepower, 14" x 3"	495	539
No. 21 RW, 5 horsepower, 14" x 3"	510	570
No. 30 RW, 3 horsepower, 16" x 3"	510	554
No. 31 RW, 5 horsepower, 16" x 3"	525	585
No. 32 RW, 7½ horsepower, 16" x 3"	545	639
No. 41 RW, 5 horsepower, 18" x 3"	525	585
No. 42 RW, 7½ horsepower, 18" x 3"	545	639
No. 51 RW, 5 horsepower, 20" x 3"	535	595
No. 52 RW, 7½ horsepower, 20" x 3"	560	720
No. 61 RW, 5 horsepower, 21" x 3"	540	600
No. 62 RW, 7½ horsepower, 21" x 3"	565	659
No. 70 RW, 5 horsepower, 24" x 3"	575	----
No. 71 RW, 5 horsepower, 24" x 4"	685	745
No. 71½ RW, 7½ horsepower, 24" x 3"	600	----
No. 72 RW, 7½ horsepower, 24" x 4"	705	799
No. 73 RW, 10 horsepower, 24" x 4"	735	833
No. 82 RW, 7½ horsepower, 27" x 4"	775	869
No. 83 RW, 10 horsepower, 27" x 4"	800	898
No. 84 RW, 15 horsepower, 27" x 4"	820	974
No. 92 RW, 7½ horsepower, 30" x 4"	775	869
No. 93 RW, 10 horsepower, 30" x 4"	800	873
No. 94 RW, 15 horsepower, 30" x 4"	825	979

Prices include motor belt, and style G guards but no starter. Numbers 10, 11, 20, 21, 30, 31, 41, 51, 61, 70, and 71 RW machines can be furnished with General Electric Co.'s magnetic starter having overload and under-voltage protection for $18 per machine. This includes the mounting of the push button.

Nos. 32, 42, 62, 62, 71½, 72, 73, 82, 83, 84, 92, 93, and 94 RW machines can be furnished with General Electric Co.'s magnetic starter having overload and under-voltage protection for $32 per machine. This includes the mounting of the push button.

Extra for texrope drive on any of the above machines: 3 horsepower $15, 5 horsepower $20, 7½ horsepower $25, 10 horsepower $30, and 15 horsepower $35.

Two-step cones with texrope drive giving approximately 20% variation in speed can be furnished at the following extras: 3 horsepower $55, 5 horsepower $60, 7½ horsepower $75, 10 horsepower $80, and 15 horsepower $85. (Not to be added to the single speed texrope drive.)

If arbors are wanted smaller in diameter than standards listed, add $5 per machine.

Machines arranged to take safety shaped wheels or straight side wheels that are wider than those listed require a longer spindle and wider guards, for which there is an extra charge of $15 per machine.

If arbors are smaller than holes in customer's wheels, we will furnish steel bushings to go on the arbor without extra charge.

Above prices do not include abrasive wheels.

HS—DIRECT CURRENT, SINGLE SPEED MACHINES, 230 VOLTS ONLY, FOR OPERATING UP TO 9,500 FEET SURFACE SPEED

No. 27 HS, 7½ horsepower 14" x 3"	$695
No. 48 HS, 10 horsepower 18" x 3"	900
No. 68 HS, 10 horsepower 21" x 3"	915
No. 78 HS, 10 horsepower 24" x 3"	995
No. 79 HS, 15 horsepower 24" x 3"	1,060
No. 88 HS, 10 horsepower 27" x 3"	1,060
No. 98 HS, 10 horsepower 30" x 3"	1,315
No. 99 HS, 15 horsepower 30" x 3"	1,380
No. 128 HS, 10 horsepower 36" x 3"	1,395
No. 129 HS, 15 horsepower 36" x 3"	1,460

Prices include motor, texrope drive, and style G guards, but no starter.

Add for push button type enclosed starter (not mounted) having overload and under-voltage protection and field-failure relay: 7½ horsepower $112, 10 horsepower $130, and 15 horsepower $160.

HS TYPE—ALTERNATING CURRENT, 2- OR 3-PHASE, EITHER 25 OR 60 CYCLES, OPERATING UP TO 9,500 FEET SURFACE SPEED

	60 cycles	25 cycles
No. 22 HS, 7½ horsepower 14" x 3"	$505	$600
No. 43 HS, 10 horsepower 18" x 3"	698	795
No. 63 HS, 10 horsepower 21" x 3"	715	810
No. 64 HS, 15 horsepower 21" x 3"	735	850
No. 73 HS, 10 horsepower 24" x 3"	820	920
No. 74 HS, 15 horsepower 24" x 3"	845	1,000
No. 83 HS, 10 horsepower 27" x 3"	890	985
No. 84 HS, 15 horsepower 27" x 3"	910	1,095
No. 93 HS, 10 horsepower 30" x 3"	1,145	1,240
No. 94 HS, 15 horsepower 30" x 3"	1,165	1,320
No. 123 HS, 10 horsepower 36" x 3"	1,220	1,320
No. 124 HS, 15 horsepower 36" x 3"	1,245	1,400

Prices include motor and style G guards but no starter.

Add $32 for magnetic starter having overload and under-voltage protection, enclosed, for separate mounting and push button mounted on the machine.

One-speed machines for wheels 24" and larger have texrope drive, and machines smaller have belt drive. Machines smaller than 24", when wanted with texrope drive, take the following extras: 7½ horsepower $25, 10 horsepower $30, and 15 horsepower $35.

Two-speed machines require texrope drive on all sizes, and take the following extras: 7½ horsepower $75, 10 horsepower $80, and 15 horsepower $85. (Not to be added to single-speed texrope drive.)

Above machines arranged to take safety shaped wheels or straight side wheels that are wider than those listed require longer spindle and wider guards, for which there is an extra charge of $15 per machine.

Prices do not include abrasive wheels.

WATER TOOL GRINDER—BELT AND MOTOR DRIVEN

Belt driven for 20" x 1½" x 10" wheel with countershaft, abrasive wheel but without dressing attachment	$245
Motor driven for 20" x 1½" x 10" wheel with 2 horsepower direct current 230-volt ball-bearing motor, abrasive wheel, belt, belt guard, and push-button starter with overload and under-voltage protection, but without dressing attachment	470
Motor driven for 20" x 1½" x 10" wheel with 2 horsepower ball-bearing alternating current motor fo 60 cycles, 2- or 3-phase, 220 or 440 volts, abrasive wheel, belt, belt guard, starter having overload and under-voltage protection and push button	400
Extra for dressing attachment	35
Extra for arranging any of the above with wheel 20" x 3" x 10"	20

BB TYPE—BELT DRIVEN FOR OPERATING WHEELS AT EITHER 6,500 OR 9,500 FEET SURFACE SPEED

	6 BB	7 BB	8 BB
	16" or 18" x 3"	20" x 3"	24" x 4"	30" x 4"
Price with countershaft and guards	$360	$370	$425	$630
Price of countershaft only	75	75	85	95
Price of style G guards, see below.				

If arbors are wanted smaller in diameter than standards listed, add $5 per machine.

If arbors are smaller than holes in customer's wheels, we will furnish steel bushings to go on the arbor, without extra charge.

Machines arranged to take safety shaped wheels or straight side wheels that are wider than those listed require longer spindle and wider guards, for which there is an extra charge of $15 per machine. Taper flanges extra, see below.

TUNGSTEN CARBIDE GRINDER

No. 107, 1 Hp. 12" x 3":	
60-cycles, 3 phase, alternating current	$490
230-volts, direct current	700

Prices include motor, reversing starter, diamond dressing attachment without the diamond, one bevel protractor, and two cup wheels.

TYPE "C"—HIGH SPEED GRINDER

15 hp., 60-cycles, 3-phase current:	
24"	$1,475
30"	1,680

Prices include motor, starter, and style G guards.

Unless otherwise stated, the above prices do not include abrasive wheels.

LODELL CAR WHEEL CO., WILMINGTON, DEL.—Continued

NAZEL HAMMERS

	No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7
Type B:							
Price	$1,750	$2,150	$2,800	$4,300	$5,800	$8,300	$11,800
Weight, pounds	5,000	7,600	11,000	14,000	21,500	32,500	50,000
	No. 10	No. 11	No. 12	No. 13	No. 14		
Type S:							
Price	$3,900	$5,500	$7,000	$10,000	$15,500		
Weight, pounds	12,000	15,500	24,000	37,000	72,500		
	No. 4	No. 5	No. 6				
Type N:							
Price	$5,000	$6,800	$9,300				
Weight, pounds	14,000	22,000	35,000				
Type I:							
Price	5,500	7,200	10,100				
Weight, pounds	15,000	24,000	36,000				

Above arranged for constant-speed motor drive but without electrical equipment.

THE LOCOMOTIVE FINISHED MATERIAL COMPANY, ATCHISON, KANS.

No. 45 Giddings & Lewis type horizontal boring machine. This machine follows older design G. & L. but has been brought up to date and has a 5-inch spindle, price $20,000, weight 32,000 pounds. Plus $600 per machine for tooling up.

LODGE & SHIPLEY MACHINE TOOL CO., CINCINNATI, OHIO

SELECTIVE-HEAD ENGINE LATHES

Size	Distance between centers	Approximate shipping weight	Prices: Base machine	Prices: Additional 24-inch centers
	Inches	*Pounds*		
12"	30	4,500	$2,911	$113
14"	30	5,300	3,148	126
16"	30	5,900	3,495	125
16"–30"	30	6,500	3,739	145
20"	48	7,900	4,477	152
20"–30"	48	9,400	4,190	182
22"	48	12,000	5,580	194
24"	48	14,000	7,453	245
27"	60	20,500	7,995	275
30"	60	23,000	10,151	363

SELECTIVE-HEAD TOOL ROOM LATHE

Size	Distance between centers	Approximate shipping weight	Prices: Base machine	Prices: Additional 24-inch centers
	Inches	*Pounds*		
14"	30	4,680	3,983	132
16"	30	5,470	3,966	145
16"–30"	30	6,000	4,352	145
20"	48	7,700	4,887	168
20"–30"	48	8,700	5,811	207
22"	48	9,700	6,176	223

STYLE G GEARS

[Per pair]

Size of wheels	14"	16"	18"	20"	24"	30"	36"
Price	$60	$75	$75	$85	$100	$170	$200

GLASS EYE SHIELDS

[Per pair]

For 12- or 14-inch wheels, $10.
For 16-, 18-, 20-, and 24-inch wheels, $12.
For 24- and 30-inch wheels, $14.

STEEL RAFFET FLANGES

Diameter of flange	Price, per pair
8"	$8.50
10"	11.00
12"	14.00
14"	20.00
16"	25.00
18"	32.00
20"	48.00

CAST IRON FLANGES FOR STRAIGHT SIDE WHEELS

Diameter of flanges	6"	8"	10"	12"	14"	16"	18"	20"	24"
Price	$10	$12	$15	$25	$52	$75	$90	$120	$170

This price includes a set of 2 light and 2 loose flanges, and may be used as an addition or deduction.

ADAPTERS

[Per pair]

Diameter	8"	10"	12"	14"	[1] 16"	18"	20"
Price	$18	$24	$30	$36	$48	$60	$72

Example: Customer wants a No. 78 HS machine with 10-inch flanges and 1¼-inch bores. Standard machine has flanges and bores 1¼ inches, so deduct price of 12-inch flanges ($27); then 10-inch flanges are not listed so take price of 8-inch ($120) and add to price of machine, making $1,068. Then add the price of 1 pair 12-inch adapters ($30) making the total price $1,113 without starter.

LITTLE GIANT, INC., MANKATO, MINN.

LITTLE GIANT POWER HAMMERS

[Price list—net f. o. b. Mankato, Minn.]

Size of ram	25 pounds	50 pounds	100 pounds	250 pounds	500 pounds	1,000 pounds
Belt driven	$180	$225	$450	$1,000	$1,750	$2,800
Motor driven with motor base and pulley; without motor	175	205	500	1,085	1,880	3,000
With 60-cycle, 3-phase motor (state voltage)	215	330	600	1,205	2,005	3,125
With 110- or 220-volt, 60 cycle, single phase	250	340	595			
Heavy endless drive belt extra	17	30	12	15	15	25
Wire belt guard for motor-driven hammer	5	6	8	30	35	50
Enclosed safety switch				1 40	1 40	1 50

[1] Remote-control magnetic switch, with overload and under-voltage protection. If hand compensator is desired, ask for price.

Note that belts and switches are quoted separately.

LODELL CAR WHEEL CO., WILMINGTON, DEL.

DELL SLOTTERS

	10 inches	12 inches	15 inches	18 inches	20 inches	24 inches
Standard head arranged for M. D., no motor:						
Price	$5,500	$6,000	$7,000	$7,000	$11,500	$12,000
Weight, pounds	5,750	6,000	11,000	11,000	25,000	26,000
Universal head arranged for M. D., no motor:						
Price			6,750	8,000		13,500
Weight, pounds			6,000	11,500		26,000

LODGE & SHIPLEY MACHINE TOOL CO., CINCINNATI, OHIO—Continued

OIL COUNTRY LATHE

Size	Distance between centers	Hole in spindle	Approximate shipping weight	Prices: Base machine	Prices: Additional 24-inch centers
	Inches	*Inches*	*Pounds*		
24"	48	12½	15,500	$9,238	$254
27"	48	12½	16,200	9,770	273
30"	48	12½	17,000	11,912	345

No. 3A x 15-inch centers duomatic lathe $7,439
Additional 12-inch between centers $230
Approximate shipping weight, pounds 21,500

THE LUCAS MACHINE TOOL CO., CLEVELAND, OHIO

HORIZONTAL BORING MACHINES

Size	Base weight	Base price	Extra for bed to take 6'	Extra for bed to take 8'	Extra height to take 36"
	Pounds				
No. 41–3" bar	13,800	$9,075	$190	$570	$465
No. 42–4" bar	20,075	12,700	$	440 / 880–10'	525–40'

Arranged for constant-speed motor drive without electrical equipment.
Rotary tables, dial indicators, etc., extra.

Extra for special wide table:
34-inch width in the 3" bar No. 41 size machine $190
40" wide in the 4" bar size 220

MCDONOUGH MANUFACTURING CO., EAU CLAIRE, WIS.

STERLING, MODEL D, CUTTER AND TOOL GRINDER, $1,100

Specifications

Wheel head: Totally enclosed, ¾ horse power, 3,450 revolutions per minute totally enclosed ball-bearing motor with switch, V-belt drive.
Table dimensions: 5 inch wide, 36 inches long.
Swing over table: 10".
Maximum distance between centers:
With work head 22".
With left-hand tail stock 26".
Longitudinal table travel: 23".
Cross feed: 8".
Vertical movement: 8".
Weight, net: 1,350 pounds.

MACHINERY MANUFACTURING COMPANY, LOS ANGELES, CALIF.

VERNON HIGH SPEED PRECISION VERTICAL MILLING MACHINE AND JIG BORER

Bench model: Completely arranged for motor drive with all necessary belts and pulleys fully enclosed in helmet head, less motor and electrical equipment $725.00

Floor model: Mounted on rigid pyramid type pedestal with shelf for holding tools and attachments. Completely arranged for motor drive with all necessary belts and pulleys fully enclosed in helmet head, less motor and electrical equipment 800.00

Profiling attachment: Two dimensional 60.00
Leading attachment: Three dimensional 140.00
Dial indicators and measuring rods. Consisting of two Starrett dial indicators with jewel bearings, double dial and telltale, with 1-inch range; and seven assorted Starrett measuring rods in lengths from 1- to 4-inch. Standard set with all necessary equipment for holding and attaching same to machine. This attachment will be mounted at factory if purchased with machine, however, can be purchased at any time later as machine is arranged to take same. 125.00

Motor, ½ horsepower, 1,750 revolutions per minute, 60-cycle, 110/220-volt, single-phase, or 220/440-volt, three-phase motor 26.50
Drum reversing switch 6.00

VERNON 11" STROKE PRECISION SHAPER

Floor model with 7-inch swivel vise: Mounted on pedestal with following equipment mounted and assembled: All necessary belts, sliding motor bracket, variable pitch motor pulley, handwheel speed control, countershaft with driver and driven pulleys, completely arranged for motor drive, less motor and electrical equipment $575.00

Motor and starting equipment: ¾ horsepower, 1,750 revolutions per minute, 60-cycle, 110/220 volt, single-phase, or 220/440-volt, three-phase motor with toggle-type starting switch 38.50

MACHINERY MANUFACTURING COMPANY, LOS ANGELES, CALIF.—Continued

VERNON NO. 0 PLAIN HORIZONTAL MILLING MACHINE

With lever-operated rack-and-pinion feed or hand-screw feed. Mounted on pedestal, completely arranged for motor drive, less motor and electrical equipment. Includes two-step cone motor pulley, motor bracket fully enclosed variable-speed unit with hand-wheel control mounted on side of pedestal $595.00
⅝-inch or 1-inch arbor of heat-treated steel and ground with No. 9 B. & S. taper in shank, including spacing collars, draw-bar and wrench .. 20.00
4½-inch swivel-base vise of nickel-iron 25.00
Dividing centers 45.00
Power feed attachment for screw-feed-type machine 60.00
Universal vertical milling attachment 130.00
¾ horsepower, 1,750 revolutions per minute, 60 cycle, 100/200-volt, single-phase, or 220/440-volt, three-phase motor, mounted on hinged bracket 33.50
Drum reversing switch 6.00

VERNON TOOL AND CUTTER GRINDER

Vernon plain tool and cutter grinder: Complete with ½ horsepower, 3,450 revolutions per minute, 220/440-volt, 50/60-cycle, 3-phase motor (quotations on motors other than specified will be furnished on request), including the attachments shown in list A $1,400.00

ATTACHMENT LIST A

1. Spindle extension for cup and saucer wheels.
2. Spring-lever-type tailstock.
3. Footstock.
4. Universal work head (not power driven), No. 12 Brown & Sharpe taper on one end, and No. 50 NMTB taper on the other.
5. Three work head reducer sleeves, No. 12 Brown & Sharpe taper to reduce to Nos. 10, 9, and 7 Brown & Sharpe tapers.
6. Four grinding wheels, sizes 6" x ½", 5-inch saucer, 5-inch cup, and 4-inch cone cup.
7. Complete set of wrenches.
8. Universal tooth rest including bracket.
9. Diamond bracket and diamond holder, less diamond (tailstock mount type).
10. Plain vise.

Vernon universal tool and cutter grinder: Equipped for cylindrical and internal grinding, complete with ½ horsepower, 3,450 revolutions per minute, 220/440-volt, 50/60-cycle, 3-phase motor (quotations on motors other than specified will be furnished on request) including the attachments in list "A" and "B" $1,650.00

ATTACHMENT LIST B

11. Motor-drive arrangement including motor for universal work head.
12. Internal-grinding attachment with intermediate ball bearing auxiliary drive, and with one each ⅜, ½, ⅝, ¾, 1, 1¼, and 1½-inch wheels.
13. No. 50 center for use with universal work head.

MACHINERY MANUFACTURING COMPANY, LOS ANGELES, CALIF.—Continued

Spec al attachments which can be supplied as extras

ATTACHMENT LIST C

14. Coolant system, complete with ⅓₀ horsepower motor and pump, reservoir, and necessary fittings $110.00
15. Universal grinding wheel dresser 45.00
16. Chuck adapter for work head, No. 50 taper (semifinished) 25.00
17. 4-inch, three-jaw, universal chuck (light pattern) two sets of jaws 30.00
18. Universal vise 165.00
19. 7-inch rotary table 125.00

THE E. J. MANVILLE MACHINE CO., WATERBURY, CONN.

SINGLE-STROKE SOLID-DIE HEADERS

Model of machine	Belt driven without tools	Motorization	Countershaft	Steel frame
130–C	$2,150	$180	$65	$240
188–C	2,650	210	75	345
250–C	3,750	220	85	550
312–C	4,700	260	85	610
375–C	5,850	290	120	660
500–C	7,050	290	135	805
625–C	9,850	350	160	935
750–C	12,700	390	170	1,325
875–C	17,350	440	210	(1)

[1] Included.

DOUBLE-STROKE SOLID-DIE HEADERS

130–C	$2,300	$180	$65	$240
188–C	2,950	215	75	345
250–C	4,250	230	85	550
312–C	5,200	260	105	660
375–C	7,100	290	135	810
500–C	9,200	325	160	935
625–C	11,900	390	170	1,155
750–C	19,500	440	210	(1)

[1] Included.

DOUBLE-STROKE SOLID-DIE HEADERS, MODEL E

Size and model	Without tools	Motorization	Countershaft	Steel frame
1⅛"	$2,425	$170	$60	$240
3/16"	2,900	180	75	345
1"	4,375	195	85	550
5/16"	6,075	220	105	(1)
3/8"	7,875	280	135	(1)
1/2"	10,300	330	150	(1)

[1] Included.

TRIPLE-STROKE SOLID-DIE HEADERS

Model of machine	Without tools	Motorization	Countershaft	Steel frame
250–C	$5,600	$275	$100	$695
312–C	7,250	290	130	895
375–C	9,825	305	140	935
500–C	13,700	390	155	1,155
625–C	21,225	440	200	(1)

[1] Included.

SINGLE-STROKE OPEN-DIE HEADERS

Model of machine	Without cut tools	Motorization	Countershaft	Steel frame	Automatic feed throwout
130–C	$2,075	$180	$65	$240	$195
188–C	2,425	205	75	345	210
250–C	3,350	250	85	550	230
312–C	4,750	260	100	695	245
375–C	5,775	290	120	890	260
500–C	6,900	325	135	990	295
625–C	9,100	360	160	1,210	320
750–C	11,350	440	170	1,600	345
875–C	18,000	495	210	(1)	410

[1] Included.

THE E. J. MANVILLE MACHINE CO., WATERBURY CONN.—Continued

TRIPLE-STROKE OPEN-DIE HEADERS

Model of machine	Without tools	Motorization	Countershaft	Steel frame
188–C	$6,975	$275	$85	$665
250–C	8,375	305	110	780
312–C	9,760	330	135	960
375–C	12,850	390	150	1,220
500–C	16,275	440	170	1,565
625–C	26,925	495	210	(1)

[1] Included.

DOUBLE-STROKE OPEN-DIE HEADERS

Model of machine	Without tools	Motorization	Automatic feed throw-out	Countershaft	Steel frame
254–C	$5,300	$230	$245	$85	$695
246–C	5,300	230	245	85	695
312–C	6,385	260	260	110	780
375–C	7,600	290	295	135	960
500–C	10,150	360	320	150	1,210
625–C	12,660	415	345	170	1,565
750–C	21,550	495	410	210	(1)

[1] Included.

SINGLE-STROKE SOLID-DIE MODEL C BALL HEADER

Model of machine	Without tools	Motorization	Countershaft	Steel frame
130–C	$2,075	$180	$60	$240
188–C	2,575	205	75	345
250–C	3,750	220	85	550
2–D	4,600	290	100	660
3–D	5,950	305	120	805
4–D	7,275	330	135	935
5–D	9,825	440	150	1,200

SINGLE-STROKE SOLID-DIE BALL HEADERS, MODEL F

Model of machine	Without tools	Motorization	Countershaft
188–F	$3,475	$200	$75
312–F	5,125	290	100

SINGLE-STROKE SOLID-DIE FLOW BOLT HEADERS WITH RELIEF MECHANISM

Model of machine	Without tools	Motorization	Countershaft	Steel frame
375–C	$6,875	$320	$120	$830
500–C	8,075	325	135	935
625–C	10,950	335	160	1,155

HIGH-SPEED AUTOMATIC SCREW-SLOTTING MACHINE

Model of machine	Belt driven	Motorization	Countershaft
188–C, 1–C, 250–C, 2–C, 375–C, 3–C	$1,600	$85	$45
	1,775	90	60
	2,650	95	65

THE E. J. MANVILLE MACHINE CO., WATERBURY. CONN.—Continued

HORIZONTAL RECIPROCATING SCREW-THREAD ROLLING MACHINES

Model of machine	Hand feed	Automatic feed	Standard dies, carbon steel, single face	Motorization	Countershaft
130–C	$1,950	$1,250	$15	$110	$70
188–C	975	1,300	15	195	70
250–C	1,450	1,850	18	220	80
375–C	1,700	2,350	25	245	100
500–C	2,250	3,200	30	245	120
625–C	2,550	3,850	40	245	150
750–C	3,350	(14,150 [2] 15,500	45	245	170
1000–C	4,550	5,850	75	330	195

[1] Semi-automatic.
[2] Full automatic.

HIGH-SPEED AUTOMATIC BOLT-HEAD TRIMMERS

Model of machine	Without tools	Motorization	Countershaft
370–D	$3,600	$220	$80
375–E	4,700	220	80
380–D	4,250	230	100
510–D	6,250	275	120
520–D	7,050	330	120
626–D	8,400	330	135
758–D	12,700	360	170

THE E. J. MANVILLE MACHINE CO., WATERBURY, CONN.—Continued

DOUBLE- AND SINGLE-STROKE SOLID-DIE CONVERTIBLE HEADERS

Model of machine	Without tools	Motorization	Countershaft
130–C	$3,025	$180	$[illegible]
188–C	3,925	215	[illegible]
250–C	5,725	230	[illegible]
312–C	6,925	260	[illegible]

COMBINATION HEADING AND PINCH-POINTING MACHINE

Without tools	With tools	Motorization	Countershaft
$3,850	$3,925	$250	[illegible]

BULLET SLUG MACHINES

Model of machine	Belt driven without tools	Motorization
188–C	$2,870	$210
250–C	3,820	220

MARSHALLTOWN MANUFACTURING CO., MARSHALLTOWN, IOWA

OPEN BACK INCLINABLE PUNCH PRESSES

Number of press	0	1	2	3	4	5	6	6A
Slide pressure near bottom of stroke, tons	5	10	14	22	32	50	70	70
Weight of flywheel press (without stand), pounds	385				3,700	5,200	8,700	(1)
Weight of flywheel press (floor type), do	540	800	1,200	2,200	4,300	5,900	10,000	11,500
Weight of geared press, do								
Price of flywheel press (without stand)	$150							
Price of flywheel press (floor type)	$165	$260	$320	$410	$560	$780	$960	$1,550
Price of geared press								
For construction other than standard the following additions are to be made:								
Longer stroke (more than standard up to maximum)	(1)	$6	$8	$10	$20	$20	$30	$30
1-inch addition to frame (No. 5 only)						$20		
2-inch addition to frame (No. 5 only)						$30		
3-inch addition to frame (No. 5 only)						$40		
4-inch addition to frame (No. 5 only)						$50		
Tie rods				$14	$15	$16	$18	$20
Extra plain bolster	$5	$8	$13	$15	$20	$33	$45	$45
Convertible back gearing (add to geared price)					$50	$60	$70	$70
Intermittent brake	(1)	$10	$10	$12	$15	$18	$20	$20
Flanged slides					$15	$25	$40	(2)

INDIVIDUAL MOTOR DRIVE

[Motors for all presses at current list prices. No charge for labor installation]

V-belt drive including bracket, belts, and motor sheave (flywheel not grooved)	(1)	$25	$30	$45	$55	$70	$80	$80
Motor bracket (idler pulley extra, see below)	(1)	15	20	35	35	45	50	(2)
Idler pulley (required on No. 3, 4, 5, and 6 flywheel only)				10	10	15	15	(2)
Direct motor drive with pinion	(1)	75	85	90	95	160	105	(2)

[1] Not made. [2] No extra. [3] Standard.

Item:
16–M rotary throatless shear, f. o. b. [illegible]
112–M throatless shear arranged for geared motor drive, including motor bracket, but without motor [illegible]

THE MINSTER MACHINE CO., MINSTER, OHIO

MINSTER OPEN BACK INCLINABLE PRESSES

	1 12 10	2 16 10	3 22 4	4 32 4	5 45 4	6 56 4	7 71 4	8 88 4	9 106 4
Number of press									
Capacity near bottom of stroke, tons									
Number of engagements in clutch									
Flywheel press, standard stroke, standard die space or shut height, clutch wheel mounted on Timken roller bearings, inclining attachment, crankshaft bearings bushed with true ring nickel bronze bushings, dot lubrication, K. O. in slide, plain bolster plate and without motor	$325	$395	$460	$610	$765	$1,100	$1,775	$2,280	$2,715
Approximate weight, pounds	1,400	1,650	2,750	4,100	6,000	8,250	14,500	22,500	26,000
Flywheel press, same description as above, except furnished with pin-type clutch having nickel bronze flywheel bushing	$295	$360	$435	$580	$735				
Geared press, standard stroke, standard die space or shut height, clutch wheel mounted on Timken roller bearings, inclining attachment, crankshaft bearings bushed with true ring nickel bronze bushings, drive shaft mounted on Timken roller bearings, dot lubrication, K. O. in slide, plain bolster plate and without motor						$845	$1,030	$1,365	$2,145
Approximate weight, pounds						4,500	6,000	9,200	16,000
								$2,655	$3,090
								25,000	30,000

Last serial number for year 1919: 92253.
Last serial number for year 1926: A-12277.
Last serial number for year 1935: B-1217-½.

MODERN MACHINE TOOL CO., JACKSON, MICH.

THE MODERN CUTTING-OFF MACHINE

	Weight	Price
	Pounds	
No. 2 Modern cutting-off machine with single cross slide	1,600	$1,170
No. 2 machine with double cross slide		1,285
No. 3 Modern cutting-off machine with single cross slide	1,800	1,260
No. 3 machine with double cross slide		1,380
No. 4 Modern cutting-off machine with single cross slide	2,300	1,690
No. 4 machine with double cross slide		1,810

MOLINE TOOL COMPANY, MOLINE, ILL.—Continued

HU98 Universal Joint Drill Machine with 17 spindles	$14,845
HU21 Honing Machine	9,485
M2a Special Two Spindle Milling Machine	10,960
HU21 Honing Machine	11,078
12D Drilling Machine with 8 spindles	8,590
115U Universal Joint Drilling Machine with 16 spindles	8,439
M8104 Way Machine—Vertical Type Horizontal Boring Machine	5,672
M22 Milling Machine with 8 spindles	8,801
16D Drilling Machine with 6 spindles	4,526
16D Drilling Machine with 8 spindles	5,185
M25 Milling Machine with 8 spindles	9,185
9 Drilling Machine with 10 spindles	11,675
No. 4 and No. 5 Drillers	5,485
No. 4 Drillers	3,500
1A789 No. 9 Drillers	6,780
12D Drillers	7,885
115 Drillers	13,121
HV13 Drillers	7,662
115V Drillers	14,076

MATTISON MACHINE WORKS, ROCKFORD, ILL.

SURFACE GRINDERS

Size	Weight	Price
	Pounds	
12" x 16" x 30"	11,100	$6,150
12" x 16" x 48"	11,840	6,550
12" x 16" x 60"	12,640	6,950
12" x 16" x 72"	13,440	7,350
14" x 18" x 72"	11,500	6,950
14" x 18" x 48"	12,300	7,350
14" x 18" x 60"	13,100	7,750
14" x 18" x 72"	13,900	8,150
16" x 24" x 72"	24,500	9,750
16" x 24" x 120"	25,500	10,950
16" x 24" x 144"	26,500	11,950
16" x 24" x 168"	27,500	13,250
18" x 24" x 72"	26,800	10,950
18" x 24" x 120"	27,800	12,150
18" x 24" x 144"	28,800	13,700
18" x 24" x 168"	29,800	15,050
20" x 24" x 72"	28,800	10,550
20" x 24" x 120"	29,800	11,750
20" x 24" x 144"	30,800	14,750
20" x 24" x 168"	31,800	16,350
24" x 24" x 72"	32,800	12,100
24" x 24" x 120"	33,800	13,450
24" x 24" x 144"	34,800	15,150
24" x 24" x 168"	35,800	16,850

MICHIGAN TOOL CO., DETROIT, MICH.

Model	Name	Capacity	Weight	Price, less motor
			Pounds	
600	Back type finisher (heavy duty)	1-8" diameter	2,450	$9,250
850	Back type finisher (old style)	1-8" diameter	2,550	8,250
850	Duplex	3-8" diameter	8,600	7,500
		3-16" diameter		8,250
691	Tapping (3 lap)	1-8" diameter	4,350	3,950
		3-3/4" diameter		6,650
993	Tapping (2 lap)	1-8" diameter	7,800	4,800
995	Tapping (2 lap)	1-8" diameter	4,200	3,950
1127	Standard gear speeder	1-12" diameter	2,000	4,250
880	Finisher-rotary (oscillation transverse to work axis)	1-8"	4,600	5,800
		1-12"	5,600	5,600
890–B	Finisher-rotary (oscillation parallel to work axis)	3-18"	5,600	5,600
		1-8"	5,600	5,600
		1-12"	5,600	
		24"		
890–A	Finisher-rotary (both parallel and transverse movement)	30"		
		1-8"		
		1-12"		
1712	Relieving machine	24"		
1708–A	Relieving machine	36"		
1708–A	Relieving machine	48"		
		12"		
		8"		

MILLER & CROWNINGSHIELD, GREENFIELD, MASS.

No. 3 hand milling machine with lever feed table and following standard equipment:
Timken adjustable precision roller bearings on spindle and jackshaft; ½ horsepower standard voltage Westinghouse alternating current motor drive complete with reversing switch, mounted and wired in welded steel pedestal base; 4 single-V interchangeable pulleys in addition to the 3-step-V pulleys on motor and jackshaft; 1 arbor with No. 10 B. & S. taper shank, other 7/8" or 1" diameter; necessary V-belts, wrenches, and guards [illegible]

MOLINE TOOL COMPANY, MOLINE, ILL.

No. 114 Cylinder Boring Machine with 3 spindles	$11,024
No. 115 Cylinder Boring Machine with 3 spindles	14,903

MILLER & CROWNINGSHIELD, GREENFIELD, MASS.—Continued

ADDITIONAL EQUIPMENT

Power-feed attachment complete	$328
Plain index centers	288
Universal index centers, complete; includes dividing plate, adapter, and 1 round standard 2AB Hardinge collet	1,500
No. 4 swivel vise with hardened and ground steel jaws complete with wrench, opens 2¾" x 6¾" x 1¾" jaws; same dimensions as above. (This size suitable for No. 3 hand miller)	1,210
No. 5½ swivel vise with hardened and ground steel jaws complete with wrench. Opens 3¼" x 6¾" x 1¾" jaws; same dimensions as above. Jaws not hardened	1,430

MONARCH MACHINE TOOL CO., SIDNEY, OHIO

STANDARD LATHES

Nominal size	Distance between centers, base bed length	Actual swing over bed	Weight	Prices: 16-speed, silent chain, or multiple V-belt drive	Prices: Each additional 24" between centers
	Inches	*Inches*	*Pounds*		
KK	12	30	3,100	$2,900	$103
AA	14	30	4,600	3,150	115
W	16	30	4,750	3,450	126
BB	18	48	5,600	3,900	140
M	20	48	10,100	5,150	185
MM	22	48	10,300	5,450	190
N	24	60	14,800	7,225	250
NN	27	60	15,200	7,685	270
N	30	60	30,500	9,500	340
NN	36	60	21,500	10,050	360

STANDARD EQUIPMENT

Prices include headstocks, quick change gear boxes, and aprons completely Timkinized, and with automatic force-feed lubrication to bedways, carriage, apron, and compound rest; without motor or electrical equipment, but including mounting and wiring of electrical equipment.

MODEL "C" TOOLROOM LATHES

Nominal size (inches)	Distance between centers, base bed length	Actual swing over bed	Weight	Prices: Helical geared head motor drive	Prices: Each additional 24" between centers
	Inches	*Inches*	*Pounds*		
12	30	14½	3,200	$3,290	$120
14	30	16½	4,300	3,570	135
16	30	18½	4,800	3,935	146
18	48	20½	6,000	4,340	165
20	48	22½	6,200	4,880	170

STANDARD EQUIPMENT

Prices include lead screw reverse mechanism with automatic stop in both directions of carriage travel, when either threading or feeding; oil pan, patented chasing stop including automatic force-feed lubrication on bedways, carriage apron and compound rest, Timkenized motor drive, without motor but including mounting, wiring

MOORE SPECIAL TOOL COMPANY, INCORPORATED, BRIDGEPORT, CONN.

Jig borer: Moore precision	$3,375
Jig grinder: Moore precision	5,400

THE MORGAN ENGINEERING COMPANY, ALLIANCE, OHIO

SINGLE STAND STEAM HAMMERS

Capacity (pounds):	*Price, each*
120	$1,770
250	1,800
400	2,340
600	2,500
800	3,150
1,000	4,050
1,250	4,340
1,700	5,255
2,000	5,850
2,500	6,750

DOUBLE STAND STEAM HAMMERS

Capacity (pounds):	*Price, each*
2,000	$6,885
2,500	8,090
3,000	8,300
3,500	9,610
4,000	10,440
5,000	11,250
6,000	14,130
8,000	20,520
10,000	28,200
12,000	34,020
12,000, C. S. stands	35,550

STEAM DROP HAMMERS

Capacity (pounds):	*Price, each*
1,000	$8,695
1,500	10,725
2,000	11,760
2,500	16,075
3,000	17,550
4,000	22,770
5,000	27,900
6,000	30,420
8,000	39,400
10,000	47,880
12,000	49,760

THE MORRIS MACHINE TOOL CO., CINCINNATI, OHIO

RADIAL DRILLS

	3'11" Col.	4'11" Col.	4'13" Col.	5'13" Col.
Constant speed motor drive on arm	$5,560	$5,885	$7,150	$7,480
Variable speed motor drive on arm	5,300	5,640	6,930	7,250

TABLES

Plain box tables, 18" x 24" x 18"	$110	$110	$110	$110
Plain box tables, 24" x 28" x 18"	180	180	180	180
Universal tables, 18" x 24" x 21"	365	365	365	365

CUTTING LUBRICANT SYSTEM

Including electrical equipment	$200	$200	$200	$200

On 13" column machines price includes rapid traverse to head and electric column clamp. On 11" column machines these are extra. $484 for clamp. $242 for Rapitrav.

	3'	4'
9" col. light duty radials including standard A. C. motor 9 spindle speeds	$2,970	$3,160
9" col. heavy duty radials including standard A. C. motor 12 spindle speeds	3,520	3,720
Plain box table	110	110

Old type horizontal drilling machine, $4,500.

MOTCH & MERRYWEATHER MACH. CO., CLEVELAND, OHIO

NO. 1 AUTOMATIC SAW SHARPENER

Machine arranged for grinding alternate high and low teeth, also the alternately bevelled roof-shaped teeth; drive is enclosed for protection against dust, with built-in dust exhaust system; machine has 2-stroke speeds, oil pump, for lubricating all moving parts inside head. Machine equipped with 1 index plate, 1 grinding wheel, and 1 saw blade arbor for either 28-, 30-, 38-, or 42-inch blade,[1] belts and pulleys less motor and control

ELECTRICAL EQUIPMENT

¾ horsepower, 1,800 revolutions per minute, constant-speed, fully enclosed ball-bearing motor with manual starter for operation on 220- or 440-volt, 3-phase, 60-cycle, alternating current ... 41

Prices on other current and voltages furnished on request.

SPECIFICATIONS

No. 1 Automatic Saw Sharpener

Capacity blade sizes	inches ... 6 ... 42
Maximum pitch will grind	inches ...
Minimum pitch will grind	inch
Motor required	¾ hp., 1,800 r. p. m.
Weight	pounds ... 1,000

No. 3 hydraulic feed cold sawing machine

Standard equipment: Hydraulically operated vertical vise, hand operated horizontal vise, 2 V-blocks, gooseneck for cutting without burr, length stop, stock feed by swing lever and automatic elevating roller, star wheel chip remover, 1 28-inch diameter segmental type saw blade, saw blade guard, cutting compound pump and piping, pressure gauge, ammeter, push-button station, belt guard, and 2 horsepower, 1,200 revolutions per minute[1] open-type ball-bearing motor for hydraulic and coolant pumps, less main motor and control ...

Extra equipment

28-inch diameter high-speed segmental-type saw blades, each	...
30-inch diameter high-speed segmental-type saw blades, each	...
Segments for 28-inch blades furnished in 7... or 9...inch pitch, each	...
Segments for 30-inch blades furnished in 8... inch pitch, each	...
Additional star wheels for chip remover (1 required for each pitch blade) each	...
Foot-treadle-operated stock stop	...
Dolly-type stock conveyor	...
Power-driven roller feed attachment	...

Electrical equipment[1]

Saw carriage drive: 10 horsepower, 1,800 revolutions per minute, constant-speed open-type ball-bearing motor without base or pulley	$118.00
Starting apparatus: Magnetic starter for 10 horsepower, motor with overload relays for 2 horsepower motor without push button	42.00
Mounting electrical equipment and wiring between motors and starters	50.00

No. 4 hydraulic-feed cold-sawing machine

Standard equipment: Hydraulically operated vertical vise, hand-operated horizontal vise, 2 V-blocks, gooseneck for cutting without burr, length stop, stock feed by swing lever and automatic elevating roller, star wheel chip remover, 1 38-inch diameter segmental-type saw blade, saw-blade guard, cutting-compound pump and piping, pressure gauge, ammeter, push-button station, belt guard, and a 3 horsepower, 1,200 revolution per minute[1] open-type ball-bearing motor for hydraulic and coolant pumps, less main motor and control ...

Extra equipment

38-inch diameter high-speed segmental-type saw blades, each	$2[illegible].00
42-inch diameter high-speed segmental-type saw blades, each	3[illegible].00
Segments for 38-inch blades furnished in 8... inch pitch, each	7.40
Segments for 42-inch blades furnished in 1... inch pitch, each	7.55
Additional star wheels for chip remover (1 required for each pitch blade), each	12.00
Foot treadle operated stock stop	2[illegible].00
Dolly-type stock conveyor	2[illegible].00
Power driven roller feed attachment	2[illegible].00

[1] Electrical equipment for operation on 220- and 440-volt, 3-phase, 60-cycle alternate current.

MOTCH & MERRYWEATHER MACH. CO., CLEVELAND, OHIO—Continued

SPECIFICATIONS—continued

No. 4 hydraulic feed cold-sawing machine—Continued

Electrical equipment[1]

Saw carriage drive: 15 horsepower, 1,800 revolutions per minute, constant-speed open-type ball bearing motor without base or pulley	$141.00
Starting apparatus:	
Magnetic starter for 15 horsepower motor with overload relays for 3 horsepower motor without push button for operation on 440-volt alternate current	86.00
Magnetic starter for operation on 220-volt alternate current	86.00
Mounting electrical equipment and wiring between motors and starter	50.00

MURCHEY MACHINE AND TOOL CO., DETROIT, MICH.

NOTE.—Price corrections made upon advice of manufacturer. They differ from those shown in first edition of prices of New Machine Tools.

Model F roller pipe cutting-off machine:	
Less motor and control, less cutter wheel, capacity ⅛- to 2-inch	$550.00
Extra cage of rollers ⅛- to ¾-inch	38.50
Motors or electrical equipment at vendor's list price.	
Model H roller pipe cutting-off machine:	
Belt driven, less cutter wheel, capacity 1½- to 4-inch	745.00
Above machine arranged for motor drive, but not including 3 horsepower 1,200 revolutions per minute motor required	835.00
Extra cage of rollers for cutting pipe from ½- to 1¼-inch	65.00
Extra cage of rollers for cutting pipe from 4- to 6-inch	104.50
Motors or electrical equipment vendor's list price.	
Model K double-end reaming and chamfering machine with motor reeves drive less center chuck and tooling	1,097.00
Center chuck and tooling are ordinarily furnished by purchaser.	
Where furnished by Murchey these items are special and are quoted to meet requirements.	
Chaser and die grinding machine less motor:	
Less motor and controls, less chaser holders and fixtures	685.00
Motors or electrical equipment at vendor's list price.	
Fixture No. 2 to grind rake angle of tap or die chasers	106.25
Fixture No. 3 to grind chamfer of the tap chasers	106.25
Fixture No. 4 to grind cutter wheels	106.25
Chaser holder Nos. 66, 67, or 68 ... each	35.00
No. 11 single-spindle pipe-threading machine (capacity ¼- to 1¼-inch pipe):	
Less motors, controls, reamers, nipple holders, and chasers	1,842.50
Motors and electrical equipment at vendor's list price.	
NOTE.—Additional equipment listed below.	
No. 11 double-spindle pipe-threading machine (capacity ¼- to 1¼-inch pipe):	
Less motor, controls, reamers, nipple holders, and chasers	2,975.50
Motors and electrical equipment at vendor's list price.	
Standard equipment for No. 11 pipe-threading machines.	
No. 22 single-spindle pipe-threading machine (capacity ½- to 2-inch pipe):	
Less motor, controls, reamers, nipple holders, and chasers	2,514.00
Motors and electrical equipment at vendor's list prices.	
NOTE.—Additional equipment listed below.	
No. 22 double-spindle pipe-threading machine (capacity ½ to 2-inch pipe):	
Less motor, controls, reamers, nipple holders, and chasers	4,042.50
Motors, and electrical equipment at vendor's list prices.	
Standard equipment for No. 22 pipe-threading machines.	
No. 11 single-spindle bolt-threading machine (capacity ¼- to 1-inch N.C.) (standard bed):	
Less motor, controls, less lead screw, lead nuts, locator, and chasers	1,517.00
No. 11 single-spindle bolt-threading machine (long-bed type)	1,550.00
Motors and electrical equipment at vendor's list prices.	
No. 11 double-spindle bolt-threading machine (capacity ¼- to 1-inch N. C.) (standard bed):	
Less motor, controls, less lead screw, lead nuts, locators, and chasers	2,437.00
No. 11 double-spindle bolt-threading machine (capacity ¼- to 1-inch N. C.) (long-bed type)	2,503.00
Motors and electrical equipment at vendor's list prices.	

[1] Electrical equipment for operation on 220- and 440-volt, 3-phase, 60-cycle alternate current.

MURCHEY MACHINE AND TOOL CO., DETROIT, MICH.—Continued

No. 11 double-spindle—Continued.	
Standard equipment for No. 11 bolt-threading machines:	
Lead screw attachment geared for any selected pitch (standard-bed machine) each	$370.00
Lead screw attachment geared for any selected pitch (long-bed machine) each	380.00
No. 22 single-spindle bolt-threading machine (capacity ½- to 1½-inch N. C.) (standard-bed type):	
Less motor control, less lead screw, lead nuts, locator, and chasers	2,184.00
No. 22 single spindle bolt threading machine (capacity ½ to 1½ inches) (long bed type):	
Less motor, control, less lead screw, lead nuts, locator and chasers	2,217.00
Motors and electrical equipment at vendor's list prices.	
No. 22 double spindle bolt threading machine (capacity ½ to 1½ inches N. C.) (standard bed type):	
Less motor control, less lead screw, lead nuts, locator and chasers	3,345.00
No. 22 double spindle bolt threading machine (capacity ½ to 1½ inches N. C.) (long bed type)	3,410.00
Motors and electrical equipment at vendor's list prices.	
Standard equipment for No. 22 bolt threading machines.	
Lead screw attachment geared for any selected pitch standard bed machine ... each	357.00
Lead screw attachment geared for any selected pitch (long bed machine ... each	413.00
No. 22 double spindle long bed shell tapping machine (capacity 1¼ to 2¼ inches). Less motor, controls, wiring; less taps, chasers and fixtures	3,390.75
No. 32 single spindle thread milling machine (capacity 1 to 4 inches) with standard motors, controls, hydraulic equipment less lead screw, lead nuts, hob milling head and fixture	6,850.00
1 lead screw any single pitch	125.00
1 set lead nuts any single pitch	90.00
1 No. 1 milling head (capacity ⅜ to 1⅜ inches) without cutters	600.00
1 No. 2 milling head (capacity 1⅜ to 2⅜ inches) without cutters	700.00
1 No. 3 milling head (capacity 2¾ to 3¼ inches) without cutters	800.00
1 No. 4 milling head (capacity 3¾ to 4⅜ inches) without cutters	900.00
No. 42 single spindle thread milling machine (capacity 4 to 12 inches) with standard motors, controls, hydraulic equipment less lead screw, lead nuts, hob, milling head and fixture	9,000.00
1 lead screw any single pitch	150.00
1 set lead nuts any single pitch	90.00

MURCHEY MACHINE AND TOOL CO., DETROIT, MICH.—Continued

No. 42 single spindle—Continued.	
1 No. 5 milling head (capacity 3⅝ to 4⅞ inches) without cutters	$1,000.00
1 No. 6 milling head (capacity 4¾ to 5⅞ inches) without cutters	1,275.00
1 No. 7 milling head (capacity 5⅞ to 6⅞ inches) without cutters	1,550.00

THE NATIONAL ACME CO., CLEVELAND, OHIO

Machine size	Domestic shipping weight	Price
	Pounds	
Model RA-4 Spindle:		
1"[1]	10,200	$8,200
1⅝"[1]	13,100	9,450
2¼"[1]	23,700	11,550
2⅝"[1]	24,500	12,375
3½"[1]	30,000	13,650
4¾"[1]	32,000	16,425
5¼"[1]	33,000	17,600
Model RA-6 Spindle:		
⅝"[1]	9,500	7,875
1"	10,500	9,025
1¼"	13,200	9,775
1⅝"	23,200	12,000
2" RAS	23,700	13,450
2⅝"[1]	29,100	15,200
3½"	33,300	18,400
Model RA-8 Spindle:		
1⅝"[1]	29,300	14,700
2¼"[1]	33,100	17,250
2⅝"[1]	34,700	18,300

[1] These machines temporarily discontinued.

NATIONAL ACME

Obsolete machines: Model No.	Obsolete machines: Description	Equivalent
715	⅝" plain	$3,000
515	⅝" with threading	3,520
72	¾" plain	3,200
52	¾" with threading	3,750
73	1" plain	3,600
53	1" with threading	4,000
75	1⅜" plain	4,700
55	1⅜" with threading	5,200
76	2¼" plain	5,000
56	2¼" with threading	5,500

THE NATIONAL AUTOMATIC TOOL CO., RICHMOND, IND.

DRILLS

Model	Head size	Bored for	Size upper joints	Item No. 1 base price arranged for belt or motor drive	Item No. 2 base price reversing motor drive tapper	Spindles standard	Tap holders
			Inches				
C type 12	10" x 16"	20	1	$3,060	$2,675	$35	$13
C type 13	14" round	18	1¼	3,680	3,305	35	13
Do	16" x 24"	24	1¼	3,965	3,590	35	13
Do	10" x 40"	32	1	4,340	3,840	35	13
B type 14	18" round	12	2	4,230	3,845	[2] 65 [3] 40 [4] 40	[2] 23 [3] 12 [4] 13
Do	18" round	18	1½	4,305	3,865	Same as above	
Do	18" x 32"	16	2	4,820	4,415	Same as above	
Do	18" x 32"	24	1½	4,845	4,385	Same as above	
B type 16	26" round	12	2	4,445	3,970	[2] 65 [3] 40 [4] 40	[2] 22 [3] 13 [4] 13
Do	26" round	22	1½	4,585	4,095	Same as above	
Do	22" x 38"	24	2	5,515	5,045	Same as above	
Do	22" x 36"	34	1½	5,610	5,165	Same as above	
Do	22" x 38"[4]	48	1	5,815	5,370	Same as above	
Do	24" x 50"	42	1½	6,285	5,825	Same as above	
Do	24" x 50"[4]	60	1	6,635	6,175	Same as above	

[2] 3 or 4. [3] 2 or 3. [4] 1 or 2.

[4] These heads are not designed for drilling or tapping in steel, and should not be used for drilling or tapping larger than ¾-inch holes in case iron or ½-inch holes in aluminum.

The No. 16 machine was formerly known as No. 30.

THE NATIONAL AUTOMATIC TOOL CO., RICHMOND, IND.—Continued

MODEL B TYPE 14—NATCO MULTIDRILLER AND TAPPER

Item No. 1, base price includes all electrical equipment including enclosed motor and power feed to head but does not include adjustable table. For tapping operations this machine must be arranged with a mechanical tapping attachment.

Item No. 2, base price includes all electrical equipment including enclosed motor and hand feed to head but does not include adjustable table.

PRICES FOR ADDITIONAL ATTACHMENTS

Cluster plate	$150
Slip spindle plate	235
Add for boring slip spindle plate, per hole	8
Slip spindles, plain nose (for use with slip spindle plates only):	
Standard 2¾" diameter No. 3 or 4 M. T.	65
Standard 1¾" diameter No. 2 or 3 M. T.	40
Standard 1¾" diameter No. 1 or 2 M. T.	40
Special 1½" diameter No. 1 or 2 M. T.	45
Special ⅞" diameter No. 1 or 2 M. T.	45
Slip spindles, nose adjusting (for use with slip spindle plates only):	
Standard 2¾" diameter No. 2 or 3 M. T.	65
Standard 1¾" diameter No. 1 or 2 M. T.	40
Standard 1⅜" diameter No. 1 M. T.	40
Special 1½" diameter No. 1. M. T.	45
Tapping attachment (for machines under item No. 1 only)	620
Spot facing attachment (for machines under item No. 1 only)	435
Coolant pump, gear driven gear type (for machines under item No. 1 only)	85
Coolant pump, motor driven, complete with motor and controls for machines under Item No. 2 or for machines under item No. 1 or 2 if arranged with a V belt drive	160
Extension to column and feed, 12"	150
Extension to column and feed, 24"	260

ADDITIONAL EQUIPMENT PRICES FOR MACHINES ALREADY IN FIELD

Size	Spindles taper	Price
	STANDARD	
2¾"	3 or 4	$75
1¾"	2 or 3	45
1⅜"	1 or 2	45
	SPECIAL	
1½"	1 or 2	50
⅞"	1 or 2	50

MODEL B TYP 16—NATCO MULTIDRILLER AND TAPPER

Item No. 1, base price includes all electrical equipment including enclosed motor and power feed to head but does not include adjustable table. For tapping operations this machine must be arranged with a mechanical tapping attachment. Item No. 2, base price includes all electrical equipment including enclosed motor and hand feed to head but does not include an adjustable table.

PRICES FOR ADDITIONAL ATTACHMENTS

Cluster plate	$265
Slip spindle plate	335
Add for boring slip spindle plate, per hole	8
Slip spindles, plain nose (for use with slip spindle plates only):	
Standard 2¾" diameter No. 3 or 4 M. T.	65
Standard 1¾" diameter No. 2 or 3 M. T.	40
Standard 1¾" diameter No. 1 or 2 M. T.	40
Special 1½" diameter No. 1 or 2 M. T.	45
Special ⅞" diameter No. 1 or 2 M. T.	45
Slip spindles, nose adjusting (for use with slip spindle plates only):	
Standard 2¾" diameter No. 2 or 3 M. T.	65
Standard 1¾" diameter No. 1 or 2 M. T.	40
Standard 1⅜" diameter No. 1 M. T.	40
Special 1½" diameter No. 1 M. T.	45
Tapping attachment (for machines under item No. 1 only)	670
Spot facing attachment (for machines under item No. 1 only)	435
Coolant pump, gear driven gear type (for machines under item 1 only)	85
Coolant pump, motor driven, complete with motor and controls for machines under Item No. 2 or for machines under item No. 1 or No. 2 if arranged with a V-belt drive	160
Extension to column and feed, 12"	150
Extension to column and feed, 24"	260
Extension to column and feed, 36"	430

ADDITIONAL EQUIPMENT PRICES FOR MACHINES ALREADY IN FIELD

Size	Spindles, Taper, Standard	Price
2¾"	3 or 4	$75
1¾"	2 or 3	45
1⅜"	1 or 2	45
	SPECIAL	
1½"	1 or 2	50
⅞"	1 or 2	50

THE NATIONAL AUTOMATIC TOOL CO., RICHMOND, IND.—Continued

MODEL C TYPE 12—NATCO MULTIDRILLER AND TAPPER

Item No. 1, Base price includes all electrical equipment including enclosed motor, adjustable table and power feed to head.

Item No. 2, Base price includes all electrical equipment including enclosed motor, adjustable table and hand feed to head.

PRICES FOR ADDITIONAL ATTACHMENTS

Cluster plate	$115
Slip spindle plate	165
Add for boring slip spindle plate, per hole	8
Slip spindles, plain nose (for use with slip spindle plate only):	
Standard 1¾" diameter No. 1 or 2 M. T.	35
Special ⅞" diameter No. 1 or 2 M. T.	45
Slip spindle, nose adjusting (for use with slip spindle plate only):	
Standard 1¾" diameter No. 1 M. T.	35
Tapping attachment (for machines under item No. 1 only)	430
Spot facing attachment (for machines under item No. 1 only)	435
Coolant pump, belt driven gear type (for machines under item No. 1 only)	85
Coolant pump, motor driven, complete with motor and controls for machines under item No. 2 or for machines under item No. 1 or 2 if arranged with a V belt drive	160
12-inch extension to column and feed	120

ADDITIONAL EQUIPMENT PRICES FOR MACHINES ALREADY IN FIELD

Size	Spindles Taper, Standard	Price
1⅜"	1 or 2	$40
	SPECIAL	
⅞"	1 or 2	50

MODEL C TYPE 13—NATCO MULTIDRILLER AND TAPPER

Item No. 1, base price includes all electrical equipment including enclosed motor, adjustable table and power feed to head.

Item No. 2, base price includes all electrical equipment including enclosed motor, adjustable table and hand feed to head.

PRICE FOR ADDITIONAL ATTACHMENTS

Cluster plate	$120
Slip spindle plate	205
Add for boring slip spindle plate, per hole	8
Slip spindles, plain nose (for use with slip spindle plate only):	
Standard 1¾" diameter No. 1 or 2 M. T.	35
Special 1½" diameter No. 1 or 2 M. T.	45
Slip spindle, nose adjusting (for use with slip spindle plate only):	
Standard 1⅜" diameter No. 1 M. T.	35
Tapping attachment (for machines under item No. 1 only)	430
Coolant pump, belt driven gear type (for machines under item No. 1 only)	85
Coolant pump, motor driven complete with motor and controls for machines under item No. 2, or for machines under item No. 1 or 2 with a V belt drive	160
Extension to column and feed, 12"	120

THE NATIONAL AUTOMATIC TOOL CO., RICHMOND, IND.—Continued

ADDITIONAL EQUIPMENT PRICES FOR MACHINES ALREADY IN FIELD

Size	Spindles Taper Standard	Price
1⅜"	1 or 2	$40
	SPECIAL	
1¾"	1 or 2	50
⅞"	1 or 2	80
¾"	0 or 1	50

MISCELLANEOUS EQUIPMENT

Standard rotating tables, hand indexed for 2, 3, 4, or 6 positions:	
22-inch diameter table [1]	$305
34-inch diameter table [1]	500
44-inch diameter table [1]	710
Additional charge for indexing other than above	45
Additional charge for T slots in working surface of table	35

Additional charge for electric Interlock on Natco C12, C13, B14, B16, and B225H machines, $250.

NATIONAL BROACH & MACHINE CO., DETROIT, MICH.

Type of machine	Capacity	Price
Standard Gear Shaving Machine.	1" to 8"	$5,025
Do	1" to 12"	5,855
Do	3" to 16"	6,525
Do	3" to 24"	11,500
Heavy Duty Gear Shaving Machine.	1" to 8"	5,425
Do	1" to 12"	6,375
Do	3" to 18"	7,750
Gear Lapping Machine	1" to 8"	3,360
Do	3" to 15"	3,865
Do	3" to 15"	4,255
Sound Testing Machine:		
Hollow spindle	10" O. D.	1,795
Solid spindle	10" O. D.	1,695
Hollow spindle	18" O. D.	2,650
Solid spindle	18" O. D.	2,550
Universal Gear Tester	1¼" to 12½"	1,600
Do	3" to 24"	2,400
Lead Comparator	1¼" to 12½"	2,025
Do	3" to 24"	3,070
Roto Milling Machine	10" maximum	24,710
Do	24" maximum	29,425
Roto Shaving Machine	Vertical type	8,600
Do	Horizontal type	11,930
Gear Grinding Machine (12" between centers):		
For spur gears	18" O. D.	11,300
For helical gears	18" O. D.	13,850
Profile Milling Machine	3" x 5"	9,650
Do	6" x 10"	13,050

NATIONAL MACHINERY CO., TIFFIN, OHIO

NATIONAL SEMIHOT AUTOMATIC FEED HEADERS—SEMIAUTOMATIC HAMMER HEADERS

Size	Net weight	Price belt drive with regular equipment	Price geared motor drive with regular equipment [1]	Regular equipment	Size of motor	R. p. m. of motor
	Pounds				*Horsepower*	
¾" semihot rivet header, steel bed, with automatic feed	7,200	$8,350	$9,100	A	10	900
¾" semihot rivet header, steel bed, with automatic feed [2]	18,000	13,125	14,100	A	20	900
1" automatic feed hot header, steel bed [2]	18,000	13,125	14,100	A	20	900
1" semihot rivet header, steel bed, with automatic feed [2]	31,500	17,325	18,375	A	30	720
1¼" automatic feed hot header, steel bed [2]	31,500	17,325	18,375	A	30	720
1" continuous motion semiautomatic hammer bolt header	12,000	8,625	9,450	B	10	900
1¼" same	25,000	14,675	15,725	B	15	900

A—The regular equipment includes automatic feed attachment, automatic oiling system, friction-slip flywheel, countershaft, wrenches and one size of sample dies.

B—The regular equipment includes friction-slip flywheel, countershaft, wrenches, cam for any one number of blows and one size of sample dies.

[1] Geared motor drive includes cut steel driving gear, silent motor pinion, gear guard, motor platform, mounting of the motor if sent to us, etc., but does not include motor or controls. (Drive is though the national friction-slip flywheel.

[2] Keep in mind that the ¾" semihot is a 1" hot header, and the 1" semi-hot is a 1¼" hot header. In every case where low price is a deciding factor, the quotation should cover both semihot and hot machines.

NATIONAL MACHINERY CO., TIFFIN, OHIO—Continued

NATIONAL DOUBLE STROKE OPEN DIE COLD HEADERS (UNIVERSAL TYPE)

Size	Length	Net weight	Price belt drive with regular equipment [1]	Price motor drive with regular equipment [2]	Size of motor	Code word belt drive	Code word motor drive	R. p. m. of motor
		Pounds			*Horsepower*			
⅜"	1¼"	2,800	$4,375	$3,250	2	Colub	Elluh	1,200
7/16"	2½"	4,800	5,525	3,375	3	Coluf	Elluf	1,200
½"	3½"	8,700	7,000	4,750	5	Colue	Elluk	1,200
9/16"	4½"	11,400	8,750	5,850	7½	Colum	Ellum	1,200
⅝"	6"	31,000	15,200	7,325	10	Colup	Ellup	1,200
¾"	8"	57,500	22,400	10,600	20	Colur	Ellur	1,200
1"	8"	73,000	32,200	13,000	20	Colue	Ellue	900
				18,250	40	Colud	Ellud	900

NATIONAL COLD BALL HEADERS

Size	Net weight	Price belt drive with regular equipment [1]	Price motor drive with regular equipment [2]	Size of motor	R. p. m. of motor
	Pounds			*Horsepower*	
⅜"	2,100	$3,150	$3,250	2	1,200
7/16"	3,800	4,225	4,375	3	1,200
½"	6,700	5,650	5,850	5	1,200
9/16"	9,700	7,325	7,550	7½	1,200
⅝"	13,400	9,625	9,875	10	1,200
¾"	22,200	12,700	13,000	20	1,200
1"	39,500	17,000	18,250	40	1,200

[1] Regular equipment for both single and double blow machines includes steel bed frame, over arm heading slide, friction slip flywheel, cut-off and carry-over mechanism, automatic oiling system, wrenches, and one set of sample dies. [2] Motor drive: Multiple V-belt motor drive is furnished on ⅜", 7/16", ½", ⅝", ¾", and 1" machines. The 1¼" and above are furnished direct geared motor drive.

NATIONAL SINGLE STROKE SOLID DIE COLD HEADERS

Size	Length	Net weight	Price belt drive with regular equipment [1]	Price motor drive with regular equipment [2]	Size of motor	R. p. m. of motor
		Pounds			*Horsepower*	
⅜"	3½"	2,100	$2,450	$2,550	2	1,200
7/16"	4½"	3,800	3,325	3,475	3	1,200
½"	5½"	6,700	4,550	4,750	5	1,200
9/16"	7"	9,700	5,625	5,850	7½	1,200
⅝"	8½"	13,400	7,425	7,750	10	1,200
¾"	10½"	22,200	10,600	10,900	20	1,200
1"	12½"	39,500	13,500	13,900	40	900
1¼"	14½"	58,500	22,550	22,700	50	900

NATIONAL LONG STROKE SINGLE BLOW SOLID DIE COLD HEADERS

Size	Length	Net weight	Price belt drive with regular equipment [1]	Price motor drive with regular equipment [2]	Size of motor	R. p. m. of motor
		Pounds			*Horsepower*	
⅜"	1½"	2,400	$3,100	$3,100	2	1,200
7/16"	2½"	4,450	3,950	4,100	3	1,200
½"	3½"	7,700	5,200	5,400	5	1,200
9/16"	4½"	10,650	6,625	6,900	7½	1,200
⅝"	5½"	15,400	8,475	8,775	10	1,200
¾"	6½"	27,850	12,550	13,050	20	1,200
1"	6"	49,800	16,750	17,100	40	900
1¼"	8"	65,000	23,850	24,300	50	900

[1] Regular equipment for both single and double blow machines includes steel bed frame over arm heading slide, friction slip flywheel cut-off and carry-over mechanism, automatic oiling system, wrenches, and one set of sample dies. [2] Motor drive: Multiple V-belt motor drive is furnished on ⅜", 7/16", ½", ⅝", ¾", 1", 1¼". The 1½" and above are furnished direct geared motor drive.

NATIONAL MACHINERY CO., TIFFIN, OHIO—Continued

NATIONAL HEAVY DUTY FORGING MACHINES

Size	Net weight	Price V-belt motor drive	Allowance for omission of dies	Extra for side shear	Extra for back stop	Regular equipment [1]	Size of motor	R. p. m. of motor
	Pounds						*Horsepower*	
1" high duty heading and forging machine	13,000	$9,250	$150	$160	$80	C	75½	900
extra for rivet ejector		325						
extra for bending attachment		265						
1¼" high duty heading and forging machine	23,500	12,900	225	175	100	C	10	900
extra for rivet ejector		190						
extra for bending attachment		265						
extra for back rages for grab irons		190						
2" high duty forging machine	37,000	16,550	300	190	140	C	15	900
2½" same	50,275	20,275	375	210	150	C	20	900
3" same	75,000	26,100	450	250	190	C	25	720
4" same	130,000	38,300	600	290	225	C	40	720 or 900
5" same	180,000	70,600	750	340	260	C	60	720 or 900
6" same	235,000	73,850	900	390	290	C	75	900
7½" same	375,000	107,500	1,125	450	350	C	150	720 or 900
9" same	540,000	141,750	1,350	600	425	C	220	720

NATIONAL HIGH SPEED FORGING MAXIPRESSES

Size	Net weight	Price V-belt motor drive with regular equipment [1]	Size of motor	R. p. m. of motor
	Pounds		*Horsepower*	
No. 1½	32,000	$12,300	30	900
No. 2	42,000	14,950	30	900
No. 3	70,000	20,600	50	900
No. 4	122,000	34,500	75	900
No. 5	180,000	47,600	100	900
No. 6	280,000	71,200	150	900

NATIONAL COINING MAXIPRESSES

Size	Net weight	Price V-belt motor drive with regular equipment [1]	Size of motor	R. p. m. of motor
	Pounds		*Horsepower*	
No. 1	19,000	$7,600	10	900
No. 1½	31,000	11,700	15	900
No. 2	41,000	14,200	25	900
No. 3	60,000	19,650	40	900
No. 4	120,000	32,900	50	900
No. 5	180,000	45,400	75	900
No. 6	275,000	67,950	100	900

[1] Regular equipment includes over-arm ram, friction air clutch with telltale safety, air brake, centralized force feed lubrication and wrenches, V-belts, motor sheave, adjustable motor platform, mounting of motor if sent to us, but does not include motor or dies.

NATIONAL MACHINERY CO., TIFFIN, OHIO—Continued

NATIONAL DOUBLE STROKE SOLID DIE COLD HEADERS

Size	Length	Net weight	Price belt drive with regular equipment	Price motor drive with regular equipment	Size of motor	R. p. m. of motor
		Pounds			*Horsepower*	
5/16"	3/4"	2,200	$3,375	$3,475	2	1,800
3/8"	1"	4,100	4,475	4,625	3	1,200
1/2"	1 3/16"	7,000	5,900	6,100	5	1,200
9/16"	1 5/8"	10,400	7,500	7,725	7 1/2	1,200
5/8"	1 3/4"	14,800	9,525	9,775	10	1,200
1"	2 1/2"	22,800	13,200	13,500	20	1,200
1 1/4"	3"	42,000	19,325	19,675	40	900
1 1/2"	3 1/2"	60,000	27,950	28,400	50	900

NATIONAL LONG STROKE DOUBLE BLOW SOLID DIE COLD HEADERS

		Pounds			*Horsepower*	
1/2"	1 1/2"	2,700	$4,000	$4,100	2	1,800
5/8"	2 1/2"	4,650	5,050	5,200	3	1,200
3/4"	3"	8,500	6,525	6,725	5	1,200
7/8"	3 1/2"	11,450	8,225	8,450	7 1/2	1,200
1"	4"	15,700	10,350	10,600	15	1,200
1 1/4"	5"	28,700	14,375	14,675	20	1,200
1 1/2"	6"	53,000	26,850	27,200	40	900
1 3/4"	8"	67,000	30,050	30,500	50	900

[1] Regular equipment for both single and double blow machines includes steel bed frame, over-arm heading slide, friction-slip flywheel, cut-off and carry-over mechanism, automatic oiling system, wrenches, and one set of sample dies.
[2] Motor drive: multiple V-belt motor drive is furnished on 1/2", 9/16", 5/8", and 3/4" machines. The 7/8" and above are furnished direct geared motor drive.

Multiple V-belt drive includes belts, motor sheave, adjustable motor platform, guard, mounting of motor if sent to us, but does not include motor.

Direct geared drive includes cut steel driving gear, silent motor pinion, motor platform, guard, mounting of motor if sent to us, but does not include motor.

Attachments for cold headers

RELIEVING ATTACHMENT

Size	Price	Code Word
1/2"	$425	Relab.
9/16"	475	Relak.
5/8"	550	Relaw.
3/4"	600	Reled.
7/8"	650	Reliz.
1"	725	Relop.
1 1/4"	825	Relor.
1 1/2"	950	Relot.

Relieving attachments are available for all double-blow machines. This attachment must be installed at the time the machine is built.

STANDARD WIRE STRAIGHTENERS

1/2"	$125	Strab.
9/16"	150	Stram.
5/8"	170	Strat.
7/8"	190	Straw.
1"	200	Strax.
1 1/2"	225	Straz.

Standard wire straighteners are available for all types of machines.

FEEDING MECHANISM AND STRAIGHTENING DEVICE

1/2"	$1,400	Strad.
5/8"	1,650	Stray.
3/4"	2,700	Stras.

Feeding mechanism and straightening device is available for all large machines. Price includes special stallable type motor. This attachment for the 3/4" Machine also includes motor driven hydraulic grip roll.

NATIONAL MACHINERY CO., TIFFIN, OHIO—Continued

NATIONAL AUTOMATIC BOLT TRIMMER

Size	Net weight	Price belt drive with regular equipment	Price V-belt motor drive with regular equipment [1]	Price geared motor drive with regular equipment [2]	Size of motor	R.p.m. of motor	Code word belt drive	Code word geared motor drive
	Pounds				*Horsepower*			
1" machine	9,700	$7,000	$7,250	$7,650	5	900	Trima..	Eltri.
Extra for feeding table, conveyor and scrap separator.	1,400	875	.....	.....	.....	.....	Trimx..	

The regular equipment includes lubricating system, oil pan, countershaft, wrenches and a complete set of tools for trimming 1/2", 5/8", 3/4", 7/8", and 1" USS Square and Hexagonal head bolts.

[1] V-belt motor drive includes multiple V-belts, motor sheave, but does not include the motor. Motor is mounted on floor, and connection is by V-belts.
[2] Geared motor drive includes cut steel motor gear, silent pinion, motor platform, mounting, etc., but does not include motor.

NATIONAL BOLT POINTERS

Size	Net weight	Price belt drive with regular equipment	Price motor drive with regular equipment [1]	Regular equipment	Size of motor	R.p.m. of motor	Code word belt drive	Code word motor drive
	Pounds				*Horsepower*			
5/8" bench pointer	400	$475	$525	A	3/4	1,200	Polad...	Eliad.
1" pointer	1,000	650	750	B	1	1,200	Polam...	Eliam.
1 1/4" pointer	1,475	775	1,150	C	1 1/2	1,200	Polap...	Eliap.
2" pointer	1,775	900	1,325	D	2	1,200	Polar...	Eliar.

Regular equipment—A includes wrenches, bushings, and cutting tools for pointing 3/8, 1/4, 3/8, 1/2, and 5/8 inch diam. Countershaft is furnished extra when ordered.
B includes countershaft, wrenches, bushings, and cutting tools for pointing 1/4, 3/8, 1/2, 5/8, 3/4, 7/8, and 1 inch diam.
C includes pump, countershaft, wrenches, bushings, and cutting tools for pointing 5/8, 1/2, 5/8, 3/4, 7/8, 1, 1 1/4, and 1 1/2 inch diam.
D includes pump, countershaft, wrenches, bushings, and cutting tools for pointing 1/2, 5/8, 3/4, 7/8, 1, 1 1/4, 1 1/2, 1 3/4, and 2 inch diam.

[1] On 1" machine a direct geared single, constant speed motor drive is provided; but on the 1 1/2" and 2" machines a speed change device is provided, giving four changes of speed, the same as used on national motor-driven bolt cutters. Any make of shunt wound constant speed DC motor, or squirrel cage AC motor is satisfactory. Price includes mounting but does not include motor.

NATIONAL LAG SCREW GIMLET POINTERS

Size	Net weight	Price belt drive with regular equipment [1]	Price motor drive with regular equipment [2]	Size of motor	R.p.m. of motor	Code word belt drive	Code word motor drive
	Pounds			*Horsepower*			
1/2" machine	1,800	$2,000	$2,100	3	1,200	Polas....	Elias.
3/4" machine	2,100	2,400	2,600	5	1,200	Polat....	Elint.

[1] The regular equipment includes pump, countershaft, wrenches, and one sample set of cutters.
[2] A direct-geared, single constant speed, motor drive is provided.

Price includes mounting, but does not include motor.
Any make of shunt wound constant speed DC or squirrel cage AC motor is satisfactory.

NATIONAL MACHINERY CO., TIFFIN, OHIO—Continued

NATIONAL RAPID BOLT CUTTERS

Size	Net weight	Price belt drive with regular equipment	Price motor drive with regular equipment [1]	Regular equipment	Size of motor	R.p.m. of motor	Code word belt drive	Code word motor drive
	Pounds				*Horsepower*			
5/8" single bench	575	$475	Not built	A	.....	.....	Rapad..	Elpad.
3/8" single rapid	1,100	800	Not built	B	.....	.....	Rapaf..	Elpal.
5/8" double rapid	1,800	1,200	$1,650	C	2	1,200	Rapak..	Elpak.
1" double rapid	2,450	1,550	2,000	D	3	1,200	Rapal...	Elpal.
1" triple rapid	3,250	2,100	2,650	E	5	1,200	Rapan..	Elpan.
1" quadruple rapid	4,800	2,850	3,475	F	5	1,200	Rapar...	Elpar.

Regular Equipment—A includes countershaft, wrenches, screw vise, and one set of sample dies.
B includes pump, countershaft, wrenches, screw vise, and one set of sample dies.
C and D include pump, countershaft, wrenches, screw vises, and two sets of sample dies.
E includes pump, countershaft, wrenches, screw vises, and three sets of sample dies.
F includes pump, countershaft, wrenches, screw vises, and four sets of sample dies.
Plain or track bolt vises will be substituted for screw vises, if wished.

[1] Price covers patented speed change device and Morse chain drive, but does not include motor. Four changes of speed are provided in the gearing, hence any make of shunt wound constant speed DC or squirrel cage AC motor is satisfactory.

Price includes attaching of motor, if motor is shipped to Tiffin.

NATIONAL (OPEN DIE) BOLT CUTTERS; ALSO LEAD SCREW ATTACHMENTS

Size	Net weight	Price machine only [1]	Price tap chuck only	Price complete with regular equipment	Regular equipment [2]	Code word	Lead screw attachment extra [3 4]	Change gears per set	Code word machine with lead screw
	Pounds								
3/4" single B. C.	1,275	$800	$20	$900	A	Cutad..	Not built	.....	.....
1" single B. C.	1,425	875	20	985	B	Cutaf..	Not built	.....	.....
1 1/4" single B. C.	1,450	800	20	1,010	C	Cutag..	$160	$14.50	Cutig.
1 1/2" single B. C.	1,800	900	25	1,070	D	Cutak..	185	14.50	Cutik.
2" single B. C.	2,500	1,125	30	1,415	E	Cutal..	215	14.50	Cutin.
2 1/2" single B. C.	3,800	1,800	30	2,190	F	Cutam..	230	18.80	Cutip.
3" single B. C.	4,200	2,200	55	2,750	G	Cutap..	290	18.00	Cutir.
3 1/2" single B. C.	4,400	2,325	60	3,060	H	Cutar..	315	20.00	Cutis.
4" single B. C.	4,500	2,850	60	3,675	I	Cutaw..	355	20.00	Cutit.
5" single B. C.	5,150	2,925	100	3,410	J	Cutax..	355	20.00	Cutiv.
6" single B. C.	5,850	3,350	125	3,950	K	Cuteb..	425	20.00	Cutix.
3/4" double B. C.	2,100	1,425	.....	1,550	L	Cutef..	315	14.50	Cutob.
1" double B. C.	2,200	1,575	.....	1,725	M	Cuteg..	315	14.50	Cutog.
1 1/4" double B. C.	2,300	1,700	.....	1,865	N	Cutek..	315	14.50	Cutok.
1 1/2" double B. C.	2,600	1,775	.....	1,985	O	Cutel..	350	14.50	Cutol.
2" double B. C.	4,300	2,250	.....	2,635	P	Cutem..	370	14.50	Cutom.
2 1/2" double B. C.	4,675	2,850	.....	3,235	Q	Cutep..	450	18.00	Cutop.
1" triple B. C.	3,000	2,200	.....	2,310	R	Cutet..	480	14.50	Cutos.
1 1/2" triple B. C.	3,700	2,575	.....	2,700	S	Cutew..	500	14.50	Cutow.
2" triple B. C.	5,700	3,300	.....	3,470	T	Cutex..	550	14.50	Cutox.
1" quadruple B. C.	4,800	2,975	.....	3,080	U	Cutey..	Not built	.....	.....
1 1/2" quadruple B. C.	5,000	3,400	.....	3,535	V	Cutib..	Not built	.....	.....
1 1/2" double stay B. C.	3,700	1,975	.....	2,185	W	Cutif..	370	14.50	Cutoz.

In ordering always state style of thread wished.

[1] Price machine only includes pump, countershaft, wrenches, but no dies, taps or tap chucks.
[2] For list of regular equipment see below under regular equipment.
[3] The above prices on Lead Screw Attachment include one set of change gears for any one pitch of thread.
[4] In quoting on lead screw machines which do not have lead screws for all heads, write for special prices.

NATIONAL MACHINERY CO., TIFFIN, OHIO—Continued

MOTOR DRIVE ATTACHMENTS FOR NATIONAL BOLT CUTTERS

Size	Price motor drive attachments, without motor [1]	Number of steps in speed box	Size of motor recommended h. p.	R.p.m. of motor	Code words of motor driven bolt cutters: With lead screw attachment — Without motor	With lead screw attachment — With motor included	Without lead screw attachment — Without motor	Without lead screw attachment — With motor included
1" single	$465	4	1 1/2	1,200	Cumad...	Cumew...	Cumog...	Cumut.
1 1/4" single	500	4	2	1,200	Cumaf...	Cumex...	Cumok...	Cumuv.
1 1/2" single	515	4	2	1,200	Cumak...	Cumey...	Cumol...	Cumux.
2" single	560	4	3	1,200	Cumal...	Cumid...	Cumon...	Cupad.
2 1/2" single	600	6	5	1,200	Cuman...	Cumif...	Cumop...	Cupak.
3" single	665	6	5	1,200	Cumap...	Cumig...	Cumor...	Cupal.
3 1/2" single	710	6	7 1/2	1,200	Cumaj...	Cumar...	Cumos...	Cupan.
4" single	800	6	7 1/2	1,200	Cumas...	Cumik...	Cumot...	Cupar.
1" double	490	4	3	1,200	Cumaw...	Cumil...	Cumow...	Cupas.
1 1/4" double	500	4	3	1,200	Cumax...	Cumin...	Cumox...	Cupat.
1 1/2" double	560	4	4	1,200	Cumay...	Cumip...	Cumud...	Cupaw.
2" double	600	4	5	1,200	Cumeh...	Cumir...	Cumuf...	Cupax.
2 1/2" double	725	6	7 1/2	1,200	Cumef...	Cumis...	Cumug...	Cupay.
1" triple	580	4	5	1,200	Cumej...	Cumit...	Cumuk...	Cupaz.
1 1/2" triple	600	4	5	1,200	Cumel...	Cumiv...	Cumul...	Cuped.
2" triple	725	4	7 1/2	1,200	Cumen...	Cumix...	Cumun...	Cupek.
1" quadruple	600	4	5	1,200	Cumep...	Cumiz...	Cumup...	Cupen.
1 1/2" quadruple	700	4	7 1/2	1,200	Cumer...	Cumob...	Cumor...	Cuper.
1 1/2" double stay B. C.	560	4	5	1,200	Cumet...	Cumoe...	Cumus...	Cupet.

[1] These prices are to be added to those of the belt driven bolt cutters.

Prices cover patented speed change device, and Morse chain drive, but do not include motor. Any make of shunt wound constant speed DC motor, or squirrel cage AC motor can be used.
Prices include attaching of motor, if motor is shipped to Tiffin.

REGULAR EQUIPMENT FURNISHED WITH NATIONAL BOLT CUTTERS

The regular equipment furnished with the machines shown on p. — includes pump, countershaft, wrenches, and the following interchangeable dies with hardened steel cases (or plain case dies), taps, tap chuck, etc., as listed below:

A—6 sets dies; 1 each 3/16, 1/4, 3/8, 1/2, 5/8, and 3/4 inch; 6 nut taps to correspond; and tap chuck.
B—7 sets dies; 1 each 1/4, 3/8, 1/2, 5/8, 3/4, 7/8, and 1 inch; 7 nut taps to correspond; and tap chuck.
C—8 sets dies; 1 each 3/8, 1/2, 5/8, 3/4, 7/8, 1, 1 1/4, and 1 1/2 inch; 8 nut taps to correspond; and tap chuck.
D—9 sets dies; 1 each 3/8, 1/2, 5/8, 3/4, 7/8, 1, 1 1/8, 1 1/4, and 1 1/2 inch; 9 nut taps to correspond; and tap chuck.
E—11 sets dies; 1 each 1/2, 5/8, 3/4, 7/8, 1, 1 1/8, 1 1/4, 1 3/8, 1 1/2, 1 3/4, and 2 inch; 11 nut taps to correspond; and tap chuck.
F—13 sets dies; 1 each 3/4, 7/8, 1, 1 1/8, 1 1/4, 1 3/8, 1 1/2, 1 5/8, 1 3/4, 1 7/8, 2, 2 1/4, and 2 1/2 inch; 13 nut taps to correspond; and tap chuck.
G—13 sets dies; 1 each 1, 1 1/8, 1 1/4, 1 3/8, 1 1/2, 1 5/8, 1 3/4, 1 7/8, 2, 2 1/4, 2 1/2, 2 3/4, 3, and 3 1/4 inch; 13 nut taps to correspond; and tap chuck.
H—15 sets dies; 1 each 1, 1 1/8, 1 1/4, 1 3/8, 1 1/2, 1 5/8, 1 3/4, 1 7/8, 2, 2 1/4, 2 1/2, 2 3/4, 3, 3 1/4, and 3 1/2 inch; 15 nut taps to correspond; and tap chuck.
I—13 sets dies; 1 each 1 1/2, 1 5/8, 1 3/4, 1 7/8, 2, 2 1/4, 2 1/2, 2 3/4, 3, 3 1/4, 3 1/2, 3 3/4, and 4 inch; 13 nut taps to correspond; and tap chuck.
J—15 sets dies; 1 each 1 1/2, 1 5/8, 1 3/4, 1 7/8, 2, 2 1/4, 2 1/2, 2 3/4, 3, 3 1/4, 3 1/2, 3 3/4, 4, 4 1/2, and 5 inch; and tap chuck.
K—17 sets dies; 1 each 2, 2 1/4, 2 1/2, 2 3/4, 3, 3 1/4, 3 1/2, 3 3/4, 4, 4 1/4, 4 1/2, 4 3/4, 5, 5 1/4, 5 1/2, 5 3/4, and 6 inch; and tap chuck.
J—10 sets dies; 2 each 1/4, 5/8, 1/2, 5/8, and 3/4 inch.
M—12 sets dies; 2 each 3/8, 7/16, 1/2, 5/8, 3/4, and 1 each 7/8 and 1 inch.
N—13 sets dies; 2 each 3/8, 1/2, 5/8, 3/4, 7/8, and 1 each 1, 1 1/8, and 1 1/4 inch.
O—14 sets dies; 2 each 1/2, 5/8, 3/4, 7/8, 1 and 1 each 1 1/8, 1 1/4, 1 3/8, and 1 1/2 inch.
P—20 sets dies; 2 each 1/2, 5/8, 3/4, 7/8, 1, 1 1/8, 1 1/4, 1 3/8, 1 1/2, and 1 each 1 3/4, and 2 inch.
Q—20 sets dies; 2 each 3/4, 7/8, 1, 1 1/8, 1 1/4, 1 3/8, 1 1/2, 1 5/8, 1 3/4, 2, and 1 each 2 1/4, and 2 1/2 inch.
R—9 sets dies; 1 each 1/4, 3/8, 1/2, 5/8, 3/4, and 2 each 7/8 and 1 inch.
S—9 sets dies; 1 each 3/8, 1/2, 5/8, 3/4, 7/8, 1, 1 1/8, 1 1/4, and 1 1/2 inch.
T—9 sets dies; 1 each 1/2, 3/4, 1, 1 1/4, 1 3/8, 1 1/2, 1 3/4, and 2 inch.
U—9 sets dies; 1 each 1/4, 3/8, 1/2, 5/8, 3/4, and 2 each 7/8, and 1 inch.
V—9 sets dies; 1 each 3/8, 1/2, 5/8, 3/4, 7/8, 1, 1 1/4, 1 1/2, and 1 3/4 inch.
W—14 sets dies of any size within the capacity of the machine.

NATIONAL DIE SHARPENER

Size die sharpener	Net weight	Price belt drive with regular equipment [1]	Price motor drive with regular equipment [1]	Size of motor	Code word belt drive	Code word motor drive
	Pounds			*Horsepower*		
No. 1	250	$525	$660	3/4	Sharm.....	Elarm.
No. 2	275	635	785	1 1/2	Sharx.....	Elarx.

[1] The regular equipment includes countershaft, and one grinding wheel.
[2] Price motor drive includes motor platform and motor, either DC or AC, any voltage.

NATIONAL MACHINERY CO., TIFFIN, OHIO—Continued

NATIONAL VERTICAL ROLL THREAD MACHINES

Size machine	Net weight	Price belt drive with regular equipment [1]	Price motor drive with regular equipment [2]	Size of motor	R. p. m. of motor	Code word belt drive	Code word motor drive
	Pounds			*Horsepower*			
1"	19,000	$6,825	$7,500	10	900	Rolew	Ellew.
1½"	25,600	9,100	9,800	15	900	Rolex	Ellex.

[1] The regular equipment includes friction-slip flywheel, pump, countershaft, wrenches, and one sample set of dies.
[2] Price for motor drive includes cut steel gear and silent motor pinion, mounting, etc., but does not include the motor. Squirrel cage AC motors are satisfactory, but if motor is DC it should be compound wound.

NATIONAL CENTER FEED HOT PRESSED NUT MACHINES

Size machine	Net weight	Price belt drive with regular equipment [1]	Price motor drive with regular equipment [2]	Size of motor	R. p. m. of motor	Code word belt drive	Code word motor drive
	Pounds			*Horsepower*			
1"	15,000	$7,900	$8,500	10	900	Nutab	Eltab.
1½"	24,000	11,000	11,650	15	900	Nutan	Eltan.
2"	36,000	15,250	16,000	20	720	Nutar	Eltar.

[1] The regular equipment includes friction-slip flywheel, wrenches and one size of sample dies.
[2] Price for motor drive includes cut steel gear and silent motor pinion, mounting, etc., but does not include the motor. Squirrel cage AC motors are satisfactory, but if motor is DC it should be compound wound.

NATIONAL SEMIAUTOMATIC NUT BURRING MACHINES

Size machine	Net weight	Price belt drive with regular equipment [1]	Price motor drive with regular equipment [2]	Size of motor	R. p. m. of motor	Code word belt drive	Code word motor drive
	Pounds			*Horsepower*			
¾"	2,000	$2,300	$2,500	2	1,200	Buran	Elran.
1¼"	2,900	2,400	2,650	3	1,200	Burap	Elrap.
2"	3,300	2,550	2,800	5	1,200	Burax	Elrax.

[1] The regular equipment includes countershaft, wrenches, and tools as follows: For ¾" machine, all tools to burr all sizes of nuts from ⅜" to ¾" U. S. Standard, square and hexagonal.
For 1¼" machine, all tools for ⅝" to 1¼" U. S. Standard, square and hexagonal.
For 2" machine, all tools for 1" to 2" U. S. Standard, square and hexagonal.
[2] Price for motor drive includes cut gear and silent motor pinion, mounting, etc., but does not include the motor. Motors should be 2 to 1 variable speed.

NATIONAL NUTTING BENCHES (BELT DRIVE ONLY)

Size spindle machine	Net weight	Price with regular equipment [1]	Code word
	Pounds		
2	900	$525	Benir.
4	1,600	735	Benit.
6	2,250	990	Benix.

[1] The regular equipment includes countershaft, wrenches, and one sample nut holder and plate for each spindle.

NATIONAL AUTOMATIC PRECISION NUT TAPPERS

Size	Net weight	Price with regular equipment [1]	Extra tools for other size nuts	Code word
	Pounds		*Per set*	
½"	1,800	$2,650	$140	Preta.
⅝"	2,250	2,850	155	Pretl.
¾"	2,850	3,100	175	Preto.
¾"	4,875	3,850	230	Pretu.

[1] The regular equipment includes motor and complete electrical control, pump, wrenches, and tools for any one size of nut.

NATIONAL MACHINERY CO., TIFFIN, OHIO—Continued

NATIONAL AUTOMATIC (BENT TAP) NUT TAPPERS

Size machine	Net weight	Price with regular equipment [1]	Extra for motor drive [1]	Extra tools for other size nuts, per set	Size of motor	R. p. m. of motor	Code word belt drive	Code word motor drive
	Pounds				*Horsepower*			
⅛"	160	$775	$75	$85	¼	1,800	Tapat	Elpat.
3/16"	550	1,125	95	100	⅓	1,200	Tapav	Elpav.
¼"	550	1,125	110	100	⅓	1,200	Tapaw	Elpaw.
⅜"	850	1,275	160	110	½	1,200	Tapax	Elpax.
½"	1,250	1,450	190	125	¾	1,200	Taped	Elped.
⅝"	1,880	1,850	225	185	1	1,200	Tapeg	Elpeg.
¾"	4,000	2,375	240	225	1½	1,200	Tapek	Elpek.

[1] The regular equipment includes machine complete with pump, wrenches, and tooled for any one size of nut.
[2] Includes mounting of the motor, if sent to us, but does not include the motor.

NATIONAL NUT TAPPERS (FOOT TREADLE TYPE AND SEMIAUTOMATIC)

Size	Net weight	Price machine only [1]	Price socket equipment [2]	Price complete with regular equipment	Extra for motor drive [2]	Regular equipment	Code word	Size of motor	R.p.m. of motor	Code word motor drive
	Pounds							*Horsepower*		
⅜" 6 sp. treadle type	1,500	$1,150	$129	$1,275	Not built	A	Tapel	7½	900	Elpen.
1" 8 sp. semiautomatic	5,000	3,110	172	3,275	$900	B	Tapen	10	900	Elpet.
1½" 10 sp. same	9,800	5,730	270	6,000	1,050	C	Tapet	10	600	Elpew.
2" 6 sp. same	7,000	5,425	177	5,600	1,050	D	Tapew	20	600	Elpex.
2" 12 sp. same	12,000	8,400	354	8,750	1,150	E	Tapex			

[1] Price "machine only" includes pump, countershaft and wrenches, but no sockets or taps.

Regular equipments A to E include pump, countershaft, wrenches, and interchangeable ring lock sockets and tapper taps as follows:

A—6 sockets and 6 taps; 1 each ¼, ⅜, 7/16, ½, 9/16 and ⅝ inch.
B—8 sockets and 8 taps; 1 each ½ and ⅝ and 2 each ¾, ⅞ and 1 inch.
C—10 sockets and 10 taps; 2 each ¾, 1, 1⅛, 1⅛ and 1¼ inch.
D—6 sockets and 6 taps; 1 each 1, 1⅛, 1¼, 1⅜, 1¾ and 2 inch.
E—12 sockets and 12 taps; 2 each 1, 1⅛, 1¼, 1½, 1¾ and 2 inch.

NATIONAL WASHER MACHINES

Size machine	Net weight	Price with regular equipment [1]	Code word
	Pounds		
1"	4,400	$2,200	Wasen.
1½"	9,800	3,900	Wasct.
2"	13,000	5,450	Wasex.

[1] The regular equipment includes countershaft, wrenches, and one size of sample dies.

NATIONAL MACHINERY CO., TIFFIN, OHIO—Continued

NATIONAL VERTICAL SHEARS

Size	Net weight	Price, belt drive with regular equipment [1]	Price, motor drive with regular equipment [1]	Size of motor	R. p. m. of motor	Code word belt drive	Code word motor drive
	Pounds			*Horsepower*			
1"	2,000	$2,300	$2,500	2	1,200	Buran	Elran.
1¼"	2,900	2,400	2,650	3	1,200	Burap	Elrap.
2"	3,300	2,550	2,800	5	1,200	Burax	Elrax.

[1] The regular equipment includes countershaft, wrenches, and tools as follows: For ¾" machine, all tools to burr all sizes of nuts from ⅜" to ¾" U. S. Standard, square and hexagonal.
For 1¼" machine, all tools for ⅝" to 1¼" U. S. Standard, square and hexagonal.
For 2" machine, all tools for 1" to 2" U. S. Standard, square and hexagonal.
[2] Price for motor drive includes cut gear and silent motor pinion, mounting, etc., but does not include the motor. Motors should be 2 to 1 variable speed.

THE NEBEL MACHINE TOOL COMPANY, CINCINNATI, OHIO—Continued

REMOVABLE BLOCK GAP LATHES

Size	Center distance	Weight for geared head	Price geared head	Weight cone head	Price cone head
		Pounds		*Pounds*	
14"	24"	1,000	$1,000	1,000	$1,000
16"	30"	1,200	1,200	1,200	1,200
18"	36"	1,400	1,400	1,400	1,400
20"	42"	1,600	1,600	1,600	1,600
22"	48"	1,800	1,800	1,800	1,800
24"	54"	2,000	2,000	2,000	2,000
26"	60"	2,200	2,200	2,200	2,200
28"	66"	2,400	2,400	2,400	2,400
30"	72"	2,600	2,600	2,600	2,600
32"	78"	2,800	2,800	2,800	2,800
34"	84"	3,000	3,000	3,000	3,000
36"	90"	3,200	3,200	3,200	3,200
38"	96"	3,400	3,400	3,400	3,400
40"	102"	3,600	3,600	3,600	3,600
42"	108"	3,800	3,800	3,800	3,800
44"	114"	4,000	4,000	4,000	4,000
46"	120"	4,200	4,200	4,200	4,200
48"	126"	4,400	4,400	4,400	4,400
50"	132"	4,600	4,600	4,600	4,600
52"	138"	4,800	4,800	4,800	4,800
54"	144"	5,000	5,000	5,000	5,000
56"	150"	5,200	5,200	5,200	5,200
58"	156"	5,400	5,400	5,400	5,400
60"	162"	5,600	5,600	5,600	5,600
62"	168"	5,800	5,800	5,800	5,800
64"	174"	6,000	6,000	6,000	6,000
66"	180"	6,200	6,200	6,200	6,200
68"	186"	6,400	6,400	6,400	6,400
70"	192"	6,600	6,600	6,600	6,600
72"	198"	6,800	6,800	6,800	6,800
74"	204"	7,000	7,000	7,000	7,000
76"	210"	7,200	7,200	7,200	7,200
78"	216"	7,400	7,400	7,400	7,400
80"	222"	7,600	7,600	7,600	7,600
82"	228"	7,800	7,800	7,800	7,800
84"	234"	8,000	8,000	8,000	8,000
86"	240"	8,200	8,200	8,200	8,200
88"	246"	8,400	8,400	8,400	8,400
90"	252"	8,600	8,600	8,600	8,600
92"	258"	8,800	8,800	8,800	8,800
94"	264"	9,000	9,000	9,000	9,000
96"	270"	9,200	9,200	9,200	9,200
98"	276"	9,400	9,400	9,400	9,400
100"	282"	9,600	9,600	9,600	9,600
102"	288"	9,800	9,800	9,800	9,800
104"	294"	10,000	10,000	10,000	10,000
106"	300"	10,200	10,200	10,200	10,200
108"	306"	10,400	10,400	10,400	10,400
110"	312"	10,600	10,600	10,600	10,600
112"	318"	10,800	10,800	10,800	10,800
114"	324"	11,000	11,000	11,000	11,000
116"	330"	11,200	11,200	11,200	11,200
118"	336"	11,400	11,400	11,400	11,400
120"	342"	11,600	11,600	11,600	11,600
122"	348"	11,800	11,800	11,800	11,800
124"	354"	12,000	12,000	12,000	12,000
126"	360"	12,200	12,200	12,200	12,200
128"	366"	12,400	12,400	12,400	12,400
130"	372"	12,600	12,600	12,600	12,600
132"	378"	12,800	12,800	12,800	12,800
134"	384"	13,000	13,000	13,000	13,000
136"	390"	13,200	13,200	13,200	13,200
138"	396"	13,400	13,400	13,400	13,400
140"	402"	13,600	13,600	13,600	13,600
142"	408"	13,800	13,800	13,800	13,800
144"	414"	14,000	14,000	14,000	14,000
146"	420"	14,200	14,200	14,200	14,200
148"	426"	14,400	14,400	14,400	14,400
150"	432"	14,600	14,600	14,600	14,600
152"	438"	14,800	14,800	14,800	14,800
154"	444"	15,000	15,000	15,000	15,000
156"	450"	15,200	15,200	15,200	15,200
158"	456"	15,400	15,400	15,400	15,400
160"	462"	15,600	15,600	15,600	15,600
162"	468"	15,800	15,800	15,800	15,800
164"	474"	16,000	16,000	16,000	16,000
166"	480"	16,200	16,200	16,200	16,200
168"	486"	16,400	16,400	16,400	16,400
170"	492"	16,600	16,600	16,600	16,600
172"	498"	16,800	16,800	16,800	16,800
174"	504"	17,000	17,000	17,000	17,000
176"	510"	17,200	17,200	17,200	17,200
178"	516"	17,400	17,400	17,400	17,400
180"	522"	17,600	17,600	17,600	17,600
182"	528"	17,800	17,800	17,800	17,800
184"	534"	18,000	18,000	18,000	18,000
186"	540"	18,200	18,200	18,200	18,200
188"	546"	18,400	18,400	18,400	18,400
190"	552"	18,600	18,600	18,600	18,600
192"	558"	18,800	18,800	18,800	18,800
194"	564"	19,000	19,000	19,000	19,000
196"	570"	19,200	19,200	19,200	19,200
198"	576"	19,400	19,400	19,400	19,400
200"	582"	19,600	19,600	19,600	19,600
202"	588"	19,800	19,800	19,800	19,800
204"	594"	20,000	20,000	20,000	20,000
206"	600"	20,200	20,200	20,200	20,200
208"	606"	20,400	20,400	20,400	20,400
210"	612"	20,600	20,600	20,600	20,600
212"	618"	20,800	20,800	20,800	20,800
214"	624"	21,000	21,000	21,000	21,000
216"	630"	21,200	21,200	21,200	21,200
218"	636"	21,400	21,400	21,400	21,400
220"	642"	21,600	21,600	21,600	21,600
222"	648"	21,800	21,800	21,800	21,800
224"	654"	22,000	22,000	22,000	22,000
226"	660"	22,200	22,200	22,200	22,200
228"	666"	22,400	22,400	22,400	22,400	22,400	22,400
230"	672"	22,600	22,600	22,600	22,600	22,600	22,600
232"	678"	22,800	22,800	22,800	22,800	22,800	22,800
234"	684"	23,000	23,000	23,000	23,000	23,000	23,000
236"	690"	23,200	23,200	23,200	23,200	23,200	23,200
238"	696"	23,400	23,400	23,400	23,400	23,400	23,400
240"	702"	23,600	23,600	23,600	23,600	23,600	23,600
242"	708"	23,800	23,800	23,800	23,800	23,800	23,800
244"	714"	24,000	24,000	24,000	24,000	24,000	24,000
246"	720"	24,200	24,200	24,200	24,200	24,200	24,200
248"	726"	24,400	24,400	24,400	24,400	24,400	24,400
250"	732"	24,600	24,600	24,600	24,600	24,600	24,600
252"	738"	24,800	24,800	24,800	24,800	24,800	24,800
254"	744"	25,000	25,000	25,000	25,000	25,000	25,000
256"	750"	25,200	25,200	25,200	25,200	25,200	25,200
258"	756"	25,400	25,400	25,400	25,400	25,400	25,400
260"	762"	25,600	25,600	25,600	25,600	25,600	25,600
262"	768"	25,800	25,800	25,800	25,800	25,800	25,800
264"	774"	26,000	26,000	26,000	26,000	26,000	26,000
266"	780"	26,200	26,200	26,200	26,200	26,200	26,200
268"	786"	26,400	26,400	26,400	26,400	26,400	26,400
270"	792"	26,600	26,600	26,600	26,600	26,600	26,600
272"	798"	26,800	26,800	26,800	26,800	26,800	26,800
274"	804"	27,000	27,000	27,000	27,000	27,000	27,000
276"	810"	27,200	27,200	27,200	27,200	27,200	27,200
278"	816"	27,400	27,400	27,400	27,400	27,400	27,400
280"	822"	27,600	27,600	27,600	27,600	27,600	27,600
282"	828"	27,800	27,800	27,800	27,800	27,800	27,800
284"	834"	28,000	28,000	28,000	28,000	28,000	28,000
286"	840"	28,200	28,200	28,200	28,200	28,200	28,200
288"	846"	28,400	28,400	28,400	28,400	28,400	28,400
290"	852"	28,600	28,600	28,600	28,600	28,600	28,600
292"	858"	28,800	28,800	28,800	28,800	28,800	28,800
294"	864"	29,000	29,000	29,000	29,000	29,000	29,000
296"	870"	29,200	29,200	29,200	29,200	29,200	29,200
298"	876"	29,400	29,400	29,400	29,400	29,400	29,400
300"	882"	29,600	29,600	29,600	29,600	29,600	29,600
302"	888"	29,800	29,800	29,800	29,800	29,800	29,800
304"	894"	30,000	30,000	30,000	30,000	30,000	30,000
306"	900"	30,200	30,200	30,200	30,200	30,200	30,200
308"	906"	30,400	30,400	30,400	30,400	30,400	30,400
310"	912"	30,600	30,600	30,600	30,600	30,600	30,600
312"	918"	30,800	30,800	30,800	30,800	30,800	30,800
314"	924"	31,000	31,000	31,000	31,000	31,000	31,000
316"	930"	31,200	31,200	31,200	31,200	31,200	31,200
318"	936"	31,400	31,400	31,400	31,400	31,400	31,400
320"	942"	31,600	31,600	31,600	31,600	31,600	31,600
322"	948"	31,800	31,800	31,800	31,800	31,800	31,800
324"	954"	32,000	32,000	32,000	32,000	32,000	32,000
326"	960"	32,200	32,200	32,200	32,200	32,200	32,200
328"	966"	32,400	32,400	32,400	32,400	32,400	32,400
330"	972"	32,600	32,600	32,600	32,600	32,600	32,600
332"	978"	32,800	32,800	32,800	32,800	32,800	32,800
334"	984"	33,000	33,000	33,000	33,000	33,000	33,000
336"	990"	33,200	33,200	33,200	33,200	33,200	33,200
338"	996"	33,400	33,400	33,400	33,400	33,400	33,400
340"	1002"	33,600	33,600	33,600	33,600	33,600	33,600
342"	1008"	33,800	33,800	33,800	33,800	33,800	33,800
344"	1014"	34,000	34,000	34,000	34,000	34,000	34,000
346"	1020"	34,200	34,200	34,200	34,200	34,200	34,200
348"	1026"	34,400	34,400	34,400	34,400	34,400	34,400
350"	1032"	34,600	34,600	34,600	34,600	34,600	34,600
352"	1038"	34,800	34,800	34,800	34,800	34,800	34,800
354"	1044"	35,000	35,000	35,000	35,000	35,000	35,000
356"	1050"	35,200	35,200	35,200	35,200	35,200	35,200
358"	1056"	35,400	35,400	35,400	35,400	35,400	35,400
360"	1062"	35,600	35,600	35,600	35,600	35,600	35,600
362"	1068"	35,800	35,800	35,800	35,800	35,800	35,800
364"	1074"	36,000	36,000	36,000	36,000	36,000	36,000
366"	1080"	36,200	36,200	36,200	36,200	36,200	36,200
368"	1086"	36,400	36,400	36,400	36,400	36,400	36,400
370"	1092"	36,600	36,600	36,600	36,600	36,600	36,600
372"	1098"	36,800	36,800	36,800	36,800	36,800	36,800
374"	1104"	37,000	37,000	37,000	37,000	37,000	37,000
376"	1110"	37,200	37,200	37,200	37,200	37,200	37,200
378"	1116"	37,400	37,400	37,400	37,400	37,400	37,400
380"	1122"	37,600	37,600	37,600	37,600	37,600	37,600
382"	1128"	37,800	37,800	37,800	37,800	37,800	37,800
384"	1134"	38,000	38,000	38,000	38,000	38,000	38,000
386"	1140"	38,200	38,200	38,200	38,200	38,200	38,200
388"	1146"	38,400	38,400	38,400	38,400	38,400	38,400
390"	1152"	38,600	38,600	38,600	38,600	38,600	38,600
392"	1158"	38,800	38,800	38,800	38,800	38,800	38,800
394"	1164"	39,000	39,000	39,000	39,000	39,000	39,000
396"	1170"	39,200	39,200	39,200	39,200	39,200	39,200
398"	1176"	39,400	39,400	39,400	39,400	39,400	39,400
400"	1182"	39,600	39,600	39,600	39,600	39,600	39,600
402"	1188"	39,800	39,800	39,800	39,800	39,800	39,800
404"	1194"	40,000	40,000	40,000	40,000	40,000	40,000
406"	1200"	40,200	40,200	40,200	40,200	40,200	40,200
408"	1206"	40,400	40,400	40,400	40,400	40,400	40,400
410"	1212"	40,600	40,600	40,600	40,600	40,600	40,600
412"	1218"	40,800	40,800	40,800	40,800	40,800	40,800
414"	1224"	41,000	41,000	41,000	41,000	41,000	41,000
416"	1230"	41,200	41,200	41,200	41,200	41,200	41,200
418"	1236"	41,400	41,400	41,400	41,400	41,400	41,400
420"	1242"	41,600	41,600	41,600	41,600	41,600	41,600
422"	1248"	41,800	41,800	41,800	41,800	41,800	41,800
424"	1254"	42,000	42,000	42,000	42,000	42,000	42,000
426"	1260"	42,200	42,200	42,200	42,200	42,200	42,200
428"	1266"	42,400	42,400	42,400	42,400	42,400	42,400
430"	1272"	42,600	42,600	42,600	42,600	42,600	42,600
432"	1278"	42,800	42,800	42,800	42,800	42,800	42,800
434"	1284"	43,000	43,000	43,000	43,000	43,000	43,000
436"	1290"	43,200	43,200	43,200	43,200	43,200	43,200
438"	1296"	43,400	43,400	43,400	43,400	43,400	43,400
440"	1302"	43,600	43,600	43,600	43,600	43,600	43,600
442"	1308"	43,800	43,800	43,800	43,800	43,800	43,800
444"	1314"	44,000	44,000	44,000	44,000	44,000	44,000
446"	1320"	44,200	44,200	44,200	44,200	44,200	44,200
448"	1326"	44,400	44,400	44,400	44,400	44,400	44,400
450"	1332"	44,600	44,600	44,600	44,600	44,600	44,600
452"	1338"	44,800	44,800	44,800	44,800	44,800	44,800
454"	1344"	45,000	45,000	45,000	45,000	45,000	45,000
456"	1350"	45,200	45,200	45,200	45,200	45,200	45,200
458"	1356"	45,400	45,400	45,400	45,400	45,400	45,400
460"	1362"	45,600	45,600	45,600	45,600	45,600	45,600
462"	1368"	45,800	45,800	45,800	45,800	45,800	45,800
464"	1374"	46,000	46,000	46,000	46,000	46,000	46,000
466"	1380"	46,200	46,200	46,200	46,200	46,200	46,200
468"	1386"	46,400	46,400	46,400	46,400	46,400	46,400
470"	1392"	46,600	46,600	46,600	46,600	46,600	46,600
472"	1398"	46,800	46,800	46,800	46,800	46,800	46,800
474"	1404"	47,000	47,000	47,000	47,000	47,000	47,000
476"	1410"	47,200	47,200	47,200	47,200	47,200	47,200
478"	1416"	47,400	47,400	47,400	47,400	47,400	47,400
480"	1422"	47,600	47,600	47,600	47,600	47,600	47,600
482"	1428"	47,800	47,800	47,800	47,800	47,800	47,800
484"	1434"	48,000	48,000	48,000	48,000	48,000	48,000
486"	1440"	48,200	48,200	48,200	48,200	48,200	48,200
488"	1446"	48,400	48,400	48,400	48,400	48,400	48,400
490"	1452"	48,600	48,600	48,600	48,600	48,600	48,600
492"	1458"	48,800	48,800	48,800	48,800	48,800	48,800
494"	1464"	49,000	49,000	49,000	49,000	49,000	49,000
496"	1470"	49,200	49,200	49,200	49,200	49,200	49,200
498"	1476"	49,400	49,400	49,400	49,400	49,400	49,400
500"	1482"	49,600	49,600	49,600	49,600	49,600	49,600
502"	1488"	49,800	49,800	49,800	49,800	49,800	49,800
504"	1494"	50,000	50,000	50,000	50,000	50,000	50,000
506"	1500"	50,200	50,200	50,200	50,200	50,200	50,200
508"	1506"	50,400	50,400	50,400	50,400	50,400	50,400
510"	1512"	50,600	50,600	50,600	50,600	50,600	50,600
512"	1518"	50,800	50,800	50,800	50,800	50,800	50,800
514"	1524"	51,000	51,000	51,000	51,000	51,000	51,000
516"	1530"	51,200	51,200	51,200	51,200	51,200	51,200
518"	1536"	51,400	51,400	51,400	51,400	51,400	51,400
520"	1542"	51,600	51,600	51,600	51,600	51,600	51,600
522"	1548"	51,800	51,800	51,800	51,800	51,800	51,800
524"	1554"	52,000	52,000	52,000	52,000	52,000	52,000
526"	1560"	52,200	52,200	52,200	52,200	52,200	52,200
528"	1566"	52,400	52,400	52,400	52,400	52,400	52,400
530"	1572"	52,600	52,600	52,600	52,600	52,600	52,600
532"	1578"	52,800	52,800	52,800	52,800	52,800	52,800
534"	1584"	53,000	53,000	53,000	53,000	53,000	53,000
536"	1590"	53,200	53,200	53,200	53,200	53,200	53,200
538"	1596"	53,400	53,400	53,400	53,400	53,400	53,400
540"	1602"	53,600	53,600	53,600	53,600	53,600	53,600
542"	1608"	53,800	53,800	53,800	53,800	53,800	53,800
544"	1614"	54,000	54,000	54,000	54,000	54,000	54,000
546"	1620"	54,200	54,200	54,200	54,200	54,200	54,200
548"	1626"	54,400	54,400	54,400	54,400	54,400	54,400
550"	1632"	54,600	54,600	54,600	54,600	54,600	54,600
552"	1638"	54,800	54,800	54,800	54,800	54,800	54,800
554"	1644"	55,000	55,000	55,000	55,000	55,000	55,000
556"	1650"	55,200	55,200	55,200	55,200	55,200	55,200
558"	1656"	55,400	55,400	55,400	55,400	55,400	55,400
560"	1662"	55,600	55,600	55,600	55,600	55,600	55,600
562"	1668"	55,800	55,800	55,800	55,800	55,800	55,800
564"	1674"	56,000	56,000	56,000	56,000	56,000	56,000
566"	1680"	56,200	56,200	56,200	56,200	56,200	56,200
568"	1686"	56,400	56,400	56,400	56,400	56,400	56,400
570"	1692"	56,600	56,600	56,600	56,600	56,600	56,600
572"	1698"	56,800	56,800	56,800	56,800	56,800	56,800
574"	1704"	57,000	57,000	57,000	57,000	57,000	57,000
576"	1710"	57,200	57,200	57,200	57,200	57,200	57,200
578"	1716"	57,400	57,400	57,400	57,400	57,400	57,400
580"	1722"	57,600	57,600	57,600	57,600	57,600	57,600
582"	1728"	57,800	57,800	57,800	57,800	57,800	57,800
584"	1734"	58,000	58,000	58,000

NATIONAL MACHINERY CO., TIFFIN, OHIO—Continued

NATIONAL VERTICAL SHEARS

Size	Net weight	Price, belt drive with regular equipment [1]	Price, motor drive with regular equipment [1]	Size of motor	R. p. m. of motor	Code word belt drive	Code word motor drive
	Pounds			*Horsepower*			
⅝" machine	1,400	$975	$1,400	3	720	Sheak	Eleak.
1" machine	4,000	1,575	2,100	5	900	Shean	Elean.
1½" machine	6,800	2,800	3,350	10	1,200	Sheap	Eleap.
1½" machine with clutch [3]	7,000	3,550	4,100	10	1,200	Sheax	Eleax.

[1] The regular equipment for the ⅝- and 1-inch machines includes wrenches, one set of knives and three bushes for any three sizes of bars; and for the 1-inch machine wrenches, one set of knives and four bushes for any four sizes of bars.
[2] Includes driving gears, guard, silent motor pinion, mounting, etc., but does not include motor.
[3] The 1½-inch machine with clutch is provided with foot-lever-operated clutch so that 1 or more strokes may be had, as wished.

NATIONAL WIRE NAIL MACHINES

Size	Net weight	Price with regular equipment [1]	Code word	Size	Net weight	Price with regular equipment [1]	Code word
	Pounds				*Pounds*		
No. 5 or 2d	900	$1,025	Winal.	No. 1½ or 30d	9,150	$3,875	Winat.
No. 4 or 4d	1,650	1,350	Winam.	No. 0	16,500	5,950	Winaw.
No. 3 or 6d	2,500	1,550	Winap.	No. 00	20,000	7,175	Winax.
No. 2 or 10d	3,500	1,850	Winar.				

[1] The regular equipment includes wrenches, and one sample set of dies.

THE NEBEL MACHINE TOOL COMPANY, CINCINNATI, OHIO (FORMERLY THE RAHN LARMON CO.)

ENGINE LATHES

Size	Center distance	Weight for geared head	Price geared head	Weight cone head	Price cone head
	Inches	*Pounds*		*Pounds*	
16 inches	30	3,100	$2,050	2,500	$1,325
18 inches	30	3,200	2,110	2,600	1,385
Additional for 2 feet of bed		200	80	200	80
18 inches	26	4,000	3,200	3,100	2,000
20 inches	26	4,100	3,275	3,200	2,075
Additional for 2 feet of bed		300	100	300	100
20 inches	45	4,900	4,025	4,300	2,500
22 inches	45	5,000	4,110	4,400	2,585
Additional for 2 feet of bed		400	120	400	120
24 inches	60	7,200	5,300	6,700	3,650
26 inches	60	7,500	5,425	7,000	3,775
Additional for 2 feet of bed		450	135	450	135
25 inches	57	9,200	6,125	7,800	4,125
27 inches	57	9,500	6,260	8,100	4,260
Additional for 2 feet of bed		500	150	500	150
30 inches	50	10,000	6,950	9,000	5,120
32 inches	50	10,500	7,100	9,500	5,270
36 inches	50	11,500	7,330	10,000	5,500
Additional for 2 feet of bed		700	200	700	200

THE NEBEL MACHINE TOOL COMPANY, CINCINNATI, OHIO—Continued

REMOVABLE BLOCK GAP LATHES

Size	Center distance	Weight for geared head	Price geared head	Weight cone head	Price cone head
	Inches	*Pounds*		*Pounds*	
16⅝ inches	30	3,200	$2,225	2,600	$1,500
15/27 inches	30	3,300	2,285	2,700	1,560
Additional for 2 feet of bed		200	80	200	80
29/30 inches	26	3,800	3,475	3,300	2,275
Additional for 2 feet of bed		300	100	300	100
23¾ inches	45	5,100	4,410	4,500	3,185
Additional for 2 feet of bed		400	120	400	120
25/40 inches	60	7,800	5,775	7,000	4,125
Additional for 2 feet of bed		450	135	450	135

EXTENSION BED GAP LATHES

	Feet	*Inches*	*Pounds*		*Pounds*	
18⅝ inches, gap closed	2	3	5,100	$4,850	4,700	$3,350
29/40 inches, gap open	4	3	5,200	5,000	4,800	3,500
Additional for 2 feet of bed			425	175	425	175
24/48 inches, gap closed	4	3	11,000	7,100	9,500	5,000
29/50 inches, gap open	7	9	11,500	7,300	10,000	5,200
Additional for 2 feet of bed			750	220	750	220

NEW ALBANY MACHINE MANUFACTURING COMPANY, NEW ALBANY, IND.

ROBINSON INCLINABLE PRESSES

Press No.	0	1	1½	2	3	4	5	5½
Diameter crank shaft at bearing.....inches	1¼	2	2⅜	3	3½	4	4½	5
Capacity at bottom of stroke.....tons	5	14	24	31	43	56	71	88
Standard stroke of slide.....inches	1	1½	2	2	2	3	3	3
Maximum stroke of slide.....do	2	2½	3	3	3	5	5	5
Approximate weight (fly wheel press).....pounds	200	1,050	1,800	2,700	4,450	5,800	9,000	9,750
Diameter and face fly wheel (fly wheel press) inches	15 x 2½	23 x 3⅜	28 x 4¼	30 x 5¼	36 x 5½	36 x 6	45 x 6	45 x 7
Weight of fly wheel (fly wheel press).....pounds	65	200	375	575	750	900	1,200	1,400
Capacity and speed of motor (fly wheel press) (hp. and r. p. m.)	½—900	1—900	1½—900	2—900	3—900	5—900	7½—900	7½
Price, fly wheel press	$152	$265	$380	$531	$852	$1,012	$1,645	$1,771
Price, single geared press			633	784	1,169	1,328	2,024	2,151
Price, combined geared press			759	911	1,296	1,454	2,151	2,277
Extra for stay rods				11	11	22	22	22
Extra V-belt motor drive	27	66	71	71	71	82	110	110
Extra geared motor drive		82	82	82	82	110	110	110
Extra for table and legs, No. 0 press	22							
Extra for arranging No. 0 bench type press for foot treadle	5							

Change in stroke above maximum, $11 per inch, extra.

FEDERAL REGISTER, Thursday, July 22, 1943

NEW ALBANY MACHINE MANUFACTURING COMPANY, NEW ALBANY, IND.—continued

ROBINSON HORN PRESSES

Press No.	16	17	19	20	22	22½
Diameter crank shaft at bearing—inches	2	2⅝	3	3½	4½	5
Capacity at bottom of stroke—tons	14	24	31	43	71	88
Standard stroke—inches	1½	1½	2	2	3	3
Maximum stroke—do	2½	3	3	3½	5	6
Approximate weight (fly wheel press)—pounds	1,750	3,000	4,000	6,000	10,000	12,000
Diameter and face fly wheel (fly wheel press)—inches	23 x 3⅜	28 x 4¼	30 x 5½	36 x 5½	45 x 6	45 x 7
Weight of fly wheel (fly wheel press)—pounds	200	375	575	750	1,200	1,400
Price, fly wheel press	$315	$632	$784	$1,012	$1,697	$2,024
Price, single geared press			1,037	1,328	2,277	2,403
Price, combined geared press			1,164	1,454	2,403	2,530
Extra adjustable table	66	82	110	165	275	275
Extra swinging table	77	110	165	220	330	330
Extra, V-belt motor drive	66	71	71	71	110	110
Extra, geared motor drive	82	82	82	82	110	110

Geared motor drive prices include motor bracket, motor pinion and gear guards, but does not include motor or electrical equipment.

V-belt motor drive prices include motor bracket, V-belt and motor pulley, but does not include belt guard or electrical equipment.

Change in stroke above maximum, $11 per inch, extra.

NEWARK GEAR CUTTING MACHINE CO., NEWARK, N. J.

GEAR HOBBERS—PRICES AND SPECIFICATIONS

Style No.	Diameter capacity	Face capacity	Pitch capacity	Weight	Price
				Pounds	
3 plain	With support arm, 18"	14" on spur gears		6,000	$4,510
3 universal	With support arm, 18"	12" on helical gears up to above 30° helix.		6,000	5,000
5	With column support, 32"; without column support, 72".		2½ D. P. in steel, 2 D. P. in grey iron.	20,000	14,400

SPUR GEAR CUTTER—PRICES AND SPECIFICATIONS

Style No.	Diameter capacity	Face capacity	Pitch capacity	Weight	Price
				Pounds	
3	40"	10"	4 D. P. in steel, 3 D. P. in cast iron; ¾" C. P. in steel, 1" C. P. in cast iron.	3,800	$4,000
55	48"	16"	2 D. P. in steel, 1½ D. P. in cast iron; 1½" C. P. in steel, 2" C. P. in cast iron.	8,300	6,050
5	72"	16"	2 D. P. in steel, 1½ D. P. in cast iron; 1½" C. P. in steel, 2" C. P. in cast iron.	8,700	6,710
7	100"	24"	1 D. P. in steel, ¾ D. P. in cast iron; 3" C. P. in steel, 4" C. P. in cast iron.	21,000	13,300

	Weight	Price
	Pounds	
No. 1 gear tester	975	$660
No. 0 cutter grinder	925	800

NEW BRITAIN-GRIDLEY MACH. DIVISION, THE NEW BRITAIN MACHINE CO., NEW BRITAIN, CONN.

WORK ROTATING AUTOMATIC CHUCKING MACHINES

Model No.	No. of spindles	Swing	Chuck size	Price
		Inches	*Inches*	
38	1	10¼	10½	$7, 250
49	4	8¾	9	14, 250
49A	4	6	6	12, 500
412	4	12	12	17, 500
65	6	5¾	5¾	13, 950
665	6	6¾	6½	14, 250
675	6	7¾	7½	14, 900
10	6	9¼	9	14, 950
86	8	6¾	6¾	16, 500

AUTOMATIC SCREW MACHINES

Model No.	No. of spindles	Size	Price
		Inches	
60	6	1	$10, 500
61	6	1⅝	12, 750
61	6	2¼	14, 900

NEW BRITAIN-GRIDLEY MACH. DIVISION, THE NEW BRITAIN MACHINE CO., NEW BRITAIN, CONN.—Con.

MACHINES LISTED BELOW ARE OBSOLETE

[Amounts shown are to be used as equivalent]

CHUCKING MACHINES

Model No.	Number of spindles	Maximum swing	Amount to be used as equivalent
12A	3	5½"	$6, 200
22	4	4¾"	7, 500
23	4	5½"	8, 500
24	4	7½"	10, 500
33	5	5½"	9, 500
34	5	7½"	12, 000
452	4	6"	9, 000
454	4	8"	12, 500
652	6	4¾"	13, 950
654	6	5⅜"	14, 250
3-254	6	3"	13, 450
53	Double end—three on side	4½"	11, 500
54	do	7¾"	13, 000

BAR MACHINES

172	6 (for threading)	1 x 5	$11, 500
263	6 (without threading)	1 x 5	11, 000
204	6	⅝ x 2¾	7, 875
206	6 (for threading)	1⅜ x 7	12, 000
264	6 (without threading)	1⅜ x 7	11, 500
226	6	1"	9, 025
227	6	1⅜	12, 000
527	6	1¾	13, 000
270	6 (without threading)	2½	15, 200
208	6 (with threading)	2½	15, 700
41	4	1¾	9, 450
41	4	1⅜	9, 450

NIAGARA MACHINE & TOOL CO., BUFFALO, N. Y.

NIAGARA HEAVY SLIP ROLL FORMING MACHINES

No.	Capacity	Weight	Price
		Pounds	
415–5" x 36"	⅝", ¾"	2,700	$1, 150
416–6" x 48"	⅜", 10 gage	2, 900	1, 240
417–8" x 60"	⅜", 12 gage	3, 200	1, 310
418–8" x 72"	11, 14 gage	4, 000	1, 385
419–8" x 96"	14, 16 gage	4, 500	1, 624
420–8" x 120"	16, 18 gage	4, 900	1, 900
425–6" x 48"	⅝", ¾"	6, 100	2, 100
426–6" x 60"	⅝", ⅞"	6, 550	2, 262
426–6" x 72"	¾", ⅞"	7, 000	2, 360
428–6" x 96"	⅞", ⅞"	7, 900	2, 564
429–6" x 120"	⅞", ⅞"	8, 800	2, 772
430–7½" x 60"	⅞", ⅞"	8, 700	2, 672
431–7½" x 72"	1½", ¾"	9, 400	2, 788
432–7½" x 96"	⅝", ⅞"	10, 800	3, 100
433–7½" x 120"	¾", ⅞"	12, 200	3, 502

NIAGARA POWER SQUARING SHEARS—SERIES NO. L

No.	Capacity	Length	Weight	Price
	Inch	*Inches*	*Pounds*	
L8	⅛	96	28, 000	$7, 160
L10½	⅛	126	32, 000	7, 600
L12	⅛	144	36, 000	8, 100
L14	⅛	168	44, 000	8, 850
L16	¼	192	49, 000	9, 850
L18	¼	216	55, 000	10, 950

NIAGARA POWER GANG PUNCHES

No.	Type	Weight	Price
		Pounds	
4	Not geared	2, 300	$971
4	Geared	2, 600	1, 057
6–B	Not geared	4, 500	1, 343
6–B	Geared	5, 000	1, 557
6–C	Not geared	4, 800	1, 446
6–C	Geared	5, 500	1, 557

NIAGARA PRESS BRAKES

175–C	Single geared	3, 400	$1, 566
175–E	do	4, 700	1, 769

NIAGARA POWER SQUARING SHEARS

Series No. 100–200 Geared

No.	Capacity	Length	Weight	Price
		Inches	*Pounds*	
260 geared	14 gage	60	3, 400	$1, 207
272 geared	14 gage	72	3, 700	1, 260
196 geared	16 gage	96	4, 200	1, 300
1120 geared	16 gage	120	4, 800	1, 480
136 geared	14 gage	36	1, 600	680
148 geared	14 gage	48	1, 700	625
160 geared	16 gage	60	1, 700	680
172 geared	16 gage	72	2, 170	745

Series No. 100

136	16 gage	36	1, 400	$465
148	16 gage	48	1, 600	530
160	18 gage	60	1, 800	585
172	18 gage	72	2, 000	650

Series No. O

021½	22 gage	30	2, 700	$265
03	20 gage	36	3, 000	287
031½	22 gage	42	3, 600	310

[The following series shears were discontinued during the emergency. Prices given were the last in effect]

Series No. 300–L

336–L	10 gage	36	3, 400	$1, 060
342–L	10 gage	42	3, 600	1, 084
352–L	10 gage	52	4, 000	1, 122
362–L	10 gage	62	4, 300	1, 171
372–L	10 gage	72	4, 900	1, 237

NIAGARA MACHINE & TOOL CO., BUFFALO, N. Y.—Continued

NIAGARA POWER SQUARING SHEARS—continued

Series No. 600–L

No.	Capacity	Length	Weight	Price
		Inches	*Pounds*	
636–L	10 gage	36	4, 200	$1, 116
642–L	10 gage	42	4, 400	1, 150
652–L	10 gage	52	4, 800	1, 366
662–L	10 gage	62	5, 300	1, 237
672–L	10 gage	72	5, 800	1, 498

Series No. 300

336	3/16"	36	3, 400	$1, 188
342	3/16"	42	3, 600	1, 221
352	3/16"	52	4, 000	1, 259
362	3/16"	62	4, 500	1, 309
372	3/16"	72	5, 000	1, 375

Series No. 600

636	3/16"	36	4, 200	$1, 254
642	3/16"	42	4, 400	1, 287
652	3/16"	52	4, 800	1, 325
662	3/16"	62	5, 300	1, 375
672	3/16"	72	5, 800	1, 441

Series No. 4

44	12 gage	48	4, 900	$2, 200
46	12 gage	72	5, 600	2, 300
48	14 gage	96	6, 500	2, 450
410	14 gage	120	7, 500	2, 650
412	16 gage	144	8, 500	2, 900

Series No. B–BL

B–6	3/16"	72	6, 500	$1, 995
BL–8	10 gage	72	6, 500	1, 995
BL–8	10 gage	96	7, 500	2, 130
BL–10	10 gage	120	9, 000	2, 330
BL–12	12 gage	144	11, 000	2, 660

Series No. 7

76	¼"	72	12, 000	$3, 550
78	5/16"	96	14, 000	3, 650
710	5/16"	120	16, 800	4, 050
712	10 gage	144	19, 500	4, 500

Series No. H–HL

H–8	3/16"	72	9, 000	$3, 060
HL–8	10 gage	96	10, 000	3, 190
HL–10	10 gage	120	12, 000	3, 485
HL–12	10 gage	144	14, 500	3, 885
HL–14	12 gage	168	19, 000	4, 390

Series No. I–IL

I–4	¼"	48	11, 000	$3, 300
I–6	¼"	72	13, 000	3, 430
IL–8	5/16"	96	14, 500	3, 560
IL–10	5/16"	120	17, 000	3, 910
IL–12	5/16"	144	19, 500	4, 340
IL–13	10 gage	156	21, 000	4, 650
IL–14	10 gage	168	24, 000	4, 900

Series No. J–JL

J–6	3/8"	72	16, 000	$4, 000
JL–8	¼"	96	18, 000	4, 150
JL–10	¼"	120	21, 000	4, 500
JL–12	¼"	144	24, 000	5, 100
JL–13	5/16"	156	25, 500	5, 400
JL–14	5/16"	168	29, 000	5, 800
JL–16	10 gage	192	34, 000	6, 700

Series No. K–KL

K–6	¼"	72	20, 500	$4, 900
KL–8	3/8"	96	24, 000	5, 200
KL–10	¼"	120	27, 000	5, 565
KL–12	3/8"	144	31, 000	6, 125
KL–14	½"	168	40, 000	7, 080
KL–16	5/16"	192	44, 500	7, 880
KL–18	5/16"	216	50, 000	8, 810

NIAGARA MACHINE & TOOL CO., BUFFALO, N. Y.—Continued

NIAGARA INCLINABLE POWER PRESSES, SERIES NO. 1

[The following series of presses was discontinued during the emergency. Prices given were the last in effect]

No.	Type	Weight	Price
		Pounds	
3–B	Not geared	1, 500	$353
4	Not geared	1, 900	462
4	Geared	2, 100	632
4½	Not geared	2, 300	495
4½	Geared	2, 500	665
5	Not geared	3, 200	649
5	Geared	3, 500	841
5½	Not geared	3, 500	704
5½	Geared	3, 800	896
7–B	Not geared	8, 800	1, 385
7–B	Geared	9, 300	1, 669
7, Not inclinable	Not geared	11, 000	1, 820
7, Not inclinable	Geared	11, 500	2, 079
7, Inclinable	Not geared	11, 000	1, 925
7, Inclinable	Geared	11, 500	2, 183

NIAGARA INCLINABLE POWER PRESSES, SERIES "A"

No.	Type	Weight	Price
		Pounds	
A–1¼	Not geared	500	$220
A–1½	do	750	265
A–1¾	do	1, 100	335
A–1¾	Geared	1, 200	455
A–2	Not geared	1, 500	420
A–2	Geared	1, 650	555
A–2¼	Not geared	2, 100	495
A–2¼	Geared	2, 300	650
A–2½	Not geared	2, 800	560
A–2½	Geared	3, 000	730
A–3	Not geared	4, 400	765
A–3	Geared	4, 700	995
A–3½	Not geared	6, 200	990
A–3½	Geared	6, 600	1, 265
A–3½	Not geared steel casting frame	8, 100	1, 105
A–3½	Geared steel casting frame	8, 500	1, 380
A–4	Not geared steel casting frame	8, 800	1, 660
A–4	Geared steel casting frame	9, 300	2, 000
A–4½	Not geared steel casting frame	11, 700	2, 295
A–4½	Geared steel casting frame	12, 500	2, 705
A–5	do	17, 000	3, 570
A–5½	do	22, 500	4, 470
A–6½	do	34, 000	6, 355

NIAGARA DOUBLE CRANK PRESSES—SERIES NO. 60

No.	Type	Weight	Price
		Pounds	
65–B	Not geared	4, 800	$1, 615
65–B	Single geared	5, 400	1, 845
65–BX	Not geared	5, 200	1, 712
65–BX	Single geared	5, 800	1, 942
65–C	Not geared	5, 600	1, 754
65–C	Single geared	6, 200	1, 984
65–D	Not geared	6, 500	1, 803
65–D	Single geared	7, 100	2, 033
65–E	Not geared	7, 500	1, 995
65–E	Single geared	8, 100	2, 166
65–B	Not geared	5, 500	1, 809
65–B	Single geared	6, 100	2, 039
65–BX	Not geared	5, 900	1, 900
65–BX	Single geared	6, 500	2, 130
65–C	Not geared	6, 300	1, 948
65–C	Single geared	6, 900	2, 178
65–D	Not geared	7, 200	1, 990
65–D	Single geared	7, 800	2, 220
65–E	Not geared	8, 200	2, 123
65–E	Single geared	8, 800	2, 353
66–H	Not geared	7, 600	1, 894
66–B	Single geared	8, 500	2, 160
66–BX	Not geared	8, 100	1, 984
66–BX	Single geared	9, 000	2, 251
66–C	Not geared	8, 800	2, 057
66–C	Single geared	9, 700	2, 323
66–D	Not geared	9, 900	2, 293
66–D	Single geared	10, 800	2, 559
66–E	Not geared	11, 400	2, 505
66–E	Single geared	12, 300	2, 771
66–F	do	14, 000	3, 043
66–B	Not geared	8, 400	2, 033
66–H	Single geared	9, 300	2, 269
66–BX	Not geared	8, 900	2, 160
66–BX	Single geared	9, 800	2, 426
66–C	Not geared	9, 600	2, 226
66–C	Single geared	10, 500	2, 493
66–D	Not geared	10, 700	2, 353
66–D	Single geared	11, 600	2, 620
66–E	Not geared	12, 200	2, 535
66–E	Single geared	13, 100	2, 801
66–F	do	14, 800	3, 007
67–B	Not geared	10, 500	2, 511
67–B	Single geared	11, 500	2, 813
67–BX	Not geared	10, 900	2, 601
67–BX	Single geared	12, 100	2, 904
67–C	Not geared	11, 500	2, 692
67–C	Single geared	12, 700	2, 995
67–D	Not geared	12, 900	2, 952
67–D	Single geared	14, 100	3, 255
67–E	Not geared	14, 400	3, 243

NIAGARA MACHINE & TOOL CO., BUFFALO, N. Y.—Continued

NIAGARA DOUBLE CRANK PRESSES—SERIES NO. 60—continued

No.	Type	Weight	Price
		Pounds	
67–E	Single geared	15, 600	$3, 545
67–F	do	17, 200	3, 890
67–B	Not geared	11, 300	2, 747
67–B	Single geared	12, 500	3, 049
67–BX	Not geared	11, 900	2, 843
67–BX	Single geared	13, 100	3, 146
67–C	Not geared	12, 500	2, 922
67–C	Single geared	13, 700	3, 225
67–D	Not geared	13, 900	3, 085
67–D	Single geared	15, 100	3, 388
67–E	Not geared	15, 400	3, 364
67–E	Single geared	16, 600	3, 666
67–F	do	18, 200	4, 017
67½–B	Not geared	13, 000	3, 037
67½–B	Single geared	14, 500	3, 340
67½–BX	Not geared	13, 800	3, 158
67½–BX	Single geared	15, 300	3, 461
67½–C	Not geared	14, 500	3, 279
67½–C	Single geared	16, 000	3, 582
67½–D	Not geared	16, 000	3, 582
67½–D	Single geared	17, 500	3, 884
67½–E	Not geared	17, 700	3, 809
67½–E	Single geared	19, 200	4, 193
67½–F	do	21, 000	4, 568
68–H	Not geared	17, 500	3, 275
68–B	Single geared	19, 500	3, 588
68–BX	Not geared	18, 400	3, 394
68–BX	Single geared	20, 400	3, 727
68–C	Not geared	19, 500	3, 527
68–C	Single geared	21, 500	3, 860
68–C	Double geared	22, 500	4, 283
68–D	Not geared	21, 800	3, 854
68–D	Single geared	23, 800	4, 187
68–D	Double geared	24, 800	4, 610
68–E	Not geared	24, 200	4, 217
68–E	Single geared	26, 200	4, 550
68–E	Double geared	27, 200	4, 973
68–F	Single geared	29, 000	5, 046
68–F	Double geared	30, 000	5, 469
68–G	Single geared	32, 000	5, 475
68–G	Double geared	33, 000	5, 899
69–B	Single geared	26, 000	4, 671
69–BX	do	27, 400	4, 900
69–C	do	29, 000	5, 118
69–C	Double geared	30, 500	5, 572
69–D	Single geared	32, 200	5, 832
69–D	Double geared	33, 700	6, 086
69–E	Single geared	36, 100	6, 201
69–E	Double geared	37, 600	6, 655
69–F	Single geared	40, 300	6, 842
69–F	Double geared	41, 800	7, 296
69–G	Single geared	45, 100	7, 484
69–G	Double geared	46, 600	7, 938
69–H	Single geared	50, 500	8, 077
69–H	Double geared	52, 000	8, 530
69–I	Single geared	56, 500	8, 705
69–I	Double geared	58, 000	9, 160
69–J	Single geared	60, 000	9, 281
69–J	Double geared	64, 500	9, 734
69–B	Single geared	21, 500	4, 961
69–BX	do	22, 500	5, 191
69–C	do	23, 500	5, 536
69–D	do	25, 500	5, 741
69–E	do	28, 500	6, 147
69–F	do	31, 500	6, 945
69–G	do	34, 500	7, 441
69–H	do	38, 000	8, 204
69–I	do	42, 000	8, 930
69–J	do	46, 000	10, 237
610–BX	do	35, 800	5, 657
610–BX	Double geared	37, 800	6, 141
610–C	Single geared	37, 800	5, 923
610–C	Double geared	39, 800	6, 407
610–D	Single geared	42, 000	6, 402
610–D	Double geared	44, 000	6, 976
610–E	Single geared	46, 500	7, 048
610–E	Double geared	48, 500	7, 532
610–F	Single geared	51, 500	7, 681
610–F	Double geared	53, 500	8, 065
610–G	do	59, 000	8, 803
610–H	do	65, 500	9, 589
610–I	do	72, 000	10, 364
612–C	Single geared	49, 500	7, 502
612–C	Double geared	52, 000	8, 046
612–D	Single geared	55, 500	8, 034
612–D	Double geared	58, 000	8, 579
612–E	Single geared	61, 500	8, 573
612–E	Double geared	64, 000	9, 117
612–F	Single geared	68, 000	9, 202
612–F	Double geared	70, 500	9, 807
612–G	Single geared	76, 000	9, 952
612–G	Double geared	79, 000	10, 497
612–H	do	87, 500	11, 326
612–I	do	97, 000	11, 943
615–D	do	73, 000	11, 174
615–E	do	80, 000	12, 094
615–F	do	89, 000	13, 165
615–G	do	98, 000	14, 387
615–H	do	108, 000	15, 458
615–I	do	119, 000	16, 674
615–J	Twin drive, double geared	131, 000	18, 065
615–K	do	144, 000	19, 136
620–D	do	92, 000	14, 236
620–E	do	101, 000	15, 153
620–F	do	110, 000	16, 377

NIAGARA MACHINE & TOOL CO., BUFFALO, N. Y.—Continued

NIAGARA DOUBLE CRANK PRESSES—SERIES NO. 60—continued

No.	Type	Weight	Price
		Pounds	
620-G	do	120,000	17,605
620-H	do	132,000	18,828
620-I	do	144,000	20,207
620-J	do	157,000	21,429
620-K	do	170,000	22,657
625-E	do	123,000	17,448
625-F	do	135,000	18,676
625-G	do	148,000	20,207
625-H	do	163,000	21,738
625-I	do	180,000	23,571
625-J	do	198,000	25,410
625-K	do	218,000	27,249

NIAGARA SINGLE CRANK PRESSES

Series No. 50

		Pounds	
54	Not geared	2,600	$986
54	Single geared	3,100	1,174
55	Not geared	3,900	1,307
55	Single geared	4,500	1,519
56	Not geared	5,700	1,682
56	Single geared	6,400	1,924
57	Not geared	8,200	2,130
57	Single geared	9,200	2,396
57½	Not geared	10,400	2,450
57½	Single geared	11,600	2,753
58	Not geared	16,300	3,152
58	Single geared	18,000	3,485
58	Double geared	19,500	3,908
59	Single geared	26,000	4,404
59	Double geared	28,000	4,979
510	Single geared	32,500	5,354
510	Double geared	36,000	5,959
512	Single geared	46,000	7,151
512	Double geared	51,000	7,817
515	Single geared	75,000	11,132
515	Double geared	78,000	11,676
520	Twin drive, double geared	92,000	13,552
525	do	117,000	16,008
530	do	145,000	18,452
535	do	176,000	21,659

Series No. 150

		Pounds	
155	Single geared	5,000	$1,767
156	do	6,500	2,238

W. H. NICHOLS & SONS, WALTHAM, MASS.

NICHOLS HAND MILLING MACHINE

Specifications

Table working surface	6½" x 21".
Table T slot, 5 standard measures	11/16.
Table travel, longitudinal, maximum	10".
Table travel, longitudinal, per setting of lever	6.
Table travel, transverse	7.
Table travel, vertical	13½.
Vertical movement of head	4½".
Spindle, hardened and ground, taper 3½" to foot	No. 40 MMS.
Spindle bearings	Timken precision roller.
Spindle speeds, 4, through dual V belts with sheaves (standard)	100, 200, 660, 1,200 r. p. m.
Weight of machine, regular equipment (approximate net pounds)	1,150.

Base price Nichols hand milling machine with regular equipment including ¾ hp. master geared head motor with drum reversing switch wired; machine light; coolant pots depth stop for head; graduated feed dials; micrometer table stops; set of wrenches; one hardened holder for ½" straight shank cutters; draw-in bolt; belt guard; one hardened arbor (either ⅝" or 1" diameter), $1,000.

Additional equipment

Addition of graduated feed screw to table	$27.50
Motor driven coolant pump (⅛ hp.) with piping and switch	77.00
Universal vertical milling attachment with No. 7 B. & S. taper in spindle and ½" adapter and drawbar	93.50
Arbors, hardened and ground, 5" shoulder to nut, with collars, either ⅝" or 1" diameter, each	25.00
Swivel vise, base graduated, hardened jaws, 1 piece body, with nuts, bolts, and washers, 5" width, 1¼" depth, 2¾" opening	50.00
Upright vise, 2 sizes, for keyseating cylindrical work:	
No. 1, work up to 2⅝" diameter	27.50
No. 2 work, from 2½" to 6" diameter	33.00
Plain vertical milling attachment as above	77.00

NORTON CO., WORCESTER, MASS.

NORTON GRINDING AND LAPPING MACHINES

Machine size	Weight	Price of standard arrangement with standard equipment but without motors	Price of standard arrangement with standard equipment with motors
	Pounds		
6" by 18" type C plain	5,700	$4,615	
6" by 20" type C plain	6,150	4,945	
10" by 18" type C plain	8,600	7,500	
10" by 36" type C plain	9,200	7,905	
10" by 48" type C plain	10,650	8,295	
10" by 72" type C plain	12,100	8,695	
10" by 96" type C plain	14,700	9,240	
10" by 120" type C plain	16,600	9,795	
14" by 36" type C plain	17,400	12,465	
14" by 48" type C plain	18,400	12,910	
14" by 72" type C plain	20,400	14,000	
14" by 96" type C plain	22,400	15,085	
14" by 120" type C plain	24,400	16,885	
16" by 36" type C plain	18,000	13,215	
16" by 48" type C plain	19,000	13,640	
16" by 72" type C plain	21,000	14,675	
16" by 96" type C plain	23,000	15,720	
16" by 120" type C plain	25,000	17,370	
14" by 36" type C roll	15,100	15,960	
14" by 48" type C roll	16,100	16,400	
14" by 72" type C roll	18,500	17,490	
14" by 96" type C roll	20,900	18,575	
14" by 120" type C roll	23,300	20,210	
14" by 144" type C roll	25,700	21,780	
14" by 168" type C roll	28,100	23,420	
16" by 36" type C roll	15,900	[1] 16,735	
16" by 48" type C roll	16,900	17,160	
16" by 72" type C roll	19,300	18,195	
16" by 96" type C roll	21,700	19,235	
16" by 120" type C roll	24,100	20,730	
16" by 144" type C roll	26,500	22,775	
16" by 168" type C roll	28,900	23,850	
10" by 36" C angular slide	8,500	7,475	
10" by 48" C angular slide	9,700	7,853	
10" by 72" C angular slide	11,100	8,195	
6" by 18" C semiautomatic	6,000	5,455	
6" by 36" C semiautomatic	6,500	5,785	
10" by 18" C semiautomatic	8,300	8,010	
10" by 36" C semiautomatic	9,600	8,415	
10" by 48" C semiautomatic	10,800	8,805	
5" by 26" Cam-O-Matic	12,400	12,440	
5" by 30" Cam-O-Matic	13,200	12,835	
5" by 36" Cam-O-Matic	13,800	13,330	
5" by 42" Cam-O-Matic	14,200	14,085	
12" by 32" D-86 crankpin gr	18,300	15,015	
12" by 42" D-86 crankpin gr	18,500	15,645	
12" by 62" D-86 crankpin gr	21,000	17,460	
12" by 72" D-86 crankpin gr	21,200	18,065	
23" x 26" type C Hi-Swing	13,700	[1] 11,137	
23" x 48" type C Hi-Swing	14,700	[1] 11,622	
23" x 72" type C Hi-Swing	16,700	[1] 12,107	
26" x 36" type C Hi-Swing	14,200	[1] 11,862	
26" x 48" type C Hi-Swing	15,200	[1] 12,347	
26" x 72" type C Hi-Swing	17,200	[1] 12,832	
18" x 72" type C autopart	12,600	8,880	
44" car wheel grinder	35,000	13,915	
16" and 40" x 96" C piston rod	23,800	16,025	
16" and 40" x 120" C piston rod	26,500	17,655	
16" and 40" x 144" C piston rod	29,200	19,290	
6" x 18" hydraulic surface	2,000	1,485	
10" x 24" hydraulic surface	6,600	4,990	
10" x 36" hydraulic surface	7,600	5,390	
10" x 48" hydraulic surface	8,600	5,700	
10" x 60" hydraulic surface	9,600	6,190	
12" x 24" hydraulic surface	10,000		$8,360
12" x 36" hydraulic surface	11,000		8,880
12" x 48" hydraulic surface	12,500		9,240
12" x 60" hydraulic surface	14,000		9,680
12" x 72" hydraulic surface	15,500		10,285
No. 1 universal tool and cutter	1,180		1,350
No. 2 universal tool and cutter	2,500		2,850
No. 2 cutter and tool	2,400		1,985
12" x 36" type C multipurpose	6,700		6,595
12" x 48" type C multipurpose	7,500		7,230
12" x 72" type C multipurpose	9,100		7,800
14" x 36" type C multipurpose	7,100		6,775
14" x 48" type C multipurpose	7,900		7,440
14" x 72" type C multipurpose	9,500		8,105
16" x 36" type C multipurpose	7,300		7,020
16" x 48" type C multipurpose	8,100		7,655
16" x 72" type C multipurpose	9,700		8,320
16" x 72" type C multipurpose	5,075		5,360
12" x 24" type LC multipurpose	5,500		5,925
12" x 36" type LC multipurpose	6,000		6,480
12" x 48" type LC multipurpose	6,950		7,670
12" x 72" type LC multipurpose	1,000	1,415	
No. 10–U vertical lapper	2,500	3,895	
No. 2–F vertical lapper	2,500	3,550	
No. 2–C vertical lapper	2,250	2,065	
No. 2–F hand lapper	8,500	6,700	
No. 26 hyprolap	3,600	11,985	
Type No. 30 Cam-O-Lap	2,700	10,615	
Type No. 30 Crank-O-Lap			
Type No. 40 Crank-O-Lap			
16" x 48"	5,200	13,575	
16" x 72"	6,200	13,940	

[1] Denotes price correction advised by manufacturer. Prices differ from those shown in first edition of Prices of New Machine Tools.

THE S. OBERMAYER CO., CHICAGO, ILL.

SPRUE CUTTERS

Foot power	$200.
Dimensions:	
Depth of throat from cutting edge	10½ inches.
Space up and down back of cutter	12 inches.
Height over all	5 feet.
Shipping weight	550 pounds.
Non-belt power	$400.
Dimensions:	
Depth of throat from cutting edge	12 inches.
Space up and down back of cutters	11½ inches.
Distance between cutters	1¼ inches.
Height of cutters from base	35 inches.
Height over all	5 x 4 inches.
Floor space	20 by 36 inches.
Shipping weight	1,250 pounds.
Power required	1 horsepower.

THE OHIO MACHINE TOOL CO., KENTON, OHIO

SHAPERS

[Prices do not include electrical equipment]

Size	Weight	Price
	Pounds	
18"	5,100	$3,350
20"	5,500	3,465
24"	8,200	4,330
28"	8,300	4,380
30"	8,450	4,565
30" extra heavy	9,500	5,000
36"	8,600	4,820
36" extra heavy	9,900	5,215
36" super-dread	11,500	6,050

PLANERS

	Pounds	
24" x 24" x 6' heavy	7,600	$4,500
30" x 30" x 6' standard	9,800	5,450
30" x 30" x 8' heavy	14,000	8,000
30" x 30" x 8' standard	15,000	8,800
38" x 38" x 8' heavy	24,000	11,500
42" x 42" x 10' standard	27,500	12,800
48" x 42" x 10' widened	29,500	14,200

MILLING MACHINES

Type	Size	Weight	Price
		Pounds	
Ohio Production Mill	36" table feed	8,300	[1] $8,000

[1] Denotes price correction advised by manufacturer. Differs from that shown in 1st edition of Prices of New Machine Tools.

HORIZONTAL BORING, DRILLING, AND MILLING MACHINE

Type	Weight	Price
	Pounds	
57–430 table type	36,200	$28,000
Extra for 48" x 72" table	500	500
Extra for 48" x 84" table	1,000	1,000
Extra for each additional 12" bed length	700	380
Extra for each additional 12" vertical travel	800	650
57–430–A table type	47,000	34,000
Extra for 60" x 96" table	600	580
Extra for 60" x 120" table	1,200	1,200
Extra for each additional 12" bed length	1,000	730
Extra for each additional 12" vertical travel	800	825
57–440–A table type	54,000	33,000
Extra for 48" x 72" table	1,400	450
Extra for 48" x 84" table	1,500	900
Extra for each 12" bed length	700	380
Extra for each additional 12" vertical travel	800	1,000
57–460–A table type	63,000	37,000
Extra for 60" x 96" table	1,200	1,300
Extra for 60" x 120" table	2,400	3,000
Extra for each additional 12" bed length	1,000	730
Extra for each additional 12" vertical travel	1,500	1,000
67–66–A table type	66,500	44,000
Extra for 60" x 96" table	1,200	1,300
Extra for 60" x 120" table	2,400	3,000
Extra for each additional 12" bed length	1,000	730
Extra for each additional 12" vertical travel	1,500	1,000
5F–420 floor type	25,900	18,750
For each 12" additional head travel	300	330
For each 12" additional column travel on runway	525	330
5–FA floor type	40,000	26,800
For each additional head travel of 12"	1,000	925
For each 12" additional column travel on runway	900	450
6–FA floor type	46,000	34,500
For each 12" additional head travel	1,000	1,000
For each 12" additional column travel on runway	1,500	880

THE OILGEAR CO., MILWAUKEE, WIS.

OILGEAR BROACHING MACHINES

Size	Capacity	Stroke	Net weight	Base price
	Pounds	*Inches*	*Pounds*	
Horizontal:				
XL–6	6,000	36	3,500	$2,145
XL–12	12,000	48	4,000	2,505
XL–20	20,000	56	5,700	3,355
XL–32	32,000	64	8,000	4,575
XL–50A	50,000	64	9,000	5,445
XL–50B	50,000	64	12,500	6,650
XL–75A	75,000	72	14,000	7,590
XL–75B	75,000	72	15,500	8,295
XL–100	100,000	72	18,000	10,890
Twin horizontal: XB–12	12,000	36	3,900	3,500
Cyclematic (vertical):				
XM–30 x 54	30,000	54	10,000	9,600
XM–50 x 66	50,000	66	24,000	13,800
XM–75 x 66	75,000	66	34,000	17,600
Single slide vertical surface:				
XS–6 x 30	6,000	30	6,500	4,700
XS–6 x 48	6,000	48	8,800	5,100
XS–10 x 42	10,000	42	11,000	8,400
XS–10 x 54	10,000	54	12,500	8,700
XS–20 x 42	20,000	42	13,000	6,540
XS–20 x 54	20,000	54	15,000	6,935
XS–20 x 66	20,000	66	17,000	7,450
XS–30 x 48	30,000	48	16,000	8,165
XS–30 x 66	30,000	66	18,000	9,165
XS–50 x 48	50,000	48	21,000	10,790
XS–50 x 66	50,000	66	24,000	12,170
Double slide vertical surface:				
XD–6 x 30	6,000	30	10,000	7,050
XD–6 x 48	6,000	48	12,500	7,655
XD–10 x 42	10,000	42	14,000	8,100
Double slide vertical surface:				
XD–10 x 54	10,000	54	16,000	8,450
XD–20 x 42	20,000	42	18,000	9,810
XD–20 x 54	20,000	54	20,500	10,405
XD–20 x 66	20,000	66	23,500	11,175
XD–30 x 48	30,000	48	24,500	12,245
XD–30 x 66	30,000	66	29,000	13,750
XD–50 x 48	50,000	48	29,200	16,185
XD–50 x 66	50,000	66	35,000	18,225
Pull-down (vertical):				
XP–10 x 30	10,000	30	7,600	$4,535
XP–10 x 54	10,000	54	12,000	5,010
XP–20 x 42	20,000	42	11,450	6,540
XP–20 x 66	20,000	66	17,300	7,450
XP–30 x 54	30,000	54	16,600	8,485
XP–30 x 66	30,000	66	19,600	9,165
XP–50 x 66	50,000	66	26,700	12,170
XP–75 x 66	75,000	66	30,000	15,375

OILGEAR PRESSES

Capacity (tons)	Stroke	Pump size	Net weight	Base price
	Inches	*Horsepower*	*Pounds*	
Type "PG" and "PGR" gooseneck:				
6	18	4	3,300	$1,775
6	18	8	3,500	1,990
10	18	8	3,800	2,015
10	18	12	4,000	2,140
15	18	12	4,500	2,340
15	18	20	5,000	2,570
20	18	12	5,550	2,615
20	18	20	6,000	2,845
25	18	12	6,500	2,700
25	18	20	7,000	2,935
Type "PR" gooseneck straightening:				
25	12	12	5,700	2,585
25	12	20	6,300	2,805
35	12	12	5,900	2,805
35	12	20	6,500	3,025
50	16	12	7,000	3,025
50	16	20	8,700	3,245
75	16	12	10,400	3,770
75	16	20	11,300	3,990
100	16	20	13,000	4,785
150	20	20	17,000	5,720
200	20	20	20,000	6,845
Type "PEC" sideplate:				
6	30	8	3,700	1,625
10	30	12	4,100	1,790
15	30	12	4,200	1,925
Type "PED" sideplate:				
6	30	8	3,900	1,815
10	30	12	4,300	2,015
15	30	12	4,400	2,130

OLIVER INSTRUMENT CO., F. O. B. ADRIAN, MICH.

FILING OR DIE-MAKING MACHINES

Prices and specifications

Style No.	Standard overarm	Standard table	Net weight	Price
			Pounds	
S-1 and S-4	8½" throat	10" square	{ S-1, 117 / S-4, 117 }	$125
SP-1 and SP-2	8½" throat	10" square	{ SP-1, 195 / SP-2, 195 }	150
P-4	14" throat	14" square	400	425
Heavy duty		14" square	680	650

Twist Drill Grinders

No. 21—Capacity, 3/32" to 1½" 2 lip drills. A special collet is available for increasing the capacity from 3/32" down to a No. 57 drill—

Weight—net weight with accessories and motor	pounds	150
Price		$295
No. 510—Capacity: ¼" to 3" and 2-3-4- lips: Weight—net without motor, 860 pounds; with motor	pounds	950
Price		$700

Axe Tool and Cutter Grinder

Capacity—Face mills up to 15" in diameter.		
Maximum distance between centers	inches	15
Swing of centers	do	8
Cross carriage travel	do	8
Angular adjustment of carriage		180°
Longitudinal adjustment of table	inches	10
Maximum distance between grinding wheel and tilting table	inches	7¼
Maximum distance between grinding wheel and base table	inches	16¾
Maximum horizontal travel of grinding unit	inches	10
Size of center table	do	3½ x 24
Net weight machine	pounds	1,090
Price		$930

Face Mill Grinders

No. 2 "Arc" face mill grinder: Capacity—6" to 26" in diameter.		
Weight—net including motor and electrical equipment	pounds	1,500
Price		$1,520
Automatic face mill grinder: Capacity—approximately 10" to 21" face mills.		
Price		$3,800

Drill Point Thinner

Capacity—1/16" to 3" in diameter, 2 lip drills.		
Weight—net	pounds	400
Price		$325

Tap Grinder

Price	$550

Template Tool Bit Grinder

Capacity—Tool bits up to ¾" square.		
Weight—Net	pounds	1,150
Price		$1,850

OSTER MANUFACTURING CO., CLEVELAND, OHIO

	Net weight (pounds)	Price
No. 410 sewer cleaning machine	165	$135

PIPE MACHINES—PRICES AND SPECIFICATIONS

Model No.	Standard range of pipe	Netweight	Price with 110-volt Universal motor
	Inches	*Pounds*	
412	½-4	150	$165.00
414	½-4	380	415.00
422	¾-2	140	117.00
502	¼-2	280	235.00
531	3/16-1¼	450	475.00
502	¼-2	425	410.00
4	1 -4	4,250	2,450.00
6A	½-6	6,000	2,925.00
8	2½-8	7,350	3,400.00
8B	2½-8	5,500	2,385.00
12	3½-12	12,500	5,750.00
12B	3½-12	7,775	3,650.00
302	¾- 2	780	660.00
304	1 - 4	1,170	880.00
326	1¼- 6	2,075	1,290.00
308	2½- 8	4,400	2,175.00
704	1 - 4	2,975	1,585.00
706	1 - 6	3,400	1,925.00
572	¾- 2	830	730.00

OSTER MANUFACTURING CO., CLEVELAND, OHIO—Continued

BOLT MACHINES

Model No.	Range of pipe or nipples	Range of bolts N. C. or Whitworth	Range of bolts N. F. or B. S. F.	Net weight, including 110-volt Universal motor	Price
	Inches	*Inches*	*Inches*	*Pounds*	
541	3/8-1¼	3/4a-1¼	3/4a-1½	925	$615
542	3/8-1¼	7/16-1½	3/4a-1½	925	690

NO. 601 HAND SCREW MACHINE

Automatic chuck capacity:		
Round bar	inches	1¼
Square bar	do	1 1/16
Hex bar	do	1 1/16
Swing over bed	do	14
Length of bed	do	33
Length of saddle	do	8
Length of cross slide	do	18 7/8
Net weight	pounds	1,750
Price		$1,725

	Weight	Price
	Pounds	
No. 825 chaser grinder	125	$215
Willie Williams pipe machine	535	295
No. 915 single spindle bolt machine	4,400	1,425
No. 915 double spindle bolt machine	5,850	2,270
No. 922 single spindle bolt machine	4,500	2,025
No. 922 double spindle bolt machine	6,000	3,025

PAWTUCKET MANUFACTURING CO., PAWTUCKET, R. I.

Upright bar shears:	
No. 1	[1] $1,725 / [2] 2,060
No. 2	[1] 1,100 / [2] 1,350
No. 3	[1] 850 / [2] 1,000
Forging machines:	
½"	[1] 2,500 / [2] 2,700
¾"	[1] 2,900 / [2] 3,200
⅞"	[1] 3,000 / [2] 3,300
1¼"	[1] 3,650 / [2] 4,000
1½"	[1] 4,600 / [2] 5,000

[1] Belt driven.
[2] Motor driven.

PAWTUCKET MANUFACTURING CO., PAWTUCKET, R. I.—Continued

Screw shaving machines:	
No. 0	850
No. 1	1,300
No. 1½	1,400
No. 2	1,800
Nut facers	1,850
Tools, for forging machine:	
½"	40
¾"	44
⅞"	50
1¼"	75
1½"	110
Collets for shavers:	
No. 0	17
No. 1	18
Size 1½"	20
No. 2	32

FEDRICK TOOL AND MACHINE COMPANY, PHILADELPHIA, PA.

FEDRICK BENDING MACHINES (ALL MODELS)

Hand machines:	
Model A without forms and shoes 1" standard weight	$768
Model B without forms and shoes	720
Motor driven machines:	
Model C without forms and shoes 2" extra heavy	1,200
Model C-2 without forms and shoes 3"	[3] 1,725
Model D without forms and shoes 4"	[4] 1,500
Model E without forms and shoes 6"	6,000
Model E-2 without forms and shoes 6" extra heavy	7,500
Forms and shoes extra as follows:	

Pipe size (inches)	Standard radius	Price [illegible]
	Inches	
¼	1	$84
⅜	1	16
½	2½	18
⅝	2½	22
¾	3	44
1	4	48
1¼	5	60
1½	6	80
2	8	120
2½	10	160
3	11	200
3½	12	240
4	15	280
4½	20	320
5	25	360
6	28	405

[3] Model B-1 was made of welded steel and due to the possibility to secure same it has been substituted for the duration for the model C.
[4] Model C-2 has been substituted for the C-1; because construction, but same price.
[5] Model D-1 is substituted for duration due to impossibility to secure steel plate (welded).

Automatic double disk grinders: 20", $4,200; 30", $4,650

PEERLESS MACHINE CO., RACINE, WIS.

METAL SAWING MACHINES

Peerless Standard Type

Description	6" x 6"		9" x 9"		13" x 16"		13" x 16"	
	Weight	Price	Weight	Price	Weight	Price	Weight	Price
	Pounds		*Pounds*		*Pounds*		*Pounds*	
Single speed, belt drive	750	$275	1,150	$505	1,750	$725		
Single speed, motor mountings	800	315	1,245	535	1,800	760		
Single speed, AC motor drive	920	415	1,345	635	1,900	865		
Single speed, DC motor drive	920	500	1,345	700	1,900	930		
3 speed, belt drive	950	370						
3 speed, belt drive			1,290	605	1,950	825	3,220	$1,165
6 speed, belt drive	1,015	410						
3 speed, motor mountings			1,360	635	2,000	860	3,225	1,200
6 speed, motor mountings			1,460	735	2,110	965	3,340	1,305
6 speed, AC motor drive			1,460	800	2,110	1,030	3,340	1,370
6 speed, DC motor drive								
3 speed, AC motor drive	1,125	810						
3 speed, DC motor drive	1,125	895						

PEERLESS MACHINE CO., RACINE, WIS.—Continued

METAL SAWING MACHINES—continued

Peerless Improved Universal Type

Description	6" x 6"		10" x 10"		13" x 13"	
	Weight	Price	Weight	Price	Weight	Price
	Pounds		*Pounds*		*Pounds*	
Belt driven	900	$500	2,075	$980	3,100	$1,265
Motor driven, customer's motor and starter	1,000	580	2,175	1,010	3,200	1,295
Motor driven, AC	1,000	600	2,175	1,080	3,200	1,370
Motor driven, DC	1,000	685	2,175	1,165	3,200	1,460

	Weight	Price
	Pounds	
Peerless universal No. 2 portable pipe cutting and threading machine	360	$285
Peerless vertical type heavy duty metal sawing machine:		
Plain	5,300	3,245
With AC motor	5,400	3,335
With DC motor	5,400	3,465

Peerless High Duty Type Hydraulic Type Metal Sawing Machine

Description	6½" x 6½"		10" x 10"		14" x 14"	
	Weight	Price	Weight	Price	Weight	Price
	Pounds		*Pounds*		*Pounds*	
Without motor	2,070	$960	2,830	$1,580	4,030	$2,085
With AC motor	2,170	1,045	2,930	1,665	4,150	2,175
With DC motor	2,170	1,130	2,930	1,750	4,150	2,270
With customer's motor	2,170	980	2,930	1,600	4,150	2,105

Peerless High Duty Type Hydraulic Feed Metal Sawing Machine With Hydraulically Operated Automatic Bar Feed

Description	6" x 6"		9" x 9"	
	Weight	Price	Weight	Price
	Pounds		*Pounds*	
Without motor	3,325	$1,550	4,760	$2,425
With customer's motor	3,425	1,570	4,880	2,445
With AC motor	3,425	1,635	4,880	2,515
With DC motor	3,425	1,720	4,880	2,610

Peerless Dry Cut Type

Description	4½" x 4½" Capacity			
	Belt driven		Motor driven	
	Weight	Price	Weight	Price
	Pounds		*Pounds*	
AC current			235	$170
DC current			235	175
AC current, 208 volts	200	$110	235	175

PERKINS MACHINE CO., WARREN, MASS.

MODEL A PRESSES

No.	Prices	
	Plain drive	Geared
1	$115	$175
1[1]	175	
1[2]	210	
2	150	230
3	280	410
4	475	525
5	585	690
6	825	995
7	1,125	1,325
8	1,425	1,650
9	2,200	2,500

[1] 12 inch throat.
[2] 15 inch throat.

PERKINS MACHINE CO., WARREN, MASS.—Con.

MODEL B PRESSES

Model No.	Prices		
	Plain drive	Geared	"V" belt motor drive plain or geared including motor support, sheave and belts
100B	$150	$185	$30
100B spec.	175	210	
200B	235	290	40
200B		420	
300B	285	350	45
350B	435	525	50
355B	485	575	50
400B	625	735	60
500B	825	975	70
600B	1,325	1,500	80
700B	1,825	2,250	90
800B	2,250	2,850	100

Standard junior including motor	$105
Standard junior—"E" with motor	105
No. 6 La Foot press	65
No. 7 La Foot press	115
No. 3 model K screw press	125
No. 4 model K screw press	190
No. 7II special	1,675

THE PETTINGELL MACHINE COMPANY, AMESBURY, MASS.

Description:	Price
Regular size automatic power hammer, 33" throat	$195
Extra large automatic power hammer, 39" throat	295
Motorized hammer with motor (bracket type), 33" throat	485
Motorized hammer with motor (bracket type), 40" throat	525
Motorized hammer with motor (pedestal type)	510
Hammer with mallet base and steel dies	330
Combination hammer (1 top arm, 2 lower arms)	330
Regular power bender, folder and cutter, 10" throat	310
Friction drive rotary cutting shear, 60" throat	425
Electric rotary shear, 60" throat	675
Friction drive rotary cutting shear, 30" throat	365
Electric rotary cutting shear, 30" throat	625
Extra heavy rotary trimming cutter, 10" throat	650
Heavy type electric rotary shear	800
Special rotary trimming cutter, 30" throat	365
Electric rotary trimming cutter	625
Electric table moulder	125

POPZ MACHINERY COMPANY, HAVERHILL, MASS.

PYRAMID TYPE BENDING ROLLS (3 ROLLS)—PRICES AND SPECIFICATIONS

Capacity (inches)	Length	Diameter upper roll	Base weight	Price (base machine)
	Feet	*Inches*	*Pounds*	
¼	6	6½	5,850	$2,050
	8	7½	8,000	2,600
	10	8	10,000	3,000
	12	10	14,500	4,300
⅜	6	7½	6,500	2,112
	8	9	9,000	2,700
	10	10	13,000	3,900
	12	12	20,000	5,600
½	6	8	10,000	3,280
	8	10	15,200	4,560
	10	12	25,300	7,250
	12	13	27,400	7,950
	14	14	35,500	9,940
	16	15	44,600	12,000
	18	16	50,700	13,150
	20	17	57,800	15,000
	22	18	69,100	17,250
	24	20	88,500	22,125
	26	22	115,200	28,800
	28	24	180,100	37,500
	30	26	179,900	45,000
⅝	6	10	15,000	4,080
	8	12	22,300	6,250
	10	13	26,400	7,400
	12	14	32,000	8,650
	14	15	41,500	10,875
	16	16	47,600	11,900
	18	17	54,500	13,825
	20	18	68,300	17,000
	22	19	81,700	20,400
	24	21	102,100	25,500
	26	23	130,100	32,500
	28	25	157,000	39,000
	30	27	187,500	46,500
¾	6	12	18,900	5,675
	8	13	24,900	7,050
	10	14	29,800	8,345
	12	15	40,500	10,935
	14	16	45,500	11,830
	16	17	51,300	12,825
	18	18	63,500	17,800
	20	20	81,500	20,350
¾	22	22	102,000	25,500
	24	24	127,600	31,900
	26	26	156,500	39,000
	28	28	202,300	50,000
	30	30	238,200	59,500
⅞	8	14	27,500	8,250
	10	15	35,500	10,300
	12	16	41,800	11,700
	14	17	47,000	12,935
	16	18	60,500	15,725
	18	20	76,800	19,200
	20	22	105,000	26,200
	22	24	127,800	31,700
	24	26	154,000	38,500
	26	28	189,700	47,500
	28	30	233,100	58,000
	30	32	288,900	72,000
1	6	15	32,500	9,750
	10	16	38,500	10,065
	12	17	46,500	13,000
	14	18	56,500	15,250
	16	20	72,500	18,850
	18	22	95,000	23,700
	20	24	120,000	30,000
	22	26	150,400	37,500
	24	28	187,500	46,750
	26	30	227,700	56,500
	28	33	282,900	70,000
	30	36	347,600	86,000
	32	40	400,000	100,000
	34	44	480,000	120,000

STRAIGHTENING ROLLS (7 ROLLS)—PRICES AND SPECIFICATIONS

Capacity (inches)	Length	Diameter upper roll	Weight	Price (base machine)
	Feet	*Inches*	*Pounds*	
½	4	8	45,000	$13,000
	6	10	52,000	15,000
	8	12	60,000	17,500
	10	13	70,000	20,000
	12	14	83,000	23,500
¾	8	14	77,000	20,500
	10	15	82,000	23,000
	12	16	96,000	26,000
1	10	17	100,000	33,000
	12	18	120,000	39,000

PORTER-McLEOD MACHINE TOOL CO., INC., HATFIELD, MASS.

PORTER-MCLEOD COLD-METAL SAWING MACHINES

Swing carriage type—8" round stock capacity

[Blade 20" diameter is standard, 18" to 20" may be used]

8-inch standard machine including oil pump with ¼ hp. motor, blade speed 54 feet per minute. Friction feed 0" to 3" per minute. Manual clamping equipment, silent chain drive, but without main drive motor $3,000.00
Extra for 5 hp. 1,800 r. p. m. constant speed motor, starter and push-button station. 100.00
Extra for adjustable clamp beam 75.00
Extra for 20" diameter high-speed inserted tooth blades 129.20

8-inch machine having variable speeds and feeds:
Blade speed 28 feet; 0.86", 1.22", and 1.72" feed per minute.
Blade speed 54 feet; 1.63", 2.33", and 3.26" feed per minute.
Blade speed 108 feet; 3.26", 4.66", and 6.52" feed per minute.
And including oil pump with its motor, manual clamping equipment silent chain drive, but without main drive motor 3,700.00
Extra for 7½ hp., 1,800 r. p. m. constant speed motor, starter and push-button station. 125.00
Extra for adjustable clamp beam 75.00

PORTER-McLEOD MACHINE TOOL CO., INC., HATFIELD, MASS.—Continued

PORTER-MCLEOD COLD-METAL SAWING MACHINES—continued

Swing carriage type—8" round stock capacity—Continued

Hydraulic clamping, including hydraulic cylinder, clamp beam, adjusting screw and handwheel, hydraulic pump giving pressures up to 1,000 pounds per square inch on clamping piston, 1½ hp. motor, operating valve control, gage and starter complete $1,200.00
Stock feed tables, hand feed up to 250.00
Chain feed with multiple fixtures for production work up to 750.00
Short end fixtures for production work, multiples, no burrs. Prices quoted on application.

PORTER-MCLEOD 1" CAPACITY WET ABRASIVE CUTTING-OFF MACHINE

No. 2A bench-type machine, without electrical equipment, mounted on pedestal tank base, complete with impeller pump, motor and strainer mounted inside the pedestal with necessary piping and throttle valve mounted 625.00
Extra for mounting 1½ hp. 220-, 440-, or 550-volt, 60-cycle, 3-phase, 1,800 r. p. m. motor with manual starter mounted on front of the base 66.00
Extra for magnetic starter in place of manual type. 12.00
Extra for single-phase motor 10.00

PORTER-McLEOD 16-INCH GEARED HEAD, SINGLE PULLEY DRIVE, 12 SPEED, SCREW CUTTING, ENGINE LATHES

[Arranged for motor drive, without electrical equipment]

	16" x 6'	16" x 7'	16" x 8'	16" x 10'
Including large motor leg under headstock, and small cabinet leg under tailstock and chip pan	$3,000	$3,090	$3,180	$3,360
Extra for taper attachment	100	100	100	100
Extra for draw in chuck and one collet	15	15	15	15
Extra for fitting chuck plate to chuck	100	100	100	100
Extra for 3 hp. standard voltage motor including magnetic switch and push-button station, mounted and wired	120	120	120	120
Extra for 5 hp. standard voltage motor including magnetic switch and push-button station, mounted and wired				

POTTER & JOHNSON MACHINE CO., PAWTUCKET, R. I.

AUTOMATIC TURRET LATHES

Type	Swing over bed	Swing over cross slide	Distance between spindle centers	Price
	Inches	*Inches*	*Inches*	
4-D	21	10	.....	$5,775
5-D	25	12	.....	7,480
6-DRE [1]	34½	21	.....	8,760
6-DREL [1]	34½	21	.....	9,915
5-D-2-F [2]	2	11½	16½	8,377
5-D-2-3 [3]	2	13	15½	10,010
5-D-2E [4]	2	18¾	15½	10,560

[1] Includes electric power reverse.
[2] 6-inch.
[3] 12-inch.
[4] 15-inch.

PRATT & WHITNEY, WEST HARTFORD, CONN.

Machine	Weight	Base price with motor, not furnished without
	Pounds	
Peep Hole Drill Sharpener	100	$1,515
1B Drilling Machine, 2-spindle:		
½B x 30"	6,200	7,670
½B x 50"	6,940	8,060
1B 2-spindle Reaming Machine:		
1B x 30"	5,780	7,415
1B x 50"	6,460	7,800
1B Chambering Machine:		
½B x 30"	4,060	8,700
½B x 50"	4,800	8,980
1B 2-spindle Rifling Machine:		
½B x 30"	6,160	11,225
½B x 50"	7,880	11,500
1B Drilling Machine:		
1B x 50"	8,020	9,865
1B x 74"	8,640	10,345
1B x 98"	9,200	10,890
1B Reaming Machine:		
1B x 50"	8,320	9,335
1B x 74"	8,920	9,800
1B x 98"	9,360	10,235
1B 6-spindle Reaming Machine:		A
1B x 50"	10,400	15,970A

PRATT & WHITNEY, WEST HARTFORD, CONN.—Con.

Machine	Weight	Base price with motor, not furnished without
	Pounds	
1B Rifling Machine:		
1B x 50"	10,750	13,125
1B x 74"	11,500	13,550
1B x 98"	12,250	14,000
Jig Borers:		
1½B Jig Borer	4,125	5,245
2A Jig Borer:		
24" x 30"	8,175	8,150
36" x 44"	9,440	9,150
3B Jig Borers: 24" x 54"	14,960	13,750
3C Universal Bench Miller with bench and motor drive complete	850	1,340
Bench Lathes—with bench and motor drive complete:		
7" x 16"	655	965
10" x 20"	707	1,025
2B Universal Die Sinker: 0 to 31½"	7,930	6,930
2B Plain Die Sinker	5,325	4,640
3B Universal Die Sinker	12,750	8,900
3B Plain Die Sinker	8,250	5,575
Hydraulic Vertical Surface Grinders:		
36"	12,500	7,800
60"	14,400	9,040
Gear Grinders:		
9"	5,620	7,350
10"	8,410	9,100
10" 2-wheel Grinder	10,250	14,225
Model C Thread Miller:		
4½" x 12"	2,780	4,700
4½" x 36"	3,520	5,225
6" x 20"	4,750	6,065
6" x 60"	5,850	6,435
6" x 180"	7,150	7,670
6" x 120"	8,400	8,425
12B Vertical Miller and Profiler:		
Single spindle 14" x 18"	3,850	3,600
Double spindle 14" x 18"	4,475	4,160
Bench Shaver	1,600	3,740
Contour Cutter Grinder	700	3,925
1½ Drilling Machine:		
1½ x 37"	10,000	12,100
1½ x 61"	12,275	13,200
1½ x 81"	13,540	14,300
1½ x 105"	16,070	15,260
1½B Rifling Machine:		
1½ x 37"	.....	14,000
1½ x 61"	.....	15,150
1½ x 81"	.....	16,250
1½ x 105"	.....	17,350

PRATT & WHITNEY, WEST HARTFORD, CONN.—Con.

Machine	Weight	Base price	
		With motor and starter	Without motor
	Pounds		
Model C Toolroom Lathe:			
12" x 30"	2,680	$3,817	$3,710
12" x 54"	3,200	3,997	3,880
14" x 30"	4,120	3,984	3,865
14" x 54"	4,700	4,124	4,005
14" x 78"	4,725	4,274	4,150
16" x 30"	4,200	4,644	4,520
16" x 54"	4,650	4,849	4,695
16" x 78"	5,900	5,004	4,850
Vertical Shapers:			
6"	5,140	4,817	4,700
12"	8,850	6,828	6,720
30" Vertical Miller and Profiler:			
Single spindle 24" x 30"	5,460	6,774	6,685
Double spindle 24" x 30"	5,500	7,204	7,175

Machine	Weight including fixture	Base price with motor not furnished without	Future
	Pounds		
Keller Cutter and Radius Grinder:			
R-6	815	$1,647	.....
R-8	815	1,827	.....
Keller Automatic Die Cutting Machine:			
Type E-6	5,840	5,150	.....
Type E-63	6,000	6,000	.....
Keller Automatic Bottle Mold Cutting Machine:			
No. 542	7,685	7,400	.....
No. 543	7,985	8,100	.....
Keller Machine, types G and GG:			
Type G	5,460	6,215	$80
Type GG	5,500	7,315	80
Keller Machine, type BL:			
BL-2416 Single Spindle	8,610	10,470	870
BL-2416 3-Spindle Belt	8,810	12,100	870
BL-2416 3-Spindle Geared	8,810	12,980	870
BL-2420 Single Spindle	9,180	11,220	930
BL-2420 3-Spindle Geared	9,400	14,190	1,140
BL-3020 Single Spindle	9,700	12,420	930
BL-3020 3-Spindle Geared	10,000	15,180	1,140
Keller Machine, type BG:			
BG-1-482	24,500	17,600	1,100
BG-1-483	25,500	18,800	1,265
BG-1-602	27,800	18,200	1,485
BG-1-603	29,200	19,400	1,700
BG-2-724	52,000	26,600	3,740
BG-2-1085	61,800	30,800	4,400
BG-2-1205	65,800	31,700	4,620

Obsolete models	*Equivalents*
Centering: 4"—2 spindle	Sundstrand.
Die sinker:	
No. 2	$1,000.
No. 3	$1,000.
Drills: Multiple spindle	National Automatic Tool Co.
Grinders (cylindrical):	
5 x 30	Fitchburg Grinding Machine Co.
6 x 48	6 x 32.
Grinders (vert. surface):	
14"	Pratt & Whitney Co.
22"	$14,500.
Rotary table type	O. S. Walker.
Milling:	
Automatics:	
No. 5 and No. 8	Sunstrand No. 6 Hyd. Feed—$1,749.
No. 10	Cincinnati Plain Auto. No. 1-12.
No. 12	$4,000.
Cam	Brew.
Duplex	Sundstrand Duplex.
Hand:	
No. 2	Standard Eng. Works—$550.
No. 10	U. S. Machine Tool Co.
No. 2 Horizontal Pl. (power feed)	Kempsmith No. 1 plain.
Lincoln Type	Gooley & Eddins.
Spline Miller:	
2"	Taylor & Fenn 2".
4"	Taylor & Fenn 6".
Thread Mills:	
6" and 14"	Pratt & Whitney 6" & 2".
12" and 48"	$7,000.
Turret lathes:	
1¼" x 18"	Foster No. 5 (screw machine).
No. 2⅝"	Warner & Swasey No. 1—$2,150.
1" x 33"	Foster No. 3.
2½" belt drive	Foster No. 7.
2"	Foster No. 5 universal.
Flat turret lathes	Jones & Lamson.
Planers	See list of equivalents.

[1] Does not include cutters.
[2] Includes column for mounting.

QUICKSILVER WHITING, HARVEY, ILL.

Model No.	Price
Shear No. 7A	$1,660
Shear No. 9A	1,660
Shear No. 10A	1,970
Shear No. 19A	2,310
Shear No. 20A	2,860
Shear No. 21A	3,295
Shear No. 25A	3,480
Shear No. 26A	5,075
Shear No. 27A	6,400
Shear No. 34A	9,480
Shear No. 35A	13,640
Shear No. 40A	3,200
Shear No. 90A	1,402
Stamping trimmer [1]	1,726
Standard light hammer [1]	2,364
Standard large hammer [1]	
Heavy duty hammer	

[1] Does not include cutters.
[2] Includes column for mounting.

RACINE TOOL & MACHINE CO., RACINE, WIS.

HIGH SPEED GRAVITY FEED MACHINES

Model No.	Capacity: Rated	Capacity: Actual	Capacity: At 45°	Prices: Belt driven	Prices: Belt driven, universal transmission	Prices: Arranged for motor drive, without electrical equipment	Prices: Motor driven (less motor and starter)	Prices: Arranged for motor driven, 3-speed transmission without motor	Prices: Motor driven 3-speed transmission, and standard motor
1	6" x 6"	(Solid vise, 6¾" x 6¾"; (Swivel vise, 4¾" x 4¾"	1¼"	{ 1 $220	{ 4 $300	3X $305	3 $335	5X $385	5 $415
2	6" x 6"				A 335	B X 390	H 390	CX 440	C 470
7	12" x 12"	(Solid vise, 12¾" x 12¾"; (Swivel vise, 12¾" x 10")	3"	A 545	A 590	B X 620	H 610	CX 640	C 690
9	12" x 16"		11"	A 605	A 670	B X 620	H 670	CX 700	C 730
10	9" x 9"	(Swivel vise, 6" x 6"		A 490	A 490	B X 445	H 515	525	C 575

[1] Extra for magnetic push button control AC $15, DC $40.
[2] With manual safety switch.

SAWS—HYDRAULIC FEED HEAVY DUTY EQUIPPED WITH BUILT-IN 3-SPEED TRANSMISSION

Model No.	Capacity: Rated	Capacity: Actual	Prices: Belt driven	Prices: Arranged for motor without motor	Prices: Complete with standard motor and push-button control
30	10" x 10"	10" x 11"	{ A $1,195	CX $1,285	C $1,350
31	12" x 12"	13" x 13"	A 1,380	CX 1,440	C 1,535
32	10" x 16"	10" x 16½"	A 1,380	CX 1,440	C 1,535
33	12" x 16"	13" x 16⅝"	A 1,570	CX 1,630	C 1,725
34	10" x 20"	10" x 22"	A 1,630	CX 1,690	C 1,785
35	14" x 20"	14" x 22"	A 1,820	CX 1,880	C 1,975

[1] Special 10" x 13" capacity 5% for these machines, add $95.

THE PROVIDENCE MACHINE CO., HARRISBURG, CONN.

Model No.	Price
No. 1 Producto gear cutter	$1,775
No. 2 Producto gear cutter	2,174
No. 3 Producto gear cutter	3,400
No. 0 Producto gear cutter	2,800
No. 0 automatic miller (Producto)	3,700
No. 734 automatic miller (Producto)	9,000
No. 44 automatic miller (Producto)	7,500
No. 50 automatic miller (Producto)	

PROVIDENCE ENGINEERING WORKS, INC., PROVIDENCE, R. I.

DRILLING MACHINES

Prices Models 11 16-Inch and K 24-Inch

Machine No.	Number of spindles	Distance between spindles	Motor drives: Motors and equipment as listed, type B	Motor drives: Motors and fully wired, type C	Motor drives: Motors and fully wired, type V
		Inches			
11-1	1	9	$450	$450	$800
11-2	2	18	740	740	845
11-23	3	13½	810	810	920
11-24	3	18	1,060	1,060	1,360
11-35	3	18	1,190	1,190	1,490
11-43	4	9	1,380	1,380	1,690
11-46	4	12	1,450	1,450	1,690
11-45	4	18	1,630	1,630	1,770
11-56	5	9	1,655	1,655	2,170
11-6	6	9	1,725	2,025	2,450
K-1	1		2,025	490	490
K-2	2		825	825	540
K-23	3		855	855	660
K-3	3	13½	1,150	1,210	1,010
K-34	3	18	1,210	1,280	1,350
K-33	4	9	1,280	1,495	1,490
K-43	4	12	1,495	1,655	1,745
K-45	4	18	1,655	1,780	1,905
K-46	5	9	1,780	1,950	2,060
K-5	5	13½	1,950	2,145	2,360
K-56	5	18	2,145		
K-6	6	9			

Prices, Models E (Bench Type) and F (Floor Type) 14-Inch Machines

Machine No.	Number of spindles	Distance between spindles	Working surface of tables	Weights	Price, including motor fully wired
		Inches		*Pounds*	
F1V	1	7	12" x 14"	225	$850
F2V	2	7	12" x 21"	425	640
F23V	2	14	12" x 28"	460	680
F33V	3	14	12" x 28"	625	970
E33V	3	10½	12" x 42"	670	1,010
E43V	4	14	12" x 42"	760	1,210
E45V	4	10½	12" x 42"	815	1,260
E55V	5	14	12" x 42"	950	1,495
E56V	5	8¾	12" x 42"	950	1,540
F1V	1	7	12" x 49"	1,000	1,105
F2V	2	7	12" x 49"	1,130	1,800
F23V	2	14	12" x 49"	400	900
F33V	3	14	12" x 49"	735	1,040
F34V	3	10½	12" x 49"	745	1,110
F43V	4	14	12" x 49"	850	1,040
F45V	4	10½	12" x 49"	915	1,110
F44V	4	8¾	12" x 49"	1,035	1,180
F55V	5	14	12" x 49"	1,050	1,440
F54V	5	10½	12" x 49"	1,220	1,520
F56V	6	14	12" x 49"	1,300	1,720
F5V	5	7	12" x 49"	1,350	1,680
F6V	6	7	12" x 49"	1,435	1,720
F66V	6	8¾	12" x 49"	1,485	2,000

RACINE—TOOL & MACHINE CO., RACINE, WIS.—Continued

SHEAR CUT PRODUCTION SAWS POSITIVE-PROGRESSIVE SCREW FEED

Capacity		Prices			
Rated	Actual	Belt driven, single speed	Belt driven, three speeds	Arranged for motor 3-speed transmission, without motor	Motor driven, 3-speed transmission, standard motor, push button control
	Solid vise				
6" x 6" [1]	6⅝" x 6⅜"	$600	$655	$675	$760
8" x 9"	[2] 8¾" x 9¾"	715	770	790	875

[1] For these machines in 7½" x 7½" capacity, $75.
[2] With quick acting swivel vise 8¼" x 4½".

RACINE "OIL-CUT" HYDRAULIC MACHINE HYDRAULIC FEED AND PRESSURE

Rated capacity—6" x 6"—actual capacity 6⅜" rated capacity at 45° 4" 6⅜".

No. 6-C. 3-speed motor driven with standard motor and enclosed manual starter with thermal overload protection $625
Extra for push-button control with a. c. motors, built-in type, with overload and low voltage protection 15
No. 6-CX. Same as above, arranged for motor without motor or electrical equipment. Includes cast iron adjustable motor mounting base, bolted to rear of machine base, cast iron safety guard, motor sheave pulley and three "V" belts 365
No. 6-A. Belt driven and equipped with cast iron adjustable belt guard 525

RACINE UTILITY SAW (HYDRAULIC) DRY CUT

[Capacity—rated 6" x 6", actual 6⅜" x 6⅜" at 45°, 6⅜" x 1"]

No. D-3. Single speed, belt driven $190
No. D-3HX. Two speeds, arranged for motor without motor 250

RACINE UTILITY SAW (HYDRAULIC) DRY CUT—con.

No. D-3H. Two speeds, complete with our standard motor $295
(Includes safety manual switch, with overload protection.)
Extra for magnetic push-button control (AC) 65

RACINE UTILITY SAW (HYDRAULIC) WET CUT

[Capacity—rated 6" x 6", actual 6⅜" x 6⅜" at 45° 6⅜" x 4"]

No. W-3. Single speed, belt driven $305
No. W-3HX. Two speeds, arranged for motor without motor 365
No. W-3H. Two speeds, complete with our standard motor 415
(Includes manual safety switch with overload protection.)
Extra for equipping with 3-speed sliding gear transmission 65

RACINE DUPLEX BAND SAW

[Capacity 14", Capacity under guide, Nos. 12 and 13, 6": No. 14, 5"; Nos 12-A, 13-A, 14-A, 3"]

No. 12. Single speed, solid table $185
No. 13. Two speeds, solid table 225
No. 14. Two speeds, table and vise sliding on ball bearings, gravity feed 265

RASMUSSEN MACHINE CO., INC., RACINE, WIS.

SAW MORE METAL CUTTING MACHINE

Model	Capacity	Arranged for motor without motor		Standard motor,[1] starter and push button station	
		Weight	Price	Weight	Price
	Inches	*Pounds*		*Pounds*	
Model V [1] manual:					
6 VP	6 x 6	1,470	$600	1,550	$660
10 VP	10 x 10	1,630	850	1,750	950
Model V automatic:					
6 VA	6 x 6	2,205	950	2,335	1,039
10 VA	10 x 10	2,315	1,240	2,445	1,329
Model GB [2] manual:					
6 BP	6 x 6	1,470	670	1,550	759
10 BP	10 x 10	1,630	960	1,750	1,049
Model GB [3] automatic:					
6 BA	6 x 6	2,205	1,055	2,335	1,144
10 BA	10 x 10	2,315	1,345	2,445	1,434

[1] Model V has standard starter. All others have magnetic starter.
[2] Model V manual includes—3-spee l silent V-belt transmission, without automatic bar feed but with cabinet base, quick acting swivel vise, swivel on base to 45° for angle cutting.
Model G B manual—4-speed, gear box transmission instead of 3-speed silent V-belt transmission. Otherwise the same as model V manual.
[3] Model V automatic machine—3-speed silent V-belt transmission, with 12-foot full automatic bar feed carrier. Cabinet base, quick acting swivel vise, swivel on base to 45° for angle cutting.
Model GB automatic machine—4-speed gear box transmission instead of 3-speed silent V-belt transmission. Otherwise same as model V automatic.

REED PRENTICE CORP., WORCESTER, MASS.

LATHES

Size	8-speed headstock		10-speed headstock		Extra 2' of bed
	Weight	Price	Weight	Price	
	Pounds		*Pounds*		
Engine:					
14" A A	3,500	$2,955	3,600	$3,050	$123
16" A A	3,850	3,325	3,950	3,425	136
20" A	4,600	4,109	4,750	4,283	152
Tool room:					
14" B	3,700	3,432	3,800	3,527	145
16" B	4,000	3,808	4,100	3,910	158

VERTICAL MILLING MACHINES

Model	Weight	Price	Model	Weight	Price
	Pounds			*Pounds*	
2V	1,650	$1,550	5	11,500	$11,957
3VG	2,850	3,681	6	18,500	18,124
3VGS	4,795	4,575			

No. 5 combination jig boring and vertical milling machine $13,409
Weight ..... pounds.. 10,500

BECKER VERTICAL MILLING MACHINE PRICES

Model No.	Drive	Feeds		Power		Weight	Price, new
		Long	Cross	V. knee	V. head		
		Inches	*Inches*	*Inches*	*Inches*	*Pounds*	
1	Cone					900	800
2	do	12	11	16	2	1,000	950
2H	do	16	8	16	2	1,345	1,300
2A	do	P19	11	16	3	1,360	1,350
3	do	P21	12	17	3½	1,900	1,750
3H	do	27	10	17	3½	1,940	1,950
4B	do	P28	14	19	5	2,540	3,000
AB	Gear box	P32	P14	P4	P4	3,234	3,500
5	Cone	39	14	(1)	(1)	5,000	4,000
5B	do	P42	P12	12	P4	4,500	4,450
50	do	P54	P16	18	P8¾	5,000	4,750
B	Gear box	P36	P14	12	P4	5,200	5,000
C	do	P43	P15½	P15	P8¾	7,700	6,250
C1	do	P55	P15½	P15	P8¾	7,800	6,500
C2	do	P68	P15½	P15	P8¾	8,700	7,000
6	Cone	P62	P20	P22	P12	8,400	8,000

[1] Vertical travel 7 inches.

REID BROTHERS CO., INC., BEVERLY, MASS.

	Weight	Price
	Pounds	
Reid No. 2-1 surface grinder, arranged for motor drive, without motor	1,350	$750
Reid No. 2-1 surface grinder, belt drive, including countershaft	1,350	750
Reid No. 2-2 surface grinder, arranged for motor drive, without motor	1,550	925
Reid No. 2-2 surface grinder, belt drive, including countershaft	1,550	925
Reid No. 2-3 surface grinder, arranged for motor drive, without motor	1,200	800
Reid No. 2-3 surface grinder, belt drive, including countershaft	1,200	800

RHODES MACHINE CO., LYNN, MASS.

PROFILER

1B $880

RICKERT-SHAFER CO., ERIE, PA.

Model	Weight	Price
	Pounds	
Model 2 HT hand threading and tapping machine		$550
Single spindle, light duty, semiautomatic threading machine		2,400
Single spindle, heavy duty, semiautomatic threading machine		2,700
Double spindle, semiautomatic threading machine		3,740
Die head and tap chaser grinders		375

RICKERT-SHAFER CO., ERIE, PA.—Continued

BELT DRIVEN, HORIZONTAL

Size	Bench type	Column—with motor bracket		Column-oil feed—with motor bracket	
3/16"	$37.50	$55	$60		
5/32"	42.50	65	75		
¼"	90.00	125	140	$150	$165
5/16"	105.00	140	155	165	180

BELT[1] DRIVEN, VERTICAL

Size	Without motor bracket	With motor bracket
¼"	$150	$165
½"	425	440

MOTOR[1] DRIVEN, HORIZONTAL

Size	Bench	Pedestal
3/16"	$49.50	
5/16"	59.50	$82

[1] Prices include ¼ hp., 60 cycle, 110 volt, single-phase, 1,725 r. p. m. motor with switch, cord and plug.

REVETT LATHE AND GRINDER, INC., BOSTON, MASS.

GRINDERS

No. 104 with internal bracket and spindle	$2,400
No. 104 with internal-external turret and spindles	2,875

Specifications

Grinding capacity, internal—diameter smallest to maximum	3"
Grinding capacity, external—diameter smallest to maximum	3"
	8"
Center distance using tailstock flush	
Net weight, with motors and interior or exterior bracket, approximate ..... pounds	1,650
Net weight with motors and interior-exterior turret, approximate ..... pounds	1,850
No. 112 universal grinder with internal and external spindles	$4,350
No. 112 universal grinder with internal spindle	$3,800
No. 112 universal grinder with external spindle	$4,000
Grinding capacity, hole diameter	½" to 8"
Grinding capacity, outside diameter	Up to 8"
Automatic table travel	½" to 8"
Net weight—with motors and internal or external spindle ..... pounds	3,700

ROCKFORD IRON WORKS, ROCKFORD, ILL.—Continued

Our No. 5½ geared press has a 1" diameter crankshaft, with 5¼" pin; all other specifications have the same as our No. 5R.

"B" press direct motor drive, pinion, or V-belt	$22.00
No. 1R direct motor drive, pinion, or V-belt	38.50
No. 2R direct motor drive, pinion, or V-belt	44.00
No. 3R direct motor drive, pinion, or V-belt	49.50
No. 4R direct motor drive, pinion, or V-belt	$55.00
No. 5R direct motor drive, pinion, or V-belt	60.50
No. 5½R direct motor drive, pinion, or V-belt	60.50
No. 6R direct motor drive, pinion, or V-belt	66.00
No. 6½R direct motor drive, pinion, or V-belt	66.00
No. 7R pinion	71.50
No. 8R	82.50

Horning Press	Weight	Flywheel without table	Extra for table	Weight	Geared without table	Extra for table
	Pounds			*Pounds*		
No. 22R	2,500	$385.00	$121.00	2,750	$627.00	$121.00
No. 23R	3,800	638.00	137.50	4,100	896.50	137.50
No. 24R	6,500	940.50	176.00	7,200	1,210.00	176.00
No. 25½R	9,000	1,402.50	275.00	10,000	1,644.50	275.00
No. 26R	10,200	2,255.00	330.00	12,000	2,585.00	330.00

ROCKFORD MACHINE TOOL CO., ROCKFORD, ILL.

HY-DRAULIC SHAPER PRICES

12" Shaper	$2,540
16" Shaper	3,080
20" Shaper	3,255
24" Standard Shaper	3,450
24" Heavy Shaper	3,930
28" Standard Shaper	4,115
36" Openside Shaper	5,325

HY-DRAULIC SHAPER-PLANER PRICES

24" x 24" x 66"	10,225
24" x 24" x 90"	10,840
24" x 24" x120"	11,615
24" x 24" x144"	12,220

HY-DRAULIC PLANER PRICES

36" x 36" x 10' Openside Planer	15,730
Each 2 feet to table length Planer	1,330
36" x 36" x 10' Double Housing Planer	17,300
Each 2 feet to table length	1,350
42" x 42" x 10' Openside Planer	17,700
Each 2 feet to table length	1,450
42" x 42" x 10' Double Housing Planer	18,995
Each 2 feet to table travel	1,450

ADDITIONS TO PREVIOUS PRICES

Type	Weight	Price
	Pounds	
20" Rockford Hy-Draulic Slotter	34,000	$18,150

TYPES DISCONTINUED BECAUSE OF EMERGENCY

48" x 48" x 10' Openside Hy-Draulic Planer	*Pounds* 42,000	$22,385
Each 2' additional table length		1,570
48" x 48" x 10' Double Housing Hy-Draulic Planer	46,000	20,570
Each 2' additional table length		1,570

ROCKFORD MACHINE TOOL CO., ROCKFORD, ILL.—Con.

TYPES DISCONTINUED PREVIOUS TO PRESENT EMERGENCY

[These gear-driven shapers of obsolete type were discontinued and not replaced in regular production. Prices given are as of January 1st, 1937]

Type machine	Approximate weight	1937 price
	Pounds	
16" Mechanical Shaper	4,100	$1,950
20" Standard Shaper	4,200	2,040
20" Heavy Duty Shaper	4,800	2,150
24" Standard Shaper	4,900	2,250
24" Heavy Duty Shaper	6,200	2,450
28" Standard Shaper	6,250	2,575

ROGERS MACHINE WORKS, INC., ALFRED, N. Y.

ROGERS VERTICAL TURRET LATHE

36 inch vertical turret lathe with side head, price, $4,850; weight, 7,600 pounds.

THE ROWBOTTOM MACHINE CO., WATERBURY, CONN.

Model No. 325, Rowbottom cam milling machine complete with standard A.C. motors	$6,000
Net f. o. b. Waterbury, Conn.; weight of standard machine without skids 7,552 pounds.	
Attachments available:	
High speed milling	300
Cam grinding	550
Cross feed	700
Swinging arm milling	725
Uniform rise	300

LATHES—PRICES AND SPECIFICATIONS

Style No.	Swing over bed diameter	Length of bed	Distance between centers tail stock flush	Net weight[1]	Prices	
					⅝" collet capacity	1" collet capacity
	Inches	*Inches*	*Inches*	*Pounds*		
505 precision bronze bearing open head bench lathe	8"	38¼"	20"	200	$275	$300
608 precision back geared screw cutting lathe [2]	8¼"	40"	18¼"	350	1,260	1,385
918 ball bearing bench lathe	9"	30½"	18"	400		450

[1] Net weight, standard attachments, mount and drive.
[2] With change gears.

DISCONTINUED MODELS

No. 3 grinder, discontinued in 1910; approximate net weight, 900 pounds	$600
No. 103 grinder, discontinued in 1925; approximate net weight, 1,150 pounds	1,200
No. 6 grinder, discontinued in 1916; approximate net weight, 2,200 pounds	1,200
No. 106 grinder, discontinued in 1925; approximate net weight, 3,000 pounds	1,800

ROCKFORD IRON WORKS, ROCKFORD, ILL.

[Rockford Ironworks]

NEW ROCKFORD INCLINABLE PRESSES

	Weight	Flywheel	Weight	Geared
	Pounds		*Pounds*	
"A" Press	350	$66.00		
"B" Press with legs	350	165.00		
"B" Press without legs		154.00		
No. 1R	1,275	308.00	1,350	$511.50
No. 2R	1,800	423.50	2,100	665.50
No. 3R	2,900	528.00	3,400	786.50
No. 4R	4,500	726.00	4,750	995.50
No. 5R	7,600	1,116.50	8,750	1,325.50
No. 5½R	7,700	1,149.50	8,900	1,391.50
No. 6R	9,700	1,331.00	10,700	1,633.50
No. 6½R	8,100	1,496.00	8,700	1,798.50
No. 7R	18,500	2,420.00	20,000	2,783.00
No. 8R	24,000	3,025.00	25,600	3,509.00

ROYERSFORD FOUNDRY & MACHINE CO., ROYERSFORD, PA.

EXCELSIOR SENSITIVE DRILLS

Model	Price
10", including column	$40
14" with countershaft	76
14" arranged for motor drive but without motor	92
14" ball bearing throughout with countershaft	110
14" ball bearing throughout, arranged for motor drive but without motor	140

EXCELSIOR DRILLS

21" plain	$202
21" wheel and lever	222
21" wheel and lever with automatic stop	232
21" back geared, power feed, automatic stop	240
21" motor drive, backgeared, not including motor	275

EXCELSIOR FOOT PRESSES

10	$64
12	76
15	88
18	100
20	216
25	264
30 vertical adjustable bed	400

EXCELSIOR GRINDERS

Model:	Price
0 Babbitted bearings, with countershaft	$36
1 Babbitted bearings, with countershaft	50
2 Babbitted bearings, with countershaft	63
3 Babbitted bearings, with countershaft	84
4 Babbitted bearings, with countershaft	108
5 Special low grinder, babbitted bearings	66
8 Special low grinder, ball bearings	96
8B Ball bearing polisher, machine only	78
8B Ball bearing polisher, head only	72
9 Grinding and buffing wheel stand, with countershaft	44
Heavy foundry grinder	175
Oblique grinder and polisher	100
Polisher	38

ROYERSFORD FOUNDRY & MACHINE CO., ROYERSFORD, PA.—Continued

HACK SAWS

	Price
2A power, hack saw, belt driven	$80
M2A Power hack saw, motor drive, not including motor	96

W. J. SAVAGE CO., KNOXVILLE, TENN.

SAVAGE NIBBLING MACHINES—NIBBLER TYPE

Size	Capacity	Weight	Price with standard equipment and AC motor
	Inch	*Pounds*	
No. 109	1/4	125	$300
No. 218	3/16	1,250	590
No. 130	1/8	1,500	640
No. 212	5/16	1,350	745
No. 236	1/4	3,000	965
No. 336	3/8	4,000	1,052
No. 412	1/2	2,500	952

ROLLER DIE TYPE

		Pounds	
No. 1	1/4	2,700	$1,015
No. 2	3/8	4,700	1,825
No. 3	3/4	7,800	2,550

WM. SELLERS & CO., INC., PHILADELPHIA, PA.

THE FOLLOWING PRICES ARE EXCLUSIVE OF MOTORS

Machine	Type	Size	Weight	Base price	Additional length per 2 feet	Additional vertical, per 1 foot
			Pounds			
Horizontal Boring, Drilling, and Milling	Table	4"	28,000	$17,820	$495	$550
	do	5"	40,000	22,770	525	660
	Floor	5"	36,150	20,570	525	660
	Table	6"	51,500	26,510	590	715
	Floor	6"	43,000	22,770	580	715
Planer	Double housing	48" x 48" x 10'	42,500	14,520	760	
	do	60" x 60" x 12'	75,000	19,600	950	
	do	72" x 72" x 12'	84,000	24,805	1,080	
	Open side	60" x 60" x 12'	90,000	24,445	990	
	do	48" x 48" x 10'	54,000	17,425	830	
Boring and Turning Mill	Vertical	10'	133,000	52,500		
	do	12'	193,000	68,250		
	do	14'	210,000	73,500		
	do	16'	233,000	77,000		

THE FOLLOWING PRICES INCLUDE MOTORS

Drill Grinder	Dry	1/16" to 1/2"	100	$285		
	do	1/2" to 3"	1,100	980		
Tool Grinder	Wet	2" x 15"	2,700	2,410		
	do	2 1/2" x 2"	4,900	3,810		

THE SEBASTIAN LATHE COMPANY, CINCINNATI, OHIO

Type	Description	Swing—bed 12" x 4'	14" x 6'	16" x 6'	18" x 6'	20" x 8'
H	3-phase, 50 or 60 cycle, 220—400—440—or 550 volt	$1,795	$2,420	$2,445	$3,045	$3,190
H	115 or 230 volt d. c	1,870	2,580	2,605	3,235	3,380
H	Motor and switch furnished us for fitting	1,755	2,370	2,395	2,970	3,115
H	Not motor drive but arranged for single friction pulley drive	1,710	2,310	2,335	2,895	3,040
	Extra for additional 2' of bed	80	100	100	120	120

Regular equipment.—Large face plate—small face plate—2 centers—wrenches—chip pan—steady rest—depth threading stop—threading dial—lever control for start and stop of friction pulley mounted on headstock with brake action for quick stop.

[All orders subject to acceptance by the Sebastian Lathe Co. All prices net crated f. o. b. cars, Cincinnati, Ohio. (See extra for export boxing and delivery New York)]

Type	Description	Swing—bed 12" x 4'	14" x 6'	16" x 6'	18" x 6'	20" x 8'
H	3-phase, 50 or 60 cycle, 220—400—440—or 550 volt	$1,795	$2,420	$2,445	$3,045	$3,190
H	115 or 230 volt d. c	1,870	2,580	2,605	3,235	3,380
H	Motor and switch furnished us for fitting	1,755	2,370	2,395	2,970	3,115
H	Not motor drive but arranged for single friction pulley drive	1,710	2,310	2,335	2,895	3,040
	Extra 2' of bed	80	100	100	120	120

NOTE.—All prices on motor-driven lathes (except where noted) include motor, reversing switch, and wiring.

SENECA FALLS MACHINE COMPANY, SENECA FALLS, N. Y.—Continued

STAR ENGINE LATHES—continued

Rated swing	Distance between centers 24"	36"	48"	60"	84"
14-inch special tool room lathe—actual swing 14⅛ inches					
C. Gear	1,164	1,179		1,223	1,265
Extra for Oil Pan	29	33		42	46
(Bed length is 36 inches more than center distance.)					
Ball bearing throughout with countershaft			7.75	7.75	
Ball bearing throughout, arranged for motor drive but without motor			7.75	7.75	
Lever collet, 5/16" to 3/8"			7.75		
Lever collet, 3/8" to 7/16"			7.75		
Lever collet, 7/16" to 1/2"			7.75		
Lever collet, 1/2" to 9/16"			7.75		
Lever collet, 9/16" to 5/8"			7.75		
Lever collet, 5/8" to 3/4"			7.75		
Lever collet, 3/4" to 13/16"			7.75		
Lever collet, 13/16" to 7/8"			7.75		
Lever collet, 7/8" to 15/16"			7.75		
Lever collet, 15/16" to 1"			7.75		
Lever collet, 1" to 1 1/16"			7.75		
Lever collet, 1 1/16" to 1 1/8"			7.75		
Lever collet, 1 1/8" to 1 3/16"			7.75		
Lever collet, 1 3/16" to 1 1/4"			7.75		
Lever collet, 1 1/4" to 1 5/16"			7.75		
Lever collet, 1 5/16" to 1 3/8"			7.75		
Lever collet, 1 3/8" to 1 7/16"			7.75		
Lever collet, 1 7/16" to 1 1/2"			7.75		
Square collet, 5/16" to 3/8"			7.75		
Square collet, 3/8" to 7/16"			7.75		
Square collet, 7/16" to 1/2"			7.75		
Square collet, 1/2" to 9/16"			7.75		
Square collet, 9/16" to 5/8"			7.75		
Square collet, 5/8" to 3/4"			7.75		
Square collet, 3/4" to 13/16"			7.75		
Square collet, 13/16" to 7/8"			7.75		
Square collet, 7/8" to 15/16"			7.75		
Square collet, 15/16" to 1"			7.75		
Square collet, 1" to 1 1/16"			7.75		
Square collet, 1 1/16" to 1 1/8"			7.75		
Square collet, 1 1/8" to 1 3/16"			7.75		
Square collet, 1 3/16" to 1 1/4"			7.75		
Square collet, 1 1/4" to 1 5/16"			7.75		
Square collet, 1 5/16" to 1 3/8"			7.75		
Square collet, 1 3/8" to 1 7/16"			7.75		
Square collet, 1 7/16" to 1 1/2"			7.75		
Lever collet, 1/2" to 9/16"	each		7.75		
Lever collet, 9/16" to 5/8"	each		7.75		
Lever collet, 5/8" to 3/4"	each		7.75		
Lever collet, 3/4" to 13/16"	each		7.75		
Lever collet, 13/16" to 7/8"	each		7.75		
Lever collet, 7/8" to 15/16"	each		7.75		
Lever collet, 15/16" to 1"	each		7.75		
Lever collet, 1" to 1 1/16"	each		7.75		
Lever collet, 1 1/16" to 1 1/8"	each		7.75		
Lever collet, 1 1/8" to 1 3/16"	each		7.75		
Lever collet, 1 3/16" to 1 1/4"	each		7.75		
Lever collet, 1 1/4" to 1 5/16"	each		7.75		
Lever collet, 1 5/16" to 1 3/8"	each		7.75		
Lever collet, 1 3/8" to 1 7/16"	each		7.75		
Lever collet, 1 7/16" to 1 1/2"	each		7.75		
Headstock collet attachment			6.50		
Square collet attachment complete			9.00		
Lever collet attachment complete			9.00		
Motor and gear-cutting attachment complete			341.00	412.00	
Vertical feed column and vise			116.00	137.00	153.00
Swivel for rear tool (without motor)			(1)	(1)	(1)
Swivel for rear tool (without motor) extra			(1)	(1)	(1)
Motor drive (without motor) extra			146.00	178.00	235.00
Coolant pump and piping			46.00	49.00	49.00
Reducing attachment				247.00	316.00
Taper attachment			110.00	137.00	174.00
Thread indicator or chasing dial			12.75	13.25	14.75

Rated swing	Distance between centers 10 inches	12 inches	14 inches
Power chuck and 1 round collet	$40.00	$57.00	$73.00
Lever collet chuck and 1 round collet	73.00	84.00	105.00
Square collet chuck, lever with 1 round collet			
Square collets (6 sizes)	each	5.00	5.00
Round collets (6 sizes)	each	7.75	7.75
Square 3/16" to 3/8"	do	7.75	7.75
Square 7/16" to 9/16"	do		
Square 5/8" to 3/4"	do		
Square 13/16" to 1"	do		
Square 1 1/16" to 1 1/4"	do		
Square 1 5/16" to 1 1/2"	do		
Motor and gear-cutting attachment complete		285.00	341.00
Vertical feed column and vise		116.00	137.00
Swivel for rear tool (without motor)		(1)	(1)
Swivel for rear tool (without motor) extra		(1)	(1)
Motor drive (without motor) extra		146.00	178.00
Coolant pump and piping		46.00	49.00
Reducing attachment			247.00
Taper attachment		110.00	137.00
Thread indicator or chasing dial		12.75	13.25

SENECA FALLS MACHINE COMPANY, SENECA FALLS, N. Y.

[All prices cover machines crated f. o. b. Seneca Falls, N. Y.]

STAR ENGINE LATHES

Rated swing	Distance between centers 24"	30"	48"	60"	84"
10 Inches—Actual Swing 10⅛ Inches					
Plain Change Gear	$464	$481			
Extra for Quick Change Gear Box	42	42			
Extra for Oil Pan	17	19			
(Bed length is 22 inches more than center distance.)					
12 Inches—Actual Swing 12⅛ Inches					
Plain Change Gear	520	537	$559	$585	
Extra for Quick Change Gear Box	65	65	65	65	
Extra for Oil Pan	25	29	36	41	
(Bed length is 28 inches more than center distance.)					
14 Inches—Actual Swing 14⅛ Inches					
Plain Change Gear	768	792		841	$888
Extra for Quick Change Gear Box	80	80		80	80
Extra for Oil Pan	32	37		46	73
(Bed length is 36 inches more than center distance.)					
12 Inch by 18-inch Gap with Bridge—Actual Swing 12⅛ Inches by 18⅛ Inches					
Plain Change Gear		649	673	697	
Extra for Quick Change Gear Box		65	65	65	
Extra for Oil Pan		29	36	41	
(Bed length is 28 inches more than center distance.)					
14 Inch by 21-inch Gap with Bridge—Actual Swing 14⅛ Inches by 21⅛ Inches					
Plain Change Gear		937		975	1,072
Extra for Quick Change Gear Box		80		80	80
Extra for Oil Pan		37		46	
(Bed length is 36 inches more than center distance.)					

See notes at end of table.

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.—Continued

SHELDON 12-INCH WITH BELT-DRIVE COUNTERSHAFT

Number 1	Center distance	Weight crated	Semi-quick change gear box	Full quick change gear box
	Inches	*Pounds*		
1224-GTFC	24	555	$456	$506
1224-GTPC	24	575	481	531
1224-GTWC	36	595	506	556
1224-GTFC	36	610	531	581
1224-WFC	24	550	505	555
1224-WPC	24	585	530	580
1224-WTC	36	570	555	605
1236-WFC	36	610	581	631
1236-WPC	48	630	606	656
1236-WTC	48	645	631	681
1248-GFC	48	700	661	711
1248-GPC	48	710	686	736
1248-GTC	48	750	686	736
1248-WFC				
1248-WPC				
1248-WTC				

SHELDON 12-INCH WITH HEADSTOCK MOTOR DRIVE ATTACHMENT

Number 1	Center distance	Weight crated	Semi-quick change gear box	Full quick change gear box
	Inches	*Pounds*		
1221-GBM	21	850	$501	$551
1221-GFM	24	925	526	576
1221-GPM	24	975	531	581
1236-GBM	36	910	581	631
1236-GFM	36	985	606	656
1236-GPM	36	1,035	631	681
1221-WBM	21	835	556	606
1221-WFM	24	935	576	626
1221-WPM	24	975	581	631
1236-WBM	36	920	606	656
1236-WFM	36	1,000	631	681
1236-WPM	36	1,040	656	706
1248-GBM	48	1,000	661	711
1248-GFM	48	1,100	686	736
1248-GPM	48	1,140	711	761
1248-WBM	48	1,080	686	736
1248-WFM	48	1,150	686	736
1248-WPM	48	1,190	711	761

If any 12-inch lathe above is desired with a maximum collet capacity of 1 inch, add $50 to the price of the lathe desired.

SHELDON CABINET BASE UNDERDRIVE LATHES

[Less motor]

Number	Apron	Gear box, quick change	Approximate weight	Price
			Lb.	
E-1020 G	Plain	Semi	610	$405
E-1020 GQ	do	Full	665	455
E-1020 W	Power cross feed	Semi	645	450
E-1020 WQ	do	Full	700	500
U-1020 G	Plain	Semi	670	490
U-1020 GQ	do	Full	725	540
U-1020 W	Power cross feed	Semi	705	535
U-1020 WQ	do	Full	760	585
E-1026 G	Plain	Semi	675	421
E-1026 GQ	do	Full	730	471
E-1026 W	Power cross feed	Semi	705	466
E-1026 WQ	do	Full	760	516
U-1026 G	Plain	Semi	725	508
U-1026 GQ	do	Full	780	558
U-1026 W	Power cross feed	Semi	760	553
U-1026 WQ	do	Full	815	603
U-1042 G	Plain	Semi	780	583
U-1042 GQ	do	Full	835	633
U-1042 W	Power cross feed	Semi	815	628
U-1042 WQ	do	Full	870	678

11-inch lathes

E-1124 G	Plain	Semi	755	$575
E-1124 GQ	do	Full	810	625
E-1124 W	Power cross feed	Semi	790	625
E-1124 WQ	do	Full	845	675
U-1124 G	Plain	Semi	805	693
U-1124 GQ	do	Full	860	743
U-1124 W	Power cross feed	Semi	840	743
U-1124 WQ	do	Full	895	793
E-1136 G	Plain	Semi	780	683
E-1136 GQ	do	Full	835	733
E-1136 W	Power cross feed	Semi	815	733
E-1136 WQ	do	Full	870	783
U-1136 G	Plain	Semi	830	801
U-1136 GQ	do	Full	885	851
U-1136 W	Power cross feed	Semi	865	851
U-1136 WQ	do	Full	920	901
E-1148 G	Plain	Semi	805	747
E-1148 GQ	do	Full	860	797
E-1148 W	Power cross feed	Semi	840	797
E-1148 WQ	do	Full	895	847
U-1148 G	Plain	Semi	855	872
U-1148 GQ	do	Full	910	922
U-1148 W	Power cross feed	Semi	890	922
U-1148 WQ	do	Full	945	972

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.—Continued

SHELDON 10-INCH WITH MOTOR-DRIVE ATTACHMENT

Number 1	Center distance	Weight crated	Semi-quick change gear box	Full quick change gear box
	Inches	*Pounds*		
1020-BM	20	425	$360	$410
1020-BMW	20	440	365	435
1020-FM	20	475	396	460
1020-FMW	20	490	401	465
1020-PM	20	475	396	460
1020-PMW	20	490	401	465
1026-BM	26	495	384	434
1026-BMW	26	510	389	439
1026-FM	26	540	422	490
1026-FMW	26	555	427	495
1026-PM	26	540	422	490
1026-PMW	26	555	427	495
1042-BM	42	580	386	436
1042-BMW	42	605	403	483
1042-FM	42	665	436	504
1042-FMW	42	680	441	509
1042-PM	42	665	436	504
1042-PMW	42	680	441	509

SHELDON 10-INCH WITH BELT-DRIVE COUNTERSHAFT

1124-GTC	24	485	$390	$410
1124-GTFC	24	525	385	435
1130-GTC	30	510	390	440
1130-GTFC	30	550	405	455
1124-WTC	24	460	410	460
1124-WTFC	24	500	425	475
1136-WTC	36	640	470	520
1136-WTFC	36	680	530	580
1148-WTC	48	650	495	545
1148-WTFC	48			

SHELDON 11-INCH WITH HEADSTOCK MOTOR DRIVE ATTACHMENT

1124-GBM	24	525	$400	$450
1124-GFM	24	575	425	475
1136-GBM	36	570	420	480
1136-GFM	36	640	455	505
1124-WBM	24	510	450	500
1124-WFM	24	540	475	525
1136-WBM	36	580	505	555
1136-WFM	36	650	540	590
1148-GBM	48	640	490	540
1148-GFM	48	690	515	565
1148-WBM	48	720	550	600
1148-WFM	48	780	585	635

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.

Lathes

SHELDON 10-INCH BELT DRIVE WITH COUNTERSHAFT

Number 1	Center distance	Weight crated	Semi-quick change gear box	Full quick change gear box
	Inches	*Pounds*		
1020-TC (W)	20	350	$264	$314
1020-FC (W)	20	360	309	359
1020-PC (W)	20	400	334	384
1026-TC (W)	26	380	280	330
1026-FC (W)	26	420	325	375
1026-PC (W)	26	460	353	403
1042-TC (W)	42	415	327	377
1042-FC (W)	42	450	368	418
1042-PC (W)	42	490	393	443
1026-TCW	26	465	343	393
1026-FCW	26	505	386	436
1042-TCW	42	465	396	446
1042-FCW	42	515	423	473
1042-PCW	42	550	397	447

Equipment

Chuck and 1 round collet

Lever collet chuck, lever with 1 round collet

Square collets (6 sizes)

Round collets (6 sizes)

Square 3/16" to 3/8"

Square 7/16" to 9/16"

Square 5/8" to 3/4"

Square 13/16" to 1"

Square 1 1/16" to 1 1/4"

Square 1 5/16" to 1 1/2"

Motor and gear-cutting attachment complete

Vertical feed column and vise

Swivel for rear tool (without motor)

Swivel for rear tool (without motor) extra

Motor drive (without motor) extra

Coolant pump and piping

Reducing attachment

Taper attachment

Thread indicator or chasing dial

1—same price as countershaft drive.

SHELDON LOW-SWING LATHES

Each Low-Swing lathe with geared head (all head gears oil-immersed) is equipped with heat-treated alloy steel gears, hardened, ground and shaved; Timken tapered roller bearings throughout; automatic carriage-stop system; tailstock head-locking device; tailstock centers; suitable wrenches and screwdriver. Bed arranged with shelf for fitting automatic chuck square attachment.

Capacity:

Price

Inches between centers $4,190

Inches between centers 5,820

Inches between centers 7,205

Inches between centers 8,760

ADDITIONAL EQUIPMENT

Tread leg and plate for mounting motor on rear of bed, including "V" belts, guards, or top

Chain drive, either mounting (including sprocket and chain), and oil-tight chain case

Coolant pump and piping

Semi-quick power-feed carriage

Full quick power-feed carriage

Semi-quick power-feed carriage

Full quick power-feed carriage

Each facing attachment to mount on carriage for countersinking 0 inch to 8 inches, hand operated

Each single-tool block only, straight or offset slide

Taper attachment complete

Tungsten 12-inch blank

Single template, taper only, not form

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.

Lathes

SHELDON 10-INCH BELT DRIVE WITH COUNTERSHAFT

Number 1	Center distance	Weight crated	Semi-quick change gear box	Full quick change gear box
	Inches	*Pounds*		
1020-TC (W)	20	350	$264	$314
1020-FC (W)	20	360	309	359
1020-PC (W)	20	400	334	384
1026-TC (W)	26	380	280	330
1026-FC (W)	26	420	325	375
1026-PC (W)	26	460	353	403
1042-TC (W)	42	415	327	377
1042-FC (W)	42	450	368	418
1042-PC (W)	42	490	393	443
1026-TCW	26	465	343	393
1026-FCW	26	505	386	436
1042-TCW	42	465	396	446
1042-FCW	42	515	423	473
1042-PCW	42	550	397	447

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.—Continued

SHELDON 10-INCH WITH MOTOR-DRIVE ATTACHMENT

Number 1	Center distance	Weight crated	Semi-quick change gear box	Full quick change gear box
	Inches	*Pounds*		
1020-BM	20	425	$360	$410
1020-BMW	20	440	365	435
1020-FM	20	475	396	460
1020-FMW	20	490	401	465
1020-PM	20	475	396	460
1020-PMW	20	490	401	465
1026-BM	26	495	384	434
1026-BMW	26	510	389	439
1026-FM	26	540	422	490
1026-FMW	26	555	427	495
1026-PM	26	540	422	490
1026-PMW	26	555	427	495
1042-BM	42	580	386	436
1042-BMW	42	605	403	483
1042-FM	42	665	436	504
1042-FMW	42	680	441	509
1042-PM	42	665	436	504
1042-PMW	42	680	441	509

SHELDON 10-INCH WITH BELT-DRIVE COUNTERSHAFT

1124-GTC	24	485	$390	$410
1124-GTFC	24	525	385	435
1130-GTC	30	510	390	440
1130-GTFC	30	550	405	455
1124-WTC	24	460	410	460
1124-WTFC	24	500	425	475
1136-WTC	36	640	470	520
1136-WTFC	36	680	530	580
1148-WTC	48	650	495	545
1148-WTFC	48			

SHELDON 11-INCH WITH HEADSTOCK MOTOR DRIVE ATTACHMENT

1124-GBM	24	525	$400	$450
1124-GFM	24	575	425	475
1136-GBM	36	570	420	480
1136-GFM	36	640	455	505
1124-WBM	24	510	450	500
1124-WFM	24	540	475	525
1136-WBM	36	580	505	555
1136-WFM	36	650	540	590
1148-GBM	48	640	490	540
1148-GFM	48	690	515	565
1148-WBM	48	720	550	600
1148-WFM	48	780	585	635

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.

Lathes

SHELDON 10-INCH BELT DRIVE WITH COUNTERSHAFT

Number 1	Center distance	Weight crated	Semi-quick change gear box	Full quick change gear box
	Inches	*Pounds*		
1020-TC (W)	20	350	$264	$314
1020-FC (W)	20	360	309	359
1020-PC (W)	20	400	334	384
1026-TC (W)	26	380	280	330
1026-FC (W)	26	420	325	375
1026-PC (W)	26	460	353	403
1042-TC (W)	42	415	327	377
1042-FC (W)	42	450	368	418
1042-PC (W)	42	490	393	443
1026-TCW	26	465	343	393
1026-FCW	26	505	386	436
1042-TCW	42	465	396	446
1042-FCW	42	515	423	473
1042-PCW	42	550	397	447

Equipment

Chuck and 1 round collet

Lever collet chuck, lever with 1 round collet

Square collets (6 sizes)

Round collets (6 sizes)

Square 3/16" to 3/8"

Square 7/16" to 9/16"

Square 5/8" to 3/4"

Square 13/16" to 1"

Square 1 1/16" to 1 1/4"

Square 1 5/16" to 1 1/2"

Motor and gear-cutting attachment complete

Vertical feed column and vise

Swivel for rear tool (without motor)

Swivel for rear tool (without motor) extra

Motor drive (without motor) extra

Coolant pump and piping

Reducing attachment

Taper attachment

Thread indicator or chasing dial

1—same price as countershaft drive.

SHELDON LOW-SWING LATHES

Each Low-Swing lathe with geared head (all head gears oil-immersed) is equipped with heat-treated alloy steel gears, hardened, ground and shaved; Timken tapered roller bearings throughout; automatic carriage-stop system; tailstock head-locking device; tailstock centers; suitable wrenches and screwdriver. Bed arranged with shelf for fitting automatic chuck square attachment.

Capacity:

Price

Inches between centers $4,190

Inches between centers 5,820

Inches between centers 7,205

Inches between centers 8,760

ADDITIONAL EQUIPMENT

Tread leg and plate for mounting motor on rear of bed, including "V" belts, guards, or top

Chain drive, either mounting (including sprocket and chain), and oil-tight chain case

Coolant pump and piping

Semi-quick power-feed carriage

Full quick power-feed carriage

Semi-quick power-feed carriage

Full quick power-feed carriage

Each facing attachment to mount on carriage for countersinking 0 inch to 8 inches, hand operated

Each single-tool block only, straight or offset slide

Taper attachment complete

Tungsten 12-inch blank

Single template, taper only, not form

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.—Continued

SHELDON 10-INCH WITH MOTOR-DRIVE ATTACHMENT

Number 1	Center distance	Weight crated	Semi-quick change gear box	Full quick change gear box
	Inches	*Pounds*		
1020-BM	20	425	$360	$410
1020-BMW	20	440	365	435
1020-FM	20	475	396	460
1020-FMW	20	490	401	465
1020-PM	20	475	396	460
1020-PMW	20	490	401	465
1026-BM	26	495	384	434
1026-BMW	26	510	389	439
1026-FM	26	540	422	490
1026-FMW	26	555	427	495
1026-PM	26	540	422	490
1026-PMW	26	555	427	495
1042-BM	42	580	386	436
1042-BMW	42	605	403	483
1042-FM	42	665	436	504
1042-FMW	42	680	441	509
1042-PM	42	665	436	504
1042-PMW	42	680	441	509

SHELDON 10-INCH WITH BELT-DRIVE COUNTERSHAFT

1124-GTC	24	485	$390	$410
1124-GTFC	24	525	385	435
1130-GTC	30	510	390	440
1130-GTFC	30	550	405	455
1124-WTC	24	460	410	460
1124-WTFC	24	500	425	475
1136-WTC	36	640	470	520
1136-WTFC	36	680	530	580
1148-WTC	48	650	495	545
1148-WTFC	48			

SHELDON 11-INCH WITH HEADSTOCK MOTOR DRIVE ATTACHMENT

1124-GBM	24	525	$400	$450
1124-GFM	24	575	425	475
1136-GBM	36	570	420	480
1136-GFM	36	640	455	505
1124-WBM	24	510	450	500
1124-WFM	24	540	475	525
1136-WBM	36	580	505	555
1136-WFM	36	650	540	590
1148-GBM	48	640	490	540
1148-GFM	48	690	515	565
1148-WBM	48	720	550	600
1148-WFM	48	780	585	635

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.—Continued

SHELDON 12-INCH WITH BELT-DRIVE COUNTERSHAFT

| Number

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.—Continued

SHELDON CABINET BASE UNDERDRIVE LATHES—CONTINUED

12-inch lathes

Number	Apron	Gear box quick change	Approximate weight	Price
			Lb.	
E-1224 G	Plain	Semi	770	$660
E-1224 GQ	do	Full	765	710
E-1224 W	Power cross feed	Semi	775	710
E-1224 WQ	do	Full	770	760
U-1224 G	Plain	Semi	825	700
U-1224 GQ	do	Full	820	750
U-1224 W	Power cross feed	Semi	830	750
U-1224 WQ	do	Full	825	800
E-1236 G	Plain	Semi	795	690
E-1236 GQ	do	Full	790	740
E-1236 W	Power cross feed	Semi	800	740
E-1236 WQ	do	Full	795	790
U-1236 G	Plain	Semi	825	730
U-1236 GQ	do	Full	820	780
U-1236 W	Power cross feed	Semi	830	780
U-1236 WQ	do	Full	825	830
E-1248 G	Plain	Semi	885	720
E-1248 GQ	do	Full	880	770
E-1248 W	Power cross feed	Semi	890	770
E-1248 WQ	do	Full	885	820
U-1248 G	Plain	Semi	915	760
U-1248 GQ	do	Full	910	810
U-1248 W	Power cross feed	Full	920	810
U-1248 WQ	do	Full	915	860

The letter "E" or "U" before the catalog number designates the type of underneath motor drive.

SHELDON CABINET BASE UNDERDRIVE LATHES WITH PRELOADED BALL BEARING HEADSTOCK SPINDLE BEARINGS—ONE-INCH COLLET CAPACITY—1⅜-INCH HOLE THROUGH SPINDLE

11-inch lathes

[Less motor]

			Lb.	
BB E-1124 G	Plain	Semi	755	$740
BB E-1124 GQ	do	Full	750	790
BB E-1124 W	Power cross feed	Semi	760	790
BB E-1124 WQ	do	Full	755	840
BB U-1124 G	Plain	Semi	810	775
BB U-1124 GQ	do	Full	805	825
BB U-1124 W	Power cross feed	Semi	815	825
BB U-1124 WQ	do	Full	810	875
BB E-1136 G	Plain	Semi	780	770
BB E-1136 GQ	do	Full	775	820
BB E-1136 W	Power cross feed	Semi	785	820
BB E-1136 WQ	do	Full	780	870
BB U-1136 G	Plain	Semi	810	805
BB U-1136 GQ	do	Full	805	855
BB U-1136 W	Power cross feed	Semi	815	855
BB U-1136 WQ	do	Full	810	905
BB E-1148 G	Plain	Semi	870	800
BB E-1148 GQ	do	Full	865	850
BB E-1148 W	Power cross feed	Semi	875	850
BB E-1148 WQ	do	Full	870	900
BB U-1148 G	Plain	Semi	900	835
BB U-1148 GQ	do	Full	895	885
BB U-1148 W	Power cross feed	Semi	905	885
BB U-1148 WQ	do	Full	900	935

The letter "E" or "U" before the catalog number designates the type of underneath motor drive.

Prices are less motor, but include standard equipment (single back gears, small face plate, compound rest with tool post, thread-chasing dial, centers, and necessary wrenches) reversing-drum switch, necessary belts and pulleys.

12-inch lathes

BB E-1224 G	Plain	Semi	770	$828
BB E-1224 GQ	do	Full	765	878
BB E-1224 W	Power cross feed	Semi	775	878
BB E-1224 WQ	do	Full	770	928
BB U-1224 G	Plain	Semi	825	868
BB U-1224 GQ	do	Full	820	918
BB U-1224 W	Power cross feed	Semi	830	918
BB U-1224 WQ	do	Full	825	968
BB E-1236 G	Plain	Semi	795	858
BB E-1236 GQ	do	Full	790	908
BB E-1236 W	Power cross feed	Semi	800	908
BB E-1236 WQ	do	Full	795	958
BB U-1236 G	Plain	Semi	825	898
BB U-1236 GQ	do	Full	820	948
BB U-1236 W	Power cross feed	Semi	830	948
BB U-1236 WQ	do	Full	825	998
BB E-1248 G	Plain	Semi	885	888
BB E-1248 GQ	do	Full	880	938
BB E-1248 W	Power cross feed	Semi	890	938
BB E-1248 WQ	do	Full	885	988
BB U-1248 G	Plain	Semi	915	928
BB U-1248 GQ	do	Full	910	978
BB U-1248 W	Power cross feed	Semi	920	978
BB U-1248 WQ	do	Full	915	1,028

The letter "E" or "U" before the catalog number designates the type of underneath motor drive.

Prices are less motor, but include standard equipment (single back gears, small face plate, compound rest with tool post, thread-chasing dial, centers, and necessary wrenches) reversing-drum switch, necessary belts and pulleys.

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.—Continued

PRICE LIST SHELDON CABINET BASE UNDERDRIVE LATHES WITH PRECISION TIMKEN ROLLER BEARING HEADSTOCK SPINDLE BEARINGS—ONE-INCH COLLET CAPACITY—1⅜ INCH HOLE THROUGH SPINDLE

11-inch lathes

Less motor

Number	Apron	Gear box quick change	Approximate weight	Price
			Lb.	
TRB E-1124 G	Plain	Semi	755	$740
TRB E-1124 GQ	do	Full	750	790
TRB E-1124 W	Power cross feed	Semi	760	790
TRB E-1124 WQ	do	Full	755	840
TRB U-1124 G	Plain	Semi	810	775
TRB U-1124 GQ	do	Full	805	825
TRB U-1124 W	Power cross feed	Semi	815	825
TRB U-1124 WQ	do	Full	810	875
TRB E-1136 G	Plain	Semi	780	770
TRB E-1136 GQ	do	Full	775	820
TRB E-1136 W	Power cross feed	Semi	785	820
TRB E-1136 WQ	do	Full	780	870
TRB U-1136 G	Plain	Semi	810	805
TRB U-1136 GQ	do	Full	805	855
TRB U-1136 W	Power cross feed	Semi	815	855
TRB U-1136 WQ	do	Full	810	905
TRB E-1148 G	Plain	Semi	870	800
TRB E-1148 GQ	do	Full	865	850
TRB E-1148 W	Power cross feed	Semi	875	850
TRB E-1148 WQ	do	Full	870	900
TRB U-1148 G	Plain	Semi	900	835
TRB U-1148 GQ	do	Fill	895	885
TRB U-1148 W	Power cross feed	Semi	905	885
TRB U-1148 WQ	do	Full	900	935

The letter "E" or "U" before the catalog number designates the type of underneath motor drive.

Prices are less motor, but include standard equipment (single back gears, small face plate, compound rest with tool post, thread-chasing dial, centers, and necessary wrenches) reversing-drum switch, necessary belts and pulleys.

SHELDON MACHINE COMPANY, INCORPORATED, CHICAGO, ILL.—Continued

12-inch lathes

Number	Apron	Gear box quick change	Approximate weight	Price
			Lb.	
TRB E-1224 G	Plain	Semi	770	$828
TRB E-1224 GQ	do	Full	765	878
TRB E-1224 W	Power cross feed	Semi	775	878
TRB E-1224 WQ	do	Full	770	928
TRB U-1224 G	Plain	Semi	825	868
TRB U-1224 GQ	do	Full	820	918
TRB U-1224 W	Power cross feed	Semi	830	918
TRB U-1224 WQ	do	Full	825	968
TRB E-1236 G	Plain	Semi	795	858
TRB E-1236 GQ	do	Full	790	908
TRB E-1236 W	Power cross feed	Semi	800	908
TRB E-1236 WQ	do	Full	795	958
TRB U-1236 G	Plain	Semi	825	898
TRB U-1236 GQ	do	Full	820	948
TRB U-1236 W	Power cross feed	Semi	830	948
TRB U-1236 WQ	do	Full	825	998
TRB E-1248 G	Plain	Semi	885	888
TRB E-1248 GQ	do	Full	880	938
TRB E-1248 W	Power cross feed	Semi	890	938
TRB E-1248 WQ	do	Full	885	988
TRB U-1248 G	Plain	Semi	915	928
TRB U-1248 GQ	do	Full	910	978
TRB U-1248 W	Power cross feed	Full	920	978
TRB U-1248 WQ	do	Full	915	1,028

The letter "E" or "U" before the catalog number designates the type of underneath motor drive.

Prices are less motor, but include standard equipment (single back gears, small face plate, compound rest with tool post, thread-chasing dial, centers, and necessary wrenches) reversing-drum switch, necessary belts and pulleys.

SIBLEY MACHINE AND FOUNDRY CORPORATION, SOUTH BEND, IND.

UPRIGHT DRILLING MACHINES

	Price	Code word
STATIONARY HEAD		
20″ square base, combined wheel and lever feed drill with belt power feed, automatic stop and back gears	$315	Child.
22½″ square base, complete as above	395	Chick.
24″ stationary head, geared power feed, heavy pattern complete	565	Comma.
26″ stationary head, geared power feed, heavy pattern complete	615	Coach.
28″ stationary head, geared power feed, heavy pattern complete	640	Canoe.
SLIDING HEAD		
24″ sliding head, geared power feed, heavy pattern complete	$630	Choir.
26″ sliding head, geared power feed, heavy pattern complete	690	Copse.
28″ sliding head, geared power feed, heavy pattern complete	730	Coral.
30″ sliding head, geared power feed, complete	795	Cider.
EXTRAS WHEN FURNISHED WITH MACHINE		
Geared tapping attachments (code word: Cush)		
For 20″ and 22½″ drills	$65.00	----------
For 24″, 26″, and 28″ drills	105.00	----------
For 30″ drills	105.00	----------
Friction tapping attachments (code word: Credit)		
For 24″, 26″, and 30″ drills	$210.00	----------
Motor drive equipment		
Drills fitted for motor drive without motors but including bracket, countershaft pulley, V-belts or gears and motor drive guards.	Code word: Cabel V-belted	Code word: Cameo geared
20″ and 22½″ drills	$25.00	$30.00
24″, 26″, and 28″ drills	43.00	60.00
30″ drills	53.00	65.00
Prices based on using standard N. E. M. A. motors and size listed in our specifications.		
Sliding head		
25″ Sibley box column all-geared upright motor-driven drilling machine, 12 selective spindle speeds, 9 selective feeds, square table, mounting and wiring of electrical equipment, but not including the motor or electrical equipment	$2,800.00	Bare.
Extra for motor drive coolant pump, capacity 4 gallons per minute. Complete with fittings	100.00	Hoss.
Extra for Splash Guards	75.00	Boot.
Extra for 5 hp., 1,800 r.p.m., type K, frame 254, 1,800 r.p.m. 220/440-volt, 3-phase, 60-cycle, ball-bearing motor	71.00	----------
Extra for reversing magnetic type starting switch with relay heaters for the above motor	35.00	----------

THE SIDNEY MACHINE TOOL CO., SIDNEY, OHIO—Continued

8-SPEED "TAFFOL"

FLOOR-TYPE DRILLS

Description	Prices: Single spindle	Prices: 2 spindle	Prices: 3 spindle	Prices: 4 spindle	Net weight (additional 2-foot bed)	Price	Additional 2-foot bed length
					Pounds		
Plain bearing, belt drive, impregnated	$150	$220	$310	$390			$106
Ball bearing, model No. 1, belt drive, ¾″ capacity	250	365	540	685			116
Ball bearing, model No. 1, motor drive, ¾″ complete with motor, ¾″ capacity	395	540	690	835			130

SIMMONS MACHINE TOOL CORPORATION, ALBANY, N. Y.

NEW SIMMONS MICRO-SPEED TURRET SCREW MACHINE

All machines include 1¼ inches round-bar capacity, magnetic brake, push button reversing control, with overload and under-voltage protection.

Plain machine: Including 2 horsepower motor and control, giving spindle speeds of 375 to 1,500 revolutions per minute $1,720

Plain machine: Including 3 horsepower, 2 speed motor and control, giving spindle speeds 375 to 1,500 revolutions per minute, and 188 to 750 revolutions per minute 1,840

Back geared machine: Including 3 horsepower motor and control, giving spindle speeds of 188 to 750 revolutions per minute in high, and 44 to 188 revolutions per minute in back gear 1,100

The plain machine can be arranged for maximum spindle speed of 2,100 revolutions per minute. Where power feed to turret is provided, maximum spindle speed is 750 revolutions per minute.

Extra:

Power feed to turret 250

Longitudinal feed to cross-slide 75

Positive stops for longitudinal feed to cross-slide, including 4 adjustable stops 35

Optional equipment: Automatic chuck and wire feeds or universal 3-jaw chucks.

Condensed price list Simmons micro miller

Size	Range of feeds	Weight	Price
		Pounds	
A-1	¾″ long, 8″ cross, 18″ vertical. Table working surface, 27″ x 8″	2,400	$2,040

NOTE.—Machine built in this one size only and price includes arranging for motor drive and includes Simmons micro-miller drive unit mounted in base with built-in alternating-current motor.

SIMMONS MACHINE TOOL CORPORATION, ALBANY, N. Y.—Continued

Rated size	Length of beds (feet): 6	8	10	12	14	16	18	20	22	24	26	28	30
16″ standard engine lathe, motor in leg	$2,946	$2,145	$2,244	$2,310	$2,409	$2,508	$2,607	$2,706					
Boxing for export	72	90	107	125	143	160	178	195					
18″ standard engine lathe, motor in leg	2,134	2,233	2,332	2,431	2,530	2,629	2,728	2,827					
Boxing for export	72	90	107	125	143	160	178	195					
18″ heavy duty standard bed gap lathe, motor in leg	2,937	3,009	3,201	3,393	3,465	3,597	3,720	3,861					
Boxing for export	88	107	127	147	167	187	208	226	(1)	(1)	(1)	(1)	(1)
20″ heavy duty standard lathe, motor in leg	3,059	3,190	3,322	3,454	3,586	3,718	3,850	3,982					
Boxing for export	88	107	127	147	167	187	208	226					
7″ x 24″ gap bed lathe, motor in leg	2,222	2,321	2,420	2,519	2,618	2,717	2,816	2,915					
Boxing for export	72	90	107	125	143	160	178	195					
19½″ x 7″ gap bed lathe, motor in leg	2,354	2,453	2,552	2,651	2,750	2,849	2,948	3,047					
Boxing for export	72	90	107	125	143	160	178	195					
23¾″ x 7″ gap bed lathe, motor in leg		3,872	4,020	4,180	4,354	4,488	4,642	4,796	4,950	$5,104	$5,258	$5,412	$5,566
Boxing for export		110	132	154	176	198	220	242	264	286	308	330	352
29″ sliding bed gap lathe, motor in top	5,005	5,192	5,379	5,566	5,753	5,940	6,127	6,314	6,501	6,688	6,875	7,062	7,249
Boxing for export	121	143	165	187	209	231	253	275	297	319	341	363	385
25½″ x 7″ gap lathe, motor in leg		5,621	5,808	5,995	6,182	6,369	6,456	6,643	6,830	7,017	7,104	7,391	7,578
Boxing for export		121	147	171	198	224	250	272	308	330	359	382	408
25½″ x 7″ sliding bed gap lathe, motor in top			7,656	7,983	8,250	8,547	8,844	9,104	9,438	9,735	10,032	10,329	10,626
Boxing for export			187	222	257	292	327	361	396	430	466	501	539

1 Prices on longer bed lengths for these sizes on application.

SIBLEY MACHINE AND FOUNDRY CORPORATION, SOUTH BEND, IND.—Continued

UPRIGHT DRILLING MACHINES—continued

	Price	Code word
Wiring		
Extra for wiring in motor and starter in armoured cable with push button station mounted on tie column:		
20″ and 22½″ drills	1 $6.00	----------
24″, 26″, 28″, and 30″ drills	1 8.50	----------
Wire mesh belt guards		
The wire mesh belt guards completely enclosing the belting between the upper and lower cone pulleys:		
20″ and 22½″ drills	$27.00	----------
24″, 26″, and 28″ stationary head drills	37.50	----------
24″, 26″, and 28″ sliding head drills	41.00	----------
30″ sliding head drills	45.00	----------
Leather drill belts		
20″ drills—2″ double ply belt x 11′ 6″ long and ¾″ single ply belt x 2′ 2″ long	$10.50	----------
22½″ drills—2½″ double ply belt x 13′ 0″ long and ¾″ single ply belt x 3′ 2″ long	15.00	----------
24″, 26″, and 28″ stationary head—2½″ double ply belt 13′ 10″	20.00	----------
24″, 26″, and 28″ sliding head—2½″ double ply belt x 15′ 2″	22.50	----------
30″ sliding head drill—3″ double ply belt x 16′ 3″ long	19.00	----------
Square tables		
Square or rectangular tables can be furnished instead of the standard round tables at the following extras:		
20″ square oil groove table, 20″ x 22″ (working surface 14″ x 16″)	$5.00	----------
25″ extra large offset oil groove table, 22¾″ x 28¾″ (working surface 24″ x 24″)	45.00	----------
24″, 26″, 28″, square oil groove table, 22¾″ x 30″ (working surface 15″ x 19″)	10.00	----------
24″, 26″, 28″, extra large offset oil groove table, 22¾″ x 36″ (working surface 20″ x 36″)	75.00	----------
24″, 26″, 28″, extra large offset oil groove table, 40¾″ x 40¾″ (working surface 30″ x 36″)	90.00	----------
Table jack support for all extra large tables	29.00	----------
24″, 26″, and 28″ compound table	300.00	----------
Oil pump outfit code word: cork		
Complete for all machines with rotary geared pump	$45.00	----------
Special oil pump outfits having pump with direct-connected electric motor can be furnished. Price on request.		

1 Net.

THE SIDNEY MACHINE TOOL CO., SIDNEY, OHIO

Lathes and milling machines—base prices and weights—

Sibley lathes

TOOLROOM LATHE

	Net weight	Net weight (additional 2-foot bed)	Price	Additional 2-foot bed length
	Pounds	*Pounds*		
14″ x 6′	4,000	375	$3,326	$124
16″ x 6′	4,300	375	3,650	137
18″ x 6′	4,900	475	4,180	150
20″ x 6′	5,400	475	4,763	162

16-SPEED ENGINE LATHE

14″ x 6′	4,000	375	$2,975	$110
16″ x 6′	4,300	375	3,260	116
18″ x 6′	4,900	475	3,753	130
20″ x 6′	5,400	475	4,230	140
24″ x 10′	11,000	850	6,410	227
30″ x 12′	14,000	1,050	8,601	311
36″ x 12′	17,000	1,050	9,158	335

THE SIDNEY MACHINE TOOL CO., SIDNEY, OHIO—Continued

12-SPEED ENGINE LATHE

	Net weight	Net weight (additional 2-foot bed)	Price	Additional 2-foot bed length
	Pounds	*Pounds*		
14″ x 6′	3,800	375	$2,751	$110
16″ x 6′	4,100	375	3,055	120
18″ x 6′	4,700	475	3,485	142
20″ x 6′	5,200	475	3,883	142
24″ x 10′	11,000	700	6,230	231
30″ x 10′	12,000	800	7,315	275
36″ x 10′	12,700	1,000	7,610	297

8-SPEED "MONOTROL"[1]

14″ x 6′	3,850	375	1 $2,755	$108
16″ x 6′	4,150	375	3,107	116
18″ x 6′	4,775	475	3,530	130
20″ x 6′	5,275	475	3,928	142
24″ x 10′	11,000	700	6,295	227

1 Denotes price correction. Advised by manufacturer. Differs from that shown in first edition of Prices of New Machine Tools.

Simplicity Mfg. Co., Port Washington, Wis.

REBORING AND GRINDING MACHINES

Model	Capacity: Diameter	Capacity: Depth	Weight	Price, standard equipment
	Inches	*Inches*	*Pounds*	
L	2 3/16 x 4 1/4	11	190	$475
S	2 3/4 x 5 1/16	16	275	675

Extra equipment to rebore and grind foreign motors from 2.2" 2 3/4" in diameter, for use only with lightning reborer and grinder	$50
Piston grinder with standard equipment	675
Piston adapters, 4 inches and larger, each	4

Capacity diameter, 7-inch length, 8-inch, net weight 750 pounds.

TWIN HEAD CON-ROD BORING MACHINES

Model No.	Capacity: Diameter	Capacity: Length	Price, standard equipment
	Inches	*Inches*	
1	1 1/2 x 2 1/2	24	$550
2	1 1/2 x 3 1/2	24	585
3	1 1/2 x 4	24	[1] 675

[1] With three-speed transmission.

TWIN HEAD CON-ROD BORING MACHINES—con.

Extra equipment for boring, facing, and oil grooving con-rods from 1 3/8"-1 1/2" in diameter (for use with No. 1, No. 2, and No. 3 twin-head machine)	$26.50

Smalley-General Company, Bay City, Mich.

THREADMILLERS

Machine No. 27 MB-4	$8,850
Pot chuck	525
Wiring for motors	125
Face plate	600
Hydraulic power traverse	742
Dial indicators	100
Electric motors including 1-7, ½ and 1-5 hp. multispeed type	1,396
Extra gears, each	17
Extra hob arbors, do	45
Two 24" Universal chucks	901
Machine No. 20 MB	6,050
3-jaw wedge chuck	1,213
Single 12" air cylinder	330
Open side push-out chuck	703
Face plate and bronze bushed bearing	390
Taper attachment	380
Tool holder	50
Tool holder with hand-operated cross-feed slide	250
Live center with face plate	138

Smith & Mills Company, Cincinnati, Ohio

SMITH & MILLS SHAPERS

Machine—Service	Back geared heavy duty					
Stroke	12"	16"	20"	25"	28"	32"
Price—Speed box single pulley belt drive	$1,925	$2,525	$2,850	$3,227	$4,100	$4,250
Price—Constant speed belt connected motor drive, not including motor (motor pulley but no base required)	2,050	2,650	3,000	3,450	4,275	4,425
Price—V-belt motor drive, not including motor (motor base but no pulley required)	2,050	2,650	3,000	3,450	4,275	4,425
Price—Silent chain motor drive, not including motor (motor base but no pulley required)	2,075	2,675	3,025	3,475	4,300	4,450
Price [1]—Flange mounted gear motor drive—price includes A. C. motor and control, 220 or 440 volts, 60 cycle, 3 phase	2,175	2,775	3,150	3,625	4,475	4,625
Priced Extra [1]—Power rapid traverse to table cross feed individual motor drive—price includes A. C. motor and control, 220 or 440 volts, 60 cycles, 3 phase	80	80	90	90	115	115
Motor recommended, other than for flanged mounted gear motor drive, speed 1,200–1,600 r. p. m. constant	2 hp.	3 hp.	5 hp.	7½-10 hp.	10 hp.	10 hp.

[1] Shapers with motors of different current characteristics will take a special price.

Standard equipment—Single screw vise, table support, automatic forced feed oiling system, and necessary wrenches. Double screw vise optional. Table support not included as standard equipment 12" shapers and is priced $50 extra.

Motor Drive Specifications—On flat belt connected motor driven machines, motor must be arranged for mounting with pulley on right when facing wall. Motor and control delivered to our factory will be mounted and wired. Prices of D. C. and on single phase A. C. flanged mounted gear-motor drives or other current characteristics than that named for the various sizes of shapers will be furnished on application.

Sommer & Adams Co., Cleveland, Ohio

Cleveland No. 1 vertical milling machine	$1,725
Coolant pump and motor	90

Sommerfeld Machine Company, Braddock, Pa., Manufacturers of Pittsburgh Lathes

SPECIFICATIONS AND PRICE LIST

Size	27" x 36"	32" x 36"	36" x 48"	42" x 48"	50" x 90"	60" x 90"
Bed length (Standard), feet	10	12	14	14	18	18
Swing over ways, inch	30	35	37	43	54	60
Swing over compound rest, do	18 3/16	23	25	29 1/2	35	44
Distance between centers, feet	4	4	4	4	7 1/2	7 1/2
Number of spindle speeds	16	16	16	16	16	16
Horsepower motor required	10-15	15-20	20-25	25-40	30-50	30-50
Motor speed:						
60-cycle, r. p. m.	1,200	1,200	1,200	1,200	1,200	1,200
50-cycle, do	1,500	1,500	1,500	1,500	1,500	1,500
Speed of drive pulley, do	300	300	400	400	300	300
Range of spindle speeds	5-348	3-209			5-120	5-120
Hole through spindle, inch	2 3/16	2 1/4	3	3	6	6
Number of changes through quick change gear box	41	41	41	41	36	36
Thread range	1-32	1-32	1-32	1-32	1-28	1-28
Range of feeds	0.004-0.300	0.004-0.400	0.004-0.400	0.004-0.400	0.008-0.620	0.008-0.620
Diameter of lead screw, inch	1 3/16	2 5/16	2 5/16	2 5/16	3 3/16	3 3/16
Length of carriage on bed, do	39	44	48	48	63	63
Width of carriage bridge, do	12	12	16 1/2	16 1/2	22 1/2	22 1/2
Size of front spindle boring	(1)	(1)	(1)		(1)	(1)
Size of rear spindle boring	(1)	(1)	(1)		(1)	(1)
Length of tail stock on bed, inch	22	26	32	32	44	44
Diameter of tail stock spindle, do	4	4 3/8	5 1/2	5 1/2	8	8
Width of bed on top, do	27 1/2	29	36 3/4	36 3/4	46	46
Depth of bed on top, do	17	20	20	22	22	22
Price—Standard bed (regular equipment)	$7,900	$9,885	$15,675		$22,900	$25,870
Price—Extra 2 foot bed	$325	$385	$485		$660	$660
Price—Taper attachment	$425	$485	$570		$960	$960
Coolant pump and piping	$170	$170	$200		$225	$225
Oil pan—Per foot of bed	$30	$20	$50			
Rapid traverse (without motor or control)	$285	$285	$440		$490	$490
Four position turret tool post	$360	$360				
Follower rest	$150	$150				
Weight—Base length, pounds	12,000	17,000	26,200	27,500	41,500	44,500
Weight—Boxed for export, do	14,000	19,500	29,100	30,400	45,000	48,000
Weight—Each additional 2 feet, do	1,160	1,260	1,560	1,560	2,000	2,000
Weight—Each additional 2 feet, boxed, do	1,360	1,460	1,750	1,750	2,200	2,200
Extra for boxing—Base length	$225	$245	$325		$415	$415
Extra for boxing—2 feet additional	$20	$20	$25		$30	$30
	6'		7'	7'	7'-6"	7'-6"
Dimensions of box—Standard bed, feet	6 x 12		7 x 16	7 x 16	7 x 20	7 x 20
Standard bed length, do	10	12	14	14	18	18
Cubic contents, cubic feet	432		588	588	1,050	1,050

[1] Timken.

South Bend Lathe Works, South Bend, Ind.

UNDERNEATH MOTOR-DRIVEN LATHES (WITH MOTOR AND FLOOR LEGS)

Swing over bed	Length of bed	Approximate weight crated	Price with 3-60-220 motor: Quick change gear lathe	Price with 3-60-220 motor: Standard change gear lathe	Price with 3-60-220 motor: Toolroom lathe	Extra per foot bed
	Feet	*Pounds*				
16"	6	2,300	$1,299	$1,214	$1,651	$30
14½"	5	1,995	1,143	1,068	1,458	30
13"	4	1,460	922	857	1,213	28
10"	3	790	599	549	849	24
10"-1" col	3	840	732		992	24
16"-24"	6	2,480	1,464	1,379		30

PEDESTAL MOTOR-DRIVEN LATHES (WITH MOTOR AND FLOOR LEGS)

16"	6	2,165	1,145	$1,060	$1,509	$30
14½"	5	1,735	996	921	1,324	30
13"	4	1,295	806	741	1,097	28
10"	3	685	593	483	790	24
10"-1" col	3	708	656		933	24
16"-24"	6	2,325	1,295	1,210		30

South Bend Lathe Works, South Bend, Ind.—Continued

COUNTERSHAFT DRIVEN LATHES (WITH FLOOR LEGS)

Swing over bed	Length of bed	Approximate weight crated	Price with D. F. countershaft: Quick change gear lathe	Price with D. F. countershaft: Standard change gear lathe	Price with D. F. countershaft: Toolroom lathe	Extra per foot bed
	Feet	*Pounds*				
16"	6	1,875	$979	$894	$1,343	$30
14½"	5	1,575	830	755	1,158	30
13"	4	1,060	660	595	960	28
10"	3	516	[1] 435	[1] 385	692	24
10"-1" col	3	525	[1] 555		822	24
16"-24"	6	2,035	1,115	1,030		30

[1] For prices of Bench Lathes deduct $10 from above prices.

10" UNDERNEATH-MOTOR DRIVEN BENCH LATHES WITH MOTOR AND STEEL BENCH

Swing over bed	Length of bed	Approximate weight crated	Price with 3-60-220 motor: Quick change gear lathe	Price with 3-60-220 motor: Standard change gear lathe	Price with 3-60-220 motor: Toolroom lathe	Extra per foot bed
	Feet	*Pounds*				
10"	3	830	$689	$639	$918	$34
10"-1" col	3	850	822		[1] 1,061	34

10" HORIZONTAL MOTOR-DRIVEN BENCH LATHES WITH MOTOR (LESS BENCH)

10"	3	501	$472	$422		$24
10"-1" col	3	521	605			24

9" WORKSHOP HORIZONTAL MOTOR DRIVEN BENCH LATHES (LESS MOTOR AND BENCH)

Swing over bed	Length of bed	Approximate weight crated	Price less motor and bench: Model A	Price less motor and bench: Model B	Price less motor and bench: Model C	Extra per foot bed
	Feet	*Pounds*				
9"	3	340	$226.50	$166.50	$112.50	$24

9" WORKSHOP 12-SPEED HORIZONTAL MOTOR DRIVEN BENCH LATHES (LESS MOTOR AND BENCH)

9"	3	355	$241.50	$181.50	$127.50	$24

9" WORKSHOP V-BELT HORIZONTAL MOTOR DRIVEN BENCH LATHES (LESS MOTOR AND BENCH)

9"	3	340	$240.50	$180.50	$126.50	$24

9" WORKSHOP UNDERNEATH MOTOR DRIVEN BENCH LATHES (LESS MOTOR AND BENCH)

9"	3	380		$215.50	$161.50	$24

South Bend Lathe Works, South Bend, Ind.—Continued

9" WORKSHOP COUNTERSHAFT DRIVEN BENCH LATHES (LESS BENCH)

Swing over bed	Length bed	Approximate weight crated	Price less motor and bench: Model A	Price less motor and bench: Model A	Price less motor and bench: Model C	Extra per foot bed
	Feet	*Pounds*				
9"	3	320	$224.50	$164.50	$110.50	$24

9" WORKSHOP PEDESTAL MOTOR DRIVEN FLOOR LEG LATHES (LESS MOTOR)

9"	3	580	$266.50	$206.50	$152.50	$24

9" WORKSHOP COUNTERSHAFT DRIVEN FLOOR LEG LATHES (WITH D. F. C.)

9"	3	395	$234.50	$174.50	$120.50	$24

9" WORKSHOP TOOLROOM PEDESTAL MOTOR DRIVEN FLOOR LEG LATHES (LESS MOTOR)

9"	3	680	$467.00			$26

9" WORKSHOP TOOLROOM COUNTERSHAFT DRIVEN FLOOR LEG LATHES (WITH D. F. C.)

9"	3	495	$430.00			$26

The Springfield Machine Tool Co., Springfield, Ohio

TOOLROOM LATHES

[Base price includes lathe arranged for silent chain, flat or V-belt drive with motor mounted in cabinet leg without electrical equipment but including mounting and wiring; quick change gear box with lead screw and feed rod reverse operated at right-hand side of apron, with automatic stops in either direction; oil pump in apron providing automatic lubrication for all bearings, bedways, and carriage cross slide; combined oil pump and splash lubricating system to headstock gears and main spindle bearings; ball bearings on driving shafts with precision Timken bearings on spindle; compound rest and tool post, large and small face plates, steady rest, thread-chasing dial, micrometer-chasing stop for cross feed, oil pan, cabinet leg, tailstock end, and all necessary wrenches]

Base size	14" x 6' heavy	16" x 6' heavy	18" x 6' heavy	20" x 8' medium	20" x 8' heavy	22" x 8' medium	24" x 10" heavy
Length of bed	6'4"	7'0"	7'6"	9'8"	8'11"	8'11"	10'
Distance between centers	30"	30"	30"	48"	48"	48"	48"
Swing over bed	16 1/2"	18 1/2"	20 1/2"	22 1/2"	22 1/2"	24 1/2"	27 1/2"
Swing over carriage	11 5/8"	12 3/4"	14 3/4"	16 1/2"	15"	17 1/4"	19 1/2"
Gear head lathe, 12 speed, arranged for motor drive, without electrical equipment	$3,550	$3,850	$4,500	$4,800			$7,200
Gear head lathe, 16 speed, arranged for motor drive, without electrical equipment			$4,600	$4,950	$5,600	$5,900	$7,300
Extra for helical gears			$50	$50			$100
Motor drive horsepower recommended	3–5	5	5–7½	5–7½	10–15	10–15	10–15
Speed of motor, r. p. m.	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Deduct for single pulley drive instead of motor drive	$100	$100	$100	$100	$100	$100	$100
3-step cone double back gear lathe with countershaft	$2,400	$2,700	$3,300	$3,500			

THE SPRINGFIELD MACHINE TOOL CO., SPRINGFIELD, OHIO—Continued

TOOLROOM LATHES—continued

Base size	14″ x 6′ heavy	16″ x 6′ heavy	18″ x 6′ heavy	20″ x 8′ medium	20″ x 8′ heavy	22″ x 8′ medium	24″ x 10′ heavy	27″ x 10′ medium	30″ x 10′ medium	36″ x 12′	42″ x 12′
Lenght of bed	6′4″	7′0″	7′6″	9′6″	8′11″	8′11″	10′	10′	10′	12′	12′
Distance between centers	30″	30″	30″	48″	48″	48″	48″	48″	48″	54″	54″
Swing over bed	16½″	18⅜″	20½″	20¾″	22½″	24½″	27⅜″	30½″	34⅜″	37″	42½″
Swing over carriage	11⅜″	12¾″	14⅜″	16½″	15″	17¼″	19½″	21″	23⅜″	24½″	31″

QUICK CHANGE GEAR LATHE

[Are regularly equipped with quick-change gear, one cabinet leg and one plain leg, compound rest, steady rest, thread-chasing dial, large and small face plates, micrometer thread depth stop, Timken precision bearings on spindle, combined oil pump and splash lubricating system to headstock gears and main spindle bearings; oil pump in apron providing automatic lubrication for all bearings, bedways, and carriage cross slide; round tool post, and necessary wrenches]

Geared head lathe, 12 speed, arranged for motor drive, without electrical equipment	$3,000	$3,410	$3,795	$4,300	----	----	$6,000	$7,200	$8,000	----	----
Geared head lathe, 16 speed, arranged for motor drive, without electrical equipment	----	----	$3,550	$4,400	----	$5,400	$7,000	$7,400	$8,200	----	----
Extra for helical gears	----	----	50	50	$5,000	----	100	100	100	----	----
Motor-drive horsepower recommended	3–5	5	5–7½	5–7½	10–15	10–15	10–15	10–15	10–15	----	----
Speed of motor, r. p. m.	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	----	----
Deduct for single-pulley drive instead of motor drive	100	100	100	100	100	100	100	100	100	----	----
3-step cone double back gear lathe with countershaft	$2,000	$2,360	$2,750	$3,100	----	----	----	----	----	----	----

[1] Price on the 20″ x 8′ was changed upon advice of manufacturer. Differs from that shown in first edition of Prices of New Machine Tools.

THE STANDARD ENGINEERING WORKS, PAWTUCKET, R.I.

HAND-MILLING MACHINES

Type	Weight	Price
	Pounds	
No. 1 standard with countershaft	900	$550
No. 1½ standard with countershaft	1,000	575
No. 2 standard with countershaft	1,165	750

STANDARD MACHINERY COMPANY, PROVIDENCE, R. I.

AUTOMATIC DROP HAMMERS

Number:	Price
½	$762
1	835
2	1,186
3	1,722
4	2,299
5	2,705
6½	3,001
8	4,162
12	5,977

PLAIN DROP HAMMERS

½	$302
1	387
1½	436
2	561
3	699
3½	927
5	1,198
8	2,117

ROTARY SWAGING MACHINES

1–A	$322
2–A	490
3–A	720
4–A	1,200
5–A	1,930
6–A	2,700
7–A	5,000
8–A	9,660

ROLLING MILLS

031	$866
031S	1,023
041	1,530
051	1,886
061	2,500
081	2,726

WIRE-FLATTENING MILLS

044	$969
064	1,545
084	2,640
104	3,553

POWER PRESSES

2–B	$360
3–B	490
4–B	790

STANDARD MACHINERY COMPANY, PROVIDENCE, R. I.—Continued.

POWER PRESSES—continued

Number	Price
5–B	$1,550
6–B	3,600
2–J	345
3–J	580
4–J	770
5–J	1,575
5–S	164
7–S	245
5–S double plunger	514
7–S double plunger	1,075

JOHN B. STEVENS, INC., NEW YORK, N. Y.

VERTICAL SLOTTER

Machine:	Price
Adjustable stroke, 0 to 4 inches (can be arranged for motor drive)	$2,400

SCREW HEAD SLOTTERS

Size	Capacity	Price
¼″	¼″–⅜″ Screws	$350.
¾″	½″–¾″ Screws	400.
	Special bushings	Application.

SCREW MACHINES

Number	Machine	Price
00	Plain wire feed (cap. 1/16″–5/16″)	$950.
1	Plain wire feed (cap. ⅛″–⅜″)	1,150.
2	Plain wire feed (cap. ¾″–1⅛″)	1,550.

STOKERUNIT CORPORATION, MILWAUKEE, WIS.

SIMPLEX PRECISION BORING MACHINES AND SPINDLES

No. 1—Standard Machine, complete with one No. 1 spindle, base, belt guard and motor bracket, less spindle-driving motor and control	$1,155
No. 1—Standard Machine, complete with two No. 1 spindles, base, belt guard and motor bracket, less spindle-driving motor and control	1,169
No. 1—L1 Machine, complete with one No. 1 spindle, base, belt guard and motor bracket, less spindle-driving motor and control	1,414
No. 1—L3 Machine, complete with one No. 3 spindle, base, belt guard and motor bracket, less spindle-driving motor and control	1,527
No. 1—L.D Double End Machine, complete with two No. 1 spindles, base, belt guard and motor bracket, less spindle-driving motor and control	1,668

NOTE.—Above electrical equipment all 220-volt, 3-phase, 60-cycle.

STOKERUNIT CORPORATION, MILWAUKEE, WIS.—Continued

SPINDLES

[Including draw rod, but without sheave or quill]

No. 1	$292
No. 1L	305
No. 3	291
No. 4	347
No. 2—Machine, complete with one No. 1 spindle, base, belt guard and motor bracket, less spindle-driving motor and control	1,727
No. 2B—Machine, complete with one No. 3 spindle, base, belt guard and motor bracket, less spindle-driving motor and control	1,850
No. 2D1—Machine (Double End), complete with two No. 1 spindles, base, belt guard and motor bracket, less spindle-driving motor and control	2,093
No. 2L.D1—Machine (Double End), complete with two No. 1 spindles, base, belt guard and motor bracket, less spindle-driving motor and control	2,227
No. 2L.D3—Machine (Double End), complete with two No. 3 spindles, base, belt guard and motor bracket, less spindle-driving motor and control	2,436
Series 200—Double End, complete with electrical control only and facing feed, but without spindles or spindle-driving motors	2,309

NOTE.—Motors quoted to suit spindle requirements. Spindles at prices as per section 1.

Motors and control for Series 200 machine 220/440-volt, 3-phase, 60-cycle:	
With two No. 3 spindles	397
With four No. 3 spindles	440

NOTE.—Above electrical equipment all 220/440-volt, 3-phase, 60-cycle.

SIMPLEX UNIT TYPE PRECISION BORING MACHINES

[All electrical equipment, 220/440 volt, 3 phase, 60-cycle, with 110-volt control circuit. Other current extra]

1 Way 2U machine, hydraulic feed with one No. 3 spindle, all motors and electrical control (less coolant pump)	$3,199
2 Way 2U machine, hydraulic feed with two No. 3 spindles, all motors and electrical control (less coolant pump)	5,499
3 Way 2U machine, hydraulic feed with three No. 3 spindles, all motors and electrical control (less coolant pump)	7,227
1 Way 3U machine, hydraulic feed with one No. 3 spindle, all motors and electrical control (less coolant pump)	3,477
2 Way 3U machine, hydraulic feed with two No. 3 spindles, all motors and electrical control (less coolant pump)	4,245
3 Way 3U machine, hydraulic feed with three No. 3 spindles, all motors and electrical control (less coolant pump)	5,182
1 Way 4U machine, hydraulic feed with one No. 4 spindle, all motors and electrical control (less coolant pump)	5,861
2 Way 4U machine, hydraulic feed with two No. 4 spindles, all motors and electrical control (less coolant pump)	6,432
3 Way 4U machine, hydraulic feed with three No. 4 spindles, all motors and electrical control (less coolant pump)	9,311
No. 2U—Knee type precision boring machine, complete with one No. 3 spindle, motors and control (less coolant pump)	4,477
Additional for length bars and indicators	389
No. 3U—Knee type precision boring machine, complete with one No. 3 spindle, motors and control (less coolant pump)	5,114
Additional for length bars and indicators	445
Coolant pump and piping for all machines	109

ACCESSORIES

Quill for No. 1 and No. 1L spindles (solid for 1 tool)	$22
Quill for No. 3 spindle (solid for 1 tool)	41
Quill for No. 4 spindle (solid for 1 tool)	7
Feed change gears ..... per pair	14
One pair sheaves and belt (any ratio):	
No. 1 and No. 1L spindle	7
No. 3 spindle	14
Unit boring machine	19
Coolant pump and tank, 220-volt, A. C.	109
Magnetic brake for motor:	
No. 1, 2, and unit boring machine ..... per motor	39
No. 3 machine ..... per motor	84
Tool setting indicator and bracket with jewel bearing indicator reading to one ten-thousandths inch	109

TOOLS

Tungsten Carbide:	
1/8″ to 5/16″ ..... each	3
Over 5/16″ to ½″ ..... do	9
Diamond boring or turning tools according to weight of stone. Approximately	$145

THE STEVENS TOOL & MANUFACTURING CO., NEW BREMEN, OHIO—Continued

OVERDRIVEN POWER GAP SHEARS (POSITIVE PIN TYPE CLUTCH)

Capacity mild steel	Length of shear blades	Hp. of motor	Approximate weight	Price	Extra 24-inch cap	Extra 36-inch cap
	Inches		*Pounds*			
¼-inch	50	5	30,000	$5,040	$400	$800
	62	5	32,000	5,280	400	800
	74	7½	40,000	6,580	400	800
	98	7½	45,000	7,790	400	800
	127	10	60,000	8,520	400	800
	146	10	65,000	10,000	400	800
5/16-inch	50	7½	47,000	6,710	300	600
	62	7½	50,000	4,270	300	600
	74	10	55,000	4,790	300	600
	98	10	60,000	5,410	300	600
	127	10	65,000	7,560	440	800
	146	10	70,000	8,560	250	550
⅜-inch	50	10	14,000	2,682	250	550
	62	10	16,000	3,117	250	550
	74	10	18,000	3,552	250	550
	98	15	30,000	4,132	250	550
	127	15	36,000	4,785	250	550
	146	15	40,000	5,305	300	600
	156	15	45,000	6,087	300	600
7/16-inch	62	7½	13,000	2,880	290	450
	74	7½	15,000	2,247	290	450
	98	10	19,000	2,718	290	450
	127	10	25,000	3,315	290	450
	146	10	28,000	4,567	290	450
	156	10	30,000	4,582	290	450
½-inch	50	5	8,000	1,921	290	450
	62	7½	11,000	2,175	290	450
	74	7½	13,000	2,661	290	450
	98	10	15,000	2,990	290	450
	127	10	20,000	3,480	290	450
	146	10	24,000	4,198	290	450
	156	10	25,000	4,875	290	450
9/16-inch	50	5	10,000	1,855	175	375
	62	5	10,000	2,096	175	375
	74	7½	12,500	2,465	175	375
	98	7½	14,000	2,719	175	375
	127	10	17,000	3,288	175	375
	146	10	21,000	3,842	200	400
	156	10	32,000	4,712	200	400
10-gage	50	5	7,000	$1,485	$300	
	62	5	7,500	1,750	300	
	74	5	8,500	1,941	300	
	98	5	9,500	2,169	300	
	127	7½	10,000	3,502	300	
12-gage	38	3	4,000	1,225	300	
	50	3	5,000	1,294	300	
	62	5	7,000	1,753	300	
	74	5	8,000	1,941	300	
	98	5	9,000	2,169	300	
	127	7½	12,000	3,502	300	
	146	7½	15,000	3,945	300	

Standard equipment includes one set of solid four-edge high carbon tool-steel knives, front gage, side gages, two front gage rods, micrometer back gage, V-belts, motor sheave, flywheel guard, and knife guard. All shears up to and including 98 inches long are furnished with 24-inch back gage; longer shears are furnished with 36-inch back gages as standard equipment. 36-inch-long gages will be quoted as an extra. All shears are arranged with a mechanical hold-down as standard equipment. Standard finish is enamel. Other finishes will be quoted as an extra. Standard blade material is high carbon, high chrome steel. Prices of high carbon, high chrome shear blades are furnished on application.

STOKERUNIT CORPORATION, MILWAUKEE, WIS.—Continued

ELECTRICAL EQUIPMENT—FOR NOS. 1 AND 2 MACHINE

220-volt, 3-phase, 60-cycle, A. C., subject to change as electrical manufacturers prices are changed. 440-volt, 3-phase, 60-cycle, on request. Other voltage, frequency, and phase on request.

For No. 1 and No. 1L and No. 2 single spindle machines, ½ hp. motor and control	$55
For No. 1, No. 1L and No. 2 two spindle machines, motor and control	67
For No. 1-3 and 2 B single spindle machines, motor and control	78
For No. 1-3 and 2 B two spindle machines, motor and control	91
For No. 1, 1L and 2 D1 double end machines with two No. 1 spindles	210
For No. 2 D1 and 2 L D1 double end machines with 4 No. 1 spindles	241
For No. 2 L D3 double end machines with two No. 3 spindles	241
For No. 2 D3 double end machines with four No. 3 spindles	273

STORM MANUFACTURING CO. INC., MINNEAPOLIS, MINN.

PISTON GRINDER

Model DE-2	$1,600

THE STERNE TOOL & MANUFACTURING CO., NEW BREMEN, OHIO—Continued

OVERDRIVEN, TWIN DRIVE, AIR FRICTION CLUTCH SHEARS

Capacity mild steel	Length of shear blades	Horsepower of motor	Approximate weight	Strokes per minute	Price with standard gap	Extra 24" gap	Extra 36" gap
	Inches		*Pounds*				
¼"	74	20	48,000	30	$12,355	$400	$800
	98	30	55,000	30	13,321	400	800
	122	30	64,000	25	14,672	400	900
	146	30	79,000	25	16,464	400	900
	158	30	86,000	25	17,745	400	900
	170	35	96,000	25	19,390	450	950
	182	35	120,000	25	22,750	450	950
5/16"	74	20	36,000	35	7,175	400	800
	98	20	45,000	30	8,395	400	800
	122	25	60,000	30	11,700	400	900
	146	25	73,000	30	12,940	400	900
	158	25	79,000	30	14,610	400	900
	170	30	86,000	30	16,130	450	950
⅜"	74	15	32,000	40	6,375	300	600
	98	20	40,000	35	7,687	300	600
	122	20	47,500	35	8,700	300	600
	146	20	54,000	30	9,787	400	800
	158	20	60,000	30	11,025	400	800
	170	25	78,000	30	12,218	400	800
7/16"	74	10	21,000	45	4,837	250	550
	98	15	29,000	45	5,500	250	550
	122	15	35,000	40	6,250	250	550
	146	15	40,000	40	6,925	300	600
	158	15	44,000	40	8,500	300	600
	170	15	58,000	40	9,843	350	650
½"	74	10	18,500	40	4,500	250	550
	98	10	25,000	40	5,150	250	550
	122	15	29,000	40	5,981	250	550
	146	15	32,500	40	6,575	300	600
	158	15	42,000	40	7,775	300	600
	170	15	49,000	40	9,250	350	650
	182	20	58,000	40	10,775	350	650
9/16"	74	7½	17,500	55	3,987	200	450
	86	7½	20,000	55	4,200	200	450
	98	10	22,000	50	4,475	200	450
	122	10	25,000	50	5,125	200	450
	146	10	28,000	45	5,856	250	500
	158	10	37,000	45	7,150	250	500
	170	15	44,000	45	8,437	300	500
5/8"	74	7½	14,500	55	3,687	200	450
	98	7½	17,500	50	4,062	200	450
	122	7½	21,500	50	4,562	300	450
	146	10	25,000	45	5,362	200	450
	158	10	34,000	45	6,306	200	475
	170	15	40,000	45	7,687	200	475
10 gage	74	5	14,000	55	3,550	175	375
	98	5	15,000	50	3,906	175	375
	122	5	20,000	50	4,337	175	375
	146	7½	22,000	50	5,187	200	400
	158	7½	27,500	45	5,625	200	400
	170	10	33,000	45	6,206	200	400

Standard equipment includes 1 set of solid 4-edge high carbon tool steel knives, front gage, side gage, 2 front support arms and micrometer back gage, V-belts, motor sheave, flywheel guards, and knife guard. Shears arranged with 6-, 12-, and 18-inch gap are standard equipment. All shears up to and including 98 inches long are furnished with a 24-inch back gage; longer shears are furnished with 30-inch back gages as standard equipment. 36-inch-long gages will be quoted as an extra. All shears are arranged with an air-operated holddown as standard equipment. Standard lubrication is alemite.

$150 extra for equipping shears with Farval one shot lubricating system.

Prices of high carbon high chrome shear blades are furnished on application.

SUNDSTRAND MACHINE TOOL CO., ROCKFORD, ILL.

MOTOR DRIVE

Type	Weight	With tailstock	Without tailstock
	Pounds		
Model 8 automatic stub lathe:			
8" x 15" centers	3,600	$2,730	$2,488
8" x 21" centers	3,900	2,912	2,670
8" x 28" centers	4,250	3,166	2,924
8" x 36" centers		3,366	
Model 10 automatic lathe:			
10" x 16" centers	5,050	3,830	3,491
10" x 22" centers	5,500	4,023	3,684
10" x 34" centers	6,400	4,485	4,146
10" x 46" centers			
Model 12 automatic lathe:			
12" x 16" centers	5,350	4,235	3,897
12" x 22" centers	5,800	4,427	4,089
12" x 34" centers	6,650	4,889	4,551
12" x 46" centers			

Brake drum turning stub lathe, belt drive, front carriage	$1,635
Brake drum turning stub lathe, belt drive, front and rear carriage	2,135

NO. 83 DRILLING AND CENTERING MACHINE

Type	Vises	Price
4" x 12" (using Jacobs chucks) or 19" (using collets)	1	$835
4" x 24" (using Jacobs chucks) or 31" (using collets)	2	950
4" x 36" (using Jacobs chucks) or 43" (using collets)	2	997
4" x 48" (using Jacobs chucks) or 55" (using collets)	2	1,045
4" x 60" (using Jacobs chucks) or 67" (using collets)	2	1,092
4" x 72" (using Jacobs chucks) or 79" (using collets)	2	1,139
4" x 84" (using Jacobs chucks) or 91" (using collets)	2	1,186
4" x 96" (using Jacobs chucks) or 103" (using collets)	2	1,234

DRILLING AND CENTERING MACHINE

Type	Vises	Price
4" x 24" (using Jacobs chucks) or 34" (using collets)	2	$1,513
4" x 36" (using Jacobs chucks) or 46" (using collets)	2	1,562
4" x 48" (using Jacobs chucks) or 58" (using collets)	2	1,612
4" x 60" (using Jacobs chucks) or 70" (using collets)	2	1,661
4" x 72" (using Jacobs chucks) or 82" (using collets)	2	1,711

Type	Weight	Price
	Pounds	
Sundstrand 2-wheel tool grinder	1,000	$635
Sundstrand 3-wheel tool grinder, type A, B, or C	1,330	855
No. 00 Rigidmil (hand feed) motor drive	1,000	1,320
No. 00 Rigidmil (hydraulic feed) motor drive	1,270	1,740
No. 0 Rigidmil (hand feed) motor drive	1,550	1,523
No. 0–12" Rigidmil (hydraulic feed) motor drive	2,055	2,100
No. 0–18" Rigidmil (hydraulic feed) motor drive	2,155	2,247
No. 1–12" Rigidmil (hydraulic feed) motor drive	2,850	2,960
No. 1–18" Rigidmil (hydraulic feed) motor drive	2,950	3,192
No. 2–18" Electromil (mechanical feed) motor drive	5,200	3,932
No. 2–24" Electromil (mechanical feed) motor drive	5,300	4,072
No. 3–24" Rigidmil (horizontal) (mechanical feed) motor drive		3,712
No. 3–24" Rigidmil (vertical) (mechanical feed) motor drive		4,187

SUNDSTRAND MACHINE TOOL CO., ROCKFORD, ILL.—Continued

DRILLING AND CENTERING MACHINE—continued

Type	Table feed	Column face to edge table	Maximum spindle to top of table	Weight	Price
	Inches	*Inches*	*Inches*	*Pounds*	
No. 3-A Rigidmil	24	4	14		$4,490
Do	36	4	14		4,640
Do	24	4	18		4,797
Do	36	4	18		4,899
Do	24	9	14		4,767
Do	36	9	14		4,918
Do	24	9	18		4,845
Do	36	9	18		5,087
No. 3-C Rigidmil	48	5.375	16		5,965
Do	60	5.375	16		5,862
Do	72	5.375	16		6,458
Do	48	9.375	16		5,626
Do	60	9.375	16		6,080
Do	72	9.375	16		6,534
No. 4 Rigidmil	48	3.5	16		5,535
Do	60	3.5	16		6,025
Do	72	3.5	16		6,522
Do	48	7.5	16		5,737
Do	60	7.5	16		6,249
Do	72	7.5	16		6,703
Hydro-screw Rigidmil:					
Simplex	36		13	9,500	5,740
Do	48		13	10,000	5,938
Do	60		13	12,000	6,785
Do	72		13	12,500	7,115
Duplex	36		13		7,925
Do	48		13		8,056
Do	60		13		8,805
Do	72		13		9,493

Combination surface and internal link grinder, not including electrical equipment	$6,735

SUPERIOR MACHINE AND ENGINEERING COMPANY, DETROIT, MICH.

Standard slot milling machine equipped with motor drive	$750
Special high speed machine	875

THE TAFT-PIERCE MANUFACTURING CO., WOONSOCKET, R. I.

No. 1 precision surface grinder—5" x 12" x 12", 1,500 pounds, $1,800.

TAYLOR & FENN CO., HARTFORD, CONN.

MILLING MACHINES

	Each
8-inch vertical milling machine with standard equipment, arranged for motor drive, but without electrical equipment	$1,550
12-inch vertical milling machine with standard equipment, arranged for motor drive, but without electrical equipment	2,500
4-inch duplex spline milling machine with standard equipment, arranged for motor drive, but without electrical equipment	2,650
6-inch duplex spline milling machine with standard equipment, arranged for motor drive including shipper-rod master switch, standard magnetic starter, but without motor	3,600

TAYLOR & FENN CO., HARTFORD, CONN.—Continued

MODELS DRILLING MACHINES

[Complete with standard equipment including ½ horsepower alternating current, 3,450 revolutions per minute motor, switch, pushbutton and drill chuck on each head]

Number of spindles	Prices Bench	Prices Floor
1	$315	$435
2	605	785
3	895	1,065
4	1,185	1,395
5	1,475	1,725
6	1,765	2,060

MODEL 66 DRILLING MACHINE, FLOOR TYPE

[Complete with standard equipment, hand feed, without motor-drive arrangement, motor, or electrical equipment]

Number of spindles	Price
1	$420
2	730
3	1,040
4	1,350
5	1,650
6	1,975

FARREL-BIRMINGHAM CO., INC., ANSONIA, CONN.—Continued

[illegible]

Stretcher grinder, floor type $1,000

Shaper wet tool grinder arranged for motor drive with motor-belt guard, motor pulley and belt, but without electrical equipment $695

Fishtail cutter grinder, floor type 250

SURFACE GRINDERS

Size of machine	Net weight	Price
	Pounds	
6 x 12 x 18	3,800	$1,980
8 x 12 x 24	4,200	2,450
8 x 12 x 30	6,700	3,240
12 x 12 x 40	7,000	3,105
12 x 12 x 60	7,600	4,830
12 x 18 x 24	7,000	3,970
12 x 18 x 48	12,000	6,000

THE THOMPSON GRINDER COMPANY, SPRINGFIELD, OHIO

Item No.	Width	Height under wheel	Length	Grinding wheel	Net weight	Price	Magnetic chuck	Chuck height	Chuck price	Increase, vertical capacity to	Price
	Inches	*Inches*	*Inches*	*Inches*	*Pounds*		*Inches*	*Inches*	*Inches*	*Inches*	
1	6	12	18	12 x 1½ x 5	4,800	$1,980	6 x 18	3½	$115		
2	8	12	18	12 x 1½ x 5	4,900	2,120	8 x 18	4½	150		
3	8	12	24	12 x 1½ x 5	5,240	2,350	8 x 24	3½	160	18	
4	10	12	24	12 x 1½ x 5	6,100	2,710	10 x 24	4	225	18	
5	12	12	24	12 x 1½ x 5	6,580	3,030	12 x 24	4	275	18	$200
6	9	12	30	12 x 2 x 5	6,700	3,500	9 x 30	4¼	225	18	
7	9	12	60	12 x 2 x 5	7,500	4,200	9 x 60	4¼	500	18	
8	12	12	30	12 x 2 x 5	7,000	4,100	12 x 30	4	425	18	
9	12	12	60	12 x 2 x 5	7,980	4,800	12 x 60	4	650	18	
10	12	16	24	20 x 2 x 8	7,300	3,970	12 x 24	4	275	16	

Prices shown above are for machines equipped for wet grinding and with all motors, automatic starters, and push buttons.

AUXILIARY EQUIPMENT AT EXTRA PRICE FOR B TYPE GRINDING MACHINES

	Price
1A. Direct current generator sets: Motor, 3- or 2-phase, 60- or 25-cycle, 220-, 440-, 550-volt, ball bearing, ½ horsepower. Generator: Compound wound, ball-bearing, ½ kilowatt capacity. Complete with magnetic starter	$415
2A. Dust exhauster unit. Equipped with ¾ hp. 3,600 revolutions per minute direct connected motor and steel base. Catalog No. 9, p. 18, Item 1	175
3A. Automatic spark-out control: Catalog No. 9, p. 19, Item 4	$300
4A. Automatic down feed; 0.00025 inch to 0.001 inch per wheel head reverse. Catalog No. 9, p. 19, Item 2	300
5A. Automatic downfeed (minus cut operations only): 0.0025 inch to 0.001 inch per table reverse. Catalog No. 9, p. 19, Item 2	200
6A. Coolant filter	75

Item No.	Width	Height under wheel	Length	Grinding wheel	Net weight	Price	Magnetic chuck	Chuck height	Chuck price	Increase, vertical capacity to	Price	Increase, vertical capacity to	Price
	Inches	*Inches*	*Inches*	*Inches*	*Pounds*		*Inches*	*Inches*		*Inches*		*Inches*	
11	12	16	40	20 x 3 x 8	10,400	$5,600	12 x 40	4	$425	28		36	
12	12	16	48	20 x 3 x 8	12,000	6,000	12 x 48	4	525	28		36	
13	12	16	60	20 x 3 x 8	13,000	6,400	12 x 60	4	670	28		36	
14	12	16	72	20 x 3 x 8	16,400	6,800	12 x 72	4½	725	28		36	
15	14	16	40	20 x 3 x 8	11,500	6,200	14 x 40	4¼	575	28	$400	36	$500
16	14	16	48	20 x 3 x 8	13,000	6,800	14 x 48	4¼	690	28		36	
17	14	16	60	20 x 3 x 8	14,000	7,400	14 x 60	4¼	750	28		36	
18	14	16	72	20 x 3 x 8	18,400	8,000	14 x 72	4½	900	28		36	

Prices shown above are for machines equipped for wet grinding and with all motors, automatic starters, and push buttons, with electric elevation. 15 horsepower wheel heads.

THE THOMPSON GRINDER COMPANY, SPRINGFIELD, OHIO—Continued

EXTRA AND OPTIONAL EQUIPMENT FOR FLAT BROACHES

	Magnetic chuck (inches)	Tilting	Tilting and swiveling	M-G set with starter	Neutral switch
6 x 48		$600	$800	500 watt $145	$90
6 x 60		800	1,100		108
6 x 72		1,100	1,400		108
12 x 48		850	1,150		108
12 x 60		1,075	1,375		125

AUXILIARY EQUIPMENT AT EXTRA PRICE FOR C TYPE GRINDING MACHINES

Item No.	Width	Height under wheel	Length	Grinding wheel	Net weight	Price
	Inches	*Inches*	*Inches*	*Inches*	*Pounds*	*Price*
19	16	16	40	20 x 3 x 3 8	13,000	$6,800
20	16	16	48	20 x 3 x 3 8	14,000	7,400
21	16	16	60	20 x 3 x 3 8	15,000	8,000
22	16	16	72	20 x 3 x 3 8	17,000	8,700
23	16	16	96	20 x 3 x 3 8	21,000	10,200
24	16	16	120	20 x 3 x 3 8	25,000	11,570
25	16	16	144	20 x 3 x 3 8	32,000	12,770
26	16	16	168	20 x 3 x 3 8	34,000	14,270
27	18	16	48	20 x 3 x 3 8	18,000	8,000
28	18	16	60	20 x 3 x 3 8	21,000	9,000
29	18	16	72	20 x 3 x 3 8	18,500	9,500
30	18	16	96	20 x 3 x 3 8	21,000	11,100
31	18	16	120	20 x 3 x 3 8	26,000	12,200
32	18	16	144	20 x 3 x 3 8	34,000	13,700
33	18	16	168	20 x 3 x 3 8	38,000	14,700
34	20	16	48	20 x 3 x 3 8	19,400	9,000
35	20	16	60	20 x 3 x 3 8	17,800	9,000
36	20	16	72	20 x 3 x 3 8	19,000	10,100
37	20	16	96	20 x 3 x 3 8	23,000	11,300
38	20	16	120	20 x 3 x 3 8	28,000	12,324
39	20	16	144	20 x 3 x 3 8	37,000	13,554
40	20	16	168	20 x 3 x 3 8	43,000	14,754
41	24	16	48	20 x 3 x 3 8	18,800	10,350
42	24	16	60	20 x 3 x 3 8	21,000	11,300
43	24	16	72	20 x 3 x 3 8	21,000	12,554
44	24	16	96	20 x 3 x 3 8	31,000	12,554
45	24	16	120	20 x 3 x 3 8	35,000	13,654
46	24	16	144	20 x 3 x 3 8	40,000	14,854
47	24	16	168	20 x 3 x 3 8	45,000	16,804

Prices shown above are for machines equipped for wet grinding, and with all motors, automatic starters, and push buttons, with electric elevation. 15-horsepower wheel heads.

AUXILIARY EQUIPMENT AT EXTRA PRICE FOR C TYPE GRINDING MACHINES

	Machine size (inches)	Hand feed table and head	Automatic table and head	Round broach attachment for 3,600 r. p. m. spindle
6 x 48		$3,500	$5,200	$1,500
6 x 60		4,100	5,800	
6 x 72		4,700	6,500	
12 x 48			7,100	
12 x 60			8,500	

2A. Dust exhauster unit: Equipped with ¾ horsepower, 3,450 revolutions per minute direct connected motor and steel hose. Catalog No. 9, p. 400

3. Automatic down feed: 0.0002S inch to 0.004 inch per wheel head reverse. Catalog No. 9, p. 19, item 2 400

5A. Automatic down feed (plunge cut operations only): 0.0002S inch to 0.004 inch per table reverse. Catalog No. 9, p. 19, item 2 400

6A. Coolant filter 100

Above prices include all motors, automatic starters, and push buttons. 1 wheel guard. 1 type H grinding wheel for hardened machines. 1 electric tooth locator for automatic machines. 1 set wrenches.

THE TOLEDO PIPE THREADING MACHINE CO., TOLEDO, OHIO

NO. 999 SUPER MODEL PIPE MACHINE

	Users' net prices
	Approximate shipping weights
	Pounds
No. 999 with 6 quick-opening die heads and ½- to 2-inch dies (6 sets), built-in reamer and 110-volt universal motor	473 $360.00
No. 999 with 3 quick-opening die heads and ½- to 2-inch dies (6 sets), built-in reamer and 110-volt universal motor	432 309.95
2-INCH HIGH SPEED POWER PIPE MACHINE	
2-inch high speed with 220-440 volt, 3-phase, 60-cycle motor	1,110 $750.00
2-inch high speed with direct current or 1-phase, 110-220 volt, 60-cycle motor	1,110 775.00
NO. 999 STANDARD MODEL PIPE MACHINE	
No. 999 with 6 nonopening die heads and ½- to 2-inch dies (6 sets), built-in reamer and 110-volt universal motor	434 $775.00
No. 999 with 3 nonopening die heads and ½- to 2-inch dies (6 sets), built-in reamer and 110-volt universal motor (or 220-volt universal motor). (Also furnished with 220-440-volt, 3-phase motor for 60 cycles only, at same price as with universal motor).	440 287.45
NO. 1-2-4 POWER PIPE MACHINE	
No. 1-2-4 with 220-440-volt, 3-phase, 60-cycle motor	2,800 $1,900.00
No. 1-2-4 with 220-440-volt, 3-phase, 25-cycle motor	2,800 1,450.00
No. 1-2-4 with 220-volt, 1-phase, 60-cycle motor	2,800 1,475.00
No. 1-2-4 with direct current 230-volt motor	2,500 1,600.00

THE TORRINGTON CO., TORRINGTON, CONN.

SWAGING MACHINE PRICE LIST

	Price	Extra price for Texrope motor drive	Approximate price of dies, single groove, LaBelle steel
Spindle machines:			*Per pair*
No. 00	$150		$7.50
No. 1	300		9.00
No. 2	575	$75.60	10.00
No. 3	725	101.80	13.00
No. 3½	1,125	109.50	16.00
No. 4	1,350	137.60	20.00
No. 4 heavy	1,425	137.60	26.00
No. 4–10	1,800	137.60	36.00
No. 5	1,150	101.80	22.00
No. 6	1,500	137.60	28.00
No. 7	1,700	137.60	34.00
Collet machines:			*Per set*
No. 3	1,000	101.80	30.00
No. 4	1,600	137.60	40.00

RACK AND PINION FEEDS

(For both new style and old style machines)

For No. 2 machine	$155
For No. 3 machine	180
For No. 3½ machine	200
For No. 4 machine	225

THE UNITED STATES ELECTRICAL TOOL COMPANY, CINCINNATI, OHIO

HEAVY-DUTY FLOOR GRINDER

(Pedestal)

½ horsepower, 8″ x 1″	A	$110
1 horsepower, 10″ x 1″	B	140
1 horsepower, 10″ x 1¾″	B	175

For other than 50- or 60-cycle, increase price 10 percent net.

MODEL 10 GRINDERS

2 horsepower, 12″ x 2″	C	$300
3 horsepower, 12″ x 3″	C	345
5 horsepower, 14″ x 3″	C	380
7½ horsepower, 16″ x 3″	C	468
7½ horsepower, 18″ x 3″	C	490
7½ horsepower, 20″ x 3″	C	545
7½ horsepower, 20″ x 3″, 1,800 r. p. m	C	583

For other than 50- or 60-cycle, increase price 10 percent net. For 2 horsepower and 3 horsepower, single-phase, increase price 25 percent net.

MODEL 10WG COMBINATION WET AND DRY GRINDER

3 horsepower, 12″ x 2″	C	$450

For other than 50- or 60-cycle, increase price 10 percent net.

MODEL 20 WIDE-TYPE GRINDERS

2 horsepower, 12″ x 2″	C	$330
3 horsepower, 12″ x 3″	C	380
5 horsepower, 14″ x 3″	C	425
7½ horsepower, 16″ x 3″	C	512
7½ horsepower, 18″ x 3″	C	539
7½ horsepower, 20″ x 3″	C	594
7½ horsepower, 20″ x 3″, 1,800 r. p. m	C	635

For other than 50- or 60-cycle, increase price 10 percent net. For 2 horsepower and 3 horsepower, single-phase, increase price 25 percent net.

MODEL 30 GRINDER

7½ horsepower, 16″ x 3″	C	$613
7½ horsepower, 18″ x 3″	C	650
7½ horsepower, 20″ x 3″	C	705
7½ horsepower, 20″ x 3″, 1,800 r. p. m	C	743
10 horsepower, 24″ x 4″	C	883

For other than 50- or 60-cycle, increase price 10 percent net.

MODEL 40 GRINDERS

7½ horsepower, 18″ x 3″	C	$704
7½ horsepower, 20″ x 3″	C	743
7½ horsepower, 20″ x 3″, 1,800 r. p. m	C	787
10 horsepower, 24″ x 4″	C	935
15 horsepower, 24″ x 4¾″	C	1,066
20 horsepower, 30″ x 5″	C	1,436
20 horsepower, 30″ x 3″, 1,200 r. p. m	C	1,540

For other than 50- or 60-cycle, increase price 10 percent net.

MODEL 64 FOR VITRIFIED WHEELS

3 horsepower, 12″ x 2″	C	$550
5 horsepower, 14″ x 3″	C	594
7½ horsepower, 18″ x 3″	C	666
7½ horsepower, 20″ x 3″	C	737

MODEL 64 FOR HIGH-SPEED WHEELS

3 horsepower, 12″ x 2″	C	$605
5 horsepower, 14″ x 3″	C	649
7½ horsepower, 18″ x 3″	C	721
7½ horsepower, 20″ x 3″	C	792

For other than 50- or 60-cycle, increase price 10 percent net.

THE UNITED STATES ELECTRICAL TOOL COMPANY, CINCINNATI, OHIO—Continued

MODEL 65 FOR VITRIFIED WHEELS

7½ horsepower, 18″ x 3″	C	$1,210
7½ horsepower, 20″ x 3″	C	1,254
10 horsepower, 24″ x 3″	C	1,353
15 horsepower, 30″ x 3″	C	1,403

MODEL 65 FOR HIGH-SPEED WHEELS

7½ horsepower, 18″ x 3″	C	$1,265
7½ horsepower, 20″ x 3″	C	1,309
10 horsepower, 24″ x 3″	C	1,463
15 horsepower, 30″ x 3″	C	1,503

For other than 50- or 60-cycle, increase price 10 percent net.

MODEL 66 FOR VITRIFIED WHEELS

5 horsepower, 16″ x 2″	C	$908
7½ horsepower, 18″ x 3″	C	963
7½ horsepower, 20″ x 2″	C	1,018
10 horsepower, 24″ x 3″	C	1,073

MODEL 66 FOR HIGH-SPEED WHEELS

5 horsepower, 16″ x 2″	C	$963
7½ horsepower, 18″ x 3″	C	1,018
7½ horsepower, 20″ x 2″	C	1,073
10 horsepower, 24″ x 3″	C	1,128

For other than 50- or 60-cycle, increase price 10 percent net.

MODEL 80 DOUBLE DISK GRINDER

2 horsepower, 8″ disk	C	$458
3 horsepower, 10″ disk	C	504
5 horsepower, 12″ disk	C	611
7½ horsepower, 18″ disk	C	834
10 horsepower, 20″ disk	C	1,111
15 horsepower, 24″ disk	C	1,398
15 horsepower, 26″ disk	C	1,608
20 horsepower, 30″ disk	C	2,048

For other than 50- or 60-cycle, increase price 10 percent net. For 2 horsepower and 3 horsepower, single phase, increase price 25 percent net.

MODEL 70 COMBINATION GRINDER AND DISK GRINDER

½ horsepower, 7″ disk	B	$255
1 horsepower, 8″ disk	B	315
2 horsepower, 10″ disk	C	414
3 horsepower, 12″ disk	C	460
5 horsepower, 14″ disk	C	574
7½ horsepower, 16″ disk	C	681
7½ horsepower, 18″ disk	C	715
7½ horsepower, 20″ disk	C	766

The ½ horsepower and 1 horsepower prices are for 110–220-volt, 60-cycle, single-phase or 220–440-volt, 50- or 60-cycle, 2- or 3-phase. 3 horsepower to 7½ horsepower, inclusive, prices are for 220-, 440-, 550-volt, 50- or 60-cycle, 2- or 3-phase. For other than 50- or 60-cycle, increase price 10 percent net.

MODEL 85 BUFFER AND POLISHER

2 horsepower	C	$253
3 horsepower	C	314
5 horsepower	C	390
7½ horsepower	C	446
10 horsepower	C	523
15 horsepower	C	633
20 horsepower	C	743

For other than 50- 60-cycle, increase price 10 percent net. For 2 horsepower and 3 horsepower, single-phase, increase price 25 percent net.

MODEL 90 BUFFER AND POLISHER

2 horsepower	C	$275
3 horsepower	C	336
5 horsepower	C	352
7½ horsepower	C	468
10 horsepower	C	539
15 horsepower	C	655
20 horsepower	C	765

For other than 50- or 60-cycle, increase price 10 percent net. For 2 horsepower and 3 horsepower, single-phase, increase price 25 percent net.

MODEL 95 MULTISPEED BUFFER AND POLISHER

1 horsepower	C	$429
2 horsepower	C	468
3 horsepower	C	495
5 horsepower	C	539
7½ horsepower	C	622
10 horsepower	C	704
15 horsepower	C	820
20 horsepower	C	930

For other than 50- or 60-cycle, increase price 10 percent net.

MODEL 100 MOTOR-IN-BASE BUFFER AND POLISHER

(Single Spindle)

3 horsepower	C	$450
5 horsepower	C	473
7½ horsepower	C	529
10 horsepower	C	585
15 horsepower	C	709
20 horsepower	C	821

For other than 50- or 60-cycle, increase price 10 percent net.

THE UNITED STATES MACHINE TOOL COMPANY, CINCINNATI, OHIO

NO. 1 U. S. IMPROVED HAND-MILLING MACHINE AND ACCESSORIES

Machine with No. 9 B. & S. taper hole in spindle, complete with wrenches, oil pot, countershaft or arranged for motor drive (without electrical equipment), and 2 micrometer dials (1 for vertical feed and 1 for cross feed), full antifriction bearing, timken bearings on spindle, with ball-bearing backshaft boxes, V-belt drive, completely guarded	$350
Motor and switch mounted and wired on machine. 1 horsepower 1,200 r. p. m., 220–440-volt, 60 cycle, 3-phase motor required	60
Other voltages—Prices on application.	
When motor and starter are supplied by customer and shipped to us for mounting and wiring to machine, charge is (depending upon type of starter)	10 to 20
When machine is furnished for countershaft drive, flat-belt pulleys are furnished on countershaft and backshaft.	

EXTRAS

No. 10 Brown & Sharpe taper hole in spindle	$5
Milling machine flat vise, complete (opens 3¼ x 5½ inches wide by 1¼ inches deep)	20
Swivel base vise, complete (opens 3¼ x 5½ inches wide by 1¼ inches deep)	32
Arbor for holding cutters, ¼-, ⅞-, or 1-inch hole, No. 9 B. & S. taper shank (length from shoulder to nut, 4 inches)	8
Arbor for holding cutters, ¼-, ⅞-, or 1-inch hole, No. 10 B. & S. taper shank (length from shoulder to nut, 4 inches) (Arbors any length and diameter can be furnished according to specifications at special prices.)	10
Spring collet for holding Woodruff keyway cutters with ½-inch straight shank No. 9 B. & S. taper	8
Spring collet for holding Woodruff keyway cutters, with ½-inch straight shank No. 10 B. & S. taper	9
No. 2 universal milling attachment	120
6-inch universal dividing head	130
8-inch universal dividing head	145
Extra for oil pump, tank and all attachments complete	45

U. S. TOOL CO., INC., AMBERE (EAST ORANGE), N. J.

U. S. MULTIMILLERS AND ACCESSORY EQUIPMENT

Item:	*Price*
MM–1–4 multimiller	$1,500
MM–1–6 multimiller with No. 9 taper	1,700
MM–1–6 multimiller with No. 40 taper	1,725
MM–1–5–2 with automatic vertical motion, either No. 9 or No. 40 taper	2,350

ATTACHMENTS

Rotary attachment	200
Positive table return	50
180° rotary index table	160
Washout arrangement	15
Vertical adjustable head	285
Hydraulic table preloader	125
Heavy duty overarm support	75
Vises:	
MV–1	65
MV–2	75
Micrometer table stop	40

UNIVERSAL BORINO MACHINE COMPANY, HUDSON, MASS.

8-INCH SPINDLE MACHINE

Base price: 60-inch bed, 26-inch vertical range, 27 x 58-inch table	$9,625
Extras (to be added to base price):	
1. 33-inch vertical in place of 27 inch	275
2. 40-inch vertical in place of 27 inch	495
3. 72-inch bed length in place of 60 inch	165
4. 96-inch bed length in place of 60 inch	495
5. 32- x 58-inch table in place of 26- x 58-inch	330
6. 40- x 58-inch table in place of 26- x 58-inch	495
7. Complete coolant system	300
8. Verniers	200
9. Rod and dial measuring (base machine)	680
10. Auxiliary table	165
11. Special low speed 11–440 r. p. m	110
12. Special high speed 15–1,200 r. p. m	265
13. Threading attachment	1,250

4-INCH SPINDLE MACHINE

Base price: 72-inch bed, 36-inch vertical range, 40- x 60-inch table	$15,900
Extras (to be added to base price):	
1. 48-inch vertical range in place of 36 inch	975
2. 60-inch vertical range in place of 36 inch	1,575
3. 96-inch bed length in place of 72 inch	675
4. 120-inch bed length in place of 72 inch	1,350
5. 42- x 76-inch table in place of 40- x 60-inch	975
6. 48- x 84-inch table in place of 40- x 60-inch	1,950
7. Complete coolant system	300
8. Verniers	300
9. Rod and dial measuring (base machine)	800
10. Auxiliary table	165
11. Special high speed 8–1,000 r.p.m	900
12. 5-inch spindle head in place of 4-inch	600
13. Threading attachment	1,900

THE V. & O. PRESS CO., INC., HUDSON, N. Y.

PRESSES

Size	Plain		Geared	
	Weight	Price	Weight	Price
	Pounds		*Pounds*	
00	280	$225		
0	350	255		
0½	385	355		
0	700	290		
01	450	330		
01W	1,050	395		
1	1,150	360		
1W	1,250	430		
1½	1,400	450	1,700	$640
2	2,000	495	2,300	695
2W	2,100	600	2,350	815
2½	2,650	645	3,150	880
2½W	2,850	750	3,350	960
3	3,500	710	4,100	950
3W	3,600	845	4,400	1,100
3½	3,800	825	4,600	1,075
3½W	4,350	825	5,200	1,075
5	5,100	1,000	6,200	1,325
4	5,500	1,200	6,600	1,550
4W	7,500	1,200	8,800	1,550
5	7,500	1,600	9,450	1,960
5W	8,100	1,600	9,450	1,960
5½	10,500	1,770	12,300	2,245
5½	11,500	2,420	13,400	2,800
6	25,000	3,600	28,00	4,050
6½	700	900		
10½	700	1,150		
11	1,200			
12	1,800			
12½	2,700	1,350	3,050	1,590
13	3,500	1,600	4,100	1,855
13½	5,500	2,100	6,250	2,450
14	7,200	2,600	8,100	2,960
15	1,000	360		
20	1,650	495	1,950	695
21	2,500	645	2,850	880
22	3,200	740	3,600	975
22½	4,300	1,000	4,900	1,325
23	4,300	1,000	5,200	1,285
23½	6,000	1,280	6,700	1,600
24	5,200	1,330	6,000	1,705
31	6,800	1,940	7,800	2,340
31½	1,100	470		
41	2,400	650	2,700	855
42	5,750	1,100	6,550	1,340
43	8,200	1,615	9,600	1,965
44	10,000	1,830	11,300	2,180
45	200	60		
70	300	90		
71	470	105		
72	525	160		
101	1,600	575	1,900	700
102	2,500	725	3,000	945
103	3,300	1,275	4,100	1,525
104	5,600	1,550	6,700	1,875
210	500	1,430		
201W	700	1,650		
202	1,550	2,050		
201½	600	1,870		
201½W	875	1,980		
202½	1,650	2,200		
25T	3,700	975		
30T	4,600	1,100		
35T	5,600	1,250		
41S	1,100			
410	1,250	1,600		
31½S	5,000	2,650		
325	5,375	2,650		

No. 104 V. & O. geared reducing press, $1,875.

VAN NORMAN MACHINE TOOL CO., SPRINGFIELD, MASS.

RAM-TYPE UNIVERSAL MILLING MACHINES—PRICES AND SPECIFICATIONS

Model No.	Table travel	Saddle hand cross feed	Knee—vertical range from center line of spindle in horizontal position to top of table in lowest position	Net weight including standard equipment	Price
	Inches	*Inches*	*Inches*	*Pounds*	
6 (hand)	18	5¾	16¼	1,350	$1,320
12	17	6⅜	17	1,650	2,250
22L	28	10	17	3,300	4,050
22LU	28	10	18	3,400	5,150
26	28	12	19	4,600	5,350
26U	28	12	18	4,700	5,500
36	35	12	21¾	4,950	6,100

VAN NORMAN MACHINE TOOL CO., SPRINGFIELD, MASS.—Continued

HORIZONTAL MILLING MACHINE

Model No.	Table travel (power)	Cross feed (power)	Vertical feed knee (power)	Net weight standard equipment	Price
	Inches	*Inches*	*Inches*	*Pounds*	
2LP	28	10	16	2,700	$3,575
2LU	28	10	15	2,800	3,700
2SP	28	10	18	4,400	4,700
2SU	28	10	17	4,500	5,100

Hand mill:
Working surface of table ..... inches.. 26 x 6
Net weight with standard equipment ..... pounds.. 1,700
Price $1,185

18 feed-type milling machine:
Working surface of table ..... inches.. 34 x 10
Longitudinal power table feed ..... do..... 18
Net weight ..... pounds.. 3,600
Price $3,350

3V vertical milling machine:
Table feed ..... inches.... 34
Saddle—cross feed ..... do..... 12
Knee—vertical feed ..... do..... 18
Net weight, including standard equipment ..... pounds.. 6,550
Price $6,925

Obsolete machines	*Equivalents*
Piston grinding and turning:	
No. 88	No. 101—$2,175.
No. 96	
No. 98	
No. 76 with automatic feeds	$1,400.
No. 3 with automatic feeds	
No. 85	
No. 76 without automatic feed	$1,200.
No. 70	
Bantam cylinder grinders, motor driven	No. 75—$1,200.
No. 2	
No. 3 without automatic feed	No. 75—$1,200.
No. 4	No. 75—$1,200.
Oscillating radius:	
No. 42	$7,000.
Plain horizontal mills:	
No. 0	No. 6.
No. 21	$3,725.
Duplex mills:	
No. 1½	No. 12—Van Norman Ram Type Universal.
No. 10	
No. 2	No. 22L—Van Norman Ram Type Universal
To. 3	To. 26—Van Norman Ram Type Universal.

VERSON ALLSTEEL PRESS COMPANY, CHICAGO, ILL.

T SERIES MAJOR PRESS BRAKES

Machine No.	Capacity	Price	Stroke maximum [1] in standard frame reducing tonnage	Stroke maximum [1] in standard frame maintaining tonnage	18-inch gap	2-speed gear-ratio
T116	6′ x ¼″	$5,980	$250	$500	$225	$600
T1112	8′ x ⅜″	6,235	250	500	225	600
T1110	10′ x 5/16″	6,505	250	500	225	600
T1112 [2]	12′ x ⅜″	7,190	250	500	225	600
T1114 [2]	14′ x 7/32″	7,690	250	500	225	600
T1116 [2]	16′ x 5/16″	8,160	250	500	225	600
T34	4′ x ¼″	2,275	150	350	125	375
T36	6′ x 10 gage	2,410	150	350	125	375
T38	8′ x 12 gage	2,695	150	350	125	375
T310	10′ x 13 gage	2,950	150	350	125	375
T312	12′ x 14 gage	3,255	150	350	125	375
T314	14′ x 16 gage	3,560	150	350	125	375
T316	16′ x 18 gage	4,035	175	375	150	400
T34	4′ x ¼″	2,720	175	375	150	400
T36	6′ x 3/16″	2,860	175	375	150	400
T38	8′ x 10 gage	3,060	175	375	150	400
T310	10′ x 12 gage	3,405	175	375	150	400
T312	12′ x 13 gage	3,715	175	375	150	400
T314	14′ x 14 gage	4,080	175	375	150	400
T316	16′ x 16 gage	4,500	175	375	150	400
T34	4′ x 3/8″	3,015	200	400	175	425
T36	6′ x ¼″	3,225	200	400	175	425
T38	8′ x 3/16″	3,385	200	400	175	425
T310	10′ x 10 gage	3,665	200	400	175	425
T312	12′ x 11 gage	4,050	200	400	175	425
T314	14′ x 12 gage	4,405	200	400	175	425
T316	16′ x 13 gage	4,820	200	400	175	425
T76	6′ x 3/16″	3,930	225	450	200	450
T78	8′ x ¼″	4,160	225	450	200	450
T710	10′ x 3/16″	4,395	225	450	200	450
T712	12′ x 9 gage	4,805	225	450	200	450
T714	14′ x 10 gage	5,185	225	450	200	450
T716	16′ x 11 gage	5,625	250	500	225	475
T96	6′ x 7/16″	4,180	250	500	225	475
T98	8′ x 5/16″	4,390	250	500	225	475
T910	10′ x ¼″	4,650	250	500	225	475
T912	12′ x 7/32″	4,925	250	500	225	475
T914	14′ x 3/16″	5,355	250	500	225	475
T916	16′ x 9 gage	5,755	250	500	225	475

[1] Maximum stroke is 6 inches on T11 series and 4 inches on remaining series.
[2] Price includes Verson air counterbalance of Ram. If this feature is not desired, deduct $375 from T1112 and $435 from T1114 and T1116.

O. S. WALKER CO., WORCESTER, MASS.

SURFACE GRINDERS

Model	Capacity		Work table		Weight	Price
	Diameter	Height	Diameter	Center hole		
	Inches	*Inches*	*Inches*	*Inches*	*Pounds*	
DA	12	4	12	1¼	4,450	$2,750
DB	12	4	12	1¼	6,250	3,250

WALKER-TURNER CO., INC.

MACHINE POWER TOOLS

Catalog No.	Machine	Weight	List price
		Pounds	
BN2560 [1]	19″ band saw	61	$21.50
BN2561	24″ band saw	115	29.50
BN3045	14″ band saw	415	79.50
BN1135	16″ band saw	460	105.00
D570	Drill press	32	19.25
D571 [1]	do	32	14.25
D572 [1]	do	32	18.50
D715	do	85	30.50
D902	2 spindle drill press	290	120.50
D904	4 spindle drill press	570	275.00
D935	Drill press	110	52.25
D936	do	110	60.25
D937	do	110	53.50
D938	do	110	61.50
D950	do	133	43.95
D1450	do	135	49.95
1501	Lathe	180	79.50
1752	do	180	49.50
1905	do	180	49.50
M11	Motor mills	3	122.75
M1N3565	Band saw	470	155.00
M1N1150	do	575	155.00
SF150A	Flexible shaft machine	65	100.00
SF150B	do	65	107.50
SF150C	do	65	86.00
SF150D	do	65	86.00
SF150E	do	65	86.00
SF150F	do	65	65.00
SF155A	do	120	121.50
SF155B	do	120	120.00
SF155C	do	120	99.50

WALKER-TURNER CO., INC.—Continued

MACHINE POWER TOOLS—continued

Catalog No.	Machine	Weight	List price
		Pounds	
SF165D	do	120	99.50
SF165E	do	120	86.00
SM1700	Surfacers	1,375	364.75
SM1705	Surfacer with bench	158	48.50
TA950	Tilting arbor saw	195	59.50
TA950B	do	195	65.50
TA1150	do	265	87.50
TA1150B	do	265	87.50
WA6C	Geared grinder	75	82.50

[1] Obsolete.

WALSH PRESS & DIE COMPANY, CHICAGO, ILL.

No. 8 foot press:	
No. 8 O. B. I. press (flywheel type), on stand	$75
No. ¾ O. B. I. press (flywheel type)	225
No. 1 O. B. I. press (flywheel type)	300
No. 2 O. B. I. press (flywheel type)	415
No. 3 O. B. I. press (flywheel type)	585
No. 4 O. B. I. press (flywheel type)	785
No. 5½ O. B. I. press (flywheel type)	1,175
No. 8 O. B. I. press (flywheel type)	785
No. 4 O. B. I. press (geared type)	905
No. 5½ O. B. I. press (geared type)	1,375

These prices are f. o. b. Chicago and subject to State sales tax if used in Illinois. Prices quoted are on standard presses.

THE WARNER & SWASEY CO., CLEVELAND, OHIO

Size	Swing	Weight	Selling price
	Inches	*Pounds*	
No. 1 electric turret lathe	10¾	1,230	$2,190
No. 2 all geared head	14	2,770	3,335
No. 3 universal	15½	3,500	4,105
No. 4 universal	16½	3,700	4,815
No. 5 universal	17¾	5,000	4,940
1-A	19	5,850	5,930
2-A	20	7,290	8,295
2-A, 6″	23½	8,790	9,150
3-A	23½	8,790	9,150
3-A, 6″	28	14,880	10,590
4-A	28	14,880	10,990
4-A, 12½″	28	15,380	13,275

VERSON ALLSTEEL PRESS COMPANY, CHICAGO, ILL.—Continued

VERSON INTERMEDIATE SERIES PRESS BRAKES

No.	204	206	208
Tonnage capacity	60	60	60
Rated bending capacity:			
Die opening:			
2 inches	48″ x 14″	48″ x 14″	48″ x 14″
½ inches	60″ x 3/16″	60″ x 3/16″	60″ x 3/16″
1¼ inches	72″ x 10 gage	72″ x 10 gage	78″ x 10 gage.
1 inch	72″ x 12 gage	72″ x 12 gage	96″ x 12 gage.
⅝ inch	72″ x 14 gage	96″ x 14 gage	102″ x 12 gage.
⅜ inch	96″ x 14 gage		120″ x 14 gage.
Distance between housings	54″	78″	102″
Length of bed and ram	37″	37″	37″
Standard stroke	3″	4″	4″
Standard adjustment	4″	4″	4″
Die space bed to slide, stroke down adjustment	12″	12″	12″
With die holder removed)			
With die holder	8″	8″	8″
Strokes per minute	35	35	35
Size of driving motor recommended for full capacity	5 Hp.—1,800 R. P. M.	5 Hp.—1,800 R. P. M.	5 Hp.—1,800 R. P. M.
Type of bearing	Double	Double	Double
Type of driving	V-belt	V-belt	V-belt
Weight	8,000 pounds	11,000 pounds	14,400 pounds
Price	$1,935	$2,075	$2,215

[1] Capacity limited only by bed and ram length.
Lighter gage materials can be bent full length bed and ram.
Standard equipment: V-belt motor-drive arrangement, including driving motor and starter, sectional-ram clamp, lower-die holder, automatic lubrication, wrenches, motorized adjustment of ram with motor and control.

VERSON JUNIOR SERIES PRESS BRAKES

No. 1038	$740
No. 1050	855
No. 1062	960
No. 2038	1,020
No. 2050	1,170
No. 2062	1,295
No. 2078	1,595

The above prices include sectional-ram clamp, lower-die holder, V-belt motor drive and a 3-phase, 60-cycle, 220-440-volt, main driving motor and starter.

VERSON JUNIOR "SERIES PRESS BRAKES EQUIPPED WITH SWINGING BEDS

No. 1038, bed size 3″ x 0″ x 52″	$915		
No. 1050, bed size 3″ x 12″ x 66″	1,010		
No. 2038, bed size 4″ x 0″ x 54″	1,220		
No. 2062, bed size 4″ x 12″ x 66″	1,370		

These prices include same auxiliary equipment as listed above. The foregoing sizes are standard. Other sizes of bed length and depth will be quoted on application. All finish complete information when requesting quotation.

ALLOWANCES

	10 series	20 series	2078
If driving motor and starter not required, deduct	$41.20	$46.40	$58.40
EXTRAS			
If direct current motor, 115- or 230-volt is desired, deduct for alternating-current motor, and add [1]	$124.00	$128.00	$128.00
Variable speed drive	$45.00	$55.00	$55.00
Trip stop-on-top control of friction clutch [2]	$95.00	$105.00	$105.00
For increasing shut height up to 12″ [3]	$55.00	$65.00	$65.00
For increased throat depth from 12″ to ——— inches	31	31	31
Motorized ram adjustment, including a 3-phase, 60-cycle, 220-440-volt, alternating-current motor, control and gear box	$125.00	$125.00	$125.00

[1] In the case of direct current, 10 series machines require 2-horsepower motors, and "020" series 3-horse-power motors, as shown in Bulletin JT-B-40 contact home office furnishing complete information. If removable flange is desired, such as heretofore, it is necessary to order the liner is furnished.
[2] When increasing shut height, the bed is dropped on the housings in direct ratio to amount of increase. When shut height is increased, higher die holder is furnished.
[3] Over 12″ throat depth can be provided. Prices on application.

No. 10 series machines are equipped with bronze bushed main bearings and wrist pins. No. 20 series machines are equipped with bronze bushed main bearings, knuckles, and wrist pins.
All machines have laminated shims on main and connection bearings and gibs.
All prices f. o. b. factory, Chicago.

THE WARNER & SWASEY CO., CLEVELAND, OHIO—Continued

MACHINES NO LONGER MANUFACTURED

Size and type—turret lathe	Last selling price	Comparative Machine No.	Net weight	Machine price
			Pounds	
No. 1 plain head, 5⅝"			750	$1,100
No. 1 electric, 5⅝"			1,290	1,980
No. 2 plain head, 1"			1,210	1,400
No. 2 geared friction head, 1"			1,455	1,600
No. 2 all geared head, 1"			2,770	3,010
No. 2 electric, 1"			2,400	2,570
11" plain head, 1"	$1,145		1,200	
No. 4 plain head, 1½"	880		1,700	
14" geared friction head, 1"	1,343		1,405	
No. 4 geared friction head, 1½"	1,250		2,150	
No. 4 universal geared friction head, 1½"	2,561		2,780	
No. 4 universal 6-speed all geared head, 1½"	2,728	3 M1200	2,735	4,690
No. 4 universal 12-speed all geared, 1½"	3,168	3 M1200	3,635	4,690
No. 3 universal 6-speed all geared head, 1½"			3,300	4,690
No. 4 universal 12-speed all geared head, 1¾"	3,955	4 M1420	3,700	4,815
No. 4 universal 12-speed all geared head, 2"			3,700	4,815
16" plain head, 1⅜"	1,139		1,400	
16" geared friction head, 1⅜"	1,557		1,735	
No. 6 geared friction head, 2¼"	1,295		3,250	
No. 6 double back geared friction head, 2¼"	2,060		3,275	
No. 6 12-speed all geared head, 2¼"		5 M1740	3,250	4,940
No. 5 12-speed all geared head, 2½"			5,100	4,940
1-A universal hollow hexagon, 2½"			5,850	5,950
2-A universal hollow hexagon, 2½"		1-A M470	4,800	5,950
2-A universal hollow hexagon, 3½"		2-A M510	4,500	7,285
2-A universal hollow hexagon, 3½"			7,250	7,285
3-A universal hollow hexagon, 3½"		2-A M510	8,000	7,285
3-A universal hollow hexagon, 4½"		3-A M1950	8,000	8,750
3-A universal hollow hexagon, 4½"			8,750	8,750
3-A universal hollow hexagon, 6"			8,790	9,150

Compare old style No. 4 friction head, cone drive, to new No. 3, with a plain cross slide, at price of $3,500.
Compare old style No 4 friction head, cone drive universal, with new No. 3 universal, at price of $4,690.
Compare old style No. 6 friction head, cone drive, to new No. 5, with plain cross slide, at price of $4,715.
Compare old style No 6, universal to new No. 5 universal, at price of $4,940.
Compare No 2 plain friction head to new No. 2 at price of $3,160.
Compare No. 2 geared friction head to new No. 2 at price of $3,335.

WATERBURY FARREL FOUNDRY AND MACHINE COMPANY, WATERBURY, CONN.

STANDARD SERIES A OPEN-BACK PRESSES

Machine No.	Drawing No.	Basic machine price	Countershaft price	Motor drive arrangements without electrical equipment
2	6112	$405	$44	$121
3	6113	465	44	155
4	6114	665	49	182
5	6115	705	62	215
6	6116	915	85	245
7	6117	1,140	97	275

STANDARD SERIES E PRESSES

100	3911	$165	$37	$97
100A	4012	212	37	97
100½	4400	300	39	97
100½A	4413	325	39	97

STANDARD 2-POST OPEN-BACK PRESSES

11	6951	$810	$155	$195
22	6952	615	182	225
33	6802	825	215	280
44	6804	1,060	245	330
55	6805	1,435	275	

SAFETY BENCH PRESSES

1	7006	$105		$12
1A	7133	215		12

STANDARD PILLAR PRESSES

31	4720	$515	$45	$155
41½	4721	650	50	180
52	4722	815	62	215
63	4723	1,020	86	275
31A	4724	560	45	155
41½A	4725	710	50	180
52	4726	900	62	215
63	4727	1,215	86	275

HIGH-SPEED BLANKER

0	7107	$1,325		(1)
1	7002	1,850		(1)

[1] Included.

WATERBURY FARREL FOUNDRY AND MACHINE COMPANY, WATERBURY, CONN.—Continued

FOUR-POST PRESSES

Machine No.	Drawing No.	Basic machine price	Countershaft price	Motor drive arrangements without electrical equipment
1	7127	$3,145		$195
2	7212	4,355		250
3	6993	5,400		305
2W	7173	5,515		250
3W	7081	6,890		305

CRANK EYELET MACHINES

100–11	7142	$8,350		(1)
150–7	7199	9,085		
150–9	6981	10,285		
150–11	7110	11,495		
150–A–9	7228	11,115		
200–A–9	7140	17,025		
200–A–11	7070	18,575		

[1] Included.

STANDARD D. A. CAM PRESSES

2	6312	$1,020	$44	$121
3	6313	1,325	44	155
4	6314	1,820	49	182
5	6315	2,245	62	215
6	6316	2,790	85	245
7	6317	3,475	97	275

NO. 1807, 250-TON HYDRAULIC PRESS

Press only	$1,085
Hand pump or quick-operating valve	165
Power pump No. 4640 without electrical equipment	775
Total	2,025

STD. D. A. CRANK PRESSES

2	6482	$720	$44	$121
3	6483	950	44	155
4	6484	1,080	49	182

WATERBURY FARREL FOUNDRY AND MACHINE COMPANY, WATERBURY, CONN.—Continued

SEMIAUTOMATIC EDGING AND TRIMMING [illegible]

Machine No.	Drawing No.	Basic machine price	Countershaft price	Motor drive arrangements without electrical equipment
1	6837	$1,805	(1)	[illegible]
2	6717	2,620		

STANDARD HAND LATHES

1	6284	$510	(1)	[illegible]
2	6636	610		
3	4099	1,090		

SEMIAUTOMATIC SCREW-CAP THREADER

Small	6991	$1,805	(1)	[illegible]
Medium size	6668	2,910		

OPEN DIE DOUBLE STROKE CRANK HEADERS

11	6659	$6,400	$125	$360
22	6660	8,360	140	415
33	6417	9,680	165	470

SOLID DIE DOUBLE STROKE ONE CYCLE TOGGLE TYPE HEADERS

0	3416	$1,610	$75	$165
1	3430	2,035	100	195
2	3453	3,180	125	250

SOLID DIE DOUBLE STROKE TUBULAR RIVET HEADERS

0	3416	$2,985	$75	$165
1	3430	3,520	100	195

TUBULAR ATTACHMENTS ONLY

0	3416	$1,375		
1	3430	1,485		

SOLID DIE DOUBLE STROKE CRANK HEADERS

00	6670	$4,180	$100	$305
11	6739	5,610	125	360
22	6747	7,590	135	415
33	6265	10,300	165	470

HI-PRO SOLID DIE DOUBLE STROKE HEADERS

⅜	7041	$3,300	$100	$195
⅝	7286	6,400		195

AUTOMATIC NUT FORMING MACHINES

3	7194	[1] $14,350		
4	6091	[1] 16,600		

HORIZONTAL HAND FEED SCREW THREAD [illegible] MACHINES

10	7120	$1,125	$100	$250
20	7112	1,540	125	275
30	7113	1,950	135	330
40	7114	2,750	150	440
50	7115	3,765	210	550
60	6220	4,160	220	770

AUTOMATIC INCLINED SCREW THREAD ROLLING [illegible] WITH LIFT BLADE TYPE FEED

00	6196	$980		$140
0	7186	1,700		195
10	7121	1,845	$100	195
20	6282	2,145	125	275
30	6485	2,860	140	415

[1] Includes motor drive arrangement.

WATERBURY FARREL FOUNDRY AND MACHINE COMPANY, WATERBURY, CONN.—Continued

AUTOMATIC INCLINED SCREW THREAD ROLLING MACHINES WITH CHAIN HOPPER FEEDS

Machine No.	Drawing No.	Basic machine price	Countershaft price	Motor drive arrangements without electrical equipment
20	7122	$4,500	$125	$250
30	7123	5,425	140	275
40	7124	6,930	150	275

AUTOMATIC SCREW HEAD SLOTTING MACHINES

00	6592	$1,135		$90
0	6810	1,185		110
1	6217	1,515		145
2	6306	2,365		

AUTOMATIC BOLT HEAD TRIMMING MACHINES

1	6897	$3,080	$100	$275
2	7060	4,565	125	275
2A	7060	5,170	125	275
3	6752	7,040	155	330
4	6753	(1)		

[1] Sold to order only.

The following are list prices on standard eyelet machines, latest type, ordinarily built for stock.

No. 2, 6 plunger machine No. 5931	$2,730
No. 2B, 8 plunger machine No. 5925	3,355
No. 2BB, 10 plunger machine No. 5923	3,985
No. 1B, 6 plunger machine No. 5943	2,965
No. 1BB, 8 plunger machine No. 5924	3,690
No. 1BBB, 10 plunger machine No. 5946	4,490
No. 12B, 6 plunger machine No. 5935	4,045
No. 12BB, 8 plunger machine No. 5927	5,020
No. 12BBB, 10 plunger machine No. 5919	5,990
No. 15B, 6 plunger machine No. 5936	4,825
No. 15BB, 8 plunger machine No. 5930	5,950
No. 15BBB, 10 plunger machine No. 5928	7,075

The following are list prices on standard gang slitting machines, friction clutch pulley drive, without winders. The prices given cover the 3 sizes of machines normally built for stock.

No. 0, 12" machine No. 5949	$1,265.00
No. 1, 12" machine No. 5922	1,457.50
No. 2, 18" machine No. 5157	1,732.50

FRANK L. WELLS CO., KENOSHA, WIS.

PRESSES

No. 2 power punch press	$315
No. 3 power punch press	572
No. 3 power punch press (built special)	850
No. 4 power riveter	391
No. 5½ power punch press	644
No. 7½ including O. B. punch press	797
No. 8 back geared 5-inch stroke press	1,408
No. 81 punch press, plain	974
No. 81 press, arranged for motor drive but without motor	1,067
No. 8 O. B. geared press with bolster plate	2,173
No. 8 O. B. plain press with bolster plate	1,703

PUNCH PRESSES

Description	Size	Price
	Inches	
No. 4	30	$1,662
	36	1,723
	42	1,800
	48	2,043
No. 6	52	2,818
	65	3,047
No. 8	73	3,247
	52	3,267
	65	3,529
No. 9	73	3,834
	84	4,032
	48	4,774
	69	5,574
	73	5,898
	Feet	
No. 15	10	6,082
No. 15½	10	4,803

[1] Built lighter on same frame and parts as No. 6 with steel die beds.

WESTERN MACHINE TOOL WORKS, HOLLAND, MICH.

All prices shown below are subject to 10 percent increase

[Western radials, Chard lathes, Steptoe Shapers, Garvin tappers]

WESTERN RADIAL DRILLS

	3'	3½'	4'	4½'	5'	6'
12-speed high speed, 13" col.	$3,285	3,345	$3,405	$3,460	$3,530	$3,740
6-speed high speed, 13" col.	2,990	3,050	3,110	3,165	3,230	3,450

	3', 14" col.	3½', 14" col.	4', 18" col.	5', 20" col.	6', 22" col.	7', 22" col.	8', 22" col.
Heavy duty type, arranged for motor drive, no motors	$3,935	$4,055	$5,805	$6,780	$8,080	$9,200	$9,670

	4', 16" col.	5', 18" col.	6', 20" col.	7', 22" col.	8', 22" col.
Manufacturing type, arranged for motor drive, no motors	$4,445	$6,045	$7,080	$8,325	$9,430

	4', 14" col.	5', 16" col.	6', 18" col.	7', 20" col.
Leader type, arranged for motor drive, no motors	$4,175	$4,645	$6,215	$7,325

	4', 15" col.	5', 20" col.	6', 21¾" col.
Full universal, arranged for motor drive, no motors	$5,655	$7,005	$8,115

STEPTOE SHAPERS

	14" S. G.	14" B. G.	16" S. G.	16" B. G.	20" S. G.	20" B. G.	24" B. G.
Countershaft drive	$1,770	$1,850	$2,105	$2,175	$2,405	$2,475	$2,780
Extra for motor drive, no motor	105	105	105	105	105	105	105
Extra for forced feed lubrication	125	125	125	125	125	125	125
Extra for rapid traverse	175	175	175	175	175	175	175
Extra for power down feed to head	150	150	150	150	150	150	150

CHARD LATHES—TIMKEN BEARING

	16" x 5'	18" x 7'	20" x 7'	24" x 9'	25" x 9'
MANUFACTURING LATHE					
3 step plain head	$1,675				
3 step back geared	1,840	$2,145			
Multispeed, single pulley, 4 speeds	2,280				
Multispeed, motor drive, 4 speeds	2,525				
Multispeed, single pulley, 8 speeds	2,465	2,920	$3,605		
Multispeed, motor drive, 8 speeds	2,690	3,230	3,810		
ENGINE LATHES					
2 step double back geared	2,095			$4,695	$5,215
4 step double back geared	[illegible]	3,360	3,855		
Multispeed, single pulley, 12 speeds	2,965	3,460	3,925		
Multispeed, motor drive, 12 speeds	116	120	130	180	190
Extra for 2' of bed					

GARVIN TAPPERS

No. 1 automatic tapper, belt drive	$370
No. 1 automatic tapper, arranged for motor drive, no motor	400
No. 1 automatic tapper, arranged for motor drive, no motor, 3-speed gear box	470
No. 2-x automatic tapper, belt drive	590
No. 2-x automatic tapper, arranged for motor drive, no motor, 4-speed gear box	740
No. 2-BG automatic tapper, belt drive	695
No. 2-BG automatic tapper, arranged for motor drive, no motor, 4-speed gear box	845
No. 3-B heavy, automatic tapper, belt drive	795
No. 3-B heavy, automatic tapper, arranged for motor drive, no motor, 4-speed gear box	945

WHITNEY METAL TOOL CO., ROCKFORD, ILL.

SPECIAL PORTABLE BRAKES

Description	Size	Prices: Bench, skidded	Prices: Floor, skidded
Plain bending	4 feet, 20 gage	$127.30	$144
Box and finger	4 feet, 20 gage	147.20	164

Box fingers for box and finger style brakes per lineal inch net f. o. b., Rockford, Ill., $1.68.

WHITNEY METAL TOOL CO., ROCKFORD, ILL.—Continued

WHITNEY-JENSEN BRAKES—PRICES

Size (feet)	12 gage	14 gage	16 gage	18 gage
4	$320	$240	$220.00	
5	416	340	273.60	$200
6	512	360	300.00	216
8	620	460	360.00	240
10	800	620	533.60	420

No. 75–1 duplex rolling machine with 1 set of Pittsburgh lock rolls, ¾-inch pocket depth, $752.50.

No. 75–2 special duplex rolling machine with 1 set of Pittsburgh lock rolls ¾-inch pocket depth equipped with hardened worms and bronze gear, $955.50, net f. o. b. Rockford, Ill.

Whitney Metal Tool Co., Rockford, Ill.—Continued

DISCONTINUED MODELS

No. 129 heavy duty punch, with motor	$375.20
No. 129 heavy duty punch, without motor	325.50
No. 130 heavy duty punch, with motor	451.50
No. 130 heavy duty punch, without motor	402.50
No. 47-4′ power press Whitney-Jensen brake with motor	1,260.00
No. 47-5′ power press Whitney-Jensen brake with motor	1,475.00
No. 47-6′ power press Whitney-Jensen brake with motor	1,775.00

Madison-Kipp mechanical feed oiler, for any of the above machines, if desired, $48 each, net f. o. b., Rockford, Ill.

D. E. Whiton Machine Company, New London, Conn.

CENTERING MACHINES

No. 1 single spindle screw feed	$200
No. 2 single spindle screw feed	250
No. 3 single spindle screw feed	300
No. 4 single spindle screw feed	350
4″ single spindle lever feed	425
5″ single spindle lever feed (light type)	425
5″ single spindle lever feed (regular)	600
6″ single spindle lever feed	650
7″ single spindle lever feed	750
4″ 2-spindle lever feed	450
5″ 2-spindle lever feed	650
6″ 2-spindle lever feed	725
7″ 2-spindle lever feed	875

D. E. Whiton Machine Company, New London, Conn.—Continued

CENTERING MACHINES—continued

9″ 2-spindle lever feed	$1,175
4″ 2-spindle revolving	900
5″ 2-spindle revolving	1,225
3½″ 2-spindle turnable	625
4″ x 38″ single spindle duplex	1,000
4″ x 50″ single spindle duplex	1,050
4″ x 86″ single spindle duplex	1,125
7″ x 60″ single spindle duplex	1,700
8″ x 81″ single spindle duplex	1,700

AUTOMATIC GEAR CUTTERS

No. 14	2,400
No. 15	2,600
No. 16	2,200
No. 24	2,300
No. 26	2,300

The Wicaco Machine Corporation, Philadelphia, Pa.

Wicaco standard internal precision grinding machine, 3,000 pounds	[1] $6,000
Wicaco standard patented coptinuous oil grooving machine, belt driven, 900 pounds	1,250
Wicaco standard patented continuous oil grooving machine, motor driven, 975 pounds	1,375
Wicaco standard patented continuous oil grooving machine, arranged for motor drive, not including motor, 925 pounds	1,325

[1] Denotes price correction advised by manufacturer. Differs from that appearing in first edition of Prices of New Machine Tools.

Wicks Bros., Saginaw, Mich.

WICKS STANDARD ENGINE LATHES

[Base price of machine includes: Quick change gears with power feed; compound rest; tool post; large face plate; Timken bearings on main spindle; small face plate; thread chasing dial; steady rest, standard; centers; wrenches]

	26″ x 60″	30″ x 60″	32″ x 60″	36″ x 60″
Swing over bed, inches	26½	30½	32½	36½
Swing over cross slide, do	14	19	19½	24
Distance between centers, do	60	60	60	60
Net weight, pounds	8,400	9,000	14,000	15,000
Weight, each additional 2 feet of bed, do	550	550	700	700
Domestic shipping, weight, do	9,700	10,400	15,000	16,500
Geared head, multiple V-belt motor drive (no motor)	$6,200	$6,600	$8,700	$9,100
Bed, extra per 2 feet	220	240	300	325
Joining beds over 24 feet between centers	400	425	500	510
Carriage complete with apron, compound rest, and round tool post	1,100	1,200	1,300	1,400
Centers, regular, each	12	12	14	14
Chuck plate, fitted to spindle only	27	27	32	34
Chuck plate and chuck, fitted to spindle (no chuck)	39	41	47	50
Face plate—large	50	54	60	68
Face plate—small	24	26	30	32
Pan, standard length bed	200	220	260	280
Pan, extra per 2 feet	30	32	40	42
Pump and tubing	140	140	160	160
Power angular feed to compound rest	400	420	480	500
Power rapid traverse	450	450	500	500
Raising in sand to swing 40 inches				580

Wicks Bros., Saginaw, Mich.—Continued

WICKS HEAVY DUTY GEARED HEAD ENGINE LATHES, TRIPLE GEARED, FACE PLATE DRIVE

Base price of machine includes: Power feed, through quick-change gears; compound rest with power angular feed and 4-stud tool holder; large face plate; steady rest, standard opening; centers; thread-chasing dial; arranged for motor drive with mechanical or electrical apron motor control; wrenches]

	42″ x 60″	48″ x 60″	60″ x 96″
Swing over bed, inches	44½	50	62
Swing over cross-slide, do	32	38	50
Distance between centers	5′2″	5′2″	8′0
Net weight, standard length of bed, pounds	30,000	33,000	48,000
Weight, each additional foot of bed, do	650	650	850
Domestic shipping weight, do	33,000	36,000	51,000
Geared head, multiple V-belt motor drive (no motor)	$13,900	$14,900	$22,000
Extra for Timken bearings on main spindle	250	250	400
Bed, extra per foot	250	270	300
Joining beds over 30′6″ long, per joint	650	700	800
Carriage, complete with apron, compound rest, and tool post	2,800	3,200	4,000
Centers	22	22	26
Face plate, steel instead of cast iron, extra	600	700	800
Face-plate jaws—Fitting only	75	85	100
Face-plate jaws fitted to face plate, 1 set of 4 (cast iron) [1]			
Face-plate jaws fitted to face plate, 1 set of 4 (steel) [1]			
Power rapid traverse to carriage and cross-slide	900	950	1,050
Rests:			
Follow rest	175	200	275
Full swing rest	200	225	260
Steady rest, standard, cast iron	250	300	400
Steady rest, standard, cast steel	500	600	800
Steady rest, oversize, cast iron	500	550	700
Steady rest, oversize, cast steel	1,000	1,100	1,400
Taper attachment	925	1,100	1,300

[1] Prices on application.

Williams, White & Co., Moline, Ill.

HORIZONTAL BULLDOZERS

Machine size	Standard stroke	Die space crosshead forward	Face of crosshead	Weight machine	Price machine	Weight reverse	Price reverse
	Inches	*Inches*	*Inches*	*Pounds*		*Pounds*	
2	8	24	5 x 18	2,900	$1,035		
21	14	24	5 x 20½	4,600	1,574		
22	16	30	6½ x 34½	7,200	1,791		
23	16	30	7 x 39	9,500	1,930		
24	18	38	8½ x 57	15,500	2,609	1,000	$217
25	20	38	12 x 68	22,500	3,609	1,100	230
26	20	42	12 x 69	22,250	4,174	1,400	261
27	22	50	16 x 70	38,000	5,087	1,700	304
28	24	60	16 x 80	52,800	7,217	2,500	435
29U	28	72	36 x 20 x 108	107,000	17,087	With machine.	
30	36	82	40 x 24 x 118	230,000	32,609		

VERTICAL BULLDOZERS

Specifications

	No. 53	No. 54
Double back geared flywheel air clutch with spring set, air released brake, foot treadle, and inching button control. Air counterbalance, gear guards, 1 inch vertical adjustment of die space. Arranged for texrope belted motor drive.	$4,130	$4,826.
	16,000 pounds	23,000 pounds.
Capacity, tons, distributed over face of ram at end of stroke	50	85.
Stroke of slide	12 inches	14 inches.
Distance bed to slide, stroke down	26 inches	28 inches.
Distance between housings	32 inches	41 inches.

Williams, White & Co., Moline, Ill.—Continued

STRAIGHT SIDE TRIMMING PRESS

Size	4-OT-18	5-OT-24	6-OT-26	7-OT-28	8-OT-30
Capacity—tons	55	75	120	165	225
Shaft, inches	4¾-6	5¾-7	6¾-8	7¾-9	8¾-10
Stroke, do	5	4	5	5	6
Strokes per minute	45	40	37	30	26
Die space	12	15	15	19	21
Between housing, inches	18	21	26	28	30
Bame face, do	16 x 14	24 x 19	24 x 20½	30 x 22½	32 x 24
Bed area, do	18 x 18	28 x 24	30 x 26	36 x 28	40 x 30
Opening in bed, do	10 x 10	12 x 12	14 x 14	15 x 15	16 x 16
Outer side					
Die space, inches	8	10½	14¾	15	15
Stroke, do	2	2½	3	3	3
Throat, do	3½	4½	5	6	7½
Motor required					
Size	5	7½	7½	10	15
R. p. m.					
Ship weight, pounds	6,000	9,800	16,500	22,000	32,000
Price	$2,149	$3,287	$4,039	$4,600	$6,104

General specifications

Main frames are one-piece, semisteel castings, heavily reinforced.
Shafts are hammered forgings of steel of No. 1045 SAE specifications.
Main shaft bearings are bushed with bronze.
Single back geared. Main gears of the Nos. 4 and 5 presses are cast semisteel. Main gears of the Nos. 6, 7, and 8 presses are of cast steel.
Automatic stop, steel jaw clutch.
Fly wheel shafts are mounted in antifriction bearings.
Arranged for direct texrope, belted motor drive.

TIE ROD PRESSES

No. 6-8-26:		
Distance between housings	inches	26
Stroke	do	6
Adjustment	do	3½
Die space	do	13
Strokes per minute		40
Bed	inches	26 x 26
Ram	do	16 x 21

Single geared—jaw clutch.
Main shaft bearings bronze bushed.
Fly wheel bearings antifriction.
Texrope motor drive.
Motor required, 10 hp., 1,200 r. p. m.
Shipping weight, pounds 22,550
Price $5,217

Williams, White & Co., Moline, Ill.—Continued

CRANK DROP HAMMERS

Size	No. 2	No. 3	No. 5A	No. 7A	No. 9A
Weight of ram, pounds	250	350	600	950	1,600
Maximum weight lifted ram and die, do	350	500	900	1,500	2,500
Distance between guides, inches	12¼	12¼	16¼	20¼	30
Ram face, do	14 x 11	12 x 13	16 x 13½	20 x 14	24 x 17
Anvil seat, do	12 x 11	12 x 16	16 x 19½	20 x 25	24 x 25
Guides	(1)	(1)	(2)	(2)	(3)
Drive	(2)	(2)	(4)	(4)	(4)
Maximum lift, inches	30	30	30	30	30
Strokes per minute	70	60	60	60	60
Motor required, horsepower			7½	10	15
Shipping weight:					
Lifter only, pounds	1,200	1,700	2,800	4,700	6,600
Anvil and parts, do	4,400	6,000	12,400	19,300	25,000
Total, do	5,600	7,700	15,200	24,200	31,600
Price:					
Lifter only	$587	$717	$1,087	$1,391	$1,826
Anvil and parts	$652	$739	$1,391	$1,739	$2,457
Extras:					
Ratchet type with steel-cut gear	50	65	125	150	225

[1] Single V belt.
[2] Double V belt.
[3] Flat belt.
[4] V belt with motor bracket.

JUSTICE HAMMERS

Size	35-pound	55-pound	90-pound	130-pound	165-pound
Arranged for belt drive, including 1 pair of plain forging dies	$587	$783	$983	$1,548	$1,791
Weight, lb.	1,525	2,600	4,500	7,100	8,800
Motor drive (texrope) without motor	$83	$104	$130	$143	$143
Motor required, {hp.	1½	1½	3	5	7½
{r. p. m.	900	900	900	900	900
Export boxes	$90	$100	$115	$140	$170
Weight, lb.	400	400	600	1,000	1,200

Anvil of the 35-, 55-, and 90-pound hammers is cast integral with frame.

BATES HAMMERS

Size	100-pound	300-pound	500-pound
Standard hammer, arranged for texrope, belted motor drive	$1,674	$2,696	$3,652
Weight, lb	5,600	9,500	13,200

ROTARY SHEARS

Size	½-inch	¾-inch	1-inch
Throat, in	48	48	48
Standard machine, arranged for direct motor drive	$5,739	$7,836	$11,304
Weight, lbs	23,000	30,000	47,000
Motor required, hp.—speed	15—1,150	20—1,150 5—1,150	25—1,150 5—1,150

WILLIAMS, WHITE & Co., MOLINE, ILL.—Con.

HORIZONTAL PUNCHES

No. 2:
Throat: 12 inches.
Capacity: 1 inch through 1 inch.
Price $2,248
Weight ..... pound.. 10,000
Extra for 24-inch throat $191

No. 3:
Capacity: 1¼ inches through 1 inch.
Throat: 12 inches.
Price $3,304
Weight ..... pounds.. 15,400

MULTIPLE PUNCHES

No. 35-A:
Capacity: 130 tons.
Distance between housing: 4'2".
Stroke: 2".
Adjustment: 2".
Throat: 8".
Die space 14".
Ram length: 5'2".
Ram width: 10".
Table length: 5'10".
Table width: 17".
Main shaft: Bearings bronze bushed.
Flywheel bearings: Antifriction.
Automatic stop-jaw clutch: Foot-treadle control.
Texrope motor connections.
Motor required: 7½ hp., 1,200 r. p. m.
Shipping weight: 26,350 pounds.
Price: $5,761.

NO. 11 C—FRAME PUNCH AND SHEAR

Capacity: 300 tons. 11.77". 2½" through 1¼".
Shears: Bars 11 x 1½", rounds 3¼", angles 8 x 8 x ¾", splits 1½".
Overhead drive. Antifriction flywheel bearings. Ram pocket brass lined. Automatic stop-jaw clutch. Single geared. Gear cast iron with steel cluteh face.
Stroke: 2½".
Die space: 13".
Strokes per minute: 20.
Motor required: 20 hp., 1,200 r. p. m.
Ram: Face, 10" x 23". Body 8½" x 18".
Table: Face 13" x 30", Hole 8½" x 18".
Counterbalance: Compression springs.

Throat	Single end	
	Shipping weight	Price
	Pounds	
18	33,000	$5,287
25	43,000	6,070

NO. 12 C—FRAME PUNCH AND SHEAR

Capacity: 200 tons. 8". 2¼" hole through 1⅜".
Shears: Bars 9" x 1¼", rounds 2½", angles 6" x 6" x ¾", splits 1¼".
Overhead drive. Antifriction flywheel bearings. Ram pockets brass lined. Automatic stop-jaw cluth. Single geared. Cast iron gear with renewable steel clutch hub. Ram counterbalanced with compression springs. Direct geared motor drive with bakelite pinion. Gear guards standard equipment.
Stroke: 2".
Die space: Regular 12", high.
Strokes per minute: 25.
Ram: Face 8" x 21", body 6" x 15", body for adjustments.
Table: Face 13" x 28", hole 3½" x 14"
Motor required: 15 hp., 1,200 r. p. m.

Throat	Single end	
	Shipping weight	Price
	Pounds	
15	20,000	$3,478
25	30,500	4,087
30	32,000	4,174
36	36,000	4,409
42	38,000	4,522
48	47,000	5,043
54	49,000	5,161
60	51,500	5,304

NO. 13 C—FRAME PUNCH AND SHEAR

Capacity: 137 tons. 5.50". 1¾" hole through 1".
Shears: Bars 8" x 1⅛", rounds 2¼", angles 6" x 6 x ½", splits 1¼".
Overhead drive. Antifriction flywheel bearings. Ram pockets brass lined. Automatic stop-jaw cluteh. Single geared with cast iron gear with renewable steel clutch hub. Ram counterbalanced with compression springs. Direct geared motor drive with bakelite pinion.

WILLIAMS, WHITE & Co., MOLINE, ILL.—Con.

NO. 13 C—FRAME PUNCH AND SHEAR—continued

Stroke 2".
Die space: Regular 12", high.
Strokes per minute: 25.
Gear guards standard equipment.
Ram: Face 7" x 19½", body 6¾" x 14", body for adjustment.
Table: Face 13" x 25", hole 3" x 12".
Motor required: 10 hp., 1,200 r. p. m.

Throat	Single end		Double end	
	Shipping weight	Price	Shipping weight	Price
	Pounds		*Pounds*	
15	18,375	$2,935	25,000	$5,375
20	21,200	3,243		
25	22,500	3,313		
30	24,000	3,391		
36	30,000	3,709		
42	32,500	3,835		
48	39,000	4,187		
54	41,000	4,404		
60	43,000	4,622		

NO. 14 C—FRAME PUNCH AND SHEAR

Capacity: 100 tons. 4". 1¼" hole through 1".
Shears: Bars, 7" x 1", rounds 2", angles 6" x 6" x ⅜", splits 1".
Overhead drive. Antifriction flywheel shaft bearings. Ram pockets lined with brass. Automatic stop-jaw-type clutch. Single geared with cast iron main gear with renewable chitch hub. Counter balanced ram with compression springs. Direct geared motor drive with bakelite motor pinion. Gear guards standard equipment.
Stroke: 1¾".
Die space: Reg. 11", high.
Strokes per minute 25.
Ram, standard: Face 6" x 8", body 4½" x 13". Adjustable face. Ram body.
Table: Face 13" x 25", hole 3" x 12".
Motor required: 7½ hp., 1,200 r. p. m.

Throat	Single end	
	Shipping weight	Price
	Pounds	
12	10,700	$2,417
15	11,500	2,461
20	15,500	2,670
26	16,750	2,730
30	18,000	2,791
36	22,500	3,013
42	24,000	3,087
48	27,500	3,261
54	28,500	3,348
60	31,000	3,478

NO. 14½ C—FRAME PUNCH AND SHEAR

Capacity: 78 tons. 3.12". 1" through 1".
Shears: Bars 6" x ⅞", rounds, 1¾", angles 6" x 6" x 1¼", splits ⅞".
Overhead drive. Antifriction flywheel shaft bearings. Ram pockets lined with brass. Automatic stop-jaw-type cluteh. Single geared. Cast iron main gear with renewable steel clutch hub. Direct geared motor drive with bakelite motor pinion. Gear guards are standard equipment.
Stroke 1½".
Die space: Regular 10", high.
Strokes per minute: 25.
Motor required: Single: 7½ hp., 1,200 r. p. m. Double: 10 hp., 1,200 r. p. m.
Ram, standard: Face 5¼" x 15", body. Ram for adjustment: Face, body.
Table: Face 10½" x 20", hole 3" x 6".

Throat	Single end	
	Shipping weight	Price
	Pounds	
12	9,500	$2,165
18	11,500	2,322
25	13,200	2,439
30	16,500	2,670
36	18,000	2,761
42	20,000	2,883
48	20,500	2,913
60	22,000	3,304
72	30,000	3,700

WILLIAMS, WHITE & Co., MOLINE, ILL.—Con.

NO. 15 C—FRAME PUNCH AND SHEAR

Capacity: 80 tons. 2. ⅝" through ¾".
Shears: Bars 5" x ¾", rounds 1½", angles 4" x 4" x ¼", splits ¾".
Antifriction flywheel shaft bearings. Automatic stop-jaw-type clutch. Single geared. Cast iron main gear with renewable steel clutch hub. V-belt drive motor connection with motor mounted on adjustable bracket attached to main frame. Grooves for V-belts are cut in face of flywheel. Gear guards are standard equipment.
Stroke: 1¼".
Die space: Regular 10½", high.
Strokes per minute: 30.
Motor required: 5 hp., 1,200 r. p. m.
Ram: Face 4½" x 13", body. Ram for adjustment: Face, body.
Table: Face 8" x 16½", hole 3" x 6".

Throat	Single end	
	Shipping weight	Price
	Pounds	
8	5,500	$1,470
12	6,000	1,513
18	8,000	1,679
25	9,000	1,748
30	11,000	1,887
36	11,500	1,922
54	17,000	2,348
60	18,000	2,435

NO. 17 C—FRAME PUNCH AND SHEAR

Capacity: 30 tons. 1.20". ⅝" through ¾".
Shears: Bars 3" x ½", rounds 1⅛", angles 2½" x 2½" x ¼", splits ½".
Antifriction flywheel shaft bearings. Automatic stop-jaw-type clutch. Single geared. Cast iron main gear with renewable steel clutch hub. V-belt drive motor connection with motor mounted on adjustable bracket attached to main frame. Grooves for V-belts are cut in face of flywheel. Gear guards are standard equipment.
Stroke: 1".
Die space: 10½".
Strokes per minute: 35.
Motor required: 2 hp., 1,200 r. p. m.
Ram: Face 3½" x 10".
Table: Face 8" x 13".
Table: Hole 2" x 3".

Throat	Single end	
	Shipping weight	Price
	Pounds	
8	2,700	$1,148
12	4,000	1,174
20	5,200	1,272
25	5,900	1,304
30	7,400	1,409
36	8,000	1,472
42	10,000	1,602
48	10,800	1,696

THE YODER COMPANY, CLEVELAND, OHIO

Machine
Sheet Slitters:
Size:
2" x 18" $1,521
2" x 36" 2,207
2½" x 18" 2,052
2½" x 36" 2,911
3" x 18" 2,171
3" x 36" 3,089
Horizontal Boring Mill:
3" table type 9,430
AC–1 Cut-off Machine 1,750
AC–2 Cut-off Machine 2,940
AC–3 Cut-off Machine 5,200
K–90 Power Hammer 1,500
LK–90 Power Hammer 1,980

ZEH & HAHNEMANN COMPANY, NEWARK, N. J.—Continued

MECHANICAL POWER PRESSES—continued

Arch, Punching, Drawing, and Reducing Presses—Sprue Cutters—Continued

	No. 37-5	No. 37-5A	No. 37-7
Sprue cutters:			
Plain	$550	$650	$1,020
Geared			1,330

	No. 4-1B
Selective multiple die punching press	$750

	No. 5-1	No. 5-2	No. 5-3	No. 5-4	No. 5-5	No. 5-6
Double action presses:						
With spring lift	$450	$550	$600	$800	$975	$1,375
With cam lift				1,000	1,175	1,575
Gearing extra			175	200	200	275

	No. 6-7	No. 6-8
Double action, pillar type:		
Spring lift, plain		$3,000
Cam lift, geared	$4,400	

	No. 31-10
Drawing and reducing press	$5,500

NOTE.—All plus 5 percent with the exception of those with †.

	No. 20-4	No. 20-7
Screw reducing press	$2,300	$3,500

Straight Side, Toggle, Tube Presses

	No. 7-5	No. 7-6	No. 7-7
Straight side presses (wedge adjustment):			
Plain	$800	$1,000	$1,200
Geared		1,275	1,500

	No. 8-4	No. 8-5	No. 8-6	No. 8-7	No. 8-8	No. 8-9	No. 8-12	No. 8-14
Straight side presses (screw adjustment):								
Plain	$650	$700	$900	$1,150	$1,500	$2,200	$3,200	$5,500
Geared	850	1,175	1,450	1,850	2,600	4,400		

	No. 9-6	No. 9-7	No. 9-8	No. 9-9	No. 9-11	No. 9-12	No. 9-16
Pillar presses (tie-rod construction):							
Plain	$875	$1,425	$2,300	$3,500	$5,000	$5,000	$7,000
Geared	1,150	1,725	2,700				

ZEH & HAHNEMANN COMPANY, NEWARK, N. J.

MECHANICAL POWER PRESSES

Portable, Open Back and Horn Presses—Bolt and Dial Feeds

	No. 36-2	No. 36-3	No. 36-4	No. 36-4½	No. 35-5	No. 36-6	No. 36-7	No. 36-8½	No. 36-10
Reclinable presses:	$231	$280	$420	$473	$758	$840	$1,103	$2,590	$3,800
Plain		475	630	710	840	1,130	1,430	2,950	
Geared		375							
For razor blades									

	No. 1-1	No. 1-1A	No. 1-2½	No. 1-3	No. 1-5	No. 1-8	No. 1-11
Open back presses:							
For bench	$165	$185	$305	$350	$780	$1,000	$3,440
With legs and table	190	210	350	390	1,000	1,200	3,900
Geared				525			
Type "8" for bench	235	225	250	275			
With legs and table	260	250	275	300			

	No. 2-2	No. 2-3	No. 2-4	No. 2-5
Horn presses:				
Without table	$290	$330	$450	$880
With screw adjustable table	335	370	500	950
Gearing extra		175	200	250

	No. 1 and 2	No. 3 and 4	No. 5 and 6	No. 3-5	No. 4-4	No. 5-5	No. 4-6	Razor blade feeds
Roll feeds:								
Plain	$110	$195	$255	$330	$440	$540	$650	$250
Geared	135	220	295					

	No. 1 and 2	No. 3	No. 4	No. 5	No. 6	No. 7	No. 8
Dial feeds: Standard	$200	$275	$300	$330	$410	$540	$625

All prices are for standard equipment, f. o. b. Newark, N. J. and subject to change without notice.

Arch, Punching, Drawing and Reducing Presses—Sprue Cutters

	No. 3–4	No. 88–5B	No. 3–6
Arch presses:			
Plain	$100	$625	$700	$1,100
Geared	600	800	950	1,375

	No. 4–6	No. 4–7
Punching presses:		
Plain for bench	$525	$650	$950
Plain on floor stand	675	
18" throat "A"		825
24" throat "B"	$550	
24" throat "B"		950
Gearing extra	250	300

	No. 7
Punching presses:	
Plain for bench	$185
Plain on floor stand	205

	No. 4–6	No. 4–2	No. 4–4	No. 4–5	No. 4–6	No. 4–7
18" throat "A"	$185	$255		$525	$650	$950
24" throat "B"	205			675	825	
24" throat "B"						950
Gearing extra				250	275	300

NOTE.—All plus 5 percent with the exception of those with †.

Zeh & Hahnemann Company, Newark, N. J.—Continued

MECHANICAL POWER PRESSES—continued

Plated, Percussion Power Presses

	No. 5	No. 7	No. 8½	No. 10	No. 12	No. 16	No. 20	No. 25	No. 30
Air control				$3,200	$4,200	$6,300	$11,000	$22,000	$30,000
Mechanical control	$800	$1,200	$2,200	3,750					

	No. 14-7	No. 14-8½	No. 14-10
Type 14, pillar	$4,200	$2,400	$3,100
Pneumatic ejector	215	300	400

	No. 16-1	No. 16-3	No. 16-5	No. 16-8½	No. 16-10
Type 16, gap	$330	$550	$750	$2,200	$3,150
Type 17, horn	15	25	35	100	150

	No. 28-1	No. 27-5	No. 27-7	No. 27-7A	No. 27-7C
Type 28, pen raising	$265	$505	$630	$600	$785

APPENDIX B—FORM FOR SECOND-HAND MACHINE TOOL REPORT

OPA FORM 100.1 (rev. 6-19-43) — Form Approved Budget Bureau No. 08-R222

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
AND
WAR PRODUCTION BOARD

Second-hand machine tool report

To Be Used By Dealers, Auctioneers, Brokers, and All Other Persons Subject to Maximum Price Regulation No. 1—Second-hand machine tools—in reporting offering prices or additions to stock and sales, leases or rentals.

IMPORTANT INSTRUCTIONS

To Dealers, Auctioneers and Brokers. Prepare five (5) copies of this report on the date of addition to stock (check applicable box below to identify each copy):

- ☐ Copy 1. Send to your Regional Office, Office of Price Administration.
- ☐ Copy 2. Send to the War Production Board, Tools Division, Washington, D. C., within one week after acquiring machine tool.
- ☐ Copy 3. Retain if machine is sold, leased or rented, then send it within one week to your Regional Office.
- ☐ Copy 4. Hold until machine is sold, leased or rented, then send it within one week to War Production Board, Tools Division, Washington, D. C.
- ☐ Copy 5. Retain for your permanent record as required by section 9 (c) (1) of Maximum Price Regulation No. 1

To Persons Other Than Dealers, Auctioneers and Brokers. Prepare this report on the date of sale, lease or rental, except under the following condition:

When a machine tool user sells to a dealer, auctioneer or broker, this report is not required.

- ☐ Copy 1. Send to your Regional Office, Office of Price Administration, within one week after making sale, lease, or rental.
- ☐ Copy 2. Send to the War Production Board, Tools Division, Washington, D. C., within one week after making sale, lease or rental.
- ☐ Copy 3. Retain for your permanent record as required by section 9 (c) (1) of Maximum Price Regulation No. 1.

1. Report of offering price or addition to stock (See item instructions on reverse side).

1. Inventory number of machine tool.
2. Serial number (if any) assigned.
3. Description of machine tool:
   - A. Make
   - B. Type
   - C. Size
   - D. Details (describe fully)

(If additional space is required, attach separate sheet.)

4. Manufacturer's serial number
5. Drive (check one).
   - ☐ Gear from geared head.
   - ☐ Other than geared head.
6. Age classification (check one).
   - ☐ 1 ☐ 3
   - ☐ 2 ☐ 4
7. Present condition (check one):
   - ☐ Rebuilt and guaranteed.
   - ☐ Other condition.
8. Is machine tool jointly owned? (Check one):
   - ☐ Yes.
   - ☐ No.

Signature of owner or authorized representative

Name of dealer

Address (number and street)

City and State

	No. 23-7	No. 23-10	No. 23-12
Pillar toggle presses:			
Plain	$1,200		
Geared	1,500	$2,500	$2,900

	No. 39-7	No. 39-12	No. 39-14
Type presses:			
Standard	$1,750	$3,800	$4,950
Attachments	600	1,200	1,500

	No. 25-7	No. 25-10	No. 24-7
Toggle presses:			
Tie-rod construction	$2,225	$2,600	$1,000
Gap type:			
Plain			$1,100
Geared			1,400

Double Crank Presses

	No. 10-2	No. 10-3	No. 10-4	No. 10-5
Double crank presses (solid frame):				
Plain	$330	$650	$900	$1,100
Geared			1,150	1,400

	No. 11-4	No. 11-5	No. 11-6
Double Crank presses (overhanging):			
Plain	$720	$1,100	$1,400
Geared		1,400	1,700

	No. 12-7	No. 12-9	No. 12-11	No. 12-13
Double crank presses (built-up type):				
Size A	$1,550	$3,100	$5,900	$7,300
Size B	1,850	3,450	4,300	7,000
Size C	2,150	3,950	4,850	8,450
Size D	2,700	4,325	5,400	9,000
Size E		4,750	6,450	9,850
Size F				15,400
Gearing extra		350	500	

	No. 13-5	No. 13-6
Double crank presses (overhanging) (built-up type):		
Plain	$1,275	$2,000
Geared	1,575	2,300

[1] Made back geared only.

APPENDIX B—FORM FOR SECOND-HAND MACHINE TOOL REPORT—Continued

1. Report of offering price or addition to stock (See item instructions on reverse side)—Continued

9. Description of equivalent new machine tool:
   - A. Make
   - B. Type
   - C. Size
   - D. Details (describe fully)

(If additional space is required, attach separate sheet.)

10. Price of equivalent new machine tool ..... $.....
11. Offering price of machine tool and attachments only:
    - A. Rebuilt and guaranteed ..... $.....
    - B. Other condition ..... $.....
12. Offering price of extras:
    - A. Total ..... $.....
    - B. Itemization and prices .....

(If additional space is required, attach separate sheet.)

II. Report of sale, lease or rental. (See item instructions on reverse side)

13. Date .....
14. Condition (check one):
    - ☐ Rebuilt and guaranteed.
    - ☐ Other condition.
15. Nature of disposition (check one):
    - ☐ Sale.
    - ☐ Lease.
    - ☐ Rental.
16. Price of machine tool and attachments only. $ .....
17. If lease or rental, show hours of operation (check one):
    - ☐ 8 hrs. ☐ 16 hrs. ☐ 24 hrs.
18. If lease or rental, show use (check one):
    - ☐ General use.
    - ☐ Outdoor use.
19. Price of extras only:
    - A. Total ..... $.....
    - B. Itemization and prices .....

(If additional space is required, attach separate sheet.)

20. To whom was machine tool sold, leased or rented?
    - A. Name
    - B. Address (number and street)
    - C. City and State
21. Nature of purchaser's business (check one):
    - ☐ Dealer.
    - ☐ Ultimate user.
22. Has machine tool been previously reported as an addition to stock? (Check one):
    - ☐ Yes.
    - ☐ No.

Signature of owner or authorized representative .....

Title .....

INSTRUCTIONS FOR PREPARING SECOND-HAND MACHINE TOOL REPORT

Note: A report is required on each floor type second-hand machine tool and on each other type of second-hand machine tool which has an offering or sale price of $100 or more.

PART I. REPORT OF OFFERING PRICE OR ADDITION TO STOCK

Note: Part I of this report is to be prepared by dealers, auctioneers and brokers when a machine tool is added to stock, and is to be sent in accordance with the "Important Instructions" on the front of this sheet. Use the check boxes to identify each copy. Other persons subject to this regulation, and dealers, auctioneers and brokers that have sold a machine tool within one week after it was acquired and before the report of addition to stock is sent, shall prepare Part I, "Report of Offering Price", and include it with Part II, "Report of Sale, Lease or Rental", in accordance with the "Important Instructions" to persons other than dealers, auctioneers and brokers on the front of this sheet.

Item 1. Inventory number of machine tool. In reporting this item, assign a separate number to each machine tool. The number which is carried on your books will serve this purpose. Use the number in referring to the machine tool in all correspondence with the Office of Price Administration or the War Production Board.

Item 2. Date inventory number assigned. Use the date March 15, 1941, for all machine tools in dealer's auctioneer's or broker's stock, or owned by other persons subject to this regulation on or before that date. Give the date of purchase for all machine tools added to stock or installed for use after that date.

Item 3. Description of machine tool. Care should be taken to give full details in part (d) as well as to (a) make (b) type, and (c) size, of the machine tool so that the report can be adequately compared with the description of an equivalent new machine tool as listed in Item 9 below. If machine is not currently built or is of special design, furnish complete details including illustrations or photographs to assist in determining proper equivalent machine or base price.

APPENDIX B—FORM FOR SECOND-HAND MACHINE TOOL REPORT—Continued

Item 4. Manufacturer's serial number. The serial number of the machine tool shall be reported for all machine tools reported in age Classes 1, 2, and 3. (See Instructions, Item 6, below.) The reporting of this item is not required for machine tools placed in Class 4, except where the insertion of the number will help to identify the machine.

Item 5. Drive. Check the original drive of the machine tool. Machine tools which were originally manufactured as pulley driven or stepped cone driven are not equivalent to geared head machines even though subsequently motorized, therefore, they *must* be reported as "other than geared head" machines.

Item 6. Age classification. Class 1, machine tools manufactured on January 1, 1936 and after; Class 2, machine tools manufactured from January 1, 1930 to December 31, 1935; Class 3, machine tools manufactured from January 1, 1920 to December 31, 1929; and Class 4, machine tools manufactured before January 1, 1920. Where the manufacturer's serial number and year of manufacture are not known, the machine must be placed in Class 4.

Item 7. Present condition of the machine tool. Check the present condition of the machine tool. A "rebuilt and guaranteed" machine tool is one in which worn or missing parts have been replaced or reworked, and which has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new.

(a) *The term "rebuilt and guaranteed"* applies only to a machine tool which (1) has been rebuilt or is in equivalent condition to a rebuilt machine tool; (2) has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new; (3) carries a binding written guaranty of satisfactory performance for a period of not less than 30 days from date of shipment; and (4) is expressly invoiced as a rebuilt machine tool or its equivalent and as guaranteed for satisfactory operation for 30 days.

(b) *The term "other condition"* applies to all machine tools other than those which meet the conditions in part (a) above. A machine reported in any other manner or form than rebuilt and guaranteed will be considered as in "other condition"

Item 8. Joint owners. If the machine tool is jointly owned, indicate by checking opposite "Yes", otherwise check opposite "No".

Item 9. Description of equivalent new machine tool. Enter the manufacturer's March 1, 1941 list price of an equivalent new machine tool which is substantially similar in design and construction to the second-hand machine tool reported in Item 9 above. In cases where a machine tool is "other than a geared head machine" and the equivalent new machine tool is a geared head machine, determine the price of the second-hand machine tool by deducting twenty percent (20%) from the March 1, 1941, manufacturer's list price of the equivalent geared head machine tool. (See Instructions, Item 5, above.)

Item 11. Offering price of machine tool and attachments only. The maximum prices of machine tools (exclusive of all extras) shall be in terms of percentages of the March 1, 1941, manufacturer's list prices of determined equivalent new machine tools according to the following age classes:

Machine tool condition classification	Machine tool age classification			
	Class 1 (Jan. 1, 1936, and after)	Class 2 (Jan. 1, 1930, to Dec. 31, 1935)	Class 3 (Jan. 1, 1920, to Dec. 31, 1929)	Class 4 (before Jan. 1, 1920)
(a) Rebuilt and guaranteed	*Percent* 95	*Percent* 90	*Percent* 80	*Percent* 70
(b) Other condition	70	65	55	45

Item 12. Offering price of extras only.

(a) Total. Show the total offering price of machine tool extras. Second-hand machine tool extras are subject to the same maximum price percentage that is applicable to the basic second-hand machine tool with which the extras are sold (See Instructions, Item 11, above.)

(b) Itemization and Prices. All extras must be separately itemized, and each offering price must be included. The total of the prices should equal the amount inserted in part (a) above.

APPENDIX B—FORM FOR SECOND-HAND MACHINE TOOL REPORT—Continued

PART II. REPORT OF SALE, LEASE OR RENTAL

Note: Part II of this report is to be prepared by all persons subject to this regulation and is to be sent in accordance with the "Important Instructions" on the front of this sheet, except under the following condition. When a machine tool user sells to a dealer, auctioneer, or broker for resale, this report is not required Dealers, auctioneers and brokers are to use copies three and four of the report, "Part I, Report of Addition to Stock," that was previously sent in accordance with the "Important Instructions" on the front of this sheet, using the check boxes to identify each copy. Part II of this report is to be prepared when a machine tool is ordered. If the order is later cancelled, please advise your Regional Office, Office of Price Administration, and the War Production Board, Tools Division, Washington, D. C.

Item 13. Date of sale, lease or rental. Specify the date on which order was accepted.

Item 14. Condition of machine tool when sold, leased or rented. For description of condition of the machine tools, see Instructions, Item 7 above.

Item 15. Nature of the disposition of the machine tool. Check the nature of the disposition of the machine tool as to sale, lease or rental.

Item 16. Sale, lease or rental price of machine tool and attachments only. Show the invoice price of the machine tool exclusive of all extras.

Annual rental basis for any lease or rental. The maximum annual rental for any lease or rental entered into subsequent to July 26, 1943, for a second-hand machine tool or extra, shall be computed by using the applicable rental percentage set forth in the following table as applied to the maximum sale price computed in accordance with Item 11, above.

Machine tool use classification	Hours of operation		
	8-hour operation	16-hour operation	24-hour operation
General use of machine tool	25%	30%	35%
Outdoor use of machine tool designed for indoor use	35%	45%	55%

Less than annual rental basis for any lease or rental. The maximum daily rental shall be 1/200 of the annual rental, the maximum monthly rental shall be 1/10 of the annual rental. See section 6 (c) of Maximum Price Regulation No. 1, for restrictions on use of daily or monthly rental rates.

Item 17. Hours of operation. Check the hours of operation of the machine tool if lease or rental.

Item 18. Use of machine tool on lease or rental. Check the machine tool use according to "General use of machine tool" or "outdoor use of machine tool designed for indoor use."

Item 19. Price of extras when sold, leased or rented.

(a) *Total.* Show the total sale, lease or rental price of the extras. This amount must be shown on the invoice.

(b) *Itemization and prices.* All extras must be separately itemized and each price must be included. The total of the prices should equal the amount inserted in part (a) above. These items and prices must be shown on the invoice.

Item 20. To whom was machine tool sold, leased or rented. Show under parts (a), (b), and (c), the name and address of the purchaser, lessee or renter.

Item 21. Nature of purchaser's business. If the machine tool was purchased by a dealer for resale, indicate by checking opposite "Dealer", otherwise check opposite "Ultimate User".

Item 22. Has machine tool been previously reported as an addition to stock? Dealers, auctioneers and brokers are to check opposite "Yes" when a report "Part I, Report of Addition to Stock" has been filed at a previous date. Other persons subject to this regulation check opposite "No."

Effective Date. This regulation shall become effective July 26, 1943.

NOTE: All reporting and record-keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 20th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11680; Filed, July 20, 1943; 4:34 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 41]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale to this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.501 (b) (1) (ii) is amended to read as follows:

(ii) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as driving a recappable tire carcass beyond the breaker strip, or driving for unnecessary purposes or when other means of transportation are available.

2. Section 1315.701 (b) (3) is amended by adding the following sentence to the end thereof:

However, in no event shall the inspector sign the Tire Inspection Record if the tire is a recappable tire carcass worn to the breaker strip.

3. Section 1315.803 (d) is amended to read as follows:

(d) *Tire requiring repair or recapping.* (1) No dealer or manufacturer may transfer to a consumer:

(i) A tire in need of repair, except that a repairable passenger-type tire which cannot be recapped may be transferred without repair in exchange for a certificate if the sidewall of the tire has been conspicuously marked by a branding iron with the figure "0".

(ii) A tire in need of recapping, except that a recappable passenger-type tire which is not worn to the breaker strip may be transferred without recapping in exchange for a certificate.

(2) A dealer who brands with the figure "0" repairable passenger-type tires which cannot be recapped shall keep a record of all such tires branded by him. Such record shall contain the serial numbers of the tires and the date of branding.

4. Section 1315.1005 (g) is added to read as follows:

(g) *Records of branding.* A dealer who brands with the figure "0" repairable passenger-type tires which cannot be recapped shall keep a record of all such tires branded by him. Such record shall contain the serial numbers of the tires and the date of branding.

This amendment shall become effective July 19, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11639; Filed, July 20, 1943; 9:16 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 335,[1] Amdt. 1]

PEANUTS AND PEANUT BUTTER

A statement of the considerations involved in the issuance of Amendment No. 1 to Revised Maximum Price Regulation No. 335 has been issued and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 335 is amended by adding the following new section:

SEC. 2a. *List of maximum prices which the Commodity Credit Corporation may charge for cleaned farmers' stock peanuts.* (a) The maximum prices per ton, f. o. b. warehouse, which the Commodity Credit Corporation may charge for cleaned farmers' stock peanuts shall be:

	Dollars per ton
White Spanish type	$186
Runner type	$170

(b) This section shall expire on July 31, 1943.

This amendment shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11681; Filed, July 20, 1943; 4:31 p. m.]

PART 1358—TOBACCO

[MPR 440]

GEORGIA AND FLORIDA SHADE GROWN TOBACCO OF THE 1943 CROP

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for Georgia and Florida shade grown tobacco of the 1943 crop by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practical the Price Administrator has advised and consulted with the members of the industry which will be affected by this regulation.

§ 1358.253 *Maximum prices for Georgia and Florida shade grown tobacco of the 1943 crop.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328 Maximum Price Regulation No. 440 Georgia and Florida shade grown tobacco of the 1943 crop, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1358.253 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 440—GEORGIA AND FLORIDA SHADE GROWN TOBACCO OF THE 1943 CROP

1 Explanation of regulation.
2 Maximum prices for purchases of unsized and unsorted Georgia and Florida shade grown tobacco of the 1943 crop.
3. Maximum prices for sales of Georgia and Florida shade grown tobacco of the 1943 crop by packers.
4. Maximum prices for sales of Georgia and Florida shade grown tobacco of the 1943 crop by jobbers.
5. Customary discounts and allowances.
6. Export sales.
7. Geographical applicability.
8. Records.
9. Compliance with regulation.
10. Petitions for amendment.
11. Adjustable pricing.
12. Applications for exemption of purchases from subsidiaries.
13. Definitions.

SECTION 1. *Explanation of regulation.* The purpose of this regulation is to establish maximum prices for purchases and sales of Georgia and Florida shade grown tobacco of the 1943 crop.

Any purchaser's weighted average purchase price for unsized and unsorted tobacco during each six weeks' period may not exceed $1.23 per pound green weight. Such purchases are usually made from growers, but may also be made from other sellers.

At the packer level, specific dollar-and-cents maximum prices are established for sale of listed grades of sized and sorted leaves fourteen inches or more in length, for listed grades of sorted and unsized tobacco, and for string grades. For sized and sorted leaves less than fourteen inches in length, the packer's weighted average selling price, computed from all sales made by him between the effective date of this regulation and any particular subsequent date, may not exceed $1.25 per pound selling weight. For unlisted grades of sized and sorted leaves fourteen inches or more in length, and for unlisted grades of sorted and unsized tobacco, the packer's maximum selling prices are established at the highest prices charged by the packer for the same tobacco of the 1942 crop, or, if no such prices are available, further pricing methods are provided.

At the jobber level, maximum prices are to be determined by adding to the jobber's net delivered cost for tobacco of the 1943 crop, the same dollar-and-cents

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724.

[1] 8 F.R. 2502, 3705, 6834.

margins that were added during the year 1942 to net delivered cost of corresponding tobacco of the 1942 crop.

These maximum prices are not applicable to any purchases of sales of Georgia and Florida shade grown tobacco of the 1942 crop.

SEC. 2 *Maximum prices for purchases of unsized and unsorted Georgia and Florida shade grown tobacco of the 1943 crop.* (a) During the period from July 20, 1943 to August 31, 1943, inclusive, and during each six weeks' period subsequent to August 31, 1943, the weighted average purchase price paid by any person for unsized and unsorted Georgia and Florida shade grown tobacco of the 1943 crop shall not exceed $1.23 per pound green weight. Any person may make a particular purchase of such tobacco at a price in excess of $1.23 per pound green weight: *Provided*, That the weighted average purchase price for all of such tobacco bought by any purchaser during each of these periods does not exceed $1.23 per pound green weight.

(b) As used in this section the term "weighted average purchase price" means the total purchase price paid by any person for all unsized and unsorted Georgia and Florida shade grown tobacco of the 1943 crop purchased by him in any particular period, divided by the number of pounds green weight of unsized and unsorted tobacco of that crop purchased by him during that period.

"Total purchase price": (1) Includes all commissions, fees or other compensation paid by the purchaser to another person at the seller's instance or request, and all profit or gain realized by a grower from a resale made by a purchaser.

(2) Excludes all prices or charges paid or computed by the purchaser for Georgia and Florida shade grown tobacco of the 1943 crop grown on a farm or plantation owned or operated by him.

(c) Within ten days after the expiration of each of the periods for which provision is made in (a), each person who purchases any unsized and unsorted Georgia and Florida shade grown tobacco of the 1943 crop shall file with the Office of Price Administration, in Washington, D. C., a statement setting forth the total number of pounds of such tobacco purchased by him during such period and the total purchase price paid therefor. This statement shall exclude both the tobacco for which prices or charges are excluded from total purchase price by (b) (2) and such prices or charges.

NOTE: Inability to make under-ceiling purchases will not be accepted as an excuse for exceeding the weighted average purchase price provided by this section. Each purchaser is warned not to exceed $1.23 per pound for any purchase without assurance of ability to make subsequent purchases during the applicable period at prices permitting him to maintain the prescribed weighted average purchase price during that period.

SEC. 3. *Maximum prices for sales of Georgia and Florida shade grown tobacco of the 1943 crop by packers*—(a) *Maximum prices for sales of sized and sorted leaves fourteen inches or more in length*—(1) *Listed grades.* The packer's maximum price per pound selling weight for sized and sorted leaves fourteen inches or more in length of Georgia and Florida shade grown tobacco of the 1943 crop, of a particular grade listed in Table I, shall be as follows:

TABLE I

Grade:	*Maximum price per pound selling weight*
Prime lights	$3.50
Light wrappers	2.75
L. L	2.25
No. 2 Lights (slightly torn)	2.00
L. C	1.75
K-2	.90
Bright and fleshy lights	2.25
"B" lights or medium lights	1.25

(2) *Grades not listed.* The packer's maximum price per pound selling weight for sized and sorted leaves fourteen inches or more in length of Georgia and Florida shade grown tobacco of the 1943 crop, of a particular grade not listed in Table I, shall be as follows:

(i) The highest price charged by such packer to a purchaser of the same class for the same size and grade of tobacco of the 1942 crop; or

(ii) If a packer's maximum price for any particular size and grade cannot be determined under (i), his maximum price therefor shall be the highest price charged by a seller of the same class to a purchaser of the same class for the same size and grade of tobacco of the 1942 crop; or

(iii) If a packer's maximum price for any particular size and grade cannot be determined under (i) or (ii), his maximum price therefor shall be the highest price charged by such packer to a purchaser of the same class for the most closely comparable size and grade of tobacco of the 1942 crop; or

(iv) If a packer's maximum price for any particular size and grade cannot be determined under (i), (ii) or (iii), his maximum price therefor shall be the highest price charged by a seller of the same class to a purchaser of the same class for the most closely comparable size and grade of tobacco of the 1942 crop.

(b) *Maximum prices for sales of sized and sorted leaves less than fourteen inches in length.* The weighted average selling price which a packer may charge for leaves less than fourteen inches in length of sized and sorted Georgia and Florida shade grown tobacco of the 1943 crop shall not exceed $1.25 per pound selling weight. Any packer may make a particular sale of such tobacco at a price in excess of $1.25 per pound selling weight: *Provided*, That on any particular date the weighted average selling price charged by any packer for all of such tobacco sold by him between July 20, 1943, and that date, both inclusive, shall not exceed $1.25 per pound selling weight.

As used in this section the term "weighted average selling price" means the gross dollar and cent amount charged by any packer for leaves less than fourteen inches in length of sized and sorted Georgia and Florida shade grown tobacco of the 1943 crop sold by him between July 20, 1943, and the particular date of calculation, both inclusive, divided by the total number of pounds of leaves less than fourteen inches in length of sized and sorted tobacco of the 1943 crop sold by him between July 20, 1943, and the particular date of calculation, both inclusive. In determining the gross dollar and cent amount charged, the packer shall include all commissions, fees or other compensation paid by or for the purchaser to another person at the packer's instance or request.

NOTE: Each packer is warned not to charge more than $1.25 per pound for any sale at any time if his weighted average selling price for all of this tobacco sold by him since July 20, 1943 equals $1.25 per pound. In other words, he must not exceed the ceiling unless he has previously sold enough of this tobacco at prices under the ceiling to maintain his weighted average selling price at the prescribed maximum.

Maximum prices for sales of sorted and unsized tobacco—(1) *Listed grades.* The packer's maximum price per pound selling weight for sorted and unsized Georgia and Florida shade grown tobacco of the 1943 crop, of a particular grade listed in Table II, shall be as follows:

TABLE II

Grade:	*Maximum price per pound*
XL	$0.75
Broken backs	1.35
Green lights	1.50
XL[2]	.25
Loose leaves	.10

(2) *Grades not listed.* The packer's maximum price per pound selling weight for sorted and unsized Georgia and Florida shade grown tobacco of the 1943 crop, of a particular grade not listed in Table II, shall be:

(i) The highest price charged by such packer to a purchaser of the same class for the same grade of unsized tobacco of the 1942 crop; or

(ii) If a packer's maximum price for a particular grade cannot be determined under (i), his maximum price therefor shall be the highest price charged by a seller of the same class to a purchaser of the same class for the same grade of unsized tobacco of the 1942 crop; or

(iii) If a packer's maximum price for any particular grade cannot be determined under (i) or (ii), his maximum price therefor shall be the highest price charged by such packer to a purchaser of the same class for the most closely comparable grade of unsized tobacco of the 1942 crop; or

(iv) If a packer's maximum price for any particular grade cannot be determined under (i), (ii) or (iii), his maximum price therefor shall be the highest price charged by a seller of the same class to a purchaser of the same class for the most closely comparable grade of unsized tobacco of the 1942 crop.

(d) *Maximum prices for sales of string grades.* The packer's maximum price per pound selling weight for string grades of Georgia and Florida shade grown tobacco of the 1943 crop shall be the price listed therefor in Table III, as follows:

TABLE III

Grade:	*Maximum price per pound selling weight*
No. 1 String wrappers (Lights and thinner)	$2.00
No. 2 String wrappers (Medium and heavier)	1.60
String throwouts	.40
String tops	.40

SEC. 4. *Maximum prices for sales of Georgia and Florida shade grown tobacco of the 1943 crop by jobbers.* The maximum price per pound or other unit of sale which a jobber may charge for any of the 1943 crop of Georgia and Florida shade grown tobacco of a particular grade, sorted and packed, or for tobacco of such crop of any priming sold sorted and unsized, or unsorted (whether sized or unsized) shall be determined as follows:

(a) He shall:

(1) Determine the highest price per pound or other unit of sale charged by him for tobacco of the 1942 crop of the same grade, or of the same priming and condition, sold or delivered by him during the period January 1, 1942 through December 31, 1942. If he did not sell or deliver tobacco of the 1942 crop of the same grade, or of the same priming and conditioning, during that period, he shall determine the highest price per pound or other unit of sale charged by him during that period for the most closely comparable tobacco of the 1942 crop;

(2) Subtract from the price determined in (1) his net delivered cost for the same unit of sale of such tobacco of the 1942 crop; and

(3) Add the figure so obtained to his net delivered cost for the same unit of sale of the particular tobacco of the 1943 crop being priced. The resulting figure shall be the jobber's maximum price per unit of sale for the particular tobacco of the 1943 crop being priced.

"Net delivered cost" means the amount the jobber pays for the particular tobacco delivered at his customary receiving point, less all discounts allowed him except the discount for prompt payment. No charges for local hauling or trucking shall be included.

(b) If a jobber's maximum price for any particular tobacco of the 1943 crop cannot be determined under (a), his maximum price therefor shall be the maximum price of the most closely competitive jobber for the same unit of sale for tobacco of the 1943 crop of the same grade, or of the same priming and condition.

SEC. 5. *Customary discounts and allowances.* Every packer and every jobber shall allow from his maximum selling prices established by this regulation for Georgia and Florida shade grown tobacco of the 1943 crop his customary discounts and allowances with respect to sales of the 1942 crop to the particular purchaser in question. If a particular packer or jobber made no sales of the 1942 crop to a particular purchaser, he shall allow from his maximum selling prices his customary discounts and allowances with respect to sales of the 1942 crop to purchasers of the same class.

SEC. 6. *Export sales.* The maximum prices at which a person may export any Georgia and Florida shade grown tobacco of the 1943 crop shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[1] issued by the Office of Price Administration.

SEC. 7. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

SEC. 8. *Records.* Every person selling or purchasing any Georgia and Florida shade grown tobacco of the 1943 crop, for which maximum prices are established by this regulation, shall:

(a) Make and preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, records of the same kind as he has customarily kept, relating to the prices which he charged or paid for such tobacco after the effective date of this regulation.

(b) Preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all his existing records which are the basis of figuring maximum prices in the manner directed by this regulation, showing the method used in computations.

(c) Preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all his existing records relating to the price which he charged for any of the 1942 crop.

SEC. 9. *Compliance with regulation—*(a) *No buying or selling above maximum prices.* On and after July 20, 1943, regardless of any contract, agreement or other obligation,

(1) Except as provided in section 2 (a), no person shall buy or receive any unsized and unsorted Georgia and Florida shade grown tobacco of the 1943 crop at a price in excess of the maximum price established by this regulation for the particular purchase in question:

(2) No person shall sell or deliver any sorted and sized leaves fourteen inches or more in length, any sorted and unsized leaves, or any string grades, of Georgia and Florida shade grown tobacco of the 1943 crop, at a price in excess of the maximum price established by this regulation for the sale of the particular tobacco in question; and no person in the course of trade or business shall buy or receive any sorted and sized leaves fourteen inches or more in length, any sorted and unsized leaves, or any string grades, of Georgia and Florida shade grown tobacco of the 1943 crop, at a price in excess of the maximum price established by this regulation for the sale of the particular tobacco in question:

(3) Except as provided in section 3 (b), no person shall sell or deliver any leaves less than fourteen inches in length of sized and sorted Georgia and Florida shade grown tobacco of the 1943 crop at a price in excess of the maximum price established by this regulation for the particular sale in question; and

(4) No person shall agree, offer, solicit or attempt to do any of the foregoing.

However, lower prices than those established by this regulation may be charged, demanded, paid or offered.

(b) *Evasion.* (1) The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to Georgia and Florida shade grown tobacco of the 1943 crop, alone or in conjunction with any other commodity, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(2) Specifically, but not exclusively, the following practices in the marketing of any of the 1943 crop of Georgia and Florida shade grown tobacco are prohibited:

(i) Any sale or purchase of such tobacco other than as a grade or in a condition for which maximum prices are established under section 2, 3 or 4 of this regulation.

(ii) In the case of a seller, the grading of any of the 1943 crop in a manner that constitutes an alteration of or deviation from the customary grading practices with respect to the 1942 crop, normal variations alone excepted.

(iii) In the case of a seller, the elimination or reduction of initial credit terms allowed with respect to sales of the 1942 crop to any particular purchaser, or, if no sales of the 1942 crop were made by the particular seller to the particular purchaser, the elimination or reduction of initial credit terms allowed by such seller on his sales of the 1942 crop to purchasers of the same class.

(iv) In the case of a seller, in a sale made through a broker or agent, the elimination or reduction of commissions, fees, or other compensation customarily paid by the seller to a broker or agent with respect to similar sales of prior crops.

(c) *Enforcement.* Persons violating any of the provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Petitions for amendment.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

SEC. 11. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it would not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 12. *Applications for exemption of purchases from subsidiaries.* (a) A corporation engaged in the business of manufacturing tobacco products (hereinafter called "parent company") which purchases Georgia and Florida shade grown tobacco of the 1943 crop for its own use from one or more of its subsidiaries, and the subsidiary selling such tobacco to the parent company, may apply jointly to the Office of Price Administration, Washington, D. C., for permission to make such purchases and sales without regard to the maximum prices established by this regulation if:

(1) Purchases and sales for which such permission is sought will be made in accordance with their business practices established during and prior to March 1942, including, but not limited to, purchase by the parent company of all the Georgia and Florida shade grown tobacco of the 1943 crop sold by the subsidiary (with the exception of insignificant portions or byproducts thereof); and

(2) Compliance with the price limitations of this regulation for Georgia and Florida shade grown tobacco of the 1943 crop requires or threatens to require substantial change in their standard accounting practices in use during and since March 1942, as applied to their records of inter-company transactions; and

(3) The Georgia and Florida shade grown tobacco of the 1943 crop to be so purchased and sold (with the exception of insignificant by-products) is to be used by the parent company solely in the manufacture of tobacco products for which maximum prices are established by the General Maximum Price Regulation [3] or other regulations issued by the Office of Price Administration.

(b) The application shall be in writing, subscribed by both the parent company and the subsidiary, and shall set forth all information necessary to substantiate the existence of the conditions required by paragraph (a). After receipt of such application, the Office of Price Administration, or any of its duly authorized officers, may by letter grant the requested permission if in its judgment such action will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Such permission, if granted, may be revoked in the same manner at any time.

(c) Permission granted pursuant to this section to make particular purchases and sales of Georgia and Florida shade grown tobacco of the 1943 crop without regard to the maximum prices established by this regulation shall not constitute justification for any increase in maximum prices established for tobacco products manufactured therefrom.

(d) "Subsidiary" means a corporation whose business operations during and since March 1942 were controlled through ownership of voting stock by a parent company engaged in the manufacture of tobacco products, and whose business activities are confined to producing, buying, curing or handling tobacco for its parent company.

SEC. 13. *Definitions.* (a) When used in this regulation, the term

"Georgia and Florida shade grown tobacco" means United States Type No. 62, as specified in the Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture.

"Person" includes an individual, corporation partnership, association or any other organized group of persons or a legal successor or representative of any of the foregoing, and includes the United States Government or any agency thereof or any other government, or any of its political subdivisions or any agency of any of the foregoing.

"Grade" means a subdivision of the type of tobacco according to group and quality, and according to color when color is of sufficient importance to be treated as a separate factor.

"Priming" means a picking of tobacco.

"Green weight" means the weight of the tobacco at its first weighing after being cured in a shed.

"Selling weight" means the weight of the tobacco when invoiced.

"1943 crop" means Georgia and Florida shade grown tobacco grown during the 1943 growing season.

"1942 crop" means Georgia and Florida shade grown tobacco grown during the 1942 growing season.

"Initial credit terms" means terms fixing the time for payment of the purchase price agreed to by a seller and purchaser at or prior to delivery of the tobacco in question.

"Packer" means a person who sweats, sizes, sorts, packages or otherwise processes tobacco for use by a manufacturer of tobacco products. A grower shall be deemed a packer of any tobacco with respect to which he performs any of these functions.

"Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

"Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", and "seller" shall be construed accordingly. "Purchase" includes contracts and offers to purchase. The terms "buy", "bought" and "purchaser" shall be construed accordingly.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Effective date. This regulation shall become effective July 20, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved: July 19, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11682; Filed, July 20, 1943; 4:32 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 439]

FRESH FISH AND SEAFOOD AT RETAIL

In the judgment of the Price Administrator, it is necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, that maximum prices be established for the sale by retailers of fresh fish and seafood.

So far as practicable, the Price Administrator has consulted and advised with representative members of the industry which will be affected by the regulation. In the judgment of the Price Administrator, prices established are generally fair and equitable and will effectuate the purposes of the Act. The prices established are not below the average retail prices of fresh fish and seafood in the year 1941.

A statement of the considerations involved in the issuance of the regulation has been issued herewith and filed with the Division of the Federal Register.*

§ 1364.19 *Maximum retail prices for fresh fish and seafood.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 439 (Fresh Fish and Seafood at Retail), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1364.19 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 439—FRESH FISH AND SEAFOOD AT RETAIL

ARTICLE I—PURPOSE AND SCOPE OF THIS REGULATION

Sec.
1. What this regulation does.
2. What species of fresh fish and seafood are covered by this regulation.
3. How retailers determine their maximum prices for fresh fish and seafood.

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[1] 8 F.R. 4132, 5987, 7662.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

*Copies may be obtained from the Office of Price Administration.

Sec.
4. Directions for applying the mark-up rule.
5. Price posting requirement.
6. Additions allowed for deliveries made by the store to its customers.
7. Precedence of community prices over retailer's ceilings established by the mark-up method.
8. Where this regulation applies.
9. Sales to which this regulation applies.
10. Relation to other regulations.

ARTICLE II—RECORD KEEPING AND ENFORCEMENT

11. Records and reports.
12. Indirect price increases.
13. Enforcement.
14. Licensing and regulation.

ARTICLE III—MISCELLANEOUS PROVISIONS

15. Petitions for amendment.
16. Definitions.

Appendix A: Suggested form.

Article I—Purpose and Scope of Regulation

SECTION 1. *What this regulation does.* This regulation fixes the maximum retail prices at which retailers may sell certain species of fresh fish and seafood. On and after July 22, 1943, the date this regulation takes effect, no retailer may sell or deliver any of such fresh fish or seafood, and no person in the course of trade or business may buy or receive any of such fresh fish or seafood from a retailer at prices higher than the prices fixed by this regulation. But prices lower than those fixed may be charged or paid.

SEC. 2. *What species of fresh fish and seafood are covered by this regulation.* (a) The following species of fish and seafood are included in this regulation:

1. Alewives (Pomolobus pseudo-harengus).
2. Codfish (Gadus callarias).
3. Cusk (Brosme).
4. Blackback (Pesudo-pluronectes americanus).
5. Dab, Sea (Hippoglossoides platessoides).
6. Yellow tail (Limanda ferruginea).
7. Haddock (Melanogrammus aeglefinus).
8. Hake (Urophycis species).
9. Hake, mud (Urophycis species).
10. Herring (Clupea harengus).
11. Pollock (Pollachius virens).
12. Rosefish (Sebastus Marinus).
13. Sole, Gray (Glyptocephalus cynoglossus)
14. Sole, Lemon (Pseudo-pleuronectes dignabilis)
15. Whiting (Merluccius bilinearis).
16. Wolffish (Anarhichas lupus).
17. Scallops, Sea (Pecten magellanicus).
18. Scallops, Bay (Pecten irradians).
19. Swordfish (Xiphias gladius).
20. Cod true (Pacific coast) (Gadus macrocephalus).
21. Crabs (Pacific coast).
22. Flounder (Pacific coast).
23. Halibut (Hippoglossus hippoglossus).
24. Ling cod (Pacific coast) (Ophiodon elongatus).
25. Red Cod (rock cod) (Pacific coast) (Sebastes species).
26. Sablefish (Anoplopoma fimbria).
27. Salmon, Chinook (King) (Pacific coast) troll caught (Oncorhynchus tschawytscha) red meated and white meated.
28. Salmon, silver (Pacific coast) troll caught (Oncorhynchus kisutch).
29. Salmon, silver (Pacific coast) seine caught (Oncorhynchus kisutch).
30. Salmon, fall (Pacific coast) seine caught (Oncorhynchus keta).
31. Salmon, pink (Pacific coast) seine caught (Oncorhynchus garbuscha).
32. Salmon, Sockeye (Blueback) (Pacific coast) seine caught (Oncorhynchus nerka).
33. Salmon, Chinook (King) (Pacific coast) seine caught (Oncorhynchus tschawytscha).
34. Salmon, Steelhead (Pacific coast) (Salmo gairdnerii).
35. Smelt, Silver (Pacific coast).
36. Sole, Dover (Pacific coast).
37. Sole, English (Pacific coast).
38. Sole, Petrale (Pacific coast).
39. Sole, Rex (Pacific coast).
40. Sole, Sand (Pacific coast).
41. Sole, Turbot (Pacific coast).
42. Tuna, Albacore (Pacific coast).
43. Tuna, Yellowfin (Pacific coast).
44. Tuna, Bluefin (Pacific coast).
45. Tuna, Shipjack (striped) (Pacific coast).
46. Bonita (Pacific coast).
47. Yellowtail (Pacific coast).

SEC. 3. *How retailers determine their maximum prices for fresh fish and seafood.* (a) Every retailer, in order to determine his maximum selling price for any style or form of each species of fresh fish or seafood set forth in section 2 shall take the same cents per pound mark-up over net delivered cost, which he took on the most sales during the period July 5 to July 10, 1943, inclusive, for the same style and form of the species being priced: *Provided,* That if during that period the retailer fixed his selling price by applying a percentage mark-up over cost, he shall determine his maximum selling price under this regulation by applying the percentage mark-up which he used on most sales during that period.

(b) For any species of fish or seafood listed in section 2 or any style or form of those species, which was not offered for sale during the period July 5 to July 10, 1943, inclusive, the retailer's maximum selling price will be determined by taking the most similar commodity of fresh fish or seafood that he did offer for sale during the period July 5 to July 10, 1943, inclusive, and applying the cents per pound mark-up or the percentage mark-up as set forth in section 3 (a).

(c) Any retailer who did not offer for sale any species of fish or seafood listed in section 2 during the period July 5 to July 10, 1943, inclusive, or any form or style of any species and who cannot price his fresh fish and seafood commodities under section (3) (a) or (3) (b) hereof shall file a written application to the nearest district office of the Office of Price Administration for approval of a permitted retail mark-up on each of said species in the style or form to be sold. The application shall include a statement setting forth the reason why pricing cannot be based on section 3 (a) or (b) and a proposed schedule of mark-ups by species and forms and styles to be sold. Any district office of the Office of Price Administration may establish maximum mark-ups of such an applicant in line with the mark-ups of similar stores.

SEC. 4. *Directions for applying the mark-up rule.* To compute the maximum selling price take the net delivered cost on a per pound basis for each species and apply the permitted mark-up under section 3. Net delivered cost is the amount paid to the supplier less all discounts, except the discount for prompt payment, plus all transportation charges. If more than one purchase is represented in the species to be priced, the retailer, to determine the net delivered cost, may take (a) the average weighted cost of such purchases (total net delivered cost of the purchases divided by the number of pounds bought) or (b) the net delivered cost of the largest purchase involved. No retailer may compute his maximum selling price on a purchase where the net delivered cost is higher than the supplier's ceiling price. Fractions of one-half cent or over shall be considered a cent and fractions of a cent under one-half cent are to be dropped in computing the retailer's maximum selling price per pound. When retailers service and distribute fresh fish and seafood from one or more central warehouses, they shall be permitted to include in their net cost the actual service and warehousing cost. A retailer must calculate maximum prices for the fresh fish and seafood commodities covered by this regulation once every week. This calculation shall be made on Thursday of each week and before any sales of such commodity are made on that day. All maximum prices shall be calculated and stated in cents per pound. In the calculation, costs of fresh fish and seafood, both on hand and in transit, shall be included.

SEC. 5. *Price posting requirement.* The retailer must post a list of his ceiling prices at a place in his store where it can be easily read by customers or prospective customers. Such list must contain a complete list of all species covered in this regulation which are being offered for sale and the form or style in which sold.

SEC. 6. *Additions allowed for deliveries made by the store to its consumers.* (a) If deliveries are made by the retailer to the homes or places of business of his customers of any of the items covered by this regulation, the retailer may add to the total value of the delivery, as a separate charge, the same amount which he charged for such delivery during the period July 5 to July 10, 1943, inclusive.

SEC. 7. *Precedence of community prices over retailers ceilings established by the mark-up method.* (a) The Office of Price Administration may, by order issued pursuant to General Order Number 51, fix in any community dollars-and-cents ceiling prices for some or all of the fishery commodities in this regulation. When such dollars-and-cents prices are fixed, the retailer may not thereafter sell at higher prices than ceiling prices set for the group in which he is classified, if group classifications are set up, and these new ceiling prices shall take the place of the ceiling prices arrived at under this regulation.

SEC. 8. *Where this regulation applies.* The provisions of this regulation shall apply to the forty-eight states of the United States and the District of Columbia.

SEC. 9. *Sales to which this regulation applies.* This regulation applies to all sales of fresh fish or seafood by a retailer, which includes any store, wagon route, establishment, or department which sells for the most part to ultimate consumers who are not commercial, industrial, or institutional users.

SEC. 10. *Relation to other regulations.* The maximum price at which a person may export fresh fish and seafood at retail shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation [1] issued by the Office of Price Administration.

Article II—Record Keeping and Enforcement

SEC. 11. *Records and reports.* (a) Every seller subject to this regulation shall keep in his possession for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all available sales slips, books of account, invoices and other purchase and sales records of the period July 5th and 10th, 1943, inclusive. He shall also prepare, for all fresh fish and seafood handled by him during this period, whether or not covered specifically by this regulation, a written statement, for inspection by the Office of Price Administration showing (1) the net delivered cost of each species in each form or style bought, which net delivered cost is (i) computed by dividing the total net delivered cost of each species, bought in the same form, by the total number of pounds bought or (ii) taking the net delivered cost of the largest single purchase; (2) the price at which he made most sales of each of the above-mentioned species in the styles or forms in which he made the sales, and (3) the mark-up in each case. The cents-per-pound mark-up shall be the difference between the net delivered cost per pound and the selling price per pound as computed in (1) and (2), but any retailer who employs a percentage mark-up method may state such a mark-up in percentage terms. A suggested form for this statement, with sample entries based on assumed prices using the cents-per-pound mark-up method is provided in Appendix A.

(b) Every seller shall, subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 12. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device, and no person shall indirectly charge or receive for fresh fish or seafood a price higher than the maximum price permitted by this regulation. No person shall, as a condition of selling fresh fish or seafood, require a purchaser to buy any other fish or seafood or any other product.

SEC. 13. *Enforcement.* On and after July 22, 1943, any person violating any provision of this regulation shall be subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 14. *Licensing and registration.* The licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation [2] shall apply to every person subject to this regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which ceiling prices are established. A license to all retailers engaged in resale of fishery commodities during the period July 5 to July 10, 1943, inclusive, is automatically granted so it is not necessary for any such retailer to apply for it. Other retailers will be automatically licensed upon approval of a mark-up method as outlined in section 3 (c). All sellers may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which ceiling prices are established. No person whose license is suspended may sell any such commodity during the period of suspension.

Article III—Miscellaneous Provisions

SEC. 15. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 [3] issued by the Office of Price Administration.

SEC. 16. *Definitions.* "Style or form" in this regulation means the various stages at which fresh fish or seafood may be processed by producers and wholesalers and by the retailer for the consumer such as scaled, headed, gutted, steaks, slices, fillets, etc., and includes fish sold in the round or drawn on a gross weight basis and processed at the order of the customer without added compensation.

APPENDIX A: SUGGESTED FORM—RETAIL MARK-UPS RECORD, JULY 5-10, 1943, INCLUSIVE

[Cents-per-pound mark-up method]

Species	Form or style purchased	(1) Net delivered cost per pound	Form or style sold	Gross or net weight (state which)	(2) Selling price per pound	(3) Cents per pound mark-up
SAMPLE ENTRIES		*Cents*			*Cents*	*Cents*
Haddock	Drawn	14	Drawn	Gross	18	4
Haddock	Drawn	14	Prepared-to-order	Gross	21	7
Haddock	Drawn	14	Pan-dressed	Net	28	14
Haddock	Fillets	32	Fillets	Gross	41	9
Croaker	Drawn	12	Drawn	Gross	16	4

(1), (2) and (3) refer to methods of computations outlined in section 11.

Effective date. This regulation shall become effective July 22, 1943.

NOTE: The reporting and record keeping provisions of this regulation are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11683; Filed, July 20, 1943; 4:32 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 29]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2.11 (f) (4) is amended by inserting after the first sentence of the paragraph the following:

If Form R-1711 is not available Form R-123 may be used with the words "nonrationed shoes" printed, stamped or written on it.

This amendment shall become effective July 19, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supplementary Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11641; Filed, July 20, 1943; 9:16 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 374,[1] Amdt. 1]

JEWELRY AND CERTAIN OTHER ARTICLES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4 is amended by adding paragraphs (d) and (e) to read as follows:

(d) If in the case of a sale by a wholesaler to a buyer who does not have an Hawaii gross income tax license the wholesaler is required by the taxing authorities of the Territory of Hawaii to pay a 1½ per cent gross income tax with respect to such sale, the wholesaler may

[1] 8 F.R. 4132, 5987, 7662.

* Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1749, 2040, 2487, 2943, 3318, 3371, 3853, 4129, 3943, 4716, 5589, 5678, 5679, 5567, 5756, 6046, 6687, 7189, 7261, 8061, 8357, 8601, 9062.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962; 8511, 9025.

[3] 8 F.R. 5313.

[1] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

add to the maximum wholesale price an amount equivalent to 1¼ per cent of such price. This amount shall be stated separately and shall not be included by any retail seller as a part of the price paid to the wholesaler in determining his maximum price under this regulation.

(c) The wholesaler may add the amount provided in paragraph (d) above to his maximum price only on the condition that he refund to the buyer such amount in the event such amount is recovered by or refunded to the wholesaler from or by the Territory of Hawaii.

This amendment shall become effective as of July 6, 1943.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11642; Filed, July 20, 1943; 9:18 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 7]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 14 is amended to read as follows:

SEC. 14. *Table I: Maximum prices for rice sold in the Territory of Hawaii.*

Rice	Maximum price at wholesale (for sales in all islands except Oahu)	Maximum price at retail (for sales in all islands in the Territory)
	Per 100 lb bag	
Rexora, U. S. #4	$10.28	$0.12 per one lb.
U. S. #1	8.20	{$0.10 per one lb. {$0.19 per two lbs.
U. S. #2	8.10	{$0.10 per one lb. {$0.19 per two lbs.
U. S. #3	7.99	$0.09 per one lb.
Brown U. S. #2	7.99	$0.09 per one lb.
U. S. #4	7.88	$0.09 per one lb.
U. S. #5	7.67	$0.09 per one lb.

NOTE: The maximum prices of all other grades or kinds of rice are governed by the General Maximum Price Regulation for Hawaii.[2]

2. Section 15 is amended to read as follows:

SEC. 15. *Table II: Maximum prices for certain food products sold in the Territory of Hawaii.*

	Maximum price at wholesale (for sales in all islands except Oahu)	Maximum price at retail (for sales in all islands in the Territory)
1. Peas, canned:		
Extra Standard No. 2 can	$3.65 per case 24 cans	{$0.19 per one can. {$0.37 per two cans.
Ungraded No. 2 can	$3.61 per case 24 cans	{$0.19 per one can. {$0.37 per two cans.
2. Tomato juice, canned:		
All grades, No. 10 can	{$3.25 per case 6 cans {$3.31 per case 12 cans	$0.70 per one can. $0.35 per one can.
All grades, No. 2 can	$2.79 per case 24 cans	{$0.15 per one can. {$0.29 per two cans.
All grades, No. 2 can, tall	$3.71 per case 24 cans	$0.19 per one can.
All grades, No. 2½ can	$4.01 per case 24 cans	{$0.41 per one can. {$0.41 per two cans.
All grades, 13½ oz. can	$4.24 per case 48 cans	{$0.11 per one can {$0.21 per two cans.
All grades, 12 oz. can	$3.78 per case 48 cans	$0.10 per one can.
All grades, #1 (10½ oz. can	$3.66 per case 48 cans	{$0.10 per one can. {$0.19 per two cans.
All grades, 8 oz. can	$4.36 per case 72 cans	$0.07 per one can.
3. Prunes, dried:		
1 lb. package 30/40	$3.47 per case 24 pkgs	$0.18 per one pkg.
1 lb. package 50/60	$3.18 per case 24 pkgs	$0.17 per one pkg.
1 lb. package 60/70		$0.15 per one pkg.
1 lb. package 60/90	$2.61 per case 24 pkgs	{$0.27 per two pkgs. {$0.14 per one pkg.
4. Raisins, dried:		
Grade A, 15 oz. pkg	$5.16 per case 48 pkgs	$0.13 per one pkg.
Grade C, 25 lb. box	$2.62 per one box	$0.13 per one lb.
5. Salmon, canned:		
Chinook #½ flats	$13.24 per case 48 cans	$0.35 per one can.
Pink #1 can	$10.22 per case 48 cans	$0.26 per one can.
Red #1 can	$18.13 per case 48 cans	$0.45 per one can.
Medium Red #1 can	$14.20 per case 48 cans	$0.36 per one can. {$0.71 per two cans.
Grade 1 (No designation of color)	$18.13 per case 48 cans	$0.45 per one can.
Grade 3 (No designation of color)	$10.22 per case 48 cans	$0.26 per one can.
6. Sardines, canned:		
(Maine) Soya Oil 3¼ oz. can	$5.56 per case 100 cans	$0.07 per one can.
(Maine) Tomato & Olive Oil #1 can oval	$6.44 per case 48 cans	$0.17 per one can.
(Maine) Tomato 3½ oz. can	$5.67 per case 100 cans	$0.07 per one can.
(Maine) Tomato 9 oz. can	$5.62 per case 48 cans	$0.15 per one can. {$0.07 per one can.
(Maine) Tomato 3¼ oz. can	$5.52 per case 100 cans	{$0.13 per two cans. {$0.16 per one can.
(Maine) Tomato 10 oz. can	$5.91 per case 48 cans	{$0.31 per two cans.
Pilchards (Calif.) Natural 8 oz. can	$6.22 per case 96 cans	$0.08 per one can.
Pilchards (Calif.) Natural #1 can tall	$4.64 per case 48 cans	$0.13 per one can. {$0.09 per one can.
Pilchards (Calif.) Tomato 8 oz. can	$6.50 per case 96 cans	{$0.17 per two cans {$0.13 per one can.
Pilchards (Calif.) Tomato #1 can tall	$5.05 per case 48 cans	{$0.16 per one can.
Pilchards (Calif.) Tomato 15 oz. can oval	$5.80 per case 48 cans	{$0.31 per two cans {$0.14 per one can.
Pilchards (Calif.) Tomato #1 can oval	$5.58 per case 48 cans	
7. Canadian herring, canned: Tomato, #1 can oval	$5.98 per case 48 cans	$0.15 per one can.
8. Peaches, canned:		
Grade B, sliced, #2 can	$3.72 per case 24 cans	$0.18 per one can.
Grade B, sliced, #2½ can	$5.38 per case 24 cans	$0.26 per one can.
Grade B, halves, #2½ can	$5.38 per case 24 cans	$0.26 per one can. {$0.17 per one can.
Grade C, sliced, #2 can	$3.33 per case 24 cans	{$0.33 per two cans.
Grade C, sliced, #2½ can	$4.83 per case 24 cans	$0.24 per one can.
Grade C, halves, #2 can	$3.33 per case 24 cans	{$0.17 per one can. {$0.33 per two cans.
Grade C, halves, #2½ can	$4.99 per case 24 cans	$0.26 per one can.
Grade C, halves, #10 can	$4.44 per case 6 cans	$0.87 per one can.
Grade D, sliced, #2½ can	$4.50 per case 24 cans	$0.22 per one can. {$0.25 per one can.
Grade D, halves, #2½ can	$4.65 per case 24 cans	{$0.49 per two cans.
Grade D, mixed, #2½ can	$4.50 per case 24 cans	$0.22 per one can.
9. Corned beef, canned:		
12 oz. can	{$6.77 per case 24 cans {$13.54 per case 48 cans	{$0.34 per one can. {$0.67 per two cans. {$0.34 per one can. {$0.67 per two cans.
#6 can		$2.52 per one can.
10. Luncheon meat, canned:		
12 oz. can	$16.37 per case 48 cans	$0.41 per one can.
#6 can		$3.28 per one can.
#2½ can		$1.41 per one can.
11. Dried beans:		
Baby Limas	$9.26 per 100 lb. bag	$0.11 per one lb.
Large Limas	$11.90 per 100 lb. bag	{$0.15 per one lb. {$0.29 per two lbs.
Red Kidney	$9.26 per 100 lb. bag	$0.11 per one lb.
12. Flour:		
All Purpose Family	$2.67 per case 10/4.9 lb. bags	$0.35 per 4.9 lb. bag.
All Purpose Family	$2.29 per 49 lb. bag	$2.97 per 49 lb. bag.
Bakers Bread	$4.60 per 98 lb. bag	
Cake and Pastry	$4.19 per 98 lb. bag	
Special Cake	$4.35 per 98 lb. bag	
Cracker	$4.08 per 98 lb. bag	

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550.

[2] 8 F.R. 5307, 6362.

SEC. 15. *Table II: Maximum prices for certain food products sold in the Territory of Hawaii.*—Continued.

	Maximum price at wholesale (for sales in all islands except Oahu)	Maximum price at retail (for sales in all islands in the Territory)
13. Beans, baked:		
Tomato sauce, #1 can	$4.70 per case 48 cans	{$0.13 per one can. {$0.25 per two cans.
Pork and Beans, #2½ can	$4.59 per case 24 cans	{$0.25 per one can. {$0.49 per two cans.
14. Evaporated milk, canned 14½ oz. can, terms of sale:	*Per case 48 #1 (4½ oz. cans*	*Per 14½ oz. can*
C. O. D. delivered to retailer in lots of 25 cases or more.	$4.95	$0.12.
C. O. D. delivered to retailer in lots of less than 25 cases.	$4.90	$0.12.
Credit sale, delivered to retailer, in lots of 25 cases or more.	$4.85	$0.12.
Credit sale, delivered to retailer, in lots of less than 25 cases.	$4.80	$0.12.
	(Per case of 6 cans)	
#10 can	$5.16	
15. Pork sausage, canned: 24 oz. can		$0.69 per one can.
16. Pork tongue, canned: #1 can		$3.40 per one can.
17. Dried Beef in Jars: 7 oz. jar		$0.48 per one jar.

3. Section 19 Table VI (j) is amended to read as follows:

(j) *Sales at retail of mainland and Island meats, poultry and certain dairy products*—(1) *Prices to be marked and posted.* Notwithstanding the provisions of this Maximum Price Regulation 373, on and after the date any commodity becomes subject to this paragraph (j) every person offering to sell any such commodity shall mark the selling price of such commodity on the commodity itself in a manner plainly visible to and understandable by the purchasing public. In addition to this requirement, every retailer shall also place on his meat counter, or other location equally accessible to the public, one or more copies of the maximum prices established herein. Retailers located in Zones 2 and 3 of Hawaii and Zone 2 of Maui may not include in the posted prices the allowed additions specified in subparagraph (3).

(2) *Definitions.* When used in this paragraph (j) the term:

(i) "Sale at retail" means a sale or a selling to ultimate consumers, restaurants, hospitals, and institutions where the sale of commodities covered herein aggregates $100.00 or less to the same person in a period of twenty-four hours. Sales over this amount shall not exceed the maximum prices for sales at wholesale established by this Maximum Price Regulation 373.

(ii) "Zone 2 on the Island of Maui" shall comprise the district of Hana and that portion of the district of Makawao lying south of the south boundary of Ahupuha Kamaole.

(iii) "Zone 2 on the Island of Hawaii" shall comprise the district of North Hilo, Hamakua, and Kau, as defined by Hawaiian Statute.

(iv) "Zone 3 on the Island of Hawaii" shall comprise the districts of North Kohala, South Kohala, North Kona, and South Kona, as defined by Hawaiian Statute.

(3) The maximum prices of items of different grades from those specified shall be the most nearly comparable grade of that item for which a maximum price is established by this paragraph (j).

(4) Unless otherwise provided, the maximum prices of mainland meats or cheese items not listed in the following tables shall be 24 per cent on selling price over the wholesaler's invoice selling price. This maximum price may be arrived at by dividing the invoice cost in cents per pound by 0.76. For instance, assume mainland item "x" costs the retailer 50 cents per pound. Dividing 50 cents by 0.76 equals 65.7 cents. Adjusting this figure to the nearest cent yields a maximum price at retail of 66 cents per pound.

(5) (i) Retailers whose stores are located in Zone 2 on the Island of Hawaii, or in Zone 2 on the Island of Maui, may add 2 per cent to the maximum prices specified in tables A to J. Sales slips must be given to buyers, showing the prices of the commodities sold at or under the maximum prices specified in Tables A to J. The retailer may add to the sum total of the sale 2 per cent of it as a separate computation. This addition is permitted to cover extra transportation costs paid by the retailer in these zones.

(ii) Retailers whose stores are located in Zone 3 on the Island of Hawaii may add 3 per cent to the maximum prices specified in Tables A to J. Sales slips must be given to buyers, showing the prices of the commodities sold at or under the maximum prices specified in Tables A to J. The retailer may add to the sum total of the sale 3 per cent of it as a separate computation. This addition is permitted to cover extra transportation costs paid by the retailer in this zone.

(6) No retailer may store under refrigeration, for buyers' account, any of the commodities covered by this paragraph (j) for periods exceeding 24 hours.

(7) The maximum price for sales of retail cuts of meat, or other commodities specifically covered by this paragraph (j), aggregating between $50.00 and $100.00 shall be 10 per cent less than the maximum price specified in this paragraph (j).

TABLE A—MAINLAND BEEF AT RETAIL

Grading. The maximum prices listed in Table A are for cuts from Grade A and B (Good and Commercial) steers and heifers or Grades A and B (Good and Commercial) cows. Grade classification is marked on the carcass, box or other container received by the retailer, or may be ascertained by him from the wholesaler's invoice. For cuts from all other grades of steers, heifers and cows except FSCC and Army Specification, the maximum prices shall be determined by adding to or subtracting from each individual cut the following amount:

AA (Choice ..... Add 4 cents per pound.
C (Utility) ..... Subtract 3 cents per pound.
D (Cutter or Canner) Subtract 8 cents per pound.

The maximum prices for all FSCC beef and Army Specification boneless cuts shall be those listed in the second column of Table A. under "Grades A & B, FSCC and Army Specification".

Retail cut	Grades A and B—Bone-in maximum price (¢ per lb.)		Grades A and B—FSCC and Army specification—Boneless maximum price (¢ per lb.)	
	Oahu	Other islands	Oahu	Other islands
Filet Steak or Tenderloin			$1.00	$1.00
Flank Steak	42	44	42	44
Sirloin Tip Steak (Top Sirloin or Sirloin Butt)	60	62	60	62
Sirloin Steak	65	67		
New York Cut			75	75
Porterhouse Steak or T-Bone	65	67		
Market Steaks			75	75
Regular Round Steaks	55	57		
Top Round Steak	60	62	60	62
Bottom Round Steak	55	57	55	57
Prime Rib Roast, 8 Rib	45	47		
Prime Rib Roast, boned and rolled	65	67	65	67
Rib Steak	75	57	65	67
Chuck Roast or shoulder Rib Roast, 1st 5 Ribs	38	40		
Chuck Roast, Boneless	49	51	49	51
Chuck Steak	43	45	53	55
Round Bone Shoulder Roast, Ribs off, Round Bone In	42	44		
Boneless Cross Rib	50	52	50	52
Trimmed Rump	40	42	55	57
Plate Beef	25	27	30	32
Short Ribs	30	32		
Brisket, 1st 5 Ribs, bone in	30	32	35	37
Soup Bones:				
Center Shank	20	20		
Knuckle Bones	2	2		
Boneless Lean Stew Meat	45	47	45	47
Hamburger, all grades	32	32	32	32
Lean Ground Beef	49	51	49	51
Corned Beef, boneless brisket	45	45	45	45

NOTE: The maximum price of beef corned from beef other than boneless brisket shall be the maximum price of the original cuts listed above.

TABLE B—MAINLAND VEAL AT RETAIL

Grading. The maximum prices listed in Table B are for cuts from Grade A (Good) veal. For cuts from all other grades, the maximum prices shall be determined by adding to or subtracting from each individual cut the following amounts:

AA (Choice)---- Add 3 cents per pound.
B (Commercial)- Subtract 3 cents per pound.
C (Utility) ----- Subtract 6 cents per pound.
D (Cull)-------- Subtract 9 cents per pound.

Retail cut	Grade A (good) maximum price (cents per lb.)	
	Oahu	Other islands
Loin Chops	58	60
Sirloin Tip, Roast or Steak	58	60
Loin Steak, Large	60	62
Leg Roast	42	44
Rump Roast	45	47
Leg Cutlet	70	72
Rib Chops	53	55
Shoulder Roast	40	42
Shoulder Chops	43	45
Round Bone Shoulder Roast	43	45
Breast, Neck and Shank	22	24
Trimming	30	30

TABLE C—MAINLAND LAMB AT RETAIL

Grading. The maximum prices listed in Table C are for cuts from Grade A (Good) lambs. For cuts from all other grades, the maximum price shall be determined by adding to or subtracting from each individual cut the following amounts:

AA (Choice)---- Add 2 cents per pound.
B (Commercial)- Subtract 2 cents per pound.
C (Utility) ----- Subtract 5 cents per pound.

Retail cut	Grade A (good) maximum price (cents per lb.)	
	Oahu	Other islands
Rib Chops	52	54
Shoulder Chops	48	50
Legs	52	54
Small Loin	65	67
Large Loin	54	56
Breast, Neck or Shanks	20	20

TABLE D—MAINLAND MUTTON AT RETAIL

Grading. The maximum prices listed in Table D are for cuts from Grade M (or Commercial) mutton. For cuts from all other grades, the maximum prices shall be determined by adding to or subtracting from each individual cut the following amounts:

S (Good)---------- Add 2 cents per lb.
R (Utility) -------- Subtract 2 cents per lb.

Retail cut	Grade M, maximum prices (cents per lb.)	
	Oahu	Other islands
Rib Chops	29	31
Shoulder Chops	29	31
Legs	32	34
Small Loin	35	37
Large Loin	35	37
Breast, Neck, or Shanks	19	19

TABLE E—MAINLAND PORK AT RETAIL

Retail cut	Corned frozen or salted, maximum price, (cents per lb.)	
	Oahu	Other islands
1. RETAIL CUT		
Loin Roast, either end	45	45
Loin Center Chops or Roast	49	51
Tenders	56	58
Spare Ribs	38	40
Boneless Butts	57	59
Boston Butts, fresh	50	52
Boston Butts, sliced	53	55
Bulk Pork Sausage Meat	52	54
Legs, Skin on, Whole or Half (fresh or corned)	46	48
Legs, Skinless, Whole or Half (fresh or corned)	49	51
Center Leg Steaks	55	57
Fresh Clear Bellies	39	41
Dry Salt Bellies	35	36
Shoulder Roasts, bone in	46	48
Steaks	49	51
Shank	20	22
Feet, Fresh	20	22
Tails, Fresh	27	29
Hocks, Fresh	34	36

NOTE: Slices of picnics and bone-in hams shall be center slices only and shall not be more than 20% of the weight of the total picnic or bone-in ham. Loin center chops or roasts shall not be more than 33⅓% of the weight of the pork loin.

Commodity	Dressed weight	Smoked and wrapped, maximum price (cents per lb.)		Ready-to-eat and wrapped, maximum price (cents per lb.)	
		Oahu	Other islands	Oahu	Other islands
2. SMOKED MEATS					
HAMS					
Regular, bone in, No. 1 Gr., Whole or Half		50	51	53	54
Regular, bone in, No. 2 Gr., Whole or Half		48	49	51	52
Skinned, No. 1, Whole or Half		53	54	57	58
Skinned, No. 2, Whole or Half		51	52	55	56
Regular Boneless No. 1		55	56	59	60
Regular Boneless No. 2		53	54	57	58
Skinned Boneless No. 1		56	57	60	61
Skinned Boneless No. 2		54	55	58	59
Center Slices		75	76	75	76
Shanks Under 3 lbs.		28	29	28	29
Shanks 3 to 4 lbs		40	41	40	41
Butt End Sliced		50	51	50	51
Regular Boneless and Fattened:					
No. 1		65	66	70	71
No. 2		63	64	68	69
Virginia Hams		70	71		
Boston Butts		57	58	61	62
Picnics:					
Bone in		50	51	53	54
Boneless		56	57	60	61
Boneless and Fatted		64	65	67	68
Butts, Boneless, C. T		70	71		
Briskets, Boneless		39	40		
Seattle Regular Smoked Hams No. 1 Grade		58	58		
BACON					
Slab:					
No. 1, Whole or Half		47	48		
No. 1, Sliced, Rind off		58	59		
No. 1, Sliced, Rind on		52	53		
No. 2, Whole or Half		43	44		
No. 2, Sliced, Rind off		54	55		
No. 2, Sliced, Rind on		47	48		
Packaged:					
Standard Grade A		58	59		
Standard Grade B		53	54		
Standard Grade C		51	52		
Sliced Jowl Butts		42	43		
End Slices		37	38		
Canadian Bacon		74	75		
Fat Backs, Sliced		33	34		
Fat Backs, Ends or Squares		31	32		
Bellies		38	39		
PLATES AND JOWLS					
Clear Plates		32	33		
Regular Plates		34	35		
Jowl Butts		32	33		
Square Jowl Butts		36	37		

NOTE: Pork sausage, link, all types—the maximum retail price shall not exceed the wholesaler's selling price plus 12¢ per lb.

TABLE F—MAINLAND POULTRY AT RETAIL

Grading. The maximum prices listed in Table F are for Grade A poultry. The maximum prices for Grade B poultry items shall be 2 cents less than the Grade A price, and for Grade C poultry items 7 cents less than the Grade A price.

Commodity	Dressed weight	Maximum price, (cents per lb.)	
		Oahu	Other islands
1. DRESSED			
Broilers	Under 2½ lbs	54	56
Fryers	2½ to 3½ lbs	56	58
Roasters:			
Light	3½ to 5 lbs	60	62
Heavy	5 lbs & over	62	64

TABLE F—MAINLAND POULTRY AT RETAIL—Continued

Commodity	Dressed weight	Maximum price, (cents per lb.)	
		Oahu	Other Islands
1. DRESSED—con.			
Stewing:			
Light	Under 5 lbs	53	55
Heavy	5 lbs and over	55	57
Capons:			
Light	Under 7 lbs	65	67
Heavy	7 lbs and over	66	68
Fowl:			
Light	Under 3½ lbs	49	51
Medium	3½ to 5 lbs	53	55
Heavy	5 lbs and over	53	55
Other roasters:			
Light	Under 5 lbs	42	44
Heavy	5 lbs and over	44	46
Ducks	All weights	49	51
Geese	All weights	49	51
Dressed turkeys:			
Light	Under 16 lbs	54	56
Medium	16 to 20 lbs	58	60
Heavy	20 lbs and over	57	59
Old tom turkeys:			
Light	Under 16 lbs	55	57
Medium	16 to 20 lbs	53	55
Heavy	20 lbs and over	51	53
Ducks	All weights	58	60
Geese	All weights	44	46
2. FROZEN			
Broilers		76	78
Fryers		77	79
Roasters		82	82
Stewing		71	73
Capons		87	89
Fowl		69	71
Ducks		61	66
Geese		69	71
Turkeys, young		75	77
Turkeys, old		72	74
3. CANNED READY-TO-EAT POULTRY AT RETAIL			
Fryers		---	85
Capons		---	85
Roasters		---	90
Chicken		---	95
Fowl		---	80
Ducks		---	80
Geese		---	80
Turkeys		---	85
Squabs		---	80
Pigeons		---	75

TABLE G—MAINLAND FANCY MEATS AT RETAIL

Commodity	Maximum price (cents per lb.)	Maximum price (cents per lb.)
	Oahu	Other islands
1. LIVER		
Beef	90	92
Calf, 4 lbs or under	77	79
Calf, over 4 lbs	64	66
Pork	62	64
Beef, tongue	54	56
Pork	40	42
Lamb	39	41
2. SWEETBREADS		
Veal	70	72
Beef	45	47
Lamb	50	52
3. TONGUE		
Veal	50	52
Ox	45	47
Lamb	40	42
Pork	38	40

TABLE G—MAINLAND FANCY MEATS AT RETAIL—Continued

Commodity	Maximum price (cents per lb.)	Maximum price (cents per lb.)
	Oahu	Other Islands
4. HEARTS		
Calf	29	31
Beef	29	31
Lamb	30	32
Pork	32	34
5. KIDNEYS		
Veal	37	39
Beef	28	30
Lamb	40	42
Pork	30	32
6. BRAINS		
Veal	31	33
Beef	29	31
Lamb or Sheep	29	31
Pork	29	31
7. TAILS		
Ox	28	30
Pork	27	29
8. MISCELLANEOUS		
Pork feet, pickled	25	26
Pork hocks, pickled	30	31
Pork tails, pickled	25	26
Cooked beef tripe	25	26

TABLE H—MAINLAND COLD CUTS AT RETAIL

Commodity	Maximum price (cents per lb.) all islands
Boiled Ham, Sliced	0.90
Dried Chinese Sausage manufactured in Territory	1.30
Canadian Chinese Sausage	1.40
Portuguese Pork Sausage, pure pork, manufactured in Territory	.90
Portuguese Pork Sausage, beef and pork, manufactured in Territory	.70
All meat loaves such as: Minced Sausage, Large Bologna, Spiced Ham, Luncheon Meat, Pork Loaf, Olive Loaf, Head Cheese, Cooked Salami, etc.	.15 per lb. over wholesalers' selling price
Meat in small casings, such as: Stick Bologna, Frankfurters, Liver Sausage (fresh or smoked), Weiners, Garlic Sausage, etc.	.12 per lb. over wholesalers' selling price
All cold cuts not covered by above shall be—	.12 per lb. over wholesalers' selling price

TABLE I—MAINLAND SLICED AND PACKAGED CHEESE AT RETAIL

Commodity	Maximum price (cents per lb.) all islands
Wheel Cheese, natural, cheddar or granular type except Jack, Mount Hope, Chantelle, New York Martin & other Cheese aged 18 months or over	50
Jack, Mount Hope, and Chantelle	52
New York Martin	60
Loaf: 5 lb. processed, American, Pimento, Swiss, Brick & Neopolitan	50
Wisconsin Swiss, Wheel or Loaf	60
	per pkg.
1 lb. package, processed	50
2 lb. package, processed	93
½ lb. package, processed	28
Old English, ½ lb.	30

TABLE J—MAINLAND BUTTER AND EGGS AT RETAIL

Commodity	Maximum price all islands
Butter, salted	6¢ per lb. over wholesaler's selling price.
Eggs:	
Shell eggs, loose or delivered to retailer in cartons.	7¢ per doz. over wholesaler's selling price.
Shell eggs, cartoned by retailer.	9¢ per doz. over wholesaler's selling price.
Powdered whole eggs, 8 oz. jar.	80¢ per jar.
F. S. C. C. powdered whole eggs, 5 oz. pkg.	50¢ per pkg.

TABLE K—ISLAND BEEF AT RETAIL

Grading All Island steers and heifers shall be sold not higher than the maximum price of Grade A cuts. All Island cows shall be sold not higher than the maximum price of Grade B cuts.

Retail cut	Grade A maximum price (cents per lb.)		Grade B maximum price (cents per lb.)	
	Oahu	Other Islands	Oahu	Other Islands
Flank Steak	44	42	40	38
Sirloin Tip Steak (Top Sirloin or Sirloin Butt)	47	46	44	43
Sirloin Steak	47	46	44	43
Porterhouse or T-Bone	55	53	50	47
Regular Round Steak	44	42	40	38
Top Round Steak	47	45	43	41
Bottom Round Steak	40	40	38	36
Prime Rib Roast, 8 Rib	36	34	34	32
Prime Rib Roast Boned & Rolled	47	42	42	40
Rib Steak	45	40	40	38
Chuck Roast or Shoulder Rib Roast:				
1st 5 Ribs	30	25	25	23
Chuck Roast boneless	35	32	32	30
Chuck Steak	33	28	28	26
Round Bone Shoulder Roast, Ribs off, round bone in	35	29	30	27
Boneless Cross Rib	42	30	38	35
Trimmed Rump	35	32	32	30
Plate Beef	19	17	17	17
Short Ribs	25	22	22	20
Brisket 1st 5 Ribs, bone in	25	22	22	20
Soup Bones:				
Center Shank	18	18	18	15
Knuckle Bones	2	2	2	2
Boneless Lean Stew Meat	35	32	35	32
Hamburger	30	30	30	30
Lean Ground Beef	40	35	40	35
Corned Beef, boneless brisket	34	30	34	30

NOTE: Beef corned from cuts other than boneless brisket shall sell at a maximum price not to exceed the maximum price of the original cuts as listed above.

TABLE L—ISLAND VEAL AT RETAIL

Retail cut	Maximum price (cents per lb.)	
	Oahu	Other islands
Loin Chops	53	51
Sirloin Tip, Roast or Steak	52	50
Loin Steak, Large	55	53
Leg Roast	38	36
Rump Roast	40	38
Leg Cutlet	63	61
Rib Chops	50	48
Shoulder Roast	35	33
Shoulder Chops	39	37
Round Bone Shoulder Roast	38	36
Breast, Neck & Shank	22	20
Trimming	30	28

TABLE M—ISLAND LAMB AT RETAIL

Retail cut	Maximum price (cents per lb.)	
	Oahu	Other islands
Rib Chops	34	32
Shoulder Chops	29	27
Legs	38	36
Small Loin	49	47
Large Loin	44	42
Breast, Neck or Shanks	15	13

TABLE N—ISLAND MUTTON AT RETAIL

Retail cut	Maximum price (cents per lb.)	
	Oahu	Other islands
Rib Chops	28	26
Shoulder Chops	21	19
Legs	26	24
Small Loin	32	30
Large Loin	28	26
Breast, Neck & Shanks	10	8

TABLE O—ISLAND PORK AT RETAIL

Grading: Grade A Island pork is pork derived from young pigs. Grade B Island pork is defined as pork derived from sows and stags. All Grade B cuts must be plainly marked as such when exhibited for sale. No cuts shall be offered for sale or sold other than those shown below.

TABLE O—ISLAND PORK AT RETAIL—Continued

Retail cut	All islands	
	Grade A maximum price (cents per lb.)	Grade B maximum price (cents per lb.)
Legs, Boneless	55	40
Bone in	43	32
Center Leg Slices	55	
Shoulder, Boneless	52	35
Bone in	50	28
Steaks	52	
Loin Roast, either end	52	40
Loin Center Chops or Roast	55	40
Spare Ribs	45	30
Hellies, Rib, Bone in	40	24
Ribs removed	35	22
Loin attached	40	24
Hocks, fresh	35	30
Feet, fresh	25	20
Jowl	25	20
Head, Boneless	25	15
Bone in	17	12
Tails, Fresh	35	20
Roasted or Barbecued, all cuts	70	Not permitted
Rendered Pork Fat or Leaf Lard	20	20
Pork Fat	10	10

TABLE P—ISLAND POULTRY AT RETAIL

Definition. Dressed poultry is poultry which has been killed, bled, and plucked. No Island poultry shall be exhibited for sale or sold in any market which has had the head, feet, and entrails removed. Butchers may draw birds at the request of the customers after the sale is made. The purpose of this provision is to protect customers against the sale of unhealthy birds.

COMMODITY	*Maximum Prices cents per lb.*
Chickens—(Broilers, Fryers, Roasters, and Capons):	
Dressed Weight	70
Live Weight	55
Chickens—(Hens):	
Dressed Weight	60
Live Weight	47
Turkeys—(Young toms or young hens):	
Dressed Weight	70
Live Weight	52
Turkeys—(Gobblers or old hens):	
Dressed Weight	60
Live Weight	45
Ducks and Geese:	
Dressed Weight	60
Live Weight	47
Squabs:	
Dressed Weight	87
Live Weight	77

NOTE: No sales of island poultry for which a maximum price has not been established in this regulation shall be made until application has been made to the Office of Price Administration and a maximum price granted.

Cooked and Barbecued Island poultry shall not sell higher than the prices specified in Table F, category 3.

MISCELLANEOUS	*Maximum prices Cents per lb.*
Island rabbits:	
Dressed and drawn	70
Live weight	35

TABLE Q—ISLAND FANCY MEATS AT RETAIL

COMMODITY	*Maximum price Cents per lb. all islands*
1. Liver:	
Veal or calf	55
Beef	40
Lamb or mutton	34
Pork	35
2. Tongue:	
Veal	29
Beef or ox	24
Lamb or mutton	24
Pork	22
3. Hearts:	
Veal	25
Beef	20
Lamb or mutton	25
Pork	25
4. Kidneys:	
Veal or beef	28
Lamb or mutton	35
Pork	28
5. Brains:	
Veal	30
Beef	28
Lamb or mutton	24
Pork	20
6. Tails:	
Ox	28
Pork (See Island Pork)	
7. Tripe:	
Beef, small	12
Beef, large	9

TABLE R—ISLAND EGGS AT RETAIL

COMMODITY	*Maximum Price Cents per doz. all islands*
Shell Eggs—large, cartoned	.85
Shell Eggs—medium, cartoned	.79
Shell Eggs—small, cartoned	.61
Shell Eggs—large, loose	.83
Shell Eggs—medium, loose	.77
Shell Eggs—small, loose	.59

4. Section 19 Table VI (k) is hereby revoked.

5. The table following section 21 (c) (1) is amended to read as follows:

	Wholesale maximum prices	Special institutional maximum prices	Retail maximum prices
Beets	$0.055 per lb. net cont	$0.065 per lb.	$0.075 per lb.
Carrots	$0.075 per lb. net cont	$0.0875 per lb.	$0.10 per lb.
Celery	$11.60 per crate	$0.24 per lb.	$0.29 per lb.
Garlic	$0.15 per lb. net cont	$0.20 per lb.	$0.25 per lb.
Lettuce	$10.00 per crate	$0.20 per head	$0.24 per head.
Onions (Red and Yellow)	$3.30 per 50 lb. bag	None	$0.09 per lb.
Potatoes	$5.05 per 100 lbs.	None	$0.07 per lb.
Rutabagas Turnips	$0.55 per lb. net cont	$0.065 per lb.	$0.075 per lb.

6. The table following section 21 (d) (1) is amended to read as follows:

	Wholesale maximum prices	Special institutional maximum prices	Retail maximum prices
Apples:			
Ex. Fcy. Winesap	$6.15 per box	None	$0.20 per lb.
Ex. & Ex. Fcy. Newtons	$6.15 per box	None	$0.20 per lb.
Grapefruit:			
46's	$4.90 per box	$0.11 each	$0.14 each.
64's	$4.90 per box	$0.08 each	$0.11 each.
70's	$4.90 per box	$0.08 each	$0.10 each.
80's	$4.90 per box	$0.07 each	$0.08 each.
96's	$4.90 per box	$0.06 each	$0.07 each.
Lemons:			
300's	$7.85 per box	$0.37 per doz.	$0.42 per doz.
360's	$7.85 per box	$0.30 per doz.	$0.35 per doz.
420's	$7.85 per box	$0.25 per doz.	$0.29 per doz.
Oranges:			
126's	$6.10 per box	$0.68 per doz.	$0.78 per doz
150's	$6.10 per box	$0.57 per doz.	$0.65 per doz.
176's	$6.10 per box	$0.48 per doz.	$0.56 per doz.
200's	$6.10 per box	$0.43 per doz.	$0.49 per doz.
252's	$6.10 per box	$0.39 per doz	$0.45 per doz.
288's	$6.10 per box	$0.34 per doz.	$0.39 per doz.
324's	$6.10 per box	$0.30 per doz.	$0.34 per doz.
344's	$6.10 per box	$0.25 per doz.	$0.28 per doz.
416's	$6.10 per box	$0.22 per doz.	$0.25 per doz.
Pears, D'Anjous, Fcy	$8.80 per box	None	$0.26 per lb.
Pears, D'Anjous, Ex. Fcy	$9.60 per box	None	$0.26 per lb.
Pears, "Winter Nellies"	$8.55 per box	$0.21 per lb.	$0.26 per lb.
Pears, "Easter Beurre"	$8.55 per box	$0.23 per lb.	$0.26 per lb.
Cantaloupes:			
45's	$11.25 per case	None	$0.20 per lb.
36's	$12.40 per case	None	$0.20 per lb.
45's	$12.90 per case	None	$0.20 per lb.

7. Section 21 (e) (3) is amended to read as follows:

(3) "Sale at wholesale" means a sale by a person who customarily distributes Island grown produce to any person other than the ultimate consumers, and shall include sales to the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library, and industrial or commercial user, or any agency of any of the foregoing, *Provided*, That any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library, an industrial or commercial user, or any agency of any of the foregoing, which during the period September 23, 1942 to December 23, 1942 purchased Island grown produce in an average gross amount not in excess of $100.00 per week, may purchase Island grown produce from licensed retailers at prices not in excess of the maximum prices for sales at retail. Any such purchaser exercising this permission shall file with the Office of Price Administration, Hawaii Territorial Office, Iolani Palace, Honolulu, T. H., not later than ten days after the first purchase from a licensed retailer, a statement setting forth the average weekly gross amount paid for Island grown produce during the period September 23, 1942 and December 23, 1942. Any licensed retailer shall be entitled to rely on a purchaser's statement that such purchaser has complied with this paragraph.

8. The table following section 21 (e) (4) is hereby revoked.

9. Section 21 (e) (5) and (6) is added to read as follows:

(5) Maximum prices for Island grown produce in the Island of Oahu:

Item	Grade	Maximum price at wholesale (per lb.)	Maximum price at retail (per lb.)
1. Asparagus, fresh	A	$0.23	$0.30
2. Asparagus, fresh	B	.20	.27
3. Asparagus, fresh	C	.18	.25
4. Avocados	A	.15	.20
5. Avocados	B	.12	.16
6. Avocados	MQ	.08	.12
7. Bananas, bunch (stem limited to 8 inches above first hand where hand joins stem):			
Bunches	MQ	.04	
Hands	MQ	.055	.075
8. Bananas, cooking:			
Bunches	MQ	.08	
Bands	MQ	.10	.14

Item	Grade	Maximum price at wholesale (per lb.)	Maximum price at retail (per lb.)
		Per lb.	*Per lb.*
9. Beans, snap, green, string and yellow wax	A	$0.12	$0.16
10. Beans, snap, green, string, yellow wax and yard-long	MQ	.10	.14
11. Beans, green lima (pod)	MQ	.07	.10
12. Beans, green lima (shelled)	MQ	.18	.25
13. Beet tops (tubers not to exceed 1 inch)	MQ	.10	.15
14. Beets, bunched	MQ	.055	.08
15. Beets topped	A	.055	.075
16. Beets, topped	MQ	.045	.06
17. Bitter Melon or Fuqua	MQ	.15	.20
18. Broccoli	MQ	.14	.20
19. Cabbage, Chinese	A	.075	.10
20. Cabbage, Chinese	MQ	.06	.08
21. Cabbage, Head	AA	.065	.09
22. Cabbage, Head	A	.055	.08
23. Cabbage, Head	MQ	.04	.06
24. Cabbage, cunched (all types) (Chinese and Japanese; green mustard and white stem)	MQ	.08	.12
25. Cabbage, Swamp or Ung Choy	MQ	.07	.10
26. Carrots, bunched	MQ	.055	.08
27. Carrots, topped	A	.07	.09
28. Carrots, topped	MQ	.055	.08
29. Celery	MQ	.16	.25
		Per 6 doz.	*Per doz.*
30. Corn, Green	A	2.58	.60
31. Corn, green	B	2.10	.60
32. Corn, green	MQ	1.68	.40
		Per lb.	*Per lb.*
33. Cucumbers	A	.12	.18
34. Cucumbers	MQ	.10	.16
35. Eggplant, long (Molokai type)	MQ	.07	.095
36. Eggplant, round and half long	MQ	.05	.075
37. Ginger, mature	MQ	.10	.15
38. Gobo, #1, medium & long stems	MQ	.15	.20
39. Gobo, #2, small & short stems	MQ	.11	.15
40. Gobo, #2, large stems	MQ	.11	.15
41. Kohlrabi, bunched or topped	MQ	.17	.10
42. Lettuce, all types	MQ	.17	.25
43. Lotus roots, or Lilly roots	MQ	.13	.17
44. Okra, Chinese, or Sea Qua	MQ	.15	.20
45. Okra, English	MQ	.10	.15
46. Onions, Maui, Dry	MQ	.046	.065
47. Onions, bunching green	MQ	.15	.22
48. Onions, Kailua bulb, bunching	MQ	.15	.22
49. Papayas	#1	.1425	.06
50. Papayas	#2	.035	.05
51. Parsnips	MQ	.08	.11
52. Peas, Chinese	MQ	.50	.70
53. Peppers, Bell	MQ	.18	.25
54. Peppers, Hot	MQ	.25	.35
55. Peppers, Chile	MQ	.50	.65
56. Pineapples	MQ	.025	.04
57. Potatoes, Irish	AA	.045	.06
58. Potatoes, Irish	A	.035	.055
59. Potatoes, Irish	MQ	.035	.045
60. Potatoes, Sweet (Yam type)	AA	.07	.095
61. Potatoes, Sweet (Yellow)	A	.05	.07
62. Potatoes, Sweet	B	.04	.055
63. Potatoes, Sweet	MQ	.03	.04
64. Pumpkin	MQ	.05	.07
65. Pumpkin, Japanese or Kona Crepe	MQ	.065	.09
		Per doz bunch	*Per bunch*
66. Radishes, Red (per bunch of not less than 12)	MQ	.20	.06
		Per lb.	*Per lb.*
67. Rhubarb	MQ	.10	.15
68. Soy Beans, edible green	MQ	.10	.14
69. Spinach (all types) bunched	MQ	.10	.15
70. Squash, Chinese (Ung Qua) large 2 lbs. or over	MQ	.06	.07
71. Squash, young Chinese small, below 2 lbs.	MQ	.10	.11
72. Squash, banana	MQ	.065	.09
73. Squash, hubbard	MQ	.065	.09
74. Squash, Italian and summer	MQ	.10	.15
75. Squash, queen	MQ	.08	.11
76. Swiss Chard (bunched or loose)	MQ	.05	.055
77. Taro, Japanese or Dasheen	#1	.08	.11

Item	Grade	Maximum price at wholesale (per lb.)	Maximum price at retail (per lb.)
78. Taro, Hawaiian and Chinese, bunched and not for manufacture	MQ	.03	.01
79. Taro, Japanese or Dasheen	#2	.04	.06
80. Taro, tops or luau bunched or loose	MQ	.10	.15
81. Tomatoes, large (2" minimum diameter)	A	.14	.21
82. Tomatoes, large (2" minimum diameter)	B	.12	.18
83. Tomatoes, large (2" minimum diameter)	MQ	.10	.15
84. Tomatoes, small (less than 2" diameter)	MQ	.08	.12
85. Tomatoes, egg	MQ	.08	.12
86. Turnip tops (tubers not to exceed 1")	MQ	.10	.15
87. Turnips, Japanese (Daikon)	MQ	.045	.06
88. Turnips, long white, bunched or topped (including white Chinese, white radish and similar types)	MQ	.045	.06
89. Turnips, round white, purple tops, bunched or topped	MQ	.045	.06
90. Turnips, yellow topped (rutabagas)	MQ	.055	.075
91. Watercress (½ lb. bunch or larger)	MQ	.10	.15
92. Watermelon	MQ	.08	.10
93. Yam (Chop Suë) or Faru Quat	MQ	.10	.135
94. Yam, Mountain	MQ	.065	.09

NOTE: The maximum prices of all other kinds and grades of Island grown produce are governed by the General Maximum Price Regulation for Hawaii

(6) *Records and reports*—(i) *Records to be kept.* Notwithstanding the provisions of section 11 of this Maximum Price Regulation No. 373, every person making sales of Island grown produce covered by this paragraph (e) shall on and after the date any such produce becomes subject to this paragraph keep for inspection by the Office of Price Administration for a period of not less than one year records as follows:

(a) *Persons making sales at wholesale.* Copies of the invoices or sales memoranda given to purchasers as required by subdivision (iii) below. Purchase records showing the date of purchase, name and address of supplier, kind and grade purchased, number of pounds or other unit of purchase, price per unit, total price paid and the quantity of each kind and grade on hand or order at the close of each calendar month.

(b) *Persons making sales at retail.* Copies of the invoices and sales memoranda received from suppliers.

(ii) *Prices to be marked and posted.* On and after the date any Island grown produce becomes subject to this paragraph (e) every person offering to sell any such produce at retail shall mark the maximum price of such produce in a manner plainly visible to and understandable by the purchasing public. The maximum price may be marked on the produce itself or may be posted at the place in the establishment where the produce is offered for sale. The maximum price shall be indicated in the form "Ceiling price $———," or "Our ceiling $———."

(iii) *Sales slips and receipts.* (a) Every person selling at wholesale shall give the purchaser an invoice or a sales memorandum showing the date of sale, name and address of the seller, the name and address of the purchaser, and with reference to each item of produce sold the following: the kind and grade, the number of pounds or other unit of sale, the price per unit and the total price received.

(b) Every person selling at retail who has customarily given purchasers sales slips or receipts or similar evidences of purchase shall continue to do so. However, upon request from a purchaser every such seller, regardless of previous custom, shall give the purchaser a receipt showing the date of sale, the name and address of the seller, the name and address of the purchaser, and with reference to each item of produce sold the following: the kind and grade, the number of pounds or other unit of sale, the price per unit and the total price received.

10. Section 31 is amended to read as follows:

SEC. 31. *Table XVIII: Maximum prices for Hawaiian standard blackout bulbs and motor headlight blackout services.* (a) The maximum price at retail for sales of Hawaiian standard blackout bulbs in the Territory of Hawaii shall be 33 cents per bulb.

(b) The maximum price for blacking out the headlights on a motor vehicle, in accordance with the specifications of Part 3 of General Orders No. 3 of the Military Governor of the Territory of Hawaii, shall be $5.00 when such service is guaranteed in the manner provided in paragraph (d) below.

(c) The maximum price for blacking out the rear light or rear lights on a motor vehicle, in accordance with the specifications of Part 3 of General Orders No. 3 of the Military Governor of the Territory of Hawaii, shall be $.50 when such service is guaranteed in the manner provided in paragraph (d) below. Such maximum price shall apply for the blacking out of the total of all rear lights, whether one or more than one.

(d) The maximum prices prescribed above apply only in the event that the person selling such service guarantees to the purchaser to do, without charge, all repair or alteration work necessary to make such blacking out conform to the said specifications for a period of thirty days from the time of completion. Such guarantee need not cover any repair or alteration work made necessary because of damage caused by collision or misuse. A more comprehensive guarantee than the one above may be given, but no extra charge may be made therefor.

(e) In the event that such guarantee is not given, the maximum price for the service specified in paragraph (b) shall be $2.50, and for the service specified in paragraph (c) $.25.

11. Item 21 in the table following section 35 (a) is amended to read as follows:

Make or label	Wholesale	Retail
21. Hit records 10"	$.36	$.55

12. The table following section 35 (a) is amended by adding items 31 to 41 to read as follows:

Make or label	Wholesale	Retail
31. 12" Standard Records	$0.48	$0.75
32. 12" Standard Opera Records	.55	.85
33. 12" DeLuxe Records	.55	.85
34. 12" DeLuxe Opera Records	.60	.90
35. 10" Symphonic Records	.33	.55
36. 10" Classical Records	.25	.39
37. Sets J-1-2-3-4-5-6-7-8-9-10 3-10" Records	1.09	2.67
38. Sets J-3-4-5-11-12-13-14-15-20-24 2-10" Records	1.02	1.61
39. Sets J-8-15-16-21 6-10" Records	2.48	3.78
40. Sets J-6-17-22 3-10" Records	1.35	2.14
41. Sets J-19-23 2-10" Records	.69	1.08

NOTE: Prices for J-Record Sets include albums.

13. Section 41 is amended to read as follows:

SEC. 41. *Table XXVIII: Maximum prices at retail for certain grocery items*—(a) *Records and reports.* Notwithstanding the provisions of section 11 of this Maximum Price Regulation 373, every person making sales of the commodities subject to this section 41 shall keep a "price book", and enter therein, in the case of commodities for which the maximum prices are calculated by a division or multiplication factor (not the commodities for which dollar and cent prices are specified), the net cost, the quantity purchased at such cost, the number of retail units in the customary wholesale unit (e. g. 48 cans to a case), every step in the calculation, including the division or multiplication factor used, and the resulting maximum price per retail unit. Such price book shall be available for inspection by the Office of Price Administration, or any consumer.

(b) *Prices to be marked and posted.* On and after the date any commodity becomes subject to this section 41 every person offering to sell any such commodity shall:

(1) Mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public. The maximum price may be marked on the commodity itself or on the shelf, bin, rack, or other holder or container upon or in which the commodity is kept or it may be posted at the place in the business establishment where the commodity is offered for sale: *Provided,* That the maximum price of each commodity offered for sale shall be plainly visible to the purchaser at the place in the business establishment where the commodity is offered for sale, and shall not be obscured by the posted

prices of other commodities, whether by use of price books or catalogs or layers of price lists or otherwise or in any other manner. The maximum price shall be stated as follows: "Ceiling Price $———"; or "Our Ceiling $———".

(2) Post in a place and manner easily accessible to and understandable by the purchasing public the price bulletins issued by this Office which will contain the maximum prices fixed by this regulation.

(c) The maximum prices for the grocery items covered by this section are set forth in the following tables.

These grocery items are divided into categories. In each category maximum dollar and cent prices are specified for certain named items. The maximum prices for all other items in each category shall be computed by dividing or multiplying net cost of the item by the division factor or the multiplication factor specified in the particular category. Where delivery of an item is received at a net cost different from that of an identical item already on hand, the retailer with multiple outlets may use as his net cost for the entire inventory a weighted average net cost of the inventory on hand. Stores which do not possess multiple outlets must price each delivery separately and market the various lots on a first-in first-out basis. Sellers in no event may resort to pricing by means of a multiplication or division factor where a dollar and cent price is specified.

(1) *Example of use of division factor.* Assume the net cost for a case of 24 cans of Brand X is $2.64 and the division factor is .78. Dividing this figure by 24 yields 14.1 cents per can. Adjusting this figure to the nearest cent, in accordance with paragraph (e), results in a maximum price of 14 cents per can.

(2) *Example of use of multiplication factor.* Assume the net cost for a case of 24 cans of Brand Y is $3.78 and the multiplication factor is 1.2. Multiplying $3.78 by 1.2 yields $4.536. Dividing this figure by 24 yields 18.9 cents per can. Adjusting this figure to the nearest cent, in accordance with paragraph (e) results in a maximum price of 19 cents per can.

(d) Net cost means the amount paid by the retailer as shown on the invoice of his supplier, less all discounts except the discount for prompt payment. In the event the item is imported by a retailer directly from the mainland, the net cost shall be the maximum wholesale price computed according to the provisions of section 41a. To this net cost the margins and markups specified in this section may be added. Importing retailers shall be subject to all of the provisions of section 41 (a) with respect to such purchases.

(e) Whenever provision is made in this section 41 for the calculation of a maximum price not otherwise specified in dollars and cents, and such calculation results in a fraction of a cent, then the amount so calculated shall be reduced to the nearest lower cent if the fraction is less than one-half cent, and shall be increased to the nearest higher cent, if the fraction is one-half cent or more.

(f) *Definitions.* (1) "Baby foods" mean all foods prepared in hermetically sealed containers of glass, tin, or other material, especially designed for the nourishment of infants and juniors.

(2) "Dried edible beans and peas" mean all bulk or packaged threshed and dried field or garden beans and peas, and lentils used for human consumption.

(3) "Beverage bases and concentrates" include Kool-Aid, ovaltine, Hires Root Beer extracts, and similar products.

(4) "Bakers' supplies" mean all imported supplies sold for use in the preparation of bakery products, and shall include but are not limited to baking powder, coloring matter, mince meats, and yeast in shelf sizes. Excluded from this category are flour, sugar, and any other commodity included in any other category of this section or specifically covered by a separate regulation.

(5) "Breakfast cereals" mean bulk or packaged processed cereal grains used as breakfast foods, both uncooked and ready to eat types. Included in this classification are hominy grits, puffed rice and puffed wheat; excluded are buckwheat flour, corn meal, pancake flour, pearled barley, and rice.

(6) "Cocoa and chocolate in shelf sizes" include, but are not limited to, powdered, cake, cooking chocolate. Excluded is chocolate bar candy coated with chocolate.

(7) "Mustard, vinegar, soy, catsup and tomato sauces" refer to food garnishes commonly known by these names.

(8) "Condiments and sauces" mean food garnishes, including but not limited to chili sauce, chutney, meat sauces, tobasco sauce, worcestershire sauce, and cocktail sauce.

(9) "Charcoal" means any bagged charred wood, imported or locally produced.

(10) "Corn starch" means edible starch used for cooking.

(11) "Crackers" mean all cookies, crackers, and biscuits imported from the mainland or locally produced.

(12) "Dessert powders" shall include all concentrates of fruits or vegetables used in the preparation of gelatinous desserts.

(13) "Dessert preparations" means all canned and packaged preparations ready to serve for dessert.

(14) Bakers and family flour.

(i) "Bakers flour" means flour in bulk and prepared bulk flour from wheat other than flour made from durum wheat for use by commercial, institutional, or governmental users.

(ii) "Family flour" means flour in bulk from wheat which is packed and sold for ultimate use in the home.

(15) "Prepared packaged flour" means flour and flour mixes made from buckwheat, corn, potatoes, rice, or wheat, including but not limited to Aunt Jemima, Bisquick, corn meal, Dromedary, Sperry, buckwheat flour, Swansdown, and other ready to use packaged flour. Excluded is cake flour.

(16) "Cake flour" means flour and flour mixes made from buckwheat, corn, potatoes, rice, or wheat used in the making of cake.

(17) "Canned fruits and berries" mean fruits and berries preserved by heat and hermetically sealed in containers of metal, glass, or any other material, and include but are not limited to the following:

(i) Apples, apple sauce, apricots, cherries, figs, fruit cocktails, fruits for salads, peaches, pears, pineapples, and plums;

(ii) Blackberries, blueberries, boysenberries, cranberries, gooseberries, huckleberries, loganberries, raspberries, strawberries, and youngberries.

(18) "Dried fruits" mean fruits or parts thereof from which the major portion of moisture has been removed by natural or artificial drying, and include but are not limited to apples, apricots, currants, dates, figs, grapes (raisins), nectarines, peaches, pears, and prunes.

(19) "Canned juices" mean berry juices, citrus fruit juices, fruit juices and nectar, and vegetables juices packed in containers of metal, glass, or any other material.

(20) "Mayonnaise and salad dressing" means all prepared dressings for salads except cooking and salad oils.

(21) "Chicken and turkey" means preparations of chicken and turkey in jars or tins with mixed noodles and/or other ingredients.

(22) "Meats" means canned meats and meats in combination with other foods, in containers of tin or glass, such as luncheon meats, spreads, sausages and sausage meats, frankfurters, hamburger, loaf goods, brains, tongues, bacon, corned beef, dried beef, sliced dried beef, hash, potted and deviled meats, spaghetti and meat balls, spaghetti sauce with meat, noodles and meat, vegetables and meat, stew, chili con carne, poultry, other than turkey and chicken, and similar items which are customarily considered shelf goods, and are not stored under refrigeration.

(23) "Evaporated milk" means evaporated milk in hermetically sealed containers of metal, glass, or any other material. Other milk products mean any food commodity which is processed or manufactured from cow's milk such as Klim, Avoset, condensed milk, and malted milk. Excluded, however, are butter, cheese, powdered skim milk, and fresh milk.

(24) "Packaged nuts" means all nuts packed in glass, tin or cartons, shelled or unshelled, roasted or unprocessed, and sold in shelf sizes, and include almonds, brazil nuts, macadamia nuts, salted nuts and peanuts, and all other nuts whether locally grown or imported. Bulk nuts means nuts which are not customarily sold by the retailer in the original package.

(25) "Olives" means all kinds of olives whether green, ripe, stuffed, oiled, brined, and include olives packed in vinegar and mustard.

(26) "Paper products" means toilet tissue, paper towels, paper napkins and picnic supplies, and wax paper. Picnic

supplies include paper eating implements, plates and cups.

(27) "Paste products" means all canned, packaged, and bulk macaroni, shells, noodles, spaghetti, and vermicelli.

(28) "Pet foods" means all kinds of pet foods, packaged, bulk, canned, or dry.

(29) "Pickles" means all kinds of pickles whether green, ripe, stuffed, oiled, brined and include pickles packed in vinegar and mustard.

(30) "Popcorn" means corn in tins or bags intended for the purpose of making popcorn.

(31) "Preserves, jams, and jellies" mean all preserves, jams, jellies, and marmalade, except bakers' jams and jellies. Peanut butter shall include all spreads of ground peanuts, irrespective of the size of the granules or pieces of peanuts contained therein, including peanut butter chunk.

(32) "Rice" means all grades of white and brown milled rice sold in all types of containers.

(33) "Salt" includes all table and cooking salt.

(34) "Seafood" means all processed fish and sea food in hermetically sealed containers of metal, glass, or any other material, and includes but is not limited to abalone, crab meat, lobster, salmon, sardines, shrimp, canned clam juice and broth. Excluded are fresh, dried, salted, smoked, and frozen fish and sea food.

(35) "Soap" means bar and packaged laundry and toilet soap in bars, cake, chips, powder, plain, granulated, or liquid form.

(36) "Canned soups" mean any soups or broths in hermetically sealed containers of metal, glass, or any other material, and include condensed soups and broths.

(37) "Dehydrated soups" mean any commodity intended for the making of soup by the addition of liquid and shall include noodle soup mixes.

(38) "Spices and extracts" mean all kinds of spices and extracts, including but not limited to sodium glutunate and mapleline, and extracts in shelf sizes, such as cinnamon, pepper, vanilla, and bouillon cubes.

(39) "Cleaners and home laundry supplies" shall include Clorox, Old Dutch Cleanser, laundry starch, bluing, powder and cake cleaners other than soaps, and all other cleansers, and home laundry supplies. Excluded are poisonous home supplies, the merchandising of which requires a license.

(40) "Sugar" means specialty sugars in packages or cartons imported from the mainland and also means direct-consumption sugar manufactured in the Territory of Hawaii.

(41) "Syrup and honey:" (i) "Syrup" means all edible molasses, sorghum, cane, maple, and corn syrups and blends thereof; (ii) "Honey" means imported extracted honey and includes combinations of extracted and comb honey.

(42) "Tea" means all kinds of tea, green and black, packaged and in bulk.

(43) "Canned vegetables" mean vegetables packed in containers of metal, glass, or any other material, and include but are not limited to beans, carrots, corn, okra, peas, pumpkins, puree of chopped vegetables, rhubarb, sauerkraut, spinach, tomatoes.

(44) "Dehydrated vegetables" mean vegetables or vegetable mixtures which are prepared for consumption by the addition of liquid to restore the product to its original condition.

(45) "Specific wooden products" mean products of wood locally made or imported, and limited specifically to the following: brooms and mops and their constituent parts, matches (including book matches), clothes pins, and toothpicks. Excluded are brooms manufactured by the Territorial Workshop for the Blind.

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU ONLY

1. Baby food:

Heinz Junior Foods	6½ oz. tin 12¢ (2 for 23¢).
Heinz Strained Foods	4½ oz. tin 10¢ ($1.14 per doz.).

For all other baby food the division factor is .80.

2. Dried beans, peas, packaged & in bulk:

	Cents per pound
Baby Lima	11
Bayo	10
Black Eye	10
Garbanzo	12
Horse	16
Large Lima, "Fordhook"	14
Large White	10
Red Kidney	11
Red Mexican	10
Small White	10
Peas, Bulk:	
Green Split	13
Yellow Split	12
Whole Green	12

For all other dried beans and peas the division factor is .77.

3. Beverages, bases, concentrates:

	Cents per container
Kool-aid, assorted	5
Ovaltine, 14 oz. container	87
Ovaltine, 6 oz. container	45
Postum, Instant, 8 oz. container	54
Postum, Instant, 4 oz. container	31

For all other beverages, bases and concentrates, the division factor is .75.

4. Bakers supplies & baking soda:

	Cents per container
Calumet Baking Powder, 1 lb. container	23
K. C. Baking Powder, 25 oz. container	23
K. C. Baking Powder, 10 oz. container	9
Royal Baking Powder, 12 oz. container	54
Royal Baking Powder, 6 oz. container	28
Arm & Hammer Baking Coda, 1 lb. container	12
Arm & Hammer Baking Soda, ½ lb. container	6

For all other bakers supplies and baking soda the division factor is .80.

5. Cereals—Prepared, ready to eat, breakfast cereals.

	Cents per package
Bran Flakes, Post, 8 oz. package	14
Post Whole Bran Shredds, 10 oz. package	18
Cheerioats, 7 oz. package	19
Kellogg Corn Flakes, 11 oz. package	16
Kellogg Corn Flakes, 6 oz. package	10
Post Grapenuts, 12 oz. package	18
Post Grapenut Flakes, 12 oz. package	21
Post Grapenut Flakes, 7 oz. package	14
Kix, 7 oz. package	17
Post Assorted Tens, package	33
Post Toasties, 11 oz. package	16
Post Toasties, 6 oz. package	10
Puffed Wheat, Quaker, Regular package	16
Shredded Wheat, NBC, 12 oz. package	16
Wheaties, 8 oz. package	18

For prepared ready to eat cereals, the division factor is .82.

Cooking cereals:	Cents per package
Post Grapenut Wheat Meal, 1 lb. package	17
Quaker Rolled Oats, all types, large package	37
Quaker Rolled Oats, all types, 20 oz. package	17
Albers, Quick Oats, and Reg., large package	38
Albers, Quick Oats, and Reg., 20 oz. package	18
Mothers China Oats, large package	46
Cream of Wheat, all Types, 28 oz. package	31
Cream of Wheat, all Types, 14 oz. package	18
Carnation Wheat Flakes, 16 oz. package	18
Pearls of Wheat, large package	24
Sperry Wheat Hearts, 28 oz. package	28
Sperry Wheat Hearts, 14 oz. package	16

For all cooking cereals the division factor is .80.

6. Cocoa, Chocolate:

	Cents per container
Baker's Breakfast Cocoa, 1 lb. container	23
Baker's Breakfast Cocoa, ½ lb. container	13
Baker's Dot Sweetened Choc., ½ lb. container	27
Baker's Prem Unswtd., ½ lb. container	21
Ghiradelli Ground Chocolate, 1 lb. container	34
Ghiradelli Ground Chocolate, ½ lb. container	20
Guttard Ground Chocolate, 2 lb. container	55
Guttard Ground Chocolate, 1 lb. container	30
Nestles Swt. Milk Cocoa, 1 lb. container	45
Nestles Swt. Milk Cocoa, 8 oz. container	45

For all other cocoa and chocolate the division factor is .80.

7. Mustard, Vinegar, Soy, Catsup, and Tomato Sauce

	Cents per container
Catsup:	
CHB, 14 oz. container	20
Del Monte, 14 oz. container	21
Heinz Ketchup, 14 oz. container	26
Yolo Tomato, 14 oz. container	17
Yolo Tomato, 12 oz. container	15
Mustard:	
CHB, 6 oz. container	12
French's Prepared, 9 oz. container	14
French's Prepared, 6 oz. container	10
Gulden's, 8½ oz. container	15
Gulden's, 2 oz. container	5
Heinz, 6 oz. container	12
Libby Prepared, 9 oz. container	12
Libby Prepared, 6 oz. container	9
Schilling Sauce, 6 oz. container	12
Soya Sauce:	Per container
Blue Label, 1 gal. container	$1.51
Blue abel, 22 oz. container	.36
CHB, 1 gal. container	1.77
CHB, 24 oz. container	.51
Grade AA, 1 gal. container	2.31
Green Label, 1 gal. container	2.15
Green Label, 24 oz. container	.48
Jan-U-Wine 6 Star, 1 gal. container	2.27
Jan-U-Wine 6 Star, 22 oz. container	.52
Jan-U-Wine 2 Star, 1 gal. container	1.44
Jan-U-Wine 2 Star, 22 oz. container	.36
Red Label, 1 gal. container	2.30
Red Label, 24 oz. container	.35
Republican Green Label, 1 gal. container	2.10
Ringer, 1 gal. container	1.75
Tomato Sauce:	Cents per container
Del Monte, 8 oz. container	7
Green Bow, 8 oz. container	8
Vinegar:	
CHB, qt. container	20
CHB, pt. container	12
Heinz white or cider, qt. container	26
Heinz white or cider, pt. container	14
Heinz Tarragon, pt. container	30
Heinz Malt, pt. container	21
Lady's Choice, qt. container	22
Mopico, qt. container	19
Wellman, pt. container	13

For all other mustard, vinegar, soy, catsup and tomato sauces, the division factor is .80.

8 Condiments and Sauces:

	Cents per container
Del Monte Chili Sauce, 12½ oz. container	26
Heinz Chili Sauce, 12 oz. container	37
Libby Chili Sauce, 12 oz. container	29
Ocean Spray Cranberry Sauce, 16 oz. container	20
Exquisite Cranberry Sauce, 16 oz. container	24
Best Foods Horseradish Mustard, 9 oz. container	10
IXL Mushroom Sauce, 7¾ oz. container	16
Trappeys Tobasco Peppers, 3 oz. container	11
Best Foods Relish Spread, Pt. container	37
Best Foods Relish Spread, 8 oz. container	22
Heinz India Relish, "Modern" container	28
B & M Corn Relish, 14 oz. container	23
Heinz Beefsteak Sauce, 8 oz. container	30
A-1 Sauce, 11 oz. container	58
A-1 Sauce, 6 oz. container	36
Heinz Worcestershire Sauce, 12 oz. container	44
Heinz Worcestershire Sauce, 6 oz. container	30
Lea & Perrins Worcestershire Sauce, 10 oz. container	74
Lea & Perrins Worcestershire Sauce, 5 oz. container	40

For all other condiments and sauces the division factor is .75.

9. Charcoal: For all charcoal the division factor is .82.

10. Corn Starch, Edible:

	Cents per package
Argo, 1 lb. Pkg	11
Kingsford, 1 lb. Pkg	11
Staleys, 1 lb. Pkg	10

For all other edible corn starches the division factor is .80.

11. Crackers, Biscuits, & Cookies: For all crackers, biscuits and cookies the division factor is .78.

12. Dessert Powders:

	Cents per package
Jello, all flavors & Jello Pudding, 3 oz. pkg	8
Royal Puddings, gelatins, 3¼ oz. pkg	8

For all other dessert powders the division factor is .80.

13. Dessert Preparations: For all other dessert preparations, specifically, fruit cake packaged or tinned, puddings, mince meats, the division factor is .75.

14. Flour, baker's and family:

	Per container
Family flour, 48 lb. container	$2.75
	Cents per container
Family flour, 5 lb. container	32

For all other bakers' and family flour the maximum price shall be determined by multiplying invoice cost by 1.2.

15. Prepared Package Flour (Not Including Cake Flour):

	Cents per container
Pancake Flour:	
Albers Flapjack, 20 oz. container	15
Aunt Jemima, 20 oz. container	15
Sperry Pancake Waffle Flour, 28 oz. container	21
Sperry Pancake Waffle Flour, 14 oz. container	12
Buckwheat Flour:	
Aunt Jemima, 20 oz. container	17
Biscuit Flour:	
Bisquick, 40 oz. container	39
Bisquick, 20 oz. container	21
Fishers Biskit Mix, 40 oz. container	39
Cornmeal Flour:	
Albers White Cornmeal, 20 oz. container	13
Albers Yellow Cornmeal, 20 oz. container	13
Sperry's White Cornmeal, 16 oz. container	12
Sperry's Yellow Cornmeal, 16 oz. container	12

For all other prepared package flour (not including cake flour) the division factor is .80.

16. Cake Flour, Prepared Packaged:

	Cents per container
Cinch White Cake Mix, 17 oz. container	34
Cinch Golden Cake Mix, 17. oz container	34
Dromedary Mix Gingerbread, 12½ oz. container	25
Gold Medal, Softasilk, 44 oz. container	35
Swans Down, 44 oz. container	40

For all other prepared packaged cake flour the division factor is .75.

17. Canned Fruits:

Apples:	Cents per glass
Comstock Sliced Pie, 22½ oz. glass	28
	Cents per can
Comstock Pie tin, No. 2 can	19
Apple Sauce:	
Bowman's, No. 2 can	15
Hood River, No. 2 can	14
Libby, No. 2 can	20
S & W, No. 2 can	23
V-B (Very Best), No. 2 can	18
Apricots: Dodge, No. 2½ can	25
Cherries:	
Del Monte (Royal Anne), No. 2½ can	45
	Cents per glass
Del Monte (Royal Anne), No. 303 glass	27
	Cents per can
Fruit Cocktail:	
Del Monte, No. 1 can	21
	Cents per container
Exquisite, 16 oz. Container	19
	Cents per can
Libby, No. 2½ can	34
S & W, No. 2½ can	41
S & W, No. 1 can	23
	Cents per container
Stokeley, 16 oz. container	19
	Cents per can
Fruit Salad:	
S & W, No 2½ can	52
Del Monte, No. 1 can	24
Grapefruit:	
Libby, 46 oz. can	53
Libby, 28 oz. can	20
Oranges: Mandarin, 11 oz. can	12
Peaches:	
FSCC "C" (various brands), No. 2½ can	25
FSCC "D", No. 2½ can	24
	Cents per container
Pears:	
Gale Compote, 32 oz. container	26
	Cents per glass
Del Monte, No. 303 glass	25
	Cents per can
Pineapples:	
Libby, Dole or Del Monte Sliced, No. 2½ can	25
Vitagold Crushed, No. 2½ can	24
Vitagold Crushed, No. 2 can	19
Vitapine Sliced, No. 2½ can	23
	Cents per glass
Plums:	
Del Monte Deluxe, No. 2½ glass	26
Del Monte Deluxe, No. 303 glass	18

For canned apples, applesauce, apricots, Royal Anne cherries, fruit cocktail, grapefruit, oranges, peaches, pears, pineapples, and combinations thereof other than when prepared for diabetics, the division factor is .82. For all other canned fruits and berries, the division factor is .77.

18. Dried Fruits:

	Cents per container
Prunes "30/40," 1 lb. container	18
Prunes "50/60," 1 lb. container	17
Prunes "60/70," 1 lb. container	15
Prunes "90/100," 1 lb. container	14
	Cents per box
Raisins, 15 oz. box	13

For all other dried fruits the division factor is .80.

19. Canned Juices:

	Cents per container
Apple Cider:	
Martinelli, 1 gal. container	1.10
Martinelli, 1 qt. container	29
Apple Juice:	
Hartman, 12 oz. container	16
Martinelli, 32 oz. container	28
Martinelli, 12 oz. container	12
Signet, 32 oz. container	34
S & W, 12 oz. container	20
Apricot Nectar:	
Apricade S & W, 12 oz. container	13
Table Aid, 12 oz. container	14
Grape Juice:	
Church's, pt. container	22
Keystone, qt. cotnainer	55
Keystone, pt. container	29
S & W, qt. container	48
Tea Garden, 32 oz. container	62
Welch, qt. container	58
Welch, pt. container	31
Welch, jar	9
Grapefruit Juice:	
Libby Natural, 46 oz. container	35
Silver Nip Unswt., 46 oz. container	43
	Cents per can
Silver Nip, No. 2 can	18
	Cents per container
Treesweet Unswt., 46 oz. container	39
Orange Juice:	
Absopure, 47 oz. container	65
Absopure, 12 oz. container	16
Citra Gold, 12 oz. container	17
Libby's, 47 oz. container	60
Libby's, 18 oz. container	24
Libby's, 12 oz. container	16
Sunshine, 18 oz. container	24
Sunshine, 12 oz. container	20
Peach Nectar: S & W, 12 oz. container	13
Pearade: S & W, 12 oz. container	13
Pineapple Juices:	
Libby's, Del Monte, All Brands, 46 oz. container	33
Libby's, Del Monte, All Brands, 18 oz. container	14
Prune Juice:	
Sunsweet, qt. container	27
Sunsweet, 12 oz. container	13
	Cents per can
Vegetable Juices:	
Rolle, 46 oz. can	47
Rolle, No. 2 can	22
V-8 Cocktail, 46 oz. can	36
V-8 Cocktail, No. 2 can	17

For all other canned juices the division factor is .80.

20. Mayonnaise and Salad Dressing:

	Cents per container
Mayonnaise:	
Best Foods, 1 pt. container	35
Best Foods, 1 qt. container	60
Best Foods, 8 oz. container	20
Best Foods, 4 oz. container	11
Durkee, 1 qt. container	62
Durkee, 1 pt. container	36
Durkee, 8 oz. container	21
Kraft, 16 oz. container	38
Kraft, 8 oz. container	22
Salad Dressings:	
Best Foods French Dressing, 8 oz. container	18
Best Foods French Dressing, 4 oz. container	11
Dinner Bell, 16 oz. container	27
Durkee French Dressing, 16 oz. container	31
Durkee French Dressing, 8 oz. container	18
Kraft French Dressing, 8 oz. container	19

20. Mayonnaise and Salad Dressing—Continued.

Salad Dressings—Continued.	Cents per container
Kraft Miracle Whip Salad Dressing, 32 oz. container	52
Kraft Miracle Whip Salad Dressing, 16 oz. container	33
Kraft Miracle Whip Salad Dressing, 8 oz. container	19
Kraft Miracle Whip Sandwich Spread, 16 oz. container	33
Kraft Miracle Whip Sandwich Spread, 8 oz. container	19

For all other mayonnaise and salad dressing the division factor is .80.

21. Chicken and Turkey:

Lynden Egg Noodles & Chicken, 16 oz. container	.36
Lynden Egg Noodles & Turkey, 16 oz. container	.36
Lynden Twistee Noodle Dinner, 16 oz. container	.17
Lynden Ravioli Italian Style, 16 oz. container	.23
Lynden Boned Chicken, 3½ oz. container	.53
Lynden Sliced Chicken, 5½ oz. container	.81
Lynden Minced Chicken, 4 oz. container	.44
Lynden Diced Chicken, 4 oz. container	.50
Lynden Boned Turkey, 8 oz. container	1.00
Lynden Chicken a la King, 16 oz. container	.48
Lynden Roast Chicken, 16 oz. container	1.34
Lynden Roast Chicken, 8 oz. container	.73
For all other chicken and turkey the division factor is	.77

22a. Meats—Deviled Ham, Dried Beef, Lamb, Sheep and Ox Tongue, Pork Sausage and Canned Hamburger and Onions, Pigs Feet, Chili Con Carne, Tamales, Ravioli, Enchilada:

	Cents per tin
Deviled Ham, Libby, No. ¼ tin	19
Deviled Ham, Swifts, No. ¼ tin	19
Dried Beef FSCC, 7 oz. tin	48
Dried Beef Armour's Star, 3½ oz. tin	27
Dried Beef Armour's Star, 7 oz. tin	50
Dried Beef Armour's Star, 2½ oz. tin	21
Pigs Feet Armour's Star, 14 oz. tin	31
Pork Sausage FSCC, all brands, 24 oz. tin	69
Sheep Tongue "V. B.", No. 1 tin	10
Sheep Tongue "V. B.", No. ½ tin	5
Tamale, Armour's Star, 16 oz. tin	29
Tamale, Armour's Star, 10½ oz. tin	22

For all other deviled ham, dried beef, lamb, sheep and ox tongue, sausage and canned hamburger and onions, pigs feet, chili con carne, tamale, ravioli, enchilada the division factor is .80.

22b. Meats, Other:

	Per tin
Corned Beef, FSCC, 6 lb. tin	$2.42
	Cents Per tin
Corned Beef, FSCC, 12 oz. tin	35
Deviled or Potted Meats, all brands, No. ½ tin	12
Deviled or Potted Meats, all brands, No. ¼ tin	7
Pork Brains, Swifts, 12 oz. tin	11
Pork Luncheon Meat, Spam, 12 oz. tin	45
Pork Luncheon Meat, Prem, Neet, FSCC, all other, 12 oz. tin	41

22b. Meats, Other—Continued.

	Per tin
Pork Tongue, 6 lb. tin	$3.26
	Cents per tin
Sausage Meat, Armour's Banner, No. 1 tin	21
Vienna Sausage, Armour's Star & Libby's, No. ½ tin	15
Lunch Tongue, Armour's Star, No. 1 tin	48
Lunch Tongue, Armour's Star, No. ½ tin	25
Lunch Tongue, Banner Brand, No. ½ tin	19

For all other meats the maximum price shall be determined by multiplying invoice cost by 1.2.

23. Milk Products:

	Cents per bottle
Avoset Shipping Cream, ½ pt. bottle	34
Avoset Light Cream, ½ pt. bottle	28
	Cents per can
Eagle Condensed Milk	22
Evaporated Milk, all brands, 14½ oz. tin	12
	Per doz. cans
Evaporated Milk, all brands, 14½ oz. tin	$1.38
	Per case of 48 cans
Evaporated Milk, all brands, 14½ oz. tin	$5.28
	Per can
Klim Powdered Milk, 5 lb. can	$3.25
Klim Powdered Milk, 1 lb. can	.77

For all other milk products (not including butter, cheese, powdered, skimmed milk, and fresh milk) the division factor is .80.

24. Nuts:

	Cents per package
Planters' Peanuts, 5 oz. package	18

For all other packaged unsalted nuts, and salted peanuts the division factor is .80. For all unsalted nuts in bulk the division factor is .77. For all salted nuts (not including salted peanuts) the division factor is .70.

25. Olives:

For all olives the division factor is .75.

26. Paper Products:

For the following paper products the division factor is as specified: toilet tissue .82; paper towels .80; paper napkins and picnic supplies .77; and wax paper .80.

27. Paste Products:

	Cents per package
Fontana Paste Products, 8 oz. package	10
	Cents per bag (2 for 35)
Gold Medal elbow, cut and salad macaroni, 1 lb. cel. bag	18
Gold Medal Macaroni & Spaghetti, 1 lb. cel. roll	18
	Cents per bag
Gold Medal Shells, 1 lb. cel. bag	18
	Cents per bag (2 for 53)
Gold Medal Egg Noodles, 1 lb. cel. bag	30
	Cents per bag (2 for 31)
Gold Medal Egg Noodles, 8 oz. cel. bag	16
	Cents per package
Royal Spaghetti, 8 oz. package	9
Royal Macaroni, 8 oz. package	9

For all other paste products the division factor is .80.

28. Pet Food:

	Cents per container
Dog's Food:	
Friskies, Albers, 2 lb. container	28
Friskies, Albers, 12 oz. container	11
Husky Concentrated, 8 oz. container	9
Strong Heart Concentrated, 8 oz. container	9
Bird Seed:	
Robinson Blue Bird, 12 oz. container	13
S & W, 12 oz. container	19
French's, 10 oz. container	13

For all other pet foods the division factor is .80.

29 Pickles:

	Cents per container
CHB Sweet Whole, 21 oz. container	45
CHB Sweet Mixed, 21 oz. container	45
CHB Sweet Dills, 21 oz. container	38
CHB Chow Chow, 21 oz. container	37
CHB Whole Dills, 21 oz. container	31
CHB Chili Peppers, 21 oz. container	31
CHB Sweet Whole, 12 oz. container	29
CHB Sweet Mixed, 12 oz. container	29
CHB Chow Chow, 12 oz. container	29
CHB Chili Pepper, 12 oz. container	24
CHB Pepper Mixed, 12 oz. container	25
Del Monte Chili Pepper, 21 oz. container	34
Del Monte Chow Chow, 21 oz. container	41
Del Monte Sweet Mix, 21 oz. container	47
Del Monte Dill Pickles, 12 oz. container	22
Del Monte Sour & Sour Mixed, 12 oz. container	23
Del Monte Sweet & Sweet Mixed, 12 oz. container	30
Del Monte Chili Peppers, 6 oz. container	17
Del Monte Chow Chow, 6 oz. container	17
Del Monte Dill Pickles, 6 oz. container	17
Del Monte Sour & Sour Mixed, 6 oz. container	17
Del Monte Sweet & Sweet Mixed, 6 oz. container	17
Heinz Sweet Mixed, Jumbo container	50
Heinz Sweet Gherkins & Sweet Mixed, Modern container	30
Heinz Sweet Gherkins & Sweet Mixed, Picnic container	19
Heinz Chow Chow, Modern container	30
Heinz Cucumber, Jumbo container	30
	Cents per jar
Heinz Cucumber, Octagon jar	19
	Cents per container
Libby Sweet & Sweet Mixed, 21 oz. container	46
Libby Dill Pickles, Picnic container	17
Libby Sweet & Sweet Mixed, Picnic container	17
Libby Homemade, Family container	32
	Cents per jar
Trappeys Green Pickled Chili Peppers, 32 oz. jar	32

For all other pickles the division factor is .78.

30 Popcorn. For all popcorn the division factor is .77.

31. Preserves, Jams and Jellies:

	Cents per jar
Apple Butter, Heinz, 17½ oz. jar	27
Apple Butter, Libby, 33 oz. jar	34
Berryland Ass't Preserves, 32 oz. jar	56
CHB Strawberry Preserves, 16 oz. jar	30
Crystal Apricot Preserves, 32 oz. jar	38
Crystal Fig Preserves, 32 oz. jar	38
Crystal Loganberry Preserves, 32 oz. jar	43
Crystal Peach Preserves, 32 oz. jar	38
Crystal Plum Preserves, 32 oz. jar	38
Crystal Youngberry Preserves, 32 oz. jar	43

31. Preserves, Jams and Jellies—Continued.

	Cents per jar
Del Monte Deluxe Plum Jam, 7–8 oz. jar (Buffet)	13
Del Monte Deluxe Raspberry Jam, 7–8 oz. jar (Buffet)	18
Del Monte Deluxe Strawberry Jam, 7–8 oz. jar (Buffet)	18
Gold Coast Black Raspberry Jam, 32 oz. jar	58
Gold Coast Boysenberry Jam, 32 oz. jar	55
Gold Coast Loganberry Jam, 32 oz. jar	56
Gold Coast Red Raspberry Jam, 32 oz. jar	62
Gold Coast Youngberry Jam, 32 oz. jar	55
Mary Ellen Plum Jam, 32 oz. jar	47
Sierra Club Plum & Apple Jam, 32 oz. jar	34
Starr Strawberry Jam, 32 oz. jar	62
Starr Strawberry Jam, 16 oz. jar	33
Skippy Chunk Style Peanut Butter, 1 lb. jar	46
Skippy Creamy Peanut Butter, 1 lb. jar	46
Wellman Orange Marmalade, 32 oz. jar	46
Wellman Orange Marmalade, 16 oz. jar	25

For all other preserves, jams, jellies and peanut butters, the division factor is .78.

32. Rice:

Rice US #3, per lb	$0.09
Rice US #5, per lb	.09
Rice US #5, per 25 lb. bag	2.23
Rice US #5, per 50 lb. bag	4.40
Rice US #5, per 100 lb. bag	8.70

For all other rice the maximum price shall be determined by multiplying invoice cost by 1.2.

33. Salt:

	Cents per package
Aloha, 2 lb. package	8
Arden Shaker, 2 lb. package	8
Arden Shaker, 1½ lb. package	4
Leslie Shaker, 2 lb. package	9
Leslie Shaker, 1½ lb. package	4
Maximum, 2 lb. package	7
Morton, 26 oz. package	9
Snowflake Shaker, 2 lb. package	11

For all other salt the division factor is .80

34. Seafood—Salmon, Sardines, Tuna, Pilchards, Herring & Mackerel:

	Cents per can
Herring (FSCC) Various Brands, No. 1 can	15
Pilchards Various Brands, 16 oz. can	12
Pink "No. 3" Salmon, 16 oz. can	26
Tomato Maine Sardines, Various Brands, 3¼ oz. can	7
Tuna Best Buy Grated, 6 oz. can	37
Tuna, Sun Harbor, Light Meat, 6½ oz. can	42
Tuna, Sun Harbor, Grated Tuna, 6½ oz. can	38

For all other Salmon, Sardines, Tuna, Pilchards, Herring and Mackerel and seafoods not elsewhere specified the maximum price shall be determined by multiplying invoice cost by 1.2.

Oysters, Barracuda, Codfish, Codfish Cakes, Fish Flakes:	Cents per can
Barracuda Sea View, 6 oz. can	33
Coddies, Davis Bros., 10 oz. can	22
Codfish Cakes, Dory Mate, 10 oz. can	20
Fish Flakes, Davis, 7 oz. can	23
Clipper Oysters, 7½ oz. can	46
High Sea Oysters, 7½ oz. can	46
Mississippi Miss Oysters, 7½ oz. can	46

For all other Oysters, Barracuda, Codfish, Codfish Cakes, and Fish Flakes the division factor is .80.

Lobster, crab, shrimp, clam, shadroe, abalone and anchovies:

	Cents per can
Lobster Bolero Cuban Rock, 5½ oz. can	60
Lobster Reef Brand, 6 oz. can	45
Shrimp R. C. Broken Wet, 7 oz. can	39
Shrimp High Sea Broken Wet, 7 oz. can	39
Shrimp High Sea Small Wet, 7 oz. can	40
Shrimp Crescent Small Wet, 7 oz. can	41
Shrimp, Buffay Jumbo Wet, 7 oz. can	46

For all other lobster, crab, shrimp, clam, shadroe, abalone and anchovies the division factor is .75.

35. Soap, Bar, Package and Laundry:

	Cents per package
Borene—Granulated, Lge. Pkg.	32
Calla Lilly, Granulated, Lge. Pkg.	29
	Cents per cake
Crystal White, Reg. Size cake	5
	Cents per bar
Fels-Naphtha, Bar	6
	Cents per package
Ivory Soap Flakes, Large Package	30
Ivory Soap Flakes, Small Package	12
	Cents per bar
Lava, Large Bar	12
Lava, Small Bar	8
	Cents per package
Lux Flakes, Large Package	29
Lux Flakes, Small Package	12
Nu Bora Granulated, Giant Package	66
Nu Bora Granulated, Large Package	25
	Cents per cake
OK Blue Soap, Cake	7
OK Brown Soap, Cake	7
	Cents per package
Oxydol, Giant Package	84
Oxydol, Large Package	30
Oxydol, Small Package	12
	Cents per bar
P&G White Naptha, Cake	5
	Cents per package
Rinso Soap Flakes, Giant package	82
Rinso Soap Flakes, Large package	29
Rinso Soap Flakes, Small package	12
Supersuds, Giant package	81
Supersuds, Large package	28

For all other soap, bar, package and laundry, the division factor is .82.

36. Soap, Toilet:

	Cents per cake
Ivory, Large cake	13
	(2 for 25)
Ivory, Medium cake	8
	(3 for 23)
Ivory, Guest cake	6
Lifebuoy, Regular cake	9
	(2 for 17)
Lifebuoy, Guest or small cake	5
Lux, Cake	9
	(3 for 25)
Palmolive, Large or bath	12
Palmolive, Regular cake	9
Swan soap, Large cake	13
	(2 for 25)
Swan soap, Regular cake	8
	(3 for 25)

For all other toilet soap the division factor is .80.

87. Soups, Canned:

	Cents per can (2 for 37)
Heinz Condensed Soup:	
Chicken Noodle, No. 1 can	19
	Cents per can (2 for 27)
Tomato, No. 1 can	14
	Cents per can
Vegetable, No. 1 can	16
	Cents per can (2 for 37)
Vegetable-Beef, No. 1 can	19
	Cents per can
Lynden's Soup:	
Chicken-Noodle, No. 1 can	12
Van Camp's Soup:	
Vegetable, No. 300 tall can	15
Tomato, No. 300 tall can	13
Asparagus, No. 1 can	10

Campbell's soups	Old style	New condensed
	Cents per can	*Cents per can*
Chicken, No. 1 can	14½	19¼
Chicken Gumbo, No. 1 can	----	18
Bouillon, No. 1 can	14½	18
Consomme, No. 1 can	14½	18
Vegetable-Beef, No. 1 can	12½	18
Beef, No. 1 can	12½	18
Chicken-Noodle, No. 1 can	12½	17½
Vegetable, No. 1 can	13	11½
Pea, No. 1 can	12½	----
Cream of Potato, No. 1 can	12½	----
Black Bean, No. 1 can	12½	----
Scotch Broth, No. 1 can	----	11¼
Assorted, No. 1 can	12½	----
Asparagus, No. 1 can	12½	----
Celery, No. 1 can	12½	----
Clam Chowder, No. 1 can	12½	14½
Mock Turtle, No. 1 can	12½	14½
Oxtail, No. 1 can	12½	14½
Pepper Pot, No. 1 can	12½	14½
Vegetarian Veg., No. 1 can	----	14½
Consomme Madrill., No. 1 can	----	14½
Tomato, No. 1 can	10	11

For all other canned soups, the division factor is .80.

88. Soups Dehydrated:

	Cents per package
Soup Mix:	
Dainty Noodle, 2½ oz. Package	10
Lipton's Continental Noodle, 2½ oz. Package	10
Minute Man, 1 oz. Package	10
Rhapsody Chicken Noodle, 2½ oz. Package	10
West Chicken Noodle, 2½ oz. Package	10

For all other dehydrated soups the division factor is .80

89. Spices and Extracts:

	Cents per jar
Extracts:	
Bouillon Cubes, Libby, jar 100	39
	Cents per carton
Coloring, all types, Schillings, carton	16
	Cents per container
Lemon, Schillings, 2 oz. container	41
Lemon, Schillings, 1 oz. container	23
Vanilla, Burnett's, 4 oz. container	83
Vanilla, Burnett's, 2 oz. container	43
Vanilla, Schillings, 4 oz. container	82
Vanilla, Schillings, 2 oz. container	41
Vanilla, Schillings, 1 oz. container	23
Pimentos:	
Sunshine, 7 oz. container	19
Bolero, 14 oz. container	26

89. Spices and Extracts—Continued.

	Cents per container
Pepper:	
Black, Schillings, 4 oz. container	17
Black, Schillings, 2 oz. container	10
White, Schillings, 2¼ oz. container	13
Durkee, Black, 1¾ oz. container	6
Durkee, White, 2 oz. container	7
Enterprise, Black, 2 oz. container	7
	Cents per package
Spices, Miscellaneous:	
Bouquet, Kitchen, 4 oz. pkg	49
	Cents per container
Celery Salt, Schillings, 3 oz. container	15
Cinnamon, Schillings, 2 oz. container	19
Garlic Salt, Schillings, 3 oz. container	15
Nutmeg, Schillings, 2 oz. container	14
Onion Salt, Schillings, 3 oz. container	15

For all other spices and extracts the division factor is .75.

90. Supplies for the Home and Cleansers:

	Cents per container
Babbitt, 13 oz. container	6
Bear Brand Blueing, 10 oz. container	11
	Cents per square
Blue, Magic, Square	1
	Cents per cake
Bon Ami, Cake	11
	Cents per Tin
Bon Ami, Powder Tin	14
	Cents per container
Clorox, ½ gal. container	30
Clorox, Qt. container	17
	Cents per can
Old Dutch, can	11
	Cents per container
Purex, 1 gal. container	54
Purex, ½ gal. container	31
Purex, Qt. container	17
Purex, Pt. container	9
	Cents per cake
Sapolio, Cake	11
	Cents per box
SOS Cleaner, Box of 4	15
	Cents per container
Starch Gloss Argo, 1 lb. container	13 (2 for 25)
Starch, Staley Gloss, 1 lb. container	11 (2 for 21)
Starch, Elastic Gloss, 12 oz. container	9

For all other supplies for the home and cleansers other than poisonous supplies, the merchandising of which requires a license, the division factor is .82.

91. Sugar:

	Cents per lb.
Granulated White Sugar, All brands	7
	Cents per package
C & H Cubelets, 2 lb. package	23
C & H Cubelets, 1 lb. package	12
C & H Brown Sugar, 1 lb. package	10
C & H Powdered Sugar, 1 lb. package	11

For all other locally produced sugar, the maximum price shall be determined by multiplying the invoice cost by 1.2. For all other imported sugar the division factor is .82.

92. Syrups, Honey and Molasses:

Honey, Locally Produced; Strained and Comb:

1 qt. gl. jar. (48 oz. net wt. or 32 liq. oz.)	$0.65
1 pt. gl. jar. (24 oz. net wt. or 16 liq. oz.)	.38
⅔ pt. gl. jar. (16 oz. net wt. or 12 liq. oz.)	.28
½ pt. gl. jar. (12 oz. net wt. or 8 liq. oz.)	.20
¼ pt. gl. jar. (6 oz. net wt. or 4 liq. oz.)	10
4¼" Square Combs	27

	Cents per can
Molasses:	
Green Brer Rabbit, 12 fl. oz. can	20
Gold Brer Rabbit, 12 fl. oz. can	23
	Cents per container
Syrups:	
Karo—Red Label, 24 oz. container	22
Karo—Blue Label, 24 oz. container	21
Log Cabin, 1 gal. container	1.89
Log Cabin, 24 oz. container	42
	Cents per glass
Log Cabin, 12 oz. glass	25
	Cents per tin
Log Cabin, 12 oz. tin	21
	Cents per container
Staley's Golden, 24 oz. container	20

For all other syrups, honey and molasses the division factor is .60.

93. Tea:

	Cents per package
Maxwell House, ½ lb. package	34

For all other tea the division is .80.

94. Canned Vegetables:

	Cents per can
Artichoke Hearts: Sunset in brine, 7½ oz. can	47
Asparagus:	
Crescent Large Nat., No. 1 can	41
Del Monte E. G. Spears, No. 2 can	34
Del Monte All Green Salad Points, 16 oz. can	37
Del Monte All Green Salad Points, Picnic	29
Del Monte E. G. Tips, Picnic	23
Homelike Asp. Spears, No. 2 can	33
Hearts Delight, No. 2 can	30
Libby, No. 2 can	34
Libby, Picnic	27
Sunstrand Tips, No. 2 can	32
Beans:	
Big R Cut Green String, No. 2 can	25
	Cents per glass
Del Monte Whole Green, No. 303 glass	21
	Cents per can
Diamond R Florida Cut, No. 2 can	19
Florida String, No. 2 can	22
Green Flat Cut, No. 2 can	18
Green Pearl Rd. Cut String, No. 2 can	24
Lord Chesterfield, No. 2 can	23
Success Cut String, No. 2 can	20
Beets:	
Deerfield Whole, No. 2 can	17
	Cents per glass
Del Monte Medium Whole, No. 303 glass	19
Del Monte Diced, No. 303 glass	15
Del Monte Sliced, No. 303 glass	17

	Cents per can
Beets—Continued.	
Del Monte Midget Whole, No. 2 can	20
Del Monte Medium Whole, No. 2 can	18
Dodge Sliced, No. 2 can	15
Exquisite, All Types, No. 2 can	14
Stokely, All Types, No. 2 can	14
	Cents per glass
Carrots: Libby, Diced, No. 303 glass	13
	Cents per can
Corn:	
Cross Keys, No. 2 can	16
Del Monte, all kinds, No. 2 can	19
	Cents per glass
Del Monte, all kinds, No. 303 glass	16
	Cents per can
Exquisite, No. 2 can	18
Libby, Whole Kernel and Cream Style, No. 2 can	19
	Cents per glass
Libby, Whole Kernel and Cream Style, No. 303 glass	18
	Cents per can
Maid Rite, C. S., No. 2 can	20
Mrs. Grimes, C. S., No. 2 can	18
Old Grimes Cream, No. 2 can	19
Palace Cream, No. 2 can	18
Stokely, No. 2 can	18
Tastewell (all), No. 2 can	17
Peas: FSCC Various Brands, No. 2 can	18
Pork & Beans: FSCC All Brands, No. 2½ can	23
	Cents per package
Potatoes: Shoe String Brownie, 3½ oz. package	13
	Cents per can
Pumpkin:	
Libby, 32 oz. can	16
Del Monte, No. 2½ can	16
Spinach:	
Exquisite, No. 2½ can	20
Hartford Club, No. 2½ can	25
Pine Cone, No. 2½ can	24
Ralters, No. 2½ can	19
Stew, Beef and Vegetable:	
FSCC, all brands, 30 oz. can	35
FSCC, all brands, 28 oz. can	33
Tomato:	
Cala Ripe Standard, No. 2½ can	18
Del Monte, No. 2½ can	23
Del Monte, No. 2 can	17
Exquisite, No. 2½ can	23
Great Value, No. 2½ can	17
Likewell, No. 2½ can	17
Libby, No. 2½ can	23
Mission Solid Pack, No. 2½ can	17
Mission Solid Pack, No. 2 can	16
Nations Treat, No. 2½ can	17
Premium Standard, No. 2½ can	17
Sea Rock Standard, No. 2½ can	17
	Cents per glass
Stokely, No 303 glass	13

For all other canned asparagus, beans, beets, carrots, corn, peas, pork and beans, potato, pumpkin, stew, spinach, tomato, and combinations thereof other than when prepared for diabetics, the division factor is .82. For all other canned vegetables the division factor is 77.

95. Dehydrated vegetables: For all dehydrated vegetables the division factor is .80.

96. Wooden products: For all specified wooden products the division factor is .80. This includes toothpicks, clothes-pins, brooms and mops and parts thereof, and matches, including book-matches.

14. Section 41a is added to read as follows:

SEC. 41a. *Table XXVIIIa: Maximum prices at wholesale for certain grocers items.*—(a) *Records to be kept.* Notwithstanding the provisions of section 11 of this MPR 373, every person making sales of the commodities covered by this section 41a shall on and after the date any such commodity becomes subject to this regulation, keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each purchase and each sale made by such person, showing the date thereof, name and address of the buyer and seller, the price paid or received, quantity purchased or sold, and all data including sales, freight, and other invoices or memoranda reflecting the charges incurred by the wholesaler in arriving at his "landed cost."

(b) *Reports.* Every person making the kind of sales covered by this section 41a shall make and file with the Office of Price Administration, Hawaii Territorial Office, Honolulu, T. H., the following reports:

(1) Any reports that the Office of Price Administration, Hawaii Territorial Office, may from time to time require.

(2) Every person making sales of commodities covered by this section 41 (a) shall report to the Office of Price Administration, Hawaii Territorial Office, Honolulu, T. H., on Form OPA–G–2, the maximum price for all sales made by him of any such commodity where the maximum price for such sale has been established by the provisions of Table B, hereof, and where such maximum price is higher or lower than the seller's previous maximum price for that commodity; *Provided*, That such report need be made only if the wholesaler has on hand one hundred cases or more of such commodity, except that reports as to spices and extracts shall be made regardless of the quantity on hand.

(c) For commodities imported directly from the mainland, not including commodities purchased from the Federal Surplus Commodities Corporation and commodities received from or via any other Island in the Territory, the wholesaler shall calculate his maximum price for each item (that is, for each kind, brand, grade, and container size) of such commodity covered by this regulation as follows:

(1) The wholesaler shall find his "landed cost" for the item he is pricing by adding the amounts permitted in subdivisions (i) through (vi) set forth below. If any of the amounts, or any part thereof, specified in any subdivision has already been included in another subdivision it may not again be added.

(i) An amount equal to the price which the wholesaler agreed to pay the mainland seller before deducting any cash discount, swell allowance or promotional allowance.

(ii) An amount equal to the transportation charges, if any, actually incurred by the wholesaler for transportation from the mainland point at which the wholesaler received delivery to the mainland port of shipment, including Federal transportation tax, terminal charges, and extra charges for shipment of less than carload lots.

(iii) An amount equal to mainland storage charges and insurance in connection therewith actually incurred by the wholesaler, but charges for storage and insurance in connection therewith in excess of six months shall not be included.

(iv) An amount equal to cartage charges actually incurred by the wholesaler for cartage from warehouse to dock in port of shipment.

(v) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the wholesaler; and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included, but the type of coverage is at the discretion of the buyer or seller.

(vi) An amount equal to cartage charges in the port of entry in the Territory of Hawaii from dock to warehouse, computed at a rate not in excess of $1.20 per ton, weight or measurement, provided that the commodity is moved from the dock at the wholesaler's expense.

(2) The wholesaler will then divide this "landed cost" by the division factor specified in Table B, for the item he is pricing: *Provided*, That a wholesaler located in the Island of Oahu shall add to his "landed cost" an amount not more than the applicable markup set forth in Table A, for the item he is pricing, in lieu of using the division factor in Table B for such item, if such item is specifically listed in Table A.

(3) In appropriate cases where special service is rendered, the wholesaler may make application to the Office of Price Administration for an additional markup based upon the cost of the service, and the Territorial Director of the Office of Price Administration for the Territory of Hawaii may approve or disapprove an additional margin.

(4) In an identical item (that is, the same kind, brand, grade, and container size) in the wholesaler's inventory on hand has two or more different landed costs, then the "landed cost" for the item may be determined by calculating a weighted average "landed cost" for the entire inventory of that item on hand. Weighted average "landed cost" shall be calculated as follows: each different "landed cost" shall be multiplied by the number of units having such "landed cost." The products of such multiplication shall be added and the sum thereof divided by the total number of the units for which a weighted average "landed cost" is desired. The quotient or result of such division is the weighted average "landed cost." This provision is permis-

sive and not mandatory. The wholesaler need not average the different landed costs for the identical item, but may use each "landed cost" separately.

(5) These maximum prices contemplate distribution by only one wholesaler in the Territory of Hawaii. In the event that in the course of distribution of any commodity covered by this section after arrival, such commodity moves through the hands of more than one wholesaler, then the wholesaler shall distribute between them the margins set forth in tables annexed hereto. In such event the primary wholesaler making the importations shall furnish the wholesaler purchasing from him a statement of the maximum price determined in accordance with this section.

(6) No extra charge may be added for delivery, except as follows:

(i) *Island of Maui.* For delivery in the Hana section of salt and any item bearing a margin of 9 per cent or less as set forth in table B, a wholesaler may add a hauling charge in an amount not in excess of $5.00 per ton, weight or measurment. The Hana section shall comprise all of the district of Hana and that portion of the district of Makawao lying south of the south boundary of the Ahupuha of Kamaole, County of Maui.

(ii) *Island of Hawaii.* For delivery from the City of Hilo to a retail establishment, or the wholesaler's warehouse, located outside of Zone 1, a wholesaler may add an amount not in excess of the trucking charge actually incurred. Zone 1 shall comprise the area of Puna and South Hilo, as defined by the Survey Department of the Commissioner of Public Lands of the Territory of Hawaii.

(7) In the case of a sale to a buyer who does not have a gross income tax license, the seller may add to the maximum price one and one-quarter per cent (1¼%) of it.

(8) Any maximum prices calculated under this regulation shall be based on the wholesaler's customary unit of sale (that is, per case, per box, per bag, per dozen, or the like). All such calculations resulting in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent, and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

(d) In the case of purchases from the Federal Surplus Commodities Corporation, or purchases from mainland sellers where the price to be paid to such seller includes delivery to the dock in the Territory of Hawaii, the wholesaler shall calculate his maximum price for each item (that is, for each kind, brand, grade, and container size) of a commodity covered by this regulation as follows:

(1) The wholesaler shall find his "landed cost" for the item he is pricing by adding to the net price paid to the mainland seller or the Federal Surplus Commodities Corporation an amount for cartage from the Federal Surplus Commodities Corporation's warehouse or the dock to the wholesaler's warehouse, computed at a rate not in excess of the amounts set forth in paragraph (c) (1) (vi) above.

(2) The wholesaler will then divide this "landed cost" by the division factor specified in Table B, for the item he is pricing: *Provided*, That a wholesaler located in the Island of Oahu shall add to his "landed cost" an amount not more than the applicable markup set forth in Table A, for the item he is pricing, in lieu of using the division factor in Table B for such item, if such item is specifically listed in Table A.

(3) Subparagraphs (3), (4), (5), (6), (7) and (8) of paragraph (c) above are incorporated in this paragraph (d) and shall have the same force and effect as if fully set forth herein.

(e) For commodities received from or via another Island in the Territory, the wholesaler shall calculate his maximum price for each item (that is, for each kind, brand, grade, and container size) of a commodity covered by this section by adding the amounts permitted in subparagraphs (1) through (4) set forth below. If any of the amounts, or any part thereof, specified in any subparagraph has already been included in another subparagraph, it may not again be added.

(1) An amount equal to the maximum price in the Island from which the item is transshipped, as calculated under paragraph (c) above.

(2) An amount equal to cartage charges for cartage from the warehouse to dock in the Island from which the item is transhipped, calculated at the rates set forth in paragraph (c) (1) (vi) above, whether or not such cartage charges are actually incurred.

(3) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the wholesaler for transshipment between the Islands, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading.

(4) An amount equal to cartage charges in the Island on which the wholesaler is located from dock to warehouse, computed at a rate not in excess of the amounts set forth in paragraph (c) (1) (vi) above, *Provided*, That the commodity is moved from the dock at the wholesaler's expense.

(f) *Definitions.* (1) "Canned fruits and berries" mean fruits and berries preserved by heat and hermetically sealed in containers of metal, glass, or any other material, and include but are not limited to the following: (i) apples, apple sauce, apricots, cherries, figs, fruit cocktails, fruits for salads, peaches, pears, pineapples, and plums; (ii) blackberries, blueberries, boysenberries, cranberries, gooseberries, huckleberries, loganberries, raspberries, strawberries, and youngberries.

(2) "Canned vegetables" mean vegetables packed in containers of metal, glass, or any other material, and include but are not limited to beans, carrots, corn, okra, peas, pumpkins, puree of chopped vegetables, rhubarb, sauerkraut, spinach, tomatoes.

(3) "Canned fish" means all processed fish and sea food in hermetically sealed containers of metal, glass, or any other material, and includes but is not limited to abalone, crab meat, lobster, salmon, sardines, shrimp, canned clam juice and broth. Excluded are fresh, dried, salted, smoked, and frozen fish and sea food.

(4) "Canned juices" mean berry juices, citrus fruit juices, fruit juices and nectar, and vegetable juices packed in containers of metal, glass, or any other material.

(5) "Canned citrus fruit" means oranges, grapefruit, and other citrus fruits preserved in tin, glass, or any other container.

(6) "Canned soups" mean any soups or broths in hermetically sealed containers of metal, glass, or any other material, and include condensed soups and broths.

(7) "Dehydrated soups" mean any commodity intended for the making of soup by the addition of liquid and shall include noodle soup mixes.

(8) "Pickles and olives" mean all kinds of pickles and olives, whether green, ripe, stuffed, oiled, brined, and include pickles and olives packed in vinegar and mustard.

(9) "Condiments and sauces" mean food garnishes, including but not limited to catsup, chili sauce, chutney, meat sauces, mustard, soya, tabasco sauce, tomato sauce, vinegar, worcestershire sauce, and cocktail sauce.

(10) "Breakfast cereals" mean bulk or packaged processed cereal grains used as breakfast foods, both uncooked and ready to eat types. Included in this classification are hominy grits, puffed rice and puffed wheat; excluded are buckwheat flour, corn meal, pancake flour, pearled barley, and rice.

(11) "Preserves, jams, and jellies" mean all preserves, jams, jellies, and marmalade, except bakers' jams and jellies.

(12) "Peanut butter" shall include all spreads of ground peanuts, irrespective of the size of the granules or pieces of peanuts contained therein, including peanut butter chunk.

(13) "Bakers and family flour": (i) "Bakers flour" means flour in bulk and prepared bulk flour from wheat other than flour made from durum wheat for use by commercial, institutional, or governmental users; (ii) "Family flour" means flour in bulk from wheat which is packed and sold for ultimate use in the home.

(14) "Prepared packaged flour" means flour and flour mixes made from buckwheat, corn, potatoes, rice, or wheat, including but not limited to Aunt Jemima, Bisquick, corn meal, Dromedary, Sperry, buckwheat flour, Swansdown, and other ready to use packaged flour.

(15) "Spices and extracts" mean all kinds of spices and extracts, including but not limited to sodium glutunate and mapleline, and extracts in shelf sizes, such as cinnamon, pepper, vanilla, and bouillon cubes.

(16) "Paste products" mean all canned, packaged, and bulk macaroni, shells, noodles, spaghetties, and vermicelli.

(17) "Dried fruits" mean fruits or parts thereof from which the major portion of moisture has been removed by natural or artificial drying, and include but are not limited to apples, apricots, currants, dates, figs, grapes (raisins), nectarines, peaches, pears, and prunes.

(18) "Dried edible beans and peas" mean all bulk or packaged threshed and dried field or garden beans and peas, and lentils used for human consumption.

(19) "Pet foods" mean all kinds of pet foods, packaged, bulk, canned, or dry.

(20) "Beverage bases and concentrates" include Kool-Aid, Ovaltine, Hires Root Beer extracts, and similar products.

(21) "Tea" means all kinds of tea, green and black, packaged and in bulk.

(22) "Cocoa and chocolate in shelf sizes" include, but are not limited to, powdered, cake, cooking chocolate. Excluded is chocolate bar candy coated with chocolate.

(23) "Soap" means bar and packaged laundry and toilet soap in bars, cake, chips, powder, plain, granulated, or liquid form.

(24) "Cleansers and home laundry supplies" shall include Clorox, Old Dutch Cleanser, laundry starch, Drano, bluing, powder and cake cleaners other than soaps, and all other cleansers, and home laundry supplies.

(25) "Salt" includes all table and cooking salt.

(26) "Sugar": (i) "Packaged sugar" means specialty sugars in packages or cartons imported from the mainland. (ii) "Local sugar" means direct-consumption sugar manufactured in the Territory of Hawaii.

(27) "Mayonnaise and salad dressing" means all prepared dressings for salads except cooking and salad oils.

(28) "Dessert powders" shall include all concentrates of fruits or vegetables used in the preparation of gelatinous desserts.

(29) "Fountain supplies" mean all imported supplies sold in bulk to soda fountains, confectioners, luncheon and similar establishments, and shall include crushed strawberries, fruit syrups in bottles, chocolate sauce, vanilla syrup, maraschino cherries, and other similar articles used for preparation on the premises of food and drinks. It shall not include such things as bread, butter, and any commodity included under any other category of this table or covered by specific regulations.

(30) "Bakers supplies" mean all imported supplies sold in bulk to bakeries and similar establishments for use in the preparation of bakery products, and shall include but are not limited to baking powder, coloring matter, mince meats, and yeast. Excluded from this category are flour, sugar, and any other commodity included in any other category of this section or specifically covered by a separate regulation.

(31) "Evaporated milk" means evaporated milk in hermetically sealed containers of metal, glass, or any other material.

(32) "Other milk products" mean any food commodity which is processed or manufactured from cow's milk such as Klim, Avoset, condensed milk and malted milk. Excluded, however, are butter, cheese, powdered skim milk, and fresh milk.

(33) "Packaged nuts" mean all nuts packed in glass, tin or cartons, shelled or unshelled, roasted or unprocessed, and sold in shelf sizes, and include almonds, brazil nuts, macadamia nuts, and peanuts, and all other nuts whether locally grown or imported.

(34) "Bulk nuts" mean all nuts named in (33), which are not customarily sold by the retailer in the original package.

(35) "Syrup and honey:" (i) "Syrups" mean all edible molasses, sorghums, cane, maple, and corn syrups and blends thereof; (ii) "Honey" means imported extracted honey and includes combinations of extracted and comb honey.

(36) "Cooking starch" means corn starch used for cooking.

(37) "Rice" means all grades of white and brown milled rice sold in all types of containers.

(38) "Baby foods" mean all foods prepared in hermetically sealed containers of glass, tin, or other material, especially designed for the nourishment of infants and juniors.

(39) "Crackers" mean all cookies, crackers, and biscuits imported from the mainland or locally produced.

(40) "Specific wooden products" mean products of wood locally made or imported, and limited specifically to the following: brooms and their constituent parts, matches (including book matches), clothes pins, and toothpicks. Excluded are brooms manufactured by the Territorial Workshop for the Blind.

(41) "Popcorn" means corn in tins or bags intended for the purpose of making popcorn.

(42) "Charcoal" means any bagged charred wood, imported or locally produced.

(43) "Dehydrated vegetables" mean vegetables or vegetable mixtures which are prepared for consumption by the addition of liquid to restore the product to its original condition.

(44) "Meats" mean canned meats and meats in combination with other foods, in containers of tin or glass, such as luncheon meats, spreads, sausages and sausage meats, frankfurters, hamburger, loaf goods, brains, tongues, bacon, corned beef, dried beef, sliced dried beef, hash, potted and deviled meats, spaghetti and meat balls, spaghetti sauce with meat, noodles and meat, vegetables and meat, stew, chili con carne, prepared hot tamales, chicken, turkey and other poultry, and similar items which are customarily considered shelf goods, and are not stored under refrigeration.

TABLE A—SPECIFIC MARKUPS FOR CERTAIN GROCERY ITEMS

Kind and type	Maximum wholesale markup over landed cost per case of 48 cans	Notification prices per case	
		Upper	Lower
Campbell's Old Style Soups	(Cents)		
Chicken	51	$6.05	$5.57
Bouillon	51	6.05	5.57
Consomme	51	6.05	5.57
Vegetable	45	5.43	4.99
Pea	44	5.22	4.80
Cream of Potato	44	5.22	4.80
Vegetable-beef	44	5.22	4.80
Beef	44	5.22	4.80
Black bean	44	5.22	4.80
Assorted	44	5.22	4.80
Chicken-noodle	44	5.22	4.80
Asparagus	44	5.22	4.80
Celery	44	5.22	4.80
Clam Chowder	44	5.22	4.80
Mock Turtle	44	5.22	4.80
Oxtail	44	5.22	4.80
Pepper pot	44	5.22	4.80
Tomato	34	4.17	3.84
Campbell's New Formula Condensed Soups			
Chicken	68	8.14	7.49
Vegetable Beef	62	7.51	6.91
Beef	62	7.51	6.91
Bouillon	62	7.51	6.91
Consomme	62	7.51	6.91
Chicken Gumbo	62	7.51	6.91
Chicken Noodle	61	7.30	6.72
Clam Chowder	50	6.05	5.57
Mock Turtle	50	6.05	5.57
Oxtail	50	6.05	5.57
Pepper Pot	50	6.05	5.57
Scotch Broth	50	6.05	5.57
Vegetarian-Vegetable	50	6.05	5.57
Consomme Madrilene	50	6.05	5.57
Vegetable	50	6.05	5.57
Tomato	38	4.59	4.22
Van Camp's Soups			
Vegetable No. 300 tall can	26	3.03	2.78
Tomato No. 300 tall can	22	2.71	2.50
Asparagus	32	3.76	3.49

NOTE: This Table A applies only to wholesalers located on the Island of Oahu. These wholesalers must use these markups if the item being priced is contained herein. If not, they must then use the division factor in Table B.

These markups are for No. 1 cans unless otherwise indicated.

The wholesaler shall notify the Office of Price Administration whenever a sale to a retailer is made at a price above or below the "notification prices per case" set forth below upon Form OPA–G–1.

TABLE B—MARGINS FOR CERTAIN GROCERY ITEMS

Grocery item	*Division factor*
1. Canned fruits and berries	0.88
2. Canned vegetables	.88
3. Canned fish	.86
4. Canned juices	.87
5. Canned citrus fruits	.87
6. Canned soups	.90
Dehydrated soups	.83
7. Pickles and olives	.85
8. Condiments and sauces	.84
9. Breakfast cereals	.89
10. Preserves, jams and jellies	.88
11. Peanut butter	.89
12. Bakers and family flour	.91
13. Prepared package flour	.90
14. Spices and extracts	.83
15. Paste products	.86

TABLE B—MARGINS FOR CERTAIN GROCERY ITEMS—Continued

Grocery item	Division factor
16. Dried fruits	.87
17. Dried edible beans and peas	.87
18. Pet foods	.88
19. Beverage bases and concentrates	.83
20. Tea	.85
21. Cocoa and chocolate	.89
22. Soap—bar and package laundry	.88
23. Soap—toilet	.88
24. Cleansers and home laundry supplies	.87
25. Salt	.90
26. Sugar:	
Package	.92
Local	.94
27. Mayonnaise and salad dressing	.84
28. Dessert powders	.88
29. Fountain supplies	.83
30. Bakers supplies	.84
31. Evaporated milk	.93
32. Milk products other than evaporated milk	.86
33. Packaged nuts	.88
34. Bulk nuts	.86
35. Syrup and honey	.88
36. Cooking starch	.89
37. Rice	.94
38. Baby foods	.87
39. Crackers	.89
40. Specific wooden products	.86
41. Popcorn	.83
42. Charcoal	.85
43. Dehydrated vegetables	.86
44. Meats:	
In containers of tin	.89
In containers of glass	.87

NOTE: In the case of sales of beverage bases and concentrates, fountain supplies, and bakers supplies in less than case lots, the division factor in each case shall be 0.77. "Assortment" shall not be considered less than a case lot so long as the buyer is willing to take all of the items in a case containing any element of the assortment. In the case of sales in the Island of Hawaii, the margins named in Table B include delivery with credit for 30 days or less. For cash and carry sales the margin shall be 2 per cent less than the margin specified in Table B for all items for which a margin of 10 per cent or more is specified therein, and shall be 1 per cent less for all items with a margin of 9 per cent or less.

15. Section 43 is added to read as follows:

SEC. 43. *Table XXX: Maximum prices for used washing machines.* (a) Maximum Price Regulation 372,[3] except as otherwise provided herein, governs the sale of used washing machines in the Territory of Hawaii.

(b) On sales of used washing machines in the Territory of Hawaii in order to allow for transportation charges the maximum prices set forth in Maximum Price Regulation 372 may be increased by an amount not in excess of the following:

Wringer type	$10.50
Spinner type	14.00
Small automatic	13.00
Large automatic	15.00

16. Section 44 is added to read as follows:

SEC. 44. *Table XXXI: Maximum prices for power laundry services.* (a) The maximum prices established by Maximum Price Regulation 165,[4] as amended, for the family laundry services specified in paragraph (e) are modified as hereinafter provided. The maximum prices for family laundry services, when sold by power laundries located on the Island of Oahu, shall be the prices set forth in paragraph (e) The maximum prices for all other laundry services rendered by power laundries on the Island of Oahu shall be governed by Maximum Price Regulation 165, as amended, or other applicable regulation. Power laundries in this area shall continue to accept as wearing apparel and flat work, those articles which have customarily been accepted as such. In finished and list price services starch must be supplied where necessary for proper finishing of wearing apparel (including shirts), unless the customer requests no starch.

(b) When used in this section 44 the term:

(1) "Family laundry services" means all laundry services except those supplied on a commercial or institutional basis.

(2) "Power laundries" means all establishments on the Island of Oahu offering laundry services for sale, with the exception of such hand laundries as do not use power machinery to wash laundry.

(c) Within thirty days after the issuance of this regulation, power laundries located on the Island of Oahu and offering family laundry services, shall post each in its own establishment, in a place and manner so that it is plainly visible to the purchasing public, a placard or card containing the maximum prices for the family laundry services set forth in paragraph (e) of this section, and for any other family laundry service if offered. Also within thirty days after the issuance of this regulation, power laundries in this area shall furnish to each customer a statement of the maximum prices of the services offered, with a description of each. In this statement the description of the listed services and their prices shall be exactly as set forth in paragraph (e). Thereafter new customers shall be furnished a similar statement.

(d) A laundry may not refuse to supply any low price laundry service which it supplied in April, 1942, if it supplies or offers to supply any higher price service which includes the same, or substantially the same processes (with or without additional processes) as the low price services.

(e) Price list, a service in which wearing-apparel, flat work and specialties are washed and returned finished, ready for use:

Men's shirts, plain	$0.18
Men's shirts, cotton khaki, Army or Navy	.20
Men's shirts, work	.15
Men's shorts	.10
Men's socks, cotton, rayon (per pair)	.05
Men's undershirts	.10
Men's pants, dungarees	.18
Men's pants, khaki	$0.25
Trousers, white sailor	.20
Jumpers, white sailor	.20
Pajamas (per pair)	.20
Handkerchiefs	.03
Nurses' uniforms	.30
Women's slips	.20
Pillow cases	.04
Sheets	.07
Napkins, machine ironed	.03
Table cloths, small, not over 4 sq. yds.	.15
Table cloths, more than 4 sq. yds., but less than 6 sq. yds	.25
Table cloths, 6 yds. and over	.50
Towels, bath	.04
Towels, dish	.03
Towels, hand	.03

NOTE: In the price list of service there may be imposed a minimum charge of fifty-one cents (51¢) for delivery customers. All power laundries must offer at least the same discount to cash and carry customers for all laundry services heretofore granted in April, 1942. No additional charges of any kind whatsoever may be added to the maximum prices listed in this paragraph (e).

This amendment shall become effective as follows:

(a) As to section 14, April 26, 1943.
(b) As to section 15, June 10, 1943.
(c) As to section 19 (j) and (k), May 31, 1943.
(d) As to the tables following section 21 (c) (1) and (d) (1), June 18, 1943.
(e) As to section 21 (e) (3); the table following (4); (5), (6), (7), June 14, 1943.
(f) As to section 31, June 17, 1943.
(g) As to the table following section 35 (a), July 24, 1943.
(h) As to section 41, June 28, 1943.
(i) As to section 41a, June 25, 1943.
(j) As to section 43, July 24, 1943.
(k) As to section 44, July 5, 1943.

(Pub. Laws 321 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11643; Filed, July 20, 1943; 9:19 a. m.]

[3] 8 F.R. 5593.

[4] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 2, Supp. 5]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

UNIFORM SUGAR CHARTER FOR CUBAN SUGAR TRANSPORT

Section 303.1 *Uniform sugar charter for transportation of Cuban sugar.* (General Order I, Supplements 4, 4A and 4B) is amended by withdrawing the form of charter party designated as "Warshipsugar, 5/20/42" and prescribing in lieu thereof a new form designated "Warshipsugar (Revised) 8/1/43," and otherwise, to read:

§ 303.1 *Uniform sugar charter.* (a) All charter contracts for the carriage of sugar to U. S. Atlantic and Gulf Ports from ports of Cuba on vessels operated by or on behalf of the War Shipping Administration shall be in the form set out in paragraph (e) hereof, which form shall be designated "Warshipsugar (Revised) 8/1/43."

(b) Appropriate special provisions may be made from time to time as circumstances require. No such provision shall be made without the prior approval of the War Shipping Administration.

(c) The terms and conditions of such charter party shall become effective with respect to contracts entered into on and after August 1, 1943.

(d) "Warshipsugar (Revised) 8/1/43" shall be printed in type no smaller than six point.

(e) The said "Warshipsugar (Revised) 8/1/43" shall read:

WAR SHIPPING ADMINISTRATION

SUGAR CHARTER PARTY

This charter party, made and concluded the _____ day of _____ between United States of America through the Administrator, War Shipping Administration, Owner/Chartered Owner of the good _____ Vessel _____ of _____ deadweight tons classed _____ at _____ of the measurement of _____ tons net register _____ and _____ Charterer.

Witnesseth, That the said Owner and the said Charterer agree to the chartering of the whole of said Vessel (deck, cabin and necessary room for the crew and storage of provisions, cables and fuel excepted), or sufficient room for the cargo hereinafter described, as follows:

1. *Agreement* The said Vessel shall be tight, staunch, strong, and in every way fitted for the voyage as far as the exercise of due diligence can make her so, except as hereinafter provided as to seaworthiness and latent defects; and shall proceed to _____ _____ or so near thereto as she may safely proceed and always be safely afloat, where the Charterer will provide and the vessel will receive on board a full and complete cargo under deck of _____ of sugar, in bags of about 330 lbs. each. Owner estimates, but does not guarantee that the vessel will carry this amount. (All reference to bags hereafter is to 330 lb. bags. If cargo in any instance is supplied in 250 lb. bags the applicable requirement as to 250 lb. bags shall be determined by dividing the total weight of all cargo in 250 lb. bags by 330 lbs.)

Charterer to pay freight at a rate of _____ vessel to proceed to _____ and there to discharge.

2. *Loading berth.* (a) Vessel to load at not more than two berths or loading places within the jurisdiction of any one port, which will be considered as one port of loading, except that if vessel loads in Manzanillo district, only one sub-port or Manzanillo will be used at the one port rate.

(b) Charterer warrants loading berths to be safe berths at which vessel will always be safely afloat, and that the berths are readily available at all stages and times of tide. This warranty to be in full effect whether the berths are designated by the charterer or some other party of interest to the cargo.

(c) Time for loading shall not be suspended while vessel is shifting between anchorages or loading places within the same port or within the jurisdiction of a port; such shifting to be at the expense of the vessel.

(d) Loading port shall be designated by the War Shipping Administration; and loading berth within port shall be designated by the Charterer always subject to the approval of the War Shipping Administration.

3. *Loading: and time for loading.* (a) Stevedores for loading to be appointed by the vessel, and loading into ship to be at vessel's expense. Charterer to place sugar alongside the vessel in sufficient quantities to permit loading as fast as vessel can load, but not less than at a rate of 7,000 bags during the usual eight-hour daylight working period, Sundays and holidays included; and not less than a total of 11,000 bags during any calendar day. All overtime with respect to loading to be an expense of the vessel; all overtime necessary to place sugar alongside to be for account of charterer. In the event of failure to deliver alongside as contracted, the Charterer shall pay demurrage for any delay caused to the vessel thereby, at the rate named in Clause 5.

(b) Time for loading to begin (unless loading is actually sooner commenced) at the beginning of the next working period after Master or Agent reports Vessel ready to receive cargo, whether in berth or not, Sundays and holidays not excepted, unless Vessel arrives on the evening preceding a Sunday or holiday too late to permit receivers to make necessary arrangements to place sugar alongside for working on Sundays or holidays, but not more than 24 hours to be allowed for this exemption. The working periods for Sunday or holiday shall be considered to be the same time as the working period for any other day, any custom of the port to the contrary notwithstanding

(c) Shore tallymen, if required, to be employed by the vessel at the expense of the vessel.

4. *Freight.* Freight shall be payable as follows: Seventy-five percent (75%) of freight payable in cash on the basis of gross bill of lading weight on arrival of Vessel at discharging berth, to the order of Vessel, Owner, Operator or Agent; and on final discharge of cargo any over or short payment to be adjusted on the gross landed weight as determined by Public Weighers' returns, free of discount or interest, at discharging berth. Bills for demurrage, discharging and wharfage to be settled at time of final settlement of freight.

If, however, cargo is discharged at a United States port for transshipment to a refinery at another United States port, eighty-five per cent (85%) of the freight shall be payable in cash on the basis of gross bill of lading weight on arrival of vessel at discharging berth at the transshipment port, to the order of Vessel, Owner, Operator, or Agent, and on final delivery of cargo to the refinery any over or short payment shall be adjusted on the gross landed weight as determined by Public Weighers.

Full Freight to be considered earned on completion of loading and non-returnable, Vessel and/or cargo lost or not lost; and in the event of loss of Vessel freight is to be paid on gross bill of lading weight.

5. *Demurrage rate.* Any demurrage which may become due hereunder shall be payable as provided in Clause 4 hereof, and at the rate prescribed by applicable Rate Order of the War Shipping Administration.

6. *Discharging berth.* The Vessel shall be discharged at not more than two berths as Charterer may designate, subject to the approval of the War Shipping Administration, where she shall pay not more than the established legal rate of wharfage, and where she may always safely lie afloat and wholly alongside. The Vessel is to leave receiver's berth immediately upon completing delivery, weather and tide permitting. Shifting to be at the expense of the Vessel, time used to count.

7. *Discharging: and time for discharging.* (a) Time for discharging to begin (unless discharging actually sooner commenced) at the beginning of the next working period after Master reports Vessel ready to discharge cargo, whether in berth or not, Sundays and holidays not excepted, unless Vessel arrives on the evening preceding a Sunday or holiday too late to permit receivers to make necessary arrangements for plant and stevedoring personnel to work on Sundays or holidays, but not more than 24 hours to be allowed for this exemption. The working period for Sunday or holiday work shall be considered to be the same time as the working period for any other day for this purpose, any custom of the port to the contrary notwithstanding. Any time used rigging, removing hatches and preparing staging to count as lay time unless done before lay time commences.

8. Cargo to be discharged by the vessel subject to all of the terms and conditions of the uniform stevedoring contract designated as WARSHIPSTEVE. Charterer shall take away as fast as landed but not les than at a rate of 10,500 bags during the usual eight-hour daylight working period, Sundays and holidays included; and not less than 21,000 bags during any calendar day. Overtime expenses for discharging to be for account of the vessel; overtime expenses for taking away to be for the account of the charterer. For failure to take as contracted the charterer shall pay demurrage to the vessel for any delay caused thereby, as provided in Clause 5.

9. *Bills of lading.* Bills of Lading for cargo shipped shall be signed by the Master as requested. Any Bill of Lading signed by the Master or Agent of the Owner shall be without prejudice to the terms, conditions and exceptions of this Charter. The Charterer hereby agrees to indemnify and hold harmless the Owner, the Master, and the Vessel from all consequences or liabilities that may arise from the Charterer or its agents, or the Master, signing bills of lading or other documents inconsistent with this Charter, or from any irregularity in papers supplied by the Charterer or its agents, or from complying with its or its agents' orders.

10. *Both-to-blame collision clause.* If the ship comes into collision with another ship as a result of the negligence of the other ship and any act, neglect or default of the master, mariner, pilot or the servants of the carrier in the navigation or in the management of the ship, the owners of the goods carried hereunder will indemnify the carrier against all loss or liability to the other or noncarrying ship or her owners in so far as such loss or liability represents loss of, or damage to, or any claim whatsoever of the owners of said goods, paid or payable by the other or noncarrying ship or her owners to the owners of said goods and set-off, recouped or recovered by the other or noncarrying ship or her owners as part of their claim against the carrying ship or carrier. The foregoing provisions shall also apply where the owners, operators or those in charge of any ship or ships or objects other than, or in addition to, the colliding ships or objects are at fault in respect of a collision or contact.

11. *General average clause.* General average shall be adjusted, stated, and settled, according to Rules 1 to 15, inclusive, 17 to 22, inclusive, and Rule F of York-Antwerp Rules 1924, at such port or place in the United States as may be selected by the carrier, and as to matters not provided for by these Rules, according to the laws and usages at the port of New York. In such adjustment, disbursements in foreign currencies shall be exchanged into United States money at the rate prevailing on the dates made and allowances for damage to cargo claimed in foreign currency shall be converted at the rate prevailing on the last day of discharge at the port or place of final discharge of such damaged cargo from the ship. Average agreement or bond and such additional security, as may be required by the carrier, must be furnished before delivery of the goods. Such cash deposit as the carrier or his agents may deem sufficient, as additional security for the contribution of the goods and for any salvage and special charges thereon shall, if required,

be made by the goods, shippers, consignees, or owners of the goods to the carrier before delivery. Such deposit shall, at the option of the carrier, be payable in United States money, and be remitted to the adjuster. When so remitted the deposit shall be held in a special account at the place of adjustment in the name of the adjuster pending settlement of the general average and refunds or credit balances, if any, shall be paid in United States money.

12. *Amended "Jason" clause:* "In the event of accident, danger, damage, or disaster before or after commencement of the voyage resulting from any cause whatsoever, whether due to negligence or not, for which or for the consequence of which the carrier is not responsible by statute, contract, or otherwise, the goods, shippers, consignees, or owners of the goods shall contribute with the carrier in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred, and shall pay salvage and special charges incurred in respect of the goods. If a salving ship is owned or operated by the carrier, salvage shall be paid for as fully as if the salving ship or ships belonged to strangers.

13. In any situation whatsoever and wheresoever occurring and whether existing or anticipated before commencement of or during the voyage, which in the judgment of the carrier or master is likely to give rise to risk of capture, seizure, detention, damage, delay or disadvantage to or loss of the ship or any part of her cargo, or to make it unsafe, imprudent, or unlawful for any reason to commence or proceed on or continue the voyage or to enter or discharge the goods at the port of discharge, or to give rise to delay or difficulty in arriving, discharging at or leaving the port of discharge or the usual place of discharge in such port, the carrier may before loading or before the commencement of the voyage, require the shipper or other person entitled thereto to take delivery of the goods at port of shipment and upon their failure to do so, may warehouse the goods at the risk and expense of the goods; or the carrier or master, whether or not proceeding toward or entering or attempting to enter the port of discharge or reaching or attempting to reach the usual place of discharge therein or attempting to discharge the goods there, may discharge the goods into depot, lazaretto, craft or other place; or the ship may proceed or return, directly or indirectly, to or stop at any such port or place whatsoever as the master of the carrier may consider safe or advisable under the circumstances, and discharge the goods, or any part thereof, at any such port or place; or the carrier or the master may retain the cargo on board until the return trip or until such time as the carrier or the master thinks advisable and discharge the goods at any place whatsoever as herein provided or the carrier or the master may discharge and forward the goods by any means at the risk and expense of the goods. The carrier or the master is not required to give notice of discharge of the goods, or the forwarding thereof as herein provided. When the goods are discharged from the ship, as herein provided, they shall be at their own risk and expense; such discharge shall constitute complete delivery and performance under this contract and the carrier shall be freed from any further responsibility. For any service rendered to the goods as herein provided the carrier shall be entitled to a reasonable extra compensation.

14. The carrier, master and ship shall have liberty to comply with any orders or directions as to loading, departure, arrival, routes, ports of call, stoppages, discharge, destination, delivery or otherwise howsoever given by the government of any nation or department thereof or any person acting or purporting to act with the authority of such government or of any department thereof, or by any committee or person having, under the terms of the war risk insurance on the ship, the right to give such orders or directions. Delivery or other disposition of the goods in accordance with such orders or directions shall be a fulfillment of the contract voyage. The ship may carry contraband, explosives, munitions, warlike stores, hazardous cargo, and may sail armed or unarmed and with or without convoy.

15. In addition to all other liberties herein the carrier shall have the right to withhold delivery of, reship to, deposit or discharge the goods at any place whatsoever, surrender or dispose of the goods in accordance with any direction, condition or agreement imposed upon or exacted from the carrier by any government or department thereof or any person purporting to act with the authority of either of them. In any of the above circumstances the goods shall be solely at their risk and expense and all expenses and charges so incurred shall be payable by the owner or consignee thereof and shall be a lien on the goods.

16. *Fire clause.* Neither the carrier nor any corporation owned or employed by, subsidiary to or associated or affiliated with or furnishing wharfage to the carrier shall be liable for any loss or damage to the goods occurring at any time, and even though before loading on or after discharge from the Vessel, by reason of any fire whatsoever, unless such fire shall be caused by its design or neglect.

17. The Vessel in all matters arising under this Charter Party or Bill of Lading issued hereunder shall also be entitled to the like privileges, and rights, and immunities as are contained in sections 3 (6), 4, 11 of the Carriage of Goods by Sea Act of the United States approved April 16, 1936, which, except as may be otherwise specifically provided herein, shall govern before the goods are loaded on and after they are discharged from the vessel and throughout the entire time the goods are in the custody of the vessel.

18. *Limitation of liability.* Any provision of this Charter to the contrary notwithstanding, the Owner shall have the benefit of all limitations of, and exemptions from, liability accorded to the Owner or Chartered Owner of vessels by any statute or rule of law for the time being in force.

19. *Weighing cargo.* Public Weighers' count shall be used in determining outturn of cargo, and if there be any dispute in reference to count, an adjustment of such dispute must be arrived at immediately as the truck passes over the Public Weighers' scale, which must be located near the Government scale, and this adjustment must be made by a representative each of the Shipper, the Vessel, and the Consignee, and the decision arrived at by a majority of these three parties is to be final and binding on all parties hereto. Vessel shall be furnished with as many copies of Public Weighers' certificate as may be required, free of charge.

The Vessel shall be free of all weighing expenses at port of discharge, notwithstanding any custom of the port to the contrary. All arrangements for weighers, samplers and other Customs formalities in connection with the cargo to be made by the Charterer and any delay to the vessel due to their failure to do so shall be at Charterer's expense.

20. *Agents.* Owner to appoint and pay agents at loading and discharging ports.

21. *Strikes.* In the event of a strike or strikes, riot or riots, or any other unavoidable hindrance which may prevent the delivery of cargo, Owner reserves the right to despatch the Vessel with such portion of cargo as may then be on board, or in ballast, if no cargo has been loaded. In either case Charterer not to be liable for dead freight or demurrage or both on cargo which is not loaded up to the time of commencement of such hindrance. Vessel Owner to notify Charterer prior to withdrawal of the Vessel.

22. *Liners.* On mail vessels and on vessels operating on customary scheduled sailings, no demurrage shall be charged at port of loading, but the Owner reserves the right to sail the Vessel without cargo, and the Charterer shall be liable for dead freight if cargo is not tendered in time to enable the Vessel to load and sail on schedule.

23. *Lien.* The Vessel shall have an absolute lien on cargo and upon all subfreight for all amounts due under this charter including freight, dead freight, demurrage and costs (including attorney's fees) of recovering the same, which lien shall continue after delivery of the cargo hereunder.

24. *Lighterage.* Cargo is to be received and delivered alongside the Vessel where she can load and discharge always safely afloat, and proceed and return always safely afloat, within reach of the ship's tackle, and any lighterage in loading or discharging, including lighterage necessary to maintain the rate of placing sugar alongside for loading and for taking away after discharge, is to be at the risk and expense of the cargo.

If such Vessel operating on customary scheduled sailings elects to deliver by lighter instead of at berth designated by the Charterer or his agent, the cargo may be so discharged into lighters at the risk of the cargo but at the expense of the Vessel, and it is mutually understood and agreed that each lighter shall be discharged within five (5) days after same is loaded, and for each and every day's detention of the lighter or lighters beyond the free period, demurrage shall be paid by the cargo at the current rate of the port for each lighter so detained and shall constitute a lien on the goods, but no demurrage shall accrue to the Vessel.

25. *Commission.* Commission upon the gross freight under this Charter is due and payable by the Vessel, upon payment of freights to _____, subject to all of the applicable regulations of the War Shipping Administration relating thereto.

26. *Members of Congress.* No member of or delegate to the Congress, nor Resident Commissioner, shall be admitted to any share or part of this Charter or to any benefit that may arise therefrom, except as provided in Section 116 of the Act approved March 4, 1909.

27. *Approval.* The voyage under this Charter is subject to the approval of the War Shipping Administration and any conditions imposed by said Administration pursuant to the Ship Warrants Act (Public Law 173 77th Congress).

In witness whereof, the parties hereto have executed this Agreement, in triplicate, as of the day and year first above written.

UNITED STATES OF AMERICA

By: WAR SHIPPING ADMINISTRATION.

Witness the signature of:

By: _____ *Agent.*

By: _____ *Agent.*

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator,
War Shipping Administration.

JULY 20, 1943.

[F. R. Doc. 43-11686; Filed, July 20, 1943; 4:58 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 134-A]

PART 95—CAR SERVICE

ORDER VACATING PROHIBITION AGAINST HOLDING OF CARS OF POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of July 1943.

Upon further consideration of the provisions of Service Order No. 134 of July 1, 1943, and good cause appearing therefor;

It is ordered, That § 95.314 prohibiting the holding of cars of potatoes other than sweet for diversion, reconsignment, or orders is hereby vacated and set aside.

Announcement of vacation of suspension. The Pennsylvania Railroad Company shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the vacation of the suspension made by Service Order No. 134, stating that the provisions of said tariffs which were in effect prior to the suspension will be applied on and after the effective date of this order.

It is further ordered, That this order shall become effective at 6:00 p. m., July 20, 1943; that a copy of this order and direction shall be served upon The Pennsylvania Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, the National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-11704; Filed, July 21, 1943; 11:04 a. m.]

[Service Order 136-A]

PART 97—ROUTING OF TRAFFIC

ORDER VACATING PERMISSION FOR REROUTING OF FREIGHT TRAFFIC

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of July, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 136 of July 13, 1943, and good cause appearing therefor:

It is ordered, That § 97.8 permitting rerouting of freight traffic because of flood conditions by the Canadian National Railways and the Grand Trunk Railway is hereby vacated and set aside.

It is further ordered, That this order shall become effective at 6:00 p. m. July 20, 1943; that copies of this order and direction shall be served upon the Canadian National Railways and the Grand Trunk Railway, the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-11705; Filed, July 21, 1943; 11:04 a. m.]

Notices

WAR DEPARTMENT.

[Public Proclamation 18]

CERTAIN LAND IN WESTERN DEFENSE COMMAND MILITARY AREA

DESIGNATION AND ESTABLISHMENT AS TOTAL EXCLUSION AREA

JULY 14, 1943.

Headquarters Western Defense Command and Fourth Army, Office of the Commanding General, Presidio of San Francisco.

Whereas By virtue of orders issued by the War Department on December 11, 1941, that portion of the United States lying within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah and Arizona and the Territory of Alaska has been established as the Western Defense Command and designated as a Theatre of Operations under my command; and

Whereas By Executive Order No. 9066, dated February 19, 1942, the President of the United States authorized and directed the Secretary of War and the Military Commanders whom he may from time to time designate, whenever he or any such designated commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion; and

Whereas The Secretary of War on February 20, 1942, designated the undersigned as the Military Commander to carry out the duties and responsibilities imposed by said Executive Order for that portion of the United States embraced in the Western Defense Command; and

Whereas The Western Defense Command embraces the entire Pacific Coast of the United States which by its geographical location is particularly subject to attack, to attempted invasion by the armed forces of nations with which the United States is now at war, and, in connection therewith, is subject to espionage and acts of sabotage, thereby requiring the adoption of military measures necessary to establish safeguards against such enemy operations:

Now therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Western Defense Command, do hereby declare that:

1. Pursuant to a determination by me of military necessity for such action; and by direction of the Secretary of War, the following described area, within Military Areas Nos. 1 and 2 of the Western Defense Command, as established by Public Proclamations Nos. 1 and 2, dated respectively March 2, 1942 and March 16, 1942, this headquarters, as amended, is hereby designated and established as Total Exclusion Area No. 3:

Beginning at the North East corner of Section 20, T15N, R27E, in Grant County, Washington, thence:

West along the North line of Sections 20, 19, T15N, R27E, 24, 23, 22, T15N, R26E, to the North West corner of Section 22, thence:

South along the West line of said Section 22, to its South West corner, thence:

West along the North line of Section 28, T15N, R26E, to its North West corner, thence:

South along the West line of said Section 28, to its South West corner, thence:

West along the North line of Section 32, in said township, to its North West corner, thence:

South along the West line of said Section 32, to its South West corner, thence:

West along the North line of Section 6, T14N, R26E, to its North West corner, thence:

South along the West line of said Section 6, to its South West corner, thence:

West along the North line of Section 12, T14N, R25E, to its North West corner, thence:

South along the West line of said Section 12, to its South West corner, thence:

West along the North line of Sections 14, 15, 16, 17, 18, T14N, R25E, to the North West corner of said Section 18, thence:

South along the West line of said Section 18, to its South West corner, thence:

West along the North line of Section 24, T14N, R24E, to its North West corner, thence:

South along the West line of said Section 24, to its South West corner, thence:

West along the North line of Section 26, T14N, R24E, to its North West corner, thence:

South along the West line of Sections 26, 35, T14N, R24E, and Section 2, T13N, R24E, to the South West corner of Section 2, thence:

West along the North line of Sections 10, 9, 8, 7, T13N, R24E, to the North West corner of said Section 7, thence:

North along the East line of Section 1, T13N, R23E, to its North East corner, thence:

West along the North line of Sections 1, 2, 3, T13N, R23E, to the North West corner of said Section 3, thence:

South along the West line of said Section 3, to its South West corner, thence:

East along the South line of said Sections 3, 2, 1, to the South East corner of said Section 1, thence:

South along the West line of Sections 7, 18, T13N, R24E, to the South West corner of said Section 18, thence:

East along the South line of Sections 18, 17, 16, 15, T13N, R24E, to the East line of the West half of said Section 15, thence:

South along the West line of the East half of Section 22, T13N, R24E, to the North line of Section 27, in said township, thence:

East along the South line of said Section 22 to its South East corner, thence:

South along the West line of Sections 26, 35, T13N, R24E, Sections 2, 11, 14, 23, 26, 35, T12N, R24E, and Sections 2, 11, 14, T11N, R24E, to the South West corner of Section 14, last mentioned, thence:

East along the South line of said Section 14 to its South East corner, thence:

South along the West line of Section 24, T11N, R24E, to its South West corner, thence:

East along the South line of Section 24, T11N, R24E, and along the South line of Sections 19, 20, 21, 22, 23, T11N, R25E, to the South East corner of said Section 23, thence:

South along the West line of Section 25, T11N, R25E, to its South West corner, thence:

East along the South line of said Section 25 to its South East corner, thence:

South along the West line of Section 31, T11N, R26E, to its South West corner, thence:

East along the South line of said Section 31 to its South East corner, thence:

South along the West line of Section 5, T10N, R26E, to its South West corner, thence:

East along the South line of Sections 5 and 4, T10N, R26E, to the South East corner of said Section 4, thence:

South along the West line of Section 10, T10N, R26E, to its South West corner, thence:

East along the South line of said Section 10 to its South East corner, thence:

South along the West line of Section 14, in said township to its South West corner, thence:

East along the South line of Sections 14, 13, T10N, R26E to the South East corner of said Section 13, thence:

South along the West line of Section 19 to the South West corner of Section 19, T10N, R27E, thence:

East along the South line of said Section 19 to the North or left bank of the Yakima River, thence:

North Easterly and South Easterly, through Sections 19, 20, 17, 16, 9, 4, 3, T10N, R27E along the North or left bank of the Yakima River to the South line of Section 3 in said township and range, thence:

East to the South East corner of said Section 3, thence:

North along the East line of said Section 3 to the center line of the Richland-White Bluffs Highway, thence:

South Easterly through Sections 11, 12, T10N, R27E, Sections 7, 18, 17, T10N, R28E along the center line of said highway to its intersection with the East line of Section 17, T10N, R28E, thence:

South along the West lines of Sections 16, 21, 28, 33, in said township and range and along the West line of Section 4, T9N, R28E to the North or left bank of the Yakima River, thence:

Southerly along the North or left bank of the Yakima River, passing through Sections 4, 5, 9, 16, 15, 22, 23, 24, T9N, R28E, to a point on the North or left bank of the Yakima River on the West line of Section 19, T9N, R29E, thence:

Along the South East end of a peninsula formed by the Yakima and Columbia Rivers in said Section 19 and thence in a general northerly direction along the West or right bank of the Columbia River and passing through Sections 19, 18, T9N, R29E, Sections 13, 14, 11, 2, 1, T9N, R28E, Sections 36, 25, 24, 23, 14, 11, 2, T10N, R28E, Sections 35, 26, 23, 14, 11, 2, T11N, R28E, Sections 35, 26, T12N, R28E, to the North line of said Section 26, thence:

East along the North lines of Sections 26 and 25, T12N, R28E, and along the North line of Section 30, T12N, R29E, to the North West corner of said section, thence:

North along the East line of Section 19, T12N, R29E to the North East corner of said Section 19, thence:

West along the North line of said Section 19 to its North West corner, thence:

North along the East line of Sections 13, 12, 1, T12N, R28E, to the North East corner of said Section 1, thence:

West along the township line common to Townships 12 and 13 North, Range 28 East to the South East corner of Section 36, T13N, R28E, thence:

North along the East line of Sections 36, 25, T13N, R28E, to the North East corner of said Section 25, thence:

West along the North line of said Section 25 to its North West corner, thence:

North along the East line of Section 23, T13N, R28E, to its North East corner, thence:

West along the North line of said Section 23 to its North West corner, thence:

North along the East line of Section 15, T13N, R28E, to its North East corner, thence:

West along the North line of said Section 15 to its North West corner, thence:

North along the East line of Section 9, T13N, R28E, to its North East corner, thence:

West along the North line of said Section 9 to its North West corner, thence:

North along the East line of Section 5, T13N, R28E, to its North East corner, thence:

North along the East line of Section 32, T14N, R28E, to its North East corner, thence:

West along the North line of said Section 32 to its North West corner, thence:

North along the East line of Sections 30, 19, T14N, R28E, to the North East corner of said Section 19, thence:

West along the North line of said Section 19 to its North West corner, thence:

North along the East line of Sections 13, 12, T14N, R27E, to the North East corner of said Section 12, thence:

West along the North line of said Section 12 to its North West corner, thence:

North along the East line of Section 2, T14N, R27E, to its North East corner, thence:

West along the North line of said Section 2 to its North West corner, thence:

North along the East line of Section 34, T15N, R27E to its North East corner, thence:

West along the North line of said Section 34 to its North West corner, thence:

North along the East line of Section 28, T15N, R27E, to its North East corner, thence:

West along the North line of said Section 28 to its North West corner, thence:

North along the East line of Section 20, T15N, R27E, to its North East corner to the "point of beginning".

2. No person shall have the right or shall be permitted to enter, remain in, or leave the above described Total Exclusion Area No. 3, except upon permission by and in accordance with terms and conditions prescribed by the District Engineer, Manhattan District, Office of the Chief of Engineers, United States Army.

3. Any person violating the foregoing restrictions with respect to the Total Exclusion Area herein prescribed, or any of the terms or conditions of entering, remaining in, or departing therefrom, prescribed under authority hereof, will be subject to the criminal penalties provided by the Act of Congress approved March 21, 1942, entitled "An Act to Provide a Penalty for the Violation of Restrictions or Orders With Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones", (56 Stat. 173, 18 USCA, Sec. 97a), as well as to prosecution under applicable state laws against trespassing.

J. L. DEWITT,
Lieutenant General, U. S. Army.
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-11691; Filed, July 21, 1943; 9:26 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6517]

WESTERN UNION TELEGRAPH CO. AND POSTAL TELEGRAPH, INC.

ORDER FOR HEARING

In the matter of the application for merger of The Western Union Telegraph Company and Postal Telegraph, Inc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1943;

The Commission having under consideration requests from the Governor of the State of California, the Railroad Commission of the State of California, and others, that a public hearing be held on the West Coast for testimony by persons having an interest in the above proceeding and unable to appear at hearing held in Washington, D. C.; and

It appearing that the receipt of testimony from such persons with respect to the issues involved in the proposed merger is desirable in the public interest and will be best conducive to the expeditious and proper dispatch of the Commission's business;

It is ordered, That a public hearing be held beginning at 10:30 a. m., Pacific War Time, on July 28, 1943, in the City of San Francisco, California, at a specific place to be hereafter designated, for the receipt of testimony upon the issues involved in this proceeding from interested persons making a showing of their inability to present such testimony at the hearings herein currently being held in Washington, D. C.:

It is further ordered, That Commissioner Ray C. Wakefield is hereby authorized and designated to preside at such hearing and to invite any State Commission or Commissioner to sit with him at such hearing.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11693; Filed, July 21, 1943; 10:01 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 58 Under Service Order 123]

MISSOURI PACIFIC RAILROAD COMPANY

REICING POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or connection, to reice once in transit after the first or initial icing NRC 8181, NRC 5300, NRC 16279, NRC 10214, NRC 6816, NRC 4587, NRC 6561, NRC 15018, NRC 15586, NRC 10099, NRC 6704, NRC 15155, NRC 4443, NRC, 3127, NRC 5513, NRC 5323, NRC 5614, ART 19315, ART 15847, ART 19716, ART 19649, ART 19517, ART 18859, URT 3093, URT 9783, PFE 98495, IC 50473, NP 90136, SFRD 21890 containing potatoes now on hand at St. Louis, consigned to the Food Distribution Administration for reconsignment to Chicago; also for the Missouri-Kansas-Texas Railroad Company, or connection, to reice once in transit after the first or initial icing PFE 18505 and NRC 6797 containing potatoes now on hand at St. Louis, consigned to the Food Distribution Administration for reconsignment to Chicago.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C. this 10th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11697; Filed, July 21, 1943; 11:04 a. m.]

[Special Permit 25 Under Service Order 133]

CHICAGO, BURLINGTON AND QUINCY RAILROAD

REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Chicago, Burlington & Quincy Railroad Company to initially ice or reice, with both bunker and top or body ice (2,000 pounds of snow ice) PFE 52044 containing vegetables in mixed shipments destined Woodlawn, Nebraska; also for the Chicago, Burlington & Quincy Railroad Company to initially ice or reice, with both bunker and top or body ice (2,000 pounds of snow ice) PFE 92311 containing fruits and vegetables in mixed shipments destined Sioux Falls, South Dakota; also for The Kansas City Southern Railway Company to initially ice or reice, with both bunker and top or body ice (2,000 pounds of snow ice) NRC 12085 containing vegetables destined Camp Crowder, Missouri, all originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 10th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11698; Filed, July 21, 1943; 11:04 a. m.]

[Special Permit 26 Under Service Order 133]

SOUTHERN PACIFIC COMPANY, ET AL.

REICING LETTUCE IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago and North Western Railway Company (Charles M. Thomson, Trustee), or The Pennsylvania Railroad Company to initially ice or reice, with both bunker and top or body ice, NADX 12609 containing lettuce shipped by Growers Produce Dispatch, Salinas, California, consigned I. Cohen Sons, Pittsburgh, Pennsylvania.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 10th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11699; Filed, July 21, 1943; 11:05 a. m.]

[Special Permit 27 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING FRUITS AND VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

Any common carrier by railroad to initially ice or reice, with both bunker and top or body ice, MDT 8112 containing fruits and vegetables in mixed shipments shipped by Robert L. Berner Company, consigned to New River Grocery Co., Mabscott, West Virginia.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 10th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11700; Filed, July 21, 1943; 11:06 a. m.]

[Special Permit 28 Under Service Order 133]

UNION PACIFIC RAILROAD COMPANY

REICING VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Union Pacific Railroad Company to initially ice or reice, with both bunker and top or body ice (2,000 pounds of snow ice) PFE 51235 containing vegetables in mixed shipments destined Fort Riley, Kansas; also for the Chicago, Burlington & Quincy Railroad Company to initially ice or reice, with both bunker and top or body ice (2,000 pounds of snow ice) PFE 41733 containing fruits and vegetables in mixed shipments destined Sioux Falls, South Dakota; also for the Chicago, Burlington & Quincy Railroad Company, or connection, to initially ice or reice, with both bunker and top or body ice (1,000 pounds of snow ice) PFE 96131 containing fruits and vegetables in mixed shipments destined Sergeant Bluffs, Iowa; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to initially ice or reice, with both bunker and top or body ice, (1,500 pounds snow ice) PFE 92327 containing fruits and vegetables in mixed shipments destined Great Bend, Kansas, all originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 12th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11701; Filed, July 21, 1943; 11:06 a. m.]

[Special Permit 29 Under Service Order 133]

SOUTHERN PACIFIC COMPANY, ET AL.

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Henry A. Scandrett, Walter J. Cummings and George I. Haight, Trustees), the Indiana Harbor Belt Railroad Company, The New York, Chicago and St. Louis Railroad Company, or The Delaware, Lackawanna and Western Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 95797 shipped by Arena Co., Salinas, California, consigned to the Army Quartermaster Market Center, Jersey City, New Jersey.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 13th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11702; Filed, July 21, 1943; 11:06 a. m.]

[Special Permit 30 Under Service Order 133]

SOUTHERN PACIFIC COMPANY, ET AL.

REICING LETTUCE IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, the St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees), the Louisville and Nashville Railroad Company, or the Atlantic Coast Line Railroad Company to initially ice or reice, with both bunker and top or body ice, URT 85029 containing lettuce shipped by W & S Packing Company, Salinas, California, consigned to Shapiro Brothers, Thomasville, Georgia; also for the Southern Pacific Company, the Union Pacific Railroad Company, the St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees), or the Southern Railway Company to initially ice or reice, with both bunker and top or body ice, MDT 19769 containing lettuce from J. C. Thompson Company, Salinas, California, consigned Shapiro Brothers, Greensboro, North Carolina.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 13th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11703; Filed, July 21, 1943; 11:06 a. m.]

OFFICE OF ECONOMIC STABILIZATION.

PACIFIC ELECTRIC RAILWAY COMPANY

EMERGENCY BOARD WAGE RECOMMENDATIONS

JULY 19, 1943.

With reference to the recommendations of the Emergency Board selected from the National Railway Labor Panel on February 20, 1943, to investigate the facts of the dispute between the Pacific Electric Railway Company and certain of its employees respecting wage increases.

Pursuant to Public Law No. 729, 77th Congress, Second Session, October 2, 1942, Executive Order No. 9328 (8 F.R. 4681) and Executive Order No. 9299 (8 F.R. 1669), it is hereby directed that the Emergency Board's recommendations for increasing the hourly rates of pay for motormen and conductors from 77 to 90¢ on double track operations, from 82 to 95¢ on single track operations, and from 87¢ to $1.00 on one-man car operations, are disapproved insofar as the rates exceed, respectively, 80¢, 85¢ and 90¢. The wage recommendations for switchtenders, general yardmasters and yardmasters are not disapproved.

FRED M. VINSON,
Director,
Office of Economic Stabilization.

OPINION OF THE DIRECTOR

The Emergency Board recommended an increase in the hourly rates of pay for motormen and conductors in passenger service on the Pacific Electric Railway from 77 to 90¢ (82 to 95¢ on single track; 87¢ to $1.00 on one-man cars). The Board recommended increases for switchtenders from 60 to 78½¢ per hour, for general yardmasters from $282.80 to $316 per month, and for yardmasters from $272.80 to $296 per month.

The major transit system of Los Angeles is composed of the Pacific Electric, the Los Angeles Electric Railway Corporation, and the Los Angeles Motor Coach Lines. The Pacific Electric and the Los Angeles Railway each own half of the Motor Coach Company. At present the key rate on the Los Angeles Electric, the bigger of the two railways, is 80¢, and on the Pacific Electric, 77¢. While the Pacific Electric case was before the Emergency Board, the Los Angeles Railway in a nondispute proceeding, which was subject to approval by the War Labor Board, made an application for a 5¢ increase (to 85¢). The regional office referred the application to the National Board. The Emergency Board justified 5¢ of its 13¢ increase on this Los Angeles Railway application. Then after the Emergency Board in this case recommended its 13¢ increase (to 90¢), the Los Angeles Railway amended its application and requested an increase of 10¢ (to 90¢).

The 13¢ increase, as recommended by the Emergency Board, can be broken down into four steps: (1) 3¢ to bring Pacific Electric up to the Los Angeles Railway, (2) 3¢ to give Pacific Electric a differential over Los Angeles, (3) 5¢ to balance the assumed increase for Los Angeles, (4) 2¢ to narrow the difference between freight and passenger service on the Pacific Electric. The first step is sound. The last three steps cannot be justified.

A 3¢ increase on the Pacific Electric will bring its employees to the level of the Los Angeles Railway, which is the larger employer. The resulting 80¢ rate can be regarded as in conformity with the sound and tested going rate for the Los Angeles area. A 3¢ adjustment for the Pacific Electric employees, moreover, roughly approximates the permissible limit under the 15% Little Steel Formula.

The Emergency Board argued for and tried to create a differential in favor of the Pacific Electric over the Los Angeles Railway. The argument was based on the fact that before the Pacific Electric used the same rate for interurban and local service, there had been on the average a 3¢ difference. It was thought that Pacific Electric's competing rate with Los Angeles was its 3¢ higher interurban rate. The record shows, however, that the differential has fluctuated between the two companies. A differential established by governmental action in favor of either company at this time is not justified, in view of the fact that under a relatively free peacetime market, first one company and then the other paid the higher rate.

The Emergency Board predicated 5¢ of the increase on the Los Angeles application. That application is now for 10¢. This Office cannot assume that the National War Labor Board will approve the Los Angeles Railway application to the extent of 5¢, or in fact to any extent.

Lastly, the differential between Pacific Electric's own freight and passenger service has been one of vacillation. On the report before us, it is impossible to establish any proper differential.

This Office can and does approve an 80¢ rate for motormen and conductors engaged in double track operations on the Pacific Electric, an 85¢ one for those engaged in single track operations, and a 90¢ one for those operating one-man cars.

The wage recommendations for switchtenders, general yardmasters, and yardmasters stand in a different light. In the judgment of the Emergency Board these employees are engaged predominantly in work identical with freight service on standard steam roads. The rates recommended for these employees are those for such freight service. These recommendations are not disapproved.

[F. R. Doc. 43-11676; Filed, July 20, 1943; 1:17 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

CHARLES HUGHES & CO., INC.

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of July, A. D. 1943.

In the matter of Charles Hughes & Co., Inc., 32 Broadway, New York, N. Y.

Proceedings having been instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether or not the registration of Charles Hughes & Co., Inc., as a broker and dealer should be revoked; a hearing having been held after appropriate notice, and the Commission being fully advised and having this day issued its findings and opinion; on the basis of said findings and opinion, and pursuant to section 15 (b) of said Act, *It is ordered*, That the registration of Charles Hughes & Co., Inc., as a broker and dealer be and it hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11687; Filed, July 20, 1943; 5:10 p. m.]

[File Nos. 54-78, 54-40, 59-40, 54-53, 59-49]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

NOTICE OF FILING OF PLAN, ORDER FOR HEARING, AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 19th day of July, A. D. 1943.

In the matters of Consolidated Electric and Gas Company, File No. 54-78; Consolidated Electric and Gas Company, Applicant, File No. 54-40; Central Public Utility Corporation, Consolidated Electric and Gas Company, Respondents, File No. 59-40; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, Applicants, File No. 54-53; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, Respondents, File No. 59-49.

I

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the Act"), by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, whereby Consolidated seeks approval, pursuant to section 11 (e) of the Act, of a plan for certain actions designed to enable Consolidated and certain subsidiary companies of Consolidated to comply with the provisions of section 11 (b) of the Act, which plan is set forth in said application. All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Consolidated is a Delaware corporation and its business is exclusively that of a holding company. It is a registered holding company and is a subsidiary of Central Public Utility Corporation, a registered holding company and a subsidiary of Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner as Voting Trustees under a Voting Trust Agreement dated August 1, 1932 relating to the common stock of said Central Public Utility Corporation, said Trustees being also a registered public utility holding company.

As of December 31, 1942, Consolidated owned, directly or indirectly, forty-four subsidiary operating companies which, excluding certain interurban bus subsidiaries and subsidiaries operating in Spanish and Philippine jurisdictions, operated in 323 communities in 18 states of the United States and in four foreign countries. In addition to these operating subsidiary companies, Consolidated, as of said date, owned all of the equity securities and $8,959,421 of the $12,277,821 debt securities of The Islands Gas and Electric Company ("Islands"), Islands being also exclusively a holding company and holding securities of certain of the foreign indirect subsidiaries of Consolidated.

As of December 31, 1942 (and as of May 31, 1943), the capitalization of Consolidated was as follows:

Debt securities*	Principal amount outstanding December 31, 1942	Principal amount outstanding May 31, 1943
Federated Utilities, Inc.: First Lien Collateral Trust 5½% Bonds, due March 1, 1957 (assumed)	$5,024,500	$4,980,500
Southern Cities Utilities Company: Thirty-Year 5% First Lien and Collateral Trust Bonds, Series A, due April 1, 1958 (assumed)	6,979,000	6,979,000
Collateral Trust Bonds: 6% Series, due August 1, 1957	4,194,000	4,194,000
5%-6%, due August 1, 1962:		
A Series	11,605,000	11,424,500
B Series	1,707,500	1,707,500
Total	$32,510,000	$32,295,500

*Consolidated is also the guarantor of a 6% demand note of Islands in the principal amount of $2,500,000 payable to International General Electric Company, Inc., such guaranty being unconditional and extending to payment both of principal and interest.

Capital Stocks	*Par or Stated Value*
Common—Authorized, Issued and Outstanding, 1,000,000 Shares of $1 Par Value Each	$1,000,000
Class A Non-Cumulative Participating—Entitled to a Preference Dividend of $1.75 a Share and Preference in Liquidation of $25 a Share—Authorized, Issued and Outstanding, 1,480,000 Shares of $1 Par Value Each	1,480,000
Preferred — $6 Cumulative — No Par Value—Authorized, 400,000 Shares; Issued, 183,012 Shares (37 Shares held in Treasury); Outstanding, 182,975 Shares	18,297,300

At December 31, 1942, the dividend arrearages on the Preferred Stock totalled $11,316,981.55.

Consolidated has heretofore filed an application with this Commission (identified by this Commission's File No. 54-40) for approval of a plan for certain actions also designed to enable the Consolidated holding company system to comply with the provisions of section 11 (b) of the Act. It is stated that the present plan contemplates the prior or simultaneous consummation of the earlier plan, hereinabove identified, the application for approval of which is still pending before this Commission. Such prior plan, among other things, provides for the elimination of the preferred stock, Class A stock, and common stock of Consolidated and the issuance and delivery in lieu of such stocks of new common stock of a single class, 94.5% thereof to be distributed ratably to the holders of the presently outstanding preferred stock, and the remaining 5.5% of such new common stock to be distributed to the holders of the outstanding Class A stock of Consolidated.

The plan presently proposed provides for the satisfaction of all of the outstanding funded debt of Consolidated, including the $2,500,000 note of Islands guaranteed by Consolidated, by the delivery to the holders of the securities evidencing such debt of the common stocks of certain operating subsidiary companies of Consolidated and the common stock of certain new holding companies to be created initially as subsidiaries of Consolidated. Such common stocks are to be distributed to all holders of funded debt securities of Consolidated in accordance with the respective principal amounts thereof and without distinction between the different issues of such debt securities. It is stated that the number of shares so to be distributed will be supplied by amendment and that such stocks will be issued in or changed into that number of shares which, consistent with the size and capital of each company, will facilitate distribution. However, no certificates for fractional shares are to be issued, but in lieu thereof it is proposed that scrip certificates representing rights to such fractional shares be issued, such certificates to be exchangeable for full shares within a limited period, when accompanied by other certificates so that all so presented aggregate one or more whole shares, or, if not exchanged within such limited period, exchangeable thereafter for a pro rata share of the cash proceeds from the sale of the shares represented by such scrip.

The operating companies, the common stocks of which are to be distributed among the holders of the debt securities of Consolidated are:

Atlanta Gas Light Company.
Central Illinois Electric and Gas Co.
Central Indiana Gas Company.
Compania Electrica de Santo Domingo, C. por A.
Compagnie d'Eclairage Electrique des Villes de Port-au-Prince et du Cap Haitien.

The outstanding debt securities of the two last named companies (presently owned by Islands) will be converted into common stock prior to such distribution, and any such debt securities not converted will be cancelled.

The new subsidiary holding companies, the common stocks of which are to be distributed among the holders of the debt securities of Consolidated, and the subsidiaries (indented) to be owned by such new subsidiary holding companies, are:

Penn-Maryland Gas Co.:
Athens and Sayre Gas Company.
Bangor Gas Company.
Chambersburg Gas Company.

Penn-Maryland Gas Co.—Continued.
Citizens Gas Company.
Gas Light Company of Waverly (The).
Hagerstown Gas Company.
Jersey Shore Gas Company.
Martinsburg Gas Company.
Portsmouth Gas Company.
Pottsville Gas Company.
Virginia-Carolina Gas Co.:
Asheville Gas Company (The).
Bluefield Gas Company.
Commonwealth Public Service Corporation.
Durham Gas Company (The).
Lynchburg Gas Company.
Raleigh Gas Company (The).
Roanoke Gas Company.
Suffolk Gas Company.
Washington County Gas Company.

The following tabulation, set forth in the application of Consolidated, shows (a) with respect to the operating subsidiaries whose common stocks are to be distributed, the depreciated plant and property per books of each and the adjusted net earnings applicable to the common stocks so to be distributed, and (b) with respect to the operating subsidiaries to be owned by the two new subsidiary holding companies, the depreciated plant and property per books of each and the adjusted earnings applicable to the securities of such operating subsidiaries to be owned by each such new subsidiary holding company:

	Depreciated plant and property less publicly held securities at Dec. 31, 1942	Adjusted earnings [1]	
		1942	1943 estimated
Operating subsidiaries:			
Atlanta Gas Light Co.	$7,106,778	$550,037	$620,185
Central Illinois Electric and Gas Co.	7,882,528	752,811	729,995
Central Indiana Gas Co.	4,026,754	172,818	176,693
Compania Electrica de Santo Domingo, C. por A.	3,444,957	330,619	337,549
Compagnie d'Eclairage des Villes de Port-au-Prince et du Cap Haitien	1,402,370	45,983	27,769
Total	23,863,397	1,852,268	1,892,691
New subsidiary holding companies:			
Penn-Maryland Gas Co.:			
Athens and Sayre Gas Company	315,054	14,163	11,427
Bangor Gas Co.	136,681	8,799	7,812
Chambersburg Gas Co.	215,422	20,887	21,061
Citizens Gas Co.	116,158	9,772	7,174
Gas Light Co of Waverly (The)	85,404	6,145	5,913
Hagerstown Gas Co.	325,573	16,909	13,823
Jersey Shore Gas Co.	86,132	752	217
Martinsburg Gas Co.	304,022	Nil	166
Portsmouth Gas Co.	409,484	8,245	13,242
Pottsville Gas Co.	511,689	22,126	19,044
Total	2,505,919	107,798	101,879
Virginia-Carolina Gas Co.:			
Asheville Gas Co. (The)	863,421	8,970	10,471
Bluefield Gas Co	687,617	Nil	Nil
Commonwealth Public Service Corporation	10,326	Nil	Nil
Durham Gas Co. (The)	1,019,970	8,261	2,024
Lynchburg Gas Co.	575,877	22,295	24,112
Raleigh Gas Co. (The)	1,116,761	17,416	18,005
Roanoke Gas Co.	1,206,776	65,449	53,774
Suffolk Gas Co.	246,984	8,966	9,927
Washington County Gas Co.	466,862	2,707	Nil
Total	6,194,594	134,064	117,313
Total	32,563,910	2,094,130	2,111,283

[1] Earnings of each company are adjusted to reflect charges based on capitalization at Dec. 31, 1942, Federal income and excess profits taxes on the basis of separate corporate returns and rates contained in the 1942 Revenue Act, and elimination of material nonrecurring items affecting earnings.

It is stated that the Penn-Maryland Gas Co. will constitute a holding company under the Act and it is intended that such company, within a reasonable time after the consummation of the Plan, will effect the sale, for cash, of the subsidiaries held in such company or will liquidate or distribute its assets to its stockholders. It is stated that Virginia-Carolina Gas Co. will also constitute a holding company under the Act, but that Consolidated believes that the properties to be controlled by Virginia-Carolina Gas Co. will constitute an integrated public-utility system under the Act.

The securities of the following subsidiary operating companies, viz:

Florida Public Utilities Company.
Hoosier Gas Corporation.
Houghton County Electric Light Company.
Iron Range Light and Power Company.
Maine Public Service Company and its subsidiary, Maine and New Brunswick Electrical Power Company, Limited.
Mobile Gas Service Corporation.
Manila Gas Corporation.
Porto Rico Gas & Coke Company.
Union Electrica de Canarias, S. A.

will be placed in a new holding company which will be named "Consolidated Stockholders Liquidating Co." ("Liquidating Company") and the stock of the Liquidating Company will be distributed to the new common stockholders of Consolidated. It is stated that the Liquidating Company will constitute a holding company under the Act, but it is intended that such company, within a reasonable time after the consummation of the plan, will either effect the sale, for cash, of the subsidiaries held in such holding company or will liquidate and distribute its assets to its stockholders.

The remaining subsidiaries of Consolidated will then be as follows:

Carolina Coach Company, and its subsidiary, Carolina Coach Company of Virginia.
Lynchburg Transit Company.
Roanoke Railway and Electric Company.
Safety Motor Transit Corporation.
Southern Cities Ice Company.
Gas y Electricidad, S. A.

Of these ten companies, six are said not to be public-utility companies, as defined in the Act, and the remaining four operate outside the United States. On the basis of these facts, Consolidated will file an application for an exemption from the provisions of the Act.

The plan presently filed by Consolidated presupposes the consummation of certain transactions prior to the consummation of the plan. These transactions are the following:

(a) Consolidated is now a party to an agreement for the sale by it of its investment in Peoples Gas Company, a Texas Corporation, for approximately $1,246,000. Consolidated proposes to use such proceeds to acquire and retire approximately $1,500,000 principal amount of its assumed Southern Cities Utilities Company bonds (File No. 70–723).

(b) Consolidated proposes to acquire and retire $1,000,000 principal amount of its outstanding debt securities with free cash now in the treasury of Consolidated and with cash to be received by it during the calendar year 1943 out of the earnings of its subsidiaries.

(c) Consolidated will retire through sinking fund operations in the remainder of 1943, $30,000 principal amount of its debt securities.

(d) Islands has outstanding in the hands of the public $783,500 principal amount of its Twenty-five Year 5½% Sinking Fund Secured Gold Bonds, Series A, due March 1, 1953, which it proposes to redeem and retire.

(e) The Salem Gas Light Company, a subsidiary company of Consolidated, expects to effect the sale of all of its property for a very nominal consideration in cash and the assumption by the purchaser of its outstanding liabilities.

(f) Islands now owns a substantial amount of debt securities of Compania Electrica de Santo Domingo, C. por A., and Compagnie d'Eclairage Electrique des Villes de Port-Au-Prince et du Cap Haitien. Since the plan provides that only common stocks of these operating subsidiaries be distributed, it will be necessary to issue common stocks in exchange for these debt securities.

(g) Islands will be eliminated, either by way of total liquidation or merger with and into Consolidated, with the assumption by Consolidated of the outstanding 6% Demand Note in the principal amount of $2,500,000 of Islands payable to International General Electric Company, Inc.

II

As hereinabove stated, an earlier plan was filed with this Commission by Consolidated, pursuant to section 11 (e) of the Act to enable the holding company system of that company to comply with section 11 (b) of the Act, which plan (identified by the Commission's File No. 54–40) was summarized in a notice of filing and order for hearing issued by this Commission on December 27, 1941 (Holding Company Act Release No. 3225).

By the notice and order for hearing last mentioned, this Commission also (a) instituted proceedings with respect to Consolidated and with respect to its immediate parent, Central Public Utility Corporation, under sections 11 (b) (1) and 11 (b) (2) of the Act and set a date for hearing in regard thereto, and (b) consolidated said proceedings with the proceedings upon the application of Consolidated for approval of said earlier plan filed pursuant to section 11 (e) of the Act (File No. 54–40):

Thereafter Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, Voting Trustees under a Voting Trust Agreement dated August 1, 1932, relating to the common stock of Central Public Utility Corporation (said Trustees having registered as a holding company) filed an application or declaration with the Commission seeking authorization for the delivery by such Trustees of the common stock of Central Public Utility Corporation to the record holders of the voting trust certificates issued therefor pursuant to said trust agreement, or, if such authorization should be denied, for approval by the Commission of a plan pursuant to section 11 (e) of the Act, providing, among other things, for the surrender by such voting trustees of the common stock of Central Public Utility Corporation to that corporation for cancellation, the removal of the agent and depository under said trust agreement and the termination of said agreement (said application or declaration being designated by the Commission's File No. 54–43).

On June 15, 1942 (Holding Company Act Release No. 3615) the Commission issued its notice of filing of the application or declaration last mentioned, its order reconvening the hearings upon the section 11 (e) application of Consolidated theretofore instituted, as above mentioned, and the hearings upon said proceedings so instituted by the Commission pursuant to sections 11 (b) (1) and 11 (b) (2) of the Act in regard to Central Public Utility Corporation and Consolidated, and instituting a proceeding pursuant to said sections of the Act last mentioned in respect to said named Trustees, as such, and consolidating all of said several proceedings for purposes of hearing, subject to certain reservations relative to future severance of such proceedings as in said order set forth.

Public hearings have been held, after appropriate notice, and from time to time, upon the said applications, declarations and proceedings so consolidated.

III

It appearing to the Commission that common questions of law and of fact are involved in that application of Consolidated pursuant to section 11 (e) of the Act most recently filed of the several proceedings hereinabove mentioned, said application being identified by the Commission's File No. 54–78, in the proceedings upon the application of Consolidated, hereinabove mentioned and identified by the Commission's File No. 54–40, in the proceedings instituted by the Commission in respect of Central Public Utility Corporation and Consolidated, hereinabove mentioned and identified by the Commission's File No. 59–40, in the proceedings upon the application of Christopher H. Coughlin, and others, as Voting Trustees, hereinabove mentioned and identified by the Commission's File No. 54–53, and in the proceedings instituted by the Commission pursuant to sections 11 (b) (1) and 11 (b) (2) of the Act in respect of said Christopher H. Coughlin, and others, as Trustees, hereinabove mentioned and identified by the Commission's File No. 59–49;

It is ordered, That the said several proceedings listed in the preceding paragraph hereof and in the caption of this notice and order be, and the same are hereby, consolidated for hearing, and for all other purposes,

Provided, That the Commission reserves jurisdiction hereafter to sever for hearing, in whole or in part, or for disposition, in whole or in part, any issues presented by said several proceedings, applications and declarations so consolidated.

It is further ordered, That a hearing on said matters so consolidated be held on the 3rd day of August, 1943 at 10 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene therein shall file with the Secretary of the Commission on or before July 29th, 1943, his request or application therefor as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing hereby convened by mailing a copy of this order to all parties to the several proceedings hereby consolidated and that notice of said hearings be given to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of the issues presented in said several proceedings and otherwise to be considered, particular attention shall be directed at the hearing to the following matters and questions:

1. Whether the proposed allocation of common stock of subsidiary companies of Consolidated among the holders of the debt securities of Consolidated is fair and equitable to persons affected thereby, and particularly (a) whether said proposed allocation is fair and equitable as among the holders of such debt securities and (b) as between the holders of such debt securities and the holders of the several classes of stock of Consolidated;

2. Whether the creation of the new subholding companies as proposed in the plan of Consolidated will be detrimental to the carrying out of section 11 of the Act, and whether the acquisition by such new subsidiary holding companies of the securities of operating companies as proposed in said plan will meet the requirements of section 10 (c) (2) of the Act;

3. Whether the plan for which approval is presently sought, by that application designated under the Commission's File No. 54–78, is necessary to effectuate the provisions of section 11 (b) of the Act with respect to the holding company system of which Consolidated is a part;

4. In what respect, if any, the proposed plan should be modified or amended in order that the same may conform to the provisions of section 11 (b) of the Act and be fair and equitable to the persons affected thereby, and what terms and conditions, if any, should be imposed in any order approving such plan, if such order be entered, in the public interest or for the protection of investors or consumers, and

5. The several issues summarized and set forth in the notices of and orders for hearing heretofore entered in the several proceedings hereby consolidated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11688; Filed, July 20, 1943; 5:10 p. m.]

Reference

FEDERAL REGISTER

VOLUME 8 NUMBER 145

Washington, Friday, July 23, 1943

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

REAPPOINTMENT

Section 18.8 *Reappointment* is amended to read as follows:

§ 18.8 *Reappointment.* Subject to the prior approval of the Commission, a former civilian employee who has rendered at least one year of service in the executive branch of the Federal Government may be reappointed by war service appointment to any position for which he meets the standards as to experience and education established for open competitive examination for such position: *Provided, however,* That former employees entitled to military preference may be reemployed under this section without regard to the length of their previous Government service.

Such reappointment must be for actual service and not primarily for the purpose of bringing such former employee within the provisions of the Civil Service Retirement Act as amended.

Persons reappointed under this regulation will be required to serve a trial period of one year in accordance with §18.5 (c) of this chapter (E.O. 9063, 7 F.R. 1075)

NOTE: This section supersedes Civil Service Rule IX, 5 CFR, Part 9, with respect to positions covered by these regulations.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

JULY 20, 1943.

[F. R. Doc. 43-11775; Filed, July 22, 1943; 12:00 p. m.]

TITLE 7—AGRICULTURE

Chapter I—War Food Administration

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 52—CANNED FRUITS AND VEGETABLES (GRADING AND CERTIFICATION)

FEES FOR CERTAIN LABORATORY SERVICES

By virtue of the authority vested in the War Food Administrator, the following amendments to Title 7, Chapter I, Subchapter C, Part 52, and 1939, 1941 Supps., Code of Federal Regulations, as amended by 7 F.R. 6804 and 8 F.R. 3688, are promulgated:

Section 52.54 is amended to read:

§ 52.54 *Fees for grading commodities requiring microscopical analysis.* If the commodity graded is one the grade for which requires microscopical analysis for mold or for worm and insect fragments, an additional charge of $1.50 for each analysis for mold and an additional charge of $3.00 for each analysis for worm fragments shall be made. If the applicant requests that microscopical analysis be made of a composite sample of all containers in a sample, a charge of $1.50 or $3.00, or both, shall be charged for the applicable analysis and the certificate of grade shall indicate "microscopical analysis was made of a composite sample."

Section 52.55 is amended to read:

§ 52.55 *Fee for making alcohol-insoluble-solids determination.* If the commodity graded is one on which alcohol-insoluble-solids determinations are sometimes desirable, an additional charge of $3 for the first analysis and $2 for each additional analysis in the sample shall be made. Certificates of grade shall clearly indicate whether the determination was made on each can or on a composite sample.

Section. 52.62 (formerly § 52.63, which was renumbered when § 52.57 was revoked) is amended to read:

§ 52.62 *When charges are to be based on an hourly rate.* When grading is done and formal certificates are not issued or when the services rendered are such that charges based upon the

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
AGRICULTURAL ADJUSTMENT AGENCY:	
Insular agricultural conservation program, Hawaiian rice	10298
ALIEN PROPERTY CUSTODIAN:	
Vesting orders:	
Bauer Type Foundry, Inc.	10309
Etten, Joseph	10309
Faust, George F. and William K.	10310
Harlan, Samuel, Jr.	10310
Herzfeld, Hugo	10311
Hilprecht, Herman Vollrath	10311
Ilse, Ludwig	10311
Jacobi, Hugo	10312
Kaufmann, Baruch	10312
Keller, Ida A.	10313
Loew, Mathilde	10313
Lohse, John H.	10313
Lubbe, August	10314
Naccarato, Fred	10314
Naccarato, Sara	10314
Nimmerfroh, Vincent	10315
Oostendorp, Johanna, Jr.	10308
Pacsmag, Lydia	10315
Pipitone, Guiseppe	10315
Poll, Max	10316
Potter Title and Trust Co.	10316
Pukall, Karoline	10317
Rosenberg, Wm.	10317
Rucellai, Edith Bronson	10319
Sautter, Augusta	10317
Schmitt, Bertha	10319
Suhrbier, Christina	10318
Webers, Henry	10318
BITUMINOUS COAL DIVISION:	
District 13, minimum price schedule amended	10300
Hearings, etc.:	
District Board 11	10306
Ewell Fuel Co., et al.	10307
Meeks, Edgar	10306
Southern Coal Co., Inc.	10306
CIVIL SERVICE COMMISSION:	
War service regulations, reappointment	10297
FEDERAL COMMUNICATIONS COMMISSION:	
National defense; free service	10305
Western Union Telegraph Co. and Postal Telegraph, Inc., place of hearing	10308

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
FEDERAL POWER COMMISSION:	
Prince George's Gas Corp. and Washington Gas Light Co., hearing	10308
FEDERAL TRADE COMMISSION:	
Cease and desist orders:	
Fisher Nut and Chocolate Co.	10298
Kellner, Maurice J., Broker, etc	10299
Lekas and Drivas, Inc	10299
OFFICE OF DEFENSE TRANSPORTATION:	
Baltimore Storage Co., et al.: registration office for household goods motor carriers	10319
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Columbia Transfer Co	10302
Elk Transportation Co., Inc	10302
List of orders filed	10320
Apparel; women's, girls', children's and toddlers' outerwear garments (Rev. MPR 287, Corr.)	10304
Castings, high alloy (MPR 214, Am. 1)	10302
Catalysts (Rev. SR 1, Am. 21)	10304
Food products, packed (MPR 306, Am. 9, Corr.)	10304
Fuel oil rationing (RO 11, Am. 69, Corr.)	10304
Regional, state, and district office orders:	
Community ceiling prices, list of orders filed	10335
Fluid milk:	
Colorado	10331
Idaho	10330
Indiana (2 documents)	10324, 10325
Kentucky (4 documents)	10325, 10327, 10328
Massachusetts	10321
New Mexico (2 documents)	10334
Utah (4 documents)	10331, 10334, 10335
OFFICE OF PRICE ADMINISTRATION—Continued.	
Regional, state, and district office orders—Continued.	
Fluid milk—Continued.	
Wyoming (2 documents)	10328, 10333
Fruits and vegetables; Boise, Idaho	10328
Sugar rationing (RO 3, Am. 73)	10304
RECLAMATION BUREAU:	
Bear River Storage Projects, first form withdrawals:	
Idaho (2 documents)	10307
Wyoming (2 documents)	10307
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Beckwith, Earl Porter	10336
Pennsylvania Electric Co	10336
Philadelphia Stock Exchange	10337
TREASURY DEPARTMENT:	
7/8 percent Treasury Certificates of Indebtedness of Series D-1944	10305
WAR FOOD ADMINISTRATION:	
Canned fruits and vegetables, grading and certification fees	10297
WAR PRODUCTION BOARD:	
Abrasive products, bonded and coated (M-319-a)	10300
Farm machinery and equipment (L-257, Am. 1)	10300
Stop construction orders (3 documents)	10337, 10338
South Carolina bridge project, cancellation	10337
WAR SHIPPING ADMINISTRATION:	
Requisitioned vessel "Lois Nancy II", notice of deposit on account of just compensation	10338

foregoing sections would be inadequate or inequitable, charges may be assessed for the time consumed by the official grader on a basis approved by the Department.

(56 Stat. 664; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C. this 21st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11764; Filed, July 22, 1943; 11:22 a. m.]

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-Insular-1]

PART 702—INSULAR AGRICULTURAL CONSERVATION PROGRAM

1943 INSULAR REGION BULLETIN: HAWAIIAN RICE YIELD

Paragraph (c) of § 702.402 is hereby amended by the addition of a fourth subparagraph as follows:

(4) The 1943 State average yield of rice for the Territory of Hawaii is 42.12 hundredweight.

(49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 728; 55 Stat. 257, 860; 16 U.S.C. 590g–590q; 56 Stat. 761; E.O. 9322, of March 26, 1943, as amended by E.O. 9334, of April 19, 1943)

Issued at Washington, D. C., this 21st day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11719; Filed, July 21, 1943; 3:13 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4594]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FISHER NUT AND CHOCOLATE COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy and nut products, or other merchandise, (1) selling, etc., candy, nut products, or any other merchandise so packed or assembled that sales of said merchandise to the public are to be made or, due to the manner in which such candy, nut products, or other merchandise is packed or assembled at the time it is sold by respondent, may be made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with assortments of candy, nut products, or other merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used or may be used in selling or distributing said candy, nut products, or other merchandise to the public; or (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Fisher Nut and Chocolate Company, Docket 4594, July 7, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of July, A. D. 1943.

In the Matter of Fisher Nut and Chocolate Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent, Fisher Nut and Chocolate Company, a corporation, has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Fisher Nut and Chocolate Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of candy and nut products or other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing candy, nut products or any other merchandise so packed or assembled that sales of said merchandise to the public are to be made or, due to the manner in which such candy, nut products, or other merchandise is packed or assembled at the time it is sold by respondent, may be made by means of a game of chance, gift enterprise, or lottery scheme.

2. Supplying to, or placing in the hands of, others, push or pull cards, punch boards, or other lottery devices, either with assortments of candy, nut products, or other merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used or may be used in selling or distributing said candy, nut products, or other merchandise to the public.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11765; Filed, July 22, 1943; 11:26 a. m.]

[Docket No. 4796]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MAURICE J. KELLNER, BROKER, ETC.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the purchase of food products and other merchandise, in commerce, receiving or accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchases of food products or other merchandise made for respondent's own account; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., sec. 13 (c)) [Cease and desist order, Maurice J. Kellner, Broker, etc., Docket 4796, July 8, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1943.

In the Matter of Maurice J. Kellner, an Individual Doing Business as M. J. Kellner, Broker, M. J. Kellner Brokerage Company, Illinois Brokerage Company, and O-K Sales Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearings as to said facts, and expressly waives the filing of briefs and oral argument; and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of subsection (c) of section 2 of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (the Robinson-Patman Act) (U.S.C. Title 15, Sec. 13):

It is ordered, That the respondent, Maurice J. Kellner, individually and trading as M. J. Kellner, broker, M. J. Kellner Brokerage Company, Illinois Brokerage Company, and O-K Sales Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase of food products and other merchandise in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchases of food products or other merchandise made for respondent's own account.

It is further ordered, That the respondent shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11766; Filed, July 22, 1943; 11:26 a. m.]

[Docket No. 4815]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LEKAS AND DRIVAS, INC.

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleading—Results:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* In connection with offer, etc., of olive oil, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's olive oil, which advertisements represent, directly or through inference, (1) that respondent's olive oil, when taken internally, has any specific therapeutic value in the treatment or prevention of any disease or condition; (2) that respondent's olive oil is a tonic or that its use will invigorate or build up vital organs; (3) that respondent's olive oil will have any value in preventing appendicitis, gallstones, or infections of the bladder; (4) that respondent's olive oil, when applied externally, has any therapeutic value in the treatment of irritations of the skin other than that supplied by a lubricant; (5) that respondent's olive oil has any therapeutic value in the treatment or alleviation of pain resulting from neuralgia or rheumatism other than the beneficial effects which might be obtained from the rubbing or massage facilitated by the use of olive oil as a lubricant; (6) that the nutritional value of olive oil is comparable to, or greater than, dried or fresh meat; (7) that respondent's olive oil supplies substantial quantities of vitamins A or E or that it has any therapeutic value in the treatment of any condition where the use of such vitamins might be beneficial; or (8) that respondent's olive oil contains vitamin F; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Lekas and Drivas, Inc., Docket 4815, July 7, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence in suport of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Lekas and Drivas, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of olive oil, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or through inference,

a. That respondent's olive oil, when taken internally, has any specific therapeutic value in the treatment or prevention of any disease or condition.

b. That respondent's olive oil is a tonic or that its use will invigorate or build up vital organs.

c. That respondent's olive oil will have any value in preventing appendicitis, gallstones, or infections of the bladder.

d. That respondent's olive oil, when applied externally, has any therapeutic value in the treatment of irritations of

	Page
FEDERAL POWER COMMISSION:	
Prince George's Gas Corp. and Washington Gas Light Co., hearing	10308
FEDERAL TRADE COMMISSION:	
Cease and desist orders:	
Fisher Nut and Chocolate Co.	10298
Kellner, Maurice J., Broker, etc	10299
Lekas and Drivas, Inc	10299
OFFICE OF DEFENSE TRANSPORTATION:	
Baltimore Storage Co., et al.: registration office for household goods motor carriers	10319
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
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Catalysts (Rev. SR 1, Am. 21)	10304
Food products, packed (MPR 306, Am. 9, Corr.)	10304
Fuel oil rationing (RO 11, Am. 69, Corr.)	10304
Regional, state, and district office orders:	
Community ceiling prices, list of orders filed	10335
Fluid milk:	
Colorado	10331
Idaho	10330
Indiana (2 documents)	10324, 10325
Kentucky (4 documents)	10325, 10327, 10328
Massachusetts	10321
New Mexico (2 documents)	10334
Utah (4 documents)	10331, 10334, 10335
OFFICE OF PRICE ADMINISTRATION—Continued.	
Regional, state, and district office orders—Continued.	
Fluid milk—Continued.	
Wyoming (2 documents)	10328, 10333
Fruits and vegetables; Boise, Idaho	10328
Sugar rationing (RO 3, Am. 73)	10304
RECLAMATION BUREAU:	
Bear River Storage Projects, first form withdrawals:	
Idaho (2 documents)	10307
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Hearings, etc.:	
Beckwith, Earl Porter	10336
Pennsylvania Electric Co	10336
Philadelphia Stock Exchange	10337
TREASURY DEPARTMENT:	
7/8 percent Treasury Certificates of Indebtedness of Series D-1944	10305
WAR FOOD ADMINISTRATION:	
Canned fruits and vegetables, grading and certification fees	10297
WAR PRODUCTION BOARD:	
Abrasive products, bonded and coated (M-319-a)	10300
Farm machinery and equipment (L-257, Am. 1)	10300
Stop construction orders (3 documents)	10337, 10338
South Carolina bridge project, cancellation	10337
WAR SHIPPING ADMINISTRATION:	
Requisitioned vessel "Lois Nancy II", notice of deposit on account of just compensation	10338

the skin other than that supplied by a lubricant.

e. That respondent's olive oil has any therapeutic value in the treatment or alleviation of pain resulting from neuralgia or rheumatism other than the beneficial effects which might be obtained from the rubbing or massage facilitated by the use of olive oil as a lubricant.

f. That the nutritional value of olive oil is comparable to, or greater than, dried or fresh meat.

g. That respondent's olive oil supplies substantial quantities of vitamins A or E or that it has any therapeutic value in the treatment of any condition where the use of such vitamins might be beneficial.

h. That respondent's olive oil contains vitamin F.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's olive oil, which advertisement contains any of the representations prohibited in paragraph 1 hereof and the respective subdivisions thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11767; Filed, July 22, 1943; 11:26 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2046]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of Railway Fuel Company for the establishment of price classifications and minimum prices for coals produced by Mine Index No. 59 located in District No. 13.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Parrish Mine, Mine Index No. 50 of Railway Fuel Company for rail shipments to all railroads and for exclusive use of railroads; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

DISTRICT NO. 13

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R

[Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and power-house plants. For station heating, etc., in dump cars, or other than stated above, commercial prices as listed in other sections of this price schedule shall apply. For all sizes in Subdistrict No. 1. For all sizes customarily furnished railroads for locomotive fuel.]

Mine index No.	Central of Georgia	Seaboard Air Line Railway	St. Louis & San Francisco R. R. for consignment west of the Mississippi River	St. Louis & San Francisco R. R. for consignment east of the Mississippi River	A. B. & C. R. R.	All other railroads and railroads
70	250	250	230	250		250

[1] Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled mines whose purchases of coal are directly made by the controlling system.

[F. R. Doc. 43-11694; Filed, July 21, 1943; 10:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Amdt. 1 to Limitation Order L-257 as Amended July 14, 1943]

Paragraph (d) (4) *Small producers* of § 1029.15 *Limitation Order L-257* is hereby amended by adding at the end thereof the following sentence:

In addition, any small producer may, at his election, manufacture all items within his quota without regard to any requirements in paragraphs (c) (1) (ii), (c) (2) (ii) or paragraph (e) with respect to the filing or approval of production and delivery schedules.

Issued this 21st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11708; Filed, July 21, 1943; 12:32 p. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Conservation Order M-319-a]

BONDED AND COATED ABRASIVE PRODUCTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials required for the manufacture of bonded and coated abrasive products for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.92 *Conservation Order M-319-a*—(a) *Definitions.* For the purpose of this order:

(1) "Bonded abrasive product" means any abrasive product (excluding coated abrasive products) intended for the purpose of abrading, in which abrasive grain is held in a fixed position by any bonding agent;

(2) "Rubber bonded abrasive product" means any bonded abrasive product in which crude, reclaimed or synthetic rubber is used as a bonding agent;

(3) "Coated abrasive product" means any non-rigid abrasive product which consists of a flexible sheet or sheet-like backing on one or both surfaces of which there is attached by an adhesive a coating of one or more layers of abrasive grain.

(4) "Abrasive grain" means:

(i) Any silicon carbide or fused aluminum oxide which has been classified as to particle size by mechanical, hydraulic, pneumatic, or other methods.

(ii) Abrasive optical powders, abrasive flours, blasting grain, reclaimed grain, refractory grain, firesand, and other manufactured abrasive and refractory grain specialties, whether or not classified as to particle size.

The term does not include unfused or levigated alumina or natural abrasives such as emery, garnet, corundum and flint.

(5) "Reclaimed grain" means:

(i) Any abrasive grain recovered from wheel stubs or other baked or fired abrasive or refractory stock including lathe room turnings and dressings. The term does not include green shavings.

(ii) Any abrasive grain recovered from coated abrasive products;

(iii) Any abrasive grain previously used in grain form or on wheels in blasting, grinding, or polishing operations.

(6) "Aluminum oxide wheel grain" means any abrasive grain manufactured from fused aluminum oxide which is basically suitable for use in vitrified or resinoid bonded grinding wheels;

(7) "Producer" means any person who is engaged in the manufacture of bonded or coated abrasive products;

(8) "Importer" means any person who imports bonded or coated abrasive products from sources outside the forty-eight states of the United States, and the District of Columbia;

(9) "Ultimate purchaser" means any person who purchases bonded or coated abrasive products for use and not for resale.

(b) *Limitation on manufacture and sale of bonded abrasive products.* (1) On and after August 1, 1943, no producer or importer shall manufacture or sell any bonded abrasive product which contains abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size 80 or coarser, which he knows or has reason to believe is intended for use as one of the bonded abrasive products listed on Schedule A-1.

(2) Similarly, on and after August 1, 1943, no producer or importer shall manufacture or sell any bonded abrasive product containing aluminum oxide wheel grain (other than reclaimed grain) of any grit size 80 or coarser, which he knows or has reason to believe is intended for use as one of the bonded abrasive products listed on Schedule A-2.

(3) Any producer or importer may, however, sell any bonded abrasive product which he knows or has reason to believe was manufactured prior to August 1, 1943.

(c) *Limitation on manufacture and sale of rubber bonded abrasive products.* In addition to the limitations contained in paragraph (b), the following limitations shall apply to the manufacture and sale of rubber bonded abrasive products:

(1) On and after August 1, 1943, no person shall manufacture, buy, or sell rubber bonded abrasive products other than those listed in Schedule B-1, except as provided in the following paragraph (c) (2):

(2) Any person may also manufacture, buy, or sell any rubber bonded abrasive product required to perform any of the operations listed on Schedule B-2; *Provided, however*, That no person shall fill any order from an ultimate purchaser for a rubber bonded abrasive product other than the products listed on Schedule B-1 unless such order is accompanied by a certification by the ultimate purchaser, signed manually or as provided in Priorities Regulation No. 7, substantially as follows:

The rubber bonded abrasive products specified on this purchase order are required by the undersigned to perform one or more of the operations listed on Schedule B-2 of Conservation Order M-319-a.

Name and address of ultimate purchaser

By _____
Authorized signature

(3) The grade of rubber compound to be used in any rubber bonded abrasive products is governed by the provisions of List 13 of Appendix II to Rubber Order R-1.

(d) *Use of rubber cement.* The use of rubber cement as a tie gum for mounting abrasive blocks, discs, or wheels is not restricted by this order.

(e) *Limitation on manufacture and sale of coated abrasive products.* On and after August 1, 1943, no producer or importer shall coat or sell any coated abrasive product containing abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size 80 or coarser, which he knows or has reason to believe will be used for any of the purposes listed on Schedule C. Any producer or importer may, however, sell any coated abrasive product which he knows or has reason to believe was manufactured prior to August 1, 1943.

(f) *Limitation on inventories.* No person shall accept delivery of any bonded or coated abrasive product if the delivery will give him an inventory greater than that which he will need under his current practices during a period of sixty days, or greater than a minimum practicable working inventory, whichever is smaller. However, the following types of orders shall not be subject to this provision:

(1) Purchase orders placed by the Army, Navy, or Maritime Commission for bonded or coated abrasive products required for bases or supply depots outside the forty-eight states of the United States and the District of Columbia, or for bases or supply depots within the United States which are maintained for emergency purposes, or to supply such bases or supply depots outside the United States.

(2) Any purchase order specifically excepted from this restriction by the War Production Board.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time request, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(h) *Applicability of regulations.* All transactions affected by this order are subject to applicable provisions of the regulations of the War Production Board as amended from time to time.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to War Production Board, Tools Division, Washington, D. C., Reference: M-319-a.

Issued this 22d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A-1: The manufacture or sale of the following bonded abrasive products containing abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size 80 or coarser is restricted by paragraph (b):

1. Mill, burr, and hulling stones,
2. Grinding wheels, used in the following operations:
   a. Beveling or edging cut glass
   b. Grinding bath tubs and sanitary ware
   c. Grinding porcelain articles other than spark plugs
   d. Grinding stone products,
3. Advertising novelties,
4. Non-slip products, including non-slip tiles.

SCHEDULE A-2: The manufacture or sale of the following bonded abrasive products containing aluminum oxide wheel grain (other than reclaimed grain) of any grit size 80 or coarser is restricted by paragraph (b):

1. Oil stones,
2. Scythe stones,
3. All other sharpening stones and hand rub bricks,
4. Pulp stones,
5. Grinding wheels for use on hand grinders,
6. Air diffuser plates and tubes, except for maintenance and repair of existing facilities.

SCHEDULE B-1: Manufacture and sale of the following types of rubber bonded products is permitted by paragraph (c) (1):

1. Centerless grinding and centerless control wheels,
2. Shank mounted wheels and nut mounted bobs 3" and smaller in diameter,
3. Mounted sticks,
4. Cut-off wheels,
5. Bonded cork or cotton products.

SCHEDULE B-2: Manufacture and sale of rubber bonded abrasive products required to perform the following operations is permitted by paragraph (c) (2):

1. Ball and roller race grinding.
2. Grinding heat-sensitive steels.

3. Grinding rubber and asbestos products.
4. Side grinding operations with thin wheels for removal of fins and burrs where safety requires the use of a rubber bonded wheel.
5. Soft polishing operations.
6. Form grinding.
7. Slot grinding.
8. Weld grinding at the bottom of slots.
9. Precision grinding operations where the use of rubber bonded abrasive products is necessary to resist a dressing action.
10. Finish grinding stainless steel strip and sheet bars where rolling practice requires finishes obtainable only through the use of rubber bonded abrasive wheels.

SCHEDULE C: Coating and sale of coated abrasive products containing abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size 60 or coarser is restricted for the following purposes by paragraph (e):

1. Floor surfacing.
2. Wood working.
3. Shoe repairing.
4. Non-slip products.

[F. R. Doc. 43-11755; Filed, July 22, 1943; 10:27 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[Order 74 Under SR 15 to GMPR]

COLUMBIA TRANSFER CO.

Order No. 74 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to General Maximum Price Regulation; Docket No. GF3-3343.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1374 *Adjustment of maximum prices for contract carrier services furnished by Columbia Transfer Company.* (a) Columbia Transfer Company, a corporation, 713 West Pennway, Kansas City, Missouri, may charge and collect from Missouri Pacific Railroad Company, for contract carrier services performed in the States of Louisiana, Arkansas, and Mississippi on and after April 1, 1943, rates and charges not in excess of the following maximum prices:

For line haul service---- 17½¢ per truck mile.
For pick-up and delivery service. 7¢ per 100 pounds.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 74 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 74 shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11685; Filed, July 20, 1943; 4:31 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 88 Under § 1499.18 (c) of GMPR, Amdt. 1]

ELK TRANSPORTATION CO.

Amendment No. 1 to Order No. 88 under § 1499.18 (c) of the General Maximum Price Regulation; Docket No. GF3-1841.

An opinion accompanying this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1499.938 (a) is amended to read as follows:

(a) Elk Transportation Company, Inc. of 916 Grand Street, Brooklyn, New York, may sell and deliver, and the R. J. Reynolds Tobacco Company and the Philip Morris & Company, Ltd., Inc. may buy and receive from Elk Transportation Company, contract carrier services at prices not higher than those set forth below:

MAXIMUM PRICES, CENTS PER 100 POUNDS, FOR DELIVERY FROM HARBORSIDE WAREHOUSE, 26 EXCHANGE PLACE, OR 629 GROVE STREET, JERSEY CITY, NEW JERSEY

To	Truck load minima		Less than truck loads	Minimum charge per stop
	8,500 lbs.	10,000 lbs.		
Manhattan 86th St. and South			$0. 18½	$0. 20½	$0.90
Manhattan and Bronx North of 86th St.			.26½	.31½	.90
Brooklyn, N. Y.			.19½	.27½	.90
Jersey City, N. J. and Hoboken, N. J.	$0.16			.20	.90
Newark, N. J.	.18			.22½	.90
North Bergen, Irvington, Harrison, Kearney, N. J.	.18			.22½	1.30
East and West Oranges, N. J.	.20			.35	1.30
Elizabeth, N. J.	.20			.35	1.30
Bayonne, N. J.	.20			.35	1.30
Lakeview, N. J.	.20			.35	1.30
West New York, N. J.	.20			.35	1.30
Paterson, N. J.	.20			.34½	1.30
Passaic, N. J.	.20			.34½	1.30
Bloomfield, N. J.	.20			.35	1.30
Hackensack, N. J.	.20			.35	1.30
Hillside, N. J.	.20			.35	1.30
Montclair, N. J.	.20			.35	1.30
Teaneck, N. J.	.20			.35	1.30
Union City, N. J.	.20			.35	1.30
Carlstadt, N. J.	.20			.35	1.30
Rutley, N. J.	.20			.35	1.30
Rutherford, N. J.	.20			.29½	1.85
Jamaica, L. I.	.23			.29½	1.85
Queens, L. I.	.23			.29½	1.85
Glendale, L. I.	.23			.29½	1.85
Queens Village	.23			.29½	1.85
Long Island City, L. I.				.27½	1.30
Huntington, L. I.	.42			.58	1.85
Corona, L. I.				.41	1.85
Far Rockaway, L. I.				.48½	1.85
Patchogue, L. I.	.54½			.72½	1.85
Flushing, L. I.				.41	1.85
Central Islip and Kings Park				.72½	1.85
Freeport, L. I.				.53½	1.85
Garden City, L. I.				.41	1.85
Mineola, L. I.				.41	1.85
Mitchell Field, L. I.				.41	1.85
Hamipstead, L. I.				.41	1.85
St. Albans, L. I.				.53½	1.85
Woodside, L. I.				.49½	1.85
Welfare Island				.26½	1.85
Staten Island				.45	3.40
Governors Island, N. Y.					3.40
Fort Totten, N. Y.					3.40
Northport			.26½	.49½	4.75
Yonkers, N. Y.				.49½	1.30
Dover, N. J.				.49½	1.30
Metuchen, N. J.				.49½	1.30
New Brunswick, N. J.				.49½	1.30
Perth Amboy, N. J.				.49½	1.30
Wards Island				.32½	1.85
Brentwood, L. I.				.68½	1.85

This amendment shall become effective July 21, 1943.

(Pub. Law Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11684; Filed, July 20, 1943; 4:31 p. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 214[1], Amdt. 1]

HIGH ALLOY CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 214 is amended in the following respects:

1. Section 1421.3 is amended to read as follows:

§ 1421.3 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

2. Section 1421.8 is amended to read as follows:

§ 1421.8 *Petitions for amendment and applications for adjustment.* (a) Any producer who has entered into or proposes to enter into a contract for the sale of high alloy castings, who believes that the maximum price for such high alloy casting as established by this regulation impedes or threatens to impede the production of high alloy castings which are essential to the war program and which are or will be the subject of a contract for production essential to the war program may apply for, and the Price Administrator may grant, adjustment of the maximum price. The application for adjustment pursuant to this paragraph shall be made on Form No. 314:1 set out in Appendix D, incorporated herein as § 1421.18, or on a copy of said form made by applicant, and separate forms shall be used for each high alloy casting of different design or specification. Applications for such adjustment must be filed in accordance with Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration.

(b) Any person seeking an amendment of any provision of Maximum Price Regulation No. 214 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

3. Section 1421.13 (a) (3) is amended to read as follows:

(3) "High alloy casting" means any heat-resistant casting or corrosion-resistant casting, rough or machined, which has a ferrous and/or nickel base and which contains more than 8% alloy, and also means any chrome iron abrasion-resistant casting, rough or machined, which has a ferrous base and which contains more than 8% alloy. This definition does not include wear-resistant castings containing 10% or more manganese and commonly known as "Hadfield manganese" steel castings.

4. Section 1421.13 (a) (4) is amended to read as follows:

(4) "Heat-resistant casting" means chrome, nickel-chrome or chrome-nickel high alloy casting, which normally operates at a metal temperature of 900° Fahrenheit or higher, except castings used up to 1200° Fahrenheit operated under conditions of high pressure and corrosion.

5. Section 1421.13 (a) (5) is amended to read as follows:

(5) "Corrosion-resistant casting" means any chrome, nickel-chrome or chrome-nickel high alloy casting, which normally operates in contact with corrosive agents at temperatures less than 900 Fahrenheit, including castings used up to 1200° Fahrenheit under conditions of high pressure and corrosion.

6. Section 1421.13 (a) (9) is amended to read as follows:

(9) "Machining" means any operation beyond the normal foundry processes performed for the purpose of providing casting surfaces or dimensions to conform to specifications of the purchaser.

7. Footnote 9 of § 1421.15 (a) (1) (ii) is amended to read as follows:

Example: Assume the highest price in the base period was established by a sale of 8 25-lb. heat-resistant castings, 67% (65%-69% tolerance) nickel and 17% (15%-19% tolerance) chromium analysis, at $1.00 per lb. An order is received after the effective date of this Maximum Price Regulation No. 214 for another 8 castings of the same design but of an analysis of 35% (34%-36% tolerance) nickel and 15% (13%-17% tolerance) chromium. This is 32% less nickel and 2% less chromium than the base period sale. The applicable per lb. differential (§ 1421.16 (b)) is .5¢ for nickel and .2¢ for chromium for each 1% difference in content. The maximum price for the rough castings on the new order is 83.6¢ per lb computed as follows:

32 × 5¢ = 16.0¢ deduction for nickel
2 × .2¢ = .4¢ deduction for chromium

16.4¢ per lb. total deduction
$1.00 − 16.4¢ = 83.6¢ per lb.

8. Section 1421.15 (a) (2) is amended to read as follows:

(2) *Extras.* There may be added to the maximum price of the rough casting an amount for extras, other than machining, not in excess of the amount customarily charged by such producer on similar sales during the base period, but only where such extras are furnished and have not already been included in the maximum price for the rough casting. Where a producer had no customary base period extra where castings were subject to rejection by non-destructive examination, the maximum extra which may be charged shall be such charge as may be approved by the Office of Price Administration, Washington, D. C. upon submission by the producer of a proposed charge together with data substantiating the fairness and equity of such charge.

9. In the headings of the tables in § 1421.16 (a) (1) and (2) and in § 1421.16 (b) the words "number of castings per pattern" are amended to read "Number of castings per pattern per order."

10. Section 1421.16 (a) (3) (i) is amended to read as follows:

(i) *Nickel and/or chromium:*
Nickel, 0.8¢ per lb. for each 1% difference.
Chromium, 0.6¢ per lb. for each 1% difference.

Provided, That on chrome, or chrome-nickel alloys where the chromium content is in excess of 8% and the nickel content, if any, is less than 3% and no other alloying elements are present, no deductions need be made from the base price in the schedules in subparagraphs (1) and (2) above on account of nickel difference from the basic analysis.

11. The alloy designation "GG-7MC" in footnote 10 to § 1421.16 (a) (3) is amended to read "GG-7MC".

12. Footnote 11 to § 1421.16 (b) is amended to read as follows:

[11] Example:

Alloy designation	Chromium	Nickel
	Percent	*Percent*
11S	8-12	29-32

	Cents
Chromium, deduct	3.0
Nickel, add	9.5
Add to base price	6.5

13. The list of price differentials for nickel-chromium alloy content differences in § 1421.16 (b) is amended to read as follows:

Nickel and/or chromium:
Nickel, 0.5¢ per lb. for each 1% difference.
Chromium, 0.2¢ per lb. for each 1% difference.

Provided, That on chrome, or chrome-nickel alloys where the chromium content is in excess of 8% and the nickel content, if any, is less than 3% and no other alloying elements are present, no deductions need be made from the base price in the schedules in paragraphs (a) (1) and (a) (2) above on account of nickel difference from the basic analysis.

14. Section 1421.17 (a) (2) is amended to read as follows:

(2) *Special specification extras.* An extra charge of 5¢ per pound may be added to the pound price for castings that are subject to United States Navy specifications 46-S-27A or 46-S-27 (INT).

15. A new subparagraph (5) is added to § 1421.17 (a) to read as follows:

(5) *Non-destructive examination.* When castings are subject to rejection by non-destructive examination there may be added an amount not in excess of the selling producer's customary base period extra on similar sales. Where the selling producer had no customary base period extra, the maximum extra which may be charged shall be such charge as may be approved by the Office of Price Administration, Washington, D. C., upon submission by the producer of a proposed charge together with data substantiating the fairness and equity of such charge.

16. Section 1421.17 (b) is amended to read as follows:

(b) The following are the maximum charges for machining where furnished and applicable:

(1) *Where performed by an independent machine shop.* (i) Where machining of high alloy castings is let out to independent machine shops by a producer who customarily let out such machining on March 31, 1942, the machining charge which may be added shall not exceed the price paid or payable by such producer to the independent machine shop for the machining plus such additional charge, if any, as would have been customarily made by such producer on March 31, 1942; *Provided*, That each producer who customarily let out machining on high alloy castings to independent machine shops on March 31, 1942 shall file with the Iron and Steel Branch, Office of Price Administration, Washington, D. C., on or before August 17, 1943 a statement of his customary method on March 31, 1942 of computing charges for such machining. This filing need not be made if his customary method on March 31, 1942 was the same as between October 1 and October 15, 1941 and he has already filed with the Office of Price Administration his method on the latter date. (ii) Where a producer did not customarily let out machining of high alloy castings to independent machine shops on March 31, 1942 and, at any time on or after August 17, 1943, does let out such machining, to an independent machine shop, his charge for such machining may not exceed the price paid or payable by him to the independent machine shop for such machining: *Provided*, That if the Office of Price Administration has approved for such producer an additional charge for machining let out to independent machine shops, such charge may be added. In order to obtain approval of an additional charge the producer must submit to the Iron and Steel Branch of the Office of Price Administration, Washington, D. C. a proposed ad-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7001, 8948.

[2] 7 F.R. 8961

ditional charge together with data substantiating the fairness of the proposed charge. Where such proposed additional charge and the substantiating data have been submitted, the Office of Price Administration shall, in writing, approve or disapprove such charge, or may approve such charge as it may deem fair and equitable, within thirty days from the time the proposed additional charge is received by said Iron and Steel Branch. If no action is taken within these thirty days, the proposed charge shall be deemed approved. Pending approval or disapproval as above, the producer may use the proposed charge subject to adjustment in accordance with the determination of the Office of Price Administration.

(2) *Where performed by the producer.* (i) If a producer had machine-hour rates in effect on March 31, 1942 for the machining of high alloy castings sold by him, the maximum charge which may be added shall not exceed the net charge, computed by use of said machine-hour rates, which the producer customarily would have made on March 31, 1942 to the purchaser. (ii) Where a producer had no machine-hour rates in effect on March 31, 1942 the maximum charge which may be added for machining of high alloy castings sold by him shall be determined by application of the methods of estimating costs and prices, labor rates, overhead rates, material and other costs and profit margins in effect for such producer on March 31, 1942. "Labor rates in effect on March 31, 1942" are the labor rates prevailing on that date in the producer's machine shop for each classification of labor: *Provided*, That where such producer employs labor of a classification not employed on March 31, 1942, he shall apply the rate prevailing on that date for such classification in the locality in which the machining is to be performed or, if such classification was not used in that locality on March 31, 1942, he shall apply the rate prevailing on that date for the nearest skill in his locality as accurately as he is able to determine the same with reasonably diligent inquiry. (iii) Where a producer did not customarily on March 31, 1942 machine high alloy castings sold by him, or where he has acquired new machines since March 31, 1942 for which maximum charges are not established by (i) or (ii) above, the maximum charge which may be added in such cases for machining shall be not in excess of such charge as is determined in accordance with a price determining method approved for such producer by the Office of Price Administration. Where such producer wishes to add a charge for machining in such cases he must submit to the Iron and Steel Branch of the Office of Price Administration, a proposed price determining method for ascertaining such a charge together with data substantiating it. The Office of Price Administration shall, in writing, approve or disapprove such price determining method or may approve such price determining method as it may deem fair and equitable within thirty days from the date such proposed price determining method is received by said Iron and Steel Branch. If no action is taken within these thirty days the proposed price determining method shall be deemed approved. Pending approval or disapproval as above, the producer may use the proposed price determining method subject to adjustment in accordance with the determination of the Office of Price Administration.

17. Footnote 2 of § 1421.19 is amended to read as follows:

[2] If the practice of your foundry is to allocate shop overhead to departments, report overhead by departments. If, however, "General Shop Overhead" is not broken down by departments, report only as "General Shop Overhead". If shop overhead by departments is used as well as "General Shop Overhead" not directly applicable to departments, report both by departments and also by "General Shop Overhead".

18. The verification in Form 314:2 in § 1421.19 is revoked and a certification is added to Form 314:2 to read as follows:

Name of Applicant	Officer Signing	Title

I certify that the statements contained herein are true and complete, and, to the best of my knowledge and belief, the estimates contained herein are correct.

Signature

This Amendment No. 1 shall become effective July 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11723; Filed, July 21, 1943; 4:54 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 21]

CATALYSTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 is amended in the following respects:

1. Section 2.5 **(b)** (1) is amended by deleting the words "and cracking catalysts, either liquid or vapor phase" at the end of the sentence, and substituting the following: "and catalysts."

2. Section 2.5 (b) (2) is amended by deleting the word "dehydrogenation" wherever it appears therein.

3. Section 2.5 (b) (3) is amended by substituting for the period after "toluene" a comma, and adding the following words: "and catalysts."

This amendment shall become effective July 27, 1943.

*Copies may be obtained from the Office of Price Administration.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11724; Filed, July 21, 1943; 4:55 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306, Amdt. 9]

CERTAIN PACKED FOOD PRODUCTS

Correction

In the document appearing on page 9291 of the issue for Wednesday, July 7, 1943, the last two sentences of § 1341.565 (e) should read: "For example, if a processor wishes to sell both Grade A and Grade B peas under the brand name "John Doe", he must sell Grade A as John Doe Grade A, Fancy, Supreme or other appropriate term and he must sell Grade B as John Doe Grade B, Extra Standard, Superior or other appropriate term. However, the processor may sell Grade A peas and Grade B corn under the same brand name without the addition of such distinguishing words or symbols on the respective labels."

In the table in § 1341.584 (d) (9) (i), the figure opposite Texas (Fannin, Lamar, Red River, Bowie and Cass counties) should read .08.

PART 1389—APPAREL

[Rev. MPR 287]

MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS' CHILDREN'S AND TODDLER'S OUTERWEAR GARMENTS

Correction

In the table in section 29 of the document appearing on page 9122 of the issue for Saturday, July 3, 1943, the following figures should appear under the heading, "Over-riding margin": 41.3, 41.9, 42.5, 43.1, 43.6, 44.2, 44.8, 45.4, 46.0.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amdt. 69]

FUEL OIL RATIONING REGULATIONS

Correction

In the table in § 1394.5851 (a) (3) of the document appearing on page 9219 of the issue for July 6, 1943, the following figures for Sub-Zone 6 should appear in Column (5) under the heading "Gal. per Sq. Ft.": 1.715, 1.715, 1.715, 1.715, 1.715. The corresponding figures in Column (6) should read: 1.315, 1.315, 1.315, 1.315, 1.315.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 73]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith,

[1] 8 F.R. 5909, 5846, 6135, 6142, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 8811.

has been filed with the Division of the Federal Register.*

Section 1407.89 (a) is amended by adding the following sentence: "However, for any packing season not ended prior to July 21, 1943, a registering unit may use a maximum sugar allowance per unit of 24/2½'s for the packing of each fruit, of 100 percent of the average quantity of sugar used per unit of all grades of such fruit (converted into 24/2½'s) during 1941."

This amendment shall become effective July 21, 1943.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 21st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11722; Filed, July 21, 1943; 4:54 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—GENERAL RULES AND REGULATIONS

NATIONAL DEFENSE; FREE SERVICE

The Commission on July 20, 1943, effective immediately, amended § 2.91 as follows:

§ 2.91 *National defense; free service.* Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of six months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11760; Filed, July 22, 1943; 10:37 a. m.]

*Copies may be obtained from the Office of Price Administration.

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1943 Dept. Cir. 717]

⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D-1944

JULY 22, 1943.

I. OFFERING OF CERTIFICATES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated ⅞ percent Treasury Certificates of Indebtedness of Series D-1944, in exchange for Treasury Certificates of Indebtedness of Series B-1943, maturing August 1, 1943. In addition, $900,000,000, or thereabouts, of the new certificates are offered for subscription for their own account by commercial banks, which are defined for this purpose as banks accepting demand deposits.

II. DESCRIPTION OF CERTIFICATES

1. The certificates will be dated August 2, 1943, and will bear interest from that date at the rate of ⅞ percent per annum, payable on a semiannual basis on February 1 and August 1, 1944. They will mature August 1, 1944, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit exchange subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Cash subscriptions from commercial banks for their own account will be received without deposit but will be restricted in each case to an amount not exceeding the combined capital, surplus and undivided profits, or 5 percent of the total deposits, whichever is greater, of the subscribing bank.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions in payment of which Treasury Certificates of Indebtedness of Series B-1943 are tendered will be allotted in full. All cash subscriptions will be allotted on an equal percentage basis, to be publicly announced. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for certificates allotted on cash subscriptions hereunder must be made or completed on or before August 2, 1943, or on later allotment. Any qualified depositary will be permitted to make payment by credit for certificates allotted to it up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District. Treasury Certificates of Indebtedness of Series B-1943, maturing August 1, 1943, will be accepted at par in payment for any certificates subscribed for and allotted, and should accompany the subscription.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 43-11761; Filed, July 22, 1943; 10:40 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. B-80, 1832-FD]

SOUTHERN COAL COMPANY

ORDER GRANTING MOTIONS, DISMISSING PROCEEDINGS, TERMINATING MATTERS, AND CANCELLING HEARINGS

In the matter of Southern Coal Company, Inc., registered distributor, registration No. 8561, respondent.

Southern Coal Company, Inc., respondent in each of the above-entitled matters, having filed with the Bituminous Coal Division on June 23, 1943, motions for the dismissal of each the proceedings herein; and

It appearing to the Director that good cause has been shown for the granting of said motions;

Now, therefore, it is ordered, That the said motions be and they hereby are granted, the proceedings dismissed, and the matters terminated; and

It is further ordered, That the hearings herein, heretofore postponed by Order of the Director dated December 11, 1941, to a date and place to be thereafter designated by an appropriate order, be and they hereby are cancelled.

Dated: July 20, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11771; Filed, July 22, 1943; 11:30 a. m.]

[Docket No. A-1956]

DISTRICT BOARD 11

MEMORANDUM OPINION AND ORDER MODIFYING TEMPORARY RELIEF HERETOFORE GRANTED AND TERMINATING TEMPORARY RELIEF

In the matter of the petition of District Board No. 11 for the establishment of temporary price classifications and minimum prices for Mine Index No. 1390.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division on April 21, 1943 by the above-named party which requested the temporary establishment of price classifications and minimum prices for the coals of the Minnehaha Seventh Vein Mine, Mine Index No. 1390. The petition recited that Mine Index No. 1390 is a new mine being developed in the seventh vein seam which would not be operating on a full schedule for three or four months from the date of the petition because of undelivered equipment, and requested permission to mix temporarily the production of the Minnehaha Seventh Vein Mine in average proportions of 25 percent seventh vein coal with 75 percent sixth vein coal produced by the Minnehaha Sixth Vein Mine in order to dispose of the current production of the coals produced by Mine Index No. 1390.

By order issued April 27, 1943 in the above-entitled matter temporary relief was granted as requested, except that no limitation was imposed upon the proportions in which the coals of the two mines were to be mixed, because of the indefiniteness of the limitation proposed by the petition and because it did not appear that any person would be prejudiced by the absence of such limitation.

Subsequent to the date of the order granting temporary relief in the above-entitled matter, the Bituminous Coal Consumers' Counsel filed a motion requesting that the temporary relief granted by the Order dated April 27, 1943 be modified to provide that the minimum prices established therein be applicable only when the coals of the two mines are mixed in average proportions of 25 percent seventh vein and 75 percent sixth vein; that when such mixtures are sold the invoices properly identify the component coals comprising the mixture; and that the temporary relief terminate four months from the date of filing of the original petition, unless extended by the Director for a further limited period of time.

In support of this motion the Bituminous Coal Consumers' Counsel states, among other matters, that the failure of the said Order to provide a limitation in average proportions of 25 percent seventh vein coal produced by the Minnehaha Seventh Vein Mine mixed with 75 percent sixth vein coal produced by the Minnehaha Sixth Vein Mine, results in the granting of more relief than requested in the original petition, to the prejudice of consumers and that the invoices for the coals of said mixture should properly identify the component coals comprising the mixture, in order that the consumer may have notice of the kind of coal purchased.

Thereafter, petitioner filed a request that the motion of the Bituminous Coal Consumers' Counsel be denied. In support of this request petitioner set forth that the production of coal by the Minnehaha Seventh Vein Mine and the Minnehaha Sixth Veil Mine varies from day to day and that it would be impossible to determine more than by an approximation the amount of the mixture of seventh vein coal and sixth vein coal in any one car, and that since no accurate determination can be made of the percentage of seventh vein coal and sixth vein coal when mixed the invoices for such mixtures could not properly identify the proportions of the component coals. Petitioner further set forth that the code member is diligent in its efforts to secure the equipment necessary to place its Minnehaha Seventh Vein Mine in complete operation, and that a termination of the temporary relief heretofore granted four months from the date of filing of the original petition would merely require repeated extensions of the temporary relief until the necessary equipment is installed at said mine.

It appears that the motion of the Bituminous Coal Consumers' Counsel to limit the mixture of the coals produced by the Minnehaha Seventh Vein Mine with Minnehaha Sixth Vein Mine in average proportions of 25 percent seventh vein and 75 percent sixth vein, respectively, and to terminate the temporary relief heretofore granted four months from the date of filing the original petition should be denied, for the reasons that it would be difficult if not impossible to determine as to each car the proportions of the mixture, and that the termination of the temporary relief on a specific date has been rendered moot in view of the fact that the Bituminous Coal Act of 1937 will cease to be in effect on August 24, 1943.

It appears, however, that even though it may be impracticable to ascertain the proportions of the mixture shipped in each carload, it is feasible for invoices covering mixtures of the coals involved to indicate that the shipment includes both Minnehaha Seventh Vein Mine and Minnehaha Sixth Vein Mine coals.

Now, therefore, it is ordered, That "Supplement R" attached to and made a part of the Order Granting Temporary Relief, issued April 27, 1943, in the above-entitled matter be, and it hereby is, amended by adding thereto the following language: "When coals produced at Mine Index No. 1390 are mixed with the coals produced at Mine Index No. 60 the invoices for such mixture of coal shall indicate the identity and source of the coal."

It is further ordered, That the said order issued in the above-entitled matter on April 27, 1943, shall terminate as of 12:01 a. m., August 24, 1943.

Dated: July 20, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11770; Filed, July 22, 1943; 11:30 a. m.]

[Docket No. 1794-FD]

EDGAR MEEKS

ORDER GRANTING MOTION TO DISMISS COMPLAINT, CANCELING HEARING, AND TERMINATING MATTER

On July 10, 1943, the Bituminous Coal Producers Board for District No. 13, Complainant in the above-entitled matter, filed a motion to dismiss the charges herein, and the Director deems it advisable to grant said motion and terminate the proceeding.

It is therefore ordered, That the complaint herein be, and it hereby is, dismissed.

It is further ordered, That the hearing herein, heretofore postponed by order dated September 11, 1941, to a date and place to be thereafter designated by an appropriate order, be, and the same hereby is, canceled and the proceeding terminated.

Dated: July 20, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11769; Filed, July 22, 1943; 11:30 a. m.]

[Docket Nos. 1664-FD, B-165, B-127, B-280, 1760-FD]

EWELL FUEL COMPANY, ET AL.

ORDER CANCELLING HEARINGS

In the matter of Frank David Ewell, Jr., Ewell Fuel Co., registered distributor, Registration No. 2838, respondent; Docket No. 1664-FD.

In the matter of Earl Henry and D. Henry, individually and as copartners, doing business under the name and style of Henry Coal Company, code member, defendants; Docket No. B-165.

In the matter of J. A. Williamson, J. W. Gilliam, R. L. Beare, Jr., individually and as copartners, doing business under the name and style of Beare Fuel Company, registered distributor, Registration No. 0554, respondents; Docket No. B-127.

In the matter of Kirkpatrick Coal Company, registered distributor, Registration No. 5103; Docket No. B-280.

In the matter of J. P. Clark, defendant; Docket No. 1760-FD.

In each of the above-entitled matters a hearing has heretofore been scheduled and, by appropriate order, postponed to a date and place to be thereafter designated.

It is now ordered, That the hearing in each of the aforementioned matters be, and the same is, hereby cancelled and the proceeding terminated.

Dated: July 21, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11768; Filed, July 22, 1943; 11:30 a. m.]

Bureau of Reclamation.

BEAR RIVER STORAGE PROJECTS, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 14, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

BEAR RIVER STORAGE PROJECTS

SIXTH PRINCIPAL MERIDIAN, WYOMING

Sulphur Creek Reservoir Site

T. 14 N., R. 119 W.,
Sec. 28, N½S½;
Sec. 34, N½NE¼;
Sec. 35, lots 9, 10.

Coyote Creek Reservoir Site

T. 14, N., R. 120 W.,
Sec. 20, S½;
Sec. 28, S½;
Sec. 30, lot 2, S½NE¼, SE¼NW¼.
T. 14 N., R. 121 W.,
Sec. 24, S½SE¼;
Sec. 26, NE¼, S½S½.

Pleasant Valley Reservoir Site

T. 15 N., R. 120 W.,
Sec. 2, S½;
Sec. 4, SE¼;
Sec. 10, S½S½, W½NW¼.
T. 16 N., R. 120 W.,
Sec. 34, SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: July 7, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 13, 1943.

[F. R. Doc. 43-11778; Filed, July 22, 1943; 11:55 a. m.]

BEAR RIVER STORAGE PROJECTS, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 14, 1943.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

BEAR RIVER STORAGE PROJECTS

SIXTH PRINCIPAL MERIDIAN, WYOMING

Poker Hollow Reservoir Site

T. 29 N., R. 117 W., unsurveyed
Sec. 3;
Sec. 4, E½;
Sec. 9, E½, SW¼;
Sec. 10, N½, SW¼;
Sec. 16, N½.

Hobble Reservoir Site

T. 27 N., R. 118 W.,
Sec. 1, lots 5, 6, 7, 8, S½N½, SW¼;
Sec. 2 lots 5, 6, 7, 8, S½N½.
T. 28 N., R. 118 W.,
Sec 35, S½.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: July 7, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 13, 1943.

[F. R. Doc. 43-11777; Filed, July 22, 1943; 11:55 a. m.]

BEAR RIVER STORAGE PROJECTS, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 26, 1943.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

BEAR RIVER STORAGE PROJECTS

BOISE MERIDIAN, IDAHO

Georgetown Canyon Reservoir Site

T. 11 S., R. 44 E.,
Sec. 3, Lots 1, 2, 3, 4, 5, S½NE¼, SE¼NW¼;

Elbow Reservoir Site

T. 12 S., R. 45 E.,
Sec. 22, E½;
Sec. 27, E½.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: July 8, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 15, 1943.

[F. R. Doc. 43-11780; Filed, July 22, 1943; 11:56 a. m.]

BEAR RIVER STORAGE PROJECTS, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 26, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

BEAR RIVER STORAGE PROJECTS

BOISE MERIDIAN, IDAHO

Oneida Reservoir Site

T. 13 S., R. 40 E.,
Sec. 12, SE¼SE¼;
Sec. 13, NE¼, SW¼, W½SE¼, NE¼SE¼;

Sec. 23, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 24, NW¼;
Sec. 25, W½NW¼;
Sec. 27, N½SE¼, SE¼SE¼;
Sec. 34, E½E½;
Sec. 35, SE¼NW¼, E½SW¼.
T. 14 S., R. 40 E.,
Sec. 3, Lot 1, SE¼NE¼, S½;
Sec. 9, Lots 1 to 6, inclusive;
Sec. 10, W½;
Sec. 15, NW¼NW¼.
T. 13 S., R. 41 E.,
Sec. 6, Lots 5, 6, 7, E½SW¼, W½SE¼, NE¼SE¼;
Sec. 7, Lots 1, 4, NW¼NE¼, NE¼NW¼, SE¼SW¼;
Sec. 18, Lots 1, 2.

Emigration Creek Reservoir Site

T. 12 S., R. 42 E.,
Sec. 24, NW¼NW¼.

Sleights Canyon Reservoir Site

T. 14 S., R. 43 E.,
Sec. 5, Lots 3, 4.

Georgetown Canyon Reservoir Site

T. 11 S., R. 44 E.,
Sec. 4, Lot 1, SE¼NE¼.

Montpelier Creek Reservoir Site

T. 13 S., R. 44 E.,
Sec. 1, Lots 1 to 4, inclusive.
T. 13 S., R. 45 E.,
Sec. 6, Lots 3, 4, excepting patented mining claims.

Dingle Reservoir Site

T. 14 S., R. 45 E.,
Sec. 13, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 14, W½SW¼;
Sec. 21, W½SW¼;
Sec. 22, W½NE¼, SE¼NW¼, S½;
Sec. 23, NE¼NE¼;
Sec. 25, N½NW¼, SE¼NW¼;
Sec. 26, W½NW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: July 8, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 15, 1943.

[F. R. Doc. 43-11779; Filed, July 22, 1943; 11:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6517]

WESTERN UNION TELEGRAPH CO. AND POSTAL TELEGRAPH, INC.

NOTICE OF PLACE OF HEARING

In the matter of the application for merger of The Western Union Telegraph Company and Postal Telegraph, Inc.

You are hereby notified that the hearing in the above-entitled proceeding scheduled to begin in San Francisco on July 28, 1943, will be held in the California Railroad Commission Hearing Room, 5th floor of the State Building, Civic Center, in San Francisco, California.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-11720; Filed, July 21, 1943; 3:36 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-482, G-483]

PRINCE GEORGE'S GAS CORP. AND WASHINGTON GAS LIGHT CO.

ORDER CONSOLIDATING PROCEEDINGS FOR HEARING AND FIXING DATE OF HEARING

JULY 20, 1943.

In the matters of Prince George's Gas Corporation and Washington Gas Light Company.

Upon consideration of the application filed July 3, 1943, by Prince George's Gas Corporation, in Docket No. G-482, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize construction and operation of a 16-inch natural-gas pipeline extending from a point on the Atlantic Seaboard Corporation's pipeline near Rockville, Maryland, to a point on the Maryland-District of Columbia boundary line in Northwest Washington; and

Upon consideration of the application filed July 3, 1943, by the Washington Gas Light Company, in Docket No. G-483, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize construction and operation of a 16-inch natural-gas pipeline extending from a point on the Maryland-District of Columbia boundary line in Northwest Washington, D. C., to the applicant's West Station located at 26th and G Streets NW., Washington, D. C.; and the construction of a 16-inch pipeline commencing at the Washington Gas Light Company's East Station on the Anacostia River in the District of Columbia and terminating at a point of connection with the Rosslyn Gas Company's system on the Virginia-District of Columbia boundary line near Alexandria, Virginia;

It appearing to the Commission that:

(a) The allocation and use of critical materials necessary for the construction and operation of the facilities embraced in the aforesaid applications (Docket Nos. G-482 and G-483) have been approved by the War Production Board;

(b) The proceedings in Docket Nos. G-482 and G-483 are interrelated in that they embody, in effect, the construction of a single project proposed by the Washington Gas Light Company and its subsidiary, Prince George's Gas Corporation;

The Commission orders, That:

(A) The proceedings in the matter of Prince George's Gas Corporation, Docket No. G-482, and Washington Gas Light Company, Docket No. G-483, be and they are hereby consolidated for the purpose of a hearing thereon;

(B) A public hearing on the aforesaid matters be held commencing at 9:45 a. m. (e. w. t.), July 29, 1943, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Interested State Commissions may participate in said hearing pursuant to § 67.4 of the Commission's Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-11772; Filed, July 22, 1943; 11:55 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1544]

JOHANNA OOSTENDORP, JR.

Re: Real property and bank account owned by Johanna Oostendorp, Jr.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Johanna Oostendorp, Jr., is a resident of Germany, whose last known address is Gelsenkirchen Baer, Hermann Lonnsterstrasse No. 4, and is a national of a designated enemy country (Germany);

2. Finding that Johanna Oostendorp, Jr., is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Johanna Oostendorp, Jr., and of every other national of a designated enemy country, in and to the real property situated at 1877 East 97th Street, Cleveland, Ohio, particularly described in Exhibit "A", attached hereto and by reference made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Johanna Oostendorp, Jr. and of every other national of a designated enemy country, for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of Johanna Oostendorp, Jr., and every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Johanna Oostendorp, Jr. by The Cleveland Trust Company, Bedford, Ohio, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and including particularly savings account No. 21734 in the Bedford Branch, The Cleveland Trust Company, Bedford, Ohio, which is due and owing to and held for Johanna Oostendorp, Jr., and in the name of Johanna Oostendorp, Jr., Reverend Father Peter H. Schaefers, Attorney-in-fact,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact

vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot situated in the City of Cleveland, County of Cuyahoga and State of Ohio, particularly described as follows:

All of Sub Lot No. Thirteen (13), excepting therefrom the rear or Easterly 5 feet thereof, in the Logan Company's Re-Subdivision of part of Sub Lot No. 4 in W. S. Streator's Subdivision of part of Original One Hundred Acre Lot No. 401, as shown by the recorded plat of said Re-Subdivision and Subdivision in Volume 40 of Maps, Page 20 of Cuyahoga County Records.

Said part of Sub Lot No. 13 has a frontage of 56 $^{00}/_{100}$ feet on the Easterly side of East 97th Street and extends back 154 $^{75}/_{100}$ feet on the Northerly line, 154 $^{54}/_{100}$ feet on the Southerly line and has a rear line of about 55 $^{94}/_{100}$ feet, according to said plat.

[F. R. Doc. 43-11726; Filed, July 22, 1943; 9:36 a. m.]

[Vesting Order 1630]

THE BAUER TYPE FOUNDRY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Fundicion Tipografica Neufville, S. A., whose principal place of business is located at Travesera de Garcia, 183, Barcelona, Spain, is a corporation organized under the laws of Spain, whose name appears on the Proclaimed List of Certain Blocked Nationals, promulgated pursuant to Proclamation No. 2497 of the President dated July 17, 1941;

2. Finding that Carlos G. Hartmann, whose last known address is Barcelona, Spain, is a citizen of Germany, and a national of a designated enemy country (Germany), and that he controls Fundicion Tipografica Neufville, S. A.;

3. Determining that Fundicion Tipografica Neufville, S. A. and Carlos G. Hartmann are acting for or on behalf of a designated enemy country (Germany) or persons within such country, and are nationals of a designated enemy country (Germany);

4. Finding that Aduanas Pujol-Rubio, whose last known address is Barcelona, Spain, is the agent for and acts for and on behalf of Fundicion Tipografica Neufville, S. A.;

5. Finding that The Bauer Type Foundry, Inc., is a corporation organized under the laws of and doing business in the State of New York, and is a business enterprise within the United States;

6. Finding that 400 shares of $100 par value common capital stock of The Bauer Type Foundry, Inc., are registered in the names of the persons listed below in the numbers appearing opposite their names, respectively, and are owned by Carlos G. Hartmann:

Names:	Number of shares
Erich Leipprand	200
Ottilie Leipprand	100
Howard A. Trafton	100
Total	400

7. Finding that the said 400 shares constitute all of the issued and outstanding capital stock of The Bauer Type Foundry, Inc., and represent ownership thereof;

8. Finding that The Bauer Type Foundry, Inc., is a national of a designated enemy country (Germany);

9. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Fundicion Tipografica Neufville, S. A., in and to any and all obligations, contingent or otherwise and whether or not matured, owing to it by The Bauer Type Foundry, Inc., and represented on the latter's books and records as an account payable to Aduanas Pujol-Rubio, including but not limited to all security rights in and to any and all collateral, for any and all such obligations and the right to enforce and collect such obligations.

is an interest in the aforesaid business enterprise owned by a national of a designated enemy country (Germany);

10. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

11. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

12. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 400 shares of stock described in subparagraph 6 and the property described in subparagraph 9 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing contained herein shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11727; Filed, July 22, 1943; 9:33 a. m.]

[Vesting Order 1773]

ESTATE OF JOSEPH ETTEN

In re: Estate of Joseph Etten, deceased; File D-28-2022; E. T. sec. 2093.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lawrence Etten, 5611 Maplewood Avenue, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Catharine Hens (nee Etten), also known as Catherine, Katharina or Katharine Hens.	Essingen, Germany.
Helena Borbach (nee Etten), also known as Helene Burbach.	Walsdorf, Germany.
Johann Etten	Coln Nippes, Germany.

Sec. 23, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 24, NW¼;
Sec. 25, W½NW¼;
Sec. 27, N½SE¼, SE¼SE¼;
Sec. 34, E½E½;
Sec. 35, SE¼NW¼, E½SW¼.
T. 14 S., R. 40 E.,
Sec. 3, Lot 1, SE¼NE¼, S½;
Sec. 9, Lots 1 to 6, inclusive;
Sec. 10, W½;
Sec. 15, NW¼NW¼.
T. 13 S., R. 41 E.,
Sec. 6, Lots 5, 6, 7, E½SW¼, W½SE¼, NE¼SE¼;
Sec. 7, Lots 1, 4, NW¼NE¼, NE¼NW¼, SE¼SW¼;
Sec. 18, Lots 1, 2.

Emigration Creek Reservoir Site

T. 12 S., R. 42 E.,
Sec. 24, NW¼NW¼.

Sleights Canyon Reservoir Site

T. 14 S., R. 43 E.,
Sec. 5, Lots 3, 4.

Georgetown Canyon Reservoir Site

T. 11 S., R. 44 E.,
Sec. 4, Lot 1, SE¼NE¼.

Montpelier Creek Reservoir Site

T. 13 S., R. 44 E.,
Sec. 1, Lots 1 to 4, inclusive.
T. 13 S., R. 45 E.,
Sec. 6, Lots 3, 4, excepting patented mining claims.

Dingle Reservoir Site

T. 14 S., R. 45 E.,
Sec. 13, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 14, W½SW¼;
Sec. 21, W½SW¼;
Sec. 22, W½NE¼, SE¼NW¼, S½;
Sec. 23, NE¼NE¼;
Sec. 25, N½NW¼, SE¼NW¼;
Sec. 26, W½NW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: July 8, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 15, 1943.

[F. R. Doc. 43-11779; Filed, July 22, 1943; 11:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6517]

WESTERN UNION TELEGRAPH CO. AND POSTAL TELEGRAPH, INC.

NOTICE OF PLACE OF HEARING

In the matter of the application for merger of The Western Union Telegraph Company and Postal Telegraph, Inc.

You are hereby notified that the hearing in the above-entitled proceeding scheduled to begin in San Francisco on July 28, 1943, will be held in the California Railroad Commission Hearing Room, 5th floor of the State Building, Civic Center, in San Francisco, California.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-11720; Filed, July 21, 1943; 3:36 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-482, G-483]

PRINCE GEORGE'S GAS CORP. AND WASHINGTON GAS LIGHT CO.

ORDER CONSOLIDATING PROCEEDINGS FOR HEARING AND FIXING DATE OF HEARING

JULY 20, 1943.

In the matters of Prince George's Gas Corporation and Washington Gas Light Company.

Upon consideration of the application filed July 3, 1943, by Prince George's Gas Corporation, in Docket No. G-482, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize construction and operation of a 16-inch natural-gas pipeline extending from a point on the Atlantic Seaboard Corporation's pipeline near Rockville, Maryland, to a point on the Maryland-District of Columbia boundary line in Northwest Washington; and

Upon consideration of the application filed July 3, 1943, by the Washington Gas Light Company, in Docket No. G-483, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize construction and operation of a 16-inch natural-gas pipeline extending from a point on the Maryland-District of Columbia boundary line in Northwest Washington, D. C., to the applicant's West Station located at 26th and G Streets NW., Washington, D. C.; and the construction of a 16-inch pipeline commencing at the Washington Gas Light Company's East Station on the Anacostia River in the District of Columbia and terminating at a point of connection with the Rosslyn Gas Company's system on the Virginia-District of Columbia boundary line near Alexandria, Virginia;

It appearing to the Commission that:

(a) The allocation and use of critical materials necessary for the construction and operation of the facilities embraced in the aforesaid applications (Docket Nos. G-482 and G-483) have been approved by the War Production Board;

(b) The proceedings in Docket Nos. G-482 and G-483 are interrelated in that they embody, in effect, the construction of a single project proposed by the Washington Gas Light Company and its subsidiary, Prince George's Gas Corporation:

The Commission orders, That:

(A) The proceedings in the matter of Prince George's Gas Corporation, Docket No. G-482, and Washington Gas Light Company, Docket No. G-483, be and they are hereby consolidated for the purpose of a hearing thereon;

(B) A public hearing on the aforesaid matters be held commencing at 9:45 a. m. (e. w. t.), July 29, 1943, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Interested State Commissions may participate in said hearing pursuant to § 67.4 of the Commission's Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-11776; Filed, July 22, 1943; 11:55 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1544]

JOHANNA OOSTENDORP, JR.

Re: Real property and bank account owned by Johanna Oostendorp, Jr.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Johanna Oostendorp, Jr., is a resident of Germany, whose last known address is Gelsenkirchen Baer, Hermann Lonnsterstrasse No. 4, and is a national of a designated enemy country (Germany);

2. Finding that Johanna Oostendorp, Jr., is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Johanna Oostendorp, Jr., and of every other national of a designated enemy country, in and to the real property situated at 1877 East 97th Street, Cleveland, Ohio, particularly described in Exhibit "A", attached hereto and by reference made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Johanna Oostendorp, Jr. and of every other national of a designated enemy country, for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of Johanna Oostendorp, Jr., and every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Johanna Oostendorp, Jr. by The Cleveland Trust Company, Bedford, Ohio, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and including particularly savings account No. 21734 in the Bedford Branch, The Cleveland Trust Company, Bedford, Ohio, which is due and owing to and held for Johanna Oostendorp, Jr., and in the name of Johanna Oostendorp, Jr., Reverend Father Peter H. Schaefers, Attorney-in-fact,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact

vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot situated in the City of Cleveland, County of Cuyahoga and State of Ohio, particularly described as follows:

All of Sub Lot No. Thirteen (13), excepting therefrom the rear or Easterly 5 feet thereof, in the Hogan Company's Re-Subdivision of part of Sub Lot No. 4 in W. S. Streator's Subdivision of part of Original One Hundred Acre Lot No. 401, as shown by the recorded plat of said Re-Subdivision and Subdivision in Volume 40 of Maps, Page 20 of Cuyahoga County Records.

Said part of Sub Lot No. 13 has a frontage of 50 [illegible] feet on the Easterly side of East 97th Street and extends back 154$^{57}/_{100}$ feet on the Northerly line, 154$^{34}/_{100}$ feet on the Southerly line and has a rear line of about 55$^{91}/_{100}$ feet, according to said plat.

[F. R. Doc. 43-11726; Filed, July 22, 1943; 9:36 a. m.]

[Vesting Order 1630]

THE BAUER TYPE FOUNDRY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Fundicion Tipografica Neufville, S. A., whose principal place of business is located at Travesera de Garcia, 183, Barcelona, Spain, is a corporation organized under the laws of Spain, whose name appears on the Proclaimed List of Certain Blocked Nationals, promulgated pursuant to Proclamation No. 2497 of the President dated July 17, 1941;

2. Finding that Carlos G. Hartmann, whose last known address is Barcelona, Spain, is a citizen of Germany, and a national of a designated enemy country (Germany), and that he controls Fundicion Tipografica Neufville, S. A.;

3. Determining that Fundicion Tipografica Neufville, S. A. and Carlos G. Hartmann are acting for or on behalf of a designated enemy country (Germany) or persons within such country, and are nationals of a designated enemy country (Germany);

4. Finding that Aduanas Pujol-Rubio, whose last known address is Barcelona, Spain, is the agent for and acts for and on behalf of Fundicion Tipografica Neufville, S. A.;

5. Finding that The Bauer Type Foundry, Inc., is a corporation organized under the laws of and doing business in the State of New York, and is a business enterprise within the United States;

6. Finding that 400 shares of $100 par value common capital stock of The Bauer Type Foundry, Inc., are registered in the names of the persons listed below in the numbers appearing opposite their names, respectively, and are owned by Carlos G. Hartmann:

Names:	Number of shares
Erich Leipprand	200
Ottilie Leipprand	100
Howard A. Trafton	100
Total	400

7. Finding that the said 400 shares constitute all of the issued and outstanding capital stock of The Bauer Type Foundry, Inc., and represent ownership thereof;

8. Finding that The Bauer Type Foundry, Inc., is a national of a designated enemy country (Germany);

9. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Fundicion Tipografica Neufville, S. A., in and to any and all obligations, contingent or otherwise and whether or not matured, owing to it by The Bauer Type Foundry, Inc., and represented on the latter's books and records as an account payable to Aduanas Fujol-Rubio, including but not limited to all security rights in and to any and all collateral, for any and all such obligations and the right to enforce and collect such obligations.

is an interest in the aforesaid business enterprise owned by a national of a designated enemy country (Germany);

10. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

11. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

12. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 400 shares of stock described in subparagraph 6 and the property described in subparagraph 9 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing contained herein shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11727; Filed, July 22, 1943; 9:33 a. m.]

[Vesting Order 1773]

ESTATE OF JOSEPH ETTEN

In re: Estate of Joseph Etten, deceased; File D-28-2022; E. T. sec. 2093.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lawrence Etten, 5611 Maplewood Avenue, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Catharine Hens (nee Etten), also known as Catherine, Katharina or Katharine Hens.	Essingen, Germany.
Helena Borbach (nee Etten), also known as Helene Burbach.	Walsdorf, Germany.
Johann Etten	Coln Nippes, Germany.

Nationals—Con.	*Last known address*
Gertrude Klinkhammer (nee Leyendecker.	Hollerath, Germany
Anna Leyendecker	Hollerath, Germany.
Elizabeth Andressen (nee Leyendecker), also known as Elisabeth Andressen.	Hollerath, Germany.
Joseph Shilli, also known as Josef Schilli.	Walsdorf, Germany.
Johann Shilli Wirtz (nee Shilli) (Schilli).	Walsdorf, Germany.
Katharina Sophie Kaiser, also known as Catherine Sofie Kaiser (nee Shilli) (Schilli).	Walsdorf, Germany.
Johann Shilli (Schilli).	Walsdorf, Germany.
Nikolaus Shilli (Schilli).	Walsdorf, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Catharine Hens (nee Etten), also known as Catherine, Katharina or Katharine Hens; Helena Borbach (nee Etten), also known as Helene Burbach; Johann Etten; Gertrude Klinkhammer (nee Leyendecker); Anna Leyendecker; Elizabeth Andresen (nee Leyendecker), also known as Elisabeth Andressen; Joseph Shilli, also known as Josef Schilli; Gertrud Theresia Wirtz (nee Shilli) (Schilli); Katharina Sophie Kaiser, also known as Catherine Sofie Kaiser (nee Shilli) (Schilli); Johann Shilli (Schilli) and Nikolaus Shilli (Schilli), and each of them, in and to the estate of Joseph Etten, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11728; Filed, July 22, 1943; 9:36 a. m.]

[Vesting Order 1797]

TRUST ESTATE OF GEORGE F. AND WILLIAM K. FAUST

In re: Ex Parte in the matter of the Trust Estate of George F. Faust and William K. Faust; File F–28–9671; E. T. sec. 4897.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after invesitgation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Mercantile Trust Co., Trustee, acting under the judicial supervision of the Circuit Court No. 2 of Baltimore City, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Marion Faust Weichelt	Germany.
The child or children, names unknown, of Marion Faust Weichelt.	Germany.
Paul D. Faust	Germany.
The child or children, names unknown, of Paul D. Faust.	Germany.
Edwin G. Faust	Germany.
The child or children, names unknown, of Edwin G. Faust.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marion Faust Weichelt, the child or children, names unknown, of Marion Faust Weichelt, Paul D. Faust, the child or children, names unknown, of Paul D. Faust, Edwin G. Faust and the child or children, names unknown, of Edwin G. Faust, and each of them, in and to the trust created under a Declaration of Trust dated January 26, 1927, executed by George F Faust and William K. Faust,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

JULY 14, 1943.

[F. R. Doc. 43–11730; Filed, July 22, 1943; 9:37 a. m.]

[Vesting Order 1798]

TRUST UNDER DEED OF SAMUEL HARLAN, JR.

In re: Trust under Deed of Samuel Harlan, Jr., dated January 2, 1878; File D–28–2374; E. T. sec. 3336.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Fidelity-Philadelphia Trust Company, 135 South Broad Street, Philadelphia, Pennsylvania, Trustee, acting under the judicial supervision of the Court of Common Pleas #2 for the County of Philadelphia, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anna von Dory Jobahaza.	Germany (Austria).
Sarah Maria Jobahaza.	Germany (Austria).
Mazie Roretz	Germany (Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna von Dory Jobahaza, Sarah Maria Jobahaza and Mazie Roretz in and to the trust estate created by Deed of Samuel Harlan, Jr., dated January 2, 1878,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11731; Filed, July 22, 1943; 9:37 a. m.]

[Vesting Order 1799]

ESTATE OF HUGO HERZFELD

In re: Estate of Hugo Herzfeld, deceased; File D–38–656; E. T. sec. 6579.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Max Herzfeld, 1507 North 37th Street, Milwaukee, Wisconsin, Administrator, acting under the judicial supervision of the County Court, Milwaukee County, State of Wisconsin;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Paula Rothenberg	Italy.
Julius Moritz, husband of Toni Moritz, deceased.	Italy.
Persons or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Toni Moritz, deceased.	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Paula Rothenberg, Julius Moritz, and person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Toni Moritz, deceased, and each of them, in and to the estate of Hugo Herzfeld, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11732; Filed, July 22, 1943; 9:38 a. m.]

[Vesting Order 1800]

TRUST UNDER WILL OF HERMAN VOLLRATH HILPRECHT

In re: Trust under will of Herman Vollrath Hilprecht, deceased; File D–28–2208; E. T. sec. 2766.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Pennsylvania Company, Trustee of the trust under the will of Herman Vollrath Hilprecht, deceased, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Natalie Bierstedt	Germany.
Dr. F. W. Bierstedt	Germany.
Frau Major Kulpe	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Natalie Bierstedt, Dr. F. W. Bierstedt, Frau Major Kulpe and each of them, in and to a trust created under the will of Herman Vollrath Hilprecht, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11733; Filed, July 22, 1943; 9:38 a. m.]

[Vesting Order 1801]

TRUST UNDER WILL AND CODICIL OF LUDWIG ILSE

In re: Trust under the will and codicil of Ludwig Ilse, deceased; File D–28–3507; E. T. sec. 5772.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Florida National Bank of Jacksonville, 51 West Forsyth Street, Jacksonville, Florida, Executor and Trustee, acting under the judicial super-

vision of the County Judge's Court of Pinellas County, State of Florida;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Heinz Meyer	Germany.
Liesa Schuechler	Germany.
Person or persons, names unknown, the children or descendants of children of Heinz Meyer.	Germany.
Person or persons, names unknown, the children or descendants of children of Liesa Schuechler.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Heinz Meyer, Liesa Schuechler, person or persons, names unknown, the children or descendants of children of Heinz Meyer, and person or persons, names unknown, the children or descendants of children of Liesa Schuechler, and each of them, in and to the Trust Estate created under the Last Will and Codicil of Ludwig Ilse, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11734; Filed, July 22, 1943; 9:39 a. m.]

[Vesting Order 1802]

ESTATE OF HUGO JACOBI

In re: Estate of Hugo Jacobi, deceased, File D–28–2316; E. T. sec. 3437.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Security-Peoples Trust Company and Paul O. Friedrich, Executors, acting under the judicial supervision of the Orphans' Court of Erie County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Max Scheibner	Germany.
Helen Buschbeck	Germany.
Hugo Scheibner	Germany.
Anna Grobe	Germany.
Toska Bretschneider	Germany.
Paul Jacobi	Germany.
Rudolph Hartel, alias Zernhard Rudolph Hartel,	Germany.
Bernhard Hartel, alias Arno Rudolf Bernhard Hartel,	Germany.
Martha Hedwig Bretschneider	Germany.
Karl Moritz Bretschneider	Germany.
Elvira Charlotte Meyer	Germany.
Luise Marianna Meyer	Germany.
Frieda Emma Lippold	Germany.
Oscar Kurt Lippold	Germany.
Gertrude Lina Walley Melhorn	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Max Scheibner, Helen Buschbeck, Hugo Scheibner, Anna Grobe, Toska Bretschneider, Paul Jacobi, Rudolph Hartel, alias Bernhard Rudolph Hartel, Bernhard Hartel, alias Arno Rudolf Bernhard Hartel, Martha Hedwig Bretschneider, Karl Moritz Bretschneider, Elvira Charlotte Meyer, Luise Marianna Meyer, Frieda Emma Lippold, Oscar Kurt Lippold and Gertrude Lina Walley Melhorn, and each of them, in and to the estate of Hugo Jacobi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11735; Filed, July 22, 1943; 9:39 a. m.]

[Vesting Order 1803]

TRUST UNDER WILL OF BARUCH KAUFMANN

In re: Trust under will of Baruch Kaufmann, deceased; File D–28–2278; E. T. sec. 2944.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Central Hanover Bank & Trust Company of New York City, substituted trustee, acting under the judicial supervision of the Somerset County Orphans' Court of Somerset County, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Fannie von Gumppenberg, formerly known as Fannie Mayer Dinkel.	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Fannie von Gumppenberg, formerly known as Fannie Mayer Dinkel, in and to the trust created under the Last Will and Testament of Baruch Kaufmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11736; Filed, July 22, 1943; 9:40 a. m.]

[Vesting Order 1804]

TRUST UNDER WILL OF IDA A. KELLER

In re: Trust under will of Ida A. Keller, deceased; File D–28–2319; E. T. sec. 3132.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Girard Trust Company, Trustee of the trust under the will of Ida A. Keller, deceased, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ottilie F. Madelung	Germany.
Augusta E. Pohl	Germany.
Otto H. Madelung	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ottilie F. Madelung Augusta E. Pohl, Otto H. Madelung and each of them, in and to a trust created under the will of Ida A. Keller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11737; Filed, July 22, 1943; 9:40 a. m.]

[Vesting Order 1805]

ESTATE OF MATHILDE LOEW

In re: Estate of Mathilde Loew, deceased; File D–28–2432; E. T. sec. 4090.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Leone Pecoraro, Executor, acting under the judicial supervision of the Bergen County Orphans' Court, Bergen County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Karl Low	Germany.
Irene Brunhilde Balther (formerly Irene Sauer).	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Karl Low and Irene Brunhilde Balther (formerly Irene Sauer) and each of them in and to the Estate of Mathilde Loew, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11738; Filed, July 22, 1943; 9:41 a. m.]

[Vesting Order 1806]

TRUST UNDER WILL OF JOHN H. LOHSE

In re: Trust under the will of John H. Lohse, deceased; File D–28–2429; E. T. sec. 3525.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The First National Bank of Colorado Springs, Colorado Springs, Colorado, Trustee, acting under the judicial supervision of the County Court of El Paso County, State of Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anna Lohse	Germany.
Children of August Lohse and Diadrich Lohse, deceased brothers of the above decedent, names unknown.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and

certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Lohse and the children of August Lohse and Diadrich Lohse, deceased brothers of above decedent, names unknown, and each of them, in and to the Trust Estate created under the Last Will and Testament of John H. Lohse, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11739; Filed, July 22, 1943; 9:41 a. m.]

[Vesting Order 1807]

ESTATE OF AUGUST LUBBE

In re: Estate of August Lubbe deceased; file No. D–28–1663; E. T. sec. 524.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ludwig Kopp, Executor, acting under the judicial supervision of the Probate Court, Middlesex County, Massachusetts;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
August Feldtmann	Germany.
Harry Feldtmann	Germany.
Herman Feldtmann	Germany.
Selma Landin	Germany.
Mrs. Fritz Stephan	Germany.
Marie Chrismann, also known as Marie Christman.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of August Feldtmann, Harry Feldtmann, Herman Feldtmann, Selma Landin, Mrs. Fritz Stephan and Marie Chrismann, also known as Marie Christman, and each of them, in and to the estate of August Lubbe, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11740; Filed, July 22, 1943; 9:41 a. m.]

[Vesting Order 1808]

GUARDIANSHIP ESTATE OF FRED NACCARATO

In re: Guardianship estate of Fred Naccarato; File D–38–1088; E. T. sec. 3407.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Potter Title and Trust Company, Guardian of the estate of Fred Naccarato, acting under the judicial supervision of the Orphans' Court, Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Fred Naccarato	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Fred Naccarato, of any nature whatsoever in the possession of the Potter Title and Trust Company, as Guardian of the estate of Fred Naccarato,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11741; Filed, July 22, 1943; 9:42 a. m.]

[Vesting Order 1809]

GUARDIANSHIP OF ESTATE OF SARA NACCARATO

In re: Guardianship of Estate of Sara Naccarato; File D–38–1088; E. T. sec. 3407.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Potter Title and Trust Company, Guardian of the estate of Sara Naccarato, acting under the judicial supervision of Orphans' Court, Allegheny County, Pa.;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Sara Naccarato	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Sara Naccarato, of any nature whatsoever in the possession of the Potter Title and Trust Company, as Guardian of the Estate of Sara Naccarato,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11742; Filed, July 22, 1943; 9:42 a. m.]

[Vesting Order 1810]

ESTATE OF VINCENT NIMMERFROH

In re: Estate of Vincent Nimmerfroh, deceased; File D–34–113; E. T. sec. 3259.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Albert E. Hill, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Anna Balog	Hungary.
Olga Palotas	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Balog and Olga Palotas and each of them in and to the Estate of Vincent Nimmerfroh, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11743; Filed, July 22, 1943; 9:43 a. m.]

[Vesting Order 1811]

ESTATE OF LYDIA PACSMAG

In re: Estate of Lydia Pacsmag, deceased; File D–34–130; E. T. sec. 5114.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John L. E. dePapp, Executor, acting under the judicial supervision of the Surrogate's Court, Erie County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National:	*Last known address*
Joseph Baranyai	Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Joseph Baranyai in and to the Estate of Lydia Pacsmag, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11744; Filed, July 22, 1943; 9:43 a. m.]

[Vesting Order 1812]

ESTATE OF GUISEPPE PIPITONE

In re: Estate of Guiseppe (Joseph) Pipitone, deceased; File D–38–1146; E. T. sec. 3182.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the proc-

ess of administration by Erasmo Pipitone, as Dative Testamentary Executor, acting under the judicial supervision of Civil District Court of New Orleans, Louisiana;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Mrs. Lorenza Pipitone Corte	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Lorenza Pipitone Corte, in and to the Estate of Guiseppe (Joseph) Pipitone, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11745; Filed, July 22, 1943; 9:43 a. m.]

[Vesting Order 1813]

ESTATE OF MAX POLL

In re: Estate of Max Poll, deceased; File D–28–2347; E. T. sec. 3365.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Alfred K. Nippert, Executor, 2116 Union Central Building, Cincinnati, Ohio, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Hamilton;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Clara Amort	Nord Promenade #25, Zoppot b/Danzig.
Paul Ressler	#3 Grosse Unterfuehrung, Zoppot b/Danzig.
Lotta Ressler	#3 Grosse Unterfuehrung, Zoppot b/Danzig.
Hildegard Ressler	#3 Grosse Unterfuehrung, Zoppot b/Danzig.
Kurt Poll	Landrat in Tiegenhof, Zoppot b/Danzig.
Martha Poll	Landrat in Tiegenhof, Zoppot b/Danzig
Ellen Poll	Landrat in Tiegenhof, Zoppot b/Danzig.
Erna Apfelbaum	Rueckert Strasse, Zoppot b/Danzig.
Ursula Apfelbaum	Rueckert Strasse, Zoppot b Danzig.
Klaus Apfelbaum	Rueckert Strasse, Zoppot b/Danzig.

And determining that—

(3) Clara Amort, Paul Ressler, Lotta Ressler, Hildegard Ressler, Kurt Poll, Martha Poll, Ellen Poll, Erna Apfelbaum, Ursula Apfelbaum and Klaus Apfelbaum, citizens or subjects of a designated enemy country, Germany, and within an enemy occupied area, Danzig, are nationals of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Clara Amort, Paul Ressler, Lotta Ressler, Hildegard Ressler, Kurt Poll, Martha Poll, Ellen Poll, Erna Apfelbaum, Ursula Apfelbaum and Klaus Apfelbaum, and each of them, in and to the estate of Max Poll, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11746; Filed, July 22, 1943; 9:44 a. m.]

[Vesting Order 1814]

POTTER TITLE AND TRUST CO.

In re: Mortgage participation fund of the Potter Title and Trust Company (File D–38–1083; E. T. sec. 3231.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Potter Title and Trust Company, acting under the judicial supervision of the Orphans' Court, Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Augusto Laurenzi	Italy

And determining that—

(3) If such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Augusto Laurenzi in and to the mortgage participation fund of the Potter Title and Trust Company,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11747; Filed, July 22, 1943; 10:01 a. m.]

[Vesting Order 1815]

ESTATE OF KAROLINE PUKALL

In re: Estate of Karoline Pukall, deceased; File No. D–28–1448; E. T. sec. 87.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ella Hoffmann, Executrix, acting under the judicial supervision of the Surrogate's Court, Erie County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Emma Kuehne	Germany.
Gottfried Hardt	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emma Kuehne and Gottfried Hardt, and each of them, in and to the Estate of Karoline Pukall, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11748; Filed, July 22, 1943; 10:01 a. m.]

[Vesting Order 1816]

ESTATE OF WM. ROSENBERG

In re: Estate of Wm. Rosenberg, deceased; File No. D–38–147; E. T. sec. 5731.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Dr. Paula Lang Sugar	Hungary.
Stephanie Elchner	Hungary.
Regina Roth Gruenwald	Hungary.
Ilona Roth Neumann	Hungary.
Sandor Roth	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Dr. Paula Lang Sugar in the sum of $212.14, Stephanie Elchner in the sum of $212.15, Regina Roth Gruenwald in the sum of $70.71, Ilona Roth Neumann in the sum of $70.71, and Sandor Roth in the sum of $70.71, which amounts were deposited with the Treasurer of Cook County, Illinois, on February 4, 1941, pursuant to order of the court of February 4, 1941, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form AFC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11749; Filed, July 22, 1943; 10:01 a. m.]

[Vesting Order 1817]

ESTATE OF AUGUSTA SAUTTER

In re: Estate of Augusta Sautter, deceased; File D–28–1990; E. T. sec. 2039.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Jerome Bennett and Frederick Sautter, Executors, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Adam Albrecht or his surviving child or children.	Germany.
Heinrich Albrecht or his surviving child or children.	Germany.
Karl Albrecht or his surviving child or children.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Adam Albrecht or his surviving child or children, Heinrich Albrecht or his surviving child or children and Karl Albrecht or his surviving child or children and each of them in and to the Estate of Augusta Sautter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11750; Filed, July 22, 1943; 10:01 a. m.]

[Vesting Order 1818]

ESTATE OF CHRISTINA SUHRBIER

In re: Estate of Christina Suhrbier, deceased File No. D–28–6608; E.T. sec. 4587.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Marie Bassen, Executrix, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anna Schlobohm	Germany.
Diedrich Bassen	Germany.
John Bassen	Germany.
Fred Bassen	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Schlobohm, Diedrich Bassen, John Bassen and Fred Bassen, and each of them, in and to the Estate of Christina Suhrbier, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11751; Filed, July 22, 1943; 10:01 a. m.]

[Vesting Order 1819]

WILL OF HENRY WEBERS

In re: (a) Testamentary guardianship of Helga Webers, a minor, under the will of Henry Webers, deceased. (b) Testamentary guardianship of Erna Webers, a weak minded person, under the will of Henry Webers, deceased; File D–28–3997; E. T. sec. 6880.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Peoples Trust Company of Wyomissing, Pennsylvania, (a) Testamentary Guardian of Helga Webers, a minor, and (b) Testamentary Guardian of Erna Webers, a weak minded person, acting under the judicial supervision of the Orphans' Court of Berks County, State of Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Helga Webers	Germany.
Maria Webers	Germany.
Willy Webers	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest and claim of any kind or character whatsoever of Helga Webers, Maria Webers and Willy Webers, and each of them, in and to the Estate and Testamentary Guardianship of Helga Webers, a minor, under the will of Henry Webers, deceased.

(b) All right, title, interest and claim of any kind or character whatsoever of Helga Webers in and to the Estate and Testamentary Guardianship of Erna Webers, a weak minded person, under the will of Henry Webers, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11752; Filed, July 22, 1943; 10:02 a. m.]

[Vesting Order 1820]

EDITH BRONSON RUCELLAI

In re: Deed of trust dated July 22, 1926, between Edith Bronson Rucellai and the United States Trust Company of New York and John A. Weekes; File D–38–1233; E. T. sec. 4424.

Under the authority of the Trading with the Enemy Act, as amended and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by United States Trust Company of New York and Arthur Sutherland, as trustees, acting under the judicial supervision of the Supreme Court, New York County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Nannina Rucellai Fossi	Italy.
Maria Gabriella Fossi	Italy.
Giulio Antonio Fossi	Italy.
Issue of Nannina Rucellai Fossi	Italy.
Cosimo Giovanni Bastista Eugenio Rucellai	Italy.
Bernardo Rucellai	Italy.
Issue of Bernardo Rucellai	Italy.
Nicolo Cosimo Giorgio Rucellai	Italy.
Giovanna Editta Maria Rucellai	Italy.
Cintia Paolo Maria Rucellai	Italy.
Letizia Tamara Nannina Rucellai	Italy.
Giovanni Giulio Rucellai	Italy.
Issue of Giovanni Giulio Rucellai	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Nannina Rucellai Fossi, Maria Gabriella Fossi, Giulio Antonio Fossi, Issue of Nannina Rucellai Fossi, Cosimo Giovanni Bastista Eugenio Rucellai, Bernardo Rucellai, Issue of Bernardo Rucellai, Nicolo Cosimo Giorgio Rucellai, Giovanna Editta Maria Rucellai, Cintia Paolo Maria Rucellai, Letizia Tamara Nannina Rucellai, Giovanni Giulio Rucellai and Issue of Giovanni Giulio Rucellai, and each of them, in and to the trust established under a deed of trust executed on July 22, 1926, by Edith Bronson Rucellai, John A. Weekes and the United States Trust Company of New York,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The term 'national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11753; Filed, July 22, 1943; 10:02 a. m.]

[Vesting Order 1829]

ESTATE OF BERTHA SCHMITT

In re: Estate of Bertha Schmitt, deceased; File D–66–910; E. T. sec. 5639.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by C. J. Maurer, 802 First Federal Building, St. Petersburg, Florida, Administrator with the Will Annexed, acting under the judicial supervision of the County Judge's Court of Pinellas County, State of Florida;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Gustav Geng	Germany.
Otto Geng	France.
Ella Kaiser	Germany.
Hulda Probst	Germany.
Marie Probst	Germany.
Louise Probst	Germany.
Person or persons, names unknown, surviving next of kin of Gustav Geng.	Germany.
Person or persons, names unknown, surviving next of kin of Ella Kaiser.	Germany.

And determining that—

(3) Otto Geng, a citizen or subject of a designated enemy country, Germany, and within an enemy occupied country, France, is a national of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Gustav Geng, Otto Geng, Ella Kaiser, Hulda Probst, Marie Probst, Louise Probst, the person or persons, names unknown, surviving next of kin of Gustav Geng, and the person or persons, names unknown, surviving next of kin of Ella Kaiser, and each of them, in and to the estate of Bertha Schmitt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11754; Filed, July 22, 1943; 10:02 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Rev. 45]

THE BALTIMORE STORAGE COMPANY, ET AL, REGISTRATION OFFICE AT BALTIMORE, MARYLAND, FOR HOUSEHOLD GOODS MOTOR CARRIERS

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of household goods, filed with the Office of Defense Transportation by the motor carriers of Baltimore, Maryland, named in the Appendix hereof, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and good cause appearing therefor, *It is hereby ordered*, That:

1. The carriers, and each of them, named in the Appendix hereof (hereinafter collectively called "carriers"), re-

spectively, in the transportation of household goods as common carriers by motor vehicle, shall establish an office (hereinafter referred to as "registration office") at Baltimore, Maryland, to facilitate the movement of shipments of household goods, in the following manner:

(a) Each carrier shall register with the registration office shipments which the carrier may be unable to transport by reason of the restrictions contained in General Order ODT 3, Revised, as amended;

(b) Each carrier shall register with the registration office all empty or partially loaded equipment for which the carrier has no shipments available;

(c) The manager or employees of the registration office shall advise the carriers as to shipments registered and empty equipment or the unloaded space therein which is available: *Provided*, That nothing herein contained shall be construed to authorize the manager or any employee of the registration office to dispatch equipment, direct traffic, or exercise any supervision or control over the movement of any shipment, or part thereof, in any manner whatsoever;

(d) The manager of the registration office, and each carrier, shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Such records shall be kept available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation; and

(e) The cost of maintaining the registration office shall be apportioned among the carriers as they shall agree on, or in the event the carriers are unable to agree thereon, shall be apportioned as the Office of Defense Transportation shall determine and direct.

2. Shipments exchanged pursuant to this order shall be exchanged in accordance with the following conditions:

(a) All shipments shall be transported to point of destination on the bill of lading of the carrier with whom the shipper entered into the contract of carriage;

(b) Except as may be otherwise provided by agreement between the interested carriers or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenue derived from transportation of a shipment exchanged, and from storage in transit, packing and unpacking, and other accessorial services pertaining thereto, shall be as determined and directed by the Office of Defense Transportation;

(c) The rates and charges applicable to the transportation, storage in transit, packing and unpacking, and other accessorial services performed in respect of any shipment shall be the lawfully applicable rates and charges of the carrier with whom the shipper entered into the contract of carriage;

(d) The duties and obligations of the originating carrier to the shipper shall not be altered by an exchange made pursuant hereto; and

(e) The carriers shall not exchange shipments with each other except as provided herein.

3. Any common carrier by motor vehicle, duly authorized or permitted to engage in the transportation of household goods, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to partcipate in the functioning of the registration office established pursuant hereto. A copy of every such application shall be served upon the manager of the registration office. Upon receiving such authorization, such carrier shall become subject to this order and shall thereupon be entitled and required to participate in the functioning of the registration office in accordance with all the provisions and conditions of this order, in the same manner and degree as the carriers named in the Appendix hereof.

4. Nothing contained in this order shall be so construed or applied as to relieve any carrier subject hereto from registering with joint information offices and obtaining clearance certificates as provided in General Order ODT 13, as amended (7 F.R. 5066, 5678), or required by any other General Order, or as to relieve any carrier from any other requirements of the Office of Defense Transportation, or from any other regulatory or legal requirement, or as to require or permit any carrier to perform any transportation service not authorized or sanctioned by law, or to render any service beyond its transportation capacity, or to alter its legal liability to any shipper or other carrier.

5. Each carrier subject to this order engaged in interstate transportation shall file a copy of this order with the Interstate Commerce Commission, and, if engaged in intrastate commerce, shall file a copy hereof with each appropriate State regulatory body having jurisdiction over any operations affected hereby.

6. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-45", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

8. This supplementary order shall become effective on July 29, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22nd day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX

1. The Baltimore Storage Company.
2. Broadway Storage Co., Inc.
3. Chernock Transfer Company, Inc.
4. The Davidson Transfer and Storage Co
5. The Fidelity Storage Company.
6. J. Norman Gelpe, doing business as J Norman Gelpe Van Line & Fireproof Storage Warehouses.
7. Wm. T. Gelpe.
8. Geo. R. Conklin, doing business as Greenmount Storage Warehouse.
9. Moses Albert Parrish and Annie Parrish, doing business as Hampden Transfer & Storage Company.
10. B. Von Paris, doing business as Highland Storage Warehouse.
11. Mary Ellen Hughes, doing business as Hughes Van Company.
12. George H. Jarboe doing business as Jarboe Bros. Storage Warehouses.
13. Monumental Storage & Carpet Cleaning Company.
14. Security Storage Company, Inc.
15. Nathan I. Snyder, doing business as Snyder's Moving Co.
16. Norman Strippy, doing business as Strippy Storage & Moving Co.
17. M. B. Sudler, doing business as Sudler Moving & Storage Co.
18. Carl F. Weber, doing business as Weber's Van and Storage Company.
19. Arthur Gessert, doing business as Western Express.
20. D. K. Wilhelm.

[F. R. Doc. 43-11762; Filed, July 22, 1943, 10:30 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 20, 1943.

Order Number:	Name
MPR 39, Order 9	Northern Textile Co.
RPS 41, Order 18	National Malleable & Steel Castings Co.
RPS 67, Order 16	Smalley-General Co.
MPR 120, Order 223	C. S. Brown & Son
RMPR 125, Order 33	Maryland Brass & Metal Works.
RMPR 161, Order 26	Ole Gulseth, et al
MPR 188, Order 456, Corr.	Stoddard Mfg. Co.
MPR 188, Order 2 under Order A2.	Crescent Brick Co.
MPR 244, Order 29	Hagerstown Foundry Inc.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11763; Filed, July 22, 1943, 11:16 a. m.]

Regional, State and District Office Orders.

[Region I Order G-16 Under 18 (c)]

FLUID MILK IN MASSACHUSETTS

Order No. G-16 under § 1499.18 (c) as amended, of the General Maximum Price Regulation—Fluid Milk in the Commonwealth of Massachusetts (formerly General Order No. 16).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered:*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and by § 1351.803 of Maximum Price Regulation 280 for fluid milk sold or delivered in the Massachusetts Milk Marketing Areas, as defined below, and by § 1351.402 of Maximum Price Regulation 329 for fluid milk bought or received from producers in such Areas, are modified so that the maximum prices for such fluid milk shall be the prices specified in the applicable schedule below:

(1) Massachusetts Milk Marketing Area 1B (the town of Adams):

Milk	Retail delivered	Wholesale delivered
Quart bottles	$0.145	$0.125
Pint bottles		.0675
Half-pint bottles		.0375
Square cans (per quart)		.115

Price to producers: $3.79 per hundredweight.

(2) Massachusetts Milk Marketing Area 1C (the city of North Adams and the town of Williamstown):

Milk	Retail delivered	Wholesale delivered
Quart bottles	$0.15	$0.13
Pint bottles		.095
Half-pint bottles		.055
Square cans (per quart)		.12

Price to producers: $3.79 per hundredweight.

(3) Massachusetts Milk Marketing Area 2A (the city of Pittsfield and the towns of Dalton and Lanesborough):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.14
Pint bottles			.085
10-ounce bottles			.0525
Half-pint bottles			.04
Bulk in cans (per quart)			.125

Price to producers: $4.25 per hundredweight.

(4) Massachusetts Milk Marketing Area 2B (the towns of Becket, Cheshire, Clarksburg, Florida, Hancock, Hinsdale, Lee, Lenox, New Ashford, Otis, Peru, Richmond, Savoy, Stockbridge, Tyringham, Washington, West Stockbridge and Windsor):

Milk	Retail delivered	Wholesale delivered
Quart bottles	$0.145	$0.125
Pint bottles		.0675
Half-pint bottles		.0375
Bulk in cans (per quart)		.115

Price to producers: $3.79 per hundredweight.

(5) Massachusetts Milk Marketing Areas 3A (the towns of Great Barrington and Monterey) and 3B (the towns of Alford, Egremont, Mount Washington, New Marlborough, Sandisfield and Sheffield):

Milk	Retail delivered	Wholesale delivered
Quart bottles	$0.145	$0.125
Pint bottles		.0625
Half-pint bottles		.0375
Bulk in cans (per quart)		.115

Price to producers: $3.79 per hundredweight.

(6) Massachusetts Milk Marketing Area 4 (the towns of Buckland, Deerfield, Erving, Gill, Greenfield, Montague and Shelburne):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.15	$0.14	$0.125
Pint bottles			.095
10-ounce bottles			.0525
Half-pint bottles			.0375
8-quart cans	1.12		.96
10-quart cans	1.40		1.20
40-quart cans			4.60

Price to producers: $4.02 per hundredweight.

(7) Massachusetts Milk Marketing Area 5A (the towns of Amherst, Easthampton and Hadley):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$0.145	$0.13
Pint bottles			.0725
10-ounce bottles			.0575
Half-pint bottles			.04
8-quart cans			1.00
10-quart cans			1.25
20-quart cans			2.30

Price to producers: $4.02 per hundredweight.

(8) Massachusetts Milk Marketing Area 5B (the towns of Ashfield, Belchertown, Bernardstown, Blandford, Charlemont, Chester, Chesterfield, Colrain, Conway, Cummington, Goshen, Granby, Granville, Hatfield, Hawley, Heath, Huntington, Leverett, Leyden, Middlefield, Monroe, Montgomery, New Salem, Northfield, Orange, Pelham, Plainfield, Rowe, Russell, Shutesbury, Southampton, Southwick, Sunderland, Tolland, Ware, Warwick, Wendell, Westhampton, Whately, Williamsburg, and Worthington):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.15	$0.14	$0.125
Pint bottles			.07
10-ounce bottles			.055
Half-pint bottles			.0375
10-quart cans (per quart)			.12

Price to producers: $4.02 per hundredweight.

(9) Massachusetts Milk Marketing Area 6A (the cities of Chicopee, Holyoke and Springfield, and the towns of Agawam, East Longmeadow, Longmeadow, Ludlow, South Hadley, West Springfield and Wilbraham):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$0.145	$0.125
Pint bottles			.0725
10-ounce bottles			.0575
Half-pint bottles			.04
10-quart cans			1.20
Full 40-quart cans			4.80

Price to producers: $4.02 per hundredweight.

(10) Massachusetts Milk Marketing Area 6B (the town of Hampden):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$0.145	$0.125
Pint bottles			.0725
10-ounce bottles			.0525
Half-pint bottles			.0375
10-quart cans			1.20
Full 40-quart cans			4.80

Price to producers: $4.02 per hundredweight.

(11) Massachusetts Milk Marketing Area 6C (the city of Westfield):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.15	$0.14	$0.12
Pint bottles			.07
10-ounce bottles			.05
Half-pint bottles			.04
10-quart cans			1.15
Full 10-quart cans			4.40

Price to producers: $4.02 per hundredweight.

(12) Massachusetts Milk Marketing Area 7A (the towns of Ashburnham, Ashby, Hubbardston, Pepperell, Petersham, Phillipston, Princeton, Rutland, Sterling and Townsend):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.15	$0.14	$0.125
Pint bottles			.07
10-ounce bottles			.055
Half-pint bottles			.0375
8-quart cans			.96
20-quart cans			2.30
40-quart cans			4.40

Price to producers: $4.02 per hundredweight.

(13) Massachusetts Milk Marketing Area 7B (the towns of Berlin, Bolton, Clinton, and Lancaster):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$0.145	$0.13
Pint bottles			.0775
10-ounce bottles			.05
Half-pint bottles			.04
8-quart cans	1.24		1.00
20-quart cans			2.40
40-quart cans			4.60

Price to producers: $4.02 per hundredweight.

(14) Massachusetts Milk Marketing Area 7C (the cities of Fitchburg, Gardner and Leominster, and the towns of Lunenburg, Templeton, Westminster and Winchendon):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$0.145	$0.13
Pint bottles			.0775
10-ounce bottles			.055
Half-pint bottles			.0375
8-quart cans	1.24		1.00

Price to producers: $4.02 per hundredweight.

(15) Massachusetts Milk Marketing Area 7E (the towns of Ayer, Groton, and Shirley):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$0.145	$0.13
Pint bottles			.0725
10-ounce bottles			.0525
Half-pint bottles			.0425
8-quart cans	1.24		1.00
20-quart cans			2.40
40-quart cans			4.60

Price to producers: $4.02 per hundredweight.

(16) Massachusetts Milk Marketing Area 7F (the towns of Athol and Royalston):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.15	$0.14	$0.125
Pint bottles			.075
10-ounce bottles			.0525
Half-pint bottles			.035
8-quart cans	1.20		.96

Price to producers: $4.02 per hundredweight.

(17) Massachusetts Milk Marketing Area 8 (the city of Worcester, and the towns of Auburn, Boylston, Grafton, Holden, Leicester, Millbury, Paxton, Shrewsbury, Spencer and West Boylston):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.08
10-ounce bottles			.0525
Half-pint bottles			.04
8-quart cans	1.28		1.04

Price to producers: $4.25 per hundredweight.

(18) Massachusetts Milk Marketing Area 9A (the towns of Charlton, Dudley, Oxford, Southbridge, Sturbridge and Webster):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$0.155	$0.135
Pint bottles			.0725
10-ounce bottles			.0525
Half-pint bottles			.0375
8-quart cans			1.08
Bulk in cans (per quart)			.135

Price to producers: $4.25 per hundredweight.

(19) Massachusetts Milk Marketing Area 9B (the towns of Bellingham, Blackstone, Douglas, Hopedale, Mendon, Milford, Millville, Northbridge, Sutton, Upton and Uxbridge):

Milk	Retail delivered	Wholesale delivered
Quart bottles or cans (per quart)	$0.155	$0.135
Pint bottles		.0725
10-ounce bottles		.0525
Half-pint bottles		.04

Price to producers: $4.25 per hundredweight.

(20) Massachusetts Milk Marketing Area 9C (the towns of Barre, Brookfield, East Brookfield, Hardwick, New Braintree, North Brookfield, Oakham, Warren and West Brookfield):

Milk	Retail delivered	Wholesale delivered
Quart bottles	$0.15	$0.13
Pint bottles		.075
10-ounce bottles		.055
Half-pint bottles		.045

Price to producers: $4.02 per hundredweight.

(21) Massachusetts Milk Marketing Area 9E (the towns of Brimfield, Holland, Monson, Palmer and Wales):

Milk	Retail delivered	Wholesale delivered
Quart bottles	$0.155	$0.135
Pint bottles		.0725
10-ounce bottles		.05
Half-pint bottles		.04
Bulk in cans (per quart)		.13

Price to producers: $4.02 per hundredweight.

(22) Massachusetts Milk Marketing Area 10B (the city of Marlborough, and the towns of Ashland, Framingham, Holliston, Hopkinton, Hudson, Natick, Northborough, Sherborn, Southborough, Sudbury, Wayland and Westborough):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.08
10-ounce bottles			.055
Half-pint bottles			.04
8-quart cans	1.28		1.04

Price to producers: $4.25 per hundredweight.

(23) Massachusetts Milk Marketing Area 10C (the towns of Acton, Boxborough, Carlisle, Concord, Harvard, Littleton, Maynard and Stow):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.075
10-ounce bottles			.06
Half-pint bottles			.0425
8-quart cans	1.28		1.00

Price to producers: $4.10 per hundredweight.

(24) Massachusetts Milk Marketing Area 10D (the towns of Bedford, Burlington, Lincoln, North Reading, Weston, and Wilmington; Area 15C (the town of Hull); and Area 17 (the cities of Beverly, Boston, Cambridge, Chelsea, Everett, Lynn, Malden, Medford, Melrose, Newton, Peabody, Quincy, Revere, Salem, Somerville, Walthan, and Woburn and the towns of Arlington, Belmont, Braintree, Brookline, Dedham, Lexington, Marblehead, Milton, Nahant, Needham, Reading, Saugus, Stoneham, Swampscott, Wakefield, Watertown, Wellesley, Weymouth, Winchester, and Winthrop):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.08
10-ounce bottles			.055
Half-pint bottles			.0425
8-quart cans			1.00
10-quart cans			1.30
20-quart cans			2.65
40-quart cans			5.00

Price to producers: $4.10 per hundredweight.

The maximum prices listed above in this Paragraph (24) shall remain in effect until 12:01 a. m. on May 15, 1943; thereafter the maximum prices shall be as follows:

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$0.145	$0.13
Pint bottles			.0775
10-ounce bottles			.055
Half-pint bottles			.0425
8-quart cans			1.00
10-quart cans			1.25
20-quart cans			2.40
40-quart cans			4.80

Price to producers: $4.10 per hundredweight.

(25) Massachusetts Milk Marketing Area 11AB (the cities of Lawrence and Lowell and the towns of Andover, Billerica, Boxford, Chelmsford, Dracut, Dunstable, Methuen, North Andover, Tewksbury, Tyngsborough and Westford):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.08
10-ounce bottles			.055
Half-pint bottles			.04
8-quart cans			1.04
10-quart cans			1.30
20-quart cans			2.60
40-quart cans			5.00

Price to producers: $4.10 per hundredweight.

The maximum prices listed above in this paragraph (25) shall remain in effect until 12:01 a. m. on May 15, 1943; thereafter the maximum prices shall be as follows:

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$.145	$0.13
Pint bottles			.0675
10-ounce bottles			.055
Half-pint bottles			.04
8-quart cans			1.01
10-quart cans			1.25
20-quart cans			2.50
40-quart cans			4.80

Price to producers: $4.10 per hundredweight.

(26) Massachusetts Milk Marketing Area 11C (the city of Haverhill, and the towns of Georgetown, Groveland and Merrimac):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.08
10-ounce bottles			.06
Half-pint bottles			.045
8-quart cans	1.12		1.04

Price to producers: $4.10 per hundredweight.

(27) Massachusetts Milk Marketing Area 12 (the city of Newburyport, and the towns of Amesbury, Newbury, Salisbury and West Newbury):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.155	$0.145	$0.13
Pint bottles			.07
10-ounce bottles			.055
Half-pint bottles			.04
8-quart cans and 10-quart cans (per quart)	.135		.125

Price to producers: $4.10 per hundredweight.

(28) Massachusetts Milk Marketing Areas 13A (the city of Gloucester, and the towns of Essex, Manchester and Rockport) and 13B (the towns of Danvers, Hamilton, Ipswich, Lynnfield, Middleton, Rowley, Topsfield and Wenham):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.08
10-ounce bottles			.055
Half-pint bottles			.04
8-quart cans	1.12		1.04

Price to producers: $4.25 per hundredweight.

(29) Massachusetts Milk Marketing Area 14A (the towns of Avon, Canton, Dover, Foxborough, Franklin, Holbrook, Mansfield, Medfield, Medway, Millis, Norfolk, Norwood, Randolph, Sharon, Stoughton, Walpole, Westwood and Wrentham); and 15A (the city of Brockton, and the towns of Abington, Bridgewater, Carver, Cohasset, Duxbury, East Bridgewater, Easton, Halifax, Hanover, Hanson, Hingham, Kingston, Lakeville, Marshfield, Mattapoisett, Middleborough, Norwell, Pembroke, Plymouth, Plympton, Rochester, Rockland, Scituate, West Bridgewater, and Whitman):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.075
10-ounce bottles			.055
Half-pint bottles			.04
8-quart cans			1.04

Price to producers: $4.25 per hundredweight.

(30) Massachusetts Milk Marketing Area 14B (the city of Attleboro, and the towns of North Attleboro, Norton, Plainville, Rehoboth, and Seekonk):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.075
10-ounce bottles			.055
Half-pint bottles			.045
8-quart cans			1.04
10-quart cans			1.30

Price to producers: $4.25 per hundredweight.

(31) Massachusetts Milk Marketing Area 15B (the city of Taunton, and the towns of Berkeley, Dighton, and Raynham):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.08
10-ounce bottles			.055
Half-pint bottles			.04
Bulk in cans (per quart)			.13

Price to producers: $4.25 per hundredweight.

(32) Massachusetts Milk Marketing Area 16A No. (the towns of Marion and Wareham):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.08
10-ounce bottles			.0575
Half-pint bottles			.045
8-quart cans			1.06
10-quart cans			1.33
20-quart cans			2.65
40-quart cans			5.00

Price to producers: $4.10 per hundredweight.

(33) Massachusetts Milk Marketing Area 16A So. (the towns of Barnstable, Bourne, Brewster, Chatham, Dennis, Eastham, Falmouth, Gosnold, Harwich, Mashpee, Orleans, Provincetown, Sandwich, Truro, Wellfleet, and Yarmouth):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.17	$0.16	$0.14
Pint bottles			.08
10-ounce bottles			.0575
Half-pint bottles			.045
8-quart cans			1.06
10-quart cans			1.33
20-quart cans			2.65
40-quart cans			5.00

Price to producers: $4.10 per hundredweight.

(34) Massachusetts Milk Marketing Area 16B (the towns of Chilmark, Edgartown, Gay Head, Oak Bluffs, Tisbury, and West Tisbury):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.18	$0.17	$0.15
Pint bottles			.095
10-ounce bottles			.0775
Half-pint bottles			.0475
8-quart cans			1.14
10-quart cans			1.43
20-quart cans			2.80
40-quart cans			5.20

Price to producers: $4.10 per hundredweight.

(35) Massachusetts Milk Marketing Area 16C (the town of Nantucket):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.18	$0.16	$0.14
10-ounce bottles			.0525
Half-pint bottles			.0425
8-quart cans			1.04
10-quart cans			1.30
20-quart cans			2.40
40-quart cans			4.80

Price to producers: $4.10 per hundredweight.

(36) Massachusetts Milk Marketing Area 18 (the city of New Bedford and the towns of Acushnet, Dartmouth, Fairhaven, Freetown and so much of the town of Westport as lies east of the line running midway between Drift and Pine Hill Roads):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.075
10-ounce bottles			.0525
Half-pint bottles			.04
8-quart cans			1.04
10-quart cans			1.30

Price to producers: $4.55 per hundredweight.

(37) Massachusetts Milk Marketing Area 19 (the city of Fall River, and the towns of Swansea, Somerset, and so much of the town of Westport as lies west of the line running midway between Drift and Pine Hill roads):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.075
10-ounce bottles			.0575
Half-pint bottles			.0375
8-quart cans	1.28		1.04

Price to producers: $4.34 per hundredweight.

(b) The prices set in section (a) of this order are subject to the following qualifications:

(1) The above "retail delivered" prices shall include sales for home consumption by any person whether sold for cash or on credit, and whether sold on the premises or delivered, except as provided in subsection (2) hereof.

(2) The above "retail over counter" prices shall include sales for home con-

sumption by stores where the milk is sold over the counter and is not delivered.

(3) The above "wholesale delivered" prices shall include delivered sales to stores, hotels, restaurants, and institutions in any quantity, and to any person whose purchases average not less than 8 quarts per day.

(4) A deposit charge of not more than five cents per bottle may be made to and by stores purchasing milk in glass bottles for resale, such bottles to be redeemed at the same price as is thus charged.

(5) When sale is made at wholesale or retail in a paper container, an additional charge of not more than one cent per container may be made over and above the applicable prices specified in the respective schedules as set forth above.

(6) All other customary deposit charges and price differentials for special milk, including but not limited to Grade A milk, flavored milk, trade marked milk, and milk of specially high butterfat content, which any seller (or purchaser from a producer) had in effect during the base period, may be added to the maximum prices for standard milk as fixed in this Order. The base period to be used for computing all such differentials shall be:

(i) For sales of fluid milk subject to the General Maximum Price Regulation, March, 1942.

(ii) For sales of fluid milk subject to Maximum Price Regulation 280, the period September 28, 1942 to October 2, 1942, inclusive.

(iii) For purchase of fluid milk from producers subject to Maximum Price Regulation 329, January, 1943.

(c) The maximum price for any sale of fluid milk subject to the General Maximum Price Regulation or to Maximum Price Regulation 280, for which no price is fixed in sections (a) and (b) of this order in the localities specified therein, shall be computed by increasing the seller's maximum price as determined under those regulations (without considering the increases permitted by Region I General Order 15 in Areas 1B, 3A, 3B, 5B, 6B, 6C, 7A, 9A, and 9B on February 21, 1943, or by Region I Price Order 2 in Area 9A on November 19, 1942) by the following amounts per quart:

1½ cents—Areas 1B, 3A, and 3B.
1 cent—Areas 4, 5B, 6B, 7A, 9B, 16B, and 16C.
½ cent—Areas 2B, 5A, 6A, 6C, 7B, 7C, 7E, 7F, 9A, 9C, 9E, 10C, 10D, 11AB, 12, 15C, 16A (No.), 16A (So.), 17, 18, and 19.
No increase—Areas 1C, 2A, 8, 10B, 11C, 13A, 13B, 14A, 14B, 15A, and 15B.

(d) Each milk distributor selling milk subject to this order to purchasers for purposes of resale shall promptly notify such purchasers in writing of the maximum prices permitted by this order for sales by the distributor and by such purchasers, and of the requirement that such maximum prices be posted by such purchasers in accordance with the provisions of § 1499.13 of the General Maximum Price Regulation.

(e) This order, on and after its effective date, shall supersede Region I Price Order 2 (redesignated as Order No. G–2) under § 1499.18 (c) as amended of the General Maximum Price Regulation—Fluid Milk in Massachusetts Milk Marketing Area No. 9A, and Region I General Order 15 (redesignated as Order No. G–15) under § 1499.18 (c) as amended, of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329, Fluid Milk in Certain Specified Areas of Massachusettts.

(f) This order may be revoked, amended or corrected at any time.

(g) Unless the context otherwise requires, the definitions set forth in the Regulation applicable to any sale of any fluid milk under this Order shall apply to the terms used herein with reference to such sale.

(h) This order shall become effective March 15, 1943 at 12: 01 a. m.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 13th day of March 1943.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11624; Filed, July 19, 1943; 3:11 p. m.]

[Region III Order G–12 Under 18 (c)]

FLUID MILK IN INDIANA

Order No. G–12 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly No. III–1499.18 (c)–15)—Order Adjusting the Maximum Prices of Fluid Whole Milk Sold at Retail and Wholesale in the State of Indiana.

For the reasons set forth in the opinion attached hereto and made a part hereof, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation, and notwithstanding the provisions of § 1499.2 thereof, *It is hereby ordered*, That:

I. *Sales of fluid whole milk.* Except as to such sales and deliveries of fluid whole milk as are specifically described in section II hereof, any person making sales or deliveries of fluid whole milk at retail or wholesale in the State of Indiana may add to the maximum prices established for him under the provisions of § 1499.2 of the General Maximum Price Regulation, the increases provided in Schedule A hereof.

II. *Exceptions.* A. Notwithstanding the provisions of paragraph I and Schedule A hereof, any person making sales or deliveries of fluid whole milk at retail or wholesale in the County of Marshall, Indiana, may, in addition to the increases provided for in said Schedule A, add one-half cent per quart on all sales and deliveries of fluid whole milk in quart containers.

B. Notwithstanding the provisions of paragraph I hereof, there shall be no increase in the price of fluid whole milk sold at retail or wholesale in the Counties of Grant, Allen, Floyd, Clarke, St. Joseph, LaPorte, Lake, Steuben, Putnam, Clinton, and Dearborn.

C. Notwithstanding the provisions of paragraph I hereof, any person making sales or deliveries of fluid whole milk at retail or wholesale in the Counties of Vigo, Clay, Owen, Monroe, Brown, Bartholomew, Decatur, and Franklin and in all counties in the State of Indiana lying north of the aforementioned belt of counties, whose adjusted maximum price per quart as established under this order is less than 13¢ at retail and/or 11¢ at wholesale, is hereby granted an adjusted maximum retail price of 13¢ per quart and/or an adjusted maximum wholesale price of 11¢ per quart.

D. Notwithstanding the provisions of paragraph I hereof, any person making sales or deliveries of fluid whole milk at retail or wholesale in all counties in the State of Indiana lying south of the belt of counties consisting of Vigo, Clay, Owen, Monroe, Brown, Bartholomew, Decatur, and Franklin, whose adjusted maximum price per quart as established under this order is less than 12¢ per quart at retail and/or 10¢ per quart at wholesale is hereby granted an adjusted maximum retail price of 12¢ per quart and/or an adjusted maximum wholesale price of 10¢ per quart.

E. For each full cent increase permitted in the price of quarts under the preceding paragraphs C and D hereof, the price of pints sold or delivered at retail and wholesale may be increased by one-half cent, and the price of one-half pints sold or delivered at wholesale may be increased by one-quarter cent.

F. Notwithstanding the provisions of paragraph No. I hereof, no increase shall be permitted in the price of quarts, pints, one-third quarts, or half-pints of fluid whole milk sold or delivered at retail, or pints, one-third quarts or half-pints of fluid whole milk sold or delivered at wholesale in the County of Marion, Indiana. However, any person making sales or deliveries of fluid whole milk in quart containers at wholesale in said County, may add one-half cent per quart to the maximum price established for him under the provisions of § 1499.2 of the General Maximum Price Regulation.

G. In no event shall the adjusted maximum price for half-pints at wholesale as established under any provision of this order exceed three and one-half cents per half-pint.

III. *Fractional sales.* A. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For the sale of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 13½¢ per unit may be adjusted to 14¢ for the sale of one unit, but must be 27¢ for the sale of two units, etc.

B. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units in such sale; for example, the maximum price for 24 pints of fluid milk at a per unit cost of 6½¢ would be $1.56.

IV. *Reports.* Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall, within five days after such action notify the State Office of the Office of Price Administration, 510 North New Jersey Street, Indianapolis, Indiana, by letter, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

Each person shall, in addition to the above, file with the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, such reports as may hereafter be required by said Regional Office.

V. *Notification of retail stores.* Each distributor selling fluid milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted in this order, and each retailer shall be required to post in his place of business the adjusted prices permitted in this order, in accordance with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

VI. *Discounts.* Except as to sales or deliveries in the County of Marion, Indiana, each seller of fluid whole milk at retail or wholesale shall maintain all of his customary allowances, discounts, and other price differentials.

VII. *Definition.* A. "Person" includes and individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing.

B. "Fluid whole milk" is defined to mean all cows milk which has been produced, processed, distributed, and sold for human consumption in fluid form with essentially the same butterfat content as each person or seller maintained during the month of March 1942.

C. "Sale or delivery at retail" means a sale or sales of fluid whole milk in glass or paper containers to an ultimate consumer other than an industrial or commercial user.

D. "Sale or delivery at wholesale" means a sale or sales of fluid whole milk in glass or paper containers to any person, other than an ultimate consumer, including industrial or commercial users.

VIII. This order shall remain in effect until modified or revoked by the Regional Administrator.

Effective December 30, 1942.

(Pub. Laws 421 & 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued December 29, 1942.

BIRKETT L. WILLIAMS,
Regional Administrator.

SCHEDULE A

Delivery	Container	Size	Permitted increase
Retail	Paper or glass	1 quart or multiples thereof	One cent per quart.
Retail	Paper or glass	One-third quart	None.
Retail	Paper or glass	One pint	One-half cent per pint.
Retail	Paper or glass	One quart or multiples thereof	One cent per quart.
Wholesale	Paper or glass	One-third quart	None.
Wholesale	Paper or glass	One pint	One-half cent per pint.
Wholesale	Paper or glass	One quart or multiples thereof	One cent per quart.
Wholesale	Paper or glass	One-half pint	One-fourth cent per half-pint.

[F. R. Doc. 43–11677; Filed, July 20, 1943; 11:12 a. m.]

[Region III Order G–12 Under 18 (c). Amdt. 1]

FLUID WHOLE MILK IN INDIANA

Amendment No. 1 to Order No. G–12 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. III—1499.18 (c)—15)—Adjusting the Maximum Prices of Fluid Whole Milk Sold at Retail and Wholesale in the State of Indiana.

For the reasons set forth in the opinion attached hereto and made a part hereof, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation, and notwithstanding the provisions of § 1499.2 thereof, *It is hereby ordered*, That:

I. *Sales of fluid whole milk.* A. Any person may sell or deliver fluid whole milk at retail or wholesale in the Counties of Anderson, Franklin, Jessamine, Oldham, Shelby, and Woodford in the State of Kentucky at: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) At the prices set forth in the following schedule, whichever are greater:

the adjusted maximum prices as determined thereunder shall in no event exceed the prices set forth in Schedule C hereof.

B. Notwithstanding the provisions of paragraph I hereof, there shall be no increase in the price of fluid whole milk sold at retail or wholesale in the Counties of Allen, Clark, Clinton, Dearborn, Floyd, Grant, Lake, LaPorte, Putnam and Steuben.

This Amendment No. 1 shall be effective March 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., E. O. 9250, 7 F.R. 7871)

Issued February 26, 1943.

BURKETT L. WILLIAMS,
Regional Administrator.

SCHEDULE B

Type of delivery	Container	Size	Permitted increase
Retail	Paper or glass	One quart or multiples thereof	1½¢ per quart.
Retail	Paper or glass	One pint	½¢ per pint.
Wholesale	Paper or glass	One quart or multiples thereof	1¼¢ per quart.
Wholesale	Paper or glass	One-half pint	¼¢ per one-half pint.

SCHEDULE C

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	55¢ per gallon.
Retail	Glass or paper	One quart	15¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	6¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	45¢ per gallon.
Wholesale	Glass or paper	One quart	13¢ per quart.
Wholesale	Glass or paper	One pint	7½¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per one-half pint.

[F. R. Doc. 43–11678; Filed, July 20, 1943; 11:10 a. m.]

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass, paper or other	One gallon or multiples thereof	52¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	14¢ per quart.
Retail	Glass or paper	One pint	7½¢ per pint.
Retail	Glass or paper	One-half pint	5¢ per one-half pint.
Wholesale	Glass, paper or other	One gallon or multiples thereof	44¢ per gallon.
Wholesale	Glass or paper	One quart or multiples thereof	12¢ per quart.
Wholesale	Glass or paper	One pint	6¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per one-half pint.

E. Any person may sell or deliver fluid milk at retail or wholesale in the County of Harlan in the State of Kentucky at: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous Order issued by the Regional Administrator of Region III, or (3) At the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass, paper or other	One gallon or multiples thereof	60¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	16¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	6¢ per one-half pint.
Wholesale	Glass, paper or other	One gallon or multiples thereof	52¢ per gallon.
Wholesale	Glass or paper	One quart or multiples thereof	14¢ per quart.
Wholesale	Glass or paper	One pint	7½¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per one-half pint.

F. Any person may sell or deliver fluid whole milk at retail or wholesale in the Counties of Floyd, Letcher, Perry and Pike in the State of Kentucky at: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) At the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass, paper or other	One gallon or multiples thereof	64¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	17¢ per quart.
Retail	Glass or paper	One pint	9½¢ per pint.
Retail	Glass or paper	One-half pint	6¢ per one-half pint.
Wholesale	Glass, paper or other	One gallon or multiples thereof	56¢ per gallon.
Wholesale	Glass or paper	One quart or multiples thereof	15¢ per quart.
Wholesale	Glass or paper	One pint	7½¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per one-half pint.

G. Any person may sell or deliver fluid whole milk at retail or wholesale in any County in the State of Kentucky not specifically mentioned in Paragraphs A, B, C, D, E, or F of this section I at: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) At the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass, paper or other	One gallon or multiples thereof	48¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	13¢ per quart.
Retail	Glass or paper	One pint	7¢ per pint.
Retail	Glass or paper	One-half pint	5¢ per one-half pint.
Wholesale	Glass, paper or other	One gallon or multiples thereof	40¢ per gallon.
Wholesale	Glass or paper	One quart or multiples thereof	11¢ per quart.
Wholesale	Glass or paper	One pint	6½¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per one-half pint.

B. Any person may sell or deliver fluid whole milk at retail or wholesale in the Counties of Barren, Bourbon, Bullitt, Calloway, Carroll, Clark, Daviess, Harrison, Montgomery, Nelson, Owen, Scott and Spencer in the State of Kentucky at (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous Order issued by the Regional Administrator of Region III, or (3) At the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass, paper or other	One gallon or multiples thereof	56¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	13½¢ per quart.
Retail	Glass or paper	One pint	7¢ per pint.
Retail	Glass or paper	One-half pint	5½¢ per one-half pint.
Retail	Glass, paper or other	One gallon or multiples thereof	42¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	11¢ per quart.
Retail	Glass or paper	One pint	6½¢ per pint.
Retail	Glass or paper	One-half pint	3½¢ per one-half pint.

C. Any person may sell or deliver fluid whole milk at retail or wholesale in the County of Fayette in the State of Kentucky at: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) At the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass, paper or other	One gallon or multiples thereof	52¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	14¢ per quart.
Retail	Glass or paper	One pint	7½¢ per pint.
Retail	Glass or paper	One-half pint	5½¢ per one-half pint.
Wholesale	Glass, paper or other	One gallon or multiples thereof	42¢ per gallon.
Wholesale	Glass or paper	One quart or multiples thereof	12¢ per quart.
Wholesale	Glass or paper	One pint	6½¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per one-half pint.

D. Any person may sell or deliver fluid whole milk at retail or wholesale in the Counties of Bell, Boone, Boyd, Bracken, Campbell, Carter, Elliott, Fleming, Gallatin, Grant, Greenup, Hardin, Henderson, Kenton, Lawrence, Lewis, McCracken, Mason, Pendleton, Robertson, Rowan, and Warren in the State of Kentucky at: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous Order issued by the Regional Administrator of Region III, or (3) At the prices set forth in the following schedule, whichever are greater:

II. *Sales of special milk.* A. Except as hereinafter provided in Paragraph B of this section II, any person selling special milk, as hereinafter defined, at retail or wholesale in any County in the State of Kentucky, who is permitted under the provisions of this Order or has been permitted under the provisions of any previous Order issued by the Regional Administrator of Region III to increase the price of fluid whole milk (raw or pasteurized regular, standard milk) sold by him, may add an amount equal to such increase to the retail and wholesale prices of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or under the provisions of any previous Order issued by the Regional Administrator of Region III.

B. The adjusted maximum price of plain Homogenized milk, Chocolate drink, Buttermilk and Skim milk as established under the preceding Paragraph A shall in no event exceed the adjusted maximum price of Fluid whole milk (raw or pasteurized regular, standard milk) established under the applicable provisions of this order.

C. If any person selling special milk at retail or wholesale in any County in the State of Kentucky cannot determine his maximum prices for such special milk under the provisions of Paragraphs A or B of this section II, he may apply by letter to the Regional Office of Price Administration, Union Commerce Building, Cleveland, Ohio, for determination of his maximum prices. He shall submit full information as to his present maximum prices, the prices of his most closely competitive sellers, the type and approximate butterfat content of the special milk sold by him and his most closely competitive sellers, and a full statement of the reasons why he is unable to determine adjusted prices under Paragraphs A and B hereof.

III. Notwithstanding the provisions of paragraphs I and II of this order, there shall be no increase in the prices of fluid whole milk or special milk, as hereinafter defined, in the County of Jefferson in the State of Kentucky.

IV. *Fractional sales.* Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For sales of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 7½¢ per unit may be adjusted to 8¢ for the sale of one unit, but must be 15¢ for the sale of two units, etc.

B. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units in such sale; for example, the maximum price for 24 pints of fluid milk at a per unit cost of 5½¢ would be $1.32.

V. *Reports.* Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall, within five (5) days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

Each such person shall, in addition to the above, file with the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, such reports as may hereafter be required by said Regional Office.

VI. *Discounts.* Any person selling fluid whole milk and/or special milk at retail or wholesale in the State of Kentucky may discontinue the granting of discounts.

VII. *Notification of retail stores.* Each distributor selling fluid whole milk and/or special milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted in this Order, and each retail store is hereby required to comply with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

VIII. The provisions of this order supersede the provisions of General Order No. 1 (redesignated as Order No. G–17 under § 1499.18 (c), as amended, of the General Maximum Price Regulation) Pertaining to Certain Trade Practices in Region III. Said General Order No. 1 is therefore revoked as to all counties, except Jefferson County in the State of Kentucky.

IX. *Definitions.* A. "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing.

B. *Fluid whole milk and special milk.* 1. "Fluid whole milk" is defined to mean all grades of cow's milk which has been produced, processed, distributed, and sold for human consumption in fluid form as raw or pasteurized regular, standard whole milk, with essentially the same butterfat content as each person or seller maintained during the applicable base period.

2. "Special milk" is defined to mean plain Homogenized milk, Softcurd milk, Buttermilk, Regular or Standard milk flavored with chocolate, Chocolate drink, Skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than regular or standard milk, and (b) it must have sold during the month of March 1942 at a price higher than regular or standard milk.

C. "Sale or delivery at retail" means a sale or sales of fluid whole milk in glass or paper containers to an ultimate consumer, other than an industrial or commercial user.

D. "Sale or delivery at wholesale" refers to a sale of fluid whole milk or special milk in glass, paper or other containers to any person, including an industrial or commercial user, other than an ultimate consumer. For the purposes of this order, a sale or delivery at wholesale shall include a sale or delivery to stores, hotels, restaurants, institutions, and any branch of the Armed Forces of the United States. A sale or delivery at wholesale does not include a sale of bulk milk made by one distributor to another, or a sale by cooling station to a distributor.

X. This order shall remain in effect until modified or revoked by the Regional Administrator.

Effective January 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 19, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–11661; Filed, July 20, 1943; 11:07 a. m.]

[Region III Order G–18 Under 18 (c), Amdt. 1]

FLUID WHOLE MILK AND SPECIAL MILK IN KENTUCKY

Amendment No. 1 to Order No. G–18 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (Formerly Order No. III–1499.18 (c)–26)—Adjusting the Maximum Prices of Fluid Whole Milk and Special Milk Sold at Retail and Wholesale in the State of Kentucky.

For the reasons set forth in the opinion attached hereto, paragraph D of section I of Order No. G–18 is hereby revoked and a new paragraph D, as set forth below, is substituted therefor.

I. *Sales of fluid whole milk.* • • •

D. Any person may sell or deliver fluid whole milk at retail or wholesale in the Counties of Bell, Boone, Boyd, Bracken, Campbell, Carter, Elliott, Fleming, Gallatin, Grant, Greenup, Hardin, Henderson, Kenton, Lawrence, Lewis, Logan, McCracken, Mason, Pendleton, Robertson, Rowan, Simpson and Warren in the State of Kentucky at: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous Order issued by the Regional Administrator of Region III, or (3) At the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass, paper or other	One gallon or multiples thereof	52¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	14¢ per quart.
Retail	Glass or paper	One pint	7½¢ per pint.
Retail	Glass or paper	One-half pint	5¢ per one-half pint.
Wholesale	Glass, paper or other	One gallon or multiples thereof	44¢ per gallon.
Wholesale	Glass or paper	One quart or multiples thereof	12¢ per quart.
Wholesale	Glass or paper	One pint	6¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per one-half pint.

This Amendment No. 1 shall be effective March 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued February 26, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-11662; Filed, July 20, 1943; 11:06 a. m.]

[Region III Order G-18 Under 18 (c), Amdt. 2]

FLUID WHOLE MILK AND SPECIAL MILK IN KENTUCKY

Amendment No. 2 to Order No. G-18 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (Formerly Order No. III—1499.18 (c)—26)—Adjusting the Maximum Prices of Fluid Whole Milk and Special Milk Sold at Retail and Wholesale in the State of Kentucky.

For the reasons set forth in the opinion attached hereto, paragraph D of section I of Order No. G-18, as amended, is hereby revoked, and a new paragraph D, as set forth below, is substituted therefor.

I. Sales of fluid whole milk. • • •

D-1. Any person may sell or deliver fluid whole milk at retail or wholesale in the Counties of Bell, Boone, Boyd, Bracken, Campbell, Carter, Elliott, Fleming, Gallatin, Grant, Greenup, Hardin, Henderson, Kenton, Lawrence, Lewis, Logan, McCracken, Mason, Pendleton, Robertson, Rowan, Simpson and Warren in the State of Kentucky at: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) At the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum Prices
Retail	Glass or other	One gallon or multiples thereof	52¢ per gallon.
Retail	Glass or paper	One-half gallon	27¢ per one-half gallon.
Retail	Glass or paper	One quart	14¢ per quart.
Retail	Glass or paper	One pint	7½¢ per pint.
Retail	Glass or paper	One-half pint	5¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	44¢ per gallon.
Wholesale	Glass or paper	One-half gallon	23¢ per one-half gallon.
Wholesale	Glass or paper	One quart	12¢ per quart.
Wholesale	Glass or paper	One pint	6¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per one-half pint.

2. Notwithstanding the provisions of the preceding subparagraph (1) of this paragraph D, the maximum price of one-half pints of fluid whole milk sold at wholesale within the corporate limits of the municipality of Morehead located in the County of Rowan in the State of Kentucky shall be 3¾¢ per one-half pint.

3. Any person may sell or deliver fluid whole milk at retail or wholesale in the Counties of Boyd and Greenup in the State of Kentucky at: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous Order issued by the Regional Administrator of Region III, or (3) At the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	51¢ per gallon.
Retail	Glass or paper	One-half gallon	28¢ per one-half gallon.
Retail	Glass or paper	One quart	15¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Wholesale	Glass or paper	One-half gallon	25¢ per one-half gallon.
Wholesale	Glass or paper	One quart	13¢ per quart.
Wholesale	Glass or paper	One pint	8¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per one-half pint.

This Amendment No. 2 shall become effective March 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued March 31, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-11663; Filed, July 20, 1943; 11:04 a. m.]

[Region III Order G-18 Under 18 (C), Amdt. 3]

FLUID WHOLE MILK IN KENTUCKY

Amendment No. 3 to Order No. G-18 under § 1499.18 (c), as Amended, of the General Maximum Price Regulation (formerly Order III-1499.18 (c)-26)—Adjustment of the Maximum Prices of Fluid Whole Milk Sold at Retail and Wholesale in the State of Kentucky.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That paragraph B-1 of section IX be amended to read as set forth below.

IX. *Definitions.* • • •

B. *Approved fluid milk and special milk.*

1. *Approved fluid milk* is defined to mean fluid cows' milk, whether raw or pasteurized meeting the minimum butterfat content, sanitary and health requirements for fluid milk for human consumption in the particular area wherein it is delivered, including standards set by the army or navy purchasing officer making purchases for the armed forces of the United States.

This Amendment No. 3 shall become effective April 23, 1943.

Issued April 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-11679; Filed, July 20, 1943; 11:17 a. m.]

[Region VII Order G-3]

FLUID MILK IN CERTAIN AREAS IN WYOMING

Correction

In the second line of paragraph (2) of the document appearing on page 9173 of the issue for Saturday, July 3, 1943, the word "consumer" should be "customer".

[Region VII Order G-1 Under 4 (c)]

FRESH FRUITS AND VEGETABLES IN BOISE, IDAHO

Order No. G-1 under section 4 (c) of Maximum Price Regulation No. 376 and Region VII Delegation Order No. 10—Adjustment of Maximum Prices for Certain Fresh Fruits and Vegetables When Sold Otherwise Than at Retail in the Boise, Idaho District.

For the reasons set forth in an opinion issued simultaneously herewith and upon the authority vested in the District Manager of the Office of Price Administration by Region VII Delegation Order No. 10 under section 4 (c) of Maximum Price Regulation No. 376, *It is hereby ordered:*

(a) *Commodities covered.* This order covers each kind, variety and type of the following fresh vegetables when grown in or brought into the Boise, Idaho District:

(1) Tomatoes.
(2) Snap beans.
(3) Carrots.
(4) Cabbage.
(5) Green peas.
(6) Lettuce.
(7) Spinach.

The fresh vegetables listed above are referred to in this order as the "listed commodities."

(b) *Geographical applicability.* The provisions of this order are limited in their geographical application to the Boise, Idaho District of the Office of Price Administration, and more specifically, all that part of the State of Idaho, south of the southern boundary of Idaho County and the Counties of Malheur and Harney in the State of Oregon.

(c) *Transactions covered.* (1) This order applies to all sales except those expressly exempted by paragraph (e) hereof.

(d) *Applicability of Maximum Price Regulation No. 376 and other regulations.* Except insofar as the same are inconsistent with or contrary to the terms and provisions of this Order No. G-1, all of the terms and provisions of Maximum Price Regulation No. 376 shall be applicable hereto with like force and effect as though rewritten herein. The maximum prices for the "listed commodities" heretofore established by Orders No. 1, 2 and 3 under § 1439.253 (c) of Temporary Maximum Price Regulation No. 28 and Order No. 4 under § 1439.-253 (c) of Temporary Maximum Price Regulation No. 28 and § 1439.304 (c) of Temporary Maximum Price Regulation No. 29, are hereby revoked in accordance with the provisions of this Order.

(e) *Exempt sales.* The provisions of this order shall not apply to the following:

(1) Sales and deliveries at retail which shall continue to be priced under Maximum Price Regulation No. 268 (except sales at retail by a grower or by a wayside market stand, which are covered by this order).

(2) Sales and deliveries by a farmer of any listed commodity grown on his farm to a country shipper. This regulation shall apply to any sales and deliveries by a farmer directly to wholesalers, retailers and commercial, industrial and institutional users, except sales and deliveries to processors, such as but not limited to, canners, packers, manufacturers or dehydrators.

(f) *Prohibition against sales above maximum prices.* On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell or deliver and no person in the course of trade or business shall buy or receive any of the "listed commodities" at prices higher than the maximum prices established by this order and no person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices than the maximum price may be charged and paid.

(g) *Definitions.* When used in this order, the term:

(1) "Person" includes individuals, corporations, partnerships, associations or any legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of any of the foregoing.

(2) "Grower" means a person who produces one or more of the "listed commodities".

(3) "Country shipper" means any person, including a grower, who makes sales and deliveries from his farm or country shipping point to any other person and whose sales are covered by the maximum prices set forth in paragraph (p) hereof.

(4) "Carlot or trucklot distributor" means a person other than a country shipper who purchases the "listed commodities" in straight or mixed carlots or in straight or mixed trucklots and resells the same in unbroken carlots or unbroken trucklots in a terminal market or other wholesale receiving point.

(5) "Primary distributor" means a person who maintains an established place of business at a terminal or wholesale market and who either by himself or jointly with other primary distributors, purchases the "listed commodities" in straight or mixed carlots or straight or mixed trucklots and breaks the shipment and resells in smaller lots without materially changing the form, to intermediate sellers or to retailers. A truck or a truck stand shall not be deemed to be an "established place of business" within the meaning of this order; but a stall in a public market shall be deemed to be such place of business.

(6) "Intermediate seller" means any person (other than a country shipper or retailer) who purchases from a primary distributor any one or more of the "listed commodities" in less than carlots or trucklots for the purpose of reselling and who takes title and makes sales to any person who is not an ultimate consumer. The term "ultimate consumer" shall not include industrial, commercial, or institutional users (including procurement agencies of the United States or of any State).

(7) "Retailer" means a person who makes sales to ultimate consumers.

(8) "Sales and deliveries at retail" means sales by retailers. Sales to industrial, commercial or institutional users (including procurement agencies of the United States or of any State) shall not be construed to be sales at retail.

(9) "Country shipping point" means the first place in or near the producing area in the Boise, Idaho District where any one or more of the "listed commodities" is made ready for shipment to any person.

(10) "Cost of transportation" means freight by common, contract or private carrier not to exceed the lowest common or contract carrier rate for available transportation a distance of 15 miles or more and includes charges incurred for pre-cooling, initial icing and other protective services.

(11) "Boise District" includes that part of the State of Idaho lying south of the southern boundary of Idaho County and the Counties of Malheur and Harney in the State of Oregon.

(12) Unless the context otherwise requires, the definitions set forth in section 13 of Maximum Price Regulation No. 376 shall apply to other terms used herein.

(h) *Maximum Prices for country shippers.* Maximum prices for all sales made at a country shipping point shall be the prices specified in the tables set forth in paragraph (p) hereof.

(i) *Maximum Prices for carlot or trucklot distributors.* If any person, (1) purchases any one or more of the "listed commodities" in straight or mixed carlots at a country shipping point in the Boise, Idaho District and resells the same in straight or mixed carlots in a terminal market or other wholesale receiving point in the Boise, Idaho District; or (2) purchases any one or more of the "listed commodities" in straight or mixed trucklots at a country shipping point in the Boise, Idaho District and resells the same in straight or mixed trucklot (without breaking the original trucklots) at a terminal market or other wholesale receiving point in the Boise, Idaho District, the maximum price shall be the maximum price at the country shipping point plus the cost of transportation from the country shipping point to the terminal market or other wholesale receiving point plus a brokerage charge, if actually incurred, not to exceed the broker's maximum service charge as established under § 1499.101 (c) (17) of Maximum Price Regulation No. 165 and duly filed with the proper War Price and Rationing Board.

(j) *Classes of primary distributors and intermediate sellers.* For the purposes of this order, primary distributors and intermediate sellers shall be divided into the following classes:

Class I: Retailer-owned cooperative seller. A retailer-owned cooperative primary distributor or intermediate seller is either a non-profit organization or a corporation, 51% or more of the stock of which is owned by its retailer customers and which purchases and resells the "listed commodities" without materially changing their form.

Class II: Cash-and-carry seller. A cash-and-carry seller is a seller not in Class I who customarily buys and resells the "listed commodities" to intermediate sellers, retail stores, or to commercial, industrial or institutional users without materially changing their form and who does not customarily deliver or extend credit to customers.

Class III: Service seller. A service seller is a seller not in Class I who customarily purchases and resells the "listed commodities" to chain stores, independent retail stores or to commercial, industrial or institutional users without materially changing their form and who customarily delivers and extends credit to customers.

(k) *Maximum prices for primary distributors.* (1) A primary distributor's "base price" shall be the country shipping point price when the "listed commodities" are grown in the Boise, Idaho District, plus cost of transportation, plus a brokerage charge, if actually incurred, not to exceed the broker's maximum service charge as established under § 1499.101 (c) (17) of Maximum Price Regulation No. 165 and duly filed with the proper War Price and Rationing Board; and when the "listed commodities" are grown outside the Boise, Idaho District, the "base price" of a primary distributor whose place of business is in the Boise, Idaho District shall be the net cost to him delivered at his customary receiving point when purchased from a customary supplier in straight or mixed carlots or in straight or mixed trucklots, not, however, to exceed the maximum price of his supplier plus cost of transportation, and plus a brokerage charge as hereinabove specified in this paragraph.

(2) The maximum price for any one of the "listed commodities", when sold by a Class I or Class II primary distributor, shall be such primary distributor's "base price" multiplied by 1.175; and the maximum price for any one of the "listed commodities", when sold by a Class III primary distributor, shall be such primary distributor's "base price" multiplied by 1.25.

(l) *Maximum prices for intermediate sellers.* (1) An intermediate seller's "base price" for any one of the "listed commodities", when purchased from a primary distributor, shall be the "base price" of his supplier. In all such transactions it shall be the duty of the seller to furnish the buyer a statement either upon the face of the invoice or by separate instrument, showing the seller's "base price" and how it was arrived at.

(2) The maximum price for any one of the "listed commodities" when sold by a Class I or Class II intermediate seller shall be such intermediate seller's "base price" multiplied by 1.20 plus cost of transportation and the maximum price for any one of the "listed commodities" when sold by a Class III intermediate seller shall be such intermediate seller's "base price" multiplied by 1.29. *Provided, however,* That an intermediate seller who purchases from another intermediate seller shall have for his maximum price the maximum price of the intermediate seller from whom he purchased.

(m) *Maximum prices for sales at retail by a grower or a wayside market stand.* The maximum prices for a grower or a wayside market stand on sales made to an ultimate consumer shall be the country shipping point price multiplied by 1.40.

(n) *Notification by intermediate seller.* Every sale of a "listed commodity" by an intermediate seller to another intermediate seller shall be accompanied by a notification in writing showing the seller's maximum price for such sale.

(o) *What specified markups include.* The maximum markups provide herein for primary distributors and intermediate sellers include all commissions and brokerage charges, if any, and all other items of cost involved in making local deliveries within a seller's customary free delivery zone. Any primary distributor or intermediate seller delivering the "listed commodities" to institutions or retail stores outside his free delivery zone may charge different delivered prices in such other areas or zones in which deliveries are made as follows:

(1) He first determines his delivered price for each area or zone by adding to his prices established by this order an amount not exceeding the average cost of delivery to the institutions or retailers in the area or zone.

(2) In determining the average cost of delivery to the retailers in the area or zone no rate shall be used which is in excess of the lowest common or contract carrier rate for available transportation.

(3) If such a delivery charge is made, the amount thereof shall be included as part of the maximum price established by this order. Before using such area or zone differential, the primary distributor or intermediate seller shall report it in writing to the Boise, Idaho District Office of the Office of Price Administration having jurisdiction over the seller.

(p) *Maximum prices at country shipping point in Boise, Idaho District.*

TABLE I—LETTUCE

1. In crates of 4's and 5's, ice pack, for distance shipment	$4.90
2. In crates of 6 dozen, ice pack, for distance shipment	3.90
3. In crates of 3's and 4's, selected heads, untrimmed, dry pack, sold by farmer to wholesaler, retailer, and/or commercial, industrial or institutional user	2.50

TABLE II—GREEN PEAS

1. Per bushel box or hamper, hand sorted and packed at a central packing depot, full measure and full pack	$3.35
2. Per bushel box or hamper, field pack, full measure and full pack	3.00

(q) *Maximum delivered prices for farmers in the Boise, Idaho, District.*

TABLE I—LETTUCE

1. In crates of 3's and 4's, selected heads, untrimmed, dry pack, sold and delivered by the farmer to a retailer, and/or commercial, industrial or institutional user	$3.00

(r) *Right to revoke or amend.* This order may be revoked, modified or amended by the Price Administrator, Regional Administrator or District Manager at any time.

(s) *Effective date.* This order shall become effective at 12:01 a. m. on the 19th day of June, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 19th day of June 1943.

C. C. ANDERSON,
District Manager.

[F. R. Doc. 43-11709; Filed, July 21, 1943; 11:22 a. m.]

[Region VII Order G-4 Under 18 (c)]

FLUID MILK IN IDAHO

Order No. G-4 issued under § 1499.18 (c) as amended, of the General Maximum Price Regulation (formerly Order No. 4)—Order Modifying Maximum Wholesale and Retail Prices for Fluid Milk in Certain Areas in the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) The maximum prices of fluid milk testing not less than 3.8 per cent butter fat sold and delivered at wholesale and retail in bottles or paper containers, in Kootenai, Latah and Nez Perce counties of the State of Idaho shall be, from and after the effective date of this order, as follows:

Fluid milk	Wholesale	Retail
	Cents	*Cents*
½ pints	4	7
Pints	6	7
Quarts	11	13
½ gallons	20	24
Gallons	39	45

(2) The maximum prices of fluid milk testing not less than 3.8 per cent of butter fat, sold and delivered at wholesale and retail in bottles or paper containers, in Boundary, Bonner, Benewah, Idaho and Lewis counties of the State of Idaho shall be, from and after the effective date of this order, as follows:

Fluid milk	Wholesale	Retail
	Cents	*Cents*
½ pints	3½	6
Pints	5½	9
Quarts	10	12
½ gallons	18	22
Gallons	35	41

(3) Any person making a first sale of milk to any customer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

The following maximum prices have been established for fluid milk in Kootenai, Latah and Nez Perce Counties of the State of Idaho by Order No. 4 issued by the Regional Administrator of O. P. A., and are effective December 10, 1942:

(Here set forth the prices stated above for said counties, both at wholesale and retail)

As to Boundary, Bonner, Benewah, Idaho and Lewis Counties, the printed or written slip will substitute the names of those counties and the maximum prices specified in paragraph (2).

(4) All sellers and distributors of milk who purchase their supplies or any part thereof direct from the producer, shall file with the State Office of Price Administration at Boise, Idaho, on or before the 20th day of each month beginning with January, 1943, a statement showing the prices actually paid by such seller or distributor to the producers of milk from whom he purchased any quantity during the preceding month.

(5) From and after the effective date of this order, it shall not be obligatory upon any seller to maintain or continue any differentials or quantity discounts heretofore established by him, provided, however, that any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(6) *Definitions.* For the purpose of this order:

(i) "Milk" means cow's milk produced, processed or unprocessed, containing not less than 3.8 per cent of butterfat distributed and sold in bottles or paper containers for consumption in fluid form as whole milk.

(ii) Koutenai, Latah, Nez Perce, Boundary, Bonner, Nenewah, Idaho and Lewis counties mean all the respective areas lying within the geographical boundaries of those counties.

(7) This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(8) This order becomes effective December 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

CLEM W. COLLINS,
Regional Administrator.

DECEMBER 13, 1942.

[F. R. Doc. 43-11715; Filed, July 21, 1943; 11:25 a. m.]

[Region VII Order G-5 Under 18 (c)]

FLUID MILK IN UTAH

Order No. G-5 issued under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 5)—Order Modifying Maximum Wholesale and Retail Prices for Fluid Milk in Certain Areas in the State of Utah.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(1) The maximum prices of fluid milk testing not less than 3.8 per cent butter fat sold and delivered at wholesale and retail in bottles or paper containers in Duchesne, Utah, shall be, from and after the effective date of this order, as follows:

Fluid milk	Wholesale	Retail
	Cents	*Cents*
Quarts	8	10

(2) Any person making a first sale of milk to any customer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G-5 issued by the Regional Administrator of the Office of Price Administration, and effective as of December 12, 1942, the price of milk in Duchesne, Utah, has been fixed at 8 cents per quart wholesale and 10 cents per quart retail.

(3) All sellers and distributors of milk who purchase their supplies or any part thereof direct from the producer, shall file with the State Office of Price Administration at Salt Lake City, Utah, such reports concerning the prices paid by them to the producers of milk as the Regional Administrator may from time to time require.

(4) From and after the effective date of this order it shall not be obligatory upon any seller to maintain or continue any differentials or quantity discounts heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(5) *Definitions.* For the purposes of this order:

(i) "Milk" means cow's milk produced, processed or unprocessed, containing not less than 3.8 per cent of butter fat distributed and sold in bottles or paper containers for consumption in fluid form as whole milk.

(ii) "Duchesne, Utah" means all of the area lying within the corporate limits of that municipality and a distance of three miles beyond at all points.

(6) This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(7) This order becomes effective December 12, 1942.

(Pub. Laws, 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O., 9328, 8 F.R. 4681)

CLEM W. COLLINS,
Regional Administrator.

DECEMBER 12, 1942.

[F. R. Doc. 43-11714; Filed, July 21, 1943; 11:24 a. m.]

[Region VII Order G-6 under 18 (c)]

FLUID MILK IN CERTAIN AREAS OF UTAH

Order No. G-6 issued under § 1499.18 (c) as amended by the General Maximum Price Regulation (formerly Order No. 6)—Order Modifying Wholesale and Retail Prices for Fluid Milk in Certain Areas in the State of Utah.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended by the General Maximum Price Regulation, *It is hereby ordered:*

(1) The maximum prices of fluid milk sold and delivered at wholesale and retail in glass or paper containers, in Carbon and Emery Counties, State of Utah, shall be, from and after the effective date of this order, as follows:

Quantity in glass or paper container	Wholesale	Retail
	Cents	*Cents*
Half pints	3½	5
Quarts	11	13

(2) Any person making a first sale of milk to any customer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G-6 issued by the Regional Administrator of the Office of Price Administrator, and effective as of December 17, 1942, the price of milk in Carbon and Emery Counties, State of Utah, has been fixed at 3½¢ per half pint wholesale and 5¢ per half pint retail; 11¢ per quart wholesale and 13¢ per quart retail.

(3) All sellers and distributors of milk who purchase their supplies or any part thereof direct from the producer, shall file with the State Office of Price Administration at Salt Lake City, Utah, such reports concerning the prices paid by them to the producers of milk as the Regional Administrator may from time to time require.

(4) From and after the effective date of this order it shall not be obligatory upon any seller to maintain or continue any differentials or quantity discounts heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(5) *Definitions.* For the purposes of this order:

(i) "Milk" means cow's milk (whole) produced, processed or unprocessed, sold in glass or paper containers for consumption in fluid form as whole milk.

(ii) "Carbon and Emery Counties, Utah" mean all of the areas lying within the respective boundaries of those two counties of the State of Utah.

(6) This order may be revoked, modified or amended by the Price Administrator of the Regional Administrator at any time.

(7) This order becomes effective December 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

CLEM W. COLLINS,
Regional Administrator.

DECEMBER 17, 1942.

[F. R. Doc. 43-11713; Filed, July 21, 1943; 11:24 a. m.]

[Region VII Rev. Order G-7 Under 18 (c)]

FLUID MILK IN COLORADO

Revised Order No. G-7 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Revised General Order No. 7)—Adjustment of Fluid Milk Prices in the State of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration, by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered,* That:

(a) Order No. G-7 issued under § 1499.18 (c) of the General Maximum Price Regulation by this Regional Office on December 23, 1942, and Amendment No. 1 thereto issued January 12, 1943, and Amendment No. 2 thereto issued January 31, 1943, are hereby revoked and superseded by this Revised Order No. G-7 as of the effective date hereof.

(b) The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in the Denver area of Colorado shall be, from and after the effective date of this Revised General Order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
½ pints	Approved	$0.03½	$0.05
Pints	Approved	.06	.03
Quarts	Approved	.10½	.18
½ gallons	Approved	.20	.25
Gallons	Approved	.41	.48

(c) The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in the Colorado Springs-Manitou area of Colorado shall be, from and after the effective date of this revised general order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
½ pints	Approved	$0.03½	$0.05
Pints	Approved	.06	.07
Quarts	Approved	.11	.13
½ gallons	Approved	.21	.25
Gallons	Approved	.41	.48

(d) The maximum prices of fluid milk sold and delivered in glass bottles or paper containers in the Pueblo area of Colorado shall be, from and after the effective date of this revised general order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
½ pints	Approved	$0.03½	$0.05
Pints	Approved	.06	.07
Quarts	Approved	.11	.13
½ gallons	Approved	.21	.25
Gallons	Approved	.41	.48

(e) The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in the Adams, Arapahoe, Jefferson, El Paso, Pueblo, Larimer, Weld, Logan, Morgan, Boulder, Clear Creek, Douglas, Teller, Otero and Huerfano area of Colorado shall be from and after the effective date of this revised general order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
½ pints	Approved	$0.03¾	$0.05
Pints	Approved	.05	.07
Quarts	Approved	.10	.12
½ gallons	Approved	.19	.22
Gallons	Approved	.37	.44

(f) The maximum prices for fluid milk and cream sold and delivered in glass bottles or paper containers, and of the other milk products named below sold to the Government purchasing agencies for Camp Hale, Colorado, and delivered there, shall, from and after the effective date of this revised general order, be as follows:

In glass bottles or paper containers	Grade	Maximum prices
		Cents per qt.
Milk	Approved	14
Coffee Cream (18% butterfat)	Approved	50½
Buttermilk	Approved	11½
Chocolate Drink	Approved	13½

(g) The maximum prices for fluid milk sold and delivered in glass bottles or paper containers in the Gilpin County area shall, from and after the effective date of this revised general order, be as follows:

Container size	Grade	Kind of container	Wholesale	Retail
			Cents	*Cents*
½ pints	Approved	Glass or paper	3½	5
Pints	Approved	Glass or paper	6	7
Quarts	Approved	Glass or paper	11	13
½ gallons	Approved	Glass or paper	21	25
Gallons	Approved	Glass or paper	41	48

(h) The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in the Telluride area of Colorado shall be, from and after the effective date of this revised general order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
		Cents	*Cents*
Half pints	Approved	3¾	5
Pints	Approved	7	8
Quarts	Approved	12	14
Half gallon	Approved	22	26
Gallons	Approved	42	50

(i) The maximum prices of fluid milk sold and delivered at wholesale and retail, in glass bottles or paper containers in the remaining area of Colorado shall be, from and after the effective date of this revised general order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
½ pints	Approved	$0.03	$0.04
Pints	Approved	.06	.06
Quarts	Approved	.09	.11
½ gallons	Approved	.18	.21
Gallons	Approved	.33	.40

(j) From and after the effective date of this Revised General Order, it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this revised general order if he so desires.

(k) Any person making a first sale of milk to any customer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Revised Order No. G–7 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. on February 23, 1943, the price of milk in this area of Colorado has been fixed at (here state each container size sold and the wholesale and retail prices for the same).

(l) Sellers and distributors of fluid milk who adjust any price upward upon the authority of this revised order shall, on or before the 20th day of April A. D. 1942, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Denver, Colorado, the quantity of milk handled during each month, the source or sources of supply from which obtained and the price paid the producer therefor on a butter-fat basis, either directly by the seller or by his immediate or remote supplier who did purchase direct from the producer. This applies only to distributors who purchase direct from the producer. This applies only to distributors who purchase some or all of their supply of fluid milk.

(m) *Definitions.* (1) "Fluid milk" means cow's milk produced, processed or unprocessed and of approved grade sold in glass or paper containers for consumption in fluid form as whole milk.

(2) The "Denver area of Colorado" means all that area lying east of a line drawn north and south through a point five miles east of the most easterly boundary of the municipality of Golden, Colorado, and south of a line drawn east and west through a point one mile north of the most northerly boundary of the platted area known as Westminster, Colorado, and west of a line drawn north and south through a point one mile east of the most easterly barracks or other building located on Buckley Field Military reservation, and north of a line drawn east and west through a point one mile south of the most southerly boundary of the municipality of Littleton, Colorado.

(3) The "Colorado Springs-Manitou area of Colorado" means all of the area lying east of a line drawn north and south through a point one mile west of the most westerly boundary of the municipality of Manitou, Colorado, and south of a line drawn east and west through a point four miles north of the most northerly boundary of the municipality of Colorado Springs, Colorado, and west of a line drawn north and south through a point one mile east of the most easterly boundary of the municipality of Fountain, Colorado, and north of a line drawn east and west through a point one mile south of the most southerly boundary of Fountain, Colorado.

(4) The "Pueblo area of Colorado" means all that area lying east of a line drawn north and south through a point three miles west of the most westerly boundary of the municipality of Pueblo, Colorado, and south of a line drawn east and west through a point three miles north of the most northerly boundary of the municipality of Pueblo, Colorado, and west of a line drawn north and south through a point three miles east of the most easterly boundary of the municipality of Pueblo, Colorado, and north of a line drawn east and west through a point three miles south of the most southerly boundary of the municipality of Pueblo, Colorado.

(5) The "Adams, Arapahoe, Jefferson, El Paso, Pueblo, Larimer, Weld, Logan, Morgan, Boulder, Clear Creek, Douglas, Teller, Otero and Huerfano area of Colorado" means all of the areas lying within the geographical boundaries of those counties of the State of Colorado, except such parts and portions thereof as are included within either the "Denver area", "Colorado Springs-Manitou area", or the "Pueblo area", as hereinabove defined.

(6) "Camp Hale, Colorado" means all that area within the geographical boundaries of the Camp Hale Military Reservation at Pando, Colorado.

(7) "Gilpin County area" means all that area within the geographical boundaries of the County of Gilpin, State of Colorado.

(8) "Telluride area of Colorado" means all of the area lying within the municipal boundaries of that municipality and a distance of three miles beyond all points in said boundaries.

(9) The "Remainder area of Colorado" means all that area within the geographical boundaries of the State of Colorado which is not included in any one of the areas described in subparagraphs (1), (2), (3), (4), (5), (6), (7), and (8).

(n) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation, or any applicable price regulation supplementary thereto or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this revised general order.

(o) In computing prices for a quantity purchase either at wholesale or retail, fractions of less than one-half cent shall be adjusted downward to the next cent, and fractions of one-half cent or more shall be adjusted upward to the next cent, and where a sale involves a single fractional unit or a single unit with a fractional price, the price shall be adjusted upward to the next cent, for example, a maximum price of 13½ for one unit will be adjusted to 14¢.

(p) This revised order may be revoked, amended or corrected at any time.

(q) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This revised order shall become effective at 12:01 a. m. February 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of February 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-11712; Filed, July 21, 1943; 11:22 a. m.]

[Region VII Order G–8 Under 18 (c)]

FLUID MILK IN WYOMING

Order No. G–8 issued under § 1499.18 (c) as amended, of the General Maximum Price Regulation (formerly Order No. 8)—Order Modifying Maximum Wholesale and Retail Prices for Fluid Milk in the State of Wyoming.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(1) a. The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in Sublette and Teton counties, Wyoming, shall be from and after the effective date of this order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
Gallons	Approved	$0.37	$0.42
½ gallons	Approved	.19	.21
Quarts	Approved	.09½	.11
Pints	Approved	.05	.06
½ pints	Approved	.03	-----

b. The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in Sheridan, Campbell, Crook, Weston, Niobrara, Goshen, Platte, Laramie, Johnson and Uinta counties of Wyoming, shall be, from and after the effective date of this order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
Gallons	Approved	$0.40	$0.45
½ gallons	Approved	.21	.23
Quarts	Approved	.10½	.12
Pints	Approved	.05½	.06½
½ pints	Approved	.03¼	-----

c. The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in Park, Big Horn, Washakie, Hot Springs, Fremont, Lincoln, Converse and Albany counties of Wyoming, shall be, from and after the effective date of this order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
Gallons	Approved	$0.43	$0.49
½ gallons	Approved	.23	.25
Quarts	Approved	.11½	.13
Pints	Approved	.06	.07
½ pints	Approved	.03½	-----

d. The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in Sweetwater County, Wyoming, shall be, from and after the effective date of this order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
Gallons	Approved	$0.45	$0.51
½ gallons	Approved	.23	.25
Quarts	Approved	.12	.13½
Pints	Approved	.06½	.07½
½ pints	Approved	.03¾	-----

e. The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in Natrona and Carbon counties, Wyoming, shall be, from and after the effective date of this order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
Gallons	Approved	$0.47	$0.51
½ gallons	Approved	.23	.25
Quarts	Approved	.12½	.14
Pints	Approved	.07	.08
½ pints	Approved	.04	-----

(2) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation, or any applicable price regulation supplementary thereto or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as Amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(3) From and after the effective date of this order, except as to sales to the United States Government or any agency thereof, it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him provided, however, that any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(4) In computing prices for a quantity purchase either at wholesale or retail, fractions of less than one-half cent shall be adjusted downward to the next cent, and fractions of one-half or more shall be adjusted upward to the next cent, and where a sale involves a single fractional unit or a single unit with a fractional price, the price shall be adjusted upward to the next cent. For example, a maximum price of 13½¢ for one unit will be adjusted to 14¢.

(5) It is not required of any seller that he raise his present prices to these established maximum prices, but if he elects to do so then with each first sale of milk to any customer at such higher price he shall at the time of delivery furnish the buyer with a printed or written slip containing the following information:

We have elected to raise our prices as permitted by Order No. 69 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. on December 28, 1942. Our prices are now (here state each container size sold and the wholesale and retail price for the same).

(6) Sellers and distributors of fluid milk who adjust any price upward upon the authority of this order shall, on or before the 20th day of February, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Cheyenne, Wyoming, the quantity of milk handled during the preceding month, the source or sources of supply from which the same was obtained and the price paid the producer therefor on a butter-fat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute.

(7) *Definitions.* "Sublette, Teton, Sheridan, Campbell, Crook, Weston, Niobrara, Goshen, Platte, Laramie, Johnson, Uinta, Park, Big Horn, Washakie, Hot Springs, Fremont, Lincoln, Converse, Albany, Sweetwater, Natrona and Carbon counties, Wyoming," mean all of the areas lying within the respective boundaries of those counties of the State of

Wyoming and in the aggregate they constitute all of the area of the State of Wyoming except that part contained within the boundaries of Yellowstone National Park.

(8) This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(9) This order becomes effective at 12:01 o'clock a. m. on December 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

CLEM W. COLLINS,
Regional Administrator.

DECEMBER 28, 1942.

[F. R. Doc. 43-11711; Filed, July 21, 1943; 11:22 a. m.]

[Region VII Order G-9 Under 18 (c)]

FLUID MILK IN ROOSEVELT AND CURRY COUNTIES, NEW MEXICO

Order No. G-9 issued under § 1499.18 (c) of the General Maximum Price Regulation (formerly Order No. 9)—Order Modifying Wholesale and Retail Prices for Fluid Milk in Roosevelt and Curry Counties, State of New Mexico.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold at wholesale and retail in Roosevelt and Curry Counties, New Mexico.* The maximum prices for fluid milk sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In Roosevelt and Curry Counties, New Mexico:

Commodity in bottles	Grade	Retail price	Wholesale price
		Cents	*Cents*
1 quart	Approved	13	11
2 quarts	Approved	24	
3 quarts	Approved	33	
½ pint			3
1 pint			6

(2) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation, or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(3) Sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) Any person making a first sale of milk to any customer at these established maximum prices shall at the time of delivery furnish the buyer with a printed or written slip containing the following information:

By Order No. G-9 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. January 12, 1943, the maximum prices of milk in the counties of Roosevelt and Curry, New Mexico, have been modified to permit sales at (here state each container size sold and the wholesale and retail price for the same.)

(5) Sellers and distributors of fluid milk who adjust any price upward upon the authority of this order shall, on or before the 20th day of February, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during the preceding month, the source or sources of supply from which the same was obtained and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of the provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on the producer.

(6) *Definitions.* For the purpose of this order:

(a) "Milk" means cow's milk produced, processed or raw, distributed and sold in bottles or paper containers for consumption in fluid form as whole milk.

(b) "Roosevelt and Curry counties, New Mexico" means all of the area included within the geographical boundaries of those counties of the State of New Mexico.

(7) This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(8) Order No. 8, issued by this Regional Office on November 4, 1942, under § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, modifying maximum wholesale and retail prices for fluid milk in Clovis, New Mexico, is hereby revoked and superseded by this order as of the effective date named herein.

(9) This order becomes effective at 12:01 A. M. on January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

ARNOLD E. SCOTT,
Acting Regional Administrator.

JANUARY 12, 1943.

[F. R. Doc. 43-11716; Filed, July 21, 1943; 11:25 a. m.]

[Region VII Order G-9 Under 18 (c), Amdt. 1]

FLUID MILK IN CERTAIN COUNTIES OF NEW MEXICO

Amendment No. 1 to Order No. G-9 (formerly Order No. 9) under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Wholesale and Retail Prices for Fluid Milk in Roosevelt, Curry, Quay and Guadalupe Counties, State of New Mexico.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

1. The caption or title of this Order No. 9 is hereby amended to read as follows: "Wholesale and Retail Prices for Fluid Milk in Roosevelt, Curry, Quay and Guadalupe Counties, State of New Mexico."

2. Subparagraph (b) of paragraph (6) of this order is hereby amended to read as follows:

(b) Roosevelt, Curry, Quay and Guadalupe counties, New Mexico, mean all of the area included within the geographical boundaries of those counties of the State of New Mexico.

This Amendment becomes effective as of 12:01 a. m. on Monday, January 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-11710; Filed, July 21, 1943; 11:22 a. m.]

[Region VII Order G-10 Under 18 (c)]

FLUID MILK IN UTAH

Order No. G-10 issued under § 1499.18 (c) of the General Maximum Price Regulation (formerly Order No. 10)—order Modifying Wholesale and Retail Prices for Fluid Milk in the State of Utah.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

1. (a) The maximum prices of fluid milk and chocolate milk sold and delivered wholesale and retail in glass bottles or paper containers as now established by Amendments #6 and #43 to Supplementary Regulation No. 14 in the Utah Special Defense Area of the State of Utah shall be, from and after the effective date of this order, as follows:

Container size	Grade	Kind of container	Wholesale	Retail	
				Sold out of store	Delivered to the home
			Cents	*Cents*	*Cents*
½ pint	Approved	Glass or paper	4	5	5
Pint	Approved	Glass or paper	7	8	8
Quart	Approved	Glass or paper	10½	12	13
½ gallon	Approved	Glass or paper	20	25	25
Gallon	Approved	Glass or paper	39	44	44
Pint	Half and half	Glass or paper	18	22	22
Quart	Half and half	Glass or paper	32		
Quart	Special grade A	Glass or paper	13	15	15

(b) The maximum prices of fluid milk and chocolate milk sold and delivered wholesale and retail in glass bottles or paper containers as now established by the General Maximum Price Regulation and Orders #5 and #6 redesignated as Order No. G-5 and G-6 issued by this Regional Office on December 12, 1942 and December 17, 1942, respectively, for the Utah State Area shall be, from and after the effective date of this order, as follows:

Container size	Grade	Kind of container	Wholesale	Retail
			Cents	*Cents*
½ pint	Approved	Glass or paper	3½	5
Pint	Approved	Glass or paper	5½	7
Quart	Approved	Glass or paper	10	12
½ gallon	Approved	Glass or paper	18	22
Gallon	Approved	Glass or paper	35	41
Quart	Special	Glass or paper	12	14

Provided, however, That wherever a higher price is authorized by Regional Order G5 or G6, supra, such higher price shall continue in full force and effect and shall not be modified or superseded by this order.

2. *Definitions.* For the purpose of this order: (a) "Milk" means cow's milk produced, processed or raw, distributed and sold in glass bottles or paper containers for consumption in fluid form as whole milk.

(b) "Chocolate milk" means cow's milk produced, processed or raw, containing not less than 3.2% butterfat with variable quantity of chocolate, sweetened or unsweetened, added, distributed and sold in glass bottles or paper containers for consumption in fluid form.

(c) "Special Grade A milk" means cow's milk containing not less than 4.4% butterfat when sold and delivered under municipal regulations which by ordinance incorporates therein all of the material and substantial terms and provisions of the police regulation commonly referred to as "Standard Milk Ordinance".

(d) "Special milk" means cow's milk produced, processed or raw, containing not less than 4.4% butterfat, distributed and sold in glass bottles or paper containers for consumption in fluid form as whole milk.

(e) "Utah Special Defense Area" means all that area of the State of Utah contained within the boundaries of the counties of Salt Lake, Utah, Davis, and Weber, and within the corporate limits and a distance of three miles beyond at all points of the municipalities of Grantsville, Tooele, Stockton, and Park City and that part of Box Elder County lying south of a line drawn east and west through the most northerly point of the corporate limits of the municipality of Garland.

(f) "Utah State Area" means all of the area of the State of Utah not included within the Utah Special Defense Area as described in paragraph (e), supra.

3. Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

4. From and after the effective date of this order, it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance discount, quantity discount, or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires: *And provided further,* That as to all sales made to the armed forces of the United States or any duly authorized purchasing agency thereof, of any grade of fluid milk, the maximum price to be charged therefor may be as much as 1¢ per quart and ½¢ per pint or ½ pint above the seller's present established maximum price to that particular class of buyer.

5. Any person making a first sale of milk to any customer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G 10 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m., January 16, 1943, the maximum prices of milk in this area of the State of Utah have been modified to permit sales at (here state each container size sold and the permitted maximum wholesale and retail price for the same).

6. Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall on or before the 20th day of February, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Salt Lake City, Utah, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

7. This order may be revoked, modified, or amended by the Price Administrator or the Regional Administrator at any time.

8. This order becomes effective at 12:01 a. m. on January 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

CLEM W. COLLINS,
Regional Administrator.

JANUARY 16, 1943.

F. R. Doc. 43-11717; Filed, July 21, 1943; 11:25 a. m.]

[Region VII Order G-10 Under 18 (c), Amdt. 1]

FLUID MILK IN UTAH

Amendment No. 1 to Order No. G-10 (formerly order no. 10) under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Wholesale and Retail Prices for Fluid Milk in the State of Utah.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

1. Section 1 (a) of Order No. G-10, issued under date of January 16, 1943, is hereby amended by increasing the price of fluid milk "sold out of store" in glass or paper quart size containers, from 12¢ to 12½¢.

This amendment shall be effective from and after 12:01 a. m. on February 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of February, 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-11718; Filed, July 21, 1943; 11:26 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order No. 51 were filed with the Division of the Federal Register on July 20, 1943.

REGION I

New Hampshire Order 4, Filed 11:52 p. m.
Vermont Order 4, Amendment 1, Filed 11:52 p. m.
Connecticut Order 3, Amendment 1, Filed 11:53 p. m.
Boston Order 4, Filed 11:53 p. m.
Boston Order 4, Amendment 1, Filed 11:53 p. m.
Boston Order 5, Filed 11:55 p. m.

REGION IV

Birmingham Order 6, Filed 11:47 p. m.
Birmingham Order 7, Filed 11:51 p. m.
Nashville Order 4, Amendment 1, Filed 11:50 p. m.
Nashville Order 5, Filed 11:50 p. m.
Tampa Order 5, Filed 11:48 p. m.
Tampa Order 6, Filed 11:49 p. m.
Jacksonville Order 3, Amendment 2, Filed 11:49 p. m.
Atlanta Revised Order 3, Filed 11:47 p. m.
Savannah Order 5, Filed 11:48 p. m.
Charlotte Order 6, Filed 11:48 p. m.
Memphis Order 4, Amendment 1, Filed 11:50 p. m.
Montgomery Order 6, Amendment 1, Filed 11:51 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11725; Filed, July 21, 1943; 4:54 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-760]

PENNSYLVANIA ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 20th day of July 1943.

Notice is hereby given that an application has been filed pursuant to the Public Utility Holding Company Act of 1935 by Pennsylvania Electric Company, a subsidiary of Associated Electric Company, a registered holding company, which, in turn, is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company.

All interested persons are referred to said application, which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Applications - declarations are now pending before this Commission with respect to a program for the acquisition by Pennsylvania Electric Company of the assets and the assumption of the liabilities of (1) Keystone Public Service Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company (File No. 70-563), (2) Bradford Electric Company, likewise a subsidiary of NY PA NJ Utilities Company (File No. 70-602), and (3) Erie County Electric Company, a subsidiary of The United Gas Improvement Company, a registered holding company (File No. 70-707). If the necessary approvals are obtained and the proposed transactions are consummated, Pennsylvania Electric Company will assume, among other liabilities, $4,000,000 principal amount of First Mortgage 5% Series Bonds, due November 1, 1978, of Keystone Public Service Company, and will issue and sell, at competitive sale, 35,000 shares of its cumulative preferred stock.

The present application proposes that, subsequent to such assumption and simultaneously with the issue and sale of 35,000 shares of its cumulative preferred stock, Pennsylvania Electric Company will call for redemption the entire issue of the First Mortgage 5% Series Bonds, due November 1, 1978, of Keystone Public Service Company, and, in order to provide funds for such redemption, Pennsylvania Electric Company proposes to issue and sell, at competitive sale, $4,000,000 principal amount of its First Mortgage Bonds % Series, to be dated September 1, 1943, and to become due September 1, 1973. Such bonds will be identical with the presently outstanding $32,500,000 principal amount of First Mortgage Bonds of Pennsylvania Electric Company, except with respect to the issue date, maturity date, interest dates, interest rate and the redemption price. The price to the Pennsylvania Electric Company of the additional bonds will be fixed at not less than 104% of the principal amount thereof and the interest rate wil be fixed at not more than 3⅜% per annum.

The estimated proceeds to be derived from the sale of the additional Pennsylvania Electric Company bonds will be applied approximately as follows:

To redeem at 104% of the principal amount thereof $4,000,000 principal amount of First Mortgage 5% Series Bonds, due November 1, 1978, of Keystone Public Service Company	$4,160,000.00
To pay estimated interest on the First Mortgage 5% Series Bonds due November 1, 1978, from the date of delivery of the additional Pennsylvania Electric Company bonds to the date of redemption of the Keystone Public Service Company bonds	16,666.67
To pay estimated expenses	22,000.00
Total	4,198,666.67

The application indicates that Pennsylvania Electric Company proposes to offer the bonds for competitive bidding pursuant to Rule U-50 promulgated under the Public Utility Holding Company Act of 1935. The applicant considers section 6 (b) of the Act as being applicable to the proposed transaction, and that the redemption of the Keystone bonds is exempt from the requirements of section 12 (c) of the Act by virtue of Rule U-42 (b) (2) of the General Rules and Regulations.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters and that the application shall not be granted except pursuant to further order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on August 5, 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in room 318 will at that time advise. At such hearing cause shall be shown why such application shall be granted. Any person desiring to be heard or otherwise participate in the proceedings should file with the Secretary of the Commission, on or before the 3rd day of August, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by the application otherwise to be considered in these proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether it is in the public interest and the interest of investors and consumers and in conformity with the applicable provisions of the Act to grant the application.

2. Whether all fees in connection with the proposed transactions are fair and reasonable.

3. Whether the proposed accounting entries to be made in connection with the application are proper.

4. Whether and to what extent it is appropriate in the public interest or for the protection of investors or consumers that terms and conditions be imposed with respect to the proposed transactions.

5. Generally, whether the proposed transactions meet the appropriate provisions of the Act and Rules and Regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11773; Filed, July 22, 1943; 11:55 a. m.]

EARL PORTER BECKWITH

FINDINGS AND ORDER REVOKING REGISTRATION AND DISMISSING PROCEEDINGS ON THE QUESTION OF WITHDRAWAL OR TERMS AND CONDITIONS THEREON

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 19th day of July, 1943.

In the matter of Earl Porter Beckwith, 107½ South Barry Street, Olean, New York.

1. Earl Porter Beckwith (the "registrant") is registered as a broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934.

2. The registrant filed with the Commission a written notice requesting withdrawal of his registration. Thereafter the Commission, pursuant to section 15 (b) of the Securities Exchange Act of 1934, ordered a hearing to determine (1) whether or not registrant is permanently enjoined by a decree of the Supreme Court of the State of New York from engaging in and continuing certain conduct and practices in connection with the sale of securities as reported to the Commission by its staff, (2) whether or not said registration should be revoked, and (3) whether or not registrant should be permitted to withdraw his registration and, if so, whether it is necessary in the public interest or for the protection of investors to impose terms and conditions thereon.

3. The registrant has acknowledged service of adequate notice, has waived hearings, admitted the facts alleged, and filed a written consent to revocation of his registration.

4. The Commission finds (a) that the registrant is permanently enjoined by a decree of the Supreme Court of the State of New York, (b) that it is in the public interest to revoke said registration, and (c) that it is not necessary or appropriate, in the light of the injunction decree and the registrant's consent to revocation, to consider the question of withdrawal or the imposition of terms and conditions upon withdrawal. On the basis of the foregoing, and pursuant to section 15 (b) of the Securities Exchange Act of 1934, *It is ordered*, That the registration of Earl Porter Beckwith as a broker and dealer be and it hereby is revoked, and that the proceeding on the question of withdrawal or terms and conditions thereon be, and it hereby is, dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11774; Filed, July 22, 1943; 11:55 a. m.]

[File No. 7-690]

PHILADELPHIA STOCK EXCHANGE

ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of July, A. D. 1943.

In the matter of application by the Philadelphia Stock Exchange to extend unlisted trading privileges to Erie Railroad Company certificates of beneficial interest in the common stock, no par value, File No. 7-690.

The Philadelphia Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12f-1, for permission to extend unlisted trading privileges to the certificates of beneficial interest in the common stock, no part value, of Erie Railroad Company; and

After appropriate notice a hearing having been held in this matter at the Philadelphia Office of the Commission; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the application of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to the certificates of beneficial interest in the common stock, no par value, of Erie Railroad Company be and the same is hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11772; Filed, July 22, 1943; 11:55 a. m.]

WAR PRODUCTION BOARD.

[Serial No. 8092]

SOUTH CAROLINA BRIDGE PROJECT

CANCELLATION OF REVOCATION ORDER

Builder: South Carolina State Highway Department, Columbia, South Carolina.

Project: Construction of a reinforced concrete and steel superstructure girder type bridge, identified as South Carolina Docket 8.250.

The revocation of preference rating issued on May 14, 1943, Serial No. 8092 is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued: July 22, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11759; Filed, July 22, 1943; 10:27 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued: July 22, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-19-e	40402	Louisiana Dept. of Highways, Baton Rouge, La	State Route 1075, La	7-6-43
P-19-h	B-1525	Civil Aeronautics Adm., Department of Commerce, Washington, D. C.	Aurora, Ill.	7-8-43
P-19-h	B-1421	Civil Aeronautics Adm., Ft. Worth, Tex	Purcell, Okla	7-8-43
P-19-h	B-928	Civil Aeronautics Adm., Seattle, Wash	Beaver Marsh, Oreg	7-8-43
P-19-h	B-1380	Civil Aeronautics Adm., Department of Commerce, Washington, D. C.	Williamsburg, Va	7-8-43
P-19-e	30431	Arkansas State Hwy. Comm., Little Rock, Ark	Bauxite, Ark	7-8-43
P-19-e	583-A	City of Chicago—Dept. of Public Works, Chicago, Ill.	Chicago, Ill.	7-10-43

[F. R. Doc. 43-11758; Filed, July 22, 1943; 10:27 a. m.]

NOTICES TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued: July 22, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-19-e	57056	Public Roads Administration #15, Columbia Pike, Arlington, Va.	Arlington, Va., south of Pentagon Bldg.	7-12-43

[F. R. Doc. 43-11757; Filed, July 22, 1943; 10:27 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain stop construction orders listed in Schedule A below, stopping the construction of the projects affected. For the effect of each such order upon the construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued: July 22, 1943

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN
Recording Secretary.

[F. R. Doc. 43-11756; Filed, July 22, 1943; 10:27 a. m.]

WAR SHIPPING ADMINISTRATION.

REQUISITIONED VESSEL "LOIS NANCY II"

NOTICE OF DEPOSIT ON ACCOUNT OF JUST COMPENSATION

Notice is hereby given that, pursuant to the provisions of section 3 (d) of the Act of March 24, 1943 (Public Law 17, 78th Congress, 1st Session), the War Shipping Administration, on July 17, 1943, deposited with the Treasurer of the United States the amount of $15,000 as just compensation for the vessel *Lois Nancy II*, Official No. 239888, formerly belonging to Richard H. Jacobson, 105 West Madison Street, Chicago, Illinois, said vessel having been requisitioned by the United States of America, represented by the War Shipping Administration, on September 17, 1942.

The attention of interested parties is invited to the provisions of said section 3 (d) concerning claims against the vessel which existed at the time of the requisition.

By order of the War Shipping Administrator.

[SEAL] A. J. WILLIAMS,
Acting Secretary.

JULY 21, 1943.

[F. R. Doc. 43-11721; Filed July 21, 1943; 4:41 p. m.]

Reference

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
1934 OF THE UNITED STATES

VOLUME 8 NUMBER 146

Washington, Saturday, July 24, 1943

The President

EXECUTIVE ORDER 9362

TRANSFERRING CERTAIN LAND FROM THE JURISDICTION OF THE FEDERAL COMMUNICATIONS COMMISSION TO THE JURISDICTION OF THE NAVY DEPARTMENT

WHEREAS a certain tract of land of the United States located in the District of Wahiawa, Island of Oahu, Territory of Hawaii, and more particularly described below, is now subject to the jurisdiction and control of the Federal Communications Commission; and

WHEREAS the Federal Communications Commission and the Navy Department have agreed that the said tract of land should be transferred to the Navy Department as a site for a naval radio station or for other naval purposes:

NOW, THEREFORE, by virtue of the authority vested in me by the act of August 29, 1916, ch. 417, 39 Stat. 556, 606 (U.S.C., title 34, sec. 523), and as President of the United States, it is ordered that the following-described tract of land, together with all buildings thereon, located in the District of Wahiawa, Island of Oahu, Territory of Hawaii, now under the control and jurisdiction of the Federal Communications Commission, be, and it is hereby, transferred to the jurisdiction and control of the Navy Department for use as a naval radio station site or for other naval purposes:

Land located in Grant 973, District of Wahiawa, Island of Oahu, Territory of Hawaii, beginning at a pipe marking the Northwesterly corner of that portion of Grant 973 acquired by the United States of America for Naval Radio Station Site and being the end of Course No. 1 of said site, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Malli" being 474.44 feet North and 30,020.15 feet East and running by azimuths measured clockwise from true South:

1. 358° 50' 30" 1,299.0 feet along the West side of the Naval Radio Station Site to a stake;
2. 53° 55' 83.10 feet along the North top edge of a small gulch and the remainder of Grant 973, to a stake;
3. 17° 05' 63.8 feet along same to a pipe;
4. 46° 55' 44.20 feet along same to a pipe;
5. 143° 54' 62.3 feet along same to a pipe;
6. 104° 48' 61.5 feet along same to a stake;
7. 77° 16' 92.2 feet along same to a pipe;
8. 196° 14' 152.2 feet along same to a stake;
9. 185° 31' 88.5 feet along same to a pipe;
10. 181° 31' 195.3 feet along same to a pipe;
11. 192° 05' 186.10 feet along same to a pipe;
12. 216° 10' 114.10 feet along same to a pipe;
13. 242° 49' 108.0 feet along same to a pipe;
14. 175° 45' 82.9 feet along same to a pipe;
15. 132° 01' 33.9 feet along same to a pipe;
16. 59° 05' 294.8 feet along same, crossing a plantation road, to a stake;
17. 24° 05' 95.9 feet along the North top edge of a small gulch, along the remainder of Grant 973 to a stake;
18. 16° 49' 133.0 feet along same to a stake;
19. 10° 21' 314.4 feet along same to a stake;
20. 62° 32' 93.9 feet along same to a pipe;
21. 92° 05' 138.4 feet along same to a stake;
22. 85° 59' 116.7 feet along same to a stake;
23. 120° 15' 56.4 feet along same to a stake;
24. 173° 48' 122.9 feet along same to a stake;
25. 136° 32' 84.2 feet along same to a stake;
26. 111° 56' 149.4 feet along same to a pipe;
27. 187° 52' 242.5 feet along same to a stake;
28. 202° 00' 110.10 feet along same to a stake;
29. 173° 02' 75.5 feet along same to a pipe;
30. 182° 25' 30" 757.67 feet along the remainder of Grant 973, crossing a plantation road, to a pipe;
31. 227° 32' 200.0 feet along the Easterly side of plantation road and the remainder of Grant 973, to a pipe;
32. 214° 19' 71.9 feet along same to a stake;
33. 171° 38' 57.3 feet along same to a stake;
34. 129° 03' 77.2 feet along same to a pipe;
35. 219° 01' 53.5 feet along the South top edge of Poamoho Gulch and the remainder of Grant 973, to a stake;
36. 276° 34' 52.5 feet along same to a stake;
37. 348° 27' 92.5 feet along same to a stake;
38. 306° 39' 92.3 feet along same to a stake;
39. 347° 48' 108.3 feet along same to a stake;
40. 317° 17' 231.2 feet along same to a stake;
41. 259° 15' 106.4 feet along same to a stake;
42. 293° 15' 83.8 feet along same to a stake;
43. 235° 04' 99.7 feet along same to a pipe;
44. 298° 02' 111.3 feet along same to a stake;
45. 312° 45' 132.9 feet along same to the point of beginning, containing an area of 29.88 acres, together with any rights of easement with respect to the use of such tract of land.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 21, 1943.

[F. R. Doc. 43-11791; Filed, July 22, 1943; 3:48 p. m.]

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page
Hawaii, transfer of certain lands from Federal Communications Commission to Navy Department 10339

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
I. G. Farbenindustrie, A. G., vesting order 10375
BITUMINOUS COAL DIVISION:
City of Cincinnati, Ohio; order of Director 10369
COMMODITY CREDIT CORPORATION:
Rye, barley, and grain sorghums, loan instructions 10340
FEDERAL COMMUNICATIONS COMMISSION:
Hearings, etc.:
Public Utilities California Corp 10372
Western Union Telegraph Co. and Postal Telegraph-Cable Co 10371
FEDERAL POWER COMMISSION:
Cities Service Gas Co., et al., order to show cause and fixing hearing date 10372
FEDERAL SAVINGS AND LOAN SYSTEM:
Conservators and receivers 10346
FEDERAL TRADE COMMISSION:
Cease and desist orders:
American Rug and Carpet Co., Inc 10344
Atlantic Packing Co., etc 10346
Central Sales Co 10345
Dearborn Supply Co 10343
Rhode Island Plush Mills, Inc 10344
GENERAL LAND OFFICE:
Land withdrawals:
Alaska, modification to permit coal mining 10371
Utah (2 documents) 10371
INTERNAL REVENUE BUREAU:
Income tax, time for performing certain acts postponed by reason of war 10347
INTERSTATE COMMERCE COMMISSION:
Demurrage on flat cars 10369
OFFICE OF DEFENSE TRANSPORTATION:
Breyer Ice Cream Co. and Suplee-Wills-Jones Milk Co., joint action plan 10378

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Gerosa Haulage and Warehouse Corp.	10364
Lists of orders filed (2 documents)	10379
Moliterno Bros., Inc.	10363
Standard Trucking Co.	10364
Stores Delivery Service, Inc.	10363
Cider vinegar (MPR 428)	10358
Flour, from wheat, semolina and farina, sold by millers and blenders (MPR 296, Am. 4)	10362
Gasoline rationing:	
(RO 5C, Am. 68)	10364
(RO 5C, Am. 69)	10365
Meat, beef and veal carcasses and wholesale cuts:	
(Rev. MPR 169, Am. 20)	10362
(Rev. MPR 169, Am. 22)	10363
Oahu defense-rental area (Designation and Rent Declaration 32)	10365
Regional, state, and district office orders:	
Bagged coal, Richmond and Henrico County, Va.	10379
Community ceiling prices, lists of orders filed (2 documents)	10384
Firewood, Lawrenceburg, Tenn.	10384
Florida caught salt cured herring	10383
Fluid milk:	
Georgia:	
Bartow and Gordon Counties	10382
Monroe County	10382
Troup County	10381

CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Regional, state, and district office orders—Continued.	
Fluid milk—Continued.	
Virginia, Blackstone, Nottaway County	10381
Ice, Anson County, N. C.	10379
Malt beverages, Oklahoma restaurants	10385
Syrup barrels, W. B. Roddenbery Co.	10380
Solid fuels:	
Miscellaneous, delivered from producing facilities (MPR 121, Am. 20)	10358
Sold and delivered by dealers (Rev. MPR 122, Am. 9)	10358
RECLAMATION BUREAU:	
Colorado River Storage Project, first form withdrawals (2 documents)	10370
SECURITIES AND EXCHANGE COMMISSION:	
Indiana Hydro-Electric Co., hearing postponed	10386
TREASURY DEPARTMENT (*see also* component agencies):	
National Youth Administration property, loans to non-Federal vocational education authorities	10366
Payment through depositary banks of funds withheld as taxes, miscellaneous amendments	10347
WAGE AND HOUR DIVISION:	
Learner employment certificates, issuance to various industries	10371
WAR FOOD ADMINISTRATION:	
Farm machinery and equipment, new (FPO 3, Supp. Order 5)	10343
WAR PRODUCTION BOARD:	
Bendix Aviation Corp. and American Bosch Corp., proposed agreement (Certificate 97)	10387
Benzene (M-137)	10350
Breyer Ice Cream Co. and Supplee-Wills-Jones Milk Co., joint action plan (Certificate 98)	10387
Cocoa (M-145, revocation)	10352
Communication equipment, wire; transfer restrictions (U-5)	10357
Containers, wooden shipping (L-232)	10355
Cotton textile production (L-99-a)	10350
Cotton yarn, combed (M-155, revocation)	10352
Electronic equipment (L-265)	10352
Papers, specialty (M-286)	10353
Powercycles (L-301)	10357
Suspension orders:	
Brook Electrical Supply Co. and L. J. Segil Co.	10349
Connecticut Heat and Fuel Co., revocation	10349
Hoffman, Michael, Fuel Co., Inc., revocation	10349
Toluene (M-34)	10348

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Instructions: 1943 C. C. C. Rye Form 1, Barley Form 1, Grain Sorghums Form 1]

PART 238—1943 RYE, BARLEY, AND GRAIN SORGHUMS LOANS

INSTRUCTIONS

Commodity Credit Corporation has authorized the making of loans and the purchase of eligible paper secured by 1943 rye, barley, or grain sorghums, stored on farms or in approved public grain warehouses.

Sec.
238.1 Definitions.
238.2 Areas in which loans will be made.
238.3 Amount of loans.
238.4 Maturity and interest rate.
238.5 Determination of quantity of grain.
238.6 Farm storage.
238.7 Public warehouses.
238.8 Warehouse receipts.
238.9 Liens.
238.10 Insurance.
238.11 County agricultural conservation committees.
238.12 Source of loans.
238.13 Purchase of loans.
238.14 Offices of Commodity Credit Corporation.
238.15 Release of collateral held by Commodity Credit Corporation.

AUTHORITY: §§ 238.1 to 238.15, inclusive, are issued under sec. 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302).

§ 238.1 *Definitions.* For the purpose of these instructions and the notes and loan agreements or chattel mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Grain.* Rye, barley, and grain sorghums.

(b) *Producer eligibility.* Any person, partnership, association, or corporation producing rye, barley, or grain sorghums, in 1943, upon whose farm no deductions from payments have been or will be made under the 1943 Agricultural Conservation Program for failure to meet 90 percent of the 1943 war crop goal.

(c) *Eligible grain*—(1) *Eligible rye* shall be rye produced in 1943 grading U. S. No. 2 or better, or grading U. S. No. 3 solely on the factor of test weight, or otherwise grading No. 2 or better, the beneficial interest to which is and always has been in the eligible producer. Rye grading tough, light smutty, smutty, light garlicky, garlicky, weevily, or rye containing in excess of 1 percent of ergot, shall not be eligible for loan. Rye containing in excess of 0.3 percent, but not in excess of 1 percent of ergot, shall be eligible for loan at the discounts set out in § 238.3 (a) hereof.

(2) *Eligible barley* shall be barley of any class grading No. 5 or better, the beneficial interest to which is and always has been in the eligible producer. Barley grading tough, stained, blighted, smutty, garlicky, weevily, ergotty, or bleached, shall not be eligible for a loan.

(3) *Eligible grain sorghums* shall be grain sorghums grading No. 4 or better, except that grain sorghums grading weevily or smutty, or containing in excess of 13 percent moisture when stored on the farm, or in excess of 14 percent when stored in a warehouse, shall not be eligible for loan.

(d) *Eligible storage.* Eligible storage shall include public grain warehouses and farm storage meeting the following requirements:

(1) Public grain warehouses which have met the requirements of Commodity Credit Corporation and have executed the Uniform Grain Storage Agreement.

(2) Farm storage shall consist of farm bins and granaries which are of such firm structure, as determined by the county agricultural conservation committee, as to afford safe storage for the grain for a period of 2 years, permit effective fumigation for the destruction of insects, and to afford protection against rodents, other animals, thieves, and weather.

(e) *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person, making loans in accordance with these instructions, which has executed the Contract to Purchase on 1940 C. C. C. Form E.

(f) *Eligible paper.* Eligible paper shall consist of notes of the producer, secured by chattel mortgages or warehouse receipts representing grain in existence and undamaged, executed in accordance with these instructions and approved by a member of the county agricultural conservation committee, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee, will be acceptable only where acceptable in law.

§ 238.2 *Areas in which loans will be made.* Loans will be made on eligible grain stored in approved public grain warehouses wherever located.

Loans are available on eligible grain stored on farms in the following areas:

All counties in the States of California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and in the following counties of the following States:

Oklahoma. Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Mayes, McClain, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie, Roger Mills, Rogers, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

Texas. Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cottle, Crosby, Dallas, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Serman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoskum, and Young.

§ 238.3 *Amount of loans.* The following loan rates apply to grain stored on the farm, or in approved grain warehouses, when evidence is submitted that handling and storage charges have been prepaid through the maturity date of the note. Evidence of prepaid storage must be a stamped or typed certification, signed by the warehouseman, on or attached to the warehouse receipt, which shall read as follows:

Handling and storage charges for the period ending (April 30, 1944, for rye and barley)—(June 30, 1944, for grain sorghums), on the grain represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of this warehouse receipt.

---------- Signed----------
Address Warehouseman

7 cents per bushel will be deducted from the applicable loan rate for grain stored in warehouses for which evidence of prepaid storage is not submitted.

(a) The loan value for eligible rye grading No. 2 or better, or rye grading No. 3 solely on test weight, but otherwise grading No. 2 or better, shall be 75 cents per bushel, except that the loan value for eligible rye containing in excess of 0.3 percent, but not in excess of 1 percent of ergot shall be discounted 1 cent for each 0.1 percent of ergot in excess of 0.3 percent.

(b) The loan value for barley, except Mixed Barley (Class IV), shall be based for all classes on the numerical grades as provided in the Official Grade Standards of the United States, in accordance with the following:

	For all states except when stored in California, Idaho, Oregon, and Washington	Stored in California, Idaho, Oregon, and Washington
	Cents per bushel	*Cents per bushel*
No. 1 Barley	75	80
No. 2 Barley	73	78
No. 3 Barley	70	75
No. 4 Barley	67	72
No. 5 Barley	60	65

Mixed Barley shall be discounted 2 cents per bushel in all States.

(c) Loan values on grain sorghums will be based on the numerical grade irrespective of subclass, except mixed grain sorghums (Class V), in accordance with the following:

	For all States except when stored in Arizona and California	Stored in Arizona and California
	Cents per bushel	*Cents per bushel*
No. 2 or Better Grain Sorghums	85	90
No. 3 Grain Sorghums	80	85
No. 4 Grain Sorghums	70	75

Mixed grain sorghums shall be discounted 2 cents per bushel in all States.

§ 238.4 *Maturity and interest rate.* Rye and barley loans will mature on demand, but not later than April 30, 1944. Grain sorghums loans will mature on demand, but not later than June 30, 1944. Rye and barley loans must be dated on or prior to December 31, 1943. Grain sorghums loans must be dated on or prior to February 29, 1944. All loans will bear interest at the rate of 3 percent per annum.

§ 238.5 *Determination of quantity of grain.* Loans shall be made at values expressed in cents per bushel. A bushel shall be determined to be 48 pounds of clean barley and 56 pounds of clean rye or grain sorghums, free of dockage, when determined by weight, or 1.25 cubic feet of grain having test weight of 48 pounds for barley, or 56 pounds for rye or grain sorghums when determined by measurement. In determining the quantity of grain in farm storage by measurement, fractional pounds of the bushel test weight will be disregarded, and the quantity determined shall be adjusted by the following respective percentages:

(a) *Rye and grain sorghums.*

	Percent
For rye or grain sorghums testing 56 lbs. or over	100
For rye or grain sorghums testing 55 lbs. or over, but less than 56 lbs.	98
For rye or grain sorghums testing 54 lbs. or over, but less than 55 lbs.	96
For rye or grain sorghums testing 53 lbs. or over, but less than 54 lbs.	95
For rye or grain sorghums testing 52 lbs. or over, but less than 53 lbs.	93
For rye or grain sorghums testing 51 lbs. or over, but less than 52 lbs.	91
For rye or grain sorghums testing 50 lbs. or over, but less than 51 lbs.	89
For rye or grain sorghums testing 49 lbs. or over, but less than 50 lbs.	87

(b) *Barley.*

	Percent
For barley testing 48 lbs. or over	100
For barley testing 47 lbs. or over, but less than 48 lbs.	98
For barley testing 46 lbs. or over, but less than 47 lbs.	96
For barley testing 45 lbs. or over, but less than 46 lbs.	94
For barley testing 44 lbs. or over, but less than 45 lbs.	92
For barley testing 43 lbs. or over, but less than 44 lbs.	90
For barley testing 42 lbs. or over, but less than 43 lbs.	88
For barley testing 41 lbs. or over, but less than 42 lbs.	85
For barley testing 40 lbs. or over, but less than 41 lbs.	83
For barley testing 39 lbs. or over, but less than 40 lbs.	81

	Percent
For barley testing 38 lbs. or over, but less than 39 lbs	79
For barley testing 37 lbs. or over, but less than 38 lbs	77
For barley testing 36 lbs. or over, but less than 37 lbs	75
For barley testing 35 lbs. or over, but less than 36 lbs	73

§ 238.6 *Farm storage.* Grain stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling and sealing. In accordance with regulations issued by the Secretary of Agriculture the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading, and sealing of the collateral grain. Chattel mortgages covering the grain must be executed and filed in accordance with the applicable State law. Where the borrower is a tenant farmer and the collateral grain is stored on the farm, the expiration date of the lease must be shown in the chattel mortgage. If the expiration date of the lease is prior to June 30, 1944, in the case of rye and barley, or August 30, 1944, in the case of grain sorghums, the Consent for Storage section of the chattel mortgage must be executed by the owner of the premises and any other party that might be entitled to possession of the premises. Each producer must designate in the chattel mortgage a shipping point reasonably convenient for the delivery of the collateral grain as determined by the county committee. A separate note and chattel mortgage must be submitted for grain stored on each quarter section of land.

§ 238.7 *Public warehouses.* Commodity Credit Corporation will accept only insured negotiable warehouse receipts, covering eligible grain pledged as collateral to notes on C. C. C. Grain Form B, issued by any public grain warehouse which has executed the Uniform Grain Storage Agreement, as amended, and has been approved by the Commodity Credit Corporation. Warehousemen desiring approval are advised to communicate with the Regional Director of Commodity Credit Corporation serving the area in which the warehouse is located, at which office a list of approved warehouses and their locations is available. A list of approved warehouses for the area may also be obtained at any State or county agricultural conservation office. All grain pledged as security for a loan must be stored in the same warehouse. Grain moved by rail freight to a warehouse will not command a higher loan value than grain stored on farms or in warehouses located at country points.

§ 238.8 *Warehouse receipts.* Warehouse receipts must be issued in the name of the producer, must be dated on or prior to the date of the related note, must be properly assigned by an endorsement in blank so as to vest title in the holder, and must be issued by an approved warehouseman. Unless the warehouse receipts are stamped or printed "insured" there must be attached and included in the certificate of the warehouseman a statement that the grain is insured for not less than the market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for handling and storage charges, unless prepaid through maturity, will be recognized only from June 1, 1943, or the date of the warehouse receipt, whichever is later. Such receipts must set out in their written or printed terms the gross weight or bushels, the grade, test weight, and all other factors and statements required to be stated in the written or printed terms of the negotiable warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act, or be accompanied by a certificate of the warehouseman, identified to such warehouse receipt, setting out such information, and shall be based on the inbound movement or delivery of the grain to an approved warehouse. To be eligible, warehouse receipts for No. 3 rye must contain a statement that the rye grades No. 2 or better except for test weight.

§ 238.9 *Liens.* The grain collateral must be free and clear of all liens, or if liens exist on the collateral, proper waivers must be secured from each lienholder. The names of the holders of all existing liens on the pledged or mortgaged grain such as landlord, laborers, threshers, or mortgages, must be listed in the space provided in the chattel mortgage or note and loan agreement. The waiver and consent to pledge or mortgage the grain and the payment of the proceeds of the loan and the proceeds of the sale of the grain solely to the producer, as contained in the mortgage or note and loan agreement, must be signed personally by all lienholders listed or by their duly authorized agents; or, if a corporation, by an officer authorized to execute such instruments. Lienholders may sign C. C. C. Form AB, completely identifying the related note, in lieu of signing the appropriate section of the chattel mortgage or note and loan agreement. The proceeds of the loan shall be made payable to the producer and/or such other person or concern as the producer may direct in the space provided on the note. Producers should be sure that grain offered as collateral for a loan is not covered by previous real estate or other mortgages. The producer shall be held personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code for any fraudulent representation made in the execution of the note and related forms.

§ 238.10 *Insurance*—(a) *Grain stored on farms.* Commodity Credit Corporation will not require producers to insure their 1943 farm-stored grain placed under loan. In case of a total loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the Commodity Credit Corporation will mark the note "paid" and return it to the borrower. In case of partial loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the note will be credited at the loan value, plus interest, for the number of bushels on which the loss occurred. No loss will be assumed by the Corporation if it is determined that there is fraudulent representation on the part of the borrower in connection with the loan.

(b) *Grain stored in approved warehouses.* Warehousemen shall provide insurance against the perils of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, for the full market value of grain stored in their warehouses, as long as receipts are outstanding.

§ 238.11 *County agricultural conservation committees.* Forms will be furnished county agricultural conservation committees in the areas designated in § 238.2 hereof, and copies for the purpose of information may be obtained from such committees or from the offices of the regional directors serving the areas listed in § 238.14 hereof. The producers' notes contain approvals which should not bear a date prior to the date of the note and loan agreement and which must be signed in each instance by a member of the county agricultural conservation committee of the county in which the grain was produced for warehoused grain, and the county in which the farm is located on which the grain is stored for farm-stored grain. Pursuant to regulations issued by the Secretary of Agriculture, the State and county committees will determine, or cause to be determined, the quantity and grade of the grain collateral and the amount of the loan. All loan documents will be completed and approved by the county committee who will retain copies of all documents. In order to meet the cost of local expenses county agricultural conservation committees will collect a service fee for all loans.

§ 238.12 *Source of loans.* Loans may be obtained from banks and local lending agencies which, in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Producers may also obtain loans direct from Commodity Credit Corporation on notes made payable to the Corporation, which shall be delivered (or postmarked) prior to January 1, 1944, for rye and barley, and March 1, 1944, for grain sorghums, to the office serving the area in which the grain is stored. Upon approval of the loan by Commodity Credit Corporation, payment will be made pursuant to the directions of the producer as set forth in the note.

§ 238.13 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined above, only from lending agencies which have executed, and delivered to the office of Commodity Credit Corporation to which notes are submitted, Contract to Purchase, 1940 C. C. C. Form E, obtainable only from such offices. Notes held by lending agencies must be tendered to Commodity Credit Corporation for immediate or deferred purchase within 10 days of written request or at least 10 days prior to maturity in the absence of written demand. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest from the respective dates to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly, on 1940 C. C. C. Form F, all payments or collections on producers' notes held by them, and to remit, with such report, to Commodity Credit Corporation, an amount equivalent to 1½ percent interest per annum on the principal amount collected from the date of the note to the date of payment

§ 238.14 *Offices of Commodity Credit Corporation.* The offices of the Regional Directors previously referred to herein and the areas served by them are:

Address	Area
208 South LaSalle Street, Chicago, Ill.	Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia.
Dwight Building, 1004 Baltimore Avenue, Kansas City, Mo.	Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, and Wyoming.
326 McKnight Building, Minneapolis, Minn.	Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.
Artisans Building, 225 Southwest Broadway, Portland, Oreg.	Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

§ 238.15 *Release of collateral held by Commodity Credit Corporation.* A producer may obtain release of the collateral by paying to the lending agency or the Commodity Credit Corporation, whichever holds the note, the principal amount of the note, plus interest. If the note is held by an out-of-town lending agency or the Commodity Credit Corporation, the producer may request the note be forwarded to a local bank for collection. In such case, the local bank should be instructed to return the note to the sender if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of the farm storage loan, the county agricultural conservation committee should be requested to release the mortgage by filing an instrument of release with the county recorder, or by a margin release on the county recorder's records.

Partial releases of collateral will be made as follows:

(a) In the case of farm-stored grain, producers may obtain release of all or part of the collateral in a bin by paying to the holder of the note the loan value and accrued interest, for the grain released. Form Commodity Loan 29 must be executed in accordance with instructions issued by the Agricultural Adjustment Agency for each partial redemption, and one copy must be submitted to the office of the regional director serving the area.

(b) In case of warehouse-stored grain, each partial release must cover all the grain under one warehouse receipt number. Producers may obtain release of one or more warehouse receipts by paying to the holder of the note the amount of the loan, plus interest, for the grain represented by the warehouse receipt. If the notes are held by an out-of-town lending agency or Commodity Credit Corporation, or if the grain is stored in a terminal warehouse, the warehouse receipt(s) may be forwarded to an approved lending agency, as directed by the producer, for collection.

(c) Commodity Credit Corporation will purchase notes on which partial releases have been made by lending agencies provided the note is credited by the lending agency for the full amount of the loan on the grain released, plus interest at the rate of 3 percent per annum, and 1½ percent interest per annum on such principal amount collected has been submitted to the regional director serving the area.

Dated: June 10, 1943.

J. B. Hutson,
President.

[F. R. Doc. 43-11819; Filed, July 23, 1943; 11:16 a. m.]

TITLE 7—AGRICULTURE

Chapter X—War Food Administration

[FPO 3, Supp. Order 5]

Part 1202—Farm Machinery and Equipment

New Farm Machinery and Equipment

Pursuant to § 1202.212 of Food Production Order 3, as amended (8 F.R. 5963, 7625, 8045, 9100, 9101), *It is hereby ordered*, That:

§ 1202.255 *Supplementary Order 5*—(a) *Purpose.* This Supplementary Order 5 is issued to permit the distribution and sale, until a permanent rationing program to replace Food Production Order 3 is promulgated, of a percentage of the farm machinery and equipment produced under the authority of War Production Board Order L-257 (8 F.R. 8163).

(b) *Scope.* This order deals with new farm machinery and equipment produced under War Production Board Order L-257 and listed in Food Production Order 3. Such equipment shall be deemed to be Schedule I equipment as defined in Food Production Order 3 and is hereinafter referred to as L-257 equipment. It includes the subdivisions as listed in Order L-257 of items which are listed in Food Production Order 3. For example, L-257 equipment includes items 108-108n, inclusive, listed in Order L-257, even though item 108 appears without subdivisions in Food Production Order 3.

(c) *Authority granted.* (1) Any manufacturer may transfer not more than 40 percent of the L-257 equipment which he is authorized to produce: *Provided*, That:

(i) Until a manufacturer has filled distribution orders and directives issued to him for any type of equipment under Food Production Order 3, he shall not transfer L-257 equipment of the same type except to fill such orders and directives.

(ii) Any person may make or accept a transfer of equipment which is distributed by a manufacturer in accordance with this Supplementary Order 5, but nothing in this order shall be construed to alter the requirement of Food Production Order 3 for a purchase certificate when a transfer is made for use.

(d) *Records.* Each manufacturer shall maintain records which will enable him, upon request from time to time by the Deputy Administrator, to report the number of items of any type of L-257 equipment which such manufacturer has transferred and the States in which such equipment has been or is intended by such manufacturer to be transferred for the purpose of retransfer for use. If a manufacturer has transferred for use any item of such equipment, he shall report the State to which such transfer was made, rather than the information required by the preceding sentence. This record keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) This Supplementary Order 5 shall be added to and become a part of Food Production Order 3, as amended, and any violation of this Supplementary Order 5 shall constitute a violation of Food Production Order 3.

(f) This Supplementary Order 5 shall become effective July 22, 1943.

Issued this 22d day of July 1943.

M. Lee Marshall,
Deputy Administrator.

[F. R. Doc. 43-11820; Filed, July 23, 1943; 11:16 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3593]

Part 3—Digest of Cease and Desist Orders

Dearborn Supply Company

§ 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "Mercolized Wax" or "Mercolized Wax Cream" cosmetic preparation, or any other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said preparation, which advertisements fail to reveal that said preparation should not be applied to an area of the skin larger than the face and neck at any one time,

that too frequent applications and use over excessive periods of time should be avoided, that adequate rest periods between series of treatments should be observed, that the preparation should not be used where the skin is cut or broken, and that in all cases a proper patch test should be made to determine whether the patient is allergic or sensitive to the preparation: *Provided, however,* That such advertisement need contain only the statement, "Caution: use only as directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain warnings to the above effect.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to comply with the requirements set forth in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-11821; Filed, July 23, 1943; 11:30 a. m.]

[Docket No. 4499]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN RUG AND CARPET CO. INC.

§ 3.66 (c 20) *Misbranding or mislabeling—Manufacture or preparation:* § 3.63 (d) *Misbranding or mislabeling—Nature:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Manufacture:* § 3.96 (a) *Using misleading name—Goods—Nature:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with offer, etc., in commerce, of rugs, (1) using the words "Saroukan", or "Iran" or any other combination of words or syllables, coined or otherwise, which are indicative of the Orient to designate or describe rugs which are not in fact made in the Orient and which do not possess all the essential characteristics and structure of Oriental rugs; or (2) using the words "Kashan", "Ardavan", or "Sarouk", or any other name of any genuine Oriental rug, alone or in combination with other words or syllables, coined or otherwise, to designate or describe rugs which are not in fact made in the Orient and which do not possess all the essential characteristics and structure of the particular Oriental rugs indicated by the use of such name; prohibited (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, American Rug and Carpet Co., Inc., Docket 4499, July 13, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, American Rug and Carpet Co., Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of rugs in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "Saroukan", or "Iran" or any other combination of words or syllables, coined or otherwise, which are indicative of the Orient to designate or describe rugs which are not in fact made in the Orient and which do not possess all the essential characteristics and structure of Oriental rugs.

(2) Using the words "Kashan", "Ardavan", or "Sarouk" or any other name of any genuine Oriental rug, alone or in combination with other words or syllables, coined or otherwise, to designate or describe rugs which are not in fact made in the Orient and which do not possess all the essential characteristics and structure of the particular Oriental rugs indicated by the use of such name.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-11824; Filed, July 23, 1943; 11:30 a. m.]

[Docket No. 4881]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RHODE ISLAND PLUSH MILLS, INC.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of textile fabrics, and among other things, as in order set forth, (1) using the words "Bokahara-Lam", "Allapo-Curl", "Arabakurl", "Bokahara-Curl", "Mara-Kurl", or any similar term, to designate fabrics which resemble or simulate in appearance the color, pattern, or texture of peltries of the Karakul breed of sheep or lambs, or fabrics made from the fleece of such sheep or lambs; or (2) representing or implying in any manner that textile fabrics are made from the fleece of the Karakul breed of sheep or lamb, when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Rhode Island Plush Mills, Inc., Docket 4881, July 13, 1943]

§ 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure — Composition.* In connection with the introduction or manufacture for introduction of textile fabrics into commerce, or the sale, transportation, or distribution of textile fabrics therein, and among other things, as in order set forth, misbranding fabrics which contain, purport to contain, or in any way are represented as containing, wool, reprocessed wool, or reused wool, as those terms are defined in the Wool Products Labeling Act of 1939, by failing to place on or affix to said fabrics a stamp, tag, label or other means of identification showing (a) the percentage of the total fiber weight of the fabric, exclusive of ornamentation not exceeding 5 percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of the said fabric of nonfibrous loading, filling, or adulterating matter; (c) the name of the manufacturer of the said fabric; or the manufacturer's registered identification number and the name of a subsequent seller of the fabric; or the name of one or more persons subject to Section 3 of said Wool Products Labeling Act of 1939 with respect to such fabric; and (d) the percentages, in words and figures plainly legible, by weight of the wool contents where said fabric contains a fiber other than wool; prohibited, subject to the proviso, however, that said subsections (a), (b), (c) and (d) are subject to the provisions of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and are not to be construed as limiting applicable provisions of said Act or said Rules and Regulations. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b; 54 Stat. 1128; 15 U.S.C., sec. 68) [Cease and desist order, Rhode Island Plush Mills, Inc., Docket 4881, July 13, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into by the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon, and an order disposing of the proceeding; and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act and the Wool Product Labeling Act of 1939:

It is ordered, That the respondent, Rhode Island Plush Mills, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Bokahara-Lam", "Allapo-Curl," "Arabakurl," "Bokahara-Curl," "Mara-Kurl," or any similar term, to designate fabrics which resemble or simulate in appearance the color, pattern, or texture of peltries of the Karakul breed of sheep or lambs, or fabrics made from the fleece of such sheep or lambs.

2. Representing or implying in any manner that textile fabrics are made from the fleece of the Karakul breed of sheep or lamb, when such is not the fact.

It is further ordered, That the respondent, Rhode Island Plush Mills, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction of textile fabrics into commerce, or the sale, transportation, or distribution of textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding fabrics which contain, purport to contain, or in any way are represented as containing, wool, reprocessed wool, or reused wool, as those terms are defined in the Wool Products Labeling Act of 1939, by failing to place on or affix to said fabrics a stamp, tag, label or other means of identification showing:

(a) The percentage of the total fiber weight of the fabric, exclusive of ornamentation not exceeding 5 percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of the said fabric of nonfibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of the said fabric; or the manufacturer's registered identification number and the name of a subsequent seller of the fabric; or the name of one or more persons subject to Section 3 of said Wool Products Labeling Act of 1939 with respect to such fabric.

(d) The percentages, in words and figures plainly legible, by weight of the wool contents where said fabric contains a fiber other than wool.

Paragraphs (a), (b), (c), and (d) of this order are subject to the provisions of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and are not to be construed as limiting applicable provisions of said Act or said Rules and Regulations.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-11822; Filed, July 23, 1943; 11:30 a. m.]

[Docket No. 4948]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CENTRAL SALES COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of smokers' articles, sporting goods, novelties, or any other merchandise, (1) selling, etc., any merchandise so packed and assembled that sales of such merchandise to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondents, may be made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which are to be used or may be used in selling and distributing respondents' merchandise or any merchandise to the public; or (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Central Sales Company, Docket 4948, July 13, 1943]

In the Matter of John H. Fling and William B. Mahaney, Individuals Trading as Central Sales Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all of the material allegations of fact set forth in the complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, John H. Fling and William B. Mahaney, individually and trading as Central Sales Company, or trading under any other name, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of smokers' articles, sporting goods, novelties or any other merchandise in commerce, as "commerce" is de-

fined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling and distributing any merchandise so packed and assembled that sales of such merchandise to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondents, may be made by means of a game of chance, gift enterprise, or lottery scheme.

2. Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which are to be used or may be used in selling and distributing respondents' merchandise or any merchandise to the public.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11823; Filed, July 23, 1943; 11:30 a. m.]

[Docket No. 4822]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ATLANTIC PACKING COMPANY, ETC.

§ 3.66 (g) *Misbranding or mislabeling—Producer status of dealer or seller:* § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* In connection with offer, etc., in commerce, of respondent's food products, (1) using the trade name "Atlantic Packing Co.," or any trade name containing the word "Packing" or any other word of similar import, in connection with any product which is not in fact packed by respondents; or (2) representing, directly or by implication, that any product is packed by respondents when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Atlantic Packing Company, etc., Docket 4822, July 10, 1943]

In the Matter of Samuel Perloff, Harry Perloff, Earl Perloff, and Morris Perloff, Individuals and Copartners, Trading as Atlantic Packing Company and Atlantic Packing Company, Distributors

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it (no testimony or other evidence having been offered on behalf of respondents), report of the trial examiner upon the evidence, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Samuel Perloff, Harry Perloff, Earl Perloff, and Morris Perloff, individually and trading as Atlantic Packing Company and as Atlantic Packing Company, Distributors, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondents' food products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the trade name "Atlantic Packing Co.," or any trade name containing the word "Packing" or any other word of similar import, in connection with any product which is not in fact packed by respondents.

2. Representing, directly or by implication, that any product is packed by respondents when such is not the fact.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11848; Filed, July 23, 1943; 11:57 a. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[Bulletin 26]

CONSERVATORS AND RECEIVERS

JULY 21, 1943.

No hearing having been requested in accordance with the provisions of paragraph (d) of § 201.2 of the rules and regulations for the Federal Savings and Loan System after opportunity therefor was allowed in accordance with paragraph (b) thereof, the rules and regulations for the Federal Savings and Loan System are hereby amended, effective July 22, 1943, as follows:

PART 205—APPOINTMENT OF CONSERVATOR OR RECEIVER FOLLOWING REQUEST [1]

1. By striking out in § 205.2 *Possession by examiner* the following language:

If the association is turned over to an examiner, he shall forthwith post a notice, in substantially the following form on the door of the home office of the association:

[1] 8 F.R. 1181.

By request of the board of directors of this Association, the undersigned is temporarily in charge of _____ Federal Savings and Loan Association _____

_____, _____

_____ _____

Date Examiner, Federal Home Loan Bank Administration

PART 206—APPOINTMENT OF CONSERVATOR OR RECEIVER [1]

2. By amending § 206.1 *Receiver or conservator, appointment* as follows:

a. By striking out in subparagraph numbered (2) the language "or has a person or persons in a position or situation of dominance or control, or exercising dominance or control, who is or are an unsafe or improper person or persons to be in such position or situation or to exercise such dominance or control", and the comma immediately preceding said language, and inserting in lieu thereof the following: "to manage a Federal savings and loan association"; and

b. By striking out in subparagraph numbered (10) the words "failed or refused" and inserting in lieu thereof the words "refused or failed";

PART 207—POWERS OF CONSERVATOR AND CONDUCT OF CONSERVATORSHIPS [1]

3. By amending § 207.2 *Procedure upon taking possession* as follows:

a. By striking out all of paragraph (a);

b. By relettering paragraph (b) as paragraph (a) and by striking out the word "and" at the end of said paragraph; and

c. By striking out all of paragraph (c) and inserting in lieu thereof the following:

(b) File with the Secretary of the Federal Home Loan Bank Administration a statement (1) that he has taken possession, pursuant to § 207.1 of these rules and regulations, of such Federal association and (2) of the time of such taking of possession; and such statement shall be conclusive evidence of such taking of possession and of the time of such taking of possession, and

(c) If the ground, or one of the grounds, of his appointment is the ground set forth in subparagraph numbered (4) of § 206.1 of these rules and regulations, post a notice in substantially the following form on the door of the home office of such association:

_____ Federal Savings and Loan Association_____, _____

_____, is in the possession and charge of the undersigned as Conservator under appointment by the Federal Home Loan Bank Administration.

_____ _____

Date Conservator

4. By striking out in § 207.3 *Succession* the language "the posting of the notice on the door of such Federal association as provided in paragraph (a) of § 207.2 of these rules and regulations" and inserting in lieu thereof the following: "taking possession, pursuant to § 207.1 of these rules and regulations, of such Federal association"; and

5. By striking out in § 207.5 *Powers and duties of conservator* the language "post-

[1] 8 F.R. 1182.

ing notice pursuant to paragraph (a) of § 207.2" and inserting in lieu thereof the following: "taking possession pursuant to § 207.1".

(Sec. 5 (a), (d), of H.O.L.A. of 1933, 48 Stat. 132, 133; 12 U.S.C. 1464 (a), (d); E.O. 9070, 7 F.R. 1529)

JOHN H. FAHEY,
Federal Home Loan Bank Commissioner.

[F. R. Doc. 43-11781; Filed, July 22, 1943; 2:21 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5285]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF WAR

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to section 507 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. Section 19.53–1, as amended by Treasury Decision 5266, approved May 15, 1943, is further amended by striking out the last sentence and inserting in lieu thereof the following:

For provisions relating to certain cases in which the time for filing income tax returns is postponed by reason of a member (whether or not the taxpayer) of the military or naval forces of the United States serving on sea duty or outside the continental United States, by reason of any other individual (whether or not the taxpayer) being outside the Americas, or by reason of a locality being an area of enemy action or control, see section 3804 and the regulations prescribed thereunder. See such provisions also for the circumstances under which the time for filing income tax returns of the spouses of such members or of such other individuals is in certain cases postponed. As to the time for filing income tax returns of China Trade Act corporations for taxable years beginning after December 31, 1940, see section 3805.

PAR. 2. Section 19.53–4, as amended by Treasury Decision 5149, approved May 11, 1942, is further amended by striking out the first sentence and inserting in lieu thereof the following:

The due date is the date on or before which a return is required to be filed in accordance with the provisions of the Internal Revenue Code, including, in the case of certain taxpayers to which section 3804 or 3805 is applicable, the provisions of such section and the regulations prescribed thereunder, or the last day of the period covered by an extension of time granted by the Commissioner or a collector.

PAR. 3. The caption "Public Law 490 (77th Congress), Approved March 7, 1942." and the provisions of law thereunder, immediately preceding § 19.56–1, which were added by Treasury Decision 5149, are stricken out.

PAR. 4. Section 19.56–1, as amended by Treasury Decision 5266, is further amended by striking out paragraph (b) and inserting in lieu thereof the following:

(b) *Postponement in certain cases by reason of war.* For provisions relating to certain cases in which the date otherwise prescribed for the payment of the tax or an installment thereof is postponed by reason of a member (whether or not the taxpayer) of the military or naval forces of the United States serving on sea duty or outside the continental United States, by reason of any other individual (whether or not the taxpayer) being outside the Americas, or by reason of a locality being an area of enemy action or control, see section 3804 and the regulations prescribed thereunder. See such provisions also for the circumstances under which the date otherwise prescribed for the payment of the tax or an installment thereof of the spouses of such members or of such other individuals is in certain cases postponed. As to the time for payment of the tax by China Trade Act corporations for taxable years beginning after December 31, 1940, see section 3805.

PAR. 5. Section 19.217–1, as amended by Treasury Decision 5149, is further amended by striking out the second sentence and inserting in lieu thereof the following:

For provisions relating to certain cases in which the time for filing the return is postponed by reason of the war, see section 3804 and the regulations prescribed thereunder.

PAR. 6. Section 19.218–1, as amended by Treasury Decision 5149, is further amended by striking out the last sentence and inserting in lieu thereof the following:

For provisions relating to certain cases in which the date otherwise prescribed for the payment of the tax or an installment thereof is postponed by reason of the war, see section 3804 and the regulations prescribed thereunder.

PAR. 7. Section 19.235–1, as amended by Treasury Decision 5165, approved August 13, 1942, is further amended by adding at the end of paragraphs (a) and (b) thereof the following:

For provisions relating to certain cases in which the time for filing the return is postponed by reason of the war, see section 3804 and the regulations prescribed thereunder.

PAR. 8. Section 19.236–1, as amended by Treasury Decision 5165, is further amended by adding at the end of paragraphs (a) and (b) thereof the following:

For provisions relating to certain cases in which the date otherwise prescribed for the payment of the tax or an installment thereof is postponed by reason of the war, see section 3804 and the regulations prescribed thereunder.

(Secs. 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U.S.C. 62, 3791) and sec. 507 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] NORMAN D. CANN,
Acting Commissioner.

Approved: July 22, 1943.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-11792; Filed, July 22, 1943; 4:27 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

Subchapter A—Bureau of Accounts

PART 212—PAYMENT THROUGH DEPOSITARY BANKS OF FUNDS WITHHELD AS TAXES IN ACCORDANCE WITH THE PROVISIONS OF THE CURRENT TAX PAYMENT ACT OF 1943

MISCELLANEOUS AMENDMENTS

JULY 22, 1943.

The first paragraph of § 212.4 *Designation of Government depositaries in connection with payment of taxes* of Title 31 of the Code of Federal Regulations (8 F. R. 9045), appearing also as the first paragraph of section 5 of Treasury Department Circular No. 714, dated June 25, 1943, is hereby amended to read as follows:

All incorporated insured banks, within the meaning of section 10 of the Act of June 11, 1942, referred to in § 212.2 of this part and all incorporated uninsured banks and trust companies designated as "Special Depositaries of Public Moneys" under the Act of Congress approved September 24, 1917, as amended (Second Liberty Bond Act, as amended),[1] are hereby designated, subject to the provisions of this part, as depositaries and financial agents of the Government for receiving from employers or other persons, hereinafter referred to as employers, funds withheld as taxes pursuant to the Current Tax Payment Act of 1943; *Provided*, That no such bank shall perform any of the acts covered by this designation until it has qualified so to act in the manner herein prescribed.

The first sentence of § 212.5 *Qualification of Government depositaries in connection with payment of taxes* of Title 31 of the Code of Federal Regulations (8 F.R. 9045), appearing also as the first sentence of section 6 of Treasury Department Circular No. 714, dated June 25, 1943, is hereby amended to read as follows:

Any designated bank which desires to qualify, under the terms of this part, for receiving from employers funds withheld as taxes pursuant to the Current Tax Payment Act of 1943, should apply for qualification through the Federal Reserve bank of the district in which it is located.

[1] See Part 203 of Title 31 of the Code of Federal Regulations (8 F.R. 5141), appearing also as Treasury Department Circular No. 92 (Revised), dated April 14, 1943.

The fifth paragraph of § 212.7 *Provision for offsetting costs of depositaries for withheld taxes* of Title 31 of the Code of Federal Regulations (8 F.R. 9046), appearing also as the fifth paragraph of section 8 of Treasury Department Circular No. 714, dated June 25, 1943, is hereby amended to read as follows:

In case a bank qualifies as a depositary for withheld taxes on or before July 31, 1943, its initial 2% depositary bond allotment or Treasury balance under the method elected by the depositary will be calculated on the basis of the business transacted under this part by the depositary during the month of August 1943. The same general rule will be applied in the case of banks qualifying during each month after July 1943. For example, in the case of a bank qualifying as a depositary during the month of August 1943, the initial 2% depositary bond allotment or Treasury balance will be based upon the busines such depositary transacts under this part during the month of September 1943.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 43-11833; Filed, July 23, 1943; 11:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 974—TOLUENE (TOLUOL)

[Allocation Order M-34, as Amended July 23, 1943]

The order title "General Preference Order No. M-34" is hereby amended to read, "Allocation Order M-34".

Section 974.1 is hereby amended to read as follows:

§ 974.1 *Allocation Order M-34*—(a) *Definitions.* For the purpose of this order:

(1) "Toluene" means toluene from whatever source derived, except that it shall not include petroleum solvents and diluents of Kauri-butanol values less than 85 Kauri-butanol number.

(2) "Nitration grade toluene" means toluene which meets the requirements of Grade "A" in United States Army Specification No. 50-11-38C, as the same may from time to time be revised.

(3) "Commercial grade toluene" means toluene other than nitration grade toluene.

(4) "Supplier" means any person who produces toluene, or who purchases toluene for resale as toluene.

(b) *Restrictions on delivery and acceptance of delivery.* (1) No supplier shall deliver toluene to any person, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A annexed.

(2) No person shall accept delivery of toluene from a supplier, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B annexed.

(c) *Restrictions on use.* No person shall use toluene except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B annexed.

(d) *Production requirements.* Unless specifically authorized or directed by the War Production Board:

(1) No person shall use or deliver oils containing commercially extractable toluene, except for the purpose of distillation or refining;

(2) Each person processing oil for the extraction of toluene shall produce therefrom the maximum quantity of nitration grade toluene which his equipment and facilities are capable of producing.

The above requirements are in addition to the requirements of Order M-137 with respect to oils containing commercially extractable benzene, and shall not apply to oils derived from petroleum.

(e) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of toluene and oils containing toluene (except oils derived from petroleum); or

(2) Production of toluene and processing of oils containing toluene (except oils derived from petroleum); or

(3) Preparation and filing of forms and certificates to be furnished in accordance with Appendices A and B annexed.

(f) *Laboratory exemption.* (1) Any laboratory may use and accept delivery of 5 gallons or less of toluene in the aggregate from all suppliers in any calendar month, without the specific authorization required by paragraph (b) (2).

(2) Any supplier principally engaged in supplying laboratories may deliver 5 gallons or less of toluene to each laboratory in any calendar month without the specific authorization required by paragraph (b) (1).

(g) *Government plant exemption.* (1) Any Government owned plant may use toluene in the production of explosives, may accept delivery of toluene from any person for use in the production of explosives, and may deliver toluene to a Government owned explosives plant, without application under this order and without the specific authorization required by paragraphs (b) and (c).

(2) The above exemption does not apply to any privately owned plant delivering toluene to, or accepting delivery of toluene from, any Government owned plant.

(h) *Special provisions for July and August, 1943.* Notwithstanding the provisions of paragraphs (b) and (c), and of Appendices A and B annexed:

(1) During July, 1943, applications for authorization to deliver or accept delivery of toluene may be made in accordance with the provisions of this order as in effect prior to July 23, 1943;

(2) Any person may, without specific authorization, accept delivery of, and use for the purpose stated in his application to the War Production Board, any toluene which he received on or before August 31, 1943, or which was in transit to him on that date.

(i) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(j) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of toluene shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(3) *Approval of reporting requirements.* Forms WPB-2945 (formerly PD-600) and WPB-2946 (formerly PD-601) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(5) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-34.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

INSTRUCTIONS TO SUPPLIERS FOR FILING APPLICATION FOR AUTHORIZATION TO DELIVER TOLUENE

Each supplier seeking authorization to deliver toluene shall file application on Form WPB-2946 (Formerly PD-601) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2946 (formerly PD-601). Copies of Form WPB-2946 (Formerly PD-601) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Four copies shall be prepared, of which one may be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-34.

Heading. Under name of chemical, specify toluene; under War Production Board order number, specify M-34; specify gallons as unit of measure; and otherwise fill in as indicated.

Table I. Fill in as indicated. If the applicant-supplier is also filing application on Form WPB-2945 (formerly PD-600) for authorization to use toluene, he should list his own name as a customer.

Specify grade as nitration or commercial.

Rolling stock. Fill in as indicated.

Table II. Fill in as indicated. In Columns 10 and 13 enter only those stocks of toluene not authorized for delivery on the dates specified.

APPENDIX B

INSTRUCTIONS FOR FILING APPLICATION FOR AUTHORIZATION TO USE OR ACCEPT DELIVERY OF TOLUENE

Each person (including any supplier) seeking authorization to use or accept delivery of toluene, shall file application on Form WPB-2945 (formerly PD-600) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

WPB-2945 (formerly PD-600). Copies of Form WPB-2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 5th day of the month preceding the month for which authorization for delivery or use is sought.

Five copies shall be prepared, of which one copy may be retained by the applicant, one copy shall be forwarded to the supplier, and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-34.

Number of sets. A separate set of application forms shall be submitted for each supplier and for each delivery destination or plant of the applicant.

Heading. Under name of chemical, specify toluene; under War Production Board order number, specify M-34; under unit of measure, specify gallons; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for acceptance of delivery or use is sought.

Column 1. Specify as grade nitration or commercial.

Column 2. Specify separately the quantities (in gallons) required for each primary product and product use specified in Columns 3 and 4 of the application.

Column 3. Specify primary products in terms of the following:

Para Cresol.
Quinacrine.
Explosives.
Zinc Chromate Primer.
Petroleum additives.
Aviation oils.
Neoprene solvent.
Other primary product (specify).
Export (as toluene).
Resale (as toluene).
Inventory (as toluene).

Column 4. Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, in the case of para cresol, Order M-27; in the case of quinacrine, Order M-306).

Opposite any primary product in Column 3 which is not under allocation, specify in Column 4 the end use in as detailed and complete a manner as possible, giving Army or Navy or Lend-Lease specification and contract numbers when available.

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom, or for whose account, the materials will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Resale' in Column 3, write into Column 4 "upon further authorization".

Opposite "Inventory" in Column 3, write into Column 4 "subject to further authorization".

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated for each grade of toluene referred to in Column 1 of the application.

Suppliers shall report only quantities of toluene which have been allocated to them for their own use.

Table III. Fill in as indicated.

Table IV. Fill in as indicated for each primary product specified in Column 3 of the application, except for primary products under direct allocation (such as para cresol or quinacrine).

[F. R. Doc. 43-11834; Filed, July 23, 1943; 11:52 a. m.]

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S-336]

CONNECTICUT HEAT AND FUEL CO.

Connecticut Heat and Fuel Company, 324 Congress Avenue, New Haven, Connecticut, has appealed from the provisions of Suspension Order S-336, issued June 23, 1943. After a review of the case it has been determined by the Chief Compliance Commissioner that Suspension Order S-336 should be modified so as to expire at an earlier date than now is specified.

In view of the foregoing: *It is hereby ordered,* That § 1010.336 Suspension Order S-336, issued June 23, 1943, be revoked.

Issued this 23d day of July, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11836; Filed, July 23, 1943; 11:52 a. m.]

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S-337]

MICHAEL HOFFMAN FUEL CO., INC.

Michael Hoffman Fuel Company, Inc., 156 East Washington Avenue, Bridgeport, Connecticut, has appealed from the provisions of Suspension Order S-337 issued June 23, 1943. Pending the determination of the appeal, the provisions of Suspension Order S-337 were stayed by the Chief Compliance Commissioner. After a review of the case, it has been determined by the Chief Compliance Commissioner that Suspension Order S-337 should be modified so as to expire at an earlier date than now is specified.

In view of the foregoing: *It is hereby ordered,* That § 1010.337 Suspension Order S-337, issued June 23, 1943, be revoked.

Issued this 23d day of July, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11835; Filed, July 23, 1943; 11:52 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-363]

BROOK ELECTRICAL SUPPLY CO. AND L. J. SEGIL CO.

Leon J. Segil, Miriam Segil, Harold T. Segil, Louis J. Segil, Jane Segil and Gladys Segil are engaged as partners in the business of selling electric lighting fixtures under the names of Brook Electrical Supply Company and L. J. Segil Company, at 2510 West North Avenue and on Clark Street, Chicago, Illinois. When investigated by the War Production Board in December of 1942, and at other times, respondents were found to have kept no production records, nor to have maintained adequate records showing a correlation between preference ratings assigned to them and those extended by them, and not to have differentiated between sale at retail and at wholesale. These failures to maintain proper records made it difficult to ascertain whether their handling of materials conformed to rules and regulations of the War Production Board, and constituted violations of Priorities Regulation No. 1, as amended.

Between May 1, 1942, and December 31, 1942, respondents extended to their suppliers preference ratings AA-1 to A-1-j which were not supported by equivalent preference ratings assigned them on related customers' orders, and during said period of time, respondents placed orders for approximately 103,000 feet of copper wire in excess of the quantity required to fill the rated orders received by them, and they also placed orders for 28,725 feet of copper wire to fill unrated orders, both actions being in violation of Priorities Regulation No. 3, as amended. Between September 30, 1942, and December 10, 1942, respondents sold and delivered approximately 99 new complete fluorescent lighting fixtures on orders bearing preference ratings lower than A-2 in violation of General Limitation Order L-78, as amended. Between June 25, 1942, and September 12, 1942, respondents accepted delivery of approximately 100,000 feet of copper wire on unrated orders in violation of General Preference Order M-9-a. Between May 4, 1942, and December 10, 1942, respondents improperly applied ratings given them under Preference Rating Order P-100. Respondents were aware of the said orders, and their acts must be deemed wilful violations.

These wilful violations of Priorities Regulation No. 1, Priorities Regulation No. 3, General Limitation Order L-78, General Preference Order M-9-a, and Preference Rating Order P-100 have diverted scarce materials to uses unau-

thorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts: *It is hereby ordered*, That:

§ 1010.363 *Suspension Order No. S–363.* (a) Leon J. Segil, Miriam Segil, Harold T. Segil, Louis J. Segil, Jane Segil and Gladys Segil, doing business as Brook Electrical Supply Company and L. J. Segil Company, or otherwise, their and its successors and assigns shall not purchase, order, or accept delivery of any materials in order to manufacture or assemble electrical fixtures, fluorescent or otherwise, or component parts; nor shall they manufacture, assemble, sell or otherwise dispose of electric fixtures, fluorescent or otherwise, unless hereafter specifically authorized in writing by the War Production Board.

(b) The provisions of this order shall not apply to orders bearing a preference rating of AA–2X or higher.

(c) Nothing in this order shall be deemed to relieve Leon J. Segil, Miriam Segil, Harold T. Segil, Louis J. Segil, Jane Segil and Gladys Segil, doing business as Brook Electrical Supply Company and L. J. Segil Company, or otherwise, their and its successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on July 23, 1943, and shall expire on November 23, 1943.

Issued this 16th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11837; Filed, July 23, 1943; 11:52 a. m.]

PART 1193—COTTON TEXTILE PRODUCTION

[Supplementary Limitation Order L–99–a, as Amended July 23, 1943]

§ 1193.2 *Supplementary Limitation Order L–99–a*—(a) *80 squares.* No producer or converter of cotton textiles shall sell or deliver any 39" 80/80 4.00 yard print cloth or pro rata widths thereof, gray or finished, except to fill orders bearing a preference rating of AA–5 or better. This restriction shall not apply to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or converter's production of the cloth referred to in this paragraph.

(b) *Bandage cloth.* No producer or converter of cotton textiles shall process or convert any 38½" 44/36 8.60 yard or 38½" 44/40 8.20 yard print cloth, or pro rata widths thereof, gray or finished, except to render the same suitable for manufacture into surgical dressings or cheese bandages. No producer, converter, or jobber (one who sells to a manufacturer, or for resale) shall sell or deliver such cloth, knowing or having reason to believe that such cloth will be used other than for manufacture into such dressings or bandages. These restrictions shall not apply to specific orders for delivery to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or converter's production of the cloth referred to in this paragraph.

(c) *Bandage cloth loom assignment.* No producer of cotton textiles, who on July 3, 1943, assigned or operated a loom for the production of 38½" 44/36 8.60 yard print cloth, or pro rata widths thereof, shall operate that loom on any other construction. No producer of cotton textiles, who on July 3, 1943 assigned or operated a loom for the production of 38½" 40/32 9.80 or 38½" 48/44 7.46 yarn print cloths, or pro rata widths thereof, shall operate that loom on any other than one of the three constructions mentioned in this paragraph (c), or pro rata widths thereof.

(d) *Diaper cloth.* No person shall sell, deliver, buy or accept any gauze diaper cloth or birdseye diaper cloth, any new product made therefrom or new diapers, knowing or having reason to believe that the same will be used for industrial purposes, and no manufacturer or processor of any product shall use gauze diaper cloth or birdseye diaper cloth, any new product made therefrom or new diapers for industrial purposes. This restriction shall not apply to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or manufacturer's production of diaper cloth and diapers.

(e) *Spindle assignment.* No producer of cotton textiles, who on July 3, 1943, assigned or operated a spindle for the production of cotton sale yarn or any other cotton product, referred to in one of the items numbered "1" to "13" inclusive, "16" to "20", inclusive, "2", "23", "25" to "29" inclusive, or "38" to "78", inclusive, on Form WPB 658–E (6–28–43), shall operate that spindle for the production of any product not within that item. The operation may be in any count within the range referred to in the item. (For example, if on July 3, 1943, a spindle was operated on or was assigned to "17's" single carded weaving sale yarn—which falls within Item No. "3" on said form—it may be operated only on such a yarn within the range of "15's" to "20's", inclusive.)

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11838; Filed, July 23, 1943; 11:52 a. m.]

PART 1195—BENZENE

[Allocation Order M–137, as amended July 23, 1943]

The order title "Conservation Order No. M–137" is hereby amended to read, "Allocation Order M–137".

Section 1195.1 is hereby amended to read as follows:

§ 1195.1 *Allocation Order M–137.*—(a) *Definitions.* For the purpose of this order:

(1) "Benzene" means the chemical compound known by that name or by the name "benzol", from whatever source derived.

(2) "Supplier" means any person who produces benzene, or who purchases benzene for resale as benzene.

(b) *Restrictions on delivery and acceptance of delivery.* (1) No supplier shall deliver benzene to any person, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A annexed.

(2) No person shall accept delivery of more than 50 gallons of benzene in the aggregate from all suppliers during any calendar month, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B annexed.

(3) Each person seeking to have 50 gallons or less of benzene in the aggregate delivered to him by all suppliers in any calendar month, shall furnish each supplier with a certificate in accordance with Appendix C annexed.

(c) *Restrictions on use.* No person shall use benzene except as follows:

(1) As specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B annexed; or

(2) For any purpose (subject, however, to the use restrictions of paragraph (d) below), by any person using 50 gallons or less of benzene in the aggregate during any calendar month.

(d) *Additional restrictions on use.* No person shall use or consume benzene, or any blend or mixture containing added benzene, as motor or other fuel, or for the manufacture or preparation of motor or other fuel, except aviation fuel having an octane number higher than 87 A. S. T. M.

(e) *Production requirements.* Unless specifically authorized or directed by the War Production Board:

(1) No person shall use or deliver oils containing commercially extractable benzene, except for the purpose of distillation or refining;

(2) Each person processing oil for the extraction of benzene shall produce therefrom the maximum quantity of 2 degrees Centigrade benzene which his equipment and facilities are capable of producing.

The above requirements are in addition to the requirements of Order M–34 with respect to oils containing commercially extractable toluene, and shall not apply to oils derived from petroleum.

(f) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of benzene and oils containing benzene (other than oils derived from petroleum); or

(2) Production of benzene and processing of oils containing benzene (other than oils derived from petroleum); or

(3) Preparation and filing of forms and certificates to be furnished in accordance with Appendices A, B and C, annexed.

(g) *Special provisions for July and August, 1943.* Notwithstanding the provisions of paragraphs (b) and (c), and of Appendices A and B annexed:

(1) During July, 1943, applications for authorization to deliver or accept delivery of benzene may be made in accordance with the provisions of this order as in effect prior to July 23, 1943;

(2) Any person may, without specific authorization, accept delivery of, and use for the purpose stated in his application to the War Production Board, any benzene which he received on or before August 31, 1943, or which was in transit to him on that date.

(h) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(3) *Approval of reporting requirements.* Forms WPB–2945 (formerly PD–600) and WPB–2946 (formerly PD–601) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(5) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–137.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

INSTRUCTIONS TO SUPPLIERS FOR FILING APPLICATION FOR AUTHORIZATION TO DELIVER BENZENE

Each supplier seeking authorization to deliver benzene shall file application on Form WPB–2946 (formerly PD–601) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB–2946 (formerly PD–601). Copies of Form WPB–2946 (formerly PD–601) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Four copies shall be prepared, of which one may be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington, 25, D. C., Ref: M–137.

Heading. Under name of chemical, specify benzene; under War Production Board order number, specify M–137; specify gallons as unit of measure; and otherwise fill in as indicated.

Table I. Fill in as indicated. If the applicant supplier is also filing application on Form WPB–2945 (formerly PD–600) for authorization to use benzene, he should list his own name as customer.

An aggregate quantity may be requested for delivery on certified orders of 50 gallons or less, without listing individual customers.

Specify grade as one-degree nitration, two-degree pure, or other specified grade.

Rolling stock. Fill in as indicated.

Table II. Fill in as indicated. In Columns 10 and 13 enter only those stocks of benzene not authorized for delivery on the dates specified.

Special instructions for small distributors. Any distributor may deliver benzene on certified small orders of 50 gallons or less without application to, or specific authorization from, the War Production Board, if he himself acquired such benzene on a certified small order of 50 gallons or less, or if he acquired it upon application in accordance with Appendix B annexed for the purpose of filling certified small orders of 50 gallons or less.

APPENDIX B

INSTRUCTIONS FOR FILING APPLICATION FOR AUTHORIZATION TO USE OR ACCEPT DELIVERY OF MORE THAN 50 GALLONS OF BENZENE PER MONTH

Each person (including any supplier) seeking authorization to use or accept delivery from all suppliers of more than 50 gallons of benzene during any calendar month, shall file applicaion on Form WPB–2945 (formerly PD–600) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

WPB–2945 (formerly PD–600). Copies of Form WPB–2945 (formerly PD–600) may be obtained at local field offices of the War Production Board

Time of filing. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 5th day of the month preceding the month for which authorization for delivery or use is sought.

Number of copies. Five copies shall be prepard, of which one copy may be retained by the applicant, one copy shall be forwarded to the supplier, and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington, 25, D. C., Reference M–137.

Number of sets. A separate set of application forms shall be submitted for each supplier and for each delivery destination or plant of the applicant.

Heading. Under name of chemical, specify benzene; under War Production Board order number, specify M–137; under unit of measure, specify gallons; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for acceptance of delivery or use is sought.

Column 1. Specify one degree nitration, two degrees pure, or other specified grade.

Column 2. Specify separately the quantities (in gallons) required for each primary product and product use specified in Columns 3 and 4.

Column 3. Specify primary products in terms of the following:

Phenol
Styrene
Cumene
Aniline
Monochlorobenzene
Diphenyl
Solvents and thinners
Other primary products (specify)
Export (as benzene)
Resale (as benzene)
Inventory (as benzene)

Column 4. Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, in the case of styrene, Order M–170; in the case of phenol, Order M–27; and, in the case of aniline, Order M–184).

Opposite any primary product in Column 3 which is not under allocation, specify in Column 4 the end use in as detailed and complete a manner as possible, giving Army or Navy or Lend-Lease specification and contract numbers when available.

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom, or for whose account, the materials will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Resale" in Column 3, suppliers shall write into Column 4 "upon further authorization" or "for certified small orders of 50 gallons or less".

Opposite "Inventory" in Column 3, write into Column 4 "subject to further authorization".

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated for the grade of benzene referred to in Column 1 of the application.

Suppliers shall report only quantities of benzene which have been allocated to them for their own use.

Table III. Fill in as indicated.

Table IV. Fill in as indicated for each primary product specified in Column 3 of the application, except for primary products under direct allocation (such as aniline, phenol, and styrene).

APPENDIX C

INSTRUCTIONS FOR FILING CERTIFICATES WITH PURCHASE ORDERS FOR DELIVERY OF 50 GALLONS OR LESS OF BENZENE PER MONTH FROM ALL SUPPLIERS

Each person seeking delivery of 50 gallons or less of benzene from all suppliers in any calendar month, shall, when placing any purchase order for any such delivery, furnish the supplier with a certificate in substantially the following form:

"The undersigned hereby certifies to the supplier and to the War Production Board that the amount of benzene ordered herewith, taken together with all other benzene ordered for delivery in the same month, will not exceed 50 gallons.

(Name of purchaser)	(Address)
By	
(Signature and title of duly authorized officer)	(Date)

"

The above certificate shall be endorsed on or attached to the purchase order and shall

be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to, but shall not be filed with, the War Production Board.

[F. R. Doc. 43-11839; Filed, July 23, 1943; 11:52 a. m.]

PART 1217—COCOA

[Revocation of Conservation Order M-145 and Supplements Thereto]

The following orders having been superseded by Food Distribution Order 25, War Food Administration, are hereby revoked:

Conservation Order M-145, as amended (§ 1217.1).
Supplementary Order M-145-a (§ 1217.2).
Supplementary Order M-145-b (§ 1217.3).

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-145 or supplements thereto.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11840; Filed, July 23, 1943; 11:52 a. m.]

PART 1235—COMBED COTTON YARN

[Revocation of General Preference Order M-155, as Amended]

INCLUDING SALES YARN AND YARN FOR PRODUCERS' OWN USE

Section 1235.1 *General Preference Order M-155* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty, accrued or incurred under said General Preference Order M-155.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11841; Filed, July 23, 1943; 11:53 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[General Limitation Order L-265 as Amended July 23, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account, and for export, of electronic equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3037.8 *General Limitation Order L-265*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership association, business trust, corporation, or any organized group of individuals whether incorporated or not.

(2) "Manufacture" means produce, fabricate or assemble electronic equipment, or perform any act or operation upon electronic equipment so as to modify or convert it from one to another type, use or mode of operation, but shall not include acts incidental to the maintenance or repair of electronic equipment.

(3) "Electronic equipment" means any electrical apparatus or device involving the use of vacuum or gaseous tubes and any associated or supplementary device, apparatus or component part therefor, and shall include any acoustic phonograph and component parts therefor. The term shall not include:

(i) Hearing aid devices;

(ii) Wire telephone and telegraph equipment;

(iii) Electric batteries;

(iv) Power and light equipment;

(v) Medical, therapeutic, x-ray and fluoroscopic equipment other than replacement electron tubes therefor;

(vi) Phonograph records and needles;

(vii) Automotive maintenance equipment as defined in Limitation Order L-270;

(viii) Incandescent, fluorescent and other electric discharge lamps, as defined in Limitation Order L-28; and rectifier tubes, as defined in Limitation Order L-264.

(4) "Preferred order" means any order for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company, any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or any order bearing a preference rating of AA-4 or higher.

(5) "Transfer" means sell, lease, trade, give, deliver, or physically transfer in any way so as thereby to make available for the use of a person other than the transferor, but shall not include the transfer of electronic equipment by one person to another person for repair or storage thereof nor the return of such equipment to the owner thereof (or his agent).

(6) "Producer" means any person to the extent engaged in the manufacture of electronic equipment for transfer or for commercial use.

(7) "Supplier" means any person to the extent that his business consists in whole or in part of the sale, distribution or transfer from stock or inventory of electronic equipment, and includes wholesalers, distributors, jobbers, dealers, retailers, servicemen, branch warehouses or other distribution outlets controlled by producers and other persons performing a similar function.

(8) "Consumer" means any person who owns, operates or purchases electronic equipment for his own use.

(b) *Restrictions.* (1) No producer shall manufacture any electronic equipment except:

(i) To fill preferred orders, or

(ii) To fulfill, under the Controlled Materials Plan, an authorized production schedule or authorized program, as defined in CMP Regulation 1.

(2) No producer or supplier (other than Defense Supplies Corporation) shall transfer any electronic equipment to any consumer, nor shall any consumer accept the transfer of any electronic equipment from any producer or supplier (other than Defense Supplies Corporation) except:

(i) To fill preferred orders, or

(ii) To fill orders bearing a preference rating of A-1-a or higher, or

(iii) To fill an order for any component part of electronic equipment provided the consumer delivers to the producer or supplier concurrently with the transfer a used, defective or exhausted part of similar kind and size which cannot be repaired or reconditioned; or, when circumstances render the delivery of a part for a part impractical, provided the consumer's purchase order (or written confirmation thereof) is accompanied by a certificate in substantially the following form signed by the consumer:

CONSUMER'S CERTIFICATE

I hereby certify that the part(s) specified on this order are essential for presently needed repair of electronic equipment which I own or operate.

Signature and Date

(3) No producer or supplier shall transfer any electronic equipment to any supplier, nor shall any supplier accept the transfer of any electronic equipment from any producer or supplier, except:

(i) To fill preferred orders, or

(ii) To fill orders bearing a preference rating of A-1-a or higher or

(iii) To fill an order for component parts of electronic equipment required by the receiving supplier for the repair of electronic equipment then in his possession, or to replace in the inventory of the receiving supplier parts similar in kind and equal in number which have been delivered on or after the 24th day of April 1943 by the receiving supplier to consumers against defective or exhausted parts or consumer's certificates, or to other suppliers against supplier's certificates, as specified in this order; provided the purchase order is accompanied by a certificate in substantially the following form signed by the receiving supplier:

SUPPLIER'S CERTIFICATE

I hereby certify that I am entitled to purchase the items specified on the accompanying purchase order under the provisions of Limitation Order L-265, with the terms of which I am familiar.

Signature and Date

The producer or supplier to whom the above certificate is furnished shall be entitled to rely thereon as evidence that the purchase order is within the provisions of this paragraph (b) (3) (iii), unless he has knowledge or reason to believe that it is false.

(4) No producer or supplier shall retain in his inventory, possession or control, for more than sixty (60) days, any used, defective, exhausted or condemned parts which cannot be reconditioned; but must dispose of them for salvage where practical, or destroy such parts as have no practical salvage value.

(5) After June 30, 1943, no person shall mark radio receiving type tubes with the symbol "MR" except when authorized or directed to do so by the War Production Board. No person shall use radio receiving type tubes which are marked "MR" in the manufacture of electronic equipment to fill any preferred order. No person shall transfer or accept the transfer of such tubes on any preferred order or any other order bearing a preference rating, except rated purchase orders for export. No producer shall transfer for export in any calendar quarter a quantity in excess of fifteen (15%) percent of his production of such tubes during that calendar quarter. Producers of such tubes may transfer them to each other without restriction.

(c) *Exceptions.* (1) The provisions of this order shall not apply:

(i) To the transfer of any finished product of the following kinds which was produced and designed for home use and the manufacture of which was completed on or before the 24th day of April 1943, to wit: radio receiving sets; phonographs and record players; sound motion picture projectors.

(ii) To transfers of electronic equipment which transfers are made on or before the 23d day of June 1943 pursuant to purchase orders placed prior to the 24th day of April 1943.

(iii) To the lease of electronic equipment to any person by any person: *Provided,* That the lessor was actually engaged in the leasing of such equipment as a normal incident and part of his established business prior to the 24th day of April 1943.

(iv) To the transfer of any finished product of the following kinds, the manufacture of which was completed on or before the 24th day of April 1943: automobile radio receiving sets designed for the reception of standard broadcasts; automatic phonographs as defined in Limitation Order L-21.

(v) To transfers of radio antennae; antenna couplers; power supplies and battery cables for battery type home radio receivers; automobile radio control assemblies, loudspeakers and cables; electric fence excitors; or musical instruments (other than phonographs and radios) which involve the use of vacuum or gaseous tubes and the manufacture of which was completed on or before the 24th day of April 1943.

(2) The War Production Board may from time to time specifically authorize in writing exceptions to the provisions and restrictions of paragraphs (b) (2) and (b) (3) hereof.

(d) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control and may be deprived of priorities assistance.

(g) *Communications.* All reports to be filed, appeals and other communications, concerning this order, should be addressed to War Production Board, Radio and Radar Division, Washington 25, D. C., Ref: L-265.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11842; Filed, July 23, 1943; 11:52 a. m.]

PART 3192—SPECIALTY PAPERS

[General Conservation Order M-286 as Amended July 23, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of specialty papers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3192.1 *General Conservation Order M-286*—(a) *Definitions.* For the purpose of this order:

(1) "Manufacturer" means any person engaged in the business of manufacturing any grade or type of paper listed in column 2 on List A.

(2) "Distributor" means any person engaged in the business of buying for resale or of ordering for the account of others any grade or type of paper listed in column 2 on List A.

(3) "Prohibited use" means, with respect to each grade or type of paper listed in column 2 on List A, the uses described for such grade or type of paper in column 3 on List A.

(4) "Grade or type of paper" designated in column 2 on List A includes all the sorts and varieties of paper commonly regarded by the trade as included within such designation.

(b) *Manufacturers' and distributors' obligation to examine orders.* From and after the respective dates shown in column 1 on List A for the various types of paper and uses listed in columns 2 and 3:

(1) No manufacturer or distributor shall accept any order for any grade or type of paper listed in column 2, or sell or deliver any such paper, if, by virtue of the identity of the person placing the order or the nature of his business (so far as known to the manufacturer or distributor) or the specifications of the order, or otherwise, the manufacturer or distributor knows or has reason to know that such paper will be used for any prohibited use, as specified for such paper in column 3.

(c) *Limitation on use of papers shown in column 2 on List A.* From and after the respective dates shown in column 1 on List A for the various types of paper and uses shown in columns 2 and 3 no person who accepts delivery of any grade or type of paper shown in column 2 shall use the same for any prohibited use, as specified for such grade or type of paper in column 3.

(d) *Exceptions.* (1) Notwithstanding the provisions of paragraphs (b) and (c) of this order any manufacturer or distributor may deliver, and any person may use, any quantity of any type or grade of paper shown in column 2 on List A (unless restricted in the use thereof by virtue of some other order of the War Production Board) for any use required by any contract with or order from the Army or Navy of the United States or any other agency or government referred to in (b) (1) and (2) of § 944.1 of Priorities Regulation No. 1, as amended.

(2) In case of doubt as to whether a particular use falls within the uses prohibited by the descriptions in column 3 on List A, any manufacturer, distributor or user may apply (by letter in triplicate) to the War Production Board for a specific ruling. The War Production Board may, either in response to such request or on its own motion, by letter or telegram addressed to a particular manufacturer, distributor or user, issue spe-

cific rulings determining whether or not a particular use or particular uses of a particular grade or type of paper are included within the prohibited uses for such grade or type.

(3) In case of doubt as to whether any particular paper is included by a particular designation, any manufacturer, distributor or user affected by this order may apply to the War Production Board for a specific ruling, by letter in triplicate, describing such paper in detail, the common designation thereof or of similar papers in the trade, the general uses for which such paper is designed or commonly used, and enclosing a sample of such paper. The War Production Board may, either in response to such request or on its own motion, by letter or telegram to a particular manufacturer, distributor or user, issue specific rulings determining which designation applies to any particular paper or papers or whether or not a particular paper or papers are included in any designation on List A.

(4) No restrictions contained in paragraphs (b) and (c) shall apply to any stocks which on July 23, 1943, were:

(i) In the hands of a user,

(ii) In transit to a user,

(iii) In the hands of a manufacturer or distributor and so cut, processed or printed as to render impracticable their use in a manner not subject to restriction by this order.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for appeal.

(g) *Records.* All persons affected by this order shall keep for at least two years records concerning inventory, production, purchases and sales, and shall make reports on the same if required.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed be addressed to: War Production Board, Pulp and Paper Division, Washington 25, D. C., Ref: M-286.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: List A amended July 23, 1943.

1 Effective Date	2 Grade or type of paper	3 Prohibited uses
July 23, 1943	Glassine and greaseproof, also vegetable parchment.	For wrapping or packaging at the point of manufacture or assembly, the following products: Textile and textile products woven and/or knitted except when oil impregnated or when sterilized in the package Paper and paper products printed or unprinted except oil impregnated Metals and metal products except when oiled, greased or otherwise coated with a like substance or except when sterilized in the package Wood and wood products except if sterilized in the package Candles and wax products Cosmetics, dentifrices, toilet materials and soap. Laundry and dry cleaned products Rubber and rubber goods except when sterilized in the package Leather goods and supplies Plastics and plastic products except when sterilized in the package Playing cards Bottled and canned goods, all kinds, except glassine may be used for the covering protection of labels on bottles and cans of industrial and professional packages of drugs and pharmaceuticals or for the affixing of descriptive matter required by law in the instance of drugs and pharmaceuticals providing that the glassine so used is in the nature of a strip or band not exceeding in width the width of the bottle or can label. This paragraph shall not be construed to prohibit closure inserts, closure liners or closure gaskets. Candy and candy products when used as follows: (1) As a container overwrap, a container liner or a container layer sheet; (2) In conjunction with, or in addition to, any other greaseproof paper wrapper; (3) In conjunction with, or in addition to, any wrapper of cellophane or similar transparent material derived from cellulose; (4) In conjunction with, or in addition to, more than one other paper wrapper of any kind except that the exterior printed label shall not be considered a wrapper in those instances where common practice in the past has been to use the label as a band or sleeve rather than a full protective wrapper. For wrapping or packaging at the point of manufacture or assembly, the following products: Tobacco and tobacco products when used as follows: (1) In conjunction with, or in addition to, any wrapper of cellophane or similar transparent material derived from cellulose. (2) In laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment. (3) In laminated form containing cellophane or similar transparent material derived from cellulose. (4) In any fashion in conjunction with, or in addition to, other glassine, greaseproof or vegetable parchment. Yarns and threads, except oil impregnated. Twines and cordage, except oil impregnated. Coffee, if used in a laminated form containing more than one sheet of glassine, greaseproof and/or vegetable parchment; or if other wise used, in any fashion, in conjunction with, or in addition to, other glassine, greaseproof or vegetable parchment. Chewing gum when employed as follows: (1) As the wrapper for package combinations of more than one stick or piece, except that one sheet of glassine, greaseproof or vegetable parchment may be used as one wrapper for package combinations in those instances where no glassine, greaseproof or vegetable parchment is used for wrapping the individual sticks or pieces which form such package combinations. (2) As the wrapper for individual sticks or pieces if the wrapper is in a laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment; or if otherwise used, in any fashion, in conjunction with, or in addition to, other glassine, greaseproof or vegetable parchment paper. (3) A carton or container overwrap of any type. Smokers supplies, such as lighters, lighter flints, lighter wicks, pipe cleaners, filters, pipes, cigarette holders and cigar holders. Household dyes. Faces for watches, clocks and other instruments. Sponges. All foods for consumption by animals. Insecticides, rodenticides and other pest control products. Tea, if used in a laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment; or if otherwise used in addition to, other glassine, greaseproof or vegetable parchment paper. Macaroni, noodles and similar paste goods. Potato chips, corn chips and popcorn, if used in a laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment; or if otherwise used in addition to other glassine, greaseproof or vegetable parchment. Dried foods such as peas, beans, popcorn, rice lentils and barley. This paragraph shall not be construed to include dehydrated products. Sugar, flour (excluding flour mixes containing shortening) and unshelled nuts. Whole spices, excluding cloves and mixed pickling spices. Drink powders, excluding milk, malted milk, chocolate and cocoa or combinations thereof when packaged in units containing one half pound or more. In the manufacture of or for wrapping or packaging at the point of manufacture or assembly, the following products: Albums, scrapbooks, filing and storage devices for such as, photographs, snapshots, stamps, negatives. General printed products, not otherwise named in this order, excluding diplomas for schools, colleges and State Boards, when the end use is one which does not require the protective packaging characteristics of the grade involved. For the purpose of this paragraph, the protective characteristics are defined as greaseproofness or wet strength.
July 23, 1943	Glassine and Greaseproof, also vegetable parchment.	In the manufacture of or for wrapping or packaging, at the point of manufacture or assembly, the following products: Greeting cards, valentines and novelties Lamp shades Advertising displays Florist supplies Package gift wraps Decorations, novelties, toys, games, hair nets, jewelry, brushes and other toilet products For wrapping or packaging at the point of manufacture or assembly, the following products: Tobacco and tobacco products when used as follows: (1) In conjunction with, or in addition to, any wrapper of cellophane or similar transparent material derived from cellulose. (2) In laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment. (3) In laminated form containing cellophane or similar transparent material derived from cellulose. (4) In any fashion in conjunction with, or in addition to, other glassine, greaseproof or vegetable parchment. Yarns and threads, except oil impregnated. Twines and cordage, except oil impregnated. Coffee, if used in a laminated form containing more than one sheet of glassine, greaseproof and/or vegetable parchment; or if other wise used, in any fashion, in conjunction with, or in addition to, other glassine, greaseproof or vegetable parchment. Chewing gum when employed as follows: (1) As the wrapper for package combinations of more than one stick or piece, except that one sheet of glassine, greaseproof or vegetable parchment may be used as one wrapper for package combinations in those instances where no glassine, greaseproof or vegetable parchment is used for wrapping the individual sticks or pieces which form such package combinations. (2) As the wrapper for individual sticks or pieces if the wrapper is in a laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment; or if otherwise used, in any fashion, in conjunction with, or in addition to, other glassine, greaseproof or vegetable parchment paper. (3) A carton or container overwrap of any type. Smokers supplies, such as lighters, lighter flints, lighter wicks, pipe cleaners, filters, pipes, cigarette holders and cigar holders. Household dyes. Faces for watches, clocks and other instruments. Sponges. All foods for consumption by animals. Insecticides, rodenticides and other pest control products. Tea, if used in a laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment; or if otherwise used in addition to, other glassine, greaseproof or vegetable parchment paper. Macaroni, noodles and similar paste goods. Potato chips, corn chips and popcorn, if used in a laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment; or if otherwise used in addition to other glassine, greaseproof or vegetable parchment. Dried foods such as peas, beans, popcorn, rice lentils and barley. This paragraph shall not be construed to include dehydrated products. Sugar, flour (excluding flour mixes containing shortening) and unshelled nuts. Whole spices, excluding cloves and mixed pickling spices. Drink powders, excluding milk, malted milk, chocolate and cocoa or combinations thereof when packaged in units containing one half pound or more. In the manufacture of or for wrapping or packaging at the point of manufacture or assembly, the following products: Albums, scrapbooks, filing and storage devices for such as, photographs, snapshots, stamps, negatives. General printed products, not otherwise named in this order, excluding diplomas for schools, colleges and State Boards, when the end use is one which does not require the protective packaging characteristics of the grade involved. For the purpose of this paragraph, the protective characteristics are defined as greaseproofness or wet strength.

[F. R. Doc. 43-11843; Filed, July 23, 1943; 11:53 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-232 as Amended July 23, 1943]

WOODEN SHIPPING CONTAINERS

Section 3270.5 *Limitation Order L-232* is hereby amended to read as follows:

§ 3270.5 *Limitation Order L-232*—(a) *Definitions.* For the purposes of this order:

(1) "Wooden shipping container" means any new shipping container made wholly or partially of wood.

(b) *Restrictions*—(1) *Manufacture and assembly of containers.* No person shall commercially manufacture or assemble any wooden shipping container which does not meet the specifications of any of the several tables of Schedule A applicable to that kind of container. The restrictions of this paragraph shall not apply to barrels.

(2) *Manufacture of container parts.* No person shall commercially manufacture any wooden parts designed for any wooden shipping container which, when assembled, will not conform with the specifications of any of the several Tables of Schedule A applicable to that kind of container.

(3) *Coloring.* No manufacturer, dealer in, or commercial user of wooden shipping containers shall dye, stain, or otherwise color containers or parts.

(4) *Printing.* All stamping, printing and labeling, unless otherwise required by law, shall be placed on only one outside surface of any wooden shipping container covered by the Schedules of this order, whether it be an end, a side, bottom, top or cover. The restrictions of this paragraph (b) (4) shall not apply to paper, labels or markings which only:

(i) State the capacity of the container in terms of whole or fractional pints, quarts, pecks, or bushels; or

(ii) in the case of baskets and hampers are identifying markings provided for in regulations of the Secretary of Agriculture issued under the United States Standard Container Act of 1928; or

(iii) are designed for the purpose of encouraging salvage and reuse of the container, provided the label or printing does not include the name, brand, trade-mark or other reference to any person, firm, partnership or corporation.

(5) *Restrictions on shipping.* (i) No person shall commercially ship in any wooden shipping container any of the commodities listed in Table I of Schedule B. This shall not, however, restrict the shipment of any commodity listed which has already been packed on the date it was included in this Table.

(ii) No person shall commercially ship any of the commodities listed in Table II of Schedule B in wooden shipping containers to an extent greater than that designated.

(c) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington 25, D. C., Ref.: L-232.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—SPECIFICATIONS FOR WOODEN SHIPPING CONTAINERS

TABLE 1—HAMPERS, BASKETS, BERRY CUPS FOR FRESH FRUITS AND VEGETABLES

NOTE: Table 1 amended in its entirety July 23, 1943.

(a) Specifications for the types and dry capacities of permitted hampers, baskets, and berry cups are as follows:

Type—(1)	*Dry capacity* (2)
1. Hampers	½, ⅝, 1 bu.
2. Round stave baskets	½, 1 bu.
3. Splint baskets	8, 12, 16, 24, 32 qts.
4. Climax baskets	4, 12 qts.
5. Till baskets	1, 2, 3, 4 qts.
6. Berry cup	½, 1 pt., 1 qt.

(b) *Exceptions.* The restrictions of paragraph (b) (3) and (4) of this order and of paragraph (a) above shall not apply to:

(1) The manufacture or assembly of wooden shipping containers referred to in this Table by any person from wooden parts cut to size by him before March 4, 1943, provided such manufacture or assembly is completed by August 31, 1943;

(2) The assembly of wooden shipping containers referred to in this Table by any person from cut-to-size wooden parts bought and received by him before April 1, 1943, provided such assembly is completed by August 31, 1943.

(c) "Hamper", "round stave basket", and "splint basket" have the same meanings as in rules and regulations[1] of The Secretary of Agriculture issued under the United States Standard Container Act of 1928.[2] "Climax basket", "till basket", and "berry cup" mean baskets and containers of the type subject to rules and regulations[3] of The Secretary of Agriculture issued under the United States Standard Container Act of 1916,[4] as amended.[5]

[1] U. S. Department of Agriculture Service and Regulatory Announcements No. 116, as amended.

[2] 45 Stat. 685; 15 U.S.C. 257.

[3] U. S. Department of Agriculture Service and Regulatory Announcements No. 104, revised.

[4] 39 Stat. 673; 15 U.S.C. 251.

[5] 45 Stat. 930; 15 U.S.C. 251.

TABLE II—WOODEN SHIPPING CONTAINERS FOR FRESH FRUIT AND VEGETABLES

NOTE: Items 24, 58, 59 amended; items 24a, 31a, and Footnote 2 added, July 28, 1943.

Usual name (1)	Inside depth (inches) (2)	Inside width (inches) (3)	Inside length (inches) (4)
1. Apple box	10⅜ [1]	11½	18.
2. Apple box	11	12½	16.
3. Apple box	11	13	17.
4. Apricot lug	4⅜	12½	16.
5. Artichoke box	9¾	11	20⅝.
6. Asparagus crate	10½	9 or 9½ top, 11 bottom	17⅜ or 18.
7. Asparagus crate	12⅝	9¼ top, 10½ bottom	17¼.
8. Asparagus crate	11	9¾ top, 12 bottom	16¾.
9. Avocado box	4½	13½	16.
10. Berry crate	2¾	16½	21½.
11. Berry crate	2⅜	13½	18.
12. Berry crate	3½ or 3⅝	10½	18.
13. Berry crate	9 or 9½	9	18.
14. Berry crate	7½	11	22.
15. Berry crate	9	11	22.
16. Berry crate	11	11	21¾ to 22.
17. Bushel crate	12	12	15.
18. Cantaloupe pony crate	12	11	22.
19. Cantaloupe standard crate	12	12	22.
20. Cantaloupe jumbo crate	13	13	22.
21. Cauliflower crate	8½	18	21⅜ to 22.
22. Cauliflower crate	12⅞	14½	23.
23. Celery crate	20	11	20⅝.
24. Celery crate	9¾	16	20.
24a. Celery crate	10	16	22.
25. Celery crate	5⅞	18	12⅛.
26. Celery crate	8	8	12⅝.
*27. Cherry, apricot, prune lug	3¾	11½	14.
*28. Cherry, apricot, prune lug	3⅜	10½	14.
*29. Cherry, apricot, prune lug	3⅜	10½	15.
30. Cranberry box	9¼	10½	15.
31. Cranberry box	9½	11	13⅛⅝.
31a. Date box	2⅝	13½	16.
32. Fig box	1⅞	11	16.
*33. Fruit box	3	11½	16.
*34. Fruit box	4	11½	16.
*35. Fruit box	4½	11½	16.
*36. Fruit box	5	11½	16.
*37. Four-basket crate	4¼	16	16.
*38. Four-basket crate	4¼	16	16.
*39. Four-basket crate	4¾	16	16.
*40. Four-basket crate	5	16	16.
41. Honey dew standard crate	6¾	16	22.
42. Honey dew jumbo crate	7¾	16	22.
43. Lemon box	9⅞	13	25.
44. Lettuce crate	13¾	17½	21⅜ to 22.
45. Lime box	6	12	12.
*46. Lug box	5¾	13½	16.
*47. Lug box	4¾	13½	16.
*48. Lug box	3¾	13½	16.
49. Melon crate	6¾	12	22.
50. Melon crate	7¾	14	22.
51. Orange and grapefruit box	11½	11¼	24.
52. Orange and grapefruit box	12	12	24.
53. Half orange and grapefruit box	9½	9½	19.
54. Pear box	8½	11½	18.
55. Half pear box	5½	11½	18.
*56. Pear lug	6½	13½	20⅝.
57. Pepper crate	13⅝	11	22.
58. Produce box (1 bushel)	7⅛ [2]	17½	17½.
59. Produce box (½ bushel)	7⅛ [2]	12⅝	12⅝.
60. Pineapple crate	10½	12	33.
61. Rhubarb box	9	11½	24⅛.
62. Rhubarb box	3⅛⅜	11½	24⅛.
63. Sweetpotato crate	12⅞	12¼ top, 13¼ bottom	15 top, 16 bottom.
64. Sweetpotato crate	12	12	16¾.
65. Vegetable crate	13	17½	21¾ to 22.
66. Vegetable crate	9	13	21⅜ to 22.
67. Vegetable crate	8	12	22.
68. Vegetable crate	7½	15 or 15½	18¾.

[1] The inside depth of this box may be increased up to 11½", either by the addition of cleats of any thickness or by the use of a solid end.

[2] The inside depth of this box may be increased up to 7 11/16" by the addition of cleats of any thickness or by the use of a solid end.

*Wherever an asterisk appears, cleats may be used for such items, as provided for in paragraph (c) of the text of Table II.

(a) The designation in column (1) of Table II is merely for identification and shall not be construed as restricting usage. 'Inside width' and 'Inside depth' of the container are the width and length, respectively, of the end pieces or end frames, exclusive of any cleats. 'Inside length' of the container shall be its outside length minus the combined thickness of both ends and of the center piece (if any).

(b) An optional variation of up to 1/8" under or up to 1/4" over the specified inside lengths is allowed. A tolerance of up to 1/8", plus or minus, in the specified inside depths and inside width is allowed for shrinkage and manufacture.

(c) No cleats may be so used as to increase inside dimensions except where an asterisk appears in Column (1) of Table II or where, and as, specified in any footnote after that table. Where an asterisk appears in Column (1) of Table II, one or more cleats of 1/4", 3/8", 1/2", 5/8", 11/16", or 3/4" thickness may be attached to the top of each end piece, or end frame, provided such cleat or cleats do not increase the inside dimensions of the container by more than the specified thickness of the cleat or cleats.

(d) *Exceptions.* (1) The restrictions of paragraphs (b) (3) and (4) of this order and of this Table II shall not apply to:

(i) The manufacture or assembly of wooden shipping containers by any person from wooden parts cut to size by him before March 4, 1943; provided, such manufacture or assembly is completed by August 31, 1943:

(ii) The assembly of wooden shipping containers by any person from cut-to-size wooden parts bought and received by him before April 1, 1943; provided, such assembly is completed by August 31, 1943;

(2) The restrictions of this Table II shall not apply to the manufacture or assembly of wooden shipping containers, or the manufacture of wooden parts for wooden shipping containers, to be delivered:

(i) To or for the account of the Army, the Navy, the Coast Guard, the Maritime Commission, the War Shipping Administration, or the Department of Agriculture (for Lend-Lease purposes), provided, the government agency's specifications require wooden shipping containers which do not comply with Table II.

(ii) To any person for use in packing fresh fruits or vegetables for delivery to or for the account of such government agencies; provided, the government agency's specifications require wooden shipping containers which do not comply with Table II; and provided further, such person furnishes the container or container-parts supplier with a written certification in substantially the following form, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7:

"This is to certify that specifications of orders received by the undersigned from (designate government agency) require wooden containers not conforming with Order L-232. The material ordered herewith is for that purpose only.

Company_____
By_____
Title_____ Date_____"

Such certification shall constitute a representation to the supplier and to the War Production Board as to the truth of the facts stated therein. The supplier may rely upon such representation unless he has knowledge or reason to believe that it is not true.

TABLE III—WOODEN SHIPPING CONTAINERS FOR DRESSED CHICKENS & TURKEYS

NOTE: Table III added July 23, 1943

Chicken boxes (approximate weight) (1)	Inside length (inches) (2)	Inside width (inches) (3)	Inside depth (inches) (4)
101. 36 lbs	18	14	7¼
102. 42 lbs	19	14½	7½
103. 48 lbs	20	15½	7½
104. 54 lbs	21	16½	7½
105. 60 lbs	22	17	8
106. 72 lbs	24	18	8½
TURKEY BOXES			
111. Small	28	24	6¼
112. Large	32	28	7¼
113. Very large	31	19	8
114. West Coast	30	22	8½

(a) *Exceptions.* The restrictions of paragraph (b) (3) and (4) of this order and of this Table III shall not apply to:

(1) *The manufacture or assembly of wooden chicken and turkey boxes by any person from wooden parts cut to size by him before July 30, 1943, provided such manufacture or assembly is completed by September 30, 1943;*

(2) *The assembly of wooden chicken and turkey boxes by any person from cut-to-size wooden parts bought and received by him before August 15, 1943, provided such assembly is completed by September 30, 1943.*

SCHEDULE B—RESTRICTIONS IN USE OF WOODEN SHIPPING CONTAINERS

NOTE: Schedule B added July 23, 1943.

TABLE I—COMMODITIES WHICH MAY NOT BE SHIPPED IN WOODEN SHIPPING CONTAINERS

Soda Ash
Bicarbonate of Soda

(a) The restrictions of this Table I shall not apply to shipments (1) to the Army or Navy, (2) to a destination outside of the 48 States, the District of Columbia or Canada.

TABLE II—COMMODITIES WHOSE SHIPMENT IN WOODEN SHIPPING CONTAINERS IS RESTRICTED

Commodities:	*Shipping quota*
Table grapes	100% of 1942.
Juice grapes [1]	50% of 1942.

NOTE 1: Juice grapes are grapes of the following varieties:

Alicante Bouschet
Alicante Ganzin
Aramon
Barbera
Beclan
Black Prince
Carbernet Sauvignon
Carignane
Charbono
Crabb's Black Burgundy
Friesa
Gamay
Grand Noir
Grenache
Grignolino
Gros Colman
Lenoir
Limberger
Malbec
Malvoisie
Mataro
Mission
Mondeuse
Mourastel
Nebbiola
Petit Bouschet
Petite Sirah
Portuguese Blue
Ribier
Salvador
St. Macaire
Tannat
Teoulier
Trousseau
Valdepenas
Zinfandel

[F. R. Doc. 43-11844; Filed, July 23, 1943; 11:52 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-301]

POWERCYCLES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.291 *Limitation Order L-301*—(a) *Definitions.* For the purposes of this order:

(1) "Powercycle" means any two or three wheeled vehicle (with or without side car or similar attachment) commonly known as a motor bike, motor scooter or motor glide, propelled by an internal combustion engine having a displacement of less than 25 cubic inches. It shall not include motorcycles.

(2) "Powercycle manufacturer" means any person engaged in the business of producing or assembling powercycles or parts specifically designed for incorporation into powercycles.

(3) "Repair part" means any part that is produced to replace a used or worn part, in a used powercycle.

(b) *Restrictions upon production.* (1) No powercycle manufacturer shall produce or assemble any powercycle, except (i) From fabricated parts contained in his inventory before July 1st, 1943;

(ii) Pursuant to the specific authorization of the War Production Board granted in response to a letter of application.

(2) During the six months period beginning July 1st, 1943, and during each six months period thereafter, no powercycle manufacturer shall produce repair parts containing more weight of metal in the aggregate than 62½% of the aggregate weight of metal contained in the repair parts produced by him during 1942.

(c) *Restrictions on transfer.* No powercycle manufacturer shall transfer the physical possession of or legal title to any powercycle which has never been sold to an ultimate consumer, except:

(1) In fulfillment of an order, contract or subcontract placed by or for the account of the Army or Navy of the United States, the War Shipping Administration, the United States Maritime Commission, the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) and government agencies or other persons acquiring powercycles for export to any foreign country.

(2) Pursuant to specific authorization of the War Production Board on Form WPB-1319 (formerly PD-556).

(3) The War Production Board will not, in the absence of special circumstances, grant any authorizations for transfers to any persons unless they are directly engaged in the production of war material or require powercycles for intraplant or emergency use.

(d) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of powercycles inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production of powercycles at the rates permitted by this order.

(e) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of powercycles to a greater extent than this order does, the other order shall govern unless it states otherwise.

(f) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(g) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-301.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-11845; Filed, July 23, 1943; 11:52 a. m.]

Subchapter C—Director, Office of War Utilities

PART 4501 [1]—COMMUNICATIONS

[Utilities Order U-5, as Amended July 23, 1943]

ORDER RESTRICTING TRANSFER OF WIRE COMMUNICATION EQUIPMENT

(a) Definitions.
(b) General restrictions.
(c) Existing contracts.
(d) Applicability of regulations.
(e) Communications to War Production Board.
(f) Appeals.
(g) Violations.
(h) Reports.

NOTE: Heading and Index added July 23, 1943.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain types of wire communication equipment for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 4501.16 [1] *Utilities Order U-5*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person manufacturing wire communication equipment, parts or attachments thereto, of the kinds listed in Schedule A, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by said manufacturer.

(3) "Distributor" means any person other than a manufacturer regularly engaged in the business of leasing or selling wire communication equipment, parts or attachments thereto, to dealers.

(4) "Dealer" means any person (other than one engaged in rendering wire or radio communication service), regularly engaged in the business of offering wire communication equipment, parts or attachments thereto for sale or lease at retail to the consumer.

(5) "Wire communication equipment" shall include, but not by way of limitation, new and used wire telephone and telegraph communication equipment, parts and attachments thereto of the kinds listed in Schedule A.

(b) *General restrictions.* (1) Regardless of the terms of any contract of sale, purchase, rental or other commit-

[1] Formerly Part 4504, § 4504.1

ment, no manufacturer, distributor or dealer shall accept any purchase, rental or other order for wire communication equipment, parts or attachments thereto including, but not limited to, those included in Schedule A which is attached and made a part of this order, except a purchase, rental or other order bearing a preference rating of AA-5 or higher, or an authorized controlled material order; and no manufacturer, distributor or dealer shall sell, lend, lease, rent, deliver or otherwise transfer any such wire communication equipment, parts or attachments thereto, nor shall any person receive or accept deliveries of any such equipment, parts or attachments thereto, from a manufacturer, distributor or dealer except to fill a purchase, rental or other order bearing a preference rating of AA-5 or higher, or an authorized controlled material order. *Provided, however,* That this paragraph shall not prohibit the transfer or delivery of wire communication equipment to a manufacturer for repair or storage or the return of said equipment to the owner thereof after repair has been effected or storage terminated.

(2) Notwithstanding the provisions of paragraph (b) (1), wire communication equipment, the order for which bears a preference rating of A-7 or higher and has been accepted by a manufacturer, distributor or dealer prior to January 2, 1943 or which bears a preference rating of A-1-a or higher and has been accepted by a manufacturer, distributor or dealer prior to April 1, 1943, may be manufactured and/or transferred and/or delivered.

(3) [Revoked July 23, 1943.]

(c) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after September 8, 1942. No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with the terms of this order.

(d) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(e) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C., Ref.: U-5.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, stating fully the grounds of the appeal.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(h) *Reports.* All persons affected by this order shall execute and file such reports as the War Production Board shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act, 1942.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Items 10, 14 amended July 23, 1943.

General categories of wire communication equipment, parts or attachments thereto, to the extent used for and/or in conjunction with wire communication, limited by Utilities Order U-5.

1. Switchboards and switching systems including local telephone, central office, toll telephone, PBX telephone and telegraph.
2. Telephones including transmitters, receivers, dials, subscriber sets.
3. Relays, condensers, repeaters, coils, filters and carrier systems.
4. Testing apparatus.
5. Wire and strand.
6. Cable.
7. Cable terminals.
8. Pole line hardware.
9. Plugs, jacks, cords, keys.
10. Wire intercommunicating sets not using electronic tubes as an essential part.
11. Variopiex, multiplex, facsimile and telautograph equipment.
12. Teletypewriters, printing telegraph machines, tape perforating apparatus and accessories.
13. Appliances used for manual telegraph.
14. Time clocks, time switches, call boxes, signaling and selector equipment, and protective alarm devices used in wire telephone and telegraph systems.
15. Motors, generators, storage batteries, rectifiers, transformers, power panels and associated equipment.

[F. R. Doc. 43-11846; Filed, July 23, 1943; 11:53 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 121,[1] Amdt. 20]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 121 is amended in the following respects:

1. Section 1340.247a (c) is amended by deleting the phrase "other than coke."

2. Section 1340.247a (d) is amended to read as follows:

(d) In connection with any application for adjustment filed under the provisions of this section, full data on costs, profits, price history and other relevant factors are required. Except in cases involving coke, the following forms must be used for filing the required data. Applicants operating a mine must use OPA Form No. 653-331, applicants operating a briquette or packaged coal plant must use OPA Form No. 653-330. Two copies of each form used must be filed with each application. Copies of these forms may be obtained from the Office of Price Administration or any regional office thereof.

This amendment shall become effective July 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11793; Filed, July 22, 1943; 4:42 p. m.]

PART 1340—FUEL

[Rev. MPR 122,[1] Amdt. 9]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 122 is amended in the following respect:

1. In § 1340.260, a new paragraph is added to read as follows:

§ 1340.260 *Provision for specific ceiling prices.* * * *

If, after such specific maximum prices are established by order, the maximum prices of the dealers' suppliers are increased or decreased by the Price Administrator, the Office of Price Administration or the regional office which issued the order may, after clearance with the Solid Fuels Branch in Washington, D. C., adjust the specific maximum prices so established to correspond generally with such increase or decrease.

This Amendment No. 9 shall become effective July 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11794; Filed, July 22, 1943; 4:42 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 428]

CIDER VINEGAR

This regulation is issued in order to establish maximum prices for cider vinegar at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

§ 1341.601 *Maximum prices for processors, secondary packers, and certain distributors.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 428 (Cider Vinegar), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1341.601 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 428—CIDER VINEGAR

CONTENTS

Sec.
1. Purpose of the regulation.
2. Maximum prices for cider vinegar sold by processors and secondary packers.
3. Maximum prices for distributors other than wholesalers and retailers.
4. Relationship between this regulation and the General Maximum Price Regulation.
5. Geographical applicability.
6. Export and import sales.
7. Records which sellers covered by this regulation must keep.
8. Information which processors and secondary packers must disclose to primary distributors.
9. Customary discounts and allowances.
10. Position of brokers.
11. When a maximum price chosen or figured under section 2 or section 3 is established.
12. Compliance with regulation.
13. General amendments.
14. Adjustable pricing.
15. Definitions.

SECTION 1. *Purpose of the regulation.* The purpose of this regulation is to establish maximum prices for cider vinegar in sales by processors, secondary packers, primary distributors, wagon wholesalers and other distributors, but not including wholesalers and retailers. (As used in this regulation, the word "wholesaler" does not include a wagon wholesaler.) Maximum prices for the wholesalers and retailers of cider vinegar are governed respectively by Maximum Price Regulation No. 421[3] and Maximum Price Regulations Nos. 422[4] and 423.[5]

SEC. 2. *Maximum prices for cider vinegar sold by processors and secondary packers—(a) Maximum prices for persons who are primarily producers.* The pricing method of this paragraph applies to any person who produced 50 percent or *more* of the cider vinegar which, during the one-year period ending April 30, 1943, he sold either in bulk or in containers actually filled by him. (For convenience, he will be called a "processor".) Maximum prices which he figures under this paragraph are applicable to all of his sales of cider vinegar except those in which he is selling branded cider vinegar no part of which he produces or repackages himself.

(1) *General rule.* In sales to persons other than independent retail stores and institutional users and other than ultimate consumers (except that this pricing method applies to sales to commercial and industrial users), the processor's maximum prices per gallon, barrel or other unit for cider vinegar shall be either:

(i) The processor's maximum prices under the General Maximum Price Regulation[1] or, at his election

(ii) The respective prices listed for each grade and quantity in the following table:

The prices listed in this table are f. o. b. factory	60 grain basis	50-60 grain	40-50 grain
Tank car or tank truck lots, per gallon	$0.16	----	----
Barrels, per gallon, cooperage included	----	$0.19½	$0.17
Half-barrels, per gallon, cooperage included	----	0.22½	0.20
Gallons, per dozen	----	3.80	3.60
Half-gallons, per dozen	----	2.20	2.10
Quarts, per dozen	----	1.10	1.05
Pints, per dozen	----	0.70	0.675

A processor who chooses the maximum prices listed in subdivision (ii) may establish a uniform maximum delivered price for any item by zone or area, in each case by adding to the f. o. b. factory price named his weighted average transportation charge from factory to purchasers' receiving points. For any zone or area this "weighted average transportation charge" shall be figured by him as follows: he shall (1) determine the total transportation charges, at rates in effect on July 22, 1943, for all shipments of the item during the six-month period ending April 30, 1943, to purchasers in that zone or area; (2) divide that figure by the total number of gallons or dozens of the item included in those shipments. (Where more than one means of transportation is used, averages may be taken separately for each.) The processor shall refigure his weighted average transportation charge at the end of each subsequent six-month period on the basis of shipments made since the last calculation, but at rates in effect on July 22, 1943.

The processor shall either figure all of his maximum prices under the General Maximum Price Regulation or take as his maximum prices those listed in subdivision (ii). However, his maximum price per unit for a container size which was not one of those he sold prior to July 22, 1943, shall be the price listed therefor in subdivision (ii), and his maximum prices for a container size not listed in subdivision (ii) shall be figured under the General Maximum Price Regulation.

(2) *Processors who also perform a wholesale service.* A processor who chooses the maximum prices listed in the table, and who sells cider vinegar under any of the circumstances outlined below, shall figure his maximum price in each case by adding together the following three factors:

(i) The maximum price named for the item, f. o. b. factory,

(ii) The following markup over the f. o. b. factory price:

(*a*) 12 per cent, if he is a "retailer-owned cooperative" that is either a non-profit organization or a corporation, 50 per cent of the stock of which is owned by its retailer customers, and which distributes the brand, if any, and grade of cider vinegar being priced to its retailer members. This markup may be added only in sales to its retailer members. In sales to institutional users or independent retail stores which are not members of the cooperative, he may add the markup provided in subdivision (*b*) or (*c*) according to whether or not delivery is made to these classes of purchasers.

(*b*) 16 per cent, if he is not a "retailer-owned cooperative", but he distributes the brand, if any, and grade of cider vinegar being priced for resale by independent retail stores or to institutional users and he does not deliver to these purchasers. This markup may be added only when the processor is selling to these classes of purchasers.

(*c*) 23 per cent, if he is not a "retailer-owned cooperative" but he distributes the brand, if any, and grade of cider vinegar being priced for resale by independent retail stores or to institutional users and he does deliver to these purchasers. This markup may be added only for the particular quantities of the item which are actually delivered to these classes of purchasers.

(iii) The freight, if any, incurred from factory to local distribution point. (Processors who have more than one factory or distribution point may average freight from factory to distribution point in the same manner as processors are allowed under paragraph (a) (1) to average outgoing freight.)

(3) *Processors who also perform the retail service.* A processor who chooses the maximum prices listed in the table and sells cider vinegar directly to ultimate consumers other than commercial, industrial or institutional users, shall figure separate maximum prices for sales to these purchasers, by adding in each case the following three factors: (i) the maximum price named for the item, f. o. b. factory; (ii) a markup over the f. o. b. factory price of 26 per cent; and (iii) the freight, if any, incurred from factory to local distribution point. (Processors who have more than one factory or distribution point may average freight from factory to distribution point in the same manner as processors are allowed under paragraph (a) (1) to average outgoing freight.) Maximum prices figures in this way are applicable only to sales to ultimate consumers other than commercial, industrial or institutional users.

(b) *Maximum prices for secondary packers and other persons who produce, cut or package some cider vinegar but who are not primarily producers.* The pricing method of this paragraph applies to any person who produces, cuts or packages some cider vinegar but who produced less than 50 per cent of the cider vinegar which, during the one-year period ending April 30, 1943, he sold either in bulk or in containers actually filled by him. (For convenience, he will be called a "secondary packer".) Maxi-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3237, 3989, 4483, 5941, 6002, 6386, 8587, 8521, 8938, 8948, 10529; 8 F.R. 1895, 2756 4179, 5757, 6261, 6951, 6957, 7599, 8065.

[1] 8 F.R. 440, 1200, 3524, 4510, 5622, 6543, 7198, 8179, 8754.

[1] 8 F.R. 9388.
[2] 8 F.R. 9395.
[3] 8 F.R. 9407.
[4] 8 F.R. 3096, 3849, 4347, 4486, 4848, 6047, 6962, 8511, 9025, 4724, 4978.

mum prices which he figures under this paragraph are applicable to all his sales of cider vinegar except those in which he is selling branded cider vinegar no part of which he produces or repackages himself.

(1) *General rule.* In sales to persons other than independent retail stores and institutional users and other than ultimate consumers (except that this pricing method applied to sales to commercial and industrial users), the secondary packer's maximum prices per gallon, barrel or other unit for cider vinegar shall be either:

(i) The secondary packer's maximum prices under the General Maximum Price Regulation or, at his election,

(ii) The respective f. o. b. factory prices listed for each grade and quantity in the table in paragraph (a), plus an amount figured by him as follows:

(*a*) He shall first determine what the freight charges would be, at rates in effect on July 22, 1943, for transportation of a customary quantity of cider vinegar in bulk, of a customary grainage strength, from the factory of his customary supplier to his customary receiving point, by the customary means of transportation. "Customary quantity" means the unit of cider vinegar in bulk (as in tank car or 50-gallon barrel lots, etc.) of which he received the largest number of shipments during the one-year period ending April 30, 1943. "Customary grainage strength", "customary supplier" and "customary means of transportation" mean respectively the grainage strength in which, the supplier from whom, and the means of transportation (like railroad, tank truck, etc.) by which, he received the greatest volume of cider vinegar in bulk during that period.

(*b*) He shall next divide these freight charges by the number of gallons in the customary quantity. The resulting figure will be his "base freight cost," and once determined it shall not be changed.

(*c*) He shall next multiply his base freight cost by the number of gallons in the unit being priced. The resulting figure will be his "adjusted base freight cost."

(*d*) Finally, he shall divide the grainage strength of the cider vinegar being priced by his customary grainage strength, and multiply his adjusted base freight cost by the percentage so obtained. The resulting figure will be the amount to be added to the listed price, in arriving at the secondary packer's maximum price f. o. b. plant.

Example. During the one-year period ending April 30, 1943, the secondary packer received the largest volume from supplier A; shipments of 1,250 gallons in 50-gallon barrels more often than any other quantity; 50 grain cider vinegar in larger volume than any other grade; and the greatest volume by railroad.

The cost of freight for transportation by railroad of 1,250 gallons of 50 grain cider vinegar in 50-gallon barrels, from supplier A's factory, is now $25. The secondary packer divides $25 by 1,250 and obtains a base freight cost of $.02 per gallon. For a unit of one dozen gallons, he multiplies $.02 by 12 and obtains an adjusted base freight cost of $24. If the unit being priced is 40 grain cider vinegar, he divides 40 by 50 (the customary grainage strength) and obtains a percentage of .80, which multiplied by $.24 results in $.192, the amount to be added to the listed price for a unit of one dozen gallons of 40 grain strength. If any maximum price figured under this subdivision (ii) includes a fraction of a cent, the seller shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the product.

A secondary packer who figures maximum prices under subdivision (ii) may establish a uniform maximum delivered price for any item by zone or area, in each case by adding to the f. o. b. plant price his weighted average transportation charge from plant to purchasers' receiving points. For any zone or area this "weighted average transportation charge" shall be figured by him as follows: he shall (1) determine the total transportation charges, at rates in effect on July 22, 1943, for all shipments of the item during the six-month period ending April 30, 1943, to purchasers in that zone or area; (2) divide that figure by the total number of gallons or dozens of the item included in those shipments. (When more than one means of transportation is used, averages may be taken separately for each.) The secondary packer shall refigure his weighted average transportation charge at the end of each subsequent six-month period on the basis of shipments made since the last calculation, but at rates in effect on July 22, 1943.

The secondary packer shall either figure all of his maximum prices under the General Maximum Price Regulation or figure all of his maximum prices in accordance with subdivision (ii). However, his maximum price per unit for a container size which was not one of those he sold prior to July 22, 1943, shall be figured in accordance with subdivision (ii), and his maximum prices for cider vinegar in a container size not listed in paragraph (a) (1) (ii) of this section shall be figured under the General Maximum Price Regulation.

(2) *Secondary packers who also perform a wholesale service.* A secondary packer who figures his maximum prices under subdivision (ii) of subparagraph (1), and who sells cider vinegar under any of the circumstances outlined below, shall figure his maximum price in each case by adding together the following three factors:

(i) The maximum price figured for the item, f. o. b. plant.

(ii) The following markup over the f. o. b. plant price:

(*a*) 12 per cent, if he is a "retailer-owned cooperative," that is, either a nonprofit organization or a corporation, 51 per cent of the stock of which is owned by its retailer customers, and which distributes the brand, if any, and grade of cider vinegar being priced to its retailer members. This markup may be added only in sales to its retailer members. In sales to institutional users or independent retail stores which are not members of the cooperative, he may add the markup provided in subdivision (*b*) or (*c*) according to whether or not delivery is made to these classes of purchasers.

(*b*) 16 per cent, if he is not a "retailer-owned cooperative," but he distributes the brand, if any, and grade of cider vinegar being priced for resale by independent retail stores or to institutional users and he does not deliver to these purchasers. This markup may be added only when the secondary packer is selling to these classes of purchasers.

(*c*) 23 per cent, if he is not a "retailer-owned cooperative," but he distributes the brand, if any, and grade of cider vinegar being priced for resale by independent retail stores or to institutional users and he does not deliver to these purchasers. This markup may be added only when the secondary packer is selling to these classes of purchasers.

(*iii*) The freight, if any, incurred from plant to local distribution point. (Secondary packers who have more than one plant or distribution point may average freight from plant to distribution point in the same manner as secondary packers are allowed under paragraph (b) (1) to average outgoing freight.)

(3) *Secondary packers who also perform the retail service.* A secondary packer who figures his maximum prices in accordance with subdivision (ii) of subparagraph (1) and who sells cider vinegar directly to ultimate consumers other than commercial, industrial or institutional users, shall figure separate maximum prices for sales to these purchasers, by adding in each case the following three factors: (i) the maximum price figures for the item, f. o. b. plant; (ii) a markup over the f. o. b. plant price of 26 per cent; and (iii) the freight, if any, incurred from plant to local distribution point. (Secondary packers who have more than one plant or distribution point may average freight from plant to distribution point in the same manner as secondary packers are allowed under paragraph (b) (1) to average outgoing freight.)

SEC. 3 *Maximum prices for distributors other than wholesalers and retailers*—(a) *Primary distributors.* The primary distributor's maximum price per gallon, barrel or other unit of an item of cider vinegar, shall be determined as follows:

(1) If his supplier's maximum price under this regulation is greater than the supplier's maximum price under the General Maximum Price Regulation, he shall add the difference to the maximum price which he had under the General Maximum Price Regulation.

(2) If his supplier's maximum price under this regulation is less than the supplier's maximum price under the General Maximum Price Regulation, he shall subtract the difference from the maximum price which he had under the General Maximum Price Regulation.

The resulting figure in each case is the primary distributor's maximum price for the item.

If the primary distributor's maximum price for an item cannot be determined in this manner, his maximum price, f. o. b. shipping point, shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "primary distributor" is one who purchases the brand, if any, and grade of cider vinegar being priced in carload lots and who customarily receives shipment of at least 50% of the item in carload lots into a warehouse or other receiving station not owned or controlled by any of his customers, for resale in less than carloads.

(b) *Distributors who are not primary distributors, wagon wholesalers, wholesalers, or retailers.* The maximum price, f. o. b. shipping point, of a distributor who is not a primary distributor, wagon wholesaler, wholesaler, or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is one who purchases the brand, if any, and grade of cider vinegar being priced and resells it without processing, packaging or cutting it.

(c) *Wagon wholesalers.* The maximum price per gallon, barrel, or other unit which a wagon wholesaler may charge for an item of cider vinegar shall be his net delivered cost plus a markup of 25 per cent. He shall figure his maximum price on the basis of the most recent purchase of that item, and shall refigure it after each new purchase. The maximum price so figured is the seller's maximum price for his entire inventory of that item, and it is effective until his first sale after he receives the next lot.

A "wagon wholesaler" is one who purchases the item being priced and distributes it to retailers or to commercial, industrial or institutional users from an inventory stocked in trucks or other conveyances which are under the supervision of driver salesmen who make delivery at the time and place of sale. His "net cost" means the amount he pays for the item delivered at his customary point, less all discounts allowed him, except the discount for prompt payment. However, no expense of local trucking or unloading shall be included.

SEC. 4. *Relationship between this regulation and the General Maximum Price Regulation.* (a) Except as provided in paragraph (b) of this section, this regulation supersedes the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) The following sections of the General Maximum Price Regulation, as well as amendments to them, apply to sales covered by this regulation:

(1) Special deals (§ 1499.4b).

(2) Transfers of business or stock in trade (§ 1499.5).

(3) Federal and state taxes (§ 1499.7).

(4) Sales slips and receipts (§ 1499.14).

(5) Definitions (§ 1499.20).

SEC. 5. *Geographical applicability.* This regulation applies to the forty-eight states of the United States and the District of Columbia.

SEC. 6. *Export and import sales.* The maximum prices at which a processor, secondary packer, or distributor other than a wholesaler or retailer, may export any product covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[1] and amendments issued by the Office of Price Administration. Sales of cider vinegar produced, packaged or cut outside the geographical area to which this regulation applies are not covered by this regulation except in cases where the goods being priced are located within this area.

SEC. 7. *Records which sellers covered by this regulation must keep.* (a) Every seller covered by this regulation who makes sales of any cider vinegar after July 21, 1943, for which specific maximum prices have been established herein, shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all records of the same kind as he customarily kept, relating to the prices which he charges for such product after the effective date of this regulation.

(b) Every seller covered by this regulation who makes sales of any cider vinegar after July 21, 1943, for which maximum prices are to be figured by him in the manner directed by this regulation, shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all his existing records which were the basis of figuring such maximum prices and shall show the method used in such computations in addition to the records required to be made and preserved by paragraph (a).

SEC. 8. *Information which processors and secondary packers must disclose to primary distributors.* Every processor or secondary packer who makes sales of a brand, if any, and grade of cider vinegar any part of which was produced, cut, or packaged by him shall, in the case of any such item which is being sold by him to a primary distributor for the first time after the seller's maximum price for it has been established under this regulation, send the primary distributor (before or at the time of delivery) a written notice stating, for each item included in the sale (a) his maximum price established under this regulation, and (b) his maximum price established under the General Maximum Price Regulation.

SEC. 9. *Customary discounts and allowances.* No person shall change any customary allowance, discount or other price differential to a purchaser or class of purchasers if the change results in a higher net price to that purchaser or class.

SEC. 10. *Position of brokers* In accordance with the existing custom, every broker taking part in a sale governed by this regulation, in which the seller is a processor, secondary packer or distributor other than a wholesaler or retailer shall be considered as the agent of the seller and not of the buyer. In each case, the amount paid by the buyer to the broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker.

SEC. 11. *When a maximum price chosen or figured under section 2 or section 3 is established.* On and after July 22, 1943, a price chosen or figured for any item under section 2 or section 3, as the case may be, becomes "established" (that is, fixed) as the seller's maximum price as soon as he has disclosed it to any prospective customer, whether by sale, delivery, offer or notice of any kind, provided that the chosen or figured price is not higher than the applicable pricing method allows. Except for the refiguring by processors and secondary packers which is authorized by section 2 in connection with maximum delivered prices, and the refiguring by wagon wholesalers which is authorized by Section 3, a maximum price for an item may be established only once, and having been established it may not be changed by the seller except (1) with the written permission of the nearest district or state office of the Office of Price Administration having jurisdiction over the seller in cases where the seller has chosen or figured his maximum price lower than the applicable pricing method provides, or (2) in cases where a change in the regulation changes the seller's applicable pricing method.

If the seller is disclosing a price lower than the one he chose or figured under section 2 or section 3, as the case may be, he may establish the higher chosen or figured price as his maximum price at the time of disclosure only by recording it and naming it as such, in ink on his books, before he discloses the lower price. A seller who has not chosen or figured a price for an item, or has figured a price higher than the applicable pricing method allows, may not sell the item until he has established a maximum price for the item in accordance with the rules of this section.

SEC. 12. *Compliance with the regulation.*—(a) *No selling and buying above maximum prices.* On and after July 22, 1943, regardless of any contract or other obligation, no processor, secondary packer or distributor other than a wholesaler or retailer shall sell or deliver any cider vinegar, for which maximum prices are established by this regulation, at a price higher than the maximum prices established herein; no person in the course of trade or business shall buy or receive any cider vinegar, for which maximum prices are established by this regulation, from a processor, secondary packer or distributor other than a wholesaler or retailer, at a price higher than the maximum prices established herein; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 428 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agree-

[1] 8 F.R. 4132.

ment, sale delivery, purchase or receipt of, or relating to cider vinegar, along or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise. However, prices lower than the maximum prices established by this regulation may be charged, demanded, paid or offered.

(c) *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 428 is subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 13. *General amendments.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1* and amendments, issued by the Office of Price Administration.

SEC. 14. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 15. *Definitions.* When used in this regulation, the term:

"Cider vinegar" means the commodity sold and designated as cider vinegar or apple cider vinegar. The term does not include white (distilled) vinegar, wine vinegar, tarragon vinegar, malt vinegar or any other variety of vinegar.

"Container" means a receptacle no larger in capacity than one gallon.

"In bulk" means in a receptacle larger in capacity than one gallon.

"Cuts" refers to the operation of reducing the grainage strength of cider vinegar by the addition of water.

"Grade" refers to the grainage strength of cider vinegar.

"60 grain basis", "grainage strength", or words of similar import refer to the acetic acid content of cider vinegar.

Example: "40 grain basis" refers to a content of 4 grams of acetic acid (40 grains) per 100 cubic centimeters at 20° C.

"Maximum price established by this regulation", or words of similar import, include maximum prices figured under the General Maximum Price Regulation at the election of a processor or secondary packer pursuant to paragraph (a) or paragraph (b), as the case may be, of section 2 of this regulation.

To "repackage" means to transfer cider vinegar from one receptacle to another.

Effective date. This regulation shall become effective July 22, 1943.

NOTE: All record-keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 22d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11795; Filed, July 22, 1943; 4:43 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 296,[1] Corr. to Amdt. 4]

FLOUR FROM WHEAT, SEMOLINA AND FARINA SOLD BY MILLERS AND BLENDERS

The figure (xii) in paragraph (b) of § 1351.1666 (XVI) is hereby corrected to read (vii).

This correction shall become effective July 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11796; Filed, July 22, 1943; 4:42 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,[1] Amdt. 20]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.406 (b) (4) is amended to read as follows:

(4) Selling or invoicing fabricated beef cuts and/or fabricated veal cuts to buyers, other than purveyors of meals.

2. Section 1364.407 (e) (1) is amended to read as follows:

(1) Every separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) of § 1364.452 or paragraph (n) of § 1364.467 shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, is in effect, a complete and accurate record of each such sale and/or delivery showing the date of sale, the name and address of the buyer, the weight and grade of each type of fabricated cut sold, the price charged and the total cost thereof. All sales of kosher meats are to be shown separately.

3. Section 1364.407 (e) (2) is amended to read as follows:

(2) On or before June 15, 1943, (or July 26, 1943, with respect to subparagraph (iii) hereof), each selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) of section 452 or paragraph (n) of section 467 shall file with the nearest district or state office of the Office of Price Administration a statement showing:

(i) The total volume by weight, of all meats (fresh, frozen, cured, smoked, cooked, dried, canned or otherwise processed), variety meats, and edible byproducts sold and delivered by such selling establishment from September 15, 1942 through December 15, 1942, other than sales to war procurement agencies, and

(ii) The total volume by weight of all kinds (e g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) of meat, variety meats (e. g. liver, tongue, kidney, etc.) and edible byproducts and all other processed meat items not specifically set forth herein, sold and delivered by such selling establishment during such period to purveyors of meals other than war procurement agencies, and/or

(iii) The total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) of meat, variety meats (e. g. liver, tongue, kidney, etc.) and edible byproducts and all other processed meat items not specifically set forth herein, sold and delivered by such selling establishment from June 1, 1942, to August 31, 1942, to purveyors of meals other than war procurement agencies.

4 Section 1364.415 (a) is amended to read as follows:

(a) No hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment shall sell and deliver to purveyors of meals, during any three month period beginning June 1, September 1, December 1, or March 1, a volume of fabricated meat cuts of all kinds in excess of 70 percent of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (e. g. fresh, frozen, cured, smoked, cooked, canned, dried, etc.) of meats, variety meats (e. g. liver, tongue, kidney, etc.), edible byproducts, and all other processed meat items not specifically set forth herein, sold and delivered to purveyors of meals by such selling establishment from September 15, 1942 through December 15, 1942.

5. Section 1364.415 (b), (c), and (d) are redesignated 415 (c), (d), and (e) respectively.

6. Section 1364.415 (b) is added to read as follows:

(b) Each hotel supply house, packer or slaughtering plant, packer's branch house, wholesaler's or other selling establishment may sell and deliver to purveyors of meals during the three month period from June 1, to August 31, a volume of fabricated meat cuts of all kinds not in excess of 70% of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (fresh, frozen, cured, smoked, cooked, dried, canned or otherwise processed) of meats, variety meats (e. g. liver, tongue, kidney, etc.) and edible byproducts and all other processed meat items not specifically set forth herein, sold and delivered to purveyors of meals by such selling establishment from June 1, 1942 through August 31, 1942.

7. Section 1364.415 (c) is amended to read as follows:

(c) Not later than the tenth day following each three month period ending August 31, November 30, February 28 or 29, or May 31, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) of § 1364.452 or paragraph (n) of § 1364.467 shall file with the nearest district or state office of the Office of Price Administration a statement showing, for such three month period, the total volume by weight of all kinds of fabricated meat cuts (e. g. lamb, mutton, beef, veal and pork) sold and delivered during such period to purveyors of meals.

8. Section 1364.452 (o) (3) is amended to read as follows:

(3) The applicable prices in zones 1 and 2 and 5 to 10 for fabricated beef cuts and for ground beef and miscellaneous beef items shall be the prices specified in subparagraphs (4) or (5), and (6) hereof, respectively (the applicable zone 3 and 4 price) plus the following:

Zone 1	$1.75
Zone 2	1.00
Zone 5	.50
Zone 6	.75
Zone 7	1.00
Zone 8	1.25
Zone 9	1.50
Zone 10	1.75

9. Section 1364.455 (b) (2) (ii) is amended to read as follows:

(ii) War Shipping Administration of the United States Government.

This amendment shall become effective July 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11797; Filed, July 22, 1943; 4:44 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,[1] Amdt. 22]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.410 (c) is redesignated as § 1364.405 (c).

2. Section 1364.405 (d) is added to read as follows:

(d) The Office of Price Administration in Washington, D. C., may, by order, adjust the maximum prices established by § 1364.452 (o) and § 1364.467 (n) for the sale by a seller of fabricated beef and/or fabricated veal cuts to the War Shipping Administration in any case in which such seller requests such an adjustment on or before July 20, 1943, and alleges and proves the following:

(1) That during the month of April 1943, at least 50 percent of its total weight volume of sales of fabricated beef and/or fabricated veal cuts was sold and delivered to the War Shipping Administration.

(2) That during or prior to the month of May 1943, such seller was requested by the War Shipping Administration to accumulate an inventory of fabricated beef and/or fabricated veal cuts meeting War Shipping Administration specifications for delivery to the War Shipping Administration in anticipation of their requirements.

(3) That such seller, in reliance upon such request by the War Shipping Administration, did fabricate beef and/or veal in accordance with War Shipping Administration specifications and did accumulate an inventory of such fabricated beef and/or veal cuts for future delivery to the War Shipping Administration.

(4) That a portion of such accumulated inventory remained in the possession of the seller, undelivered, on June 1, 1943.

Upon proof of the foregoing, the Office of Price Administration may authorize such seller to sell and/or deliver such fabricated beef and/or fabricated veal to the War Shipping Administration at the maximum prices in line with the maximum prices for fabricated beef and/or veal cuts.

This amendment No. 22 shall become effective July 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11798; Filed, July 22, 1943; 4:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 75 Under SR 15 to GMPR]

STORES DELIVERY SERVICE, INC.

Order No. 75 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3254.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1375 *Adjustment of maximum prices for contract carrier services furnished by Stores Delivery Service, Inc.* (a) Stores Delivery Service, Inc., 1033 Beaver Avenue, Pittsburgh, Pennsylvania, and its Trustee in Bankruptcy, may sell and deliver contract carrier services to department and specialty stores in Pittsburgh, Pennsylvania, from, to and between points in Pennsylvania, Ohio and West Virginia at prices not to exceed those set forth in the schedule of rates annexed to its application for adjustment, which schedule is identified as Freight Tariff, P. U. C. No. 6, issued May 12, 1943 and effective June 14, 1943 and filed with the Pennsylvania Public Utility Commission.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 75 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 75 (§ 1499.1375) shall become effective as of June 14, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11602; Filed, July 22, 1943; 4:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 76 Under SR 15 to GMPR]

MOLITERNO BROTHERS, INC.

Order No. 76 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3298.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1376 *Adjustment of maximum prices for contract carrier services by Moliterno Brothers, Inc., of New York, New York.* (a) Moliterno Brothers, Inc. of New York, New York, may sell and deliver contract carrier services to National Gypsum Company on and after May 27, 1943, at rates not to exceed those set forth in the schedule of rates annexed to its application for adjustment and identified as Supplement No. 5 to PSC-NY-MT No. 1, which cancels Supplement No. 4 thereto, issued April 14, 1943, and effective May 27, 1943.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 76 (§ 1499.1376) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 76 (§ 1499.1376) shall become effective as of May 27, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11803; Filed, July 22, 1943; 4:44 p. m.]

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*7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 158, 612, 2598, 3703, 7567, 7599, 8544, 9159.

[1] 8 F.R. 5097, 4788, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066.

[1] 8 F.R. 4097, 4787, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066.

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 77 Under SR 15 to GMPR]

GEROSA HAULAGE AND WAREHOUSE CORP.

Order No. 77 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3297.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1377 *Adjustment of maximum prices for contract carrier services by Gerosa Haulage and Warehouse Corporation of New York City, New York.* (a) Gerosa Haulage and Warehouse Corporation of New York, New York, may sell and deliver contract carrier services to National Gypsum Company on and after May 27, 1943, at rates not to exceed those set forth in the schedule of rates annexed to its application for adjustment and identified as Supplement No. 5 to PSC-NY-MT No. 1, which cancels Supplement No. 4 thereto, issued April 14, 1943 and effective May 27, 1943.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 77 (§ 1499.1377) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 77 (§ 1499.1377) shall become effective as of May 27, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11804; Filed, July 22, 1943; 4:46 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 78 Under SR 15 to GMPR]

STANDARD TRUCKING CO.

Order No. 78 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3316.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1378 *Adjustment of maximum prices for contract carrier services by Standard Trucking Company, Perth Amboy, New Jersey.* (a) Standard Trucking Company, a corporation with its principal place of business in Perth Amboy, New Jersey, may sell and deliver contract carrier services to National Gypsum Company on and after June 5, 1943, at rates not to exceed those set forth in the schedule of rates annexed to its application for adjustment and identified as Supplement No. 4 to MF-ICC No. 6, issued on April 14, 1943 and effective June 5, 1943.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 78 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 78 (§ 1499.1378) shall become effective July 23, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11805; Filed, July 22, 1943; 4:46 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 68]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7652 is amended to read as follows:

§ 1394.7652 *Basic ration books.* Class A coupon books, and Class D coupon books marked "basic", shall be issued as basic rations. Class A books shall be issued for passenger automobiles and Class D books for motorcycles. Subject to the provisions of § 1394.7653 (d) each Class A and Basic Class D book issued in the gasoline shortage area for use during a period before November 22, 1943, or issued outside the gasoline shortage area for use during a period before July 22, 1943, shall contain thirty-two coupons. Subject to the provisions of § 1394.7653 (d) each Class A and Basic Class D book issued outside the gasoline shortage area for use after July 21, 1943 shall contain forty-eight coupons. Each coupon contained in a basic ration book shall have a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the periods indicated below.

Coupons numbered	*Valid period*
3	November 22, 1942, to January 21, 1943, inclusive.
4	January 22, 1943, to March 21, 1943, inclusive.
5	March 22, 1943, to May 21, 1943, inclusive, outside the gasoline shortage area, and from March 22, 1943 to July 21, 1943, inclusive in the gasoline shortage area.
6	May 22, 1943, to July 21, 1943, inclusive, outside the gasoline shortage area, and from July 22, 1943 to November 21, 1943 inclusive, in the gasoline shortage area.
7	July 22, 1943, to September 21, 1943, inclusive, outside the gasoline shortage area.
8	September 22, 1943, to November 21, 1943, inclusive, outside the gasoline shortage area.
9	November 22, 1943, to January 21, 1944, inclusive, outside the gasoline shortage area.
10	January 22, 1944, to March 21, 1944, inclusive, outside the gasoline shortage area.
11	March 22, 1944, to May 21, 1944, inclusive, outside the gasoline shortage area.
12	May 22, 1944, to July 21, 1944, inclusive, outside the gasoline shortage area.

Coupons in Basic Class D books shall be valid for the transfer of gasoline to a consumer at any time prior to July 22, 1944.

2. In § 1394.7653 (d) the last sentence is amended to read as follows:

In the case of a Basic D book issued after December 1, 1942, for use before July 22, 1943, one coupon shall be removed for each full eight days which have elapsed since December 1, 1942, and in the case of a Basic Class D book issued for use after July 21, 1943, one coupon shall be removed for each full eight days which have elapsed between July 21, 1943 and the date of issuance.

3. Section 1394.8004 (c) is hereby revoked.

4. In § 1394.8010 the text preceding paragraph (a) is amended by deleting the phrase "on Part B of Form OPA R-534".

5. Section 1394.8051 (b) (4) is amended to read as follows:

(4) In the case of a basic ration, the owner or person entitled to the use of the registered vehicle, or the agent of either shall execute an application on Form OPA R-570. The applicant shall file such application with a Board and shall submit therewith the back cover of the current basic ration book issued for use with the vehicle. If such back cover is submitted, no registration certificate or registration card need be presented. If the applicant is unable to submit such back cover, he shall establish to the satisfaction of the Board that: (i) he is a person entitled to make such application; (ii) the vehicle is currently registered and in use; and (iii) no renewal of the basic ration has been issued for the vehicle and no application for such a renewal is pending at any Board. He must also submit the registration certificate or registration card issued for such vehicle. If the required documents are presented and the Board is satisfied that the vehicle is in use and that the applicant has complied with the requirements of this subparagraph and of § 1394.8010, it shall issue a renewal of such ration in the manner prescribed in § 1394.7653 (d) and shall also issue a tire inspection record on Part "B" of Form OPA R-570 with the notations required in § 1394.8004 (g). If the registration certificate or registration card has been submitted, the Board upon issuing a renewal of the basic ration shall note upon such certificate or card the same notations as are required in the case of an original issuance of a basic ration.

6. Section 1394.8165 is amended by substituting for the first sentence a sentence to read as follows:

No person may use a Class A, B, C, T-1 or T-2 book coupon, bulk coupon or a ration check drawn upon ration credits which represent such classes of rations

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062.

issued for use with a registered or commercial motor vehicle (other than a coupon or check representing a Special ration), unless a sticker identifying the class of ration issued for use with such vehicle, in such form as may be prescribed by the Office of Price Administration, is permanently affixed to and conspicuously displayed on such vehicle.

This amendment shall become effective July 22, 1943.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11800; Filed, July 22, 1943; 4:45 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 69]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7653 (f) is amended to read as follows:

(f) No more than one basic ration may be issued for a vehicle, except as provided in §§ 1394.7654, 1394.8007 and 1394.8103, and no person, except as provided in § 1394.7654, shall be entitled to receive more than one basic ration for the same vehicle, with respect to Basic A rations outside the gasoline shortage area and Basic D rations, during the period from July 22, 1942 to July 21, 1943, or during the period from July 22, 1943 to July 21, 1944, or, with respect to Basic A rations within the gasoline shortage area, during the period from July 22, 1942, to November 21, 1943: *Provided,* That any person may apply for reissuance of a basic ration in any of the following cases:

(1) If he has surrendered a basic ration to a Board by reason of having ceased to use the motor vehicle for which the ration was issued;

(2) If he has surrendered a basic ration to a Board by reason of having removed such motor vehicle from the limitation area prior to November 22, 1942;

(3) If he has brought a passenger automobile into the gasoline shortage area after May 21, 1943, with the intention of keeping such automobile in that area for four or more months. In such event the applicant, at the time of application, shall surrender to the Board the basic ration originally issued to him for use with such automobile.

(4) If he has brought a passenger automobile outside the gasoline shortage area after July 21, 1943, with the intention of keeping such automobile outside the gasoline shortage area for four or more months. In such event the applicant, at the time of application, shall surrender to the Board the basic ration originally issued to him for use with such automobile.

Application for reissuance shall be made on part A of Form OPA R-534. In case the application is made for either of the reasons specified in Items (1) or (2) of this paragraph, the applicant shall attach thereto a statement in which he shall set forth the date and place of issuance of the ration surrendered, together with the date and place of surrender thereof and the reason therefor. In the event that the Board is satisfied that the applicant surrendered such a ration in good faith the Board shall issue a basic ration book to the applicant pursuant to the provisions of § 1394.7653: *Provided,* That no coupon book reissued for the reasons specified in this paragraph shall contain coupons in excess of the number prescribed in paragraph (d) of this section.

2. Section 1394.7654 is added to read as follows:

§ 1394.7654 *Class B coupons issued as a basic ration in exchange for Class A coupons.* (a) Any holder of a basic A ration who desires to drive the vehicle for which such ration was issued for a period of less than four months outside the area in which the vehicle is normally garaged or stationed and who does not have Class A coupons valid for use outside such area may apply to any Board to exchange one or more legally issued Class A coupons issued for use with such vehicle and currently valid for transfers of gasoline in the area in which such vehicle is normally garaged or stationed for a ration book containing Class B coupons upon a basis of one Class A coupon for one Class B coupon.

(b) If the applicant satisfies the requirements of this section the Board shall issue as a basic ration one Class B book containing the same number of coupons as the number of Class A coupons surrendered and shall remove from such book and cancel all coupons in excess of such number. The Board shall note on the outside cover of such book the date of issuance, the date on which the ration expires (which shall be the expiration date of the surrendered coupons) and that the book will expire on that date. The Board shall also mark such book "basic". The ration so issued shall be a basic ration for all purposes under Ration Order No. 5C.

3. In § 1394.8161 (f) (3) the first sentence is amended by deleting the final period and by adding the provisions "or by the Plant Area Board serving the establishment at which the ration holder is employed, or, in the case of a vehicle normally garaged or stationed outside the restricted area, by any Board located in the States of Kentucky, North Carolina, Ohio, or Tennessee, or in the portion of the State of West Virginia lying outside the restricted area."

4. In § 1394.8165 the parenthetical phrase in the first sentence is amended by adding after the words "special ration" the words "or Class B coupons issued as a basic ration".

This amendment shall become effective July 23, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 22d day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11801; Filed, July 22, 1943; 4:45 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 32]

OAHU DEFENSE-RENTAL AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area designated in § 1388.1351 inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the reduction and stabilization of rents for defense-area housing accommodations within the defense-rental area designated in § 1388.1351;

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062.

Therefore, under the authority vested in the Price Administrator by the said Act, this designation and rent declaration is issued.

§ 1388.1351 *Designation.* The following area is hereby designated by the Price Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Oahu Defense-Rental Area": In the Territory of Hawaii, the Island of Oahu.

§ 1388.1352 *Necessity.* The necessity for the reduction and stabilization of rents for defense-area housing accommodations in the Oahu Defense-Rental Area is as follows:

The Oahu Defense-Rental Area is the location of establishments of the armed forces of the United States and war production industries. The increase in employment reflecting the expansion of defense activities, the influx of production workers and their families, and of the families of military and naval personnel have resulted in an acute shortage of rental housing accommodations in the area.

Defense activities have resulted in substantial and widespread increases in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942. By reason of these increases, the rents prevailing in the Oahu area are not generally fair and equitable.

§ 1388.1353 *Recommendations.* It is the judgment of the Price Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Oahu Defense-Rental Area inconsistent with the purposes of the Act. Accordingly, the Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about June 1, 1941. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the reduction and stabilization of rents for housing accommodations within the Oahu Defense-Rental Area are as follows:

(a) The maximum rent for housing accommodations rented on June 1, 1941 should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent for housing accommodations not rented on June 1, 1941. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents for housing accommodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the Oahu Defense-Rental Area on June 1, 1941.

(b) Appropriate provision should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1354 *Rent regulation.* If within sixty days after issuance of this designation and rent declaration, rents for housing accommodations within the Oahu Defense-Rental Area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1355 *Effective date.* This designation and rent declaration shall become effective July 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 22d day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11799; Filed, July 22, 1943; 4:44 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Procurement Division, Department of the Treasury

PART 38—LOANS TO NON-FEDERAL VOCATIONAL EDUCATION AUTHORITIES OF SURPLUS PERSONAL PROPERTY OF THE NATIONAL YOUTH ADMINISTRATION

The following regulations are issued to carry out the provisions of the Second Deficiency Appropriation Act, 1943, reading as follows:

• • • *Provided*, That all real and personal property of the National Youth Administration is hereby declared surplus, and all equipment, materials, and supplies shall be assembled, inventoried, and turned over to the Director of Procurement, Treasury Department, under Executive Order 9235 by the Administrator of the National Youth Administration as expeditiously as possible, and all real property shall be disposed of by the Commissioner of Public Buildings in accordance with the Act of August 27, 1935 (40 U.S.C. 304 (a) and 304 (b)): *Provided further*, That under commitment to return such property to the United States at borrower's expense, any real or personal property of the National Youth Administration in use on June 30, 1943, by any non-Federal vocational education authority within any State may continue to be so used during the period of the present war and for not to exceed six months after the termination thereof, without compensation, but in no event beyond the date such property ceases to be used for vocational education purposes: *Provided further*, That during such period, the Director of Procurement, in the case of personal property, and the Commissioner of Public Buildings, in the case of real property, upon certificate of the United States Commissioner of Education that such property is to be used for vocational education and training, may loan, without compensation, to any such existing non-Federal vocational education authority, if applied for within ninety days after the date of enactment of this Act, any real or personal property of the National Youth Administration not required by any other Federal Agency (excepting the Lend-Lease Administration) or otherwise loaned under the authority of this paragraph, if such borrower agrees, in the case of personal property, to pay all expenses incident to obtaining and returning such property.

DEFINITIONS

Sec.
38.1 Definitions.

CONTINUED USE OF PROPERTY IN USE ON JUNE 30, 1943, BY NON-FEDERAL VOCATIONAL EDUCATION AUTHORITIES

38.100 Applications.
38.101 Time for filing application.
38.102 Action on applications.
38.103 Deliveries of property not in possession of applicant.
38.104 Receipts for property.
38.105 Period of and conditions upon continued use.
38.106 Treatment of application as one for loan under § 38.200.
38.107 Failure to file or to secure approval of application.

LOANS TO NON-FEDERAL VOCATIONAL EDUCATION AUTHORITIES OF PROPERTY NOT IN USE BY THEM ON JUNE 30, 1943

38.200 Applications.
38.201 Time for filing application.
38.202 Action on applications.
38.203 Deliveries to applicants.
38.204 Receipts for property loaned.
38.205 Period of and conditions upon loans.

PERIOD OF USE OR LOAN AND CONDITIONS APPLICABLE THERETO

38.300 Maximum period.
38.301 Use limited to vocational education purposes.
38.302 Locations of use.
38.303 Continuance of use for vocational education purposes.
38.304 Maintenance, inspection, and inventories.
38.305 Termination of use or loan.
38.306 Return of property on expiration or termination of permitted use or loan.
38.307 Exception as to expendable property.
38.308 Approved application to constitute commitment.

AUTHORITY: §§ 38.1 to 38.308, inclusive, issued under Pub. Law 140, 78th Cong.

DEFINITIONS

§ 38.1 *Definitions.* As used in the regulations in this part:

(a) The term "Act" means the Second Deficiency Appropriation Act, 1943, Public Law 140, 78th Congress, approved July 12, 1943.

(b) The term "property" means personal property of the National Youth Administration declared surplus by the Act, including articles, materials, supplies, equipment, farm products or animals, buildings or other structures of any type erected by such Administration on leased land, and other buildings or structures of a portable or temporary nature.

(c) The term "authority" means (1) a State, county, municipality, or other political subdivision of a State, acting through its appropriate board of education, or such board of education if authorized to incur obligations in its own name, where such board operates a vocational education program or controls the acquisition of supplies and equipment by any institution which operates such a program under its jurisdiction, and (2) a school district, school, college, or university which is either a public body or institution or is exempt from taxation under section 101 (6) of the Internal Revenue Code, which operates a vocational education program, and which is not subject to the control of a State or local board of education in its acquisition of supplies and equipment for vocational education purposes.

(d) The term "vocational education program" means a program which substantially meets the standards established by the State plan for vocational education prepared by the appropriate State board for vocational education and approved by the United States Commissioner of Education under the Smith-Hughes Act [1] or the George-Deen Act [2] or under the regulations governing the education and training of war workers pursuant to Public Law 647, 77th Congress, approved July 2, 1942, or Public Law 135, 78th Congress, approved July 12, 1943.

(e) The term "vocational education purposes" means the purposes of a vocational education program.

(f) The terms "use," used," and "in use," when such terms are employed with reference to the utilization of property for vocational education purposes, shall be deemed to include the holding of such property for utilization in a vocational education program, notwithstanding the intervention of any recess or vacation period during which such program was or is not actively in session.

(g) The term "person" includes any State or political subdivision thereof and any individual, corporation, partnership, trust, association, or other legal entity.

(h) The term "State" includes the District of Columbia.

(i) The term "Procurement Division" means the Procurement Division of the Treasury Department.

(j) The term "regional officer" means a regional procurement officer of the Procurement Division or, if a Regional procurement officer has not been assigned to a region, the regional property officer of the Procurement Division for such region.

CONTINUED USE OF PROPERTY IN USE ON JUNE 30, 1943, BY NON-FEDERAL VOCATIONAL EDUCATION AUTHORITIES

§ 38.100 *Applications.* (a) Any authority within any State may apply to the Procurement Division to establish its eligibility to continue the use of any property in use by such authority for vocational education purposes on June 30, 1943. To permit application for any property under this section, such property must have been in use by the authority on that date for the training of students or trainees of the authority in a course or courses forming part of a vocational education program, whether or not such use was on a part-time basis only, or jointly with the National Youth Administration on a project of that Administration, or jointly with another authority. Property which on June 30, 1943, was in use exclusively by youth workers of the National Youth Administration on a work project of that Administration may be applied for under this section only if youth workers using such property on that date were enrolled with the applicant authority for vocational instruction and used such property during some portion of their time for vocational education purposes under instructors furnished by the applicant, in which event the applicant may be considered to have jointly used the property.

(b) Application forms shall be obtained from the regional office of the Procurement Division for the region in which the property is located, as shown by Schedule A hereto attached, and each application shall be filed with such regional office on the prescribed form. Applications must be executed in accordance with the instructions and must be complete, except that they are not required to contain the information called for on the reverse of the prescribed form. In view of the provisions of § 38.103, however, it will be desirable in all cases to furnish such information.

(c) If available, there shall be attached to each application copies of such documents as evidence any agreement under which the National Youth Administration permitted use by the applicant of the property applied for.

§ 38.101 *Time for filing application.* Applications under § 38.100 should be filed as promptly as possible and in any event must be filed on or before October 11, 1943, unless the time for filing is extended by the Director of Procurement.

§ 38.102 *Action on applications.* (a) Upon receipt of an application prepared in accordance with these regulations, the regional officer will secure such verification as he may deem necessary from the appropriate field office of the National Youth Administration and, except as provided in paragraph (b) of this section, will approve the application if it is certified to be from an authority and if he finds that it otherwise meets the requirements of § 38.100 (a). He will then transmit a copy of the approved application to the authority as evidence of the permission granted it by the Act to continue the use of the property, without compensation, during the period specified by the Act and these regulations.

(b) If two or more authorities apply for the same property, and if the regional officer cannot secure agreement among them as to the action to be taken, the regional officer will forward their applications to the Director of Procurement with his recommendation, and the Director of Procurement will take such action as he may deem appropriate under the circumstances of the particular case.

(c) If an application is not certified to be from an authority, or the regional officer is not satisfied that it otherwise meets the requirements of § 38.100 (a), he will advise the authority of his reasons therefor. The authority may then submit such supplemental information as it deems appropriate, and the regional officer will approve the application if such information satisfies him that such requirements have been met. If such requirements have not been met, he will proceed under § 38.106 or, if that section is inapplicable, will notify the authority that its application is disapproved. If such requirements have been met as to only a portion of a number of items applied for, he will approve the application as to such portion and, if the original application was filed prior to October 12, 1943, will allow the authority to file a supplemental application under § 38.200 for the balance of the items originally applied for, such supplemental application to be filed on or before October 11, 1943, or within thirty days after the authority receives notification of its right to file such application, whichever is later.

§ 38.103 *Deliverics of property not in possession of applicant.* Upon approval of any application under § 38.102, property to be used thereunder which is not in the possession of the applicant will be delivered to the applicant at the project site or other place where it is located at the time of such approval. It will be the responsibility of the applicant to arrange promptly for any necessary packing and transportation, at the expense of the applicant, if use of the property by the applicant is to be at another location.

§ 38.104 *Receipts for property.* In any case in which the application of an authority shows that the property applied for is in the possession of the applicant, the approved application will itself constitute a receipt for the property. Otherwise, the authority shall, upon delivery of the property, furnish a receipt to the representative of the Procurement Division having charge of such delivery, on the receipt form furnished by him for that purpose.

§ 38.105 *Period of and conditions upon continued use.* Any property which applicants are permitted to use under §§ 38.100 to 38.104 of these regulations will be subject to the provisions of §§ 38.300 to 38.308.

§ 38.106 *Treatment of application as one for loan under § 38.200.* Any application not approved under § 38.102 will be treated as an application filed under § 38.200 unless such application was filed after October 11, 1943, or unless it is otherwise clear that the authority is not eligible to apply under that section. If the applicant has not theretofore furnished the information called for on the reverse of the application form, the regional officer will transmit to the applicant a new form for that purpose. Such form shall be completed as to the information called for on the reverse of the application form, signed on behalf of the applicant, and returned for attachment to the original application.

§ 38.107 *Failure to file or to secure approval of application.* If any authority

[1] Act of February 23, 1917, 39 Stat. 929, as amended (U.S.C. title 20, secs. 11–15, 16–28).
[2] Act of June 8, 1936, 49 Stat. 1488 (U.S.C. title 20, secs. 15h–15p).

or other person having possession of property does not file application within the time prescribed by § 38.101, or if the application of any such authority or other person is not approved under § 38.102 or § 38.202, it will be considered that such authority or other person does not desire to continue the use of such property for vocational education purposes, or that such authority or other person has not established its eligibility under the Act to continue such use. Property in the possession of any such authority or other person shall thereupon be returned promptly to the United States, by delivery to a representative of the Procurement Division at the place where it was located on June 30, 1943, or, if required by the Procurement Division, at any other place to which such authority or other person may have agreed to return the property.

LOANS TO NON-FEDERAL VOCATIONAL EDUCATION AUTHORITIES OF PROPERTY NOT IN USE BY THEM ON JUNE 30, 1943

§ 38.200 *Applications.* (a) Any authority in existence on July 12, 1943, may apply to the Procurement Division for the loan to such authority, without compensation, of any property not transferred to a Federal agency under Executive Order No. 9235 and not otherwise loaned under the authority of the Act. Application may be made either for specified property at a particular location or for any property meeting a given description, and applications will be considered of the latter type if the present location of the property is not stated or the property is so described that either or any of two or more items would fit the description. If application is made for specified property or property at a particular location, the application should indicate whether or not other property of the same type would be acceptable to the applicant in case the specified property or property at the specified location should not be available for loan to the applicant.

(b) Application forms shall be obtained from the regional office of the Procurement Division for the region in which the property is located, or, if the application is not for specified property, the region in which the authority is located, as shown by Schedule A hereto attached, and each application shall be filed with such regional office on the prescribed form. Applications must be complete, must be executed in accordance with the instructions, and must contain the information required on the reverse of the prescribed form.

§ 38.201 *Time for filing application.* Applications under § 38.200 should be filed as promptly as possible and in any event must be filed on or before October 11, 1943. The Act does not permit consideration of applications filed after that date.

§ 38.202 *Action on applications.* (a) Applications will be held in the regional office until it is determined under the regulations pursuant to Executive Order No. 9235 that the property applied for is not to be transferred to a Federal agency or agencies (excepting the Lend-Lease Administration). If the property has been transferred or will be required for such transfer in whole or in part, or if in whole or in part it will be used by an authority under §§ 38.100–38.105 or is not available in any event, the regional officer will advise the authority to that effect and will ascertain from the authority whether or not it wishes the application to be considered as to any remainder of the property applied for. Otherwise, further action will not be taken.

(b) Except as provided in paragraph (a) of this section, the regional officer will then transmit the application, noting thereon such items as are not available for the purposes of § 38.200–32.205 of these regulations, to the appropriate State board for vocational education for transmittal with its recommendation to the United States Commissioner of Education, or, if the applicant so requests, will so transmit it directly to the United States Commissioner of Education.

(c) Upon receipt from the United States Commissioner of Education of an application bearing his certificate that the property applied for is to be used for vocational education and training, the Director of Procurement will approve such application if and to such extent as he determines that it is appropriate to do so in fulfillment of the purposes of the Act, taking into consideration the application of any other authority for the same property, the character of the property, and the interests of the war effort. If the Director approves an application in whole or in part, a copy of the approved application will be transmitted to the authority as evidence of the loan agreement.

(d) If the United States Commissioner of Education declines to certify any application as required by the Act, such application must be disapproved.

§ 38.203 *Deliveries to applicants.* Property loaned under §§ 38.200–38.205 will be delivered to the applicant at the project site or other place where it is located on the date of approval of the application. It will be the responsibility of the applicant to arrange promptly for any necessary packing and transportation, at the expense of the applicant if use of the property by the applicant is to be at another location.

§ 38.204 *Receipts for property loaned.* Upon delivery, the applicant shall furnish a receipt to the representative of the Procurement Division in charge of such delivery, on the receipt form furnished by him for that purpose.

§ 38.205 *Period of and conditions upon loans.* Property loaned under §§ 38.200–38.204 of these regulations will be subject to the provisions of §§ 38.300–38.308.

PERIOD OF USE OR LOAN AND CONDITIONS APPLICABLE THERETO

§ 38.300 *Maximum period.* The maximum period of continued use of any property by any authority and the maximum period of any loan of property to any authority are limited by the Act to the period of the present war and not exceeding six months after the termination thereof. In no event may either such period extend beyond the date when such property ceases to be used for vocational education purposes. These basic limitations apply both to property as to which continued use is permitted under §§ 38.100–38.105 and to property loaned under §§ 38.200–38.205 of these regulations.

§ 38.301 *Use limited to vocational education purposes.* Property which any authority is permitted to continue to use or which is loaned to any authority under these regulations shall be used for vocational education purposes only.

§ 38.302 *Locations of use.* Property in the possession of an authority under §§ 38.200–38.205 may be used in a community other than that indicated by the application of the authority only if the written approval of the Director of Procurement is first obtained. The regional officer with whom the application of an authority was filed shall be promptly notified in writing of any change in the location of property in its possession under §§ 38.100–38.105 or §§ 38.200–38.205.

§ 38.303 *Continuance of use for vocational education purposes.* It is the responsibility of regional officers to ascertain from time to time that property in the possession of authorities is being used by them for vocational education purposes. To facilitate the discharge of such responsibility by regional officers, each authority having property in its possession under these regulations shall furnish to the regional officer in whose region the property is located, as shown by Schedule A hereto attached, statements from time to time certifying that such property is being used by the authority for vocational education purposes. Unless otherwise agreed by the regional officer, such statements shall be furnished to him on or promptly after the first day of October, the first day of March, and the first day of June of each year in which the property remains in the possession of the authority. The regional officer may rely upon such statements or may secure such verification or make such independent investigation as he deems necessary.

§ 38.304 *Maintenance, inspection, and inventories.* (a) Property in the possession of authorities under these regulations shall be maintained in good repair at their expense and shall be returned to the United States in accordance with § 38.306 in its condition as of the date when possession was obtained by the authority, ordinary wear and tear excepted, or, if possession was obtained by the authority on or prior to June 30, 1943, in its condition as of that date, ordinary wear and tear excepted, unless prior to that date the authority made a commitment imposing upon it a greater responsibility with respect to the maintenance and return of the property, in which event the terms of such prior commitment shall govern.

(b) Property in the possession of authorities shall at all times be subject to inspection and inventory by the Director of Procurement, or his representative.

§ 38.305 *Termination of use or loan.* (a) Any authority which ceases to use for vocational education purposes property in its possession for continued use or on loan under the authority of these regulations shall promptly report such cessation of use to the regional officer specified in § 38.303. Permission to continue the use of such property, or the loan of such property, as the case may be, shall thereupon terminate.

(b) In the absence of a report from the authority under paragraph (a) of this section, the regional officer in whose region the property is located may at any time report to the Director of Procurement that he has found property in the possession of any authority to be no longer in use by such authority for vocational education purposes. If the Director of Procurement, on the basis of such report and any further investigation that he deems necessary, is satisfied that the property is no longer being used for vocational education purposes, he may by notification to the authority having possession of the property terminate its right of continued use or the loan of the property, as the case may be.

(c) In his discretion, the Director of Procurement may at any time terminate continued use by or the loan of any property to any authority which fails to comply with the requirements of these regulations, and may at any time terminate for any other reason any loan under §§ 38.200 to 38.205 of these regulations.

§ 38.306 *Return of property on expiration or termination of permitted use or loan.* Upon expiration of the period of maximum use or loan of any property under § 38.300 of these regulations, or upon termination of the permitted use or loan of any property under § 38.305, and unless such expiration or termination affects only the use of the property by another authority, the authority having possession of such property shall promptly return such property to the United States in accordance with such instructions as may be issued by the Procurement Division, providing at its own expense any necessary transportation and preparation for domestic shipment. The authority shall not, however, be obliged to incur a greater expense than would be incurred in preparing for shipment and shipping the property to the Procurement Division warehouse nearest the point from which the property is returned.

§ 38.307 *Exception as to expendable property.* The obligation of authorities to return property in their possession in accordance with these regulations shall not extend to property which by nature is consumed through use, except to the extent that such property has not been so consumed prior to expiration or termination of the period of permitted use or loan, as the case may be.

§ 38.308 *Approved application to constitute commitment.* Any application submitted under these regulations, upon approval in accordance with these regulations, and upon the mailing of a copy of the approved application to the applicant, shall become a commitment binding the applicant to compliance with the applicable provisions of these regulations. Any application approved without certification by the United States Commissioner of Education shall be considered to have been approved under § 38.102 and shall bind the applicant to compliance with §§ 38.103, 38.104, and §§ 38.300 to 38.308. Any application approved after such certification shall be considered to have been approved under § 38.202 and shall bind the applicant to compliance with §§ 38.203, 38.204, and §§ 38.300 to 38.308.

[SEAL] CLIFTON E. MACK,
Director of Procurement.

JULY 22, 1943.

SCHEDULE A—REGIONAL AREAS AND REGIONAL OFFICES

Region I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; Regional Procurement Officer, U. S. Treasury Department, Park Square Building, Boston, Mass.

Region II—Pennsylvania, New Jersey, and New York; Regional Procurement Officer, U. S. Treasury Department, 76 Ninth Avenue, New York, N. Y.

Region III—District of Columbia, Delaware, Maryland, North Carolina, and Virginia; Regional Property Officer, U. S. Treasury Department, 1229—20th Street NW. Washington, D. C.

Region IV—Indiana, Kentucky, Ohio, and West Virginia; Regional Property Officer, U. S. Treasury Department, 235 West 12th Street, Cincinnati, Ohio.

Region V—Illinois, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin; Regional Procurement Officer, U. S. Treasury Department, 222 West North Bank Drive, Chicago, Ill.

Region VI—Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee; Regional Procurement Officer U. S. Treasury Department, 10 Forsyth Street Building, Atlanta, Ga.

Region VII—Arkansas, Louisiana, Oklahoma, and Texas; Regional Property Officer, U. S. Treasury Department, 609 Neil P. Anderson Building, Forth Worth, Tex.

Region VIII—Iowa, Kansas, Missouri, and Nebraska; Regional Property Officer, U. S. Treasury Department, 6th Floor, Porter Building, Kansas City, Mo.

Region IX—Colorado, New Mexico, Utah, and Wyoming; Regional Procurement Officer, U. S. Treasury Department, 1630 Wazee Street, Denver, Colo.

Region X—Arizona, California, and Nevada; Regional Procurement Officer, U. S. Treasury Department, 335 Fell Street, San Francisco, Calif.

Region XI—Idaho, Oregon, Montana, and Washington; Regional Property Officer, U. S. Treasury Department, Alaska Building, Seattle, Wash.

[F. R. Doc. 43-11832; Filed, July 23, 1943; 11:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[Service Order 113, Amdt. 3]

DEMURRAGE ON FLAT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of July, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 113 of March 3, 1943, as amended by Amendment No. 1 of March 26, 1943, and as amended by Amendment No. 2 of June 10, 1943; and in order to clarify the application of paragraph (d):

It is ordered, That paragraph (d) of Service Order No. 113, as amended, be and it is hereby amended to read as follows:

§ 95.501 *Demurrage on flat cars.* • • •

(d) (1) The provisions of this order shall not apply to loaded or empty flat cars shipped by or consigned to any organization or installation of the United States War Department or Navy Department, including the United States Marine Corps and the United Sates Coast Guard, while held for loading, unloading, or any other purpose by such organization or installation. (2) Each railroad affected, on or before the effective date of this paragraph (d), as amended, and upon not less than one day's notice to the Commission and to the public, shall file and post a supplement to each of its tariffs affected hereby, establishing the substitute provisions above set forth. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this amendment shall become effective August 1, 1943, and shall remain in force until further order of the Commission; that copies of this amendment shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-11817; Filed, July 23, 1943; 10:28 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1239]

CITY OF CINCINNATI, OHIO

ORDER OF THE DIRECTOR

In the matter of a review of the minimum prices effective for shipment of coals by rail and by river for delivery in the City of Cincinnati, Ohio (Market Area 19), pursuant to section 4 II (b) of the Bituminous Coal Act of 1937.

Charles S. Mitchell, a duly designated Examiner of the Division, has submitted to me his Report and recommendations, dated July 15, 1943 in the above-entitled proceeding. The Bituminous Coal Act of 1937 will expire (except as provided in

section 19 thereof) August 24, 1943. In order that the Director may take timely and appropriate action on the report and recommendations of the Examiner it is necessary that interested parties who desire to file exceptions and supporting briefs do so promptly.

Accordingly, exceptions and briefs in support of exceptions to the Examiner's report should be filed not later than August 4, 1943. No exceptions or briefs will be considered by the Director in this matter if received by the Division later than 11:59 p. m., August 4, 1943.

It is so ordered.

Dated: July 20, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11818; Filed, July 23, 1943; 11:16 a. m.]

Bureau of Reclamation.

COLORADO RIVER STORAGE PROJECT

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 17, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), and that departmental orders of June 22, 1935 and September 15, 1939 establishing Utah Grazing Districts Nos. 8 and 9, and departmental orders of July 9 and July 11, 1935, and October 12, 1940, establishing Colorado Grazing Districts Nos. 1, 6 and 7 be modified and made subject to the withdrawal effected by this order.

COLORADO RIVER STORAGE PROJECT

ECHO PARK RESERVOIR SITE

Salt Lake Meridian, Utah

T. 1 N., R. 24 E.,
Sec. 1.
T. 2 N., R. 24 E.,
Sec. 26, NE¼, W½SW¼, E½SE¼;
Sec. 27, W½, SE¼SE¼;
Sec. 30.
T. 2 N., R. 25 E.,
Sec. 29.

ECHO PARK RESERVOIR SITE

Sixth Principal Meridian, Colorado

T. 9 N., R. 102 W.,
Secs. 23, 26, and 27.
T. 10 N., R. 102 W.,
Sec. 35.
T. 6 N., R. 103 W.,
Sec. 15, NW¼NE¼, W½, NE¼SE½.
T. 8 N., R. 103 W.,
Sec. 11, W½.
T. 10 N., R. 104 W.,
Sec. 24.

SPLIT MOUNTAIN RESERVOIR SITE

Salte Lake Meridian, Utah

T. 4 S., R. 24 E.,
Sec. 33.
T. 5 S., R. 24 E.,
Secs. 4 and 9.

DEWEY RESERVOIR SITE

Salt Lake Meridian, Utah

T. 21 S., R. 22 E.,
Secs. 34 and 35, unsurveyed.
T. 22 S., R. 22 E.,
Sec. 23.
T. 21 S., R. 23 E.,
Sec. 4.
T. 23 S., R. 23 E.,
Secs. 1, 11, 14, and 23.
T. 20 S., R. 24 E.,
Secs. 24, 25, 26, and 29.
T. 22 S., R. 25 E.,
Secs. 5, 8, and 17.
T. 24 S., R. 25 E.,
Sec. 10.
T. 23 S., R. 26 E.,
Sec. 33.
T. 24 S., R. 26 E.,
Sec. 4.

DEWEY RESERVOIR SITE

Ute Meridian, Colorado

T. 1 N., R. 3 W.,
Sec. 7, lots 1, 2, 6, 7, 8, 9, N½NE¼, SE¼NE¼;
Sec. 8, lot 3, NE¼NE¼, SW¼NE¼, NW¼, NW¼SE¼, NE¼SW¼;
Sec. 17, lot 4, S½N½, S½;
Sec. 18.

DEWEY RESERVOIR SITE

Sixth Principal Meridian, Colorado

T. 10 S., R. 103 W.,
Secs. 9, 10, and 15;
Sec. 16, lots 1, 2, 3, 4, 6, 7, 8, N½N½, S½S½;
Sec. 17, lots 2, 3, 5, 6, 7, NE¼, SW¼SW¼, SE¼SE¼;
Secs. 21, 22, and 27, partly unsurveyed.
T. 10 S., R. 104 W.,
Secs. 1, 12, 13, 14, and 21.
Sec. 22, NE¼NE¼, NW¼, N½SW¼, SE¼-SW¼, SE¼;
Sec. 29, SE¼NE¼, W½, NE¼SE¼;
Sec. 30;
Sec. 31, lots 1, 2, 3, E½, E½W½.
T. 11 S., R. 104 W.,
Sec. 9.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: June 18, 1943.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: July 2, 1943.

JOEL DAVID WOLFSOHN,
Acting Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 13, 1943.

[F. R. Doc. 43-11813; Filed, July 23, 1943; 9:40 a. m.]

COLORADO RIVER STORAGE PROJECT

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 17, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

COLORADO RIVER STORAGE PROJECT

ECHO PARK RESERVOIR SITE

Sixth Principal Meridian, Colorado

T. 6 N., R. 100 W.
Secs. 16 to 20, inclusive.
T. 6 N., R. 101 W.,
Secs. 5 to 11, inclusive;
Secs. 13, 14, 15, 17, and 24, partly unsurveyed.
T. 7 N., R. 101 W.,
Sec. 32, unsurveyed.
T. 6 N., R. 102 W.,
Secs. 1 and 2, unsurveyed;
Secs. 4 to 14, inclusive, partly unsurveyed;
Secs. 15 and 16, those parts exclusive of Tract No. 38, unsurveyed;
Sec. 17, partly unsurveyed;
Sec. 18, lots 5 to 8, inclusive, N½NE¼, E½SW¼, SE¼;
Secs. 19 and 20;
Sec. 21, lots 2 and 4, S½NE¼, NW¼, S½;
Sec. 22, lots 1 and 4, NE¼, S½NW¼, S½;
Secs. 23, 29, and 30.
T. 7 N. R. 102 W.,
Secs. 30 and 31, unsurveyed.
T. 8 N., R. 102 W.,
Secs. 6 and 7, unsurveyed.
T. 9 N., R. 102 W.,
Sec. 28.
T. 6 N., R. 103 W
Secs. 1 to 3, inclusive, partly unsurveyed;
Sec. 4, lot 5, S½SE¼;
Sec. 5, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 6, lots 9 to 14, inclusive, SE¼NW¼, SE¼SW¼, S½SE¼;
Secs. 7 to 14, inclusive;
Sec. 24.
T. 7 N., R. 103 W.,
Secs. 3, 4, 5, 8, 9, 10, 15, and 16, unsurveyed;
Sec. 17, E½, E½W½, SW¼NW¼, W½SW¼, unsurveyed;
Secs. 19 to 31, inclusive, unsurveyed;
Sec. 32, lot 4, S½NE¼, SE¼NW¼, W½NW¼, N½SW¼, SE¼;
Secs. 33 to 36, inclusive, unsurveyed.
T. 8 N., R. 103 W.,
Sec. 1, unsurveyed;
Sec. 11, E½, partly unsurveyed;
Secs. 12, 13, 14, 22, 23, partly unsurveyed;
Sec. 24, N½, N½S½, S½SW¼, SE¼SE¼, partly unsurveyed;
Secs. 26, 27, secs. 32 to 35, inclusive, partly unsurveyed.
T. 6 N., R. 104 W.,
Secs. 1 and 12, partly unsurveyed.
T. 7 N., R. 104 W.,
Secs. 23 to 26, inclusive.

SPLIT MOUNTAIN RESERVOIR SITE

Salt Lake Meridian, Utah

T. 4 S., R. 23 E.,
Secs. 24, 25, and 26, unsurveyed;
Sec. 27, lot 2, NE¼, E½NW¼, N½S½;
Sec. 28, lot 1, S½NE¼, W½, N½SE¼, SW¼SE¼.
T. 3 S., R. 24 E.,
Secs. 25 and 35.
T. 4 S., R. 24 E.,
Sec. 1, lots 3, 4, 7, 8, 10, and 11, SW¼NW¼, S½SE¼;
Sec. 2, lot 5, SW¼, N½SE¼, SW¼SE¼;
Sec. 3, lots 1 and 4, S¼N½, S½;
Secs. 10 to 23, inclusive, secs. 29 and 30, partly unsurveyed.
T. 3 S., R. 25 E.,
Secs. 22 to 29, inclusive, partly unsurveyed;
Sec. 30, lots 1 to 8, inclusive, E½NE¼, W½NW¼, N½SE¼;
Sec. 31, lots 1 to 8, inclusive, lots 12 to 16, inclusive, SE¼NE¼, S½SW¼;
Secs. 32 to 35, inclusive, partly unsurveyed.

T. 4 S., R. 25 E.,
Secs. 4, 5, and 6, partly unsurveyed.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: July 2, 1943.

JOEL DAVID WOLFSOHN,
Acting Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 13, 1943.

[F. R. Doc. 43-11812; Filed, July 23, 1943; 9:40 a. m.]

General Land Office.

[Public Land Order 130]

UTAH

WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), and pursuant to Executive Order No. 9337 of April 24, 1943, *It is ordered*, As follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby temporarily withdrawn from settlement, location, sale, and entry, and reserved for classification and for prospecting and development under the mineral-leasing laws:

SALT LAKE MERIDIAN

Tps. 21 to 24 S., R. 15 E.
Tps. 21 to 26 S., R. 16 E., partly unsurveyed.
Tps. 21 to 32 S., R. 17 E., partly unsurveyed.
Tps. 21 to 32 S., R. 18 E., partly unsurveyed.
Tps. 21 to 32 S., R. 19 E., partly unsurveyed.
Tps. 21 to 32 S., R. 20 E., partly unsurveyed.
Tps. 21 to 32 S., R. 21 E., partly unsurveyed.
Tps. 22 to 32 S., R. 22 E., partly unsurveyed.
Tps. 22 to 37 S., R. 23 E.
Tps. 23 and 24 S., R. 24 E., partly unsurveyed.
Tps. 29 to 38 S., R. 24 E.
Tps. 23 and 24 S., R. 25 E.
Tps. 29 to 38 S., R. 25 E.
Tps. 23 and 24 S., R. 26 E.
Tps. 29 to 38 S., R. 26 E.

The areas described, including both public and non-public lands, aggregate approximately 2,977,700 acres.

ABE FORTAS,
Acting Secretary of the Interior.

MAY 26, 1943.

[F. R. Doc. 43-11809; Filed, July 23, 1943; 9:39 a. m.]

[Public Land Order 149]

ALASKA

MODIFYING EXECUTIVE ORDER SO AS TO PERMIT COAL MINING FROM PORTION OF RESERVED LANDS

By virtue of the authority contained in the Act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the Act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), and pursuant to Executive Order No. 9146 of April 24, 1942, *It is ordered*, As follows:

Executive Order No. 6957 of February 4, 1935, withdrawing certain public lands and reserving them for classification and in aid of legislation, is hereby modified so as to permit mining, under prospecting permits or leases issued pursuant to section 3 of the Act of October 20, 1914, c. 330, 38 Stat. 742, as amended by the Act of March 4, 1921, c. 152, 41 Stat. 1363 (U.S.C., title 48, sec. 444), of coal from the following described lands:

SEWARD MERIDIAN

T. 16 N., R. 1 W.,
Sec. 8;
Sec. 9;
Sec. 16;
Sec. 17.

The areas described aggregate 2,560 acres.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 17, 1943.

[F. R. Doc. 43-11810; Filed, July 23, 1943; 9:39 a. m.]

[Public Land Order 150]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH THE PROSECUTION OF THE WAR

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, *It is ordered*, As follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war:

SALT LAKE MERIDIAN

T. 16 S., R. 14 E.,
Sec. 4, lots 3, 4, 5, 6, 11, 12, N½SW¼.
The areas described contain 294.81 acres.

The order of the Secretary of the Interior of May 7, 1935 establishing Utah Grazing District No. 7 is hereby modified to the extent necessary to permit the use of the lands as herein provided.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 17, 1943.

[F. R. Doc. 43-11811; Filed, July 23, 1943; 9:39 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 23 and July 27, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Canvas Products Corporation, 19-23 E. McWilliams Street, Fond du Lac, Wisconsin; Awnings, canvas specialties; 12 learners (T); Hand sewer, Sewing Machine Operator and Presser for a learning period of 320 hours at 35 cents per hour until January 24, 1944.

H. J Fleischhauer's Sons, 68 North 4th Street, Philadelphia, Pa., Cigar Labels; 1 learner (T); Leaf layer for a learning period of 480 hours at 30 cents per hour until January 22, 1944.

Signed at New York, N. Y., this 20th day of July, 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-11806; Filed, July 23, 1943; 9:19 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6527]

WESTERN UNION TELEGRAPH CO. AND POSTAL TELEGRAPH-CABLE CO.

ORDER CONCERNING HEARINGS

In the matter of The Western Union Telegraph Company and the Postal Telegraph-Cable Company "RX" Service for Tourate Messages.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of July, 1943:

The Commission, having under consideration its order of July 9, 1943, herein, suspending the operation of, and ordering a hearing with respect to, tariff schedules filed by the Western Union Telegraph Company providing for the application of "RX" service to Tourate messages; and

It appearing that Postal Telegraph-Cable Company has also filed with the Commission new tariff schedules, effective August 9, 1943, revising its presently effective tariff schedules to provide for the application of "RX" service to mes-

sages in the Tourate classification, such new schedules being designated as follows:

Postal Telegraph-Cable Company

Tariff F. C. C. No. 54
2nd Revised Page 51
Tariff F. C. C. No. 63
2nd Revised Page 104-A

It is ordered, That the hearing ordered by the order of July 9, 1943, herein, for the 12th day of August 1943 shall include the matter of the above-cited tariff schedules, filed by the Postal Telegraph-Cable Company, insofar as they provide for the application of "RX" service to messages in the Tourate classification;

It is further ordered, That insofar as the above-cited tariff schedules of the Postal Telegraph-Cable Company provide for the application of "RX" service to messages in the Tourate classification, the operation of such schedules shall be suspended, and the effectiveness thereof shall be deferred, until November 9, 1943, unless otherwise ordered by the commission, and that during such period of suspension, no changes shall be made in the provisions whose operation is hereby so suspended, or in the provisions sought to be altered thereby, unless authorized by the Commission;

It is further ordered, That a copy of this order shall be filed in the offices of the Federal Communications Commission with the above-cited tariff schedules herein suspended in part; that Postal Telegraph-Cable Company, and all other carriers which participate in the rendition of the service provided under such tariff schedules be, and they are hereby, each made a party respondent to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11825; Filed, July 23, 1943; 11:35 a. m.]

[Docket No. 6528]

PUBLIC UTILITIES CALIFORNIA CORPORATION

ORDER FOR INVESTIGATION

In the matter of Public Utilities California Corporation charges for channels for teletypewriter service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of July, 1943:

The Commission, having under consideration charges filed by the Public Utilities California Corporation, effective July 15, 1943, for channels for teletypewriter service between Burney, California and Redding, California, for use by agencies of the United States Government; and

It appearing, that such rates and charges may be unjustly and unreasonably high, or otherwise unjust and unreasonable, or unlawful;

It is ordered, That an investigation be, and the same is hereby, ordered into the lawfulness of the charges of the Public Utilities California Corporation for channels for teletypewriter service;

It is further ordered, That the Public Utilities California Corporation, the American Telephone and Telegraph Company, the Pacific Telephone and Telegraph Company, and all other carriers participating in the furnishing of teletypewriter service using channels furnished by the Public Utilities California Corporation be, and they are hereby, each made a party respondent in this proceeding; and that a copy of this Order shall be served upon each such respondent and upon the Civil Aeronautics Administration;

It is further ordered, That the matters covered by this order be, and the same are hereby, assigned for hearing at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 25th day of August, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11826; Filed, July 23, 1943; 11:35 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-487]

CITIES SERVICE GAS CO., ET AL.

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING THEREON

JULY 20, 1943.

In the matter of Cities Service Gas Company, Cities Service Transportation and Chemical Company and Cities Service Company.

It appearing to the Commission that:

(a) On July 17, 1943, the Commission received from the State Corporation Commission of the State of Kansas a letter reciting in substance, among other matters, that Cities Service Gas Company proposes to construct a pipeline from the Oklahoma end of the Hugoton gas field across Oklahoma, to connect with and become a part of its pipeline system; that, to its knowledge, no application for authority to construct and operate such line has been filed with any regulatory commission; that Cities Service Gas Company, or its affiliated distributing companies, have advertised in the Kansas City, Missouri, and Topeka, Kansas, newspapers that the supply of gas this coming winter will not be increased by reason of the construction of the proposed pipeline; that, in its opinion, there is available in the Hugoton field more than sufficient natural gas to meet the requirements of the areas now served by Cities Service Gas Company and by other companies that purchase gas from it; that it would be appropriate to determine whether a different location for the proposed pipeline might not better serve the public need; and stating:

We are vitally concerned in the matter of having a sufficient supply of gas for the areas involved. The delay on the part of the Cities Service Gas Company to make application to your Commission for authority to construct and operate the proposed line may seriously affect the supply of gas for the coming winter. In the light of these circumstances, we are wondering if your Commission might not initiate an investigation into the matter of this proposed line and determine what the real situation is so that all interested parties may be fully informed, and some solution worked out that will assure an adequate supply of gas this coming winter in the affected areas. We suggest such an investigation.

(b) On June 19, 1943, Cities Service Gas Company filed a notice of intention to cancel, effective August 22, 1943, its Rate Schedule FPC No. 51, providing for the sale of natural gas to Union Gas System, Inc., for resale to certain industrial consumers; and by letter to the Commission, dated June 30, 1943, Union Gas System, Inc., protested such cancellation of service, requested a hearing, and stated among other things:

We would further like to present evidence to show that the material being granted Cities Service Gas Company by the War Production Board, is being so located in connection with the supply of gas and with their system as to prevent its complete use, and thus continue in force an inadequate supply of gas which will cause an unnecessary shortage in the area, thus permitting them to cancel their lower price contracts and to secure for themselves a complete monopoly of gas distribution in this area.

(c) Cities Service Gas Company, a Delaware corporation having its principal office in Bartlesville, Oklahoma, and authorized to do business in the States of Texas, Oklahoma, Missouri, Kansas, and Nebraska, produces natural gas in the States of Texas, Kansas, and Oklahoma, and purchases natural gas in the States of Kansas, Oklahoma, and Missouri, transports said natural gas from the States in which it is produced or purchased, through, or into other States, and sells such natural gas either directly to consumers or to other gas companies for resale for ultimate public consumption for domestic, commercial, industrial, or other uses, in the States of Texas, Oklahoma, Missouri, Kansas and Nebraska, and is, therefore, a natural-gas company within the meaning of the Natural Gas Act;

(d) Cities Service Gas Company is a wholly-owned subsidiary of Empire Gas and Fuel Company (Delaware), whose outstanding voting stock is in turn controlled by Cities Service Company, the top holding company in the Cities Service system;

(e) On April 6, 1943, Cities Service Gas Company filed a formal application with the War Production Board seeking priority assistance and a preference rating certificate for materials for the purpose of constructing the following facilities: [1]

[1] Hereinafter referred to as the "proposed project."

(1) 240 miles of 26-inch diameter main transmission pipeline extending from a proposed field station in the Hugoton gas field (situated in northwestern Oklahoma, southwestern Kansas, and northeastern Texas) to its Blackwell, Oklahoma, compressor station, having an initial capacity of 140,000 M. c. f. daily;

(2) A compressor station of 8,000 rated horsepower at the Hugoton field terminus of the main outlet transmission line capable of compressing 140,000 M c. f. daily at a discharge pressure of 720 pounds gauge;

(3) Looping of its existing pipeline system from Burbank, Oklahoma, to Tallant, Oklahoma, with 35.25 miles of single 12-inch line to deliver increased quantities of gas to the "East Side" of the present pipeline system;

(4) Looping of the existing 18-inch tie-over immediately south and southeast of Wichita, Kansas, with 11.25 miles of 20-inch pipeline to permit the service of increased demands in the Wichita area and to augment gas deliveries to the "East Side" of the existing system;

(5) Reconditioning of 16 miles of 16-inch line south of Wichita to permit carrying higher pressures for increased throughputs to markets in the Wichita and Hutchinson, Kansas, areas;

(6) 3 miles of 6-inch pipeline to serve the increased fuel requirements of the Socony Oil Refinery at Augusta, Kansas;

(7) Addition of 340 horsepower to Saginaw compressor station in Newton County, Missouri, to "fortify" deliveries of gas to Camp Crowder, Missouri, and to Springfield Gas and Electric Company for resale to consumers in Springfield, Missouri;

(8) Telephone communication facilities to the Hugoton field;

(f) By letter of May 1, 1943, the War Production Board advised Cities Service Gas Company and Cities Service Company that favorable action could not be taken on the application for priority assistance and a preference rating certificate unless assurance could first be given that the following conditions, among others, would be met:

That you will proceed with the entire project immediately upon receipt of our preference rating certificate, acquiring rights o. way, placing all necessary orders for pipe and equipment, prosecuting required applications for approval of regulatory bodies, including the Federal Power Commission, contracting for construction and taking all other reasonable steps to assure completion of the project in time for service during the coming winter.

(g) Cities Service Company, by letter of May 11, 1943, indicated its willingness to make the commitments called for by the War Production Board's letter of May 1, 1943, referred to in paragraph (f) above;

(h) Pursuant to the request of Cities Service Gas Company, made May 19 and May 20, 1943, the application for priority assistance and a preference rating certificate was treated by the War Production Board as amended so that Cities Service Transportation and Chemical Company, a newly formed organization in the Cities Service system, should receive the priority assistance and preference rating certificate originally requested by Cities Service Gas Company;

(i) The War Production Board, in a letter dated May 24, 1943, addressed to Cities Service Company, Cities Service Transportation and Chemical Company, and Cities Service Gas Company, transmitted a preference rating certificate for the proposed project, and stated:

While as requested by you we have issued the preference rating certificate to the Cities Service Transportation and Chemical Company, it is understood that the Cities Service Company, and, to the extent that it is concerned, the Cities Service Gas Company also assume responsibility for compliance with the stated conditions.

(j) The War Production Board, in its letter of May 24, 1943, stated that the preference rating certificate was being issued subject to the "understanding" embodied in its letter of May 1, 1943, to Cities Service Company and in that Company's response of May 11, 1943, and to the following "essential conditions":

(1) That you will proceed with the entire project immediately upon receipt of our preference rating certificate, acquiring rights of way, placing all necessary orders for pipe and equipment, taking all steps necessary with the Federal Power Commission to comply with any applicable requirements of the Natural Gas Act and with all other regulatory commissions having jurisdiction over any phase of this matter, contracting for construction and taking all other reasonable steps to assure completion of the project in time for service during the coming winter.

(2) That you will be prepared to enter into contracts with such neighboring utility systems as may apply to you for assistance in meeting threatened deficiencies during the war, such contracts to extend for the duration of the war and for one year thereafter, or such shorter time as will enable the other systems to augment their supply by alternative measures.

(3) That you will make deliveries of gas pursuant to allocations or directives of the War Production Board irrespective of whether or not contracts have been concluded covering such deliveries.

(k) By letter dated June 3, 1943, addressed to the president of Cities Service Gas Company, the Commission stated among other things that:

In view of the obvious intention of the WPB, and your representations of the urgent necessity for the early construction of the additional pipeline facilities in your area, a proper application for a certificate of convenience and necessity covering the proposed pipe line, in accordance with section 7 (c) of the Natural Gas Act, as amended, should be immediately filed with the Commission.

Mr. W. Alton Jones, President of the Cities Service Company, has stated to us that when priorities were granted, "we hope we can confidently count on your helpful cooperation in the furtherance of this project." This cooperation can be obtained, and delay avoided, by prompt filing of an application for a certificate to the end that we may take the action required here as expeditiously as possible. Your prompt cooperation in this matter would be greatly appreciated.

(l) By letter dated June 12, 1943, the Commission again advised Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company of the provisions of the Natural Gas Act, stating among other things that:

Although several months have elapsed since you expressed a desire to construct a pipeline to the Hugoton field to relieve the emergency in your area, you have refrained from filing an application for a certificate of convenience and necessity pursuant to section 7 (c) of the Natural Gas Act. The Congress in requiring the issuance of such a certificate, as a prerequisite to undertaking the construction or operation of a natural gas pipe line, subject to the jurisdiction of this Commission, thereby provided an opportunity for State regulatory agencies and other interested parties to be heard in the matter. Responsibility for any delay in such proceedings, resulting from your failure to file a timely application, will rest squarely with your company,

and requested that said companies promptly file with the Commission the following information and data:

A copy of all contracts, arrangements and understandings between Cities Service Transportation and Chemical Company, Cities Service Company, Cities Service Gas Company and others, pursuant to which it is proposed to construct, finance and operate the proposed Hugoton line project, including agreements to purchase, transport, process

and sell natural gas, and a copy of the articles of incorporation, together with the names and addresses of the officers, directors and stockholders of the Cities Service Transportation and Chemical Company;

(m) Neither an application for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, nor such information and data have been filed with this Commission; and said companies have failed and refused to file an application for a certificate of public convenience and necessity or furnish the data and information heretofore requested;

(n) Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company are proceeding with the construction of the proposed project in that:

An order for the pipe required for the proposed project was placed on or about June 8, 1943, to be delivered according to the following schedule: 15,000 tons in September, 22,000 to 25,000 tons in October, and the balance of 46,000 tons in November 1943; a field construction office has been established in Ponca City, Oklahoma; engineering and other construction organization has been assembled; reconnaissance of the pipeline route has been completed and the river crossing sites have been selected; negotiations with contracting firms for the laying of the pipeline are proceeding; and right-of-way work at three river crossings and on the eastern end of the line is in progress;

(o) Cities Service Transportation and Chemical Company and Cities Service Company may become natural-gas companies upon completion of the proposed project, and such companies and Cities Service Gas Company may have undertaken the construction or extension of facilities for the transportation or sale of natural gas subject to the jurisdiction of the Commission in violation of section 7 (c) of the Natural Gas Act, as amended; and such companies may undertake to construct or operate facilities, or engage in the transportation or sale of natural gas, subject to the jurisdiction of this Commission, without having first obtained a certificate of public convenience and necessity as required by said section 7 (c);

The Commission finds that:

(1) It is necessary and appropriate, in the public interest, to carry out and aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission, as hereinafter provided, into the facts, conditions, practices and matters herein referred to, and to determine whether:

(i) Cities Service Gas Company, Cities Service Transportation and Chemical Company, Cities Service Company, or any other individual, association, or corporation has violated or is about to violate the provisions of the Natural Gas Act;

(ii) Such companies or any of them should be required to obtain a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended;

(iii) A certificate of public convenience and necessity should be issued to such companies;

(2) The documents, data and information hereinafter required to be filed with the Commission are relevant and material to such investigation;

Wherefore, the Commission orders that:

(A) Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company, at a public hearing to be held commencing August 11, 1943, at 9:45 a. m., in Room No. 527 in the U. S. Court House, Kansas City, Missouri, show cause, if any there be, why:

(i) Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company should not be ordered to file immediately an appropriate application for a certificate of public convenience and necessity for the proposed construction, operation, transportation and sale of natural gas, pursuant to section 7 (c) of the Natural Gas Act, as amended, and the rules and regulations thereunder;

(ii) The Commisison should not forthwith proceed to determine whether said companies are qualified to receive a certificate of public convenience and necessity for the proposed service, sale, operation, construction, and extension, and are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder; whether the proposed service, sale, operation, construction, and extension is or will be required by the present or future public convenience and necessity; and whether the public convenience and necessity will require that terms and conditions be attached to any grant of certificate and exercise of rights thereunder;

(iii) Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company should not be determined to have violated or are about to violate section 7 (c) of the Natural Gas Act, as amended.

(B) The hearing shall also be held for the purpose of affording to said companies an opportunity to be heard with respect to all matters hereinabove referred to, and for the purpose of investigating and determining the facts and circumstances surrounding such matters;

(C) Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company shall file, under oath, with the Commission, on or before August 4, 1943, the following:

A true copy of all contracts, arrangements and understandings, between Cities Service Transportation and Chemical Company, Cities Service Gas Company, Cities Service Company, and between said companies and others, pursuant to which it is proposed to construct, finance, and operate the proposed project, including agreements to purchase, transport, process and sell natural gas; and a true copy of the articles of incorporation of Cities Service Transportation and Chemical Company, together with the names and addresses of its officers, directors and stockholders;

(D) Interested State commissions may participate in this proceeding, as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-11827; Filed, July 23, 1943; 11:59 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1787]

I. G. FARBENINDUSTRIE, A. G.

Re: Patents and patent applications of I. G. Farbenindustrie, A. G., standing of record in the United States Patent Office in the name of Walter H. Duisberg.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie A. G. is a corporation organized under the laws of and having its principal place of business in Germany and therefore is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie A. G.;

3. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Part I of Exhibit A attached hereto and made a part hereof;

(b) Patent applications identified in Part II of said Exhibit A;

(c) Patent applications identified in Part III of said Exhibit A, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications;

(d) All interests and rights (including all royalties or other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie A. G. by virtue of an agreement dated May 4, 1940 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie A. G. and Walter H. Duisberg, which agreement relates, among other things, to patent number 1,630,406, issued May 31, 1927, inventor H. Prillwitz, for mixing apparatus;

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany).

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

PART I

Patents identified as follows, which stand of record in the United States Patent Office in the name of Walter H. Duisberg (or Walther H. Duisberg).

Patent No.	Date	Inventor	Title
1,564,410	12/8/25	Carl Eyer et al., R. Griessbach	Manufacturing solid calcium nitrate.
1,565,691	12/15/25	Franz Vorlander Hermann Weber	Electrode for use in the contact process of making sulphuric acid.
1,567,312	12/29/25	Rudolf Wietzel	Manufacture of formamide.
1,582,675	4/27/26	Reinhold Fick	Production of formamide.
1,630,406	5/31/27	Hans Prillwitz	Mixing apparatus.
1,639,585	8/16/27	Carl Bosch	Manufacture of fertilizers.
1,666,694	4/17/28	Wilhelm Gaus, W. Wild	Producing mixtures of nitrogen and hydrogen.
1,693,441	11/27/28	Friedrich A. Henglein	Process for the production of iodates.
1,698,793	1/15/29	Heinrich Heimann	Artificial fertilizer.
1,712,297	5/7/29	Reinhold Fick	Manufacture of hydrocyanic acid.
1,727,152	9/3/29	Kurt Winkler	Multistage turbomixer.
1,735,407	11/12/29	Eduard Munch	Process for vaporizing formamid.
1,736,080	11/19/29	Heinrich Heimann, H. Seefried, Kreis Bitterfeld, A. Bayerl, and I. Petersen.	Process for opening up materials containing cellulose.
1,754,345	4/15/30	Otto Balz and R. Reuscher	Catalytic oxidation of ammonia.
1,754,909	4/15/30	Carl G. Schwalbe and Hermann Wenzl	Process of rapidly bleaching vegetable fibers of any kind.
1,783,647	12/2/30	Friedrich A. Henglein	Process for the manufacture of metallic nitrates.
1,784,066	12/9/30	Ernst Heinze	Producing hydroxides of alkali metals.
1,788,828	1/13/31	Heinhard Goldberg and Karl O. Schmitt	Production of fertilizers.
1,790,220	1/27/31	Otto Balz, W. Wagner	Conversion of calcium compounds.
1,797,804	3/24/31	Fritz Stoewener	Manufacture of active masses.
1,798,533	3/31/31	Friedrich A. Henglein	Process for the manufacture of nitrates.
1,809,926	6/16/31	Otto Einsler and H. Tietz	Apparatus for condensing condensable vapors.
1,826,369	10/6/31	Curt Schoenburg and G. von der Bruck	Recovery of phenols from gas liquors.
1,824,664	9/22/31	John Eggert and R. Schmidt	Sound box membrane.
1,829,821	11/3/31	Fritz Doerinckel and M. Schliemann	Manufacture of hollow articles of quartz and similar bodies of high melting point and the furnace thereof.
1,835,420	12/8/31	Karl Neundlinger	Manufacture of silicic acid sols.
1,837,680	12/22/31	Eduard Schnitzler	Adhesive strip.
1,839,220	1/5/32	Friedrich A. Henglein and Friedrich W. Stauf.	Purification of metallic salt solutions.
1,840,162	1/5/32	Heinrich Heimann, Erich Oppermann, Irnfried Petersen, and Alfons Bayerl.	Process of opening up the resiniferous wood.
1,840,198	1/5/32	Heinrich Heimann, Irnfried Petersen, Alfons Bayerl, and Hermann Seefried.	Process of the extraction of cellulose from materials containing cellulose.
1,846,221	2/23/32	Wilhelm Michael and Wilhelm Goez	Manufacture of hydrocyanic acid.
1,849,682	3/15/32	Carl Eyer	Production of solid calcium nitrate.
1,851,475	3/29/32	Max Zimmermann	Process for the manufacture of aluminum fluoride.
1,857,296	5/10/32	Carl Eyer, F. Frowein, and F. Korn	Producing ballast-free solid fertilizers.
1,858,413	5/17/32	Erich Noack and Friedrich Schubert	Calcium boride
1,861,915	6/7/32	Max Hagedorn and Adolf Jung	Safety glass.
1,865,304	6/28/32	Michael Otto and L. Bub	Production of volatile fluorides.
1,865,591	7/5/32	Kurt Winkler	Centrifugal multistage mixing apparatus.
1,868,890	7/26/32	Carl Eyer and F. Korn	Mixed fertilizer.
1,873,475	8/23/32	Ernst Pokorny	Calcium molybdate.
1,877,002	9/13/32	Fritz Melms	Apparatus for the manufacture of artificial threads.
1,878,108	9/20/32	Hans Carstens and C. Kroner	Decolorizing silicic acid.
1,883,846	10/18/32	Helmut Korte	Process of bleaching bast fibers, especially bast fibers of linen, hemp, and the like.
1,887,008	11/8/32	Friedrich Klopp	Apparatus for hardening the flanks of spindle and worn threads.
1,887,412	11/8/32	Erich Kayser	Method of bleaching vegetable fibrous substances.
1,892,970	1/3/33	Curt Schumann, Reinhold Fick, and Erwin Oberreit.	Production of cyanides of calcium.
1,896,483	2/7/33	Hans Dohse	Production of sulphur dioxide.
1,897,725	2/14/33	Wilhelm Gaus, K. Hochschwender, and W. Schunck.	Extracting carbon dioxid from gaseous mixture and forming alkaline carbonates.
1,898,532	2/21/33	Max Hardtmann, W. Schepss, and E. Tietze.	Preparing boron trifluoride.
1,901,486	3/14/33	Karl Wurster and Max Gruber	Pure anhydrous aluminum chloride.
1,904,604	4/18/33	Hans Barbr	Producing ammonium sulphate.
1,909,963	5/16/33	Curt Schumann, Reinhold Fick, and Erwin Oberreit.	Production of compounds of calcium and magnesium cyanides.
1,914,425	6/20/33	Friedrich A. Henglein and Friedrich W. Stauf.	Process of dehydrating fluorine compounds.
1,916,797	7/4/33	Friedrich Horner	Process of preparing antimonates.
1,916,803	7/4/33	Paul Ley and Ludwig Teichmann	Production of sodium sulphide.
1,922,492	8/15/33	Eduard Munch, Fritz Nicolai, Reinhold Fick, and Walter Reppe.	Process of producing hydrocyanic acid.
1,927,108	9/19/33	Max Zimmermann	Process for preparing alkaline metal fluorides.
1,931,819	10/24/33	Leopold Hecht	Mixed fertilizer.
1,934,823	11/14/33	Curt Schumann, Reinhold Fick, and Erwin Oberreit.	Production of compounds of calcium cyanide.
1,934,838	11/14/33	Leonid Andrussow	Production of hydrocyanic acid.
1,945,565	2/6/34	Ernst Pokorny and Kurt Schneider	Process of producing heavy metal.
1,947,952	2/20/34	Oswin Nitzschke	Preparing alkaline earth-metal oxides.
1,949,082	2/27/34	Ernest Pokorny	Method of obtaining heavy-metal beryllium alloys.

Patent No.	Date	Inventor	Title
1,949,112	2/27/34	Gustav Schreiber	Riveted plated aluminum article.
1,951,520	3/20/34	Eduard Munch and Fritz Nicolai	Process of producing hydrocyanic acid.
1,952,849	3/27/34	Carl Eyer and F. Korn	Mixed fertilizer.
1,954,936	4/17/34	Albert Lampe	Coloring ceramic materials.
1,955,229	4/17/34	Julius Drucker, P. Lueg, and P. Weise	Manufacture of alkali metal cyanides.
1,956,138	4/24/34	Karl Stalb	Production of anhydrous fused caustic soda.
1,956,920	5/1/34	Alfred Haltmeier	Liquid level indicator.
1,957,749	5/8/34	Leonid Andrussow and Karl Huberich	Catalytic production of hydrocyanic acid.
1,960,347	5/29/34	Phillipp Osswald and O. Scherer	Preparing pure hydrogen fluoride.
1,965,157	7/3/34	Udo Ehrhardt	Process of producing chlorates and perchlorates.
1,960,947	7/17/34	Carl Eyer, G. Baetz, and A. Herterich	Noncaking mixed fertilizer.
1,971,627	8/28/34	Hans H. Stuhlmann and O. Weitermann	Process of and Apparatus for Treating Artificial threads.
1,972,419	9/4/34	Robert Griesbach	Base-exchanging substance.
1,975,482	10/2/34	Rudolf Schulze and W. Brause	Process of producing beryllium fluoride.
1,981,126	11/20/34	Rudolf Schulze	Decomposition of rare earth metal-bearing ores.
1,982,104	11/27/34	Johannes Brode and C. Wurster	Manufacture of anhydrous metal chlorides.
1,984,763	12/18/34	Joachim Rockstrob, F. Raspe and H. Kircher	Manufacture of wurtzite from zinc blende.
1,988,893	1/22/35	Adolf Beck	Seaplane float.
1,989,005	1/22/35	Heinrich Fink and E. Rossner	Solutions of fibroin.
1,992,594	2/26/35	Fritz Winkler	Process of sintering and fusing quartz.
1,993,688	3/5/35	Heinrich Specketer and Ludwig Hebeler	Apparatus for charging, discharging and turning the material in rotary-hearth furnaces.
2,001,784	5/21/35	Wilhelm Hofmann	Apparatus for utilizing heat of condensates.
2,005,997	6/25/35	Carl Krauch, Carl Eyer, Gottwald Baetz and Frederich Korn.	Production of mixed fertilizers.
2,006,981	7/2/35	Leonid Andrussow	Production of hydrocyanic acid.
2,009,509	7/30/35	Theodor Wallis and Oskar Falek	Apparatus for drying vapors or gases.
2,013,753	9/10/35	Carl Hahn	Purification of gases derived from roasting.
2,013,767	9/10/35	Rudolf Schulze	Treating rare-earth metal compounds.
2,017,985	10/22/35	Erich Opfermann and Gustav-Adolf Feldtmann.	Manufacture of cellulose.
2,021,927	11/26/35	Walter Strathmeyer	Sodium nitrate.
2,024,819	12/17/35	Udo Ehrhardt	Apparatus for carrying out electrometric analysis.
2,026,370	12/31/35	Fritz Winkler	Furnace for sintering and fusing quartz.
2,027,477	1/14/36	Ernst Hackhofer and A. Beuther	Manufacture of alkali dichromate.
2,029,604	2/4/36	Joseph Bayer, A. Haltmeier, and K. Henecky	Carrying out exothermic catalytic gas reactions.
2,031,058	2/25/36	Waldemar Kaufmann and Everhard Bungartz	Glass permeable to ultraviolet rays.
2,032,632	3/3/36	Eugen Renschler and Adolf Remele	Process and apparatus for the manufacture of bleaching powder.
2,034,554	3/17/36	Josef Bayer	Production of oleum.
2,036,526	4/7/36	Max Hagedorn and A. Jung	Envelope for gas cells.
2,037,292	4/14/36	Adolf Weihe	Manufacture of films.
2,038,994	4/28/36	Oskar Flieg	Peat fertilizer.
2,042,425	5/26/36	Waldemar Kaufmann, Ludwig Eckstein, and Konrad Rosenberger.	Photoluminescent glass.
2,042,787	6/2/36	Emil Hubert and Arno Matthies	Manufacture of artificial silk.
2,044,885	6/23/36	Johannes Kleine, Hugo Pfannenstiel, and Warner Matthaes.	Spinning artificial silk.
2,044,888	6/23/36	Fritz Overdiek and Herbert Gorke	Process of purifying alkaline metal hydroxide solutions.
2,047,492	7/14/36	Erik Reissmann and Hermann Wolff	Process for manufacturing anhydrous alkali polysulphides.
2,057,959	10/20/36	Waldemar Kling	Process of removing the odor from bleached alkali metal salts of fatty acids.
2,059,032	11/3/36	Paul Esselmann and K. Kosslinger	Manufacture of artificial silk.
2,061,534	11/17/36	Otto Balz, A. Leber, and H. Diekmann	Fertilizer in granular form.
2,063,022	12/8/36	Adolf Beck	Process for improving the resistance to corrosion of aluminum base alloys.
2,063,023	12/8/36	Adolf Beck	Aluminum alloys.
2,075,370	3/30/37	Walter Strathmeyer	Aluminum fluoride.
2,076,131	4/6/37	Herbert Rein	Process of manufacturing polyvinyl derivatives containing nitrogen.
2,076,917	4/13/37	Georg Pfnetzer and Hermann Losch	Weed killing preparations.
2,077,481	4/20/37	Paul Huppert and H. Wolff	Transparent phosphate glass.
2,078,339	4/27/37	Hugo Pfannenstiel and Werner Matthaes	Manufacture of artificial silk.
2,079,786	5/11/37	Adolf Beck	Container having a high resistance to corrosion by alkaline and soda ash solutions.
2,082,511	6/8/37	Walther Zetzsche and Hermann Faber	Process for making a substitute for wool from viscose.
2,083,648	6/15/37	Herbert Gorke	Preparation of alkali metal hydroxide solutions.
2,084,419	6/22/37	Theodor Wallis and Oskar Falek	Dehydrating organic liquids.
2,086,488	7/13/37	Walther Zetzsche, Erich Graumann, Hermann Faber, and Edmund Stik	Manufacture of a substitute for wool.
2,092,386	9/7/37	Hans Bachr and H. Meugdehl	Production of sulphur.

Patent No.	Date	Inventor	Title
2,093,504	9/21/37	Hans Zirngibl	Manufacture of sulphides.
2,094,844	10/5/37	Siegfried Kiesskalt and W. Mejer	Apparatus for purifying gases.
2,095,363	10/12/37	Emil Kaessmann	Drum type drier.
2,096,694	10/19/37	Karl Erb	Process and apparatus for obtaining noble gases.
2,097,120	1/26/37	Heinrich Fink and R. Stahn	Manufacture of nitrogenous cellulose derivatives.
2,100,151	11/23/37	Hans Tietze	Apparatus for producing ice.
2,103,224	12/21/37	Eugen Schweitzer and Siegfried Kiesskalt	Apparatus for testing magnetizable workpieces.
2,104,957	1/11/38	Kurt Thinius	Process of reducing the viscosity of cellulose derivatives.
2,105,831	1/18/38	Leonid Andrussow	Production of hydrogen cyanide.
2,105,852	1/18/38	Zetzsche and Erich Graumann	Manufacture of threads from viscose.
2,116,167	5/3/38	Hermann Espig	Process of preparing a phosphorescent material.
2,117,210	5/10/38	Herbert Rein	Manufacture of shaped articles of polymeric acrylic acid nitrile.
2,117,811	5/17/38	Gustav Mauthe and Hermann Noerr	Tanning.
2,117,965	5/17/38	Siegfried Kiesskalt and W. Mejer	Grinding device.
2,120,513	6/14/38	Richard Stahn	Manufacture of nitrogenous cellulose derivatives.
2,122,889	7/5/38	Otto Nues	Process for the production of acetylene.
2,123,250	7/12/38	Wilhelm Müller and Gerhard Schaufler	Process for the production of depolarizing compositions from native manganese dioxide e. g. pyrolusite.
2,127,383	8/16/38	Heinz van Beek and Thomas Clapham	Production of extensible bundles of artificial threads.
2,127,304	8/16/38	Gustav Mauthe and Hermann Noerr	Tanning.
2,129,854	9/13/38	Gustav Mauthe and Hermann Noerr	Manufacture of leather.
2,131,145	9/27/38	Paul Schlack	Increasing the reactivity of naturally or artificially shaped articles or materials and product obtained thereby.
2,131,146	9/27/38	Paul Schlack	Treatment of materials for varying their affinity.
2,131,533	9/27/38	Karl Daimler and Heinz Thron	Cement mass.
2,132,110	10/4/38	Hermann Holler	Apparatus for surface hardening metal articles.
2,136,264	11/8/38	Siegfried Kiesskalt, Hans Tamplse, Ernst Weingaertner, and Karl Winnacker.	Kneading apparatus.
2,139,246	12/6/38	Paul Spitaler	Casting of aluminum alloys.
2,140,029	12/13/38	Erich Noack and Friedrich Schubert	Heating of boron compounds.
2,140,340	12/13/38	Friedrich Vogel	Production of granular fertilizer.
2,141,276	12/27/38	Herbert Muench and Hermann Loewe	Tanning agents and process of producing the same.
2,141,383	12/27/38	Heinrich Fink and Richard Hofstadt	Process of preparing solutions of cellulose in sulfuric acid.
2,142,007	12/27/38	Paul Schlack	Manufacture of artificial silk.
2,142,386	1/3/39	Hans Tietz	Apparatus and process for producing ice.
2,142,475	1/3/39	Karl Schmann	Device for cutting endless bands of artificial fibers.
2,143,388	1/10/39	Paul Schlack	Manufacture of hydroxyal kylated nitrogen bases.
2,145,198	1/24/39	Siegfried Kiesskalt	Device for mechanically treating thixotropes.
2,148,194	2/21/39	Julius Drucker	Pigments.
2,148,205	2/21/39	Siegfried Kiesskalt	Kneading pump.
2,148,909	2/28/39	Walter Maier	Manufacture of thiazolidine derivatives.
2,149,708	3/7/39	Hans von Recklinghausen and Paul Saffert	Treatment of bundles of artificial fibers.
2,150,134	3/7/39	Philipp Siedler, Erich Kayser, Helmuth Korte, and Wilhelm Waibel.	Method for the bleaching of bast fibers.
2,150,775	3/14/39	Georg Messner	Electrolytic cell.
2,151,971	3/28/39	Hermann Holler	Apparatus for surface hardening the teeth of double helical gears.
2,154,830	4/18/39	Franz Bencker	Electolytic cell.
2,155,034	4/25/39	Otto Eisenhut, H. Rein, and E. Kaupp	Manufacture of artificial silk.
2,154,893	4/18/39	Otto Eisenhut, Hanns Rein, and Hugo Wadmann.	Manufacture of artificial threads or the like.
2,156,422	5/2/39	Otto Baader	Apparatus for carrying out reactions with wire gauze catalysis.
2,156,727	5/2/39	Erich Koerinth and Georg Meder	Blue pigment colors and a process of preparing them.
2,158,523	5/16/39	Georg Pfleiderer	Production of alkali metal.
2,163,956	6/27/39	August Moeller	Process of preparing alkyl xanthic disulphides.
2,164,024	6/27/39	Kurt Schneider and Herman Schunck	Electric arc furnace.
2,165,441	7/11/39	Adolf Beck and Hans Bohner	Free-cutting aluminum alloys.
2,166,325	7/18/39	Herbert Rein	Treatment of cellulosic material.
2,166,365	7/18/39	Josef Martin	Treatment of metals.
2,170,394	8/22/39	Helmut Von Zeppelin	Treating metal mixtures.
2,171,115	8/29/39	Siegfried Kiesskalt and W. Mejer	Grinding device.
2,171,435	8/29/39	Kurt Schneider and Herman Schunck	Electric arc furnace.

Patent No.	Date	Inventor	Title
2,171,436	8/29/39	Kurt Schneider and Hermann Schunck	Electric arc furnace.
2,171,489	8/29/39	Helmut Von Zeppelin	Process for the production of beguline beryllium and beryllium alloys.
2,171,996	9/5/39	Hans Zirngibl and Robert Grassbach	Process for reducing kieserite.
2,171,926	10/3/39	Georg Messner	Process of removing magnesium from aluminum alloys containing magnesium.
2,176,444	10/17/39	Hans Zirngibl	Process of preparing aluminates.
2,178,102	10/31/39	Werner Huehn	Iron tanned leather and process of making same.
2,180,085	11/14/39	Hermann Holler and Otto Mues	Apparatus for the preparation of acetylene.
2,183,226	12/12/39	Herbert Rein	Sizing of textile materials.
2,183,754	12/19/39	Paul Schlack	Process of dyeing.
2,184,477	12/26/39	Philipp Siedler, Erich Kayser, Helmut Korte, and Wilhelm Waibel	Apparatus for carrying out the bleaching of bast fibers.
2,184,692	12/26/39	Adolf Beck and Hans Bohner	Free cutting al oys.
2,184,693	12/26/39	Adolf Beck and Hans Bohner	Free cutting alloys.
2,184,923	12/26/39	Alfred Haltmeier	Process of recovering ammonia from used cuprammonium artificial silk precipitation liquors.
2,186,394	1/9/40	Paul Spitaler	Castings of aluminum alloys.
2,187,567	1/16/40	Paul Esselmann, P. Kosslinger, and P. Saffert	Crimping device.
2,187,822	1/23/40	Hugo Querengasser	Manufacture of pigments.
2,191,296	2/20/40	Johannes Kleine, Walther Zetzsche, and Paul Saffert.	Manufacture of artificial fibers for spinning.
2,193,173	3/12/40	Karl Jellinek	Bleaching of cellulose fibers in peroxide baths.
2,195,210	3/26/40	Erich Graumann and Gustav-Adolf Schroter	Artificial filaments capable of being dyed with wool and chrome dyestuffs.
2,196,153	4/2/40	Josef M. Michel	Process of regenerating fused saltpeter baths.
2,198,045	4/23/40	Robert Suchy and Georg Messner	Process for the electrolysis of sulphate solutions.
2,199,313	4/30/40	Hermann Holler and Willi Flasskamp	Apparatus for surface hardening toothed wheels.
2,200,134	5/7/40	Paul Schlack	Process for producing shrinkage effects in textiles.
2,200,135	5/7/40	Paul Schlack	Process for producing crepe effects in textiles.
2,200,140	5/7/40	Adolf Wilecka	Apparatus for unwinding loose windings of threads.
2,200,478	5/14/40	Kurt Schirrmeister	Preparing antimony trioxide pigments.
2,200,520	5/14/40	Fritz Rusch and Paul Sander	Head of convex barrels.
2,200,529	5/14/40	Hans Baehr and K. Braus	Production of sulphur.
2,201,111	5/14/40	Josef M. Michel	Heat treatment of metals.
2,202,233	5/28/40	Konrad Schad	Stabilizing luminescent alkaline earth metal sulfides.
2,202,234	5/28/40	Konrad Schad and Robert Ketger	Stabilizing luminescent alkaline earth metal sulfides.
2,204,005	6/11/40	Robert Suchy	Hardening steel wires.
2,204,454	6/11/40	Ludwig Teichman and Hans Martini	Decomposition of zirconium ores.
2,204,501	6/11/40	Alwin Krauss	Method of obtaining pure noble gases.
2,204,522	6/11/40	Max Werner	Operation of steam turbines.
2,207,383	7/9/40	Wolf Rodenacker and Emil Baumann	Apparatus for producing rayon. Staple fibers from continuous rayon filaments.
2,208,095	7/16/40	Paul Esselmann	Producing insoluble condensation.
		K. Kosslinger and J. Dusing	Products containing sulphur and nitrogen.
2,208,101	7/16/40	Josef M. Michel	Preventing corrosion in cooling or heating systems.
2,208,857	7/23/40	Paul Schlack	Process for saponifying textile materials.
2,208,867	7/23/40	Hermann Holler and Otto Mues	Indicating quantity of calcium carbide in acetylene generators.
2,211,547	8/13/40	Joseph Reichart	Production of liquefied chlorine.
2,213,131	8/27/40	Karl Wintersberger and Walter Spormann	Purifying calcium hydroxide masses.
2,213,125	8/27/40	Emil Hubert and Herbert Rein	Manufacture of materials resembling crepe.
2,214,211	9/10/40	Helmut Von Zeppelin	Producing zirconium metal.
2,215,112	9/17/40	Heinz van Beek, Ernest Worn, Karl Sohmann, and Reinhard Jesse.	Apparatus for producing a uniform sliver of continuous rayon filaments.
2,215,856	9/24/40	Georg Pfleiderer	Manufacture of hydrogen, alkali metal and alkali metal peroxides.
2,215,883	9/24/40	Hans-Joachim Riedl and Georg Pfleiderer	Producing hydrogen peroxide.
2,220,441	11/4/40	Paul Esselmann and J. Dusing	Synthetic resinous composition.
2,222,532	11/19/40	John Eggert and B. Wendt	Sheet material.
2,223,348	12/3/40	Karl Boedeker and O. Kohler	Apparatus for introducing gases into liquids.
2,224,994	12/17/40	Kurt Thinius	Process of producing sundry articles.
2,224,997	12/17/40	Ernst Weisse	Coiling means for metal bands for the purpose of heat treating the same.
2,227,082	12/31/40	Hans G. Grimm and Paul Huppert	Phosphate glass.
2,227,928	1/7/41	Julius Drucker	Composition of matter containing an iron phosphate pigment.
2,228,923	1/14/41	Waldemar Kaufmann and Alwin Krauss	Preparing boron carbides
2,230,702	2/4/41	Robert Griessbach, Walter Sutterlin, and Hans Zirngibl	Preparing magnesia and sulphur dioxide.
2,231,497	2/11/41	Fritz Gajewski, F. Melms, and K. Jehle	Apparatus for producing a continuous sliver composed of rayon staple fibers from endless rayon filaments.

Patent No.	Date	Inventor	Title
2,231,890	2/18/41	Paul Esselmann and J. Dusing	Improving the dyeing properties of artificial fibers, foils, films, ribbons, and the like, and products obtained therefrom.
2,231,891	2/18/41	Paul Esselmann and Josef Dusing	Producing natural or artificial fibers having dyeing properties resembling those of wool and products obtained thereby
2,231,892	2/18/41	Paul Esselmann and J. Dusing	Annealizing textile product.
2,232,299	2/18/41	Walter Zetzsche and Franz Schiele	Manufacture of extensible slivers of artificia fibers
2,232,318	2/18/41	Paul Esselmann and J. Dusing	Improving the dyeing properties of artificial fibers, foils, films, ribbons, and the like and products obtained therefrom.
2,232,327	2/18/41	Bernhard Hubald	Electric heating element.
2,244,216	3/11/41	Walther Zetzsche, Franz Schiele and Richard Hartmuth	Apparatus for producing extensible sliver or roving of rayon staple fibers.
2,234,217	3/11/41	Walther Zetzsche, Franz Schiele, and Richard Hartmuth	Apparatus for producing an extensible sliver or roving.
2,234,330	3/11/41	Walther Zetzsche, Franz Schiele, Georg Ludwig, Wolf Rodenanker, Emil Baumann, and Richard Hartmuth.	Method of producing extensible slivers or rovings and means therefor.
2,235,508	3/18/41	Helmut Von Zeppelin	Producing Alloys containing zirconium.
2,237,017	4/1/41	Kurt Thinius	Improvements in attaching gelatin layers to supports of polymerized vinylchloride.
2,238,730	4/15/41	Otto Hauffe	Manufacture of sheets of films of, artificial materials.
2,238,949	4/22/41	Paul Schlack	Process of modifying the electro-chemical properties of shaped articles.
2,241,493	5/13/41	Heinrich Van Thiel	Protecting internal surfaces of iron container.
2,242,477	5/20/41	Osswald Philipp and Walter Geisler	Preparing hydroxylamine hydrochloride.
2,242,492	5/20/41	Helmut Von Zeppelin	Producing beryllium compounds.
2,242,493	5/20/41	Helmut Von Zeppelin	Producing beryllium compounds.
2,242,497	5/20/41	Edmund Zintl, Walter Krings, and Wilhelm Brauning.	Removing silica from minerals.
2,242,759	5/20/41	Helmut Schlecht and Michael Jahrstorfer	Reducing oxides of chromium, etc.
2,243,501	5/27/41	Karl Daimler and Heinz Thron	Cement mass.
2,245,155	6/10/41	Josef M. Michel	Producing stable fused saltpeter baths.
2,246,045	6/17/41	Gerhard Hirschberg	Warm press for separation of viscous resinous substances.
2,246,070	6/17/41	Paul Schlack	Manufacture of basic substituted shaped materials.
2,246,511	6/24/41	Paul Esselmann, K. Kosslinger and J. Dusing	Textile material.
2,248,459	7/8/41	Siegfried Kiesskalt	High frequency sound generators.
2,248,472	7/8/41	Edmund Zintl, Wilhelm Brauning, and Walter Krings.	Removing silica from alum no-silicates.
2,250,687	7/29/41	Helmut Von Zeppelin	Producing alloys of a base metal.
2,251,088	7/29/41	Helmut Von Zeppelin	Producing beryllium.
2,251,089	7/29/41	Helmut Von Zeppelin	Producing alloys containing beryllium.
2,252,279	8/12/41	Heinrich Zur Strassen and Hans Zirngibl	Manufacture of sulphur dioxide and Portland cement.
2,252,280	8/12/41	Otto Balz, H. Hamacher, and W. Wagner	Decomposition of water-insoluble phosphates.
2,252,281	8/12/41	Otto Balz and H. Hamacher	Decomposing water-insoluble phosphates.
2,252,361	8/12/41	Hans Bothmann and Walter Mannchen	Aluminum base alloys, especially for rivets.
2,254,777	9/2/41	Paul Esselmann and Fritz Davidshofer	Process for producing artificial silk.
2,255,107	9/9/41	Reinhold Fick and K. Wintersberger	Manufacture of pure sodium cyanide.
2,255,114	9/9/41	Alfred Haltmeier	Recovering ammonia from spent Cuprammonium silk precipitation liquors.
2,257,162	9/30/41	Paul Esselmann and Josef Dusing	Synthetic resins.
2,257,163	9/30/41	Paul Esselmann and J. Dusing	Synthetic resin stable against dilute acids and alkalies.
2,257,988	10/7/41	Robert Suchy and Helmuth Seliger	Producing aluminum calcium alloys.
2,259,394	10/14/41	Helmut Schlecht and Leo Schlecht	Recovering oxides of titanium, etc.
2,259,403	10/14/41	Helmut Von Zeppelin	Producing and recovering beryllium chloride.
2,259,469	10/14/41	Wilhelm Wenzel and Erich Hayek	Reactivating desulphurizing masses.
2,259,697	10/21/41	Kurt Jehle and Karl Schmander	Apparatus for making continuous sliver of rayon staple fibers.
2,260,513	10/28/41	Hermann Delle	Manufacture of curled artificial fibers.
2,261,210	11/4/41	Adolf Beck, Gustav Siebel, and Hugo Vosskuhler.	Aluminum alloys.
2,261,240	11/4/41	Paul Esselmann, K. Kosslinger, and J. Dusing	Treating textile materials.
2,261,257	11/4/41	Siegfried Kiesskalt and Wilhelm Schnich	Machine for squeezing and heating plastic masses.
2,261,313	11/4/41	Kurt Thinius and Fritz Loblein	Process for uniting materials of polymerized vinylchloride with wood, leather or the like.
2,261,259	11/4/41	Karl Kosslinger and Paul Saffert	Extensible sliver and the method of its production.
2,261,294	11/4/41	Paul Schlack	Process of increasing the affinity of fibers and films.
2,261,295	11/4/41	Paul Schlack	Artificial textile materials.

Patent No.	Date	Inventor	Title
221,712	7/28/38	Emil Hubert, Heinrich Demus, and Herbert Klein.	Process of improving the properties of resin, linoleum, etc.
226,597	8/24/38	Franz Koehler	Recovery of nitrogen and oxygen.
230,425	9/17/38	Fritz Osterloh, Karl Frank, and Karl Erb	Process of preparing exchangeable linings for metallic vessels.
232,096	9/28/38	Max Hagedorn	Process of producing films, foil, threads and the like from brittle high polymeric Lead dioxide.
232,102	9/28/38	Michael Jahrstorfer, Hanns Spohn, and Helmut Schmidt.	Welding burners.
236,013	10/20/38	Ludwig Hunsicker	Production of peroxides.
238,795	11/4/38	Georg. Theiderer and Hans Joachim Riedel	Method and apparatus for the wet treatment of fibrous materials and the like.
239,062	11/5/38	St. Kieskalt, Josef Nuesslein, K. Winnacker, Josef Gunthermann.	Process of producing pigmented synthetic fibers.
239,318	11/7/38	Georg Rohner and Josef Dusing	Manufacture of a zinc white pigment.
245,674	12/14/38	Julius Drecker and Paul Wolskl	Process for the purification of metal salt
246,252	1/4/39	Heinrich Kircher and Georg Meder	solutions.
253,775	1/31/39	Hans Wolff	Manufacture of colored coatings capable of indicating temperatures.
253,782	1/31/39	Wilhelm Muller, Gerhard Schaufler	Electrolytic production of permanganates.
259,214	3/1/39	Emil Hubert and Erwin Hohenberg	Water-repellent cellulosic textile materials.
262,776	3/18/39	Emil Hubert, Erwin Hohenberg, and Hans Rudolf.	Water-repellent cellulosic textile material.
263,878	3/24/39	Robert Suchy and Georg Messner	Cell for the production of metals by electrolysis of fused electrolytes.
267,340	4/11/39	Max Otto Schurmann, Johann D. Holtz	Artificial threads.
271,504	5/3/39	Erwin Nitzelnadel and Karl Zahn	Manufacture of hyposulfite.
273,040	5/11/39	Wilhelm Muller and Leonhard Spies	Process for the production of a highly dispersible pigment.
274,166	5/17/39	Werner Honsberg	Process and apparatus for the electrolytic production of alkali metal or alkaline earth metal compounds.
275,397	5/24/39	Fritz Loblein	Process for the continuous production of polyisobutylene-foils by rolling.
280,571	6/22/39	Josef Michel, Fritz Hennebergr	Artificial threads and filaments.
283,175	7/7/39	Heinrich Fink and Hans von Beckhlingmasen	Method of spinning artificial fibers and apparatus therefor.
286,034	7/22/39	Emil Hubert and Herbert Rein	Shaped articles of rubber or resins.
286,989	7/27/39	Rudolf Schulze	Process for the production of hydroxylamine salts.
291,895	8/23/39	Georg Kalb	Recovery of sulphur dioxide from gases.
318,958	3/4/40	Paul Esselmann	Animalizing of artificial filaments.
333,420	5/4/40	Paul Esselmann and Josef Dusing	Process for the improvement of fibers, filaments, ribbons, yarns, knitted articles and the like of cellulose structures animalized with synthetic polymeric compounds.
350,773	8/23/40	Paul Schinck	Process for producing fibers foils or the like from highly polymeric compounds.
357,790	9/21/40	Kurt Riess, Friedrich Endress, and Adolf Knodel.	Process of continuously ripening alkali cellulose.

[F. R. Doc. 43-11726; Filed, July 22, 1943; 9:33 a. m.]

PART II

Patent applications which are identified as follows, and which stand of record in the United States Patent Office in the name of Walter H. Duisberg (or Walther H. Duisberg):

Serial No.	Filing date	Inventor	Title
202,807	4/19/38	Karl Frank	Process of impacting a fitted foundation for the installation of metallic articles.
216,072	6/21/38	Alfred Friederich and Reinhold Wieland	Mechanical-electrical drive for bobbin-spinning machines.
270,203	4/26/39	Karl Bomer	Treatment of casein fibers.
281,860	6/29/39	Ernst Podschus and Georg Meder	Manufacture of titanium trioxide pigments.
282,284	8/28/39	Heinrich Fink, Gustav Kath, and Rich. Hofstadt	Process for the spinning of cellulose solutions in strong mineral acids.
286,445	12/15/39	Franz Koehler	Recovery of nitrogen and oxygen.
300,607	12/16/39	Rich. Hofstadt and Heinrich Fink	Delustered articles.
315,927	2/24/40	Paul Esselmann	Production of synthetic resins fast to acids and alkali.

PART III

Patent applications which are identified as follows, and which stand of record in hte United States Patent Office in the name of Walter H. Duisberg (or Walther H. Duisberg):

Serial No.	Filing date	Inventor	Title
55,946	12/24/35	Adolf Jhock	Aluminum alloys.
87,334	11/4/36	Paul Schinck	Manufacture of shaped articles.
111,253	11/17/36	Paul Schinck	Process of modifying organophilic highly polymeric bodies.
136,720	4/14/37	Hans Dohse and K. Winterstarger	Mechanical-electrical drive for bobbin-spinning machines.
140,171	5/1/37	Adolf Brek	Process of improving the resistance to corroding agents of aluminum base alloys.
145,085	5/27/37	Hans Wolff	Temperature indicating colored coatings.
163,744	9/14/37	Paul Esselmann and Josef Dusing	Cellulose fibers resembling wool.
167,533	10/6/37	Herbert Rein	Cleaning of textile materials.
173,070	11/6/37	Kurt Riess, F. Endress, and Adolf Knodel	Process for ripening alkali cellulose and apparatus therefor.
187,220	1/27/38	P. Esselmann, K. Jehle and Fritz Davidshofer	Rubber fabrics for tyres, conveyor bands, and the like.
191,984	2/23/38	Paul Esselmann, K. Koellner, and Willy Neuy.	Production of artificial wool from viscose.
195,945	3/15/38	George Messner	Mercury electrodes.
197,070	3/24/38	Karl Horner and Heinrich Fink	Process for hardening casein fibers.
206,118	5/5/38	Heinrich Fink and Hans von Beckhaushausen	Method of spinning artificial fibers and apparatus therefor.
207,573	5/12/38	Werner Huehn and Watfried Hintz	Production of water soluble basic aluminum compounds.
210,166	5/26/38	Walther Zetzsche and W. Hartkohne	Method of producing delustered viscose.
218,761	7/15/38	Wilhem Muller and G. Schaufler	Hydrocarbone compositions.
221,364	7/26/38	Hanns Rein, Otto Eisenlutz, H. Gasser, and Hans Rabe.	Process of spinning viscose.

OFFICE OF DEFENSE TRANSPORTATION.

BREYER ICE CREAM CO. AND SUPPLEE-WILLS-JONES MILK CO., PHILADELPHIA, PA.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a General order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), Breyer Ice Cream Company and Supplee-Wills-Jones Milk Company, both of Philadelphia, Pennsylvania, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of ice cream and related products, between points in Pennsylvania and New Jersey.

The participants in the plan propose to eliminate wasteful operations in the transportation and delivery of ice cream and related products in special refrigerator trucks, by pooling the use of these trucks. They plan to pool deliveries on their routes from Philadelphia to Atlantic City, Trenton, and Wildwood, New Jersey, and to retailers within the areas served by them from Atlantic City, Trenton, and Wildwood, and Allentown, Pennsylvania, and elsewhere. They estimate that effectuation of the plan will result in a minimum saving of 4,000 truck-miles a month. The plan contemplates no joint selling activities or any other change in trade practices.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 17th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-11814; Filed, July 23, 1943; 10:31 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 21, 1943.

Order number:	Name
MPR 120, Order 224	Martin Sewell Coal Co.
MPR 186, Order 4	Bay City Box Co.
MPR 239, Order 5	Armour & Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11829; Filed, July 23, 1943; 11:45 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 22, 1943.

Order number:	Name
MPR 114 Order 4	Rayonier, Inc.
MPR 246 Order 8	New Idea, Inc.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11828; Filed, July 23, 1943; 11:45 a. m.]

No. 146——6

Regional, State and District Office Orders.

[Region IV Order G-1 Under MPR 122]

BAGGED COAL IN RICHMOND AND HENRICO COUNTY, VA.

Order No. G-1 under Maximum Price Regulation No. 122—Miscellaneous Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers. Adjustment of maximum prices for bagged coal for the City of Richmond and the County of Henrico, Virginia. (Formerly Price Order No. 122-257 (b) (3)-1-Temporary.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of coal sold in 12 lb. bags, both at wholesale and retail, exists in the independent city of Richmond, Virginia, and in Henrico County, Virginia. The Regional Administrator has further found that supply of such coal is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in such area will be eliminated by adjusting the maximum prices of sellers of such coal in such area to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage or a need for increase in prices in other localities and will effectuate the purposes of the Emergency Price Control Act of 1942, as Amended.

Therefore, under the authority vested in the Regional Administrator by § 1340.-257 (b) (3) of Maximum Price Regulation No. 122, *It is hereby ordered*, That:

I. *Adjusted maximum prices for coal sold in 12 pound bags.* On and after December 30, 1942, the maximum price for coal in 12 lb. bags sold and delivered within the boundaries of the independent city of Richmond, Virginia and within the boundaries of Henrico County, Virginia, by any person at wholesale shall be 7½¢ per bag; and the maximum price for coal in 12 lb. bags sold and delivered within the boundaries of the independent city of Richmond, Virginia and Henrico County, Virginia, by any person at retail shall be 9¢ per bag, 3 bags for 25¢.

II. *Definitions.* For the purpose of this order:

(1) "The independent city of Richmond, Virginia" shall mean the area included within the established boundaries of such city.

(2) "Henrico County, Virginia" shall mean the area included within the established boundaries of such county.

(3) "Coal sold in 12 lb. bags" and "coal in 12 lb. bags" means a paper or other similar bag containing 12 lbs. of coal net weight.

(4) The terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

(5) All the terms used, unless the context otherwise requires, shall be construed in accordance with § 1340.258 of Maximum Price Regulation No. 122.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall, in writing, notify each purchaser of the maximum prices established by this order for sales at wholesale, within 5 days after the first delivery of such product to such purchaser after the effective date hereof. The written notifications required in this subparagraph shall contain the following statement:

By order No. G-1 issued by the Atlanta Regional Office December 29, 1942, and effective December 30, 1942, the Regional Administrator of the Office of Price Administration for Region IV, established maximum prices for coal sold in 12 pound bags in the city of Richmond, Virginia, and in Henrico County, Virginia, as follows:

Wholesale _____ 7½¢ per bag.
Retail_____ 9¢ per bag, 3 bags for 25¢.

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(2) Every person making sales and deliveries at wholesale or retail pursuant to this order shall keep posted a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of Maximum Price Regulation No. 122.* Except as otherwise provided herein all transactions subject to this order remain subject to all of the provisions of Maximum Price Regulation No. 122, together with all amendments that have been heretofore or may be hereafter issued.

V. *Effective date.* This order shall become effective December 30, 1942.

This order may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-11783; Filed, July 22, 1943; 11:19 a. m.]

[Region IV Order G-1 Under MPR 154, as Amended]

ICE IN ANSON COUNTY, N. C.

Order No. G-1 under Maximum Price Regulation No. 154, As Amended—Ice. Adjustment of maximum prices for ice for Anson County, North Carolina. (Formerly Price Order No. 154-1.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of ice is threatened in Anson County, North Carolina. The Regional Administrator has further found that a supply of ice is essential to a standard of living consistent with the prosecution of the war; that the threatened shortage in Anson County, North Carolina, will be eliminated by adjusting the maximum prices of ice to the extent permitted by this order; and that such adjustment will not create or tend to create a need for increase in prices in another locality, and will effectuate the purposes of the Emer-

gency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by § 1393.8 (e) of Maximum Price Regulation No. 154, as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for ice.* On and after the 11th day of February 1943, regardless of any contract or other obligation, no person shall sell or deliver in Anson County, North Carolina, any ice to consumers, and no person in the course of trade or business shall buy ice for consumption at prices higher than the maximum prices set forth below:

Size or quantity:	*Maximum prices*
200 lb. blocks	$1.25
200 lb. blocks	.90
150 lb. blocks	.75
100 lb. blocks	.60
75 lb. blocks	.45
50 lb. blocks	.30
25 lb. blocks	.15
15 lb. blocks	.10
5,000 lb. coupon books	22.50
1,000 lb. coupon books	5.25
500 lb. coupon books	2.65

The prices established in this Atlanta Regional Order No. G–1 include delivery at the purchaser's premises and the other services incident to the sale of such ice customarily performed by the seller in April, 1942.

All credit terms, discounts, allowances, and price differentials, offered by the seller during April, 1942, shall be maintained.

II. *Definitions.* (a) "The sale of ice to consumers" or "the sale of ice for consumption" means the sale of or selling of ice to domestic, commercial, or industrial consumers, but does not include sales to persons for resale the maximum prices for which sales shall be as heretofore established by the terms of Maximum Price Regulation No. 154, as amended.

(b) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1393.10 of Maximum Price Regulation No. 154 as amended.

III. *Records and reports.* (a) Every seller whose maximum prices are established by this order must keep posted at a conspicuous place in his place of business a copy of this order.

(b) Every seller whose maximum prices are established by this order shall post in a manner visible to the public on the right hand side of each truck or delivery wagon a list of the maximum prices established by this order containing the statement that these maximum prices were established by Order No. G–1 effective February 11th, 1943.

(c) Every seller whose maximum prices are established by this order shall keep for inspection by the Office of Price Administration a record of each sale of ice made by him on and after the effective date of this order. Such record must show the date of delivery, quantity of ice sold, the name of the purchaser, and the amount charged for the sale.

IV. *Applicability of Maximum Price Regulation No. 154, as amended.* Except as otherwise provided herein all transactions subject to this order remain subject to all of the provisions of Maximum Price Regulation No. 154 as amended, together with all amendments and supplementary regulations and orders that have been heretofore or may be hereafter issued.

V. *Effective date.* This order No. G–1 shall become effective the 11th day of February, 1943.

This order may be revoked or amended at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of February 1943.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 43–11782; Filed, July 22, 1943; 11:16 a. m.]

[Region IV Order G–1 Under 3 (c)]

SYRUP BARRELS FOR THE W. B. RODDENBERY CO.

Order No. G–1 under § 1499.3 (c) of the General Maximum Price Regulation. Adjustment of reconditioned used syrup barrels for the W. B. Roddenbery Co., Cairo, Georgia, and retail outlets purchasing from such company. (Formerly Price Order No. 3 (c)–1).

The W. B. Roddenbery Company, Cairo, Georgia, has made application under § 1499.3 (c) of General Maximum Price Regulation for determination of a maximum price for reconditioned used standard half barrels of approximately 35 gallons capacity, mainly of cypress construction used in the packaging of raw sugar cane syrup, and known to the trade as "syrup barrels". Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith. For the reasons set forth in the opinion under the authority vested in the Regional Administrator of the Office of Price Administration for Region IV by Administrative Order 25, (redesignated as General Order No. 32) issued and effective September 1, 1942, and in accordance with § 1499.3 (c) of General Maximum Price Regulation, *It is hereby ordered*, That:

I. *Authorization of a maximum price for reconditioned used syrup barrels for the W. B. Roddenbery Company and other persons.* (1) On and after November 7, 1942, regardless of any contract or other obligation, the W. B. Roddenbery Company may sell or deliver to any retail dealer for resale, and any retail dealer may, from the W. B. Roddenbery Company, buy or receive for resale a reconditioned used syrup barrel at a price no higher than $2.80 per barrel.

(2) On and after November 7, 1942, regardless of any contract or other obligation, the W. B. Roddenbery Company, any retail dealer or other person, may sell or deliver to an ultimate consumer a reconditioned used syrup barrel at a price no higher than $2.85 per barrel.

(3) The stated maximum prices shall include the furnishing of all services customarily performed by the seller during the 1941 selling season incidental to the sale of reconditioned used syrup barrels, including, but not limited to, terms of delivery and replacement and adjustment of defective units.

(4) All credit terms, discounts, allowances and price differentials offered by the seller during the 1941 selling season shall be maintained.

II. *Requirements of marking.* All reconditioned used syrup barrels sold pursuant to this order shall be marked by the W. B. Roddenbery Company prior to sale and delivery by branding, stencil or other customary permanent means in such a manner that such unit shall be capable of immediate identification as a Roddenbery barrel.

III. *Requirements of notification and posting.* (1) The W. B. Roddenbery Company shall on or before the effective date of this order, deliver a copy of such order to each retail dealer to whom deliveries of any reconditioned used syrup barrels have been made during the 1941 selling season, or during that portion of the 1942 selling season prior to the effective date hereof; and shall deliver a copy of such order to any other retail dealer on or before the first delivery of any such barrel to such other retail dealer after the effective date hereof.

(2) Every person making sales subject to this order shall post a copy of this order in a conspicuous place in his place of business, and shall make such order available during business hours for examination by any person requesting to see same.

IV. *Definitions.* For purposes of this order:

(1) "Retail dealer" shall mean any person who buys and receives reconditioned used syrup barrels for resale to the ultimate consumer.

(2) "Ultimate consumer" shall include any person who buys or receives reconditioned used syrup barrels for purposes of packaging raw sugar cane syrup at the place of production thereof, and such person for purposes of this regulation shall not be considered to be an industrial or commercial user.

(3) "Selling season" shall mean the months of October, November and December.

(4) "Reconditioned used syrup barrel" shall mean a standard half barrel of approximately 35 gallons capacity, mainly of cypress construction, to which all operations of cleaning by steam, recooperage and of other reconditioning customary to the trade have been fully performed prior to the time of sale and delivery and which bears the marking required by paragraph II of this order.

(5) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

V. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

VI. *Effective date.* This order shall become effective November 7, 1942.

This order may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–11784; Filed, July 22, 1943; 11:19 a. m.]

[Region IV Order G–1 Under 18 (c)]

FLUID MILK IN BLACKSTONE, NOTTOWAY COUNTY, VA.

Order No. G–1 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for the municipality of Blackstone, Nottoway County, Virginia. (Formerly Price Order No. 18 (c)–1, Revised).

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of fluid milk, both at wholesale and at retail, is threatened in the municipality of Blackstone, Nottoway County, Virginia. The Regional Administrator has further found that supply of fluid milk is essential to a standard of living consistent with the prosecution of the war; that the threatened shortage in the municipality of Blackstone, Nottoway County, Virginia will be eliminated by adjusting the maximum prices of sellers of fluid milk in the municipality to the extent permitted by this Order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered*, That:

I. *Adjusted maximum price for Grade A pasteurized milk.* On and after December 30, 1942, the maximum price for Grade A pasteurized milk sold and delivered in the municipality of Blackstone, Nottoway County, Virginia, by any person at wholesale shall be 16¢ per quart, 9¢ per pint and 5¢ per half-pint; and the maximum price for Grade A pasteurized milk sold and delivered in the municipality of Blackstone, Nottoway County, Virginia by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 17¢ per quart and 10¢ per pint.

II. *Definitions.* (1) "Municipality of Blackstone, Nottoway County, Virginia" shall mean the area included within the established municipal boundaries of such municipality.

(2) "Grade A pasteurized milk" shall mean liquid Grade A Pasteurized milk containing 3.5 to 3.6 butter-fat content, in half-pint, pint and quart glass bottle containers.

(3) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs II (1) and (2) shall contain the following statement:

By Order No. G–1 issued by the Atlanta Regional Office on December 23rd and effective on December 30th, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Grade A pasteurized milk in the municipality of Blackstone, Nottoway County, Virginia, as follows:

	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Wholesale	16	9	5
Retail	17	10	

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller".

(4) Every person making sales and deliveries of Grade A pasteurized milk at wholesale or retail pursuant to this order shall post a copy of this order and the opinion in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Revocation of Atlanta Regional Price Order No. 18 (c)–1.* Atlanta Regional Price Order No. 18 (c) issued by the Atlanta Regional Office on November 16th and effective November 16th is hereby revoked.

VI. *Effective date.* This order No. G–1 shall become effective December 30th, 1942. This order No. G–1 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–11785; Filed, July 22, 1943; 11:16 a. m.]

[Region IV Order G–2 Under 18 (c)]

FLUID MILK IN TROUP COUNTY, GA.

Order No. G–2 under § 1499.18 (c), as amended of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Troup County, Georgia. Formerly Price Order No. 18 (c)–2.

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of pasteurized Grade A milk, both at wholesale and at retail, exists in Troup County, Georgia. The Regional Administrator has further found that a supply of pasteurized Grade A milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Troup County, Georgia, will be eliminated by adjusting the maximum prices of sellers of Grade A pasteurized milk in Troup County, Georgia, to the extent permitted by this Order: and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c), as amended, of General Maximum Price Regulation, as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for Grade A pasteurized milk.* On and after December 8, 1942, the maximum price for Grade A pasteurized milk sold and delivered within the boundaries of Troup County, Georgia, by any person at wholesale shall be 14¢ per quart, 7¢ per pint, and 3½¢ per half-pint; and the maximum price for Grade A pasteurized milk sold and delivered within the boundaries of Troup County, Georgia, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment of consumption on the premises, shall be 16¢ per quart, 8¢ per pint, and 5¢ per half-pint.

II. *Definitions* for purposes of this order:

(1) "Troup County, Georgia," shall mean the area included within the established boundaries of such county.

(2) "Grade A pasteurized milk" shall mean liquid Grade A Pasteurized Milk in half-pint, pint and quart glass bottle containers.

(3) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before

the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G–2 issued by the Atlanta Regional Office on November 28, and effective December 8, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Grade A pasteurized milk within the boundaries of Troup County, Georgia, as follows:

	Wholesale	Out of retail store	Retail home delivered
	Cents	*Cents*	*Cents*
Quarts	14	16	16
Pints	7	8	8
Half-pints	3½	5	5

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of Grade A pasteurized milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–2 shall become effective December 8, 1942.

This order No. G–2 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th Day of November 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–11786; Filed, July 22, 1943; 11:17 a. m.]

[Region IV Order G–3 Under 18 (c)]

FLUID MILK IN BARTOW AND GORDON COUNTIES, GA.

Order No. G–3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Adjustment of certain fluid milk prices for Bartow and Gordon Counties, Georgia (formerly Price Order No. 18 (c)–3).

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of Grade A raw and pasteurized milk, both at wholesale and at retail, exists in Bartow and Gordon Counties, Georgia. The Regional Administrator has further found that a supply of Grade A raw and pasteurized milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Bartow and Gordon Counties, Georgia, will be eliminated by adjusting the maximum prices of sellers of Grade A raw and pasteurized milk in Bartow and Gordon Counties, Georgia, to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered,* That:

I. *Adjusted maximum prices for Grade A raw milk.* On and after December 14, 1942, the maximum price for Grade A raw milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at wholesale shall be 12¢ per quart, 6¢ per pint, and 3½¢ per half-pint; and the maximum price for Grade A raw milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 14¢ per quart, 7¢ per pint, and 5¢ per half-pint.

II. *Adjusted maximum prices for Grade A pasteurized milk.* On and after December 14, 1942, the maximum price for Grade A Pasteurized milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at wholesale shall be 13¢ per quart, 7¢ per pint, and 3½¢ per half-pint; and the maximum price for Grade A pasteurized milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 15¢ per quart, 8¢ per pint, and 5¢ per half-pint.

III. *Definitions* for purposes of this order:

(1) "Bartow and Gordon Counties, Georgia" shall mean the areas included within the established boundaries of such counties.

(2) "Grade A pasteurized milk" shall mean liquid Grade A pasteurized milk in half-pint, pint and quart glass containers.

(3) "Grade A raw milk" shall mean liquid Grade A raw milk in half-pint, pint and quart glass containers.

(4) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

IV. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G–3 issued by the Atlanta Regional Office on December 7, and effective December 14, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Grade A raw and pasteurized milk within the boundaries of Bartow and Gordon Counties, Georgia, as follows:

	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Pasteurized:			
Wholesale	13	7	3½
Out of retail store	15	8	5
Retail home delivered	15	8	5
Raw:			
Wholesale	12	6	3½
Out of retail store	14	7	5
Retail home delivered	14	7	5

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of Grade A raw and pasteurized milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

V. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

VI. *Effective date.* This Order No. G–3 shall become effective December 14, 1942.

This Order No. G–3 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–11787; Filed, July 22, 1943; 11:17 a. m.]

[Region IV Order G–11 Under 18 (c)]

FLUID MILK IN MONROE COUNTY, GA.

Order No. G–11 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Monroe County, Georgia. (Formerly Price Order No. 18 (c)–12).

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of raw and pasteurized fluid milk both at wholesale and at retail exists in Monroe County, Georgia. The Regional Administrator has further found that a supply of raw milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Monroe County, Georgia, will be alleviated by adjusting the maximum prices of sellers of raw and pasteurized fluid milk in said county to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage or a need for increases in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation as amended, *It is hereby ordered,* That:

I. *Adjusted maximum prices for whole milk, raw and pasteurized.* On and after the 12th day of January 1943, the maximum price of raw and pasteurized whole milk in glass bottles sold and delivered within the boundaries of Monroe County, Georgia, by any person at wholesale or retail shall be the prices set out in either subdivision (a) or subdivision (b), whichever is higher:

(a) The maximum price already established by any such seller under the General Maximum Price Regulation (if such seller has prior to the effective date of this order established such maximum price), or

(b) Raw and pasteurized milk sold in glass containers

	Wholesale	Retail
	Cents	*Cents*
Quarts	12	14
Pints	6	7

This order shall have no application to sales at retail of raw or pasteurized milk in a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises.

II. *Definitions.* For purposes of this order:

(1) "Monroe County, Georgia," shall mean the area included within the established boundaries of this county.

(2) "Fluid milk" shall mean whole milk, both raw and pasteurized, packaged in quart and pint glass containers.

(3) Unless the context otherwise requires, the definitions of the General Maximum Price Regulation as amended shall apply to other terms used herein.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale within five days after the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail within five days after the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraph III (1) and (2) shall contain the following statement:

By Order No. G–11 issued by the Atlanta Regional Office on the 9th day of January, 1943, and effective on the 12th day of January, 1943, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for raw and pasteurized fluid milk within the boundaries of Monroe County, Georgia, as follows:

(a) The maximum prices already established by any such seller under the General Maximum Price Regulation (if such seller has, prior to the effective date of this order, established such maximum prices), or

(b) Raw and pasteurized milk sold in glass containers at wholesale: quarts, 12¢; pints, 6¢; retail: quarts, 14¢; pints, 7¢.

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of raw and pasteurized milk at wholesale or retail pursuant to this order shall post a copy of this order and accompanying opinion involved in the issuance thereof at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this Order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–11 shall become effective on the 12th day of January, 1943.

This order No. G–11 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–11788; Filed, July 22, 1943; 11:17 a. m.]

[Region IV Order G–14 Under 18 (c)]

FLORIDA CAUGHT SALT CURED HERRING

Order No. G–14 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. (Formerly Price Order No. 18 (c)–16).—Adjustment of Florida caught salt cured herring prices.

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of sale cured herring is threatened in Virginia, North Carolina and South Carolina. The Regional Administrator has further found that a supply of salt cured herring is essential to the standard of living consistent with the prosecution of the war and that the threatened shortage in these states will be eliminated by adjusting the maximum prices of sellers of salt cured herring in these states to the extent permitted by this order and that such adjustment will not create or tend to create a shortage or a need for increase in prices in any other locality and will effectuate the purpose of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, as amended, *It is hereby ordered,* That:

I. *Adjusted maximum prices for Florida caught salt cured herring.* On and after the 29th day of January, 1943, no person shall sell or deliver Florida caught, salt cured herring within the boundaries of Virginia, North Carolina and South Carolina at prices higher than the maximum prices set forth below:

Sales by processor to wholesaler—$18.00 per M.
All wholesale sales—$21.00 per M.
All retail sales—$0.03 each or 34¢ per dozen.

II. *Definitions.* (a) Virginia, North Carolina and South Carolina shall mean the areas included within the established boundaries of these respective states.

(b) The "processor" means any person who manufactures salt cured herring.

(c) "Florida caught salt cured herring" means Atlantic sea herring, known popularly under the Department of Agriculture nomenclature as fresh river herring caught in Florida waters.

All other terms used, unless the context otherwise requires, including the terms "wholesale" and "retail" shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

III. *Notification requirement.* (a) All processors and persons making sales, other than at retail, shall in writing notify each purchaser of the maximum prices established by this order. Such notice shall accompany the first delivery of salt cured herring to such purchaser after the effective date hereof.

(b) The written notice required in subparagraph (a) shall contain the following statement:

The Atlanta Regional Administrator, under the authority of § 1499.18 (c) of the General Maximum Price Regulation as amended, has ordered that on and after the 29th day of January 1943 no person shall sell or deliver Florida caught, salt cured herring within the boundaries of Virginia, North Carolina and South Carolina at prices higher than the maximum prices set forth below:

Sales by processor to wholesaler—$18.00 per M.
All wholesale sales—$21.00 per M.
All retail sales—$0.03 each, or 34¢ per dozen.

IV. *Definitions.* (a) Virginia, North Carolina and South Carolina shall mean the areas included within the established boundaries of these respective states.

V. *Effective date.* This order No. G–14 shall become effective the 29th day of January 1943.

This order is subject to revocation or amendment at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of January 1943.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–11789; Filed, July 22, 1943; 11:18 a. m.]

[Region IV Order G–15 Under 18 (c)]

FIREWOOD FOR LAWRENCEBURG, TENN.

Order No. G–15 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of firewood prices for Lawrenceburg, Tenn. (Formerly Price Order No. 18 (c)–19).

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of firewood exists in Lawrenceburg, Tennessee. The Regional Administrator has determined upon his own motion that, in his judgment, the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in Lawrenceburg, Tennessee. The Regional Administrator has ascertained and given due consideration to the increased costs of production and transportation which sellers of firewood in this area must incur in order to produce such firewood compared with such costs in March 1942 and in any earlier months in which firewood was generally produced in said area. It has likewise been determined that former producers of firewood have been diverted from this production into other industries because of more lucrative returns due to the fact that present maximum prices for firewood are so low. So far as practicable the Regional Administrator has advised and consulted with sellers of firewood who will be affected by this order.

In the judgment of the Regional Administrator maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in Lawrenceburg, Tennessee, and within a radius of three miles from the corporate limits of said town.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c), as amended, of the General Maximum Price Regulation, Order No. G–15 is hereby issued.

1. *Maximum prices for firewood.* On and after the 11th of February, 1943, regardless of any contract or other obligations, no person shall sell or deliver in Lawrenceburg, Tennessee, or in the area within a radius of three miles of the corporate limits of Lawrenceburg, Tennessee, any firewood, and no person shall buy or receive in the course of trade or business in said area, any firewood at prices higher than the maximum prices set forth below:

(a) The maximum prices for sales or deliveries at retail of firewood shall be:

1. Firewood cut in lengths of from 14" to 16", $9.00 per cord, and $3.00 per rick.
2. Firewood sold as split stove wood $10.50 per cord and $3.50 per rick.

(b) The maximum prices for sales or deliveries of firewood other than at retail shall be:

1. Firewood cut in 4' lengths $5.00 per cord.
2. Firewood cut in rick lengths of from 14" to 16", $6.00 per cord.

The prices established in this Order G–15 include delivery at the purchaser's premises and other services incident to the sale of firewood customarily performed by the seller in March 1942.

All credit terms, discounts, allowances and price differentials offered by the seller during March 1942, shall be maintained.

2. *Definitions.* When used in this Order No. G–15, the term: (a) "Firewood" means oak, hickory, beech, gum, or other kind of wood, exclusive of slabs, prepared and intended for consumption as fuel and cut to the dimensions for which maximum prices are hereinabove established.

(b) "A cord." A cord shall contain 128 cubic feet of firewood.

(c) "A rick" shall mean one-third of a cord.

(d) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

3. *Records and reports* (a) Every seller at retail whose maximum prices are established by this order must keep posted at a conspicuous place in his place of business a copy of this order.

(b) Every seller whose maximum prices are established by this order shall keep for inspection by the Office of Price Administration a record of each sale of firewood made by him on and after the effective date of this order. Such record must show the date of delivery, the kind and quantity of wood sold, the name of the purchaser and the amount charged for the sale.

(c) Every seller at retail whose maximum prices are established by this order shall deliver to the purchaser with respect to each sale thereof a written bill or invoice which shall contain (1) the date on which the sale or contract of sale was made; (2) a description of the size, kind, quantity of firewood involved in the transaction; (3) the price charged; and (4) the following statement: By Order No. G–15 issued by the Atlanta Regional Office on February 10, 1943 and effective February 11, 1943, the Office of Price Administration established maximum prices for oak, hickory, beach, gum, or other kind of firewood, exclusive of slabs, sold or delivered in Lawrenceburg, Tennessee, at $9.00 per cord, and $3.00 per rick, on fire wood cut in lengths of from 14" to 16"; and $10.50 per cord and $3.50 per rick on firewood sold as split stove wood. Copy of said order may be inspected at the place of business of the above named seller.

4. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all of the provisions of the General Maximum Price Regulation, together with all amendments and supplementary regulations or orders that have been heretofore or may be hereafter issued.

5. *Effective date.* This Order No. G–15 shall become effective the 11th of February, 1943.

This order may be revoked or amended at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of February, 1943.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 43–11790; Filed, July 22, 1943; 11:19 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 22, 1943.

REGION II

Scranton Order 1, Amendment 3, Filed 1:44 p. m.

REGION III

Indianapolis Order 6, Amendment 1, Filed 1:38 p. m.
Detroit Order 4, Amendment 4, Filed 1:38 p. m.
North Indiana Order 6, Filed 1:39 p. m.
Lexington Order 5, Filed 1:40 p. m.
Lexington Order 6, Filed 1:40 p. m.
Louisville Order 5, Filed 1:42 p. m.

REGION VI

Des Moines Order 5, Filed 1:44 p. m.

REGION VIII

Seattle Order 3, Amendment 4, Filed 12:46 p. m.
Seattle Order 3, Amendment 5, Filed 12:46 p. m.
Seattle Order 4, Amendment 4, Filed 12:46 p. m.
Seattle Order 4, Amendment 5, Filed 12:46 p. m.
Seattle Order 8, Amendment 1, Filed 12:45 p. m.
Seattle Order 8, Amendment 2, Filed 12:45 p. m.
Seattle Order 9, Filed 12:45 p. m.
Seattle Order 10, Filed 1:46 p. m.
Phoenix Order 2, Amendment 1, Filed 12:48 p. m.
Phoenix Order 3, Amendment 2, Filed 12:47 p. m.
Phoenix Order 4, Amendment 1, Filed 12:47 p. m.
Fresno Order 5, Filed 12:48 p. m.
Fresno Order 6, Filed 12:47 p. m.
San Diego Order 4, Amendment 1, Filed 12:48 p. m.
Spokane Order 5, Filed 12:47 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–11831; Filed, July 23, 1943; 11:45 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 21, 1943.

REGION II

Syracuse Order 3, Amendment 2, Filed 11:50 a. m.
Syracuse Order 4, Amendment 1, Filed 11:50 a. m.
Syracuse Order 6, Filed 1:48 p. m.
Maryland Order 1, Amendment 2, Filed 11:54 a. m.
Maryland Order 6, Filed 11:54 a. m.
Philadelphia Order 1–A, Filed 11:53 a. m.
Philadelphia Order 3, Amendment 3, Filed 11:53 a. m.
Trenton Order 3, Amendment 3, Filed 11:52 a. m.
Trenton Order 4, Amendment 1, Filed 11:51 a. m.
Erie Order 3, Amendment 2, Filed 11:51 a. m.
Erie Order 4, Filed 11:51 a. m.
Buffalo Order 3, Amendment 2, Filed 11:52 a. m.
Camden Order 6, Filed 11:51 a. m.
New York Order 4, Amendment 1, Filed 11:52 a. m.
Scranton Order 5, Amendment 1, Filed 1:46 p. m.
Williamsport Order 1, Filed 1:48 p. m.

REGION VI

Des Moines Order 3, Filed 2:08 p. m.
Des Moines Order 3, Amendment 1, Filed 2:07 p. m.
Sioux Falls Order 3, Amendment 3, Filed 1:56 p. m.
Sioux Falls Order 4, Filed 1:55 p. m.
Chicago Order 3, Amendment 3, Filed 1:46 p. m.
Chicago Order 3, Amendment 4, Filed 11:54 a. m.
Springfield Order 9, Filed 1:57 p. m.
Springfield Order 10, Filed 1:57 p. m.
Twin Cities Order 3, Amendment 2, Filed 11:47 a. m.
Omaha Order 4, Filed 11:49 a. m.
Green Bay Order G–5, Filed 11:49 a. m.
Sioux City Revised Order 3, Filed 2:06 p. m.
Fargo-Moorhead Order 7, Filed 1:51 p. m.
La Crosse Order 7, Filed 1:53 p. m.
Rockford Order 3, Amendment 2, Filed 1:46 p. m.
LaCrosse Order 6, Filed 1:53 p. m.

REGION VII

Denver Revised Order 9, Filed 11:49 a. m.
Colorado Order 13, Filed 11:48 a. m.
Colorado Order 14, Filed 11:47 a. m.
Colorado Order 15, Filed 11:48 a. m.
Boise Order 10, Filed 11:48 a. m.
Montana Order 20, Filed 11:47 a. m.
Montana Order 21, Filed 11:50 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–11830; Filed, July 23, 1943; 11:45 a. m.]

[Region V Order G–1 Under Gen. Order 50]

MALT BEVERAGES FOR RESTAURANTS IN CERTAIN OKLAHOMA COUNTIES

Tulsa Order No. G–1 under General Order No. 50. Filing of prices by restaurants and similar establishments: delegation of authority to fix maximum prices.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Tulsa, Oklahoma, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region V Delegation Order dated April 13, 1943, *It is hereby ordered:*

SECTION 1. *What this order does.* In accordance with the provisions of General Order No. 50, this order establishes in section 9 hereof, "dollars-and-cents maximum prices for certain beverage items offered for sale or sold by any "person" owning or operating an "Eating or drinking place" located in the Tulsa District: composed of the following counties in the State of Oklahoma:

Adair, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, Latimer, LeFlore, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Rogers, Sequoyah, Tulsa, Wagoner, and Washington.

SEC. 2. *What this order covers.* The beverage items to which this order applies are:

(a) Domestic malt beverages as defined in section 7 hereof and commonly known as beer or ale.

SEC. 3. *Prohibition against sales of beverage items above maximum prices.* (a) On and after the effective date of this order, regardless of any contract, agreement, lease or other obligation:

(1) No person shall sell or deliver any beverage item subject to this order at higher prices than the maximum prices set forth in this order.

(2) No person shall buy or receive any beverage item subject to this order in the course of trade or business at higher prices than the maximum prices set forth in this order.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 4. *Posting*—(a) *Selling prices.* All persons subject to this order must post in the "Eating or drinking place", plainly visible to their customers, their selling prices for the beverage items listed in section 9 hereof, at or near the place where the beverage item is offered for sale.

(b) *Maximum prices.* All persons subject to this order must post in a conspicuous place in the "Eating or drinking place" a list of the "dollars-and-cents" maximum prices of the beverage items offered for sale, so that such list will be plainly visible to their customers.

SEC. 5. *Applicability of General Order No. 50.* This order is subject to all the provisions of General Order No. 50 which are hereby made a part of this order.

SEC. 6. *Applicability of General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation, as well as amendments thereto, shall be applicable to all "Eating or drinking places", subject to this order:

(a) Sales slips and receipts—§ 1499.14.
(b) Registration—§ 1499.15.
(c) Licensing—§ 1499.16.

SEC. 7. *Definitions.* (a) "Domestic malt beverage" shall mean any and all malt beverages produced within the continental United States, or its territories and possessions, made by the alcoholic fermentation of an infusion or decoction, or combinations of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(b) "Domestic malt beverage sold on draught" means domestic malt beverage dispensed from a barrel, keg, or other container by a "person" owning or operating an "Eating or drinking place" subject to this order.

(c) "Person" includes an individual, corporation, partnership, trust or estate, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any state, county, or municipal government, or any of its political subdivisions, and any agencies of any of the foregoing: *Provided,* That no punishment provided by this order shall apply to the United States, or to any such government, political subdivision, or agency.

(d) "Eating or drinking place" means any place, establishment, business, or location, whether temporary or permanent, stationary or movable, including, but not limited to, a restaurant, hotel, cafe, boarding house, diner, coffee shop, tea room, private club, dining car, bar, tavern, delicatessen, soda fountain, cocktail lounge, catering business, or any other place from which any beverage item subject to this order is offered for sale or sold, except those places which are specifically exempted in section 8 hereof.

(e) "Beverage items" listed herein shall include all domestic malt beverages sold or served by "Eating or drinking places" for consumption in or about the place or to be taken out for consumption, without additional preparation other than cooling.

(f) "Hotel room service sale" means sale to a guest or guests in a hotel room when delivery is made to a guest's hotel room.

(g) "Hotel" means any establishment generally regarded as such in its community and used predominately for transient occupancy.

(h) *Other definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 8. *Exempt sales.* Sales by the following "Eating or drinking places" are specifically exempt from the provisions of this order:

(a) Eating and drinking places (when operated as such) located on board common carriers, including railroad dining cars, club, bar, and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(b) Hospitals, except for beverage items served to persons other than patients.

(c) Hotel room service sales.

Such aforesaid sales, not otherwise exempt from price control, shall remain subject to the appropriate maximum price regulation or order.

SEC. 9. *Maximum "dollars-and-cents" prices.* (a) The maximum "dollars-and-cents" prices which may be charged for the beverage items subject to this order, are:

(1) *In bottles:*

Brand or trade name	Maximum price per bottle (cents)	
	12 ounce	*32 ounce*
Barbarossa domestic malt beverage (beer)	16	36
Blatz domestic malt beverage (beer)	16	36
Budweiser domestic malt beverage (beer)	16	36
Coors domestic malt beverage (beer)	16	36
Country Club domestic malt beverage (beer)	16	36
Grain Belt domestic malt beverage (beer)	16	36
Millers-High Life domestic malt beverage (beer)	16	36
Muehlebach domestic malt beverage (beer)	16	36
Old Style Lager domestic malt beverage (beer)	16	36
Pabst Blue Ribbon domestic malt beverage (beer)	16	36
Pom-Roy domestic malt beverage (beer)	16	36
Schlitz domestic malt beverage (beer)	16	36
Zollers—Topping domestic malt beverage (beer)	11	26
Altes Brau domestic malt beverage (beer)	11	26
Falstaff domestic malt beverage (beer)	11	26
Gold Seal domestic malt beverage (beer)	11	26
Griesdiek domestic malt beverage (beer)	11	26
Old King domestic malt beverage (beer)	11	26
Progress domestic malt beverage (beer)	11	26
Millers—Export domestic malt beverage (beer)	11	26
Stag domestic malt beverage (beer)	11	26
State domestic malt beverage (beer)	11	26
Stern Brau domestic malt beverage (beer)	11	26
Zollers—Blackhawk domestic malt beverage (beer)	11	26
Zollers—Pilsener domestic malt beverage (beer)	16	36
Red Top Ale domestic malt beverage (ale)		

(2) *On draught.* All brands domestic malt beverage (beer or ale) ten (10) fluid ounces, exclusive of foam, for ten cents (10¢).

Other quantities of any or all brands of domestic malt beverage (beer or ale), sold on draught, may be sold by any "Eating or drinking place" to which this order applies: *Provided,* That such "Eating or drinking place" dispenses no less than one (1) fluid ounce, exclusive of foam, of domestic malt beverage (beer or ale) for each one cent (1¢) charged.

(3) *Non-labeled bottles.* Any domestic malt beverage item (beer or ale), offered for sale or sold in bottles by any "eating or drinking place" subject to this order, which does not have the manufacturer's label affixed thereto, or the trade name or brand stamped, printed, or engraved, or appearing in raised letters on the cap or bottle as proper identification, shall not be offered for sale or sold at a price higher than the lowest maximum price fixed herein for the size of bottle of domestic malt beverage (beer or ale) offered for sale or sold.

SEC. 10. *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

SEC. 11. *Other brands of domestic malt beverages.* Any person subject to this order desiring to sell any other trade name or brand of domestic malt beverage not specifically priced by section 9 herein, shall, before offering such domestic malt beverage for sale, apply to and receive from the Tulsa District Office of the Office of Price Administration a maximum price for such beverage.

Such application need not be in any particular form, but must contain the following information: Name and address of applicant; location and type of "eating and drinking place"; trade name or brand of domestic malt beverage, size of bottle, and cost per case, delivered. The Tulsa District Office of the Office of Price Administration shall then fix the maximum price for such trade name or brand of domestic malt beverage, and shall notify such applicant accordingly. The price so fixed shall be the maximum price for which such trade name or brand of domestic malt beverage may be sold by such applicant.

SEC. 12. *Taxes.* The dollars-and-cents maximum prices for the beverage items listed in section 9 hereof, include municipal, state, and Federal taxes in effect as of the effective date of this order. In the event of an increase in an existing tax or of the levy of a new or additional tax, not in effect on the effective date of this order, the Tulsa District Director of the Office of Price Administration may make such adjustment in the maximum prices provided for herein, as may appear equitable and just.

SEC. 13. *Evasion.* The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of any beverage item, alone or in connection with any other commodity or by way of commission, service, transportation, or any charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means, manner, method, device, scheme, or artifice, or otherwise.

SEC. 14. *Enforcement.* "Persons" violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Petition for amendment.* Any person seeking an amendment of any provision of this order, may file a petition for amendment, in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

SEC. 16. *Effective date.* This order becomes effective at 12:01 a. m., central war time, July 16, 1943.

SEC. 17. *Revocation.* This order may be amended, corrected, revised, or revoked at any time.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871) (E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Tulsa, Oklahoma, this 10th day of July 1943.

BEN O. KIRKPATRICK,
District Director.

[F. R. Doc. 43-11807; Filed, July 23, 1943; 9:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-64, 59-60]

INDIANA HYDRO-ELECTRIC COMPANY AND MIDLAND UNITED COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 22d day of July, A. D. 1943

In the matter of Indiana Hydro-Electric Power Company, File No. 54-64. In the matter of Indiana Hydro-Electric Power Company; Hugh M. Morris, trustee, of the estate of Midland United Company, File No. 59-60.

Indiana Hydro-Electric Power Company, a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of the plan of recapitalization of said Indiana Hydro-Electric Power Company; and the Commission having instituted proceedings under sections 11 (b) (2), 15 (f) and 20 (a) with respect to Indiana Hydro-Electric Power Company and Hugh M. Morris, Trustee of the Estate of Midland United Company, and having consolidated said matters for hearing; and certain hearings having been held on said matters, and said hearings having been continued to July 27, 1943: and

Indiana Hydro-Electric Power Company having requested that the continued hearing in this matter be postponed to September 8, 1943, and the Commission deeming it appropriate that the continued hearing be postponed to September 8, 1943;

It is ordered, That the continued hearing in this matter previously scheduled for July 27, 1943, at 10:30 a. m., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be and hereby is postponed to September 8, 1943, at the same hour and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11808; Filed, July 23, 1943; 9:40 a. m.]

WAR PRODUCTION BOARD.

[Certificate 97]

BENDIX AVIATION CORP. AND AMERICAN BOSCH CORP.

APPROVAL OF PROPOSED AGREEMENT

The ATTORNEY GENERAL:

I submit herewith a letter from the Secretary of the Navy dated July 12, 1943, describing a proposed agreement between Bendix Aviation Corporation and American Bosch Corporation for the exchange of information and the granting of patent licenses and other collaboration in the production of certain naval equipment.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the proposed agreement; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such approval is requisite to the prosecution of the war.

Dated: July 17, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-11815; Filed, July 23, 1943; 10:31 a. m.]

[Certificate 98]

BREYER ICE CREAM CO. AND SUPPLEE WILLS-JONES MILK CO., PHILADELPHIA, PA.

APPROVAL OF PROPOSED AGREEMENT

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery by motor vehicle of ice cream and related products, between points in Pennsylvania and New Jersey.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: July 17, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-11816; Filed, July 23, 1943; 10:31 a. m.]

[1] *Supra.*

Reference

FEDERAL REGISTER

VOLUME 8 NUMBER 147

Washington, Tuesday, July 27, 1943

The President

EXECUTIVE ORDER 9363

REDISTRIBUTING CERTAIN FUNCTIONS OF THE SECRETARY OF WAR AND THE JUDGE ADVOCATE GENERAL WITH RESPECT TO CERTAIN COURT-MARTIAL CASES

WHEREAS the burden of duties upon the Secretary of War and the Judge Advocate General is becoming increasingly heavy because of the pressure of war conditions; and

WHEREAS the national security and defense, the successful prosecution of the war, and the more efficient administration by the principal officials of the War Department and the Judge Advocate General of their respective offices will be facilitated if certain functions, duties, and powers are exercised by appropriate principal or subordinate officials of the War Department, and other officers of the Judge Advocate General's Department as the case may be.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of the United States, particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), and as President of the United States and Commander in Chief of the Army of the United States, it is hereby ordered as follows:

1. Subject to such regulations as the Secretary of War may prescribe, the Under Secretary of War and the Assistant Secretary of War are authorized, respectively, to exercise and perform all functions, duties, and powers conferred upon the Secretary of War or the Acting Secretary of War by Article of War 50½ as amended.

2. Subject to such regulations as the Secretary of War may prescribe, the Assistant Judge Advocate General in charge of military justice matters is authorized to exercise and perform all functions, duties, and powers conferred upon the Judge Advocate General by Article of War 46 and by the second, third, fourth, and fifth paragraphs of Article of War 50½.

3. There are hereby transferred to the Under Secretary of War, the Assistant Secretary of War, and the Assistant Judge Advocate General in charge of military justice matters such functions, duties and powers of the Secretary of War and the Judge Advocate General as may be necessary to effectuate the provisions of this order; but nothing contained in this order shall be deemed to limit or restrict the power and right on the part of the Secretary of War or the Judge Advocate General, in their discretion, to exercise or perform any of the functions, duties, or powers heretofore possessed by or vested in them.

4. The functions, duties, and powers herein transferred or delegated may be exercised and performed by the officials to whom such transfers and delegations are made without the necessity of any signature, approval, ratification, or other act by higher authority, except to the extent required by such regulations as may be prescribed by the Secretary of War; and all officers, officials, and employees of the United States, including disbursing, accounting, and auditing officers, shall give the same effect to any acts of those to whom transfers and delegations are made hereunder as if done by the person or persons in whom the functions, duties, and powers were vested prior to such transfers and delegations.

FRANKLIN D ROOSEVELT.

THE WHITE HOUSE,
July 23, 1943.

[F. R. Doc. 43-11871; Filed, July 23, 1943; 3:21 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 42-1]

PART 1460—FATS AND OILS

REPORTS ON CONSUMPTION AND APPLICATIONS FOR QUOTA EXEMPTIONS

Pursuant to the authority vested in me by Food Distribution Order 42, as amended, dated July 10, 1943 (8 F.R. 9483), and to effectuate the purposes of said order, *It is hereby ordered*, as follows:

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page
Secretary of War and Judge Advocate General, redistribution of certain functions with respect to certain court-martial cases 10389

REGULATIONS AND NOTICES

BITUMINOUS COAL DIVISION:
Hearings, etc.:
Corley, W. D., Jr 10447
Flat Creek Coal Co 10447
Petitions filed 10447
Valier Coal Co 10447
FEDERAL TRADE COMMISSION:
Cease and desist orders:
Progress Tailoring Co., et al 10394
Urban, Bertha M 10394
Hearings, etc.:
Associated Laboratories, Inc., et al 10395
Callaway Mills 10450
National Biscuit Co 10450
Tennessee Tufting Co 10450
FOOD AND DRUG ADMINISTRATION:
Wine Institute of California, hearing 10449
IMMIGRATION AND NATURALIZATION SERVICE:
Nationality regulations, miscellaneous amendments 10391
INTERNAL REVENUE BUREAU:
Excess profits tax, nontaxable income from certain mining and timber operations 10396
INTERSTATE COMMERCE COMMISSION:
New York Central R. R., rerouting of freight traffic, St. Francisville, Ill., to Vincennes, Ind 10452
NATIONAL WAR LABOR BOARD:
Wages of non-profit hospital employees 10405
OFFICE OF DEFENSE TRANSPORTATION:
Akron Transportation Co., suspension of certain operations 10454
Inland Waterways Corp. and Marine Transportation Co., Ohio River operations 10454
Joint action plans:
Austgen Express and Storage Co. et al 10453

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF DEFENSE TRANSPORTATION—Continued.
Joint action plans—Continued. Page
Common carriers of passengers by bus 10453
Oswego Milk Council, Inc 10453
Railway tank cars, traffic movement:
(Special Direction ODT 7, (Rev.-1) 10445
(Special Direction ODT 7, Rev.-2) 10446
OFFICE OF PRICE ADMINISTRATION:
Adjustments, exceptions, etc.:
Black, S. L 10433
Blades, Harry A 10432
Cotton producers 10456
Dry cell battery manufacturers 10457
List of orders filed 10457
N. D. Q. Specialty Corp 10433
National Pressure Cooker Co., et al 10456
Burial caskets and innersealers (MPR 188, Am. 17) 10433
Citrus fruits; sales by packers, brokers, etc. (MPR 292, Am. 4) 10432
Coke, petroleum (MPR 121, Am. 21) 10432
Color pigments (Rev. MPR 180, Am. 2) 10432
Feeds, mixed, for animals and poultry (MPR 378, Am. 3) 10435
Fence posts (Rev. MPR 324. Am. 1) 10436
Food and drink sold for immediate consumption:
Arkansas, Pulaski County (Restaurant MPR 5-1) 10439
(Restaurant MPR 5-1, Am. 1) 10442
Certain Eastern states (Restaurant MPR 2-1) 10436
OFFICE OF PRICE ADMINISTRATION—Continued. Page
Fuel oil rationing (RO 11, Am. 73) 10435
Guanidine carbonate (Rev. SR 14, Am. 4) 10433
Lamb and mutton carcasses and cuts (Rev. MPR 239, Am. 7) 10444
Logging services (MPR 165, Supp. Service Reg. 16, Am. 2) 10433
Magnesium scrap and remelt ingot (MPR 302, Am. 2) 10433
Meat, fats, fish, and cheeses; rationing (RO 16, Am. 49) 10432
Paper products, converted (MPR 359, Am. 3) 10431
Rationed foods used in products acquired by designated agencies, replacement (Gen. RO 11, Am. 2) 10419
Regional, state and district office orders:
Firewood, Montana 10467
Fluid milk:
Maine (4 documents) 10460–10463
Montana (2 documents) 10466, 10467
New Hampshire (5 documents) 10457–10460
New Mexico:
Dona Ana area 10468
Grant and Luna Counties 10470
Lordsburg area (2 documents) 10465, 10466
Quay County 10468
San Juan County 10472
Torrance County 10471
Vermont 10463
Lumber, Colorado, Wyoming, Utah and New Mexico 10469
Malt beverages, Oklahoma City 10464
Rubber commodities purchased for Governmental use (MPR 403, Am. 2) 10434
Tires and tubes, bicycle:
(Rev. SR 14, Am. 2) 10432
(MPR 220, Am. 11) 10419
(MPR 403, Am. 1) 10419
(MPR 435) 10419
Tires, tubes, recapping and camelback; rationing:
(RO 1A, Am. 42) 10430
(RO 1A, Am. 43) 10430
Tobacco, flue-cured (MPR 441) 10443
RECLAMATION BUREAU:
First form withdrawals:
Bear River Storage projects, Wyo 10448
Colorado River Storage project, Colo. (Corr.) 10448
Columbia Basin project, Wash 10448
RURAL ELECTRIFICATION ADMINISTRATION:
Allocation of funds for loans 10448
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Aladdin Gold Mining Co., Ltd 10473
Associated General Utilities Co 10474
International Utilities Corp 10473
Interstate Power Co 10474
Interstate Power Co. and Eastern Iowa Electric Co 10474
Los Angeles Stock Exchange 10472
SECURITIES AND EXCHANGE COMMISSION—Continued. Page
Hearings, etc.—Continued.
Reorganized Broken Hills Silver Corp 10473
Rio Grande Valley Gas Co 10473
SELECTIVE SERVICE SYSTEM:
City of New York, establishment of five boroughs as one appeal board area 10475
SOCIAL SECURITY BOARD:
Certification of Unemployment Compensation Boards:
Maine 10450
Maryland 10449
Idaho Industrial Accident Board, certification 10449
WAGE AND HOUR DIVISION:
Wholesaling, warehousing, and other distribution industries; appointment of industry committee 10448
WAR FOOD ADMINISTRATION:
Fats and oils, reports on consumption and applications for quota exemptions (FDO 42–1) 10389
WAR PRODUCTION BOARD:
Approval of joint action plans:
Austgen Express and Storage Co., et al. (Certificate 101) 10475
Common carriers of passengers by bus (Certificate 99) 10475
Oswego Milk Council, Inc. (Certificate 100) 10475
Caskets, shipping cases and burial vaults (L–64) 10416
Chain (L–302) 10412
Chemicals, miscellaneous (M–340) 10414
Closures and associated items (L–68) 10406
Construction equipment, used (L–196) 10409
Cotton linters and hull fibre (M–12) 10405
Interpretations of regulations and orders, issuance (WPB Reg. 3) 10405
Machine tools and industrial specialties (E–5–a) 10410
Pilchard (M–206) 10409
Print paper (L–240, Int. 1) 10406
Priorities system operation, effect of assignment of rated order or contract on sequence of delivery (PR 1, Int. 5) 10406
Safety equipment (L–114) 10403
Suspension orders:
Pashelinsky, M., and Sons 10406
Richter Metalcraft Corp 10406
WAR SHIPPING ADMINISTRATION:
Vessel "George G. Henry," notice of requisition 10475

§ 1460.19 *Reports on consumption of fats and oils and applications for quota exemptions.* (a) Every person subject to the quota restrictions prescribed by § 1460.1 (b) of Food Distribution Order 42, as amended, and Schedule A annexed thereto, shall, on or before July 31, 1943, file a report of his consumption of fats and oils in each quarter of 1940 and 1941, with the Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref: FD–42. Such report shall be filed on Form FDO–42–1 in accordance with instructions printed on such form. Form FDO–42–1 may be obtained from the Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref: FD–42.

(b) Any person required to file Form FDA–478 under the provisions of § 1460.1 (b) (5) (iii) of Food Distribution Order 42, as amended, shall file in lieu thereof Form FDA–523. Unless otherwise ordered by the Director, Form FDA–523 shall be filled out in triplicate and filed with the Chief of the Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., on or before the 15th day of the month following the month in which the fats or oils were used for which exemptions are claimed, except that applications for June 1943 exemptions will be received until July 31, 1943. Form FDA–523 may be obtained from the regional offices of the Food Distribution Administration.

(c) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) This order shall become effective 12:01 a. m. e. w. t., July 27, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 42, 8 F.R. 9483)

Issued this 23d day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-11888; Filed, July 24, 1943; 11:13 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

Subchapter D—Nationality Regulations

[General Order C–28, Supp. 7]

VARIOUS PROVISIONS OF NATIONALITY REGULATIONS

JULY 14, 1943.

Pursuant to the authority conferred by sections 327 and 705 of the Nationality Act of 1940 as amended (54 Stat. 1150, 56 Stat. 182, 8 U.S.C. 727, 1005); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); § 90.1 of Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735); and all other authority conferred by law, the following amendments to Title 8, Chapter I, Code of Federal Regulations, are hereby prescribed:

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN

The following sentence is added to § 324.4 (6 F.R. 232, 5800):

If the child is unable to sign its name, the photographs and certificate of naturalization shall be signed by the petitioning citizen parent, parents, or guardian, as may be appropriate, and the signature shall read "(insert name of petitioning parent, parents, or guardian) in behalf of (insert name of naturalized child)".

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZD: FORMER UNITED STATES CITIZENS

Section 330.6 (6 F.R. 234) is amended to read as follows:

§ 330.6 *Person who lost citizenship of the United States through service in one of the Allied Armies during the first or second World War.* A person who, while a citizen of the United States and during the first or second World War, entered the military or naval service of any country at war with a country with which the United States was or is at war, who lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, or by reason of entering or serving in such armed forces, and who intends to reside permanently in the United States, may be naturalized by taking the oath of renunciation and allegiance specified in section 335 of the Nationality Act of 1940. For the purposes of this section, the second World War shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Such oath may be taken before any naturalization court, and any person described in this section who has lost United States citizenship during the second World War may also take the oath before any diplomatic or consular officer of the United States abroad. Application to take such oath before the court shall be made on Form N–409, which shall be executed in triplicate. The original of Form N–409 shall be retained by the clerk of court as the court record, and the duplicate and triplicate shall be forwarded to the appropriate district director or divisional director. The district director or divisional director shall forward the duplicate and triplicate Form N–409 to the Commissioner, who will transmit one copy to the Department of State. The taking of such oath before a diplomatic or consular officer abroad shall be in accordance with such regulations as may be prescribed by the Department of State. Any person who has been naturalized a citizen of the United States under this section may make application for a certificate of naturalization in the manner provided in Part 378. (Secs. 323 [as amended by the Act of April 2, 1942, 56 Stat. 198, 8 U.S.C. 723], 335, 54 Stat. 1149, 1157, 8 U.S.C. 723, 735)

PART 334—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES

The headnote of § 334.1 (6 F.R. 6750) is amended to read as follows:

§ 334.1 *Veterans who have served in the United States armed forces for three years; exemptions and fees.*

The following new sections are added to Part 334:

§ 334.6 *Veterans who have served in the United States military or naval forces after April 5, 1917, and before November 12, 1918, or after April 20, 1898, and before July 5, 1902, or on the Mexican Border in the regular Army or National Guard from June 1916 to April 1917.* Any person not a citizen of the United States who was a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, or at any time after April 20, 1898, and before July 5, 1902, or who served on the Mexican Border as a member of the regular Army or National Guard from June 1916 to April 1917 may be naturalized subject to the provisions of §§ 334.7 to 334.11 of this part. (Sec. 323a, 56 Stat. 1041; 8 U.S.C. 723a)

§ 334.7 *Limitations.* No person shall be naturalized under § 334.6 of this part: (1) Who is an alien ineligible to citizenship, (2) who during the period specified in § 334.6 or thereafter was separated from the military or naval forces or the National Guard under other than honorable conditions, (3) who was a conscientious objector who performed no military duty whatever or refused to wear the uniform, or (4) who was discharged during the periods specified in § 334.6, or thereafter, from the military or naval forces on account of his alienage. Naturalization may be granted under § 334.6 at any time within one year after December 7, 1942. (Sec. 323a, 56 Stat. 1041, 8 U.S.C. 723a)

§ 334.8 *Exemptions and fees.* An alien within § 334.6 may be naturalized upon compliance with all the requirements of the naturalization laws, with the following exceptions: (1) no declaration of intention shall be required; (2) no certificate of arrival shall be required unless the applicant's admission to the United States was subsequent to March 3, 1924; (3) no residence within the jurisdiction of the court shall be required and but two years' residence in the United States immediately prior to the filing of the petition, pursuant to a lawful admission for permanent residence, shall be required in lieu of the five-year period of residence within the United States and the six months' period of residence within the State; and (4) no fee shall be collected for the issuance of a certificate of arrival and no fee shall be collected by the clerk of the naturalization court for making, filing, or docketing the petition or for issuing a certificate of naturalization if the issuance of such certificate is authorized by the naturalization court. (Sec. 323a, 56 Stat. 1041, 8 U. S. C. 723a)

§ 334.9 *Certificate of arrival.* If an applicant for naturalization under § 334.6 entered the United States after March 3, 1924, a certificate of arrival shall be issued in accordance with § 363.1 of this title and shall be filed with and made a part of the petition for naturalization, at the time the petition is filed. If the entry occurred after June 29, 1906, but prior to March 4, 1924, a verification of lawful entry on Form I–404 shall be requested of the appropriate port, but no certificate of arrival will be issued and the Form I–404 will be associated only with the triplicate copy of the petition. If the entry occurred on or

prior to June 29, 1906, the applicant shall submit satisfactory evidence that he entered the United tSates as claimed. If the applicant alleges entry into the United States after June 29, 1906, and prior to July 1, 1924, and his lawful admission is not presumable under § 110.38 of this title, and no record of his lawful entry for permanent residence can be found, he shall be advised to apply for registry in accordance with the provisions of Part 362. (Sec. 323a, 56 Stat. 1041, 8 U. S. C. 723a)

§ 334.10 *Proof of service; verification of petition.* An applicant to file a petition for naturalization under § 334.6 shall produce proof of his service in the military or naval forces of the United States or the National Guard, in the form of an honorable discharge or a statement from the records of the executive department having custody of the records of his service. Verification of the authenticity of his honorable discharge, or any other alleged fact of his service may, if considered necessary or advisable, be made from official records. The petition shall be verified by the affidavits of at least two credible witnesses, citizens of the United States, each of whom shall state in his affidavit that he has personally known the petitioner for that portion of the required period of residence concerning which such witness is able to testify, and that during all such time the petitioner was a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States. The verifying witnesses shall also testify at the final hearing unless excused as provided in § 373.2 of this title. Depositions may be used to prove any portion of the required period of residence and the good moral character, attachment to the principles of the Constitution of the United States and disposition to the good order and happiness of the United States of the petitioner during such period. (Secs. 323a, 334 (b), 56 Stat. 1041, 54 Stat. 1156, 8 U.S.C. 723a, 734)

§ 334.11 *Procedure.* An application to file a petition for naturalization under § 334.6 of this part shall be made on Form N–400 and the petition for naturalization shall be made on Form N–405. There shall be attached to the original of every such petition an affidavit of the petitioner on Form N–421, sworn to befor the clerk of court or a member of the Service. Appropriate amendments shall be made on Form N–421 to show that the petition is filed under section 323a of the Nationality Act of 1940. In paragraph 2 on Form N–421, there shall be inserted the following allegation:

During or subsequent to the period of my service shown in paragraph one above, I have never been separated from the military or naval forces of the United States or the National Guard under other than honorable conditions nor discharged from the military or naval forces of the United States on account of my alienage. I was not a conscientious objector who performed no military duty whatever or refused to wear a uniform.

Form N–421 shall be filed with and made a part of the petition for naturalization at the time such petition is filed. The duplicate and triplicate executed copies of Form N–421 shall be attached to the duplicate and triplicate petitions for naturalization, respectively. (Secs. 323a, 332, 56 Stat. 1041, 54 Stat. 1154, 8 U.S.C. 723a, 732)

PART 335—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIEN ENEMIES

Part 335 of this title is amended:

By changing the headnote of § 335.3 (6 F.R. 6450) to read: "*Final hearing of petition; notice by clerk of court; effect of objection; waiver of notice.*"

By inserting next after the figures "335.2" in the first sentence the words "and who has not been granted a waiver of the ninety days' notice as provided in paragraph (b) of this section".

By designating the present text of § 335.3, as amended above, by paragraph (a).

By adding a new paragraph (b) as follows :

(b) The Commissioner may, in his discretion, waive the ninety days' notice required by paragraph (a) of this section. Such waiver may be granted at any time after the petition has been filed and either before or after the clerk's notice has been given and the ninety-day period has commenced. If a petitioner requests a waiver of the ninety days' notice or if a field officer sees fit to recommend such a waiver, the case shall be investigated in accordance with § 335.4 and submitted by the district director to the Commissioner with an appropriate recommendation. In any petition in which such notice is waived, the Commissioner shall cause the clerk of court to be notified to that effect, and one copy of the waiver will be filed with the original petition for naturalization, one copy with the duplicate petition in the Central Office, and one copy with the triplicate petition in the field office file. (Sec. 326, 703, 54 Stat. 1150, 56 Stat. 182, 8 U.S.C. 726, 1003)

The following new parts are added to Subchapter D:

PART 347—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PUERTO RICANS

Sec.
347.1 Declaration of allegiance to the United States.
347.2 Procedure.
347.3 Disposition; fee; certificate of naturalization.

AUTHORITY: §§ 347.1 to 347.3, inclusive, issued under sec. 327, 54 Stat. 1150, 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 347.1 *Declaration of allegiance to the United States.* A person born in Puerto Rico of alien parent or parents, who was eligible to become a citizen of the United States by making a declaration of allegiance to the United States under section 5 of the Act of March 2, 1917, and under section 5 (a) of said Act, as amended by section 2 of the Act of March 4, 1927, and who did not exercise such privilege, may become a citizen of the United States by making the declaration provided for by the foregoing Acts at any time on or after January 13, 1941. Such declaration of allegiance must be filed in the United States District Court for the District of Puerto Rico. (Sec. 5, 39 Stat. 953, Sec. 5 (a), 44 Stat. 1418, 47 Stat. 158, Sec. 322, 54 Stat. 1148, 8 U.S.C. 5, 5 (a), 722)

§ 347.2 *Procedure.* (a) The declaration of allegiance specified in § 347.1 of this part shall be made on Form N–330. There shall be set forth in that Form all the facts connected with the declarant's birth and residence in Puerto Rico, and due proof of such facts shall be submitted. The declarant also shall furnish three photographs of himself as described in § 364.1 of this title.

(b) The declaration of allegiance shall be verified by the affidavits of two witnesses, citizens of the United States, who shall appear in person at the time the declaration is filed with the court. Each of such witnesses shall state in his affidavit that he personally knows the declarant to be permanently residing in Puerto Rico and that the declarant is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that in his opinion the declarant is in every way qualified to be a citizen of the United States.

(c) The oath of renunciation and allegiance as prescribed by section 335 of the Nationality Act of 1940, shall be administered to the declarant in open court. (Secs. 322 and 335, 54 Stat. 1148, 1157; 8 U.S.C. 722, 735)

§ 347.3 *Disposition; fee; certificate of naturalization.* The declarations of allegiance described in this Part shall be numbered consecutively by the clerk of court in the same sequence of numbers as the petitions for naturalization, as described in § 370.6 of this title. The original declaration of allegiance shall be retained by the clerk of court, and the duplicate and triplicate thereof forwarded to the Commissioner of Immigration and Naturalization at the end of the month and shall be included in the clerk's report on Form N–4. The declarant shall pay a fee of $5 to the clerk of court at the time the declaration is filed, and upon taking the oath of renunciation and allegiance shall be entitled to a certificate of naturalization. The certificate of naturalization shall be issued by the clerk of court in the manner described in Part 377 of this title. (Secs. 337 (b) (d) (f) and 342 (a) (2), 54 Stat. 1158, 1161; 8 U.S.C. 737, 742)

PART 348—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VIRGIN ISLANDERS

Sec.
348.1 Renunciation of Danish allegiance.
348.2 Form and procedure for renouncing Danish allegiance; fee.
348.3 Citizenship of United States; when acquired; certificate not authorized in certain cases.
348.4 Naturalization laws applicable to alien residents of the Virgin Islands of the United States.

AUTHORITY: §§ 348.1 to 348.4, inclusive, issued under sec. 327, 54 Stat. 1150; 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 348.1 *Renunciation of Danish allegiance.* Any Danish citizen who resided in the Virgin Islands of the United States on January 17, 1917, and in those Islands, Puerto Rico, or the United States on February 25, 1927, and who had preserved Danish citizenship by making the declaration prescribed in Article VI of the Convention proclaimed January 25, 1917, betweer the United States and Denmark, may renounce his Danish citizenship before any court of record regardless of whether such court is authorized to exercise naturalization jurisdiction. (Sec. 1 (a), 44 Stat. 1234, 8 U.S.C. 5b (a); Art. VI, 39 Stat. 1711)

§ 348.2 *Form and procedure for renouncing Danish allegiance; fee.* The form for the declaration of renunciation of Danish citizenship shall be designed and prescribed by the court of record in which the Danish citizen desires to renounce such allegiance. The usual procedural requirements of the Nationality Act of 1940 do not apply to the proceedings described in § 348.1 and this section. The fee shall be fixed by the court or the clerk thereof in which the renunciation is made in accordance with law and the rules of such court, and no accounting therefor is required to be made to the Immigration and Naturalization Service. (Sec. 1 (a), 44 Stat. 1234; 8 U.S.C. 5b (a))

§ 348.3 *Citizenship of United States; when acquired; certificate not authorized in certain cases.* Immediately upon making the declaration of renunciation as described in §§ 348.1 and 348.2 of this part, the declarant becomes a citizen of the United States. No certificate of naturalization or of citizenship shall be issued to any person obtaining, or who has obtained, citizenship solely under section 1 of the Act of February 25, 1927, conferring citizenship upon certain inhabitants of the Virgin Islands of the United States. (Sec. 1, 44 Stat. 1234, 47 Stat. 158, 336; 8 U.S.C. 5b)

§ 348.4 *Naturalization laws applicable to alien residents of the Virgin Islands of the United States.* Aliens, other than those described elsewhere in this part, who are residing in the Virgin Islands of the United States and who wish to become naturalized as citizens of the United States shall comply with the provisions of the naturalization laws. Residence in the Virgin Islands of the United States shall be regarded as residence in the United States within the meaning of the Nationality Act of 1940. A preliminary application to file a declaration of intention or a petition for naturalization by a resident of the Virgin Islands of the United States shall be made upon preliminary naturalization Form N–300 or N–400, respectively, in accordance with §§ 365.1 and 370.1 of this Title, and submitted to the District Director of Immigration and Naturalization, San Juan, Puerto Rico. (Sec. 101 (d), 54 Stat. 1137; 8 U.S.C. 501)

PART 363—CERTIFICATE OF ARRIVAL

The last sentence of § 363.1 (6 F.R. 242) is amended to read as follows:

Such certificates of arrival shall be issued only on Form N–210, N–215, N–220, N–225, or N–230, whichever is applicable.

PART 378—CERTIFICATE OF NATURALIZATION FOR VETERAN OF FIRST OF SECOND WORLD WAR ALLIED FORCES

The title of Part 378 is amended to read as follows: "Part 378—Certificate of Naturalization for Veteran of First or Second World War Allied Forces".

PART 382—NATURALIZATION PAPERS REPLACED; NEW CERTIFICATE IN CHANGED NAME

The first sentence of § 382.4 (6 F.R. 249) is amended to read as follows:

An investigation of the facts shall be made by the field service before an application on Form N–565 or N–575 is forwarded to the Central Office, except in those cases where a declaration of intention is about to expire by reason of the seven-year limitation. In such cases the applications may be forwarded to the Central Office and the required investigation conducted as soon thereafter as practicable but in any event before delivery of the new declaration of intention.

The following section is added to Part 382:

§ 382.6 *Replacement of evidence of naturalization under section 317 (b) of the Nationality Act of 1940.* A naturalized citizen woman, within § 330.3 of this Title, whose certified copy of the proceedings prescribed by that section has been lost, mutilated, or destroyed, may apply for a new certified copy in lieu thereof. Such application shall be made on Form N–565, addressed to the Commissioner. The applicant shall execute and forward the Form N–565 with the required fee of $1, in accordance with § 382.3, except that no photographs will be required. The application shall be handled in accordance with the provisions of § 382.4. If the application is approved, there shall be issued a certified, positive photostat of the record of the proceeding filed in the Central Office, whether such record be a duplicate of Form N–408 or a copy of the proceedings which took place at an embassy, legation, or consulate. If the applicant's name has been changed after naturalization, by order of court or by marriage, and appropriate documentary evidence of such change is submitted with the application, the certification of the positive photostat shall show both the name in which the proceedings were had and the changed name. Such an applicant shall use Form N–565 and the required fee shall be $1. The procedure described in this section may be followed even though the naturalization proceedings took place at an embassy, legation, or consulate. In such cases, it will not be necessary that verification of the alleged naturalization proceedings be made by the field office. (Secs. 341 (b) (d) (e), 342 (b) (4), 54 Stat. 1161; 8 U.S.C. 741, 742)

PART 383—CERTIFICATION OF NATURALIZATION RECORDS OR INFORMATION

The following new section is added to Part 383:

§ 383.6 *Replacement of evidence of oath of renunciation and allegiance under Act of June 25, 1936, as amended by Act of July 2, 1940.* A citizen woman, within § 330.2 of this title, whose certified copy of the proceedings prescribed by that section has been lost, mutilated, or destroyed, may apply for a new certified copy in lieu thereof. Such application shall be made on Form N–585, addressed to the Commissioner. The applicant shall fill out properly, sign, make oath to, and forward the Form N–585 to the district director having administrative supervision over the territory in which she resides. The application shall be accompanied by the statutory fee of $1.50, in accordance with § 383.4. No photographs will be required. The application shall be handled in compliance with the applicable provisions of § 382.4 of this title. If the application is approved, there shall be issued a certified, positive photostat of the record of the proceedings filed in the Central Office, whether such record be the duplicate of Form N–415 (or Form 2234) or a copy of the proceedings conducted at an embassy, legation, or consulate. If the applicant's name has been changed after the taking of the oath by order of court or by marriage and if appropriate documentary evidence of such change is submitted with the application, the certification shall show both the name in which the proceedings were had and the changed name. The procedure described in this section may be followed even though the proceedings took place at an embassy, legation, or consulate. In such cases it will not be necessary that verification of the alleged

record of restoration of citizenship rights be made by the field office. (Sec. 342 (b) (9), 54 Stat. 1162; 8 U.S.C. 742)

EARL G. HARRISON,
Commissioner of Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43-11872; Filed, July 23, 1943; 1:55 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4761]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BERTHA M. URBAN

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Lakota" fruit-juice product, or any other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said product, which advertisements represent, directly or through inference, that respondent's product has any therapeutic value or beneficial effect in the treatment of migraine or sick headache, high blood pressure, abdominal pains, or ulcers; or that the use of said product will remove the cause of migraine headache or relieve the pain and discomfort associated with such condition; or that said product has any therapeutic value in the treatment of constitpation; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C, sec 45b) [Cease and desist order, Bertha M. Urban, Docket 4761, July 21, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief filed in support of the complaint; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Bertha M. Urban, her agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of her fruit-juice product designated "Lakota," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or through inference that respondent's product has any therapeutic value or beneficial effect in the treatment of migraine or sick headache, high blood pressure, abdominal pains, or ulcers; or that the use of said product will remove the cause of migraine headache or relieve the pain and discomfort associated with such condition; or that said product has any therapeutic value in the treatment of constipation.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's product, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11885; Filed, July 24, 1943; 11:09 a. m.]

[Docket No. 3747]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PROGRESS TAILORING COMPANY, ET AL.

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.72 (e) *Offering deceptive inducements to purchase or deal—Free goods:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.80 (i) *Securing agents or representatives falsely or misleadingly—Terms and conditions.* In connection with offer, etc., in commerce, of wearing apparel and other similar items of merchandise, and among other things, as in order set forth, (1) using the term "free" or any other term of similar import or meaning to designate, describe, or refer to wearing apparel or other items of merchandise which are furnished as compensation for services rendered; or (2) using the term "free" or any other term of similar import or meaning to describe or refer to linings, trimmings, or other portions of garment, and the price of which is included in the price of the entire garment; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Progress Tailoring Company, et al., Docket 3747, July 20, 1943]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size.* In connection with offer, etc., in commerce, of wearing apparel and other similar items of merchandise, and among other things, as in order set forth, using a pictorial representation of a building, in advertising or in any other manner, which inaccurately portrays or misrepresents the size or extent of respondents' business or the comparative volume of business transacted by the respondents; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Progress Tailoring Company, et al., Docket 3747, July 20, 1943]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Retailer as wholesale or jobber:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Retail or selling as wholesale, jobbing or discounted, etc.* In connection with offer, etc., in commerce, of wearing apparel and other similar items of merchandise, and among other things, as in order set forth, (1) representing directly or by implication that respondents are selling their garments at manufacturers' prices or at prices which save the purchaser the cost or profit of the retailer or middleman; or (2) representing that respondents are wholesale tailors or that their garments are supplied to purchasers at wholesale prices or that respondents are engaged in any business other than the sale of garments at retail; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Progress Tailoring Company, et al., Docket 3747, July 20, 1943]

§ 3.6 (g 5) *Advertising falsely or misleadingly—Fictitious affidavits:* § 3.72 (c 5) *Offering deceptive inducements to purchase or deal—Fictitious affidavits.* In connection with offer, etc., in commerce, of wearing apparel and other similar items of merchandise, and among other things, as in order set forth, using reproductions of any fictitious affidavit in advertising material or in any other manner; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112, 15 U.S.C., sec. 45b) [Cease and desist order, Progress Tailoring Company, et al., Docket 3747, July 20, 1943]

In the Matter of Progress Tailoring Company, a Corporation, Trading Under Its Own Name and Also as J. C. Field & Son; Stone-Field Corporation, a Corporation; W. Z. Gibson, Inc., a Corporation; Pioneer Tailoring Company, a Corporation; and Certified Tailoring Company, a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Progress Tailoring Company, a corporation, trading under its own name and also as J. C. Field & Son; Stone-Field Corporation, a corporation; W. Z. Gibson, Inc., a corporation; Pioneer Tailoring Company, a corporation; and Certified Tailoring Company, a corporation, and their respective officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of wearing apparel and other similar items of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "free" or any other term of similar import or meaning to designate, describe, or refer to wearing apparel or other items of merchandise which are furnished as compensation for services rendered.

2. Using the term "free" or any other term of similar import or meaning to describe or refer to linings, trimmings, or other portions of garment, and the price of which is included in the price of the entire garment.

3. Using a pictorial representation of a building, in advertising or in any other manner, which inaccurately portrays or misrepresents the size or extent of respondents' business or the comparative volume of business transacted by the respondents.

4. Representing directly or by implication that respondents are selling their garments at manufacturers' prices or at prices which save the purchaser the cost or profit of the retailer or middleman.

5. Representing that respondents are wholesale tailors or that their garments are supplied to purchasers at wholesale prices or that respondents are engaged in any business other than the sale of garments at retail.

6. The use of reproductions of any fictitious affidavit in advertising material or in any other manner.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11884; Filed, July 24, 1943; 11:09 a. m.]

[Docket No. 2979]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ASSOCIATED LABORATORIES, INC. ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's "Kelp-A-Malt Tablets", or any other similar product, representing, directly or by implication, through use of words, pictorial representations, or both, (1) that the use of respondent's product will enable persons who are weak, emaciated, thin, or underweight to overcome such conditions; (2) that a well-proportioned body, or shapeliness of form or figure, can be acquired through the use of said product; (3) that the use of said product will enable persons who are tired or run down to overcome such conditions or recover or regain health, strength, or vigor; or (4) that said product possesses any therapeutic value in the treatment of sour or acid stomach, gas, or indigestion; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Associated Laboratories, Inc., et al., Docket 2979, July 20, 1943]

In the Matter of Associated Laboratories, Inc., a corporation, trading as Allied Laboratories, Kelp-A-Malt Company, and Seedol Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer and amended answer of respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, reports of the trial examiners upon the evidence and the exceptions to such reports, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Associated Laboratories, Inc., a corporation, trading as Allied Laboratories, Kelp-A-Malt Company, and Seedol Company, or trading under any other name, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's product designated "Kelp-A-Malt Tablets," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from representing, directly or by implication, through the use of words, pictorial representations, or both:

1. That the use of respondent's product will enable persons who are weak, emaciated, thin, or underweight to overcome such conditions.

2. That a well-proportioned body, or shapeliness of form or figure, can be acquired through the use of said product.

3. That the use of said product will enable persons who are tired or run down to overcome such conditions or recover or regain health, strength, or vigor.

4. That said product possesses any therapeutic value in the treatment of sour or acid stomach, gas, or indigestion.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11939; Filed, July 26, 1943; 11:02 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Tax

[T. D. 5286]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

NONTAXABLE INCOME FROM CERTAIN MINING AND TIMBER OPERATIONS

In order to conform Regulations 109 [Part 30, Title 26, Code of Federal Regulations, 1941 Sup.] to section 209 (c) and (d) of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended by inserting immediately after § 30.734–5, as added by Treasury Decision 5212, approved January 12, 1943, the following:

SEC. 209. NONTAXABLE INCOME FROM EXEMPT EXCESS OUTPUT OF MINING AND TIMBER OPERATIONS AND FROM BONUS INCOME OF MINES, ETC. (Revenue Act of 1942, Title II.)

* * * * *

(c) *Nontaxable income.* Subchapter E of Chapter 2 is amended by inserting after section 734 the following new section:

SEC. 735. NONTAXABLE INCOME FROM CERTAIN MINING AND TIMBER OPERATIONS.

(a) *Definitions.* For the purposes of this section, section 711 (a) (1) (I), and section 711 (a) (2) (K)—

(1) *Producer.* The term "producer" means a corporation which extracts minerals from a mineral property, or cuts logs from a timber block, in which an economic interest is owned by such corporation.

(2) *Mineral unit.* The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property.

(3) *Timber unit.* The term "timber unit" means a unit of timber recovered from the operation of a timber block.

(4) *Excess output.* The term "excess output" means the excess of the mineral units or the timber units for the taxable year over the normal output.

(5) *Normal output.* The term "normal output" means the average annual mineral units, or the average annual timber units, as the case may be, recovered in the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939 (hereinafter called "base period"), of the person owning the mineral property or the timber block (whether or not the taxpayer). The average annual mineral units or timber units shall be computed by dividing the aggregate of such mineral units or timber units for the base period by the number of months for which the mineral property or the timber block was in operation during the base period and by multiplying the amount so ascertained by twelve. In any case in which the taxpayer establishes, under regulations prescribed by the Commissioner with the approval of the Secretary, that the operation of any mineral property or any timber block is normally prevented for a specified period each year by physical events outside the control of the taxpayer, the number of months during which such mineral property or timber block is regularly in operation during a taxable year shall be used in computing the average annual mineral units, or timber units, instead of twelve. Any mineral property, or any timber block, which was in operation for less than six months during the base period shall, for the purposes of this section, be deemed not to have been in operation during the base period.

(6) *Mineral property.* The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for purposes of such extraction.

(7) *Minerals.* The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth, graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, silica, slate, soapstone, soda, sulphur, and talc.

(8) *Timber block.* The term "timber block" means an operation unit existing as of December 31, 1941, which includes all the taxpayer's timber which would logically go to a single given point of manufacture, but shall not include any operation unit acquired after December 31, 1941.

(9) *Normal unit profit.* The term "normal unit profit" means the average profit for the base period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion computed in accordance with the basis for depletion applicable to the current taxable year) during the base period by the number of mineral units recovered from the mineral property during the base period.

(10) *Estimated recoverable units.* The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the taxable year plus the excess output for such year. All estimates shall be subject to the approval of the Commissioner, the determinations of whom, for the purposes of this section, shall be final and conclusive.

(11) *Exempt excess output.* The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

100 per centum if the excess output exceeds 50 per centum of the estimated recoverable units;

95 per centum if the excess output exceeds 33⅓ but not 50 per centum of the estimated recoverable units;

90 per centum if the excess output exceeds 25 but not 33⅓ per centum of the estimated recoverable units;

85 per centum if the excess output exceeds 20 but not 25 per centum of the estimated recoverable units;

80 per centum if the excess output exceeds 16⅔ but not 20 per centum of the estimated recoverable units;

60 per centum if the excess output exceeds 14⅔ but not 16⅔ per centum of the estimated recoverable units;

40 per centum if the excess output exceeds 12½ but not 14⅔ per centum of the estimated recoverable units;

30 per centum if the excess output exceeds 10 but not 12½ per centum of the estimated recoverable units;

20 per centum if the excess output exceeds 5 but not 10 per centum of the estimated recoverable units.

(12) *Unit net income.* The term "unit net income" means the amount ascertained by dividing the net income (computed with the allowance for depletion) from the coal or iron ore or the timber recovered from the coal mining property, iron mining property, or timber block, as the case may be, during the taxable year by the number of units of coal or iron ore, or timber, recovered from such property in such year.

(b) *Nontaxable income from exempt excess output* (1) *General rule.* For any taxable year for which the excess output of mineral property which was in operation during the base period exceeds 5 per centum of the estimated recoverable units from such property, the nontaxable income from exempt excess output for such year shall be an amount equal to the exempt excess output for such year multiplied by the normal unit profit, but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year.

(2) *Coal and iron mines.* For any taxable year, the nontaxable income from exempt excess output of a coal mining or iron mining property which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year, or an amount determined under paragraph (1), whichever the taxpayer elects in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

(3) *Timber properties.* For any taxable year, the nontaxable income from exempt excess output of a timber block which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year.

(c) *Nontaxable bonus income.* The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of a mineral product or of timber the exhaustion of which gives rise to an allowance for depletion under section 23 (m), but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of such quota.

(d) *Rule in case income from excess output includes bonus payment.* In any case in which the income attributable to the excess output includes bonus payments (as provided in subsection (c)), the taxpayer may elect, under regulations prescribed by the Commissioner with the approval of the Secretary, to receive either the benefits of subsection (b) or subsection (c) with respect to such income as is attributable to excess output above the specified quota.

(d) *Retroactive exclusion of nontaxable bonus income.* The amendments made by this section inserting section 711 (a) (1) (I), section 711 (a) (2) (K), and section 735 (c), to the extent that they relate to nontaxable bonus income, shall be applicable to taxable years beginning after December 31, 1940.

SEC. 201. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title II.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

§ 30.735–1 *General rule.* Section 735 provides specific rules for the computation of nontaxable income from exempt excess output and of nontaxable bonus income which are excluded in the computation of excess profits net income of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in such section. Nontaxable income from exempt excess output is excluded in the computation of excess profits net income for years beginning after December 31, 1941; nontaxable bonus income is excluded in the computation of excess profits net income for years beginning after December 31, 1940.

§ 30.735–2 *Definitions.* For the purposes of section 735, section 711 (a) (1) (I), and section 711 (a) (2) (K):

(a) *Producer.* The term "producer" means a corporation which extracts minerals from a mineral property, or cuts logs from a timber block, in which an economic interest is owned by such corporation. Although section 711 (a) (1) (I) and section 711 (a) (2) (K) exclude certain nontaxable income in the computation of excess profits net income in the case of a producer of logs or lumber, a producer of lumber is not within the provisions of this subsection unless such corporation is also a producer of the logs from which such lumber is sawed. An economic interest is possessed in every case in which the taxpayer has acquired, by investment, any interest in minerals in place or standing timber and secures, by any form of legal relationship, income derived from the severance and sale of the mineral or timber, to which it must look for a return of its capital. A taxpayer which has no capital investment in the mineral deposit or standing timber does not possess an economic interest merely because, through a contractual relation to the owner, it possesses a mere economic advantage derived from production. Thus, an agreement between the owner of an economic interest and another entitling the latter to purchase the product upon production or to share in the net income derived from the interest of such owner does not convey an economic interest. The mere ownership of the development and plant necessary to the extraction of the minerals in place or the felling and logging of the timber is not an economic interest for the purposes of section 735. Thus, a corporation which owns the equipment necessary to the extraction of minerals or the logging of timber and which acts as an independent contractor of as an agent in extracting minerals or timber, receiving as consideration a portion of the net income from the property, but which does not own an economic interest in the mineral property or timber block is not a producer within the provisions of this subsection. However, the owner of the economic interest in the mineral property or timber block and from which the mineral or timber is being extracted by the independent contractor or the agent is the producer within the provisions of this subsection.

(b) *Mineral unit.* The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property. A mineral unit does not mean the number of units of minerals as defined in paragraph (g) of this section but refers to the units of metal, coal, or nonmetallic substances contained in such minerals. If a corporation extracts from the same mineral property two or more minerals containing different metals, coal, or nonmetallic substances, or if two or more metals, coal, or nonmetallic substances are contained in the same mineral extracted by a corporation from a mineral property, a determination of mineral units must be made with respect to each type of metal, coal, or nonmetallic substance contained in such minerals. A unit is any designation of quantity, such as ton, pound, quart, ounce, kilogram, gram, etc., customarily used by the taxpayer as a standard of measurement.

(c) *Timber unit.* The term "timber unit" means a unit of timber recovered from the operation of a timber block. It does not mean the units of lumber, boards, or other wood products sawed from the timber, but refers to the actual logs felled prior to processing at the sawmill. The fact that more than one species of timber is cut by a taxpayer from a timber block shall not be taken into account and a timber unit shall not be established with respect to each species of timber. A unit is any designation of quantity such as board feet measure, log scale, cords, or other units customarily used by the taxpayer as a standard of measurement.

(d) *Excess output.* The term "excess output" means the excess of the mineral units or the timber units for the taxable year over the normal output. If the taxpayer operated two or more mineral properties or two or more timber blocks, the excess output shall be determined with respect to each such mineral property and each such timber block and shall not be computed upon the basis of the aggregate of the mineral properties or timber blocks owned by the taxpayer. If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, the determination of the excess output of mineral products extracted from such mineral property for an excess profits tax taxable year shall be made with respect to each separate type of metal, coal, or nonmetallic substance, i. e., the amount by which the mineral units of each type for the taxable year exceeds the normal output of such type. The excess output of a mineral property from which minerals are extracted containing two or more types of metals, coal, or nonmetallic substances shall not be made upon an aggregate basis, i. e., the amount by which the aggregate of all types of mineral units for the taxable year exceeds the aggregate of the normal output of all such types.

The mineral units for an excess profits tax taxable year shall be the number of units of metal, coal, or nonmetallic substances in the minerals recovered from a mineral property during the taxable year, which would be used in computing the allowance for depletion for the purposes of chapter 1 if the depletion of the mineral property were computed without regard to discovery value or percentage depletion. See § 19.23 (m)–2, of Regulations 103.

The timber units for an excess profits tax taxable year shall be the number of units of timber felled during the year, which is used in the computation of the depletion allowance for the purposes of chapter 1. See § 19.23 (m)–21, of Regulations 103. However, no timber felled or logs cut from standing timber acquired after December 31, 1941, shall be considered in determining the number of timber units for the taxable year.

(e) *Normal output.* The term "normal output" means the average annual mineral units, or the average annual timber units, as the case may be, recovered in the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939 (referred to in §§ 30.735–1 through 30.735–5 as the base period) of the person owning the mineral property or the timber block, whether or not such person is the taxpayer claiming relief under section 711 (a) (1) (I) or section 711 (a) (2) (K), and section 735. A person includes an individual, a trust, estate, partnership, company, or corporation. See section 3797. If the mineral property or timber block was not owned by the taxpayer for the entire base period, the taxpayer must, in its first excess profits tax return in which the benefits of section 711 (a) (1) (I) or section 711 (a) (2) (K), and section 735 are claimed, state the name and address of each person owning the mineral property or timber block during the base period and submit evidence establishing the mineral units or the timber units recovered from the mineral property or timber block by such other person during the period of its ownership, and the number of months in such period.

In any case in which two or more metals, coal, or nonmetallic substances are contained in the minerals recovered from a mineral property, a normal output shall be computed with respect to each type of metal, coal, or nonmetallic substance in such minerals.

The average annual mineral units or timber units shall be computed by dividing the aggregate of the mineral units of each type of metal, coal, or nonmetallic substance or the aggregate of the timber units for the base period by the number of months for which the mineral property or timber block was in operation during the base period and by multiplying the amount so ascertained by twelve. In any case in which the taxpayer establishes that the operation of a mineral property or a timber block is normally prevented for a specified period each year by physical events outside the control of the taxpayer, the number of months during which such mineral property or timber block is regularly in operation during a taxable year shall be used in computing the average annual mineral units, or timber units, instead of twelve. If any excess profits tax taxable year for which excess output is computed for the purposes of section 735 is a taxable year of less than twelve months, the number of months in such year, in lieu of twelve and in lieu of the number of months specified in the preceding sentence (if less than such number of months), shall be used in computing the average annual mineral units or timber units.

The mineral units for a taxable year in the base period shall be the number of units of each type of metal, coal, or nonmetallic substance in the minerals recovered from a mineral property during the taxable year, which would be used in computing the depletion allowance for the purposes of chapter 1 if the depletion of the mineral property were computed without regard to discovery value or percentage depletion. See § 19.23 (m)–2, of Regulations 103. The timber units for a taxable year shall

be the number of units of timber felled during the year used in the computation of the depletion allowance for the purposes of chapter 1. See § 19.23 (m)–21, of Regulations 103.

Any mineral property, or any timber block, which was in operation for less than six months during the base period shall, for the purposes of section 735, be deemed not to have been in operation during the base period. Such months need not be consecutive months.

(f) *Mineral property.* The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for the purposes of such extraction. The term "mineral deposit" refers to the minerals in place. The taxpayer's interest in each separate mineral property is a separate "property." If the mineral deposit in which a taxpayer owns an economic interest extends beyond the boundaries of a single tract or parcel of land a separate mineral property exists with respect to each tract or parcel of land into which the mineral deposit extends. Where two or more mineral properties are included in a single tract or parcel of land, the taxpayer's interest in such mineral properties may be considered to be a single "property", provided such treatment is consistently followed.

(g) *Minerals.* The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth, graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, silica, slate, soapstone, soda, sulphur, and talc.

(h) *Timber block.* The term "timber block" means an operation unit existing as of December 31, 1941, which includes all the taxpayer's timber which would logically go to a single given point of manufacture, but shall not include any operation unit acquired after December 31, 1941. In those cases in which the point of manufacture is at a considerable distance, or in which the logs or other products will probably be sold in a log or other market, the block may be a logging unit which includes all of the taxpayer's timber which would logically be removed by a single logging development.

(i) *Normal unit profit.* The term "normal unit profit" means the average profit for the base period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion determined in accordance with the basis for depletion, cost basis depletion, discovery value depletion, or percentage depletion, applicable to the current taxable year) during the base period by the total number of mineral units recovered from the mineral property during the base period.

If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, a normal unit profit shall be established for each class of mineral unit. The normal unit profit for each class of mineral unit shall be determined by dividing the net income with respect to such type of metal, coal, or nonmetallic substance in the minerals recovered from the mineral property during the base period by the total number of mineral units of such class for the base period.

(1) *Net income.* Net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion) means the "gross income from the property" as defined in subparagraph (2) of this subsection less the allowable deductions attributable to the mineral property with respect to which exempt excess output is computed and the allowable deductions attributable to the processes listed in subparagraph (2) insofar as they relate to the product of such property, including overhead and operating expenses, development costs properly charged to expense, depreciation, taxes, losses sustained, and including the allowance for depletion. The allowance for depletion shall be computed in accordance with the provisions of section 23 (m) and section 114 (b) and the regulations thereunder. The allowance for depletion for each year during the base period shall, for the purposes of section 735, be computed upon the same basis used in computing the allowance for depletion during the excess profits tax taxable year beginning after December 31, 1941, for which the benefits of section 735 are claimed. Thus, if during the base period the taxpayer computed the allowance for depletion with respect to a mineral property upon the cost basis, and if during each excess profits tax taxable year, for which the benefits of section 735 are claimed, the taxpayer computes the allowance for depletion based upon a percentage of income, the allowance for depletion for each year in the base period shall be recomputed as a percentage of income under the law applicable to each such year. In cases where the taxpayer engages in activities in addition to mineral extraction and to the processes listed in subparagraph (2), deductions for depreciation, taxes, general expenses, and overhead, which cannot be directly attributed to any specific activity, shall be fairly apportioned between (*a*) the mineral extraction and the processes listed in subparagraph (2) and (*b*) the additional activities, taking into account the ratio which the operating expenses directly attributable to the mineral extraction and the processes listed in subparagraph (2) bear to the operating expenses directly attributable to the additional activities. If more than one mineral property is involved, the deductions apportioned to the mineral extraction and the processes listed in subparagraph (2) shall, in turn, be fairly apportioned to the several properties, taking into account their relative production.

If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, a net income with respect to each type of metals, coal, or nonmetallic substance shall be established. Such net income shall be the gross income with respect to such type minus the allowable deductions for such year attributable to such type. The allowable deductions for any taxable year attributable to each type of metal, coal, or nonmetallic substance shall be computed as follows: There shall be determined an amount which bears the same ratio to the total allowable deductions (not including the allowance for depletion) attributable to the mineral property from which the minerals containing such type of metal, coal, or nonmetallic substance has been recovered, as the gross income from such type of metal, coal, or nonmetallic substance bears to the total gross income from such property. To this amount shall be added the allowance for depletion computed with respect to such type of metal, coal, or nonmetallic substance.

(2) *Gross income from the property.* For the purposes of section 735 the term "gross income from the property" for any year in the base period means the amount for which the taxpayer sold the crude mineral product (the product in the form in which it emerges from the mine) of the mineral property in the immediate vicinity of the mine, but, if the product was transported or processed (other than by processes excepted below) before sale, it means the representative market or field price (as of the date of sale) of crude mineral product of like kind and grade before such transportation or processing. If there was no such representative market or field price (as of the date of sale), then there shall be used in lieu thereof the representative market or field price of the first marketable product resulting from any process or processes (or, if the product in its crude state was merely transported, the price for which sold) minus the costs and proportionate profits attributable to the transportation and the processes not listed below. The processes excepted are as follows:

(i) In the case of coal: Cleaning, breaking, sizing, and loading at the mine for shipment;

(ii) In the case of sulphur: Pumping to vats, cooling, breaking, and loading at the mine for shipment;

(iii) In the case of iron ore, ball and sagger clay or rock asphalt, and ores which are customarily sold in the form of the crude mineral product—sorting or concentrating to bring to shipping grade, and loading at the mine for shipment; and

(iv) In the case of lead, zinc, copper, gold, silver, or fluorspar ores and ores which are not customarily sold in the form of the crude mineral product—crushing, concentrating (by gravity or flotation), and other processes to the extent to which they do not beneficiate the product in greater degree (in relation to the crude mineral product on the one hand and the refined product on the other) than crushing and concentrating (by gravity or flotation).

In case any of the excepted processes were not applied in the immediate vicinity of the mining district in which the mine is located, costs incurred for transportation to the processing location and, if transported by taxpayer, the proportionate profits attributable to transportation should be subtracted from the sale price of the product to determine "gross income from the property."

There shall be excluded in determining the "gross income from the property", for each year in the base period, an amount equal to any rents or royalties which were paid or incurred by the taxpayer in respect of the property and were not otherwise excluded from the "gross income from the property". If royalties in the form of bonus payments were paid in respect of the property in a taxable year in the base period or any prior years, or if advanced royalties were paid in respect of the property in any taxable year ending prior to December 31, 1939, the amount excluded from "gross income from the property" for a taxable year in the base period on account of such payments shall be an amount equal to that part of such payments which is allocable to the product sold during the taxable year.

If the taxpayer paid rents, royalties, or bonuses with respect to the mineral property during the base period, and in an excess profits tax taxable year for which the benefits of section 735 are claimed owns an economic interest in such property which does not require the payments of rents, royalties, or bonus payments, the amount of such rents, royalties, and bonuses paid during the base period shall, for the purposes of section 735, not be deducted in the computation of the gross income from the property. If the taxpayer paid rents, royalties, or bonuses with respect to the mineral property during the base period and in an excess profits tax taxable year for which the benefits of section 735 are claimed pays rents, royalties, or bonuses in amounts different from those paid during the base period because of a change in its economic interest, the gross income from the property during the base period shall be recomputed as if the new contractual terms pursuant to which the new rents, royalties, or bonuses are paid had been in effect during the base period. If the economic interest of the taxpayer during the base period was such that it did not pay rents, royalties, or bonuses, but such interest has changed so that during the excess profits tax taxable year for which the benefits of section 735 are claimed the taxpayer pays rents, royalties, or bonuses, the gross income from the property during the base period shall be recomputed as if the contractual agreement pursuant to which rents, royalties, or bonuses are paid during the excess profits tax taxable year were in full force and effect during the base period. If the economic interest of a person other than the taxpayer in the mineral property during any year in the base period was different from the economic interest of the taxpayer in the excess profits tax taxable year for which the benefits of section 735 are claimed, the gross income of such person from the property during such base period year shall be recomputed as if its economic interest in the mineral property were the same as the economic interest of the taxpayer in the excess profits tax taxable year for which the benefits of section 735 are claimed.

If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, the gross income from such property shall be allocated to each type of metal, coal, or nonmetallic substance for which a separate mineral unit is established. If the gross income from the property is determined by excluding the costs and proportionate profits attributable to transportation and to the processes not listed above, or if such gross income is an amount different from the gross proceeds received from the sale of the minerals, the gross income attributable to each type of metal, coal, or nonmetallic substance shall be an amount which bears the same ratio to the gross income from the property which the gross proceeds received from the sale of such type of metal, coal, or nonmetallic substance in the minerals bears to the total gross proceeds received from the sales of all such types.

(j) *Estimated recoverable units.* The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the excess profits tax taxable year for which the benefits of section 735 are claimed plus the excess output for such year. If the number of recoverable units of metal, coal, and nonmetallic substances in the minerals in the property have been previously estimated for the prior year or years, and if there has been no known change in the facts upon which the prior estimate was based, the number of recoverable units of metal, coal, and nonmetallic substances in the minerals in the property as of the taxable year will be the number remaining from the prior estimate. Thus, the recoverable units estimated to remain at the end of a taxable year shall be computed, generally, as the estimated recoverable units as of the beginning of the taxable year minus the output for the year. In any case in which it is ascertained either by the taxpayer or the Commissioner as the result of operations or development work prior to the close of the taxable year that the remaining recoverable mineral units are materially greater or less than the number remaining from the prior estimate, the estimate of the remaining recoverable units shall be revised and the revised estimate will be used for the purposes of computing exempt excess output under the provisions of section 735 (a) (11) and § 30.735–2 (k) unless a change in the facts requires another revision. Regardless of the method of determining the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the excess profits tax taxable year, the estimated recoverable units for the purposes of section 735 shall be the number of such units plus the excess output for such year. The estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals means the metal, coal, or nonmetallic substance content of the minerals, and not the estimated recoverable units of the minerals which are the ores of the metals, coal, or nonmetallic substances. The estimated recoverable units from any mineral property shall be determined with respect to each type of metal, coal, or nonmetallic substance in the estimated recoverable minerals and shall not be determined as the aggregate of all classes of mineral units attributable to all such types of metal, coal, or nonmetallic substances. As to the determination of the estimated recoverable units of mineral products, see § 19.23 (m)–9 of Regulations 103.

All estimates of recoverable units of metal, coal, and nonmetallic substances in the estimated recoverable minerals from the mineral property shall be subject to the approval of the Commissioner, and the determinations of the Commissioner for the purposes of section 735 shall be final and conclusive.

(k) *Exempt excess output.* The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

100 percent if the excess output exceeds 50 percent of the estimated recoverable units;

95 percent if the excess output exceeds 33⅓ but not 50 percent of the estimated recoverable units;

90 percent if the excess output exceeds 25 but not 33⅓ percent of the estimated recoverable units;

85 percent if the excess output exceeds 20 but not 25 percent of the estimated recoverable units;

80 percent if the excess output exceeds 16⅔ but not 20 percent of the estimated recoverable units;

60 percent if the excess output exceeds 14⅔ but not 16⅔ percent of the estimated recoverable units;

40 percent if the excess output exceeds 12½ but not 14⅔ percent of the estimated recoverable units;

30 percent if the excess output exceeds 10 but not 12½ percent of the estimated recoverable units;

20 percent if the excess output exceeds 5 but not 10 percent of the estimated recoverable units.

Since the excess output and the estimated recoverable units, in the case of a mineral property from which are extracted minerals containing two or more types of metal, coal, or nonmetallic substances, shall be determined with respect to the mineral units comprising the excess output and the mineral units contained in the estimated recoverable units for each separate type of metal, coal, or nonmetallic substance, the percentage which the excess output is of the estimated recoverable units shall be based upon the excess output and the estimated recoverable units of each separate type and shall not be computed with respect to the aggregate of all classes of mineral units. The percentage so determined with respect to each separate type of metal, coal, or nonmetallic substance shall then be multiplied by the excess output of such type of metal, coal, or nonmetallic substance in the minerals recovered from the mineral property, and the product of the two shall be con-

sidered the exempt excess output of that type of metal, coal, or nonmetallic substance.

(1) *Unit net income.* The term "unit net income" means the amount of net income per mineral unit of coal or iron or per timber unit for any excess profits tax taxable year for which the benefits of section 735 are claimed. It is ascertained by dividing the net income (computed with the allowance for depletion used in computing net income for the purposes of chapter 1 for such year) from the coal or iron ore, or the timber, recovered during the taxable year from the coal mining property, the iron mining property, or the timber block, as the case may be, by the number of mineral units contained in the coal or iron ore recovered from such coal or iron mining property or by the number of timber units recovered from such timber block, in such year.

For the purposes of section 735 (a) (12) and section 735 (b) (2), the term "coal mining property" means the aggregate of all tracts or parcels of land containing coal deposits in which economic interests were owned, and from which coal was extracted, by the taxpayer at any time after the beginning of the base period (excluding, however, any tract or parcel of land in which an economic interest was acquired, and from which coal was extracted, by any other person subsequent to the last date of ownership and operation by the taxpayer) to the extent that the coal extracted therefrom by the taxpayer was processed at a single preparation plant, regardless of whether the economic interest in one such tract or parcel of land differed from that in another.

For the purposes of section 735 (a) (12) and section 735 (b) (2), the term "iron mining property" means the aggregate of all tracts or parcels of land containing iron ore deposits in which economic interests were owned, and from which iron ore was extracted, by the taxpayer at any time after the beginning of the base period (excluding, however, any tract or parcel of land in which an economic interest was acquired, and from which iron ore was extracted, by any other person subsequent to the last date of ownership and operation by the taxpayer) to the extent that such tracts or parcels of land were operated by the taxpayer as an operation unit, regardless of whether the economic interest in one tract or parcel of land differed from that in another.

The net income (computed with the allowance for depletion) from the coal or the iron ore recovered from the coal mining property or the iron mining property during an excess profits tax taxable year for which the benefits of section 735 (b) (2) are claimed shall be the net income from the coal mining property or iron mining property from which such coal or iron ore is recovered, computed in a manner similar to that described in § 30.735–2 (i) with respect to a mineral property as if such coal mining property or iron mining property were a mineral property, except that the amount of depletion allowed in the computation of such net income shall be computed according to sections 23 (m) and 114, and the regulations thereunder.

The determination of net income from a timber block for an excess profits tax taxable year must be made with respect to each timber block separately and cannot be made with respect to the aggregate of the timber blocks owned by the taxpayer. Net income from a timber block includes only income which is attributable to that portion of the operation unit which was in existence on December 31, 1941; net income attributable to any standing timber acquired after December 31, 1941, and which after such date has become a part of the timber block existing on December 31, 1941, must be excluded. Net income from timber recovered from a timber block (computed with the allowance for depletion) means the net income attributable to timber and logging operations, not including transportation of the logs to the log or other market. That portion of the taxpayer's net income attributable to transportation or to manufacturing or remanufacturing, if the taxpayer which is a producer of logs from a timber block carries its operations beyond the logging stage, must be eliminated. If the taxpayer is engaged in activities in addition to timber and logging operations, the net income attributable to timber recovered from a timber block shall be computed as follows:

(1) *Net income.* Net income from timber recovered from a timber block (computed with the allowance for depletion) means the gross income from the timber block as defined in (2) of this paragraph, less the allowable deductions attributable to the timber block with respect to which exempt excess output is computed and the allowable deductions attributable to timbering and logging operations, but not including transportation of the logs to the log or other market, insofar as they relate to logs cut by the taxpayer from the timber block, including overhead and operating expenses, development costs properly charged to expense, depreciation, taxes, losses sustained, and including the allowance for depletion. The allowance for depletion shall be that used in computing net income for the purposes of chapter 1 for the taxable year. In cases where the taxpayer engages in activities in addition to timbering and logging operations, including in such additional activities transportation of the logs to the log or other market, deductions for depreciation, taxes, general expenses, and overhead which cannot be directly attributed to any specific activity shall be fairly apportioned between (i) the timber and logging operations, and (ii) the additional activities, taking into account the ratio which the operating expenses directly attributable to the timber and logging operations bear to the operating expenses directly attributable to the additional activities. If more than one timber block is involved, the deductions apportioned to the timber and logging operations shall, in turn, be fairly apportioned to the several timber blocks, taking into account their relative production.

(2) *Gross income from the timber block.* Gross income from the timber block for any excess profits tax taxable year beginning after December 31, 1941, means the amount for which the taxpayer sold the timber or the logs in the immediate vicinity of the timber block, but if the logs were transported or processed or manufactured or remanufactured before sale, it means the representative market or field price (as of the date of sale) of logs of like kind and grade before such transportation, processing, manufacture, or remanufacture. If there was no such representative market or field price (as of the date of sale), then there shall be used in lieu thereof the representative market or field price of the first marketable product resulting from any processing, manufacture, or remanufacture (or, if the logs were merely transported, the price for which sold) minus the costs and proportionate profits attributable to the transportation and the processes, manufacture, and remanufacture.

In all cases there shall be excluded in determining the gross income from the timber block an amount equal to any rents or royalties which were paid or incurred by the taxpayer in respect of the timber block and are not otherwise excluded from the gross income from the timber block. If royalties in the form of bonus payments have been paid in respect of the timber block in the taxable year or any prior years or if advanced royalties have been paid in respect of the property in any taxable year ending prior to December 31, 1939, the amount excluded from gross income from the timber block for the current taxable year on account of such payments shall be an amount equal to that part of such payments which is allocable to the product sold during the taxable year. If advanced royalties have been paid in respect of the timber block in any taxable year ending on or after December 31, 1939, the amount excluded from gross income from the timber block for the current taxable year on account of such payments shall be an amount equal to the deduction for such taxable year taken on account of such payments pursuant to the rules provided in § 19.23 (m)–10 (e) with respect to advanced royalties paid in the case of mineral properties.

§ 30.735–3 *Nontaxable income from exempt excess output.* Nontaxable income from exempt excess output is excluded in the computation of excess profits net income for excess profits tax taxable years beginning after December 31, 1941, under section 711 (a) (1) (I) if the taxpayer uses the excess profits credit based on income or under section 711 (a) (2) (K) if the taxpayer uses the excess profits credit based on invested capital, and is determined as follows:

(a) *General rule.* If with respect to any excess profits tax taxable year beginning after December 31, 1941, the excess output of a mineral property which was in operation during the base period exceeds 5 percent of the estimated recoverable units from such mineral property, computed as provided in § 30.735–2 (j), the nontaxable income from exempt excess output shall be an amount equal to the exempt excess output for such year (computed under § 30.735–2 (k)) multiplied by the normal unit profit (computed under § 30.735–2 (i)). In no event shall the amount of nontaxable income from exempt excess output exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year. The net income attributable to excess output shall be that percentage of the net income from the mineral property which the excess output for the taxable year is of the total output for the taxable year. The net income from the mineral property shall be computed in accordance with the rules provided in § 30.735–2 (i) for the computation of net income from the mineral property for a taxable year in the base period.

If mineral units are determined for two or more types of metals, coal, or nonmetallic substances, the nontaxable income shall be determined with respect to the exempt excess output of each type of metal, coal, or nonmetallic substance. In no event shall nontaxable income from exempt excess output be determined with respect to any such type unless the mineral property was in operation during the base period and unless the excess output of such type exceeds 5 percent of the estimated recoverable units of such type of metal, coal, or nonmetallic substance in the mineral property.

If the minerals recovered from a mineral property contain two or more types of metals, coal, or nonmetallic substances, the nontaxable income from exempt excess output of such property for a taxable year shall be the aggregate of the nontaxable incomes from exempt excess output of each type of metal, coal, or nonmetallic substance. The nontaxable income from exempt excess output of each type of metal, coal, or nonmetallic substance shall be an amount equal to the exempt excess output of such type of metal, coal, or nonmetallic substance (see § 30.735–2 (k)) multiplied by the normal unit profit for such type (see § 30.735–2 (i)). The nontaxable income from exempt excess output attributable to each type of metal, coal, or nonmetallic substance shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output of such type for the taxable year. The net income attributable to the excess output of each type of mineral unit shall be determined as follows: The net income attributable to the mineral property for the taxable year shall be fairly allocated to each type of metal, coal, or nonmetallic substance contained in the minerals recovered from the mineral property in such year in accordance with the principles set forth in § 30.735–2 (i). The amount so allocated shall be divided by the total number of mineral units of such type of metal, coal, or nonmetallic substance for the taxable year, and the amount so determined shall be multiplied by the excess output of the mineral units of such type, determined in accordance with § 30.735–2 (d), for the year.

The provisions of this paragraph may be illustrated by the following examples:

Example (1) Assume that the taxpayer, which is on the calendar year basis, owns a mineral property from which is extracted a mineral containing one nonmetallic substance. The total output of such property during the four calendar years in the base period, the first of which began in 1936, was 416,000 tons and the aggregate of the net incomes for such years (including the allowance for depletion computed upon the same basis as for the year 1942) was $1,248,000. The normal output is 104,000 tons and the normal unit profit is $3 per ton. During 1942 minerals containing 200,000 tons of the nonmetallic substance were extracted from the property at a unit profit of $3.50 per ton. The net income for such year was $700,000. As of December 31, 1942, it is estimated that 1,000,000 tons of the nonmetallic substance remained in the mineral property. The amount of nontaxable income from exempt excess output to be excluded in the computation of excess profits net income for 1942 is $57,600, computed as follows:

1. Normal output (tons)	104,000
2. Output for 1942 (tons)	200,000
3. Excess output for 1942 (tons)	96,000
4. Estimated recoverable units for 1942 (1,000,000 tons plus item 3)	1,096,000
5. Percentage which item 3 is of item 4	8.8%
6. Percentage of item 3 to be used in computing exempt excess output	20%
7. Exempt excess output for 1942 (tons) (item 3 times item 6)	19,200
8. Normal unit profit (per ton)	$3
9. Nontaxable income from exempt excess output (item 8 times item 7, but not in excess of item 12)	$57,600
10. Net income for 1942	$700,000
11. Unit net income for 1942 (per ton) (item 10 divided by item 2)	$3.50
12. Net income attributable to excess output for 1942 (item 3 times item 11)	$336,000

Example (2). Corporation A, which is on the calendar year basis, owns a mineral property from which it extracts minerals containing gold and silver. For each of the four taxable years in the base period it recovered 250,000 tons of a $7.75 ore, i. e., minerals assaying 10 ounces of silver and .05 ounces of gold per ton, the price of silver being $.60 per ounce and of gold being $35 per ounce during such period. The output of silver for each base period year was 2,500,000 ounces, and of gold was 12,500 ounces. The gross income for each base period year was $1,937,500, constituting $1,500,000 attributable to silver and $437,500 attributable to gold. Allowable deductions including the smelter charges for each year, but excluding the allowance for depletion, amounted to $1,000,000. Of the amount of such deductions, $774,193.55 represented the amount allocable to silver production $\left(\frac{1,500,000}{1,937,500} \text{ times } \$1,000,000\right)$ and $225,806.45 represented the amount allocable to gold production

$$\left(\frac{437,500}{1,937,500} \text{ times } \$1,000,000\right).$$

The net income from the mineral property (computed without the allowance for depletion) was $725,806.45 attributable to silver and $211,693.55 attributable to gold. The allowance for percentage depletion computed with respect to silver mining was $225,000 (15 percent of $1,500,000 but not in excess of 50 percent of $725,806.45); the allowance for such depletion computed with respect to gold mining was $65,625 (15 percent of $437,500 but not in excess of 50 percent of $211,693.55). In 1942, 320,000 tons of ore were extracted from the mineral property. The character of the ore encountered had changed so that in 1942 it was $11.375 ore, i. e., minerals which assayed 15 ounces of silver and .025 ounces of gold to the ton, the price of silver being $.70 per ounce and the price of gold $35 per ounce. The total output of silver for 1942 was 4,800,000 ounces; the total output of gold was 8,000 ounces. The gross income for 1942 was $3,640,000, consisting of $3,360,000 attributable to silver and $280,000 attributable to gold. Allowable deductions including the smelter charges for the year, but excluding the allowance for depletion, amounted to $1,280,000. Of the amount of such deductions, $1,181,538.46 represented the amount allocable to silver production

$$\left(\frac{3,360,000}{3,640,000} \text{ times } \$1,280,000\right),$$

and $98,461.54 represented the amount allocable to gold production

$$\left(\frac{280,000}{3,640,000} \text{ times } \$1,280,000\right).$$

The net income from the mineral property (computed without the allowance for depletion) was $2,178,461.54 attributable to silver and $181,538.46 attributable to gold. The allowance for percentage depletion computed with respect to silver mining was $504,000 (15 percent of $3,360,000 but not in excess of 50 percent of $2,178,461.54); the allowance for such depletion computed with respect to gold mining was $42,000 (15 percent of $280,000 but not in excess of 50 percent of $181,538.46). It is estimated that as of December 31, 1942, there were 19,200,000 units of silver, and 32,000 units of gold remaining in the mineral property. There is no nontaxable income from exempt excess output of gold since the normal output exceeds the 1942 output of that metal. The nontaxable income from exempt excess output of silver is $138,220.80, computed as follows:

	Silver	Gold
1. Normal output (ounces):		
a. Silver (10,000,000 divided by 4)	2,500,000	
b. Gold (50,000 divided by 4)		12,500
2. Output for 1942 (ounces)	4,800,000	8,000
3. Excess output (item 1a or 1b, minus item 2)	2,300,000	0
4. Estimated recoverable units as of Dec. 31, 1942 (ounces):		
a. Silver (19,200,000 plus 2,300,000)	21,500,000	
b. Gold (32,000 plus 0)		32,000
5. Percentage which item 3 is of item 4a or 4b (percent)	10.7	
6. Percentage of item 3 to be used in computing exempt excess output (percent)	30	
7. Exempt excess output (ounces) (item 3 times item 6)	690,000	
8. Normal unit profit per ounce (item 17)	$0.20032	$11.6854
9. Nontaxable income from exempt excess output (item 7 times item 8) but not in excess of item 24	$138,220.80	

		Silver	Gold
	NORMAL UNIT PROFIT		
10.	Gross income from the mineral property for each base period year	$1,500,000.00	$437,500.00
11.	Allowable deductions (excluding allowance for depletion) for each base period year	$774,193.55	$225,806.45
12.	Net income from the mineral property (excluding allowance for depletion) for each base period year	$725,806.45	$211,693.55
13.	Allowance for percentage depletion	$225,000.00	$65,025.00
14.	Net income from the mineral property for each base period year	$500,806.45	$146,068.55
15.	Aggregate net income from the mineral property for the base period	$2,003,225.80	$584,274.20
16.	Aggregate mineral units recovered during base period (ounces)	10,000,000	50,000
17.	Normal unit profit (item 15 divided by item 16)	$.00232	$11.68548
	NET INCOME ATTRIBUTABLE TO EXCESS OUTPUT		
18.	Gross income from the mineral property for 1942	$3,360,000.00	$280,000.00
19.	Allowable deductions (excluding allowance for depletion) for 1942	$1,181,538.46	$98,461.54
20.	Net income from the mineral property (excluding allowance for depletion) for 1942	$2,178,461.54	$181,538.46
21.	Allowance for percentage depletion	$504,000.00	$42,000.00
22.	Net income from the mineral property for 1942	$1,674,461.54	$139,538.46
23.	Unit net income for 1942 (item 22 divided by item 2)	$.348846	$17.4423
24.	Net income attributable to excess output (item 3 times item 23)	$802,345.80	0

If income attributable to a strategic mineral as defined in section 731 is exempt from the excess profits tax pursuant to the provisions of such section, nontaxable income from exempt excess output of such strategic mineral shall not be computed for the purposes of section 735 (b) (1) or of section 711 (a) (1) (I) or section 711 (a) (2) (K). The portion of gross income and allowable deductions attributable to such strategic mineral shall be excluded from the net income from the mineral property in determining the net income attributable to other metals or nonmetallic substances in the minerals recovered from such mineral property for the base period and for the excess profits tax taxable year for which the benefits of section 735 are claimed.

(b) *Coal and iron mines.* With respect to any excess profits tax taxable year beginning after December 31, 1941, the nontaxable income from exempt excess output of a coal mining or an iron mining property which was in operation during the base period shall be whichever of the following amounts the taxpayer elects:

(1) An amount equal to the excess output of such coal mining or iron mining property, determined under this subsection, for such year multiplied by one-half of the unit net income determined under § 30.735–2 (1) from such property for such year, or

(2) An amount determined under § 30.735–3 (a).

In order to elect the amount provided in (1) of this paragraph, the excess output of the coal mining property or iron mining property (as defined in § 30.735–2 (1)) which was in operation during the base period need not exceed 5 percent of the estimated recoverable units in such property. As to the election with respect to the amount provided in (2) of this paragraph, see section 735 (b) (1) and § 30.735–3 (a).

For the purposes of the computation of the amount described in (1) of this paragraph for an excess profits tax taxable year:

A coal mining property or an iron mining property (as defined in § 30.735–2 (1)) shall be considered to have been in operation during the base period if any part of such property was in operation for six months or more during the base period.

The excess output of a coal mining property or an iron mining property which was in operation during the base period shall be computed upon the basis of the coal mining property or iron mining property and shall be the excess of the aggregate of the mineral units extracted from such coal mining or iron mining property during the taxable year over the normal output of such property. The normal output of a coal mining property or an iron mining property shall be computed with respect to such property in a manner similar to that described in § 30.735–2 (e) with respect to a mineral property, as if such coal mining property or iron mining property were a mineral property.

The election pursuant to section 735 (b) and this subsection shall be made in the excess profits tax return, filed on or before the last day required by law for the filing of such return, for the taxable year for which the benefits of section 735 are claimed. The last day required by law for the filing of such return includes the last day of the period of any extension of time granted for such filing. Such election must be made for each excess profits tax taxable year for which the benefits of section 735 (b) (2) are claimed. An election made with respect to a taxable year to compute nontaxable income from exempt excess output pursuant to the provisions of section 735 (b) (2) and § 30.735–3 (b) (1) does not preclude the taxpayer from electing for a subsequent year to compute nontaxable income pursuant to the provisions of section 735 (b) (1) and § 30.735–3 (a) provided the taxpayer satisfies the requirements there provided, and vice versa. For any excess profits tax taxable year for which an election is made under section 735 (b) (2) and this subsection, such election shall be made by the taxpayer by attaching to its excess profits tax return a statement showing the method of computation and the amount of nontaxable income from exempt excess output elected under the provisions of section 735 (b) (2) and this paragraph. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner, be made by the taxpayer filing with the Commissioner of Internal Revenue, Washington, D. C., within the period of limitations for the filing of claims for credit or refund with respect to the year or years involved, a notice of its election or change in election accompanied by a recomputation of its income and excess profits taxes for such years. If the recomputation results in an overpayment for any of such years, the taxpayer should file a claim for refund on Form 843 in accordance with the provisions of section 322.

The provisions of this subsection may be illustrated by the following example:

Example. Assume that during the taxable year 1942 a corporation owned several tracts of land containing coal deposits which it had operated for more than six months during the base period. During the taxable year 1942, the coal extracted by the taxpayer from such land was processed at a single preparation plant, so that for the purposes of the computation provided by (1) of this paragraph such land constitutes a coal mining property. The normal output of the coal mining property was 350,000 tons. The output for the calendar year 1942 was 450,000 tons. The net income from the coal mining property during 1942 was $103,500. Assume that for the year 1942, the corporation elected to compute an amount of nontaxable income from exempt excess output of the coal mining property under the rule prescribed by (1) of this paragraph rather than under (2) of this paragraph. Such amount of nontaxable income from exempt excess output would be $11,500, computed as follows:

1.	Normal output (tons)	350,000
2.	Output for 1942 (tons)	450,000
3.	Excess output (tons) (item 2 less item 1)	100,000
4.	Net income from coal extracted from coal mining property in 1942	$103,500
5.	Unit net income per ton for 1942 (item 4 divided by item 2)	$.23
6.	Nontaxable income from exempt excess output computed pursuant to section 735 (b) (2) and without regard to section 735 (b) (1) (item 3 times one-half of item 5)	$11,500

(c) *Timber properties.* With respect to any excess profits tax taxable year beginning after December 31, 1941, the nontaxable income from exempt excess output of a timber block which was in operation during the base period shall be an amount equal to the excess output of such timber block for such year, determined under § 30.735–2 (d), multiplied by one-half of the unit net income from such timber block for such year, determined under § 30.735–2 (1).

The provisions of this paragraph may be illustrated by the following example:

Example. Assume that the normal unit output of a timber block operated by corporation T during the base period was 20,000,000 board feet log scale. The output of timber units for the taxable year 1942 was 32,000,000 board feet log scale and the net income attributable to the timber block, and to timber and logging operations not including transportation, was $320,000. The nontaxable income from exempt excess output of the timber block for 1942 is $60,000, computed as follows:

1.	Normal output (M board feet log scale)	20,000
2.	Timber units for 1942 (M board feet log scale)	32,000
3.	Excess output (M board feet log scale)	12,000
4.	Net income from timber block for 1942	$320,000
5.	Unit net income per M board feet log scale for 1942 (item 4 divided by item 2)	$10
6.	Nontaxable income from exempt excess output computed pursuant to section 735 (b) (3) (item 3 multiplied by one-half of item 5)	$60,000

§ 30.735–4 *Nontaxable bonus income.* With respect to excess profits tax taxable years beginning after December 31, 1940, the term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of certain specified quotas of a mineral product or of timber, if the exhaustion of the mineral property or the timber block from which such product or timber was recovered gives rise to an allowance for depletion under section 23 (m). Such amount, however, shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of the quota. Such net income so attributable shall be an amount which bears the same ratio to the net income from the mineral property, computed as provided in § 30.735–2 (i), or the net income from the timber block, computed as provided in § 30.735–2 (1), as the output in excess of the quota bears to the total number of mineral units or timber units produced for the taxable year. If two or more metals, coal, or nonmetallic substances are contained in the minerals recovered from a mineral property, nontaxable bonus income must be determined with respect to each such metal, coal, or nonmetallic substance, and net income from the property must be allocated fairly between each type of metal, coal, or nonmetallic substance. In the case of any such bonus paid with respect to any such type of metal, coal, or nonmetallic substance the nontaxable bonus income shall not exceed the net income attributable to the output in excess of the specified quota of such type. Such net income shall be an amount which bears the same ratio to the net income attributable to such type of metal, coal, or nonmetallic substance as the output in excess of the quota established for such type bears to the number of mineral units of such type produced for the taxable year.

The provisions of this section may be illustrated by the following example:

Example. Corporation C, which is on the calendar year basis, owns a mineral property from which is extracted copper ore. For each of the four years in the base period, it extracted 200 tons of ore a day, or 73,000 tons per year; the ore assayed 60 pounds of copper to the ton. The annual base period output of copper was 4,380,000 pounds, and the price received by corporation C per ton of ore was $7.20. Gross income for each base period year was therefore $525,600. Allowable deductions, including the smelter charges but exclusive of percentage depletion, amounted to $385,000. Net income from the mineral property, without regard to the allowance for depletion, was $140,600. Percentage depletion for each such year amounted to $70,300 (15 percent of $525,600 but not in excess of 50 percent of $140,600). For 1942, corporation C recovered 110,000 tons of ore, which assayed 50 pounds of copper to the ton, from the mineral property. The 1942 output of copper was therefore 5,500,000 pounds. The ceiling price established by the War Production Board and the Office of Price Administration for copper was $.12 per pound. With respect to corporation C, a 1942 quota of 4,000,000 pounds of copper was established and a bonus of $.05 per pound was paid for above-quota production. Gross income received by corporation C for 1942 was $735,000 and included a bonus payment of $75,000 (1,500,000 times $.05). Allowable deductions, including the smelter charges but exclusive of percentage depletion, amounted to $579,700. Net income from the property, without regard to the allowance for depletion, was $155,300. Percentage depletion amounted to $77,650 (15 percent of $735,000 but not in excess of 50 percent of $155,300). As of December 31, 1942, it was estimated that 35,000,000 pounds of copper remained in the minerals in the mineral property. Since the excess output for 1942 did not exceed 5 percent of the estimated recoverable units for 1942, nontaxable income from exempt excess output is not authorized by section 735 (b) (1). The amount of nontaxable bonus income for 1942 is $21,177, computed as follows:

1.	Normal output (pounds) (17,520,000 divided by 4)	4,380,000
2.	Output for 1942 (pounds)	5,500,000
3.	Excess output for 1942 (pounds) (item 2 minus item 1)	1,120,000
4.	Estimated recoverable units for 1942 (pounds) (35,000,000 plus item 3)	36,120,000
5.	Percentage which item 3 is of item 4	3.1%
6.	Gross income for 1942 from the mineral property	$735,000
7.	Allowable deductions (excluding depletion)	$579,700
8.	Net income from the mineral property (excluding depletion)	$155,300
9.	Less percentage depletion	$77,650
10.	Net income for 1942 from the mineral property	$77,650
11.	Unit net income for 1942 (item 10 divided by item 2)	$.014118
12.	Quota for 1942 (pounds)	4,000,000
13.	Above-quota production for 1942 (pounds) (item 2 minus item 12)	1,500,000
14.	Net income attributable to above-quota production (item 13 times item 11)	$21,177
15.	Bonus payments received	$75,000
16.	Nontaxable bonus income (item 14 or item 15, whichever is the lesser)	$21,177

If income attributable to a strategic mineral as defined in section 731 is exempt from excess profits tax pursuant to the provisions of such section, nontaxable bonus income attributable to such strategic mineral shall not be computed for the purposes of section 735 (c) or of section 711 (a) (1) (I) or section 711 (a) (2) (K). The portion of gross income and allowable deductions attributable to such strategic mineral shall be excluded from the net income from the mineral property in determining the net income attributable to other metals or nonmetallic substances in the minerals recovered from such mineral property for the base period and for the excess profits tax taxable year for which the benefits of section 735 are claimed.

§ 30.735–5 *Rule in case income from excess output includes bonus payment.* The nontaxable income for any excess profits tax taxable year beginning after December 31, 1941, attributable to exempt excess output pursuant to the provisions of section 735 (b) (1), (2), or (3) may include nontaxable bonus payments, as provided in section 735 (c). In such case, the taxpayer may elect to compute its nontaxable income attributable to the output in excess of the established quota as nontaxable income from exempt excess output pursuant to the appropriate provision of section 735 (b) and § 30.735–3 or as nontaxable bonus income pursuant to section 735 (c) and § 30.735–4. Such election shall be made in the excess profits tax return filed prior to the last day required by law for the filing of such return for the taxable year for which the benefits of section 735 are claimed. The last day required by law for the filing of the return includes the last day of the period of any extension granted for such filing. The election provided in section 735 (d) must be made for each excess profits tax taxable year for which income attributable to excess output includes bonus payments. An election made with respect to one excess profits tax taxable year to receive the benefits of nontaxable bonus income under section 735 (c) does not preclude the taxpayer from electing for a subsequent year to receive the benefits of nontaxable income from exempt excess output under section 735 (b), and vice versa. For any excess profits tax taxable year for which an election is made under section 735 (d) and this section, such election shall be made by the taxpayer by attaching to its excess profits tax return a statement showing the method of computation and the amount of nontaxable income from exempt excess output under section 735 (b) or of nontaxable bonus income under section 735 (c), whichever the taxpayer elects to exclude under section 711 (a) (1) (I) or section 711 (a) (2) (K) in the computation of excess profits net income. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner, be made in an amended return filed by the taxpayer within the period of limitations for the filing of claims for credit or refund.

The provisions of this section may be illustrated by the following example:

Example. Corporation P, which is on the calendar year basis, owns a mineral property from which is extracted minerals containing lead and silver. For each taxable year in the base period, 10,000 tons of ore, assaying 100 pounds of lead and 10 ounces of silver to the ton, were extracted from the mineral property. The output of lead for each base period year was 1,000,000 pounds; the output of

silver was 100,000 ounces. Assume that the market price obtained by such corporation for lead for such period was $.05 per pound and that the market price obtained for silver was $.70 per ounce. The gross income for each year in the base period was $120,000, consisting of $50,000 received for lead and $70,000 for silver. Allowable deductions for each year, including the smelter charges but excluding th allowance for depletion, amounted to $40,000. Of the amount of such deductions, $16,666.67 represented the amount allocable to lead production $\left(\frac{50,000}{120,000} \text{ times } \$40,000\right)$ and $23,333.33 represented the amount allocable to silver production $\left(\frac{70,000}{120,000} \text{ times } \$40,000\right)$. The net income from the mineral property (computed without the allowance for depletion) was $33,333.33 attributable to lead, and $46,666.67 attributable to silver. The allowance for percentage depletion computed with respect to lead mining was $7,500 (15 percent of $50,000 but not in excess of 50 percent of $33,333.33); the allowance for such depletion computed with respect to silver mining was $10,500 (15 percent of $70,000 but not in excess of 50 percent of $46,666.67). In 1942, 20,000 tons of ore were extracted from the mineral property. The quality of the ore had deteriorated so that it assayed 80 pounds of lead and 8 ounces of silver to the ton. For 1942, therefore, the total output of lead was 1,600,000 pounds, and the total output of silver was 160,000 ounces. The ceiling price of lead was $.06½ per pound; a quota of 900,000 pounds of lead was established by the War Production Board and the Office of Price Administration with respect to the taxpayer and a bonus of $.02¾ per pound was paid to the taxpayer with respect to production in excess of such quota. The price of silver obtained by taxpayer was $.70 per ounce. The gross income for 1942 was $235,250 consisting of $123,250 attributable to lead and $112,000 attributable to silver. The bonus payments received by the taxpayer with respect to above-quota production of lead, included in gross income attributed to lead, amounted to $19,250 (700,000 pounds of lead times $.02¾ per pound). Allowable deductions for the year, including the smelter charges but excluding the allowance for depletion, amounted to $80,000. Of the amount of such deductions, $41,912.86 represented the amount allocable to lead production $\left(\frac{123,250}{235,250} \text{ times } \$80,000\right)$ and $38,087.14 represented the amount allocable to silver production $\left(\frac{112,000}{235,250} \text{ times } \$80,000\right)$. The net income from the mineral property (computed without the allowance for depletion) was $81,337.14 attributable to lead and $73,912.86 attributable to silver. The allowance for percentage depletion computed with respect to lead mining was $18,487.50 (15 percent of $123,250 but not in excess of 50 percent of $81,337.14); the allowance for such depletion computed with respect to silver mining was $16,800 (15 percent of $112,000 but not in excess of 50 percent of $73,912.86). It is estimated that as of December 31, 1942, there were 6,500,000 pounds of lead and 510,000 ounces of silver remaining in the mineral property. For 1942 the amount of nontaxable income from exempt excess output of lead was $3,099.60, the amount of nontaxable bonus income from lead was $19,250, and the amount of nontaxable income from exempt excess output of silver was $6,510.06.

Since the amount of nontaxable bonus income with respect to the output of lead which exceeds the established quota and which also constitutes excess output, *i. e.*, 600,000 pounds, was $16,500 (item 33 in the following computation) and exceeded $3,099.60 representing the nontaxable income from exempt excess output of lead, corporation P elected under section 735 (d) to exclude $16,500 with respect to such 600,000 pounds in the computation of excess profits net income. With respect to the remaining portion of its output in excess of the established quota, *i. e.*, 100,000 pounds, corporation P excluded nontaxable bonus income of $2,750 (item 34) in the computation of excess profits net income pursuant to section 735 (c).

COMPUTATION

	Lead	Silver
1. Normal output:		
a. Lead (pounds) (4,000,000 divided by 4)	1,000,000	
b. Silver (ounces) (400,000 divided by 4)		100,000
2. Output for 1942	1,600,000	160,000
3. Excess output (item 2, minus item 1a or 1b)	600,000	60,000
4. Estimated recoverable units as of December 31, 1942:		
a. Lead (pounds) (6,500,000 plus 600,000)	7,100,000	
b. Silver (ounces) (510,000 plus 60,000)		570,000
5. Percentage which item 3 is of item 4a or 4b	8.4507%	10.5357%
6. Percentage of item 3 to be used in computing exempt excess output	20%	30%
7. Exempt excess output (item 3 times item 6)	120,000	18,000
8. Normal unit profit (item 17)	$.02583	$.36167
9. Nontaxable income from exempt excess output (item 7 times item 8) but not in excess of item 24	$3,099.60	$6,510.06

NORMAL UNIT PROFIT

10. Gross income from the mineral property for each base period year	$50,000.00	$70,000.00
11. Allowable deductions (excluding allowance for depletion) for each base period year	$16,666.67	$23,333.33
12. Net income from the mineral property (excluding allowance for depletion) for each base period year	$33,333.33	$46,666.67
13. Allowance for percentage depletion	$7,500.00	$10,500.00
14. Net income from the mineral property for each base period year	$25,833.33	$36,166.67
15. Aggregate net income from the mineral property for the base period	$103,333.32	$144,666.68
16. Aggregate mineral units recovered during the base period	4,000,000	400,000
17. Normal unit profit (item 15 divided by item 16)	$.02583	$.36167

NET INCOME ATTRIBUTABLE TO EXCESS OUTPUT

18. Gross income from the mineral for 1942	$123,250.00	$112,000.00
19. Allowable deductions (excluding allowance for depletion) for 1942	$41,912.86	$38,087.14
20. Net income from the mineral property (excluding allowance for depletion) for 1942	$81,337.14	$73,912.86
21. Allowance for percentage depletion	$18,487.50	$16,800.00
22. Net income from the mineral property for 1942	$62,849.64	$57,112.86
23. Unit net income for 1942 (item 22 divided by item 2)	$.03928	$.36696
24. Net income attributable to excess output for 1942 (item 3 times item 23)	$23,568.00	$21,417.60

Nontaxable Bonus Income:	*Lead*
25. Quota established for 1942 (pounds)	900,000
26. Total output for 1942 (pounds)	1,600,000
27. Above-quota output (pounds)	700,000
28. Bonus payments received (item 27 times $.02¾)	$19,250
29. Net income attributable to above-quota output (item 27 times item 23)	$27,496
30. Nontaxable bonus income (item 28 or item 29, whichever is the lesser)	$19,250

Computation of nontaxable income from exempt excess output and from bonus payments with respect to 1942 excess output in excess of quota:

31. Item 3 or item 27, whichever is the lesser	600,000
32. Nontaxable income from exempt excess output computed with respect to item 31 (item 9)	$3,099.60
33. Nontaxable bonus income computed with respect to item 31 (item 31 times $.02¾)	$16,500.00

Computation of nontaxable income from exempt excess output and from bonus payments with respect to 1942 excess output in excess of quota—Continued.

34. Nontaxable bonus income computed with respect to above-quoted output in excess of 600,000 pounds, *i. e.*, 100,000 times $.02¾ (item 30 minus item 33)	$2,750.00

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 62) as made applicable by sec. 729 (a) of the Internal Revenue Code (54 Stat. 789; 26 U.S.C., 729 (a)) and sec. 209 (c) and (d) of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 22, 1943.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-11847; Filed, July 23, 1943; 11:57 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGES OF NON-PROFIT HOSPITAL EMPLOYEES

General Order No. 26 is hereby amended to read as follows:

§ 803.26–a *General Order No. 26–A.* (a) Adjustments in the wages or salaries of employees engaged in rendering hospital services and employed by a non-profit organization which maintains and operates a hospital will be deemed approved without submission to the Board, providing that such adjustments do not raise the wages or salaries beyond the minimum non-inflationary going rates for similar occupational groups in the labor market area.

(b) Monthly reports of such adjustments shall be submitted by each such organization to the National War Labor Board's Division of Review and Analysis, together with such information and data as the said Division or the Board may from time to time require.

(c) Such adjustments shall be subject to the National War Labor Board's ultimate right of review on its own initiative, but any modification or reversal thereof will not be retroactive.

(E.O. 9250, 7 F.R. 7871)

Adopted: July 21, 1943.

L. GARRISON,
Executive Director.

[F. R. Doc. 43-11883; Filed, July 24, 1943; 9:39 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[War Production Board Reg. 3]

INTERPRETATIONS OF REGULATIONS AND ORDERS OF THE WAR PRODUCTION BOARD

§ 903.02 *War Production Board Regulation No. 3.*—(a) *Purpose.* The purpose of this regulation is to establish rules governing the issuance of interpretations of regulations and orders of the War Production Board. No interpretations shall be deemed to be official or binding upon the War Production Board unless issued in accordance with this regulation.

(b) *Two classes of official interpretations.* By "published interpretation" is meant an official interpretation which has been published in the FEDERAL REGISTER. In the usual case, interpretations will be so published only when the interpretation is of wide general interest. By "unpublished interpretation" is meant any other interpretation issued pursuant to this Regulation. Unpublished interpretations are issued to one or more individuals and interpret a regulation or order with respect to individual transactions or operations not believed to be of general interest.

(c) *Authority to issue interpretations.* (1) Published interpretations will be issued only in the name of the Chairman or the Executive Vice Chairman of the War Production Board, or in the name of the War Production Board, countersigned or attested by the Executive Secretary or the Recording Secretary.

(2) Unpublished interpretations will be issued only (i) in the same form as published interpretations, or (ii) over the signature of the General Counsel, the Solicitor, an assistant general counsel, regional attorney or deputy regional attorney of the War Production Board.

(d) *Effect of interpretations.* (1) A published interpretation shall have the same force and effect as the regulation or order interpreted, regardless of whether a particular individual has actual knowledge of the published interpretation.

(2) An unpublished interpretation shall be binding only upon persons having actual knowledge thereof.

(3) In the event of conflict between a published and an unpublished interpretation the published interpretation shall prevail.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 22d day of July 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-11873; Filed, July 23, 1943; 4:54 p. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6660; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 327; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 942—COTTON LINTERS AND HULL FIBRE

[General Preference Order M-12, as Amended July 24, 1943]

Section 942.1 *General Preference Order M-12* is hereby amended to read:

§ 942.1 *General Preference Order M-12.*—(a) *Definitions.* (1) "Cotton linters" means the residual fibres removed by mechanical process from cottonseed and produced in three qualities commonly referred to as "mill runs", "first cuts" and "second cuts".

(2) "First cuts" means those linters resulting from the first delinting of cottonseed by a mill that makes more than one delinting.

(3) "Second cuts" means all those cotton linters resulting from all delinting of cottonseed subsequent to the first.

(4) "Mill runs" means all those cotton linters resulting from the delinting of cottonseed by a mill that makes only one delinting.

(5) "Hull fibre" means the fibres removed by mechanical process from cottonseed hulls.

(6) "Motes" means the fibrous waste materials resulting principally from the moting operation of linter machines.

(7) "Chemical cotton pulp" means pulp manufactured by chemically purifying cotton linters or hull fibre, sometimes described as "cotton linter pulp" or "cottonseed hull shavings pulp".

(8) "Mill" means any plant producing cotton linters, hull fibre or motes.

(b) *Restrictions on delivery and use.* (1) No producer of cotton linters shall deliver to any person other than Commodity Credit Corporation that portion of his production of cotton linters manufactured after July 31, 1943 which War Production Board may direct him in writing to deliver to Commodity Credit Corporation. The basis for determining the portion to be delivered for chemical use shall be the same for each producer.

(2) No producer of hull fibre shall deliver hull fibre produced after July 31, 1943 to any person other than a producer of chemical cotton pulp.

(3) Commodity Credit Corporation shall deliver cotton linters produced after July 31, 1943 only to such persons in such amounts and from such sources as may from time to time be designated in writing by War Production Board.

(4) Producers of chemical cotton pulp shall use cotton linters and hull fibre only in the manufacture of chemical cotton pulp.

(5) The delivery of cotton linters and hull fibre acquired or produced prior to August 1, 1943, shall be subject to the restrictions with respect thereto imposed by General Preference Order M-12 as in effect prior to August 1, 1943.

(c) *Production of cotton linters, hull fibre and motes.* (1) Each producer of cotton linters, hull fibre or motes shall comply with such written directions as may be given from time to time by War Production Board with respect to the delinting operations of his mill. Such directions shall be based primarily upon insuring that each mill shall be so operated that it shall produce cotton linters or hull fibre in such quantities and of such quality as shall be suitable for use by producers of chemical cotton pulp.

(2) First cuts, second cuts, mill runs, hull fibre and motes shall be baled separately.

(d) *Special permits.* Special written authorization for delivery of cotton linters and hull fibre may be granted by War Production Board upon application of any person affected by this order in the following cases, among others:

(1) To permit delivery of cotton linters to agencies of the United States Government.

(2) To permit delivery of cotton linters obtained by the delinting of cottonseed used for planting purposes.

(e) *Imports.* The importation of cotton linters, if any, shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

(f) *Applications and reports.* In addition to such other reports as may be required from time to time by War Production Board:

(1) Each person producing cotton linters, hull fibre or motes, except from the delinting of planting seed, shall file Form WPB–166, (formerly Form PD–110), in the manner prescribed therein on or before September 5, 1943 and on or before the 5th day of each month thereafter.

(2) Each delinter of planting seed shall make application on Form WPB–2146 (formerly Form PD–768) for permission to sell any cotton linters produced as a result of his operations.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of cotton linters, hull fibre or motes, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–12.

This amendment shall take effect August 1, 1943.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11890; Filed, July 24, 1943; 11:12 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 5 of Priorities Regulation 1]

EFFECT OF ASSIGNMENT OF A RATED ORDER OR CONTRACT ON SEQUENCE OF DELIVERY

The following interpretation is issued with respect to Priorities Reg. 1.

When a rated contract is assigned, the rating remains applicable to the contract as assigned if, but only if, the assignee uses the material covered by the contract for substantially the same purpose for which the rated contract was placed.

Examples. (1) The Navy places a rated order with A and A extends the rating to B. Later the Navy and A cancel the contract and the Navy enters into a new contract with C for delivery of the same product at the same time and applies the same rating to it. A assigns to C his contract with B. The rating which A had extended to B remains valid as of the time it was extended by A, and B must honor it in making delivery to C.

(2) A steel mill places an order for a repair part rated AA–1 under CMP Regulation No. 5. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a AA–1 rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The War Production Board assigns a rating on a PD–1A certificate to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer. The rating does not apply to the delivery to the second producer since it was assigned by the War Production Board only for the purpose of filling a specific need shown by the first textile producer.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11891; Filed, July 24, 1943; 11:12 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Interpretation 1 to Limitation Order L–240]

PRINT PAPER

The following interpretation is issued with respect to Limitation Order L–240.

"Print paper", as used in this order, includes paper reclaimed wholly or partly from white or printed waste, as well as new paper made from virgin fibers.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11889; Filed, July 24, 1943; 11:12 a. m.]

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S–138]

M. PASHELINSKY & SONS

M. Pashelinsky & Sons appealed from Suspension Order S–138, issued on the 7th day of November, 1942. The Chief Compliance Commissioner denied the appeal on February 18, 1943. However, at that time, the Chief Compliance Commissioner indicated that the matter should be submitted to him three months later for further consideration as to fixing a date for the termination of the suspension order. On May 18, 1943, after such further consideration, the Chief Compliance Commissioner directed that Suspension Order S–138 be terminated as of July 15, 1943. In view of the foregoing; *It is hereby ordered,* That:

(a) Suspension Order S–138 be, and the same hereby is, revoked.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11928; Filed, July 24, 1943; 4:54 p. m.]

PART 1010—SUSPENSION ORDERS

[Correction to Suspension Order S–366]

RICHTER METALCRAFT CORPORATION

Suspension Order No. S–366, as issued on July 13, 1943, inadvertently stated in the second paragraph: "This constituted a violation of Order L–65 as amended September 30, 1943." It should have read: "This constituted a violation of Limitation Order L–65 originally issued March 30, 1942 and amended April 9 1942."

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11927; Filed, July 24, 1943; 4:54 p. m.]

PART 1137—CLOSURES AND ASSOCIATED ITEMS

[General Limitation Order L–68, as Amended July 26, 1943]

§ 1137.1 *General Limitation Order L–68*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* In this order:

(1) "Zinc" means zinc metal which has been produced by any electrolytic, electro-thermic, or fire refining process. It shall include zinc dust (for Sheradizing only), scrap zinc, zinc metal produced from scrap and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals. "Zinc" does not include such metal used as a protective coating applied to any of the items covered by this order.

(2) "Stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10% or more of chromium with or without nickel and/or other alloying elements.

(3) "Process" means to cut, punch or stamp out, or to cast on or otherwise attach to tape.

(4) "Preferred order" means any purchase order, contract, or subcontract, in hand at the time of processing, from or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration. The exceptions in this order relating to preferred orders shall apply only for a material, and only to the extent, required by the applicable specifications.

(c) *Restrictions on manufacture of slide fasteners.* No person shall process any metal in the manufacture of slide fasteners or parts thereof, except in accordance with the following requirements:

(1) Copper or copper base alloy may be used as permitted by Order M–9–c by appeals or otherwise.

(2) Zinc, zinc base alloy or carbon steel, or stainless steel where required for corrosion or non-magnetic properties, may be used to fill preferred orders and to fill orders in hand at the time of processing for skirt and dress placket fasteners for use in uniforms of the Nurses' Corps or women's divisions of the Army or Navy of the United States in accordance with the applicable specifications.

(3) Carbon steel acquired from the stocks of the Steel Recovery Programs may be used without restriction, except that the quantity processed for slide fasteners during any calendar quarter shall not exceed 66⅔% of the average quarterly poundage of all metals used by such person for such purpose during the year ending June 30, 1941, and except that slide fasteners of the separating type shall not exceed 27 inches in metal length.

(d) *Salvage of slide fasteners.* Slide fastener chain or slide fasteners produced in filling orders as provided in paragraph (c) (1) or (c) (2), above, which do not conform with the specifications governing such orders, may be salvaged, sold or delivered, only as specifically authorized by the War Production Board. Applications for such authorization shall contain a statement:

(1) That the slide fasteners to be salvaged or made therefrom have been offered for sale to and refused by the Philadelphia Quartermaster Depot and the Navy Bureau of Supplies and Accounts, accompanied by a copy of such offers and refusals;

(2) Of the total by weight of such chain and slide fasteners with respect to which such authorization is sought; and

(3) Of the total by weight of slide fasteners delivered in accordance with paragraph (c) (1) or (c) (2), above, and accepted during the period in which the chain or slide fasteners for which such authorization is sought were accumulated.

This reporting requirement has been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(e) *Restrictions on manufacture of hooks and eyes and brassiere hooks.* No person shall process any metal in the manufacture of hooks and eyes or brassiere hooks, except in accordance with the following requirements:

(1) Zinc or zinc base alloy may be used to fill preferred orders.

(2) Carbon steel may be used without restriction, except that the quantity processed for hooks and eyes and brassiere hooks during any calendar quarter shall not exceed the average quarterly poundage of all metals used by such person for such purpose during the year ending June 30, 1941.

(f) *Restrictions on manufacture of sew-on, machine-attached or riveted snap fasteners.* No person shall process any metal in the manufacture of sew-on, machine-attached or riveted snap fasteners, except in accordance with the following requirements:

(1) Copper or copper base alloy may be used as permitted by Order M–9–c by appeals or otherwise.

(2) Zinc or zinc base alloy may be used to fill preferred orders.

(3) Carbon steel may be used without restriction, except that the quantity processed for sew-on, machine-attached and riveted snap fasteners during any calendar quarter shall not exceed the average quarterly poundage of all metals used by such person for such purpose during the year ending June 30, 1941.

(g) *Restrictions on manufacture of metal buttons.* No person shall process any metal in the manufacture of buttons or parts thereof, except in accordance with the following requirements:

(1) Copper or copper base alloy may be used as permitted by Order M–9–c by appeals or otherwise.

(2) Zinc or zinc base alloy may be used to fill preferred orders.

(3) Carbon steel may be used to manufacture buttons for delivery to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, and to manufacture open top buttons for work clothing, consisting of not more than two pieces exclusive of the tack or fastener and limited to 22 ligne fly buttons of plain design and 27 ligne buttons with wreath design for the remainder of the garment.

(h) *Restrictions on manufacture of certain other items.* No person shall process any metal other than carbon steel in the manufacture of suspender clasps or trouser trimmings. No person shall process any metal in the manufacture of

(1) Buckles, corset clasps or boning, garter clasps, hose supporters, slides, slide-loops, clothing trim or ornaments, or parts thereof, or

(2) Eyelets, grommets, and grommet washers, loops, rivets, burrs or tacks, for use on wearing apparel,

except in accordance with the following requirements:

(i) Copper or copper base alloy may be used as permitted by Order M–9–c by appeals or otherwise.

(ii) Zinc or zinc base alloy may be used to fill preferred orders for such products, to manufacture eyelets for use in Class I and Class II garments as defined in Limitation Order L–90 as amended from time to time and to manufacture grommets and grommet washers for use on tents, flys, tarpaulins, work aprons and hospital equipment.

(iii) Carbon steel may be used to manufacture buckles for use in overalls, overall suits, dungarees and waterproof shoes; corset clasps and boning; eyelets, garter clasps; hose supporters, rivets; burrs; tacks; and loops, slides and slide-loops for work clothing in one size not exceeding 1⅞ inches for men's work clothing and in one size not exceeding 1¾ inches for boys' work clothing.

(i) *General restrictions on manufacture, delivery and use.* No manufacturer of an item covered by this order shall manufacture it and no manufacturer or dealer therein shall sell or deliver it knowing or having reason to believe that it will be sold, delivered or used contrary to the purposes and requirements specified in this order. No person shall commercially buy, accept or use any such item contrary to the purpose and requirements specified in this order.

(j) *General exceptions.* The restrictions of this order shall not apply to

(1) The sale, delivery or use of parts, manufactured prior to April 1, 1942, for the repair or reconditioning of used slide fasteners.

(2) Any item covered by this order, necessary for use in safety equipment as defined and permitted by Limitation Order L–114, as amended from time to time.

(3) The use of carbon steel from inventory processed before August 15, 1942 in the manufacture of buckles, buttons and clothing trim and ornaments, if such manufacture takes place in establishments located in groups 3 or 4 of the labor market areas as may be, from time to time, designated by the War Manpower Commission.

(4) The use of carbon steel to manufacture products for delivery to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, notwithstanding the limitations on the uses of carbon steel provided in paragraphs (c) (3), (e), (f), and (h) above.

(k) *Fair distribution of products.* It is hereby declared to be the policy of the War Production Board that items covered by this order shall be distributed equitably and that no person shall discriminate, in the acceptance or filling of orders, sales or deliveries, as between customers who meet his established prices, terms, and conditions of sale. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any person to distribute his product equitably, and may issue such instructions as are necessary to obtain equitable distribution. Any instructions pursuant to this paragraph to be valid must be in writing.

(l) *Records.* Each manufacturer of an item covered by this order shall preserve for at least two years complete and accurate records of inventories and receipts of each metal and alloy used, and of the production, deliveries and inventories of each such item, classified according to the metal or alloy from which each such item was manufactured. The record-keeping provisions of this paragraph have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(n) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Textile, Cloth-

ing and Leather Division, Washington 25, D. C., Ref. L–68.

(o) *Violations.* Any person who wilfully violates any provisions of this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using materials under priorities assistance by the War Production Board.

Issued this 26th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11967; Filed, July 26, 1943; 11:29 a. m.]

PART 1213—SAFETY EQUIPMENT

[Limitation Order L–114 as Amended July 26, 1943]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies for the war effort, for private account and for export, of materials entering into the production of safety equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 1213.1 *General Limitation Order L–114*—(a) *Definitions.* For the purposes of this order:

(1) "Safety equipment" means equipment and devices designed to promote safety or to prevent or reduce accidents, injuries, occupational hazards or diseases, including, but not by way of limitation, the following articles: guards, goggles, shields, safety cans, oily waste cans, harnesses, headgear, belts, shoes, safety clothing, masks, respirators, inhalators, resuscitating apparatus, hazard measuring devices, protective creams, treads, and warning signs. The term shall not include any automotive or traffic equipment or devices.

(2) "Hazard measuring devices" means devices or instruments designed to detect, indicate, measure or record the presence of poisonous or combustible gases or other harmful substances in the atmosphere for the purpose of promoting safety or preventing or reducing occupational accidents, diseases and hazards of all types. The term shall not include "industrial instruments" as defined in Limitation Order L–134, nor "laboratory equipment" as defined in Limitation Order L–144.

(b) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) below, or upon specific authorization of the War Production Board, no person shall incorporate in the manufacture of safety equipment, or in any component part thereof, or sell, deliver, rent, purchase, accept delivery of, or obtain any safety equipment or parts thereof, in which there is incorporated or used, any of the following materials: aluminum, asbestos cloth, chromium, copper, copper base alloys, nickel, corrosion resisting steel, alloy steel, tin, synthetic plastics, magnesium, rubber or synthetic rubber, neoprene, or elastic fabric, as defined in Conservation Order M–174.

(c) *General exceptions.* Paragraph (b) shall not apply to safety equipment assembled or manufactured:

(1) Prior to May 5, 1942, or from parts which were finished and ready for assembly on said date, provided such safety equipment is delivered to fill purchase orders bearing preference ratings of A–10 or higher, or

(2) From materials to the extent permitted in Appendix A hereof, or

(3) For delivery to or for the account of, the Army or Navy of the United States, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics or the government of any country entitled to deliveries under the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided, and to the extent that the materials designated in paragraph (b) are necessary for efficient functioning and required endurance of safety equipment intended for use:

(i) In or on completed vehicles, aircraft, or ships, or

(ii) Outside of continental United States, or in Alaska, or

(iii) In the protection of military or naval personnel while not engaged in production, maintenance, or repair.

(4) Any order or contract from any agency or government mentioned in paragraph (c) (3) requiring the incorporation or use of scarce materials designated in paragraph (b) shall constitute a representation that the conditions exist under which such scarce materials may be incorporated or used within the terms of this order. Said representation may be relied on by the person with whom the purchase order or contract is placed, his sub-contractors, and suppliers.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(e) *Records.* All persons to whom this order applies shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Communications.* All reports required to be filed hereunder and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L–114.

(k) *Effect of other orders.* With respect to the use of the materials named herein for incorporation in the products named herein, or in component parts thereof, this order shall be subject to all other orders to conserve specific raw materials (M orders), and all orders providing for a preference rating in deliveries, or for allocation, as are now or may hereafter be in effect.

Issued this 26th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

NOTE: Paragraph (2) (1) added; paragraph (4) amended July 26, 1943.

Pursuant to the provisions of paragraph (b) of the above order, the following materials may be used to the extent indicated:

(1) Asbestos cloth in protective clothing, for industrial operations involving intense heat or handling of hot objects, or for fire-fighting.

(2) Copper or copper base alloys, other than nickel silver, when essential to the proper functioning of:

(a) Eyelets, rivets, and fasteners worn on the person and required to be non-corrosive or non-sparking; and eyelets having a diameter of 1/16 inch or less for safety equipment where steel eyelets in available sizes cannot be used.

(b) Frames, side screen binders and temples for spectacle type goggles.

(c) Valves, unions, ferrules, tubing, connections, housings, non-sparking fittings, fastenings, gaskets, pins, probe tubes, orifices, regulators and bearings, for respirators, gas masks or hazard measuring devices through which explosive, toxic, or corrosive gases, dusts or fumes may pass.

(d) Valves, tubing, manifolds, chambers, gaskets, discs, breaker valves, unions, connections, mouthpieces, orifices and facepiece parts on safety equipment through which oxygen or air under pressure is conducted.

(e) Conductors of electricity for safety devices and appliances.

(f) Lens retaining rings and fittings on gas mask facepieces.

(g) Exhalation and inhalation valve inserts and angle tubes for gas masks, air line respirator and breathing apparatus, face and mouth pieces.

(h) Tubing and fittings in hazard measuring devices.

(i) Screen for mask type goggles or hoods but not including side screens on spectacle type or molded goggles.

(j) Bridge clips for molded goggles.

(k) Cylinders, valves, tubing and regulators for compressed air, mechanical guarding devices.

(l) Internal valve mechanisms of safety filling cans with flexible pouring spouts, provided that the net weight of copper base alloy shall not exceed two ounces per can and that such alloy shall not be used in screens (or parts thereof) designed for non-flash-back or strainer purposes.

(3) Nickel in:

(a) Nickel silver for pad inserts for nose pads on spectacle type goggles, but not to exceed 10% in such alloy.

(b) Nickel silver for the following, but not to exceed 10% nickel in such alloy:

(i) Valve inserts for respirators.

(ii) Reducing, admission, dilution, check and safety valve pins, stems, plungers, inserts, screws, spiders, sleeves, yokes and bearings on gas masks, breathing apparatus, or hazard measuring devices.

(c) Leaded nickel silver for goggle frame screws and rivets but not to exceed 18% nickel in such alloy.

(d) Nickel plating for:

(i) Spectacle type goggles until, but not after, November 30, 1943.

(ii) Safety and admission valves, saliva tubes and mouthpieces for oxygen breathing apparatus; facepiece check valve bodies for inhalators; and check valves for hose masks; to the extent necessary for the efficient functioning of the named parts.

(e) Nickel silver for end pieces and guard arms on spectacle type goggles, but not to exceed 10% nickel in such alloy.

(4) Alloy steel in:

(a) Oxygen cylinders for breathing apparatus and inhalators, to the extent required to meet the specifications of the Interstate Commerce Commission.

(b) Foot guards and toe guards (where the use of any less critical material is not practicable), to the extent necessary to provide adequate protection against impact injuries, provided that only NE 8630 or a lower grade steel may be used.

(5) Tin in solder as permitted by Conservation Order M–43, as amended from time to time.

(6) Synthetic plastics in:

(a) Protective hats and caps.

(b) Face shields.

(c) Goggle frames.

(d) Lenses and laminated glass.

(e) Respirator and gas mask parts.

(f) Mounting panels, rheostats, connections, plugs, and insulation in cases, for hazard measuring devices when necessary for efficient operation.

(g) Safety clothing.

(h) Salt tablet dispensers.

(i) Machine guards.

(j) Goggle headbands.

(7) Rubber as permitted under Supplementary Order M–15–b, as amended from time to time.

(8) Synthetic rubber on specific authorization of the War Production Board.

(9) Elastic fabric in safety equipment to the extent necessary for efficient functioning and required endurance, except that when elastic fabric is used in headbands for the following safety equipment it shall not exceed the lengths specified hereafter:

(a) Cup type goggles—21 inches.

(b) Respirators—12 inches when crude or synthetic rubber is used; to the extent necessary for efficient functioning and required endurance when reclaimed or scrap rubber is used.

(10) Aluminum in machine guards (where the use of any less scarce material is not practicable): *Provided*, That proper authorization to use aluminum is obtained pursuant to application under paragraph (d) of Supplementary Order M–1–l.

[F. R. Doc. 43–11968; Filed, July 26, 1943; 11:29 a. m.]

PART 3042—PILCHARD

[Revocation of General Preference Order M–206]

Section 3042.1 *General Preference Order M–206* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said order or any amendment thereto.

Issued this 26th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–11969; Filed, July 26, 1943; 11:30 a. m.]

PART 3058—USED CONSTRUCTION EQUIPMENT

[Limitation Order L–196, as Amended July 26, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rubber and other materials used in the production of construction equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3058.1 *Limitation Order L–196*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Inapplicability of this order.* This order shall not apply to the Army, Navy, Maritime Commission or War Shipping Administration. Paragraphs (d) and (e) shall not apply to any person who has acquired used construction equipment for export outside the continental limits of the United States or to any person who is a farmer as defined in this order.

(c) *Definitions.* (1) "Person" means any individual, partnership association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, except those excluded by paragraph (b) hereof.

(2) "Construction equipment" means any of those products listed in Schedule A attached hereto and made a part of this order.

(3) "Used" when applied to construction equipment, means any construction equipment which has been delivered to an ultimate consumer.

(4) "Continental limits of the United States" means the forty-eight states of the United States and the District of Columbia.

(5) "Farmer" means a person who engages in farming as a business, by raising crops, livestock, bees or poultry. It also includes a custom operator who uses farm supplies in performing services for farmers. It does not include a person who merely has a "victory garden" or raises food or other agricultural products entirely for his own use.

(d) *Registration of used construction equipment.* Any person owning used construction equipment purchased prior to October 1, 1942, shall on or before October 31, 1942, register such equipment by completing, signing and returning by mail WPB Form 1159 to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(e) *Registration of change of status of used construction equipment.* Within one week after any used construction equipment (1) is moved from the project on which it is being used; (2) becomes idle after completing its work on that project even if not moved from the project; (3) not being on a project is put into use on a project; or (4) has had its ownership changed, any person owning such equipment shall register such change of status by completing, signing and returning by mail WPB Form 1333 or such other form as may be in the future specified by the War Production Board to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(f) *Restrictions on exports.* (1) On and after January 16, 1943, no person, other than the Army, Navy, Maritime Commission, War Shipping Administration or their authorized agents, shall export used construction equipment outside the Continental limits of the United States unless specifically authorized by the War Production Board.

(2) Application for permission to export shall be made in quadruplicate on Form PD–556 to the War Production Board, Washington 25, D. C., Ref.: L–196. Such applications when approved by the War Production Board and returned to the applicant shall constitute an authorization to export.

(3) Nothing in this order shall eliminate the necessity of an applicant obtaining an export license from the Office of Export Control, Board of Economic Warfare where required.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning the movement of used construction equipment from projects.

(h) *Audit and inspection.* All records required to be kept by this order, shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is

guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board Regional Office in the region in which the equipment is located setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action, if any, as it deems appropriate by the amendment of this order or otherwise.

(k) *Communications.* All communications concerning this order shall be addressed to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which the equipment is located.

Issued this 26th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Schedule A amended in its entirety July 26, 1943.

1. Angledozers [2] and modifications thereof.
2. Batchers,[1] construction material.
3. Batching plants, construction type, portable.
4. Batching plants,[1] construction type, stationary as one unit.
5. Bins, construction materials, portable (over 20 cubic yard capacity).
6. Bins,[1] construction material, stationary (over 20 cubic yard capacity).
7. Brooms,[2] contractors rotary.
8. Buckets,[2] clamshell.
9. Buckets,[2] concrete.
10. Buckets,[2] dragline.
11. Buckets,[2] orange peel.
12. Buckets,[2] scraper (bottomless) for dragline operation.
13. Buggies & carts, concrete, power propelled.
14. Bulldozers [2] and modifications thereof.
15. Concrete surfacing machines, highway type.
16. Cranes, crawler mounted power.
17. Cranes, rubber tired mounted power.
18. Cranes,[2] tractor mounted power and modifications thereof.
19. Crushers,[1] jaw and roll, portable type.
20. Crushing plants, portable type.
21. Derricks,[1] guy, contractors and material handling, stationary type.
22. Derricks,[1] stiff leg, contractors and material handling, stationary type.
23. Discs, road, wheel mounted type and harrow type for construction work.
24. Distributors, bituminous.
25. Ditchers, blade.
26. Ditchers, ladder.
27. Ditchers, wheel.
28. Draglines, see Cranes.
29. Draglines,[1] slack line.
30. Draglines, walking.
31. Dredges [1] & dredge equipment, except mining.
32. Drilling machines, rock, portable mounted.
33. Dryers,[1] construction aggregate.
34. Earth boring machines,[2] vertical auger type (except post hole diggers).
35. Excavators, see power shovels.
36. Finegraders and subgraders, self-propelled type.
37. Finishers, bituminous paving.
38. Finishers, concrete paving.
39. Forms, concrete road.
40. Graders, blade and pull type, earth moving.
41. Graders, elevating, earth moving.
42. Graders, self-propelled, earth moving.
43. Hammers, pile.
44. Heaters and circulators, tank car.
45. Hoists,[1] contractors and material handling exceeding 6000 pounds line pull at 250 FPM line speed or exceeding 1,360,600 foot pounds effort based on second wrap of cable.
46. Hoppers, portable concrete.
47. Jacks, mud.
48. Loaders, portable bucket (other than coal loaders and mining loaders).
49. Loaders, portable snow.
50. Maintainers, road and shoulder.
51. Mixers, agitator, concrete truck type with or without elevating towers.
52. Mixers,[1] concrete construction (7 cu. ft. capacity and larger).
53. Pavers, concrete.
54. Plants, asphalt, including travel mix type.
55. Plants, bituminous patch, hot or cold mixer type, 10 ton per hour capacity or more.
56. Plants, stabilizing.
57. Plows, cable laying.
58. Plows, snow (rotary and blower types).
59. Power control units for tractors [2] (both cable and hydraulic).
60. Pumps, concrete, except for well cementing.
61. Pumps,[1] dewatering & supply, larger than 90 thousand gallons per hour.
62. Rippers, road
63. Rollers, road, pneumatic tired.
64. Rollers, road, tandem.
65. Rollers, road, portable.
66. Rollers, road, three wheeled.
67. Rollers, tamping and sheepsfoot.
68. Scarifiers, complete machines, not attachments.
69. Scrapers, carrying or hauling, both drawn and self-propelled.
70. Screening plants, portable type.
71. Shovels, power, crawler mounted ($2\frac{1}{2}$ yard capacity and smaller).
72. Shovels, power rubber mounted.
73. Shovels, power, tractor mounted.
74. Sprayers, maintennnce units, bituminous material (over 300 gal. capacity).
75. Spreaders, concrete, paving.
76. Sweepers, street, motor pick-up.
77. Towers, concrete placing.
78. Towers, material elevating.
79. Tractors, crawler or track-laying type, including attached equipment.
80. Washing and screening plants, portable type.
81. Wagons, contractors, crawler.
82. Winches,[2] track-laying tractor mounted.

[F. R. Doc. 43-11970; Filed, July 26, 1943; 11:29 a. m.]

[1] If these items are permanently inbuilt as part of a complete stationary operating plant such as a mine, quarry, or sand and gravel plant and cannot be removed as a separate unit without destroying the operating continuity of such a plant, they need not be reported.

[2] If these items are used as attachments to any single operating unit of equipment, such as a crane or a tractor, they may be reported as attachments to the operating units, but spare or standby items must be reported separately.

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES [1]

[General Preference Order E–5–a as Amended July 26, 1943]

GAGES AND PRECISION MEASURING HAND TOOLS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of gages and precision measuring hand tools, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.41 [1] *General Preference Order E–5–a*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person who is engaged in the manufacture of gages or precision measuring hand tools.

(3) "Approved user" means any of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company.

(ii) Any person producing any product or conducting any business listed on Schedule I or II of CMP Regulation No. 5, as amended from time to time.

(iii) Any person conducting any activity or rendering any service listed on Schedule I or II of CMP Regulation No. 5A, as amended from time to time.

(iv) The government of any country designated, under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), as eligible to receive lend-lease aid.

(v) Any person to whom the Board of Economic Warfare has approved the granting of an export license for gages or for precision measuring hand tools.

(vi) Any other persons specifically designated by the War Production Board.

(4) "Approved employee" means any person who is employed or is about to be employed by any approved user. A student of any vocational or other training school is not an approved employee as such, and sales to such students, whether by producers, distributors, or the vocational or training school itself are not permitted under the provisions of this order.

(5) "Distributor" means any person other than an approved user who purchases or accepts delivery of any gages or precision measuring hand tools exclusively for resale and not for use.

(6) "Gages and precision measuring hand tools" means those tools which are used to determine whether a product meets required dimensional specifications, excluding those gages specified on Exhibit A attached hereto and excluding devices made of wood.

(7) "Continental United States" means the territory comprising the several States and the District of Columbia.

(b) *Restrictions on sales by producers and distributors.* On and after May 1, 1943, no producer or distributor shall sell or deliver any gages or precision measuring hand tools except in fulfillment of the following purchase orders:

(1) Purchase orders placed by approved users, and by distributors, bearing a preference rating of A–9 or higher, accompanied by a statement substantially as follows which shall be in addition to any other certification required in applying or extending such preference rating:

Purchased pursuant to General Preference Order E–5–a. Delivery of this order will not increase the undersigned's inventory beyond a supply required by the undersigned's current practices for use or for resale during a thirty-day period, except as permitted by paragraph (e) of General Preference Order E–5–a.

Provided, however, No such statement is required to accompany purchase orders for those production type gages listed on Exhibit B attached hereto.

(2) (i) Purchases made by approved employees prior to August 15, 1943 bearing a preference rating of AA–2X or higher, accompanied by a certification by the approved employee and an authorized official of his employer (which employer must be an approved user) signed either manually or as provided in Priorities Regulation 7, substantially as follows:

Preference Rating ------ (specify rating) EHT. The following gage or precision measuring hand tool----------

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(only one tool may be placed on each certification; specify type and size of tool)

is required by the undersigned approved employee as a condition to retaining or obtaining employment with the undersigned approved user as defined in General Preference Order E–5–a. The undersigned approved employee further certifies that he does not own or possess any similar gage or tool capable of use in his employment.

Name of Approved Employee

Position: ----------

Name and Address of Approved User

Authorized Signature

(ii) Deliveries to an approved employee prior to August 15, 1943, of gages and precision measuring hand tools which are required by him as a condition to retaining or obtaining employment with an approved user are hereby assigned the same preference rating as is assigned to such approved user's purchase of maintenance, repair and operating supplies by CMP Regulation 5 or CMP Regulation 5A. (For example: Deliveries to an approved employee of gages and precision measuring hand tools required in his employment in a plant manufacturing ammunition are assigned a preference rating of AA–1, this being the same rating assigned to his employer (an approved user) by Schedule I of CMP Regulation 5.) After August 15, 1943, employees requiring gages and precision measuring hand tools will be expected to obtain them in accordance with the procedure contained in Direction 9 to CMP Regulation 5.

(iii) A preference rating assigned under paragraph (b) (2) (ii) of this order shall be applied by placing the rating at the commencement of the joint certification required from the approved employee and his employer by paragraph (b) (2) (i) of this order.

(iv) A person who receives a purchase order rated and endorsed in accordance with paragraph (b) (2) of this order may extend the rating to the extent permitted by Priorities Regulation No. 3 (using the endorsement therein specified) and accompanying such endorsement with the symbol EHT and a statement substantially in the same form as set forth in paragraph (b) (1) of this order.

(v) The symbol EHT shall constitute an "allotment symbol" for the purposes of CMP Regulation No. 3, and a purchase order bearing the symbol EHT shall have the status of a delivery order bearing a preference rating with an allotment symbol as provided in CMP Regulation No. 3.

(3) Purchases by any employee of gages or precision measuring hand tools rated pursuant to Direction 9 to CMP Regulation 5 and accompanied by the joint employer-employee certification therein provided for.

(c) *Restrictions on sales by approved users.* On and after May 1, 1943, no approved user shall sell or deliver any gages or precision measuring hand tools except to persons employed or about to be employed by such approved user, or except pursuant to § 944.11 of Priorities Regulation No. 1.

(d) *Effect of certification.* Any certification made pursuant to this order shall constitute a representation to the seller and to the War Production Board of the truth of the facts therein set forth, upon which the seller shall be entitled to rely unless he knows or has reason to believe the same to be false.

(e) *Restrictions on inventory.* On and after May 1, 1943, no distributor or approved user shall buy or accept delivery of any gage or precision measuring hand tool the deliver of which will at the time effect an increase in his inventory beyond a supply required by his current practices for use or for resale during a thirty-day period: *Provided, however,* That the deliveries of gages or precision measuring hand tools pursuant to the following designated types of purchase orders shall be permitted to effect such an increase:

(1) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Purchase orders placed by the Army, Navy, Maritime Commission, or War Shipping Administration for gages or precision measuring hand tools required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes or to supply such bases or supply depots outside the continental United States.

(3) Purchase orders for those production type gages listed on Exhibit B attached hereto.

(f) *Changes in schedules.* Notwithstanding any other provision of this order, the War Production Board may direct or change any schedule of production or delivery of gages or precision measuring hand tools, allocate any order for gages or precision measuring hand tools to any other producer, divert or otherwise direct the delivery of any gage or precision measuring hand tool to any other person.

(g) *Records.* Each producer and distributor shall keep and preserve for not less than two years complete records of his inventories and sales of gages and precision measuring hand tools.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall, from time to time, request.

(k) *General Preference Order E–5 superseded.* This order supersedes as of May 1, 1943, General Preference Order E–5, issued on June 15, 1942.

(l) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Tools Division, Washington, D. C., Ref.: E–5–a.

(n) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Pro-

[1] Formerly Part 1252, § 1252.2.

duction Board, as amended from time to time.

Issued this 26th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

Spark plug gages.
Camber gages.
Caster gages.
Brake shoe gages.
Brake drum gages.
Toe-in gages.
Alignment indicators.

EXHIBIT B

Round external gages.
Round internal gages.
External thread gages.
Internal thread gages.
Snap gages.
Fixture gages.
Flat gages.

[F. R. Doc. 43–11971; Filed, July 26, 1943; 11:30 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Limitation Order L–302, as Amended July 26, 1943]

CHAIN

The fulfillment of requirements for the defense of the United States has created a shortage of chain for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.77 *Limitation Order L–302*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person who manufactures chain.

(2) "Chain" means any welded or weldless chain, excluding attachments other than repair links and excluding the following types of chain:

Anchor chain (stud link).
Band track chain.
Bead chain.
Buoy chain.
Cast metal chain.
Jewelry chain (for identification tags, costume jewelry, etc.).
Metal pickling chain.
Pocket wheel chain.
Sprocket wheel, hoist, and conveyor chain, including ladder chain.
Tire chain.
Universal chain.
Welded brass chain.
Welded sash chain.

(3) "Chain assembly" means any chain which has been cut by the producer to a fixed length and assembled, with or without attachments, to fulfill a specific purpose.

(4) "Present manufacture" means as regularly manufactured by a producer on June 26, 1943.

(5) "PD–1X order" means any order for chain or any chain assembly now or hereafter placed with a producer by any person acquiring such chain or chain assembly pursuant to a rating assigned on Form PD–1X.

(6) "Other order" means any purchase order for chain or any chain assembly except PD–1X orders.

(b) *Restrictions on manufacture of chain.* (1) Except as provided in paragraph (b) (2) hereof:

(i) No producer shall commence processing any raw material into any chain or chain assembly which does not conform to the types, sizes, specifications, and finish contained and prescribed in the schedule attached hereto.

(ii) No producer shall sell or make delivery, nor shall any person purchase or accept delivery of any chain or chain assembly which he knows or has reason to believe was not manufactured in accordance with this order.

(2) The provisions of paragraph (b) (1) shall not apply

(i) To any chain or chain assembly not permitted by the schedule attached hereto processed from any raw material in a producer's inventory on June 26, 1943, or received within 45 days after June 26, 1943: *Provided*, That such raw material is not suitable for processing into any chain or chain assembly permitted by the schedule attached hereto.

(ii) To any chain or chain assembly the production of which has been commenced prior to June 26, 1943.

(iii) To any completed chain or completed chain assembly which was in any person's inventory in finished form on June 26, 1943.

(iv) To special chain assemblies made up to fulfill specific purposes which cannot be served by the types of chain assemblies permitted to be manufactured by the schedule attached hereto. Such special assemblies may be made only to fill a specific order placed by an ultimate consumer and shall be made only out of those types of chain permitted to be manufactured in the schedule attached hereto.

(v) To any chain required for the repair or maintenance of existing chain or chain assemblies when such repair or maintenance requires chain of special link dimensions not permitted by the schedule attached hereto.

(vi) To the carburizing or nitriding of chain to meet individual specifications.

(vii) To any chain or chain assembly produced with specific permission of the War Production Board.

(3) Wherever on the attached schedule with respect to any type of chain or chain assembly link dimensions are specified as "present manufacture" each producer shall forthwith file with the War Production Board, Tools Division, Reference: L–302, his established link dimensions for such type chain or chain assembly. The producer may thereafter apply to the War Production Board for leave to amend such link dimensions, but unless and until such leave is granted by the War Production Board in writing, such link dimensions in accordance with their present manufacture shall remain binding upon such producer.

(c) *Allocation of production between PD–1X orders and other orders.* Commencing with the month of July 1943 and each month thereafter, each producer shall schedule his monthly production and delivery thereof as follows:

(1) To the extent that he has PD–1X orders on hand, he shall schedule between 5 and 7 percent of his total monthly production in pounds of each type and size of chain and chain assemblies for delivery against PD–1X orders requiring delivery in such month. No producer shall schedule any order pursuant to this paragraph (c) (1) unless it clearly appears from such order that the rating applied thereto was assigned on Form PD–1X.

The sequence of deliveries on PD–1X orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(2) To the extent that he has other orders on hand, he shall schedule between 93 and 95 percent of his total monthly production in pounds of each type and size of chain and chain assemblies for delivery against other orders requiring delivery in such month.

The sequence of deliveries on other orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(3) Any portion of the percentage allocated to PD–1X orders which has not been taken up by such orders on or before the fifteenth day preceding the first day of the month being scheduled shall be scheduled for delivery against other orders, and vice versa.

(d) *Other allocation and scheduling directions.* With respect to any chain or chain assembly, the War Production Board may, notwithstanding any other provision of this order:

(1) Direct the return or cancellation of any order on the books of the producer.

(2) Direct changes in the delivery or production schedule of a producer.

(3) Allocate orders placed with one producer to another producer.

(4) Revoke any authorization to place an order granted pursuant to this general preference order.

(e) *Reports.* Each producer shall execute and file with the War Production Board Form WPB–2064 and such other reports and questionnaires as said Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board.

(h) *Communications.* All reports, appeals, and other communications concerning this order shall be addressed to: War Production Board, Tools Division, Washington, D. C., Ref.: L–302.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 26th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE

TABLE I—WELDED STEEL COIL CHAIN

Welded steel coil chain shall be made only in the following types. Link design of all types shall be straight link except that Liberty coil chain and Liberty machine chain may be made in both straight and twist link and Liberty truck chain may be made in twist link only.

All types shall be made out of open hearth steel except that proof coil chain may also be made of wrought iron, high test chain shall be made only from carbon steel SAE–1018—SAE–1040, inclusive, and alloy stee' chain may be made to individual customers' specifications provided the end use is one for which carbon steel chain or wrought iron chain is unsuitable.

A producer may apply an oxide or phosphate finish to any welded steel coil chain if required by Army, Navy, Maritime Commission, or War Shipping Administration specifications for a specific order. Otherwise, finishes shall conform to this table.

All sizes specified are trade sizes.

Type	Link dimensions	Finish	Permitted sizes
Proof coil chain	Fed. Spec. RR–C–271	Self-colored or galvanized	3/16", 1/4", 5/16", 3/8", 7/16", 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/4", 1 1/2".
BBB coil chain	Present manufacture	Self-colored or galvanized	3/16", 1/4", 5/16", 3/8", 7/16", 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/4", 1 1/2".
High test chain	Present manufacture	Tumbled only to remove burs.	1/4", 5/16", 3/8", 7/16", 1/2", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4", 1 3/8", 1 1/2", 1 5/8", 1 3/4", 1 7/8", 2".
Alloy steel chain	Present manufacture	Tumbled only to remove burs.	3/8", 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4".
Liberty coil chain	Present manufacture	Self-colored, bright or galvanized.	#1, #3, #2, #1/0, #2/0, #3/0, #5/0, #6/0 #7/0.
Liberty machine chain.	Present manufacture	Self-colored, bright or galvanized.	#1, #3, #2, #1/0, #2/0, #3/0, #5/0, #6/0, #7/0.
Liberty truck chain	Present manufacture	Self-colored or bright	#7/0, #9/0.
Heel coil chain	3/4" x 2" (Pattern No. 130) and 3/4" x 2 1/2" (Pattern No. 131)	Bright	5/16".
Passing link chain	Present manufacture	Self-colored or bright	#2/0, #4/0.
Side chain	In accordance with Limitation Order L–201, paragraph (d).		In accordance with Limitation Order L–201, paragraph (b).

TABLE II—WROUGHT IRON DREDGE OR CRANE CHAIN

This chain shall be made only from double refined wrought iron bars; bars to be made from all pig-puddled or processed wrought iron and free from iron scrap or steel. In the final piling all bars shall be the full length of the pile; the original muck bars shall be piled, rolled, repiled and rerolled.

The maximum manganese content permitted is 0.06%.

Finish shall be self-colored.

In addition to the following permitted link dimensions, this chain may be made with link dimensions conforming to Fed. Spec RR–C–271 and Navy Specification 42–C–19.

Permitted Link Dimensions (tolerance allowed ±4%)

Trade size (inches)	Outside length (inches)	Outside width (inches)	Inside length (inches)	Inside width (inches)
3/8	1 7/8	1 3/4	1 1/16	9/16
1/2	2 3/8	1 3/4	1 5/16	1 1/16
5/8	2 29/32	2 1/4	1 13/32	1 5/16
3/4	3 1/2	2 3/4	1 11/16	1 1/16
7/8	3 13/16	3	2 1/8	1 5/16
1	4 9/16	3 5/16	2 1/2	1 3/4
1 1/8	5 1/16	3 13/16	2 3/4	1 3/4
1 1/4	5 9/16	4 5/16	3	1 3/4
1 3/8	6 5/16	4 3/4	3 1/2	1 13/16
1 1/2	6 15/16	4 15/16	3 7/8	1 7/8
1 5/8	7 9/16	5 7/16	4 1/4	2 1/8
1 3/4	8 5/16	5 13/16	4 3/4	2 1/4
1 7/8	9 1/16	6 5/16	5 1/4	2 1/2
2	9 13/16	6 13/16	5 3/4	2 3/4
2 1/8	10 9/16	7 1/16	6 1/4	2 3/4
2 1/4	11 5/16	7 9/16	6 3/4	3
2 3/8	11 11/16	7 15/16	6 7/8	3 1/4
2 1/2	12 1/16	8 5/16	7	3 1/4

TABLE III—WELDED STEEL CHAIN AND WELDED IRON CHAIN ASSEMBLIES

All welded steel chain and welded iron chain assemblies shall be made only from those types of chain permitted to be manufactured in Tables I and II and shall be further limited in sizes and specifications as stated below.

Sling Chains

Steel sling chains shall be made out of those types of steel chain permitted in Table I.

Wrought iron sling chains shall be made only from wrought iron dredge or crane chain as permitted in Table II.

No special sling chain assemblies shall be made except where these are permitted by paragraph (b) (2) (iv).

Railroad Brake Chains

Shall be made from proof coil chain; trade sizes, 7/16", 1/2", 9/16", 5/8", 3/4".
Finish: Self-colored.

Railroad Safety Chains

Shall be made from proof coil chain; trade sizes: 1/4", 9/16", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4".
Finish: Self-colored.

Railroad Switch Chains

Shall be made from proof coil chain; trade sizes: 3/4", 3/4", 7/8", 1".
Finish: Self-colored.

Boom and Rafting Chains

Shall be made from proof coil chain; styles as presently manufactured by the producer; sizes: As the purchaser may require.
Finish: Self-colored.

Chain Dogs

Style A, plain points.
Finish: Self-colored.
Link size: 5/16".
Blade size: 3/8" x 1 1/4" x 6" to 6 1/2".

Ring Dogs

Style C, round ring, plain point.
Finish: Self-colored.
Ring size: 3/8" x 3".
Blade size: 3/8" x 1 1/4" x 6" to 6 1/2".

Log Chains

Shall be made from proof coil chain; trade sizes: 1/4", 5/16", 3/8", 1/2".
May be made only in 14-foot lengths in pattern 120 with grab hook on one end, slip hook on other end, no swivel.
Finish: Self-colored.

Towing Chains (excluding Special River Tow Chains)

Shall be made from proof coil, BBB, or high test chain; sizes as presently manufactured by producer.

Wagon Chains

Finish on all wagon chains shall be self-colored.

Wagon end gate chains: Shall be made from proof coil chain; sizes: 1/4", 9/16", 3/8", 7/16", 1/2".

Anti-spreader chain: Shall be made from #2/0 straight link Liberty coil chain; lengths 38" and 42".

Wagon stay chains: Straight link, length as required; exact sizes: 5/16", 3/8".

Wagon tongue or pole chain: Regular pattern; exact sizes: 9/16", 3/8".

Wagon stretcher chain: Regular pattern; exact sizes: 5/16", 3/8".

Wagon lock chain: Straight link; exact sizes: 5/16", 3/8".

NOTE: Link dimensions of wagon stay chains, wagon tongue or pole chain, wagon stretcher chain, and wagon lock chain are not required to conform to Table I.

Harness Chains

Finish on all harness chains shall be bright.

The following harness chains only may be made:

Trace chains: Ring and hook patterns without swivel; may be made to the following two specifications only:

(a) Body links shall be made of 15/64" side chain. End links are limited to six, and their dimensions shall be as follows: 1/4" (exact size) x 1/2" x 2 1/2" (inside). Ring dimensions shall be 5/16" (exact size) x 1 3/4" (inside). This size trace chain may be made in the following lengths: 6 1/2', 7', 7 1/2'.

(b) Body links shall be made of 9/32" side chain. End links are limited to six, and their dimensions shall be as follows: 8/32" (exact size) x 1/2" x 2 1/2" (inside). Ring dimensions shall be 11/32" (exact size) x 1 3/4" (inside). This size trace chain may be made in the following lengths: 7', 7 1/2', 8'.

Stage traces: Regular pattern, no swivel permitted; may be made only from #5/0 twist link Liberty coil chain in 42" length.

Butt chains: Regular pattern, no swivel permitted; hook or ring permitted on one end; may be made with four end links in the following length chains: 24", 30". Body link, end link, and ring dimensions shall be the same as permitted for trace chains.

Breast chains: Pattern No. 220; trade lengths 28" and 32" permitted.

Single breast chains: Patterns No. 155; trade size No. 2; length 26".

Cart back chains: As presently manufactured.

Hobble chains: Coast pattern; size No. 2; length 10"; Dee size 1 3/4".

Heel chains: May be made in the following trade sizes, with the number of links specified: No. 45—4, 6, and 8 links; No. 52—4, 6, and 8 links; No. 66—6 and 8 links. No. 45

may have Dees of the following sizes: 1½", 1¾", 2".

Animal Tethering Assemblies

Finish on all animal tethering assemblies shall be bright. Patterns, sizes and lengths permitted only as specified.

Cow ties: Ohio pattern and open ring pattern. Ohio pattern sizes #2/0 (length 4½'), #3/0 (length 5'), #5/0 (length 5½'), #7/0 (length 6'). Open ring pattern #2/0 only, in 3', 3½', and 4½' lengths.

Halter chains: Regular pattern, in sizes #1/0 and #3/0; 4½' and 6' lengths permitted.

Choke collar chains: May be made only from #3 twist link Liberty machine chain in such lengths as are required.

Chain Repair Parts

The following repair parts may be made according to the specifications provided:

Repair or lap links: Finish—bright or galvanized; end open pattern—$\frac{3}{16}$" x 1", $\frac{1}{32}$" x 1¼" (trade size 10–3), ¼" x 1¼" (trade size 10–2), $\frac{9}{32}$" x 1¼" (trade size 10–1), $\frac{5}{16}$" x 1½", $\frac{3}{8}$" x 2", ½" x 2½"; side open pattern—$\frac{5}{8}$" x 2½".

"C" links: Plain pattern, bright finish; size ½" x 2½".

Cold shuts: No. 1 and No. 3 patterns, finish self-colored; sizes as required.

TABLE IV—WELDLESS COIL CHAIN

Weldless coil chair shall be made only in the following types and sizes. Material and finish on such chain may be as specified by the purchaser. Types refer to classification of types in Federal Specification RR–C–271.

(a) *Wire Chain*

Type	Permitted sizes
Class 1 (single-loop pattern) chain.	#4, #2, #1/0, #2/0, #3/0, #4/0, #5/0, #6/0, #7/0
Class 2 (double-loop pattern) chain, style 1.	#7, #4, #3, #2, #1, #2/0, #4/0, #6/0, #8/0, #10/0
Class 2 (double-loop pattern) chain, style 2.	#4, #2, #1/0, #2/0, #3/0
Class 7, single jack chain.	#19, #18, #16, #14, #12, #10, #8, #6, #5
Class 8, double jack chain.	#19, #18, #16, #14, #12, #10
Class 10, register chain (safe chain).	#18, #16, #14, #12, #10
Pump chain	#6

(b) *Flat Metal Chain*

Class 3, sash chain	#8, #8B, #25, #30, #35, #40, #45, #50, #60, #65
Class 4a, flat link (long pitch) and Class 4b, flat link (short pitch) chain.	#31, #33, #35, #12, #9½, #91, #8, #7, #3, #113, #330, #350, #4–0 Special, #210, #280
Class 6, safety chain (plumbers chain).	#00, #0, #1

TABLE V—WELDLESS CHAIN ASSEMBLIES

All weldless chain assemblies shall be made only from those types of chain permitted to be manufactured in Table IV and shall be further limited in sizes and specifications as stated below. Weldless chain assemblies may be finished as specified by the purchaser.

Tie out chains: Double-loop pattern chain only may be used; sizes #1 and #2/0 only; permitted lengths 20' and 30' only. Link dimensions on tie out chains may exceed regular dimensions for these sizes in double-loop pattern chain.

Halter chains: Double-loop pattern chain only may be used; sizes #1, #2/0, #4/0, and #6/0; permitted lengths 4½' and 6'.

Cow ties: Ohio pattern; may be made out of double-loop pattern chain only with or without swivel; size #2/0 only; permitted length 4½'.

Anti-spreader chains: Double-loop pattern only may be used; size #2/0; permitted lengths 38" and 42" only.

Kennel chains: Double-loop pattern only may be used; size #2/0; permitted lengths 6' and 9'. Kennel chains may be manufactured only for use with work dogs employed for purposes of training or hauling sledges.

[F. R. Doc. 43–11972; Filed, July 26, 1943; 11:29 a. m.]

PART 3282—MISCELLANEOUS CHEMICALS

[Allocation Order M–340]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the chemicals subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3282.1 *Allocation Order M–340*—(a) *Definitions.* (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

(2) "Producer" means any person engaged in the production of any subject chemical and includes a person who imports any subject chemical or has it produced for him pursuant to toll agreement.

(3) "Distributor" means any person who buys any subject chemical for the purpose of resale without further processing and without changing the form thereof.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall deliver a subject chemical to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of a subject chemical which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form PD–602 which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver a subject chemical to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the subject chemical shall revert to inventory, and shall not be delivered, or used, without further instructions.

(c) *Exceptions for small deliveries.* (1) Specific authorization in writing of War Production Board is not required for delivery by any supplier to any person in any calendar month of a subject chemical in a quantity not exceeding the quantity stated in Column 3 of Appendix B.

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed the quantity which War Production Board shall in writing specifically authorize or direct such supplier to deliver in such month under paragraph (c) (1), on application made by such supplier (in the normal case on Form PD–602 filed pursuant to paragraph (g) hereof).

(d) *Exceptions for deliveries for other reasons.* Specific authorization in writing of War Production Board is not required for delivery of a subject chemical by any supplier to any other person for a purpose stated in Column 4 of Appendix B.

(e) *Restrictions on use.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall use a subject chemical except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for a subject chemical furnishes a certificate required by paragraph (f) shall use the subject chemical delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of a subject chemical to be delivered to, or then in inventory of, the prospective user.

(f) *Supplier to obtain from customer a certificate of use.* No supplier shall in any calendar month (beginning in the case of each subject chemical with the calendar month following the month in which the order becomes effective as to that chemical as stated in Appendix A) deliver to any person a greater quantity of such subject chemical than is stated in Column 3 of Appendix B, unless he shall have received from such person a certificate as to the use for which such person is ordering such subject chemical. Such certificate must be received by the supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver a subject chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(g) *Applications by suppliers for leave to deliver or use.* (1) Each supplier requiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form PD–602 in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) War Production Board may issue to any supplier other and further directions with respect to preparing and filing Form PD–602.

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, 25 D. C. Ref: M–340.

Issued this 26th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Chemicals subject to this order. (1) "Acetaldol" means the chemical known by that name and by the names aldol, beta hydroxy butyric aldehyde, oxybutanol, 3-hydroxy butanal.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(2) "ST–115" means the preparation known by that trade name, as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(3) "Dehydrol-O" means the chemical known by that trade name, as defined and specified in Appendix to Regulations No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(4) "G. C.–78" means the chemical known by that trade name.

Effective date—August 1, 1943. Comes in the following grades: no grades.

APPENDIX B

1	2	3	4
Name of chemical	Unit of measure	Maximum quantity deliverable to any one person in any calendar month without specific authorization, and without certificate required by paragraph (f).	Purpose for which delivery may be made without specific authorization, regardless of quantity. (See par. (d).)
(1) Acetaldol	Gallon	54 gallons	None.
(2) ST–115	Gallon	54 gallons	None.
(3) Dehydrol-O	Gallon	54 gallons	None.
(4) G. C.–78	Gallon	54 gallons	None.

APPENDIX C

CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M–340, that the _____ (specify subject chemical) ordered for delivery in _____, 194__, Month will be used by him for the manufacture or preparation of the following product(s), and that such product(s), on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Gallons	Primary product	End use
(A)			
(B)			

_____
Name of purchaser

By _____

Date | Duly authorized official | Title

Instructions for customer's certificate. (1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive more than the exempted quantity of each of two or more subject chemicals, a separate certificate shall be obtained as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the subject chemical will be used or incorporated. Distributors ordering the subject chemical for resale as such will specify "Resale". If purchase is for inventory, state "inventory".

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, he will give contract numbers in the case of military use or Lend-Lease, and in the case of expert, export license numbers. A distributor ordering the subject chemical for resale as such will leave blank the "End Use" column.

APPENDIX D

SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM PD–602

(1) *Obtaining forms.* Copies of Form PD–602 may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–340, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official

(3) *Separate set for each chemical.* Where the supplier's application relates to deliveries of two or more subject chemicals, he will file a separate set of Form PD–602 for each.

(4) *Information at top of form.* In the heading, under "Name of Material", specify the subject chemical to which the Form PD–602 relates; under "Grade", specify grade stated in Appendix A, or if no grade specified, leave blank; under "WPB Order No.", specify "M–340"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure", specify unit of measure stated in Column 2 to Appendix B; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) *Listing of customers.* In Column 1 (except for small orders as explained in (7) below) list the name of each customer from whom an order for delivery of the subject chemical during the applicable month has been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show the grand total on last sheet which is the only one that need be certified.

(6) *Primary product and end use.* In Column 1–a (except for small orders as explained in (7) below), specify the product or products in the manufacture or preparation of which the subject chemical will be used by your customer, the end use to which such product or products will be put, and military or Lend-Lease contract numbers, and export license numbers, all as indicated by the certificate obtained under paragraph (f) of this order. The quantity of the subject chemical used in the manufacture or preparation of each primary product for each product use shall be shown separately. If the subject chemical ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the subject chemical ordered for each use.

(7) *Small orders.* The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) *Use by producers.* A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form PD–602, specifying quantity required

and product manufactured. Written approval of War Production Board on such Form PD-602 shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes indicated in such approved form.

(9) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will show in Column 8 Grade, as stated in Appendix A, or if no Grade is there specified, will leave Column 8 blank.

[F. R. Doc. 43-11974; Filed, July 26, 1943; 11:30 a. m.]

PART 3291—CONSUMERS DURABLE GOODS [1]

[Limitation Order L-64, as Amended July 26, 1943]

CASKETS, SHIPPING CASES AND BURIAL VAULTS

§ 3291.245 [1]. *General Limitation Order L-64*—(a) *Definitions.* For the purposes of this order:

(1) "Casket" means a container in which it is intended to place a human corpse for interment.

(2) "Burial vault" means a container in which it is intended to place a casket containing a human corpse for interment, and shall include burial boxes.

(3) "Shipping case" means a container in which it is intended to place a casket containing a human corpse for shipment and to which handles have been been attached in accordance with railroad shipping regulations.

(4) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not, engaged in the production, upholstering, finishing or lining of caskets, shipping cases or burial vaults or parts made specifically for incorporation into caskets, shipping cases or burial vaults.

(5) "Metal liner" means a metal container which is inserted into a wooden casket or burial box in order to provide hermetical sealing.

(6) "Metal" means metal or metallic substances in any form except metallic substances contained in powders, sprays, paints and pastes (see Conservation Orders M-1-g and M-9-c-3).

(7) "Joining hardware" means screws, hinges, nails, tacks, catches, escutcheons, bolts, arms and attaching plates for handles, devices for removable handles and other small hardware for joining and similar essential purposes, but does not include lid (panel) supports, top supports, lid irons to hold the foot lid in place on the ogee, hand hold covers, apron support and throw out devices, lid (panel) braces, eyelets and fasteners for attaching interior linings and corner body braces.

[1] Formerly Part 1125, § 1125.1.

(8) "Handle hardware" means hardware attached to the outside of a casket or shipping case for carrying purposes, but does not include arms and attaching plates for handles, and devices for removable handles.

(9) "Design" means the construction essentials of a casket which distinguish that casket from another casket. For the purposes of this order, two or more caskets identical in every respect other than species of wood, size, handle hardware, interior linings, upholstery, textile coverings or color of wood finishes shall be considered one design. Two or more caskets identical in every respect but containing different contours of moldings, pilasters or corners shall be considered two or more designs.

(10) "Preferred order" means any order, contract or subcontract placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(b) *Restrictions on production of caskets.* (1) No manufacturer shall process, fabricate, work on or assemble any metal for use in the production of caskets, or process, fabricate, work on or assemble any caskets containing any metal, except

(i) Handle hardware for caskets consisting of

(*a*) Assemblies of bars, ears, arms or tips containing antimony, lead, aluminum or zinc which were completely fabricated and assembled prior to March 28, 1942; and

(*b*) Handle arms containing antimonial lead fabricated on or after March 28, 1942 in compliance with the provisions of Conservation Order M-38-c, as amended, or any appeal granted under that order, provided, that not more than three pounds shall be used per casket;

(ii) Nameplates manufactured from secondary antimonial lead weighing not more than 14 ounces; and

(iii) Iron or steel contained in

(*a*) Any part, the manufacture or assembly of which has been specifically authorized by the granting of an appeal from this order, or from any other order provided that such authorization was granted after June 30, 1942;

(*b*) Lid (panel) supports, top supports, lid irons to hold the foot lid in place on the ogee, hand hold covers, apron support and throw out devices, lid (panel) braces, and corner body braces, which were completely fabricated prior to March 3, 1943;

(*c*) Handle hardware for caskets consisting of assemblies of bars, ears, arms and tips which were completely fabricated and assembled prior to September 24, 1942;

(*d*) Joining hardware not exceeding three pounds per casket whether or not the casket contains handle hardware assemblies or antimonial lead handle arms of the types specified in paragraphs (b) (1) (i) and (b) (1) (iii) (*c*) of this order, *Provided*, That, not more than 14 ounces of iron or steel are contained in handle arms and attaching plates, and *Further provided*, That, not more than one catch each is used on head lid (panel) and foot of top of basic or half couch caskets, nor more than two catches are used on hinged top caskets, nor more than one set of spring fasteners are used on a basic casket.

(2) On and after May 1, 1943, no manufacturer shall

(i) Cut a portion out of the body of the casket so as to make a dropside style;

(ii) Cut the ogee top so as to make a full couch style;

(iii) Cut panels on basic and half couch caskets except at center of panel or two inches or less off center of panel in length;

(iv) Use backing strips or filler strips on base moldings;

(v) Attach handles on the ends of a casket;

(vi) Use any interior fitting except what is known as basic or regular, half couch or hinged top fittings; or

(vii) Process or fabricate parts for elliptic end caskets.

(3) On and after May 1, 1943, no manufacturer shall process, fabricate, work on, assemble, finish or upholster any caskets, or parts for caskets, which do not conform to the specifications contained in Schedule A attached to this order, except that

(i) Plastic caskets produced from molds or forms completed prior to March 3, 1943 need not conform to the specifications on size of caskets contained in Schedule A but shall conform to all other specifications contained in Schedule A, and

(ii) Caskets produced on or before June 30, 1943 from parts fully fabricated prior to May 1, 1943, need not conform to the specifications on content of lumber and dimensions of caskets contained in Schedule A, but shall conform to all other specifications contained in Schedule A. The restrictions contained in paragraph (b) (4) of this order shall not apply to caskets produced pursuant to the provisions of this paragraph (b) (3) (ii).

(4) Except as provided in paragraph (b) (3) (ii) of this order, on and after May 1, 1943, no manufacturer shall process, fabricate, work on or assemble more designs of caskets than the following:

(i) Twelve designs of adult caskets (five feet six inches or more in inside bottom length);

(ii) One design of children's caskets (less than five feet six inches in inside bottom length);

(iii) One additional institution or hospital design (including both children and adults' sizes);

(iv) One design of still born containers; and

(v) Any other designs specifically authorized by the War Production Board pursuant to an application for permission to manufacture, fabricate or assemble substitute designs in place of designs produced on or after May 1, 1943.

(c) *Restrictions on production of metal liners.* (1) No manufacturer shall process, fabricate, work on or assemble any metal for use in the production of metal liners or produce any metal liners containing any metal, except

(i) Lead to be used for gaskets;

(ii) Lead to be used for soldering purposes, provided that such lead shall not contain more than 21% of tin by weight;

(iii) Any iron or steel, the manufacture or assembly of which has been specifically authorized by the granting of an appeal prior to March 3, 1943;

(iv) Not more than fifty pounds per metal liner of iron and steel or galvanized steel not exceeding 26 standard gauge in thickness, provided that any manufacturer who possessed in his inventory prior to March 28, 1942, iron and steel, galvanized steel, terne sheet, or copper bearing steel exceeding 26 standard gauge in thickness may use more than fifty pounds of such steel per metal liner.

(2) No person shall use a metal liner except when hermetical sealing is required

(i) To comply with federal, state or local government laws and regulations for the transportation or interment of a human corpse; or

(ii) In fulfillment of preferred orders.

(3) On and after March 3, 1943, no manufacturer or jobber shall sell or otherwise dispose of a metal liner to any person unless such person furnishes the manufacturer or jobber with a certificate in substantially the following form, manually signed by that person or his authorized agent:

CERTIFICATION

The undersigned purchaser hereby certifies to ----------, (name of seller) ----------, and (address) to the War Production Board that the metal liners received by reason of this sale will be used by the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration or to comply with federal, state or local government laws and regulations which require hermetic sealing for the transportation or interment of a human corpse.

---------- (Name of Purchaser)

---------- (Address)

By ---------- (Signature of Purchaser or duly authorized agent)

---------- (Date)

(d) *Restriction on the production of shipping cases.* (1) Except in fulfillment of preferred orders, no manufacturer shall process, fabricate, work on or assemble any metal for use in the production of shipping cases, or process, fabricate, work on or assemble any shipping cases containing any metal except iron and steel in

(i) Joining hardware not exceeding two pounds per shipping case; and

(ii) Handle hardware not exceeding three and one-half pounds per shipping case.

(2) No manufacturer shall use more than one coat of nitrocellulose lacquer, either spray or brush, on joining hardware or handle hardware for shipping cases.

(3) On an dafter May 1, 1943, except in fulfillment of preferred orders, no manufacturer shall process, fabricate, work on or assemble any shipping case, or parts for shipping cases, which do not conform to the specifications contained in Schedule A, attached to this Order.

(e) *Restrictions on production of burial vaults.* (1) No manufacturer shall process, fabricate, work on or assemble any metal for use in the production of burial vaults, or process, fabricate, work on or assemble any burial vaults containing any metal, except:

(i) Iron and steel contained in joining hardware or small devices for handling concrete vaults: *Provided*, That the total amount of iron and steel does not exceed two pounds per burial vault; and

(ii) Iron and steel for reinforcing purposes not exceeding 15 pounds for a concrete vault.

(2) No manufacturer shall use more than one coat of nitrocellulose lacquer, either spray or brush, on joining hardware for burial vaults.

(3) No manufacturer shall procure or acquire any iron and steel for use as reinforcing material in the production of concrete burial vaults except wire mesh of 10 gauge or heavier wire with openings of 16 square inches or larger, produced from iron or steel in the form of rerolled rail stock, "top cuts" or discarded steel. Such wire mesh shall not be procured or acquired in a greater amount than is necessary for 60 days' production of concrete vaults.

(4) A manufacturer of concrete burial vaults may sell iron and steel for use as reinforcing material in the production of concrete burial vaults to other manufacturers of concrete burial vaults, and any such sale shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13.

(5) On and after May 1, 1943, except in fulfillment of preferred orders, no manufacturer shall process, fabricate, work on or assemble any burial vaults or parts for burial vaults which do not conform to the specifications contained in Schedule A attached to this order.

(f) *Restrictions on use and transfer of caskets which exceed the dimensions specified in Schedule A.* On and after June 1, 1943, no manufacturer or jobber shall sell, deliver or otherwise dispose of a casket which exceeds the dimensions specified in Schedule A attached to this order to any person unless such person furnishes the manufacturer or jobber with a certification in substantially the following form, manually signed by that person or his authorized agent, except:

(1) Caskets assembled prior to June 30, 1943 from parts fabricated prior to May 1, 1943, or

(2) Caskets assembled pursuant to an appeal granted after June 30, 1943: *Provided*, That the caskets specified above in paragraphs (f) (1) and (f) (2) do not exceed 78 inches in length and 23 inches in width inside dimensions.

CERTIFICATION

The undersigned purchaser hereby certifies to ---------- ---------- Name of seller Address and to the War Production Board that:

(1) He is familiar with the specifications for caskets contained in Schedule A of L-64, and

(2) This casket will be used for a body of such size that no casket produced in conformance with the dimensions specified in Schedule A of L-64 will be adequate.

---------- Name of Purchaser

---------- Address

By ---------- (Signature of purchaser or duly authorized agent)

NOTE: Certification amended July 26, 1943.

A manufacturer or jobber may rely upon such certification unless he knows or has reason to believe it to be false.

NOTE: The following paragraphs (g) through (o), formerly (f) through (n), were redesignated May 1, 1943.

(g) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of caskets, metal liners, shipping cases and burial vaults inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of caskets, metal liners, shipping

cases and burial vaults as permitted by this order.

(h) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(i) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Reports.* (1) Each manufacturer affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(2) Within 5 days after May 1, 1943, each manufacturer of caskets shall file with the War Production Board a catalogue illustration, photograph, snap shot (post card size) or sketch of each design which he proposes to produce under paragraph (b) (4) showing the casket closed and no lining, except that head lid lining may be shown. Each design shall be identified by the factory catalogue number or other distinguishing identification which may be placed on the reverse side of each illustration submitted, together with the manufacturer's name and address.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board of the district in which is located the plant to which the appeal relates.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref.: L-64.

(n) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(o) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board limits the use of any material in the production of caskets, metal liners, shipping cases or burial vaults to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

Issued this 26th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: "Caskets: Restrictions on linings, covering materials, pillows and foot rolls" amended July 26, 1943

Restrictions on size	Maximum dimensions (shown in inches)					Maximum inside dimensions of wood burial vaults and shipping cases used with caskets specified (shown in inches)			Net amount of lumber which may be contained in finished product (shown in board feet)		
	Length		Width		Height						
	Inside bottom edge	Overall outside length	Inside top edge	Overall outside width	Overall outside height	Length	Width	Depth	Casket specified	Burial box	Shipping case
Institution caskets	75	81	22	24¾	16	84	26½	17	46	65	69
Octagon and flaring square caskets without base and rail moldings	75	81	22	24¾	20	84	26½	21	65	71	75
Octagon and flaring square caskets with base and rail moldings	75	81	22	26½	20	84	28½	21	68	73	77
Vertical square caskets	75	81	22	26½	20	84	28½	21	67	73	77

Burial boxes and shipping cases exceeding these dimensions may be produced for plastic or extra size caskets provided that such caskets are not produced in violation of any rule, regulation or order of the War Production Board. No manufacturer shall produce or accumulate extra size caskets in excess of the minimum amount necessary to satisfy demands made pursuant to paragraph (f) of this order. Extra size caskets, burial vaults and shipping cases may contain an additional net amount of lumber of 2½ board feet for each three inches of additional length and three board feet for each two inches of additional width.

Extra size caskets may be made in only three designs in addition to an institution or hospital casket design and shall be produced in multiples of three inches additional length and two inches in additional width.

A tolerance of one-half inch in length and one-fourth inch in width is permitted from the specifications of caskets and burial boxes contained in this schedule.

Restrictions on	Caskets	Burial vaults and shipping cases
Lumber, laminated lumber and plywood.	Not more than 1" thick before milling operations, except: (1) 1¼" before milling operations for ogee molding provided no backing strip is used on ogee. (2) 2" before milling operations for combined side and base or rail molding.	Not more than 1" thick before milling operations. Not more than 1 thickness of wood on any part, except: (1) top battens not exceeding 2" in width and 1" in thickness. (2) corner cleats not exceeding 2½" in width and 1" in thickness, and (3) 2 skids not exceeding 1" in width and thickness, respectively.
Finishing restrictions	Not more than: One coat of stain, One coat of wood filler, and One coat of sealing primer. Not more than: Two coats of varnish or similar coating material for transparent finishes or Two coats of varnish or similar coating material for artificial grain finishes or Two coats of enamel for opaque finishes. Not more than: Two different colors of transparent finishes for each species of wood used, and Two different colors of opaque finishes for each design. Two colors of artificial grain finishes may be used in place of transparent finishes, if desired.	Not more than 1 coat of varnish, paint or similar coating material. No nitro-cellulose lacquers
Restrictions on linings, covering materials, pillows and foot rolls.	No material for covering or lining a casket which contains silk or wool, except woolen broadcloth with 100% fine nolls, waste reprocessed or reused wool filling and 100% cotton warp. No materials in counter linings (upholstery) except cotton fabric. Maximum quantities of rayon lining materials per casket: 9 yards with hinged top fitting, 7 yards with half couch fitting and 5¼ yards with basic fitting. A manufacturer may increase the amount of yards used in the above fittings by 10% when used in extra size caskets. No rayon lining material in the foot half of basic or half couch caskets. No rayon materials as a bed covering in any casket. No aprons on basic caskets. No plus effects on lids (panels) or ogees on any casket. No foot rolls in any casket nor more than 1 pillow in any casket.	Not applicable.

[F. R. Doc. 43-11973; Filed, July 26, 1943; 11:29 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 11,[1] Amdt. 2]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order 11 is amended in the following respects:

1. Section 5.8 is added to read as follows:

SEC. 5.8 *Registration under Rationing Order 3 or Ration Orders 13 or 16 not required in certain cases.* (a) A person who has a contract with or an order from a designated agency for the manufacture of products containing rationed food to be acquired by the designated agency, and who will use all or part of the rationed food in manufacturing such products, and who is not otherwise required to register as an industrial user under Rationing Order 3 or Ration Orders 13 or 16, is not required to register as an industrial user under those orders to obtain an advance of or use the rationed food under this order.

2. Section 5.9 is added to read as follows:

SEC. 5.9 *This order governs whenever inconsistent with Rationing Order 3 or Ration Orders 13 or 16.* (a) If any provision of this order is inconsistent with the provisions of Rationing Order 3 or Ration Orders 13 or 16, the provisions of this order shall govern, and shall supersede the provisions of those orders to the extent that they are inconsistent.

This amendment shall become effective July 29. 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89. 421. 507 and 729, 77th Cong.: E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 8234; WPB Supp. Dir. 1-R, 7 F.R. 9684; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11865; Filed, July 23, 1943; 2:44 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220,[2] Amdt. 11]

RUBBER COMMODITIES: BICYCLE TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1568 (b) is revoked.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11870; Filed, July 23, 1943; 2:47 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 403,[1] Amdt. 1]

RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE: BICYCLE TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 403 is amended in the following respects:

1. Section 20 (c) (4) to (19) inclusive are redesignated section 20 (c) (5) to (20) respectively.

2. Section 20 (c) (4) is added to read as follows:

(4) Bicycle tires and tubes (except those covered by Maximum Price Regulation 415—Certain Federal Government Purchases of New Rubber Tires and Tubes.)

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11867; Filed, July 23, 1943; 2:48 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 435]

NEW BICYCLE TIRES AND TUBES

In the judgment of the Price Administrator, it is necessary and proper to establish specific and uniform maximum prices for new bicycle tires and tubes.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1315.17 *Maximum prices for new bicycle tires and tubes.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 435 (New Bicycle Tires and Tubes), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.17 Issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 435—NEW BICYCLE TIRES AND TUBES

CONTENTS

Sec.
1. Prohibition against dealing in new bicycle tires and tubes at prices above the maximum.
2. Less than maximum prices.
3. To what transactions and commodities this regulation applies and the relation to other regulations.
4. Federal and state taxes.
5. Credit.
6. Transportation charges.
7. Evasive practices.
8. Petitions for amendment.
9. Adjustable pricing.
10. Marking or posting of maximum prices by retailers.
11. Sales slips and receipts.
12. Records.
13. Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.
14. Sales for export.
15. Enforcement.
16. Definitions.
Appendix A: Maximum prices for sales and deliveries to jobbers, to brand owners, and to bicycle manufacturers.
Appendix B: Maximum prices for sales and deliveries to wholesalers and to retailers of brands of Firestone, Goodrich, Seiberling, Tru-Test and Western Tire Auto Stores.
Appendix C: Maximum prices for sales and deliveries to retailers.
Appendix D: Maximum prices for sales and deliveries at retail.

SECTION 1. *Prohibition against dealing in new bicycle tires and tubes at prices above the maximum.* On and after July 29, 1943, regardless of any contract or other obligation, no person shall sell or deliver any new bicycle tire or tube, and no person shall buy or receive any new bicycle tire or tube in the course of trade or business, at a price which is higher than the maximum price fixed by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. "Person" as used in this regulation includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes any government, or any of its political subdivisions (except the United States or any agency there-

[1] Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9008, 9625.

[2] 7 F.R. 8282, 8936, 8948, 11111; 8 F.R. 1584, 2667, 4130, 3942, 5809, 6043, 7497.

[1] 8 F.R. 7498, 8837.

of), and any agency of any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *To what transactions and commodities this regulation applies and the relation to other regulations*—(a) *Commodities covered.* This regulation applies to all new bicycle tires and tubes of all brands and types, made in whole or in part of rubber, and to all new rim strips generally recognized by the trade as being for use with bicycle tires and tubes. "Bicycle tires and tubes" include all tires and tubes generally recognized by the trade as being usable on bicycles even though the particular tires or tubes are for use on other articles. "New" as applied to bicycle tires and tubes and rim strips means commodities which are generally recognized by the trade as being salable as new and which have never been put to their intended use. Used bicycle tires and tubes and rim strips are covered by the General Maximum Price Regulation.[1] However, in no case shall the maximum price of a used bicycle tire, tube or rim strip exceed the maximum price set by this regulation for such item new. "Rubber" as used in this regulation means all forms and types of rubber, including synthetic and reclaimed rubber and any other rubber-like substance used as a rubber substitute.

(b) *Transactions covered.* Except as provided in paragraph (c), this regulation applies to all sales and deliveries of bicycle tires and tubes and rim strips covered by this regulation. This regulation also applies to the mounting of a tire, tube or rim strip on the wheel of a bicycle in connection with the sale or delivery of the tire, tube or rim strip.

(c) *Specific exemptions from the regulation.* This regulation does not apply to the following sales and deliveries of bicycle tires and tubes and rim strips:

(1) Sales and deliveries to the United States or any agency thereof.

(2) Any sale or delivery to a bicycle manufacturer for the original equipment of bicycles, made pursuant to a war order as defined in Maximum Price Regulation No. 403[2]—Certain Rubber Commodities Purchased for Governmental Use.

(3) Any sale or delivery where the price charged is a price for the entire bicycle.

(d) *Relation to other regulations.* Except as provided in sections 10 and 13 and paragraph (f) of Appendix D hereof, this regulation supersedes any other regulation issued by the Office of Price Administration, including Maximum Price Regulation No. 220[3] and the General Maximum Price Regulation, including §§ 1499.13 (b) and 1499.14 thereof, as to commodities and transactions covered by this regulation.

(e) *Geographical applicability of this regulation.* This regulation applies in the District of Columbia, the 48 states, and in the territories and possessions of the United States.

SEC. 4. *Federal and state taxes.* The federal excise tax on rubber tires and tubes is included in the maximum prices set by this regulation, and no amount may be added to the maximum prices on account of such tax. Any other tax upon, or incident to, the sale, delivery, processing, or use of new bicycle tires or tubes imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 5. *Credit.* The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless the seller during March, 1942, required payment of a separately stated additional charge for the extension of credit, by purchasers of the same class on sales of new bicycle tires or tubes or rim strips, and the amount charged for the extension of credit is not in excess of the charge the seller had in effect during March, 1942, for extension of credit involving the same amount and term.

SEC. 6. *Transportation charges.* No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of new bicycle tires and tubes, than the seller required purchasers of the same class to pay during March, 1942, on deliveries of new bicycle tires and tubes.

SEC. 7. *Evasive practices.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to bicycle tires or tubes, alone or in conjunction with any other commodity or by way of commission, service, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 8. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 10. *Marking or posting of maximum prices by retailers.* Every person offering to sell new bicycle tires or tubes at retail shall mark or post the maximum prices of such new bicycle tires or tubes in accordance with the provisions of § 1499.13 (a) of the General Maximum Price Regulation.

SEC. 11. *Sales slips and receipts.* Any seller who has customarily furnished purchasers with invoices, sales slips, receipts, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the quantity of each brand and size of new bicycle tires and tubes sold, and the price charged therefor.

SEC. 12. *Records.*—(a) *Of sales*—(1) *At retail.* Every person making sales at retail subject to this regulation of new bicycle tires or tubes must continue to keep, as to such retail sales, records of the same kind as he customarily kept showing the prices actually charged by him after the effective date of this regulation.

(2) *Other than retail.* Every person making sales subject to this regulation of new bicycle tires or tubes other than sales at retail shall keep, as to such non-retail sales, for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the price received, and the quantity of each brand and size of new bicycle tires and tubes sold.

(b) *Of purchases*—(1) *By retailers.* Every seller of new bicycle tires and tubes who makes all of his sales of such articles at retail must continue to keep, as to all of his purchases of bicycle tires or tubes subject to this regulation, records of the same kind as he customarily kept showing the prices actually paid by him after the effective date of this regulation.

(2) *Other persons.* Every seller of new bicycle tires and tubes other than retailers who are subject to subparagraph (1) shall keep, as to all of his purchases of bicycle tires and tubes subject to this regulation, for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase showing the date thereof, the name and address of the seller, the price paid, and the quantity of each brand and size of new bicycle tires and tubes purchased.

SEC. 13. *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation selling new bicycle tires or tubes at wholesale or retail. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

SEC. 14. *Sales for export.* The maximum price at which a person may export any new bicycle tires or tubes shall be determined in accordance with the Second Revised Maximum Export Price Regulation.[5]

SEC. 15. *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

SEC. 16. *Definitions.* (a) When used in this regulation the term:

"Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for bicycle tires, tubes or rim strips for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

Appendix A: Maximum prices for sales and deliveries to jobbers, to brand owners, and to bicycle manufacturers—(a) *Maximum prices for sales and deliveries of manufacturers' brands to jobbers*—(1) *Applicability of this paragraph*—(i) *Brands covered.* The maximum prices to jobbers fixed by this paragraph apply to brands of the manufacturers listed in Table IA or Table IIA. The Firestone Tire and Rubber Co., The B. F. Goodrich Co. and Seiberling Rubber Co. are not listed in those tables but are covered by Appendix B.

(ii) *Definitions of jobber.* The maximum prices fixed by this paragraph apply to sales and deliveries to jobbers. "Jobber" as used in this regulation means any seller of bicycle tires or tubes of the class to which the brand owner offered bicycle tires or tubes during October, 1941, at the prices which he had in effect to jobbers. In determining whether or not a seller is in that class, the criteria to be applied are those which the brand owner had in effect during October, 1941, for determining which of his buyers were offered bicycle tires or tubes at such jobber prices.

(2) *Balloon and lightweight tires and tubes of the brands listed in Table IA or Table IIA.* The maximum price for any sale or delivery to a jobber of balloon or lightweight bicycle tires of the brands listed in Table IA shall be the price set forth in Table IA, reduced by any discounts required by subparagraph (5). The maximum price for any sale or delivery to a jobber of balloon or lightweight bicycle tubes of the brands listed in Table IIA shall be the price set forth in Table IIA, reduced by any discounts required by subparagraph (5).

(3) *Single-tube tires.* The maximum price for any sale or delivery to a jobber of single-tube bicycle tires of any brand of one of the manufacturers listed in Table IA or Table IIA (whether the brand is listed in the tables or not) shall be the price set forth in Table IIIA, reduced by any discounts required by subparagraph (5).

(4) *Rim strips.* The maximum price for any sale or delivery to a jobber of any rim strips of one of the manufacturers listed in Table IA or Table IIA shall be 5 cents each, reduced by any discounts required by subparagraph (5).

(5) *Discounts to jobbers.* The following percentage discounts shall be given on all sales to jobbers by American Tire Factories, Inc., Carlisle Tire and Rubber Co., Fisk Bicycle Tires—Division of U. S. Rubber Co., Gillette Bicycle Tires—Division of U. S. Rubber Co., The Goodyear Tire and Rubber Co., Inc., The Pharis Tire and Rubber Co., and United States Rubber Co.:

Cash discount	Annual volume bonus for current year	
	Percent	Volume[7]
2%–10 prox	3	$5,000 to $7,499
	4	$7,500 to $9,999
	5	$10,000 to $19,999
	7½	$20,000 and over

Any other seller shall extend to jobbers a cash discount which is at least as large as the smallest cash discount which he had in effect to jobbers during March, 1942.

(6) *Brands not otherwise covered.* The maximum price for any sale or delivery to a jobber of any bicycle tires or tubes which are not covered by Appendix B and which are not covered by any other provision of this paragraph (a) shall be whichever of the following two prices is less:

(i) The price which the seller had in effect on the same brand and size of tire or tube to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes, or

(ii) The brand owner's list price on the same brand and size of tire or tube which was in effect to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes.

(b) *Maximum prices for sales and deliveries by manufacturers to brand owners*—(1) *Applicability of this paragraph.* The maximum prices fixed by this paragraph apply to sales and deliveries by any manufacturer to any brand owner of bicycle tires and tubes of brands owned by such purchaser and of any rim strips.

(2) *Sales not on a jobber basis and not under cost-plus contracts*—(i) *Applicability of this subparagraph.* This subparagraph does not apply to sales or deliveries to any purchaser who bought his own brands of bicycle tires and tubes from the manufacturer during October, 1941, on a jobber basis or under a cost-

[1] 8 F.R. 3096, 3849, 4347, 4486, 4774, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 8 F.R. 7498, 8837.

[3] 7 F.R. 8282, 8936, 8948, 11,111; 8 F.R. 1584, 2667, 4130, 3942, 5809, 6043, 7497.

[4] 7 F.R. 8961, 3313, 3533, 6173.

[5] 8 F.R. 4132, 5987, 7662.

plus contract or who now buys such tires and tubes from the manufacturer under a cost-plus contract. It does apply to any other purchaser buying his own brands.

(ii) *Balloon and lightweight tires.* The maximum price for any sale or delivery, to which this subparagraph applies, of balloon or lightweight bicycle tires by a manufacturer to the brand owner of the tires shall be as follows: For sizes 20 x 2.125, 24 x 2.125, 26 x 2.125 and 26 x 2.25 (motor bike) the maximum price shall be the net price, including federal excise tax, which the manufacturer had in effect to the same purchaser on the same brand and size of tire on October 15, 1941, increased by 29.5 percent. For the lightweight tire, size 26 x 1.25, the maximum price shall be the same as the maximum price under this subdivision for the lowest priced brand sold to the same purchaser by the same seller in the 26 x 2.125 size. For the lightweight tire, size 26 x 1.375, the maximum price shall be 2.22 percent higher than the maximum price under this subdivision for the lowest priced brand sold to the same purchaser by the same seller in the 26 x 2.125 size.

(iii) *Balloon and lightweight tubes.* The maximum price for any sale or delivery, to which this subparagraph applies, of balloon or lightweight bicycle tubes by a manufacturer to the brand owner of the tubes shall be as follows: For sizes 26 x 2.125 and 26 x 2.25 (motor bike) the maximum price shall be the net price, including federal excise tax, which the manufacturer had in effect to the same purchaser on the same brand and size of tube on October 15, 1941, increased by 19.6 percent. For sizes 26 x 1.25, 26 x 1.25–1.375 and 26 x 1.375 the maximum price shall be the same as the maximum price under this subdivision for the lowest priced brand sold to the same purchaser by the same seller in the 26 x 2.125 size. For size 24 x 2.125 the maximum price shall be the same as the maximum price under this subdivision for the same or the comparable brand sold to the same purchaser by the same seller in the 26 x 2.125 size.

(iv) *Single-tube tires.* The maximum price for any sale or delivery, to which this subparagraph applies, of single-tube bicycle tires by a manufacturer to the brand owner of the tires shall be calculated as follows: Determine under (ii) the maximum price for the 26 x 2.175 balloon tire (standard or volume tire and not premium tire) sold by the manufacturer to the same brand owner and increase that figure by the following percentage to get the maximum price for the single-tube tire:

Size	Ply	Percentage
26 x 1.50	2	26.7
26 x 1.50	3	49.2
28 x 1.50	2	30.0
28 x 1.50	3	52.1

(v) *Rim strips.* The maximum price for any sale or delivery, to which this subparagraph applies, of rim strips by a manufacturer to a brand owner shall be whichever of the following two prices is less:

(*a*) 5 cents each, or

(*b*) The net price, including federal excise tax, which the manufacturer had in effect to the same purchaser on October 15, 1941, or if the manufacturer had no price in effect on October 15, 1941, to the same purchaser, the highest price, including federal excise tax, which the manufacturer had in effect on October 15, 1941, to a purchaser of the same class.

(3) *Sales on a jobber basis.* This subparagraph applies to sales to any purchaser who bought his own brands of bicycle tires and tubes from the manufacturer during October, 1941, on a jobber basis. Such a purchaser bought on a jobber basis if the price he paid was determined by using or applying discounts to the price list which the manufacturer had in effect to jobbers for comparable tires and tubes. The maximum price for any sale or delivery by a manufacturer to such a brand owner of bicycle tires or tubes of the brand owner's brand shall be the same as the maximum price to jobbers under paragraph (a) for whichever one of the manufacturers' own brands is most comparable in physical quality to the tires or tubes being priced. The maximum price of rim strips under this subparagraph shall be determined according to subparagraph (2) (v).

(4) *Sales under cost-plus contracts—*(i) *Sales to purchasers who purchased under a cost-plus contract during October 1941.* This subdivision applies to sales to any purchaser who bought his own brands of bicycle tires and tubes from the manufacturer during October, 1941, under a cost-plus contract. The maximum price for any sale or delivery by a manufacturer to such a brand owner of bicycle tires or tubes of the brand owner's brand or of any rim strips shall be calculated according to the procedure in subparagraph (2). The net price, including federal excise tax, which the manufacturer had in effect to the same purchaser on October 15, 1941, shall be deemed to be the price, including federal excise tax, for the quarter beginning October 1, 1941, and ending December 31, 1941, after deducting the annual percentage of all rebates or adding the annual percentage of all additional collections.

(ii) *Sales to purchasers who did not purchase under a cost-plus contract during October, 1941.* This subdivision applies to sales to any purchaser under a cost-plus contract where the purchaser did not buy his own brands of bicycle tires and tubes from the manufacturer during October, 1941, under a cost-plus contract. The maximum price for any sale or delivery by a manufacturer to such a brand owner of bicycle tires or tubes of the brand owner's brand or of any rim strips shall be the highest maximum price established by subdivision (i) of this subparagraph (4) for a sale by the manufacturer to a purchaser who bought his own brands of bicycle tires and tubes from the manufacturer during October, 1941, under a cost-plus contract.

(c) *Maximum prices for sales and deliveries to bicycle manufacturers for the original equipment of bicycles—*(1) *Applicability of this paragraph.* The maximum prices fixed by this paragraph apply to sales and deliveries of bicycle tires, tubes and rim strips to bicycle manufacturers for the original equipment of bicycles. This paragraph applies to all such original equipment sales and deliveries except those made pursuant to war orders. This paragraph does not apply to any sale or delivery of bicycle tires, tubes, and rim strips for the original equipment of bicycles, made pursuant to a war order as defined in Maximum Price Regulation No. 403—Certain Rubber Commodities Purchased For Governmental Use.

(2) *Maximum prices.* The maximum price for any sale or delivery to which this paragraph applies of tire, tube and rim strip assemblies shall be the highest net price which the seller had in effect to the same purchaser during March, 1942, for original equipment sales involving tires and tubes of the same brand as those now being priced. If the seller had no price in effect to the same purchaser during March, 1942, for original equipment sales of the same brands, the maximum price shall be a price, in line with the maximum prices under this paragraph, specifically authorized by the Office of Price Administration, Washington, D. C., upon application in writing by the seller for such an authorization.

TABLE IA—MAXIMUM PRICES[1] FOR SALES AND DELIVERIES OF MANUFACTURERS' BRANDS OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES TO JOBBERS

[Maximum price per pair]

Manufacturer and brand	Sizes					
	20 x 2.125	24 x 2.125	26 x 1.95	26 x 1.375 and 26 x 1.25–1.375	26 x 2.125	All other sizes
American Tire Factories, Inc.						
American Clipper					$2.40	
American Roadster					2.40	
Fisk Bicycle Tires—Division of U. S. Rubber Co.						
Fisk Victor	$2.29	$2.34			2.40	
Fisk Airflight		2.67	$2.40	$2.45	2.73	
Gillette Bicycle Tires—Division of U. S. Rubber Co.						
Gillette Bear	2.29	2.34			2.40	
Gillette Extra Heavy Duty	3.11					
Gillette Lightweight			2.40	2.45		
Gillette Special Service		2.84			2.89	
The Goodyear Tire & Rubber Co., Inc.:						
G-3 All Weather	2.29	2.34			2.40	
Deluxe All Weather		2.67			2.73	
Lightweight			2.40	2.45		
The Mansfield Tire & Rubber Co.:						
Black Beauty					2.45	
Mansfield Giant Lynx		2.67			2.73	
Mansfield Lightweight			2.45	2.50		
Pennsylvania Rubber Co.:						
Pennsylvania		2.73			2.78	
Pennsylvania Lightweight				2.86		
Pennsylvania Olympic		2.40			2.45	
The Pharis Tire & Rubber Co.:						
Rib gripper-Deluxe Lightweight			2.40	2.45		
Roadgripper	2.29	2.34			2.40	
Roadgripper Dart	2.29	2.34			2.40	
Roadgripper Deluxe		2.67			2.73	
Roadgripper Motor Bike	3.14				3.25	
Roadgripper Victory	2.29	2.34			2.40	
Raleigh Cycle Distributors:						
Dunlop Champion				3.30		$2.64
Dunlop Road Racing Pressure						4.94
Dunlop Triple Rhino						3.00
Dunlop War Grade			3.00			
United States Rubber Co.:						
U. S. Chain 400	2.29	2.34			2.40	
U. S. Chain 500	2.29	2.34			2.40	
U. S. Chain 42			2.40	2.45		
U. S. Chain 83						2.45
U. S. Royal Touring			2.40	2.45		
U. S. Royal Master (and U. S. Royal Master E. A. 3—Foreign)	2.62	2.67	2.40	2.45	2.73	
U. S. Royal Master Heavy Duty	3.11					
U. S. Motor Bike						5.07

[1] Paragraph (a) (5) in Appendix A requires the deduction of certain discounts from these prices.

TABLE IIA—MAXIMUM PRICES[1] FOR SALES AND DELIVERIES OF MANUFACTURERS' BRANDS OF BALLOON AND LIGHTWEIGHT BICYCLE TUBES TO JOBBERS

[Maximum price per pair]

Manufacturer and brand	Sizes				
	20x2.125	24x2.125	26x1.25, 26x1.375 and 26x1.25–1.375	26x2.125	All other sizes
Carlisle Tire and Rubber Co.:					
Carlisle Standard		$1.23		$1.23	
Carlisle Extra Heavy		1.91		1.91	
Continental Rubber Works:					
Vitalic		1.29		1.29	
Fisk Bicycle Tires—Division of U. S. Rubber Co.:					
Fisk Airflight	$1.17	1.23	$1.23	1.23	
Gillette Bicycle Tires—Division of U. S. Rubber Co.:					
Gillette Ambassador	1.17	1.23	1.23	1.23	
The Goodyear Tire and Rubber Co., Inc.:					
Goodyear	1.17	1.23	1.23	1.23	
The Mansfield Tire and Rubber Co.:					
Mansfield Superior		1.25	1.25	1.28	
Pennsylvania Rubber Co., Inc.:					
Pennsylvania		1.34	1.34	1.37	
The Pharis Tire and Rubber Co.:					
Pharis	1.17	1.23	1.23	1.23	
Raleigh Cycle Distributors:					
Dunlop			2.10		$2.10
United States Rubber Co.:					
U. S. Red Fox (and U. S. Red Fox E.A.3—Foreign)	1.17	1.23	1.23	1.23	1.17
U. S. Motor Bike					1.34

[1] Paragraph (a) (5) in Appendix A requires the deduction of certain discounts from these prices.

TABLE IIIA—MAXIMUM PRICES[1] FOR SALES AND DELIVERIES OF MANUFACTURERS' BRANDS OF SINGLE-TUBE BICYCLE TIRES TO JOBBERS

Size	Ply	Maximum price per pair
26 x 1.50	2	$3.04
26 x 1.50	3	3.58
28 x 1.50	2	3.12
28 x 1.50	3	3.65

[1] Paragraph (a) (5) in Appendix A requires the deduction of certain discounts from these prices.

Appendix B: Maximum prices for sales and deliveries to wholesalers and to retailers of brands of Firestone, Goodrich, Seiberling, Tru-Test and Western Tire Auto Stores. (a) *Applicability of this appendix.* This appendix applies to all brands of bicycle tires and tubes of The Firestone Tire and Rubber Co., The B. F. Goodrich Co., Seiberling Rubber Co., Tru-Test Marketing and Merchandising Corp. and Western Tire Auto Stores, and to any rim strips of those 5 companies. It applies to sales and deliveries by any person including the brand owner, if the sales and deliveries are of the type covered by this appendix. This appendix applies to sales and deliveries to all retailers and wholesalers. "Retailers" and "wholesalers" as used in this appendix include all wholesale purchasers except those mentioned in the following sentence. It does not apply to sales and deliverles at retail to the consumer, or to bicycle manufacturers for the original equipment of bicycles, or to the brand owner from the manufacturer.

(b) *Brands of Firestone, Goodrich and Seiberling*—(1) *Balloon and lightweight tires and tubes.* The maximum price for any sale or delivery to a retailer or wholesaler of balloon or lightweight bicycle tires or tubes of the brands listed in the table in this subparagraph shall be calculated by deducting the percentage discount required by subparagraph (4) from the price set forth in the following table:

Manufacturer	Price per pair					
	Brand of tire	Sizes		Brand of tube	Sizes	
		26 x 1.375 and 26 x 1.25–1.375	26 x 2.125		26 x 1.25, 26 x 1.375 and 26 x 1.25–1.375	26 x 2.125
The Firestone Tire & Rubber Co.	High Speed		$3.13	Firestone Champion	$1.50	$1.54
The Firestone Tire & Rubber Co.	Champion	$3.20	3.50			
The B. F. Goodrich Co.	Silvertown	3.44	3.79	Goodrich	1.68	1.72
The B. F. Goodrich Co.	Standard		3.37			
Seiberling Rubber Co	Seiberling		3.28	Seiberling	1.64	1.64
Seiberling	Safety		3.74			

The price set forth in this table is the maximum price in only those cases where there is no discount required under subparagraph (4). In no case shall the maximum price to a retailer or wholesaler be more than the price set forth in this table.

(2) *Single-tube tires.* The maximum price for any sale or delivery to a retailer or wholesaler of single-tube bicycle tires of any brand of The Firestone Tire and Rubber Co., The B. F. Goodrich Co., or Seiberling Rubber Co. shall be calculated by deducting the percentage discount required by subparagraph (4) from the price set forth in the following table:

Size	Ply	Price per pair
26 x 1.50	2	$4.05
26 x 1.50	3	4.77
28 x 1.50	2	4.16
28 x 1.50	3	4.87

The price set forth in this table is the maximum price in only those cases where there is no discount required under subparagraph (4). In no case shall the maximum price to a retailer or wholesaler be more than the price set forth in this table.

(3) *Rim strips.* The maximum price for any sale or delivery to a retailer or wholesaler of any rim strips of The Firestone Tire and Rubber Co., The B. F. Goodrich Co. or Seiberling Rubber Co. shall be calculated by deducting the percentage discount required by subparagraph (4) from a price of 6⅔ cents each. The price of 6⅔ cents each is the maximum price in only those cases where there is no discount required under subparagraph (4). In no case shall the maximum price to a retailer or wholesaler be more than 6⅔ cents each.

(4) *Discounts to retailers and wholesalers.* The percentage discount required by this subparagraph and to be used in calculating maximum prices under this paragraph applies to any seller of bicycle tires or tubes or of rim strips of The Firestone Tire and Rubber Co., The B. F. Goodrich Co. or Selberling Rubber Co., including those manufacturers themselves. The discount which must be deducted is the same percentage discount which the seller had in effect for the tire, tube or rim strip to purchasers of the same class on March 16, 1942, from the list price which he had in effect to retailers on that date. If the seller had net prices in effect to purchasers of the same class on March 16, 1942, instead of percentage discounts, the percentage discount to be deducted shall be calculated for the tire, tube or rim strip by expressing the net price in effect on March 16, 1942, to purchasers of the same class as a percentage of the list price which was in effect to retailers on that date. If there was no such discount or lower net price in effect on March 16, 1942, no discount is required here.

(c) *Brands of Tru-Test and Western Tire Auto Stores*—(1) *Balloon and lightweight tires and tubes.* The maximum price for any sale or delivery to a retailer or wholesaler of balloon or lightweight bicycle tires or tubes of the brands listed in the table in this subparagraph shall be calculated by deducting the percentage discount required by subparagraph (4) from the price set forth in the following table:

Brand owner	Price per pair					
	Brand of tire	Sizes		Brand of tube	Sizes	
		24 x 2.125	26 x 2.125		24 x 2.125	26 x 2.125
Tru-Test	Tru-Test Deluxe		$4.80	Tru-Test		$2.50
Western Tire Auto Stores	Western Flash	$4.00	4.20	Western Flash	$2.80	2.30

(2) *Single-tube tires.* The maximum price for any sale or delivery to a retailer or wholesaler of single-tube bicycle tires of any brand of Tru-Test or Western Tire Auto Stores shall be calculated by deducting the percentage discount required by subparagraph (4) from the price set forth in the following table:

Size	Ply	Price per pair
26 x 1.50	2	$6.08
26 x 1.50	3	7.16
28 x 1.50	2	6.24
28 x 1.50	3	7.30

(3) *Rim strips.* The maximum price for any sale or delivery to a retailer or wholesaler of any rim strips of Tru-Test or Western Tire Auto Stores shall be calculated by deducting the percentage discount required by subparagraph (4) from a price of 10 cents each.

(4) *Discounts to retailers and wholesalers.* The percentage discount required by this subparagraph and to be used in calculating maximum prices under this paragraph applies to any seller of bicycle tires or tubes or of rim strips of Tru-Test or Western Tire Auto Stores, including those brand owners themselves. The discount which must be deducted is the same percentage discount which the seller had in effect for the tire, tube or rim strip to purchasers of the same class on March 16, 1942, from the retail list price which was in effect on that date. If the seller had net prices in effect to purchasers of the same class on March 16, 1942, instead of percentage discounts, the percentage discount to be deducted shall be calculated for the tire, tube or rim strip by expressing the net price in effect on March 16, 1942, to purchasers of the retail list price which was in effect on that date.

(d) *Brands not otherwise covered.* The maximum price for any sale or delivery to a retailer or wholesaler of any bicycle tires or tubes which are not covered by any other provision of this Appendix but which are of brands of one of the five brand owners covered by this Appendix shall be whichever of the following two items is less:

(1) the price which the seller had in effect on the same brand and size of tire or tube to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes, or

(2) the brand owner's list price on the same brand and size of tire or tube which was in effect to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires by 11.8 percent for tubes.

Appendix C: Maximum prices for sales and deliveries to retailers.—(a) *Applicability of this appendix.*—(1) *Brands covered.* The maximum prices to retailers fixed by this appendix apply to brands of the brand owners listed in Table IC or Table IIC. The Firestone Tire and Rubber Co., The B. F. Goodrich Co., Seiberling Rubber Co., Tru-Test Marketing and Merchandising Corp., and Western Tire Auto Stores are not listed in those tables but are covered by Appendix B.

(2) *Definition of retailer.* The maximum prices fixed by this appendix apply to sales and deliveries to retailers. "Retailer" as used in this regulation means any seller of bicycle tires or tubes of the class to which the brand owner offered bicycle tires or tubes at dealer prices (prices for sales to retailers) during October, 1941, or of the class existing during October, 1941, which the brand owner has set up as being those who should properly be charged dealer prices. In determining whether or not a seller is in such a class, the criteria to be applied are those which the brand owner had in effect during October, 1941, for determining which buyers should be offered bicycle tires or tubes at dealer prices.

(b) *Balloon and lightweight tires and tubes of the brands listed in Table IC or Table IIC.* The maximum price for any sale or delivery to a retailer of balloon or lightweight bicycle tires of the brands listed in Table IC shall be calculated by deducting the percentage discount required by paragraph (f) from the price set forth in Table IC. The maximum price for any sale or delivery to a retailer of balloon or lightweight bicycle tubes of the brands listed in Table IIC shall be calculated by deducting the percentage discount required by paragraph (f) from the price set forth in Table IIC.

(c) *Single-tube tires.* The maximum price for any sale or delivery to a retailer of single-tube bicycle tires of any brand of one of the brand owners listed in Table IC or Table IIC (whether the brand is listed in the tables or not) shall be calculated by deducting the percentage discount required by paragraph (f) from the price set forth in Table IIIC.

(d) *Rim strips.* The maximum price for any sale or delivery to a retailer of any rim strips of one of the brand owners listed in Table IC or Table IIC shall be 6⅔ cents each less the percentage discount required by paragraph (f).

(e) *Brands not otherwise covered.* The maximum price for any sale or delivery to a retailer of any bicycle tires or tubes which are not covered by Appendix B and which are not covered by any other provision of this Appendix C shall be whichever of the following two prices is less:

(1) The price which the seller had in effect on the same brand and size of tire or tube to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes, or

(2) The brand owner's list price which was in effect to purchasers of the same class on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes.

(f) *Discounts to retailers.* The discount which must be deducted is the cash and quantity discount that the seller had in effect for the tire, tube or rim strip to purchasers of the same class on March 16, 1942. If there was no such cash or quantity discount in effect on March 16, 1942, no discount is required here.

TABLE IC—MAXIMUM PRICES[1] FOR SALES AND DELIVERIES OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES TO RETAILERS

[Maximum price per pair]

Brand owner and brand	Sizes					
	20 x 2.125	24 x 2.125	26 x 1.25	26 x 1.375 and 26 x 1.25–1.375	26 x 2.125	All other sizes
American Tire Factories, Inc.:						
American Clipper					$3.20	
American Roadster					3.20	
Arnold, Schwinn and Co., Inc., Whirlwind				$3.20		
Atlas Supply Co., Atlas					3.36	
Belknap Hardware and Manufacturing Co., Belknap-Louisville		$3.49			3.61	
The W. Bingham Co., Speed-King					3.28	
Chicago Cycle Supply Co.:						
Chicyco Bulldog		3.07			3.13	
Chicyco Super Service					3.76	
Coast to Coast Stores:						
Safeflex					3.04	
Super Safeflex					3.68	
Columbus Cycle and Sporting Goods Co.:						
Super Roadmaster					2.87	
Super Value	$2.68	2.68			2.68	
Fisk Bicycle Tires—Division of U. S. Rubber Co.:						
Fisk Victor	3.05	3.12			3.20	
Fisk Airflight		3.56	$3.20	3.27	3.64	
Gamble-Skogmo, Inc.:						
Crest Standard				3.16	3.06	
Super Crest					3.62	
Gillette Bicycle Tires—Division of U. S. Rubber Co.:						
Gillette Rear	3.05	3.12			3.20	
Gillette Extra Heavy Duty	4.15					
Gillette Lightweight			3.20	3.27		
Gillette Special Service		3.79			3.85	
The Goodyear Tire and Rubber Co., Inc.:						
G-3 All-Weather	3.05	3.12			3.20	
Deluxe All-Weather		3.56			3.64	
Lightweight			3.20	3.27		
Hibbard, Spencer, Bartlett and Co.:						
Hibbard Champion					2.81	
Hibbard Tru-Value Deluxe					3.67	
Louisville Cycle and Supply Co., Locyco Speedway	2.72	2.78			2.85	
The Mansfield Tire and Rubber Co.:						
Black Beauty					3.24	
Mansfield Giant Lynx D. T.		3.56			3.64	
Mansfield Lightweight D. T.				3.31		

[1] Paragraph (f) in Appendix C requires the deduction of certain discounts from these prices.

TABLE IC—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES TO RETAILERS—Continued

[Maximum price per pair]

Brand owner and brand	Sizes					
	20 x 2.125	24 x 2.125	26 x 1.25	26 x 1.375 and 26 x 1.25-1.375	26 x 2.125	All Other Sizes
Pennsylvania Rubber Co., Inc.:						
Pennsylvania		$3.61			$3.68	
Pennsylvania Olympic		3.18			3.24	
Pennsylvania Lightweight				$3.31		
The Pharis Tire and Rubber Co.:						
Ribgripper Deluxe Lightweight			$3.20	3.27		
Roadgripper	$3.05	3.12			3.20	
Roadgripper Dart	3.05	3.12			3.20	
Roadgripper Deluxe		3.56			3.64	
Roadgripper Motor Bike	4.				4.33	
Roadgripper Victory	3.05	3.12			3.20	
Progressive Cycle and Auto Supply Co., Inc., Comet					3.31	
Raleigh Cycle Distributors				4.40		$3.52
Dunlop Champion						6.59
Dunlop Road Racing High Pressure						4.00
Dunlop Triple Rhino						
Dunlop War Grade			4.00			4.27
Simplex Manufacturing Co., Simplex						
United States Rubber Co.:						
U. S. Chain 400	3.05	3.12			3.20	
U. S. Chain 500	3.05	3.12			3.20	
U. S. Chain 42			3.20	3.27		
U. S. Chain 83						3.27
U. S. Royal Touring			3.20	3.27		
U. S. Royal Master (and U. S. Royal Master E. A. 2-Foreign)	3.49	3.56	3.20	3.27	3.64	
U. S. Master Heavy Duty	4.15					
U. S. Motor Bike						6.76
Vulco Manufacturing Co.						
Red Line Champion Victory					2.80	
Red Line Champion DeLuxe					3.64	
Red Line Champion Motorbike					4.33	
Western Auto Supply Co. (Kansas City):						
Davis DeLuxe		3.04			3.04	
Davis DeLuxe Safety Grip					3.11	
Davis Safety Grip				3.11		
Western Auto Supply Co. (Los Angeles):						
Western Giant Double Duty				3.07	3.47	
Western Giant Traveller					3.00	

[1] Paragraph (f) in Appendix C requires the deduction of certain discounts from these prices.

TABLE IIC—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES TO RETAILERS

[Maximum price per pair]

Brand owner and brand	Sizes				
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1.25-1.375	26 x 2.125	All other sizes
Arnold, Schwinn and Co., Inc.:					
Schwinn			$1.64		
Atlas Supply Co.					
Atlas		$1.06		$1.06	
Belknap Hardware and Manufacturing Co.:					
Belknap		1.67		1.67	
Carlisle Tire and Rubber Co.:					
Carlisle Standard		1.64		1.64	
Carlisle Extra Heavy		2.55		2.55	
Chicago Cycle Supply Co.:					
Cleeyco Red Skin		1.33		1.33	
Coast to Coast Stores:					
Safe-Flex				1.64	
Columbus Cycle & Sporting Goods Co.:					
Roadmaster	$1.47	1.47		1.47	
Continental Rubber Works:					
Vitalic		1.69		1.69	
Fisk Bicycle Tires—Division of U. S. Rubber Co.:					
Fisk Airflight	1.56	1.64	1.64	1.64	
Gamble-Skogmo, Inc.:					
Super Crest			1.59	1.63	
Gillette Bicycle Tires—Division of U. S. Rubber Co.:					
Gillette Ambassador	1.56	1.64	1.64	1.64	
The Goodyear Tire & Rubber Co., Inc.:					
Goodyear	1.56	1.64	1.64	1.64	
Hibbard, Spenser, Bartlett & Co.:					
Hibbard Champion				1.64	
Hibbard Tru-Value DeLuxe				1.67	
Louisville Cycle & Supply Co.:					
Loeyco Speedway				1.28	
The Mansfield Tire and Rubber Co.:					
Mansfield Superior		1.66	1.66	1.70	
Pennsylvania Rubber Co., Inc.:					
Pennsylvania		1.79	1.79	1.83	

[1] Paragraph (f) in Appendix C requires the deduction of certain discounts from these prices.

TABLE IIC—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES TO RETAILERS—Continued

[Maximum price per pair]

Brand owner and brand	Sizes				
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1.25-1.375	26 x 2.125	All other sizes
The Pharis Tire and Rubber Co.:					
Pharis	$1.56	$1.64	$1.64	$1.64	
Raleigh Cycle Distributors:					
Dunlop			2.80		$2.80
Simplex Manufacturing Co.:					
Simplex					1.40
United States Rubber Co.:					
U. S. Red Fox (and U. S. Red Fox E. A. 3-Foreign)	1.56	1.64	1.64	1.64	1.56
U. S. Motor Bike					1.79
Western Auto Supply Co. (Kansas City):					
Davis DeLuxe		1.40	1.40	1.44	
Western Auto Supply Co. (Los Angeles):					
Blue Ribbon		1.61		1.65	
Jumbo				2.03	

[1] Paragraph (f) in appendix C requires the deduction of certain discounts from these prices.

TABLE IIIC—MAXIMUM PRICES [1] FOR SALES AND DELIVERIES OF SINGLE-TUBE BICYCLE TIRES TO RETAILERS

Size	Ply	Maximum price per pair
26 x 1.50	2	$4.05
26 x 1.50	3	4.77
28 x 1.50	2	4.16
28 x 1.50	3	4.87

[1] Paragraph (f) in Appendix C requires the deduction of certain discounts from these prices.

Appendix D: Maximum prices for sales and deliveries at retail—(a) *Applicability of this appendix.* The maximum retail prices fixed by this appendix apply to all brands of all brand owners. Maximum prices are fixed by this appendix for all sales and deliveries at retail. "At retail" as used in this regulation means sales and deliveries for use by the purchaser and not for resale. A maximum price is also fixed by this appendix for the mounting of a tire, tube or rim strip on the wheel of a bicycle in connection with the sale or delivery of the tire, tube or rim strip.

(b) *Balloon and lightweight tires and tubes of the brands listed in Table ID or Table IID.* The maximum price for any sale or delivery at retail of balloon or lightweight bicycle tires of the brands listed in Table ID shall be the price set forth in Table ID. The maximum price for any sale or delivery at retail of balloon or lightweight bicycle tubes of the brands listed in Table IID shall be the price set forth in Table IID.

(c) *Single-tube tires.* The maximum price for any sale or delivery at retail of single-tube bicycle tires of any brand of one of the brand owners listed in Table ID or Table IID (whether the brand is listed in the tables or not) shall be the price set forth in Table IIID.

(d) *Rim strips.* The maximum price for any sale or delivery at retail of any rim strips of one of the brand owners listed in Table ID or Table IID shall be 10 cents each.

(e) *Brands not otherwise covered.* The maximum price for any sale or delivery at retail of any bicycle tires or tubes which are not covered by any other provision of this appendix shall be whichever of the following two prices is less:

(1) The retail price which the seller had in effect on the same brand and size of tire or tube on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes, or

(2) The brand owner's retail list price on the same brand and size of tire or tube which was in effect on October 15, 1941, increased by 14.3 percent for tires and by 11.8 percent for tubes.

(f) *Mounting charges.* The maximum price for mounting a tire, tube and rim strip on the wheel of a bicycle in connection with the sale or delivery of the tire, tube and rim strip shall be 25¢ for a front wheel and 50¢ for a rear wheel. If the rear wheel is equipped with any special attachments or if the bicycle is of foreign manufacture, the maximum price for mounting a tire, tube and rim strip on the rear wheel shall be determined in accordance with the pricing provisions of Maximum Price Regulation No. 165, as Amended—Services. The mounting charge may be added to the maximum price for the tire, tube or rim strip wherever the mounting service is performed by the seller in connection with the sale or delivery of such article.

TABLE ID—MAXIMUM PRICES FOR SALES AND DELIVERIES AT RETAIL OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES

[Maximum price for each tire]

Brand owner and brand	Sizes					
	20 x 2.125	21 x 2.125	26 x 1.25	26 x 1.375 and 26 x 1.25–1.375	26 x 2.125	All other sizes
American Tire Factories, Inc.:						
American Clipper					$2.40	
American Roadster					2.40	
Arnold, Schwinn and Co., Inc.:						
Schwinn Whirlwind				$2.40		
Atlas Supply Co.:						
Atlas					2.55	
Belknap Hardware and Manufacturing Co.:						
Belknap-Louisville		$2.60			2.65	
The W. Bingham Co.:						
Speed King					2.40	
Chicago Cycle Supply Co.:						
Chicyco Bulldog		2.30			2.35	
Chicyco Super Service					2.85	
Coast to Coast Stores:						
Safe-Flex					2.30	
Super Safe-Flex					2.75	
Columbus Cycle & Sporting Goods Co.:						
Super Roadmaster					2.15	
Super Value	$2.00	2.00			2.00	
The Firestone Tire & Rubber Co.:						
High Speed					2.35	
Champion				2.40	2.55	
Fisk Bicycle Tires—Division of U. S. Rubber Co.:						
Fisk Victor	2.30	2.35			2.40	
Fisk Airflight		2.70	$2.40	2.45	2.75	
Gamble-Skogmo, Inc.:						
Crest Standard				2.10	1.95	
Super Crest					2.50	
Gillette Bicycle Tires—Division of U. S. Rubber Co.:						
Gillette Bear	2.30	2.35			2.40	
Gillette Extra Heavy Duty	3.10		2.10	2.45		
Gillette Lightweight		2.85			2.90	
Gillette Special Service						
The B. F. Goodrich Co.:					2.35	
Standard				2.40	2.75	
Silvertown						
The Goodyear Tire & Rubber Co., Inc.:						
G-3 All Weather	2.30	2.35			2.40	
DeLuxe All-Weather		2.70			2.75	
Lightweight			2.40	2.45		
Hibbard, Spencer, Bartlett & Co.:					2.10	
Hibbard Champion					2.75	
Hibbard Tru-Value Deluxe						
Louisville Cycle & Supply Co.:					2.15	
Locyco Speedway	2.05	2.10				
The Mansfield Tire & Rubber Co.:					2.40	
Black Beauty		2.70			2.75	
Mansfield Giant Lynx D. T			2.40	2.45		
Mansfield Lightweight D. T						
Montgomery Ward & Co.:					2.05	
Riverside Mate (retail stores)		2.05			[1] 1.80	
Riverside Mate (mail order)		[1] 1.80			2.45	
Riverside DeLuxe (retail store)		2.45				
Lite Wate (retail stores)				2.10		
Lite Wate (mail order)				[1] 1.85		
Pennsylvania Rubber Co., Inc.:					2.75	
Pennsylvania		2.70				
Pennsylvania Lightweight				2.45	2.40	
Pennsylvania Olympic		2.35				
The Pep Boys (Philadelphia):					1.70	
Belnord Super Service					1.95	
Cornell Clipper						
The Pep Boys (California):					1.95	
Belnord Super Service						
The Pharis Tire and Rubber Co.:						
Ribgripper DeLuxe Lightweight			2.40	2.45	2.40	
Roadgripper	2.30	2.35			2.40	
Roadgripper Dart	2.30	2.35			2.75	
Roadgripper DeLuxe		2.70			3.25	
Roadgripper Motor Bike	3.15				2.40	
Roadgripper Victory	2.30	2.35				
Progressive Cycle & Automobile Supply Co., Inc.:					2.40	
Comet						
Raleigh Cycle Distributors:				3.30		$2.05
Dunlop Champion						4.95
Dunlop Racing High Pressure						2.00
Dunlop Triple Rhine			3.30			
Dunlop War Grade						
Sears Roebuck & Co.:					1.75	
Allstate Crusader (retail stores)	1.70	1.70			[1] 1.75	
Allstate Crusader (mail order)	[1] 1.70	[1] 1.70			2.15	
Allstate (retail stores)	2.05	2.05			[1] 2.15	
Allstate (mail order)	[1] 2.05	[1] 2.05				
Allstate Lightweight (retail stores)			1.75	1.80		
Allstate Lightweight (mail order)			[1] 1.75	[1] 1.80		

[1] The postage may be added to the price on mail order sales.

TABLE ID—MAXIMUM PRICES FOR SALES AND DELIVERIES AT RETAIL OF BALLOON AND LIGHTWEIGHT BICYCLE TIRES—Continued

[Maximum price for each tire]

Brand owner and brand	Sizes					
	20 x 2.125	24 x 2.125	26 x 1.25	26 x 1.375 and 26 x 1.25–1.375	26 x 2.125	All other sizes
Seiberling Rubber Co.:						
Seiberling					$2.40	
Seiberling Safety					2.75	
Simplex Manufacturing Co.:						
Simplex						$3.25
Tru-Test Marketing and Merchandising Corp.:						
Tru-Test DeLuxe					2.40	
United States Rubber Co.:						
U. S. Chain 400	$2.30	$2.35			2.40	
U. S. Chain 500	2.30	2.35			2.40	
U. S. Chain 42			$2.40	$2.45		
U. S. Chain 83						2.45
U. S. Royal Touring			2.40	2.45		
U. S. Royal Master (and U. S. Royal Master E. A. 3-Foreign)	2.65	2.70	2.40	2.45	2.75	
U. S. Royal Master Heavy Duty	3.10					
U. S. Motor Bike						5.10
Vulco Manufacturing Co.:						
Red Line Champion Victory					2.10	
Red Line Champion DeLuxe					2.75	
Red Line Champion Motor Bike					3.25	
Western Auto Supply Co. (Kansas City):						
Davis DeLuxe		2.05			2.05	
Davis DeLuxe Safety Grip					2.35	
Davis Safety Grip				2.10		
Western Auto Supply Co. (Los Angeles):						
Western Giant Double Duty				1.85	2.05	
Western Giant Traveler					1.80	
Western Tire Auto Stores:						
Western Flash		2.00			2.10	

TABLE IID—MAXIMUM PRICES FOR SALES AND DELIVERIES AT RETAIL OF BALLOON AND LIGHTWEIGHT BICYCLE TUBES

[Maximum price for each tube]

Brand owner and brand	Sizes				
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1.25–1.375	26 x 2.125	All other sizes
Arnold, Schwinn and Co., Schwinn			$1.25		
Atlas Supply Co., Atlas		$0.80		$0.80	
Belknap Hardware and Manufacturing Co., Belknap		1.25		1.25	
Carlisle Tire and Rubber Co.					
Carlisle Standard		1.25		1.25	
Carlisle Extra Heavy		1.90		1.90	
Chicago Cycle Supply Co., Chicyco Red Skin		1.00		1.00	
Coast to Coast Stores, Safe-Flex				1.15	
Columbus Cycle Co., Roadmaster	$1.10	1.10		1.10	
Continental Rubber Works, Vitalic		1.25		1.25	
The Firestone Tire and Rubber Co., Champion			1.15	1.20	
Fisk Bicycle Tires—Division of U. S. Rubber Co., Fisk Airflight	1.20	1.25	1.25	1.25	
Gamble-Skogmo, Inc., Super Crest			1.00	1.00	
Gillette Bicycle Tires—Division of U. S. Rubber Co., Gillette Ambassador	1.20	1.25	1.25	1.25	
The B. F. Goodrich Co., Goodrich			1.10	1.15	
The Goodyear Tire and Rubber Co., Inc., Goodyear	1.20	1.25	1.25	1.25	
Hibbard, Spencer, Bartlett and Co.:					
Hibbard Champion				1.25	
Hibbard Tru-Value DeLuxe				1.25	
Louisville Cycle and Supply Co., Locyco Speedway				.95	
The Mansfield Tire and Rubber Co., Mansfield Superior		1.25	1.25	1.25	
Montgomery Ward and Co.					
Riverside (retail stores)		1.10		1.10	
Riverside (mail order)		1.90		1.90	
Lite Wate (retail stores)			1.05		
Lite Wate (mail order)			1.90		
Pennsylvania Rubber Co., Inc., Pennsylvania		1.35	1.35	1.40	
The Pep Boys (Philadelphia):					
Belnord				.85	
Cornell				1.00	
The Pep Boys (California), Belnord				.95	
The Pharis Tire and Rubber Co., Pharis	1.20	1.25	1.25	1.25	
Raleigh Cycle Distributors, Dunlop			2.10	2.10	$2.10

[1] The postage may be added to the price on mail-order sales.

TABLE IID—MAXIMUM PRICES FOR SALES AND DELIVERIES AT RETAIL OF BALLOON AND LIGHTWEIGHT BICYCLE TUBES—Continued

[Maximum price for each tube]

Brand owner and brand	Size				
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1.25–1.375	26 x 2.125	All other sizes
Sears Roebuck and Co.:					
Allstate (retail stores)	$0.90	$0.95	$0.95	$0.95	
Allstate (mail order)	1.75	1.80	1.80	1.80	
Selberling Rubber Co., Selberling			1.25	1.25	
Simplex Manufacturing Co., Simplex					$1.15
Tru-Test Marketing and Merchandising Corp., Tru-Test				1.25	
United States Rubber Co.:					
Red Fox (and U. S. Red Fox E. A. 3-Foreign)	1.20	1.25	1.25	1.25	1.20
Motor Bike					1.35
Western Auto Supply Co. (Kansas City), Davis DeLuxe		1.00	1.00	1.00	
Western Auto Supply Co. (Los Angeles):					
Blue Ribbon		.80		.85	
Jumbo				1.00	
Western Tire Auto Stores, Western Flash		1.15		1.15	

[1] The postage may be added to the price on mail order sales.

TABLE IIID—MAXIMUM PRICES FOR SALES AND DELIVERIES AT RETAIL OF SINGLE-TUBE BICYCLE TIRES

Size	Ply	Maximum price for each tire
26 x 1.50	2	$3.04
26 x 1.50	3	3.58
28 x 1.50	2	3.12
28 x 1.50	3	3.65

Effective date. This regulation shall become effective in the District of Columbia and the 48 states July 29, 1943. This regulation shall become effective in the territories and possessions of the United States September 6, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 23d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–11866; Filed, July 23, 1943; 2:47 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 42]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Sections 1315.501 (d) and 1315.1003 (b) are hereby revoked.

2. Section 1315.607 is amended to read as follows:

§ 1315.607 *Form of certificates to be issued*—(a) *By a Board.* The Board may issue a certificate on OPA Form R–2 (Revised) to an applicant who has established need and eligibility under this Ration Order No. 1A.

(b) *By a District Director.* (1) A District Director may issue a certificate on OPA Form R–2 (Revised) to a dealer who is eligible for an allotment of tires, tubes or camelback under Ration Order No. 1A.

(2) A District Director may issue a certificate on OPA Form R–53 authorizing an applicant to acquire an allotment of recappable carcasses or repairable tires.

3. Section 1315.609 is amended to read as follows:

§ 1315.609 *Execution and issuance of certificates.* The Board shall issue certificates on OPA Form R–2 (Revised) authorizing the acquisition of tires, tubes or recapping service. The District Director shall issue certificates to dealers on OPA Form R–2 (Revised) authorizing the acquisition of allotments of tires, tubes or camelback. Separate certificates authorizing the acquisition of tires, tubes, camelback and recapping service shall be issued. No certificate shall be valid unless all parts are signed by the issuing officer who may be either a member of the Board, the District Director or a clerk designated by the Board or District Director to act as issuing officer.

4. Section 1315.610 (b) (1) is amended to read as follows:

(1) If the certificate indicates that a tire or tube being replaced must be turned in, the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer, except in the case of purchase by mail or tires withdrawn from a public warehouse. In such cases, the applicant shall deliver the replaced tires or tubes to a dealer within five (5) days after the acquisition of the replacements. The provisions of this subparagraph shall not apply to a government agency forbidden by law to make such disposition.

5. Section 1315.610 (c) is amended to read as follows:

(c) *Signing of certificates.* The applicant or his agent shall sign all parts of the certificate in accordance with the instructions thereon, prior to acquiring the tires, tubes, recapping services or camelback specified thereon. The same person shall sign all parts of OPA Form R–2 (Revised) where the signature of the certificate holder is required. No member or employee of the Board issuing the certificate, no authorized tire inspector and no dealer shall act as agent of the applicant in signing these certificates. However, in the case of purchase by mail the dealer may sign Parts B and D of OPA Form R–2 (Revised) in behalf of the certificate holder provided the certificate holder has signed Part A.

6. Section 1315.611 (b) is amended to read as follows:

(b) Certificate to be completed. No dealer, warehouseman or manufacturer shall transfer tires, tubes or camelback until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

7. Section 1315.804 (d) (1) is amended to read as follows:

(1) *Allotment.* A camelback dealer or manufacturer may, in exchange for a certificate (OPA Form R–2 (Revised) or OPA Form R–10 (Revised)), transfer camelback to a recapper.

8. Section 1315.1003 (a) (3) is amended to read as follows:

(3) *Part C.* Part C of OPA Form R–12 (Revised) shall be retained by the transferor as his record.

This amendment shall become effective July 29, 1943.

(Pub. Law No. 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11868; Filed, July 23, 1943; 2:45 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 43]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (43) is added to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724.

(43) "Mileage contract" means an agreement under which tires and tubes are leased to consumers for compensation based on the number of miles the tires and tubes are driven.

2. Section 1315.201 (a) (44) is added to read as follows:

(44) "Truck tire board" means a war price and rationing board to which an OPA tire examiner has been specifically assigned and which has been designated to serve exclusively in a specified area emergency reserve applicants or applicants for truck tires, new truck tubes or recapping services.

3. The text of § 1315.302 is amended to read as follows:

§ 1315.302 *Jurisdiction of war price and rationing boards.* A war price and rationing board shall have jurisdiction, subject to the provisions of paragraph (c) of this section and of § 1315.303, to receive and act upon applications with respect to:

4. Section 1315.302 (a) is amended to read as follows:

(a) A vehicle normally stationed or garaged within the area served by the board.

5. Section 1315.303 is amended to read as follows:

§ 1315.303 *Jurisdiction of plant area and truck tire boards*—(a) *Plant area boards.* A plant area board or other board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction to receive and act upon applications with respect to a passenger automobile, where the applicant works at the establishment which the board has been designated to serve, unless the current gasoline ration for the automobile was issued by the war price and rationing board having jurisdiction over the area in which such automobile is normally garaged or stationed at the time application under this order is made.

(b) *Truck tire boards.* A truck tire board shall have jurisdiction to receive and act upon applications:

(1) For truck tires, new truck tubes or recapping services for a vehicle normally stationed or garaged in the area served by the board.

(2) For truck tires, new truck tubes or recapping services for a vehicle temporarily located within the area served by the board if such vehicle requires truck tires, new truck tubes or recapping services immediately for its continued operation and application cannot practicably be made to the board normally having jurisdiction.

(3) To establish, increase or replenish an emergency reserve of tires and new tubes, if:

(i) The applicant is a State and has its seat of government within the area served by the board; or

(ii) The applicant, other than a State, has its principal place of business within the area served by the board.

(4) For truck tires, new truck tubes or recapping services by a person engaged in the business of towing house trailers if the applicant has his principal office within the area served by the board.

(5) For new truck tubes for use solely in recapping, if the mold for which the new tubes are sought is located within the area served by the board.

6. Section 1315.507 (e) is amended to read as follows:

(e) *Inspection and proof of sale.* (1) An emergency reserve applicant must accompany his application with a certification by an inspector on OPA Form R–21 (in duplicate) for each tire or tube to be replaced or recapped.

(2) After an application has been filed with a truck tire board, the tires or tubes to be replaced shall be examined by an OPA tire examiner. If the OPA tire examiner determines that tires or tubes are in need of replacement, he shall (on OPA Form R–21) approve their inspection and authorize their transfer to a dealer. Upon such approval by an OPA tire examiner, prior to the issuance of a certificate, the applicant shall transfer the tires or tubes to a dealer and file with the Board a proof of such disposition on OPA Form R–21.

The provisions of this subparagraph shall not apply to tires and tubes leased under a mileage contract.

(3) If the applicant is not subject to the jurisdiction of a truck tire board the tires or tubes to be replaced must be turned in to a dealer as provided in § 1315.610 (b).

7. Section 1315.806 (g) (2) is amended by adding thereto the following paragraph:

The provisions of this subparagraph shall not apply to tires leased under a mileage contract.

This amendment shall become effective July 29, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp, Dir. No. 1Q, 7 F.R. 9121)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11869; Filed, July 23, 1943; 2:46 p. m.]

PART 1347—PAPER, PAPER PRODUCTS AND RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 359[1] Amdt. 3]

CERTAIN CONVERTED PAPER PRODUCTS

Certain converted paper products, including plates, dishes, spoons and forks and liquid-tight cylindrical containers.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 1347.563 (a) (12) is amended to read as follows:

(12) "Groundwood plates and dishes" includes all plates and dishes made from paperboard whose principal component is mechanical pulp.

2. In § 1347.563 (a) (34), "Zone A" is amended to read "Zone A"[1].

3. In § 1347.563 (a) (38), "Zone 2"[2] is amended to read "Zone 2"[2].

4. Appendix A (b) (1) is amended to read as follows:

MAXIMUM PRICE PER THOUSAND UNITS[1]

Diameter (inches)	Basis weight 65 to 85 lb.	Deep, extra deep, western deep plates basis weight 65 to 85 lb.	Basis weight 56 to 65 lb.	Flat cake circles basis weight 65 to 85 lb.
4¼			.88	
5	1.78	1.91		1.74
5¾	1.91			
6	1.91	1.91	1.76	2.26
7	2.51	2.78	2.30	2.51
7½	2.76			
8	3.01	3.55	2.75	3.01
8½		3.81		
9	3.46	4.01	3.14	3.46
10	4.71	5.20		4.25
10¾	4.71			

[1] See Note 1 above.

5. In Appendix A (c) (1), Footnote 1 is amended to read as follows:

[1] See Note 1 above.

6. The head-note in Appendix B is amended to read as follows:

Appendix B: Manufacturers' maximum delivered prices in quantities of less than 200,000 units for white lined paperboard, groundwood paperboard, molded woodpulp and wood food dishes.

7. Appendix B (a) is amended to read as follows:

(a) *Maximum price per thousand for less than 200,000 units.*

Size and number of dish	Material from which manufactured			
	White lined paperboard		Groundwood paperboard	Wood or woodpulp
25	[1] 1.69	1.61	1.53	1.52
50	[1] 1.97	1.87	1.78	1.80
100	[1] 2.46	2.34	2.22	2.22
200	[1] 3.12	2.96	2.81	2.81
300	[1] 5.36	5.09	4.84	4.08
500				4.60
1000	[1] 14.74	14.00	13.30	13.30

[1] Applies to "Diamond Brand" sold by Berst-Forster-Dixfield Company.

8. Appendix C (a) (3) is amended to read as follows:

(3) *Quantity discounts.* An amount not less than the following discounts for quantity purchases (any assortment of spoons and forks) shall be deducted from the maximum prices established in paragraph (a) of this appendix.

5 to 24 gross packages 5%
25 gross packages and over 10%

This amendment shall become effective July 29, 1943.

*Copies may be obtained from the Office of Price Administration.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11860; Filed, July 23, 1943; 2:44 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 292,[1] Amdt. 4]

SALES OF CITRUS FRUITS BY PACKERS, BROKERS, AUCTION MARKETS, TERMINAL SELLERS AND INTERMEDIATE SELLERS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Section 1351.1494 (j) is added to read as follows:

(j) *Imported citrus fruits.* For each unit of citrus fruits (in boxes, lugs, crates or other containers) imported from any country, the maximum price per each such unit at any terminal market or any other wholesale receiving point shall be the maximum delivered price for the most similar variety of domestic citrus fruits.

For example, the grapefruit imported into this country from the Isle of Pines is most similar to grapefruit grown in the interior of the State of Florida. Thus, white seedless grapefruit imported from the Isle of Pines between March 1 and the end of the 1943 season would be priced in the same manner as Item 9 of Table B of this regulation; i. e., for grapefruit packed, wrapped in standard wooden boxes, the price would be $2.73, packed unwrapped $2.62 and so on.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729; 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11861; Filed, July 23, 1943; 2:44 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 49]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The head-note of section 6.10 is amended to read as follows: "*A retailer may sell at lower point value foods in imminent danger of spoilage.*"

2. The last sentence of section 6.10 (a) is deleted.

This amendment shall become effective July 29, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2605; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11862; Filed, July 23, 1943; 2:46 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR,[1] Amdt. 2]

USED BICYCLE TIRES, TUBES AND RIM STRIPS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 6.20 is added to read as follows:

SEC. 6.20 *Used bicycle tires, tubes and rim strips.* The maximum prices for used bicycle tires, tubes and rim strips shall be those established by the General Maximum Price Regulation, except that in no case shall the maximum price of a used bicycle tire, tube or rim strip exceed the maximum price set for such item new by Maximum Price Regulation 435—New Bicycle Tires and Tubes.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11863; Filed, July 23, 1943; 2:48 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 79 Under SR 15 to GMPR]

HARRY A. BLADES

Order No. 79 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3235.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1379 *Adjustment of maximum prices for contract carrier services by Harry A. Blades, of 76 Ninth Avenue, New York, New York.* (a) Harry A. Blades, of 76 Ninth Avenue, New York, New York, may sell and deliver contract carrier services at prices not to exceed 25¢ per cwt. for shipments from New York, New York, to Philadelphia, Pennsylvania, and at prices not to exceed 32¢ per cwt. for shipments from New York, New York, to York, Pennsylvania.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 79 (§ 1499.1379) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 79 (§ 1499.1379) shall become effective July 24, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11864; Filed, July 23, 1943; 2:46 p. m.]

PART 1340—FUEL

[MPR 121,[1] Amdt. 21]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES: PETROLEUM COKE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.248 (a) (2) is amended by inserting after the words "petroleum coke" the phrase "when sold by a distributor for use as fuel".

This amendment shall become effective as of July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11852; Filed, July 24, 1943; 11:14 a. m.]

PART 1415—PROTECTIVE COATINGS

[Rev. MPR 180,[1] Amdt. 2]

COLOR PIGMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 11 (a) is amended by adding the following subparagraphs:

(4) For a seller who maintained the practice, during the period October 1, 1941 to January 15, 1942, of passing on to the buyer transportation costs on a sale of less than 100 pounds, the maximum price for a sale of less than 100 pounds shall be the same as the maximum price in subparagraphs (1), (2), or (3), but f. o. b. seller's shipping point, rather than delivered.

(5) For a sale of 100 pounds or more where the buyer requests a mode of delivery more expensive than that by the common carrier having the lowest rate for transportation from point of shipment to destination, the maximum price shall be the maximum price in subparagraphs (1), (2), or (3), plus the increase in transportation costs represented by the difference in transportation costs between the common carrier having the lowest rate and the carrier specified by the buyer for delivery of the particular quantity involved.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11893; Filed, July 24, 1943; 11:15 a. m.]

PART 1427—MAGNESIUM

[MPR 302,[1] Amdt. 2]

MAGNESIUM SCRAP AND REMELT MAGNESIUM INGOT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 302 is amended in the following respects:

1. Section 1427.16, Note 1 (c), is amended by striking out the proviso at the end of the paragraph so that paragraph (c) of Note 1, as amended, will read as follows:

(c) Magnesium scrap shall not be deemed to be segregated, whether in the form of solids or in the form of borings, turnings or other machinings, unless it consists of one alloy only and is so identified, handled and kept free from contamination as to conform to chemical specifications issued by the American Society for Testing Materials for the type of material from which it is generated (such as ASTM Designation B-80-41T, Sand Castings.)

2. Section 1427.17, Note 1, is amended by striking from the table of specifications for Class A ingot, the alloy listed as "Nos. 4 and 17 combined."

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11894; Filed, July 24, 1943; 11:16 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 587 Under § 1499.3 (b) of GMPR]

S. L. BLACK

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.2125 *Approval of a maximum price for sales at retail of a new garbage can manufactured from old oil and grease drums by S. L. Black.* (a) S. L. Black, 3339 Oakdale Street, Houston, Texas, may sell and deliver at retail its new garbage can manufactured from old oil and grease drums at a price no higher than $3.50 per unit.

(b) This Order No. 587 may be revoked or amended by the Price Administrator at any time.

This Order No. 587 shall become effective on the 26th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11889; Filed, July 24, 1943; 11:16 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14, Amdt. 4]

GUANIDINE CARBONATE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new section 4.9 is added to read as follows:

SEC. 4.9 *Guanidine carbonate.* The following maximum prices are established for sales of guanidine carbonate by any producer thereof, f. o. b. such producer's shipping point, containers included:

	Per pound
Carload lots	$0.57
1 ton to carload	.58
1 barrel to 1 ton	.585
50 lbs. to 1 barrel	.635
Less than 50 lbs	.735

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11895; Filed, July 24, 1943; 11:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Service Reg. 16,[1] Under MPR 165,[2] Amdt. 2]

LOGGING SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Service Regulation No. 16 is amended by the addition of a new paragraph (d) to § 1499.666, as follows:

(d) *Grading and scaling on the West Coast.* (1) The maximum fee or price for the service of grading and scaling logs in the states of Oregon and Washington, west of the crest of the Cascade Mountains, shall be $0.13 per thousand feet, log scale, plus $0.01 per thousand feet for each different brand in the raft in excess of one.

(2) Traveling and incidental expenses which are necessarily incurred by the scalers in performing the service may be paid in addition to the fees set forth in paragraph (1) above.

(3) The maximum prices established in this section may not be adjusted under any of the adjustment provisions of § 1499.114 of Maximum Price Regulation No. 165.

This amendment shall become effective on the 30th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11896; Filed, July 24, 1943; 11:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188,[1] Amdt. 17]

CONSUMERS' GOODS: BURIAL CASKETS AND INNERSEALERS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The following products are added to § 1499.167, Appendix B, as set forth below:

§ 1499.167 *Appendix B.* * * *

Burial caskets and innersealers.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11897; Filed, July 24, 1943; 11:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Order 56,[1] Under § 1499.3 (b) of GMPR]

N. D. Q. SPECIALTY CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, *It is or-*

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 135, 543, 3367, 2869, 6134.

[2] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6138, 6181, 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7281, 7455, 7492, 8357, 8540, 8614, 8844, 8869, 8844, 9025, 9014, 9024.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[1] 7 F.R. 3237, 3989, 4483, 5941, 6002, 6386, 8587, 8521, 8938, 8948, 10529; 8 F.R. 1895, 2756, 4179, 5757, 6261, 6959, 6957, 7599, 8065.

[2] 8 F.R. 6053, 8842.

[1] 8 F.R. 609, 8842.

[1] 8 F.R. 8750.

[2] 7 F.R. 4734, 5028, 5567, 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

[1] 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754.

dered, That Order No. 568, issued under § 1499.3 (b) of the General Maximum Price Regulation is hereby amended to read as follows:

§ 1499.2106 *Authorization of maximum prices governing sales of "Cereal Coated Marshmallow Chicks", a confectionery item, manufactured by N. D. Q. Specialty Corporation, Brooklyn, New York.* (a) That on and after the 26th day of July, 1943, the N. D. Q. Specialty Corporation of Brooklyn, New York, may sell its "Cereal Coated Marshmallow Chicks" in boxes containing 120 items and having a minimum net weight of 3 lbs. 3 ounces to the following classes of customers at the indicated maximum prices:

	Per box
(1) To jobbers	$0.68
(2) To syndicate and chain stores	.70
(3) To variety stores, department stores and retail confectioners	.72

The above prices are delivered prices within the five boroughs of New York City and are F. O. B. Brooklyn, New York, when shipments are made elsewhere.

(b) That jobbers of N. D. Q. Specialty Corporation's "Cereal Coated Marshmallow Chicks" shall establish a maximum delivered price not in excess of 85 cents per box of 120 items.

(c) That retailers of N. D. Q. Specialty Corporation's "Cereal Coated Marshmallow Chicks" shall establish a maximum price not in excess of 1 cent per item.

(d) That N. D. Q. Specialty Corporation shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchasers, the applicable written notice as follows:

(1) To jobbers:

The Office of Price Administration has authorized us to sell our "Cereal Coated Marshmallow Chicks" packed 120 to a box at a minimum net weight of 3 pounds and 3 ounces per box to jobbers at the maximum price of 68¢ per box. Jobbers are authorized to establish a maximum delivered price not in excess of 85¢ per box. Our price is the delivered price within the five boroughs of New York City and F. O. B. Brooklyn, New York, when shipments are made elsewhere.

(2) To syndicate and chain stores:

The Office of Price Administration has authorized us to sell our "Cereal Coated Marshmallow Chicks" packed 120 to a box at a minimum net weight of 3 pounds and 3 ounces per box to syndicate and chain stores at the maximum price of 70¢ per box. Retailers are authorized to establish a price not in excess of 1¢ per item. Our price is the delivered price within the five boroughs of New York City and F. O. B. Brooklyn, New York, when shipments are made elsewhere.

(3) To variety stores, department stores and retail confectioners:

The Office of Price Administration has authorized us to sell our "Cereal Coated Marshmallow Chicks" packed 120 to a box at a minimum net weight of 3 pounds and 3 ounces per box to variety stores, department stores and retail confectioners at a maximum price of 72¢ per box. Retailers are authorized to establish a price not in excess of 1¢ per item. Our price is the delivered price within the five boroughs of New York City and F. O. B. Brooklyn, New York when shipments are made elsewhere.

(e) That N. D. Q. Specialty Corporation for a period of at least ninety days, shall place in or on each 120 item box distributed through a jobber a notice as follows:

The Office of Price Administration has authorized jobbers to sell this 120 item box having a minimum net weight of 3 pounds and 8 ounces to retailers at a maximum delivered price of 85¢ per box. Retailers are authorized to establish a price not in excess of 1¢ per item.

(f) This revised order may be revoked or amended at any time by the Office of Price Administration.

(g) This Revised Order No. 568 shall become effective July 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11898; Filed, July 24, 1943; 11:14 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 403,[1] Amdt. 2]

CERTAIN RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 403 is amended in the following respects:

1. Section 5 (b) is amended to read as follows:

(b) *Maximum prices for commodities not containing materials purchased from a war procurement agency—(1) Applicability of this paragraph.* This paragraph (b) is applicable to any commodity covered by this section which does not contain materials purchased from a war procurement agency of the United States. When used in this paragraph the term "war procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

(2) *Maximum prices.* The maximum manufacturers' price of any commodity covered by this paragraph which does not contain any synthetic or substitute rubber or balata shall be the base price determined in accordance with subparagraph (3). The maximum manufacturers' price of any commodity covered by this paragraph which contains any synthetic or substitute rubber or balata shall be determined as follows: The manufacturer shall first determine the base price. This base price shall be determined in accordance with subparagraph (3) of this paragraph. The manufacturer shall then determine his maximum price by subtracting from that base price a differential which reflects the difference between the price of synthetic or substitute rubber or balata in effect on January 1, 1943, and the price for that material in effect on June 1, 1943. This differential shall be determined in accordance with subparagraph (4) of this paragraph.

(3) *Base price.* The base price is the first applicable of the following prices:

(i) The highest price at which the manufacturer during April, 1943, delivered, or if no delivery was made, at which he offered to deliver during that month a commodity which is the same as the commodity being priced to a purchaser of the same class.

(ii) The highest price at which the manufacturer during April, 1943, delivered, or if no delivery was made, at which he offered to deliver during that month a commodity which is the same as the commodity being priced to a purchaser of a different class, adjusted to reflect the manufacturer's customary differential between the two classes of purchasers.

(iii) The last price at which the manufacturer during the period May 1, 1942, to March 31, 1943, inclusive, delivered, or if no delivery was made, at which he offered to deliver during that period a commodity which is the same as the commodity being priced to a purchaser of the same class.

(iv) The last price at which the manufacturer during the period May 1, 1942, to March 31, 1943, inclusive, delivered, or if no delivery was made, at which he offered to deliver during that period a commodity which is the same as the commodity being priced to a purchaser of a different class, adjusted to reflect the manufacturer's customary differential between the two classes of purchasers.

(4) *Differential for synthetic or substitute rubber or balata.* (i) The differential for synthetic or substitute rubber or balata which must be subtracted from the base price in the case where the manufacturer compounds the synthetic or substitute rubber or balata contained in the commodity shall be determined as follows: The manufacturer shall first determine the amount of each type of synthetic or substitute rubber or balata required to produce the commodity. The manufacturer shall then multiply this amount by the difference between the price of the synthetic or substitute rubber or balata in effect to him January 1, 1943, and the price for that material in effect to him on June 1, 1943. The resulting figure is the differential.

(a) If the manufacturer customarily sold several sizes, styles or compounds at the same price to the same class of purchasers he shall use the same differential for all sizes, styles or compounds that he sold at the same price to the same class of purchasers. This differential shall be calculated in the manner just set forth, except that in applying that method the manufacturer shall use the method he customarily used in April, 1943, to arrive at a uniform price. If the manufacturer had no such customary method, he shall use as a basis for calculating the differential the size, style or compound of which he sold the largest quantity during the period May 1, 1942, to April 30, 1943, inclusive.

(b) Where the manufacturer during the period January 1, 1943, to April 30, 1943, inclusive, reduced the price of the commodity being priced in order to reflect the decreased cost of synthetic or substitute rubber or balata occurring after January 1, 1943, he may subtract the amount by which he reduced his selling price to reflect that decreased cost from the differential determined in accordance with the provisions of this subdivision. If the amount by which the manufacturer reduced his selling price during the period January 1, 1943, to April 30, 1943, inclusive, to reflect the decreased cost of synthetic or substitute rubber or balata exceeds the differential required to be deducted by this subdivision (i), the manufacturer's maximum price shall be the base price determined in accordance with subparagraph (3).

(ii) The differential for synthetic or substitute rubber or balata which must be subtracted from the base price in the case where the manufacturer did not compound the synthetic or substitute rubber or balata contained in the commodity shall be determined as follows: The manufacturer shall first determine the price for the material or part purchased by him which contains the synthetic or substitute rubber or balata, in accordance with paragraph (c) (2) (i) of section 6. The manufacturer shall then deduct from that price the first price at which the material or part containing the synthetic or substitute rubber or balata was sold to him after June 17, 1943, or the maximum price for the sale of that material or part on June 17, 1943, whichever is the lower. The resulting figure is the differential.

2. Section 5 (c) is redesignated section 5 (d).

3. Section 5 (c) is added to read as follows:

(c) *Maximum prices for commodities containing materials purchased from a war procurement agency.* This paragraph is applicable to commodities that contain materials purchased from a war procurement agency. The term "war procurement agency" is defined in paragraph (b) (1) of this section. The maximum manufacturer's price of any commodity covered by this paragraph shall be determined as follows: The manufacturer shall first determine the price of the commodity in accordance with the provisions of paragraph (b) of this section. The manufacturer shall then determine the maximum price by adding to or subtracting from this price a differential. This differential shall be determined by multiplying the estimated quantity of the material used in the production of the commodity being priced by the difference between the price of the material determined in accordance with paragraph (c) (2) (i) of section 6 and the net price the manufacturer pays the war procurement agency for the material.

4. Section 6 (c) (2) (iii) is added to read as follows:

(iii) Notwithstanding any other provision of this subparagraph (2), the price for any material purchased from a war procurement agency shall be the actual cost of the material to the manufacturer. The term "war procurement agency" is defined in paragraph (b) (1) of section 5.

5. Section 8a is added to read as follows:

SEC. 8a. *Fractions of a cent.* Notwithstanding any other provisions of this regulation, maximum prices determined under this regulation shall be adjusted to the nearest fraction of a cent that the manufacturer customarily used during April, 1943, in pricing commodities in the same line.

6. Section 20 (b) is amended to read as follows:

(b) The following personnel equipment:

(1) Bags and bag linings, including but not limited to: clothing, delousing, food, rifle, sleeping and water sterilizing bags.
(2) Blankets.
(3) Diving suits and equipment.
(4) Dust mask and respirator parts.
(5) Flying suits.
(6) Gas and oxygen mask parts.
(7) Goggles.
(8) Industrial life suits.
(9) Jungle hammocks and jungle hammock covers.
(10) Life belts.
(11) Life rafts.
(12) Life preservers.
(13) Life saving suits.
(14) Life vests.
(15) Mattresses.
(16) Parachute parts and equipment.
(17) Parts of helmets.
(18) Tents.

7. Section 20 (c) is amended to read as follows:

(c) The following miscellaneous items and parts:

(1) Airplane de-icers and de-icer hose.
(2) Ammunition case liners.
(3) Anti-vesicant or decontamination gloves.
(4) Balloons for weather or radio observations.
(5) Bicycle tires and tubes (except those covered by Maximum Price Regulation 415—Certain Federal Government Purchases of New Rubber Tires and Tubes).
(6) Boats, inflatable.
(7) Bullet sealing hose.
(8) Eyeshields for gun sights.
(9) Flotation bags and bladders.
(10) Fuel tanks and cells.
(11) Gas bags.
(12) Inflation tubes.
(13) Jettison tanks.
(14) Landing boats.
(15) Lifebuoys.
(16) Parts of hearing devices and radio head sets.
(17) Pneumatic floats and valves.
(18) Pontons.
(19) Sea rescue balloons.
(20) Solid and bogie wheels.
(21) Tank treads, blocks and tracks.
(22) Tarpaulins.
(23) Waterproof maps.
(24) Waterproof sails.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11904; Filed, July 24, 1943; 2:32 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 378,[1] Amdt. 3]

MIXED FEEDS FOR ANIMALS AND POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 5 (a) (3) (i) is amended to read as follows:

(i) Those commodities listed in section 2.3 (m) and (n) of Revised Supplementary Regulation No. 1 of the General Maximum Price Regulation as exempt from said regulation.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11905; Filed, July 24, 1943; 2:30 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[2] Amdt. 73]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5151 (a) (9) is amended to read as follows:

(9) For the non-occupational use of a boat, or for the use of a boat for pleasure cruising, guiding parties, conducting or chartering boats for fishing parties or fishing other than commercial fishing or to procure fish as necessary food, in the area mentioned in paragraph (f) of § 1394.5402. A ration for the non-occupational use of a boat, however, may be issued or used:

2. Section 1394.5653 (c) is amended by substituting the phrase "Class 1, 2, 4, 5 and 6 coupon sheets" for the phrase "Class 1 and Class 2 coupon sheets".

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7498, 8837.

[1] 8 F.R. 5810, 5648.

[2] 7 F.R. 8480, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1316, 1285, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2871, 2720, 2887, 3106, 3521, 3628, 3733, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6252, 6930, 7568, 6137, 9059.

3. Section 1394.5851 (a) (3) is amended by inserting the phrase "Florida.—Dade, Monroe" beneath the phrase "Sub-Zone 22".

This amendment shall become effective on July 30, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11906; Filed, July 24, 1943; 2:33 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Rev. MPR 324,[1] Amdt. 1]

FENCE POSTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 324 is amended in the following respects:

1. Section 2 (a) (2) (iii) is amended to read as follows:

(iii) Arkansas red cedar (Juniperus virginiana) produced in Arkansas, Louisiana, Oklahoma, and Missouri.

2. Section 2 (a) (2) (iv) is amended to read as follows:

(iv) Tennessee red cedar (Juniperus virginiana) produced in Tennessee, Alabama, Kentucky, Virginia, Georgia, North Carolina, South Carolina, West Virginia, Indiana, and Ohio.

3. Section 4, the paragraph designation "(a)" is deleted.

4. Section 4, Table 3, in the table heading, the description of "Species" is amended to read: "Species: Red cedar (Juniperus virginiana) produced in Arkansas, Louisiana, Oklahoma, and Missouri."

5. Section 4, Table 4, the description of "Species" is amended by deleting the words "Missouri, Oklahoma, Louisiana,"

6. Section 9 is amended by adding a sentence to read as follows: "Sellers must maintain cash discounts and credit terms no less favorable to buyers than the cash discounts and credit terms they allowed on October 1, 1941; except that a discount larger than 2 percent is not regarded as a cash discount under this rule."

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11907; Filed, July 24, 1943; 2:30 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8869.

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 2–1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN CERTAIN EASTERN STATES

In the judgment of the Regional Administrator of Region II, the prices of food and beverages sold for immediate consumption in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Regional Administrator of Region II, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the Regional Administrator of Region II gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (F.R. 7565), 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Regional Administrator of Region II hereby issues this Restaurant Maximum Price Regulation No. 2–1, establishing, in general, as maximum prices for food and drink sold for immediate consumption in the areas mentioned above the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.101 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50 issued by the Office of Price Administration, Restaurant Maximum Price Regulation No. 2–1 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made a part hereof, is issued.

AUTHORITY: § 1448.101 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

RESTAURANT MAXIMUM PRICE REGULATION NO. 2–1—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

Sec.
1. Sales at higher than maximum prices prohibited.
2. How you figure maximum prices for food items and meals you offered in the seven-day period from April 4, 1943 to April 10, 1943.
3. How you figure maximum prices for food items and meals you did not offer in the seven-day period.
4. How you figure your prices for seasonal items.
5. No maximum price for any food item or meal to be higher than the highest maximum price for a food item or meal of the same class offered in the five-week period beginning March 7, 1943, and ending April 10, 1943.
6. Holiday differentials.
7. Substitution of food items in meals.
8. Prohibition against manipulation of meal offerings.
9. Evasion.
10. Rules for proprietors not in operation during the seven-day period.
11. Taxes.
12. Records.
13. Posting.
14. Operation of several places.
15. Relation to other maximum price regulations.
16. Geographical application.
17. Enforcement.
18. Exempt sales.
19. Adjustments.
20. Definitions and explanations.
21. Classes of food items and meals.
22. Special orders.
23. Licensing.
24. Revocation and amendment.

SECTION 1. *Sales at higher than maximum prices prohibited.* If you own or operate a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the maximum price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than maximum prices.

SEC. 2. *How you figure maximum prices for food items and meals you offered in the seven-day period from April 4, 1943 to April 10, 1943.* Your maximum price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. *How you figure maximum prices for food items and meals you did not offer in the seven-day period.* You must figure your maximum price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your maximum price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established maximum prices, choose a food item or meal which currently has a raw food cost equal to or less than the new food item or meal.

(3) Take as your maximum price for the new food item or meal your maximum price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. (See sections 20 and 21 for definitions and classes of food items and meals). If, however, you have no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) If you are unable to determine a maximum price for a new food item or meal according to paragraphs (a) or (b), then your maximum price is a price which is in line with your maximum prices for other food items or meals in the next higher cost range. A price is "in line" if the customer receives as much value for his money from the one item or meal as from the other. In comparing values, quality, size of portions, and the margin over food cost, are the things that count. A price established under this paragraph must always be lower than the price for the food item or meal used as the basis for computing the "in line" price.

(d) Once your maximum price for a food item or meal has been fixed, it may not be changed, except as provided in section 4.

SEC. 4. *How you figure your prices for seasonal items.* First, determine your maximum price for a "seasonal food item" (defined in section 20 (e)) in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: *Provided,* That in no event shall the price be higher than the maximum price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your maximum price according to this rule provided the maximum price was based upon estimated average raw food cost of the item for the entire season.

SEC. 5. *No maximum price for any food item or meal to be higher than the highest maximum price for a food item or meal of the same class offered in the five-week period beginning March 7, 1943, and ending April 10, 1943.* Under no circumstances are you permitted to charge a higher price for a food item or a meal than your highest maximum price for food items or meals of the same class offered in such five-week period.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 21 (a), class 25.

SEC. 6. *Holiday differentials.* Notwithstanding the provisions of the foregoing section, any proprietor who has, customarily, in the regular course of his business, charged higher prices for food items or meals on holidays, such as New Year's Eve, Thanksgiving Day, Labor Day, etc., may continue to maintain his customary differentials.

SEC. 7. *Substitution of food items in meals.* If you have already determined your maximum price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your maximum price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its maximum price in accordance with the rules established by section 3.

SEC. 8. *Prohibition against manipulation of meal offerings.* You must not manipulate your meal offerings in a manner which will force your customers to spend more for meals than they did during the seven-day period. Among other things you must not

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class served on any day during the seven-day period without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class. (Note that Sunday meals and week-day meals are meals of different classes.)

(b) Fail to offer at least as many different meals at (or below) the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

SEC. 9. *Evasion.* (a) You must not evade the provisions of this regulation by any scheme or device whatsoever. Some, but not all practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making appropriate reductions in price. For any change in quantity or quality resulting in a cost saving, you shall reduce your maximum price by an amount which is proportionate to the saving in cost. (You must maintain a raw food cost ratio at least equal to such ratio prior to the deterioration or reduction);

(2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or increasing any additional charge for the sale of a food item or meal to be consumed off the premises, or making such charges when they were not in effect in the seven-day period except that a cover or minimum charge in effect during the seven-day period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve-month period;

(4) Discontinuing a no-tipping practice without a compensating reduction in your maximum prices;

(5) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the seven-day period, except that you may refuse to sell coffee unless a customer also purchases another food item;

(6) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote price for the complete meal or give your customers less value for their money.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful, except that less may be served if your available supply is not adequate.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish the curtailed item at an additional charge. For example, if during the seven-day period you furnished catchup you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 10. *Rules for proprietors not in operation during the seven-day period.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same maximum prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to your OPA District Office for permission to price under paragraph (b) or (c) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you were not in operation during the seven-day period, you must fix maximum prices in line with the maximum prices of the nearest eating or drinking place of the same type as yours. If the maximum prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your maximum prices. You are subject to the record requirements of section 12 and

the posting requirements of section 13 immediately upon the opening of your place.

(c) If you cannot price under paragraphs (a) or (b) above, you must apply for a price to your OPA District Office. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(1) Your name and address.

(2) A brief description of your business and the manner of operation.

(3) A list of showing the prices you propose to charge and, if you are a seasonal operator, the prices you charged during your last season.

(4) The date when you plan to commence operations.

(5) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may, at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

SEC. 11. *Taxes.* If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 12. *Records*—(a) *Filing of menus.* General Order No. 50 required you to file with your war price and rationing board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) *Filing by proprietors not in operation during the seven-day period.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) above, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943 and (2) the filing shall be made within three weeks of such first Sunday.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period from April 4–10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 13. *Posting.* (a) Beginning August 2, 1943, each menu must have clearly and plainly written on or attached to it the following statement:

> All prices are our ceiling prices, or below. By OPA regulation, our ceilings are based on our highest prices from April 4 to 10, 1943. Our menus or price lists for that week are available for your inspection.[1]

If you do not use menus, you must post the above statement at a place where it can easily be read by your customers.

(b) If you do not use menus, you must post your prices for food items and meals currently offered by you at a place or places where they can easily be read by your customers.

SEC. 14. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 15. *Relation to other maximum price regulations.* The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the seven-day period of this regulation shall not become a maximum price under this regulation if it exceeded the maximum price established by another regulation applicable at that time. In such case the lawful maximum price applicable at that time shall be the maximum price hereunder.

SEC. 16. *Geographical application.* This Restaurant Maximum Price Regulation No. 2–1 applies to the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia.

SEC. 17. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. *Exempt sales.* Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places operated in connection with special church, Sunday school and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

SEC. 19. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment is operating under such hardship as to cause a substantial threat to the continuance of its operations.

(2) It is determined with reasonable certainty that such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation; and

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much as or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period,[2] and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by any district office that has been authorized to do so by order of the Regional Administrator.

SEC. 20. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal". Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese. See section 21B for "classes of meals".

(c) "Offered" means offered for sale for consumption in or about the eating or drinking place, and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 2 and 3, when they are items in different classes. (See section 21 (a) for "classes of food items".) For example: lamb chops offered a la carte for dinner or lunch are in class 13 while if offered for breakfast, they are in class 4.

(e) "Seasonal food item" means a food item (including beverage) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon, trout and shad; certain vegetables such as summer squash; and certain fruits such as berries and melons.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 21. *Classes of food items and meals.* (See definition of "food item" and "meal" contained in section 20.)

(a) *The classes of food items.* For the purposes of this regulation there shall be thirty-six classes of food items:

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices.
2. Cereals.
3. Entrees: egg and combination egg dishes served at breakfast.
4. Entrees: meat and meat combination dishes served at breakfast.
5. Entrees: all other dishes served at breakfast.
6. Breads, rolls, buns, danish-pastries, etc., served at breakfast.
7. All other breakfast dishes including jams, jellies, and preserves.

OTHER ITEMS

8. Appetizers, except alcoholic cocktails.
9. Soups, including soups in jelly.
10. Beef: steaks and roasts.
11. Veal: steaks, chops, and roasts.
12. Pork: loin, chops, steaks, roasts.
13. Lamb or mutton: chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof.
20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts: cakes, cookies, pies, pastries, and other baked goods.
24. Desserts: ice creams, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
25. Desserts: seasonal dessert specialties such as watermelon and cantaloupe.
26. Desserts: all others, including fruits, pudding and cheese.
27. Cold sandwiches: including garnishings, salads and vegetables.
28. Hot sandwiches: including garnishings, salads and vegetables.
29. All other food items served in a meal including mints and preserves.
30. Beverage foods, including coffee, cocoa, chocolate, tea and milk.

BEVERAGES

31. Non-alcoholic beverages, including sparkling and mineral waters.
32. Alcoholic malt beverages, including beer and ale.
33. Wines, including sparkling wines.
34. Liquors, including whiskeys, gins and brandies.
35. Cordials, including fruit liqueurs.
36. All other alcoholic beverages.

(b) *The classes of meals.* For purposes of this regulation there shall be thirteen classes of meals, namely: breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

SEC. 22. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the Regional Administrator, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

SEC. 23. *Licensing.* The licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation shall apply to every person making sales subject to this regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but all sellers may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. No person whose license is suspended may sell any such commodity during the period of suspension.

SEC. 24. *Revocation and amendment.* (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the Regional Administrator.

This regulation shall become effective July 26, 1943.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of July 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-11968; Filed, July 24, 1943; 2:33 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN PULASKI COUNTY, ARKANSAS

In the judgment of the Arkansas District Director the prices of food and beverages sold for immediate consumption in Pulaski County, Arkansas, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Arkansas District Director, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act.

So far as practicable, the Arkansas District Director gave due consideration

[1] If you were not in operation during the seven-day period from April 4 to April 10, 1943, substitute the following statement:

"All prices are our ceiling prices, or below. By OPA regulation, our ceilings as a new proprietor are in line with competitive prices from April 4 to 10, 1943. Our menus or price lists for our first week of operation are available for your inspection."

[2] In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served.

to prices prevailing between October 1, and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority herewith delegated by the President pursuant to the Acts of Congress approved October 2, 1942, entitled "An Act to aid in stabilizing the cost of living" (H. R. 7565), 77th Congress, 2d Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Arkansas District Director, hereby issues this Restaurant Maximum Price Regulation 5–1 establishing as the maximum prices for food and drink sold for immediate consumption in Pulaski County, Arkansas, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.401 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Arkansas District Director by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, General Order No. 50, and Region 5 Order of Delegation under Revised General Order No. 32 and Other Authority, Restaurant Maximum Price Regulation No. 5–1 (Food and Drink sold for Immediate Consumption) which is annexed hereto and made a part thereof, is hereby issued.

AUTHORITY: § 1448.401 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

RESTAURANT MAXIMUM PRICE REGULATION NO. 5–1—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

Sec.
1. Sales at higher than ceiling prices prohibited.
2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.
3. How you figure ceiling prices for food items and meals you did not offer in the seven-day period.
4. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.
5. Substitution of food items in meals.
6. Prohibition against discontinuing meals at certain prices.
7. Evasion.
8. Rules for new proprietors.
9. Taxes.
10. Records.
11. Posting.
12. Operation of several places.
13. Relation to other maximum price regulations.
14. Geographical application.
15. Enforcement.
16. Definitions and explanations.
17. Exempt sales.
18. Classes of food items and meals.
19. Special orders.
20. Revocation.

SECTION 1. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than ceiling prices.

SEC. 2. *How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.* Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. *How you figure ceiling prices for food items and meals you did not offer in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your ceiling price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(i) Choose from the food items and meals for which you have already determined a ceiling price, a food item or meal of the same class as the new food item or meal. The amount you currently pay for the food used in preparing the food item or meal so chosen must be equal to or less than the amount you pay for the food used in preparing the new food item or meal. If you have no food item or meal of the same class, choose the most similar food item or meal having a food cost equal to or less than your food cost for the new item. "Currently", as used herein, means current on the day you figure your price.

(ii) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed.

SEC. 4. *No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or a meal than;

(a) Your highest ceiling price for food items or meals of the same class offered in the seven-day period; or

(b) The last price at which you sold the same food item or meal prior to April 4, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing the last price charged.

Example 1. If your highest ceiling price for any soup offered by you during the seven-day period is 10 cents, you may not offer any other soup at a higher price than 10 cents.

Example 2. You served sirloin steak in March at $1.00. You did not serve sirloin steak during the base period. The highest price at which you can now serve sirloin steak is $1.00.

SEC. 5. *Substitution of food items in meals.* If you have already determined your ceiling price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 3.

SEC. 6. *Prohibition against discontinuing meals at certain prices.* You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the seven-day period, and unless

(b) You continue to offer half of the different meals in each class at a price equal to or below the middle price for meals of that class offered in the base period, and unless

(c) You continue to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day that you select in the seven-day period, as you did on that day.

Example: If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 35¢, and one each at 50¢, 75¢, 90¢, $1.00, you must continue to offer two week-day dinners at 35¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 7. *Evasion.* You must not evade the provisions of this regulation by any scheme or device, including:

(a) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction.

(b) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(c) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period;

(d) Requiring as a condition of sale of an item or meal the purchase of other items or meals, except that you may refuse to sell coffee unless a customer also purchases another food item;

(e) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which when added together total more than the table d'hote price for the complete meal or give your customers less value for their money.

Example 1. If you customarily offered fish on table d'hote dinners at 75¢, you may not now offer fish a la carte and refuse to offer it on a table d'hote dinner priced at 75¢.

Example 2. If you offered table d'hote dinners during the base period at 65¢ to $1.05 which included dessert and beverage, you may now offer the same food item excluding dessert and beverage at 45¢ to 85¢, providing you also offer dessert and beverage to be served with the meals at prices which do not total more than 20¢.

(f) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, but not less than one teaspoonful.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 8. *Rules for new proprietors.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the Office of Price Administration for permission to price under paragraph (b) of the section. The application must show that you contemplate substantial capital investment in, or material change in the type of operation of, the business after it is acquired; and give the name and prices of the nearest eating or drinking place of the same type. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 10 and the posting requirements of section 11 immediately upon the opening of your place.

SEC. 9. *Taxes.* If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 10. *Records.* You must observe all the record keeping requirements of General Order No. 50. This order requires, among other things, that you do the following:

(a) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(b) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must prepare in duplicate and make available for such examination a list of the highest prices you charged in the seven-day period.

(c) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during all of the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a), (of General Order 50) except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(d) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places which have customarily been subject to central control may keep the records required by this paragraph at its main office or principal place of business.

SEC. 11. *Posting.* (a) Beginning May 3, 1943, each menu must have clearly and plainly written on or attached to it the following statement:

All prices listed are our ceiling prices or below. By Office of Price Administration regulation, our ceilings are based on our highest prices from April 4, 1943, to April 10, 1943. Records of these prices are available for your inspection.

If you do not use menus, you must post the statement by a sign which can be easily read by your customers and which must be located near the cashier's desk, if any, or, if none, in such location that the customer can easily read same at the time of purchase.

(b) If you made menus available to customers in the seven-day period, you should continue to make them available.

(c) Cafeterias must post the selling prices for all items.

SEC. 12. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 13. *Relation to other maximum price regulations.* The provisions of this regulation shall not apply to any sale for which a maximum price is established by any other regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration.

SEC. 14. *Geographical application.* This Restaurant Maximum Price Regulation No. 5–1 applies to Pulaski County, Arkansas.

SEC. 15. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 16. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Eating and drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section 17 thereof. It shall include by way of example, but not by way of limitation, such movable places where food is dispensed as field kitchens, lunch wagons, "hot dog" carts, etc. A "Boarding house" is an establishment where more than two persons not related to the owner or operator receives meals and lodging for compensation.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 17. *Exempt sales.* Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places located on church premises and also any sales of food and beverages by churches, Sunday schools and other religious organizations unless such sales are made as a regular business.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places (when operated as such) located on board common carriers, including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(d) Bona fide private clubs insofar as such clubs sell only to members and bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking place within the meaning of this regulation.

SEC. 18. *Classes of food items and meals.* (See definition of "food Item" and "meal" contained in section 16).

(a) *The classes of food items.*

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices
2. Cereals
3. Entrees: egg and combination egg dishes served at breakfast
4. Entrees: meat and meat combination dishes served at breakfast
5. Entrees: all other dishes served at breakfast
6. Breads, rolls, buns, Danish-pastries, etc., served at breakfast
7. All other breakfast dishes including jams, jellies, and preserves

OTHER ITEMS

8. Appetizers, including cocktails
9. Soups, including soups in jelly
10. Beef; steaks and roasts
11. Veal; steaks, chops and roasts
12. Pork; loin, chops, steaks, roasts
13. Lamb or mutton; chops, roasts
14. Poultry and fowl
15. Fish and shell-fish
16. Game
17. Miscellaneous and variety meats, including liver and kidneys
18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof.
20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes
22. Salads (except as served as a main course or appetizer course in a meal)
23. Desserts: cakes, cookies, pies, pastries and other baked goods
24. Desserts: ice creams, sherbets, water ices, including combinations with syrups, creams, fruits and nuts
25. Desserts: All others, including fruits, puddings and cheese
26. Cold sandwiches, including garnishings, salads and vegetables
27. Hot sandwiches, including garnishings, salads and vegetables
28. All other food items served in a meal including mints and preserves
29. Beverage foods, including coffee, cocoa, chocolate, tea and milk

BEVERAGES

30. Non-alcoholic beverages, including sparkling and mineral waters
31. Alcoholic malt beverages, including beer and ale
32. Wines, including sparkling wines
33. Liquors, including whiskeys, gins and brandies
34. Cordials, including fruit liqueurs
35. All other alcoholic beverages

(b) *The classes of meals.* For purposes of this regulation there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

(c) *Legal holidays.* Your ceiling prices for food items or meals served on those days designated legal holidays by Federal law may be same as your Sunday ceiling prices for such establishment.

SEC. 19. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328.

SEC. 20. *Revocation.* This regulation may be revoked, amended or corrected at any time. This regulation shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

ROBERT P. HALL,
Arkansas District Director.

[F. R. Doc. 43-11909; Filed, July 24, 1943; 2:35 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-1, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN PULASKI COUNTY, ARKANSAS

A statement of the considerations involved in the issuance of this Amendment No. 1 to Restaurant Maximum Price Regulation 5-1, Food and Drink Sold for Immediate Consumption in Pulaski County, Arkansas has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Restaurant Maximum Price Regulation 5-1 is amended in the following respects:

1. Section 11 (a) is amended to read: "Beginning July 8, 1943," instead of "Beginning May 3, 1943."

2. The effective date provision of the regulation is amended to read as follows:

This regulation shall become effective July 8, 1943.

This amendment No. 1 shall become effective July 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Little Rock, Arkansas, this 5th day of July 1943.

ROBERT P. HALL,
Arkansas District Director.

[F. R. Doc. 43-11910; Filed, July 24, 1943; 2:37 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1358—TOBACCOS

[MPR 441]

FLUE-CURED TOBACCO; 1943 CROP

A statement of the considerations involved in the issuance of this maximum price regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942 as amended, Executive Order Nos. 9250 and 9328 and effectuate the purposes of said act and orders.

§ 1358.254 *Maximum prices for flue-cured tobacco; 1943 crop.* Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order Nos. 9250 and 9328, Maximum Price Regulation No. 441. (Flue-cured tobacco; 1943 crop) which is annexed hereto and made a part hereof is hereby issued.

AUTHORITY: § 1358.254 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 441—FLUE-CURED TOBACCO; 1943 CROP

CONTENTS

Sec.
1 Prohibition against purchasing flue-cured tobacco above maximum prices.
2 Maximum prices for flue-cured tobacco of the 1943 crop.
3 Exempt transactions.
4 Petitions for amendment.
5 Evasion.
6 Enforcement.
7 Reports.
8 Definitions.
9 Geographical applicability.

SECTION 1. *Prohibition against purchasing flue-cured tobacco above maximum prices.* On and after July 27, 1943 regardless of any contract, agreement, lease or obligation no person shall buy or receive and no person shall agree, offer, solicit or attempt to buy or receive any flue-cured tobacco of the 1943 crop on the loose leaf auction markets or direct from growers at prices higher than the prices fixed by this regulation. Lower prices than those established by this regulation may be paid or offered.

SEC. 2. *Maximum prices for flue-cured tobacco of the 1943 crop.* During the period beginning July 27, 1943 and ending with the close of the last flue-cured tobacco market, the weighted average purchase price paid by any buyer for flue-cured tobacco of the 1943 crop shall not exceed $41.00 per cwt. for loose leaf tobacco, or $5.00 per cwt. for "farm scrap" tobacco.

Amounts paid for "farm" and "auction" scrap tobacco as defined in this regulation shall not be used in computing the weighted average purchase price for loose leaf tobacco.

NOTE: All buyers are warned that in paying more than $41.00 per cwt. for loose leaf tobacco, they do so at their peril, and inability to buy tobacco at lower prices in order to reduce their weighted average purchase prices to the maximum weighted average purchase price fixed by this regulation will not constitute a defense to a charge of violating this regulation.

SEC. 3. *Exempt transactions.* Purchases of flue-cured tobacco for resale in substantially the same form on the loose leaf markets are exempt from the provisions of this regulation provided that such flue-cured tobacco is actually resold in substantially the same form on the loose leaf markets.

SEC. 4. *Petitions for amendment.* Persons seeking any general amendment to this regulation may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration.

SEC. 5. *Evasion.* The price limitations set forth herein shall not be evaded, whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to flue-cured tobacco, alone or in conjunction with any other commodity or by the way of commission, service, transportation, or other charge or discount, premium or other privilege or other trade understanding or otherwise.

SEC. 6. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration; or any acts or practices which constitute such a violation are urged to communicate with the nearest district, State, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

SEC. 7. *Reports.* On or before January 2, 1944, every buyer of flue-cured tobacco shall file with the Office of Price Administration, Washington, D. C. a statement showing separately for loose leaf and farm scrap flue-cured tobacco of the 1943 crop, the total pounds purchased and the total amount paid.

SEC. 8. *Definitions.* (a) When used in this regulation the term:

(1) "Person" includes individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Flue-cured tobacco" means U. S. types 11a, 11b, 12, 13 and 14, as classified in Regulatory Announcement No. 18 of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(3) "Weighted average purchase price" means the total purchase price paid for all flue-cured tobacco of the 1943 crop, divided by the total number of pounds of such flue-cured tobacco purchased during such period.

(4) "Farm scrap" means any loose, tangled, untied, and unstemmed tobacco salvaged as a by-product in harvesting, stripping, classing, and tying on the farm and consisting chiefly of barn and strip-house floor sweepings and very inferior quality leaves discarded by growers for auction marketing purposes on account of being badly broken or burnt, badly worm-eaten, or badly field burnt or diseased.

(5) "Auction scrap" means any loose, untied, and unstemmed tobacco consisting entirely of floor sweepings, loose and tangled leaves, or portions of leaves which accumulated from unavoidable droppings or breakage in careful handling of tobacco on auction warehouse floors and which consists exclusively of such tobacco salvaged as a by-product of auction marketing and which does not include any tobacco purchased at auction marketing and which does not include any tobacco purchased at auction or purchased directly or indirectly from growers.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

SEC. 9. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

This regulation shall become effective July 27, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11913; Filed, July 24, 1943; 3:01 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 239,[1] Amdt. 7]

LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. Section 1364.155 (a) is amended to read as follows:

(a) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

2. Section 1364.160 (a) (5) is amended to read as follows:

(5) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and in the sale of hotel supply cuts (fabricated meat cuts), variety meats, edible by-products and sausage to purveyors of meals; and which during the period September 15, 1942, through December 15, 1942, sold to purveyors of meals, other than war procurement agencies, not less than 70 percent of the total weight volume of meat, variety meats, edible by-products or sausage sold by it.

3. Section 1364.160 (a) (11) is added to read as follows:

(11) "Purveyor of meals" means:

(i) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration;

(ii) The War Shipping Administration of the United States;

(iii) Any person operating an ocean going vessel engaged in the transportation of cargo or passengers in foreign, coastwise or inter-coastal trade, to the extent that meat is delivered to him as ship's stores for consumption aboard such vessel;

(iv) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state, or local government agency thereof.

4. Section 1364.168 is amended to read as follows:

§ 1364.168 *Limitation on volume of sales to purveyors of meals; records and reports.* (a) No hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment shall sell and deliver to purveyors of meals during any three-month period beginning June 1, September 1, December 1, or March 1, a volume of hotel supply cuts (fabricated meat cuts) of all kinds in excess of 70 percent of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (e. g. fresh, frozen, cured, smoked, cooked, canned, dried, etc.) of meats, variety meats (e. g. liver, tongue, kidneys, etc.), edible by-products, and all other processed meat items not specifically set forth herein, sold and delivered by such selling establishment from September 15, 1942, through December 15, 1942, to purveyors of meals.

(b) Each hotel supply house, packer or slaughtering plant, packer's branch house, wholesaler's or other selling establishment may sell and deliver to purveyors of meals during the three-month period from June 1, to August 31, a volume of hotel supply cuts (fabricated meat cuts) of all kinds not in excess of 70 percent of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (fresh, frozen, cured, smoked, cooked, dried, canned or otherwise processed) of meats, variety meats (e. g. liver, tongue, kidney, etc.) and edible by-products and all other processed meat items not specifically set forth herein, sold and delivered to purveyors of meals by such selling establishment from June 1, 1942, through August 31, 1942.

(c) Not later than the tenth day following each three-month period ending August 31, November 30, February 28 or 29, or May 31, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (c) of §§ 1364.176 to 1364.183, inclusive, shall file with the nearest district or state office of the Office of Price Administration a statement showing, for such three-month period, the total volume by weight of all kinds of hotel supply cuts (fabricated meat cuts), including lamb, mutton, veal and pork sold and delivered during such period to purveyors of meals: *Provided*, That no such report need be filed under this paragraph if the similar report required by § 1364.415 (b) of Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—or by § 1364.22a of Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts—is filed in lieu thereof.

(d) Any person who violates any provision of this section may, in addition to any other penalty provided by law, be prohibited by administrative suspension order from receiving, selling, using, or otherwise disposing of any rationed meats or other rationed products. Such suspension order shall be issued for such period as in the judgment of the Administrator or such person as he may designate for that purpose is necessary and appropriate in the public interest or to promote the national security.

(e) This section is issued under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 3, 1942; Directive No. 1 and Supplementary Directive No. 1–M of the War Production Board, issued on January 24, 1942, and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directives No. 1, No. 3, No. 5, No. 6 and No. 7 issued by the Secretary of Agriculture.

5. Section 1364.170 (b) (2) is amended to read as follows:

(2) For wrapping lamb or mutton carcasses or wholesale cuts in (i) an inner covering of 45-lb. or heavier natural kraft, crinkled paper, waxed, or a stockinette of a construction of yarn, 8/1; number of plies, 1; wales per inch 15; courses per inch, 14; and (ii) in an outer covering of unsized muslin, 40 inch, 48 to 44 construction, 3¾ yards to pound weight, securely sewed, as stipulated by Army or Navy specifications for export shipment, there may be added actual cost for direct material and labor not to exceed $1.00 per hudredweight.

6. Section 1364.170 (b) (3) is added to read as follows:

(3) For dressing or wrapping lamb or mutton carcasses in two stockinettes, or in kraft paper or in other special wrapping not covered elsewhere in this regulation, involving an additional cost in excess of ten cents on sales to the war procurement agencies, or to persons operating ocean going vessels engaged in the transportation of cargo and passengers, as ship stores for consumption aboard such vessel, there may be added actual cost for direct material and labor not to exceed $0.25 per hundredweight.

7. An item is added to § 1364.170 (c) to read as follows:

Grade:	*Addition, per cwt.*
• • • • •	
R mutton	$0.60

8. Section 1364.177 (c) (1) is redesignated § 1364.177 (c) (1) (i) and is amended to read as follows:

(i) The Zone 2, 3 and 4 prices per hundredweight for hotel supply cuts sold by a hotel supply house to purveyors of meals are as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10688; 8 F.R. 3589, 4786, 7679, 8677, 9066.

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade H
Leg—oven prepared	$39.00	$37.75	$35.50	$32.75	$22.00	$20.50
Leg—boned, rolled and tied	42.50	40.75	38.50	35.50	23.75	22.25
Loin—flank on—kidney and suet out	38.75	34.25	27.75	22.75	16.50	14.25
Loin—flank off, kidney and suet out	43.50	38.25	30.25	23.75	17.00	14.75
Loin chops	46.00	40.00	31.75	25.25	17.75	15.25
Loin—boned, rolled and tied	50.50	44.25	35.25	28.25	21.50	18.25
Hotel rack—rib chops—regular	40.25	36.75	31.00	25.50	17.75	15.25
Hotel rack—rib chops 8th to 12th ribs, inclusive	41.50	37.75	31.75	26.25	18.25	15.50
Hotel rack—rib chops, 5th to 7th ribs, inclusive	35.00	32.25	27.50	22.75	15.50	13.50
Hotel rack—chine removed, blade bone out	41.25	38.50	33.00	27.75	18.00	15.75
Yoke—boned, rolled and tied	(1)	(1)	(1)	(1)	11.25	9.75
Yoke—boneless stew	27.25	26.50	25.50	23.50	11.50	10.00
Shoulder—boned, rolled and tied	33.75	33.00	32.00	30.25	13.00	10.75
Shoulder—regular stew, bone in	26.50	25.75	24.75	23.00	10.25	9.00
Shoulder—boneless stew	34.25	33.00	31.75	29.50	13.00	10.75
Breast and shank—regular stew, bone in	12.25	12.25	12.25	11.00	7.00	7.00
Breast—regular stew, bone in	12.25	12.25	12.25	11.00	7.00	7.00
Shanks for braising or regular stew—bone in	13.25	13.25	13.25	12.00	7.50	7.50

[1] Not permitted to be sold and/or delivered in this grade.

9. Section 1364.177 (c) (1) (ii) is added to read as follows:

(ii) The Zone 2, 3 and 4 prices per hundredweight for hotel supply cuts sold by a packing or slaughtering plant, packing branch house, wholesaler or other selling establishment to purveyors of meals are as follows:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven prepared	$36.25	$35.00	$33.00	$30.50	$20.50	$19.25
Leg—boned, rolled and tied	39.50	37.75	35.75	33.00	22.00	20.50
Loin-flank on, kidney and suet out	36.50	32.25	26.00	21.25	15.25	13.25
Loin-flank off, kidney and suet out	40.75	35.50	28.00	22.50	15.75	13.50
Loin chops	42.00	36.75	29.00	23.00	16.25	14.00
Loin—boned, rolled and tied	47.00	41.00	32.50	26.25	19.75	16.75
Hotel rack—rib chops—regular	37.25	34.00	28.75	23.50	16.25	14.00
Hotel rack—rib chops, 8th to 12th ribs, inclusive	38.00	34.75	29.25	24.00	16.75	14.25
Hotel rack—rib chops, 5th to 7th ribs, inclusive	33.25	30.75	26.25	21.75	14.75	12.75
Hotel rack—chine removed, blade bone out	38.50	35.75	30.75	25.75	16.75	14.75
Yoke—boned, rolled and tied	(1)	(1)	(1)	(1)	10.50	9.00
Yoke—boneless stew	25.25	24.50	23.75	21.75	10.50	9.00
Shoulder—boned, rolled and tied	31.50	30.50	29.75	28.00	12.00	9.75
Shoulder—regular stew, bone in	24.75	24.00	23.00	21.50	10.00	8.50
Shoulder—boneless stew	32.00	30.75	29.50	27.50	12.00	9.75
Breast and shank—regular stew, bone in	11.50	11.50	11.50	10.25	6.50	6.50
Breast—regular stew, bone in	11.50	11.50	11.50	10.25	6.50	6.50
Shanks for braising or regular stew, bone in	12.50	12.50	12.50	11.25	7.00	7.00

[1] Not permitted to be sold and/or delivered in this grade.

This amendment shall become effective as to the amendments made in § 1364.170 (b) on July 19, 1943, and as to all other changes made herein on July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–11914; Filed, July 24, 1943; 3:01 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Special Direction ODT 7, Revised–1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SUBPART I—MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to the provisions of §§ 502.102 and 502.103 of General Order ODT 7, Revised (7 F.R. 10484), *It is hereby ordered*, That:

§ 522.900 *Permit required for transportation of certain commodities.* (a) Unless authorized by a general or a special permit issued by the Office of Defense Transportation,

(1) No person shall load or cause to be loaded in any tank car any commodity other than a commodity named on Schedule A hereto attached;

(2) No person shall offer for shipment, receive, accept delivery of, or retain in his possession any loaded tank car containing any commodity other than a commodity named on Schedule A; and

(3) No carrier shall accept for shipment, forward, or transport any loaded tank car containing any commodity other than a commodity named on Schedule A.

(b) Application for permit shall be made in writing to the Section of Tank Car Service, Division of Petroleum and other Liquid Transport, Office of Defense Transportation, Washington, D. C., and shall be in such form and contain such information as the Office of Defense Transportation shall require.

(c) The provisions of this special direction shall not apply to a tank car containing any commodity consigned by or to the Army, Navy, or Marine Corps.

(d) Nothing contained herein shall be so construed or applied as to revoke, modify, or restrict any of the provisions of General Order ODT 7, Revised, or of General Assignment Order ODT 7, Revised–1, or to relieve any carrier or other person from complying therewith.

This Special Direction ODT 7, Revised–1 shall become effective July 24, 1943.

(E.O. 8989, 6 F.R. 6725; Gen. Order ODT 7, Revised, 7 F.R. 10484)

Issued at Washington, D. C., this 24th day of July, 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

By A. V. BOURQUE,
Associate Director, Division of Petroleum and Other Liquid Transport.

SCHEDULE A—LIST OF COMMODITIES ESSENTIAL TO WAR PRODUCTION

Acetaldehyde
Acetic Anhydride
*Acetone
Acids
Acrylonitrile
*Alcohols
Aluminum chloride
Aluminum sulfate
Ammonical liquor or aqua ammonia
Ammonium nitrate liquor
Ammonia sulphide
Ammonium thiocyanate liquor
Amyl acetate
Amyl chloride
Anhydrous ammonia
Aniline oils
Anti-freezing compounds
Apple juice
Arsenic
Arsenic trichloride (Chloride)
Arsenical compounds, N. O. S.
**Asphalt
**Aviation gasoline (of Octane No. 87, 91 and 100) and its component parts, such as:
Alkylate
Aromatic fractions for aviation
Aviation base stocks
Butylene
Codimer
Isobutane
Isobutylene
Iso octane
Isopentane (pentane)
Hydrocodimer
Benzol (benzene)
**Butadiene
**Butanes
**Butenes
Butyl acetate
Butyl aldehyde
Butyraldehyde
Butylamines.
Butyl lactate
Calcium chloride, liquid
Calcium hypochlorite (chlorinated lime)
Carbonate of potash—liquid
Carbon dioxide, liquefied
Carbon bisulfide (carbon disulfide)
Carbon tetrachloride
Castor oil
Caustic potash (potassium hydroxide)
*Caustic soda (sodium hydroxide)
Chemicals, other, shipped as "chemicals NOIBN"
Chlorine, liquid
Chlorobenzol (Monochlorobenzol)
Chloroform
Coal tar pitch

Coconut oil (copra)
Copper Naphthenate
Core compound, foundry
Corn oil
•Corn syrup (glucose)
Cottonseed oil
Cotton softener
Creosote oil
Creosote-Tar solution
Cresol
Crude tar oil
Crude naphthalene
Crude tar acid
••Cumene (isopropylbenzene or isopropylbenzine)
Cyanide of Sodium Liquor
Cyanogen Sludge
Diacetone
Dibutyl, diethyl, dimethyl, or dioctyl phthalate
Dichlorodifluoromethane
Dichloromonofluoromethane
Dichlorotetrafluoromethane
Diethyl sulphate
Diethylene glycol
Dimethylaniline
Dinitrochlorobenzol
Diphenyl
Diphenylamine
Dye-intermediates
Ester gums
Ether (ethyl, dichloroethyl, or isopropyl)
Ethyl acetate
Ethyl chloride
Ethylamines
Ethylene bromide or dibromide
Ethylene chlorohydrin
Ethylene dichloride
Ethylene glycol
Ethylene oxide
Ethyl methyl ketone (methyl ethyl ketone)
Evaporated tankwater
Fatty acid esters
Fatty acid pitch
Fertilizer ammoniating solution
Fish or sea animal oil
Formaldehyde, liquid
Formamide
Furfural
Gas drip oil, including crude
Grease (inedible animal)
Glycerine
Hydrogen dioxide or peroxide
•Hydrol (corn sugar final molasses)
Ink, printing
Insecticides
Iron acetate (iron liquor)
Iron chloride (ferric)
Iron sulphate solution
Isobutyl acetate
Isoprene
Isopropyl acetate
Lard
Lard oil
Latex
••Lead tetraethyl
Lead and napthenic acid compound
Lignin liquor
Lime, chlorinated
Lime and sulfur solution
Linseed oil
••Liquefied petroleum gases
Liquid paint drier
Manganese sulphate in solution
Methanol
Methyl acetate
Methyl acetone
Methyl chloride
Methyl formate
Methyl isobutyl ketone
Methylene chloride
•Molasses (beet, blackstrap, invert, edible and molasses residuum)
Monofluorotrichloromethane
Murumuru oil
Mustard seed oil
Milk
Naptha
Naptha solvent
Napthalene, including crude
Neutral oil
Nitrobenzol
Nitrocellulose solution
Nitrogen fertilizer solution (including crude)
Nylon salt solution
Oil foots or sediment
Oiticica oil
Oleic acid (red oil)
Olive oil
Orthodichlorobenzol
Oxygen, liquid
Oil tar
Oil tar oil
Paint oil compounded
Paint, lacquer, varnish gum resin, or pyroxylin plasticizers or solvents
Paint, lacquer, or varnish, increasing reducing, removing or thinning compounds
Paints, stains, varnishes or lacquers
Palm oil
Paraffin wax, chlorinated
Paraldehyde
Peanut oil
Perchloroethylene
••Petroleum, crude
••Petroleum products (not otherwise listed)
Phenol (carbolic acid)
Phosphorous
Phosphorus oxychloride
Phosphorous trichloride
Pickles
Pinene
Pine oils
Pitch, pine tar
Pitch, rosin
Plasticizers
Pork fat, rendered
Potassium chlorate, wet
Powder, smokeless, in water
Preservatives, wood
••Propanes
Proprietary anti-freeze preparations
Propylene dichloride
Propylene glycol
Pulp mill liquid
Pyridine
Pyroxylin solution
Pyroxylin waterproofing liquid
Rapeseed oil
Resin
Rosin, synthetic
Road tar
Rosin
Rosin oil
Rosin liquor
Rosin size
Rubber solvent
Soap stock
Sodium aluminate
Sodium bichromate
Sodium bisulphite
Sodium chromate solution
Sodium hydrosulfide liquid (sodium sulphydrate)
Sodium, metallic
Sodium nitrite
Sodium hypochlorite
Sodium phenolates
Sodium silicates
Sodium sulfide, liquid
Sodium sulfite
Soy sauce
Soyabean oil
Spent tannin liquor
Stearine
Steepwater
Strontium nitrate liquid
Styrene
Sugar, liquid or invert
Sulphur chloride
Sulfur dioxide, anhydrous
Sulphate, black liquor skimmings
Sunflower oil
Tall oil
Tallow
Tanning Extracts, liquid
Tar, coal
Tar, pine
Tar, wood (hardwood tar)
Tetrachloroethane
Toluol (Toluene)
Trichlorobenzol
Trichloroethylene
Tricresyl phosphate
Tucum oil
Tung oil (chinawood oil)
Turpentine, including crude
Turpentine, oil (spirits of turpentine: turpe)
Unfinished alcohol
Unfinished grain spirits (suitable only for redistillation)
Vinegar
Vinegar stock
Vinyl acetate
Water, not including mineral, flavored or phosphated
Water gas tar
Weed killing compounds, N. O. S.
Xylol (xylene)
Zinc chloride, liquid
Zinc resinates
Zinc sulfate, liquid

Commodities marked "•" are subject to the provisions both of this Special Direction and of Haulage Conservation Order T-1, as amended, issued by the War Production Board. Commodities marked "••" are subject to the provisions both of this Special Direction and of such orders of the Petroleum Administrator for War as may designate the quantity and kind of petroleum to be shipped and received by those engaged in the petroleum industry.

[F. R. Doc. 43-11900; Filed, July 24, 1943; 11:18 a. m.]

[Special Direction ODT 7, Revised-2]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SUBPART I—MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to the provisions of §§ 502.102 and 502.103 of General Order ODT 7, Revised (7 F.R. 10484), *It is hereby ordered*, That:

§ 522.901 *Loading of tank cars.* Unless authorized by a general or a special permit issued by the Office of Defense Transportation, no person shall offer for shipment and no carrier shall accept for shipment, forward, or transport any tank car containing any commodity unless the commodity is loaded in such tank car in accordance with one of the following requirements:

(a) With a quantity which equals or exceeds in weight the marked capacity (not "load limit") in pounds, which is stencilled on such tank car or is shown under the heading "capacity" in the Official Railway Equipment Register, Alternate Agent M. A. Zenobia, I. C. C., R. E. R. No. 267, supplements thereto or reissues thereof; or

(b) With a quantity equal to the maximum amount that may be loaded in such tank car in accordance with the "Regulations for transportation of Explosives and other Dangerous Articles" adopted by the Interstate Commerce Commission by order of August 16, 1940, effective January 7, 1941, in Docket No. 3666, as amended, pursuant to the provisions of Title 18, sec. 383, U. S. Code, as published in Agent W. S. Topping's Freight Tariff No. 4, I.C.C. No. 4, supplements thereto or reissues thereof; or

(c) With a quantity equal to the maximum amount thereof that may be loaded in such tank car without resulting in the overflow of such commodity due to expansion occasioned by rising temperatures or heating requirements; or

(d) With a quantity which occupies all of the load carrying space of such tank car, including that portion of the dome thereof to the level of the rod handle or wheel controlling the outlet valve, or to the bottom of the safety valve flange.

§ 522.902 *Communications.* Communications concerning this special direction should be addressed to the Section of Tank Car Service, Division of Petroleum and Other Liquid Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Direction ODT 7, Revised-2."

This Special Direction ODT 7, Revised-2 shall become effective July 31, 1943.

(E.O. 8989, 6 F.R. 6725; Gen. Order ODT 7, Revised, 7 F.R. 10484)

Issued at Washington, D. C., this 24th day of July 1943.

A. V. BOURQUE,
Associate Director, Division of Petroleum and Other Liquid Transport.

[F. R. Doc. 43-11901; Filed, July 24, 1943; 11:18 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket A-1977]

W. D. CORLEY, JR.

ORDER DISMISSING PETITION

In the matter of the petition of W. D. Corley, Jr., code member in District No. 17, for a reduction in the effective minimum price for "Bone Coal" produced from the Corley No. 6 Mine.

A petition having been filed by the above-named party requesting a reduction from $2.50 per ton to $1.25 per ton in the minimum price for waste bone coal resulting from washing new coal produced from Corley No. 6 Mine, Mine Index No. 23, located in District No. 17 and petitioner having requested by communication dated July 13, 1943, that the petition be dismissed;

Now, therefore, it is ordered, That the above designated petition be, and the same hereby is, dismissed.

Dated: July 24, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11941; Filed, July 26, 1943; 11:07 a. m.]

[Docket B-375]

FLAT CREEK COAL CO.

NOTICE OF FILING APPLICATION FOR DISPOSITION OF COMPLIANCE PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that an application for disposition of the above-entitled matter without formal hearing pursuant to § 301.132 of the Rules of Practice and Procedure before the Bituminous Coal Division (the "Division"), was filed with the Division on June 24, 1943 and was amended on July 7, 1943, by Flat Creek Coal Company, the above-named Code Member (the "Code Member").

Said application, as amended, was submitted with respect to a written complaint filed with the Division on March 8, 1943, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") by the Bituminous Coal Producers Board for District No. 9, complainant, alleging that the Code Member had wilfully violated the Bituminous Coal Code and rules and regulations thereunder, as more fully described in said complaint.

In said application, as amended, the Code Member:

1. Admits that it is a Code Member operating the Flat Creek Mine, Mine Index No. 30, located in Hopkins County, Kentucky, in District No. 9.

2. Admits that it wilfully committed the violations as alleged in the complaint, and which were set forth in detail in paragraphs 1 and 2 of the Notice of and Order for Hearing, published in the FEDERAL REGISTER on June 10, 1943.

3. Consent to the issuance of an order directing it to cease and desist from further violations of the Code and regulations thereunder, and to the entry of an order revoking and cancelling its Code Membership upon the basis of the admitted violations.

4. Agrees that it will pay a tax upon the basis of the admitted violations in the amount of $33.38 as a condition precedent to the restoration of its Code Membership.

5. Represents that, to the best of its knowledge and belief, it has not committed any violations of the Code or rules and regulations thereunder other than the foregoing admitted violations.

6. Agrees to execute any and all instruments necessary to dispose of this proceeding in the event that the application, as amended, is granted.

7. States extenuating circumstances with respect to the admitted violations in substance as follows:

a. That the 50.35 tons of coal referred to in Paragraph 1 in the Notice of and Order for Hearing was sold and invoiced at less than the minimum price by reason of its billing clerk not securing correct information from the mine prior to invoicing the coal. Information as to billing was transmitted from the mine to the office of the code member by an inadequate rural telephone service, which probably accounted for the violation.

b. As to the transactions referred to in paragraph 2 of the Notice of and Order for Hearing (except the sale referred to 'n paragraph (a) above) the minimum price of the coal invoiced was in each case equal to or in excess of the minimum price of the size shipped and the purchasers were not deceived or misled by the erroneous sizes shown on the invoices. The erroneous invoicing was done through inadvertence, oversight, and lack of familiarity with the regulations.

All interested parties may, if they desire to do so, file with the Division recommendations or requests for informal conferences with respect to said application as amended, within fifteen (15) days from the date of publication of this notice.

Dated: July 24, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11942; Filed, July 26, 1943; 11:07 a. m.]

CERTAIN PETITIONS

ORDER DISMISSING PETITIONS

In the matter of certain petitions filed under section 4 II (d) of the Bituminous Coal Act of 1937. Docket Nos. A-2033, A-2045, A-2050, A-2053, A-2058, A-2063, A-2064, A-2069, A-2079.

Original petitions in each of the above-mentioned dockets, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, were duly filed with this Division requesting various types of relief. The matters involved in each of said petitions require either that public hearings be held or that extended investigations be conducted in order that all factors may be considered necessary to a proper and final determination.

Since the Bituminous Coal Act of 1937 will cease to be in effect at 12:01 a. m. August 24, 1943, and since insufficient time remains prior to that time within which to make appropriate disposition of the said dockets, and to take action necessary to complete a determination in each of them, it appears appropriate that each of said petitions herein should be dismissed.

Now, therefore, it is ordered, That each of the petitions in the above-mentioned dockets be, and the same hereby is, dismissed.

Dated: July 24, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11943; Filed, July 26, 1943; 11:07 a. m.]

[Docket No. 36FD]

VALIER COAL CO.

ORDER AMENDING ORDER

In the matter of the application of Valier Coal Company for exemption of all coal produced by it and delivered to the Chicago, Burlington & Quincy Railroad Company and applicant's employes from the provisions of section 4 and the first paragraph of section 4-a of the Bituminous Coal Act of 1937.

On May 21, 1943, 8 F.R. 6855, an order was issued denying the application for exemption requested by applicant, Valier Coal Company, and it appears that on June 28, 1943 applicant filed an application for an extension of the effective date of said order dated May 21, 1943, to July 31, 1943, which application was granted by Order Extending Effective Date of Denial of Application for Exemption, dated June 11, 1943.

On July 12, 1943, the applicant filed with the Division an Amended and Supplemental Application for Extension of Effective Date of Order of May 21, 1943

as Amended, in which it requested a further extension of the effective date of said order of denial of exemption up to and including August 24, 1943 for the reason that the Bituminous Coal Act of 1937 will expire by limitation on August 24, 1943; that District Board 10 has advised applicant that it might reasonably be expected to require several weeks to conclude action on applicant's petition to said board and reasonable minimum prices on coal furnished by applicant to Chicago, Burlington & Quincy Railroad Company as set forth in the prior application for extension filed June 28, 1943 and that it is doubtful if necessary proceedings could be had and prices established before the date of expiration of said Act.

It appearing to the Director that good cause has been shown for the extension requested, and that such request is reasonable, I believe that the requested relief is appropriate and that the third paragraph of the Order Denying Application of Valier Coal Company for Exemption dated May 21, 1943, 8 F.R. 6855, should accordingly be amended to read as follows:

It is hereby further ordered, That effective midnight, August 23, 1943, the application of Valier Coal Company is denied.

It is so ordered.

Dated: July 22, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11944; Filed, July 26, 1943; 11:07 a. m.]

Bureau of Reclamation.

COLUMBIA BASIN PROJECT, WASH.

FIRST FORM RECLAMATION WITHDRAWAL

JULY 9, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described land be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

COLUMBIA BASIN PROJECT

WILLAMETTE MERIDIAN, WASHINGTON

T. 21 N., R. 26 E., sec. 22, SE¼SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: July 16, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 20, 1943.

[F. R. Doc. 43-11929; Filed, July 26, 1943; 9:57 a. m.]

BEAR RIVER STORAGE PROJECTS, WYO.

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 14, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), and that Departmental Order of October 31, 1936 establishing Wyoming Grazing District No. 4, be modified and made subject to the withdrawal effected by this order.

BEAR RIVER STORAGE PROJECTS

SIXTH PRINCIPAL MERIDIAN, WYOMING

Hobble Reservoir Site

T. 27 N., R. 118 W.,
Sec. 3, lots 5, 6, S½NE¼.
T. 28 N., R. 118 W.,
Sec. 34, lot 4, NE¼SE¼, S½SE¼.

Ashby Reservoir Site

T. 28 N., R. 118 W.,
Sec. 27, lots 1, 3, 4, Tr. 57 D, 57 H, 57 I, NE¼SE¼, S½SE¼;
Sec. 28, lot 6, Tr. 63 A, 63 B, 63 C;
Sec. 34, lots 1, 2, 5, 6, Tr. 70 A, 70 B.

Thomas Fork Reservoir Site

T. 28 N., R. 119 W.,
Sec. 19, E½;
Sec. 20, NW¼, S½S½;
Sec. 25, NW¼, N½SW¼, SW¼SW¼;
Sec. 26, N½NE¼, SE¼NE¼, NW¼, SE¼;
Sec. 27, E½NE¼, W½NW¼, S½;
Sec. 34, NE¼.

Woodruff Narrows Reservoir Site

T. 17 N., R. 120 W.,
Sec. 6, lots 11, 12, 14, 15, 16, 17;
Sec. 8, lots 1, 2, 3, 4;
Sec. 18, lots 5, 10, 11;
Sec. 20, lots 5, 6, 7, 8.
T. 18 N., R. 120 W.,
Sec. 16, SE¼;
Sec. 20, S½;
Sec. 22, W½, SE¼;
Sec. 26;
Sec. 28, NE¼, S½;
Sec. 30, lots 7, 8, 9, 10, E½NE¼, E½SW¼, SE¼;
Sec. 32, NE¼, E½NW¼, SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: June 18, 1943.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: July 7, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 13, 1943.

[F. R. Doc. 43-11930; Filed, July 26, 1943; 9:57 a. m.]

COLORADO RIVER STORAGE PROJECT

FIRST FORM RECLAMATION WITHDRAWAL

Correction

In F.R. Doc. 43-11813 appearing on page 10370 of the issue for Saturday, July 24, 1943, the third entry for the Echo Park Reservoir Site, Sixth Principal Meridian, Colorado, should read:

T. 6 N., R. 103 W.,
Sec. 15, NW¼NE¼, W½NE¼SE¼.

The fourth line of the land description for the Dewey Reservoir Site, Ute Meridian, Colorado, should read, "Sec. 8, lot 3, N½NE¼, SW¼NE¼, NW¼,".

In F.R. Doc. 11812 appearing on page 10370 the twelfth line of the land description for the Split Mountain Reservoir Site, Salt Lake Meridian, Utah, should read, "Sec. 3, lots 1 and 4, S½N½, S½;".

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 768]

ALLOCATION OF FUNDS FOR LOANS

JULY 15, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alaska 4-3003G2 Kodiak	$100,000
Iowa 4-3031C2 Grundy	22,000
Minnesota 4-3061C2 Freeborn	50,000
Mississippi 4-3028F3 Hancock	25,000
Missouri 4-3028C2 Barton	20,000
Tennessee 4-3001H2 Meigs	29,000
Wisconsin 4-3041D2 Vernon	20,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-11966; Filed, July 26, 1943; 11:24 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 208]

WHOLESALING, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRIES

APPOINTMENT OF INDUSTRY COMMITTEE

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene for the Wholesaling, Warehousing, and Other Distribution Industries (as such industry is defined in paragraph 2) Industry Committee No. 63 composed of the following representatives:

For the public:
Willard L. Thorp, Chairman, New York, N. Y.
James K. Pollock, Ann Arbor, Mich.
H. C. Nixon, Nashville, Tenn.
Royal E. Montgomery, Ithaca, N. Y.
Philip Taft, Providence, R. I.
Louis A. Wood, Eugene, Oreg.
Edward Everett Hale, Austin, Tex.
For the employers:
Robert M. Adair, Columbus, Ohio.
Eugene Foley, Newark, N. J.
James Shikany, Minneapolis, Minn.
Joseph Timberlake, Columbia, S. C.
John L. Wilkinson, Charlotte, N. C.
Arthur P. Care, Los Angeles, Calif.
Henry Morgen, Chicago, Ill.
For the employees:
Bjorne Halling, Washington, D. C.
Harold Gibbons, St. Louis, Mo.
David Kaplan, Washington, D. C.
Joseph Tobin, New York, N. Y.
Ace Delosado, San Francisco, Calif.
Rudy M. Coulter, Lafayette, Ind.
Boris Shishkin, Seminary, Va.

Such representatives have been chosen with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "wholesaling, warehousing, and other distribution industries" means: The wholesaling, warehousing, and other distribution of commodities.

a. It includes, but without limitation, the activities of jobbers, textile converters, industrial distributors, mail order and retail selling establishments, brokers and agents, public warehouses, and physically segregated wholesaling and selling departments of other than selling and warehousing establishments (including the activities of any employees in such establishments who are engaged exclusively in selling products purchased for resale).

b. *Provided, however*, That there shall not be included any activity in connection with selling and warehousing which is covered by any wage order or by any administrative order appointing an industry committee.

3. The definition of the wholesaling, warehousing, and other distribution industries covers all occupations which are necessary to the distribution and warehousing of commodities, including packing, storing, shipping, and trucking, and clerical and maintenance occupations; *Provided, however*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. Any person who, in the opinion of the committee, having a substantial interest in the proceeding and who is prepared to present material pertinent to the question under consideration, may, with the approval of the committee, appear on his own behalf or on behalf of any other person. Moreover, any interested person may submit in writing pertinent data to the committee either through the Administrator or through the chairman of the committee.

5. The industry committee herein created shall meet at 10:00 a. m. on August 17, 1943 in the Victoria Room of the Hotel Victoria, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York, this 20th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-11874; Filed, July 24, 1943; 9:26 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-40]

WINE INSTITUTE OF CALIFORNIA

ORDER CANCELLING HEARING

In the matter of a public hearing for the purpose of receiving evidence relating to a proposal that regulations be promulgated limiting the use of monochoracetic acid in wines.

A Notice of Hearing having heretofore been published in the FEDERAL REGISTER on June 18, 1943 (8 F.R. 8382) that a hearing would be held in the above-entitled matter, on August 3, 1943, upon an application of the Wine Institute of California, representing a substantial portion of the interested industry, proposing that regulations be promulgated limiting the quantity of monochloracetic acid in wines to .05 percent of the finished product; and

The attorneys for the Wine Institute of California and other interested parties having signified their lack of readiness, and requested an adjournment of such hearing to November, 1943; and

It appearing that substantial doubt exists whether a hearing could be had before the spring of 1944 by reason of the probable engagement of a number of witnesses in the production of wine from the 1943 vintage for the balance of the production season extending to the spring of 1944; and

It appearing to my satisfaction that it would be burdensome both to the Food and Drug Administration and to the applicant and other interested parties to engage in preparation for such hearing by reason of the uncertainty of the availability of witnesses; and

It appearing further that it would be in the public interest to vacate the Notice of Hearing heretofore referred to and the grant of such hearing to the Wine Institute of California; *It is hereby ordered*, That such Notice of Hearing dated June 15, 1943, and published in the FEDERAL REGISTER on June 18, 1943 (8 F.R. 8382), is hereby cancelled;

It is further ordered, That the grant of a hearing upon the application of the Wine Institute of California, dated June 15, 1942, is hereby revoked, without prejudice to the filing of an application de novo by the Wine Institute of California or any other person or persons representing a substantial portion of the wine industry.

Dated: July 23, 1943.

[SEAL] PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 43-11965; Filed, July 26, 1943; 11:21 a. m.]

Social Security Board.

IDAHO

CERTIFICATION TO INDUSTRIAL ACCIDENT BOARD

The Industrial Accident Board of the State of Idaho having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Idaho unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Industrial Accident Board of the State of Idaho.

SOCIAL SECURITY BOARD,
[SEAL] A. J. ALTMEYER,
Chairman.

JULY 16, 1943.

Approved: JULY 22, 1943.

PAUL V. MCNUTT,
Administrator.

[F. R. Doc. 43-11963; Filed, July 26, 1943; 11:21 a. m.]

MARYLAND

CERTIFICATION TO UNEMPLOYMENT COMPENSATION BOARD

The Unemployment Compensation Board of the State of Maryland having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal

Revenue Code, as amended, the Maryland unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Board of the State of Maryland.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER, *Chairman.*

JULY 20, 1943.

Approved: JULY 22, 1943.
PAUL V. MCNUTT,
Administrator.

[F. R. Doc. 43-11962; Filed, July 26, 1943; 11:21 a. m.]

MAINE

CERTIFICATION TO UNEMPLOYMENT COMPENSATION COMMISSION

The Unemployment Compensation Commission of the State of Maine having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Maine unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of Maine.

[SEAL] SOCIAL SECURITY BOARD.
A. J. ALTMEYER,
Chairman.

JULY 20, 1943.

Approved: JULY 22, 1943.

PAUL V. MCNUTT,
Administrator.

[F. R. Doc. 43-11964; Filed, July 26, 1943; 11:21 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4506]

CALLAWAY MILLS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41) and (49 Stat. 1526, U.S.C.A., section 13, as amended).

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 9, 1943, at ten o'clock in the forenoon of that day (central standard time), Hearing Room, Troup County Office Building, Hines Street, LaGrange, Georgia.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence with his conclusions of fact and law and his recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11886; Filed, July 24, 1943; 11:09 a. m.]

[Docket No. 4744]

TENNESSEE TUFTING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A. section 13, as amended).

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 16, 1943, at 10 o'clock in the forenoon of that day (central standard time), in Room 245, U. S. Courthouse, Nashville, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence with his conclusions of fact and law and his recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11887; Filed, July 24, 1943; 11:09 a. m.]

[Docket No. 5013]

NATIONAL BISCUIT COMPANY

COMPLAINT AND NOTICE

Complaint

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has been and is now violating the provisions of subsection (a) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issued its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent National Biscuit Company is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, with its principal office and place of business located at 449 West 14th Street, New York, New York.

PAR. 2. Respondent corporation is now, and has been since June 19, 1936, engaged in the business of processing, manufacturing, offering for sale, selling and distributing bakery packaged food products in all parts of the United States. Among the products manufactured and sold by the respondent in the various states of the United States are biscuits, crackers, and cakes. The respondent manufactures and sells approximately 500 different varieties of such bakery packaged food products. Respondent by volume of sales is the largest producer and distributor of bakery packaged food products in the United States. The production of the respondent's products is carried on in 46 plants owned and operated by it, located in 25 states of the United States and in the District of Columbia.

Respondent maintains and operates 252 branch sales offices or agencies for the distribution of its products and ships its products from one or more of its plants to such sales offices or agencies, from which they are distributed as hereinafter stated. Some of said sales offices or agencies are located in states other than the states in which the plants serving them are located, and in such cases, respondent's goods are transported across state lines from plant to sales office or agency

In the various trade areas respondent distributes its products from its plants or sales offices or agencies, or both, by trucks

owned by respondent and operated by employed driver-salesmen. The respondent employs approximately 300 such driver-salesmen who make sales and truck deliveries to the respondent's various customers. Such driver-salesmen operate the respondent's trucks from the various plants or sales offices or agencies over certain specified routes, some of which cross state lines. Each driver-salesman is employed to solicit business and to take orders for and sell respondent's products to customers and prospective customers located along his route, as well as to transport and deliver such products to such customers. Such driver-salesmen in the ordinary course of their employment receive and accept from customers orders for respondent's products to be delivered later, and as a result of such orders, do at a subsequent time transport and deliver such products to such customers. Respondent sells its products direct and through such sales offices or agencies to corporate chain retail grocery stores, voluntary and cooperative chain retail grocery stores and voluntary and cooperative wholesale chains, independent retailers, and wholesale grocery jobbers.

The respondent causes such bakery products, when sold by it to its various customers, to be transported from its various places of business located in the various states of the United States and in the District of Columbia to such customers. Some such customers are located in states other than the state where the respondent's products are manufactured or stored, and in such cases, the respondent causes such products to be shipped from its sales office or agency or plant located in such state across state lines to such customers. Others of respondent's customers are located in the states in which respondent has its places of business.

Respondent's business is one which is managed, controlled and directed from its principal office in New York, N. Y., and which is operated with the objective of marketing its products through the channels of commerce in all parts of the United States to retailers who sell to the consuming public.

There is and has been at all times mentioned a continuous course of trade and commerce in said products between respondent's producing plants or sales offices or agencies and the purchasers of such products, some of which are located in states other than the state in which the respondent's producing plants or sales offices or agencies are located, as aforesaid. Respondent is engaged in interestate commerce and the transactions involved in the practices charged in this complaint as being unlawful are transactions in the course of such commerce.

PAR. 3. In the course and conduct of its business, as aforesaid, respondent is now and has been in substantial competition with other corporations and with individuals and partnerships engaged in the business of processing, manufacturing, offering for sale, selling and distributing bakery packaged food products in the United States.

Many of respondent's customers are competitively engaged with each other and with the customers of the respondent's competitors in the resale of bakery packaged food products within the trading areas in which the respondent's said customers, respectively, offer for sale and sell the said products purchased from the respondent.

PAR. 4. In the course and conduct of its business as aforesaid since June 19, 1936, respondent has been and is now discriminating in price between different purchasers buying said products by selling them to some of its customers at higher prices than it sells products of like grade and quality to other customers who are competitively engaged in the resale of said products within the United States with customers receiving the lower prices.

The respondent grants and allows to all of its customers a regular trade discount of 5% to be deducted from the invoice price and a cash discount of 1% if the invoice is paid within a specified time. The price discriminations herein alleged and those hereinafter set forth are in the form of discriminatory additions to the regular trade discount of 5% and the cash discount of 1%.

PAR. 5. The respondent has discriminated in price by the use of a so-called headquarters quantity discount schedule, whereby it has sold to some customers at higher prices than it has sold goods of like grade and quality to other customers who are in competition with them in the resale of said products within the United States. The so-called "headquarters discount" schedule includes two series of graduated discounts, one of which is governed by the customer's total purchase per month, and the other by the customer's average monthly purchase per retail store. The "headquarters discount" schedule used by respondent is more particularly described as follows:

(a) Respondent grants to some of its "chain store" customers who are engaged in the resale of bakery packaged food products of like grade and quality in competition with other of respondent's customers who do not receive it, a 1% "headquarters discount" on purchase of $750 or more but less than $5,000 per month, regardless of the average monthly purchases of the individual retail food stores owned, controlled or affiliated with the "chain store" customers receiving such discount.

An additional ½ of 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average individual store purchase of the respondent's products of $15 per month but less than $25.

An additional 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average individual store purchase of the respondent's products of $25 per month but less than $35.

An additional 1½% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average individual store purchase of the respondent's products of $35 per month or over.

To customers whose aggregate monthly purchases amount to less than $750 per month of the respondent's various commodities, the respondent does not and has not granted or allowed any discount whatsoever to such customers.

(b) The respondent grants and allows to some of its "chain store" customers who are engaged in the resale of bakery packaged food products of like grade and quality in competition with other of respondent's customers who do not receive it, a 2% "headquarters discount" on purchases of $5,000 or more but less than $10,000 per month, regardless of the average monthly purchases of the individual retail grocery stores owned, controlled or affiliated with such "chain store" customers receiving the discount.

An additional ½ of 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an individual average purchase of the respondent's products of $25 per month, but less than $35.

An additional 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average individual purchase of the respondent's products of $35 or more per month.

(c) The respondent grants and allows to some of its "chain store" customers who are engaged in the resale of bakery packaged food products of like grade and quality in competition with other of respondent's customers who do not receive it, a 3% "headquarters discount" on purchases of $10,000 or more but less than $150,000 per month, regardless of the average monthly purchases of the individual retail grocery stores owned, controlled or affiliated with such "chain store" customers receiving the discount.

An additional ½ of 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average monthly purchase of the respondent's products of $30 but less than $40 per month.

An additional 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average monthly purchase of the respondent's products of $40 but less than $50 per month.

An additional 1½% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average monthly purchase of the respondent's products of $50 or over per month.

(d) The respondent grants and allows to some of its "chain store" customers who are engaged in the resale of bakery packaged food products of like grade and quality in competition with other of respondent's customers who do not receive it, a 3½% "headquarters discount" on purchases of $150,000 or more per month, regardless of the average monthly purchases of the individual retail grocery stores owned, controlled or affiliated with

such "chain store" customers receiving the discount.

An additional ½ of 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average monthly purchase of the respondent's products of $30 but less than $40 per month.

An additional 1% discount is granted to such customers if the individual retail grocery stores owned, controlled or affiliated with them have an average monthly purchase of the respondent's products of $40 a month or over.

PAR. 6. In addition to the discriminations effected by the aforementioned "headquarters discounts" respondent discriminates in price between different purchasers of its products who are in competition with each other by making lower prices on bakery packaged food products to some customers based upon the total quantity or volume sold and delivered to all of the separate branches or outlets of the said customers, although separate delivery is made to the several branches or outlets of such customers if and when such total quantity or volume amounts to certain required minima during a single month, without regard to the quantity or volume delivered to the respective branches or outlets of such customers.

PAR. 7. The effect of the discrimination in price generally alleged in Paragraph Four hereof, and of the discriminations specifically set forth in Paragraphs Five and Six hereof, has been or may be substantially to lessen competition in the line of commerce in which the purchasers receiving and those denied the benefits of such discriminatory prices are engaged, and to injure, destroy or prevent competition between purchasers receiving the benefit of said discriminatory prices and those to whom they are denied. The effect also has been or may be to tend to create a monopoly in those purchasers receiving the benefit of said discriminatory prices in said line of commerce in the various localities or trade areas in the United States where said favored customers and their disfavored competitors are engaged in business.

Such discriminations in price by respondent between different purchasers of commodities of like grade and quality in interstate commerce, in the manner and form aforesaid, are in violation of the provisions of subsection 2 (a) of section 1 of said Act of Congress approved June 19, 1936, entitled "An Act to amend section 2 of an Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended U. S. C. Title 15, sec. 13, and for other purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 20th day of July 1943, issues its complaint against said respondent.

Notice

Notice is hereby given you, National Biscuit Company, respondent herein, that the 27th day of August, A. D., 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

> In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.
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> * * * * *
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> Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.
>
> If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.
>
> Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 20th day of July, A. D. 1943.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-11940; Filed, July 26, 1943; 11:02 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Service Order 138]

NEW YORK CENTRAL RAILROAD COMPANY

REROUTING OF FREIGHT TRAFFIC BETWEEN ST. FRANCISVILLE, ILL., AND VINCENNES, IND.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of July, A. D. 1943.

It appearing that, due to a track washout caused by flood conditions between St. Francisville, Illinois, and Vincennes, Indiana, on The New York Central Railroad Company, this carrier by railroad is unable to transport the traffic offered to it; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people;

It is ordered, That: (a) *Flood condition; rerouting of freight traffic.* Effective at once and until further order of the Commission The New York Central Railroad Company is hereby directed to forward freight traffic routed over its lines between St. Francisville, Illinois, and Vincennes, Indiana, by routes most available to expedite its movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of cars, and that all rules, regulations, and practices of said carriers with respect to car service are hereby suspended and superseded only as conflicting with the directions hereby made: *Provided*, That the billing covering all cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Rates to be applied.* Inasmuch as the routing of traffic pursuant to this order is deemed to be due to carriers' disability, the rates applicable to traffic routed pursuant to this order shall be the same as would have applied had the shipments moved as originally routed.

(c) *Division of rates.* In executing the orders and directions of the Commission provided for in this order the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That copies of this order and direction shall be served upon The New York Central Railroad Company, the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-11902; Filed, July 24, 1943; 11:47 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

COMMON CARRIERS OF PASSENGERS BY BUS

RECOMMENDATION FOR JOINT ACTION PLANS

In order to assure maximum utilization of the facilities, services, and equipment of common carriers by motor vehicle for the preferential transportation of troops and materials of war and to prevent shortages in motor vehicle equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to conserve and providently utilize vital equipment, material and supplies; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the Office of Defense Transportation, by General Order ODT 11, as amended, (7 F.R. 4389, 11099), authorizes common carriers of passengers by bus in intercity service to formulate and submit for consideration plans for joint action designed to accomplish any of the above stated purposes by one or more of the following methods:

(a) Pooling or joint use of equipment or other facilities;

(b) Pooling or division of traffic, service, or revenues;

(c) Alternation or staggering of schedules between any two or more points;

(d) Mutual honoring of one another's tickets at the option of the passenger.

General Order ODT 11, as amended, provides that the order shall not be construed to authorize carriers to engage in joint action by any of the methods described in the order unless directed so to do by specific order of the Office of Defense Transportation.

If the Office of Defense Transportation determines that any such plan will contribute substantially to the accomplishment of the purposes above stated, the Office of Defense Transportation orders carriers submitting any such joint action plan to place that plan in operation. The order is confined to one or more of the specific methods above enumerated, and expressly provides that all contractual arrangements made by the carriers to effectuate the joint plan shall not extend beyond the effective period of the order.

It is recommended that the Chairman of the War Production Board find and certify under section 12, Public Law No. 603, 77th Congress (56 Stat. L. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with any such order is requisite to the prosecution of the war.

Issued at Washington, D. C., this 20th day of July 1943.

JOSEPH B. EASTMAN, *Director, Office of Defense Transportation.*

[F. R. Doc. 43-11933; Filed, July 26, 1943; 10:45 a. m.]

OSWEGO MILK COUNCIL, INC., OSWEGO, N. Y.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), eleven members of Oswego Milk Council, Inc., listed in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of milk and related articles by motor vehicle in the Oswego area of New York State.

Duplicate and parallel transportation service in connection with distribution of milk and related articles in the Oswego area of New York State results in considerable wasteful operation of motor vehicles. All of the milk distributors in that area, members of the Oswego Milk Council, Inc., have agreed to participate in the proposed plan, with the exception of a single distributor, who is not opposed to the plan. The participants pledge complete obedience to specified provisions of General Orders ODT 6 and 17, as amended. Delivery service for retail customers will not start before 7:30 o'clock a. m. Retail deliveries will be made only on four days in each week, provided that no two retail deliveries will be made on the same or consecutive days. Trucks will be fully loaded and rerouted to reduce mileage to a minimum. Participants will exchange out-lying customers and will discontinue service where the mileage cost of delivery is unwarranted, provided affected customers will be able to secure adequate supplies from other sources. Adoption of the plan will reduce present mileage approximately 45 percent and release manpower now used for relief driving.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under Section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 21st day of July 1943.

JOSEPH B. EASTMAN, *Director, Office of Defense Transportation.*

APPENDIX A

1. Best Ice Cream Co.
2. Flacks Dairy
3. Keegan Dairy
4. Ladd's Dairy
5. Larchmont Dairy
6. F. B. Lewis Dairy
7. Mi-T-Fine Dairy
8. O'Connor Dairy
9. Oswego Guernsey Dairy
10. Oswego Netherland Co., Inc.
11. Sivers Dairy

[F. R. Doc. 43-11932; Filed, July 26, 1943; 10:45 a. m.]

[Supp. Order ODT 3, Rev.-44]

AUSTGEN EXPRESS & STORAGE COMPANY ET AL.

COORDINATED OPERATIONS WITHIN THE CHICAGO, ILLIONIS, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof pursuant to General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and General Order ODT 6A (8 F.R. 8757), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the carriers propose, by the plan, to coordinate their operations as common carriers of property by motor vehicle within an area comprised of the City of Chicago, Illinois, and a zone in Illinois, extending sixty (60) air miles from the boundaries of Chicago, and Lake and Porter Counties, Indiana, by establishing a Central Dispatching Office at Chicago, to which information concerning shipments and equipment will be reported and by means of which the motor trucks and equipment of the carriers will be dispatched within the area in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall super-

[1] Filed as part of the original document.

sede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Any carrier by motor vehicle duly authorized or permitted to engage in transportation as herein described and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the plan. A copy of every such application shall be served upon the person having charge of the Central Dispatching Office at Chicago, Illinois. Upon receiving such authorization, such carrier shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all the provisions and conditions of this order, in the same manner and degree as the carriers named herein.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–44," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 22, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX 1

1. Exon Motor Service, Libertyville, Illinois.
2. Co-Ordinated Transport, Inc., Chicago, Illinois.
3. J. A. Austgen, doing business as Austgen Express & Storage Co., Chicago, Illinois.
4. Kehe Motor Service, Arlington Heights, Illinois.
5. Liberty Trucking Co., Inc., Chicago, Illinois.
6. North Shore Motor Express Co., Inc., Chicago, Illinois.
7. Paine Motor Express, Woodstock, Illinois.
8. Downs Motor Express, McHenry, Illinois.
9. Gold Star Motor Service, Inc., Barrington, Illinois.
10. Krema Trucking Company, Inc., Chicago, Illinois.
11. E. J. Meyers Company, Chicago, Illinois.
12. C. W. Niedert, doing business as Niedert Motor Service, Inc., Des Plaines, Illinois.
13. O. K. Motor Service, Inc., Chicago, Illinois.
14. Fred Olson & Son Motor Service Co., Chicago, Illinois.
15. Roosevelt Cartage Company, Chicago, Illinois.
16. Service Cartage Co., Inc., Lemont, Illinois.
17. Robert L. Ashbaugh, doing business as Spee-Dee Motor Express, Steger, Illinois.
18. Wieringa Bros. Cartage Co., Chicago, Illinois.
19. Frank Kutzler, Jr., doing business as Kutzler Cartage, Waukegan, Illinois.
20. Pagoria Express Service, Inc., Chicago, Illinois.
21. Elgin Storage & Transfer Co., Elgin, Illinois.
22. Charles W. Petrie, doing business as Trans.t Freight Lines, Aurora, Illinois.
23. H. R. Plumer, doing business as Plumer's Motor Express, Chicago, Illinois.
24. Joseph T. Ryan, doing business as Joseph T. Ryan Cartage, Chicago, Illinois.
25. N. C. Sorenson Motor Express Co., Chicago, Illinois.
26. Webber Cartage Line, Inc., Waukegan, Illinois.
27. Mathew C. & Robert J. Welsh, doing business as Welsh Bros. Motor Service, Hammond, Indiana.
28. Enterprise Transfer Co., Chicago, Illinois.
29. Andrew Leoni, doing business as Leoni Motor Express, Chicago Heights, Illinois.
30. Lloyd Markel, doing business as Aurora Transfer Co., Aurora, Illinois.
31. Knox Motor Service, Inc., Rockford, Illinois.
32. Schiek Motor Express, Inc., Joliet, Illinois.
33. Joliet Warehouse & Transfer Co., Joliet, Illinois.

[F. R. Doc. 43–11938; Filed, July 26, 1943; 10:46 a. m.]

[Supplementary Order ODT 19–1]

INLAND WATERWAYS CORPORATION AND MARINE TRANSPORTATION COMPANY

OPERATIONS ON THE OHIO RIVER

Pursuant to the provisions of § 502.63 of General Order ODT 19 (7 F.R. 6499), *It is hereby ordered*, That:

1. Inland Waterways Corporation, St. Louis, Missouri, shall transport the tow of barges containing petroleum and petroleum products, now in its possession on the Mississippi River destined to Steubensville, Ohio, and which normally would be interchanged with Marine Transportation Company near Cairo, Illinois, on the Ohio River, to a point where towboats of the Marine Transportation Company are available to furnish power to transport such tow to point of destination.

2. Communications concerning this order should refer to "Supplementary Order ODT 19–1", and, unless otherwise directed, should be addressed to the Assistant Director in Charge of Water Transport, Office of Defense Transportation, Washington, D. C.

3. This order shall become effective forthwith, and shall remain in full force and effect for a period of thirty (30) days from the date of issuance.

Issued at Washington, D. C., this 24th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–11960; Filed, July 26, 1943; 11:15 a. m.]

[Special Order ODT LB–13]

AKRON TRANSPORTATION COMPANY, AKRON, OHIO

CERTAIN OPERATIONS TO BE SUSPENDED AND ADJUSTED

Pursuant to Executive Orders 8989, 9156, and 9294, and in order to assure the orderly and expeditious movement of necessary passenger traffic and to conserve and providently utilize manpower and existing transportation facilities and service, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Akron Transportation Company, Akron, Ohio, (hereinafter called "carrier"), in the transportation of passengers as a common carrier by bus in the city and suburbs of Akron, Ohio, shall not operate buses over:

(a) Those sections of its bus route described in the appendix hereto and designated as route 4 "York-Tallmadge" from the intersection of Howard Street and Main Street, over Main Street to York Street, over York Street to Dayton Street, and over Dayton Street to Glenwood Avenue, from the intersection of Fouse Avenue and Damon Street, over Damon Street to Evans Avenue, over Evans Avenue to Nevin Street, and over Nevin Street to Glenwood Avenue, and from the intersection of Patterson Avenue and Tallmadge Avenue, over Tallmadge Avenue to Main Street, and over Main Street to York Street;

(b) Those sections of its bus route described in the appendix hereto and designated as route 6 "Goodyear Heights" from the intersection of Goodyear Boulevard and Honodle Avenue, over Goodyear Boulevard to Tonawanda Avenue, over Tonawanda Avenue to Sumatra Avenue, and over Sumatra Avenue to Honodle Avenue, and from the intersection of Malasia Road and Sumatra Avenue, over Sumatra Avenue to Hampton Road, over Hampton Road to Brittain Road, and over Brittain Road to Malasia Road;

(c) Those sections of its bus route described in the appendix hereto and designated as route 11 "Inman" from the intersection of Inman Street and Lovers Lane over Lovers Lane to Talbot Street, and from the intersection of Center Street and Buchtel Avenue, over Buchtel Avenue to Spicer Street, over Spicer Street to Carroll Street, and over Carroll Street to Brown Street;

(d) Those sections of its bus route described in the appendix hereto and designated as route 12 "Brown" from the intersection of Center Street and Buchtel Avenue, over Buchtel Avenue to Spicer Street, over Spicer Street to Carroll Street, and over Carroll Street to Brown Street, and from the intersection of Brown Street and Catawba Street, over Catawba Street to South Firestone Boulevard, over South Firestone Boulevard between Dresden Avenue and Aster Avenue, over Aster Avenue to Reed Street, and over Reed Street to Brown Street;

(e) That section of its bus route described in the appendix hereto and designated as route 14 "Waterloo" between the intersection of Long Street and Main Street, over Mair Street to Buchtel Avenue, over Buchtel Avenue to High Street, over High Street to Center Street, and over Center Street to Main Street;

(f) That section of its bus route described in the appendix hereto and designated as route 16 "Wooster-East" between the intersection of Battles Avenue and East Avenue, over East Avenue to California Avenue;

(g) Its bus route described in the appendix hereto and designated as route 17 "Long";

(h) That section of its bus route described in the appendix hereto and designated as route 18 "Thornton" from the intersection of Manchester Road and Clearview Avenue, over Manchester Road to Rothrock Avenue;

(i) That section of its bus route described in the appendix hereto and designated as route 19 "Euclid" from the intersection of Diagonal Road and Courtland Avenue, over Diagonal Road to Wooster Avenue, and over Wooster Avenue to a terminal east of Diana Avenue;

(j) That section of its bus route described in the appendix hereto and designated as route 24 "Cuyahoga" from the intersection of Howard Street and North Street, over North Street to Stuber Street, over Stuber Street to Elizabeth Park Boulevard, over Elizabeth Park Boulevard to Lods Street, over Lods Street to Turner Street, over Turner Street to Charles Street, over Charles Street to Howard Street, over Howard Street to Lods Street, and over Lods Street to Cuyahoga Street.

2. The carrier shall:

(a) Consolidate the remaining sections of its bus route described in the appendix hereto and designated as route 4 "York-Tallmadge" by operating buses from the intersection of Howard Street and Main Street, over Howard Street to Glenwood Avenue and over Glenwood Avenue to Dayton Street, from the intersection of Fouse Avenue and Damon Street, over Fouse Street to Iredell Street, over Iredell Street to Glenwood Avenue and over Glenwood Avenue to Tallmadge Avenue, and over Patterson Avenue between Glenwood Avenue and Tallmadge Avenue;

(b) Consolidate the remaining sections of its bus route described in the appendix hereto and designated as route 6 "Goodyear Heights" by operating buses over Honodle Avenue between Goodyear Boulevard and Sumatra Avenue, and over Malasia Road between Sumatra Avenue and Brittain Road;

(c) Consolidate the remaining sections of its bus route described in the appendix hereto and designated as route 11 "Inman" from the intersection of Center Street and Buchtel Avenue, over Sumner Street to Carroll Street and over Carroll Street to Brown Street;

(d) Consolidate the remaining sections of its bus route described in the appendix hereto and designated as route 12 "Brown" by operating buses from the intersection of Center Street and Buchtel Avenue, over Sumner Street to Carroll Street and over Carroll Street to Brown Street;

(e) Operate buses in service on its bus route described in the appendix hereto and designated as route 14 "Waterloo" between the intersection of Long Street and Main Street, over Long Street to High Street and over High Street to Main Street;

(f) Consolidate the remaining sections of its bus route described in the appendix hereto and designated as route 24 "Cuyahoga" by operating buses from the intersection of Howard Street and North Street over Howard Street to Cuyahoga Street, and over Cuyahoga Street to Lods Street.

3. As used herein the term "bus" means any rubber-tired vehicle used on the streets, highways, or other thoroughfares in the transportation of passengers.

4. The provisions of this order shall not be so construed or applied as to require the carrier to perform any transportation service the performance of which by it is not authorized or sanctioned by law. In the event compliance with any term of this order would conflict with the carrier's operating authority, the carrier forthwith shall apply to the appropriate regulatory body or bodies for such extension or modification of operating authority as may be requisite to compliance with the terms of this order, and the terms of this order shall be subject to the carrier obtaining such authority.

5. The carrier forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and shall likewise file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

6. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., Cleveland, Ohio, or Chicago, Illinois, and should refer to "Special Order ODT LB–13".

Paragraph numbered 2 shall become effective upon the carrier obtaining approval from the appropriate regulatory authority or authorities to institute the operations described therein. All other paragraphs and provisions shall become effective August 9, 1943. This order shall remain in full force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX 1

DESCRIBING BUS ROUTES REFERRED TO THEREIN

Route 4—York-Tallmadge: From the intersection of Main Street and Exchange Street, on Main Street to York Street, on York Street to Dayton Street, on Dayton Street to Glenwood Avenue, on Glenwood Avenue to Fouse Avenue, on Fouse Avenue to Damon Street, on Damon Street to Evans Avenue, on Evans Avenue to Nevin Street, on Nevin Street to Glenwood Avenue, on Glenwood Avenue to Tallmadge Avenue, on Tallmadge Avenue to Main Street, on Main Street to York Street; also on Tallmadge Avenue from Glenwood Avenue to Brownstone Avenue.

Route 6—Goodyear Heights: From the intersection of Main Street and Exchange Street, on Exchange Street to Market Street, on Market Street to Goodyear Boulevard, on Goodyear Boulevard to Tonawanda Avenue, on Tonawanda Avenue to Sumatra Avenue, on Sumatra Avenue to Hampton Road, on Hampton Road to Brittain Road, on Brittain Road to Malasia Road, on Malasia Road to Goodyear Boulevard.

Route 11—Inman: From the intersection of Main and Exchange Streets, on Main Street to Mill Street, on Mill Street to Broadway, on Broadway to Center Street, on Center Street to Buchtel Avenue, on Buchtel Avenue to Spicer Street, on Spicer Street to Carroll Street, on Carroll Street to Brown Street, on Brown Street to South Street, on South Street to Johnston Street, on Johnston Street to Inman Street, on Inman Street to Lovers Lane, on Lovers Lane to Talbot Street.

Route 12—Brown: From the intersection of Main and Exchange Streets, on Main Street to Mill Street, on Mill Street to Broadway, on Broadway to Center Street, on Center Street to Buchtel Avenue, on Buchtel Avenue to Spicer Street, on Spicer Street to Carroll Street, on Carroll Street to Brown Street, on Brown Street to Catawba Street, on Catawba Street to South Firestone Boulevard, on South Firestone Boulevard to Dresden Avenue, on Dresden Avenue to South Firestone Boulevard, on South Firestone Boulevard to Aster Avenue, on Aster Avenue to Reed Street, on Reed Street to Brown Street.

Route 14—Waterloo: From the intersection of 30th and Waterloo Road, on Waterloo Road to Manchester Road, on Manchester Road to Wilbeth Road, on Wilbeth Road to Firestone Parkway, on Firestone Parkway to Emerling Avenue, on Emerling Avenue to Main Street, on Main Street to Buchtel Avenue, on Buchtel Avenue to High Street, on High Street to Center Street, on Center Street to Main Street, on Main Street to Buchtel Avenue.

Route 16—Wooster-East: From the intersection of Main Street and Exchange Street, on Exchange Street to Bowery Street, on Bowery Street to Wooster Avenue, on Wooster Avenue to East Avenue, on East Avenue to California Avenue.

Route 17—Long: From the intersection of Main Street and Exchange Street, on Main Street to Thornton Street, on Thornton Street to Boulevard, on Boulevard to South Street, on South Street to Princeton Street, on Princeton Street to Long Street, on Long Street to Lakeside Avenue.

Route 18—Thornton: From the intersection of Main Street and Exchange Street, on Exchange Street to Bowery Street, on Bowery Street to Thornton Street, on Thornton Street to Manchester Road, on Manchester Road to Rothrock Avenue.

Route 19—Euclid: From the intersection of Main Street and Exchange Street, on Exchange Street to Bowery Street, on Bowery Street to Chestnut Street, on Chestnut Street to Edgewood Avenue, on Edgewood Avenue to Euclid Avenue, on Euclid Avenue to Diagonal Road, on Diagonal Road to Wooster Avenue, on Wooster Avenue to a terminal east of Diana Avenue.

Route 24—Cuyahoga: From the intersection of Howard and Federal Streets, on Federal Street to Main Street, on Main Street to Mill Street, on Mill Street to Howard Street, on Howard Street to North Street on North Street to Stuber Street, on Stuber Street to Elizabeth Park Boulevard, on Elizabeth Park Boulevard to Lods Street, on Lods Street to Turner Street, on Turner Street to Charles Street, on Charles Street to Howard Street, on Howard Street to Lods Street, on Lods Street to Cuyahoga Street, on Cuyahoga Street to Uhler Avenue.

[F. R. Doc. 43-11961; Filed, July 26, 1943; 11:15 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 9 Under MPR 118]

PRODUCERS OF CERTAIN COTTON PRODUCTS

AUTHORIZATION OF MAXIMUM PRICES

Order No. 9 under § 1400.101 (b) (1) (iii) of Maximum Price Regulation No. 118—Cotton Products.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

(a) The maximum prices for the following cotton products shall be:

Reference No.	Producer	Style number and designation	Grey or finished description	Credit terms and freight allowances	Maximum prices, cents per linear yard: Grey goods	Maximum prices, cents per linear yard: Finished goods
1	Edwards Manufacturing Co., Augusta, Maine.	No. 869, Insulation Foundation	80", 22½ x 15, 2.65 yards per pound (Finished).	Net 10 days		19.54
2	Brookside Mills, Knoxville, Tenn.	No. 5536, Grey shelter tent duck	35¼", 60 x 60, 1.94 yards per pound (Grey).	2 percent ten days[1]	35.00	
3	York Manufacturing Co., Saco, Maine.	No. 2926-K, Grey Carded, 3-Harness Twill.	37", 136 x 64, 3.71 yards per pound (Grey).	Net 10 days	20.50	
4	Stevens Manufacturing Co., Burlington, N. C.	No. 574, Millburn Leno	60", 14 x 7, 4.00 yards per pound (Grey).	Net 10 days	15.25	

[1] The established maximum price in 2 above shall be discounted by 5% for seconds; 25% for 1 to 9.9 yard lengths, inclusive; 15% for 10 to 19.9 yard lengths, inclusive; and, 10% for 20 to 40 yard lengths, inclusive.
[2] The established maximum price in 4 above shall be discounted by 5% for seconds or for 20 to 40 yard lengths, inclusive.
[3] Freight allowed to destination not exceeding $1.00 per cwt.

(b) The maximum prices set forth in paragraph (a) shall apply f. o. b. mill.

(c) The maximum prices set forth in paragraph (a) are for fabrics made in accordance with the construction details on file with the Office of Price Administration for the particular style number and designation.

(d) The maximum prices set forth in paragraph (a) may be used by the producer as a base price from which to determine "in line" maximum prices for related types, styles and constructions of cotton products which cannot otherwise be priced under § 1400.101 of Maximum Price Regulation No. 118. If any determinations are made, the producer shall submit an appropriate report as required by the regulation.

(e) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 9 shall become effective on this 24th day of July, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11859; Filed, July 23, 1943; 2:44 p. m.]

[Amdt. 1 to Order 379 Under MPR 188]

NATIONAL PRESSURE COOKER CO., ET AL.

APPROVAL OF MAXIMUM PRICES

Amendment No. 1 to Order No. 379 under § 1499.159b of Maximum Price Regulation No. 188, Manufacturers' Maximum Prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, the schedule of maximum selling prices in paragraph (a) of Order No. 379 is amended to read as follows:

SCHEDULE OF MAXIMUM SELLING PRICES

	National	Wisconsin	Burpee: 7-qt.	Burpee: 14-qt.
Manufacturer to jobber (f. o. b. factory)	$6.95	$7.45	$7.95	$9.60
Manufacturer to retailer (f. o. b. factory):				
In quantities of 2,000 or more	7.95	8.20	8.75	10.60
In quantities of 100 to 1,999	8.34	8.95	9.54	11.50
In quantities of less than 100	9.27	9.93	10.60	12.80
Jobber to retailer:				
Except in Far Western Zone	9.27	9.93	10.60	12.80
In Far Western Zone	9.67	10.33	11.00	13.30
(f. o. b. seller's city)				
Retailer to consumer:				
Except in Far Western Zone	13.90	14.90	15.90	19.20
In Far Western Zone	14.50	15.50	16.50	19.93

This amendment shall become effective on the 26th day of July 1943.

Issued this 24th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11903; Filed, July 24, 1943; 11:14 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 23, 1943.

Order Number and Name

MPR 120, Order 225, Pittsburgh & Erie Coal Co.
MPR 121, Order 18, Great Valley Anthracite Coal Co.
MPR 244, Order 30, Monroe Foundries Inc.
MPR 244, Order 31, Empire Foundry Co., Inc.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11911; Filed, July 24, 1943; 2:58 p. m.]

[Order 241 Under MPR 188, Amdt. 1]

MANUFACTURER'S SALES OF SMALL QUANTITIES OF EXPERIMENTAL DRY CELL BATTERIES

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 241 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specific Building Materials and Consumers' Goods other than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, paragraph (b) of Order No. 241 is amended to read as follows:

(b) If the manufacturer's total sales of any model are greater than 800 units, this order does not apply.

Amendment No. 1 shall become effective on the 13th day of July 1943.

Issued this 12th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11931; Filed, July 12, 1943; 2:24 p. m.]

Regional, State and District Office Orders.

[Region I Order G-19 Under 18 (c)]

FLUID MILK IN NEW HAMPSHIRE

Order No. G-19 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. (Formerly General Order 19.) Fluid milk in New Hampshire.

For reasons set forth in an opinion accompanying this order and pursuant to and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, and by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered:*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and by § 1351.803 of Maximum Price Regulation 280 for fluid milk sold and delivered in the New Hampshire localities listed in paragraph (d) of this order and by § 1351.402 of Maximum Price Regulation 329 for fluid milk bought or received from producers in New Hampshire localities listed in paragraph (d) of this order are modified so that the maximum prices for such fluid milk, in the transactions listed below, shall be the prices specified in the applicable schedules included in this order.

(b) For the purpose of this order, the localities in the State of New Hampshire are divided into seven zones, as defined in paragraph (d) of this order, and the maximum prices for standard and Grade A milk sold and delivered at retail and wholesale shall be as set forth in subparagraph (1) below, and the maximum prices per cwt. that may be paid to a producer in Region I for standard milk of 3.7% butterfat content bought or received from him for ultimate resale in any zone or part thereof, shall be the price set forth for such zone or part thereof, in subparagraph (2) below.

(1) *Maximum prices for retail and wholesale sales.*

Quantity	Retail: Standard	Retail: Grade A	Wholesale: Standard	Wholesale: Grade A
	Cents	*Cents*	*Cents*	*Cents*
Zone 1:				
Quarts	15½	17½	13½	15½
Pints			7½	8
Half pints			4	5
Bulk, per quart			12½	14½
Zone 2:				
Quarts	15	17	13	15
Pints			7	7½
Half pints			4	5
Bulk, per quart			12	14
Zone 3:				
Quarts	14½	16½	12½	14½
Pints			7	7½
Half pints			4	5
Bulk, per quart			11½	13½
Zone 4:				
Quarts	14	16	12	14
Pints			7	7½
Half pints			3½	4½
Bulk, per quart			11	13
Zone 5:				
Quarts	13½	15½	11½	13½
Pints			7	7½
Half pints			3½	4½
Bulk, per quart			10½	12½
Zone 6:				
Quarts	13	15	11	13
Pints			6	6½
Half pints			3½	4½
Bulk, per quart			10	12
Zone 7:				
Quarts	12	14	10	12
Pints			5½	6
Half pints			3	3¾
Bulk, per quart			9	11

(i) The above retail prices of milk shall be the maximum prices for sales for home consumption, with the exceptions noted herein. The retail prices for milk in bottles or paper containers shall be the maximum prices for such sales except that the maximum prices for sales averaging three quarts or over daily for the billing period shall be at least one cent per quart less than the above retail prices. The maximum price for single pints sold at retail in stores in combination with one or more quarts, or when quarts are not available, shall be no more than one-half of the above retail quart prices.

(ii) The above wholesale prices of milk shall be the maximum prices for sales in bottles or paper containers in any quantity to schools, stores, hotels, restaurants, and other similar trade where the product is resold, and to institutions and government agencies.

(iii) The above wholesale prices of bulk milk shall be the maximum prices for the delivery of 8 quarts of milk, or more, in 8-quart, or larger, cans to schools, stores, hotels, restaurants and other similar trade, where the product is resold, and to institutions and government agencies.

(iv) For milk sold in paper containers, one cent per container may be added to the applicable price set forth above.

(v) For Vitamin D milk, one cent per quart may be added to the applicable price set forth above for the milk to which the Vitamin D concentrate has been added.

(vi) *Pasteurized milk.* The maximum prices set above shall apply to pasteurized milk in any marketing area, as defined by the New Hampshire Milk Control Board (or if none, in any town, grant, location or purchase) in which more pasteurized milk was sold for consumption than raw milk during March, 1942, and any seller's maximum price for raw milk shall have the same differential as was then in effect for such seller. In any marketing area (or if none, in any town, grant, location, or purchase) in which more raw milk was sold for consumption than pasteurized milk during March, 1942, the maximum prices set above shall apply to raw milk, and any seller's maximum price for pasteurized milk shall have the same differential as was then in effect for such seller.

(vii) Where the total bill at the time of sale, if sold for cash, or at the end of any billing period, if sold on credit, comes out at a fraction of a cent, the seller may charge the next higher cent.

(2) *Maximum prices for milk bought or received from producers.*

Zone 1. For all milk marketing areas listed for Zone 1, paragraph (d) of this order.
$4.10 if purchaser weighs and tests the milk.
$4.15 if purchaser does not weigh and test the milk.

Zone 2. For all milk marketing areas listed for Zone 2, paragraph (d) of this order, $3.95.

Zone 3. For the following milk marketing areas. (25) Sanbornton, Gilford and Laconia; (59) Northfield and Tilton; (34) Franklin; (27) Tuftonboro and Wolfeboro; (51) Tamworth; Eaton, Madison, Freedom, Effingham and Ossipee: $3.72.

(23) Milford, Amherst, Wilton; (71) Merrimack; (79) Brookline; (75) Harrisville and Dublin; (41) Winchester; (66) Hillsborough; (42) Goffstown; (61) Allenstown and Pembroke; (81) Rollinsford; (69) So. Hampton; (7) Newfields and Newmarket; (13) Farmington: $3.95.

Zone 4. For the following milk marketing areas; and the town of Hinsdale:
(16) Berlin and Gorhan: $3.37.
(17) Lebanon; (30) Hanover; (40) Enfield: $3.49.
(11) Bristol; (29) Bridgewater and Hebron; (57) Plymouth, Ashland and Holderness; (25A) Alton, Moultonboro, Center Harbor, Meredith, New Durham; (28) Gilmanton; (15) Claremont; (73) Newport, Sunapee and New London; (49) Greenville: $3.72.

(87) Epping; (39) Raymond; (18) Peterborough; (50) New Ipswich; (78) Rindge; and the Town of Hinsdale: $3.95.

Zone 5. For the following milk marketing areas; and the Towns of Troy and Warner:

(52) Milton, Wakefield, Brookfield, Middleton; (19) Conway: $3.49.

(67) Weare; (45) Antrim; (44) Hopkinton; (77) Epsom, Northwood and Strafford; (74) Pittsfield; (80) Belmont; (64) North Walpole; (36) Charlestown; (76) Rumney; and the Towns of Troy and Warner: $3.72.

(55) Danville: $3.84.

Zone 6. For the following milk marketing areas:

(43) Henniker; (14) Greenfield; (70) New Boston: $3.72.

(72) Woodstock, Lincoln, Thornton; (62) Franconia; (33) Lisbon; (83) Haverhill; (31) Bethlehem; (63) Carroll and Hart's Location; (60) Whitefield; (20) Lancaster; (35) Northumberland; (32) Littleton; (56) Campton; (85) Lyme: $3.49.

For the following localities not subject to N. H. Milk Control Board orders: Jefferson, Kilkenny, Stark, Randolph, Shelburne, Success and Milan: $3.37.

Zone 7. For the following milk marketing areas; and the following towns, grants and location: (21) Colebrook and Columbia; the following localities not subject to N. H. Milk Control Board orders: Stratford, Odell, Dummer, Cambridge, Millsfield, Errol, Dixville, Wentworth's Location, Dix's Grant, Dartmouth College Grant, Stewartstown, Clarksville, Academy Grant, Carlisle, Webster, Hubbard, Pittsburg, Gilmanton Academy Grant and Erving's Grant: $3.26.

(c) All customary differentials, other than those referred to in paragraph (b), including but not limited to Grade A milk, flavored milk, trade marked milk and milk of specially high or low butterfat content, which any seller (or purchaser from a producer) had in effect during the "base period," may be added to or must be subtracted from, as the case may be, the maximum prices for standard milk as fixed by this order. The base period for computing all such differentials shall be:

(1) For sales of fluid milk subject to the General Maximum Price Regulation—March 1942.

(2) For sales of fluid milk subject to Maximum Price Regulation 280, the period September 28, 1942 to October 2, 1942, inclusive.

(3) For purchases of fluid milk from producers subject to Maximum Price Regulation 329—January 1943.

(d) The zones into which the State of New Hampshire is divided for purposes of this order shall be as follows, references being to milk marketing areas as defined and numbered by the New Hampshire Milk Control Board in its last orders effective before the date of issuance of this order, and to certain other towns, grants, locations and purchases:

(1) Zone 1 shall include:

#1. The City of Concord, that part of Boscawen south of Indian Ledge, so-called, on the Daniel Webster Highway, Bow Mills and all residences along Grand View Road and all residences along Logging Hill Road for a distance of one and one-half miles from its junction with the Grand View Road in the Town of Bow.
#9. The City of Nashua and the Town of Hudson.
#47. The Town of Salem.
#48. The Towns of Hampstead and Atkinson.
#46. The Town of Plaistow.
#54. The Town of Newton.
#5. The Towns of Exeter, Fremont, Brentwood and Kingston.
#22. The Towns of Rye, North Hampton, Hampton, Hampton Falls and Seabrook.
#10. The City of Portsmouth and the Towns of Newcastle, Newington, Greenland and Stratham.
#4. The Town of Durham.
#8. The City of Dover.
#3. The City of Somersworth.
#6. The City of Rochester.
#24. The Town of Derry.
#86. The Town of Londonderry.
#38. (Manchester) Beginning at the intersection of the Daniel Webster Highway south and the road known as Porter Road in the Town of Bedford; westerly to the crossing of the Old Milford Railroad Boynton Street; thence along the old Manchester and Milford Railroad to Mast Road in the Town of Goffstown; thence northerly to the intersection of the Goffstown, Manchester and Hooksett boundary lines; thence northerly along the Goffstown-Hooksett boundary line to the intersection of the Dunbarton-Hooksett boundary line; thence northerly to the intersection of the Bow and Hooksett boundary line; thence northeasterly to the intersection of the Allenstown-Hooksett boundary line; thence easterly to the intersection of the Hooksett-Candia boundary line; thence southerly to the intersection of the Hooksett-Auburn boundary line, said point being the northeast corner of Manchester and the southeast corner of Hooksett, thence northeasterly to the Webster School in the Town of Auburn; thence southerly to the intersection of the Manchester-Auburn line at the Londonderry line; thence in a straight line to where Little Cohas Brook crosses the Manchester line; thence in a straight line to the point of beginning.

(2) Zone 2 shall include:

#2. The Town of Jaffrey.
#12. The City of Keene and the Towns of Marlboro and Swanzey.

(3) Zone 3 shall include:

#7. The Towns of Newmarket and Newfields.
#81. The Town of Rollinsford.
#69. The Town of South Hampton.
#51. The Towns of Ossipee, Effingham, Freedom, Madison, Eaton and Tamworth.
#27. The Towns of Wolfeboro and Tuftonboro.
#25. The City of Laconia and the Towns of Sonbornton and Gilford and that part of Belmont which is within one mile of the shore of Lake Winnisquam, together with that part of Tilton between the Daniel Webster Highway and Lake Winnisquam.
#59. The Towns of Tilton and Northfield, exclusive of that part of Tilton heretofore included in Market Area #25.
#34. The City of Franklin.
#13. The Town of Farmington.
#61. The Towns of Pembroke and Allenstown.
#66. The Town of Hillsborough and that part of the Town of Deering which is within one mile of the Hillsborough-Deering Town Line.
#42. That part of the Town of Goffstown not included in Market Area #38, and that portion of the Village of Riverdale which is in the Town of Weare.
#41. The Town of Winchester.
#75. The Towns of Dublin and Harrisville.
#23. The Towns of Milford, Amherst and Wilton.
#71. The Town of Merrimack.
#79. The Town of Brookline.

(4) Zone 4 shall include:

#49. The Town of Greenville.
#87. The Town of Epping.
#39. The Town of Raymond.
#11. The Town of Bristol, exclusive of that part of the Town of Bristol, which is included in Market Area #29. (Newfound Lake Market Area.)
#29. The Towns of Hebron and Bridgewater an that part of Alexandria lying between the shore of Newfound Lake and an imaginary line parallel with and one-quarter mile westerly of the main road from Bristol to Hebron Village and that part of Bristol which lies between the western shore of said Lake and an imaginary line parallel with and one-quarter mile westerly from the main road from Bristol to Hebron Village. Also such part of Bristol which lies within one-quarter of a mile of the southern shore line of said Lake and also such part of Bristol within one-half mile of the easterly shore line of said Lake and all islands within said Lake.
#57. The Towns of Plymouth and Ashland and that part of the Town of Holderness as lies within three miles of the Plymouth-Holderness town line.
#18. The Town of Peterborough.
#50. The Town of New Ipswich.
#78. The Town of Rindge.
#25. The Towns of Alton, Moultonborough, Center Harbor, Meredith and that part of the Town of New Durham which is more than one mile north of State Highway No. 11, and the Town of Holderness except such portion of said town as lies within three miles of the Plymouth-Holderness town line.
#28. The Town of Gilmanton.
#15. The Town of Claremont.
#73. The Towns of Newport, Sunapee and New London.
#40. The Town of Enfield.
#30. The Town of Hanover.
#17. The Town of Lebanon.
#16. The City of Berlin and the Town of Gorhan and, not subject to any order of the N. H. Milk Control Board, the Town of Hinsdale.

(5) Zone 5 shall include:

#67. The Town of Weare with the exception of the Village of Riverdale.
#45. The Town of Antrim.
#44. The Town of Hopkinton.
#77. The Towns of Epsom, Northwood and Strafford.
#74. The Town of Pittsfield.
#52. The Towns of Milton, Wakefield, Brookfield and Middleton.
#80. The Town of Belmont with the exception of that part which is within one mile of the shore of Lake Winnisquam.
#19. The Town of Conway.
#64. That part of the Town of Walpole known as North Walpole and extending southerly from North Walpole Village to a distance of 500 feet southerly from Cold River.
#36. The Town of Charlestown.
#55. The Town of Danville.
#76. The Town of Rumney and the following towns, not subject to orders of the N. H. Milk Control Board—Troy and Warner.

(6) Zone 6 shall include:

#72. The Towns of Woodstock, Lincoln and Thornton.
#62. The Town of Franconia.

#33. The Town of Lisbon and that part of the Town of Landaff between the Lisbon-Landaff town line and the Boston & Maine new underpass.
#83. The Town of Haverhill and that part of the Town of Bath that is included in the Woodsville precint for school purposes.
#31. The Town of Bethlehem.
#63. The Town of Carroll and Hart's Location.
#60. The Town of Whitefield.
#20. The Town of Lancaster.
#35. The Town of Northumberland.
#32. The Town of Littleton.
#14. The Town of Greenfield.
#70. The Town of New Boston.
#43. The Town of Henniker.
#56. The Town of Campton.
#85. The Town of Lyme and the following localities not subject to N. H. Milk Control Board orders: Jefferson, Kilkenny, Stark, Randolph, Shelburne, Success and Milan.

(7) Zone 7 shall include:

#21—The Towns of Colebrook and Columbia. The following towns not subject to N. H. Milk Control Board orders: Stratford, Odell, Dummer, Cambridge, Millsfield, Errol, Dixville, Wentworth's Location, Dix's Grant, Dartmouth College Grant, Stewartstown, Clarksville, Academy Grant, Carlisle, Webster, Hubbard, Pittsburg, Gilmanton Grant.

(e) For standard and Grade A milk sold and delivered at retail and wholesale in any locality in the State of New Hampshire not listed in paragraph (d) of this order, and for standard milk of 3.7 butterfat content bought or received from producers in Region I for ultimate resale in any such locality, the maximum prices established by § 1499.2 of the General Maximum Price Regulation, § 1351.-803 of Maximum Price Regulation 280 or by § 1351.402 of Maximum Price Regulation 329, as the case may be, are modified, so that the maximum prices shall be either:

1. The applicable maximum price as determined under § 1499.2 of the General Maximum Price Regulation, Section 1351.803 of Maximum Price Regulation 280, or Section 1351.402 of Maximum Price Regulation 329, as the case may be, or

2. The prices specified for localities in Zone 6 (six) as set forth in subparagraph (1) of paragraph (b) or, for such milk bought or received from such producers, $3.49 per cwt., as the case may be, whichever is higher.

(f) For standard and Grade A milk sold at retail by hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments for other than home consumption in any locality in the State of New Hampshire, the maximum prices established by § 1499.2 of the General Maximum Price Regulation are modified so that the maximum prices for such milk in pint or half-pint paper or glass containers shall be the applicable maximum prices determined under § 1499.2 of the General Maximum Price Regulation, plus one cent for each such pint or one-half pint.

(g) Each milk distributor selling milk subject to this order to purchasers for purposes of resale shall promptly notify such purchasers in writing of the maximum prices permitted by this order for sales by the distributor and by such purchasers, and of the requirement that such maximum prices for sales at retail be posted by such purchaser (if a retailer) in accordance with the provisions of § 1499.13 of the General Maximum Price Regulation.

(h) All previous Region I Price Orders affecting the maximum prices of fluid milk sold in New Hampshire are superseded by this Region I Order No. G–19, including Region I Price Order #8, as amended. (Redesignated as Order No. C–8 under § 1499.18 (c), as amended, of the General Maximum Price Regulation.)

(i) Unless the context otherwise requires, the definitions as set forth in the regulation which is applicable to any sale of any fluid milk under this Order, shall apply to the terms used herein with reference to such sale.

(j) This Order No. G–19 may be revoked, amended or corrected at any time.

(k) This Order No. G–19 shall become effective April 1, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 30th day of March 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11849; Filed, July 23, 1943; 11:45 a. m.]

[Region I Order G–19 Under 18 (c), Amdt. 1]

FLUID MILK IN NEW HAMPSHIRE

Amendment No. 1 to Order No. G–19 (formerly General Order No. 19) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Fluid milk in New Hampshire.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region I of the Office of Price Administration by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered*, That the subdivision designated as Zone 4 in paragraph (b) (2) be amended to read as set forth below:

(b) • • •
(2) • • •

Zone 4 for the following milk marketing areas; and the Town of Hinsdale:

(16)—Berlin and Gorham	$3.37
(17)—Lebanon; (30)—Hanover; (40)—Enfield	3.49
(11)—Bristol; (29)—Bridgewater and Hebron; (57)—Plymouth, Ashland and Holderness; (25A)—Alton, Moultonboro, Center Harbor, Meredith, New Durham; (28)—Gilmanton; (15)—Claremont; (73)—Newport, Sunapee and New London	3.72
(87)—Epping; (39)—Raymond; (18)—Peterborough; (50)—New Ipswich; (78)—Rindge; (49)—Greenville; and the Town of Hinsdale	3.95

This amendment to Order No. G–19 shall become effective April 27, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 26th day of April 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11850; Filed, July 23, 1943; 11:46 a. m.]

[Region I Order G–19 Under 18 (c), Amdt. 2]

FLUID MILK IN NEW HAMPSHIRE

Amendment 2 to Order No. G–19 (formerly General Order 19) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Fluid milk in New Hampshire.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered*, That the subdivisions designated as Zone 3 and Zone 5 in paragraph (b) (2) be amended, that paragraph (f) be amended and that paragraph (1) be added, to read as set forth below:

(b) • • •
(2) • • •

Zone 3. For the following milk marketing areas:

(25) Sanbornton, Gilford and Laconia; (59) Northfield and Tilton; (34) Franklin; (27) Tuftonboro and Wolfeboro; (51) Tamworth, Eaton Madison, Freedom, Effingham and Ossipee; (19) Conway: $3.72.

(23) Milford, Amherst, Wilton; (71) Merrimack; (79) Brookline; (75) Harrisville and Dublin; (41) Winchester; (66) Hillsborough; (42) Goffstown; (61) Allenstown and Pembroke; (81) Rollinsford; (69) So. Hampton; (7) Newfields and Newmarket; (13) Farmington: $3.95.

• • • • • •

Zone 5. For the following milk marketing areas; and the Towns of Troy and Warner:

(52) Milton, Wakefield, Brookfield, Middleton: $3.49.

(67) Weare; (45) Antrim; (44) Hopkinton; (77) Epsom, Northwood and Strafford; (74) Pittsfield; (80) Belmont; (64) North Walpole; (36) Charlestown; (76) Rumney; and the Towns of Troy and Warner: $3.72.

(55)—Danville: $3.84.

(f) *Special pricing*—(1) *Maximum prices for eating establishments.* For standard and Grade A milk sold at retail by hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments for other than home consumption in any locality in the State of New Hampshire, the maximum prices established by § 1499.2 of the General Maximum Price Regulation are modified so that the maximum prices for such milk in pint or half-pint paper or glass containers shall be the applicable maximum prices determined under § 1499.2 of the General Maximum Price Regulation, plus one cent for each such pint or one-half pint.

(2) *Maximum prices for fluid milk sold to and by "summer establishments."* Where fluid milk is delivered between June 1 and September 30, both dates inclusive, by a seller to a summer establishment, his maximum prices for retail and wholesale sales of such milk to such establishments, and the maximum prices of such establishment upon a resale of such milk by it, shall be (i) the maximum prices set forth in paragraph (b) (1) of this order for Zone 1 if such establishment is located in that part of New Hampshire south of a line formed by the

southern boundaries of the towns of Orford and Wentworth, the southern boundary and a portion of the eastern boundary of the town of Rumney, the southern boundary of the town of Campton, a portion of the western boundary, the southern boundary, and a portion of the eastern boundary of the town of Sandwich, the southern, southeastern and eastern boundaries of the town of Albany, the eastern boundary of Hales Location, a portion of the eastern and southern boundaries of the town of Bartlett, and the southern boundary of the town of Chatham, and (ii) the maximum prices set forth in paragraph (b) (1) of this order for Zone 2 if such establishment is located elsewhere in New Hampshire. "Summer establishment" shall include any retail store, hotel, boarding house, restaurant, camp, dwelling or other living or retail selling establishment which is not regularly occupied or operated, as the case may be, at any time during the year except for one or more periods between June 1 and September 30, both dates inclusive.

(1) Amendments to Order No. G–19 shall become effective as follows: (1) Amendment No. 1 shall become effective April 27, 1943, at 12:01 a. m.

(2) Amendment No. 2 shall become effective May 22, 1943, at 12:01 a. m.

(Pub. Laws 621 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 21st day of May 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11851; Filed, July 23, 1943; 11:46 a. m.]

[Region I, Order G–19 Under 18 (c), Amdt. 3]

FLUID MILK IN NEW HAMPSHIRE

Amendment 3 to Order G–19 under section 18 (c) of the General Maximum Price Regulation. Fluid milk in New Hampshire.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, and by § 1351.807 of Maximum Price Regulation 280, *It is hereby ordered*, That paragraph (f) (2) be amended and that subparagraph (3) of paragraph (1) be added, to read as set forth below:

(f) • • •

(2) *Maximum prices for fluid milk sold to and by "summer establishments."* Where fluid milk is delivered between June 1 and September 30, both dates inclusive, by a seller to a summer establishment or to a person listed in subdivision (i) Appendix A hereof, the seller's maximum prices for retail and wholesale sales of such milk to such establishment or person, and the maximum prices of such establishment or person upon resale of such milk shall be (i) the maximum prices set forth in paragraph (b) (1) of this order for Zone 1 if such establishment or person's place of business is located in that part of New Hampshire south of a line formed by the southern boundaries of the towns of Orford and Wentworth, the southern boundary and a portion of the eastern boundary of the town of Rumney, the southern boundary of the town of Campton, a portion of the western boundary, the southern boundary, and a portion of the eastern boundary of the town of Sandwich, the southern, southeastern and eastern boundaries of the town of Albany, the eastern boundary of Hales Location, a portion of the eastern and southern boundaries of the town of Bartlett, and the southern boundary of the town of Chatham, and (ii) the maximum prices set forth in paragraph (b) (1) of this order for Zone 2 if such establishment or person's place of business is located elsewhere in New Hampshire. "Summer establishment" shall include any retail store, hotel, boarding house, restaurant, camp, dwelling or other living or retail selling establishment which is not regularly occupied or operated, as the case may be, at any time during the year except for one or more periods between June 1 and September 30, both dates inclusive.

(i) *Appendix A*, L. M. Jackson & Son, Bethlehem, New Hampshire; Bernardi's Market, Bethlehem, New Hampshire.

(3) Amendment No. 3 shall become effective June 1, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 7th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of May 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 43–11852; Filed, July 23, 1943; 11:46 a. m.]

[Region I Order G–19 Under 18 (c), Amdt. 4]

FLUID MILK IN NEW HAMPSHIRE

Amendment 4 to Order No. G–19 under section 18 (c) of the General Maximum Price Regulation. Fluid milk in New Hampshire.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered* That subparagraphs (3) and (5) of paragraph (d) be amended, and that subparagraph (4) of paragraph (1) be added, to read as set forth below:

(d) • • •

(3) Zone 3 shall include:

#7. The Towns of Newmarket and Newfields.
#81. The Town of Rollinsford.
#69. The Town of South Hampton.
#51. The Towns of Ossipee, Effingham, Freedam, Madison, Eaton and Tamworth.
#19. The Town of Conway.
#27. The Towns of Wolfeboro and Tuftonboro.
#25. The City of Laconia and the Towns of Sanbornton and Gilford and that part of Belmont which is within one mile of the shore of Lake Winnisquam, together with that part of Tilton between the Daniel Webster Highway and Lake Winnisquam.
#59. The Towns of Tilton and Northfield, exclusive of that part of Tilton heretofore included in Market Area #25.
#34. The City of Franklin.
#13. The Town of Farmington.
#61. The Towns of Pembroke and Allentown.
#66. The Town of Hillsborough and that part of the Town of Deering which is within one mile of the Hillsborough-Deering Town Line.
#42. That part of the Town of Goffstown not included in Market Area #38, and that portion of the Village of Riverdale which is in the Town of Weare.
#41. The Town of Winchester.
#75. The Towns of Dublin and Harrisville.
#23. The Towns of Milford, Amherst and Wilton.
#71. The Town of Merrimack.
#79. The Town of Brookline.

• • • • •

(5) Zone 5 shall include:

#67. The Town of Weare with the exception of the Village of Riverdale.
#45. The Town of Antrim.
#44. The Town of Hopkinton.
#77. The Towns of Epsom, Northwood and Strafford.
#74. The Town of Pittsfield.
#52. The Towns of Milton, Wakefield, Brookfield and Middleton.
#80. The Town of Belmont with the exception of that part which is within one mile of the shore of Lake Winnisquam.
#64. That part of the Town of Walpole known as North Walpole and extending southerly from North Walpole Village to a distance of 500 feet southerly from Cold River.
#36. The Town of Charlestown.
#55. The Town of Danville.
#76. The Town of Rumney and the following towns, not subject to orders of the N. H. Milk Control Board: Troy and Warner.

(4) Amendment No. 4 shall become effective as of May 22, 1943, at 12:01 a. m.

Issued this 24th day of June 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11853; Filed, July 23, 1943; 11:46 a. m.]

[Region I, Order G–21 Under 18 (c)]

FLUID MILK IN MAINE

Order No. G–21 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Fluid milk in the State of Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered:*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280 for fluid milk sold or delivered in the localities in the State of Maine listed in section (a) (2) of this order, and by § 1351.402 of Maximum Price Regulation No. 329 for fluid milk bought and received from producers in Region I for ultimate resale as fluid milk in such localities, are modified so that the maximum prices for such fluid milk shall be the prices specified in the applicable schedule below:

(1) *Maximum prices.* For the purposes of section (a) of this Order certain localities in the State of Maine have been allocated among ten Zones, as defined below, and the maximum prices for standard milk sold and delivered in such localities shall be as follows:

Price to producers (per cwt.)	Quantity	Other prices		
		Retail	Wholesale	Dealer to dealer
Zone 1: $4.10	Quart bottles	$0.155	$0.135	$0.125
	Pint bottles		.075	.065
	10 oz. bottles		.06	.05
	8 oz. bottles		.045	.04
	Bulk in cans (per qt.)		.125	
Zone 2: $3.90	Quart bottles	.165	.135	.125
	Pint bottles		.075	.065
	10 oz. bottles		.06	.05
	8 oz. bottles		.045	.04
	Bulk in cans (per qt.)		.125	
Zone 3: $3.79	Quart bottles	.15	.13	.12
	Pint bottles		.075	.065
	10 oz. bottles		.055	.045
	8 oz. bottles		.04	.0375
	Bulk in cans (per qt.)		.12	
Zone 4: $3.79	Quart bottles	.145	.125	.115
	Pint bottles		.075	.065
	10 oz. bottles		.055	.045
	8 oz. bottles		.04	.035
	Bulk in cans (per qt.)		.115	
Zone 5: $3.79	Quart bottles	.14	.12	.11
	Pint bottles		.07	.06
	10 oz. bottles		.05	.04
	8 oz. bottles		.035	.03
	Bulk in cans (per qt.)		.11	
Zone 6: $3.68	Quart bottles	.145	.125	.115
	Pint bottles		.075	.065
	10 oz. bottles		.055	.045
	8 oz. bottles		.04	.035
	Bulk in cans (per qt.)		.115	
Zone 7: $3.56	Quart bottles	.145	.125	.115
	Pint bottles		.075	.065
	10 oz. bottles		.055	.045
	8 oz. bottles		.04	.035
	Bulk in cans (per qt.)		.115	
Zone 8: $3.56	Quart bottles	.14	.12	.11
	Pint bottles		.07	.06
	10 oz. bottles		.05	.04
	8 oz. bottles		.035	.03
	Bulk in cans (per qt.)		.11	
Zone 9: $3.56	Quart bottles	.135	.115	.105
	Pint bottles		.065	.055
	10 oz. bottles		.05	.04
	8 oz. bottles		.035	.03
	Bulk in cans (per qt.)		.105	
Zone 10: $3.56	Quart bottles	.13	.11	.10
	Pint bottles		.065	.055
	10 oz. bottles		.05	.04
	8 oz. bottles		.035	.03
	Bulk in cans (per qt.)		.10	

(2) *Zones:* For purposes of section (a) of this order the allocation of localities in the State of Maine among the various Zones shall be as follows:

Androscoggin County:
- Lisbon Falls (a part of Lisbon) — Zone 3
- Auburn, Lewiston, Lisbon (except that part known as Lisbon Falls) — Zone 4
- Mechanic Falls, Poland — Zone 5
- The remainder of Androscoggin County — Zone 8

Aroostook County:
- Houlton, Mapleton, Presque Isle — Zone 6
- Blaine, Caribou, Fort Fairfield, Mars Hill — Zone 9
- The remainder of Aroostook County — Zone 10

Cumberland County:
- Cape Elizabeth, Falmouth, Portland, Scarboro, South Portland, Westbrook — Zone 2
- Brunswick, Harpswell — Zone 8
- Cumberland, Freeport, Gorham, Windham, Yarmouth — Zone 4
- The remainder of Cumberland County — Zone 8

Franklin County:
- Farmington, Jay, New Vineyard, Rangeley, Rangeley Pl., Sandy River Pl., Dallas Pl., Wilton — Zone 8
- The remainder of Franklin County — Zone 10

Hancock County:
- Bar Harbor, Ellsworth, Mt. Desert, Southwest Harbor, Tremont — Zone 8
- The remainder of Hancock County — Zone 9

Kennebec County:
- Augusta, Chelsea, Farmingdale, Gardiner, Hallowell, Manchester, Randolph, West Gardiner, Winthrop — Zone 6
- The remainder of Kennebec County — Zone 8

Knox County:
- Camden, Owls Head, Rockland, Rockport — Zone 7
- The remainder of Knox County — Zone 8

Lincoln County:
- Bristol, Damariscotta, New Castle, Nobleboro, Waldoboro — Zone 7
- The remainder of Lincoln County — Zone 8

Oxford County:
- Dixfield, Mexico, Peru, Rumford — Zone 4
- Oxford — Zone 5
- The remainder of Oxford County — Zone 8

Penobscot County:
- Bangor, Bradley, Brewer, Hampden, Milford, Old Town, Orono, Orrington, Veazie — Zone 8
- The remainder of Penobscot County — Zone 9

Piscataquis County:
- Entire County — Zone 9

Sagadahoc County:
- Bath, Topsham, West Bath, Woolwich — Zone 3
- Richmond — Zone 6
- The remainder of Somerset County — Zone 8

Somerset County:
- Anson, Bingham, Fairfield, Madison, Moscow, Skowhegan, Solon — Zone 8
- The remainder of Somerset County — Zone 9

Waldo County:
- Islesboro — Zone 8
- Belfast, Northport — Zone 9
- The remainder of Waldo County — Zone 10

Washington County:
- Baileyville, Calais, Eastport, Lubec, Pembroke, Perry, Trescott — Zone 8
- The remainder of Washington County — Zone 9

York County:
- Berwick, Eliot, Kittery, South Berwick, York — Zone 1
- Old Orchard and Old Orchard Pier — Zone 2
- Alfred, Biddeford, Kennebunk, Kennebunkport, North Berwick, North Kennebunkport, Saco, Sanford, Wells — Zone 3
- The remainder of York County — Zone 8

(b) The prices set in section (a) of this order are subject to the following qualifications:

(1) The above "Retail" prices shall include sales for home consumption by any person, whether sold for cash or on credit, and whether sold on the premises or delivered.

(2) The above "wholesale" prices shall include delivered sales to stores, schools, restaurants, hotels, institutions and government agencies, either for consumption or for resale to consumers.

(3) The above "dealer to dealer" prices shall include sales by dealers and producer-dealers to other dealers.

(4) The above "price to producers" fixed for each zone shall be applicable to fluid milk bought or received from producers in Region I for ultimate resale for human consumption as fluid milk in any locality in such zone.

(5) A deposit charge of not more than five cents per bottle may be made to and by stores purchasing milk in glass bottles for resale, such bottles to be redeemed at the same price as is thus charged.

(6) When sale is made at wholesale or retail in a paper container, an additional charge of not more than one cent per container may be made over and above the applicable prices specified in the respective schedules as set forth above.

(7) The maximum prices fixed in this order shall be applicable whether the milk is raw or pasteurized.

(8) All other customary price differentials which any seller had in effect during the base period for special milk, including but not limited to Grade A milk, flavored milk, trade marked milk, and milk of specially high or low butterfat content, may be added to or must be subtracted from, as the case may be, the

maximum prices for standard milk as fixed in this order. The base period to be used for computing all such differentials shall be:

(i) For sales of fluid milk subject to the General Maximum Price Regulation, March 1942.

(ii) For sales of fluid milk subject to Maximum Price Regulation 280, the period September 28, 1942, to October 2, 1942, inclusive.

(iii) For purchases of fluid milk from producers subject to Maximum Price Regulation No. 329, January 1943.

(9) Where the total bill at the time of sale, if sold for cash, or at the end of any billing period, if sold on credit, comes out at a fraction of a cent, the seller may charge the next higher cent.

(c) Each milk distributor selling milk subject to this order to purchasers for purposes of resale shall promptly notify such purchasers in writing of the maximum prices permitted by this order for sales by the distributor and by such purchasers, and of the requirement that such maximum prices for sales at retail be posted by such purchaser (if a retailer) in accordance with the provisions of § 1499.13 of the General Maximum Price Regulation.

(d) Unless the context otherwise requires, the definitions set forth in the Regulation applicable to any sale of any fluid milk under this order shall apply to the terms used herein with reference to such sale.

(e) All previous Region I Price Orders affecting the maximum prices of fluid milk sold in Maine are superseded by this Region I Order Number G–21, including Region I Price Order 9 (redesignated as Order No. G–9) under § 1499.18 (c), as amended, of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation 280—Fluid Milk in Maine—and Region I Price Order 2 (redesignated as Order No. G–2) under § 1499.73 (a) (1) (iv) of Supplementary Regulation 14—Fluid Milk in Lewiston, Auburn and part of Lisbon, Maine.

(f) This order may be revoked, amended or corrected at any time.

(g) This order shall become effective April 1, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of March 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 43–11854; Filed, July 23, 1943; 11:47 a. m.]

[Region I Order G–21 Under 18 (c), Amdt. 1]

FLUID MILK IN MAINE

Amendment 1 to Order Number G–21 under § 1499.18 (c) of the General Maximum Price Regulation. Fluid milk in the State of Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered*, That section (a) (1) be amended by substituting the word "eleven" for the word "ten" in the first paragraph thereof, that a subdivision designated at Zone 11 be added to the schedule of prices in section (a) (1), that the subdivision designated as Hancock County in section (a) (2) be amended, that paragraph (10) of section (b) be added, and that section (h) be added, to read as set forth below:

(a) • • •

(1) *Maximum prices.* For the purposes of section (a) of this order certain localities in the State of Maine have been allocated among eleven zones, as defined below, and the maximum prices for standard milk sold and delivered in such localities shall be as follows:

Price to producers (per cwt)	Quantity	Other prices		
		Retail	Wholesale	Dealer to dealer
Zone 11:				
$4.02 (to producers on Mount Desert Island). $3.56 (to producers elsewhere in region 1).	Quart bottles	$0.16	$0.14	$0.13
	Pint bottles	----------	.08	.07
	10 ounce bottles	----------	.065	.055
	8 ounce bottles	----------	.05	.047
	Bulk in cans (per quart)	----------	.13	----------

(2) • • •

Hancock County:

Ellsworth	Zone 8.
Bar Harbor, Mount Desert, Southwest Harbor, Tremont	Zone 11.
Remainder of Hancock County	Zone 9.

(b) • • •

(10) Where fluid milk is delivered between June 1 and September 30, both dates inclusive, by a seller to a summer establishments, his maximum price for retail and wholesale sales of such milk to such establishment shall be the appropriate maximum price set forth in section (a) of this order for the zone in which the milk is sold or delivered, plus the customary differential in effect during the 1941 summer season between the seller's price to such establishment during such summer season and the seller's 1941 summer season price to year-round purchasers of the same type in the same distribution area. If the seller did not sell or offer to sell fluid milk to a particular summer establishment during the 1941 summer season, he shall establish his maximum price to such establishment by adding to the appropriate maximum price set forth in section (a) hereof the differential established as above for sales to the summer establishment, of the same type and located nearest to such summer establishment, to which he sold or offered to sell fluid milk during such season. If a seller is unable to establish his maximum price to a particular summer establishment in the foregoing manner, he shall take as his maximum price the maximum price established in the above manner by his most closely competitive seller of the same class for sales to the summer establishment of the same type and located nearest to such summer establishment, for which such competitor has established a maximum price in such manner. Any summer establishment which resells milk the maximum price for which has been established by this subsection may increase its maximum price therefor by the exact amount of the increase in the cost of such milk to it effected by this subsection. "Summer establishment" shall include any retail store, hotel, boarding house, restaurant, camp, dwelling or other living or retail selling establishment which is not regularly occupied or operated, as the case may be, at any time during the year except for one or more periods between June 1 and September 30, both dates inclusive. Not more than ten days after a seller has established a maximum price hereunder, he shall file a report with the appropriate War Price and Rationing Board setting forth such price, the area or summer establishments for sales to which it applies, and how it was computed.

• • • • •

(h) Amendments to Region I Order Number G–21 shall become effective as follows: (1) Amendment No. 1 shall become effective June 1, 1943, at 12:01 a. m.

Issued this 31st day of May 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 43–11855; Filed, July 23, 1943; 11:47 a. m.]

[Region I Order G–21 Under 18 (c), Amdt. 2]

FLUID MILK IN MAINE

Amendment 2 to Order Number G–21 under § 1499.18 (c) of the General Maximum Price Regulation. Fluid milk in the State of Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, and by § 1351.807 of Maximum Price Regulation 280, *It is hereby ordered*, That subparagraph (10) of section (b) be amended, and that subparagraph (2) of section (h) be added, to read as set forth below:

(b) • • •

(10) Where fluid milk is delivered between June 1 and September 30, both dates inclusive, by a seller to a summer establishment, his maximum price for retail and wholesale sales of such milk to such establishment shall be the appropriate maximum price set forth in section (a) of this order for the zone in which the milk is sold or delivered, plus the customary differential in effect during the 1941 summer season between the seller's price to such establishment and the seller's 1941 summer season price to year-round purchasers of the same type in the same distribution area. If the seller did not sell or offer to sell fluid milk to a particular summer establishment in the foregoing manner, he shall take as his maximum price the maximum price established in the above manner by his most closely competitive seller of the same class for sales to the summer establishment, of the same type and located nearest to such summer establishment, to which he sold or offered to sell fluid milk during such season. If a seller is unable to establish his maximum price to a particular summer establishment in the foregoing manner, he shall take as his maximum price the maximum price established in the above manner by his most closely competitive seller of the same class for sales to the summer establishment, of the same type and located nearest to such summer establishment, to which he sold or offered to sell fluid milk during such season. If a seller is unable to establish his maximum price to a particular summer establishment in the foregoing manner, he shall take as his maximum price the maximum price established in the above manner by his most closely competitive seller of the same class for sales to the summer establishment, of the same type and located nearest to such summer establishment, for which such competitor has established a maximum price in such manner. Any summer establishment which resells milk the maximum price for which has been established by this subsection may increase its maximum price therefor by the exact amount of the increase in the cost of such milk to it effected by this subsection. "Summer establishment" shall include any retail store, hotel, boarding house, restaurant, camp, dwelling or other living or retail selling establishment which is not regularly occupied or operated, as the case may be, at any time during the year except for one or more periods between June 1 and September 30, both dates inclusive. Not more than ten days after a seller has established a maximum price hereunder, he shall file a report with the appropriate War Price and Rationing Board setting forth such price, the area or summer establishments for sales to which it applies, and how it was computed.

(h) • • •

Amendment 2 shall become effective June 3, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 2d day of June 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11856; Filed, July 23, 1943; 11:48 a. m.]

[Region I Order G–21 Under 18 (c), Amdt. 3]

FLUID MILK IN MAINE

Amendment 3 to Order No. G–21 under § 1499.18 (c) of the General Maximum Price Regulation. Fluid milk in the State of Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered* That section (a) (1) be amended by substituting the word "twelve" for the word "eleven" in the first paragraph thereof, that a subdivision designated as Zone 12 be added to the schedule of prices in section (a) (1), that the subdivision designated as Penobscot County in section (a) (2) be amended, and that subparagraph (2) of paragraph (h) be added, to read as set forth below:

(a) • • •

(1) *Maximum prices.* For the purposes of section (a) of this order certain localities in the State of Maine have been allocated among twelve zones, as defined below, and the maximum prices for standard milk sold and delivered in such localities shall be as follows:

Price to producers (per cwt.)	Quantity	Other prices		
		Retail	Wholesale	Dealer to dealer
Zone 12: $3.61 (f. o. b. Sherman Station); $3.56 (other purchases).	Qt. bottles	$0.145	$0.125	$0.115
	Pt. bottles	----------	.075	.065
	10-oz. bottles	----------	.055	.045
	8-oz. bottles	----------	.04	.035
	Bulk in cans (per qt)	----------	.115	----------

(2) • • •

Penobscot County:

Bangor, Bradley, Brewer, Hampden, Milford, Old Town, Orono, Orrington, Veazie	Zone 8
Millinocket	Zone 12
Remainder of Penobscot County	Zone 9

• • • • • • •

(h) • • •

(2) Amendment No. 3 shall become effective June 15, 1943 at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of June 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–11857; Filed, July 23, 1943; 11:48 a. m.]

[Region I Order G–22 Under 18 (c), Amdt. 2]

FLUID MILK IN VERMONT

Amendment 2 to Region I Order Number G–22 under § 1499.18 (c) of the General Maximum Price Regulation. Fluid Milk in the State of Vermont.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation No. 280 and by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered* That the first paragraph of section (a) (2) be amended, that subdivision (iii) of section (a) (12) be amended by inserting an inferior subdivision designated as "Fort Ethan Allen" between the inferior subdivisions designated as "Burlington Market Area" and "Montpelier Market Area", that section (a) (3) be amended, that section (a) (9) be amended, and that section (f) (2) be added, to read as set forth below:

(a) • • •

(2) The Price Zones into which certain localities in the State of Vermont are allocated for the purposes of section (a) of this order shall be as follows, references to Market Areas being to Market Areas defined by the Vermont Milk Control Board in its last orders effective before the date of issuance of this order:

(i) Price Zone 1 shall include:

Burlington Market Area: (For milk with a butterfat content of more than 4%—Winooski, Winooski Park, Burlington, Shore Line and Summer resorts from north end of Mallets Bay in Colchester to southerly boundary of Bartletts Bay and congested area in South Burlington.

Fort Ethan Allen: (For milk with a butterfat content of more than 4%).

Springfield Market Area: (For milk with a butterfat content of more than 4%)—The Town of Springfield.

• • • • • •

(iii) • • •

Fort Ethan Allen: (For milk with a butterfat content of 4% or less):

• • • • • •

(3) The maximum prices for fluid milk bought and received from producers in Region I for ultimate resale as fluid milk in the areas and localities listed and described in Price Zones 1, 2, 3, 4, 5, 6, 7, and 8 of this order shall be as follows:

Price to producers (per cwt.)	*Market areas and localities*
$3.95	Brattleboro.
$3.79	Bellow Falls, Cavendish-Ludlow, Chester Springfield, White River Junction, Windsor, Woodstock.
$3.56	Barre, Barton, Bennington, Bethel, Bradford, Brandon, Bristol, Burlington, Chelsea, Derby, Enosburg Falls, Essex Junction, Fairlee, Fort Ethan Allen, Gilman, Hardwick, Island Pond, Jeffersonville, Johnson, Lyndonville, Manchester, Middlebury, Montpelier, Morrisville, Newport, North Troy, Northfield, Orleans, Pittsford, Plainfield, Randolph, Richford, Rochester, Rutland, St. Albans, St. Johnsbury, Vergennes, Wallingford, Waterbury, Williamstown, Wilmington, and all other localities south of the line described in Price Zone 6 of this Order.

Price to producers (per cwt.)	*Market areas and localities*
$3.32	Milton, Montgomery, Richmond, Stowe, and Westmore.
$3.26	All other localities north of the line described in Price Zone 6 of this Order.

* * * * *

(9) In the Burlington Market Area, the Springfield Market Area, and Fort Ethan Allen, no milk with a butterfat content of 4% or less shall be sold at prices in excess of those provided in the schedule above for Price Zone 3, and no milk with a butterfat content of more than 4% shall be sold at prices in excess of those provided in the schedule above for Price Zone 1.

(f) * * *

(2) Amendment 2 shall become effective as of April 7, 1943, at 12:01 a. m.

Issued this 23d day of June 1943.

RICHARD H. FIELD,
Acting Regional Administrator.

[F. R. Doc. 43-11858; Filed, July 23, 1943; 11:48 a. m.]

[Oklahoma City, Order G-1 Under Gen. Order 50]

DOMESTIC MALT BEVERAGES IN OKLAHOMA CITY DISTRICT

Oklahoma City Order No. G-1 Under General Order No. 50. Filing of prices by restaurant and similar establishments: Delegation of authority to fix maximum prices. Price of domestic malt beverages sold by eating and drinking places in the Oklahoma City District.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Oklahoma City, Oklahoma, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region V Delegation Order dated April 13, 1943; *It is hereby ordered:*

SECTION 1. *What this order does.* In accordance with the provisions of General Order No. 50, this order establishes in section 9 hereof, "dollars and cents" maximum prices for certain beverage items offered for sale or sold by any "person" owning or operating an "Eating or Drinking Place" located in the Oklahoma City District, composed of the following counties in the State of Oklahoma:

Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, McCurtain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Seminole, Stephens, Texas, Tillman, Washita, Woods, Woodward.

SEC. 2. *What this order covers.* The beverage items to which this order applies are:

(a) Domestic malt beverages as defined in section 7 hereof, and commonly known as beer or ale.

SEC. 3. *Prohibition against sales of beverage items above maximum prices.* (a) On and after the effective date of this Order, regardless of any contract, agreement, lease, or other obligation:

(1) No person shall sell or deliver any beverage item subject to this Order at higher prices than the maximum prices set forth in this order.

(2) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 4. *Posting*—(a) *Selling prices.* All persons subject to this order must post in the "Eating or Drinking Place," plainly visible to their customers, their selling prices for the beverage items listed in section 9 hereof, at or near the place where the beverage item is offered for sale.

(b) *Maximum prices.* All persons subject to this order must post in a conspicuous place in the "Eating or Drinking Place" a list of the "dollars and cents" maximum prices of the beverage items offered for sale, so that such list will be plainly visible to their customers.

SEC. 5. *Applicability of General Order No. 50.* This order is subject to all the provisions of General Order No. 50 which are hereby made a part of this order.

SEC. 6. *Applicability of General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation, as well as amendments thereto, shall be applicable to all "Eating or Drinking Places," subject to this order:

(a) Sales slips and receipts—§ 1499.14.
(b) Registration—§ 1499.15.
(c) Licensing—§ 1499.16.

SEC. 7. *Definitions.* (a) "Domestic malt beverage" shall mean any and all malt beverages produced within the Continental United States, or its territories and possessions, made by the alcoholic fermentation of an infusion or decoction, or combinations of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(b) "Domestic malt beverage sold on draught" means domestic malt beverage dispensed from a barrel, keg, or other container by a "person" owning or operating an "eating or drinking place" subject to this order.

(c) "Person" includes an individual, corporation, partnership, trust or estate, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any state, county, or municipal government, or any of its political subdivisions, and any agencies of any of the foregoing: *Provided,* That no punishment provided by this Order shall apply to the United States, or to any such government, political subdivision, or agency.

(d) "Eating or drinking place" means any place, establishment, business, or location, whether temporary or permanent, stationary or movable, including, but not limited to, a restaurant, hotel, cafe, boarding house, diner, coffee shop, tea room, private club, dining car, bar, tavern, delicatessen, soda fountain, cocktail lounge, catering business, or any other place from which any beverage item subject to this order is offered for sale or sold, except those places which are specifically exempted in section 8 hereof.

(e) "Beverage items" listed herein shall include all domestic malt beverages sold or served by "eating or drinking places" for consumption in or about the place or to be taken out for consumption, without additional preparation other than cooling.

(f) "Hotel room service sale" means sale to a guest or guests in a hotel room when delivery is made to a guest's hotel room.

(g) "Hotel" means any establishment generally regarded as such in its community and used predominately for transient occupancy.

(h) Other definitions. Unless the context otherwise resquires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 8. *Exempt sales.* Sales by the following "eating or drinking places" are specifically exempt from the provisions of this order:

(a) Eating and drinking places (when operated as such) located on board common carriers, including railroad dining cars, club, bar, and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(b) Hospitals, except for beverage items served to persons other than patients.

(c) Hotel room service sales.

Such aforesaid sales, not otherwise exempt from Price Control, shall remain subject to the appropriate Maximum Price Regulation or order.

SEC. 9. *Maximum "dollars and cents" prices.* (a) Maximum "dollars and cents" prices which may be charged for the beverage items subject to this order, are:

(1) In bottles	Maximum price per bottle (cents)	
BRAND OR TRADE NAME	*12 oz.*	*32 oz.*
Barbarossa domestic malt beverage (beer)	16	36
Blatz domestic malt beverage (beer)	16	36
Budweiser domestic malt beverage (beer)	16	36
Coors domestic malt beverage (beer)	16	36
Country Club domestic malt beverage (beer)	16	-
Grain Belt domestic malt beverage (beer)	16	36
Millers-High Life domestic malt beverage (beer)	16	36
Muehlebach domestic malt beverage (beer)	16	36
Old Style Lager domestic malt beverage (beer)	16	36
Pabst Blue Ribbon domestic malt beverage (beer)	16	36
Pom-Roy domestic malt beverage (beer)	16	36
Schlitz domestic malt beverage (beer)	16	36

(1) In bottles	Maximum price per bottle (cents)	
BRAND OR TRADE NAME—con.	*12 oz.*	*32 oz.*
Zeltners—Topping domestic malt beverage (beer)	16	36
Red Top Ale domestic malt beverage (beer)	16	36
Alpen Brau domestic malt beverage (beer)	11	26
Bluetail domestic malt beverage (beer)	11	26
Gold Seal domestic malt beverage (beer)	11	26
Grandview domestic malt beverage (beer)	11	26
Old King domestic malt beverage (beer)	11	26
Progress domestic malt beverage (beer)	11	26
Meisters—Export domestic malt beverage (beer)	11	26
Star domestic malt beverage (beer)	11	26
Stag domestic malt beverage (beer)	11	26
Storm Brau domestic malt beverage (beer)	11	26
Zeltners—Blackhawk domestic malt beverage (beer)	11	26
Zeltners—Pilsener domestic malt beverage (beer)	11	26

(2) *On draught.* Any or all brands of domestic malt beverages (beer or ale), sold on draught by any "eating or drinking place" to which this order applies, may be sold at a price not in excess of 1¢ for each fluid ounce, exclusive of form: *Provided, however,* That "Michelob" brand beer may be sold for 10¢ per eight (8) fluid ounces, exclusive of foam.

(3) *Non-labeled bottles.* Any domestic malt beverage item (beer or ale) offered for sale or sold in bottles by any "eating or drinking place" subject to this order, which does not have the manufacturer's label affixed thereto, or the trade name or brand stamped, printed, or engraved or appearing in raised letters on the cap or bottle as proper identification, shall not be offered for sale or sold at a price higher than the lowest maximum price fixed herein for the size of bottle of domestic malt beverage (beer or ale) offered for sale or sold.

SEC. 10. *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

SEC. 11. *Other brands of domestic malt beverages.* Any person subject to this order desiring to sell any other trade name or brand of domestic malt beverage not specifically priced by section 9 herein, shall, before offering such domestic malt beverage for sale, apply to and receive from the Oklahoma City District Office of the Office of Price Administration a maximum price for such beverage.

Such application need not be in any particular form, but must contain the following information: Name and address of applicant; location and type of "eating or drinking place"; trade name or brand of domestic malt beverage, size of bottle, and cost per case, delivered. The Oklahoma City District Office of the Office of Price Administration shall then fix the maximum price for such trade name or brand of domestic malt beverage, and shall notify such applicant accordingly. The price so fixed shall be the maximum price for which such trade name or brand of domestic malt beverage may be sold by such applicant.

SEC. 12. *Taxes.* The dollars and cents maximum prices for the beverage items listed in section 9 hereof, include municipal, state, and federal taxes in effect as of the effective date of this order.

SEC. 13. *Evasion.* The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of any beverage item, alone or in connection with any other commodity or by way of commission, service, transportation, or any charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means, manner, method, device, scheme, or artifice, or otherwise.

SEC. 14. *Enforcement.* "Persons" violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Petition for amendment.* Any person seeking an amendment of any provision of this order, may file a petition for amendment, in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

SEC. 16. *Effective date.* This order becomes effective at 12:01 a. m., central war time, July 21, 1943.

SEC. 17. *Revocation.* This order may be amended, corrected, revised, or revoked at any time.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871 E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Oklahoma City, Oklahoma, this 15th day of July 1943.

REX A. HAYES,
District Director.

[F. R. Doc. 43-11912; Filed, July 24, 1943; 2:58 p. m.]

[Region VII Order G-11 Under 18 (c)]

FLUID MILK IN LORDSBURG AREA, NEW MEXICO

Order No. G-11 issued under § 1499.18 (c), as amended of the General Maximum Price Regulation; order modifying wholesale and retail prices of fluid milk in the Lordsburg Area of New Mexico. (Formerly Order No. 11); File No. VII-18 (c)-38.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(1) The maximum prices of fluid milk sold and delivered wholesale and retail in glass bottles or paper containers in the Lordsburg area of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Kind of container	Wholesale	Retail
			Cents	*Cents*
½ pints	Approved	Glass or paper	4	8
Pints	Approved	Glass or paper	7	14
Quarts	Approved	Glass or paper	12	25
½ gallons	Approved	Glass or paper	22	48
Gallons	Approved	Glass or paper	42	

(2) *Definitions.* For the purpose of this order:

(a) "Milk" means cow's milk produced, processed or raw, or approved grade, distributed and sold in glass bottles or paper containers for consumption in fluid form as whole milk.

(b) "Lordsburg, New Mexico, area" means all of that area within the corporate boundaries of the municipality of Lordsburg and a distance of three miles beyond at all points.

(3) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(4) From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(5) Any person making a first sale of milk to any customer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G-11 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M., January 30, 1943, the maximum prices of milk in this area of the State of New Mexico have been modified to permit sales at (here state each container size sold and the permitted maximum wholesale and retail price for the same.)

(6) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall, on or before the 20th day of February, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distribu-

tors who do not produce all of their supply of fluid milk, but purchase from another source some part or portion of the milk which they sell. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(7) This order may be revoked, modified, or amended by the Price Administrator or the Regional Administrator at any time.

(8) This order becomes effective at 12:01 a. m. on January 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

CLEM W. COLLINS,
Regional Administrator.

JANUARY 30, 1943

[F. R. Doc. 43-11916; Filed, July 24, 1943; 2:50 p. m.]

[Region VII Order G-11 Under 18 (c), Amdt. 1]

FLUID MILK IN THE LORDSBURG AREA, NEW MEXICO

Amendment No. 1 to Order No. G-11 (formerly General Order No. 11) under § 1499.18 (c), as amended, of the General Maximum Price Regulation; adjustment of maximum wholesale and retail prices of fluid milk in the Lordsburg Area of New Mexico.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

1. That paragraph (1) of Order No. G-11 issued under § 1499.18 (c), as amended, of the General Maximum Price Regulation on January 30, 1943, and effective as of 12:01 a. m. on January 30, 1943, be, and the same hereby is, amended to read as follows:

(1) The maximum prices of fluid milk sold and delivered at wholesale in glass bottles or paper containers, and sold and delivered at retail in glass bottles or paper containers, or in bulk, in the Lordsburg area of the State of New Mexico, shall be from and after the effective date of this Amendment, as follows:

Container size	Wholesale in glass bottles or paper containers	Retail in glass bottles or paper containers or in bulk	Grade
	Cents	*Cents*	
Half pints	4		Approved.
Pints	7	8	Approved.
Quarts	13	15	Approved.
Half gallons	22	25	Approved.
Gallons	42	48	Approved.

This amendment shall become effective at 12:01 a. m. March 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of March 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-11917; Filed, July 24, 1943; 2:50 p. m.]

[Region VII 2d Rev. Order G-12 Under 18 (c)]

FLUID MILK IN MONTANA

Second Revised Order No. G-12, under § 1499.18 (c) of the General Maximum Price Regulation; Modifying wholesale and retail prices for fluid milk in the State of Montana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Revised Order No. G-12 revoked and superseded.* Revised Order No. G-12 issued under § 1499.18 (c) of the General Maximum Price Regulation on March 29, 1943, shall be, and the same hereby is, revoked and superseded as of the effective date of this second revised Order No. G-12, but without prejudice in any manner whatsoever to the prosecution of, or the imposition of sanctions against any person who may have violated said Revised Order No. G-12 prior to its revocation.

(b) *State of Montana divided into three districts.* For the purpose of the second revised general order, the State of Montana is hereby divided into three districts to be known as District No. 1, District No. 2, and District No. 3, as hereinafter defined.

(c) *Maximum prices for fluid milk at wholesale and retail in District No. 1 of the State of Montana.* The maximum prices for fluid milk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 1 of the State of Montana, shall be, from and after the effective date of this second revised general order, as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles, paper containers or in bulk
	Cents	*Cents*
Half pints	4	6
Pints	6	8
Quarts	12	14
	In container other than glass or paper (cents)	
In bulk: Gallon	44	

(1) Except as to fluid milk sold in bulk, the prices hereinabove specified for District No. 1 may be increased ½¢ per quart for every ½% or major fraction thereof of butterfat content in excess of 4%.

(2) "District No. 1 of the State of Montana" means the municipalities of Seeley Lake, Anaconda, Butte, Helena, East Helena, Great Falls and Miles City, and an additional area surrounding each of said municipalities and extending a distance of five miles from their respective municipal boundaries at all points.

(3) "District No. 2 of the State of Montana" means all of the counties of Silver Bow, Sheridan, Deer Lodge, Lewis and Clark, Cascade, Prairie, Valley, Custer, Musselshell, Fergus, Beaverhead, Lincoln, Flathead, Hill, Glacier, Toole and Pondera, and the municipalities of

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles, paper containers or in bulk
	Cents	*Cents*
Half pints	3½	6
Pints	5	7
Quarts	10	12
	In container other than glass or paper (cents)	
In bulk: Gallon	36	

(1) Except as to fluid milk sold in bulk, the prices hereinabove specified for District No. 2 may be increased ½¢ per quart for every ½% or major fraction thereof of butterfat content in excess of 4%.

(e) *Maximum prices for fluid milk at wholesale and retail in District No. 3 of the State of Montana.* The maximum prices for fluid milk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 3 of the State of Montana, shall be, from and after the effective date of this second revised general order, as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles, paper containers or in bulk
	Cents	*Cents*
Half pints	4	6
Pints	6	8
Quarts	11	14
	In container other than glass or paper (cents)	
In bulk: Gallon	40	

(1) Except as to fluid milk sold in bulk, the prices hereinabove specified for District No. 3 may be increased ½¢ per quart for every ½% or major fraction thereof of butterfat content in excess of 4%.

(f) *Definitions.* For the purpose of this second revised general order:

(1) "Milk" means cow's milk produced, processed or raw, distributed and sold at wholesale in glass bottles or paper containers in quantities less than one gallon, and in bulk in quantities of one gallon or more, and sold at retail in glass bottles or paper containers or in bulk, for human consumption as whole milk and containing not less than 3.25% butterfat content and being of approved grade.

(2) "District No. 1 of the State of Montana" means the municipalities of Seeley Lake, Anaconda, Butte, Helena, East Helena, Great Falls and Miles City, and an additional area surrounding each of said municipalities and extending a distance of five miles from their respective municipal boundaries at all points.

(3) "District No. 2 of the State of Montana" means all of the counties of Silver Bow, Sheridan, Deer Lodge, Lewis and Clark, Cascade, Prairie, Valley, Custer, Musselshell, Fergus, Beaverhead, Lincoln, Flathead, Hill, Glacier, Toole and Pondera, and the municipalities of Hardin and Billings, including an area surrounding the municipality of Hardin and extending beyond its municipal boundaries a distance of ten miles at all points, and an area surrounding the municipality of Billings and extending beyond its municipal boundaries a distance of twelve miles at all points except any part or portion of any one or more of the municipal areas included in District No. 1 as described in paragraph (2).

(4) "District No. 3 of the State of Montana" means all of the counties of Teton, Sanders, Lake, Mineral, Powell, Granite, Ravilli, Madison, Jefferson, Meagher, Broadwater, Judith Basin, Wheatland, Golden Valley, Petroleum, Garfield, McCone, Richland, Dawson, Wibaux, Fallon, Carter, Power River, Missoula, Liberty, Chouteau, Blaine, Phillips, Daniels, Roosevelt, Rosebud, Treasure, Big Horn, Yellowstone, Stillwater, Carbon, Sweetgrass, Park and Gallatin, except any part or portion of any one or more of the municipal areas contained in District No. 1 or District No. 2 as hereinabove described in paragraphs (2) and (3).

(5) "Producer" means a farmer or other person or representative who owns, superintends, manages or otherwise controls the operation of a farm on which milk is produced.

(6) "Purchaser" means any person who buys "milk" from a producer for resale.

(7) Insofar as the same are not contradictory of or inconsistent with any of the terms and provisions of this Second Revised Order No. G-12, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation shall apply to and are hereby deemed to be a part of this Second Revised Order No. G-12 to the same extent as if re-written herein.

(g) *Higher established maximum prices may be maintained.* Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or under Maximum Price Regulation No. 280, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(h) *Customary discounts, allowances and differentials need not be maintained.* From and after the effective date of this second revised general order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this revised general order if he so desires.

(i) *Notice to be given purchaser upon first sale at higher price.* Any person making a first sale of milk in quart containers at retail to any customer at the higher price established for quarts at retail by this Second Revised Order No. G-12, shall at the time of delivery furnish the buyer with either a printed or written slip containing the following information:

By Second Revised Order No. G-12 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. May 12, 1943, the maximum price of milk sold in quarts at retail in this area of the State of Montana has been modified to permit sales of __¢ per quart.

(j) *Report required by certain sellers.* Sellers and distributors of fluid milk, other than retail stores, who have heretofore adjusted any price upward upon the authority of original Regional Order No. 12, or Revised Order No. G-12, or this Second Revised Order No. G-12, shall on or before the 20th day of June, A. D. 1943, report to the State Office of the Office of Price Administration at Helena, Montana, the quantity of milk handled during the period of June 1 to June 15, 1943, both inclusive, and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of milk but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of the Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(k) *Inter-distributor sales and purchases from producers are exempt.* This Second Revised Order No. G-12 does not apply to or in any manner affect sales of fluid milk made by one distributor or wholesaler, or to a purchase made from a producer under Maximum Price Regulation No. 329.

(l) *Right to amend or revoke.* This second revised general order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(m) *Effective date.* This second revised general order becomes effective at 12:01 a. m. on May 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of May 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-11918; Filed, July 24, 1943; 2:49 p. m.]

[Region VII 2d Rev. Order G-12 Under 18 (c), Amdt. 1]

FLUID MILK IN MONTANA

Second Revised Order No. G-12 under § 1499.18 (c) of the General Maximum Price Regulation Amendment No. 1; Wholesale and retail prices for fluid milk in the State of Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered,* That the above described order be amended in the following respect:

1. Paragraph (c) *Maximum prices for fluid milk at wholesale and retail in District No. 1 of the State of Montana* is amended by changing the wholesale price for pints from 6¢ to 7¢.

2. All other provisions of said Second Revised Order No. G-12 remain unchanged and in full force and effect as issued on May 5, 1943.

3. *Right to revoke or amend.* This amendment may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(4) *Effective date.* This amendment shall become effective at 12:01 a. m. June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 9328, 7 F.R. 7871, 8 F.R. 4681)

Issued this 12th day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-11919; Filed, July 24, 1943; 2:48 p. m.]

[Region VII Rev. Order G-13 Under 18 (c)]

FIREWOOD IN CERTAIN MONTANA AREAS

Revised Order No. G-13 under § 1499.18 (c) of the General Maximum Price Regulation (formerly General Order No. 13); adjustment of wholesale and retail prices for firewood in certain localities in the State of Montana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) General Order No. 13 issued herein on February 1, 1943, is hereby revoked and superseded as of the effective date of this Revised Order No. G-13.

(b) *Maximum prices for firewood sold at wholesale and retail in specified localities.* The maximum prices of firewood sold and delivered at wholesale and retail in Lincoln, Flathead, Sanders, Lake, Mineral, Lewis and Clark counties shall be, from and after the effective date of this order, and during the times specified, as follows:

	Wholesale	Retail
(1) Firewood, cut from any kind of timber, cut in lengths of not less than 4 feet and delivered to buyer, per cord	$6.00	$8.00
(2) Firewood, in lengths of 10", 12", 14", or 16", any kind of timber, delivered to buyer, per cord	7.50	9.50
(3) Firewood, any kind of timber, in 12" lengths, delivered to buyer, per rick		2.50
(4) Firewood, any kind of timber, in 16" lengths, delivered to buyer, per rick		3.25
(5) 16" Slabwood, any kind of timber, delivered to buyer, per cord	5.25	6.50

(6) *Provided, however,* That:

(i) Beginning with 12:01 o'clock a. m. on February 18, 1943, and ending with 12:00 o'clock midnight on April 30, 1943, the maximum prices hereinabove specified shall be

increased $1.00 per cord and 25¢ per rick in Lincoln County, and

(ii) Beginning with 12:01 o'clock a. m. on February 18, 1943 and ending with 12:00 o'clock midnight on April 30, 1943, the maximum prices hereinabove specified shall be increased $3.50 per cord wholesale and $4.00 per cord retail in Lewis and Clark county, and

(iii) Beginning with 12:01 a. m. on February 18, 1943 and ending with 12:00 o'clock midnight on April 30, 1943, the maximum prices hereinabove specified shall be increased $1.00 per cord and 25¢ per rick in Flathead County.

(c) Any seller who has a price established under the General Maximum Price Regulation that is higher than the applicable prices hereinabove specified may continue to sell at such present maximum prices and the same shall not be modified or changed by this order.

(d) *Definitions.* (1) "Lincoln, Flathead, Sanders, Lake, Mineral, Lewis and Clark counties" mean the areas lying within the respective geographical boundaries of those several counties of the State of Montana.

(2) "Cord" means that quantity of firewood contained within the height of 4 feet, a width of 4 feet, and a length of 8 feet, when placed in an orderly manner.

(3) "Rick" means that quantity of firewood contained within a height of 4 feet and a width equal to the specified length of the wood when less than 4 feet and a length of 8 feet when placed together in an orderly manner.

(e) Beginning with 12:01 o'clock a. m. on May 1, 1943, paragraphs (6) (i) (ii) (iii) hereof shall terminate and be of no further force and effect, and from and after that time the maximum prices for firewood in Lincoln, Flathead, Lewis and Clark counties shall be the prices specified in paragraph (b) (1), (2), (3), (4) and (5).

(f) This order may be revoked, amended or corrected at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This order shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of February 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-11920; Filed, July 24, 1943; 2:47 p. m.]

[Region VII Order G-14 Under 18 (c)]

FLUID MILK IN THE DONA ANA AREA, NEW MEXICO

Order No. G-14 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; wholesale and retail prices for fluid milk in the Dona Ana area of the State of New Mexico (formerly Order No. 14).

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.18 (c), as amended, of the General Maximum Price Regulation, and in accordance with, *It is hereby ordered:*

(1) The maximum prices of fluid milk sold and delivered at wholesale and retail in the Dona Ana area of the State of New Mexico, shall be from and after the effective date of this order, as follows:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
				Cents	*Cents*
½ pint	Approved	Not less than 3.25 percent	Glass or paper	3½	5
Pint	Approved	Not less than 3.25 percent	Glass or paper	6¾	10
Quart	Approved	Not less than 3.25 percent	Glass or paper	13	15
½ gallon	Approved	Not less than 3.25 percent	Glass or paper	25	29
Gallon	Approved	Not less than 3.25 percent	Glass or paper	48	59

(2) The maximum prices established by this order shall not apply to sales made to the armed forces or any purchasing agency thereof, and as to all such sales to the armed forces the present maximum prices as now established for the area covered by this order shall remain in full force and effect without change or modification.

(a) *Definitions.* For the purpose of this order:

"Milk" means cow's milk produced, processed or raw, distributed or sold in glass bottles or paper containers for consumption in fluid form as whole milk and containing not less than 3.25% butterfat.

(b) "Dona Ana, New Mexico, area" means all the area lying within the geographical boundaries of Dona Ana County of the State of New Mexico, except the community of Hatch, which shall include all of the municipality of Hatch and a distance of five miles beyond the corporate boundaries of said municipality at all points.

(4) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation, or any applicable price regulation supplementary thereto or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as Amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(5) From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desired.

(6) Any person making a first sale of milk to any customer at these established maximum prices shall at the time of delivery furnish the buyer with a printed or written slip containing the following information:

By Order No. G-14 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. on February 6, 1943, the maximum prices of milk in this area of the State of New Mexico have been modified to permit sales at (here state each container size sold and the wholesale and retail price for the same).

(7) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall, on or before the 20th day of March, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(8) This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(9) This order becomes effective at 12:01 on February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of February 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-11921; Filed, July 24, 1943; 2:46 p. m.]

[Region VII Order G-15 Under 18 (c)]

FLUID MILK IN QUAY COUNTY AREA, NEW MEXICO

Order No. G-15 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; order modifying maximum wholesale and retail prices for fluid milk in the Quay County Area of the State of New Mexico (formerly Order No. 15).

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and in accordance with Revised Procedural Regulation No. 1, *It is hereby ordered:*

(1) Amendment No. 1 to Order No. 9 (redesignated as Order No. G-9) issued under § 1499.18 (c), as amended, of the General Maximum Price Regulation on January 21, 1943, is hereby revoked and superseded as to Quay County, New Mexico, it being the intention to hereby withdraw said Quay County, New Mexico, from the area included within said Amendment No. 1 and cover said Quay County, New Mexico, area by this order from and after the effective date hereof.

(2) *Maximum prices for fluid milk sold at wholesale and retail in a certain area of the State of New Mexico.* The maximum prices for fluid milk sold or delivered at wholesale and retail in the locality set forth below shall be from and after the effective date of this order as follows:

(a) In Quay County, New Mexico:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
MILK				*Cents*	*Cents*
¼ pint	Approved	3.25 percent	Glass or paper	3½	
Pint	Approved	3.25 percent	Glass or paper	6½	
Quart	Approved	3.25 percent	Glass or paper	12½	14
BUTTERMILK					
Quart	Churned		Any	9	10
Gallon	Churned		Any		34
SKIMMED MILK					
Gallon	Approved	Less than 3.25 percent	Any	18	

(3) *Limitation.* The maximum prices established by this order shall not be available to or used by any seller who distributes milk which he has purchased from the producer otherwise than upon a butterfat basis, or which he has purchased on a butterfat basis at a price less than 95¢ per pound of butterfat content, and any such seller who distributes milk which he has purchased from the producer on a butterfat basis at a price of not less than 95¢ per pound of butterfat content shall within ten days after he first avails himself of the maximum prices fixed by this order file with the New Mexico State Office of Price Administration at Albuquerque, New Mexico, a written statement giving the names and addresses of the milk producers from whom he is purchasing and certifying over his signature that he is paying for such milk not less than 95¢ per pound of butterfat content. This provision shall not apply to or in any manner affect sellers who produce all of the milk they sell, or to wholesale or retail sellers who purchase no part of their supply of milk from a producer.

(4) *Definitions.* For the purpose of this order:

(a) "Milk" means cow's milk produced, processed or raw, distributed and sold in glass bottles or paper containers for consumption in fluid form as whole milk and containing not less than 3.25% butterfat, provided, however, it is of approved grade.

(b) "Quay County, New Mexico, area" means all of the area lying within the geographical boundaries of Quay County, New Mexico.

(c) "Buttermilk" means churned buttermilk, the natural by-product from the ordinary churning of butter.

(d) "Skimmed milk" means sweet milk having a butterfat content of less than 3.25%.

(5) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as Amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(6) From and after the effective date of this order it shall not be obligatory upon any seller or fluid milk to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him, *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(7) Any person making a first sale of milk to any customer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G-15 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. February 8, 1943, the maximum prices of milk in the area of Quay County, New Mexico, have been modified to permit sales at (here state each container size sold and the permitted maximum wholesale and retail price for the same.)

(8) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of the order shall on or before the 20th day of March, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(9) This order may be revoked, modified or amended by the Price Administrator at any time.

(10) This order becomes effective at 12:01 a. m. on February 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of February 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-11922; Filed, July 24, 1943; 2:44 p. m.]

[Region VII 2d Rev. Order G-16 Under 18 (c)]

LUMBER IN COLORADO, WYOMING, UTAH AND NEW MEXICO

Second Revised Order No. G-16 issued under § 1499.18 (c) of the General Maximum Price Regulation; Order modifying maximum prices for mixed species, log run, Western pine and associated species of lumber, f. o. b. distribution yard, in Colorado, Wyoming, Utah and New Mexico; Docket No. VII-18 (c)-50.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum price for mixed species, log run, Western pine and associated species of lumber f. o. b. distribution yard, in Colorado, Wyoming, Utah and New Mexico.* The maximum price at which a distribution yard sale of Western pine and associated species of lumber subject to this second revised Order No. G-16 may be made, shall be a price not higher than the sum of the following where the shipment or transaction originates at such distribution yard:

(1) F. o. b. mill maximum price of such lumber established as follows:

(i) For green rough mixed species (not separated as to species), log run (not separated as to grade), produced in the States of Colorado, Wyoming, Utah and New Mexico, an f. o. b. mill price per thousand feet board measure, in any size load or shipment	$28.50
(ii) For surfaced stock, S2S or S4S, add	3.00
(iii) For dry, add	2.00
(iv) For specified lengths, add	1.00

(2) Transportation charges from mill to distribution yard computed as follows:

(i) For distances up to and including 10 miles, $1.50 per M'.

(ii) For distances over 10 miles and up to and including 20 miles, $2.00 per M'.

(iii) For distances over 20 miles and up to and including 30 miles, $2.50 per M'.

(iv) For distances over 30 miles, an addition of 5¢ per mile per thousand feet may be added to the $2.50 per M' charge permitted for first 30 miles. Distance as used in this paragraph (2) means the distance from the mill to the point of destination, as measured by the speedometer. No addition may be made for the return trip. And when a truck haul precedes rail shipment as when a mill located away from a rail head hauls lumber by truck to the rail head, no addition may be made for the truck haul.

(v) If transportation from mill to distribution yard is by means of common or contract carrier, the transportation al-

lowance shall not exceed the published tariff rate as filed with the Interstate Commerce Commission or a state regulatory commission or bureau.

(3) A flat mark-up of $5.00 per thousand board feet measure.

(4) 10% of the total of the applicable items set forth in paragraphs (1), (2), and (3) above, except that in the case of sales to other distribution yards, not more than 5% may be added. The maximum prices set forth above shall include loading by and at the expense of the seller on railroad car, truck, or other means of transportation.

(b) *Permitted additions.* When the working and conditioning specified in sub-paragraphs (ii) (iii) and (iv) of paragraph (a) (1) are not performed by the mill, the specified allowance for each such working or conditioning that is performed by a distribution yard shall be included in and made a part of the maximum price for such distribution yard.

(c) *Transportation allowance for delivered sales.* If a distribution yard, at the request of the buyer, makes delivery at a place other than the distribution yard, the seller may, in addition to his maximum price f. o. b. distribution yard, collect from the buyer the actual transportation cost to the extent that such costs are paid by the seller if a carrier other than the seller's own transportation facilities are used; or actual cost of delivery if the seller's transportation facilities are used: *Provided*, That all transportation charges so made on delivered sales shall be separately set forth on the invoice, bill of sale or other memorandum of the transaction. In computing such transportation cost, the parties may adopt a practice of charging a sum equivalent to the one-quarter of a dollar per thousand board feet nearest such actual transportation cost.

(d) *No commission shall be paid or allowed.* No person shall pay and no person shall charge or receive a commission for purchasing mixed species, log run, western pine and associated species of lumber out of a distribution yard stock if such person and sale are subject to this Second Revised Order No. G–16, and the amount of the commission, plus the purchaser's price is higher than the maximum price permitted by this regulation.

(e) *Definitions*—(1) *How to tell a mill from a distribution yard; general tests.* The term "mill", as used herein covers what are known in the trade as saw mills, planing mills and concentration yards. Three types of establishments are described below:

The first, (i), a typical saw mill or planing mill; the second, (ii), a typical concentration yard; and the third, (iii), a typical distribution yard. An establishment which resembles (i) or (ii) more than it does (iii) is considered a mill; and one which resembles (iii) more than it does (i) or (ii) is considered a distribution yard:

(i) An establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly mixed species, log run, western pine and associated species of lumber:

(ii) An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock mostly mixed species, log run, western pine and associated species of lumber, which has its lumber brought in chiefly in rough green form by truck from small local saw mills and sells chiefly for rail shipment, and which has been located at its particular site to be near the lumber producing area:

(iii) A wholesale or retail lumber yard, which gets lumber from mills or other yards; unloads, sorts, stores, and resells or redistributes it; which regularly maintains a fair stock of lumber from different regions; which gets its lumber mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(2) "Dried lumber" means lumber which, after being sawed, is piled or stacked so that the air will freely circulate through the pile or stack, and by the ordinary process of evaporation or by processing in a kiln has reached the condition where the moisture contact is 19% or less.

(3) "Rough lumber" means lumber as it comes from the saw.

(4) "Surfaced stock", commonly designated S2S or S4S, means lumber that has been surfaced on two or four sides respectively.

(f) *Former discounts, allowances and differentials need not be maintained.* From and after the effective date of this order it shall not be obligatory upon any distribution yard seller of mixed species, log run, western pine and associated species of lumber in the states named herein to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however*, That any such distribution yard seller may sell at a price lower than the prices established by this Second Revised Order No. G–16 if he so desires.

(g) *Right to revoke or amend.* This order may be revoked, amended or revised at any time by the Price Administrator or the Regional Administrator.

(h) *Effective date.* This Second Revised Order No. G–16 shall become effective on June 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–11923; Filed, July 24, 1943; 2:55 p. m.]

[Region VII Order G-17 Under 18 (c)]

FLUID MILK IN GRANT AND LUNA COUNTIES, NEW MEXICO

Order No. G–17 under § 1499.18 (c) as amended, of the General Maximum Price Regulation; Adjustment of fluid milk prices for Grant and Luna Counties of the State of New Mexico (formerly General Order No. 17).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices for fluid milk at wholesale and retail in Grant County of the State of New Mexico.* The maximum prices for fluid milk sold or delivered in glass bottles or paper containers at wholesale or retail in Grant County of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
				Cents	*Cents*
Gallon	Approved	3.25 percent or more	Glass or paper	55	60
Half gallon	Approved	3.25 percent or more	Glass or paper	28	32
Quart	Approved	3.25 percent or more	Glass or paper	15	17
Pint	Approved	3.25 percent or more	Glass or paper	8	10
Half pint	Approved	3.25 percent or more	Glass or paper	4½	7

(b) *Maximum prices for fluid milk sold at wholesale and retail in Luna County in the State of New Mexico.* The maximum prices for fluid milk sold or delivered at wholesale and retail in Luna County of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
				Cents	*Cents*
Gallon	Approved	3.25 percent or more	Glass or paper	53	58
Half gallon	Approved	3.25 percent or more	Glass or paper	26	30
Quart	Approved	3.25 percent or more	Glass or paper	14	15
Pint	Approved	3.25 percent or more	Glass or paper	5	10
Half pint	Approved	3.25 percent or more	Glass or paper	4	7

(c) *Definitions.* For the purpose of this order:

(1) "Milk" means cow's milk produced, processed or raw distributed and sold in glass bottles or paper container for consumption in fluid form as whole milk and containing not less than 3.25% butterfat and of approved grade.

(d) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable prices regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as Amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this Order.

(e) From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him: *Provided, however*, That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(f) Any person making a first sale of milk at retail to any customer in Grant County, New Mexico, at the established maximum prices specified in paragraph (a) hereof shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G–17, under § 1499.18 (c) of the General Maximum Price Regulation, issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. February 15, 1943, the maximum retail prices of milk in Grant County, New Mexico, have been modified to permit sales at (here state each container size sold and the permitted maximum retail price for the same).

(g) Any person making a first sale of milk at retail to any customer in Luna County, New Mexico, at the established maximum prices specified in paragraph (b) hereof shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G–17, under § 1499.18 (c) of the General Maximum Price Regulation, issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. February 15, 1943, the maximum retail prices of milk in Luna County, New Mexico, have been modified to permit sales at (here state each container size sold and the permitted maximum retail price for the same).

(h) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall on or before the 20th day of March, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(i) This order may be revoked, amended, modified or corrected at any time.

(j) Unless the context otherwise requires, the definition set forth in § 1499.20 of the General Maximum Price Regulations shall apply to the terms used herein.

This order shall become effective at 12:01 a. m. on February 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of February 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–11924; Filed, July 24, 1943; 2:54 p. m.]

[Region VII Order G–18 Under 18 (c)]

FLUID MILK IN TORRANCE COUNTY, NEW MEXICO

Order No. G–18 under § 1499.18 (c), as amended of the General Maximum Price Regulation; adjustment of fluid milk prices for Torrance County, State of New Mexico (formerly General Order 18).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices for fluid milk at wholesale and retail in Torrance County of the State of New Mexico.* The maximum prices for fluid milk sold or delivered in glass bottles or paper containers at wholesale or retail in Torrance County of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
				Cents	*Cents*
Gallon	Approved	3.25 percent or more	Glass or paper	40	48
Half gallon	Approved	3.25 percent or more	Glass or paper	21	25
Quart	Approved	3.25 percent or more	Glass or paper	11	13
Pint	Approved	3.25 percent or more	Glass or paper	6	8
Half pint	Approved	3.25 percent or more	Glass or paper	3½	5

(b) *Definitions.* For the purpose of this order:

(1) "Milk" means cow's milk produced, processed or raw distributed and sold in glass bottles or paper containers for consumption in fluid form as whole milk and containing not less than 3.25% butterfat and of approved grade.

(2) "Torrance County, New Mexico" means all of the area lying within the geographical boundaries of Torrance County of the State of New Mexico.

(c) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(d) From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him: *Provided, however*, That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(e) Any person making a first sale of milk at retail to any customer in Torrance County, New Mexico, at the established maximum prices specified in paragraph (a) hereof shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G–18 under § 1499.18 (c) of the General Maximum Price Regulation, issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m., February 18, 1943, the maximum retail prices of milk in Torrance County, New Mexico, have been modified to permit sales at (here state each container size sold and the permitted maximum retail price for the same).

(f) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall on or before the 20th day of March, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(g) This order may be revoked, amended or corrected at any time.

(h) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This order shall become effective 12:01 a. m. on February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of February 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-11925; Filed, July 24, 1943; 2:53 a. m.]

[Region VII Order G-19 Under 18 (c)]

FLUID MILK IN SAN JUAN COUNTY, NEW MEXICO

Order No. G-19 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; Adjustment of fluid milk prices in the County of San Juan in the State of New Mexico (formerly General Order No. 19).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices for fluid milk at wholesale and retail in San Juan County in the State of New Mexico.* The maximum prices for fluid milk sold or delivered in glass bottles or paper containers at wholesale or retail in San Juan County of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Butterfat content	Kind of container	Wholesale	Retail
				Cents	*Cents*
Gallon	Approved	3.25 percent or more	Glass or paper	37	44
Half gallon	Approved	3.25 percent or more	Glass or paper	19	22
Quart	Approved	3.25 percent or more	Glass or paper	10	12
Pint	Approved	3.25 percent or more	Glass or paper	5	7
Half pint	Approved	3.25 percent or more	Glass or paper	3¼	5

(b) *Definitions.* For the purpose of this order:

(1) "Milk" means cow's milk produced, processed, or raw distributed and sold in glass bottles or paper containers for consumption in fluid form as whole milk and containing not less than 3.25% butterfat and of approved grade.

(2) "San Juan County, New Mexico" means all of the area lying within the geographical boundaries of San Juan County of the State of New Mexico.

(c) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as Amended, that are higher than the prices fixed by this order may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(d) From and after the effective date of this order it shall not be obligatory upon the seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount, or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(e) Any person making a first sale of milk at retail to any customer in San Juan County, New Mexico, at the established maximum prices specified in paragraph (a) hereof shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By General Order No. G-19, under § 1499.18 (c) of the General Maximum Price Regulation, issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. on February 19, 1943, the maximum retail prices of milk in San Juan County, New Mexico, have been modified to permit sales at (here state each container size sold and the permitted maximum retail price for the same).

(f) Sellers and distributors of fluid milk other than retail stores who adjust any price upward upon the authority of this order shall on or before the 20th day of March, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during each month and the price paid the producer therefor on a butterfat basis, either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(g) This order may be revoked, amended or corrected at any time.

(h) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This order shall become effective at 12:01 a. m. on February 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.: E.O. 9250, 7 F.R. 7871)

Issued this 18th day of February 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-11926; Filed, July 24, 1943; 2:52 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-651, 7-652, 7-655 to 7-664, 7-666 to 7-670]

LOS ANGELES STOCK EXCHANGE

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July, A. D. 1943.

In the matter of applications by the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to Seventeen (17) Stocks, File Nos. 7-651, 7-652, 7-655 to 7-664, 7-666 to 7-670.

The Los Angeles Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to twenty-three securities; and

After appropriate notice a hearing having been held in this matter at the Los Angeles Branch Office of the Commission; and

The Commission having filed its findings and opinion with respect to such applications on December 29, 1942; and

The Commission having therein reserved its decision with respect to the applications pertaining to seventeen of said securities, with leave to the applicant exchange to introduce additional evidence with respect to such applications; and

Additional evidence having been introduced at a subsequent hearing; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the applications of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to—

Boeing Airplane Company, $5 par common stock.
Borden Company, $15 par common stock.
Crown Zellerbach Corporation, $5 par common stock.
Great Northern Railway Company, $6 noncum. pfd. no par value.
Interlake Iron Corporation, common stock, no par value.
Phelps Dodge Corporation, $25 par capital stock.
Pullman Incorporated, capital stock, no par value.
Texas Gulf Sulphur Company, common stock, no par value.
Union Pacific Railroad Company, $100 par common stock.
Western Union Telegraph Company, $100 par common stock.

be and the same are hereby approved; and

It is further ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the applications of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to—

Deere and Company, common stock, no par value.
Electric Auto-Lite Company, $5 par common stock.
Newport News Shipbuilding and Drydock Company, $1 par common stock.
Phillips Petroleum Company, capital stock, no par value.
Southern Railway Company, $100 par 5% non-cum. preferred.
White Motor Company, $1 par common stock.
Wilson and Company, Inc., common stock, no par value.

be and the same are hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11877; Filed, July 24, 1943; 9:40 a. m.]

[File No. 1-1797]

ALADDIN GOLD MINING CO., LTD.

ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of July, A. D. 1943.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the common stock, 10¢ par value, of Aladdin Gold Mining Company, Ltd., listed and registered on the San Francisco Mining Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the San Francisco Mining Exchange; the trial examiner having filed an advisory report, finding that registrant had failed to comply with section 13 of the act and the rules and regulations promulgated thereunder in that it did not file its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, Pursuant to section 19 (a) (2) of the said act, that the registration of the stock in question be, and the same hereby is, withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11875; Filed, July 24, 1943; 9:40 a. m.]

[File No. 1-2234]

REORGANIZED BROKEN HILLS SILVER CORP.

FINDINGS AND ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of July, A. D. 1943.

In the matter of Reorganized Broken Hills Silver Corporation non-assessable common stock, 10¢ par value.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the non-assessable common stock, 10¢ par value, of Reorganized Broken Hills Silver Corporation, listed and registered on the San Francisco Mining Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant, the trustee in bankruptcy of the registrant, and the San Francisco Mining Exchange; the registrant having stipulated in writing as to the essential facts; the trial examiner having filed an advisory report, finding that registrant had failed to comply with section 13 of the Act and the rules and regulations promulgated thereunder in that it did not file its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence and stipulation of facts, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, Pursuant to section 19 (a) (2) of the said Act, that the registration of the stock in question be, and the same hereby is, withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11876; Filed, July 24, 1943; 9:40 a. m.]

[File No. 70-21]

INTERNATIONAL UTILITIES CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 22d day of July, A. D. 1943.

The Commission has heretofore entered a series of orders in the above entitled proceeding upon application of International Utilities Corporation, by which orders International has been authorized to purchase certain amounts of the Collateral Trust Bonds 6½% Series of its subsidiary, Dominion Gas and Electric Company, subject to certain conditions, including, among others, the condition that such purchases be effected on or before December 31, 1942. In a further order, dated April 23, 1943, the Commission granted a further amendment to said application which requested an extension of time to December 31, 1943, within which to purchase $276,500 principal amount of said Collateral Trust Bonds previously authorized and which also sought authorization for the purchase within such time of an additional $500,000 principal amount of said bonds.

By amendment, dated June 28, 1943, International Utilities Corporation proposes a change in the methods of acquiring the said bonds which it has been previously authorized to purchase by the said order of the Commission, dated April 23, 1943, and proposes to request from public holders thereof the tender of the said bonds to International at their call price, 101% of principal amount, and accrued interest thereon to date of delivery. International offers to purchase the said bonds up to but not exceeding $600,000 principal amount thereof; the said offer is to expire on December 15, 1943 or on the date when Dominion Gas and Electric Company calls the said bonds for redemption, whichever is earlier.

Said amendment having been filed on June 28, 1943 and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said act, and the Commission not having received a request for a hearing with respect to said amendment within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application as amended;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the said application as amended be and the same is hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11878; Filed, July 24, 1943; 9:41 a. m.]

[File No. 70-739]

RIO GRANDE VALLEY GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 22d day of July, A. D. 1943.

Rio Grande Valley Gas Company, a public utility subsidiary of two registered holding companies, Hope Engineering Company, and O. P. Wilson, W. H. Meub, and S. Cottingham, Voting Trustees under the Rio Grande Valley Gas Company Common Stock Voting Trust Agreement, having filed declaration and amendments thereto pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935, with respect to the issuance and sale of $87,000 principal amount of First Mortgage Bonds, Series B, 4%, due 1961, at par for cash to The Northwestern Mutual Life Insurance Company; said Series B Bonds to be issued against bondable property additions as provided in the Indenture securing the company's First Mortgage Bonds, Series A, 4%, due

1961, under which $2,757,000 principal amount are outstanding in the hands of The Northwestern Mutual Life Insurance Company, and the proceeds from such sale to be utilized to defray, in part, certain expenditures made for new construction;

Said declaration having been filed on June 12, 1943 and notice of said filing having been duly given in the form and manner prescribed by Rule U–23 promulgated pursuant to said Act, and the last amendment thereto having been filed on June 28, 1943, and the Commission not having received a request for a hearing with respect to said declaration within the period specified by said notice or otherwise and not having ordered a hearing thereon; and

Said declarant having requested that the effective date of said declaration be advanced; and

The Commission finding that the requirements of Section 7 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective forthwith,

It is hereby ordered, Pursuant to Rule U–23 that the said declaration be and it hereby is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U–24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11870; Filed, July 24, 1943; 9:40 a. m.]

[File No. 70–742]

INTERSTATE POWER CO. AND EASTERN IOWA ELECTRIC CO.

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of July, A. D. 1943.

Interstate Power Company (Del.), a registered holding company, and its subsidiary, Eastern Iowa Electric Company, both of which are subsidiary companies of Ogden Corporation, a registered holding company, having filed a declaration and application and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, regarding the proposed purchase by Interstate Power Company (Del.), from some nine individuals of 60 shares of common stock of Eastern Iowa Electric Company, constituting all of the outstanding securities of such company other than the 90 shares of common stock presently held by Interstate Power Company (Del.), for $94,320 or $1,572 per share; such acquisition to be followed by the transfer to Interstate Power Company (Del.) of all of the assets and liabilities of Eastern Iowa Electric Company and the dissolution of the latter company; and

Said declaration and application having been filed on the 19th day of June, 1943 and amended on the 14th day of July 1943 and notice of said filing having been duly given in the form and manner prescribed by Rule U–23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application and declaration within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of sections 10, 12 (c), and 12 (f), and Rules U–42, U–43, and U–46 are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, as amended, and to permit said declaration, as amended, to become effective;

It is hereby ordered, Pursuant to Rule U–23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U–24 that the aforesaid application, as amended, be and hereby is granted forthwith and that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11880; Filed, July 24, 1943; 9:41 a. m.]

[File No. 70–744]

INTERSTATE POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of July, A. D., 1943.

Interstate Power Company (Del.), a registered holding company and a subsidiary of Ogden Corporation, also a registered holding company having filed a declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, relating to the proposed sale by Interstate Power Company (Del.), of all its investments and open account in its wholly-owned subsidiary, Interstate Power Company of North Dakota, to Otter Tail Power Company, a non-affiliated public utility company, for $125,000 cash; such investments and open account consisting of (a) $75,000 principal amount of First Mortgage 5% Bonds, due 1957, (b) 314 shares of capital stock, par value $100, and (c) an open account in the aggregate amount of $99,438.84 adjusted for additions to or repayments of at the date of closing; it appearing that Otter Tail Power Company proposes to merge Interstate Power Company of North Dakota into it; and

Said declaration having been filed on the 19th day of June, 1943, and amended on the 14th day of July, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U–23 under said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 12 (d) and Rule U–44 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U–23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U–24 that said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11881; Filed, July 24, 1943; 9:40 a. m.]

[File No. 812–328]

ASSOCIATED GENERAL UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July, A. D. 1943.

Associated General Utilities Company, a registered closed-end management investment company, having filed an application under section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 30 (d) of the Act and Rule N–30D–1 promulgated thereunder insofar as said section and rule require applicant to transmit semi-annual reports to stockholders;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on July 29, 1943, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–11882; Filed, July 24, 1943; 9:41 a. m.]

SELECTIVE SERVICE SYSTEM.

CITY OF NEW YORK

ESTABLISHMENT OF FIVE BOROUGHS AS ONE APPEAL BOARD AREA

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779; E.O. No. 8641, 6 F.R. 563; E.O. No. 9279, 7 F.R. 10177; and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512; and more particularly § 603.21, Selective Service Regulations, Second Edition, I hereby authorize the City Director for the city of New York to establish the five boroughs of the city of New York as one appeal board area.

LEWIS B. HERSHEY,
Director.

JULY 24, 1943.

[F. R. Doc. 43–11915; Filed, July 24, 1943; 4:11 p. m.]

WAR PRODUCTION BOARD.

[Certificate 99]

APPROVAL OF JOINT ACTION PLAN FOR COMMON CARRIERS OF PASSENGERS BY BUS

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning certain joint action plans formulated under General Order ODT 11 by common carriers engaged in intercity passenger service.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with any order issued by the Director of the Office of Defense Transportation pursuant to General Order ODT 11 requiring any of the joint actions specified in the recommendation is requisite to the prosecution of the war.

Dated: July 20, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–11934; Filed, July 26, 1943; 10:45 a. m.]

[Certificate 100]

APPROVAL OF JOINT ACTION PLAN FOR OSWEGO MILK COUNCIL, INC., OSWEGO, N. Y.

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by members of Oswego Milk Council, Inc., with respect to the transportation and delivery of milk and related articles by motor vehicle in the Oswego area of New York State.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: July 21, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–11935; Filed, July 26, 1943; 10:45 a. m.]

[Certificate 101]

APPROVAL OF CHICAGO AREA JOINT ACTION PLAN FOR AUSTGEN EXPRESS AND STORAGE CO. ET AL.

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 3, Revised–44, issued by the Director of the Office of Defense Transportation with respect to coordination of operations by thirty-three common carriers of property by motor vehicle in an area comprised of the City of Chicago, Illinois, a zone in Illinois extending sixty (60) air miles from the boundaries of Chicago, and Lake and Porter Counties, Indiana.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised–44, is requisite to the prosecution of the war.

Dated: July 22, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–11936; Filed, July 26, 1943; 10:45 a. m.]

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[1] *Supra.*

WAR SHIPPING ADMINISTRATION.

VESSEL "GEORGE G. HENRY"

NOTICE OF DETERMINATION OF WAR SHIPPING ADMINISTRATOR

Notice is given that pursuant to section 3 (b) of Public Law 17, 78th Congress, the following determination has been made:

Whereas on June 15, 1942, title to the vessel "George G. Henry," Official No. 228,049, (including all spare parts appertaining thereto, whether aboard or ashore) was requisitioned, pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Congress, 1st Session), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however*, That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner.

Whereas just compensation for the said vessel has not been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, its spare parts and appurtenances, is not required by the United States; and

Whereas by mutual agreement between the Administrator, War Shipping Administration, and Toney Schloss Properties Corporation, Toney Schloss Properties Corporation has consented to the determination by the Administrator that the use rather than the title of the said vessel, its spare parts and appurtenances, shall be deemed to have been requisitioned as of the date of the original taking thereof, namely, June 15, 1942;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above quoted provision of law, do determine that the ownership of said vessel, its spare parts and appurtenances, is not required by the United States, and that the requisition on June 15, 1942, of the above mentioned vessel, its spare parts and appurtenances, shall, from and after the date of publication hereof in the FEDERAL REGISTER, be deemed to have been, for all purposes, a requisition of the use rather than of the title of said vessel, its spare parts and appurtenances, as of the date of the original taking, namely, June 15, 1942.

Dated: July 24, 1943.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 43–11937; Filed, July 26, 1943; 10:53 a. m.]

Reference

JUL 29 '43

FEDERAL REGISTER

VOLUME 8 NUMBER 148

Washington, Wednesday, July 28, 1943

The President

EXECUTIVE ORDER 9364

PRESCRIBING THE STRENGTH OF THE WOMEN'S ARMY CORPS

By virtue of and pursuant to the authority vested in me by the act entitled "An Act to establish a Women's Army Corps for service in the Army of the United States", approved July 1, 1943 (Public Law 110, 78th Congress), it is hereby ordered that the total number of women enlisted or appointed in the Women's Army Corps shall not exceed two hundred thousand.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 26, 1943.

[F. R. Doc. 43-12105; Filed, July 27, 1943; 11:23 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 69]

PART 1405—FRUITS AND VEGETABLES

FRUIT FOR ALCOHOLIC PURPOSES

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of fruits for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.13 *Restrictions relative to the use of fruit*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "fruit" means apricots, blackberries, blueberries, Boysenberries, cantaloupes, cherries, currants, dates, dewberries, elderberries, gooseberries, Concord grapes, huckleberries, Johnsonberries, Loganberries, Olympic berries, peaches, pears, pineapples, plums, prunes, raspberries, strawberries, Youngberries and apples of any variety, type, or form whatsoever, including the fresh, dried, canned, frozen, or other processed or partially processed form, and the juices thereof, and such other fruits as the Director may hereafter designate, including the fresh, dried, canned, frozen, or other processed or partially processed form, and the juices thereof.

(2) The term "alcoholic product" means any product produced by fermentation, distillation, or other means, containing an alcoholic content of 7 percent or more, by volume.

(3) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(4) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* (1) No person may use fruit for conversion into an alcoholic product for sale, unless authorized to use fruit for such purpose by (i) a person designated by the Director or (ii) by a County U. S. D. A. War Board, established pursuant to Memorandum No. 921, issued by the Secretary of Agriculture of the United States on July 5, 1941, as amended, in the county in which such fruit is available for sale for conversion into an alcoholic product. An authorization, as aforesaid, with respect to a particular lot of fruit shall be issued by the County U. S. D. A. War Board, for the county in which such fruit is available for sale for conversion into an alcoholic product, 'f such County U. S. D. A. War Board determines with respect to the particular lot of fruit that (i) such is unsuitable, except when converted into an alcoholic product, for human consumption; (ii) no market is available for such fruit for human consumption, except when such fruit is converted into an alcoholic product; (iii) the owner of such fruit and all previous owners, if any, have exercised all reasonable efforts to dispose of or utilize such fruit for human consumption prior to such fruit's becoming unsuitable, except when converted into an alcoholic product, for human consumption; and (iv) the granting of such permission to use the fruit for the aforesaid purpose is in accordance with such additional conditions, if any, as may be specified by the Director.

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page
Women's Army Corps; strength prescribed 10477

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Divesting orders:
Sciaky, D. 10516
Sturbelle, L. 10516
Vesting orders:
Baumann, Werner 10525
Brandt, Edgar Wm. 10525
Enemy nationals:
Abandoned patent application 10527
Patents 10517
Foldi, Zoltan, and Arpad Gerecs 10521
Foreign nationals, patents and contractual interests 10526
Fratelli Branca & Co., Inc. 10518
I. G. Farbenindustrie, A. G. (3 documents) 10519, 10522, 10524
Imhoff, Karl 10523
Industrieele Maatschappij Activit, N. V. 10520
Jenaer Glaswerk Schott & Genossen 10520
Ledeboer, Jeremias H. 10522
Loforte, Salvatore 10517
Patin, Albert 10525
Permutit S. A., et al 10522
Quarzlampen Gesellschaft, m. b. H. 10519
Regnier, J., et al 10517
Resinous Products & Chemical Co., Inc. 10519
Societa Italiana Pirelli 10521
Staudinger, Professor Dr. 10523
Thoma, H., et al 10517
Usbeck, Georg Hermann 10524
Weisz, Arthur 10521
Zeiss, Carl, Firm 10526
Zeiss-Aerotopograph, G. m. b. H. 10526
BITUMINOUS COAL DIVISION:
Minimum price schedules amended:
District 2 (3 documents) 10484–10486
District 3 (2 documents) 10487, 10488
District 8 (2 documents) 10489, 10490

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
BITUMINOUS COAL DIVISION—Con.	
Petitions filed, order terminating temporary relief, etc.	10514
FEDERAL TRADE COMMISSION:	
Catalog jewelry and giftware industry, hearing	10515
INTERNAL REVENUE BUREAU:	
Income tax; estates and trusts distributed to legatees and beneficiaries	10482
OFFICE OF DEFENSE TRANSPORTATION:	
Coordinated operations:	
Forgarty Bros. Transfer, Inc., and St. Johns River Line Co., Tampa-Sarasota, Fla.	10528
Georgia Motor Express, Inc., and Mercury Express, Inc., Alabama	10529
Taxicab operators, Grenada, Miss.	10530
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Bruce box cleat manufacturers	10530
Citrus field box manufacturers	10530
James sweet potato crate manufacturers	10530
List of orders filed	10531
White Star Trucking Lines	10512
Apparel; fall and winter outerwear (MPR 438)	10503
Farm equipment, retail prices (MPR 133, Am. 5)	10503
Fish and seafood, fresh (MPR 418, Am. 2)	10513
Food and drink sold for immediate consumption:	
Michigan, certain counties (Restaurant MPR 3-6, Am. 1)	10513
Ohio, certain counties (Restaurant MPR 3-5, Am. 2)	10512
OFFICE OF PRICE ADMINISTRATION—Continued	
Foods, processed (RO 13, Am. 48)	10511
Gasoline rationing (RO 5C, Am. 70)	10511
Ice (MPR 154, Am. 5)	10514
Ice cream and ice cream mix (MPR 280, Am. 31)	10513
Meats, fats, fish and cheeses (RO 16, Am. 50)	10511
Milk and milk products (SR 14A, Am. 2)	10514
Regional, state and district office orders:	
Community ceiling prices, list of orders filed	10531
Fluid milk:	
Conrad, Iowa	10533
Eau Claire and Chippewa Falls, Wis. (3 documents)	10533-10534
Minot, N. Dak. (2 documents)	10531, 10534
Phelps, Wis.	10534
Rapid City, S. Dak. (2 documents)	10532, 10534
Rowan, Iowa	10532
Sugar rationing (RO 3, Am. 74)	10512
TREASURY DEPARTMENT (*see also* component agencies):	
Payment of Series C savings notes; amendment	10514
WAGE AND HOUR DIVISION:	
Learner employment certificates, issuance to various industries	10515
WAR FOOD ADMINISTRATION:	
Fruit, use for alcoholic purposes (FDO 69)	10477
Malted grains and malt syrups (FDO 66)	10480
Platte Valley Livestock Co-operative Marketing Ass'n., Scottsbluff, Nebr., posted stockyard	10482
Tallow and grease, inedible (FDO 67)	10479
Tobacco, cigar filler and binder types (FDO 68)	10479
WAR PRODUCTION BOARD:	
Cadmium (M-65-a)	10495
Chromium, chromium-nickel alloy iron, etc. (M-21-g)	10492
Construction (L-41)	10496
Graphite crucible simplification (M-61-a)	10494
Luggage (L-284)	10501
Nicolaus Bridge, Sutter County, Calif., stop construction order amended	10535
Oils, protective coating (M-332)	10502
Suspension orders:	
Landis, Benjamin J.	10494
McKimmie, T. G.	10494
Photo Process Engraving Co.	10494
Tubes (L-76)	10499
Welding equipment, resistance (L-298)	10500

(2) No person may sell or deliver fruit with knowledge or reason to believe that such fruit or any portion thereof thus sold or delivered is to be used in violation of this order.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of fruit, of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order or by any decision of a designee pursuant to (b) (1) (i) hereof or by a decision of a County U. S. D. A. War Board pursuant to (b) (1) (ii) hereof who considers that compliance with this order or with such decision would work an exceptional and unreasonable hardship on him, may petition the Regional Administrator of the Food Distribution Administration, War Food Administration, serving the area (8 F.R. 9315) in which the fruit is available, for conversion into an alcoholic product for sale, for relief. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action of the Regional Administrator, he may, by requesting the Regional Administrator therefor, secure a review of such action by the Director. The Director may, thereupon, take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using fruit or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order, except as provided in (e) hereof, shall be addressed to the Regional Administrator of the Food Distribution Administration, War Food Administration, serving the area (8 F.R. 9315) in which the person affected by the order resides or does business.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., July 28, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 26th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12121; Filed, July 27, 1943; 11:30 a. m.]

[FDO 68]

PART 1450—TOBACCO

CIGAR FILLER AND BINDER TYPES OF TOBACCO

The fulfillment of the requirements for the defense of the United States will result in a shortage in the supply of tobacco for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1450.11 *Restrictions on the purchase of cigar filler and binder types of tobacco*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means an individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "tobacco" means tobacco of the 1943 crop of the cigar filler types numbered 41, 42, 43, and 44, and the cigar binder types numbered 51, 52, 53, 54, and 55, as defined in the Service and Regulatory Announcement No. 118 (7 CFR 30.1 et seq.) of the United States Department of Agriculture, promulgated by the Secretary of Agriculture on October 14, 1929.

(b) *Restrictions.* No person shall, in any manner whatsoever, purchase, contract to purchase, or accept an option to purchase tobacco during the period from the effective time hereof until August 31, 1943, inclusive.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of tobacco of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using tobacco, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FD-68.

(i) *Territorial extent.* This order shall apply only to the forty-eight States of the United States and the District of Columbia.

(j) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., July 28, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 26th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12118; Filed, July 27, 1943; 11:30 a. m.]

[FDO 67]

PART 1460—FATS AND OILS

INEDIBLE TALLOW OR GREASE

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of inedible tallow or grease for defense and private account, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.27 *Restrictions relative to inedible tallow or grease*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed, or manifestly incompatible with intent thereof:

(1) The term "inedible tallow or grease" means all grades and qualities of inedible animal tallows, greases and stearines produced therefrom, excluding garbage grease, wool grease, grease (lard) oil, neatsfoot oil and stock, stearic acid and red oil.

(2) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(3) The term "manufacturer" means any person who uses inedible tallow or grease in the manufacture of any other product.

(4) The term "producer" means any person whose operations result in the production of inedible tallow or grease or a mixture of such products in any form.

(5) The term "dealer" means any person who purchases inedible tallow or grease, or mixtures of the same, in any form for resale, or who blends or mixes such products for resale.

(6) The term "inventories" means all quantities of inedible tallow, grease and mixed fatty acids produced from inedible tallow or grease, owned by a manufacturer, dealer, or producer, in addition to all undelivered purchases of inedible tallow or grease contracted to be delivered in the future, less undelivered sales of inedible tallow or grease as such. Inventory shall include all tallow, grease and mixed fatty acids derived therefrom in process up to the point at which they cease to exist as such, by reason of saponification, neutralization, pressing, distillation or compounding with nonfatty materials.

(7) The term "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(8) The term "soap" means the water soluble product formed by the saponification or neutralization of fats, oils, rosins, or their fatty acids with organic, sodium, or potassium bases, or any detergent composition containing such products.

(b) *Restrictions on delivery, acceptance of delivery, and use.* (1) Except as otherwise specifically authorized by the Director, no person shall accept delivery of inedible tallow or grease.

(2) No producer or dealer shall deliver inedible tallow or grease during any given month to any manufacturer, not authorized by the Director to accept delivery, unless and until he has before the end of the month: (i) delivered; (ii) offered to deliver; or (iii) made provision to deliver; all inedible tallow or grease which has been ordered from him before the 10th day of the month by a manufacturer authorized to accept delivery of inedible tallow and grease: *Provided, however,* That no producer shall be obligated to deliver on certified orders in the aggregate in any calendar month more than 30 percent of his total deliveries for such month. In computing the percentage under this

paragraph (b) (2) of allowable deliveries to those persons who do not certify, each producers' plant shall be considered separately.

(c) *Exceptions to requirements of specific authorization.* (1) Notwithstanding the provisions of (b) (1) and subject to the provisions of (b) (2) hereof, specific authorization of the Director shall not be required for the delivery, acceptance of delivery, or use of inedible tallow or grease where such inedible tallow or grease is used in the manufacture of soap.

(2) Notwithstanding the provisions of (b) (1) and (2) hereof, specific authorization of the Director shall not be required for delivery, acceptance of delivery, or use by any manufacturer whose consumption or usage of inedible tallow or grease is not to exceed 5,000 pounds per month.

(d) *Applications for delivery and use.* Every manufacturer, except a soap manufacturer, seeking authorization to use or consume inedible tallow or grease, shall file Form FDA–478, with the Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Ref: FD 67, on or before the 15th day of the month preceding the month in which delivery is desired.

(e) *Certifications of manufacturers.* Every manufacturer who receives authorization to use inedible tallow or grease shall attach to, or include in, his purchase orders the following certificate:

The undersigned manufacturer hereby certifies to the War Food Administration, United States Department of Agriculture, and to his supplier, that the inedible tallow and grease hereby ordered has been authorized by the Director for acceptance of delivery and use, and that the amount ordered, together with his present inventory, will not exceed the inventory limitation of Food Distribution Order 67.

(Date)

(Name of purchaser)

By ---
(Authorized official)

(Title)

(f) *Inventory limitations.* (1) No manufacturer shall, after the 1st day of August 1943, have an inventory of inedible tallow or grease greater than one-fourth of the aggregate amount of inedible tallow or grease used by him during the period between October 1, 1942, and March 31, 1943.

(2) No producer shall produce or accept delivery of any inedible tallow or grease, after the effective date of this order, which will cause his inventory of inedible tallow or grease to be greater than one-twelfth of the amount produced during the period between October 1, 1942, and March 31, 1943.

(3) No dealer shall accept delivery of any inedible tallow or grease, after the effective date of this order, which will cause his inventory of inedible tallow or grease to be greater than one-twelfth of the amount delivered by him during the period between October 1, 1942, and March 31, 1943.

(4) If a person is both a producer and manufacturer his allowed inventory shall be the amount permitted him as a producer or manufacturer, whichever is greater.

(5) If, on the effective date of this order, a manufacturer's inventory exceeds the amount allowed under this order, he shall not be required to sell or dispose of the surplus, but he shall not buy or acquire in any manner any inedible tallow or grease until his inventory falls below the amount authorized by this order: *Provided, however,* That if a manufacturer's inventory on the effective date of this order exceeds the amount permitted by this order, but he does not own certain grades required by him in his manufacturing process, he may buy, for 45 days only, after the effective date of this order, a sufficient quantity of those grades of inedible tallow or grease which are necessary to maintain his manufacturing processes.

(6) If a producer or dealer is unable to sell his inedible tallows or greases at the ceiling prices listed in Office of Price Administration Revised Price Schedule No. 53, as amended, dated December 12, 1941 (7 F.R. 1309), he may increase his inventory above the inventory limitations of this order; and, a user may increase his inventory above the inventory limitation of this order by purchases of inedible tallows or greases at prices below the ceiling prices listed in Office of Price Administration Revised Price Schedule No. 53: *Provided, however,* That:

(i) If a producer or dealer exceeds the inventory limitations of this order, by reason of this exception, he shall not, thereafter, refuse or fail to deliver inedible tallows or greases to buyers offering to purchase at such ceiling prices until his inventory falls within the inventory limitations of this order; and,

(ii) No user whose inventory exceeds the inventory limitation of this order, by reason of this exception, may buy additional inedible tallows or greases at such ceiling prices until his inventory is within the inventory limitations of this order.

(7) Notwithstanding the provisions of this order, no buyer shall be required to buy, or seller to sell or ship in quantities less than normal commercial quantities, namely, tank car, tank truck, or carload or truckload in packages.

(8) Notwithstanding any of the provisions of this order a manufacturer may purchase import tallow, grease, or mixed fatty acids derived therefrom directly or from the Commodity Credit Corporation, but should such purchases cause his inventory to exceed the inventory limitation of this order he shall not buy inedible tallow or grease produced in the continental United States until his inventory is within the inventory limitation of this order.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of inedible tallow or grease of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(i) *Bureau of the Budget approval.* The reporting repuirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought, the Director may thereupon take such action as he deems appropriate, which action shall be final.

(k) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making and deliveries of, or using inedible tallow or grease, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(l) *Territorial extent.* This order shall apply to the forty-eight States of the United States and the District of Columbia.

(m) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 26th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–12120; Filed, July 27, 1943; 11:30 a. m.]

[FDO 66]

PART 1468—GRAINS

MALTED GRAINS AND MALT SYRUPS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of malted grains and malt syrups for defense and private account; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1468.2 *Restrictions on use and delivery of malted grains and malt syrups*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "brewer" means any person engaged in the commercial manufacture of malt beverages in the continental United States.

(2) The term "malt beverage" means beer, ale, stout, porter, near-beer, and beverages of a similar kind, made by alcoholic fermentation of malted grain with or without other food products and with hops or hop extracts.

(3) The term "malted grain" means barley, wheat, rye, or any other grain, which has been steeped in water, germinated, and dried.

(4) The term "malt syrup" means any syrup or extract derived, in whole or in part, from malted grain.

(5) The term "minimum carload" means a rail shipment of such minimum quantity as the Office of Defense Transportation may establish as the minimum permitted carload in General Order 18, Revised (Code of Federal Regulations, Title 49, Chapter II, Part 500, subpart C, 7 F.R. 8337), as it may be amended or modified from time to time.

(6) The term "use" means, with respect to malted grain, infusion into a mash; and such term means, with respect to malt syrup, introduction into the brewing process.

(7) The term "quota period" means each consecutive three-month period extending from March 1 to May 31, inclusive; June 1 to August 31, inclusive; September 1 to November 30, inclusive; and December 1 through the last day of February.

(8) The term "base year" means the period extending from March 1, 1942, to February 28, 1943, inclusive.

(9) The term "Director" means the Director of Food Distribution, War Food Administration.

(10) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) *Restrictions on use.* (1) No brewer shall use, in the manufacture of malt beverages during any quota period, more than 93 percent of the quantity of malted grain, nor more than 93 percent of the quantity of malt syrup, which he used for such purpose during the corresponding period in the base year.

(2) Notwithstanding the limitations contained in (b) (1), if 93 percent of the total quantity of malted grain used by any brewer in the base year at all of the plants owned by him does not exceed 70,000 bushels, such brewer may use, during any quota period, in lieu of a quota computed pursuant to (b) (1), a total quantity of malted grain which is not in excess of 100 percent of the total quantity of malted grain used by such brewer during the corresponding three-month period of such base year: *Provided,* That the total quantity of malted grain used by such brewer during the period extending from March 1, 1943, to February 29, 1944, inclusive, or any succeeding period of 12 consecutive calendar months, shall not exceed 70,000 bushels.

(3) Notwithstanding the limitations contained in (b) (1), if the quantity of malted grain used by any brewer in the base year did not exceed 8,000 bushels, such brewer, in lieu of a quota computed pursuant to (b) (1), may use, during each quota period, a total quantity of malted grain which is not in excess of 2,000 bushels.

(4) No brewer, during any quota period, shall use more than 85 percent of his quota of malted grain, nor more than 85 percent of his quota of malt syrup in the production of malt beverages containing an alcoholic content in excess of 3.2 percent by weight.

(5) No brewer, unless authorized by the Director, shall sell or deliver, during any quota period, malt beverages having an alcoholic content of 3.2 percent or less, by weight: *Provided,* That any brewer, without authorization from the Director, may sell or deliver, during any quota period, any malt beverages containing 3.2 percent or less of alcohol, by weight, in excess of a quantity of such beverages equal to 15 percent of his total production of all malt beverages in the same quota period.

(6) The quotas computed pursuant hereto by a brewer owning or operating more than one plant shall be deemed to be assigned to each plant separately.

(7) Any brewer may substitute malt syrup for malted grain, in which event he shall deduct 10 pounds from the amount of his malted grain quota for every 8 pounds of malt syrup so substituted. Any brewer may substitute malted grain for malt syrup, in which event he shall deduct 8 pounds from the amount of his malt syrup quota for every 10 pounds of malted grain so substituted.

(c) *Restrictions on inventory.* (1) No brewer shall purchase or accept delivery of a quantity of malted grain which will cause the total quantity of malted grain owned by such brewer, or in his possession, to exceed 4,000 bushels or 10 percent of the quantity of malted grain used by such brewer in the production of malt beverages in the calendar year 1942; whichever amount is the greater.

(2) No brewer shall purchase or accept delivery of a quantity of malt syrup which will cause the total quantity of malt syrup owned by such brewer, or in his possession, to exceed 10 percent of the quantity of malt syrup used by such brewer in the production of malt beverages in the calendar year 1942.

(3) Nothing in this order shall be construed to require delivery of less than a minimum carload of malted grain and any brewer owning or having under his control less than his permitted inventory of malted grain may purchase and accept delivery of a minimum carload of such grain.

(4) The restrictions of this paragraph shall not apply to any brewer who is engaged in the business of producing malted grain.

(5) Any brewer having an inventory which is in excess of that permitted by this order is not required by this order to dispose of such excess and may retain it and use it at any time, as permitted in (b) hereof.

(d) *Carrying over of quotas.* Use and inventory quotas may be carried over from one quota period to another quota period only with the written permission of the Director. Application for such permission shall be made by letter setting forth the pertinent facts, the relief requested, and the reasons why such relief should be granted. Any brewer who has, at the end of any quota period, an unused quota balance insufficient to produce a full brew may carry that balance over into the next succeeding quota period, and add such amount to his quota for such succeeding quota period, without specific permission, notwithstanding the foregoing restrictions.

(e) *Reports required.* Each manufacturer of malted grain shall correctly complete Form FDO 66–1 for each month and submit such completed form to the Director of Food Distribution, War Food Administration, Washington, D. C., Ref. FD 66, on or before the 10th day of the following month. (This reporting requirement has been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.)

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of malted grains and malt syrups, of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using malted grains and malt syrups, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD 66.

(l) *Conservation Order M-288, as amended, superseded.* This order supersedes in all respects Conservation Order M-288, as amended, issued by the War Production Board, except that as to violations of said order, as amended, or rights accrued, liabilities incurred, or appeals taken, under said order, said Conservation Order M-288, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding, with respect to any such violation, right, or liability. Any appeal pending under said Conservation Order M-288, as amended, shall be considered under paragraph (h).

(m) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., July 28, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 26th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12119; Filed, July 27, 1943; 11:30 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration, Packers and Stockyards [1]

Part 204—Posted Stockyards and Live Poultry Markets

PLATTE VALLEY LIVESTOCK CO-OPERATIVE MARKETING ASSOCIATION

It has been ascertained that the Lane Livestock Commission Company, Scottsbluff, Nebraska, posted on August 31, 1936, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, the name of which was changed on the list of posted stockyards in 9 CFR 204.1 by order of the Secretary of Agriculture on October 9, 1940, to the Platte Valley Livestock Commission Company stockyard, is now owned and operated by the Platte Valley Livestock Co-Operative Marketing Association, and that the name of the yard is now the Platte Valley Livestock Co-Operative Marketing Association. Therefore, notice of such facts is given to its owners and to the public, and the name of the stockyard changed to the Platte Valley Livestock Co-Operative Marketing Association on the list of posted stockyards in 9 CFR 204.1.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 26th day of July 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43-12086; Filed, July 26, 1943; 4:34 p. m.]

[1] This chapter formerly designated as Food Distribution Administration.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5287]

Part 19—Income Tax Under Internal Revenue Code

INCOME OF ESTATES AND TRUSTS DISTRIBUTED TO LEGATEES AND BENEFICIARIES

Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], relating to the income tax under the Internal Revenue Code, are amended as follows:

PARAGRAPH 1. Section 19.162-1, as amended by Treasury Decision 5215, approved January 19, 1943, is amended as follows:

(A) There is stricken out that portion of the fourth paragraph which reads:

There is taxable to the estate or to the trust, unless it be taxable to the grantor of the trust (see §§ 19.166-1 and 19.167-1)

and there is inserted in lieu thereof the following:

There is included in the income of the estate or the trust, unless it is included in the income of the grantor of the trust (see §§ 19.166-1 and 19.167-1)

(B) The last sentence of the fourth paragraph is changed to read as follows:

In all such cases the tax with respect to such income included in the income of the estate or trust for its taxable year is payable by the fiduciary, except where the income is taxable to the grantor of the trust or where, as provided in the next paragraph, it is deductible by the estate or trust for such taxable year (and is includible in the income of the legatee or beneficiary).

(C) The eighth paragraph is amended by changing the ninth sentence thereof to read as follows:

A statutory allowance paid a widow is not deductible from gross income, except to the extent that under the principles of section 19.162-2 such allowance is taxable to the widow.

(D) The ninth paragraph is amended by changing the second sentence thereof to read as follows:

If the tax has been properly paid on the net income of an estate or trust for any taxable year, the net income on which the tax is so paid is not, generally, in the hands of the distributee thereof (the legatee, heir, or beneficiary) taxable as income to him, but such income, to the extent it becomes payable in a subsequent taxable year of the estate or trust to the distributee after the first 65 days of such subsequent taxable year, may be required to be included in the income of the distributee under section 162 (d) (2). See § 19.162-2 (b).

PAR. 2. Section 19.162-2, as added by Treasury Decision 5215, is amended as follows:

(A) The first sentence of paragraph (a) is amended by changing the parenthetical clause therein to read as follows: "(for example, by the terms of the trust instrument or will)".

(B) The third paragraph of paragraph (a) is changed by amending the third sentence thereof to read as follows:

"Net income", as thus used, means the statutory net income of the trust under the Code before the application of section 162 (b) and (c) (but, as stated in the preceding sentence, such amount is to be reduced by the deductions allowed under paragraphs (b) and (c) of section 162 in the case of amounts to which section 162 (d) (1) does not apply).

(C) The heading and first paragraph of paragraph (b) (including examples (1) and (2) thereof) are changed to read as follows:

(b) *Allocation among income beneficiaries and legatees.* Section 162 (d) (2), as added by the Revenue Act of 1942, applies in cases where income of the estate or trust for any period becomes payable on a date more than 65 days after the beginning of its taxable year. It applies in every case where income of the estate or trust is paid, credited, or to be distributed to a legatee, heir, or beneficiary, other than a legatee, heir, or beneficiary to whom paragraph (a) of this section applies or a legatee, heir, or beneficiary of a lump sum gift, bequest, devise, or inheritance. This subsection, and not paragraph (a), applies to income paid, credited, or to be distributed to a legatee who, in addition to any part of the principal of an estate, is entitled to receive any income during the administration of the estate or upon its termination, whether payment of such income is made in accordance with directions in the will, or for support as allowed under State law, or by the administrator to the residuary legatee in the ordinary course of administration. The rule stated in the preceding sentence, however, has no application in cases where income may be paid, credited or is to be distributed under an obligation to pay an amount periodically at all events, whether or not income is available, as in the ordinary case of an annuity. Section 162 (d) (2) also has no application in determining the amount to be included in the income of the estate or trust under section 161 but applies only in determining the amount allowed as deductions under section 162 (b) and (c).

Section 162 (d) (2) applies whether amounts are paid, credited, or to be distributed out of the income of the estate or trust for its current taxable year or out of the income for any period. It includes a rule for allocating income of the estate or trust to the legatees or beneficiaries in cases in which the income of a prior period is paid, credited, or to be distributed to the legatee or beneficiary during the taxable year of the estate or trust. In the absence of proof that any particular period of time is the source of an amount of income which becomes payable within the taxable year, the period from which such income is derived will be presumed to be a period ended with the date the income becomes payable. In such a case the year ended with the date the income becomes payable shall be considered the last 12 months of such period (whether or not other distributions under this subsection have been made during such last 12 months) and the income which becomes payable shall be considered as derived from the most recently accumulated income for such period.

As used in section 162, the term "income which becomes payable" means income to which the legatee, heir, or beneficiary has a present right, whether or not such income is actually paid. Such right may be derived from the directions in the trust instrument or will to make distributions of income at a certain date, or from the exercise of the fiduciary's discretion to distribute income, or from a recognized present right under the local law to obtain income or compel a distribution of income. Income is not considered to become payable within a taxable year where during the entire taxable year there is only a future right to such income. For example, under valid terms of a trust instrument, income received by a trust during its taxable year is to be accumulated until the 21st birthday of the beneficiary (or his prior death), at which time the accumulated income is to be distributed to the beneficiary (or his estate, as the case may be). In such case, the income of the trust received in any taxable year prior to the taxable year of the trust in which the date of distribution occurs (the beneficiary's 21st birthday or his prior death) is not income which becomes payable within such prior taxable year but is income which becomes payable in the taxable year of the trust in which the date of distribution occurs. In any case, income becomes payable at a date not later than the date it is actually paid for the use of the distributee.

The application of section 162 (d) (2), in general, may be illustrated by the following examples:

Example (1). An existing trust makes its returns on the cash receipts and disbursements basis and on the basis of a calendar year accounting period. Under the terms of the trust and the local law (which allows accumulations) the income of the trust for the period of 12 months ended June 30 of each year is accumulated and the beneficiary has no right to such income until the last day of such period (June 30). For the purpose of the tax for 1941, the entire gross income received by the trust in 1941 is required to be included in its income for 1941, and, under the law applicable to 1941, the 1941 trust income distributable on June 30, 1941, is allowed as a deduction, but the 1941 trust income not distributable until June 30, 1942, is not allowable as a deduction for 1941. For the purpose of the tax for 1942, the entire gross income received by the trust in 1942 will be included in its income for 1942. Under section 162 (d) (2), the trust income for the 12 months ending June 30, 1942, which, under the terms of the trust instrument, is available for distribution on such date, will be considered for the purposes of section 162 (b) as income for the taxable year 1942 which becomes payable on June 30, 1942, and, accordingly, will be deducted by the trust for 1942. Assuming the beneficiary makes his income tax returns on the calendar year basis, he will include this amount deducted by the trust in 1942 in his income for 1942. The same process will be repeated each year thereafter as long as the accounting periods and the distribution date remain the same. Thus if, in such a case, the entire net income of the trust (determined before the application of section 162 (b)) is available for distribution and the trust receives each month $100 of such income available for distribution, for 1941 the trust will have $600 of taxable net income (before credits), that is, the excess of the $1,200 income over the $600 deduction for the June 30, 1941, distribution. For the taxable year ended December 31, 1942, the trust will include $1,200 in its income, which is its actual income for 1942 determined under section 161 without inclusion of that part of the 1941 income distributed on June 30, 1942, and without exclusion of that part of the 1942 income distributable on June 30, 1943. Assuming that the income distributable on June 30, 1942, is not to be reduced under the trust instrument and State law by the amount of tax paid by the trust with respect to the 1941 income included in such distribution, the trust will be allowed a deduction in computing its tax for 1942 of the whole $1,200 which becomes payable on June 30, 1942, and which is included in the beneficiary's income for 1942. Thus, for 1942 the trust will pay no income tax and the beneficiary will include $1,200 in computing his net income.

Example (2). An estate which came into being on January 1, 1941, accumulates the income received (as is allowed under the local law) until June 30, 1942, at which time the executor distributes $6,000 of income to the residuary legatee. The balance of the accumulated income becomes payable under the local law on December 31, 1942, the date the administration of the estate is terminated, and a final distribution of $18,000 of income is then made to the residuary legatee. It is established that the estate, which was on a cash basis, received net income, which it accumulated during the administration of the estate, at the rate of $1,000 a month, but in making the distributions to the residuary legatee the executor did not attempt to identify such distributions with the income received during any particular period during the administration of the estate. Upon such facts, for the taxable year 1942, the distribution on June 30, 1942, of $6,000 will be presumed to be a distribution out of the most recently accumulated income of the estate, that is, for the first six months of 1942, and the final distribution of $18,000 on December 31, 1942, will be considered a distribution out of the income for the entire period of administration, of which the last 12 months is the calendar year 1942 and the most recently accumulated income is the $6,000 for the last six months of 1942. Accordingly, for 1942 the estate will take a deduction of $12,000 and the legatee will include the same amount (out of the total of $24,000 received) in his income, by reason of the

distributions on June 30 and December 31, 1942.

Example (3). Under the terms of the will of X, who died in 1940, after payment of expenses and specific bequests, the residue of his estate (which will include the undistributed income for the period of administration) is to be divided into two equal shares and one of such shares is to be paid over to his widow and the other such share is to be paid over to a testamentary trust for the benefit of his children. During the period of administration, the estate makes its returns on the calendar year basis. The administration of the estate is terminated on June 30, 1942, at which date equal shares of the principal and the income (which under the local law first became payable at such date) are transferred in accordance with the terms of the will to the widow and to a trust established as of such date. With the application of section 162 (d) (2) the widow and the trust will each include in their income tax returns filed for their first taxable years ending on or after June 30, 1942, one-half of the income of the estate for the 12 months preceding June 30, 1942. This distribution will include the income of the estate for the last six months of 1941 upon which the estate may already have paid tax for 1941, but such income may, if under the local law the Federal income tax is a charge against such income, be reduced by the amount of Federal income tax attributable to such income and paid for 1941 by the estate. The return of the estate for 1942 will show a deduction of the amount of the income for the 12 months preceding June 30, 1942, which is includible in the income of the widow and the testamentary trust.

(Secs. 62 and 162 of the Internal Revenue Code (53 Stat. 32, 66; 26 U.S.C., 62, 162) and sec. 111 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 26, 1943.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-12123; Filed, July 27, 1943; 11:34 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2054]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for coals produced at certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 322.23 (*General prices*) is amended by adding thereto Supplement R, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943.

Dated: July 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2722	Buffalo Valley Coal Company (Richard M. Graff).	Elizabeth (s)	L. Kittanning	1	Worthington, Pa.	B&O	15	E	E	D	D	C	C	D	D	D	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2726	Cornish, Carl & W. P. Dickerson (Carl Cornish).	Gleba (s)	Pittsburgh	3	Masontown, Pa.	Mongh	30	(†)	(†)	(†)	(†)	(†)	D	D	D	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2724	Dearth Coke Company (Lawrence Parshall)	Conn (s)	Pittsburgh	3	Crawford #3 Mine, Pa.	B&O-PRR	114	(†)	(†)	(†)	(†)	(†)	D	D	D	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2108	Franc, Ed. (The Ed. Franc Company).[1]	Shirley #1 (s)[1]	Brookville	1	Stoneboro, Pa.	NYC	101	J	J	H	H	H	H	J	J	J	(†)	(†)	(†)	(†)	(†)	(†)	(†)
843	Frederick & McCormick (C. G. McCormick).[1]	Frederick	U. Freeport	1	Kaylor, Pa.	WA-B&LE	25	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2729	Latrobe Construction Co. (B. Ferrari).	Ferrari #4 (s)	U. Freeport	5	Latrobe, Pa.	PRR	67	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2710	Moser, Homer	Moser (s&d)	Pittsburgh	3	York Run, Pa.	B&O-PRR	114	(†)	(†)	(†)	(†)	(†)	D	D	D	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2725	Moser, Homer	Moser #2 (s)	Sewickley	3	York Run, Pa.	B&O-PRR	114	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2653	Rizzo Coal Company (O. M. McClain).[1]	Rizzo	Pittsburgh	3	Point Marion, Pa.	B&O	80	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2306	Stanislav, Steve[1]	St. Clair 2nd Hill.	Pittsburgh	6	Ft. Palmer, Pa.	Lig. Val	10	G	G	G	G	H	H	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2342	Taylor Coal Co. (Edwin J. Taylor).[1]	Merryman (Sewickley).	Sewickley	3	Masontown, Pa.	Mongh	30	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2727	Williams & Brautegam (George E. Williams).	Douglass (s)	Pittsburgh	9	Douglass, Pa.	P&LE	73	D	D	C	C	C	C	C	C	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications for these size groups.
[1] Indicates change in name.

NOTE: In § 322.9 (c) in Minimum Price Schedule No. 1 for District No. 2 add these mine index numbers to the groups shown. Group No. 1: 2727; Group No. 6: 2710; 2724; Group No. 7: 2653, 2726; Group No. 8: 2342, 2725; Group No. 14: 2306, 2729; Group No. 15: 843; Group No. 19: 2108; Group No. 22: 2722.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 4" (6)	Pea 3/4" x 1 1/4" (7)	Run of mine (8)	2" X/S (9)	1 1/4" slack (10)	3/4" slack (11)
ALLEGHENY COUNTY														
Keisling, Elizabeth[1]	587	Keisling	Pittsburgh	305	295	285	260	240	240	230	240	210	200	190
Swisher, Harry A. & Andrew B. Clapper (Harry A. Swisher).[1]	1688	Rock Run[1]	Pittsburgh	305	295	285	260	240	240	230	240	210	200	190
Williams & Brautegam (George E. Williams).	2727	Douglass (s)	Pittsburgh	330	320	310	290	270	260	255	265	230	220	195
ARMSTRONG COUNTY														
Buffalo Valley Coal Company (Richard M. Graff).	2722	Elizabeth (s)	L. Kittanning	290	280	270	250	245	235	220	225	205	195	185
BUTLER COUNTY														
Frederick & McCormick (C. G. McCormick).[1]	843	Frederick	U. Freeport	345	320	310	305	295	280	260	260	215	205	195
FAYETTE COUNTY														
Cornish, Carl & W. P. Dickerson (Carl Cornish).	2726	Gleba (s)	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
Dearth Coke Company (Lawrence Parshall).	2724	Conn (s)	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
Ewing, Harry E	2723	Ewing	Pittsburgh	320	310	300	280	260	250	245	250	230	220	195
Moser, Homer	2725	Moser #2 (s)	Sewickley	295	285	275	260	240	230	230	230	215	210	195
Rizzo Coal Company (O. M. McClain).[1]	2653	Rizzo	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
Taylor Coal Co. (Edwin J. Taylor)[1]	2342	Merryman (Sewickley).	Sewickley	295	285	275	260	240	230	230	230	215	210	195
MERCER COUNTY														
Franc, Ed. (The Ed. Franc Company).[1]	2108	Shirley #1 (s)[1]	Brookville	345	330	310	295	290	275	275	260	205	195	180
WESTMORELAND COUNTY														
Hilltop Coal Company (Orien H. King).[1]	1711	Hilltop Coal Co.[1]	Pittsburgh	305	295	285	260	240	240	240	240	210	200	190
Latrobe Construction Co. (B. Ferrari).	2729	Ferrari #4 (s)	U. Freeport	300	290	280	270	250	240	240	235	215	205	195
Nelis & Baird (James E. Nelis)[1]	3035	Andrew[1]	Pittsburgh	300	290	280	265	260	250	230	235	215	205	195
Stanislav, Steve[1]	2306	St. Clair 2nd Hill	Pittsburgh	285	275	265	255	245	240	235	225	205	195	185

[1] Indicates change in name.

[F. R. Doc. 43-11947; Filed, July 26, 1943; 11:09 a. m.]

[Docket No. A-2068]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2 and for other relief.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines; for change of the names of code member producers to H. J. Christy; Crawford-Whyel Coal Co. (Donald B. Whyel); Joseph E. Gross, (Beacon Fuel Co.); Pointvue Coal Company; John W. Provance; Taylor Coal Co. (Edwin J. Taylor); and E. J. Howard and Eugene P. (E. J. Howard); for the change of mine names to Crawford Whyel #1; Ward #6; and Provance #2 and to add to page 37 of Price Schedule No. 1 the following Mine Index Numbers in Group No. 2, 1788; in Group No. 7, 2145, 2311, 2382, 2496, 2731; in Group No. 8, 2342; in Group No. 20, 2494; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1788	Baratl, Joseph	Baratl	Pittsburgh	7	Taylors Dump, Pa.	Union	76	(†)	C	C	C	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2494	Christy, H. J.[1]	V. G. #1 (s)	Pittsburgh	2	Saltsburg, Pa.	PRR	90	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2311	Crawford Whyel Coal Co. (Donald B. Whyel)[1]	Crawford Whyel #1[1]	Pittsburgh	3	Martin Clng. Plant, Martin, Pa.	Mongh	30	E	E	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2731	Downey, Agnes T. (Mrs.)	Mabel (d & s)	Pittsburgh	3	Poland, Pa	Mongh	30	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2731	Downey, Agnes T. (Mrs.)	Mabel (d & s)	Pittsburgh	3	Moffitt Platform, Pa.	Monou	River	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2145	Gross, Joseph E. (Beacon Fuel Co.)[1]	Ward #6[1]	Pittsburgh	3	Sackett, Pa.	B & O	80	(†)	(†)	(†)	(†)	(†)	D	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2496	Pointvue Coal Company[1]	Little Run	Pittsburgh	3	Pt. Marion, Pa.	B & O	80	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2382	Provance, John W.[1]	Provance #2[1]	Pittsburgh	3	Martin, Pa.	Mongh	30	(†)	(†)	(†)	(†)	(†)	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2342	Taylor Coal Co. (Edwin Taylor)[1]	Merryman (Sewickley)	Sewickley	3	Masontown, Pa.	Mongh	30	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications effective for these size groups.
[1] Indicates change in name.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II.

NOTE: In § 322.9 (c) in Minimum Price Schedule No. 1, add the mine index numbers in groups shown. Group No. 2: 1788; Group No. 7: 2145, 2311, 2382, 2496, 2731; Group No. 8: 2342; Group No. 20: 2494.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Dines, Louis	2735	Dines #2	Pittsburgh	330	320	310	285	255	255	245	265	210	200	190
Hoffman, James A	2733	Hoffman (s)	U. Freeport	305	295	285	260	240	240	240	240	210	200	190
ARMSTRONG COUNTY														
Christy, H. J.[1]	2494	V. G. #1 (s)	Pittsburgh	295	285	275	255	245	240	235	235	215	205	195
FAYETTE COUNTY														
Crawford Whyel Co. (Donald B. Whyel).[1]	2311	Crawford Whyel #1.[1]	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
Gross, Joseph E. (Beacon Fuel Co.).[1]	2145	Ward #6[1]	Pittsburgh	300	290	280	265	245	230	230	230	220	215	195
Pointvue Coal Company[1]	2496	Little Run	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
Provance, John W.[1]	2382	Provance #2[1]	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
Taylor Coal Co. (Edwin J. Taylor).[1]	2342	Merryman (Sewickley).	Sewickley	295	285	275	260	240	230	230	230	215	210	195
GREENE COUNTY														
Downey, Agnes T. (Mrs.)	2731	Mabel (d&s)	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
WESTMORELAND COUNTY														
Baker, H. G.	2728	Hoover #5	Pittsburgh	310	300	290	280	260	250	250	245	225	215	195
Boyle, Arthur J.	2730	Margaret	Pittsburgh	310	300	290	280	260	250	250	245	225	215	195
Fox, H. E.	2732	H. E. Fox #2	Pittsburgh	300	290	280	265	260	250	230	235	215	205	195
Howard, E. J. & Eugene P. (E. J. Howard).[1]	3084	Stewart (s)	Pittsburgh	330	320	310	290	270	260	255	265	230	220	195
Peterson & Sillaman (Jay H. Peterson).	2734	Sillaman	Pittsburgh	310	300	290	280	260	250	250	245	225	215	195

[1] Indicates change in name.

[F. R. Doc. 43–11945; Filed, July 26, 1943; 11:06 a. m.]

[Docket No. A–2073]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for rail shipments and changes in the shipping points for the coals of certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and changes in the shipping points for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2494	Christy, H. J.	V-G Strip #1 (s)	Pittsburgh	2	Avonmore, Pa.[1]	PRR	90	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
843	Frederick & McCormick (C. G. McCormick).	Frederick	U. Freeport	1	Kaylor, Pa.	W.A	[2]21	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2214	Slater & Hegedus (Sam Slater).	S. & H. (d)	Sewickley	3	Dilliper, Pa.[1]	Mongh	30	J	J	H	H	H	H	J	J	J	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications in these size groups.
[1] Indicates change in Shipping Point.
[2] Indicates change in Freight Origin Group Number.

NOTE: The above classifications are applicable only via the respective Freight Origin Group numbers, Shipping Points and Railroads shown for these mines. Freight Origin Group numbers, Shipping Points and Railroads previously assigned are no longer applicable.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II.

NOTE: In § 322.9 (c) in Minimum Price Schedule No. 1 for District No. 2, add the following Mine Index Numbers to the groups shown: Group No. 8: 2214; Group No. 15: 843; Group No. 20: 2494.

[F. R. Doc. 43–11946; Filed, July 26, 1943; 11:07 a. m.]

[Docket No. A–2057]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

Dated: July 16, 1943.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
377	Allegheny Coke Company, Inc.[1]	Island Run[1]	U. Kittanning	Gage, W. Va.	WM	33	J	J	J	J	J	J	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1435	Grafton Coal Company	Harrison (s)	Pittsburgh	Rosebud, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1436	Jenkins, Earl B. (Hunter Fork Coal Company).	Oak (s)	Pittsburgh	Simpson, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
45	Katherine Coal Mining Company.[1]	Katherine #4[1]	Pittsburgh	Lumberport, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1433	Kiernan, Charles	Lewis #2 (s&d)	Pittsburgh	Wolf Summit, W. Va.	B&O	60	F	F	G	F	G	F	G	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)
429	Mack Coal Company (B. J. McDermott, Jr.)[1]	Calder #1 (s)	Bakerstown	Kingwood, W. Va.	WVN	71	G	G	G	G	G	G	G	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)
766	Martin, H. Bruce (Martin Sewell Coal Company).	Martin #1	Sewell	Dailey, W. Va.[1]	WM	33	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
1437	Stout, H. V. (Hilltop Coal Co)	New (s)	Pittsburgh	Clarksburg, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1434	Surface Mining Corp	Orchard (s)	Pittsburgh	Rosebud, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1438	Vincent Coal Co., Inc. c/o J. E. Vincent.	Lewis #1 (s)	Pittsburgh	Wolf Summit, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
143	Waddell, D. H.[1]	Waddell	Pittsburgh	Newburg, W. Va.	B&O	70	H	H	H	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications in these size groups.
[1] Indicates change in name.
[2] Indicates change in Shipping Point.

NOTE: The above classifications are applicable only via the respective Shipping Points, Railroads and Freight Origin Group numbers shown. Shipping Points, Railroads and Freight Origin Group numbers previously assigned are no longer applicable.

NOTE: In § 323.8 (b) and § 323.8 (c) in Minimum Price Schedule No. 1 for District No. 3 add these mine index numbers to the groups shown. Group No. 1: 45, 143, 1433, 1434, 1435, 1436, 1437, 1438; Group No. 3: 377; Group No. 5: 766; Group No. 6: 429.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	County	Size groups 1	2	3	4	5	6	7
Allegheny Coke Company, Inc.[1]	377	Island Run[1]	U. Kitt	Barbour	228	223	223	198	198	188	178
Board of Education of Preston County.[1]	1372	Riley #4	M. V. Free.	Preston	245	245	245	220	220	210	200
Grafton Coal Company	1435	Harrison (s)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Jenkins, Earl B. (Hunter Fork Coal Company).	1436	Oak (s)	Pittsburgh	Taylor	243	238	238	213	213	198	188
Katherine Coal Mining Company.[1]	45	Katherine #4[1]	Pittsburgh	Harrison	243	238	238	213	213	198	188
Kiernan, Charles	1433	Lewis #2 (s&d)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Mack Coal Company (B. J. McDermott, Jr.)[1]	429	Calder #1 (s)	Bakerstown	Preston	255	255	255	230	230	220	210
Milton, Matthew	1439	Wright	Redstone	Lewis	243	238	238	213	213	198	188
Stout, H. V. (Hilltop Coal Co.)	1437	New (s)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Surface Mining Corp	1434	Orchard (s)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Vincent Coal Co., Inc. c/o J. E. Vincent.	1438	Lewis #1 (s)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Waddell, D. H.[1]	143	Waddell	Pittsburgh	Preston	250	250	250	225	225	215	205

[1] Indicates change in name.

[F. R. Doc. 43-11949; Filed, July 26, 1943; 11:06 a. m.]

[Docket No. A-2074]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines located in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: July 20, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1433	Clarksburg Coal Corporation.[1]	Lewis #2 (s)	Pittsburgh	Wolf Summit, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1022	Dunn, Bryan	Wolfe	Pittsburgh	Morgantown, W. Va.	Mongh.	52	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1022	Dunn, Bryan	Wolfe	Pittsburgh	Granville, W. Va.	Monon.	River	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1432	Harris, Brent	Harris #1	Redstone	Buckhannon, W. Va.	B&O	31	F	F	F	F	F	H	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
130	Lloyd Coal Co.[1]	Robinson Run #1.	Pittsburgh	Maidsville, W. Va.	Mongh.	52	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
473	Mutual Mining Co., Inc.[1]	No. 1 (s)	Bakerstown	Kingwood, W. Va	B&O	70	G	G	G	G	G	G	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1440	Producers Oil & Gas Associates (C. G. Squires).	Montana (s)	Pittsburgh	Fairmont, W. Va.	Mongh.	52	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
52	South Union Coal Co.[1]	Jamison #11	Pittsburgh	Brady, W. Va.	Mongh.	52	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
6 8	Znchowski, Edw. W.	Victory	M. V. Freeport	Towson, W. Va. (Victory Siding).	WVN	71	J	J	J	J	J	J	J	J	J	J	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications in these size groups.
[1] Indicates change in name.

NOTE: In § 323.8 (b) and § 323.8 (c) in Minimum Price Schedule No. 1 for District No. 3 add these mine index numbers to the respective groups shown. Group No. 1: 52 (a), 130 (a), 1022 (a), 1433, 1440 (a); Group No. 2: 1432; Group No. 3: 693; Group No. 6: 473.

NOTE: To Note No. 1 in § 323.8 (b) in Minimum Price Schedule No. 1 for District No. 3 add Mine Index Nos. 52, 130 1022 and 1440. These Mines shall be priced at 15 cents less than shown for coal consigned to the Erie, P&LE and New York Central Railroads only.

NOTE: For River and Ex-River shipments, Mine Index number 1022 will take the same prices as mines having Index Nos. 42, 54, 100, 106, 113, 119, 121, 127, 130, 132, 1219 1226 and 1233 as shown in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule No. 1 for District No. 3 and Docket No. A-1059 with adjustments thereto.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	County	Size groups 1	2	3	4	5	6	7
Blaney & Trader (Wilbert Blaney)[1]	704	West Run[1]	Pittsburgh	Monongalia	243	238	238	213	213	198	188
Clarksburg Coal Corporation.[1]	1433	Lewis #2 (s)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Harris, Brent	1432	Harris #1	Redstone	Upshur	243	238	238	213	203	198	188
Lloyd Coal Company[1],	130	Robinson Run #1	Pittsburgh	Monongalia	243	238	238	213	213	198	188
Mutual Mining Co., Inc.[1]	473	No. 1 (s)	Bakerstown	Preston	255	255	255	230	230	220	210
Producers Oil & Gas Associates (C. G. Squires).	1440	Montana (s)	Pittsburgh	Marion	243	238	238	213	213	198	188
South Union Coal Co.[1]	52	Jamison #11	Pittsburgh	Monongalia	243	238	238	213	213	198	188
Post, Thomas	1431	Thomas #1	Pittsburgh	Upshur	243	238	238	213	213	198	188
Zuchowski, Edw. W.[1]	693	Victory	M. V. Free.	Preston	245	245	245	220	220	210	200

[1] Indicates change in name.

[F. R. Doc. 43-11948; Filed, July 26, 1943; 11:06 a. m.]

[Docket No. A-1262]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

MEMORANDUM OPINION AND ORDER

Memorandum opinion and order of the director in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

On June 7, 1943, after notice and hearing, W. A. Cuff, a duly designated Examiner of the Bituminous Coal Division, filed a report in which he found that the temporary price classifications and minimum prices heretofore granted by order, dated January 24, 1942, 7 F.R. 1001, and extended by order, dated March 25, 1942, 7 F.R. 2405, for the coals produced by the Red Jacket No. 9 Mine (Mine Index No. 5246) of the Red Jacket Coal Corporation, located in Wyoming County in Subdistrict No. 5 (Logan), in District 8, should be terminated and that price classifications and minimum prices should be established for the coals produced by this mine, as therein provided. The Examiner recommended that an order be entered amending the Schedules of Effective Minimum Prices for District No. 8 For All Shipments Except Truck and For Truck Shipments in conformity therewith.

An opportunity to file exceptions to the Report of the Examiner was afforded all interested parties. As of the date hereof no such exceptions have been filed.

I have considered the entire record in this proceeding, including the Report of the Examiner, and I find that the Examiner's proposed findings and conclusions are adequate and accurate and that his recommendation should be followed. Accordingly, I have concluded to approve and adopt the proposed findings of fact and conclusions of law of the Examiner as the findings of fact and conclusions of law of the Director.

Upon the basis of the entire record in this proceeding, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and the conclusions of law of the Director;

It is further ordered, That the temporary price classifications and minimum prices heretofore granted by order, dated

January 24, 1942, 7 F.R. 1001, and extended by order, dated March 25, 1942, 7 F.R. 2405, for the coals produced by the Red Jacket No. 9 Mine (Mine Index No. 5246) of the Red Jacket Coal Corporation, located in Wyoming County of Subdistrict No. 5 (Logan) in District 8, is hereby terminated.

It is further ordered, That § 328.11 (*Alphabetical list of code members*) and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedules of Effective Minimum Prices For District No. 8 For All Shipments Except Truck and For Truck Shipments are hereby amended by establishing price classifications and minimum prices for the coals produced by the Red Jacket No. 9 Mine (Mine Index No. 5246) of the Red Jacket Coal Corporation, located in Wyoming County of Subdistrict No. 5 (Logan) in District 8, in accordance with supplements R and T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17,	18, 19, 20, 21	22	24	25	26	27
5246	Red Jacket Coal Corporation	Red Jacket No. 9	Powellton	5	Coal Mountain, W. Va.	Vgn	230	O	O	H	G	E	C	E	A	A	A	(†)	(†)	A	A	A	A	O	M	L	F	B	A	E	J	A	(†)	A	A	A

†Indicates no classification effective for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine Index No.	Seam	Base sizes: Lump over 3", egg over 3"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, but 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 5—LOGAN WYOMING COUNTY, W. VA.											
Red Jacket Coal Corporation	Red Jacket No. 9	5246	Powellton	275	255	255	250	235	245	220	215

[F. R. Doc. 43-11950; Filed, July 26, 1943; 11:07 a. m.]

[Docket No. A-2056]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplements T–I and T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17,	18, 19, 20, 21	22	24	25	26	27
3608	Casada, Lorenzo	Casada	No. 2	6	Greenwood, Ky.	CNO&TP	171	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	G	M	K	(†)	(†)	(†)	(†)	(†)
4155	Chapmanville Coal Company (Clarence E. Hall).	Chapmanville Coal Co.	Alma	5	Chapmanville, W. Va.	C&O	150	Q	Q	L	K	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	F	O	M	H	F	H	O	K	(†)	(†)	(†)	(†)	(†)
4168	Denny, J. W.	J. W. Denny No. 2	Widow Kennedy	7	Swords Creek, Va.	N&W	20	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	E	E	M	K	(†)	(†)	(†)	(†)	(†)
4167	Fields, E.	Fields	Lily	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	K	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
5841	McGhee, Edwin (Mountain Coal Company).	Mountain No. 1	Elkhorn No. 3	1	Shelby, Ky.[1]	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
4163	McKnight & Howard (Lindsey McKnight).	McKnight & Howard	Rim	6	Pineville, Ky.	L&N	111	H	H	F	E	D	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	C	D	E	M	K	(†)	(†)	(†)	(†)	(†)
4150	Miracle, Cecil (Mile Branch Coal Co.).	Mile Branch	Straight Creek	6	Pineville, Ky.	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
519	Stonega Coke & Coal Company.	Derby-Premix	Mar ..er-Taggart-Imboden.[3]	7	Derby, Va.	Inter	200	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(*)	(†)	(†)	(†)	(†)
4158	Thompson-Brown Coal Company (Lacey B. Thompson).	Patsy Ann	Thacker	8	Goodman, W. Va.	N&W	130	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	P	(†)	(†)	(†)	(†)	(†)
4164	Wilson, L. A. (Wilson Coal Co.).	Wilson No. 4	Peerless	4	Dry Branch, W. Va.	C&O	123	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	D	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	L	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for these size groups.
*Indicates previously classified these size groups.
[1] Denotes change in shipping point. Shipping point at Pikeville, Ky., shall no longer be applicable.
[3] Denotes change in seam designation.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

Code number index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 4—KANAWHA											
KANAWHA COUNTY, W. VA.											
Wilson, L. A. (Wilson Coal Co.).	Wilson No. 4	4164	Peerless	(†)	(†)	240	(†)	(†)	230	(†)	(†)
SUBDISTRICT NO. 5—LOGAN											
LOGAN COUNTY, W. VA.											
Chapmanville Coal Company (Clarence E. Hall).	Chapmanville Coal Co.	4155	Alma	265	245	240	235	215	230	175	170
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
McKnight & Howard (Lindsey McKnight).	McKnight & Howard.	4163	Rin	305	285	240	260	235	230	175	170
Miracle, Cecil (Mile Branch Coal Co.).	Mile Branch	4120	Straight Creek	315	295	245	265	235	235	185	180
JACKSON COUNTY, KY.											
Cox, Druie	Bowels	4117	Sand Gap	285	265	240	240	225	230	175	170
KNOX COUNTY, KY.											
Jones, Sam & Jesse (Sam Jones).	Jones	4153	Blue Gem	355	335	255	280	245	245	165	160
LAUREL COUNTY, KY.											
Fields, E.	Fields	4167	Lily	285	265	240	240	225	230	175	170
SUBDISTRICT NO. 7—VIRGINIA											
RUSSELL COUNTY, VA.											
Denny, J. W.	J. W. Denny No. 2	4168	Widow Kennedy	295	275	240	260	245	230	175	170
WISE COUNTY, VA.											
Stonega Coke & Coal Company.	Derby-Premix	519	Marker-Taggart-Imboden.[1]	(†)	(†)	(*)	(†)	(†)	(*)	(*)	(*)
SUBDISTRICT NO. 8—WILLIAMSON											
MINGO COUNTY, W. VA.											
Thompson Brown Coal Company (Lacey B. Thompson).	Patsy Ann	4158	Thacker	265	245	230	220	205	220	175	170

†Indicates no classification effective for these size groups.
*Indicates previously classified these size groups.
[1] Denotes change in seam designation.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–II

Code number index	Mine	Mine index No.	Size designations and prices: Lump	Egg	Chips	Machine cuttings
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN						
LETCHER COUNTY, KY.						
Florence Mining Co., The (cannel coal)	Jno. L. Mosgrove	5371	$3.70	$3.20	$2.70	$1.80

[F. R. Doc. 43–11951; Filed, July 26, 1943; 11:06 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 962—IRON AND STEEL

[Supplementary Order M-21-g as Amended July 27, 1943]

HEAT-RESISTANT CHROMIUM OR CHROMIUM-NICKEL ALLOY IRON AND ALLOY STEEL

§ 962.8 *Supplementary Order M–21–g*—(a) *Restrictions on certain uses of chromium and chromium-nickel iron and steel alloys for heat resistant purposes.* Except pursuant to specific authorization or direction of the War Production Board, from and after July 2, 1942:

(1) No person shall melt, process, fabricate or deliver any heat resistant chromium or chromium-nickel alloy iron or alloy steel for the uses set forth in Schedule A with a higher chromium and/or nickel content than specifically authorized in Schedule A;

(2) No person, in placing an order for heat resistant chromium or chromium-nickel alloy iron or alloy steel for the uses set forth in Schedule A, shall specify temperature requirements beyond those necessary to maintain operations then engaged in; and

(3) No person, in redesigning or rebuilding any equipment, or parts therefor, for the uses set forth in Schedule A, shall increase the weight of the heat resistant chromium or chromium-nickel alloy iron or alloy steel in any unit to an amount greater than 10% of the weight of such iron or steel contained in the original design of such unit.

(b) *Exception for Army, Navy, and Maritime Commission orders.* The restrictions imposed by paragraph (a) shall not apply in the case of materials or equipment to be purchased by or for the account of the Army or Navy of the United States, or the United States Maritime Commission, or to be physically incorporated into materials or equipment to be so purchased, to the extent that the use of heat resistant chromium or chromium-nickel alloy iron or alloy steel is required by the specifications (including performance specifications) of the Army or Navy of the United States, or the United States Maritime Commission applicable to the contract, subcontract, or purchase order.

(c) *Other exceptions.* The restrictions imposed by paragraph (a) shall not apply to:

(1) Materials fully fabricated on July 2, 1942:

(2) Materials to be melted, processed, fabricated or delivered pursuant to a contract made prior to July 2, 1942 where it would not be practicable to change specifications to conform to the provisions of this order: *Provided*, That delivery of such materials under such contract shall be completed on or before August 31, 1942; and

(3) Any industrial instrument, instrument connection, instrument end, control valve, safety valve, or regulator, as defined by Conservation Order L–134, as amended from time to time, to the extent that the use of heat resistant chromium or chromium-nickel alloy iron or alloy steel is permitted by such order.

(d) *General restrictions.* (1) No person shall melt, process, fabricate or deliver any heat resistant chromium or chromium-nickel alloy iron or alloy steel to or for the account of any person for the uses set forth in Schedule A if he knows or has reason to believe that such material will be sold or used in violation of the terms of this order or any other or further order or direction of the War Production Board.

(2) A person melting, processing, fabricating or delivering any heat resistant chromium or chromium-nickel alloy iron or alloy steel for the uses set forth in Schedule A, may rely on the statement of his customer that such material will not be sold or used except in compliance with this order and any other or further order or direction, which statement shall be endorsed in the following form, signed by an official duly authorized for such purpose, on every purchase order for such material:

The undersigned certifies to the seller and to the War Production Board that the material ordered herein will not be sold or used in violation of the terms of Supplementary Order M–21–g or any other or further order or direction of the War Production Board.

Such statement shall be a representation to the War Production Board and shall be preserved by the seller for a period of at least two years.

(e) *Applicability of other orders.* Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided, the use of any material, the limitations of such other order shall be observed.

(f) *Appeal.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may apply to the War Production Board, Steel Division, Washington 25, D. C., Ref.: M–21–g, setting forth the pertinent facts, and the reasons he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 27th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A. *Restrictions on certain uses of chromium and chromium-nickel iron and steel alloys for heat resistant purposes*

PART I—PARTS FOR, OR EQUIPMENT USED IN, INDUSTRIAL, HEAT TREATING OR OTHER METALLURGICAL FURNACES

NOTE:—Part 1 amended July 27, 1943.

Analysis	Max. Cr. %	Max. Ni. %	Max. Ni. Plus Cr. %	Uses
A	None	None	None	1. For all uses where temperatures are below 900° F. 2. For non-integral furnace parts and accessories, operating at temperatures between 900° F. and 1,200° F. 3. For pots for molten baths, such as lead or salts, operating at temperatures below 1,400° F.
B	6	0	6	1. For integral furnace parts and those mechanical parts subject to substantially uniform heating and mechanical loading, operating at temperatures between 900° F. and 1,200° F. 2. For non-integral furnace parts and accessories not subject to thermal shock or abnormal load and operating at temperatures between 1,200° F. and 1,400° F.
C	18	8	26	1. For integral furnace parts and those mechanical parts subject to substantially uniform heating and mechanical loading, not subject to thermal shock or abnormal load and operating at temperatures between 1,200° F. and 1,400° F. 2. For operating parts which allow substantial latitude in design, such as walking beam rails, roller rails, rotating shafts and slide rails, operating at temperatures between 900° F. and 1,200° F.
E	25	12	37	1. For both integral and non-integral furnace parts and accessories not subject to thermal shock or abnormal load, operating at temperatures between 1,400° F. and 1,900° F. 2. For fuel fired radiant tube heating elements. 3. For operating parts which allow substantial latitude in design, such as walking beam rails, roller rails, rotating shafts and slide rails, operating at temperatures above 1,200° F 4. Retorts for magnesium.
G	15	35	50	1. For parts which must of necessity endure highly concentrated stress because of the nature of the mechanism, such as link conveyors, mesh belts, chain conveyors, shaker hearths, hot bearings and fan wheels, operating at temperatures above 900° F.
Or the following alternate Analysis G may be used:				
G	27	4	31	2. For parts subject to thermal shock or abnormal load, operating at temperatures above 1,200° F. 3. For parts subject to chemical attack or electrolytic action, such as carburizing and "dry cyaniding." 4. For parts, such as quenching fixtures and hearth plates, where it can be shown that scaling can not be avoided which would result in serious difficulties. 5. For pots for molten baths, such as lead or salts, operating at temperature above 1,400° F 6. For furnace parts and accessories operating at temperatures above 1,900° F.
H	15	65	80	1. For electrical heating elements where the operating temperatures of the element is below 1,200° F

PART II—PARTS FOR, OR EQUIPMENT USED IN, OIL REFINERIES, SYNTHETIC RUBBER PLANTS, AND CEMENT MILL FURNACES

Analysis	Max. Cr. %	Max. Ni. %	Max. Ni. Plus Cr. %	Uses
A	None	None	None	1. For all uses, operating at temperatures below 900° F.
B	6	0	6	1. For all uses, operating at temperatures between 900° F. and 1,400° F.
C	18	8	26	1. For all uses, operating at temperatures between 1,400° F. and 1,600° F.
E	25	12	37	1. For all uses, operating at temperatures above 1,600° F

PART III—PARTS FOR POWER PLANT EQUIPMENT

Analysis	Max. Cr. %	Max. Ni. %	Max. Ni. Plus Cr. %	Uses
A	None	None	None	1. For economizer supports and sleeves. 2. For boiler dampers. 3. For all stoker parts. 4. For soot blowers, operating at temperatures below 1600° F. 5. For seal plates, wall castings and door liners. 6. Tubing for feed water heaters.
C	18	8	26	1. For that part of chemical feed pipe connections inside the boiler drum.
D	27	9	36	1. For soot blowers, operating at temperatures above 1600° F.
E	25	12	37	1. For super-heater supports, clamps and baffles, operating at temperatures between 1300° F. and 1600° F. 2. For boiler non-pressure parts exposed to direct furnace temperatures o. over 1600° F
F	25	20	45	1. For super-heater supports, clamps and baffles, operating at temperatures above 1600° F. 2. For fuel burners—oil, gas and coal where parts are directly exposed to furnace temperatures.
H	15	65	80	1. For fuel burner impeller plates ⅛" in thickness.

NOTE: With the exception of Analysis A, an addition of 2% in content of Chromium and 2% in content of nickel in the analyses designated in this Schedule A is permissible to allow for the use of scrap and for variations in melting and laboratory procedures. For example: In the case of Analysis C (18% Cr.—8% Ni.) up to 20% chromium and 10% nickel is permissible.

[F. R. Doc. 43–12109; Filed, July 27, 1943; 11:16 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–373]

BENJAMIN J. LANDIS

Benjamin J. Landis, Philadelphia, Pennsylvania, is engaged in the sale of plumbing and heating supplies.

Subsequent to May 20, 1942, the respondent sold and delivered approximately 95,000 feet of copper tubing on orders which did not bear a preference rating of A–1–k or higher. The respondent admitted delivering 6,000 feet of copper tubing on orders bearing no preference ratings whatever. These deliveries constituted a violation of paragraph (d) of General Preference Order M–9–a, as amended May 7, 1942. Subsequent to April 1, 1942, he fabricated copper and copper base alloy products into hot water heaters, pipe tube, tubing and fittings therefor. This constituted a violation of General Limitation Order L–42, Schedule 7, as amended May 6, 1942.

As a result of having been engaged in the plumbing and heating supply business for over twenty-five years, and of the wide publicity regarding the scarcity of copper and the restrictions placed on its sale and manufacture, Benjamin J. Landis must be considered as having known of the restrictions affecting his business. His actions have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.373 *Suspension Order No. S–373.* (a) Deliveries of material to Benjamin J. Landis, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Benjamin J. Landis, his successors or assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Benjamin J. Landis, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on July 27, 1943 and expire on September 27, 1943, after which latter date it shall have no further force or effect.

Issued this 20th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12110; Filed, July 27, 1943; 11:15 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–376]

T. G. M'KIMMIE

T. G. McKimmie, of Ben Avon, Pennsylvania, is engaged in business as a building contractor. On or about July 7, 1942, he began construction, as defined in Conservation Order L–41, on a residence located at 705 Evergreen Road, Millvale, Pennsylvania, at an estimated cost in excess of $500, in violation of said order. On or about October 10, 1942, the said McKimmie began construction on a dwelling located at 123 Grant Avenue, Millvale, Pennsylvania, at an estimated cost in excess of $200, in violation of Conservation Order L–41, as amended September 2, 1942. At the times aforesaid T. G. McKimmie was, or should have been, familiar with the provisions of Conservation Order L–41, and its amendment, and these violations were wilful.

These violations of Conservation Order L–41 have hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.376 *Suspension Order No. S–376.* (a) Deliveries of material or equipment to T. G. McKimmie, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such delivery by any preference rating certificate, preference rating order, general preference order, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to T. G. McKimmie, his successors or assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve T. G. McKimmie, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on July 27, 1943, and shall expire on September 27, 1943.

Issued this 20th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12111; Filed, July 27, 1943; 11:15 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–381]

THE PHOTO PROCESS ENGRAVING CO.

The Photo Process Engraving Company is a Georgia corporation, engaged in the engraving of copper and zinc plates at 119½ Luckie Street NW., Atlanta, Georgia. Plates made by the respondent are used for the reproduction of news, periodicals and school annuals. During the first quarter of 1942, respondent consumed 6,261 pounds of copper in excess of its quota, and in the last quarter of 1942, 538 pounds of copper in excess of its quota, in violation of Conservation Order M–9–c. Respondent, prior to the above violations, had in its possession a copy of Conservation Order M–9–c, an order of the War Production Board curtailing the use of copper on certain items and thereby was put on notice that the use of copper was subject to the orders of the War Production Board. Hence, respondent's actions must be deemed to constitute wilful violations of Conservation Order M–9–c. These wilful violations of Conservation Order M–9–c have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.381 *Suspension Order No. S–381.* (a) Respondent's quota of copper for each of the calendar quarters beginning July 1, 1943, shall be reduced by 3,399 pounds, which amount represents one-half of its total over-consumption of copper during the first and fourth quarters of 1942, unless respondent is hereafter specifically authorized in writing by the War Production Board to consume additional copper.

(b) Nothing contained in this order shall be deemed to relieve Photo Process Engraving Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on issuance, and shall expire December 31, 1943.

Issued this 27th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12112; Filed, July 27, 1943; 11:15 a. m.]

PART 1038—GRAPHITE

[Supplementary Order M–61–a]

GRAPHITE CRUCIBLE SIMPLIFICATION

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of graphite for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1038.2 *Supplementary Order M–61–a*—(a) *Purpose of order.* This order prohibits the manufacture of certain sizes of standard crucibles and prohibits the manufacture of all other crucibles of size and shape other than those now being made.

(b) *Definition.* For the purposes of this order, a "standard graphite crucible" means any crucible made from any type or grade of graphite, and which is known in the trade as being of standard shape and of standard size. All other graphite crucibles are referred to as special crucibles.

(c) *Limitation on manufacture.* (1) No person shall mold or shape any standard graphite crucibles of the sizes listed in Schedule A annexed hereto. Nothing contained in this order, however, shall prevent a person from delivering, or accepting delivery of, any graphite crucibles which had been molded or shaped prior to the 27th day of July, 1943.

(2) No person shall mold or shape any special crucibles of size or shape other than those which had been molded or shaped by such person prior to the 27th day of July, 1943.

(d) *Appeals.* Appeals from provisions of this order shall be made by filing a letter in triplicate stating fully the grounds for the appeal.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any Department or Agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Mica-Graphite Division, Washington 25, D. C., Ref.: M–61–a.

Issued this 27th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A: *Prohibited sizes of standard crucibles*

0	5
00	7
000	9
¼	12
½	14
¾	18
1¼	25
1½	35
1¾	45
3	

[F. R. Doc. 43–12113; Filed, July 27, 1943; 11:16 a. m.]

PART 1044—CADMIUM

[Conservation Order M–65–a as Amended July 27, 1943]

Whereas, national defense requirements have created a shortage of cadmium for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided: *Now, therefore, it is hereby ordered*, That:

§ 1044.2 *Conservation Order M–65–a*—(a) *Prohibition on use of cadmium in articles appearing on List A.* No person shall use any cadmium in the production of any item on List A.

(b) *Limits on all other uses of cadmium.* No person shall use any cadmium in the production of any articles not covered by paragraph (c) of this order.

(c) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) shall not apply to the use of cadmium in the manufacture of any item, or for any of the uses, set forth on List B attached, or which is being produced:

(1) For delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of cadmium to the extent employed is required by the specifications of the prime contract, or

(2) To comply with underwriters regulations or safety regulations issued under Governmental authority, provided the pertinent provisions of such regulations were, in either case, in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of cadmium to the extent employed; or

(3) [Revoked July 27, 1943.]

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver cadmium to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of cadmium (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of cadmium products by this order.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cadmium conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense work to defense work, may appeal to the War Production Board, Washington, D. C., setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(3) *Addressing of communications.* All applications, statements, or other communications filed pursuant to this order or concerning the subject matter hereof should be addressed to the War Production Board, Ref.: M–65–a, Washington 25, D. C.

(4) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to January 17, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided, the use of cadmium in the production of any article, the limitations of such other order shall be observed.

(5) *Violations or false statements.* Any person who violates this order, or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the War Production Board, or who otherwise wilfully furnishes false information to the War Production Board may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any further deliveries of materials subject to allocation. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(6) *Definitions.* For the purposes of this order:

(i) "Cadmium" means the following in any forms suitable for industrial use:

(*a*) Metallic cadmium in such forms as anodes, balls, cakes, discs, foil, ingots, moss, pencils, pigs, plates, powder, rods, sheets, shot, slabs, sticks, strips, wire or other refined shapes; or

(*b*) Any cadmium-containing chemical compound, salt or mixture, including cadmium-bearing materials such as oxides or other forms available for electro-plating purposes; or

(*c*) Any scrap, residues, dross, alloys, or other materials containing commercially recognized amounts of cadmium, or metal or compounds produced therefrom.

(ii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(iii) "Manufacture" means to fabricate, assemble, mix or process in any other way, but does not include installation of a finished product for the ultimate consumer.

(iv) "Item" means any article or any component part thereof.

(v) "Use" means both (1) the act of putting cadmium into process in the manufacture of any item and (2) the act of completing the manufacture of any such item.

(vi) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(7) *Effective date.* This order shall take effect January 17, 1942, and shall continue in effect until revoked by the War Production Board.

Issued this 27th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: "Pigments • • •" added July 27, 1943.

The use of cadmium in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing conservation order.

Automotive, trailer, and tractor equipment:
- Bearings.
- Fasteners.
- Fittings and trim.
- Hardware.
- Lamps, all kinds.
- Hub and gas-tank caps.
- Mouldings.
- Plating for decorative uses.

Building supplies and hardware:
- Air conditioning equipment (except where cadmium plating is essential to the proper functioning of the parts).
- Builders' finish hardware.
- Conduits.
- Hardware.
- Lighting fixtures.
- Ornamental metal work.
- Plating for decorative purposes.
- Screens and screening.
- Springs.
- Staples and fasteners.
- Window fixtures.

Home furnishings and equipment:
- Decorative hardware.
- Furniture, all kinds.
- Furniture hardware or plating.
- Hardware.
- Plating for decorative purposes.
- Portable heaters.
- Stoves and ranges (except valves and controls).
- Tableware.
- Upholsterers' supplies, including nails and tacks.
- Utensils, all kinds.
- Washing tubs and machines.

Textile equipment:
- Bobbin rings.
- Truck fittings, all kinds.
- Plating non-essential to fabrication of fabrics.

Pigments, except for use in the following:
- Luminescent paints for military use.
- Luminescent printing inks for military use.
- Luminescent paper for military use.
- Luminescent plastics for military use.
- Artists' colors.
- Signal and illuminating glassware for safety, religious, and industrial use only.
- Thermometer tubing.
- Thermosetting plastic buttons for military use.
- Dental rubber.
- Rubber sea buoys.

Miscellaneous:
- All plating primarily for decorative purposes.
- Beauty parlor equipment and barber shop supplies.
- Beverage dispensing units and parts thereof.
- Bicycles, motorcycles, and similar vehicles.
- Casket handles and trim.
- Electrical fittings (except where cadmium plating is essential because of corrosive action or to the proper functioning of the parts).
- Fire fighting apparatus (except where cadmium plating is essential to the proper functioning of the parts).
- Hardware.
- Harness fittings.
- Ladders and fittings.
- Livestock and poultry equipment.
- Luggage fittings.
- Metal containers.
- Name, identification, and medal plates.
- Pole-line hardware.
- Radios, commercial sets.
- Reflectors.
- Shoe nails.
- Slot, game, and vending machines.
- Stationery supplies, desk accessories, and office supplies.
- Saddlery hardware.

LIST B

NOTE: "Chemicals • • •" amended July 27, 1943.

The uses, and the items listed below, and parts thereof, are excepted from the prohibitions and restrictions contained in paragraphs (a) and (c) of the foregoing conservation order, but only to the extent indicated below and only to the extent that the use of any less scarce material is impractical.

Chemicals, except for use as pigments prohibited by List A.

Electrical fittings and contacts to the extent that corrosive action or the proper functioning of the parts makes the use of any other material impractical.

Electroplating of heddles and pin boards used in textile plants to the extent that corrosive action makes the use of any other material impractical.

Fusible alloys used in fire protection systems and electrical fuses, to the extent that any other material is impractical.

Measuring, recording and control instruments, systems or equipment for use in industrial processes, such as pyrometers, thermometers, flow meters, pressure gauges, gas analyzers and their associated control valves.

Solders to the extent that they cannot be replaced by other solders not containing cadmium.

[F. R. Doc. 43-12114; Filed, July 27, 1943; 11:16 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L-41, as Amended July 27, 1943]

§ 1075.1 *Conservation Order L-41*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Construction" means the erection, construction, reconstruction, restoration, or remodeling of any structure or project, or additions thereto or extensions or alterations thereof, but not including:

(i) "Maintenance and repair" as defined in paragraph (a) (12);

(ii) The excavation or other movement of earth where no material except earth or other unprocessed material is to be incorporated.

(3) "Residental construction" means any construction where the principal designed function of the structure or project is or will be to provide living space or accommodations.

(4) "Multiple residential construction" means any residential construction where the principal designed function of the structure or project is or will be to provide living space or accommodations for six or more families, or which is divided or to be divided into six or more suites.

(5) "Agricultural construction" means any construction, (other than residential construction), where the principal designed function of the structure or project is or will be the production of agricultural products including, but not limited to, those produced by farmers, planters, ranchmen, dairymen, poultrymen, or nut or fruit growers.

(6) "Industrial construction" means any construction where the principal designed function of the structure or project is or will be the manufacture, processing or assembling of goods or materials.

(7) "Other restricted construction" means any construction, other than residential, multiple residential, agricultural, or industrial construction, including, but not limited to, commercial, highway, roadway, sub-surface, railroad, and utilities construction, whether publicly or privately financed.

(8) "Project" means all separate structures or units of construction situated in close proximity to each other and integrated to serve a single general use; it does not mean a particular construction operation or job. In no case shall a single structure or unit of construction be subdivided into more than one project for the purpose of this order.

(9) "Begin construction" means to initiate construction, or to resume construction which has not been carried on as one continuous construction job, by physically incorporating or installing into a structure or project on the site, material which is to be an integral part of the structure or project.

(10) "Cost" shall be the sum of the total cost or value, whichever is higher, of the following (except as qualified in (a) (11) below):

(i) Material which is to be an integral part of the structure or project, including articles, chattels, or fixtures which are to be physically incorporated in and used as a part of the structure or project, or are to be so substantially affixed thereto that they cannot be detached without materially injuring them or the structure or project;

(ii) Labor engaged in the construction;

(iii) Architects', engineers' and contractors' services.

(11) "Cost" does not include the following:

(i) The value of used material, articles, chattels or fixtures which have been severed from the same or another structure or project and are to be used without change in ownership, nor the cost or value of labor engaged in incorporating the same;

(ii) The cost or value of production machinery or equipment to be used directly in the manufacturing, processing or assembling of goods or materials;

(iii) The value of labor, not entailing financial outlay, of an owner or tenant and members of the owner's or tenant's immediate family residing with him, on a structure or project owned or leased by him.

(12) "Maintenance and repair" means such work as is necessary to keep a structure or project in sound working condition, or to rehabilitate a structure or project or any portion thereof when the same has been rendered unsafe or unfit for service by wear and tear or other similar causes. The term does not include any building operation or job where a structural alteration or change in design is to be made. However, different materials may be used and different types of articles, chattels or fixtures (but of the same general nature) may be incorporated, provided that there are no such structural alterations or changes in design. No building operation or job may be part construction and part maintenance and repair, as the terms are used herein, but if any construction is to be done, the entire building operation or job is construction. Maintenance and repair does not include the reconstruction or restoration of a structure or project or portion thereof destroyed by fire, flood, tornado, earthquake, act of God or the public enemy.

(b) *Prohibited construction.* (1) No person shall begin construction, carry on any construction begun in violation of any order in the L-41 series, cause such construction to be begun or carried on or participate in such construction, or order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material for such purposes.

(2) The terms and restrictions of (b) (1) shall not apply where the construction is of:

(i) A structure or project to be the property of the Army or Navy of the United States, the United States Maritime Commission, Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, or the Office of Scientific Research and Development;

(ii) A structure or project which is to be used directly in the discovery, development or depletion of mineral deposits;

(iii) A type subject to the provisions of any order in the M-68 series (Part 1047) relating to the production and distribution of petroleum, or is of a type subject to the provisions of any Petroleum Administrative Order (Chapter XIII); and such construction is permitted only to the extent authorized by the applicable order in the M-68 series or by the applicable Petroleum Administrative Order;

(iv) Telephone and telegraph facilities or equipment, other than buildings, and is authorized or permitted under the terms of Order U-2 (§ 4501.1) or Order U-6 (§ 4501.21);

(v) Railroad tracks, together with necessary operating facilities, but not including buildings, tunnels, overpasses, underpasses, or bridges;

(vi) Facilities other than buildings to be owned by a producer, as defined in Order U-1 (§ 4501.1), pertaining to utilities, or in Order P-141 (§ 3209.1), pertaining to public sanitary sewage facilities, which are to be used directly in providing one or more of the services set forth in paragraph (a) (1) of said Order U-1, or in paragraph (a) (1) of said Order P-141;

(vii) Irrigation pipe lines or drainage tile drains, classified as agricultural construction under this order, in which no materials except earth or other unprocessed material or clay or non-reinforced concrete tile not more than 12 inches in internal diameter are incorporated.

(viii) Agricultural construction necessary to the installation of material or equipment, the distribution of which is controlled by Order L-170 (§ 1029.10) or orders in the M-21 series (Part 962), and which are listed in Schedule 1 of Food Production Order 3 of the United States Department of Agriculture.

(ix) A structure or project for which no material will be used to provide electric, gas, water, or steam services for the incorporation of which specific authorization is required under orders in the U series (unless such authorization has been received before construction was begun), provided it is

(*a*) Residential construction and not multiple residential construction, or is specifically listed on Schedule B attached hereto, and the estimated cost of construction is less than $200; or

(*b*) Multiple residential, agricultural or other restricted construction, is not specifically listed on Schedule B, and the estimated cost of construction is less than $1,000; or

(*c*) Industrial construction, is not specifically listed on Schedule B, and the estimated cost of construction is less than $5,000; or

(*d*) The minimum construction necessary to make safe and to protect any structure or project (or the contents thereof) damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy; or

(*e*) Agricultural construction, and the immediate construction thereof is determined by the United States Department of Agriculture in accordance with such administrative procedures as may be from time to time prescribed to be necessary to avert threatened loss of farm products: *Provided*, That within two weeks of such determination Form PD-200 is filed in accordance with the provisions of paragraph (f) of this section.

(3) The terms and restrictions of (b) (1) shall not apply where the construction is to reconstruct or restore:

(i) Residential or multiple residential construction damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy, or to build in its place and stead new residential or multiple residential construction: *Provided, however*, That the estimated cost of such reconstruction, restoration, or new construction shall be less than $5,000, and that within two weeks of such damage or destruction Form PD-105 (for residential) or Form PD-200 (for multiple residential) is filed in accordance with the provisions of paragraph (f) of this section;

(ii) Agricultural construction damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy where the immediate reconstruction thereof is determined by the United States Department of Agriculture, in accordance with such administrative procedures as may be from time to time prescribed, to be essential to the agricultural program: *Provided*, That within two weeks of such damage or destruction Form PD-200 is filed in accordance with the provisions of paragraph (f) of this section;

(iii) Industrial or other restricted construction, not specifically listed on Schedule B, damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy, where the immediate reconstruction thereof is necessary for the prosecution of the war or the protection of public health or safety: *Provided*, That within five days of the damage or destruction notice thereof is given by telegraph to the War Production Board setting forth (*a*) the cause of the damage or destruction, (*b*) the function of the structure or project which has been damaged or destroyed, (*c*) the type of construction, (*d*) why immediate reconstruction or restoration is necessary, and (*e*) the estimated cost of reconstruction: *And provided further*, That within two weeks of the giving of such telegraphic notice, Form PD-200 is filed in accordance with the provisions of paragraph (f) of this section.

Nothing contained in this subparagraph (3) shall be interpreted as a commitment that priorities assistance will be accorded to any particular construction authorized by the provisions of this subparagraph and the War Production Board may at any time either order said construction to cease or require any

modification thereof that seems to it to be proper.

(4) The terms and restrictions of (b) (1) shall not apply where the construction has been or is hereafter authorized by the Director of Priorities of the Office of Production Management or by the War Production Board by the issuance of:

(i) One of the preference rating orders or certificates listed on Schedule A attached hereto, as that schedule may be amended from time to time, according priorities assistance to the construction; or

(ii) An order specifically authorizing the construction.

(5) The exceptions set forth in paragraphs (b) (2) (ix) (*a*), (b) (2) (ix) (*b*), and (b) (2) (ix) (c) shall not be construed to authorize separate or successive construction operations commencing after September 6, 1942, the aggregate cost of which over any continuous twelve-month period exceeds the amount specified in the applicable paragraph for the particular structure or project; not including in said aggregate cost the cost of any construction thereon during said period authorized under the provisions of paragraph (b) (2) (ix) (*d*), (b) (2) (ix) (*e*), (b) (3) and (b) (4).

(c) *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered material which he knows, or has reason to believe, will be used in violation of the terms of this order.

(d) *Further construction limitations.* Nothing in this order shall be construed to authorize the use or delivery of any material, or the application or extension of any preference rating, in violation of the provisions of any conservation, limitation or other order or regulation heretofore or hereafter issued by the Director of Priorities, Office of Production Management, or by the War Production Board.

(e) *Orders or certificates not constituting authorization.* The assignment of a preference rating by a PD–1, PD–1A, or other certificate, or by any order, other than those listed on Schedule A, shall not constitute authorization to begin construction.

(f) *Application for authority to begin construction.* (1) The application forms prescribed by paragraphs (f) (2) and (f) (3) hereof shall be executed by the person who is or is to be the owner of the structure or project for which authorization is required by the terms of this order, or his duly authorized agent.

(2) If the applicant requires priorities assistance for the proposed construction, an application shall be made for the appropriate preference rating order or certificate listed on Schedule A on the form referred to therein.

(3) Where the applicant does not require priorities assistance, application for specific authorization to begin construction referred to in paragraph (b) (4) (ii) hereof may be made by filing Form PD–200, or such other forms as may hereafter be prescribed. Such forms are to be filed in the manner prescribed on Schedule A for the filing of applications for Preference Rating Order P–19–h.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Communications.* Applications, communications and reports under this order shall, unless otherwise directed in Schedule A or by specific instructions be addressed to: War Production Board, Washington, 25, D. C., Ref.: L–41.

Those relating to residential construction shall in addition be conspicuously marked "Res.", those relating to multiple residential construction "M. R.", those relating to agricultural construction "Agr.", those relating to industrial construction "Ind.", and those relating to other restricted construction "O. R."

This order, as hereby amended the 26th day of April 1943 shall supersede all orders, amendments and interpretations in the L–41 series heretofore issued, except the following: L–41–a, L–41–b and its interpretation issued November 6, 1942, L–41–c, L–41–d and Interpretation 1 to L–41 issued February 19, 1943. (NOTE: Paragraph (e) of said Interpretation 1 is revoked by L–41–d).

Issued this 27th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Entire schedule amended July 27, 1943.

The following preference rating orders and certificates are listed pursuant to paragraph (b) (4) (i) of the above order. A general description of the type of construction covered by each, the appropriate application form and where such form should be filed, are given solely for purposes of identification.

Preference rating order or certificate	Type of construction	Application form	Where filed
P–14–a P–14–b	Shipyards and shipways	No further applications accepted.	
P–19 P–19–a	Structures or projects important to the war effort and essential civilian needs, other than housing.	No further applications accepted under P–19 and P–19–a. Apply for P–19–b.	
P–19–d P–19–g	Publicly financed war housing	No further applications accepted; See P–19–h.	
P–19–e CMPL–127 CMPL–224	Public roads	PR. 1 P–A	State Highway Department having jurisdiction.
P–19–h P–19–i CMPL–127 CMPL–224	Structures and projects important to the War effort and essential civilian needs, including war housing owned by FPHA, farm dwellings and multiple residential except war housing.	Form WPB 617 (formerly Form PD–200) or WPB Form 2570 (formerly PD–200C).	At the following places or such other places as may be prescribed: Agricultural and farm dwellings with Department of Agriculture County War Board having jurisdiction over location of the site; Certain types of construction with District Office of War Production Board having jurisdiction over the location of the site; All other types of construction with the War Production Board, Washington, D. C.
P–41	Construction of air transport facilities.	No further applications accepted.	
P–55 P–55 Amended P–55–b	Housing other than owned by FPHA. Included is all privately owned residential construction except farm dwellings; also privately owned multiple residential war housing but not other types of multiple residential construction.	Form PD–105 and Form PD–105–A.	With FHA field office having jurisdiction over location of the site.
P–89 Amended	Construction of certain types for production of chemicals.	Form PD–315	With War Production Board, Washington, D. C., Ref. P–89.
P–98–b	Construction related to petroleum enterprises as defined and limited therein.	See orders in M–68 series and Petroleum administrative orders.	
P–110	Remodeling of housing programmed for critical areas by the National Housing Agency.	No further applications accepted.	
WPB–2774	Utility facilities	WPB–2774	War Production Board, Washington, D. C.
PD–3 PD–3A	Command construction of the Army and Navy.	PD–3A	With the contracting or procurement official having jurisdiction of the contract.

SCHEDULE B

The following structures or projects are listed pursuant to paragraphs (b) (2) (ix) and (b) (3) (iii) of the above order:

(a) A structure or project which has as its principal designed function:

(1) Public or private amusement, entertainment or recreation, with the exception of playgrounds for children;

(2) Occupancy by not more than five establishments selling or dispensing goods, merchandise, food or drink, or providing services:

(3) Use as a club, lodge, fraternity or sorority house, association, auditorium or assembly hall;

(4) Manufacture, processing or assembling of any one or more of the following:

(i) Athletic supplies, sporting goods, or toys or games as defined in Order L–81.

(ii) Beverages, except milk,

(iii) Books, magazines, newspapers, greeting cards, or other printed or engraved matter,

(iv) Candy or chewing gum,

(v) Cigars, cigarettes, smoking or chewing tobacco or snuff,

(vi) Jewelry, watches, traveling bags, brushes, razors, pipes and like articles for personal use or adornment,

(vii) Furniture, silverware, china, household electrical appliances, draperies, and all other similar articles,

(viii) Musical instruments,

(ix) Stationery or office supplies,

(x) Toiletries or cosmetic products as defined in Order L–171,

(xi) Wearing apparel of every sort, nature or description, except for the Army or Navy;

(b) Industrial construction with a productive floor area of less than 10,000 square feet.

INTERPRETATION 1

(a) Paragraph (a) of Conservation Order No. L–41, as amended, places in different classes the construction of various structures or projects, and paragraph (b) (2) (ix) provides the limits within which the several classes of construction may be begun without authorization. Any structure shall be classified in accordance with such provisions unless it constitutes a part of a "project" as defined in paragraph (a) (8), in which event the classification of the project shall control.

(b) In connection with paragraphs (a) (3), (a) (4), (a) (5) (a) (6), and (a) (7), where part of a structure or project falls within one class under said order and other parts within another or other classes, the predominant designed use shall determine the classification of the whole structure or project.

(c) In connection with paragraphs (a) (5) and (a) (7), a structure to be used primarily for the storage of farm products which are produced by a person other than the proprietor of such structure shall be interpreted to be "other restricted construction."

(d) "Construction" as defined in paragraph (a) (2) includes the laying of asphalt tile, linotile, cork tile, rubber tile, and linoleum, if the same is cemented to or in any way is affixed to the construction.

(e) [Revoked by L–41–d, April 16, 1943.]

(Issued February 19, 1943)

[F. R. Doc. 43–12115; Filed, July 27, 1943; 11:15 a. m.]

PART 1151—TUBES

[Limitation Order L–76 as Amended July 27, 1943 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron or steel and other critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1151.1 *General Limitation Order L–76*—(a) *Definitions.* For the purposes of this order:

(1) "Tube" means any device consisting of an evacuated enclosure containing a number of electrodes between two or more of which conduction of electricity through the vacuum or contained gas may take place.

[1] The purpose of this amended order is to delete Type 5Y3G from List A.

(2) "Manufacture" means the sealing in and the exhausting of the mount tube assemblies.

(3) "Producer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, engaged in the production of tubes.

(4) "Tube type number" means either those designations given in the commercial and technical literature of producers of tubes, or those designations given by the Tube Division of the Radio Manufacturers Association of America, for each specific type of tube.

(5) "Preferred order" means any specific order, contract or subcontract for the manufacture of tubes for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, any foreign country pursuant to the Act of March 11 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or any order bearing a preference rating of AA–1.

(b) *General restrictions.* (1) From April 24, 1942, no producer shall manufacture any tubes of the type listed in List A as amended from time to time.

(2) The restrictions contained in subparagraph (1) of this paragraph shall not apply to preferred orders.

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(f) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington 25, D. C. Ref.: L–76.

(h) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

Issued this 27th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: Type 5Y3G Tube revoked from List A July 27, 1943.

Pursuant to the restrictions contained in paragraph (b) (1) of Limitation Order L–76, no producer shall manufacture any tubes of the type listed below:

00A	2	6D6G
0Z3	2A3H	6D7
01A	2A7S	6D8
01AA	2B6	6E4GT
1A1	2B7	6E6
1A1/5E1	2B7S	6E7
1A5G	2E5	6E8G
1A7G	2G5	6F5MG
1B1	2S/4S	6F7S
1B4	2W3	6G5
1B4P	2W3GT	6G7
1B4P/951	2X3G	6G7S
1B7G	2Y2	6H4G
1B8GT	2Y3	6H5
1C1	2Y4	6H6G
1C4	2Z2	6H6MG
1C5G	2Z2/G84	6H7S
1D1	3	6H8G
1D2	3B8GT	6J5G
1D4	3C5GT	6J5GX
1D7G	3LE4	6J6GT
1E1	3Q5G	6J7MG
1E2	3S5	6K6G
1E4G	4	6K6MG
1E5G	4A1	6K7MG
1E5GP	4A6G	6L6GT
1E5GT	5	6L6GX
1E7G	5T4	6M6G
1F1	5V3G	6M7G
1F7GH	5W4	6M8GT
1F7GV	5W4G	6N5
1G1	5X3	6N5G
1G4G	5Z4G	6N6
1G5GT/G	5Z4MG	6N6GT
1G6G	6	6N6MG
1G6GT	6A4	6N7G
1G7GT/G	6A4/LA	6N7GT
1H5G	6A5G	6P5G
1J1	6A6X	
1J5G	6A7S	6P6
1K1	6A8MG	6P7G
1K4	6AB5	6P8G
1K5G	6AB6G	6Q6
1K6	6AC5G	6Q6G
1K7G	6AC6G	6Q7MG
1L1	6AC6GT	6R6G
1L5G	6AD5G	6S5
1L5GT	6AD5GT	6S6GT
1LB6	6AD6G	6SE7GT
1LC5	6AE5G	6T5
1M5G	6AE5GT	6T6
1N1	6AE6G	6T7G/6Q6G
1N5G	6AE7GT	6U5
1N6G	6AF5G	6V4G
1N6GT	6AF6GT	6V5G
1P1	6AF7G	6V6G
1P5G	6AG5GT	6V6GX
1Q1	6AG6G	6V7G
1Q5G	6AH5G	6W5G
1R1G	6AL6G	6W6GT
1R4	6B6	
1S1G	6B7S	6X5
1T1G	6B8GT	6X5G
1T4GT	6C5G	6X6G
1T5G	6C5MG	6Y3G
1U1	6C7	6Y5
1W1	6C8GT	6Y5G
1Y1	6D5G	6Y5GT
1Z1	6D5MG	6Y5S

6Y5V	14C5	46A1
6Y6	14E6	46B1
6Y6GT	14E7	48
6Y7G	14F7	49
6Z3	14N7	50C6G
6Z4	14Y4	50L6G
6Z5	15	———
6Z5/12Z5	17	50Y6G
6Z6MG	18	———
6Z7G	20	50Z6G
7	22	50Z6GT
7A7LM	24	50Z7G
7B5LT	24S	51
7B6LM	25A6	52
7B8LM	25A6G	55
7C5LT	———	55S
7D7	25A7G	56AS
7G7	———	56S
7N5	25AC5G	57AS
7R7	———	57S
8	25B5	58AS
9	25B6G	58S
WD11	25B8GT	64
WD12	25D8GT	65
WX12	25L6	68
12A	25L6G	69
12A5	———	70
———	25N6G	70A7GT
12A8G	25RE	70L6GT
12B6	25S	75S
12B7	25X6GT	79
12C8GT	25Y4GT	82V
12E5GT	25Y5	85AS
12J5G	25Z3	87S
12J7G	25Z4	88S
12K7G	25Z4GT	89
12K8GT	25Z5MG	95
12Q7G	25Z6G	V99
12S7GT	———	X99
12SA7G	27S	117E4GT
———	29	117L7GT
12SC7GT	31	117M7GT
———	35A5LT	117Z6G
———	35L6G	117Z6GC
12SK7G	———	182B/482B
———	35RE	183/483
———	35S 51S	401
12Z5	35Z3LT	485
14	35Z5G	950
14A4	———	1232
14A7	35Z6GT	1852
14B6	40	1853
14B8	45A	

[F. R. Doc. 43-12116; Filed July 27, 1943; 11:15 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT [1]

[General Limitation Order L-298 as Amended July 27, 1943]

RESISTANCE WELDING EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials and facilities used in the manufacture of resistance welding equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.107 [1] *General Limitation Order L-298*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Resistance welding" means that process for the localized consolidation or joining of metals under pressure and heat, wherein the heat is generated within the metallic parts to be consolidated or joined by the resistance of those parts to the passage of an electric current.

(3) "Resistance welding equipment" means equipment manufactured for use in the operation of joining metals by the resistance welding process and includes resistance welding machines, resistance welding controls, and resistance welding electrodes.

(4) "Manufacturer" means any person engaged in the business of producing, fabricating or assembling resistance welding equipment, and shall include sales and distribution outlets owned by any such person.

(5) "Dealer" means any person engaged in the business of purchasing resistance welding equipment for resale.

(6) "Order" means any commitment or other arrangement for the delivery of resistance welding equipment whether by purchase, lease, rental or otherwise.

(7) "Army, Navy, Maritime Commission or War Shipping Administration" does not include any privately operated plant or shipyard financed by, or controlled by, any of those agencies or operated on a cost-plus-fixed-fee basis.

(8) "Used resistance welding equipment" means resistance welding equipment that has been delivered to an ultimate consumer.

(b) *Operations reports.* Each manufacturer shall, on or before the 15th day of each month, commencing with the month of August, 1943, file with the War Production Board an operations report on Form WPB-2830, showing orders for new and rebuilt resistance welding equipment and repair parts unfilled, received, shipped and cancelled during the preceding month, in accordance with instructions accompanying the form: *Provided*, That this paragraph (b) shall not apply to orders for electrical circuit breakers or indicating or recording apparatus used with resistance welding equipment, or repair parts for such circuit breakers or indicating or recording apparatus.

(c) *Authorization of purchase orders required.* (1) On and after July 27, 1943, no manufacturer or dealer shall accept an order for, or deliver any new resistance welding equipment unless the order or delivery is specifically authorized by the War Production Board on Form WPB-2752. Application for an authorization, and for a preference rating if none has been previously assigned, is to be made by the purchaser by filing Form WPB-2752, in duplicate, with the War Production Board as explained in the instructions which accompany the form. The delivery restrictions of this paragraph (c) (1) do not apply to orders received prior to July 27, 1943.

(2) The provisions of paragraph (c) (1) shall not apply to (i) any order of $200 or less for resistance welding equipment; (ii) any order for resistance welding electrodes; (iii) any order for resistance welding equipment for direct use by the Army, Navy, Maritime Commission or War Shipping Administration or for incorporation in or attachment to any resistance welding equipment to be used directly by such agencies; (iv) any order bearing a preference rating assigned under Preference Rating Order P-19-h; *Provided* That, notwithstanding paragraph (g) (4) of Priorities Regulation 3, the certificate applying or extending such rating shall state the source of the rating; or (v) any order placed by a manufacturer of, or dealer in, resistance welding equipment.

(d) *Registration of idle equipment.* (1) Whenever any used resistance welding equipment (other than portable gun welders and resistance welding electrodes) has been idle for a period of ninety (90) consecutive days ending on or after July 12, 1943, without having had its ownership changed, the owner of the equipment shall register it, within thirty (30) days after the ninety (90) day period, by filing Form WPB-2732 with the War Production Board. For the purpose of this subparagraph (d) (1) used resistance welding equipment shall be deemed to be idle for a period of ninety (90) consecutive days unless, during any such period, it has been employed for welding operations for more than one hundred twenty (120) hours in the aggregate.

(2) Within five (5) days after any used resistance welding equipment registered under paragraph (d) (1) has been sold, the seller shall register such change of status by filing with the War Production Board Form WPB-2732 as explained in the instructions which accompany the form.

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except as otherwise expressly provided herein.

(2) *Reporting provisions.* The reporting requirements of paragraphs (b) and (d) and the form of application prescribed in paragraph (c) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Appeals.* Any appeals from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref.: L-298.

Issued this 27th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12117; Filed, July 27, 1943; 11:16 a. m.]

[1] Formerly Part 3261, § 3261.1.

PART 3253—LUGGAGE

[General Limitation Order L-284 as Amended July 27, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials for making luggage for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3253.1 *General Limitation Order L-284*—(a) *Definitions.* For the purpose of this order:

(1) "Luggage" means a container of the type used for the transportation of personal effects on a journey, and includes (without limitation of the foregoing) the following: animal carriers, army lockers, bellows and extension cases, Boston bags, bottle cases, carryalls, cosmetic cases, duffel, sport and furlough bags, fitted cases, gladstone cases, hat boxes, hat and shoe boxes, jackknife cases, kit bags, over-night or week-end cases, physician's bags, picnic cases, pullman cases, pullman tray cases, salesmen's sample cases, secretary cases, shoe cases, suit cases, travelling bags, vanity cases, victoria cases, women's and men's wardrobe cases, trunks of all types, and all other products that are sold and known as luggage in the trade.

(2) "Base period" means the twelve months ended December 31, 1941.

(3) "Cattle hide leather" means leather or rawhide produced from the hides or skins of bulls, steers, cows and buffaloes, whether native or branded, foreign or domestic, including calf and kipskins.

(4) "Military order" means an order for luggage to be delivered to the Army or Navy of the United States (excluding post exchanges and ship's service stores), United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics and the Office of Scientific Research and Development.

(5) "Post exchanges" means United States Army post exchanges and United States Marine Corps post exchanges.

(6) "Ship's service stores" means the stores maintained by the United States Navy Ship Service Department.

(7) "Factory sales" means the net dollar volume of factory sales, excluding taxes, of luggage, as above defined, including sales (whether or not on rated orders) to post exchanges and ship's service stores but excluding sales under military orders as above defined.

(8) "Design and construction" of luggage means the make-up of the luggage in every detail, so that any two pieces of luggage of the same design and construction are necessarily identical, except in quality and color of material utilized.

(b) *Restrictions on manufacturing*—(1) *Limitations on construction.* (i) After June 30, 1943, no person shall produce any luggage except in conformity with the restrictions contained in Schedule I, annexed; and

(ii) After April 30, 1943, no person shall cut or otherwise put into process any material for the manufacture of any animal carriers, bellows and extension cases, bottle cases, cosmetic cases, fitted cases, gladstone cases, hat boxes, hat and shoe boxes, jackknife cases, kit bags, picnic cases, secretary cases, shoe cases, vanity cases, victoria cases, women's wardrobe cases or wardrobe trunks of any type: *Provided, however,* That no person shall be deemed to be in violation of this paragraph (b) (1) (ii) in cutting material in his inventory on April 30, 1943, if used only in connection with fabricated or semi-fabricated parts in his inventory on said date and if the luggage into which such material is incorporated is completed prior to July 1, 1943.

(2) *Limitation on quantity produced.* No manufacturer shall produce or sell during any calendar semi-annual period, beginning July 1, 1943, a greater net dollar volume of luggage (including luggage sold by him for less than $1.50) than that shown for his class on the following list:

Class factory sales during the base period	Factory sales permitted during any calendar semi-annual period	Rate of production on annual basis
		Percent
$750,000 or more	25% of base period volume	50
Between $250,000 and $750,000	30% of base period volume	60
Between $25,000 and $250,000	35% of base period volume	70
Less than $25,000	43% of base period volume	86

Provided, however, That nothing in this paragraph[a](b) (2) shall prevent any manufacturer from making factory sales up to $1,000 per month or from producing luggage within such dollar volume.

And provided further, That the quota of each manufacturer shall be increased by an amount equal to 40% of the net dollar volume of any luggage delivered by him to post exchanges or ship's service stores. Such increase shall be effective during the calendar quarter following the quarter in which delivery was made.

(3) *Application to military and post exchange orders.* The restrictions in this paragraph (b) shall apply to all luggage (including that produced for post exchanges or ship's service stores, whether or not on rated orders) except luggage produced under specific military orders, as above defined.

(c) *Restrictions on sales, deliveries and inventories*—(1) No manufacturer or dealer shall sell or deliver any luggage which he knows or has reason to believe was manufactured in violation of this order.

(2) No manufacturer shall accept delivery of any item of material to be incorporated into luggage if by reason of such delivery such manufacturer's inventories of such item will be in excess of his minimum practicable working requirements, or in any event in excess of his requirements for the next 120 days.

(d) *Applicability of regulations.* This order and all transactions affected thereby are subject to all regulations of the War Production Board, as amended from time to time, except paragraph (d) of Priorities Regulation 17, which shall be inapplicable to luggage.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(f) *Communications to the War Production Board.* All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall unless otherwise directed be addressed to the War Production Board, Textile, Clothing & Leather Division, Washington 25, D. C., Ref.: L-284.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 27th day of July, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I

(a) *Limitation of types and styles.* (1) Subject to paragraph (a) (3) below, all items shall be of the following types and within the following maximum outside length:

Type	*Maximum outside length (Inches)*
Furlough bag	20
Over-night case	21
Pullman case (empty)	26
Tray pullman case	29
Men's wardrobe	24
Men's week-end	21
Foot locker	31
Physician's bag	18
Sample cases and sample trunks	Unlimited

(2) Except with respect to sample cases and sample trunks, no manufacturer shall in any calendar year produce within each type mentioned above more than two price lines, i. e., either one style in two price lines or two styles in one price line each. For this purpose "style" shall refer to the design and construction of the luggage, including its size, but not to the quality or color of the material utilized.

(3) The restrictions in this paragraph (a) regarding dimensions and number of styles and price lines shall not apply to items of luggage sold by a manufacturer for less than $1.50 or to items produced by manufacturers whose factory sales have not in any prior calendar month (subsequent to May, 1943) exceeded $1,000.

(b) *Limitation on use of materials.* (1) None of the following materials shall be used in making luggage:

(i) Parts containing iron or steel, other than locks, bolts, dowels, handle dee rings, handle posts, valances, valance clamps, binding corner clips, men's wardrobe hanger brackets, foot locker corners, foot locker bindings, snap fasteners, buckles, hinges, rivets, screws, nails, tacks, washers, burrs, or other small hardware for essential joinings. No stainless steel may, however, be used in any of these parts.

(ii) Any slide fasteners.

(iii) Parts containing copper, zinc, aluminum, or copper, zinc or aluminum alloys.

(iv) Leather, except:

(*a*) Sheepskin, pigskin, sealskin, walrus, sharkskin or alligator leather.

(*b*) Vegetable tanned cattle hide leather under 3½ ounces in weight.

(*c*) Scrap cattle hide leather, or

(*d*) Vegetable tanned bag, case and strap cattle hide leather bellies under 7 ounces in weight.

Any of the foregoing may be used for handles, attaching handle pieces, welts, bindings, corners, closures but for no other purpose.

(2) In no event shall more iron, steel, or leather be used than is essential to perform a functional purpose. The functional uses for handle loops, leather straps, leather corners and leather bindings shall be limited as follows:

(i) Leather handle loops shall consist of necessary attaching pieces only and shall not include extended strips for design or decorative purposes.

(ii) Leather straps shall be used for essential closure means only and shall not include extended or long straps.

(iii) Leather corners shall be used for essential reinforcements for the top or bottom, or both, of a case or bag only and shall not include wing-tip corners or over-sized corners for design or decorative purposes.

(iv) Leather bindings shall be used for essential reinforcements and shall not exceed 1¾" width before attachment.

[F. R. Doc. 43-12106; Filed, July 27, 1943; 11:15 a. m.]

PART 3269—OILS FOR PROTECTIVE COATINGS

[Conservation Order M-332 as Amended July 27, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of oils for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3269.1 *Conservation Order M-332*—(a) *Definitions.* (1) "Oils" means all the raw, crude, refined, and pressed oils, whether vegetable, animal, fish, or other marine animal, excepting mineral oil and tall oil.

(2) "Linseed oil" means the oil, crushed, pressed or otherwise extracted from flaxseed, whether raw, bodied or otherwise processed. The term includes linseed oil blended with other oils, whatever the proportion of linseed oil used.

(3) "Fish oil" means the oil produced by the reduction of the whole or any part, including the offal of the sardine, pilchard, and menhaden, whether raw, bodied or otherwise processed. The term includes fish oil blended with other oils, whatever the proportion of fish oil used.

(4) "Manufacturer" means a person who uses oils in the manufacture of any other product, but does not include a painter, householder or other person who uses oils as a reducer for paint or varnish.

(5) "Processor" means any person who blends, bodies or otherwise processes linseed oil or fish oil.

(6) "Crusher" means any person who presses, expels or extracts linseed oil from flaxseed or who presses, expels or extracts fish oil from the sardine, pilchard or menhaden.

(7) "Wholesaler" means a person who buys linseed or fish oil from a crusher or processor and without further processing resells such oils to manufacturers or retailers.

(8) "Retailer" is any person who sells linseed oil or fish oil to the ultimate consumer.

(b) *Restrictions on use.* (1) On and after July 1, 1943, no manufacturer shall use in the production of any of the following products more pounds of oils per gallon of such product than the following:

	Pound
Class #1—Flats including interior emulsion paints	1.2
Class #2—Gloss and semi-gloss paints and interior trim enamels	1.75
Class #3—Interior floor enamels and combination interior-exterior floor enamels, interior household enamel and combination interior-exterior enamels, machinery enamels	2.3
Class #4—Wall primers and undercoats	2.00
Class # 5—Interior varnishes and combination interior-exterior varnishes	2.3
Class # 6—Exterior paints	3.75
Class # 7—Structural steel finishes, interior-exterior	3.75
Class # 8—Exterior enamels and exterior varnishes (sold exclusively for exterior work)	3.25
Class # 9—Emulsion paints for exterior purposes	1.5
Class # 10—Mill whites for industrial maintenance	2.5

For the purposes of this paragraph (b) (1), all oils shall be considered interchangeable.

(2) The provisions of paragraph (b) (1) are not applicable to the use of oils in the manufacture of paints, varnishes and lacquers delivered or to be delivered to, or used on or incorporated in material and equipment delivered or to be delivered to, the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission or the War Shipping Administration, or delivered pursuant to the Act of March 11, 1941 (Lend-Lease Act), or for the military, naval or maritime requirements of the United Nations where the manufacturer claiming exemption receives from the Director of Food Distribution, War Food Administration, specific exemption pursuant to paragraph (b) (5) (iii) of Food Distribution Order No. 42 with respect to such use.

(c) *Restrictions on deliveries.* (1) On and after July 1, 1943, no crusher, processor, manufacturer or wholesaler, shall deliver to any other person linseed oil or fish oil having a non-volatile content of more than seventy per cent (70%), by weight.

(2) The restrictions of paragraph (c) (1) shall not apply to:

(i) Deliveries to another crusher, processor, manufacturer or wholesaler.

(ii) Deliveries for medicinal or pharmaceutical purposes or for human or animal consumption.

(iii) Deliveries of linseed oil or fish oil packaged in containers of one pint or less.

(iv) Deliveries by any person of linseed oil or fish oil which on July 1, 1943, and at the time of the delivery was packaged in unopened five-gallon cans or smaller containers and was on both of these dates owned by the person making delivery.

(v) Deliveries by any person of boiled linseed oil which on July 1, 1943, and at the time of delivery was packaged in 55-gallon drums or smaller containers and was on both such dates owned by him

(vi) Deliveries by any wholesaler of raw linseed oil (in no case in a quantity exceeding 1375 gallons) which on July 1, 1943, was packaged in unopened drums or containers having a capacity of more than 8 gallons but not more than 55 gallons and was on both such dates either owned by him or in his possession on consignment from a crusher or processor.

(vii) Deliveries to the Army, Navy, Marine Corps or Coast Guard of the United States, the United States Maritime Commission, the War Shipping Administration, or pursuant to the Act of March 11, 1941 (Lend-Lease Act), or deliveries of such linseed oil or fish oil to be used on or incorporated in material and equipment delivered or to be delivered to the services or agencies mentioned in this subdivision (vii) or pursuant to the Act of March 11, 1941 (Lend-Lease Act).

(3) No person shall deliver or sell any material represented to be "linseed replacement oil" unless such material meets the requirements of Federal Specification TT-O-371.

(d) *Other orders.* The restrictions herein set forth are in addition to those imposed by Food Distribution Order No. 42 and such other orders as have been or may be issued by the War Food Administration with respect to oils.

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref.: M-332.

Issued this 27th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12107; Filed, July 27, 1943; 11:16 a. m.]

Chapter XI—Office of Price Administration

PART 1361—FARM EQUIPMENT

[MPR 133,[1] Amdt. 5]

RETAIL PRICES FOR FARM EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 133 is amended in the following respects:

1. Section 1361.3 (a) (2) is amended to read as follows:

(2) Actual transportation costs paid by the dealer for shipment of the item of farm equipment from the factory to the dealer, less any allowances or rebates on transportation costs received by the dealer.

2. Section 1361.3 (b) is amended to read as follows:

(b) *New parts with suggested retail prices.* The maximum price applicable to the sale by any retail dealer of any new farm equipment part for which the manufacturer has issued a suggested retail price shall be the suggested retail price plus actual transportation costs paid by the dealer for shipment of the part from the factory to the dealer, less any allowances or rebates on transportation costs received by the dealer, plus the manufacturer's or wholesale distributor's handling charge paid by the dealer if not included in the manufacturer's or wholesale distributor's charge for transportation, plus any extra expense in connection with the sale, such as long distance telephone calls, incurred at the request of the purchaser.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12080; Filed, July 26, 1943; 2:51 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3185, 6936, 7599, 8948; 8 F.R. 134, 2286.

PART 1389—APPAREL

[MPR 438]

MANUFACTURERS' PRICES FOR CERTAIN FALL AND WINTER OUTERWEAR

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 438 has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1389.603 *Manufacturers' prices for certain fall and winter outerwear.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328, Maximum Price Regulation No. 438 (Manufacturers' Prices for Certain Fall and Winter Outerwear) which is annexed hereto, is hereby issued.

AUTHORITY: § 1389.603 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 438—MANUFACTURERS' PRICES FOR CERTAIN FALL AND WINTER OUTERWEAR

CONTENTS

Sec.
1. Scope of this regulation.
2. How a seller calculates his maximum prices under this regulation.
3. How a seller finds his general division factor.
4. How to find and to use class division factors.
5. How a seller calculates the direct costs of the garment being priced.
6. Limit on maximum prices.
7. How a seller who is unable to calculate his maximum prices under this regulation prices his garments.
8. Records and reports.
9. Invoices, sales slips and receipts.
10. Prohibitions and enforcement.
11. Adjustable pricing.
12. Licenses.
13. Relation to other regulations, and geographical applicability.
14. How this regulation may be amended.
Appendix A—What garments are covered by this regulation.
Appendix B—Suggested cost forms.

SECTION 1. *Scope of this regulation*—(a) *Kinds of garments covered.* This regulation applies to the fall and winter outerwear listed in Appendix A. These garments are broken down into groups and each group is given a "group number."

The garments covered by this regulation will be referred to hereafter as "winter garments."

(b) *Kinds of sales covered.* This regulation applies only to manufacturers' sales. A manufacturer's sale is a sale of a garment by a person: (1) who fabricated the garment; (2) who sold or consigned any of the principal materials from which the garment was fabricated; or (3) whose business is under the same ownership and control as the person who fabricated the garment. However, the regulation does not cover sales by a department which sells principally to individual consumers. "Department" means a division, selling establishment or affiliate which employs separate facilities and has customarily kept accounts separate from other parts of the business.

Example 1. S Company, a fabricator of winter garments, owns a retail outlet which keeps its accounts separate from those of the factory.

Sales by the retail outlet are not "manufacturers' sales," and thus are not covered by this regulation.

Example 2. Y, a chain store organization which sells at retail, owns a winter garment factory. Accounts for the stores are kept separately from those for the factory.

Retail sales by Y's stores are not "manufacturers' sales," and thus are not covered by this regulation.

Example 3. Z, a mail order house which sells at retail, consigned to P, an independent contractor, materials from which certain winter garments were fabricated by P and sold back to Z. Z's accounts are kept separate from those of P.

Retail sales by Z's stores of the finished garment are not "manufacturers' sales," and thus are not covered by this regulation.

(c) *Kinds of sales not covered.* This regulation excludes sales which are not manufacturers' sales as explained above. In other words, it does not cover sales of the following kinds: (1) sales made by a retailer or wholesaler who is not the manufacturer of the goods sold; (2) sales by a manufacturer, if made through a department which sells principally to individual consumers.

SEC. 2. *How a seller calculates his maximum prices under this regulation.* (a) You are a seller under this regulation if you are a manufacturer of winter garments. In order to find your maximum prices, you must find your general division factor for 1943 (see section 3). If you sold to more than one class of trade in 1942, you must adjust this factor to obtain class division factors (see section 4). Once you have found your division

factors, you will not be required to figure them again, for the same factors are used in calculating the maximum prices for all winter garments.

If during 1942 you manufactured winter garments in one or more departments, which used separate manufacturing facilities and customarily kept sales and cost records separate from other parts of the business, each of these departments is considered a separate seller, and you must find a general division factor for each department.

(b) You find the maximum price for each winter garment (per unit or per dozen) by dividing the direct cost of the garment, calculated according to section 5, by the division factor you are required to use. If you sold to only one class of trade in 1942, you must use your general division factor; if you sold to different classes of trade in 1942, you must use your class division factors.

(c) If the price found by making the calculations in (b) is higher than the limit on maximum prices described in section 6, then your maximum price must not exceed this limit.

(d) If you do not have records for the entire 1942 fiscal year, or are otherwise unable to figure your maximum price under this regulation, you should disregard paragraphs (a), (b) and (c) above, and figure your prices under section 7.

SEC. 3. *How a seller finds his general division factor.* The "general division factor" is a figure which indicates what part of a garment's selling price is represented by direct cost. If you know, for example, that the general division factor for a garment is .80 and you also know that the garment's direct costs are $40.00 it is not difficult to find the selling price. By merely dividing .80 into $40.00, you get your selling price, $50.00. (Notice that your mark-up over selling price in this case is .20. The mark-up over selling price is always the difference between the division factor and 1.00. Consequently, the bigger the division factor, the smaller the mark-up, and vice-versa.)

The form below (Form A) and the instructions give you specific directions how to calculate a general division factor, based upon your own past experience, for all the garments you are pricing. From your 1942 profit and loss statement, you can find your 1942 division factor (and mark-up) for your business as a whole. The division factor for 1943 (and therefore the 1943 mark-up) is the same as the 1942 division factor, except that the 1942 division factor is increased (and thus the 1942 mark-up is reduced) by the amount that the 1942 profit margin exceeds a normal profit margin. The normal profit margin is a percentage on sales which gives you an opportunity to equal your 1941 dollar net profit. However, a "floor" of .025 is put on this percentage so as to protect those whose earnings in 1941 were particularly low, and a "ceiling" of .05 is also put on the percentage to prevent the prices of those with exceptionally high 1941 earnings from piercing the general price level of March 1942. The figures for the floor and ceiling were reached after a careful study of the 1941 earnings of representative firms in the industry, and of March 1942 price levels.

Two copies of Form A should be filed with your district or state office of the Office of Price Administration on or before August 11, 1943. You must keep an additional copy as a record. On and after August 26, 1943, you must not sell or deliver any garments covered by this regulation at prices which exceed 110% of the direct cost of the garment until you file this form with the district or state office and receive acknowledgment of its filing ("direct cost" is explained in section 5).

If you have filed Form A and then find that it was incorrect, you may file two signed copies of an amended form setting forth the inaccuracies in the original form and the reasons therefor. Until you have received an acknowledgment from the Office of Price Administration of the receipt of this amended form, however, you must use as your division factor either the factor authorized by section 3, properly applied, or that listed in the original form, whichever affords the lower mark-up.

FORM TO BE USED IN OBTAINING THE GENERAL DIVISION FACTOR (FORM A)

Copies of this Form will not be furnished by the Office of Price Administration. Please make your own copies.

(Whenever an item is marked with an asterisk [*] read the instruction which goes with it before filling in the item. Instructions will be found at the end of the form.)

Line No.		
*1.	Enter 1942 total net sales.	$------
*2.	Enter 1942 total direct cost.	$------
3.	Divide entry in line 2 by entry in line 1, and enter result. (This is the proportion of costs in your 1942 sales.)	------
*4.	Enter 1942 net profit.	$------
5.	Divide entry in line 4 by entry in line 1. (This is the proportion of net profit in your 1942 sales.)	------
*6.	Enter 1941 dollar net profit.	$------
7.	Divide entry in line 6 by entry in line 1. (This is the proportion 1941 dollar profit is of 1942 sales.)	------
8.	Use *one* of the following: (a) If entry in line 7 is not under .025 and not over .05, repeat the entry in line 7. (b) If entry in line 7 is under .025 enter .025. (c) If entry in line 7 is over .05, enter .05. (This is the allowance for net profit in your 1943 ceiling price.)	------
9.	Subtract entry in line 8 from item in line 5. (This is the difference between your 1942 profit and the profit allowance in your 1943 prices.)	------
10.	Add entry in line 9 to entry in line 3. (This is your *general division factor* for 1943.)	------

Instructions for Form A

(Each instruction goes with the item in the form which has the same number as the instruction.)

Instruction Number

1. From the profit and loss statement for the fiscal year 1942 and such other records as may be required, find your total dollar net sales (gross sales minus returns, allowances, discounts). 1942 fiscal year means the period which you used for Federal income tax purposes in 1942.
   If, in addition to your manufacturing establishment, you had a separate department which sold principally to individual consumers, the sales figure for garments transferred to this unit is the value at which they were transferred rather than the amount for which they were resold.
2. From the profit and loss statement used for instruction (1) and such other records as may be required, find the total direct cost incurred in manufacturing during the period covered by the profit and loss statement. "Direct cost" means the cost of materials trimmings and direct labor. Direct labor includes only those operations described in section 5 (a).
4. From the profit and loss statement used for Federal income tax purposes in 1942, find the dollar net profit before Federal income taxes on total sales.
6. From the profit and loss statement used for Federal income tax purposes in 1941, find the dollar net profit before Federal income taxes on total sales. If you were not in business during an entire 1941 fiscal year, skip directly to item 8 and enter .025.

SEC. 4. *How to find and to use class division factors*—(a) *How to adjust the general division factor to obtain class division factors.* If you sold winter garments at different prices to different classes of trade in 1942, the general division factor which you calculated under section 3 must be adjusted to obtain "class division factors" ("class of trade" is defined in Instructions 2–3 which supplement the form below). If this adjustment were not made and the general division factor were used for all sales, you would have the same maximum price to all your customers. In order to have price differentials between buyers, as you have had in the past, you must use different division factors.

The form below (Form B) and the instructions give you specific directions for calculating class division factors. These division factors, when applied to the direct costs for each garment, will assure you maximum prices for that garment which differ by approximately the same percent as did your prices to different classes of buyers in 1942. Moreover, by using each class division factor for the same proportion of your 1943 sales as you did in 1942, you will realize the same mark-up over direct cost on your business as a whole as if you had used only the general division factor.

The method by which the general division factor is adjusted to obtain class division factors was carefully designed to give great weight to the experience of each individual firm on the basis of its available records. After grouping your customers into two classes, you find, from your 1942 sales records, the percent of sales made to each class. Then you take those garments which were sold to both classes in 1942 and find the percent by which the 1942 price of these numbers to Class II purchasers exceeded the 1942 price to Class I purchasers. If those numbers were only part of your entire 1942 volume, you will take 10% as the differential on the rest of your sales, and find a general average. The final step in figuring class division factors merely involves using this general average, the sales percentage figures, and the general division factor in the calculations indicated by lines 21 to 24 of Form B.

Two copies of Form B should be filed with your district or state office of the Office of Price Administration on or before August 11, 1943. Keep an additional copy for your own use. On and after August 26, 1943, until you file this form with the district or state office and receive acknowledgment of its filing, you must not sell or deliver any garments covered by this regulation at prices which exceed 110% of the direct cost of the garment ("direct cost" is explained in Sec. 5).

If you have filed Form B and then find that it was incorrect, you may file two signed copies of an amended form setting forth the inaccuracies in the original form and the reasons therefor. Until you have received an acknowledgment from the Office of Price Administration of the receipt of this amended form, however, you must use as your class division factor either those authorized by section 4, properly applied, or those listed in the original form, whichever would result in the lower prices.

FORM TO BE USED IN OBTAINING CLASS DIVISION FACTORS (FORM B)

Copies of this Form will not be furnished by the Office of Price Administration. Please make your own copies.

(Whenever an item is marked with an asterisk [*] read the instruction which goes with it before filling in the item. Instructions will be found at the end of the form.)

Line No.		
*1.	Enter 1942 total dollar net sales of winter garments	-----
*2.	Enter 1942 net dollar sales of winter garments to Class I purchasers	-----
*3.	Enter 1942 net dollar sales of winter garments to Class II purchasers	-----
4.	Divide entry in line 2 by entry in line 1, and enter result (This is the 1942 percent of sales of winter garments to Class I purchasers)	-----
5.	Divide entry in line 3 by entry in line 1, and enter result (This is the 1942 percent of sales of winter garments to Class II purchasers)	-----

NOTE: If, though sales were made to both classes in 1942, no garment number was sold to both Class I and Class II purchasers, skip directly to line (20) and enter 1.10 in that line.

In lines 6 to 15 enter in each column the information requested.

	Column and Instruction Letter					
	(a)	* (b)	* (c)	(d)	* (e)	(f)
	Garment numbers sold in 1942 to both class I and class II purchasers					
	Style No.	Price to class II purchasers	Price to class I purchasers	Column (b) divided by (c)	1942 net dollar sales of this garment	Column (d) times (e)
*6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16	Total column (e) and enter result				$	
17	Subtract entry in line 16 from entry in line 1, and enter result (This is the balance of your 1942 dollar net sales of winter garments)				$	
18	Multiply entry in line 17 by 1.10, and enter result					$
19	Total column (f) and enter result					$

20. Divide entry in line 19 by entry in line 1 and enter the result. (This is the percentage ratio of your class II price to your class I price)
21. Divide entry in line 5 by entry in line 20, and enter result
22. Add entry in line 21 to entry in line 4, and enter result
23. Divide general division factor (found in Section 3) by entry in line 22, and enter result (This is your class I division factor)
24. Divide entry in line 23 by entry in line 20, and enter result (This is your class II division factor)

Instructions for Form B

(Each instruction goes with the item in the form which has the same number or letter as the instruction.)

Instruction Number

1. 1942 refers to the same period as used in section 3. But notice that here you use only your sales of winter garments, not your total sales.

2–3. You must group your 1942 customers into two classes. Those who customarily bought at or below the price to wholesalers will be called Class I purchasers, and all other customers will be called Class II purchasers. A wholesaler is one who buys a commodity and resells it, without substantially changing its form, to any person other than an ultimate consumer. Each class constitutes a class of trade.

6–15. List the ten best selling garments which were sold to both classes in 1942. You may list more than ten if you desire, in which case you may list more than one number on a line. If ten numbers were not sold to both classes in 1942, list all of the numbers which were so sold.

b–c The prices to Class II and Class I purchasers to be listed are the maximum prices established under section 3.5 of Revised Supplementary Regulation No. 14 (formerly § 1499.73 (a) (37) under Amendment 49 to Supplementary Regulation No. 14 to the General Maximum Price Regulation) less all discounts available to the purchaser

e. 1942 refers to the same period as used in line 1. The sales figures to be listed are the total net sales of the number to both classes.

(b) *Restriction on use of the class division factors.* The maximum price for each garment found by using the Class I division factor is called the Class I ceiling, and any sale made at or below this price is considered a sale at a Class I price. Similarly, the maximum price for each garment found by using the Class II division factor is called the Class II ceiling, and any sale made at or below this price (but higher than the Class I ceiling) is considered a sale at a Class II price.

Any buyer may be sold at either Class I or Class II prices. But the proportion of garments delivered at Class II prices after the effective date of this regulation must not exceed the percent of sales made to Class II purchasers in 1942. If, at the end of year 1943 fiscal year, the proportion of garments delivered after the effective date of the regulation at Class II prices is greater than this figure, you have sold goods at higher than your ceiling price to the extent of the excess, and will be liable to civil and criminal penalties accordingly.

The foregoing provision permits you to make the same proportion of sales to large volume buyers and to small volume buyers in 1943 as you did in 1942, at approximately the same differential in price as prevailed between these buyers in 1942. However, your 1943 proportion of sales to each type of buyer is not frozen at the 1942 proportion. You may make a greater proportion of sales to large volume buyers in 1943 than you did in 1942, and vice versa. But any excess

sales to small volume buyers who normally would be charged more than large volume buyers must be made at Class I rather than at Class II prices.

For convenience in complying with this requirement, it is suggested that you keep a current record of deliveries at Class I and Class II prices made after the effective date of the regulation, in this form:

Date	Dollar volume of deliveries at class II prices	Dollar volume of deliveries at class I prices	All deliveries

At the end of each month, you should total deliveries at Class II prices, and all deliveries. You should then divide the former total by the latter. If the proportion of deliveries at Class II prices exceeds the proportion of 1942 sales to Class II purchasers, your Class I ceilings should become your ceilings for all deliveries until the 1943 proportion of deliveries at Class II prices equals the 1942 per cent of sales to Class II purchasers. At the end of the next month the same rule should apply, and so on, until the end of the fiscal year. The 1942 percent of sales to Class II purchasers has already been found in Section 4 (a), line 5.

SEC. 5. *How a seller calculates the direct costs of the garment being priced*—(a) *What "direct cost" includes.* The direct cost of each winter garment shall be the total of material, trimming and direct labor costs. Costs incurred in producing features which are prohibited by the War Production Board or any other agency of the United States government at the time the garment is fabricated must not be included in calculating its direct cost.

"Direct labor" means all labor operations performed in processing or assembling the garment or the materials which become parts of it. Examples of such operations are: "cutting", including piling, marking, and separating, but not pattern making or pattern grading; "sewing" and other operations performing the same purpose, such as stapling and riveting; "pressing"; "factory examining of garments"; and "put up", including folding and packaging for storage, but not crating or wrapping for shipment.

The following are not direct labor: make-up and overtime; indirect labor, such as foremen, floormen, supervisory examination of garments, repairing and maintenance personnel, designers, sample room employees, porters, watchmen, piece goods clerks, buyers, receiving room employees, clerical employees, shipping room employees; overhead cost, such as unemployment insurance, social security, pension contribution, contributions to welfare funds, health or accident insurance, workmen's compensation, and any present or future tax upon or measured by wages; and overhead and profit allowance of contractors, if used. A seller who uses a contractor must request the contractor to furnish all data he needs to figure the actual direct labor cost of the garment, and the contractor must furnish the data so requested.

(b) *Estimated direct costs.* For taking future orders at fixed prices before garments are completed, you may figure your maximum prices on the basis of estimated direct cost. You must keep a record of the estimated direct cost of each garment and enter in it the calculations used in making the estimate. The suggested cost record forms in Appendix B may be used to record this estimate. Before a garment is delivered under any order, you must determine its actual direct cost, and if this cost is below the estimated direct cost, as entered on your cost record, by more than 3%, the maximum price must be re-figured on the basis of the actual direct cost.

If orders are taken at prices which may be adjusted upward on the basis of actual costs, the maximum price must be figured on the basis of actual direct costs, without the 3% tolerance.

The paragraphs below contain instructions for calculating the actual direct costs of a garment.

(c) *How to find actual material costs.* You must calculate the actual material cost of a garment in the following manner:

Step 1. Find the number of feet or yards of material used in the cutting which produced the garment being priced. Consider as a cutting a group of garments of the same style that are put into production as one lot. Garments may be in the same cutting even though the size of the lot requires the fabric to be physically cut in two or more lays.

Step 2. From invoices, find the actual cost of the material used in the cutting.

(1) Actual cost is the amount paid for material. In calculating this amount you must use the same accounting methods as you used in calculating your 1942 direct costs for line 2 of Form A (in Section 3). For example, if in calculating this percent you figured materials cost on a gross basis, you must continue to do so in calculating current material cost; but if you deducted discounts before, you must deduct discounts now. If, however, you figure your cost on a gross basis and the amount of your discount has been increased, you must adjust your gross invoice price to bring your current discount into line with your past discounts. Similarly, incoming transportation may be added to material cost if it was considered part of material cost in making your calculations for line 2 of Form A.

(2) If the actual price paid for material is higher than the price which the regulations of the Office of Price Administration permit your source of supply to charge, at the time of cutting, you use the legal maximum price rather than the actual cost.

(3) Any amount charged or expense established by means of or resulting from a fictitious sale, fictitious billing or fictitious valuation of materials shall not be included in the cost.

Step 3. Find the actual material cost of a garment by dividing the total cost of the materials used in the cutting (found in Step 2) by the number of garments cut in that cutting.

(d) *How to find actual trimming cost.* The instructions for calculating actual material costs shall apply also to the calculation of trimming costs. No trimming that does not become a component part of the garment shall be included as part of trimming cost.

NOTE: At the end of each cutting a record, similar to Form D in Appendix B, must be made of the material and trimming costs of the garment cut.

(e) *How to find actual direct labor cost*—(1) *Piece-work operations.* For operations compensated on a piece-work basis, cost must be figured on the basis of piece-work rates in effect on September 15, 1942.

(2) *Time operations.* For operations on a time basis, costs are figured in the manner indicated below. Whenever wage rates used in the calculation have been increased over those in effect on September 15, 1942, downward adjustments must be made so that cost figures reflect wage rates in effect on that date.

You will note that the instructions below require a comparison between your pay roll for each time operation during a specified period and the number of garments on which that operation was completed during that period. If your records require you may group all your garments together. If possible, however, you must segregate your garments by "group", by style, or otherwise.

For example, if your records show how much of your cutters' pay roll goes into mackinaws, you can segregate mackinaws from your other garments. If your records show how much of your cutters' pay roll goes into mackinaws in the $20–$30 range, you can segregate them from your other mackinaws. If your records show how much of your cutters' pay roll goes into plaids, you can segregate plaids from solids.

(i) *Existing models.* For garments which were completed before July 1, 1943, or which are identical with garments completed before July 1, 1943, you find the cost of each time operation by dividing your pay roll for the operation during the period from January 1 to July 1, 1943, by the number of garments on which that operation was completed during that period.

(ii) *New models.* For all other garments you have a choice of two rules. Select the one which will work better for your business and then use it for all garments.

Rule 1: Use as the cost of each time operation the cost of that time operation found under subdivision (i), above. If you segregated your subdivision (i) costs by group number, or price line, or style, use the most comparable basis for your new model.

For example, if under subdivision (i) you segregated your mackinaws from your jackets, you use for your new mackinaws the mackinaw cost which you found under subdivision (i).

Rule 2: Find the cost of each time operation on each new model by dividing (*a*) your pay roll for the operation during the period in which the operation on the model was being performed by (*b*) the total number of garments on which the operation was completed during that period.

For example: A mackinaw manufacturer's cutters worked on one new model for three weeks. During that three-week period they cut 1000 garments, including that model. His cutting cost is calculated by dividing his cutters' pay roll for three weeks by 1000.

NOTE: Before a garment is delivered, a record, similar to Form E in Appendix B, must be made of its actual direct labor cost, calculated as above.

SEC. 6. *Limit on maximum prices*—(a) *How the limit operates.* On and after the effective date of this regulation, you must not sell or deliver a garment for more than your highest price line for the group to which it belongs. (Groups of garments are listed in Appendix A). Even though the price of a garment, if calculated from its direct cost and your division factor, would be more than your highest price line, the garment's maximum price cannot exceed this limit.

Example: Y Company, which sold to only one class of trade in 1942, has a highest price line of $30 per dozen for men's mackinaw coats. Its general division factor is .80. It now produces two kinds of men's mackinaws, the first having a direct cost of $20, the other a direct cost of $25. Using its division factor, it finds a ceiling price of $25 for the first kind, and a price of $31.25 for the second kind. The first kind, of course, may be sold at $25, but because of the limit on maximum prices, the ceiling price for the second kind cannot be higher than $30, regardless of its cost.

(b) *What is a "highest price line".* Your "highest price line" is a figure which represents the highest price for each group of garments consistent with your course of business in 1942. It will be a different figure for each group of garments and also, if you have separate class division factors, for each class price. For example, you might have highest price lines of $30 for men's mackinaws sold at Class I prices, and $36.00 for men's mackinaws sold at Class II prices; or $15 for boys' leather jackets sold at Class I prices, and $18 for boys' leather jackets sold at Class II prices, and so forth. You will find your highest price lines in one of the following ways, depending on your dealings in these groups of garments in 1942.

(1) *If you delivered garments in a particular group during 1942, and you do not have separate class division factors:* Your highest price line for this group is the highest price at which you delivered any garment of the group during 1942 (excluding, of course, any delivery made in excess of the ceiling price in effect at the time). You must prepare by September 6, 1943, and thereafter preserve a list of the groups of garments, setting opposite each group number the highest price line for this group.

(2) *If you delivered garments in a particular group during 1942, and you have separate class division factors:* Your highest price lines for this group are the highest prices at which you delivered garments of the group during 1942 (excluding, of course, any delivery made in excess of the ceiling price in effect at the time), adjusted to reflect your differential between classes of trade. You find the highest price lines for this group by filling out the form below (Form C) in accordance with the instructions listed under the form. The form is divided into two parts—the upper part is blank and the lower part contains figures. The figures in the lower part are merely for the purpose of illustration. You must fill in the blank part by September 6, 1943. Moreover, you must preserve a copy of this Form C as a record.

FORM TO BE USED IN FINDING HIGHEST PRICE LINES BY SELLERS WITH SEPARATE CLASS DIVISION FACTORS

(FORM C)

[Copies of this form will not be furnished by the Office of Price Administration. Please make your own copies]

Col. 1 Group No.	Col. 2 Actual highest price to class I purchaser	Col. 3 Actual highest price to class II purchaser	Col. 4 Adjusted highest price to class I purchaser	Col. 5 Adjusted highest price to class II purchaser	Col. 6 Highest class I price line	Col. 7 Highest class II price line
Examples:						
2	$10	$12	*$10.43	*$11.50	*$10.43	$12.00
13	50	45.00	*39.13	*57.50	50.00	57.50
17	32	No sale		*36.80	32.00	36.80
35	5	5.75	*5.00	*5.75	5.00	5.75

*In the examples, it is assumed that the seller's percentage ratio of his class II price to his class I price is 1.15.

Column No.:

1. *"Group No."* List the number of the group to which the garment being priced belongs. (Groups of garments, and group numbers, are listed in Appendix A).
2. *"Actual highest price to Class I purchasers."* List the highest price at which a garment in this group was actually delivered to a Class I purchaser in 1942.
3. *"Actual highest price to Class II purchasers."* List the highest price at which a garment in this group was actually delivered to a Class II purchaser in 1942.
4. Divide the entry in Col. 3 by the "percentage ratio of your Class II price to your Class I price" (from line 20 of Form B), and enter the result. (This is the Class I price which bears a normal relation to your highest Class II price).
5. Multiply the entry in Col. 2 by the "percentage ratio of your Class II price to your Class I price" (from line 20 of Form B), and enter the result. (This is the Class II price which bears a normal relation to your highest Class I price).
6. Enter the higher of the prices found in Columns 2 and 4. (This is your Class I highest price line for garments in this group).
7. Enter the higher of the prices found in Columns 3 and 5. (This is your Class II highest price line for garments of this group).

(3) *If you did not deliver any garments in a particular group during 1942 to any class of purchaser:* In this case, you will refer to your most closely competitive seller of the same class, and will be limited by his highest price lines for this group of garments. Your most closely competitive seller is a manufacturer who (i) sells to the same class or classes of purchasers, (ii) is closely competitive in the sale of such garments, and (iii) is located nearest to you.

Example: (1) X, a seller who did not deliver any men's mackinaws during 1942 desires to do so now. Accordingly, he finds the highest price line of his most closely competitive seller of men's mackinaws. Since X did not sell to different classes of trade during 1942, and thus does not have separate class division factors, his closest competitor will also be a seller who does not have class division factors. Assume that he finds that this competitor's highest price line for men's mackinaws is $45. Then X must not sell any men's mackinaws at a price higher than $45.

(2) Y, a seller who did not deliver any men's loafer coats during 1942 desires to do so now. Since Y did sell to different classes of trade during 1942, and thus has separate class division factors, his closest competitor will also be a seller who has class division factors. Assume that he finds that this competitor's highest Class I price line for men's loafer coats is $50, and his highest Class II price is $55. Then Y must not sell any men's loafer coats at a Class I price higher than $50, nor at a Class II price higher than $55.

Moreover, you must prepare by September 16, 1943, and thereafter preserve a record which states that you did not deliver any garment in that group number during 1942 and which shows the name and address of your most closely competitive seller, and his highest price lines for that group.

SEC. 7. *How a seller who is unable to calculate his maximum prices under this regulation prices his garments*—(a) *Sellers who are not transferees.* If you do not have records for the entire 1942 fiscal year (and are not the transferee of a business, as provided in paragraph (b)), or are otherwise unable to calculate your maximum prices under this regulation, you must not sell or deliver winter garments at prices which exceed 110% of the direct cost of the garment until you have applied to the Office of Price Administration for authorization to establish maximum prices. After applying for such authorization, you may take orders at prices in excess of 110% of the direct cost of the garment, provided you stipulate that these prices are subject to downward adjustment if they

exceed the authorized maximum prices, and you do not bill for or collect in excess of 110% of the direct cost of the garment until after authorization is obtained. Three copies of an application for authorization to establish maximum prices must be filed with the Textiles, Leather and Apparel Price Division of the Office of Price Administration in Washington, D. C., setting forth the following:

(1) Applicant's name and address.

(2) Address of plant or plants where the seller intends to operate the new business.

(3) Date of commencement of business.

(4) Names of officers and three principal owners of the new business.

(5) The previous business connections of the officers and the three principal owners of the new business.

(6) A description of the kinds of winter garments desired to be sold, indicating the type of garment in accordance with the garment groups listed in the regulation.

(7) A list of the names and addresses of three or more manufacturers whose methods of operation in the applicant's opinion are most nearly like the methods of operation which the applicant intends to follow.

(8) Information with regard to the following:

(i) The type of trade to which the applicant expects the garment he manufactures to be distributed.

(ii) Proposed method of distribution—e. g., showroom sales, traveling sales and advertising, etc.

(iii) Proposed methods of manufacturing—e. g., own plant, contractor's shop, combination of both, etc.

(b) *Transfers and combinations.*—(1) If the business, assets, or stock-in-trade of any business was sold or otherwise transferred to you after the close of the 1942 fiscal year of the business, and you carry on the business, or continue to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by you, your maximum prices shall be the same as those to which your transferor would have been subject if no transfer had taken place, except as provided in paragraph (3) of this section, and the obligation to keep records sufficient to verify such prices shall be the same. The transferor must either preserve and make available, or turn over to you, all records of transactions prior to the transfer which are necessary to enable you to comply with the record provisions of this regulation.

(2) If the transfer occurred before the close of the 1942 fiscal year of the business, and after the beginning of the 1941 fiscal year, you must consolidate the records before and after the transfer and calculate your maximum prices as directed by paragraphs (a), (b) and (c) of section 2.

(3) If two or more manufacturers who were in the winter garment business during the 1942 fiscal year merge or consolidate, or have merged or consolidated after the beginning of the 1941 fiscal year and continue to operate as one, they must combine their records before and after the union and calculate maximum prices as directed by paragraphs (a), (b) and (c) of section 2.

SEC. 8. *Records and reports*—(a) *Records.* Every seller must maintain and keep available for the inspection of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the following records:

(1) *Cutting ticket.* A separate cutting ticket shall be prepared for each cutting of materials, which shall contain the following information: (i) the date of cutting, (ii) the manufacturer's style number of the garment, (iii) the number of garments cut, (iv) the scale of sizes cut, (v) the actual yardage used, (vi) the grade of the materials used, and the number of the invoice on which the purchase of these materials is "recorded" and (vii) the cost per yard or per foot of materials used.

(2) *Cost records.* A record must be kept of the estimated direct costs of each garment, and the calculations used to arrive at the estimate must be indicated in this record. Moreover, upon each cutting of a style of garment, a record must be prepared of the actual material and trimming cost of that garment, and a record must also be kept of the actual direct labor cost incurred in producing the garment. These records must contain at least the information indicated by the suggested forms in Appendix B.

(3) *Purchase record and invoices.* A record must be kept of all purchases of materials and trimmings, and the original invoices received from vendors or suppliers must be preserved.

(4) *Division factor forms.* A copy must be kept of the division factor forms, Forms A and B, which sections 3 and 4 require the seller to fill out. Moreover, the profit and loss statements and other records, from which the sales, costs, and profits figures used in calculating the division factors were obtained, must be preserved. Also a list must be kept of those purchasers who were considered Class I and Class II, in figuring class division factors under section 4.

(5) *Records of highest price lines.* Records of the highest price line for each garment group must be kept, as required by section 6. If you use separate class division factors, you also must preserve a copy of Form C.

(b) *Reports.* Every seller must file with the Office of Price Administration the division factor forms required by sections 3 and 4, and such other reports as the Office of Price Administration may from time to time require.

SEC. 9. *Invoices, sales slips, and receipts.* Every seller must, in connection with every sale of garments, deliver an invoice showing: (a) the date, (b) the name and address of the seller and purchaser, (c) the lot number of each of the different types of garments sold, (d) the quantities of each different style of garment sold, (e) the price contracted for or charged by the seller for each different type of garment sold, and (f) all discounts. Each type sold must be separately itemized. The seller must keep a copy of this invoice.

SEC. 10. *Prohibitions and enforcement*—(a) *Acts forbidden.* On and after the effective date of this regulation, the following acts are forbidden.

(1) *Charging more than the maximum price.* Every person is forbidden to sell or deliver any garment at a higher price than the maximum price fixed by this regulation. But no one is prohibited from charging a price below the maximum price.

(2) *Buying or receiving for more than the maximum price.* Every person is forbidden to buy or receive any garment in the course of trade or business for a higher price than the maximum price fixed by this regulation. But no person is prohibited from buying or receiving for a lower price.

(3) *Combination sales.* Every person is forbidden in the course of trade or business to make a sale of any garment which is conditioned directly or indirectly on the purchase of any other commodity or service.

(4) *Attempted violations.* Every person is forbidden to offer, solicit or attempt to do any of the acts forbidden by subparagraphs (1), (2) and (3).

(b) *Prior contracts.* The acts enumerated in paragraph (a) are forbidden regardless of any contract or other obligation. However, a contract made prior to July 26, 1943, at a fixed price (not subject to upward adjustment) which is no more than 3% over the maximum price permitted by this regulation, may be carried out at the contract price.

(c) *Discounts.* A price higher than the maximum may be stated on the invoice in order to allow for customary discounts and terms of payment, provided that the net price on the seller's customary terms is not in excess of the maximum price. However, a price above the maximum must not be stated in any case where the discount or time for payment is other than the seller has customarily offered to purchasers of the same class.

(d) *Enforcement.* Any person who does any act, or fails to do any act, in violation of this regulation is subject to the criminal penalties, civil enforcement suits, suits for treble damages and proceedings for the suspension of license provided by the Emergency Price Control Act of 1942, as amended.

SEC. 11. *Adjustable pricing.* You may sell winter garments at the maximum price permitted by this regulation, subject to an agreement with the buyer to charge a higher price if it becomes permissible at the date of delivery. Moreover, where (a) a request for a change in the applicable price is pending, (b) authorization is necessary to promote distribution or production, and (c) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, the Price Administrator may, upon application, grant you permission to adjust prices upon deliveries made during the pendency of the request in accordance with its disposition.

SEC. 12. *Licenses*—(a) *Licenses required.* A license, as a condition of selling, is hereby required of every manufacturer now or hereafter making a sale of a garment for which a maximum price is established by this regulation. A person whose license is suspended in proceedings under section 205 (b) (2) of the Emergency Price Control Act of 1942 shall not, during the period of suspension, sell any garment as to which his license to sell is suspended.

(b) *License granted.* Every person now or hereafter making a sale of any garment for which a maximum price is established by this regulation or by any amendment hereto is hereby granted a license as a condition of selling such garment. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of this regulation, and shall unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, continue in force as long as such regulation or any amendment or supplement hereto remains in effect.

SEC. 13. *Relation to other maximum price regulations, and geographical applicability*—(a) *Regulations superseded.* For manufacturers' sales of winter garments, this regulation supersedes the provisions of the General Maximum Price Regulation,[1] including section 3.5 of Revised Supplementary Regulation No. 14 (formerly § 1499.73 (a) (37)[2] under Amendment 49 to Supplementary Regulation No. 14 to the General Maximum Price Regulation). However, § 1499.7 (Federal and State taxes) of the General Maximum Price Regulation, as well as the amendments thereto, shall continue to be applicable to every person selling garments covered by this regulation.

(b) *War procurement agencies.* This regulation does not apply to sales of winter garments made according to military specifications, and sold to any war procurement agency of the United States, such sales being governed by Maximum Price Regulation 157,[3] "Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes."

(c) *Contractors' services.* Contractors' charges for the fabrication of winter garments are not governed by this regulation, but by Maximum Price Regulation 172,[4] "Charges by Contractors in Apparel Industry." The term "contractor" is defined in § 1389.52 (d) of that regulation.

(d) *Tailored garments.* This regulation does not cover "men's and boys' tailored clothing," which is defined in and governed by Maximum Price Regulation 177,[5] "Men's and Boys' Tailored Clothing."

(e) *Export sales.* This regulation does not apply to export sales of winter garments. The Second Revised Maximum Export Price Regulation [6] applies to such sales.

(f) *Import sales.* The provisions of this regulation do not apply to deliveries which originate outside the 48 states and the District of Columbia. Such sales and deliveries are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.[7] This regulation does, however, apply to domestic sales whether or not the articles sold were originally imported.

(g) *Geographical applicability of this regulation.* This regulation applies to the 48 states and the District of Columbia.

SEC. 14. *How this regulation may be amended.* Any person seeking a modification of any provision of this regulation may file a petition for amendment of general applicability. Any such petition must be filed in accordance with the provisions of Revised Procedural Regulation No. 1 [8] issued by the Office of Price Administration.

Appendix A: What garments must be priced under this regulation—(a) *Leather coats.* Coats in lengths not less than the minimum listed below, of which the outer shell is wholly leather.

Group No.:
1. Men's—all sizes; lengths 28" and over.
2. Boys'—all sizes; lengths 26" and over on size 16 (other sizes in pro rata lengths).
3. Women's—all sizes; lengths 27" and over.
4. Girls'—all sizes; lengths 25" and over on size 16 (other sizes in pro rata lengths).

(b) *Leather jackets.* Jackets in lengths less than the minimums listed for leather coats, of which the outer shell is wholly leather.

Group No.:
5. Men's—all sizes.
6. Boys'—all sizes.
7. Women's—all sizes.
8. Girls'—all sizes.

(c) *Wool and leather coats.* Coats in lengths not less than the minimums listed below, of which the outer shell is made partly of leather and partly of wool or part wool fabrics weighing 18 ounces or more per yard on a 54" width basis.

Group No.:
9. Men's—all sizes; lengths 28" and over.
10. Boys'—all sizes; lengths 26" and over on size 16 (other sizes in pro rata lengths).
11. Women's—all sizes; lengths 27" and over.
12. Girls'—all sizes; lengths 25" and over on size 16 (other sizes in pro rata lengths).

NOTE: If the coats in group numbers 11 and 12 are made predominantly of wool, they are not covered by this regulation but are governed by Revised Maximum Price Regulation 287, "Manufacturers' Prices for Women's, Girls', Children's and Toddlers' Outerwear Garments.

(d) *Wool and leather jackets.* Jackets in lengths less than the minimums listed for wool and leather coats, of which the outer shell is made partly of leather and partly of wool or part wool fabrics weighing 18 ounces or more per yard on a 54" width basis.

Group No.:
13. Men's—all sizes.
14. Boys'—all sizes.
15. Women's—all sizes.
16. Girls'—all sizes.

NOTE: (1) If these jackets are in part fabricated from wool or part wool knitted materials by a manufacturer chiefly engaged in the knitted outerwear industry, they are not covered by this regulation.

(2) If the jackets in group numbers 15 and 16 are predominantly of wool, they are not covered by this regulation but are governed by Revised Maximum Price Regulation 287, "Manufacturers' Prices for Women's, Girls', Children's and Toddlers' Outerwear Garments.

(e) *Swagger, fingertip, and longer coats.* Coats in lengths not less than the minimums listed below, of which the outer shell is made of all wool or part wool fabrics weighing 18 ounces or more per yard on a 54" width basis. (Tailored coats are excluded.)

Group No.:
17. Men's—all sizes; lengths 33" and over
18. Boys'—all sizes; lengths 30" and over on size 16 (other sizes in pro rata lengths).

(f) *Mackinaw coats.* Double breasted coats in lengths not less than the minimums listed below but less than the minimums listed for swagger or fingertip coats, of which the outer shell is made of all wool or part wool fabrics weighing 18 ounces or more per yard on a 54" width basis.

Group No.:
19. Men's—all sizes; lengths 30" and over
20. Boys'—all sizes; lengths 27" and over on size 16 (other sizes in pro rata lengths).

(g) *Wool loafer coats.* Single breasted coats in lengths not less than the minimum listed below but less than the minimums listed for swagger or fingertip coats, of which the outer shell is made of all wool or part wool fabrics weighing 18 ounces or more per yard on a 54" width basis.

Group No.:
21. Men's—all sizes; lengths 28" and over
22. Boys'—all sizes; lengths 25" and over on size 16 (other sizes in pro rata lengths).

(h) *Wool jackets.* Jackets in lengths less than the minimums listed for loafer coats (if single breasted) or mackinaws (if double breasted), of which the outer shell is made of all wool or part wool fabrics weighing 18 ounces or more on a 54" width basis.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 5811, 9025.

[2] 7 F.R. 5486.

[3] 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6444, 8948; 8 F.R. 3948, 7507.

[4] 7 F.R. 4882, 6684, 8351, 8948, 10864; 8 F.R. 8063.

[5] 7 F.R. 5182, 7475, 6792, 7100, 7944, 8940, 8948, 9000.

[6] 8 F.R. 4132, 5987, 7662.

[7] 7 F.R. 10532, 8 F.R. 611, 2035.

[8] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

Group No.:
23. Men's—all sizes
24. Boys'—all sizes

NOTE: If these jackets are in part fabricated from wool or part wool knitted materials by a manufacturer chiefly engaged in the knitted outerwear industry, they are not covered by this regulation.

(i) *Cotton shell coats.* Coats in lengths not less than the minimums listed below, lined with cotton flannel, cotton suede, cotton blanket, all wool, part wool, leather, or sheepskin, of which the outer shell is made of cotton (except corduroy).

Group No.:
25. Men's—all sizes; lengths 30" and over
26. Boys'—all sizes; lengths 27" and over on size 16 (other sizes in pro rata lengths).

(j) *Cotton shell jackets.*—Jackets in lengths less than the minimums listed for cotton shell coats, lined with cotton flannel, cotton suede, cotton blanket, all wool, part wool, leather, or sheepskin, of which the outer shell is made of cotton (except corduroy).

Group No.:
27. Men's—all sizes
28. Boys'—all sizes

(k) *Corduroy coats.* Coats in lengths not less than the minimums listed below, either lined or unlined, of which the outer shell is made of corduroy.

Group No.:
29. Men's—all sizes; lengths 28" and over
30. Boys'—all sizes; lengths 26" and over on size 16 (other sizes in pro rata lengths).

(l) *Corduroy jackets.* Jackets in lengths less than the minimums listed for corduroy coats, either lined or unlined, of which the outer shell is made of corduroy.

Group No.:
31. Men's—all sizes
32. Boys'—all sizes

(m) *Wool shirts.* Shirts made of all wool or part wool.

Group No.:
33. Men's—all sizes
34. Boys'—all sizes

(n) *Cotton shell vests.* Vests lined with cotton flannel, cotton suede, cotton blanket, all wool, part wool, leather, or sheepskin, of which the outer shell is made of cotton (other than corduroy).

Group No.:
35. Men's—all sizes
36. Boys'—all sizes

(o) *Corduroy vests.* Vests, either lined or unlined, of which the shell is made of corduroy.

Group No.:
37. Men's—all sizes
38. Boys'—all sizes

(p) *Corduroy pants and overalls.*

Group No.:
39. Men's—all sizes
40. Boys'—all sizes

(q) *Water repellent duck clothing.*

Group No.:
41. Men's and boys' pants and breeches—all sizes
42. Men's and boys' coats and jackets—all sizes.
43. Men's and boys' caps—all sizes

Appendix B: Suggested cost record forms

FORM D

[This form may be duplicated. Copies will not be furnished by the Office of Price Administration]

A—GENERAL INFORMATION

1. Garment group number .....
2. Highest price for garments of this group $.....
3. Style number and description of garment .....

4. General Division Factor for 1943 ....., Selling Price, 1943 $.....
5. Class I Division Factor for 1943 ....., Selling Price, 1943 $.....
6. Class II Division Factor for 1943 ....., Selling Price, 1943 $.....

B—RECORD OF DIRECT COSTS FOR EACH CUTTING, 1943

7. If this is a record of a cost estimate, specify date estimate was prepared .....
(NOTE: If this is a record of an estimate, items 8 and 9 need not be filled in.)
8. Date of cutting ..... Number of garments cut .....
9. Cutting ticket number or other identification .....
10. Material costs were calculated on: (check one) a gross basis ( ) or a net basis ( ).
11. Material and Trimming Costs:

Item	Description	Total for all garments in this cutting: Quantity used	Cost per yard, unit, etc.	Total cost cols. 3 x 4	Cost per garment or dozen
(1)	(2)	(3)	(4)	(5)	(6)
Outer ply					
Inner ply					
Thread					
Buttons					
Linings					
Labels					
Freight in					
Others: (Specify)					

12. Direct labor costs:

	Basis of payment (check one)	
Cutting	Piece rate ( ) or time ( )	
Sewing	Piece rate ( ) or time ( )	
Pressing	Piece rate ( ) or time ( )	
Boxing and put-up	Piece rate ( ) or time ( )	
All other direct labor listed by craft or operation:		

13. Total direct cost per ..... (Garment or dozen garments) .....

SUGGESTED FORM FOR KEEPING RECORDS OF DIRECT LABOR COSTS PAID ON A TIME BASIS

(FORM E)

[This form may be duplicated. Copies will not be furnished by the Office of Price Administration]

Pay-roll period	Type of garment†	Number of garments produced	Wages paid on a time basis: Cutting Total	Cutting Av.	Sewing Total	Sewing Av.	Pressing Total	Pressing Av.	Boxing and put-up Total	Boxing and put-up Av.	Other (specify) Total	Other (specify) Av.

†If you have figured your direct labor costs for separate groups of garments, specify the group numbers of the garments covered. If you have not segregated the garments into groups, specify "All."

Effective date. This regulation becomes effective for all sellers on August 26, 1943. However, if you file your division factor forms and receive acknowledgment of their filing before this date, the regulation becomes effective as to you on the day such acknowledgment is received.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12081; Filed, July 26, 1943; 2:51 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 70]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1394.8103 (d) is added to read as follows:

(d) (1) Upon termination of the employment of a ration holder at a plant, establishment or facility at which an organized transportation plan has been established in the charge of a committee or official with authority to accept the surrender of expired rations, any supplemental ration issued for the use of such ration holder in connection with such employment shall expire and all unused books or coupons representing such ration shall be surrendered immediately by the holder thereof to such committee or official or to the issuing Board. If such ration is evidenced by credits in a ration bank account, the holder shall immediately issue to such committee or official or to the issuing Board a certified ration check, payable to the Office of Price Administration for the net balance in his account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. A committee or official to whom any book or ration coupons or a ration check is surrendered shall issue a receipt therefor, and promptly forward such book, coupons or check to the issuing Board, or, in the event the rations for the employees are issued by more than one Board the book, coupons or ration check shall be forwarded in such manner as may be prescribed by the District Director having jurisdiction over the area in which such plant, establishment or facility is located.

(2) Authority to accept the surrender of expired rations may be conferred upon the committee or official in charge of an organized transportation plan by the Board which has jurisdiction to issue rations for all of the employees of the plant, establishment or facility at which the plan has been established. If no Board has such jurisdiction the authority may be conferred by the District Director having jurisdiction over the areas in which such plant, establishment or facility is located.

This amendment shall become effective July 31, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W. P. B. Dir. 1, Supp. Dir. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12082; Filed, July 26, 1943; 2:46 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 48]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 9.2 (b), (c), (d) and (e) to Ration Order 13 are added to read as follows:

(b) An industrial user who has an excess inventory of processed foods may apply for permission to sell or transfer any part of that excess. The application shall be made on OPA Form R-315 to the Board with which he is registered. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the Board requests. The Board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the Board all points which he received for the processed foods sold or transferred. The Board shall reduce his excess inventory by an amount equal to the number of points given up.

(c) Institutional users may sell or transfer processed foods only as permitted in General Ration Order 5.

(d) Any person not covered by paragraphs (a) (b) or (c) may apply for permission to sell or transfer processed foods. The application shall be made on OPA Form R-315 to the Board for the place where he lives or where he has his principal business office. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the Board requests. Only one such application may be made by a person on his own behalf or on behalf of the members of his family unit. The Board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the Board all points which he received for the processed foods sold or transferred.

(e) If the person making the sale or transfer, as permitted in paragraph (d), is a consumer who has been charged with an excess number of cans of processed foods (as shown by a notation on the inside front cover of his War Ration Book Two, or by the removal from his War Ration Book Two of eight point blue stamps which have not yet become valid), the number of cans with which he is charged shall be reduced by one for each can or bottle of processed foods of eight ounces or over which he has transferred and for which he turns over points. If the number of cans by which that reduction is to be made does not exceed the notation on the inside front cover of the consumer's book, the Board shall reduce the number noted on the book by the appropriate amount. Otherwise, the Board shall issue a substitute book exactly corresponding to that surrendered by the consumer, except that no number shall be written on the inside front cover of the substitute book and an appropriate reduction shall be made in the number of eight point blue stamps not yet valid, which are to be removed. If the processed foods sold or transferred were charged against several members of a family unit the Board shall divide the reduction as equally as possible among the books of members of the family unit which have been charged with an excess number of cans of processed foods.

This amendment shall become effective July 31, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12083; Filed, July 26, 1943; 2:47 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 50]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 10.1 (b) is amended by adding the following sentence to the end thereof:

(b) • • • The board shall credit him with those points by deducting that

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062.

[1] 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 4921, 5318, 5341, 5342, 5480, 5568, 5757, 5758.

[1] 8 F.R. 6446.

number from his excess inventory (if any), and by giving him a certificate for the amount by which the number of points given up exceeds his excess inventory (if any).

2. Section 10.1 (d) is added to read as follows:

(d) An industrial user who has an excess inventory of foods covered by this order may apply for permission to sell or transfer any part of that excess. The application shall be made on OPA Form R–315 to the board with which he is registered. He must state in his application the kinds, quantities and point value of the foods covered by this order which he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the board requests. The board shall grant the application if good cause is shown. If the application is granted, the foods covered by this order must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer such foods, and within five (5) days after the sale or transfer, the transferor must give up to the board all points which he received for the sale or transfer. The board shall reduce his excess inventory by an amount equal to the number of points given up.

3. Section 10.1 (e) is added to read as follows:

(e) "Institutional users" may sell or transfer foods covered by this order in the way permitted by General Ration Order 5.

4. Section 10.1 (f) is added to read as follows:

(f) Any "person" not covered by paragraphs (a), (b), (c), (d), or (e) may apply for permission to sell or transfer foods covered by this order. The application shall be made on OPA Form R–315 to the board for the place where he lives or where he has his principal business office. He must state in his application the kinds, quantities and point value of the foods covered by this order which he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information the board requests. The board shall grant the application if good cause is shown. If the application is granted, the foods covered by this order must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer such foods, and within five (5) days after the sale or transfer the transferor must give up to the board all points which he received for the foods sold or transferred.

This amendment shall become effective July 31, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562 and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471.)

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12084; Filed, July 26, 1943; 2:46 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 80 Under SR 15 to GMPR]

WHITE STAR TRUCKING LINES

Order No. 80 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3–1636.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1380 *Order denying application for adjustment of John S. Daniels, d/b/a White Star Trucking Lines.* (a) The application for adjustment filed by John S. Daniels, d/b/a White Star Trucking Lines, 111 Westminster Avenue, Buffalo, New York requesting an increase in the maximum prices for contract carrier services furnished to National Biscuit Company from, to and between points in New York and Pennsylvania, is hereby denied.

(b) This Order No. 80 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 80 (§ 1499.1380) shall become effective July 26, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12085; Filed, July 26, 1943; 2:46 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 74]

SUGAR RATIONING REGULATIONS: STAMP 14

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new item is added to § 1407.243 to read as follows:

§ 1407.243 *Schedule C: Designation of ration periods and weight value of stamps valid therein.*

Ration period	Stamp valid during ration period	Weight value of stamp
• •	• •	• •
No. 14 (August 16, 1943, to November 1, 1943).	Stamp No. 14..	5 pounds.

This amendment shall become effective July 31, 1943.

(Pub. Law 421, 77th Cong., Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12090; Filed, July 27, 1943; 9:16 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3–5, Amdt. 2]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DESIGNATED COUNTIES IN OHIO

A statement of the considerations involved in the issuance of this Amendment No. 2 to Restaurant Maximum Price Regulation No. 3–5 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Restaurant Maximum Price Regulation No. 3–5 is amended in the following respects:

(1) Section 3 (a) is amended by the addition of the following new class of food items.

(22a) Seasonal dessert specialities, such as watermelons, cantaloupes, and berries.

(2) Section 4 is amended by the addition of the following sentence to the first paragraph contained in said section 4.

The provisions of this section shall not apply to seasonal dessert specialities as specified in Section 3 (a), class (22a).

(3) Section 7 is amended by the addition of a new paragraph (c) as follows:

(c) *Seasonal eating and drinking establishments.* If you are the proprietor of a seasonal eating and drinking establishment you must figure your ceiling prices as follows:

(1) If your establishment was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3 and 4, of this regulation.

(2) If your establishment was not in operation during the base period from April 4 to April 10, but another establishment of the same type and within reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the provisions of section 7 (a) and (b) herein.

(3) If you cannot price under paragraphs (1) or (2) herein, and your establishment is not yet in operation, you shall apply for approval of maximum prices to the Office of Price Administration District Office for the area in which your establishment is located. Your application must be filed at least 10 days prior to the date on which you plan to commence operations and must include the following information.

(i) Your name and address and the name and address of your establishment.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the present or coming season, differentiating between week day, and Sunday and holiday prices.

(iv) The date on which you plan to commence operations,

(v) The names of two establishments similar to yours in your vicinity.

You may then charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. The OPA may at any time, after proper investigation and hearing, establish or reestablish such maximum prices for your business as it deems proper and equitable.

(4) If your establishment is already in operation and you cannot price under paragraphs (1) or (2) herein, you shall, within 10 days of the effective date of this amendment, file application with the Office of Price Administration District Office for the area in which your establishment is located for approval of the prices which you are presently charging. Such application shall include the same information as set forth for applications under paragraph (3) herein. Such listed prices shall be your maximum prices, but shall be subject to modification or adjustment at any time by the Office of Price Administration.

This amendment shall become effective July 13, 1943.*

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued July 13, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R Doc. 43–12091; Filed, July 27, 1943; 9:16 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3–6, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DESIGNATED COUNTIES IN MICHIGAN

A statement of the considerations involved in the issuance of this Amendment No. 1 to Restaurant Maximum Price Regulation No. 3–6 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Restaurant Maximum Price Regulation No. 3–6 is amended in the following respects:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 8811.

1. Section 3 (a) is amended by the addition of the following new class of food items:

(22a) Seasonal dessert specialties, such as watermelons, cantaloupes, and berries.

2. Section 4 is amended by the addition of the following sentence to the first paragraph contained in said section 4:

The provisions of this section shall not apply to seasonal dessert specialties as specified in section 3 (a), class (22a).

3. Section 7 is amended by the addition of a new paragraph (c) as follows:

(c) *Seasonal eating and drinking establishments.* If you are the proprietor of a seasonal eating and drinking establishment you must figure your ceiling prices as follows:

(1) If your establishment was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3 and 4, of this regulation.

(2) If your establishment was not in operation during the base period from April 4 to April 10, but another establishment of the same type and within reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the provisions of Section 7 (a) and (b) herein.

(3) If you cannot price under paragraphs (1) or (2) herein, and your establishment is not yet in operation, you shall apply for approval of maximum prices to the Office of Price Administration District Office for the area in which your establishment is located. Your application must be filed at least 10 days prior to the date on which you plan to commence operations and must include the following information.

(i) Your name and address and the name and address of your establishment.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the present or coming season, differentiating between weekday, and Sunday and holiday prices.

(iv) The date on which you plan to commence operations.

(v) The names of two establishments similar to yours in your vicinity.

You may then charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. The Office of Price Administration may, at any time, after proper investigation and hearing, establish or re-establish such maximum prices for your business as it deems proper and equitable.

(4) If your establishment is already in operation and you cannot price under paragraphs (1) or (2) herein, you shall, within 10 days of the effective date of this amendment, file application with the Office of Price Administration District Office for the area in which your establishment is located for approval of the prices which you are presently charging. Such application shall include the same information as set forth for applications under paragraph (3) herein. Such listed prices shall be your maximum prices, but shall be subject to modification or adjustment at any time by the Office of Price Administration.

This amendment shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued July 13, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–12092; Filed, July 27, 1943; 9:17 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amdt. 31]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS; ICE CREAM AND ICE CREAM MIX

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The effective date provision of Amendment No. 14 to Maximum Price Regulation 280 is amended to read as follows:

This Amendment 14 shall become effective February 22, 1943, and terminate on September 23, 1943.

This Amendment No. 31 shall become effective as of July 24, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12087; Filed, July 27, 1943; 9:15 a. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[2] Amdt. 2]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 418 is amended in the following respects:

1. The title of Schedule No. 5 in Table A of section 20 is amended by deleting the words "(Limanda limanda)" and inserting in their place the words "(Hippoglossoides platessoides)".

2. Schedule Nos. 49 and 50 are added to Table A of section 20 to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5165, 7566, 6357, 7196, 7599, 7670, 8065, 8180, 9386, 9883.

[2] 8 F.R. 9366.

TABLE A.—MAXIMUM PRICES FOR PRODUCERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound																			
					January		February		March		April		May		June		July		August		September		October		November		December	
					Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed
49	Pilchards (Sardinia Caerulea) (per ton) [18].	1	Round.	All sizes.	22.00	....	22.00	....	....	....	....	....	....	....	....	....	....	....	22.00	....	22.00	....	22.00	....	22.00	....	22.00	....
50	Pilchards (Sardinia Caerulea) (when sold for bait only) [18].	1	Round.	All sizes.	.02	....	.02	....	....	....	....	....	....	....	....	....	....	....	.02	....	.02	....	.02	....	.02	....	.02	....

3. Footnote 18 is added to the end of Table A in section 20 to read as follows:

[18] The maximum prices listed for this fish apply only when it is landed ex-vessel in ports of entry in California.

4. The title of Schedule No. 5 in Table B of section 20 is amended by deleting the words "(Limanda limanda)" and inserting in their place the words "(Hippoglossoides platessoides)".

5. The title of Schedule No. 5 in Table C of section 20 is amended by deleting the words "(Limanda limanda)" and inserting in their place the words "(Hippoglossoides platessoides)".

6. The title of Schedule No. 5 in Table D of section 20 is amended by deleting the words "(Limanda limanda)" and inserting in their place the words "(Hippoglossoides platessoides)".

7. The title of Schedule No. 5 in Table E of section 20 is amended by deleting the words "(Limanda limanda)" and inserting in their place the words "(Hippoglossoides platessoides)".

This amendment shall become effective July 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12088; Filed, July 27, 1943; 9:16 a. m.]

PART 1393—ICE

[MPR 154 as Amended,[1] Amdt. 5]

ICE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 154, as amended, is amended in the following respects:

Section 1393.12 (f) is hereby revoked.

This amendment shall become effective July 26, 1943.

*Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 5139, 5276, 5944, 8940, 8948; 8 F.R. 1270, 7593, 8844.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12069; Filed, July 27, 1943; 9:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14A[1] to GMPR, Amdt. 2]

MILK & MILK PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The effective date provision of § 1499.73a (a) (1a), as provided for in Amendments 119 and 184 to Supplementary Regulation 14, is amended to read as follows:

This amendment shall become effective February 22, 1943 and shall terminate on September 23, 1943.

This Amendment No. 2 shall become effective as of July 24, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12093; Filed, July 27, 1943; 9:15 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service; Bureau of the Public Debt.

[1943 Dept. Circ. 696, Amdt. 2]

TREASURY SAVINGS NOTES, SERIES C

JULY 27, 1943.

1. Paragraph 1 (a) of section V of Department Circular No. 696 (7 F.R. 7260), as amended (8 F.R. 8684), is hereby further amended to read as follows:

1. *General.* (a) Any Treasury Savings Note of Series C not presented in payment of taxes, will be paid at maturity, or, at the option and request of the owner and without advance notice, will be redeemed before maturity, but the notes may be redeemed before maturity only during and after the sixth calendar month after the month of issue (as shown on the face of each note).

2. This amendment shall apply to Treasury Savings Notes, Series C, and to notes issued as Treasury Notes of Tax Series C without regard to the date of issue or to the designation of the notes.

[SEAL] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 43-12122; Filed, July 27, 1943; 11:34 a. m.]

[1] 8 F.R. 9835, 9885.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-534, et al.]

ALL PETITIONS GRANTED RELIEF WITHOUT HEARINGS

ORDER TERMINATING TEMPORARY RELIEF AND DISMISSING PROCEEDINGS

In the matter of all petitions filed pursuant to section 4 II (d) of the Act in which temporary relief has been granted without a hearing. Docket nos: A-534, A-1642 A-1686, A-1713, A-1780, A-1790, A-1864, A-1899, A-1906, A-1912, A-1915, A-1927, A-1929, A-1958, A-1960, A-632, A-1962, A-1963, A-1968, A-1981, A-1985, A-1986, A-1991, A-1997, A-2004, A-2018, A-2022 A-2024, A-2025, A-2031, A-2034, A-1956, A-2037, A-2038, A-1267-II, A-1559-II, A-1645-II, A-1914-II, A-1919-II, A-1943-II, A-1949-II, A-1959-II, A-1999-II, A-2006-II, A-2010-II, A-2017-II, A-2032-II A-1889-II.

Orders having been issued granting temporary relief in each of the above-designated dockets without a hearing; and it appearing appropriate to terminate such temporary relief and dismiss such proceedings in each such docket in view of the fact that the Bituminous Coal Act of 1937 will cease to be in effect as of 12:01 a. m. August 24, 1943;

Now therefore it is ordered, That effective 12:01 a. m. August 24, 1943, the temporary relief heretofore granted in each of the above-designated dockets be, and the same hereby is, terminated and the proceedings in each of the above-designated dockets be, and the same hereby is, dismissed as of 12:01 a. m. August 24, 1943.

Dated: July 24, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12102; Filed, July 27, 1943; 10:58 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943, (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry:

Baldwyn Manufacturing Company, Baldwyn, Mississippi; Men's cotton work shirts; 10 percent (T); effective July 22, 1943, expiring July 22, 1944.

Fletcher Brothers Company, 436-440 S. Liberty Street, Winston-Salem, North Carolina; Overalls, dungarees; 10 learners (T); effective July 24, 1943, expiring July 24, 1944.

Frackville Manufacturing Company, 9th and Scull Streets, Lebanon, Pennsylvania; Pajamas, shirts, operating gowns and shorts; 10 percent (T); effective August 4, 1943, expiring August 4, 1944.

Gottsegen & Kaufman, 76 Franklin Street, New Haven, Connecticut; Men's wool, cotton, rayon and gabardine trousers; 10 learners (T); effective July 21, 1943, expiring July 21, 1944.

Gracette Manufacturing Company, 308 Ontario Street, Cohoes, New York; Nightgowns, pajamas and bed jackets; 6 learners (T); effective July 26, 1943, expiring July 26, 1944.

Hopkinsville Clothing Manufacturing Company, Hopkinsville, Kentucky; Cotton trousers; 10 percent (T); effective July 22, 1943, expiring July 22, 1944.

Klein Dress Company, 210 North Valley Avenue, Olyphant, Pennsylvania; Ladies' and children's cotton dresses; 10 percent (T); effective July 22, 1943, expiring July 22, 1944.

M. Kutcher, 2149 North Warnock Street, Philadelphia, Pennsylvania; Infants' dresses; 5 learners (T); effective July 24, 1943, expiring July 24, 1944.

A Morganstern and Company, Fredericksburg, Virginia; Pants; 10 percent (T); effective July 24 1943, expiring July 24, 1944.

Nannette Manufacturing Company, 2052 Wheatsheaf Lane, Philadelphia, Pennsylvania; 10 percent (T); Toddler & baby frocks; effective July 22, 1943, expiring July 22, 1944.

Reade Manufacturing Company, Malden, Missouri; Men's shirts; 50 learners (A. T.); effective July 26, 1943, expiring January 26, 1944.

Stoughton Garment Company, Stoughton, Wisconsin; Men's trousers; 10 learners (T); effective July 31, 1943, expiring July 31, 1944.

Sweet Manufacturing Company, 1100 Commerce Street, Dallas, Texas; Sport shirts and neckwear; 10 learners (T); effective July 26, 1943, expiring July 26, 1944.

Hosiery Industry

Harriman Hosiery Mills, Harriman, Tennessee; Seamless hosiery; 200 learners (A. T.); effective July 26, 1943, expiring January 26, 1944. (This certificate replaces the one effective July 14, 1943 and expiring January 14, 1944.)

Lutz Hosiery Mill, 107 Boundry Street, Lenoir, North Carolina; Anklets; 35 learners (A. T.) effective July 26, 1943, expiring January 26, 1944.

Pilot Full Fashion Mills, Incorporated, Valdese, North Carolina; Thrown and twisted yarns; 26 learners (A. T.); effective July 22, 1943, expiring January 22, 1944.

Victor Hosiery Branch, Greencastle, Pennsylvania; Wool and cotton light weight socks; 20 learners (E); effective July 26, 1943, expiring January 26, 1944.

Knitted Wear Industry

John Rems and Sons, 22 Locust Street, Macungie, Pennsylvania; Ladies' cotton ribbed knitted union suits, vests and pants; 5 learners (T); effective August 4, 1943, expiring August 4, 1944.

Telephone Industry

Central Iowa Telephone Company, Reinbeck, Iowa; To employ learners as commercial switchboard operators at its Reinbeck exchange, located at Reinbeck Iowa; effective August 25, 1943, expiring August 25, 1944.

Textile Industry

Correction: Perkasie Throwing Mill

Perkasie Throwing Mill, Incorporated, 9th Street, Perkasie, Pennsylvania, manufacturers of nylon, rayon and cotton, Certificate of July 1, 1943 for 8 learners is effective for six months period, expiring January 1, 1944, instead of July 1, 1944.

Algodon Manufacturing Company, Bessemer City, North Carolina; Cotton staple; 3 percent (T); effective July 22, 1943, expiring July 22, 1944.

Erickson Textile Company, 626 North Locust Street, Momence, Illinois; Cotton duck and fish nets; 3 learners (T); effective July 20, 1943, expiring 20, 1944.

Sauquoit Silk Company, Incorporated, 302 Fig Street, Scranton, Pennsylvania; Processing nylon shroud lines, throwing nylon, rayon, and miscellaneous fibers; 75 learners (A. T.); effective July 21, 1943, expiring January 21, 1944.

Whitley Cotton Mills, Incorporated, Clayton, North Carolina; Yarns, cottons; 3 percent (T); effective July 26, 1943, expiring July 26, 1944.

Signed at New York, N. Y., this 24th day of July, 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-11975; Filed, July 26, 1943; 12:37 p. m.]

FEDERAL TRADE COMMISSION.

[File No. 21-378]

CATALOG JEWELRY AND GIFTWARE INDUSTRY

NOTICE OF HEARING, AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1943.

In the matter of proposed trade practice rules for the Catalog Jewelry and Giftware Industry.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations or other parties or groups affected by or having an interest in the proposed trade practice rules for the Catalog Jewelry and Giftware Industry to present to the Commission their views concerning such rules, including such pertinent information, suggestions, or objections, if any, as they may desire to submit, and to be heard in the premises. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Matters submitted in writing should be filed with the Commission not later than August 18, 1943. Opportunity for oral hearing and presentation will be afforded

Serial No.	Filing date	Inventor	Title
367,236	11-26-40	D. Sclaky	Process and machine for welding by electromagnetic storage of energy.

Executed at Washington, D. C., on June 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12040; Filed, July 26, 1943; 1:19 p. m.]

[Divesting Order Number 5]

L. STURBELLE

Re: Patent application serial number 331,265.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having on November 2, 1942, vested by Vesting Order Number 292, as property in which a national of a foreign country had an interest, among other things, patent application identified as follows:

Serial No.	Filing Date	Inventor	Title
331,265	5-23-40	L. Sturbelle	Leaching method and apparatus.

2. Having thereafter received a claim executed on Form APC-16 by Lucien Charles Sturbelle in which he claimed the said patent application as his property and stated that he had made no assignment thereof;

3. Finding that the said Lucien Charles Sturbelle is a subject of Belgium, and that the said Lucien Charles Sturbelle was at the time of said vesting, and at all times since then has been and now is, a resident of the United States, and is not acting or purporting to act directly or indirectly for the benefit or on behalf of, and not controlled by, or a cloak for, any designated enemy country or national thereof;

4. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

5. Having received no other claim (except that hereinbefore mentioned in subparagraph 2 hereof), or a notice of claim, on Form APC-1, or otherwise, to the said patent application or to any interest therein, or arising as a result of said vesting order;

6. Having no knowledge of any interest in such patent application held by any national of any foreign country, except that of the said Lucien Charles Sturbelle, a resident of the United States;

7. Having neither assigned, transferred nor conveyed to anyone the said patent application or any part thereof or any interest therein, nor issued any license with respect thereto nor in any manner created any right or interest in any person whomsoever;

8. Determining that the error committed in vesting such patent application should be corrected by assigning and conveying said patent application to the said Lucien Charles Sturbelle and that such disposition of the said claim, being for the purpose of correcting a mistake made in vesting such patent application originally, does not require the filing of any further claim nor any further hearing;

9. Having made all determinations and taken all action required by law; and

10. Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States.

Now, therefore, the undersigned hereby orders that the aforesaid patent application be assigned to Lucien Charles Sturbelle.

Now, therefore, the undersigned hereby, without warranty, assigns, transfers and conveys to Lucien Charles Sturbelle the following patent application:

Serial No.	Filing date	Inventor	Title
331,265	5-23-40	L. Sturbelle	Leaching method and apparatus.

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Divesting Order 4]

D. SCLAKY

Re: Patent application serial number 367,236.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having on November 2, 1942, vested by Vesting Order Number 293, as property in which a national of a foreign country had an interest, among other things, the patent application identified as follows:

Serial No.	Filing date	Inventor	Title
367,236	11-26-40	D. Sclaky	Process and machine for welding by electromagnetic storage of energy.

2. Having thereafter received a claim executed on Form APC-17 on behalf of Welding Research, Inc., an Illinois corporation, in which it was recited that the instrument of assignment from David Sclaky to Welding Research, Inc., was dated June 12, 1941;

3. Finding that the assignment referred to in subparagraph 2 hereof, from David Sclaky to Welding Research, Inc., was recorded in the United States Patent Office on March 22, 1943, at Liber Q-105, page 494;

4. Finding, as a result of further investigation conducted subsequent to November 2, 1942, that said patent application and all right, title and interest therein were on November 2, 1942, owned by Welding Research, Inc., and that the said Welding Research, Inc. was at that time, and at all times since then has been and now is, a corporation organized under the laws of the State of Illinois, having its principal place of business in the State of Illinois, and not acting or purporting to act directly or indirectly for the benefit of, on behalf of, and not controlled by nor a cloak for, any designated enemy country or national thereof;

5. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

6. Having received no other claim (except that hereinbefore mentioned in subparagraph 2 hereof), or notice of claim, on Form APC-1, or otherwise, to the said patent application or to any interest therein, or arising as a result of said vesting order; and having no knowledge of any interest in such patent application held by any national of any foreign country;

7. Having neither assigned, transferred or conveyed to anyone the said patent application or any part thereof or any interest therein, nor in any manner created any right or interest in any person whomsoever;

8. Determining that the error committed in vesting such patent application should be corrected by assigning and conveying said patent application to said Welding Research, Inc., and that such disposition of the latter claim, being for the purpose of correcting a mistake made in vesting such patent application originally, does not require the filing of any further claim, nor any further hearing;

9. Having made all determinations and taken all action required by law; and

10. Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States;

hereby orders that the aforesaid patent application be assigned to Welding Research, Inc.

Now, therefore, the undersigned hereby, without warranty, assigns, transfers and conveys to Welding Research, Inc. the following patent application:

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12041; Filed, July 26, 1943; 1:26 p. m.]

[Amendment of Vesting Order 233]

PATENTS OF ENEMY NATIONALS

Whereas, pursuant to Vesting Order Number 233 of October 14, 1942, the undersigned intended to vest, among other things, patent number 1,765,928; and

Whereas, in describing such patent in said Vesting Order Number 233, the number was as a result of a typographical error, inadvertently designated as "1,865,928";

Now, therefore, Vesting Order Number 233 of October 14, 1942, is hereby amended as follows and not otherwise;

By substituting the number "1,765,928" for the number "1,865,928" appearing therein.

All other provisions of said Vesting Order Number 233 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12042; Filed, July 26, 1943; 1:20 p. m.]

[Amendment of Vesting Order 237]

CERTAIN REAL PROPERTY IN CLIFFSIDE PARK, NEW JERSEY OWNED BY SALVATORE LOFORTE

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Salvatore Loforte is Palermo, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Salvatore Loforte is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

(a) Real property situated in Bergen County, New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of records held by or for persons who are not nationals of designated enemy countries to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that tract or parcel of land situated in the County of Bergen, State of New Jersey, more particularly described as follows:

Premises Borough of Cliffside Park, which on a certain map entitled "Map of Grantwood in the Borough of Cliffside Park, Bergen County, New Jersey" made by Alfred W. Williams, Civil Engineer and Surveyor, and duly filed in the Office of the Clerk of said County on May 1, 1901, as Map No. 805 is known and designated as part of lot number 12 and 13 in Block No. 18 on said map and more particularly bounded and described as follows: Beginning at a point in the westerly side of Anderson Avenue, distant 71.17 feet northerly from the corner formed by the intersection of the westerly side of said Anderson Avenue with the northerly side of Lafayette Avenue as said avenues are now laid out and which point is opposite the center line of a party wall standing partly on the premises hereby described and partly on the premises adjoining thereto on the south; running thence 1) to, through and beyond the center line of said party wall standing partly on the premises hereby conveyed and partly on the premises adjoining thereto on the south, north 45 degrees 44 minutes 30 seconds west, 110.47 feet to a point; running thence 2) north 50 degrees 7 minutes east along the rear line of lot 12 and 13 in Block 18 on the aforesaid map 19.86 feet to a point which point is opposite the center line of a party wall standing partly on the premises hereby described and partly on the premises adjoining thereto on the north; running thence 3) south 45 degrees 44 minutes 30 seconds east to, through and beyond the center line of said party wall standing on the premises hereby described and partly on the premises adjoining on the north 103.86 feet to a point in the westerly line of said Anderson Avenue; and running thence 4) southerly along the westerly line of said Anderson Avenue, 20.48 feet to the beginning.

[F. R. Doc. 43-12043; Filed, July 26, 1943; 1:30 p. m.]

[Amendment of Vesting Order 293]

J. REGNIER, ET AL.

Whereas, pursuant to Vesting Order Number 293 of November 2, 1942, the undersigned intended to vest, among other things, patent application described as follows:

Serial No.	Filing date	Inventor	Title
309,951	12-19-39	J. Lobstein	Electric heating apparatus for all applications.

Whereas, In describing said patent application in Exhibit A attached to and made a part of said Vesting Order Number 293, the number thereof was, as a result of a typographical error inadvertently designated as Serial Number "309,051";

Now, therefore, Vesting Order Number 293 of November 2, 1942, is hereby amended as follows and not otherwise:

By changing the number of said patent application appearing in Exhibit A attached thereto and made a part thereof as follows: "309,051" to "309,951".

All other provisions of said Vesting Order Number 293 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on May 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12044; Filed, July 26, 1943; 1:20 p. m.]

[Amendment of Vesting Order 661]

PATENTS OF H. THOMA, ET AL.

Whereas, Pursuant to Vesting Order Number 661 of January 12, 1943, the undersigned intended to vest, among other things, United States Patents described as follows:

Patent No.	Date	Inventor	Title
1,719,548	7/2/29	C. Huffschmidt	Water-softening filter and regenerating and purifying the same.
1,722,040	7/30/29	C. Dursch	Welding and soldering composition.
1,772,410	8/5/30	A. Abel	Method and device for producing stroboscopic light effects.
1,736,694	11/19/29	E. Blau	Stop for locating work in machine tools.

Whereas, In describing such patents in Exhibit A attached to and made a part of such Vesting Order Number 661, the numbers thereof were, as a result of typographical errors, inadvertently designated, respectively, as "1,719,458", "1,722,404", "1,722,410", "1,735,694";

Now, therefore, Vesting Order Number 661 of January 12, 1943, is hereby amended as follows and not otherwise:

By changing the numbers appearing in Exhibit A attached thereto and made a part thereof as follows:

"1,719,458" to "1,719,548";
"1,722,404" to "1,722,040";
"1,722,410–7/30/29" to "1,772,410–8/5/30";
"1,735,694" to "1,736,694".

All other provisions of such Vesting Order Number 661 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12045; Filed, July 26, 1943; 1:20 p. m.]

[Vesting Order 968]

FRATELLI BRANCA & CO., INC.

Re: Trade-marks used by Fratelli Branca & Co., Inc., and contractual interests relating thereto

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Count Dino (Bernardino) Branca, Countess Lina (Carolina) Dolfin Branca and Count Paolo Dolfin Boldu, all of whom are residents of Italy and who at one time were doing business as partners under the firm name of "Fratelli Branca" at 35 Via Broleto, Milan, Italy, are nationals of a foreign country (Italy);

2. Finding that Societa Anonima Fratelli Branca, a corporation organized under the laws of Italy and doing business at 35 Via Broleto, Milan, Italy, is a national of a foreign country (Italy);

3. Finding that Nobile Donna Contessa Teresa Legrenzi Branca, Steno dei Conti Branca, Pierluigi dei Conti Branca and Arturo Gerli, whose last known addresses are Milan, Italy, are nationals of a foreign country (Italy);

4. Finding that the persons referred to in subparagraphs 1 and 3 hereof are the owners jointly or severally of some or all of the trade-marks and other rights referred to in subparagraph 8–a hereof;

5. Finding that Societa Anonima Fratelli Branca is the owner of such of the trade-marks and other rights referred to in subparagraph 8–a hereof as are not owned by the persons referred to in subparagraphs 1 and 3 hereof;

6. Finding that Count Dino Branca, Countess Lina Dolfin Branca, Count Paolo Dolfin Boldu, Nobile Donna Contessa Teresa Legrenzi Branca, Steno dei Conti Branca, Pierluigi dei Conti Branca, and Arturo Gerli have interests in the agreement identified in subparagraph 8–b hereof;

7. Finding that the heirs, executors, administrators and assigns, if any, of each of the aforesaid persons referred to in subparagraphs 1 and 3 hereof are nationals of a foreign country (Italy);

8. Finding that the property described as follows:

a. The trade-marks registered in the United States Patent Office, under the numbers and on the dates set out in Exhibit A attached hereto and made a part hereof, the titles to which stand of record in the names of persons as stated in connection with each registration listed in said Exhibit, and the registrations thereof, together with the respective good will of the business in the United States and all its possessions to which said trade-marks are appurtenant, and any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other equipment) and any interest of any nature whatsoever in, and any rights and claims of every character and description to said business, good will and trade-marks and registrations thereof, including without limitation all accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof; and

b. The interests of Count Dino Branca, Countess Lina Dolfin Branca, Count Paolo Dolfin Boldu, Nobile Donna Contessa Teresa Legrenzi Branca, Steno dei Conti Branca, Pierluigi dei Conti Branca, Arturo Gerli and their heirs, executors, administrators and assigns, and each of them, in and to an agreement dated July 30, 1936, by and between Count Dino Branca, Countess Lino Dolfin Branca, and Count Paolo Dolfin Boldu, parties of the first part, and Fratelli Branca & Co., Inc., party of the second part, relating to trade-mark No. 270,734 and others, subject to and including all modifications thereof and supplements thereto, including, but not by way of limitation, an agreement dated October 24, 1938, by and between the parties to the agreement dated July 30, 1936, and their successors in interest, and Fratelli Branca & Co., Inc., and constituting a supplement to said agreement of July 30, 1936, together with all accrued royalties and other monies payable or held with respect to such interests,

is property of, and is property payable or held with respect to trade-marks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Italy);

9. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

10. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 8 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 1, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively:

Trade-mark Reg. No.	Date	Registrant	Character of goods
23,850	Nov. 21, 1893, renewed Nov. 21, 1923.	Maria Branca Scala. Renewed by Dolores Dolfin Branca, Bernardino Branca and Carolina Dolfin Boldu Branca, Milan, Italy.	Anti-cholera remedy.
23,877	Nov. 28, 1893, renewed Nov. 28, 1923.	Maria Branca Scala. Renewed by Dolores Dolfin Branca, Bernardino Branca and Carolina Dolfin Boldu Branca, Milan, Italy.	Anti-cholera remedy.
23,898	Dec. 5, 1893, renewed Dec. 5, 1923.	Maria Branca Scala. Renewed by Dolores Dolfin Branca, Bernardino Branca and Carolina Dolfin Boldu Branca, Milan, Italy.	Anti-cholera remedy.
23,899	Dec. 5, 1893, renewed Dec. 5, 1923.	Maria Branca Scala, renewed by Dolores Dolfin Branca, Bernardino Branca and Carolina Dolfin Boldu Branca, Milan, Italy.	Anti-cholera remedy.
270,734	May 13, 1930	Fratelli Branca, Milan, Italy	Bitters.
285,705	Aug. 4, 1931	Fratelli Branca, Milan, Italy	Stomach bitters.
285,706	Aug. 4, 1931	Fratelli Branca, Milan, Italy	Stomach bitters.
285,707	Aug. 4, 1931	Fratelli Branca, Milan, Italy	Stomach bitters.
317,759	Oct. 2, 1934	Societa Anonima Fratelli Branca, Milan, Italy	Medicinal brandy.
317,760	Oct. 2, 1934	Societa Anonima Fratelli Branca, Milan, Italy	Stomach bitters.
319,742	Dec. 4, 1934	Societa Anonima Fratelli Branca, Milan, Italy	Stomach bitters.
320,331	Dec. 25, 1934	Societa Anonima Fratelli Branca, Milan, Italy	Stomach bitters.
321,725	Feb. 12, 1935	Societa Anonima Fratelli Branca, Milan, Italy	Vermouth.
323,804	Apr. 30, 1935	Societa Anonima Fratelli Branca, Milan, Italy	Vermouth.
323,805	Apr. 30, 1935	Societa Anonima Fratelli Branca, Milan, Italy	Vermouth.

[F. R. Doc. 43–12046; Filed, July 26, 1943; 1:30 p. m.]

[Vesting Order 1023]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

Re: Interest of I. G. Farbenindustrie Aktiengesellschaft in a certain agreement and patent.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft of Frankfort-on-Main, Germany, a corporation organized under the laws of Germany, is a national of a foreign country (Germany);

2. Finding that said I. G. Farbenindustrie Aktiengesellschaft has an interest in the contract referred to in subparagraph 4–a hereof and is the owner of the patent referred to in subparagraph 4–b hereof;

3. Finding that the successors and assigns, if any, of the said I. G. Farbenindustrie Aktiengesellschaft are nationals of a foreign country (Germany);

4. Finding, therefore, that the property described as follows:

a. The interest of said I. G. Farbenindustrie Aktiengesellschaft, its successors and assigns, and each of them, in and to an agreement dated June 18, 1936, by and between it and Hercules Powder Company, a Delaware corporation, relating, among other things, to United States Letters Patent pertaining to cellulose acetate, including all royalties and other moneys payable or held with respect to said interest, and all damages for breach of said agreement, together with the right to sue therefor,

b. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent owned by said I. G. Farbenindustrie Aktiengesellschaft:

Patent No.	Date of issue	Inventor's name	Title
1,948,902	2/27/34	Erich Correns, Albert Mohring	Process for improving acyl cellulose.

is property of or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (Germany):

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 4, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12047; Filed, July 26, 1943; 1:30 p. m.]

[Vesting Order 1046]

CERTAIN CLAIM AGAINST RESINOUS PRODUCTS & CHEMICAL COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 130 of August 28, 1942, that Resinous Products & Chemical Company, Inc., a corporation, is a business enterprise within the United States and is a national of a designated enemy country (Germany);

2. Determining that Chemie Holding, A. G., is acting for or on behalf of nationals of a designated enemy country (Germany) and, therefore, is a national of a designated enemy country (Germany);

3. Finding that said Chemie Holding, A. G., is the owner of property described in subparagraph 4 hereof;

4. Finding, therefore, that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said Chemie Holding, A. G., in and to all obligations contingent or otherwise, and whether or not matured, owing to Chemie Holding, A. G., by said Resinous Products & Chemical Company, Inc., including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations, and including particularly the interest of Chemie Holding, A. G. in Resinous Products & Chemical Company, Inc., represented on the books and records of Resinous Products & Chemical Company, Inc., as an account payable,

is an interest in the aforesaid business enterprise held by, and is also property within the United States owned or controlled by, a national of a designated enemy country (Germany);

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designate enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12048; Filed, July 26, 1943; 1:30 p. m.]

[Vesting Order 1341]

QUARZLAMPEN GESELLSCHAFT

Re: Interest of Quarzlampen Gesellschaft m. b. H. in a contract relating to United States Letters Patent No. 1,554,812.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Quarzlampen Gesellschaft m. b. H. is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that said Quarzlampen Gesellschaft m. b. H. is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Quarzlampen Gesellschaft m. b. H. by virtue of an agreement dated January 14, 1927 (including all modifications thereof and supplements thereto, if any) by and between said Quarzlampen Gesellschaft m. b. H. and Hanovia Chemical and Manufacturing Company, which agreement relates among other things to United States Letters Patent No. 1,554,812,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12049; Filed, July 26, 1943; 1:31 p. m.]

[Vesting Order 1343]

JENAER GLASWERK SCHOTT & GENOSSEN

Re: Interests of Jenaer Glaswerk Schott & Genossen in a contract relating to patents.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Jenaer Glaswerk Schott & Genossen is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that said Jenaer Glaswerk Schott & Genossen is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Jenaer Glaswerk Schott & Genossen by virtue of an agreement dated June 28, 1940 (including all modifications thereof and supplements thereto, if any) by and between the said Jenaer Glaswerk Schott & Genossen and Corning Glass Works, which agreement relates among other thing to United States Letters Patent Nos. 1,620,815; 1,8[illegible]7,126; 1,931,895 and 2,114,748,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12050; Filed, July 26, 1943; 1:31 p. m.]

[Vesting Order 1345]

INDUSTRIEELE MAATSCHAPPIJ ACTIVIT N. V.

Re: Interest of Industrieele Maatschappij Activit N. V. in a contract relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Industrieele Maatschappij Activit N. V. is a corporation organized under the laws of The Netherlands and is therefore a national of a foreign country (The Netherlands);

2. Finding that said Industrieele Maatschappij Activit N. V. is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Industrieele Maatschappij Activit N. V. by virtue of an agreement dated November 6, 1939 (including all modifications thereof and supplements thereto, including, but without limitation, a modification dated January 30, 1940) by and between Industrieele Maatschappij Activit N. V and Chemical Construction Corporation, which agreement relates among other things to United States Letters Patent Nos. 2,171,408; 2,177,910; 2,198,393, and 2,221,683,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (The Netherlands);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interests;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12051; Filed, July 26, 1943; 1:31 p. m.]

[Vesting Order 1346]

SOCIETA ITALIANA PIRELLI

Re: Interests of Societa Italiana Pirelli in a contract relating to United States Letters Patent No. 2,231,359.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Societa Italiana Pirelli is a corporation organized under the laws of Italy and, therefore, is a national of a foreign country (Italy);

2. Finding that said Societa Italiana Pirelli is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societa Italiana Pirelli by virtue of an agreement dated July 27, 1937 (including all modifications thereof and supplements thereto, if any) by and between The Goodyear Tire and Rubber Company and said Societa Italiana Pirelli, which agreement relates, among other things, to Patent No. 2,231,359.

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Italy);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12052; Filed, July 26, 1943; 1:31 p. m.]

[Vesting Order 1348]

ARTHUR WEISZ

Re: Interests of Arthur Weisz in a contract relating to United States Letters Patent No. 2,132,062.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Arthur Weisz is a resident of Czechoslovakia and therefore is a national of a foreign country (Czechoslovakia);

2. Finding that said Arthur Weisz is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Arthur Weisz by virtue of an agreement dated August 16, 1937 (including all modifications thereof and supplements thereto, including, but without limitation, letters modifying said agreement dated September 1, 1938, September 16, 1938 and October 3, 1938) by and between the said Arthur Weisz and Leon Feuer, which related among other things to Patent No. 2,132,062.

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Czechoslovakia);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12053; Filed, July 26, 1943; 1:31 p. m.]

[Vesting Order 1349]

PATENT APPLICATION OF ZOLTAN FOLDI AND ARPAD GERECS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Zoltan Foldi and Arpad Gerecs are both citizens and residents of Hungary and are therefore nationals of a foreign country (Hungary);

2. Finding that Zoltan Foldi and Arpad Gerecs are the owners of the property described in subparagraph 3 hereof;

3. Finding, therefore, that the patent application described as follows:

Serial No.	Date	Inventor	Title
468,152	12-7-42	Zoltan Foldi Arpad Geress	New acetals and a process for preparing them and methods for their utilization in hormone syntheses.

is property in which nationals of a foreign country (Hungary) have interests;

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12054; Filed, July 26, 1943; 1:31 p. m.]

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on April 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12054; Filed, July 26, 1943; 1:32 p. m.]

[Vesting Order 1453]

JEREMIAS H. LEDEBOER

Re: Interest of Jeremias H. Ledeboer in a contract relating to United States Patent No. 1,508,560.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Jeremias H. Ledeboer is a resident of The Netherlands, and is therefore a national of a foreign country (The Netherlands);

2. Finding that the property identified in subparagraph 3 hereof is property of Jeremias H. Ledeboer;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Jeremias H. Ledeboer by virtue of an agreement dated December 19, 1922 (including all modifications thereof and supplements thereto, if any) by and between Jeremias H. Ledeboer and Freyn Engineering Company, which agreement relates, among other things, to Patent No. 1,508,560,

is property payable or held with respect to a patent or right related thereto in which interests are held by, and such property constitutes interests held therein by, a national of a foreign country (The Netherlands);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12055; Filed, July 26, 1943; 1:32 p. m.]

[Vesting Order 1454]

PERMUTIT S. A., INDUSTRIEELE MAATSCHAPPIJ ACTIVIT & OCTROOIEN MAATSCHAPPIJ ACTIVIT

Re: Interests of Permutit S. A., Industrieele Maatschappij Activit and Octrooien Maatschappij Activit in contracts relating, to United States Patents Nos. 2,191,063 and 2,205,635.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Permutit (Luxembourg) S. A., is a corporation organized under the laws of Luxembourg and is therefore a national of a foreign country (Luxembourg);

2. Finding that Industrieele Maatschappij Activit and Octrooien Maatschappij Activit are business organizations organized under the laws of The Netherlands and are therefore nationals of a foreign country (The Netherlands);

3. Finding that the property described in subparagraph 5-a hereof is property of Permutit (Luxembourg) S. A.;

4. Finding that the property described in subparagraph 5-b hereof is property of Permutit (Luxembourg) S. A., Industrieele Maatschappij Activit and Octrooien Maatschappij Activit;

5. Finding that the property described as follows:

a. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit (Luxembourg) S. A., by virtue of an agreement dated April 30, 1936 (including all modifications thereof and supplements thereto, including, but without limitation, a supplement dated September 30, 1940) by and between said Permutit (Luxembourg) S. A. and The Permutit Company, which agreement relates among other things to United States Letters Patent Nos. 2,191,063 and 2,205,635.

b. All interests and rights created in Permutit (Luxembourg) S. A., Industrieele Maatschappij Activit and Octrooien Maatschappij Activit by virtue of an agreement dated April 30, 1936 (including all modifications thereof and supplements thereto, if any) by and between Permutit (Luxembourg) S. A., Industrieele Maatschappij Activit and Octrooien Maatschappij Activit, which agreement relates among other things to United States Letters Patent Nos. 2,191,063 and 2,205,635.

is properly payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Luxembourg and The Netherlands);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7 Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12056; Filed, July 26, 1943; 1:32 p. m.]

[Vesting Order 1455]

I. G. FARBENINDUSTRIE

Re: Patent No. 1,934,613, and interests of I. G. Farbenindustrie in contracts relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. Finding that the property described as follows:

a. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date of Issue	Inventors	Title
1,934,613	11-7-33	Bernhard Jacobi and H. Fikentscher	Production of Acrylic Esters from Chloropropionic Esters.

b. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated October 26, 1934 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Rohm & Haas Company, which agreement relates among other things to certain United States Letters Patent, including Patent No. 2,023,599,

c. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated October 30, 1934 (including all modifications of and supplements to such agreement, including, but without limitation, a letter from Rohm & Haas Company to I. G. Farbenindustrie Aktiengesellschaft dated April 4, 1935 and a supplement dated May 16, 1940 and June 14, 1940) by and between I. G. Farbenindustrie Aktiengesellschaft and Rohm & Haas Company, which agreement relates among other things to certain United States Letters Patent, including Patent No. 1,851,040, and

d. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated March 5, 1940 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Carbide and Carbon Chemicals Corporation, which agreement relates among other things to certain United States Letters Patent, including Patent No. 2,047,398.

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12057; Filed, July 26, 1943; 1:33 p. m.]

[Vesting Order 1461]

PROFESSOR DR. STAUDINGER

Re: Interests of Professor Dr. Staudinger in an agreement with I. G. Farbenindustrie relating to U. S. Patent No. 2,089,444.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Professor Dr. Staudinger, whose last known address is Freiburg, Germany, is a resident of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of Professor Dr. Staudinger;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Professor Dr. Studinger by virtue of a certain agreement (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and said Professor Dr. Staudinger by virtue of which agreement said Professor Dr. Staudinger acquired an exclusive license under United States Patent No. 2,089,444 with respect to the manufacture, use and sale of interpolymers of styrene with divinylbenzene, which are insoluble or only capable of swelling in organic solvents,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12058; Filed, July 26, 1943; 1:33 p. m.]

[Vesting Order 1462]

KARL IMHOFF

Re: Interests of Karl Imhoff in a contract with The Dorr Company, Inc., relating to Patent No. 1,700,722.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Karl Imhoff is a resident of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of said Karl Imhoff;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Karl Imhoff by virtue of an agreement dated August 7, 1936 (including all modifications thereof and supplements thereto, if any) by and between Karl Imhoff and The Dorr Company, Inc., which agreement relates, among other things, to Patent No. 1,700,722,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12059; Filed, July 26, 1943; 1:33 p. m.]

[Vesting Order 1463]

GEORG HERMANN USBECK

Re: Interests of Georg Hermann Usbeck in a contract relating to Patent No. 1,974,760.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Georg Hermann Usbeck is a firm organized under the laws of Germany and having its principal place of business in Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of Georg Hermann Usbeck;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Georg Hermann Usbeck by virtue of an agreement dated June 17, 1938 (including all modifications thereof and supplements thereto, if any) by and between the said Georg Hermann Usbeck and William Bauroth, which agreement relates, among other things, to United States Letters Patent No. 1,974,760,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4 Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12060; Filed, July 26, 1943; 1:33 p. m.]

[Vesting Order 1464]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

Re: Interests of I. G. Farbenindustrie Aktiengesellschaft in a contract with E. I. duPont de Nemours & Company, relating to patent Number 2,230,000.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and therefore is a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated November 22, 1938 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and E. I. duPont de Nemours & Company, which agreement relates, among other things, to United States Letters Patent No. 2,230,000,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12061; Filed, July 26, 1943; 1:34 p. m.]

[Vesting Order 1465]

PATENT APPLICATION OF ALBERT PATIN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Albert Patin is a citizen and resident of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is the property of Albert Patin;

3. Finding, therefore, that the patent application described as follows:

Serial No.	Date	Inventor	Title
476,022	2–15–43	Albert Patin	Electric apparatus forming parts of indicating, measuring, regulating and steering systems.

is property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12062; Filed, July 26, 1943; 1:34 p. m.]

[Vesting Order 1496]

PATENT APPLICATION OF WERNER BAUMANN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Werner Baumann is a resident of France and is therefore a national of a foreign country (France);

2. Finding that the property described in subparagraph 3 hereof is property of Werner Baumann;

3. Finding that the patent application identified as follows:

Serial No.	Filing date	Inventor	Title
280,779	6–23–39	W. Baumann	Combination of a light-extinguisher with a gun-mouth-brake, together with the entire right, title and interest throughout the United States and its territories to, including the right to file applications in the United States Patent Office for, the invention or inventions shown or described in such application,

is property of a national of a foreign country (France);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12063; Filed, July 26, 1943; 1:34 p. m.]

[Vesting Order 1497]

EDGAR WILLIAM BRANDT

Re: Contract rights of Edgar William Brandt in Patent No. 1,730,800.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Edgar William Brandt is a resident of France and is therefore a national of a foreign country (France);

2. Finding that the property identified in subparagraph 3 hereof is property of Edgar William Brandt;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Edgar William Brandt by virtue of an agreement dated August 10, 1932 (including all modifications thereof and supplements thereto, if any) by and between Edgar William Brandt and the United States of America, which agreement relates, among other things, to patent number 1,730,800,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by a national of a foreign country (France);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained

shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12064; Filed, July 26, 1943; 1:34 p. m.]

[Vesting Order 1508]

CARL ZEISS

Re: Undivided one-half interest of the firm of Carl Zeiss in Patent No. 1,655,386.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the Firm of Carl Zeiss, of Jena, Germany, is a business organization, organized under the laws of Germany, and is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of the Firm of Carl Zeiss, of Jena, Germany;

3. Finding, therefore, that the property described as follows:

An undivided one-half (½) interest remaining in the Firm of Carl Zeiss, of Jena, Germany, after a transfer by said Firm of Carl Zeiss to Bausch and Lomb Optical Company, of Rochester, New York, a New York corporation, of an undivided one-half (½) interest by an assignment dated June 6, 1930, recorded in the assignment records of the United States Patent Office on July 30, 1930, in Liber B 145 at page 54, from said Firm of Carl Zeiss to said Bausch and Lomb Optical Company in and to the following patent:

Patent No.	Date	Inventor	Title
1,655,386	1-3-28	Robert Craig	Apparatus for measuring space dimensions of objects.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled.

is property of, and is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12065; Filed, July 26, 1943; 1:35 p. m.]

[Vesting Order 1509]

ZEISS-AEROTOPOGRAPH, G. M. B. H.

Re: Interests of Zeiss-Aerotopograph, G. m. b. H., in an agreement relating among other things to Patent No. 1,980,-657.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the firm of Zeiss-Aerotopograph, G. m. b. H., of Jena, Germany, is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Zeiss-Aerotopograph, G. m. b. H., of Jena, Germany;

3. Finding, therefore, that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Zeiss-Aerotopograph, G. m. b. H., of Jena, Germany, by virtue of an agreement dated August 4 and September 16, 1937 (including all modifications thereof and supplements thereto, if any) by and between said Zeiss-Aerotopograph, G. m. b. H., and Bausch and Lomb Optical Company, a New York corporation, which agreement relates, among other things, to United States Letters Patent No. 1,980,657.

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12066; Filed, July 26, 1943; 1:35 p. m.]

[Vesting Order 1511]

PATENTS AND CONTRACTUAL INTERESTS OF CERTAIN FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the following named persons, whose addresses are listed opposite their respective names, if business organizations, are organized under the laws of, and, if individuals, are residents of, France, and are therefore nationals of a foreign country (France):

Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey, Lyon, France.

Compagnies Reunis des Glaces & Verres Speciaux du Nord de la France, Boussois-sur-Sambre, Nord, France.

Raymond Meer, Paris, France.

2. Finding that the interests and rights in the contracts identified in subparagraph 5-a hereof and the patent identified in subparagraph 5-b hereof are property of Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey;

3. Finding that the interests and rights in the contracts identified in subparagraph 5-c hereof are property of Compagnies Reunis des Glaces & Verres Speciaux du Nord de la France;

4. Finding that the interests and rights in the contract identified in subparagraph 5-d hereof are property of Raymond Meer;

5. Finding, therefore, that the property described as follows:

a. All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey, Lyon, France, by virtue of (1) an agreement as to patent rights and (2) an agreement as to importation, both dated June 1, 1933 (including all modifications thereof and supplements thereto, if any) by and between the said Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey and The American Security Company, a corporation organized under the laws of the State of Delaware, including but not by way of limitation, any and all understandings between the parties, whether written or oral, with respect to the subject matter thereof,

b. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to United States Letters Patent No. 2,250,628, granted July 29, 1941, to Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey, on an application filed September 16, 1936, by Lewis Jex-Blake Forbes,

c. All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in Compagnies Reunis des Glaces & Verres Speciaux du Nord de la France, Boussois-sur-Sambre, Nord, France, by virtue of (1) an agreement as to patent rights and (2) an agreement as to importation, both dated June 1, 1933 (including all modifications thereof and supplements thereto, if any) by and between the said Compagnies Reunis des Glaces & Verres Speciaux du Nord de la France, and The American Security Company a corporation organized under the laws of the State of Delaware, including but not by way of limitation, any and all understandings between the parties whether written or oral, with respect to the subject matter thereof,

d. All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Raymond Meer, Paris, France, by virtue of an agreement dated June 1, 1937 (including all modifications thereof and supplements thereto, if any) by and between the said Raymond Meer, and The American Securit Company, a corporation organized under the laws of the State of Delaware, including but not by way of limitation, any and all understandings between the parties, whether written or oral, with respect to the subject matter thereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (France);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12067; Filed, July 26, 1943; 1:35 p. m.]

[Vesting Order 1512]

ABANDONED PATENT APPLICATION OF NATIONALS OF ENEMY COUNTRIES

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each of the persons to whom reference is made in the column headed "owner" in Exhibit A attached hereto and made a part hereof, if an individual, is a citizen and resident of, or, if a business organization, is organized under the laws of and has its principal place of business in the country represented by the code number set forth after its respective name in said Exhibit A under the heading "Nat" in accordance with the following:

Austria	6
Germany	28
Hungary	34
Italy	38
Japan	39

2. Finding, therefore, that such persons are nationals of the foreign countries represented by the code numbers set forth in said Exhibit A after their respective names in accordance with the aforesaid code;

3. Finding that the patent applications and other property relating thereto described in subparagraph 4 hereof are property of the persons whose names appear opposite the respective numbers thereof in said Exhibit A;

4. Finding, therefore, that the property described as follows:

Patent applications identified in Exhibit A attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

is property of nationals of foreign countries (Austria, Germany, Italy and Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

PATENT APPLICATIONS IDENTIFIED AS FOLLOWS:

SERIES OF 1925

Serial No.	Date	Owner	Inventor	Title	Nat.
619,615	6/27/32	Bohnø Fettchemie G. m. b. H.	H. Hunsdiecker et al.	Wetting agent	28

SERIES OF 1935

Serial No.	Date	Owner	Inventor	Title	Nat.
6,559	2/14/35	Rudolf von Frommer	R. von Frommer	Stock mounting arrangements for small arms.	34
59,175	1/15/36	Oskar Hecker	O. Hecker	Armoured motor vehicles	28
80,072	5/16/36	Georg Pfleiderer	G. Pfleiderer	Process of producing alkali metal peroxides	28
95,249	8/15/36	Pharmakon Gesellschaft für Chemie und Pharmazeutik m. b. H.	J. Eringer	Method for the manufacture of synthetic caoutchouc and isoprene-like products from vinyl ethers	28
101,863	9/21/36	Wilhelm Kochmann	W. Kochmann	Devices for generating pressure gas.	28
145,967	6/2/37	Valentin Anton Petkovic	V. Petkovic	Projectiles	28
146,365	6/15/37	Hans-Heinrich Reckeweg	H. Reckeweg	Shot cartridges	28
152,775	7/9/37	Siemens Apparate und Maschinen G. m. b. H.	E. Blattmann	Gun mounts employed particularly in connection with aircraft.	28
156,092	7/28/37	Martin Mueller-Cunradi and Adolf Gantzler.	M. Mueller-Cunradi et al.	Process of producing butadiene	28
157,431	8/4/37	Mauser-Werke A. G.	A. Heidel	Fire arms	28
160,860	9/14/37	Paul Heisel	P. Heisel	Diterpene and a process of preparing it.	28
164,502	9/18/37	Hans Baehr and Wilhelm Deiters.	H. Baehr et al.	Production of unsaturated compounds.	28
164,983	9/21/37	Gustav Hugo Hoecl	G. Hoecl	Cartridges	28
165,853	10/13/37	Herbert Steinfeld	H. Steinfeld	Advertising material	28
166,040	10/14/37	Helmut Junghans	H. Junghans	Percussion fuse	28
173,116	11/6/37	Hans-Joachim Riedl, Georg Oktavianer and Helmut Rieder.	H. Riedl et al.	Production of butadiene	28
173,698	11/9/37	Walter Bernol and Otto Wulff.	W. Bernol et al.	Process of hydrogenating monovinylacetylene.	28
176,341	11/24/37	Westfälisch-Anhaltische Sprengstoff-A G Chemische Fabriken	W. Kessen	Explosive charges	28
186,607	1/24/38	Consortium Für Elektrochemische et al. Industrie G. m. b. H.	P. Halbig	Process for profueing Butandiol (1,3).	28
180,467	2/8/38	Mechanische Werkerei Altmark G. m. b. H.	A. Hurten	Devices for cleaning the barrels of fire arms.	28
189,018	2/11/38	Minoru Miyauchi and Sabüro Kiyomiya.	M. Miyauchi et al.	Trigger apparatus for rifles, air guns and other kinds of fire arms.	39
190,005	2/11/38	Rheinmetall-Borsig A. G.	W. Rosmanith	Mounting for automatic guns	28
192,497	2/21/38	Ferruccio Antonio Pignatelli	F. Pignatelli	Torpedoes	28
193,290	3/1/38	Richard Michel	R. Michel	Process for the manufacture of condensation products of polyalkylene and aromatic compounds.	28
200,369	4/6/38	Siemens Apparate und Maschinen G. m. b. H.	E. Blattmann	Gun mount for aircraft	28
202,228	4/15/38	August Chwala	A. Chwala	Wetting, dispersing and levelling agent	6
209,249	5/21/38	Fritz Walther	F. Walther	Automatic loading rifle with knee joint breech.	28
218,305	7/9/38	Gustav Gausehow & Co	H. Vollmer	Automatic firearms	28
230,699	9/19/38	Aldo Bevacqua	A. Bevacqua	Lighting bomb or projectile	28
230,700	9/19/38	Aldo Bevacqua	A. Bevacqua	Explosive projectile	28
230,711	10/1/38	Curt Vrd Lolpdg	C. Lolpdg	Aircraft guns	28
232,850	10/19/38	Josef Meissner	J. Meissner	Manufacture of lead and silver azides, and lead trinitro-resorcinate.	28
235,880	10/19/38	Rheinmetall-Borsig A. G.	B. Knuebel	Solid projectile, especially suitable for weapons used by infantry and to a process for its manufacture.	28
237,418	10/28/38	Saburo Kiyomiya	S. Kiyomiya	Trigger apparatus for rifles, air guns and all other kinds of firearms.	39
239,122	11/5/38	Luigi Calzavara	L. Calzavara	Protective structure against aerial bombs.	28
241,283	11/30/38	Società Italiana Brevetti per Costruzioni Meccaniche.	Ernesto G. Crocco	Bomb release device for aircraft.	28

[F. R. Doc. 43-12068; Filed, July 26, 1943; 1:35 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-46]

FOGARTY BROTHERS TRANSFER, INC., AND ST. JOHNS RIVER LINE CO.

COORDINATED OPERATIONS BETWEEN TAMPA AND SARASOTA, FLORIDA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Fogarty Brothers Transfer, Inc., Bradenton, Florida, and St Johns River Line Co., Jacksonville, Florida, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between Tampa and Sarasota, Florida, and intermediate and off-route points, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-46," and unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective July 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12099; Filed, July 27, 1943; 10:55 a. m.]

[1] Filed as part of the original document.

[Supplementary Order ODT 3, Revised-47]

GEORGIA MOTOR EXPRESS, INC., AND MERCURY EXPRESS, INC.

COORDINATED OPERATIONS BETWEEN POINTS IN ALABAMA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Georgia Motor Express, Inc., Atlanta, Georgia, and Mercury Express, Inc., Birmingham, Alabama, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between points in Alabama, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-47" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

8. This order shall become effective July 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12100; Filed, July 27, 1943; 10:55 a. m.]

[1] Filed as part of the original document.

[Supplementary Order ODT 20A–2]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE GRENADA, MISSISSIPPI AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of and between Grenada and Camp McCain, Mississippi, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–2" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective July 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX 1

Day & Night Taxi Station, Grenada, Mississippi.
Wallace Cain, Grenada, Mississippi.
Joe Eddie Weathers, Grenada, Mississippi.
Revell Gause, Grenada, Mississippi.

[F. R. Doc. 43–12101; Filed, July 27, 1943; 10:55 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under MPR 320]

MANUFACTURERS OF JAMES SWEET POTATO CRATES

ADJUSTABLE PRICING

Order No. 1 under Maximum Price Regulation No. 320—Eastern and Central Wooden Agricultural Containers.

Petition has been filed for amendment of Maximum Price Regulation No. 320, Eastern and Central Wooden Agricultural Containers, with respect to James sweet potato crates. It has been shown that authorization to use adjustable pricing, pending action on the petition, is necessary to promote production and distribution of the commodity involved and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328 and in accordance with § 1377.210 (c), *It is ordered:*

(a) Producers in the area covered by Maximum Price Regulation No. 320 may sell and deliver and any person may buy and receive James sweet potato crates at prices adjustable to those established by the Office of Price Administration.

(b) Any charges made or collected in excess of the price established must be refunded within 30 days from the effective date of the establishment of such price. If the establishment of such price is denied, any charges made or collected in excess of the present ceiling price must be refunded within 30 days from the date of denial.

(c) This order shall be automatically revoked upon the establishment or denial of such price.

This order shall become effective July 27, 1943.

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12095; Filed, July 27, 1943; 9:14 a. m.]

[Order 2 Under MPR 320]

MANUFACTURERS OF BRUCE BOX CLEATS

ADJUSTABLE PRICING

Order No. 2 under Maximum Price Regulation No. 320—Eastern and Central Wooden Agricultural Containers.

Petition has been filed for amendment of Maximum Price Regulation No. 320, Eastern and Central Wooden Agricultural Containers, with respect to Bruce box cleats. It has been shown that authorization to use adjustable pricing, pending action on the petition, is necessary to promote production and distribution of the commodity involved and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328 and in accordance with § 1377.210 (c), *It is ordered:*

(a) Producers in the area covered by Maximum Price Regulation No. 320 may sell and deliver and any person may buy and receive Bruce box cleats at prices adjustable to those established by the Office of Price Administration.

(b) Any charges made or collected in excess of the price established must be refunded within 30 days from the effective date of the establishment of such price. If the establishment of such price is denied, any charges made or collected in excess of the present ceiling price must be refunded within 30 days from the date of denial.

(c) This order shall be automatically revoked upon the establishment or denial of such price.

This order shall become effective July 27, 1943.

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12094; Filed, July 27, 1943; 9:14 a. m.]

[Order 3 under MPR 320]

MANUFACTURERS OF CITRUS FIELD BOXES

ADJUSTABLE PRICING

Order No. 3 under Maximum Price Regulation No. 320—Eastern and Central Wooden Agricultural Containers.

Petition has been filed for amendment of Maximum Price Regulation No. 320, Eastern and Central Wooden Agricultural Containers, with respect to citrus field boxes. It has been shown that authorization to use adjustable pricing, pending action on the petition, is necessary to promote production and distribution of the commodity involved and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328 and in accordance with § 1377.210 (c), *It is ordered:*

(a) Producers may sell and deliver and any person may buy and receive citrus field boxes at prices adjustable to those established by the Office of Price Administration.

(b) Any charges made or collected in excess of the price established must be refunded within 30 days from the effective date of the establishment of such price. If the establishment of such price is denied, any charges made or collected in excess of the present ceiling price must be refunded within 30 days from the date of denial.

(c) This order shall be automatically revoked upon the establishment or denial of such price.

This order shall become effective July 27, 1943.

Issued this 26th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12096; Filed, July 27, 1943; 9:14 a. m.]

LIST OF INDIVIDUAL ORDERS, GRANTING ADJUSTMENT, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 24, 1943.

Order Number and Name

MPR 33, Order 5, Callaway Mills.
MPR 33, Order 6, Thomaston Mills.
MPR 33, Order 7, Avondale Mills.
MPR 33, Order 8, Bemis Brother Bag Co.
RPS 57, Order 38 Philadelphia Carpet Co.
MPR 136, as amended, Order 36, Amendment 1, Carolina Tractor & Equipment Co.
MPR 188, Order 379, Amendment 1, National Pressure Cooker Co. et al.
MPR 188, Order 517, Purse & Company.
MPR 225, Order 11, University Press, Inc.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–10297; Filed, July 27, 1943; 9:17 a. m.]

Regional, State and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 23, 1943.

REGION V

Tulsa Order 3, Amendment 2, Filed 10:22 a. m.
Dallas Order 4, Filed 10:09 a. m.
Kansas City Order 4, Filed 10:24 a. m.
Kansas City Order 4, Amendment 1, Filed 10:22 a. m.
New Orleans Order 6, Filed 10:12 a. m.
New Orleans Order 8, Filed 10:12 a. m.
Arkansas Order 3, Amendment 2, Filed 10:22 a. m.
Arkansas Order 4, Filed 10:19 a. m.
Arkansas Order 5, Filed 10:19 a. m.
Houston Order 5, Filed 10:09 a. m.
Houston Order 6, Filed 10:24 a. m.
Lubbock Order 4, Filed 10:07 a. m.
Lubbock Order 5, Filed 10:07 a. m.
Fort Worth Order 4, Filed 10:05 a. m.
Fort Worth Order 5, Filed 10:39 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–12069; Filed, July 26, 1943; 2:51 p. m.]

[Region VI Order G–1 under SR. 14]

FLUID MILK IN MINOT, NORTH DAKOTA

Order No. G–1 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Minot, North Dakota. (Formerly Order No. 1).

The Regional Administrator has determined on his own motion after investigation that the price paid to producers of butter fat in the milk shed serving Minot, North Dakota by manufacturers of butter, cheese, condensed and evaporated milk, and milk powder has increased from an average of 36¢ per lb. in March 1942 to 48¢ per lb. on October 2, 1942; that distributors of fluid milk in the City of Minot, North Dakota, a city with a population of less than 100,000, are now paying or will shortly have to pay producers of such milk in excess of 41¢ more per cwt. than they did in March 1942; and that distributors, notwithstanding any savings which can be effected in distribution costs, cannot fairly be expected to distribute fluid milk in Minot at the maximum prices established by § 1499.2 of the General Maximum Price Regulation.

For the reasons more fully set forth in the accompanying opinion, Pursuant to the Emergency Price Control Act of 1942 and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph (2) hereof the maximum prices established for sellers of milk including chocolate milk and Bulgarian buttermilk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby increased as follows:

	Quart	Pint	½ pint
Wholesale (cents)	1.0	0.5	0.25
Retail (cents)	1.0	.5	None

2. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 41¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the North Dakota State Office of the Office of Price Administration or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such a seller at retail be increased by more than the highest increase in cost to himself.

3 Every person selling milk in bottles or paper containers to a seller at retail shall furnish to each such purchaser of milk a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to Order No. G–1, under Amendment No. 34 to Supplementary Regulation No. 14 issued by the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	------
Pint	------

4. The foregoing order shall apply to all sales and deliveries of fluid milk including chocolate milk and Bulgarian buttermilk at wholesale and retail within the city limits of Minot and within a distance of three miles from the city limits thereof.

5. All sellers of milk who purchase milk directly from the producers thereof shall in addition to the statement provided for in section 2 (a) above, file with the North Dakota State Office of the Office of Price Administration a statement on the 10th day of each month beginning with November 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

6. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butter fat prices have decreased to the point where no diversion of fluid milk is threatened or for other reasons. This order is further subject to revocation by any Price Regulation issued hereafter, or by any supplement or amendment hereafter issued as to any Price Regulation the provisions of which may be contrary hereto.

JOHN C. WEIGEL,
Regional Administrator.

OCTOBER 6, 1942.

[F. R. Doc. 43–12070; Filed, July 26, 1943; 2:48 p. m.]

[Region VI Order G–2 Under SR 14]

FLUID MILK IN RAPID CITY, SOUTH DAKOTA

Order No. G–2 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Rapid City, South Dakota. (Formerly Order No. 2.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Rapid City, South Dakota depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality of Rapid City, South Dakota, which is a city of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

For the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942 and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 2 hereof the maximum prices established for sellers of milk including chocolate milk and buttermilk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby increased as follows:

	Gallon	Quart	Pint	½ pint
Wholesale (cents)	4.0	1.0	0.5	0.25
Retail (cents)	4.0	1.0	.5	None

2. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 41¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the South Dakota State Office of the Office of Price Administration or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such a seller at retail be increased by more than the highest increase in cost to himself.

3. Every person selling milk in bottles or paper containers to a seller at retail shall furnish to each such purchaser of milk a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to Order No. G–2, under Amendment No. 34 to Supplementary Regulation No. 14 issued by the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	------
Pint	------

4. The foregoing order shall apply to all sales and deliveries of fluid milk including chocolate milk and buttermilk, at wholesale and retail within the city limits of Rapid City and within a distance of six miles from the city limits thereof and in addition to all sales of fluid milk to the Rapid City Army Air Base.

5. All sellers of milk who purchase milk directly from the producers thereof shall in addition to the statement provided for in section (2) (a) above, file with the South Dakota State Office of the Office of Price Administration a statement on the 10th day of each month beginning with November 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

6. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butter fat prices have decreased to the point where no diversion of fluid milk is threatened or for other reasons. This order is further subject to revocation by any Price Regulation issued hereafter, or by any supplement or amendment hereafter issued as to any Price Regulation the provisions of which may be contrary hereto.

JOHN C. WEIGEL,
Regional Administrator.

OCTOBER 7, 1942.

[F. R. Doc. 43–12072; Filed, July 26, 1943; 2:48 p. m.]

[Region VI Order G–3 Under SR 14]

ADJUSTMENT OF FLUID MILK PRICES IN ROWAN, IOWA

Order No. G–3 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Rowan, Iowa. (Formerly Order No. 3.)

The Regional Administrator has determined on his own motion after investigation that (1) the use of March 1942 as the base period for the establishment of maximum prices for fluid milk in Rowan, Iowa, a city of less than 100,000 population, has established an abnormal differential between the prices charged for fluid milk in Rowan and adjoining cities of approximately the same population; (2) that this abnormal differential has caused a diversion of a material portion of the normal milk supply of Rowan, Iowa, from Rowan to other adjoining cities, and that a further diversion is threatened; and (3) as the result of such diversion and threatened diversion, a shortage of fluid milk in Rowan exists and a further shortage is imminent.

Accordingly, for the reasons more fully set forth in the accompanying opinion, and pursuant to the Emergency Price Control Act of 1942 and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 2 hereof, the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby increased as follows:

	Gallon	Quart	Pint	½ pint
Wholesale (cents)	4.0	1.0	0.5	0.25
Retail (cents)	4.0	1.0	.5	None

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½ cents for one unit would be adjusted to 13 cents for one unit, 25 cents for two units, etc.

3. Every person selling milk in bottles or paper containers to a seller at retail shall furnish to each such purchaser a statement substantially in the following form:

The prices for milk have been increased in the amount indicated below by order issued by the Office of Price Administration. You are permitted to increase your prices by the same amount:

	Price increase
Gallon	------
Quart	------
Pint	------

4. For the purposes of this order, the sale of milk at retail shall mean any sale of fluid milk to an ultimate consumer of such milk other than an industrial or commercial user.

5. A sale at wholesale shall refer to any sale of fluid milk or cream in bottles or paper containers, whether by a producer, pasteurizer or other person, to any person, including a commercial and industrial user, other than an ultimate consumer.

6. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that the prevailing prices for fluid milk in cities adjoining Rowan shall have decrease, or for other reasons. This order is further subject to revocation by any Price Regulation issued hereafter, or by any supplement or amendment hereafter issued as to any Price Regulation the provisions of which may be contrary hereto.

7. This order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city of Rowan, Iowa, and within a distance of one mile from the City Limits thereof.

8. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October, 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43–12074; Filed, July 26, 1943; 2:47 p. m.]

[Region VI Order G–4 Under SR. 14]

FLUID MILK IN CONRAD, IOWA

Order No. G–4 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Conrad, Iowa. (Formerly Order No. 4).

The Regional Administrator has determined on his own motion, after investigation, that the price paid to milk producers in Conrad, Iowa, by manufacturers of butter, cheese, condensed and evaporated milk, and milk powder has increased more than 41 cents per cwt. since March 1942; that distributors of fluid milk in the city of Conrad, Iowa, a city with a population of less than 100,000, are now paying or will shortly have to pay producers of such milk in excess of 41 cents more per cwt. than they did in March 1942; and that distributors, notwithstanding any savings which can be effected in distribution costs, cannot fairly be expected to distribute fluid milk in Conrad at the maximum prices established by § 1499.2 of the General Maximum Price Regulation.

For the reasons more fully set forth in the accompanying opinion, pursuant to the Emergency Price Control Act of 1942 and § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. The maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby increased as follows:

	Quart	Pint	Half pint
Wholesale (cents)	1.0	0.5	0.25
Retail (cents)	1.0	.5	None

2. The foregoing order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city limits of Conrad and within a distance of three miles from the city limits thereof.

3. All sellers of milk who purchase milk directly from the producers thereof shall file, with the Iowa State Office of the Office of Price Administration, a statement on the 10th day of each month, beginning with December 1942, of the prices paid by them to producers of milk for all milk purchased during the preceding month.

4. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butter fat prices have decreased to the point where no diversion of fluid milk is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of October 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43–12075; Filed, July 26, 1943; 2:50 p. m.]

[Region VI Order G–5 Under SR 14]

FLUID MILK IN EAU CLAIRE AND CHIPPEWA FALLS, WISCONSIN

Order No. G–5 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Eau Claire and Chippewa Falls, Wisconsin. (Formerly Order No. 5).

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Eau Claire and Chippewa Falls, Wisconsin depend for their supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to Emergency Price Control Act of 1942, and § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 2 hereof of the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Gallon	Quart	Pint	½ pint
Wholesale (cents)	4.0	1.0	0.5	0.25
Retail (cents)	4.0	1.0	.5	None

2. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 41¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the Wisconsin State Office of the Office of Price Administration or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such a seller at retail be increased by more than the highest increase in cost to himself.

3. Every person selling milk in bottles or paper containers to a seller at retail shall furnish to each such purchaser of milk a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Gallon	------
Quart	------
Pint	------

4. The foregoing order shall apply to sales and deliveries of milk in the following areas. The territory within the city limits of the cities of Eau Claire and Chippewa Falls, Wisconsin, and within one mile from the city limits thereof, and also the area one mile to both sides of that part of U. S. Highway No. 53 running between the cities of Eau Claire and Chippewa Falls, Wisconsin.

5. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor or other person of milk in bottles or paper containers.

6. All sellers of milk who purchase milk directly from the producers thereof shall in addition to the statement provided for in section 2 (a) above, file with the Wisconsin State Office of the Office of Price Administration a statement on the 10th day of each month beginning with November 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

7. This order shall be effective from the date hereof. It is subject to revocation or amendment by Regional Administrator at any time hereafter upon a finding that butter fat prices have decreased to the point where no diversion of fluid milk is threatened or for other

reasons. This order is further subject to revocation by any Price Regulation issued hereafter, or by any supplement or amendment hereafter issued as to any Price Regulation the provisions of which may be contrary hereto.

JOHN C. WEIGEL,
Regional Administrator.

OCTOBER 22, 1942.

[F. R. Doc. 43-12076; Filed, July 26, 1943; 2:48 p. m.]

[Region VI Order G-6 Under SR 14]

FLUID MILK IN PHELPS, WISCONSIN

Order No. G-6 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Phelps, Wisconsin. (Formerly Order No. 6.)

The Regional Administrator has determined on his own motion after investigation that (1) the use of March 1942 as the base period for the establishment of maximum prices for fluid milk in Phelps, Wisconsin, a city of less than 100,000 population, has established an abnormal differential between the prices charged for fluid milk in Phelps and adjoining cities of approximately the same population; (2) that this abnormal differential threatens to cause a diversion of a material portion of the normal milk supply of Phelps, Wisconsin, from Phelps to other adjoining cities; and, (3) as the result of such diversion and threatened diversion, a shortage of fluid milk in Phelps exists or is imminent.

Accordingly, for the reasons more fully set forth in the accompanying opinion, and pursuant to the Emergency Price Control Act of 1942 and § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. The maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby increased by 2¢ a quart and 1¢ a pint.

2. Every person selling milk in bottles or paper containers at an increased price to a seller at retail shall furnish to each such purchaser a statement substantially in the following form:

> The prices for milk have been increased by 2¢ a quart and 1¢ a pint by permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

3. For the purpose of this order, the sale of milk at retail shall refer to any sale of fluid milk to an ultimate consumer of such milk other than an industrial or commercial user. A sale at wholesale shall refer to any sale of fluid milk in bottles or paper containers, whether by a producer, pasteurizer or other person, to any person, including a commercial and industrial user, other than an ultimate consumer.

4. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

5. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that the prevailing prices for fluid milk in cities adjoining Phelps shall have decreased, or for other reasons. This order is further subject to revocation by any Price Regulation issued hereafter, or by any supplement or amendment hereafter issued as to any Price Regulation the provisions of which may be contrary hereto.

6. This order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city of Phelps, Wisconsin, and within a distance of one mile from the city limits thereof.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12079; Filed, July 26, 1943; 2:49 p. m.]

[Region VI Order G-1 under SR 14, Amdt. 1]

FLUID MILK IN MINOT, N. D.

Amendment No. 1 to Order G-1 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Previously known as Regional Order No. 1 under Amendment 34 to Supplementary Regulation No. 14).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation. *It is hereby ordered,* That Order G-1 under § 1499.73 of the General Maximum Price Regulation (previously known as Regional Order No. 1 under Amendment No. 34 to Supplementary Regulation 14) be amended by deleting from said order paragraph 5 thereof.

This amendment shall become effective April 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12071; Filed, July 26, 1943; 2:50 p. m.]

[Region VI Order G-2 Under SR 14, Amdt. 1]

FLUID MILK IN RAPID CITY, S. D.

Amendment No. 1 to Order G-2 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Previously known as Regional Order No. 2 under Amendment 34 to Supplementary Regulation No. 14.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That Order G-1 under § 1499.73 of the General Maximum Price Regulation (previously known as Regional Order No. 2 under Amendment No. 34 to Supplementary Regulation 14) be amended by deleting from said order paragraph 5 thereof.

This amendment shall become effective April 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12073; Filed, July 26, 1943; 2:47 p. m.]

[Region VI Order G-5 Under SR 14, Amdt 1]

FLUID MILK IN EAU CLAIRE AND CHIPPEWA FALLS, WISC.

Amendment No. 1 to Order No. G-5 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Formerly Order No. 5.

It has been reported to the Office of Price Administration that the recording requirement contained in paragraph 6 of the order heretofore issued is unduly burdensome by reason of the fact that information relating to the cost of milk purchased by distributors is not available in final form by the 10th of each month succeeding the month in which deliveries were made.

It is accordingly ordered, That paragraph 6 of Order No. G-5 issued on October 22, 1942 be, and it is hereby amended, so as to read "on the 20th day of each month" instead of "on the 10th day of each month".

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12077; Filed, July 26, 1943; 2:50 p. m.]

[Region VI Order G-5 Under SR. 14, Amdt 2]

FLUID MILK IN EAU CLAIRE AND CHIPPEWA FALLS, WISC.

Amendment No. 2 to Order No. G-5 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Previously known as Regional Order No. 5 under Amendment 34 to Supplementary Regulation No. 14.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That Order G-5 as amended, under § 1499.73 of the General Maximum Price Regulation (previously known as Regional Order No. 5 under Amendment No. 34 to Supplementary Regulation 14) be amended by deleting from said order paragraph 6 thereof.

This amendment shall become effective April 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12078; Filed, July 26, 1943; 2:50 p. m.]

WAR PRODUCTION BOARD.

NICOLAUS BRIDGE, SUTTER COUNTY, CALIF.

STOP CONSTRUCTION ORDER

Builder: California Department of Public Works; 401 Public Works Building, Sacramento, Calif.; project: Nicolaus Bridge across Feather River, Sutter County, California.

The Stop Construction order issued July 12, 1943, with respect to the above named project is hereby amended by striking paragraph 1 thereof and by substituting the following:

1. The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that for a period extending to August 1, 1943, and thereafter if expressly permitted by the War Production Board, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials already incorporated.

Issued July 27, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12108; Filed, July 27, 1943; 11:16 a. m.]

Reference

AUG 2 '43

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

1934

VOLUME 8 NUMBER 149

Washington, Thursday, July 29, 1943

The President

PROCLAMATION 2590

THIRD WAR LOAN DRIVE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Recognizing the fact that in carrying the war into enemy territory, we shall need greater amounts of money than any nation has ever asked from its citizens in all history, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do officially proclaim that on Thursday, the ninth of September, 1943, the Third War Loan shall be launched.

As Commander-in-Chief, I hereby invoke every citizen to give all possible aid and support to this Third War Loan drive, not only so that our financial goal may be reached, but to encourage and inspire those of our husbands and fathers and sons who are under fire on a dozen fronts all over the world. It is my earnest hope that every American will realize that in buying War Bonds in this Third War Loan he has an opportunity to express voluntarily and under the guidance of his conscience, the extent to which he will "back the attack."

The American people supported well the first and second War Loan drives and in fact did even more than was asked of them. Our need for money now is greater than ever, and will continue to grow until the very day that Victory is won; so we must ask far more sacrifice, far more cooperation than ever before.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington, this 26th day of July, in the year of our Lord nineteen hundred and forty-three, and of the Independence of the United States of America the one hundred and sixty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 43-12196; Filed, July 28, 1943; 11:21 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter IX—War Food Administration

PART 922—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

HANDLING OF MILK

It is hereby found and determined that the above entitled order regulating the handling of milk in the Cincinnati, Ohio, marketing area, issued by the Secretary of Agriculture on November 29, 1940, effective on and after December 2, 1940, and suspended on February 28, 1942, no longer tends to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

It is therefore ordered, That said order regulating the handling of milk in the Cincinnati, Ohio, marketing area is hereby terminated.

Done at Washington, D. C., this 27th day of July 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43-12219; Filed, July 28, 1943; 11:17 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration, Packers and Stockyards [1]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

J. W. PATTERSON COMMISSION CO.

It has been ascertained that Barn No. 17, National Stock Yards, Atlanta, Georgia, posted on April 1, 1922, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, no longer comes within the definition of a stockyard under the Act. Therefore, notice of such fact is given to the

[1] This chapter formerly designated as Food Distribution Administration.

(Continued on next page)

CONTENTS

THE PRESIDENT

PROCLAMATION: Page
Third War Loan Drive 10537

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Vesting orders:
Akomfina A. G 10584
Buss Aktiengesellschaft 10582
Chemische Fabrik Gruenau A. G 10581
Chinoin Chemical and Pharmaceutical Works Co., Ltd 10587
Deutsche-Celluloidfabrik A. G. 10587
Foreign nationals, interests in contracts 10589
Heraeus-Vacuumschmelze A. G 10580
Holland-Letz, Friedrich Wilhelm 10586
I. G. Farbenindustrie A. G 10587
Junkers & Co., G. m. b. H 10580
Kalle and Co. A. G 10588
Koppers, August 10588
Nationals of enemy-occupied countries, abandoned patent applications 10582
"Ringfeder" G. m. b. H 10584
Rutgerswerke A. G. and Silesia, Verein Chemischer Fabriken 10586
Sarazin, Raoul R. R 10583
Societe Internationale De Carottage Electrique Procedes Schlumberger 10583
Vitoux, Pierre 10580
Windmoller & Holscher, G. m. b. H 10584
Zeiss, Carl, Firm (4 documents) 10579, 10585, 10588
BITUMINOUS COAL DIVISION:
District boards, termination of functions, etc 10539
Hearings, etc.:
DeBardeleben Coal Corp 10575
Dismissal of petitions filed 10575
District Board 10 10576
District Board 23 10575
Eagle Boat Store Co 10575
Pittsburgh & Midway Coal Mining Co 10577
Steffey & Findlay, Inc 10576
Superior Coal Co 10576
Werner Bros 10574

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
BITUMINOUS COAL DIVISION—Con.	
Minimum price schedules amended:	
District 8	10539
District 10 (2 documents)	10541
District 11 (2 documents)	10542, 10545
District 12	10542
District 14	10543
District 15	10543
District 19	10544
District 20	10545
BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM:	
Brokers, dealers and members of National Securities Exchanges; extension and maintenance of credit	10539
FEDERAL TRADE COMMISSION:	
Hearings, etc.:	
Blackstone College of Law	10579
Milwaukee Importing Co	10579
Siegel & Alenikoff	10579
GENERAL LAND OFFICE:	
Lands subject to application for lease:	
Buffalo, Wyo	10578
Los Angeles, Calif	10577
South Dakota, certain lands withdrawn	10578
INTERIOR DEPARTMENT (*see also* component agencies):	
Deputy Coal Mines Administrator, delegation of authority	10578
NAVY DEPARTMENT:	
Naval Reserve regulations, miscellaneous amendments	10573
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Allis Foundry Products, Inc	10590
Ben-Hur Products, Inc	10571

CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Adjustments, exceptions, etc.—Continued.	
Conners Marine Co., Inc	10571
Edwards Mfg. Co	10592
List of orders filed	10592
Lumber, sales of Southern hardwood	10590
Maraschino cherries, sales	10590
Quaker Oats Co	10571
San Francisco Iron Foundry	10590
Airplane, tank, etc. services (Rev. SR 11, Am. 31)	10573
Apparel; men's and boys' tailored clothing	10559
Asparagus, canned (MPR 306, Am. 10)	10558
Bakery products, certain (MPR 319, Am. 5)	10559
Camelback (MPR 131)	10566
Fertilizer, mixed, superphosphate and potash (Rev. MPR 135, Am. 4)	10572
Food and food products:	
Retail sales in Group 1 and 2 stores (MPR 423, Am. 1)	10570
Retail sales in Group 3 and 4 stores (MPR 422, Am. 1)	10569
Seasonal, retail (MPR 250, Am. 5)	10559
Seasonal, wholesale (MPR 249, Am. 5)	10559
Seasonal and miscellaneous commodities (MPR 262, Am. 8)	10568
Wholesale celling prices (MPR 421, Am. 1)	10569
Fruit cake (Rev. SR 14, Am. 3)	10566
Fruits and berries, fresh (Rev. MPR 268, Am. 8)	10568
Fruits and vegetables, sales except at retail (MPR 426)	10571
Gardening and related services, exceptions (Rev. SR 11, Am. 30)	10573
Hogs, dressed, and wholesale pork cuts (Rev. MPR 148, Am. 8)	10571
Lumber:	
Adjustable pricing (Supp. Order 50)	10568
Western primary forest products (Rev. MPR 284, Am. 1)	10560
Meat shortage areas, designations:	
Nevada (3 documents)	10591
San Diego and Imperial Counties, Calif. (3 documents)	10591
Silver, newly mined domestic (Rev. SR 14, Am. 5)	10566
Tires and tubes; gov't purchases (MPR 415, Am. 1)	10558
Woodpulp (MPR 114, Am. 8)	10558
RECLAMATION BUREAU:	
Field employees, wage fixing procedures	10578

CONTENTS—Continued

	Page
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Alliance Investment Corp	10593
Consolidated Electric and Gas Co	10592
Consolidated Electric and Gas Co. and The Islands Gas and Electric Co	10593
Interstate Power Co	10593
Northern Indiana Public Service Co	10593
Shawmut Ass'n	10592
South Carolina Electric and Gas Co. and General Gas and Electric Corp	10592
SELECTIVE SERVICE SYSTEM:	
State monthly accumulative report of inductions and rejections; form prescribed	10546
WAR DEPARTMENT:	
Motor-propelled passenger-carrying vehicles; approval of purchases or exchanges	10574
Reserve Officers' Training Corps; commutation in lieu of uniforms	10539
WAR FOOD ADMINISTRATION:	
Cincinnati, Ohio, marketing area; handling of milk	10537
Patterson, J. W., Commission Co., Atlanta, Ga., posted stockyard	10537
WAR PRODUCTION BOARD:	
Aromatic petroleum solvents (M–150)	10550
Cotton textile production (L–99–a)	10547
Footwear (M–217)	10553
Furnaces (L–22)	10546
Steel (L–22–a)	10547
Heating equipment, extended surface (L–107)	10548
(Schedule I)	10549
Laboratory equipment (L–144–a)	10552
Resins, natural (M–56)	10547
Rubber, synthetic rubber, etc. (R–1, Am. 2)	10557
Steam turbines; auxiliary equipment (L–154, Schedule VI)	10552
Suspension orders:	
Hader Roofing and Furnace Co	10546
Water heaters (L–185)	10556
Welding rod (CMP 5, Direction 10)	10556
Wiping cloths, industrial (L–312)	10557

owner and its name is deleted from the list of posted stockyards in 9 CFR 204.1.

(7 U.S.C. 1940 ed. 181 et seq; E.O. 9280, 7 F.R. 10179; E.O 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 27th day of July 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43–12152; Filed, July 27, 1943; 4:52 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 62—RESERVE OFFICERS' TRAINING CORPS

COMMUTATION FOR PURCHASING UNIFORMS

Section 62.48 (a) (3) is amended as follows:

§ 62.48 *Commutation in lieu of uniforms*—(a) *General.* • • •

(3) Commutation cannot be drawn for the purpose of purchasing from the Government articles of uniform which are authorized for issue to the Reserve Officers' Training Corps, except that for the duration of the war and 6 months thereafter, the purchase of buttons, plastic, enlisted men, is authorized.

(Sec. 47, 39 Stat. 192, sec. 34, 41 Stat. 777; 10 U.S.C. 389) [Par. 17*a*, AR 145–20, 1 July 1938, as amended by C 6, 15 July 1943].

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43–12154; Filed, July 28, 1943; 9:35 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 220—EXTENSION AND MAINTENANCE OF CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

On July 24, 1943, the Board of Governors of the Federal Reserve System amended § 220.4 (c) (3), effective immediately, by adding at the end thereof a new sentence reading as follows:

If the security when so purchased is an issued registered security which is to be distributed by a public utility holding company pursuant to a plan provided for by section 11 of the Public Utility Holding Company Act of 1935 and which has been approved by a national securities exchange for trading on a "when distributed" basis, the period applicable to the transaction under subdivision (2) of this § 220.4 (c) shall be 7 days after the date on which the security is so distributed.

(Secs. 3 (a), (b), 7, 8 (a), 17 (b), 48 Stat. 882, 886, 888, 897, sec. 23 (a), as amended by sec. 8, 49 Stat. 1379; 15 U.S.C. 78c, 78g, 78h (a), 78q (b), 15 U.S.C., Sup., 78w (a))

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 43–12218; Filed, July 28, 1943; 11:48 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Order 357]

PART 306—DISTRICT BOARDS

TERMINATION OF FUNCTIONS OF DISTRICT BOARDS

An order concerning the termination of the functions of all district boards under the Bituminous Coal Act of 1937, as amended, the liquidation of their assets, and the preservation of their records.

There having been organized, pursuant to the provisions of the Bituminous Coal Act of 1937, as amended, a district board for each of the districts set forth in the Annex to said Act, with the exception of District No. 21; and

It appearing that said boards have from time to time levied assessments upon the code members within their respective districts and have collected funds with which to defray the expenses of said boards; and that said boards have obtained from code members certain information to aid them in performing their functions under the Act; and

It further appearing that proper arrangements or plans should be made in respect to the assets and records of the district boards within sixty days after 12:01 a. m., August 24, 1943, the time at which the Bituminous Coal Act of 1937, as amended, ceases to be in effect (except as provided in section 13 of the Revised Statutes): *Now, therefore, it is ordered,* That:

1. Each district board shall, as soon as practicable and within sixty days after 12:01 a. m., August 24, 1943, liquidate its assets, including all cash, tangible and intangible property, and make a pro rata equitable distribution of the proceeds thereof among the code members within the district having an interest in said proceeds.

2. Each district board shall arrange for the safekeeping of its records and data filed with it by code members, so that they shall be available at the request of the Secretary of the Interior. If no other satisfactory arrangements can be made, the district board shall deliver said records and data to the Secretary of the Interior for safekeeping.

3. Each district board shall file with the Bituminous Coal Division, on or before August 10, 1943, a reasonably detailed report of its plans for carrying out the purposes of this order.

4. With the expiration of the Bituminous Coal Act of 1937, as amended, at 12:01 a. m., August 24, 1943 (except as provided in section 13 of the Revised Statutes), the district boards shall cease to have any official status by virtue of their organization under the Act.

Dated: July 26, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–12103; Filed, July 27, 1943; 10:58 a. m.]

[Docket No. A–2066]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines located in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: July 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
2295	Bond, Paul	Osborne	Jawbone	7	St. Paul (Carfax Siding), Va.	CC&O	50	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)
3281	Elliott Brothers (C. C. Elliott)	Elliott	Blue Gem	6	Newcomb, Tenn.	Sou	112	A	A	A	A	A	C	A	B	C	K	(1)	(1)	(1)	(1)	(1)	(1)	(1)	A	A	A	A	A	C	B	D	K	(1)	(1)	(1)	(1)	(1)
4170	Fields, W. L.	Fields	Upper Elkhorn	1	Bellier, Ky.	C&O	61	K	A	A	A	A	C	A	D	C	K	(1)	(1)	(1)	(1)	(1)	(1)	(1)	A	A	A	A	A	C	A	D	K	(1)	(1)	(1)	(1)	(1)
3376	Greene, O. E.	Greene	Alma	4	Madison, W. Va	C&O	(23)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)
5614	Nolan, G. B.	Hill Crest	"A"	2	Chad, Ky.	L&N	80	K	O	M	L	H	F	E	H	F	E	K	O	M	L	H	F	E	K	O	M	L	H	F	E	K	O	M	L	H	F	E
2540	Quillen, Daniel	Quillen	Elkhorn	1	Keen, Ky.	L&N	92	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)
4162	Strunk, Avery & Theideus (Avery Strunk).	Beam	Glen Mary	6	Stanley Jct., Tenn.	Tenn	71	K	O	M	L	H	F	E	H	F	E	K	O	M	L	H	F	E	K	O	M	L	H	F	E	K	O	M	L	H	F	E
4145	Avery, Emil	Volunteer No. 1	Bon Air No. 2	6	Obey City, Tenn.	T. CO	210	P	P	M	L	K	J	M	H	G	O	(1)	(1)	(1)	(1)	(1)	(1)	(1)	P	P	M	L	K	J	M	H	G	O	(1)	(1)	(1)	(1)
4087	Walters, T. J.	Walters	Glen Mary	6	Silerville, Ky.	CNO&TP	171	O	O	M	L	H	F	E	K	J	M	(1)	(1)	(1)	(1)	(1)	(1)	(1)	O	O	M	L	H	F	E	K	J	M	(1)	(1)	(1)	(1)

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	After index No.	Seam	Base sizes: Lump, over 2", 4" x 6"; egg, 2" and under;	Lump, 2" and under; egg, 3" x 6"	Lump, ¾" and under	Egg, 2" x 4"; egg, 3" x 5"	Stove, 3" and under; nut, 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
McCREARY COUNTY, KY.											
Walters, T. J.	Walters 1		4087 Glen Mary 3	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
OVERTON COUNTY, TENN.											
Volunteer Coal Co.	Volunteer No. 1		4145 Bon Air No. 2	270	240	225	230	205	215	155	150
SCOTT COUNTY, TENN.											
Strunk, Avery & Theideus (Avery Strunk).	Beam		4162 Glen Mary	275	265	255	250	220	225	175	170

1 Denotes correction of code member name and mine name from "Walters."
2 Denotes change in seam classification.
3 Indicates previously classified these size groups.

[F. R. Doc. 43-12104; Filed, July 27, 1943; 10:58 a. m.]

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

FOR TRUCK SHIPMENTS

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump, over 2", 4" x 6"; egg, 2" and under;	Lump, 2" and under; egg, 3" x 6"	Lump, ¾" and under	Egg, 2" x 4"; egg, 3" x 5"	Stove, 3" and under; nut, 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
SUBDISTRICT NO. 1—UPPER SAND-ELKHORN											
BOYD COUNTY, KY.											
Cummings & Lawson (L. J. Cummings).	Stewart No. 2	4160	No. 7	285	265	250	240	235	220	170	165
GREENUP COUNTY, KY.											
Spaulding, Robert	Tuttle	4166	No. 7	285	265	250	240	225	220	170	165
PIKE COUNTY, KY.											
Fields, W. L.	Fields	4170	Upper Elkhorn	295	275	260	250	235	230	190	185

1 Denotes new shipping point and Freight Origin Group.
2 Indicates no classification effective for these size groups.
3 Indicates previously classified these size groups.

[Docket No. A-2070]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for change in shipping point and railroad for the coals of certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of Catlin, Illinois in lieu of Danville, Illinois as a shipping point for the coals produced by Tilton Mining Co. Mine, Mine Index No. 171, of Wm. A. Martin (Tilton Mining Company), for all shipments except truck; and also requesting the establishment, both temporary and permanent, of the Illinois Central Railroad in lieu of the Louisville & Nashville Railroad for the shipment of the coals produced by the Service Mine, Mine Index No. 159, of Service Coal & Mining Company, for all shipments except truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and that no petitions of intervention have been filed with the Division in the above-entitled matter, and that the following action is deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.1 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in oppcsition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

The original petition in this matter requests that no exceptions be allowed with respect to locomotive fuel sold to off-line railroads. Nevertheless, railroad locomotive fuel Price Exception 1–A of Minimum Price Schedule No. 1 for District No. 10 for all shipments except truck, as heretofore established in General Docket No. 15, is applicable to the coals of Mine Index No. 171, and railroad locomotive fuel Price Exceptions 1–D, 2–C, 3–B and 4 in said minimum price schedule was heretofore established in General Docket No. 15, and Price Exception 61, established by the order of the Director in Docket No. A–125 are applicable to the coals of Mine Index No. 159. Since no adequate reason has been advanced for denying the application of Price Exception 1–A to the coals of Mine Index No. 171 and Price Exception 1–D, 2–C, 3–B, 4 and 61 to the coals of Mine Index No. 159, the relief granted herein continues to afford these producers the same competitive opportunity that was heretofore established by the orders in General Docket No. 15 and Docket No. A–125.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.1 *Alphabetical list of code members*—Supplement R

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
14	Martin, Wm. A. (Tilton Mining Co.)	Tilton Mining Co.	[1] 171	73	Catlin [2]	Wab, IC.
19	Service Coal & Mining Co.	Service	[3] 159	[4] 21	Belleville	

[1] Mine Index No. 171 shall be included in Price Group 14 and shall take the same f. o. b. mine prices as other mines in Price Group 14, Schedule No. 1, District No. 10, For All Shipments Except Truck, on all size groups and for shipment to all Market Areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices shall apply on board transportation facilities at Catlin, Illinois. The railroad locomotive fuel prices shall be: Mine Run $1.95—Modified Mine Run $2.00—Screenings $1.40, and railroad locomotive fuel price exception 1–A shall apply.

[2] Shipping point, Danville, Illinois, is no longer applicable.

[3] Mine Index No. 159 shall be included in Price Group 19 and shall take the same f. o. b. mine prices as other mines in Price Group 19, Schedule No. 1, District No. 10, For All Shipments Except Truck, on all size groups and for shipment to all Market Areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices shall apply on board transportation facilities at Belleville, Illinois. The railroad locomotive fuel prices shall be: 6 x 1¼ Egg $1.75—Mine Run $1.70—Screenings $1.40, and railroad locomotive fuel price exceptions 1–D, 2–C, 3–B, 4, and 61 shall apply.

[4] Freight Origin Group 23 is no longer applicable.

[F. R. Doc. 43-11952; Filed, July 26, 1943; 11:08 a. m.]

[Docket No. A-2072]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for establishment of price classifications and minimum prices for Mine Index No. 1632.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of W. W. Coal Co. #2 Mine, Mine Index No. 1632, for Walter Mauck (W. W. Coal Co.), in District No. 10; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine Index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16
PERRY COUNTY																	
Harpenau Bros. (Sylvester Harpenau)	1393	Harpenau No. 6	5	255	250	245	235	230	225	185	190	180	175	165	145	90	60
Werner, William J.	1394	Briggemann	5	255	250	245	235	230	225	185	190	190	175	155	145	90	60

[F. R. Doc. 43-11954; Filed, July 26, 1943; 11:08 a. m.]

[Docket No. A-2067]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 12 for the establishment of price classifications and minimum prices for Mine Index No. 48.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Mine No. 14, Mine Index No. 48, of Pershing Fuel Company, in District No. 12; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 332.5 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division prior to August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine Index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION NO. 7, VERMILION COUNTY																		
Mauck, Walter (W. W. Coal Co.)	1682	W. W. Coal Co., #2	7	245	240	230	225	220	215	175	170	165	160	160	160	130	120	65

[F. R. Doc. 43-11953; Filed, July 26, 1943; 11:08 a. m.]

[Docket No. A 2065]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for Mine Index Nos. 1393 and 1394.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Harpenau No. 6 Mine, Mine Index No. 1393; of Harpenau Bros. (Sylvester Harpenau) and Briggemann Mine, Mine Index No. 1394, of William J. Werner in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petition of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.5 *Special prices; Railroad locomotive fuel*—Supplement R

[Railroad locomotive fuel prices f. o. b. mines in cents per net ton of 2,000 pounds]

Railroads	For all railroads not specifically shown herein			CB&Q RR.		CMStP&P RR.		CRI&P RR.	M&StL RR.		CGW RR.	C&NW RR.	Wab. RR.	IC RR.
Prices apply to all sizes...	265	270	350	265	350	265	350	265	265	350	350	350	270	350
Mine Index No.							[1] 48							

[1] Mine (Index No. 48) may absorb the actual division of the rate, but not to exceed 60.2 cents per ton, on railroad locomotive fuel for the CMStP&P RR.

[F. R. Doc. 43-11955; Filed, July 26, 1943; 11:09 a. m.]

[Docket No. A-2062]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 14 for the establishment of an additional loading point for coals produced at Mine Index No. 102.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of Midland, Arkansas, on the SL & SF Railroad as an additional loading point for the coals produced from the No. 1 Mine in District No. 14, Mine Index No. 102, of code member James N. Ford (James N. Ford Coal Company); and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: July 17, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR RAIL SHIPMENTS

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Code member	Mine Index No.	Mine name	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Ford, James N. (James N. Ford Coal Co.).	102	No. 1	5	(Huntington, Ark. (Midland, Ark.[1]	SL-SF	16	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(*)	(†)	(†)	(†)	(*)	(†)	(†)

[1] Denotes additional shipping point for this mine.
*Previously classified for these size groups. No changes requested.
†No price classification for these size groups.

[F. R. Doc. 43-11956; Filed, July 26, 1943; 11:09 a. m.]

[Docket No. A-2060]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 15.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15 for truck and rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

Dated: July 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR RAIL SHIPMENTS

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin Group No.	Price classification by size group													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Hartzfeld, Harley G. (K. & M. Coal Co.).	1690	K & M	1	Bronaugh, Mo	MP	144	A	A	A	A	A	A	A	A	A	A	A	A	...	A	A
M. P. & K. Coal Co. (B. H. McMullen).	1684	M. P. & K. Coal Co	8	Hartshorne, Okla.	CRI&P	100	A	A	A	A	...	A	...	A	A	A	...	...	...	A	...
Zink Lumber Co. (Royce Zink [1])	892	Zink Lumber & Coal Co.	2	Appleton City, Mo.	MKT	31	A	A	A	A	C	C	C	C	A	C	A	A	...	A	A

[1] Previously classified as truck mine.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅝"	1¼" x ¾ (R)	1¼" x (W)	1¼" x 0 (R)	¾" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Fisher, S. H. (S. H. Fisher Coal Co.)	1688	Fisher #3	2	Vernon, Mo.	260	260	260	260	235	220	205	200	220	195	195	180	....	160	45
Hartzfeld, Harley G. (K. & M. Coal Co.).	1690	K & M	1	Vernon, Mo.	270	270	270	270	245	230	215	220	230	205	180	195	....	145	45
Kepner, Glenn S.	1687		2	Henry, Mo.	260	260	260	260	235	220	205	200	220	195	195	180	....	160	45
M. P. & K. Coal Company (B. H. McMullen).	1684	M. P. & K. Coal Co.	8	Pittsburg, Okla.	445	445	445	395	....	345	....	220	305	175	...	...	....	130	...
Windes & Tyler (Perry Windes)	1692	Windes	1	Dade, Mo.	270	270	270	270	245	230	215	220	230	205	180	195	....	115	45

[F. R. Doc. 43-11957; Filed, July 26, 1943; 11:06 a. m.]

[Docket No. A-2075]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 19 for the establishment of price classifications and minimum prices for the coals of the Moon Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division, by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Moon Mine, Mine Index No. 248, of Christopherson Brothers (Joe Christopherson) in Subdistrict in District No. 19; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 339.4 (*Code member price index*) is amended by adding thereto Supplement R, and § 339.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: July 16, 1943.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 339, Minimum Price Schedule for District No. 19, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 339.4 *Code member price index*—Supplement R

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 19:

Insert the following listing in proper alphabetical order under Code Member Index:

Producer	Mine	Mine Index No.	County	Sub-district price group	Prices section	
					Rail	Truck
Christopherson Brothers (Joe Christopherson).	Moon	248	Hot Springs	5	-------	§ 339.21

FOR TRUCK SHIPMENTS

§ 339.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Insert the following code member name, mine name, mine index number, and county under Sub-District No. 5, and the following minimum f. o. b. mine prices for shipment via truck:

Code member	Mine Index No.	County	Size groups														
			1	2	3	4	5	6	7	8	9	10	11	12	15	16	17
Christopherson Brothers (Joe Christopherson)	248	Hot Springs	505	505	500	490	490	490	465	455	275	250	250	205	175	175	105

[F. R. Doc. 43-11958; Filed, July 26, 1943; 11:08 a. m.]

[Docket No. A-2061]

PART 340—MINIMUM PRICE SCHEDULE, DISTRICT NO. 20

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 20 for the establishment of price classifications and minimum prices for the coals of the Crescent Mine, Mine Index No. 209, of code member N. B. Knight for shipment by rail. The petition does not indicate, however, the shipping point at which it is proposed that the rail shipments of such coals shall originate. Accordingly, no price classifications or minimum prices are established herein for these coals for such shipments.

Dated: July 16, 1943.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 20

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 340, Minimum Price Schedule for District No. 20, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 340.4 *Code member price index*—Supplement R

The following price classifications and minimum prices shall be inserted in Price Schedule No. 1 for District No. 20:

Insert the following listing in proper alphabetical order under Code Member Index:

Producer	Mine	Mine Index No.	County	Sub-district price group	Prices section	
					Rail	Truck
Knight, N. B.	Crescent	209	Grand	1	-------	§ 340.21

FOR TRUCK SHIPMENTS

§ 340.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Insert the following code member name, mine name, mine index number and county under Sub-District No. 1, and the following minimum f. o. b. mine prices in cents per net ton:

Code member	Mine Index No.	County	Size groups														
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SUBDISTRICT NO. 1																	
Knight, N. B., Crescent	209	Grand	425	385	370	350	335	295	270	230	230	190	180	155	276	245	200

[F. R. Doc. 43-11959; Filed, July 26, 1943; 11:08 a. m.]

[Dockets Nos. A-1813 and A-1944]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING RELIEF

Temporary and conditionally final order terminating relief granted by order entered on April 12, 1943 in Docket No. A-1944 and reinstating relief granted by order entered on January 5, 1943 in Docket No. A-1813 in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the Standard Materials No. 1 Mine and in the matter of the petition of District Board No. 11 for the establishment of an additional loading point for the coals produced at the Standard Materials No. 1 Mine.

On June 25, 1943 District Board No. 11 filed a motion requesting that the relief

granted in the Order entered on April 21, 1943, 8 F.R. 6205, in Docket No. A–1944, establishing an additional loading point at Clinton on the C&EI Railroad in Freight Origin Group No. 42 for the coals produced at the No. 1 Mine, Mine Index No. 1373, of the Standard Materials Corporation, be terminated and, in view of the Order of April 21, 1943, that the relief granted in the Order entered on January 5, 1943, 8 F.R. 1055, in Docket No. A–1813 establishing minimum prices and price classifications for the coals of the aforesaid mine for rail shipments originating at West Clinton, Indiana, on the CMSTP&P Railroad, Freight Origin Group No. 40, be reinstated.

In support of its motion District Board No. 11 stated that Standard Materials Corporation discontinued the use of the loading point at Clinton, Indiana, on June 22, 1943 and that on and after that date the said producer will use exclusively the loading point at West Clinton, Indiana.

Good cause has been shown why said motion should be granted.

Now, therefore, it is ordered, That pending further order, the relief granted in the order issued on April 21, 1943, 8 F.R. 6205, in Docket No. A–1944 be and the same is hereby terminated and that the relief granted in the order issued on January 5, 1943, 8 F.R. 1055, in Docket No. A–1813 be and the same shall continue in full force and effect.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943 pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12168; Filed, July 28, 1943; 10:57 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 199]

STATE MONTHLY ACCUMULATIVE REPORT OF INDUCTIONS AND REJECTIONS

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 275, entitled "State Monthly Accumulative Report of Inductions and Rejections," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 19, 1943.

[F. R. Doc. 43-12124; Filed, July 27, 1943; 2:39 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–377]

HADER ROOFING AND FURNACE CO.

Hader Roofing and Furnace Company, a partnership composed of Jacob Hader, Paul Hader and Andrew Hader, located at 3230 Harrison Avenue, Cincinnati, Ohio, is engaged in the business of selling and installing roofing and heating equipment and supplies. In nine instances between June 19, 1942 and November 30, 1942, Hader Roofing and Furnace Company made sales, deliveries and installations of items of new metal heating equipment, the total sales value of which was $2,182.05, in violation of the provisions governing and regulating such sales and deliveries contained in Limitation Order L–79.

The Hader Roofing and Furnace Company did also in four instances between the dates of June 3 and October 24, 1942, make sales, deliveries and installations of new metal heating equipment, the total sales value of which was $2,534.00, in violation of the provisions governing and regulating such sales and deliveries contained in Preference Rating Order P–84, and also in Limitation Order L–79.

These sales, deliveries and installations were made in such reckless disregard of the aforesaid Limitation Order L–79 and Preference Rating Order P–84 as to constitute wilful violations thereof, and these violations hampered and impeded the war effort of the United States, by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.377 *Suspension Order No. S–377.* (a) Jacob Hader, Paul Hader and Andrew Hader, doing business as Hader Roofing and Furnace Company or otherwise, its or their successors and assigns, are hereby prohibited from accepting deliveries of, receiving, delivering, selling, installing, transferring or otherwise dealing in any new metal heating equipment as defined in Limitation Order L–79 or in Preference Rating Order P–84, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Jacob Hader, Paul Hader and Andrew Hader, doing business as Hader Roofing and Furnace Company or otherwise, its or their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 28, 1943, and shall expire on October 28, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 21st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12183; Filed, July 28, 1943; 11:16 a. m.]

PART 1021—FURNACES

[General Limitation Order L–22 as Amended July 28, 1943]

Section 1021.1 (*General Limitation Order L–22*) is hereby amended to read as follows:

§ 1021.1 *General Limitation Order L–22*—(a) *Definitions.* For the purposes of this order:

(1) "Furnace" means any direct fired air heating unit which is designed for the purpose of heating the interior of a building, including but not limited to, any heating device commonly known as a gravity or forced warm air furnace, a free-standing heater or a floor-mounted unit heater for use with or without air distribution pipes. But "furnace" does not mean a domestic heating stove as defined in Supplementary General Limitation Order L–23–c, extended surface heating equipment as defined in General Limitation Order L–107, a direct-fired suspended unit heater, or a floor or wall furnace.

(2) "Steel furnace" means any furnace the heating surface of which is wholly or partially made of steel.

(3) "Cast iron furnace" means any furnace the heating surface of which is made of cast iron.

(4) "Base period" means the three year period ending April 11, 1942.

(b) *Restrictions on manufacture.* (1) No person shall manufacture, fabricate or assemble any steel furnace except:

(i) From materials in inventory on July 28, 1943 or as authorized from time to time by the War Production Board under the Controlled Materials Plan or otherwise.

[1] Form filed with the original document.

(2) On and after September 26, 1943, no person shall manufacture, fabricate or assemble any steel furnace designed to burn solid fuel except in accordance with the simplified practices as provided in paragraph (d).

(3) On and after September 26, 1943, no person shall manufacture, fabricate or assemble any cast-iron furnace designed to burn solid fuel except in accordance with the simplified practices as provided in paragraph (d).

(4) Any person desiring to produce furnaces and not having a production record of solid, liquid or gaseous fuel burning furnaces made of cast-iron or steel during the base period, shall submit the specifications of any such furnaces to the War Production Board before beginning the manufacture of any such furnaces. The War Production Board may then authorize the production of such furnaces.

(c) *Furnaces to be delivered only on rated orders.* On and after August 1, 1943, no person shall deliver any furnace except on an order rated A–10 or higher.

(d) *Simplified practices.* On and after September 26, 1943 no person shall manufacture, fabricate or assemble any furnace designed to burn solid fuel except in accordance with the following practices:

(1) Only one model each of cast iron and steel furnaces of the same nominal firepot diameter or the same grate area shall be manufactured.

(2) The metal casing supplied with a furnace rated between 50,000 and 250,000 BTU shall be cylindrical when used on gravity installations.

(3) Cylindrical casings used on furnaces of less than 250,000 BTU shall not be heavier than 26 gauge.

(4) The following parts shall not be made of metal:

(i) Feed door smoke curtains.
(ii) Feed door linings.
(iii) Hot blast lift doors.
(iv) Water pans.
(v) Humidifiers.
(vi) Coiled wire handles or "detachable type" handles.
(vii) Extra panels for turning radiators (unless specifically ordered for an individual installation).
(viii) More than one detachable name plate.
(ix) Inner liner for casing.
(x) Upright shaker handle, except cast iron.

(e) *Restriction on shipment of accessories.* On and after September 26, 1943 no person shall ship any of the following accessories with any furnace other than a furnace delivered to or for the account of the Army, Navy, War Shipping Administration or the Maritime Commission of the United States, or for use in any building or project authorized under order P–55–b or rated under any order in the P–55 series or any order in the P–19 series.

(i) Iron or steel poker.
(ii) Metal check damper.
(iii) Metal hand control draft regulator, chain and pulleys.

(f) *Parts.* Nothing in this order shall prohibit or restrict the manufacture or shipment of repair parts for furnaces or parts necessary to convert a furnace from oil or gas burning to coal burning.

(g) *Applicability of other orders.* Insofar as any other order issued by the War Production Board, or to be issued by it hereafter, limits the use of any material to a greater extent than the limitations imposed by this order, the restrictions of such order shall govern unless otherwise specified therein.

(h) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (formerly PD–500) with the Field Office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(i) *Communications.* All communications concerning this order, unless otherwise directed, should be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L–22.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12164; Filed, July 28, 1943; 11:11 a. m.]

PART 1021—FURNACES

[Revocation of Limitation Order L–22–a]

STEEL FURNACES

Section 1021.2. *General Limitation Order L–22–a* is hereby revoked.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12178; Filed, July 28, 1943; 11:12 a. m.]

PART 1033—NATURAL RESINS

[Revocation of Conservation Order M–56]

Section 1033.1 *Conservation Order No. M–56* is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M–56.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12179; Filed, July 28, 1943; 11:14 a. m.]

PART 1193—COTTON TEXTILE PRODUCTION

[Supplementary Limitation Order L–99–a, as Amended July 28, 1943 [1]]

§ 1193.2 *Supplementary Limitation Order L–99–a*—(a) *80 squares.* No producer or converter of cotton textiles shall sell or deliver any 39" 80/80 4.00 yard print cloth or pro rata widths thereof, gray or finished, except to fill orders bearing a preference rating of AA–5 or better. This restriction shall not apply to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or converter's production of the cloth referred to in this paragraph.

(b) *Bandage cloth.* No producer or converter of cotton textiles shall process or convert any 38½" 44/36 8.60 yard or 38½" 44/40 8.20 yard print cloth, or pro rata widths thereof, gray or finished, except to render the same suitable for manufacture into surgical dressings or cheese bandages. No producer, converter, or jobber (one who sells to a manufacturer, or for resale) shall sell or deliver such cloth, knowing or having reason to believe that such cloth will be used other than for manufacture into such dressings or bandages. These restrictions shall not apply to specific orders for delivery to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or converter's production of the cloth referred to in this paragraph.

(c) *Bandage cloth loom assignment.* No producer of cotton textiles, who on July 3, 1943, assigned or operated a loom for the production of 38½" 44/36 8.60 yard print cloth, or pro rata widths thereof, shall operate that loom on any other construction. No producer of cotton textiles, who on July 3, 1943 assigned or operated a loom for the production of 38½" 40/32 9.80 or 38½" 48/44 7.46 yarn print cloths, or pro rata widths thereof, shall operate that loom on any other than one of the three constructions mentioned in this paragraph (c), or pro rata widths thereof.

(d) *Diaper cloth.* No person shall sell, deliver, buy or accept any gauze diaper cloth or birdseye diaper cloth, any new product made therefrom or new diapers, knowing or having reason to believe that the same will be used for industrial purposes, and no manufacturer or processor of any product shall use gauze diaper cloth or birdseye diaper cloth, any new product made therefrom or new diapers for industrial purposes. This restriction shall not apply to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or manufacturer's production of diaper cloth and diapers.

[1] This document is a corrected copy of L–99–a as amended July 23, 1943, which appeared in the FEDERAL REGISTER of July 24, 1943, page 10350, and reflects the order in its corrected form as of July 23, 1943. Item numbered "2" in paragraph (e) corrected to read "22".

(e) *Spindle assignment.* No producer of cotton textiles, who on July 3, 1943, assigned or operated a spindle for the production of cotton sale yarn or any other cotton product, referred to in one of the items numbered "1" to "13" inclusive, "16" to "20", inclusive, "22", "23", "25" to "29" inclusive, or "38" to "78", inclusive, on Form WPB 658–E (6–28–43), shall operate that spindle for the production of any product not within that item. The operation may be in any count within the range referred to in the item. (For example, if on July 3, 1943, a spindle was operated on or was assigned to "17's" single carded weaving sale yarn—which falls within Item No. "3" on said form—it may be operated only on such a yarn within the range of "15's" to "20's", inclusive.)

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12180; Filed, July 28, 1943; 11:11 a. m.]

PART 1202—EXTENDED SURFACE HEATING EQUIPMENT

[General Limitation Order L–107, as amended July 28, 1943]

Section 1202.1 *General Limitation Order No. L–107* is hereby amended to read as follows:

§ 1202.1 *General Limitation Order No. L–107*—(a) *Definitions.* For the purpose of this order:

(1) "Extended surface heating equipment" means a heat transfer element or any apparatus employing a heat transfer element, designed and constructed for space heating or for industrial heating or drying, and includes, but is not limited to unit heaters, unit ventilators, convectors, blast heating coils and special heating coils. Extended surface heating equipment shall not include heaters for automotive vehicles or aircraft, jacket water coolers for internal combustion engines or critical heat exchangers as defined in Limitation Order L–172 or any device using electricity or any fluid (liquid, gas or vapor) other than steam or hot water as the heating medium, nor any machinery or equipment described in paragraph (e) of this order.

(2) "Heat transfer element" means any device made of metal, of fin-tube construction, designed and constructed for the purpose of transferring heat from steam or water to air. Heat transfer element shall not include any cast iron radiation device designed and constructed for the purpose of transferring heat from steam or water to air, or any device of similar construction designed and constructed for decreasing the temperature of air. Heat transfer element shall include, but is not limited to a heat transfer element designed and constructed as a component part of any machinery or any equipment described in paragraph (e) of this order.

(3) "Repair order" means any order for any part or accessory used to replace any similar part or accessory of extended surface heating equipment required by actual or imminent breakdown of such equipment.

(4) "Producer" means any person who manufactures, fabricates or assembles extended surface heating equipment or heat transfer elements.

(5) "Approved order" means:

(i) Any order which bears a preference rating of AA–5 or better, and a date for delivery specified by the person who has placed the order; or

(ii) Any repair order as defined in paragraph (a) (3) of this order; or

(iii) Any order which has been accepted by a producer prior to August 7, 1943.

(b) *Restrictions on delivery.* On and after the 7th day of August, 1943 no person shall make physical delivery of any extended surface heating equipment except pursuant to an approved order.

(c) *Production and delivery schedules.* (1) The War Production Board may at any time or from time to time require any producer to file a report showing his production and delivery schedule for extended surface heating equipment during any period, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) The War Production Board, at its discretion, may require that any producer shall deliver any extended surface heating equipment only in accordance with the schedule filed pursuant to paragraph (c) (1) of this order as such schedule may be approved or changed by the War Production Board. The War Production Board may, if it deems such action to be necessary or advisable:

(i) Direct the return or cancellation of an order on the books of any producer.

(ii) Direct changes in the delivery or production schedule of any producer.

(iii) Allocate orders placed with one producer to another producer.

(iv) Specify the proportion of production or material to be used for any purpose.

Each producer shall schedule (or reschedule, if necessary), his production and shall make deliveries in accordance with such specific written directions as may be issued from time to time by the War Production Board.

(3) The production and delivery schedules established by any such specific directions issued pursuant to (c) (2) above shall be maintained, subject to the provisions of Priorities Regulation 18, without regard to any preference ratings theretofore or thereafter assigned to particular contracts, commitments or purchase orders, and without regard to production schedules already in effect; and may be altered only upon specific written direction of the War Production Board. Any such schedule shall be deemed a "Frozen Schedule" within the meaning of Priorities Regulation 18.

(4) If it becomes impossible for any producer to maintain production and delivery of any extended surface heating equipment in accordance with any schedule approved by the War Production Board, he shall notify the War Production Board, and unless otherwise directed he shall postpone production and delivery only to the extent required by the circumstances causing his failure to maintain production and delivery as reported to the War Production Board.

(d) *Simplification schedules.* The War Production Board may, from time to time, issue schedules establishing simplified practices with respect to types, sizes, forms, specifications or other qualifications for any extended surface heating equipment. From and after the effective date of any such schedule, no such equipment shall be manufactured, fabricated or assembled or delivered by or accepted from any manufacturer except in conformity with the issued schedule, and except as specifically permitted by such schedule.

(e) *Excepted machinery or equipment.* Machinery or equipment, listed in this paragraph, is not subject to the restrictions of this order, except for the heat transfer elements of such machinery or equipment.

(1) Any refrigeration and air conditioning equipment as defined in Limitation Order L–38; or

(2) Any commercial laundry machinery as defined in Limitation Order L–91; or

(3) Any industrial machinery or equipment now specifically restricted or limited as to production or delivery by any order issued by the War Production Board, except that any heat transfer element designed and constructed as a component part of such machinery or equipment shall be subject to the restrictions of this order.

(f) *Reports.* Each producer shall execute and file with the War Production Board such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Reference L–107.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time, except as otherwise provided herein.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12181; Filed, July 28, 1943; 11:12 a. m.]

§ 1202.2 *Schedule I to Limitation Order L–107* EQUIPMENT

[Schedule I to Limitation Order L–107]

§ 1202.2 *Schedule I to Limitation Order L–107.*—(a) *Definitions.* For the purpose of this schedule:

(1) "Unit heater" means any extended surface heating equipment which is a factory made assembly and which consists of a heating element and a motor driven fan or blower (or fans or blowers) enclosed in a casing having an air inlet and an air outlet, designed to be placed within or adjacent to a space to be heated and to heat such space by circulating air within it.

(2) "Unit ventilator" means any extended surface heating equipment which is a factory made assembly and which consists of a standard (single tube) heating element with by-pass and temperature regulation dampers, or a distributing tube heating element without by-pass and temperature regulating dampers, a motor driven fan or blower (or fans or blowers) and fresh air regulation damper (or dampers) enclosed in a casing having a fresh air inlet and an air outlet and designed to be placed within or adjacent to a space to be heated, and to heat and ventilate such space by circulating air through it.

(3) "Convector" means any extended surface heating equipment which consists of a heat transfer element enclosed in a cabinet or casing which has an air inlet and an air outlet, and which cabinet or casing serves as a stack to accelerate the circulation of air through the heating element.

(4) "Blast heating coil" means any heat transfer element designed for installation in duct work, for space heating or for drying purposes.

(5) "Special heating coil" means any extended surface heating equipment or any heat transfer element which is not a unit heater, unit ventilator, convector, or blast heating coil as defined in paragraph (a) (1), (2), (3) and (4) of this schedule, and includes, but is not limited to, a convector-radiator or finned-pipe, or any heat transfer element specifically designed for incorporation by a person other than the producer, into extended surface heating equipment or into any other equipment or machinery.

(6) "Standard size unit heater" means a unit heater having certain overall physical dimensions, as specific heating element and a specific fan (or fans), which will develop a specific BTU output per hour heating capacity with free air delivery, when supplied with steam at two (2) pounds pressure per square inch and air at 60 degrees Fahrenheit, and when equipped with a specific single-phase, 60 cycle A. C. electric motor arranged to drive the fan (or fans) at a specific speed.

A standard size unit heater shall not be deemed to be changed;

(i) When the BTU capacity is altered by use of any attachments or appurtenances or by use of an electric motor driven by current other than single-phase 60 cycle A. C.: *Provided*, That when another current is used the speed of the motor shall approximate the speed attained with a single-phase 60 cycle A. C. motor; or

(ii) In the case of any large housed blower unit by the substitution of a tube-within-a-tube heat transfer element of the same heating capacity as that replaced.

(7) "Modified size unit heater" means a standard size unit heater which has been altered by substituting for its heat transfer element one having less surface, for the purpose of lowering the temperature of the discharged air, when the unit heater is to be operated with steam at a pressure of 30 or more pounds per square inch.

(b) *Simplified practices.* Pursuant to Limitation Order L–107 the following simplified practices are established for the manufacture, fabrication or assembly of extended surface heating equipment:

(1) *Unit heaters.* (i) Manufacture, fabrication or assembly by any producer, is limited to horizontal propeller fan type, vertical propeller fan type, large housed blower type, and small cabinet blower type;

(ii) Heat transfer elements known as double-tube or tube-within-a-tube coils are permitted only in standard size large housed blower type unit heaters, and then only if all temperature regulation dampers are omitted;

(iii) Manufacture, fabrication or assembly by any producer is limited to not more than 48 sizes, of which not more than 24 shall be standard size unit heaters, and not more than 24 shall be modified size unit heaters; *Provided*, That no more than 10 standard size unit heaters and 10 modified size unit heaters may be made in any one of the following three types; horizontal propeller fan type, vertical propeller fan type, and large housed blower type; *And provided, further*, That not more than two standard size unit heaters may be made in the small cabinet blower type;

(iv) Not more than one model of any one size may be made, but a model will not be deemed to be changed by the inclusion or omission of attachments or accessories such as dampers or filters, or in case of a large housed blower type unit by the substitution of a double-tube or a tube-within-a-tube for a single tube heat transfer element;

(v) No horizontal propeller fan type unit heater shall be made smaller than 24,000 BTU per hour output capacity;

(vi) No vertical propeller fan type unit heaters shall be made smaller than 144,000 BTU per hour output capacity;

(vii) No large housed blower type unit heater shall be made smaller than 216,000 BTU per hour output capacity;

(viii) No small cabinet blower type unit heater shall be made larger than 150,000 BTU per hour output capacity.

(2) *Unit ventilators.* (i) Manufacture, fabrication or assembly, by any producer, is limited to six sizes based upon rated c. f. m. free air delivery capacity (A. S. H. V. L. standard anemometer test), not more than four of which shall be other than the so-called cabinet schoolroom type. Not more than two different sizes of heating elements shall be used in any given size of unit ventilator;

(ii) So-called cabinet type, schoolroom unit ventilators shall be made only with free-standing cabinets without special provisions for recessing in wall construction.

(3) *Convectors.* (i) Manufacture, fabrication or assembly by any producer is limited to not more than 20 sizes as determined by the rated E. D. R. capacity. Nominal depths shall not be other than 6, 8 or 12 inches;

(ii) Not more than two styles of and headers shall be used for all sizes of convectors, regardless of the type or size of pipe connections;

(iii) Cabinets shall be limited to three heights and shall be either free standing or wall hung models, without special provisions for installation in wall recesses. Only one style of damper and one style of grille is permitted and only one grille may be provided for any convector cabinet.

(4) *Blast heating coils.* (i) Manufacture, fabrication or assembly by any producer of any single tube blast heating coil is limited to not more than five widths (or heights), of which at least two shall be small "booster" coils;

(ii) Manufacture, fabrication or assembly by any producer of any double-tube or tube-within-a-tube blast heating coil is limited to not more than three widths or heights;

(iii) Tubes for such coils shall not be of any but the following nominal lengths:

INCHES

12	36	72
15	42	84
18	48	96
21	54	108
24	60	120
30	66	132
		144;

(iv) Such coils shall be only of types with one or two rows of tubes;

(v) Such coils shall be made in not more than two different numbers of fins per inch of length.

(5) *Special heating coils.* Manufacture, fabrication or assembly by any producer is limited to those sizes, types and designs produced by him on or before the 28th day of July 1943.

(6) Alloys used for coating heat transfer elements or parts thereof shall not contain more than seven percent of tin by weight.

(7) Casings, enclosures and parts thereof shall not contain any metal other than iron and steel and, except for small fittings, shall not be coated with any

metal other than lead, or metal which may be a part of a paint mixture, provided such use of such metal is not prohibited by any order of the War Production Board.

(8) Electric motors shall be single speed types only. Direct current motors used with belt driven equipment shall have a rated speed of 1800 R. P. M.; alternating current motors so used shall have not more than four poles.

(9) The use of copper, copper base alloy or aluminum in extended surface heating equipment is prohibited except when used in accordance with Conservation Order No. M–9–c or any Order in the M–1 series.

(c) *General exceptions.* The provisions of this Schedule shall not apply to any extended surface heating equipment manufactured, fabricated or assembled on a contract, sub-contract or purchase order for delivery to or for the account of the Army, Navy, Maritime Commission or War Shipping Administration of the United States for use on ships, including floating drydocks.

(d) *Selection and report of models and sizes.* Each producer of extended surface heating equipment shall determine the models and sizes of the various kinds of extended surface heating equipment which he proposes to manufacture, fabricate, or assemble under this Schedule, and shall report to the War Production Board on Form WPB 1902 (PD–754), on or before the 27th day of August, 1943, a complete description of each model and size to be manufactured, fabricated or assembled. Each producer shall thereafter produce only those models and sizes so reported, unless written permission is received from the War Production Board to produce any other models or sizes than those reported. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Repair parts.* Nothing in this Schedule shall restrict the manufacture or shipment of repair parts for any extended surface heating equipment.

(f) *Effective date of simplified practices; exceptions; report.* (1) On and after the 26th day of September, 1943, no extended surface heating equipment (except repair parts), which does not conform to the simplified practices established in this schedule, shall be produced or delivered by any producer or accepted by any person from any producer: *Provided, however,* That except as noted in (2) below, the foregoing shall not prohibit the delivery by any producer or acceptance by any person of such extended surface heating equipment not in conformity with these simplified practices, in his stock in finished form on the 26th day of September, 1943, or which can be assembled into completed equipment from cast, machined or otherwise processed materials in the producer's inventory on said date.

(2) No extended surface heating equipment, the heat transfer elements of which are made of copper or copper base alloy, shall be delivered by any producer or accepted by any person from any producer, except in accordance with the provisions of Conservation Order M–9–c as amended from time to time.

(3) Each producer shall report in a letter on or before the 27th day of August, 1943, the number and size of each type of extended surface heating equipment defined in this schedule not in conformity with the provisions of this schedule and which he has produced or will produce and offer for sale on and after the 26th day of September, 1943. The War Production Board may thereupon take such action, with respect to such extended surface heating equipment, as it deems advisable. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12182; Filed, July 28, 1943; 11:12 a. m.]

PART 1227—AROMATIC PETROLEUM SOLVENTS

[Allocation Order M–150 as Amended July 28, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of aromatic petroleum solvents for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1227.1 *Allocation Order M–150*—(a) *Definitions.* For the purposes of this order:

(1) "Aromatic petroleum solvents" means solvents or naphthas of petroleum origin, other than benzol and toluol, containing more than 30% by volume of aromatic hydrocarbons as determined by the analytical procedure described as "Proximate Analysis of Hydrocarbon Thinners" published in the Scientific Section Circular No. 568 of the National Paint, Varnish and Lacquer Association, November, 1938, pages 381–388, and having A. S. T. M. 50% distillation point lower than 330° F.

Such term also includes all grades of xylol, regardless of whether derived from petroleum, coal tar or other sources, and includes high-flash naphtha as defined in the next paragraph.

(2) "High-flash naphtha" means water white coal tar solvent naphtha, refined from coke oven light oil, coal tar distillate, drip oils or holder oils.

(3) "Producer" means any person engaged in the production of aromatic petroleum solvents and includes any person who has such materials produced for him pursuant to toll agreement.

(4) "Distributor" means any person who purchases or has purchased aromatic petroleum solvents for resale, excluding, however, any person who sells aromatic petroleum solvents only in containers of capacities of sixty (60) gallons or less.

NOTE: Paragraphs (3), (4) redesignated July 28, 1943.

(b) *Restrictions on use and delivery of aromatic petroleum solvents.* (1) No producer or distributor shall deliver aromatic petroleum solvents other than high-flash naphtha at any time, or high-flash naphtha on and after September 1, 1943, and no person shall accept such delivery, except as specifically authorized in writing by the War Production Board upon application pursuant to paragraph (f).

(2) No person, including a producer or distributor, shall use aromatic petroleum solvents other than high-flash naphtha at any time or high-flash naphtha on and after September 1, 1943, except as specifically authorized in writing by the War Production Board upon application pursuant to paragraph (f).

(3) Each person accepting delivery of any aromatic petroleum solvent pursuant to specific authorization of the War Production Board shall use such aromatic petroleum solvent only for the purposes specified in such authorization.

(4) Each person affected by this order shall comply with such directions as may be given from time to time by the War Production Board, with respect to the use or delivery by such person of any aromatic petroleum solvent.

(c) *Small order exemptions.* Notwithstanding the provisions of paragraphs (b) (1) and (2):

(1) Any person may, without specific authorization, accept delivery from all suppliers, and use for any purpose, 60 gallons or less of aromatic petroleum solvents in any calendar month.

(2) Any person may, without specific authorization, accept delivery of 550 gallons or less of aromatic petroleum solvents other than high-flash naphtha, including quantities received pursuant to paragraph (c) (1) above, from all suppliers during any calendar month, and may use these solvents only as follows:

(i) Toluene range aromatic petroleum solvents only for barrage balloon cloth treatment, aircraft finishes, synthetic rubber manufacture and processing, or impregnation of wire and cable coatings.

(ii) Aromatic petroleum solvents other than toluene range solvents only for the uses listed in Schedule A annexed hereto.

(3) Authorization by the War Production Board is required for any producer or distributor to make such small order deliveries, upon application pursuant to paragraph (f) requesting an aggregate quantity of aromatic petroleum solvents for small orders.

(d) *Special exemption.* The restrictions provided for in paragraph (b) (1) hereof shall not apply to, and the specific authorization provided for in paragraph (b) (2) hereof, shall not be required with respect to, delivery to, or acceptance of delivery or use by, any person of any intermediate fraction for the manufacture of any aromatic petroleum solvents.

(e) *Production of aromatic petroleum solvents.* Each producer shall comply with such directions as may be given from time to time by the War Production Board with respect to the production of any aromatic petroleum solvent.

(f) *Applications and reports.* (1) The following instructions for filling out Forms WPB 2945 (formerly PD–600) and WPB 2946 (formerly PD–601) are intended to clarify but not to alter the practice previously followed in allocations under this order.

(2) Each person seeking authorization to use or accept delivery of aromatic petroleum solvents shall file application on Form WPB 2945 (formerly PD–600) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB 2945. Copies of Form WPB 2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

Time. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 10th day of the month preceding the month for which authorization to use or accept delivery is requested, if the supplier is a producer, on or before the 5th day if the supplier is a distributor.

Number of copies. Five copies shall be prepared, of which one shall be retained by the applicant, one (with Tables II, III and IV left blank) shall be forwarded to the supplier, and three completely filled out certified copies shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Reference M–150.

Number of sets. A separate set of WPB 2945 (formerly PD–600) application blanks shall be submitted for each supplier, and for each plant of the applicant.

Heading. Under name of chemical specify aromatic petroleum solvents; under War Production Board order number, specify M–150; under unit of measure, specify gallons; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for acceptance of delivery or use is requested.

Column 1. Specify trade name and number or letter, except in the case of xylol, in which case specify "xyol" and the degrees of range or other common identification.

Column 2. Specify gallons of aromatic petroleum solvents requested for each primary product and product use specified in Columns 3 and 4.

Column 3. Fill in as follows:

Paint.
Varnish.
Enamel.
Synthetic enamel.
Lacquer.
Flameproof composition.
Natural rubber solution.
Synthetic rubber solution.
Lacquer thinner.
Synthetic enamel reducer.
General solvents.
Dye stuffs.
Intermediates.
Other organic chemical.
Other (specify).
Resale (in original form).
Export (in orginal form).
Inventory (in original form).

Column 4. Opposite each primary product listed in Column 3, specify in Column 4 the product end use and governing military or Lend-Lease contract or specification number, if any. In describing end use the applicant may be guided by end use lists issued by the Chemicals Division for the guidance of protective coating manufacturers.

Opposite "Resale" or "Inventory" in Column 3, write in Column 4 "subject to further authorization", or specify "deliveries exclusively in containers of 60 gallons or less".

Opposite "Export" in Column 3, specify in Column 4 the name of the individual company or governmental agency to whom or for whose account the solvents will be exported, the country of destination and governing export license or contract numbers, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated for each grade or solvent listed in Column 1 of the application.

Table III. Fill in as indicated.

Table IV. Leave blank.

(3) Each producer and distributor shall apply for authorization to make deliveries of aromatic petroleum solvents on Form WPB 2946 (formerly PD–601) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB 2946. Copies of Form WPB 2946 (formerly PD–601) may be obtained at local field offices of the War Production Board.

Time. Application shall be made in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to make delivery is sought.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three certified copies shall be forwarded to the War Production Board, Washington, D. C., Reference M–150.

Number of sets. A separate set of forms shall be filed for each plant or distribution point.

A separate set of forms shall be submitted for each type of solvent.

Heading. Under name of chemical, specify type of aromatic petroleum solvent; under War Production Board order number, specify M–150; specify allocation month; under unit of measure, specify gallons; and otherwise fill in as indicated.

Columns 1, 2, 3, 4 and 5. Fill in as indicated. Each customer who has filed Form WPB 2945 (formerly PD–600) with the producer or distributor (including the producer himself if he consumes part of his own production) shall be listed in Column 1. Column 5 is optional. At the end of the list of customers, application may be made for aggregate small order deliveries pursuant to paragraph (c) (4).

Columns 5a, 6 and 7. Leave blank, except for remarks, if any, in Column 7.

Rolling stock requirements. The columns relating to number of hopper cars and tank cars required may be left blank.

Table II. Fill in as indicated for each grade of solvent listed in Column 3, and leave Column 16 blank.

(4) The War Production Board may require any person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to filing Form WPB 2945 (formerly PD–600) and Form WPB 2946 (formerly PD–601). Form WPB 2945 and Form WPB 2946 have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Allocations for inventory.* Aromatic petroleum solvents allocated for inventory shall not be used for any purpose, except as specifically directed by the War Production Board or except to fill orders for authorized uses pending arrival of the solvent allocated to fill such orders. Upon arrival of such solvents, the allocated inventory shall be restored.

(h) *Notification of customers.* Each producer and distributor is requested to notify each of his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of aromatic petroleum solvents, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provisions of this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Reference: M–150.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Schedule A added July 28, 1943.

A. Military:
1. All arms and weapons.
2. Firing control equipment.
3. Ammunition and ammunition boxes.
4. Pyrotechnics.
5. Tanks, jeeps, peeps and parts.
6. Paulins and engine covers.
7. Camouflage paint.
8. Chemical resistant finishes for arsenals.
9. Fort, barrack, arsenal, camp, cantonment, & Navy yard finishes.
10. Special naval cable.
11. Special electronic equipment.
12. Signal corps equipment.
13. Canteen and blitz cans.

B. Aircraft:
Finishes for aircraft and aircraft parts.

C. Transportation:
1. Ships and vessels, construction and maintenance and parts.
2. Barges.
3. Plywood watercraft.
4. Dry docks.
5. Buoys.
6. Hawsers (cables).
7. Life preservers and jackets.
8. Motors, engines, and generators.
9. Railway equipment parts, and maintenance (other than freight cars).
10. Railroad military cars.
11. Ambulances.
12. Trucks.
13. Automobiles.
14. Trailers.
15. Motorcycles, bicycles and other vehicles.
16. Brake shoes and linings.

D. Communications and utilities:
1. Searchlights.
2. Military lanterns and flashlights.
3. Light bulbs.
4. Cable core.
5. Cable and wire insulation.
6. Bonding mica for insulation.
7. Electric motors and generating equipment.
8. Batteries.
9. Battery cables.
10. Radio cabinets and boxes (military only).
11. Radio tubes.
12. Other radio parts (military only).
13. Antenna masts.
14. Telephone & Telegraph equipment.

D. Communications and utilities—Con.
15. Gas, power & light plant operations equipment.
16. Central heating plant operational equipment.
17. Water supply plant operational equipment.
18. Water tanks.

E. Textiles and textile treating:
1. Tent proofing.
2. Flame proofing (other than tentage).
3. Gas proofing.
4. Mildew proofing.
5. Water proofing.
6. Wind proofing.
7. Insect cloth.
8. Chevron cloth.
9. Fluorescent coating.
10. Wool pile adhesive.
11. Wool scouring, other than dry cleaning.
12. Leather finishes.

F. Clothing:
1. Shoe parts (Shoe adhesives, combining shoe fabrics, shoe uppers, house slipper uppers, platform binding and heel covers, high heel covers, shoe linings, sock lining on paper heel pads, sock lining on fabric heel pads, innersole binding, house slipper soling).
2. Flying boots.
3. Gas resistant clothing (including leggings and footwear).
4. Flame-proof clothing (including leggings and footwear).
5. Foul weather clothing (including leggings and footwear).
6. Raincoats.
7. Gas masks.
8. Helmets.
9. Helmet liners.
10. Waterproof hat and cap covers.
11. Uniforms.
12. Insignia.

G. Health safety and scientific uses:
1. X-Ray equipment.
2. Pill and tablet coatings.
3. Sutures.
4. Pharmaceutical, medical and surgical supplies (specify).
5. Surgical adhesive tape and plasters.
6. Collodion.
7. Surgical and medical equipment.
8. Surgical and medical instruments.
9. Scientific and precision instruments.

H. Photography:
1. Photographic equipment.
2. Photographic supplies.

I. Printing, publishing and engraving:
1. Gravure ink.
2. Aniline inks.

J. Containers and packaging:
1. Food packaging (containers, closures and linings).
2. Gasoline and water drums.
3. Cellophane.
4. Capsules.
5. Seam sealing of containers.
6. Heat sealing compound.

K. Chemical uses:
1. Vitamin synthesis.
2. De-hydrating agents.
3. Synthetic rubber.
4. Dyestuff and intermediates.
5. Rust preventatives.
6. Alkyd resins (mfgr. only).

L. Industrial operations and equipment:
1. Hoists, cranes, derricks and conveyors.
2. Stationary motors.
3. Elevator equipment.
4. Oil refinery equipment (petroleum equipment operations).
5. Plating and chemical equipment.
6. Textile machinery.
7. Industrial adhesives.
8. Machine tools.
9. Power and transmission equipment.

[F. R. Doc. 43–12185; Filed, July 28, 1943; 11:14 a. m.]

PART 1261—LABORATORY EQUIPMENT

[Revocation of Supplementary Order L–144–a]

Section 1261.2 *Supplementary Order L–144–a* is hereby revoked.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12186; Filed, July 28, 1943; 11:12 a. m.]

PART 1288—POWER, STEAM, AND WATER AUXILIARY EQUIPMENT

[Schedule VI to Limitation Order L–154]

AUXILIARY EQUIPMENT AND APPURTENANCES FOR STEAM TURBINES FOR LAND USE

§ 1288.7 *Schedule VI to Limitation Order L–154*—(a) *Definition.* For the purpose of this schedule, "producer" means any person who produces, manufactures, processes, fabricates, or assembles steam turbines for land use.

(b) *Required specifications.* No producer shall install or deliver for installation on any steam turbine designed for land use any of the following items of equipment or appurtenances:

(1) Sheet metal lagging;

(2) Asbestos, plastic or other high temperature molded insulation, except that manufacturers may provide materials (other than asbestos blanket type) for application after erection of the turbine on its permanent foundation;

(3) Ornamental trim;

(4) Gage equipment larger than the following:

(i) Steam gages, 6 inches in diameter (initial pressure, first stage pressure, exhaust pressure);

(ii) Oil pressure gages larger than 4½ inches in diameter;

(iii) Gland water pressure gages larger than 4½ inches in diameter if glands are of the water seal type;

(iv) Any gage larger than the minimum practicable size.

(5) Duplicate gages or other instruments;

(6) Pipe or tubing for oil piping or steam condensate piping, except for metering purposes, which is monel metal or contains 40 per cent or more copper by weight;

(7) More than a single main oil cooler;

(8) More than a single full capacity auxiliary oil pump other than pumps for turning gears and hydrogen cooling equipment.

(9) Special materials and features not customarily furnished by the manufacturer for the conditions under which the turbine is to operate.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12187; Filed, July 28, 1943; 11:13 a. m.]

PART 3063—FOOTWEAR

[Conservation Order M–217, as Amended July 28, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shoe manufacturing material for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3063.1 *Conservation Order M–217*—(a) ***Applicability of priorities regulations.*** This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except Priorities Regulation 17, which shall be inapplicable to footwear.

(b) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first cutting of leather or fabric in the manufacture of footwear.

(2) "Footwear" includes house slippers, but does not include foot covering designed to be worn over shoes and utilizing no leather.

(3) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(4) "Horizontal quarter seams" means seams on quarters running in a predominantly horizontal direction (i. e. parallel to the sole).

(5) "Design and construction" of footwear means the make-up of the footwear in every detail, so that any two items of footwear of the same design and construction are necessarily identical, except in size; but does not refer to the means whereby the footwear is manufactured.

(6) "Cattle hide leather" means any leather made from cattle hides, including hides of bulls, cows, and steers, and calf and kip skins (but excluding slunks), and shall also include buffalo hides.

(7) "Pintucking" means a raised effect on the surface of footwear accomplished by either single or double needle stitching, but does not include the raised seam on a moccasin type vamp.

(8) "House slippers" means any footwear designed exclusively for indoor or house wear.

(9) "Padded sole house slippers" means slippers having conventional padded soles where the outsole is made of fabric, imitation leather or split leather not over 2½ ounces in weight and is directly stitched to the upper or to a platform cover.

(10) "Line" means footwear of any one of the following types:

Men's dress,
Men's work,
Youths' and boys',
Women's and growing girls',
Misses' and children's,
Infants',
House slippers,
Athletic,
Men's safety shoes, and
Women's safety shoes,

(11) "Price range" shall have the usual trade significance, provided that the highest list price in the range does not exceed the lowest in the range by more than ten (10%) per cent, or twenty-five (25) cents a pair, whichever is the greater.

(12) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated), the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(13) "Civilian footwear" as used in paragraph (i) includes all footwear except military footwear and rubber footwear.

(14) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 to April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(15) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period.

(16) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which can be quickly removed, worn to protect against splashing metals).

(c) *Curtailment in the use of materials and colors in the manufacture of footwear.* (1) No person shall manufacture, or put into process any leather or fabric for the manufacture of, any footwear with:

(i) Leather seam laps gauging over ½ inch in width.

(ii) Horizontal quarter seams, on lined low quarter shoes.

(iii) Wing or shield tips on men's shoes and boys' shoes over size 6, or wing tips or long shield tips on women's, girls', misses', youths', little gents' and children's shoes and boys' shoes of sizes 6 and under.

(iv) Full overlay tips or full overlay foxings, except on work shoes and house slippers with fabric uppers.

(v) Woven vamp or quarter patterns.

(vi) Quarter collars, except on unlined shoes and house slippers.

(vii) Bows or other ornaments, if made of leather in whole or in part.

(viii) Outside leather taps, on footwear other than men's high shoes, unless the middle sole is of synthetic composition material.

(ix) Leather slip soles other than those cut from bellies or offal.

(x) More than one full leather sole, in goodyear welt footwear other than work shoes.

(xi) Full breasted heels, except on hand-turned footwear.

(xii) Welting in excess of ½ inch in width and 5/32 inch in thickness in shoes other than work shoes, or welting in excess of 9/16 inch in width and 5/32 inch in thickness in work shoes.

(xiii) Straps, buckles, knife pockets or decorative stitching on boots or work shoes.

(xiv) Men's one-piece leather uppers (i. e., vamp and quarter cut in one piece and seamed up the back).

(xv) Extension stitched heel seats, except on:

Prewelts in all sizes,
Stitchdowns in all sizes,
Children's shoes up to and including size 3, and
Safety and established orthopedic footwear.

(xvi) Metal nail heads for studs or any metal for decorative purposes.

(xvii) Any stitching thread made from reserved Egyptian cotton (as defined in Conservation Order M–117) or reserved American extra staple cotton (as defined in Conservation Order M–197) for any decorative or any non-functional purpose.

(xviii) Any non-functional or decorative stitching except:

(*a*) Not more than four rows of non-functional stitching on imitation tips, foxings, saddles, mudguards and moccasin type vamps.

(*b*) Not more than an aggregate of four rows of functional and non-func-

tional stitching parallel to the vamp, tip, foxing, saddle, and moccasin seams.

(c) Design stitching solely to permit direct non-stop stitching between cut-outs.

(d) Design functional stitching on utility work cowboy boots.

(xix) Any strippings, braidings, pin-tuckings, lacings or overlays, except those serving a necessary functional purpose.

(xx) Straps passing over, under or through a tongue or vamp.

(xxi) Raised quarter or raised back seams (other than vertical back seams), except on genuine moccasins.

(xxii) Multiple straps, on Roman sandals.

(xxiii) Kiltie or other ornamental tongues, if made of leather in whole or in part.

(xxiv) Platform soles and platform effects, on all footwear of heel height over 1⅜ inches, using size 4B as the standard.

(xxv) Leather covered platforms or leather platform effects, on any footwear.

(xxvi) Heels gauging over 2⅛ inches in height, using size 4B as the standard.

(xxvii) Metal spikes, on golf shoes.

(xxviii) Caulk or storm welting.

(xix) Rawhide or other leather laces, except on work shoes.

(xxx) Leather loops performing the function of eyelets

(2) No person shall use in the manufacture of any footwear any steel shanks of any gauge except:

18 gauge-- .045 minimum, 50 carbon steel.
21 gauge-- .032 minimum, 50 carbon steel.
19 gauge-- .040 minimum, low carbon or basic steel.

unless such shanks were in said person's inventory on September 10, 1942, or were subsequently acquired from a producer of steel shanks who had, prior to September 10, 1942, rolled steel plate for shanks of a different gauge.

(3) No person shall put into process any leather for the manufacture of any boots except men's blucher high cut laced boots ten inches or under in height (measured from heel seat, using size 7 as the standard) and men's and women's utility work cowboy boots: *Provided, however,* That upon letter application the War Production Board may permit any person to make boots higher than ten inches for use in specified hazardous occupations.

(4) No person shall put into process any leathers or fabrics for the manufacture of footwear of more than one color (subject to unavoidable deviations in shade normally experienced in finishing leathers or dyeing fabrics). This restriction shall apply to the color of stitching, lacing and bindings, but shall not apply to the color of linings and soles. Nothing in this paragraph shall prevent unavoidable discoloring of thread, leather, and perforations as a result of antiquing, or the use of:

(i) Embossed leather or genuine reptiles of the colors permitted in paragraph (f) (1) below but having slight variations in shade caused by normal finishing of such leathers, or

(ii) Embossed leather or genuine reptiles of any color or colors (in all-over shoes) if finished prior to October 16, 1942.

(iii) Shearling collars made of scrap pieces, on house slippers, to the extent available under General Conservation Order M–94.

(iv) An additional color on tips or tongues of safety shoes as above defined.

(5) No person shall put into process for the manufacture of footwear any leather or fabric except leather or fabric finished or dyed in accordance with paragraph (f) below: *Provided, however,* That nothing contained in this paragraph (c) (5) shall prevent any person from using:

(i) Any solid color white cattle hide, turftan, bluejacket blue, gold or silver leather finished prior to March 16, 1943.

(ii) Any other solid color leather or any genuine or imitation reptile leather of any color or colors (in all-over shoes) finished prior to October 16, 1942.

(iii) Any solid color turftan or bluejacket blue fabric acquired by the manufacturer prior to February 20, 1943; or

(iv) Any other solid color fabric dyed prior to September 13, 1942 and acquired by the manufacturer prior to February 16, 1943.

No person shall use any natural colored leather for the manufacture of any footwear except work shoes.

(6) No person shall put into process any cattle hide upper leather (other than kip sides, kipskins and calf) or upper leather splits gauging 4½ ounces or over for the manufacture of any footwear except work shoes, cowboy utility boots and lined police type high shoes.

(7) No person shall put into process any cattle hide upper leather, or grain leather outsoles (except heads, bellies, shins and shanks of 5 iron or less) for the manufacture of house slippers or romeos.

(8) No person shall attach any leather outsoles or outside leather taps to any footwear having raised or flat seam mocassin type vamps (including genuine moccasins utilizing soles) or mudguard vamps, any saddle-type footwear, or any footwear with imitation wing tips, imitation stitched moccasin types, imitation stitched mudguards and imitation stitched saddles; *Provided, however,* That nothing in this subparagraph (c) (8) shall apply to women's and girls' shoes with heels 1⅛ inches and over in height, using size 4B as the standard.

(9) No person shall put into process any patent leather for the manufacture of men's shoes.

(10) No person shall put into process any upper leather or leather or rubber soles for the manufacture of men's sandals.

(11) No person shall manufacture any leather or part leather bows for use on footwear.

(d) *Restrictions on styling and types manufactured.* (1) No person shall put into process any leather or fabric for the manufacture of any footwear of a design and construction not utilized by him between September 1, 1940 and December 31, 1942: *Provided, however,* That this paragraph shall not prevent correction of patterns to the extent necessary to remove features prohibited by this order.

The War Production Board may make exceptions to this paragraph in favor of patterns or designs which will conserve leather or other materials.

(2) No person shall put into process any leather or fabric for the manufacture of any women's evening slippers, except those using gold or silver upper leather finished prior to March 16, 1943 with split, head, belly, shin or shank outsoles of 5 iron or less.

(3) No person shall use special processes or materials at any stage of manufacturing footwear for the purpose of rendering such footwear more adaptable to retail display.

(e) *Exceptions to paragraphs* (c) *and* (d) *above.* The foregoing prohibitions and restrictions of this order shall not apply to:

(1) Footwear the soles other than insoles of which are made wholly from materials other than leather or rubber (which may, however, utilize leather for hinges or for tabs, heel inserts or other nonskid or soundproofing features covering not more than 25% of the area of the bottom of the sole).

(2) Special types of footwear made for the physically deformed or maimed.

(3) Football, baseball, hockey, skating, bowling, track, and ski shoes and other similar footwear designed for use in active participation in sports which require specially constructed footwear for such use. This does not include golf shoes.

(4) Footwear forming part of historical or other costumes for theatrical productions.

(5) Infants' soft sole footwear.

(6) Footwear the uppers of which are made of shearlings not reserved for military use under General Conservation Order M–94.

(f) *Restriction on tanning and dyeing.* (1) No person shall finish any leather for use as upper leather except in the following colors (subject to unavoidable deviations in shade normally experienced in finishing leathers):

Black.
White, except in cattle hide leathers.
Army russet and town brown, as appearing on the Fall 1942 color card of the Textile Color Card Association of the United States, Inc.
Natural color.

(2) No person shall color any leather or dye any fabric for use in shoe uppers except in the colors mentioned in paragraph (f) (1) above, (subject to unavoidable deviations in shade normally experienced in tanning and dyeing).

(3) No person engaged in the business of shoe manufacturing shall dye any new footwear except in the colors mentioned in paragraph (f) (1) above.

(4) The restrictions in this paragraph shall not apply to the dyeing of fabrics for use in padded sole house slippers or footwear of the type referred to in paragraph (e) (1) above.

(g) *General exceptions.* None of the restrictions of this order shall apply to military footwear.

(h) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by, or to, any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for nonmilitary use shall not constitute a discriminatory cut.

(i) *Restrictions on production of lines of footwear.* (1) No person shall in any six months' period beginning March 1, 1943 complete the manufacture of more civilian footwear within any line than the following percentages of his civilian line quota for such line:

	Percent
Men's work	115
Youths' and boys'	125
Misses' and children's	125
Infants'	125
Men's safety shoes	125
All others	100

Provided, however, That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of such manufacturer shall be diminished by its proportionate part of such increase.

(2) No person shall manufacture any line of footwear (except military footwear) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs* (i) (1) *and* (i) (2). (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to a lower priced line of the same type of civilian footwear.

To the extent shown in the following schedule, any person may transfer the unused portion of any civilian line quota or quotas of men's dress or women's and growing girls' footwear to the production of the following types of footwear:

Type:	Percentage of unused quota permitted to be added
Men's work	115
Youths' and boys'	125
Misses' and children's	125
Infants'	125

Provided, however, That in no event shall any unused quota be added to a higher priced line, *And provided further,* That in no event shall a new line be added until authorization has been obtained under paragraphs (d) (1) above and paragraphs (i) (3) (vii) below.

(iii) A person may exceed his civilian line quota for any line of women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear.

(iv) Any person whose civilian line quotas total less than 24,000 pairs, may produce up to 24,000 pairs during any six months' period, provided he increases his production in each line above his quota by the same percentage (with 5% tolerance).

(v) Paragraphs (i) (1) and (i) (2) shall not apply to footwear made for the physically maimed or deformed on a custom-made basis and not for stock.

(vi) Until September 1, 1943 footwear made wholly without leather and without rubber soles shall not be included in computing production for the purposes of this paragraph (i). The War Production Board may authorize any person making a line of reasonably durable footwear utilizing non-critical materials to exceed his civilian line quota for such line. Application for such authorization shall be made by letter, describing fully the footwear proposed to be manufactured, listing in detail all the materials to be used and stating the quantity of such footwear to be made, the price range, the source of the manpower to effect such increase in production, and all other facts pertinent to the application.

(vii) Any person who has no civilian line quota for a particular type of footwear may apply by letter for one or more civilian line quotas, stating the types and construction of the footwear he proposes to manufacture, the number of pairs to be made, the price range, the consumer need for footwear of the quality proposed to be made, the source of the manpower to make such footwear, and whether production will be reduced in any other line or lines. No such quota will be granted unless the footwear to be made has been specifically priced by the Office of Price Administration.

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(l) *Reports.* Each person affected by this order shall execute and file with War Production Board such reports and questionnaires as may be required by said Board from time to time.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Ref.: M–217.

(n) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Effective dates.* This order as amended shall become effective on July 28, 1943, with the exception of paragraph (c) (1) (xxx), which shall become effective on October 1, 1943.

Conservation Order M–217 as presently in force shall remain in force until superseded by this amended order.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

The word "manufacture" in line two of paragraph (c) (1) of § 3063.1 (Conservation Order M 217), refers to the operation whereby the features mentioned in subdivisions (i) to (xvii), inclusive, of said paragraph became a part of the footwear.

Illustration: Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date. (Issued October 6, 1942.)

[F. R. Doc. 43-12169; Filed, July 28, 1943; 11:15 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 10 to CMP Reg. 5]

WELDING ROD FOR REPAIR SHOPS

The following direction is issued pursuant to CMP Reg. 5 (§ 3175.5):

(a) *Assignment of rating for welding rods for repair shops.* A rating of AA-2 for welding rod is assigned to all repair shops. This rating may be used only for the following amounts per month: A repair shop may use the rating to buy as much welding rod in any one calendar month as it used during the previous month, but it may not buy more than $100 of welding rod in one month using this rating. However, a repair shop may always buy up to $15 worth of welding rod in any one month even if it did not use $15 of welding rod the previous month.

(b) *How repair shops get ratings for additional amounts.* If a repair shop cannot get enough welding rod using the rating as described in paragraph (a) it may get more in any of the following ways:

(1) It may use its customers' ratings as permitted by paragraph (g–1) (1) of CMP Regulation No. 5, but a customer's rating may be used only for specific jobs and not to build up or replace inventory;

(2) It may apply for a rating for a specific amount of welding rod on Form PD–1A;

(3) If the repair shop also requires controlled materials, it may apply for an allotment and preference rating on Form CMP–4B covering its entire requirements for a quarter;

(4) A repair shop may use both its customers' ratings and a PD–1A for the additional amount of welding rod which it cannot get under paragraph (a); but if it uses CMP–4B it cannot use either the rating of paragraph (a) or its customers' ratings or a PD–1A during the same quarter.

(c) *Effect on CMP Regulation No. 5 (§ 3175.5).* The ratings assigned by CMP Regulation No. 5 may not be used by repair shops to get welding rod (except that they may use their customers' ratings under paragraph (g–1) of the regulation). The rating assigned by paragraph (a) of this direction may be used whether the repair shop accounts for welding rod as operating supplies or otherwise. Purchases of welding rod, using the rating assigned in paragraph (a), do not have to be subtracted from a repair shop's quota established under paragraph (f) of CMP Regulation No. 5, whether the repair shop accounts for welding rod as operating supplies or otherwise.

(d) *Definitions.* (1) As used in this direction, the term "welding rod" means arc welding electrodes or gas welding rods.

(2) The term "repair shop" means any person engaged in the business of doing repair work for others.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12190; Filed, July 28, 1943; 11:16 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT[1]

[General Limitation Order L–185 as Amended July 28, 1943]

WATER HEATERS

Section 3041.1 *General Limitation Order L–185* is hereby amended to read as follows:

[1] Formerly Part 3041, § 3041.1.

§ 3288.51[1] *General Limitation Order L–185*—(a) *Definitions.* (1) "Fuel oil" means any liquid petroleum classified as grade No. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, gas oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(2) "Direct fired water heater" means any device for the direct transference of heat produced by the combustion of coal, wood, fuel oil or gas, or derived from solar rays, to the water of a domestic hot water supply system. The term includes, but is not limited to, coils, water backs, side-arm water heaters, bucket-a-day stoves, laundry stoves, dome type water heaters, service water tank heaters, automatic storage water heaters, instantaneous or continuous flow water heaters, underfired storage water heaters, and solar water heaters. The term does not include any tank used in conjunction with any direct fired water heater, the manufacture of which is governed by Limitation Order L–199, any low pressure cast iron boiler designed for the purpose of heating water to provide heat for the interior of a building by means of circulating steam or hot water, or any low pressure cast iron boiler as defined in Limitation Order L–187.

(3) "Indirect water heater" means any device to which steam or hot water is piped for the transference of the heat of such steam or hot water to the water of a domestic hot water supply system, or the water of a hot water space heating system. The term includes, but is not limited to, coils, side-arm water heaters, storage water heaters, submerged-type water heaters, instantaneous or continuous flow water heaters having coil bundles 12 inches in diameter and less, hot water generators, and pre-heaters. The term does not include any critical heat exchanger having coil bundles greater than 12 inches in diameter as defined in General Limitation Order L–172, or any tank used in conjunction with any indirect water heater, the manufacture of which is governed by Limitation Order L–199.

(4) "Domestic hot water supply system" means any system of supplying hot water used in whole or in part for bathing, washing, cleaning, cooking or other similar purposes. The term does not include any system for supplying hot water solely for specialized industrial or agricultural purposes.

(5) "Hot water space heating system" means any system which is designed for the purpose of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(6) "Metal jacket" means any metal covering, lining, or portion thereof (but not any metal band two inches or less in width used to support a jacket which holds dry insulation) for any direct fired or indirect water heater, except any metal covering, lining, or portion thereof which conducts flue gases, water, or steam through and to the outside of a direct fired or indirect water heater, and except any ferrous metal wire netting used as a base for the wet application of insulating material.

(7) "Copper base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(8) "Producer" means any person who manufactures, fabricates or assembles new direct fired or indirect water heaters.

(b) *Manufacture and installation of metal jackets.* No person shall manufacture, fabricate or assemble any metal jacket, or install any metal jacket (whether or not for repair or replacement), except

(1) To fill a specific contract, subcontract or purchase order for a metal jacket to be used as part of the equipment of any aircraft or any vessel other than a pleasure craft; and

(2) For any direct fired water heater using fuel oil as fuel.

(c) *Use of copper in manufacture.* No person shall use in the manufacture, fabrication or assembly of any direct fired or indirect water heater any copper or copper base alloy, except

(1) For repair or replacement parts;

(2) For temperature, pressure, vacuum or electrical controls, safety devices or valves;

(3) To fill a specific contract, subcontract or purchase order for use in the laundry, bakery or hospital projects of the Army, Navy, War Shipping Administration or Maritime Commission of the United States;

(4) For use as part of the equipment of any aircraft or any vessel for delivery to or for the account of the Army, Navy, War Shipping Administration or Maritime Commission of the United States;

(5) For use by the Army or Navy of the United States outside the forty-eight States and the District of Columbia; or

(6) For indirect water heater coils or tubular units built of tubing of 1½" inside diameter or less. However, the shells, heads, tube plates, spacer plates, terminal outlets and other cast parts of indirect water heaters shall be of ferrous metal or non-metallic materials.

(d) *Use of copper in installation or repair and replacement parts.* (1) No person shall, in any repair or replacement, use or install parts containing in the aggregate more than two pounds of copper or copper base alloy if the weight of the copper or copper base alloy so used or installed exceeds by more than one pound the weight of copper and copper base alloy replaced.

(2) All copper and copper base alloy replaced in any repair shall be delivered by the person making the repair to a scrap dealer or other person specified under Supplementary Order M–9–b.

(e) *Restriction on production.* (1) During the period from July 1, 1943 to June 30, 1944 inclusive, no person shall manufacture, fabricate or assemble units of direct fired or indirect fired water heaters as herein defined, in excess of the percentage of his 1941 unit production of the same classification of hot water heaters, which is indicated in Schedule A hereto attached.

(2) The restrictions of paragraph (e) (1) do not apply to the manufacture, fabrication or assembly of direct fired or indirect water heaters for delivery to or for the account of the Army, Navy, War Shipping Administration or Maritime Commission of the United States.

(f) *Direct fired and indirect water heaters to be delivered only on rated orders.* On and after August 1, 1943 no person shall deliver any direct fired or indirect water heater except on an order rated A–10 or higher.

(g) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (formerly PD–500) with the field office of the War Production Board, for the district in which is located the plant or branch of the appellant to which the appeal relates.

(h) *Communications.* All communications concerning this order shall, unless otherwise directed be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Reference L–185.

(i) *Reports.* Each producer shall execute and file with the War Production Board such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under Priority Control and may be deprived of priorities assistance.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A: Permitted percentages of 1941 unit production:

	Percent
A. Direct fired water heaters:	
1. Underfired water heaters	65
2. Coal and wood fired water heaters	70
3 Side-arm heaters and waterbacks	70
4. All others	30
B. Indirect water heaters	20

[F. R. Doc. 43-12188; Filed, July 28, 1943; 11:14 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[General Limitation Order L–312]

INDUSTRIAL WIPING CLOTHS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of industrial wiping cloths for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.76 *General Limitation Order L–312*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time, except as otherwise provided herein.

(b) *Definitions.* (1) "Industrial wiping cloth" means any used cloth which has been reclaimed for industrial wiping and cleaning.

(2) "Colored wiping cloth" means those grades of industrial wiping cloths commonly known in the trade as #1 washed colored wipers, #2 washed colored wipers, #3 washed colored wipers, colored heavy or light mattress ticking, colored bathrobe wipers, colored blanket wipers, colored knitted wipers or colored scrim or lace curtain wipers.

(3) "Industrial wiping cloth processor" means a person who during any calendar month launders more than 12,000 pounds of reclaimed cloths for the purpose of selling them to any other person for use as industrial wiping cloths.

(4) "Direct military order" means an order for industrial wiping cloths to be delivered directly to the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, or the Office of Scientific Research and Development.

(c) *Reservation of industrial wiping cloths for direct military usage.* Notwithstanding any preference rating or preference rating certificate:

During the week ended July 31, 1943 and during each calendar month thereafter, no industrial wiping cloth processor shall deliver more than 75% by weight of his production of industrial wiping cloths on industrial or other non-military orders. The remaining 25% shall either be delivered against direct military orders or set aside for delivery against future direct military orders, unless the War Production Board either releases such stock set aside or allocates it to some other person.

The processor shall include in the stock delivered or set aside against direct military orders all his colored wiping cloths meeting specifications for wiping cloths approved by the Federal Specifications Board. This paragraph shall not, however, require the setting aside of more than 25% of any processor's production of all cloths, unless he so desires.

On or before the 10th day of each calendar month each wiping cloth processor shall report on Form WPB 3133 to the War Production Board as directed on said form.

This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Nothing in this paragraph shall invalidate or prevent delivery under any direct military order placed before July 28, 1943. All such deliveries may be credited against the reserve required to be set aside for direct military orders.

(d) *Restrictions on grading, processing and delivery of industrial wiping cloths.* No industrial wiping cloth grader or processor shall grade, process or deliver any industrial wiping cloth contrary to any specific direction which may be issued in writing from time to time by the War Production Board in order to meet designated military or industrial requirements.

(e) *Restriction on delivery and use of new textile products for wiping cloths.* No user of industrial wiping cloths shall use any new towels, new diapers or other new textile product as a substitute for industrial wiping cloths, and no person shall deliver any such product if he has reason to believe it will be used for this purpose. This restriction does not apply to mill ends or remnants.

(f) *Records.* All persons affected by this order shall keep and preserve the records required by § 944.15 of Priorities Regulation 1.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Ref.: L–312.

(i) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 28th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12191; Filed, July 28, 1943; 11:14 a. m.]

Subchapter D—Office of Rubber Director

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R–1, Amdt. 2]

Rubber Order R–1 as amended by Amendment No. 1 issued July 9, 1943, is hereby amended in the following respects:

(1) By adding to § 4600.15 (Reseller's inventories of tires and tubes) the following new paragraph:

This § 4600.15 shall not apply to any purchase order originating outside the continental limits of the United States.

(2) By deleting the following item from Code No. 54 of Schedule A, Appendix I, and by deleting all of the entries opposite said item in the columns of Schedule A:

Molded wheels and casters, all types. Where conductive type is required, specific authorization must be obtained.

And by substituting in lieu of said item the following:

Molded wheels and caster tires and wheels, all types.

together with the following entries opposite said item in the columns of Schedule A designated below:

Appendix II	Crude and/or G. P. S.[1]	Latex and/or G. P. S.[1]	Reclaim	Scrap
21	X	----------	1	1-2-3

(3) By deleting from Group 1 of Schedule B, Appendix I, the following items:

Wheelbarrow and lawnmower tires

(4) By deleting from Group 2 of Schedule B, Appendix I, the following items:

Wheelbarrow tires
Lawnmower tires

(5) By adding to the items listed in Code No. 54 of Schedule A, Appendix I, the following item:

Wheelbarrow and lawnmower tires

together with the following entries opposite said item in the columns of Schedule A designated below:

Appendix II	Crude and/or G. P. S.[1]	Latex and/or G. P. S.[1]	Reclaim	Scrap
21	X	X	1	1-2-3

[1] General purpose synthetics.

(6) By adding to List 24 of Appendix II, under the heading, "Industrial Tires", the following regulations for the manufacture of wheelbarrow and lawnmower tires and of molded wheels and caster tires and wheels:

Description of product	Compound designation	Compounds: Friction	Compounds: Tread
Wheelbarrow and lawnmower tires:			
Pneumatic	EF	E	F.
Solid and hollow center	F	----------	F.
Molded wheels and caster tires and wheels, all types	----------	----------	F.[3]

[3] Reference is to List 24, Footnote 3 under heading "Industrial Tires" containing tread compound restrictions

(P.D. Reg. 1, as amended, 6 F.R. 6680; WPB Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of July 1943.

RUBBER DIRECTOR,
WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12192; Filed, July 28, 1943; 11:16 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 415,[1] Amdt. 1]

CERTAIN FEDERAL GOVERNMENT PURCHASES OF NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1 (d) is amended to read as follows:

(d) *Geographical applicability of this regulation.* This regulation applies in the District of Columbia, the 48 states and the Territory of Hawaii but not in the other territories and possessions of the United States.

This amendment shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12128; Filed, July 27, 1943; 3:32 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[1] Amdt. 10]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of Amendment No. 10 to Maximum Price Regulation No. 306 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 306 is amended in the following respects:

1. Subparagraph (4) of § 1341.584 (f) is revoked, and new subparagraphs (4) and (5) are added to read as follows:

(4) If the processor cannot establish a maximum price for any particular variety, style, grade and size of asparagus, packed in tin, under the foregoing provisions:

(i) The processor's maximum price per dozen containers, f. o. b. factory, for such variety, style, grade and size shall be his maximum price for the 1942 pack of the same variety, style, grade and size adjusted by adding 1½ cents per pound in California, Oregon and Washington, and 1 cent per pound in all other states, to the raw asparagus cost required to be used in computing maximum prices for the 1942 pack of the same item; except that

(*a*) Any processor who established a maximum price for such variety, style, grade and size of his 1942 pack by the adoption of a competitor's maximum price shall adopt the same competitor's maximum price for the 1943 pack of the same variety, style, grade and size; and

(*b*) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for the item by adopting his closest competitive seller's maximum price for the 1943 pack of the same variety, style, grade and size.

(ii) Where the processor did not pack the same variety, style, grade and size in 1942, the maximum price of his closest competitive seller for the 1943 packs of the same variety, style, grade and size shall be the processor's maximum price for his 1943 pack of such item.

(iii) If the processor cannot establish a maximum price for such variety, style, grade and size under the foregoing provisions of subparagraph (4), he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall contain:

(*a*) A statement of the reasons for his inability to establish a maximum price for the item which is the subject of the application.

(*b*) A full description of the item which is the subject of the application, and an itemized statement of his cost therefor.

(*c*) A description of the most similar variety, style, grade and container of the item; an itemized statement of his cost therefor; and his maximum price for such similar item. Separate maximum prices will be authorized for sales to government procurement agencies and all other sales.

(5) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum prices for sales other than to government procurement agencies as established under subparagraphs (1), (2), (3) or (4) (i) (ii), as the case may be.

The item "Pickles" is deleted from the items listed in Group I of § 1341.585 (a), and the item "Fresh cucumbers" is added in its alphabetical order.

This amendment shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12129; Filed, July 27, 1943; 3:33 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 114,[1] Amdt. 8]

WOODPULP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 114 is amended in the following respects:

1. In § 1347.232, Appendix A (a), the words and figures: "Bleached Mitscherlich sulphite (§ 1347.229 (a) (12))----$81.00" and "Unbleached Mitscherlich sulphite (§ 1347.229 (a) (13)----72.00" are deleted from the list of grades and prices.

2. In § 1347.232, Appendix A (b), the words and figures: "Bleached Mitscherlich sulphite----$75.00----$75.00" and "Unbleached Mitscherlich sulphite----66.00----66.00" are deleted from the list of grades and prices.

3. Section 1347.232 (d) (1) is amended to read as follows:

(1) Producers of sulphite woodpulp of special chemical, high alpha or glassine grades, producers of Mitscherlich woodpulps, producers of sulphate woodpulp of special chemical or condenser grades, producers of sulphate woodpulp producing such woodpulp for shipment pursuant to allocation by the War Production Board with equipment not designed for the production of such pulp for sale on the open market, and producers of woodpulps produced in whole or in part from rags, paper stock or any fibre material other than wood, shall, before making any sale of woodpulp of any such grade, submit to the Administrator a sworn statement setting forth all the relevant facts, including:

(i) Grade and grade name of woodpulps proposed to be sold;

(ii) Special characteristics which bring the grade or grades involved within the provisions of this paragraph (d);

(iii) Proposed sales prices per air dry ton, and terms of sale (i. e., delivered, delivered with freight allowed, f. o. b. mill, ex dock Atlantic seaboard, or other);

(iv) Names and addresses of customers to whom such woodpulps have been sold in the fourth quarter of the year 1941 and thereafter;

(v) Prices per air dry ton at which these woodpulps have been sold to all such customers in the fourth quarter of 1941, and thereafter, and the terms of all such sales;

(vi) An itemized statement of the costs of production of such woodpulps per air dry ton.

This amendment shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12133; Filed, July 27, 1943; 3:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 250,[1] Amdt. 5]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 250 is amended in the following respects:

1. Section 1351.863 (a) (4) is hereby revoked.

2. Section 1351.865 (f) is hereby revoked.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12132; Filed, July 27, 1943; 3:34 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 319,[2] Amdt. 5]

CERTAIN BAKERY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 319 is amended in the following respects:

1. Section 1351.1918 (a) (7) is amended to read as follows:

(7) All commodities listed in Appendix A are those known to the trade as such excepting therefrom such thereof, if any, while subject to another regulation.

2. Section 1351.1920 is amended to read as follows:

§ 1351.1920 *Appendix A: Commodities covered by this regulation.*

Commodity:	Base period
Cakes (other than cookies and fruitcake)	March, 1942.
Fruitcake	October 1 to December 31, 1942.
Pastries	March, 1942.
Doughnuts	March, 1942.
Sweet yeast raised goods	March, 1942.
Pies	September 14 to October 11, 1941.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12131; Filed, July 27, 1943; 3:34 p. m.]

PART 1389—APPAREL

[MPR 177,[1] Amdt. 6]

MEN'S AND BOYS' TAILORED CLOTHING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 177 is amended in the following respects:

1. The exceptions following §§ 1389.103 (a) (4) and 1389.103 (b) (3) are hereby revoked.

2. Section 1389.103 (c) is added to read as follows:

(c) *Limit on highest price lines within each classification.* There shall be the following limits upon maximum prices computed under this section:

(1) *Limit on highest price lines for garments other than outer coats.* No maximum price determined under paragraph (a) (2) or paragraph (a) (3) of this section shall exceed the seller's highest maximum price for the same classification of garments determined under paragraph (a) (1) or (a) (4).

(2) *Limit on highest price lines for outer coats.* No maximum price determined under paragraph (b) (2) or (b) (3) of this section shall exceed the seller's highest maximum price for the same classification of garments determined under paragraph (b) (1).

(3) *Special limits on highest price lines of departmentalized sellers.* Any department within a selling establishment which dealt in a particular classification of garments during the base period must be considered a separate seller in determining the limit on its highest price-line in that classification. Any department which did not deal in a particular classification must be governed by the lowest of the limits in any department within the same establishment which did deal in the classification. If no department in the selling establishment dealt in the classification during the base period, the limit shall be the same as that of the most closely competitive seller of the same class.

(4) *Special rules for authorized retail sales of officers' uniforms.* The maximum prices at which a retailer may sell officers' uniforms pursuant to a certificate of approval issued by the Navy Department or a certificate of authority issued by the United States Army Exchange Service are not subject to the limitations on maximum prices provided in this paragraph.

3. In § 1389.104, paragraphs (a) (3) and (b) (2) are amended by adding at the end of each paragraph the sentence,

[1] 8 F.R. 8923.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1114, 1313, 2921, 3732, 3853, 4179, 4633, 4840, 6617.

[1] 7 F.R. 2843, 3576, 5059, 5564, 8997, 8948; 8 F.R. 321, 2334, 8877.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8702, 9898, 10014, 10993; 8 F.R. 2673.

[1] 7 F.R. 8705, 9898, 10014, 10994; 8 F.R. 2673.

[2] 8 F.R. 1808, 2719, 2720, 3848, 7198.

[1] 7 F.R. 5182, 7475, 6792, 7100, 7944, 8940, 9000, 8948.

"However, this exception shall not apply to sales of United States military uniforms which have been produced by the seller pursuant to agreement with the United States Army or Navy."

4. § 1389.108 (c) is amended to read as follows:

(c) *Relation to Maximum Price Regulation 157.*[2] This regulation shall not apply to sales of tailored clothing made in accordance with military specifications, if such sales come within the terms of § 1378.1 (a) of Maximum Price Regulation 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes.

5. Section 1389.108 (e) is added to read as follows:

(e) *Sales by war procurement agencies.* This regulation shall not apply to sales of tailored clothing made by a "War Procurement Agency." This term includes the War Department, Department of the Navy, United States Maritime Commission, the Lend-Lease Section in the Procurement Division of the Treasury, all agencies of these departments, and stores operated as Army canteens, post exchanges or ships' service activities.

6. Section 1389.108 (f) is added to read as follows:

(f) *Relation to Maximum Price Regulation 385.* Maximum Price Regulation 177 does not apply to sales of those United States military officers' uniforms which are covered by Maximum Price Regulation 385—"Specified Military Uniforms."

7. Sections 1389.115 (b) (2) and 1389.116 (c) (2) are amended by deleting from each section the phrase "and of each succeeding month."

This amendment shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12134; Filed, July 27, 1943; 3:32 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Rev. MPR 284,[1] Amdt. 1]

WESTERN PRIMARY FOREST PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 284 is amended in the following respects:

1. In the tabulation of "Contents", the reference to section 7 is amended to read "7 Definitions of territories" and in the reference to section 18 the word "posts" is deleted.

2. Section 2 (a) (3) is amended to read:

(3) Poles and piling.

3. Section 3, immediately after the phrase "f. o. b. the railroad loading-out point" the phrase "or towable waters" is inserted.

4. In section 4, the first undesignated paragraph is amended to read as follows:

SEC. 4. *Transportation addition.* Except as otherwise provided in paragraph (c) of this section applying to poles and piling (other than lodgepole pine), the transportation charges set forth below may be added to the maximum f. o. b. railroad loading-out point or towable water prices when the seller makes delivery to the destination. Transportation from the mill or point of production to the railroad loading-out point or booming and rafting ground must, in every instance, be provided on the seller's account. All additions for transportation must be shown separately on the invoice.

5. Section 4 (a) (1) is amended to read as follows:

(1) When estimated weights or guaranteed mean diameters are used, the appropriate published rate times the estimated weight or mean diameter is the proper transportation charge, even though the estimated weights or diameters may be higher than actual. Estimated weights higher than those set forth in the appendices may not be used. The estimated weight must be taken from the appendices for the exact type of product actually ordered. To compute mean diameters add 1" to the top or butt diameter, whichever is the controlling factor, and increase or decrease that figure by 1" for each 10 lineal feet. Add the top and butt diameters thus determined and divide by two to find the mean diameter. The charge for transportation shall be evened out to the nearest quarter-dollar per MBM, quarter cent per lineal foot, or five cents per pole, whichever is applicable.

6. Section 4 (b) is amended to read as follows:

(b) *Private truck.* (1) When shipment is by truck owned or controlled by the seller, the maximum permissible addition (on hauls involving any point outside of metropolitan areas) shall be computed as 5 cents per 100 pounds for hauls of not over 10 miles, 7 cents per 100 pounds for hauls of more than 10 but not over 20 miles, 9 cents per 100 pounds for hauls of more than 20 but not over 30 miles, and for each mile over 30 miles, two tenths of a cent per 100 pounds to be added to the 30-mile charge. No addition is allowed for the return trip.

(2) A "metropolitan area" includes all territory within 10 miles of the city limits of any city having a population of 250,000 or more according to the Census of 1940. On shipment by private truck entirely within a metropolitan area, the amount added for transportation may not be more than the published motor common carrier rate for such haul times the estimated weight or other unit of measure used. If there is no published rate, then the actual cost of trucking may be added, that is, the seller's out-of-pocket expense in making delivery.

7. In section 4, paragraph (c) is redesignated (e) and paragraphs (c) and (d) are added to read as follows:

(c) *Rail shipments of poles and piling (other than lodgepole pine.)* (1) On eastbound shipments by rail the transportation addition for all shippers may be computed as the estimated weights shown in the appropriate table times the rail freight rate from Seattle, Washington.

(2) On southbound shipments by rail to destinations covered in Pacific Freight Tariff Bureau Tariff No. 80-H, the transportation addition may be computed as the estimated weights shown in the appropriate table times the rail freight rate arrived at as follows:

(i) When the published rail rate is greater than the Seattle, Washington rate, the Bellingham, Washington published rate may be used.

(ii) When the published rail rate is greater than the Portland, Oregon rate but not greater than the Seattle, Washington published rate, the Seattle, Washington published rate may be used.

(iii) When the shipping point is North of the California-Oregon State line and takes a published rail rate not greater than the Portland rate, the Portland published rate may be used.

(iv) When the shipping point is in the State of California the published rate from Arcata, California may be used.

(3) On shipments of Western red cedar poles and piling from points in Idaho, Montana, and that part of Washington east of the crest of the Cascade Mountains to points for which there is no published through railroad freight rate via the Minnesota Transfer-Twin Cities Gateway, the transportation addition may be computed on the basis of the local freight rate or rates from the original loading-out point to destination.

(4) Regardless of the foregoing provisions of this paragraph (c), if a milling-in-transit rate is applicable and results in a lower total cost of transportation, the milling-in-transit rate must be used.

(d) For other means of transportation, where there are no published rates the actual cost of such transportation may be charged, that is, the out-of-pocket cost to the seller whether public or private means of transportation are used.

8. In section 5, between the words "treatment" and "may", the phrase "other than treatment specifically priced in this regulation" is inserted.

9. Section 7, the head-note is amended to read "Definitions of territories", and paragraphs (c) and (d) are added to read as follows:

(c) The term "Western Schedule" as used in section 18, Table 10, refers to sales of treated poles shipped from treating plants or concentration yards located in California or in those parts of Oregon, Washington, and Canada west of the crest of the Cascade Mountains (regardless of the location of the original loading-out point), and to sales of untreated poles shipped from original loading-out points or from concentration yards in that same territory.

(d) The term "Eastern Schedule", as used in section 18, Table 10A, refers to sales of treated poles shipped from treating plants or concentration yards located outside the area described in paragraph (c), regardless of the location of the original loading-out point. It applies also to sales of untreated poles shipped from original loading-out points or from concentration yards located outside the area described in paragraph (c).

10. Section 11, in the first undesignated paragraph, between the words "specifications" and "species", the words "lengths, sizes" are inserted.

11. Section 11, the paragraph reference and heading "(a) *Western mine pit posts and stulls*" is deleted.

12. Section 11, subparagraph (1) is redesignated paragraph (a), and the words "per lineal foot" are deleted, and the phrase "primary forest products" is substituted in place of the phrase "pit post or stull".

13. Section 11, subparagraph (2) is redesignated paragraph (b), and the words "per lineal foot" are deleted.

14. Section 11, paragraph (b) is redesignated paragraph (c), and is amended to read as follows:

(c) For any grade, specification, length, size, species, or extra for which a maximum price is not provided in the appendices, or which cannot be priced according to paragraphs (a) and (b) above, the maximum price shall be the price established by the Lumber Branch of the Office of Price Administration, Washington, D. C., after full facts have been submitted in support of a request for the establishment of a maximum price. The maximum price may be established by letter or telegram. The period allowed for consideration by the Lumber Branch, and the seller's rights pending disposition of his application, are the same as set out in paragraph (b) above.

15. Section 13, the phrase "5000 ft., board measure, or more" is deleted and in its place the phrase "5000 board feet or the equivalent in other measure," is inserted.

16. Section 16, Appendix A, Table No. 4, in the vertical column headed "Size" the item "4" x 6" x 20" cap" is corrected to read "4" x 6" x 30" cap".

17. Section 17, Appendix B, in the first undesignated paragraph, after the expression "f. o. b.", the words "cars at" are inserted.

18. The text of section 18, Appendix C, is amended to read as follows:

SEC. 18. *Appendix C: Maximum prices for poles and piling.* (a) All maximum prices set forth below are f. o. b. cars at the railroad loading-out point or dumped, boomed, and rafted on towable waters nearest the point of production in the normal direction of delivery to the point of destination.

(b) *Quantity discounts on treated poles.* When the seller takes a firm order for treated poles, he must make discounts for quantity as follows:

	Percent
For 3,000 to 4,999 poles	2½
For 5,000 poles or more	5

For purposes of this paragraph a "firm order" is one requiring shipment from time to time over a period of 12 months, as ordered by the buyer, with guarantee of payment for any poles not ordered shipped at the end of the 12-month period, and covering at least 5 lengths with 3 classes in each length. The maximum price for treated poles subject to this discount is the sum of the appropriate untreated price taken from Table 9, 10, 10A, or 11 and the additions for treatment and services made according to Table 10C or section 5, excluding any addition for transportation.

19. Section 18, Appendix C, Table 9, the table heading is amended to read "Table No. 9—Lodgepole Pine Poles and Piling" and footnote 1 is added to read as follows:

1. The maximum prices for Lodgepole pine piling shall be the maximum price established in this Table 9 for the most nearly equivalent A. S. A. size pole of the same length.

20. Section 18, Appendix C, Tables 10, 10A, 10B, 10C, 11 and 12 are added to read as follows:

TABLE NO. 10—MAXIMUM PRICES FOR WESTERN RED CEDAR POLES—WESTERN SCHEDULE

[See section 7 (c). F.o.b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A. Length in feet	A. S. A. Class	Estimated weight in pounds per pole	Maximum price, each
16	5	230	$3.00
	6	190	2.20
	7	135	1.80
	8	135	1.70
	9	105	1.30
	10	85	1.05
18	3	440	4.60
	4	350	3.85
	5	265	3.20
	6	185	2.30
	7	175	1.95
	8	160	1.85
	9	120	1.45
	10	90	1.15
20	1	615	5.65
	2	530	5.40
	3	440	5.10
	4	350	4.10
	5	265	3.35
	6	200	2.45
	7	175	2.30
	8	160	1.85
	9	120	1.45
	10	90	1.25
22	1	750	5.90
	2	635	5.50
	3	530	5.05
	4	425	4.75
	5	350	4.35
	6	280	3.50
	7	220	3.25
	8	205	2.70
	9	180	1.90
	10	120	1.85
25	1	750	5.90
	2	635	5.50
	3	530	5.05
	4	425	4.75
	5	350	4.35
	6	280	3.50
	7	220	3.25
	8	205	2.70
	9	180	1.90
	10	120	1.85
30	H. D.	1,285	13.00
30" Top	1	1,120	11.15
	1	880	7.00
20" Top	2	960	10.75
	2	750	6.75
	3	615	6.45
	4	540	6.10
	5	440	5.80
	6	370	5.35
	7	310	4.95
	8	265	4.85
	9	225	4.10
	10	185	3.90
35	H. D.	1,460	$15.95
30" Top	1	1,385	13.00
	1	1,055	9.45
30" Top	2	1,180	12.40
	2	880	9.15
	3	730	8.75
	4	660	8.40
	5	570	7.65
	6	495	7.00
	7	415	5.95
	8	445	5.85
40	H. D.	1,725	24.85
30" Top	1	1,560	15.95
	1	1,320	11.15
30" Top	2	1,400	14.50
	2	1,145	10.75
	3	970	10.10
	4	790	9.55
	5	705	8.65
	6	615	8.05
	7	615	7.90
45	H. D.	1,990	28.40
30" Top	1	1,825	24.35
	1	1,585	13.00
30" Top	2	1,575	20.80
	2	1,365	12.40
	3	1,145	11.50
	4	1,010	10.75
	5	880	9.90
	6	880	9.70
50	H. D.	2,515	36.45
30" Top	1	2,090	28.40
	1	1,760	15.95
30" Top	2	1,750	25.85
	2	1,585	14.50
	3	1,365	13.25
	4	1,230	12.20
	5	1,145	10.95
	6	1,145	10.95
55	H. D.	2,870	43.50
30" Top	1	2,615	36.45
	1	2,025	24.35
30" Top	2	2,015	30.35
	2	1,760	20.80
	3	1,540	15.75
	4	1,410	12.75
	5	1,410	12.20
60	H.D.	3,395	48.50
30" Top	1	2,970	43.50
	1	2,290	28.40
30" Top	2	2,455	37.90
	2	1,935	25.85
	3	1,760	20.30
	4	1,670	16.30
65	H.D.	4,100	64.65
30" Top	1	3,495	48.50
	1	2,815	36.45
30" Top	2	2,985	44.00
	2	2,200	30.35
	3	2,025	25.60
	4	1,935	21.05
70	H.D.	4,540	82.65
30" Top	1	4,300	64.65
	1	3,170	43.50
30" Top	2	3,510	58.05
	2	2,640	37.90
	3	2,375	31.40
	4	2,200	27.05
75	1	3,695	48.50
	2	2,510	44.00
	3	2,730	58.20
	4	2,640	32.85
80	1	4,400	64.65
	2	3,695	58.05
	3	3,170	50.75
	4	3,080	46.40
85	1	4,840	82.65
	2	3,960	72.60
	3	3,520	61.50
	4	3,520	60.45
90	1	5,810	100.70
	2	4,930	95.60
	3	4,225	90.60

TABLE NO. 10A—MAXIMUM PRICES WESTERN RED CEDAR POLES—EASTERN SCHEDULE

[See section 7 (d). F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A. Length in feet	A. S. A. Class	Estimated weight in pounds per pole	Maximum price, each
16	5	230	$3.00
	6	190	2.20
	7	135	1.80
	8	135	1.70
	9	105	1.30
	10	85	1.50

TABLE NO. 10—MAXIMUM PRICES FOR WESTERN RED CEDAR POLES—WESTERN SCHEDULE—Continued

A. S. A. Length in feet	A. S. A. Class	Estimated weight in pounds per pole	Maximum price, each
18	3	440	$4.60
	4	350	3.85
	5	265	3.20
	6	185	2.30
	7	175	1.95
	8	160	1.85
	9	120	1.45
	10	90	1.15
20	1	615	5.65
	2	530	5.40
	3	440	5.10
	4	350	4.10
	5	265	3.35
	6	200	2.45
	7	175	2.30
	8	160	1.85
	9	120	1.45
	10	90	1.25
22	1	750	5.90
	2	635	5.50
	3	530	5.05
	4	425	4.75
	5	350	4.35
	6	280	3.50
	7	220	3.25
	8	205	2.70
	9	180	1.90
	10	120	1.85
25	1	750	5.90
	2	635	5.50
	3	530	5.05
	4	425	4.75
	5	350	4.35
	6	280	3.50
	7	220	3.25
	8	205	2.70
	9	180	1.90
	10	120	1.85
30	H. D.	1,285	13.00
30" Top	1	1,120	11.15
	1	880	7.00
20" Top	2	960	10.75
	2	750	6.75
	3	615	6.45
	4	540	6.10
	5	440	5.80
	6	370	5.35
	7	310	4.95
	8	265	4.85
	9	225	4.10
	10	185	3.90
35	H. D.	1,460	$15.95
30" Top	1	1,385	13.00
	1	1,055	9.45
30" Top	2	1,180	12.40
	2	880	9.15
	3	730	8.75
	4	660	8.40
	5	570	7.65
	6	495	7.00
	7	415	5.95
	8	445	5.85
40	H. D.	1,725	24.85
30" Top	1	1,560	15.95
	1	1,320	11.15
30" Top	2	1,400	14.50
	2	1,145	10.75
	3	970	10.10
	4	790	9.55
	5	705	8.65
	6	615	8.05
	7	615	7.90
45	H. D.	1,990	28.40
30" Top	1	1,825	24.35
	1	1,585	13.00
30" Top	2	1,575	20.80
	2	1,365	12.40
	3	1,145	11.50
	4	1,010	10.75
	5	880	9.90
	6	880	9.70
50	H. D.	2,515	36.45
30" Top	1	2,090	28.40
	1	1,760	15.95
30" Top	2	1,750	25.85
	2	1,585	14.50
	3	1,365	13.25
	4	1,230	12.20
	5	1,145	10.95
	6	1,145	10.95
55	H. D.	2,870	43.50
30" Top	1	2,615	36.45
	1	2,025	24.35
30" Top	2	2,015	30.35
	2	1,760	20.80
	3	1,540	15.75
	4	1,410	12.75
	5	1,410	12.20
60	H.D.	3,395	48.50
30" Top	1	2,970	43.50
	1	2,290	28.40
30" Top	2	2,455	37.90
	2	1,935	25.85
	3	1,760	20.30
	4	1,670	16.30
65	H.D.	4,100	64.65
30" Top	1	3,495	48.50
	1	2,815	36.45
30" Top	2	2,985	44.00
	2	2,200	30.35
	3	2,025	25.60
	4	1,935	21.05
70	H.D.	4,540	82.65
30" Top	1	4,300	64.65
	1	3,170	43.50
30" Top	2	3,510	58.05
	2	2,640	37.90
	3	2,375	31.40
	4	2,200	27.05
75	1	3,695	48.50
	2	2,510	44.00
	3	2,730	58.20
	4	2,640	32.85
80	1	4,400	64.65
	2	3,695	58.05
	3	3,170	50.75
	4	3,080	46.40
85	1	4,840	82.65
	2	3,960	72.60
	3	3,520	61.50
	4	3,520	60.45
90	1	5,810	100.70
	2	4,930	95.60
	3	4,225	90.60

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6544.

[2] 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948; 8 F.R. 3948, 7507.

TABLE NO. 10A—MAXIMUM PRICES WESTERN RED CEDAR POLES—EASTERN SCHEDULE—Continued

[See section 7 (d). F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A. Length in feet	A. S. A. Class	Estimated weight in pounds per pole	Maximum price, each
18	3	400	$4.60
	4	320	3.85
	5	240	3.20
	6	180	2.30
	7	160	1.95
	8	160	1.85
	9	120	1.45
	10	90	1.15
20	1	560	5.65
	2	480	5.40
	3	400	4.90
	4	320	4.10
	5	240	3.35
	6	180	2.45
	7	160	2.05
	8	160	1.85
	9	120	1.45
	10	90	1.25
22	1	680	5.90
	2	575	5.50
	3	480	5.05
	4	385	4.75
	5	320	4.35
	6	255	3.15
	7	200	2.95
	8	205	2.50
	9	180	1.90
	10	120	1.85
25	1	680	5.90
	2	575	5.50
	3	480	5.05
	4	385	4.75
	5	320	4.35
	6	255	3.15
	7	200	2.95
	8	205	2.50
	9	180	1.90
	10	120	1.85
30	H. D.	1,200	11.55
30″ Top	1	1,000	9.60
	1	800	6.40
30″ Top	2	855	9.20
	2	680	6.25
	3	585	6.05
	4	400	6.05
	5	400	5.80
	6	335	4.70
	7	280	4.20
	8	295	4.10
	9	225	3.10
35	H. D.	1,440	14.30
30″ Top	1	1,240	11.05
	1	960	8.95
30″ Top	2	1,055	10.50
	2	800	8.65
	3	680	8.55
	4	600	8.40
	5	520	7.65
	6	450	6.40
	7	375	5.00
	8	405	4.75
40	H. D.	1,600	24.35
30″ Top	1	1,400	14.30
	1	1,200	9.95
30″ Top	2	1,255	13.30
	2	1,040	9.45
	3	880	9.15
	4	720	8.90
	5	640	8.40
	6	560	7.65
	7	560	7.35
45	H.D.	1,840	28.40
30″ Top	1	1,640	24.35
	1	1,440	11.55
30″ Top	2	1,415	20.80
	2	1,240	11.00
	3	1,040	10.50
	4	920	9.95
	5	800	8.95
	6	800	8.80
50	H.D.	2,080	36.45
30″ Top	1	1,880	28.40
	1	1,660	14.30
30″ Top	2	1,575	25.85
	2	1,440	13.30
	3	1,240	11.80
	4	1,120	10.95
	5	1,040	9.95
	6	1,040	9.95

TABLE NO. 10A—MAXIMUM PRICES WESTERN RED CEDAR POLES—EASTERN SCHEDULE—Continued

[See section 7 (d). F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A. Length in feet	A. S. A. Class	Estimated weight in pounds per pole	Maximum price, each
55	H. D.	2,560	$43.50
30″ Top	1	2,360	36.45
	1	1,840	24.35
30″ Top	2	1,815	30.35
	2	1,600	20.80
	3	1,400	15.75
	4	1,280	12.75
	5	1,280	12.20
60	H. D.	2,880	48.50
30″ Top	1	2,680	43.50
	1	2,080	28.40
30″ Top	2	2,215	37.90
	2	1,760	25.85
	3	1,600	20.30
	4	1,520	16.30
65	H. D.	3,360	61.65
30″ Top	1	3,160	48.50
	1	2,560	36.45
30″ Top	2	2,695	44.00
	2	2,000	30.35
	3	1,840	25.60
	4	1,760	21.05
70	H. D.	4,000	82.65
30″ Top	1	3,800	64.65
	1	2,880	43.50

TABLE NO. 10A—MAXIMUM PRICES WESTERN RED CEDAR POLES—EASTERN SCHEDULE—Continued

[See section 7 (d). F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A. Length in feet	A. S. A. Class	Estimated weight in pounds per pole	Maximum price, each
70—Continued.			
30″ Top	2	3,175	$58.05
	2	2,400	37.90
	3	2,160	31.40
	4	2,080	27.05
75	1	3,360	48.50
	2	2,880	44.00
	3	2,480	38.20
	4	2,400	32.85
80	1	4,000	64.65
	2	3,360	58.05
	3	2,880	50.75
	4	2,800	45.10
85	1	4,400	82.65
	2	3,600	72.60
	3	3,200	61.50
	4	3,200	60.45
90	1	5,280	100.70
	2	4,480	95.50
	3	3,840	90.00

TABLE NO. 10B—MAXIMUM PRICES FOR WESTERN RED CEDAR RE-INFORCING STUBS—ANCHOR LOGS SHORT ROUND MATERIAL—PROCESSING AND PRESERVATIVE TREATMENT OF SAME—EASTERN OR WESTERN SCHEDULES

[F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Minimum diameter small end	Minimum circumference small end	Estimated weight in pounds per lineal ft.	Maximum price for each lineal ft. or fraction thereof	Maximum charge for roofing each piece	Maximum Charge for Preservative Treatment Spec. ½″ Pen. 5′ butt treatment	Maximum Charge for Preservative Treatment Spec. ½″ Pen. Each additional foot or fraction thereof
5 inch	15 inch	6#	$0.07½	$0.08	$1.00	$0.09
6 inch	18½ inch	8#	.10	.09	1.30	.11
7 inch	22 inch	10#	.11½	.10	1.55	.14
8 inch	25 inch	15#	.15	.12	1.80	.18
9 inch	28 inch	20#	.18	.13	2.00	.22
10 inch	31 inch	25#	.20	.15	2.40	.27
11 inch	34 inch	30#	.21	.16	2.70	.29
12 inch	38 inch	35#	.23	.18	3.35	.36
13 inch	41 inch	40#	.25	.19	4.05	.41
14 inch	44 inch	45#	.26	.21	4.75	.50
15 inch	47 inch	50#	.28	.23	5.30	.58
16 inch	50 inch	55#	.30	.25	6.10	.65

GENERAL NOTES APPLYING TO TABLES 10, 10A, AND 10B

1. These prices include all production costs before processing and treating such as yarding and inspection.

2. *Piling.* The maximum price for Western Red Cedar piling shall be the price for the closest equivalent A. S. A. size pole in the same length.

3. *Less than carload sales.* On orders to established concentration, distribution, or treating plant yards for less than carload minimum weight as established by railroad tariffs, and where the invoice value of the poles ordered does not exceed $275.00 for white poles when computed at the maximum prices in this regulation, the seller may make a service charge addition of not more than 10% of the total invoice value of the treated or untreated pole not including transportation, but including the treating and processing additions provided in Table 10C. The seller shall keep a record of such sales and show this charge as a separate item on the invoice.

4. *Cut back allowance.* When requirements of the buyer exceed the available supply of the seller for one or more classes or lengths of poles for delivery required, the seller may cut back the most similar class pole in the five foot longer length and may charge the maximum price for the class and length pole actually used. The additions for transportation, treatment, processing, etc., on such cut back poles, shall be those additions applicable to the class and length pole ordered by the buyer, plus an addition for inbound freight computed at the difference in estimated weights times the freight rate to the concentration yards. No addition may be made for the labor included in such cutting back operations. The seller shall keep a record of such sales and show this charge as a separate item on the invoice.

5. *Inspection service.* On shipments where the buyer requests special inspection service, furnished by an approved inspection agency, an addition may be made to cover the actual cost of such service. This charge must be shown separately on the invoice.

6. *Branding and marking.* The manufacturer's brand showing year mark, class and length of pole may be branded on the face of treated poles including butt treating at no extra charge. For any additional branding or marking on treated poles, including butt treated and for all branding on untreated poles, an addition of not more than 5% of the charge for butt treatment for the same length and class in Table 10C, may be made for each additional branding or marking operation required by the buyer and performed with one iron.

7. *Heavy duty and 30″ top poles.* On sales of heavy duty and 30″ top #1 and #2 poles an addition for inbound freight may be added computed at the difference in estimated weights between the pole as sold and the pole cut back times the freight rate to the concentration yard.

8. *Untreated poles, stubs, anchor logs and short round material.* On shipments from treating plant yards of untreated poles, stubs, anchor logs and short round material, the seller may add a charge of not more than $.075 per cwt. times the estimated weight for that length and size in the appropriate table.

9. *Storage.* When the buyer requires storage of treated poles until released for shipment as required, the seller may add a yarding charge of not more than $.05 per cwt. times the estimated weight for the same class and length in the appropriate table.

10. *Specifications not priced.* To price any specification of pole other than American Standard Association, the seller shall determine the size A. S. A. pole of the same length having the same or nearest larger circumference 6′ from the butt, and this price is the tentative maximum price for the specification to be priced. The tentative price so determined and any price for other lengths or extras not specifically priced shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C. as provided in section 11.

TABLE No. 10C—MAXIMUM PRICE ADDITIONS TO POLE PRICE FOR TREATING AND PROCESSING WESTERN RED CEDAR POLES

A. S. A. Length in feet	A. S. A. Class	Butt treated—Ineised and ½″ Pentrex creosoted [1]	Full length creosote or other preservative without separate butt treatment: Ineised and under 8-hour hot treatment [2]	Full length creosote or other preservative without separate butt treatment: Ineised and 8 hours min. hot followed by cold treatment [2] [3]	Roof only	Roof and one gain	Each additional gain	Staining or painting	Machine or hand shave full length	Reduced sapwood addition to shaving price [4]
16	5	$1.15	$1.00	$1.35	$0.11	$0.19	$0.08	$0.75	$0.40	$0.05
	6	1.05	.90	1.20	.11	.19	.08	.70	.40	.05
	7	.90	.80	1.05	.11	.19	.08	.70	.40	.05
	8	.75	.75	.95	.11	.19	.08	.70	.35	.05
	9	.65	.65	.90	.07	.15	.08	.65	.35	.05
	10	.50	.60	.85	.07	.15	.08	.45	.35	.05
18	3	1.60	1.65	2.20	.15	.22	.08	1.10	.75	.05
	4	1.40	1.55	2.05	.11	.19	.08	1.05	.60	.05
	5	1.20	1.20	1.60	.11	.19	.08	.85	.55	.05
	6	1.15	1.00	1.30	.11	.19	.08	.75	.45	.05
	7	1.00	.90	1.20	.11	.19	.08	.75	.45	.05
	8	.85	.80	1.05	.11	.19	.08	.75	.45	.05
	9	.75	.75	.95	.07	.15	.08	.70	.40	.05
	10	.65	.65	.90	.07	.15	.08	.50	.30	.05
20	1	2.10	2.10	2.90	.15	.22	.08	1.15	.75	.05
	2	1.90	1.85	2.50	.15	.22	.08	1.15	.75	.05
	3	1.75	1.75	2.35	.15	.22	.08	1.15	.75	.05
	4	1.50	1.60	2.15	.11	.19	.08	1.00	.60	.05
	5	1.30	1.40	1.90	.11	.19	.08	.90	.55	.05
	6	1.15	1.30	1.75	.11	.19	.08	.80	.45	.05
	7	1.00	1.20	1.60	.11	.19	.08	.80	.45	.05
	8	.85	1.00	1.35	.11	.19	.08	.80	.45	.05
	9	.75	.90	1.20	.07	.15	.08	.75	.40	.05
	10	.65	.75	1.00	.07	.15	.08	.55	.30	.05
22	1	2.35	2.25	3.05	.18	.26	.08	1.30	.95	.05
	2	2.15	2.00	2.70	.18	.26	.08	1.20	.85	.05
	3	1.95	1.85	2.50	.15	.23	.08	1.10	.70	.05
	4	1.70	1.75	2.35	.15	.23	.08	1.00	.60	.05
	5	1.50	1.50	2.05	.11	.19	.08	.90	.55	.05
	6	1.35	1.40	1.85	.11	.19	.08	.85	.45	.05
	7	1.30	1.25	1.70	.11	.19	.08	.80	.45	.05
	8	1.30	1.10	1.45	.11	.19	.08	.80	.45	.05
	9	1.15	1.10	1.30	.07	.15	.08	.75	.45	.05
	10	1.10	.90	1.15	.07	.15	.08	.75	.45	.05
25	1	2.35	2.40	3.20	.18	.26	.08	1.30	.95	.05
	2	2.15	2.20	2.95	.18	.26	.08	1.20	.85	.05
	3	1.95	1.95	2.60	.15	.23	.08	1.10	.70	.05
	4	1.70	1.85	2.45	.15	.23	.08	1.00	.60	.05
	5	1.50	1.60	2.15	.11	.19	.08	.90	.55	.05
	6	1.35	1.45	1.95	.11	.19	.08	.85	.45	.05
	7	1.30	1.35	1.80	.11	.19	.08	.80	.45	.05
	8	1.30	1.25	1.65	.11	.19	.08	.80	.45	.05
	9	1.15	1.20	1.60	.07	.15	.08	.75	.45	.05
	10	1.10	1.10	1.45	.07	.15	.08	.75	.45	.05
30	H. D.	4.00	3.55	4.70	.30	.41	.11	1.80	1.35	.35
30″ Top	1	3.55	3.10	4.15	.26	.37	.11	1.70	1.20	.30
	1	2.65	2.95	3.95	.22	.30	.08	1.45	1.05	.15
30″ Top	2	3.20	2.85	3.75	.26	.37	.11	1.60	1.15	.25
	2	2.40	2.70	3.60	.22	.30	.08	1.35	1.00	.10
	3	2.20	2.55	3.35	.18	.26	.08	1.25	.85	.10
	4	1.95	2.25	3.00	.15	.23	.08	1.10	.70	.10
	5	1.75	2.05	2.75	.11	.19	.08	1.00	.70	.10
	6	1.60	1.90	2.55	.11	.19	.08	.95	.65	.10
	7	1.50	1.75	2.35	.11	.19	.08	.90	.60	.10
	8	1.30	1.70	2.25	.11	.19	.08	.90	.55	.10
	9	1.30	1.55	2.05	.07	.15	.08	.90	.55	.10

Footnotes at end of table.

TABLE NO. 10C—MAXIMUM PRICE ADDITIONS TO POLE PRICE FOR TREATING AND PROCESSING WESTERN RED CEDAR POLES—Continued

A. S. A. Length in feet	Class	Butt treated—Incised and ½" Pentrex creosoted	Full length creosote or other preservative without separate butt treatment: Incised and under 8-hour hot treatment	Incised and 8 hours min. hot followed by cold treatment	Roof only	Roof and one gain	Each additional gain	Staining or painting	Machine or hand shave full length	Reduced sapwood addition to shaving price
35	H. D.	$4.50	$4.15	$5.55	$0.30	$0.41	$0.11	$1.95	$1.50	$0.40
30" Top	1	4.00	3.75	4.95	.30	.41	.11	1.80	1.35	.40
	1	3.10	3.55	4.75	.26	.37	.11	1.60	1.20	.40
30" Top	2	3.75	3.35	4.50	.26	.37	.11	1.75	1.30	.40
	2	2.75	3.20	4.25	.26	.34	.08	1.45	1.05	.15
	3	2.50	2.95	3.95	.22	.30	.08	1.35	1.00	.15
	4	2.30	2.75	3.65	.18	.26	.08	1.30	.90	.15
	5	2.10	2.50	3.35	.18	.26	.08	1.20	.85	.15
	6	1.80	2.30	3.10	.15	.23	.08	1.15	.75	.15
	7	1.65	2.10	2.85	.15	.23	.08	1.15	.70	.15
	8	1.65	1.95	2.60	.15	.23	.08	1.15	.70	.15
40	H. D.	5.05	5.10	6.80	.34	.45	.11	2.10	1.75	.40
30" Top	1	4.50	4.45	5.95	.30	.41	.11	1.95	1.50	.40
	1	3.55	4.25	5.65	.26	.37	.11	1.70	1.20	.40
30" Top	2	4.25	4.25	5.65	.30	.41	.11	1.90	1.50	.40
	2	3.20	3.90	5.20	.26	.37	.11	1.60	1.15	.40
	3	2.80	3.60	4.80	.23	.34	.11	1.45	1.05	.35
	4	2.60	3.30	4.40	.19	.30	.11	1.40	1.00	.30
	5	2.30	3.00	4.00	.19	.30	.11	1.30	.95	.25
	6	2.05	2.70	3.60	.19	.30	.11	1.30	.95	.20
	7	2.05	2.60	3.45	.19	.30	.11	1.30	.95	.15
45	H. D.	5.80	6.70	8.95	.34	.45	.11	2.25	1.90	.60
30" Top	1	5.05	5.90	7.85	.34	.45	.11	2.10	1.75	.60
	1	4.00	5.60	7.45	.30	.41	.11	1.80	1.35	.55
30" Top	2	4.60	5.45	7.30	.30	.41	.11	2.00	1.70	.40
	2	3.75	5.20	6.95	.26	.37	.11	1.75	1.30	.50
	3	3.25	4.75	6.35	.23	.34	.11	1.60	1.25	.40
	4	2.95	4.45	5.95	.23	.34	.11	1.60	1.20	.40
	5	2.50	4.05	5.40	.23	.34	.11	1.60	1.15	.30
	6	2.50	3.90	5.20	.23	.34	.11	1.60	1.15	.25
50	H. D.	6.55	7.70	10.25	.34	.45	.11	2.40	2.40	1.20
30" Top	1	5.80	6.70	8.95	.34	.45	.11	2.25	1.90	.85
	1	4.50	6.40	8.55	.30	.41	.11	1.95	1.60	.50
30" Top	2	5.10	6.30	8.40	.30	.41	.11	2.05	1.90	.45
	2	4.25	6.00	7.80	.30	.41	.11	1.90	1.50	.45
	3	3.65	5.55	7.40	.26	.37	.11	1.75	1.50	.40
	4	3.30	5.25	7.00	.26	.37	.11	1.70	1.35	.40
	5	2.70	4.85	6.45	.26	.37	.11	1.70	1.25	.40
	6	2.70	4.75	6.35	.26	.37	.11	1.70	1.20	.40
55	H. D.	7.10	8.75	11.70	.34	.45	.11	2.55	2.25	1.35
30" Top	1	6.35	7.65	10.20	.34	.45	.11	2.40	2.40	1.20
	1	5.05	7.30	9.75	.34	.45	.11	2.10	1.75	.75
30" Top	2	5.55	7.05	9.45	.30	.41	.11	2.20	2.30	1.20
	2	4.60	6.75	9.00	.30	.41	.11	2.00	1.70	.65
	3	4.10	6.25	8.35	.26	.37	.11	1.85	1.65	.45
	4	3.60	5.90	7.85	.26	.37	.11	1.80	1.55	.45
	5	3.30	5.60	7.45	.26	.37	.11	1.80	1.45	.45
60	H. D.	8.00	9.80	13.05	.34	.45	.11	2.70	2.90	1.70
30" Top	1	7.10	8.55	11.40	.34	.45	.11	2.55	2.65	1.45
	1	5.80	8.15	10.85	.34	.45	.11	2.25	2.20	1.20
30" Top	2	6.35	7.95	10.55	.30	.41	.11	2.65	2.35	1.50
	2	5.10	7.60	10.15	.30	.41	.11	2.05	2.10	1.10
	3	4.50	7.05	9.40	.26	.37	.11	1.95	2.00	1.00
	4	3.95	6.70	8.95	.26	.37	.11	1.95	1.90	1.00
65	H. D.	9.80	11.20	14.95	.34	.45	.11	2.85	3.10	1.70
30" Top	1	8.00	9.80	13.10	.34	.45	.11	2.70	2.80	1.80
	1	6.55	9.35	12.45	.34	.45	.11	2.40	2.40	1.50
30" Top	2	7.10	8.70	11.65	.34	.45	.11	2.55	2.60	1.80
	2	5.55	8.30	11.05	.30	.41	.11	2.20	2.30	1.40
	3	5.05	7.85	10.45	.26	.37	.11	2.10	2.20	1.30
	4	4.70	7.45	9.95	.26	.37	.11	2.10	2.10	1.20
70	H. D.	9.90	11.35	15.15	.34	.45	.11	3.00	3.20	2.10
30" Top	1	9.80	10.80	14.40	.34	.45	.11	2.85	3.10	1.80
30" Top	1	7.10	10.30	13.75	.34	.45	.11	2.55	2.65	1.95
	2	8.05	9.75	13.00	.34	.45	.11	2.70	2.80	1.80
	2	6.35	9.30	12.40	.30	.41	.11	2.35	2.35	1.75
	3	5.80	8.75	11.65	.26	.37	.11	2.25	2.20	1.65
	4	5.00	8.35	11.15	.26	.37	.11	2.70	2.90	2.00
75	1	8.00	11.50	15.35	.34	.45	.11	2.55	2.50	1.90
	2	7.10	10.60	14.15	.34	.45	.11	2.40	2.40	1.80
	3	6.55	9.70	12.95	.34	.45	.11	2.40	2.30	1.70
	4	5.60	9.30	12.40	.34	.45	.11	2.85	3.10	2.20
80	1	9.80	12.95	17.25	.34	.45	.11	2.70	2.80	2.10
	2	8.05	11.75	15.65	.34	.45	.11	2.55	2.40	2.00
	3	7.20	10.80	14.40	.34	.45	.11	2.55	2.25	2.00
	4	5.80	10.45	13.95	.34	.45	.11	3.00	3.20	2.50
85	1	9.90	14.15	18.85	.34	.45	.11	2.85	3.00	2.30
	2	8.80	12.60	16.80	.34	.45	.11	2.70	2.80	2.10
	3	7.80	11.75	15.65	.34	.45	.11	2.70	2.60	2.00
	4	7.30	11.65	15.55	.34	.45	.11	3.15	3.60	2.90
90	1	10.90	15.85	21.15	.34	.45	.11	3.00	3.40	2.80
	2	9.75	14.35	19.15	.34	.45	.11	2.85	3.20	2.70
	3	8.60	13.30	17.75	.34	.45	.11			

[1] On poles treated west of the crest of the Cascade Mountains these charges may be increased by 5%.
[2] If the buyer does not require ground-line incising with this type of treatment deduct 5% from the price of under 8 hours' treatment.
[3] Where guaranteed penetration at the ground line area is required in this type of treatment add to these prices the ½" Pentrex butt treating addition for the same length and class of pole.
[4] This addition is permitted when the sap wood is reduced in machine shaving to less than ½" average thickness.

GENERAL NOTES APPLYING TO TABLE 10C

1. *Additional height butt treatment:* An additional charge may be made for creosote butt treatment of one foot or portion thereof in excess of the standard height, but the total charge must not be more than the maximum charge for creosote butt treatment of the same class pole five feet longer.

2. *Extended incised area:* When the buyer requires an extended ground-line incised area greater than 3 feet, the maximum charge for creosote butt treatment shall not exceed the maximum charge for the next larger class pole in the five-foot longer length to provide for this service and any additional height treatment.

3. *Bolt holes and step holes:* For the first boring in any plane of a pole, stub, anchor log or other short round material add $0.05. For each additional boring in that same plane add $0.03.

4. *Continuous slag gain:* An addition may be made for each 12 inches or part thereof of continuous slab gain not to exceed the charge for "Each Additional Gain."

5. *Full length immersion of butt treated poles:* For butt treated poles immersed full length in creosote, stain or other preservative, the seller may add to the butt treated price the staining and painting charge for the same length and class of pole.

6. *Specifications not priced:* For any specification of treating or processing not priced in this table a maximum price addition may be determined in accordance with section 11.

TABLE NO. 11—MAXIMUM PRICES CLEAN PEELED DOUGLAS FIR POLES, AMERICAN STANDARD ASSOCIATION SPECIFICATIONS

[F. O. B. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Length in feet	Class	Weight in pounds: Each	Weight in pounds: Per linear foot	Price: Each	Price: Per linear foot
16–18–20	10	200	10	$1.60	$.08
	9	220	11	1.70	.085
	8	260	13	1.80	.09
	7	310	15.5	1.90	.095
	6	350	17.5	2.00	.10
	5	400	20	2.10	.105
	4	440	22	2.20	.11
	3	490	24.5	2.40	.12
	2	530	26.5	2.60	.13
	1	580	29	3.00	.15
22–25	10	250	10	2.25	.09
	9	300	12	2.38	.095
	8	350	14	2.50	.10
	7	400	16	2.63	.105
	6	463	18.5	2.75	.11
	5	525	21	3.00	.12
	4	575	23	3.25	.13
	3	600	24	3.50	.14
	2	650	26	3.75	.15
	1	700	28	4.25	.17
30	9	390	13	3.00	.10
	8	450	15	3.15	.105
	7	480	16	3.30	.11
	6	510	17	3.60	.12
	5	600	20	3.90	.14
	4	690	23	4.20	.14
	3	810	27	4.50	.15
	2	930	31	5.10	.17
	1	1,110	37	5.70	.19
35	8	560	16	3.85	.11
	7	595	17	4.20	.12
	6	665	19	4.90	.14
	5	770	22	5.25	.15
	4	875	25	5.60	.16
	3	1,085	31	6.30	.18
	2	1,260	36	6.65	.19
	1	1,435	41	7.70	.22
40	7	680	17	5.20	.13
	6	800	20	5.60	.14
	5	920	23	6.40	.16
	4	1,120	28	7.20	.18
	3	1,320	33	8.00	.20
	2	1,560	39	8.80	.22
	1	1,760	44	9.20	.23
45	7	810	18	6.30	.14
	6	945	21	7.20	.16
	5	1,125	25	8.10	.18
	4	1,350	30	9.00	.20
	3	1,575	35	9.45	.21

TABLE NO. 11—MAXIMUM PRICES CLEAN PEELED DOUGLAS FIR POLES, AMERICAN STANDARD ASSOCIATION SPECIFICATIONS—Continued

[F. O. B. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Length in feet	Class	Weight in pounds: Each	Weight in pounds: Per linear foot	Price: Each	Price: Per linear foot
45	2	1,845	41	$10.35	$.23
	1	2,070	46	11.25	.25
50	7	950	19	7.50	.15
	6	1,100	22	8.00	.16
	5	1,300	26	9.50	.19
	4	1,600	32	10.50	.21
	3	1,850	37	11.50	.23
	2	2,150	43	12.50	.25
	1	2,500	50	13.00	.26
55	6	1,320	24	11.00	.20
	5	1,540	28	11.53	.21
	4	1,815	33	12.10	.22
	3	2,145	39	13.20	.24
	2	2,475	45	14.30	.26
	1	2,860	52	14.80	.27
60	5	1,740	29	13.20	.22
	4	2,040	34	14.40	.24
	3	2,460	41	15.60	.26
	2	2,820	47	16.20	.27
	1	3,360	56	16.80	.28
65	5	2,015	31	14.95	.23
	4	2,340	36	16.25	.25
	3	2,795	43	17.55	.27
	2	3,250	50	18.85	.29
	1	3,885	59	19.50	.30
70	5	2,240	32	16.80	.24
	4	2,590	37	18.20	.26
	3	3,080	44	19.60	.28
	2	3,640	52	21.00	.30
	1	4,340	62	21.70	.31
75	4	2,925	39	20.25	.27
	3	3,450	46	21.75	.29
	2	4,050	54	23.25	.31
80	1	4,800	60	24.00	.32
	4	3,200	40	22.40	.28
	3	3,760	47	24.00	.30
	2	4,400	55	25.60	.32
	1	5,240	65.5	26.40	.33
85	3	4,165	49	27.20	.32
	2	4,930	58	28.90	.34
	1	5,780	68	29.75	.35
90	3	4,950	55	30.60	.34
	2	5,400	60	32.40	.36
	1	6,300	70	33.30	.37

1. To price any specification of pole other than American Standard Association, the seller shall determine the size A. S. A. pole of the same length having the same or nearest larger circumference 6' from the butt and this price is the tentative maximum price for the specification to be priced. The tentative price so determined and any price for other lengths or extras not specifically priced, such as roofing or framing, shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C., as provided in section 11.

For length specifications

All additions allowed by the following footnotes must be shown separately on the invoice.

In all the specified length groups below, the lengths shall be evenly distributed.

2. For specified length groups, 5 or more consecutive lengths in A. S. A. multiples: No addition.

3. For specified length groups, of 4 consecutive lengths in A. S. A. multiples: add $.005 per lin. ft.

4. For specified length groups, of 3 consecutive lengths in A. S. A. multiples: add $.01 per lin. ft.

5. For specified length groups, of 2 consecutive lengths in A. S. A. multiples: add $.015 per lin. ft.

6. For specified single length: add $.02 per lin. ft.

7. For random length orders when the purchaser specifies restricted loading, the seller may add ⅔ of the appropriate specified length addition above.

Winter or bark stuck peeling

8. For clean peeled poles which are delivered during the winter peeling or bark stuck season (October 1 to February 28 or 29, inclusive): add $.02 per lin. ft.

9. For rough peeled poles which are delivered during the winter peeling or bark stuck season (October 1 to February 28 or 29, inclusive): add $.01 per lin. ft.

TABLE NO. 12—CLEANED PEELED DOUGLAS FIR PILING, NAVY SPECIFICATION 39P—14a CLASS 2

[F. O. B. Cars Producer's Loading-out Point or Dumped, Boomed, Rafted and Prepared for Towing in Towable Waters]

Diameters	8" Min. Butt including 8"–1' to 8"–6'		9" Min. Butt including 9"–1' to 9"–6'		10" Min. Butt including 10"–1' to 10"–6'		11" Min. Butt including 11"–1' to 11"–6'		12" Min. Butt including 12"–1' to 12"–6'		13" Min. Butt including 13"–1' to 13"–6'		14" Min. Butt including 14"–1' to 14"–6'		15" Min. Butt including 15"–1' to 15"–6'		16" Min. Butt including 16"–1' to 16"–6'		17" Min. Butt including 17"–1' to 17"–6'	
Lengths	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot
15' to 17' incl	19	$.10	23	$.12	29	$.14	35	$.16	41	$.18	48	$.21								
18' to 22' incl	18	.10	22	.12	28	.14	33	.16	39	.18	46	.21								
23' to 27' incl	18	.10	21	.12	26	.14	32	.16	38	.18	45	.21								
28' to 32' incl	18	.10	20	.12	25	.14	30	.16	36	.18	43	.21	50	$.23						
33' to 37' incl	18	.11	20	.13	24	.15	29	.16	35	.19	41	.21	48	.23						
38' to 42' incl	18	.11	20	.13	23	.15	28	.17	33	.19	40	.22	46	.24						
43' to 47' incl	18	.11	20	.13	23	.15	26	.17	32	.19	38	.22	45	.24	52	$.25	60	$.26	68	$.28
48' to 52' incl	18	.11	20	.13	23	.15	25	.17	31	.19	37	.22	43	.24	50	.25	58	.26	66	.28
53' to 57' incl			20	.14	23	.16	25	.17	29	.19	35	.22	42	.24	48	.25	55	.26	64	.28
58' to 62' incl			20	.14	23	.16	25	.17	28	.19	34	.22	40	.24	47	.25	54	.26	62	.28
63' to 67' incl					23	.17	25	.19	28	.21	33	.23	39	.25	45	.26	53	.27	61	.29
68' to 72' incl					23	.18	25	.20	28	.21	31	.23	37	.25	43	.26	51	.27	59	.29
73' to 77' incl							26	.21	28	.22	31	.24	36	.25	41	.26	49	.27	57	.29
78' to 82' incl							26	.22	28	.23	31	.24	34	.25	40	.26	48	.27	55	.29
83' to 87' incl									28	.24	31	.25	34	.26	39	.27	46	.28	53	.30
88' to 92' incl									28	.25	31	.26	34	.27	38	.29	44	.30	52	.31
93' to 97' incl											31	.27	34	.28	38	.30	43	.31	50	.32
98' to 102' incl											33	.28	36	.29	40	.31	42	.32	49	.33
103' to 107' incl													36	.30	40	.32	42	.34	47	.35
108' to 112' incl													38	.31	42	.33	44	.35	46	.37
113' to 117' incl															44	.34	46	.36	48	.38
118' to 122' incl															46	.35	48	.37	50	.39

GENERAL NOTES APPLYING TO TABLE NO. 12

1. If a top diameter only is specified, or where the top diameter controls, the butt size shall be determined by adding 1 inch for each 10 feet or fraction thereof.

Specifications not covered

2. For all lengths butt or top specifications, and other extras not specifically priced, such as sniping and boring, price according to section 11.

Unpeeled piling

3. For unpeeled piling, deduct: $.025 per lin. ft.

Length specifications

Additions allowed by the following footnotes must be shown separately on the invoice.

In all specified length groups below, the lengths will be evenly distributed in consecutive lengths within the group.

4. For specified length groups of one size of 20' or more spread: No addition.

5. For specified length groups of one size of over 10' but less than 20' spread: add $.005 per lin. ft.

6. For specified length groups of one size of over 5' but less than 11' spread, for example, 48' to 53': add $.01 per lin. ft.

7. For specified length groups of one size of not over 5' spread, for example, 64'–65'–66'–67'–68': add $.02 per lin. ft.

8. For specified length groups of one size of not over 3' spread, for example, 79'–80'–81': add $.025 per lin. ft.

9. For specified single lengths: add $.03 per lin ft.

10. For random length orders where the purchaser specifies restricted loading the seller may add ⅔ of the proper specified length addition above.

Winter or bark stuck peeling

11. For cleaned peeled piling which is *delivered* during the winter or bark stuck peeling season (October 1 to February 28 or 29, inclusive): add $.02 per lin. ft.

12. For rough peeled piling which is *delivered* during the winter or bark stuck peeling season (October 1 to February 28 or 29, inclusive): add $.01 per lin. ft.

This amendment shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12125; Filed, July 27, 1943; 3:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 3]

FRUIT CAKE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1.1 is hereby revoked.

This amendment shall become effective July 31, 1943.

*Copies may be obtained from the Office of Price Administration.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12127; Filed, July 27, 1943; 3:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR,[1] Amdt. 5]

NEWLY MINED DOMESTIC SILVER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respect:

1. Section 5.4 (b) (1) and section 5.5 (d) (1) are amended by adding at the end of both sections the following:

For all the purposes of this regulation, silver sold by the United States Treasury Department pursuant to the Act of July 12, 1943, entitled "An Act To Authorize The Use For War Purposes Of Silver Held Or Owned By The United States" (the Green Act) shall be treated as "newly mined domestic silver" and may be invoiced, certified, recorded and priced as such.

This amendment shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12126; Filed, July 27, 1943; 3:33 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 131,[2] Incl. Amdt. 4]

CAMELBACK

Section 1315.1310 (a) (1) is amended by Amendment 4, effective August 2, 1943, so that Maximum Price Regulation No. 131 shall read as follows:

In the judgment of the Price Administrator, the prices of camelback have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of camelback prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations[3] involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 131 is hereby issued.

Sec.

1315.1301 Maximum prices for camelback
1315.1302 Less than maximum prices.
1315.1303 Adjustable pricing.
1315.1304 Evasion.
1315.1305 Records and reports.
1315.1306 Enforcement.
1315.1307 Petitions for amendment.
1315.1308 Definitions.
1315.1309 Effective date.
1315.1309a Effective dates of amendments.
1315.1310 Appendix A: Maximum prices for camelback.

AUTHORITY: §§ 1315.1301 to 1315.1310, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1315.1301 *Maximum prices for camelback.* On and after May 11, 1942, regardless of any contract, agreement, lease, or other obligation, no manufacturer shall sell or deliver camelback, and no person shall buy or receive camelback from a manufacturer in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1310; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of camelback to a purchaser if prior to May 11, 1942, such camelback had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that the prohibition contained in any price regulation against buying or receiving any commodity or service at a price higher than the maximum price permitted by such regulation shall not apply to any war procurement agency, or government whose defense is vital to the defense of the United States.]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894, 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for the purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

[NOTE: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1315.1302 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1315.1310) may be charged, demanded, paid or offered.

§ 1315.1303 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

[§ 1315.1303 amended by Amendment 2, 8 F.R. 4687, effective 4–13–43 and Amendment 3, 8 F.R. 8854, effective 7–2–43]

§ 1315.1304 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 131 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to camelback, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.1305 *Records and reports.* (a) Every person making sales or purchases of camelback subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such sale or purchase, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade purchased or sold.

[Paragraph (a) as amended by Amendment 2, 8 F.R. 4887, effective 4–13–43]

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require or permit.

§ 1315.1306 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 131 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 131 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1307 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 131 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1315.1307 as amended by Supplementary Order No. 26, 7 F.R. 8948, effective 11–4–42]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665, 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment of petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1315.1308 *Definitions.* (a) When used in this Maximum Price Regulation No. 131, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Camelback" means any capping stock or retreading material, including base stock and lug stock, of a grade set forth in § 1315.1310, *Appendix A*, manufactured for use in the recapping or retreading of rubber tires.

[Paragraph (2) as amended by Amendment 1, 7 F.R. 8797, effective 11–3–42]

(3) "Manufacturer" means any person engaged in the production of camelback.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.1309 *Effective date.* This Maximum Price Regulation No. 131 (§§ 1315.1301 to 1315.1310, inclusive) shall become effective May 11, 1942.

[Issued April 28, 1942]

§ 1315.1309a *Effective dates of amendments.*

[Effective dates of amendments are shown in notes following the parts affected.]

§ 1315.1310. *Appendix A: Maximum prices for camelback.* (a)

(1) The maximum prices in this subparagraph apply to all camelback which complies with the specifications issued by the War Production Board for Grades A, C and F camelback, including camelback made in whole or in part of any form and type of rubber, including synthetic and reclaimed rubber. The maximum prices shall be the prices set forth in the following table: *Provided*, That the maximum price for the Grade C camelback which is produced by the Denman Tire and Rubber Company of Warren, Ohio for the Webster Rubber Company of Warren, Ohio and which is predesigned for use with the open steam method of retreading or recapping by cutting the non-skid pattern therein shall be 31¢ per pound.

Grade, as established by the War Production Board:	*Maximum price (Cents per pound*
A	28
C	23
F	18

[Paragraph (1) amended by Amendment 1, 7 F.R. 8797, effective 11–3–42 and Amendment 4, effective 8–2–43]

(2) The maximum prices set forth in paragraph (a) (1) include all costs of transportation to the purchaser's plant, except that the actual freight charges may be added to the maximum price on shipments of less than 100 pounds. On sales or deliveries of 100 pounds or more, if the seller does not deliver the goods to the purchaser's plant, the maximum prices shall be the prices set forth in paragraph (a) (1) less the actual cost of transportation to the purchaser's plant.

(3) There may be added to the maximum prices set forth in this paragraph (a) the amount of tax levied by any Federal excise tax statute, provided the seller states such tax separately from the purchase price on the billing at the time of the transaction.

(4) The maximum prices set forth in this paragraph (a) shall not be increased by any charges for the extension of credit.

(b) The maximum price at which a manufacturer may sell or deliver camelback for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation[4] issued by the Office of Price Administration on April 25, 1942.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12137; Filed, July 27, 1943; 4:48 p. m.]

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[1] 8 F.R. 9787.

[2] 7 F.R. 3160.

[3] Statements of considerations also are issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

[3] Revised; 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

[4] Second Revision: 8 F.R. 4132, 7662, 9098.

PART 1305—ADMINISTRATION

[Supp. Order 50]

CERTAIN MAXIMUM PRICE REGULATIONS ON LUMBER AND LUMBER PRODUCTS

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including section 201 (d) thereof, *It is hereby ordered*, That:

§ 1305.70 *Provision for adjustable pricing in certain regulations on lumber and lumber products.* (a) The provision for adjustable pricing in the specified section or paragraph of each maximum price regulation or revised maximum price regulation listed in paragraph (b) of this order is amended, and the provision for adjustable pricing is added by the specified paragraph or section of the revised price schedule and maximum price regulation listed in paragraph (c) of this order, to read as follows:

Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

(b) The numbers of the sections or of the paragraphs containing the provisions for adjustable pricing which are amended by this order, and the applicable maximum price regulations or revised maximum price regulations, are as follows:

Section	Regulation
1413.7 (c)	13
14 (e)	19
17	26
1381.506 (e)	94
1382.105 (f)	97
1312.354 (d)	109
1377.13	117
1382.3	146
1382.53	155
1381.159 (b)	161
1381.3	164
1384.3	176
1377.104 (c)	186
1377.162	195
1384.61	196
1425.5	215
1426.5 (d)	216
1348.103	217
1426.56 (d)	218
17	219
1382.153	223
1381.403	258
10	284
1381.456 (e)	290
1413.58 (c)	293
1382.258 (c)	313
1377.210 (c)	320
10	324
1384.156 (d)	338
1377.256	342
7 (d)	348
17	368
6 (d)	381

(c) The numbers of the section and of the paragraph which add the provision for adjustable pricing set forth in this order, and the applicable revised price schedule and maximum price regulation, are as follows:

Section	Schedule or regulation
1312.153a	44
1382.205 (d)	281

This supplementary order shall become effective July 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12135; Filed, July 27, 1943; 4:45 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,[1] Amdt. 8]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

A statement of the considerations involved in the issuance of Amendment No. 8 to Maximum Price Regulation No. 262 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 262 is amended by adding a new § 1351.956a.

§ 1351.956a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

This amendment shall become effective July 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12136; Filed, July 27, 1943; 4:45 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 268,[2] Amdt. 8]

SALES OF CERTAIN PERISHABLE FOOD COMMODITIES AT RETAIL; FRESH FRUITS AND BERRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 268 is amended in the following respects:

1. In the table in Appendix A, the unit of sale listed for "Cabbage", under item No. 12, Fresh vegetables, is changed from "1 lb. or 1 head", as it now reads, to "2 lbs.".

2. Two new items, No. 13—Fresh fruits, and No. 14—Fresh berries, are added to the table in Appendix A, to read as follows:

APPENDIX A

FIGURES TO BE USED BY RETAILERS IN DETERMINING MAXIMUM PRICES UNDER THIS REGULATION (NEW MAXIMUM PRICES ARE REQUIRED AFTER THE EFFECTIVE DATE OF THIS REGULATION AND MUST BE CHANGED EACH WEEK WHENEVER A RETAILER'S "NET COST" INCREASES OR DECREASES)

Food commodity	Figures to be multiplied by "net cost" of items in determining maximum prices under this regulation				
	"Independent" retailer with "annual gross sales"		Group 3—retailers, other than "independent," with annual gross sales under $250,000	Group 4—any retailer with "annual gross sales" of $250,000 or more	Unit of sale for which maximum selling price must be calculated
	Group 1—under $50,000	Group 2—$50,000 but less than $250,000			
13. Fresh fruits:					
a. Red sour cherries	1.34	1.34	1.34	1.34	1 qt., or 1 lb.
14. Fresh berries:					
a. Blackberries	1.34	1.34	1.34	1.34	1 qt., 1 pt., or 1 lb.
b. Boysenberries	1.34	1.34	1.34	1.34	1 qt., 1 pt., or 1 lb.
c. Gooseberries	1.34	1.34	1.34	1.34	1 qt., 1 pt., or 1 lb.
d. Loganberries	1.34	1.34	1.34	1.34	1 qt., 1 pt., or 1 lb.
e. Raspberries, black	1.34	1.34	1.34	1.34	1 qt., 1 pt., or 1 lb.
f. Raspberries, red	1.34	1.34	1.34	1.34	1 qt., 1 pt., or 1 lb.
g. Youngberries	1.34	1.34	1.34	1.34	1 qt., 1 pt., or 1 lb.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9244, 10844; 8 F.R. 262, 273, 437, 973, 2285, 9201.

[2] 8 F.R. 6129, 7116, 7661, 7592, 8682.

3. A new subparagraph (13) is added to paragraph (c) of Appendix A to read as follows:

(13) "Fresh fruits": (a) "Red sour cherries". All red sour cherries shall be considered one item. Whenever red sour cherries are sold in quarts, they must have a minimum net weight of 20 ounces per quart. When a retailer purchases red sour cherries on the basis of a price per pound and sells them in quarts, he must multiply his cost per pound by $^{20}/_{16}$ to figure his "net cost" per quart.

4. A new subparagraph (14) is added to paragraph (c) of Appendix A to read as follows:

(14) "Fresh berries" means all the fresh berries listed under Item No. 14 in the table in Appendix A. Whenever fresh berries are sold in quarts or pints, they must have a minimum net weight of 20 ounces per quart or 10 ounces per pint. When a retailer purchasers berries on the basis of a price per pound and sells them in pints or quarts, he must multiply his cost per pound by $^{20}/_{16}$ to figure his "net cost" per quart, and by $^{10}/_{16}$ to figure his "net cost" per pint.

This amendment shall become effective on July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved: July 26, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12138; Filed, July 27, 1943; 4:48 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421,[1] Amdt. 1]

CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 421 is amended in the following respects:

1. Section 32 (b) (27) is amended to read as follows:

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, and dehydrated soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

2. The text preceding the list of items in section 32 (b) (37) is amended to read as follows:

(37) "Miscellaneous foods" shall include all other dry grocery items and pet foods except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

3. In section 32 (b) (37) the item "Olive oil, (pure)" is amended to read "Olive oil, pure, (packaged in containers of a capacity of one gallon or less)".

4. In section 32 (c) the following items are added, in alphabetical order, to the list of commodities excluded:

Butter (except peanut butter, fruit butters, and smooth or crunch type nut butters)
Cheese
Comb honey
Eggs
Olive oil, pure, (packaged in containers of a capacity of more than one gallon)
Poultry

5. Section 14 (d) is revoked.

This amendment shall become effective on July 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12140; Filed, July 27, 1943; 4:49 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 1]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 422 is amended in the following respects:

1. Section 18 (c) is revoked.

2. A new paragraph, (d), is added to section 20 to read as follows:

(d) *Eggs sold by you as "ungraded eggs".* If you purchase eggs in other than retail grades and sizes (or weight classes) and do not candle and grade them into the retail grades and sizes (or weight classes) set forth in Table B, you must sell them as "ungraded eggs." You shall calculate a ceiling price weekly for such eggs using as your "net cost" the lowest ceiling price established by Maximum Price Regulation No. 333[2] which would apply to sales to a retailer of large Grade C eggs delivered on the Monday of the week in which calculations are made to a receiving point located in the same city, town, village, or hamlet as your usual receiving point for the eggs.

3. A new section, Section 29a, is added to read as follows:

SEC. 29a. *Regional adjustment of poultry mark-ups.* Each Regional Administrator of the OPA is hereby authorized to reduce the mark-ups listed in Table B in section 39 (a) for retailers in any area or locality within his jurisdiction for sales of any poultry items in connection with adjustments made pursuant to § 1429.14 (e) of Revised Maximum Price Regulation No. 269,[3] whenever such action is necessary to prevent an increase in the ceiling prices at which such poultry items may be sold by retailers.

4. Section 38 (b) (27) is amended to read as follows:

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, and dehydrated soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

5. In section 38 (b) (37), the item "Olive oil, (pure)" is amended to read "Olive oil, pure, (packaged in containers of a capacity of one gallon or less)".

6. In section 38 (c), the following items are added in alphabetical order to the list of commodities excluded:

Comb honey
Olive oil, pure, (packaged in containers of a capacity of more than one gallon)

7. In section 39 (a), the item "Cabbage" under list (2) is amended and two new items are added to such list to read as follows:

TABLE B.—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over net cost		Selling unit in which ceiling price must be calculated
	Group 3, Retailer other than independent with annual volume under $250,000	Group 4, Any retailer with annual volume of $250,000 or more	
(2) Fresh fruits and vegetables:	*Percent*	*Percent*	
Berries	34	34	1 quart, or 1 pint, or 1 pound.
Red sour cherries	34	34	1 quart or 1 pound.
Cabbage*	40	40	2 pounds.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9388.

[1] 8 F.R. 9407.

[2] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9027.

[3] 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3327, 4335, 4513, 4337, 4338, 4818, 6440.

8. In section 39 (b) (1), the undesignated paragraph beginning with the phrase "Eggs, shell" is amended to read as follows:

"Eggs, shell" means chicken eggs sold for human consumption. Ceiling prices shall be figured for each grade and size (or weight class) of eggs, and the grade and size (or weight class) shall be posted separately with the selling price, except that "ungraded eggs" are to be designated only as "ungraded eggs". Eggs shall be sold at retail only in the retail grades and sizes (or weight classes) specified in Maximum Price Regulation No. 333, or as "ungraded eggs" which may contain no inedible eggs.

9. In section 39 (b) (2), two new undesignated paragraphs are added to read as follows:

"Berries" means blackberries, boysenberries, gooseberries, loganberries, black raspberries, red raspberries and youngberries. Each of these 7 kinds of berries shall be treated as a separate item and priced separately. Whenever fresh berries are sold in quarts or pints, they must have a minimum net weight of 20 ounces per quart or 10 ounces per pint. If you purchase berries on the basis of a price per pound and sell them in pints or quarts, you must multiply your cost per pound by $^{20}/_{16}$ to figure your "net cost" per quart, and by $^{10}/_{16}$ to figure your "net cost" per pint.

"Red sour cherries." All red sour cherries shall be considered one item. When you sell red sour cherries by the quart, they must have a minimum net weight of 20 ounces per quart. When you purchase red sour cherries on the basis of a price per pound and sell them in quarts, you must multiply your cost per pound by $^{20}/_{16}$ to figure your "net cost" per quart.

This amendment shall become effective July 27, 1943, except that all provisions affecting "perishables" shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved as to action contained herein with respect to agricultural commodities, April 26, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12139; Filed, July 27, 1943; 4:48 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423[1] Amdt. 1]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 423 is amended in the following respects:

1. Section 18(c) is amended to read as follows:

(c) Section 20. *How you figure your "net cost" in certain cases.* (Applies to you if you purchase fresh bananas from importers f. o. b. port of entry or at auction; if you package and print butter; if you candle and grade eggs; or if you sell "ungraded eggs".)

2. A new section, section 19a, is added to read as follows:

SEC. 19a. *Regional adjustment of poultry mark-ups.* Each Regional Administrator of the OPA is hereby authorized to reduce the mark-ups listed in Table B in section 28 (a) for retailers in any area or locality within his jurisdiction for sales of any poultry items in connection with adjustments made pursuant to § 1429.14 (e) of Revised Maximum Price Regulation No. 269,[2] whenever such action is necessary to prevent an increase in the ceiling prices at which such poultry items may be sold by retailers.

3. Section 27 (b) (27) is amended to read as follows:

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, and dehydrated soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

4. In section 27 (b) (37), the item "Olive oil, (pure)" is amended to read "Olive oil, pure, (packaged in containers of a capacity of one gallon or less)".

5. In section 27 (c), the following items are added in alphabetical order to the list of commodities excluded:

Comb honey
Olive oil, pure (packaged in containers of a capacity of more than one gallon)

6. In section 28 (a), the item "Cabbage" under list (2) is amended and two new items are added to such list to read as follows:

TABLE B.—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over "net cost"		"Selling unit" in which ceiling price must be calculated
	Independent retailers with annual volumes		
	Group 1 under $50,000	Group 2 $50,000 but less than $250,000	
(2) Fresh fruits and vegetables:	*Percent*	*Percent*	
Berries	34	34	1 quart, 1 pint, or 1 pound.
Red sour cherries	34	34	1 quart or 1 pound.
Cabbage	40	40	2 pounds.

7. In section 28 (b) (1), the undesignated paragraph beginning with the phrase "Eggs, shell" is amended to read as follows:

"Eggs, shell" means chicken eggs sold for human consumption. Ceiling prices shall be figured for each grade and size (or weight class) of eggs, and the grade and size (or weight class) shall be posted separately with the selling price, except that "ungraded eggs" are to be designated only as "ungraded eggs". Eggs shall be sold at retail only in the retail grades and sizes (or weight classes) specified in Maximum Price Regulation No. 33,[3] or as "ungraded eggs" which may contain no inedible eggs.

8. In section 28 (b) (2), two new undesignated paragraphs are added to read as follows:

"Berries" means blackberries, boysenberries, gooseberries, loganberries, black raspberries, red raspberries, and youngberries. Each of these 7 kinds of berries shall be treated as a separate item and priced separately. Whenever fresh berries are sold in quarts or pints, they must have a minimum net weight of 20 ounces per quart or 10 ounces per pint. If you purchase berries on the basis of a price per pound and sell them in pints or quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart, and by 10/16 to figure your "net cost" per pint.

"Red sour cherries". All red sour cherries shall be considered one item. When you sell red sour cherries by the quart, they must have a minimum net weight of 20 ounces per quart. When you purchase red sour cherries on the basis of a price per pound and sell them in quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[1] 8 F.R. 9407.

*Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3327, 4335, 4513, 4337, 4338, 4818, 6440.

[3] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9027.

Approved as to action contained herein with respect to agricultural commodities, July 26, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12141; Filed, July 27, 1943; 4:49 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 588 Under § 1499.3 (b) of GMPR]

THE QUAKER OATS COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2126 *Authorization of maximum prices for sales of "Soya Extender" by The Quaker Oats Company, 141 West Jackson Boulevard, Chicago, Illinois.* (a) The Quaker Oats Company may sell and deliver Soya Extender packaged in 24 ounce containers at a delivered price not higher than $3.81 per case of 24 packages, subject, however, to the provisions of paragraph (b) below.

(b) The price set forth in paragraph (a) above is a price before discounts. The Quaker Oats Company shall reduce this price by applying to it the same discounts and allowances which it customarily applied on similar sales of Aunt Jamima Ready Mix Green Pea Soup.

(c) This Order No. 588 may be revoked or amended by the Administrator at any time.

(d) This Order shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12204; Filed, July 28, 1943; 11:30 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 589 Under § 1499.3 (b) of GMPR]

BEN-HUR PRODUCTS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2127 *Authorization of maximum prices for sales of "F Grade Imitation Cinnamon" by Ben-Hur Products, Inc., Los Angeles California.* (a) Ben-Hur Products, Inc., may sell and deliver "F Grade Imitation Cinnamon" packed in the type containers listed below at the following prices:

Pack:	Price in cents per pound, f. o. b. Los Angeles
Barrel	35
½ barrel	35½
100 lb. keg	36
75 lb. keg	36¼
50 lb. keg	36½
Pail	37

(b) The above prices are prices before discounts. Ben-Hur Products, Inc., shall reduce these prices by applying to them the same discounts and allowances which it customarily applied on similar sales of "allspice".

(c) This Order No. 589 may be revoked or amended by the Administrator at any time.

(d) This Order No. 589 shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12209; Filed, July 28, 1943; 11:30 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 81 Under SR 15 to GMPR]

CONNERS MARINE CO., INC.

Order No. 81 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation; Docket No. GF3-3349.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1381 *Adjustment of maximum prices for transportation services by water carrier, other than common carrier service, sold by Conners Marine Co., Inc.* (a) Conners Marine Co., Inc., of 21 West Street, New York, New York, may sell and supply, on and after February 26, 1943, the following services at charges not higher than those set forth below:

(1) Transportation of soda ash in bulk by barge for E. I. Du Pont de Nemours & Co., Inc., of 350 Fifth Avenue, New York, New York, from Solvay, Syracuse, New York to Grasselli, New Jersey at the rate of $2.20 per gross ton, to which may be added the following amounts:

Demurrage charges, after free time: $15.00 per barge per day; and
Harbor towing service, from vessel's berth in Brooklyn to Grasselli, N. J. and return: $75.00 per barge

(2) Transportation of soda ash in bulk by barge for Procter and Gamble Manufacturing Company, of 17 Battery Place, New York, from Solvay, Syracuse, New York to Port Ivory, New York at the rate of $2.50 per net ton.

(3) Transportation of soda ash in bulk by barge for Thatcher Manufacturing Company, of Elmira, New York, from Solvay, Syracuse, New York to Long Island City at the rate of $2.40 per net ton.

(4) Transportation of sulphur in bulk by barge for American Cyanamide Company, of 30 Rockefeller Plaza, New York, from Buffalo, New York to Warners, New Jersey at the rate of $2.25 per gross ton.

(5) Transportation of bauxite ore in bulk by barge for Illinois Atlantic Corporation, of 430 North Michigan Avenue, Chicago, Illinois, from New York Harbor to Oswego, New York at the rate of 1.85 per gross ton.

(6) Transportation of scrap iron for International Iron and Metal Co., of 73 Robert Street, Hamilton, Ontario, Canada, from New York Harbor to Fort Erie, Canada at the rate of $2.50 per gross ton, to which may be added $125 per tugboat for towing service from Buffalo, N. Y. to Fort Erie, Canada and return.

(b) *Reports.* Conners Marine Co., Inc., shall file, with the Contract Carrier Section, Transportation Branch, Transportation and Public Utilities Division, Office of Price Administration, Washington, D. C., quarterly profit and loss statements and balance sheets for the last nine months of 1943 of the operations covered by this order. Such reports shall be filed within thirty days from the last day of each quarter. The first report shall be filed for the period ending June 30, 1943.

(c) *Definitions.* (1) The term "gross ton" means 2,240 pounds avoirdupois.

(2) The term "net ton" means 2,000 pounds avoirdupois.

(3) The term "free time" means the period, as determined by agreement between the parties, during which barges may remain berthed at the point of discharge without incurring demurrage.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 81 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 81 (§ 1499.1381) shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12210; Filed, July 28, 1943; 11:31 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Correction to MPR 426[1]]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

Maximum Price Regulation 426 is corrected in the following manner:

The word "not" is inserted after the words "it does" in the last sentence of section 8 (a) (3).

This correction shall be effective as of July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12199; Filed, July 28, 1943; 11:34 a. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 148,[2] Amdt. 8]

DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9568, 9546.

[2] 7 F.R. 8609, 9005, 8948; 8 F.R. 544, 2922, 3367, 4785, 7322, 7671, 7725, 8373, 8677.

Revised Maximum Price Regulation No. 148 is amended in the following respects:

1. Schedule III (b) of § 1364.35 is amended to read as follows:

(b) For loins, shoulders, picnics, Boston butts, boneless butts, spareribs, feet, tails and neck bones derived from hogs killed in each of the following regions:

Region 1: New England; New Jersey; Delaware; Maryland; the District of Columbia; and those portions of New York and Pennsylvania lying east of the 77th meridian;

Region 2: Those portions of Pennsylvania and New York lying west of the 77th meridian;

Region 3: Virginia; West Virginia; Kentucky; Ohio; Indiana; Chicago, Illinois; and the lower peninsula of Michigan (that part of Michigan lying between Lake Michigan and Lake Huron);

and delivered fresh for resale fresh, by local delivery within such region on the same market day as or on the first market day after that of the initial cutting of the carcass from which such cuts are derived:

Region:	*Permitted addition per cwt.*
Region 1	$1.50
Region 2	1.00
Region 3	.50

or delivered fresh or frozen to any war procurement agency of the United States Government:

Region:	*Permitted addition per cwt.*
Region 1	$1.00
Region 2	.50

2. Schedule IV (a) of § 1364.35 is amended to read as follows:

SCHEDULE IV—DRESSED HOGS

(a) TABLE OF WEIGHT RANGES AND SEASONAL DENOMINATORS

Weights of dressed hogs (by range)		Related live hog weight classifications	Denominators by seasons			
			December, January, February, March, April and May		June, July, Aug., Sept., Oct. and Nov.	
Packer style (pounds)	Shipper style (pounds)	Live weight (pounds)	Packer style	Shipper style	Packer style	Shipper style
BUTCHER HOGS						
1. 73–89	81–99	120–140	1.53	1.45	1.54	1.46
2. 90–107	100–119	140–160	1.46	1.38	1.47	1.39
3. 108–123	120–136	160–180	1.43	1.35	1.44	1.36
4. 124–138	137–153	180–200	1.41	1.33	1.42	1.34
5. 139–154	154–171	200–220	1.40	1.32	1.41	1.33
6. 155–169	172–188	220–240	1.39	1.31	1.40	1.32
7. 170–192	189–213	240–270	1.385	1.305	1.395	1.315
8. 193–213	214–235	270–300	1.38	1.30	1.39	1.31
9. 214–239	236–265	300–330	1.375	1.295	1.385	1.305
10. Over 239	Over 265	Over 330	1.37	1.29	1.38	1.30
SLAUGHTER PIGS						
11. Under 73	Under 79	Under 120	1.61	1.53	1.62	1.54
SOWS						
12. 184–280	202–312	270–400	1.405	1.325	1.415	1.335
13. 280 and over	312 and over	400 and over	1.40	1.32	1.41	1.33

3. Schedule IV (b) (3) of § 1364.35 is amended to read as follows:

(3) "Current Chicago live hog price" of hogs other than oily hogs, stags and boars means the highest price quoted, for live hogs of the applicable weight, in the current Chicago Daily Livestock Market Report of the Agricultural Marketing Administration of the U. S. Department of Agriculture, minus the current live cwt. subsidy rate. "Current Chicago live hog price" of oily hogs means a price determined by deducting from the highest price quoted, for live butcher hogs of the applicable weight, in such current report, $1.00 per cwt. and the current live cwt. subsidy rate. "Current Chicago live hog price" of stags and boars means a price determined by deducting from the highest price quoted for live sows or butcher hogs of the applicable weight, in such current report, $1.50 per cwt. and the current live cwt. subsidy rate in the case of stags, and $4.00 per cwt. and the current live cwt. subsidy rate in the case of boars. As to all shipments of dressed hogs from points east of the 85th meridian the current report shall be deemed to be that for the third market day preceding shipment of such dressed hogs. As to all shipments of dressed hogs from points west of the 109th meridian the current report shall be deemed to be that for the fifth market day preceding such shipment. As to all shipments of dressed hogs from points east of the 109th meridian and west of the 95th meridian and from points east of the Mississippi River, south of Kentucky and west of the 85th meridian, the current report shall be deemed to be that for the second market day preceding such shipment. As to all shipments of dressed hogs from any other point, the current report shall be deemed to be that for the market day preceding such shipment.

4. The example stated in Schedule IV (c) (1) of § 1364.35 is amended to read as follows:

Example: A butcher hog dressed shipper style and weighing 190 pounds falls in the 189 to 213 pound weight range and in the 240 to 270 pound related live hog weight classification. If it were slaughtered in New York City and shipped on November 24, 1942, the appropriate seasonal denominator would be 1.315, and the current Chicago live hog price would be that reported for Thursday, November 19, 1942, three market days prior to Tuesday, November 24, 1942, ($14.00 per cwt.), minus an assumed current live hog subsidy at that time of $1.30 per cwt., equaling $12.70 per cwt. $12.70 multiplied by 1.315 equals $16.70.

5. The example stated in Schedule IV (c) (2) of § 1364.35 is amended to read as follows:

Example: If in the example stated in paragraph (c) (1), such local delivery were made, 25 cents would be added to $16.79 giving a price of $16.95 per cwt.

6. The example stated in Schedule IV (c) (3) of § 1364.35 is amended to read as follows:

Example: In the example stated in paragraph (c) (2), if the dressed hog is sold to the Federal Surplus Commodities Corporation, or if local delivery is made to a buyer within the region described in subparagraph (3) (1), 50 cents would be added to $16.95 giving a price of $17.45 per cwt.

This amendment shall become effective August 3, 1943, except that, as to sales and deliveries of dressed hogs, it shall become effective on August 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12200; Filed, July 28, 1943; 11:31 a. m.]

PART 1367—FERTILIZERS

[Rev. MPR 135,[1] Amdt. 4]

MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 135 is amended in the following respects:

1. Section 1367.42 (a) (20) and (21) is amended to read as follows:

(20) "Victory garden fertilizer" means the grade of mixed fertilizer authorized by the War Food Administration for use on victory gardens in the non-commercial production of vegetables and small fruits and labeled "Victory Garden Fertilizer—For Food Production Only".

(21) "Specialty fertilizer" means a grade and kind of mixed fertilizer containing nitrogen, but not victory garden fertilizer which, under the provisions of Food Production Order 5 Revised,[2] issued by the War Food Administrator, may be manufactured, packaged and sold for unrestricted use, and which is generally marketed through retail outlets other than those selling fertilizer for commercial agricultural use.

2. Section 1367.45 (a) is amended to read as follows:

(a) *Victory garden fertilizer.* (1) Maximum consumer prices of "Victory Garden Fertilizer—For Food Production Only" shall be:

In 100-pound packages:	*Per package*
2,000 pounds or more	$3.20
1,000 pounds to 1,900 pounds	3.45
500 pounds to 900 pounds	3.55
100 pounds to 400 pounds	3.70
In smaller packages:	*Each*
50-pound package	$2.35
25-pound package	1.45
10-pound package	.80
5-pound package	.50

(2) Maximum prices of "Victory Garden Fertilizer—For Food Production Only," delivered to dealers shall be:

	Each
100-pound package	$2.70
50-pound package	1.70
25-pound package	1.05
10-pound package	.50
5-pound package	.35

(3) Where mixed fertilizer labeled "Victory Garden Fertilizer—For Food Production Only" is sold for use in the commercial production of crops, the maximum prices of such fertilizer provided in sections 1 and 2 hereinabove set forth shall not apply, and the maximum prices shall be as provided in § 1367.33 for sales by manufacturers and § 1367.34 for sales by dealers, as the case may be.

This amendment shall become effective August 3, 1943.

(Pub. Laws 421, and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12201;* Filed, July 28, 1943; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 30]

EXCEPTIONS FOR GARDENING AND RELATED SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.* Revised Supplementary Regulation No. 11 to the General Maximum Price Regulation is amended in the following respect:

A new subparagraph is added to § 1499.46 (b) to read as follows:

(127) Gardening and related services (including but not limited to services rendered in connection with the preparation, maintenance, cutting, picking, or harvesting of vegetable and flower gardens, the trimming of hedges, and cutting and maintenance of lawns)—rates and charges for.

This amendment shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12202; Filed, July 28, 1943; 11:33 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 11075; 8 F.R. 1459, 3621, 8540.

[2] 8 F.R. 9271.

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 31]

SERVICES ON AIRPLANES, TANKS, AND MILITARY VEHICLES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.* Revised Supplementary Regulation 11 of the General Maximum Price Regulation is amended in the following respects:

1. Section 1499.46 (b) (108) is amended to read as follows:

(108) Any service rendered in connection with the lubrication, painting, rental, storage, washing, operation, repair, conversion, modification, maintenance or other servicing for any War Procurement Agency of airplanes and of engines, parts, accessories, instruments, and other equipment used in connection with airplanes, including all services incidental thereto.

2. A new subparagraph is added to § 1499.46 (b) to read as follows:

(128) Any service to tanks and military vehicles and engines, parts, accessories, instruments, and other equipment used in connection with tanks and military vehicles when rendered for any War Procurement Agency in connection with preparation for shipment (including but not limited to lubricating, painting, storing, packing, washing, testing, repairing, converting, modifying, maintaining and preparing and restoring the premises, facilities, and equipment used in connection with such services)—rates and charges for.

This amendment shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12203; Filed, July 28, 1943; 11:31 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 6—NAVAL RESERVE[1]

MISCELLANEOUS AMENDMENTS

Sections 6.8704 (b) (3), 6.10303 (b), 6.10308 and 6.10504 are amended to read as follows:

§ 6.8704 *Uniform gratuities; Naval Reserve officers.* * * *

(b) *In time of war or national emergency.* * * *

(3) All officers, including officers of class A–V (N), may be paid an additional sum of fifty dollars for the purchase of required uniforms upon the completion of each period of at least four years of service in the Naval Reserve subsequent to payment of last previous gratuity, provided they have, during that period, fulfilled the requirements of paragraph (a) (1) of this section. Claims for payment of the additional $50 gratuity will be submitted to the Bureau of Naval Personnel on Form S & A 445.

§ 6.10303 *Naval Aviation Cadet Selection Boards.* * * *

(b) The Officer-in-Charge shall exercise the functions of a commanding officer with respect to the officers and enlisted men attached to his board and aviation cadets whose records are carried by his board, and may order summary courts-martial upon petty officers and enlisted men in the naval service under his command.

§ 6.10308 *Insurance, aviation cadets and A–V (N) officers.* (a) Upon reporting for active duty, aviation cadets who do not hold Government Insurance policies will be issued National Service Life Insurance in the amount of $10,000, the premiums on which shall be paid, during the period of their active duty as aviation cadets, from the current Naval Reserve appropriation. Aviation cadets who may hold U. S. Government Life Insurance or National Service Life Insurance upon reporting are covered in paragraph (e) of this section.

(b) Veterans' Administration Insurance Form 350 (Application for National Service Life Insurance) will be executed in triplicate on the date the aviation cadet reports as such for active duty for training, and the original and both copies will be submitted to the Bureau of Supplies and Accounts (Allotment Division). The form of insurance to be applied for by aviation cadets shall be the 5-year level premium term policy. Except as provided in paragraph (e) of this section, the amount shall be $10,000, and the effective date of the policy will be the date of entry upon active duty as an aviation cadet.

(c) Upon release from active duty or termination of aviation cadet status the cognizant commanding officer will notify the Bureau of Supplies and Accounts (Allotment Division) by letter, in duplicate, stating the date of such termination and requesting that no further premiums be paid by the Government. Such aviation cadets not commissioned as ensigns, A–V (N), or second lieutenants, (NAVC), will be informed that they may continue the insurance in force by the payment of premiums from their own personal funds either by allotment of pay or by direct remittance of premiums to the Veterans' Administration.

(d) When the aviation cadet so insured has been commissioned as ensign in class A–V (N), the insurance shall be continued in force as required by law. The allotment method shall be employed for payment of premiums upon all Government insurance by all class A–V (N) officers. Upon being commissioned an ensign, class A–V (N), this compulsory allotment shall be registered immediately with first payment the month in which the officer executed the oath and acceptance of office.

(e) (1) Section 5 of the Naval Aviation Cadet Act of 1942 provides in part that:

[1] 8 F.R. 9643.

Aviation cadets will be issued Government Life Insurance in the amount of $10,000, effective from the date of reporting for active duty, and premiums on such insurance shall be paid during the period of their active duty from current appropriations * * *.

Section 603 of the National Service Life Insurance Act of 1940, as amended, provides that no person may carry a combined amount of National Service Life Insurance and U. S. Government Life Insurance in excess of $10,000. Aviation cadets who may be holding U. S. Government Life Insurance or National Service Life Insurance upon reporting for active duty as aviation cadets have the option (i) of surrendering such policies as may be in force or (ii) of continuing such policies at their own expense. In the latter event, premiums must be paid by allotment. If the amount of the continued insurance is less than $10,000, there will be issued additional National Service Life Insurance at Government expense, the face value of which will be the difference between the face value of such policies as the individual may be carrying, and $10,000.

(2) An aviation cadet who elects to surrender his U. S. Government Life Insurance or National Service Life Insurance to obtain full coverage of $10,000 at Government expense may do so by executing application for National Service Life Insurance in the amount of $10,000. In such case he will be deemed to have surrendered such policy or policies as he may be holding as of the date of signing application for National Service Life Insurance in the amount of $10,000 at Government expense. If the insurance he is holding has a cash surrender value, and only in that event, the aviation cadet will execute and file "Application for Cash Surrender Value of U. S. Government Life Insurance" (Veterans' Administration Form No. 849) at the time he applies for the $10,000 National Service Life Insurance at Government expense. (U. S. Government Life Insurance and National Service Life Insurance issued on the 5-year level premium term plan do not have a cash surrender value). Veterans' Administration Form 849 shall be forwarded direct to the Veterans' Administration; Veterans' Administration Form 350 shall be forwarded to the Bureau of Supplies and Accounts (Allotment Division).

(3) Aviation cadets who elect to retain their U. S. Government Life Insurance or National Service Life Insurance policies, may do so. If the amount retained is less than $10,000, such aviation cadets upon reporting for active duty for training will make application for National Service Life Insurance at Government expense, the face value of which will be the difference between the face value of the policy or policies which the aviation cadets may hold, and $10,000. The new application, (Veterans' Administration Form 350), will contain an entry in Item 9 as follows:

Insurance in amount of $-------- will be carried at my expense. An allotment has been authorized.

(4) Aviation cadets who, upon entering upon active duty for training, elected to continue their policy or policies at their own expense as provided in paragraph (e) (3) of this section, may surrender such policies at a later date during their training period, if they so desire. However, since there is an obligation on the part of the Government to insure that each aviation cadet will have full $10,000 insurance coverage, surrender of such policies may be made only upon filing application for a new policy of the same face value, the premiums on which will be paid by the Government. In such cases, the effective date of the surrender will be deemed to be the date of signature of the new application. (The original application for cash surrender will be forwarded direct to the Veterans' Administration.) Copy of Veterans' Administration Form 849 should accompany the new application (Veterans' Administration Form 350, in triplicate) when the application is forwarded to the Bureau of Supplies and Accounts (Allotment Division) together with an explanatory letter.

(f) Aviation cadets and officers of class A–V (N) will not be permitted to borrow against their Government insurance policies. Aviation cadets and officers of class A–V (N) will not be permitted to stop their allotments to the Veterans' Administration except when it is necessary due to renewal, conversion or surrender to obtain an equal amount of National Service Life Insurance, in which event not one single month shall intervene between the last month paid under the old allotment and the commencing date of the new allotment.

(g) Insurance issued to aviation cadets may be converted at any time after the policy has been in force for one year and within the 5-year period, except that conversion will not be permitted while the premiums are being paid by the Government.

§ 6.10504 *Insurance; class V–8.* (a) Upon reporting for active duty undergoing training, enlisted men of class V–8 will be issued National Service Life Insurance in the amount of $10,000, or in an amount equal to the difference between existing Government life insurance policies and the sum of $10,000, in the same manner as provided in § 6.10308, the premiums on which shall be paid during the period of their active duty as student aviation pilots and aviation pilots, from the current Naval Reserve appropriations. If discharged, released from active duty or if transferred from class V–8 for any reason, such enlisted men will have the option of continuing these policies at their own expense.

(b) Upon discharge, release from active duty, or transfer from class V–8, the cognizant commanding officer will notify the Bureau of Supplies and Accounts by letter requesting that no further premiums be paid. The individuals will be informed that they have the option of continuing to pay the premiums from their personal funds or of converting to some higher form of insurance after the insurance has been in effect for one year, or of permitting the insurance to lapse.

(c) Insurance policies issued to enlisted men of class V–8 will continue in force, and the premiums will be paid by the Government, during the period of training, the two-year obligated period of active duty thereafter, and during an additional period the enlisted man may agree to serve, provided such service is continuous. [Manual Circular Letter No. 17–43, July 12, 1943 and 18–43, July 6, 1943]

(52 Stat. 1175, 54 Stat. 162, 55 Stat. 3, 56 Stat. 266, 730, 739; 34 U.S.C. 853, 854c, Supp. 855*f*, 855o, 857–857*g*, 853c, 853c, 855*d*)

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43–12153; Filed, July 28, 1943; 9:43 a. m.]

Notices

WAR DEPARTMENT.

APPROVAL OF PURCHASES OR EXCHANGES OF MOTOR-PROPELLED PASSENGER-CARRYING VEHICLES

JULY 26, 1943.

1. Under date of May 18, 1942, there was issued a memorandum advising that under the provisions of section 6 of the Act of April 28, 1942 (7 F.R. 3861, 9258) (War Department Civil Appropriation Act, 1943, Public Law 527, 77th Congress) the approval of the Secretary of War was a condition to the expenditure of funds for the purchase of exchange of any motor-propelled passenger-carrying vehicle.

2. The War Department Civil Appropriation Act, 1944, does not contain any provision requiring the approval of the Secretary of War as a condition to the expenditure of funds for the purchase or exchange of any motor-propelled passenger-carrying vehicle.

3. Accordingly, the approval of the Secretary of War is no longer a prerequisite to the expenditure of funds for the purchase or exchange of such vehicles.

ROBERT P. PATTERSON,
Acting Secretary of War.

[F. R. Doc. 43–12156; File, July 28, 1943; 10:05 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–311]

WERNER BROTHERS

MEMORANDUM OPINION AND ORDER DIRECTING CODE MEMBERS TO CEASE AND DESIST

In the matter of Fred J. Werner, also known as Fred Werner, Jr. and William J. Werner, individually and as partners doing business under the name and style of Werner Brothers, Code members.

On June 4, 1943, after due notice and hearing W. A. Cuff, a duly designated Examiner of the Division, submitted a report in which he found that code members wilfully violated the Act, the Code, the Marketing Rules and Regulations and the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, by selling from October 2, 1940 to September 30, 1941, coal below the effective minimum prices established therefor and by disposing from October 1, 1940 to October 13, 1940 of approximately 100 tons of screenings in consideration of services.

The Examiner recommended that an order be entered directing the code members, individually and as partners operating the Werner Mines, to cease and desist from violating the provisions of section 4 II (e) of the Act, Part II of the Code, Rule 1 (F) of section VII of the Marketing Rules and Regulations and the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments.

Opportunity was afforded to all parties to file exceptions to the Examiner's Report. No exceptions have been filed.

I have considered the report of the Examiner and I find that it adequately and accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law and recommendations set forth in the Report and upon the entire record in this proceeding:

It is hereby ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That Fred J. Werner, also known as Fred Werner, Jr., and William J. Werner, individually and as partners doing business under the name and style of Werner Brothers, operating the Werner Mines Nos. 1 and 2 (Mine Index Nos. 548 and 549) located in Perry County, Indiana, District No. 11, their agents, employees, representatives, successors and assigns, and all persons acting or claiming to act on their behalf or interest, cease and desist from violating the Code, the rules and regulations thereunder and particularly Rule 1 (F) of the Marketing Rules and Regulations and the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a United States Circuit Court of Appeals for the enforcement thereof, or may otherwise proceed as authorized by the Act.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–12169; Filed, July 28, 1943; 10:57 a. m.]

[Docket Nos. A–1656, et al.]

CERTAIN PETITIONS FILED UNDER CERTAIN SECTIONS OF ACT

ORDER DISMISSING PETITIONS

In the matter of certain petitions filed pursuant to sections 4 II (a), (b) or (d) of the act. Docket Nos. A–1656, A–1737, A–1923, A–2036, A–1846–II, A–1847–II, A–1907–II, A–1913–II, A–1515.

Petitions having been duly filed, pursuant to either sections 4 II (a), (b) or (d) of the Act, in each of the above designated dockets, and no dispositive action having been taken therein; and

It appearing appropriate to dismiss each such petition in view of the fact that action leading to a final determination thereof cannot be taken prior to 12:01 a. m. August 24, 1943, at which time the Bituminous Coal Act of 1937 will cease to be in effect;

Now, therefore, it is ordered, That effective 12:01 a. m. August 24, 1943, each of the above designated petitions be, and the same hereby is, dismissed.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–12170; Filed, July 28, 1943; 10:57 a. m.]

[Docket No. A–2042]

DISTRICT BOARD 23

ORDER MAKING TEMPORARY RELIEF FINAL

In the matter of petition of District Board No. 23 for the establishment of price classifications and minimum prices for the coals of the Peacock Mine.

A petition was filed in the above-entitled matter, requesting that the same price classifications and minimum prices be established for the coals of the Peacock Mine, Mine Index No. 180, in Subdistrict No. 23 in the respective size groups for shipment by rail and truck as are presently in effect for comparable and analogous coals produced in Subdistrict "G" in District No. 23, except that in Size Groups 21 and 23 for truck shipment petitioner proposes the establishment of minimum prices 25 cents per ton lower than those applicable to coals in these size groups produced in Subdistrict "G".

On July 2, 1943, 8 F.R. 9236, an order was issued herein granting temporary relief in accordance with the request of said petition, and scheduling said matter for hearing on July 31, 1943. However, on July 8, 1943, the hearing was cancelled.

On July 15, 1943, petitioner requested that the temporary relief granted in said Order of July 2, 1943, be made permanent and it appears that said request should be granted and that said relief should be made final as hereinafter set forth.

Now, therefore, it is ordered, That the temporary relief granted in the Order of July 2, 1943, 8 F.R. 9236, be, and the same hereby is made final as of the date August 10, 1943.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–12171; Filed, July 28, 1943; 10:58 a. m.]

[Docket No. B–75]

EAGLE BOAT STORE COMPANY

ORDER DISMISSING PROCEEDINGS

This proceeding was instituted by the Bituminous Coal Division to determine whether or not Eagle Boat Store Company, a registered distributor, (Registration No. 2601) has violated the agreement by registered distributor executed by it, and violated certain provisions of the Act, the Code, and rules and regulations thereunder, and to determine, in case such violation be found, the appropriate penalty to be invoked.

Pursuant to appropriate notice, a hearing was held before Joseph D. Dermody, a duly designated Examiner of the Division, on December 5, 1941, at which respondent appeared, and the Examiner on May 22, 1943 submitted his Report, proposed findings of fact, proposed conclusions of law, and recommendation to the effect that an order of dismissal should be entered, as he found that respondent had not violated the provisions of section 4 II (i) (12) of the Act, the corresponding section of the Code, §§ 317.11 (c) (6) and 317.19 (c) of the Distributors' Rules, Rule 12 of section XIII of the Marketing Rules and Regulations or paragraphs (c), (e), (f), and (h) of the Agreement by Registered Distributors.

An opportunity was afforded to interested persons to file exceptions thereto and supporting briefs and no such exceptions or briefs have been filed.

It seems inadvisable to issue an opinion discussing the merits of the issues raised in this proceeding in view of the fact that the Bituminous Coal Act of 1937 as amended will expire on August 24, 1943, upon which date the sections of the Marketing Rules and Regulations and of the Distributors' Rules and the Agreement by Registered Distributors will likewise be ineffective.

Any order which might be issued suspending or revoking respondent as a registered distributor would also be ineffective from that date.

Now therefore it is ordered, That this proceeding be and the same hereby is dismissed.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–12172; Filed, July 28, 1943; 10:58 a. m.]

[Docket No. A–2044]

DEBARDELEBEN COAL CORP.

ORDER GRANTING FINAL RELIEF

In the matter of the petition of DeBardeleben Coal Corporation for establishment of price classifications and minimum prices for Size Group No. 5 coals of the Hull Mine, Mine Index No. 44, District No. 13.

On June 30, 1943, an order was issued in this docket granting temporary relief and scheduling said matter for hearing on August 3, 1943, 8 F.R. 7770. On July 8, 1943, an order was issued cancelling said hearing. By communication dated

July 12, petitioner requested that said temporary relief be made final.

No petitions of intervention have been filed in the above-entitled matter and it appears that good cause has been shown for making permanent said temporary relief.

Now therefore it is ordered, That the temporary relief heretofore granted in regard to coals in Size Group No. 4, produced by the Hull Mine, Mine Index No. 44, of the DeBardeleben Coal Corporation shall be final on August 10, 1943, unless otherwise ordered.

It is further ordered, That pleadings in opposition to the original petition and supplemental request in the above-entitled matter and applications to stay, terminate or modify the relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–12173; Filed, July 28, 1943; 10:58 a. m.]

[Docket No. 35–FD]

SUPERIOR COAL CO.

ORDER EXTENDING EFFECTIVE DATE OF DENIAL OF APPLICATION FOR EXEMPTION

In the matter of the application of Superior Coal Company for exemption.

An order was issued in this proceeding on May 25, 1943 denying an application for exemption of Superior Coal Company, code member in District No. 10, effective fifteen (15) days from the date thereof. Thereafter on June 11, 1943, after request of Superior Coal Company, the effective date of the order denying its application for exemption was extended to July 1, 1943, and upon an application dated June 28, 1943 filed by Superior Coal Company, the effective date of the order denying exemption was extended to August 1, 1943.

By application filed July 14, 1943 Superior Coal Company has requested a further extension of said order dated May 25, 1943, until August 24, 1943, which application states that applicant was advised by Bituminous Coal Board No. 10, Chicago, Illinois, that said Board will not find it convenient to pass upon applicant's request that it recommend favorably a minimum price on coal produced by applicant to be furnished to the Chicago and North Western Railway Company and its subsidiary, Chicago, St. Paul, Minneapolis, and Omaha Railway Company before August 24, 1943, and that even if said Board were able to pass upon said request it would be futile because the Bituminous Coal Act of 1937 will become void and of no effect at midnight on August 23, 1943.

In these circumstances, I believe that the request is appropriate and that the third paragraph of the order denying the application of Superior Coal Company for exemption, dated May 25, 1943, should accordingly be amended to read as follows:

It is hereby further ordered, That effective at midnight August 23, 1943, the application of Superior Coal Company is denied.

It is so ordered.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–12174; Filed, July 28, 1943; 10:59 a. m.]

[Docket No. B–346]

STEFFEY AND FINDLAY, INC.

OPINION AND ORDER OF THE DIRECTOR

In the matter of Steffey & Findlay, Inc., a registered distributor, Registration No. 8671.

This proceeding was instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937 and § 304.14 (now 317.14) of the Rules and Regulations for the Registration of Distributors, by a notice of and order for hearing, in order to determine whether respondent Steffey & Findlay, Inc., a registered distributor (Registration No. 8671) of Hagerstown, Maryland, has violated provisions of the Act, the Code, and Orders and regulations of the Division, and respondent's "Agreement by Registered Distributor." Specifically made subject to investigation was whether respondent had, during the period from December 27, 1940 to March 26, 1942, both dates inclusive, purchased for resale from code members whose mines were located in Districts 1, 2 and 3, respectively, approximately 1547.75 net tons of various size coals, produced by said code members at their respective mines, and resold said coals for rail shipment to the purchasers indicated below, and prepaid the freight thereon, totalling $3569.79, and whether said transactions constituted violations of Rule 1 (J) of section VII and Rules 3 and 6 of section XIII of the Marketing Rules, section 4 II (i) 3 and 6 of the Act and Part II (i) 3 and 6 of the Code, and paragraphs (c) and (e) of the Agreement.

Respondent filed an answer on December 3, 1942, in the form of a letter addressed to the Director, admitting the prepayment of the freight but claiming that the acts were committeed without realizing that they constituted violations. The answer further stated that the Division failed to take exception to respondent's conduct, although respondent furnished to the Division's "various district office concerned" at the time of shipment, copies of invoices "clearly showing that freight was prepaid"; and that immediately upon being informed of the violative nature of its conduct, respondent not only discontinued the practice, but stopped wholesaling coal altogether, and thereafter handled the customers involved on a retail basis, in order to insure against further violation through ignorance. The letter concluded with an expression of respondent's willingness to accept any decision made by the Director in this proceeding. The Bituminous Coal Producers Board for District No. 3 on December 21, 1942, filed a petition for leave to intervene.

Pursuant to the notice, a hearing in this matter was held on January 9, 1943, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Hagerstown, Maryland. All interested persons were afforded an opportunity to be present and participate fully in the hearing. An appearance was entered on behalf of respondent. At the conclusion of the hearing, all parties waived the preparation and filing of a report by the examiner, and the record in the proceeding was thereupon submitted to me.

In view of the fact that the Bituminous Coal Act of 1937, as amended will expire on August 23, 1943 (except as provided in section 19 thereof), any order which might be issued revoking or suspending respondent's registration as a distributor will become inoperative after that date. Proceedings not finally decided at that time will become moot. In these circumstances it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–12175; Filed, July 28, 1943; 10:59 a. m.]

[Docket No. A–2080]

DISTRICT BOARD 10

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for the coals produced at the Panther Creek No. 1 mine of Panther Creek Mines, Inc., in District No. 10.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of temporary price classifications and minimum prices for the Panther Creek No. 1 Mine (Mine Index No. 1633) of Panther Creek Mines, Inc., for shipments by rail and truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, but not extending beyond 12:01 a. m., August 24, 1943, temporary relief is granted as follows: Commencing forthwith the schedules of effective minimum prices for District No. 10 for all shipments except truck and for truck shipments are supplemented to include the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T annexed hereto and made a part hereof.

It is further ordered, That, pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division any time prior to August 7, 1943, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: July 22, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–12176; Filed, July 28, 1943; 10:59 a. m.]

[Docket No. 1670–FD]

PITTSBURGH AND MIDWAY COAL MINING CO.

ORDER OF THE DIRECTOR

Upon the basis of findings of fact and conclusions of law set forth in the opinion of the director, filed simultaneously herewith, wherein it appears that Pittsburgh & Midway Coal Mining Company, as a code member producer, wilfully violated section 4 II (e) of the Bituminous Coal Act of 1937 and the corresponding provision of the Bituminous Coal Code in the sale of 4323.93 tons of Size Group 13 coal at prices lower than the applicable effective minimum price, for which its membership in the Code should be revoked; and wilfully violated sections 4 II (a) and 4 II (i) 13 of the Act, Parts II (a) and II (i) 13 of the Code, Order No. 14, and Rule 7 of section VI, Rules 1, 2, 4, 5, and 6 of section VIII, Rule 1 of section X, and Rule 13 of section XIII of the Marketing Rules and Regulations, for which, upon its reinstatement as a code member defendant should be required to cease and desist from further such violations. It also appears that as a registered distributor Pittsburgh & Midway Coal Mining Company wilfully violated paragraphs (b), (c), (e) and (f) of the Agreement by Registered Distributor, executed by it, in wilfully violating sections 4 II (e) and 4 II (i) 13 of the Act, Parts II (e) and II (i) 13 of the Code, and Rule 3 of section V, Rules 1, 2, 4, 5 and 6 of section VIII, Rule 1 of section X, and Rule 13 of section XIII of the Marketing Rules and Regulations, for which its registration as a registered distributor should be suspended for a period of twenty (20) days and it should be required to cease and desist from such further violations of its agreement; that defendant as either a code member or registered distributor did not violate the Act, the Code or rules and regulations thereunder in failing to charge interest on accounts, failing to file invoices and contracts reflecting the true preparation or treatment of coal sold or misrepresenting the same, or selling coal to the Gooch Milling and Elevator Company for commercial use at the industrial use prices as set forth in counts B, E, and H of the complaint and notice; that the proposed findings of fact and proposed conclusions of law of the examiner should be modified and, as so modified, approved and adopted as the findings of fact and conclusions of law of the undersigned; and pursuant to sections 4 II (h), (j) and 5 (b) of the Bituminous Coal Act of 1937 and § 317.14 of the Rules and Regulations for the Registration of Distributors;

It is ordered, That the proposed findings of fact and proposed conclusions of law of the examiner, as modified in my opinion, are approved and adopted as the findings of fact and conclusions of law of the director.

It is further ordered and determined, That defendant, neither as a code member nor a registered distributor, has violated Rule 1 (I) of section VII of the Marketing Rules by failure to charge interest on accounts; section 4 II (e) and 4 II (i) 8 of the Act or Rule 8 of section XIII of the Marketing Rules, by failing to file with the proper Statistical Bureau invoices and contracts reflecting the true preparation and treatment of coal sold on any misrepresentation thereof; nor section 4 II (e) of the Act in the sale of coal to the Gooch Milling and Elevator Company for commercial use at industrial prices, and that as to these matters the proceeding is dismissed.

It is further ordered, That the membership of The Pittsburgh & Midway Coal Mining Company, in the code and its right to an exemption from the taxes imposed by section 3 (b) of the Bituminous Coal Act of 1937, is revoked and cancelled, and that prior to reinstatement in the Code it shall pay to the United States a tax in the amount of $2,360.87, as provided by section 5 (c) of the Act.

It is further ordered, That in the event of reinstatement to membership in the Code, The Pittsburgh & Midway Coal Mining Company, as a code member, its agents, representatives, employees, attorneys, successors or assigns, and any person or persons acting or claiming to act for or on its behalf, thereafter cease and desist from violations of sections 4 II (e) and 4 II (i) 13 of the Act, Parts II (e) and II (i) 13 of the Code, Order No. 14, Rule 7 of section VI, Rules 1, 2, 4, 5 and 6 of section VII, Rule 1 of section X, and Rule 13 of section XIII of the Marketing Rules and Regulations, or other provisions of the Act, the Code, or rules and regulations thereunder.

It is further ordered, That the registration of The Pittsburgh & Midway Coal Mining Company as a registered distributor (Registration No. 7344) is suspended for a period of twenty (20) days, effective five (5) days from the date of this order: *Provided, however*, That if defendant shall not have complied with the provisions of § 317.15 (formerly 304.15) of the Rules and Regulations for the Registration of Distributors at least five (5) days prior to the expiration of said suspension period, said suspension shall continue in full force and effect until five (5) days after the affidavit required by said section 317.15 shall have been filed with the division.

It is further ordered, That The Pittsburgh & Midway Coal Mining Company as a registered distributor (Registration No. 7344), its representatives, agents, employees, attorneys, successors or assigns and any and all persons acting or claiming to act in its behalf, cease and desist from violations of paragraphs (b), (c), (e) and (f) of the agreement by Registered Distributors, executed by it, by or through violations of sections 4 II (e) and (i) 13 of the Act, Parts II (e) and (i) 13 of the Code, Order No. 14, and Rule 3 of section V, Rules 1, 2, 4, 5 and 6 of section VII, Rule 1 of section X, and Rule 13 of section XIII of the Marketing Rules and Regulations, or other provisions of the Act, the Code, or rules and regulations thereunder.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–12177; Filed, July 28, 1943; 11:00 a. m.]

General Land Office.

[Five-Acre Tract Classification 27]

LOS ANGELES, CALIF., LAND DISTRICT

ORDER REGARDING LEASED SITES

JULY 22, 1943.

On March 17, 1943, the following-described vacant public lands, in the Los Angeles, California, land district, were classified and opened by the Secretary of the Interior under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for leasing as home, cabin, camp, health, convalescent, recreational, and business sites.

CALIFORNIA NO. 14

SAN BERNARDINO MERIDIAN

T. 17 S., R. 5 E.,
Sec. 20, NE¼SE¼;
Sec. 21, lot 1;
Sec. 26, lot 3;
Sec. 27, lot 13, total area, 97.36 acres.

These lands are in San Diego County, 54 miles by road east and slightly south of San Diego, and are in the coast range of mountains at an elevation of approximately 3,000 feet.

Lot 1 sec. 21 has been divided into 4 units, and lot 3 sec. 26 into 8 units, with designations and areas as shown on the supplemental plat of these lots accepted May 15, 1943, and the lands in these two lots will be leased according to such units. Lands in the NE¼SE¼ sec. 20 will be leased in rectangular units of 5 acres, and any applications filed for tracts therein should describe the land applied for according to the rectangular system of surveys. Two applications have been received.

The portions of the lands involved not covered by any application under the five-acre act are subject to application for lease under that act, based on the above-mentioned classification, by any qualified persons, in accordance with 43 CFR 257.1–257.25 (Circ. 1470a, August 10, 1942).

The Register of the Los Angeles district land office will make appropriate

notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 43-12164; Filed, July 28, 1943; 9:34 a. m.]

[Five-acre Tract Classification 30]

BUFFALO, WYO. LAND DISTRICT

ORDER REGARDING LEASED SITES

JULY 23, 1943.

On May 14, 1943, the following-described vacant public land, in the Buffalo, Wyoming, land district, was classified and opened by the Secretary of the Interior under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for leasing as home, cabin, camp, health, convalescent, and recreational sites. The classification does not include use of any of the land as business sites.

WYOMING No. 3

SIXTH PRINCIPAL MERIDIAN

T. 53 N., R. 85 W., sec. 12, E½NE¼, N½S½, SE¼SW¼, SW¼SE¼, 320 acres.

This land is located approximately 18 miles south of Sheridan and 9 miles south of Big Horn, Sheridan County, Wyoming. It is on the north slope and at the edge of the Big Horn Mountains.

The land will be leased, generally, in rectangular units of 330 feet by 660 feet. In the NE¼NE¼, in order that the maximum use and benefits from natural features and a road may be obtained by lessees, tracts in that portion will be leased in units 165 feet wide north and south by 1,320 feet long east and west. Each lessee will be required to erect substantial improvements having a value of not less than $500.

The land described is subject to application under the five-acre tract act, based on the above-mentioned classification, by any qualified persons, in accordance with 43 CFR 257.1-257.25 (Circ. 1470a, August 10, 1942). One application has been received.

The Register of the Buffalo district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 43-12165; Filed, July 28, 1943; 9:34 a. m.]

[Public Land Order 147]

SOUTH DAKOTA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as a pattern gunnery range:

FIFTH PRINCIPAL MERIDIAN

T. 115 N., R. 82 W.,
Sec. 11, SW¼SW¼;
Sec. 13, NE¼NW¼.
The areas described aggregate 80 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for reforestation, forestation, soil erosion control, and other land utilization activities, made by Executive Order No. 7671 of July 19, 1937, so far as such order affects the above-described lands.

Jurisdiction over the lands hereby reserved shall revert to the Department of the Interior and the Department of Agriculture, according to their respective interests, upon expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered, pending classification and a determination as to whether the lands, or portions thereof, are needed for public purposes.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 12, 1943.

[F. R. Doc. 43-12166; Filed, July 28, 1943; 9:34 a. m.]

Office of the Secretary.

FIELD EMPLOYEES, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

WAGE FIXING PROCEDURES

JUNE 23, 1943.

For the purpose of determining the prevailing rate of wages to be paid certain classes of field employees of the Bureau of Reclamation and to enable the payment to such employees of time and one-half for work in excess of 40 hours per week, the following procedure is established:

I. *Wage Board.* A Wage Board, composed of three representatives of the Department, is hereby established to determine prevailing wages for similar work in the locality of their employment for persons employed by the Government in the various trades and occupations excluding employees whose wages are fixed on an annual basis pursuant to the Classification Act of 1923, as amended, and excluding employees whose wage rates are fixed by wage boards which have been previously established, and to make recommendations with respect to such wages to the Secretary of the Interior.

II. *Procedure to be followed by Board.* In determining the prevailing wages of various trades and occupations being considered by the Board, the Board shall procure evidence of the wages and compensation being paid to and perquisites received by those employed in these trades and occupations from local contractors, Federal agencies (including wage scales currently being paid pursuant to minima established pursuant to the Davis-Bacon Act), private industrial employers, and others employing labor in the locality, whether pursuant to union agreements or otherwise. Hearings for the purpose of adducing evidence of wages paid in the locality may be held when, in the judgment of the Board, this is required in order to determine the prevailing rates of wages.

Based on the evidence procured as to prevailing wages and the perquisites of employment in the locality in the classifications under consideration by the wage Board, the Board shall make its recommendations to the Secretary of the Interior as to the rates of wages to be paid to the Government employees of the classes above specified. The wages recommended, upon approval by the Secretary, shall become effective May 1, 1943, unless otherwise directed by the Secretary of the Interior: *Provided*, That the Secretary of the Interior may direct the Board to reconsider any recommendation in whole or in part when, in his judgment, the recommended wage does not accord with the evidence procured as to the prevailing wage in the locality or when there is insufficient evidence to support the wage recommended.

III. *Effective period of approved wage determinations.* Any wage rate fixed in the manner above provided shall remain in effect until that rate has been supplanted by a different rate determined by the Wage Board with the approval of the Secretary of the Interior. Unless directed by the Secretary of the Interior to do so at other intervals, the Wage Board shall review wage rates at six-month intervals, beginning with the effective date of the first schedule of wages made in accordance with the procedure herein provided: *Provided*, That the Secretary of the Interior may direct a review at any other time when, in his judgment, this is desirable.

Unless otherwise ordered, the Board shall be composed of these departmental representatives:

Duncan Campbell, who shall act as Chairman of the Board, and Guy W. Numbers, selected from the Office of the Secretary of the Interior,

Charles A. Bissell, Member of the Board, and Alfred R. Golze, Alternate Member of the Board, selected from the Bureau of Reclamation.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-12155; Filed, July 28, 1943; 9:35 a. m.]

[Order 1647]

DEPUTY COAL MINES ADMINISTRATOR

DELEGATION OF AUTHORITY

JULY 27, 1943.

I shall hereafter exercise as Coal Mines Administrator the powers, authority and discretion conferred upon the Secretary of the Interior by the provisions of Executive Order No. 9340 dated May 1, 1943, 8 F.R. 5695, and there is hereby delegated to the Deputy Coal Mines Administrator, subject to such supervision and direction as the Administrator shall from time to time determine, authority to exercise any and all powers, authority and discretion conferred upon the Secretary of the Interior by the provisions of the aforesaid Executive Order, with respect to all coal mines, possession of which has been taken or shall hereafter be taken by him, to the same extent and with the same effect as the said powers, authority and discretion may be exercised directly by the Secretary of the Interior.

Order No. 1807, (8 F.R. 5767) as amended by Order No. 1812 (8 F.R. 6006), is hereby revoked, effective immediately.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-12167; Filed, July 28, 1943; 9:35 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4929]

BLACKSTONE COLLEGE OF LAW, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (32 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That J. Earl Cox, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, August 10, 1943, at ten o'clock in the forenoon of that day (central standard time) in District Court Room, County Court House, Clinton, Iowa.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12194; Filed, July 28, 1943; 11:21 a. m.]

[Docket No. 4980]

MILWAUKEE IMPORTING CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41),

It is ordered, That J. Earl Cox, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, August 19, 1943, at ten o'clock in the forenoon of that day (central standard time) in Room 222, Main Post Office Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12195; Filed, July 28, 1943; 11:21 a. m.]

[Docket No. 4824]

SIEGEL AND ALENIKOFF

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1943.

In the matter of Joseph Henschel, Jacob Siegel and Philip Alenikoff, individually and as copartners trading as Siegel & Alenikoff.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, August 5, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12193; Filed, July 28, 1943; 11:21 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1517]

CARL ZEISS

Re: Interests of Carl Zeiss, of Jena, Germany, in an agreement relating to Patent No. 2,031,792.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the Firm of Carl Zeiss, of Jena, Germany, is a business organization, organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of the Firm of Carl Zeiss, of Jena, Germany;

3. Finding, therefore, that the property described as follows::

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the Firm of Carl Zeiss by virtue of an agreement dated November 12 and December 2, 1938 (including all modifications thereof and supplements thereto, if any) by and between said Firm of Carl Zeiss and Bausch and Lomb Optical Company, a New York corporation, which agreement relates among other things to Patent No. 2,031,792,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11976; Filed, July 26, 1943; 1:36 p. m.]

[Vesting Order 1518]

HERAEUS-VACUUMSCHMELZE AKTIENGESELLSCHAFT

Re: Interest of Heraeus-Vacuumschmelze Aktiengesellschaft in an agreement relating to Patent Number 1,903,724.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the Heraeus-Vacuumschmelze Aktiengesellschaft is a corporation organized under the laws of Germany having its principal place of business in Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Heraeus - Vacuumschmelze Aktiengesellschaft;

3. Finding, therefore, that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Heraeus-Vacuumschmelze Aktiengesellschaft by virtue of an agreement dated September 16, 1936 (including all modifications thereof and supplements thereto, if any) by and between Heraeus-Vacuumschmelze Aktiengesellschaft and United States Steel Corporation, a New Jersey corporation, which agreement relates among other things to Patent Number 1,903,724, dated April 11, 1933, inventor Wilhelm Rohn,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.-R. Doc. 43–11977; Filed, July 26, 1943; 1:36 p. m.]

[Vesting Order 1519]

JUNKERS & CO., G. M. B. H.

Re: Interest of Junkers & Co., G. m. b. H. in an agreement relating among other things to Patent Number 2,291,567.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Junkers & Co., G. m. b. H., is a corporation organized under the laws of Germany having its principal place of business in Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Junkers & Co., G. m. b. H.;

3. Finding, therefore, that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Askania-Werke A. G. by virtue of an agreement dated January 1, 1936 (including all modifications thereof and supplements thereto, if any) by and between Askania-Werke A. G. and the Milwaukee Gas Specialty Co., a Wisconsin corporation, which agreement relates among other things to Patent No. 2,291,567,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11978; Filed, July 26, 1943; 1:37 p. m.]

[Vesting Order 1520]

PATENT APPLICATION OF PIERRE VITOUX

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Pierre Vitoux is a citizen and resident of France and is therefore a national of a foreign country (France);

2. Finding that the patent application identified in subparagraph 3 hereof is the property of Pierre Vitoux;

3. Finding, therefore, that the patent application described as follows:

Serial No.	Date	Inventor	Title
472,535	1-15-43	Pierre Vitoux	Hand tool, for metal engraving.

is property of a national of a foreign country (France);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11979; Filed, July 26, 1943; 1:37 p. m.]

[Vesting Order 1521]

TRADE-MARKS OWNED BY CHEMISCHE FABRIK GRUENAU A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Chemical Marketing Company, Incorporated, a New York corporation, is a business enterprise within the United States;

2. Finding that Deutsche Gold und Silber Scheideanstalt vorm. Roessler is a corporation organized under the laws of Germany and therefore is a national of a foreign country (Germany);

3. Finding that Chemische Fabrik Gruenau A. G. is a corporation organized under the laws of Germany and therefore is a national of a foreign country (Germany);

4. Finding that said Chemische Fabrik Gruenau A. G. is affiliated with and is a subsidiary of said Deutsche Gold und Silber Scheideanstalt vorm. Roessler;

5. Finding that until sometime in or about 1940 said Chemical Marketing Company, Incorporated was the distributor in the United States for said Deutsche Gold und Silber Scheideanstalt vorm. Roessler of products manufactured and sold by said Chemische Fabrik Gruenau A. G. under the various trade-marks hereinafter identified;

6. Finding that since sometime in or about 1940 said Chemical Marketing Company, Incorporated has caused to be manufactured in the United States certain of the products formerly manufactured by said Chemical Fabrik Gruenau A. G. under the trade-marks "Egalisal", "Tricosal" and "Lamepon", more fully identified in Exhibit A attached hereto and made a part hereof, and has sold said products under said trade-marks;

7. Finding that the patents and patent applications of said Chemical Marketing Company, Incorporated communicated to it by said Deutsche Gold und Silber Scheideanstalt vorm. Roessler were vested by the Alien Property Custodian pursuant to Vesting Order Number 273, dated October 29, 1942;

8. Finding that all of the outstanding capital stock of said Chemical Marketing Company, Incorporated was vested by the Alien Property Custodian pursuant to Vesting Order Number 373, dated November 18, 1942;

9. Finding that said Chemische Fabrik Gruenau A. G. is the owner of record in the United States Patent Office of the trade-marks and registrations thereof identified in Exhibit A Part I attached hereto and made a part hereof together with the rights thereunder as defined in subparagraph 12–a hereof;

10. Finding that said Chemical Marketing Company, Incorporated is the owner of record in the United States Patent Office of a certain additional trade-mark and application for registration thereof identified in Exhibit A Part II attached hereto and made a part hereof, together with the rights thereunder as defined in subparagraph 12–b hereof;

11. Finding that said Chemical Marketing Company, Incorporated holds said trade-mark and application for registration thereof, identified in Section 10 hereof, and all rights thereunder as defined in subparagraph 12–b hereof as agent for the beneficial interest of said Chemische Fabrik Gruenau A. G., a national of a foreign country (Germany) whose last known address is Berlin-Gruenau, Germany;

12. Finding that the property described as follows:

a. The trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Exhibit A Part I attached hereto and made a part hereof and the registrations thereof, together with

(1) The respective good-will of the business in the United States and all its possessions to which the trade-marks are appurtenant,

(2) Any and all indicia of such good-will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery, and other equipment),

(3) Any interest of any nature whatsoever in, and any rights and claims of every character and description to, said business, goodwill and trade-marks and registrations thereof, and

(4) All accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

b. The trade-mark for which application for registration has been filed in the United States Patent Office under the number and on the date set out in Exhibit A Part II attached hereto and made a part hereof and the application for registration thereof, together with

(1) The good-will of the business in the United States and all its possessions to which said trade-mark is appurtenant,

(2) Any and all indicia of such good-will (including but not limited to fomulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other equipment),

(3) Any interest of any nature whatsoever in, and any rights and claims of every character and description to, said business, goodwill and trade-mark and application for registration thereof, and

(4) All accrued royalties payable or held with respect to said trade-mark and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of a national of a foreign country (Germany);

13. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

14. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 12 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

PART I

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the name of Chemische Fabrik Gruenau A. G.

Reg. No.	Date	Character of goods
176,288	11/20/23	Chemical products used in dyeing textile fibre yarns and textile fabrics.
191,633	11/11/24	Preparation for washing and scouring
193,554	12/30/24	Aniline and its salts, naphthol and its derivatives, etc.
197,286	4/14/25	Soaps, albumen soaps and cleaning liquors, etc.
204,168	10/13/25	Medicinal preparation for the treatment of anemia, tuberculosis, etc.
254,005	3/12/29	Stones and artificial stones for building purposes, cement, lime, etc.
267,806	3/4/30	Preparations for hardening cement and increasing its resistance to water and weak acids.
312,970	5/15/34	Impregnating products for waterproofing of textiles.
333,696	3/31/36	Medicinal and pharmaceutical preparation for the stimulation of the respiratory system and circulation.

PART II

Trade-mark and application for registration thereof which is identified as follows and the title to which stands of record in the United States Patent Office in the name of Chemical Marketing Company, Incorporated.

App. No.	App. date	Pub. date	Character of goods
458,615	6/12/42	4/6/43	Wetting agent, emulsifier, etc.

[F. R. Doc. 43–11980; Filed July 26, 1943; 1:37 p. m.]

[Vesting Order 1553]

ABANDONED PATENT APPLICATIONS OF NATIONALS OF ENEMY-OCCUPIED COUNTRIES

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each of the persons to whom reference is made in column headed "Owner" in Exhibit A attached hereto and made a part hereof, if an individual, is a citizen and resident of, or, if a business organization, is organized under the laws of and has its principal place of business in the country represented by the code number set forth after its respective name in said Exhibit A under the heading "Nat" in accordance with the following:

7 Belgium.
17 Czechoslovakia.
27 France.
30 Greece.
49 The Netherlands.

and is therefore a national of such foreign country or countries, respectively;

2. Finding that the patent applications and other property relating thereto described in subparagraph 3 hereof, are property of the persons whose names appear opposite the respective numbers thereof in said Exhibit A;

3. Finding therefore, that the property described as follows:

Patent applications identified in Exhibit A attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

is property of nationals of foreign countries (Belgium, Czechoslovakia, France, Greece and The Netherlands);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 28, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications identified as follows:

Serial no.	Date	Owner	Inventor	Title	Nat
16,088	4/12/35	Edgar W. Brandt	E. W. Brandt	Ordnance	27
25,657	6/8/35	Edmond Trachta	E. Trachta	Magazines for drum shooting weapons.	17
84,954	6/12/36	Matériels Et Armements Modernes.	L. Sabathe	Elastic trail plates or spades for guns	27
99,462	9/4/36	Louis Gaston Sabathe	L. Sabathe	Method of increasing the range of projectiles.	27
131,549	3/18/37	Charles Edouard Pierre Gourdon.	C. Gourdou	Aeroplane bombs	27
131,800	3/19/37	Werner Bauman	W. Bauman	Air cooled quick firing guns	27
146,159½	6/3/37	Louis Gaston Sabathe	L. Sabathe	Cannons or like guns	27
164,424	9/18/37	Pierre Van Deuren	P. Deuren	Bomb-throwing apparatus	7
197,484	3/22/38	Jean Fabry	J. Fabry	Projectiles provided with tail-fins	27
197,651	3/23/38	Georges Bretton	G. Bretton	Gun barrels and their arrangement on guns.	27
200,262	4/5/38	Norbert Jules Andre Galliot & Jeanne Adrienne Victorine Anna Chable.	N. Galliot et al	Firearms provided with a recoil Absorber device	27
216,610	6/29/38	Sytse Frederik Willem Koolhoven.	S. Koolhoven	Mounting of movable machine guns, particularly upon aircraft.	49
217,621	7/5/38	R. Adler	R. Adler	Adsorption and purifying agent	17
225,031	8/15/38	Hector Eyraud	H. Eyraud	Closing device for guns and the like	27
230,671	9/19/38	Henri Tailleferre	H. Tailleferre	Submarine mines	27
236,076	10/20/38	Etienne G. Hadjidakis	E. Hadjidakis	Projectiles	30
241,694	11/21/38	Societe Carbochimique S A	P. Ferrero et al	Process of preparing ethylene oxide and its homologues.	7
243,298	11/30/38	Hector Eyraud	H. Eyraud	Closing device for guns and the like	27
244,292	12/6/38	Nicolas Herzmark	N. Herzmark	Gas-generating cartridge	27
250,838	1/13/39	Stanislav Landa	S. Landa	Process for the production of halogen butadienes.	17
253,670	1/30/39	Ceskoslovenska Zbrojovka a. s. Brno.	J. Koucky	Muzzle brakes for firearms	17
258,319	2/24/39	Ceskoslovenska Zbrojovka a. s. Brno.	J. Koucky	Firearms	17
266,735	4/8/39	Louis Benjamin Jules Le Goupil.	L. Goupil	Percussion fuse of great sensitiveness	27
272,266	5/6/39	Schneider & Cie	G. Fontaine	Gun-carriage pivots for pieces of artillery.	27
273,337	5/12/39	Bohdan Cervinka	B. Cervinka	Anti-aircraft projectile	17
285,160	7/18/39	Ceskoslovenska Zbrojovka, a. s. Brno.	J. Koucky	Devices for springing cartridge extractors in firearms.	17
285,168	7/18/39	Ceskoslovenska Zbrojovka, a. s. Brno.	K. Staller	Rifling of firearm barrels of small calibre.	17
286,706	7/26/39	Ceskoslovenska Zbrojovka, a. s. Brno.	J. Koucky	Means for securing the firing pin in firearms.	17
290,270	8/15/39	Ceskoslovenska Zbrojovka, a. s. Brno.	J. Koucky	Devices for ejecting empty cartridge cases in automatic firearms.	17
301,164	10/25/39	Rubber-Stichting	A. Wildschut	Vulcanisation of rubber and similar substances.	49
306,415	11/27/39	S A des Manufactures Des Glaces & Products Chimiques De Saint Gobain Chauny & Cirey.	A. Cornillot	Process for polymerizing polymerizable compounds.	27
315,717	1/26/40	Ceskoslovenska Zbrojovka, a. s. Brno.	J. Koucky	Safety catch for firearms	17
340,524	6/14/40	Constantin Papastathis	C. Papastathis	Aeroplane bomb-fuze	30

[F. R. Doc. 43–11981; Filed, July 26, 1943; 1:38 p. m.]

[Vesting Order 1587]

BUSS AKTIENGESELLSCHAFT

Re: Patent and patent application of Buss Aktiengesellschaft

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the Buss Aktiengesellschaft is a corporation organized under the laws of and having its principal place of business in Switzerland, and is therefore a national of a foreign country (Switzerland);

2. Finding that the patent application and the United States Letters Patent and rights related thereto identified in subparagraph 4 hereof are propery of Buss Aktiengesellschaft;

3. Finding that the Buss Aktiengesellschaft appears on The Proclaimed List of Certain Blocked Nationals;

4. Finding, therefore, that the propert; described as follows:

a. The patent application identified as follows:

Serial number	Date	Inventor	Title
483,828	4–20–43	Ernst Gfeller	Methods for reducing the temperature in the drum of an apparatus for the classification of calcium carbide.

b. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent No.	Date	Inventor	Title
1,524,424	9–22–31	Walter Buss	Extractor.
1,859,497	5–24–32	Walter Buss	Extractors.

is property of a national of a foreign country (Switzerland);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11982; Filed, July 26, 1943; 1:28 p. m.]

[Vesting Order 1588]

SOCIETE INTERNATIONALE DE CAROTTAGE ELECTRIQUE PROCEDES SCHLUMBERGER

Re: Interests of Societe Internationale De Carottage Electrique Procedes Schlumberger in an agreement relating to Patent No. 2,165,013.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Societe Internationale De Carottage Electrique Procedes Schlumberger is a corporation organized under the laws of Luxembourg and is therefore a national of a foreign country (Luxembourg);

2. Finding that the property identified in subparagraph 3 hereof is property of Societe Internationale De Carottage Electrique Procedes Schlumberger;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Internationale De Carottage Electrique Procedes Schlumberger by virtue of an agreement dated December 27, 1934 (including all modifications thereof and supplements thereto, if any) by and between Societe Internationale De Carottage Electrique Procedes Schlumberger and Schlumberger Well Surveying Corporation, which agreement relates, among other things, to Patent No. 2,165,018,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Luxembourg);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11983; Filed, July 26, 1943; 1:28 p. m.]

[Vesting Order 1589]

RAOUL R. R. SARAZIN

Re: Patents of Raoul R. R. Sarazin and contractual interests of Societe Francaise Hispano-Suiza in an agreement relating thereto

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Societe Francaise Hispano-Suiza is a corporation organized under the laws of France and is therefore a national of a foreign country (France);

2. Finding that Raoul R. R. Sarazin is a citizen and resident of France and is therefore a national of a foreign country (France);

3. Finding that the patents identified in subparagraph 5-a hereof are property of Raoul R. R. Sarazin;

4. Finding that the interests and rights in the contracts identified in subparagraph 5-b hereof are property of Societe Francaise Hispano-Suiza;

5. Finding, therefore, that the property described as follows:

a. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent number	Date	Inventor	Title
Re. 20,773	6–28–38	Raoul R. R. Sarazin	Means adapted to reduce torsional oscillations of crankshafts.
2,079,227	5–4–37	Raoul R. R. Sarazin	Means adapted to reduce torsional oscillations of crankshafts.
2,202,967	6–4–40	Raoul R. R. Sarazin	Vibration damping devices.

b. All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described together with the right to sue therefor) created in Societe Francaise Hispano-Suiza by virtue of an agreement dated March 11, 1940 (including all modifications thereof and supplements thereto, if any) by and between Societe Francaise Hispano-Suiza and Fairchild Engine and Airplane Corporation, a corporation of Maryland, having a place of business at Farmingdale, Long Island, New York, relating among other things, to patent No. 2,079,227, dated May 4, 1937, inventor Raoul R. R. Sarazin, for Means adapted to reduce Torsional oscillations of crankshafts,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (France);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property

Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11984; Filed, July 26, 1943; 1:28 p. m.]

[Vesting Order 1635]

OSCAR R. WIKANDER

Re: Interests of "Ringfeder" G. m. b. H. in an agreement with Oscar R. Wikander relating to Patent Number 1,816,325.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that "Ringfeder" G. m. b. H. is a corporation organized under the laws of and having its principal place of business in Germay and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of "Ringfeder" G. m. b. H.;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to aue therefor) created in "Ringfeder" G. m. b. H. by virtue of an agreement dated January 26, 1925 (including all amendments thereof and supplements thereto, including, but without limitation, amendments dated April 6, 1925; May 27, 1927; and November 28, 1941) by and between "Ringfeder" G. m. b. H. and Oscar R. Wikander, which agreement relates, among other things, to patent application serial number 429,976 which has matured into patent number 1,816,325, issued July 28, 1931, inventor T. Held,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations, and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest:

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11986; Filed, July 26, 1943; 1:38 p. m.]

[Vesting Order 1634]

WINDMOLLER & HOLSCHER

Re: Interest of Windmoller & Holscher, G. m. b. H. in agreements with Modern Valve Bag Company and Bates International Bag Company relating to United States Letters Patent No. 1,745,358.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Windmoller & Holscher, G. m. b. H. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of Windmoller & Holscher, G. m. b. H.;

3. Finding that the property described as follows:

a. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Windmoller & Holscher, G. m. b. H. by virtue of an agreement dated February 2, 1937 (including all modifications thereof and supplements thereto, if any) by and between Windmoller & Holscher, G. m. b. H. and Modern Valve Bag Company, which agreement relates, among other things, to United States Letters Patent No. 1,745,358, and

b. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Windmoller & Holscher, G. m. b. H. by virtue of an agreement dated October 24, 1938 (including all modifications thereof and supplements thereto, if any) by and between Windmoller & Holscher, G. m. b. H. and Bates International Bag Company, which agreement relates, among other things, to United States Letters Patent No. 1,745,358.

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11985; Filed, July 26, 1943; 1:38 p. m.]

[Vesting Order 1636]

PATENT AND PATENT APPLICATIONS OF AKOMFINA A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Akomfina A. G. is a corporation organized under the laws of and having its principal place of business in Switzerland and is therefore a national of a foreign country (Switzerland);

2. Finding that Akomfina A. G. is included in The Proclaimed List of Certain Blocked Nationals;

3. Finding that the property described in subparagraph 4 hereof is property of Akomfina A. G.;

4. Finding, therefore, that the property described as follows:

a. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date	Inventor	Title
2,229,178	1–21–41	L. Kleuger	Chromium tungsten molybdenum cobalt alloy steel.

b Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
223,231	8–5–38	L. Kleuger	Annealing boxes.
265,505	7–21–39	L. Kleuger	Alloy steel.

together with all right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the inventions shown or described in such applications,

is property of a national of a foreign country (Switzerland);

5. Having made all determinations and taken all action, after appropriate consultation and certificatLion, required by said Executive Order or Act, or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11987; Filed, July 26, 1943; 1:39 p. m.]

[Vesting Order 1637]

CARL ZEISS

Re: Interests of the firm of Carl Zeiss, of Jena, Germany, in an agreement relating to Patent No. 1,862,031.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the Firm of Carl Zeiss, of Jena, Germany, is a business organization organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of the Firm of Carl Zeiss, of Jena, Germany;

3. Finding, therefore, that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the Firm of Carl Zeiss, of Jena, Germany, by virtue of an agreement dated July 2, 1940 (including all modifications thereof and supplements thereto, if any) by and between the said Firm of Carl Zeiss and Bausch and Lomb Optical Company, which agreement relates, among other things, to United States Letters Patent No. 1,862,031,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11988; Filed, July 26, 1943; 1:39 p. m.]

[Vesting Order 1638]

CARL ZEISS

Re: Interests of the firm of Carl Zeiss, of Jena, Germany, in an agreement relating to Patent No. 1,786,916.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the Firm of Carl Zeiss, of Jena, Germany, is a business organization organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of the Firm of Carl Zeiss, of Jena, Germany;

3. Finding, therefore, that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the Firm of Carl Zeiss, of Jena, Germany, by virtue of an agreement dated April 13, 1934 (including all modifications thereof and supplements thereto, if any) by and between the said Firm of Carl Zeiss and Bausch and Lomb Optical Company, which agreement relates, among other things, to United States Patent No. 1,786,916,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custo-

dian a notice of his claim, together with a request for a hearing thereon; on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11989; Filed, July 26, 1943; 1:39 p. m.]

[Vesting Order 1643]

RUTGERSWERKE A. G. AND SILESIA

Re: Interests of Rutgerswerke A. G. and Silesia, Verein Chemische Fabriken in certain contracts relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Rutgerswerke Aktiengesellschaft and Silesia, Verein Chemischer Fabriken are corporations organized under the laws of and having their principal places of business in Germany and are therefore nationals of a foreign country (Germany);

2. Finding that the property identified in subparagraph 4–a and 4–b hereof is property of Rutgerswerke Aktiengesellschaft;

3. Finding that the property identified in subparagraphs 4–c and 4–d hereof is property of Silesia, Verein Chemischer Fabriken;

4. Finding that the property described as follows:

a. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the contract hereinafter described, together with the right to sue therefor) created in Rutgerswerke Aktiengesellschaft by virtue of an agreement dated October 30, 1936 (including all modifications thereof and supplements thereto, if any) by and between the said Rutgerswerke Aktiengesellschaft and Thiokol Ltd.,

b. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Rutgerswerke Aktiengesellschaft by virtue of an agreement dated August 2, 1940 (including all modifications thereof and supplements thereto, if any) by and between the said Rutgerswerke Aktiengesellschaft and Thiokol Ltd., which agreement relates, among other things, to United States Letters Patent No. 2,282,948,

c. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Silesia, Verein Chemischer Fabriken by virtue of an agreement dated August 2, 1940 (including all modifications thereof and supplements thereto, if any) by and between the said Silesia, Verein Chemischer Fabriken and Thiokol Ltd., which agreement relates, among other things, to United States Letters Patent No. 2,278,368.

d. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Silesia, Verein Chemischer Fabriken by virtue of an agreement dated September 12, 1940 (including all modifications thereof and supplements thereto, if any) by and between the said Silesia Verein Chemischer Fabriken and Thiokol Ltd., which agreement relates, among other things to United States Letters Patent No. 2,252,366,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11990; Filed, July 26, 1943; 1:39 p. m.]

[Vesting Order 1644]

FRIEDRICH WILHELM HOLLAND-LETZ

Re: Patent Number 2,022,775, and interest of Friedrich Wilhelm Holland-Letz in a contract relating thereto.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Friedrich Wilhelm Holland-Letz is a resident of Germany, and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of Friedrich Wilhelm Holland-Letz;

3. Finding that the property described as follows:

a. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date	Inventor	Title
2,022,775	12–3–35	Friedrich Wilhelm Holland-Letz.	Multiple pocket tool.

b. All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Friedrich Wilhelm Holland-Letz by virtue of an agreement dated August 12, 1939 (including all modifications thereof and supplements thereto, if any) by and between Friedrich Wilhelm Holland-Letz and Ritter & Carlton Company, Inc., relating to the patent identified in subparagraph 3–a hereof, such agreement having been recorded in the assignment records of the United States Patent Office on October 11, 1939, at Liber B 181, page 419,

is property of, or is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11991; Filed, July 26, 1943; 1:40 p. m.]

[Vesting Order 1645]

CHINOIN CHEMICAL AND PHARMACEUTICAL WORKS CO., LTD.

Re: Interest of Chinoin Chemical and Pharmaceutical Works Co., Ltd. in an agreement with Campbell Products, Inc. relating to a trademark.

Under the authority of the Trading with Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Chinoin Chemical and Pharmaceutical Works Co., Ltd. (hereinafter called Chinoin) is a corporation organized under the laws of and having its principal place of business in Hungary and is therefore a national of a foreign country (Hungary);

2. Finding that the property identified in subparagraph 3 hereof is property of Chinoin;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Chinoin by virtue of an agreement dated April 26, 1940 (including all modifications thereof and supplements thereto, if any) by and between Chinoin and Campbell Products, Inc., relating to the trademark Novatropin and patent number 2,116,872,

is property payable or held with respect to a patent and a trademark or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Hungary);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11992; Filed, July 26, 1943; 1:40 p. m.]

[Vesting Order 1646]

I. G. FARBENINDUSTRIE A. G.

Re: Interest of I. G. Farbenindustrie A. G. in a contract relating to Patent Number 2,187,817.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement between I. G. Farbenindustrie Aktiengesellschaft and Rohm & Haas Company, executed on behalf of I. G. Farbenindustrie Atkiengesellschaft on May 16, 1940 and on behalf of Rohm & Haas Company on June 14, 1940 (including all modifications thereof and supplements thereto, if any) which agreement relates, among other things, to United States Letters Patent No. 2,187,817,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11993; Filed, July 26, 1943; 1:40 p. m.]

[Vesting Order 1647]

PATENT APPLICATION OF DEUTSCHE CELLULOIDFABRIK AKTIENGESELLSCHAFT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the Deutsche Celluloidfabrik Aktiengesellschaft is a corporation organized under the laws of Germany and having its principal place of business at Eilenburg, Germany, and is therefore a national of a foreign country (Germany);

2. Finding that the patent application identified in subparagraph 3 hereof is property of Deutsche Celluloidfabrik Aktiengesellschaft;

3. Finding, therefore, that the patent application identified as follows:

Serial No.	Date	Inventor	Title
473,049	1–21–43	Otto Hauffe..	Coating of surfaces with polymers.

is property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to

indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11994; Filed, July 26, 1943; 1:40 p. m.]

[Vesting Order 1648]

AUGUST KOPPERS

Re: Interest of August Koppers in an agreement relating to Patent No. 1,888,205.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the last known address of August Koppers was Bochum, Germany, and he was therefore a national of a foreign country (Germany);

2. Finding that all of the executors, administrators, heirs, successors and assigns, if any, of August Koppers, if individuals are residents of or, if business organizations, are organized under the laws of the same foreign country as August Koppers and are therefore nationals of such foreign country (Germany); or, if they are not residents of or organized under the laws of such foreign country, they are acting, with respect to the property described in subparagraph 4 hereof, for the benefit of or on behalf of a resident of or a business organization organized under the laws of such foreign country and are therefore to that extent nationals of such foreign country;

3. Finding that the property identified in subparagraph 4 hereof is property of the executors, administrators, heirs, successors or assigns of August Koppers;

4. Finding that the property described as follows;

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in August Koppers by virtue of an agreement dated September 26, 1930 (including all modifications thereof and supplements thereto, if any) by and between August Koppers and The Koppers Company, which agreement relates, among other things, to United States Letters Patent No. 1,888,205,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11995; Filed, July 26, 1943; 1:15 p. m.]

[Vesting Order 1670]

CARL ZEISS

Re: Interests of the Firm of Carl Zeiss, of Jena, Germany, in an agreement with Bausch and Lomb Optical Company relating to U. S. Patent No. 2,174,330.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the Firm of Carl Zeiss, of Jena, Germany, is a business organization organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of the Firm of Carl Zeiss;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the Firm of Carl Zeiss, of Jena, Germany, by virtue of an agreement executed on behalf of Bausch and Lomb Optical Company on November 26, 1926 and on behalf of the Firm of Carl Zeiss on December 24, 1926 (including all modifications of and supplements to such agreement, including, but not by way of limitation, a letter from Bausch and Lomb Optical Company to the Firm of Carl Zeiss dated January 17, 1936 and a letter from the Firm of Carl Zeiss to Bausch and Lomb Optical Company dated April 29, 1936) by and between said Firm of Carl Zeiss of Jena, Germany, and Bausch and Lomb Optical Company, relating, among other things, to United States Letters Patent No. 2,174,330,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11996; Filed, July 26, 1943; 1:15 p. m.]

[Vesting Order 1671]

KALLE & CO., A. G.

Re: Interests of Kalle & Co. A. G. in an agreement with Charles Bruning Company, Inc., relating to Patent No. 1,628,279.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Kalle & Co. A. G. is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Kalle & Co. A. G.;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the contract hereinafter described, together with the right to sue therefor) created in Kalle & Co. A. G. by virtue of the contract dated December 15, 1930 (including all modifications thereof and supplements thereto, if any) by and between the said Kalle & Co. A. G. and Charles Bruning Company, Inc. a New York corporation, which contract relates, among other things, to Patent No. 1,628,279.

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11997; Filed, July 26, 1943; 1:15 p. m.]

[Vesting Order 1674]

FOREIGN NATIONALS

Re: Interests of foreign nationals in contracts relating to a formula and process of manufacture and trade-mark used in connection therewith

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Bisleri Company, Inc., a New York corporation, New York, N. Y., is a business enterprise within the United States;

2. Finding that S. A. Felice Bisleri & Cia is a corporation organized under the laws of Italy, having a principal place of business in Milan, Italy, and, therefore, is a national of a foreign country (Italy);

3. Finding that Michele Bonelli was general manager of S. A. Felice Bisleri & Cia and was also President and general manager of Bisleri Company, Inc. at the time the agreement referred to in subparagraph 9–D was entered into;

4. Finding that the last known address of Michele Bonelli is Milan, Italy, and he is, therefore, a national of a foreign country (Italy);

5. Finding that Bisleri Company, Inc. is licensed and authorized by S. A. Felice Bisleri & Cia to carry on the business, among other things, of manufacturing, distributing and marketing throughout the United States medicinal bitters prepared according to a formula and process of S. A. Felice Bisleri & Cia, and to use in connection with such business the trade-mark registered in the name of S. A. Felice Bisleri & Cia in the United States Patent Office under No. 177,130;

6. Finding that 697 shares of the outstanding capital stock of Bisleri Company, Inc. and all right, title and interest of S. A. Felice Bisleri & Cia in and to "That certain trade-mark (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) owned by S. A. Felice Bisleri & Cia, Milan, Italy, and registered in the United States Patent Office under No. 177,130" were vested by the Alien Property Custodian pursuant to Vesting Order No. 37 executed June 30, 1942;

7. Finding that the property described in subparagraphs 9-A, 9-B, and 9-C hereof is property of S. A. Felice Bisleri & Cia;

8. Finding that the property described in subparagraph 9-D hereof is the property of Michele Bonelli;

9. Finding that the property described as follows:

A. The trade-mark registered in the United States Patent Office under the number 177,130 on December 11, 1923, and the registration thereof, together with

(a) the good-will of the business in the United States and all its possessions to which said trade-mark is appurtenant;

(b) any and all indicia of such good-will (including but not limited to formulae whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment); and without limiting the generality of the foregoing,

(c) the formula and process contained in the following letter and radiograms: (1) letter dated Milan, Italy, July 17, 1941 addressed to Bisleri Company, Inc., New York, N. Y., and signed Bisleri Company, Inc. (signature illegible) President; (2) radiogram stamped August 23, 1941 directed to Bisleri Company, Inc., New York, N. Y., signed Bonelli; and (3) radiogram stamped October 3, 1941 directed to Bisleri Company, Inc., New York, N. Y., signed Bonelli; and any and all modifications thereof and supplements thereto;

(d) any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good-will and trade-mark and the registration thereof; and

(e) all accrued royalties payable or held with respect to such trade-mark and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof.

B. All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in S. A. Felice Bisleri & Cia by virtue of a certain agreement, express or implied, entered into in or about November, 1936 (including all modifications thereof and supplements thereto, if any) by and between S. A. Felice Bisleri & Cia and Bisleri Company, Inc., which agreement relates, among other things, to the manufacturing, distributing, and marketing throughout the United States of medicinal bitters and to the use in connection with such business of the trade-mark registered in the United States Patent Office December 11, 1923, Registration No. 177,130;

C. All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in S. A. Felice Bisleri & Cia by virtue of a certain agreement express or implied, entered into in or about July, 1941 (including all modifications thereof and supplements thereto) by and between S. A. Felice Bisleri & Cia and Bisleri Company, Inc., Michele Bonelli, Joseph Amoruso, John Paletta, Carmelo Amoruso and Fiore (first name unknown) or any of them, which agreement relates, among other things, to the formula and process of S. A. Felice Bisleri & Cia for the manufacture of medicinal bitters;

D. All interests and rights, if any (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Michele Bonelli by virtue of the agreement (including all modifications thereof and supplements thereto) referred to in subparagraph 9–C. hereof,

is property of, or is property payable or held with respect to trade-marks or rights related thereto in which interests are held by and such property itself constitutes interests held therein by a national of a foreign country (Italy);

10. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

11. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian, without prejudice to any right, title or interest in or to any property acquired by Vesting Order Number 37, the property described in subparagraph 9 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in

the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–11998; Filed, July 26, 1943; 1:16 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 6 Under Rev. MPR 97]

SALES OF SOUTHERN HARDWOOD LUMBER

AUTHORIZATION OF MAXIMUM PRICES

Order No. 6 under § 1382.105 (f) of Revised Maximum Price Regulation No. 97—Southern Hardwood Lumber.

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1382.105 (f) of Revised Maximum Price Regulation No. 97, *It is ordered:*

(a) *Maximum prices for sales of Southern hardwood lumber for direct mill shipment.* The maximum prices for sales of Southern hardwood lumber for direct mill shipment shall be the seller's present maximum prices as established under Revised Maximum Price Regulation No. 97—Southern Hardwood Lumber: *Provided,* That the seller may deliver, or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order becomes effective July 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12151; Filed, July 27, 1943; 4:50 p. m.]

[Order 40 Under Rev. MPR 125]

ALLIS FOUNDRY PRODUCTS, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 40 under Revised Maximum Price Regulation No. 125—Nonferrous Castings; Docket No. 3125–62.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1395.12 of Revised Maximum Price Regulation No. 125, *It is hereby ordered:*

(a) Allis Foundry Products, Inc., a corporation doing business at Milwaukee, Wisconsin, herein referred to as the "applicant", may sell and deliver to Dings Magnetic Separator Company, of Milwaukee, Wisconsin, and Dings Magnetic Separator Company may buy and receive from the applicant, castings produced by applicant from 85–5–5–5 alloy at prices not higher than 22¾¢ per pound.

(b) The terms used in this order shall have the meaning given them by Revised Maximum Price Regulation No. 125.

(c) All prayers in the applicant's application for adjustment under Revised Maximum Price Regulation No. 125, Docket No. 3125–62, not granted herein are hereby denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective as of May 29, 1943, in accordance with the purposes of § 1395.12 (a) (5) of Revised Maximum Price Regulation No. 125; however, for sales or deliveries prior to the date of issuance of this Order, the adjusted maximum prices may only be charged if the sale, contract to sell or offer to sell at prices above the maximum prices prior to adjustment included the statements specified in § 1395.12 (a) (5) (i) to (iii), inclusive.

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12143; Filed, July 27, 1943; 4:47 p. m.]

[Order 15 Under MPR 244, Amdt. 1]

SAN FRANCISCO IRON FOUNDRY

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 15 under § 1421.157 (a) of MPR 244—Gray Iron Castings; Docket No. 1244–2–P.

For the reasons set forth in the opinion issued simultaneously herewith, *It is hereby ordered,* That Order No. 15 under § 1421.157 (a) of Maximum Price Regulation 244 be amended in the following respects:

1. Paragraph (a) is amended to read as follows:

Adjustment of maximum prices for gray iron castings sold by San Francisco Iron Foundry. (a) On and after May 21, 1943, San Francisco Iron Foundry, 260 Townsend Street, San Francisco, California, is hereby authorized to sell, offer to sell and deliver, and any person is authorized to buy, offer to buy, and receive from said Company, gray iron castings at prices not in excess of San Francisco Iron Foundry's applicable maximum prices under Maximum Price Regulation 244, plus 9% of said maximum prices before the addition of charges, if any, for transportation.

2. Paragraph (b) is amended to read as follows:

(b) San Francisco Iron Foundry is hereby ordered to refund to its purchasers any payments made on gray iron castings delivered on and between December 21, 1942 and May 20, 1943, inclusive, which are in excess of its applicable maximum prices under Order No. 15 as originally issued prior to this Amendment. If such refunds have not already been made, San Francisco Iron Foundry shall make such refunds within 15 days from the effective date of this Amendment and said Company shall file a statement with the Iron and Steel Branch of the Office of Price Administration within 20 days after the effective date of this Amendment to the effect that such refunds have been made. The permission granted in paragraph (a) of this amendment is subject to the condition that the requirements of this paragraph (b) be fulfilled.

3. Paragraph (e) is amended to read as follows:

(e) Nothing in Order No. 15 or this Amendment No. 1 to said Order No. 15 shall be taken as a waiver or condonation of any violation of Maximum Price Regulation 244 by San Francisco Iron Foundry.

This Amendment No. 1 to Order No. 15 shall become effective July 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12142; Filed, July 27, 1943; 4:45 p. m.]

[Order 1 Under MPR 262]

PRODUCERS OF MARASCHINO CHERRIES

AUTHORIZATION OF MAXIMUM PRICE

Order No. 1 under Maximum Price Regulation 262—Seasonal and Miscellaneous Food Commodities.

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1351.956a, *It is ordered:*

(a) Producers of Maraschino cherries may sell and deliver the same in containers of twenty-eight fluid ounces or over to any packer of mixed fruits under an agreement with the buyer in each case that delivery may be made at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12150; Filed, July 27, 1943; 4:50 p. m.]

[Order 34 Under Rev. MPR 148, Amdt. 1]

SAN DIEGO AND IMPERIAL COUNTIES, CALIF.

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 1 to Order No. 34 under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

Order No. 34 under Revised Maximum Price Regulation No. 148 is amended in the following respects:

1. The first paragraph of Order No. 34 is amended by striking therefrom the words "County of San Diego" wherever these words appear, and substituting therefor, the words "Counties of San Diego and Imperial".

2. The second paragraph is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of July 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12148; Filed, July 27, 1943; 4:46 p. m.]

[Order 35 Under Rev. MPR 148, Amdt. 1]

STATE OF NEVADA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 1 to Order No. 35 under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

Order No. 35 under Revised Maximum Price Regulation No. 148 is amended in the following respects:

1. The first paragraph is amended by striking therefrom the words "Clark County in the State of Nevada", wherever these words appear, and substituting therefor the words "the State of Nevada."

2. The second paragraph is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of July 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12149; Filed, July 27, 1943; 4:46 p. m.]

[Order 30 Under Rev. MPR 169, Amdt. 1]

SAN DIEGO AND IMPERIAL COUNTIES, CALIF.

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 1 to Order No. 30 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

Order No. 30 under Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The first paragraph of Order No. 30 is amended by striking therefrom the words "County of San Diego" wherever these words appear, and substituting therefor, the words "Counties of San Diego and Imperial.

2. The second paragraph is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of July 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12146; Filed, July 27, 1943; 4:46 p. m.]

[Order 32 Under Rev. MPR 169, Amdt. 1]

STATE OF NEVADA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 1 to Order No. 32 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

Order No. 32 under Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The first paragraph is amended by striking therefrom the words "Clark County in the State of Nevada," wherever these words appear, and substituting therefor the words "the State of Nevada."

2. The second paragraph is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of July 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12147; Filed, July 27, 1943; 4:46 p. m.]

[Order 2 Under Rev. MPR 239, Amdt. 1]

SAN DIEGO AND IMPERIAL COUNTIES, CALIF.

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 1 to Order No. 2 under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail. Order No. 2 under Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. The first paragraph of Order No. 2 is amended by striking therefrom the words "County of San Diego" wherever these words appear, and substituting therefor the words "Counties of San Diego and Imperial".

2. The second paragraph is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of July 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12144; Filed, July 27, 1943; 4:46 p. m.]

[Order 4 Under Rev. MPR 239, Amdt. 1]

STATE OF NEVADA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 1 to Order No. 4 under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

Order No. 4 under Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. The first paragraph is amended by striking therefrom the words "Clark County in the State of Nevada", wherever these words appear, and substituting therefor the words "State of Nevada."

2. The second paragraph is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of July 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12145; Filed, July 27, 1943; 4:46 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 26, 1943.

Order No.:	*Name*
MPR 136, Order 77	Stewart-Warner Corp.
MPR 169, Order 35	Edward L. Heuck Co.
MPR 188, Order 8 under A-2.	Shenandoah Valley Lime & Stone Corp.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12217; Filed, July 28, 1943; 11:30 a. m.]

[Order 9 Under MPR 118, Correction]

EDWARDS MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

Correction to Order No. 9 authorizing maximum prices for certain cotton products under § 1400.101 (b) (1) (iii) of Maximum Price Regulation No. 118—Cotton Products.

The maximum price of "19.54" cents per linear yard established for insulation foundation, Style No. 869, manufactured by Edwards Manufacturing Co., Augusta, Maine, in paragraph (a) of Order No. 9 is hereby corrected to "20.14" cents per yard.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12216; Filed, July 28, 1943; 11:41 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-417]

CONSOLIDATED GAS AND ELECTRIC CO.

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 26th day of July, A. D. 1943.

The Commission having heretofore on February 2, 1939, after notice and opportunity for hearing, ordered that the Islands Gas and Electric Company, Compagnie d'Eclairage Electrique des Villes de Port-au-Prince et du Cap Haitien, Compania Electrica de Santo Domingo, C. por A., Union Electrica de Canarias, S. A., Manila Gas Corporation, Gas y Electricidad, S. A., and Porto Rico Gas & Coke Company be exempted, to the extent specified, from certain provisions of the Public Utility Holding Company Act of 1935 applicable to them as subsidiary companies of Consolidated Electric and Gas Company, a registered holding company; and

The Commission, upon subsequent applications of Consolidated Electric and Gas Company, having in its order dated July 31, 1941, extended the time during which the above-named subsidiary companies were exempt, to the extent specified, to August 1, 1943; and

Consolidated Electric and Gas Company, having on May 14, 1943, filed an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 seeking an extension of the time during which such previous order, dated July 31, 1941, should be effective; and

The Commission having considered such application and it appearing that the circumstances upon which such original order of exemption was issued still exist with the exception of pending proceedings involving Consolidated Electric and Gas Company, et al. under section 11 of the Act, and that a further extension of the time during which such order of exemption shall be effective will not be detrimental to the public interest or the interest of investors or consumers;

It is therefore ordered, That the time during which such order of exemption shall be effective be, and hereby is, extended to the extent and subject to the conditions heretofore designated in our order of July 31, 1941, until August 1, 1944, except, however, that such exemption shall not apply to section 11 of the Act, without prejudice to the right of Consolidated Electric and Gas Company to apply for a further extension of the time during which such order shall be effective and to apply at any time for such enlargement of any provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12161; Filed, July 28, 1943; 9:37 a. m.]

[File No. 1-2177]

SHAWMUT ASSOCIATION

ORDER POSTPONING HEARING AND CHANGING TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of July, A. D. 1943.

In the matter of Shawmut Association, common stock, no par value.

The Shawmut Association, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its common stock, no par value, from listing and registration on the Boston Stock Exchange;

The Commission having ordered that a hearing be held in this matter on July 29, 1943 in Boston, Massachusetts;

The Commission having designated Frank Kopelman as the officer of the Commission to preside at said hearing; and

It being found necessary to postpone said hearing;

It is ordered, That said hearing be held at 10:00 a. m. on Wednesday, September 8, 1943 at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer conducting such hearing may determine; and

It is further ordered, That Richard Townsend be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the matters in issue at such hearing, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12159; Filed, July 28, 1943; 9:38 a. m.]

[File No. 70-749]

SOUTH CAROLINA ELECTRIC AND GAS CO. AND GENERAL GAS AND ELECTRIC CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of July 1943.

South Carolina Electric & Gas Company, a subsidiary of General Gas & Electric Corporation, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof of the issue and sale, in accordance with Rule U-50 promulgated under the Act of $20,000,000 principal amount of First Mortgage Bonds dated July 1, 1943, and maturing July 1, 1973; and

The Commission having by order dated July 15, 1943, granted such application as amended pursuant to section 6 (b) of the Act, subject to the provision that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental orders as the Commission might enter in view of the facts disclosed thereby; and

South Carolina Electric & Gas Company having made such report to the Commission in the form of a further amendment to the application herein, setting forth the action taken to comply with Rule U-50 and specifying the proposals which have been received for the purchase of said bonds pursuant to the invitation for competitive bids, and stating that South Carolina Electric & Gas Company has accepted a bid for said bonds from a group of underwriters headed jointly by The First Boston Corporation and Lehman Bros. of 103.0879, plus accrued interest from July 1, 1943, to the date of delivery, such bonds to bear interest at the rate of 3⅜%, and that said bonds are to be resold to the public at 104.21, and accrued interest, representing a spread to the underwriters of 1.1221; and

The Commission having examined the record and finding no basis for imposing terms and conditions with respect to the price, spread and distribution thereof, at which such bonds are to be issued and sold;

It is ordered, That said application, as amended, be and hereby is granted forthwith, subject to the terms and conditions contained in the said order of the Commission in this matter dated July 15, 1943.

By the Commisison.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12157; Filed, July 28, 1943; 9:39 a. m.]

[File No. 70-751]

NORTHERN INDIANA PUBLIC SERVICE CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of July 1943.

Northern Indiana Public Service Company, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of Midland Utilities Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of the Act of the issue and sale, in accordance with Rule U-50 promulgated under the Act, of $45,000,000 principal amount of First Mortgage Bonds, Series C, dated August 1, 1943, and maturing August 1, 1973; and

A public hearing having been held after appropriate notice; the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That, subject to Commission approval by further order, after the terms of the bond financing have been determined by competitive bidding, said application be and hereby is granted forthwith, subject to the terms and conditions contained in Rule U-24 and to the following additional condition:

That, subject to further order of this Commission either upon application of Northern Indiana Public Service Company or upon the Commission's own motion, Northern Indiana Public Service Company (and any successor or successors thereto) shall charge against income, for each calendar year beginning with the year 1943 and continuing so long as any of the First Mortgage Bonds, Series C, due August 1, 1973, are outstanding, as a provision for depreciation at least $1,936,000 per annum and, for each calendar year after the calendar year 1943 an additional two and one-half percent (2½%) of the book value of net additions to depreciable property made after January 1 1943, and up to the close of the preceding calendar year.

It is further ordered, That jurisdiction be and hereby is reserved over the fee of Chapman and Cutler in connection with the present application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12158; Filed, July 28, 1943; 9:39 a. m.]

[File No. 70-719]

CONSOLIDATED ELECTRIC AND GAS CO. AND THE ISLANDS GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 15th day of July, A. D. 1943.

Consolidated Electric and Gas Company, a registered holding company, and The Islands Gas and Electric Company, a subsidiary of said Consolidated Electric and Gas Company, having filed joint applications and declarations, pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 7, 10, and 12 thereof, regarding (1) the proposed donation to The Islands Gas and Electric Company by Consolidated Electric and Gas Company of certain indebtedness of said subsidiary to its said parent, amounting as of December 31, 1942, to approximately $1,372,310, and of approximately $1,417,000 in cash (such cash donations aggregating substantially the estimated amount of a tax saving to the parent's holding company system resulting from a war loss taken in respect of the Phillppine investments of the applicant subsidiary), (2) the acquisition and retirement by the applicant subsidiary of bonds heretofore issued by it and presently held by its said parent company, in the total principal amount of $2,143,500, through the issuance and delivery by said subsidiary to said parent company of new bonds of like aggregate amount, to be known as Ten-Year 4% Secured Bonds, Series B, due March 1, 1953, (3) the pledge by said parent company of said new bonds of said subsidiary as security for certain bonded indebtedness of said parent in substitution for securities of said subsidiary presently so pledged but to be released and returned to said subsidiary as above set forth, and (4) the application by said subsidiary of $800,000 of the cash so to be donated to it, together with approximately $3,000 of moneys presently in the treasury of said subsidiary, to the redemption and retirement of the publicly held bonds of said subsidiary;

A public hearing having been held upon said applications and declarations, after appropriate notice, and the Commission having examined the record and made and entered its findings herein;

It is ordered, That said applications and declarations, as amended, of Consolidated Electric and Gas Company and The Islands Gas and Electric Company be, and the same are hereby, respectively, granted and permitted to become effective forthwith;

Provided, That the authorizations and approvals hereinabove granted are so granted subject to the terms and conditions set forth in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12160; Filed, July 28, 1943; 9:38 a. m.]

[File No. 812-326]

ALLIANCE INVESTMENT CORP.

NOTICE OF ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of July, A. D. 1943.

An application having been filed by Alliance Investment Corporation pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting the applicant from the provisions of section 30 (b) (1) of said Act and Rule N-30B-1 promulgated by the Commission thereunder and from section 30 (d) of said Act and Rule N-30D-1 promulgated by the Commission thereunder;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on August 9, 1943, at ten o'clock, a. m., Eastern War Time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12163; Filed, July 28, 1943; 9:37 a. m.]

[File No. 70-757]

INTERSTATE POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pennsylvania on the 26th day of July, A. D. 1943.

Interstate Power Company (Del.), a registered holding company and a subsidiary of Ogden Corporation, also a registered holding company, having filed a declaration and an amendment thereto pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder relating to the proposal of Interstate Power Company (Del.) to settle and adjust the intercompany open account indebtedness of $252,567.59 stated to be owed to it by its wholly owned subsidiary, Interstate Power Company of Wisconsin; such settlement and adjustment to be effected by a cash payment by said subsidiary, of $52,567.59, in consideration of the forgiveness of the balance of said account, amounting to $200,000, which amount was expressly ordered by the Public Service Commission of Wisconsin to be credited to the capital surplus of the said subsidiary and used by it for no other purpose than to absorb adjustments to be made on its books when the original cost of its utility plant is finally determined and approved by that Commission; and

Said declaration having been filed on the 30th day of June, 1943 and amended on the 14th day of July 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 12 (b) and Rule U-45 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the said declaration be and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12162; Filed, July 28, 1943; 9:37 a. m.]

Reference

AUG 2 '43

FEDERAL REGISTER

VOLUME 8 NUMBER 150

Washington, Friday, July 30, 1943

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS

INSURANCE REQUIREMENTS FOR BANK AND COMMISSIONER LOANS

Sections 10.190 and 10.195 of Title 6, Code of Federal Regulations are hereby amended to read as follows:

§ 10.190 *Mortgagor's option to use loss proceeds for reconstruction.* At the option of the mortgagor and subject to the provisions of these regulations any sum received in settlement of a loss covered by insurance required by these regulations may be used to pay for the reconstruction of the buildings involved.

(Sec. 12 "Ninth", 39 Stat. 370; 12 U.S.C. 771 "Ninth")

§ 10.195 *Application of loss proceeds to mortgage debt.* If the mortgagor fails or refuses to exercise his option in accordance with these regulations, or to comply with all of the conditions of these regulations with respect thereto, or if the mortgage be in process of foreclosure, or if the mortgagor be in default in such manner that the mortgage is subject to foreclosure, the sum received may be retained for application upon the indebtedness secured by such mortgage or as collateral security therefor. Any portion of the sum received which is not used for reconstruction may also be retained for application upon the indebtedness or as collateral security therefor.

(Sec. 12 "Ninth", 39 Stat. 370; 12 U.S.C. 771 "Ninth")

These regulations shall become effective August 2, 1943.

[SEAL] W. E. RHEA, *Land Bank Commissioner.*

[F. R. Doc. 43-12269; Filed, July 29, 1943; 9:41 a. m.]

PART 19—FEES AND CHARGES ON BANK AND COMMISSIONER LOANS

REVISION OF REGULATIONS

Sections 19.320, 19.322, 19.326, 19.330, 19.331, 19.332, 19.333 and 19.335 of Title 6, Code of Federal Regulations are hereby amended and §§ 19.328, 19.334, 19.339 and 19.340 are hereby added as follows:

Sec.
19.320 Association application fees.
19.322 Bank application fees.
19.326 Bank closed loan fees.
19.328 Association fees on Commissioner loans; "New Money" defined.
19.330 Additional loans; bank fees.
19.331 Divisions of loans; bank fees.
19.332 Loans on specialized farms; bank fees.
19.333 Nonresident investigations; bank fees.
19.334 Applicability of bank fees.
19.335 Appraisal fees.
19.339 Partial releases; bank fees.
19.340 Release of personal liability; bank fees.

§ 19.320 *Association application fees.* Associations may collect an association application fee of not more than $5.00 in connection with each application for $5,000.00 or less, and an association application fee of not more than $10.00 in connection with each application for over $5,000.00; *Provided, however,* That the amount of any such fee shall not exceed 1 percent of the amount of the loan applied for. This fee may be collected at the time the application is filed. It may be retained by the association regardless of whether the loan is rejected or closed as a bank loan, a Commissioner loan, or a joint bank and Commissioner loan; *Provided, however,* That if no association appraisal is made after a fee provided for in this paragraph has been collected, the amount of such fee shall be refunded.

(Secs. 11 "Third", 17 (d), 39 Stat. 369, 375, as amended; 12 U.S.C. 761 "Third", 831 (d))

§ 19.322 *Bank application fees.* The banks may collect an application fee of not to exceed $10.00 on each application.

(Secs. 12 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C., 781 "Ninth", 831 (d), 723 (e), 1016 (e))

Sections 19.323 and 19.325 are revoked.

§ 19.326 *Bank closed loan fees.* When a loan is closed, the bank may deduct from the proceeds an amount not exceed-

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
AGRICULTURE DEPARTMENT (*see also* component agencies):	
Farm Security Administration; authorization to make flood relief loans	10599
ALIEN PROPERTY CUSTODIAN:	
Vesting orders:	
Abe, Kentaro	10633
Anaka, Peter	10633
Anker-Werke A G	10629
Bausch and Lomb Optical Co. and Ernst Leitz Firm	10625
Berdele, Emilie	10634
Bischof, Fred	10634
Blanc, Gian Alberto, and Felix Jourdan	10631
Breburda, Alex	10634
Centrale des Matieres Colorantes, et al	10632
Colussi, Pacifico	10636
Daly, Margaret P., and Corn Exchange Bank Trust Co. (4 documents)	10635, 10637, 10641
DiGiovanni, Enrico	10636
Eicher, Philip	10636
Hirsch, Isaac E	10637
Horter, Charles	10637
Horwitz, Orville	10638
Humpfner, Adolph	10638
I. G. Farbenindustrie A. G. (2 documents)	10625, 10628
Integrity Trust Co	10638
Jager, Harry C	10639
Jahre, Richard	10630
Keller, Wm	10639
Keppler, Frederick L	10640
Krebs, Edouard	10632
Kunze, Alfred	10640
Kupka, Emma Louise	10640
Lorenz, C., A. G	10630
Luhn, Oskar, and Bruno Lange	10627
Lurgi Gesellschaft	10627
N. V. Internationale Alfol Maatschappij, et al	10628
Nationals of enemy countries, abandoned patent applications	10631
Seailles, Jean Charles, et al	10630
Siemens-Schuckert Werke A. G	10626
Strack, Otto, and Pfaelzischen Chamotte und Thonwerke	10626

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

ALIEN PROPERTY CUSTODIAN—Con. Page
Vesting orders—Continued.
Thoma, Hans ... 10625
Van der Grinten, Frans, et al. ... 10629
Wacker, Dr. Alexander, Gesellschaft ... 10626
BITUMINOUS COAL DIVISION:
Dismissal of certain applications filed ... 10621
FARM CREDIT ADMINISTRATION:
Federal Land Banks, insurance requirements for bank and commissioner loans ... 10595
Fees and charges on bank and commissioner loans; miscellaneous amendments ... 10595
FARM SECURITY ADMINISTRATION:
Flood restoration loans ... 10597
FEDERAL TRADE COMMISSION:
Hearings, etc.:
Book Give-Away Plan ... 10624
Helena Volay Cosmetics and Chicago Union Advertising Agency, Inc ... 10624
Ruberoid Co ... 10623
Zo-Ak Co., Inc., et al ... 10624
FISH AND WILDLIFE SERVICE:
Hart Mountain National Antelope Refuge, Ore., hunting regulations ... 10620
INDIAN AFFAIRS:
Law and order on Indian reservations; establishment of provisional courts ... 10606
MINES BUREAU:
Suckow Borax Mines Consolidated, Inc., suspension of explosives license ... 10621
NATIONAL WAR LABOR BOARD:
Pay rate adjustments for employees:
Federal Reserve System ... 10606
U. S. Employment Service ... 10607
OFFICE OF DEFENSE TRANSPORTATION: Page
Milk distributors, Watertown, N. Y., recommendation of joint action plan ... 10641
OFFICE OF PRICE ADMINISTRATION:
Containers, glass, wide-mouth (MPR 382, Am. 2) ... 10618
Regional, state and district office orders:
Fruits and vegetables; Indiana (except Lake County), Kentucky, Michigan, etc. (5 documents) ... 10641, 10643, 10646
Vegetables; Illinois, Wisconsin, South Dakota, etc. (4 documents) ... 10644–10646
Rent regulations, defense rental areas; renting to family in landlord's residence:
(Hotel and Rooming House Reg., Am. 2) ... 10618
(Housing Reg., Am. 3) ... 10618
RECLAMATION BUREAU:
Columbia River storage project, correction to first form withdrawal ... 10623
Wage rate recommendations:
Colorado River project, Tex. ... 10622
Yakima project, Wash. ... 10621
Yuma project, Ariz.-Calif. ... 10622
SECURITIES AND EXCHANGE COMMISSION:
Consolidated Electric and Gas Co., et al., hearing ... 10646
WAR FOOD ADMINISTRATION:
Bartlett and Beurre hardy pears; California, Oregon and Washington (FDO 65–1) ... 10604
Beef (FDO 28–2, Am. 2) ... 10605
Farrington, Carl C., delegation of authority ... 10647
Louisville, Ky., marketing area; handling of milk ... 10599
Sugar, raw (FDO 7, Am. 1) ... 10606
Allotments (FDO 7–1, Am. 1) ... 10605
WAR PRODUCTION BOARD:
Abrasive and abrasive grain (M–319) ... 10612
Chlorinated hydrocarbon refrigerants (M–28, Int. 1) ... 10607
Controlled materials plan (CMP Reg. 5, Int. 9) ... 10612
Cooking appliances, domestic (L–23) ... 10607
Cooking appliances and heating stoves, domestic (L–23–c) ... 10614
Cooperative action plan between and among certain oil companies (Certificate 103) ... 10647
Cross license agreement, Buna rubber (Certificate 104) ... 10647
Dyestuffs and organic pigments (M–103) ... 10616
Elevators (L–89, Int. 1) ... 10607
Milk distributors, Watertown, N. Y. (Certificate 102) ... 10647
Oklahoma state highway bridges, stop construction order amended ... 10649
Pyridine (M–185) ... 10608
Silver (M–199) ... 10609
X-ray equipment (L–206, Int. 1) ... 10612
WAR SHIPPING ADMINISTRATION: Page
Labor on American, Panamanian and Honduran flag vessels; employment of training organization school graduates ... 10620

CONTENTS—Continued

ALIEN PROPERTY CUSTODIAN—Con. Page
Vesting orders—Continued.
Thoma, Hans ... 10625
Van der Grinten, Frans, et al. ... 10629
Wacker, Dr. Alexander, Gesellschaft ... 10626
BITUMINOUS COAL DIVISION:
Dismissal of certain applications filed ... 10621
FARM CREDIT ADMINISTRATION:
Federal Land Banks, insurance requirements for bank and commissioner loans ... 10595
Fees and charges on bank and commissioner loans; miscellaneous amendments ... 10595
FARM SECURITY ADMINISTRATION:
Flood restoration loans ... 10597
FEDERAL TRADE COMMISSION:
Hearings, etc.:
Book Give-Away Plan ... 10624
Helena Volay Cosmetics and Chicago Union Advertising Agency, Inc ... 10624
Ruberoid Co ... 10623
Zo-Ak Co., Inc., et al ... 10624
FISH AND WILDLIFE SERVICE:
Hart Mountain National Antelope Refuge, Ore., hunting regulations ... 10620
INDIAN AFFAIRS:
Law and order on Indian reservations; establishment of provisional courts ... 10606
MINES BUREAU:
Suckow Borax Mines Consolidated, Inc., suspension of explosives license ... 10621
NATIONAL WAR LABOR BOARD:
Pay rate adjustments for employees:
Federal Reserve System ... 10606
U. S. Employment Service ... 10607
OFFICE OF DEFENSE TRANSPORTATION: Page
Milk distributors, Watertown, N. Y., recommendation of joint action plan ... 10641
OFFICE OF PRICE ADMINISTRATION:
Containers, glass, wide-mouth (MPR 382, Am. 2) ... 10618
Regional, state and district office orders:
Fruits and vegetables; Indiana (except Lake County), Kentucky, Michigan, etc. (5 documents) ... 10641, 10643, 10646
Vegetables; Illinois, Wisconsin, South Dakota, etc. (4 documents) ... 10644–10646
Rent regulations, defense rental areas; renting to family in landlord's residence:
(Hotel and Rooming House Reg., Am. 2) ... 10618
(Housing Reg., Am. 3) ... 10618
RECLAMATION BUREAU:
Columbia River storage project, correction to first form withdrawal ... 10623
Wage rate recommendations:
Colorado River project, Tex. ... 10622
Yakima project, Wash. ... 10621
Yuma project, Ariz.-Calif. ... 10622
SECURITIES AND EXCHANGE COMMISSION:
Consolidated Electric and Gas Co., et al., hearing ... 10646
WAR FOOD ADMINISTRATION:
Bartlett and Beurre hardy pears; California, Oregon and Washington (FDO 65–1) ... 10604
Beef (FDO 28–2, Am. 2) ... 10605
Farrington, Carl C., delegation of authority ... 10647
Louisville, Ky., marketing area; handling of milk ... 10599
Sugar, raw (FDO 7, Am. 1) ... 10606
Allotments (FDO 7–1, Am. 1) ... 10605
WAR PRODUCTION BOARD:
Abrasive and abrasive grain (M–319) ... 10612
Chlorinated hydrocarbon refrigerants (M–28, Int. 1) ... 10607
Controlled materials plan (CMP Reg. 5, Int. 9) ... 10612
Cooking appliances, domestic (L–23) ... 10607
Cooking appliances and heating stoves, domestic (L–23–c) ... 10614
Cooperative action plan between and among certain oil companies (Certificate 103) ... 10647
Cross license agreement, Buna rubber (Certificate 104) ... 10647
Dyestuffs and organic pigments (M–103) ... 10616
Elevators (L–89, Int. 1) ... 10607
Milk distributors, Watertown, N. Y. (Certificate 102) ... 10647
Oklahoma state highway bridges, stop construction order amended ... 10649
Pyridine (M–185) ... 10608
Silver (M–199) ... 10609
X-ray equipment (L–206, Int. 1) ... 10612
WAR SHIPPING ADMINISTRATION: Page
Labor on American, Panamanian and Honduran flag vessels; employment of training organization school graduates ... 10620

ing $1.00 for each $1,000.00, or fraction thereof, by which the amount loaned exceeds $5,000.00.

(Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e))

§ 19.328 *Association fees on Commissioner loans; "New money" defined.* Where an association is not operating under a plan which compensates it, or is intended to compensate it, for its total operating expenses, the association may be allowed a commission of one-half of 1 percent of the full amount of new Commissioner loans closed. On Commissioner loans made to refinance outstanding Commissioner loans, bank loans, or both, this loan closing commission may be allowed only on the new money loaned. Loan closing commissions allowed associations for closing Commissioner loans shall not be collected from the borrowers but shall be paid by the Corporation. "New money", as used in these regulations, is defined as the amount of the new note or notes which represents other than principal of the outstanding loan held by the bank or the Corporation, or both, unmatured as of the date of the application.

(Secs. 33, 34, 48 Stat. 49, as amended; 12 U.S.C. 1017, 1018)

AUTHORITY: §§ 19.330 to 19.335, inclusive, issued under secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e).

§ 19.330 *Additional loans; bank fees.* In connection with applications for loans in increased amounts, whether or not additional security is offered, a fee of $10.00 should accompany the application, and if the loan is closed, the bank may deduct from the proceeds an additional fee amounting to $1.00 for each $1,000.00, or fraction thereof, by which the amount of new money loaned exceeds $5,000.00.

§ 19.331 *Division of loans; bank fees.* Each application for the division of an existing loan should be accompanied by a fee of $5.00. If the application results in an increased loan, the bank may deduct from the proceeds an additional fee of $1.00 for each $1,000.00, or fraction thereof, by which the amount of new money loaned exceeds $5,000.00.

§ 19.332 *Loans on specialized farms; bank fees.* In the case of applications for loans (or increased loans or divisions of loans) on specialized farms of certain types, such as turpentine farms, ranches, and orchards, where appraisal costs are unusually high, the banks may establish, subject to the approval of the Land Bank Commissioner, special additional fees in recognition of the higher cost of appraisal of such property.

§ 19.333 *Nonresident investigations; bank fees.* Where, in connection with an application for a new loan, an increased loan, or the division of an existing loan, it appears necessary for the bank to make a non-resident personal investigation, the applicant may be required to pay a fee of $7.50, such fee to be refunded in its entirety to the applicant if the investigation is not made.

§ 19.334 *Applicability of bank fees.* The fee schedule described in §§ 19.322, 19.326, 19.330, 19.331 and 19.332 is applicable to single Federal land bank or Land Bank Commissioner first mortgage loans; in the event the application results in a joint land bank and Land Bank Commissioner loan, the fee shall be computed upon the basis of the aggregate amount loaned.

§ 19.335 *Appraisal fees.* The fee deposits authorized by §§ 19.322, 19.330, 19.331, and 19.332 of these regulations should be retained by the bank if an appraisal is made of the property but in any such case where an appraisal is not made, the fee should be refunded in its entirety to the applicant. Where a reappraisal is required because of delay of the applicant or is made at his request, the applicant may be required to pay a second fee computed on the basis set forth in §§ 19.322, 19.330, 19.331, and 19.332.

§ 19.339 *Partial releases; bank fees.* Each application for a partial release of the mortgaged security should be accompanied by a fee of $10.00, which should be retained by the bank if an appraisal is made, but returned to the applicant in its entirety if an appraisal is not made. Provision may be made, subject to the approval of the Land Bank Commissioner, for additional fees in the case of applications for releases in connection with specialized farms.

(Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 33, 34, 48 Stat. 44, 48, 49, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e), 1017, 1018)

§ 19.340 *Release of personal liability; bank fees.* Where, upon transfer of title to the mortgaged property, an application is made for release from personal liability, the bank may require a fee of $10.00 in connection with each application, such fee to be refunded in its entirety to the applicant in the event an appraisal of the property is not made.

(Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 33, 34, 48 Stat. 44, 48, 49, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e), 1017, 1018).

These regulations shall become effective August 2, 1943.

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-12270; Filed, July 29, 1943; 9:41 a. m.]

Chapter III—Farm Security Administration

Subchapter J—Miscellaneous Farm Assistance

PART 390—FLOOD RESTORATION LOANS

Sec.
390.1 General.
390.2 Eligibility.
390.3 Loan policies and purposes.
390.4 Making of loans.
390.5 Supervision and loan servicing.
390.6 Reports.

AUTHORITY: §§ 390.1 to 390.6 inclusive issued under Pub. Law 140, 78th Cong.

§ 390.1 *General.* Congress has made available to the Secretary of Agriculture a fund of $15,000,000 for assistance to farmers whose property was destroyed or damaged by floods in 1943. The Secretary of Agriculture has designated the Farm Security Administration as the agency to administer a program of Flood Restoration (FR) loans.

(a) *Purpose of program.* The Flood Restoration Loan Program will provide assistance to farmers, in designated areas, who because of damage or destruction of property by such floods will not be in a position to continue agricultural production needed in the war unless credit is made available from this source. The general test for determining the amount of each loan is whether such amount is necessary to correct a situation which appears reasonably to have resulted from such floods and is required either (1) to enable the applicant to resume or continue agricultural production this year, or (2) to make arrangements for such production next year.

(b) *Scope of program.* The Flood Restoration Loan Program will be restricted to counties designated by the Secretary of Agriculture. No activity under this program will be initiated in any county until the regional director has been officially notified of designation by the Secretary.

(c) *Local assistance from other agencies.* Although the actual making and servicing of loans will be the responsibility of the Farm Security Administration, there will be a need, particularly at the county level, for the full cooperation and assistance of other agricultural agencies and representives. War Boards, representatives of other agricultural credit sources (federal, state and local), and other community leaders can furnish valuable advisory assistance, publicity and other services.

§ 390.2 *Eligibility.* Any farm owner or any farm operator (including tenants and sharecroppers) whose farm lies in a designated county and whose property was destroyed in whole or in part by floods in 1943, will be eligible to apply for an appropriate type of FR loan under this program: *Provided,* Such applicant is unable to obtain credit elsewhere at comparable or reasonable terms: *And provided, further,* That a loan is necessary to resume or continue agricultural production either in 1943 or 1944. Final determinations of eligibility will be made by county FSA committees.

§ 390.3 *Loan policies and purposes.* Two types of loans (see paragraphs (e) and (f) hereof) will be available to applicants under this program. These loans will be distinguished from other loans made by the Farm Security Administration. Recipients of loans under this program will be identified as Flood Restoration borrowers (FR borrowers). FSA borrowers who have suffered flood damage are eligible for FR loans within the limitations set forth in this Instruction. (Such borrowers will retain their present classification as FSA borrowers.)

(a) *Refinancing.* No indebtedness secured by a mortgage upon real estate will be refinanced under this program. Indebtedness other than real estate debt may be refinanced with FR loans in exceptional cases upon the approval of the Secretary of Agriculture, if such refinancing becomes necessary by reason of flood damage and is essential to the resumption or continuance of production and then, only after such debts have been properly adjusted.

(b) *Debt adjustment.* There will be many situations under this program where the damage or loss resulting from floods will have created circumstances that prohibit the orderly liquidation of existing debts and, therefore, necessitate a careful and thorough adjustment of debts.

(1) *Real estate debts.* In those situations where the existing indebtedness on real estate merits adjustment to justify the additional credit necessary to restore the land to production, efforts should be made to induce creditors to (i) reduce the amount of such indebtedness, (ii) extend the terms thereof, or (iii) otherwise, satisfactorily adjust the indebtedness to the debt-paying ability of the applicant by any combination of these or other methods.

(2) *Other debts.* In those situations where the adjustment of debts other than real estate debts is essential to the resumption or continuance of production, efforts should be made to induce creditors to adjust debts through reduction, extension or other appropriate methods, to within the probable debt-paying ability of the applicant. If it appears necessary to refinance such debts, the amount recommended for refinancing must not exceed the sum of a conservative estimate of the borrower's ability to repay annually, multiplied by the number of years over which repayment should be extended, (this may not, in any case, exceed 10 years), or in the case of secured debts a conservative estimate of the value of the security, whichever is the lesser.

(c) *Alternative protective actions.* In those situations where adjustment of debts appears desirable but may not be vitally essential to the resumption or continuance of production, alternative measures may be followed for the pro-

tection of the Government's and the applicant's interests:

(1) Subordination agreements may be obtained from secured creditors, either real estate or non-real estate, in lieu of debt reductions where it appears that ultimate repayment of the total debt could be made without serious financial injury to the applicant.

(2) Non-disturbance agreements may be obtained from either secured or unsecured creditors (real estate or non-real estate debts) in lieu of an extension of time in those instances where it appears that the applicant will be able to either repay or place himself in a safe financial position provided he is not disturbed during an ample period of time.

(d) *Protective tenure improvements.* There may be some situations where contract purchasers of land and mortgagors with small equities will desire to make so-called permanent improvements to real estate which are necessitated by flood damage and which appear essential to bringing about partial production of essential agricultural commodities in 1943 or full production in 1944. In passing upon these loan applications, due consideration must be given to the approximate cost of such improvements in relation to the borrower's equity in the land. If it appears that the borrower may, through foreclosure, cancelation of contract, or otherwise, fail to realize the reasonable value of the expenditure, the loan should not be made, unless the mortgagee or title owner of the real estate (1) assumes liability for the amount loaned for such improvements, or (2) agrees that the improvements may be removed in the event of foreclosure or sale of the farm to other than the contract purchaser or mortgagor, or (3) agrees to compensate the borrower for the residual value of the improvements in the event of such termination. If the applicant is a tenant the same tests must be followed, and the loan for such improvements must not be made unless the mortgagee or title owner of the real property will agree (1) to become liable for the amount loaned to make the improvements, or (2) to permit the removal of the improvements at the termination of the lease, or (3) to pay for the residual value of such improvements at the termination of the lease, or (4) to extend the period of the tenure sufficient to enable the applicant to obtain full utilization of the cost of the improvement.

(e) *Production restoration loans.* Loans may be made to eligible applicants, for a period of not to exceed 10 years or a shorter period consistent with the borrower's anticipated ability to repay, or the useful life of the security, at an interest rate of 5 per cent per annum for production needs including repairs or replacement of equipment, livestock, minor repairs and replacements on real estate, and other needs essential to the resumption or continuance of production. In those states in which the chattel mortgage will not be capable of extension over the entire repayment period of the loan, the installment due under the note for the year when the lien, created by a chattel mortgage, is to be terminated must be the aggregate of the normal installment for that year and the normal installments for all subsequent years. The borrower should be advised that the note will be extended to provide for payments over the desired period of the loan if the extension is justified and if a new chattel mortgage is given by the borrower immediately preceding the end of the statute period covering security adequate to justify the extension. In all cases in which the property to be purchased consists of movable property which can be made the subject of a chattel mortgage, the chattel mortgage should be obtained. The Regional Attorney should be requested to prepare instructions concerning the taking of mortgages on chattels to be affixed to the real estate. Production Restoration loans may include funds for the following purposes:

1. Purchase of feed, seed and fertilizer.
2. The repair or replacement of machinery and equipment.
3. Purchase of livestock.
4. Minor real estate repairs or replacement of buildings, fences and other farm improvements and facilities.
5. Refinancing of adjusted debts other than real estate debts.
6. Other general farm operating expenses.
7. Home operating expenses.

(f) *Real estate restoration loans.* Loans may be made to eligible farmers, for a period of not to exceed 20 years or a shorter period consistent with the borrower's anticipated ability to repay, or the useful life of the security, whichever is the lesser, at an interest rate of 3½ per cent per annum for major repairs or replacements to real property destroyed or damaged in whole or in part by floods. Such loans may include funds for the following purposes:

1. Leveling land or clearing of debris.
2. Major repairs or replacements of drainage, irrigation or flood control systems.
3. Major repairs or replacements of farm buildings.
4. Major repairs or replacements of fencing, orchards, windbreaks or other farm improvements and facilities.
5. Expenses incidental to the making of the loan.

§ 390.4 *Making of loans.* FR loans will be made under existing FSA procedures except as otherwise provided in this Instruction.

(a) *Applications.* (1) Applications for either type of Flood Restoration loan will be made on Form FSA 663, "Flood Restoration Loan Application." No other form of application will be required under this program.

(2) Applications will be referred by the FSA supervisor to the county FSA committee for its consideration and determination of the applicant's eligibility and for recommendations on the loan requested. In determining eligibility, the committee will be guided by FSA policies and instructions governing the Flood Restoration Loan Program.

(3) Certain applications, particularly among applications for Real Estate Restoration loans, will contemplate repairs or replacements requiring engineering services. In any such case, a request for the services of the district engineer's staff should be made through the proper channels. The office of the district engineer will provide required surveys, plans, specifications, contract documents and supervision, at appropriate times where such engineering services are determined to be necessary.

(b) *Preparation and processing of loan dockets.* Dockets for either type of Flood Restoration loan will be prepared on the same forms and in the same number of copies and will be processed and case numbers assigned in the same manner as standard RR loans except as follows:

(1) All forms will be prominently marked "Flood Restoration Loan."

(2) Loan Agreement, Form FSA 664, will be required for both types of Flood Restoration loans and prepared and distributed in the same manner as the loan agreement for standard RR loans.

(3) The Flood Restoration Loan Application, Form FSA 663, will be prepared in an original and three copies; the original will be included in the loan docket, and forwarded to the regional director from the finance area office upon certification of the loan voucher; one copy will be given to the applicant, one copy forwarded to the district FSA supervisor and one copy retained in the county FSA office.

(c) *Loan approval.* (1) Applications for loans under this program exceeding $25,000 to a borrower and applications involving refinancing will be referred to the Secretary of Agriculture with the recommendation of the Administrator. In all such cases the complete docket will be forwarded to the Administrator by the official otherwise authorized to approve the loan, with his analysis and recommendation.

(2) Loan applications under this program exceeding $10,000 to a borrower but not exceeding $25,000 will be referred to the Administrator with the recommendation of the regional director.

(3) Regional directors are hereby authorized to approve FR loans in amounts not to exceed an aggregate of $10,000 to a borrower under the FR Loan Program. This authority may be redelegated to an appropriate member of the regional director's staff.

(4) Individual district FSA supervisors and associate district FSA supervisors may be delegated authority by the regional director to approve FR loans in amounts not in excess of $5,000. The amount of authority delegated to district and associate district FSA supervisors will constitute a limitation on the aggregate amount of FR loans to a borrower that may be approved by such employees under the FR loan program.

(5) Individual FSA supervisors may be delegated authority by district FSA supervisors to approve FR loans in amounts not in excess of $2,500. The amount of delegated loan approval authority will represent the aggregate amount of FR loans for any borrower which may be approved by an FSA supervisor under the FR Loan Program.

(d) *Security.* Loans made under the FR Loan Program will be secured to a degree of reasonable adequacy, usually by liens on the property purchased or produced with loan funds.

(1) *Real estate restoration loans.* Real estate restoration loans will be secured by liens on the real estate unless other collateral security is offered which is determined to be reasonably adequate. Liens on real estate may be junior liens, provided that the outstanding indebtedness against the real estate, plus the amount of the FR loan, will not exceed the value of the realty and the total indebtedness appears to be within the debt-paying ability of the applicant and arrangements are made so that the tenure of the applicant will be reasonably secure. In all cases of loans of $1,000 or more, the title shall be approved by the Regional Attorney or a mortgage title insurance policy issued by a company approved by the Solicitor's Office shall be furnished. In cases of loans under $1,000, there shall be included in the docket an owner's affidavit, Form FSA–665, a third party affidavit, Form FSA–LE–238, or Form FSA–RP–70, "Tract date obtained from public record," completed and signed by the FSA supervisor, county recorder, county treasurer and abstractor or other appropriate person or official. The applicant must pay all costs in connection with the title insurance policy or the preparation and continuance of the abstract or other expense necessary in the furnishing of proper title evidence and the costs of recording, but the Government may advance money necessary for this purpose by including sufficient funds in the loan. It will be the responsibility of the Regional Attorney to prepare appropriate instructions for the obtaining of title evidence, the closing of loans and the obtaining of a mortgagee title insurance policy if required.

(2) *Production restoration loans.* Production Restoration loans will be secured by a first lien on all property purchased and the best lien obtainable on property repaired (except real estate) or crops produced with loan funds. It is anticipated that such liens will ordinarily represent reasonably adequate security, however, in those cases in which the major portion of the loan funds are advanced for items that cannot be made subject to a lien, additional security may be required by the approving official in order to establish a situation of reasonable adequacy. In cases where liens are taken on property being repaired or on property representing additional security, junior liens will be acceptable provided the borrower owns a mortgageable equity in such property.

(3) *Other security.* Other security, such as assignments of farm income, may be required by the approving official where it appears necessary for the protection of the Government's interests in the orderly retirement of the FR loan.

§ 390.5 *Supervision and loan servicing*—(a) *Supervision.* It is not contemplated that FR borrowers will be given the type of detailed supervision of farm and home practices and operations characteristic of the FR program. However, there may be situations where loans cannot safely be made except in anticipation of some supervision of farm and home operations. The FSA Committee, in passing upon the eligibility of each applicant, will determine whether such supervision is necessary. When any FR borrower requests supervisory assistance of the type ordinarily given under the RR program, provisions will be made for the extension of supervisory services within the limits of available personnel.

(b) *Loan servicing.* FR loans will be serviced under the procedures and with forms applicable to standard RR loans except as provided herein. FSA officials who are delegated similar authority with respect to RR loans are hereby authorized to do all acts necessary and incidental to the making, servicing, renewing and collecting of all FR loans, subject to monetary restrictions and other restrictions applicable to similar acts under the RR program. FSA officials who are similarly authorized to act under the RR program are likewise authorized to accept, record, release and satisfy instruments of security for all FR loans subject to monetary restrictions and other restrictions imposed under the FR-RR program (8 F.R. 7413, June 4, 1943). Specific exceptions to these general authorizations are as follows:

(1) Partial release of security may be granted only for the following purposes:

(i) Repayments on FR loans.

(ii) Exchange (including sale and repurchase) of security better suited to the future needs of the borrower.

(iii) For the protection and maintenance of remaining security.

(2) The renewal of FR loans will be accomplished on the same forms and handled under the same general procedures applicable to standard RR loans except that Real Estate Restoration loans or Production Restoration loans will not be combined with any other type of loan. Separate renewal notes will be required for each of these loan types, although such a renewal may include several loan advances of the same type.

§ 390.6 *Reports.* No special reports on the FR Loan Program will be required of county FSA offices. Finance area offices will prepare for the Secretary as of August 31, 1943, and monthly thereafter, reports by states of the number and amount (by loan types) of loan advances, the total amount advanced such borrowers, the amount of principal and interest repaid, and balances of principal unpaid. In addition, regional directors will prepare for the Secretary on the 10th of each month a report by states based on applications processed through the Finance area office during the preceding month, showing the number of FR loans involving advances for each of the purposes indicated in § 390.3 (e) and (f) and the total amount of advances made for each of the purposes indicated in these paragraphs.

Dated: July 24, 1943.

[SEAL] GEORGE S. MITCHELL,
Acting Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-12198; Filed, July 27, 1943; 4:52 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

ORDER AUTHORIZING FARM SECURITY ADMINISTRATION TO MAKE LOANS FOR FLOOD RELIEF

Pursuant to the authority vested in me under Title I of the "Second Deficiency Appropriation Act 1943" (Pub. Law No. 140, 78th Congress), I hereby authorize and direct the Farm Security Administration to make loans in such areas as I may designate to provide assistance to farmers whose property was destroyed or damaged, in whole or in part, by floods in 1943 where necessary to enable such farmers to resume or continue agricultural production in 1943, or to make arrangements for such production in 1944 in order to produce for the war effort.

1. Such loans may be made for the purpose of aiding any farmer, who is unable to obtain credit elsewhere at comparable or reasonable terms, to replace or repair any property so destroyed or damaged, and to finance the purchase of feed, seed, livestock, equipment and other farming supplies, materials, and operating costs and expenses necessary to carry on such farming operations.

2. No loan shall be made for a longer period than 20 years. Interest shall be charged at a rate of not greater than 5 percent nor less than 3½ percent. Different interest rates may be fixed for different classes of loans.

3. The Farm Security Administration shall have authority to do all acts necessary and incidental to the making, servicing, renewing, and collecting of such loans, except that all loans of $25,000 or more or which include funds for refinancing indebtedness shall be approved by me. Reasonably adequate security shall be taken for all loans made pursuant to this delegation of authority and for this purpose authority is hereby granted to accept, record, release and satisfy instruments of security of all kinds.

4. The Administrator of the Farm Security Administration or, in his absence, the Acting Administrator, shall exercise the authority contained herein, shall issue detailed instructions which shall be approved by me, and may delegate and authorize redelegation of this authority to subordinate officers and employees of the Farm Security Administration. (Public Law No. 140, 78th Congress)

Done at Washington, D. C., this 24th day of July, 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-12197; Filed, July 27, 1943; 4:52 p. m.]

Chapter IX—War Food Administration

PART 946—MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

HANDLING OF MILK

Sec.
946.0 Findings and determinations.
946.1 Definitions.

Sec.
946.2 Market administrator.
946.3 Classification of milk.
946.4 Minimum prices.
946.5 Reports of handlers.
946.6 Handlers who are also producers.
946.7 Determination of uniform prices to producers.
946.8 Payment for milk.
946.9 Marketing services.
946.10 Expense of administration.
946.11 Effective time, suspension, and termination.
946.12 Emergency price provision.
946.13 Agents.

AUTHORITY: §§ 946.0 to 946.13, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 1940 ed. 601 et seq; E.O. 9334, 8 F.R. 5423.

§ 946.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "Act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, 1941 Supp., 900.1–900.17 7 F.R. 3350, 8 F.R. 2815), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held; and

(4) The handling of all milk sold or disposed of in the marketing area, as defined herein, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

(b) *Additional finding.* It is hereby found and proclaimed that the purchasing power of milk in the said marketing area for the pre-war period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture but that the purchasing power of such milk for the post-war period August 1919–July 1929 can be satisfactorily determined from available statistics in the Department of Agriculture; and the post-war period August 1919–July 1929 is the base period to be used in determining the purchasing power of such milk.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of at least 50 percent of the volume of milk covered by this order which is marketed within the said marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means pursuant to the declared policy of the act to advance the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order and who, during the month of May 1943 (which month is hereby determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling

It is hereby ordered that such handling of milk in the Louisville, Kentucky, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in compliance with the terms and conditions of this order, as amended.

§ 946.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator of the United States.

(c) "Louisville, Kentucky, marketing area" hereinafter called the "marketing area" means the territory within the city of Louisville, Fort Knox Military Reservation, and Jefferson County, in the State of Kentucky; and all municipal corporations and unincorporated territory within Clark and Floyd Counties, in the State of Indiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether any such person is also a handler, who produces, under a dairy farm inspection permit issued by the proper health authorities, milk which is received at a plant from which milk is disposed of in the marketing area. This definition shall be deemed to include any person who produces, under a dairy farm inspection permit issued by the proper health authorities, milk caused to be delivered by a cooperative association which is a handler to a plant from which no milk is disposed of in the marketing area.

(f) "Handler" means any person who, on his own behalf or on behalf of others, receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in milk and its products. This definition shall be deemed to include any cooperative association with respect to the milk of any producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association: *Provided*, That such milk is handled on a basis which will permit the market administrator to verify the utilization of such milk in the plant at which such milk is received. This definition shall not be deemed to include any person from whom emergency milk is received.

(g) "Market administrator" means the person designated pursuant to § 946.2 as the agency for the administration hereof.

(h) "Delivery period" means any calendar month.

(i) "Emergency milk" means milk received by a handler from sources other than producers under a permit to receive such milk issued to him by the proper health authorities.

§ 946.2 *Market administrator* — (a) *Selection, removal, and salary.* The agency for the administration hereof shall be a market administrator who shall be a person selected, and subject to removal, by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Receive, investigate, and report to the War Food Administrator complaints of violation of the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the War Food Administrator may designate;

(2) Submit his books and records to examination and furnish such information and such verified reports as may be requested by the War Food Administrator;

(3) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 946.5 or (ii) made payments pursuant to § 946.8;

(5) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(6) Pay, out of the funds provided by § 946.10, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and in the performance of his duties, except those expenses incurred under § 946.9 hereof; and

(7) Promptly verify the information contained in the reports submitted by handlers.

§ 946.3 *Classification of milk*—(a) *Milk to be classified.* Milk of a producer caused to be delivered by a cooperative association which is a handler to a plant from which no milk is disposed of in the marketing area and all milk received by each handler, including milk produced by him, if any, at plants from which milk is disposed of in the marketing area, shall be classified by the market administrator in the classes set forth in (b) of this section, subject to the provisions of (c), (d), and (e) of this section. In the classification of milk as required in (b) of this section, the responsibility of each handler shall be as follows:

(1) In establishing the classification of any milk received by a handler, the burden rests upon the handler to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, or skimmed milk, disposed of to another handler, the burden rests upon the handler who first received the milk to account for the milk, or skimmed milk, and to prove to the market administrator that such milk, or skimmed milk should not be classified as Class I milk.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk and skimmed milk disposed of as milk, buttermilk, and milk drinks, whether plain or flavored, and all milk not specifically accounted for as Class II milk and Class III milk.

(2) Class II milk shall be all milk disposed of as cream (for consumption as cream), including any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream, and as creamed cottage cheese.

(3) Class III milk shall be all milk accounted for (i) as used to produce a milk product other than those specified in Class I milk and Class II milk, and (ii) as actual plant shrinkage, but not to exceed 2 percent of the total receipts of milk from producers, including the handler's own production.

(c) *Interhandler and nonhandler transfers of milk.* (1) Milk and skimmed milk disposed of by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products shall be Class I milk, and cream so disposed of shall be Class II milk: *Provided*, That if the selling handler and the purchaser, on or before the 5th day after the end of the delivery period, each furnish to the market administrator similar signed statements that such milk or cream was disposed of in another class, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

(2) Milk and skimmed milk disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of milk for both fluid and other uses shall be Class I milk.

(3) Cream disposed of from handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of cream for both fluid and other uses shall be Class II milk: *Provided*, That cream disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive cream other than of Grade A quality for nonfluid purposes shall be classified according to its ultimate use or disposition by such establishment, subject to verification by the market administrator.

(d) *Computation of milk in each class.* For each delivery period the market administrator shall compute for each handler the amount of milk in each class, as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk received from producers (including the handler's own production), received from other handlers, received as emergency milk, and received from other sources; add together the resulting amounts.

(2) Determine the total pounds of butterfat received by multiplying by its respective average butterfat test the weight of the milk received from producers (including the handler's own production), received from other handlers, received as emergency milk, and received from other sources; add together the resulting amounts.

(3) Determine the total pounds of Class I milk as follows: (i) convert to quarts the quantity of milk and skimmed milk disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 2.15; (ii) multiply the result by the average butterfat test thereof; and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk computed pursuant to (4) (ii) and (5) (ii) of this paragraph is less than the total pounds of butterfat received, computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 4 percent and added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of Class II milk as follows: (i) multiply the actual weight of each of the products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 4 percent.

(5) Determine the total pounds of Class III milk as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk and Class II milk computed pursuant to (3) (ii) and (4) (ii) of this paragraph and the total pounds of butterfat computed pursuant to (ii) of this subparagraph from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (ii) of this subparagraph; and (iv) divide the result obtained in (ii) of this subparagraph by 4 percent.

(6) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class.

(ii) Subtract from the total pounds of milk in each class the total pounds of milk, except emergency milk, which were received from sources other than producers and handlers and used in such class.

(iii) Subtract pro rata out of the remaining milk in each class the quantity of milk of the handler's own production.

(iv) Subtract from the total pounds of milk in each class an amount which shall be computed as follows: divide the total pounds of milk in each class by the total pounds of milk in all classes and multiply the percentage for each class by the total pounds of emergency milk received. Skimmed milk or (the milk equivalent of) cream received from sources other than producers under an emergency supply permit issued by the proper health authorities shall be treated as emergency milk for the purposes of this section, if such skimmed milk or (the milk equivalent of) cream is reported to the market administrator in the manner provided for emergency milk in (2) and (3) of § 946.5 (a).

(e) *Reconciliation of utilization of milk by classes with receipts of milk*

from producers. (1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

§ 946.4 *Minimum prices*—(a) *Class prices.* Subject to the provisions of (b), (c), and (d) of this section, each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to § 946.3 (d) and (e);

(1) Class I milk: The price for Class I milk shall be the price for Class III milk, plus the following amount:

Delivery period:	*Amount (dollars per cwt.)*
April through July	0.95
August through March	1.05

(2) Class II milk: The price for Class II milk shall be the price for Class III milk, plus the following amount:

Delivery period:	*Amount (dollars per cwt.)*
April through July	0.45
August through March	.50

(3) Class III milk: The price for Class III milk shall be the price resulting from the following computation by the market administrator: determine, on the basis of milk of 4 percent butterfat content, the arithmetic average of the basic, or field, prices per hundredweight reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed herein below, for ungraded milk received during the delivery period:

Concern and location
Ewing-Von Allmen Co., Louisville, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Cheese Co., Salem, Ind.
Ewing-Von Allmen Co., Corydon, Ind.
Ewing-Von Allmen Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

Provided, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be used: to the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which the milk was received, add 30 percent thereof, and multiply the resulting amount by 4.

(4) The prices used in determining the average manufacturing plant price pursuant to (3) of this paragraph shall be those quoted for milk received at the respective plants, without deductions for hauling or other charges to be paid by the farm shipper.

(b) *Price of Class I milk for relief distribution.* For Class I milk delivered by a handler to the residence of a relief client certified by a recognized relief agency, charged to such an agency, or disposed of by a handler under a program approved by the War Food Administrator for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class III milk, plus 12 cents.

(c) *Butterfat differential to handlers.* If any handler has received from producers milk containing more or less than 4 percent of butterfat, each handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4 percent, an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture, or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which the milk was received, add 20 percent, and divide the result by 10.

(d) *Class volume reconciliation adjustment.* For the amount of milk involved in any reconciliation of class volumes of milk, pursuant to § 946.3 (e), the handler shall be debited or credited, as the case may be, at the Class III price: *Provided*, That if such handler received from producers milk with an average test of butterfat of 4 percent or less and disposed of no milk as a Class III milk product, such debit or credit, as the case may be, shall be made at the Class II price.

§ 946.5 *Reports of handlers*—(a) *Periodic reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period, the receipts during the delivery period of milk from producers (including milk produced by him), from handlers, and from any other source; and the utilization of all receipts of milk and cream for the delivery period.

(2) On or before the day emergency milk is received, his intention to receive such milk.

(3) On or before the 5th day after the end of each delivery period, the receipts during the delivery period of emergency milk—the quantity of such milk, the date or dates upon which such milk was received, the plant from which such milk was shipped, the price per hundredweight paid, or to be paid, for such milk, the utilization of such milk, and such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received.

(c) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each delivery period his producer pay roll for such delivery period which shall show for each producer the net amount of such producer's payment with the prices, deductions, and charges involved, and the total delivery of milk with the average butterfat test thereof.

(d) *Verification of reports.* (1) Each handler shall permit the market administrator or his agent, during the usual hours of business, to verify the information contained in reports submitted in accordance with this section, to check-weigh milk received from each producer, and to sample and test milk for butterfat.

(2) If, in the verification of the reports of any handler made pursuant to (a) of this section, it is necessary for the market administrator to examine the records of milk and cream handled in a plant of the handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any milk received during such delivery period was used in a class other than that in which it was first disposed of, such milk shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk shall be made in the value of milk computed for such handler for the delivery period following such reclassification of milk.

§ 946.6 *Handlers who are also producers*—(a) *Application of provisions.* (1) No provision hereof shall apply to a handler who is also a producer and who purchases or receives no milk from producers or an association of producers other than that of his own production, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

(2) The market administrator, in computing the value of milk received by a handler operating a plant from which milk is disposed of in the marketing area, shall consider as Class III milk any milk or cream received in bulk from a handler who receives no milk from producers other than that of his own production. If such receiving handler disposes of such milk other than as Class III milk, the market administrator shall add to the total value of milk, computed pursuant to § 946.7 (a), the difference between the value of such milk at the Class III price and the value according to its actual usage.

§ 946.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 946.6, the value of milk of producers disposed of by each handler, by multiplying the quantity of such milk in each class by the price applicable to such class and by adding together the resulting class values: *Provided*, That if such handler has received milk (or cream), except emergency milk, from sources other than producers or handlers, as referred to in § 946.3 (d) (6) (ii), there shall be added to the value of milk determined for such handler pursuant to this paragraph an amount computed as follows: multiply the hundredweight of such milk (or milk equivalent of cream) by the difference between the Class III price and the price applicable to the class in which it was disposed.

(b) *Computation and announcement of uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of milk for each delivery period, as follows:

(1) Combine into one total the respective values of milk, computed pursuant to (a) of this section, for each handler who made the report prescribed by § 946.5 (a) for such delivery period and who has made the payments prescribed by § 946.8 (c);

(2) Subtract, if the average butterfat content of all milk received from producers is in excess of 4 percent, or add, if such average butterfat content is less than 4 percent, the total value of the butterfat differential applicable pursuant to § 946.8 (f);

(3) Subtract for each of the delivery periods of April, May, and June an amount representing 15 cents per hundredweight of milk received from producers by the handlers whose milk values are included under (1) of this paragraph;

(4) Add for each of the delivery periods of September, October, November, and December one-fourth of the aggregate amount subtracted under (3) of this paragraph for the preceding delivery periods of April, May, and June;

(5) Add an amount representing the cash balance in the producer-settlement fund, less the amount due handlers pursuant to § 946.8 (e) and less the aggregate of the amounts held pursuant to (3) of this paragraph for addition pursuant to (4) of this paragraph;

(6) Divide the amount computed pursuant to (5) of this paragraph by the total hundredweight of milk of producers;

(7) Subtract from the figure computed pursuant to (6) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for milk of producers containing 4 percent of butterfat; and

(8) On or before the 10th day after the end of each delivery period, notify each handler and publicity announce the uniform price per hundredweight computed pursuant to (7) of this paragraph, the Class III price, and the butterfat differentials provided by § 946.4 (c) and § 946.8 (f).

§ 946.8 *Payment for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall pay to each producer, for milk received during the delivery period, an amount of money representing not less than the total value of such producer's milk at the uniform price per hundredweight, subject to the butterfat differential set forth in (f) of this section. Any handler may make payments to producers in addition to the minimum payments required by this paragraph: *Provided*, That such additional payments are made to all producers supplying such handler with milk of the same quality and grade.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (c) and (e) of this section, and out of which he shall make all payments to handlers pursuant to (d) and (e) of this section.

(c) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the total value of the milk received by him from producers during the delivery period is greater than the amount of the minimum payments required to be made by such handler pursuant to (a) of this section.

(d) *Payments out of the producer-settlement fund.* On or before the 20th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount, if any, by which the total value of the milk received from producers by such handler is less than the amount of the minimum payments required to be made by such handler pursuant to (a) of this section. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 20th day after the end of each delivery period, has not received the balance of payment due him from the market administrator shall be deemed to be in violation of (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(e) *Adjustments of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to (d) of this section, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential.* In making payments to each producer, pursuant to (a) of this section, each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent of butterfat content above or below 4 percent in milk received from such producer, the amount as shown in the schedule below for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function), for the delivery period during which such milk was received.

Butter price range cents:	*Butterfat differential (cents)*
22.499 and less	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–and over	7

§ 946.9 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in (b) of this section, each handler shall deduct 4 cents per hundred-weight from the payments made directly to producers pursuant to § 946.8, with respect to all milk received by such handler from producers during each delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the War Food Administrator determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as

amended, known as the "Capper-Volstead Act," is actually performing, as determined by the War Food Administrator, the services set forth in (a) of this section, each handler shall make, in lieu of the deductions specified in (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.8, as are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 946.10 *Expense of administration.* As his prorata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk received by him from producers or produced by him, during such delivery period, an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the War Food Administrator. Each cooperative association which is a handler shall pay such prorata share of expense on only that milk of producers caused to be delivered by it to plants from which no milk is disposed of in the marketing area.

§ 946.11 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated, pursuant to (b) of this section.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(2) The market administrator, or such other person as the War Food Administrator may designate shall (i) continue in such capacity until discharged, (ii) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the War Food Administrator shall direct, and (iii) if so directed by the War Food Administrator, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation, after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 946.12 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

§ 946.13 *Agents.* The War Food Administrator may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 1940 ed. 601 *et seq;* E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C., this 28th day of July 1943. To be effective on and after the 1st day of August 1943.

MARVIN JONES,
War Food Administrator.

Approved: July 28, 1943.

FRED M. VINSON,
Director of Economic Stabilization.

[F. R. Doc. 43-12237; Filed, July 28, 1943; 4:54 p. m.]

Chapter XI—War Food Administration

[FDO 65-1]

PART 1405—FRUITS AND VEGETABLES

BARTLETT AND BEURRE HARDY PEARS GROWN IN CALIFORNIA, OREGON, OR WASHINGTON

Pursuant to the authority vested in me by Food Distribution Order No. 65, issued by the Acting War Food Administrator on July 19, 1943, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942; Executive Order No. 9322, dated March 26, 1943; and Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered*, as follows:

§ 1405.17 *Delegation of authority and specification of assessments*—(a) *Definitions.* (1) Each term defined in Food Distribution Order No. 65 shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 65.

(2) When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, the term "order" means Food Distribution Order No. 65, issued by the War Food Administrator on July 19, 1943.

(b) *Delegation of authority.* In accordance with the provisions of § 1405.16 (h) of the order, there is hereby delegated to Merritt A. Clevenger, as Order Administrator, and Donald R. Rush, Harry M. Cleaver, and Harold A. Brock, as Deputy Order Administrators, the following authority to administer, in the respects hereinafter stated, the aforesaid order:

(1) The aforesaid Order Administrator may, after having received in each instance prior approval by the Chief or Acting Chief of the Fruit and Vegetable Branch, Food Distribution Administration, War Food Administration, issue general authorizations in accordance with the provisions of § 1405.16 (b) (3) of the order, and may, after having received in each instance prior approval as aforesaid, prescribe, in accordance with the provisions of § 1405.16 (b) (4) of the order, the minimum grade of all pears which may be shipped from region 1 or region 2.

(2) The aforesaid Order Administrator may exercise the authority conferred on the Director by the provisions of §§ 1405.16 (c) (1) (i), 1405.16 (c) (1) (iv), 1405.16 (c) (1) (vii), 1405.16 (c) (1) (viii), 1405.16 (c) (1) (x), 1405.16 (c) (1) (xi), 1405.16 (d), and 1405.16 (f) of the order.

(3) The aforesaid Order Administrator or any Deputy Order Administrator may exercise the authority conferred on the Director by the provisions of §§ 1405.16 (b) (2), 1405.16 (b) (5), and 1405.16 (b) (6).

(c) *Assessments.* It is hereby found and determined that the expenses which will be necessarily incurred by the program manager in region 1 and by the program manager in region 2, respectively, under the provisions of said order, are such that the assessments hereinafter specified will result in each shipper and each canner, respectively, paying to the program manager for the respective region the pro rata share of each such shipper and canner, respectively, in accordance with the provisions of said order. *It is, therefore, ordered*, That (1) each shipper shall, with respect to each shipment of pears, pay an assessment of one cent per hundredweight to the program manager (within 10 days after the end of each calendar month) of the region from which the respective shipment of pears is made, and (2) each canner doing business in region 1 or region 2 shall, with respect to each lot of pears purchased for canning, pay an assessment in the amount of one cent per hundredweight to the program manager (within 10 days after the end of each calendar month) of the region in which the respective lot of pears was canned.

(d) *Effective date.* The provisions hereof shall become effective at 12:01 a. m., e. w. t., July 30, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 65, 8 F.R. 9905)

Issued this 29th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-12290; Filed, July 29, 1943; 11:25 a. m.]

[FDO 28-2, Amdt. 2]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Director Food Distribution Order No. 28-2, as amended (8 F.R. 8045, 8989), § 1410.12, issued under authority of the Director of Food Distribution on June 11, 1943, is amended by deleting paragraph (a) and substituting in lieu thereof the following:

(a) Each slaughterer subject to the provisions of Food Distribution Order 28 shall set aside, reserve, and hold for delivery to the Army, Navy, Marine Corps and Coast Guard of the United States, War Shipping Administration, and contract schools and ship operators as defined in Food Distribution Regulation 2 (8 F.R. 7525) and subject to the provisions thereof, 40 percent of the conversion weight of each week's production of beef obtained from the slaughter of steers and heifers, the carcasses of which meet Army specifications for carcass beef or frozen boneless beef: *Provided, however*, That for the week ending July 31, 1943, the percentage of beef required to be set aside for the purposes herein specified shall be 30 percent.

With respect to violations of said Director Food Distribution Order No. 28-2, as amended, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Director Food Distribution Order No. 28-2, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This order shall become effective at 12:01 a. m., e. w. t., July 28, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO28, 8 F.R. 2787)

Issued this 28th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-12291; Filed, July 29, 1943; 11:25 a. m.]

[FDO 7, Amdt. 1]

PART 1430—SUGAR

DISTRIBUTION OF RAW SUGAR

Food Distribution Order No. 7 (8 F.R. 904), issued by the Secretary of Agriculture on January 15, 1943, is amended to read as follows:

§ 1430.1 *Importation, purchase, and acceptance of delivery of raw sugar restricted*—(a) *Definitions.* (1) "Person" means any individual, partnership, corporation, association, or other business entity, and includes any government corporation or governmental agency.

(2) "Continental United States" means the forty-eight States of the United States and the District of Columbia.

(3) "Raw sugar" means:

(i) Any grade or type of saccharine product, without regard to the place where it is produced, which is derived from sugar beets or sugarcane, is in crystalline form, and is to be further refined, and

(ii) Any saccharine product of sugarcane in liquid form which is produced outside of the continental United States, contains non-sugar solids (excluding any foreign substance which may have been added) equal to 6 per centum or less of the total soluble solids, and is to be further refined.

(4) "Refiner" means any person who is engaged in the refining of raw sugar in the continental United States, on the effective date of this amendment.

(5) "Import" means to bring into the continental United States (including foreign trade zones established pursuant to the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 1940 ed. 81a et seq.).

(6) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Acceptance of delivery.* (1) Any person shall be deemed to have accepted delivery of raw sugar upon the occurrence of any one of the following:

(i) The exercise by such person of any dominion or control over such raw sugar as the owner thereof; or

(ii) The exercise of any dominion or control by such person over such raw sugar as the vendee, under a contract of purchase and sale, without regard to whether or not legal title to such raw sugar has vested in such person.

(2) In addition to the provisions of paragraphs (b) (1) (i), and (ii) hereof, a refiner, who acquires custody or possession of raw sugar, for the purpose of refining such raw sugar, shall be deemed to have accepted delivery thereof, without regard to whether or not he has purchased or contracted to purchase such raw sugar, or has legal title thereto.

(c) *Restrictions.* (1) No person, other than a refiner or the agent of a refiner, or a government corporation or governmental agency, shall purchase, import, or accept delivery of, raw sugar.

(2) No refiner or his agent shall purchase, import, or accept delivery of raw sugar, except as specifically authorized by the Director.

(3) The Director is authorized to establish allotments for the purchase, importation, and acceptance of delivery of raw sugar by refiners, and to issue rules and regulations for the purchase, importation, or acceptance of delivery of raw sugar by refiners, pursuant to such allotments. No refiner or his agent shall purchase, import, or accept delivery of raw sugar in violation of any such rules and regulations, or in excess of any allotment so established by the Director. The Director may, however, authorize a refiner to accept delivery of raw sugar owned by another refiner for the purpose of refining such raw sugar for such owner, and exempt such raw sugar from being charged against the allotment of the refiner who does the refining. Raw sugar which has been charged against the allotment of one refiner but which is subsequently sold and delivered, prior to refining, to another refiner, shall be charged against the latter's allotment and a corresponding credit given to the allotment to which the raw sugar was first charged. Allotments established by the Director pursuant to this paragraph may be modified and changed from time to time by the Director. Insofar as it is practicable, having due regard for wartime conditions with respect to the marketing and transportation of sugar, specific authorizations issued by the Director to refiners shall be made in such manner that each refiner will have received, at any time during an allotment period, his pro rata share of the total available supply of raw sugar, as determined by the proportion which his allotment bears to the total available supply.

(d) *Records and reports.* (1) Each person participating in any transaction to which this order applies shall keep and preserve for a period of not less than two years accurate and complete records of his inventories of raw sugar and of the details of all transactions in raw sugar. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, the parties involved in each transaction, the dates of actual deliveries thereunder, and a description of the raw sugar covered by such contracts or purchase orders showing the area of production, weight, polarization, and value.

(2) Each refiner accepting delivery of raw sugar shall report to the Director the information now required in the administration of the Sugar Act of 1937, as amended.

(3) The Director shall also be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administra-

tion of the provisions of this order, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(4) The specific record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(e) *Intra-company deliveries.* The provisions and restrictions of this order with respect to the acceptance of delivery of raw sugar shall apply not only to the acceptance of delivery by other persons, including affiliates and subsidiaries, but also to acceptance of delivery by one branch, division, or section of a single enterprise from another branch, division, or section of the same or any other enterprise under common ownership or control.

(f) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of raw sugar of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using raw sugar, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Communications to the United States Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD–7.

(k) *Territorial extent.* This order shall apply only to the continental United States.

(l) *Effective date.* This amendment shall become effective on the 30th day of July, 1943, at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order No. 7, or rights accrued or liabilities incurred thereunder, prior to said date, said Food Distribution Order No. 7 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 28th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–12238; Filed, July 28, 1943; 4:54 p. m.]

[FDO 7–1, Amdt. 1]

PART 1430—SUGAR

RAW SUGAR ALLOTMENTS

Pursuant to the authority vested in me by Food Distribution Order No. 7, as amended, dated July 28, 1943, Director Food Distribution Order No. 7–1 (8 F.R. 999) is hereby amended to read as follows:

§ 1430.6 *Allotments of raw sugar.* (a) No refiner or his agent shall purchase, import, or accept delivery of raw sugar in excess of the allotment hereby established for the period from January 1, 1942, to September 30, 1944, for him in the amount set forth below opposite his name. All such raw sugar which a refiner has purchased, imported, or accepted delivery of, between January 1, 1942, and the effective date of this order shall be charged against such allotment.

	Short tons, raw value
American Sugar Refining Co.	2,457,686
J. Aron & Co.	117,362
California & Hawaiian Sugar Refining Corp., Ltd.	1,345,722
Charms Company	29
Chase Candy Company	6,767
Colonial Sugars Company	326,797
Godchaux Sugars, Inc.	515,992
Henderson Sugar Refinery	196,932
Imperial Sugar Company	350,775
Inland Sugar Company	17,829
Liquid Sugars, Inc.	34,717
W. J. McCahan Sugar Refining and Molasses Company	423,924
National Sugar Refining Co.	2,034,581
Pepsi-Cola Company	48,529
Realty Operators, Inc.	63,970
Refined Syrups & Sugars, Inc.	293,084
Revere Sugar Refinery	420,587
Savannah Sugar Refining Corp.	445,834
South Coast Corporation	138,054
Sterling Sugars, Inc.	79,520
Sucrest Corp. and Affiliates	284,472
Tea Garden Products Company	1,901
Western Sugar Refinery	421,231

(b) This amendment shall become effective on 30th day of July 1943, at 12:01 a. m., e. w. t. However, with respect to violations of Director Food Distribution Order No. 7–1, or rights accrued or liabilities incurred thereunder, prior to said date, said Director Food Distribution Order No. 7–1 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(F.D.O. No. 7, 8 F.R. 904; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 28th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–12239; Filed, July 28, 1943; 4:55 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter P—Law and Order

PART 161—LAW AND ORDER ON INDIAN RESERVATIONS

JUDGES

This part, as amended, is hereby further amended by adding the following paragraph to § 161.3 *Judges.*

On any reservation where no permanent Court of Indian Offenses has been established under this section, a provisional court may be established, with powers equal to those of a permanent court. Such court shall be established by detailing a judge from another reservation, upon request of the tribal council of the reservation desiring his services. Such detail shall be made by the Superintendent of the reservation where the judge regularly presides: *Provided,* That where the judge to be detailed is paid from tribal funds the consent of the tribal council of such tribe shall be obtained for the detail. No detail shall extend beyond one year, but any detail may be renewed for additional periods unless such renewal is disapproved by the tribal council which requested or approved the detail.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JUNE 28, 1943.

[F. R. Doc. 43–12243; Filed, July 29, 1943; 9:40 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[General Order 19]

PART 803—GENERAL ORDERS

ADJUSTMENTS IN THE RATES OF PAY OF EMPLOYEES OF THE FEDERAL RESERVE SYSTEM

General Order No. 19, adopted by the National War Labor Board on December 8, 1942, is hereby amended to read as follows:

§ 803.19 *General Order No. 19.* (a) The Board of Governors of the Federal Reserve System and any of the twelve Federal Reserve Banks, which proposes to make adjustments in the salaries or wages of their employees not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments or gross inequities, as permitted by the national wage and salary stabilization policy.

(b) A certificate by the official authorizing the adjustments, stating the nature and amount of such adjustment and briefly setting forth the facts meeting the foregoing requirement will be accepted by the Board as sufficient evidence of the propriety of the adjustment, subject to review by the Board. Modification by the Board of adjustments made pursuant hereto shall not be retroactive.

(c) In the case of adjustments made hereunder by any of the twelve Federal Reserve Banks, the certificate above mentioned shall, prior to transmittal to the Joint Committee hereafter described, be transmitted to and shall be subject to the approval of the Board of Governors of the Federal Reserve System.

(d) The certificate prescribed herein, together with four (4) copies thereof, shall be filed promptly with the Committee established by joint action of the National War Labor Board and the Commissioner of Internal Revenue, namely, the Joint Committee on Salaries and Wages, Department of Labor Building, Washington, D. C., which will forward the same to the Board or Commissioner, as the case may require.

(e) The certification procedure shall not apply to any adjustment which would raise salaries or wages beyond the minimum noninflationary going rates for similar occupational groups in the labor market area.

(E.O. 9250, 7 F.R. 7871)

Adopted July 23, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43–12221; Filed, July 28, 1943; 2:11 p. m.]

[General Order 20]

PART 803—GENERAL ORDERS

ADJUSTMENTS IN THE RATES OF PAY OF EMPLOYEES OF THE UNITED STATES EMPLOYMENT SERVICE

General Order No. 20, adopted by the National War Labor Board on December 8, 1942, is hereby amended to read as follows:

§ 803.20 *General Order No. 20.* (a) The United States Employment Service, or any of its state administrative offices which proposes to make adjustments in the salaries or wages of its employees not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments or gross inequities, as permitted by the national wage and salary stabilization policy.

(b) A certificate by the appropriate official of the United States Employment Service stating the nature and amount of such adjustment, and briefly setting forth the facts meeting the foregoing requirement, will be accepted by the Board as sufficient evidence of the propriety of the adjustment, subject to review by the Board. Modification by the Board of adjustments made by the United States Employment Service or one of its state administrative offices acting pursuant hereto shall not be retroactive.

(c) The certificate prescribed herein, together with four copies thereof, shall be filed promptly with the committee established by joint action of the National War Labor Board and the Commissioner of Internal Revenue, namely, the Joint Committee on Salaries and Wages, Department of Labor Building, Washington, D. C., which will forward the same to the Board or the Commissioner, as the case may require.

(d) The certification procedure shall not apply to any adjustment which would raise salaries or wages beyond the minimum non-inflationary going rates for similar occupational groups in the labor market area.

(E.O. 9250, 7 F.R. 7871)

Adopted July 23, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43–12222; Filed, July 28, 1943; 2:11 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 970—CHLORINATED HYDROCARBON REFRIGERANTS

[Interpretation 1 of Conservation Order M–28]

The following interpretation is issued with respect to Conservation Order M–28.

a. *Reports of inventories.* The reporting requirement of paragraph (j) (2) of Order M–28 [§ 970.1] must be complied with regardless of whether the chlorinated hydrocarbon refrigerants are being held by the owner for his own use or for resale.

The paragraph requires every person (including the owner of a refrigerating or air conditioning system) who has in his possession, on the 15th day of any calendar month (commencing with the month of July), more than 500 pounds of any type of chlorinated hydrocarbon refrigerants, or who sold more than 2,000 pounds of such a refrigerant during the preceding calendar month, to file a report on Form WPB–3054 with the War Production Board on or before the 20th day of the month.

Each "person", as defined in the order, must report the aggregate quantities in his possession (including stocks of less than 500 pounds located at various places) if the total is more than 500 pounds.

The report must include all amounts not actually being used in refrigerating or air conditioning systems. Thus the owner or operator of a system who has more than 500 pounds in his possession must report his entire supply except for the minimum operating charge actually installed in his system. Any additional amount which he may have must be reported, whether kept in cylinders, a storage receiver or other form of container. However, if a minimum operating charge is being temporarily held in a container while the system in which it had been installed is being repaired, it should not be reported.

An equipment manufacturer who has more than 500 pounds in his possession on the 15th day of any calendar month must report his entire supply except what has been actually installed as an operating or holding charge in accordance with his regular manufacturing practice.

b. *Charging of equipment manufacturers.* Paragraph (g) provides that no user, supplier, contract agent, or producer shall deliver, or cause to be delivered, to the owner of any system any chlorinated hydrocarbon refrigerants for use in, or for resale for use in any system of the types described on List B.

This restriction is intended to prevent charging any system of the types included on List B with chlorinated hydrocarbon refrigerants except for a person who was operating a system and had the necessary refrigerants in his possession on the effective date specified in List B. Therefore, a manufacturer may not charge any such system with chlorinated hydrocarbon refrigerants before delivery, and he may not deliver the refrigerant separately to be used in charging the system. However, he is not restricted from delivering systems which had already been charged with such a refrigerant on the effective date specified on List B.

Issued this 29th day of July, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12275; Filed, July 29, 1943; 11:17 a. m.]

PART 1028—DOMESTIC COOKING APPLIANCES

[Revocation of Limitation Order L–23]

Section 1028.1 *General Limitation Order L–23* is hereby revoked.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12276; Filed, July 29, 1943; 11:16 a. m.]

PART 1171—ELEVATORS

[Interpretation 1 of General Conservation Order L–89 as amended]

The following interpretation is issued with respect to General Conservation Order L–89, as amended.

Paragraph (b) of Order L–89 [§ 1171.1] provides that no person shall accept a "restricted order" or commence manufacture therefor, unless the order has been authorized on Form PD–411, now WPB–1236 (the restriction not applying to deliveries to elevator manufacturers or dealers for resale).

An authorization on PD–411 is not required, under the terms of paragraph (e), for the two classes of orders for maintenance and repair parts described below:

(1) An order for spare or maintenance parts is exempt if the parts inventory of the purchaser is not increased beyond $25.00 for each elevator operated by him and if his total purchases of such parts do not exceed $50.00 for each elevator in any calendar year. This exemption includes small maintenance or replacement parts, even though there may be some change in type, if the parts are necessary to keep the elevator in sound working condition. *Examples:* Replacement of a

worn out gate switch of an obsolete type no longer manufactured, with a gate switch of a different type; or the use of a grease fitting on a bearing to provide proper lubrication.

(2) An order for repair parts in case of an actual breakdown or suspension of operations of an elevator is exempt where the essential repair parts are not available from the owner's inventory of spare or maintenance parts. A suspension of operations may be considered to have occurred if the condition of the cables or of other parts would make it definitely dangerous to continue the operation of the elevator without making the repairs; and such condition may be assumed where the cables or other parts have been condemned pursuant to a state law or municipal ordinance, requiring suspension of operations unless replacement of cables or other parts is made within the period (normally 30 to 90 days) specified on the inspector's report. However, a possible future breakdown cannot be considered within the exemption. Nor can any parts for a change in the existing method of operation or control, or for additions to existing elevators, merely to comply with so-called "Code Requirements", be acquired without authorization on a WPB-1236 (PD-411) Form.

In order to avoid a violation of the restrictions, the seller should satisfy himself that the parts ordered are within the $25.00 and $50.00 exemptions, or are needed for immediate repair due to an actual breakdown or suspension of operations.

The $25.00 and $50.00 limitations refer to the retail sales value of the parts ordered, exclusive of the cost of labor and personal services required for the installation.

A person whose maintenance requirements cannot be adequately met under the exemption of paragraph (e) (1) of the order may submit an application on PD-411 for authorization to obtain a larger quantity of parts.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12277; Filed, July 29, 1943; 11:16 a. m.]

PART 1296—PYRIDINE

[Allocation Order M-185, as Amended July 29 1943]

The order title "Conservation Order M-185" is hereby amended to read "Allocation Order M-185".

Section 1296.1 is hereby amended to read as follows:

§ 1296.1 *Allocation Order M-185*—(a) *Definitions.* For the purpose of this order:

(1) "Pyridine" means the pure chemical known by that name, or any crude or refined mixture of pyridine and its homologues.

(2) "Supplier" means any person who produces pyridine, or who purchases pyridine for resale as pyridine.

(b) *Restrictions on delivery and acceptance of delivery.* (1) No supplier shall deliver pyridine to any person, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) No person shall accept delivery of more than 80 pounds (10 gallons) of pyridine in the aggregate from all suppliers during any calendar month, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B.

(c) *Restrictions on use.* No person shall use pyridine except as follows:

(1) As specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B; or

(2) For any purpose, by any person using 80 pounds (10 gallons) or less of pyridine in the aggregate during any calendar month.

(d) *Exemptions for samples and for refining.* Without the specific authorization required by paragraphs (b) and (c) above:

(1) Any person may accept delivery of and use for experimental purposes, and any supplier may deliver to such person, samples of pyridine in quantities not exceeding 20 pounds (2½ gallons) of any one grade of pyridine in any calendar month; and

(2) Any person may refine pyridine, and any person may deliver or accept delivery of pyridine for the purpose of refining it.

(e) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of pyridine; or

(2) Production of pyridine; or

(3) Preparation and filing of application forms required by Appendices A and B.

(f) *Special provisions for July and August, 1943.* Notwithstanding the provisions of paragraphs (b) and (c), and of Appendices A and B:

(1) During July, 1943, applications for authorization to deliver or accept delivery of pyridine may be made in accordance with the provisions of this order as in effect prior to July 29, 1943;

(2) Any person may, without specific authorization, accept delivery of, and use for the purpose stated in his application to the War Production Board, any pyridine which he received on or before August 31, 1943, or which was in transit to him on that date.

(g) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Inter-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries shall apply only to deliveries to other persons, notwithstanding the provisions of § 944.12 (intra-company deliveries) of Priorities Regulation No. 1, as amended.

(3) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-185.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A: *Instructions to suppliers for filing application for authorization to deliver pyridine.* Each supplier seeking authorization to deliver pyridine shall file application on Form WPB-2946 (formerly PD-601) [1] in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form. *WPB-2946 (formerly PD-601).*[1] Copies of Form WPB-2946 (formerly PD-601) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 18th day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Four copies shall be prepared, of which one may be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-185.

Heading. Under name of chemical, specify pyridine; under War Production Board order number, specify M-185; specify pounds as unit of measure; and otherwise fill in as indicated.

Table I. Fill in as indicated. If the applicant supplier is also filing application on Form WPB-2945 (formerly PD-600) for authorization to use pyridine, he should list his own name as customer.

An aggregate quantity may be requested for delivery on uncertified orders of 80 pounds or less, without listing individual customers.

Specify grade in terms of boiling range (degrees Centigrade).

Rolling stock. Fill in as indicated.

Table II. Fill in as indicated. In Columns 10 and 13 enter only those stocks of pyridine not authorized for delivery on the dates specified.

Special instructions for small distributors. Any distributor may deliver pyridine on uncertified small orders of 80 pounds or less without application or specific authorization, if he himself acquired the pyridine on such an uncertified small order, or if he acquired it upon application in accordance with Appendix B for the purpose of filling such uncertified small orders.

APPENDIX B: *Instructions for filing application for authorization to use or accept delivery of more than 80 pounds of pyridine per month.* Each person (including any supplier) seeking authorization to use or accept delivery from all suppliers of more than 80 pounds (10 gallons) of pyridine during any calendar month, shall file application on Form WPB-2945 (formerly PD-600) [1] in the manner prescribed therein, subject to the following instructions for the purpose of this order:

WPB-2945 (formerly PD-600).[1] Copies of Form WPB-2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 10th day of the month preceding the month for which authorization for use or acceptance of delivery is sought.

Number of copies. Five copies shall be prepared, of which one copy may be retained by the applicant, one copy shall be forwarded to the supplier (in which Columns 3 and 4, and Tables II, III and IV may be left blank), and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Reference M-185.

Number of sets. A separate set of application forms shall be submitted for each supplier and for each plant of the applicant.

Heading. Under name of chemical, specify pyridine; under War Production Board order number, specify M-185; under unit of measure, specify pounds; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for use or delivery is sought.

Column 1. Specify grade in terms of boiling range in degrees Centigrade (for example, 2 degrees, 4 degrees).

Column 2. Specify separately the quantities (in pounds) required for each primary product and product use specified in Columns 3 and 4 of the application.

Column 3. Specify primary products in terms of the following:

Sulfa drugs (specify).
Vitamins (specify).
Waterproofing agents (specify).
Reagents.
Rubber accelerators.
Other primary products (specify).
Export (as pyridine).
Resale (as pyridine).
Inventory (as pyridine).

Column 4. Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, in the case of nicotinic acid, Order M-315).

Opposite any primary product in Column 3 which is not under allocation, specify in Column 4 the end use in as detailed and complete a manner as possible, giving Army or Navy or Lend-Lease specification or contract numbers when available.

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom, or for whose account, the materials will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Resale" in Column 3, suppliers shall write into Column 4 "upon further authorization" or "for uncertified small orders of 80 pounds or less".

Opposite "Inventory" in Column 3, write into Column 4 "subject to further authorizations".

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated for each grade of pyridine referred to in Column 1 of the application.

Suppliers shall report only quantities of pyridine which have been allocated to them for their own use.

Table III. Fill in as indicated.

Table IV. Fill in as indicated for each primary product listed in Column 3 of the application, except those primary products under direct allocation (such as nicotinic acid under Order M-315).

[1] Forms WPB-2945 (formerly PD-600) and WPB-2946 (formerly PD-601) have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[F. R. Doc. 43-12278; Filed, July 29, 1943; 11:17 a. m.]

PART 3022—SILVER

[Conservation Order M-199 as Amended July 29, 1943]

Section 3022.1 *Conservation Order M-199* is hereby amended to read as follows:

§ 3022.1 *Conservation Order M-199*—(a) *Definitions.* For the purposes of this order:

(1) "Silver" means silver bullion, semi-fabricated forms of silver, silver scrap and other secondary forms of silver, and any alloy, compound, salt, or mixture containing more than one-half of one percent of silver by weight. The term does not include alloyed gold produced in accordance with U. S. Commerce Standards CS 51-35 and CS 67-38. The term also does not include finished silver products, the value of which is more than twice the value of the silver contained therein. The term includes, however, brazing alloys and solders containing more than one-half of one percent of silver by weight.

(2) "Domestic silver" means any silver which has been produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions.

(3) "Treasury silver" means any silver which has been held or owned by the United States and has been sold pursuant to the provisions of Public Law 137, approved July 12, 1943.

(4) "Foreign silver" means any silver except that which is either domestic silver or Treasury silver. Scrap generated by manufacturers from the processing of domestic silver or Treasury silver shall also be considered to be foreign silver if it does not remain in the ownership of the manufacturer whose processing operations produced it; *Provided, however,* That domestic silver scrap or Treasury silver scrap produced by suppliers in semi-fabricating operations may be sold by such suppliers to manufacturers as domestic silver casting metal or Treasury silver casting metal.

(5) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(6) "Manufacturer" means any person who uses silver by incorporating it physically in the finished products or parts thereof which he manufactures or who uses or consumes silver in any manufacturing, testing, laboratory, plating, or repairing process.

(7) "Supplier" means any person regularly engaged in the business of importing, smelting, or refining silver, or in the business of selling silver to manufacturers and other suppliers. The term includes any person who may import, smelt, or refine silver for his own use as a manufacturer.

(8) "Put into process" means the first change by the manufacturer in the form of the material from that form in which it was received by him. Putting into process does not include minor initial operations such as marking and does not include any alloying, shearing, cutting, trimming, or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection and testing, nor segregation or earmarking for a specific job or operation. The term also does not include the reclaiming and reforming of scrap.

(9) "Process" means cut, draw, machine, stamp, melt, mix, compound, cast, forge, roll, turn, spin, or otherwise shape or change in form or chemical composition. It also means assemble. The term does not include sand-bobbing, buffing, or polishing an assembled article.

(10) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knock-down form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article. In all other cases, the term "assemble" shall be deemed to include adding parts, whether of silver or of any other material, to an article of silver, where such article is not deemed complete and ready for immediate sale or use until such parts have been added, including adding gems, stones, or glass jewels or beads to articles or parts of silver, and adding brushes, combs, knives, forks, or other utensils to backs or handles of silver.

(11) The term "deliver" shall not be deemed to include a redelivery of silver to the owner thereof, who is a manufacturer, by a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include the delivery under the same circumstances by the owner to the person who alloys or processes the silver for the owner.

(12) The term "accept delivery" shall not be deemed to include acceptance of delivery of silver by the owner thereof, who is a manufacturer, from a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include acceptance of delivery under the same circumstances from the owner by the person who alloys or processes the silver for the owner.

(b) *Restrictions upon sale or delivery of silver by suppliers.* (1) No supplier shall sell or deliver any kind of silver (foreign, Treasury, or domestic) except to

(i) Another supplier; or
(ii) A manufacturer; or
(iii) The United States; or
(iv) Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended.

(2) No supplier shall sell or deliver foreign silver to a manufacturer except to fill orders for uses on List A.

(3) No supplier shall sell or deliver Treasury silver to a manufacturer except to fill orders for uses on List C.

(4) No supplier shall sell or deliver any kind of silver (foreign, Treasury, or domestic) to any person if he knows or has reason to believe such silver is to be received or used in violation of the terms of this order.

(c) *Restrictions upon sale or delivery of silver by manufacturers.* No manufacturer shall sell or deliver any kind of silver (foreign, Treasury, or domestic) except to:

(1) A supplier; or

(2) The United States; or

(3) Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended.

(d) *Restrictions upon purchase, acceptance of delivery, and processing of foreign silver by manufacturers.*

(1) *Uses on List A.* On and after July 29, 1943, no manufacturer shall purchase, accept delivery of, put into process, or process any foreign silver for any use other than a use on List A.

(2) *Temporary exception.* Notwithstanding the foregoing provisions of this paragraph (d), a manufacturer may continue the processing of any foreign silver which on July 29, 1943, he had already put into process for any use on List B to fill orders rated A–1–a or higher; also, a manufacturer may put into process and process to completion for a List C use any foreign silver owned by him on July 29, 1943, and he may complete the processing of any foreign silver already put into process by him on such date for any such use.

(e) *Restrictions upon purchase, acceptance of delivery, and processing of Treasury silver by manufacturers.* No manufacturer shall purchase, accept delivery of, put into process, or process Treasury silver except for a use on List C.

(f) *Authorization to purchase Treasury silver from the United States.* Purchases of Treasury silver from the United States pursuant to Public Law 137, approved July 12, 1943, shall be made only upon specific authorization of the War Production Board. Any supplier or manufacturer desiring such authorization may apply by letter to the War Production Board, Miscellaneous Minerals Division, Washington 25, D. C., Reference: M–199, not later than the 15th day of the month preceding the month in which delivery of the Treasury silver is desired. In such letter the applicant, in addition to other pertinent information, shall state the nature of his business and the intended use of the silver in terms of the uses specified on List C.

(g) *Restrictions upon the purchase, acceptance of delivery, and processing of domestic silver for List B uses.* In any calendar quarter after July 1, 1943, until further notice, no manufacturer shall purchase, accept delivery of, or put into process domestic silver for uses on List B in excess of ⅙ of the aggregate amount by weight of all silver (foreign and domestic), computed on the basis of the fine silver content thereof in troy ounces, put into process by such manufacturer for List B uses during the calendar year 1941 or the calendar year 1942, whichever year is the greater: *Provided, however,* That such manufacturer, in computing his quota of domestic silver under the foregoing provision, shall deduct from the said aggregate amount put into process by him for List B uses for the year 1941 or 1942, as the case may be, the aggregate amount by weight of silver (fine silver content, troy ounces) put into process by him in such year for List B uses to fill orders rated A–3 or higher, and the aggregate amount by weight (fine silver content, troy ounces) of sales made by him in such year of silver scrap or silver waste material resulting from the processing of silver for List B uses, exclusive of orders rated A–3 or higher. In any case where prior to January 1, 1943, a manufacturer furnished silver to another manufacturer under toll agreement to be processed and returned, only the manufacturer who did the actual processing shall be entitled to claim that he put the silver into process for the purpose of computation of domestic silver quotas under the provisions of this paragraph. However, in any case after January 1, 1943, where a manufacturer furnishes silver to another manufacturer under toll agreement to be processed and returned, both the manufacturer who furnishes the silver and the manufacturer who processes it shall be deemed to have put the silver into process for the purposes of this paragraph.

(h) *Special exception as to domestic silver.* The restrictions of this order as to the purchase, acceptance of delivery, and processing of domestic silver for List B uses shall not apply to any manufacturer:

(1) Who manufactures jewelry by the use of hand tools exclusively (that is, without the use of dies, jigs, or molds or any mechanical apparatus whatsoever, such as mechanically operated spinning or turning wheels, or lathes, presses, grinders, or cutters, whether operated by hand, foot, or other power); or

(2) Who meets each and all of the following requirements:

(i) He was engaged in the silver manufacturing business throughout the year 1941;

(ii) His gross receipts in the year 1941 from the sale of silver products did not exceed $25,000;

(iii) He continues to engage in the silver manufacturing business, and to have at all times not more than five persons at one time, excluding all clerical employees, working in such business, each of which persons is either over the age of 50 years or is physically incapacitated from performing ordinary factory labor; and

(iv) His gross sales of silver products for the calendar year 1943 and for each calendar year thereafter do not exceed $35,000 per year.

For a manufacturer to be engaged in the "silver manufacturing business" as the term is used in paragraph (h) (2), at least 75% of the gross receipts of such manufacturer in the year 1941 and succeeding years from products of all kinds sold by him (including products sold but not manufactured by him) shall have been derived from the sale of silver products manufactured by him. A silver product is one in which silver is physically incorporated and in which the amount of contained silver is greater either in weight or in value than any other single material, excluding precious or semi-precious stones, contained in such products.

(i) *Special directions as to distribution of foreign, Treasury, and domestic silver.* From time to time the War Production Board may issue special directions to individual suppliers and manufacturers, specifying the sources, destinations, and amounts of silver (foreign, Treasury, or domestic) to be delivered or acquired by them.

(j) *Restrictions on holding of scrap silver.* (1) No manufacturer shall purchase or accept delivery of silver of any kind (foreign, domestic, or Treasury) if he has on hand more than a thirty days' accumulation of scrap silver, exclusive of wastes, such as mirror wastes, polishings, and sweepings, whether foreign, Treasury, or domestic, or any combination thereof, unless such accumulation aggregates less than 1,000 ounces, fine silver content.

(2) No manufacturer shall have scrap melted, reformed, and redelivered to him under toll agreement if by such redelivery his inventory of silver will be in excess of a minimum practicable working inventory, taking into consideration the orders on his books requiring use of silver and the limitations placed upon the use of silver by this order.

(k) *Fungibility of silver stocks recognized.* Although this order deals with three kinds of silver (foreign, Treasury, and domestic) which are separately defined, and imposes restrictions which vary in their application as among these kinds of silver, it is recognized that all three kinds of silver are physically identical. Accordingly, nothing in this order shall be deemed to require any person holding two or more kinds of silver to keep the various kinds physically segregated. It is also understood that a person who holds only one kind of silver at a particular moment may be called upon to deliver or to use another kind of silver. In such cases, the person holding the one kind of silver may change part or all of his stock of such silver to silver of another kind simply by selling part of his stock to a supplier, ordering an equivalent amount, silver content, of the different kind of silver required for his purposes and paying or receiving the difference in price. For the purposes of this order, physical delivery to the supplier of the silver being sold and physical delivery by the supplier of the different kind of silver being purchased are not required in order to change the character of the silver involved from the kind in stock to the kind being purchased.

The form of the silver can also be disregarded. For example, a manufacturer with partially processed stocks of foreign silver which he cannot finish for List B uses under the restrictions of the order, can purchase domestic silver bars having a silver content equal to the silver content of the partially processed silver, sell those same bars back to the supplier as foreign silver, pay the difference in price, and then consider that the partially processed silver is domestic silver and may be further processed for List B uses as permitted by the order. Any purchasing or processing of domestic silver under the provisions of this paragraph for uses on List B must, however, be within the quota limitations of paragraph (g) hereof. Furthermore, at no time shall any person sell silver of any kind in excess of the amount of silver of that kind, fine silver content, owned by him.

(l) *Use certificate.* No supplier shall deliver any silver (foreign, Treasury, or domestic) to any manufacturer, and no manufacturer shall accept delivery of any silver from any supplier, unless the manufacturer shall have furnished the supplier with a certificate specifying the end use of such silver in terms of the uses specified on List A, List B, and List C. Such certificate may be placed on or attached to the purchase order, and shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

Pursuant to Conservation Order M–199, the undersigned hereby certifies to the supplier and the War Production Board that the silver covered by the accompanying order (and all silver purchased from the supplier under orders placed in the future) shall be used solely for the following purposes: ----------

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(Name of purchaser)

Date---------- By----------

(Signature and title of duly authorized officer)

In appropriate cases one certificate may cover the use of silver to be delivered under orders to be placed with such supplier in the future. Such certificate shall constitute a representation to, but shall not be filed with, the War Production Board. The supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false.

(m) *Exceptions*—(1) *United States Government.* None of the restrictions in this order as to sale, purchase, delivery, acceptance of delivery, or use of silver shall be applicable to the United States Government or any of its departments or agencies; provided, however, this exception shall not be deemed to extend to a manufacturer who manufactures items for delivery to or for the account of the United States Government or any of its departments or agencies. An item is not deemed removed from the list of restricted uses simply because it is to be manufactured for delivery to or for the account of the United States Government or any of its departments or agencies.

(2) *Repair.* The restrictions of this order as to the putting into process and the processing of foreign, Treasury, or domestic silver shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use silver weighing in the aggregate more than 3 ounces and if any putting into process or processing done by such person is for the purpose of making the specific repair. The term "repair" as used in this paragraph shall include the replating of used articles, provided the article was originally made of silver or silver-plated material.

(n) *Limitations of inventories.* No manufacturer shall accept delivery of silver, in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of silver by this order.

(o) *Reports.* Each supplier and each manufacturer and every other person affected by this order shall file such reports as may be requested from time to time by the War Production Board, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(p) *Miscellaneous provisions.*—(1) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order as to foreign silver shall apply to the use of such material in all items manufactured after July 29, 1942, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 29, 1942. The prohibitions and restrictions contained in this order as to domestic silver shall apply to the use of such material in all items manufactured after February 25, 1943, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to February 25, 1943. The prohibitions and restrictions contained in this order as to Treasury silver shall apply to the use of such material in all items manufactured on or after July 29, 1943, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 29, 1943. In so far as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided, the use of foreign, Treasury, or domestic silver in the production of any item, the limitations of such other order shall be observed.

(3) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations as amended from time to time.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington 25, D. C. Ref: M–199.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A: *Permitted uses of foreign silver under Conservation Order M–199:*

1. Manufacture of medicines and health supplies.
2. Manufacture of photographic film, photographic papers, and photographic chemicals, and use in any photographic process.
3. Manufacture of electrical contacts and other silver products or parts used for electrical current carrying purposes.
4. Manufacture of any product or use in any process to fill orders bearing a preference rating of AA–5 or higher, except uses on List B or List C.

LIST B: *Restricted uses of silver under Conservation Order M–199:*

1. Manufacture of silverware, including, without limitation, knives, forks, spoons, plates, platters, dishes, pitchers, vases, cups, candlesticks, and all other kinds of flatware and hollow ware and table, kitchen, and decorative utensils and objects, including silver deposit china or glassware.
2. Manufacture of watch cases and jewelry, including, without limitation, costume jewelry, blackout jewelry, and other articles of personal adornment, except push-pins for wrist watches. The term jewelry also includes personal accessories of all kinds such as bags, compacts, vanity cases, cigarette cases, cigarette holders, lighters, souvenirs, cuff links, pins, and clasps.
3. Manufacture of badges and insignia, other than official military insignia.
4. Manufacture of church goods as defined in General Limitation Order L–136.
5. Manufacture of slide fasteners, hooks and eyes, snaps, buttons, clips (except for fountain pens and mechanical pencils), buckles, and fasteners of every description.
6. Manufacture of closures for containers.
7. Manufacture of pens and pencils, except the nibs, interior tubes, filling mechanisms, clips, and reinforcing cap-rings or bands of fountain pens, and the tips, interior operating mechanisms, clips, and reinforcing bands of mechanical pencils.
8. Manufacture of toilet articles and picture frames.
9. Manufacture of musical instruments, except strings for stringed instruments.
10. Electroplating not necessary for operational purposes, except for use in the manufacture and repair of dental, surgical, veterinary, and optical (including spectacle frames) instruments, appliances, and equipment.

LIST C: *Permitted uses of Treasury silver under Conservation Order M–199:*

1. Manufacture of engine bearings.
2. Manufacture of official military insignia.
3. Manufacture of brazing alloys.

4. Manufacture of solders.

5. Use of brazing alloys or solders manufactured of Treasury silver in the manufacture of any product or use in any process to fill orders rated AA-5 or higher.

6. Use of brazing alloys or solders manufactured of Treasury silver in making repairs within the limitations of paragraph (m) (2).

INTERPRETATION 1

Conservation Order M-199 imposes certain quota limitations upon the amount of domestic silver which a manufacturer may put into process for restricted uses. In many silver manufacturing processes, a manufacturer starts with a certain amount of silver in primary shapes and ends the operation with a large part of such silver in the form of scrap. It is customary for the manufacturer in these cases to have this scrap melted, rolled, or otherwise processed so as to return it to a primary shape in which it can again be subjected to manufacturing processes. This reforming of the silver scrap in some instances is done by the manufacturer himself, in other instances the work is done by others under toll agreement. The question has been presented as to whether the processing of this reformed scrap must be considered as coming within this meaning of the term "put into process" or whether such processing of reformed scrap shall be considered as only the continuation of a processing operation which began when the manufacturer processed for the first time in any form for a restricted use the specific amount of silver from which such scrap was produced.

It is hereby determined that for the purposes of the quota limitations of Order M-199, the term "put into process" shall be deemed to cover only the manufacturer's first processing for a restricted use of a given amount of silver. It shall not be deemed to cover the subsequent processing of reformed scrap produced therefrom, whether such reforming is done by the manufacturer himself or by others for him under toll agreement. The term shall be deemed to cover, however, the first processing for a restricted use of reformed scrap which was produced in a manufacturing operation which is not restricted under the order.

Domestic silver scrap produced in filling an order rated A-1-a or higher for a restricted use is considered as having been produced in a manufacturing operation which is not restricted under the order. Hence such scrap when reformed can be processed for a restricted use only if within the manufacturer's quota limitations or to fill an order rated A-1-a or higher.

This interpretation supersedes Interpretation 1 of Conservation Order M-199 issued September 1, 1942. (Issued May 10, 1943.)

[F. R. Doc. 43-12279; Filed, July 29, 1943; 11:17 a. m.]

PART 3090—X-RAY EQUIPMENT

[Interpretation 1 of General Limitation Order L-206 as Amended]

The following interpretation is issued with respect to General Limitation Order L-206, as amended.

In Schedule A attached to Order L-206 [§ 3090.1] permitted types of X-ray units are set forth and described. Maximum milliamperages are specified in the descriptions. When a maximum milliamperage is specified for a particular unit, it means that the unit must be one designed to operate at a milliamperage no higher than the figure specified. A unit designed to operate at a higher milliamperage than the specified maximum but which is brought down to the specified maximum by removing certain parts (such as valves) therefrom, will still be regarded as a unit having the milliamperage at which it was originally designed to operate.

This interpretation applies to any transaction taking place under Order L-206, including authorizations on Form PD-556. For example, if a person is granted authority on Form PD-556 to receive a 100 milliampere power unit, his supplier may deliver only a unit designed to operate at a maximum milliamperage of 100 milliamperes and may not deliver a unit designed to operate at 200 milliamperes but which has been brought down to a maximum milliamperage of 100 milliamperes by removing the valves from it.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12280; Filed, July 29, 1943; 11:16 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 9 to CMP Regulation 5]

RELATIONSHIP BETWEEN CMP REGULATION NO. 5 AND CONSERVATION ORDER L-41

The following interpretation is issued with respect to CMP Regulation 5.

(a) Order L-41 requires War Production Board authorization before beginning any construction work except in those cases where the order expressly states that authorization is not necessary.

(b) CMP Regulation No. 5 (§ 3175.5) may not be used to get materials or products for any construction work of the type which requires authorization under Order L-41, unless the authorization specifically says that CMP Regulation No. 5 may be used.

(c) In those cases where specific War Production Board authorization is not required before beginning construction, and where the materials needed for the construction cost no more than $500, CMP Regulation No. 5 may be used to buy materials and products needed for the construction.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R Doc. 43-12281; Filed, July 29, 1943; 11:18 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Conservation Order M-319 as Amended July 29, 1943]

MANUFACTURED CRUDE ABRASIVE AND ABRASIVE GRAIN

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of manufactured crude abrasive and abrasive grain for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3274.91 *Conservation Order M-319*—(a) *Definitions.* For the purpose of this order:

(1) "Manufactured crude abrasive" means silicon carbide or fused aluminum oxide. Unfused or levigated alumina, and natural abrasives such as emery, garnet, corundum, and flint are not subject to this order.

(2) "Silicon carbide" means that product which results from combining silica and coke in a resistance-type electric furnace.

(3) "Fused aluminum oxide" means that product resulting from the fusion of alumina, or the fusion and purification of bauxite in an electric furnace, reduced by sledging or crushing to ungraded lumps or fine particles.

(4) "Abrasive grain" means:

(i) Any manufactured crude abrasive which has been classified as to particle size by mechanical, hydraulic, pneumatic, or other methods, and

(ii) Abrasive optical finishing powders, abrasive flours, blasting grain, reclaimed grain, refractory grain, firesand, and other manufactured abrasive and refractory grain specialties, whether or not classified as to particle size.

(5) "Abrasive optical finishing powders" means abrasive grain classified in standard sizes containing a maximum concentration of particles of a particular size within the over all range of 22½ to 4 microns inclusive, which produces a uniform grain depth pattern or mat finish on glass so that successive operations with rouge produce an optical finish.

(6) "Reclaimed grain" means:

(i) Any abrasive grain recovered from wheel stubs or other baked or fired abrasive or refractory stock, including lathe room turnings and dressings. The term does not include green shavings,

(ii) Any abrasive grain recovered from coated abrasive products,

(iii) Any abrasive grain previously used in grain form or on wheels, in blasting, grinding, or polishing operations.

(7) "Producer" means any person who produces manufactured crude abrasive or abrasive grain.

(8) "Importer" means any person who imports manufactured crude abrasive or abrasive grain from sources outside the United States.

(9) "Branch outlet" means any branch store, branch warehouse, or other direct agent of a producer or importer, used for purposes of distributing manufactured crude abrasive or abrasive grain.

(10) "Distributor" means any purchaser of manufactured crude abrasive or abrasive grain for purposes of resale without further processing.

(11) "Ultimate consumer" means any purchaser of manufactured crude abrasive or abrasive grain other than a distributor.

(12) "Period of authorization" means the period in which any producer or importer is authorized to use, and any person is authorized to accept delivery of manufactured crude abrasive or abrasive grain pursuant to authorization on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain). Each period of authorization shall be of two calendar months' duration. The first period of authorization shall be for the months of July and August 1943; the second period shall be for the months of September and October, 1943, etc.

(b) *Restrictions on use and delivery of manufactured crude abrasive and abrasive grain.* (1) Except as permitted by paragraph (d) of this order on and after July 1, 1943, notwithstanding any contract, agreement or preference rating to the contrary:

(i) No producer or importer shall himself use, and no producer, importer, branch outlet, or distributor shall deliver to any person any manufactured crude abrasive or abrasive grain except pursuant to specific authorization granted by the War Production Board on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain); and

(ii) No person shall accept delivery of any manufactured crude abrasive or abrasive grain, except pursuant to specific authorization granted by the War Production Board on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain).

(2) An order which has been authorized by the War Production Board on Form WPB 2779 [Form PD-888] (manufactured crude abrasive) or Form WPB-2781 [PD-886] (abrasive grain) must be accepted by the producer, importer, branch outlet, or distributor, and the producer, importer, branch outlet, or distributor must make delivery under it unless it does not meet his regularly established prices and terms (in accordance with Priorities Regulation No. 1): *Provided, however,* That within any given two-month period of authorization, delivery of orders for manufactured crude abrasive or abrasive grain may be scheduled without regard to preference ratings in the sequence best suited to maximum production and customers' needs. For the purposes of this order, delivery shall be deemed to have been made when the bill of lading covering the particular shipment has been signed by the carrier.

(3) No producer or importer authorized to use, and no person authorized to accept delivery of abrasive grain by an authorization on Form WPB-2781 [Form PD-886] shall use such abrasive grain for any purposes other than the purposes authorized on said Form WPB-2781 [Form PD-886] except as otherwise specifically directed by the War Production Board.

(4) Notwithstanding any other provisions of this order, on and after July 1, 1943, no person shall purchase or accept delivery of any abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size 80 or coarser for use as loose grain for any of the purposes listed on Schedule A hereto attached, nor shall any person sell, transfer, or deliver any such abrasive grain which he knows or has reason to believe is intended for use as loose grain for any of the purposes listed on said Schedule A.

(c) *Applications for authorization.* (1) Any producer or importer who desires to use, and any person who desires to accept delivery of, manufactured crude abrasive during the months of July and August, 1943 (which constitute the first period of authorization) shall apply on or before June 15, 1943, for authorization to use or accept delivery of that quantity of manufactured crude abrasive which will be required by the applicant during the months of July and August, 1943. Thereafter, on or before August 10, 1943, and on or before the 10th day of the month preceding each subsequent two-month period of authorization, any producer or importer who desires to use, and any person who desires to accept delivery of manufactured crude abrasive during such subsequent two-month period of authorization, shall apply for authorization to use or accept delivery of that quantity of manufactured crude abrasive which will be required by the applicant during such subsequent two-month period of authorization. All applications for authorization to use or accept delivery of manufactured crude abrasive shall be made on Form WPB 2779 (Form PD 888) in the manner prescribed therein. Copies of Form WPB 2779 (Form PD 888) may be obtained at local Field Offices of the War Production Board.

(2) Except as provided in paragraphs (c) (3), (d) (1), and (d) (2) of this order, any producer or importer who desires to use, and any person who desires to accept delivery of, abrasive grain during the months of July and August, 1943 (which constitute the first period of authorization) shall apply on or before June 10, 1943, for authorization to use or accept delivery of that quantity of abrasive grain which will be required by the applicant during the months of July and August, 1943. Thereafter, except as provided in paragraphs (c) (3), (d) (1), and (d) (2) of this order, on or before August 1, 1943, and on or before the 1st day of the month preceding each subsequent two-month period of authorization, any producer or importer who desires to use, and any person who desires to accept delivery of, abrasive grain during such subsequent two-month period of authorization, shall apply for authorization to use or accept delivery of that quantity of abrasive grain which will be required by the applicant during such subsequent period of authorization. All applications for authorization to use, or accept delivery of, abrasive grain shall be made on Form WPB 2781 (Form PD 886) in the manner prescribed therein. Copies of Form WPB 2781 (Form PD 886) may be obtained at local Field Offices of the War Production Board.

(3) In the event that an ultimate consumer desires to buy abrasive grain from a distributor or branch outlet during any period of authorization, the ultimate consumer shall apply on or before the first day of the month preceding the period of authorization in which delivery is required in the manner prescribed in Form WPB 2781 [Form PD 886]. No further application by the distributor or branch outlet shall be required for such abrasive grain, but the War Production Board, when acting on such ultimate consumer's application, will simultaneously grant or deny to such distributor or branch outlet authorization to accept delivery for, and to redeliver to, such ultimate consumer.

(4) Failure by any person to file an application pursuant to the provisions of this paragraph (c) may be construed as notice to the War Production Board that such person does not desire authorization to use, or accept delivery of, manufactured crude abrasive or abrasive grain, as the case may be, in the period of authorization for which such application is required.

(5) Whenever any order for manufactured crude abrasive or abrasive grain, previously authorized on Form WPB 2779 [Form PD-888] (manufacturer crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain), is cancelled, the producer, importer, branch outlet, or distributor, with whom such order was placed, shall immediately notify the War Production Board of such cancellation.

(d) *Small grain order exemptions.* (1) Any producer or importer who has not been specifically authorized on Form WPB 2781 [Form PD 886] to use, and any ultimate consumer who has not been specifically authorized on Form WPB 2781 [Form PD 886] to accept delivery of, abrasive grain during any given two-month period of authorization may use or accept delivery of a small quantity of abrasive grain during such two-month period of authorization without specific authorization on Form WPB 2781 [Form PD 886]: *Provided, however,* That in no event shall the total quantity of abrasive grain used by such producer or importer, or accepted by such ultimate consumer from all sources during such two-month period of authorization without authorization on Form WPB 2781 [Form PD 886], exceed the following maximum amounts:

(i) A quantity of abrasive grain manufactured from silicon carbide (other than abrasive optical finishing powders) having a value of $350 list price; and/or

(ii) A quantity of abrasive grain manufactured from fused aluminum oxide (other than abrasive optical finishing powders) having a value of $225 list price, and/or

(iii) A quantity of abrasive optical finishing powders manufactured from silicon carbide or fused aluminum oxide having a value of $100 list price.

(2) Subject to the inventory limitations contained in paragraph (f) of this order, any branch outlet or distributor may accept delivery of abrasive grain for stock to fill small orders therefor, pursuant to paragraph (d) (1) of this order. No specific authorization on Form WPB 2781 [Form PD 886] shall be required for such branch outlet or distributor to accept delivery of such abrasive grain, but each order for such abrasive grain placed by a branch outlet or distributor with a producer, importer, or another branch outlet, must be accompanied by a certification by such branch outlet or distributor, signed manually, or as provided by Priorities Regulation No. 7, substantially as follows:

The abrasive grain specified on this purchase order is required by the undersigned for stock to fill small orders pursuant to paragraph (d) (1) of Conservation Order M-319, with the terms of which the under-

signed is familiar. Delivery of this order will not increase the undersigned's inventory of the specified sizes and types of abrasive grain beyond a supply required under the undersigned's current practices for resale on such small orders during a period of sixty days.

(Name and address of distributor or branch outlet)

By_____
(Authorized signature)

(3) Any producer, importer, branch outlet, or distributor, may deliver a quantity of abrasive grain manufactured from silicon carbide, other than abrasive optical finishing powders, not to exceed $350 list price in value, and/or a quantity of abrasive grain manufactured from fused aluminum oxide, other than abrasive optical finishing powders, not to exceed $225 list price in value, and/or a quantity of abrasive optical finishing powders manufactured from silicon carbide or fused aluminum oxide not to exceed $100 in value, to any person without specific authorization on Form WPB–2781 [Form PD–886], and any producer, importer, or branch outlet may deliver to any branch outlet or distributor abrasive grain on orders placed pursuant to paragraph (d) (2) of this order and accompanied by the certification required by said paragraph: *Provided*, That:

(i) The total quantity of abrasive grain (other than abrasive optical finishing powders), delivered by any producer or importer without specific authorization pursuant to this paragraph (d) (3) during any two-month period of authorization, shall not exceed 5 per cent of such producer's or importer's estimated total tonnage production and/or purchases of such abrasive grain for such period, and

(ii) The total quantity of abrasive optical finishing powders manufactured from silicon carbide or fused aluminum oxide delivered by any producer or importer without specific authorization pursuant to this paragraph (d) (3), during any two-month period of authorization, shall not exceed 5 per cent of such producer's or importer's estimated total tonnage production and/or purchases of such abrasive optical finishing powders for such period.

The percentage limitations established above may be applied by any producer or importer on a size by size or an overall basis at his election.

(e) [Revoked July 1, 1943]

(f) *Limitation on inventories.* On and after June 1, 1943, no person other than a producer or importer shall purchase or accept delivery of any size and type of abrasive grain if his inventory thereof is, or will by virtue of such purchase or acceptance become, greater than the quantity of such size and type of abrasive grain which will be required under his current practices for use or resale during a period of sixty days: *Provided, however*, That the delivery of abrasive grain pursuant to the following designated types of purchase orders shall be permitted to effect such an increase;

(1) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Purchase orders placed by the Army, Navy, or Maritime Commission for abrasive grain required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes, or to supply such bases or supply depots outside the continental United States.

(3) Any other purchase order specifically excepted from this restriction by the War Production Board.

(g) *Proposed production and importation schedule to be filed.* On or before June 15, 1943, and bi-monthly thereafter on or before the 10th day of each alternate succeeding calendar month, each producer or importer shall file with the War Production Board his proposed schedule of production and importation of manufactured crude abrasive and/or abrasive grain for the next succeeding two calendar months. Proposed schedules for the production and importation of abrasive grain shall be filed on Form WPB 2782 (Form PD 885) in the manner prescribed therein. Proposed schedules for the production and importation of abrasive grain shall be filed on Form WPB 2780 (Form PD 887) in the manner prescribed therein.

(h) *Other allocation and scheduling directions.* Notwithstanding any other provisions of this order, the War Production Board may at any time:

(1) Direct the return or cancellation of any order for manufactured crude abrasive or abrasive grain;

(2) Direct or change any schedule of production or delivery of manufactured crude abrasive or abrasive grain;

(3) Allocate orders for manufactured crude abrasive or abrasive grain placed with one person to another person;

(4) Revoke any authorization to use or accept delivery of manufactured crude abrasive or abrasive grain, granted pursuant to this order;

(5) Take such other action as it deems necessary with respect to the placing of orders for, or the production, use, or delivery of, manufactured crude abrasive or abrasive grain.

(i) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of manufactured crude abrasive and abrasive grain shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section, of a single integrated enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(j) *Notification to customers.* Each producer, importer, branch outlet, or distributor shall, as soon as practicable, notify each of his regular customers of the requirements of this order, but failure to give or receive such notice shall not excuse any such person from complying with the terms hereof. All applications required by this order shall be filed by the dates specified herein notwithstanding the dates mentioned on the application forms.

(k) *Reports.* All producers, importers, branch outlets, or distributors, affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time request, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(l) *Applicability of regulations.* All transactions affected by this order are subject to applicable provisions of the regulations of the War Production Board as amended from time to time.

(m) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(n) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(o) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Tools Division, Washington 25, D. C. Ref: M–319.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Item 3 amended July 29, 1943.

The use of abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size of 80 or coarser for the following purposes is prohibited:

1. Blasting or polishing operations for all stone and monumental work.
2. Lithographic plate graining.
3. Glass grinding, except roughing operations on optical lenses and other precision optics.
4. Hulling operations.
5. Non-slip purposes, including non-slip treads of all kinds, non-slip cement or concrete, phenolic resin non-slip paint, non-slip surfaces for air or watercraft, etc.

[F. R. Doc. 43-12282; Filed, July 29, 1943; 11:18 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT [1]

[Supplementary General Limitation Order L–23–c as Amended July 29, 1943]

DOMESTIC COOKING APPLIANCES AND DOMESTIC HEATING STOVES

Section 1028.4 *Supplementary General Limitation Order No. L–23–c* is hereby amended to read as follows:

[1] Formerly Part 1028, § 1028.4.

§ 3288.66 [1] *Supplementary General Limitation Order No. L–23–c*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic cooking appliances" means gas ranges, cook stoves, and hot plates for household use; coal and wood ranges and cook stoves (including laundry stoves except water jacketed and permanently built-in coil types) for household use; fuel oil ranges, cook stoves, table stoves and hot plates for household use; combination ranges (including dual oven types, ranges with built-in kitchen heaters, and bungalow types) except electrical, for household use; camp and trailer stoves for cooking purposes; fuel oil conversion range burners; and drum and portable ovens.

(2) "Domestic heating stoves" means any above the floor devices (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts, and includes, but is not limited to, circulating, radiant and portable heaters and trailer and caboose stoves. Domestic heating stoves shall not include floor or wall furnaces.

(3) "New domestic cooking appliances and domestic heating stoves" means any such appliances or stoves which have never been used by an ultimate consumer.

(4) "Accessories" means aprons, thermostats, high closets, high shelves, clocks, broiler pans other than iron or steel, storage compartments, thermometers, and any other instruments, attachments, or appurtenances (except top-burner lighters) for domestic cooking appliances not essential to any of the following three major cooking operations: top burner cooking, oven baking and oven broiling.

(5) "Steel coal or wood range or cook stove" means a coal or wood range or cook stove in which the total weight of steel is 20% or more of the total weight of metal of the unit.

(6) "Fuel oil" means any liquid petroleum product commonly known as fuel oil including Numbers 1, 2, 3, 4, 5, and 6, Bunker C, Diesel oil, kerosene, range oil, gas oil or any other liquid petroleum product used for the some purposes as the above designated grades.

(7) "Base period" means the 12 months period from July 1, 1940 to June 30, 1941.

(8) "Factory sales value" means the aggregate value of shipments of domestic cooking appliances and domestic heating stoves.

(9) "Class A producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was $2 000,000 or more.

(10) "Class B producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(11) "Class C producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are not located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(12) "Producer" means any person who during the base period manufactured, fabricated or assembled any domestic cooking appliances or domestic heating stoves.

(b) *General restrictions.* (1) No person except a producer shall manufacture, fabricate or assemble any domestic cooking appliances or any domestic heating stoves.

(2) No person shall manufacture, fabricate or assemble any domestic cooking appliance or domestic heating stove except from materials in inventory on July 29, 1943, or the acquisition and use of which is specifically authorized from time to time by the War Production Board under the Controlled Materials Plan or otherwise. In authorizing the manufacture of domestic cooking appliances and domestic heating stoves the War Production Board will, in general, authorize Class C producers to produce the types they normally fabricate up to 100% of their base period unit production before authorizing the manufacture of any of the same types by Class A and Class B producers; *Provided, however*, That during the period from July 1, 1943 to June 30 1944 the total number of units of each type authorized for production by all producers will not exceed the percentages of total unit production specified in Schedule A attached.

(3) No producer shall manufacture, fabricate or assemble any domestic cooking appliances (other than combination ranges) or domestic heating stoves, except in those fuel types which he manufactured, fabricated or assembled during the base period; but this provision shall not apply to such appliances or stoves manufactured, fabricated or assembled for delivery to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration of the United States, or for use in a building or project authorized under Preference Rating Order P–55–b or rated under Preference Rating Order P–55 or any Order in the P–19 series.

(4) No producer shall manufacture, fabricate, or assemble any domestic cooking appliances, except those listed in Schedule B attached, and then only in accordance with the maximum weights, numbers of models or sizes and description of types set forth in such table; and no person shall manufacture, fabricate or assemble any accessories or incorporate them into any domestic cooking appliances.

(5) No person shall manufacture, fabricate or assemble any domestic heating stoves except those listed in Schedule B attached, and then only in accordance with the numbers of models and BTU capacities set forth therein.

(6) No producer shall

(i) Use any iron or steel in the production of cover tops or lids to cover the cooking surfaces of domestic cooking appliances when not in use; or

(ii) Produce or assemble any domestic cooking appliances equipped with such cover tops or lids containing any iron or steel; or

(iii) Use any "bright work", "bright finish", metal finish, or trim containing copper, nickel, chrome, or aluminum or other alloy in the production of domestic cooking appliances or domestic heating stoves; or

(iv) Use any alloy steel in the production of domestic cooking appliances or domestic heating stoves except for valves.

(7) No producer shall substitute steel for cast iron in the manufacture, fabrication of assembly of any model of domestic cooking appliance or domestic heating stove which he manufactured, fabricated or assembled prior to July 29, 1943.

(8) No producer shall manufacture, fabricate or assemble any steel coal or wood range or cook stove who did not manufacture, fabricate or assemble such ranges or stoves during the period July 1, 1940 to July 29, 1943.

(c) *Exceptions.* (1) Nothing in paragraph (b) (4) or (b) (5) shall restrict the manufacture, fabrication or assembly of trailer or caboose stoves.

(2) Domestic cooking appliances or domestic heating stoves which do not conform to the provisions of paragraph (b) (4) or (b) (5) may be manufactured, fabricated or assembled to specifications for the account of or for delivery to the Army, Navy, Maritime Commission or War Shipping Administration of the United States, or to specifications for use in a building or project authorized under Preference Rating Order P–55–b or rated under Preference Rating Order P–55, or any Order in the P–19 series: *Provided*, That a prior request be made to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., by letter, and approved in writing.

(3) Notwithstanding any restrictions in this order, concerning use of metals, accessories, weight per unit, numbers of models, or sizes or types, until October 27, 1943, any producer may manufacture, fabricate or assemble any domestic cooking appliance or any domestic heating stove provided that he has in his inventory, on July 29, 1943, fabricated iron or steel parts of any such appliance or stove which total at least 50% of the total weight of iron and steel which such appliance or stove would contain when completely assembled.

(d) *Sales restricted to rationed or rated transactions.* On and after September 1, 1943 no person may sell or deliver a new domestic cooking appliance or a new domestic heating stove unless the transaction either (1) is rated A–10 or better or (2) is made pursuant to a rationing order of the Office of Price Administration.

(e) *Repair parts.* Nothing in this order shall prohibit or restrict the manu-

[1] Formerly Part 1028, § 1028.4.

facture or shipment of repair parts for domestic cooking appliances or domestic heating stoves.

(f) *Reports.* Each producer shall execute and file with the War Production Board, such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Applicability of priorities regulations.* All persons and transactions affected by this order are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Applicability of other orders.* Insofar as any other orders heretofore or hereafter issued by the War Production Board limits the use of any material in the production of domestic cooking appliances or domestic heating stoves to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (formerly PD–500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Communications.* All communications concerning this order, except appeals, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref.: L–23–c.

(k) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

	Percentage of total unit production by all producers in the base period (July 1, 1940 to June 30, 1941)
Domestic cooking appliances:	
1. Gas ranges and cook stoves	40
2. Combination, bungalow and kitchen heater ranges	40
3. Coal and wood ranges and cook stoves	100
4. Fuel oil ranges and cook stoves	40
5. Coal and wood laundry stoves	100
6. Gas hot plates	75
7. Portable and drum ovens	75
Domestic heating stoves:	
1. Gas fired heaters	75
2. Oil fired heaters	40
3. Coal and wood heaters	100

SCHEDULE B

Appliance	Maximum weight of iron and steel permitted in finished product (pounds)	Maximum number of models or sizes permitted	Types
1. Gas ranges	100	2	One to have 3 top burners, broiler optional. One to have 4 top burners with broiler and bake oven.
2. Gas hot plates	15 iron (no steel permitted)	3	1–1 burner, 1–2 burner, 1–3 burner.
3. Coal or wood ranges and cook stoves.	Average unit weight of any producer's production in any calendar quarter not to exceed 85% of such average unit weight during the base period.	8	2 steel ranges or cook stoves. 3 cast iron ranges. 3 cast iron cook stoves (At least one steel range or cook stove one cast iron range and one cast iron cook stove manufactured by any producer shall be the lightest of each in his line).
4. Gas and coal or wood combination ranges.	Lightest in producer's line from July 1, 1940 to ....., 1943.	1	
5. Bungalow or kitchen heater range (gas and coal or wood).	350	1	
6. Fuel oil ranges	90	2	1–3 top burner range with bake oven. 1–2 top burner range with bake oven
7. Fuel oil stoves	45	2	1–2 burner stove. 1–3 burner stove.
8. Fuel oil table stoves	18	3	1–1 burner stove. 1–2 burner stove. 1–3 burner stove
9. Laundry stoves		6	4–2 hole stoves. 2–4 hole stoves. (1–2 hole stove and 1–4 hole stove manufactured by any producer shall be the lightest of each in his line.
10. Portable ovens		2	1 single oven. 1 double oven.
11. Drum ovens		1	

Stoves	Number of models or sizes permitted	Maximum of models or sizes permitted in BTU capacities per hour
1. Gas Radiant	10	2—12,000 or less input. 2—12,001 to 20,000 input. 2—20,001 to 30,000 input. 2—30,001 to 45,000 input. 2—over 45,000 input.
2. Gas circulating	6	2—30,000 or less input. 2—30,001 to 50,000 input. 2—over 50,000 input.
3. Fuel oil portable (bail type)	2	2—30,000 or less output.
4. Fuel oil circulating	10	
5. Cast iron or steel coal	6	
6. Sheet steel wood stoves		

[F. R. Doc. 43-12283; Filed, July 29, 1943; 11:16 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER [1]

[Conservation Order M-103, as Amended July 29, 1943]

DYESTUFFS AND ORGANIC PIGMENTS

§ 3290.266 [1] *Conservation Order M-103*—(a) *Definitions.* For the purposes of this order:

(1) "Dyestuffs" means any organic or partially organic coloring matter. The term does not include inorganic pigments extended or otherwise processed with resinates, with dispersing agents, or with other substantially colorless organic material.

(2) "Class A dyestuffs" means the anthraquinone vat dyes appearing on List A attached hereto.

(3) "Class B dyestuffs" means all anthraquinone vat dyes other than those appearing on said List A. The term includes Fast Red A. L. Salt, which shall be considered an anthraquinone vat dye of single strength.

(4) "Class C dyestuffs" means all anthraquinone dyes other than anthraquinone vat dyes.

(5) "Class D dyestuffs" means all other dyestuffs, except:

(i) Those derived from vegetable or animal sources;

(ii) Lithol Red CI 189, Azo Bordeaux CI 88, Alphanaphthylamine Maroon CI 82 or Pigment Green B; or

(iii) Dyestuffs certified under the provisions of the Federal Food, Drug and Cosmetic Act (Ch. 9, Title 21, U. S. Code) and sold and used exclusively for use in food, drugs and cosmetics, as defined in said Act.

(6) "Value" means the dollar value computed from the domestic consumer's contract sales price as of January 1, 1943.

(7) "United States" means the 48 States, the District of Columbia and the Territory of Alaska.

(b) *Restrictions on delivery*—(1) *Class A.* No person shall deliver or accept delivery of any Class A dyestuffs, except for export within the limitations prescribed in paragraph (c) (*Restrictions on export*) and except as provided in paragraph (d) (*General exceptions*).

(2) *Class B, C and D quotas.* Except as provided in paragraph (d) (*General exceptions*), no person shall, in any calendar quarter, deliver or accept delivery of any Class B, C or D dyestuffs for use in the United States or Canada, in excess of the quantities specified in the following schedule:

[1] Formerly Part 1162, § 1162.1.

	May deliver	*May accept delivery*
Class B	15% of combined amount of Class A and B dyestuffs delivered to all persons in 1941.	15% of combined amount of Class A and B dyestuffs received from all sources in 1941.
	(For the purpose of Class B quota, calculate in pounds of equivalent single strength Anthraquinone vat dyes. The poundage may be increased to equal 25 or a multiple thereof.)	
Class C	15% of value of Class C dyestuffs delivered to all persons in 1941.	$100, or 15% of value of Class C dyestuffs received from all sources in 1941, whichever is higher.
Class D	15% of value of Class D dyestuffs delivered to all persons in 1941.	$100, or 15% of value of Class D dyestuffs received from all sources in 1941, whichever is higher.
	(For the purpose of Class D quota, in determining the value of dry and wet dispersions of organic pigments, only the organic pigment content for such dispersions shall be considered and it shall be based on the value of a comparable dry pigment.)	

(3) *Quota adjustments.* For the purpose of the Class B, C and D quotas, referred to in the above schedule:

(i) *Use by producer.* Amounts of dyestuffs which are or have been used by a producer in any calendar quarter or in 1941, shall be considered as having been delivered to such person in such quarter or in 1941, as the case may be.

(ii) *Credit for returned dyestuffs.* Amounts of dyestuffs returned to a vendor prior to the 22nd day after the end of the calendar quarter in which they were delivered, shall not be charged as delivered or accepted.

(iii) *Carry-over of undelivered quota.* Amounts of dyestuffs which a person may deliver or accept which have not been delivered or accepted in any calendar quarter, may be delivered or accepted prior to the 22nd day after the end of such quarter.

(c) *Restrictions on exports*—(1) *General restrictions.* No producer shall export or deliver for export from the United States to any place other than Canada any dyestuffs produced by him, except either upon orders accompanied by individual export licenses issued by the Office of Economic Warfare (the applications for which show thereon the corresponding current domestic sales price of such dyestuffs) or upon orders from an agency of the United States for delivery pursuant to the Act of March 11, 1941, as amended, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act). The total value, exclusive of the exceptions provided in paragraph (d), of dyestuffs so exported or delivered in any quarter shall not exceed:

(i) ¾ of 1% of the total value of all dyestuffs delivered by him in 1941 plus

(ii) 15% of the total value of dyestuffs exported or delivered for export by him from the United States to all places other than Canada in 1941.

(2) *Further restrictions on Class A, B and C.* The amount of dyestuffs, exclusive of the exceptions provided in paragraph (d), produced by him which a producer may export or deliver for export from the United States to all places other than Canada in any calendar quarter, shall not exceed:

(i) As to Class A dyestuffs, ¾ of 1% of the total value of all Class A dyestuffs delivered by him in 1941;

(ii) As to a total of Class A, B and C dyestuffs, 2% of the total value of all Class A, B and C dyestuffs delivered by him in 1941.

(3) *Carry-over of undelivered portion of export quota.* Amounts of any dyestuffs which a producer may export or deliver for export from the United States to all places other than Canada in any calendar quarter and which are not exported or delivered in such quarter, may be carried over to the following quarter and increase to that extent the quota for such class in the subsequent quarter. For the purposes of this subparagraph (3), all dyestuffs, other than Class A, B or C, shall be considered one class.

(d) *General exceptions.* The restrictions in subparagraphs (1) and (2) of paragraph (b) (*Restrictions on delivery*) and the restrictions in paragraph (c) (*Restrictions on export*) shall not apply to the delivery or acceptance of delivery of dyestuffs—

(1) To or by the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the United States Post Office, the Government Printing Office, the Bureau of Engraving and Printing or the Government of Canada;

(2) For ultimate delivery to any of the agencies mentioned in subparagraph (1) of this paragraph (d), or for use, to the extent specified in the prime contract, in the manufacture of any item which is being produced for any of said agencies;

(3) For use in the manufacture of officers' uniform materials for officers' uniforms as defined in Preference Rating Order P–131, as amended from time to time;

(4) Between or among producers and exclusive sales agents of producers;

(5) For coloring gasoline and tractor fuels;

(6) For chemical indicators or bacteriological stains;

(7) For medicinal, therapeutic or diagnostic uses;

(8) For redyeing used apparel or used household furnishings;

(9) For ultimate delivery to or by a retailer (who for this purpose means one who sells dyestuffs and other merchandise directly to the general public for its consumption, e. g., a general store, a drug store, etc.) of dyestuffs in containers not exceeding 8 ounces in content; or

(10) To replace in inventory amounts which, although not acquired for any of the uses referred to in any of the subparagraphs of this paragraph (d), were nevertheless used for one or more of such purposes.

Provided, That all deliveries of dyestuffs exempted from the restrictions of said paragraphs (b) and (c) by subparagraphs (2), (3), (4), (5), (6), (7), (8) or (10) of this paragraph (d) shall be made only upon the receipt by the vendor from the purchaser of a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

> The undersigned hereby certifies to his vendor and to the War Production Board that the dyestuffs to be delivered on the annexed purchase order will be used for one or more of the purposes specified in paragraph (d) of Conservation Order M–103, or will replace inventory so used.

(e) *Treatment of mixtures.* In the case of physical mixtures of different classes of dyestuffs containing a component or components of one class to the extent of at least 90% of the value of such mixture, such mixtures shall be considered as belonging to the class to which said component or components belong. In the case of all other physical mixtures of dyestuffs, the classes of components shall be considered separately.

(f) *Restrictions on use of specific dyestuffs.* No person shall use any:

(1) Meta-toluylene diamine (including Amanil Developer B, Pontamine Developer TN, Developer D, Developer DB, Developer MT, Developer MTD or Developer TD) in the developing of diazotized dyes already present on textile fibers. This provision shall not prohibit the use of such Meta-toluylene diamine in the manufacture of dyestuffs.

(2) Anthraquinone in any physical form in discharging (including color and white discharge), stripping or destroying naphthol (azolic), vat or other dyes already present on textile fibers. This provision shall not prohibit the use of Anthraquinone in the manufacture of dyestuffs.

(3) Annato or annato extracts for coloring any materials other than food products.

(f–1) *Further restrictions.* No producer of or dealer in dyestuffs shall produce or deliver dyestuffs and no person shall commercially accept delivery of dyestuffs or use the same, contrary to any specific direction which may be issued from time to time by the War Production Board.

(g) *Restrictions on inventory.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14), no person shall accept delivery of any Class A dyestuffs which will increase his inventory thereof beyond an amount which, to the best of his knowl-

edge and belief, will be used by him in the next 45 days.

(h) *General prohibitions.* No person shall deliver or accept delivery of any dyestuffs, if he knows, or has reason to believe, such material is to be used or is to be delivered or accepted in violation of the terms of this order.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(l) *Communications to the War Production Board.* All communications concerning this order, shall, unless otherwise directed in writing, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference: M-103.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

PART I—TECHNICAL NAMES

1. Brown R CI 1151.
2. Brown G CI 1152.
3. Olive R CI 1150.
4. Golden orange R CI 1097
5. Khaki 2G Pr 122.
6. Olive T.
7. Olive GGL.
8. Olive green B.
9. Yellow 3RD.

PART II—TRADE NAMES

Amanthrene olive R CI 1150.
Amanthrene olive green B.
Calcoloid golden orange RRTD CI 1097.
Calcosol brown G CI 1152.
Calcosol brown R CI 1151.
Calcosol brown RP CI 1151.
Calcosol golden orange RRTD CI 1097.
Calcosol golden orange RRTP CI 1097.
Calcosol khaki G Pr 122.
Calcosol olive R CI 1150.
Carbanthrene brown AR CI 1151.
Carbanthrene brown AG CI 1152.
Carbanthrene golden orange RRT CI 1097.
Carbanthrene prtg. golden orange RRT CI 1097.
Carbanthrene khaki 2G Pr 122.
Carbanthrene olive R CI 1150.
Cibanone brown BG CI 1152.
Cibanone brown GR CI 1151.
Cibanone golden orange 2R CI 1097.
Cibanone olive 2R CI 1150.
Indanthrene brown FRA CI 1151.
Indanthrene brown GA CI 1152.
Indanthrene brown GAF CI 1152.
Indanthrene brown GAP CI 1152.
Indanthrene brown GWF CI 1152.
Indanthrene brown GWP CI 1152.
Indanthrene brown RA CI 1151.
Indanthrene brown RAP CI 1151.
Indanthrene brown RWP CI 1151.
Indanthrene khaki 2GA Pr 122.
Indanthrene khaki 2GF Pr 122.
Indanthrene khaki 2GWP Pr 122.
Indanthrene olive green BA.
Indanthrene olive RA CI 1150.
Indanthrene olive RAP CI 1150.
Indanthrene olive RW CI 1150.
Indanthrene olive RWF CI 1150.
Indanthrene orange RRTA CI 1097.
Indanthrene orange RRTF CI 1097.
Indanthrene orange RRTP CI 1097.
Indanthrene orange RRTW CI 1097.
Indanthrene yellow 3RD.
Indanthrene olive T.
Ponsol brown AG CI 1152.
Ponsol brown AR CI 1151.
Ponsol brown ARS CI 1151.
Ponsol green 2BL.
Ponsol golden orange RRT CI 1097.
Ponsol golden orange RRTS CI 1097.
Ponsol khaki 2G Pr122.
Ponsol olive AR CI 1150.
Ponsol olive ARS CI 1150.
Ponsol olive GGL.

[F. R. Doc. 43-12284; Filed, July 29, 1943; 11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Hotels and Rooming Houses,[1] Amdt. 2]

RENTING TO FAMILY IN LANDLORD'S RESIDENCE

Section 6 (d) (5) is added to the Rent Regulation for Hotels and Rooming Houses to read as follows:

(5) *Renting to family in landlord's residence.* A family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any person within such residence other than those in the one family.

This amendment shall become effective August 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12223; Filed, July 28, 1943; 4:33 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Housing,[2] Amdt. 3]

RENTING TO FAMILY IN LANDLORD'S RESIDENCE

Section 6 (c) (4) is added to the Rent Regulation for Housing to read as follows:

(4) *Renting to family in landlord's residence.* The provisions of this section shall not apply to a family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any persons within such residence other than those in the one family.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 28th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12224; Filed, July 28, 1943; 4:33 p. m.]

PART 1408—GLASS AND GLASS CONTAINERS

[MPR 382,[1] Amdt. 2]

WIDE MOUTH GLASS CONTAINERS

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 382 is amended in the following respects:

Section 1.10 (d) and (e) is added to read as follows:

(d) *Application for classification as a new producer of wide mouth glass containers*—(1) *When appropriate.* Whenever it has been certified by the War Production Board or the War Foods Administration or other responsible governmental agency that a shortage exists or threatens to exist in the essential supply of wide mouth glass containers, and when it appears that production of such containers can be secured to alleviate that shortage, and that such production would be the output of productive capacity not ordinarily employed in the production of wide mouth glass containers, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1 or on its own motion, adjust the maximum prices of the output of such new productive capacity as stated below.

(2) *Submission of applications.* Every application submitted under this paragraph shall include evidence demonstrating the following:

(i) That no wide mouth glass containers were manufactured in the plant for which relief is requested under this paragraph in the six-month period July 1 through December 31, 1942;

(ii) That the total cost to manufacture and sell wide mouth glass containers in that plant will exceed the applicable maximum prices set forth in sections 5.1 (a) and (b) and 5.2 (a) and (b) of this regulation;

(iii) That the excess of the maximum prices applied for by that plant over the applicable maximum prices set forth in

[1] 8 F.R. 7334, 9019.
[2] 8 F.R. 7322, 9020.

*Copies may be obtained from the Office of Price Administration.
[1] 8 F. R. 6275, 8839.

sections 5.1 (a) and (b) and 5.2 (a) and (b) of this regulation will not be passed on to purchasers in the first sale of any commodity as packaged in the container and that the requested increase, if granted, will not be made the basis of an application to the Office of Price Administration by the seller of such packaged commodity to increase his selling price. The applicant shall submit a statement from the buyer certifying to those facts.

(iv) That reports will be made by the applicant plant to the Office of Price Administration at such intervals and containing such data as may be specified in the order granting relief under this paragraph.

(3) *Relief.* The following shall be the maximum relief granted under this paragraph:

(i) Where it appears to the Price Administrator that the reasonably estimated total cost to manufacture and sell wide mouth glass containers in a plant duly authorized under this paragraph exceeds the applicable prices set forth in sections 5.1 (a) and (b) and 5.2 (a) and (b) of this regulation, the maximum relief granted shall be to allow that plant to use such costs as its maximum price, but such price shall not exceed the applicable prices in sections 5.1 (a) and (b) and 5.2 (a) and (b) of this regulation by more than 15 percent of those applicable prices.

The "total cost to manufacture and sell" wide mouth glass containers, for the purpose of this paragraph, shall include the costs of batch materials, fuel, power, direct and indirect labor, cartons, royalties, depreciation charges, maintenance and repairs expense, taxes (not including Federal and state income taxes), other factory overhead, freight from plant to purchasers' destination and the general, administrative, and selling expenses allocated to plant operations.

(ii) Where it appears to the Price Administrator that the aggregate of the reasonably estimated factory cost of production in that plant and the actual freight to the destination from that plant is equal to or greater than an amount 15 percent more than the applicable prices set forth in sections 5.1 (a) and (b) and 5.2 (a) and (b) of this regulation, the maximum relief granted shall be to permit that plant to use as its maximum prices the aggregate of such factory cost of production and actual freight charge.

The "factory cost of production," for the purpose of this paragraph, shall include the costs of batch materials, fuel, power, direct and indirect labor, cartons, royalties, depreciation charges, maintenance and repairs expense, taxes (not including Federal and State income taxes), and other factory overhead.

Classification may be had under this paragraph only on a specific and express authorization by the Price Administrator. This authorization will state the extent to which relief has been granted and will specify what information must be submitted by the applicant plant in reports to be submitted by it to the Office of Price Administration at the intervals specified in the authorizing order. The maximum prices granted under this paragraph are subject to revocation, readjustment and charge (not to apply retroactively) by the Office of Price Administration.

(e) *Application for special shipping consideration to the Western Area*—(1) *When appropriate.* Whenever it has been certified by the War Production Board or the War Foods Administration or other responsible governmental authority that a shortage exists or threatens to exist in the essential supply of wide mouth glass containers in the Western Area and that this shortage might be relieved by shipments from a point or points in the Eastern Area from a specified seller to a specified purchaser within a stated period of time, without the creation thereby of a similar shortage in the area from which shipment is made, but that such shipment is prevented by the prospective shipper's inability to absorb transportation charges to the extent required under other provisions of this regulation, the Office of Price Administration may, either on its own motion or on application filed in accordance with Revised Procedural Regulation No. 1, authorize relief in the manner and to the extent indicated below.

(2) *Submission of applications.* Every application submitted under this paragraph shall include at least the following information:

(i) Sufficient data to identify the item in question and the prospective seller and purchaser, and to demonstrate that an actual shortage exists which will be relieved by the proposed shipment.

(ii) Information sufficient to establish the fact that the making of the proposed shipment will not in turn cause or tend to cause the existence of a shortage in any locality in the Eastern Area;

(iii) Information showing adequately why the proposed shipment cannot be made without the issuance of special authorization under this paragraph;

(iv) A statement that the manufacturer making the application did not, between January 1 and July 31, 1941, make any shipment of wide mouth glass containers to the Western Area at prices at or below those now applicable on shipments to that destination under section 5.2 (a) and (b) of this regulation;

(v) A statement that the applicant manufacturer does not maintain producing or warehousing facilities in the Western Area;

(vi) A statement of the price which is requested for this sale, and a statement of the quantity and time requested to be covered by an authorization under this paragraph;

(vii) A statement from the buyer, submitted by applicant, that the excess of the maximum prices applied for by that plant over the applicable maximum prices set forth in section 5.2 (a) and (b) of this regulation will not be passed on to purchasers in the first sale of any commodity as packaged in the container, and that the requested increase, if granted, will not be made the basis of an application to the Office of Price Administration by the seller of such commodity to increase his selling price;

(viii) A statement that the maximum prices requested have been computed in accordance with section 4.8 of this regulation, in that the customary price differentials, whether published or unpublished, which were or would have been allowed in the Eastern Area by that plant on July 1, 1941, to purchasers in contract or greater quantities, or to any other class of purchaser who resells the containers as such, have been maintained;

(ix) A statement of the maximum freight allowance (including the tax of 3 percent levied by section 620 of the Revenue Act of 1942 on the transportation of property for hire, in accordance with Supplementary Order No. 31 issued by the Office of Price Administration) regularly made by the manufacturer during the period January 1 to July 31, 1941. The maximum freight allowance made by the applicant in the period January 1 to July 31, 1941 is defined for the purpose of this section as the average of the three highest freight rates that were allowed by the manufacturer to purchasers of wide mouth glass containers in contract or greater quantities on shipments to destination within the price zone in which the applicant plant is located.

(3) *Relief available.* Relief will be granted under this paragraph only on specific and express authorization by the Price Administrator and will conform to the terms of the authorizing order. The maximum relief granted shall be to authorize the applicant plant, notwithstanding other provisions of this regulation, to use as its maximum prices for the items and time authorized in the order an amount in each case no greater than that reached by the following computation:

From the maximum price for the item concerned in the zone from which shipment is proposed to be made, as provided in Articles I through IV and section 5.1 (a) and (b) of this regulation, deduct the plant's maximum freight allowance as computed under subparagraph 2 (ix), immediately above, and to the resulting figure add the lowest actual rail rate (including also the tax of 3 percent levied by section 620 of the Revenue Act of 1942 on the transportation of property for hire, in accordance with Supplementary Order No. 31 issued by the Office of Price Administration) from the proposed shipping point to the proposed destination on an identical shipment to that for which this authorization is requested.

The authorizing order will state to what extent relief has been granted and will specify what information must be submitted by the applicant plant in reports to be submitted by it to the Office of Price Administration in accordance with the authorizing order. The maximum prices and allowances granted under this paragraph are subject to revocation, readjustment, and change (not to apply retroactively) by the Office of Price Administration.

This amendment shall become effective July 28, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12225; Filed, July 28, 1943; 4:33 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 304—LABOR

[General Order 17, Rev.]

TRAINING ORGANIZATION SCHOOLS AND STATIONS ON AMERICAN, PANAMANIAN, AND HONDURAN FLAG VESSELS

EMPLOYMENT OF GRADUATES

General Order 17, § 304.10 *Employment of officers and crews for all American flag vessels and Panamanian and Honduran flag vessels,* is revised to read:

§ 304.10 *Employment of graduates of Training Organization schools and stations on American, Panamanian* and *Honduran flag vessels owned by or under chapter to the War Shipping Administration.* All owners, operators, agents, maritime unions, and others (hereinafter referred to as "employers") employing officers and crews for vessels owned by or under charter to the War Shipping Administration and documented under the laws of the United States of America or under the laws of the Republic of Panama or the Republic of Honduras, in employing, for their first assignment after graduation, graduates of War Shipping Administration schools and stations designated:

Fort Trumbull, New London, Connecticut;
Alameda, California;
United States Merchant Marine Academy;
California Maritime Academy;
Maine Maritime Academy;
Massachusetts Maritime Academy;
New York State Maritime Academy;
Pennsylvania Maritime Academy;
Hoffman Island, New York, New York.
St. Petersburg, Florida;
Sheepshead Bay, New York;
Avalon, California; and
Gallups Island, Boston, Massachusetts;

shall be governed by the following rules and regulations:

(a) Graduates may be employed only through the offices of the Recruitment and Manning Organization, located at:

(1) 200 Bush Street, San Francisco, California;

(2) 45 Broadway, New York, New York.

(3) Canal Building, 210 Baronne Street, New Orleans, Louisiana; and

(4) Such other port offices as the Assistant Deputy Administrator for Recruitment and Manning may designate.

(b) Employers shall refer to the Recruitment and Manning Organization, graduates and enrollees of War Shipping Administration schools and stations who apply to them directly for employment.

(c) Graduates who are assigned to vessels operating under collective bargaining agreements will, upon the request of the maritime union holding such an agreement, be routed via the Recruitment and Manning Organization to the vessel in accordance with the provisions and hiring practices established by the terms of the particular collective bargaining agreement involved.

(d) Graduates shall be assigned to a named vessel only, and shall not be released to any employer for general assignment.

(e) Graduates of the Officer Schools at Fort Trumbull, New London, Connecticut, and Alameda, California, shall be reassigned to an operator when such operator advises the Recruitment and Manning Organization in writing that such man was released by the operator for the specific purpose of taking the courses offered at such school and that his reassignment is requested.

(f) Graduates of the United States Merchant Marine Cadet Corps will be assigned, whenever possible, to the operators on whose vessels they obtained their sea-training provided that such operators request their services in writing.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

JULY 27, 1943.

[F. R. Doc. 43-12265; Filed, July 29, 1943; 10:23 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

HART MOUNTAIN NATIONAL ANTELOPE REFUGE, OREGON

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, and in extension of § 12.9 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), *the following is hereby ordered:*

§ 21.404 *Hart Mountain National Antelope Refuge, Oregon; hunting of deer.* Deer may be taken during the open season from October 9 to October 24, inclusive, as prescribed by the State Game Commission of Oregon, in the calendar year 1943 on certain lands, hereinafter described, of the United States within the exterior boundary of the Hart Mountain National Antelope Refuge, Oregon, in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,[1] and subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* The following-described lands of the United States in the Hart Mountain National Antelope Refuge, Oregon, shall be open to the hunting of deer: That part of the refuge that drains into Warner Valley along the western boundary, having as its northern limit, with slight deviation, the new road from the Hart Mountain CCC camp site to the refuge headquarters and having as its southern limit the southern boundary of the refuge, all as indicated by appropriate posting on the ground by the officer in charge.

(b) *Compliance with State laws and regulations.* Any person who hunts on the refuge shall be in possession of a valid hunting license issued by the State of Oregon authorizing him to hunt deer and a permit, if required. Said license and permit shall serve as a Federal permit for hunting deer on the refuge and must be carried on the person of the licensee while so hunting. The license and permit must be exhibited upon the request of any representative of the Oregon State Game Commission authorized to enforce the State game laws or of any representative of the Department of the Interior. The licensee must comply in every respect with the State laws and regulations governing the hunting of deer and upon request of any of the aforesaid representatives must exhibit for inspection all game killed by him or in his possession.

(c) *Disorderly conduct, intoxication.* No person who is intoxicated will be permitted to enter or remain upon the refuge for the purpose of hunting hereunder, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(d) *Entry upon refuge.* Persons entering the refuge for the purpose of hunting, as permitted by the regulations in this section, shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge.

(e) *Limitation on firearms.* Deer may be taken only with a rifled firearm of not less than 1,700-foot pounds muzzle energy, factory rating.

(f) *Forfeiture of privileges.* Failure of any person hunting on the refuge to comply with any of the provisions, conditions, restrictions, or requirements of the regulations in this section or the violation by him of any of the provisions of State or Federal laws or regulations applicable to hunting on the refuge not only will render such person liable to prosecution under the law but also will be sufficient cause for removing him from the refuge and for refusing him further hunting privileges on the refuge.

(g) *State cooperation in management of the shooting area.* The provisions of the regulations in this section shall be incorporated in and deemed to be a part of any cooperative agreement between the Director of the Fish and Wildlife Service and the State Game Commission of Oregon for the regulation, management, and operation of the shooting area established hereunder, the details of which shall be mutually agreed upon between said Director and Commission.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JULY 20, 1943.

[F. R. Doc. 43-12264; Filed, July 29, 1943; 9:40 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. 508–FD, 1221–FD]

REQUESTS FOR EXEMPTION

ORDER DISMISSING APPLICATIONS

In the matter of applications filed pursuant to sections 4–A and 4 II (1) of the Bituminous Coal Act of 1937 requesting exemptions from the Act.

Applications in the above-designated dockets having been filed with the Bituminous Coal Division requesting exemptions under section 4–A and 4 II (1) of the Bituminous Coal Act of 1937; and it appearing appropriate, in view of the expiration of the Bituminous Coal Act of 1937 at 12:01 a. m. on August 24, 1943, to dismiss each of the said applications;

Now, therefore, it is ordered, That effective midnight, August 23, 1943, each of the above-mentioned applications in the above-designated dockets be, and the same hereby is, dismissed.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–12267; Filed, July 29, 1943; 10:43 a. m.]

Bureau of Mines.

SUCKOW BORAX MINES CONSOLIDATED, INC.

ORDER SUSPENDING LICENSES AND DIRECTING THEIR SURRENDER

To: Suckow Borax Mines Consolidated, Inc., and all its officers, agents and employees, including Otto A. Friedrich, 38–40 St. James Park, Los Angeles, California.

In the matter of licensees Suckow Borax Mines Consolidated, Inc., Otto A. Friedrich, et al.

Having reason to believe on the grounds of facts of which I have knowledge or reliable information that Paul Otto Tobeler (or Toebler) of Los Angeles, California, is disloyal or hostile to the United States, that he is Secretary and Treasurer and controls the operations of the Suckow Borax Mines Consolidated, Inc., a licensee under the Federal Explosives Act, that it is likewise disloyal or hostile to the United States, and that Otto A. Friedrich and other licensees under the Federal Explosives Act have been in charge of explosives for the Suckow Borax Mines Consolidated, Inc.,

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations thereunder, I, R. R. Sayers, Director of the Bureau of Mines, hereby *Order,* That all licenses issued to the Suckow Borax Mines Consolidated, Inc., and to any of its officers, agents, and employees, including Otto A. Friedrich, be and they are hereby suspended and that all such licenses, together with all certified or photographic copies thereof, shall be surrendered upon demand to my authorized representative;

That none of the licensees whose licenses are suspended by this order shall engage in any transactions in or operations involving explosives or ingredients of explosives as defined in section 2 of the regulations under the Federal Explosives Act except under the direct supervision and with the written approval of one of my authorized representatives; and that this order shall likewise apply to explosives and ingredients of explosives on hand and to explosives and ingredients of explosives heretofore purchased by, although not yet delivered to, the licensees;

That this order will become effective at 12.01 a. m. on July 26, 1943. The licenses hereby suspended will be permanently revoked unless within 20 days from the effective date of this order the licensees or any of them file with me a request for an opportunity to show cause why such license or licenses should not be permanently revoked. If such request is received, the licensees will be given an opportunity to present evidence to me at the offices of the Bureau of Mines, Department of the Interior, Washington, D. C. at a time of which the licensees will be given reasonable notice.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act, punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or both by such fine and imprisonment. Moreover, any violation of the Federal Explosives Act or of the regulations thereunder would by itself be cause for revoking all licenses issued under the act to the offender.

Dated at Washington, D. C., this 22d day of July 1943.

R. R. SAYERS,
Director.

[F. R. Doc. 43–12220; Filed, July 28, 1943; 2:01 p. m.]

Bureau of Reclamation.

YAKIMA PROJECT, WASH.

RECOMMENDATIONS OF BUREAU OF RECLAMATION WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for operation and maintenance employees of the Bureau of Reclamation on the Yakima Project. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Yakima Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Blacksmith, Maintenance	$1.10	$1.10
Canal Patrolman	.77½	.77½
Electrician, Maintenance	1.10	1.10
Line Patrolman, 1st Class	1.10	1.10
Machinist, Maintenance	1.10	1.10
Teamster, Maintenance	.70	.70
Tractor Operator, Maintenance	.87½	.87½
Welder, Maintenance	1.25	1.25
Powerhouse Foreman	1.21	1.21
Powerhouse Operator, Senior	1.08	1.08
Powerhouse Operator	.98	.98
Powerhouse Operator, Junior	.87	.87
Powerhouse Operator, Under	.76	.76

It is the understanding of the Wage Board that the Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

The Wage Board further understands that the wage rates for the group of employees specified below are not in the several recognized trades or occupations referred to in section 23 of the Act of March 28, 1934, (48 Stat., 522), and incumbents of these positions will be paid straight time wage rates for work in excess of forty hours a week. The Wage Board finds that the hourly wage rates listed below do not exceed current rates of pay for similar employment in the vicinity of the Yakima Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Reclamation Maintenance Laborer	$0.70	$0.70
Reclamation Maintenance Laborer, Leadman	.80	.80
Reclamation Maintenance Foreman	1.00	1.00
Reclamation Maintenance Man (semi-skilled)	.80	.80

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all field employees of the Bureau of Reclamation on the Yakima Project, except those allocated to grade, be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of

Reclamation Wage Board this 7th day of July, 1943.

DUNCAN CAMPBELL,
Chairman.
GUY W. NUMBERS,
Member.
ALFRED R. GOLZE,
Alternate Member.

Approved: July 20, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-12240; Filed, July 29, 1943; 9:38 a. m.]

YUMA PROJECT, ARIZ.-CALIF.

RECOMMENDATIONS OF BUREAU OF RECLAMATION WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for operation and maintenance employees of the Bureau of Reclamation on the Yuma Project. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Yuma Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Automotive Mechanic	$.87½	$.87½
Blacksmith, Maintenance	1.00	1.00
Carpenter, Maintenance	1.00	1.00
Ditchcleaner Operator	.97½	.97½
Ditch Equipment Operator	1.15	1.15
Dragline Operator, Maintenance	1.12½	1.12½
Electrician, Maintenance	1.00	1.00
Line Patrolman, 1st Class	1.00	1.00
Machinist, Maintenance	1.00	1.00
Oiler, Dragline	.67½	.67½
Pump Operator	.75	.75
Pump Operator, Senior	.80	.80
Teamster, Maintenance	.50	.50
Trackwalker	.55	.55
Powerhouse Foreman	1.24	1.24
Powerhouse Operator	.95	.95
Powerhouse Operator, Junior	.89	.89
Powerhouse Operator, Under	.72	.72

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat. 522).

The Wage Board further understands that the wage rates for the group of employees specified below are not in the several recognized trades or occupations referred to in section 23 of the Act of March 28, 1934 (48 Stat. 522), and incumbents of these positions will be paid straight time wage rates for work in excess of forty hours a week. The Wage Board finds that the hourly wage rates listed below do not exceed current rates of pay for similar employment in the vicinity of the Yuma Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate on B/R employees
Reclamation Maintenance Laborer	$.62½	$.62½
Reclamation Maintenance Laborer, Leadman	.75	.75
Reclamation Maintenance Mechanic	1.15	1.15
Reclamation Maintenance Foreman	.87½	.87½
Reclamation Maintenance Man (semi-skilled)	.75	.75

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all field employees of the Bureau of Reclamation on the Yuma Project, except those allocated to grade, be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 7th day of July 1943.

DUNCAN CAMPBELL,
Chairman.
GUY W. NUMBERS,
Member.
ALFRED R. GOLZE,
Alternate Member.

Approved: July 20, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-12241; Filed, July 29, 1943; 9:38 a. m.]

COLORADO RIVER PROJECT, TEXAS

RECOMMENDATIONS OF BUREAU OF RECLAMATION WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for construction employees of the Bureau of Reclamation on the Colorado River Project. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Colorado River Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Air compressor operator	$1.25	$1.25
Core drill operator	1.12½	1.12½
Core drill operator, special	1.25	1.25
Core drill operator helper	.65	.65
Machinist	1.25	1.25
Machinist helper	.75	.75
Machinist foreman	1.37½	1.37½
Construction laborer	.50	.50

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat. 522).

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all field employees of the Bureau of Reclamation on the Colorado River Project, except those allocated to grade, be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 16th day of July, 1943.

DUNCAN CAMPBELL,
Chairman.
GUY W. NUMBERS,
Member.
ALFRED R. GOLZE,
Alternate Member.

Approved: July 20, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-12242; Filed, July 29, 1943; 9:39 a. m.]

COLUMBIA RIVER STORAGE PROJECT

FIRST FORM RECLAMATION WITHDRAWAL

Correction

In F.R. Doc. 43–11813 appearing on page 10370 of the issue for Saturday, July 24, 1943, the land description for the Echo Park Reservoir Site, Sixth Principal Meridian, Colorado, for T. 6 N., R. 103 W., should read:

T. 6 N., R. 103 W.,
Sec. 15, NW¼NE¼, W½, NE¼SE¼.

FEDERAL TRADE COMMISSION.

[Docket No. 5017]

THE RUBEROID COMPANY

COMPLAINT AND NOTICE

Complaint

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, has been since June 19, 1936, and is now violating the provisions of subsection (a) of section 2 of the Clayton Act (U. S. C., Title 15, Sec. 13), as amended by the Robinson-Patman Act approved June 19, 1936, hereby issues its complaint, stating its charge with respect thereto as follows:

PARAGRAPH 1. Respondent, The Ruberoid Company, is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, with its principal office and place of business located at 500 Fifth Avenue, New York, New York. Respondent corporation is now and has been since June 19, 1936, engaged in the business of processing, manufacturing, offering for sale, selling and distributing asbestos and asphalt roofing, insulating materials and allied products in all parts of the United States.

The respondent is one of the largest manufacturers and distributors of asbestos and asphalt roofing, insulating materials and allied products in the United States. It maintains and operates branch warehouses and sales offices at Baltimore, Maryland; Mobile, Alabama; Erie, Pennsylvania; Millis, Massachusetts and Chicago, Illinois. The respondent sells its products directly to wholesalers, retailers, and "applicators". The term "applicators" herein used applies to corporations, individuals, partnerships and firms known as building or roofing contractors who apply the products purchased from the respondent to buildings. The "applicators" usually sell the respondent's products to consumers on a contract basis, charging the consumer for the materials used and the labor employed in connection with the applying of the asbestos and asphalt roofing and insulating materials to buildings.

PAR. 2. Respondent sells and distributes its products in commerce between and among the various states of the United States and in the District of Columbia and preliminary to or as a result of such sales, causes such products to be shipped and transported from the place of production or origin of the shipment to the purchasers thereof who are located in various states of the United States and in the District of Columbia other than the state of origin of the shipment and there is and has been at all times herein mentioned a continuous current of trade and commerce in said products across state lines between respondent's plants, factories or warehouses and the purchasers of such products. Said products are then sold and distributed for use and resale within the various states of the United States and within the District of Columbia.

PAR. 3. In the course and conduct of its business, as aforesaid, respondent has been and is now in substantial competition in commerce with other manufacturers and sellers of asbestos and asphalt roofing and insulating materials and allied products and who for many years prior hereto have been and are now engaged in manufacturing, selling and shipping such products in commerce across state lines to purchasers thereof located in the various states of the United States.

Many of respondent's customers are competitively engaged with each other and with the customers of respondent's competitors in the resale of said products within the several trade areas in which respondent's said customers respectively offer for sale and sell the said products purchased from respondent.

PAR. 4. In the course and conduct of its said business, since June 19, 1936, respondent has been and is now discriminating in price between different purchasers buying said products, by selling them to some of its customers at higher prices than it sells products of like grade and quality to other customers who are competitively engaged in the resale of said products within the United States with customers receiving the lower prices.

The respondent grants and allows to all of its customers a cash discount of 2% if the invoice is paid within a specified time.

PAR. 5. The respondent has discriminated in price by the use of a so-called trade discount schedule whereby it has sold to some customers at higher prices than it has sold goods of like grade and quality to other customers who are in competition with them in the resale of said products within the United States. The so-called trade discount schedule includes two types of discounts, one known as a "distributor commission" and the other known as a "wholesaler discount". The trade discount schedule used by the respondent is more particularly described as follows:

(a) The respondent grants to some of its customers who are engaged in the resale of asphalt roofing products of like grade and quality in competition with other of respondent's customers, a "distributor commission" ranging from 5% to 10% to be deducted from the invoice price and a "wholesaler discount" of 5% off the invoice price. The "wholesaler discount" of 5% allowed by the respondent to its favored customers is in addition to the "distributor commission" ranging from 5% to 10% granted and allowed to the same customers.

(b) The respondent grants to some of its customers who are engaged in the resale of asbestos shingles and siding of like grade and quality in competition with other of respondent's customers, a "distributor commission" of 5%, and in some instances 6%, to be deducted from the invoice price and a "wholesaler discount" of 6% off of the invoice price. The "wholesaler discount" of 6% allowed by the respondent to its favored customers is in addition to the "distributor commission" of 5%, and in some instances 6% granted and allowed to the same customers.

The "distributor commission" and "wholesaler discount" herein referred to are allowed to some and withheld from other customers of the respondent who purchase from the respondent asphalt roofing products and asbestos shingles and siding and allied products and who are in competition with each other.

PAR. 6. The effect of the discrimination in price generally alleged in Paragraph Four hereof and of the discriminations specifically set forth in Paragraph Five hereof has been, or may be, substantially to lessen competition in the line of commerce in which the purchasers receiving and those denied the benefits of such discriminatory prices are engaged and to injure, destroy or prevent competition between purchasers receiving the benefit of said discriminatory prices and those from whom they are withheld. The effect also has been or may be to tend to create a monopoly in those purchasers receiving the benefit of said discriminatory prices in the said line of commerce in the various localities or trade areas in the United States where said favored customers and their disfavored competitors are engaged in business.

Such discriminations in price by respondent between different purchasers of commodities of like grade and quality in interstate commerce in the manner and form aforesaid are in violation of the provisions of subsection 2 (a) of section 1 of said Act of Congress approved June 19, 1936, entitled "An Act to Amend section 2 of an Act Entitled, 'An Act to Supplement Existing Laws Against Unlawful Restraints and Monopolies and for Other Purposes' Approved October 15, 1914 as amended, U. S. C. Title 15, section 13 and for Other Purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 26th day of July, A. D., 1943, issues its complaint against said respondent.

Notice

Notice is hereby given you, The Ruberoid Company, a corporation, respondent herein, that the 3d day of September, A. D., 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had

on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complant and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complant to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complant and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complant. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 26th day of July, A. D., 1943.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12274; Filed, July 29, 1943; 11:19 a. m.]

[Docket No. 4913]

BOOK GIVE-AWAY PLAN

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of July, A. D. 1943.

In the matter of Joseph L. Morse and Mac Gache, doing business under the name and style Book Give-Away Plan.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 9, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12271; Filed, July 29, 1943; 11:19 a. m.]

[Docket No. 4954]

ZO-AK COMPANY, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of July, A. D. 1943.

In the matter of Zo-Ak Company, Inc., a corporation, Jasper, Lynch & Fishel, Inc., a corporation, and Alfred P. Zabin and Juliette Zabin, individually and as officers of the Zo-Ak Company, Inc., a corporation, and trading as Harvin Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 16, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12272; Filed, July 29, 1943; 11:19 a. m.]

[Docket No. 4967]

HELENA VOLAY COSMETICS AND CHICAGO UNION ADVERTISING AGENCY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of July A. D. 1943.

In the matter of Helen E. Hoeck, an individual trading as Helena Volay Cosmetics and Chicago Union Advertising Agency, Inc., a corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 30, 1943, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12273; Filed, July 29, 1943; 11:19 a. m].

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1700]

CONTRACT RIGHTS OF HANS THOMA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Hans Thoma of Karlsruhe, Baden, Germany, is a national of a foreign country (Germany);

2. Finding that the said Hans Thoma is the owner of the interest described in subparagraph 4 hereof;

3. Finding that the heirs, executors, administrators and assigns, if any, of said Hans Thoma are nationals of a foreign country (Germany);

4. Finding, therefore, that the property described as follows:

The interest of Hans Thoma of Karlsruhe, Baden, Germany, his heirs, executors, administrators, and assigns in, to and under an agreement between said Hans Thoma and the Hansea Patent Service Corporation, New York, New York, dated January 25, 1935, relating to patents Nos. 2,150,950; 2,154,710; and 2,198,891, including all accrued royalties and other monies payable or held with respect to said interest and all damages for breach of said agreement, together with the right to sue therefor,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12021; Filed, July 26, 1943; 1:16 p. m.]

[Vesting Order 1701]

UNITED STATES PATENT NO. 1,988,488 OF I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany, and therefore is a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. Finding that the property described as follows:

All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date of issue	Inventor	Title
1,988,488	1-22-35	Heinrich Hopff, Friedrich Ebel & Emerich Valko.	Production of conversion products of rubber.

is property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12022; Filed, July 26, 1943; 1:16 p. m.]

[Vesting Order 1702]

BAUSCH & LOMB OPTICAL COMPANY AND ERNST LEITZ

Re: Cross License agreement between Bausch and Lomb Optical Company and the Firm of Ernst Leitz, Optische Werke, relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the Firm of Ernst Leitz, Optische Werke is a business organization organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of the Firm of Ernst Leitz, Optische Werke;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the Firm of Ernst Leitz, Optische Werke, by virtue of an agreement dated June 13, 1935 (including all modifications thereof and supplements thereto, if any) by and between the said Firm of Ernst Leitz, Optische Werke, and Bausch and Lomb Optical Company, which agreement relates among other things, to United States Letters Patents Nos. 1,798,634, and 1,916,609,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to

indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form AFC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12023; Filed, July 26, 1943; 1:17 p. m.]

[Vesting Order 1703]

SIEMENS-SCHUCKERT WERKE A. G., AND SIEMENS-LURGI-COTTRELL-ELEKTROFILTER-GESELLSCHAFT M. B. H.

Re: Interests of Siemens-Schuckert Werke A. G., Metallgesellschaft Aktiengesellschaft, and Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H. fur Forschung and Patentverwertung, in an agreement relating to United States Patent Number 2,251,451.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Siemens-Schuckert Werke A. G., Metallgesellschaft Aktiengesellschaft, and Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H. fur Forschung und Patentverwertung are corporations organized under the laws of and having their principal places of business in Germany and are therefore nationals of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Siemens-Schuckert Werke A. G., Metallgesellschaft Aktiengesellschaft, and Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H. fur Forschung und Patentverwertung;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Siemens-Schuckert Werke A. G. Metallgesellschaft Aktiengesellschaft, and Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H. fur Forschung und Patentverwertung, and each of them, by virtue of an agreement dated July 7, 1931 (including all modifications thereof and supplements thereto, if any) between said Siemens-Schuckert Werke A. G., Metallgesellschaft Aktiengesellschaft, and Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H. fur Forschung und Patentverwertung and International Precipitation Company, Western Precipitation Corporation, Research Corporation, and Lodge Cottrell Ltd., which agreement relates among others, to United States Letters Patent Number 2,251,451,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12024; Filed, July 26, 1943; 1:17 p. m.]

[Vesting Order 1704]

DR. ALEXANDER WACKER GESELLSCHAFT

Re: Interests of Dr. Alexander Wacker Gesellschaft für Elektrochemische Industrie, G. m. b. H., in a contract with G. S. Blakeslee & Co., relating to Patent No. 1,771,698.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Dr. Alexander Wacker Gesellschaft für Elektrochemische Industrie, G. m. b. H., is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of Dr. Alexander Wacker Gesellschaft für Elektrochemische Industrie, G. m. b. H.;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dr. Alexander Wacker Gesellschaft für Elektrochemische Industrie, G. m. b. H. by virtue of an agreement dated July 21, 1937 (including all modifications thereof and supplements thereto, if any) by and between the said Dr. Alexander Wacker Gesellschaft für Elektrochemische Industrie, G. m. b. H. and G. S. Blakeslee & Co., which agreement relates among other things to Patent No. 1,771,698,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12025; Filed, July 26, 1943; 1:17 p. m.]

[Vesting Order 1705]

OTTO STRACK, ET AL.

Re: Interest of Otto Strack and Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft in a contract with Freyn Engineering Company relating to Patent No. 1,792,663.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that Otto Strack is a resident of Auerbach, Hesse, Germany, and therefore is a national of a foreign country (Germany);

3. Finding that the property identified in subparagraph 4 hereof is property of Otto Strack and Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft;

4. Finding that the property described as followa:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together wtih the right to sue therefor) created in Otto Strack and Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft, and each of them, by virtue of an agreement dated May 3, 1929 (including all modifications and supplements thereto, including, but not by way of limitation, letters from Otto Strack to Freyn Engineering Company dated March 9, 1931 and May 14, 1932, letters dated December 16, 1935 and December 2, 1937 from Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft to Freyn Engineering Company and letter of January 26, 1936 and January 6, 1938 from Freyn to Pfaelzischen) by and between Otto Strack and Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft and Freyn Engineering Company, which agreement relates, among other things, to United States Letters Patent Nos. 1,679,993 and 1,792,663,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interest held therein by, nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12026; Filed, July 26, 1943; 1:18 p. m.]

[Vesting Order 1707]

OSKAR LUHN AND BRUNO LANGE

Re: United States Letters Patent No. 2,111,246 owned by Oskar Luhn or Bruno Lange and interest of Bruno Lange in an agreement relating to United States Letters Patent Nos. 2,111,246 and 2,115,865

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Oskar Luhn and Bruno Lange are citizens and residents of Germany and each of them is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 4–a hereof is property of Oskar Luhn and/or Bruno Lange;

3. Finding that the property described in subparagraph 4–b hereof is property of Bruno Lange;

4. Finding that the property described as follows:

a. All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date of issue	Inventor	Title
2,111,246	3–15–38	Oskar Luha..	Electromagnetic relay.

b, All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Bruno Lange by virtue of an agreement dated September 22, 1938 (including all modifications thereof and supplements thereto, if any) by and between Bruno Lange and Weston Electrical Instrument Corporation, which agreement relates among other things, to United States Letters Patent Nos. 2,111,246 and 2,115,865,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12027; Filed, July 26, 1943; 1:18 p. m.]

[Vesting Order 1708]

LURGI GESELLSCHAFT FUR CHEMIE UND HUTTENWESEN M. B. H. AND METALLGESELLSCHAFT A. G.

Re: Interests of Lurgi Gesellschaft fur Chemie und Huttenwesen m. b. H. and Metallgesellschaft A. G. in an agreement with Metallgesellschaft A. G. and International Precipitation Company, relating to United States Patent No. 1,811,797.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Lurgi Gesellschaft fur Chemie und Huttenwesen m. b. H. and Metallgesellschaft A. G. are corporations organized under the laws of and having their principal places of business in Germany and are therefore nationals of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Lurgi Gesellschaft fur Chemie und Huttenwesen m. b. H. and Metallgesellschaft A. G.;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Lurgi Gesellschaft fur Chemie und Huttenwesen m. b. H. and

Metallgesellschaft A. G., and each of them, by virtue of an agreement between International Precipitation Company and Metallgesellschaft A. G., as evidenced by two letters, one dated August 18, 1932 from International Precipitation Company to Metallgesellschaft A. G., the other dated September 2, 1932 from Metallgesellschaft A. G. to International Precipitation Company (including all modifications thereof and supplements thereto, if any) which agreement relates, among other things, to United States Letters Patent No. 1,811,797,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12028; Filed, July 26, 1943; 1:18 p. m.]

[Vesting Order 1709]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

Re: Agreement between I. G. Farbenindustrie Aktiengesellschaft and E. I. DuPont de Nemours and Company relating to United States Letters Patent No. 1,903,500.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order Number 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany, and therefore is a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable and held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated August 14, 1932 (including all modifications thereof and supplements thereto, if any) by and between said I. G. Farbenindustrie Aktiengesellschaft and E. I. DuPont de Nemours and Company, said agreement relating, among other things to United States Letters Patent No. 1,903,500, which patent was reissued as Reissue Patent No. 20,777,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12029; Filed, July 26, 1943; 1:18 p. m.]

[Vesting Order 1710]

N. V. INTERNATIONALE ALFOL MAATSCHAPPIJ, ET AL.

Re: Patents owned by N. V. Internationale Alfol Maatschappij and Otto Schlichting, and contractual interests of N. V. Internationale Alfol Maatschappij and Rhodius Koenigs Handels Maatschappij.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that N. V. Internationale Alfol Maatschappij and Rhodius Koenigs Handels Maatschappij, corporations organized under the laws of The Netherlands, are controlled by German nationals and are, therefore, nationals of a foreign country (Germany);

2. Finding that Otto Schlichting is a resident of Berlin-Steglitz, Germany and is, therefore, a national of a foreign country (Germany);

3. Finding that the property identified in subparagraphs 5–a and 5–c hereof is property of N. V. Internationale Alfol Maatschappij and/or Rhodius Koenigs Handels Maatschappij;

4. Finding that the property identified in subparagraph 5–b hereof is property of Otto Schlichting or of N. V. Internationale Alfol Maatschappij and/or Rhodius Koenigs Handels Maatschappij;

5. Finding that the property described as follows:

a. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date of issue	Inventors	Title
1,757,479	5–6–30	Ernst Schmidt and Eduard Dyckerhoff.	Heat insulation.

b. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date of issue	Inventor	Title
2,001,632	5–14–35	Otto Schlichting.	Insulation against losses of heat and cold

c. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in N. V. Internationale Alfol Maatschappij by virtue of an agreement dated November 7, 1930 (including all modifications of and supplements to such agreement, including, but not by way of limitation, letters dated October 27, 1932; August 8, 1934 and February 7, 1936 from N. V. Internationale Alfol Maatschappij to Alfol Insulation Company, Inc.) by and between N. V. Internationale Alfol Maatschappij and Max Breitung, which agreement relates, among other things, to certain United States Letters Patent including Patent No. 1,757,479,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12030; Filed, July 26, 1943; 1:18 p. m.]

[Vesting Order 1711]

FRANS VAN DER GRINTEN AND KALLE & Co., A. G.

Re: Interests of Frans van der Grinten in an agreement with Charles Bruning Company, Inc., and interests of Kalle & Co. A. G., in an agreement with Ozalid Corporation and Charles Bruning Company, Inc., relating to Patent No. 1,821,281.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Frans van der Grinten is a resident of the Netherlands and is therefore a national of a foreign country (Netherlands);

2. Finding that the property described in subparagraph 5-a hereof is property of Frans van der Grinten;

3. Finding that Kalle & Co. A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is therefore a national of a foreign country (Germany);

4. Finding that the property described in subparagraph 5-b hereof is property of Kalle & Co. A. G.;

5. Finding that the property described as follows:

a. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the contract hereinafter described, together with the right to sue therefor) created in Frans van der Grinten by virtue of the contract dated August 1, 1929 (including all modifications thereof and supplements thereto, if any) by and between the said Frans van der Grinten and Charles Bruning Company, Inc., a New York corporation, which contract relates, among other things, to Patent No. 1,821,281,

b. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the contract hereinafter described, together with the right to sue therefor) created in Kalle & Co. A. G. by virtue of the contract dated March 25, 1937 (including all modifications thereof and supplements thereto, if any) by and between the said Kalle & Co. A. G., Ozalid Corporation, a Delaware corporation, and Charles Bruning Company, Inc., a New York corporation, which contract relates, among other things, to Patent No. 1,821,281,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Germany and/or Netherlands);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12031; Filed, July 26, 1943; 1:19 p. m.]

[Vesting Order 1713]

UNITED STATES PATENT APPLICATION OF ANKER-WERKE A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Anker-Werke A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is therefore a national of a foreign country (Germany);

2. Finding that the patent application identified in subparagraph 3 hereof is property of Anker-Werke A. G.;

3. Finding that the patent application described as follows:

Serial No.	Date	Inventor	Title
226,468	8–24–38	Kurt Aurbach.	Bookkeeping machine.

is property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12032; Filed, July 26, 1943; 1:19 p. m.]

[Vesting Order 1714]

PATENT APPLICATIONS OF JEAN CHARLES SEAILLES AND OTHERS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Jean Charles Seailles is a resident and citizen of France and is therefore a national of a foreign country (France);

2. Finding that Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges & Camarque and Societe "Association Des Ouvriers En Instruments De Precision" are business organizations organized under the laws of and having their principal places of business in France and are therefore nationals of a foreign country (France);

3. Finding that the patent applications and other property related thereto identified in subparagraph 4 hereof are property of Jean Charles Seailles, Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges & Camarque, and Societe "Association Des Ouvriers En Instruments De Precision", respectively;

4. Finding that the patent applications identified as follows:

Serial no.	Filing date	Inventor	Title
19,278	5-1-35	J. Seailles	Treatment of calcium aluminates.
260,214	3-6-39	J. Frejacques	Methods of manufacturing fuels.
266,920	4-6-39	J. Delavigne	Method and apparatus for the production of metals in powder form.

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

are property of nationals of a foreign country (France);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12033; Filed, July 26, 1943; 1:19 p. m.]

[Vesting Order 1716]

RICHARD JAHRE

Re: Interests of Richard Jahre in an agreement with Radio Patents Corporation relating to United States Letters Patent No. 2,078,618.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Richard Jahre is a resident of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of Richard Jahre;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Richard Jahre by virtue of an oral agreement evidenced by a memorandum dated September 7, 1934 (including all modifications thereof and supplements thereto, if any) addressed to the said Richard Jahre by Radio Patents Corporation, which agreement relates among other things to United States Letters Patent No. 2,078,618,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12034; Filed, July 26, 1943; 1:19 p. m.]

[Vesting Order 1717]

UNITED STATES PATENT APPLICATIONS OF C. LORENZ AKTIENGESELLSCHAFT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that C. Lorenz Aktiengesellschaft is a corportaion organized under the laws of and having its principal place of business in Germany and is therefore a national of a foreign country (Germany);

3. Finding that the patent applications identified in Exhibit A attached hereto and made a part hereof are property of C. Lorenz Aktiengesellschaft;

3. Finding that the property described as follows:

The patent applications identified in Exhibit A attached hereto and made a part hereof,

is property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to

indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim, arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

United States Patent Applications which are identified as follows:

Serial no.	Date	Inventor	Title
414,421	10–10–41	E. Muller	Radio systems for obtaining bearings.
414,427	10–10–41	H. Dirks	High power condensers.
414,477	10–10–41	J. Goldmann	Energy transition systems.
414,479	10–10–41	R. Boerner	Parabolic reflectors.
414,481	10–10–41	G. Wegener	Synchronizing arrangement.
414,482	10–10–41	G. Wegener	Synchronizing arrangement.
417,088	10–30–41	G. Baunbach	Electron tube mountings.
418,348	11– 8–41	H. Eggers	Methods of determining positions in space.
421,350	12– 2–41	E. Lopp	Ultra-short wave tubes.

[F. R. Doc. 43–12035; Filed, July 26, 1943; 1:28 p. m.]

[Vesting Order 1718]

PATENT APPLICATION OF GIAN ALBERTO BLANC AND FELIX JOURDAN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Gian Alberto Blanc and Felix Jourdan are residents and citizens of Italy and France, respectively and are therefore nationals of foreign countries (Italy and France);

2 Finding that the patent application and other property related thereto identified in subparagraph 3 hereof are property of Gian Alberto Blanc and Felix Jourdan;

3 Finding that patent application identified as follows:

Serial No.	Filing date	Inventor	Title
216,390	6–28–38	G. Blanc et al.	Methods for the treatment of certain minerals by alcalinization.

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of nationals of foreign countries (Italy and France);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12036; Filed, July 26, 1943; 1:28 p. m.]

[Vesting Order 1719]

ABANDONED PATENT APPLICATIONS OF NATIONALS OF ENEMY COUNTRIES

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each of the persons to whom reference is made in the column headed "owner" in Exhibit A attached hereto and made a part hereof if an individual, is a citizen and resident of, or, if a business organization, is organized under the laws of and has its principal place of business in, the country represented by the number set forth after its respective name in said Exhibit A under the heading "Nat Code" in accordance with the following:

28 Germany
34 Hungary
39 Japan

and is therefore a national of such foreign country or countries, respectively;

2. Finding that the patent applications and other property related thereto identified in subparagraph 3 hereof are property of the persons whose names appear in the column headed "Owner" after the respective numbers thereof in said Exhibit A;

3. Finding that the patent applications described as follows:

Patent applications identified in Exhibit A attached hereto and made a part hereof together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

is property of nationals of foreign countries (Germany, Hungary and Japan);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Owner	Inventor	Title	Nat code
5,162	2/6/35	Yogoro Kato	Y. Kato	Method of and apparatus for electrolytic manufacturing of metallic magnesium.	39
8,189	2/25/35	Oswald Th. Krefft	O. Krefft	Process of preparing fluorinated organic compounds.	28
14,225	4/2/35	Guido Schultze	G. Schultze	Plastifying masses	28
14,629	4/4/35	Franz Gottwalt Fischer	F. Fischer	Method for the separation of acylatable substances from mixtures containing same.	28
22,918	5/22/35	Erich Konrad and Georg Meyer.	E. Konrad et al	Stable rubber materials	28
23,824	5/28/35	Telefunken Gesellschaft fur Drahtlose Telegraphie m. b. H.	R. Weber	Direction finder	28
26,778	6/15/35	Karl Wilhelm Rosenmund	K. Rosenmund	Mixed silicic acid esters	28
31,133	7/12/35	Julius Soll	J. Soll	Process of introducing fluorine into organic compounds.	28
31,734	7/16/35	Max Paquin	M. Paquin	Condensation products and a process of preparing them.	28
31,996	7/18/35	Telefunken Gesellschaft fur Drahtlose Telegraphie m. b. H.	H. Scharlau	System for and method of determining direction and distance.	28
32,467	7/20/35	Arthur Voss and Werner Heuer.	A. Voss et al	Highly viscous polymerization products and process of preparing them.	28
114,278	12/4/36	Buderus'sche Eisenwerke	E. Pohl	Process for the manufacture of centrifugally cast articles.	28
146,963	6/7/37	Elemer Klein and Rudolf Steiner.	J. Pap	Process for the production of aluminum oxide.	34
192,166	2/23/38	Kohle-und-Eisen-forschung G. m. b. H.	F. Hartmann	Process of calcining magnesium and calcium bearing materials.	28
225,884	8/20/38	I. G. Farbenindustrie A. G.	H. Kaufmann et al	Production of oily products from brown coal.	28
246,500	12/17/38	Albrecht V. F. U. Ludwigsdorf.	A. Ludwigsdorf	Centrifugal casting chill, especially for the production of bodies from cast iron.	28
252,590	1/24/39	Helmut Jacobi and Walter Flemming.	H. Jacobi et al	Explosives and a process of producing same.	28
264,030	3/24/39	Steinkohlen-Bergwerk	W. Grimme	Complete removal of organic sulphur compounds from gases containing carbonmonoxide and hydrogen.	28
272,175	5/6/39	The Institute of Physical and Chemical Research.	Gen-Itsu Kita	Method of preparing an iron catalyst in synthesizing gasoline.	39
277,622	6/6/39	Hermann Kretzschmar	H. Kretzschmar	Process for the manufacture of double compounds of fluorine and aluminum.	28
280,211	6/20/39	Oelwerke Noury and Van Der Lande G. m. b. H.	T. Curten	Process for making condensation resin from aconitic acid and terpenes.	28
285,952	7/22/39	Gustav Schulze	H. Weitrup et al	Smelting iron ores containing titanium oxide.	28
287,040	7/28/39	Walter Bremicker	W. Bremicker	Centrifugal casting machine	28
287,870	8/2/39	Gerlando Marullo	G. Marullo	Processes for the preparation of aluminum sulphate.	28
345,374	7/13/40	Gerlando Marullo	G. Marullo	Process for the extraction of potassium sulphate and alumina from aluminum-potassium silicates.	28
355,509	9/7/40	Oelwerke Noury and Van Der Lande G. m. b. H.	F. Grandel	Process of manufacturing artificial resins.	28
368,089	11/30/40	Luigi Amati	L. Amati	Furnace for the production of metallic magnesium.	28
368,090	11/30/40	Luigi Amati	L. Amati	Briquetted mass for the production of magnesium by thermal.	28
368,091	11/30/40	Luigi Amati	L. Amati	Receptacle suited to contain the briquetted mass employed in the production of magnesium by thermal reduction.	28
383,944	8/18/41	Piero Leels	P. Leels	Process for treating red muds resulting from the alkaline attack of aluminous ores.	28
391,721	5/3/41	The Institute of Physical and Chemical Research.	Gen-Itsu Kita	Iron catalyst for synthesizing gasoline and method of preparing the same.	28

[F. R. Doc. 43-12037; Filed, July 26, 1943; 1:27 p. m.]

[Vesting Order 1720]

PATENT APPLICATION OF EDOUARD KREBS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Edouard Krebs is a resident of France and a citizen of Norway and is therefore a national of foreign countries (France and Norway);

2. Finding that the patent application and other property related thereto identified in subparagraph 3 hereof are property of Edouard Krebs;

3. Finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
195,548	3-12-38	E. Krebs	Process and apparatus for the electrolytic production of beryllium, magnesium and other alkaline-earth metals.

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of a national of foreign countries (France and Norway);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12038; Filed, July 26, 1943; 1:27 p. m.]

[Vesting Order 1757]

CENTRALE DES MATIERES COLORANTES, ET AL.

Re: Patent No. 2,059,903, and interests of Centrale des Matieres Colorantes and Societe Anonyme de Matieres Colorantes et Produits Chimiques Francolor in a contract relating thereto.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Compagnie Nationale de Matieres Colorantes et Manufactures de Produits Chimiques du Nord Reunies, Centrale des Matieres Colorantes, and Societe Anonyme de Matieres Colorantes et Produits Chimiques Francolor are companies organized under the laws of and having their principal places of business in France and are therefore nationals of a foreign country (France);

2. Finding that the property described in subparagraph 4-a hereof is property of Compagnie Nationale de Matieres Colorantes et Manufactures de Produits Chimiques du Nord Reunies and/or Societe Anonyme de Matieres Colorantes et Produits Chimiques Francolor;

3. Finding that the property described in subparagraph 4-b hereof is property of Centrale des Matieres Colorantes and/or Societe Anonyme de Matieres Colorantes et Produits Chimiques Francolor;

4. Finding that the property described as follows:

a. All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date	Inventor	Title
2,059,903	Nov. 3, 1936	Pierre Petitcolas	Water insoluble azo dyestuffs and their production.

b. All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the contract hereinafter described, together with the right to sue therefor) created in Centrale des Matieres Colorantes by virtue of a contract dated April 1, 1937 (including all modifications thereof and supplements thereto, if any) by and between General Aniline Works, Inc., a Delaware corporation, and Centrale des Matieres Colorantes, which contract relates among other things to Patent No. 2,059,903,

is property of, or is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (France);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12039; Filed, July 26, 1943; 1:27 p. m.]

[Vesting Order 1830]

ESTATE OF KENTARO ABE

In re: Estate of Kentaro Abe, also known as Jack Abe, deceased; file 9-100-017-8729.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Phil C. Katz, Public Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National:	*Last known address*
Kenshiro Abe	Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Kenshiro Abe in and to the Estate of Kentaro Abe, also known as Jack Abe, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11999; Filed, July 26, 1943; 1:21 p. m.]

[Vesting Order 1831]

ESTATE OF PETER ANAKA

In re: Estate of Peter Anaka, deceased; File D-57-262; E.T. sec. 6552.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by F. J. Wettrick, Administrator, acting under the judicial supervision of the Probate Court of King County, Washington;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Roumania, namely,

National:	*Last known address*
Axenia Chortiuc	Roumania.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Roumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Axenia Chortiuc in and to the Estate of Peter Anaka, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may

file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12000; Filed, July 26, 1943; 1:21 p. m.]

[Vesting Order 1832]

ESTATE OF EMILIE BERDELE

In re: Estate of Emilie Berdele, deceased; file D–28–3790; E. T. sec. 6423.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mary Heiney and Theresa Kemmerer, Executrices, acting under the judicial supervision of the Orphans' Court of Lehigh County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Mrs. Louisa Yeager	Germany.
Ludwig Scheiss	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Louisa Yeager and Ludwig Scheiss, and each of them, in and to the Estate of Emilie Berdele, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12001; Filed, July 26, 1943; 1:21 p. m.]

[Vesting Order 1833]

ESTATE OF FRED BISCHOF

In re: Estate of Fred Bischof, deceased; File D–28–3686; E. T. sec. 6076.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by J. H. Fryberger, Kadoka, South Dakota, Executor, acting under the judicial supervision of the County Court of the State of South Dakota, in and for the County of Washabaugh;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Carl Bischof	Germany.
Person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Carl Bischof.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Carl Bischof and person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Carl Bischof, and each of them, in and to the estate of Fred Bischof, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12002; Filed, July 26, 1943; 1:21 p. m.]

[Vesting Order 1834]

ESTATE OF ALEX BREBURDA

In re: Estate of Alex Breburda, deceased, File D–66–261; E. T. sec. 2232.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John T. Dempsey, 11 South LaSalle Street, Chicago, Illinois, Administrator, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Wilhelmina Breburda, mother of decedent.	Sterkrade Nord Oberhausen Heseler St. 325, Germany.
Person or persons, names unknown, heirs at law of Alex Breburda, deceased.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national intrest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Wilhelmina

Breburda and person or persons, names unknown, heirs at law of Alex Breburda, deceased, and each of them, in and to the estate of Alex Breburda, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12003; Filed, July 26, 1943; 1:22 p. m.]

[Vesting Order 1835]

TRUST UNDER AGREEMENT BETWEEN MARGARET P. DALY AND THE CORN EXCHANGE BANK TRUST CO.

In re: Trust created under agreement dated the ninth day of May, 1929, between Margaret P. Daly and the Corn Exchange Bank Trust Company, for the benefit of Frances Carroll Brown, file D 34–150; E.T. sec. 5796.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Corn Exchange Bank Trust Company, trustee, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Countess Harriot D. Sigray	Hungary.
Margit Sigray	Hungary.
The issue of Margit Sigray, whose names are unknown.	Hungary.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Harriot D. Sigray, Margit Sigray, the issue of Margit Sigray, whose names are unknown, and each of them, in and to the trust created for the benefit of Frances Carroll Brown by agreement between Margaret P. Daly and the Corn Exchange Bank Trust Company dated the ninth day of May, 1929,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12004; Filed, July 26, 1943; 1:22 p. m.]

[Vesting Order 1836]

TRUST UNDER AGREEMENT BETWEEN MARGARET P. DALY AND THE CORN EXCHANGE BANK TRUST CO.

In re: Trust created under agreement dated the ninth day of May 1929, between Margaret P. Daly and the Corn Exchange Bank Trust Company, for the benefit of Margaret Price Brown, also known as Margaret Brown Trimble; file D 34–152; E. T. sec. 5798.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Corn Exchange Bank Trust Company, trustee, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Countess Harriot D. Sigray	Hungary.
Margit Sigray	Hungary.
The issue of Margit Sigray, whose names are unknown.	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Harriot D. Sigray, Margit Sigray, the issue of Margit Sigray, whose names are unknown, and each of them, in and to the trust created for the benefit of Margaret Price Brown, also known as Margaret Brown Trimble by agreement between Margaret P. Daly and the Corn Exchange Bank Trust Company dated the ninth day of May 1929,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12005; Filed, July 26, 1943; 1:22 p. m.]

[Vesting Order 1837]

ESTATE OF PACIFICIO COLUSSI

In re: Estate of Pacifico Colussi, also known as Pacific Colussi, deceased; File D–28–2152; E. T. sec. 2731.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Potter Title and Trust Company, Administrator, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Girolamo Colussi	Italy.
Marina Colussi	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Girolamo Colussi and Marina Colussi, and each of them, in and to the estate of Pacifico Colussi, also known as Pacific Colussi, deceased,

to be held, used, administered liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12006; Filed, July 26, 1943; 1:22 p. m.]

[Vesting Order 1838]

ESTATE OF ENRICO DIGIOVANNI

In re: Estate of Enrico DiGiovanni, deceased; File D–66–367; E. T. sec. 2708.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Potter Title and Trust Company, Fourth Avenue and Grant Street, Pittsburgh, Pennsylvania, Administrator, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Natiline DiGiovanni	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Natiline DiGiovanni in and to the estate of Enrico DiGiovanni, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12007; Filed, July 26, 1943; 1:23 p. m.]

[Vesting Order 1839]

ESTATE OF PHILIP EICHER

In re: Estate of Philip Eicher, deceased; File D–28–1890; E. T. sec. 1656.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anna Eicher	Germany.
Katharina Pfister, also known as Kathryn Pheister, and so named in the Last Will and Testament of Philip Eicher, deceased,	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Eicher, and Katharina Pfister, also known as Kathryn Pheister, and so named in the Last Will and Testament of Philip Eicher, deceased, and each of them, in and to the Estate of Philip Eicher, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should

be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12008; Filed, July 26, 1943; 1:23 p. m.]

[Vesting Order 1840]

TRUST UNDER AGREEMENT BETWEEN MARGARET P. DALY AND THE CORN EXCHANGE BANK TRUST CO.

In re: Trust created under agreement dated the ninth day of May, 1929, between Margaret P. Daly and the Corn Exchange Bank Trust Company, for the benefit of Mary Daly Gerard, File D 34–151; E. T. sec. 5797.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Corn Exchange Bank Trust Company, trustee, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York, and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Countess Harriot D. Sigray	Hungary.
Margit Sigray	Hungary.
The issue of Margit Sigray, whose names are unknown.	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character, whatsoever of Harriot D. Sigray, Margit Sigray, the issue of Margit Sigray, whose names are unknown, and each of them, in and to the trust created for the benefit of Mary Daly Gerard by agreement between Margaret P. Daly and the Corn Exchange Bank Trust Company dated the ninth day of May, 1929,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12009; Filed, July 26, 1943; 1:23 p. m.]

[Vesting Order 1841]

ESTATE OF ISAAC E. HIRSCH

In re: Estate of Isaac E. Hirsch, also known as I. E. Hirsch, deceased; File D–28–3882; E. T. sec. 6569.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Annette H. Frey, Executrix, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ricke Hirsch	Germany.
Caroline Isay, also known as Carrie Isay.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ricke Hirsch and Caroline Isay, also known as Carrie Isay, and each of them, in and to the estate of Isaac E. Hirsch, also known as I. E. Hirsch, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12010; Filed, July 26, 1943; 1:24 p. m.]

[Vesting Order 1842]

ESTATE OF CHARLES HORTER

In re: Estate of Charles Horter, also known as Charles Hotra, deceased; File D–34–60; E. T. sec. 499.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the County Treasurer of Niagara County, Niagara, New York, as depositary, acting under the judicial supervision of the Surrogate's Court of Niagara County, New York,

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National:	*Last known address*
Mary Horter, also known as Mary Hotra.	Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mary Horter, also known as Mary Hotra, in and to the Estate of Charles Horter, also known as Charles Hotra, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12011; Filed, July 26, 1943; 1:24 p. m.]

[Vesting Order 1843]

TRUST UNDER WILL OF ORVILLE HORWITZ

In re: Trust under will of Orville Horwitz, deceased; File F–66–136; E. T. sec. 3201.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Safe Deposit and Trust Company, Trustee and Agent, acting under the judicial supervision of the Circuit Court of Baltimore City, Baltimore, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Alice Horwitz Andreozzi Bernini d'Assergio.	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Alice Horwitz Andreozzi Bernini d'Assergio in and to the Trust Estate created under the Will of Orville, Horwitz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12012; Filed, July 26, 1943; 1:24 p. m.]

[Vesting Order 1844]

ESTATE OF ADOLPH HUMPFNER

In re: Estate of Adolph Humpfner, deceased, File No. D–28–1717; E. T. sec. 745.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Peter L. Smith, Administrator de bonis non, and Helen Haas Humpfner, Administratrix de bonis non acting under the judicial supervision of the Surrogate's Court, Montgomery County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely

Nationals:	*Last known address*
Anna Maria Nusser	Germany.
Theresa Mueller	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Maria Nusser and Theresa Mueller and each of them in and to the Estate of Adolph Humpfner, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12013; Filed, July 26, 1943; 1:24 p. m.]

[Vesting Order 1845]

LIQUIDATION OF INTEGRITY TRUST CO.

In re: Liquidation of Integrity Trust Company; File D–28–2467; E. T. sec. 3494.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Secretary of Banking, Commonwealth of Pennsylvania, Receiver of Integrity Trust Co., acting under the judicial supervision of the Court of Common Pleas, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Bertha Bauer	Germany.
Christiana Hardtner	Germany.
Lina Haussman	Germany.
Emma Henne	Germany.
Anna Hummell	Germany.
Wilhelm Mayer	Germany.
Marie Muller	Germany.
Lina Rohr	Germany.
Erwin Schmidt	Germany.
Herrman Schmidt	Germany.
Kurt Schmidt	Germany.
Martha Schmidt	Germany.
Karl Sigel	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of the designated nationals whose names appear below, and each of them, in and to one hundred shares of Integrity Trust Company common stock, in and to any and all accumulated net rentals of premises described as 409–413 Cherry Street, Philadelphia, Pennsylvania, and in and to cash in the following amounts:

Bertha Bauer	$269.22
Christiana Hardtner	201.29
Lina Haussman	201.30
Emma Henne	99.39
Anna Hummell	201.29
Wilhelm Mayer	269.22
Marie Muller	269.22
Lina Rohr	405.08
Erwin Schmidt	99.40
Hermann Schmidt	99.40
Kurt Schmidt	99.40
Martha Schmidt	99.40
Karl Sigel	99.39

to be held, used, administered, liquidated, sold or otherwise dealth with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12014; Filed, July 26, 1943; 1:25 p. m.]

[Vesting Order 1846]

TRUST UNDER WILL OF HARRY C. JAGER

In re: Trust under the will of Harry C. Jager, deceased; File D–28–2497; E. T. sec. 3440.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Trust Company of New Jersey, Executor and Trustee, acting under the judicial supervision of the Hudson County Orphans' Court, Hudson County, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anna Jahnke	Germany.
Herman Jahn	Germany.
Wanda Jahn	Germany.
Alice Jahn	Germany.
Alfred Jahn, Jr	Germany.
Caroline Freese	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests.

All right, title, interest, and claim of any kind or character whatsoever of Anna Jahnke, Herman Jahn, Wanda Jahn, Alice Jahn, Alfred Jahn, Jr., and Caroline Freese, and each of them, in and to the Trust Estate created under the Last Will and Testament of Harry C. Jager, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12015; Filed, July 26, 1943; 1:25 p. m.]

[Vesting Order 1847]

TRUST UNDER WILL OF WILLIAM KELLER

In re: Trust under will of William Keller, deceased; File D–63–78; E. T. sec. 3422.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Girard Trust Company, as Substituted Trustee, acting under the judicial supervision of Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ottilie F. Madelung	Germany.
Augusta M. Pohl	Germany.
Otto H. Madelung	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ottilie F. Madelung, Augusta M. Pohl and Otto H. Madelung, and each of them, in and to the Trust Estate created under the Will of William Keller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12016; Filed, July 26, 1943; 1:25 p. m.]

the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12016; Filed, July 26, 1943; 1:25 p. m.]

[Vesting Order 1848]

ESTATE OF FREDERICK L. KEPPLER

In re: Estate of Frederick L. Keppler, deceased; File D–28–2544; E.T. sec. 4506.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Commissioner of Finance of Westchester County, White Plains, New York, acting under the judicial supervision of the Surrogate's Court of Westchester County, White Plains, New York,

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Susan Weissbaan	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Susan Weissbaan, in and to the Estate of Frederick L. Keppler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

F. R. Doc. 43–12017; Filed, July 26, 1943; 1:25 p. m.]

[Vesting Order 1849]

MORTGAGE PARTICIPATION CERTIFICATES OF ALFRED KUNZE

In re: Mortgage participation certificates of Alfred Kunze; File F–28–15258; E. T. sec. 386.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank of Jersey City, as Substituted Trustee, acting under the judicial supervision of the Court of Chancery of the State of New Jersey, Trenton, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Alfred Kunze	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Alfred Kunze in and to Mortgage Participation Certificates bearing Nos. D–160, D–161 and D–236, issued by the Steneck Title and Mortgage Guaranty Company of Hoboken, New Jersey,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12018; Filed, July 26, 1943; 1:26 p. m.]

[Vesting Order 1850]

ESTATE OF EMMA LOUISE KUPKA

In re: Estate of Emma Louise Kupka, deceased; file D–28–1637; E. T. sec. 241.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ralph C. Busser, Jr., Allen T. Keeley and J. Vincent Poley, as Administrators, acting under the judicial supervision of the Orphans' Court of Montgomery County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Rudolf Seveke	Germany.
Anna Lina Kirchberger	Germany.
Auguste Marie Rueger	Germany.
Klara Eugenie Queck	Germany.
Margarete Scherer	Germany.
Martha Seidel	Germany.
Anna Seidel	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rudolf Seveke, Anna Lina Kirchberger, Auguste Marie Rueger, Klara Eugenie Queck, Margarete Scherer, Martha Seidel and Anna Seidel, and each of them, in and to the Estate of Emma Louise Kupka, deceased;

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such returns should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12019; Filed, July 26, 1943; 1:26 p. m.]

[Vesting Order 1851]

TRUST UNDER AGREEMENT BETWEEN MARGARET P. DALY AND THE CORN EXCHAGE BANK TRUST CO.

In re: Trust created under agreement dated the ninth day of May, 1929, between Margaret P. Daly and the Corn Exchange Bank Trust Company, for the benefit of Harriot D. Sigray; file F 34–437; E. T. sec. 4996.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Corn Exchange Bank Trust Company, trustee, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Countess Harriot D. Sigray	Hungary.
Margit Sigray	Hungary.
The issue of Margit Sigray, whose names are unknown.	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Harriot D. Sigray, Margit Sigray, the issue of Margit Sigray, whose names are unknown, and each of them, in and to a trust created for the benefit of Harriot D. Sigray by agreement between Margaret P. Daly and the Corn Exchange Bank Trust Company dated the ninth day of May 1929.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12020; Filed, July 26, 1943; 1:26 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

DELIVERY AND DISTRIBUTION OF MILK IN WATERTOWN, N. Y.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), the private carriers named in the appendix hereof have filed with the Office of Defense Transportation for approval a joint action relating to the transportation and delivery of milk by motor vehicle in the Watertown Milk Marketing Area, New York.

The participants have agreed that all retail delivery and distribution of milk in such area shall be on an every-other-day basis. They have agreed to trade "outlying customers" on their wholesale routes in order to reduce the mileage operated by motor trucks, and to suspend delivery service to such customers when adequate supplies of milk can be obtained from other sources.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 28th day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX

1. B. H. Treadwell, 400 Jeff. Co. Nat'l. Bank Bldg., Watertown, N. Y.
2. Ford O. Rundell, Black River, N. Y.
3. H. H. Taskett, Watertown, N. Y.
4. H. Y. Stone & Son, Watertown, N. Y.
5. W. E. Allen, Watertown, N. Y.
6. Wm. A. Patterson, Watertown, N. Y.
7. A. G. Dorr, Watertown, N. Y.
8. E. T. Greene, Watertown, N. Y.
9. Hygienic Dairy Co., C. A. Brown, Pres., Watertown, N. Y.
10. J. R. McNulty, Watertown, N. Y.
11. C. A. Dorr, Watertown, N. Y.
12. Roy Lavanchard, Watertown, N. Y.
13. R. H. Taylor, Watertown, N. Y.
14. Joseph Hamburgh, Watertown, N. Y.
15. Charles Murrock, Watertown, N. Y.
16. Rutland Hills Co-Op. Inc., G. C. Hubbard, Mgr., Watertown, N. Y.
17. Michael Hollywood, Watertown, N. Y

[F. R. Doc. 43–12289; Filed, July 29, 1943; 11:20 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional, State, and District Office Orders.

[Region III Order G–1 Under MPR 376]

CERTAIN FRESH FRUITS AND VEGETABLES IN IND. (EXCEPT LAKE COUNTY), KY., MICH., OHIO, AND W. VA.

Order No. G–1 under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by section 4 of Maximum Price Regulation No. 376, *It is hereby ordered:*

(a) *Purpose.* On and after April 30, 1943, the maximum wholesale prices of terminal sellers, carlot receivers, com-

mission sellers on consignment, cash and carry or retail-owned cooperative wholesalers and service wholesalers for sales on either an f. o. b. or delivered basis, of all kinds and varieties of tomatoes, snap beans, carrots, cabbage, green peas, lettuce and spinach, hereinafter referred to as "listed comodities," within the States of Indiana (except the county of Lake), Kentucky, Michigan, Ohio and West Virginia, shall be determined under the provisions of this order.

(b) *Terminal base prices.* Schedule A, attached hereto and made a part hereof, establishes in one of two methods a "terminal base price" for the various kinds and varieties of the "listed commodities". In cases where provision is made for "formula pricing" in Schedule A, the "terminal base price" is defined to mean the price paid to the country shipper f. o. b. country shipping point plus actual carload freight and icing costs to the terminal. Charges for local trucking and unloading may not be included and in no case may the country shipper's price be in excess of the maximum price established for him by any order of the Office of Price Administration. In those portions of Schedule A where prices are set in dollars and cents, the "terminal base price" is defined to mean such dollars and cents figure for the applicable commodity.

(c) *Terminal sellers, carlot receivers and commission sellers on consignment*—(1) *Sales in unbroken carload or truckload lots.* Where "terminal base prices" for "listed commodities" are established in Schedule A by dollars and cents figures, a terminal seller, carlot receiver or commission seller on consignment may sell or deliver such "listed commodities" in unbroken carload or truckload lots at a price not to exceed such "terminal base prices". Where, however, the "terminal base price" of a listed commodity is permitted by this order to be calculated on a country shipper's price plus carload freight and icing costs, a terminal seller, carlot receiver or commission seller on consignment may sell such commodity in unbroken carload or trucking lots at a price not to exceed such "terminal base price" multiplied by 1.035.

(2) *Sales in broken carload or truckload lots.* Where a terminal seller, carlot receiver, or commission seller on consignment handles a "listed commodity" by breaking carload or truckload lots and by selling in less than carload or truckload lots, his maximum price for such sale shall be determined by multiplying the applicable "terminal base price" for such commodity by 1.095.

(3) *Sales to bonafide retailers.* Where a terminal seller, carlot receiver or commission seller on consignment sells in less than carload or truckload lots to a bonafide retailer and provides in such sale the usual and customary services of a service wholesaler, his maximum price for such sale shall be determined by multiplying the applicable "terminal base price" for such commodity by 1,175.

(d) *Cash and carry or retailer-owned cooperative wholesalers*—(1) *In general.* Where a cash and carry or retailer-owned cooperative wholesaler purchases a "listed commodity" in carload lots from a country shipper, terminal seller, carlot receiver or commission seller on consignment, his maximum price for such "listed commodity" shall be determined by multiplying the applicable "terminal base price" for such commodity by 1.095.

(2) *Where commodity is purchased from another wholesaler.* Where a cash and carry or retailer-owned cooperative wholesaler has purchased a "listed commodity" in less than carload lots from another wholesaler, terminal seller, carlot receiver or commission seller on consignment, his maximum price for such "listed commodity" shall be determined by multiplying the applicable "terminal base price" for such commodity by 1.20.

(e) *Service wholesalers*—(1) *In general.* Where a service wholesaler purchases a "listed commodity" in carload or truckload lots from a country shipper, terminal seller, carlot receiver, or commission seller on consignment, his maximum price for such listed commodity shall be determined by multiplying the applicable "terminal base price" for such commodity by 1.175.

(2) *Where commodity is purchased from another wholesaler.* Where a service wholesaler has purchased a "listed commodity" in less than carload lots from another wholesaler, terminal seller, carlot receiver, or commission seller on consignment, his maximum price for such "listed commodity" shall be determined by multiplying the applicable "terminal base price" for such commodity by 1.29.

(f) *Calculation of prices.* (1) The maximum prices of all wholesalers other than country shippers, terminal sellers, carlot receivers and carload sellers on consignment shall be computed on Wednesday of each week before making any sales and shall be based on the "terminal base price" of the largest single purchase of each kind and variety of the "listed commodity" during the seven preceding days. The applicable maximum price thus determined shall be the effective maximum price for the ensuing week for all sales by such wholesaler for each kind and variety of the "listed commodities".

(2) Where a wholesaler, other than a terminal seller, carlot receiver or commission seller or consignment, purchases a "listed commodity" from a country shipper in carload or truckload lots, for the purposes of resale of such "listed commodity", he shall be deemed to be a terminal seller, and shall be governed by the prices permitted terminal sellers by this order. Such prices shall not be subject to weekly recomputation under this section.

(g) *Invoices.* All wholesalers shall accompany each sale with an invoice which shall show the date of purchase, name of the seller, the name and the address of the purchaser, a complete description of the "listed commodity" sold, the quantity, and the selling price. All invoices of sales made by one wholesaler, terminal seller, carlot receiver, or commission seller on consignment, to another wholesaler, terminal seller, carlot receiver, or commission seller on consignment, shall indicate the "terminal base price" for the "listed commodity" sold.

(h) *Records.* Any person selling a "listed commodity" who is subject to the terms of this General Order shall keep and maintain all records necessary for the determination of any maximum price, "terminal base price", or "largest single purchase".

(i) *Prohibitions.* For the duration of this order, no person shall sell or deliver any "listed commodity" at a price in excess of the Maximum Price established herein and no person in the course of trade or business shall buy or receive a "listed commodity" at a price higher than the maximum price provided in this order. Lower prices than the maximum price may be charged, demanded, paid, or offered.

No person shall defeat or attempt to defeat the purposes of this Order by the use of any tying agreement or other similar device or procedure.

(j) *Exempt sales.* Section 5 of Maximum Price Regulation No. 376 applying to exempt sales is incorporated and made a part of this order.

(k) *Revocation or former order.* Order No. G–1 under Temporary Maximum Price Regulations Nos. 28 and 29 (formerly General Order No. 2) adjusting maximum wholesale prices of certain fresh vegetables in Region III, together with amendments 1, 2, and 3 thereto, is hereby revoked, replaced, and superseded by this order, which further supersedes and replaces all orders and adjustments heretofore issued by any District or State office of Region III of the Office of Price Administration by virtue of a delegation of authority granted such officer under the provisions of Temporary Maximum Price Regulations No. 28 and No. 29.

(l) *Definitions.* (1) A "commission seller" is defined to mean a seller who receives "listed commodities" on consignment from a shipper and who sells for the account of the shipper.

(2) A "carlot receiver or terminal seller" is defined to mean a seller who buys "listed commodities" directly from a shipper, and who customarily sells to wholesalers or to chain store warehouses.

(3) A "retailer-owned cooperative wholesaler" is defined to mean either a non-profit organization or a corporation of which 51% or more of the stock is owned by its retailer customers and which distributes "listed commodities" for resale.

(4) A "cash and carry wholesaler" is defined to mean a wholesaler, other than a retailer-owned cooperative wholesaler, who distributes "listed commodities" for resale or to commercial, industrial or institutional users and who does not customarily deliver to purchaser.

(5) A "service wholesaler" is defined to mean a wholesaler, other than a retailer-owned cooperative wholesaler, who distributes "listed commodities" for resale or to commercial, industrial, or institutional users and who delivers to the purchaser's place of business.

(6) "Largest single purchase" means the purchase of the greatest quantity which was received by the wholesaler at this customary receiving point during the seven days before the day of the week on which the maximum price must be calculated.

(m) *Geographical applicability.* This order shall apply to all sales and deliveries of the "listed commodities", pursuant to which the buyer receives physical delivery, or whose customary receiving point is within the States of Indiana (except the County of Lake), Kentucky, Michigan, Ohio and West Virginia.

This Order No. G–1 under Maximum Price Regulation No. 376 shall become effective April 30, 1943, and shall remain in effect until modified, revoked or amended by the Regional Administrator or Region III of the Office of Price Administration.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued April 29, 1943.
Effective April 30, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

SCHEDULE A

Wherever, in this Schedule A, the term "formula pricing" is used it shall be deemed to mean the amount paid to the country shipper for such commodity, plus carload freight and icing costs to terminal. In no event shall the country shipper's price exceed the maximum price allowed by any order of the Office of Price Administration.

The term "Atlanta Region," wherever used, shall mean the States of Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina and Virginia.

The term "Dallas Region," wherever used, shall mean the States of Texas, Oklahoma, Louisiana, Missouri, Arkansas and Kansas.

The term "San Francisco Region," wherever used, shall mean the States of California, Nevada, Arizona, Oregon and Washington.

(a) *Tomatoes*—(1) *Mexican, Cuban and Florida.*

Type	Size	Price per 30 pound lug	Price per pound net weight packed in smaller size containers
Mexican	5/5's, 5/6's, 6/6's	$5.75	$0.22
Mexican	6/7's	5.65	.21
Mexican	7/7's	5.00	.19
Mexican	7/8's	3.75	.14
Cuban and Florida	5/5's, 5/6's, 6/6's	6.25	.24

(2) *Mexican, Cuban and Florida, when bought in 30 pound lugs, processed and repacked in 8 pound baskets.*

Grade and size:	Price per 8 pound basket
Fancy, 8 lb. basket	$2.10
Twins, 8 lb. basket	1.80
Choice, 8 lb. basket	1.70
Plain, 8 lb. basket	1.30
(3) *Hot house tomatoes* 8 lb. basket	2.30

(b) *Snap Beans.* (1) All kinds and varieties grown in Atlanta Region or Dallas Region, Formula pricing.

(2) All kinds and varieties, grown elsewhere (i) Packed in hampers, weighing 28 pounds net, $6.30 per hamper.

(ii) Packed in other than 28 pound hampers, 22½ cents multiplied by the number of net pounds in the particular container.

(c) *Carrots.* (1) All kinds and varieties grown in Dallas Region, Formula pricing.

(2) California or Arizona. (i) Bunches, packed 6 dozen in a crate, $5.75 per crate.

(ii) Bunches, packed in other size containers, 8 cents multiplied by the number of bunches in the particular container.

(3) California. (i) Topped, packed in 50 pound bags, bushels or ½ crates, $2.60 per bag, bushel or ½ crate.

(ii) Topped, packed in other size containers, 5.2 cents multiplied by the number of net pounds in the particular container.

(4) Old nearby. (i) Topped, packed in 50 pound bags, bushels, or ½ crates, $2.00 per bag, bushel or ½ crate.

(ii) Topped, packed in other size containers, 4 cents multiplied by the number of net pounds in the particular container.

(d) *Cabbage.* (1) All kinds and varieties grown in Atlanta or Dallas Region, Formula pricing.

(2) California. (i) Packed in 90 pound L. A. crates, $5.50 per crate.

(ii) Packed in other size containers, 6.1 cents multiplied by the number of net pounds in the particular container.

(e) *Green peas.* (1) Packed in bushels, $4.50 per bushel.

(2) Packed in other size containers, 17.5 cents multiplied by the number of net pounds in the particular container.

(f) *Lettuce.* (1) Head lettuce. (i) All kinds and varieties grown in Atlanta, Dallas or San Francisco Region, Formula pricing.

(2) Leaf lettuce. (i) Packed in 24 quart baskets, $1.40 per basket.

(g) *Spinach.* (1) All kinds and varieties grown in Atlanta or Dallas Region, Formula pricing.

(2) All kinds and varieties grown elsewhere. (i) Packed in 18 pound bushels, $1.90 per bushel.

(ii) Packed in other size containers, 10.5 cents multiplied by the number of net pounds in the particular container.

[F. R. Doc. 43-12205; Filed, July 28, 1943; 11:38 a. m.]

[Region III Order G–1 Under MPR 376, Amdt. 1]

CERTAIN FRESH FRUITS AND VEGETABLES IN IND. (EXCEPT LAKE COUNTY), KY., MICH., OHIO AND W. VA.

Amendment No. 1 to Order No. G–1 under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by section 4 of Maximum Price Regulation No. 376, *It is hereby ordered*, That the words "country shippers" be deleted from paragraph (d) (1) and paragraph (e) (1) and that Paragraph (e) of Schedule A be amended to read as set forth below:

(e) *Green peas:* All kinds and varieties grown in the United States of America, formula pricing. Not to exceed $4.50 per bushel or 17½¢ per pound in other size containers.

This Amendment No. 1 shall become effective May 7, 1943.

Issued May 6, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12206; Filed, July 28, 1943; 11:37 a. m.]

[Region III Order G–1 Under MPR 376, Amdt. 2]

CERTAIN FRESH FRUITS AND VEGETABLES IN IND. (EXCEPT LAKE COUNTY), KY., MICH., OHIO, AND W. VA.

Amendment No. 2 to Order No. G–1 under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by section 4 of Maximum Price Regulation No. 376, *It is hereby ordered*, That paragraph (d) "Cabbage" of Schedule A in order No. G–1 under Maximum Price Regulation No. 376 be amended by the addition of subparagraph (3) as follows:

(d) *Cabbage* • • •

(3) All other cabbage:

(i) Packed in bags or other containers, $.06 per pound multiplied by number of net pounds in the particular bag or container.

(ii) Bulk, $.05¼ per pound multiplied by number of net pounds.

This Amendment No. 2 shall become effective June 12, 1943.

Issued June 11, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12207; Filed, July 28, 1943; 11:39 a. m.]

[Region III Order G–1 Under MPR 376, Amdt. 3]

CERTAIN FRESH FRUITS AND VEGETABLES IN IND. (EXCEPT LAKE COUNTY), KY., MICH., OHIO, AND W. VA.

Amendment No. 3 to Order No. G–1 under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by Section 4 of Maximum Price Regulation No. 376: *It is hereby ordered*, That Schedule A of Order G–1 under Maximum Price Regulation No. 376, be amended by the addition of certain paragraphs, as follows:

(a) *Tomatoes.* • • •

(4) All other kinds and varieties, formula pricing. In no event, however, to exceed the price in subsection (1) and (2) herein, for the same or most similar grade, variety and size of tomatoes.

(c) *Carrots.* • • •

(5) All other kinds and varieties, formula pricing. In no event, however, to exceed 8¢ per bunch.

(f) *Lettuce*—(1) *Head lettuce* • • •

(ii) All kinds and varieties, grown elsewhere, formula pricing.

(2) *Leaf lettuce* • • •

(ii) Packed in other containers, 14 cents per pound.

This Amendment No. 3 shall become effective July 5, 1943.

Issued July 8, 1943.

C. M. HAUSER,
Acting Regional Administrator.

Action recommended by:

EDWARD C. WELSH,
Regional Price Executive.

[F. R. Doc. 43-12208; Filed, July 28, 1943; 11:39 a. m.]

[Region VI Order G-1 Under Temp. MPR 28 and 29]

CERTAIN FRESH VEGETABLES IN ILL., WIS., S. DAK., N. DAK., IOWA, MINN., NEBR., AND LAKE COUNTY, IND.

Revised Order No. G-1 issued under Temporary Maximum Price Regulations 28 and 29. Adjusted maximum prices of certain fresh vegetables in Region VI (formerly Revised Regional Order No. 52).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region VI of the Office of Price Administration by § 1439.253 (c) of Temporary Maximum Price Regulation 28 and § 1439.304 (c) of Temporary Maximum Price Regulation 29 and by General Order No. 32, *It is hereby ordered:*

(a) *Maximum price for direct carlot receivers.* The maximum prices for persons who receive commodities direct from country shippers shall be as follows:

(1) For carlot receivers and commission sellers (as these terms are hereinafter defined) the prices set forth in Appendix A for the commodities of the grade and in the quantities therein listed. Such commodities are hereinafter referred to as "listed commodities".

(2) For wholesalers buying in carload or truck load lots from country shippers and selling (whether in carload lots or not) to retailers other than chain store warehouses, the prices for the listed commodities set forth in Appendix A multiplied by 1.045.

(b) *Maximum prices for sales at wholesale.* The maximum price for a sale of a listed commodity by a wholesaler shall be a price determined before making any sales on Wednesday of each week in whichever of the following ways is applicable:

(1) For retailer owned co-operative wholesaler or cash and carry wholesaler buying from an auction, carlot receiver or commission seller, multiply the net cost by 1.08.

(2) For retailer owned co-operative wholesaler or cash and carry wholesaler buying from another wholesaler (other than a carlot receiver or commission seller), multiply the net cost to the other wholesaler of that lot by 1.17: *Provided,* That in no event shall the price so determined be more than 1.17 times the net cost of that lot to the first purchaser thereof from an auction, carlot receiver or commission seller.

(3) For a service wholesaler buying from an auction, carlot receiver or commission seller and selling to a retailer or to commercial, industrial, institutional or governmental users, multiply the net cost by 1.175.

(4) For a service wholesaler buying from another wholesaler (other than a carlot receiver or commission seller) and selling to a retailer or to commercial, industrial, institutional or governmental users, multiply the net cost to the other seller of that lot by 1.27: *Provided,* That in no event shall the price so determined be more than 1.27 times the net cost of that lot to the first purchaser thereof from an auction, broker, carlot receiver, or commission seller.

(5) For first wholesaler (other than direct carlot receiver) buying from an auction, broker, carlot receiver or commission seller and selling to another wholesaler, multiply the net cost by 1.08.

To the price as above computed a wholesaler may add the amount of freight, if any, paid by him.

Any wholesaler selling to another wholesaler shall state on his invoice his net cost and the amount of freight paid by him. No wholesaler shall buy from another wholesaler any listed commodity until he has secured information as to his supplier's net cost.

(c) *Maximum prices for sellers at retail.* The maximum price for any sale of a listed commodity by a retailer shall be a price determined before making any sales on Thursday of each week by adding the net cost to the freight paid, if any, and multiplying the sum by 1.35.

(d) *Definitions.* (1) "A carlot receiver" shall mean any person buying listed commodities in carload or truck load lots direct from a country shipper and selling them (whether in carload or truck load lots or less) to wholesalers or chain store warehouses.

(2) "A commission seller" shall mean any person who receives listed commodities in carload or truck load lots direct from a country shipper and sells them (whether in carload or truck load lots or less) for the account of the shipper to wholesalers or chain store warehouses.

(3) "A retailer owned co-operative" wholesaler shall mean a non-profit organization or co-operative of which 51% or more of the stock is owned by its retailer customers and which distributes listed commodities at wholesale.

(4) "A cash and carry wholesaler" shall mean a person other than a carlot receiver or commission seller who distributes listed commodities for resale, or to commercial, industrial, institutional, or governmental users and who did not prior to March 15, 1943 customarily deliver to purchasers.

(5) "A service wholesaler" shall mean a person other than a carlot receiver or commission seller who distributes listed commodities for resale or to commercial, industrial, institutional, or governmental users who prior to March 15, 1943 customarily delivered to such purchasers.

(6) "Freight" shall mean actual charges made by a common carrier or contract carrier (including icing or refrigeration) and transportation tax. In the event that a listed commodity is transported by other means, freight shall be computed at the lowest available common or contract carrier rate. Freight shall not include any express charges or charges for unloading or local trucking.

(7) "Net cost" of each size and grade of each listed commodity shall be the price f. o. b. the intermediate shipper of the largest single lot of the particular size and grade of the commodity received during the seven-day period prior to each Wednesday in the case of a wholesaler and each Thursday in the case of a retailer: *Provided,* That in no case shall a wholesaler use a net cost higher than the maximum price specified in Appendix A. In the event that a seller shall have received no deliveries during the week prior to any Wednesday in the case of a wholesaler and Thursday in the case of a retailer, his net cost shall be the net cost established during the preceding seven-day period. In the event that no net cost can be arrived at by the foregoing methods, a seller's net cost shall be the price for the lot of the listed commodity being priced but in no event higher than the maximum price specified in Appendix A. As used in this sub-section, intermediate shipper refers to a carlot receiver, commission seller, or wholesaler and in no case to a country shipper or other shipper from the point of origin of the listed commodity.

(8) Unless the context otherwise requires, the definitions set forth in § 1439.262 of Temporary Maximum Price Regulation 28 and in § 1439.313 of Temporary Maximum Price Regulation 29 shall apply to any terms used herein not specifically defined.

(e) *Repacked tomatoes.* Any wholesaler who repacks tomatoes may add to his maximum price established hereunder 2½¢ per pound; and this amount, if not already included in net cost, may be added by any subsequent wholesaler buying repacked tomatoes from the repacker.

(f) *Adjustments.* Any district office in Region VI may, consistently with the provisions of § 1439.253 (c) of Temporary Maximum Price Regulation 28 and § 1439.304 (c) of Temporary Maximum Price Regulation 29, issue Orders of Adjustment fixing margins lower than those herein provided for sales at retail of listed commodities within specified localities.

(g) *Geographical applicability.* This order applies to all sales pursuant to which the buyer receives physical delivery within Illinois, Wisconsin, South Dakota, North Dakota, Iowa, Minnesota, Nebraska and within the County of Lake, Indiana.

(h) This order may be revoked, amended or corrected at any time.

(i) *Effective date.* This Revised Order No. G-1 shall supersede Regional Order No. 52 (redesignated as order No. G-1) issued March 15, 1943, as of 12:01 A. M. March 24, 1943 and shall remain in effect with respect to tomatoes, cabbage, carrots, snap beans, and green peas until April 24, 1943, and with respect to lettuce and spinach until April 26, 1943, unless Temporary Maximum Price Regulations 28 and 29 shall have earlier been revoked or replaced.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 22d day of March 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

APPENDIX A

MAXIMUM PRICES IN REGION VI FOR CARLOT RECEIVERS AND COMMISSION SELLERS

(a) *For tomatoes including all kinds and varieties:*

Point of origin and size: Mexico:	*Maximum price for 30 lb. lugs*
5 x 5	$5.60
5 x 6	5.60
6 x 6	5.60
6 x 7	5.10
7 x 7	4.60

In sizes or containers other than those listed, $0.15 per pound net weight.

Cuba and Florida:	
5 x 5	$6.25
5 x 6	6.25
6 x 6	6.25
6 x 7	5.75

In sizes or containers other than those lised, $0.19 per pound net weight.

(b) *For snap beans including all kinds and varieties:*

Point of origin and size:	*Maximum price*
All points: 28 lb. hamper	$6.30

In sizes or containers other than those listed, $0.22½ per pound net weight.

(c) *For carrots including all kinds and varieties:*

Point of origin and size: Calif., Ariz., and N. Mex.:	*Maximum price*
6 doz. crate with tops	$4.50
7 doz. crate with tops	4.75
8 doz. crate with tops	5.25
½ crates pr. bushels topped	2.00

In other sizes with tops, $0.05½ per bunch. In other sizes topped, $0.04 per pound net weight.

Texas:	
6 doz. crate with tops	$4.00
7 doz. crate with tops	4.25
8 doz. crate with tops	4.75
½ crates pr. bushel topped	1.90

In other sizes with tops, $0.05 per bunch. In other sizes topped, $0.03½ per pound net weight.

(d) *For cabbage including all kinds and varieties:*

Point of origin and size: All points	*Maximum price*
L. A. crate 85-90 lbs	$4.90
⅔ L. A. crate	3.35
½ L. A. crate	2.55
50 lb. bags	2.95
100 lb. bags	5.50

In other sizes or containers than those listed above, $0.05½ per pound, net weight.

(e) *For green peas including all kinds and varieties:*

Point of origin and size:	*Maximum price*
All points: Bushels or 28 lb. hampers	$4.40

In sizes or containers other than those listed above, $0.15½ per pound, net weight.

(f) *For iceberg lettuce including all kinds and varieties:*

Point or origin and size: California, Arizona	*Maximum price*
4 doz. crate	$5.00
5 doz. crate	5.00
6 doz. crate	4.00

In sizes or containers other than those listed above, $0.05½ per head.

(g) *For Spinach including all kinds and varieties:*

Point or origin and size:	*Maximum price*
All points: 18-20 lb. bushel	$1.80

In sizes or containers other than those listed above, $0.09 per pound, net weight.

[F. R. Doc. 43-12211; Filed, July 28, 1943; 11:35 a. m.]

[Region VI Order G-1, Under Temp. MPR 28 and 29, Amdt. 1]

CERTAIN FRESH VEGETABLES IN ILL., WIS., S. DAK., N. DAK., IOWA, MINN., NEBR., AND LAKE CO., IND.

Amendment No. 1 to Revised Order No. G-1 (formerly Revised Regional Order No. 52). Issued Under Temporary Maximum Regulations 28 and 29. Adjusted Maximum prices of certain fresh vegetables in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in me by § 1439.253 (c) of Temporary Maximum Price Regulation 28 and § 1439.304 (c) of Temporary Maximum Price Regulation 29 and Genera' Order 32, *It is hereby ordered,* That Revised Order No. G-1 issued March 22, 1943, be and it is hereby amended as follows:

(a) Paragraph (a) is amended to read as follows:

(a) *Maximum price for direct carlot receivers.* The maximum prices for persons who receive commodities of the various grades and in the quantities listed in Appendix A (hereinafter referred to as "listed commodities") direct from country shippers shall be as follows:

(1) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots and selling such commodities without warehousing, the prices set forth in Appendix A.

(2) For carlot receivers and commission sellers, receiving listed commodities in carload or truckload lots at points outside of the Chicago Metropolitan area from country shippers, warehousing such commodities, and selling in less than carload lots to wholesalers and chain store warehouses, the prices for the listed commodities set forth in Appendix A multiplied by 1.08.

(3) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots at points outside of the Chicago Metropolitan area from country shippers and selling to retailers other than chain store warehouses, the prices for the listed commodities set forth in Appendix A multiplied by 1.175.

(4) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots at points within the Chicago Metropolitan area from country shippers, warehousing such commodities, and selling them in less than carload lots from warehouses to wholesalers, retailers, chain store warehouses or any other purchaser, the prices for the listed commodities set forth in Appendix A multiplied by 1.08.

(b) Subparagraphs (d) (1) and (2), definition of carlot receiver and commission seller are deleted.

(c) Subparagraph (d) (7) is amended to read as follows:

(d) *Definitions.* • • •

(7) "Net cost" of each size and grade of each listed commodity shall be the price f. o. b. the intermediate shipper of the largest single lot of the particular size and grade of the commodity received during the seven-day period prior to each Wednesday in the case of a wholesaler and each Thursday in the case of a retailer: *Provided,* That in no case shall a wholesaler use a net cost higher than the maximum price specified in Appendix A multiplied by 1.08. In the event that a seller shall have received no deliveries during the week prior to any Wednesday in the case of a wholesaler and Thursday in the case of a retailer, his net cost shall be the net cost established during the preceding seven-day period. In the event that no net cost can be arrived at by the foregoing methods, a seller's net cost shall be the price for the lot of the listed commodity being priced, but in no event higher than the maximum price specified in Appendix A multiplied by 1.08. As used in this subparagraph, intermediate shipper refers to a carlot receiver, commission seller, or wholesaler and in no case to a country shipper or other shipper from the point of origin of the listed commodity.

(d) Paragraph (d) of Appendix A is amended by changing "All points" to "All points except Florida" and adding at the end of the listing therein contained, the following:

Point of origin	Size	Maximum price
Florida	1⅑ bushel hamper	$3.60
Florida	50 lb. bags	3.40

(e) Paragraph (g) of Appendix A is amended by adding the following:

Point of origin	Size	Maximum price
California	Crates weighing approximately 75 pounds, iced, with an approximate net weight of 40 pounds.	$3.90.
California	In sizes or containers other than that listed above.	$0.10 per lb. net weight.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued and effective this 27th day of March 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12212; Filed, July 28, 1943; 11:34 a. m.]

[Region VI Order G–1 Under Temp. MPR 28 and 29, Amdt. 2]

CERTAIN FRESH VEGETABLES IN ILL., WIS., S. DAK., N. DAK., IOWA, MINN., NEB., AND LAKE CO., IND.

Amendment No. 2 to Revised Order No. G–1 (formerly Revised Regional Order No. 52). Issued Under Temporary Maximum Price Regulations 28 and 29. Adjusted maximum prices of certain fresh vegetables in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in me by § 1439.253 (e) of Temporary Maximum Price Regulation 28 and § 1439.304 (c) of Temporary Maximum Price Regulation 29 and General Order 32, *It is hereby ordered*, That Revised Order No. G–1 issued March 22, 1943 be and it is hereby amended by substituting for paragraph (f) in Appendix A the following words and figures:

FOR ICEBERG LETTUCE INCLUDING ALL KINDS AND VARIETIES

Point of origin	Quantity per crate	Maximum price
	Dozen	
California-Arizona	4	$5.95
California-Arizona	5	5.95
California-Arizona	6	4.95

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued and effective this 30th day of March 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–12213; Filed, July 28, 1943; 11:34 a. m.]

[Region VI Order G–1 Under Temp. MPR 28 and 29, Amdt. 3]

CERTAIN FRESH VEGETABLES

Amendment No. 3 to Revised Order No. G–1. (Formerly Revised Regional Order No. 52). Issued under Temporary Maximum Price Regulations 28 and 29. Adjusted maximum prices of certain fresh vegetables in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in me by § 1439.253 (c) of Temporary Maximum Price Regulation 28 and § 1439.304 (c) of Temporary Maximum Price Regulation 29 and General Order 32, *It is hereby ordered*, That Revised Order No. G–1 issued March 22, 1943 be and it is hereby amended as follows:

a. Section (b) of Appendix A is hereby amended to read as follows:

(b) *For snap beans including all kinds and varieties:*

The maximum price established for any carload or truckload of snap beans at the time of shipment for any country shipper by Temporary Maximum Price Regulation 28 or any applicable regional order multiplied by 1.035 plus freight from country shipping point to point of sale.

b. Section (d) of Appendix A is hereby amended to read as follows:

(d) *For cabbage including all kinds and varieties:*

The maximum price established for any carload or truckload of cabbage at the time of shipment for any country shipper by Temporary Maximum Price Regulation 28 or any applicable regional order multiplied by 1.035 plus freight from country shipping point to point of sale.

c. This amendment shall become effective Wednesday, April 14, 1943.

Issued this 13th day of April 1943.

(Pub. Laws 421 and 729, 77th Cong.; 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–12214; Filed, July 28, 1943; 11:37 a. m.]

[Region VI Order G–1 Under MPR 376]

CERTAIN FRESH VEGETABLES IN ILL., WIS., S. DAK., N. DAK., IOWA, MINN., NEV., AND LAKE CO., IND.

Order No. G–1 under Maximum Price Regulation No. 376. Certain perishable fresh fruits and vegetables. (Reissuance of Revised Order No. G–1, formerly Revised Regional Order No. 52, under Temporary Maximum Price Regulations No. 28 and 29).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by Maximum Price Regulation No. 376, *It is hereby ordered:*

(a) Revised Order No. 52 as amended, (also known as Order No. G–1 issued under Temporary Maximum Price Regulation 28 and 29) issued under Temporary Price Regulations 28 and 29 shall remain in full force and effect until this order shall be amended, modified or revoked.

This order shall become effective midnight, April 24, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d of April 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–12215; Filed, July 28, 1943; 11:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54–78, 54–40, 59–40, 54–53, 59–49]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its offices in the City of Philadelphia, Pennsylvania on the 28th day of July, A. D. 1943.

In the matters of Consolidated Electric and Gas Company, File No. 54–78; Consolidated Electric and Gas Company, Applicant, File No. 54–40; Central Public Utility Corporation, Consolidated Electric and Gas Company, Respondents, File No. 59–40; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, Applicants, File No. 54–53; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, Respondents, File No. 59–49.

Consolidated Electric and Gas Company, a registered holding company, having filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan for certain action designed to enable that company and certain of its subsidiary companies to comply with the provisions of section 11 (b) of said Act; the Commission having by order dated July 19, 1943 consolidated the proceedings upon said application (1) with certain proceedings theretofore instituted by the Commission pursuant to section 11 (b) of said Act with respect to said Consolidated Electric and Gas Company and Central Public Utility Corporation, also a registered holding company, (2) with certain other proceedings instituted by the Commission pursuant to said section 11 (b) with respect to Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under a certain voting trust agreement dated August 1, 1932, relating to common stock of said Central Public Utility Corporation (said Trustees also being a registered holding company), (3) with proceedings upon an earlier application of said Consolidated Electric and Gas Company for approval of certain other action also designed to enable said Consolidated Electric and Gas Company to comply with said section 11 (b), and (4) with proceedings upon an application and declaration by said Trustees, above named, regarding the disposition of the common stock of Central Public Utility Corporation held by said Trustees; and the Commission having by said order of July 19, 1943 set down said consolidated proceedings for hearing at the offices of the Commission in Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on August 3, 1943; and

Consolidated Electric and Gas Company having requested that the hearing so directed to be held in said consolidated proceedings be postponed to September 8, 1943, and the Commission deeming it appropriate that the hearing be postponed to September 8, 1943;

It is ordered, That the hearing in this matter previously scheduled for August 3, 1943, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be and hereby is postponed to September 8, 1943, at the same hour and place and before the same trial examiner as heretofore designated.

It is further ordered, That the time within which any person other than parties to said consolidated proceedings desiring to be heard in connection with said proceedings or proposing to intervene therein shall file his request or application therefor with the Secretary of the Commission as provided by Rule XVII of the Commission's Rules of Practice be, and the same is hereby extended to September 1, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–12266; Filed, July 29, 1943; 9:38 a. m.]

WAR FOOD ADMINISTRATION.

CARL C. FARRINGTON

DELEGATION OF AUTHORITY TO ADMINISTER COMMODITY CREDIT CORPORATION ORDER 4

Pursuant to the provisions of Commodity Credit Corporation Order 4, dated June 10, 1943 (8 F.R. 7887), dealing with the purchase and sale of farmers' stock peanuts from the 1943 crop, issued under the provisions of Executive Order No. 9334, dated April 19, 1943 (8 F.R. 5423), and to effectuate the purposes of such order, Carl C. Farrington, Vice-President of the Commodity Credit Corporation, is hereby designated and authorized to exercise and perform all the powers, functions, and duties conferred or imposed upon the President of the Commodity Credit Corporation by such order, and any amendments thereto.

Mr. Farrington shall be assisted in the administration of such order by such persons within the War Food Administration as he may designate.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; Commodity Credit Corporation Order 4, 8 F.R. 7887)

Issued this 24th day of July 1943.

J. B. HUTSON,
President.

[F. R. Doc. 43–12236; Filed, July 28, 1943; 4:54 p. m.]

WAR PRODUCTION BOARD.

[Certificate 102]

DELIVERY AND DISTRIBUTION OF MILK IN WATERTOWN, N. Y.

The ATTORNEY GENERAL.

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of milk by motor vehicle in the Watertown Milk Marketing Area, New York.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JULY 28, 1943.

[F. R. Doc. 43–12286; Filed, July 29, 1943; 11:20 a. m.]

[1] *Supra.*

[Certificate 103]

COOPERATIVE ACTION PLAN BETWEEN AND AMONG CERTAIN OIL COMPANIES

The ATTORNEY GENERAL.

I submit herewith two letters to me from H. J. Klossner, President of Rubber Reserve Company, dated February 10, 1943, and July 7, 1943, relating to the formulation and execution of a plan for cooperative action between and among Neches Butane Products Company, The Atlantic Refining Company, Socony-Vacuum Oil Company, Inc., The Pure Oil Company, The Texas Company and Gulf Oil Corporation in the construction and operation of plant facilities for the production of one hundred thousand (100,000) short tons of butadiene annually for sale to Rubber Reserve Company.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the plan described in the letters; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person, including any of the six above-named privately-owned companies, in the formulation and execution of such plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JULY 28, 1943.

[F. R. Doc. 43–12287; Filed, July 29, 1943; 11:20 a. m.]

[Certificate 104]

CROSS-LICENSE AGREEMENT (BUNA RUBBER)

The ATTORNEY GENERAL.

I submit herewith a standard form of agreement entitled "Cross-License Agreement (Buna Rubber)" proposed by the Rubber Director and the Secretary of Commerce for execution between the Rubber Reserve Company and private corporations undertaking to give assistance to the Government's synthetic rubber program.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the standard form of agreement; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any party to such agreement pursuant to the terms thereof is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JULY 28, 1943.

CROSS-LICENSE AGREEMENT (BUNA RUBBER)

This agreement, effective as of the date of last execution hereof, by and between Rubber Reserve Company (hereinafter called "Reserve"), a corporation created by Reconstruction Finance Corporation pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended, and having an office for the transaction of business in Washington, D. C., and _____ (hereinafter called "Licensor"), a corporation organized and existing under the laws of _____ and having an office for the transaction of business at _____;

Witnesseth:

In consideration of the mutual covenants and understandings herein contained, the parties hereto agree as follows:

Article I

DEFINITIONS

For the purposes of this Agreement, the terms hereinbelow in this Article I listed shall have the following meanings, respectively:

1.01. "Buna Rubber" means any synthetic plastic vulcanizable rubberlike material which is (a) produced by the polymerization of one or more hydrocarbon diolefins of the butadiene type or (b) produced by the polymerization, copolymerization, interpolymerization or other joinder of one or more hydrocarbon diolefins of the butadiene type with one or more organic compounds: *Provided*, That the resulting product shall contain not less than fifty per cent (50%) by weight of combined hydrocarbon diolefins of the butadiene type.

1.02. "Special Purpose Buna Rubber" means Buna Rubber mainly adapted for use other than use as a general substitute for natural rubber in tires and other principal rubber products.

1.03. "Specialty Buna Compounds" means any compound, or vulcanizate thereof, of Buna Rubber which is mainly adapted for use other than use as a general substitute for compounds or vulcanizates of natural rubber in tires and other principal rubber products, and which is either sold by the manufacturer thereof as a finished compound or incorporated by him into a fabricated article.

1.04. Reserve will promptly on written request made during the War Period by any originator thereof, and after notice in writing to Licensor and opportunity for hearing, classify as Special Purpose Buna Rubber any Buna Rubber which in its judgment should properly be so classified under the above definition of Special Purpose Buna Rubber. During the War Period Reserve shall also have the right, on its own motion, and after notice in writing to Licensor and opportunity for hearing, to revise any previous classification. Reserve shall give prompt notice in writing to Licensor of any original or revised classification or refusal thereof, and such classification or refusal shall be effective and conclusive on Licensor and all parties executing similar agreements with Reserve from and after the date of such written notice thereof. No Buna Rubber shall be considered as Special Purpose Buna Rubber unless so classified by Reserve as aforesaid. For the purposes of this Section 1.04, Buna-N shall be considered as having been classified by Reserve, as of July 1, 1943, as a Special Purpose Buna Rubber.

1.05. "Buna-N" means a Buna Rubber which contains 10% or more of acrylonitrile and/or its homologues.

1.06. "Buna Rubber Patent Rights" of any corporation means all United States patents and patent applications and transferable rights thereunder now or hereafter prior to the end of the War Period owned or controlled by such corporation (in the sense of having the right to make the grants hereinafter set forth without accountability to others than Subsidiaries and Affiliates or employees of said corporation or of any of its Subsidiaries and Affiliates) to the extent, but only to the extent, that the claims of such patents are based upon inventions conceived prior to the end of the War Period and (a) cover any Buna Rubber or any process or any apparatus useful in the manufacture of any Buna Rubber (but not raw materials therefor) or (b) are directed

[1] Not filed with Division of the Federal Register.

specifically to the compounding or vulcanization of rubbers of the general type of Buna Rubber, or to compounds or vulcanizates so obtained. The Buna Rubber Patent Rights of Reserve shall include, without limitation, (a) all transferable rights acquired by Reserve under the Buna Rubber Patent Rights, as defined in the foregoing sentence of this section 1.06, of any sublicensee to whom Reserve shall grant a sublicense under the Buna Rubber Patent Rights of Licensor pursuant to the provisions of section 2.02 hereof, and (b) all transferable rights acquired by Reserve under the Buna Rubber Patent Rights, as defined in section 6.02 hereof, of any sublicensee to whom Reserve shall grant a sublicense under the Buna Rubber Patent Rights of Licensor pursuant to the provisions of section 6.01 hereof.

1.07. "Subsidiaries and Affiliates" of any corporation means any parent company or companies of said corporation, and all companies now or hereafter owned or controlled, directly or indirectly, by said corporation, whether alone or together with any one or more parent companies, or by any parent company or companies of said corporation.

1.08. "War Period" means the period of time extending from December 9, 1941 through the first six months after the cessation of hostilities between the United States and Germany, Italy and Japan.

Article II

LICENSES AND LICENSING RIGHTS

2.01. Licensor hereby grants to Reserve, under the Buna Rubber Patent Rights of Licensor (with the right in Reserve to have others act for it as its agents or on its behalf), a royalty-free, non-exclusive license to manufacture, use and sell Buna Rubber (except Special Purpose Buna Rubber) and to manufacture, use and sell compounds and vulcanizates of the same (except Specialty Buna Compounds), for the full term of the licensed patents, such license to be non-transferable except as provided in section 8.02 hereof. The license set forth in this section 2.01 includes a waiver of all claims for compensation under the Act of October 6, 1917 (Public No. 80—65th Congress), as amended, which might otherwise be asserted against Reserve or the Government of the United States of America (hereinafter called the "Government") for the use in the manufacture, use or sale of Buna Rubber (except Special Purpose Buna Rubber) or the manufacture, use or sale of compounds or vulcanizates of the same (except Specialty Buna Compounds), of inventions covered by any and all claims of any and all patent applications included within the Buna Rubber Patent Rights of Licensor and with respect to which the grant of a patent or patents is or shall be withheld by the Commissioner of Patents pursuant to said Act, as amended.

2.02. Licensor hereby grants to Reserve a non-exclusive right to grant to others, under the Buna Rubber Patent Rights of Licensor: (a) royalty-free, non-exclusive sublicenses to manufacture, use and sell Buna Rubber (except Special Purpose Buna Rubber) and to manufacture, use and sell compounds and vulcanizates of the same (except Specialty Buna Compounds) for the unexpired term of the licensed patents, such sublicenses to be non-transferable except as Licensor's rights hereunder are made assignable or extendable pursuant to section 8.01 hereof; and (b) releases for past infringement, if any, on account of the manufacture, use or sale of Buna Rubber (except Special Purpose Buna Rubber) or on account of the manufacture, use or sale of compounds or vulcanizates of the same (except Specialty Buna Compounds) by sublicensees of Reserve under the Buna Rubber Patent Rights of Licensor whose sublicenses were granted prior to the date of this agreement, such releases to be effective only for operations during the period between the effective dates of such sublicenses, respectively, and the effective date hereof. Except as Provided in section 6.01 hereof, Reserve shall have the right to grant sublicenses and releases, as aforesaid, only during the War Period. No sublicense or release shall be granted by Reserve under the Buna Rubber Patent Rights of Licensor except by an agreement containing provisions identical with those of article I and sections 2.02, 2.05, 5.01, 6.01, 6.02, 8.01 and 9.01 hereof and otherwise on substantially the same terms and conditions as this agreement, it being understood, however, that in making any such agreement Reserve may alter or omit provisions corresponding to section 4.01 hereof.

2.03. Reserve hereby grants to Licensor, under the Buna Rubber Patent Rights of Reserve, a royalty-free, non-exclusive license to manufacture, use and sell Buna Rubber (except Special Purpose Buna Rubber), and to manufacture, use and sell compounds and vulcanizates of the same (except Specialty Buna Compounds), for the unexpired term of the licensed patents, such license to be non-transferable except as provided in Section 8.01 hereof. With respect to Buna Rubber Patent Rights acquired by Reserve subsequent to the effective date hereof, Reserve hereby grants, and agrees to grant, to the full extent that it has or shall have the right so to do, to Licensor a release for infringement on account of the manufacture, use or sale of Buna Rubber (except Special Purpose Buna Rubber) or on account of the manufacture, use or sale of compounds or vulcanizates of the same (except Specialty Buna Compounds) prior to the date upon which Reserve acquires such Buna Rubber Patent Rights.

2.04. Reserve shall give Licensor prompt notice of the issue of each sublicense granted by Reserve hereunder, and of each assignment or extension of such sublicense.

2.05. Reserve agrees to offer an agreement on the same terms and conditions as this agreement to all Subsidiaries and Affiliates of Licensor who occupy such status during the War Period (or at the date of this agreement if this agreement is entered into after the War Period) and whose business, research or patents during such period (or at such date) relates to the subject matter of this agreement. Licensor agrees, for the benefit of Reserve and its sublicensees pursuant to this agreement, to use its best efforts to cause all such Subsidiaries and Affiliates to accept such offer.

Article III

VALIDITY OF PATENTS

3.01. Nothing contained in this agreement shall be construed as a representation, warranty or acknowledgment with respect to the validity of or title to any Letters Patent.

Article IV

WARRANTY BY LICENSOR

4.01. Licensor represents and warrants that it or one or more of its Subsidiaries and Affiliates has been certified in writing by the Rubber Director to be qualified to render technical assistance to the Government, and has undertaken in a manner prescribed in writing by the Rubber Director to render technical assistance to the Government in the development of cheaper or better Buna Rubber.

Article V

TECHNICAL INFORMATION

5.01. In addition to the undertaking required in Section 4.01 hereof, Licensor shall assist in the Buna Rubber program of Reserve as follows: During the War Period Licensor shall supply to Reserve technical information on Buna Rubber (except Special Purpose Buna Rubber) and the compounding and vulcanization thereof (but, with respect to compounding and vulcanization, only insofar as such technical information relates especially to Buna Rubber and is not specific to Special Buna Compounds) under any system which may be instituted by Reserve for the collection and exchange of such information and which applies uniformly to all parties who enter or have entered into agreements with Reserve similar to this agreement prior to the end of the War Period.

5.02. During the War Period Reserve shall make available to Licensor the technical information received by Reserve under any system as referred to in Section 5.01 hereof in such fields as Licensor may from time to time request.

5.03. The obligations contained in this article V shall be subject to such rules and regulations governing the disclosure of technical information as now exist or may be hereafter promulgated by the Government.

Article VI

PROVISIONS RELATING TO LESSEES AND PURCHASERS OF GOVERNMENT-OWNED PLANTS

6.01. Notwithstanding any contrary provisions elsewhere in this Agreement set forth, Reserve's right to grant sublicenses under the Buna Rubber Patent Rights of Licensor shall remain in force after the War Period with respect to lessees and original purchasers of Government-owned Buna Rubber plants the construction of which was begun prior to the end of the War Period, but any such sublicense under the Buna Rubber Patent Rights of Licensor, if granted by Reserve after the War Period, shall be limited to Buna Rubber (excluding Special Purpose Buna Rubber) manufactured in the Government-owned plant, or plants, leased or purchased by the sublicensee, and to compounds and vulcanizates of the same (excluding Specialty Buna Compounds). In the event that Licensor itself is such a lessee or purchaser and the effective date of this Agreement is subsequent to the end of the War Period, the license granted by Reserve in Section 2.03 hereof shall be limited to Buna Rubber (excluding Special Purpose Buna Rubber) manufactured in the Government-owned plant, or plants, leased or purchased by Licensor, and to compounds and vulcanizates of the same (except Specialty Buna Compounds); and the Buna Rubber Patent Rights of Licensor, as defined in Sections 1.06 and 6.02 hereof, shall be included in the Buna Rubber Patent Rights of Reserve for the purposes of releases and sublicenses granted by Reserve prior to or subsequent to the end of the War Period under agreements similar to this agreement.

6.02. Notwithstanding any contrary provisions elsewhere in this agreement set forth, the Buna Rubber Patent Rights of any sublicensee of Reserve, who is a lessee or purchaser of a Government-owned Buna Rubber plant and whose agreement evidencing such sublicense is executed after the War Period, shall include not only those coming within the control of such sublicensee prior to the end of the War Period and based upon inventions conceived prior to the end of the War Period but also those coming within the control of such sublicensee prior to the effective date of said agreement and based upon inventions conceived prior to the effective date of said agreement. In the event that Licensor itself is a lessee or purchaser of a Government-owned Buna Rubber plant and the effective date of this agreement is subsequent to the end of the War Period, the Buna Rubber Patent Rights of Licensor shall include not only those coming within the control of Licensor prior to the end of the War Period and based on inventions conceived prior to the end of the War Period, but also those coming within the control of Licensor prior to the effective date hereof, and based upon inventions conceived prior to the effective date hereof.

Article VII

FREEDOM OF ACTION

7.01. Nothing in this agreement shall limit or restrict in any way the right of Licensor freely to grant, directly or indirectly, through any agent or otherwise, any non-exclusive release, license, immunity from suit or other right or privilege under or in respect of any of its Buna Rubber Patent Rights on such terms and conditions as it alone shall determine.

Article VIII

ASSIGNMENT

8.01. Licensor's rights and obligations under this agreement may be assigned by Licensor only to the successors and assigns of substantially the entire business and assets of Licensor; except that Licensor, or its assignee as provided herein, while remaining a party to this agreement, may extend the benefits of any and all licenses and sublicenses which it enjoys hereunder to any subsidiary corporation organized after the War Period which is, and only so long as it remains, in effect the sole property of Licensor. Licensor shall promptly notify Reserve of any such assignment or extension.

8.02. Reserve's interests under this agreement may be assigned by Reserve only to another branch or agency of the Government and upon such assignment such other branch or agency of the Government shall acquire all the rights, powers and privileges of Reserve hereunder and shall be bound by all the duties and obligations of Reserve hereunder, and Reserve shall thereby cease to have any further rights, powers, privileges or duties hereunder, it being expressly understood that any such assignment by Reserve of its interests in this agreement to any other branch or agency of the Government shall be subject to all the rights, powers and privileges of Licensor hereunder, and shall be conditioned upon such assignee's assuming all duties and obligations of Reserve hereunder. Reserve shall promptly notify Licensor of any such assignment.

Article IX

CONSTRUCTION

9.01. This agreement shall be construed in accordance with the law of the State of New York.

In witness whereof, Rubber Reserve Company and ---------- have caused this agreement to be executed by their respective Presidents or Vice Presidents, duly authorized thereto, and their respective corporate seals to be hereunto affixed, duly attested by their respective Secretaries or Assistant Secretaries on the respective dates hereinafter shown.

RUBBER RESERVE COMPANY

By ----------
President.

Attest:

Secretary.

Washington, D. C., Date ----------

(Licensor)

By ----------
President.

Place ----------

Date ----------

Attest:

Secretary.

[F. R. Doc. 43-12288; Filed, July 29, 1943; 11:21 a. m.]

OKLAHOMA STATE HIGHWAY DEPARTMENT

AMENDMENT TO PARTIAL REVOCATION ORDER

[Serial No. 483 E]

Builder: Oklahoma State Highway Department, Oklahoma City, Oklahoma. Project: Projects for the construction of bridges and approaches on Federal Aid Highways identified as FAP 590 B (1) and FAP 122 A (2).

The partial revocation order issued December 24, 1942, Serial No. 483 E, affecting those portions of such serially numbered Preference Rating Order described as Oklahoma State Projects FAP 590 B (1) and FAP 122 A (2) is hereby amended to delete all reference to Oklahoma State Project # FAP 122 A (2), and to restore to full force and effect the previously assigned preference ratings insofar as they apply to Oklahoma State Project # FAP 122 A (2).

Issued: July 29, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12285; Filed, July 29, 1943; 11:18 a. m.]

AUG 2 '43

FEDERAL REGISTER

VOLUME 8 NUMBER 151

Washington, Saturday, July 31, 1943

The President

EXECUTIVE ORDER 9365

WOMEN'S ARMY CORPS SERVICE MEDAL

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

There is hereby established the Women's Army Corps Service Medal, which shall include suitable appurtenances. Such medal may be awarded, under such regulations as the Secretary of War may prescribe, to members of the Women's Army Corps for honorable service performed by them in the Women's Army Auxiliary Corps.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 29, 1943.

[F. R. Doc. 43-12353; Filed, July 30, 1943; 10:54 a. m.]

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 35—PAYMENT OF BILLS AND ACCOUNTS

TELEGRAPH AND CABLE SERVICE OUTSIDE U. S.

In § 35.20 subparagraph (6) is added as follows:

§ 35.20 *Bills paid monthly.* • • •

(b) *Supporting evidence.* • • •

(6) (i) Where telegraph or cable service is rendered outside the continental United States under conditions which make it impossible for the contractor or the contracting officer to secure the original telegrams or cablegrams, vouchers may be supported by copies of the original telegrams or cablegrams, together with a certificate executed by the contractor and approved by the contracting officer, setting forth the circumstances in the case and the reason that the originals of the messages required by subparagraph (1) above cannot be obtained.

(ii) Where the cost of a telegram or cablegram has been paid by a bank or similar agency and the expenditure is otherwise correct, a debit note, statement, or other similar document from the bank or similar agency may be accepted in support of the voucher if the contractor certifies that the amount is not in excess of the minimum cost for similar services, that the telegram or a copy thereof cannot be secured and the reason therefor, and if the certificate is approved by the contracting officer.

(R.S. 161; 5 U.S.C. 22) [Par. 4*f* AR 35-6100, 23 July 1942 as amended by C3, 14 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-12294; Filed, July 29, 1943; 3:55 p .m.]

Chapter VII—Personnel

PART 71—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

GRADE AND ENLISTMENTS

Sections 71.6 (d) and 71.9 (e) (2) are amended as follows:

§ 71.6 *Grade.* • • •

(d) *Reenlistment of men who serve on active duty as Reserve Officers or who are discharged to accept commissions as officers or appointments as warrant officers*—(1) *Regular Army.* Any enlisted man of the Regular Army who serves on active duty as a Reserve Officer of the Army of the United States or who is discharged to accept a commission in the Army of the United States, will be entitled to reenlist in the Regular Army in the permanent grade held in the Regular Army immediately preceding such commissioned service provided application for reenlistment is made within 6 months after the termination of such commissioned service. Any such enlisted man who is discharged to accept a temporary appointment as a warrant officer in the Army of the United States will be entitled to reenlist in the Regular Army in the permanent grade held in the Regular Army immediately preceding such warrant officer service provided application for reenlistment is made and accepted within 6 months after termination of such warrant officer service if he

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page
Women's Army Corps Service Medal 10651

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Vesting orders:
Deutsches Haus, Inc. 10679
Fassio, Lorenzo 10679
Ferrantino, Anna 10680
Klinke, Oskar 10680
Meduna, Nori Rosa Aileen 10681
Narr, Christian 10681
Opitz, Henry C 10681
Petriella, Pietro 10682
Petroff, Michael 10682
Pia, Ernest 10682
Reimers, Paul 10683
Ritter, H. F., & Co., Inc. 10678
Robling, Frank J. and Margaret L. 10683
Roder, Joseph 10684
Rossetto, Margherita 10678
Schaedlich, Agnes B. 10684
Schaus, Wm. 10685
Schmidt, Henry H. 10685
Smith, J. M., and J. J. Lorenz 10683
Toepfer, Ernst W. C. 10678
BITUMINOUS COAL DIVISION:
Dismissal of certain petitions filed 10675
District 1, minimum price schedule amended 10654
Petitions of district boards or code members; expiration of Coal Act, etc. 10675
CHILDREN'S BUREAU:
Maternal and child health; personal standards 10674
CIVIL AERONAUTICS ADMINISTRATOR:
Designation of certain control airports; miscellaneous amendments 10654
Designation of civil airways; miscellaneous amendments 10654
Port Columbus Airport, Columbus, Ohio; waiver of weather requirement for certain test flights 10677
CIVIL AERONAUTICS BOARD:
Applications for exemptions from requirements 10653
Position lights; waiver of requirement for certain military aircraft 10653

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
CIVIL AERONAUTICS BOARD—Con.	
Scheduled air carrier approach limitations	10653
FEDERAL POWER COMMISSION:	
Cities Service Transportation and Chemical Co	10677
Ohio Public Service Co., hearing	10677
INTERSTATE COMMERCE COMMISSION:	
Car service; classification of rice as grain and appointment of permit agents	10674
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Fred's Motor Transportation	10671
List of orders filed (2 documents)	10685, 10686
Petroleum Transport, Inc	10671
Primary distributors of direct consumption sugar	10686
Apparel; military uniforms (MPR 385, Am. 2)	10661
Bananas (MPR 285, Am. 3)	10659
Beef and veal carcasses and wholesale cuts (Rev. MPR 169, Am. 23)	10671
Butyl alcohol and esters thereof (MPR 37, Am. 7)	10672
Coffee rationing (RO 12, Am. 47)	10672
Dairy products (MPR 289, Am. 19)	10667
Dump trucks, rental excepted (MPR 165, Am. 25)	10671
Ferrous forgings (MPR 351, Am. 4)	10662
Food and beverage specialty products (Rev. SR 14, Am. 6)	10667
Food and drink sold for immediate consumption; Jefferson County, Ky. (Restaurant MPR 3-1, Am. 2)	10667
Foods, processed; rationing (RO 13, Am. 49)	10665
OFFICE OF PRICE ADMINISTRATION—Continued.	
Fruits and vegetables, fresh (MPR 426, Am. 3)	10673
Hawaii; maximum prices:	
(MPR 373, Corr. to Am. 7)	10666
(MPR 373, Am. 8)	10666
Heating stoves; rationing (RO 9, Am. 7)	10667
Horsemeat (MPR 367, Am. 3)	10660
Lumber:	
Logs, west coast (Rev. MPR 161, Am. 6)	10660
Northeastern hardwood (MPR 368, Am. 2)	10660
Machines, parts and machinery services (MPR 136, Am. 96)	10662
Magnesium and magnesium alloy ingot (MPR 314, Am. 3)	10667
Meat, fats, fish and cheeses; fationing (RO 16, Am. 5)	10665
Paperboard products (MPR 187, Am. 5)	10656
Puerto Rico, Hawaii and Virgin Islands; delegation of authority to territorial directors (Rev. Gen. Order 32, Am. 6)	10685
Regional, state and district office orders:	
Codfish; Pueblo, Colo	10692
Community ceiling prices, list of orders filed	10693
Fluid milk:	
Mt. Vernon, Illinois (2 documents)	10688, 10689
New Mexico:	
Chama, Rio Arriba County	10690
McKinley and Valencia areas	10690
Otero County	10691
Horse meat; Denver, Colo	10692
Lumber; Colorado (2 documents)	10689, 10690
Solid fuels; Minneapolis-St. Paul, Minn	10686
Services rendered in negotiation of purchase or sale of a commodity (MPR 165, Am. 1 to Supp. Service Reg. 7)	10670
Treasury silver (Rev. SR 14, Am. 11)	10674
Wire, cable and cable accessories (RPS 82, Am. 4)	10656
RURAL ELECTRIFICATION ADMINISTRATION:	
Allocation of funds for loans (3 documents)	10676, 10677
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Industrial Gas Corp	10694
New Premier Consolidated Mines Co	10693
North American Light & Power Co	10695
Peoples Light and Power Co., et al	10696
Suburban Gas and Electric Co., et al	10694
Tri-City Utilities Co., et al	10693
TREASURY DEPARTMENT:	
Foreign funds control; certain transactions licensed	10656
WAR DEPARTMENT:	
Army recruiting and induction; grade and enlistments	10651
WAR DEPARTMENT—Continued.	
Navigation in U. S. coastal waters; discharge of water ballast	10674
Payment of bills and accounts; telegraph or cable service	10651
Procurement of supplies; procedure for authorized payroll deductions	10653
WAR PRODUCTION BOARD:	
Suspension orders:	
Standard Motor Co	10656

has passed his 38th birthday, or within 15 days after termination of such warrant officer service if he is between the ages of 18 and 38. During the present war and such further period as the Secretary of War may prescribe, upon reenlistment in the Regular Army, such enlisted man will be immediately appointed in the Army of the United States to any higher temporary enlisted grade held by him immediately preceding his commissioned or warrant officer service. Such reenlistments will be subject to the conditions prescribed in subparagraph (3) below.

(2) *Army of the United States.* During the present war and such further period as the Secretary of War may prescribe, any enlisted man in the Army of the United States (other than an enlisted man of the Regular Army) who serves on active duty as a reserve officer of the Army of the United States or who is discharged to accept a commission as an officer or a temporary appointment as a warrant officer in the Army of the United States will be entitled to reenlist in the Army of the United States in the grade held immediately preceding such commissioned or warrant officer service, provided that application for reenlistment is made within 6 months after the termination of such commissioned or warrant officer service if he has attained his 38th birthday or within 15 days after termination of such service if he is between the ages of 18 and 38. Such reenlistments will be subject to the conditions prescribed in subparagraph (3) below.

(3) *Conditions governing enlistments under subparagraphs* (1) *and* (2) *above.* (i) Active service as a commissioned officer or temporary warrant officer terminates honorably.

(ii) Without regard to any physical disqualification incurred, or having its inception, while on active duty in line of duty.

(iii) Without regard to whether or not a vacancy exists in the appropriate enlisted grade.

(iv) All duty as a commissioned or warrant officer in the Army of the United States or any component thereof will be counted as service for all purposes.

(v) A new service record will be opened and the original entry will show "reenlisted under the provisions of AR 600–750."

(41 Stat. 765; 10 U.S.C. 42) [Par. 10*d* AR 600–750, 30 September 1942, as amended by C 7, 16 July 1943]

§ 71.9 *Enlistments and reenlistments requiring special authority.* • • •

(e) *Deserters, discharged other than honorably, etc.* Former enlisted men, sailors, marines, and coast guardsmen of the following classes: • • •

(2) Those whose last period of service was terminated by other than honorable discharge.

(41 Stat. 765; 10 U.S.C. 42) [Par. 13*e* AR 600–750, 30 September 1942, as amended by C 7, 16 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–12293; Filed, July 29, 1943; 3:55 p. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

PROCEDURE, AUTHORIZED PAYROLL DEDUCTIONS

In § 81.908, paragraph (i) (2) as published in the FEDERAL REGISTER 20 July 1943 (8 F.R. 9915) is corrected to read paragraph (e) (5) (ii) as follows:

§ 81.908 *Procedure.* • • •

(e) *Authorized payroll deductions.* • • •

(5) In accordance with and subject to the standards set forth in paragraph (e) (2) of this section, general permission is hereby granted to make payroll deductions for: • • •

(ii) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with District of Columbia, Federal, or State credit union statutes.

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–12292; Filed, July 29, 1943; 3:55 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 279]

PART 60—AIR TRAFFIC RULES

AIRCRAFT POSITION LIGHTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of July, 1943.

The following special civil air regulation is made and promulgated to become effective July 21, 1943:

Military aircraft being flown on special missions approved by competent authority and requiring noncompliance with § 60.61 of the Civil Air Regulations shall not be required to show position lights: *Provided,* That when any portions of such flights are made within airway traffic control areas, the appropriate airway traffic control center of the Administrator shall be notified as to the areas within which the flights are to be conducted, flight altitudes to be used, estimated time of the flights and other pertinent and unclassified information necessary to safeguard operation of other aircraft. Such notification shall be made prior to departure of the flights or immediately thereafter, depending upon the military urgency existent.

This regulation shall terminate at the end of the war.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43–12350; Filed, July 30, 1943; 9:59 a. m.]

[Amendment 61–11, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

APPROACH LIMITATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 23d day of July 1943.

Effective July 23, 1943, Part 61 of the Civil Air Regulations is amended as follows:

1. By amending § 61.7302 to read as follows:

§ 61.7302 (Unassigned). The subject matter heretofore contained in this section will be found in § 61.752.

2. By adding a new § 61.752 to read as follows:

§ 61.752 *Approach limitations.* No pilot shall, at any airport, let down below his last approved cruising altitude or continue descent when he has received United States Weather Bureau information that the measured ceiling [1] is below or the visibility is less than the authorized minimums prescribed in the air carrier operating certificate for landing at that airport.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43–12349; Filed, July 30, 1943; 9:59 a. m.]

[Regulations, Serial No. 280]

PART 292—CLASSIFICATIONS AND EXEMPTIONS

APPLICATIONS FOR EXEMPTIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 29th day of July, 1943.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1 (2), 205 (a) and 416 (b) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates, effective September 1, 1943, the following regulation:

§ 292.4 *Applications for exemptions—*(a) *Notice of application.* Prior to or coincident with the filing of any application for exemption from the requirements of Title IV of the Civil Aeronautics Act of 1938, as amended, or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, the applicant, unless otherwise authorized by the Board, shall cause a notice of such filing to be served by personal service or registered mail upon all persons who may have an interest in the subject-matter of the application. In case of any application which proposes the furnishing or discontinuance of air transportation to or from any point, the following persons shall be presumed to have an interest in the subject-matter of the application:

(1) Any scheduled air carrier which regularly renders service to any point involved in the application,

(2) Any person whose application for a certificate of public convenience and necessity authorizing regular service to or from any such point has been filed with, and has not finally been disposed of, by the Board,

(3) The chief executive of any State, Territory or possession of the United States in which any such point is located, and

(4) The chief executive of the city, town or other unit of local government at any such point located in the United States or any Territory or possession thereof.

Such notice shall indicate the date upon which the application will be or is being filed and, unless accompanied by a copy of the application, shall contain a brief statement of the relief requested.

(b) *Form and contents of application.* The application shall be entitled "Application for Exemption Order" and in addition to the specific relief requested, shall contain a list of the persons upon whom notice of the filing thereof was or is being served, and facts relied upon to establish that the enforcement of the matter from which exemption is sought is or would be an undue burden upon the applicant by reason of the limited extent of, or unusual circumstances affecting, the operations of such applicant and is not in the public interest. An executed original and nine copies of such application with a copy of the notice attached to each shall be filed with the Board.

(c) *Additional service of notice.* Action on the application may be withheld by the Board, in its discretion, pending proof of such additional service of notice by the applicant as the Board may direct.

(d) *Emergency application.* In the event of an emergency requiring immediate action, an application may be filed by telegraph if it substantially conforms to the requirements hereof as to contents and notice (which notice in such case may be served by telegraph) and states the reasons deemed to necessitate immediate action.

(Sec. 416, 52 Stat. 1004; 49 U.S.C. 496)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43–12351; Filed, July 30, 1943; 9:59 a. m.]

[1] The definition of measured ceiling as revised on June 1, 1943, will be found on page 28–2R, paragraph 2–131 of Circular N of the United States Weather Bureau.

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 27 of Part 600]

PART 600—DESIGNATION OF CIVIL AIRWAYS

JULY 23, 1943.

Redesignation of civil airways: Amber civil airway No. 7; Red civil airway No. 13. Designation of civil airways: Red civil airway No. 4; Blue civil airway No. 17.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By deleting in § 600.10106 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine)* the following:

the intersection of the center lines of the on course signals of the northeast leg of the Millinocket, Maine, radio range and the southeast leg of the Presque Isle, Maine, radio range.

2. By adding a new section to read as follows:

§ 600.10203 *Red civil airway No. 4 (Providence, R. I., to Boston, Mass.).* From the intersection of the center lines of the on course signals of the southwest leg of the Boston, Mass., radio range and the west leg of the Providence, R. I., radio range to the intersection of the center lines of the on course signals of the northeast leg of the Hartford, Conn., radio range and the southwest leg of the Boston, Mass., radio range.

3. By amending § 600.10212 *Red civil airway No. 13 (Westfield, Mass., to Boston, Mass.)* to read as follows:

§ 600.10212 *Red civil airway No. 13 (Westfield, Mass., to Hillsgrove, R. I.)* From the Westfield, Mass., radio range station, via the intersection of the center lines of the on course signals of the south leg of the Westfield, Mass., radio range and the northwest leg of the Hartford, Conn., radio range; Hartford, Conn., radio range station; and the Providence, R. I., radio range station; to the Theodore Francis Green Airport, Hillsgrove, R. I.

4. By adding a new section to read as follows:

§ 600.10316 *Blue civil airway No. 17 (Millinocket, Maine, to Presque Isle, Maine).* From the intersection of the center lines of the on course signals of the northeast leg of the Millinocket, Maine, radio range and the northwest leg of the Houlton, Maine, radio range, via the Houlton, Maine, radio range station and the intersection of the center lines of the on course signals of the north leg of the Houlton, Maine, radio range and the southeast leg of the Presque Isle, Maine, radio range to the Presque Isle, Maine, radio range station.

This amendment shall become effective 0001 e. w. t., Aug. 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-12347; Filed, July 30, 1943; 9:34 a. m.]

[Amdt. 42 of Part 601]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

JULY 23, 1943.

Redesignation of airway traffic control areas: Red civil airway No. 13. Designation of airway traffic control areas: Red civil airway No. 4; Blue civil airway No. 17. Redesignation of radio fixes: Green civil airways Nos. 4, 6; Amber civil airways Nos. 4, 5; Red civil airway No. 13; Blue civil airway No. 22. Designation of radio fixes: Red civil airway No. 4; Blue civil airway No. 17.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By adding a new section to read as follows:

§ 601.10204 *Red civil airway No. 4, airway traffic control areas (Providence, R. I., to Boston, Mass.).* All of Red civil airway No. 4.

2. By striking in § 601.10213 *Red civil airway No. 13, airway traffic control areas (Westfield, Mass., to Boston, Mass.)* the following portion of the caption: "Boston, Mass." and substituting in lieu thereof the following: "Hillsgrove, R. I."

3. By adding a new section to read as follows:

§ 601.10317 *Blue civil airway No. 17 airway traffic control areas (Millinocket, Maine, to Presque Isle, Maine).* All of Blue civil airway No. 17.

4. By inserting in § 601.4004 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* after the words: "Columbia, Mo., radio range station;" the following:

the St. Peters, Mo., fan type radio marker station or the intersection of the center lines of the on course signals of the southwest leg of the Springfield, Mo., radio range and the west leg of the St. Louis, Mo., radio range;

and also inserting after the words: "St. Louis, Mo., radio range station;" the following:

the intersection of the center lines of the on course signals of the east leg of the St. Louis, Mo., radio range and the northwest leg of the Scott Field, Ill., radio range.

5. By striking in § 601.4006 *Green civil airway No. 6 (Alice, Tex., to Richmond, Va.)* the following portion of the caption: "Richmond, Va." and substituting in lieu thereof the following: "Norfolk, Va."

6. By inserting in § 601.4014 *Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.)* after the words: "St. Joseph, Mo., radio range station;" the following:

the Glenwood, Iowa, fan type radio marker station or the intersection of the center lines of the on course signals of the east leg of the Lincoln, Nebr., radio range and the south leg of the Omaha, Nebr., radio range.

7. By inserting in § 601.4015 *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wisc.)* after the words: "Advance, Mo., radio range station;" the following:

the intersection of the center lines of the on course signals of the south leg of the St. Louis, Mo., radio range and the southwest leg of the Scott Field, Ill., radio range.

8. By adding a new section to read as follows:

§ 601.40204 *Red civil airway No. 4 (Providence, R. I., to Boston, Mass.).* The intersection of the center lines of the on course signals of the southwest leg of the Boston, Mass., radio range and the west leg of the Providence, R. I., radio range.

9. By striking in § 601.40213 *Red civil airway No. 13 (Westfield, Mass., to Boston, Mass.)* the following portion of the caption: "Boston, Mass." and substituting in lieu thereof the following: "Hillsgrove, R. I."

10. By adding a new section to read as follows:

§ 601.40317 *Blue civil airway No. 17 (Millinocket, Maine, to Presque Isle, Maine).* The intersection of the center lines of the on course signals of the northeast leg of the Millinocket, Maine, radio range and the northwest leg of the Houlton, Maine, radio range, Houlton, Maine, radio range station.

11. By striking in § 601.40322 *Blue civil airway No. 22 (Wichita, Kans., to Tulsa, Okla.)* the following: "No radio fix designation." and substituting in lieu thereof the following:

the intersection of the center lines of the on course signals of the northwest leg of the Tulsa, Okla., radio range and the southeast leg of the Wichita, Kans., radio range.

This amendment shall become effective 0001 e. w. t., August 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-12348; Filed, July 30, 1943; 9:34 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2076]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices and for other relief for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines, and for changes in the shipping points of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

Dated: July 22, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
2011	Cataract Coal Company (William R. Gould).	Cataract	9	D	Cataract, Pa.	NYC	44	(†)	(†)	D	(†)	(†)
1373	Fleegle, Irvin	Hall	38	C'	Arrow Colliery #5 & 6 (Cairnbrook)[1] Pa.	PRR	49	D	D	D	D	D
4047	Freas-Rinn Coal Co. (E. M. Freas).	Freas-Rinn	11	E	Dayton, Pa.	B&O	112	(†)	(†)	G	(†)	(†)
224	Gulbranson, Inc., W. O.	Imperial No. 2	13	B	Imperial Collieries #2 & 3 (Houtzdale) Pa.[1]	PRR	45	E	E	E	E	E
225	Gulbranson, Inc., W. O.	Imperial No. 3	13	C	Imperial Collieries #2 & 3 (Houtzdale) Pa.[1]	PRR	45	E	E	E	E	E
3693	Gulbranson, Inc., W. O.	Imperial No. 6	13	D	Imperial Collieries #2 & 3 (Houtzdale) Pa.[1]	PRR	45	D	D	D	D	D
3694	Gulbranson, Inc., W. O.	Imperial No. 5	13	A	Imperial Collieries #2 & 3 (Houtzdale) Pa.[1]	PRR	45	H	H	H	H	H
3695	Gulbranson, Inc., W. O.	Imperial No. 7	13	C'	Imperial Collieries #2 & 3 (Houtzdale) Pa.	PRR	45	E	E	E	E	E
1194	Hill Bros. (Coal) (W. D. Hill).	Hill No. 6	21	C	Osceola Mills, Pa.	PRR	45	(†)	(†)	F	(†)	(†)
2659	Hummel, George & Anna M. (George Hummel).	Hay	41	Pittsburgh	Garrett, Pa.	WM	102	(†)	(†)	G	(†)	(†)
4067	Lorenzo, F. A. (Dr.)	Lorenzo #2	6	E	Adrian Mines, Pa.	B&O	112	(†)	(†)	F	(†)	(†)
4068	Lorenzo, F. A. (Dr.)	Lorenzo #3	11	E	Yatesboro, Pa.	B&O	112	(†)	(†)	G	(†)	(†)
3112	Mitchell, Ambrose (Pine Valley Coal Co.).	Pine Valley Coal Co.	2	B	Force, Pa.	PS&N	118	(†)	(†)	H	(†)	(†)
1803	Morrison, Herman J.	Morrison	5	E	Beechton, Pa.	P&S	119	(†)	(†)	G	(†)	(†)
945	New York Central Railroad Company, The c/o W. C. Bower.	Barr	15	D	Dixonville, Pa.	CT&D	59	F	(†)	F	F	F
354	Oak Ridge Coal Co. (M. J. O'Shell).	O'Shell #1	20	B	Janesville, Pa[1]	PRR	45	(†)	(†)	C	(†)	(†)
4057	Prushnok, J. P. (The Arcadia Company).	Coalmer Stripping #1	12	D	Hooverhurst, Pa.	NYC	44	G	G	G	G	G
988	Sotok & Campbell	Sotok & Campbell(s)	8	D	Munson, Pa[1]	NYC	44	(†)	(†)	E	(†)	(†)
4071	Sotok & Campbell	Sotok & Campbell #2	8	C	Munson, Pa.	NYC	44	(†)	(†)	F	(†)	(†)

†Indicates no classifications effective for these size groups.
[1] Indicates change in Shipping Point.

NOTE.—The above prices are applicable only via the respective Freight Origin Groups, Shipping Points and Railroads shown for the respective mines. Freight Origin Groups, Shipping Points and Railroads previously assigned to these mines are no longer applicable.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Chamberlain Bros.	3595	Chamberlain #3	39	Bedford	Twin Bed	265	(†)	240	230	(†)
Coppola, Carmine Vincinzo	4046	Lower Freeport	41	Somerset	D	(†)	(†)	240	(†)	(†)
Freas-Rinn Coal Co. (E. M. Freas)	4047	Freas-Rinn	11	Armstrong	E	(†)	(†)	235	(†)	(†)
Lorenzo, F. A. (Dr.)	4067	Lorenzo #2	6	Jefferson	E	(†)	(†)	240	(†)	(†)
Lorenzo, F. A. (Dr.)	4068	Lorenzo #3	11	Armstrong	E	(†)	(†)	235	(†)	(†)
New York Central Railroad Company, The c/o W. C. Bower.	945	Barr	15	Indiana	D	265	(†)	240	230	220
Prushnok, J. P. (The Arcadia Company)	4057	Coalmer Stripping #1	12	Indiana	D	(†)	(†)	235	(†)	(†)
Reese, Philip	4070	Reese #2	8	Clearfield	C'	(†)	(†)	240	(†)	(†)
Sotok & Campbell	4071	Sotok & Campbell #2	8	Clearfield	C	(†)	(†)	240	(†)	(†)

†Indicates no prices effective for these size groups.

[F. R. Doc. 43-12268; Filed, July 29, 1943; 10:43 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[General License 87]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

TRANSACTIONS LICENSED UNDER SECTION 2A (2) OF THE ORDER

JULY 19, 1943.

General License No. 87 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.

§ 131.87 *General License 87*—(a) *Transactions licensed under section 2A (2) of the order.* A general license is hereby granted under section 2A (2) of the order authorizing the acquisition by, or transfer to, any person within the United States of any interest in:

(1) Securities or evidences thereof physically situated in Great Britain, Canada, Newfoundland, or Bermuda;

(2) Securities or evidences thereof issued in any other member of the generally licensed trade area, which are physically situated in, and payable solely in the currency of, the country where issued, except securities or evidences thereof issued by a person engaged in the business of offering, buying, selling, or otherwise dealing or trading in securities or evidences thereof issued by another person.

(b) *Definitions.* The term "member" of the generally licensed trade area shall have the meaning prescribed in General License No. 53, as amended.

(c) *Transactions not authorized.* This general license shall not be deemed to authorize any transaction prohibited by any provision (or ruling or regulation thereunder) of the order other than section 2A (2).

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong., 55 Stat. 838, E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH E. PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-12358; Filed, July 30, 1943; 11:14 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-371]

STANDARD MOTOR COMPANY

Standard Motor Company, 1300 Glenarm Street, Denver, Colorado, is a partnership composed of Sol L. Gertz and Nathan Gertz. Since 1931 it has been engaged in Denver, Colorado, in the business of selling automotive trucks as a dealer or sales agent. On or about July 22, 1942, it sold and delivered to Ready Mixed Concrete Company three new 1½-ton trucks for the aggregate price and for the value of $5,841.32 without obtaining the proper certificate of transfer or government exemption permit as provided for and required by Conservation Order M-100. This sale constituted a wilful and significant violation of Conservation Order M-100, with which Sol L. Gertz and Nathan Gertz were familiar.

This violation of Conservation Order M-100 has hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That,

§ 1010.371 *Suspension Order S-371.* (a) Sol L. Gertz and Nathan Gertz, doing business as Standard Motor Company, or otherwise, their successors and assigns, shall not purchase, sell, deal in, deliver, or otherwise transfer any new commercial motor vehicles as defined in Conservation Order M-100, or any component part thereof, except with the written approval of the Regional Director of the Denver Regional Office of the War Production Board. Authority is hereby delegated to said Regional Director to pass upon applications of the respondent for exceptions to this order.

(b) Nothing contained in this order shall be deemed to relieve Sol L. Gertz and Nathan Gertz, doing business as Standard Motor Company, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 30, 1943, and shall expire on September 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12355; Filed, July 30, 1943; 11:10 a. m.]

Chapter XI—Office of Price Administration

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 187,[1] Amdt. 5]

CERTAIN PAPERBOARD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The effective date provision of Amendment 3 to Maximum Price Regulation No. 187 is amended to read as follows:

This amendment shall become effective April 1, 1943 and remain in effect until October 1, 1943. The Price Administrator may at any time, amend, replace, extend or make permanent such amendment.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12320; Filed, July 29, 1943; 4:50 p. m.]

PART 1349—ELECTRICAL, GENERATION, TRANSMISSION, CONVERSION AND DISTRIBUTION APPARATUS

[RPS 82,[1] Amdt. 4]

WIRE, CABLE AND CABLE ACCESSORIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule 82 is amended in the following respects:

1. Section 1349.1 (g) is revoked.

2. Section 1349.1a is added to read as follows:

§ 1349.1a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, except in accordance with § 1349.10a in the case of an application for adjustment and unless authorized by the Office of Price Administration in the case of a petition for amendment, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization, in the case of a petition for amendment, may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interefere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Price Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

3. Section 1349.10a is added to read as follows:

§ 1349.10a *Adjustments*—(a) *Application by a seller of wire, cable or cable accessories*—(1) *Who may receive an adjustment.* The maximum price for wire, cable or cable accessories established by this regulation may be adjusted only in the case of an essential supplier of an essential commodity. An "essential commodity" is one which contributes to the effective prosecution of the war. An "essential supplier" is one whose output or supply cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into or proposes to enter into a war contract (as defined in subparagraph (5)) or a subcontract thereunder is an essential supplier of an essential item of wire, cable or cable accessories.

(2) *When adjustment may be granted*—(i) *In general.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential supplier of an essential commodity upon the basis of information submitted by the supplier or of other information. It may make that adjustment whenever it finds that the maximum price of an item of wire, cable or cable accessories is at such a level that (taking into account the cost thereof, the profits position of the supplier and the nature of his business) production or supply of the commodity is impeded or threatened.

(ii) *Factors which may be considered.* The following factors are relevant to the consideration of the adjustment:

(a) Whether, and by what amount, the maximum price is below or above (1) the total unit costs less selling and administrative expenses properly allocable to the internal management of the business in the case of a manufacturer and (2) the current price being charged the seller in the case of a seller other than a manufacturer.

(b) Whether, and by what amount, the maximum price is above total unit costs.

(c) Whether, and by what amount, the seller's current over-all profits before income and excess profits taxes are greater or less than his average over-all profits during the normal base period, increased by 7% of the additional capital investment contributed entirely by the seller, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(d) Whether the proposed price is higher than the price prevailing in the industry.

(e) Whether the seller's sales of the commodity represent only a very small part of his total sales.

(f) Whether the seller previously sold the same type of commodity at a price which was below its total unit costs.

(3) *How the seller proceeds in applying for an adjustment*—(i) *In general.* An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1 and shall be made on a copy of Form OPA 694:395, set out in Appendix E, incorporated as § 1349.21 of this regulation. Copies of the amendment which contains this form and of the instructions for completing it may be obtained from any district, state or regional office of the Office of Price Administration. If the seller's total sales in the calendar year 1942, or in the fiscal year ending in 1942, exceeded $500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales during that period did not exceed $500,000, the application shall be filed with the nearest regional office of the Office of Price Administration.

(ii) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A seller who believes that the conditions for an adjustment set forth in this paragraph (a), would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28, which requires, among other things, that an application for adjustment in such case be filed within 15 days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within 15 days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(4) *Prices for deliveries made pending disposition of the application.* A seller who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the seller wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A seller who wishes to enter into such an arrangement must specifically state to the buyer the following:

(i) The maximum price for the commodity.

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration; and

(iii) The fact that the specific price quoted by the seller is subject to the approval of the Office of Price Administration.

(5) *Definitions*—(i) *Normal base period.* The term "normal base period" means the period 1936–1939. If the seller shall demonstrate to the satisfaction of the Office of Price Administration either (a) that his entire industry was operating during the greater part of such period at an unusually depressed level or (b) that because of unusual conditions prevailing during that period, the seller was operating during that period at an unusually depressed level in comparison to other sellers in the industry, and in addition that some other period prior to January 1, 1941, represents a proper "normal base period", such other period may be considered. The mere fact that the rate of production or supply has increased since 1936–1939 will not be deemed evidence that the seller was operating at an "unusually depressed level" during that period. If the seller was not in business prior to January 1, 1941, he shall state that fact in his application.

(ii) *Over-all profits.* The term "over-all profits" means net profit resulting from the operation of all divisions of the seller, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "over-all profits" means the consolidated net profit before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) *Subcontract.* The term "subcontract" means any purchase, order or agreement to perform all or any part of the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(iv) *Total unit costs.* (a) In the case of a manufacturer, the term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services, plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience, properly allocable to the production of the commodity, but does not include provisions for income or excess profit taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(b) In the case of a seller, other than a manufacturer, "total unit costs" means the current price the seller is paying for the commodity plus the handling and administrative expense, normally applicable to the handling of the commodity, properly allocable to the seller's total cost of doing business, but does not include provisions for income or excess profits taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of administrative and other expenses is based on a representative period of continuous, normal production.

(v) *War contract.* The term "war contract" means any contract with the United States, or any agency thereof, or

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5780, 8948, 9323, 10618; 8 F.R. 4180, 7281.

[1] 7 F.R. 1358, 2133, 7034, 8948; 8 F.R. 5810.

with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of a commodity purchased (*a*) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (*b*) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (*c*) for use in the production or manufacture of any commodity described in (*a*) or (*b*).

(b) *Application by a seller based upon an appropriate decreasc of other prices*—(1) *Who may receive an adjustment.* Adjustments under this paragraph (b) will be granted only to an essential supplier of an essential commodity. The meaning of these terms is explained in paragraph (a) (1) of this section.

(2) *When adjustment may be granted.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the seller agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (b)) makes a reduction in the selling price of other commodities which will equal or exceed the total dollar amount of the adjustment granted under this paragraph.

(3) *What an application under this paragraph must show.* An application for price adjustment under this paragraph (b) shall contain information indicating that the applicant is an essential supplier of an essential commodity and that if the proposed adjustment is granted, the gross dollar amount of sales of the commodities affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities affected.

(4) *How the seller proceeds in applying for an adjustment.* An application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1. If the seller's total sales of all commodities for the calendar year 1942, or for the fiscal year ending in 1942, exceeded $500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales of all commodities during that period did not exceed $500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region in which the seller's business is located.

(c) *Application by a seller under a combination of both paragraphs* (*a*) and (*b*). A seller who desires to apply for an adjustment under paragraph (b) may, at the time he applies under that paragraph, also apply under paragraph (a), if the facts of his case entitle him to do so. In such cases, the office considering his application will give the adjustment available under paragraph (a) before applying paragraph (b).

(d) No application for adjustment filed under Procedural Regulation No. 6 after August 4, 1943, with respect to commodities covered by this regulation will be granted.

4. Section 1349.21 is added to read as follows:

§ 1349.21 *Appendix E: Form for application for adjustment*—(a) *Form.*

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

Form OPA 694:395 — Form Approved Budget Bureau No. 08–R555

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES UNDER REVISED PRICE SCHEDULE 82

Company Name ----------
Address ---------- ---------- ----------
(Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this Application:

SCHEDULE A

1. General description of the company's business.

2. Designate and describe the commodity or commodities for which a price increase is requested.

3. Present the following information for each commodity listed in 2 above:

(NOTE: If more than one commodity is being reported, present the required information on another sheet.)

(a) Dollar volume of unfilled orders $-----
(b) Unit volume of unfilled orders (Indicate unit used) ------

4. Present evidence that the company is an essential supplier of an essential commodity.

(NOTE: If more than one commodity is being reported, present the required information on another sheet.)

(a) For each commodity designated in Item 2 above, fill in the following if you have entered into, or propose to enter into, a war contract or subcontract for the sale of that product.
(1) Identification of contract ----------
(2) Name of purchaser ----------
(3) Address of purchaser ----------
(Street)
---------- --------
(City) (State)

(b) Present any other information which demonstrates that the seller is an essential supplier of an essential commodity.

(NOTE: The terms "war contract", "subcontract", "essential supplier" and "essential commodity" are defined in the adjustment provisions under which this report is filed (Section 1349.10a of Revised Price Schedule 82)).

5. Are similar commodities manufactured or sold by competitors?

(yes or no)

If yes, give names and addresses of competitors and their prices for such commodities.

SCHEDULE B

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

1. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses, the total amount of officers' salaries and bonuses, and the number of officers.)

2. Financial data 1936–1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936–1940, or fill in the following condensed table:

	1936	1937	1938	1939	1940
Net sales					
Cost of goods sold					
Gross profit					
Administrative expense					
Selling expenses					
Net operating profit					
Other income less other expenses					
Debt (except current) at end of year					
Net worth at end of year					
Total assets					

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? ----------
(yes or no).

If no, state exceptions.

SCHEDULE C

Unit price and unit cost information

Designation of the commodity _____

NOTE: If more than one commodity is involved, prepare and file separate reports on this schedule for each commodity that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. *Price data:*

(a) *Net realized price:*

	Ceiling price ____ 194_	Requested price
1. (List) (Gross) price		
2. Net realized price		
3. Net realized price at maximum discount and/or commissions		

(b) *Analysis of sales of the above designated item:*

Sales for _____ month period ending _____, 1943.
(Number of months) (Month and day)

	Percentage amount of commission or discounts	Dollar value of sales after discounts
Sales subject to commission of	(1) ____%	$____
Sales subject to commission of	(2) ____%	$____
Sales not subject to commission	XXXX	
Sales subject to discount of	(1) ____%	$____
Sales subject to discount of	(2) ____%	$____
Sales subject to discount of	(3) ____%	$____
Sales subject to discount of	(4) ____%	$____
Sales not subject to discount	XXXX	
Total sales of above designated item	XXXX	$____

(c) *Total sales for the above designated item only:*

	1940	1941	1942	__ months ending _____ 1943
Total unit volume of sales				
Total dollar volume of sales (net)	$____	$____	$____	$____

(d) *Is the price currently charged for the product the same as the maximum price filed with OPA?* _____
(Yes or No)

(If answer is "No", state date when increased price was first charged.) Date: _____, 194__.
(Month)

(e) *Indicate whether the current maximum price is an established price* _____ *or a formula price* _____ (Check one). Price used since _____, 194__.
(Month)

(f) *State on a separate sheet the reasons for the need of the requested price increase.*

2. *Unit cost data:*

	Ceiling date costs ____ 194_	Current date costs ____ 194_
(a) Direct material	$____	
(b) Direct labor		
(c) Factory overhead		
(d) Selling expense (do not include discounts and commissions deducted under Price Data above		
(e) Administrative expense		
(f) Freight out, if any		
(g) Installation expense, if any		
(h) Other expense, specify		
(i) Total cost per unit		

(j) *What method is used in allocating factory overhead?*

1. Standard ☐ Actual ☐ Other ☐ (Check one)

2. Direct labor cost ☐ Direct labor hours ☐ Machine hours ☐ Other ☐

(Explain separately if "other" or combination.)

_____
(Applicant)

By _____
_____

Affidavit

State of _____ }
County of _____ } SS

The undersigned _____ being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

_____
(Signature)

Subscribed and sworn to before me this _____ day of _____, 1943.

_____
Officer Administering Oath

INSTRUCTIONS FOR THE USE OF ADJUSTMENT APPLICATION FORM FOR WIRE, CABLE, AND CABLE ACCESSORIES

Schedule C entitled "Unit Price and Cost Information" is subject to the following explanation:

1. *Price data:*

(a) 1. (List) (Gross) Price:

Please indicate whether the price is a list price or a gross price by crossing out the term that does not apply.

(b) Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.

2. *Unit cost data:*

In presenting unit cost data be sure to include only costs actually incurred. In the case of a seller other than a manufacturer submit information only on the applicable items of cost.

Material cost must represent actual cost. State separately any charges added to costs of materials. In the case of a seller other than a manufacturer direct material means the price at which the seller purchased the commodity.

Where standard costs are used, adjust costs for over- or under-absorption during the period to which the costs apply, if possible.

If the commodity or commodities covered by the application were not manufactured on October 15, 1941, the cost data for those commodities must be computed in accordance with the procedure outlined in the applicable section of the regulation for determining your maximum price. Under items (f), (g) and (h) include only costs borne by the seller and not billed separately to the buyer.

If any difficulty is experienced in completing this form, it may be taken to the nearest OPA district accountant, who will give his assistance in its preparation.

This amendment shall become effective August 4, 1943.

NOTE: All report and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12306; Filed, July 29, 1943; 4:46 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 285,[1] Amdt. 3]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 285 is amended in the following respects:

1. Paragraph (f) is added to § 1351.1253 to read as follows:

(f) For banana wholesalers located within the metropolitan area or city limits of New York City, the maximum price shall be the result of the following computation:

(1) The "delivered price" in New York City plus;

(2) The applicable markup as set forth in § 1351.1267 plus;

(3) 30¢ per cwt.

2. Subparagraph (7) is added to paragraph (a) of § 1351.1264 to read as follows:

(7) "Charges for messenger service" shall include only the actual cost of messenger service incurred by the seller and shall not exceed the maximum price established for such service by the provisions of Maximum Price Regulation No. 165,[2] as amended.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12307; Filed, July 29, 1943; 4:42 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3050.

[2] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 10,010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5755, 5933, 6364, 8506, 8873.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 367,[1] Amdt. 3]

HORSEMEAT

A statement of the considerations involved in the issuance of this Amendment No. 3 to Maximum Price Regulation No. 367, Horsemeat, has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 367 is amended in the following respects:

1. Section 1 is amended by designating the text thereof as paragraph (a) and adding the following new paragraph (b):

(b) On and after August 16, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive, any horsemeat item or product containing horsemeat, unless such item or product has been specifically designated in section 6 (b) and a maximum price established therefor. However, this prohibition shall not apply to the sale of any product containing horsemeat if the seller has filed a maximum selling price for such product pursuant to the provisions of Order No. 49 under the General Maximum Price Regulation, relating to sales of pet food, and has complied with the provisions of Food Production Order No. 7, issued by the War Production Board on January 19, 1943, providing a limitation on sales of products for animal consumption.

2. The table contained in section 6 (b) is amended by adding items (7), (8), (9), (10), (11), (12), and (13) respectively, to that portion of the table below the designation "Slaughterer and Independent Wholesaler" and items (5), (6), (7), (8), (9), (10), and (11) to that portion of the table below the designation "Retailer" as follows:

	Inspected		Non-Inspected	
	Zones 1 and 3	Zone 2	Zones 1 and 3	Zone 2
Slaughterer and independent wholesaler:				
(7) Brains	.05	.04	.04	.03
(8) Cheekmeat	.08	.07	.07	.06
(9) Heart	.09	.08	.08	.07
(10) Livers	.13	.12	.11	.10
(11) Lungs	.02	.02	.02	.02
(12*) Melts	.02	.02	.02	.02
(13) Tongues	.13	.12	.11	.10
Retailer:				
(5) Brains	.09	.08	.06	.06
(6) Cheekmeat	.13	.12	.12	.11
(7) Heart	.15	.13	.13	.12
(8) Livers	.22	.20	.18	.16
(9) Lungs	.05	.05	.05	.05
(10) Melts	.05	.05	.05	.05
(11) Tongues	.22	.20	.18	.16

3. Section 6 (c) is amended by adding the following new items (iv), (v), (vi) and (vii):

(iv) *Freezing and icing.* Where a slaughterer freezes and/or packs horsemeat in ice or dry ice, he may add the actual cost of such freezing and/or icing, *Provided*, That, the total amount so added shall not exceed 25 cents per hundredweight.

(v) *Barrels or boxes.* Where a slaughterer packs horsemeat in wooden barrels or boxes, he may add the actual cost of such packaging, *Provided*, That, the total amount so added shall not exceed 25 cents per hundredweight.

(vi) Where an independent wholesaler freezes and/or packs horsemeat in ice or dry ice, or where he has paid a slaughterer for freezing and/or icing, he may add the actual cost or charge *Provided*, That such addition shall not exceed 25 cents per hundredweight.

(vii) Where an independent wholesaler packs horsemeat in wooden barrels or boxes, or where he has paid a slaughterer for packing in wooden barrels or boxes, he may add the actual cost or charge of such packing, *Provided*, That such addition shall not exceed 25 cents per hundredweight.

4. Section 6 (d) is amended to read as follows:

(d) The provisions of Supplementary Order No. 34, "Packing Expense on Sales to War Procurement Agencies," shall be applicable on sales for export.

5. Section 7 (c) is added to read as follows:

(c) After August 9, 1943, each retailer selling horsemeat must post in his store a list of the retail ceiling prices applicable to his zone as set forth in the table contained in section 6 (b). This list must be reproduced from an official copy of this regulation. The price list shall be printed in letters at least one inch in height and entitled "O. P. A. Ceiling Prices for Horsemeat." It shall be posted in a conspicuous place in the store, such as a counter or a wall where it can easily be seen and read by customers. If any horsemeat is displayed, on a tray or in a showcase, the selling price must be placed upon the horsemeat offered for sale.

6. Subparagraphs (2) and (3) of section 13 (a) are amended to read as follows:

(2) "Horsemeat" means meat derived from the skeletal part of the horse carcass and includes and is limited to edible by-products derived from horse slaughter as set forth in section 6 (b) of this regulation for which maximum prices have been established.

(3) "Boneless horsemeat" means horsemeat from the skeletal part of the horse carcass, excluding the head, from which all bones have been removed.

7. Section 13 (a) (10) is added to read as follows:

(10) "Applicable base price" means the base price established for the zone area in which is located the point of slaughter.

This Amendment No. 3 shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9350, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12300; Filed, July 29, 1943; 4:36 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4918, 5341, 6048.

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 161,[1] Amdt. 6]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 161 is amended in the following respect:

1. Section 1381.153, paragraph (f) is amended by the insertion of an additional sentence as follows:

In the case of logs produced in Lincoln County, Oregon, north of the Siletz River, and in Tillamook County, Oregon, south of a line running east and west through Hebo, Oregon, however, deliveries may be made to a railhead or in a mill pond in the Columbia River District at the maximum prices of the Southern Oregon-Tillamook District.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12321; Filed, July 29, 1943; 4:50 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1117, 2992, 5678, 6619, 9381.

PART 1382—HARDWOOD LUMBER

[MPR 368,[2] Amdt. 2]

NORTHEASTERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 368 is amended in the following respects:

1. The head-note to section 11 is amended to read, "Transportation additions: domestic and imported—"

2. Section 12 is revoked.

3. In section 23, the text of the notes under Table 20 is amended by the addition of the following:

Where the item is of a thickness for which no prices are listed in the square edge lumber tables for the same species, for example, 2¼ inches or 2¾ inches, the amount of addition shall be proportioned, according to the thickness of the item, between the amount

*Copies may be obtained from the Office of Price Administration.

[2] 8 F.R. 4968, 8541.

of addition for the next lower thickness and the amount of addition for the next greater thickness over the one inch price in the same square edge lumber species and grade.

Example: F. A. S. Hard Maple 2¾ inch thick.

Maximum price for 1" F. A. S. Hard Maple (square edge)	$100.00
Maximum price for 2½" F. A. S. Hard Maple (square edge)	130.00
Maximum price for 3" F. A. S. Hard Maple (square edge)	140.00
Addition for 2½" stock	30.00
Addition for 3" stock	40.00
Proportionate addition for 2¾" stock	35.00

4. Section 34 is amended to read as follows:

SEC. 34. *Maximum prices for Canadian lumber*—(a) *Maximum f. o. b. mill price.* The maximum f. o. b. mill price for 1000 feet of Northeastern hardwood lumber produced in Canada east of the 85th meridian, and shipped to the United States, shall be the maximum price established in section 23 (Appendix A) minus $3.50.

(b) *Import taxes and duties.* Import taxes and duties may be added to the maximum f. o. b. mill prices.

(c) *Additions and adjustments.* The provisions of sections 24 to 28, inclusive, relating to additions for kiln drying, mill working, and anti-stain treatment, and NHLA inspection, and adjustment for green lumber, are applicable to this section.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12319; Filed, July 29, 1943; 4:48 p. m.]

PART 1389—APPAREL

[MPR 385,[1] Amdt. 2]

SPECIFIED MILITARY UNIFORMS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 385 is amended in the following respects:

1. Section 1 (a) is amended to read as follows:

SEC. 1. *Scope of this regulation.*—(a) *What uniforms are covered.* This regulation fixes maximum prices for sales at retail, sales at wholesale, and sales by manufacturers of certain ready-made summer uniforms for United States military officers and officers of other services. Only men's uniforms on the following list which are made of a principal fabric of cotton, rayon, mohair, a combination of these fibers, or of these principal fibers in combination with other fibers are covered by this regulation:

United States Army Officers' khaki summer uniforms
United States Army Officers' white summer uniforms
United States Navy Commissioned and Warrant Officers' and Chief Petty Officers' khaki summer working uniforms
United States Navy Commissioned and Warrant Officers' and Chief Petty Officers' grey summer working uniforms
United States Navy Commissioned and Warrant Officers' white service uniforms
United States Navy Chief Petty Officers' white double-breasted uniforms
United States Navy Commissioned and Warrant Officers' blue double-breasted service uniforms, labeled "Palm Beach"
United States Marine Officers' khaki summer service uniforms
United States Marine Officers' white dress uniforms.

Separate pants are covered by this regulation only if manufactured by persons who regularly manufactured full suits of military uniforms at the date this regulation became effective. Persons who began regularly to manufacture full suits of military uniforms after the effective date of this regulation must send written notice to the Office of Price Administration, Washington, D. C. that they are regularly in the business of manufacturing full suits of military uniforms before they are permitted to deliver separate pants priced under this regulation.

2. Section 2 (a) is amended to read as follows:

SEC. 2. *Ceiling prices for sales at retail*—(a) *Prices.* Ceiling prices for sales at retail other than sales by manufacturing-retailers of the uniforms listed in section 1 (a) are prices equal to 150% of net invoice cost. In no event may these prices exceed 150% of the manufacturers' prices listed in Table I in Appendix A. In cases where the retailer has paid less for the uniforms than the manufacturers' maximum price listed in Table I in Appendix A, the retail ceiling price must be no more than 150% of these lower net costs. However, the ceiling price for sales at retail of uniforms labeled "Palm Beach", on which the manufacturer has already established retail resale price of $19.95 per uniform, including regulation buttons, shall be $19.95 for the suit, $14.65 for the coat alone and $5.30 for the pants alone. "Net invoice cost" means the price on the face of the invoice less all discounts available to the retailer but not including transportation costs. Ceiling prices for sales at retail by manufacturing-retailers shall be prices equal to 140% of the maximum prices indicated in Table I, Appendix A, for manufacturers and wholesalers. The ceiling prices include alterations of pants waistband and of pants and sleeve bottoms.

3. Section 7 is amended to read as follows:

SEC. 7. *Specifications of uniforms.* Army uniforms covered by section 1 (a) of this regulation must be manufactured in accordance with "Army Regulations 600–35" as changed or amended to April 1, 1943.

Navy uniforms covered by section 1 (a) of this regulation must be manufactured in accordance with "Uniform Regulations, United States Navy, 1941", as amended to July 1, 1943.

Marine Corps uniforms covered by section 1 (a) of this regulation must be manufactured in accordance with "Uniform Regulations, U. S. Marine Corps, 1937" as amended, or changed to April 1, 1943.

Uniforms covered by section 1 (a) which do not meet the specifications set forth in this section, shall be priced in accordance with the provisions of section 5.

4. The numerals "152" in the last sentence of paragraph (a) of section 14 are corrected to read "142".

5. Section 15 (a) is amended to read as follows:

(a) This regulation applies to the continental United States, the District of Columbia, and to sales at retail (including sales at retail by manufacturing retailers) in the territory of Hawaii. In the territory of Hawaii ceiling prices for sales at retail (including sales at retail by manufacturing-retailers) shall be the prices specified in this regulation increased by an amount equal to 5% of the prices specified in Table I, Appendix A.

6. Appendix A is amended to read as follows:

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6114, 8 F.R. 8009.

APPENDIX A: MAXIMUM PRICES FOR SALES AT WHOLESALE AND BY MANUFACTURERS

TABLE 1

[Schedule of maximum prices for sales at wholesale and sales by manufacturers of uniforms listed in Section 1 (a). Prices are f. o. b. point of shipment. Terms are net 30 days or net 10 days E. O. M.]

Uniform type	Cotton twill gabardine or duck. Single ply carded yarn, 8 oz. or heavier per sq. yd. Sanforized. Max. price			Cotton twill 106 x 56 2 ply warp and filling carded yarn 8 oz. or heavier Sanforized and Mercerized. Max. price			Cotton twill or gabardine 2 ply warp filling combed yarn 8 oz. or heavier per sq. yard Sanforized. Max. price			"Palm Beach" cloth, so labeled. Price to include regulation buttons. Max. price		
	Suit	Coat	Pants	Suit	Coat	Pants	Suit	Coat	Pants	Suit	Coat	Pants
Army Officers' Khaki summer uniform							$10.75	$7.50	$3.25	$13.72	$10.19	$3.53
Army Officers' white summer uniform							10.75	7.50	3.25	13.72	10.19	3.53
Navy Commissioned and Warrant Officers' & C. P. O. khaki summer working uniform							10.25	7.00	3.25	13.72	10.19	3.53
Navy Commissioned and Warrant Officers' & C. P. O. grey summer working uniform							10.25	7.00	3.25	13.72	10.19	3.53
Navy Commissioned and Warrant Officers' white service uniform	$7.00	$4.60	$2.40	$8.40	$5.50	$2.90	9.00	5.75	3.25			
Navy C. P. O. white D. B. uniform	6.50	4.10	2.40	7.90	5.00	2.90	8.50	5.25	3.25			
Navy Commissioned and Warrant Officers' blue D B. uniform										13.72	10.19	3.53
Marine Officers' khaki summer service uniform							10.75	7.50	3.25			
Marine Officers' white dress uniform							10.75	7.50	3.25			

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12301; Filed, July 29, 1943; 4:36 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136 as Amended,[1] Amdt. 96]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 136, as amended, is amended, in the following respects:

1. In § 1390.2 (f) the first sentence is amended to read as follows:

(f) Any sale or delivery at retail of a machine or part by a person other than the manufacturer thereof, except that the sale or delivery at retail of automotive trucks, trailers and busses as described in § 1390.33 (c) shall not be excluded from, but shall be covered by, this regulation.

2. Section 1390.11 (c) is amended to read as follows:

(c) *Maximum prices; secondhand machines or parts sold when new on delivered or installed price basis only*—(1) *Sold when new on delivered price basis only.* Notwithstanding any other provision of this section, if the maximum price for any secondhand machine or part established by this regulation when such machine or part is sold new, is on a delivered price basis only, the new base price upon the sale of such machine or part shall be the highest maximum price to any class of purchasers for the nearest equivalent machine or part when new, delivered to the point where such secondhand machine or part is located at the time of purchase by the seller.

(2) *Sold when new on installed price basis only.* Notwithstanding any other provision of this section, if the maximum price for any secondhand machine or part established by this regulation when such machine or part is sold when new, is on an installed price basis only (that is, a lump sum covering the cost of the machine or part, the cost of transportation, and the cost of installation), the new base price upon the sale of such machine or part shall be the price for the same machine or part when new, installed at the point of original installation.

3. Section 1390.20 (a) is amended by adding to the end thereof a sentence to read as follows:

It shall also be a violation of this regulation for any person to pay, in connection with the purchase or rental of any machine or part, whether new or used, or the purchase of any machinery service, any fees, commissions, or other compensation, whether for broker's, agent's or finder's services, or otherwise, which, when added to the amount paid by such person for the purchase or rental of such machine or part or the purchase of such machinery service would result in a total sum exceeding the applicable maximum price established by this regulation.

4. In § 1390.33 (c) a new item is added to read as follows:

New automotive trucks, trailers, and busses, originally designed for use as private or commercial motor vehicles, which are manufactured on or after August 12, 1943, when sold by any person. The foregoing does not include automotive trucks, trailers, and busses specially designed for use as military vehicles; nor does it include cars and trucks covered by § 1390.32 (g) as "Material Handling Equipment."

5. In § 1390.33 (c) the item: "Gears, pinion, sprockets and speed reducers specially designed for use in vehicles, aircraft or equipment used primarily for military purposes" is amended to read as follows:

Gears, pinions, sprockets and speed reducers, except automotive or tractor transmissions, transfer cases, power take-offs, differentials or axle assemblies, specially designed for use in vehicles, aircraft or equipment used primarily for military purposes.

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12309; Filed, July 29, 1943; 4:47 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 351,[1] Amdt. 4]

FERROUS FORGINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 351 is amended in the following respects:

1. Section 1390.218 is amended to read as follows:

§ 1390.218 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

2. Section 1390.218a is added to read as follows:

§ 1390.218a *Adjustments*—(a) *Application by a manufacturer of a ferrous forging*—(1) *Who may receive an adjustment.* The manufacturers' maximum price for a ferrous forging established by this regulation may be adjusted only in the case of an essential

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047.

[1] 8 F.R. 3784, 7588, 7767, 8275.

producer of an essential ferrous forging. An "essential ferrous forging" is one which contributes to the effective prosecution of the war. An "essential producer" is one whose output of a ferrous forging cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into, or proposes to enter into, a war contract (as defined in subparagraph (5)), or a subcontract thereunder, is an essential producer of a ferrous forging.

(2) *When adjustment may be granted*—(i) *In general.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential producer of an essential ferrous forging upon the basis of information submitted by the manufacturer or of other information. It may make that adjustment whenever it finds that the maximum price of a ferrous forging is at such a level that (taking into account the cost thereof, the profits position of the manufacturer and the nature of his business) production of the ferrous forging is impeded or threatened and that the adjustment would not cause an increase in the cost of living.

(ii) *Factors which may be considered.* (*a*) The following factors are relevant to the consideration of whether production of the ferrous forging is impeded or threatened:

(*1*) Whether and by what amount, the maximum price is below or above (*i*) the current total unit costs, less selling and administrative expense properly allocable to the internal management of the business, and (*ii*) the current total unit costs, of the ferrous forging.

(*2*) Whether, and by what amount, the manufacturer's current over-all profits, before income and excess profit taxes, are greater or less than his average over-all profits during the normal base period, increased by 7% of the additional capital investment contributed entirely by the manufacturer, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(*3*) Whether the proposed price is higher than the price prevailing in the industry.

(*4*) Whether the manufacturer's sales of the ferrous forging represent only a very small part of his total sales.

(*5*) Whether the manufacturer previously sold the ferrous forging at a price which was below its total unit costs.

(*b*) The following factors are relevant to the consideration of whether the adjustment would cause an increase in the cost of living:

(*1*) Whether the ferrous forging or a commodity in the production of which it is used is of a type sold to civilian consumers other than industrial consumers.

(*2*) If such is the case, whether the increase in price allowed by the adjustment would be absorbed prior to sale to a nonindustrial consumer.

(*3*) Whether, if the applicant did not produce the ferrous forging, his output would be replaced by the same or a substitute commodity at prices equal to or higher than the proposed adjusted maximum price.

(3) *How the manufacturer proceeds in applying for an adjustment*—(i) *In general.* An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1 [2] and shall be made on a copy of Form OPA 694:411 set out in Appendix A, incorporated as § 1390.221 of this regulation. Copies of this form and of the instructions for completing it may be obtained from any district, state or regional office of the Office of Price Administration. If the manufacturer's total sales in the calendar year 1942, or in the fiscal year ending in 1942, exceeded $500,000 the application shall be filed with the Office of Price Administration, Washington, D. C. If the manufacturer's total sales during that period did not exceed $500,000 the application shall be filed with the regional office of the Office of Price Administration located in the same region that the manufacturer's business is located.

(ii) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A manufacturer who believes that the conditions for an adjustment set forth in this paragraph (a), would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28,[3] which requires, among other things, that an application for adjustment in such case be filed within 15 days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within 15 days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(4) *Prices for deliveries made pending disposition of the application.* A manufacturer who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the manufacturer wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A manufacturer who wishes to enter into such an arrangement must specifically state to the buyer the following:

(i) The maximum price for the ferrous forging;

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration; and

(iii) The fact that the specific price quoted by the manufacturer is subject to the approval of the Office of Price Administration.

(5) *Definitions*—(i) *Normal base period.* The term "normal base period" means the period 1936–1939. If the manufacturer shall demonstrate to the satisfaction of the Office of Price Administration either (*a*) that his entire industry was operating during the greater part of such period at an unusually depressed level or (*b*) that because of unusual conditions prevailing during that period, the manufacturer's plant was operating during that period at an unusually depressed level in comparison to other plants in the industry, and in addition that some other period prior to January 1, 1941, represents a proper "normal base period", such other period may be considered. The mere fact that the rate of production has increased since 1936–1939 will not be deemed evidence that production during that period was at an "unusually depressed level". If the manufacturer was not in business prior to January 1, 1941, he shall state that fact in his application.

(ii) *Over-all profits.* The term "over-all profits" means net profit resulting from the operation of all divisions of the manufacturer, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "over-all profits" means the consolidated net profit before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) *Subcontract.* The term "subcontract" means any purchase, order or agreement to perform all or any part of the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(iv) *Total unit costs.* The term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services, plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience, properly allocable to the production of the ferrous forging, but does not include provisions for income or excess profit taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(v) *War contract.* The term "war contract" means any contract with the

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[2] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.
[3] 7 F.R. 9619; 8 F.R. 7256.

United States, or any agency thereof, or with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of a ferrous forging (*a*) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (*b*) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (*c*) for use in the production or manufacture of any commodity described in (*a*) or (*b*).

(b) *Application by a manufacturer based upon an appropriate decrease of other prices*—(1) *Who may receive an adjustment under this paragraph.* Adjustments under this paragraph will be granted only in the case of an essential producer of an essential ferrous forging. The meaning of these terms is explained in paragraph (a) (1) of this section.

(2) *When adjustment may be granted.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the manufacturer agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (b)) makes a reduction in the selling price of other commodities which will equal or exceed the total dollar amount of the adjustment granted under this paragraph.

(3) *What an application under this paragraph must show.* An application for price adjustment under this paragraph (b) shall contain information indicating that the manufacturer is an essential producer of an essential ferrous forging and that if the proposed adjustment is granted, the gross dollar amount of sales of the commodities affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities affected.

(4) *How the manufacturer proceeds in applying for an adjustment.*[1] An application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1. If the manufacturer's total sales for the calendar year 1942, or for the fiscal year ending in 1942, exceeded $500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the manufacturer's total sales during that period did not exceed $500,000 the application shall be filed with the regional office of the Office of Price Administration located in the same region that the applicant's business is located.

(c) *Application by a manufacturer under a combination of both paragraphs (a) and (b).* A manufacturer who desires to apply for an adjustment under paragraph (b) may, at the time he applies under that paragraph, also apply under paragraph (a), if the facts of his case entitle him to do so. In such case, the office considering his application will give the adjustment available under paragraph (a) before applying paragraph (b).

(d) *Procedural Regulation No. 6[1] suspended.* (b) No application for adjustment filed after August 4, 1943, under Procedural Regulation No. 6 with respect to ferrous forgings will be granted.

(e) *Adjustments for sellers other than manufacturers.* The maximum prices for sales of ferrous forgings by persons, other than manufacturers, may be adjusted in an order issued under this section.

3. Section 1390.221 is added to read as follows:

§ 1390.221 *Form for application for adjustment*—(a) *Form:*

Form OPA 694:411 — Form Approved Budget Bureau No. 08-R576

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

APPLICATION FOR ADJUSTMENT OF MAXIMUM MANUFACTURERS' PRICES OF FERROUS FORGINGS

Company name _____
Address _____
(Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this Application:

SCHEDULE A

1. General description of the company's business.

2. Designate and describe the ferrous forging(s) for which price increase is requested.

3. Present the following information for each product listed in 2 above.

NOTE: If more than one product is being reported, present the required information on another sheet.

(a) Dollar volume of unfilled orders $_____
(b) Unit volume of unfilled orders. (Indicate unit used) _____

4. Present evidence that the company is an essential producer of an essential ferrous forging.

(a) For each product designated in Item 2 above, fill in the following if you have entered into, or propose to enter into a war contract or subcontract for the sale of that product.

NOTE: If more than one product is being reported, present the required information on another sheet.

(1) Identification of contract _____
(2) Name of purchaser _____
(3) Address of purchaser _____
(Street)
_____ _____
(City) (State)

(b) Present any other information which demonstrates that the manufacturer is an essential producer of an essential ferrous forging.

NOTE: The terms "essential producer", "essential ferrous forging", "war contract" and "subcontract" are defined in the adjustment provision under which this report is filed (§ 1390.218a of Maximum Price Regulation 351).

5. Are similar products manufactured by competitors in your region? _____
(Yes or No)

If yes, give names and addresses of competitors and their prices for such products.

SCHEDULE B

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

1. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses, the total amount of officers' salaries and bonuses, and the number of officers.)

2. Financial data 1936–1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936–1940, or fill in the following condensed table:

	1936	1937	1938	1939	1940
Net sales					
Cost of goods sold					
Gross profit					
Administrative expense					
Selling expense					
Net operating profit					
Other income less other expenses					
Debt (except current) at end of year					
Net worth at end of year					
Total assets					

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? _____
(Yes or No.)

If no, state exceptions.

SCHEDULE C

Unit price and unit cost information.
Designation of the ferrous forging:

NOTE: If more than one product is involved, prepare and file separate reports on this schedule for each product that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. *Price data:* (a) *Net realized price:*

	Ceiling price _____, 194..	Current price	Requested price
1. (List) (gross) price			
2. Less: Dealer's commissions			
3. Less: Trade discounts			
4. Net realized price			
5. Net realized price at maximum discount and/or commissions			

[1] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174.

(b) *Analysis of sales of the above.*
Designated Item:
Sales for _____ month period ending _____, 1943.
(No. of months) (Month and day)

	Percentage amount of commission or discounts	Dollar value of sales after discounts
Sales subject to commission of	(1) ____%	$_____
Sales subject to commission of	(2) ____%	_____
Sales not subject to commission	X X X X	_____
Sales subject to discount of	(1) ____%	$_____
Sales subject to discount of	(2) ____%	_____
Sales subject to discount of	(3) ____%	_____
Sales subject to discount of	(4) _____	_____
Sales subject to discount of	(5) _____	_____
Sales not subject to discount	X X X X	_____
Total sales of above designated item	X X X X	$_____

(c) Total sales for the above designated item only:

	1940	1941	1942, ____ months ending ____ 1943
Total unit volume of sales			
Total dollar volume of sales (net)	$____	$____	$____

(d) Is the price currently charged for the product the same as the maximum price filed with OPA? _____
(Yes or no)

(If answer is "No", state date when increased price was first charged.)
Date: _____, 194..
(Month)

(e) Indicate whether the current maximum price is a list or established price _____ or a formula price _____ (Check one).
Price used since _____, 194..
(Month)

(f) State on a separate sheet the reasons for the need of the requested price increase.

2. *Unit cost data:*

	Ceiling date costs _ 194..	Costs October 1942	Current date costs _ 1943
(a) Direct material	$_____	$_____	$_____
(b) Direct labor	_____	_____	_____
(c) Factory overhead	_____	_____	_____
(d) Selling expense (do not include discounts and commissions deducted under Price Data above)	_____	_____	_____
(e) Administrative expense	_____	_____	_____
(f) Freight out, if any	_____	_____	_____
(g) Installation expense, if any	_____	_____	_____
(h) Other expense, specify _____	_____	_____	_____
(i) Total cost per unit	_____	_____	_____

(j) What method is used in allocating factory overhead?
(1) Standard ( ); Actual ( ); Other ( ). (Check one.)
(2) Direct labor cost ( ); Direct labor hours ( ); Machine hours ( ); Other ( ). (Check one.)
(Explain separately if "other" or combination.)

_____
(Applicant)
By _____
_____
(Title)

AFFIDAVIT

State of _____
County of _____, ss:

The undersigned _____ being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

_____
(Signature)

Subscribed and sworn to before me this ____ day of _____, 1943.

_____
Officer Administering Oath

(b) *Instructions for completing form:*

INSTRUCTIONS FOR THE USE OF ADJUSTMENT APPLICATION FORM FOR FERROUS FORGINGS

Schedule C entitled "Unit Price and Cost Information" is subject to the following explanation:

1. *Price data:*

(a) 1. (*List*) (*gross*) *price:*

Please indicate whether the price is a list price or a gross price by crossing out the term that does not apply.

(a) 2. *Dealer's commission:*

Where all dealers receive the same commission, use the full commission rate even if some sales are not subject to any commission. If several different rates affect the product covered by the application, use the rate that applies to the largest amount of sales.

(a) 3. *Trade discounts:*

Deduct trade discounts at the average rate of discounts prevailing in your company for the product covered by the application.

(b) Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.

2. *Unit cost data:*

In presenting unit cost data be sure to include only actual cost.

Material cost must represent actual cost. State separately any charges added to costs of materials.

Where standard costs are used, adjust costs for over- and under-absorption during the period to which the costs apply.

The cost data for the ceiling date may be recomputed if the product covered by the application was not manufactured on or about that date. In the recomputation apply the wage rates prevailing in your plant on the ceiling date and material cost of the same date.

Under items (f), (g) and (h) include only costs borne by the manufacturer and not billed separately to the buyer.

This amendment shall become effective August 4, 1943.

NOTE: All report and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12310; Filed, July 29, 1943; 4:48 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 49]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. The first sentence of section 4.2 (e) (2) is amended to read as follows:

His maximum allowable inventory for the current reporting period is then determined by multiplying his sales or transfers of each such item during the preceding reporting period (less returns of processed foods made during that period) by the point value assigned to that item.

2. The first sentence of section 4.6 (b) is amended to read as follows:

To get a wholesaler's maximum allowable inventory for any reporting period the point value of all processed foods transferred from his wholesale establishments during the second preceding reporting period (less returns of processed foods made during that period) is multiplied by a factor which the Office of Price Administration will fix for each reporting period.

3. Section 4.10 (a) (1) is amended to read as follows:

(1) The amount of that item which he sold or transferred during the preceding reporting period (less returns of that item made during such period) is multiplied by the point value assigned to that item at the beginning of the current reporting period.

This amendment shall become effective July 31, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12322; Filed, July 29, 1943; 4:50 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 51]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7267, 7268, 7353, 7380, 7490, 7589, 8276, 8357, 8705, 9012, 9024, 9216.

[2] 8 F.R. 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7281, 7281, 7589, 7455, 7491, 8357, 8540, 8614, 8844, 8869, 9014, 9025, 9217, 9024, 9886, 10085.

has been filed with the Division of the Federal Register.*

Section 10.6 (a) (4) is amended by adding after the words "§ 6.10" the words "or except if it is an item having a point value of zero per pound."

This amendment shall become effective August 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food. Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12303; Filed, July 29, 1943, 4:38 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373, Amdt. 7]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

Correction

In F.R. Doc. 11643 appearing on page 10270 of the issue for Thursday, July 22, 1943, the following correction should be made:

In Item 2 of Table II in section 15 the maximum retail price per one can for all grades, No. 2½ can, should be $0.21.

In Table A of section 41 the price in cents per container under item 6 for Nestles Swt. Milk Cocoa, 8 oz. container, should be 22. In item 36 of Table A the words "(3 for 25)" should appear immediately following the entry "Palmolive, Regular cake, 9." The last sentence of the undesignated paragraph following item 44 of Table A should read, "For all other canned vegetables the division factor is .77."

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 8]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 32 is amended by adding paragraphs (b) and (c) to read as follows:

(b) The maximum prices for sales at wholesale on all Islands other than Oahu shall be the maximum prices at wholesale set forth in paragraph (a) above, plus transportation costs from Oahu actually incurred by the buyer. "Transportation costs" are defined to mean and shall include only freight and marine and war risk insurance charges, plus an amount equal to cartage charges in the port of discharge from dock to warehouse computed at a rate not in excess of $1.20 per ton, weight or measurement, except on the Island of Molokai, where it shall be computed at a rate not in excess of $2.65 per ton. Transportation costs must be stated separately by the wholesaler on his bill or invoice to the purchaser.

(c) The maximum prices for sales at retail on all Islands other than Oahu shall be the maximum prices at retail set forth in paragraph (a) above, plus transportation costs actually incurred by the retailer, or such transportation costs as are separately billed and stated to the retailer by the wholesaler.

2. Section 34 (a) (2) is added to read as follows:

(2) In the case of sales on Islands other than Oahu, 1 cent per pound, or fraction thereof, may be added to the maximum prices set forth above both at wholesale and at retail.

3. Section 35 (a), item 28 is amended and items 42 and 43 are added, all to read as follows:

Make or label	Wholesale	Retail
28. Immortal 10" Black Label	$0. 2-	$0. 39
42. Albums numbered 5, 6, 8, 9, 10, 11 (including albums)	1. 57½	2. 25
43. Album No. 7 (including album)	3. 67½	5. 25

4. Section 42 (b) (1) is amended by changing the price of imported brandy and by adding the category imitation Bourbon whiskey to read as follows:

	Maximum price per drink
Brandies: Imported	$0. 55
Imitation Bourbon whiskey	.20

5. Section 42 (b) (2) is hereby revoked.

6. Section 42 (c) is amended by changing the price of mixed drinks containing not less than one ounce of imported brandy, and adding the category mixed drinks containing not less than one ounce of imitation Bourbon whiskey to read as follows:

	Maximum price per drink
Mixed drinks containing not less than one ounce imported brandy	$0.55
Mixed drinks containing not less than one ounce imitation Bourbon whiskey	.30

7. Section 42 (g) is added to read as follows:

(g) *Maximum prices for sales of wine served for consumption on the premises where sold in the Territory of Hawaii shall be:*

	Maximum price per serving or portion
Wine:	
Domestic	$0. 20
Imported	.35

8. Section 42 (h) is added to read as follows:

(h) The maximum price for any alcoholic beverage which is served or sold for consumption on the premises where sold and for which a maximum price cannot be determined under paragraphs (b), (c), (d) or (g) hereof, shall be determined upon application of the seller to the Office of Price Administration, Hawaii Territorial Office, Honolulu, T. H.

9. Section 45 is added to read as follows:

SEC. 45. *Maximum prices for brooms and mopheads manufactured by Territorial Workshop for the Blind.* (a) The maximum prices in the Territory of Hawaii for sales by the manufacturer, at wholesale, and at retail of brooms and mopheads manufactured by the Territorial Workshop for the Blind shall be:

Item.	Maximum price for manufacturer	Maximum price at wholesale	Maximum price at retail
	Per doz.	*Per doz.*	*Each*
No. 1 Broom	$10. 61	$11. 67	$1. 21
No. 2 Broom	8. 93	9. 82	1. 02
No. 3 Broom	7. 74	8. 51	.88
Warehouse Broom	13. 76	15. 13	1. 58
No. 9 Mophead	5. 51	6. 05	.63
No. 13 Mophead	7. 07	7. 78	.82
No. 15 Mophead	8. 62	9. 48	.98
No. 18 Mophead	10. 50	11. 22	1. 17

(b) The maximum prices for sales at wholesale on all Islands other than Oahu shall be the maximum prices at wholesale set forth in paragraph (a) above, plus transportation costs from Oahu actually incurred by the buyer. "Transportation costs" are defined to mean and shall include only burlaping or an amount equal to cartage charges in the port of discharge from dock to warehouse computed at a rate not in excess of $1.20 per ton, weight or measurement, except on the Island of Molokai, where it shall be computed at a rate not in excess of $2.65 per ton. Transportation costs must be stated separately by the wholesaler on his bill or invoice to the purchaser.

(c) The maximum prices for sales at retail on all Islands other than Oahu shall be the maximum prices at retail set forth in paragraph (a) above, plus transportation costs actually incurred by the retailer, or such transportation costs as are separately billed and stated to the retailer by the wholesaler.

This amendment shall become effective as follows:

(a) Sections 32 (b) and (c); 34 (a) (2); 35 (a) shall become effective August 4, 1943.

(b) Section 42 (b) (1), (2), (c), (g) and (h) shall become effective as of July 6, 1943.

(c) Section 45 shall become effective as of July 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12312; Filed, July 29, 1943; 4:46 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550.

PART 1427—MAGNESIUM

[MPR 314,[1] Amdt. 3]

MAGNESIUM AND MAGNESIUM ALLOY INGOT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 314 is amended in the following respects:

1. Section 1427.51 (b) (1) is amended to read as follows:

(1) *Special shapes and sizes.* If magnesium or magnesium alloy ingot is sold in nonstandard shapes or sizes a premium of 1 cent per pound may be added to the applicable maximum base price provided the purchaser specifically requests magnesium or magnesium alloy ingot in that particular shape. In such cases the premium charge must be shown as a separate item on the invoice required by § 1427.56, paragraph (a). Examples of such nonstandard shapes or sizes are the three-pound ingot and the round ingot (4" diameter x 16") weighing approximately twelve pounds.

Any seller of magnesium or magnesium alloy ingot who cannot produce a particular shape or size so requested by the buyer at the above premium of 1 cent per pound may apply in writing to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., for approval of a larger premium. Such application shall state:

(i) The name and address of the purchaser.

(ii) The purpose for which the purchaser will use the material he desires to purchase.

(iii) The quantity of specially prepared material requested by the purchaser.

(iv) The date of issuance of the War Production Board authority permitting the purchaser to purchase magnesium.

(v) A description of the manner in which the material is to be specially prepared.

(vi) An itemized statement of the estimated additional expense to the seller in preparing the material for the purchaser's use.

(vii) The proposed price, setting forth the disposition to be made of transportation charges.

The price approved by the Office of Price Administration shall be a price in line with the general level of prices established by this Maximum Price Regulation No. 314 taking into account the purchaser's special requirements and the additional cost to the seller involved in preparing material to meet the purchaser's requirements.

The application may be filed before any sale is made and must be filed within five days after a sale at a higher than one cent premium. Pending approval by the Office of Price Administration, any seller may deliver, and the buyer may receive any such special shape or size of magnesium or magnesium alloy ingot at the price submitted for approval. If, however, the price submitted is disapproved, the contract price shall be revised downward to the maximum price which shall be approved, and if any payment has been made at a price higher than that so approved the seller shall refund the excess to the buyer: *Provided, however,* That the premium submitted by the seller for approval shall be deemed to be approved unless the Price Executive of the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., specifically disapproves such price and establishes an approved price within fifteen days from the date on which the application is received by the Office of Price Administration, or if further information is requested from the seller within such fifteen day period, then within fifteen days from the date on which all such information is received by the Office of Price Administration.

2. Section 1427.54 is amended to read as follows:

§ 1427.54 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12302; Filed, July 29, 1943; 4:37 p. m.]

PART 1429—FOOD AND FOOD PRODUCTS

[MPR 289[1] Amdt. 19]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 289 is amended in the following respects:

1. Section 1351.1519 (a) (5) is amended to read as follows:

(5) *Maximum prices for "cheddar", "twin", "flat", and larger styles of a moisture content of 37.7% or less.* The maximum price for any of the following sales of "cheddar", "twin", "flat", or larger styles of cheddar cheese of a moisture content of 37.7% or less shall be as provided in subdivisions (i) and (ii) of this subparagraph: All sales by any factory producing the cheese sold; sales by any seller to the U. S. Government or any agency thereof; sales by any seller to a cheese processor for manufacture into processed cheese; sales by any seller to any manufacturer of food products for use in the manufacture of such food products.

(i) For delivery at all places in the state of Wisconsin, the maximum price shall be as set forth in Table B below.

(ii) For delivery in all places outside the state of Wisconsin, the maximum price shall be the appropriate price in Table B for the particular cheese sold plus transportation charges. The transportation charges shall be those described in subparagraph (2) above.

TABLE B

	Maximum price, cents per pound	
	For cheddars, twins, and larger styles	For flats
32.2% or less	25. 54	25. 79
Over 33.2% but not over 33.7%	25. 35	25. 60
Over 33.7% but not over 34.2%	25. 16	25. 41
Over 34.2% but not over 34.7%	24. 97	25. 22
Over 34.7% but not over 35.2%	24. 77	25. 02
Over 35.2% but not over 35.7%	24. 58	24. 83
Over 35.7% but not over 36.2%	24. 39	24. 64
Over 36.2% but not over 36.7%	24. 20	24. 45
Over 36.7% but not over 37.2%	24. 01	24. 26
Over 37.2% but not over 37.7%	23. 82	24. 07

(iii) *Provided, however,* That no seller may calculate his maximum price in accordance with the provisions of Table B of this subparagraph for any cheddar cheese item of "flats" style if he has purchased such cheese item at a price determined by his supplier without reference to the provisions of said Table B.

2. Paragraph (c) of Table D in § 1351.1519 (c) (1) (i) is amended by adding the following sentence:

Sales to military or naval establishments shall in no case be deemed service wholesaler's sales.

3. Paragraph (e) of Table D in § 1351.1519 (c) (1) (i) is amended by adding the following sentence:

Sales to military or naval establishments shall in no case be deemed cash and carry wholesaler's sales.

4. Paragraph (f) of Table D of § 1351.1519 (c) (1) (i) is amended by adding the following sentence:

Sales to military or naval establishments shall in no case be deemed a wagon route wholesale.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1367, 2040, 2154, 7106.

[1] 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3327, 4335, 4513, 4337, 4338, 4918, 6440, 7566, 7593, 8276, 8751.

5. Paragraph (g) of Table D of § 1351.1519 (c) (1) (i) is added to read as follows:

Type of sale	Figure to be used as multiplier for units of cheese weighing 2 lbs. or more	Figure to be used as multiplier for packages of "processed cheese" weighing less than 2 lbs.
(g) *Military or naval establishment sale.* A sale in less than carload quantities to an individual military or naval establishment where delivery is made to the physical premises of that establishment.		
Sales and deliveries of less than carload quantities but over 5,000 pounds	1.03	1.03
Sales and deliveries of 5,000 pounds or less	1.06	1.06

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12313; Filed, July 29, 1943; 4:44 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9,[1] Amdt. 7]

HEATING STOVES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1432.19 (c) is amended to read as follows:

(c) The certificate will not be transferable and will be valid only for thirty (30) days from the date of issuance, but in no event after August 23, 1943. Thereafter it will be null and void and must be returned to the Board.

This amendment shall become effective August 4, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W. P. B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 18, 7 F.R. 10668; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12314; Filed, July 29, 1943; 4:44 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-1, Amdt. 2]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN JEFFERSON COUNTY, KENTUCKY

A statement of the considerations involved in the issuance of this Amendment No. 2 to Restaurant Maximum Price Regulation No. 3-1 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 3-1 is amended in the following respects:

(1) The table of contents is amended as follows: As contained in the table of contents, section 17, "Provision for amendments," is amended to read section 17, "Provision for amendments and adjustments."

(2) Section 17 is amended to read as follows:

SEC. 17. *Provision for amendments and adjustments*—(a) *Amendments.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

(b) *Adjustments.* (1) The Office of Price Administration may adjust the maximum prices for any eating or drinking establishment under the following circumstances:

(i) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(ii) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(iii) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

(2) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your Office of Price Administration District Office an application in duplicate. The application should contain the following information:

(i) Your name and address.

(ii) A description of your eating establishment, including the type of service rendered, such as cafeteria, table service, etc.; classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty-day period, (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); and such other information that may be useful in classifying your establishment.

(iii) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(iv) The names and addresses of the three nearest eating places of the same type as yours.

(v) A list showing your present maximum prices and requested adjusted prices.

(vi) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the Regional Administrator or by any District Director who has been authorized to do so by order of the Regional Administrator.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued July 16, 1943.

C. J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 43-12304; Filed, July 29, 1943; 4:38 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14, to GMPR,[1] Amdt. 6]

CERTAIN FOOD AND BEVERAGE SPECIALTY PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1.15 is amended to read as follows:

SEC. 1.15 *Certain food and beverage specialty products*—(a) *Applicability.* (1) The provisions of this section shall apply only to the commodities listed in paragraph (i) and only in those cases where there has been a change in formula and where the volume of the end-product of the new formula product is fairly equivalent to the volume of the end-product made from the original formula product.

(2) The particular maximum prices which manufacturers are required to determine under the provisions of this section shall become effective respectively as follows:

(i) Where the formula change was made prior to March 27, 1943, the maximum price figured for the new formula product shall take effect as of April 12, 1943.

(ii) Where a formula change is made on or after March 27, 1943, the maximum price figured for the new formula product shall take effect as of April 12, 1943, or the date of first delivery of the new formula product, whichever is later.

(b) *Method of determining maximum prices.* On and after August 4, 1943, every manufacturer of a listed specialty product who has changed or who shall change his original formula for the manufacture of any flavor or size of such product either by the substitution, elimination or reduction of one or more of its ingredients shall determine the maximum price of his new product for that flavor or size as follows: He shall

(1) Calculate the current ingredient costs per his customary selling unit of all ingredients according to his original formula.

(2) Calculate the current ingredient costs per his customary selling unit of all ingredients of his new formula for the product which he is pricing.

(3) Determine the percentage relationship of the new formula ingredient costs to the original formula ingredient costs, ((2) divided by (1)), and

(4) Apply the result determined in (3) to the following percentage table to determine his maximum price per his customary unit for his new formula product:

Current cost of ingredients in original formula	Current cost of ingredients in new formula as related to original formula	Requirement to reduce original maximum price
100%	Not less than 95%	None.
100%	Less than 95% but not less than 90%	5% of current original formula ingredient cost.
100%	Less than 90% but not less than 85%	10% of current original formula ingredient cost.
100%	Less than 85% but not less than 80%	15% of current original formula ingredient cost.
100%	Less than 80% but not less than 75%	20% of current original formula ingredient cost.
100%	Less than 75% but not less than 70% etc.	25% of current original formula ingredient cost.

Fractions of one-half cent or more per customary selling unit may be increased to the next higher cent and fractions of less than one-half cent shall be decreased to the next lower cent.

(c) *Examples of calculations.* (1) A manufacturer of a 3 ounce package of chocolate dessert preparation has a maximum price of $1.40 per case established under the General Maximum Price Regulation for his original formula product. This price is his original maximum price. The current cost of ingredients in the formula used to manufacture the product for which his price was originally established under the General Maximum Price Regulation, called herein the original formula, is 60¢ per case. The current cost of ingredients in the new formula is 56¢ per case. The relation of current costs as between original formula and new formula being 93.3%, the original maximum price must be reduced by 5% of the current original formula cost, or 3¢. The manufacturer's new maximum price is $1.37 per case.

(2) The same manufacturer later changes his formula again so that at that time the current cost of ingredients in the original formula is 61¢ per case and the current cost of the ingredients of the new formula which he is pricing is 54¢ per case. The relation of current costs as between original formula and new formula being 88.5%, the original maximum price must be reduced by 10% of the current original formula cost, or 6.1¢. The manufacturer's new maximum price is $1.34 per case.

(3) The same manufacturer later changes his formula again so that at that time the current cost of ingredients of the original formula is 62¢ per case and the current cost of the ingredients of the new formula which is being priced is 59¢ per case. The relation of current costs as between original formula and new formula being 95.1%, the manufacturer's original maximum price need not be reduced. The manufacturer's maximum price for this new formula product is now $1.40 per case.

(d) *Price lines.* In the case where a manufacturer customarily sold more than one listed specialty product, or different flavor combinations of a listed specialty product, and such products were in a price line, and as such have an established maximum price which is the same for all, shall be permitted to use weighted averages based upon the 1942 sales volume of each unit as follows:

The weighted average ingredient cost for the old formula products and the new formula products in the price line shall be obtained as follows:

(1) Determine the percentage of sales volume for the year 1942 for each item in the price line.

(2) Determine current ingredient cost of original formula per customary selling unit for each item in the line.

(3) Multiply ingredient costs for each item (2) by the percentage figure for that item (1). Add the total of all computations. The weighted average figure thereby obtained is to be used as 100% of current ingredient costs of the price line.

(4) Determine current ingredient cost of new formula per customary selling unit for each item in the price line.

(5) Multiply (4) by (1) using identical percentage figures for each item, as in (3). Add the total of all computations.

(6) Apply the figure determined in (5) to the figure determined in (3) to arrive at the percentage relationship of weighted average new formula ingredient costs to old formula ingredient costs.

The table in paragraph (b) (4) shall then be used to determine the amount of reduction required in the maximum selling price of the entire price line.

NOTE: When no formula change is made in one or more items in the price line, the ingredient costs for that item as determined in (2) and (4) will obviously be identical.

(e) *Manufacturers having more than one factory.* In the case of those manufacturers producing the listed specialty products at more than one factory, the ingredient costs per unit may be averaged for all factories in determining the new formula cost. This provision applies only when the maximum selling price for the article is the same for shipments from all factories.

(f) *Relation to original maximum price.* No maximum price for any new formula product calculated under the provisions of this section shall ever exceed the maximum price established under the General Maximum Price Regulation for the original formula product.

(g) *Discounts and allowances.* Discounts, allowances and terms, whether based on quantity, class of purchaser, or any other cause, shall be no less favorable to any purchaser of a new formula product of a listed specialty product than those in effect with respect to the original formula product.

(h) *Distributors.* In case the manufacturer's maximum price for any item is lowered under this section, all distributors of the item shall make a corresponding reduction in their maximum prices in accordance with the notification which the manufacturer is required to give under paragraph (i).

(i) *Notification.* Whenever a formula change is made and a new maximum selling price is determined under the provisions of this section, the manufacturer making such change shall before or at the time of first delivery to each purchaser supply him with the appropriate written notice set forth below. And for a period of 90 days thereafter the manufacturer shall include with the smallest shipping unit a written notice to retailers. If this retailer notice is enclosed *in* a shipping unit, a legend shall be affixed outside of such unit to read, "Retailer's Notice Enclosed." The written notices, except for the proper insertions to be made by the manufacturer, shall read as follows:

NOTICES TO WHOLESALERS AND RETAILERS

The Office of Price Administration has authorized us to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422, or 423, you must refigure your ceiling price for this item in accordance with the applicable provisions of those regulations (See section 6 in each case). You must refigure your new ceiling price on the first delivery of this item to you on or after August 5, 1943.

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

A change in the formula of _____ has resulted in a lowering of our cost to produce that product. OPA requires that such reduction in costs, amounting to _____ per _____ of packages shall be deducted from our previously established price. If you are a distributor other than a wholesaler or retailer, you must reduce your maxi-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10720; 8 F.R. 1318, 2433, 2722, 2941, 3003, 3716.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025.

mum price to the extent that the amount of our reduction is equal to any full cent per your customary selling unit.

(j) *Reports.* Every manufacturer who has changed or shall change his original formula or shall make a subsequent formula change of a listed specialty product which shall require the establishment of a new maximum price shall file with the Office of Price Administration, Washington, D. C., a verified statement showing (1) his actual current purchase price for each ingredient used to produce the product by the original formula, (2) the actual current purchase price for each ingredient used to produce the product by the new formula, (3) the name of his supplier of each ingredient, (4) his current cost of such ingredients per his customary selling unit of the manufactured product for both the original and the new formula, (5) his original maximum selling price, and (6) his new maximum selling price. If the formula change was made prior to March 27, 1943, such statement must be filed on or before April 12, 1943. If the formula change is made on or after March 27, 1943, such statement must be filed on or before April 12, 1943, or within 5 days after the date of first delivery of the new formula product, whichever is later.

If any manufacturer claims that substantial hardship would result to him from filing the statement required by the provisions of this paragraph he may submit the information requested in this paragraph for inspection by the Office of Price Administration, Washington, D. C., and then withdraw such information and substitute therefor a statement that the information required has been submitted and is available from the manufacturer in the event the Price Administrator determines that the withholding thereof is inconsistent with the purposes of the Emergency Price Control Act of 1942 as amended.

(k) *Definitions.* When used in this section, the term:

"Beverage mix preparations" means the dry or liquid product consisting of flavoring, coloring, acid, with or without sugar, without milk ingredients or with milk ingredients not exceeding 50 per cent of the total weight or volume as packaged.

"Dehydrated soup mixes" means the dry packaged product consisting of dehydrated vegetables, salt, sugar and seasonings, with or without alimentary paste products, and with or without capsules containing fats, vitamins or minerals, and with or without dehydrated meat or poultry particles.

"Freezing mix preparations" means the liquid or semi-fluid product customarily sold in hermetically sealed containers, consisting of sugar and/or dextrose, flavoring with or without fruit particles, coloring, salt, stabilizing colloid and/or any starch compound the entire combination being used to prepare frozen desserts.

"Gelatin dessert preparations" means the dry packaged product consisting of sugar, gelatin, organic acid, coloring and flavoring.

"Ice cream powders" means the dry packaged product consisting of sugar or dextrose, or both, milk powder and/or skimmed milk powder, a stabilizing colloid, flavoring, coloring and salt. This definition shall also include ice cream powders with powdered rennin and sucrose.

"Starch dessert preparations" means the dry packaged product consisting of sugar or dextrose or both, cornstarch or other starches or a combination of either, flavoring, coloring and salt. This definition shall also include rennin powdered dessert preparations.

(The above are general definitions to describe the commodities. The elimination of any ingredient specified, or the addition of any optional ingredient not specified does not exclude a product from the scope of the definition.)

"End-product" means the finished food or beverage as prepared according to the directions on or in the container and as described by the manufacturer.

"Current" means at the time of calculating, but in no event more than 30 days before the date of the manufacturer's first delivery of the new product.

"Ingredient cost" means the actual invoice cost of a customary quantity of any ingredient plus delivery charge, if incurred, from the customary supplying point via the customary mode of transportation. In the absence of actual invoice cost, the potential cost may be substituted. Where an ingredient in the original formula is omitted entirely in the new formula, the manufacturer shall use as the current cost of that commodity the most recent invoice cost of a customary quantity plus transportation charges if incurred.

"New formula" means the combination and proportion of ingredients which constitute the new product and which, used according to the directions on or in the container, will produce the fairly equivalent volume of end-product as the original formula product.

"Fairly equivalent" in volume means within 5% of the volume of the old product when prepared according to the same directions as the manufacturer supplied with the old product.

"Original formula" means the combination and proportion of ingredients used to produce the listed specialty product for which the maximum price was first established under the provisions of the General Maximum Price Regulation.

"Original maximum price" means the maximum price first established under the provisions of the General Maximum Price Regulation, §§ 1499.2 and 1499.3 as amended, for the listed specialty product.

(l) *Food and beverage specialty products covered by this section.* The following food and beverage specialty products, referred to in this section as "listed specialty products", are covered by the provisions of this section:

Beverage mix preparations.
Dehydrated soup mixes.
Freezing mix preparations.
Gelatin dessert preparations.
Ice cream powders.
Starch dessert preparations, including rennin powdered dessert preparations.

This amendment shall become effective August 4, 1943.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, F.R. 7871; E.O. 9328, 8 F.R. 4681)

(Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12305; Filed, July 29, 1943; 4:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as amended,[1] Amdt. 1 to Supp. Service Reg. 7]

SERVICES RENDERED IN CONNECTION WITH THE NEGOTIATION OF PURCHASE OR SALE OF A COMMODITY

A statement of the considerations involved in the issuance of Amendment No. 1 to Supplementary Service Regulation No. 7, as amended June 16, 1943, has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Amendment No. 1 to Supplementary Service Regulation No. 7, as amended June 16, 1943, is hereby issued.

Section 1499.657 (b) is amended to read as follows:

(b) This Supplementary Service Regulation No. 7, as amended, shall become effective as follows:

(1) In the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and in the District of Columbia on December 29, 1942.

(2) In the States of Oregon and Washington on March 16, 1943.

(3) In the Counties of Adah, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Elmore, Gem, Kootenai, Idaho, Latah, Lewis, Nez Perce, Owyhee, Payette, Shoshone, Valley and Washington in the State of Idaho on April 2, 1943

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12316; Filed, July 29, 1943; 4:42 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10557, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended,[1] Amdt. 25]

RENTAL OF DUMP TRUCKS EXCEPTED

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 165 as amended—Services—is amended in the following respect:

Section 1499.101 (c) (4) is amended by inserting after the first word "rental" the parenthetical phrase "(except rental of dump trucks subject to Maximum Price Regulation No. 134)".

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12317; Filed, July 29, 1943; 4:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 85 Under SR 15 to GMPR]

PETROLEUM TRANSPORT, INC.

Order No. 85 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3337.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1385 *Adjustment of maximum prices for contract carrier services of Petroleum Transport, Inc., Lansing, Michigan.* (a) Petroleum Transport, Inc., of Lansing, Michigan, may sell and deliver contract carrier services to the Gulf Refining Company of Pittsburgh, Pennsylvania, at rates not to exceed those set forth in Exhibit "D" annexed to its application for adjustment, and contained in its tariffs MF-ICC No. 18 which cancels No. 17, issued May 27, 1942, effective June 26, 1942, filed with the Interstate Commerce Commission and in its Supplement to MPSC No. 6, issued May 25, 1942, effective May 26, 1942, filed with the Michigan Public Service Commission: *Provided, however,* That so long as the increased rates established herein are charged by the Petroleum Transport, Inc., it shall file, with the Contract Carrier Section, Transportation Division, Office of Price Administration, Washington, D. C., quarterly profit and loss statements supported by balance sheets, commencing with the quarter ending June 30th, 1943.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 85 (§ 1499.1385) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 85 (§ 1499.1385) shall become effective as of January 1, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12323; Filed, July 29, 1943; 4:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 86 Under SR 15 to GMPR]

FRED'S MOTOR TRANSPORTATION

Order No. 86 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF 3-3124.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1386 *Adjustment of maximum prices for contract carrier services furnished by Fred's Motor Transportation.* (a) Fred's Motor Transportation, 94 Prospect Street, Somerville, Massachusetts, may sell and deliver contract carrier services to First National Stores, Inc. in connection with the transportation of food products from, to and between points in Maine and Massachusetts at prices not higher than those set forth in the schedule of rates annexed to the affidavit of First National Stores, Inc., dated June 7, 1943 and submitted with the application for adjustment.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 86 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 86 (§1499.1386) shall become effective as of January 1, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12324; Filed, July 29, 1943; 4:52 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,[1] Amdt. 23]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The table contained in § 1364.452 (p) (3) is amended by the addition of a new price column heading VIII to read as follows:

Zone		VIII
		Boneless stewing beef may be sold to federal, state or municipal institutions only.
		Frozen in 5 lb. bricks and packed with dry ice in 50 lb. containers.[5]
1		$23.25
2		22.60
3		21.50
4		21.50
5		22.00
6		22.25
7		22.50
8		22.75
9		23.00
10		23.25

2. The footnotes below the table contained in § 1364.452 (p) (3) are amended by addition of footnote 5 to read as follows:

[5] If boneless stewing beef is not packed with dry ice, the applicable zone price shall be reduced 10 cents per cwt.

3. Section 1364.452 (p) (7) is amended by adding subdivision (viii) to read as follows:

(viii) Boneless stewing meat means meat prepared from fresh carcass beef, U. S. cutter and canner grade. All cuts of the beef carcass must be used except the tenderloin and kidneys which may be excluded and retained by the seller. All serous membranes shall be stripped from the flanks, skirts and navel ends. All meats shall be free from bones, cartilage and tendinous back strap. Fat shall not exceed 10 percent trimmable fat. The meat shall be cut into approximately 1 inch pieces, formed into 5 pound bricks, wrapped in heavy waxed paper, and packed in fibre or corrugated containers of uniform size and appearance. The meat shall be immediately placed in a freezer and frozen solid. All meats shall be in prime condition at the time of delivery at destination. Each container shall be inspected and passed by the Food Distribution Administration and at the time of such inspection, the consignee's acceptance stamp shall be placed on each container by the official inspector.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12308; Filed, July 29, 1943; 4:43 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4097, 4787, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066, 9300, 9995, 10362, 10363.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,[1] Amdt. 47]

COFFEE RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 12 is amended in the following respects:

1. Sections 1407.953 to 1407.1070, inclusive; §§ 1407.1072; 1407.1075 to 1407.1088, inclusive; §§ 1407.1091 and 1407.1092 are revoked.

2. Section 1407.1071 is amended to read as follows:

§ 1407.1071 *By persons transferring or acquiring green coffee.* (a) Every person, other than the Army, Navy, Marine Corps, and Coast Guard, and Commodity Credit Corporation, who transfers or acquires green coffee shall, in August 1943, prepare a report in triplicate, showing:

(1) His inventory of green coffee as of the close of business on July 31, 1943;

(2) The amount of green coffee roasted by him during July 1943; and

(3) His inventory as of the close of business on July 31, 1943, of roasted coffee which was roasted by him.

The report shall be prepared on OPA Form R–1205 and shall contain, in addition to the foregoing information, such other information as is called for by such form, except that Schedules A and B of such form need not be completed by the person reporting. The original and duplicate of such report shall be sent to the Office of Price Administration, Washington, D. C., not later than August 10, 1943; the triplicate copy shall be retained by the person reporting.

(b) Every person other than a consumer, the Army, Navy, Marine Corps, and Coast Guard, and Commodity Credit Corporation, who transfers or acquires green coffee shall monthly, beginning in September 1943, prepare a report in duplicate showing the following:

(1) His inventory of green coffee on the last day of the preceding month;

(2) The amount of green coffee roasted by him during the preceding month;

(3) His inventory on the last day of the preceding month of roasted coffee which was roasted by him.

The original of each such report shall be sent to the Office of Price Administration, Washington, D. C., not later than the tenth day of each month; the duplicate copy shall be retained by the person reporting. Such report shall contain the identification number assigned to such person by the Office of Price Administration; if such number has not been assigned to the person making the report, he shall apply to the Washington Office of the Office of Price Administration for such identification number at the time of making his first such report.

(c) As used in this section, "inventory" includes all coffee (green or roasted, as the case may be) located within the continental United States (the 48 States of the United States and the District of Columbia) to which the person reporting has title or holds documents of title, excluding, however, coffee which, although within the continental United States, has not cleared through Customs. Such person shall be deemed to have title to coffee (1) in transit or stored for delivery to him and out of the possession of the vendor; (2) held by him on consignment or any similar basis; (3) mortgaged, pledged, or otherwise used by him as security in a credit transaction; or (4) in the possession of his vendor if such coffee has been paid for and physically segregated or earmarked by the vendor for delivery to him.

3. Section 1407.1093 is added to read as follows:

§ 1407.1093 *Deposit of ration evidences after* July 29, 1943. On and after July 29, 1943, no person shall deposit any evidences in or open an account.

4. Section 1407.1094 is added to read as follows:

§ 1407.1094 *Record keeping.* Any person required by Ration Order No. 12 on July 28, 1943, to keep records shall, notwithstanding any amendment to Ration Order No. 12, retain in his possession such records for a period of not less than two years or until further order by the Office of Price Administration. Such records shall be available during such period for inspection by the Office of Price Administration.

This amendment shall become effective 12:01 a. m., July 29, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; Executive Order 9125; 7 F.R. 2719; E.O. 9280; 7 F.R. 10179; WPB Dir. No. 1, Supp. Dir. No. 1–R; Food Dir. No. 3, 8 F.R. 2005)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12325; Filed, July 29, 1943; 4:53 p. m.]

PART 1412—SOLVENTS

[MPR 37,[1] Amdt. 7]

BUTYL ALCOHOL AND ESTERS THEREOF

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 37 is amended in the following respects:

1. The following definitions are added to § 1412.112 (a):

"Integrated producer of dibutyl phthalate" means a person who, in addition to producing dibutyl phthalate, also produces butyl alcohol or phthalic anhydride, or who acquires phthalic anhydride under a toll arrangement.

"Non-integrated producer of dibutyl phthalate" means any producer of dibutyl phthalate other than an integrated producer.

"Commercial grade dibutyl phthalate" means dibutyl phthalate of the following specifications: a clear or water white color; an ester content of 99–100 percent; a specific gravity of 1.047 to 1.051; and a maximum acidity of .03 percent.

"Ordnance grade dibutyl phthalate" means dibutyl phthalate meeting U. S. Army Specification No. 50–11–61A (issued February 20, 1941) or any official subsequent revisions thereof.

2. The head-note of § 1412.116 is amended to read as follows:

§ 1412.116 *Appendix A: Maximum prices for butyl alcohol and butyl acetate.*

3. A new § 1412.117 is added to read as follows:

§ 1412.117 *Appendix B: Maximum prices for dibutyl phthalate*—(a) *Base maximum prices for sales of ordnance or commercial grade dibutyl phthalate.* These maximum prices are per pound, f. o. b. works, for sales by a producer of dibutyl phthalate which he himself has produced from butyl alcohol and phthalic anhydride:

	Sales by integrated producers	Sales by non-integrated producers
Tank cars	$.195	$.205
Drum carloads (drums included)	.205	.215
Drums l. c. l. (drums included)	.210	.220

(b) *Differentials for fluctuations in average cost per pound of butyl alcohol.* For every increase or decrease of $.01 per pound in the computed average cost of butyl alcohol delivered at the works from a base average cost of $.15 per pound, the maximum prices for dibutyl phthalate set forth in paragraph (a) above shall be increased or decreased, as the case may be, by $.0057 per pound.

(c) *Method of computation of average cost of the butyl alcohol and reporting*—(1) *For the period July 29 until and including August 9, 1943.* The computed average cost of butyl alcohol of each seller of dibutyl phthalate for the period July 29 to and including August 9, 1943 shall be the weighted average cost of the butyl alcohol to be delivered to the plant according to the allocation of butyl alcohol to that seller by the War Production Board for the month of July. In the case of an integrated producer who produces butyl alcohol, his own butyl alcohol shall be included in the computation at the maximum tank car price for July 1943 as determined by him under Appendix A of this regulation. Within five days after July 29, 1943, each seller of dibutyl phthalate making sales for which maximum prices are established by this section shall report to the Office of Price Administration his maximum prices for dibutyl phthalate for the period July 29 to and including August 9, 1943 and a detailed statement of his computed average cost for butyl alcohol delivered to his plant, showing the sources of supply, the amounts, and the prices of the butyl alcohol allocated to him during the month of July 1943.

(2) *For each monthly period beginning with August 10, 1943 and ending on the ninth day of the succeeding month.* The computed average cost of butyl alcohol of each seller of dibutyl phthalate for each such period shall be the average delivered cost of the butyl alcohol inventory on hand at the beginning of the current calendar month and the butyl alcohol allocated at the beginning of that month by the War Production Board for delivery to him during the month. In the case of an integrated producer who produces butyl alcohol, his own butyl alcohol shall be included in the computation at the maximum tank car price for the current calendar month as determined by him under Appendix A of this regulation. On or before the fifteenth day of each current calendar month, each seller of dibutyl phthalate making sales for which maximum prices are established by this section shall report to the Office of Price Administration his maximum prices for dibutyl phthalate for each period, and a detailed statement of his computed average cost for butyl alcohol delivered to his plant, showing the sources of supply, the amounts, and the prices of the butyl alcohol allocated to him during that current calendar month by the War Production Board.

(d) *Sales by a producer of dibutyl phthalate acquired by him from another producer.* The maximum price for sales by a producer of dibutyl phthalate which he has acquired from another producer shall be the maximum price determined under paragraphs (a), (b) and (c) of this Appendix for sales of his own production of dibutyl phthalate, or the maximum price determined under paragraphs (a), (b) and (c) of this Appendix by the producer from whom he obtained such dibutyl phthalate, whichever is lower.

This amendment shall become effective July 29, 1943.

NOTE: The reporting requirement of this amendment has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12311; Filed, July 29, 1943; 4:44 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 3]

FRESH FRUITS AND VEGETABLES FOR TABLE USE SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 1 (f) (1) is amended to read as follows:

(1) A pool car or pool truck, (that is, a car or truck containing one commodity owned by more than one seller or sold to more than one purchaser) shall be considered a carlot or trucklot.

2. Section 1 (f) (3) is amended to read as follows:

(3) *Sales by commission merchants.* If a commission merchant makes a carlot or a trucklot sale to any wholesale receiving point, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales at that wholesale receiving point. If a commission merchant makes a less-than-carlot or less-than-trucklot sale, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales at the wholesale receiving point from which he is selling, plus either his usual charge or the markup established for less-than-carlot or less-than-trucklot sales of the particular fruit or vegetable, whichever is lower.

3. Paragraph (c) is added to section 2 to read as follows:

(c) In addition to the adjustments mentioned in paragraphs (a) and (b) above, any regional office of the Office of Price Administration or such other offices as may be authorized by the appropriate regional office may make those certain adjustments which may be specifically provided for in any appendix, or paragraph or subparagraph of an appendix, to this regulation with respect to the particular fresh fruits or vegetables mentioned therein.

4. Subdivision (iv) is added to section 8 (a) (7) to read as follows:

(iv) At wholesale receiving points where cartage and terminal charges are customarily incurred in the making of less-than-carlot or less-than-trucklot sales, such charges may not be included as "freight". Regional and district offices of the Office of Price Administration are delegated the authority in section 2 of Article 1 to make adjustments for certain types of cartage including those set forth in section 2.

5. A sentence is added to section 8 (a) (9) to read as follows:

If a person purchases fresh fruits or vegetables, f. o. b. country shipping point, all charges for re-icing in transit, demurrage, or other similar charges, shall be paid by such purchaser out of the maximum price provided for him.

6. Columns 2 and 3 of Items 1 and 2 in Appendix A, section 15, Article III are amended in the following respects:

Col. 1 Item No.	Col. 2 Type, variety, style or pack, etc.	Col. 3 Unit
1	Iceberg lettuce in L. A. or Salinas [2] crates containing not less than 48 heads with a minimum net weight of 60 pounds.	L. A. crate or Salinas crate.
2	All lettuce in any container except iceberg lettuce in L. A. or Salinas crates, and except hothouse lettuce. If any lettuce is sold with a net weight of less than 60 pounds in any container or less than 48 heads in an L. A. or Salinas crate, such lettuce shall be priced under the provisions of this Item 2	

[2] The first person (including a grower) who packs lettuce in L. A. or Salinas crates shall place, in legible printing or writing, the "minimum net weight" upon such crate.

7. Appendix B (3) of section 15 is amended to read as follows:

(3) Maximum prices for sales to retailers and institutional users in less-than-carlots or less-than-trucklots in all markets in the following zones for the period June 1 to November 30.

	Col. 1 June	Col. 2 July, Aug.	Col. 3 Sept.	Col. 4 Oct., Nov.
Zone I: States of Texas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida	*Cents per lb.* 4.0	*Cents per lb.* 3.9	*Cents per lb.* 3.7	*Cents per lb.* 3.5
Zone II: States of Kansas, Oklahoma, Missouri, Arkansas, Kentucky, Tennessee, Virginia, North Carolina	3.7	3.6	3.4	3.2
Zone III: All other states including District of Columbia	3.6	3.3	3.1	2.9

8. In Article III, section 15, Appendix C (e), the heading of Column 3 is amended to read as follows: "Maximum prices for less-than-carlot or less-than-trucklot sales at any place other than the country shipping point and to any person other than a processor or ultimate consumer."

9. The text of section 15, Appendix C (e) is amended to read as follows:

(e) The maximum prices for sales of fresh berries in any container shall be as follows:

(1) For sales of any fresh berries covered by this Appendix by hotel or institutional supply houses, the maximum price shall be the maximum prices stated in column 2 above, plus 5¢ per quart or 3¢ per pint.

(2) In sales by growers to ultimate consumers the maximum price shall be the price stated in column 3 above, multiplied by 1.34.

(3) Any of the above-listed berries may be sold by the pint or by the quart or in cases of pints or quarts or mixed pints and quarts. A quart, dry measure

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3400, 3843, 4486, 4519, 4977, 4892, 5318, 5480, 5486, 5818, 5846, 7198, 7267, 7344, 7380, 7767, 7601, 7825, 8679, 9024, 9305,

[1] 7 F.R. 6657, 7001, 7910, 8941, 8948; 8 F.R. 6046, 8874, 9884.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9546, 9568, 9727.

shall contain 20 ounces, avoirdupois, or more, and a pint shall contain 10 ounces, avoirdupois, or more. The per pound prices listed above may be converted to per quart prices as follows: For a 20 ounce avd. quart the price shall be 20/16 of the per pound price listed above; for a 30 ounce avd. quart the price shall be 30/16 of the per pound price listed above, and so on. In all cases where the maximum price results in a fraction of a cent the figure shall be rounded to the nearest cent.

(4) *Adjustment provisions* (See also section 2 of Article I). Any regional office or such district office of the Office of Price Administration as may be authorized by the appropriate regional office may, by order, adjust the maximum prices for raspberries set forth in column 3, above, as follows: The upward limit to which prices may be adjusted is the lower of (a) the average price received by growers for the 1942 crop in the region or district wherein the adjusted price is to be effected as determined by the regional or district office from official United States Department of Agriculture market news sources plus 3¢ per pound or (b) 18¢ per pound plus an amount equal to the freight between the area for which the adjustment is being made and the shipping point, in Oregon, Washington, New York, Pennsylvania, Ohio, and Michigan, which is nearest to that area.

No adjustment upward may be made for raspberries grown or sold in the states of Oregon, Washington, New York, Pennsylvania, Ohio, or Michigan.

Effective date. This amendment shall become effective July 29, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12315; Filed, July 29, 1943; 4:46 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amdt. 11 to Rev. SR 14[1] to GMPR]

TREASURY SILVER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The effective date provision of Amendment 5 to Revised Supplementary Regulation 14 is amended to read as follows:

Amendment 5 to Revised Supplementary Regulation 14 shall become effective July 29, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9187, 9680.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12318; Filed, July 29, 1943; 4:43 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 207—NAVIGATION REGULATIONS

DISPOSAL OF WATER BALLAST

Pursuant to the provisions of section 3 of the Oil Pollution Act, 1924 (43 Stat. 605; 33 U.S.C. 433), the following regulations governing the discharge of water ballast from vessels into the coastal waters of the United States are hereby prescribed.

§ 207.1 *Coastal waters of the United States; discharge of water ballast*—(a) *General.* Oil-free ballast water may be discharged into harbors at all times.

(b) *Disposal at sea.* It will be expected that vessels will dispose of all their ballast, or as much ballast as is practicable, before arrival in port—preferably about 100 or more miles offshore—except as otherwise ordered by Naval authorities.

(c) *Disposal in port*—(1) *Tanks cleaned before ballasting.* Tank vessels, in clean or dirty service, may pump their ballast overboard into harbors at any time whenever the tanks containing the ballast have been cleaned before the vessel was ballasted, provided this fact has been set forth by an entry in the log book. (This will apply to those vessels whose tanks have been cleaned prior to drydocking.)

(2) *Tanks not cleaned before ballasting.* Whenever owners or agents of tank vessels whose tanks have not been cleaned prior to ballasting are unable to secure barge or shore facilities to receive oil-contaminated ballast water, such owners or agents shall communicate with the enforcing agency named in paragraph (d) below.

Such information shall be furnished on the depth of water in ballast tanks and the nature of the oils to enable a decision by the enforcing agency as to whether and to what extent discharge of ballast water into the harbor will be permissible.

The remainder of the ballast water shall be disposed of as directed by the enforcing agency.

(d) These regulations will be enforced by the Supervisor of New York Harbor in the New York area and by the Captain of the Port at other United States ports and unless previously modified or rescinded shall remain in effect only for the duration of the war. (43 Stat. 605; 33 U.S.C. 433) [Regs. 20 July 1943 (CE 800.224 SPEKH)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-12295; Filed, July 29, 1943; 3:56 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter II—Children's Bureau

PART 201—MATERNAL AND CHILD HEALTH

PERSONNEL STANDARDS

By virtue of and pursuant to the authority conferred by section 1102 of the Social Security Act (49 Stat. 647, 42 U.S.C. 1302), as amended, and in accordance with the provisions of the Department of Labor Appropriation Act for the fiscal year ending June 30, 1944 (Public No. 135, Title I, 78th Cong., 1st Sess., approved July 12, 1943), it is hereby ordered that Title 42, Chapter II, Part 201, § 201.5 of the Code of Federal Regulations be amended to read as follows:

§ 201.5 *Personnel standards.* State plans for maternal and child-health services approved by the Chief of the Bureau shall provide for the establishment and maintenance of personnel standards on a merit basis. Included in such standards shall be such provisions regarding the administration of a merit system and qualifications of personnel as shall be established by the Bureau after taking into consideration recommendations of the State and Territorial Health Officers and of the Bureau's advisory committees, and standards set by national professional organizations relating to qualifications of professional personnel and classification of professional schools: *Provided, however,* That the Chief of the Children's Bureau shall not promulgate or carry out any instruction, order, or regulation relating to the care of obstetrical cases which discriminates between persons licensed under State law to practice obstetrics or prevents any patient from having the services of any practitioner of her own choice, so long as State laws are complied with.

Dated: July 29, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-12354; Filed, July 30, 1943; 11:10 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 80,[1] Amdt. 11]

PART 95—CAR SERVICE

CLASSIFICATION OF RICE AS GRAIN AND APPOINTMENT OF PERMIT AGENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of July, A. D. 1943.

[1] 8 F.R. 8514.

Upon further consideration of the provisions of Service Order No. 80, as amended, and it appearing that, due to inadequate storage space, there is danger of loss and damage to the rice crop unless provision is made for preference or priority in transportation, and that the Food Distribution Administration of the War Food Administration and the Office of Defense Transportation have requested that Service Order No. 80 be amended to include rice within the definition of the term "grain" and have requested the appointment of permit agents to control the movement of rice in certain market areas; the Commission is of the opinion that an emergency exists requiring immediate action;

It is ordered, That the term "grain" as defined in paragraph 1 of Service Order No. 80 (Codified as paragraph (a) of § 95.19 of Title 49, C.F.R.), as amended, is hereby amended to include rice; and the following persons are hereby designated and appointed as agents of the Commission to issue permits for the movement of grain (including rice) under the terms of this order to the following described markets:

Permit agents	*Market area*
C. C. Dehne, Manager, Arkansas Rice Traffic Bureau, Stuttgart, Ark.	Stuttgart, Jonesboro, Harrisburg, Carlisle, DeWitt, Newport, and Tuckerman, Ark.
W. J. Keller, Assistant Manager, Baton Rouge Rice Mills, Inc., Baton Rouge, La.	Baton Rouge, La.
C. D. Arnold, Manager, Southwest Louisiana Traffic Bureau, Crowley, La.	Crowley, Manchester, Lake Charles, Kaplan, Rayne, Abbeville, Jennings, Mermentau, Gueydan, Eunice, Hayes, Estherwood, New Iberia, Lake Arthur and Opelousas, La.
Louis Becker, Traffic Representative, 749 South Peters Street, P. O. Box 1172, New Orleans, La.	New Orleans, La.
F. H. Fredricks, Port Manager of the City of Beaumont, Beaumont, Texas.	Beaumont and Orange, Texas.

It is further ordered, That Roy T. James, Houston Merchants Exchange, Houston, Texas, is hereby appointed as agent of the Commission to issue permits for the movement of rice to the Houston, Galveston, Bay City, El Campo, and Eagle Lake, Texas, markets.

It is further ordered, That G. D. Hankins, Archer Daniels Midland Company, Fredonia, Kans., is hereby appointed as agent of the Commission to issue permits for the movement of flaxseed to the Fredonia, Kans., market.

It is further ordered, That Carl A. Hansen, Traffic Bureau, Des Moines, Iowa, Chamber of Commerce, is hereby substituted for A. V. Tischer as agent of the Commisison to issue permits for the movement of grain (including rice) to the Des Moines, Iowa Falls, Fort Dodge, and Centerville, Iowa, market area.

And it is further ordered, That this amendment shall become effective August 1, 1943; that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12352; Filed, July 30, 1943; 10:53 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-1730-II, A-1869]

CERTAIN ORIGINAL PETITIONS

ORDER OF DISMISSAL

In the matter of certain petitions filed under section 4 II (d) of the Bituminous Coal Act of 1937.

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, were duly filed with this Division.

Since the Bituminous Coal Act of 1937 will cease to be in effect at 12:01 a. m. August 24, 1943 and since insufficient time remains prior to August 24, 1943, within which to hold hearings for the purpose of making a proper disposition of the said dockets and to action necessary to complete a determination in each of them, it appears appropriate that each of said petitions herein should be dismissed.

Now, therefore, it is ordered, That each of the petitions in the above-mentioned dockets be, and the same hereby is, dismissed.

Dated: July 28, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12357; Filed, July 30, 1943; 11:13 a. m.]

[Order No. 358]

PETITIONS BY DISTRICT BOARDS OR CODE MEMBERS

ORDER CONCERNING EXPIRATION OF COAL ACT, FILING OF PETITIONS AND NEW CODE MEMBER ACCEPTANTS

An order concerning the expiration of the Coal Act and the filing of petitions for the revision or establishment of price classifications and minimum prices and concerning new code member acceptants.

Inquiries have been received by the Division concerning the filing of petitions by either District Boards or Code members seeking (1) the revision of established price classifications or minimum prices, (2) the establishment of price classifications and minimum prices for coal produced by code members in existing size groups or use classifications or for shipments by new methods of transportation or from new shipping points, and (3) the establishment of price classifications and minimum prices for the coals produced by new acceptants of the Bituminous Coal Code.

Some question as to the proper action to be taken with regard to the filing of petitions such as described above is occasioned by the Order dated April 5, 1943, in General Docket No. 19; Order No. 303, dated September 26, 1940, and by the fact that the Bituminous Coal Act will cease to be in effect at 12:01 a. m., August 24, 1943. The administrative problems involved in processing all petitions prior to 12:01 a. m. August 24, 1943, make it necessary to revise procedures heretofore followed.

Inasmuch as disposition of the petitions categorized as (1) involves matters which for the most part require extensive investigation, public hearings, findings of fact and time for exceptions, arguments and the filing of briefs, and since sufficient time does not remain prior to August 24, 1943, when the Bituminous Coal Act ceases to be in effect, to consider and weigh all factors necessary to a proper disposition of such petitions, it is deemed necessary to put all interested persons on notice that such petitions, if received on or after 12:01 a. m., July 15, 1943, will not be accepted for filing.

The same considerations are present with regard to the petitions categorized as (2) except that hearings may not be required, but investigations must nevertheless be had in each case. Likewise, under existing rules, new acceptances of Code membership are not effective until thirty days after the filing thereof, except as provided in Order No. 303, and it is not administratively practical to process these acceptances in the usual manner. Accordingly, it is deemed advisable to establish a date beyond which formal action on such petitions and new Code acceptances will not be taken. As previously set out in Statement of the Director No. 101, that date is July 15, 1943. In order, however, that all producers and the District Boards may know what action to take, the following procedure will be adopted:

All new acceptances of the Bituminous Coal Code filed between 12:01 a. m., July 15, 1943, and August 24, 1943, shall be deemed to be effective from and after such filing with the Bituminous Coal Division. Code members and producers whose acceptances become automatically effective upon filing, pursuant to this order, may sell coal produced by

them at prices which are not less than the minimum prices previously established by the Division for comparable and analogous coals from the nearest mine in the same seam or substantially similar seam.

The same procedure as set forth above is applicable to Code members who, pursuant to the provisions hereof are precluded from filing petitions for the establishment of classifications or prices for unpriced coal produced from new mines or for unpriced coals in existing size groups or use classifications produced from mines presently operating or for shipments by new methods of transportation or from new shipping points.

Now, therefore, it is ordered, That:

1. Any new petition received by the Bituminous Coal Division after 12:01 a. m., July 15, 1943, which requests a revision of established price classifications or minimum prices or the establishment of price classifications and minimum prices for coals produced by Code members in existing size groups or use classifications which have not heretofore been established or for shipments by new methods of transportation or from new shipping points shall not be accepted for filing and shall be promptly returned to the petitioner together with a copy of this order.

2. All Code acceptances filed with the Bituminous Coal Division between 12:01 a. m., July 15, 1943, and 12:01 a. m., August 24, 1943, shall be deemed to be effective immediately as of the time of filing with the Bituminous Coal Division.

3. Producers of bituminous coal who have filed Code acceptances between 12:01 a. m., July 15, 1943, and 12:01 a. m., August 24, 1943, may sell bituminous coal produced by them without further approval by this Division at not less than the minimum prices previously established by this Division for comparable and analogous coal produced from the nearest mine in the same seam or substantially similar seam.

4. Code members who, pursuant to the provisions of paragraph 1 hereof, are precluded from filing petitions for the establishment of classifications or prices for unpriced coal from new mines or for unpriced coals in existing size groups or use classifications produced from mines presently operating or for shipments by new methods of transportation or for new shipping points may sell such coals produced by them without further approval of this Division at not less than the minimum prices previously established by this Division for comparable and analogous coal produced from the nearest mine in the same seam or substantially similar seam.

5. This order shall supersede any provision of any previous order, rule or regulation of the Division which may be in conflict with the terms hereof.

6. Any person desiring an opportunity to be heard concerning the subject matter of this order shall file a written request on or before August 7, 1943.

This order shall be effective forthwith.

Dated: July 28, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12356; Filed, July 30, 1943; 11:13 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 769]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1943.

Inasmuch as Peoples Light and Power Company has transferred all its assets and liabilities to Garkane Power Association, Incorporated, and Garkane Power Association, Incorporated has assumed the entire indebtedness to United States of America, of Peoples Light and Power Company, arising out of a loan made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend the administrative order designated below to change the allocation designation specified therein as follows:

Project designation	Administrative order		Amount of allocation	Amount of allocation advanced	New project designation
	No.	Date			
Utah 8007A1 P. L. & P. (allotted as Utah 8007A1 Wayne, changed by Memorandum to Staff dated September 15, 1939).	198	Feb. 18, 1938	$5,000	$5,000	Utah 6 Garfield (Utah 8007A1 P. L. & P.).

I also hereby amend Administrative Order No. 314, dated December 29, 1938, by changing the project designation appearing therein as "Idaho R9006A2 Bonner" to read "Idaho R9004C2 Bonner."

HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-12297; Filed, July 29, 1943; 4:00 p. m.]

[Administrative Order 770]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1943.

Inasmuch as Border Electric Cooperative, Inc. has transferred all its assets and liabilities to North Star Electric Cooperative, Incorporated, and North Star Electric Cooperative, Incorporated has assumed the entire indebtedness to United States of America, of Border Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend the administrative orders designated below to change the allocation designations specified therein as follows:

Project designation	Administrative order		Amount of allocation	Amount of allocation		New project designation
	No.	Date		Advanced	Not advanced	
Minnesota 1088A1 Koochiching.	536	Oct. 31, 1940	$107,000	$107,000	----------	Minnesota 95 Lake of the Woods (Minnesota 1088A1 Koochiching).
Minnesota 1088W1 Koochiching.	544	Dec. 6, 1940	6,000	6,000	----------	Minnesota 95 Lake of the Woods (Minnesota 1088S1 Koochiching).
Minnesota 2088S2 Koochiching.	620	Sept. 23, 1941	27,000	1,533.98	----------	Minnesota 95 Lake of the Woods (Minnesota 2088S2 Koochiching).
					$25,466.02	Minnesota 2-95S3 Lake of the Woods.
Minnesota 2-1088A2 Koochiching.	697	May 6, 1942	8,000	1,276.85	----------	Minnesota 95 Lake of the Woods (Minnesota 2-1088A2 Koochiching).
					6,723.15	Minnesota 2-1095A3 Lake of the Woods.

HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-12298; Filed, July 29, 1943; 4:00 p. m.]

[General Memorandum 58]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1943.

The allocation specified below was made by Executive Order under the Emergency Relief Appropriation Act of 1935. It is now desired to change the allocation designation. However, inasmuch as Executive Orders cannot be amended by administrative order, such designation should for the purposes of our records be deemed to be changed as follows:

Project designation	Date of Executive order	Amount of allocation	New project designation
Idaho 6 Bonner.	Nov. 29, 1935	$35,750	Idaho 6004A2 Bonner.

HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-12299; Filed, July 29, 1943; 4:00 p. m.]

ADMINISTRATOR OF CIVIL AERONAUTICS.

PORT COLUMBUS AIRPORT, COLUMBUS, OHIO

OPERATIONS BELOW PRESCRIBED MINIUM WEATHER CONDITIONS

[Order 11]

JULY 19, 1943.

It appearing that:

(a) Test flights of aircraft designed for military use are being conducted at Port Columbus Airport, Columbus, Ohio; and

(b) It is necessary to conduct such test flights even when weather conditions are less than the prescribed minimums; and

(c) The Commanding Office of the Aircraft Delivery Unit at Port Columbus, Ohio has indicated that such testing is required in the conduct of the war;

Now, therefore, the Administrator, acting pursuant to the provisions of the Special Civil Air Regulation No. 274, designates Port Columbus Airport, Columbus, Ohio as an airport where test flights of military aircraft, in accordance with the provisions of Special Civil Air Regulation No. 274, may be conducted when weather conditions are less than the prescribed minimums.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-12346; Filed, July 30, 1943; 9:34 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5563]

OHIO PUBLIC SERVICE CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

JULY 27, 1943.

It appearing to the Commission that:

(a) Subsequent to the hearing and the filing of briefs in this proceeding, the Commission adopted its opinion and order "In the Matter of The Connecticut Light and Power Company," Docket No. IT-5665, Opinion No. 75, 44 P. U. R. (N. S.) 170 and the Courts rendered decisions in "Jersey Central Power & Light Company v. Federal Power Commission" and "New Jersey Power & Light Company v. Federal Power Commission," — U. S. —, 87 L. ed. 869, and "Hartford Electric Light Company v. Federal Power Commission" (C. C. A. 2), 131 Fed. (2d) 953 (Certiorari denied, — U. S. —, 87 L. ed. 927), which relate to and dispose of many of the issues raised in this proceeding;

(b) Opportunity should be accorded counsel for the respondent, The Ohio Public Service Company, and counsel for the Commission, to present their contentions in this proceeding in the light of the decisions referred to above;

The Commission *Orders*, That:

Oral argument in this proceeding will be heard by the Commission sitting *en banc*, on September 15, 1943, at 9:45 a. m. (e. w. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-12296; Filed, July 29, 1943; 3:55 p. m.]

[Docket No. G-488]

CITIES SERVICE TRANSPORTATION AND CHEMICAL CO.

NOTICE OF APPLICATION

JULY 29, 1943.

Notice is hereby given that on July 27, 1943, an application was filed with the Federal Power Commission by Cities Service Transportation and Chemical Company, a Delaware corporation having its principal place of business in Ponca City, Oklahoma, seeking a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, for the construction and operation of the following described facilities:

(1) A gas compressor station of 8,000 horsepower capacity to be located in Texas County, Oklahoma, at the western terminus of the transmission line hereinafter described;

(2) A 26-inch gas transmission line approximately 231 miles in length extending from the compressor plant hereinabove described eastward to the Blackwell compressor station of Cities Service Gas Company in Kay County, Oklahoma, such line passing through Texas, Beaver, Harper, Woods, Alfalfa and Grant Counties, Oklahoma;

(3) A dehydration plant to be located at the proposed compressor station described in (1) above to reduce the formation of hydrates in the pipe line;

(4) A pipe line gathering system to be constructed in the Hugoton gas field, Texas County, Oklahoma, to connect certain gas wells with the compressor station, described in (1) above; and

(5) A telephone pole line extending eastward from said compressor station to the telephone system of Cities Service Gas Company at Mooreland, Woodward County, Oklahoma, thence eastward by a telephone carrier circuit over said system to applicant's home office at Ponca City.

Any person desiring to be heard or to make any protest in reference to said application should, on or before August 16, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-12359; Filed, July 30, 1943; 11:43 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1591]

ERNST W. C. TOEPFER

Re: Ernst W. C. Toepfer (a co-partnership).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Stiftung, J. W. G., which is located in Vaduz, Liechtenstein, is a foundation organized under the laws of Liechtenstein;

2. Finding that Guenther Martin is a citizen of Germany, whose last known address is Hamburg, Germany, and is a national of a designated enemy country (Germany);

3. Finding that Stiftung, J. W. G., is controlled by Guenther Martin and is, therefore, a national of a designated enemy country (Germany);

4. Finding that Ernst W. C. Toepfer is a co-partnership composed of Ernst W. C. Toepfer and Karl Heins, is established under the laws of the State of New York with its principal place of business in New York, New York, and is a business enterprise within the United States;

5. Finding that said Ernst W. C. Toepfer, a co-partnership, is controlled by, and is acting or purporting to act directly or indirectly for the benefit or on behalf of, the said Stiftung, J. W. G., and is a national of a designated enemy country (Germany);

6. Finding that the property described as follows:

All property of whatever nature, situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Stiftung, J. W. G., and standing in the name of Ernst W. C. Toepfer, a co-partnership,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

7. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

8 Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 6 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12244; Filed, July 29, 1943; 9:45 a. m.]

[Vesting Order 1592]

H. F. RITTER & COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Stiftung, J. W. G., which is located in Vaduz, Liechtenstein, is a foundation organized under the laws of Liechtenstein;

2. Finding that Guenther Martin is a citizen of Germany, whose last known address is Hamburg, Germany, and is a national of a designated enemy country (Germany);

3. Finding that Stiftung, J. W. G., is controlled by Guenther Martin and is, therefore, a national of a designated enemy country (Germany);

4. Finding F. W. Holland-Letz, whose last known address is Steinbach-Hallenberg, Germany, is a business enterprise organized under the laws of Germany and is a national of a designated enemy country (Germany);

5. Finding that H. F. Ritter & Company, Inc., is a corporation organized under the laws of and doing business in the State of New York and is a business enterprise within the United States;

6. Finding that 10 shares of no par value common capital stock of H. F. Ritter & Company, Inc. are registered in the name of Ernst W. C. Toepfer, a co-partnership, and are beneficially owned by Stiftung, J. W. G.;

7. Finding that said 10 shares of stock constitute a substantial part (namely, 50%) of all issued and outstanding capital stock of H. F. Ritter & Company, Inc. and represent an interest therein;

8. Finding, therefore, that H. F. Ritter & Company, Inc. is a national of a designated enemy country (Germany);

9. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Stiftung, J. W. G., and F. W. Holland-Letz, and each of them, in and to all obligations, contingent or otherwise and whether or not matured, owing to them, or either of them, by H. F. Ritter & Company, Inc., including but not limited to all security rights in and to any and all collateral, for any or all such obligations and the right to enforce and collect such obligations, and including particularly the interests of Stiftung, J. W. G., and F. W. Holland-Letz, and each of them, in H. F. Ritter & Company, Inc., represented on its books and records as "accounts payable", the interest of Stiftung, J. W. G., being represented by accounts payable in the names of Ernst W. C. Toepfer, L. Herrmann, and Karl Heins,

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and is also property within the United States owned or controlled by nationals of a designated enemy country (Germany);

10. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

11. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

12. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 10 shares of stock referred to in subparagraph 6 and the property described in subparagraph 9 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12245; Filed, July 29, 1943; 9:45 a. m.]

[Vesting Order 1698]

MARGHERITA ROSSETTO

Re: First mortgage on real property owned by Margherita Rossetto.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Margherita Rossetto is a resident of Italy, whose last known address is Pavone-Canavese, Torino, Italy and is a national of a designated enemy country (Italy);

2. Finding that Margherita Rossetto is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All right, title and interest of Margherita Rossetto, and of every other national of a designated enemy country, in and to any and all obligations secured by a first mortgage, record title to which is held by the Lehigh Valley Trust Company for Margherita Rossetto and executed by Nathan J. Weiler and Mabel H. Weiler, his wife, on the 27th day of November, 1931 and recorded on November 27, 1931 in the Office of the Recorder of Deeds of Lehigh County, Pennsylvania, in Mortgage Volume 409 at page 598, including but not limited to all security rights in and to any and all collateral (including the aforesaid first mortgage) for any or all such obligations, and the right to enforce and collect such obligations, and the right to the possession of all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4 Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12246; Filed, July 29, 1943; 9:46 a. m.]

[Vesting Order 1721]

DEUTSCHES HAUS, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 1640 of June 10, 1943, that German American Bund, an unincorporated association, with its principal office in New York, New York, is a business enterprise within the United States and is a national of a designated enemy country (Germany);

2. Finding that Deutsches Haus, Inc., is a non-stock membership corporation organized under the laws of the State of California, whose principal place of business is located at 634 West 15th Street, Los Angeles, California, and is a business enterprise within the United States;

3. Finding that Deutsches Haus, Inc., was organized by and is an instrumentality of the German American Bund, Los Angeles Unit;

4. Finding that Deutsches Haus, Inc., is controlled by and acts for or on behalf of a designated enemy country (Germany) or of nationals thereof;

5. Determining, therefore, that Deutsches Haus, Inc., is a national of a designated enemy country (Germany);

6. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to Deutsches Haus, Inc., including but not limited to, property in the name of Deutsches Haus and/or Deutsches Haus Restaurant, Inc.,

is property of the aforesaid business enterprise within the United States which is a national of a designated enemy country (Germany);

7. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

8. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 6 hereof, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12247; Filed, July 29, 1943; 9:46 a. m.]

[Vesting Order 1746]

LORENZO FASSIO

Re: Two first mortgages on real properties and bank account owned by Lorenzo Fassio.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Lorenzo Fassio is a resident of Italy, whose last known address is Castell Alfero, Asti, Province of Asti, Italy, and is a national of a designated enemy country (Italy);

2. Finding that Lorenzo Fassio is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title and interest of Lorenzo Fassio and of every other national of a designated enemy country in and to the following obligations, including but not limited to all security rights in and to any and all collateral (including the mortgages hereinafter mentioned) for any or all such obligations, and the right to enforce and collect such obligations, and the right to the possession of all notes, bonds and other instruments evidencing such obligations:

(i) Obligations secured by a first mortgage dated July [June] 20, 1923, executed by Fanny Louise Clark and recorded June 23, 1923, in the Manchester Land Records, Hartford County, Connecticut, in Book 75, page 389, and

(ii) Obligations secured by a first mortgage executed July 5, 1923 by Rachel Bradley and recorded August 7, 1923, in the Manchester Land Records, Hartford County, Connecticut, in Book 75, page 464, and

b. All right, title, interest and claim of any name or nature whatsoever, of Lorenzo Fassio, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Lorenzo Fassio by Savings Bank of Manchester, Manchester, Connecticut, including but not limited to all security rights in and to any and

all collateral for any or all such obligations, and the right to enforce and collect such obligations, and including particularly Savings Account No. 42,098 in said bank, due and owing to and held for and in the name of Lorenzo Fassio,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5 Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim, arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12248; Filed, July 29, 1943; 9:47 a. m.]

[Vesting Order 1852]

ESTATE OF OSKAR KLINKE

In re: Estate of Oskar Klinke, deceased; File D-6-587; E. T. sec. 6947.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Henry O. Klinke and Emilia K. Hale, Administrators, acting under the judicial supervision of the County Court of the State of Oregon for Douglas County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:		*Last known address*
Ernest Klinke	Germany	(Sudetenland).
Rudolph Klinke	Germany	(Austria).
Hilda Klinke Fischer	Germany	(Austria).
Mimi Klinke	Germany	(Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ernest Klinke, Rudolph Klinke, Hilda Klinke Fischer and Mimi Klinke and each of them in and to the Estate of Oskar Klinke, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12249; Filed, July 29, 1943; 9:48 a. m.]

[Vesting Order 1853]

ANNA FERRANTINO

In re: Guaranteed First Mortgage Participation Certificate, Number 53 of Series 101,529 issued for $8,974.63 issued by the Lawyers Mortgage Company to Anna Ferrantino; File F-38-1262; E. T. sec. 1839.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William P. Thomas, Benjamin Antin and Henry G. McDonough, Trustees, acting under the judicial supervision of the Supreme Court of State of New York, County of Bronx, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Anna Ferrantino	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Ferrantino in and to the Guaranteed First Mortgage Participation Certificate Number 53 of Series 101,529 for $8,974.63 issued by the Lawyers Mortgage Company, New York,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive Order.

Dated July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12250; Filed, July 29, 1943; 9:48 a. m.]

[Vesting Order 1854]

NORI ROSA AILEEN MEDUNA

In re: Conservatorship of Property of Nori Rosa Aileen Meduna, sometimes known as Donaldina Meduna, a minor; File F-38-347; E. T. sec. 6030.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Nashville Trust Company, 315 Union Street, Nashville, Tennessee, Conservator, acting under the judicial supervision of the Chancery Court of Davidson County, Nashville, Tennessee;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Nori Rosa Aileen Meduna, sometimes known as Donaldina Meduna.	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Nori Rosa Aileen Meduna, sometimes known as Donaldina Meduna, in and to the property in the hands of the Nashville Trust Company, Conservator appointed by Decree of the Chancery Court of Davidson County, Nashville, Tennessee, of funds distributable and payable to Nori Rosa Aileen Meduna, sometimes known as Donaldina Meduna, a minor, from the estate of Donald Shaw MacLaughlan, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12251; Filed, July 29, 1943; 9:48 a. m.]

[Vesting Order 1855]

ESTATE OF CHRISTIAN NARR

In re: Estate of Christian Narr, also known as Christian Nahr, deceased; File D-28-2303; E. T. sec. 3164.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Rose Wiedmann Narr, Executrix, and Charles Wiedmann, Executor, of the estate of Christian Narr, deceased, also known as Christian Nahr, acting under the judicial supervision of the Orphans' Court of Mercer County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Marie Naar Gern	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Naar Gern, in and to the estate of Christian Narr, also known as Christian Nahr, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12252; Filed, July 29, 1943; 9:49 a. m.]

[Vesting Order 1856]

TRUST UNDER WILL OF HENRY C. OPITZ

In re: Trust under Will of Henry C. Opitz, deceased; File D 28-1738; E. T. sec. 831.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bankers Trust Company, and Mollien O. Opitz, trustees, acting under the judicial supervision of Surrogate's Court, New York County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Martha Knop	Germany.
Bertha Goenneke	Germany.
Wilhelm Baake and his next of kin and heirs at law.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States require that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Martha Knop, Bertha Goenneke and Wilhelm Baake and his next of kin and heirs at law, and each of them, in and to the Trust Estate created under the Last Will and Testament of Henry C. Opitz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the

Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12253; Filed, July 29, 1943; 9:49 a. m.]

[Vesting Order 1857]

ESTATE OF PIETRO PETRIELLA

In re: Estate of Pietro Petriella, also known as Pietro A. Pietriella, deceased; File D–38–728; E. T. sec. 7118.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Potter Title and Trust Company, Fourth Avenue and Grant Street, Pittsburgh, Pennsylvania, Administrator, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Vincenzina Petriella	Italy.
Michele Petriella	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Vincenzina Petriella and Michele Petriella, and each of them, in and to the estate of Pietro Petriella, also known as Pietro A. Petriella, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12254; Filed, July 29, 1943; 9:49 a. m.]

[Vesting Order 1858]

ESTATE OF MICHAEL PETROFF

In re: Estate of Michael Petroff, deceased; File D–11–18; E. T. sec. 3638.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Thomas J. Mattimoe, Edison Building, Toledo, Ohio, Administrator de bonis non, acting under the judicial supervision of the Probate Court of Lucas County, Ohio;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Bulgaria, namely,

Nationals:	*Last known address*
Petrana N. Russeva	Bulgaria.
Person or persons, names unknown, legal heirs of Michael Petroff, deceased.	Bulgaria.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Bulgaria; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property nd interests:

All right, title, interest, and claim of any kind or character whatsoever of Petrana N. Russeva and person or persons, names unknown, legal heirs of Michael Petroff, deceased, and each of them, in and to the estate of Michael Petroff, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12255; Filed, July 29, 1943; 9:50 a. m.]

[Vesting Order 1859]

TRUST UNDER WILL OF ERNEST PIA

In re: Trust under will of Ernest Pia, deceased; File No. F–38–1327; E. T. sec. 5408.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John Purcella, of New New, New York, Executor and Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Caterina M. Pia	Omegna, per Forno, Italy.
Clotilde Pia Tonoli	Omegna, per Forno, Italy.
Giustina M. Pia	Omegna, per Forno, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order

or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Caterina M. Pia, Clotilde Pia Tonoli and Giustina M. Pi., and each of them, in and to a trust created under the will of Ernest Pia, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12256; Filed, July 29, 1943; 9:50 a. m.]

[Vesting Order 1860]

ESTATE OF PAUL REIMERS

In re: Estate of Paul Reimers, deceased; File No. D–28–3560; E. T. sec. 5728.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by M. J. Winston, Esq., executor, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Otto Reimers, and his issue whose names are unknown.	Germany.
George Reimers	Germany.
Robert Reimers	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Otto Reimers, and his issue, whose names are unknown, George Reimers and Robert Reimers, and each of them, in and to the Estate of Paul Reimers, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12257; Filed, July 29, 1943; 9:51 a. m.]

[Vesting Order 1861]

ESTATE OF M. RICHTER

In re: Partition Proceedings: J. M. Smith, plaintiff, vs. J. J. Lorenz, as administrator of the estate of M. Richter, deceased, defendant, filed in the Circuit Court of Wood County, West Virginia, In Chancery #8335, April 8, 1942; File F–28–13347; E. T. sec. 4289.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is involved in partition proceedings in the Circuit Court of Wood County, West Virginia, entitled, J. M. Smith, Plaintiff, vs. J. J. Lorenz, as administrator of the Estate of M. Richter, deceased, Defendant, In Chancery #8335, filed in said Court, April 8, 1942;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Edwin Lorenz	Germany.
Emilie Unger	Germany.
Udo Schneider	Germany.
Minna Briesowsky	Germany.
Paul Belger	Germany.
Hedwig Lorenz	Germany.
Emil Lorenz	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Edwin Lorenz, Emilie Unger, Udo Schneider, Minna Briesowsky, Paul Belger, Hedwig Lorenz and Emil Lorenz, and each of them, in and to the proceeds from the sale of the real property involved in the above partition proceedings,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12258; Filed, July 29, 1943; 9:51 a. m.]

[Vesting Order 1862]

FRANK J. AND MARGARET L. ROBLING

In re: Trust under agreement dated July 13, 1931, executed by Frank J. Robling and Margaret L. Robling; File D–28–2325; E. T. sec. 3297.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and

pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Scranton Lackawanna Trust Company, 506 Spruce Street, Scranton, Pennsylvania, Trustee, acting under the judicial supervision of the Orphans' Court of Lackawanna County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Benedikt Heinrich Werre	Germany.
Anna Marie Wipperfuhrt nee Werre.	Germany.
Bernhart Friedrich Schmies	Germany.
Regina Johanna Shorn (Regina Johanna Schorn) nee Schmies.	Germany.
Martha Marie Freidlich (Margaretha Maria Friedlich) nee Schmies.	Germany.
Mathias Gaspers (Matthias Gaspars).	Germany.
Johannes Gaspers (Johannes Gaspars).	Germany.
Bernard Gaspers (Bernhard Gaspars).	Germany.
Susanna Batzonath (Susanna Ratzonath) nee Gaspers.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Benedikt Heinrich Werre, Anna Maria Wipperfuhrt nee Werre, Bernhart Friedrich Schmies, Regina Johanna Shorn (Regina Johanna Schorn) nee Schmies, Martha Maria Freidlich (Margaretha Maria Friedlich) nee Schmies, Mathias Gaspers (Matthias Gaspars), Johannes Gaspers (Johannes Gaspars), Bernard Gaspers (Bernhard Gaspars) and Susanna Batzonath (Susanna Ratzonath) nee Gaspers, and each of them, in and to the trust estate created under agreement dated July 13, 1931, executed by Frank J. Robling and Margaret L. Robling,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12259; Filed, July 29, 1943; 9:51 a. m.]

[Vesting Order 1863]

ESTATE OF JOSEPH RODER

In re: Estate of Joseph Roder, deceased; File D–28–2323: E. T. Sec. 3133.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph Roder, Jr., Administrator with the Will Annexed, 559 North 64th Street, Wauwatosa, Wisconsin, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Katherina Fluegel	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Katherina Fluegel in and to the estate of Joseph Roder, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12260; Filed, July 29, 1943; 9:52 a. m.]

[Vesting Order 1864]

ESTATE OF AGNES B. SCHAEDLICH

In re: Estate of Agnes B. Schaedlich, deceased. File D–28–6678; E.T. sec. 5076.

Under the authority of the Trading with the Enemy Act, as amended and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Edna Schmidt, 1924 McGraw Street, New York, N. Y., Executrix, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Albrecht Siegel	Germany.
Louise Manger	Germany.
Selma Brosius	Germany.
Louise Buttner	Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Albrecht Siegel, Louise Manger, Selma Brosius and Louise Buttner, and each of them, in and to the Estate of Agnes B. Schaedlich, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12261; Filed, July 29, 1943; 9:52 a. m.]

[Vesting Order 1865]

TRUST UNDER WILL OF WILLIAM SCHAUS

In re: Trust under the will of William Schaus, deceased; File No. D–28–1459; E. T. sec. 140.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by United States Trust Company of New York, acting under the judicial supervision of the Surrogate's Court, New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address.*
Kuno Brinkmann	Germany.
Edwin von Kayser	Germany.
Bruno von Kayser	Germany.
Irmgard Spielberg	Germany.
Ruth Koehler	Germany.
Victor Koehler	Germany.
Bridget von Bothmer	Germany.
Thorwald von Bothmer	Germany.
Annie von Zitzewitz	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Kuno Brinkmann, Edwin von Kayser, Bruno von Kayser, Irmgard Spielberg, Ruth Koehler, Victor Koehler, Bridget von Bothmer, Thorwald von Bothmer and Annie von Zitzewitz, and each of them, in and to a trust under the will of William Schaus, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12262; Filed, July 29, 1943; 9:52 a. m.]

[Vesting Order 1866]

ESTATE OF HENRY H. SCHMIDT

In re: Estate of Henry H. Schmidt, deceased; File D–28–2029; E. T. sec. 2105.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William A. Walter, executor, acting under the judicial supervision of the Probate Court of Wood County, Ohio,

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Elli Schmidt	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elli Schmidt in and to the Estate of Henry H. Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12263; Filed, July 29, 1943; 9:52 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. Gen. Order 32,[1] Amdt. 6]

TERRITORIAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

Revised General Order 32 is amended by adding subparagraph (c) (3) to read as follows:

(3) The authority delegated herein to the Regional Administrator for Region IX is hereby extended to the Territorial Directors in Puerto Rico, Hawaii, the Virgin Islands of the United States and Alaska.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12330; Filed, July 29, 1943; 4:51 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 27, 1943.

[1] 8 F.R. 1769, 2902, 2906, 4143, 5417, 7054.

Order number:	*Name*
RPS 10, Order 2, Amendment 1.	Pittsburgh Ferromanganese Co.
RPS 60 Order 5	American Sugar Refining Co. et al.
RMPR 125, Order 40	Allis Foundry Products Inc.
MPR 244, Order 15, Amendment 1.	San Francisco Iron Foundry.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–12327; Filed; July 29, 1943; 4:53 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 28, 1943.

Order No.	*Name*
RMPR 125, Order 42	Slack-Horner Brass Mfg. Co.
MPR 134, Order 8	Little Rock Road Machinery Co.
MPR 136, as amended, Order 78	Wisconsin Machinery & Mfg. Co.
MPR 136, as amended, Order 79	Perfect Circle Co.
MPR 136, as amended, Order 80	Stewart-Warner Corp.
MPR 136, as amended Order 81	Lowell Shuttle Co.
MPR 120, Revised Order 106	Winston Mining Co.
MPR 120, Order 227	Little Ben Coal Co.
MPR 188, Order 525	Shenandoah Valley Lime & Stone Corp.
MPR 213, Order 10	Fischer Bed Spring Co.
MPR 225, Order 12	Newport News Forms Co., Inc.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–12326; Filed, July 29, 1943; 4:53 p. m.]

[Order 6 Under RPS 60]

PRIMARY DISTRIBUTORS OF DIRECT CONSUMPTION SUGAR

APPROVAL OF MAXIMUM PRICES

Order No. 6 under § 1334.51 (a) (6) (i) of Revised Price Schedule 60—Direct Consumption Sugar.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) *Maximum prices governing sales by primary distributors of certain new grades and packages of direct consumption sugar.* (1) All primary distributors of direct consumption sugar are hereby authorized to determine their maximum prices for granulated sugar in small cotton bags enclosed in regular commercial type paper sacks containing 100 lbs. net of sugar by adding the same differential they have established for the same small size cotton bags enclosed in cotton sacks or cotton covers containing 100 lbs. net of sugar to the maximum basis price.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) This order shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12329; Filed, July 29, 1943; 4:53 p. m.]

Regional, State, and District Office Orders.

[Region VI Order G–5 Under Rev. MPR 122]

SOLID FUELS IN TWIN CITIES AREAS, MINN.

Order No. G–5 under Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers. Maximum prices for solid fuels sold in the Twin Cities Area.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and for reasons stated in the opinion issued herewith, *It is ordered:*

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made in the Twin Cities Area. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point in the Twin Cities Area or from a coal yard within such area; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher that the maximum prices set by this Order No. G–5; but less than the maximum prices may at any time be charged, paid, or offered.

(2) Obtain a higher than maximum price by

(i) Charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this Order.

(ii) Charging a price higher than the schedule price for a service.

(iii) Making a charge higher than the schedule charge authorized for the extension of credit.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(v) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of sold fuels. Column 1 describes the coal for which prices are established; columns 2 and 3 show maximum prices at which sales of domestic coal may be made by the dealer; columns 4 and 5 show the maximum prices for sales of steam coal and columns 6 and 7 show the maximum prices for yard sales to other dealers for resale. All sales shall be on a net ton basis.

SCHEDULE

1	2	3	4	5	6	7
Description	Domestic coal		Steam coal consumer		Dealer at yard	
	Delivered	At yard	Delivered	At yard	Domestic	Steam
I. Low volatile bituminous coal from District No. 7 (West Virginia & Northern Virginia, Smokeless):						
1. Lump 2" and over and egg mixed	$15.30	$14.30	$13.85	$13.45	$12.55	$12.85
2. Egg 3" x 2" and larger	15.65	14.65	14.20	13.80	12.90	13.20
3. Stove 2" x 1¼" and larger	15.10	14.10	13.65	13.25	12.35	12.65
4. Pea or Nut 1¼" x ⅝"	14.30	13.30	11.80	11.40	11.55	10.80
5. Stoker Pea ⅝" x ¼"	13.30	12.30	11.70	11.30	10.55	10.65
6. Unscreened stoker (buckwheat)	12.65	11.65	10.00	9.60	9.80	9.00
7. Screenings ⅜" x 0 and larger	11.30	10.30	9.10	8.70	9.65	8.10
8. Run-of-mine	13.20	12.20	11.70	11.30	10.80	10.70
II. High volatile bituminous from District No. 8 (Southern West Virginia, Virginia Eastern Kentucky, Northern Tennessee):						
1. Lump 2" and over:						
A. Premium Kentucky (including coals in High Splint, Miller's Creek and Jellico Seams and No. 5 seam coal in Price Classification A)	14.10	13.10	12.25	11.85	11.35	11.25
B. Elkhorn	13.70	12.70	11.85	11.45	10.95	10.85
C. Harlan	13.55	12.55	11.70	11.30	10.80	10.70
D. Dorothy, Hazard	13.35	12.35	11.50	11.10	10.60	10.50
E. Island Creek	13.15	12.15	11.30	10.90	10.40	10.30
2. Egg:						
A. Premium Kentucky (including coals in High Splint, Miller's Creek and Jellico Seams and No. 5 Seam Coal in Price Classification A)	13.90	12.90	12.05	11.65	11.15	11.07

SCHEDULE—Continued

1	2	3	4	5	6	7
Description	Domestic coal		Steam coal consumer		Dealer at yard	
	Delivered	At yard	Delivered	At yard	Domestic	Steam
II. High volatile bituminous from District No. 8—Continued.						
2. Egg—Continued.						
B. Elkhorn	$13.50	$12.50	$11.65	$11.25	$10.75	$10.65
C. Harlan	13.35	12.35	11.50	11.10	10.60	10.50
D. Dorothy, Hazard	13.15	12.15	11.30	10.90	10.40	10.30
E. Island Creek	12.95	11.95	11.10	10.70	10.20	10.10
3. Stove:						
A. Premium Kentucky (including coals in High Splint, Miller's Creek and Jellico Seams and No. 5 Seam coal in Price Classification A)	13.55	12.55	11.70	11.30	10.80	10.70
B. Elkhorn	13.15	12.15	11.30	10.90	10.40	10.30
C. Harlan	13.00	12.00	11.15	10.75	10.25	10.15
D. Dorothy, Hazard	12.80	11.80	10.95	10.55	10.05	9.95
E. Island Creek	12.60	11.60	10.75	10.35	9.85	9.75
4. Domestic Stoker (double screened coal):						
A. Premium Kentucky (including coals in High Splint, Miller's Creek and Jellico Seams and No. 5 Seam coal in Price Classification A) Elkhorn, Harlan	12.10	11.10	10.25	9.85	9.35	9.25
B. Dorothy, Hazard, Island Creek	11.80	10.80	9.95	9.55	9.05	8.95
5. Screenings 1¼" and not exceeding 2" x 0:						
A. Premium Kentucky (including coals in High Splint, Miller's Creek and Jellico Seams and No. 5 Seam coal in Price Classification A) Elkhorn	11.20	10.20	9.35	8.95	8.45	8.35
B. Hazard, Dorothy, Splint, Island Creek	11.05	10.05	9.20	8.80	8.30	8.20
III. Cannal Coal (from District No. 8 (West Virginia and Eastern Kentucky):						
1. Lump 2" and over, egg	15.65	14.65			12.90	
IV. Low Volatile bituminous coal (Smithing) from District No. 7 (West Virginia and Northern Virginia):						
1. Smithing coal-bulk	14.70	13.70	13.25	12.85	11.95	12.25
V. Southern Mid-volatile bituminous coal from District Nos. 7 and 8 and District No. 3 coal in Price Classification A						
1. Lump 2" and over	14.25	13.25	12.80	12.40		
2. Egg	14.60	13.60	13.15	12.75	11.85	12.15
3. Stove 2" x 1¼"	14.05	13.05	12.60	12.20	11.30	11.60
4. Nut 1¼" x ⅝"	13.25					
5. Screenings 1¼" and not exceeding 2" x 0	11.20	10.20	9.60	8.60	8.95	8.00
VI. High volatile bituminous coal from District No. 10 (Illinois) Southern Sub-District:						
1. Egg 6" x 3"	11.45	10.45	9.75	9.35	8.70	8.75
2. Small Egg 3" x 2"	11.15	10.15	9.45	9.05	8.40	8.45
3. Stove 2" x 1¼"	10.70	9.70	10.00	9.60	8.95	9.00
4. Screenings not exceeding 2" x 0	9.30	8.30	7.10	6.60	7.05	6.10
5. Domestic Stoker	10.05	9.05	7.80	7.40	7.80	6.80
VII. High volatile bituminous coal from District Nos. 2 and 3 (Northern West Virginia and Western Pennsylvania):						
1. Lump 2" and over	12.65	11.65	10.75	10.35	9.90	9.75
2. Egg 3" x 2"	12.40	11.40	10.55	10.15	9.65	9.55
3. Stove 2" x 1¼"	12.05	11.05	10.20	9.80	9.30	9.20
4. Domestic Stoker	11.35	10.35	9.15	8.75	9.10	8.15
5. Screenings 1¼" and not exceeding 2" x 0	10.80	9.80	8.60	8.20	8.55	7.60
6. Modified Screenings	10.95	9.95	8.75	8.35	8.70	7.75
VIII. Pennsylvania Anthracite:						
1. Egg, Stove, Nut	17.55	16.55			14.80	
2. Pea	16.00	15.00			13.25	
3. Buckwheat	14.30	13.30	11.85	11.45	10.55	10.85
IX. Arkansas and Oklahoma Anthracite from District No. 14						
1. Egg, Stove, Nut	15.25	14.25			12.50	
2. Screenings			8.05	7.65		7.05
X. By-product Coke:						
1. Egg, Stove, Nut	14.35	13.35	12.90	12.50	11.60	11.90
2. Pea	13.10					
XI. Briquettes	14.55	13.55	12.55	12.15	11.25	11.55
1. Briquettes made from Beckley Seam District No. 7 coal	14.75	13.75	12.75	12.35	11.45	11.75
XII. Packaged Fuel	15.85					

To the above prices there may be added for calcium treated coal, if charged for at the mine, the sum of $.10 per ton. To the above prices there may be added for oil treated or wax treated coal, if charged for at the dock, the sum of $.15 per ton.

To the above prices there may be added for sacking the coal the sum of $4.00 per ton.

(2) The prices provided for in the above schedule shall apply to all sales of all-rail coal and to the dock coal therein described which has been rescreened at the dock. The maximum prices for all sales by dealers for each size and kind of dock-run coal shall be $.50 per net ton lower than the maximum prices set forth in the above schedule for the same size and kind of coal which has been rescreened at the dock.

(3) The maximum prices for all sales by dealers of solid fuel not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended, plus $.40 per ton for domestic coal and $.20 per ton for steam coal.

(d) *Service charges.* Immediately below and as a part of this paragraph (d) is a Schedule which sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Such service charge shall be separately stated in the dealer's invoice.

Trimming, per hour	$0.80
Carrying from curb, per ton	.75
Labor, per hour	.80
Carrying up or down stairs, per flight, per ton	.25

(e) *Cash discounts.* (1) If payment is made by the buyer not later than the 15th day of the month following the date of receipt of the fuel, the maximum prices set forth in the Schedule in paragraph (c) for sales of domestic coal shall be reduced by 50¢ per ton or by 25¢ per half ton, which reduction may be termed a "cash discount".

(2) On all sales made under any budget or installment plan, the maximum prices set forth in the Schedule in paragraph (c) shall be reduced by 50¢ per ton or by 25¢ per half ton, if all payments are made on time under such budget or installment plan.

(f) *Sales of less than specified tonnages.* For a sale of less than a ton, the maximum prices shall be computed as follows:

(1) From the per ton price set forth in the schedule in paragraph (c) deduct $1.50 as a "cartage factor";

(2) Adjust the balance in proportion to the tonnage sold;

(3) Add back the "cartage factor" of $1.50. All other variations from prices or specified quantities shall be proportionately adjusted in a similar way so that no more than the applicable and proportionate maximum price is obtained.

(g) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. But no part of that tax may be collected in addition to the maximum price on sales of quarter-ton or lesser quantities, or on sales of any quantity of sacked coal.

(h) *Addition of increases in supplier's price prohibited.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices set by this order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof; but increases or decreases in the maximum prices set hereby, to reflect such changes, are within the discretion of the Regional Administrator.

(i) *Petitions for amendments.* This order may be revoked, amended or modified at any time. Any dealer may at any time file with the Twin Cities District Office of the Office of Price Administration a petition for amendment to this order in accordance with the provisions of Revised Procedural Regulation No. 1.

(j) *Records.* Every dealer subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(k) *Posting of maximum prices: sales slips and receipts.* (1) Each dealer subject to this order shall post all the maxi-

mum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged, and separately stating any transportation tax or service charge. This paragraph (k) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who, during December 1941, customarily gave buyers sales slips or receipts shall continue to do so. Every dealer must, on request of a purchaser, provide a receipt containing the information required in the preceeding paragraph (k) (2).

(l) *Definitions and explanations.* When used in this Order No. G–5 the term,

(1) "Twin Cities Area" shall include the urban and rural area in the State of Minnesota surrounding and including St. Paul and Minneapolis bounded by a line drawn between the outermost boundaries of the cities or villages of Robbinsdale, Golden Valley, Hopkins, Richfield, Bloomington, South St. Paul, Newport, Mahtomedi, White Bear, Brooklyn Center and Robbinsdale.

(2) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.

(3) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than by his truck.

(4) "Domestic coal" means all coal which is not steam coal.

(5) "Steam coal" means solid fuels as defined in Revised Maximum Price Regulation No. 122, and which is sold to:

(i) Commercial, institutional and industrial establishments and to hotels, rooming houses, four-plexes and apartment buildings having more than four apartments and having one central heating plant; and

(ii) Where the annual consumption is normally 25 tons or more; and

(iii) Where no single delivery is in a load lot at weights of less than three (3) tons for coal and two (2) tons for coke.

(6) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(7) "Egg, stove, nut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee, effective December 15, 1941.

(8) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(9) "Low volatile bituminous coal" refers to coal produced in the low volatile sections of the producing districts specified herein.

(10) "Medium volatile bituminous" coal" refers to coal produced in the medium volatile sections of the producing districts specified herein.

(11) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts specified herein.

(12) "Egg, stove, nut", etc. sizes of bituminous coal received entirely by rail refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer and which he customarily purchased at the mine as lump size.

(13) "Egg, stove, nut", etc. sizes of bituminous coal received via the Great Lakes refer to the sizes of coal sold at the docks under such designations during December 1941.

(14) Except as otherwise provided herein or as the context may otherwise require all terms used in this order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; or if not therein defined, they shall be given their ordinary and popular trade meaning.

(m) *Effect of order on Revised Maximum Price Regulation No. 122.* Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect.

This Order No. G–5 shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–12226; Filed, July 28, 1943; 4:35 p. m.]

[Region VI Order G–11 Under SR 14 to GMPR]

FLUID MILK IN MT. VERNON, ILL.

Order No. G–11 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of Fluid Milk Prices in Mt. Vernon, Illinois, (Formerly Order No. 11.)

The Regional Administrator has determined on his own action after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Mt. Vernon, Illinois depends for their supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under section 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to Emergency Price Control Act of 1942, § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation: *It is ordered:*

1. The maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby increased as follows:

Ordinary milk	½ gallon	Quart	Pint	½ pint
Wholesale	$0.02	$0.01	$0.005	$0.0025
Retail	.02	.01	.005	None

Cremelac	Gallon	Quart
Wholesale	$0.02	$0.005
Retail	.02	.005

2. Every person selling milk in bottles or paper containers to a seller at retail shall furnish to each such purchaser of milk a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Gallon	------
Quart	------
Pint	------

3. This order shall apply to sales and deliveries of milk within the city limits of the City of Mt. Vernon, Illinois, and an area within one mile of such city limits.

4. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor or other person of milk in bottles or paper containers.

5. All sellers of milk who purchase milk directly from the producers thereof shall file with the Illinois State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for milk purchased during the preceding month.

6. This order shall be effective from the date hereof. It is subject to revocation or amendment by Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion of fluid milk is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

7. All sellers of milk at retail shall immediately change the posting of ceiling prices for cost of living commodities and the records provided for by section 11 (b) of the General Maximum Price Regulation so as to reflect their changes in maximum prices.

8. Copy of this order shall be mailed to every known distributor of milk within the City of Mt. Vernon. A copy thereof shall be filed with the local War Price and Rationing Board and insofar as practicable publicity shall be given to this order by means of the press serving Mt. Vernon, Illinois, and otherwise.

JOHN C. WEIGEL,
Regional Attorney.

NOVEMBER 9, 1942.

[F. R. Doc. 43–12227; Filed, July 28, 1943; 4:41 p. m.]

[Region VI, Order G–11 Under SR 14 to GMPR, Amdt. 1]

FLUID MILK IN MT. VERNON, ILL.

Amendment No. 1 to Order No. G–11 under Supplementary Regulation No. 14 to the General Maximum Price Regulation.

Pursuant to the Emergency Price Control Act of 1942, as amended, *It is ordered*, That paragraph 3 of Order No. G–11 under § 1499.73 (a) (1) (vi) to Supplementary Regulation No. 14 be and it is hereby amended to read as follows:

3. This order shall apply to all sales and deliveries of milk within the City of Mt. Vernon, Illinois and to all sales by any seller the greater part of whose dollar volume of sales are made to purchasers within the City of Mt. Vernon.

This order shall be effective immediately.

Issued this 21st day of January 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43–12228; Filed, July 28, 1943; 4:42 p. m.]

[Region VII Order G–20 Under 18 (c) of GMPR]

LUMBER IN COLORADO WESTERN SLOPE AREA

Order No. G–20 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of retail prices of lumber in the Western Slope area of the State of Colorado; Docket No. VII 18 (c)–49. (Formerly General Order No. G–20.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Division of Western Slope area.* For the purposes of this order the Western Slope area is divided into two districts as follows:

(1) District No. 1, which shall consist of all that area lying within the corporate boundaries of the municipality of Grand Junction, Colorado.

(2) District No. 2, which shall consist of all that area within the Western Slope area as hereinafter defined, except the area included within the corporate limits of the municipality of Grand Junction, Colorado.

(b) *Specific maximum prices for certain lumber in District No. 1.* The maximum prices for lumber in District No. 1 of the Western Slope area shall from and after the effective date of this order be for each kind, grade and dimension S4S as specified in Schedule No. 1, which is set forth below and designated section (e).

(c) *Specific maximum prices for certain lumber in District No. 2.* The maximum prices for lumber in District No. 2 of the Western Slope area shall from and after the effective date of this order be for each kind, grade and dimension S4S as specified in Schedule II, which is set forth below and designated section (f).

(d) *Definitions:* For the purpose of this order:

(1) "Western Slope area" means all of that area contained within the geographical boundaries of the counties of Moffat, Routt, Rio Blanco, Garfield, Fagle, Mesa, Delta, and Montrose, State of Colorado.

(2) "Customary differential" means the price differential established by custom of the retail lumber business and prevailing throughout said Western Slope area as to the various kinds, grades, lengths, widths and finishes of lumber when sold at retail.

(3) "Certain lumber" means S4S lumber manufactured from Douglas Fir as defined by § 1381.58 (2) of Maximum Price Regulation No. 26, and S4S boards of Western Pine and associated species of lumber as defined by § 1381.502 (b) of Maximum Price Regulation No. 94, and Red Cedar shingles.

(e) *Schedule I: Maximum prices for District No. 1.* The maximum prices for S4S lumber in District No. 1 shall be as set forth in the following table:

No. 1 common fir, dimension S4S:	*Per M bd. ft.*
2 x 4 —8′ to 14′ inclusive	$60.00
2 x 6 —8′ to 14′ inclusive	60.00
2 x 8 —8′ to 20′ inclusive	60.00
2 x 10—8′ to 20′ inclusive	63.00
2 x 12—8′ to 14′ inclusive	65.00
Fir flooring:	
1 x 3 B and btr. VG	100.00
1 x 4 B and btr. VG	98.00
1 x 4 C VG	87.50
1 x 4 D VG	75.00
1 x 6 B and btr. flat grain	83.00
1 x 6 C flat grain	80.50
1 x 6 C VG	90.00
1 x 6 D mixed grain	68.00
Fir drop siding:	
1 x 6 B and btr. No. 106	83.50
1 x 6 C No. 106	82.00
1 x 6 D No. 106	68.00
1 x 6 B and btr. No. 117	83.50
Fir ceiling:	
⅝ x 4 B and btr. DB2S	67.00
Specified lengths, flooring, drop siding and ceiling:	
10′ and under	No addition
12′ to 20′	$5 addition
Western pine boards S4S:	
1 x 4 to 1 x 12, inclusive, No .3 RL (6′ and longer)	$56.50
1 x 4 to 1 x 12, inclusive, No. 4 RL (6′ and longer)	44.50
Red cedar shingles:	
No. 1–5/2–16″ kiln dried or green	6.35

(f) *Schedule II: Maximum prices for District No. 2.* The maximum prices for S4S lumber in District No. 2 shall be as set forth in the following table:

No. 1 common fir, dimension S4S:	*Per M bd. ft.*
2 x 4 —8′ to 14′ inclusive	$63.00
2 x 6 —8′ to 14′ inclusive	63.00
2 x 8 —8′ to 20′ inclusive	63.00
2 x 10—8′ to 20′ inclusive	66.25
2 x 12—8′ to 14′ inclusive	68.25
Fir flooring:	
1 x 3 B and btr. VG	105.00
1 x 4 B and btr. VG	103.00
1 x 4 C VG	92.00
1 x 4 D VG	78.75
1 x 6 B and btr. flat grain	87.25
1 x 6 C flat grain	84.50
1 x 6 C VG	94.50
1 x 6 D mixed grain	71.50
Fir drop siding:	
1 x 6 B and btr. No. 106	87.75
1 x 6 C No. 106	86.00
1 x 6 D No. 106	71.50
1 x 6 B and btr. No. 117	87.75
Fir ceiling:	
⅝ x 4 B and btr. DB2S	70.50
Specified lengths, flooring, drop siding and ceiling:	
10′ and under	No addition
12′ to 20′	$5 addition
Western pine boards S4S:	
1 x 4 to 1 x 12 inclusive, No. 3 RL (6 and longer)	$59.50
1 x 4 to 1 x 12 inclusive, No. 4 RL (6′ and longer)	47.00
Red cedar shingles:	
No. 1–5/2–16″ kiln dried or green	6.85

(g) *Customary differentials.* (1) Notwithstanding any local custom as to a differential in price between #1 and #2 Common Fir Dimension S4S lumber, a price differential of not less than $4.00 per thousand board feet shall be allowed on all sales of #2 Douglas Fir Dimension S4S when sold in lengths of 24′ or less in either District No. 1 or District No. 2.

(2) The customary differentials heretofore in common use by dealers in the Western Slope area shall be allowed in both District No. 1 and District No. 2 on #2 and #3 kiln dried or green Red Cedar shingles.

(3) The prices of Fir Dimension, Fir Flooring, Fir Drop Siding, Fir Ceiling, and Western Pine Boards in grades, lengths and widths, all S4S, not specifically priced in Schedules I and II, shall

be determined by applying the "customary differential" except as provided in paragraph (g) (1) hereof.

(h) *Right to amend or revoke.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order or any provision thereof at any time.

(i) *Effective date.* This order shall become effective March 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of March 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-12229; Filed, July 28, 1943; 4:38 p. m.]

[Region VII Order G-20 Under 18 (c) of GMPR Amdt. 1]

LUMBER IN COLORADO WESTERN SLOPE AREA

Amendment No. 1 to Order No. G-20 (formerly General Order No. 20) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of retail prices of lumber in the Western Slope Area of the State of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

Item 4 and #1 Common Fir Dimension S4S of Paragraph (f), Schedule II of General Order No. 20 issued March 12, 1943, is amended to read as follows:

(f) *Schedule II: Maximum Prices for District No. 2.* * * *

	Per M bd. ft.
2 x 10—8' to 20' inclusive	$66.25

This amendment shall become effective retroactively as of March 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of March 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12230; Filed, July 28, 1943; 4:37 p. m.]

[Region VII Order G-21 Under 18 (c) of GMPR]

FLUID MILK IN CHAMA, N. M.

Order No. G-21 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Adjustment of fluid milk prices in the town of Chama, Rio Arriba County, New Mexico; Docket No. VII 18 (c)-23. (Formerly General Order No. 21.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices for fluid milk at wholesale and retail in the town of Chama, State of New Mexico.* The maximum prices for fluid milk sold or delivered at wholesale in glass bottles or paper containers, and sold and delivered at retail in glass bottles or paper containers or in bulk, in the town of Chama, Rio Arriba County, State of New Mexico, shall be from and after the effective date of this order as follows:

Container size	Wholesale in glass bottles or paper containers	Retail in glass bottles or paper containers or in bulk	Grade
	Cents	*Cents*	
Pints	7	8	Approved.
Quarts	11	13	Approved.

(b) *Definitions.* For the purpose of this order:

(1) "Milk" means cow's milk produced, processed or raw, distributed and sold at wholesale in glass bottles or paper containers, and at retail in glass bottles or paper containers or in bulk for human consumption in fluid form as whole milk and containing not less than 3.25% butterfat and being of approved grade.

(2) "Town of Chama" means all that area lying within the corporate boundaries of the town or hamlet of Chama in Rio Arriba County, in the State of New Mexico, and extending a distance of three miles beyond at all points.

(3) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used in this order.

(c) *Limitations of order.* Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation, or any applicable price regulation supplementary thereto or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as Amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(d) *Distributors must report prices paid producers.* Sellers and distributors of fluid milk who adjust any price upward upon the authority of this order shall, on or before the 20th day of April, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during the preceding month, the source or sources of supply from which the same was obtained and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether the price increase hereby granted has been proportionately or equitably passed on to the producer.

(e) *Customary differentials and discounts need not be maintained.* From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any such seller at wholesale or retail may sell at a price lower than the maximum price established by this order if he so desires.

(f) *Seller must report new prices to retail buyers.* Any person making a first sale of milk at retail to any customer in the town of Chama, New Mexico, at the established maximum prices specified in paragraph (a) hereof, shall at the time of delivery furnish the buyer with either a printed or written slip containing the following information:

By General Order No. G-21 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. March 16, 1943, the maximum retail prices of milk in the town of Chama, New Mexico, have been modified to permit sales at (here state each container size and the present maximum retail price for same).

(g) *Applicability of other regulations.* All of the terms and provisions of the General Maximum Price Regulation not inconsistent with or not inapplicable to this regulation shall apply to this regulation and shall be deemed to be a part hereof to the same extent and with like operation and effect as if re-written herein.

(h) *Right to revoke or amend.* This order may be revoked, amended, modified or corrected at any time by the Price Administrator or the Regional Administrator.

(i) *Effective date.* This order shall become effective as of 12:01 a. m. on March 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of March 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12231; Filed, July 28, 1943; 4:40 p. m.]

[Region VII Order G-22 Under 18c of GMPR]

FLUID MILK IN MCKINLEY AND VALENCIA AREAS, N. MEX.

Order No. G-22 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Adjustment of fluid milk prices in the McKinley and Valencia areas of the State of New Mexico. (Formerly General Order No. 22.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices for fluid milk at wholesale and retail in the McKinley-Valencia area of the State of New Mexico.* The maximum prices for fluid milk sold or delivered at wholesale in glass bottles or paper containers, and at retail in glass bottles or paper containers, or in bulk, in the McKinley-Valencia area of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Wholesale in glass bottles or paper containers	Retail in glass bottles or paper containers or in bulk
		Cents	*Cents*
Half pints	Approved	3½	6
Pints	Approved	7	8
Quarts	Approved	13	15
Gallons (in bulk)	Approved		45

(b) *Definitions.* For the purpose of this order:

(1) "Milk" means cow's milk produced, processed or raw, distributed and sold at wholesale in glass bottles or paper containers, and at retail in glass bottles or paper containers or in bulk, for human consumption in fluid form as whole milk and containing not less than 3.25% butterfat and being of approved grade.

(2) "McKinley-Valencia area" means all that area lying within the geographical boundaries of the county of McKinley of the State of New Mexico, and all that part of the county of Valencia of the State of New Mexico lying north of a line drawn through said county parallel with U. S. Highway No. 66 and being ten miles south of said Highway at all points.

(3) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used in this order.

(c) *Applicability of other regulations.* All of the terms and provisions of the General Maximum Regulation not inconsistent with or not inapplicable to this regulation shall apply to this regulation and be deemed to be a part hereof to the same extent and with like operation and effect as if re-written herein.

(d) *Sellers present maximum prices, if higher, shall continue.* Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as Amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(e) *Customary discounts and differentials need not be maintained.* From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum price established by this order if he so desires.

(f) *Seller must report new prices to retail buyers.* Any person making a first sale of milk at retail to any customer in the McKinley-Valencia area of the State of New Mexico, at the established maximum prices specified in paragraph (a) hereof, shall at the time of delivery furnish the buyer with either a printed or written slip containing the following information:

By General Order No. G-22 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. March 16, 1943, the maximum retail prices of milk in the McKinley-Valencia area of the State of New Mexico have been modified to permit sales at (here state each container size and the present maximum retail price for the same).

(g) *Distributors must report prices paid producers.* Sellers and distributors of fluid milk who adjust any price upward upon the authority of this order shall, on or before the 20th day of April, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during the preceding month, the source or sources of supply from which the same was obtained and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether the price increase hereby granted has been proportionately or equitably passed on to the producer.

(h) *Right to revoke or amend.* This order may be revoked, amended, modified or corrected at any time by the Price Administrator or the Regional Administrator.

(i) *Effective date.* This order shall become effective as of 12:01 a. m. on March 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of March 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12232; Filed, July 28, 1943; 4:36 p. m.]

[Region VII Order G-23 Under 18 (c) of GMPR]

FLUID MILK IN OTERO COUNTY, N. MEX.

General Order No. G-23 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjustment of fluid milk prices in the Otero County Area of the State of New Mexico; Docket No. VII-18 (c)-66. (Formerly General Order No. 23.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Otero area divided into two districts.* The Otero area of the State of New Mexico is hereby divided into two districts to be known as District No. 1 and District No. 2, as hereinafter defined.

(b) *Maximum prices for fluid milk at wholesale and retail in District No. 1 of the Otero area of the State of New Mexico.* The maximum prices for fluid milk sold at wholesale in glass bottles or paper containers or at retail in glass bottles or paper containers, or in bulk, in District No. 1 of the Otero area of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Wholesale in glass bottles or paper containers	Retail in glass bottles or paper containers or in bulk
		Cents	*Cents*
Half pints	Approved	4	6
Pints	Approved	7	8
Quarts	Approved	12	14

(c) *Maximum prices for fluid milk at wholesale and retail in District No. 2 of the Otero area of the State of New Mexico.* The maximum prices for fluid milk sold at wholesale in glass bottles or paper containers or at retail in glass bottles or paper containers, or in bulk, in District No. 2 of the Otero area of the State of New Mexico shall be, from and after the effective date of this order, as follows:

Container size	Grade	Wholesale in glass bottles or paper containers	Retail in glass bottles or paper containers or in bulk
		Cents	*Cents*
Half pints	Approved	5	7
Pints	Approved	8	9
Quarts	Approved	13	15

(d) *Definitions.* For the purpose of this order:

(1) "Milk" means cow's milk produced, processed or raw, distributed and sold at wholesale in glass bottles or paper containers, and at retail in glass bottles or paper containers or in bulk, for human consumption in fluid form as whole milk and containing not less than 3.25% butterfat and being of approved grade.

(2) "Otero area" means all of the area lying within the geographical boundaries of the county of Otero in the State of New Mexico.

(3) "District No. 1 of Otero area" means all that area within the county of Otero in the State of New Mexico, except the area contained within the boundaries of the municipality of Alamogordo and a distance of three miles beyond at all points.

(4) "District No. 2 of the Otero area" means all of that area contained within the boundaries of the municipality of Alamogordo and a distance of three miles beyond at all points.

(5) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used in this order.

(e) *Applicability of other regulation.* All of the terms and provisions of the

General Maximum Price Regulation not inconsistent with or not inapplicable to this regulation shall apply to this regulation and be deemed to be a part hereof to the same extent and with like operation and effect as if re-written herein.

(f) *Sellers present maximum prices, if higher, shall continue.* Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(g) *Customary discounts and differentials need not be maintained.* From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum price established by this order if he so desires.

(h) *Seller must report new prices to retail buyers.* Any person making a first sale of milk at retail to any customer in the Otero area of the State of New Mexico at the established maximum prices specified in paragraphs (b) and (c) hereof, shall at the time of delivery furnish the buyer with either a printed or written slip containing the following information:

By Order No. G-23 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. March 15, 1943, the maximum retail prices of milk in the Otero area of the State of New Mexico have been modified to permit sales at (here state each container size and the present maximum retail price for the same).

(i) *Distributors must report prices paid producers.* Sellers and distributors of fluid milk, other than sellers at retail, who adjust any price upward upon the authority of this order shall, on or before the 20th day of May, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of the Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during the preceding month, the source or sources of supply from which the same was obtained and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether the price increase hereby granted has been proportionately or equitably passed on to the producer.

(j) *Right to revoke or amend.* This order may be revoked, amended, modified or corrected at any time by the Price Administrator or the Regional Administrator.

(k) *Effective date.* This order shall become effective as of 12:01 a. m. on March 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of March 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12233; Filed, July 28, 1943; 4:39 p. m.]

[Region VII Order G-24 Under 18 (c) of GMPR]

HORSE MEAT IN DENVER, COLO.

Order No. G-24 issued under § 1499.18 (c), as amended of the General Maximum Price Regulation. Adjustment of prices in the Denver, Colorado, area for horse meat used for animal feeding; Docket No. VII-18 (c) 57. (Formerly General Order No. 24.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices for horse meat at wholesale and retail when used for animal feeding in the Denver, Colorado, area.* The maximum prices for horse meat when sold at wholesale or retail for animal feeding in the Denver, Colorado, area shall be from and after the effective date of this order as follows:

(1) Unprocessed horse meat, fresh or frozen, wrapped or unwrapped, delivered f. o. b. the wholesale seller's place of business—10¢ per pound.

(2) Unprocessed horse meat, fresh or frozen and wrapped, delivered f. o. b. the retail seller's place of business—15¢ per pound.

(3) Processed horse meat, fresh or frozen, wrapped or unwrapped, sold at wholesale—7¢ per pound f. o. b. the wholesale seller's place of business.

(b) *Definitions.* For the purpose of this order:

(1) "Horse meat" means meat from slaughtered horses which, because of age or other infirmity or physical disability, have ceased to be useful as domestic work animals in the ordinary pursuit of farming, transportation and industrial operations.

(2) "Processed horse meat" means raw horse meat ground and raw ground bone meal mixed together in the approximate proportion of 70% horse meat and 30% ground raw bone meal.

(3) "Sale at wholesale" means a sale by the slaughterer or wholesaler to any buyer for animal feeding purposes and delivered f. o. b. the wholesale seller's place of business.

(4) "Sale at retail" means a sale by one who has purchased from a wholesaler for the purpose of reselling to any buyer for animal feeding purposes and delivered wrapped or in a suitable package container at the retailer's place of business.

(5) "Denver, Colorado, area" means all of the area contained within the boundaries of the city and county of Denver, and a distance of 10 miles beyond at all points.

(c) *Quantity discounts and price differentials need not be maintained.* From and after the effective date of this order it shall not be obligatory upon any seller of horse meat or processed horse meat, either at wholesale or retail, to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this general order if he so desires.

(d) *Applicability of other regulations.* Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) *Right to revoke or amend.* This order may be revoked, amended, or corrected at any time.

(f) *Effective date.* This order shall become effective as of 12:01 a. m. on March 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12234; Filed, July 28, 1943; 4:41 p. m.]

[Region VII Order G-25 Under 18 (c) of GMPR]

FROZEN BLACK SABLE COD IN PUEBLO, COLO.

Order No. G-25 issued under §1499.18 (c) as amended of the General Maximum Price Regulation. Adjustment of prices in the Pueblo, Colorado, area for frozen black sable cod at retail. (Formerly General Order No. 25).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices for frozen black sable cod at retail in the Pueblo, Colorado, area.* The maximum price for frozen black sable cod sold at retail in the Pueblo, Colorado, area shall be from and after the effective date of this order—23¢ per pound.

(b) *Definitions.* For the purpose of this order:

(1) "Frozen black sable cod" means the black sable codfish as known to the fresh fish market trade in Seattle, Washington, and unprocessed otherwise than by freezing.

(2) "Sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user, except that sales to hotels, restaurants and other purveyors of meals shall be deemed to be a sale at retail within the meaning of this order.

(3) "Pueblo, Colorado, area" means all of the area contained within the boundaries of the municipality of Pueblo and a distance of ten miles beyond at all points.

(c) *Applicability of other regulations.* Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein provided, however, that the maximum price established in the Pueblo, Colorado, area by the General Maximum Price Regulation for frozen black sable cod is hereby superseded by this General Order.

(d) *Right to revoke or amend.* This order may be revoked, amended or corrected at any time.

(e) *Effective date.* This order shall become effective as of 12:01 a. m. March 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22nd day of March, 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12235; Filed, July 28, 1943; 4:37 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 28, 1943.

REGION VI

Twin Cities Order 3, Amendment 3, Filed 12:05 p. m.
Twin Cities Order 4, Filed 12:05 p. m.
Twin Cities Order 4, Amendment 1, Filed 12:04 p. m.
Sioux City Revised Order 3, Amendment 1, Filed 12:06 p. m.
Bismarck Order 3, Filed 11:58 a. m.
Bismarck Order 4, Amendment 1, Filed 11:58 a. m.
Duluth-Superior Order 4, Filed 12:06 p. m.

REGION VIII

Seattle Order 3, Amendment 6, Filed 12:01 p. m.
Seattle Order 4, Amendment 6, Filed 12:00 p. m.
Seattle Order 3, Amendment 7, Filed 12:01 p. m.
Seattle Order 4, Amendment 7, Filed 12:01 p. m.
Seattle Order 5, Amendment 3, Filed 12:01 p. m.
Seattle Order 6, Amendment 3, Filed 12:02 p. m.
Seattle Order 7, Amendment 2, Filed 12:06 p. m.
Seattle Order 8, Amendment 3, Filed 12:02 p. m.
Seattle Order 8, Amendment 4, Filed 12:07 p. m.
Seattle Order 11, Filed 12:02 p. m.
Portland Order 4, Filed 12:00 p. m.
Portland Order 5, Filed 11:57 a. m.
Portland Order 6, Filed 11:57 a. m.
Portland Order 7, Filed 11:58 a. m.
Nevada Order 6, Filed 11:59 a. m.
Spokane Order 6, Filed 12:03 p. m.
Phoenix Order 5, Filed 12:03 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12328; Filed, July 29, 1943; 4.54 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-1737]

NEW PREMIER CONSOLIDATED MINES CO.

FINDINGS AND ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of July, A. D., 1943.

In the matter of New Premier Consolidated Mines Company, common stock, $1 par value, non-assessable.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the common stock, $1 par value, non-assessable, of New Premier Consolidated Mines Company, listed and registered on the Salt Lake Stock Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the Salt Lake Stock Exchange; the trial examiner having filed an advisory report finding that the registrant has failed to comply with the provisions of section 13 of the Act and Rules X-13A-1 and X-13A-2 promulgated pursuant thereto in that it has failed to file its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, Pursuant to section 19 (a) (2) of the said Act, that the registration of the stock in question be and it hereby is withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12340; Filed, July 30, 1943; 9:32 a. m.]

[File No. 70-764]

TRI-CITY UTILITIES CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July 1943.

In the matter of Tri-City Utilities Company, Associated Electric Company, Owensboro Gas Company, K-T Electric and Water Company.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Associated Electric Company (Aelec), a registered holding company, and three wholly-owned subsidiaries, Tri-City Utilities Company (Tri-City), Owensboro Gas Company (Owensboro), and K-T Electric and Water Company (K-T); and

All interested persons are referred to said application-declaration, which is on file in the offices of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

1. Tri-City proposes to transfer to Owensboro, at the base price of $294,563, subject to certain adjustments, the natural gas distribution systems in and adjacent to the cities of Bowling Green, Hopkinsville, and Russellville, Kentucky, in consideration for which Owensboro proposes to issue and deliver 2,800 shares of its common stock (of the par value of $50) to Aelec; it is further proposed that Aelec will, in turn, deliver to Tri-City, for cancellation, such number of the shares of common stock ($1 par value) of Tri-City as equals the number of dollars of the net purchase price of said gas systems transferred to Owensboro.

2. It is further proposed that Tri-City transfer to K-T at the base price of $281,653, subject to certain adjustments, (a) all the properties comprising, including within or applicable to, the electric distribution and transmission system located in and adjacent to the Cities of Franklin and Auburn, Kentucky, and (b) all the properties comprising the water production, transmission and distribution systems located in and adjacent to the towns of Irvine, Ravenna, Pembroke and Hawesville, Kentucky; in consideration for which K-T will issue and deliver 100 shares of its common stock (of the par value of $1) to Aelec; Aelec will, in turn, deliver to Tri-City, for cancellation, such number of the shares of common stock of Tri-City as equals the number of dollars of the net purchase price of said electric and water systems.

3. It is further proposed that Tri-City transfer, deliver, and pay over to Aelec all of its remaining assets other than those which, by agreement dated June 4, 1943, between Aelec and the City of Frankfort, Kentucky, are required to remain the property of Tri-City on the closing date of said agreement (when all the outstanding common stock of Tri-City is to be transferred to said City of Frankfort, Kentucky); Aelec proposes to assume all the liabilities of Tri-City other than (a) those which the said agreement of June 4, 1943, between Aelec and the City of Frankfort, Kentucky, contemplates shall continue to be liabilities and obligations of Tri-City after the closing date of said agreement, and (b) those liabilities which it is proposed shall be assumed by Owensboro and K-T, respectively, in connection with the properties being transferred to those companies; it is further proposed that, in consideration for the transfer of Tri-City's assets (subject to liabilities as aforesaid) to Aelec, the latter shall surrender to Tri-City, for cancellation, all the remaining outstanding shares of Tri-City's common stock other than such number of shares as equals the estimated number of dollars of net purchase price payable to Aelec by the City of Frankfort, Kentucky, under the said agreement dated June 4,

1943, to be computed in the manner provided for;

4. It is further proposed that Owensboro effect an accounting reorganization, as part of which it proposes to reduce the par value of its presently outstanding common stock (consisting of 100 shares) from $100 per share to $50 per share, and to credit the sum of $5,000 to capital surplus; and it further proposes certain other adjustments to its fixed capital account and to its surplus accounts for the purpose of eliminating upward revaluations and earned surplus deficit.

Said joint application-declaration further contains requests that the Commission enter its order reciting in substance that certain conveyances, transfers and the issuance of certain securities in connection with the transactions above referred to are necessary or appropriate to effectuate the provisions of section 11 (b) of the Act;

The applicants-declarants have designated sections 6 (b), 9 (a), 9 (b), 10, 12 (c), and 12 (f) of the Act, and Rules U-42 and U-43 promulgated thereunder, as being applicable to the proposed transactions;

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the Rules of the Commission thereunder be held on August 6, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held;

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by said joint application-declaration, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed transfers are in the public interest aand in the interest of investors and consumers.

2. Whether the various considerations for the proposed transfers are fair and equitable.

3. The propriety of the proposed accounting treatment of each of the proposed transactions on the books of the applicants-declarants.

4. Whether the adjustments proposed on the books of Owensboro and the reduction of the par value of Owensboro's common stock are appropriate and in the interest of investors and consumers.

5. Whether the proposed transactions are necessary or appropriate to effectuate the provisions of Section 11 (b) of the Act and are fair and equitable to all persons affected thereby.

6. Whether, in all respects, the proposed transactions comply with all applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

7. Whether, and to what extent, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions in regard to any of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12341; Filed, July 30, 1943; 9:32 a. m.]

[File No. 70-762]

INDUSTRIAL GAS CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of July, A. D. 1943.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Industrial Gas Corporation, a wholly-owned subsidiary of National Gas & Electric Company, a registered holding company. Industrial Gas Corporation is a non-utility company within the meaning of section 2 (a) (4) of the Act.

Notice is further given that any interested person may, not later than August 12, 1943 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration, as filed or as amended, may be granted or may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said application or declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Industrial Gas Corporation seeks authorization extending to June 30, 1944, pursuant to section 6 (b) of the Act, particularly the first sentence thereof, to issue and sell notes to banks which notes may aggregate (together with all other then outstanding notes and drafts of a maturity of nine months or less, exclusive of days of grace, as to which such company is primarily or secondarily liable) up to 15% of the principal amount and par value of the other securities of such company then outstanding. It is stated that, due to war conditions, Industrial Gas Corporation is forced to expand its drilling operations and that such program is imposing heavy cash demands upon the company, which the present application or declaration (or both) is designed to meet.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12342; Filed, July 30, 1943; 9:32 a. m.]

[File No. 70-755]

SUBURBAN GAS AND ELECTRIC CO., ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of July, A. D. 1943.

In the matter of Suburban Gas and Electric Company, New England Power Association, North Boston Lighting Properties.

New England Power Association, a registered holding company, North Boston Lighting Properties, a subsidiary holding company of New England Power Association, and Suburban Gas and Electric Company, a subsidiary of North Boston Lighting Properties, having filed an application and declaration and amendments thereto pursuant to sections 6, 10 and 12 of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, U-44, U-50 and U-23, promulgated thereunder, with respect to the following proposed transactions:

Suburban Gas and Electric Company proposes to issue and sell for cash 25,120 shares of additional capital stock (par value $25 each) at a price of $31.25 a share. Such additional shares will be offered to the stockholders of Suburban Gas and Electric Company proportionately to their then holdings and warrants will be issued to the stockholders indicating the number of shares or fractions of shares to which each stockholder is entitled, but no fractional shares will be issued. The right of the stockholders to subscribe to the additional stock under the warrants will expire at 3:00 p. m., on the 21st day after the date of mailing them to the stockholders. The proceeds from the sale will be used solely by Suburban Gas and Electric Company to pay its indebtedness to North Boston Lighting Properties in the aggregate amount of $785,000, represented by promissory notes maturing July 30, 1943, and bearing interest at 3% per annum. The Massachusetts Department of Public Utilities has approved the issuance of said shares at $31.25 per share, the issuance of appropriate subscription rights therefor and the application of the proceeds by Suburban Gas and Electric Company, and has ordered that if any shares remain unsubscribed for by the stockholders entitled thereto, all of such shares shall be offered for sale at public auction.

North Boston Lighting Properties owning approximately 97.5% of the present outstanding capital stock of Suburban Gas and Electric Company will be entitled to receive warrants to subscribe for 24,493 additional full shares and to receive fractional shares representing 671/12517ths shares and proposes to exercise its rights to subscribe to such stock and to acquire sufficient additional fractional warrants which will entitle it to subscribe to a full share. North Boston Lighting Properties will, subject to the consent of Massachusetts Department of Public Utilities to the sale, purchase from Suburban Gas and Electric Company at $31.25 per share all shares not subscribed for by minority stockholders or, alternatively, will bid $31.25 per share for such unsubscribed shares if sold at public auction.

New England Power Association, in accordance with the terms of the bank credit letter agreement securing $13,000,000 principal amount of 2½% notes of North Boston Lighting Properties, due October 1, 1947, will cause all shares of Suburban Gas and Electric Company acquired by North Boston Lighting Properties to be pledged under said letter agreement together with such amount of cash as may be necessary to obtain release of the aforesaid promissory notes of Suburban Gas and Electric Company in the face amount of $785,000 now pledged under said letter agreement. The amount of cash necessary to be pledged will be the difference between $785,000 face amount of notes to be released and the cost of the additional shares pledged. The amount of cash necessary will not exceed $19,562.50; and

Said application and declaration having been filed on June 30th, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the last amendment thereto having been filed on July 22, 1943, and the applicants having requested acceleration of the Commission's action, and the Commission not having received a request for hearing with respect to said application and declaration within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of Sections 6, 10 and 12 of the Act and Rules U-42, U-43, U-44 and U-50 of the Commission are satisfied, and that no adverse findings are necessary thereunder; and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, as amended, and to permit said declaration, as amended, to become effective;

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application as amended, be and hereby is granted forthwith and that the aforesaid declaration, as amended, be and is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12343; Filed, July 30, 1943; 9:33 a. m.]

[File No. 54-50]

NORTH AMERICAN LIGHT AND POWER CO.

NOTICE OF FILING OF APPLICATION AND AN AMENDMENT THERETO AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of July 1943.

The Commission on December 30, 1941 having entered an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directing that North American Light & Power Company, a registered holding company and a subsidiary of The North American Company, also a registered holding company, shall be liquidated and its existence terminated, and further directing that North American Light & Power Company and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of North American Light & Power Company in a manner consistent with the provisions of the Public Utility Holding Company Act of 1935 (see File No. 59-39); and said order having provided that before said companies take any step or action for the purpose of enabling North American Light & Power Company to comply with the provisions of said order such step or action shall be the subject of an application or applications to this Commission for the entry of necessary or appropriate orders;

Notice is hereby given that Illinois Traction Company, a registered holding company and a subsidiary of North American Light & Power Company, and North American Light & Power Company have filed a joint application designated as Application No. 6 and an amendment thereto which may be summarized as follows:

Illinois Traction Company proposes to sell to North American Light & Power Company 1,500 shares, par value $100 per share, of the common capital stock of its subsidiary, Western Illinois Ice Company, a non-utility company, for $93,000 in cash. The application alleges that Illinois Traction Company proposes ultimately to use the proceeds of said sale to the extent necessary to retire its outstanding preferred stock at par and accumulated dividends thereon, and upon the dissolution of Illinois Traction Company to distribute the remainder of said proceeds to North American Light & Power Company.

North American Light & Power Company proposes to sell the stock of Western Illinois Ice Company thus acquired to Union Service Corporation for $93,000 in cash. Western Illinois Ice Company proposes to pay North American Light & Power Company a sum equal to the amount of cash on hand or on deposit on June 1, 1943, amounting to between $45,000 and $50,000 which amount will be credited on its income note, dated November 1, 1937, payable to North American Light & Power Company, on which the present balance due is $425,000 and accrued interest. North American Light & Power Company proposes to surrender said note, and to make a capital contribution in the amount of the balance remaining due thereon.

Notice is further given that said joint application states that the transactions therein proposed are part of the general plan of liquidating and dissolving North American Light & Power Company and of integrating its holding company system.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said joint application;

It is ordered, That a hearing be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, on the 13th day of August, 1943, at 10:00 a. m. in such room as may be designated on such date by the hearing room clerk. All interested persons are referred to said joint application which is on file in the office of said Commission for a full statement of the transactions therein proposed.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided in Rule XVII of the Commission's Rules of Practice on or before August 11, 1943.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing ordered herein. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Illinois Traction Company and North American Light & Power Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of the issues presented by said joint application, particular attention shall be directed at said hearing to the following matters and questions:

(1) Whether the capital contribution by North American Light & Power Company to Western Illinois Ice Company is necessary or appropriate in the public interest or for the protection of investors.

(2) Whether the proposed transactions are necessary to effectuate the provisions of subsection (b) of section 11 of the Act and are fair and equitable.

(3) Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors, with particular attention to all accounting entries in connection with the proposed transactions and the proposal of Illinois Traction Company to utilize a portion of the proceeds for the redemption of its outstanding preferred stock.

(4) Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interests of investors or consumers or will tend to circumvent any provisions of the Act or the Rules, Regulations or Order promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12344; Filed, July 30, 1943; 9:33 a. m.]

[File Nos. 54-67, 59-64]

PEOPLES LIGHT AND POWER CO., ET AL.

NOTICE OF FILING OF AMENDED PLAN AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July 1943.

In the matter of Peoples Light and Power Company and subsidiary companies, applicants, File No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Company, Texas Public Service Farm Company, West Coast Power Company, Western States Utilities Company, respondents, File No. 59-64.

The Commission having, on March 9, 1943 (Holding Company Act Release No. 4159), instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 in the matter of Peoples Light and Power Company ("Peoples"), a registered holding company, and its subsidiaries; and the said proceedings having been consolidated for the purpose of hearing with an application heretofore filed by Peoples pursuant to section 11 (e) of said Act for approval of a Plan for compliance with sections 11 (b) (1) and 11 (b) (2) of said Act; hearings having been held in respect of such consolidated proceedings and having been adjourned subject to call of the Trial Examiner;

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the said Act by Peoples in the form of an amendment designated as Amendment No. 10 to the aforementioned application for approval of a Plan. All interested persons are referred to said document, which is on file in the office of the Commission for a full statement of the transactions therein proposed, which are summarized as follows:

1. West Coast Power Company ("West Coast"), a corporation organized under the laws of the State of Delaware, will be merged into California Public Service Company ("California") which is a corporation organized under the laws of the State of California. Both companies are subsidiaries of Peoples which owns all of their outstanding capital stocks. Such merger will be pursuant to the merger and consolidation laws of the States of California and Delaware and will be subject to the approval of the regulatory commissions in the States of California and Oregon. As a part of the merger agreement (a) California will acquire the assets and will assume the liabilities of West Coast, and (b) California will issue to Peoples 291,909 shares of Capital Stock of a par value later to be determined and to be supplied by further amendment.

2. Texas Public Service Company, a subsidiary of Peoples, will amend its charter to change or reclassify its no par value Capital Stock into 291,909 shares of Capital Stock of a par value later to be determined and to be supplied by further amendment. Texas Public will thereafter deliver to Peoples, which holds all of the outstanding Capital Stock of Texas Public, stock certificates representing the said 291,909 shares of Capital Stock in exchange for the certificates representing the 11,500 no par value shares presently outstanding.

3. The presently outstanding securities of Peoples are:

83,201 shares Cumulative Convertible Preferred Stock, $3 dividend, $25 par value, at liquidating preference of $50 per share;

62,520 shares Class A Common Stock, $1 par value;

83,201 shares Class B Common Stock, $1 par value.

Peoples, upon receipt of the shares of Capital Stocks of California (after merger with West Coast) and Texas Public as aforementioned, will make a distribution of such stocks to its stockholders on the following basis:

Holders of the present prefered stock of Peoples will receive 3½ shares of the Capital Stocks of California and of Texas Public for each share of preferred stock held, or a total of 95% of such Capital Stocks. Holders of the present Class A and Class B common stocks of Peoples will receive one share of the Capital Stocks of California and of Texas Public for every 10 shares of common stock held. Through the proposed exchanges, holders of Class A and Class B common stocks of Peoples will receive 2.1% and 2.9%, respectively, of the Capital Stocks of California and of Texas Public.

In lieu of fractional shares, Scrip will be issued, which, in combination with other Scrip, will be exchangeable into full shares of California and Texas Public. Scrip not so exchanged within two years will become void. All shares of Capital Stock of California and Texas Public remaining unclaimed as of the expiration date of such Scrip will be disposed of either at a public or private sale and there will be distributed to the Scrip holders, upon surrender of their Scrip, their pro rata portion of the net proceeds of such sale plus any other cash from dividends or distributions which may be applicable to the shares of the Capital Stocks so sold.

4. Peoples will dispose of its investment in Texas Public Service Farm Company or distribute the Capital Stock of such company to the stockholders of Peoples on a basis whereby such stockholders will receive the same relative interest in Texas Public Service Farm Company (or in the proceeds from the sale of Peoples' investment therein) as they will have in California and Texas Public after the distribution described in paragraph 3.

5. Holders of the presently issued Purchase Warrants of Peoples will not participate in the Plan.

6. Peoples will thereupon be dissolved in accordance with the Laws of the State of Delaware.

The consummation of the above program is declared to be contingent upon the Commission's approval of the transactions proposed in Amendments Nos. 5 and 6 to the application for approval of a Plan. Such amendments are described in Holding Company Act Releases Nos. 4355 and 4385. In brief, they relate to a refinancing of West Coast, the declaration of a dividend of $754,400 from West Coast to Peoples, the contribution of $1,000,000 by Peoples to Texas Public, the acquisition by Texas Public of the common stock of the Peoples Gas Company of Port Arthur, and the sale by Peoples of the common stock of the Western States Utilities Company, one of its subsidiaries.

If the Commission approves the proposed plan, Peoples proposes, as soon as practicable, to send to its stockholders a copy of the findings and order of the Commission in respect of such approval. Peoples further proposes to request that the Commission apply to a Federal Court to enforce and carry out the terms and provisions of the Plan without the necessity for approval thereof by the stockholders of Peoples. Peoples also proposes to send to its stockholders a copy of the notice of the hearing before the Court.

In the event that the Court shall approve the Plan and enter a decree enforcing it, the distribution proposed in the Plan will be made in accordance therewith commencing on or about the 30th day following the date on which the decree of such Court approving the Plan becomes final and no longer subject to judicial review.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect of such matters; and that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission; and

It further appearing to the Commission that the hearings herein should be reconvened;

It is ordered, That such hearings be reconvened on the 19th day of August, 1943 at 10:00 a. m., e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift, or any other officer or officers designated by the Commission to preside at such hearing, shall exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by these proceedings, attention will be directed at the reconvened hearing to a consideration of the following matters and questions:

1. Whether the transactions involved in the proposed amended Plan filed pursuant to section 11 (e) comply with all the requirements of the applicable provisions of the Act and the Rules promulgated thereunder.

2. Whether such proposed amended plan is necessary to effectuate the provisions of section 11 (b) of the Act, whether such plan is fair and equitable to the persons affected thereby, and whether such plan should be approved.

3. Whether the proposed merger will serve the public interest by tending toward the economical and efficient development of an integrated public-utility system, whether it is detrimental to the carrying out of the provisions of section 11 of the Act, and generally, whether it complies with the standards and requirements of sections 9, 10 and 12 of the Act.

4. Whether the proposed securities of California and Texas Public comply with the standards of section 7 of the Act.

5. Whether the proposed acquisition of securities by Peoples from California and Texas Public, and any proposed reacquisition and retirement of securities by California, Texas Public and West Coast meet the requirements of sections 9 and 10 of the Act and any Rules and Regulations promulgated thereunder, and whether any sales of such securities are in compliance with section 12 of the Act and any Rules and Regulations promulgated thereunder.

It is further ordered, That any person desiring to be heard in connection with these proceedings or to intervene therein shall, on or before the 18th day of August 1943, file with the Secretary of the Commission his written request or application, as required by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this Order to Peoples and its various subsidiaries, to the Public Utility Commissions of the States of Idaho, Nevada, Oregon, and Wyoming, and the Railroad Commissions of California and Texas, not less than 15 days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to Peoples and its subsidiaries, to their security holders, and to all consumers of Peoples' subsidiary companies, to all states, municipalities, and political subdivisions of states within which are located any of the physical assets of said companies or under the laws of which any of said companies is incorporated, all State Commissions, State Securities Commissions, and all agencies, authorities and instrumentalities of one or more states, municipalities, or other political subdivisions having jurisdiction over Peoples or its subsidiaries or any of the businesses, affairs or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this Order in the FEDERAL REGISTER not later than ten days prior to the date hereinbefore fixed as the date of the hearing.

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with these proceedings other filings or matters pertaining to the subject matter of this proceeding, or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12345; Filed, July 30, 1943; 9:33 a. m.]

VOL 8

AUG

Reference



FEDERAL REGISTER

Volume 8 | INDEX, *August 1943* | Nos. 152–172

A

Page

ADMINISTRATIVE PERSONNEL (TITLE 5):
- Civil Service Commission:
  - Removals and reductions (Part 12) ---- 10921
  - War service regulations (Part 18) ---- 11463

AGRICULTURAL ADJUSTMENT AGENCY:
- Conservation program:
  - National; 1943 ---- 10924, 11017, 11605, 11835
- Marketing quotas:
  - Tobacco, burley:
    - Regulations; acreage allotments ---- 11607
- Redesignation of chapter headings ---- 11605

AGRICULTURAL CREDIT (TITLE 6):
- Commodity Credit Corporation:
  - Redesignation of chapter ---- 11605, 11608
- Farm Credit Administration:
  - Federal land banks:
    - Columbia (Part 23) ---- 11281
    - Saint Paul (Part 27) ---- 11282
  - National farm loan associations (Part 11) ---- 11464
- Farm Security Administration:
  - Redesignation of chapter ---- 11605

AGRICULTURAL LABOR. *See* War Food Administration.

AGRICULTURE (TITLE 7):
- Agricultural Adjustment Agency:
  - Chapter redesignated ---- 11605
  - Conservation program, national (Part 701) ---- 10924, 11017, 11605, 11835
  - Tobacco:
    - Burley (Part 724) ---- 11607
- Commodity Credit Corporation:
  - Oilseeds Part 1600) ---- 10705, 11499
- Entomology and Plant Quarantine Bureau:
  - Foreign plant quarantine notices (Part 319) ---- 11325
  - Restricted entry orders (Part 321) ---- 11889
- Federal Crop Insurance Corporation:
  - Redesignation of chapter ---- 11605
- Soil Conservation Service:
  - Redesignation of chapter ---- 11605

Page

AGRICULTURE (TITLE 7)—Con.
- War Food Administration:
  - Chapters redesignated ---- 11605, 11607
  - Cotton classification under Cotton Futures Act (Part 27) ---- 10702
  - Dairy products (Part 1401) ---- 10702, 11835
  - Fats and oils (Part 1460) ---- 10970, 11465
  - Fish and shellfish (Part 1465) ---- 10970
  - Food storage facilities (Part 1470) ---- 10703, 10704
  - Foods, canned and processed (Part 1425) ---- 11590
  - Fruit, dried (Part 1407) ---- 11019
  - Fruits and vegetables (Part 1405) ---- 10967, 10969, 11018, 11607, 11889
  - Livestock and meats (Part 1410) ---- 10702, 10857, 11119, 11325, 11327, 11890
  - Poultry Part 1414) ---- 10703, 11465, 11713
  - Sugar (Part 1430) ---- 10705
  - Sugar determinations (Part 802) ---- 10855, 10967
  - Suspension orders (Part 1590) ---- 11332, 11608
  - Tobacco (Part 1450) ---- 11331, 11891

AGRICULTURE DEPARTMENT:
- *See Agricultural Adjustment Agency.*
- *Commodity Credit Corporation.*
- *Commodity Exchange Administration.*
- *Entomology and Plant Quarantine Bureau.*
- *Farm Credit Administration.*
- *Farm Security Administration.*
- *Federal Crop Insurance Corporation.*
- *Rural Electrification Administration.*
- *Soil Conservation Service.*
- *War Food Administration.*

ALASKA:
- Eight-hour law, suspension of, as to laborers and mechanics employed on public works (Executive Order 9368) ---- 11119
- Fisheries, game, etc. *See* Fish and Wildlife Service.

Page

ALASKA—Continued.
- Land withdrawals. *See* General Land Office.
- National War Labor Board, Region XII, incorporation into. *See* National War Labor Board.
- Salmon canning industry. *See* Fisheries Coordinator.

ALIEN PROPERTY CUSTODIAN:
- Claims, arising as a result of vesting orders; extension of time for filing notices ---- 11501
- Hearings, before Vested Property Claims Committee:
  - Handel-Maatschappij "W a l-dorf" ---- 11398
  - Sobernheim, Walter (y Magnus) ---- 11398
- Subordination orders:
  - Adlanco X-Ray Corp ---- 10943
  - Orma Realty Corp ---- 10943
  - Roentgen Supplies, Inc ---- 10943
- Vesting orders:
  - A. V. Publishing Corp ---- 10834
  - Accumulatoren-Fabrik, A. G. ---- 11402
  - Algars, Karlis ---- 11304
  - Alder, Max ---- 11186
  - Alpers, Meta Katherina ---- 11186, 11187
  - Aluminum Co. of America ---- 11400
  - American Air Filter Co., Inc ---- 11402
  - Avenarius, R., & Co ---- 10913
  - Avenarius Bros ---- 10913
  - Barbati, Mary ---- 10944
  - Bevilacqua, John ---- 11312
  - Bluen, Morris J ---- 11816
  - Boekelman, Bernardus ---- 11817
  - Borchers, Anna ---- 11701
  - Butterfield, Frederick ---- 11817
  - Canciamilla, Mariano ---- 11493, 11975
  - Central Mining & Securities Corp ---- 11493
  - Cerutti, Alfred ---- 11187
  - Colainta, Alba ---- 11188
  - Colainta, Guido and Pauline ---- 11818
  - Colainta, Joseph ---- 11188
  - Crohn, Herman ---- 11188
  - Dambach, Wilhelmina ---- 11818
  - DeCorleto, Pasquale ---- 11189
  - Del Drago, Josephine ---- 11819
  - Desebrock, Hanna ---- 11594
  - Doscher, Johanna C ---- 11189
  - Dufft, Edward W ---- 11819
  - DuPont de Nemours & Co ---- 11399, 11400, 11401
  - Eenboom, Algund, et al ---- 11767

89000—43——1

Page

ALIEN PROPERTY CUSTODIAN—Continued.
Vesting orders—Continued.
Electric Storage Battery Co... 11402
Esterle, Gottlob F... 11189
Fedor, Mihal... 11819
Ficken, John... 10945
Fischer, Carl... 11820
Fox, Michael... 10945
Friedmann, Alex... 11450
Gans, John H... 10945
Garrett, Elizabeth W... 11190
German American Bund... 11184
German American Vocational League, Inc... 11494
Gianotti, Antoinetta... 11974
Girratano, Eugenia... 11820
Glogger, Albert A... 11820
Goetjen, John F... 11186, 11187
Grawe, Ferdinand... 11190
Grieco, Francesco... 11190
Gronemann, Ida... 11304
Gussmann, Gustav A... 11305, 11975
Hagmann, Maria Anna... 11821
Holsken, Anna... 11191
I. G. Farbenindustrie A. G... 11398, 11399, 11400, 11401
Integrity Trust Co... 10946
Inventions. *See* Patents.
Irgoneri, Vincent... 11821
Iwata Trading Co... 11185
Jablonski, Antoni and Alice... 10946
Jarchow, Hellmuth W... 10838
Kahrs, Wilhelmina... 11186, 11187
Kent, Louise D... 11191
King, Elizabeth B. L... 10946
Klier, Richard... 11821
Koller, Karl... 11449
Korner, Theresia... 11822
Koppers Construction Co... 11400
Krienke, August... 11701
Latvian Shipping Co... 11304
LeBell, Jennie... 11305
Leitzman, William... 11262
Lennig, Frederick... 11306
Lewis, Philip J., et al... 10836
Lovy, Adele... 11312
McBride, Patrick... 11306
Mantino, Peter... 10947
Martienssen, Oscar... 11399
Matsuno, Gisaburo... 11185
Mayer, Frieda... 11306
Michalski, Johanna... 11313
Mohr, Emil... 11262
Motoshige Shoten, Ltd... 11186
Mozart Apartments... 11262
Mueller, Georg and M. Georg... 11401
Mueller, Hildegarde and Carmelita... 11700
Neshoff, Tony... 11822
Niemann, Martha M... 11263
Nitz, Bertha... 11263
Nolde, Anna L... 11307
Norden, Adolph E... 11307
Nordman, August... 10947
North Point Consolidated Irrigation Co... 10833, 11315
Oahu Junk Co., Ltd... 10834
Obermeyer, Johann... 11308
Original Laminated Patent-barrel Co., Inc... 10833, 11401
Oschman, Martha... 11263
Osis, Martin... 11304
Otto, Herman... 10947
Overhage, Carl... 11544
Paoletti, John... 11264
Pardini, Joe... 11823

Page

ALIEN PROPERTY CUSTODIAN—Continued.
Vesting orders—Continued.
Patents and patent applications of foreign nationals in enemy or enemy-occupied countries:
Austria... 11450
Czechoslovakia... 10911
France... 10911
Germany... 10835, 10836, 10911, 11449, 11450
Hungary... 10911
Italy... 10911
Japan... 10911
Netherlands... 10836, 10911
Norway... 10911
Perrone, Reverend Angelo... 11308
Perry, Dominico... 11313
Pfaltz, Henry... 11823
Pia, Ernest... 11398
Pockwitz, Louis... 11264
Purviance, Hugh Y... 11313
Rauh, George F... 11308
Reers, Charles G... 11823
Reichenbach, Henry... 11309
Reindler, George... 11824
Reiner, Paula... 11264
Riccuiti, Angelo... 11853
Richter, Bernhard... 11402
Richter, Emilie... 11265
Riecke, Heinrich Herman... 11265
Rings, Elsie... 11853
Rohm and Haas Co... 11398
Rosenow, Caroline... 11266
Rossetto, Dante... 11266
Royal Saxon Co., Inc... 11699
Rumpen, Herman... 11309
Safko, Anna... 10948
Salber, Karoline... 11824
Santomenna, Domenick... 11309
Sartorius, Otto... 11310
Schine, Andrew... 10948, 11975
Schlens, Gustav A., et al... 11314
Schlumberger Well Surveying Corp... 11399
Schmaeling, Rudolph... 11266
Schmidt, Henry W... 11314
Schmitz, Anna... 10834
Schneider, Annie and Wilhelmine... 11824, 11825
Schreiber, John... 10948
Seaboard Trust Co... 10836
Seglie, Paul... 10836
Seipp, Sophie... 10949
Shawl, Charles... 11310
Silver, Joseph... 11267
Simone, Francesco... 10837
Steffen, Jacob... 11825
Steffen, Julius... 11311
Steinhilber, Karl... 11826
Stenzel, Wilhelm, et al... 10944
Sternheim, Thea... 10835
Stohandl, Wilhelmina... 11494
Stross, Ines... 11267
Sullivan, Eugenie H... 11268
Tag, Anna... 10837, 11975
Takahashi, Shun T... 11314
Takiguchi, Minoru and Makato... 11268
Tatsumi Engineering Co., Ltd... 11493
Townsley, Henry P... 11315
Trademarks, enemy nationals... 11543
Vivan, Maria, Guido, Vitorio and Anza... 11593

Page

ALIEN PROPERTY CUSTODIAN—Continued.
Vesting orders—Continued.
Waschke, August... 11826
Wassman, Nancy... 11826
Werth, R. E... 11397
White, Henry... 11827
Wiedmann, Louise... 10837
Wilbur, Franklyn F... 11311
Witt, Margaretha... 11311
Zimmerman, Hermine... 11397

ALIENS AND ENEMY NATIONALS:
"Alien enemy"; certain persons excepted from classification as, to permit them to apply for naturalization (Executive Order 9372)... 11887
Property. *See* Alien Property Custodian.
Registration, identification, etc. *See* Immigration and Naturalization Service.

ALIENS AND NATIONALITY (TITLE 8):
Alien Property Custodian:
General orders (Part 503)... 11501
Immigration and Naturalization Service:
Head tax (Part 105)... 10706
Primary inspection and detention (Part 110)... 11446
Registration and fingerprinting of aliens in accordance with the Alien Registration Act, 1940 (Part 170)... 11020

ANIMALS AND ANIMAL PRODUCTS (TITLE 9):
Food Distribution Administration:
Redesignation of chapter... 11608
War Food Administration:
Packers and Stockyards Act:
Authorization for inspection of livestock (Part 203)... 11199
Posted stockyards and live poultry markets (Part 204)... 11235, 11333

ARGENTINA, exportations to; licenses. *See* Economic Warfare.

ARMY: WAR DEPARTMENT (TITLE 10):
Aid of civil authorities and public relations:
Deceased personnel, assistance to relatives and others (Part 11)... 11466
Areas restricted for national defense purposes:
Military areas, establishment (Part 105)... 11333
Claims and accounts:
Claims against the United States (Part 36)... 11199
Servicemen's dependents allowance (Part 30)... 10706
Military education:
Aviation instruction at non-Federal establishments (Part 45)... 10706

Page

ARMY: WAR DEPARTMENT (TITLE 10)—Continued.
Personnel:
Medical and dental attendance (Part 77)... 11283
Uniform, prescribed service (Part 79)... 10706, 11020, 11467, 11891
Women's Army Auxiliary Corps (Part 79b)... 11283
Procurement and disposal of equipment and supplies:
Contracts, termination of (Part 88)... 11609
Military supplies and animals, procurement (Part 81)... 10972

ARMY REGULATIONS. *See* War Department.

B

BANKS AND BANKING (TITLE 12):
Federal Deposit Insurance Corporation:
Advertisement of membership (Part 303)... 11893

BITUMINOUS COAL CONSUMERS' COUNSEL, OFFICE OF; providing for liquidation of affairs of (Executive Order 9369)... 11425

BITUMINOUS COAL DIVISION:
Bituminous Coal Act of 1937, expiration; applications, petitions and proceedings under, cancelled or dismissed:
Addis, Joe and Phillip... 11217
Addis, Joe, and Son... 11217
Alabama Coals, Inc., et al... 11257
American Rolling Mill Co... 11301, 11694
Arkansas Coal Co... 11490
Associated Producers' Coal Co., et al... 11253
Bethlehem Steel Co... 11300
Bituminous Coal Consumers' Counsel... 11693
Blake, Jasper, Wendell and George... 11255
Blake Mining Co... 11255
Boltz, Frank A... 11219
Buckeye Coal and Coke Co... 11254
Burkhardt Consolidated Co... 11255
Canon National Coal Co... 11219
Carbon Fuel Co... 11253
Carrolltown Coal Co... 10777
Cedar Grove Collieries... 11215, 11253
Central Cooperative Wholesale... 11258
Certain Registered Distributors... 11392
Cole, C. H... 11220
Cox, J. H... 11223
D. & W. Coal Co... 11219
Davis, R. Glenn... 11217
Dennison, LeMar... 11255
District 1... 11393
District 1–20... 11693
District 4... 11488
District 7... 11393
District 8... 11693
District 10... 11488
District 11... 11488
District 20... 11490
District 22... 11693
District 23... 11693
District Board 1... 11393, 11394

Page

BITUMINOUS COAL DIVISION—Continued.
Bituminous Coal Act of 1937, etc.—Continued.
District Board 2... 11491
District Board 4... 11488
District Board 8... 11693
District Board 10... 11488
District Board 11... 11300, 11488
District Board 12... 11393
District Board 22... 11394
Dunn, L. F... 11216
Dunning, Frank, Inc... 11218
East Kentucky Coal Sales, Inc... 11255
Emerald Coal and Coke Co... 11489, 11758
Foderaro, John... 11256
Foley, James R... 11254
Ford Collieries Co... 10777
Ford Motor Co., et al... 11299
Forks Coal Mining Co... 11222
Gerard and Rumple... 11489
Girard, Fred J... 11220
Grahek, Math... 11219
Howard Coal and Coke Co... 11223
Hudson Coal Co... 11218
Industrial Collieries Corp... 11300
Jermance, Frank, Raymond and Edmond... 11219
Kanawha and New River Barge and Rail Coal Mines, Inc... 11221
Kelley's Creek Colliery Co... 11220
King Coal Co... 11220
Logan Clay Products Co... 11215
Luzerne-Graham Mining Corp... 11394
Marion County Coal Mining Corp., Inc... 11182
Market Street Coal Co... 11223
Massey, Hal... 11220
Meeks, Lester... 11217
Mehle, Joe A... 11219
Michael, Homer... 11256
Michigan Alkali Co... 10777
Moore, W. G. and H. S... 11215
Moore, W. G., and Son... 11215
Moschetti Coal Co... 11221
Nixon, R. A... 11217
Northwestern Fuel Co... 11491
Petty, Arthur L... 11255
Richvein Coal Co... 11215
Riverton Coal Co... 11219
Ryan & Benson Fuel Corp... 11254
Santarelli, Tony... 11222
Stulce, R. L... 11223
Truax-Traer Coal Co... 11216, 11253
Union Railroad Co... 11258
Vento Coal Co... 11256
Whittington, A. E., Coal Mining Co., et al... 11391
Winifrede Collieries... 11216, 11253
Wyatt Coal Co... 11217, 11253
Minimum price schedules, relief orders. *See* Mineral Resources.
Notices, hearings, orders:
Bennett and Brassart Coal Co... 10776
Black Diamond Coal Mining Co... 11222
Bridges, W. W... 11222
Continental Coal Co... 11258
District Board 9... 11256
District Board 13... 11220
Flat Creek Coal Co... 11392, 11758
Hanna, M. A., Co... 11301
Hussey, M. H., Corp... 11301
Institutional Purchasing Co... 11693

Page

BITUMINOUS COAL DIVISION—Continued.
Notices, hearings, orders—Con.
Kistler Coal Co... 11256
Pittsburg and Midway Coal Mining Co... 11222, 11758
Randall Bros., Inc... 11254
Randall Fuel Co., Inc... 11254
Yasbez, Frank... 11183
Records transferred to Solid Fuels Administration for War... 11542

BLOCKED NATIONALS:
Proclaimed list:
Revision V:
Cumulative Supplement 4... 10707
Cumulative Supplement 5... 11894

BUS COMPANIES, coordination of services. *See* Defense Transportation.

C

CANADA:
Farm machinery and equipment, exports to; War Production Board restrictions... 11209, 11723

CHILDREN'S BUREAU:
State certificates, acceptance of; States designated... 10812

CIVIL AERONAUTICS ADMINISTRATOR:
Amber Civil Airway, redesignation... 11894
Dayton Municipal Airport, Vandalia, Ohio, waiver of weather requirement for certain test flights... 11225

CIVIL AERONAUTICS BOARD:
Air traffic rules:
Aircraft position lights... 10925
Crossing range approach channel... 10707
Deviations from left-hand circle rule at airport or landing area... 11777
Municipal Airport, Burlington, Vt., authorization of right-hand turns... 10925
Notices, hearings, etc.:
American Airlines, Inc... 11542, 11763, 11968
Braniff Airways, Inc... 11225, 11542, 11967
Chicago and Southern Air Lines, Inc... 10778
Colonial Airlines, Inc... 11763
Continental Airlines, Inc... 11542, 11967
Eastern Air Lines, Inc... 11763
Essair, Inc... 11542, 11968
National Airlines, Inc... 11225
Northeast Airlines, Inc... 11763
Pan American Airways, Inc... 11225, 11763
Pan American-Grace Airways, Inc... 11968
Seaboard Airways, Inc... 11763
Transcontinental & Western Air, Inc... 11542, 11763, 11968
TWA-New England, Inc... 11763
United Air Lines Transport Corp... 10910, 11763
Palm Springs, Calif., army air base; American Air Lines, operations... 11201
Parachute technician certificates... 10707

Page

CIVIL AERONAUTICS BOARD—Continued.
Pilots' certificates and ratings; airline transport pilots, reinstatement ---------- 11893
CIVIL AVIATION (TITLE 14):
Civil Aeronautics Administrator:
Designation of civil airways (Part 600) ---------- 11894
Civil Aeronautics Board:
Air traffic rules (Part 60) -- 10707, 11777
Special civil air regulation- 10925
Airline transport pilot rating (Part 21) ---------- 11893
Palm Springs, Calif., army air base; American Air Lines, Inc., operations ---------- 11201
Parachute technician certificates (Part 25) ---------- 10707
CIVIL SERVICE:
Annual leave; when services terminated upon expiration of a statute (Executive Order 9371) ---------- 11887
Examinations, civil service and foreign service; instruction by Federal employees prohibited (Executive Order 9367) ---------- 11017
Reductions in force, procedure- 10921
War service regulations:
Appointments ---------- 11463
Extent of regulations ------- 11463
COAL:
Distribution of supply. *See* Solid Fuels Administration.
Hearings, orders, etc. *See* Bituminous Coal Division.
Rationing of anthracite coal. *See* Rationing.
COAL MINES ADMINISTRATION:
Coal mines, operation by Government:
Financial responsibility for operations ---------- 11344
Regulations ---------- 10712
COAST GUARD:
Coast Guard Auxiliary; organization and administration- 11876
Control of vessels in navigable waters of United States:
Anchorage areas, miscellaneous amendments ------- 11483
District Coast Guard Officer, authority of ---------- 11483
Inspection and navigation:
Bays, sounds, and lakes other than Great Lakes:
Boats, rafts, etc ---------- 10770
Excursion steamers ------- 10771
Ferryboats ---------- 10771
Fire apparatus; fire prevention ---------- 10771
Inspection of vessels ------- 10771
Inspectors' duties --------- 10771
Licensed officers and certificated men ---------- 10771
Steam yachts, bay, sound and lake ---------- 10772
Emergency regulations:
Boats, rafts, etc.:
Life boat provisions ----- 10733
Life floats ---------- 10733
Marine engineering, materials ---------- 11389

Page

COAST GUARD—Continued.
Inspection and navigation—Con.
Emergency regulations—Con.
Vessels documented under Act of June 6, 1941, inspection and certification ---------- 10773
Equipment approved, miscellaneous items ---------- 10773, 11389, 11487
Great Lakes:
Boats, rafts, etc ---------- 10769
Excursion steamers ------- 10770
Ferryboats ---------- 10770
Fire apparatus; fire prevention ---------- 10769
Inspection of vessels ------- 10770
Inspectors' duties --------- 10770
Licensed officers and certificated men ---------- 10769
Marine engineering:
Boiler plate; boilers and attachments ---------- 10767
Construction ---------- 10766, 11388
Data and requirements, supplementary ------- 10767
Fusion welding ---------- 10767
General provisions ------- 10766
Definition of terms ------ 10766
Inspection ---------- 10766
Installation ---------- 10766
Materials ---------- 10766, 11389
Piping systems ---------- 10767
Ocean and coastwise:
Boats, rafts, etc.:
Coastwise ---------- 10768
Ocean ---------- 10767
Fire apparatus; fire prevention ---------- 10768
Inspection of vessels ------ 10768
Certificates of inspection- 10769
Inspectors' duties --------- 10769
Licensed officers and certificated men ---------- 10768
Reports of accidents ---- 10768
Steam yachts ---------- 10769
Passenger vessels of 100 gross tons and over, propelled by machinery; construction or material alteration ---------- 10773
Rivers:
Boats, rafts, etc ---------- 10772
Definition of terms ------ 10772
Excursion steamers ------- 10773
Ferryboats ---------- 10772
Fire apparatus; fire prevention ---------- 10772
Inspection of vessels ------ 10772
Certificates of inspection 10772
Inspectors' duties --------- 10773
Licensed officers ---------- 10772
Reports of accidents ---- 10772
Tank vessels:
Lifesaving appliances and specifications for; wooden lifeboats prohibited ---------- 11388
War Department vessels, waiver of navigation and inspection laws --------- 11876
COMMERCE DEPARTMENT:
See Civil Aeronautics Administrator.
Civil Aeronautics Board.

Page

COMMERCIAL PRACTICES (TITLE 16):
Federal Trade Commission:
Cease and desist orders (Part 3). *See* Federal Trade Commission.
COMMODITY AND SECURITIES EXCHANGES (TITLE 17):
Commodity Exchange Administration:
Redesignation of chapter--- 11650
COMMODITY CREDIT CORPORATION:
Chapter headings redesignated- 11605, 11608
Oilseed meal, requirements for processors ---------- 10705
Peanuts, 1943 crop; purchase, sale and use, restrictions- 11499
Sales by:
Cottonseed oil meal, cake, etc- 11740
Peanut oil meal, cake, etc--- 11739
Soybean oil meal, cake, etc-- 11740
Wool, domestic shorn; handling of, in Texas ---------- 10731
COMMODITY EXCHANGE ADMINISTRATION:
Redesignation of chapter headings ---------- 11650
CONTRACTS, GOVERNMENT. *See* Price Administration; War Department.
COORDINATOR OF FISHERIES. *See* Fisheries Coordinator, Office of.
COTTON FUTURES. *See* War Food Administration.
CUSTOMS BUREAU:
Cotton, raw; information required on invoices --------- 10812
CUSTOMS DUTIES (TITLE 19):
Customs Bureau:
Liability for duties; entry of imported merchandise (Part 8) ---------- 10812

D

DAM PROJECTS, operation and disposal of electric energy at the Denison Dam, Grand River Dam, and Norfork Dam (Executive Order 9366) ------ 10699
DANGER ZONES, regulations. *See* War Department.
DEFENSE SUPPLIES CORPORATION:
Butter, production payments--- 10825
Electronic Research Supply Agency, authority delegated to by War Production Board ---------- 10715
Livestock, slaughter payments-- 10826
Petroleum compensatory adjustments:
Redesignation of title, chapter, and part ---------- 10812
Revision of schedules -------- 11873
DEFENSE TRANSPORTATION, OFFICE OF:
Akron Transportation Co., certain operations suspended and adjusted ---------- 11000

Page

DEFENSE TRANSPORTATION, OFFICE OF—Continued.
Delegations of authority:
Division of Motor Transport, Regional and District Managers of:
Permits, issuance --------- 10788
Used trucks, requisitioning and disposal of ------- 11852
Livestock, transportation of by commercial motor vehicle:
Area Livestock Industry Transportation Advisory Committee and subcommittees, establishment for administration of---- 11702, 11711
Motor equipment conservation:
Exceptions, permits, etc.:
Motor carriers of property:
Bread and perishable bakery products, retail deliveries of---- 10775
Meat, wholesale deliveries of ---------- 10776
Motor carriers of property; deliveries, wholesale and retail ---------- 10910
Passenger carriers; reduction of mileage ---------- 11391
Motor vehicle services, coordination:
Freight services:
Advance Express Co., et al- 11544
Atlantic Coast Lines, Inc-- 11594, 11604
B. & E. Transportation Co., Inc ---------- 11594, 11604
Buckingham Transportation Co ---------- 11094
Byers Transportation Co., Inc ---------- 11403
Central Freight Lines, Inc- 11770
Cook and Fulmer ---- 11595, 11604
Cowan, W. T., Inc--- 11594, 11604
Dignan, Joseph M., & Son-- 11975
Donovan Motor Freight Service ---------- 11403
Eastern States Trucking Co- 11975
Flathead Transportation Co ---------- 11402
Great Southern Trucking Co ---------- 10788
Hayes Freight Lines, Inc-- 11093, 11117
Northern Pacific Transport Co ------- 11402, 11595, 11604
Red Arrow Freight Lines, Inc ---------- 11770
Stueve, John B., & Son---- 11096, 11117
Tamiami Trail Tours, Inc-- 10788
Taylor Drayage Co--- 11096, 11117
Taylor Trucking Co-- 11096, 11117
Viking Freight Co---- 11093, 11117
Wilson Storage and Transfer Co ---------- 11094
Household goods motor carriers, registration office; Portland, Ore ---------- 11769
Joint action plans:
Carriers of property by motor vehicle; Cincinnati, Ohio area ------- 11096, 11117
Chicago Wholesale Liquor Assn.; Chicago area-- 11701, 11711
Dairies; Oneonta, N. Y---- 11768, 11775

Page

DEFENSE TRANSPORTATION, OFFICE OF—Continued.
Motor vehicle services, coordination—Continued.
Joint action plans—Con.
Florists:
Detroit, Mich------ 11878, 11885
Ithaca, N. Y------- 11596, 11604
Sioux Falls, S. Dak- 11095, 11117
Wholesale; Philadelphia, Pa ---------- 11001, 11016
Freight services; names of companies. *See* Freight services, *above.*
Groceries; Topeka, Kans-- 11769, 11775
Ice dealers; Toledo, Ohio and nearby towns in Ohio and Mich-- 11878, 11884
Taxicab operators; various areas:
Florida:
Daytona Beach------- 11981
Ocala ---------- 11978, 11982
Orlando ---------- 11982
St. Petersburg-------- 11978
Mississippi:
Aberdeen ---------- 10840
Columbus ---------- 10839
Hattiesburg ---------- 11980
Jackson -------- 10839, 11977
Meridian ------- 11976, 11977
Winona ---------- 11980
Nebraska; Omaha------- 10838
Tennessee; Memphis---- 11979
Wisconsin; La Crosse--- 11979
Passenger services, companies:
All American Bus Lines, Inc ---------- 11000
Northern Trails, Inc------ 11000
Passenger services, routes:
Chicago, Ill.-New York, N. Y ---------- 11000
Railroads:
Passenger train service between designated points in Tennessee, established- 10788
Traffic movement direction; exceptions, suspensions and permits:
Tank cars, loading ---------- 11815
Tin plate and tin cans, freight shipments, to United States ports ---------- 11542
DENISON DAM, TEX. *See* Dam Projects.

E

ECONOMIC STABILIZATION, OFFICE OF:
Meat, grading and grade labeling ---------- 10988
Wages and salaries, stabilization regulations revised-------- 11960
ECONOMIC WARFARE, OFFICE OF:
Export control:
General regulations:
Prohibited exportations, list------- 10714, 11126, 11127
Licenses:
General:
Countries, list ---------- 10714, 11467, 11900
Empty containers, return of to foreign countries (GEC) -------- 10714

Page

ECONOMIC WARFARE, OFFICE OF—Continued.
Export control—Continued.
Licenses—Continued.
General—Continued.
Exportation of certain articles by person not a citizen serving in United States armed forces (G-AF) ---------- 10714
Photographic film (GPF) - 10714, 11425
Publications (G-PUB) --- 11127
Shipments not exceeding specified value (GLV) ---------- 10714
Commodity list------- 11655
Sugar-mill machinery, exportation from Puerto Rico (G-SMPR) ------- 10812, 11468
Individual; authorizing certain exportations to Argentina, revocation- 10714
Farm machinery and equipment, export restrictions by War Production Board. *See* War Production Board.
Petroleum Reserves Corporation, charter amended---- 11201
Programs and policies, general economic; statement of--- 11770
EIGHT-HOUR LAW. *See* Interior Department.
ELECTRONIC RESEARCH SUPPLY AGENCY. *See* Defense Supplies Corporation.
EMERGENCY MANAGEMENT, OFFICE FOR:
Liaison Officer; certain functions and duties transferred to the Director of Division of Central Administrative Services (Letter of the President, July 29 1943) ---------- 10702
EMPLOYEES' BENEFITS (TITLE 20):
Railroad Retirement Board:
Application, execution and filing of (Part 210) ------- 11894
Employers' contributions and contribution reports (Part 345) ---------- 11894
Social Security Board:
Federal old-age and survivors insurance (Part 403) - 10973, 11467
EMPLOYER-EMPLOYEE AGREEMENTS, suspension of. *See* Interstate Commerce Commission.
EMPLOYMENT STABILIZATION. *See* War Manpower Commission.
ENGINEERS CORPS. *See* War Department.
ENTOMOLOGY AND PLANT QUARANTINE BUREAU:
Foreign quarantine; quantity limits suspended, plants imported for propagation--- 11325
Potatoes, foreign; importation into U. S ---------- 11689

EXAMINATIONS, instruction for civil service or foreign service examinations by Federal employees, prohibited (Executive Order 9367) ---- 11017
EXECUTIVE ORDERS:
Aliens; excepting certain persons from classification of "alien enemy" to permit them to apply for naturalization (No. 9372) ---- 11887
Bituminous Coal Consumers' Counsel, Office of; providing for liquidation of affairs of (No. 9369) ---- 11425
Civil Service:
Annual leave; when services terminated upon expiration of a statute (No. 9371) ---- 11887
Examinations, civil service and foreign service; instruction by Federal employees prohibited (No. 9367) ---- 11017
Dam projects; operation and disposal of electric energy at Denison Dam, Grand River Dam, and Norfork Dam (No. 9366) ---- 10699
Economic Stabilization Director; enforcement of directives of National War Labor Board; Director authorized to issue directives to Government departments or agencies operating plants, mines or facilities taken over under War Labor Disputes Act (No. 9370) ---- 11463
Eight-hour law. *See* Interior Department.
Electric energy. *See* Dam projects.
Emergency Management, Liaison Officer for; certain functions transferred. *See* President, The.
Examinations, civil service and foreign service; instruction by Federal employees prohibited (No. 9367) ---- 11017
Interior Department:
Bituminous Coal Consumers' Counsel, Office of; liquidation of affairs of (No. 9369) ---- 11425
Dam projects; operation and disposal of electric energy at the Denison Dam, Grand River Dam, and Norfork Dam (No. 9336) ---- 10699
Eight-hour law, suspension of, as to laborers and mechanics employed in Alaska (No. 9368) ---- 11119
Labor, Secretary of, authorized to make findings under War Labor Disputes Act. *See* President, The.
National War Labor Board, enforcement of directives of, by Economic Stabilization Director (No. 9370) ---- 11463
War Labor Disputes Act:
Findings under, by Secretary of Labor. *See* President, The.

EXECUTIVE ORDERS—Con.
War Labor Disputes Act—Con.
Plants, mines and facilities, taken over by Government agencies; directives by Director of Economic Stabilization (No. 9370) ---- 11463
EXPORTS, control of. *See* Economic Warfare.

F

FARM CREDIT ADMINISTRATION:
Federal land banks, fees:
Columbia; appraisal and reappraisal fee ---- 11281
St. Paul; subordination of mortgages and contracts, etc ---- 11282
National farm loan associations; procedure for consolidation ---- 11464
FARM SECURITY ADMINISTRATION:
Redesignation of chapter headings ---- 11605
FEDERAL COMMUNICATIONS COMMISSION:
Hearings and orders, etc.:
American Broadcasting System, Inc ---- 11763
American Communications Assn ---- 11092
American Telephone & Telegraph Co ---- 11091
Carlson, Charles C (WJBW) ---- 11302
Florida Defense Force (State Guard) ---- 11092
Interstate Telegraph Co ---- 10779
Neal, Marshall S (KWKW) ---- 10779
Peters, L. W. (KWKW) ---- 10779
Police radio facilities, Westport, Conn ---- 11093
Postal Telegraph, Inc ---- 11092
Postal Telegraph Land Line System ---- 11092
Radio Corporation of America ---- 11763
Selly, Joseph P ---- 11092
Western Union Telegraph Co ---- 11092
Rules and regulations:
Broadcast services and stations, high frequency and standard; substitution of letter calls for letter-numeral calls ---- 11876
Broadcast stations, local channel standard; application for permits to construct or change ---- 11815
Financial statements ---- 11876
Fixed public radio services; radiotelegraph and radiotelephone stations ---- 11877
Information as to ownership, operation, contracts, etc., filing requirements ---- 11963
Radio stations, discontinuance of operation ---- 11876
Ship service; main transmitter, requirements ---- 11299
FEDERAL CROP INSURANCE CORPORATION:
Redesignation of chapter headings ---- 11605

FEDERAL DEPOSIT INSURANCE CORPORATION:
Advertisement of membership, savings bank life insurance advertisements; exemption from required inclusion of advertising statement ---- 11893
FEDERAL HOME LOAN BANK ADMINISTRATION:
Operations of the banks; securities held in trust or as collateral ---- 11334
FEDERAL LAND BANKS. *See* Farm Credit Administration.
FEDERAL POWER COMMISSION:
Hearings, etc.:
California Electric Power Co ---- 11877
Cities Service Co ---- 10780
Cities Service Gas Co ---- 10780, 10943, 11260
Cities Service Transportation and Chemical Co ---- 10780
Fin-Ker Oil & Gas Production Co. (Kans.) ---- 11183
Hope Natural Gas Co ---- 10780, 11968
Kansas Natural Gas Inc ---- 11183
Kansas-Nebraska Natural Gas Co., Inc ---- 11183
Montana-Dakota Utilities Co ---- 11449
Ohio Public Service Co ---- 11260
Otter Tail Power Co ---- 11396
Tennessee Gas and Transmission Co ---- 11877
Tri-County Gas Co. (Kansas) ---- 11183
United Gas Pipe Line Co ---- 11259, 11303, 11968
FEDERAL PUBLIC HOUSING AUTHORITY:
War housing projects; delegation of powers to regional officials ---- 11000
FEDERAL SAVINGS AND LOAN SYSTEM:
Bonus plans, authorization of amendments to Charter K ---- 11334
FEDERAL SECURITY AGENCY:
See Food and Drug Administration.
Public Health Service.
Social Security Board.
FEDERAL TRADE COMMISSION:
Cease and desist orders:
Ackerman, E. G ---- 11867
American Salt Corp ---- 11867
Amogen Co ---- 10973
Avery Salt Co ---- 11867
Barton Salt Co ---- 11867
Bliss, R. R ---- 11867
Carey Salt Co ---- 11867
Case, R. E ---- 11867
Cayuga Rock Salt Co ---- 11867
Cement Institute and Member Companies ---- 10809
Chilton Malting Co ---- 11865
Colonial Salt Co ---- 11867
Columbia Malting Co ---- 11865
Dentists' Supply Co. of N. Y ---- 11868
Detroit Rock Salt Co ---- 11867
Diamond Crystal Salt Co., Inc ---- 11867
Dyer, A. H ---- 11867
Electrovita Sales Co. of Ohio ---- 11283
Ferris, C. H ---- 11867
Froedtert Grain & Malting Co ---- 11865

FEDERAL TRADE COMMISSION—Continued.
Cease and desist orders—Con.
Greening Nursery Co ---- 11122
Guthrie, W. R ---- 11867
Hardy Salt Co ---- 11867
Harrison, T. M ---- 11867
Hodges, J. R ---- 10973
Hudson, S. M ---- 11867
Interior Malt & Grain Co ---- 11865
International Salt Co ---- 11867
Jefferson Island Salt Co., Inc ---- 11867
Konrad Schreier Co ---- 11865
Kreiner, Wm. E., & Sons, Inc ---- 11865
Kurth Malting Co ---- 11865
Ladish-Stoppenbach Co ---- 11865
Marvin, Howard ---- 11867
Metzger, D. M ---- 11867
Meyer, George J., Malt & Grain Corp ---- 11865
Milwaukee Western Malt Co ---- 11865
Morton Salt Co ---- 11867
Mulkey Salt Co ---- 11867
Myles Salt Co., Ltd ---- 11867
Nonweiler, A. P ---- 11867
Northwestern Malt & Grain Co ---- 11865
Ohio Salt Co ---- 11867
Perot's, Francis, Sons Malting Co ---- 11865
Perris, N. M ---- 11867
Platt, L. B ---- 11867
Rahr Malting Co ---- 11865
Rickel, H. W., & Co ---- 11865
Rosenheimer, L., Malt & Grain Co ---- 11865
Ruggles & Rademaker Salt Co ---- 11867
Saginaw Salt Products Co ---- 11867
Salt Producers Assn ---- 11867
Schwill, Albert, & Co ---- 11865
Stevenson, Charles R ---- 11867
Stevenson, Jordan and Harrison ---- 11867
Stevenson Corp ---- 11867
Sweetser, F. L ---- 11867
Todd, J. E., Inc ---- 10972
Union Salt Co ---- 11867
United States Maltsters Assn ---- 11865
Voaden, Albert E ---- 10707
Watkins Salt Co ---- 11867
Weschler, Daniel D., & Sons, Inc ---- 11865
West Bend Malting Co ---- 11865
Wisconsin Malting Co ---- 11865
Worcester Salt Co ---- 11867
Hearings, etc.:
Abraham & Straus, Inc ---- 11696
Associated Merchandising Corp ---- 11696
Ayres, L. S., & Co ---- 11696
Bernard, Lionel ---- 11699
Bernard Engineering Co ---- 11699
Bishop & Babbin, Inc ---- 10830
Bloomingdale Bros., Inc ---- 11696
Bullock's, Inc ---- 11696
Burdine's, Inc ---- 11696
Chemicals of the South, et al ---- 11261
Columbia River Packers Assn., Inc ---- 11764
Dayton Co ---- 11696
Emporium-Capwell Co ---- 11696
F. & R. Lazarus ---- 11696
Filene's, Wm., Sons Co ---- 11696
Forman, B., Co ---- 11696
Herzfeld-Phillipson Co ---- 11696
Holzbeierlein & Sons, Inc ---- 10830
Horne, Joseph, Co ---- 11696

FEDERAL TRADE COMMISSION—Continued.
Hearings, etc.—Continued.
Hudson, J. L., Co ---- 11696
Hutzler Bros., Co ---- 11696
MacDougal Bros ---- 10830
Miller, William I ---- 11699
Rike-Kumler Co ---- 11696
Shillito, John ---- 11696
Stix, Baer & Fuller Co ---- 11696
Strawbridge & Clothier ---- 11696
Taylor, Wm., Sons & Co ---- 11696
Thalhimer Bros., Inc ---- 11696
White, R. H., Co ---- 11696
FISH AND WILDLIFE SERVICE:
Alaska game regulations ---- 11692
National wildlife refuges:
Lower Klamath, Calif. and Oreg.; hunting ---- 11542
National Elk, Wyo., hunting ---- 11757
Tule Lake, Calif., hunting ---- 11756
White River, Ark., fishing ---- 11757
FISHERIES COORDINATOR, OFFICE OF:
Alaska salmon canning industry ---- 10942, 11252
Pilchard, coordinated production plan; permits, Monterey, San Francisco, Calif ---- 11815
FOOD AND DRUG ADMINISTRATION:
Condensed milk, sweetened; use of corn sirup ---- 11260
Definitions and standards:
Bread, various kinds ---- 10780
Insulin, certification of batches of drugs composed wholly or partly of ---- 11837
FOOD AND DRUGS (TITLE 21):
Food and Drug Administration:
Certification of batches of drugs composed wholly or partly of insulin (Part 144) ---- 11837
FOOD DISTRIBUTION ADMINISTRATION:
Redesignation of chapter heading ---- 11608
FOREIGN RELATIONS (TITLE 22):
Proclaimed list of blocked nationals:
Revision V:
Cumulative Supplement 4 ---- 10707
Cumulative Supplement 5 ---- 11894
FOREIGN SERVICE EXAMINATIONS, instruction by Federal employees prohibited (Executive Order 9367) ---- 11017
FRUITS AND VEGETABLES, special permits for icing in transit. *See* Interstate Commerce Commission.

G

GENERAL LAND OFFICE:
Air-navigation site withdrawal; Wyoming ---- 10995
Land withdrawals, transfers, etc.:
Alaska ---- 10995
Colorado ---- 10942
Nevada ---- 10942
Wyoming ---- 11223
Oil and gas leases, offer of lands for lease ---- 11692
GENERAL LAND OFFICE—Con.
Wildlife refuges, enlargement:
Bombay Hook, Del ---- 11816
Desert Game Range, Nevada ---- 11224
Lake Washington State Game Refuge, N. D ---- 11694
Squaw Creek, Mo ---- 11816
GOVERNMENT EMPLOYEES. *See* Civil Service.
GRADING AND GRADE LABELING. *See* Economic Stabilization, Office of; Price Administration, Office of.
GRAND RIVER DAM, OKLA. *See* Dam Projects.
GRAZING SERVICE:
Field employees; Wage Board establishment and wage fixing procedures:
California ---- 11224
Colorado ---- 11301
Nevada ---- 11224
Utah ---- 11224

H

HAWAII:
Rationing. *See* Rationing.
Sugar determinations, etc. *See* War Food Administration.
HOUSING CREDIT (TITLE 24):
Federal Home Loan Bank Administration:
Operations of the banks (Part 4) ---- 11334
Federal Savings and Loan System:
Incorporation, conversion, and organization (Part 202) ---- 11334
National Housing Agency:
Private war housing (Part 702) ---- 11894

I

ICING OF FRUITS AND VEGETABLES. *See* Interstate Commerce Commission.
IMMIGRATION AND NATURALIZATION SERVICE:
Aliens, resident; border crossing: revalidation of identification cards ---- 11466
Foreign government officials and families, exemption from registration and fingerprinting ---- 11020
Military or naval personnel, head tax exemption ---- 10706
IMPORTS OF STRATEGIC MATERIALS. *See* War Production Board.
INCOME TAX. *See* Internal Revenue Bureau.
INDIAN AFFAIRS OFFICE:
Colorado River Indian Irrigation Project, Ariz.; operation and maintenance charges ---- 11713
Deceased Indians of the five civilized tribes, determination of heirs and probate of estates ---- 11335, 11467

Page

INDIANS (TITLE 25):
Indian Affairs Office:
Determination of heirs and probate of estate of deceased Indians of the five civilized tribes (Part 82) 11335, 11467
Operation and maintenance charges (Part 130) 11713
INTERIOR DEPARTMENT:
See Bituminous Coal Division.
Coal Mines Administration.
General Land Office.
Grazing Services.
Indian Affairs Office.
Mines Bureau.
Reclamation Bureau.
Bituminous Coal Consumers' Counsel, Office of; providing for liquidation of affairs of (Executive Order 9369) 11425
Dam projects; operation and disposal of electric energy at Denison Dam, Grand River Dam, and Norfork Dam (Executive Order 9366) 10699
Eight-hour law, suspension of as to laborers or mechanics employed on public works in Alaska (Executive Order 9368) 11119
Office of the Secretary:
Anthracite and bituminous coal mines; Secretary authorized to designate eight-hour work day 11492
Bituminous Coal Division, transfer of records to Solid Fuels Administration for War 11542
Coal mines, termination of Government control 11592, 11758, 11759, 11760, 11761
Forest and range fire fighting employees, wage fixing procedure 11762
INTERNAL REVENUE (TITLE 26):
Internal Revenue Bureau:
Estate and gift taxes:
Gift tax under Chapter 4 of Internal Revenue Code (Part 86) 10858
Income and excess profits taxes:
Excess Profits Tax Act of 1940, regulations (Part 30) 11020
Income tax under Internal Revenue Code (Part 19) 10708, 11337, 11650
INTERNAL REVENUE BUREAU:
Excess Profits Act of 1940, regulations:
Credit based on income; average base period net income in case of prior stock acquisition 11020
Gift tax under Chapter 4 of Internal Revenue Code, regulations 10858
Income taxes:
Debts, bad, recovery of 10708
Dividends, stock 11337
Estimated tax declaration, extension of time to armed forces 11650

Page

INTERNAL REVENUE BUREAU—Continued.
Income taxes—Continued.
Income from recovery of bad debts, prior taxes and delinquency amounts 10708
Taxes, prior, recovery of 10708
INTERSTATE COMMERCE COMMISSION:
Car service:
Demurrage charges; Mexican border points 10994
Employer-employee agreements:
Length of trains, limitation suspended; Atchison, Topeka and Santa Fe Railway Co. and Union Pacific Co 10774
Tonnage of trains drawn by two locomotives, limitation suspended; Atchison, Topeka and Santa Fe Railway Co 10775
Freight trains, special, movements restricted; agents appointed for issuance of special permits 11964
Fruits and vegetables:
Icing or reicing. *See* Icing or reicing, below.
Oranges, shipments from Arizona or California restricted 11448
Refrigerator car service, restricted. *See* Icing or reicing.
Refrigerator cars substituted for box cars 11852
Sand or gravel shipments, weighing of 10774, 10910, 10994, 11088, 11487
Freight traffic, rerouting of between Mackinaw City and St. Ignace, Mich 11226, 11396
Icing or reicing:
Fruits and vegetables 10941, 10942, 11093, 11227, 11389, 11397, 11492, 11593, 11973, 11974.
Shipments originating in Western States 11390
Potatoes 10832, 10833, 11852
Shipments originating in:
Eastern States 11089
Western States 11089, 11487
Special permits:
Alton Railroad Co 11765, 11766, 11973
Atchison, Topeka and Santa Fe Railway Co 11492, 11766, 11767, 11971
Atlanta and West Point Rail Road Co 11765
Baltimore and Ohio Railroad Co 11227, 11969, 11970
Boston and Maine Railroad 11765, 11971, 11973
Central of Georgia Railway Co 11766
Chesapeake and Ohio Railway Co 11491, 11970
Chicago and North Western Railway Co 11971, 11972, 11973
Chicago, Burlington & Quincy Railroad Co 11492, 11592, 11765, 11766, 11972

Page

INTERSTATE COMMERCE COMMISSION—Continued.
Icing or reicing—Continued.
Special permits—Continued.
Chicago, Rock Island and Pacific Railway Co 10832, 11765, 11766, 11767, 11971
Chicago, Saint Paul, Minneapolis and Omaha Railway Co 11973
Danville and Western Railway Co 11970
Delaware and Hudson Railroad Corp 11765, 11973
Delaware, Lackawanna and Western Railroad Co 11765
Denver and Rio Grande Western Railroad Co 11543
Erie Railroad Co 11972, 11973
Great Northern Railway Co 11767
Illinois Central Railroad Co 11492, 11592, 11973
Indiana Harbor Belt Railroad Co 11765, 11766, 11767, 11972
Long Island Rail Road Co 11491, 11969, 11974
Louisville and Nashville Railroad Co 11765
Michigan Central Railroad Co 11765
Missouri - Kansas - Texas Railroad Co 10831, 11765, 11766
Missouri Pacific Railroad Co 10831, 11765, 11766, 11971
New York Central Railroad Co 11971
New York, Chicago and St. Louis Railroad Co 11971, 11973
Norfolk and Western Railway Co 11227, 11969, 11970
Pacific Electric Railway Co 11766, 11971
Pennsylvania Railroad Co 11093, 11226, 11491, 11543, 11765, 11766, 11969, 11970, 11973, 11974.
Pere Marquette Railway Co 11765, 11766, 11767
Reading Co 11969
St. Louis-San Francisco Railway Co 11766
St. Louis Southwestern Railway Co 10831, 11766, 11971
Southern Pacific Co 11765, 11766, 11767, 11971, 11972, 11973
Southern Railway Co 11970, 11974
Texas and New Orleans Railroad Co 11765
Texas and Pacific Railway Co 11765, 11766, 11971
Toledo, Peoria & Western Railroad 11765, 11766
Union Pacific Railroad Co 11492, 11592, 11765, 11766, 11767, 11971, 11972, 11973.
Virginian Railway Co 10999, 11227
Wabash Railway Co 11765, 11766, 11767, 11973
Western Railway of Alabama 11765

Page

INTERSTATE COMMERCE COMMISSION—Continued.
Mexico:
Border points, demurrage charges 10994
Shipments to, on straight bills of lading 10829
Safety-appliance standards, railroad; box and other house cars, running boards 11390
Securities, railroad, competitive bidding in sale of; investigation 10831
Steam roads, uniform system of accounts; road property depreciation, accounting requirement postponed 10941

J

JOINT ACTION PLANS. *See* Defense Transportation.
JUSTICE DEPARTMENT:
"Alien enemy"; excepting certain persons from classification as, to permit them to apply for naturalization (Executive Order 9372) 11887

L

LABOR (TITLE 29):
Agricultural Labor:
Redesignation of chapter 11652
Salaries and wages in picking of canning tomatoes (Part 1103) 11779, 11897
Salaries and wages in picking of grapes for sun dried raisins (Part 1104) 11844
Children's Bureau:
Acceptance of State certificates (Part 402) 10812
National Labor Relations Board:
Investigation and certification of representatives (Part 203) 11651
National War Labor Board:
General orders (Part 803) 11201, 11651, 11777, 11846
Office of the Secretary:
Overtime, Sunday and holiday pay, determinations relating to (Part 4) 11844
Wage and Hour Division:
Minimum wage rates:
Cottonseed and peanut crushing industry (Part 640) 10710
Mattress, bedding, and related products (Part 639) 11896
Metal, plastics, machinery, instrument, and allied industries (Part 636) 11557
Miscellaneous textile, leather, fur, straw, and related products (Part 637) 11895
Vegetable fats and oils industry (Part 641) 10710
War Manpower Commission:
Governing employment stabilization programs (Part 907) 11338
Non-deferrable activities and occupations (Part 908) 11340
Transfer of workers at increased rates of pay (Part 904) 11337

Page

LABOR DEPARTMENT:
See Children's Bureau.
Wage and Hour Division.
Office of the Secretary:
Contracts in prosecution of war effort, findings:
Letts-Fletcher Co., et al 11762
O'Connell and Sweeny Co 11491
Thomas-Starrett Co 11302
Overtime, Sunday and holiday pay; fruit and vegetable packing and canning industries 11844
War Labor Disputes Act; Secretary of Labor authorized to make findings under (Letter of the President, Aug. 10, 1943) 11281
LAND WITHDRAWALS. *See* General Land Office; Reclamation Bureau.
LEARNER EMPLOYMENT. *See* Wage and Hour Division.
LEND-LEASE, exports of farm machinery and equipment to various countries; restrictions by War Production Board. *See* War Production Board.

M

METALS RESERVE COMPANY, sales of certain non-metallic minerals 11247
MEXICO:
Freight shipments to. *See* Interstate Commerce Commission.
Potatoes, importation from. *See* Entomology and Plant Quarantine Bureau.
MINERAL RESOURCES (TITLE 30):
Bituminous Coal Division:
Minimum price schedules, relief orders:
District 2 (Part 322) 11284, 11341
District 3 (Part 323) 11342
District 4 (Part 324) 10885
District 7 (Part 327) 10711, 10886, 10888
District 8 (Part 328) 10712, 11344, 11781, 11783
District 9 (Part 329) 10889
District 13 (Part 333) 11122
District 14 (Part 334) 10891
District 15 (Part 335) 11344
District 22 (Part 342) 11124
Coal Mines Administration:
Regulations for the operation of coal mines under Government control (Part 801) 10712, 11344
Defense Supplies Corporation:
Petroleum compensatory adjustments (Part 701) 10812
Solid Fuels Administration for War:
Administrative; general (Part 601) 10974, 11897
General orders and directives (Part 602) 11652, 11714, 11898
Operation of coal mines under government control (Part 603) 10712
MINES BUREAU:
License suspended:
White, James E 11964

Page

MINIMUM WAGE RATES, various industries. *See* Public Contracts Division; Wage and Hour Division.
MONEY AND FINANCE: TREASURY (TITLE 31):
Monetary Offices:
Appendix A; safe deposit boxes of nationals of blocked countries (General Ruling 16) 11559
Foreign funds control (Part 131):
General License 12 11559
General License 88 11784
MONEY ORDERS, exportation and importation. *See* Treasury Department.
MOTOR VEHICLES, equipment, operations, etc. *See* Defense Transportation.

N

NATIONAL DEFENSE (TITLE 32):
See Defense Supplies Corporation.
Economic Stabilization, Office of.
Economic Warfare, Office of.
Mines Bureau.
Petroleum Administration for War.
Price Administration, Office of.
Selective Service System.
War Production Board.
NATIONAL FARM LOAN ASSOCIATIONS. *See* Farm Credit Administration.
NATIONAL FORESTS:
Enlarging the Huron, Manistee, Ottawa, Marquette, and Hiawatha National Forests, Mich. (Proc. 2591) 10699
NATIONAL HOUSING AGENCY:
Private war housing, limitations on total monthly payments 11894
War housing projects; delegation of powers to regional officials 11000
NATIONAL LABOR RELATIONS BOARD:
Procedure for investigation and certification of representatives; run-off elections 11651
NATIONAL WAR LABOR BOARD:
Alaska, incorporation into Region XII 11201
Anthracite and bituminous coal mines; authorization of Secretary of the Interior to designate eight-hour work day 11492
Wage and salary adjustments:
Board approval 11651
Designated and civilian employees 11651
Increases, under total of 40¢ per hour; approval waived 11846
Schedules 11777
NATIONAL YOUTH ADMINISTRATION, property. *See* Treasury Department.

Page

NAVIGATION AND NAVIGABLE WATERS (TITLE 33):
- Coast Guard:
  - Coast Guard Auxiliary, regulations (Part 5) ... 11876
  - Security of ports and control of vessels (Part 6) ... 11483
- Engineers Corps, War Department:
  - Danger zone regulations (Part 204) ... 11387, 11388, 11483

NAVIGATION REGULATIONS. *See* Coast Guard.

NAVY (TITLE 34):
- Navy Department:
  - Naval courts and boards (Part 11) ... 11084
  - Naval Reserve (Part 6) ... 11388
  - Proceedings in civil courts (Part 12) ... 11087
  - Servicemen's dependents allowance (Part 13) ... 10764

NAVY DEPARTMENT:
- *See Coast Guard.*
- Court proceedings concerning members of the Navy ... 11084
- Family allowances, period of entitlement and payment; joint statement with War Department ... 10764
- Maternity and infant care for service-connected wives and infants ... 11391
- Naval Reserve; administration and organization: custody of records ... 11388

NORFORK DAM, ARK. AND MO. *See* Dam Projects.

P

PACKERS AND STOCKYARDS ACT. *See* War Food Administration.

PENSIONS, BONUSES, AND VETERANS' RELIEF (TITLE 38):
- Veterans' Administration:
  - Adjudication; veterans' claims (Part 2) ... 11299, 11448
  - Insurance (Part 10) ... 10765
  - Veterans' regulations (Part 35) ... 11448, 11691

PETROLEUM, production, etc. *See* Petroleum Administration for War; War Production Board.

PETROLEUM ADMINISTRATION FOR WAR:
- Authority of Administrator and officials of Administration to regulate petroleum industry and use of petroleum and its products, delegation by War Production Board ... 11559
- Marketing: asphalt, test requirements ... 10908
- Motor fuel, delivery by barge; restrictions ... 11691
- Processing and refining; lubricants, manufacturing restricted ... 11387
- Production operations; elimination of certain Louisiana fields ... 10908

PETROLEUM RESERVES CORPORATION, charter amended ... 11201

Page

POTATOES:
- Importation of. *See* Entomology and Plant Quarantine Bureau.
- Transportation of. *See* Interstate Commerce Commission.

PREFERENCE RATINGS. *See* War Production Board.

PRESIDENT, THE. *See also* Executive Orders; Proclamations.
- Liaison Officer for Emergency Management; certain functions and duties transferred to the Director of Division of Central Administrative Services (Letter of July 29, 1943) ... 10702
- War Labor Disputes Act; Secretary of Labor authorized to make findings under (Letter of Aug. 10, 1943) ... 11281

PRICE ADMINISTRATION, OFFICE OF:
- Administration and procedure:
  - Adjustments for wage increases approved by War Labor Board before April 8, 1943 ... 11873
  - Cost-of-living commodities, filing maximum prices ... 11955
  - Exemption from price control of certain commodities and services ... 10980
  - General maximum price regulation:
    - Excepted commodities and services ... 10759, 10939, 11247, 11434, 11572, 11738, 11754, 11814, 11951.
  - Government contracts and subcontracts, secret; sales under ... 11951
  - Maximum price regulations, procedure for issuance, adjustment, amendment, protest and interpretation ... 11806
- Rationing. *See* RATIONING.
- Price regulations, various commodities and services:
  - Abrasive products, coated and bonded ... 11385
  - Air-conditioning and refrigerating equipment:
    - Ice boxes, new ... 11386, 11813
  - Aircraft veneer. *See* Lumber.
  - Alarm and protection equipment ... 10939
    - Fire reporting services ... 10939
  - Alaskan sales and deliveries:
    - Butter ... 11035
  - Alcohol; butyl, and esters ... 11686
  - Alfalfa:
    - Hay, transportation by truck; California ... 11773
    - Meal. *See* Feedingstuffs.
  - Aluminum:
    - Scrap and secondary aluminum ingot ... 10899
    - Sulphate. *See* Chemicals.
  - Animal feedingstuffs. *See* Feedingstuffs.
  - Anti-freeze ... 11437, 11755
  - Apparel:
    - Gloves, work; Detroit, Mich., area ... 11857
    - Hosiery. *See* Hosiery.

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
- Price regulations, various commodities and services—Con.
  - Apparel—Continued.
    - Men's and boys' tailored clothing ... 11954
    - Women's, girls', and children's outerwear garments; retailers' and wholesalers' prices ... 11041
  - Apples and apple products:
    - Dried and canned. *See* Canned and processed foods.
  - Asparagus, canned. *See* Canned foods.
  - Asphalt and asphalt products ... 10915, 11143, 11771
  - Automotive parts. *See* Motor vehicles.
  - Bags. *See* Containers; Puerto Rican sales.
  - Bakery products; pan bread ... 11572
  - Barrels. *See* Containers.
  - Batting, padding, etc.; cotton linters. *See* Cotton.
  - Beans:
    - Canned. *See* Canned foods.
    - Dried. *See* Fruits, berries, vegetables.
  - Bed linens ... 11245
  - Berries. *See* Fruits, berries, vegetables.
  - Beverages, alcoholic. *See* Liquors.
  - Bowling; Lake County, Illinois ... 11407
  - Boxes. *See* Containers.
  - Bread. *See* Bakery products.
  - Building materials ... 10907, 11037
    - Asphalt and products. *See* Asphalt.
    - Furnaces, warm-air. *See* Cooking and heating equipment.
    - Hinges and butt hinges ... 11375
  - Bulbs for planting ... 11951
  - Burglar alarms. *See* Alarm and protection equipment.
  - Butter. *See* Dairy Products.
  - Cabbage seed. *See* Seeds.
  - Canned and preserved foods:
    - Abalone, canned imported; California, Washington, Nevada, Oregon, Arizona and Idaho ... 11858
    - Apples and apple products; bland apple syrup ... 11739
    - Asparagus ... 11807
    - Beans, fresh shelled ... 11807
    - Berries, raw ... 11807
    - Clams ... 11435
    - Crabmeat, domestic ... 11811
    - Fruit cocktail and mixed fruit ... 11703
    - Fruit preserves, jams and jellies, imitation; Region VII ... 11195, 11273
    - In Puerto Rico. *See* Puerto Rico.
    - Packed products ... 10824, 11296, 11703, 11806
      - Grade labeling ... 10986
      - Miscellaneous fruits ... 10725, 11247
    - Peas ... 11807
    - Potato chips ... 11445
    - Tomato catsup ... 11807

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
- Price regulations, various commodities and services—Con.
  - Carbon tetrachloride. *See* Chemicals.
  - Carrier services:
    - Pick up and delivery services ... 10939
    - Transportation of commodities. *See under commodity names.*
  - Charcoal ... 11444
    - Region VIII ... 11456
  - Cheese. *See* Dairy products.
  - Chemicals and drugs:
    - Aluminum sulphate ... 11479
    - Carbon tetrachloride and blends ... 10728
    - Copper sulphate ... 11252
    - Phosphate, defluorinated ... 11754
  - Clams. *See* Fish and seafood.
  - Clay, crude and processed plastic and flint fire ... 11037
  - Cleaning services, etc. *See* Laundry, cleaning, etc., services, *below.*
  - Clearing and weeding; Los Angeles, Calif ... 11602
  - Clothing. *See* Apparel.
  - Coal. *See* Fuels, solid.
  - Coal tar ... 11383
  - Coffee, Kona. *See* Hawaii.
  - Community ceiling prices, lists of orders filed ... 10803, 10806, 10841, 10951, 11197, 11274, 11321, 11451, 11861
  - Construction and road maintenance equipment. *See* Machinery.
  - Consumers' goods ... 10907, 11037, 11495
  - Containers:
    - Bags, Kraft paper ... 10761
    - Barrels; Aroostook County, Maine ... 11410
    - Crates and boxes; Denver, Colo ... 11414
    - Glass, wide mouth ... 11813
    - Wooden:
      - Tight cooperage stock and sawed tight cooperage ... 11175
      - Used fruit and vegetable ... 11382
  - Cooking and heating equipment:
    - Furnaces, cast iron coal fired warm-air ... 11404
    - Stoves, domestic cooking and heating ... 11404
  - Cooperage. *See* Containers.
  - Copper:
    - Ores, royalties on ... 11246
    - Sulphate. *See* Chemicals.
  - Cotton:
    - Combed yarns, and processing ... 11870
    - Ginning services ... 11249
    - Linters and hull fibers ... 11248
      - Free linters ... 11248
    - Storage services, in Texas and Oklahoma ... 11873
    - Textiles. *See* Textiles.
  - Cottonseed oil meal, etc. *See* Fats and oils.
  - Crabmeat. *See* Fish and seafood.
  - Crates. *See* Containers.
  - Customhouse brokers' fees ... 11247

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
- Price regulations, various commodities and services—Con.
  - Dairy products:
    - Butter, bulk ... 11245
    - Cheese ... 11811
    - Cream; San Francisco Area, Calif ... 11987
    - In Virgin Islands. *See* Virgin Islands.
    - Milk and cream ... 11589
      - Malted milk. *See* Malted milk.
      - Manufacturing milk, transportation of; California ... 11833
      - Purchase from producers for resale as fluid milk ... 10731, 11035
      - Regional office orders:
        - Region I ... 11597, 11859
        - Region III ... 10917, 10920, 10951–10956, 11109–11111, 11270, 11406, 11411, 11415, 11703, 11704, 11984
        - Carrier services ... 11270
        - Region IV ... 10956–10961, 11097–11099, 11107, 11772, 11862.
        - Region V ... 11233, 11706
        - Region VI ... 10796–10799, 10803, 10804–10806, 10845–10850, 11273, 11317–11320, 11407, 11415, 11451–11452, 11459, 11598, 11599–11601, 11706, 11859, 11986.
        - Through vending machines ... 11546
        - Region VII ... 11002–11003, 11193–11195, 11228–11232, 11546, 11860, 11879, 11880
        - Carrier services ... 11229, 11232, 11407
        - Region VIII ... 10799–10802, 11107–11108, 11452–11456, 11457, 11460, 11547, 11707, 11773, 11832, 11833, 11857, 11861, 11987, 11988, 11993, 11994
  - Delivery services. *See* Carrier services.
  - Distilled spirits. *See* Liquors.
  - Drug sundries, rubber. *See* Rubber.
  - Dry cleaning services. *See* Laundry, etc., services.
  - Eating and drinking establishments. *See* Restaurants.
  - Eggs and egg products ... 11036, 11381
    - In Virgin Islands. *See* Virgin Islands.
    - Regional office orders:
      - Louisiana ... 11705
      - Nevada and California ... 11707
  - Explosives; cotton linters and hull fibers ... 11248
  - Farm equipment, manufacturers' and wholesale prices ... 11435

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
- Price regulations, various commodities and services—Con.
  - Fats and oils ... 10727, 11150
    - Cottonseed oil, cake, sized cake and pellets; hulls and hull bran ... 10758, 10903, 11672, 11740
    - In Virgin Islands. *See* Virgin Islands.
    - Lard ... 11508
      - Denatured edible ... 11296
    - Linseed oil ... 11739
      - Meal, cake, pea size meal and pellets ... 10733
    - Peanut oil meal, sized cake, pellets, and peanut hulls ... 10736, 10758, 11739
    - Pine tar oil. *See* Naval stores.
    - Soapstocks ... 11508
    - Soybean oil meal, cake, pea size meal and pellets ... 10759, 11740
  - Feedingstuffs:
    - Alfalfa meal ... 11539
    - Animal product ... 10905
    - In Virgin Islands. *See* Virgin Islands.
    - Salt. *See* Salt.
    - Wheat mill feeds ... 11040
  - Ferromanganese and manganese alloys and metals ... 10762
  - Ferrosilicon and silicon metal ... 10759
  - Fertilizer; mixed, superphosphate and potash ... 11481
  - Fire protection equipment. *See* Alarm and protection equipment.
  - Fire reporting services ... 10939
  - Firewood:
    - Fuel wood; Southern California area ... 11858
    - Regional office orders:
      - California ... 11003–11011, 11408, 11460
      - Connecticut ... 11099, 11192
      - Idaho ... 11995
      - Maine ... 11101, 11102, 11411
      - Massachusetts ... 11597, 11599
      - New Hampshire ... 11103, 11108, 11408, 11854
      - North Carolina ... 11985
      - Oregon ... 11994
      - Rhode Island ... 11104
      - South Carolina ... 10957
      - South Dakota ... 11001
      - Vermont ... 11102
      - Washington ... 11547, 11599, 11995
  - Fish and seafood:
    - Canned. *See* Canned foods.
    - Fresh ... 10939, 11687, 11734
      - Retail ... 10732, 11686
    - Frozen ... 11175
    - In Hawaii. *See* Hawaii.
    - Salmon; handling, storage, etc., services; Oregon and Washington ... 11215
    - Tuna fish, fresh, handling of; Washington, Oregon and Calif ... 11708
  - Flaxseed ... 10757
    - Transportation by motor carrier; California ... 11599
  - Flour, from wheat, semolina, and farina ... 10758, 11563
  - Flowers ... 11951

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Price regulations, various commodities and services—Con.
Food and food products:
Perishable:
Sales except at retail---- 10731, 11672
Retail ceiling prices:
Group 1 and Group 2 stores (doing annual business of less than $250,000)---- 10988
Group 3 and Group 4 stores---- 10987
Seasonal and miscellaneous---- 11040, 11447
Wholesale ceiling prices--- 10987
Footwear, rubber. *See* Rubber.
Fruits, berries, vegetables: (*See also* Foods.)
Canned. *See* Canned foods.
Citrus fruit, packing; Region VIII---- 11987
Dried:
Beans, grade labeling---- 10986
In Virgin Islands. *See* Virgin Islands.
Prunes and raisins, natural condition unpacked---- 11952
Fresh, for table use, sales except at retail---- 11589, 11691, 11756
Frozen (1943 pack and after)---- 10840, 11034, 11080, 11952
Hauling and transportation:
By motor carrier, California---- 11456, 11880
For canning and processing; Indiana, Kentucky, Michigan, Ohio, and West Virginia---- 11857
Vegetables; Wisconsin--- 11320, 11707
Onions---- 11672
Packing, drying and dehydrating; Region VIII--- 10800, 11601, 11993
Potatoes, seed; sales to War Food Administration for export---- 10731
Power units used by wineries, rental of---- 11320
Regional office orders:
Atlanta regional area---- 11772
Chicago region---- 11832
Colorado---- 11412, 11460
Idaho---- 11602
Michigan---- 10841
Region VI---- 11270, 11406
Wyoming--- 11412, 11460, 11772
Fuel oil. *See* Petroleum.
Fuels, solid:
Anthracite coal:
Regional office orders:
Burlington, Camden, and Gloucester Counties, N. J---- 10792
Coal Area II, N. J---- 11827
Coal Area III, N. J---- 11829
Semi-anthracite, Virginia---- 10936

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Price regulations, various commodities and services—Con.
Fuels, solid—Continued.
Bituminous coal:
Delivered from mine or preparation plant--- 10936, 11689, 11755, 11806
Regional office orders:
Jackson Area, Wyo---- 11598
Metropolitan Boston area---- 10841
Seattle, Wash., area--- 11011, 11708
Uintah County, Utah--- 11601
Worcester, Mass., area--- 10850
Sold for direct use as bunker fuel--- 10936, 11143, 11690, 11846
Delivered from producing facilities---- 10936
Regional office orders:
Colorado---- 11992
Georgia---- 10841, 11990
Indiana---- 10917, 10918
Minnesota---- 11272, 11406
North Carolina--- 11704, 11989
Sold and delivered by dealers---- 11143, 11690
Fungicides. *See* Insecticides.
Furnaces. *See* Cooking and heating equipment.
Furniture, household---- 11495
Gas, natural. *See* Petroleum and petroleum products.
Gloves. *See* Apparel.
Government contracts. *See* United States agencies.
Grade labeling. *See under commodity names.*
Grain doors, "General Manager Type"---- 11405
Hawaiian sales and deliveries---- 10984, 11247, 11437
Beverage coasters and sea shells---- 10980
Coffee, Kona---- 11849
Fish and seafood---- 10984
Jewelry, etc---- 10984
Heating equipment. *See* Cooking and heating equipment.
Heels, rubber. *See* Rubber.
Hides. *See* Leather.
Hinges. *See* Building materials.
Hog houses, Southern and Central Indiana---- 11106
Hops---- 11586
Hosiery, women's:
Nylon---- 11959
Rayon---- 11741
Ice; regional office orders:
Arizona---- 11773
Colorado---- 11986
Indiana---- 10918
Louisiana---- 11544
Massachusetts---- 11771
Mississippi---- 11461, 11772, 11858
Washington---- 11707
Ice boxes. *See* Air-conditioning and refrigerating equipment.
Import prices---- 11681, 11806
Exceptions---- 11814

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Price regulations, various commodities and services—Con.
Industrial materials, special sales---- 11376
Insecticides and fungicides, agricultural---- 11954
Iron and steel:
Scrap---- 11251
Steel castings, railroad locomotive and tender, and railroad specialties---- 10791
Irons, electric; Region II---- 11459, 11833
Kid carcasses. *See* Meat.
Kyanite. *See* Minerals.
Lard. *See* Fats and oils.
Laundry, cleaning, etc., services:
Regional office orders:
California---- 11993
Colorado---- 11546, 11860
Illinois---- 11991
Los Angeles area (military laundry)---- 11833
Massachusetts---- 11453
Michigan---- 11316, 11317, 11406, 11414, 11771
Texas---- 11545
West Virginia---- 11856
Lead ores, royalties on---- 11246
Leather; hides, kips and calfskins---- 11676
Linoleum cement and paste:
Regional office order; Utah---- 11414
Linseed oil, meal, etc. *See* Fats and oils.
Liquors:
Distilled spirits and wines--- 11161, 11851
Malt beverages, domestic--- 10902
Fort Worth, Texas, district--- 10843, 10844, 11548
Oklahoma City, Okla., district---- 10845, 11315
Shreveport, La., district- 11105
Tulsa, Okla., district---- 11105
Wines, domestic---- 10984
Lumber. *See also* Wood products.
Aircraft and No. 1 sheet stock veneer---- 11672
Douglas fir and other West Coast---- 11508
Puerto Rico---- 11437
Grading and inspection services---- 11754
Hardwood logs, prime grade---- 10825
Logs and bolts---- 11214
Northeastern softwood---- 10791
Northern hardwood---- 10939
Northern softwood---- 10937
Oak flooring---- 11736
Red cedar, aromatic---- 11482
Redwood lumber and millwork---- 11479
Softwood, distribution yard sales---- 10937, 11080, 11385
Southern hardwood---- 10762, 11161, 11690
Southern pine- 10732, 11812, 11846
Puerto Rico---- 11437
Stock millwork---- 11596
West Coast logs---- 11509
Overtime additions---- 11983
Western pine and associated species--- 11040, 11405

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Price regulations, various commodities and services—Con.
Machinery and transportation equipment:
Construction and road maintenance equipment; repair and rebuilding services for United States Army Engineers---- 10759
Machines and parts and machinery services; refrigerators, mechanical, replacement units and assemblies for---- 10988
Malt beverages. *See* Liquors.
Malted milk---- 10987, 10988
Manganese alloys and metals- 10762
Matzos products---- 10759
Meat:
Beef and veal:
Carcasses and wholesale cuts---- 11081, 11298, 11445
Retail ceiling prices---- 11297
Critical shortage areas:
Arizona---- 10789, 10791
Key West and Florida Keys---- 10789, 10790
New Mexico and Texas-- 10789, 10790
Grade labeling, regulations by Office of Economic Stabilization---- 10988
In Virgin Islands. *See* Virgin Islands.
Kid carcasses, Colorado--- 11273
Kosher beef, veal, lamb and mutton cuts; retail ceiling prices---- 11297
Lamb and mutton:
Carcasses and cuts; wholesale and retail- 11082, 11296
Retail ceiling prices---- 11297
Pork; dressed hogs and wholesale pork cuts--- 10732, 11380
Sausage products:
For war procurement agencies---- 11039
Wholesale ceiling prices- 10906, 10907, 11956
Variety meats and edible by-products; wholesale---- 11082
Metal ores; copper, lead zinc: royalties on---- 11246
Mica---- 11871
Milk. *See* Dairy products.
Minerals, nonmetallic---- 11247
Abrasive products. *See* Abrasive products.
Mica. *See* Mica.
Molasses. *See* Syrups and molasses.
Motor vehicles:
Automotive parts:
Manufacturers' prices--- 11572
Wholesalers' and retailers' prices---- 11582
Used commercial---- 11176
Natural gas. *See* Petroleum.
Naval stores; pine tar and pine tar oil---- 11375
Oils. *See* Fats and oils.
Onions---- 11672
(*See also* Foods: perishable.)

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Price regulations, various commodities and services—Con.
Paper and paper products:
Book paper---- 11529
Coarse products, distributors' prices---- 11434
Fine papers and certain paperboards---- 11563
Groundwood specialty papers---- 11515
Gummed Kraft sealing tape---- 11807
Gummed papers---- 11807
Kraft wrapping papers, bag papers, bags---- 10761
Newsprint paper---- 11382
Paperboard, sold East of Rocky Mountains---- 11291
Printing and printed paper commodities---- 10983
Pulpwood:
Produced in Minnesota, Michigan, and Wisconsin---- 11037
Waste materials. *See* Waste materials.
Writing paper and certain other fine papers---- 11522
Paste, wallpaper. *See* Wallpaper paste.
Peanut candy. *See* Foods: seasonal.
Peanut oil meal, etc. *See* Fats and oils.
Peanuts and peanut butter, grade labeling---- 10987
Peas. *See* Fruits, berries, vegetables.
Petroleum and petroleum products---- 10731, 11149, 11369, 11374, 11948, 11956.
Crude---- 10901, 11369
Fuel oil, kerosene, etc---- 11149, 11871, 11956
Natural gas (wet and dry)- 11369
Phosphate, defluorinated. *See* Chemicals.
Pine tar and pine tar oil. *See* Naval stores.
Pipe, plastic. *See* Plastic materials.
Plastic materials and synthetic resins; plastic pipe and tubing- 10825, 10907, 10914
Pliers, Bernard 6½"; Denver region---- 11003
Potato chips. *See* Canned and preserved foods; Foods: seasonal.
Potatoes, seed; sales to War Food Administration for export---- 10731
(*See also* Foods: perishable.)
Poultry---- 10940
Turkeys---- 11691
Precious stones and mountings---- 11572
Preserves, jams, jellies. *See* Canned and preserved foods.
Printing and printed paper commodities---- 10983
Prunes. *See* Fruits.

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Price regulations, various commodities and services—Con.
Puerto Rican sales and deliveries---- 10763, 10906, 11847
Bags, second hand textile-- 11847
Canned foods---- 10763, 10906, 10937, 11847
Lumber, Southern yellow pine and Douglas fir--- 11437, 11849
Pulpwood. *See* Paper.
Railroad equipment:
Eastern railroad ties---- 11036
Steel castings. *See* Iron and steel.
Raisins. *See* Fruits, berries, vegetables.
Refrigerators:
Mechanical; replacement units and assemblies for. *See* Machinery.
Non-mechanical; Indiana, Kentucky, Michigan, Ohio, and West Virginia---- 11111, 11270
Resins, synthetic, and plastic materials---- 10825
Restaurant prices:
Domestic malt beverages. *See* Liquors.
Food and drink sold for immediate consumption:
California, Oregon, Washington and Northern Idaho---- 11872
Colorado, Montana, New Mexico, Utah, Wyoming, Southern Idaho, etc---- 11948
Southern states, designated---- 11295, 11443
West Virginia---- 11440
Rice:
Finished, and rice milling by-products---- 10758
Packing, drying, and dehydrating; Region VIII-- 10800, 11601, 11993
Rubber and rubber products- 10983
Drug sundries:
Manufacturers' maximum prices---- 11251
Retail and wholesale prices---- 11291
Footwear, Victory line waterproof; retail and wholesale prices---- 10900
Heels, and attaching of heels---- 10980, 11687
Mechanical goods---- 10813
Purchases for governmental use---- 11039
Scrap---- 11039
Salmon. *See* Fish and seafood.
Salt, animal feeding; Region VII---- 11452
Sand and gravel, Shelby County, Tenn---- 10791
Sausage. *See* Meat.
Saw gauges and saw sets, Region VIII---- 10799
Seafood. *See* Canned foods; Fish.
Seasonal commodities---- 11954
(*See also* Foods.)

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Price regulations, various commodities and services—Con.
Seeds 11951
Cabbage 11538
Services 10939, 11754
(*See also under name of type of service.*)
Silicon metal. *See* Ferrosilicon.
Silver 11294, 11295
Newly-mined domestic; consumers' articles containing 10951
Scrap 11174
Solder and babbitt metal containing 11182
Soapstocks. *See* Fats and oils.
Solder and babbitt metal containing silver 11182
Solvents:
Alcohol. *See* Alcohol.
Anti-freeze. *See* Anti-freeze.
Carbon tetrachloride. *See* Chemicals.
Soybean oil meal, etc. *See* Fats and oils.
Special sales of industrial materials. *See* Industrial materials.
Stock millwork. *See* Lumber.
Storage services:
Cotton, in Texas and Oklahoma 11873
For War Department 11434
Stoves. *See* Cooking and heating equipment.
Syrups and molasses:
Bland apple syrup. *See* Canned and preserved foods.
Enzymatically-treated syrups 11247
Georgia cane syrup 11811
Molasses:
Cane blackstrap, and beet sugar final 10763
Sugar beet; San Luis Valley, Colo 11232, 11273
Sugar cane; Boulder, Colo 11857
Tape, gummed Kraft sealing. *See* Paper.
Tar:
Coal tar. *See* Coal tar.
Pine tar. *See* Naval stores.
Territories and possessions:
Alaska. *See* Alaskan sales.
Hawaii. *See* Hawaiian sales.
Puerto Rico. *See* Puerto Rican sales.
Virgin Islands. *See* Virgin Islands sales.
Textiles:
Cotton:
Bed linens 11245
Fine goods 10900, 11434
Finished piece goods, exceptions granted 11269
Tin-coated or detinned scrap, for use in copper precipitation 10759
Tires and tubes:
New:
Federal Government purchases 10725
Retail prices 11947

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Price regulations, various commodities and services—Con.
Tires and tubes—Continued.
Original equipment 10725
Retreaded and recapped, and retreading and capping 11472
Tobacco:
Burley (1942 crop); grade labeling 10988, 11672
Flue cured (1943 crop) 11428
Tomato catsup. *See* Canned foods.
Transportation:
Commodities. *See under commodity names.*
Equipment. *See* Machinery.
Services. *See* Carrier services.
Tuna fish. *See* Fish.
Turkeys. *See* Poultry.
Umbrella frames, used; Region I 11596
United States agencies; sales to, pursuant to secret contracts or subcontracts 11951
Upholstery filling; cotton linters. *See* Cotton.
Vegetables. *See* Fruits, berries, and vegetables.
Virgin Islands sales and deliveries 10984, 11438
Wallpaper paste 11738
Waste materials; paper mill felts 11754
Weeding. *See* Clearing and weeding.
Wines. *See* Liquors.
Wood products (*See also* Lumber.)
Firewood. *See* Firewood.
Railroad ties, Eastern 11036
Turned or shaped hardwood products 11812
Western timber 11850
Wool:
Domestic shorn, handling for Commodity Credit Corporation in Texas 10731
Wool and wool tops and yarns 11738
Work gloves. *See* Apparel.
Zinc ores, royalties on 11246
Rationing. *See* RATIONING.
Regulations by document designation:
General maximum price regulations:
Amendment 58 11955
Supplementary regulations:
No. 1 revised:
Amendment 22 10759
Amendment 23 11572
Amendment 24 11754
Amendment 25 11738
Amendment 26 11814
Amendment 27 11951
No. 11 revised:
Amendment 32 10939
Amendment 33 11247
Amendment 34 11434
No. 12 revised, redesignated Maximum Import Price Regulation 11681

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Regulations by document designation—Continued.
General maximum price regulations—Continued.
Supplementary regulations—Continued.
No. 14 revised:
Amendment 7 10731
Amendment 8 10759
Amendment 9 10763
Amendment 10 10939
Amendment 12 10984
Amendment 13 10758
Amendment 14 11174
Amendment 15 11182
Amendment 16 11247
Amendment 17 11215
Amendment 18 11479
Amendment 19 11572
Amendment 20 11754
Amendment 21 11873
No. 15 revised, amendment 9 11873
General orders:
No. 20, revised 10917
No. 21, revised 10917
Maximum import price regulation 11681
Price regulations, maximum:
No. 2, amendment 2 10899
No. 11:
Amendment 8 10900
Amendment 9 11434
No. 19 revised:
Amendment 3 10732
Amendment 4 11812
Amendment 5 11846
No. 26 revised, amendment 2 11508
No. 37, amendment 8 11686
No. 53 11150
Amendment 1 11508
Amendment 2 11508
Amendment 3 11296
Amendment 4 11739
No. 74 revised, amendment 1 10905
No. 79 10728
No. 94, amendment 5 11040
No. 95, amendment 3 11959
No. 97 revised:
Amendment 6 10762
Amendment 7 11161
Amendment 8 11690
No. 119, amendment 5 10725
No. 120:
Amendment 57 10936
Amendment 58 11806
Amendment 59 11689
Amendment 60 11755
No. 121, amendment 22 10936
No. 122 revised:
Amendment 10 11143
Amendment 11 11690
No. 129, amendment 17 11807
No. 130 revised, amendment 4 11382
No. 134, amendment 10 10759
No. 135 revised, amendment 5 11481
No. 136 as amended, amendment 97 10988
No. 138 revised, amendment 1 10762
No. 144, amendment 3 11954
No. 148 revised:
Amendment 9 10732
Amendment 10 11330

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Regulations by document designation—Continued.
Price regulations, maximum—Continued.
No. 149:
Amendment 13 10813
As amended August 2, 1943 10813
No. 150 revised, amendment 1 10758
No. 161 revised, amendment 7 11509
No. 165 as amended:
Amendment 26 10939
Amendment 27 11754
No. 169 revised:
Amendment 24 11081
Amendment 25 11298
Amendment 26 11445
No. 170, amendment 6 11437, 11755
No. 173 revised, amendment 1 11040
No. 177, amendment 7 11954
No. 182, amendment 8 10761
No. 183 revised:
Amendment 1 10906
Amendment 2 11437
Amendment 3 11847
Amendment 4 11847
Corrections 10763, 10937
No. 188:
Amendment 18 10907
Amendment 19 11037
No. 189:
Amendment 14 10936
Amendment 15 11143
Amendment 16 11690
Amendment 17 11846
No. 190, revocation 11248
No. 191, revised 11248
No. 196, amendment 4 11812
No. 200:
Amendment 10 10980
Amendment 11 10980
Amendment 12 11687
No. 201, amendment 6 10984
No. 204, revised 11376
No. 211, amendment 5 11249
No. 215, revised:
Amendment 1 10937, 11080
Amendment 2 11385
No. 216 revised, amendment 2 11036
No. 220, amendment 12 10983
No. 222 revised, amendment 2 10937
No. 223, amendment 7 10939
No. 225, amendment 6 10983
No. 229, amendment 7 10900
No. 233 revised, amendment 5 11739
No. 239 revised:
Amendment 8 11082
Amendment 9 11296
No. 246, amendment 9 11435
No. 247, amendment 1 11811
No. 253, amendment 5 11479
No. 257, revised 11037
No. 259, amendment 2 10902
No. 262:
Amendment 9 11040
Amendment 10 11447
No. 269 revised:
Amendment 12 10940
Amendment 13 11691
No. 270 revised, amendment 7 10986

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Regulations by document designation—Continued.
Price regulations, maximum—Continued.
No. 271 revised:
Amendment 5 10731
Amendment 6 11672
No. 279, revised 11586
No. 280:
Amendment 32 11811
Amendment 33 11589
No. 283, amendment 4 10988, 11672
No. 286, amendment 5 11039
No. 288, amendment 7 11035
No. 289, amendment 20 11245
No. 291, amendment 6 11811
No. 296:
Amendment 6 10758
Amendment 7 11563
No. 300, amendment 10 11251
No. 301, amendment 8 11291
No. 306:
Amendment 11 10725, 11247
Amendment 12 10824
Amendment 13 10986
Amendment 14 11296
Amendment 15 11806
No. 313, amendment 5 10825
No. 316, amendment 1 11385
No. 323:
Amendment 6 11143
As amended August 9, 1943 11143
No. 327, amendment 3 11247
No. 329, amendment 12 10731, 11035
No. 330:
Amendment 1 11041
As amended August 7, 1943 11041
No. 333:
Amendment 9, correction 11036
Amendment 12 11381
No. 335 revised, amendment 2 10987
No. 338, revised 11672
No. 339, revised 11741
No. 341, revised 11176
No. 347, amendment 3 11871
No. 348, amendment 7 11214
No. 349, amendment 3 11434
No. 354, amendment 4 11252
No. 355, amendment 9 11297
No. 356, amendment 1 11246
No. 364, amendment 3 11175
No. 370, revised 10733
No. 373:
Amendment 9 10984
Amendment 10 11247
Amendment 11 11437
Amendment 12 11849
No. 374, amendment 2 10984
No. 382, amendment 3 11813
No. 389:
Amendment 5 10906
Amendment 6 10907
Amendment 7 11956
No. 394, amendment 3 11297
No. 395, amendment 3 11438
No. 397, amendment 2 10757
No. 398, amendment 1 11083
No. 399:
Amendment 2 11386
Amendment 3 11813
No. 400, amendment 1 11563
No. 403, amendment 3 11039

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Regulations by document designation—Continued.
Price regulations, maximum—Continued.
No. 405, amendment 1 10759
No. 406, amendment 1 10825
No. 409:
Amendment 2 11034
Amendment 3 11080
Amendment 4 11952
No. 413, correction 11375
No. 415, amendment 2 10725
No. 418:
Amendment 3 10939
Amendment 4 11734
Amendment 5 11687
No. 421, amendment 2 10987
No. 422, amendment 2 10987
No. 423, amendment 2 10988
No. 424, amendment 1 11175
No. 426:
Amendment 4 11589
Amendment 5 11691
Amendment 6 11756
No. 431, amendment 1 11444
No. 434, amendment 1 11382
No. 436 11369
No. 439:
Amendment 1 10732
Amendment 2 11686
No. 441, amendment 1 11428
No. 442 10736
Amendment 1 11739
No. 443 10759
Amendment 1 11740
No. 444 10903, 11672
Amendment 1 11740
No. 445 11161
Amendment 1 11851
No. 446 11375
No. 447 11383
No. 448 11435
No. 449 11515
No. 450 11522
No. 451 11529
No. 452 11572
No. 453 11582
No. 454 11482
No. 455 11538
No. 456 11539
No. 457 11445
No. 458 11736
No. 459 11807
No. 460 11850
No. 461 11952
Restaurant MPR's:
No. 3–7 11440
No. 4–1:
Amendment 3 11295
Amendment 4 11443
No. 7–1, 2d revision 11948
No. 8–1, amendment 2 11872
Price schedules, revised:
No. 4 as amended Feb. 11, 1943, correction 11251
No. 7, amendment 12 11870
No. 9, amendment 3 11676
No. 32, amendment 6 11291
No. 53, amendment 39 10727
No. 58 as amended, amendment 14 11738
No. 63, amendment 13 11947
No. 66:
Amendment 5 11472
As amended August 17, 1943 11472
No. 87 as amended, amendment 8 11039

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Regulations by document designation—Continued.
Price schedules, revised—Con.
No. 88:
Amendment 118 10901
Amendment 119 10731
Amendment 120 11149
Amendment 121 11149
Amendment 122 11374, 11948
Amendment 123 11871
Amendment 124 11956
No. 89, amendment 11 11245
Procedural regulations:
No. 1 revised, amendment 4 11806
No. 9:
Amendment 8, correction 11806
Amendment 9 11480
No. 12, amendment 2 11688
Ration orders:
No. 1A:
Amendment 44 10733
Amendment 45 11480
Amendment 46 11481
Amendment 47 11952
Amendment 48 11846
No. 1C 10927
No. 2B, amendment 7 10727
No. 3:
Amendment 75 10937
Amendment 76 11382
Amendment 77 11291
Amendment 78 11292
Amendment 79 11292
Amendment 80 11252
Eight rev. zoning order 1 11175
No. 4A, amendment 4 11948
No. 5C:
Amendment 71 11429
Supplement 1, amendment 8 11447
No. 5F 10742
Amendment 1 10757
No. 6A, amendment 3 11688
No. 7 revised, amendment 10 11382
No. 9, revocation 11564
No. 9A 11564
Supplement 1 11586
No. 11:
Amendment 74 11380, 11814
Amendment 75 11687
Amendment 76 11756
No. 13:
Amendment 50 11074
Amendment 51 11383
Amendment 52 11483
Amendment 53 11563
Amendment 54 11513
Amendment 55 11753
Amendment 56 11753
Amendment 57 11812
Amendment 58 11812
As amended August 7, 1943 11048
Supplement 1 revised:
Amendment 14 10728
Amendment 15 11483
Amendment 16 11387
Amendment 17 11812
Amendment 18 11447
No. 16:
Amendment 52 10763
Amendment 53 11080
Amendment 54 11563
Amendment 55 11513
Amendment 56 11754
Amendment 57 11813

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Regulations by document designation—Continued.
Ration orders—Continued.
No. 16—Continued.
Amendment 58 11813
Amendment 59 11955
Supplement 1:
Amendment 12 10728
Amendment 13 11688
No. 17:
Amendment 30 10762
Amendment 31 11445
Amendment 32 11515
Ration orders, general:
No. 3A, revised 11669
No. 5:
Amendment 32 11676
Amendment 33 11480
Amendment 34 11479
No. 7, amendment 4 11738
No. 11, amendment 3 11671
No. 12, amendment 1 11514
Rent declarations and designations:
No. 25, amendment 15 10738
No. 26, amendment 2 10739
No. 27, amendment 4 10764
No. 29, amendment 1 10739
No. 30, revocation 10739
No. 31, amendment 8 10739
Rent regulation for hotels and rooming houses:
Amendment 3 10739
Correction 11161
Rent regulation for housing:
Amendment 4 10741
Supplementary orders:
No. 42, amendment 1 11951
No. 45, amendment 2 10980
No. 51 11806
Rent control:
Designations of defense-rental areas, various states 10738, 10739, 10764
Norman, Oklahoma 10739
Regulations:
Hotels and rooming houses 10739, 11161
Housing 10741
Special orders:
Adjustments, exceptions, etc., list of orders filed 10792, 10840, 10914, 10951, 11096, 11192, 11227, 11315, 11405, 11451, 11495, 11544, 11596, 11703, 11827, 11854, 11879, 11983, 11984
Aller and Sharp, Inc 11174, 11755
Amarillo Hardware Co 11514
American Abrasive Co 11247
Anderson, G., Saw Gauge Mfg. Co 10799
Atlantic Pine Industries Corp 11872
Bond, Lawrence E., et al 10907
Brach, E. J., & Sons 11018
Brooklawn Creamery Co 11229
Caloric Gas Stove Works 11404
Carolina Panel Co 10733
Collins and Aikman Corp 10825
Columbia Transfer Co 11872
Confections, Inc 11174
Curtice Brothers Co 10908
Duckwall Bros., Inc 11036
Dulany, John H., and Son 11080
Eastern Fabrics Corp 10789
Fairmont Aluminum Co 11515
Finished piece goods manufacturers, listed 11269

Page

PRICE ADMINISTRATION, OFFICE OF—Continued.
Special orders—Continued.
Foreman-Derrickson Veneer Co 10823
Frozen fruit, berry and vegetable packers 10840
General Carbon Co 11379
Gray, William S., and Co 11191
Greensburg Ice Co 10919
Hendrix, Ernest E., Inc 11755
Hullifish, Russell, et al 10823
Kyanite Products Corp 11247
Loose-Wiles Biscuit Co 11174
Lozowick, Herman, Trucking Co 10733
Lumber, sales of northeastern softwood 10791
McCormick and Co., Inc 11445
Marine Products Co 11858
Mashkin Freight Lines, Inc 10732, 11676
Maule Industries 10823
Metals Reserve Company 11247
Millis Transportation Co., Inc 11755
Minnesota Mining & Mfg. Co 11247
Nelson Ricks Creamery Co 11229
Obert, Clarence 10733
Oravetz, George, & Son, Inc 11456
Pacific Fruit Express Co 11773
Pan-Chemical Co 11247
Parkinson, Warren Lee 10907
Petroleum Transport, Inc 11814
Radio Sales and Service Co 11459, 11833
Railroad equipment producers 10791
Rudge, John 11873
Sand and gravel producers in Shelby County, Tenn 10791
Sargent Barge Lines, Inc 11080
Spalding, A. G., and Bros., Inc 11037
Standard Brands, Inc 11386
Supreme Foundry & Manufacturing Co 10950
U. S. Industrial Chemicals, Inc 10825
Wells Manufacturing Co 10907
Western Creamery Co 11229
Western Feldspar Milling Co 11247
Winter, J. C., and Co., Inc 11872

PRIORITY ORDERS. *See* War Production Board.

PROCLAMATIONS:
Enlarging the Huron, Manistee, Ottawa, Marquette, and Hiawatha National Forests, Mich. (No. 2591) 10699

PROPERTY, surplus. *See* Treasury Department: Procurement Division.

PUBLIC CONTRACTS (TITLE 41):
Procurement Division:
Loans to non-Federal vocational education authorities, of surplus personal property of National Youth Administration (Part 38) 11756
Standard contract procedure (Part 11) 11756
Public Contracts Division:
Minimum wage determinations (Part 202) 11591

Page

PUBLIC CONTRACTS DIVISION:
Minimum wage rates, various industries:
Cotton garment 11591
Knitting and knitwear 11591
Rainwear 11591
Woven underwear 11591

PUBLIC DEBT BUREAU. *See* Treasury Department.

PUBLIC HEALTH (TITLE 42):
Public Health Service:
Foreign quarantine (Part 11) 11299
Grants to States for venereal disease control (Part 10) 11963

PUBLIC HEALTH SERVICE:
Shaving brushes, bacteriological examination of importations and special measures against anthrax 11299
Venereal disease control, grants to States for 11963

PUBLIC LANDS: INTERIOR (TITLE 43):
General Land Office:
Oil and gas leases (Part 192) 11692
Reclamation Bureau:
Boat and floating wharf privileges on certain reservoirs (Part 451) 10765, 10908
Reclamation of arid lands by the United States (Part 230) 11541

PUERTO RICO:
Fish, salted, imported into; special provisions. *See* War Food Administration.
Rationing. *See* Rationing.
Sugar-mill machinery, exportation from. *See* Economic Warfare, Office of.

R

RADIO. *See* Federal Communications Commission.

RAILROAD RETIREMENT BOARD:
Applications, filing date 11894
Employers' contribution reports, execution 11894
Somers Lumber Co. and Glacier Park Co., reopening of determination as to status 11995

RAILROADS:
Employer-employee agreements. *See* Interstate Commerce Commission.
Passenger train service, certain points in Tennessee; establishment. *See* Defense Transportation.
Rerouting of traffic, safety-appliance standards, etc. *See* Interstate Commerce Commission.
Securities, competitive bidding. *See* Interstate Commerce Commission.
Special permits for ieing of fruits and vegetables. *See* Interstate Commerce Commission.

RATIONING:
Administration and procedure:
Appeals, procedure 11480, 11806
Banking; depositors 11669

Page

RATIONING—Continued.
Administration and procedure—Continued.
Books and stamps:
Lost, stolen, etc., replacement 11688
Surrender and deposit 11738
War Ration Book Three 11514
Replacement of rationed foods used in products acquired by designated agencies 11671
Automobiles, passenger 10727
Bicycles, new, adult 11382
Boarding houses, food rationing. *See* Institutional users.
Coal, anthracite; authority delegated to Office of Price Administration by War Production Board 11900
Coffee, for institutional users 11676
Farm machinery and equipment 11607
Foods, processed 11048, 11383, 11483, 11513, 11563, 11753, 11812
Point values 10728, 11387, 11447
Ration periods 11483, 11812
Footwear. *See* Rubber footwear; Shoes.
Fuel oil 11380, 11687, 11756, 11814
Gasoline 11429, 11447
Hawaii. *See* Hawaii.
Hawaii:
Authority of Office of Price Administration extended by War Production Board 11201
Gasoline 10742, 10757
Institutional users, food rationing 11479, 11480
Coffee 11676
Meat, fats, fish, and cheeses 10763, 11513, 11563, 11754, 11813, 11955
Point values 10728
Ration periods 11688
Sales to Army exchanges, etc 11080
Mileage rationing. *See* Gasoline.
Office and store machines. *See* Typewriters.
Puerto Rico:
Director, delegation of authority 10917
Restaurants, food rationing. *See* Institutional users.
Rubber footwear; men's rubber boots and work shoes 11688
Shoes 10762, 11445, 11515
Stoves, heating and cooking 11564, 11586
Sugar 11252, 11291, 11292, 11382
Fountain fruits 10937
Military maneuvers, allotment necessitated by:
Louisiana and Texas 10950
Tennessee 10949
Zones 11175
Tires, tubes, recapping, and camelback 10733, 11480, 11481, 11846, 11952
Virgin Islands. *See* Virgin Islands.
Typewriters 11948
Virgin Islands:
Director, delegation of authority 10917
Tires 10927

Page

RECLAMATION BUREAU:
Boat and wharf privileges:
Deer Creek Reservoir-Provo River Project, Utah 10765
Green Mountain Reservoir, Colorado-Big Thompson Project 10908
First form withdrawals:
Blue River-South Platte Project, Colo 11965
Sun River Project, Montana 11592
Reclamation of arid lands; release of lien in water right certificate or patent 11541

RENT CONTROL. *See* Price Administration.

RIVERS, vessel inspection and navigation. *See* Coast Guard.

RURAL ELECTRIFICATION ADMINISTRATION:
Allocation of funds for loans:
Kentucky 11542
Minnesota 11542
Nebraska 11542
South Carolina 11542
Texas 11542

S

SALARY STABILIZATION. *See* Economic Stabilization, Office of; National War Labor Board.

SECURITIES, RAILROAD, competitive bidding. *See* Interstate Commerce Commission.

SECURITIES AND EXCHANGE COMMISSION:
Notices, hearings, orders:
Acme Mining Co 11113
Alabama Water Service Co 11274
American Gas and Power Co 11321
American Metal Mining Co 11278
American Power and Light Co 11116, 11279
American Public Service Co 11551
Associated Electric Co 11418, 11552, 11775
Associated Gas and Electric Co 11552, 11553
Associated Gas and Electric Corp 11552, 11553
Associated Utilities Corp 11552
Atlantic and Charlotte Air Line Railway Co 11881
Atlantic Gas Light Co 11882
Atlantic Securities Co. of Boston 11708
Bradford Electric Co 11552
Buffalo, Niagara and Eastern Power Corp 11279
California Public Service Co 11774
Carolina Power & Light Co 11276
Central and Southwest Utilities Co 11417, 11551
Central Capital Corp 11112
Central Power and Light Co 11116
Cities Service Power and Light Co 10963, 11550
Columbia Gas and Electric Corp 11115
Community Gas and Power Co 11321
Community Power and Light Co 11774
Consolidated Electric and Gas Co 11996
Consolidated Natural Gas Co 10964

89000—43——3

Page

SECURITIES AND EXCHANGE COMMISSION—Continued.
Notices, hearings, orders—Con.
Continental Gas & Electric Corp. 10961, 11548, 11996
Cumberland and Allegheny Gas Co. 11115
Delaware Power & Light Co. 10962
Des Moines Electric Light Co. 11548
Eastern Kansas Utilities, Inc. 10961, 11996
Eastern Shore Public Service Co. (Del.) 10962
Eastern Shore Public Service Co., of Md. 10962
Eastern Shore Public Service Co., of Va. 10962
Eisenlohr, Webster, Inc. 11112
Electric Bond and Share Co. 11276, 11417
Electric Power and Light Corp. 10806, 11417, 11495, 11997
Electrical Securities Corp. 11881
Engineers Public Service Co. 10964, 11275
Erie County Electric Co. 11775
Farnsworth Television and Radio Corp. 10963
Fayette County Gas Co. 11115
Federal Water and Gas Corp. 11274
G. E. Employees Securities Corp. 11881
General Electric Co. 11881
General Gas & Electric Corp. 11552, 11775, 11863
General Public Utilities, Inc. 11774
General Trustees Co. 11864
Gettysburg Gas Corp. 11115
Greensboro Gas Co. 11115, 11882
Highland Utilities Co. 11708
Holly Oil Co. 10961
Honohan, Herbert L. 11197
Houston Gulf Gas Co. 11998
Idaho Power Co. 10806, 11495, 11997
Illinois Iowa Power Co. 11548
Industrial Gas Corp. 11550
Iowa-Nebraska Light and Power Co. 11548
Iowa Power and Light Co. 11548
K-T Electric and Water Co. 11418
Key West Electric Co. 11275
Keystone Public Service. 11552
Laclede Gas Light Co. 11114
Laclede Power & Light Co. 11114
Larson, Honohan & Co. (Not Inc.) 11197
Litchfield Electric Light and Power Co. 10961
Loudon Packing Co. 10807
Lukens Steel Co. 10963
Manufacturers Gas Co. 11115, 11882
Manufacturers Light and Heat Co. 11115, 11882
Maryland Light and Power Co. 10962
Memphis Generating Co. 10807, 11996
Merck & Co., Inc. 10963
Michigan Gas and Electric Co. 10851
Middle West Corp. 10806, 10851, 11417, 11551
Milwaukee Electric Railway & Transport Co. 11833
Milwaukee Light, Heat and Traction Co. 11198
Missouri Service Co. 10964
National Power and Light Co. 10807, 11275, 11996

Page

SECURITIES AND EXCHANGE COMMISSION—Continued.
Notices, hearings, orders—Con.
Natural Gas Co., of W. Va. 11115
New England Gas and Electric Assn. 11552
New England Public Service Co. 11709
New York Curb Exchange. 11554
Niagara Hudson Power Corp. 11279
Niagara Share Corp. 11277
North American Co. 11198, 11274, 11416, 11881, 11882
North American Light and Power Co. 11881
North American Light & Power Company Holding-Company System. 11881
North Continent Utilities Corp., et al. 11708
Northern Indiana Public Service Co. 11277, 11996
Northern Kansas Power Co. 10964
Northern Natural Gas Co. 10963, 11998
NY PA NJ Utilities Co. 10961, 11552
Ogden Corp. 11114
Owensboro Gas Co. 11418
Pennsylvania Electric Co. 11552, 11775
Pennsylvania Fuel Supply Co. 11115, 11882
Peoples Light and Power Co. 11774
Phoenix Light, Heat and Power Co. 11114
Public Service Co. of Indiana, Inc. 10963
Puget Sound Power and Light Co. 11014, 11275
San Francisco Stock Exchange. 11554
Scranton-Spring Brook Water Service Co. 11014
Scripps-Howard Investment Co. 11995
Southern Arizona Public Service Co. 11708
Southwestern Gas & Electric Co. 11417
Southwestern Public Service Co. 11277, 11553, 11774
Standard Oil Co., N. J. 10964, 11279
Standard Power and Light Corp. 11997
Texas Public Service Co. 11774
Texas Public Service Farm Co. 11774
Transamerica Corp. 11112
Trans-Oceanic Air Lines, Inc. 11549
Tri-City Utilities Co. 11418
United Corp. 11419
United Gas Corp. 11417
United Gas Improvement Co. 10962, 11775
United Gas Pipe Line Co. 11275
United Light and Power Co. 10961, 11996
United Light and Railways Co. 11548
United Public Service Corp. 10963
Utilities Employees Securities Co. 11552
Virginia Public Service Co. 11775
Walton, Gus B. 11553
Warner & Swasey Co. 10963
West Coast Power Co. 11774
West Texas Utilities Co. 10806, 11014, 11863
Western Pacific Railroad Corp. 11112

Page

SECURITIES AND EXCHANGE COMMISSION—Continued.
Notices, hearings, orders—Con.
Western Public Service Co. 10964
Western States Utilities Co. 11774
Wisconsin Power Co. 11833
SELECTIVE SERVICE SYSTEM:
Civilian employees; appointment, tenure and compensation 11126
Classification:
Man necessary in support of war effort (II–A) 11346
Man necessary in war production (II–B) 11346
Forms prescribed, revised, etc.:
Inventory report (111) 11501
Registrant's Affidavit-Family Status and Dependents (41) 11900
Supplement to Federal Government request for occupational classification (42 Sup.) 11868
Quotas and calls, furnishing information prohibited 10713
SERVICEMEN'S FAMILY ALLOWANCES. *See* Navy Department; War Department.
SHIPPING (TITLE 46):
Coast Guard: Inspection and Navigation:
Bays, sounds, and lakes other than Great Lakes:
Boats, rafts, bulkheads, and lifesaving appliances (Part 94) 10770
Duties of inspectors (Part 101) 10771
Excursion steamers (Part 99) 10771
Ferryboats (Part 98) 10771
Fire apparatus; fire prevention (Part 95) 10771
Inspection of vessels (Part 97) 10771
Licensed officers and certificated men (Part 96) 10771
Steam yachts, bay, sound, and lake (Part 102) 10772
Emergency regulations:
Boats, rafts, bulkheads, and lifesaving appliances (Part 153) 10773
Inspection and certification of vessels documented under Act of June 6, 1941 (Part 150) 10773
Marine engineering, materials (Part 151) 11389
Equipment approved, miscellaneous items 10773, 11389, 11487
Great Lakes:
Boats, rafts, bulkheads, and lifesaving appliances (Part 76) 10769
Duties of inspectors (Part 83) 10770
Excursion steamers (Part 81) 10770
Ferryboats (Part 80) 10770
Fire apparatus; fire prevention (Part 77) 10769
Inspection of vessels (Part 79) 10770
Licensed officers and certificated men (Part 78) 10769

Page

SHIPPING (TITLE 46)—Con.
Coast Guard: Inspection and Navigation—Continued.
Marine engineering:
Boiler plate; boilers and attachments (Part 58) 10767
Construction (Part 52) 10766, 11388
Fusion welding (Part 56) 10767
General provisions (Part 50) 10766
Inspection (Part 54) 10766
Installation (Part 53) 10766
Materials (Part 51) 10766, 11389
Piping systems (Part 55) 10767
Supplementary data and requirements (Part 57) 10767
Ocean and coastwise:
Boats, rafts, bulkheads, and lifesaving appliances:
Coastwise (Part 60) 10768
Ocean (Part 59) 10767
Duties of inspectors (Part 64) 10769
Fire apparatus; fire prevention (Part 61) 10768
Inspection of vessels (Part 63) 10768
Licensed officers and certificated men (Part 62) 10768
Steam yachts (Part 65) 10769
Passenger vessels of 100 gross tons and over propelled by machinery:
Construction or material alteration (Part 144) 10773
Rivers:
Boats, rafts, bulkheads, and lifesaving appliances (Part 113) 10772
Duties of inspectors (Part 120) 10773
Excursion steamers (Part 118) 10773
Ferryboats (Part 117) 10772
Fire apparatus; fire prevention (Part 114) 10772
Inspection of vessels (Part 116) 10772
Licensed officers (Part 115) 10772
Tank vessels:
Lifesaving appliances (Part 33) 11388
Lifesaving appliances, specifications for (Part 37) 11388
War Department vessels, waiver of navigation and inspection laws 11876
War Shipping Administration:
General regulations (Part 301) 10991
Insurance (Part 305) 10991
Labor (Part 304) 10829, 11088
Price Adjustment Board (Part 307) 10774
Ship warrant rules and regulations (Part 341) 10910
SMALLER WAR PLANTS CORPORATION:
Walnut Gunstocks, Inc., recommendation of formation of War Production Association 11602

Page

SOCIAL SECURITY BOARD:
Old-age and survivors insurance:
Benefits, time of filing applications for 11467
Evidence as to death 10973
SOIL CONSERVATION SERVICE:
Redesignation of chapter headings 11605
SOLID FUELS ADMINISTRATION FOR WAR:
Bituminous Coal Division, records transferred 11542
Bituminous Coal Producers Advisory Board, establishment and functions 10974
Coal:
Distribution:
Anthracite:
To consumers 11897
To retail dealers 11898
Bituminous 11653
Shipments, ex-lake dock; from Great Lake locks to Pacific Northwest 11652
Coal mines, operation by Government. *See* Coal Mines Administration.
Records and reports, maintenance and filing by solid fuels industries 11714
STABILIZATION PROGRAM. *See* Economic Stabilization, Office of; War Manpower Commission.
STATE DEPARTMENT:
Blocked nationals, proclaimed list. *See* Blocked Nationals.
STOCKYARDS, notices and orders under Packers and Stockyards Act. *See* War Food Administration.
STOP CONSTRUCTION ORDERS. *See* War Production Board.

T

TAXES. *See* Internal Revenue Bureau.
TAXICAB SERVICES, coordination of. *See* Defense Transportation.
TELECOMMUNICATION (TITLE 47):
Federal Communications Commission:
Broadcast services other than standard (Part 4) 11876
Broadcast stations, local channel standard; applications for permits to construct or change 11815
Fixed public radio services (Part 6) 11877
General rules and regulations (Part 2) 11876
Reports, rules for filing information, contracts, etc. (Part 43) 11963
Rules of practice and procedure (Part 1) 11876
Ship service (Part 8) 11299

Page

TRANSPORTATION AND RAILROADS (TITLE 49):
Defense Transportation, Office of:
Administration (Part 503) 11853
Motor equipment conservation (Part 501) 10910, 11391
Exceptions, permits, etc. (Part 521) 10775, 10776
Traffic movement direction; exceptions, suspensions and permits (Part 522) 11542, 11815
Interstate Commerce Commission:
Car service (Part 95) 10774, 10775, 10829, 10910, 10941, 10942, 10994, 11088, 11089, 11389, 11390, 11448, 11487, 11852, 11964.
Steam roads: uniform system of accounts (Part 10) 10941
United States safety-appliance standards, railroad (Part 131) 11390
TREASURY DEPARTMENT:
Monetary Offices:
Foreign funds control:
General License 12 11559
General License 88 11784
Money orders, United States postal; exportation and importation 11784
Safe deposit boxes of nationals of blocked countries, access to 11559
Procurement Division:
Property; loans to non-Federal vocational education authorities: surplus personal property of National Youth Administration 11756
Purchase order forms, standardization; approval by Director of Procurement 11756

V

VESSELS. *See* Coast Guard; War Department; War Shipping Administration.
VESTING ORDERS. *See* Alien Property Custodian.
VETERANS' ADMINISTRATION:
Adjudication of veterans' claims:
Awards, effective date 11448
Women's Army Corps, commissioned officers and enlisted personnel of; rights, etc 11299
Life insurance, definition of terms of blood relationship 10765
Regulations:
Accrued apportioned awards 11448
Child, parent, father and mother; definition of terms 11448, 11691
VIRGIN ISLANDS, rationing. *See* Rationing.

W

WAGE AND HOUR DIVISION:
Employment of learners:
Certificates:
Cancellations, affirmations, etc 10777, 11090

Page

WAGE AND HOUR DIVISION—Continued.
Employment of learners—Con.
Certificates—Continued.
Issuance, various industries:
Apparel 10778, 11396, 11695, 11965
Buttons 11967
Cigars 10778, 11259, 11396, 11696, 11966
Cloth reels 10995
Cocoanut 11696
Converted paper products 11091
Embroidery cutting 10778
Gloves 10996, 11259, 11695
Hand sewing 11091
Hosiery 10778, 10996, 11396, 11695, 11965
Knitted wear 10778, 11091, 11258, 11396, 11696
Machine sewing 1091
Printing and publishing 11967
Telephone 10778, 11091
Textile 10778, 10996, 11091, 11396, 11696, 11966
Minimum wage rates, various industries:
Bakery, beverage, and miscellaneous food 11816
Cottonseed and peanut crushing 10710
Fruit and vegetable packing and farm products assembling industry 10996
Logging, lumber and timber and related products industries 11090, 11696
Mattress, bedding and related products 11896
Meat, poultry, and dairy products 10998, 11877
Metal, plastics, machinery, instrument, and allied industries; recommendation of Industry Committee 11557
Textile, leather, fur, straw, and related products 11895
Vegetable fats and oils 10710
Wholesaling, warehousing and other distribution industries 11542, 11592, 11966
Sorgo syrup processing, exemption from maximum hours provisions 11395

WAGE RATES. *See* Economic Stabilization, Office of; National War Labor Board; Wage and Hour Division; War Food Administration.

WAR DEPARTMENT:
Aviation instruction. *See* Military education.
Claims:
Against the United States:
Enlisted men absent without leave, deserters, escaped military prisoners; payment for arrest and delivery of 11199
Family allowances, period of entitlement and payment; joint statement with Navy Department 10706
Contracts and purchases 10972
Termination of, for convenience of Government 11609

Page

WAR DEPARTMENT—Con.
Deceased personnel; disposition of effects 11466
Engineers Corps:
Danger zone regulations:
Choctawhatchee Bay and Gulf of Mexico, waters of; aerial gunnery ranges 11387
Gulfport, Miss 11483
Petit Bois Island, Miss.; aerial gunnery range south of 11388
Family allowances, servicemen's. *See* Claims.
Insignia. *See* Uniforms.
Medical and dental attendance:
Civilian medical attendance for military patients; accounts for consultation 11283
Military areas; Eastern Military Area, prohibited and restricted zones designated 11333
Military education: aviation instruction at non-Federal establishments; selection of institutions 10706
Procurement of military supplies and animals. *See* Contracts and purchases.
Training programs. *See* Military education.
Uniform, prescribed service:
Clothing:
Army Nurse Corps, physical therapy aides and hospital dietitians 11891
Enlisted men and aviation cadets 11893
Decorations, medals, badges, etc.:
Lapel buttons for service 11020
Serial numbering of 11020
Insignia:
Army Nurse Corps, physical therapy aides and hospital dietitians 11893
Medical Department; Pharmacy Corps 11467
Officers not members of and not on duty with an arm or service, Specialist Reserve 10706
Warrant officers 10706
Vessels, inspection and navigation. *See* Coast Guard.
Women's Army Corps, enlistment in 11283

WAR FOOD ADMINISTRATION:
See Agricultural Adjustment Agency.
Commodity Credit Corporation.
Commodity Exchange Administration.
Farm Security Administration.
Federal Crop Insurance Corporation.
Food Distribution Administration.
Soil Conservation Service.

Page

WAR FOOD ADMINISTRATION—Continued.
Administrator, authority to assign preference ratings to farmers for internal combustion engines delegated to by War Production Board 11021
Agricultural labor:
Chapter heading redesignated 11652
Salaries and wages:
Canning tomato pickers in California 11779, 11897
Pickers of grapes for sun dried raisins in California 11844
Authority delegations to:
Administration officials:
Internal combustion engines for farm use, preference ratings; Deputy Administrator in charge of Office of Materials and Facilities 11710
Meats and livestock:
Meat to be set aside; Administrator or Alternate Administrator of Food Distribution Order 75–2 11864
Petitions for relief from hardship, permits, quotas, etc.; various officials 11883
Slaughter permits and quotas; Regional Directors 11198
Requisitioning of property:
Assistant Deputy Director of Food Distribution 11461
Associate War Food Administrator 11419
Deputy Director of Food Distribution 11419
Director of Food Distribution 11419
Turkeys; petitions for relief from hardship, etc.; regional directors 11713
USDA War Boards:
County; meats and livestock, permits, etc 11883
State and County, and County Farm Rationing Committees; internal combustion engines for farm use, preference ratings 11710
Chapter headings redesignated 11605, 11607
Commodities and supplies; restrictions, handling, etc.:
Butter 10702
Canned and processed foods; fruits, vegetables, juices 11590
Corn oil. *See* Oil.
Cotton, classification under Cotton Futures Act; bona fide spot markets 10702
Cottonseed oil. *See* Oil.
Cream 11835
Fats:
Lard and rendered pork fat required to be set aside 10702
Wool fat 11465

Page

WAR FOOD ADMINISTRATION—Continued.
Commodities and supplies; restrictions, handling, etc.—Continued.
Fish:
Puerto Rican requirements 10970
Salted; imported from Canada, Newfoundland, and Iceland 10970
Food storage facilities:
Refrigerated facilities, restrictions 10703
Semi-perishable foods, designation and requirement of reports 10704
Fruits:
Canned. *See* Canned and processed foods.
Dried 11019
Peaches. *See* Peaches.
Pears. *See* Pears.
Lard. *See* Fats.
Livestock and meats:
Regulations and notices under Packers and Stockyards Act. *See* Packers and Stockyards Act, *below.*
Slaughtering and delivery restrictions 11119
Meat set aside, beef 11325, 11890
Quotas 10857, 11327
Meat. *See* Livestock and meats.
Milk:
Cream. *See* Cream.
Handling in various marketing and sales areas:
Cincinnati, Ohio 11602
New Orleans, Louisiana 11834
New York Metropolitan 11555
St. Louis, Mo 11883
Oil:
Corn 10970
Cottonseed 10970
Peanut 10970
Soybean 10970
Onions, dry 11889
Peaches:
Elberta; Oregon and Washington 10969, 11018
Reports 11607
Freestone; California 10967
Peanut oil. *See* Oil.
Pears grown in California, Oregon and Washington:
Reports 11607
Poultry; turkeys 10703, 11465
Delegation of authority to regional directors; petitions for relief from hardship, etc 11713
Soybean oil. *See* Oil.
Storage facilities. *See* Food.
Sugar:
Beet crops, commercially recoverable sugar:
Normal yields 10855
1943 and subsequent crops 10967
Hawaii, sugarcane crop:
Commercially recoverable sugar 10967
Notice of hearing on prices and wage rates, 1944 11710
Raw; distribution and allotments 10705

Page

WAR FOOD ADMINISTRATION—Continued.
Commodities and supplies; restrictions, handling, etc.—Continued.
Tobacco:
Cigar filler and binder types 11891
Flue-cured, 1943 crop 11331
Sale, delivery, purchase, acceptance, use and processing of, restrictions 11331
Turkeys. *See* Poultry.
Packers and Stockyards Act:
Authorization for inspection of livestock; South Dakota Stock Growers Assn 11199
Notices, orders, etc.:
Falmouth Stockyards, formerly Pendleton County Cooperative Stockyards 11333
Mutual Stockyard, formerly Farm Saving Stockyards, Inc 11235
Regional areas, designated 11198
Suspension orders:
Cornaglia, Charles and Andrew 11332
Rainbow Meat Market 11332
Silver Crown Ice Cream Products Corp 11608
WAR LABOR BOARD. *See* National War Labor Board.
WAR LABOR DISPUTES ACT:
Findings under, by Secretary of Labor (Letter of the President, Aug. 10, 1943) 11281
Plants, mines, and facilities, taken over by Government agencies; directives by Director of Economic Stabilization (Executive Order 9370) 11463
WAR MANPOWER COMMISSION:
Critical occupations and essential activities, listed 11420, 11421
Employment stabilization programs:
Stabilization of employment 11338
Transfer of workers, increased rates of pay 11337
Non-deferrable activities and occupations, designated 11340
WAR PRODUCTION BOARD:
Certificates:
Defense Transportation, Office of; motor carrier operations:
Coordination 11117, 11604
Joint action plans 11016, 11117, 11604, 11711, 11775, 11884, 11885.
Livestock, transportation by commercial motor vehicle 11711
War production associations approved:
Philadelphia Mattress Manufacturers Associates 10965
Walnut Gunstocks, Inc 11603
Consent orders. *See* Suspension and consent orders.

Page

WAR PRODUCTION BOARD—Continued.
Delegations of authority to:
Director of Aircraft Resources Control Office, Aircraft Production Board; aircraft inventory transfers 11931
Electronic Research Supply Agency; establishing certain priorities policies, rules, and exemptions for 10715
Petroleum Administration for War; regulation of petroleum industry and use of petroleum and its products 11559
Price Administration, Office of; rationing:
Anthracite coal 11900
In Hawaii, extension of authority 11201
War Food Administrator; preference ratings to farmers for internal combustion engines 11021
Priorities system operation, regulations:
Farm supplies 11235
Preference ratings:
Certificates, certain forms validated (Priorities Reg. 4), revocation 11347
For manufacturers not obtaining materials under controlled materials plan 11932
Made mandatory (Priorities Reg. 2), revocation 11347
Uniform method of application and extension 11202, 11285, 11355
Lists A, B, and C 11204
Records, use of microfilm 11347
Reproduction of forms, orders, etc 11660
Priority orders:
Acetic anhydride, acetic acid and acetaldehyde. *See* Chemicals.
Air raid warning equipment. *See* Fire protective, signal and alarm equipment.
Aircraft:
Civilian 10898
Inventory transfers 11931
Alcohol:
Allyl 11141
Capryl 11347, 11354
Ethyl 11501
Higher aliphatic 11354
Allyl chloride and alcohol. *See* Alcohol; Chemicals.
Aluminum, controlled materials plan. *See* Controlled materials plan.
Ammunition 11800, 11801
Anti-freeze 11212
Apparel:
Conservation 11366
Hosiery. *See* Hosiery.
Knitted outerwear; sweaters, gloves, etc 11560
Uniforms, officers' 10717, 11803
Baby carriages. *See* Consumers' durable goods.
Bags. *See* Containers; Textiles.
Bathing suits. *See* Apparel.

Page

WAR PRODUCTION BOARD—Continued.
Priority orders—Continued.
Beds, bed springs, etc. *See* Consumers' durable goods.
Beryllium ---- 11728
Scrap ---- 11729
Blankets ---- 11802
Box-veneer. *See* Containers.
Bristles, pigs' and hogs' ---- 11661
Brooms and broom materials ---- 10977
Buckets, enameled, galvanized, etc. *See* Consumers' durable goods.
Calcium metal. *See* Chemicals.
Cans, galvanized. *See* Consumers' durable goods.
Cement, Portland; haulage. *See* Haulage conservation.
Chemicals ---- 11927
Acetic anhydride, acetic acid and acetaldehyde ---- 11022
Allyl chloride ---- 11141
Calcium metal ---- 11472
Methyl isobutyl ketone (hexone) ---- 11140
Petroleum solvents, aromatic ---- 10894
Uses, restricted list ---- 10895
Pyrethrum ---- 11932
Reagent chemicals ---- 10896
Tannic acid U. S. P. ---- 11730
Chlorinated hydrocarbon refrigerants. *See* Refrigerants.
Clippers, hair. *See* Cutlery.
Clothing. *See* Apparel.
Construction
Hardware. *See* Hardware.
Housing ---- 11664
Machinery and equipment. *See* Machines.
Stop construction orders, preference ratings, etc., revoked, amended, restored ---- 10852, 11015, 11420, 11604, 11710, 11999.
Consumers' durable goods:
Baby carriages ---- 11506
Beds, bed springs, mattresses, studio couches, etc ---- 11804
Cutlery. *See* Cutlery.
Enameled ware; utensils, buckets, tubs, pans, hospital ware, etc ---- 11368
Food dehydrators, domestic ---- 11022, 11213
Galvanized ware and nonmetal coated metal articles; garbage cans, pails, buckets, wash boilers, etc ---- 11426
Consumers' goods inventories. *See* Inventories.
Containers:
Bags, burlap; quotas for farmer-users ---- 11425
Box-veneer ---- 11505
Glass:
Closures for ---- 11127, 11237
Quotas ---- 11730
Shipping:
Fibre drums ---- 10724
Steel drums, used in packing listed products ---- 11348
Strapping for ---- 10723

Page

WAR PRODUCTION BOARD—Continued.
Priority orders—Continued.
Controlled materials plan:
Allotments, schedules, etc ---- 10898, 11290, 11361, 11665, 11905
Aluminum ---- 10723
Steel ---- 11140, 11361
Inventories:
Aluminum, aircraft extrusions ---- 11665
Maintenance, repair, and operating supplies ---- 11665
Safety equipment purchased by employees ---- 11290
Cooking and heating equipment. *See also* Plumbing and heating equipment.
Cooking and food and plate warming equipment, commercial ---- 10722
Food dehydrators, domestic. *See* Consumers' durable goods.
Heat exchangers. *See* Heat exchangers.
Repairs, emergency ---- 11655
Copper ---- 11715
For printing plates. *See* Printing.
Cordage; istle. *See* Istle.
Cotton textiles. *See* Textiles.
Cutlery ---- 11665
Dehydrators, food. *See* Consumers' durable goods.
Deliveries, controlled. *See* Haulage conservation.
Dishwashers, commercial ---- 10896
Electric power and service. *See* Utilities.
Electronic equipment; authority of Electronic Research Supply Agency ---- 10715
Enameled ware. *See* Consumers' durable goods.
Envelopes. *See* Paper.
Farm machinery, equipment, and supplies ---- 11235, 11717
Exports ---- 11209, 11723
Schedules for OEW and Lend-Lease countries and Canada ---- 11210, 11724
Internal combustion engines, authority to assign preference ratings delegated to War Food Administrator ---- 11021
Fire apparatus, motorized. *See* Motor vehicles.
Fire protective, signal, and alarm equipment ---- 11661, 11785
Fluorescent lighting fixtures. *See* Lamps, lights, etc.
Food dehydrators, domestic. *See* Consumers' durable goods.
Galvanized ware. *See* Consumers' durable goods.
Gas:
Natural gas in Appalachian area ---- 11846
Public utility. *See* Utilities.
Gauges, welding equipment. *See* Instruments.
Glasses:
Sun glasses and cases ---- 11471
Gloves, knitted. *See* Apparel.
Grains, malted. *See* Malted grains.
Greeting cards. *See* Printing and publishing.

Page

WAR PRODUCTION BOARD—Continued.
Priority orders—Continued.
Hardware, marine joiner ---- 11903
Haulage conservation ---- 10978
Cement, Portland ---- 11790
Lists of materials and zones ---- 10979
Heat exchangers ---- 11288
Heating equipment. *See* Cooking and heating equipment; Plumbing and heating equipment.
Hexone. *See* Chemicals.
Hosiery, used silk ---- 11790
Hospital ware, enameled. *See* Consumers' durable goods.
Household articles. *See* Consumers' durable goods.
Brooms. *See* Brooms.
Housing construction. *See* Construction.
Imports of strategic materials ---- 10926
Lists I, II, and III ---- 10926
Insecticide, pyrethrum ---- 11932
Instruments:
Industrial; welding equipment gauges ---- 10977
Valves and valve parts. *See* Valves.
Inventories:
Aircraft, transfers. *See* Aircraft.
Consumers' goods ---- 11348
Controlled materials. *See* Controlled materials plan.
Iron and steel:
Conservation; lists of prohibited and restricted products ---- 11130
Controlled materials plan. *See* Controlled materials plan.
Steel and steel products ---- 11664
Axles and forgings for railroad and transit services ---- 11506
Oil country tubular goods ---- 11347
Pipe ---- 11937
Pressure pipe ---- 11933
Pressure tubes ---- 11935
Tin plate, terne plate and tin mill black plate ---- 11468
Tool ---- 10892
Vanadium, use in melting alloy ---- 10393
Warehouses and dealers ---- 11356
Merchant trade products ---- 11285, 11357
Istle and istle products ---- 11244
Kapok ---- 10717
Kitchen, household, etc., articles. *See* Consumers' durable goods.
Brooms. *See* Brooms.
Knitted wear. *See* Apparel.
Knives. *See* Cutlery.
Lamps, lights, etc.; fluorescent lighting fixtures ---- 11469
Leather, conservation ---- 11366
Lightning protection systems. *See* Fire protective, signal and alarm equipment.
Lights. *See* Lamps, lights, etc.
Lumber:
Plywood, softwood ---- 10718, 11350
Stress grade ---- 11021
Woodworking machinery. *See* Machines.

Page

WAR PRODUCTION BOARD—Continued.
Priority orders—Continued.
Machines and machinery:
Construction ---- 11360
Office ---- 11657
Refrigeration and air conditioning. *See* Refrigeration and air conditioning equipment.
Rubber processing ---- 11788
Woodworking ---- 11869
Malted grains and malt syrups ---- 11800
Marine joiner hardware. *See* Hardware.
Metal scrap ---- 11138
Metal ware. *See* Consumers' durable goods.
Methyl isobutyl ketone. *See* Chemicals.
Motor vehicles:
Fire apparatus ---- 10975
Storage batteries, replacement ---- 11929
Natural gas. *See* Gas.
Newspapers. *See* Paper.
Nutgalls ---- 11730
Office machinery. *See* Machines.
Paper and paperboard ---- 10898, 11905
Envelope papers ---- 11924
Envelopes, commercial ---- 11945
Fine writing papers ---- 11913
Napkins ---- 11947
Print paper, supply ---- 11426, 11790
Products permitted or prohibited, lists ---- 10719, 11350
Stationery ---- 11945
Tablet paper ---- 11923
Tablets, notebooks, pads, looseleaf fillers ---- 11946
Towels ---- 11946
Used in book publishing ---- 11910
Used in commercial printing ---- 11905
Used in newspapers or magazines ---- 11926
Petroleum:
Delegation of authority over petroleum industry and use of petroleum and its products to Petroleum Administration for War ---- 11559
Production, transportation, refining and marketing ---- 11027, 11727
Solvents, aromatic. *See* Chemicals.
Pigs' and hogs' bristles. *See* Bristles.
Plumbing and heating equipment ---- 11659
See also Cooking and heating equipment.
Cooking appliances, domestic ---- 11353
Repairs, emergency ---- 11655
Stoves, domestic heating ---- 11353
Plywood. *See* Lumber.
Post cards, illustrated. *See* Printing and publishing.
Printing and publishing:
Greeting cards and illustrated post cards ---- 10718
Print paper. *See* Paper.
Printing plates:
Copper and zinc for ---- 11902
Obsolete ---- 11901

Page

WAR PRODUCTION BOARD—Continued.
Priority orders—Continued.
Pyrethrum. *See* Chemicals; Insecticides.
Railroad equipment; axles and forgings. *See* Iron and steel.
Refrigerants, chlorinated hydrocarbon ---- 11025, 11205
Refrigerating and air conditioning equipment, industrial and commercial ---- 11130, 11138
Rope, istle. *See* Istle.
Rubber processing machinery. *See* Machines.
Safety equipment, controlled material. *See* Controlled materials plan.
Scales, balances, and weights ---- 11504
Scissors. *See* Cutlery.
Scrap:
Beryllium. *See* Beryllium.
Copper. *See* Copper.
Metal. *See* Metal.
Softwood plywood. *See* Lumber.
Stationery. *See* Paper.
Steam heating, central. *See* Utilities.
Steel. *See* Iron and steel.
Stirrup pumps. *See* Fire protective, signal and alarm equipment.
Stoves. *See* Plumbing and heating equipment.
Studio couches, etc. *See* Consumers' durable goods.
Sun glasses. *See* Glasses.
Sweaters. *See* Apparel.
Syrups, malt. *See* Malted grains and malt syrups.
Tablets, paper. *See* Paper.
Tannic acid. *See* Chemicals.
Textiles:
Blanket materials. *See* Blankets.
Burlap bags for farmer-users. *See* Containers.
Conservation ---- 11366
Cotton:
Agricultural and food processing uses ---- 11361
Agricultural bags ---- 11360
Distribution, restrictions ---- 11364
Industrial cloth or tape ---- 11361
Laminated phenolic products ---- 11361
Tin plate, terne plate and tin mill black plate. *See* Iron and steel.
Trucks, fire. *See* Motor vehicles.
Tubs, enameled, galvanized, etc. *See* Consumers' durable goods.
Tungsten ---- 11660
Uniforms, officers'. *See* Apparel.
Utilities:
Electric, gas, water, and steam utilities; materials ---- 11732
Natural gas supply. *See* Gas.
Valves and valve parts ---- 11361
Veneer, box. *See* Containers.
Water, public utility. *See* Utilities.

Page

WAR PRODUCTION BOARD—Continued.
Priority orders—Continued.
Weights and scales. *See* Scales.
Welding equipment gauges. *See* Instruments.
Woodworking machinery. *See* Machines.
Zinc for printing plates. *See* Printing.
Regulations by document designation:
CMP regulations:
No. 1:
As amended May 28, 1943, amendment 2 ---- 10898
Direction 15, as amended August 16, 1943 ---- 11361
Direction 23 ---- 10723
Direction 24 ---- 11140
Interpretation 12 ---- 11290
Interpretation 13 ---- 11361
Interpretation 14 ---- 11665
Interpretation 15 ---- 11905
No. 2, Inventory Direction 11 ---- 11665
No. 5:
As amended May 14, 1943, amendment 3 ---- 11665
Direction 11 ---- 11290
Certificates:
No. 105 ---- 10965
No. 106 ---- 11016
No. 107 ---- 11117
No. 108 ---- 11117
No. 109 ---- 11117
No. 110 ---- 11603
No. 111 ---- 11604
No. 112 ---- 11604
No. 113 ---- 11604
No. 114 ---- 11711
No. 115 ---- 11711
No. 116 ---- 11775
No. 117 ---- 11775
No. 118 ---- 11884
No. 119 ---- 11885
Directives:
No. 1–V ---- 11201
No. 1–W ---- 11900
No. 14, as amended July 31, 1943 ---- 10715
No. 16, amendment 1 ---- 11931
No. 28 ---- 11021
No. 29 ---- 11021
No. 30 ---- 11559
L–23–c, as amended August 14, 1943 ---- 11353
L–30–a, as amended August 17, 1943 ---- 11426
L–30–b, as amended August 16, 1943 ---- 11368
L–31, General Directive 2 ---- 11846
L–38:
As amended May 20, 1943, amendment 2 ---- 11130
Interpretation 1 ---- 11138
L–39, as amended August 23, 1943 ---- 11661, 11785
L–43, as amended August 6, 1943 ---- 10975
L–49, as amended August 25, 1943 ---- 11804
L–51, as amended August 11, 1943 ---- 11212
L–54–c, as amended August 21, 1943 ---- 11657
L–78, as amended August 18, 1943 ---- 11469
L–79, as amended August 21, 1943 ---- 11659

WAR PRODUCTION BOARD—Continued. Page
Regulations by document designation—Continued.
L–103–b:
As amended August 24, 1943 11730
Interpretation 1 11732
L–120:
As amended August 28, 1943 11905
Schedule I as amended August 28, 1943 11905
Schedule II 11910
Schedule III 11913
Schedule IV as amended and revised August 28, 1943 11923
Schedule V 11924
Schedule VII 11945
Schedule VIII 11945
Schedule IX 11946
Schedule XII 11946
Schedule XIII 11947
Schedule XIV 11926
L–140–a, as amended August 23, 1943 11665
L–143–a, as amended August 25, 1943 11788
L–150:
As amended, interpretation 1 10718
As amended August 14, 1943 11350
L–152, Schedule II as amended August 19, 1943 11506
L–172, as amended August 13, 1943 11288
L–180, as amended August 28, 1943 11929
L–182, as amended August 2, 1943 10722
L–190, as amended August 19, 1943 11504
L–192, interpretation 1 11360
L–197, as amended August 14, 1943 11348
L–211:
Interpretation 1 11664
Schedule 5, as amended August 19, 1943 11506
Schedule 9, as amended August 14, 1943 11347
Schedule 11 11933
Schedule 12 11935
Schedule 13 11937
L–219, interpretation 2 11348
L–236, Schedule II 11903
L–238, as amended August 18, 1943 11471
L–240:
Interpretation 2 11426
Interpretation 3 11790
L–248, as amended August 4, 1943 10896
L–252, as amended August 16, 1943 11361
L–257, as amended August 24, 1943 11717
L–257–a:
As amended August 11, 1943 11209
As amended August 24, 1943 11723
L–272, Schedule VI 10977
L–283 10977
L–286, as amended August 25, 1943 11800
L–286–a 11801
L–289, as amended July 31, 1943 10718

WAR PRODUCTION BOARD—Continued. Page
Regulations by document designation—Continued.
L–308:
Amendment 1 11022
As amended August 6, 1943 11213
L–310 11560
L–311 11869
M–9–b, as amended August 24, 1943 11715
M–21–b–1, as amended August 16, 1943 11356
M–21–b–2:
As amended August 16, 1943 11357
Direction 1 11285
M–21–e, as amended August 18, 1943 11468
M–21–h:
As amended August 4, 1943 10892
Direction 1 10893
M–28:
As amended July 10, 1943, amendment 1 11025
As amended August 7, 1943 11205
M–29–b, revocation 11660
M–30, as amended August 19, 1943 11501
M–51–a, revocation 11661
M–63, as amended June 28, 1943, amendment 1 10526
M–63–a, as amended August 5, 1943 10926
M–85, as amended July 31, 1943 10716
M–99, as amended August 28, 1943 11901
M–104:
As amended May 14, 1943, amendment 1 11127
As amended August 9, 1943 11237
M–107, revocation 11360
M–126, as amended August 10, 143 11130
M–134:
Schedule I, revocation 11361
Schedule III, revocation 11361
M–138, as amended August 12, 1943 11244
M–150, as amended August 4, 1943 10894
M–160, as amended August 24, 1943 11728
M–160–a 11729
M–167, revocation 11347
M–179, as amended August 30, 1943 11932
M–182 as amended, revocation 11790
M–204, revocation 11730
M–218, revocation 11361
M–221–a 11425
M–241, as amended August 4, 1943 10898
M–241–a:
As amended July 31, 1943 10719
As amended August 14, 1943 11350
M–243, as amended August 7, 1943 11022
M–261, as amended August 2, 1943 10723
M–288 as amended, revocation 11800
M–298, as amended August 25, 1943 11802
M–303 11472
M–313, as amended August 2, 1943 10724

WAR PRODUCTION BOARD—Continued. Page
Regulations by document designation—Continued.
M–317 11364
M–322, as amended August 10, 1943 11140
M–328, as amended August 16, 1943 11366
M–339 11902
M–340, as amended August 28, 1943 11927
M–342 11141
M–343 11505
M–344 11354
P–47, as amended August 4, 1943 10898
P–55–b, as amended August 23, 1943 11664
P–84, as amended August 21, 1943 11655
P–98–b, as amended August 9, 1943 11027
P–98–c, as amended August 24, 1943 11727
P–131:
As amended July 31, 1943 10717
As amended August 25, 1943 11803
P–135–a 10896
P–136, as amended August 10, 1943 11138
Priorities regulations:
No. 1, interpretation 6 11347
No. 2, revocation 11347
No. 3:
As amended August 10, 1943 11202
Interpretation 4 11285
Interpretation 5 11355
No. 4, revocation 11347
No. 5, as amended August 23, 1943 11660
No. 11 B, amendment 1 11932
No. 19, as amended August 9, 1943 11235
T–1:
As amended August 6, 1943 10978
Schedule 1 11790
U–1–f 11732
Suspension and consent orders:
AAA Ace Baling Wire Co 11901
Amco Brass & Steel Supply Co 11932
Ashbach and Rubloff, etc 11117
Atlantic Manufacturing Co 10716
Barton Electric Co 11129
Beck Engineering Combustion Kompany 10894
Brilhart, C. A., Hardware Co 11233
Clark Oil Co 11022
Congdon, Charles A 11359
Deisroth, W. H., Inc 11026, 11426
Dornoil Products Co 10715
East New York Savings Bank 10715
Fashion Shop 11360
Ferguson Furniture Co., Inc 11360
Fingerhut Co 11288
Forman Furniture Co 11560
Graham, Howard, Inc 11025
Grandpop Bottling Co 11209
Hog Island Lumber Co 11129
MacGregor, C. M 11208
Manning, Bowman & Co 11286
Marcilliat, William E 11784
Mestayer, R. F., Lumber Co., Inc 11026
National By-Products Co., Inc 10813

WAR PRODUCTION BOARD—Continued. Page
Suspension and consent orders—Continued.
National Manufacture and Stores Corp 10721
National Radio Shop 11287
Peerless Alloy Co 10925
Peerless Steel Equipment Co 10925
Peffer's Furniture Store 11287
Petersen, William 11555
Plymouth Machine and Burner Corp 11287
Polar Water Co 11869
Richter Metalcraft Corp 11661
Schaefer Iron and Metal Co 11655
Schoenlein, L., and Son 10974
Scott-Kelly Furniture Co 11347
Sharp Construction Co 10716
Simon, B., Hardware Co 10721, 10894
South Soo Lumber Co 11869
Southwest Manufacturing Co 11286
Stapleton Heating Co 11022
Tennessee Maytag and Furniture Co 11129
Tidmarsh Engineering Co 11129
Undlin Store Fixture Co 11347
Wallick and Buenger Realty Co 11025

WAR PRODUCTION BOARD—Continued. Page
Suspension and consent orders—Continued.
Weiner, Louis H., of New Haven, Inc 10722
Wensley Metal Products Co 10926
Western Sales and Supply Co 10975
Western Wrecking and Salvage Co 11286
Woodbury, W. F 11027
WAR SHIPPING ADMINISTRATION:
Employment on American, Panamanian, and Honduran flag vessels:
Foreign nationals 10829
Training organization school graduates 11088
Merchant vessels, repairs and other work 10991
Price Adjustment Board, membership 10774
Rate ceilings suspended, vessels of less than 1,000 tons 10910
Requisitioned vessels:
Determination as to ownership:
"Alfred H. Smith" 11864
"Fred W. Sargent" 11864
"George D. Dixon" 11864
"SS Catalina" 10852

WAR SHIPPING ADMINISTRATION—Continued. Page
Requisitioned vessels—Con.
Determination as to ownership—Continued.
"Utica" 11864
Payment on account:
"Resolute" 11555
War risk insurance; facultative policy 10991
WILDLIFE (TITLE 50):
Coordinator of Fisheries, Office of:
Production of fishery commodities or products (Part 401) 10942, 11252, 11815
Fish and Wildlife Service:
Alaska game regulations (Part 91) 11692
National wildlife refuges, various regions:
Mountain (Part 22) 11757
Pacific (Part 21) 11542, 11756
Southern (Part 25) 11757
WILDLIFE REFUGES. *See* Fish and Wildlife Service; General Land Office.
WOMEN'S ARMY CORPS:
Enlistment in. *See* War Department.
Veterans' claims. *See* Veterans Administration.

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FEDERAL REGISTER

VOLUME 8 NUMBER 152

Washington, Tuesday, August 3, 1943

The President

PROCLAMATION 2591

ENLARGING THE HURON, MANISTEE, OTTAWA, MARQUETTE, AND HIAWATHA NATIONAL FORESTS, MICHIGAN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands which have been acquired or hereafter may be acquired by the United States through exchanges with the State of Michigan under authority of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (U.S.C., title 7, secs. 1010, 1012, 50 Stat. 522, 525), are situated within the exterior boundaries of the Huron National Forest, the Manistee National Forest, the Ottawa National Forest, the Marquette National Forest, or the Hiawatha National Forest; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that it would be in the public interest to reserve such lands as parts of the national forest within which they are situated:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), and Title III of the said Bankhead-Jones Farm Tenant Act, and as President of the United States, do proclaim that all lands within the exterior boundaries of the Huron, Manistee, Ottawa, Marquette, and Hiawatha National Forests, in the State of Michigan, which have been acquired or hereafter may be acquired by the United States through exchanges with the State of Michigan, under authority of Title III of the said Bankhead-Jones Farm Tenant Act, are hereby reserved, or immediately upon acceptance of title by the Secretary of Agriculture shall be reserved, as parts of the respective national forests within which they are situated, and shall be subject to all laws, rules, and regulations applicable to national forest lands acquired under the provisions of the act approved March 1, 1911 (36 Stat. 961, U.S.C., title 16, secs. 480, 500, 501, 516, 519–521), and acts amendatory or supplementary thereto.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29th day of July, in the year of our Lord nineteen hundred and forty-three, and of the Independence of the United States of America the one hundred and sixty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 43–12487; Filed, July 31, 1943; 4:12 p. m.]

EXECUTIVE ORDER 9366

RELATING TO THE OPERATION AND DISPOSITION OF ELECTRIC ENERGY AT THE DENISON DAM, THE GRAND RIVER DAM, AND THE NORFORK DAM, IN THE STATES OF TEXAS, OKLAHOMA, AND ARKANSAS

WHEREAS the United States, under the direction of the Secretary of War and the supervision of the Chief of Engineers of the War Department, is constructing the Denison Dam Project at Denison, Texas, for the purpose of improving navigation, regulating the flow of the Red River, controlling floods, and for other beneficial uses, and in connection therewith will install, operate, and maintain facilities for the generation of electric power and energy; and

WHEREAS it is essential to the prosecution of the war, and in the interest of the public, that the electric power and energy to be generated at the Denison Dam Project be distributed and made available to war plants and establishments, public bodies and cooperatives, and other persons, in the order named, with the ultimate purpose of providing a dependable market for such power and energy; and

WHEREAS it is essential that there be unified administrative control over the disposition of electric energy generated at this and other adjacent power projects under Federal control:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States,

(Continued on p. 10701)

CONTENTS

THE PRESIDENT

PROCLAMATION: Page

Huron, Manistee, Ottawa, Marquette, and Hiawatha National Forests, Mich., enlargement 10699

EXECUTIVE ORDER:

Denison, Grand River, and Norfork Dams, Tex., Okla., and Ark., operation and disposition of electric energy 10699

LETTER:

Functions of Liaison Officer for Emergency Management, transfer to Director of Division of Central Administrative Services 10702

REGULATIONS AND NOTICES

BITUMINOUS COAL DIVISION:

Hearings, etc.:

Bennett and Brassart Coal Co 10776

Carrolltown Coal Co 10777

Ford Collieries Co 10777

Minimum price schedules amended:

District 7 10711

District 8 10712

CIVIL AERONAUTICS BOARD:

Air traffic rules, crossing range approach channel 10707

Chicago and Southern Air Lines, Inc., hearing 10778

Parachute technician certificates, change in effective period, etc 10707

COAL MINES ADMINISTRATION:

Operation of coal mines under government control 10712

COAST GUARD:

Approval of equipment; miscellaneous amendments 10766

Pilot rules; ferryboat lights 10764

COMMODITY CREDIT CORPORATION:

Oilseed meal, requirements for setting aside by processors 10705

FEDERAL COMMUNICATIONS COMMISSION:

Hearings, etc.:

Interstate Telegraph Co 10779

Neal, Marshall S., and L. W. Peters (KWKW) 10779

(Continued on p. 10700)

FEDERAL REGISTER

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CONTENTS—Continued

FEDERAL POWER COMMISSION: Page
Hearings, etc.:
Cities Service Gas Co., et al. 10780
Cities Service Transportation and Chemical Co 10780
Hope Natural Gas Co 10780
FEDERAL TRADE COMMISSION:
Voadin, Albert E., cease and desist order 10707
FOOD AND DRUG ADMINISTRATION:
Bread, definitions and standards of identity 10780
IMMIGRATION AND NATURALIZATION SERVICE:
Military or naval personnel; head tax exemption 10706
INTERNAL REVENUE BUREAU:
Income tax; recovery of bad debts, prior taxes, delinquency amounts 10708
INTERSTATE COMMERCE COMMISSION:
Shreveport, La., shipment of gravel for use at Barksdale Field 10774
Suspension of employer-employee agreements:
Atchison, Topeka and Santa Fe Railway Co 10775
Atchison, Topeka and Santa Fe Railway Co. and Union Pacific R. R. Co 10774
NAVY DEPARTMENT:
Servicemen's dependents allowances, joint regulations 10764
OFFICE OF DEFENSE TRANSPORTATION:
Authority delegation, designated members of staff of Motor Transport Division 10788

CONTENTS—Continued

OFFICE OF DEFENSE TRANSPORTATION—Continued. Page
Deliveries:
Bread and perishable bakery products, retail (Gen. Permit ODT 17-28) 10776
Meat, wholesale (Gen. Permit ODT 17-27) 10775
Louisville and Nashville Railroad Co., establishment of service to Elza, Tenn. 10788
Tamiami Trail Tours, Inc., and Great Southern Trucking Co., modification of service coordination order 10788
OFFICE OF ECONOMIC WARFARE:
Exportations to Argentina; revocation of certain licenses 10714
General licenses; miscellaneous amendments (3 documents) 10714
Prohibited exportations; miscellaneous amendments (2 documents) 10714
OFFICE OF PRICE ADMINISTRATION:
Adjustments, exceptions, etc:
Carolina Panel Co 10733
Eastern Fabrics Corp 10789
List of orders filed (2 documents) 10792
Lozowick, Herman, Trucking Co 10733
Lumber, sales of northeastern softwood 10791
Mashkin Freight Lines, Inc. 10732
Obert, Clarence 10733
Railroad equipment producers 10791
Sand and gravel producers in Shelby County, Tenn. 10791
Automobiles, passenger (RO 2B, Am. 7) 10727
Carbon tetrachloride and certain blends (MPR 79) 10728
Construction and road maintenance equipment, rental prices, etc. (MPR 134, Am. 10) 10759
Cottonseed and peanut oil meals and cakes (Rev. SR 14, Am. 13) 10758
Detinned or tin-coated scrap (Rev. SR 1, Am. 22) 10759
Fats and oils (RPS 53, Amdt. 39) 10727
Ferromanganese and manganese alloys (Rev. MPR 138, Am. 1) 10762
Ferrosilicon and silicon metal (MPR 405, Am. 1) 10759
Fish and sea food, retail (MP 439, Am. 1 10732
Flaxseed (MPR 397, Am. 2) 10757
Flour from wheat, semolina and farina (MPR 296, Am. 6) 10758
Fluid milk, purchases from producers for resale (MPR 329) 10731
Foods, processed (RO 13, Am. 14 to Rev. Supp. 1) 10728
Fruits, canned and preserved (MPR 306, Am. 11) 10725
Hawaii; gasoline rationing:
(RO 5F) 10742
(RO 5F, Am. 1) 10757

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Hogs, dressed, and wholesale pork cuts (Rev. MPR 148, Am. 9) 10732
Kraft wrapping papers (MPR 182, Am. 8) 10761
Linseed oil meal, cake, etc. (Rev. MPR 370) 10733
Lumber:
Southern hardwood (Rev. MPR 97, Am. 6) 10762
Southern pine (Rev. MPR 19, Am. 3) 10732
Matzos products (Rev. SR 14, Am. 8) 10759
Meat, designation of critical shortage areas:
Arizona (3 documents) 10789, 10791
Key West and Florida Keys (3 documents) 10789, 10790
New Mexico and certain counties in Texas (3 documents) 10789, 10790
Meat, fats, fish and cheeses:
(RO 16, Am. 52) 10763
(RO 16, Am. 12 to Supp. 1) 10728
Molasses, cane blackstrap and beet sugar (Rev. SR 14, Am. 9) 10763
Peanut oil meal, cake, etc. (MPR 442) 10736
Petroleum and petroleum products (RPS 88, Amdt. 119) 10731
Potatoes and onions (Rev. MPR 271, Am. 5) 10731
Puerto Rico; prices (Rev. MPR 183) 10763
Regional, state and district office orders:
Anderson, G., Gauge Mfg. Co. 10799
Anthracite in Burlington, Camden and Gloucester Counties, N. J. 10792
Community ceiling prices, list of orders filed (2 documents) 10803, 10806
Fluid Milk:
Brillion, Wis. 10804
Chamberlain, S. Dak. (2 documents) 10796
Dayton and Waitsburg, Wash. 10801
Dixon, Ill. 10804
East St. Louis, Ill. (2 documents) 10803, 10804
Hot Springs, S. Dak. 10797
Hudson, S. Dak. 10798
Le Mars, Iowa 10805
Lincoln, Nebr. 10803
Macomb, Ill. (2 documents) 10798, 10803
Mendocino County, Calif. 10801
Merrill, Wis. 10805
Modoc County, Calif. 10801
Mt. Vernon, Ill. 10799
Oregon and Washington 10802
Pocahontas, Iowa (2 documents) 10797
Richland Center, Wis. 10806
Tomahawk, Wis. 10805
Walla Walla, Wash. (2 documents) 10800, 10801
Washington (2 documents) 10799
Fruits, vegetables and rice; San Francisco region 10800

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Rent regulations, defense-rental areas:
19 areas (Designation and Rent Decl. 26, Am. 2) 10739
24 areas (Designation and Rent Decl. 27, Am. 4) 10764
26 areas (Designation and Rent Decl. 29, Am. 1) 10739
60 areas (Designation and Rent Decl. 31, Am. 8) 10739
264 areas (Designation and Rent Decl. 25, Am. 15) 10738
Hotels and rooming houses (Am. 3) 10739
Housing (Am. 4) 10741
Norman area, Okla. (Designation and Rent Decl. 30) 10739
Rice and rice milling by-products (Rev. MPR 150, Am. 1) 10758
Shoe rationing (RO 17, Am. 30) 10762
Shorn wool, domestic, handling for Commodity Credit Corp. (Rev. SR 14, Am. 7) 10731
Soybean oil meal, cake, etc. (MPR 443) 10759
Tires, tubes, recapping and camelback rationing (RO 1A, Am. 44) 10733
Tires and tubes:
Original equipment (MPR 119, Am. 5) 10725
Purchases by Federal Government (MPR 415, Am. 2) 10725
RECLAMATION BUREAU:
Deer Creek Reservoir, Provo River project, Utah; boating privileges 10765
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Idaho Power Co. and Electric Power and Light Corp. 10806
Loudon Packing Co. 10807
National Power and Light Co. and Memphis Generating Co. 10807
West Texas Utilities Co. and The Middle West Corp. 10806
SELECTIVE SERVICE SYSTEM:
Information relative to quotas and calls; prohibition against disclosure 10713
SOLID FUELS ADMINISTRATION:
Operation of coal mines under government control 10712
STATE DEPARTMENT:
Proclaimed List of Blocked Nationals, notice of supplement 10707
VETERANS' ADMINISTRATION:
Life insurance, definition of terms of blood relationship 10765
WAGE AND HOUR DIVISION:
Learner employment certificates; issuance to various industries (2 documents) 10777, 10788
D and D Shirt Co., certificates cancelled 10777
Minimum wage rates:
Cottonseed and peanut crushing industry 10710
Vegetable, fats and oils industry 10710

CONTENTS—Continued

WAR DEPARTMENT: Page
Aviation instruction at non-federal establishments; selection of institutions 10706
Service uniform prescribed; coat collar and lapel insignia 10706
Servicemen's dependents allowances, joint regulations 10706
WAR FOOD ADMINISTRATION:
Butter (FDO 2-2, Am. 1) 10702
Cotton classification; designation of spot markets 10702
Refrigerated food storage facilities (FDO 70) 10703
Semi-perishable foods designated (FDO 70-1) 10704
Lard and rendered pork fat (FDO 20, Am. 1) 10702
Sugar, raw (FDO, Corr. to Am. 1) 10705
Turkeys (FDO 71) 10703
WAR PRODUCTION BOARD:
Aluminum, acceptance of orders by producers (CMP reg. 1, Direction 23) 10723
Cooking, food and plate warming equipment, commercial (L-182) 10722
Drums, fibre (M-313) 10724
Electronic Research Supply Agency, delegation of authority (Directive 14) 10715
Greeting cards and illustrated postcards (L-289) 10718
Kapok (M-85) 10716
Officers' uniforms (P-131) 10717
Paper and paperboard, conservation (M-241-a) 10719
Plywood, soft (L-150, Int. 1) 10718
Strapping for shipping containers (M-261) 10723
Suspension orders:
Atlantic Mfg. Co. 10716
Dornoil Products Co. 10715
East New York Savings Bank 10715
National Manufacture and Stores Corp. 10721
Sharp Construction Co. 10716
Simon, B., Hardware Co. 10721
Weiner, Louis H. 10722
WAR SHIPPING ADMINISTRATION:
Price Adjustment Board, membership 10744

particularly by section 16 of the Federal Power Act, Title I of the First War Powers Act, 1941 (55 Stat. 838), and by Title III of the Second War Powers Act, 1942 (56 Stat. 176), and as Commander in Chief of the Army and Navy and as President of the United States, it is hereby ordered as follows:

I. 1. The Secretary of the Interior is hereby designated as agent for the sale and distribution of electric power and energy generated at the Denison Dam Project and not required for the operation of that Project.

2. The Denison Dam Project (including facilities for the generation of electric energy) shall be completed, maintained, and operated under the direction of the Secretary of War and the supervision of the Chief of Engineers, subject to the provisions of the Flood Control Act, approved June 28, 1938, as amended, and this order.

3. The Secretary of War shall (a) provide and maintain for the use of the Secretary of the Interior at the Denison Dam Project adequate station space and equipment, including such switches, switchboards, instruments, and dispatching facilities as may be required by the Secretary of the Interior for proper reception, handling, and dispatch of the electric energy generated at the Project, together with transformers and other equipment required by the Secretary of the Interior for the transmission of such energy from that place at suitable voltage to the markets which the Secretary of the Interior desires to serve; (b) deliver to the Secretary of the Interior the electric energy generated at the Denison Dam Project and not required for the operation thereof; and (c) schedule the operations of the electric generating unit or units and appurtenant equipment of the Denison Dam Project in accordance with the requirements of the Secretary of the Interior, so far as those requirements are consistent with requirements for the storage or discharge of water for improving navigation, regulating the flow of the Red River, controlling floods, and for other beneficial uses.

4. The Secretary of the Interior, acting for and on behalf of the United States, through such person or persons as he may designate, is hereby authorized and directed (a) to sell and dispose of electric energy generated at the Denison Dam Project to war plants and establishments, public bodies and cooperatives, and other persons, in that order of preference, at such rates as may be approved by the Federal Power Commission; and (b) to construct such facilities and to make such other arrangements as he deems necessary to interconnect the Denison Dam Project with other utility systems in the area and interchange electric energy with and purchase electric energy from such systems, and to sell and distribute electric energy, in accordance with the provisions of this order.

5. Being satisfied that the fulfilment of the military requirements of the United States will result in a shortage in the supply of copper and other materials and facilities for the transmission and distribution of electric energy required for the prosecution of the war, I hereby further authorize and direct the Secretary of the Interior to allocate transmission and distribution lines and appurtenant facilities in the area for the purpose of transmitting and distributing electric energy generated at the Denison Dam Project, to such extent as, in the judgment of the Secretary of the Interior, will not substantially interfere with the other uses of such lines and facilities, and upon such terms as the owners thereof and the Secretary of the Interior may thereafter agree upon or, in the absence of such agreement, as may be fixed by the Federal Power Commission.

6. All receipts from the sale and disposition of the electric energy generated at the Denison Dam Project shall be covered into the Treasury of the United States to the credit of "Miscellaneous Receipts".

7. The Secretary of the Interior may employ such personnel, without compliance with the requirements of the Civil Service Rules, and take such other steps, as may be necessary to carry out the provisions of this Order.

II. 1. Subject to the limitations and restrictions contained therein, all authority and power vested in the Federal Works Administrator by Executive Order No. 8944 of November 19, 1941 [1] with respect to the Grand River Dam Authority, Vinita, Oklahoma, Project No. 1494 (Pensacola Project) are hereby transferred to the Secretary of the Interior, to be exercised through such person or persons as he may designate.

2. Subject to the limitations and restrictions contained therein, all authority and power vested in the Federal Works Administrator by Executive Order 9353 of June 19, 1943 [2] with respect to the Norfork Project on the North Fork River in the White River Basin in the States of Arkansas and Missouri, are hereby transferred to the Secretary of the Interior to be exercised through such person or persons as he may designate.

3. All property, personnel, records, contracts, funds, and accounts used by the Federal Works Administrator in the administration of the functions transferred by this Order are hereby transferred to the Secretary of the Interior for use in the administration of such functions.

This Order shall become effective September 1, 1943.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 30, 1943.

[F. R. Doc. 43-12407; Filed, July 31, 1943; 10:43 a. m.]

[Functions of Liaison Officer for Emergency Management]

THE WHITE HOUSE,
Washington, July 29, 1943.

MY DEAR MR. BYRNES: In order to relieve you, in accordance with your desire, of your functions and duties as Liaison Officer for Emergency Management which relate to the supervision and direction of the Division of Central Administrative Services of the Office for Emergency Management (including your functions and duties under Executive Order No. 9211, dated August 1, 1942), I hereby transfer such functions and duties to the Director of the Division of Central Administrative Services.

You are requested to file this letter with the Division of the Federal Register, the National Archives, for publication in the FEDERAL REGISTER.

Sincerely yours,

FRANKLIN D ROOSEVELT

Hon. JAMES F. BYRNES,
Liaison Officer for
Emergency Management
The White House,
Washington, D. C.

[F. R. Doc. 43-12406; Filed, July 31, 1943; 10:14 a. m.]

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[1] 6 F.R. 5947.
[2] 8 F.R. 8587.

Regulations

TITLE 7—AGRICULTURE

Chapter I—War Food Administration

Subchapter A—Commodity Standards and Standard Container Regulations

PART 27—COTTON CLASSIFICATION UNDER THE UNITED STATES COTTON FUTURES ACT

DESIGNATION OF CERTAIN SPOT MARKETS

By virtue of the authority vested in the War Food Administrator, the following amendments to Title 7, Chapter I, Subchapter A, Part 27, and 1941 Supp., Code of Federal Regulations, are hereby promulgated:

Strike out § 27.93 and substitute therefor the following:

§ 27.93 *Bona fide spot markets.* The following markets have been determined, after investigation, and are hereby designated to be bona fide spot markets within the meaning of the Act:

Atlanta, Ga.	Little Rock, Ark.
Augusta, Ga.	Memphis, Tenn.
Charleston, S. C.	Montgomery, Ala.
Dallas, Tex.	New Orleans, La.
Galveston, Tex.	Savannah, Ga.
Houston, Tex.	

Strike out § 27.94 and substitute therefor the following:

§ 27.94 *Spot markets (for certain determinations only).* (a) As to all cotton futures contracts calling for delivery of cotton after July 1944, and as to all cotton futures contracts in a form revised and adopted by a cotton futures exchange subsequent to July 14, 1943, the following are designated as spot markets for the purpose of determining, as provided in section 6 of the Act, the differences above or below the contract price which the receiver shall pay for grades other than the basis grade tendered or delivered in settlement of a section 5 contract:

(1) For cotton delivered in settlement of any such contract at delivery points on or near the Gulf of Mexico:

New Orleans, La.	Galveston, Tex.
Memphis, Tenn.	Dallas, Tex.
Houston, Tex.	

(2) For cotton delivered in settlement of any such contract at delivery points on the Atlantic coast:

Memphis, Tenn.	Savannah, Ga.
Montgomery, Ala.	Charleston, S. C.
Augusta, Ga.	

(b) As to all other cotton futures contracts, the following are designated as spot markets for the purpose of determining, as provided in section 6 of the Act, the differences above or below the contract price which the receiver shall pay for grades other than the basis grade tendered or delivered in settlement of a section 5 contract:

Augusta, Ga.	Little Rock, Ark.
Charleston, S. C.	Memphis, Tenn.
Dallas, Tex.	Montgomery, Ala.
Galveston, Tex.	New Orleans, La.
Houston, Tex.	Savannah, Ga.

(39 Stat. 476, as amended; 26 U.S.C. 1940 ed. 1920–1935; E.O. 9280, 9322, 9334, 7 F.R. 10179, 8 F.R. 3807, 5423)

Done at Washington, D. C., this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12512; Filed, August 2, 1943; 11:25 a. m.]

Chapter XI—War Food Administration

[FDO 2-2, Amdt. 1]

PART 1401—DAIRY PRODUCTS

PERCENTAGE OF BUTTER REQUIRED TO BE SET ASIDE

Pursuant to the authority vested in me by Food Distribution Order No. 2, dated January 5, 1943, as amended, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered*, That Director Food Distribution Order No. 2-2 be, and the same hereby is, amended to read as follows:

§ 1401.15 *Percentage of butter to be set aside during the months of August, September, and October 1943.* (a) Each person, who is required to set aside butter during the month of August, September, or October 1943, pursuant to the provisions of Food Distribution Order No. 2, as amended, shall set aside, during each of said months in which he is required to set aside butter, a quantity of butter equal to at least 30 percent of all butter produced by him during each month.

(b) This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 2, 8 F.R. 253, 5696; DFDO 2.2, 8 F.R. 9904)

Issued this 31st day of July 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-12482; Filed, July 31, 1943; 4:11 p. m.]

PART 1410—LIVESTOCK AND MEATS

[FDO 20, Amdt. 1]

PACKERS REQUIRED TO SET ASIDE LARD AND RENDERED PORK FAT

Food Distribution Order No. 20 (8 F.R. 1913), § 1410.1, issued under authority of the Secretary of Agriculture on February 11, 1943, is amended as follows:

1. By deleting the first sentence in (b) (1) and substituting in lieu thereof the following:

During such periods of time as the Director may by order specify, every packer shall set aside on a calendar week basis and hold for delivery to a governmental agency a quantity of lard and rendered pork fat equal to his total weekly production.

2. By amending (b) (3) thereof to read as follows:

During any period in which packers are required to set aside or hold lard or rendered pork fat pursuant to an order of the Director issued hereunder, any packer who has made an offer to sell, or who has sold or contracted to sell to any governmental agency a quantity of lard or rendered pork fat equivalent to such percentage of his total weekly production as the Director may determine, may, at his option, sell and dispose of the remainder of such weekly production.

3. By amending (c) thereof to read as follows:

The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Nothing contained in this amendment shall be construed to affect the provisions of this order with respect to lard or rendered pork fat which has been set aside by any packer prior to the effective date of this amendment.

With respect to violations of said Food Distribution Order No. 20, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Order No. 20 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12483; Filed, July 31, 1943; 4:11 p. m.]

[FDO 71]

PART 1414—POULTRY

TURKEYS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of turkeys for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1414.1 *Restrictions on sale, delivery, purchase, and acceptance of turkeys*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) The Food Distribution Administration, War Food Administration (including, but not restricted to the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing turkeys in accordance with said Food Distribution Regulation 2.

(4) The term "dressed turkeys" means turkeys which have been slaughtered, bled, and plucked.

(b) *Restrictions.* (1) No person shall sell, contract to sell, or deliver live turkeys, and no person shall purchase, contract to purchase, or accept delivery of live turkeys.

(2) No person shall sell, contract to sell, or deliver turkeys slaughtered or dressed by such person, or for such person's account, after the effective time of this order; and no person shall purchase, contract to purchase, or accept delivery of turkeys slaughtered or dressed after the effective time hereof.

(3) The provisions of this order shall not prohibit the sale or delivery of live, slaughtered, or dressed turkeys to a governmental agency or to any person for such person's use in the fulfillment of an existing contract with a governmental agency.

(4) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of turkeys of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Regional Administrator, War Food Administration, serving the area (8 F.R. 9315) in which the turkeys subject to the restrictions hereof are located. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied wtih the action taken on the petition by the Regional Administrator, he may, by requesting the Regional Administrator therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using turkeys, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order, except as provided in (e) hereof, shall be addressed to the Regional Administrator of the Food Distribution Administration, War Food Administration, serving the area (8 F.R. 9315) in which the person affected by the order resides or does business.

(i) *Territorial extent.* This order shall apply only to the forty-eight States of the United States and the District of Columbia.

(j) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., Aug. 2, 1943.

(E.O. 9280, 8 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423.)

Issued this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12486; Filed, July 31, 1943; 4:11 p. m.]

[FDO 70]

PART 1470—FOOD STORAGE FACILITIES

REFRIGERATED FOOD STORAGE FACILITIES

The fulfillment of requirements for the defense of the United States will result

in a shortage of refrigerated storage facilities for the storage of perishable foods. The Chairman of the War Production Board has been informed of the action to be taken hereunder and has assented thereto. The following order is deemed necessary and appropriate in the public interest and to promote the National defense.

§ 1470.1 *Restrictions on use of refrigerated storage facilities*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the United States, or any agency thereof, any State or political subdivision or agency thereof, and any other Government or agency thereof.

(2) The term "refrigerated storage facility" means any artificially cooled storage space of more than 10,000 cubic feet capacity (not operated as a part of an established wholesale or retail food business, hotel, or other establishment where persons are housed or fed, and not including that portion of the refrigerated storage facility occupied by individual lockers having a capacity of less than twenty-five cubic feet).

(3) The term "semi-perishable food" means any food designated by the Director as not requiring refrigerated storage.

(4) The term "storage month" means the period during which the monthly rate charged for the storage of any commodity is applicable.

(5) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* No person operating a refrigerated storage facility shall, after the effective date of this order, unless specifically authorized by the Director: (1) Receive for storage in such facility semi-perishable foods.

(2) Retain in storage in such facility semi-perishable foods after the expiration of the current storage month applicable to each item or lot of commodities in storage: *Provided,* That a minimum period of six days, excluding Sunday, after the effective date of this order shall be allowed in which to remove all such commodities from such facilities.

(3) Hold, for a period in excess of seventy-two hours from the time of reservation is made, storage space reserved by any person in such facility, unless the person operating such refrigerated storage facility is furnished with car numbers or copies of the bills of lading covering commodities which have been shipped to such facility by common carrier or, when means of transportation other than common carriers are used, other adequate evidence that the commodities to be stored have been shipped or are otherwise en route to such facility: *Provided,* That this paragraph (b) (3) shall not apply to the reservation of storage space for any food in its natural or unprocessed state which has not been previously wrapped, packed or prepared for market, or to fruits and vegetables packed in the field and moving to the first refrigerated storage facility.

(c) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises of, or commodities held in storage by, any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using any material or facilities subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials or facilities subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FD–70.

(j) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, and the District of Columbia.

(k) *Effective date.* This order shall become effective 12:01 a. m., e.w.t. Aug. 3, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–12484; Filed, July 31, 1943; 4:11 p. m.]

[FDO 70–1]

PART 1470—FOOD STORAGE FACILITIES

DESIGNATION OF SEMI-PERISHABLE FOODS AND REQUIREMENT OF REPORTS

Pursuant to the authority vested in me by Food Distribution Order No. 70 dated July 31, 1943 (*supra*), and to effectuate the purposes of such order, *It is hereby ordered* As follows:

§ 1470.2 *Semiperishable foods designated and reports required*—(a) *Definitions.* The definitions contained in Food Distribution Order No. 70 shall apply to this order and when used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "net piling space" means the space available for the storage of commodities; i. e., the space inside rooms measured from wall to wall and floor to ceiling, minus the actual space provided for ventilation outside of the piling space and space occupied by coils, aisles, posts, and for proper clearance of ceiling sprinklers.

(2) The term "freezer space" means any space in a refrigerated storage facility held at a temperature of 29 degrees Fahrenheit or lower.

(3) The term "cooler space" means any space in a refrigerated storage facility held at a temperature between 30 and 50 degrees Fahrenheit.

(b) *Designation of semiperishable foods.* The following are designated as semiperishable foods not requiring refrigerated storage:

(1) Evaporated milk.
(2) Canned condensed milk.
(3) Dried skim milk.
(4) Dried whole milk in gas filled hermetically sealed containers.
(5) Sterile canned meats.
(6) Canned processed cheese.
(7) All types of flour and dry cereals.
(8) Canned fruits and vegetables, except citrus concentrates.
(9) Beer, wines, and liquors.

(c) *Records and reports.* Any person operating a refrigerated storage facility shall:

(1) Within ten days after the effective date hereof report to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FD–70 on Form FDO 70–1, the following information:

(i) A list of all commodities designated in paragraph (b) hereof held by such person in a refrigerated storage facility on the effective date of Food Distribution Order 70, the quantity of each, and the date on which the current storage month of each commodity or lot expires.

(2) Within three working days after the first and fifteenth day of each month following the effective date hereof report to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FD–70 on Form FDO 70–2, the number of cubic feet of cooler and freezer space occupied, for all purposes, as of the first and fifteenth day of each month.

(3) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., on the 3rd day of Aug. 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 70, *supra*)

Issued this 31st day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–12485; Filed, July 31, 1943; 4:11 p. m.]

[FDO 7–1, Amdt. 1]

PART 1430—SUGAR

RAW SUGAR ALLOTMENTS

Correction

In the table in F. R. Doc. 12239 appearing on page 10606 of the issue for Friday, July 30, 1943, the dollar sign should not appear at the head of the column of figures.

Chapter XII—Commodity Credit Corporation

[Commodity Credit Corporation Order 5]

PART 1600—OILSEEDS

REQUIREMENTS FOR PROCESSORS TO SET ASIDE OILSEED MEAL

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of soybean, cottonseed, and peanut meal for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1600.5. *Soybean, cottonseed, and peanut meal required to be set aside*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, including the States of the United States, their political subdivisions and agencies.

(2) "Corporation" means the Commodity Credit Corporation.

(3) "Oilseed meal" means meal or cake (including sized cake and pellets) of merchantable quality derived from the crushing of soybeans, cottonseed or peanuts.

(4) "Processor" means any person engaged in the business of crushing soybeans, cottonseed, or peanuts.

(b) *Restrictions on processors of oilseed meal.* (1) Every processor shall set aside for sale and delivery to the Corporation all oilseed meal which he owns or has under contract on the effective date of this order and all oilseed meal which is produced by him on or after the effective date of this order from soybeans grown in the calendar year 1942 or from cottonseed or peanuts grown in the calendar year 1942 which he owns or has under contract on the effective date of this order.

(2) Every processor of oilseed meal shall report to the President of the Corporation within 10 days after the effective date of this order: (i) The total quantity of oilseed meal which he owns or has under contract on the effective date of this order; (ii) The total quantity of soybeans, cottonseed, and peanuts grown in the calendar year 1942 which he owns or has under contract on the effective date of this order.

(3) Every processor of oilseed meal shall also report to the President of the Corporation within 5 days after the close of each month after the effective date of this order: (i) the total quantity of oilseed meal produced by him during such month from soybeans grown in the calendar year 1942 and from cottonseed or peanuts grown in the calendar year 1942 which are owned by him or which he has under contract on the effective date of this order; and (ii) the total quantity of soybeans grown in the calendar year 1942 acquired by him during such month.

(4) All oilseed meal set aside pursuant to this order shall be stored under the same conditions of storage customarily observed to maintain the grade and quality of oilseed meal, and shall be bagged and assembled for delivery in accordance with such requirements and specifications as the President of the Corporation may prescribe.

(5) The restrictions imposed by this order shall be observed without regard to the rights of creditors, existing contracts, or payments made.

(c) *Audits and inspections.* The President of the Corporation shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of oilseed meal and of soybeans, cottonseed, and peanuts of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The President of the Corporation shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the President of the Corporation, setting forth in such petition all pertinent facts and the nature of the relief sought. The President of the Corporation may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using oilseed meal, soybeans, cottonseed, and peanuts, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the President of the Corporation. The President of the Corporation is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the President of the Corporation, be addressed to the President, Commodity Credit Corporation, United States Department of Agriculture, Washington, D. C., Ref. CCC–5.

(i) *Bureau of the Budget approval.* The specific record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Territorial scope.* The provisions of this order shall apply within the forty-eight states and the District of Columbia.

(k) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9522, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–12431; Filed, July 31, 1943; 11:31 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C-40, Supp. 1]

PART 105—HEAD TAX

HEAD TAX EXEMPTION FOR MILITARY OR NAVAL PERSONNEL

JULY 27, 1943.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735); and all other authority conferred by law, paragraph (m) of § 105.3, Title 8, Chapter I, Code of Federal Regulations is hereby amended as follows:

(m) *Military or naval personnel.* Members of the armed forces of the United States, or of foreign armed forces cooperating with the United States, including nurses and technicians attached to such armed forces, when entering the United States under official orders.

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43-12472; Filed, July 31, 1943; 2:38 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 30—SERVICEMEN'S DEPENDENTS ALLOWANCE

JOINT REGULATIONS UNDER SERVICEMEN'S DEPENDENTS ALLOWANCE ACT OF 1942

§ 30.1 *Period of entitlement and payment of family allowances.* Under provisions of the Servicemen's Dependents Allowance Act of 1942, approved June 23, 1942, the Secretary of War and the Secretary of the Navy prescribe jointly the following regulations to fix the dates of commencement and termination of monthly allowances and for related action.

(a) Payments of monthly family allowances shall be for periods of full calendar months.

(b) The period of entitlement and payment of family allowances, including increases therein, shall begin the first day of the calendar month during which application is filed unless otherwise hereinafter provided:

(1) The period of entitlement and payment shall not begin prior to the first day of the calenda rmonth during which the enlisted man enters upon active service in a pay status.

(2) The period of entitlement and payment in any case of an enlisted man who was in active service on June 23, 1942, shall begin the first day of June 1942 if he was in active service on June 1, 1942, and otherwise shall begin the first day of July 1942; provided application is filed within such period as the Secretary of the department concerned approves in the special case.

(3) The period of entitlement and payment of a Class B family allowance shall begin the first day of any calendar month later than that hereinbefore prescribed when requested by the enlisted man or when so determined by the Secretary of the department concerned in any case in which it is impracticable for the enlisted man to request the payment.

(4) The period of entitlement and payment in the case of a dependent acquired after a man enters in active service in a pay status shall not begin prior to the first day of the calendar month following the month in which such dependent was acquired. Any increase in entitlement and payment shall similarly not begin prior to the first day of the calendar month following the month in which the dependent becomes eligible to such increase.

(5) The increased Government's contribution incident to the birth of a legitimate child shall be effective with the first day of the calendar month following the birth of such child.

(6) The period of entitlement and payment in the case of a dependent where an enlisted man is reduced to the fourth or lower pay grade shall be effective with the first day of the month in which such reduction occurs, except that in the case of a dependent acquired after the effective date of such reduction, the period of entitlement and payment shall not begin prior to the first day of the calendar month following the month in which such dependent was acquired.

(c) The period of entitlement and payment of family allowances shall terminate or entitlement and payment shall be decreased as follows:

(1) The period of entitlement and payment in any case of death, discharge, or change of status of the enlisted man which makes his dependents ineligible to receive family allowances, shall terminate the end of the calendar month during which notice of such death, discharge or change of status is received by the disbursing officer paying the allowances.

(2) In any case of death, change in the status of a dependent or other circumstance which terminates the eligibility of such dependent to receive a family allowance or reduces the amount thereof, the period of entitlement shall cease with the calendar month in which such death, change or other circumstance occurs. Payment shall be terminated or appropriately reduced at the end of the period of entitlement above prescribed when practicable; otherwise not later than the end of a subsequent calendar month during which the disbursing officer paying the allowance receives notice of such death, change or other circumstance.

(3) The period of entitlement and payment shall terminate as of the end of the calendar month during which any written request submitted by an enlisted man for termination of a family allowance to his Class B dependent or dependents is received by the disbursing officer paying the allowance unless the enlisted man's request is for termination at the end of a subsequent calendar month.

(d) Making or not making deductions from or charges against the pay of the enlisted man shall not operate to modify or abrogate the prescribed period of entitlement and payment of family allowances.

(56 Stat. 383, 747; 37 U.S.C. Sup. 207)

These regulations shall be effective beginning the first day of August, 1943.

Approved: July 19, 1943.

HENRY L. STIMSON,
Secretary of War.
FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 43-12502; Filed, July 31, 1943; 11:24 a. m.]

Chapter IV—Military Education

PART 45—AVIATION INSTRUCTION AT NON-FEDERAL ESTABLISHMENTS

SELECTION OF INSTITUTIONS

Section 45.3 (a) is amended as follows:

§ 45.3 *Selection of institutions.* The selection of an institution to give instruction to military students will be made by the Commanding General, Army Air Forces.

(a) The primary requirement for selection will be the suitability of an institution to accomplish satisfactorily the training projected by the Army Air Forces. (53 Stat. 556; 10 U. S. C. 298a, 298b) [Par. 4a, AR 350-3500, 29 July 1942, as amended by C1, 19 July 1943]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-12493; Filed, August 2, 1943; 9:47 a. m.]

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

INSIGNIA

In § 79.24 (b) (2) inferior subdivisions (xix) and (xxvi) are amended as follows:

§ 79.24 *Insignia for collar and lapel of coat.* * * *

(2) *Insignia of arm, service, and bureau.* * * *

(xix) *Officers not members of and not on duty with an arm or service, Specialist Reserve.* The coat of arms of the United States 9/16 inch in height within a ring 3/4 inch in diameter.

* * * * *

(xxvi) *Warrant officers.* An eagle rising with wings displayed standing on a bundle of 2 arrows, all inclosed in a wreath. Insignia 3/4 inch in height. (R.S. 1296; 10 U.S.C. 1391) [Par. 24b, AR 600-35, 10 November 1941, as amended by C 25, 20 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-12492; Filed, August 2, 1943; 9:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 25-1, Civil Air Regulations]

PART 25—PARACHUTE TECHNICIAN CERTIFICATES

CHANGE IN EFFECTIVE PERIOD OF EXISTING PARACHUTE TECHNICIAN CERTIFICATES AND CHANGE IN TENSILE STRENGTH OF THREAD SEALING PARACHUTE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of July 1943.

Effective July 21, 1943, Part 25 of the Civil Air Regulations is amended as follows:

1. By striking the following phrase from §§ 25.700 and 25.80 (c): "6 months after the effective date of this part" and inserting in each section in lieu thereof: "12 months after January 21, 1943."

2. By striking the words "two pounds" from § 25.86 and inserting in lieu thereof: "six pounds".

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12491; Filed, August 2, 1943; 9:44 a. m.]

[Amendment 60-2, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

CROSSING RANGE APPROACH CHANNEL

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of July, 1943.

Effective July 28, 1943, § 60.39 of the Civil Air Regulations is amended to read as follows:

§ 60.39 *Crossing range approach channel.* Aircraft crossing a range approach channel shall give way to aircraft proceeding along and within the range approach channel, and in addition, aircraft when crossing a range approach channel above 1,500 feet above the ground or water shall do so at a constant altitude and at an angle of not less than 45°.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12490; Filed, August 2, 1943; 9:44 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4935]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALBERT E. VOADEN

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Nature, in general.* In connection with offer, etc., in commerce, of respondent's printed matter, consisting of circulars with reply cards attached, or any other similar printed or written material, (1) using the word "Survey" or any other word or words of similar import to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to obtaining information concerning the habits, preferences, or opinions of numbers of people; (2) selling or distributing circulars and cards or other printed or written material designed to be used for obtaining information to be used in the collection of debts, which represent, directly or by implication, that respondent's business is other than that of selling and distributing such circulars and cards or other printed material; or which represent, directly or by implication, that the information sought through such circulars and cards or other printed material is for any purpose other than for use in the collection of debts; or (3) using, or supplying to others for use, circulars and cards or other material which represents directly or by implication that they are for the purpose of conducting a survey or of obtaining information to determine the preference of members of the public, or the use by them of any brand of cigarettes or other commodities when the information sought is for use in the collection of debts; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U.S.C. sec. 45b) [Cease and desist order, Albert E. Voaden, Docket 4935, July 21, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint except insofar as the said allegations relate to certain cards described in the said complaint as the "Bankers and Merchants Fountain Pen Co." cards and "Alvin's (No-Lose) Key Chains" cards, and states that he waives all intervening procedure and further hearing as to the facts so admitted, and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Albert E. Voaden, individually and trading as Credit Advisory Service and as Cigarette Smoker's Survey, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's printed matter, consisting of circulars with reply cards attached, or any other printed or written material of substantially similar nature, do forthwith cease and desist from:

1. Using the word "Survey" or any other word or words of similar import to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to obtaining information concerning the habits, preferences, or opinions of numbers of people.

2. Selling or distributing circulars and cards or other printed or written material designed to be used for obtaining information to be used in the collection of debts, which represent, directly or by implication, that respondent's business is other than that of selling and distributing such circulars and cards or other printed material; or which represent, directly or by implication, that the information sought through such circulars and cards or other printed material is for any purpose other than for use in the collection of debts.

3. Using, or supplying to others for use, circulars and cards or other material which represents directly or by implication that they are for the purpose of conducting a survey or of obtaining information to determine the preference of members of the public, or the use by them of any brand of cigarettes or other commodities when the information sought is for use in the collection of debts.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he was complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12410; Filed, July 31, 1943; 11:12 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supplement 4, July 30, 1943 to Rev. V of April 23, 1943]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Office of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 4 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision V of April 23, 1943 (8 F.R. 5435), is hereby promulgated.[1]

[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

By direction of the President:

CORDELL HULL,
Secretary of State.
RANDOLPH PAUL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
LEO T. CROWLEY,
Director, Office of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

JULY 30, 1943.

[F. R. Doc. 43-12445; Filed, July 31, 1943; 12:19 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and excess profits taxes

[T. D. 5288]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

RECOVERY OF BAD DEBTS, PRIOR TAXES, AND DELINQUENCY AMOUNTS

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to section 116 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding section 22 (b) (13) the following:

SEC. 116. RECOVERY OF BAD DEBTS, PRIOR TAXES, AND DELINQUENCY AMOUNTS. (Revenue Act of 1942, Title I.)

(a) *Exclusion from income.* Section 22 (b) (relating to exclusions from gross income) is amended by adding at the end thereof the following new pargaraph:

(12) *Recovery of bad debts, prior taxes, and delinquency amounts.* Income attributable to the recovery during the taxable year of a bad debt, prior tax, or delinquency amount, to the extent of the amount of the recovery exclusion with respect to such debt, tax, or amount. For the purposes of this paragraph:

(A) *Definition of bad debt.* The term "bad debt" means a debt on account of worthlessness or partial worthlessness of which a deduction was allowed for a prior taxable year.

(B) *Definition of prior tax.* The term "prior tax" means a tax on account of which a deduction or credit was allowed for a prior taxable year.

(C) *Definition of delinquency amount.* The term "delinquency amount" means an amount paid or accrued on account of which a deduction or credit was allowed for a prior taxable year and which is attributable to failure to file return with respect to a tax, or pay a tax, within the time required by the law under which the tax is imposed, or to failure to file return with respect to a tax or pay a tax.

(D) *Definition of recovery exclusion.* The term "recovery exclusion", with respect to a bad debt, prior tax, or delinquency amount, means the amount, determined in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, of the deductions or credits allowed, on account of such bad debt, prior tax, or delinquency amount, which did not result in a reduction of the taxpayer's tax under this chapter (not including the tax under section 102) or corresponding provisions of prior revenue laws, reduced by the amount excludible in previous taxable years with respect to such debt, tax, or amount under this paragraph.

(E) *Special rules in case of section 102 tax and personal holding company tax.* In the application of subparagraphs (A), (B), (C), and (D) in determining the tax under section 102 or Subchapter A of Chapter 2, a recovery exclusion allowed for the purposes of Chapter 1 shall be allowed for the purpose of such section or subchapter whether or not the bad debt, prior tax, or delinquency amount resulted in a reduction of the section 102 tax or Subchapter A tax for the prior taxable year; and in the case of a bad debt, prior tax, or delinquency amount not allowable as a deduction or credit for the prior taxable year under Chapter 1 (except section 102) but allowable for the same taxable year under such section or subchapter a recovery exclusion shall be allowable for the purposes of such section or subchapter if such bad debt, prior tax, or delinquency amount did not result in a reduction of the tax under such section 102 or such Subchapter A. As used in this subparagraph references to Chapter 1, section 102, and Subchapter A in the case of taxable years not subject to the Internal Revenue Code, shall be held to be made to corresponding provisions of prior revenue Acts.

(b) *Effective date of amendments under the Internal Revenue Code.* The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1938.

* * * * *

§ 19.22 (b) (12)-1 *Recovery of bad debts, prior taxes and delinquency amounts*—(a) *In general.* Section 22 (b) (12) provides that income attributable to the recovery during any taxable year of bad debts, prior taxes, and delinquency amounts shall be excluded from gross income to the extent of the "recovery exclusion" with respect to such items. In substance, the recovery exclusion is an amount equal to the portion of such items which, when deducted or credited for a prior taxable year, did not result in a reduction of any tax of the taxpayer under chapter 1 of the Internal Revenue Code (other than a tax under section 102) or under corresponding provisions of prior revenue laws.

(1) *Section 22 (b) (12) items.* Bad debts, prior taxes, and delinquency amounts are defined in section 22 (b) (12) (A), (B), and (C), respectively. A typical example of a delinquency amount described in that section is interest upon delinquent taxes. The bad debts, prior taxes, and delinquency amounts referred to in that section, called "section 22 (b) (12) items" in this section, are only those for which a deduction or credit was allowed for a prior taxable year. Thus, if a bad debt was previously charged against a reserve by a taxpayer on the reserve method of treating bad debts, it was not deducted, and it is therefore not considered a section 22 (b) (12) item.

(2) *Definition of "recovery".* Recoveries result from the receipt of amounts in respect of the previously deducted or credited items described in section 22 (b) (12), such as from the collection or sale of a bad debt, refund or credit of taxes paid, or cancellation of taxes accrued. Care should be taken in the case of bad debts which were treated as only partially worthless in prior years to distinguish between the item described in section 22 (b) (12), that is, the part of such debt which was deducted, and the part not previously deducted, which is not a section 22 (b) (12) item and is considered the first part collected. The collection of the part not deducted is not considered a "recovery". Furthermore, the term "recovery" does not include the gain resulting from the receipt of an amount on account of a section 22 (b) (12) item which, together with previous such receipts, exceeds the deduction or credit previously allowed for such item. For instance, a $100 corporate bond purchased for $40 and later deducted as worthless is subsequently collected to the extent of $50. The $10 gain (excess of $50 collection over $40 cost) is not a recovery of a section 22 (b) (12) item. Such gain is in no case excluded from gross income under section 22 (b) (12), regardless of whether the $40 recovery is or is not excluded.

(3) *Treatment of debt deducted in more than one year by reason of partial worthlessness.* In the case of a bad debt deducted in part for two or more prior years, each such deduction of a part of the debt is considered a separate section 22 (b) (12) item. A recovery with respect to such debt is considered first a recovery of those items (or portions thereof), resulting from such debt, for which there are recovery exclusions. If there are recovery exclusions for two or more items resulting from the same bad debt, such items are considered recovered in the order of the taxable years for which they were deducted, beginning with the latest. The recovery exclusion for any such item is determined by considering the recovery exclusion with respect to the prior year for which such item was deducted as being first used to offset all other applicable recoveries in the year in which the bad debt is recovered.

(4) *Special provisions as to worthless bonds, etc., which are treated as capital losses.* For taxable years beginning on or after January 1, 1938, bad debts on account of certain worthless securities and, for taxable years beginning on or after January 1, 1943, certain nonbusiness bad debts are treated as losses from the sale or exchange of capital assets. See section 23 (k) of the Code, and section 23 (k) of the Revenue Act of 1938. The amount of the deductions allowed for any year under section 117 (d) on account of such losses for such year is considered to be section 22 (b) (12) items. Any part of such losses which, under section 117 (d), is a deduction for a subsequent year through the capital loss carryover (any later receipt of an amount with respect to such deducted loss is a recovery) is considered a section 22 (b) (12) item for the year in which such loss was sustained. Bad debts are considered the last capital losses deducted under section 117 (d) or carried over under section 117 (e).

(b) *Computation of recovery exclusion*—(1) *Amount of recovery exclusion allowable for year of recovery.* For the year of any recovery, the section 22 (b) (12) items which were deducted or credited for one prior year are considered as a group and the recovery thereon is considered separately from recoveries of any items which were deducted or credited for other years. This recovery is excluded from gross income to the extent of the recovery exclusion with respect to this group of items as (i) determined for the original year for which such items were deducted or credited (see (2) below of this subparagraph) and (ii) reduced by the recoveries in intervening years on account of all section 22 (b) (12) items for such original year. A taxpayer claiming a recovery exclusion shall submit, at the time the exclusion is claimed, the computation of the recovery exclusion claimed for the original year for which the items were deducted or credited, and computations showing the amount recovered in intervening years on account of the section 22 (b) (12) items deducted or credited for the original year.

(2) *Determination of recovery exclusion for original year for which items were deducted or credited.* The recovery exclusion for the taxable year for which section 22 (b) (12) items were deducted or credited (that is, the "original taxable year") is the portion of the aggregate amount of such deductions and credits which could be disallowed without causing an increase in any tax of the taxpayer imposed under chapter 1 of the Code (such as the normal tax, surtax, and victory tax), other than the tax imposed on corporations by section 102 for the improper accumulation of surplus, or in any tax imposed under corresponding provisions of prior revenue laws. For this purpose, consideration must be given to the effect of net operating loss carry-overs and carry-backs or capital loss carry-overs.

The preceding paragraph shall be applied by determining the recovery exclusion as the aggregate amount of the section 22 (b) (12) items for the original year for which such items were deducted or credited reduced by whichever of the following amounts is the greatest:

(i) The difference between (*a*) the income subject to normal tax (net income reduced by credits allowable for normal tax purposes) for such original year and (*b*) the income subject to normal tax computed without regard to the section 22 (b) (12) items for such original year.

(ii) The difference between (*a*) the surtax net income for such original year and (*b*) the surtax net income computed without regard to the section 22 (b) (12) items for such original year.

(iii) For taxable years beginning on or after January 1, 1942, in the case of taxpayers other than corporations, the difference between (*a*) the income subject to victory tax (the victory tax net income reduced by the specific exemption) for such original year and (*b*) the income subject to victory tax computed without regard to the section 22 (b) (12) items for such original year.

(iv) In the case of a taxpayer subject to any income tax in lieu of normal tax or surtax or both (except the alternative tax on capital gains imposed by section 117 (c), which is disregarded), the difference between (*a*) the income subject to such tax for such original year and (*b*) the income subject to such tax computed without regard to the section 22 (b) (12) items for such original year.

(Neither the amount determined under (*a*) nor the amount under (*b*) of (i), (ii), (iii), or (iv) above shall in any case be considered less than zero.) For this determination of the recovery exclusion, the aggregate of the section 22 (b) (12) items must be further decreased by the portion thereof which caused a reduction in tax in preceding or succeeding taxable years through any net operating loss carry-overs or carry-backs or capital loss carry-overs affected by such items. This decrease is the aggregate of the largest amount determined for each of such preceding and succeeding years under (i), (ii), (iii), and (iv) above, the computation of each carry-over or carry-back to the preceding or succeeding year being made under clause (*a*) of (i), (ii), (iii), and (iv) with regard to the section 22 (b) (12) items for the original year, and such computation being made under clause (*b*) without regard to such items. For the purposes of the preceding sentence, the computations under both clause (*a*) and clause (*b*) shall be made without regard to any section 22 (b) (12) items for such preceding or succeeding year and the carry-overs and carry-backs to such year shall be determined without regard to any section 22 (b) (12) items for years subsequent to the original year.

Example. A single individual, who has no dependents, has for 1942 $2,800 gross income, $2,000 business expenses, and a deduction of $900 for bad debts and of $700 for property taxes. His income and deductions for 1941 are set out below. His recovery exclusion on account of the section 22 (b) (12) items for 1942 (the debts and taxes) is $500, determined as follows:

The $1,600 aggregate of the section 22 (b) (12) items is reduced by the $300 difference between the surtax net income for 1942 computed with and without regard to such aggregate, since this difference is greater than such difference between the incomes subject to normal tax, ascertained as follows:

	With deduction of section 22 (b) (12) items	Without deduction of section 22 (b) (12) items
Gross income	$2,800	$2,800
Less: Business expenses	2,000	2,000
Remainder	800	800
Less: Bad debts and taxes	1,600	
Net income or (loss)	(800)	800
Personal exemption	500	500
Surtax net income	0	300
Earned income credit	0	80
Net income subject to normal tax	0	220
Difference between surtax net incomes ($300−$0)		300
Difference between incomes subject to normal tax ($270−$0)		220

The taxpayer had no items which would cause section 122 (d) adjustments for 1942 or 1941. For 1941 he had $6,000 gross income, and his only deduction was a net operating loss deduction of $800 based on his loss for 1942. There would be no net operating loss deduction for 1941 if the carry-back to 1941 was computed without regard to the section 22 (b) (12) items for 1942. Accordingly, $800 of such items for 1942 resulted, by way of carry-back to 1941, in a reduction of tax for 1941, since net income subject to normal tax and surtax net income for 1941 were reduced to the extent of the carry-back (computed in the manner set forth in the preceding paragraph). The $1,600 aggregate of the section 22 (b) (12) items for 1942 is further reduced by the $800 which caused a reduction in tax through the carry-back. Therefore, the recovery exclusion for the items for 1942 is $500, that is, the $1,600 aggregate of such items reduced by the $300 and by the $800.

In 1946 the taxpayer recovefs $400 of the property taxes. All of this recovery is excluded from income by reason of the recovery exclusion of $500 determined for the original year 1942. In 1947, he recovers all of the bad debt of $900, of which $100 is excluded from gross income. That is, the recovery exclusion of $500 determined for the original year 1942 is reduced by the $400 recovery in 1946 on account of the section 22 (b) (12) items deducted for such original year.

(c) *Provisions as to taxes imposed by section 102 and subchapter A of chapter 2.* Section 22 (b) (12) (E) provides special rules for determining the recovery exclusion in the case of the tax imposed on corporations by section 102 for the improper accumulation of surplus and the tax imposed on personal holding companies by subchapter A of chapter 2 of the Code. Such taxpayers have, for the purposes of such taxes, the recovery exclusion described in the preceding paragraphs of this section. This recovery exclusion is used for the purposes of the taxes imposed by section 102 and subchapter A of chapter 2 regardless of what particular effect the section 22 (b) (12) items had on such taxes, that is, regardless of whether the section 22 (b) (12) items did or did not cause a reduction of such taxes. Furthermore, a recovery exclusion is granted for certain other items which are described in section 22 (b) (12) (E). The recovery exclusion on account of such other items shall be determined under the principles set forth in this section with respect to section 22 (b) (12) items.

Prior Income Tax Regulations

PAR. 2. Subsection (c) of section 116 of the Revenue Act of 1942 (Public Law 753, 77th Congress) provides as follows:

(c) *Under prior revenue acts.* For the purposes of the Revenue Act of 1938 or any prior revenue act, the amendments made to the Internal Revenue Code by subsection (a) of this section shall be effective as if they were a part of each such revenue act on the date of its enactment.

Pursuant to the above provision of law, the amendments to Regulations 103 (covering taxable years beginning after December 31, 1938) set forth in this Treasury decision are hereby made applicable to taxable years beginning prior to January 1, 1939 (such years being covered by Regulations 101, 94, 86, 77, 74, 69, 65, 62, 45, and 33).

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62), corresponding provisions of prior internal revenue laws, and sec. 116 of the Reve-

nue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 30, 1943.

D. W. BELL,
Acting Secretary of the Treasury.

[F.R. Doc. 43-12376; Filed, July 30, 1943; 4:03 p. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 640—MINIMUM WAGE RATE IN THE COTTONSEED AND PEANUT CRUSHING INDUSTRY

RECOMMENDATION OF INDUSTRY COMMITTEE

AUGUST 16, 1943.

In the matter of the recommendation of Industry Committee No. 57 for a minimum wage rate in the Cottonseed and Peanut Crushing Industry.

Whereas, on March 27, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 189, appointed Industry Committee No. 57 for the Cottonseed and Peanut Crushing Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Cottonseed and Peanut Crushing Industry in accordance with section 8 of the Act; and

Whereas, the Committee included four disinterested persons representing the public, a like number of persons representing employers in the Cottonseed and Peanut Crushing Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Cottonseed and Peanut Crushing Industry is carried on; and

Whereas, on May 4, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Cottonseed and Peanut Crushing Industry; and

Whereas, after notice duly published in the FEDERAL REGISTER on May 18, 1943, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on June 2, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Cottonseed and Peanut Crushing Industry, as defined by Administrative Order No. 189, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 57 for a Minimum Wage in the Cottonseed and Peanut Crushing Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, *Now, therefore, it is ordered,* That:

§ 640.1 *Approval of recommendation of Industry Committee No. 57.* The Committee's recommendation is hereby approved, and in accordance with such recommendation,

§ 640.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Cottonseed and Peanut Crushing Industry; and

§ 640.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Cottonseed and Peanut Crushing Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

§ 640.4 *Definition of the Cottonseed and Peanut Crushing Industry.* For the purpose of this order the term "Cottonseed and Peanut Crushing Industry" means:

The manufacture from cottonseed and peanuts of crude oil and by-products, including, but without limitation, cake, hulls, and linters; *Provided however,* That this definition shall not include the manufacture of feeds.

§ 640.5 *Scope of the definition.* The definition of the cottonseed and peanut crushing industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations; *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale; and provided further that where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 640.6 *Effective date.* This wage order shall become effective August 16, 1943.

Signed at New York, New York, this 29th day of July 1943.

(Sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208)

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-12373; Filed, July 30, 1943; 2:09 p. m.]

PART 641—MINIMUM WAGE RATE IN THE VEGETABLE FATS AND OILS INDUSTRY

RECOMMENDATION OF THE INDUSTRY COMMITTEE

AUGUST 16, 1943.

In the matter of the recommendation of Industry Committee No. 58 for a minimum wage rate in the Vegetable Fats and Oils Industry.

Whereas, on April 6, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 190, appointed Industry Committee No. 58 for the Vegetable Fats and Oils Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Vegetable Fats and Oils Industry in accordance with section 8 of the Act; and

Whereas, the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Vegetable Fats and Oils Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Vegetable Fats and Oils Industry is carried on; and

Whereas, on May 6, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Vegetable Fats and Oils Industry; and

Whereas, after notice duly published in the FEDERAL REGISTER on May 18, 1943, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on June 2, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Vegetable Fats and Oils Industry, as defined by Administrative Order No. 190, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 58 for a Minimum Wage in the Vegetable Fats and Oils Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, now, therefore, *It is ordered,* That:

§ 641.1 *Approval of recommendation of Industry Committee No. 58.* The Committee's recommendation is hereby approved, and in accordance with such recommendation,

§ 641.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Vegetable Fats and Oils Industry; and

§ 641.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Vegetable Fats and Oils Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

§ 641.4 *Definition of the Vegetable Fats and Oils Industry.* For the purposes of this order the term "Vegetable Fats and Oils Industry" means:

A. The extraction of crude oils and fats from vegetable materials (other than cottonseed and peanuts) and the refining and processing of all vegetable fats and oils, including those derived from cottonseed and peanuts, into oleomargarine, cooking and other edible fats and oils, and into inedible fats and oils.

B. The manufacture of the by-products of the industry including but without limitation hulls, cake, meal, and soap stock.

Provided, however, That this definition shall not include the manufacture of the following: essential oils; feeds; nitrated, sulphonated and similarly processed oils; mixtures principally composed of animal fats and oils or containing petroleum; and crude, refined, or processed wood and gum naval stores.

§ 641.5 *Scope of the definition.* The definition of the Vegetable Fats and Oils Industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations; *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale; *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 641.6 *Effective date.* This wage order shall become effective August 16, 1943.

Signed at New York, New York, this 29th day of July 1943.

(Sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208)

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-12374; Filed, July 30, 1943; 2:09 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1997]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF

Order amending order granting temporary relief and order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of certain price classifications and minimum prices for the coals of Peerless Coal & Coke Company, Peerless Mine No. 4, Mine Index No. 248.

An order granting temporary relief was issued in the above entitled matter on July 6, 1943, 8 F. R. 9427, establishing price classifications and minimum prices for the coal of Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal & Coke Company located in District No. 7.

In the past the coals of the Peerless No. 4 Mine were prepared over a temporary ramp tipple and dumped into railroad cars without cleaning. On that basis price classifications were established by the Division by order issued in Docket No. A-1072, Part II. A petition filed in the above designated docket alleges that Peerless Coal & Coke Company is presently installing Joy loading machines and shuttle cars at Peerless No. 4 Mine and that most of the coal from this mine will be mechanically cleaned and sized over the tipple of Mine Index No. 137 by means of modern preparation facilities. It is further alleged that the Peerless No. 4 Mine coals will be of a substantially higher quality than the same coal when loaded over the temporary ramp tipple. Petitioner requested therefore that two sets of minimum prices be established, dependent upon the method of preparation. However, it is contrary to the established policy of the Division to establish different minimum prices for the same coals and, accordingly, a hearing had been scheduled to determine the precise details of the matter and temporary relief had been established by the assignment of the present price classifications for the coals of the Peerless No. 4 Mine even though most of such coal was to be prepared in modern preparation facilities. In view of the fact that the Bituminous Coal Act will cease to be in effect on August 24, 1943 which makes impossible the completion of any hearing, it is now necessary to re-examine this matter.

It does appear that higher price classifications should be established for the coals of Peerless No. 4 Mine when cleaned and prepared over the tipple of Mine Index No. 137, and it also appears that the lower price classifications established for unprepared coals are no longer necessary in view of the fact that most of the coal will be prepared and, therefore, the present price classifications should be revoked.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, *It is ordered,* That the order issued in Docket No. A-1072, Part II, and the order granting temporary relief, dated July 6, 1943, 8 F.R. 9427, in the above-entitled matter be, and they hereby are, amended by revoking the price classifications established therein for the coals of Peerless Mine No. 4, Mine Index No. 248, of Peerless Coal & Coke Company; and

It is further ordered, That pending further order in the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck is supplemented to include the following price classifications in the following size groups for the coals produced at Peerless Mine No. 4, Mine Index No. 248, located in District No. 7, of the Peerless Coal & Coke Company;

Size groups and price classifications: 1, B; 2, B; 3, A; 4, A; 5, A; 6, B; 7, B; 8, D; 9, D; 10, D.

It is further ordered, That pleading in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on

August 10, 1943, unless it shall otherwise be ordered.

The petition requests the establishment of a "C" price classification in Size Group 1. It appears that the Peerless No. 4 Mine is operating in the Pocahontas No. 4 Seam, and on the basis of comparable, analogous coals produced in this seam, a "B" price classification is established herein for the Peerless No. 4 Mine.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12518; Filed, August 2, 1943; 11:27 a. m.]

[Docket No. A-1849]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF

Order of the Director in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices, and for changes in shipping points and freight origin group numbers for the coals of certain mines in District No. 8.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that a special price exception should be established to permit the sale of Size Group 16 (Mine Run) coal produced by the Shrewsbury Mine (Mine Index No. 575) of L. A. Wilson (Wilson Coal Co.) in Kanawha County, West Virginia, in Subdistrict 4 of District 8, to Cedar Grove Collieries, Inc., for preparation at its tipple in mixture with the coal produced by the Cedar Grove Mine (Mine Index No. 96), and resale thereof by Cedar Grove Collieries, Inc., at the minimum prices applicable to the coal produced by the Cedar Grove Mine, and pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937;

It is hereby ordered, That effective as of the date hereof, § 328.1 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedules of Effective Minimum Prices for District No. 8 for All Shipments Except Truck Shipments be amended by the addition of a Special Price Exception as follows:

Size Group 16 coals produced by the Shrewsbury Mine, (Mine Index No. 575) of L. A. Wilson (Wilson Coal Co.) may be sold to Cedar Grove Collieries, Inc., for loading into barges or other floating equipment (either as Size Group 16 coals or as screened into other sizes) at the tipple of Cedar Grove Collieries, Inc., located at Cedar Grove, West Virginia, in mixture with coals produced by the Cedar Grove Mine (Mine Index No. 96), at not less than the minimum price applicable to the sale of Size Group 16 coals produced by the Cedar Grove Mine for free alongside deliveries; and Cedar Grove Collieries, Inc., may resell such coals (either as Size Group 16 coals or as screened into other sizes) at not less than the minimum prices applicable to the same shipment of coals of the same size produced by the Cedar Grove Mine, as if such coals purchased from L. A. Wilson (Wilson Coal Co.) were produced by the Cedar Grove Mine: *Provided*, That when such mixture is sold, the invoices shall properly identify the coal.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12519; Filed, August 2, 1943; 11:28 a. m.]

Chapter VI—Solid Fuels Administration for War

PART 603—OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

NOTE: The "Regulations for the Operation of Coal Mines under Government Control" issued by the Secretary of the Interior on May 19, 1943 (8 F.R. 6655) designated as §§ 603.1 to 603.40, inclusive, of Chapter VI are redesignated as §§ 801.1 to 801.40, inclusive, of Chapter VIII.

Chapter VIII—Coal Mines Administration

PART 801—REGULATIONS FOR THE OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

The "Regulations for the Operation of Coal Mines under Government Control" issued by the Secretary of the Interior on May 19, 1943 (8 F.R. 6655), previously designated §§ 603.1 to 603.40, inclusive of Chapter VI are redesignated §§ 801.1 to 801.40, inclusive of Chapter VIII and are amended, as follows:

1. Subparagraph (3) of § 801.6 is amended to read as follows:

(3) The term "Coal Mines Administrator" means the Administrator of the Coal Mine Administration of the Department of the Interior.

2. Section 801.10 is amended to read as follows:

§ 801.10 *Supervision and direction.* (a) The power, authority, and discretion of the Secretary of the Interior with respect to the operation of coal mines may, under the authority of Order No. 1847 of the Secretary of the Interior, dated July 27, 1943, be exercised by the Coal Mines Administrator (hereinafter referred to as the Administrator) and, subject to his supervision, by the Deputy Coal Mines Administrator (hereinafter referred to as the Deputy Administrator) to the same extent and with the same effect as such power, authority, and discretion may be exercised by the Secretary of the Interior. The power, authority, and discretion of the Administrator and Deputy Administrator may be exercised by them through such personnel of the Coal Mines Administration and the Department of the Interior and in such manner as the Administrator or Deputy Administrator may determine.

(b) The "Regulations for the Operation of Coal Mines under Government Control" issued by the Secretary of the Interior on May 19, 1943 (8 F.R. 6655) are adopted and continued in effect except as amended, amplified and added to from time to time.

3. Paragraph (b) of § 801.17 is amended by changing the period at the end thereof to a comma and adding thereto the following:

• • • as hereinabove and hereinafter specified. No Operating Manager for the United States of any mining company is authorized or shall be regarded as having authority, express or implied, to bind or impose any liability on the United States or any of its officials or agents in the absence of a specific direction or order by the Administrator to that effect. Nor shall any operations of any mine property in the possession and control of the Government, or the proceeds, earnings or liabilities of such mine property in any event be, or be regarded as being, for the account or at the risk or expense of the Government except as a specific written direction or order to that effect shall have been given by the Administrator.

4. Section 801.40 is amended to read as follows:

Termination of Government Control

§ 801.40 *Method of termination.* Government possession and control of any property affected by these regulations will be terminated by the Administrator upon a determination by him that the requirements for the termination of such possession and control specified in the War Labor Disputes Act of June 25, 1943, have been fulfilled. After the termination of Government possession and control, and for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 may be concluded in an orderly manner, the Administrator may require the submission by any mining company of information relating to operations during the period of Government possession and control as hereinafter provided.

The Operating Manager for the United States of each mining company with respect to which the United States Government has taken possession and control shall advise the Administrator when, in his opinion, such requirements for the termination of such possession and control have been fulfilled, specifying the date of declared restoration of productive efficiency, and furnishing to the Administrator the factual evidence supporting his opinion.

Forthwith upon the termination of such possession and control by the Administrator, the mining company may elect to execute and deliver to the Administrator one of the two instruments described in paragraphs 1 and 2 below:

Either:

1. The mining company, by a duly authorized officer or agent, not later than ten days subsequent to such termination, unless such period is extended by the Administrator for good cause shown, shall execute and deliver to the Administrator an instrument of ratification (in the form to be prescribed by the Administrator) by which the mining company adopts and ratifies all acts performed by, and omissions of, the Operating Manager for the United States in the operation of the coal mines of the company during the period of Government control, and covenants and agrees that the Government of the United States and its officials shall not be subject to any claims by the mining company or others by reason of the possession and control of the coal mines of the mining company.

The execution and delivery to the Administrator of such an instrument (hereinafter called Instrument No. 1) shall be deemed to constitute a waiver by the Government of all rights which it may have to an accounting with respect to all operations during the period of Government possession and control, and a discharge of the Operating Manager for the United States from any liability to the Government with respect to all actions taken by him as such.

Or:

2. The mining company, by a duly authorized officer or agent, not later than ten days subsequent to such termination, unless such period is extended by the Administrator for good cause shown, shall execute and deliver to the Administrator an instrument which specifically reserves to the mining company the right to assert a claim for damage alleged to have been suffered by it during the period of Government possession and control as the direct result of a specific direction or order of the Administrator, or his duly authorized agent, but which in all other respects is the same as Instrument No. 1.

Such instrument shall:

a. Specify the particular direction or order of the Administrator which the mining company asserts directly resulted in damage to the mining company,

b. Specify the particular action taken pursuant to such direction or order, which action would not have been taken except for such direction or order, and which action, it is claimed resulted in damage to the mining company, and

c. Specify the nature of the damage asserted to have been so caused and the amount thereof.

The execution and delivery to the Administrator of such an instrument (hereinafter called Instrument No. 2), provided such instrument is in conformity with the above prescribed requirements, shall be deemed to constitute a waiver by the Government of all rights which it may have to an accounting with respect to all operations during the period of Government possession and control, expressly reserving the right, however, to assert by way of offset to any such claimed liability, benefits resulting to the mining company from Government possession and control and any other defense against such asserted liability.

The mining company shall specify to the Administrator such further detailed information with respect to items a, b and c, above, as shall be requested or directed by the Administrator.

If, however, within ten days after the termination of possession and control by the Government, unless such period is extended by the Administrator for good cause shown, the mining company shall not execute and deliver to the Administrator either Instrument No. 1 or Instrument No. 2, as above provided, then the Administrator may assume that the mining company claims, or reserves the right to claim, that all operations during the period of Government possession and control of the property have been for the account of the Government, and accordingly that the Operating Manager for the United States and the mining company are accountable to the Government for their custodianship and disposition of proceeds from operations accruing during the period of Government possession and control. Pending the completion of such an accounting, the appointment of the Operating Manager for the United States shall continue in force for the purposes of such an accounting and appropriate determinations with respect thereto.

Accordingly, in such an event the Operating Manager for the United States and the mining company shall forthwith cause to be prepared, and shall promptly furnish to the Administrator, the following:

1. A detailed Comparative Balance Sheet as of the date of the termination of Government possession and control and as of the date of the beginning of such period.

2. A detailed Statement of Income and Profit and Loss for the period of Government possession and control.

3. A physical inventory to be taken at the close of such period, for all items normally subject to inventory.

4. A Cost and Tonnage Statement for the period in the form to be prescribed by the Administrator.

5. A detailed analysis of all changes in Current Assets, Investments, Reserves, Fixed Assets and Deferred Charges accounts occurring during the period.

6. A detailed statement of all charges to Bad Debts or against Reserves therefor.

7. An explanation of the basis of charges for Depreciation, Depletion and Amortization for the period.

8. A detailed analysis of all changes in amounts due to or from affiliated companies.

Statements required under items 1 and 2 are to be certified by an independent Certified Public Accountant unless otherwise directed by the Administrator on the application for good cause shown by the mining company. Statements required under items 3 through 8 are to be certified by an authorized officer of the company.

In addition to the foregoing, the Operating Manager for the United States and the mining company shall furnish to the Administrator such additional data and information as the Administrator shall request or direct pertaining to the period of operation under Government possession and control and a fair evaluation of the results thereof.

For the purposes of checking any inventories, accountings or other information submitted under this section 40, accountants and other agents of the Government shall be given reasonable access to all books, papers and inventories of the mining company pertinent thereto.

The books and records of the mining company covering operations during the period of Government possession and control shall be maintained intact pending the completion by accountants or other agents of the Government of such inspection thereof as may be deemed necessary by the Administrator. The books and records of the mining company pertaining to operations subsequent to the termination of Government possession and control, and pending such inspection, shall be maintained in such fashion that the effect of such operations upon the condition of the company as of the end of the period of Government possession and control will be readily ascertainable.

None of the provisions of this section 40, and no action that shall be taken pursuant to any of them, shall be deemed to constitute acquiescence by the Administrator in any claim that operations during the period of Government possession and control were for the financial account of the Government, or acquiescence in any other claim that the Government is subject to any liability to the mining company or any other person or persons with respect to any such action, or otherwise. None of the provisions of this section, nor any action taken pursuant to any of them shall be deemed to constitute a waiver by the mining company of any right which it may have to assert a claim against the United States, except as waived by the execution and delivery of Instrument No. 1 or of Instrument No. 2.

Dated: July 29, 1943.

HAROLD L. ICKES,
Coal Mines Administrator.

[F. R. Doc. 43-12494; Filed, July 31, 1943; 5:10 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment 167, 2d Ed.]

PART 605—GENERAL ADMINISTRATION

QUOTAS AND CALLS INFORMATION PROHIBITED

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 605.42 to read as follows:

§ 605.42 *Furnishing information relative to quotas and calls prohibited.* Information concerning quotas or calls shall not be examined by or disclosed or furnished to anyone except when required in the administration of the Selective Training and Service Act of 1940, as amended.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 30, 1943.

[F. R. Doc. 43-12495; Filed, August 2, 1943; 9:54 a. m.]

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

ORDER REVOKING CERTAIN LICENSES AUTHORIZING EXPORTATIONS TO ARGENTINA

It is hereby ordered, That all outstanding individual export licenses, issued by the Board of Economic Warfare prior to May 1, 1943, authorizing the exportation of commodities to Argentina, except such licenses designated as SP (Special Projects) or WP (War Projects) and such licenses authorizing exportations to mining companies holding War Production Board mine serial numbers or to meat packing plants furnishing products under contract with any of the United Nations, be and the same are hereby revoked effective August 2, 1943: *Provided,* That shipments which were on dock, or lighter, or laden aboard an exporting carrier prior to August 2, 1943, may be exported pursuant to previous valid licenses.

It is further ordered, That any person holding such licenses revoked by this order may forward the same to the Office of Exports, Office of Economic Warfare, Washington 25, D. C., for revalidation

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 31, 1943.

[F. R. Doc. 43-12508; Filed, August 2, 1943; 11:18 a. m.]

[Amdt. 83]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "Shipping Priority Rating" the shipping priority rating assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby deleted and in the column headed "General License Group" the group designation assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby amended to read as follows:

Commodity	Department of Commerce No.	General License Group
Beverages:		
Malt liquors (include beer, ale, stout, etc.).	1702.00 thru 1704.00	None
Grains and preparations:		
Barley	1011.00	None
Malt	1013.00	None
Tobacco and manufactures:		
Tobacco unmanufactured and tobacco manufactures.	2601.00 thru 2629.00	None
Vegetables and preparations:		
Yeast	1256.00	None
Vegetable products, miscellaneous:		
Hops	2951.00	None

Shipments of commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions. This amendment shall become effective August 9, 1943.

(Sec. 6, 54 Stat. 714 Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938.)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 30, 1943.

[F. R. Doc. 43-12505; Filed, August 2, 1943; 11:17 a. m.]

[Amdt. 85]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are amended to read as follows:

Commodity	Department of Commerce No.	General license group
Chairs	4242.00	None
Office furniture and store fixtures	4244.00	None
Furniture, chief value of wood, n. e. s.	4247.00	None
Furniture, chief value of upholstery, n. e. s. (wood predominating in frame construction)	4248.00	None

Shipments of the above commodities, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to ODT permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective August 9, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 30, 1943.

[F. R. Doc. 43-12507; Filed, August 2, 1943; 11:16 a. m.]

[Amdt. 81]

PART 802—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Part 802 General Licenses is hereby amended by assigning to the general licenses granted in § 802.10 *General licenses which permit shipments not exceeding a specified value,* the general license designation "GLV"; by assigning to the general licenses granted in § 802.12 *Photographic film,* the general license designation "GPF"; and by assigning to the general licenses granted in § 802.19 *Return of empty containers to foreign country,* the general license designation "GEC".

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 31, 1943.

[F. R. Doc. 43-12503; Filed, August 2, 1943; 11:17 a. m.]

[Amdt. 82]

PART 802—GENERAL LICENSES

CANCELLATION OF CERTAIN GENERAL LICENSES

Paragraph (a) of § 802.3 *General license country groups* is hereby amended by placing before the names of the countries French Oceania, Clipperton Is., Gambier Is., Marquesas Is., Raiatea Is., Rapa Is., Society Is., Tahiti, Tuamotu, Tubuai, New Caledonia, Loyalty Is., and Wallis Archipelago the letter "a" wherever the names of such countries appear in this section.

This amendment shall become effective August 15, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 29, 1943.

[F. R. Doc. 43-12504; Filed, August 2, 1943; 11:17 a. m.]

[Amdt. 84]

PART 802—GENERAL LICENSES

Part 802 General Licenses is hereby amended by adding thereto § 802.20 *General license "G-AF"* as follows:

§ 802.20 *General license "G-AF"*—(a) *Definition.* When used in this section:

(1) "Household articles" shall mean furniture, refrigerators, radios, kitchen utensils and other articles ordinarily used as household furnishings.

(2) "Personal effects" shall mean clothing, books, toilet articles, articles of personal adornment, cameras and other similar articles.

(3) "Professional instruments" shall mean tools of trade required by a person in his occupation, profession, or employment.

(b) A general license designated "G-AF" is hereby granted authorizing the exportation of household articles, personal effects, professional instruments, and passenger automobiles by any person serving in the armed forces of the United States who is not a citizen of the United States: *Provided,* That:

(1) The exportation is made to a country wherein the exporter or his next of kin maintain a residence and such country is not enemy-occupied or controlled,

(2) A certificate in the following form signed by the exporter and countersigned by his commanding officer shall be filed with the United States Collector of Customs at the port of exit or with the United States Postmaster at the place of mailing when the exportation is made, and

(3) The exportation is not made for purposes of resale.

CERTIFICATE

I hereby certify that I am a member of the armed forces of the United States; that I am not a citizen of the United States; that the articles listed below are my property; that such property is being exported to a country wherein I or my next of kin maintains a residence; and that such property is not being exported for the purpose of resale.

(List of articles)

Signature and serial number

Commanding Officer Rank and Unit

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 30, 1943.

[F. R. Doc. 43-12506; Filed, August 2, 1943; 11:16 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 14 as Amended July 31, 1943]

ELECTRONIC RESEARCH SUPPLY AGENCY

§ 903.27 *Directive 14; Electronic Research Supply Agency*—(a) *Purpose.* (1) The purpose of this directive is to establish certain priorities policies, rules and exemptions for Electronic Research Supply Agency, an agency established pursuant to Defense Supplies Corporation contract of April 2, 1943, hereinafter referred to as Agency.

(2) It is recognized that Agency has been established by the Defense Supplies Corporation at the request of the War Production Board, and at the instance of the Army, the Navy, and the Office of Scientific Research and Development, to constitute a central source of supply for materials and components required for use in Government-sponsored research and development contracts or projects involving electronic equipment or devices; required for production of test models for such equipment or devices; or required for emergency demands.

(3) It is recognized that to effectuate the purposes of the Agency and to render it readily adaptable to service the ends for which it was created, it is necessary to determine certain policies for its operation and to exempt it in certain respects from the effect of regulations and orders of the War Production Board.

(b) *Acquisition of materials by Agency.* (1) Agency is authorized to apply for priorities assistance or allotments of controlled materials on any approved form now or hereafter issued by the War Production Board (including without limitation forms PD-1A, PD-1X, PD-408, CMP-4A and CMP-4B).

(2) Agency is further authorized to acquire such fabricated, partly fabricated or raw materials as are related to the fulfillment of the purposes expressed in paragraph (a) (2) hereof:

(i) By the application of preference ratings or allotment numbers assigned to Agency by any form or order of the War Production Board; or

(ii) By the extension of any preference rating or allotment number applied or extended by any person to deliveries to be made by Agency.

(3) Purchase orders placed by Agency shall be accompanied either by the form of certification provided in Priorities Regulation No. 3, or the form of certification provided in CMP Regulation No. 7; and Agency shall not be required to place any other endorsement, symbol, or identification on any purchase order placed by it.

(c) *Inventory, reports and records.* (1) Except to the extent that any regulation or order of the War Production Board expressly provides to the contrary:

(i) Agency shall be exempt from all inventory restrictions contained in regulations and orders of the War Production Board; and

(ii) Agency shall not be required to file or furnish reports or report forms provided or issued pursuant to regulations or orders of the War Production Board.

(2) Agency shall maintain at all times adequate records of its operations, which records shall be available and open to inspection by authorized representatives of the War Production Board.

(d) *Sale and distribution of materials by Agency.* (1) Agency shall be exempt from all provisions of the regulations of the War Production Board requiring the acceptance of defense orders or rated orders and specifying the sequence of deliveries thereon.

(2) Agency shall accept all purchase orders classified as "Approved orders" pursuant to such directions as may be furnished Agency from time to time by the Executive Committee of Agency, which Executive Committee shall consist of assigned representatives of the Army, Navy, War Production Board and Office of Scientific Research and Development, as specified in Defense Supplies Corporation contract of April 2, 1943.

(3) Agency shall fill "Approved orders" placed upon it according to such sequence of deliveries as may be established by the Executive Committee in directions furnished to the Agency from time to time.

(4) All purchase orders placed upon the Agency shall be accompanied by such form of endorsement or certificate as the Agency may prescribe pursuant to directions of its Executive Committee to identify them as "Approved orders" and to relate them to the uses specified in paragraph (a) (2) hereof.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of July 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-12441; Filed, July 31, 1943; 11:36 a. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-302, Amdt. 1]

DORNOIL PRODUCTS CO.

Pending the determination of the appeal by Dornoil Products Company from the provisions of Suspension Order No. S-302, issued June 22, 1943, the Chief Compliance Commissioner directed a stay of execution of the terms of Order S-302 from June 24 until July 1, 1943. Having denied the appeal of Dornoil Products Company, the Chief Compliance Commissioner has directed that Suspension Order S-302 be amended so as to extend the expiration date thereof by the time that the stay of execution was in effect.

In view of the foregoing, *It is hereby ordered,* That paragraph (c) of § 1010.302 Suspension Order S-302 be amended to read as follows:

(c) This order shall take effect on June 24, 1943 and shall expire on October 1, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12432; Filed, July 31, 1943; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-355]

EAST NEW YORK SAVINGS BANK

East New York Savings Bank is a New York banking corporation owning and

maintaining a branch bank at 1117 Eastern Parkway, Brooklyn, New York. After September 7, 1942, the bank began construction of a refrigerated fur-storage vault at these premises. The estimated cost of this construction at the time of its commencement was $3,750, which amount exceeded the $200 permissible under the order as amended. It is now expected that the total cost of the project, if completed, would be $4600. Responsible officials of the bank were aware that there existed a War Production Board order restricting construction prior to the issuance of the amendment on September 2, 1942, and were informed that the order would be so amended. They made no effort to examine the terms of the order itself or otherwise to ascertain its actual provisions, but continued construction until the project was 75 per cent. complete, when the bank was directed to cease construction by the War Production Board.

Construction of this cold storage fur vault by the bank was a violation of Conservation Order L–41, and it was done with such gross negligence that it must be deemed wilful.

These acts of the respondent were in wilful violation of Conservation Order L–41, and were of such significance as to require the imposition of an administrative penalty. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.355 *Suspension Order No. S–355.* (a) Neither East New York Savings Bank, its successors or assigns, nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use any material or construction plant in order to continue or complete any "construction" (as "construction" is defined in Conservation Order L–41, as amended) on the buildings and premises located at 1117 Eastern Parkway, Brooklyn, New York, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve East New York Savings Bank of Brooklyn, New York, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect July 31, 1943.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12433; Filed, July 31, 1943; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–370]

ATLANTIC MANUFACTURING CO.

Atlantic Manufacturing Company of Wilmington, Delaware, is a corporation engaged in the manufacture of rubber and leather products. During the period from April 1, 1942, to August 25, 1942, it used 319 pounds of crude rubber in the manufacture of belting, without prior approval of the War Production Board, and in the manufacture of shoe soles, hand pads, coal bags and tarpaulins. Subsequent to August 25, 1942 it consumed additional quantities of crude rubber in such manufacture. During the period from March 20, 1942, to August 25, 1942, it consumed 597 pounds of re-claimed rubber in the manufacture of coal bags, hand pads and tarpaulins, and subsequent to the latter date it consumed additional quantities of re-claimed rubber in the manufacture of belting, shoe soles, coal bags and hand pads, without authorization from the Director General for Operations, and in the manufacture of tarpaulins. These acts constituted violations of Supplementary Order M–15–b. Subsequent to July 31, 1942, it used rubber cement for treating fabrics or materials, without authority from the Director General for Operations, in violation of Supplementary Order M–15–f. During the foregoing periods responsible officers of the company knew that the use of rubber was restricted by orders of the War Production Board, and depended upon the advice of a minor employee, who failed to apprise them of the applicable restrictions. The failure of the officers of the company to independently ascertain the exact nature of the restrictions regarding their business constituted gross negligence, which makes these violations wilful.

These violations of Supplementary Orders M–15–b and M–15–f have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.370 *Suspension Order No. S–370.* (a) Atlantic Manufacturing Company, its successors and assigns, are hereby prohibited from consuming any crude rubber or re-claimed rubber in their manufacturing processes, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Atlantic Manufacturing Company, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 31, 1943, and shall terminate on October 31, 1943, after which latter date it shall have no further force or effect.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12434; Filed, July 31, 1943; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–379]

SHARP CONSTRUCTION CO.

Sharp Construction Company, 210 North Fifth Street, Reading, Pennsylvania, is a corporation engaged in building construction. Subsequent to September 7, 1942, the effective date of Conservation Order L–41 as amended, the company began construction on the remodeling of a residence at an estimated cost in excess of $1,500, and began construction by the remodeling of another residence at an estimated cost in excess of $7,500 without having obtained authority from the War Production Board in either case. These acts constituted violations of Conservation Order L–41, as amended September 2, 1942. At the time these constructions were begun, the respondent had knowledge that there were governmental restrictions on construction work, and its failure to ascertain the nature of these restrictions was so negligent as to render its violations wilful.

These violations of Conservation Order L–41 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.379 *Suspension Order No. S–379.* (a) Deliveries of material to Sharp Construction Company, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board.

(b) No allocation or allotment of materials or products shall be made to Sharp Construction Company, its successors or assigns, of any material or product the supply or distribution of which is covered by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Sharp Construction Company of any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) The terms of this order shall not apply to contracts or orders bearing a rating of AA–3 or higher.

(e) This order shall take effect on July 31, 1943, and shall expire on September 31, 1943.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12435; Filed, July 31, 1943; 11:37 a. m.]

PART 1083—KAPOK

[General Conservation Order M–85, as Amended July 31, 1943]

Section 1083.1 *General Conservation Order M–85* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of kapok for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1083.1 *General Conservation Order M–85*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Additional definitions.* For the purposes of this order:

(1) "Kapok" means the fiber or pulp from the pod of the Ceiba or Kapok tree.

(2) "Dealer" means any person purchasing kapok for resale and the term shall include also importers, agents and brokers.

(3) "Manufacturer" means any person producing any product of which kapok is a component part or into which it is physically incorporated.

(c) *Restrictions on sales and deliveries of kapok.* No dealer or manufacturer shall sell, transfer title to or deliver, and no person shall purchase, accept transfers of title to, or deliveries of, any kapok except upon the following categories of order:

(1) Purchase orders placed by the Army or Navy of the United States, the United States Maritime Commission, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose of any of the foregoing.

(2) Purchase orders placed by dealers.

(3) Purchase orders placed by manufacturers for delivery in any calendar month of the minimum amounts necessary (taking into consideration their existing inventories) to enable them to continue until the end of said calendar month to produce products listed in paragraph (d) below.

(4) Purchase orders specifically allocated to manufacturers by the War Production Board on Form WPB 2562.

(d) *Restrictions on the use of kapok for manufacturing purposes.* No manufacturer shall use any kapok in the production of any product except:

(1) Life vests, life jackets and collars, and aircraft life saving cushions to fill defense orders:

(2) Insulation padding for airplanes but only to the extent of 45% of the actual total fiber content of such insulation padding: *Provided, however,* That:

(i) No person shall use any kapok of Java grades for the production of such padding unless and until such person shall be unable to obtain any other kapok for such purposes, and

(ii) The foregoing restrictions may be exceeded only in the manufacture of insulation padding for airplanes to be delivered to or for the account of the Army or Navy of the United States when a higher percentage of kapok or use of a Java grade is specifically required by the specifications of the prime contract involved or its use is hereafter specifically directed in writing by the Army or Navy contracting officer of the prime contract involved.

(3) Articles required to fill other defense orders when authorized by the War Production Board. Applications for such authorization shall be filed on Form WPB 1076.

(e) *Assignment of preference rating.* A preference rating of AA–5 is hereby assigned to all orders for kapok placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, and such rating may be applied in the manner prescribed by Priorities Regulation No. 3, as amended.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(g) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M–85.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Reports.* On or before the 15th day of each calendar month all owners of kapok shall file two copies of Form WPB–642 with the United States Tariff Commission, 7th and E Streets, N. W., Washington, D. C.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12438; Filed, July 31, 1943; 11:35 a. m.]

PART 1243—OFFICERS' UNIFORMS

[Preference Rating Order P–131, as Amended July 31, 1943]

§ 1243.1 *Preference Rating Order P–131*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Officers' uniforms" means only the apparel and accessories below enumerated, manufactured of officer's uniform materials, defined in subparagraph (3) of this paragraph (b), and in accordance with specifications prescribed by the applicable U. S. Army, Navy or other departmental or agency regulations, governing at the time of the application of the preference rating herein, viz:

(i) Ready-to-wear and made-to-individual-measurement overcoats, raincoats, coats, trousers, slacks, skirts, dresses, caps, web-belts, shirts and collars for:

(*a*) Officers of the U. S. Women's Army Corps (WACS);

(*b*) Officer nurses of the U. S. Army;

(*c*) Commissioned and warrant officers of the U. S. Marine Corps, except officers and officer training school students of the U. S. Women's Reserve of the U. S. Marine Corps Reserve;

(*d*) Officers of the U. S. Coast and Geodetic Survey; and

(*e*) Officers and nurses of the U. S. Public Health Service.

(ii) Made-to-individual-measurement overcoats, short overcoats, raincoats, coats, trousers and slacks, made of wool cloths weighing over 13 ounces per yard based on a width of 56 inches, and made-to-individual-measurement and ready-to-wear combinations of coats with matching trousers, made of wool cloths weighing 13 ounces or less per yard based on a width of 56 inches or of cotton, for commissioned and warrant officers of the U. S. Army.

(iii) Made-to-individual-measurement overcoats, raincoats, coats, trousers and skirts for commissioned, warrant, chief petty officers and officer nurses of the U. S. Navy (including aviation), the U. S. Coast Guard, the U. S. Maritime Commission and the War Shipping Administration, except officers of the Women's Naval Reserve (WAVES) and the Coast Guard Women's Reserve (SPARS).

(iv) Ready-to-wear coats and trousers, made of wool cloths weighing 13 ounces or less per yard based on a width of 56 inches or of cotton, for commissioned, warrant and chief petty officers of the U. S. Navy (including aviation), the U. S. Coast Guard, the U. S. Maritime Commission and the War Shipping Administration, except officer nurses of the U. S. Navy, officers of the Women's Naval Reserve (WAVES) and the Coast Guard Women's Reserve (SPARS).

NOTE: Following paragraphs (v), (vi), (vii) redesignated July 31, 1943.

(v) Ready-to-wear and made-to-individual-measurement winter working uniform overcoats for the U. S. Naval Aviation commissioned and warrant officers.

(vi) Ready-to-wear and made-to-individual-measurement caps, web belts, shirts and collars for:

(*a*) Commissioned and warrant officers of the U. S. Army, except shirts in khaki shade No. 1 (sun tan) of tropical worsted, 6 ounce and 8.2 ounce cotton cloths; and

(b) Commissioned, warrant and chief petty officers of the U. S. Navy (including aviation), the U. S. Coast Guard, the U. S. Maritime Commission and the War Shipping Administration, except officers of the Women's Naval Reserve (WAVES) and the Coast Guard Women's Reserve (SPARS).

(vii) OD handkerchiefs, and OD underwear for commissioned and warrant officers of the U. S. Army.

(2) "Producer" means any person who manufactured officers' uniforms prior to June 8, 1942.

(3) "Officers' uniform materials" means only those materials (except brass buckles for web belts, metal insignia and synthetic or partly synthetic materials for linings) conforming with the applicable U. S. Army, Navy or other departmental or agency regulations, governing at the time of the application of the preference rating herein. Whenever any such regulation does not specify or fully describe a component of an officer's uniform, the accepted commercial standard for a product most nearly like such officer's uniform shall apply.

(4) "Made - to - individual - measurement" and "ready-to-wear" shall have their usual and customary trad^ meaning.

(c) *Assignment of preference ratings.* Preference ratings are hereby assigned to a producer in order to obtain deliveries of officer's uniform materials for physical incorporation by him into officers' uniforms, viz:

(1) Preference Rating AA-3 for chinstrap braid, for stripes and corps devices, including shouldermarks, made of U. S. Navy standard or U. S. Navy approved gold lace;

(2) Preference Rating AA-5 for officers' uniform materials other than those listed in subparagraph (1) of this paragraph (c).

(d) *Conditions governing ratings.* (1) The ratings assigned by paragraph (c) of this order shall be applied and extended in accordance with Priorities Regulation No. 3, as amended from time to time, may be revoked or further conditioned as to any person or transaction, and any officer's uniform materials obtained pursuant thereto may be redistributed by the War Production Board, and;

(i) No producer shall apply such preference rating to an order for wool cloths, weighing over 13 ounces per yard based on a width of 56 inches, for officers' uniforms if his inventory, on hand and on order, of such wool cloths for officers' uniforms exceeds or would then exceed 25% of the yardage of such wool cloths for officers' uniforms cut by him for officers' uniforms during the period commencing January 1, 1943 and ending March 31, 1943;

(ii) No cloth jobber shall extend such preference rating or any other preference rating to an order for wool cloths for officers' uniforms if his inventory, on hand and on order, of wool cloths for officers' uniforms exceeds or would then exceed the yardage of wool cloths for officers' uniforms sold or delivered by him during the preceding 90 days.

(2) The preference rating previously assigned by this order and all applications and extensions thereof are hereby revoked as to any synthetic or partly synthetic material for linings.

(e) *Use of seconds or reject material.* No person shall manufacture any officers' uniforms from materials graded as seconds or which have been rejected by any U. S. department or agency, but a made-to-individual-measurement officer's uniform may be cut from the portions of such materials complying with the departmental or agency regulations referred to in paragraph (b) (3) hereof.

(f) *Restrictions on sales of officers' uniforms.* (1) Except in the case of sale or delivery for purposes of resale, no person shall sell or deliver any officer's uniform, produced under this order, to anyone other than an officer or nurse for whom an officer's uniform is provided in paragraph (b) (1) hereof. Upon such sale or delivery the person selling or delivering the same shall make and maintain a record of the name, rank, service, and serial number, if any, of such officer or nurse. The requirement that such record be made, and maintained shall not apply to any army exchange, ship's service department, commissary or other enterprise operated under governmental supervision primarily for the benefit of such officers or nurses.

(2) No person shall sell, deliver or accept delivery of any officer's uniform or officer's uniform materials or use any officer's uniform materials, if he knows or has reason to believe that the same are or are to be sold, delivered or used in violation of this order.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating the grounds of the appeal.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12440; Filed, July 31, 1943; 11:36 a. m.]

PART 1276—PLYWOOD

[Interpretation 1 of Limitation Order L-150, as Amended]

SOFTWOOD PLYWOOD SCHEDULING

The following interpretation is issued with respect to Limitation Order L-150, as amended:

Paragraph (c) (2) of Limitation Order L-150 [§ 1276.1] provides that any order authorized pursuant to its provisions shall be accepted by the producer with whom it is placed, "providing it meets his regularly established prices and terms."

This condition applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12436; Filed, July 31, 1943; 11:35 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-289 as Amended July 31, 1943]

GREETING CARDS AND ILLUSTRATED POST CARDS

Section 3133.20 *Limitation Order L-289* is hereby amended to read as follows:

§ 3133.20 *Limitation Order L-289*—(a) *Limit on amount of paper used for cards.* In the manufacture of greeting cards and illustrated post cards, each publisher shall be limited during any calendar quarter to 60%, by gross weight, of the paper used for that purpose and for "dealer helps" during the same quarter in 1942. A publisher may, however, use an additional 15% during one quarter if he uses that much less during the next quarter. Also, if he uses less than he is allowed for one quarter, he may increase his use in later quarters by that amount.

(b) *Limits on number of designs.* During any calendar quarter, no publisher may print new designs which exceed 60% of the number of new designs which he printed during the same quarter in 1942. Also, during any calendar quarter no publisher may reprint more than 80% of the total number of designs, new or old, which he printed during the same quarter in 1942.

(c) *Limits on boxes.* (1) During any calendar quarter, no publisher may use for the packaging of greeting cards and illustrated post cards more than 50% by gross weight, of the paperboard used for that purpose during the same quarter of 1942. A publisher may, however, use an additional 15% during one quarter if he uses that much less during the next quarter. Also, if he uses less than he is allowed for one quarter, he may increase his use in later quarters by that amount.

(2) In addition, publishers must comply with the provisions of Order L-239 regarding the manufacture of folding and set-up boxes.

(d) *"Dealer helps" prohibited.* No publisher may furnish any "dealer helps" for greeting cards or illustrated post cards, except "dealer helps" which he already had in inventory on May 20, 1943. This prohibition applies to items such as date books, advertising cards, banners, merchandise bags, window displays, inserts, etc. and to sample cards. However, it does not apply to mounted samples for the display of cards to the public.

(e) *Meaning of terms used in this order.* (1) "Greeting card" means any commercial form of card, sheet or folder which conveys a greeting or similar type of message by means of printed reading matter or pictorial matter. The term includes "chromos", which contain pictures but no words, and also cards which contain words but no pictures. "Illustrated post card" means any form of card, sheet or folder containing pictorial matter and space for the addition of a personal message. The term does not include photographs made without the use of ink.

(2) "Publisher" means the person (including a company or firm) who has the cards printed or packaged, whether in his own plant or someone else's plant, for sale exclusively by him. It does not mean the printer or packager unless he acts for his own account.

(3) The limits in this order on use of paper and paperboard during any calendar quarter apply to the quarter beginning July 1, 1943 and to each calendar quarter after that.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(2) *Records which must be kept.* In order to assure compliance with this order, every publisher must calculate, as accurately as practicable, for each quarter of 1942 and for each quarter in which this order remains in force, the amount of paper used for printing greeting cards and illustrated post cards, the number of new designs printed, the total number of new and old designs printed, and the amount of paperboard used in boxes for greeting cards and illustrated post cards. He must preserve these figures and his work sheets for inspection by War Production Board officials as long as this order remains in force and for two years after that.

(3) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(4) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-289.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12437; Filed, July 31, 1943; 11:35 a. m.]

PART 3281—PULP AND PAPER [1]

[General Conservation Order M-241-a as amended July 31, 1943]

CONSERVATION OF PAPER AND PAPERBOARD

Section 3096.2 *General Conservation Order M-241-a* is hereby amended to read as follows:

§ 3281.64 *General Conservation Order M-241-a*—(a) *Definitions.* For the purpose of this order:

(1) A "converted product" means any article or type of converted paper resulting from the processing of pulp, paper, or paperboard which alters the original form or characteristics of the pulp, paper, or paperboard. The term includes all articles on any of the lists to this order, but shall not include:

(i) Paper or paperboard manufactured in the first instance by a paper or paperboard mill.

(ii) A "newspaper" as defined in General Limitation Order L-240.

(iii) "Wall paper" as defined in General Limitation Order L-177.

(iv) A "box" as defined in General Limitation Order L-239.

(v) A "magazine" as defined in General Limitation Order L-244.

(vi) A "book" as defined in General Limitation Order L-245.

(vii) A "greeting card" as defined in General Limitation Order L-289.

(viii) A "book match" as defined in General Limitation Order L-263.

(ix) A "paper shipping sack" as defined in General Limitation Order L-279.

(x) Fibre shipping containers, cans, drums, tubs and barrels.

(xi) Cups, pails and nested food containers.

(xii) A "display" as defined in General Limitation Order L-294.

(xiii) Grocery, variety and notion bags.

(xiv) Wrapping paper, including wrapping tissue, converted into sheets or into rolls having a diameter of 12" or less.

(2) A "converter" is any person who, regardless of the identity or nature of his business, manufactures or assembles any converted product.

(b) *Unrestricted consumption of pulp, paper and paperboard in the manufacture of certain converted products.* Any converter may consume any quantity of pulp, paper and paperboard in the manufacture and assembly of any converted product shown on List A of this order.

(c) *Restriction on consumption of pulp, paper and paperboard in the manufacture of certain named converted products.*

(1) No converter shall consume in the manufacture or assembly of any converted product on List B, List C or List D of this order any quantity, in tons, of pulp, paper and paperboard greater than the quantity ascertained:

(i) For the two months period from August 1, 1943 to October 1, 1943, by applying two thirds of the percentage figure for each such converted product, as shown in paragraph (c) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture or assembly of such product during the third calendar quarter of 1942;

(ii) For the final quarter of 1943, and for each calendar quarter thereafter, by applying the entire percentage figure for each such converted product, as shown in paragraph (c) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture or assembly of such product during the corresponding calendar quarter of 1942.

(2) The following percentage figures shall be used for the calculations described in the preceding paragraph (c) (1):

	Percent
(i) List B products	110
(ii) List C products	100
(iii) List D products	80

(3) From and after August 1, 1943 no converter shall put into process any quantity of pulp, paper or paperboard for the manufacture or assembly of any converted product named on List E of this order, except that pulp, paper and paperboard in the converters possession or in transit to the converter on August 1, 1943, expressly acquired for the manufacture of any converted product named on List E of this order, may be put into process provided all manufacturing or assembling operations are completed by October 31, 1943, at which time all production activities in connection with converted products named on List E shall cease.

(d) *Restrictions on consumption of pulp, paper and paperboard in the manufacture of converted products not specifically listed.* (1) No converter shall during the period from August 1, 1943 to October 1, 1943 consume in the manufacture or assembly of any converted product not named on List A, List B, List C, List D or List E of this order, any quantity, in tons, of pulp, paper and paperboard greater than 33⅓ percent of the tonnage consumed in the manufacture or assembly of such converted product during the first six months of 1943.

(2) No converter shall during the final calendar quarter of 1943, or during any calendar quarter thereafter consume in the manufacture or assembly of any converted product not named on List A, List B, List C, List D or List E of this order, any quantity, in tons, of pulp, paper and paperboard greater than 70 percent of the tonnage consumed in the manufacture or assembly of such converted product during the corresponding calendar quarter of 1942.

(3) In the instance of any converted products not named on any of the lists

[1] Formerly Part 3096, § 3096.2.

of this order, the following processes and operations shall not be considered as processing:

(i) Cutting or trimming to a different size, when such cutting or trimming is performed as part of any established finishing room procedure and provided the paper or paperboard so processed is not intended for a use which serves to defeat the purpose of this order. (Example: The cutting of plain paper to a given size for use as a tray cover, the manufacture of which is curtailed by this order).

(ii) Punching or corner cutting.

(iii) Packaging if such is the only form changing operation.

(iv) Super-calendering.

(v) Laminating.

(vi) Coating, friction calendering, flint glazing, plating and embossing.

(vii) Collating and binding.

(viii) Printing, when such contributes to the functional value of the product to such a degree that the product would be incapable of performing the use intended if not printed. (Examples: advertising streamers, posters, menus, programs, timetables, sheet music, patterns, decalcomania transfers, checks).

(e) *Alternate method of calculating quotas.* As an alternate method of calculating quarterly quotas for any converted product, any person may, after the filing of a notice in writing with the War Production Board, elect to apply the percentages established by paragraphs (c) and (d) (2) of this order to one fourth of his total yearly consumption of pulp, paper and paperboard in such product during 1942. When such election has been made and the required notice in writing has been given to the War Production Board, the method of determining quotas may not thereafter be changed.

(f) *Converter's responsibility in determining coverage of this order.* It shall be the duty of each converter to determine in the first instance which of his products are included among the converted products referred to in this order. In case of doubt he may apply to the War Production Board in writing describing the product in question, for a specific ruling determining whether or not the same is so included. The War Production Board may of its own motion in any case, by telegram or letter, issue a specific ruling determining whether or not a particular product of a particular converter is so included.

(g) *Inventory restrictions.* No person shall knowingly deliver to any converter, and no converter shall accept delivery of, any quantity of pulp, paper or paperboard for the manufacture or assembly of any converted product included in this order if the inventory in the hands of the converter intended for such converted product, is, or will by virtue of such acceptance become, either in excess of two car loads or if in excess of two car loads greater than 45 days' supply, on the basis of either the converter's average rate of consumption for such converted product for the preceding quarter or his average rate of consumption for such converted product as projected for the then current quarter.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Pulp and Paper Division, Washington 25, D. C. Ref: M-241-a.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—UNRESTRICTED PRODUCTION

Abrasive papers
Adding machine and business machine rolls
Air force emergency packs
Army ration containers
Automotive oil cartridges
Balloons (direct military only)
Binder twines
Blankets
Blueprints and direct line papers
Bomb fins
Bomb rings
Bombs
Building and wall boards
Cable insulation
Calender rolls (for paper and other finishing machinery)
Camouflage paper
Caps for glass bottles and jars
Carbon paper
Case, carton, roll and bundle strapping
Charts, rolls and tape for communication and recording instruments and machines
Cigarette paper books
Clock backs and cases
Clothing
Condensers—component parts thereof
Control knobs and dials
Cores and core plugs
Crepe cellulose wadding
Dental mouth wadding
Diaper linings
Diaphragms—pump and carburetor
Dust and dirt covers and seals for motors, journals, etc.
Dust masks
Egg case fillers and flats
Embalming, surgical and obstetrical sheets
Faces for gauges, clocks and weighing equipment.
Fibre conduit and fittings
Filters
Flare spacers
Friction pulleys and wheels
Fuses and component parts thereof
Garbage and utility cans
Gas detection armbands and similar products
Gas mask canisters and mask parts
Gas protection capes, tarpaulins & similar products
Gaskets
Gears
Grenades and grenade containers
Gummed sealing and corrugated tape
Gummed stay tape
Gun & rifle protection sleeves
Helmets and helmet accessories
Hospital wadding
Instrument panels
Impervious papers, including waxed, for direct war use but limited to those grades covered by specifications issued by the U. S. Army, the U. S. Navy, the U. S. Marine Corps, or the Federal Standard Stock Catalog.
Jettison tanks
Lens tissue
Lithomat and photomat paper
Milk bottles, milk bottle hoods and milk bottle caps
Mimeograph stencils
Nuts and screws
Paper base plastics
Parachutes and parachute spreaders
Photographic and photo copying papers
Plant protectors
Poultry incubators, brooders and feeders
Prepared tracing
Printing plates
Ration bags
Roofing and building papers (treated)
Sanitary napkins
Shell containers
Shoes and component parts thereof
Surgical bandages
Surgical masks and caps
Tabulating cards
Tags, commercial and industrial only, unprinted
Targets
Telephones, component parts of
Toilet seat covers
Tote boxes
Valves
Vegetable parchment
Veneer tape
V-mail blanks
Waterproof and moistureproof packaging papers (asphalt and resin impregnated and laminated)
Wrapping paper converted into sheets or into rolls having a diameter of 12" or less but limited to vegetable parchment, glassine, greaseproof, butcher's papers, envelope stock, cup stock and wax or similar treated papers but not including household rolls.

LIST B—PRODUCTS PERMITTED AT 110% OF 1942

Artificial leather
Buttons
Concrete forms
Envelopes—all styles except expansion type
Fillers, looseleaf (except accounting)
Household waxed paper, all styles
Insulation board
Jacquard cards
Masking tape
Optical measuring instruments
Paper stationery and papeteries
Sales tax tokens
Shingles
Tablets, pads, and notebooks
Textile cones, tubes and spools
Toilet tissue, other than facial type of two ply or more
Waxed paper, all types and grades other than household packages, excluding waxed paper wrappings for direct war uses as provided in List A.

LIST C—PRODUCTS PERMITTED AT 100% OF 1942

Cake boards
Cases for flashlights and batteries and component parts thereof
Collar supports and circles
Dental pinafores
Dishes and plates
Facial tissue
File dividers and indexes
File cabinets
Forks and spoons
Fruit and vegetable wrappers for apples, pears, peaches and tomatoes in the instance of original shipments
Gummed flat paper
Hat and cap visors
Headrest rolls
Light shades and reflectors
Lunch boxes
Napkins
Oiled stencil board
Permanent wave pads
Photo mailers
Photo mounts
Shirt bands, limited to 2" wide or less
Stereotype mats
Straws (soda and drinking)
Towels
Twisted products limited to rope, open mesh bags and twine, other than binders twine
Tympan paper
Window shades

LIST D—PRODUCTS PERMITTED AT 80% OF 1942

Adhesive transparent tape
Architect filing tubes
Barbers neck bands
Bibs
Cake circles
Carpets and rugs
Chair seats
Cloth lined paper products
Expanding envelopes or pockets
File fasteners
Fly paper
Fly ribbons
Folders (file)
Games and toys of all types
Garment hangers
Luggage
Mailing tubes
Music and player piano rolls
Phonograph record albums
Platters
Ribbon blocks and cores
Ribbons
Seat covers
Slippers
Snap, button, hook and eye and zipper cards
Soap wraps, including all component parts thereof except wax paper
Tea ball bags and similar containers
Textile boards, excluding shirt boards
Toilet tissue, facial type of two or more ply
Twisted products, other than bags, rope, strapping, and twine
Venetian blinds
Vertical file pockets.

LIST E—ARTICLES AND CLASSES OF ARTICLES IN THE MANUFACTURE OF WHICH PULP, PAPER OR PAPERBOARD MAY NOT BE USED

Aprons
Ash trays
Bakers' decorative specialties, such as:
(a) Pie collars and rings
(b) Cake circles
(c) Cake laces
(d) Casserole collars
Bird cage specialties, such as:
(a) Bird cage bottoms
(b) Bird cage covers and hoods
(c) Bird cage food holders
Bouquet holders for displays, corsages, etc.
Chop holders
Collar and necktie bags and envelopes
Combs
Dusters and dusting paper
Finger bowl liners
Handkerchief and hosiery bands
Handkerchief, hosiery and utility cases
Hanger protectors
Novelties—holiday, party, advertising and decoration, such as:
(a) Garlands
(b) Serpentines
(c) Horns
(d) Hats
(e) Table decorations and place cards
(f) Streamers, including those for window display and decoration
(g) Flower pot covers
(h) Costumes
(i) Artificial flowers and flower specialties
(j) Confetti
(k) Festoons
Novelties—Continued.
(l) Fireworks (except such items manufactured pursuant to duly authenticated orders from the Armed Forces)
(m) Bouquets
(n) Skewers
Punch boards, pullboards and similar articles
Shirt protectors and envelopes
Shirt bands (wider than 2")
Shirt boards
Shirt displayers
Window drapes

[F. R. Doc. 43-12439; Filed, July 31, 1943; 11:36 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-386]

NATIONAL MANUFACTURE AND STORES, CORP.

The National Manufacture and Stores Corporation, a corporation with its main office in Atlanta, Georgia, is engaged in the retail furniture business; and owns and operates a number of branch offices or stores under various trade names, in different localities. Subsequent to September 1, 1942 the corporation, through four of its said branch offices or stores, namely, Lawrence Furniture Company of Memphis, Tennessee, Myers-Dickson Furniture Company of Atlanta, Georgia, Chatham Furniture Stores of Savannah, Georgia and Lawrence Furniture Company of Atlanta, Georgia, sold and delivered new metal heating equipment, consisting of more than 50 percent metal by weight, although the orders therefor bore no preference ratings, and had no certificates endorsed thereon, as required by Limitation Order L-79. At the time of the aforesaid transactions the corporation through its officers and employees in its home office, and also through the respective managers of these four stores, had knowledge of the existence of said Limitation Order L-79, and its amendments. The company's actions, as above described, constituted wilful violations of Limitation Order L-79.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.386 *Suspension Order S-386.* (a) The four stores or branches of National Manufacture and Stores Corporation, described below, their successors and assigns, are hereby prohibited from buying, receiving, selling, delivering or otherwise dealing in new metal heating equipment, complete or in the form of parts, as defined in Limitation Order L-79, unless hereafter specifically authorized in writing by the War Production Board.

Lawrence Furniture Company, Memphis, Tennessee.

Myers-Dickson Furniture Company, Atlanta, Georgia.

Chatham Furniture Stores, Savannah, Georgia.

Lawrence Furniture Company, Atlanta, Georgia.

(b) Nothing contained in this order shall be deemed to relieve National Manufacture and Stores Corporation, operating Lawrence Furniture Company in Memphis, Tennessee, Myers-Dickson Furniture Company in Atlanta, Georgia, Chatham Furniture Stores in Savannah, Georgia, Lawrence Furniture Company in Atlanta, Georgia, or the aforesaid branches or stores respectively, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 1, 1943 and shall expire on October 31, 1943.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12473; Filed, July 31, 1943; 3:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Amdt. 1 to Suspension Order S-301]

B. SIMON HARDWARE CO.

B. Simon Hardware Company, Oakland, California, has appealed from the provisions of Suspension Order S-301, issued May 26, 1943. Pending the determination of the appeal the Chief Compliance Commissioner directed the entry of an order staying the execution of Suspension Order S-301 pending the final determination of the appeal. This order was issued on June 2, 1943. After a review of the case the Chief Compliance Commissioner has determined that the appeal be denied but that Suspension Order S-301 be modified. The Chief Compliance Commissioner has further directed that the stay of execution of Suspension Order S-301, issued June 2, 1943, shall be of no force or effect after July 31, 1943.

In view of the foregoing, *It is hereby ordered*, That the stay of execution of the provisions of Suspension Order S-301, issued June 2, 1943, shall be of no force or effect after July 31, 1943, and that paragraphs (a), (b) and (c) of Section 1010.301 Suspension Order S-301, issued May 26, 1943, be hereby amended to read as follows:

(a) B. Simon Hardware Company, its successors and assigns, shall not receive or accept delivery of wood-working hand service tools, metal-working hand service tools, precision tools, cutting tools for metal, electric tools and mechanics tool boxes and tool cases in excess of a cost to B. Simon Hardware Company of $15,000 per month.

(b) B. Simon Hardware Company, its successors and assigns, shall not sell, deliver or otherwise dispose of wood-working hand service tools, metal-working hand service tools, precision tools, cutting tools for metal, electric tools and mechanics tool boxes and tool cases in excess of receipts by B. Simon Hardware Company of $15,000 per month, except as specifically authorized by the Regional Director of the San Francisco Regional Office of the War Production Board. The Regional Director of the San Francisco Regional Office of the War Produc-

tion Board is hereby delegated authority to authorize the sale and delivery of such hand tools and precision instruments in such manner and upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense.

(c) This order shall take effect on August 1, 1943 and shall expire on January 31, 1944, at which time the restrictions contained in this order shall be of no further effect.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12497; Filed, August 2, 1943; 10:59 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-383]

LOUIS H. WEINER OF NEW HAVEN, INC.

Louis H. Weiner of New Haven, Inc., is engaged in the automotive supply business in New Haven, Connecticut. On February 25, 1943, it received from a customer an order for six gross of flashlight batteries, carrying a preference rating of AA-2x. On the following day, in violation of Priorities Regulation No. 3, it extended the same rating on purchase orders for over sixty-one gross of flashlight batteries, certifying at the time that the extensions were in accordance with Priorities Regulation No. 3 with which it was familiar. These improper extensions of a preference rating were wilful.

This conduct of Louis H. Weiner of New Haven, Inc., has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.383 *Suspension Order No. S-383.* (a) Louis H. Weiner of New Haven, Inc., its officers, agents, successors or assigns, shall not apply or extend any preference ratings whatsoever, and shall not receive any deliveries on preference rated orders during the term of this order.

(b) Nothing contained in this order shall be deemed to relieve Louis H. Weiner of New Haven, Inc., its officers, agents, successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 1, 1943, and shall expire on November 1, 1943.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-1249; Filed, August 2, 1943; 10:59 a. m.]

PART 3036—COMMERCIAL COOKING AND FOOD AND PLATE WARMING EQUIPMENT

[Limitation Order L-182, as Amended August 2, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the production of commercial cooking and food and plate warming equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3036.1 *General Limitation Order L-182*—(a) *Definitions.* For the purposes of this order:

(1) "Commercial cooking and food and plate warming equipment" means:

(i) Equipment (except equipment specially designed to use electricity as the heating agent) designed for the heating of kitchen utensils or plates, or for the cooking or baking of food for consumption or sale on the premises in which the equipment is located. It includes, but is not limited to, such items as bakers, broilers, fryers, griddles, grills, hot plates, ovens (except built-in types), ranges, roasters, steamers, toasters, urns and warmers, but does not include cooking appliances for household use.

(ii) Steam-jacketed kettles, regardless of any use to which they may be put, which are designed to use steam at working pressures of less than 90 pounds per square inch.

(2) "Ultimate consumer" means any person who uses commercial cooking and food and plate warming equipment for the heating of kitchen utensils or plates, or for the cooking or baking of food for consumption or sale.

(3) "New commercial cooking and food and plate warming equipment" means any commercial cooking and food and plate warming equipment that has never been used by an ultimate consumer.

(4) "Used commercial cooking and food and plate warming equipment" means any commercial cooking and food and plate warming equipment that has been used by an ultimate consumer.

(b) *Restrictions on manufacture.* (1) From and after October 1, 1942, no manufacturer of commercial cooking and food and plate warming equipment shall put into process in the manufacture of such equipment, including finished units and parts thereof, during any calendar quarter, any iron and steel in excess of 6¼% of the iron and steel put into process in the manufacture of finished units of such equipment by him during the calendar year, 1941, *except* that in addition to the quotas set forth in this paragraph, any manufacturer may put any iron or steel into the process of manufacture of any such equipment for delivery to or for the account of the Army, Navy, the Maritime Commission, the War Shipping Administration of the United States or the Defense Plant Corporation.

(2) No iron or steel may be used in the manufacture of any equipment listed on Schedule I, except in the manufacture of repair and replacement parts thereof as limited in paragraph (b) (1).

(c) *Restrictions on delivery.* Regardless of the terms of any contract, sale, other commitment or any preference rating, no person shall make or accept physical delivery of any new or used commercial cooking and food and plate warming equipment, except that:

(1) Any person may make or accept physical delivery of any such equipment on a specific contract or subcontract for delivery to or for the account of the Army, the Navy, the Maritime Commission, the War Shipping Administration of the United States, or the Defense Plant Corporation.

(2) Any person may make or accept physical delivery of any such equipment pursuant to specific authorization of the War Production Board on Form WPB-1529 (formerly PD-638A). Applications under this order and Order L-248 may be made on a single Form WPB-1529 (Formerly PD-638A).

(3) Any manufacturer may make physical delivery of any such equipment to any dealer or distributor of such equipment, or to any ultimate consumer, from whom he has received a written order or contract which bears a certification substantially as follows, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7; and any such dealer, distributor or ultimate consumer may accept such delivery:

I certify that I have received specific authority from the War Production Board to accept delivery of the equipment listed hereon; that I have knowledge of and am in compliance with Limitation Orders L-182 and/or L-248; and, further, that authorization was received by me on the following Form(s) WPB-1529 (formerly PD-638A):

(List number or numbers)

Firm name

Signature and title of officer

Such certification shall constitute a representation to the War Production Board, as well as to the manufacturer, of the facts certified therein.

No manufacturer shall make delivery under this order who has reason to believe that the purchaser has furnished a false certification; and no person shall falsely furnish the certification specified above.

Any manufacturer may rely upon the facts furnished in the above mentioned certification and shall not be responsible for any action taken by him under this order in reliance upon inaccurate or untrue statements therein, unless he has reason to believe that such statements are inaccurate or untrue.

(4) Any ultimate consumer may make physical delivery of any such equipment to any manufacturer, dealer or distributor of such equipment, and such manufacturer, dealer, or distributor may accept such delivery; and

(5) Any such equipment actually in transit on September 30, 1942, may be delivered to its immediate destination.

(d) *Delivery of repair and replacement parts.* Nothing in this order shall prevent the delivery of repair or replacement parts for commercial cooking and food and plate warming equipment.

(e) *Reports.* Every manufacturer, dealer and distributor of any commercial cooking and food and plate warming equipment shall execute and file with the War Production Board on or before the tenth day of each calendar quarter a report on Form WPB-1509 (formerly PD-638), which may be obtained from the nearest field office of the War Production Board. Reports under this order and Order L-248 may be made on a single Form WPB-1509 (formerly PD-638).

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of all the Priorities Regulations of the War Production Board, as amended from time to time.

(g) *Applicability of other orders.* Insofar as any other order issued, or to be issued after September 30, 1942, limits the production or delivery of commercial cooking and food and plate warming equipment to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein. After September 30, 1942, General Limitation Orders No. L-79 and No. L-83 shall not apply to commercial cooking and food and plate warming equipment.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal by letter to the War Production Board, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-182.

(j) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing and using materials under priority control and may be deprived of priorities assistance.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE 1

Barbecue machines.
Chicken singers.
Chop suey ranges (ranges with built-in kettles—water and sewer connections).
Cruller fryers.
Cup warmers.
Dish warmers.
Egg boilers.
Nut blancher ovens.
Nut fryers.
Nut roasters.
Oyster stoves.
Peanut roasters.
Plate warmers.
Potato chip fryers.
Roll warmers.
Rotisseries (revolving spit barbecue machine).
Sausage warmers.
Waffle irons.
Warming ovens.

INTERPRETATION 1

Paragraph (c) (1) of General Limitation Order L-182 (Commercial Cooking and Food and Plate Warming Equipment) reads as follows:

(1) Any person may make or accept physical delivery of any such equipment on a specific contract or subcontract for delivery to or for the account of the Army, the Navy, the Maritime Commission, the War Shipping Administration of the United States, or the Defense Plant Corporation;

Question has been raised as to whether purchase by the Army Pre-Flight Training Schools is within the exception stated in this subparagraph or whether such schools desiring to purchase this equipment must apply on Form WPB 1529 (formerly PD-638A) for authorization.

The exception referred to applies only to specific contracts or subcontracts for deliveries to or for the account of the agencies named. It does not include equipment which will be owned by the training schools and not by the Army, even though it is intended that the equipment will for the present be used solely for the benefit of the personnel assigned to the school. Such a delivery is not made on a specific contract or subcontract for delivery to or for the account of the Army within the meaning of the provision quoted above. Accordingly, any training school desiring to purchase this equipment under these circumstances must apply on Form WPB-1529 (formerly PD-638A) for authorization. (Issued May 8, 1943.)

[F. R. Doc. 43-12498; Filed, August 2, 1943; 10:59 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 23 to CMP Reg. 1]

ACCEPTANCE OF ORDERS FOR ALUMINUM BY ALUMINUM PRODUCERS AND THE EFFECT OF DELAYS IN PRODUCTION

The following direction issued pursuant to CMP Regulation No. 1 (§ 3175.1) applies to all orders placed with producers of aluminum calling for delivery of aluminum in the form of controlled material, except ingot. Deliveries of ingot are controlled by a directive issued to producers and smelters May 31, 1943.

(a) The term "aluminum product" as used in this direction means aluminum and aluminum alloy products in the form of controlled material as described in Schedule 1 of CMP Regulation No. 1 except ingot. The term "order" as used in this direction means not only an authorized controlled material order but also an order covered by an AM authorization number.

(b) Each producer must refuse any order for delivery of any aluminum product unless he expects to be able to make delivery in the calendar month specified in the order.

(c) Each producer must refuse any order for any aluminum product covered by his production directive when his total orders for such product scheduled for delivery in that month equal 110% of the amount of such product he is authorized to produce by his production directive; and he must refuse any order for any aluminum product not covered by his production directive when his total orders for the product scheduled for delivery in that month equal 105% of his expected production for that month. In determining whether or not an order may be accepted for delivery, the producer must include in the 110% or 105% all orders already accepted by him (i) which either call for delivery in the same calendar month as the delivery month specified on the order under consideration, or (ii) which call for delivery in any earlier month and which he anticipates he will not be able to fill before the beginning of the delivery month specified.

(d) If, after accepting an order for any aluminum product, a producer finds that he cannot make delivery during the calendar month in which delivery is requested but that he will be able to make such delivery during any subsequent month up to and including the first month of the quarter following the quarter in which delivery was requested, he may fill the order at any such time without reporting to the War Production Board or requiring any other allotment number, even though the month in which delivery is actually made under this paragraph falls in another quarter.

(e) If, after accepting an order for aluminum products, a producer finds that he cannot make delivery before the end of the month following the quarter in which delivery is requested, he must, by the last day of the quarter for which the order was accepted (or by August 15, 1943, in the case of second quarter orders not shipped by July 31, 1943), notify the Aluminum and Magnesium Division in writing, stating the allotment number, the name of the customer, the material covered by the order and when he can schedule the order for delivery. He may fill an order for aluminum products after the first month of the quarter following the quarter in which delivery was requested on the basis of the allotment number originally extended, irrespective of the quarter for which the allotment number or symbol was issued.

(f) If a producer finds that he cannot make delivery of any aluminum product during the calendar month in which delivery is requested, the order must, nevertheless, be given a position on his production schedule and be filled ahead of all orders requesting delivery in any month after the quested delivery month shown on the order, unless otherwise directed by the War Production Board or the customer. In addition, the producer must notify his customer as soon as he reschedules the order, stating the approximate date when the producer expects to make delivery.

(g) The provisions of paragraphs (d), (e) and (f) hereof supersede the provisions of paragraph (t) (5) of CMP Regulation No. 1.

(h) Nothing in this direction affects the right of a customer to cancel his order for failure to deliver on time.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12499; Filed, August 2, 1943; 10:59 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-261 as Amended August 2, 1943]

STRAPPING FOR SHIPPING CONTAINERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of strapping for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Definitions

§ 3270.9 *Conservation Order M-261*—(a) *Definition.* "Strapping" means any iron, steel or other metal wire or band reinforcements or closures, twelve (12) inches or more in length, for shipping containers excepting: metal for barrel hoops, reinforcement edging on returnable delivery cases, stitching, bal-

ing of compressed material, fastening of material or filled containers into bundles, or for fastening or blocking of material to skids or in vehicles or vessels.

Restriction

(b) *Restriction on use of strapping.* No person shall use commercially any strapping on shipping containers unless:

(1) The weight of the container and contents exceeds ninety pounds, or

(2) The net weight of the contents of the container exceeds .058 pounds per cubic inch, or

(3) Use of the strapping is required by regulation or order of the Interstate Commerce Commission, or

(4) The container for which the strapping is used, and its contents, are to be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration, and the strapping is required by such agency, or

(5) The shipment is for delivery outside of both the United States and Canada, or

(6) The strapping is for any of the following containers, provided the strapping is essential to the safe delivery of the contents and has been customarily used for the same type of shipment and container:

(i) Wooden or fibre containers containing fruits, vegetables, meats, fish, or poultry.

(ii) Wooden containers containing plumbing supplies or fixtures, made of vitreous china.

(7) The strapping is for wooden lard or butter tubs, and wooden buckets or pails, or

(8) Use of strapping by railroad companies or truckers is required by them to reinforce containers damaged in transit, or

(9) The strapping is for closing fibre drums or hexagonal or octagonal fibre containers.

Miscellaneous Provisions

(c) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for appeal.

(e) *Records.* All persons affected by this order shall keep for at least two years records concerning inventory, production, purchases and sales, and shall make reports on same if required.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington 25, D. C., Ref.: M–261.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12500; Filed, August 2, 1943; 11:00 a. m.]

PART 3270—CONTAINERS[1]

[Conservation Order M-313 as amended August 2, 1943]

FIBRE DRUMS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of fibre drums for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3270.3[1] *Conservation Order M-313*—(a) *Definitions.* For the purposes of this order:

Definitions

(1) "Manufacturer" means any person who manufactures fibre drums for sale or for his own use.

(2) "Fibre drums" means any cylindrical shipping container which (i) is of the types known in the container industry as "fibre drums" and "fibre pails," (ii) is made with a body of paperboard and ends of paperboard, steel (28 gauge or heavier), wood, or any combination thereof, (iii) has a capacity of one gallon or more, and (iv) is of the types which, upon conforming with any applicable Consolidated Freight Classification rule[2] and Interstate Commerce Commission regulation,[3] are acceptable for shipment without covering containers. This does not include cylindrical containers, of similar construction, known in the container industry as "cans" and "tubes."

(3) "Qualified order" means any purchase order for fibre drums which specifies the following information as to each type and size of drum ordered: (i) the specific products to be packed in such drums, (ii) the number of drums desired for each such product, and (iii) the desired receiving date or dates for such drums.

Restrictions

(b) *Restrictions on manufacturers*—(1) *Shipping restriction.* Notwithstanding any preference rating received, no manufacturer shall ship fibre drums to any purchaser except as specifically authorized on Form WPB–2700 (PD–881) or Form GA–255.

(2) *Use restriction.* On and after September 1, 1943, no manufacturer shall use any fibre drums, manufactured by him, for packing any product, except as specifically authorized by the War Production Board on Form WPB–2700 (PD–881) or Form GA–255.

(3) *Reporting requirements.* On or before the 3rd day of August 1943, and of each second month thereafter (October–December, etc.), every manufacturer shall forward a report on Form WPB–2700 (PD–881) for the next succeeding 2-month period (September–October, November–December, etc.). Except in the case of any manufacturer who manufactures fibre drums for his own use, the report shall include, among other required data, a listing of "qualified orders" which were on hand at the end of the preceding month and which require shipment during the period being reported. Any manufacturer who manufactures fibre drums for his own use shall complete only the portions of Form WPB–2700 (PD–881) designated thereon as being applicable to him.[4]

(c) *Restrictions on purchasers*—(1) *Acceptance restriction.* No purchaser shall accept delivery of any fibre drum shipped on or after June 16, 1943, if he has reason to believe that the shipping of such drum was not authorized pursuant to paragraph (b) (1) above.

(2) *Inventory limitation.* No person shall order any quantity of any type of fibre drum for delivery to him or for his account on any date if receipt thereof on that date would increase his estimated inventory of that type of drum to more than his requirements therefor for the 60-day period commencing on that date.

Miscellaneous Provisions

(d) *Applicability of other regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as same may be amended from time to time.

(e) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: M–313.

(f) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12501; Filed, Aug. 2, 1943; 11:00 a. m.]

[1] Formerly Part 3243, § 3243.1.

[2] Consolidated Freight Classification No. 15, General Rule 41.

[3] Freight Tariff No. 4 (I. C. C. No. 4) Specifications 21A, 21B.

[4] This reporting requirement approved by the Bureau of the Budget pursuant to Federal Reports Act of 1942.

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 119[1], Amdt. 5]

ORIGINAL EQUIPMENT TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1451 (i) is amended by substituting in that paragraph the phrase "November 1, 1943" for "August 1, 1943".

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12382; Filed, July 30, 1943; 4:39 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 415,[2] Amdt. 2]

CERTAIN FEDERAL GOVERNMENT PURCHASES OF NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1 (a) is amended by substituting in that paragraph the phrase "November 1, 1943" for "August 1, 1943".

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12381; Filed, July 30, 1943; 4:39 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[3] Amdt. 11]

MISCELLANEOUS FRUITS

A statement of the considerations involved in the issuance of Amendment No. 11 to Maximum Price Regulation No. 306 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.551 (m) is added to read as follows:

(m) "Packed berries" includes any specified berry or mixture of berries and the juice or any mixture of juices of specified berries, when processed and enclosed in containers whether or not hermetically sealed.

2. Section 1341.553 (a) (2) and (3) are added as follows:

Item	Section	Appendix
(2) Miscellaneous fruits	1341.583	A
(3) Cherries, red sour	1341.583	A

3. Section 1341.553 (c) is added to read as follows:

(c) The packed berries covered by this regulation are listed below and the maximum prices for each, f. o. b. processer's plant, shall be the prices set forth in the respective section and appendix listed for each.

Item	Section	Appendix
(1) Miscellaneous berries	1341.557	E

4. Section 1341.583 (b) and (c) are added to read as follows:

(b) *Miscellaneous fruits.* (1) The miscellaneous canned fruits covered in paragraph (b) are listed below and include the canned juices and nectars of such fruits.

Apricots.
Cherries (except red sour).
Figs.
Fruit cocktail.
Peaches, clingstone and freestone.
Pears.
Plums.
Prunes, fresh.

(2) The processor's maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the items listed in paragraph (1), except freestone peaches, shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the particular item as follows:

(i) Deduct the total 1942 raw fruit cost per dozen containers as required to be computed under Maximum Price Regulation No. 165.

(ii) Add to the figure so obtained the 1943 raw fruit cost per dozen containers obtained by dividing the weighted average of the prices per ton or other unit, paid or contracted to be paid by the processor to the grower for the same raw fruit in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per ton or other unit required to be used in computing the 1942 maximum price: *Provided*, That in no event shall the amount of the 1943 raw fruit cost be in excess of the amount shown in the table below in accordance with the state in which the processor's factory is located:

Raw fruit	State	Maximum cost
Apricots	All states	1942 cost per ton as required to be computed under MPR 185 plus $31 per ton.
Cherries (except red sour)	All states	1942 cost per pound as required to be computed under MPR 185 plus $.62 per pound.
Figs	All tates	1942 cost per ton as required to be computed under MPR 185 plus $15 per ton.
Fruit cocktail	All states	Amounts indicated herein for component fruits, and where no amount is indicated for any particular component fruit, the 1942 cost for such component as required to be computed under MPR 185.
Peaches, clingstone	All states	$60 per ton.
Pears	California	$65 per ton.
	Oregon and Washington	$75 per ton.
	All other states	1942 cost per ton as required to be computed under MPR 185 plus $8 per ton.
Plums	All states	$55 per ton.
Prunes, fresh	All states	$40 per ton.

(3) The processor's maximum prices per dozen containers, f. o. b. factory, for sales of canned freestone peaches to government procurement agencies shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the item as follows:

(i) Deduct the total 1942 raw fruit cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 raw fruit cost per dozen containers obtained by dividing the weighted average of the prices per ton or other unit, paid or contracted to be paid by the processor to the grower for the raw fruit in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per ton or other unit required to be used in computing the 1942 maximum price: *Provided*, That in no event shall the amount of the 1943 raw fruit cost be in excess of $50 per ton in California; $60 per ton in Oregon and Washington and the 1942 cost per ton as required to be computed under Maximum Price Regulation No. 185, plus $10 per ton, in all other states.

(iii) Multiply the figure so obtained by .96 The resulting figure shall be the processor's maximum price per dozen containers, f. o. b. factory, for sales of freestone peaches to government procurement agencies.

(4) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item listed in paragraph (1) by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(i) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3509, 8936, 8948, 8 F.R. 3941, 7280, 8751.

[2] 8 F.R. 8923.

[3] 8 F.R. 1114, 1313, 2021, 3732, 3853, 4179, 4633, 4840, 6617.

same variety, style, grade and container of the 1943 pack of the same item.

(5) Where the processor did not pack the same variety, style, grade, and container of any particular item listed in paragraph (1), in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(6) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall contain:

(i) A statement of the reasons for his inability to establish a maximum price for the item which is the subject of the application.

(ii) A full description of the item which is the subject of the application, and an itemized statement of his cost therefor.

(iii) A description of the most similar variety, style, grade and container of the item; and itemized statement of his cost therefor; and his maximum price for such similar item. Separate maximum prices will be authorized for sales to government procurement agencies and all other sales.

(7) The processor's maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies of the items listed in paragraph (1), except freestone peaches, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under paragraphs (2), (4) and (5).

(c) *Red sour cherries.* (1) The maximum prices, f. o. b. factory, shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4				Col. 5				Col. 6			
			Region I				Region II				Region III			
Item No.	Grade	Syrup content	Sales to Government procurement agencies		Other sales		Sales to Government procurement agencies		Other sales		Sales to Government procurement agencies		Other sales	
			No. 2	No. 10	No. 2	No. 10	No. 2	No. 10	No. 2	No. 10	No. 2	No. 10	No. 2	No. 10
1	A-Fancy	Extra Heavy	2.45	12.25	2.55	12.75	2.40	12.00	2.50	12.50	2.50	12.50	2.60	13.00
2		Heavy	2.40	12.00	2.50	12.50	2.35	11.75	2.45	12.25	2.45	12.25	2.55	12.75
3		Light	2.35	11.75	2.45	12.25	2.30	11.50	2.40	12.00	2.40	12.00	2.50	12.50
4		Water	2.30	11.50	2.40	12.00	2.25	11.25	2.35	11.75	2.35	11.75	2.45	12.25
5	C-Standard	Extra Heavy	2.25	11.25	2.35	11.75	2.20	11.00	2.30	11.50	2.30	11.50	2.40	12.00
6		Heavy	2.20	11.00	2.30	11.50	2.15	10.75	2.25	11.25	2.25	11.25	2.35	11.75
7		Light	2.15	10.75	2.25	11.25	2.10	10.50	2.20	11.00	2.20	11.00	2.30	11.50
8		Water	2.10	10.50	2.20	11.00	2.05	10.25	2.15	10.75	2.15	10.75	2.25	11.25

(2) The regions set forth in paragraph (c) (1) of this section shall be as follows.

Region I: New York and Pennsylvania.
Region II: Illinois, Michigan, Ohio and Wisconsin.
Region III: Colorado, Idaho, Montana, Oregon, Utah and Washington.

(3) The syrup contents set forth in paragraph (c) (1) of this section are defined as follows:

(i) Extra heavy, or syrup having a cut-out density of 28° or more Brix.

(ii) Heavy, or syrup having a cut-out density from 22° Brix to less than 28° Brix.

(iii) Light, or syrup having a cut-out density from 18° Brix to less than 22° Brix.

(iv) Water, or fluid having a cut-out density of less than 18° Brix.

(4) The maximum price for any grade and syrup content in No. 303 cans shall be 85% of the maximum price for the same grade and syrup content packed in No. 2 cans.

(5) The maximum price for any grade below standard shall be: In No. 2 cans, ten cents per dozen, in No. 303 cans, eight and one-half cents per dozen, and in No. 10 cans fifty cents per dozen, less than the maximum price for standard grade in the same container for the particular region.

5. Section 1341.587, Appendix E, is added to read as follows:

§ 1341.587 *Appendix E: Maximum prices for packed berries*—(a) *Miscellaneous berries.* (1) The miscellaneous canned berries covered in paragraph (a) are listed below and include the canned juices of such berries.

Blackberries.
Blueberries.
Boysenberries.
Cranberries.
Gooseberries.
Huckleberries.
Loganberries.
Raspberries, black and red.
Strawberries.
Youngberries.

(2) The processor's maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the items listed in subparagraph (1) shall be computed by the processor by adjusting his maximum price per dozen, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the particular item as follows:

(i) Deduct the total 1942 raw berry cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 raw berry cost per dozen containers obtained by dividing the weighted average of the prices per pound or other unit, paid or contracted to be paid by the processor to the grower for the same raw berries in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per pound or other unit required to be used in computing the 1942 maximum price: *Provided*, That in no event shall the amount of the 1943 raw berry cost be in excess of the amount shown in the table below:

Raw berry	*Maximum cost*
Blueberries, cranberries	1942 cost per pound as required to be computed under MPR 185 plus $.03 per pound.
Huckleberries and strawberries	

Raw berry	*Maximum cost*
Blackberries	$. 12 per pound.
Boysenberries	$. 12 per pound.
Gooseberries	$. 08 per pound.
Loganberries	$. 12 per pound.
Raspberries, black	$. 13 per pound.
Raspberries, red	$. 15 per pound.
Youngberries	$. 12 per pound.

(3) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item listed in subparagraph (1) by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(i) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the same variety, style, grade and container of the 1943 pack of the same item.

(4) Where the processor did not pack the same variety, style, grade and container of any particular item listed in subparagraph (1), in 1942, the maximum prices of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(5) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation; he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall contain:

(i) A statement of the reasons for his inability to establish a maximum price for the item which is the subject of the application.

(ii) A full description of the item which is the subject of the application, and an itemized statement of the cost therefor.

(iii) A description of the most similar variety, style, grade and container of the same item; an itemized statement of his cost therefor; and his maximum price for such similar item. Separate maximum prices will be authorized for sales to government procurement agencies and all other sales.

(6) The processor's maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum prices for sales other than to government procurement agencies as established under subparagraphs (2), (3) and (4).

6. Section 1341.586 (b) (3) is added to read as follows:

(3) *Red sour cherries.*

State	Grade	Multiply maximum price by
Colorado, Illinois, Michigan, New York, Ohio, Oregon, Utah, Washington and Wisconsin	All	1.035

7. Section 1341.586 (c) (3) and (4) are added to read as follows:

(3) *Peaches, clingstone.*

State	Grade	Multiply maximum price by
California	All	1.03

(4) *Peaches, freestone, and pears.*

State	Grade	Multiply maximum price by
California, Colorado, Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, Oregon, Utah, Washington and Wisconsin	All	1.035

8. Section 1341.586 (d) (2) and (3) are added to read as follows:

(2) *Apricots, cherries (except red sour), figs, fruit cocktail, plums and fresh prunes.*

State	Grade	Multiply maximum price by
California, Colorado, Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, Oregon, Utah, Washington, and Wisconsin	All	[1] 1.035

[1] Except for apricots multiply by 1.045.

(3) *All miscellaneous berries set forth in § 1341.587 (a) (1).*

State	Grade	Multiply maximum price by
California, Colorado, Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, Oregon, Utah, Washington and Wisconsin	All	1.035

9. Section 1341.582 is added to read as follows:

§ 1341.582. *Notification of change in maximum price.* With the first delivery after August 4, 1943 of any item covered by this regulation, in any case where a maximum price, once established pursuant thereto, is thereafter changed by amendment to the regulation or pursuant to the provisions of §1341.586, Appendix D, the processor making such change, and distributors other than wholesalers or retailers making a corresponding change in their maximum prices, shall supply each wholesaler and retailer purchaser with written notice as set forth below:

(Insert date)

Notice to Wholesalers and Retailers.

Our OPA ceiling price for _____ (describe item) has been changed under the provisions of Maximum Price Regulation No. 306. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for the item in accordance with the applicable provisions of those regulations (see section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you on or after August 5, 1943.

For a period of 90 days after making such change in the maximum price of an item, and with each shipment after the 90 day period to a person who has not made a purchase within that time, the processor shall include in each case or carton containing the item the written notice set forth above. On the outside of the unit in which the notice is enclosed, a legend shall be affixed as follows: "Notice of OPA Ceiling Price Change Enclosed."

The processor shall notify all purchasers of the item who are distributors other than wholesalers or retailers of such change in maximum price by written notice attached to the invoice issued in connection with the first transaction with such purchaser after making such change, as follows:

(insert date)

Notice to Distributors Other Than Wholesalers or Retailers

Our OPA ceiling price for _____ (describe item) has been changed under the provisions of Maximum Price Regulation No. 306. You are required to notify all retailers and wholesalers purchasing the item from you after August 4, 1943 of the corresponding change in your maximum price. The notice must be made in the manner prescribed in § 1341.582 of Maximum Price Regulation No. 306. However, such notification may be accomplished by delivery of notice contained in the shipping unit of the item bearing the legend "Notice of OPA Ceiling Price Change Enclosed."

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12383; Filed, July 30, 1943; 4:39 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53,[1] Amdt. 39]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 1351.151 (b) (8) (iv) is amended by adding to the table in said section an additional line, which additional line shall read as follows:

Swift and Company's Bland lard	4/10 cent per pound over base or standard commercial refined lard.

2. The table in § 1351.151 (b) (8) (v) is amended by inserting an additional line in said table after the line reading "4 pound tins ____ 1¼" and before the line reading "8 pound cartons ____¼", which additional line shall read as follows:

3 pound tin or fibre containers	1¼.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12384; Filed, July 30, 1943; 4:36 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RO 2B,[2] Amdt. 7]

PASSENGER AUTOMOBILES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 2B is amended in the following respects:

1. The second sentence of section 1.4 is amended to read as follows: "A separate application must be filed on Form R-213 (Revised) for each car."

2. Section 1.5 (a) is amended by deleting from the first sentence the words and figures "Form R-214" and substituting therefor the words and figures "Form R-214 (Revised)".

3. Section 1.6 (b) is amended by deleting from the second sentence the words and figures "Form R-211" and substituting therefor the words and figures "Part A of Form R-212 (Revised)", and by deleting from the last sentence the words and figures "Form R-202" and substituting therefore the words and figures "Part B of Form R-212 (Revised)".

4. Section 1.6a (b) is amended by deleting from the second sentence the words and figures "Form R-211" and substituting therefor the words and figures

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8702, 8653, 8948, 9130, 9189, 9393, 9486, 9958, 10471, 10530, 11069; 8 F.R. 1200, 1972, 2875, 3251, 5[illegible]

[2] 8 F.R. 2483, 5317, 5531, 5678, 7197, 8008.

"Part A of Form R–212 (Revised)" and by deleting from the third sentence the words and figures "Form R–202" and substituting therefor the words and figures "Part B of Form R–212 (Revised)".

5. Section 1.7 (b) is amended by deleting from the second sentence the words and figures "From R–211" and substituting therefor the words and figures "Part A of Form R–212 (Revised)" and by deleting from the third sentence the words and figures "Form R–202" and substituting therefor the words and figures "Part B of Form R–212 (Revised)".

6. Section 1.9 (e) is amended by deleting from the first sentence the words and figures "Form R–211" and substituting therefor the words and figures "Part A of Form R–212 (Revised)", and by deleting from the second sentence the words and figures "Form R–212" and substituting therefor the words and figures "Part B of Form R–212 (Revised)".

7. Section 1.9a (c) is amended by deleting therefrom the words and figures "Form R–212" and substituting therefor the words and figures "Part B of Form R–212 (Revised)".

8. The head-note of section 2.5 is amended by deleting the words and figures "Form R–203 (Revised)" and substituting therefor "Form R–203 (Revised 4/15/43)".

9. Section 2.5 (c) is amended by deleting from the first sentence the words and figures "Form R–203 (Revised)" and substituting therefor the words and figures "Form R–203 (Revised 4/15/43)".

10. Section 2.10 (a) (1) is amended by deleting from the last sentence the words and figures "Form R–203 (Revised)" and substituting therefor the words and figures "Form R–203 (Revised 4/15/43)".

11. Section 2.10 (a) (2) is amended by deleting from the last sentence the words and figures "Form R–203 (Revised)" and substituting therefor the words and figures "Form R–203 (Revised 4/15/43)".

12. Section 2.10 (a) (4) is amended by deleting from the second sentence the words and figures "Form R–203 (Revised)" and substituting therefor the words and figures "Form R–203 (Revised 4/15/43)".

13. Section 3.2 (c) is amended by deleting therefrom the words and figures "Form R–203 (Revised)" and substituting therefor the words and figures "Form R–203 (Revised 4/15/43)".

This amendment shall become effective August 5, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong., WPB Dir. 1, 7 F.R. 563, Supp. Dir. 1A, 7 F.R. 695, 1493, 2229, 2729, Supp. Dir. 1Q, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12386; Filed, July 30, 1943; 4:36 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 14 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (a) is amended to read as follows:

(a) Processed foods shall have the point value set forth in the Official Table of Point Values (No. 6) which is made a part hereof.[2]

This amendment shall become effective 12:01 a. m., August 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005 and Food Directive 5, 8 F.R. 2251)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12394; Filed, July 30, 1943; 4:44 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[3] Amdt. 12 to Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by this order shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 5) (OPA Forms R–1313, 1611 and 1612) which are made a part hereof.[4]

This amendment shall become effective at 12:01 a. m., August 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1–M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12395; Filed, July 30, 1943; 4:44 p. m.]

PART 1412—SOLVENTS

[MPR 79]

CARBON TETRACHLORIDE AND CERTAIN BLENDS THEREOF

Revised Price Schedule No. 79[4] is redesignated Maximum Price Regulation 79 and revised and amended to read as follows:

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1412.301 *Maximum prices for carbon tetrachloride and certain blends thereof.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 79 (Carbon Tetrachloride and Certain Blends Thereof), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1412.301 issued under Pub. Laws 421 and 729. 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 79—CARBON TETRACHLORIDE AND CERTAIN BLENDS THEREOF

CONTENTS

Sec.
1. Prohibition against sales of carbon tetrachloride and certain blends thereof at higher than maximum prices.
2. Less than maximum prices.
3. Adjustable pricing.
4. Relationship of this to other maximum price regulations.
5. Geographical applicability.
6. Records and reports.
7. Evasion.
8. Enforcement and licensing.
9. Definitions.
10. Petitions for amendment.
11. Maximum prices for carbon tetrachloride and certain blends thereof in containers of 5 gallons or more.

SECTION 1. *Prohibition against sales of carbon tetrachloride and certain blends thereof at higher than maximum prices.* (a) On and after August 5, 1943, regardless of any contract, agreement, lease or other obligation:

(1) No person shall sell or deliver carbon tetrachloride or blends thereof for which maximum prices are established by this regulation at prices higher than the maximum prices so established.

(2) No person shall buy or receive carbon tetrachloride or blends thereof for which maximum prices are established by this regulation at prices higher than the maximum prices so established.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(4) If the buyer of a blend of carbon tetrachloride with petroleum fractions receives from the seller a written statement that to the best of his knowledge the price does not exceed the maximum price fixed by this regulation, and if the buyer has no reason to doubt the truth of the statement, the buyer shall be deemed to have complied with this section.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Relationship to other maximum price regulations.*—(a) *General Maximum Price Regulation.*[5] The provisions of the General Maximum Price Regulation shall not apply to sales and deliveries of carbon tetrachloride and blends thereof for which maximum prices are established by this regulation except as provided in paragraph (b).

(b) *Imports.* The provisions of this regulation do not apply to the purchases, sales or deliveries of the commodities named in this regulation if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.

(c) *Second Revised Maximum Export Price Regulation.*[6] The maximum price at which a person may export carbon tetrachloride and blends thereof shall be determined in accordance with the provisions of the Second Revised Maximum Export Regulation, issued by the Office of Price Administration.

SEC. 5. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

SEC. 6. *Records and reports.* (a) Every person making sales of carbon tetrachloride or blends thereof for which maximum prices are established by this regulation shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale showing the date thereof, the name and address of the buyer, the unit price received, the trade name or other description, and quantity, including the size and kind of container, of the carbon tetrachloride or blends thereof sold. Where additional charges are made for transportation costs, or deductions are made on account of requirements for the return or the furnishing by the purchaser of containers, such charges or deductions shall be shown separately on the records. If the person making the sale retains an invoice or a duplicate copy of an invoice containing this information in his files for the specified period he will have complied with the requirements of this paragraph (a).

(b) Every person who after February 2, 1942 and prior to August 5, 1943 was required to keep records under § 1335.604 of Revised Price Schedule No. 79 shall preserve such records for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(c) Every person blending carbon tetrachloride with petroleum fractions shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records showing the cost to him of the petroleum fractions used in such blending and the charges included on account of such petroleum fractions in computing his maximum prices for blends of carbon tetrachloride with petroleum fractions, and the percentage of carbon tetrachloride contained in such blends.

(d) Every person subject to this regulation shall, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, keep such other records and submit such reports as the Office of Price Administration may from time to time require.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded either by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to carbon tetrachoride or blends thereof for which maximum prices are established by this regulation, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates or otherwise.

SEC. 8. *Enforcement and licensing.*—(a) *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) *Licensing.* (1) Supplementary Order No. 11 (§ 1305.15) licenses all sellers under this regulation who are distributors as the term "distributor" is defined in the order. This order, in effect, provides that a license is necessary for resellers other than at retail who receive carbon tetrachloride or a blend thereof and resell the same without substantially changing its form. Merely blending carbon tetrachloride to form a blend thereof is not considered a substantial change in form. A license is automatically granted to these sellers. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order No. 11 describe the circumstances under which licenses may be suspended.

(2) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail carbon tetrachloride or blends thereof for which maximum prices are established by this regulation. The term "selling at retail" shall have the meaning given it by § 1499.20 of the General Maximum Price Regulation.

SEC. 9. *Definitions.* (a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Carbon tetrachloride" refers to all grades of carbon tetrachloride except the C. P., Reagent, and U. S. P. grades.

(3) "Manufacturer" means a person who produces carbon tetrachloride.

(4) "Reseller" means a person who sells carbon tetrachloride produced by another and includes a person other than a manufacturer who adds other matcrials to carbon tetrachloride to form blends thereof.

(5) "Seller's shipping point" means the point of manufacture or other point of distribution maintained by a manufacturer or seller.

(6) "Transportation costs" or "freight charges" shall be deemed to include the tax imposed by section 620 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.; approved October 21, 1942) as if it were a like increase in the rate or the amount charged by the carrier for the transportation in question.

(7) "Carload lot" means the smallest quantity which, under applicable tariffs of railroad carriers, would move from the point of shipment to the point of destination at a railroad carload rate rather than a railroad less-than-carload rate because a lower transportation charge is thus incurred.

(8) "Zone 1" means the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; the District of Columbia; and the cities of Omaha, Nebraska and Kansas City, Kansas.

(9) "Zone 2" means the States of Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, and South Dakota, excepting the cities of Omaha, Nebraska, and Kansas City, Kansas.

(10) "Zone 3" means the States of Colorado, New Mexico, Texas, Wyoming, and that part of Montana east of but not including the following counties: Toole, Pondera, Teton, Lewis and Clark, Broadwater and Gallatin.

(11) "Zone 4" means the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and that part of Montana west of and including those counties mentioned above.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a

[1] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203, 10085, 10089.
[2] Filed with the Division of the Federal Register as part of the original document. Copies may be obtained from the Office of Price Administration.
[3] 8 F.R. 3591, 3714, 4892, 5409, 5758, 6840, 7264, 7456, 7492, 8869.
[4] 7 F.R. 1354, 2792, 5056, 8202, 8948.

*Copies may be obtained from the Office of Price Administration.

[5] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4840, 6047, 6962, 8511, 9025.
[6] 8 F.R. 4132, 5987, 7662.

petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

SEC. 11. *Maximum prices for carbon tetrachloride and certain blends thereof in containers of 5 gallons or more.* The following maximum prices are established for carbon tetrachloride and certain blends thereof in containers of 5 gallons or more. Such maximum prices apply to deliveries in the respective zones, regardless of the zone from which shipment is made.

(a) *Carbon tetrachloride*—(1) *Tank cars and listed containers.*

	Zone 1	Zone 2	Zone 3	Zone 4
Tank cars	Price per pound $.0525	Price per pound $.0575	Price per pound $.0675	Price per pound $.06
Carload lots:	Price per gallon	Price per gallon	Price per gallon	Price per gallon
50–55 gallon containers	$.73	$.80	$.94	$.83
5 and 10 gallon containers	.97	1.04	1.17	1.07
Less than carload lots:				
50–55 gallon containers	.80	.87	1.00	.90
5 and 10 gallon containers	1.07	1.14	1.27	1.17

(2) *Sales in other containers.* For sales in containers not listed above, except containers of less than 5 gallon capacity, the maximum price per gallon shall be the price per gallon established in subparagraph (1) above for sales in the next larger container or, if there is no next larger container, in the largest container listed.

(b) *Blends of carbon tetrachloride with other chlorinated hydrocarbons.* The maximum prices for blends of carbon tetrachloride and other chlorinated hydrocarbons containing at least 85 percent carbon tetrachloride by volume, but not more than 5 percent chloroform by volume, shall be the same as those established for sales of carbon tetrachloride in like amounts and like containers by paragraph (a) above, except that blends of carbon tetrachloride conforming to the requirements of Federal Specification O–F380 of July 22, 1930 for fire-extinguishing-liquid, shall not be subject to this regulation.

(c) *Blends of carbon tetrachloride with petroleum fractions.* (1) Maximum prices for blends of carbon tetrachloride with petroleum fractions containing at least 50 percent of carbon tetrachloride by volume shall be prices computed as follows:

(i) *Sales in 50–55 gallon containers in carload lots.* To determine the maximum price for sales of such blends in 50–55 gallon containers in carload lots:

(*a*) Multiply the number of gallons of carbon tetrachloride in the mixture by the maximum price per gallon established in paragraph (a) above for sales of carbon tetrachloride in 50–55 gallon containers in carload lots.

(*b*) Add thereto 118 percent of the "cost of the petroleum fractions" in the mixture to the blender.

The "cost of the petroleum fractions" means the net cost delivered to the blender's plant, less all discounts other than cash discounts, but shall not include any payment or charge in excess of the applicable maximum price established by the Office of Price Administration. Where such person is also the producer of the petroleum fractions used, his maximum price for such petroleum fractions in that quantity and to that class of purchasers which results in his lowest maximum price shall be considered to be the "cost of the petroleum fractions" to him. Where more than one such "cost" is applicable to the petroleum fractions used in preparing a blend of carbon tetrachloride and petroleum fractions, the "cost" shall be determined by using the first in-first out method of valuation of inventory.

(ii) *Sales in other quantities and containers.* Maximum prices for sales of such blends in a quantity other than carload lots and in a container other than a 50–55 gallon container shall be determined by applying to the maximum price per gallon for sales in 50–55 gallon containers in carload lots, established in subdivision (i) above, the per gallon differential, established in paragraph (a) above, between the maximum price for sales of carbon tetrachloride in a like quantity and container and the maximum price for sales of carbon tetrachloride in 50–55 gallon containers in carload lots.

(2) All invoices for blends of carbon tetrachloride and petroleum fractions covered by this regulation shall state the percentage by volume of carbon tetrachloride contained in such blends and the maximum price per gallon established under this regulation. Such an invoice shall be furnished to the buyer prior to payment.

(d) *Transportation charges.* (1) The prices specified in paragraphs (a), (b), and (c) above for Zones 1, 2, and 3 are delivered prices, except that in the case of sales by resellers in 50–55 gallon containers, the buyer may be required to pay transportation charges in excess of $3.00 per container, unless, during the three-month period ending February 2, 1942, it was the seller's custom to pay the entire cost of transportation on sales in containers of 50–55 gallons to buyers in the same locality. Where the buyer is required to pay any part of the transportation charges, such part shall be separately stated by the seller on an invoice which he shall furnish to the buyer prior to payment.

(2) The prices specified in paragraphs (a), (b), and (c) above for Zone 4 are delivered prices where the shipment is made by a manufacturer.

(3) Prices specified in paragraphs (a), (b), and (c) above for Zone 4 are f. o. b. seller's shipping point, where the shipment is made:

(i) by a reseller located in one of the four terminal cities:

Los Angeles, Calif.
San Francisco, Calif.
Portland, Ore.
Seattle, Wash.

(ii) or by a reseller located elsewhere selling from stock received directly from a manufacturer.

(4) In the case of a reseller not located in a terminal city, selling from stock not received directly from a manufacturer, the maximum prices for Zone 4 shall be the maximum prices established in paragraphs (a), (b), and (c), f. o. b. seller's shipping point, plus the transportation cost per gallon, paid by him, which may not, however, exceed the transportation cost per gallon he would have paid if the material had been shipped to him by the shortest rail route from that terminal city to which rail freight rates are lowest. Where more than one transportation rate is applicable to stocks of the seller, the transportation costs per gallon included in the price charged shall be computed on a first in-first out basis. Added transportation costs shall be separately stated by the seller on an invoice which he shall furnish the buyer prior to payment.

(e) *Containers.* No charges may be made for containers except as specified in paragraphs (a), (b), or (c) above. The seller may require a reasonable deposit for the purpose of assuring the return of containers of 5 gallons capacity or more, or may require the buyer to supply in advance of shipment containers necessary for the packaging of the carbon tetrachloride or blends thereof ordered. If the seller requires a deposit on containers for the purpose of assuring their return, such deposit must be repaid to the buyer upon the return within a reasonable time of the container in good condition, reasonable wear and tear excepted. Costs with respect to the transportation of empty containers to the seller shall, in all cases, be borne by the seller. On any shipment of carbon tetrachloride or blends thereof as to which the seller requires the return or furnishing of containers, the maximum price for the carbon tetrachloride or blend thereof in the shipment as established in paragraphs (a), (b), or (c) above shall be reduced by the "reasonable value of the containers."

Where containers are furnished by the buyer, or where a deposit is required to assure the return of containers, the amount deducted for the "reasonable value of the containers" from the maximum prices established by paragraphs (a), (b), or (c) shall be separately stated by the seller on an invoice which he shall furnish to the buyer prior to payment.

The "reasonable value of a container" shall be:

(1) The specific dollar-and-cents maximum price, if any, established by any applicable regulation of the Office of Price Administration for an emptied container of the same kind which has not been reconditioned for reuse, f. o. b. the buyer's plant or,

(2) If no such specific dollar-and-cents maximum price has been established, the amount per container by which the replacement costs of the same kind of new container delivered to the plant of the seller who packaged the carbon tetrachloride or blend thereof exceeds the sum of the following:

(i) The average cost of reconditioning like used containers for reuse, and

(ii) The average cost of transporting such used containers to his plant.

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

Until the end of the first full calendar month following August 5, 1943, the average cost of transportation and of reconditioning may be estimated if no actual costs are available for the preceding month. For the next calendar three-month period the average cost of transportation and reconditioning shall be computed as equal to the actual average cost of these items during such first full calendar month. For every calendar three-month period thereafter, the average cost of transportation and of reconditioning shall be computed as equal to the actual average cost of these items during the calendar three-month period immediately preceding.

Effective Date

This regulation shall become effective August 5, 1943.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12385; Filed, July 30, 1943; 4:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 7]

HANDLING OF DOMESTIC SHORN WOOL FOR COMMODITY CREDIT CORPORATION

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 8.2 (a) (4) is added to read as follows:

(4) *Handling of domestic shorn wool for Commodity Credit Corporation by warehousemen in the State of Texas*—(i) *Maximum prices.* Wool warehousemen in the State of Texas may charge for the service of handling domestic shorn wool under the 1943 Wool Handler's Agreement of Commodity Credit Corporation either (a) their maximum prices established by § 1499.2 of the General Maximum Price Regulation or (b) 1¢ per pound of wool.

(ii) *Definitions.* As used in this subparagraph (4):

(*a*) The term "handling" includes the services of assembling, shipping, purchasing from the producer, selling for the account of Commodity Credit Corporation, storing during the warehouseman's free period as established by § 1499.2 of the General Maximum Price Regulation, and any other services contemplated within the term "handling" as used in the 1943 Wool Handler's Agreement of Commodity Credit Corporation.

(*b*) The term "wool" means all domestic shorn wool from sheep or lambs raised in the Continental United States and purchased for the account of Commodity Credit Corporation pursuant to the 1943 Wool Handler's Agreement of Commodity Credit Corporation.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12387; Filed, July 30, 1943; 4:37 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 119]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (b) (11) (ii) (*b*) (*1*) is amended to read as follows:

(*1*) For tank wagon deliveries in single lots of 250 gallons or more to a purchaser whose semi-annual requirements as hereafter defined for bulk delivery are:

(*i*) Under 60,000 gallons, the maximum commercial consumer's tank wagon price as determined under other provisions of this price schedule of the reference tank wagon seller named hereunder.

(*ii*) 60,000 gallons and more, three-quarters cent (¾¢) per gallon less than the maximum price established under (*i*).

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12388; Filed, July 30, 1943; 4:32 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 271, Amdt. 5]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 16a is added to Article III of Revised Maximum Price Regulation 271 to read as follows:

SEC. 16a. *Exempt sales.* From and after July 30, 1943, to and including September 15, 1943 all sales and deliveries of selected seed potatoes to the War Food Administration to be exported by them (which have been field inspected and tagged by the appropriate State Seed Certifying Agency or by the state agency so designated to perform that function) shall be exempt from the provisions of this regulation.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12393; Filed, July 30, 1943; 4:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 329,[1] Amdt. 12]

PURCHASE OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 329 is amended in the following respects:

1. Section 1351.402 (b) is amended to read as follows:

(b) If a purchaser did not purchase "milk" from a particular producer during January 1943, but subsequently purchases from that producer, the maximum price that he may pay shall be the highest price which any purchaser paid that producer during January 1943 (or the price subsequently established in accordance with the provisions of this regulation for such purchaser who bought from that producer during January 1943), subject to the same price differentials for grade and quality which were in effect for the producer during that month.

2. Section 1351.402 (c), (d), and (e) are redesignated § 1351.402 (d), (e), and (f), respectively.

3. Section 1351.402 (c) is added to read as follows:

(c) If a maximum price for a purchaser of "milk" from producers cannot be determined under paragraph (a) or paragraph (b), the maximum price shall be determined as follows:

In the case of a producer who did not sell "milk" (for resale as fluid milk) during January 1943, the maximum price shall be determined by the appropriate Regional Office of the Office of Price Administration upon application by the purchaser.

The appropriate regional office of the Office of Price Administration is authorized to establish maximum prices on applications filed under paragraph (c) and such maximum prices shall be subject to modification or revocation at any time.

NOTE: In the case of a purchaser who was not engaged in the business of purchasing "milk" (for resale as fluid milk) during January 1943, and subsequently engages in such business without purchasing an existing

* Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718.

[1] 8 F.R. 2038, 2874, 3252, 3621, 4726, 5933, 5907, 5907, 5933, 6734, 8063, 8063, 9834.

establishment, the maximum price at which he may purchase "milk" from producers will be determined under paragraph (b) above in the case of purchases from producers engaged in production for fluid milk purposes during January 1943, and will be determined under paragraph (c) above in the case of purchases from producers not so engaged.

4. Section 1351.404 (c) is amended to read as follows:

(c) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operation of a farm on which milk is produced. Farmers' cooperatives are producers with regard to all sales of "milk" by them except that "milk" processed for them by operators of milk receiving or processing plants and except that "milk" handled in physical facilities for receiving, processing or distributing milk which are owned or leased by the cooperative.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved,

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12390; Filed, July 30, 1943; 4:33 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 148,[1] Amdt. 9]

DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 148 is amended in the following respects:

1. Section 1364.26 (a) is amended to read as follows:

(a) The price limitations set forth in this Revised Maximum Price Regulation No. 148 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to, dressed hogs or wholesale pork cuts, alone or in conjunction with any other commodity, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding: *Provided*, That the following payments shall not be construed as evasions of such price limitations under the following conditions:

(1) A payment by a buyer to a broker of not to exceed $0.125 per hundredweight in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of wholesale pork cuts, if the broker has no business affiliation with the seller and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed $0.125 per hundredweight.

(2) A payment by a buyer to a seller for icing services performed by the seller after March 1, 1943, and before delivery of dressed hogs or wholesale pork cuts to a railroad whose charges are paid directly to such railroad by the buyer, if the charge for such icing services is no higher than the costs actually incurred by the seller in performing such services and no higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad;

(3) A payment by a war procurement agency to a seller (i) for freezing and/or storing dressed hogs or wholesale pork cuts purchased by such agency if such freezing and/or storage charges were actually incurred by the seller and are evidenced by an invoice and warehouse receipt duly issued to the seller from a commercial warehouse; or (ii) for storing dressed hogs or wholesale pork cuts if the storage services were performed by the seller, and not by a commercial warehouse, if such services are evidenced by a warehouse receipt, showing the length of the storage, issued by the seller to the war procurement agency; and if such charges do not exceed the second month's maximum storage rates (under the General Maximum Price Regulation) of commercial warehousemen in the vicinity of the place where the storage occurred.

2. Schedule III (h) of § 1364.35 is added to read as follows:

(h) For freezing, in the seller's plant and not in a commercial warehouse, dressed hogs or wholesale pork cuts sold by the seller to war procurement agencies, $0.10 per hundredweight.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12392; Filed, July 30, 1943; 4:33 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 439,[1] Amdt. 1]

FRESH FISH AND SEAFOOD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 8 is amended to read as follows:

SEC. 8. *Where this regulation applies.* The provisions of this regulation shall apply to the United States, its territories and possessions.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12391; Filed, July 30, 1943; 4:32 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 19,[1] Amdt. 3]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 5 is amended by adding a new paragraph (d) as follows:

(d) On and after July 30, 1943, the maximum prices f. o. b. mill set forth in Article V, Appendix A: *Shortleaf Yellow Pine* Lumber and Article VI, Appendix B: *Longleaf Yellow Pine Lumber* are amended as follows:

(1) $3.00 per M is added to the prices shown for all sizes and lengths of No. 1 Common lumber in Tables 1, 2, 9, and 18.

(2) $3.00 per M is added to the prices shown for all sizes and lengths of D grade lumber in Tables 5, 6, 7, 17, 22, 23, 24 and 31.

(3) $4.00 per M is added to the prices shown for all sizes and lengths of No. 2 Common and lower grades in Tables 1, 2, 5, 6, 7, 9, 17, 18, 22, 23, 24, 25, and 31, and to No. 1 Box in Table 10 and to all items of Byrkit Lath in Table 15.

(4) $0.50 per M pieces of lath is added to the prices shown for all items in Tables 14 and 29.

The maximum prices for all items in Revised Maximum Price Regulation No. 19 not specifically referred to in paragraph (d) remain unchanged.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of July, 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-12389; Filed, July 30, 1943; 4:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 82 Under SR 15 to GMPR]

MASHKIN FREIGHT LINES, INC.

Order No. 82 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-1302.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1382 *Adjustment of maximum prices for contract carrier services of Mashkin Freight Lines, Inc., Hartford, Connecticut.* (a) Mashkin Freight Lines, Inc. of Hartford, Connecticut, may sell and deliver contract carrier services to the First National Stores, Inc., of East Hartford, Connecticut, on and after August 2, 1943, at rates not to exceed those set forth in the schedules of minimum rates from points in Connecticut to points in Massachusetts, New York and Connecticut, as contained in its tariffs MF-ICC No. 5 which cancels MF-ICC No. 4, issued June 17, 1943; MF-ICC No. 8 which cancels MF-ICC No. 5 (Lewis A. Angenola series) (issued in lieu of MF-ICC No. 7 rejected by the Interstate Commerce Commission), issued September 3, 1942; and in its contract with the First National Stores, Inc., dated June 23, 1942 and known as Contract No. 3, a copy of each of which is annexed to its application for adjustment.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 82 (§ 1499.1382) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 82 (§ 1499.1382) shall become effective August 2, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12412; Filed, July 31, 1943; 11:14 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 84 Under SR 15 to GMPR]

HERMAN LOZOWICK TRUCKING CO.

Order No. 84 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3007.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1384 *Adjustment of maximum prices for contract carrier services furnished by Herman Lozowick Trucking Company.* (a) Herman Lozowick and others, d/b/a Herman Lozowick Trucking Company, 139 Charlton Street, Newark, New Jersey may increase the maximum prices for contract carrier services furnished to United Cigar-Whelan Stores Corporation by not more than 5.35% as set out in the schedule of minimum rates attached to the application and identified as MF-ICC No. 2.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 84 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 84 (§ 1499.1384) shall become effective August 2, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12413; Filed, July 31, 1943; 11:16 a. m.]

Footnotes:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8609, 9005, 8948; 8 F.R. 544, 2922, 3367, 4785, 7322, 7671, 7826, 8376, 8677.

[1] 8 F.R. 10267.

[1] 8 F.R. 5536, 6619, 8979.

PART 1499—COMMODITIES AND SERVICES

[Order 83 Under SR 15 to GMPR]

CLARENCE OBERT

Order No. 83 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3313.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1383 *Adjustment of maximum prices for contract carrier services furnished by Clarence Obert.* (a) Clarence Obert, 1515 Starr Avenue, Toledo, Ohio, may sell and deliver contract carrier services at rates not to exceed $3.05 per hour for the transportation of furniture, kitchen appliances, electrical appliances and household goods by van, with driver and helper, from, to and between points in Ohio and Michigan.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 83 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 83 (§ 1499.1383) shall become effective August 2, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12464; Filed, July 31, 1943; 2:45 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 590 Under § 1499.3 (b) of GMPR]

CAROLINA PANEL COMPANY

Carolina Panel Company, Lexington, South Carolina, has made application under § 1499.3 (b) of the General Maximum Price Regulation for the establishment of a maximum price on 5/16" 5 ply gum plywood. For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328; *It is ordered:*

§ 1499.2128 *Approval of maximum prices of 5/16" 5 ply gum plywood.* (a) On and after the effective date of this order, Carolina Panel Company, Lexington, South Carolina, may sell and deliver 5/16" 5 ply gum, resin glued plywood at prices not to exceed $143.85 surface feet, f. o. b. mill.

(b) Any collection or charge made in excess of the maximum price established by this order shall be refunded to the purchaser within 30 days from the issue date of this order.

(c) This order may be amended or revoked by the Price Administrator at any time.

The effective date of this order shall be May 26, 1943.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12463; Filed, July 31, 1943; 2:44 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 44]

TIRES, TUBES, RECAPPING, AND CAMELBACK

A rationale to this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.506 (a) (1) (ii) is hereby revoked.

2. Section 1315.803 (b) is amended to read as follows:

(b) *By manufacturers or wholesalers.* (1) A manufacturer may, in exchange for a certificate, transfer tires or tubes to a consumer who acquired tires or tubes from a manufacturer between December 31, 1940 and August 6, 1943.

(2) A wholesaler may, in exchange for a certificate, transfer tires or tubes to a consumer who acquired tires or tubes from a manufacturer or wholesaler between December 1, 1940 and August 6, 1943.

(3) A manufacturer or wholesaler may, upon receipt of the replenishment portion (Part B) of a certificate or receipt, deliver tires or tubes directly to a consumer or dealer for the account of any dealer who might himself lawfully make such delivery.

3. Section 1315.804 (f) (3) is amended by deleting the word "fifty" from the end thereof and substituting for it the words "seventy-five".

This amendment shall become effective August 6, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12452; Filed, July 31, 1943; 2:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 370]

LINSEED OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

Maximum Price Regulation 370, as amended, is redesignated Revised Maximum Price Regulation 370 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this Revised Regulation are generally fair and equitable and comply with all provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended and of E.O. 9250 and E.O. 9328.

The statement of the considerations involved in the issuance of this Revised Regulation has been simultaneously is-

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724.

sued herewith and has been filed with the Division of the Federal Register.

§ 1351.353 *Maximum prices for linseed oil meal, cake, pea size meal and pellets.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Revised Maximum Price Regulation 370 (Linseed oil meal, cake, pea size meal and pellets), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.353 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 370—LINSEED OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

ARTICLE I—SCOPE OF THIS REVISED REGULATION

Sec.
1. Geographical applicability.
2. Effect on maximum prices.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

3. Definitions.
4. Maximum prices for sale of domestic linseed meal, cake, pea size meal and pellets by crushers.
5. Maximum price for sales of domestic linseed oil meal, cake, pea size meal or pellets by jobbers.
6. Maximum prices for sales of domestic linseed oil meal, cake, pea size meal or pellets by wholesalers.
7. Maximum prices for sales of domestic linseed oil meal, cake, pea size meal or pellets by retailers.
8. Maximum prices for sales of imported linseed oil meal, cake, pea size meal or pellets.
9. Maximum prices in other cases.
10. Increases for sacks.
11. Sales on basis of guaranteed minimum percentage of protein and adjustment for deficiencies.
12. Maximum prices for export sales.

ARTICLE III—MISCELLANEOUS PROVISIONS

13. Adjustable pricing.
14. Evasion.
15. Records and reports.
16. Enforcement.
17. Protests and petitions for amendment.

Article I—Scope of this Revised Regulation

SECTION 1. *Geographical applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic linseed oil meal, cake, pea size meal and pellets, whether produced from imported or domestic flaxseed.

SEC. 2. *Effect of maximum prices.* (a) While this Revised Regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any linseed oil meal, cake, pea size meal or pellets at prices above the maximum prices established by this Revised Regulation; or shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this Revised Regulation may be charged and paid.

Article II—Definitions, maximum prices and terms of sale

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other Government or any political subdivision or agency of any of the foregoing.

"Crusher" is a person who crushes flaxseed by expeller, extraction or hydraulic process into linseed oil and linseed oil cake or meal. It also includes persons converting linseed oil cake into linseed oil meal and pea size meal and finally into pellets.

"Linseed oil meal, cake, pea size meal and pellets" refer to the products produced by a crusher from flaxseed as above described. The flaxseed used must not contain screenings or other foreign materials except in such quantities as might have occurred in good production practice as in vogue prior to price control. Further, screenings or other foreign materials must not be added to the meal or cake after the crushing of the oil from the flaxseed. In no event shall the linseed oil meal, cake, pea size meal or pellets contain less than 28 per cent of protein.

"Jobber" is a person other than crusher or retailer who distributes linseed oil meal, cake, pea size meal or pellets owned by him without unloading into a warehouse.

"Wholesaler" is a person who buys linseed oil meal, cake, pea size meal or pellets, unloads it into a warehouse and resells the same to a retailer or a person who processes the same further. It includes a crusher where he transports and unloads the aforesaid products into a warehouse operated as a place of business separate from the production plant and thereafter sells the same to the persons above mentioned.

"Retailer" is a person who buys linseed oil meal, cake, pea size meal or pellets and resells the same to a feeder. It includes a crusher where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

"Feeder" is a person who feeds any linseed oil meal, cake, pea size meal or pellets to animals or poultry.

"Carload lot" means a lot of linseed oil meal, cake, pea size meal or pellets of 30 tons or more.

"Less than carload lot" means a quantity other than a carload lot or pool car lot, and includes truck quantities.

"Pool car lot" means a railroad car lot in which two or more buyers have combined for the purpose of obtaining a carload rail freight rate.

"Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3 per cent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not exceeding any maximum price established therefor.

SEC. 4. *Maximum prices for sale of domestic linseed meal, cake, pea size meal and pellets by crushers.* (a) The maximum price for the sale and delivery of domestic linseed oil meal, cake, pea size meal or pellets per ton, bulk, at production plant, by a crusher shall be as follows:

Location of crushing plants	Guaranteed minimum percentage of protein	Maximum prices in carload lots or pool car lots		Maximum prices in less than carload lots Meal or Cake or Pea Size Meal or Pellets
		Meal or Cake	Pea Size Meal or Pellets	
1. Minneapolis and Red Wing, Minnesota	34% or more	$42.00	$43.50	Add $1.00 to maximum price of meal or cake or of the pea size meal or pellets in carload lots or pool car lots.
2. Chicago, Illinois and Milwaukee, Wisconsin	34% or over	44.50	46.00	Do.
3. Cleveland and Toledo, Ohio	34% or over	46.00	47.50	Do.
4. Emporia and Fredonia, Kansas	34% or over	46.00	47.50	Do.
5. Buffalo, New York	34% or over	46.00	47.50	Do.
6. Amsterdam, New York	34% or over	45.00	46.50	Do.
	32% or over	43.00	44.50	Do.
7. Edgewater and Newark, New Jersey; Philadelphia, Pennsylvania; Brooklyn and Staten Island, New York	34% or over	45.00	46.50	Do.
	32% up to 34%	43.00	44.50	Do.
8. Corpus Christi, Harlingen, and Houston, Texas	32% or over	47.00	48.50	Do.
9. Los Angeles, California	28% up to 32%	42.00	43.50	Do.
Los Angeles, California	32% or over	44.00	45.50	Do.
10. San Francisco, California	28% up to 32%	44.00	45.50	Do.
San Francisco, California	32% up to 34%	44.00	45.50	Do.
San Francisco, California	34% or over	46.00	47.50	Do.
11. Fresno, California	28% or over	42.00	43.50	Do.
12. Portland, Oregon	34% or over	42.00	43.50	Do.
13. Any other crushing plant	The guaranteed minimum percentage of protein and the maximum price at the crushing plant nearest thereto.			

(b) The foregoing maximum prices shall be increased for a sale and delivery by a crusher at any point other than crushing plant by transportation charges from the crushing plant where produced to the buyer's receiving point by a usual route and method of transportation.

SEC. 5. *Maximum prices for sales of domestic linseed oil meal, cake, pea size meal or pellets by jobbers.* The maximum price for the sale of domestic linseed oil meal, cake, pea size meal or pellets by a jobber shall be 50 cents per ton (maximum markup for sales in carload lots, and $1.00 per ton (maximum markup) for sales in less than carload lots or in pool car lots, over the maximum price which he could lawfully have paid the crusher for the quantity and quality purchased by him and which he is reselling plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 6. *Maximum prices for sales of domestic linseed oil meal, cake, pea size meal or pellets by wholesalers.* The maximum price for the sale of domestic linseed oil meal, cake, pea size meal or pellets by a wholesaler shall be $2.50 per ton (maximum markup) over the maximum price which he could lawfully have paid the crusher or jobber for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 7. *Maximum prices for sales of domestic linseed oil meal, cake, pea size meal or pellets by retailers.* The maximum price for the sale of domestic linseed oil meal, cake, pea size meal or pellets by a retailer shall be $5.50 per ton (maximum markup) over the maximum price which he could lawfully have paid the crusher, jobber or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 8. *Maximum prices for sales of imported linseed oil meal, cake, pea size meal or pellets.* (a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported linseed oil meal, cake, pea size meal or pellets shall be the maximum price for a sale by a crusher of a like quantity and quality of the domestic product produced at that domestic crushing plant located nearest the port of entry.

(b) Jobbers, wholesalers and retailers making sales (within the 48 States and the District of Columbia of the United States) of any such imported products shall add their respective permitted markups as above provided as to domestic products over the basic maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 9. *Maximum prices in other cases.* (a) The maximum price for the sale of any linseed oil meal, cake, pea size meal or pellets by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which the person from whom purchased could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this Revised Regulation sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided*, That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 10. *Increases for sacks.* When any seller has bulk domestic or imported linseed oil meal, cake, pea size meal or pellets and desires to sell the same sacked the foregoing maximum prices where determined on a bulk basis shall be increased at the following rates per ton:

In seller's new sacks	$3.50
In seller's used sacks	3.00
In buyer's new or reclaned sacks	.50
In buyer's sacks of any other kind	1.00

SEC. 11. *Sales on basis of guaranteed minimum percentage of protein and adjustment for deficiencies.* (a) No person shall sell any domestic or imported linseed oil meal, cake, pea size meal or pellets except on the basis of the guaranteed minimum percentage of protein specified in section 4 (a) hereof for that crushing plant where produced or for that crushing plant which is used in computing a maximum price thereon: *Provided*, That the Office of Price Administration may permit any person to sell such products upon the basis of a different guaranteed minimum percentage of protein upon verified application filed with the Feed Section, Office of Price Administration, Washington, D. C., setting forth the percentage desired, the reasons therefor, and the hardship the applicant will suffer unless the application is granted.

(b) If an actual analysis of any lot of domestic or imported linseed oil meal, cake, pea size meal or pellets differs from the guaranteed minimum percentage of protein therein as above provided then:

(1) If above said guaranteed minimum percentage of protein, no increase in the maximum price is permitted.

(2) If below said guaranteed minimum percentage of protein, the deficiency shall be adjusted and settled in the following manner: divide the appropriate maximum price specified in section 4 (a) hereof by such guaranteed minimum percentage of protein, and multiply the resulting figure by the actual percentage, including fractions of protein in the lot in question, and this resulting figure is the adjusted maximum price thereof.

SEC. 12. *Maximum prices for export sales.* The maximum price for export sales of linseed oil meal, cake, pea size meal or pellets shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

Article III—Miscellaneous Provisions

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 14. *Evasion.* The provisions of this Revised Regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of any commodity covered by this Revised Regulation alone or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 15. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended; remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of linseed oil meal, cake, or pellets after the effective date of this Revised Regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.

SEC. 16. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 17. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this Revised Regulation may do so in accordance with Revised Procedural Regulation No. 1[2] is-

[1] 8 F.R. 4132, 5987, 7662.

[2] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

sued by the Office of Price Administration.

Effective date. This revised regulation shall become effective July 31, 1943.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12453; Filed, July 31, 1943; 2:43 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 442]

PEANUT OIL MEAL, CAKE, SIZED CAKE, PELLETS AND PEANUT HULLS

Maximum Price Regulation 442 is a revision and amendment as to the above named peanut products of former § 1499.-73 (a) (50) of Supp. Reg. 14 to the General Maximum Price Regulation. (The present section is § 1.8 of Revised Supp. Reg. 14 to the General Maximum Price Regulation.)

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and comply with all provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of E.O. 9250 and E.O. 9328.

The statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1351.365 *Maximum prices for peanut oil meal, cake, sized cake, pellets and peanut hulls.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Maximum Price Regulation 442 (Peanut oil meal, cake, sized cake, pellets and peanut hulls) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.365 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E. O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 442—PEANUT OIL MEAL, CAKE, SIZED CAKE, PELLETS, AND PEANUT HULLS

ARTICLE I—SCOPE OF THIS REGULATION

Sec.
1 Geographical applicability.
2 Effect of maximum prices.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

3 Definitions.
4 Maximum prices for sale of domestic peanut oil meal, cake, sized cake or pellets, other than that specified in Section 5 hereof, by processors.
5 Maximum prices for sale of domestic peanut oil meal, cake, sized cake or pellets owned or under contract by a processor or produced from peanuts owned or under contract by a processor on July 31, 1943.
6 Maximum prices for the sale of domestic peanut hulls by processors.
7 Maximum prices for the sale of domestic peanut oil meal, sized cake or pellets by grinders.
8 Maximum prices for sales of domestic peanut oil meal, cake, sized cake, pellets or hulls by jobbers.
9 Maximum prices for sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by wholesalers.
10 Maximum prices for sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by retailers.
11 Maximum prices for sales of imported peanut oil meal, cake, sized cake, pellets or hulls.
12 Maximum prices in other cases.
13 Increases for sacks.
14 Sales on basis of guaranteed minimum percentage of protein and adjustment of deficiencies.
15 Maximum prices for export sales.

ARTICLE III—MISCELLANEOUS PROVISIONS

16 Adjustable pricing.
17 Evasion.
18 Records and reports.
19 Enforcement.
20 Protests and petitions for amendment.

Article I—Scope of this Regulation

SECTION 1. *Geographical applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic peanut oil meal, cake, sized cake, pellets and peanut hulls, whether produced from domestic or imported peanuts.

SEC. 2. *Effect of maximum prices.* (a) While this regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any peanut oil meal, cake, sized cake, pellets or peanut hulls at prices above the maximum prices established by this regulation; nor shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this Regulation may be charged and paid.

Article II—Definitions, maximum prices and terms of sale

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

"Processor" is a person who crushes peanuts by expeller, extraction or hydraulic process into peanut oil and peanut oil cake, meal, sized cake, pellets or peanut hulls.

"Grinder" is a person who buys peanut oil cake and processes or procures the processing of such cake into peanut oil meal, sized cake or pellets and sells such oil meal, sized cake or pellets. It includes a processor who buys oil cake and processes such cake into peanut oil meal, sized cake or pellets and sells such oil meal, sized cake or pellets.

"Peanut oil meal, cake, sized cake and pellets" refer to the products produced by a processor from peanuts as above described. The peanuts used must not contain screenings or other foreign materials except in such quantities as might have occurred in good production practice as in vogue prior to price control. Further, screenings or other foreign materials must not be added to the meal, cake, sized cake, pellets or hulls after the crushing of the oil from the peanuts.

"Peanut hulls" refer to the by-product produced by a processor from peanuts as above described.

"Jobber" is a person other than a processor, grinder or retailer who distributes peanut oil meal, cake, sized cake, pellets or peanut hulls owned by him without unloading into a warehouse.

"Wholesaler" is a person who buys peanut oil meal, cake, sized cake, pellets or peanut hulls, unloads it into a warehouse and resells the same to a retailer or to a person who processes the same further. It includes a processor or grinder who transports and unloads the aforesaid products into a warehouse operated as a place of business separate from the production plant and thereafter sells the same to the persons above mentioned.

"Retailer" is a person who buys peanut oil meal, cake, sized cake, pellets or peanut hulls and resells the same to a feeder. It includes a processor or grinder where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

"Feeder" is a person who feeds any peanut oil meal, cake, sized cake, pellets or peanut hulls to animals or poultry.

"Carload lot" means a lot of peanut oil meal, cake, sized cake or pellets of 30 tons or more and for peanut hulls the minimum established in official railroad tariffs.

"Less than carload lot" means a quantity other than a carload or pool car lot, and includes truck quantities.

"Pool car lot" means a railroad car lot in which two or more buyers have combined for the purpose of obtaining a carload rail freight rate.

"Transportation charges" shall be computed at:

(a) The lowest common carrier rate (including the 3 percent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(b) If there is no such rate, the reasonable value of the service (including said 3 percent tax, if any) not exceeding any maximum price established therefor.

SEC. 4. *Maximum prices for sale of domestic peanut oil meal, cake, sized cake or pellets, other than that specified in section 5 hereof, by processors.* (a) The maximum price for the sale and delivery of domestic peanut oil meal, sized cake and pellets (other than as specified in section 5 hereof) per ton, in car lots or pool car lots, bulk, 45 per cent or more of protein, at production plant, by a processor shall be $50.00 per ton.

(b) The foregoing maximum prices shall be decreased at the rate of 75 cents per ton for a like sale and delivery of a like quality of peanut oil cake.

(c) The maximum prices specified in paragraph (a) of this section shall be increased at the rate of $1.50 per ton for a like sale and delivery of a like quality of peanut oil meal pellets.

(d) The foregoing maximum prices shall be decreased for the sale of lots of peanut oil meal, cake, sized cake or pellets containing less than 45 per cent of protein at the rate of 75 cents per ton for each 1 per cent or fraction thereof of protein below said 45 per cent of protein.

(e) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any peanut oil meal, cake, sized cake or pellets in a less than carload lot.

(f) The foregoing maximum prices shall be increased for a sale and delivery of any peanut oil meal, cake, sized cake or pellets by a processor at any point other than the plant where produced by transportation charges from said production plant to such point by a usual route and method of transportation.

SEC. 5. *Maximum prices for sale of domestic peanut oil meal, cake, sized cake or pellets owned or under contract by a processor or produced from peanuts owned or under contract by a processor on July 31, 1943.* (a) The maximum price for the sale and delivery of domestic peanut oil meal, cake, sized cake or pellets which is owned or under contract by a processor or which is produced from peanuts of the 1942 crop owned or under contract by a processor on July 31, 1943, per ton, in carload lots or pool car lots, bulk, 41 per cent up to 43 per cent of protein at production plant, by a processor shall be $2.00 per ton above the minimum trade prices specified in section 1 of the Crusher (Processor) Contract, 1942 Peanut Crushing Program, of the Commodity Credit Corporation.

(b) The foregoing maximum price shall be increased at the rate of $1.00 per ton for a sale of any peanut oil meal, cake, sized cake or pellets in a less than carload lot.

(c) The maximum prices established by this section shall be applicable to all processors irrespective of whether or not the above named Processor Contract is in effect.

SEC. 6. *Maximum prices for the sale of domestic peanut hulls by processors.* The maximum price for the sale of ground or unground domestic peanut hulls, per ton, bulk, by a processor shall be $12.00 per ton for sales in carload lots and $13.00 per ton for sales in less than carload lots, plus transportation charges from plant where produced to the buyer's receiving point by a usual route and method of transportation.

SEC. 7. *Maximum prices for the sale of domestic peanut oil meal, sized cake or pellets by grinders.* (a) The maximum price for the sale or delivery of peanut oil meal, sized cake or pellets by a grinder shall be the maximum price of the processor (from whom the peanut oil cake was obtained) for a like sale of such oil meal, sized cake or pellets (that is, the maximum price of the processor determined according to the applicable provisions of section 5 or 6) plus an addition at the rate of 50 cents per ton plus actual or reasonable transportation charges, if any, incurred by the seller in respect to the lot sold.

(b) Where a processor makes a sale as a grinder, the burden shall always rest upon him to establish by clear evidence that he in fact actually performed the functions of a grinder.

SEC. 8. *Maximum prices for sales of domestic peanut oil meal, cake, sized cake, pellets or hulls by jobbers.* The maximum price for the sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by a jobber shall be:

(a) 50 cents per ton (maximum markup) for sales in carload lots; and

(b) $1.00 per ton (maximum markup) for sales in less than carload lots or pool car lots over the maximum price which he could lawfully have paid a processor or grinder for the quantity and quality purchased by him and which he is reselling, plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 9. *Maximum prices for sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by wholesalers.* The maximum price for the sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by a wholesaler shall be:

(a) $2.50 per ton (maximum markup) for sales of peanut oil meal, cake, sized cake or pellets; and

(b) $2.00 per ton (maximum markup) for sales of peanut hulls over the maximum price which he could lawfully have paid the processor, grinder or jobber for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 10. *Maximum prices for sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by retailers.* The maximum price for the sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by a retailer shall be:

(a) $5.50 per ton (maximum markup) for sales of peanut oil meal, cake, sized cake and pellets.

(b) $4.00 per ton (maximum markup) for sales of peanut hulls over the maximum price which he could lawfully have paid the processor, grinder, jobber or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 11. *Maximum prices for sales of imported peanut oil meal, cake, sized cake, pellets or hulls.* (a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported peanut oil meal, cake, sized cake, pellets or hulls shall be the maximum price for a like sale by a processor of a like quantity and quality of the domestic product produced at that domestic processing plant located nearest the port of entry.

(b) Jobbers, wholesalers and retailers making sales (within the 48 states and the District of Columbia of the United States) of any such imported products shall add their respective permitted markups as above provided as to domestic products over the basic maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 12. *Maximum prices in other cases.* (a) The maximum price for the sale of any peanut oil meal, cake, sized cake, pellets or hulls by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which his seller could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this regulation, sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided*, That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 13. *Increases for sacks.* When any seller has bulk peanut oil meal, cake, sized cake, pellets or peanut hulls and desires to sell the same sacked the foregoing maximum prices where determined on a bulk basis shall be increased at the following rates per ton:

(a) For sales of peanut oil meal, cake, sized cake or pellets:

(1) In seller's sacks, the reasonable market value of the sacks, not exceeding any maximum price thereon at the time of the sale or delivery: *Provided*, That if the sacks were purchased from the buyer by the seller, the seller shall not charge more than the price he paid for such sacks.

(2) In buyer's new or recleaned sacks, $.50.

(3) In buyer's sacks of any other kind, $1.00.

(b) For sales of peanut hulls:

(1) In seller's sacks, the reasonable value of the sacks, not exceeding any maximum price thereon at the time of the sale or delivery.

(2) In buyer's sacks, 50 cents per ton for the sacking.

SEC. 14. *Sales on basis of guaranteed minimum percentage of protein and adjustment of deficiencies.* (a) No person shall sell any domestic or imported peanut oil meal, cake, sized cake or pellets except on the basis of a specified guaranteed minimum percentage of protein therein.

(b) If an actual analysis of any lot of domestic or imported peanut oil meal, cake, sized cake or pellets differs from the guaranteed minimum percentage of protein therein, then:

(1) If above said guaranteed minimum percentage of protein, no increase in the maximum price is permitted.

(2) If below said guaranteed minimum percentage of protein, the deficiency shall be adjusted and settled in the following manner: divide the appropriate maximum price by such guaran-

*Copies may be obtained from the Office of Price Administration.

teed minimum percentage of protein, and multiply the resulting figure by the actual percentage, including fractions, of protein in the lot in question, and this resulting figure is the adjusted maximum price thereof.

SEC. 15. *Maximum prices for export sales.* The maximum price for export sales of peanut oil meal, cake, sized cake, pellets or hulls shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

Article III—Miscellaneous Provisions

SEC. 16. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 17. *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of any commodity covered by this regulation alone or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 18. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of peanut oil meal, cake, sized cake, pellets or hulls after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.[2]

SEC. 19. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 20. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this Regulation may do so in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.[3]

Effective date. This regulation shall become effective July 31, 1943.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12454; Filed, July 31, 1943; 2:42 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,[1] Amdt. 15]

DESIGNATION OF 264 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Designation and Rent Declaration 25 is amended in the following respects:

1. In § 1388.1201 items 6 (Tuskegee), 11 (Benton-Bauxite), 20 (Chico), 23 (Lemoore-Hanford), 26 (Merced), 44 (Sebring), 47 (Valparaiso), 66 (Bedford), 67 (Clinton-Newport), 83 (Morganfield), 101 (Adrian), 125 (Wahoo-Fremont), 159 (Findlay-Fostoria), 169 (Astoria), 176 (Chambersburg), 181 (Milton), 190 (Beaufort), 196 (Sumter), 209 (Bastrop, Texas), 210 (Bonham), 231 (Tooele-Wendover), 241 (Island County), and 243 (Pasco), are hereby revoked to add these areas to other defense-rental areas.

2. In § 1388.1201 items 4 (Montgomery), 17 (Little Rock), 18 (Pine Bluff), 25 (Marysville-Yuba City), 32 (Visalia-Tulare), 35 (Pueblo), 42 (Panama City), 43 (Pensacola), 46 (Tampa), 62 (Rantoul), 75 (Muncie-Anderson), 68 (Columbus, Indiana), 70 (Evansville-Henderson), 71 (Fort Wayne), 76 (Terre Haute), 84 (Paducah), 104 (Jackson, Michigan), 111 (Columbus, Mississippi), 123 (Omaha), 140 (Jamestown), 150 (Elizabeth City, North Carolina), 163 (Toledo), 167 (Oklahoma City), 173 (Portland-Vancouver), 178 (Harrisburg), 185 (Scranton-Wilkes Barre), 186 (Williamsport), 191 (Charleston, South Carolina), 192 (Columbia, South Carolina), 203 (Knoxville), 205 (Nashville), 207 (Amarillo), 208 (Austin), 219 (Marshall), 225 (Sherman-Denison), 230 (Salt Lake City-Ogden), 240 (Everett), 246 (Walla Walla), and 247 (Charleston, West Virginia) are amended to read as follows:

(4) Montgomery	Alabama	Counties of Elmore, Macon, and Montgomery
(17) Little Rock	Arkansas	Counties of Clark, Garland, Hot Spring, Lonoke, Pulaski, and Saline
(18) Pine Bluff	Arkansas	Counties of Arkansas, Jefferson, and Prairie
(25) Marysville-Chico	California	Counties of Butte, Sutter and Yuba
(32) Tulare-Kings	California	Counties of Kings and Tulare
(35) Pueblo	Colorado	Counties of Otero and Pueblo
(42) Panama City	Florida	Counties of Bay, Franklin and Gulf
(43) Pensacola	Florida	Counties of Escambia, Okaloosa, and Santa Rosa
(46) Tampa	Florida	Counties of Highlands, Hillsborough, Pinellas, and Polk
(62) Champaign-Vermillion	Illinois	Counties of Champaign and Vermillion
(75) Anderson	Indiana	Counties of Delaware, Grant, Howard, Huntington, Madison, Miami, and Wabash
(68) Columbus, Indiana	Indiana	Counties of Bartholomew, Brown, Jackson, Johnson, Lawrence, Martin, Morgan, and Shelby
(70) Evansville-Henderson	Indiana Kentucky	County of Vanderburgh Henderson and Union
(71) Fort Wayne	Indiana	Counties of Adams and Allen
(76) Terre Haute	Indiana	Clear, Parke, Vermillion, and Vigo
(84) Paducah	Kentucky	Ballard and McCracken
(104) Jackson, Michigan	Michigan	Jackson, Lenawee, and Monroe
(111) Columbus, Mississippi	Alabama Mississippi	Lamar Chickasaw, Clay, Itawamba, Lee, Lowndes, and Monroe
(123) Omaha	Nebraska Iowa	Counties of Dodge, Douglas, Sarpy, and Saunders Pottawattamie
(140) Jamestown	New York Pennsylvania	County of Chautauqua Warren
(150) Elizabeth City, North Carolina	North Carolina	Counties of Chowan, Pasquotank, and Perquimans
(163) Toledo	Ohio	Counties of Hancock, Lucas, Seneca, and Wood
(167) Oklahoma City	Oklahoma	Counties of Caddo, Cleveland, Grady, McClain, and Oklahoma
(173) Portland-Vancouver	Oregon Washington	Counties of Clackamas, Clatsop, Multnomah, Tillamook, and Washington
(178) Harrisburg	Pennsylvania	County of Clark Counties of Cumberland, Dauphin, Franklin, Lebanon, and Perry
(185) Scranton-Wilkes Barre	Pennsylvania	Counties of Carbon, Lackawanna, and Schuylkill and that portion of Luzerne County other than Nescopeck Borough, Nescopeck Township, and Salem Township
(186) Williamsport	Pennsylvania	Counties of Columbia, Lycoming, Montour, Northumberland, Snyder, and Union, and in the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township
(191) Charleston, South Carolina	South Carolina	Counties of Beaufort, Charleston, Colleton, and Dorchester
(192) Columbia, South Carolina	South Carolina	Counties of Calhoun, Florence, Lexington, Richland, and Sumter
(203) Knoxville	Tennessee	Counties of Anderson, Blount, Knox, and Roane
(205) Nashville	Tennessee	Counties of Davidson and Rutherford
(207) Amarillo	Texas	Counties of Dallam, Hansford, Hartley, Moore, Potter, Randall, and Sherman
(208) Austin	Texas	Counties of Bastrop, Hays, Travis, and Williamson
(219) Marshall	Texas	Counties of Camp, Cass, Harrison, Marion, Morris, Red River, Smith, Titus, and Upshur
(225) Sherman-Denison	Texas	Counties of Fannin and Grayson
(230) Salt Lake City	Utah	Counties of Box Elder, Cache, Davis, Morgan, Salt Lake, Tooele and Weber
(240) Everett	Washington	Counties of Island and Snohomish
(246) Walla Walla	Washington	Counties of Franklin and Walla Walla and in the County of Benton the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick Gardens, and Richland
(247) Charleston, West Virginia	West Virginia	County of Kanawha and in the County of Putnam the Magisterial District of Poca talico

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12470; Filed, July 31, 1943; 2:47 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 26,[1] Amdt. 2]

DESIGNATION OF 19 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Designation and Rent Declaration 26 is amended in the following respects:

1. In § 1388.1251 items 1 (Hot Springs-Malvern, Arkansas), 6 (Decatur, Indiana), 7 (Wabash), 15 (Dumas-Sunray), and 16 (Brigham) are hereby revoked to add these areas to other defense-rental areas.

2 In § 1388.1251 item 2 (Modesto) is amended to read as follows:

(2) Modesto-Merced, California	Counties of Merced and Stanislaus	

This amendment shall become effective August 1 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12469; Filed, July 31, 1943; 2:47 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 29,[2] Amdt. 1]

DESIGNATION OF 26 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Designation and Rent Declaration 29 is amended in the following respects:

1. In § 1388.1321 items 2 (Stuttgart), 3 (La Junta), 5 (Apalachicola), 9 (Seymour, 19 (Mt. Vernon), and 25 (Daingerfield) are hereby revoked to add these areas to other defense-rental areas.

2. In § 1388.1321 items 4 (Leadville) and 21 (Emporium) are amended to read as follows:

(4) Leadville-Salida, Colorado: Counties of Chaffee, Eagle, Garfield, Lake, and Summit.

(21) Emporium, Pennsylvania: Counties of Cameron and Elk.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

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PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12468; Filed, July 31, 1943; 2:48 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Revocation of Designation and Rent Declaration 30]

DESIGNATION OF THE NORMAN DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA[1]

Designation and Rent Declaration No. 30—Designation of the Norman Defense-Rental Area and Rent Declaration Relating to that area is hereby revoked to add the counties of Cleveland and McClain in the Norman Defense-Rental Area to the Oklahoma City Defense-Rental Area.

This revocation shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12466; Filed, July 31, 1943; 2:46 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,[1] Amdt. 8]

DESIGNATION OF 60 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Designation and Rent Declaration No. 31 is amended in the following respects:

1. In § 1388.1341 item 57 (Florence) is hereby revoked to add the County of Florence in the Florence Defense-Rental Area to the Columbia, South Carolina, Defense-Rental Area.

2. In § 1388.1341 item 5 (Colorado), 13 (Kentucky), 29 (North Carolina), 34 (Pennsylvania), 37 (Tennessee), 38 (Texas), and 43 (West Virginia) are amended to read as follows:

(5) Colorado	Colorado	That portion of the State of Colorado not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Chaffee and Garfield.
(13) Kentucky	Kentucky	That portion of the State of Kentucky not heretofore designated by the Price Administrator as part of any defense-rental area, except the county of Ballard.
(29) North Carolina	North Carolina	That portion of the State of North Carolina not heretofore designated by the Price Amdlinistrator as part of any defense-rental area, except the counties of Chowan, Moore, and Perquimans.
(34) Pennsylvania	Pennsylvania	That portion of the State of Pennsylvania not heretofore designated by the Price Administrator as part of any defense-rental area, except the county of Elk.
(37) Tennessee	Tennessee	That portion of the State of Tennessee not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Anderson and Roane.
(38) Texas	Texas	That portion of the State of Texas not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Brazos, Brewster, Kinney, Lampasas, Smith, Uvalde, Val Verde, and Webb.
(43) West Virginia	West Virginia	That portion of the State of West Virginia not heretofore designated by the Price Administrator as part of any defense-rental area, except the Magisterial District of Poca talico in Putnam County.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12471; Filed, July 31, 1943; 2:47 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Hotels and Rooming Houses, Amdt. 3]

Schedule A of the Rent Regulation for Hotels and Rooming Houses (8 F.R. 7334, 9019, 9021) is amended in the following respects:

1. Items 12 (Tuskegee), 18 (Benton-Bauxite), 22 (Hot Springs-Malvern, Arkansas), 26 (Stuttgart), 27 (Chico), 29 (Lemoore-Hanford), 32 (Merced), 44 (La Junta), 54 (Apalachicola), 64 (Sebring), 67 (Valpariso), 95 (Bedford), 96 (Clinton-Newport), 99 (Decatur, Indiana), 107 (Seymour), 111 (Wabash), 126 (Morganfield), 148 (Adrian), 161 (Aberdeen, Mississippi), 183 (Wahoo-Fremont), 196 (Hobbs), 231 (Findlay-Fostoria), 236 (Mt. Vernon), 242 (Chickasha), 249 (Norman), 252 (Astoria), 259 (Chambersburg), 265 (Milton), 269 (Scranton-Wilkes Barre), 271 (Warren), 276 (Beaufort), 279 (Florence), 282 (Sumter), 294 (Murfreesboro), 301 (Bastrop, Texas), 304 (Bonham), 310 (Daingerfield), 313 (Dumas-Sunray), 334 (Brigham), 337 (Tooele-Wendover), 349 (Island County), and 350 (Pasco) are hereby revoked to add these areas to other defense-rental areas.

2. Item 40a (Ventura) is added and items 8 (Montgomery), 23 (Little Rock), 25 (Pine Bluff), 31 (Marysville-Yuba City), 33 (Modesto), 41 (Visalia-Tulare), 45 (Leadville), 46 (Pueblo), 62 (Panama City), 63 (Pensacola), 66 (Tampa), 91 (Rantoul), 97 (Columbus, Indiana), 100 (Evansville-Henderson), 101 (Fort Wayne), 106 (Muncie-Anderson), 109 (Terre Haute), 127 (Paducah), 151 (Jackson, Michigan), 164 (Columbus, Mississippi), 181 (Omaha), 194 (Carlsbad), 203 (Jamestown), 214 (Elizabeth City, North Carolina), 234 (Mansfield), 240 (Toledo), 250 (Oklahoma City), 256 (Portland-Vancouver), 260 (Emporium), 262 (Harrisburg), 272 (Williamsport), 277 (Charleston, South Carolina), 278 (Columbia, South Carolina), 292 (Knoxville), 295 (Nashville), 299 (Amarillo), 300 (Austin), 324 (Marshall), 329 (Sher-

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[1] 8 F.R. 4132, 5087, 7662.

[2] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[1] 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228, 4779, 5738 9021.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533.

[1] 7 F.R. 3941; 8 F.R. 5738

[2] 7 F.R. 5907.

[1] 7 F.R. 6425.

[1] 8 F.R. 122, 1229, 1749, 4779, 5738, 5739.

Name of defense-rental area	State	County or counties in defense-rental area under Rent Regulation for Hotels and Rooming Houses	Maximum rent date	Effective date of regulation	Date by which registration statement is required to be filed (Inclusive)
(250) Oklahoma City	Oklahoma	Cleveland, McClain, and Oklahoma	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oklahoma	Caddo and Grady	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(256) Portland-Vancouver	Oregon	Clackamas, Multnomah, and Washington	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Washington	Clark	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Oregon	Clatsop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oregon	Tillamook	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(290) Emporium	Pennsylvania	Cameron	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(262) Harrisburg	Pennsylvania	Cumberland, Dauphin, Lebanon, and Perry	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Pennsylvania	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(272) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	Columbia, Montour, Northumberland, Snyder, and Union	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Pennsylvania	In the County of Luzerne Borough, Nescopeck Township, and Salem Township	Mar. 1, 1942	Aug. 1, 1942	Oct. 15, 1942
(277) Charleston, South Carolina	South Carolina	Charleston and Dorchester	Mar. 1, 1942	Oct. 15, 1942	May 30, 1943
(278) Columbia, South Carolina	South Carolina	Beaufort and Colleton	Mar. 1, 1942	Apr. 15, 1943	Jan. 14, 1943
	South Carolina	Calhoun, Lexington, and Richland	Mar. 1, 1942	Nov. 1, 1942	
	South Carolina	Sumter	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Florence	Mar. 1, 1942	May 1, 1943	June 15, 1943
(292) Knoxville	Tennessee	Blount and Knox	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Tennessee	Anderson and Roane	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(295) Nashville	Tennessee	Davidson and Rutherford	Mar. 1, 1942	July 1, 1943	Sept. 15, 1943
(299) Amarillo	Texas	Potter and Randall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Texas	Dallam, Hansford, Hartley, Moore, and Sherman	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(300) Austin	Texas	Bastrop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Hays, Travis, and Williamson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(324) Marshall	Texas	Harrison, Marion, and Upshur	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Texas	Cass, Morris, Red River, and Titus	Mar. 1, 1942	Jan. 15, 1943	Jan. 15, 1943
(329) Sherman-Denison	Texas	Smith	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Texas	Grayson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(336) Salt Lake City	Texas	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Utah	Davis, Morgan, Salt Lake, and Weber	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Utah	Box Elder	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Utah	Tooele	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(348) Everett	Washington	Snohomish	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Island	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(354) Walla Walla	Washington	Walla Walla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	In the County of Benton South Kennewick, Kennewick Valley, Kennewick Gardens, and Richland	Mar. 1, 1942	Jan. 1, 1943	Feb. 14, 1943
(356) Charleston, West Virginia	West Virginia	Kanawha	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	West Virginia	In Putnam County the Macksburg District of Poca	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943

[1] This regulation is applicable only to that portion of the defense-rental area set forth in the third column of this Schedule A.

This amendment shall become effective August 1, 1943. This amendment shall not release or extinguish any penalty, duty, or liability incurred under the Rent Regulation for Hotels and Rooming Houses. (Pub. Laws 421 and 729, 77th Cong.)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

man-Denison), 336 (Salt Lake City-Ogden), 348 (Everett), 354 (Walla Walla), and 355 (Charleston, West Virginia) are amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under Rent Regulation for Hotels and Rooming Houses	Maximum rent date	Effective date of regulation	Date by which registration statement is required to be filed (inclusive)
(8) Montgomery	Alabama	Elmore and Montgomery	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Alabama	Macon	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(23) Little Rock [1]	Arkansas	Lonoke and Pulaski	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Hot Spring and Saline	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(25) Pine Bluff [1]	Arkansas	Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Arkansas County and the Southern District of Prairie County consisting of the Townships of Beleher, Center, Hagen, Lower Surrounded Hill, Roe Roe, Tyler, and Watensaw	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(31) Marysville-Chico	California	Sutter and Yuba	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(33) Modesto-Merced	California	Butte	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	California	Merced and Stanislaus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(40a) Ventura	California	Ventura	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(41) Tulare-Kings	California	Kings and Tulare	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(45) Leadville-Salida	Colorado	Eagle, Lake, and Summit	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Colorado	Chaffee and Garfield	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(46) Pueblo	Colorado	Otero and Pueblo	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(62) Panama City	Florida	Bay	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Florida	Franklin and Gulf	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(63) Pensacola	Florida	Escambia	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Florida	Okaloosa	Mar. 1, 1942	May 1, 1943	June 15, 1943
	Florida	Santa Rosa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(66) Tampa	Florida	Hillsborough, Pinellas, and Polk	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Florida	Highlands	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(91) Champaign-Vermillion	Illinois	Champaign and Vermillion	Mar. 1, 1942		
(97) Columbus, Indiana	Indiana	Bartholomew, Brown, Johnson, Morgan, and Shelby	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Lawrence and Martin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(100) Evansville-Henderson	Indiana	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Indiana	Vanderburgh	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(101) Fort Wayne	Kentucky	Union	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Allen	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Adams	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(106) Anderson	Indiana	Huntington, Miami, and Wabash	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Delaware, Grant, Howard, and Madison	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(109) Terre Haute	Indiana	Parke and Vermillion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Edgar	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Vigo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(127) Paducah	Kentucky	McCracken	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Kentucky	Ballard	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(151) Jackson, Michigan	Michigan	Jackson	Mar 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Michigan	Lenawee and Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(163) Lake	Ohio	Lake	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(289) Toledo	Ohio	Lucas	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Hancock and Wood	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(214) Elizabeth City, North Carolina	North Carolina	Chowan and Perquimans	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	North Carolina	Pasquotank	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(234) Mansfield	Ohio	Ashland, Crawford, and Richland	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(289) Toledo	Ohio	Lucas	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Ohio	Hancock and Wood	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12457; Filed, July 31, 1943; 2:49 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Housing, Amdt. 4]

Schedule A of the Rent Regulation for Housing (8 F.R. 7322, 9020, 9021) is amended in the following respects:

1. Items 12 (Tuskegee), 18 (Benton-Bauxite), 22 (Hot Springs-Malvern, Arkansas), 26 (Stuttgart), 27 (Chico), 29 (Lemoore-Hanford), 32 (Merced), 44 (La Junta), 54 (Apalachicola), 64 (Sebring), 67 (Valparlso), 95 (Bedford), 96 (Clinton-Newport), 99 (Decatur, Indiana), 107 (Seymour), 111 (Wabash), 126 (Morganfield), 148 (Adrian), 161 (Aberdeen, Mississippi), 183 (Wahoo-Fremont), 196 (Hobbs), 231 (Findlay-Fostoria), 236 (Mt. Vernon), 242 (Chickasha), 249 (Norman), 252 (Astoria), 259 (Chambersburg), 265 (Milton), 269 (Scranton-Wilkes Barre), 271 (Warren), 276 (Beaufort), 279 (Florence), 282 (Sumter), 294 (Murfreesboro), 301 (Bastrop, Texas), 304 (Bonham), 310 (Daingerfield), 313 (Dumas-Sunray), 334 (Brigham), 337 (Tooele-Wendover), 349 (Island County), and 350 (Pasco) are hereby revoked to add these areas to other defense-rental areas.

2. Item 40a (Ventura) is added and items 8 (Montgomery), 23 (Little Rock), 25 (Pine Bluff), 31 (Marysville-Yuba City), 33 (Modesto), 41 (Visalia-Tulare), 45 (Leadville), 46 (Pueblo), 62 (Panama City), 63 (Pensacola), 66 (Tampa), 91 (Rantoul), 97 (Columbus, Indiana), 100 (Evansville-Henderson), 101 (Fort Wayne), 106 (Muncie-Anderson), 109 (Terre Haute), 127 (Paducah), 151 (Jackson, Michigan), 164 (Columbus, Mississippi), 181 (Omaha), 194 (Carlsbad), 203 (Jamestown), 214 (Elizabeth City, North Carolina), 234 (Mansfield), 240 (Toledo), 250 (Oklahoma City), 256 (Portland-Vancouver), 260 (Emporium), 262 (Harrisburg), 272 (Williamsport), 277 (Charleston, South Carolina), 278 (Columbia, South Carolina), 292 (Knoxville), 295 (Nashville), 299 (Amarillo), 300 (Austin), 324 (Marshall), 329 (Sherman-Denison), 336 (Salt Lake City-Ogden), 348 (Everett), 354 (Walla Walla), and 355 (Charleston, West Virginia) are amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(8) Montgomery	Alabama	Elmore and Montgomery	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Alabama	Macon	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(23) Little Rock [1]	Arkansas	Lonoke and Pulaski	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Hot Spring and Saline	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(25) Pine Bluff [1]	Arkansas	Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Arkansas County and the Southern District of Prairie County consisting of the Townships of Beleher, Center, Hazen, Lower Surrounded Hill, Roe Roe, Tyler, and Watensaw	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(31) Marysville-Chico	California	Sutter and Yuba	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(33) Modesto-Merced	California	Butte	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	California	Merced and Stanislaus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(40a) Ventura	California	Ventura	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(41) Tulare-Kings	California	Kings and Tulare	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(45) Leadville-Salida	Colorado	Eagle, Lake, and Summit	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Colorado	Chaffee and Garfield	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(46) Pueblo	Colorado	Otero and Pueblo	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(62) Panama City	Florida	Bay	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Florida	Franklin and Gulf	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(63) Pensacola	Florida	Escambia	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Florida	Okaloosa	Mar. 1, 1942	May 1, 1943	June 15, 1943
	Florida	Santa Rosa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(66) Tampa	Florida	Hillsborough, Pinellas, and Polk	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Florida	Highlands	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(91) Champaign-Vermillion	Illinois	Champaign and Vermillion	Mar. 1, 1942		
(97) Columbus, Indiana	Indiana	Bartholomew, Brown, Johnson, Morgan, and Shelby	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Lawrence and Martin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(100) Evansville-Henderson	Indiana	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Indiana	Vanderburgh	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(101) Fort Wayne	Kentucky	Union	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Allen	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Adams	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(106) Anderson	Indiana	Huntington, Miami, and Wabash	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Delaware, Grant, Howard, and Madison	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(109) Terre Haute	Indiana	Parke and Vermillion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Edgar	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Vigo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(127) Paducah	Kentucky	McCracken	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Kentucky	Ballard	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(151) Jackson, Michigan	Michigan	Jackson	Mar 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Michigan	Lenawee and Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(164) Columbus, Mississippi.	Mississippi	Chickasaw, Clay, Itawamba, Lee, and Monroe.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Alabama	Lamar	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Mississippi	Lowndes	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
181) Omaha	Nebraska	Dodge and Saunders	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Nebraska	Douglas and Sarpy	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Iowa	Pottowatamie	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(194) Carlsbad	New Mexico	Eddy	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Mexico	Lea	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(203) Jamestown	New York	Chautauqua	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Pennsylvania	Warren	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(214) Elizabeth City, North Carolina.	North Carolina	Pasquotank	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	North Carolina	Chowan and Perquimans	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(234) Mansfield	Ohio	Ashland, Crawford, and Richland.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Knox	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(240) Toledo	Ohio	Lucas and Wood	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Hancock and Seneca	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(250) Oklahoma City.	Oklahoma	Cleveland, McClain, and Oklahoma.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oklahoma	Caldo and Grady	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(256) Portland-Vancouver.	Oregon	Clackamas, Multnomah, and Washington.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Washington	Clark	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Oregon	Clatsop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oregon	Tillamook	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(260) Emporium	Pennsylvania	Cameron	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	Elk	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(262) Harrisburg	Pennsylvania	Cumberland, Dauphin, Lebanon, and Perry.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Franklin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(272) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Columbia, Montour, Northumberland, Snyder, and Union.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	In the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(277) Charleston, South Carolina.	South Carolina	Charleston and Dorchester	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	South Carolina	Beaufort and Colleton	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(278) Columbia, South Carolina.	South Carolina	Calhoun, Lexington, and Richland.	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
	South Carolina	Sumter	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Florence	Mar. 1, 1942	May 1, 1943	June 15, 1943
(292) Knoxville	Tennessee	Blount and Knox	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Tennessee	Anderson and Roane	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(295) Nashville	Tennessee	Davidson and Rutherford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(299) Amarillo	Texas	Potter and Randall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Texas	Dallam, Hansford, Hartley, Moore, and Sherman.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(300) Austin	Texas	Bastrop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Hays, Travis, and Williamson.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(324) Marshall	Texas	Harrison, Marion, and Upshur.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Texas	Camp, Cass, Morris, Red River, and Titus.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Texas	Smith	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(329) Sherman-Denison.	Texas	Grayson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(336) Salt Lake City [1]	Utah	Davis, Morgan, Salt Lake, and Weber.	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Utah	Box Elder	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Utah	Tooele	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(348) Everett	Washington	Snohomish	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Island	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(354) Walla Walla	Washington	Walla Walla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	In the County of Benton the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland.	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(355) Charleston, West Virginia.	West Virginia	Kanawha	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	West Virginia	In Putnam County the Magisterial District of Poca	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943

[1] This regulation is applicable only to that portion of the defense-rental area set forth in the third column of this Schedule A.

This amendment shall become effective August 1, 1943. This amendment shall not release or extinguish any penalty, duty, or liability incurred under the Rent Regulation for Housing.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12458; Filed, July 31, 1943; 2:48 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5F]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

Preamble: Hawaii was the first section of the United States to institute gasoline rationing. One day after the beginning of war, the motorists of Hawaii learned the effects that a sudden curtailment of transportation by the private automobile can have. The speed with which rationing was instituted necessarily meant that subsequent changes based on wider experience would have to be made, since it was more important at that time to cut the over-all consumption of gasoline than to provide for equitable distribution through detailed regulations. From that date to July 1, 1943, the regulations of the Military Governor first, and after March 10, 1943, those of the Office of Price Administration have approached the mainland system of rationing. The final step of adopting a Territory-wide modified form of mileage rationing is, therefore, only the logical culmination of the various rationing systems in effect on each island.

§ 1394.9205 *Rationing of gasoline in the Territory of Hawaii.* Under the authority vested in the Office of Price Administration and the Price Administrator of Executive Order 9125 issued by the President on April 7, 1942, by Directive 1 and Supplementary Directive 1-Q of the War Production Board, issued January 24 and November 6, 1942, respectively, and under the authority vested in me by General Order No. 48 of the Price Administrator, issued March 5, 1943, this Ration Order 5F (Mileage Rationing: Gasoline Regulations for the Territory of Hawaii), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1394.9205 issued under Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1, 7 F.R. 562, Supp Dir. 1-Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898.

RATION ORDER 5F—MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

ARTICLE I—SCOPE OF RATION ORDER NO. 5F

Sec.
1.1 Territorial limitations.
1.2 Scope of restrictions.
1.3 Effect of Ration Order No. 5F on outstanding rations.

ARTICLE II—DEFINITIONS

2.1 Definitions.

ARTICLE III—ADMINISTRATION, PERSONNEL AND JURISDICTION

3.1 Personnel.
3.2 Jurisdiction of Boards over issuance of rations.

ARTICLE IV—BASIC RATIONS

4.1 Basic rations.
4.2 Basic ration books.
4.3 Application for and issuance of basic rations.

ARTICLE V—SUPPLEMENTAL RATIONS

5.1 Supplemental rations.

Sec.
5.2 Passenger automobiles or motorcycles for which supplemental rations may not be issued.
5.3 Application for supplemental ration.
5.4 Allowance of mileage.
5.5 Issuance of supplemental rations.
5.6 Preferred mileage.
5.7 Additional mileage allowance.

ARTICLE VI—OFFICIAL AND FLEET RATIONS FOR PASSENGER AUTOMOBILES AND MOTORCYCLES

6.1 Official and fleet rations for passenger automobiles and motorcycles.
6.2 Persons entitled to official or fleet rations.
6.3 Application for official and fleet rations.
6.4 Allowance of mileage.
6.5 Issuance of fleet and official rations.
6.6 Interchangeable official or fleet ration books.
6.7 Issuance of rations to lessees of passenger automobiles or motorcycles available for public rental.
6.8 Rations for official mileage of policemen.

ARTICLE VII—TRANSPORT RATIONS

7.1 Transport rations.
7.2 Persons entitled to transport rations.
7.3 Transport ration books.
7.4 Application for transport rations.
7.5 Issuance of transport rations.
7.6 Transport ration for equipment mounted on commercial motor vehicles.
7.7 Interchangeable transport ration books.

ARTICLE VIII—SPECIAL RATIONS

8.1 Application for special ration.
8.2 Form and issuance of special rations.

ARTICLE IX—NON-HIGHWAY RATIONS

9.1 Person entitled to non-highway rations.
9.2 Non-highway ration books.
9.3 Application for non-highway ration.
9.4 Issuance of non-highway rations.

ARTICLE X—GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF RATIONS

10.1 Issuance of ration books by the Office of Price Administration.
10.2 Appearance before boards.
10.3 Presentation of registration certificate.
10.4 Notation on registration certificates.
10.5 Notation on ration books, applications and coupons.
10.6 Change in motor vehicle registration number.
10.7 Authorization of bulk purchase.
10.8 Lost or stolen coupon books or bulk coupons.
10.9 Disposition of lost coupon books.
10.10 Denial of rations.
10.11 Consumer declaration of gasoline on hand.

ARTICLE XI—RENEWAL, EXPIRATION AND REDETERMINATION OF RATIONS

11.1 Renewal of rations.
11.2 Issuance of further rations for use prior to expiration of current rations.
11.3 Special cases.
11.4 Surrender of expired coupons.
11.5 Expiration of rations.
11.6 Expiration of rations upon cessation of use or change in ownership.
11.7 Coupon books property of Office of Price Administration.
11.8 Revocation of ration after hearing.
11.9 Effective period of order revoking ration.
11.10 Notations on revocations of rations.

ARTICLE XII—RESTRICTIONS ON TRANSFERS

12.1 Restriction on transfer to consumers.
12.2 Transfers to consumers.
12.3 Transfers to consumers in exchange for coupons.
12.4 Transfer of vehicle, boat or equipment.
12.5 Transfer of consumer establishments; transfer by operation of law.
12.6 Signature on coupon book.
12.7 Change of occupation of ration holder.
12.8 Restriction on use of gasoline for racing or exhibition purposes.
12.9 Display of stickers.
12.10 Restriction on blending of gasoline.
12.11 Restriction on consumption of gasoline.
12.12 Transfers from fuel tank.
12.13 Discrimination by dealers and distributors.
12.14 Mileage limitation.
12.15 Limitation on speed.
12.16 Other prohibitions.

ARTICLE XIII—REGISTRATION OF PLACE OF BUSINESS

13.1 Registration of inventory and capacity.
13.2 What constitutes gasoline on hand.
13.3 What constitutes gasoline storage capacity.
13.4 Issuance of registration certificates.
13.5 Issuance of inventory coupons.
13.6 Restriction on use of inventory coupons.
13.7 Restrictions on transfers.
13.8 Absentee and third party deliveries.
13.9 Upstream transfers.
13.10 Preservation of coupons.
13.11 Summary of coupons.
13.12 Exchange of coupons for certificates.
13.13 Surrender of expired coupons.
13.14 Certification of shortage.

ARTICLE XIV—RECORDS AND AUDITS

14.1 Accountability of dealers.
14.2 Reports by distributors.
14.3 Audit by Tax Commissioner.

ARTICLE XV—NEW REGISTRATIONS

15.1 Registration of new or reopened place of business.
15.2 Cessation of business.
15.3 Acquisition of dealer's place of business.
15.4 Change of storage capacity.

ARTICLE XVI—GENERAL PROVISIONS

16.1 Inspection of records and facilities.
16.2 Adjustment of errors.
16.3 Appeals from decisions of boards.
16.4 Designation of unit value of coupons.
16.5 Effective date.

Article I—Scope of Ration Order No. 5F

SECTION 1.1. *Territorial limitations.* The provisions of Ration Order No. 5F shall apply only in the island of Kauai of the Territory of Hawaii.

SEC. 1.2. *Scope of restrictions.* Nothing in this ration order shall be construed to limit the quantity of gasoline which may be acquired by or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration or Maritime Commission of the United States.

SEC. 1.3. *Effect of Ration Order No. 5F on outstanding rations.* (a) No provision of this order shall affect the validity or valid period of any ration issued pursuant to a gasoline ration order in effect on any of the islands of the Territory prior to the effective date of this order.

(b) All rations issued pursuant to any other gasoline ration order previously in effect in the Territory, which remain in effect beyond the effective date of this order, shall be subject to the same restrictions, prohibitions and conditions of use as though they were issued pursuant to this order.

Article II—Definitions

SEC. 2.1. *Definitions.* When used in Ration Order No. 5F:

"All-purpose family vehicle" means a pick-up truck of less than one-ton capacity if it is the only motor vehicle used for carrying passengers which is operated by an applicant and by all members of his household, and if it has regularly been used for family driving purposes.

"Board" means, as required by the context, one or more of the following types of organizations established by the Office of Price Administration: a war price and rationing board; a plant area board designated to serve the workers in specified military or naval establishments; or a commercial board designated to serve fleets of commercial motor vehicles and other specified vehicles or equipment operated by the same organization in a single county or island.

"Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

"Bulk transfer" means any transfer of gasoline other than into the fuel tank of a motor vehicle or into the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

"Commercial account" means a consumer who controls gasoline storage facilities, and who is entitled to gasoline rations of 500 gallons or more per month.

"Commercial motor vehicle" means (1) a straight truck or truck-tractor; a station wagon used primarily for transporting material or equipment in the course of an occupation; and any motor vehicle (except a motorcycle) built or rebuilt primarily for the purpose of transporting property; but does not include an "all purpose family vehicle"; (2) any of the following motor vehicles used in the transportation of persons on the highway: a bus; an ambulance or hearse; a taxicab or jitney and any motor vehicle (except a motorcycle) available for public rental for periods of seven consecutive days or less; and (3) any other motor vehicle which is not a passenger automobile or motorcycle.

"Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

"Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The term also includes any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline di-

rectly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business.

"Director" means the person acting as Director of the Office of Price Administration for the Territory of Hawaii.

"Distributor" means any person required to be licensed as a distributor under the Hawaiian Fuel Tax Act.

"Equipment" when reference is made to the registration of passenger-type tires, means any conveyance, other than a motor vehicle, designed for and capable of operation on one or more wheels, and any machinery in the operation of which wheels with mounted tires are used.

"Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline and exchangeable for such gasoline. The term includes coupons, gasoline tickets issued by an issuing agent, inventory coupons, gasoline certificates and exchange certificates on OPA Form R–548 issued by a Board in return for other evidences received.

"Fleet" as applied to a passenger automobile or motorcycle, means that such vehicle is one of five or more passenger automobiles or of five or more motorcycles owned or leased by and used by the same person principally in connection with one or more related occupations or as applied to a commercial motor vehicle, that such vehicle is one of five or more commercial vehicles owned or operated by the same person.

"Gasoline" means any petroleum product either commonly known or sold as gasoline (including casinghead and natural gasoline) or having a flash point below 100° Fahrenheit (closed cup test, ASTM D–56–36), except:

Fuel oil as defined in Ration Order No. 11, naphthas, aromatics, synthetic rubber raw materials, solvents or specialties, not used or blended for use as fuel in internal combustion engines. Any quantity of the foregoing products which is used or blended for use as fuel in internal combustion engines shall be deemed to be gasoline when the product so used or blended is commonly known or sold as gasoline or has a flash point below 100° Fahrenheit (closed cup test, ASTM D–56–36);

Any finished petroleum product having an octane rating of 85 or more (ASTM D–42T) or any component thereof used for the propulsion of aircraft. Any quantity of such a product which is used for a purpose other than the propulsion of aircraft shall be deemed to be gasoline when the product so used is commonly known or sold as gasoline or has a flash point below 100° Fahrenheit (closed cup test, ASTM D–56–36), and

Liquefied petroleum gases, regardless of use.

"Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

"Inventory coupon" means a one-gallon or one-hundred-gallon-coupon issued by a Board to represent unfilled storage capacity of a dealer, or for such other purpose as may be provided in this Order.

"Issuing agent" means any person or organization other than a Board, authorized by the Director to issue gas tickets and other rations under such conditions as he may consider appropriate.

"Issuing Board" means the Board which issued a particular gasoline ration.

"Motorcycle" means any rubber tired motor vehicle designed for highway operation on three wheels or less.

"Motorcycle tire" means any tire designed primarily for use on a motorcycle.

"Motor vehicle" means any self-propelled conveyance the motive power for which is furnished by an internal combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

"Motor vehicle dealer" means any person regularly engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

"Motor vehicle rental agency" means any person engaged in the business of renting or leasing motor vehicles to others.

"Mounted" as applied to a tire, means that such tire is held for use on a motor vehicle or equipment, whether or not physically mounted, but not in excess of one tire for each wheel and one spare for each motor vehicle.

"Non-highway use" means any use of gasoline other than for the propulsion of a registered motor vehicle, a commercial motor vehicle or for the operation of machinery or equipment mounted on a commercial motor vehicle.

"Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study.

"Occupational mileage" means mileage driven by a person in carrying on an occupation or to and from a place where such occupation is carried on.

"Official" as applied to a passenger automobile or motorcycle, means that such automobile or motorcycle is owned or leased by a federal, territorial, local or foreign government or government agency, other than by the armed forces of the United States.

"Organized transportation plan" means a plan organized and administered by a joint management-labor committee, or some similar group or individual designated by agreement between or with the consent of management and labor for the purpose of transporting, with a minimum use of tires, all workers who require automobiles for transportation to and from their work.

"Passenger automobile" means any motor vehicle built primarily for transporting persons on the highways which is not a commercial motor vehicle or a motorcycle; and any "all purpose family vehicle".

"Passenger-type tire" means any tire designed primarily for use on a passenger automobile.

"Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

"Ration" as the context requires, means either a right to acquire and use gasoline which is evidenced by coupons or certificates issued by a board on the basis of an application, or the amount of gasoline acquired in exchange for such coupons or certificates.

"Ration book" means any gasoline coupon book issued pursuant to Ration Order No. 5F.

"Registered" as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways by the appropriate agency of the Federal Government or the Territory.

"Scrap" as applied to a tire, means incapable of being repaired for use.

"Serial number" means the serial number either on the sidewall or on the inner surface of a tire and the brand name or, if there is no number, the brand name alone.

"Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier.

"Transfer", as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

"Unit" means the value, in gallons of gasoline, assigned to a coupon contained in a ration book, by order or direction of the Office of Price Administration. Such order or direction may vary the value of a unit with respect to the class of the coupon, with respect to the type or quality of gasoline transferred, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made.

Article III—Administration, Personnel and Jurisdiction

SEC. 3.1 *Personnel.* (a) Ration Order No. 5F shall be administered by the Office of Price Administration through its Boards and other administrative personnel as it may select. The persons appointed to administer this order shall have the powers and duties set out herein, and as the Office of Price Administration may from time to time delegate.

(b) The persons referred to in paragraph (a) may be assisted in the issuance of rations by persons appointed to act as registrars and issuing agents.

SEC. 3.2. *Jurisdiction of Boards over issuance of rations.* (a) For purposes of Ration Order No. 5F, a Board, other than a plant area board or a commercial board, shall have jurisdiction over:

(1) The issuance of rations for all motor vehicles normally stationed or garaged in the area which the Board is designated to serve. Rations for fleet or official passenger automobiles may, at the option of the applicant, be issued by the Board having jurisdiction of the area in which an office is maintained for directing the operations of the vehicles.

(2) The issuance of non-highway rations for all uses performed in the Board's area.

(b) A plant area board shall have jurisdiction over the issuance of rations for the vehicles of workers employed in the establishment which the board serves.

(c) A commercial board shall have jurisdiction over the issuance of rations for operators of fleets of commercial motor vehicles in the county or island which it has been designated to serve.

(d) A Board may not issue a ration for a vehicle to an applicant who has already received a ration for the same vehicle from another Board, unless he has changed his residence or employment and has thereby left the area or the plant served by the Board which issued him a ration. No person may receive or use a ration issued by a Board which does not have jurisdiction over its issuance.

(e) The Director may use issuing agents for granting temporary or emergency rations and for the first issuance of all rations under this order. Rations granted by an issuing agent may be reviewed, revoked in whole or in part, or increased by the Board having jurisdiction over the vehicle.

Article IV—Basic Rations

SEC. 4.1. *Basic rations.* A basic ration may be obtained for use with a registered passenger automobile or a registered motorcycle for the period beginning with the effective date of this order, or the date of issuance of the ration, whichever is later, and ending with the last day of the eighth calendar month (in the case of passenger automobiles) or the twelfth calendar month (in the case of motorcycles) from the effective date of this order. No basic ration, however, shall be issued for use with a passenger automobile or motorcycle which is:

(a) Owned or leased by a Federal, Territorial, local or foreign government or government agency; or

(b) Part of a fleet of passenger automobiles or motorcycles; or

(c) Held by a motor vehicle dealer for sale; or

(d) A passenger automobile available for public rental.

SEC. 4.2. *Basic ration books.* Class A and Class D books marked "basic", shall be issued as basic rations. Class A books are issued for passenger automobiles and Class D books for motorcycles. Each book will originally contain thirty-two (32) coupons. Each coupon in a basic ration book has a value of one unit. Coupons in Class A books shall be valid for the transferring of gasoline to a consumer during the periods indicated below.

Coupons numbered:	*Valid period*
3--	July 1 through August 31, 1943
4--	September 1 through October 31, 1943
5--	November 1 through December 31, 1943
6--	January 1 through February 29, 1944

For any island on which the effective date of this order is later than July 1, 1943, the valid period for each numbered coupon shall be postponed for the number of months by which the effective date is later than July 1, 1943. Coupons in basic Class D books shall be valid for the transfer of gasoline to a consumer for a period of twelve calendar months after the date upon which this order becomes effective on each island.

SEC. 4.3 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on OPA Form R–534. The period of time during which basic rations may be issued by issuing agents may be extended by the Office of Price Administration, its Boards or such other administrative personnel as it may select. Thereafter, applications shall be made to a Board. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) The application must be personally signed by the registered owner of the vehicle for which the ration is sought. If he is physically unable to sign, or is outside the Board's jurisdiction, the Board may accept an application signed by his authorized agent.

(c) Each applicant for a basic ration shall state on his application:

(1) The serial numbers of all tires mounted (including one spare) on the vehicle for which application is made;

(2) The number and serial numbers of passenger-type tires (excluding motorcycle tires but including scrap tires) which are owned by the registered owner of the vehicle or by any person related to him and living in his household, in excess of those mounted on motor vehicles or equipment (including one spare per motor vehicle) which are capable of being used.

(i) The applicant should not list tires which he holds for resale or as a scrap dealer for the purpose of reclaiming or otherwise processing them.

(3) The speedometer reading of his vehicle as of the date of application.

(d) A basic ration shall not be issued to an applicant unless he agrees in writing to sell his excess passenger-type tires to any government agency, to any dealer or to any person whenever required to do so by the Office of Price Administration. He shall be required to sell, however, only if the purchaser offers to pay him the maximum price established by the Office of Price Administration for the tire.

(e) A Board or issuing agent shall remove from any Class A book which it issues all expired coupons and one currently valid coupon for each full eight days which have elapsed in the valid period during which the book is issued. A Board or issuing agent shall remove one coupon from a basic D Book for each full eight days which have elapsed since the effective date of this order.

Article V—Supplemental Rations

SEC. 5.1. *Supplemental rations.* (a) The following coupon books may be issued by a Board as supplemental rations to the owner or person entitled to the use of a registered passenger automobile or registered motorcycle (other than those specified in section 5.2), to provide for occupational mileage driven in such vehicle by anyone.

(1) Class B or Class C coupon books for use with passenger automobiles.

(2) Class D coupon books marked "supplemental" for use with motorcycles.

(b) When issued as a supplemental ration, Class B books shall contain 16 coupons, and Class C and D books shall contain the number of coupons specified in the tables set forth in section 5.5, necessary to provide the mileage allowed by the Board.

(c) Applicants for supplemental rations are deemed to have 75 miles per month of occupational driving available by using their basic rations; and supplemental rations may only be issued to provide occupational mileage allowed by a board in excess of 75 miles per month. The applicant may not deduct the 75 miles in stating his required occupational mileage since the deduction is automatically made when the Board applies the tables set forth in section 5.5, under which supplemental rations are issued.

SEC. 5.2. *Passenger automobiles or motorcycles for which supplemental rations may not be issued.* Supplemental rations may not be issued for use with a passenger automobile or motorcycle for which no basic ration has been issued.

SEC. 5.3. *Application for supplemental ration.* (a) Application for a supplemental ration may be made on OPA Form R–535. The application must be signed by the owner or a person entitled to the use of a registered passenger automobile or registered motorcycle. An individual's application may not be signed by an agent. A separate application must be made for each vehicle.

(b) An applicant shall establish the average monthly occupational mileage driven within the Territory and required for each of the following purposes, for the three-month period beginning with the date on which such ration is required:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) When two or more passenger automobiles are owned by relatives living in the same household, all applications for supplemental rations for the vehicles shall be submitted at the same time. When two or more vehicles are used in a ride-sharing arrangement, separate applications shall be made for each vehicle. Each application shall include only the mileage driven in that vehicle and, if the vehicles are all in one Board's jurisdiction, they must all be submitted to it at the same time. If the vehicles are within the jurisdiction of different Boards, each

application must be accompanied by duplicate copies of the applications of the other vehicles used in the ride-sharing arrangement.

SEC. 5.4. *Allowance of mileage.* (a) Occupational mileage shall be allowed by a Board for an allowed occupational purpose if the applicant establishes, either:

(1) That a bona fide ride-sharing arrangement has been made by which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from, or carrying on their occupations and that transportation is needed for such purpose; *Provided*, That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made, but that the vehicle carries as many persons as could be expected in the light of the circumstances in which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or over-crowded conditions, by reason of the physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reason as the Board may find sufficient.

(iii) If the applicant or principal user is employed at a power generation or transmission facility, public utility, transportation or communication facility, or agricultural, construction, industrial, military or naval establishment at which more than 100 persons are employed, an application for a ration to be used for transporting the applicant to and from such place of employment must be certified to by an official in charge of an organized transportation plan at such establishment. The Office of Price Administration may postpone the requirements of this paragraph until such establishments have had an opportunity to set up their organized transportation committees.

(iv) An application for a supplemental ration for a vehicle used in connection with a non-gainful occupation must be certified to by a responsible official of the organization, for which the work is being performed.

(b) Upon the basis of the application and other facts that the Board may require, the Board shall allow mileage for any of the allowed occupational purposes, with respect to which the applicant has established the facts required by paragraph (a). The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) for which the applicant has established the inadequacy of alternative means of transportation. The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for a three-months period and shall issue a supplemental ration to provide such mileage. The Board may not allow an average of more than 395 miles per month, for any occupational mileage other than for "preferred mileage" as defined in section 5.6 or for additional mileage allowed under section 5.7.

(c) A Board having jurisdiction over an area which has been determined by the Director to be adequately served by public transportation, shall allow mileage claimed with respect to which a ride-sharing arrangement has been made, only if the applicant establishes that the available public transportation would not be reasonably adequate for the purpose for which the mileage is claimed.

(d) The Board shall deduct from the mileage it allows for a passenger automobile 75 miles per month for each additional passenger automobile (other than a fleet passenger automobile) owned by the applicant or by any relative living in his household, if the Board finds that such automobile is available to and adequate for the use of the applicant. An automobile is not available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor is it available to the applicant during the effective period of a supplemental ration issued to another person whose mileage allowance has been reduced on account of such automobile.

SEC. 5.5 *Issuance of supplemental rations.* (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with sections 5.4 or 5.7.

(1) For a passenger automobile:

(i) For mileage of 395 miles per month or less; one Class B book having the valid period specified in Table I for the mileage allowed;

(ii) For mileage exceeding 395 miles per month; one or more Class C books bearing expiration dates three months from the date of issuance and containing the number of coupons specified in Table II for the mileage allowed.

(2) For a motorcycle: One or more Class D books marked "Supplemental," bearing expiration dates three months from the date of issuance and containing the number of coupons specified in Tables 1 or 2 to provide the mileage allowed by the Board.

(b) The Board shall remove and cancel all coupons in Class C or D books in excess of the number to be issued.

(c) For the purposes of paragraph (a), a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

TABLE I*—DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with allowed mileage of more than 75 but not more than 395 miles per month]

PASSENGER AUTOMOBILES

Allowed mileage:	*Months*	*Weeks*
0–75	No B Book	
76–155	12	
156–171	10	
172–195	8	
196–212	7	
213–235	6	
236–249	5	2
250–267	5	
268–288	4	2
289–315	4	
316–331	3	3
332–349	3	2
350–370	3	1
371–395	3	

*To be used only for vehicles entitled to basic rations.

MOTORCYCLES

Allowed mileage:	*Number of coupons*
0–75	No Supplemental "D" book
76–95	2
96–115	3
116–135	3
136–155	4
156–175	5
176–195	6
196–215	7
216–235	8
236–255	9
256–275	10
276–295	11
296–315	12
316–335	13
336–355	14
356–375	15
376–395	16

TABLE II*—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 395 miles per month]

PASSENGER AUTOMOBILES OR MOTORCYCLES

Allowed mileage in excess of 395 miles per month must be preferred mileage.	*Number of coupons (class "C" or supplemental class "D" book)*
396–415	17
416–435	18
436–455	19
456–475	20
476–495	21
496–515	22
516–535	23
536–555	24
556–575	25
576–595	26
596–615	27
616–635	28
636–655	29
656–675	30
676–695	31
696–715	32
716–735	33
736–755	34
756–775	35
776–795	36
796–815	37
816–835	38
836–855	39
856–875	40
876–895	41
896–915	42
916–935	43
936–955	44
956–975	45
976–995	46
996–1015	47
1016–1035	48

*To be used only for vehicles entitled to basic rations.

NOTE: In the event allowed mileage exceeds 1,035 miles, one additional coupon shall be issued for each 20 miles or fraction thereof, of allowed mileage in excess of 1,035 miles.

Additional books may be issued if necessary to provide additional coupons.

SEC. 5.6. *Preferred mileage.* Mileage driven in a passenger automobile or motorcycle and necessary for carrying out one or more of the following purposes is "preferred mileage:"

(a) By a duly elected or appointed agent, officer, representative or employee of a Federal, Territorial, local or foreign government or government agency, for performing the official business or carrying out an official function of such government or agency; or by a duly authorized official, employee, agent, or representative performing the official business of the American Red Cross or its Hawaiian Chapter, either in a passenger automobile or motorcycle which it owns or leases, or in one not so owned or leased if compensation is paid by the American Red Cross or its Hawaiian Chapter for the performance of such business and for the use of such passenger automobile or motorcycle; *Provided*, That

(1) No Board (unless otherwise instructed by the Office of Price Administration) shall allow preferred mileage to any agent, representative or employee of a Federal, Territorial, local or foreign government or government agency for carrying on the official business of such government or government agency (other than mileage to be driven in an official or fleet vehicle) unless the application has been certified by an officer of such government or agency who is empowered to authorize or to supervise travel by the applicant.

(2) Daily or periodic travel between home and a fixed place of work shall not (except as provided in subparagraph (3)) be deemed performance of official business or carrying out an official function.

(3) Travel by a member of a war price and rationing board between home and the place at which such Board conducts its business, or travel by a member of a Selective Service Board, an appeal agent or a member of an Appeal Board of the Selective Service System between home and the place at which the business of the Selective Service System is conducted, shall be deemed the performance of official business.

(b) By a school teacher or school official for performance of school duties which require regular travel to more than one recognized educational institution.

(c) By a person for regularly transporting four or more pupils, students, teachers or school employees to or from regular places of study, if alternative means of transportation are not adequate.

(d) For the transportation of mail on behalf of the United States Government.

(e) For necessary driving in maintaining the wholesale distribution system of newspapers or magazines. Driving necessary for the retail delivery of newspapers may be included only to the extent that it can be made without deviating from the wholesale route, and only if it is incidental to the wholesale delivery. The applicant must present a statement from the circulation manager of the newspaper by which he is employed, setting forth:

(1) The area in which the applicant is engaged in maintaining such distribution system;

(2) The minimum monthly mileage required by the applicant for such purpose; and

(3) The steps that he has taken to reduce the applicant's driving to the lowest possible mileage consistent with the effective wholesale distribution of the newspaper.

(f) For the transportation of non-portable photographic or sound-on-film equipment, for taking pictures for use in newsreels, newspapers or magazines, or for industrial or government use, by a person regularly engaged in such activity.

(g) By a physician for making necessary professional calls or for travel between offices maintained by him.

(h) By a farm veterinary for rendering professional services.

(i) By a public health nurse employed by or serving under the direction of a clinic or hospital, governmental agency, industrial concern, or similar organization, for rendering necessary medical, nursing or inspection calls.

(j) By a practicing minister of any religious faith who is serving a congregation, to enable him to meet the religious needs of his congregation, but not to go from home to place of worship; by a practicing minister serving more than one congregation to enable him to travel to the churches he serves; by a practitioner for rendering services to members of an organized religious faith, but not for travel from home to place of worship.

(k) By a farmer for transportation of farm products and necessary supplies between a farm and a wholesale or retail establishment, a public market, a shipping point, or another farm.

(l) By the following persons for these purposes:

(1) An employer or employer's organization for the transportation of farm workers to, from or between their places of employment; or

(2) An engineer or technician for transportation between home and a radio broadcasting transmission station, or other permanent facilities for radio broadcasting; or

(3) An engineer or technician for the transportation of non-portable equipment to and from temporary installations for radio broadcasting, if no alternative means of transportation are adequate.

(m) By a worker, including executives, technicians or office workers (but excluding a member of the armed forces or a person engaged in promotional, merchandising or sales activities) for necessary travel to and from the establishments listed below:

(1) Naval, military or hospital establishments;

(2) Establishments of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in the production or distribution of light, power, electricity, gas or water; or of irrigation, drainage, flood control, or sanitation systems; or of telephone, telegraph, radio-telegraph or radio-telephone (but not radio broadcasting) systems;

(3) Industrial and agricultural establishments which are essential to the war effort;

(n) By an authorized agent of government, management or labor for travel necessary to recruit or train workers listed in paragraphs (l) or (m) of this section, or for travel to and from the establishments or facilities listed in paragraph (m) in order to maintain peaceful industrial relations.

(o) By an engineer, architect, technician, construction worker, repair or maintenance man who requires the use of a passenger automobile or motorcycle for performing, or for transporting materials or equipment necessary to perform construction work; or by any of the above persons to travel from one place to another (but not from home to a fixed place of work) for performing or for transporting materials or equipment necessary to perform any of the following services: installation, maintenance or repair services or the extermination of vermin; or by a person who requires the use of a passenger automobile or motorcycle to travel from place to place (but not from home to a fixed place of work) for performing highly skilled services necessary to the operation or functioning of the establishments or facilities described in paragraph (m). Preferred mileage may not be allowed to any person while engaged in promotional, merchandising or sales activities or retail or wholesale delivery, or to any person for the repair, maintenance, installation or construction of decorations or decorative equipment, or of novelty, amusement or entertainment devices (other than non-portable motion picture equipment) or of portable household equipment or furniture, or for landscaping.

(p) By members of the armed forces of the United States for necessary transportation between home and post of duty, or on official business where no military vehicle is available. The applicant must present a statement from his Commanding Officer which sets forth the following:

(1) The mileage sought is for necessary transportation between home and post of duty; or on official business;

(2) No adequate quarters can be provided for the applicant at his permanent post of duty or that the applicant's duties require frequent travel on official business;

(3) No other practicable means of transportation are available and no military vehicle can be supplied for the applicant's use; and

(4) The Commanding Officer will take all reasonable steps to insure that the vehicle will be used for the purpose for which the application is made, and that every effort is made by the applicant to transport as many passengers as possible.

(q) In a motorcycle, for delivery or messenger service; or in a passenger automobile, for the delivery of telegrams by a person regularly engaged in that business.

(r) By a full-time social worker employed by a bona fide non-profit agency for necessary travel in carrying out the work of the agency (but not from home to a fixed place of work). The applicant must present a statement from a responsible official of the agency which sets forth;

(1) That the mileage sought is for travel necessary to the proper functioning of the agency;

(2) That the agency is either licensed by the appropriate governmental authority, or is endorsed by the local Community Chest.

(s) By a full time reporter employed by a press association or newspaper, for necessary travel in gathering news on regular assignments.

SEC. 5.7 *Additional mileage allowance.* (a) In any case where an applicant is not eligible for "Preferred mileage" for driving between home and a fixed place or places of work, and more mileage is required for such driving than 395 miles per month, the Board, upon approval of the Director, may allow additional mileage in excess of such maximum, to the extent required for such driving. No mileage may be allowed in such case for driving in the course of work, unless the driving consists of "Preferred mileage."

(b) An applicant for additional mileage under this section must establish by clear and convincing proof that:

(1) Such driving is between home and a fixed place or places of work, in connection with his principal occupation or that of the person entitled to the use of the vehicle;

(2) A bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their occupations, or that no such ride-sharing arrangement is practical but that the vehicle carries as many persons as could reasonably be expected under the circumstances, and

(3) There are no adequate alternative means of transportation.

(c) If the applicant meets the requirements of this section, the Board may issue a ration which includes the additional mileage claimed by the applicant. It shall then forward the application and a statement giving the reason for its action to the Director. The Director shall pass upon the application and the Board's action and may either confirm the Board's decision or direct it to revoke the ration issued within a specified number of days, if in his opinion, the applicant has not satisfactorily met the requirements of this section.

Article VI—Official and Fleet Rations For Passenger Automobiles and Motorcycles

SEC. 6.1 *Official and fleet rations for passenger automobiles and motorcycles.* (a) The following coupon books and coupons, for use with registered passenger automobiles and registered motorcycles which are owned or leased by a Federal, Territorial, local or foreign government or government agency (other than by the armed forces of the United States) or which are part of a fleet shall be issued by a Board as rations to persons entitled to receive them under the provisions of section 6.2 to the extent that such mileage is allowed in accordance with section 6.4:

(1) Class B or Class C coupon books for use with passenger automobiles;

(2) Class D coupon books marked "official" or "fleet" for use with motorcycles;

(3) Bulk coupons issued pursuant to section 10.7 (a);

(4) A gasoline certificate issued pursuant to section 10.7 (b).

(b) When issued as an official or fleet ration, Class B books shall contain 16 (sixteen) coupons, and Class C and D books shall contain the number of coupons specified in the tables set forth in section 6.5, necessary to provide the mileage allowed by the Board. Coupons contained in the books shall authorize the transfer of gasoline to consumers only during the valid period of the book as noted thereon. Class B rations and books shall be valid only during the period ascertained under section 6.5. Class C and official or fleet Class D rations and books shall be valid during a period of three months commencing on the date of issuance.

SEC. 6.2 *Persons entitled to official or fleet rations.* (a) The owner or the person entitled to the use of an official motor vehicle may obtain an "official" ration and the owner or the person entitled to the use of a passenger automobile or motorcycle which is part of a fleet may obtain a "fleet" ration providing for occupational mileage to the extent allowed by a Board.

(b) Official or fleet rations shall not be issued for a passenger automobile or motorcycle held for sale by a motor vehicle dealer. Fleet rations shall not be issued for use with a passenger automobile available for public rental for seven consecutive days or less.

SEC. 6.3. *Application for official and fleet rations.* (a) Applications fo official and fleet rations shall be made to a Board on OPA Form R-551. An application may cover one or more vehicles and may be signed by an agent. An applicant shall establish the average monthly occupational mileage within the Territory required for each vehicle covered in the application, or required for each of a group of vehicles used interchangeably for carrying on the same or related occupations during the three-month period for which the ration is required.

(b) Each applicant for a fleet ration shall state:

(1) The serial numbers of all tires mounted (including one spare) on the vehicle for which application is made;

(2) The number and serial numbers of passenger-type tires (excluding motorcycle tires but including scrap tires) which are owned by the registered owner of the vehicle, in excess of those mounted on motor vehicles or equipment (including one spare per motor vehicle) which are capable of being used.

(i) The applicant should not list tires which he holds for resale or as a scrap dealer for the purpose of reclaiming or otherwise processing them.

(c) No fleet ration shall be issued to an applicant unless he agrees in writing to sell his excess passenger-type tires to any agency of the government, to any tire dealer, or to any other person whenever requested to do so by the Office of Price Administration. He shall be required to sell, however, only if the purchaser offers to pay him the maximum price for the tire as established in price schedules of the Office of Price Administration.

SEC. 6.4. *Allowance of mileage.* (a) No occupational mileage shall be allowed by a Board unless the applicant establishes either:

(1) That transportation is needed for such occupational purposes, and that no alternative means of transportation are available which would be reasonably adequate within the meaning of section 5.4; or

(2) That a bona fide ride-sharing arrangement has been made in connection with the use of the vehicle or vehicles for such purposes, pursuant to which at least four persons (including the driver) will regularly be carried in the vehicle in connection with their occupations, and that transportation is required for such purposes. The names and addresses of all persons (other than the drivers of the vehicles) who are participating in the ride-sharing arrangement shall be set forth on separate sheets and attached to the application.

(b) Subject to the provisions of paragraph (a), the Board shall allow the total average occupational mileage per month determined by it to be required for driving during the three-month period beginning with the date on which the ration is required, and shall issue a ration in accordance with the provisions of section 6.5, to provide such mileage. No Board may allow an average of more than 395 miles per month for any vehicle nor any average of more than 395 miles per month per vehicle for any group of vehicles for any occupational mileage other than "preferred" mileage.

SEC. 6.5. *Issuance of fleet and official rations.* (a) Official and fleet rations shall be issued to provide the total mileage allowed by the Board.

TABLE III*—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

[For vehicles with an allowed mileage of not more than 395 miles per month]

PASSENGER AUTOMOBILES

Allowed mileage:	Valid period of "B" book in months and weeks	
	Months	Weeks
0–80	12	---
81–106	3	---
107–137	7	---

*To be used only for official or fleet passenger automobiles and motorcycles and specified passenger automobiles and motorcycles not entitled to basic ration.

Allowed mileage:	Valid period of "B" book in months and weeks	
	Months	Weeks
138–160	6	---
161–174	5	2
175–192	5	---
193–213	4	2
214–240	4	---
241–256	3	3
257–275	3	2
276–295	3	1
296–320	3	---
321–349	2	3
350–375	2	2
376–395	2	1

MOTORCYCLES

Allowed mileage:	Number of coupons to be issued in official or Fleet class "D" book
0–20	1
21–40	2
41–60	3
61–80	4
81–100	5
101–120	6
121–140	7
141–160	8
161–180	9
181–200	10
201–220	11
221–240	12
241–260	13
261–280	14
281–300	15
301–320	16
321–340	17
341–360	18
361–380	19
381–395	20

TABLE IV*—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

[For vehicles with an allowed mileage of more than 395 miles per month]

PASSENGER AUTOMOBILES AND MOTORCYCLES

Allowed mileage:	Number of coupons in official or fleet class "C" or "D" book
396–420	21
421–440	22
441–460	23
461–480	24
481–500	25
501–520	26
521–540	27
541–560	28
561–580	29
581–600	30
601–620	31
621–640	32
641–660	33
661–680	34
681–700	35
701–720	36
721–740	37
741–760	38
761–780	39
781–800	40
801–820	41
821–840	42
841–860	43
861–880	44
881–900	45
901–920	46
921–940	47
941–960	48

*To be used for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to basic ration.

In the event allowed mileage exceeds 960 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 960 miles. Additional books may be issued if necessary to provide additional coupons.

(1) For a passenger automobile:

(i) For mileage of 395 miles per month or less: Class B Books having the valid period specified in Table III for the mileage allowed;

(ii) For mileage exceeding 395 miles per month: Class C books bearing expiration dates three months from the date of issuance, and containing the number of coupons specified in Table IV for the mileage allowed.

(2) For a motorcycle: Class D books marked "fleet" or "official", bearing expiration dates three months from the date of issuance and containing the number of coupons specified in Tables III or IV to provide the mileage allowed by the Board.

(b) The Board shall remove and cancel all coupons in Class C or Class D books in excess of the number to be issued.

(c) For the purposes of paragraph (a), a passenger automobile is conclusively presumed to operate 15 miles and a motorcycle 40 miles, per gallon of gasoline.

(d) No fleet ration shall be issued by a Board unless the registered owner of the vehicle or vehicles for which such ration is required or his responsible agent has made the certification as to the ownership of excess tires required by section 6.3.

SEC. 6.6. *Interchangeable official or fleet ration books.* An applicant for an official or a fleet ration may request the Board to note on the ration books issued, the name or other identification of the official vehicles or the fleet, in lieu of the registration number of a particular vehicle. The Board may grant such request with respect to any official or fleet vehicles which are used interchangeably and which bear a clearly discernible official or fleet name, identification or designation. Any book on which such an identification is noted may be used interchangeably for all official or fleet vehicles bearing the same identification.

SEC. 6.7. *Issuance of rations to lessees of passenger automobiles or motorcycles available for public rental.* (a) The lessee of a passenger automobile or motorcycle available for public rental who has leased the vehicle for more than seven consecutive days may apply for a ration for use with such vehicle, to provide solely for the occupational mileage to be driven during the term of the lease.

(b) The applicant shall establish the average monthly occupational mileage required for the vehicle, or required for each group of such vehicles used interchangeably for carrying on the same or related occupations, during the three-month period beginning with the date on which the ration is required, or during the remaining term of the lease, whichever is less. The application shall be made on OPA Form No. R-551.

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for the vehicle in the manner provided in section 6.4. The Board shall note on the cover of the book the name and address of the person to whom the ration is issued, and shall note both on the book and the application the date on which it expires. If the time of the lease remaining from the date of issuance of the ration is less than the valid period of the ration as determined in accordance with the provisions of section 6.5 (a), the Board shall issue a ration containing sufficient coupons for allowed mileage for the remainder of the lease, and shall remove all excess coupons from the ration book issued. In such case the expiration date of the ration shall be the date on which the lease terminates.

SEC. 6.8. *Rations for official mileage of policemen.* (a) Notwithstanding any other provisions of this order, any County Police Department which maintains its own gasoline storage facilities and which permitted its policemen (both regular or reserve) to draw gasoline from such facilities for their own passenger automobiles or motorcycles for official mileage prior to July 1, 1943, may include in its application for an official ration all mileage driven in the course of its business, if it meets these requirements:

(1) The Police Department shall substantiate the claimed official travel of its policemen by odometer readings taken at the beginning and end of each daily period of driving in the course of official business. Driving from home to official station shall not be considered as official travel.

(2) The Police Department shall keep records showing the number of miles driven by each policeman monthly and the number of gallons he received from its storage facilities. These records shall be available for inspection by personnel of the Office of Price Administration at any time.

(b) A County Police Department which meets the requirements of paragraph (a) may continue to transfer gasoline from its storage tanks to policemen's automobiles for official mileage.

(c) Policemen who use their own passenger automobiles or motorcycles for driving on official business for a County Police Department which has met the requirements of paragraph (a), shall not include any mileage so driven when making their own applications for supplemental rations.

Article VII—Transport Rations

SEC. 7.1. *Transport rations.* Transport rations shall be issued by a Board to permit the acquisition of gasoline required for the propulsion of registered and unregistered commercial motor vehicles. Transport rations shall be issued for use during fixed three-month periods, the first of which shall begin on the effective date of this order.

SEC. 7.2. *Persons entitled to transport rations.* The owner or the person entitled to the use of a commercial motor vehicle may obtain a transport ration for the number of gallons of gasoline required for the operation of the vehicle in the most efficient and economical manner, during the three-month period in which the ration is to be used.

SEC. 7.3. *Transport ration books.* (a) Except as provided in paragraphs (b) and (c), Class T–1 and T–2 coupon books shall be issued as transport rations. Coupons in these books shall each have a value of one unit. The coupons in a transport ration book authorize the transfer of gasoline to a consumer only during the periods noted thereon.

(b) Gasoline certificates on OPA Form TH R–568 shall be issued as transport rations to commercial accounts.

(c) The Director may authorize Boards to issue other types of coupons or tickets for the first three-month period in which transport rations are issued.

SEC. 7.4. *Application for transport rations.* Application for a transport ration shall be made on OPA Form THR–536. Application may be made by the owner or person entitled to the use of the vehicle, or by the authorized agent of either. A single application may be used for all vehicles for which the applicant seeks a transport ration.

SEC. 7.5. *Issuance of transport rations.* (a) The Board shall issue Class T–1 or T–2 books, gasoline certificates, or when authorized to do so, other types of gasoline coupons or tickets as a temporary transport ration, in sufficient numbers to provide the number of gallons of gasoline allowed.

(b) The Board shall, when issuing T–1 or T–2 books, remove and cancel all coupons in excess of the number required to supply the gallonage allowed, and coupons representing the amount of gasoline which may have been issued as a temporary transport ration during the applicable three-month period.

(c) The applicant may be issued bulk coupons at his request, for all or part of the gallonage allowed him if he can meet the requirements of section 10.7 (Authorization for bulk purchase).

SEC. 7.6. *Transportation for equipment mounted on commercial motor vehicles.* An applicant for a ration for use with a commercial motor vehicle upon which machinery or equipment is permanently attached which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the motor vehicle may set forth in his application for a transport ration the amount of gasoline needed for the operation of the machinery or equipment during the same period. The Board shall include in the transport ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate the machinery or equipment during such period.

SEC. 7.7. *Interchangeable transport ration books.* An applicant for a transport ration for use with fleet vehicles may request the Board to note on the books issued, a name or other identifying mark in lieu of the registration number of a particular vehicle. The Board may grant the request for all vehicles which are used interchangeably if the name or other identifying mark is clearly discernable on each of the vehicles. Any book on which a fleet identification is noted may be used interchangeably for all vehicles in the fleet bearing the same identification.

Article VIII—Special Rations

SEC. 8.1. *Application for special ration.* (a) The owner or person entitled to the use of a motor vehicle or motorboat who needs transportation for one of the purposes specified in paragraphs (b) or (c), and whose rations issued for such vehicle or boat are not already sufficient for that purpose, may apply for a special ration. An application on behalf of an individual may not be signed by an agent. A special ration may be issued for any period up to six months from the date of application.

(b) Special rations for use with a passenger automobile or motorcycle may be issued for one or more of the following purposes:

(1) To obtain necessary medical attention or therapeutic treatment or to procure necessary food or supplies;

(2) To transport a person who is called or is serving as a juror, between his home and the place where he is required to be present for jury service;

(3) To carry persons to and from the polls for the purpose of voting at elections; to act as duly appointed election officials or poll watchers; or by a bona fide candidate for public office for purposes necessary to the prosecution of his candidacy;

(4) To carry a person delivering telephone directories. The applicant must present a statement from the telephone company or from the delivery contractor if one is employed, setting forth:

(i) That there is no practicable means of delivery except by use of passenger automobiles or motorcycles;

(ii) The minimum mileage necessary to be driven by the applicant for making such delivery.

(c) Special rations for use with any motor vehicle or motorboat may be issued for one or more of the following purposes:

(1) To operate a vehicle or boat held by a dealer, for demonstrating it to prospective purchasers. The maximum ration that may be granted for this purpose is five gallons per month for each vehicle or boat.

(2) To move a vehicle or boat to a place of storage on repossession, or on seizure by a government authority;

(3) To deliver a vehicle or boat after a bona fide sale or pursuant to a bona fide lease of three months or longer;

(4) To move a vehicle or boat between sales establishments or places of storage. The maximum ration that may be granted for this purpose is five gallons per month for each vehicle or boat.

(d) Applications shall be made on OPA Form R–552 and the application shall state, in addition to such other information as may be required:

(1) The purpose for which a special ration is sought and the period (not exceeding six months) during which the ration will be needed;

(2) The type and number of ration books already issued for the vehicle, boat or outboard motor, for which the application is made;

(3) The facts supporting the claim that transportation is necessary for the purpose;

(4) If application is made pursuant to paragraph (b) (1), the alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose;

(5) The number of miles of driving or, in the case of a boat, the amount of gasoline claimed to be essential to the accomplishment of the purposes stated, during the period for which the special ration is needed.

SEC. 8.2. *Form and issuance of special rations.* If the board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for acomplishment of the purpose stated, from the date of its decision to the end of the period (not exceeding six months) for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, except Class A books, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in such book. It shall mark "special" any book which is so issued. It shall remove from the book and cancel any coupons in excess of the number representing the gallonage which it determines should be granted in accordance with the provisions of this paragraph.

Article IX—Non-highway Rations

SEC. 9.1. *Person entitled to non-highway rations.* Any person who requires gasoline for a non-highway purpose may obtain a ration for the amount of gasoline needed for such purpose, except as provided in section 9.4. Non-highway rations shall be issued for any period up to six months from the date of application.

SEC. 9.2. *Non-highway ration books.* Class E and Class R coupon books shall be issued as non-highway rations. The coupons in these books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer during the period noted on such books by the Board.

SEC. 9.3. *Application for non-highway ration.* Application for a non-highway ration shall be made on OPA Form R–537, except that an operator of commercial motor vehicles shall apply for all his non-highway (except marine) requirements on OPA Form TH R–536. Application may be signed by an agent.

SEC. 9.4. *Issuance of non-highway rations.* (a) The Board shall determine the amount of gasoline required for the three-month period for which application is made and shall issue one or more Class E or Class R books, or any combination of them, containing a sufficient number of coupons to enable the applicant to acquire the amount of gasoline determined to be necessary for such period. The Board shall remove from the book and cancel any coupons in excess of the number allotted.

(b) A Board may refuse to issue a ration for the operation of machinery or equipment (other than boats or airplanes) used for athletics, recreational or amusement purposes, if in its opinion, taking into consideration the gasoline supply available, the use of gasoline for such purposes is not important to the welfare of the Territory.

(c) If the application is made for a non-highway ration for use with an inboard motorboat or outboard motor operated wholly or in part for a non-occupational purpose, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess of the number of gallons determined by the following formulae:

(1) For an inboard motorboat, the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but in any event not more than one hundred twenty-five (125) gallons for the three-month period of the ration;

(2) For an outboard motor, the number of gallons equal to two and one-half times the manufacturer's rated horsepower of such motor, but not in excess of twenty (20) gallons for the three-month period of the ration.

The Board shall, in such case, issue a separate book for the non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on the book that it is issued for a non-occupational purpose. Non-occupational uses shall include the use of a motorboat or outboard motor for sightseeing, guiding pleasure parties or conducting or chartering boats for fishing parties other than commercial fishing.

(d) If application is made for a non-highway ration for operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or an inboard motorboat) the board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

Article X—General Provisions with Respect to Issuance of Rations

SEC. 10.1. *Issuance of ration books by the Office of Price Administration.* (a) Coupon books of all types designated in this order may be issued by the Director, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of these agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) which requires coupon books for use by its officers, agents or employees, shall make written application therefor to the Director at Honolulu, T. H., and shall state the number and type of books required, and the use for which the books are intended.

SEC. 10.2. *Appearance before boards.* The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

SEC. 10.3. *Presentation of registration certificate.* No basic or special ration shall be issued for any motor vehicle unless a registration certificate authorizing the operation of the vehicle during all or part of the period for which the ration is to be issued, is presented to the issuing agent or the Board.

SEC. 10.4. *Notation on registration certificates.* The person issuing a basic or special ration shall make a clear notation on the back of the motor vehicle registration certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book (if any) issued.

SEC. 10.5. *Notation on ration books, applications and coupons.* (a) The person issuing any ration book for a registered or a commercial motor vehicle shall, unless an official or a fleet identification is used, note the registration number, if any, of the vehicle for which it is issued, and the name and address of the owner of the vehicle. The Board shall make a notation on the cover of the book (other than the basic ration) and on the application therefor, of the date on which it becomes valid and of its expiration date.

(b) At the time of issuance of a non-highway ration book, the Board shall note on the book the name and address of the applicant and the period during which the book will be valid. The valid period shall also be noted on the application.

(c) The person to whom a ration book is issued for use with a motor vehicle (other than an interchangeable book issued for an official or a fleet vehicle) shall note on the face of the book in the space provided therefor, the serial number of the Use Tax Stamp, if any, issued for such vehicle.

SEC. 10.6. *Change in motor vehicle registration number.* (a) The holder of a ration book issued for a registered motor vehicle (other than a ration book bearing an official or a fleet identification) shall, upon any change in the registration number of the vehicle, submit his ration book to a Board for the purpose of having the notation changed to correspond to the new registration number. The book shall be submitted to the Board within five days after the change in the registration number; the registration card showing the new number shall be presented with the book. The Board shall obliterate the registration number appearing on the book and note thereon the new registration number issued for the vehicle. Notation of the new registration card shall also be made as prescribed in section 10.4. The notation shall be countersigned or initialed by the person making the change.

(b) The holder of any book bearing an official or fleet-identification shall, upon any change in the name, identification or designation of the vehicles, submit the book to the Board which issued it for appropriate modification. The Board shall change the designation on the book to correspond with the new name, identification or designation of the vehicles.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

SEC. 10.7. *Authorization of bulk purchase.* (a) Any person who establishes to the satisfaction of the Board that he maintains gasoline storage facilities may request the Board to issue his rations in bulk coupons or partly in bulk coupons and partly in coupon books. He may request the Board to note on any coupon books issued to him that they may be used for bulk transfers.

(b) The Board may issue gasoline certificates to a commercial account to the extent of the gallonage it has allowed.

(c) Before issuing any bulk coupons or gasoline certificates, the Board shall first determine the type, number and expiration dates of the rations to which the applicant is entitled. It shall then issue bulk coupons or gasoline certificates (depending on what the applicant is entitled to) having a gallonage value equal to the value of the coupons to which the applicant is entitled and in lieu of which the evidences for bulk transfer are being issued. Bulk coupons and gasoline certificates shall expire on, and may not be used for the transfer of gasoline to a consumer, after the date on which the coupon books would expire. Transfers on bulk coupons may be made either by a dealer or a distributor; transfers on a gasoline certificate may be made only by a distributor.

(d) At the time of issuance of any 100 gallon bulk coupons (Form OPA R–553A) the person issuing the coupons or the applicant in the presence of the issuing officer shall write or stamp on the back of each coupon the name and address of the applicant and the date upon which the ration expires.

(e) Any person to whom coupon books authorized for bulk transfer, bulk coupons or a gasoline certificate has been issued shall keep a monthly mileage and gallonage record for each highway motor vehicle and a gallonage record for non-highway vehicles included in an application upon which the issuance of the ration was based. Reports as to the information contained in these records shall be submitted at such periods as the Director or District Manager may require.

SEC. 10.8. *Lost or stolen coupon books or bulk coupons.* In the event of loss, theft, destruction, or mutilation of any coupon book or bulk coupons or the wrongful withholding of the coupons from the rightful holder, the person entitled to their possession shall make application for the replacement of the

book or coupons pursuant to the provisions of Procedural Regulation No. 12.[1] Where application is made for replacement of a coupon book or bulk coupons which have been lost or stolen, the Board shall waive all waiting periods provided for in paragraphs (a) and (b) of § 1300.954 of Procedural Regulation No. 12 where such requirement will result in extreme hardship upon the individual, impede essential transportation or is contrary to the public interest. Where application is made to a Board other than the one which originally issued the coupon book or bulk coupons, an additional copy shall be made to be forwarded to the Board of original issuance.

SEC. 10.9. *Disposition of lost coupon books.* Any person who finds a coupon book, coupon or other evidence shall surrender it to a Board within five days.

SEC. 10.10. *Denial of rations.* (a) No person who has refused to surrender a ration card, book, or coupon upon direction of the Board or who has refused, without good cause shown, to appear before a Board for examination, shall be entitled to obtain a ration of any type under this order.

(b) Any Board which has reason to believe that any applicant for a ration has used any other ration issued under this order or any ration order relating to gasoline which has been issued in the Territory, for a purpose other than the one for which the ration was obtained, or who has abused or neglected his tires or made a false statement in connection with an application required under this order, may refuse to issue a ration or to renew one for any such applicant and may declare that he shall not be eligible to receive a ration for such period as it shall deem appropriate in the public interest. If the Board refuses to issue or renew a ration it shall serve upon such person a written statement of the ground upon which the ration was denied, and shall state the effective period of the denial.

SEC. 10.11. *Consumer declaration of gasoline on hand.* A Board may require any applicant for a supplemental, fleet, official, transport or nonhighway ration to set forth on his application the amount of gasoline held by him other than gasoline in the fuel supply tank of a motor vehicle, motor boat or equipment. The Board may deduct the amount so held when issuing a ration.

Article XI—Renewal, Expiration and Redetermination of Rations

SEC. 11.1. *Renewal of rations.* (a) Any time within thirty days prior to the expiration of any ration, or at any time thereafter, application may be made for a renewal of a ration. It shall be made in the same manner as the original application, except as provided in paragraph (b).

(b) Application for renewal of a supplemental ration for a passenger automobile or motorcycle may be made by executing OPA Form R–543. The applicant shall show any changes in the nature or amount of his use since the date of his original application. If the applicant or principal user is employed at an establishment or facility described in section 5.4 (a) (2) (iii) such form must be certified as indicated thereon by an official in charge of an organized transportation plan at the place of employment. If the Board is satisfied that there have been no substantial changes in the applicant's gasoline needs, or in the nature, conditions and use of the motor vehicle for which the original ration was issued, it may issue a renewal without requiring execution by the applicant of a new original application.

(c) Except as provided in sections 11.2 and 11.3 no ration of any class may be renewed for use prior to (or may be used prior to) the expiration of the current ration of the same class.

SEC. 11.2. *Issuance of further rations for use prior to expiration of current rations.* (a) Any person who finds that a ration of any class (other than a basic ration) issued to him, fails to meet his requirements for one of the following reasons, may apply for a further ration:

(1) There has been a change in his circumstances, such as a change in his occupation or in the location of his place of work or residence;

(2) There is a seasonal variation in the amount of occupational mileage needed;

(3) The applicant miscalculated his needs when making his original application for the ration; or

(4) There has been a reduction in the unit value of a ration that he holds.

(b) The application shall be made in the same manner as the one for the current ration. The applicant shall append to his application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty days from the date of the application;

(2) The reason why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Board determines that, for one or more of the reasons specified in paragraph (a), more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may issue a new and further ration upon receiving the surrender of the former ration.

(d) No further supplemental, official or fleet ration or non-highway ration shall be granted, which would permit the applicant to exceed the maximum mileage or gallonage to which he would otherwise be entitled.

SEC. 11.3. *Special cases.* (a) Any person who has been issued a supplemental ration based on an allowed mileage in excess of 395 miles per month, who finds that his vehicle cannot be operated for fifteen miles (or in the case of a motorcycle, for forty miles) on a gallon of gasoline, may apply for a further ration for use prior to the expiration of his current ration.

(b) The applicant shall append to his application a statement showing:

(1) That his current ration is insufficient to meet his needs for more than thirty days from the date of the application;

(2) The nature of the use of the vehicle for which the further ration is sought and the driving conditions under which the vehicle is operated;

(3) The reason why a further ration is sought for use prior to the expiration of the current ration;

(4) That the vehicle for which the application is made is in sound mechanical condition and is being operated in such manner as to secure a maximum economy of gasoline.

(5) The Board may require the applicant to submit a statement from an auto mechanic as to the greatest efficiency which the engine is capable of.

(c) The Board may, upon receiving the surrender of the former ration, issue a new and further ration.

SEC. 11.4. *Surrender of expired coupons.* (a) No ration may be used and no coupon book or certificate shall be valid for the transfer of gasoline to a consumer after its expiration.

(b) The person to whom a ration has been issued shall, within five days after the expiration of the ration, surrender all unused coupons to the issuing Board.

SEC. 11.5. *Expiration of rations.* (a) All Class A and basic Class D coupons expire at the end of the respective valid periods provided in section 4.2. Other rations expire as noted on the books or applications.

SEC. 11.6. *Expiration of rations upon cessation of use or change in ownership.* (a) Upon cessation of use or change of ownership of any vehicle, boat, or equipment, any ration issued for it shall expire and all unused coupons and books must be surrendered to the issuing Board by the person to whom the ration was issued within five days after the cessation or change. The transferee of the vehicle, boat, or equipment may apply for a ration on his own behalf, in accordance with the applicable provisions of this order: *Provided,* That the transferee may not obtain a ration unless a bona fide transfer is involved.

(b) A person who is no longer using a ration for the purpose for which it was obtained shall surrender all unused coupons and books to the issuing Board within five days after his cessation of use.

SEC. 11.7. *Coupon books property of Office of Price Administration.* (a) All coupon books, bulk coupons, inventory coupons and other evidences remain the property of the Office of Price Administration. The Office of Price Administration may refuse to issue, and may suspend, cancel, revoke or recall any ration and may require the surrender and return of any coupon books, bulk coupons, inventory coupons and other evidences during suspension or pursuant to revocation or cancellation, whenever it deems it to be in the public interest to do so.

(b) In the event that any person to whom a ration has been issued is convicted by a court of competent jurisdiction of driving a motor vehicle at a speed in excess of thirty-five miles per hour, the issuing Board, upon receipt of a certified copy of the judgment of conviction may revoke the ration of such person and order him to surrender to it all his coupons or coupon books.

(c) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application may be revoked by the issuing Board, and the Board may order that any coupons or coupon books issued therefor be surrendered. If the Board finds that the holder is entitled to a ration of a different class or quantity than that issued, it shall issue the ration in lieu of the one revoked.

(d) A Board may revoke all the rations of any person who refuses to sell his excess passenger-type tires in accordance with the agreement he made at the time he first received his rations.

SEC. 11.8. *Revocation of ration after hearing.* (a) When a Board has reason to believe that any holder of a ration has used it for a purpose other than that for which it was issued, has violated the thirty-five mile per hour speed limitation, has abused his tires, or made a false statement in any application, it or any other Board at its request may serve a written notice of hearing upon him. The notice shall be served at least three days prior to the date fixed for the hearing, and shall state the time and place of the hearing, the charges and the purpose of the hearing. If the holder of the ration admits the charges or fails to appear at the hearing, or if the Board determines on the basis of the evidence presented before it that he has committed any of the acts specified above, the Board shall by order revoke, for a period which shall be stated therein, the rations issued to him in whole or in part, and direct him to surrender to it the coupons or certificates issued to him to the extent required to make the revocation effective. If any person whose ration was revoked for failure to appear at a hearing shows good cause for such failure, within five days of the Board's order, the revocation of his ration shall be cancelled and the Board shall grant him a full hearing on the charges.

(b) The order of revocation shall promptly be served on the holder of a ration personally or by mail to his last known address. The order shall, if personally served, become effective twenty-four hours after the service, and if served by mail, three days after the date of mailing. The Board may designate one or more of its members to perform the functions described in this section.

(c) Any person against whom an order of revocation has been issued may, within fifteen days after its effective date, appeal by filing a statement of objections to the order with the Board which issued it. Within three days after the receipt of the statement the Board shall forward it, together with a copy of the notice instituting the proceedings, a copy of the record, if any, and a copy of the Board's order to the Hearing Commissioner having jurisdiction over the Board's area. Within five days after the receipt of the statement the Hearing Commissioner shall notify the respondent and the Regional Attorney of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of § 1300.169 of Procedural Regulation No. 4[2] and amendments thereto.

(d) Whenever a Board's order of revocation is rescinded or modified, the Board shall take whatever action is necessary to put the decision into effect.

SEC. 11.9. *Effective period of order revoking ration.* Whenever a Board has revoked the ration of a ration holder in whole or in part, no ration shall be issued to him or to any other person for his use, and no ration already issued to him or to any other person for his use shall be renewed during the period of revocation, except in accordance with the provisions of the order.

SEC. 11.10. *Notations on revocations of rations.* Whenever a ration is revoked in whole or in part and the ration holder has been directed to surrender any coupons or certificates, he shall, if the ration was issued for the operation of a motor vehicle, present its registration certificate to the Board. The Board shall note on the back of the registration certificate that the ration has been revoked, or if it has been revoked in part, the extent of its action.

Article XII—Restrictions on Transfers

SEC. 12.1. *Restriction on transfer to consumers.* Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person other than a dealer or distributor shall transfer gasoline to a consumer, and no consumer shall accept a transfer of gasoline from a person other than a dealer or a distributor, except as may be specifically provided in other sections of this order.

SEC. 12.2. *Transfers to consumers.* Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer, and a consumer may accept such transfer of gasoline only in exchange for valid evidences.

SEC. 12.3. *Transfers to consumers in exchange for coupons.* (a) Coupons in books issued for registered and commercial motor vehicles. Transfers may be made and accepted in exchange for coupons contained in Class A, B, C, D, T–1 or T–2 books, only under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach from it coupons having an aggregate unit value equal to the amount of gasoline transferred. The transferor shall detach an entire coupon even if the transferee is able to accept only part of the amount of gasoline represented by the unit value of a coupon. No transfer may be made under this paragraph in exchange for a coupon detached prior to the presentation of the book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented and only if the sticker corresponding to the class of book represented is displayed on the right hand side of the vehicle's windshield, except that on presentation of a Class A book, transfer may be made into the fuel tank of a motor vehicle on which a Class B or C sticker is displayed. A bulk transfer may be made in exchange for a coupon in a book only if there is a notation on the book that a bulk transfer is authorized. A bulk transfer of gasoline not in excess of one unit may also be made to enable a vehicle stranded for lack of fuel to reach a source of supply, but the transferor shall retain the ration book until the vehicle is brought to him for identification.

(3) Transfer may be made only during the valid period on the cover of the book presented, or in the case of a Class A book, only during the period of validity of the coupon in exchange for which the transfer is to be made.

(b) Coupons in non-highway books. Bulk transfer may be made in exchange for coupons contained in Class E and R books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach coupons having an aggregate unit value equal to the number of gallons of gasoline transferred. No transfer may be made in exchange for a coupon detached prior to the presentation of a coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class E or R book may be knowingly made for use in a registered motor vehicle, commercial motor vehicle or the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(c) Bulk coupons. Transfer may be made in exchange for bulk coupons as follows:

(1) The transferor must require surrender, at the time of transfer, of bulk coupons having a value in gallons equal to the number of gallons of gasoline transferred.

(i) When any delivery of gasoline is made in the absence of the transferor or his agent, by barge or tank car, or in the absence of the transferee or his agent coupons need not be surrendered simultaneously with delivery, but must be forwarded to the transferor within seven days after delivery.

(2) Transfer may be made only in exchange for bulk coupons which are issued on OPA Form R–553a or OPA Form R–554a. No dealer may transfer gasoline in exchange for 100 gallon bulk coupons, and no dealer shall have any

[1] 8 F. R. 3171.

[2] 8 F.R. 1744, 2035.

such coupons in his possession (except those which have been issued to him by a Board as his own ration), unless he regularly engages in bulk sales of gasoline in units of 100 gallons or more.

(d) Gasoline certificates. Transfer may be made by a distributor pursuant to a valid gasoline certificate only into the storage tanks of the commercial account to whom the certificate was issued.

SEC. 12.4. *Transfer of vehicle, boat or equipment.* Nothing in this order shall be deemed to forbid the transfer of gasoline in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a lawful and bona fide transfer of the vehicle, boat or equipment.

SEC. 12.5 *Transfer of consumer establishments: transfer by operation of law.* (a) Nothing in this order shall be deemed to forbid the transfer of gasoline actually in a storage tank maintained by a consumer as part of an enterprise, in conjunction with a lawful and bona fide transfer of the enterprise itself, or a transfer of gasoline by operation of law.

(b) Any person to whom a transfer of the character described above is made, shall report the amount of gasoline involved to the Board serving the area in which the gasoline is located. The transferee may either:

(1) Transfer all or any part of the gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred. He must thereupon surrender the coupons or other evidences to the Board for cancellation; or

(2) He may consume the gasoline to the extent of any rations which have been issued to him. He may use it only for the purpose for which the ration was issued and shall surrender to the Board for cancellation, coupons equal in value to the amount of gasoline consumed.

SEC. 12.6. *Signature on coupon book.* No coupon book may be used until the person to whom it is issued has signed the certification provided for therein.

SEC. 12.7. *Change of occupation of ration holder.* The holder of a ration which is based on allowed mileage in excess of 395 miles per month shall report to the issuing Board any change in the principal occupation for which the ration was issued. The holder shall submit his report to the Board within five days after the change, describing fully the nature of his new occupation, the exact type of work performed, the business or industry in which it is performed and the purpose, if any, for which the vehicle will be used in his new occupation. If the Board believes that the motor vehicle will no longer be used for a preferred purpose listed in section 5.6, it shall notify the holder in writing that his right to the ration is to be re-examined. The notice shall require him to file a new application within ten days. If no new application is filed within that time, the Board shall revoke the ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 395 miles per month) issued in connection therewith. If a new application is filed, the Board shall determine the eligibility for a preferred purpose listed in section 5.6 and if it finds that the vehicle will no longer be eligible, it shall revoke the ration and recall the coupons or coupon book originally issued. It shall then issue the rations that the holder is entitled to receive on the basis of his new application.

SEC. 12.8. *Restriction on use of gasoline for racing or exhibition purposes.* No gasoline shall be used for the operation of any boat or any motor vehicle in exhibitions or races for public entertainment or prizes.

SEC. 12.9. *Display of stickers.* No person may use a Class A, B, C, or T coupon book or bulk coupon, other than one representing a special ration, issued for a registered or commercial motor vehicle, unless the sticker identifying the class of ration issued for the vehicle, is permanently affixed to and displayed on the right hand side of the vehicle's windshield. A person to whom any ration in addition to a Class A ration has been issued shall display only the sticker identifying the additional ration.

SEC. 12.10. *Restriction on blending of gasoline.* No person other than a distributor or a consumer shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly accept a transfer of gasoline blended, diluted, or mixed in violation of this section.

SEC. 12.11. *Restriction on consumption of gasoline.* No person shall consume gasoline unless it was acquired by him or on his behalf in exchange for valid coupons or other evidences authorizing a transfer to a consumer.

SEC. 12.12. *Transfers from fuel tank.* No gasoline in the fuel tank of any motor vehicle, inboard motor boat, outboard motor or non-highway equipment shall be transferred to the fuel tanks of any registered or commercial motor vehicle, or of any inboard motor boat or outboard motor operated for non-occupational purposes.

SEC. 12.13. *Discrimination by dealers and distributors.* (a) No distributor shall discriminate in the transfer of gasoline among dealers lawfully entitled to acquire gasoline under this order. Any refusal on the part of a distributor to transfer gasoline to a dealer to whom he has made a transfer on or subsequent to May 1, 1943, shall be prima facie evidence of discrimination.

(b) No dealer or distributor shall discriminate in the transfer of gasoline, among any consumers lawfully entitled to acquire gasoline under the provisions of this order.

SEC. 12.14. *Mileage limitation.* No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for its use.

SEC. 12.15. *Limitation on speed.* (a) No person shall use gasoline in the operation of a motor vehicle at any rate of speed in excess of 35 miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Armed Forces of the United States, or to meet an emergency involving serious threat to life, health or public safety.

SEC. 12.16. *Other prohibitions.* (a) General Ration Order 8[1] contains provisions, applicable to all Ration Orders, which prohibit, among other matters:

(1) Making false or misleading statements in a ration document or to the Office of Price Administration;

(2) Altering, defacing, mutilating, or destroying a ration document;

(3) Forging or counterfeiting a ration document;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or mutilated ration document;

(5) Wrongfully withholding a ration document;

(6) Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(7) Transferring a rationed commodity at an illegal price;

(8) Bribing, hindering, or interfering with rationing officials;

(9) Attempting to do any act in violation of a ration order, directly or indirectly, or to aid or encourage another to do so.

Article XIII—Registration of Place of Business

SEC. 13.1. *Registration of inventory and capacity.* (a) Every dealer shall take a physical inventory of his total gasoline supplies on hand as of the close of business on the day preceding the effective date of this Order and shall, within the next two days register on OPA Form R–545 with the Board serving the area in which his place of business is located.

(b) Separate registration shall be made by the dealer for each place of business operated by him at which gasoline is transferred, and shall be made at each respective Board having jurisdiction over the place of business.

SEC. 13.2. *What constitutes gasoline on hand.* The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars, drums or other containers, except gasoline in the fuel tank of a motor vehicle.

SEC. 13.3. *What constitutes gasoline storage capacity.* The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums or other movable containers. However, a dealer who maintains no stationary gasoline storage tanks shall register the total capacity of all his delivery facilities.

[1] 8 F.R. 3783, 5677.

SEC. 13.4. *Issuance of registration certificates.* The Board upon being satisfied that the information submitted by the registrant is correct, shall by authorized signature approve the certificate, file Part B and return Part A to the registrant who shall retain it as a certificate of registration at the place of business to which it applies.

SEC. 13.5. *Issuance of inventory coupons.* (a) The Board shall issue to the registrant inventory coupons in an amount equal to the number of gallons, if any, by which the total gasoline storage capacity for each place of business exceeds the total inventory of gasoline on hand. A one hundred gallon inventory coupon or a quantity of Class A coupons may at any time subsequent to registration be exchanged at any Board by a dealer for an equivalent amount of one gallon inventory coupons.

SEC. 13.6. *Restriction on use of inventory coupons.* (a) Every dealer shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall not exchange his inventory coupons except to the extent that any delivery exceeds the amount of consumer coupons or other evidences available for exchange. One gallon inventory coupons, however, may be used to make up the difference between the number of gallons in any delivery and the number of gallons represented by the sum of the values of consumer coupons or other evidences.

(b) Every dealer shall clearly write or stamp on the reverse side of each inventory coupon issued to him, the name and address of his establishment as shown on the certificate of registration, and no inventory coupons shall be used in exchange for gasoline unless these notations appear on the coupon.

SEC. 13.7. *Restrictions on transfers.* Except as provided in section 13.8, no dealer shall transfer or shall receive a transfer of gasoline from any other dealer or distributor except in exchange for a quantity of coupons or other evidences, at or before the time of the actual delivery of the gasoline, which is exactly equal in gallonage value to the amount of the gasoline transferred. Evidences shall not be exchanged for transfers of gasoline between distributors.

SEC. 13.8. *Absentee and third party deliveries.* (a) Where a distributor delivers gasoline during hours when the transferee is not open for business, the transferee shall, where the exact amount to be delivered is known in advance, mail or deliver evidences to the distributor in advance, or at the discretion of the distributor, within twenty-four hours of delivery, equal in gallonage value to the amount, or adjusted amount of the delivery.

(b) Where gasoline is delivered to a dealer by common or contract carrier, or where the billing for gasoline transferred is not received by the transferee at the same time as, or prior to receipt of the gasoline, the transferee shall, where the exact amount of the delivery is known in advance, mail or deliver evidences to his distributor equal in gallonage value to the amount of the delivery, or he may, at the transferor's discretion, forward the evidences to the transferor within five days after receipt of the delivery.

SEC. 13.9. *Upstream transfers.* (a) Any distributor who receives a transfer or return of gasoline from a dealer, other than in connection with a transfer to him of the place of business of the dealer, shall deliver to the dealer a quantity of his accumulated coupons or other evidences equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Any dealer who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the consumer's place of business, shall deliver to his board a quantity of evidences equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement in duplicate setting forth the name and address of the consumer from whom the gasoline was acquired and the quantities so acquired.

(c) Any distributor who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the consumer's place of business, shall submit a signed statement in duplicate to the Board setting forth the name and address of the consumer and the quantity of gasoline acquired, whenever he remits his accumulated evidences in return for an exchange certificate. The Board shall issue an exchange certificate equal to the difference between the gallonage value of the evidences remitted and the gallonage of the returned gasoline.

(d) The Board shall retain the original of such statement in its files, and shall forward the duplicate thereof, through the Director, to the Board having jurisdiction over the area in which such consumer is located, as shown on such statement. Any consumer who transfers or returns gasoline to a dealer or distributor may, if the gasoline so transferred or returned represents all or part of a ration issued to such consumer, apply, on the appropriate form, to the Board for reissuance of such ration or part thereof. Such application shall contain a statement of the nature and quantity of the ration originally issued, the name and address of the dealer or distributor to whom gasoline was transferred or returned, the quantity of gasoline so transferred or returned, and a certification as to the truth of such statements. If the Board finds that the consumer transferred or returned to a dealer or distributor gasoline originally issued to the consumer as a ration, that such ration has not yet expired, and that the consumer still requires such ration, it shall issue to the consumer coupon books or coupons of the same type as the ration originally issued equal in gallonage value to the quantity of gasoline so transferred or returned. The Board, at the time of issuance of such coupon books or coupons shall, in addition to such other notations as may be required, note on the face of the coupon books issued, and on the application, the expiration date of the ration, which shall be the same expiration date as that applicable to the ration originally issued.

SEC. 13.10. *Preservation of coupons.* Each dealer and distributor shall affix all coupons received by him in exchange for transfers or returns of gasoline to coupon sheets on OPA Form R–120. Only coupons which are of the same class or type and which were received at the same unit value shall be affixed to a single sheet.

SEC. 13.11. *Summary of coupons.* Each dealer shall, prior to every delivery by him of coupons or other evidences to a transferor of gasoline prepare OPA Form R–541, Summary of Coupons, in duplicate, certifying the number of each type of coupon and the number of evidences to be delivered. He shall turn over to the transferor the original of this summary attached to his coupons and other evidences, and shall retain the copy at his place of business for a period of not less than one year. All summaries received by a distributor shall be recapitulated in his own summary, equalling the total gallonage represented by all coupons and other evidences (less the gallonage represented by exchange certificates) forwarded by him. The summaries received from dealers shall be included with the attached coupons and other evidences when forwarded by the distributor.

SEC. 13.12. *Exchange of coupons for certificates.* A distributor may at any time deliver to a Board coupons or other evidences and obtain in return exchange certificates equal to the gallonage value of the valid coupons or other evidences remitted. The remitter shall attach a Summary of Coupons on OPA Form R–541, in addition to the summaries already attached by the dealer from whom the coupons or other evidences were received.

SEC. 13.13. *Surrender of expired coupons.* The Director may require any dealer to exchange all coupons of any class or classes held by the dealer for exchange certificates, inventory coupons or other evidences of gallonage value within twenty-four hours after announcement of an alteration in the unit value of coupons.

SEC. 13.14. *Certification of shortage.* Dealers shall be permitted from time to time to apply by certification on OPA Form R–549 for replenishment for losses of gasoline through evaporation, handling, accident or other extraordinary circumstances, and for unavoidable loss of coupons or other evidences. The certification of shortage shall be submitted to the Board having jurisdiction over the dealer's establishment to which the shortage is to be attributed, and shall give a full explanation of the reasons therefor. If the Board finds that the applicant has incurred the shortages claimed, that they were not incurred as

a result of any acts performed in violation of this order and that any claimed shortage of gasoline is reasonable, it shall file the certification and issue to the dealer a quantity of inventory coupons equal to the amount of the proven shortage. A copy of the certification may be retained by the dealer for his records.

Article XIV—Records and Audits

SEC. 14.1. *Accountability of dealers.* (a) Every dealer shall be accountable for all gasoline, coupons and other evidences received by him and shall at all times have in his possession or control coupons or other evidences having an aggregate gallonage value which, when added to the number of gallons of gasoline on hand, is equivalent in gallonage to his total gasoline storage capacity as stated in his registration filed with the Board.

(b) Every distributor shall give to a dealer to whom he is making a delivery of gasoline, an invoice, delivery ticket or other customary evidence of transfer, showing the name and address of the purchaser and the date and quantity of the purchase. The dealer shall retain the evidence so furnished him at his place of business for at least a year.

SEC. 14.2. *Reports by distributors.* (a) Every distributor shall prepare an additional copy of each of his monthly motor fuel tax reports (and supporting schedules) which he shall submit to the Territorial Tax Commissioner together with his usual monthly report. He shall attach to the extra copy of his report a certified statement as to the amount of gasoline delivered to each of his commercial accounts during the period covered by the report, and other evidences, which together shall represent a gallonage value equal to the total gallonage value for which he is required to account.

(b) The distributor shall also prepare in triplicate a reconciliation statement on OPA Form R–550, reconciling the difference between the gallonage value of the evidences and the statement so submitted, and the total gallonage disposed of by him as reported by the tax return. He shall attach the original and one copy of the reconciliation form to the additional copy of his tax report, and shall retain the other copy at his place of business for a period of not less than one year.

(c) Every distributor shall report his total deliveries of gasoline to dealers and consumers. The report shall be filed weekly except that the Director may require daily reports whenever he considers such information necessary to determine the status of the civilian quota for gasoline set by the Office of the Military Governor. Reports of deliveries on Oahu and Lanai shall be made to the Director; reports of deliveries on each of the other islands shall be made to the Board serving that island.

(d) Every distributor shall be accountable for all gasoline, coupons and other evidences received by him. He shall at all times have in his control evidences in a gallonage value which, when added to the gallonage represented by evidences transmitted through the Hawaii Tax Commissioner and expired gasoline certificates, shall be equivalent in gallonage value to the number of gallons of gasoline which he has transferred on or after July 1, 1943, and for which the receipt by him of coupons or other evidences is required by this order, except as theft or unavoidable loss of evidences may prevent it.

SEC. 14.3. *Audit by Tax Commissioner.* On completion of its usual office audit of a distributor's monthly motor fuel tax report, the Tax Commissioner's office will by authorized signature either verify or note errors on the additional copy of the tax report received by it, will inspect the reconciliation form and attached evidences in order to determine whether there are any apparent irregularities, and will retain the copy of the reconciliation form for its own files. It will then forward the additional copy of the tax return, the attached evidences and the original of the reconciliation form and supporting statements to the Director. In the event the Tax Commissioner's office discovers any error or other irregularity in the monthly report by later inspection or audits, it will notify the Director of all the facts relating to the irregularity.

Article XV—New Registrations

SEC. 15.1. *Registration of new or reopened place of business.* Any dealer who opens or reopens a place of business not currently registered shall, prior to receipt or transfer of any gasoline, register the place of business in the manner provided for in section 13.1, and shall be issued inventory coupons equal in gallonage value to the total capacity of his unfilled gasoline storage facilities as of the time of registration.

SEC. 15.2. *Cessation of business.* Any dealer who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall at the time of final closing, deliver to the Board having jurisdiction over his place of business, the certificate of registration and a quantity of coupons or other evidences equal in gallonage value to the total capacity of the gasoline storage facilities of the place of business except those issued to him as a ration by the Board.

SEC. 15.3. *Acquisition of dealer's place of business.* Any person who acquires for continued operation for the transfer of gasoline a place of business from a dealer may accept a transfer of all gasoline on hand at the place of business. The transferee shall, at the time of acquisition, obtain from the dealer the certificate of registration for the place of business and coupons or other evidences equal in gallonage value to the unfilled gasoline storage capacity as of the time of transfer. The transferee shall immediately deliver to the Board having jurisdiction over the place of business, the certificate of registration received by him from the dealer and shall endorse his name and address on the certificate of registration and the duplicate on file with the Board. The endorsement shall constitute a certification by the transferee that he has acquired from the transferor the place of business described in the certificate, the total quantity of gasoline on hand at the place of business, and coupons or other evidences equal in gallonage value to the unfilled gasoline storage capacity of the place of business as of the time of transfer. The place of business so acquired shall be registered by the transferee in accordance with the provisions of sections 13.1 to 13.5 inclusive.

SEC. 15.4. *Change of storage capacity.* Any dealer who alters the total gasoline storage capacity of his place of business shall deliver for cancellation to the Board having jurisdiction over the place of business, his currently valid certificate of registration, and shall register for and obtain a new certificate. The Board shall attach to its copy of the new certificate the original and copy of the cancelled one. If the total gasoline storage capacity of the place of business is decreased, the dealer shall surrender to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of the decrease. If the total gasoline storage capacity is increased, the Board shall issue to the dealer a quantity of inventory coupons equal in gallonage value to the amount of the increase.

Article XVI—General Provisions

SEC. 16.1. *Inspection of records and facilities.* All records, reports, forms, accounts or other documents required to be prepared and kept by any person under this order, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and such other personnel as it may designate. The inspection may be made at the place of business of any such person during regular business hours, or in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Director.

SEC. 16.2. *Adjustment of errors.* Any person who claims that a registrar or issuing agent improperly refused to issue a ration book or made an error in issuing one on the basis of his application may apply to his Board for adjustment of the error.

SEC. 16.3. *Appeals from decisions of boards.* Any person may appeal from an adverse decision of a Board. The appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9.[1]

SEC. 16.4. *Designation of unit value of coupons.* The unit value of any coupon in the hands of a dealer or distributor, other than a coupon issued to him as a ration, shall be that value which the coupon had at the time and place it was surrendered by a consumer in exchange for gasoline. The value of the unit represented by coupons in Class A, B, C, D, E, R, T–1, and T–2 ration books, when surrendered by a consumer in exchange for gasoline, is hereby designated and fixed as follows:

[1] 7 F.R. 8796.

(a) Two and five-tenths (2.5) gallons of gasoline with respect to Class A book coupons, except that on the island of Kauai each coupon shall have a value of three (3) gallons.

(b) Four (4) gallons of gasoline with respect to Class B and C book coupons.

(c) One and five-tenths (1.5) gallons of gasoline with respect to Class D book coupons.

(d) One (1) gallon of gasoline with respect to Class E book coupons.

(e) Five (5) gallons of gasoline with respect to Class R, T–1 and T–2 book coupons.

SEC. 16.5. *Effect on other orders.* (a) Ration Order No. 5F shall supersede, on its effective date on any island of the territory of Hawaii, any and all other orders rationing gasoline on that island.

Effective date. Ration Order No. 5F shall become effective on July 1, 1943.

Issued this 30th day of June 1943.

MELVIN C. ROBBINS,
Acting Territorial Director,
Territory of Hawaii.

Approved:

WALLACE M. COHEN,
Acting Regional Administrator.
Region IX.

[F. R. Doc. 43–12459; Filed, July 31, 1943; 2:39 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5F, Amdt. 1]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5F is amended in the following respect:

1. Section 1.1 is amended to read as follows:

SEC. 1.1 *Territorial limitations.* The provisions of Ration Order 5F shall apply only in the Islands of Kauai and Maui in the Territory of Hawaii.

This amendment shall become effective August 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 562, Supp. Dir. 1–Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898)

Issued this 30th day of July 1943.

MELVIN C. ROBBINS,
Acting Territorial Director,
Territory of Hawaii.

Approved:

WALLACE M. COHEN,
Acting Regional Administrator,
Region IX.

[F. R. Doc. 43–12460; Filed, July 31, 1943; 2:39 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 397,[1] Amdt. 2]

FLAXSEED

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 397 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Applicability.* (a) Except as provided for in paragraph (b) of this section, this regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic flaxseed.

(b) This regulation shall have no application to sales of flaxseed to be used as seed for planting or for medicinal or food purposes.

2. Section 4 (a) (4), (5), (6), (7), (8), (9), (10) and (11) are added to read as follows:

(4) "Area A" includes all territory within the Continental United States exclusive of Alaska east and south of a line described as follows: commencing at the mouth of the Mississippi River thence up said river to its confluence with the Ohio River, thence up said Ohio River to the Indiana-Ohio State boundary line, thence north along said state boundary line to Michigan, thence east along the Michigan-Ohio State boundary line to Lake Erie.

(5) "Area B" includes the states of Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Illinois, and Indiana.

(6) "Area C" includes all territory within the Continental United States exclusive of Alaska not embraced in Area A or Area B.

(7) "Bushel" as a unit of measurement of flaxseed means 56 pounds net weight.

(8) "Interior point" is any point outside the corporate and railroad switching limits of the cities listed as terminal basing points.

(9) "Interior rail point" is any interior point located on a railroad.

(10) "Interior non-rail point" is any interior point not located on a railroad.

(11) "Net weight" excludes the weight of all sacks or other containers irrespective of any state law providing for an inclusion of the weight of such sacks or other containers in sales of flaxseed which state laws are hereby superseded.

3. Section 4 (b) is added to read as follows:

(b) This regulation in speaking of sales or purchases at a specified point (interior point, terminal basing point or other point) means that the purchaser shall receive manual delivery of the flaxseed in question at said point. If the flaxseed in question is physically located at said point at the time of the sale, and there delivered to said purchaser (sometimes referred to as a sale f. o. b. said point), the purchaser may thereafter arrange and pay (in addition to the maximum price for the flaxseed at said point) for its transportation elsewhere; and the purchaser may engage the seller as his agent to procure such transportation. If the flaxseed in question is not physically located at said point at the time of the sale, then:

(1) If the buyer pays the seller the full maximum price, the seller must secure and pay all said transportation charges required to effectuate such a delivery to said purchaser at said point; and if he does not, there has been a violation of this regulation; and

(2) If the buyer pays any part of said transportation charges required to effectuate such a delivery as aforesaid, all said transportation charges so paid by the buyer must be deducted from the said maximum price to determine the amount the seller may actually receive in such a case; and if such deduction is not made, there has been a violation of this regulation.

4. Section 5 is amended to read as follows:

SEC. 5 *Maximum prices for flaxseed.* (a) The maximum price of flaxseed (excluding dockage), per bushel, bulk (or if in bags or other containers "net weight" as herein defined), subject to moisture and test weight differentials as hereinafter set forth, shall be as follows:

(1) At the following terminal basing points where the lot sold is not delivered by truck:

	Per bushel
Minneapolis, Duluth and Red Wing, Minnesota	$3.05
Milwaukee, Wisconsin	3.05
Chicago, Illinois	3.05
Portland, Oregon	3.05
Emporia and Fredonia, Kansas	2.95
Corpus Christi, Harlingen and Houston, Texas	2.90

(2) At the terminal basing points above specified other than Portland, Oregon, where the lot sold is delivered by truck the respective maximum prices specified in subdivision (1) less 8 cents per bushel.

(2a) At the terminal basing point of Portland, Oregon, where the lot sold is delivered other than by rail the maximum price at Portland, Oregon, as specified in subdivision (1) less 5 cents per bushel.

(3) At the following terminal basing points whether the lot is or is not delivered by truck:

Los Angeles, Long Beach, Wilmington, Buena Park and Fresno, California	$3.30
San Francisco, Oakland and Berkeley, California	3.30

(4) At any point in Area A, $3.05 per bushel plus the lowest domestic carload proportional all-rail rate (or, if none, the lowest carload local all-rail rate) per bushel from Minneapolis to the point in Area A in question: Provided, That

[1] 8 F.R. 6840, 7392.

whenever flaxseed purchased under this subdivision (4) has moved from producer to any buyer in whole or in part by water the foregoing maximum price shall be reduced by an amount equal to the difference between the actual water rate and said rail rate for the distance so moved by water.

(5) At interior rail points in Area B, on track, in carload quantities, the maximum price at that terminal basing point in Area B which less the lowest carload local all-rail rate per bushel from said interior rail point to said terminal basing point and less 3 cents per bushel handling charges at said terminal basing point will give the highest maximum price at said interior rail point; and, where the flaxseed is sold at such an interior point accompanied by transit billing useable beyond said point, plus the value of said transit billing.

(6) At interior rail points in Area B, not on track, in any quantity, the maximum price specified in subdivision (5) less 5 cents per bushel for handling charges through a country elevator.

(7) At any interior non-rail point in Area B, in any quantity, the maximum price specified in subdivision (6) for that interior rail point in Area B nearest (by the most usually traveled route) to said interior non-rail point less transportation charges from said interior non-rail point to said interior rail point by said route.

(8) At any point in Area C (other than a terminal basing point in Area C) the maximum price at the terminal basing point in Area C nearest thereto (by the most usually traveled route) less the lowest carload local all-rail rate per bushel from said terminal basing point to the rail point in Area C constituting or nearest (by the most usually traveled route) to the point in Area C in question; and, where the flaxseed is sold at such an interior point accompanied by transit billing useable beyond said point, plus the value of said transit billing.

(b) The foregoing maximum prices shall be increased for the sale or delivery of flaxseed in sacks furnished by the seller by the reasonable value (not exceeding any maximum price thereon) of such sacks.

(c) When flaxseed is handled through a terminal elevator by any seller, such seller may add to the maximum price hereinbefore established for the sale in question, elevation charges not exceeding the charges prescribed by law for such service, but the total elevation charges, irrespective of the number of elevations, that may be added to the maximum price to any purchaser, shall not exceed 3 cents per bushel.

(d) When a crusher engages as his agent an independent buyer the crusher may pay said independent buyer, notwithstanding the provisions of any other regulation, a maximum service charge not exceeding 1½ cents per bushel, which shall not be considered as a part of the maximum price hereinbefore established for the purchase of the flaxseed. Any independent buyer receiving a portion of the handling charges mentioned in paragraph (a) (5) of this section is not eligible for any service charge.

(e) For flaxseed containing more than 11 percent moisture, the foregoing maximum prices shall be reduced 1½ cents per bushel for each ½ per cent of moisture or fraction thereof in excess of 11 per cent.

(f) For flaxseed testing less than 49 pounds per bushel, the foregoing maximum prices shall be reduced 1 cent per bushel for each ½ pound under 49 pounds.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved: July 27, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12461; Filed, July 31, 1943; 2:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14, Amdt. 13]

COTTONSEED AND PEANUT OIL MEAL OR CAKE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 1.8 is hereby revoked.

2. Section 1.5 (f) (1) is amended to read as follows:

(1) "Processor" is a person who crushes a vegetable oil bearing material into oil and oil meal or cake exclusive of such oil meals or cakes as are subject to another regulation.

3. Section 1.5 (f) (5) is amended to read as follows:

(5) "Oil meal or cake" is the product produced by a processor as above described exclusive of such products as are subject to another regulation.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12462; Filed, July 31, 1943; 2:44 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 150,[1] Amdt. 1]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 150 is amended in the following respects:

1. Section 6 (a) (4) is amended to read as follows:

(4) The maximum prices specified in subparagraphs (1) to (3) above, both inclusive, may be increased for the sale or delivery of finished rice processed in any of the hereinafter named cities or the railroad switching limits thereof, f. o. b. such places, at the rate per 100 pounds as set forth opposite each city respectively:

City:	*Amount of increase*
San Francisco, California	$0.12
St. Louis, Missouri	.25
Memphis, Tennessee	.08
Baton Rouge, Louisiana	.10
New Orleans, Louisiana	.10

2. Section 8 (a) (1) is amended to read as follows:

(1) $10.00 per ton for rice hulls, ground or unground, plus transportation charges actually increased by the seller to his buyer's receiving point.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Dock 43-12477; Filed, July 31, 1943; 4:06 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 296, Amdt. 6]

FLOUR FROM WHEAT, SEMOLINA AND FARINA

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.1651 (b) is amended to read as follows:

(b) Wherever in this Maximum Price Regulation No. 296 the words "miller" or "blender" are used they shall be construed to include flour jobbers as hereinafter defined. For sales to retail outlets, the maximum price for "flour jobbers" shall be calculated under the provisions of Maximum Price Regulation No. 421.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 9 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12476; Filed, July 31, 1943; 4:07 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4788.

PART 1399—CONSTRUCTION, OIL FIELD, MINING AND RELATED MACHINERY

[MPR 134,[1] Amdt. 10]

CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND CHARGES FOR OPERATING AND MAINTENANCE OR REPAIR AND REBUILDING SERVICE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 134 is amended in the following respects:

1. A new subparagraph is added to § 1399.10 (b) to read as follows:

(5) Notwithstanding the provisions of § 1399.5, the maximum flat charge for any repair and rebuilding service supplied by any person to the United States Army Engineers, South Atlantic Division, shall be the charge at which he has contracted to perform such service for the United States Army Engineers, or a charge, for each man hour of productive work supplied in performing such service, not exceeding $1.75 for straight time and $2.20 for overtime, whichever is higher.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12478; Filed, July 31, 1943; 4:07 p. m.]

PART 1405—FERRO ALLOYS

[MPR 405,[2] Amdt. 1]

FERROSILICON AND SILICON METAL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 405 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Maximum prices for 15% ferrosilicon.* The maximum price for 15% (electric furnace) ferrosilicon shall be determined by using the base prices with the premiums set out below:

SILICON RANGE

[14% to 18%, inclusive; Maximum Base Prices Per Gross Ton]

CARLOAD LOTS (PIGS OR LUMP) F. O. B. RAILROAD CARS JACKSON COUNTY, OHIO

	Per gross ton
14.00% Si up to and including 14.50% Si	$45.50
Above 14.50% Si up to and including 15.00% Si	46.50

SILICON RANGE—Continued

CARLOAD LOTS (PIGS OR LUMP) F. O. B. RAILROAD CARS JACKSON COUNTY, OHIO—continued

	Per gross ton
Above 15.00% Si up to and including 15.50% Si	$47.50
Above 15.50% Si up to and including 16.00% Si	48.50
Above 16.00% Si up to and including 16.50% Si	49.50
Above 16.50% Si up to and including 17.00% Si	50.50
Above 17.00% Si up to and including 17.50% Si	51.50
Above 17.50% Si up to and including 18.00% Si	52.50

On sales f. o. b. Niagara Falls, New York add $1.25 per gross ton.

Premiums

Gross ton lots: $1.50 per gross ton.

Grinding to small sizes: Carload lots: 2" x Down $3.00; 1" x Down $9.00; ½" x Down $12.00; ¼" x Down $13.00; 8 Mesh x Down $17.00; 20 Mesh x Down $20.00; 48 Mesh x Down $22.00; 65 to 100 Mesh x Down $26.00; 150 or 200 Mesh x Down $31.00. *Gross ton lots:* 2" x Down $5.00; 1" x Down $13.00; ½" x Down $17.00; ¼" x Down $21.00; 8 Mesh x Down $25.00; 20 Mesh x Down $28.00; 48 Mesh x Down $39.00; 65 to 100 Mesh x Down $71.00; 150 or 200 Mesh x Down $86.00.

Packing: $6.00 per gross ton for domestic packing. $9.00 per gross ton for ocean shipment, 50 gal. containers. $12.00 per gross ton for ocean shipment, 30 gal. containers.

Low impurities (Not exceeding, carbon 1.00%, phosphorus 0.05%, and sulphur 0.04%): $1.00 per gross ton.

Manganese content above 1.00%: $0.50 per gross ton for each 0.50% or fraction thereof.

N. B. For general terms see section 5 below.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12479; Filed, July 31, 1943; 4:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 22]

DETINNED OR TIN-COATED SCRAP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 2.9 (b) (6) is added to read as follows:

(6) Detinned or tin-coated scrap sold for use in copper precipitation.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12480; Filed, July 31, 1943; 4:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 8]

MATZOS PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1.21 is added to read as follows:

SEC. 1.21 *Matzos products.* (a) This section shall govern all sales and deliveries of matzos products within the 48 states and the District of Columbia of the United States except such sales and deliveries as are subject to Maximum Price Regulations 421, 422, and 423 and any amendments of either thereof.

(b) The maximum prices for all sales and deliveries of passover matzos products subject to this section shall be as follows:

(1) 15¾¢ per pound for packages of one pound or more of passover matzos products, except passover egg and wholewheat matzos products.

(2) 15¢ per package of 11 to 15 ounces of passover matzos products, except passover egg and wholewheat matzos products.

(3) 16¾¢ per pound for packages of one pound or more of passover wholewheat matzos products.

(4) 16¼¢ per package of 11 to 15 ounces of passover wholewheat matzos products.

(5) 27¢ per package of 11 ounces or over of passover egg matzos products.

(6) 13¢ per package of less than 11 ounces of passover matzos products.

(7) 65¢ per package of Schmura matzos.

(c) The maximum price for all sales and deliveries of non-passover matzos products subject to this section shall be the maximum price thereof as heretofore established under the General Maximum Price Regulation, plus an addition at the rate of 1¾ cents per pound.

(d) "Matzos products", and the several kinds thereof above named, are the commodities heretofore known to the trade as such.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12481; Filed, July 31, 1943; 4:06 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 443]

SOYBEAN OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

Maximum Price Regulation 443 is a revision and amendment as to the above named soybean products of former § 1499.73 (a) (50) of Supplementary Regulation 14 to the General Maximum

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3203, 3411, 3447, 7001, 8386, 9054, 8948, 9785; 8 F.R. 1975, 3789, 5931, 9140.

[2] 8 F.R. 8181.

Price Regulation. (The present section is section 1.8 of Revised Supplementary Regulation 14 to the General Maximum Price Regulation.)

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and comply with all provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of E.O. 9250 and E.O. 9328.

The statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1351.363 *Maximum prices for soybean oil meal, cake, pea size meal and pellets.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Maximum Price Regulation (Soybean oil meal, cake, pea size meal and pellets), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.363 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 443—SOYBEAN OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

ARTICLE I—SCOPE OF THIS REGULATION

Sec.
1. Geographical applicability.
2. Effect of maximum prices.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

3. Definitions.
4. Maximum prices for the sale of domestic soybean oil meal, cake, pea size meal and pellets other than that specified in section 5 hereof, by processors.
5. Maximum prices for sale of domestic soybean oil meal, cake, pea size meal or pellets owned or under contract by a processor on July 31, 1943, or produced from soybeans of the 1942 crop by a processor.
6. Maximum prices for sales of domestic soybean oil meal, cake, pea size meal or pellets by jobbers.
7. Maximum prices for sales of domestic soybean oil meal, cake, pea size meal or pellets by wholesalers.
8. Maximum prices for sales of domestic soybean oil meal, cake, pea size meal or pellets by retailers.
9. Maximum prices for sales of imported soybean oil meal, cake, pea size meal or pellets.
10. Maximum prices in other cases.
11. Increases for sacks.
12. Sales of soybean oil meal, cake, pea size meal or pellets on basis of guaranteed minimum percentage of protein and adjustment for deficiencies.
13. Maximum prices for export sales.

ARTICLE III—MISCELLANEOUS PROVISIONS

14. Adjustable pricing.
15. Evasion.
16. Records and reports.
17. Enforcement.
18. Protests and petitions for amendment.

Article I—Scope of This Regulation

SECTION 1. *Geographical applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic soybean oil meal, cake, pea size meal and pellets, whether produced from domestic or imported soybeans.

SEC. 2. *Effect of maximum prices.* (a) While this regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any soybean oil meal, cake, pea size meal or pellets at prices above the maximum prices established by this regulation; nor shall any person agree, solicit, offer or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this regulation may be charged and paid.

Article II—Definitions, Maximum Prices and Terms of Sale

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing; and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

"Processor" is a person who crushes soybeans by expeller, extraction or hydraulic process into soybean oil and soybean oil cake or meal. It also includes persons converting soybean oil cake into soybean oil meal, pea size meal and pellets.

"Soybean oil meal, cake, pea size meal and pellets" refer to the products produced by a processor from soybeans as above described. The soybeans used must not contain screenings or other foreign materials except in such quantities as might have occurred in good production practice as in vogue prior to price control. Further, screenings or other foreign materials must not be added to the meal or cake after the crushing of the oil from the soybeans. In no event shall the soybean oil meal, cake, pea size meal or pellets contain less than 41 per cent of protein.

"Jobber" is a person other than a processor or retailer who distributes soybean oil meal, cake, pea size meal or pellets owned by him without unloading into a warehouse.

"Wholesaler" is a person who buys soybean oil meal, cake, pea size meal or pellets, unloads it into a warehouse and resells the same to a retailer or to a person who processes the same further. It includes a processor where he transports and unloads the aforesaid products into a warehouse operated as a place of business separate from the production plant and thereafter sells the same to the persons above mentioned.

"Retailer" is a person who buys soybean oil meal, cake, pea size meal or pellets and resells the same to a feeder. It includes a crusher where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

"Feeder" is a person who feeds any soybean oil meal, cake, pea size meal or pellets to animals or poultry.

"Carload lot" means a lot of soybean oil meal, cake, pea size meal or pellets of 30 tons or more.

"Less than carload lot" means a quantity other than a carload or pool car lot, and includes truck quantities.

"Pool car lot" means a railroad car lot in which two or more buyers have combined for the purpose of obtaining a carload rail freight rate.

"Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3 per cent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not exceeding any maximum price established therefor.

SEC. 4. *Maximum prices for sale of domestic soybean oil meal, cake, pea size meal and pellets other than that specified in section 5 hereof, by processors.* (a) The maximum price for the sale and delivery of domestic soybean oil meal and cake, per ton, in carload lots or pool car lots, bulk, 41 per cent or more protein, at any point, except within the switching limits of Decatur, Illinois, (including production plant) by a processor shall be $45.00 plus transportation charges at the lowest domestic carload proportional all rail rate (or, if none, the lowest domestic carload flat all rail rate) from Decatur, Illinois, to said point of sale and delivery by a usual route.

(b) The foregoing maximum prices shall be increased at the rate of $1.50 per ton for a like sale and delivery of a like quality of soybean pea size meal or pellets.

(c) The foregoing maximum prices shall be increased at the rate of $1.80 per ton for sales and deliveries of soybean oil meal, cake, pea size meal and pellets within the switching limits of Decatur, Illinois.

(d) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any soybean oil meal, cake, pea size meal or pellets in a less than carload lot.

SEC. 5. *Maximum prices for sale of domestic soybean oil meal, cake, pea size meal or pellets owned or under contract by a processor on July 31, 1943, or produced from soybeans of the 1942 crop, by a processor.* (a) The maximum price for the sale and delivery of domestic soybean oil meal, cake, pea size meal or pellets which is owned or under contract by a processor on July 31, 1943, or which is produced from soybeans of the 1942 crop, per ton, in carload lots or pool car lots, bulk, 41 per cent or more of protein at any point (including production plant), by a processor shall be $2.00 per ton above the minimum trade prices specified in the Processors' Contracts, 1942 Soybean Program of the Commodity Credit Corporation.

(b) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any soybean oil

*Copies may be obtained from the Office of Price Administration.

meal, cake, pea size meal or pellets in a less than carload lot.

(c) The maximum prices established by this section shall be applicable to all processors irrespective of whether or not the above named Processors' Contracts are in effect.

SEC. 6. *Maximum prices for sales of domestic soybean oil meal, cake, pea size meal or pellets by jobbers.* The maximum price for the sale of domestic soybean oil meal, cake, pea size meal or pellets by a jobber shall be 50 cents per ton (maximum markup) for sales in carload lots, and $1.00 per ton (maximum markup) for sales in less than carload lots or in pool car lots, over the maximum price which he could lawfully have paid a crusher for the quantity and quality purchased by him and which he is reselling plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 7. *Maximum prices for sales of domestic soybean oil meal, cake, pea size meal or pellets by wholesalers.* The maximum price for the sale of domestic soybean oil meal, cake, pea size meal or pellets by a wholesaler shall be $2.50 per ton (maximum markup) over the maximum price which he could lawfully have paid the processor or jobber for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 8. *Maximum prices for sales of domestic soybean oil meal, cake, pea size meal or pellets by retailers.* The maximum price for the sale of domestic soybean oil meal, cake, pea size meal or pellets by a retailer shall be $5.50 per ton (maximum markup) over the maximum price which he could lawfully have paid the processor, jobber or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 9. *Maximum prices for sales of imported soybean oil meal, cake, pea size meal or pellets.* (a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported soybean oil meal, cake, pea size meal or pellets shall be the maximum price for a sale by a processor of a like quantity and quality of the domestic product.

(b) Jobbers, wholesalers and retailers making sales (within the 48 states and the District of Columbia of the United States) of any such imported products shall add their respective permitted markups as above provided as to domestic products over the basic maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 10. *Maximum prices in other cases.* (a) The maximum price for the sale of any soybean oil meal, cake, pea size meal or pellets by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which his seller could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this regulation sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided,* That no such sale, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 11. *Increases for sacks.* When any seller has bulk domestic or imported soybean oil meal, cake, pea size meal or pellets and desires to sell the same sacked the foregoing maximum prices where determined on a bulk basis shall be increased at the following rates per ton.

(a) In seller's sacks, the reasonable market value of the sacks used, not exceeding any maximum price thereon at the time of the sale or delivery: *Provided,* That if the sacks were purchased from the buyer by the seller, the seller shall not charge more than the price he paid for such sacks.

(b) In buyer's new or recleaned sacks, $.50.

(c) In buyer's sacks of any other kind, $1.00.

SEC. 12. *Sales of soybean oil meal, cake, pea size meal or pellets on basis of guaranteed minimum percentage of protein.* No person shall sell any domestic or imported soybean oil meal, cake, pea size meal or pellets except on the basis of a specified guarantee minimum percentage of protein therein.

SEC. 13. *Maximum prices for export sales.* The maximum price for export sales of soybean oil meal, cake, pea size meal or pellets shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

Article III—Miscellaneous Provisions

SEC. 14. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 15. *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodity covered by this regulation alone or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 16. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of soybean oil meal, cake, pea size meal or pellets after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.

SEC. 17. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 18. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

Effective date. This regulation shall become effective July 31, 1943.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12455; Filed, July 31, 1943; 2:41 p. m.]

[1] 8 F.R. 4132, 7662.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 182,[1] Amdt. 8]

KRAFT WRAPPING PAPERS, AND CERTAIN BAG PAPERS AND BAGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5712, 6048, 7974, 8997, 8948, 9724, 10811; 8 F.R. 4252, 4180, 7196.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

The last sentences of the following subparagraphs of § 1347.311 (a) are amended to read as follows:

(7) Manufacturers of "No. 1 Kraft wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the words "No. 1 Kraft" or state on the invoice, when selling such grade, that such rolls or bundles are "No. 1 Kraft." In those cases where the rolls or bundles are not stencilled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "No. 1 Kraft."

(8) Manufacturers of "Superstandard Kraft wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the word "Superstandard" or state on the invoice, when selling such grade, that such rolls or bundles are "Superstandard." In those cases where the rolls or bundles are not stencilled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "Superstandard."

(9) Manufacturers of "Imitation Kraft wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the words "Imitation Kraft" or state on the invoice, when selling such grade, that such rolls or bundles are "Imitation Kraft." In those cases where the rolls or bundles are not stencilled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "Imitation Kraft."

(11) Manufacturers of "No. 1 unbleached Kraft butchers' wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the words "No. 1 Kraft butchers" or state on the invoice, when selling such grade, that such rolls or bundles are "No. 1 Kraft butchers." In those cases where the rolls or bundles are not stencilled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "No. 1 Kraft butchers."

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12535; Filed, August 2, 1943; 11:46 a. m.]

PART 1382—HARDWOOD LUMBER

[Rev. MPR 97,[1] Amdt. 6]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The last three undesignated paragraphs following Table 32, Construction Boards, in § 1382.112 (b) are deleted. The first sentence of the deleted portion begins as follows: "Any mill which has, prior to November 1, 1942, * * *."

The last line of the deleted portion reads as follows: "No deliveries on such contracts may be made after January 30, 1943."

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12536; Filed, August 2, 1943; 11:45 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 30]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. The definition of "house slippers" is added in section 3.13 to read as follows: "House slippers" means any footwear constructed exclusively for indoor or house wear, but the term does not include footwear made with any cattle hide leather in the upper, or with grain leather outsoles (other than heads, bellies, shins and shanks of five iron or less), or with any rubber in the outsole, if such footwear was shipped from the factory in the United States after August 31, 1943, or imported into the United States after August 31, 1943.

2. The definition of "shoes" in section 3.13 is amended by deleting the words "boudoir or".

This amendment shall become effective August 7, 1943.

(Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supplementary Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12537; Filed, August 2, 1943; 11:47 a. m.]

PART 1405—FERRO ALLOYS

[Rev. MPR 138,[1] Amdt. 1]

FERROMANGANESE AND MANGANESE ALLOYS AND METALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 138 is amended in the following respects:

1. In the specifications for standard grade high carbon ferromanganese set out in section 1 (a) the silicon maximum is changed from 1.25 percent to 1.50 percent.

2. In section 2 (b) the premiums applicable to electrolytic grade, manganese metal are changed as follows:

Less than 2,000 pounds: changed from $.0040 to $.0400.

Sales for delivery, western zone: changed from $.0055 and $.0305 to $.0335 and $.0475 for carload lots and less than carload lots, respectively.

3. A new section 5a is added as follows:

SEC. 5a. *Sales by independent warehousemen.* The maximum price at which an independent warehouseman may sell ferromanganese, manganese alloys or metal shall be the maximum price at which the quantity and grade sold by him could be sold by a producer for delivery to his warehouse, plus the following differentials or premiums:

500 lbs. and over—10% to price determined as above.

Less than 500 lbs. down to 100 lbs.—15% to price determined as above.

100 lbs. and less—20% to price determined as above.

The maximum price for independent warehousemen is f. o. b. warehouse with no allowance for freight.

For the purpose of this section "independent warehouseman" means a private seller, other than a manufacturer of ferromanganese, manganese alloys or metal or a subsidiary or affiliate thereof who renders the service of maintaining a stock of ferromanganese, manganese alloys or metal for the convenience of buyers who desire to purchase small quantities or to receive quick delivery.

This amendment shall become effective Aug. 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12531; Filed, August 2, 1943; 11:44 a. m.]

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[1] 8 F.R. 142, 3530, 5177, 5479, 8860.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3953, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 6046, 6687, 7198, 7216, 8061, 8064, 8357, 8601, 9062, 9422, 9567, 9884, 10269.

[1] 8 F.R. 8864.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 52]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The definition of "Rationed cheeses" in section 1.1 (a) (3) and section 24.1 (a) is amended by adding, at the end of each, the following:

It does not include "whey product", nor does it include any cheese in the manufacture of which neither cow's milk nor milk solids derived from cow's milk are used.

2. The first sentence of section 7.11 (a) is amended by inserting after the words "other than" the words "for the care and treatment of the sick or".

3. Section 24.1 (a) is amended by inserting between the definition of "Washington Office" and the definition of "Wholesale establishment" the following definition:

"Whey product" means a product containing not more than 25 per cent butterfat in the dry matter, made from whey or from whey and other ingredients by coagulating or concentrating the solids, if the whey is at least 90 per cent of the total volume. It includes the products known as primost, mysost, gjetost and ricotta.

4. Section 30.2 is amended by inserting between the word "Epididymes" and the words "Hog lungs" the words "Gullets, closely trimmed".

This amendment shall become effective August 7, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12538; Filed, August 2, 1943; 11:46 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Correction to Rev. MPR 183[2]]

PUERTO RICO

Revised Maximum Price Regulation 183 is corrected in the following respects:

1. Section 20, Table 3 is corrected by changing the price to wholesaler of Canned apricots, Signet (halves), Case 12 2½ (glass) from "$8.25" to "$3.25".

2. Section 20, Table 3 is corrected by changing the price to wholesaler of Canned fruit salad, S & W, Case of 24 2½ cans from "$9.50" to "$9.40".

3. Section 20, Table 3 is corrected by changing the unit of Canned peaches, Yellow Cling (sliced), Signet from "Case of 24 #1 (glass)" to "Case of 24 #1 (glass) tall".

4. Section 20, Table 3 is corrected by changing the unit of Canned pears, Bartlett (Quartered) Signet from "Case of 12 #2½ cans" to "Case of 12 #2½ (glass)".

5. Section 20, Table 3 is corrected by changing the price at wholesale of Canned plums, Del Monte (DeLuxe) from "$2.80" to "$2.60".

6. Section 23, Table 7 is corrected by changing the retail price of Canned soup Heinz (old style) Genuine turtle, Case of 24 15 oz. cans from "$.12" to "$.18".

7. Section 25, Table 10 is corrected by changing the retail price of Canned asparagus, Exquisite (medium green Tips), Case of 24 #1 square cans from "$.55" to "$.53".

8. Section 25, Table 10 is corrected by changing the grouping under the category Canned carrots of the five items now described as both Case of 72 8¼ oz. cans and Case of 72 8 oz. cans to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned carrots:				*Per container*
Fancy, diced:				
Premier	Case of 72 8¼-oz. cans	$5.00	$5.75	$0.10
S & W	Case of 72 8¼-oz. cans	5.00	5.75	0.10
Lily of the Valley	Case of 72 8-oz. cans	5.00	5.75	0.10
Premier		5.00	5.75	0.10
Royal Scarlet		6.00	6.90	0.12

9. Section 25, Table 10 is corrected by changing the description of Canned corn, Stokeley from "Standard white sweet whole kernel" to "Standard white cream, whole kernel."

10. Section 25, Table 10 is corrected by changing the brand names of Canned peas, Dried, "Glo-Hay" and "Prime" to "Glo-Ray" and "Primo", respectively.

11. Section 35, Table 22 is corrected by adding the headnotes to read as follows:

TABLE 22.—MAXIMUM PRICES FOR CORN MEAL

	Sales to wholesalers and industrial users (price per 98# bag)	Sales at wholesale (price per 98# bag)	Sales at retail (price per pound)
Corn meal	$4.75	$5.10	$0.06

12. Section 36, Table 23 is corrected by changing the price at wholesale of Quaker Farina, Case of 12/28 oz. from "$2.78" to "$2.73" and by adding the item "Corn flakes" to the category Kellogg to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Kellogg Corn flakes	Case 36/6 oz. pkgs.	$2.70	$3.05	$0.11

13. Section 39, Table 27 is corrected by deleting the word "locally" from the title of the table.

14. Section 40, Table 29 is corrected by changing the price at wholesale of Processed cheddar, loaves weighing more than two pounds each from "$34.5" to "$.345".

15. Section 40, Table 30 is corrected by changing the headnote "At retail price per pound" to "At retail price per can".

16. Section 40, Table 31 is corrected by changing the title from "Maximum Prices for Klim and Nido Brands of Powdered Whole Milk" to "Maximum Prices for Klim, Nido, Kraft and Golden State Brands of Powdered Whole Milk".

17. Section 45, Table 37 is corrected by changing the prices of Neck bone, dry salt and Pigs feet, dry salt on sales to wholesalers and sales at wholesale from "$.750" and "$.820" to "$.075" and "$.082", respectively.

This correction shall become effective as of July 15, 1943.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12532; Filed, August 2, 1943; 11:43 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 9]

CANE BLACKSTRAP MOLASSES AND BEET SUGAR FINAL MOLASSES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respect:

1. The text of section 1.6 (a) preceding subparagraph (1) is amended to read as follows:

(a) *Maximum prices.* The maximum prices for sales of cane blackstrap molas-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6139, 6181, 6446, 6614, 6620, 6687, 6840, 6950, 6961, 7115, 7268, 7231, 7455, 7492, 8357, 8540, 8614, 8869, 9025, 9013, 9217, 9305, 9686, 10085.

[2] 8 F.R. 9532.

ses and beet sugar final molasses produced in the continental United States by producers thereof and by distributors other than those exempted in paragraph (b) shall be the applicable maximum prices set forth in this paragraph (a), or the seller's maximum price as determined under § 1499.2 of the General Maximum Price Regulation, whichever is higher. Sellers pricing their tank carlot sales of a type of molasses under § 1499.2 of the General Maximum Price Regulation are not precluded from pricing their less than tank carlot sales of that type of molasses under subparagraph (2) below.

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12539; Filed, Aug. 2, 1943; 11:45 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 27,[1] Amdt. 4]

DESIGNATION OF 24 DEFENSE-RENTAL AREAS AND RENT DECLARATION TO SUCH AREAS

Designation and Rent Declaration 27 is amended in the following respects:

1. In § 1388.1301 Items 6 (Aberdeen, Mississippi), 12 (Hobbs), 15 (Chickasha), 17 (Warren, Pennsylvania), and 20 (Murfreesboro) are hereby revoked to add these areas to other defense-rental areas.

2. In § 1388.1301 Items 10 (Carlsbad) and 14 (Mansfield) are amended to read as follows:

(10) Carlsbad, New Mexico, Counties of Eddy and Lea.

(14) Mansfield, Ohio, Counties of Ashland, Crawford, Knox and Richland.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12467; Filed, July 31, 1943; 2:46 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast Guard: Inspection and Navigation

PILOT RULES

By virtue of the authority vested in me by Rules 7, 12, R. S. 4233, as amended; sec. 1, Rule 7, 28 Stat. 646; sec. 2, 30 Stat. 102, 38 Stat. 381 (33 U.S.C. 316, 321, 256, 157), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation regulations are prescribed:

[1] 7 F.R. 4232; 8 F.R. 1228, 1748, 9021.

PART 312—PILOT RULES FOR INLAND WATERS

Section 312.15 *Ferryboats* is amended by changing the name "Merchant Marine Inspectors in Charge" to "Officers in Charge, Marine Inspection" in the last undesignated paragraph.

PART 322—PILOT RULES FOR THE GREAT LAKES

Section 322.18 *Lights for ferryboats* is amended by changing the name "Merchant Marine Inspectors in Charge" to "Officers in Charge, Marine Inspection" in the last undesignated paragraph.

PART 332—PILOT RULES FOR WESTERN RIVERS

Section 332.14 *Lights for ferryboats* is amended by changing the name "Merchant Marine Inspectors in Charge" to "Officers in Charge, Marine Inspection" in the last undesignated paragraph.

R. R. WAESCHE,
Commandant.

[F. R. Doc. 43-12408; Filed, July 31, 1943; 10:54 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 13—SERVICEMEN'S DEPENDENTS ALLOWANCE

JOINT REGULATIONS UNDER SERVICEMEN'S DEPENDENTS ALLOWANCE ACT OF 1942

SEC. 13.1 *Period of entitlement and payment of family allowances.* Under provisions of the Servicemen's Dependents Allowance Act of 1942, approved June 23, 1942, the Secretary of War and the Secretary of the Navy prescribe jointly the following regulations to fix the dates of commencement and termination of monthly allowances and for related action.

(a) Payments of monthly family allowances shall be for periods of full calendar months.

(b) The period of entitlement and payment of family allowances, including increases therein, shall begin the first day of the calendar month during which application is filed unless otherwise hereinafter provided:

(1) The period of entitlement and payment shall not begin prior to the first day of the calendar month during which the enlisted man enters upon active service in a pay status.

(2) The period of entitlement and payment in any case of an enlisted man who was in active service on June 23, 1942, shall begin the first day of June 1942 if he was in active service on June 1, 1942, and otherwise shall begin the first day of July 1942: *Provided*, Application is filed within such period as the Secretary of the department concerned approves in the special case.

(3) The period of entitlement and payment of a Class B family allowance shall begin the first day of any calendar month later than that hereinbefore prescribed when requested by the enlisted man or when so determined by the Secretary of the department concerned in any case in which it is impracticable for the enlisted man to request the payment.

(4) The period of entitlement and payment in the case of a dependent acquired after a man enters in active service in a pay status shall not begin prior to the first day of the calendar month following the month in which such dependent was acquired. Any increase in entitlement and payment shall similarly not begin prior to the first day of the calendar month following the month in which the dependent becomes eligible to such increase.

(5) The increased Government's contribution incident to the birth of a legitimate child shall be effective with the first day of the calendar month following the birth of such child.

(6) The period of entitlement and payment in the case of a dependent where an enlisted man is reduced to the fourth or lower pay grade shall be effective with the first day of the month in which such reduction occurs, except that in the case of a dependent acquired after the effective date of such reduction, the period of entitlement and payment shall not begin prior to the first day of the calendar month following the month in which such dependent was acquired.

(c) The period of entitlement and payment of family allowances shall terminate or entitlement and payment shall be decreased as follows:

(1) The period of entitlement and payment in any case of death, discharge or change of status of the enlisted man which makes his dependents ineligible to receive family allowances, shall terminate at the end of the calendar month during which notice of such death, discharge or change of status is received by the disbursing officer paying the allowances.

(2) In any case of death, change in the status of a dependent or other circumstance which terminates the eligibility of such dependent to receive a family allowance or reduces the amount thereof, the period of entitlement shall cease with the calendar month in which such death, change or other circumstance occurs. Payment shall be terminated or appropriately reduced at the end of the period of entitlement above prescribed when practicable; otherwise not later than the end of a subsequent calendar month during which the disbursing officer paying the allowance receives notice of such death, change or other circumstance.

(3) The period of entitlement and payment shall terminate as of the end of the calendar month during which any written request submitted by an enlisted man for termination of a family allowance to his Class B dependent or dependents is received by the disbursing officer paying the allowance unless the enlisted man's request is for termination at the end of a subsequent calendar month.

(d) Making or not making deductions from or charges against the pay of the enlisted man shall not operate to modify or abrogate the prescribed period of entitlement and payment of family allowances.

(56 Stat. 383, 747; 37 U.S.C. Supp. 207).

These regulations shall be effective beginning the first day of August 1943.

Approved: July 19, 1943.

HENRY L. STIMSON,
Secretary of War.
FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 43-12502; Filed, July 31, 1943; 11:24 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

NATIONAL SERVICE LIFE INSURANCE

§ 10.3471 *Parents, brothers, and sisters of illegitimates.* If the insured was born an illegitimate and not legitimatized before his death, the terms "parent", "father", "mother", "brother" and "sister" employed in the National Service Life Insurance Act, as amended, shall include as to relationship by consanguinity:

(a) The mother;

(b) The father, only if he shall establish that he can meet "in loco parentis" requirements of the act;

(c) Brothers or sisters, only if children of the same mother. (October 8, 1940.) (54 Stat. 1012; 38 U.S.C. 806)

FRANK T. HINES,
Administrator.

[F.R. Doc. 43-12377; Filed, July 30, 1943; 4:22 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 451—BOAT AND FLOATING WHARF PRIVILEGES ON CERTAIN RESERVOIRS[1]

DEER CREEK RESERVOIR-PROVO RIVER PROJECT, UTAH

1. *Permits.* Any person desiring to keep or operate a boat or boats, on the Deer Creek Reservoir shall first be required to obtain a permit to do so from the Construction Engineer, Bureau of Reclamation, Provo, Utah, or his authorized representative, the gatetender, at Deer Creek Dam. For the issuance of such permit there will be charged the sum of $1.00 per calendar year for each rowboat or canoe, the sum of $1.50 per calendar year for each power boat or sailboat and the sum or $5.00 per calendar year for each houseboat. Where any such boat is used or maintained for hire, a charge of $2.00 per calendar year for each rowboat, $3.00 for each power or sailboat and $10.00 for each houseboat shall be made. Boats equipped with small outboard motors of 3 h. p. or less shall be considered as rowboats. The Construction Engineer will furnish the permittee license numbers for each boat, which must be displayed in a conspicuous place on the outer sides of each boat, and the permittee shall keep in his possession and available for inspection the permit so granted him.

[1] Affects tabulation in Part 451.

2. *Rates to be charged by permittees.* Where boats are used for hire or for the carriage of persons or property for compensation, the permittee shall file with the Construction Engineer certified copies of schedule rates to be approved in advance of effective date by Construction Engineer: *Provided*, That the rates to be charged persons engaged in the survey, construction, and operation or maintenance of the Deer Creek Dam and Reservoir or any works in connection therewith shall not exceed one-half of such rates.

3. *Rowboats and canoes.* Each boat shall, when in use at any time between sunset and sunrise, carry a lantern or other suitable light visible all around the horizon.

4. *Sailboats and power boats.* (a) Each boat shall be provided with an anchor of sufficient size and rope of sufficient length and strength to hold the boat in case of accident; with two or more oars; and with efficient life preservers equal in number to the maximum number of persons to be carried.

(b) Each boat shall be provided with a whistle or other sound producing mechanical appliance capable of producing a blast of two seconds, or more, duration. A mouth whistle than can be heard at least one-half mile will be held in compliance with this rule. Each boat shall, when in use at any time between sunset and sunrise, carry a lantern or other suitable light visible all around the horizon.

5. *Rules of travel.* (a) When boats are approaching each other head-on so nearly as to endanger collision, it shall be the duty of each to turn to the right and to pass to the port, or left, side of the order.

(b) Whenever powerboats are so approaching, either boat shall give, as a signal of her intentions, one short and distinct blast of her whistle which the other boat shall answer promptly by a similar blast of her whistle, and thereupon each boat shall pass on the port, or left, side of the other.

(c) If the course of the approaching boats are so far to the starboard, or right, side of each other as not to endanger collision, either boat shall give two sharp and distinct blasts of her whistle as an indication of her intention to continue on her course, which the other boat shall answer promptly by two smaller blasts of her whistle, and thereupon each boat shall pass on the starboard, or right, side of the other.

(d) When two boats are crossing so as to involve risk of collision, the boat which has the other on her starboard, or right, side shall keep out of the way of the other boat.

(e) A boat overtaking any other boat shall keep out of the way of the overtaken boat.

(f) No boat will be permitted to enter restricted areas as marked by suitable signs and buoys, designating such areas.

(g) No boats will be permitted to be used in the reservoir between the hours of 10:30 p. m. and 4:30 a. m.

6. *Responsibility of owners.* Boats, which in the opinion of the Construction Engineer, whose opinion shall be final and conclusive, are not properly constructed, operated or maintained, shall not be permitted to be placed or remain on the waters of the reservoir. Boats found floating loose on the reservoir will be taken up and the permittees shall be liable to the United States for any expense incurred in making the boat secure. Owners of power boats shall not permit the operation thereof for passenger service by any person not competent to handle the machinery.

7. *Order.* No intoxicated person shall be permitted upon land within the reservoir area belonging to the United States or boats on the waters of the reservoir, nor shall any person take any intoxicating liquor upon such land or boat. The person in charge of such boat shall preserve order therein and shall extend courteous treatment to passengers and persons therein.

8. *Firearms.* The carrying of firearms, or possession of dangerous instrumentalities, in or upon the land within the reservoir area belonging to the United States or in or on any boat by any person shall not be permitted. Special written authority from the Construction Engineer must be had for the storage of gasoline and oil by any permittee.

9. *Sanitation.* No bottles, cans, garbage, rubbish or refuse of any kind shall be thrown into the waters of the reservoir, but the same shall be disposed of as directed by the Construction Engineer, and the permittee shall locate and construct outhouses and cesspools as directed by the Construction Engineer, and shall observe all sanitary regulations for the reservoir area which may be promulgated by the Construction Engineer.

10. *Fishing and hunting.* Fishing in the waters of the reservoir will be permitted upon compliance with the laws, rules and regulations prescribed by the State of Utah. Hunting of any kind is prohibited on the reservoir or the lands bordering thereto. For the duration of the present emergency, and until hereafter changed by the Construction Engineer, no person will be permitted on property of the United States within 4,000 feet above and 3,000 feet below the Deer Creek Dam and appurtenant works as indicated by signs and buoys.

11. *Violation of regulations.* The permit of any person, violating any of the foregoing regulations, may be revoked by the Construction Engineer and such person shall remove his boat from the reservoir and lands belonging to the United States; failing to do so, the boat may be impounded and sold or otherwise disposed of by the United States without liability of the United States to the owner.

12. *Waiver of liability.* The main purpose of the Deer Creek Reservoir is to impound water for irrigation and other regulatory purposes. Accordingly, any person at any time going in or upon the water thereof or upon any of the structures or lands upon the margin thereof or upon adjacent lands belonging to the United States and held or reserved for the use in connection therewith, whether as licensee or permittee of the United States or otherwise, thereby assumes all risk of injury to or death of himself or damages to or destruction of property resulting directly or indirectly, wholly or in part, from said reservoir or appurtenant structures or their construction, operation and control by the United States.

13. *Permitees; requisites.* Any person who is a citizen of the United States, at least 21 years of age, and in good standing in the community in which he lives shall be entitled to a permit as hereinabove provided.

14. *Permits; revocation of.* Because of present emergency conditions, the Construction Engineer may at any time without prior notice to the permittee revoke the permit granted hereunder. If the permit is revoked for a violation of law or these regulations no refund shall be allowed. Otherwise, the permittee will be allowed a proportionate refund of his permit fee, as the unexpired portion of time under his permit bears to the calendar year.

15. The term "Construction Engineer" used herein or in connection herewith, shall be construed to mean the Construction Engineer or any other properly authorized employee of the Bureau of Reclamation with authority to act for him.

Approved: July 17, 1943.

MICHAEL W. STRAUS,
First Assistant Secretary.

[F. R. Doc. 43-12488; Filed, July 31, 1943; 12:57 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL AND WITHDRAWAL OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4403, 4405, 4417, 4417a, 4418, 4421, 4426, 4427, 4437, 4438, 4453, 4456, 4481, 4482, 4488, 4491, as amended, 49 Stat. 1544 54 Stat. 163–167 (46 U S C. 372, 375, 391, 391a, 392, 399, 404, 405, 413, 228, 435, 438, 474, 475, 481, 489, 367, 526–526t), and Executive Order 9083, dated February 28, 1942 7 F.R. 1609), the following amendments to the Inspection and Navigation regulations, approval, and withdrawal of approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter F—Marine Engineering

PART 50—GENERAL PROVISIONS

Part 50 is amended by changing a name as follows:

In § 50.1 "local inspectors" to "Officer in Charge, Marine Inspection".

Section 50.2 is amended by changing paragraphs (a), (b), (c), and (d), and by adding a new paragraph (i), which reads as follows:

§ 50.2 *Definition of terms.* • • •

(a) Commandant means the Commandant of the Coast Guard.

(b) District Coast Guard Officer means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Title 52, R. S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

(c) Officer in Charge, Marine Inspection, means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the superintendence and direction of the District Coast Guard Officer is in charge of an inspection district for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, R. S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

(d) Marine inspector or inspector means any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and the administration of Title 52, R. S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

• • • • •

(i) Headquarters means the Office of the Commandant, Washington, D. C.

PART 51—MATERIALS

Part 51 is amended by changing names and certain phrases as follows:

a. In §§ 51.1–4, 51.1–12, and 51.1–18 "bureau" to "Commandant".

b. In §§ 51.1–2, 51.1–5, 51.1–6, 51.1–8, 51.1–11, and 51.20–10 "Director" to "Commandant".

c. In §§ 51.1–2, 51.1–3, 51.1–12, 51.1–13, "bureau" to "Coast Guard".

d. In § 51.1–2 "local inspection district" to "inspection district".

e. In §§ 51.1–8, and 51.1–14 "supervising inspector" to "District Coast Guard Officer".

f. In §§ 51.1–8, and 51.1–14 "local inspectors" to "Officer in Charge, Marine Inspection".

g. In § 51.1–14 "local board" to "Officer in Charge, Marine Inspection".

h. In § 51.1–13 "B. M. I. N." to "U. S. C. G." (official stamp).

NOTE: In addenda No. 1, dated October 17, 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 52—CONSTRUCTION

Part 52 is amended by changing names and certain phrases as follows:

a. In §§ 52.1–8, 52.1–12, 52.2–5, and 52.15–11 "board" to "Commandant".

b. In §§ 52.5–2, 52.13–3, 52.14–2, and 52.16–1 "Board of Supervising Inspectors" to "Commandant".

c. In §§ 52.1–2, 52.1–5, 52.1–15, 52.1–18, 52.13–2, and 52.14–2 "Director" to "Commandant".

d. In §§ 52.1–13, 52.1–17, and 52.13–2 "bureau" to "Commandant".

e. In §§ 52.1–2, 52.1–6, and 52.14–5 "bureau" to "Coast Guard".

f. In §§ 52.13–2, 52.14–2, 52.14–5, and 52.16–1 "this bureau" to "the Coast Guard".

g. In §§ 52.1–5, and 52.14–2 "supervising inspector" to "District Coast Guard Officer".

h. In §§ 52.1–2, 52.1–4, 52.1–5, 52.1–6, 52.1–7, 52.1–10, 52.1–11, 52.1–14, 52.14–3, 52.14–5, and 52.16–1 "local inspectors" to "Officer in Charge, Marine Inspection".

i. In § 52.14–5 "board and local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 52.14–5 "local board" to "Officer in Charge, Marine Inspection".

k. In § 52.14–2 "local board of inspectors" to "Officer in Charge, Marine Inspection".

l. In §§ 52.1–3, 52.1–4 "local inspector of boilers" to "Officer in Charge, Marine Inspection".

m. In § 52.1–6 "in the office of the Director" to "at Headquarters".

n. In § 52.1–10 "local district" to "inspection district".

o. In § 52.1–2 "Supervising and local inspectors" to "inspectors".

p. In § 52.1–14 "local inspection district" to "inspection district".

NOTE: In addenda No. 1, dated October 17, 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 53—INSTALLATION

Part 53 is amended by changing names as follows:

a. In § 53.17–4 "this bureau" to "the Coast Guard".

b. In § 53.17–1 "local inspectors" to "Officer in Charge, Marine Inspection".

PART 54—INSPECTION

Part 54 is amended by changing names and certain phrases as follows:

a. In § 54.18–3 "this bureau" to "the Coast Guard".

b. In §§ 54.18–2, and 54.18–12 "BMIN" to "USCG".

c. In §§ 54.18–5, and 54.18–12 "local inspectors" to "Officer in Charge, Marine Inspection".

d. In § 54.18–4 "both the hull and boiler inspectors, and the hull inspector, as well as the boiler inspector" to "the inspectors and they".

e. In § 54.18–6 "jointly by both boiler inspector and hull inspector" to "by inspectors".

f. In § 54.18–12 "U. S. inspector" to "U. S. Coast Guard".

g. In § 54.18–12 "USI" to "USCG".

NOTE: In addenda No. 1, dated October 17, 1942, the title "local inspectors" was editorially changed to "Merchant Marine Inspector in Charge", which should be changed to "Officer in Charge, Marine Inspection".

PART 55—PIPING SYSTEMS

Part 55 is amended by changing names and certain phrases as follows:

a. In § 55.19–15 "Secretary of Commerce" to "Commandant".

b. In §§55.19–3, and 55.19–8 "Director" to "Commandant".

c. In § 55.19–3 "Board of Supervising Inspectors" to "Commandant".

d. In §§ 55.19–3, and 55.19–11 "board" to "Commandant".

e. In § 55.19–15 (a) "bureau" to "Commandant".

f. In § 55.19–15 (b) "bureau" to "Coast Guard".

g. In § 55.19–3 "this bureau" to "the Coast Guard".

h. In §§ 55.19–2, 55.19–10, 55.19–12, 55.19–13, and 55.19–15 "local inspectors" to "Officer in Charge, Marine Inspection".

NOTE: In addenda No. 1, dated October 17, 1942, the title "local inspectors" was editorially changed to "Merchant Marine Inspector in Charge", which should be changed to "Officer in Charge, Marine Inspection".

PART 56—FUSION WELDING

Part 56 is amended by changing names and certain phrases as follows:

a. In §§ 56.20–3, and 56.20–19 "Director" to "Commandant".

b. In §§ 56.20–3 and note, 56.20–5, and 56.20–19 "bureau" to "Coast Guard".

c. In § 56.20–3 (a) with note "this bureau" to "the Coast Guard".

d. In § 56.20–19 "a representative of the bureau" to "an inspector".

PART 57—SUPPLEMENTARY DATA AND REQUIREMENTS

Part 57 is amended by changing names and certain phrases as follows:

a. In §§ 57.21–3, 57.21–4, 57.21–14, and 57.21–18 "Director" to "Commandant".

b. In § 57.21–3 (f) "Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C." to "the Commandant (OMI), U. S. Coast Guard, Washington, D. C."

c. In § 57.21–2, form 935A, "Board of Supervising Inspectors" to "Commandant".

d. In § 57.21–2, heading on form 935A, "Bureau of Marine Inspection and Navigation" to "Commandant, U. S. Coast Guard".

e. In § 57.21–2, in body of form 935A, "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 57.21–2 "Department of Commerce, Bureau of Marine Inspection and Navigation" is deleted.

g. In §§ 57.21–3, 57.21–6 figure S–2–A, 57.21–13, 57.21–24, and 57.21–25 "this bureau" to "the Coast Guard".

h. In § 57.21–3 "bureau" to "Coast Guard".

i. In § 57.21–31 "B. M. I. N." to "U. S. C. G."

j. In §§ 57.21–4, 57.21–5, 57.21–8, and 57.21–15 "local inspectors" to "Officer in Charge, Marine Inspection".

k. In §§ 57.21–4, and 57.21–14 "board of local inspectors" to "Officer in Charge, Marine Inspection".

l. In § 57.21–15 "local board of inspectors" to "Officer in Charge, Marine Inspection".

m. In § 57.21–18 "form 935F" to "form NCG 935A".

n. In § 57.21–25 "official form 935F" to "form NCG 935A".

PART 58—BOILER PLATE; BOILERS AND ATTACHMENTS

Part 58 is amended by changing names and certain phrases to read as follows:

a. In §§ 58.04, 58.15, 58.20, 58.23, 58.24, 58.27, and 58.28 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 58.20 "Director of the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C." to "the Commandant (OMI), U. S. Coast Guard, Washington, D. C."

c. In § 58.20 "Director of the Bureau of Marine Inspection and Navigation at Washington, D. C." to "Commandant".

d. In § 58.29 "Bureau of Marine Inspection and Navigation" to "Commandant".

e. In §§ 58.3, 58.13, 58.23, 58.24, and 58.28 "Board of Supervising Inspectors" to "Commandant".

f. In § 58.20 "Board of Supervising Inspectors, Steamboat Inspection Service" to "Commandant".

g. In § 58.24 "Board of Supervisory Inspectors" to "Commandant".

h. In §§ 58.13, and 58.24 "board" to "Commandant".

i. In § 58.13 "this board" to "the Commandant".

j. In § 58.24 "said board" to "the Commandant".

k. In § 58.24 "jurisdiction of the Board of Supervising Inspectors" to "Jurisdiction of the Coast Guard".

l. In §§ 58.07, and 58.20 "Steamboat Inspection Service" to "Coast Guard".

m. In §§ 58.15, and 58.27 "this service" and "service" to "Coast Guard", respectively.

n. In § 58.25 "this bureau" to "the Coast Guard".

o. In § 58.02 "supervising inspector" to "District Coast Guard Officer".

p. In § 58.6 "local or supervising inspectors" to "Officer in Charge, Marine Inspection, or District Coast Guard Officer".

q. In § 58.1 "local inspector of boilers" to "Officer in Charge, Marine Inspection".

r. In § 58.24 "supervising and local inspectors" to "inspectors".

s. In § 58.1 "office of the local inspectors" and "local inspectors' office" to "inspection office".

t. In § 58.1 "inspectors" to "Officer in Charge, Marine Inspection".

u. In §§ 58.02, 58.03, 58.4, 58.14, 58.20, 58.21, 58.24, 58.25, 58.27, and 58.28 "local inspectors" to "Officer in Charge, Marine Inspection".

v. In § 58.01 "United States Steamboat Inspection Service" to "Coast Guard".

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Part 59 is amended by changing names and certain phrases as follows:

a. In § 59.3 (c) "the Secretary of Commerce is authorized by the Seamen's Act" to "the Commandant is authorized by the Seamen's Act and Executive Order No. 9033 (7 F.R. 1609)".

b. In §§ 59.13, 59.15, 59.19, 59.26, 59.31, 59.42, 59.47, 59.56, and 59.57 "Board of Supervising Inspectors" to "Commandant".

c. In §§ 59.3, 59.3a, 59.16, and 59.68 "board" to "Commandant".

d. In § 59.1 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

e. In § 59.3 (h) "bureau" to "Commandant".

f. In § 59.3 (n) "bureau" to "Coast Guard".

g. In § 59.4 (e) "the bureau" to "Headquarters".

h. In §§ 59.13, 59.14, 59.15, 59.42, 59.43, and 59.61 "supervising inspector(s)" to "District Coast Guard Officer(s)".

i. In §§ 59.40, 59.54a (h), 59.56 (1), and 59.61 (f) (l) "supervising inspector of the district" to "District Coast Guard Officer".

j. In § 59.55 "Supervising Merchant Marine Inspector" to "District Coast Guard Officer".

k. In § 59.8 "local inspectors" to "the Officer in Charge, Marine Inspection".

l. In § 59.3 (e) "officer designated by the Director of the Bureau of Marine Inspection and Navigation" to "inspector".

m. In §59.54a (h) "inspector of the Bureau of Marine Inspection and Navigation" to "inspector".

n. In §§ 59.30, and 59.45 "inspector of this bureau" to "inspector".

o. In §§ 59.14, and 59.43 "assistant or local inspector" to "inspector".

p. In § 59.56 (l) "a local or assistant inspector" to "an inspector".

q. In §§ 59.3, and 59.3a "B. M. I. N." to "U. S. C. G."

r. In §§ 59.14, 59.43, and 59.54a (h) "U. S. I." to "U. S. C. G."

Part 59 is amended by the addition of a new § 59.01, which is to precede § 59.1, reading as follows:

§ 59.01 *Definition of terms.* Certain terms used in the regulations in this subchapter are defined as follows:

(a) *Commandant.* This term means Commandant of the Coast Guard.

(b) *District Coast Guard Officer.* This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Title 52, R.S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

(c) *Officer in Charge, Marine Inspection.* This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the District Coast Guard Officer, is in charge of an inspection district for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, R.S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

(d) *Marine inspector or inspector.* These terms mean any person from the

civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and the administration of Title 52, R.S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

(e) *Headquarters.* This term means the Office of the Commandant, Washington, D. C.

Section 59.11 is amended by changing the introductory sentence to read as follows:

§ 59.11 *Lifeboat equipment.* Lifeboats, except those otherwise specified, shall be equipped as follows: * * *

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Part 60 is amended by changing names and certain phrases as follows:

a. In §§ 60.10, 60.12, 60.29, 60.34, 60.49, and 60.50 "Board of Supervising Inspectors" to "Commandant".

b. In §§ 60.14, 60.21, 60.21a, and 60.61 "board" to "Commandant".

c. In § 60.1 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In § 60.21 "bureau" to "Coast Guard", except in the fifth paragraph when it is "bureau" to "Commandant".

e. In §§ 60.10, 60.11, 60.12, 60.29, 60.30, and 60.54 "supervising inspector(s)" to "District Coast Guard Officer(s)".

f. In §§ 60.16, 60.47a (h), 60.49, and 60.54 (f) (1) "supervising inspector of the district" to "District Coast Guard Officer".

g. In § 60.48 "Supervising Merchant Marine Inspector" to "District Coast Guard Officer".

h. In § 60.35 (c) "supervising or local inspectors" to "District Coast Guard Officer".

i. In §§ 60.6 and 60.57 "local inspectors" and "U. S. local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 60.47a (h) "inspector of the Bureau of Marine Inspection and Navigation" to "inspector".

k. In §§ 60.13, and 60.32 "inspector of this bureau" to "inspector".

l. In §§ 60.11, and 60.30 "assistant or local inspector" to "inspector".

m. In § 60.49 (1) "a local or assistant inspector" to "an inspector".

n. In §§ 60.21, and 60.21a "B. M. I. N." to "U. S. C. G."

o. In §§ 60.11, 60.30, and 60.47a (h) "U. S. I." to "U. S. C. G."

Section 60.9 is amended by changing the introductory sentence to read as follows:

§ 60.9 *Lifeboat equipment.* (See § 59.11 of this chapter which is identical with this section.)

Section 60.40 entitled *A B C and balsa life floats* is deleted.

PART 61—FIRE APPARATUS; FIRE PREVENTION

Part 61 is amended by changing names and certain phrases as follows:

a. In §§ 61.14, 61.16, and 61.17 "Director" to "Commandant".

b. In §§ 61.4, 61.13, 61.16, 61.17, 61.18, and 61.23 "Board of Supervising Inspectors" to "Commandant".

c. In §§ 61.3, 61.13, and 61.17 (a) (1) (ii) "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In §§ 61.17 (a) (2) (ii), and (iii) "approval of the Bureau of Marine Inspection and Navigation" to "Commandant's approval".

e. In §§ 61.17 (b) (2) (v), and (3) (vii) "the Bureau of Marine Inspection and Navigation" to "Headquarters".

f. In § 61.22 "Bureau of Marine Inspection and Navigation" to "Commandant".

g. In § 61.17 (b) (2) (vii) "bureau" to "Coast Guard".

h. In § 61.13 "supervising inspector" to "District Coast Guard Officer".

i. In §§ 61.11, and 61.13 "local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 61.16 (b) (2) "inspectors of this bureau" to "inspectors".

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

Part 62 is amended by changing names and certain phrases as follows:

a. In § 62.12 "Board of Supervising Inspectors" to "Commandant".

b. In § 62.20 (b) (4) "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

c. In § 62.20 "bureau" to "Commandant".

d. In § 62.17 "the Department of Commerce" to "Headquarters".

e. In §§ 62.21, 62.24, 62.28, and 62.61 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 62.17 "officers of the Bureau of Marine Inspection and Navigation" to "Inspectors of the Coast Guard".

g. In § 62.20 (d) (2) "representatives of the bureau" to "inspectors".

h. In § 62.21 (a) (12) "inspectors of the Bureau of Marine Inspection and Navigation" to "inspectors".

i. In § 62.18 "supervising inspector" to "District Coast Guard Officer".

j. In §§ 62.16, and 62.18 "board of local inspectors" to "Officer in Charge, Marine Inspection".

k. In §§ 62.17, 62.59, 62.60, and 62.61 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

l. In § 62.14 "a supervising, local, or assistant inspector of steam vessels or any of them" to "an inspector".

Section 62.16 is amended by deleting the footnote to the heading and by changing the second, third, and fourth undesignated paragraphs to read as follows:

§ 62.16 *Reports of accidents.* * * *

Whenever a vessel commanded by an officer licensed by the Coast Guard collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the licensed officer in command of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. When any collision of this character is reported the Officer in Charge, Marine Inspection, shall immediately transmit such information through official channels to the District Coast Guard Officer of the district in which the collision occurred.

Whenever in an investigation of an accident to a vessel, made by the Coast Guard, it is stated by the officers of the vessel concerned, or it is developed by the investigation, or it is stated in a report of an accident, that the accident was due to a collision with a light vessel, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or to any fault of any such aid, or to the lack of such aid, the Officer in Charge, Marine Inspection, investigating the case, or to whom the report was made, shall promptly report through official channels to the Commandant, the location of the accident, the aid to navigation near or at which the accident occurred; the nature of the accident; the alleged cause of the accident; whether or not the accident was due to some alleged fault of the aid, either in its operation or location; the proposed improvement in the aid, if such has been suggested; and all other information or suggestions which would be of value. If an investigation was held, the findings shall also be reported. The Officer in Charge, Marine Inspection, shall also report in the same manner any other information or suggestions coming to him concerning the need of additional aids to navigation or the modification of any existing aids.

PART 63—INSPECTION OF VESSELS

Part 63 is amended by changing names and certain phrases as follows:

a. In §§ 63.5, 63.8, and 63.15 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 63.16 "Board of Supervising Inspectors and also by the Secretary of Commerce" to "Commandant".

c. In §§ 63.11 (c) (1), 63.14a (a) (7), and (b) (6) "bureau" to "Commandant".

d. In §§ 63.14a (a) (3) (iv), and (a) (6) "the bureau" to "Headquarters".

e. In § 63.16 "this service" to "the Coast Guard".

f. In § 63.8 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

g. In § 63.7 "supervising inspector" and "supervising inspector of their district" to "District Coast Guard Officer".

h. In § 63.4 "supervising inspector of the district" to "District Coast Guard Officer".

i. In §§ 63.1, 63.5, 63.7, 63.8, and 63.17 "local inspectors" and "United States local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 63.5 "board of local inspectors" to "Officer in Charge, Marine Inspection".

k. In § 63.14a (b) (6) "local board of inspectors" to "Officer in Charge, Marine Inspection".

l. In § 63.1 "board of local inspectors or supervising inspector" to "inspector".

m. In § 63.15 "supervising and local inspectors" to "inspectors".

n. In §§ 63.14, and 63.14a "inspectors of the bureau" and "inspectors of this bureau" to "inspectors".

o. In § 63.4 "inspector of hulls" to "inspector".

Part 63 is amended by the addition of a new § 63.6 reading as follows:

§ 63.6 *Certificates of inspection.* Certificates of inspection for any period less than one year shall not be issued, but nothing herein shall be construed as preventing the revocation or suspension of certificates of inspection in case such process is authorized by law.

Section 63.7 *Proceeding to another port for repairs* is amended by deleting the first undesignated paragraph.[1]

PART 64—DUTIES OF INSPECTORS

Part 64 is amended by changing names and certain phrases as follows:

a. In §64.12 "Department" to "Commandant".

b. In §§ 64.12, and 64.16 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

c. In § 64.16 "in the Office of the Director of the Bureau of Marine Inspection and Navigation" to "at Coast Guard Headquarters".

d. In § 64.13 "the Department" to "Headquarters".

e. In § 64.1 "the Office of the Director of the Bureau of Marine Inspection and Navigation" to "Headquarters".

f. In § 64.16 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

g. In § 64.16 "this bureau" and "the bureau" to "Headquarters".

h. In § 64.11 "steamboat service" to "Coast Guard".

i. In §§ 64.2, and 64.3 "Supervising Merchant Marine Inspector(s)" to "District Coast Guard Officer(s)".

j. In §§ 64.1, 64.4, 64.11, and 64.12 "supervising inspector" to "District Coast Guard Officer".

k. In § 64.18 "supervising inspector of the district" to "District Coast Guard Officer".

l. In §§ 64.1, 64.10a, 64.12, 64.13, and 64.16 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

m. In § 64.11 "local boards" to "Officers in Charge, Marine Inspection".

n. In § 64.3 "Merchant Marine Inspector(s) in Charge" to "Officer(s) in Charge, Marine Inspection".

o. In § 64.12 "supervising and local inspectors" to "inspectors".

p. In § 64.10 "both the hull and boiler inspectors" and "hull inspector as well as the boiler inspector" to "inspectors".

q. In § 64.7 "boiler inspector" to "inspector".

r. In § 64.16 "inspector of this bureau" to "inspector".

Section 64.13 is amended by changing the third undesignated paragraph with footnote to read as follows:

§ 64.13 *Carrying of excess steam.* * * *

In case no such report is made and a safety valve is found that has been tampered with or out of order, the engineer in charge of such boiler and the master of such vessel shall be proceeded against in accordance with the provisions of R. S. 4450, as amended (46 U.S.C. 239),

[1] This paragraph was made a new § 63.6 *Certificates of inspection* in this part.

looking to a suspension or revocation of their licenses.[7]

Section 64.14 entitled *Public inspection of official records* is deleted.

PART 65—STEAM YACHTS

Part 65 is amended by changing names and certain phrases as follows:

a. In § 65.11 "Board of Supervising Inspectors" to "Commandant."

b. In § 65.11 "supervising inspector of the district in which the lifeboats are built" to "Commandant".

c. In §§ 65.4, and 65.12 "supervising inspector(s)" to "District Coast Guard Officer(s)".

d. In § 65.12 "assistant or local inspector" to "inspector".

e. In § 65.12 "U. S. I." to "U. S. C. G."

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS AND LIFESAVING APPLIANCES

Part 76 is amended by changing names and certain phrases as follows:

a. In § 76.50 "Secretary of Commerce" to "Commandant".

b. In §§ 76.16, 76.18, 76.32, 76.37, 76.53, and 76.54 "Board of Supervising Inspectors" to "Commandant".

c. In §§ 76.15, 76.15a, 76.19, and 76.62 "board" to "Commandant".

d. In § 76.2 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

e. In § 76.15 "bureau" to "Coast Guard" except in the fifth paragraph when it is "bureau" to "Commandant".

f. In § 76.13 "this service" to "the Coast Guard."

g. In §§ 76.8, 76.16, 7617, 76.18, 76.32, and 76.33 "supervising inspector" to "District Coast Guard Officer".

h. In §§ 76.51a, and 76.53 "supervising inspector of the district" to "District Coast Guard Officer".

i. In § 76.52 "Supervising Merchant Marine Inspector" to "District Coast Guard Officer".

j. In § 76.34 "supervising or local inspectors" to "District Coast Guard Officer".

k. In §§ 76.8, and 76.10 "local inspectors" to "Officer in Charge, Marine Inspection".

l. In §§ 76.17, and 76.33 "assistant or local inspector" to "inspector".

m. In § 76.53 "a local or assistant inspector" to "an inspector".

n. In § 76.51a "Inspector of the Bureau of Marine Inspection and Navigation" to "inspector".

o. In § 76.35 "inspector of this bureau" to "inspector".

p. In § 76.20 "inspector of this service" to "inspector".

q. In §§ 76.15, and 76.15a "B. M. I. N." to "U. S. C. G."

r. In §§ 76.17, 76.33, and 76.51a "U. S. I." to "U. S. C. G."

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 76 is amended by the addition of a new § 76.01 reading as follows:

§ 76.01 *Definition of terms.* (See § 59.01 of this chapter which is identical with this section.)

Section 76.45 entitled *A B C and balsa life floats* is deleted.

PART 77—FIRE APPARATUS; FIRE PREVENTION

Part 77 is amended by changing names and certain phrases as follows:

a. In §§ 77.16, and 77.17 "Director" to "Commandant".

b. In §§ 77.4, 77.13, 77.16, 77.17, 77.18, and 77.22 "Board of Supervising Inspectors" to "Commandant".

c. In § 77.21a "Bureau of Marine Inspection and Navigation" to "Commandant".

d. In §§ 77.3, 77.13, and 77.17 (a) (1) (ii) "Bureau of Marine Inspection and Navigation" to "Coast Guard".

e. In §§ 77.17 (a) (2) (ii), and (iii) "approval of the Bureau of Marine Inspection and Navigation" to "Commandant's approval".

f. In §§ 77.17 (b) (2) (v), and (3) (vii) "Bureau of Marine Inspection and Navigation" to "Headquarters".

g. In § 77.17 (b) (2) (vii) "bureau" to "Coast Guard".

h. In § 77.13 "supervising inspector" to "District Coast Guard Officer".

i. In §§ 77.11, and 77.13 "local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 77.16 (b) (2) "inspectors of this bureau" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

Part 78 is amended by changing names and certain phrases as follows:

a. In §§ 78.12, and 78.39 "Board of Supervising Inspectors" to "Commandant".

b. In § 78.17 "the Department of Commerce" to "Headquarters".

c. In §§ 78.20, 78.21, 78.28, and 78.54 "Bureau of Marine Inspection and Navigation" to "Coast Guard."

d. In §§ 78.18, and 78.19 "supervising inspector" to "District Coast Guard Officer".

e. In §§ 78.17, 78.52, 78.53, and 78.54 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

f. In §§ 78.16, and 78.18 "board of local inspectors" to "Officer in Charge, Marine Inspection".

g. In § 78.14 "a supervising, local, or assistant inspector of steam vessels or any of them" to "an inspector".

[7] Attention is called to R. S. 4437 (46 U.S.C. 413), which makes the obstructing of a safety valve a misdemeanor subject to a $200 fine and imprisonment for not to exceed five years.

h. In § 78.17 "officers of the Bureau of Marine Inspection and Navigation" to "inspectors of the Coast Guard".

i. In § 78.54 (a) (12) "inspectors of the Bureau of Marine Inspection and Navigation" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Section 78.16 is amended by deleting the footnote to the heading and by changing the second, third, and fourth undesignated paragraphs to read as follows:

§ 78.16 *Reports of accidents.* • • • (See § 62.16 of this chapter which is identical with this section.)

PART 79—INSPECTION OF VESSELS

Part 79 is amended by changing names and certain phrases as follows:

a. In §§ 79.5, 79.8, and 79.21 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 79.18 "Board of Supervising Inspectors and also by the Secretary of Commerce" to "Commandant".

c. In § 79.12 "bureau" to "Commandant".

d. In § 79.8 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

e. §§ 79.17, and 79.18 "this service" to "the Coast Guard".

f. In § 79.7 "supervising inspector" and "supervising inspector of their district" to "District Coast Guard Officer".

g. In § 79.21 "supervising and local inspectors" to "inspectors".

h. In §§ 79.1, 79.5, 79.7, 79.8, and 79.18a "local inspectors" and "United States local inspectors" to "Officer in Charge, Marine Inspection".

i. In § 79.5 "board of local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 79.1 "board of local inspectors or supervising inspector" to "inspector".

k. In § 79.19 "inspectors of the bureau" to "inspectors".

l. In § 79.4 "inspector of hulls" to "inspector".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 79 is amended, the addition of a new § 79.6 reading as follows:

§ 79.6 *Certificates of inspection.* (See § 63.6 of this chapter which is identical with this section.)

Section 79.7 *Permits to go to other ports for repairs,* is amended by deleting the first undesignated paragraph.[1]

[1] This paragraph was made a new § 79.6 *Certificates of inspection.*

PART 80—FERRYBOATS

Part 80 is amended by changing a name as follows: In § 80.2 "bureau" to "Commandant".

PART 81—EXCURSION STEAMERS

Part 81 is amended by changing names and certain phrases as follows:

a. In § 81.1 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 81.2 "board to "Commandant".

c. In § 81.1 "supervising inspector" to "District Coast Guard Officer".

d. In § 81.1 "local inspectors" to "Officer in Charge, Marine Inspection".

NOTE. In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection."

PART 83—DUTIES OF INSPECTORS

Part 83 is amended by changing names and certain phrases as follows:

a. In § 83.11 "Department" to "Commandant."

b. In §§ 83.11, and 83.15 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant."

c. In § 83.12 "the Department" to "Headquarters."

d. In § 83.15 "this bureau" and "the bureau" to "Headquarters."

e. In § 83.15 "in the office of the Bureau of Marine Inspection and Navigation," to "at Coast Guard Headquarters."

f. In § 83.15 "Bureau of Marine Inspection and Navigation to "Coast Guard."

g. In § 83.10 "steamboat service" to "Coast Guard."

h. In §§ 83.3, 83.10, and 83.11 "supervising inspector(s)" to "District Coast Guard Officer(s)."

i. In § 83.17 "supervising inspector of the district" to "District Coast Guard Officer."

j. In §§ 83.1 and 83.2 "Supervising Merchant Marine Inspector(s)" to "District Coast Guard Officer(s)."

k. In § 83.11 "supervising and local inspectors" to "inspectors."

l. In §§ 83.9a, 83.11, 83.12, and 83.15 "local inspectors" to "Officers(s) in Charge, Marine Inspection."

m. In § 83.2 "Merchant Marine Inspector(s) in Charge" to "Officer(s) in Charge, Marine Inspection".

n. In § 83.10 "local boards" to "Officers in Charge, Marine Inspection".

o. In § 83.15 "inspector of this bureau" to "inspector".

p. In § 83.9 "both the hull and boiler inspectors" and "hull inspector as well as the boiler inspector" to "inspectors".

q. In § 83.6 "boiler inspector" to "inspector".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to Officer in Charge, Marine Inspection".

Section 83.12 is amended by changing the third undesignated paragraph with footnote to read as follows:

§ 83.12 *Carrying of excess steam.* • • • (See § 64.13 of this chapter which is identical with this section.)

Section 83.13 *Public inspection of official records and documents* is deleted.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Part 94 is amended by changing names and certain phrases as follows:

a. In § 94.50 "Secretary of Commerce" to "Commandant".

b. In §§ 94.15, 94.32, 94.38, 94.53, and 94.54 "Board of Supervising Inspectors" to "Commandant".

c. In §§ 94.14, 94.14a, 94.18, and 94.59 "board" to "Commandant".

d. In § 94.14 "bureau" to "Coast Guard" except in the fifth paragraph when it is "bureau" to "Commandant".

e. In § 94.12 "this service" to "the Coast Guard".

f. In §§ 94.5, 94.15, 94.16, 94.17, 94.32, and 94.33 "supervising inspector(s)" to "District Coast Guard Officer(s)".

g. In § 94.53 "supervising inspector of the district" to "District Coast Guard Officer".

h. In § 94.52 "Supervising Merchant Marine Inspector" to "District Coast Guard Officer".

i. In § 94.35 "supervising or local inspectors" to "District Coast Guard Officer".

j. In §§ 94.5, and 94.10 "local inspectors" to "Officer in Charge, Marine Inspection".

k. In §§ 94.16, and 94.33 "assistant or local inspector" to "inspector".

l. In § 94.53 "a local or assistant inspector" to "an inspector".

m. In § 94.19 "inspector of this service" to "inspector".

n. In § 94.36 "inspector of this bureau" to "inspector".

o. In §§ 94.14, and 94.14a "B. M. I. N." to "U. S. C. G."

p. In §§ 94.16, and 94.33 "U. S. I." to "U. S. C. G."

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 94 is amended by the addition of a new § 94.01 reading as follows:

§ 94.01 *Definition of terms.* (See § 59.01 of this chapter which is identical with this section.)

Section 94.46 entitled *A B C and balsa life floats* is deleted.

PART 95—FIRE APPARATUS; FIRE PREVENTION

Part 95 is amended by changing names and certain phrases as follows:

a. In §§ 95.15, and 95.16 "Director" to "Commandant".

b. In §§ 95.4, 95.13, 95.15, 95.16, 95.17, and 95.22 "Board of Supervising Inspectors" to "Commandant".

c. In § 95.21a "Bureau of Marine Inspection and Navigation" to "Commandant".

d. In §§ 95.16 (b) (2) (v), and (3) (vii) "Bureau of Marine IInspection and Navigation" to "Headquarters".

e. In §§ 95.3, 95.13, and 95.16 (a) (1) (ii) "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In §§ 95.16 (a) (2) (ii), and (iii) "approval of the Bureau of Marine Inspection and Navigation" to "Commandant's approval".

g. In § 95.16 (b) (2) (vii) "bureau" to "Coast Guard".

h. In § 95.13 "supervising inspector" to "District Coast Guard Officer".

i. In §§ 95.11, and 95.13 "local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 95.15 (b) (2) "Inspectors of this bureau" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

Part 96 is amended by changing names and certain phrases as follows:

a. In §§ 96.12, and 96.38 "Board of Supervising Inspectors" to "Commandant".

b. In § 96.17 "the Department of Commerce" to "Headquarters".

c. In §§ 96.19, 96.20, 96.27, and 96.53 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In § 96.18 "supervising inspector" to "District Coast Guard Officer".

e. In § 96.17 "officers of the Bureau of Marine Inspection and Navigation" to "inspectors of the Coast Guard".

f. In § 96.14 "a supervising, local, or assistant inspector of steam vessels or any of them" to "an inspector".

g. In §§ 96.17, 96.51, 96.52, and 96.53 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

h. In §§ 96.16, and 96.18 "board of local inspectors" to "Officer in Charge, Marine Inspection".

i. In § 96.53 (a) (12) "inspectors of the Bureau of Marine Inspection and Navigation" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Section 96.16 is amended by deleting the footnote to the heading and by changing the second, third, and fourth undesignated paragraphs to read as follows:

§ 96.16 *Reports of accidents.* • • • (See § 62.16 of this chapter which is identical with this section.)

PART 97—INSPECTION OF VESSELS

Part 97 is amended by changing names and certain phrases as follows:

a. In §§ 97.5, 97.8, and 97.19 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 97.17 "Board of Supervising Inspectors and also by the Secretary of Commerce" to "Commandant".

c. In §§ 97.14 (c) (1), 97.18a (a) (7), and (b) (6) "bureau" to "Commandant".

d. In §§ 97.18a (a) (3) (iv), and (6) "the bureau" to "Headquarters".

e. In § 97.8 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 97.17 "this service" to "the Coast Guard".

g. In § 97.7 "supervising inspector" and "supervising inspector of their district" to "District Coast Guard Officer".

h. In § 97.19 "supervising and local inspectors" to "inspectors".

i. In § 97.1 "board of local inspectors or supervising inspectors" to "inspector".

j. In § 97.5 "board of local inspectors" to "Officer in Charge, Marine Inspection".

k. In § 97.18a (b) (6) "local board of inspectors" to "Officer in Charge, Marine Inspection".

l. In §§ 97.1, 97.5, 97.7, 97.8, and 97.17a "local inspectors" and "United States local inspectors" to "Officer in Charge, Marine Inspection".

m. In § 97.4 "inspector of hulls" to "inspector".

n. In §§ 97.18, and 97.18a "inspectors of the bureau" and "inspectors of this bureau" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 97 is amended by the addition of a new § 97.6 reading as follows:

§ 97.6 *Certificates of inspection.* (See § 63.6 of this chapter which is identical with this section.)

Section 97.7 *Permits to go to other ports for repairs,* is amended by deleting the first undesignated paragraph.[1]

PART 98—FERRYBOATS

Part 98 is amended by changing a name as follows:

In § 98.2 "bureau" to "Commandant".

PART 99—EXCURSION STEAMERS

Part 99 is amended by changing names and certain phrases as follows:

[1] This paragraph was made a new § 97.6 entitled *Certificates of inspection.*

a. In § 99.1 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 99.2 "board" to "Commandant".

c. In § 99.1 "supervising inspector" to "District Coast Guard Officer".

d. In § 99.1 "local inspectors" to "Officer in Charge, Marine Inspection".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 101—DUTIES OF INSPECTORS

Part 101 is amended by changing names and certain phrases as follows:

a. In § 101.11 "Department" to "Commandant".

b. In § 101.12 "the Department" to "Headquarters".

c. In §§ 101.11, and 101.15 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

d. In § 101.15 "in the office of the Director of the Bureau of Marine Inspection and Navigation, Washington, D. C." to "Coast Guard Headquarters, Washington, D. C."

e. In § 101.15 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 101.10 "steamboat service" to "Coast Guard".

g. In § 101.15 "the bureau" and "this bureau" to "Headquarters".

h. In §§ 101.3, 101.10, and 101.11 "supervising inspector(s)" to "District Coast Guard Officer(s)".

i. In § 101.17 "supervising inspector of the district" to "District Coast Guard Officer".

j. In §§ 101.1, and 101.2 "Supervising Merchant Marine Inspector(s)" to "District Coast Guard Officer(s)".

k. In § 101.11 "supervising and local inspectors" to "inspectors".

l. In § 101.2 "Merchant Marine Inspector(s) in Charge" to "Officer(s) in Charge, Marine Inspection".

m. In §§ 101.11, 101.12, and 101.15 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

n. In § 101.10 "local boards" to "Officers in Charge, Marine Inspection".

o. In § 101.6 "boiler inspector" to "inspector".

p. In § 101.9 "both the hull and boiler inspectors" and "hull inspector as well as the boiler inspector" to "inspectors".

q. In § 101.15 "inspector of this bureau" to "inspector".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Section 101.12 is amended by changing the third undesignated paragraph with footnote to read as follows:

§ 101.12 *Carrying of excess steam.* • • •

(See § 64.13 of this Chapter which is identical with this section.)

Section 101.13 entitled *Public inspection of official records* is deleted.

PART 102—BAY, SOUND, AND LAKE STEAM YACHTS

Part 102 is amended by changing names and certain phrases as follows:

a. In § 102.6 "Board of Supervising Inspectors" to "Commandant".

b. In § 102.6 "supervising inspector of the district in which lifeboats are built" to "Commandant".

c. In § 102.7 "supervising inspectors" to "District Coast Guard Officers".

d. In § 102.7 "assistant or local inspector" to "inspector".

e. In § 102.7 "U. S. I." to "U. S. C. G."

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "supervising Merchant Marine Inspectors" should be changed to "District Coast Guard Officers".

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Part 113 is amended by changing names and certain phrases as follows:

a. In §§ 113.10, 113.29, 113.45, and 113.46 "Board of Supervising Inspectors" to "Commandant".

b. In § 113.46a "Board" to "Commandant".

c. In § 113.23, fifth paragraph, "Coast Guard" to "Commandant".

d. In § 113.1 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

e. In § 113.6 "this service" to "the Coast Guard".

f. In §§ 113.10, 113.11, 113.29, and 113.30 "supervising inspector(s)" to "District Coast Guard Officer(s)".

g. In § 113.44 "Supervising Merchant Marine Inspector" to "District Coast Guard Officer".

h. In § 113.46 "supervising inspector of the district" to "District Coast Guard Officer".

i. In § 113.2 "local or supervising inspector" to "Officer in Charge, Marine Inspection, or District Coast Guard Officer".

j. In § 113.8 "local inspectors" to "Officer in Charge, Marine Inspection".

k. In §§ 113.11, and 113.30 "assistant or local inspector" to "inspector".

l. In § 113.46 (1) "a local or assistant inspector" to "an inspector".

m. In §§ 113.12, and 113.31 "inspector of this service" to "inspector".

n. In § 113.23 "B. M. I. N." to "U. S. C. G."

o. In §§ 113.11, and 113.30 "U. S. I." to "U. S. C. G."

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 113 is amended by the addition of a new § 113.01 reading as follows:

§ 113.01 *Definition of terms.* (See § 59.01 of this chapter which is identical with this section.)

Section 113.39 entitled *A B C and balsa life floats* is deleted.

PART 114—FIRE APPARATUS; FIRE PREVENTION

Part 114 is amended by changing names and certain phrases as follows:

a. In §§ 114.16, and 114.17 "Director" to "Commandant".

b. In §§ 114.6, 114.15, 114.16, 114.17, 114.18, and 114.23 "Board of Supervising Inspectors" to "Commandant".

c. In § 114.17 (a) (2) (ii), (iii) "approval of the Bureau of Marine Inspection and Navigation" to "Commandant's approval".

d. In §§ 114.17 (b) (2) (v), and (3) (vii) "Bureau of Marine Inspection and Navigation" to "Headquarters".

e. In §§ 114.4, 114.15, and 114.17 (a) (1) (ii) "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 114.17 (b) (2) (vii) "bureau to "Coast Guard".

g. In § 114.15 "supervising inspector" to "District Coast Guard Officer".

h. In §§ 114.13, and 114.15 "local inspectors" to "Officer in Charge, Marine Inspection".

i. In § 114.16 (b) (2) "inspectors of this bureau" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, "Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 115—LICENSED OFFICERS

Part 115 is amended by changing names and certain phrases as follows:

a. In §§ 115.12, and 115.37 "Board of Supervising Inspectors" to "Commandant".

b. In § 115.17 "the Department" to "Headquarters".

c. In §§ 115.19, 115.26, and 115.46 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In § 115.18 "supervising inspector" to "District Coast Guard Officer".

e. In §§ 115.17, 115.44, 115.45, and 115.46 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

f. In §§ 115.16, and 115.18 "board of local inspectors" to "Officer in Charge, Marine Inspection".

g. In § 115.14 "a supervising, local, or assistant inspector of steam vessels or any of them" to "an inspector".

h. In § 115.17 "officers of the Bureau of Marine Inspection and Navigation" to "inspectors of the Coast Guard".

i. In § 115.46 (a) (12) "inspectors of the Bureau of Marine Inspection and Navigation" to "inspector".

NOTE. In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Section 115.16 is amended by deleting the footnote to the heading and by changing the second, third, and fourth undesignated paragraphs to read as follows:

§ 115.16 *Reports of accidents.* • • • (See § 62.16 of this chapter which is identical with this section.)

PART 116—INSPECTION OF VESSELS

Part 116 is amended by changing names and certain phrases as follows:

a. In §§ 116.5, 116.8, and 116.19 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 116.17 "Board of Supervising Inspectors and also by the Secretary of Commerce" to "Commandant".

c. In § 116.8 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In § 116.10 (c) (1) "bureau" to "Commandant".

e. In § 116.17 "this service" to "the Coast Guard".

f. In § 116.7 "supervising inspector" and "supervising inspector of their district" to "District Coast Guard Officer".

g. In § 116.19 "supervising and local inspectors" to "inspectors".

h. In § 116.1 "board of local inspectors or supervising inspector" to "inspector".

i. In §§ 116.1, 116.5, 116.7, 116.8, and 116.17a "local inspectors" and "United States local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 116.5 "board of local inspectors" to "Officer in Charge, Marine Inspection".

k. In § 116.4 "inspector of hulls" to "inspector".

l. In § 116.18 "inspectors of the bureau" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 116 is amended by the addition of a new § 116.6 reading as follows:

§ 116.6 *Certificates of inspection.* (See § 63.6 of this chapter which is identical with this section.)

Section 116.7 *Permits to go to other ports for repairs,* is amended by deleting the first undesignated paragraph.[1]

PART 117—FERRYBOATS

Part 117 is amended by changing names as follows:

a. In § 117.2 "bureau" to "Commandant".

b. In § 117.4 "local inspectors" to "Officer in Charge, Marine Inspection".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

[1] This paragraph was made a new § 116.6 entitled *Certificates of inspection.*

PART 118—EXCURSION STEAMERS

Part 118 is amended by changing names and certain phrases as follows:

a. In § 118.1 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 118.2 "board" to "Commandant".

c. In § 118.1 "supervising inspector" to "District Coast Guard Officer".

d. In § 118.1 "local inspectors" to "Officer in Charge, Marine Inspection".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 120—DUTIES OF INSPECTORS

Part 120 is amended by changing names and certain phrases as follows:

a. In § 120.11 "Department" to "Commandant".

b. In §§ 120.11, and 120.15 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

c. In § 120.12 "the Department" to "Headquarters".

d. In § 120.15 "the bureau" and "this bureau" to "Headquarters".

e. In § 120.15 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 120.15 "in the office of the Director of the Bureau of Marine Inspection and Navigation, Washington, D. C." to "at Coast Guard Headquarters, Washington, D. C."

g. In § 120.10 "steamboat service" to "Coast Guard".

h. In §§ 120.3, 120.10, and 120.11 "supervising inspector(s)" to "District Coast Guard Officer(s)".

i. In §§ 120.1, and 120.2 "Supervising Merchant Marine Inspector(s)" to "District Coast Guard Officer(s)".

j. In § 120.17 "supervising inspector of the district" to "District Coast Guard Officer".

k. In § 120.11 "supervising and local inspectors" to "inspectors".

l. In §§ 120.11, 120.12, and 120.15 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

m. In § 120.2 "Merchant Marine Inspector(s) in Charge" to "Officer(s) in Charge, Marine Inspection".

n. In § 120.10 "local boards" to "Officers in Charge, Marine Inspection".

o. In § 120.6 "boiler inspector" to "inspector".

p. In § 120.9 "both the hull and boiler inspectors" and "hull inspector as well as the boiler inspector" to "inspectors".

q. In § 120.15 "inspector of this bureau" to "inspector".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Section 120.12 is amended by changing the third undesignated paragraph with footnote to read as follows:

§ 120.12 *Carrying of excess steam.* • • •

(See § 64.13 of this chapter which is identical with this section.)

Section 120.13 entitled *Public inspection of official records* is deleted.

Subchapter M—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over, Propelled by Machinery

PART 144—CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

Part 144 is amended by changing certain names as follows:

a. In § 144.6 "Secretary of Commerce" to "Commandant".

b. In §§ 144.2, 144.3, and 144.5 "Director" to "Commandant".

c. In § 144.6, "Board of Supervising Inspectors" to "Commandant".

d. In §§ 144.2, and 144.3, "Bureau of Marine Inspection and Navigation" to "Coast Guard".

Subchapter O—regulations applicable to certain vessels and shipping during emergency

PART 150—INSPECTION AND CERTIFICATION OF VESSELS DOCUMENTED UNDER ACT OF JUNE 6, 1941

Part 150 is amended by changing names and certain phrases as follows:

a. In § 150.1 (a) "Director" to "Commandant".

b. In § 150.1 (f) "Board of Supervising Inspectors" to "Commandant".

c. In § 150.1 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In § 150.2 "supervising inspector" to "District Coast Guard Officer".

e. In § 150.1 "local inspectors" to "Officer in Charge, Marine Inspection".

Section 153.3 (c) (2) is amended to read as follows:

§ 153.3 *Lifeboats on ocean and coastwise vessels.* • • •

(c) *Cubic capacity of lifeboats.* • • •

(2) *Provisions and water.* In all cases such lifeboats shall be provided with water as required by these regulations for the number of persons which the boat will accommodate on the basis of ten cubic feet per person. Provisions shall be provided for the number of persons the lifeboat is allowed to carry on a wartime basis.

Section 153.4a *Construction of life floats* is amended by changing the letters "M. I. N." to "U. S. C. G.", where they appear in paragraphs (b) (7) and (c) (1).

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

LIFEBOATS

16' x 2'6½'' x 5'8½'' oar-propelled metallic lifeboat (136 Cu. Ft.) (Dwg. No. LB 16, dated 17 March, 1943), manufactured by Booth Metallic Boat Company, Beaumont, Texas. (For river service only.)

24' x 8' x 3'9" oar-propelled metallic lifeboat (450 Cu. Ft.) (Dwg. No. NL 450, dated 2 April, 1943), manufactured by Neptune Boat and Davit Corp., New Orleans, La.

24' x 8' x 3'9'' motor-propelled metallic lifeboat (450 Cu. Ft. Gross) (Dwg. No. N. L.-450-M. B. dated 24 March, 1943), manufactured by Neptune Boat and Davit Corp., New Orleans, La.

24' x 7'9'' x 3'4'' motor-propelled metallic lifeboat (371.5 Cu. Ft. Gross) (Dwg. No. 245 E, dated 25 February, 1942, and Specifications dated 25 March, 1943), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

26' x 9' x 3'8'' motor-propelled metallic lifeboat (467 Cu. Ft. Gross) (Dwg. No. 2574, dated 15 April, 1943), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

31' x 10'6'' x 4'4'' motor-propelled metallic lifeboat (913 Cu. Ft. Gross) (Dwg. No. 2520, Rev. 19 April, 1943), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

26' x 9' x 3.6' motor-propelled metallic lifeboat (505 Cu. Ft. Gross) (Dwg. No. 2650, Rev. 5 May, 1943), manufactured by Lane Lifeboat and Davit Corp., Flushing, N. Y.

LIFEBOAT WINCH

Welin Type CWB–6 lifeboat winch (General Arrangement Dwg. No. 2105, Rev. 2 March, 1942) (Maximum working load of 6,750 pounds per drum), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

DAVIT

Welin boom davit, Type "C" (General Arrangement Dwg. No. 2549, dated 13 March, 1943) (Maximum working load of 6,100 pounds per arm), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

LIFE PRESERVERS

"Type B" adult quilted type kapok life preserver (Dwg. dated 19 December, 1942, "Type B") Approval No. B–177, manufactured by Elvin Salow Company, Boston, Mass. (For general use and for use in conjunction with rubber lifesaving suits.)

"Type A" adult quilted type kapok life preserver (Dwg. dated 19 December, 1942, "Type A"), Approved No. B–176, manufactured by Elvin Salow Company, Boston, Mass. (For general use and for use in conjunction with rubber lifesaving suits.)

LIFE RAFTS

15-person and 18-person life rafts (Dwg. No. G–281, Rev. 26 October, 1942, and 15 December, 1942) manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.*

15-person and 20-person life rafts (General Arrangement Dwg. No. G–309, sheet 1, dated 3 March, 1943, Rev. 22 April, 1943), manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.*

18-person catamaran life raft (Dwg. No. CS–301A, Rev. 21 December, 1942), manufactured by Colvin-Slocum Boats, Inc., New York, N. Y.*

20-person catamaran life raft (Dwg. No. 8003D, dated 18 February, 1943) manufactured by Colvin-Slocum Boats, Inc., New York, N. Y.*

20-person life raft (Dwgs. Nos. B–1031, dated 20 February, 1943, and B–1032, dated 27 February, 1943), submitted by Los Angeles Boiler Works, Los Angeles, Calif.*

20-person catamaran life raft (Dwg. No. 507, dated 3 April, 1943), manufactured by Tregoning Boat Company, Seattle, Wash.*

18-person catamaran flush deck life raft (Dwg. No. P–880, dated 18 January, 1943), manufactured by Peterson Manufacturing Company, Portland, Oreg.*

20-person catamaran life raft, Model No. 1 (Dwg. No. 1722, dated 25 March, 1942, Rev. 11 February, 1943), manufactured by L. A. Young Spring and Wire Corp., Oakland, Calif.*

* Approval of life rafts designated by asterisk effective as of 14 March, 1943, and are not of an improved type as indicated by Navigation and Vessel Inspection Circular No. 33 dated 15 April, 1943, and 46 C. F. R. 153.7a.

20-person catamaran life raft, Model No. 3 (Dwg. No. 1722-A, dated 10 February, 1943), manufactured by L. A. Young Spring and Wire Corp., Oakland, Calif.*

10-person life raft (Dwg. No. N. R. 10-P. C., dated 7 April, 1943), manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.*

16-person catamaran life raft (Dwg. No. N. R. 16-P. C., Rev. 16 February, 1943), manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.*

29-person life raft (Dwg. No. 45), manufactured by Kearns Bros., Redwood City, Calif.*

18-person life raft (Dwg. No. 44-A), manufactured by Kearns Bros., Redwood City, Calif.*

20-person catamaran life raft (Dwg. No. H-101, dated 5 November, 1942), manufactured by Higgs Marine Service, Bronx, N. Y.*

"Buck-Win" 20-person well deck type catamaran life raft (Dwg. No. 100-C, dated 27 February, 1943), manufactured by Buckler-Merwin Company, Portland, Oreg.*

"Buck-Win" 18-person well deck type catamaran life raft (Dwg. No. 100-B, Sheet 1 and Sheet 2, dated 24 December, 1942), manufactured by Buckler-Merwin Company, Portland, Oreg.*

20-person life raft (Dwgs. Nos. PLR-6, Rev. 10 March, 1943, and PLR-4, Rev. 20 June, 1942), manufactured by Hunter Boat Corp., Suisun, Calif.*

18-person life raft (Dwg. No. 8, dated 4 November, 1942), manufactured by Williams & Wells Company, New York, N. Y.*

20-person life raft (Dwg. No. 101, dated 5 March, 1943), manufactured by Norwalk Raft Company, South Norwalk, Conn.*

18-person life raft (Dwg. No. 4, dated 13 November, 1942), manufactured by Redwood City Boat Works, Redwood City, Calif.*

20-person catamaran, plywood air tanks, life raft (Dwg. No. LR-7, LR-8 Supplement B, dated 2 March, 1943), manufactured by Winner Manufacturing Company, Trenton, N. J.*

APPROVAL WITHDRAWN

Approval is withdrawn from the following item of equipment:

WATER LIGHT

Automatic electric waterlight (Gravity switch) U.S.N. Type (Dwg. No. W. L.-1), manufactured by Sculler Safety Corp., New York, N. Y. (Original approval 4 March, 1942, 7 F. R. 1701)

R. R. WAESCHE,
Commandant.

JULY 30, 1943

[F. R. Doc. 43-12409: Filed, July 31, 1943; 10:54 a. m.]

*Approval of life rafts designated by asterisk effective as of 14 March, 1943, and are not of an improved type as indicated by Navigation and Vessel Inspection Circular No. 33 dated 15 April, 1943, and 46 C.F.R. 153.7a.

Chapter IV—War Shipping Administration

[General Order 30, Supp. 1]

PART 307—WAR SHIPPING ADMINISTRATION PRICE ADJUSTMENT BOARD

MEMBERSHIP

Section 307.2 *Membership of Price Adjustment Board* is amended to read:

§ 307.2 *Membership of Price Adjustment Board.* The Price Adjustment Board established by this order will consist of a Chairman who shall be designated by the Administrator, a member to be selected with the approval of the Chairman of the War Production Board as his Representative, and such additional members as the Administrator shall from time to time approve.

(E.O. 9054, as amended, 7 F.R. 837, 7327)

[SEAL] E. S. LAND,
Administrator.

JULY 30, 1943.

[F. R. Doc. 43-12404; Filed, July 31, 1943; 9:34 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 139]

PART 95—CAR SERVICE

GRAVEL SHIPMENTS TO BARKSDALE FIELD, SHREVEPORT, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July, A. D. 1943.

It appearing, that shipments of gravel in carloads originating at points in Arkansas and Louisiana and destined to Shreveport, Louisiana, for use at Barksdale Field are being weighed on railroad track scales, thus impeding the use, control, supply, movement, and distribution of cars; in the opinion of the Commission an emergency exists requiring immediate action to avoid a shortage of equipment and congestion of traffic:

It is ordered, That:

§ 95.21 *Carloads of gravel destined to Shreveport, Louisiana, for use at Barksdale Field not to be weighed.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall weigh or permit to be weighed any shipment of gravel, in carloads, on any railroad track scales when such traffic originates on or after the effective date of this order at any point or points in Arkansas or Louisiana and is destined to Shreveport, Louisiana, for use at Barksdale Field, except that a limited number of cars may be weighed as is necessary to obtain average weights. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(40 Stat. 101, sec. 401, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17)).

It is further ordered, That this order shall become effective at 12:01 a. m., July 31, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12442; Filed, July 31, 1943; 11:55 a. m.]

[Service Order 140]

PART 95—CAR SERVICE

ATCHISON, TOPEKA AND SANTA FE RAILWAY AND UNION PACIFIC RAILROAD CO. EMPLOYER-EMPLOYEE AGREEMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July, A. D. 1943.

It appearing, that existing working agreements between The Atchison, Topeka and Santa Fe Railway Company and certain of its operating employees, or employees' representatives, and between the Union Pacific Railroad Company and certain of its operating employees, or employees' representatives, or interpretations of such agreements, or practices established thereunder, limiting the length of freight trains operating from Summit to San Bernardino, California, to fifty (50) loads or equivalent (three (3) empties to be reckoned as two (2) loads, cabooses not to be counted), impede the use, control, supply, movement, and distribution of cars and equipment, and the supply of trains necessary to a full utilization of transportation facilities and result in a wasteful use of cars and locomotives and interfere with the free flow of intrastate and interstate traffic necessary for the present emergency, and upon petition of the Office of Defense Transportation that the Commission take such action as it deems necessary under the circumstances; in the opinion of the Commission an emergency exists requiring immediate action;

It is ordered, That:

§ 95.22 *Employer-employee agreements, interpretations of said agreements, or practices established thereunder limiting length of trains suspended.* (a) The operation of all agreements, interpretations of said agreements, or practices established thereunder, between The Atchison, Topeka and Santa Fe Railway Company and certain of its operating employees, or employees' representatives, and between the Union Pacific Railroad Company and certain of its operating employees, or employees' representatives, limiting the length of freight trains operating from Summit to San Bernardino, California, to fifty (50) loads or equivalent (three (3) empties to be reckoned as two (2) loads, cabooses not to be counted) and any other restriction limiting the length of trains between Barstow, California, and San Bernardino, California, is hereby suspended.

(b) The Atchison, Topeka and Santa Fe Railway Company and the Union Pacific Railroad Company shall operate their trains when necessary for the prompt and expeditious movement of intrastate and interstate freight without regard to any provisions of any agreements or interpretations of said agreements or practices established thereunder described in paragraph (a) of this section.

(c) *Effective period; emergency character.* This order shall remain in effect during the war in which the United States is now engaged unless sooner terminated by subsequent order of the Commission; and this order, being based upon conditions of war emergency, shall not constitute a precedent for peace time operations.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., July 31, 1943, that a copy of this order shall be served upon The Atchison, Topeka and Santa Fe Railway Company, the Union Pacific Railroad Company, and the California State railroad commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12443; Filed, July 31, 1943; 11:55 a. m.]

[Service Order 141]

PART 95—CAR SERVICE

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. EMPLOYER-EMPLOYEE AGREEMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July, A. D. 1943.

It appearing, that existing working agreements between The Atchison, Topeka and Santa Fe Railway Company and certain of its operating employees, or employees' representatives, or interpretations thereof, or practices established thereunder, limiting to 2,900 tons trains drawn by two locomotives between Winslow and Seligman, Arizona, and between Seligman, Arizona, and Needles, California, impede the use, control, supply, movement, and distribution of cars and equipment, and the supply of trains necessary to a full utilization of transportation facilities and result in a wasteful use of cars and locomotives and interfere with the free flow of intrastate and interstate traffic necessary for the present emergency, and upon petition of the Office of Defense Transportation that the Commission take such action as it deems necessary under the circumstances; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That:

§ 95.23 *Employer-employee agreements, interpretations thereof, or practices established thereunder limiting tonnage of trains drawn by two locomotives suspended.* (a) The operation of all agreements, interpretations thereof or practices established thereunder, between The Atchison, Topeka and Santa Fe Railway Company and certain of its operating employees, or employees' representatives, limiting to 2,900 tons trains drawn by two locomotives between Winslow and Seligman, Arizona, and between Seligman, Arizona, and Needles, California, is hereby suspended.

(b) The Atchison, Topeka and Santa Fe Railway Company shall operate its trains when necessary for the prompt and expeditious movement of intrastate and interstate freight without regard to any provisions of any agreements or interpretations thereof or practices established thereunder described in paragraph (a) of this section.

(c) *Effective period; emergency character.* This order shall remain in effect during the war in which the United States is now engaged unless sooner terminated by subsequent order of the Commission; and this order, being based upon conditions of war emergency, shall not constitute a precedent for peacetime operations.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., July 31, 1943, that a copy of this order shall be served upon The Atchison, Topeka and Santa Fe Railway Company, the State railroad commissions in Arizona and California, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12444; Filed, July 31, 1943; 11:55 a. m.]

Chapter II—Office of Defense Transportation

[General Permit ODT 17-27]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY

WHOLESALE DELIVERIES OF MEAT

General outline. Except as otherwise provided therein, General Order ODT 17, as amended, prohibits any motor carrier from making more than five (5) wholesale deliveries of fresh or frozen meat, poultry, or eggs, or more than two (2) wholesale deliveries of cured, smoked, cooked, or processed meat, from one point of origin to one point of destination in any calendar week. Similarly, except as otherwise provided, the order, as amended, directs every motor carrier to establish delivery areas or delivery routes, and further directs that no motor carrier shall perform wholesale delivery service in any such area or on any such route on any greater number of days in any calendar week than the maximum number of wholesale deliveries specified in Appendix No. 2 to the order for any commodity delivered by the carrier in any such area or over any such route during such calendar week. Thus, a motor carrier delivering both fresh and cured meats is limited to five (5) such weekly wholesale deliveries of fresh meats, and two (2) such weekly wholesale deliveries of cured meats, from one point of origin to one point of destination. Such carrier may not operate in wholesale delivery service in any established delivery area or over any established delivery route on more than five (5) days in any calendar week.

This general permit gives the motor carrier engaged in the transportation of fresh and cured meats the option of complying with the restrictions contained in paragraph (b) of § 501.75 and paragraph (a) of § 501.76 of the order, or of combining his deliveries so that as many as four (4) such weekly wholesale deliveries may be made of cured meat when such deliveries are made in combination with wholesale deliveries of fresh meat. In other words, if three (3) or four (4) such combination deliveries are made, the total number of weekly wholesale deliveries of fresh meats, as now permitted by Appendix No. 2, is reduced to four (4). Under paragraph (a) of § 501.76 of the order, a motor carrier may make two such combination wholesale deliveries and three (3) separate wholesale deliveries of fresh meat in a calendar week, but no additional wholesale deliveries of cured meat. On the other hand, if the motor carrier elects to make three (3) such combination wholesale deliveries in any calendar week, this general permit will limit him to one more wholesale delivery of fresh meat, but allows no further deliveries in such week. Furthermore, if the motor carrier elects to make four (4) such combination wholesale deliveries in any calendar week, this general permit provides that he may make no further wholesale deliveries of either cured or fresh meat in such week.

If the carrier elects to make either three (3) or four (4) such combination wholesale deliveries he may not operate in wholesale delivery service in any established delivery area or over any established route on more than four (4) days in any calendar week.

In accordance with the provisions of § 501.71 of General Order ODT 17, as amended, it is hereby authorized that:

§ 521.2903 *Wholesale deliveries of meat.* (a) Any motor carrier, when making wholesale deliveries of cured, smoked, cooked, or processed meat (excluding

meat packed in glass or metal containers), in combination with wholesale deliveries of fresh or frozen meat, poultry, or eggs, may make four (4) such combination wholesale deliveries from one point of origin to one point of destination during any calendar week: *Provided*, That the motor carrier electing to make more than two (2) such combination wholesale deliveries in any one week:

(1) Shall not make more than four (4) wholesale deliveries of fresh or frozen meat, poultry, or eggs, either separately or in combination, from one point of origin to one point of destination during such calendar week;

(2) Shall not operate any motor truck in making wholesale deliveries of fresh or frozen meat, poultry, or eggs, either separately or in combination, on any delivery route or in any delivery area established pursuant to the provisions of paragraph (a) of § 501.75 of General Order ODT 17, as amended, on more than four (4) days in such calendar week.

(b) Any motor carrier, while making deliveries in the manner provided in paragraph (a) of this general permit, and while complying with the conditions prescribed in such paragraph, shall be relieved, to the extent therein provided, from compliance with the provisions of paragraph (b) of § 501.75 (limiting the number of motor truck operations), and subparagraph (1) of paragraph (a) of § 501.76 and Appendix No. 2 (limiting the frequency of deliveries weekly), of General Order ODT 17, as amended.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 8278, 8377)

This General Permit ODT 17–27 shall become effective on July 29, 1943.

Issued at Washington, D. C., this 29th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12360; Filed, July 30, 1943; 12:00 p. m.]

[General Permit ODT 17–28]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY

RETAIL DELIVERIES OF BREAD AND PERISHABLE BAKERY PRODUCTS

General outline. Except as otherwise provided therein, General Order ODT 17, as amended, prohibits any motor carrier from making more than 3 retail deliveries of bread and perishable bakery products (excluding dry biscuits, crackers, pretzels, and similar bakery products in packages designed to retain their palatability for an extended period) from one point of origin to one point of destination during any calendar week, and likewise prohibits any such delivery on Sunday. Similarly, except as otherwise provided, the order, as amended, directs every motor carrier to establish delivery areas or delivery routes, and further directs that no motor carrier shall perform retail delivery service in any such area or on any such route on any greater number of days in any calendar week than the maximum number of retail deliveries specified in Appendix No. 2 to the order, for any commodity delivered by the carrier in any such area or over any such route during such calendar week.

This general permit gives the motor carrier engaged in the transportation of bread and perishable bakery products the option of complying with the restrictions contained in paragraph (b) of § 501.75 and paragraph (a) of § 501.76 of the order, or of making 4 retail deliveries of bread and perishable bakery products between one point of origin and one point of destination in any calendar week. However, if the carrier elects to make 4 weekly retail deliveries as permitted in this general permit, he may not make such retail deliveries on more than 2 consecutive days, nor may he operate on a given route or in a given area on more than 2 consecutive days. For example, this permit would allow a motor carrier to operate such a retail delivery route on Monday, Wednesday, Friday, and Saturday, but not on Monday, Tuesday, Wednesday, and Thursday. This general permit does not allow any retail deliveries to be made on Sunday.

In accordance with the provisions of § 501.71 of General Order ODT 17, as amended, it is hereby authorized that:

§ 521.2904 (a) *Retail deliveries of bread and perishable bakery products.* Any motor carrier, while operating a motor truck for the purpose of making retail deliveries exclusively of bread and perishable bakery products (excluding dry biscuits, crackers, pretzels, and similar bakery products in packages designed to retain their palatability for an extended period), (1) may make 4 retail deliveries of such commodities from any one point of origin to any one point of destination in any calendar week, and (2) may operate a motor truck over any given route or within any given delivery area established pursuant to the provisions of paragraph (a) of § 501.75 of General Order ODT 17, as amended, on 4 days of any calendar week: *Provided*, That such retail deliveries shall not be made, nor shall such motor truck operations be conducted over any given route or within any given delivery area, on more than 2 consecutive days in any calendar week.

(b) *Relief from certain provisions of General Order ODT 17, as amended.* Any motor carrier, while operating a motor truck for the purpose described, and while complying with the conditions prescribed, in paragraph (a) above, shall be relieved to the extent therein provided from the provisions of paragraph (b) of § 501.75 (limiting the number of motor truck operations), and subparagraph (1) of paragraph (a) of § 501.76 and Appendix No. 2 (limiting the frequency of deliveries weekly), of General Order ODT 17, as amended.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 8278, 8377)

This General Permit ODT 17–28 shall become effective on July 29, 1943.

Issued at Washington, D. C., this 29th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12361; Filed, July 30, 1943; 12:00 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1611]

BENNETT AND BRASSART COAL CO.

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of the petition of the Bennett and Brassart Coal Co., code member in District 15 for a reduction in the effective minimum price for ½" x 0 slack coals produced from the B & B Mine, Mine Index No. 1387, in District 15.

On June 5, 1943, after notice and hearing, Edward J. Hayes, a duly designated Examiner of the Bituminous Coal Division, filed a report in which he found that Bennett and Brassart Coal Co.,[1] petitioner, a code member in District 15 had made no adequate showing that the establishment of a ½" x 0 size, produced by its B & B Mine (Mine Index No. 1387) between the present 1¼" x 0 and the ¼" x 0 sizes established for this mine and the proposed applicable price therefor of 70 cents per ton f. o. b. the mine complies with the standards set forth in section 4 II (a) and (b) of the Bituminous Coal Act of 1937 or is necessary to effectuate the purposes thereof. The Examiner recommended that an order be entered denying the petition herein.

An opportunity to file exceptions to the report of the examiner was afforded all interested parties. As of the date hereof no such exceptions have been filed.

I have considered the entire record in this proceeding, including the report of the examiner, and I find that the examiner's proposed findings and conclusions are adequate and accurate and that his recommendation should be followed. Accordingly, I have concluded to approve and adopt the proposed findings of fact and conclusions of law of the examiner as the findings of fact and conclusions of law of the Director.

Upon the basis of the entire record in this proceeding, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and the conclusions of law of the Director;

It is further ordered, That the petition herein for revision of the effective minimum price for ½" x 0 slack coals produced by the B & B Mine (Mine Index No. 1387) of Bennett & Brassart (Roy J. Bennett) Cherokee County, Kansas, in District 15 is denied.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12516; Filed, August 2, 1943; 11:27 a.m.]

[1] The Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments refers to petitioner as Bennett & Brassart (Roy J. Bennett).

[Docket No. 1853–FD]

FORD COLLIERIES CO.

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of the application of the Ford Collieries Company for permission to receive distributors' discounts on coal purchased and resold by it to the Michigan Alkali Company.

On December 3, 1942, after notice and hearing, Joseph A. Huston, a duly designated examiner of the Division submitted a report in which he found that the ownership and control of Ford Collieries Company, a registered distributor (Registration No. 3085), petitioner, by Michigan Alkali Company, a consumer of coal, is within the prohibition of paragraphs 11 and 12 of section 4, part II (i) of the Bituminous Coal Act of 1937, and that Ford Collieries Company, is not entitled to accept and retain a distributor's discount on coals purchased by it for resale and resold to Michigan Alkali Company or any of its affiliates, pursuant to § 317.12 (b) (8) [1] (§ 304.12 (b) (8)) of the rules and regulations for the registration of distributors, applicable provisions of the Act, and other rules and regulations thereunder. The examiner recommended that an order be entered denying the relief prayed for in the petition herein. On January 7, 1943, at the request of petitioner, an order was entered extending the time for the filing of exceptions to the report of the examiner until January 15, 1943. On January 20, 1943, the Director granted a further request of petitioner for extension of time to file exceptions until January 30, 1943. Although opportunity has been afforded petitioner to file exceptions, as of the date hereof no exceptions have been filed by petitioner.

I have considered the entire record in this proceeding, petitions, briefs before the examiner, and the examiner's report and I find that the report adequately and accurately reflects the facts disclosed in the record. I believe that the proposed findings of fact and proposed conclusions of law should be approved.

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That the relief prayed in the petition is denied.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12515; Filed, August 2, 1943; 11:27 a. m.]

[1] Section 317.12 (b) (8) implements § 317.19 (c) of the distributors' rules and is incorporated in the agreements executed by registered distributors.

[2] See *Matter of Wheeling Township Coal Mining Company*, Docket No. 1859–FD.

[Docket No. A-1595]

CARROLLTOWN COAL CO.

ORDER TERMINATING TEMPORARY RELIEF AND DISMISSING PROCEEDINGS

In the matter of a petition filed pursuant to section 4 II (d) of the act in which temporary relief has been granted without a hearing.

An order having been issued granting temporary relief in the above-designated docket without a hearing; and it appearing appropriate to terminate such temporary relief and dismiss such proceedings in such docket in view of the fact that the Bituminous Coal Act of 1937 will cease to be in effect as of 12:01 a. m. August 24, 1943;

Now, therefore, it is ordered, That effective 12:01 a. m. August 24, 1943, the temporary relief heretofore granted in the above-designated docket be, and the same hereby is, terminated and the proceedings in the above-designated docket be, and the same hereby is, dismissed as of 12:01 a. m. August 24, 1943.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12517; Filed, August 2, 1943; 11:27 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

D & D SHIRT COMPANY

CANCELLATION OF SPECIAL LEARNER CERTIFICATE

Notice of cancellation of special certificates for the employment of learners issued under the regulations for the Apparel Industry and the regulations for the Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry.

Notice is hereby given that special learner certificates issued to the D & D Shirt Company of Northampton, Pennsylvania have been ordered cancelled as follows: (1) The special learner certificate issued for the effective period September 11, 1941 to September 11, 1942, authorizing the employment as learners of not in excess of ten percent of its total number of productive factory workers, has been ordered cancelled as of the first date of its violation, and (2) the special learner certificate issued for the effective period September 10, 1942 to September 10, 1943, authorizing the employment as learners of not in excess of ten percent of its total number of productive factory workers, has been ordered cancelled as of its date of issue.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen day period following the date on which this notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York this 24th day of July 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12372; Filed, July 30, 1943; 2:09 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable Determination and Order or Regulations cited above. The applicable Determination and Order or Regulations and the effective and expiration dates of the Certificates issued to each employer is listed below. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Bee Em Manufacturing Company, 11th & Race Streets, Philadelphia, Pennsylvania; Boys' clothing; 5 learners (T); effective August 2, 1943, expiring August 2, 1944.

Lebow Brothers, 100 W. Baltimore Street, Baltimore, Maryland; Men's clothing, officer's uniforms; 10 learners (T); effective July 29, 1943, expiring July 29, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

The Andala Company, Andalusia, Alabama; Cotton work shirts, flannel shirts; 10 percent (T); effective August 11, 1943, expiring August 11, 1944.

The Badger Raincoat Company, 342 No. Water Street, Milwaukee, Wisconsin; Mackinaws; 10 learners (T); effective August 2, 1943, expiring August 2, 1944.

The Badger Raincoat Company, 209 Franklin Street, Port Washington, Wisconsin; Mackinaws, leather jackets and field jackets; 10 learners (T); effective July 28, 1943, expiring July 28, 1944.

Camille Azar Company, 905 Broadway, Kansas City, Missouri; Ladies' robes, house coats and slack suits; 5 learners (T); effective August 11, 1943, expiring August 11, 1944.

Commercial Shirt Corporation, New Street, Clinton, New Jersey; Men's and boys' dress and sport shirts, ladies' blouses; 5 learners (T); effective July 24, 1943, expiring July 24, 1944.

The W. H. Dean Company, Montvale, New Jersey; Aprons and uniforms; 2 learners (T); effective July 24, 1943, expiring July 24, 1944.

Dunmore Manufacturing Company, 970 Ridge Street, Scranton, Pennsylvania; Coveralls; 40 learners (E); effective August 2, 1943, expiring February 2, 1944.

Fitz Overall Company, Atchison, Kansas; Work clothes, twill jackets, cotton H. B. for War Department; 30 learners (E); effective July 27, 1943, expiring March 8, 1944.

Fox Knapp Manufacturing Company, Tremont, Pennsylvania; Work jackets and mackinaws; 5 percent (T); effective August 4, 1943, expiring August 4, 1944.

Fox Knapp Manufacturing Company, East Pottsville Street, Pine Grove, Pennsylvania; Navy blue dress jumpers, work jackets and mackinaws; 5 percent (T); effective August 11, 1943, expiring August 11, 1944.

Kitzis Manufacturing Company, 1222 Hudson Boulevard, Bayonne, New Jersey; Cotton dresses; 5 learners (T); effective July 26, 1943, expiring July 26, 1944.

Lewis Lewin & Sons, 1108 So. 4th Street, Clinton, Indiana; Cotton work clothing; 10 learners (T); effective August 2, 1943; expiring August 2, 1944.

Millen Shirt Company, 21 Academy Avenue, Middletown, New York; Cotton shirts, rayon sportswear; 10 percent (T); effective July 28, 1943; expiring July 28, 1944.

Nannette Manufacturing Company, Sixth and Hunter Streets, Gloucester, New Jersey; Toddler and babe frocks; 13 learners (T); effective July 24, 1943, expiring July 24, 1944.

Peter Pan Dress Company, 318 Jefferson Street, Inwood, Long Island, New York; Ladies' dresses; 5 learners (T); effective July 24, 1943, expiring July 24, 1944.

R & J Underwear Company, Inc., 54 Colt Street, New London, Connecticut; Children's pajamas and underwear; 10 learners (T); effective August 11, 1943, expiring August 11, 1944.

Raritan Manufacturing Company, 284 State Street, Perth Amboy, New Jersey; Shirts; 6 learners (T); effective July 28, 1943, expiring July 28, 1944.

S & B Manufacturing Company, Andalusia, Alabama; Cotton khaki work pants; 10 percent (T); effective August 11, 1943, expiring August 11, 1944.

Louis Shalewitz, 210 South Ninth Street, Philadelphia, Pennsylvania; Cotton dresses; 7 learners (T); effective July 28, 1943, expiring July 28, 1944.

Southern Garment Manufacturing Company, Incorporated, Culpeper, Virginia; Work pants; 10 percent (T); effective July 31, 1943, expiring July 31, 1944.

United Sheeplined Clothing Company, 804 Broadway, West Long Branch, New Jersey; Army field jackets, leather clothing; 18 learners (T); effective August 1, 1943, expiring August 1, 1944.

Mrs. M. K. Wright, 39 Woodland Avenue, Pitman, New Jersey; Ladies' maternity dresses; 3 learners (T); effective July 29, 1943, expiring July 29, 1944.

Hosiery Industry

The Alden Mills, 2308 Chartres Street, New Orleans, Louisiana; Seamless hosiery; 5 percent (A. T.); effective July 29, 1943, expiring February 8, 1944.

Crystal Hosiery Mill, Peacock Avenue, Denton, North Carolina; Infants' hosiery; 5 learners (T); effective August 2, 1943, expiring August 2, 1944.

Fleetwood Hosiery Corporation, Fleetwood, Pennsylvania; Full-fashioned hosiery; 2 learners (T); Effective August 2, 1943, expiring August 2, 1944.

Pohatcong Hosiery Mills, Incorporated, Park Avenue, Washington, New Jersey; Full-fashioned hosiery; 38 learners (A. T.); effective July 29, 1943, expiring July 29, 1944.

Trienit Hosiery Mill, New Ipswich, New Hampshire; Seamless hosiery; 5 learners (T); effective August 11, 1943, expiring August 11, 1944.

Knitted Wear Industry

Jacob Boltz Knitting Mills, Incorporated, Pottsville, Pennsylvania; Ladies' cotton knit underwear; 5 learners (T); effective July 24, 1943, expiring July 24, 1944.

Mohnton Knitting Mills, Incorporated, Mohnton, Pennsylvania; Cotton ribbed underwear; 5 learners (T); effective July 29, 1943, expiring July 29, 1944.

Telephone Industry

Lapel Telephone Company, Lapel, Indiana; To employ learners as commercial switchboard operators at its Lapel exchange, located at Lapel, Indiana; effective August 2, 1943, expiring August 2, 1944.

Textile Industry

Century Ribbon Mills, Incorporated, 814 Farren Street, Portage, Pennsylvania; Rayon throwing; 5 learners (T); effective August 7, 1943, expiring August 7, 1944.

Wintuft Corporation, Ringgold, Georgia; Tufted bedspreads; 25 learners (A. T.); effective August 2, 1943, expiring February 2, 1944.

Cigars Industry

M. Marsh & Son, 915 Market Street, Wheeling, West Virginia; Cigars; 10 percent (T); Cigar machine operators and packers for a learning period of 320 hours and Stripping machine operators and hand strippers for a learning period of 160 hours at 75% of applicable minimum; effective August 11, 1943, expiring August 11, 1944.

Signed at New York, N. Y., this 31st day of July 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12510; Filed, August 2, 1943; 11:25 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 27, and July 29, 1943.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of the Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

H. J. Fleischhauer's Sons, 68 North 4th Street, Philadelphia, Pennsylvania; Cigar labels; 2 learners (T); Leaf layer and Press feeder for a learning period of 480 hours at 30 cents an hour until January 22, 1944.

Anna Johnson Embroiderys, 6717 Adams Street, West New York, New Jersey; Cutting embroidery; 2 learners (T); Embroidery cutter for a learning period of 160 hours at 30 cents per hour until January 29, 1944.

Signed at New York, N. Y., this 31st day of July 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12511; Filed, August 2, 1943; 11:25 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 833]

CHICAGO AND SOUTHERN AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for Chicago and Southern Air Lines, Inc., over routes Nos. 8 and 53.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held on August 10, 1943, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated July 31, 1943, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12480; Filed, August 2, 1943; 9:44 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6530]

INTERSTATE TELEGRAPH CO.

ORDER FOR HEARING AND FOR SUSPENSION OF TARIFF SCHEDULE

In the matter of Interstate Telegraph Company, increased charges for telegraph communications between points in California and Nevada.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of July, 1943;

It appearing that the Interstate Telegraph Company, Bishop, California has filed with the Commission tariff schedules to become effective July 30, 1943 stating increased charges for telegraph messages between certain points in California and certain points in Nevada, said tariff schedules being designated as follows:

Interstate Telegraph Company, F. C. C. No. 8, 13th Revised Page 11; Interstate Telegraph Company, F. C. C. No. 8, 10th Revised Page 12.

It further appearing that said tariff schedules state increased charges for telegraph communications in interstate commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of said schedules, in so far as they relate to increased charges for telegraph communications between points in California and points in Nevada, should be postponed pending hearing and decision on the lawfulness of such increased charges;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the charges contained in the above-cited tariff schedules insofar as they relate to telegraph communications between points in California and points in Nevada;

It is further ordered, That the operation of the above-cited tariff schedules, insofar as they provide for increased charges for and in connection with telegraph communications between points in California and points in Nevada, be suspended; that the use of the charges

therein stated as applicable to such communications be deferred until October 30, 1943, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in such charges or in the charges sought to be altered unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of the Interstate Telegraph Company for and in connection with telegraph communication service between points in California and points in Nevada;

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period, and said charges shall go into effect, the Interstate Telegraph Company and all other carriers subject to the Commission's jurisdiction participating in the service provided under the tariff provisions herein suspended shall, until further order of the Commission, each keep accurate account of all amounts charged, collected or received by reason of any increase in charges effected thereby; that each such carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and the Interstate Telegraph Company and each such participating carrier shall file with this Commission a report under oath on or before the 10th day of each calendar month, commencing November 10, 1943, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the office of the Federal Communications Commission with said tariff schedules herein suspended in part; that the Interstate Telegraph Company and the said carrier parties to such tariff schedules be and they are hereby each made a party respondent to this proceeding; and that copies hereof be served upon each such party respondent and on the Director of the Office of Economic Stabilization and upon the Administrator of the Office of Price Administration;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing, beginning at 10:00 a. m. on the 15th day of September, 1943, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-12450; Filed, July 31, 1943; 12:57 p. m.]

[Docket No. 6523]

MARSHALL S. NEAL AND L. W. PETERS

NOTICE OF HEARING

In re application of Marshall S. Neal, individually and as trustee of all other stockholders, Transferor, and L. W. Peters, Transferee; dated March 5, 1943; for transfer of control of Southern California Broadcasting Co., Radio Station KWKW; class of service; broadcast; class of station, broadcast; location, Pasadena, Calif.; operating assignment specified: frequency, 1,430 kc.; power, 1 kw. day; hours of operation, daytime (directional antenna).

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the proposed transferee to own and operate Station KWKW.

2. To determine the manner in which the station would be operated, particularly with reference to the management and service to be rendered, if the proposed transfer should be granted.

3. To determine the consideration to be paid.

4. To determine whether the contract of sale and the proposed transfer if approved by the Commission, will vest in the transferee the complete and unrestricted title and control over the stock proposed to be sold, or if any rights and privileges are to be retained by the proposed vendors.

5. To determine if the applicants have made full and complete disclosure of all the material facts affecting the proposed transfer.

6. To determine whether the terms of the contract for the transfer of control of Station KWKW are consistent with the provisions of the Communications Act of 1934, as amended.

7. To determine whether it would serve the public interest to approve a transfer of control of KWKW, Pasadena, to the general manager of a station located approximately 11 miles distant in Glendale, California.

8. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by the proposed transfer.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Marshall S. Neal, Individually and as trustee of all other stockholders, Transferor, and L. W. Peters; Transferee, c/o Radio Station KWKW, Pasadena, California.

The licensee's address is as follows: Southern California Broadcasting Co., Radio Station KWKW, 425 East Green Street, Pasadena, California.

Dated at Washington, D. C., July 30, 1943.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-12509; Filed, August 2, 1943; 11:23 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-481]

HOPE NATURAL GAS COMPANY

ORDER POSTPONING HEARING

JULY 30, 1943.

It appearing to the Commission that: Good cause exists for the postponement of the hearing in the above-entitled matter;

The Commission orders that: The hearing in this proceeding, heretofore set to commence on August 18, 1943, be and it is hereby postponed until August 31, 1943, at 9:45 a. m. (e. w. t.), in the Commission's hearing room, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-12405; Filed, July 31, 1943; 9:39 a. m.]

[Docket No. G-488]

CITIES SERVICE TRANSPORTATION AND CHEMICAL COMPANY

ORDER FIXING DATE OF HEARING

JULY 30, 1943.

Upon consideration of the application (to be hereafter completed), filed July 27, 1943, by Cities Service Transportation and Chemical Company, a Delaware corporation having its principal place of business in Ponca City, Oklahoma, seeking a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(1) A gas compressor station of 8,000 horsepower capacity to be located in Texas County, Oklahoma, at the western terminus of the transmission line hereinafter described;

(2) A 26-inch gas transmission line approximately 231 miles in length extending from the compressor plant hereinabove described eastward to the Blackwell compressor station of Cities Service Gas Company in Kay County, Oklahoma, such line passing through Texas, Beaver, Harper, Woods, Alfalfa and Grant Counties, Oklahoma;

(3) A dehydration plant to be located at the proposed compressor station described in (1) above to reduce the formation of hydrates in the pipe line;

(4) A pipe line gathering system to be constructed in the Hugoton gas field, Texas County, Oklahoma, to connect certain gas wells with the compressor station, described in (1) above; and

(5) A telephone pole line extending eastward from said compressor station to the telephone system of Cities Service Gas Company at Mooreland, Woodward County, Oklahoma, thence eastward by a telephone carrier circuit over such system to applicant's home office at Ponca City;

The Commission orders that:

(A) A public hearing in this proceeding be held on August 18, 1943, at 9:45 a. m. in Room No. 527, in the U. S. Court House, Kansas City, Missouri, respecting the matters involved and the issues presented by the application filed herein;

(B) Interested State commissions may participate in this proceeding as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-12430; Filed, July 31, 1943; 11:31 a. m.]

[Docket Nos. G-487, G-488]

CITIES SERVICE GAS CO., ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND POSTPONING HEARING

JULY 30, 1943.

In the matters of Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company, Docket No. G-487; Cities Service Transportation and Chemical Company, Docket No. G-488.

It appearing to the Commission that:

(a) By order of July 20, 1943, the Commission fixed the date of hearing in the above-entitled proceeding in Docket No. G-487 for 9:45 a. m., August 11, 1943, in Kansas City, Missouri;

(b) Good cause exists for postponement of such hearing in Docket No. G-487;

(c) The proceedings in both above-entitled matters, Docket Nos. G-487 and G-488, involve substantially similar issues and facts;

The Commission orders that:

(A) The hearing in Docket No. G-487, heretofore set to commence on August 11, 1943, be and it hereby is postponed until August 18, 1943, at 9:45 a. m., in Room No. 527, U. S. Court House, Kansas City, Missouri;

(B) The Order to Show Cause issued July 20, 1943, in Docket No. G-487, shall otherwise remain in full force and effect;

(C) The proceedings in the above-entitled matters, Docket Nos. G-487 and G-488, be and they are hereby consolidated for the purposes of hearing thereon.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-12429; Filed, July 31, 1943; 11:31 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Dockets Nos. FDC-31 and FDC-31 (a)]

VARIOUS KINDS OF BREAD

DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of fixing and establishing a definition and standard of identity for each of various kinds of bread and rolls or buns.

Proposed Order

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U.S.C. 341, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U. S. C. 133-133v (Supp. V. 1939)); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record herein, the following order be made:

Findings of Fact[1]

1. The food commonly and usually known as "bread" or "white bread", and that commonly and usually known as "rolls", "white rolls", "buns" or "white buns", are each prepared by baking a kneaded yeast-leavened dough made by moistening flour with water (or with certain other liquid ingredients hereinafter specified, alone or in combination with water), with the addition of salt, and usually with the addition of certain other ingredients, as hereafter set forth. Bread and rolls are sometimes prepared from bromated flour or phosphated flour or both, with or without admixture with plain flour. (R. pp. 30, 49, 57, 59-62, 69, 70, 71, Ex. A)

2. Rolls differ from bread in the size of the units baked, and usually in their shape. A reasonable and satisfactory differentiation is that a loaf of bread weighs after cooling one-half pound or more, whereas a roll after cooling weighs less than one-half pound. (R. pp. 60-62, 69, Ex. A)

3. All bread and rolls contain moisture. Excessive moisture content tends to defraud consumers. A reasonable maximum limitation upon the moisture, which is somewhat in excess of the usual content, is 38 percent by weight, the solids being not less than 62 percent. A satisfactory and reliable method for determining the total solids contained in bread and rolls is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread—Official", except that if the baked unit weighs one pound or more one entire unit is used for the determination, and if the baked unit weighs less than one pound such number of entire units as weigh one pound or more are used for the determination. (R. pp. 64, 68, 85-87, 138-142, Ex. A. Ex. 2)

4. Shortening is commonly, but not always, added to bread dough. Any food fat or food oil, including butter, oleomargarine, and cream, or any mixture of two or more of these, is suitable for this purpose. For the purpose of furthering the shortening action of these fats and oils, soybean lacithin (which with its associated phosphatides is commercially known as "lecithin") and monoglycerides and diglycerides of fat-forming fatty acids are sometimes used and are suitable for use in such shortening. (R. pp. 71-73, 194, 198, 209-213, 228-229, 243-244, 269-270, 295, 307, 327, 464-466, 496-497)

5. The quantity of shortening used in bread dough varies rather widely. Although the evidence is not sufficiently definite to establish a maximum limit for shortening, the usual quantities are between 2 to 6 parts by weight for each 100 parts by weight of flour used, and seldom exceed 12 parts except in the cases of "sweet goods" and "specialty goods", products so distinctively different from bread and rolls as to be unlikely to be confused by consumers with bread or rolls. Such products usually contain from 12 to 30 parts of shortening. (R. pp. 368, 2543-2544, 2549, 2594, 2597, Ex. D)

6. Milk and various milk products are widely used in making bread and rolls, and serve to improve their nutritional value and to lend other desirable characteristics. In addition to fluid milk there have been used for these purposes, singly or in combination, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, and dried skim milk (including products from which part but not all of the milk fat has been separated). (R. pp. 73-75, 128-130, 438-440, 449, Ex. A)

7. In order to set bread made with any of the dairy ingredients specified in finding 6 apart from milk bread, it is reasonable that such ingredients (together with any butter and cream used) in bread be so limited in quantity or composition as not to meet the requirements prescribed in findings 42 to 45, inclusive, for the quantity and composition of such ingredients in milk bread. (R. pp. 74, 129)

8. Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, and dried sweet cream buttermilk, singly or in combination, are sometimes used in making bread or rolls for purposes similar to those stated for the dairy ingredients specified in finding 6. (R. pp. 75-76, 128, 1627-1629, 1638-1639)

9. Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, egg white, frozen egg white, and dried egg white, singly or in combinations with each other, are sometimes used in making bread or rolls for the purpose of improving the nutritional value and imparting other desirable characteristics. (R. pp. 76, 130, Ex. A)

10. As the quantity of egg solids or egg yolk solids in the dough is increased the characteristics imparted to the baked product by such solids become more noticeable. The evidence does not establish the point at which the quantity of such solids results in products of different identities from white bread and white rolls, although the evidence indicates that such point lies between 2 parts and 5 parts for each 100 parts of flour. (R. pp. 131, 2669-2672)

11. Certain saccharine products are commonly used in making bread or rolls to furnish fermentable carbohydrates, to control the color of the crust, and to alter the taste, frequently to the extent of imparting some sweetness to the finished product. These include sugar, invert sugar (in sirup or congealed form), light-colored molasses, light-colored brown sugar, refiners sirup, dextrose, honey, corn sirup, dried corn sirup, nondiastatic malt sirup, and nondiastatic dried malt sirup. All of these products, used either singly or in combinations with each other, are satisfactory for the purposes stated. (R. pp. 76-77, 131, 712, 714-715, 740-741, 781, 785, 788, 795-797, Ex. A)

12. So-called "blackstrap molasses" and dark-colored brown sugar, by reason of their color and other properties, are unsuitable for use in bread or rolls. Concentrated water extract of raisins and concentrated water extract of prunes have been proposed as saccharine ingredients in bread or rolls, but are not shown to be suitable for this purpose, especially because of their color and taste. (R. pp. 670-672, 691, 743-744, 754-755, 1759-1761)

13. If carbohydrates are desired only for yeast fermentation, the quantity of saccharine substances added generally does not exceed 3 parts by weight (on a dry basis) for each 100 parts by weight of flour. When the baker wishes to produce some minor change in taste or in the appearance of the crumb or crust, increased quantities are used. Such baked products are considered by consumers as ordinary white bread or rolls unless they are definitely sweet or have acquired other definite characteristics from such ingredients. (R. pp. 327, 359, 791, 1046-1047, Ex. D)

14. It is impracticable to prescribe a maximum limit for saccharine ingredients generally in white bread or rolls because of the wide differences in the respective sweetness and other characteristics of such ingredients and because even where sugar alone is used the evidence is not definite as to the quantity above which an article ceases to be ordinary bread or becomes "sweet goods", although 16 parts by weight of sugar to each 100 parts by weight of flour appears to be about the average for sweet goods. (R. pp. 2744, 2947, 2979, 2983, 2990, Ex. D)

15. Malt sirup, dried malt sirup, malted barley flour, and malted wheat flour, each of which is diastatically active, are frequently used, singly or in combinations with each other, in making bread or rolls. Generally the use of these substances is for the purpose of compensating for a deficiency of natural enzymes in the flour used, and when used for this purpose alone is limited to quantities about 0.25 percent of the weight of the flour. In certain kinds of hearth bread, however, quantities of malt sirup or dried malt sirup as high as 4 percent, or even higher, are used to improve the crust characteristics, especially the color of crust. (R. pp. 505-509, 517-519, 522-523, 527-530)

16. Consumers normally expect white bread and rolls to be essentially products of wheat flour. At various times in the past, however, when there has been a scarcity of wheat flour, other similar grain products, especially corn flour, have been extensively used to replace part of the flour in making bread and rolls. Potato mash was sometimes used to develop a preliminary yeast growth, and was incorporated in the dough. So-called "dusting flour", often consisting in whole or in part of products other than wheat flour, has long been in common use to prevent the dough from sticking to the receptacles or to molding or other machinery; a considerable proportion of such dusting flour becomes incorporated in the dough. Dextrinized starch is believed by many to have the property of retaining moisture in bread after baking. The advisory standards issued by the Secretary of Agriculture for white bread, beginning with the first such standard in 1923, have all recognized the propriety of such practices to the extent of the replacement of not more than 3 percent of the wheat flour by some "other edible farinaceous substance". (R. pp. 27, 30, 34, 77-78, 111-112, 1762-1764)

17. Products which have been used and are suitable for one or more of the purposes stated in finding 16 are corn flour (or finely ground corn meal), potato flour, rice flour, cornstarch, potato starch, sweet potato starch, and wheat starch. Sometimes these products are wholly or in part dextrinized. Dextrinized wheat flour is also suitable for such use. (R. pp. 77-78, 105, 111-115, 132-133, 567-568, Exs. M and O)

18. Use in making white bread or rolls of any one or more of the products specified in finding 17, in a total quantity not greater than 3 parts by weight for each 100 parts by weight of wheat flour used, does not run counter to the normal expectation of present-day consumers. (R. pp. 34, 49, 78, 133, Ex. A)

19. Products referred to as "soybean flour," "peanut flour," and "cottonseed flour" were proposed for use, in quantities up to 3 parts per 100 parts of flour, as optional ingredients in bread and rolls. These products were claimed to serve the same purposes as the products specified in finding 17, and to contribute substantial nutritive values. (The proposal of "cottonseed flour" as an ingredient in white bread and rolls was subsequently withdrawn.) The evidence does not show that any of these products (except the soybean product referred to in finding 23) has been used to any material extent in making bread or rolls. These products contain far more protein and less starch than wheat flour, differ

[1] The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made but on consideration of all the evidence of record.

widely from the products specified in finding 17, and do not perform the same functions. (R. pp. 538, 540, 613–630, 640, 1765, 1772, 3897–3908, 3910)

20. Rolled oats, ground oatmeal, and oat flour were proposed as optional ingredients for inclusion with the products specified in finding 17, on the ground that such oat products are economical and nutritious foods and furnish a distinctive and desirable flavor. The evidence does not establish that any of these products has been used in making white bread or rolls, or their suitability for such use. (R. pp. 1768–1769, Ex. P)

21. The evidence does not establish that the use of the products listed in findings 19 and 20 results in any significant improvement when the quantities used are not more than 3 parts to each 100 parts of flour; it does indicate that the inclusion of such products in white bread would run counter to the normal expectation of consumers. The evidence furnishes no basis for a determination as to what quantities of such products should be used with flour to produce such differences from white bread as would result in different identities recognizable as such by consumers. (R. pp. 624–627, 633–643, 1769–1772, 3914–3915, 3937–3938, 3942–3945)

22. Wheat germ processed in various ways to modify its enzymatic activity and to prevent rancidity has been used as an ingredient in some white bread. The processing may consist of heating it, treating it with potassium bromate, removing part of the wheat germ oil, and possibly of treating it in other ways suggested but not described in the record. Such processed wheat germ was proposed as an optional ingredient for the purpose of imparting flavor and improving other characteristics of white bread. No proposal was advanced for recognition of use of unprocessed wheat germ such as that naturally present in small amounts in flour. The testimony as to these benefits from the use of small amounts of wheat germ in white bread (1½ to 2 parts by weight of processed wheat germ per 100 parts by weight of flour) is not convincing. On the other hand, there was evidence establishing that the use of processed wheat germ in white bread has led to labeling and advertising claims based on its vitamin and mineral content, such as would likely confuse consumers with respect to identity and relative nutritive properties of bread and enriched bread. (Cf. findings 36, 37, 38, and 44 on enriched flour, 6 F.R. 2576–7) (R. pp. 116–118, 559–572, 576–577, 579–580, 584–585, 589–591. 593–605, 1765–1767, 3292–3293, 3298, 3367–3368, Ex. ZZ)

23. Ground dehulled soybeans, with or without heat treatment and with or without removal of oil, but which retain their enzymatic activity, exert a bleaching action upon flour in bread dough. The use of these products in dough permits the production of light-colored bread or rolls from unbleached or slightly bleached flour. For this purpose it is not necessary to use these products in a quantity greater than 0.5 part by weight to each 100 parts by weight of flour used. Ground dehulled soybeans have been used for this purpose in substantial amounts for more than 10 years. (R. pp. 111–113, 165–166, 539–540, 545, 552–555, 3926–3933)

24. In making bread and rolls it has become a widespread practice to add to the dough small quantities of certain mineral salts, commonly known by such designations as "yeast foods", "dough conditioners", "bread improvers". Calcium and ammonium salts are used to stimulate the growth of yeast during fermentation. Other salts, which act as oxidizing agents, are used to regulate the process of fermentation though the evidence establishes no satisfactory scientific explanation of the mechanism of their action. The evidence indicates that the addition of so-called dough conditioners tends to lessen the variability in the qualities of the dough resulting from differences in characteristics of the flour used, differences in water supply, and other factors, and thereby to facilitate the handling of the dough in mechanized bakeries. (R. pp. 78–82, 133–135, 838–858, 875–876, 892–900, 904–905, 995–999, 1014, 1034–1035, 1065, 1071–1074, 1080)

25. Calcium salts used for the purpose described in finding 24 are monocalcium phosphate, dicalcium phosphate, calcium sulfate, and calcium lactate. Ammonium salts used for this purpose are mono-ammonium phosphate, di-ammonium phosphate, ammonium sulfate, ammonium chloride, ammonium carbonate and ammonium lactate. It is not necessary to use any of these salts or any combination of them in a quantity greater than 0.25 part by weight for each 100 parts by weight of flour used. (R. pp. 78–81, 104, 133–135, 831, 838–840, 870, 883–884, 887–888, 990, 992–993)

26. Oxidizing agents used for the purposes described in finding 24 are potassium bromate, potassium iodate, calcium peroxide, ammonium persulfate, potassium persulfate, and sodium chlorite. It is not necessary to use any of these oxidizing agents or any combination of them (including the potassium bromate contained in any bromated flour used) in a quantity greater than 0.0075 part by weight for each 100 parts by weight of flour used. (R. pp. 78–81, 135–136, 840–841, 895–900, 933–935, 990–994)

27. A product described as "grain infusion" was proposed for use as a yeast food and bread improver. It is a mixture of concentrated corn steepwater, neutralized with calcium carbonate, and dextrinized cornstarch with added ammonium chloride, salt, and potassium bromate. The concentrated steepwater, a byproduct of the starch industry now generally used for cattle feed, is made by concentrating the liquid obtained by steeping corn in water containing 0.15 percent of sulfur dioxide. The so-called "grain infusion" as sold to the baker contains approximately 0.002 percent of sulfur dioxide, which is oxidized during fermentation and baking. The evidence does not establish that this so-called "grain infusion" is suitable for use in bread or that it improves the quality of bread otherwise than through the action of the calcium and ammonium salts and the potassium bromate contained in it. (R. pp. 946–981, 1776, 2146–2175, 4106–4112, 4129–4130, 4134)

28. Amino acids, especially cystine, were proposed for use as oxidizing agents. The evidence does not establish the suitability of such acids for use in bread or rolls. (R. pp. 1773–1775 Ex. W)

29. Spice is something added to bread or rolls, usually on the surface but occasionally by incorporation in the dough. Spice oil and spice extracts have been used to a slight extent Such additions materially affect the flavor of the bread or rolls. Consumers do not ordinarily expect such additions unless announced by appropriate label statement. Such statements which are accurate and informative are "Spiced", "Spice Added", "With Added Spice", or such statements in which the common or usual name of the spice used is substituted for the word "spice". (R. pp. 84, 1817–1820)

30. Bread is subject to deterioration and spoilage. The most common form of deterioration is staling. Old bread or stale bread is almost universally regarded as less desirable than fresh bread. Staling in bread may be retarded by various devices. The length of time for staleness to develop varies, depending on several factors, but it is the common practice of many bakers to withdraw bread from sale two days after baking. Some bakers make a price concession on bread over one day old. (R. pp. 435, 1162, 1407–1408, 1438–1440, 2365, Exs. FF, GG)

31. In addition to staling, bread is subject to spoilage from the growth of mold. If the surface of bread is moist, it is a good medium for the growth of mold spores. The temperature of baking effectively destroys any mold spores in the dough, but such spores may be present in the bakery and bread not suitably protected during and after cooling may become contaminated with such spores. When bread is sliced and wrapped, as is the common practice among large bakeries, the moisture remaining in the bread is held inside the wrapper, keeping the surface of bread moist and so creating a favorable environment for the growth of mold spores which may have accumulated on the surface of the loaf or of the slices prior to wrapping. Unwrapped bread from which moisture can evaporate readily is less likely to become moldy. Mold development on bread is most rapid in warm weather, especially when the humidity is high. (R. pp. 1124–1137, 1140, 1143, 1270, 1481, 1500, Ex. AA)

32. The time necessary for the development of visible mold varies greatly, depending on a number of conditions. Under conditions most favorable to mold growth, a visible speck of mold may develop within one or two days after exposure of the bread to the spores. Under normal summer conditions, however, several days will elapse between the time of contamination and the appearance of a mold spot sufficiently large to be noticed. (R. pp. 1143, 1409, 1413, 1473, 1490–1491)

33. A considerable number of bakers take no steps to protect their bread from mold other than controls within the bakery which tend to prevent contamination of the bread with mold spores. A few bakers have installed special precautionary devices for this purpose which are elaborate and beyond the means of bakers generally. Methods available to most bakers do not wholly prevent contamination, and where this occurs in sufficient degree and conditions are favorable to mold growth losses of bread may follow. Many bakers, and probably a majority of wholesale bakers, have adopted the practice of adding to the dough, at least during summer months, some substance which will retard the growth of mold on the bread. Proposals were made to recognize as optional ingredients for this purpose sodium and calcium propionates and sodium diacetate. (R. pp. 1138–1139, 1151, 1154, 1476–1479, 1673–1674, 3879–3880, 3986, 4046–4047, Exs. X, QQ)

34. In addition to spoilage from mold, decomposition and spoilage in bread are caused on rare occasions by the growth inside the loaf of a type of bacterium which, in spore form, can survive the temperature of baking. This bacterium, *Bacillus mesentericus*, causes spoilage which in advanced stages is characterized by an unpleasant odor and a pasty consistency of the center of the loaf. This pasty material will pull out into fine threads, and such bread is said to be "ropy". *B. mesentericus* is known as the rope-forming organism. (R. pp. 1163–1164, 1166, 1231, 1425, 2658, 2993–2994, 3001, 3820–3822, 4045)

35. Technical experts in the baking industry are not entirely in agreement as to how the rope organism enters bread dough but they generally agree that the most probable means is through use in preparing the dough of raw materials contaminated with numerous spores of the organism. There is some possibility that spores may be air-borne and enter the dough from the air circulating in the bakery. In order for spoilage from rope organisms to develop in bread there must be a combination of circumstances, where a considerable number of spores enter the dough and where the bread is held for some time after baking at a high temperature under conditions whereby the moisture in the bread is retained. Where such a combination of circumstances occurs, large losses may occur from such spoilage. (R. pp. 1165–1167, 1169, 1353–1354, 1495, 2190, 3813, 3819, 3824, Exs. HH, II)

36. A considerable number of bakers take no steps for the protection of bread from rope other than by the use of ingredients sufficiently low in spore content. The ordinary baker, however, has no means of quickly testing ingredients to determine if they are contaminated with rope-forming organisms and must rely upon suppliers to furnish ingredients which are safe to use. Much progress has been made by suppliers in safeguarding their product. Many bakers, however, probably including a majority of wholesale bakers, at some time during the year add some type of ingredient to dough as additional assurance against rope development. (R. pp. 1174, 1294–1298, 1502, 3826, 3832, 3870–3871, 4042, 4044, Exs. HH, WWWW)

37. It was found several years ago that materials which render the dough slightly more acid than normal are effective in preventing the development of the rope organism. The acidity of the finished bread need not be greater than pH 5.0. The necessary increase in acidity is frequently effected by adding about a pint of 100-grain vinegar for each 100 pounds of flour used in the dough. Another product used by bakers for increasing acidity is monocalcium phosphate, which is the acidifying ingredient in phosphated flour. About ½ pound or less of monocalcium phosphate per 100 pounds of flour usually increases acidity sufficiently for this purpose, or phosphated flour may be used. Other acids which are said not to interfere with yeast growth have also been tried to a limited extent but have no advantage over vinegar or monocalcium phosphate and, so far as the record shows, such other acids are not now in use. In more recent years it has been found that sodium and calcium propionates are effective in retarding the growth of rope organism without a significant change in acidity. Even more recently sodium diacetate, which liberates acetic acid in the dough, has been used in lieu of vinegar and monocalcium phosphate as insurance against possibility of rope. (R. pp. 137, 1040, 1170, 1174, 1183–1184, 1644, 1674–1679, 3818, 3968–3969, 3976–3977, Exs. JJ, KK)

38. The quantity of calcium propionate or sodium propionate or both, used in white bread for the purposes indicated in findings 33 and 37 need not exceed 0.32 part by weight for each 100 parts by weight of flour used. The quantity of sodium diacetate used for such purposes need not exceed 0.4 part by weight. The quantity of any vinegar used for the purposes indicated in finding 37 need not exceed 1 pint of any vinegar of 100-grain strength for each 100 pounds of flour used, or corresponding amounts of vinegar of less strength to furnish an equivalent amount of acetic acid. The quantity of monocalcium phosphate used for the purposes indicated in finding 37 exceeds the amount used as a yeast food (for which purpose the maximum amount used is 0.25 part for each 100 parts by weight of flour used) but does not exceed 0.75 part for each 100 parts by weight of flour. (R. pp. 1322–1323, 1413, 1486, 1649, 1680, 1687, 3964, 3969, 3976, 3977, Ex. X)

39. The evidence shows that a substantial proportion of the bakers do not consider that they have a mold or rope problem and that they use none of the substances referred to in finding 37. Most bakers consider that they do have a mold or rope problem during the months of relatively high temperature, particularly when the humidity is high, and these bakers use such substances during those months. Some bakers consider that they have a mold and rope problem throughout the entire year and use such substances continuously. The evidence points to possibilities that the use of such substances may result in practices contrary to consumer interest but does not establish that such practices exist or are likely to develop to any material extent. (R. pp. 1412, 1428–1429, 1453–1459, 1478–1479, 1495, 1697, 2187–2191, 3003–3005, 3879–3880, 3986, 4046–4047, Ex. QQ)

40. All of the substances used as set forth in finding 38 act as preservatives in bread and rolls in that they delay spoilage by certain microorganisms. All of such substances, except vinegar, are chemicals within the usual meaning of that term. (R. pp. 2046–2048, 2050)

41. The foods commonly and usually known as "milk bread" and "milk rolls" or "milk buns" differ from bread and rolls primarily in that they contain a certain minimum of milk solids. Findings 2 to 5 and 9 to 41, inclusive, are applicable to milk bread and milk rolls. (R. pp. 35, 1830, 1831, 2415, 2527, 2586, Ex. A)

42. Milk bread is prepared in the home and to a considerable extent in commercial bakeries by using milk as the sole ingredient for moistening the flour and other ingredients to make the dough. However, many bakers use, instead of milk, various milk products with or without water, containing essentially the same quantity of milk solids as would be supplied by milk when it is used as the sole wetting agent. Milk products which are used for this purpose and which are suitable for such use are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and reconstituted milk (see finding 44). (R. pp. 1836–1837, 2527–2528, Exs. A, III)

43. The solids of milk may be divided into two well-recognized components, milk fat and nonfat milk solids. The relative proportion of fat and nonfat milk solids varies somewhat, but in milk of average composition as delivered to consumers the quantity of nonfat milk solids is not more than 2.3 times the quantity of milk fat. In milks of greater richness than average milk the fat content may rise to a point where the nonfat milk solids is about 1.2 times the milk fat. (R. pp. 1838, 2371–2383, 2529, Exs. 4, AAA, LLL)

44. The dairy ingredients used to supply milk constituent solids in the reconstitution of milk for making milk bread are skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, or any two or more of these, combined with butter or cream or both. Unless a maximum limit is set on the proportion of nonfat milk solids to milk fat in reconstituting milk, abuses can easily arise through the use of decreasing quantities of milk fat and increasing quantities of the less expensive nonfat milk solids. It is reasonable to require that when reconstituted milk is used, the proportion of nonfat milk solids to milk fat fall within the range set forth in finding 43. (R. pp. 444–447, 1830, 1833, 1836, 1838, 1846, 2507, 2509, Exs. 2, III)

45. The quantity of water necessary to make flours into dough varies somewhat, but it is generally about 60 pounds

to each 100 pounds of flour and in practically no case is less than 58 pounds to 100 pounds of flour. In milk of average composition, 58 pounds of moisture is associated with 8.23 pounds of milk solids; a reasonable minimum requirement for milk solids in milk bread made with dairy ingredients other than fluid milk is 8.2 pounds to each 100 pounds of flour. Because of variation in the total solids content of fluid milk and because of differences in the quantity of moisture absorbed in making the dough it would not be reasonable to prescribe a minimum based on the average composition of milk for the milk solids content of milk bread when fluid milk is used as the sole moistening ingredient. (R. pp. 452–454, 1840, 2445–2446, 2565–2566, 2607)

46. Milk bread is generally considered by consumers to be made from milk and not from buttermilk. Buttermilk and its products, such as those listed in finding 8, are not appropriate ingredients of milk bread. (R. pp. 443, 1840–1842, 2419)

47. In the announcement of the hearing definitions and standards of identity were proposed for—

Cream bread and cream rolls or cream buns, butter bread and butter rolls or butter buns, egg bread and egg rolls or egg buns, butter and egg bread and butter and egg rolls or butter and egg buns,

Honey bread and honey rolls or honey buns, milk and honey bread and milk and honey rolls or milk and honey buns.

In each instance the American Bakers Association proposed other definitions and standards differing from the proposals for hearing chiefly in that they would require substantially lesser amounts of the ingredients indicated by the names of the various kinds of bread and rolls or buns. (R. Ex. 1. Also see page references under finding 48)

48. The quantities of the characterizing ingredients specified in the published proposal and the quantities recommended by the American Bakers Association are shown in the following tabulation ("parts" signify parts by weight for each 100 parts by weight of flour used in preparing dough):

	Published proposals	Proposals by American Bakers' Association
Cream bread, Cream rolls, Cream buns	12 parts of milk fat from cream or combination of milk fat and nonfat milk solids in certain specified proportions.	4 parts milk fat.
Butter bread, Butter rolls, Butter buns	12 parts milk fat from butter	4 parts milk fat.
Egg bread, Egg rolls, Egg buns	5 parts of egg solids	2 parts of egg solids.
Butter and egg bread, Butter and egg rolls, Butter and egg buns	12 parts milk fat from butter, 5 parts egg solids.	4 parts milk fat. 2 parts egg solids.
Honey bread, Honey rolls, Honey buns	16 parts honey solids	4 parts.[1]
Milk and honey bread, Milk and honey rolls, Milk and honey buns	Milk content same as for milk bread. 16 parts honey solids.	Milk content same as for milk bread. 4 parts honey solids.

[1] 3 parts of honey solids was recommended by a witness introduced by the American Bakers' Association (R. pp. 2868, 2870).

(R. pp. 1849–1854, 2423–2425, 2427–2428, 2476–2479, 2552–2555, 2568, 2623–2625, 2638, 2644–2645, 2673, 2703, 2713, 2717, 2739–2746, 2755–2757, 2759–2760, 2795–2796, 2820, 2837–2838, 2846, 2933, 2965, 3046–3047, 3049–3051, 3061, 3068)

49. There have been sold at times under the names of the products listed in finding 48, or under similar names, breads containing little or none of the ingredients for which the breads have been named. This practice has not been widespread. The amount of such bread is small in comparison with the total amount of bread sold but this practice has tended to mislead the consumer, giving the impression that these ingredients are used in such substantial amounts as to characterize the breads. (R. pp. 1851, 1854, 2339–2340, 2476, 2478, 2497–2498, 2617–2620, 2625, 2627, 2631, 2640, 2740–2742, 2788, 2910–2911, 3044–3046, 3058–3060, Ex. III)

50. The evidence does not establish that products containing these ingredients in the quantities proposed by the American Bakers Association (see finding 48) are distinguishable by the ordinary consumer from the product commonly known as "bread" or "white bread". It is not shown that benefit to consumers would result from the promulgation of definitions and standards of identity for these products as proposed by the American Bakers Association. (R. pp. 2495, 2552–2553, 2555, 2569, 2621–2624, 2632, 2641, 2672, 2742–2743, 2795–2797, 2807, 2820, 3036–3037, 3039, 3046, 3049, 3051)

51. There is not shown to be, or to be likely to develop, a demand on the part of consumers for bread or rolls containing the quantities of these ingredients in the published proposals which were supported by the Food and Drug Administration (see finding 48). The evidence does not establish that such proposed definitions and standards of identity would be reasonable. (R. pp. 1851, 2427, 2476, 2498, 2553, 2570, 2700, 2713–2715, 2867–2868, 2931–2932, 2965–2966)

52. The foods commonly and usually known as "raisin bread" and "raisin rolls" or "raisin buns" differ from bread and rolls primarily in that raisins are added to the dough before baking. Seedless (or seeded) raisins are suitable for such use. They are usually washed and are often soaked in water before being added to the dough. Except as noted in findings 54 and 55, findings 2 to 6 and 8 to 40, inclusive, are applicable to raisin bread and raisin rolls; finding 7 is inapplicable thereto. (R. pp. 35–36, 3076–3084, 3086–3091, 3092–3097)

53. The quantity of raisins used in making raisin bread varies somewhat. A minimum requirement for raisins based on the weight of raisins in the loaf was contained in the advisory standard for raisin bread promulgated some years ago. A more understandable requirement from the standpoint of the baker is a specification of the weight of raisins (before soaking or washing) used with each 100 parts by weight of flour. The requirement of the advisory standard calculated to this basis is about 35 parts of raisins to each 100 parts of flour. In recent years it has become the practice of most bakers to use substantially more raisins and a minimum requirement of 50 parts of raisins to each 100 parts of flour now conforms more nearly to consumer preference and good bakery practice. (R. pp. 35–36, 3076–3080, 3088–3090, 3093–3097, Exs. 2, III, TTT, UUU, VVV)

54. When making raisin bread some bakers use as a saccharine ingredient a raisin syrup made by concentrating a water extract of raisins (referred to in finding 12). Such an extract is suitable for use in raisin bread but such raisin extractives as are incorporated in this manner do not take the place of raisins used in making the raisin bread. Raisin bread and raisin rolls are sometimes prepared with an "icing" or "frosting". (R. pp. 3080, 3125)

55. The method of determining total solids as described in finding 3 must be modified slightly to be applicable to raisin bread and raisin rolls in order to insure the proper mixing of raisins in the sample. This can be accomplished by passing the sample twice through a food chopper and then taking a portion for solids determination without attempting to pass the ground sample through a 20-mesh sieve. (R. pp. 3086–3087, Ex. 2)

56. The foods commonly and usually known as "whole wheat bread", "graham bread", "entire white bread", and "whole wheat rolls", "graham rolls", "entire wheat rolls", or "whole wheat buns", "graham buns", "entire wheat buns", differ from white bread and white rolls only in that the dough is made with whole wheat flour or bromated whole wheat flour, and no flour, bromated flour, or phosphated flour is used therein. Findings 2 to 6 and 8 to 40, inclusive, are applicable to whole wheat bread and whole wheat rolls, except that the maximum limit for propionates (see finding 38) is 0.38 part by weight to each 100 parts by weight of whole wheat flour used. Finding 7 is inapplicable to whole wheat bread and whole wheat rolls. (R. pp. 34–35, 1323, 1413, 3126–3135, 3160–3161, Exs. 2 and A)

57. Several different kinds of bread and rolls are prepared which differ from white bread and white rolls only in that the dough is made by using various mixtures of two or more of the wheat ingredients flour (including bromated flour and phosphated flour), whole wheat flour, cracked wheat, crushed wheat. In order to obtain in finished bread and rolls of these kinds the definite characteristics of each of the wheat ingredients used, it is necessary that the quantity of each such ingredient be not less than 20 percent by weight of the mixture of wheat ingredients used. Findings 2 to 6 and 8 to 40, inclusive, are applicable to bread and rolls of these kinds, except that the maximum limit for propionates (see finding 8) is 0.38 part by weight to each 100 parts by weight of the mixture of wheat ingredients. Finding 7 is inapplicable to bread and rolls of these kinds. (R. pp. 38, 1323, 1413, 3135–3158, 3160–3161, Exs. 5, 6, 7)

58. Bread and rolls of these kinds are ordinarily labeled with the word "bread" and "rolls", preceded by the name of one of the wheat ingredients (for example, "cracked wheat bread"). Consumers are confused as to the composition of such products by the failure to disclose in the name other wheat ingredients present in characterizing quantities. Names for them which are accurate and informative are the words "bread" and "rolls" or "buns", as the case may be, preceded by words which show the wheat ingredients used in the order of their predominance, if any, by weight in the mixture, as for example, "white and whole wheat bread". R. pp. 3135–3158, Exs. 5, 6, 7)

59. "Enriched bread" and "enriched rolls" or "enriched buns" are the common and usual names of baked products identical with bread and rolls, respectively, except that they contain added nutrients and are not subject to the limitations indicated in finding 7. The reasons for enriching flour and for regulating such enrichment are applicable to enriched bread and enriched rolls; such reasons are set forth in findings 33 to 41, inclusive, of the order prescribing a definition and standard of identity for enriched flour (6 F.R. 2574–82), as modified and supplemented by findings 1 to 11, inclusive, of the order amending that definition and standard of identity (8 F.R. 9115–16). The basis for requiring or permitting the particular enriching ingredients and the particular quantities thereof specified in such findings is also applicable to enriched bread and enriched rolls. Findings 2 to 6, 8 to 21, and 23 to 40, inclusive, of this order, are applicable to enriched bread and enriched rolls. (R. pp. 3241–3255)

60. The quantities of vitamins and minerals in enriched bread and enriched rolls are those which result from the use of enriched flour or enriched bromated flour in lieu of flour, bromated flour, or phosphated flour. These quantities may be contributed by any of the following methods, or by any two or more of them in combination:

(a) Enriched flour or enriched bromated flour is used, in whole or in part.

(b) The substances used for enriching flour (including wheat germ or partly defatted wheat germ in a quantity not more than 5 parts by weight to each 100 parts of flour, bromated flour, and phosphated flour used) are added in making the dough, under the conditions permitted by § 15.010, as amended, for the addition of such substances in preparing enriched flour.

(c) Ingredients of bread which contain such vitamins or minerals (e. g., yeast, dried skim milk, monocalcium phosphate) are used within the limits, if any, for such use in bread. (R. p. 3241; Supp. R. pp. 375, 843, 893, 900, 958, 961)

61. It would not be reasonable to subject enriched bread or enriched rolls to any requirement for or limitation on enrichment that cannot be met in ordinary commercial practice by the use of any enriched flour which conforms to the definition and standard of identity prescribed in § 15.010, as amended. (R. p. 3320)

62. The flour content of enriched bread and enriched rolls varies from a minimum of about 60 percent to a maximum of about 75 percent, depending upon such factors as the quantity of ingredients other than flour used and the moisture content of the finished products. In baking such products there is some loss of vitamins, mostly through destruction in the crust. Such losses of niacin, riboflavin, and vitamin D are negligible, and in the cases of niacin and riboflavin are compensated by some contribution of these vitamins by yeast and other ingredients commonly used. Except as noted for thiamine, riboflavin, and calcium in findings 63, 64, and 65, minima for the vitamins and minerals in enriched bread and enriched rolls of 60 percent of the minima prescribed for enriched flour, and maxima of 75 percent of the maxima for enriched flour, are, when rounded off to the nearest significant decimal point, reasonable limitations when enriched flour is used to make enriched bread and enriched rolls. On this basis each pound of enriched bread or enriched rolls contains not less than 10 milligrams nor more than 15 milligrams of niacin; not less than 8 milligrams nor more than 12.5 milligrams of iron; and when the optional ingredient vitamin D is used, not less than 150 U. S. P. Units nor more than 750 U. S. P. Units of such vitamin. It would not be reasonable to prescribe minima and maxima for vitamins and minerals, when they are added in making the dough, different from the minima and maxima prescribed when enriched flour is used. An unnecessarily wide spread between minima and maxima would likely lead to competitive increases between manufacturers, accompanied by such advertising claims as would confuse consumers as to their nutritional needs and the value of enriched bread in supplying those needs. Consumer understanding of the value of enriched bread will be promoted by requiring its composition to be as nearly uniform as practicable as to both quantities and kinds of nutritional factors present. (R. pp. 3241–3252, 3306, 3466–3472, 3474–3488, 3692–3696, 3770–3782, 3786–3800; Supp. R. pp. 287, 362–364, 645, 648, 649, 844–854)

63. In baking enriched bread and enriched rolls losses of thiamine are appreciable. However, if flour enriched to the minimum of 2 milligrams of thiamine per pound is used there is sufficient contribution of thiamine from the yeast and other ingredients customarily added that in common commercial practice the finished products contain not less than 1.1 milligrams of thiamine per pound. If flour enriched to the maximum of 2.5 milligrams per pound is used, the thiamine content of the finished products, after due allowances are made for contributions from such ingredients and for baking losses, will not exceed 1.8 milligrams per pound. (R. pp. 3242–3251, 3466–3472, 3474–3488, 3770–3782; Supp. R. pp. 363–368, 372, 647, 844–854)

64. Yeast and milk or its products used in making enriched bread and rolls may contribute as much as 0.48 milligram of riboflavin per pound of bread or rolls. When these are used with enriched flour containing 1.5 milligrams riboflavin per pound the riboflavin content of the enriched bread or enriched rolls may approach 1.6 milligrams per pound. When milk and its products are not used and the enriched flour contains the minimum of 1.2 milligrams riboflavin per pound the riboflavin content of the enriched bread or enriched rolls may fall to nearly 0.7 milligram per pound. (Supp. R. pp. 844, 848)

65. Dried skim milk, so-called "bread improvers", rope inhibitors, and other optional ingredients used in making bread and rolls may contribute nearly 300 milligrams of calcium per pound of bread or rolls. When these are used with enriched flour containing 625 milligrams calcium per pound the calcium content of the enriched bread or enriched rolls may approach 800 milligrams per pound, particularly if water used in making the dough is high in calcium. When these are not used and the enriched flour contains the minimum of 500 milligrams calcium per pound the calcium content of the enriched bread or enriched rolls may fall to about 300 milligrams per pound. (Supp. R. pp. 849, 858)

66. The following are reasonable limits for the specified vitamins and minerals in enriched bread and enriched rolls or enriched buns:

	Minimum	Maximum
Required ingredients:	*Mg. per lb.*	*Mg. per lb.*
Thiamine	1.1	1.8
Niacin	10.0	15.0
Riboflavin	.7	1.6
Iron	8.0	12.5
Optional ingredients:		
Calcium	300	800
	U. S. P. units per lb.	*U. S. P. units per lb.*
Vitamin D	150	750

(Supp. R. pp. 153, 157, 159, 160–162, 221, 278–280, 312–313, 386–388, 773–774, 797–798, 843–848, 888)

Conclusions

On the basis of the foregoing findings of fact it is concluded that:

(a) The evidence does not establish a basis for definitions and standards of identity, which would be reasonable and would promote honesty and fair dealing in the interest of consumers, for—

Cream bread and cream rolls or cream buns.
Butter bread and butter rolls or butter buns.
Egg bread and egg rolls or egg buns.
Butter and egg bread and butter and egg rolls or butter and egg buns.
Honey bread and honey rolls or honey buns.
Milk and honey bread and milk and honey rolls or milk and honey buns.

(b) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for white bread and white rolls permitting the use as optional ingredients of soybean flour (except the soybean product referred to in finding 23 and within the limit set forth in such finding), peanut flour, cottonseed flour, rolled oats, ground oatmeal, or oat flour in quantities insufficient to differentiate the baked products from bread and rolls. The evidence does not establish a basis for a determination as to what provisions should be included in definitions and standards of identity, which will promote honesty and fair dealing in the interest of consumers, for baked products containing such ingredients in quantities sufficient to differentiate such products from white bread and white rolls.

(c) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls, except enriched bread and enriched rolls, providing for the use of processed wheat germ.

(d) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls, except raisin bread and raisin rolls, providing for the use of concentrated water extract of raisins or raisin sirup.

(e) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls providing for the use of blackstrap molasses, dark-colored brown sugar, or concentrated water extract of prunes.

(f) The evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls providing for the use of amino acids or of so-called "grain infusion", or a definition and standard of identity for raisin bread or raisin rolls providing for the use of raisins in any quantity less than 50 parts by weight to each 100 parts by weight of any kind of flour ingredient used.

(g) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls made from two or more of the wheat ingredients flour (including bromated flour and phosphated flour), whole wheat flour, cracked wheat, and crushed wheat under the name of one of such ingredients, or which provides for the use of any such ingredient in any quantity less than 20 percent by weight of the total of such ingredients.

(h) The record contains no evidence on the interest of consumers in label declaration of the presence of the preservatives calcium propionate, sodium propionate, sodium diacetate, monocalcium phosphate, and vinegar. However, section 403 (k) of the Act requires a statement in the labeling of bread and rolls in which calcium propionate, sodium propionate, sodium diacetate, or monocalcium phosphate is used, disclosing the fact that such chemical preservative is present. An informative and accurate statement of that fact is "------ added to retard spoilage", the blank being filled in with the name whereby the chemical preservative used is above designated.

(i) Each of the following regulations fixing and establishing definitions and standards of identity for various kinds of bread and rolls or buns will promote honesty and fair dealing in the interest of consumers, and such regulations are hereby promulgated:

Regulations

§ 17.5 *Bread and rolls or buns; identity; label statement of optional ingredients.* (a) Each of the foods bread, and rolls or buns, is prepared by baking a kneaded yeast-leavened dough made by moistening flour with water, or with one or more of the liquid optional ingredients hereinafter specified, or with any mixture of water and one or more of such ingredients. (The term "flour", unqualified, as used in this section includes flour, bromated flour, and phosphated flour. The potassium bromate in any bromated flour used and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the bread or rolls.) Each of such foods is seasoned with salt, and in its preparation one or more of the optional ingredients prescribed by the following subparagraphs (1) to (12), inclusive, may be used:

(1) Shortening.

(2) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, or any combination of two or more of these; except that any such ingredient or combination (together with any butter and cream used) is so limited in quantity or composition as not to meet the requirements for milk or dairy ingredients prescribed for milk bread by § 17.7.

(3) Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, or any combination of two or more of these.

(4) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, egg white, frozen egg white, dried egg white, or any combination of two or more of these.

(5) Sugar, invert sugar (in congealed or sirup form), light-colored brown sugar, refiners sirup, dextrose, honey, corn sirup, dried corn sirup, nondiastatic dried malt sirup, molasses (except blackstrap molasses), or any combination of two or more of these.

(6) Malt sirup, dried malt sirup, malted barley flour, malted wheat flour, each of which is diastatically active, or any combination of two or more of these.

(7) Corn flour (including finely ground corn meal), potato flour, rice flour, wheat starch, cornstarch, potato starch, sweet potato starch, any of which may be wholly or in part dextrinized, dextrinized wheat flour or any combination of two or more of these; but the total weight thereof is not more than 3 parts for each 100 parts by weight of flour used.

(8) Ground dehulled soybeans, which may be heat treated, from which oil may be removed, but which retain enzymatic activity; but the weight thereof is not more than 0.5 part for each 100 parts by weight of flour used.

(9) Calcium sulfate, calcium lactate, mono-ammonium phosphate, diammonium phosphate, ammonium sulfate, ammonium chloride, ammonium carbonate, ammonium lactate, monocalcium phosphate, dicalcium phosphate, or any combination of two or more of these; but the total weight thereof (not including the monocalcium phosphate in any phosphated flour used) is not more than 0.25 part for each 100 parts by weight of flour used.

(10) Potassium bromate, potassium iodate, calcium peroxide, ammonium persulfate, potassium persulfate, sodium chlorite, or any combination of two or more of these; but the total weight thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

(11) (i) Monocalcium phosphate, but the total quantity thereof, including the quantity in any phosphated flour used and any quantity added as permitted by subparagraph (9), is not less than 0.25 part and not more than 0.75 part by weight to each 100 parts by weight of flour used; or (ii) a vinegar, in a quantity equivalent in acid strength to not more than 1 pint of 100-grain distilled vinegar for each 100 pounds of flour used; or (iii) calcium propionate, sodium propionate, or any mixture of these, but the total weight thereof is not more than 0.32 part for each 100 parts by weight of flour used; or (iv) sodium diacetate, but the weight thereof is not more than 0.4 part for each 100 parts by weight of flour used.

(12) Spice (including spice oil and spice extract). Each of such foods contains not less than 62 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread—Official", except that if the baked unit weighs 1 pound or more 1 entire unit is used for the determination, and if the baked unit weighs less than 1 pound, such number of entire units as weigh 1 pound or more are used for the determination.

(b) Bread is baked in units each of which weighs one-half pound or more after cooling. Rolls or buns are baked in units each of which weighs less than one-half pound after cooling.

(c) (1) When any optional ingredient, except a vinegar, permitted by paragraph (a) (11) is used, the label shall bear the statement "------ added to retard spoilage", the blank being filled in with the name whereby the ingredient used is designated in such paragraph.

(2) When an optional ingredient permitted by paragraph (a) (12) is used, the label shall bear the statement "spiced" or "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common or usual name or names of the spice may be added.

(3) Wherever the name of the food appears on the label so conspicuously as to be seen under customary conditions of purchase, the words and statements hereinbefore specified in this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 17.6 *Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.* (a) Each of the foods enriched bread, and enriched rolls or enriched buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread by § 17.5 (a) and (c), except that:

(1) Each such food contains in each pound not less than 1.1 milligrams and not more than 1.8 milligrams of thiamine, not less than 0.7 milligram and not more than 1.6 milligrams of riboflavin, not less than 10.0 milligrams and not more than 15.0 milligrams of niacin or niacin amide, not less than 8.0 milligrams and not more than 12.5 milligrams of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 150 U. S. P. Units and not more than 750 U. S. P. Units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 300 milligrams and not more than 800 milligrams of calcium (Ca);

(4) Each such food may also contain as an optional ingredient wheat germ or partly defatted wheat germ; but in no case is the total quantity thereof more than the maximum which may be present as a result of the use of enriched flour;

(5) Enriched flour may be used, in whole or in part, instead of flour; and

(6) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of milk and dairy ingredients does not apply.

As used in this section the term "flour", unqualified, includes bromated flour and phosphated flour; the term "enriched flour" includes enriched bromated flour. The prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) may be supplied or partly supplied through the use of enriched flour; or through the direct addition of such substance under the conditions permitted by § 15.010, as amended, for the addition of such substance in the preparation of enriched flour; or through the use of any ingredient containing such substance, which ingredient is required or permitted by § 17.5 (a), within the limits, if any, prescribed by such section (as modified by subparagraph (6) of this paragraph); or through the use of wheat germ; or through any two or more of such methods.

(b) "Enriched bread" is baked in units each of which weighs one-half pound or more after cooling. "Enriched rolls" or "Enriched buns" are baked in units each of which weighs less than one-half pound after cooling.

§ 17.7 *Milk bread and milk rolls or milk buns; identity; label statement of optional ingredients.* (a) Each of the foods milk bread, and milk rolls or milk buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the dairy ingredients prescribed in paragraph (c) is used, with or without water, in a quantity containing not less than 8.2 parts by weight of milk solids for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used); and

(2) No ingredient permitted by § 17.5 (a) (3) is used.

(b) Milk bread is baked in units each of which weighs one-half pound or more after cooling. Milk rolls or milk buns are baked in units each of which weighs less than one-half pound after cooling.

(c) The dairy ingredients referred to in paragraph (a) (1) are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and a mixture of butter or cream or both with skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.3 times and not less than 1.2 times the weight of milk fat therein.

§ 17.8 *Raisin bread and raisin rolls or raisin buns; identity; label statement of optional ingredients.* (a) Each of the foods raisin bread, and raisin rolls or raisin buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) Not less than 50 parts by weight of seeded or seedless raisins are used for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used);

(2) Water extract of raisins may be used (but not to replace raisins);

(3) The baked units may bear icing or frosting;

(4) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of dairy ingredients does not apply; and

(5) In determining its total solids, instead of following the direction "Grind sample just to pass a 20-mesh sieve" (Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread—Official"), comminute the sample by passing it twice through a food chopper.

(b) Raisin bread is baked in units each of which weighs one-half pound or more after cooling. Raisin rolls or raisin buns are baked in units each of which weighs less than one-half pound after cooling.

§ 17.9 *Whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns; identity; label statement of optional ingredients.* (a) Each of the foods whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) The dough is made with whole wheat flour and no flour is used therein;

(2) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of dairy ingredients does not apply; and

(3) The total weight of calcium propionate, sodium propionate, or mixtures of these used, is not more than 0.33 part for each 100 parts by weight of whole wheat flour used.

As used in this section the term "flour", unqualified, includes flour, bromated flour, and phosphated flour; the term "whole wheat flour" includes whole wheat flour and bromated whole wheat flour. The potassium bromate in any bromated whole wheat flour used shall be deemed to be an optional ingredient in the whole wheat bread or whole wheat rolls.

(b) Whole wheat bread, graham bread, or entire wheat bread, is baked in units each of which weighs one-half pound or more after cooling. Whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, or entire wheat buns, are baked in units each of which weighs less than one-half pound after cooling.

§ 17.10 *Breads and rolls or buns made with mixtures of flour, whole wheat flour, cracked wheat, crushed wheat;*

identity; label statement of optional ingredients. (a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) The dough is made with a mixture of two or more of the following wheat ingredients in which the weight of each such ingredient used is not less than 20 percent of the weight of such mixture: (i) Flour (including bromated flour and phosphated flour); (ii) whole wheat flour (including bromated whole wheat flour); (iii) cracked wheat; (iv) crushed wheat;

(2) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of dairy ingredients does not apply; and

(3) The total weight of calcium propionate, sodium propionate, or mixtures of these used is not more than 0.38 part for each 100 parts by weight of such mixture.

(b) The potassium bromate in any bromated flour or bromated whole wheat flour used, and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the finished baked products.

(c) If such food is baked in units each of which weighs one-half pound or more after cooling, the name of such food is "_____ bread"; if in units each of which weighs less than one-half pound after cooling, "_____ rolls" or "_____ buns", the blank being filled in each instance with the names of the wheat ingredients in the order of predominance, if any, by weight of such ingredients in the mixture used in making the dough, as for example "white and whole wheat bread". For the purposes of this provision the name of the wheat ingredient specified in paragraph (a) (1) (i) is "white"; in (a) (1) (ii) is "whole wheat", "graham", or "entire wheat"; in (a) (1) (iii) is "cracked wheat"; and in (a) (1) (iv) is "crushed wheat."

Filing of Exceptions

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2242, South Building, 14th Street and Independence Avenue, S. W., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

[SEAL] WATSON B. MILLER,
Administrator.

JULY 29, 1943.

[F. R. Doc. 43-12375; Filed, July 30, 1943; 3:40 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-3, Amdt. 1]

TAMIAMI TRAIL TOURS, INC., AND GREAT SOUTHERN TRUCKING COMPANY

MODIFICATION OF SERVICE COORDINATION ORDER

Upon consideration of the application for an order amending Supplementary Order ODT 3, Revised-3 (7 F.R. 9057), filed with the Office of Defense Transportation by Tamiami Trail Tours, Inc. of Tampa, Florida, and Great Southern Trucking Company of Jacksonville, Florida, and good cause appearing therefor; *It is hereby ordered*, That Supplementary Order ODT 3, Revised-3 is hereby amended by striking therefrom subparagraph (f) of paragraph 1 and subparagraph (e) of paragraph 2.

This amendment shall become effective on August 4, 1943.

Issued at Washington, D. C., this 31st day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-12411; Filed, July 31, 1943; 11:16 a. m.]

[Supplementary Administrative Order ODT 1-4]

MEMBERS OF THE STAFF OF THE DIVISION OF MOTOR TRANSPORT

DELEGATION OF AUTHORITY DESIGNATED

Pursuant to § 503.2 (a) (18) of Administrative Order ODT 1, as amended (8 F.R. 6001, 7285, 7603, 9034, 9571, 9631, 9887):

1. Each Regional Manager and each District Manager, of the Division of Motor Transport, Office of Defense Transportation, within his respective region or district, is hereby authorized to execute and issue, in his discretion and subject to such terms and conditions as he may prescribe, and in the name of the Director of the Office of Defense Transportation, special permits as provided by § 501.8 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), § 501.24 of General Order ODT 6A (8 F.R. 8757), and § 501.71 of General Order ODT 17, as amended (7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), or as hereafter revised, reissued or amended.

2. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director of the Office of Defense Transportation and the Director, Division of Motor Transport, Office of Defense Transportation.

Issued at Washington, D. C., this 2d day of August 1943.

H. C. ARNOT,
Director, Division of Motor Transport, Office of Defense Transportation.

[F. R. Doc. 43-12513; Filed, August 2, 1943; 11:26 a. m.]

[Special Order ODT R-5]

LOUISVILLE AND NASHVILLE RAILROAD CO.

ESTABLISHMENT OF PASSENGER TRAIN SERVICE BETWEEN DESIGNATED POINTS IN TENNESSEE

Pursuant to Executive Order 8989, in order to assure the orderly and expeditious movement of men to points of need, and to conserve and providently utilize transportation facilities and service, the attainment of which purposes is essential to the successful prosecution of the war. *It is hereby ordered*, That:

1. Louisville and Nashville Railroad Company shall establish, effective August 3, 1943, and shall maintain and continue in effect until further order of the Office of Defense Transportation, three passenger train schedules daily except Sundays, in each direction, between Knoxville, Tennessee, and a point near Elza, Tennessee, for the transportation of employees engaged in the construction of a United States Government project located near Elza, Tennessee. A sufficient number of coaches shall be included in each such passenger train to provide accommodations for the transportation of employees who desire to utilize such passenger train service: *Provided, however*, That not more than 15 coaches need be included in any such train.

2. Such passenger train service shall be operated with the minimum number of railroad employees necessary to conduct such operations with safety in accordance with the operating rules of the carrier.

3. Communications concerning this order should refer to "Special Order ODT R-5" and should be addressed to the Division of Railway Transport, Office of Defense Transportation, Washington, D. C.

Issued at Washington, D. C., this 2d day of August 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-12514; Filed, August 2, 1943; 11:26 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 10 Under MPR 39]

EASTERN FABRICS CORP.

APPROVAL OF MAXIMUM PRICES

Order No. 10 under § 1400.164 (b) (4) of Maximum Price Regulation No. 39—woven decorative fabrics. Maximum prices for the sale of certain woven decorative fabrics by Eastern Fabrics Corporation.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

(a) Eastern Fabrics Corporation, 381 Fourth Avenue, New York, New York, herein called the Applicant, may sell and deliver and any person may purchase and receive from it the following patterns of woven decorative fabrics at prices not in excess of those set forth below.

Pattern:	Maximum prices
45546 V	$1.95
47520	1.80
70221	3.25
70536	3.25
8001	2.50
Farfern	3.00
4045 A	1.55
2346	2.65
2243	2.35
2260	2.35
2269	2.35
1033 AS	1.55
Marion	1.85
2600	.85
2034	1.25
508	2.25

(b) In determining the maximum prices for any patterns not listed in paragraph (a), the applicant shall apply the formula established in § 1400.-163 (b) (3) of Maximum Price Regulation No. 39 and may use the appropriate pattern and the price listed in paragraph (a) as a comparable pattern and price in lieu of the pattern designated in the aforesaid section of the regulation.

(c) The provisions of Maximum Price Regulation No. 39, except as modified by paragraphs (a) and (b) above, shall apply to all sales of such woven decorative fabrics.

(d) This Order No. 10 may be revoked or amended at any time.

(e) All prayers of the applicant not granted herein are denied.

(f) This Order No. 10 shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12399; Filed, July 30, 1943; 4:43 p. m.]

[Order 33 Under Rev. MPR 148, Amdt. 2]

ARIZONA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 2 to order No. 33 Under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12379; Filed, July 30, 1943; 4:41 p. m.]

[Order 36 Under Rev. MPR 148, Amdt. 2]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 2 to Order No. 36 under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

Order No. 36 under Revised Maximum Price Regulation No. 148 is amended in the following respects:

1. The first paragraph is amended by the addition of the following counties: Coryell, McLennan, Taylor, Orange, Galveston, Jefferson and Chambers, all to follow the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the State of Texas, as set forth therein, wherever the latter may appear.

2. The second paragraph of Order No. 36 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12380; Filed, July 30, 1943; 4:41 p. m.]

[Order 37 Under Rev. MPR 148]

KEY WEST AND FLORIDA KEYS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Order No. 37, Under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

Pursuant to § 1364.23 (b) of Revised Maximum Price Regulation No. 148, I find that a critical shortage of meat has occurred in Key West and the Florida Keys because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Key West and the Florida Keys are hereby designated critical areas, and the Regional Administrator for the Fourth Region, or any district manager authorized by him, may in writing authorize sellers to charge and receive, for dressed hogs and wholesale pork cuts and processed products sold to buyers in Key West and the Florida Keys, the actual added cost of transportation in addition to the applicable maximum price. Before giving such written authorization to any seller, the Regional Administrator or the District Manager, authorized by him, shall determine the actual added cost of transportation as follows. He shall ascertain the method of transportation which the seller proposes to use in transporting meat to Key West and the Florida Keys and the costs of such transportation. To the extent that these costs exceed the difference between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in Key West and the Florida Keys, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at Key West and the Florida Keys.

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12403; Filed, July 30, 1943; 4:43 p. m.]

[Order 28 Under Rev. MPR 169, Amdt. 2]

ARIZONA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 2 to Order No. 28 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

The second paragraph of Order No. 28 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12400; Filed, July 30, 1943; 4:41 p. m.]

[Order 33 Under Rev. MPR 169, Amdt. 2]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 2 to Order No. 33 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

Order No. 33 under Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The first paragraph is amended by the addition of the following counties: Coryell, McLennan, Taylor, Orange, Galveston, Jefferson and Chambers, all to follow the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, as set forth therein, wherever the latter may appear.

2. The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12401; Filed, July 30, 1943; 4:41 p. m.]

[Order 36 Under Rev. MPR 169]

KEY WEST AND FLORIDA KEYS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Order No. 36 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

Pursuant to § 1364.405 (b) of Revised Maximum Price Regulation No. 169, I find that a critical shortage of meat has occurred in Key West and the Florida Keys because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Key West and the Florida Keys are hereby designated as critical areas, and the Regional Administrator for the Fourth Region, or any district manager authorized by him may in writing authorize sellers to charge and receive, for beef or veal carcasses and wholesale cuts and processed products sold to buyers in Key West and the Florida Keys, the actual added cost of transportation in addition to the applicable maximum prices. Before giving such written authorization to any seller, the Regional Administrator or the District Manager, authorized by him, shall determine the actual added cost of transportation as follows: He shall ascertain the method of transportation which the seller proposes to use in transporting meat to Key West and the Florida Keys and the costs of such transportation. To the extent that these costs exceed the difference between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in Key West and the Florida Keys, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at Key West and the Florida Keys.

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12398; Filed, July 30, 1943; 4:43 p. m.]

[Order 8 Under Rev. MPR 239, Amdt. 2]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 2 to Order No. 3 Under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

Order No. 3 under Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. The first paragraph is amended by the addition of the following counties: Coryell, McLemnan, Taylor, Orange, Galveston, Jefferson and Chambers, all to follow the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culverson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, as set forth therein, wherever the latter may appear.

2. The second paragraph of Order No. 3 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12402; Filed, July 30, 1943; 4:42 p. m.]

[Order 6 Under Rev. MPR 239]

KEY WEST AND FLORIDA KEYS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Order No. 6 under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

Pursuant to § 1364.155 (b) of Revised Maximum Price Regulation No. 239, I find that a critical shortage of meat has occurred in Key West and the Florida Keys because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Key West and the Florida Keys are hereby designated critical areas, and the Regional Administrator for the Fourth Region, or any district manager authorized by him, may in writing authorize sellers to charge and receive, for lamb and mutton carcasses and cuts at wholesale and retail and processed products sold to buyers in Key West and the Florida Keys the actual added cost of transportation in addition to the applicable maximum price. Before giving such written authorization to any seller, the Regional Administrator or the District Manager, authorized by him, shall determine the actual added cost of transportation as follows: He shall ascertain the method of transportation which the seller proposes to use in transporting meat to Key West and the Florida Keys and the costs of such transportation. To the extent that these costs exceed the differences between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in Key West and the Florida Keys, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at Key West and the Florida Keys.

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12397; Filed, July 30, 1943; 4:42 p. m.]

[Order 1 Under Rev. MPR 239, Amdt. 2]

ARIZONA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 2 to Order No. 1 Under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

The second paragraph of Order No. 1 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12396; Filed, July 30, 1943; 4:42 p. m.]

[Order A-1 Under MPR 188, Amdt. 7]

SAND AND GRAVEL IN SHELBY, TENN.

MODIFICATION OF MAXIMUM PRICES

Amendment No. 7 to Order No. A-1 Under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying Amendment No. 7 to Order No. A-1 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. A-1 is amended by adding a new paragraph (a) (8) to read as follows:

(8) *Modification of maximum prices of sand and gravel.* (i) The maximum prices for washed sand and gravel produced in Shelby County, Tennnessee, when sold by producers shall be as follows:

Description of commodity	Size	Maximum price per ton of 2,000 # f. o. b. plant
Sand (all grades)		$0.70
Torpedo gravel	⅜" down	.70
Concrete gravel (sand and gravel mixed)		1.40
Washed and screened gravel	1½" to ⅜"	1.40

(ii) The maximum prices for washed sand and gravel produced in Shelby County, Tennessee, when sold by dealers f. o. b. producer's plant shall be as follows:

Description of commodity	Size	Maximum price per ton of 2,000 #
Sand (all grades)		$0.80
Torpedo gravel	⅜" down	.80
Concrete gravel (sand and gravel mixed)		1.60
Washed and screened gravel	1½" to ⅜"	1.60

(iii) The maximum prices for washed sand and gravel produced in Shelby County, Tennessee, when sold by dealers delivered to job site by truck within the city limits of Memphis, shall be as follows:

Description of commodity	Size	Maximum prices[1] per ton of 2,000 #
Sand (all grades)		$1.40
Torpedo gravel	⅜" down	1.40
Concrete gravel (sand and gravel mixed)		2.20
Washed and screened gravel	1½" to ⅜"	2.20

[1] Plus 2¢ extra per ton for each ½ mile beyond city limits.
Terms—2% 30 days.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12378; Filed, July 30, 1943; 4:40 p. m.]

[Order 19 Under RPS 41]

PRODUCERS OF RAILROAD EQUIPMENT

ORDER GRANTING ADJUSTMENT

Order No. 19 Under Revised Price Schedule 41—Steel Castings.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 and in accordance with § 1306.102 of Revised Price Schedule No. 41 and Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustable pricing on railroad locomotive and tender steel castings and railroad specialties. (a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41, producers of railroad locomotive and tender steel castings may, on and after June 10, 1943, deliver or agree to deliver railroad locomotive and tender steel castings at prices to be adjusted upward in accordance with action, if any, which is taken by the Office of Price Administration after delivery and prior to September 15, 1943.

(b) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41 producers of railroad specialties may, on and after the effective date of this order, deliver or agree to deliver railroad specialties at prices to be adjusted upward in accordance with action, if any, which is taken by the Office of Price Administration after delivery and prior to September 15, 1943.

(c) Persons may buy and receive locomotive and tender steel castings from producers thereof as set forth in paragraph (a) above and persons may buy and receive railroad specialties from producers thereof as set forth in paragraph (b) above.

(d) The excess amount of any charge collected over and above whatever action is taken by the Office of Price Administration shall be refunded to the purchaser before October 15, 1943.

(e) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 19 shall be effective July 31, 1943.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12414; Filed, July 31, 1943; 11:14 a. m.]

[Order 1 Under Rev. MPR 219]

PRODUCERS OF NORTHEASTERN SOFTWOOD LUMBER

ORDER GRANTING ADJUSTMENT

Petition has been filed for amendment of Revised Maximum Price Regulation No. 219, Northeastern Softwood Lumber, with respect to Square-edge White Pine Lumber; Round-edge White Pine Lumber; Eastern Spruce, Norway Pine, and Jack Pine Lumber; New England and imported Eastern Hemlock Lumber; Eastern Hemlock Lumber produced in New York and Pennsylvania; Eastern Spruce Lath and White Cedar Shingles. It has been shown that authorization to use adjustable pricing, pending action on the petition, is necessary to promote production and distribution of Northeastern softwood lumber and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Orders No. 9250 and No. 9328 and in accordance with section 17 of Revised Maximum Price Regulation No. 219: *It is ordered:*

(a) Producers subject to Revised Maximum Price Regulation No. 219 may sell and deliver and any person may buy and receive such Northeastern softwood lumber at prices adjustable to those established by the Office of Price Administration.

(b) Any charges made or collected in excess of the price established must be refunded within 30 days from the effective date of the establishment of such price. If the establishment of such price is denied, any charges made or collected in excess of the present ceiling price

must be refunded within 30 days from the date of denial.

(c) This order shall be automatically revoked upon the establishment or denial of such price.

This order shall become effective August 2, 1943.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12415; Filed, July 31, 1943; 11:14 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 29, 1943.

Order No.:	Name
MPR 114, Order 4, Correction.	Rayonier, Incorp.
MPR 120, Revised Order 152.	Brookwood Coal Co.
MPR 120, Order 226	Charles Pattison.
MPR 121, Order 14, Amendment 1.	Lehigh Briquetting Co.
MPR 122, Order 47, Amendment 2.	Washington area—Alexandria, Va.
MPR 188, Order 4 under A-2.	Elliston Line Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12417; Filed, July 31, 1943; 11:16 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 30, 1943.

Order No.	Name
MPR 39, Order 10	Eastern Fabrics Corp.
MPR 121, Order 19	Hawthorne Coal Corp.
MPR 208, Order 6	I. C. Isaacs
MPR 426, Order 4, Amendment 1.	Papec Machine Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN A. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12418; Filed, July 31, 1943; 11:16 a. m.]

Regional, State and District Office Orders.

[Region II Order G-8, Under Rev. MPR 122]

PENNSYLVANIA ANTHRACITE IN BURLINGTON, CAMDEN, AND GLOUCESTER COUNTIES, N. J.

Order No. G-8 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers. Pennsylvania anthracite delivered by dealers in Burlington County, Camden County, and Gloucester County, State of New Jersey—Coal Area I.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) *What this order does*—(1) *Dealers' maximum prices: area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in the zones comprising State of New Jersey—Coal Area I. That area consists of four zones, as follows:

Zone 1. Zone 1 includes the following portions of the State of New Jersey: All of Camden County north of Evesham Road; the City of Beverly, the Boroughs of Medford Lakes, Palmyra, Riverton, and the Townships of Cinnaminson, Chester, Mount Laurel, Evesham, Medford, Moorestown, Delran, Riverside, Delanco, Edgewater Park, Willingboro in Burlington County; the City of Woodbury, the Boroughs of Westville, Woodbury Heights, Wenonah, Paulsboro, and the Townships of West Deptford, Deptford, Greenwich and East Greenwich in Gloucester County.

Zone 2. Zone 2 includes the following portions of the State of New Jersey: The City of Bordentown, the Borough of Fieldsboro and the Townships of Bordentown and Chesterfield in Burlington County.

Zone 3. Zone 3 includes the following portions of the State of New Jersey: The City of Burlington, the Boroughs of Pemberton and Wrightstown and the Townships of Florence, Mansfield, Burlington, Westampton, Hainesport, Lumberton, Mount Holly, Southampton, Eastampton, Pemberton, Springfield, North Hanover, and New Hanover in Burlington County.

Zone 4. Zone 4 includes the following portions of the State of New Jersey: All of Camden County and all of Gloucester County not included in Zone 1, and all of Burlington County not included in Zones 1, 2 and 3. Geographically, Zone 4 covers all of Camden County south of Evesham Road; the Boroughs of Swedesboro, Pitman, Glassboro, Clayton, Newfield, National Park, and the Townships of Logan, Woolwich, South Harrison, Harrison, Mantua, Washington, Monroe, Elk, and Franklin in Gloucester County; and the Townships of Shamong, Tabernacle, Woodland, Bass River and Washington in Burlington County.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Zones 1, 2, 3 and 4 are set forth in Schedules I, II, III and IV, respectively.

(3) *To what sales this order applies.* If you are a dealer in anthracite you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Zones 1, 2, 3 and 4.

You shall determine the maximum price for "Direct-Delivery" sales, as hereinafter defined, by reference to the appropriate Schedule of this order covering the zone to which delivery is made, whether or not you are located in one of the four zones.

You shall determine your maximum price for a "yard" sale, as hereinafter defined, by reference to the appropriate Schedule of this order covering the zone in which the purchaser takes physical possession or custody of the anthracite.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not—(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the Schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay, or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by—

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the Schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) *Use the schedule which covers your sale.* (Schedule I applies to sales on a "Direct-Delivery" Basis, "Yard Sales", and "Sales in 18 lb. Paper Bags" within Zone 1. You will find Schedule I in paragraph (d). In like manner, Schedules II, III and IV apply to similar sales in Zones 2, 3 and 4, respectively. You will find Schedule II in paragraph (e), Schedule III in paragraph (f) and Schedule IV in paragraph (g).)

(2) *For "direct-delivery" sales in each zone.* (i) Take the dollars-and-cents figure set forth in paragraph (1) (i) of the applicable Schedule, for the sizes and quantity you are selling.

(ii) Deduct from that figure the amount of the discount which you are required to give, as specified in paragraph (1) (ii) of each Schedule.

(iii) If, at your purchasers' request, you actually render him a service for which this order authorizes a charge, you may add to the figure derived from the preceding sub-paragraphs no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in paragraph (1) (iii) of each Schedule.

(iv) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable Schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton and 13¢ for one-quarter of a ton.

(v) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable Schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(3) *For "yard sales" in each zone.* (i) Take the dollars-and-cents figure set forth in paragraph (2) (i) of the applicable schedule, for the sizes and quantity you are selling, and deduct from that figure the amount of the discount which you are required to give, as specified in paragraph (2) (ii) of each schedule. You shall not impose any charges in connection with such sales.

(ii) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable Schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton and 13¢ for one-quarter of a ton.

(4) *For "Sales in 18 lb. paper bags" in each zone.* (i) The dollars-and-cents figure set forth in paragraph (3) of the applicable Schedule for the size of anthracite and type of sale there specified, shall be the maximum zone price. You shall not impose any charges, and you are required to give no discounts, in connection with such sales.

(d) *Schedule I.* Schedule I establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 1.

(1) *Sales on a "direct-delivery" basis.* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton)
Broken, egg, stove, nut	$13.05	$7.05	$0.80
Pea	11.50	6.25	.70
Buckwheat	9.95	5.50	.60
Rice	9.20	5.10	----------
Barley	7.85	3.95	----------
Screenings	3.45	1.75	----------

(ii) *Required discounts.* (a) You shall deduct from the prices set forth in paragraph (d) (1) (i), on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(b) In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point.

You must deduct this discount at or before the delivery of the 50th ton, and continue to grant the discount on every subsequent delivery during the same twelve-month period.

(iii) *Maximum authorized service charges.*

	(Cents per net ton)
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	50
Carrying upstairs, for each floor above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	50

(2) *"Yard sales."* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton for sales of ½ ton or more	Per 100 lbs., for 100 lbs. or more but less than ½ ton	Per 50 lb. paper bag
Broken, egg, stove, nut	$11.55	$0.75	$0.40
Pea	10.00	.65	.35
Buckwheat	8.45	.55	----------
Rice	7.70	.50	----------
Barley	6.35	----------	----------
Screenings	1.70	----------	----------

(ii) *Required discounts.* You shall deduct from the prices set forth in paragraph (d) (2) (i), on sales and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) *"Sales in 18 lb. paper bags"—(Maximum prices per bag).*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.12	$0.14	$0.16
Pea	.10	.12	.14

(4) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "direct-delivery" sale, "yard sale" or "sale in 18-lb. paper bags", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(e) *Schedule II.* Schedule II establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 2.

(1) *Sales on a "direct-delivery" basis.* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton)
Broken, egg, stove, nut	$13.05	$7.05	$0.80
Pea	11.75	6.40	.70
Buckwheat	9.95	5.50	.60
Rice	9.45	4.75	----------
Screenings	3.45	1.75	----------

(ii) *Required discounts.* (a) You shall deduct from the prices set forth in paragraph (e) (1) (i), on sales and deliveries of all sizes except screenings, a discount of $1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(b) In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumer purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point. You must deduct this discount at or before the delivery of the 50th ton, and continue to grant the discount on every subsequent delivery during the same twelve-month period.

(iii) *Maximum authorized service charges.*

	Cents per net ton
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	50
Carrying upstairs, for each floor above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	50

(2) *"Yard sales."* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton for sales of ½ ton or more	Per 100 lbs. for 100 lbs. or more but less than ½ ton	Per 50 lb. paper bag
Broken, egg, stove, nut	$12.05	$0.70	$0.40
Pea	10.75	.60	.35
Buckwheat	8.95	.50	.....
Rice	7.45	.....	.....
Screenings	1.70	.....	.....

(ii) *Required discounts.* You shall deduct from the prices set forth in paragraph (d) (2) (i), on sales and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of $1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) *"Sales in 18 lb. paper bags"—(Maximum prices per bag)*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.12	$0.14	$0.16
Pea	.10	.12	.14

(4) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "direct-delivery" sale, "yard sale" or "sale in 18 lb. paper bags", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(f) *Schedule III.* Schedule III establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 3.

(1) *Sales on a "direct-delivery" basis.* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton)
Broken, egg, stove, nut	$12.55	$6.80	$0.80
Pea	11.25	6.15	.70
Buckwheat	9.45	5.25	.60
Rice	7.95	4.50	.....
Screenings	3.45	1.75	.....

(ii) *Required discounts.* (a) You shall deduct from the prices set forth in paragraph (f) (1) (i), on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this sub-paragraph requires you to sell on other than a cash basis.

(b) In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point.

You must deduct this discount at or before the delivery of the 50th ton, and continue to grant the discount on every subsequent delivery during the same twelve-month period.

(iii) *Maximum authorized service charges.*

	(Cents per net ton)
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	50
Carrying upstairs, for each floor above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	50

(2) *"Yard sales."* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton, for sales of ½ ton or more	Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton)	Per 50-lb. paper bag
Broken egg, stove, nut	$11.55	$0.75	$0.40
Pea	10.25	.65	.35
Buckwheat	8.45	.55	.....
Rice	6.95	.50	.....
Screenings	1.70	.....	.....

(ii) *Required discounts.* You shall deduct from the prices set forth in paragraph (d) (2) (i), on sale and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) *"Sales in 18 lb. paper bags"—(Maximum prices per bag)*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.12	$0.14	$0.16
Pea	.10	.12	.14

(4) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "Direct-Delivery" sale, "Yard Sale", or "Sale in 18 lb. paper bags", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(g) *Schedule IV.* Schedule IV establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 4.

(1) *Sales on a "direct-delivery" basis.* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	For 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton)
Broken, egg, stove, nut	$13.30	$7.15	$0.80
Pea	11.75	6.40	.70
Buckwheat	9.95	5.50	.60
Rice	8.70	4.85	.....
Screenings	3.45	1.75	.....

(ii) *Required discounts.* (a) You shall deduct from the prices set forth in paragraph (g) (1) (i), on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(b) In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point.

You must deduct this discount at or before the delivery of the 50th ton, and continue to grant the discount on every subsequent delivery during the same twelve-month period.

(iii) *Maximum authorized service charges.*

	Cents per net ton
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	$0.50
Carrying upstairs, for each floor above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	.50

(2) *"Yard sales."* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton, for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton	Per 50 lb. paper bag
Broken, egg, stove, nut	$11.80	$0.75	$0.40
Pea	10.25	.65	.35
Buckwheat	8.45	.55	.....
Rice	7.20	.50	.....
Screenings	1.70	.....	.....

(ii) *Required discounts.* You shall deduct from the prices set forth in paragraph (d) (2) (i), on sales and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) *"Sales in 18 lb. paper bags"—(Maximum prices per bag)*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.12	$0.14	$0.16
Pea	.10	.12	.14

(4) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "direct-delivery" sale, "yard sale" or "sale in 18 lb. paper bags", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(h) *Ex Parte 148—freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(i) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(j) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by Section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(m) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(n) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but you may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(o) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, the same records you were required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(p) *Posting of maximum prices: sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(q) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Camden District Office of the Office of Price Administration.

(r) *Definitions and explanations.* When used in this Order No. G–8, the term

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and delivery, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the Schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the State of Pennsylvania.

(5) The sizes of "Pennsylvania anthracite" described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to the same sizes of anthracite as were sold and delivered in the State of New Jersey—Coal Area 1 with such designation during December 1941.

(6) "Coal Area 1" includes the following portions of the State of New Jersey: Burlington County, Camden County and Gloucester County.

(7) "Direct delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or vehicle or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(8) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from seller's truck in the course of "direct delivery".

(9) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(10) "Delivered at dealer's yard" as applied to sales of bagged coal in 18 lb. paper bags, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(11) "Delivered to retail stores" as applied to sales of bagged coal in 18 lb. paper bags, means deposit in that part of the store designated by the purchaser.

(12) "Sales to ultimate consumer" as applied to bagged coal in 18 lb. paper bags, means sales by dealers, other than sales at a dealer's yard whether or not delivered to the consumer's premises.

(s) *Effect of order on Revised Maximum Price Regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122, except as to any sales or deliveries of solid fuels not specifically subject to this order.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This order shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of July 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-12339; Filed, July 29, 1943; 4:54 p. m.]

[Region VI Order G-1 Under SR 15 to GMPR]

FLUID MILK IN CHAMBERLAIN, S. DAK.

Order No. G-1 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Chamberlain, South Dakota. (Formerly Order No. 12.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Chamberlain, South Dakota, depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and sub-paragraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Gallon	Quart	Pint	Half Pint
Wholesale (cents)	4.0	1.0	0.5	0.25
Retail (cents)	4.0	1.0	.5	.25

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No seller at retail purchasing milk from a distributor at wholesale shall sell milk at the increased prices provided by paragraph 1 hereof until and unless he shall have purchased or contracted to purchase milk at an increased price.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Gallon	
Quart	
Pint	

5. This order shall apply to sales and deliveries within the city of Chamberlain, South Dakota and within an area of one mile from the city limits thereof. It shall also apply to sales and deliveries to the Crow Creek Indian Agency at Fort Thompson, South Dakota.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor or other person of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the South Dakota State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price & Rationing Board, and insofar as practicable the information contained herein shall be made available to the press serving Chamberlain, South Dakota.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

JOHN C. WEIGEL,
Regional Administrator.

NOVEMBER 14, 1942.

[F. R. Doc. 43-12331; Filed, July 29, 1943; 4:55 p. m.]

[Region VI Order G-1 Under SR 15, to GMPR, Amdt. 1]

FLUID MILK IN CHAMBERLAIN, S. DAK.

Amendment No. 1 to Order G-1 under Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Previously known as Regional Order No. 12 under Supplementary Regulation No. 15).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered*, That Order G-1 under § 1499.75 of the General Maximum Price Regulation (previously known as Regional Order No. 12 under Supplementary Regulation No. 15) be amended by deleting paragraph 7 thereof.

This amendment shall become effective April 26, 1943.

Issued this 21st day of April, 1943.

(Pub. Laws 421 and 279, 77th Cong.; E.O. 9250, 7 F.R. 7871)

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12332; Filed, July 29, 1943; 4:54 p. m.]

[Region VI Order G-7 Under SR 14 to GMPR]

FLUID MILK IN POCAHONTAS, IOWA

Order No. G-7 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Pocahontas, Iowa. (Formerly Order No. 7).

The Regional Administrator has determined on his own motion after investigation that (1) the use of March 1942 as the base period for the establishment of maximum prices for fluid milk in Pocahontas, Iowa, a city of less than 100,000 population, has established an abnormal differential between the prices charged for fluid milk in Pocahontas, Iowa and adjoining cities of approximately the same population; (2) this abnormal differential threatens to cause a diversion of a material portion of the normal milk supply of Pocahontas, Iowa, from Pocahontas to other adjoining cities; and (3) as a result of such threatened diversion, a shortage of fluid milk in Pocahontas, Iowa exists or is imminent.

Accordingly, for the reasons more fully set forth in the accompanying opinion, and pursuant to the Emergency Price Control Act of 1942 and § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 of the General Maximum Price Regulation, *It is ordered:*

1. The maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby increased as follows:

	Quart	Pint	Halfpint
Wholesale (cents)	2.0	1.0	0.50
Retail (cents)	2.0	1.0	None

2. The foregoing order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city limits of Pocahontas, Iowa and at the H. G. Gibson Grocery and the Coyle Grocery at Havelock, Iowa and at the Tuttle Grocery at Ware, Iowa.

3. Every person selling milk in bottles or paper containers to a seller at retail shall furnish to each such purchaser a statement substantially in the following form:

The prices for milk have been increased by two cents a quart and one cent a pint by permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

4. For the purposes of this order, the sale of milk at retail shall refer to any sale of fluid milk to an ultimate consumer of such milk other than an industrial or commercial user. A sale at wholesale shall refer to any sale of fluid milk in bottles or paper containers, whether by a producer, pasteurizer or other person, to any person, including a commercial and industrial user, other than an ultimate consumer.

5. Milk shall mean cow's milk produced, processed, distributed, and sold for consumption in fluid milk form.

6. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that the prevailing prices for fluid milk in cities adjoining Pocahontas, Iowa shall be decreased or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

7. This order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city of Pocahontas, Iowa, and within a distance of one mile from the city limits thereof.

JOHN C. WEIGEL,
Regional Administrator.

NOVEMBER 3, 1942.

[F. R. Doc. 43-12333; Filed, July 29, 1943; 4:58 p. m.]

[Region VI Order G-7 Under SR 14 to GMPR, Amdt. 1]

FLUID MILK IN POCAHONTAS, IOWA

Amendment No. 1 to Order No. G-7 (formerly Order No. 7) under Supplementary Regulation No. 14 to the General Maximum Price Regulation.

It is ordered that Order No. 7 under § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14, issued on November 3, 1942, be amended by deleting paragraph 7 thereof.

Issued this 12th day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12334; Filed, July 29, 1943; 4:58 p. m.]

FLUID MILK IN HOT SPRINGS, S. DAK.

[Region VI Order G-8 Under SR 14 to GMPR]

Order No. G-8 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Hot Springs, South Dakota. (Formerly Order No. 8.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Hot Springs, South Dakota, depends for its supply for fluid milk has increased 23 cents or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 23¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to Emergency Price Control Act of 1942, § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph two hereof, the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Quart	Pint	Half pint
Wholesale	$0.01	$0.005	$0.0025
Retail	.01	.005	None

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 41¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the South Dakota State Office of the Office of Price Administration, or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such seller at retail be increased by more than the highest increase in cost to himself.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish to each such purchaser

of milk a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	-------
Pint	-------

5. This order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city limits of Hot Springs, South Dakota, and within a distance of five miles from the city limits thereof and also within the limits of the Provo Ordnance Depot, Provo, South Dakota, as defined by the United States Army.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form. Sales at wholesale or retail shall include all sales whether by producer, distributor, or other person of milk in bottles or paper containers.

7. All sellers of milk who purchase directly from the producers thereof shall in addition to the statement provided for in section 2 (a) above, file with the South Dakota State Office of the Office of Price Administration a statement on the 10th day of each month beginning with December 1942 of the prices paid by them to producers of milk for milk purchased during the preceding month.

8. Every person selling milk at retail shall prepare and preserve a statement for examination as required by § 1499.11 (b) of the General Maximum Price Regulation, showing its adjusted prices for the sale of fluid milk in accordance with the permission granted hereby.

9. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities, required by § 1499.13 of the General Maximum Price Regulation, to reflect the increase in maximum prices for fluid milk in accordance with the permission granted hereby.

10. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board, and insofar as practicable the information contained herein shall be made available to the press serving Hot Springs, South Dakota.

11. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion of fluid milk is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12335; Filed, July 29, 1943; 4:57 p. m.]

[Region VI Order G-9 Under SR 14 to GMPR]

FLUID MILK IN HUDSON, S. DAK.

Order No. G-9 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Hudson, South Dakota. (Formerly Order No. 9.)

The Regional Administrator has determined on his own motion after investigation that (1) the use of March as the base period for the establishment of maximum prices for fluid milk in Hudson, South Dakota, a city of less than 100,000 population, has established an abnormal differential between the prices charged for fluid milk in Hudson and adjoining cities of approximately the same population; (2) that this abnormal differential threatens to cause a diversion of a material portion of the normal milk supply of Hudson, South Dakota, from Hudson to other adjoining cities; and, (3) as the result of such diversion and threatened diversion, a shortage of fluid milk in Hudson exists and a further shortage is imminent.

Accordingly, for the reasons more fully set forth in the accompanying opinion, and pursuant to the Emergency Price Control Act of 1942 and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. The maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby established as follows:

	Wholesale	Retail
	Cents	*Cents*
Gallon	32	40
Quart	8	10
Pint	4	5

2. For the purposes of this order, the sale of milk at retail shall refer to any sale of fluid milk to an ultimate consumer of such milk other than an industrial or commercial user. A sale at wholesale shall refer to any sale of fluid milk in bottles or paper containers, whether by a producer, pasteurizer or other person, to any person, including a commercial and industrial user, other than an ultimate consumer.

3. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

4. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that the prevailing prices for fluid milk in cities adjoining Hudson shall have decreased, or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

5. This order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city of Hudson, South Dakota, and within a distance of one mile from the city limits thereof.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12336; Filed, July 29, 1943; 4:57 p. m.]

[Region VI Order G-10 Under SR 14 to GMPR]

FLUID MILK IN MACOMB, ILL.

Order No. G-10 under Supplementary Regulation No. 14 of the General Maximum Price Regulation. Adjustment of fluid milk prices in Macomb, Illinois. (Formerly Order no. 10).

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Macomb, Illinois depends for its supply of fluid milk has increased 23¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 23¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 2 hereof the maximum price established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Gallon	Quart	Pint	Half pint
Wholesale (cents)	2.0	0.5	0.25	0.125
Retail (cents)	2.0	.5	.25	.125

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 23¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the Illinois State Office of the Office of Price Administration or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such a seller at retail be increased by more than the highest increase in cost to himself.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish to each such purchaser of milk a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Gallon	
Quart	
Pint	

5. This order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city of Macomb, Illinois and within a distance of one mile from the city limits thereof.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producers, distributor or other person of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall in addition to the statement provided for in section 2 (a) above, file with the Illinois State Office of the Office of Price Administration a statement on the 10th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion of fluid milk is threatened or for other reasons. This Order is further subject to revocation by any Price Regulation issued hereafter, or by any supplement or amendment hereafter issued as to any Price Regulation the provisions of which may be contrary hereto.

Issued this 3d day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12337; Filed, July 29, 1943; 4:56 p. m.]

[Region VI Order G-11 Under SR 14 to GMPR, Amdt. 2]

FLUID MILK IN MT. VERNON, ILL.

Amendment No. 2 to Order G-11 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Previously known as Regional Order No. 11 under Amendment 34 to Supplementary Regulation 14.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered* That Order G-11 under § 1499.73 of the General Maximum Price Regulation (previously known as Regional Order No. 11 under Amendment 34 to Supplementary Regulation 14) be amended by deleting from said order paragraph 5 thereof.

This amendment shall become effective April 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12338; Filed, July 29, 1943; 4:56 p. m.]

[Region VIII Order G-1 Under MPR 136, as Amended]

G. ANDERSON SAW GAUGE MANUFACTURING COMPANY, SEATTLE, WASHINGTON

Order No. G-1 under Maximum Price Regulation No. 136 as amended—Machines and Parts and Machinery Services.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1390.25 (a) as amended of Maximum Price Regulation No. 136 as amended, *It is hereby ordered:*

(a) The adjusted maximum prices at which any person may sell and deliver saw gauges and saw sets manufactured by the G. Anderson Saw Gauge Manufacturing Company, Seattle, Washington, shall be:

No. 1 Raker swage	$2.00
No. 2R Raker swage with 2 micrometer checking screws	4.00
No. 2L Raker swage with 2 micrometer checking screws	4.00
No. 3 Raker sharpening gauge	2.00
No. 4 Raker sharpening gauge	2.50
No. 5A Saw set	6.50
No. 9 Raker sharpening micrometer gauge with only 1 checking screw	4.00
No. 9 Raker sharpening micrometer gauge with 2 checking screws	4.50

(b) All discounts from list prices or other allowances for quantity purchases, prompt payment, or otherwise, in effect on March 31, 1942, must be continued in effect in respect to the prices listed in paragraph (a).

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-12362; Filed, July 30, 1943; 11:53 a. m.]

[Region VIII Order G-3 Under 18 (c) of GMPR, Amdt. 18]

FLUID MILK IN WASHINGTON

Amendment No. 18 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by adding at the end thereof the following:

THE CITIES OF WALLA WALLA, DIXIE AND TOUCHET

[Not less than 3.8% milk fat]

Quantity	Wholesale price	Retail price
Gallon container	$0.40	$0.45
Half-gallon container	.21	.24
Quart container	.11	.13
Half-pint container	.0325	

(b) Section 5 (d) is amended to read as follows: The name of any city includes the area within the radius hereinafter specified from the corporate limits of the city:

(a) Spokane—15 miles.
(b) Pasco—10 miles.
(c) Kennewick—10 miles.
(d) Everett—10 miles excluding any part of Whidby or Camaino Islands.
(e) Walla Walla—5 miles.
(f) Any other city—3 miles.

This amendment to Order No. G-3 shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-12364; Filed, July 30, 1943; 11:57 a. m.]

[Region VIII Order G 3 Under 18 (c) of GMPR, Amdt. 19]

FLUID MILK IN WASHINGTON

Amendment No. 19 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation

(formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G–3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by striking out the heading "The Cities of Dayton and Waitsburg" and the schedule of prices thereunder and by substituting therefor the following:

THE CITIES OF DAYTON AND WAITSBURG

[Not less than 4% milk fat]

Quantity	Wholesale price	Retail store carry-out price	Retail home delivered
Gallon container	$0.40	$0.45	$0.45
Half-gallon container	.21	.24	.24
Quart container	.11	.13	.13
Pint container	.055	.07	.07
Half-pint container	.0325		

This amendment to Order No. G–3 shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-12363; Filed, July 30, 1943; 11:52 a. m.]

[Region VIII of G–4 Under MPR 165]

PACKING, DRYING, AND DEHYDRATING FRUITS IN CERTAIN PARTS OF SAN FRANCISCO REGION

Order No. G–4 under Maximum Price Regulation No. 165, as amended—*Services.*

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, *It is hereby ordered:*

(a) The adjusted maximum price for the service or services of packing, drying and dehydrating fruits (except citrus fruit and except apples and pears grown in the states of Washington and Oregon) vegetables, or rice, including related services, but not including canning, sold and supplied by any person located in Region VIII, shall be the sum of the following:

(1) The highest price charged by the seller for the particular service or services during the 1941–1942 season.

(2) The increase in direct labor costs and direct material costs in rendering the service or services during the current season over such costs during the 1941–1942 season.

(3) The increase in incidental and overhead costs over the incidental and overhead costs allocated to the same unit of service during the 1941–1942 season using the same method of charging and allocating such costs as was used during the 1941–1942 season: *Provided, however,* That this item shall not include any increase in the total amount of executives' salaries or bonuses charged to the particular service.

(b) Any seller whose records, prior to the date of this Order, have been lost or destroyed, and who as a consequence cannot determine the increase in costs mentioned in paragraph (a) above, shall determine his adjusted maximum price by adding to the highest price charged by him, during the 1941–1942 season for the particular service, the same increased costs added by his closest competitor of the same class who has determined an adjusted maximum price under Paragraph (a) above for the same service.

(c) The adjusted maximum price for a service which was not performed by a particular seller during the 1941–1942 season shall be the adjusted maximum price established under paragraph (a) or (b) above, for the same service by his most closely competitive seller of the same class.

(d) A seller may estimate his adjusted maximum price upon the above basis and announce at the start of the particular season a tentative "retain", or charge; but no payment shall be made or received in excess of the adjusted maximum price established by paragraphs (a), (b) or (c) above.

(e) Any seller taking advantage of the provisions of this order shall, within 30 days after the close of the particular season, prepare a signed statement, and keep it available for inspection by the Office of Price Administration at any time, showing the following:

(1) A description of the particular service:

(2) The highest price charged during the 1941–1942 season by the seller;

(3) The seller's adjusted maximum price determined under the provisions of this order;

(4) The increase in direct labor, direct material costs, and incidental and overhead costs, in rendering the service during the current season, over such costs during the 1941–1942 season: *Provided, however,* That if the seller has determined his adjusted maximum price under paragraphs (b) or (c) above he shall set forth the name and address of his closest competitor of the same class and in addition, if paragraph (b) above is used, the competitor's increase in costs over the 1941–1942 season in rendering the particular service.

(f) *Definitions.* (1) "Direct material costs" as herein used means costs of materials, not to exceed the applicable maximum prices, used directly in performing the service, and does not include, for instance, cost of plant improvements or repairs.

(2) "Direct labor costs" as herein used means wages paid employees performing services directly in the matter of the packing, drying, dehydrating and related services, and does not include, for instance, salaries of executives, office employees or employees engaged in plant repair and maintenance. The portion of any wage paid in excess of that permitted by existing law shall not be used in the calculation.

(3) "Incidental and overhead costs" as herein used, means indirect costs such as drayage, insurance, rent, power, administration and similar items of expense, but does not include any element of profit, dividends or other proprietary gain.

(4) "1941–1942 season" as herein used means any period during the year beginning April 1, 1941, and ending March 31, 1942.

(5) "Region VIII" as herein used means the states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(g) This order may be revoked, amended or corrected at any time.

This order shall become effective June 30th, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-12365; Filed, July 30, 1943; 11:53 a. m.]

[Region VIII Order G–8 Under MPR 329]

FLUID MILK IN WALLA WALLA, WASH.

Order No. G–8 Under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk. For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration under § 1351.408 of Maximum Price Regulation No. 329, *it is hereby ordered:*

(a) The adjusted maximum price at which any person whose place of business is located in the city of Walla Walla in the state of Washington may purchase milk from producers shall be as follows:

(1) For purchases of milk from producers f. o. b. the business location of the buyer, the adjusted maximum price shall be $.50 per pound milk fat plus $1.25 per hundredweight of skim.

(2) For purchases of milk from producers f. o. b. producer's dairy the adjusted maximum price shall be the price specified in sub-division (1) of this paragraph (a), minus an allowance for transporting the milk purchased from the producer's dairy to the purchaser's business location computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the purchaser, the transportation allowance shall not be less than the amount which the purchaser allowed to the same producer in January, 1943.

(iii) If the minimum transportation allowance cannot be computed under the foregoing sub-divisions, the transportation allowance shall not be less than $.16 per hundred pounds of milk.

(b) *Definitions.* (1) The term "city of Walla Walla" shall include the territory within a radius of three miles from the corporate limits of said city.

(2) All other terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329 unless the context clearly requires otherwise.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

(d) This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of June, 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-12366; Filed, July 30, 1943; 11:57 a. m.]

[Region VIII Order G–8 Under MPR 329, Amdt. 1]

FLUID MILK IN WALLA WALLA, WASH.

Amendment No. 1 to Order No. G–8 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 of Maximum Price Regulation No. 329, *It is hereby ordered*, That Order No. G–8 under Maximum Price Regulation No. 329 be amended as follows:

(a) Paragraph (b) (1) is hereby amended to read as follows:

(1) The term "city of Walla Walla" shall include the territory within a radius of ten miles from the corporate limits of said city.

This amendment to Order No. G–8 shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July, 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-12367; Filed, July 30, 1943; 11:52 a. m.]

[Region VIII Order G–9 Under MPR 329]

FLUID MILK IN MENDOCINO COUNTY, CALIF.

Order No. G–9 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk. For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration under §1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The adjusted maximum price at which any person whose place of business is located in Mendocino County in the state of California may purchase milk from producers shall be as follows:

(1) For purchases of milk from producers f. o. b. the business location of the buyer, the adjusted maximum price shall be $.91 per pound milk fat where milk is purchased on a milk fat basis or $.32 per gallon where milk is purchased on a gallon basis.

(2) For purchases of milk from producers f. o. b. producer's dairy the adjusted maximum price shall be the price specified in sub-division (1) of this paragraph (a), minus an allowance for transporting the milk purchased from the producer's dairy to the purchaser's business location computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the purchaser, the transportation allowance shall not be less than the amount which the purchaser allowed to the same producer in January 1943.

(iii) If the minimum transportation allowance cannot be computed under the foregoing sub-divisions, the transportation allowance shall not be less than $.035 per pound milk fat where milk is purchased on a milk fat basis and $.015 per gallon where milk is purchased on a gallon basis.

(b) *Definitions.* (1) All terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329 unless the context clearly requires otherwise.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

(d) This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-12368; Filed, July 30, 1943; 11:56 a. m.]

[Region VIII Order G–10 Under MPR 329]

FLUID MILK IN DAYTON AND WAITSBURG, WASH.

Order No. G–10 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration under § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The adjusted maximum price at which any person whose place of business is located in the cities of Dayton and Waitsburg in the state of Washington may purchase milk from producers shall be as follows:

(1) For purchases of milk from producers f. o. b. the business location of the buyer, the adjusted maximum price shall be $.50 per pound milk fat plus $1.25 per hundred weight of skim.

(2) For purchases of milk from producers f. o. b. producer's dairy the adjusted maximum price shall be the price specified in subdivision (1) of this paragraph (a), minus an allowance for transporting the milk purchased from the producer's dairy to the purchaser's business location computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the purchaser, the transportation allowance shall not be less than the amount which the purchaser allowed to the same producer in January, 1943.

(iii) If the minimum transportation allowance cannot be computed under the foregoing subdivisions, the transportation allowance shall not be less than $.16 per hundred pounds of milk.

(b) *Definitions.* (1) The term "cities of Dayton and Waitsburg" shall include the territory within a radius of three miles from the corporate limits of said cities.

(2) All other terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329 unless the context clearly requires otherwise.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-12369; Filed, July 30, 1943; 11:56 a. m.]

[Region VIII Order G–11 Under MPR 329]

FLUID MILK IN MODOC COUNTY, CALIF.

Order No. G–11 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration under § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The adjusted maximum price at which any person whose place of business is located in Modoc County in the State of California may purchase milk from producers shall be as follows:

(1) For purchases of milk from producers f. o. b. the business location of the buyer, the adjusted maximum price shall be $.82 per pound milk fat where milk is purchased on a milk fat basis or $.29 per gallon where milk is purchased on a gallon basis.

(2) For purchases of milk from producers f. o. b. producer's ranch, the adjusted maximum price shall be $.79 per pound milk fat where milk is purchased on a milk fat basis or $.26 per gallon where milk is purchased on a gallon basis.

(b) *Definitions.* (1) All terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329 unless the context clearly requires otherwise.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-12370; Filed, July 30, 1943; 11:52 a. m.]

[Region VIII Order G12 Under MPR 329]

FLUID MILK IN OREGON AND WASHINGTON

Order No. G-12 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price at which any person whose place of business is located in any of the localities enumerated below may purchase milk from a producer for resale as fluid milk except as provided in paragraph (b) below shall be as follows:

(1) For purchases of milk from producers delivered to the purchaser's plant, the adjusted maximum price shall be as follows:

Locality	*Maximum price per pound butterfat*
In the State of Oregon:	
Benton County	$0.85
Clackamas County	.85
Clatsop County	.85
Columbia County	.85
Coos County	.80
Crook County	.85
Curry County	.80
Deschutes County	.85
Douglas County	.85
Hood River County	.85
Jackson County	.85
Jefferson County	.85
Josephine County	.85
Klamath County	.85
Locality—Continued	
In the State of Oregon—Con.	
That portion of Lane County East of the Coast Range	$0.85
That portion of Lane County West of the Coast Range	.80
Lincoln County	.80
Linn County	.85
Marion County—Except the city of Salem	.85
City of Salem	.87
Multnomah County—Except the city of Portland	.85
City of Portland	.95
Polk County	.85
Tillamook County	.88
Union County—Except the city of La Grande	.75
City of La Grande	.80
Umatilla County—Except the city of Pendleton	.80
City of Pendleton	.85
Wasco County	.85
Washington County	.85
Yamhill County	.85
In the State of Washington:	
Wahkiakum County	.80
Cowlitz County	.80
Klickitat County	.80
Skamania County	.80
Clark County—Except the City of Vancouver	.80
City of Vancouver	.94

(2) For purchases of milk f. o. b. the producer's dairy the maximum price shall be the price specified in sub-division (1) of this paragraph (a), minus an allowance for transporting the milk purchased from the producer's dairy to the purchaser's business location, computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the purchaser, the transportation allowance shall not be less than the amount which the purchaser allowed to the same producer in June, 1943.

(iii) If the minimum transportation allowance cannot be computed under the foregoing sub-divisions, the transportation allowance shall not be less than $.035 per pound milk fat.

(b) The maximum price at which any person whose place of business is located in any of the localities enumerated in paragraph (a) (1) may purchase milk from a producer who, during June, 1943, sold milk to another purchaser for resale for human consumption as fluid milk shall be the maximum price established by paragraph (a) of this order for the purchaser to whom the producer sold milk during June, 1943.

(c) *Definitions.* (1) "Fluid milk" means liquid cows' milk in a raw, unprocessed state meeting the minimum health and sanitary requirements specified by State and local health agencies, which is purchased for resale for human consumption as fluid milk, "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(2) "Person" means an individual, corporation, partnership, corporate association of producers, or any other organized group of persons, legal successor, or representative of any of the foregoing.

(3) "Producer" means a farmer, or other person or representative, who owns superintends, manages, or otherwise controls the operation of a farm on which milk is produced. Farmers' Cooperatives are producers, when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing, or distributing milk, but they act as selling agents for producers, whether members or not.

(4) "Purchaser" means any person who buys fluid milk from producers for resale for human consumption as fluid milk.

(5) Where the producer has customarily placed milk to be picked up by purchasers at a platform or other pick up point at or near his dairy, the term "f. o. b. producer's dairy" shall mean placed at such point.

(6) Where the name of any city or town named in this order is also the name of a sales area as defined by the Oregon Milk Control Board prior to June 1, 1943, the name of such city or town, shall for the purposes of this order, include the area within the boundaries of such sales area as defined by said order. The name of any county, city, or town, includes the area within a radius of three miles from the city limits if said city or town is incorporated and within a radius of three miles from the center of said city or town if it is not incorporated.

(d) Lower prices than those specified in this order may be solicited, offered or paid.

(e) *Evasion.* The price limitations of this order shall not be evaded by direct or indirect methods, by means of, or in connection with, any offer, solicitation, agreement, sale, delivery, purchase or receipt of or by way of, or in connection with, any commission, service, transportation, or other charge or discount, premium, or privilege, tying agreement, trade understanding, or change in any business trade practice.

(f) *Enforcement.* Purchasers violating any provision of this order are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspensions of licenses provided by the Emergency Price Control Act of 1942, as amended.

(g) This order may be revoked, amended or corrected at any time.

(h) This order shall supersede any previous order issued under Section 1351.408 of Maximum Price Regulation No. 329 applying to any of the counties or portions of counties specified in Section (a) (1) of this order.

This order shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-12371; Filed, July 30, 1943; 11:54 a. m.]

[Region VI Order G-18 Under 18 (c) of GMPR, Amdt. 1]

FLUID MILK IN MACOMB, ILL.

Amendment No. 1 to Order No. G-18 (formerly Regional Order No. 23), under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Macomb, Illinois.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered,* That paragraph 1 be amended to read as follows:

(1) The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Macomb, Illinois area shall be established as follows:

	Wholesale	Retail
Regular milk:	*Cents*	*Cents*
Gallons	42	48
½ gallons	21	24
Quarts	11	13
Pints	6½	7½
½ pints	3¼	-
Chocolate milk:		
Gallon	42	48
½ gallon	21	25
Quart	11	13
Pint	6½	7½
½ pint	3¼	-

* * * * *

This amendment to Order No. G-18 shall be effective June 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12419; Filed, July 31, 1943; 11:17 a. m.]

[Region VI Order G-20 Under 18 (c) of GMPR and MPR 280, Amdt. 1]

FLUID MILK IN LINCOLN, NEBR.

Amendment No. 1 to Order No. G-20, (formerly Regional Order No. 25), under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for Lincoln, Nebraska.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered,* That paragraph 1 be amended to read as follows:

(1) The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Lincoln, Nebraska area shall be established as follows:

	Wholesale	Retail
Grade A fluid milk:	*Cents*	*Cents*
Gallons	42	48
½ gallons	22	25
Quarts	12	13½
Pints	6	7
½ pints	3¼	4

This amendment to Order No. G-20 shall be effective as of June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12420; Filed, July 31, 1943; 11:17 a. m.]

[Region VI Order G-45 Under 18 (c) of GMPR and MPR 280, Amdt. 1]

FLUID MILK IN EAST ST. LOUIS, ILL.

Amendment No. 1 to Order No. G-45, (formerly Regional Order No. 57), under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for East St. Louis, Illinois.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered,* That paragraph 1 be amended to read as follows:

(1) The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the East St. Louis, Illinois area shall be established as follows:

	Wholesale	Retail
Standard milk:	*Cents*	*Cents*
Bulk in cans, per gallon	50	-
Gallon	52	58
Half gallon	27	30
Quart	13½	15½
Pint	7	8
½ quart	5	5½
½ pint	4	5
Homogenized milk:		
Bulk in cans, per gallon	54	-
Gallon	56	62
Half gallon	29	32
Quart	14½	16½
Pint	7½	8½
¼ quart	5	6
½ pint	4	5
Guernsey, certified Guernsey and soft curd:		
Quart	17½	18½
Pint	8¾	10
½ quart	5	6
½ pint	4	5
Certified milk:		
Quart	16½	17½
Acidophilus:		
Quart	23	25
Whole milk buttermilk:		
Quart	14	16
½ pint	3½	5
Pint	7½	8½
¼ quart	5	6
Skim buttermilk:		
Bulk in cans, per gallon	26	-
Gallon	26	30
Quart	9	10
Skim milk:		
Bulk in cans, per gallon	26	-
Gallon	26	30
Quart	9	10
Chocolate drink:		
Quart	14	16
½ quart	4½	5
½ pint	2½	4
Pint	7¼	8½

Sales of milk of all types by restaurants, hotels, and other eating establishments for consumption on the premises

	Cents
Pint	10
½ quart	8
½ pint	6

This amendment to order No. G-45 shall be effective June 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of May 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12421; Filed, July 31, 1943; 11:18 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 29, 1943.

REGION I

Boston Order 4, Amendment 2, Filed 12:11 p. m.
Boston Order 5, Amendment 1, Filed 12:11 p. m.
Boston Order 6, Filed 12:10 p. m.
Springfield Order 4, Filed 12:12 p. m.
Maine Order 4, Filed 11:53 a. m.
Rhode Island Order 3, Amendment 2, Filed 11:56 a. m.
Rhode Island Order 3, Amendment 3, Filed 11:56 a. m.
Worcester Order 4, Filed 11:53 a. m.
Springfield Order 5, Filed 12:12 p. m.
New Hampshire Order 3, Amendment 1, Filed 11:58 a. m.
Vermont Order 6, Filed 11:57 a. m.

REGION II

Philadelphia Order 1-A, Amendment 1, Filed 12:08 p. m.
Philadelphia Order 1-B, Filed 12:09 p. m.
Philadelphia Order 1-B, Amendment 1, Filed 12:09 p. m.
Newark Order 3, Amendment 3, Filed 12:07 p. m.
Newark Order 5, Filed 11:59 a. m.
New York Order 4, Amendment 2, Filed 11:59 a. m.
New York Order 4, Amendment 3, Filed 12:07 p. m.
Trenton Order 6, Filed 12:08 p. m.
Rochester Order 2, Amendment 1, Filed 12:01 p. m.
Rochester Order 4, Correction, Filed 12:10 p. m.

REGION IV

Montgomery Order 4, Amendment 1, Filed 12:00 p. m.
Montgomery Order 7, Amendment 1, Filed 12:00 p. m.
Montgomery Order 8, Filed 12:01 p. m.
Montgomery Order 9, Filed 12:05 p. m.
Montgomery Order 10, Filed 12:03 p. m.
Memphis Order 5, Filed 12:03 p. m.
Savannah Order 3, Amendment 1, Filed 12:02 p. m.

Savannah Order 6, Filed 12:02 p. m.
Charlotte Order 7, Filed 12:07 p. m.
Charlotte Order 8, Filed 12:05 p. m.

REGION V

St. Louis Order 3, Amendment 2, Filed 11:54 a. m.
St. Louis Order 4, Filed 11:56 a. m.
Shreveport Order 4, Amendment 3, Filed 11:52 a. m.
Shreveport Order 6, Filed 11:54 a. m.
Fort Worth Order 6, Filed 11:55 a. m.
Houston Order 5, Amendment 1, Filed 11:54 a. m.
San Antonio Order 4, Filed 12:05 p. m.
New Orleans Order 7, Filed 9:22 a. m.
Wichita Order G-4, Filed 11:52 a. m.

REGION VI

Omaha Order 3, Amendment 1, Filed 9:19 a. m.
Omaha Order 3, Amendment 2, Filed 9:20 a. m.
Omaha Order 4, Amendment 1, Filed 9:19 a. m.
Omaha Order 5, Filed 9:16 a. m.
Omaha Order 5, Amendment 1, Filed 9:20 a. m.
Omaha Order 6, Filed 9:16 a. m.
Omaha Order 6, Amendment 1, Filed 9:20 a. m.
La Crosse Order 3, Amendment 2, Filed 9:17 a. m.
La Crosse Order 5, Amendment 1, Filed 9:17 a. m.
Peoria Order 3, Amendment 2, Filed 9:20 a. m.
Peoria Order 5, Filed 9:21 a. m.
Peoria Order 5, Amendment 1, Filed 9:21 a. m.
Peoria Order 6, Amendment 2, Filed 9:21 a. m.
Quad-Cities Order 3, Amendment 2, Filed 9:18 a. m.
Quad-Cities Order 5, Filed 9:18 a. m.
Quad-Cities Order 6, Filed 9:19 a. m.
Springfield Order 11, Filed 9:23 a. m.
Milwaukee Order 19, Amendment 1, Filed 9:17 a. m.
Fargo-Moorhead Order 8, Filed 9:16 a. m.
Rockford Order 4, Filed 9:22 a. m.

REGION VII

New Mexico Order 7, Amendment 2, Filed 11:58 a. m.
New Mexico Order 9, Filed 12:13 p. m.
Denver Order 18, Filed 11:50 a. m.

Copies of these orders may be obtained from the issuing office.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12416; Filed, July 31, 1943; 11:16 a. m.]

[Region VI Order G-45 Under 18 (c) of GMPR and MPR 280, Amdt. 2]

FLUID MILK IN EAST ST. LOUIS, ILL.

Amendment No. 2 to Order No. G-45 (formerly Regional Order No. 57), under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for East St. Louis, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 (a) of Maximum Price Regulation No. 280: *It is hereby ordered*, That Paragraph 1, as amended, be amended by the addition of the following language:

Restaurants, hotels and other eating establishments may sell milk of all types for consumption on the premises either at the prices set forth herein above, or at the prices established by them under § 1499.2 of the General Maximum Price Regulation.

This Amendment to Order No. G-45 shall be effective June 26, 1943.

Issued this 21st day of June, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12422; Filed, July 31, 1943; 11:18 a. m.]

[Region VI Order G-53 Under 18 (c) of GMPR]

FLUID MILK IN BRILLION, WIS.

Order No. G-53 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Brillion, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered:*

(a) The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Brillion, Wisconsin area shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be the higher:

	Wholesale	Retail
	Cents	*Cents*
Regular standard milk:		
Gallon	40	44
½ gallon	21	23
Quart	11	12
Pint	6	7
½ pint	3	4
Homogenized and chocolate milk:		
Gallon	40	44
½ gallon	21	23
Quart	11	12
Pint	6	7
½ pint	3	4
Buttermilk:		
Gallon	23	26
Quart	6	7
Pint	3	4

(b) Sales and deliveries within the Brillion, Wisconsin area shall mean:

(1) All sales and deliveries made within the city limits of Brillion, Wisconsin and all sales made by sellers at or from an establishment located in Brillion, Wisconsin; and

(2) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Brillion, Wisconsin.

(c) Regular standard milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of June, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12423; Filed, July 31, 1943; 11:19 a. m.]

FLUID MILK IN DIXON, ILL.

[Region VI Order G-60 Under 18 (c) of GMPR]

Order No. G-60 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Dixon, Illinois.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulations: *It is hereby ordered:*

(a) *Maximum prices.* 1. Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Dixon, Illinois area are hereby established as follows:

	Wholesale	Retail
REGULAR MILK	*Cents*	*Cents*
Gallon	92	96
Quart	11½	12
½ pint (bottles)	5	5
½ pint (paper)	2½	5
CHOCOLATE MILK		
Quart	12	14
½ pint	3	5
BUTTERMILK		
Gallon	30	
Quart	9	11
GUERNSEY MILK		
Quart	13	15
SKIM MILK		
Gallon	10	
Quart		5

2. Where the maximum price set forth above is expressed in terms of a ½¢, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions.* 1. Sales and deliveries within the Dixon, Illinois area shall mean:

i. All sales made within the corporate city limits of Dixon, Illinois and all sales at or from an establishment located in Dixon, Illinois; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Dixon, Illinois.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of June, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12424; Filed, July 31, 1943; 11:19 a. m.]

[Region VI Order G-61 Under 18 (c) of GMPR]

FLUID MILK IN MERRILL, WIS.

Order No. G-61 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Merrill, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) *Maximum prices.* 1. Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Merrill, Wisconsin area are hereby established as follows:

	Wholesale	Retail
REGULAR MILK	*Cents*	*Cents*
Gallon	38	44
Quart	10½	12
Pint	5½	6½
½ pint	3	5
CHOCOLATE MILK		
Gallon	38	44
Quart	10½	12
Pint	5½	6½
½ pint	3	5
BUTTERMILK		
Gallon		24
Quart	6	8

2. Where the maximum price set forth above is expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions.* 1. Sales and deliveries within the Merrill, Wisconsin area mean:

i. All sales made within the corporate city limits of Merrill, Wisconsin and all sales at or from an establishment located in Merrill, Wisconsin; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Merrill, Wisconsin.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of May, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12425; Filed, July 31, 1943; 11:20 a. m.]

[Region VI Order G-62 under 18 (c) of GMPR]

FLUID MILK IN TOMAHAWK, WIS.

Order No. G-62 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Tomahawk, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Tomahawk, Wisconsin area are hereby established as follows:

	Wholesale	Retail
REGULAR MILK	*Cents*	*Cents*
Gallon	38	46
½ gallon	20	24
Quart	10	12
Pint	6	7
½ pint	3½	5
GUERNSEY MILK		
Quart	12	14
Pint	6	8

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Tomahawk, Wisconsin area shall mean:

i. All sales made within the city limits of Tomahawk, Wisconsin, and all sales at or from an establishment located in Tomahawk, Wisconsin; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Tomahawk, Wisconsin.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12426; Filed, July 31, 1943; 11:20 a. m.]

[Region VI of Order G-63 under 18 (c) of GMPR]

FLUID MILK IN LE MARS, IOWA

Order No. G-63 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Le Mars, Iowa.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Le Mars, Iowa area are hereby established as follows:

	Wholesale	Retail
REGULAR MILK	*Cents*	*Cents*
Gallon	34	44
Quart	10	12
Pint	5	
½ pint	3	
CHOCOLATE MILK		
Gallon	34	44
Quart	10	12
Pint	5	
½ pint	3	
BUTTERMILK		
Quart	8	10

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Le Mars, Iowa area shall mean:

i. All sales made within the city limits of Le Mars, Iowa and all sales at or from an establishment located in Le Mars, Iowa; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment

obtaining the major portion of its supply from a seller at wholesale located within Le Mars, Iowa.

2. Milk shall mean cow's milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12427; Filed, July 31, 1943; 11:22 a. m.]

[Region VI Order G-64 Under 18 (c) of GMPR]

FLUID MILK IN RICHLAND CENTER, WIS.

Order No. G-64 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Richland Center, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Richland Center, Wisconsin area are hereby established as follows:

	Wholesale	Retail
REGULAR STANDARD BUTTERFAT MILK	*Cents*	*Cents*
Quart	10½	12
Pint	5½	7
½ pint	3	5
CHOCOLATE MILK		
Quart	10½	12
Pint	5½	7
½ pint	3	5
BUTTERMILK		
Quart	8	11

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Richland Center, Wisconsin area shall mean:

i. All sales made within the city limits of Richland Center, Wisconsin and all sales at or from an establishment located in Richland Center, Wisconsin; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Richland Center, Wisconsin.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12428; Filed, July 31, 1943; 11:22 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 30, 1943.

REGION VI

Detroit Order 2, Amendment 2, Filed 12:24 p. m.
Detroit Order 4, Amendment 5, Filed 12:24 p. m.
Detroit Order 5, Filed 12:24 p. m.
Detroit Order 5, Amendment 1, Filed 12:23 p. m.
Detroit Order 6, Filed 12:23 p. m.
Columbus Order 4, Filed 12:27 p. m.
Columbus Order 5, Filed 12:28 p. m.
Columbus Order 6, Filed 12:29 p. m.
Saginaw Order 13, Filed 12:21 p. m.
Saginaw Order 14, Filed 12:21 p. m.
Saginaw Order 16, Filed 12:25 p. m.
Cincinnati Order 2, Amendment 2, Filed 12:20 p. m.
Cincinnati Order 3, Amendment 4, Filed 12:27 p. m.
Grand Rapids Order 4, Amendment 2, Filed 12:22 p. m.
Grand Rapids Order 5, Amendment 2, Filed 12:22 p. m.
Toledo Order 4, Filed 12:20 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12451; Filed, July 31, 1943; 2:44 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-566]

WEST TEXAS UTILITIES COMPANY AND THE MIDDLE WEST CORPORATION

ORDER FURTHER EXTENDING TIME FOR PURCHASE OF SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of July 1943.

On January 25, 1943, this Commission after a public hearing, issued its order with respect to a combined application and declaration, as amended, filed by West Texas Utilities Company and The Middle West Corporation regarding a proposed offer by West Texas Utilities Company to purchase all the outstanding securities of Pecos Valley Power & Light Company. Said application was granted and said declaration permitted to become effective subject to certain conditions.

The purchase offer became effective January 30, 1943 for a thirty-day period and, at the option of the company was subsequently extended to and including March 30, 1943. Subsequently West Texas Utilities Company filed Supplemental Applications, numbered 1 and 2, requesting, and the Commission granted, extensions to June 30, 1943 and to July 31, 1943 within which West Texas Utilities Company could make purchases pursuant to such offer. It is represented that at the close of business on July 26, 1943, 97.53% of the outstanding First Mortgage Bonds, 96.94% of the outstanding Income Debentures and 93.66% of the outstanding common stock of Pecos Valley Power & Light Company had been deposited pursuant to the terms of said offer.

The offer as made by the applicant provided that West Texas Utilities Company had the right at its option to purchase all securities offered if at least 90% of the principal amount of the bonds, 90% of the principal amount of the debentures and 80% of the shares of common stock of Pecos Valley Power & Light Company were deposited pursuant to such offer. Such percentages having been deposited, West Texas Utilities Company has elected to purchase all the securities deposited.

West Texas Utilities Company has now filed its amended Supplemental Application No. 3 requesting a further extension of the period within which it may purchase the outstanding securities of Pecos Valley Power & Light Company to August 31, 1943; and

It appearing appropriate to the Commission that such request be granted for the period from July 31, 1943 to August 31, 1943;

It is ordered, That the period within which West Texas Utilities Company may purchase the outstanding securities of Pecos Valley Power & Light Company be and the same is hereby extended to and including August 31, 1943, subject to the same conditions imposed by our order of January 25, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12448; Filed, July 31, 1943; 12:58 p. m.]

[File Nos. 70-752, 70-753]

IDAHO POWER CO. AND ELECTRIC POWER AND LIGHT CORP.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of July, A. D. 1943.

In the matters of Idaho Power Company, Electric Power & Light Corporation, File No. 70-753; and Electric Power & Light Corporation, File No. 70-752.

Competitive bidding. Exemption: Application for exemption from competitive bidding requirements of subsections (b) and (c) of Rule U-50 with respect to the sale of 450,000 shares of $20 par value common stock of utility subsidiary of registered holding company, granted, pursuant to subparagraph (a) (5) of Rule U-50, and subject to the terms and conditions prescribed by Rule U-24.

Appearances. Wright, Gordon, Zachry, Parlin & Cahill of New York City by Wallace P. Zachry and Daniel James for Electric Power & Light Corporation. Reid & Priest of New York City by James L. Boone, and A. C. Inman of Boise, Idaho for Idaho Power Company. Sidney Willner and Chas. H. Kinnane for the Public Utilities Division.

Electric Power & Light Corporation ("Electric")[1] has filed a separate declaration and application (File No. 70-752) in these consolidated proceedings, concerning, among other things, a proposed sale of 450,000 shares of $20 par value common stock of its electric utility subsidiary, Idaho Power Company ("Idaho"), after (1) making a capital contribution to Idaho which will consist in part of 60,000 of the presently outstanding 150,000 shares of $100 par value common stock of Idaho, all of which 150,000 shares are held by Electric, and after (2) the remaining 90,000 outstanding shares of such $100 par value common stock have been split five shares for one. Electric by amendment to its declaration and application has applied for an exemption in respect to such proposed sale from the competitive bidding requirements of subsections (b) and (c) of Rule U-50 and has further requested that our order on such requested exemption issue at the earliest possible date and in advance of any other order in these consolidated proceedings.

After appropriate notice, a public hearing was held, and we have considered the record in regard to such requested exemption.

We have always emphasized, in dealing with problems of exemption from competitive bidding, that our decision in any particular case must depend upon an evaluation of all of the relevant factors therein and that these will necessarily differ in balance and weight from those in any other case. One of the most important of these factors is the type of security which is proposed to be sold. While Rule U-50 was drawn advisedly to cover issues and sales of common stock, we of course recognize that the factors affecting the conditions of sale of such a security differ considerably from those involved in the sale of senior securities and that a showing which would be insufficient to support an exemption in the latter situation may be sufficient in the former. We have therefore evaluated the testimony regarding the special problems which affect the sale of the common stock of Idaho from this perspective. These problems relate in part to the general lack of knowledge among investors concerning the Idaho Company, the fact that its common stock has never been available in the market and is thus not "seasoned", and in part to the fact that a cursory study of the company might well result in misunderstanding the prospects of its continuing to hold certain contract rights which are deemed to be valuable to it. Joe H. Gill, the president of Electric, testified that in his opinion the combination of these factors makes it important, in the interest of obtaining an advantageous price for the stock, that a thorough education be given to prospective purchasers. He felt this could best be given in the process of negotiation.

While we are not persuaded that competitive bidding would not be feasible in this situation, in view of all the circumstances herein, including the type of security, the judgment of the seller that a better price can be obtained by negotiation for the reasons already given, the lack of evidence of any affiliation between the seller and any of the prospective purchasers and the representation that the negotiations will be carried on as far as possible on a freely competitive basis,[2] we find that compliance with the competitive bidding requirements of subsections (b) and (c) of Rule U-50 is not necessary in the public interest, to protect investors or consumers, to insure the receipt of adequate consideration or to insure reasonableness of any fees or commissions to be paid in respect to such sale, and that an exemption from Rule U-50 may appropriately be granted. Our action in granting the exemption is not to be taken as an indication of what decision might be necessary if any of the circumstances here present were absent or if additional circumstances not now present existed.

It is therefore ordered, That pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, the said application for exemption of the sale of the Idaho common stock from the requirements of subsections (b) and (c) of Rule U-50 as to competitive bidding be, and it hereby is granted subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

It is further ordered, That jurisdiction be and it hereby is, reserved expressly to pass upon all other matters involved in these consolidated proceedings, and to pass, in case of sale of such shares, upon the price to be received therefor by Electric, the spread between the price to Electric and the offering price to the public, and all other matters relating to terms and conditions of said sale.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12449; Filed, July 31, 1943; 12:58 p. m.]

[1] Electric is a registered holding company under the Public Utility Holding Company Act of 1935 and a subsidiary of Electric Bond and Share Company which is also a registered holding company under the Act.

[2] The president of Electric has undertaken to keep a record of all negotiations in regard to said sale and to report all such negotiations to us.

[File No. 1-1924]

THE LOUDON PACKING COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July, A. D. 1943.

The Loudon Packing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its common stock, no par value from listing and registration on The Chicago Stock Exchange and the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:30 a. m. on Monday, August 16, 1943, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12447; Filed, July 31, 1943; 12:57 p. m.]

[File No. 70-763]

NATIONAL POWER & LIGHT COMPANY, MEMPHIS GENERATING COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July, A. D. 1943.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than August 7, 1943 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

National Power & Light Company ("National"), a registered holding company, owns all of the capital stock of Memphis Generating Company ("Memphis") consisting of 50,500 shares of common stock with a par value of $100 per share. National proposes to sell to Memphis and the latter proposes to purchase from National 3,500 shares of said common capital stock for a total consideration of $350,000 in cash, payable upon delivery of a certificate or certificates representing 3,500 shares. Memphis proposes to retire the said 3,500 shares and effect a reduction of its capital in the amount of $350,000.

The proposed transaction is stated to be a step in compliance with the Order of the Commission dated August 23, 1941, directing the dissolution of National.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12446; Filed, July 31, 1943; 12:57 p. m.]

FEDERAL REGISTER

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Washington, Wednesday, August 4, 1943

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3167]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CEMENT INSTITUTE, ET AL.

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To eliminate competitive purchasing—By withholding sales or threats of:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (g 5) *Combining or consipiring—To nullify Government rate advantages:* § 3.297 *Controlling, after purchase, goods' destination or use:* § 3.30 (g) *Cutting off competitors' access to customers or market—Withholding supplies or goods from competitors' customers:* § 3.45 (a) *Discriminating in price—Basing points and delivered price systems:* § 3.90 (c 5) *Spying on competitors or customers—In concert or cooperatively.* In or in connection with the offering for sale, sale and distribution of Portland cement in interstate commerce, and on the part of respondent Cement Institute, its officers, etc., and 75 member corporations, and their respective officers, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) quote or sell cement at prices calculated or determined pursuant to or in accordance with the multiple basing-point delivered-price system; or quote or sell cement pursuant to or in accordance with any other plan or system which results in identical price quotations or prices for cement at points of quotation or sale or to particular purchasers by respondents using such plan or system, or which prevents purchasers from finding any advantage in price in dealing with one or more of the respondents against any of the other respondents; (2) in connection with or in aid or support of any plan, system, acts, or practices prohibited in paragraph 1 above (a) refuse or decline to quote or sell cement at the location of the producing mill at a price effective at such location; (b) refuse or decline, when quoting or selling cement at a price effective at the location of the producing mill, to allow purchasers to provide transportation by any means, at any cost, or to any place they may desire; (c) quote or sell cement at f. o. b. mill prices calculated by deducting actual common-carrier transportation charges from delivered-price quotations or delivered prices which are equivalent to the sum of the base price at, plus common-carrier transportation charges from, any point other than the actual shipping point; (d) quote or sell cement ostensibly at f. o. b. mill prices, but which prices, plus common-carrier transportation charges to purchasers' destinations, are systematically equivalent to identical delivered costs to such purchasers from differently located mills; (e) quote or sell cement at delivered prices calculated as or systematically equivalent to the sum of the base price in effect at, plus common-carrier transportation charges from, any point other than the actual shipping point; (f) quote or sell cement at delivered prices which systematically include a common-carrier transportation factor greater or less than the actual cost of such common-carrier transportation from the point of shipment to destination; (g) quote or sell cement at delivered prices which systematically include a freight factor representing transportation by a common carrier having higher rates than the means of transportation actually employed; (h) quote or sell cement at destination-cost figures accompanied by a requirement that for invoicing purposes the f. o. b. mill price shall be determined by making specified deductions from said destination cost figures; (i) quote or sell cement to any instrumentality of the Federal Government in a manner or upon terms which deprive the Government of all or any part of the benefits of land-grant or other special common-carrier rates to which it may be lawfully entitled; (j) collect, compile, circulate, or exchange information concerning common-carrier transportation charges for

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
ALIEN PROPERTY CUSTODIAN:	
Vesting orders:	
A. V. Publishing Corp	10834
Jarchow, Hellmuth W	10838
Koppers, Heinrich, G. m. b. H.	10835
Mauersberger, Ernst Alfred	10836
North Point Consolidated Irrigation Co	10833
Oahu Junk Co., Ltd	10834
Original Laminated Patent-barrel Co., Inc	10833
Schmitz, Anna	10834
Seaboard Trust Co. v. Philip J. Lewis, et al	10836
Seglie, Faul	10836
Simone, Francesco	10837
Sternheim, Thea	10835
Tag, Anna	10837
Wiedmann, Louise	10837
CHILDREN'S BUREAU:	
Maine, acceptance of age, employment or working certificates	10812
CUSTOMS BUREAU:	
Cotton, raw; information required on invoices	10812
DEFENSE SUPPLIES CORPORATION:	
Butter, production payments	10825
Livestock, slaughter payments	10826
Petroleum compensatory adjustments, redesignation of regulations	10812
FEDERAL TRADE COMMISSION:	
Cement Institute, et al., cease and desist order	10809
Hearings, etc.:	
Bishop & Babbin, Inc	10830
Holzbeierlein & Sons, Inc	10830
MacDougal Bros	10830
INTERSTATE COMMERCE COMMISSION:	
Competitive bidding in sale of railroad securities, investigation, etc	10831
Mexico, order vacated prohibiting certain shipments to	10829
Reicing in transit:	
Any common carrier by rail (6 documents)	10832, 10833
Chicago, Rock Island and Pacific Railway Co	10832
Missouri-Kansas-Texas Railroad Co	10831

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

INTERSTATE COMMERCE COMMISSION—Continued.
Reicing in transit—Continued. Page
Missouri Pacific Railroad Co. 10831
St. Louis Southwestern Railway Co 10831
OFFICE OF DEFENSE TRANSPORTATION:
Taxicab operations coordinated, various areas:
Aberdeen, Miss 10840
Columbus, Miss 10839
Jackson, Miss 10839
Omaha, Nebr 10838
OFFICE OF ECONOMIC WARFARE:
Sugar-mill machinery and parts, exportation from Puerto Rico to West Indies 10812
OFFICE OF PRICE ADMINISTRATION:
Adjustment orders filed, list 10840
Adjustments, exceptions, etc.:
Collins and Aikman Corp. 10825
Foreman-Derrickson Veneer Co 10823
Frozen fruit, berry and vegetable packers 10840
Hullfish, Russell, et al. 10823
Maule Industries 10823
U. S. Industrial Chemicals, Inc 10825
Canned or packed food products (MPR 306, Am. 12) 10824
Hardwood logs, prime grade (MPR 313, Am. 5) 10825
Plastic pipe and tubing (MPR 506, Am. 1) 10825

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Regional, State, and district office orders:
Community ceiling prices, list of orders filed 10841
Fluid milk:
Ackley, Iowa 10848
Black Hills area, S. Dak. (2 documents) 10846, 10847
Emmetsburg, Iowa 10849
Grand Forks area, N. Dak.-Minn 10845
Henderson, Minn 10848
Rockford, Ill 10849
St. Edwards, Nebr 10847
Velva, N. Dak 10847
Fruits and vegetables, Detroit District, Mich 10841
Malt beverages, Fort Worth District, Tex 10844
Restaurant prices:
Fort Worth, Tex 10843
Oklahoma City, Okla 10845
Solid fuels:
Boston area, Mass 10841
Fulton and De Kalb counties, Ga 10841
Worcester area, Mass 10850
Rubber goods, mechanical, (MPR 149, incl. Am. 13) 10813
SECURITIES AND EXCHANGE COMMISSION:
Michigan Gas and Electric Co. and Middle West Corp., hearing 10851
WAR PRODUCTION BOARD:
Stop construction order amended:
Cleveland Pneumatic Aerol. Inc 10852
Suspension order:
National By-Products Co., Inc 10813
WAR SHIPPING ADMINISTRATION:
Foreign nationals, employment on certain American, Panamanian and Honduran flag vessels 10829
"SS Catalina," determination as to ownership 10852

cement used or to be used as a factor in the price of cement, or use, directly or indirectly, any such information so compiled or received as a factor in the price of cement; (k) control or attempt to control the destination or use of cement after the acquisition of title thereto by the purchaser; (l) determine upon any basis for the selection or classification of customers, or use any basis so determined for selecting or classifying customers; (m) determine upon the projects or types of projects for which, or the purchasers or classes of purchasers to whom, sales of cement will or will not be made directly by respondents; (n) collect, compile and circulate, or exchange statistical data which reveal the individual production, stocks, sales, or shipments of cement of an any corporate respondent to other corporate respondents; (o) maintain any form of espionage for the purpose of determining whether or not their customers purchase or deal in imported cement; or discontinue or threaten to discontinue sales of cement to customers because they purchase or deal in imported cement; (p) determine upon any discounts, package charges or refunds thereon, or other terms or conditions of sale, or use any discounts, package charges or refunds thereon, or other terms or conditions of sale so determined; (3) discriminate in price between or among their respective customers by systematically charging and accepting mill net prices which differ by the amounts necessary to produce delivered costs to purchasers identical with delivered costs available to such purchasers through purchases from other respondents; and (4) use any means substantially similar to those specifically set out in this order with the purpose or effect of accomplishing any of the things prohibited by this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45 b; sec. 2 (a), 49 Stat. 1526, 15 U.S.C., sec. 13 (a)) [Cease and desist order, Cement Institute, et al., Docket 3167, July 17, 1943]

In the Matter of The Cement Institute, an Unincorporated Association; S. W. Storey, President, and G. H. Reiter, Secretary, and the Vice President, Treasurer, and Trustees of The Cement Institute; and Aetna Portland Cement Company, Alpha Portland Cement Company, Arkansas Portland Cement Company, Ash Grove Lime & Portland Cement Company, Beaver Portland Cement Company, The Bessemer Limestone & Cement Company, Calaveras Cement Company, California Portland Cement Company, Castalia Portland Cement Company, Colorado Portland Cement Company, Consolidated Cement Corporation, Coplay Cement Manufacturing Company, Cumberland Portland Cement Company, Dewey Portland Cement Company, Diamond Portland Cement Company, Edison Cement Corporation, The Federal Portland Cement Company, Inc., Florida Portland Cement Company, Georgia Cement & Products Company, Giant Portland Cement Company, The Glens Falls Portland Cement Company, Great Lakes Portland Cement Corporation, Green Bag Cement Company of Pennsylvania, Green Bag Cement Company of West Virginia, Hawkeye Portland Cement Company, Hercules Cement Corporation, Hermitage Portland Cement Company, Huron Portland Cement Company, Idaho Portland Cement Company, International Cement Corporation, Keystone Portland Cement Company, Kosmos Portland Cement Company, Lawrence Portland Cement Company, Lehigh Portland Cement Company, Marquette Cement Manufacturing Company, Medusa Portland Cement Company, Missouri Portland Cement Company, The Monarch Cement Company, Monolith Portland Cement Company, Monolith Portland Midwest Company, National Cement Company, Nazareth Cement Company, Nebraska Cement Company, North American Cement Corporation, Northwestern Portland Cement Company, Northwestern States Portland Cement Company, Oklahoma Portland Cement Company, Oregon Portland Cement Company, Pacific Portland Cement Company, Peerless Cement Corporation, Pennsylvania-Dixie Cement Corporation, Petoskey Portland Cement Company, Pittsburgh Plate Glass Company, Portland Cement Company of Utah, Riverside Cement Company, Santa Cruz Portland Cement Company, Signal Mountain Portland Cement Company, Southern States Portland Cement Company, Southwestern Portland Cement Company, Spokane Portland Cement Company, Standard Portland Cement Company, Superior Cement Corporation, Superior Portland Cement, Inc., Three Forks Portland Cement Company, Trinity Portland Cement Company, Union Portland Cement Company, Universal Atlas Cement Company, Valley Forge Cement Company, Volunteer Portland Cement Company, Vulcanite Portland Cement Company, Wabash Portland Cement Company, West Penn Cement Company, The Whitehall Cement Manufacturing Company, Wolverine Portland Cement Company, Yosemite Portland Cement Corporation, corporations, members of The Cement Institute

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, various motions and appeals, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act and of subsection (a) of section 2 of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by Act approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That respondent The Cement Institute, an unincorporated association, its officers, trustees, agents, representatives, and employees, and the corporate respondents Aetna Portland Cement Company, Alpha Portland Cement Company, Arkansas Portland Cement Company, Ash Grove Lime & Portland Cement Company, Beaver Portland Cement Company, The Bessemer Limestone & Cement Company, Calaveras Cement Company, California Portland Cement Company, Colorado Portland Cement Company, Consolidated Cement Corporation, Coplay Cement Manufacturing Company, Cumberland Portland Cement Company, Dewey Portland Cement Company, Diamond Portland Cement Company, Edison Cement Corporation, The Federal Portland Cement Company, Inc., Florida Portland Cement Company, Georgia Cement & Products Company, Giant Portland Cement Company, The Glens Falls Portland Cement Company, Great Lakes Portland Cement Corporation, Green Bag Cement Company of Pennsylvania, Green Bag Cement Company of West Virginia, Hawkeye Portland Cement Company, Hercules Cement Corporation, Hermitage Portland Cement Company, Huron Portland Cement Company, Idaho Portland Cement Company, International Cement Corporation, Keystone Portland Cement Company, Kosmos Portland Cement Company, Lawrence Portland Cement Company, Marquette Cement Manufacturing Company, Medusa Portland Cement Company, Missouri Portland Cement Company, The Monarch Cement Company, Monolith Portland Cement Company, Monolith Portland Midwest Company, National Cement Company, Nazareth Cement Company, Nebraska Cement Company, North American Cement Corporation, Northwestern Portland Cement Company, Northwestern States Portland Cement Company, Oklahoma Portland Cement Company, Oregon Portland Cement Company, Pacific Portland Cement Company, Peerless Cement Corporation, Pennsylvania-Dixie Cement Corporation, Petoskey Portland Cement Company, Pittsburgh Plate Glass Company, Portland Cement Company of Utah, Riverside Cement Company, Santa Cruz Portland Cement Company, Signal Mountain Portland Cement Company, Southern States Portland Cement Company, Southwestern Portland Cement Company, Spokane Portland Cement Company, Standard Portland Cement Company, Superior Cement Corporation, Superior Portland Cement, Inc., Three Forks Portland Cement Company, Trinity Portland Cement Company, Union Portland Cement Company, Universal Atlas Cement Company, Valley Forge Cement Company, Volunteer Portland Cement Company, Vulcanite Portland Cement Company, Wabash Portland Cement Company, West Penn Cement Company, The Whitehall Cement Manufacturing Company, Wolverine Portland Cement Company, and Yosemite Portland Cement Corporation, their respective officers, agents, representatives, and employees, in or in connection with the offering for sale, sale, and distribution of portland cement in interstate commerce, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following things:

1. Quoting or selling cement at prices calculated or determined pursuant to or in accordance with the multiple basing-point delivered-price system; or quoting or selling cement pursuant to or in accordance with any other plan or system which results in identical price quotations or prices for cement at points of quotation or sale or to particular purchasers by respondents using such plan or system, or which prevents purchasers from finding any advantage in price in dealing with one or more of the respondents against any of the other respondents.

2. In connection with or in aid or support of any plan, system, acts, or practices prohibited in paragraph 1 above

(a) Refusing or declining to quote or sell cement at the location of the producing mill at a price effective at such location.

(b) Refusing or declining, when quoting or selling cement at a price effective at the location of the producing mill, to allow purchasers to provide transportation by any means, at any cost, or to any place they may desire.

(c) Quoting or selling cement at f. o. b. mill prices calculated by deducting actual common-carrier transportation charges from delivered-price quotations or delivered prices which are equivalent to the sum of the base price at, plus common-carrier transportation charges from, any point other than the actual shipping point.

(d) Quoting or selling cement ostensibly at f. o. b. mill prices, but which prices, plus common-carrier transportation charges to purchasers' destinations, are systematically equivalent to identical delivered costs to such purchasers from differently located mills.

(e) Quoting or selling cement at delivered prices calculated as or systematically equivalent to the sum of the base price in effect at, plus common-carrier transportation charges from, any point other than the actual shipping point.

(f) Quoting or selling cement at delivered prices which systematically include a common-carrier transportation factor greater or less than the actual cost of such common-carrier transportation from the point of shipment to destination.

(g) Quoting or selling cement at delivered prices which systematically include a freight factor representing transportation by a common carrier having higher rates than the means of transportation actually employed.

(h) Quoting or selling cement at destination-cost figures accompanied by a requirement that for invoicing purposes the f. o. b. mill price shall be determined by making specified deductions from said destination cost figures.

(i) Quoting or selling cement to any instrumentality of the Federal Government in a manner or upon terms which deprive the Government of all or any part of the benefits of land-grant or other special common-carrier rates to which it may be lawfully entitled.

(j) Collecting, compiling, circulating, or exchanging information concerning common-carrier transportation charges for cement used or to be used as a factor in the price of cement, or using, directly or indirectly, any such information so compiled or received as a factor in the price of cement.

(k) Controlling or attempting to control the destination or use of cement after the acquisition of title thereto by the purchaser.

(l) Determining upon any basis for the selection or classification of customers, or using any basis so determined for selecting or classifying customers.

(m) Determining upon the projects or types of projects for which, or the purchasers or classes of purchasers to whom, sales of cement will or will not be made directly by respondents.

(n) Collecting, compiling and circulating, or exchanging statistical data which reveal the individual production, stocks, sales, or shipments of cement of any corporate respondent to other corporate respondents.

(o) Maintaining any form of espionage for the purpose of determining whether or not their customers purchase or deal in imported cement; or discontinuing or threatening to discontinue sales of cement to customers because they purchase or deal in imported cement.

(p) Determining upon any discounts, package charges or refunds thereon, or other terms or conditions of sale, or using any discounts, package charges or refunds thereon, or other terms or conditions of sale so determined.

3. Discriminating in price between or among their respective customers by systematically charging and accepting mill net prices which differ by the amounts necessary to produce delivered costs to purchasers identical with delivered costs available to such purchasers through purchases from other respondents.

4. Using any means substantially similar to those specifically set out in this order with the purpose or effect of accomplishing any of the things prohibited by this order.

It is further ordered, That, for the reasons set out in the findings as to the facts in this proceeding, the case growing out of the complaint herein be, and the same hereby is, closed as to respondent Castalia Portland Cement Company without prejudice to the right of the Commission, should future facts so warrant, to reopen the same and resume trial thereof in accordance with its regular procedure.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12598; Filed, August 3, 1943; 11:26 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50903]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES OF RAW COTTON

T.D. 50045, requiring additional information to be furnished on invoices of raw cotton, is hereby amended as follows:

Statement (3) is amended to read as follows:

(3) The staple length of the cotton covered by this invoice is not less than 1⅛ inches and is under 1 11/16 inches.

A new statement (4) is added, reading as follows:

(4) The staple length of the cotton covered by this invoice is 1 11/16 inches or more.

Section 8.13 (j), Customs Regulations of 1943 (19 CFR 8.13 (j)), is hereby amended by adding the number and date of this Treasury decision opposite "Raw cotton" in the list of Treasury decisions requiring additional information to be furnished on invoices of certain classes of merchandise.

This requirement shall be effective as to invoices certified after 30 days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: July 30, 1943.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-12553; Filed, August 2, 1943; 3:35 p. m.]

TITLE 29—LABOR

Chapter IV—United States Department of Labor, Children's Bureau

PART 402—ACCEPTANCE OF STATE CERTIFICATES

ADDITION OF STATE OF MAINE

Amendment to Child Labor Regulation No. 24a relating to acceptance of State certificates.

By virtue of and pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938 (c. 676, 52 Stat. 1060, 29 U.S.C., sec. 201), I hereby amend § 402.1, Part 402, Title 29 of the Code of Federal Regulations by adding the State of Maine to the States previously designated therein in which State age, employment or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 2, 1943.

KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 43-12590; Filed, August 3, 1943; 11:15 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VII—Defense Supplies Corporation

PART 701—PETROLEUM COMPENSATORY ADJUSTMENTS

REDESIGNATION OF TITLE, CHAPTER, AND PART

NOTE: Chapter VII of Title 30 is redesignated Title 32—National Defense, Chapter XIX—Defense Supplies Corporation, Part 7001—Petroleum Compensatory Adjustments. Revised Regulation 1, §§ 701.1–701.7 (8 F.R. 6101), is redesignated §§ 7001.1–7001.7.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amdt. 86]

PART 802—GENERAL LICENSES

EXPORTATION OF SUGAR-MILL MACHINERY FROM PUERTO RICO

Part 802 *General Licenses* is hereby amended by adding thereto the following section:

§ 802.15 *General License "G-SMPR".* A general license is hereby granted authorizing the exportation of sugar-mill machinery and parts thereof from Puerto Rico to Cuba, Haiti, Dominican Republic, British Virgin Islands, Antigua, Montserrat, St. Christopher, Nevis, Barbuda, Redonda, Anguilla, Sombrero, Jamaica, Dominica, St. Lucia, St. Vincent, Grenada, The Grenadines, Barbados, Trinidad and Tobago, Curacao, Aruba, Bonaire, St. Eustatius or Saba: *Provided*, That such machinery or parts, except replacement parts used in the repair thereof or rebuilt parts exchanged for parts which cannot be repaired, shall have been imported into Puerto Rico from the destination to which they are being exported.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938)

Dated: August 2, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-12563; Filed, August 3, 1943; 9:39 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-382]

NATIONAL BY-PRODUCTS CO., INC.

National By-Products Company, Inc., a corporation, of Des Moines, Iowa, is engaged, among other things, in the manufacture and sale of live stock feeds, in which molasses is customarily used as an ingredient. During the calendar year 1942, the corporation violated General Preference Order M-54 in that, being a "Class 2 Purchaser", as defined in said order, it accepted delivery of 32,189 gallons of molasses in excess of its permitted quota, and used 23,647 gallons of molasses in excess of its permitted consumption. National By-Products Company, Inc. was familiar with the provisions of General Preference Order M-54, and its violations of said order must be considered wilful.

These violations of General Preference Order M-54 have hampered and impeded the war effort of the United States by diverting a scarce and critical commodity to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.382 *Suspension Order No. S-382.* (a) During the term of this order, National By-Products Company, Inc., its successors or assigns, shall not purchase, accept delivery of, use or consume any molasses, as defined in General Preference Order M-54.

(b) Nothing contained in this order shall be deemed to relieve National By-Products Company, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 3, 1943, and shall expire on December 3, 1943.

Issued this 27th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12588; Filed, August 3, 1943; 10:32 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149[1] incl. Amdt. 13]

MECHANICAL RUBBER GOODS

Sections 1315.21a, 1315.37(a) are amended by Amendment 13, effective August 9, 1943, so that Maximum Price Regulation No. 149 shall read as follows:

In the judgment of the Price Administrator the prices of mechanical rubber goods have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of mechanical rubber goods prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purpose of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 149 is hereby issued.

[1] 7 F.R. 3889.

[2] Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

[3] Revised, 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

Sec.

1315.21 Prohibition against dealing in mechanical rubber goods at prices in excess of the maximum.
1315.21a Maximum manufacturers' prices for mechanical rubber goods.
1315.21b Maximum wholesalers' prices for mechanical rubber goods.
1315.21c Maximum prices for certain brands of rubber horseshoe pads manufactured by the Dryden Rubber Company.
1315.22 Federal and state taxes.
1315.22a Terms and conditions of sale.
1315.22b Fractions of a cent.
1315.23 Export sales.
1315.24 Transfer of business or stock in trade.
1315.25 Less than maximum prices.
1315.26 Evasion.
1315.27 Records.
1315.28 Reports.
1315.29 Enforcement.
1315.30 Petitions for amendment.
1315.30a Adjustments.
1315.30b Adjustable pricing.
1315.31 Definitions.
1315.32 Applicability of the General Maximum Price Regulation.
1315.32a Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.
1315.33 Effective date.
1315.34 Appendix A: Mechanical rubber goods whose maximum price is established by paragraph (a) of § 1315.21a.
1315.35 Appendix B: Mechanical rubber goods whose maximum price is established by paragraph (b) of § 1315.21a.
1315.36 Appendix C: Other rubber goods, made in whole or in part of rubber, the maximum prices of which are not established by Maximum Price Regulation No. 149.
1315.37 Appendix D: Maximum prices for certain mechanical rubber goods made in whole or in part of synthetic rubber.
1315.38 Appendix E: Form for application for adjustment of maximum manufacturers' prices of mechanical rubber goods.

AUTHORITY: §§ 1315.21 to 1315.38, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

§ 1315.21 *Prohibition against dealing in mechanical rubber goods at prices in excess of the maximum.* On and after May 27, 1942, regardless of the terms of any contract, agreement, lease or other obligation, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive, any mechanical rubber goods at a price in excess of the maximum fixed by the regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

[§ 1315.21 added by Amendment 4, 7 F.R. 10143, effective 12-8-42, and amended by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43). Former § 1315.21 redesignated § 1315.21a by Amendment 4]

§ 1315.21a *Maximum manufacturers' prices for mechanical rubber goods.* This section establishes maximum manufacturers' prices for all mechanical rubber goods, except those for which provision is made in Appendix D (§ 1315.37).

[Sentence added by Amendment 4]

(a) *Maximum prices for mechanical rubber goods listed in Appendix A.* The maximum price for mechanical rubber goods of the types and kinds listed in Appendix A, incorporated as § 1315.34 of this regulation, shall be the price determined as follows, less the deduction required by paragraph (e) of this section, wherever applicable:

(1) *List or regularly quoted price.* This subparagraph is applicable to any mechanical rubber good listed in Appendix A the price of which was stated in the schedule or price list of the manufacturer in effect on October 1, 1941, or the price of which was regularly quoted by the manufacturer in any other manner on that date. The maximum price of any mechanical rubber good covered by this subparagraph which does not contain any synthetic rubber shall be the base price determined in accordance with subdivision (i). The maximum price for any mechanical rubber good covered by this subparagraph which contains any synthetic rubber shall be determined as follows: The manufacturer shall first determine the base price for the sale of the mechanical rubber good to that class of purchasers to which he sold the largest volume of that type of mechanical rubber good during the calendar year 1942. The base price shall be determined in accordance with subdivision (i). The manufacturer shall then deduct from that base price a differential which reflects the difference between the price of synthetic rubber in effect on October 1, 1941, and the price for that material in effect on August 1, 1943. This differential shall be determined in accordance with subdivision (ii). The price calculated in the manner just set forth is the manufacturer's maximum price to that class of purchasers to which he sold the largest volume of the type of mechanical rubber good being priced during the calendar year 1942. The manufacturer shall determine his maximum price for sales of the mechanical rubber good to other classes of purchasers by adjusting this price to reflect the differentials that the manufacturer had in effect to other classes or purchasers on October 1, 1941. If the price of the synthetic rubber contained in the commodity was the same on October 1, 1941, and August 1, 1943, the base price is the maximum price. If the price the manufacturer regularly quoted for conveyor, transmission or elevator belting on October 1, 1941, was for belting without a skim coat and if the manufacturer produces such belting with a skim coat in addition to the friction coat, the maximum price for the belting with both a skim coat and the friction coat shall be determined by adding 10% of the maximum price of the carcass established by this subparagraph (1) to the maximum price of the belting without a skim coat established by this subparagraph (1).

(i) *Base price.* The base price is the first applicable of the following prices:

(*a*) The price stated in the price list of the manufacturer in effect on October 1, 1941, for mechanical rubber goods of the same class, kind, type, condition and grade, less all discounts, allowances, and other deductions from the list price which the manufacturer had in effect for a purchaser of the same class on October 1, 1941.

(*b*) The price the manufacturer regularly quoted on October 1, 1941, other than through the medium of a price list, for mechanical rubber goods of the same class, kind, type, condition and grade less all discounts, allowances, and other deductions from this price which the manufacturer had in effect for a purchaser of the same class on October 1, 1941.

(ii) *Differential.* The differential which must be subtracted from the base price shall be determined as follows: The manufacturer shall first determine the amount of each type of synthetic rubber required to produce the commodity. The manufacturer will then multiply this amount by the difference between the price of the synthetic rubber in effect to the manufacturer, or if no price was in effect to the manufacturer, the price in effect to a purchaser of the same class on October 1, 1941, and the price for that material in effect to the manufacturer, or if no price was in effect to the manufacturer, the price in effect to a purchaser of the same class on August 1, 1943. The resulting figure is the differential. If the manufacturer on October 1, 1941, sold several sizes or styles of a mechanical rubber good at the same price to the same class of purchasers, he shall use the same differential for all the sizes or styles that he sold on October 1, 1941, at the same price to the same class of purchasers. This differential shall be calculated by the method set forth in this subdivision except that in applying that method the manufacturer shall use the procedure he customarily used on October 1, 1941, to arrive at a uniform price for the different sizes or styles. If the manufacturer used no such customary procedure on October 1, 1941, he shall use as the basis for calculating the differential the size or style of which he sold the largest quantity during the period January 1, 1943, to June 30, 1943, inclusive.

[Paragraph (1) amended by Amendment 12, 8 F.R. 9751, effective 7-20-43 and Amendment 13, effective 8-9-43]

(2) *Formula prices*—(i) *Applicability.* This subparagraph is applicable to any mechanical rubber goods listed in Appendix A for which the manufacturer did not have a price stated in his schedule or price list in effect on October 1, 1941, or for which he did not regularly quote a price in some other manner on that date.

(ii) *Mechanical rubber goods which are the same as those dealt in by the manufacturer on October 1, 1941, except for the substitution of Buna-S GR-S or butyl GR-I for natural rubber.* This subdivision is applicable to any mechanical rubber good covered by this subparagraph which differs from a mechanical rubber good for which the manufacturer had a price stated in his price list in effect on October 1, 1941, or for which he regularly quoted a price in any other manner on that date, only by reason of the changes made necessary by the substitution of Buna-S GR-S or butyl GR-I for natural rubber. The maximum price of any mechanical rubber good covered by this subdivision shall be the maximum price established by subparagraph (1) for the mechanical rubber good when made of natural rubber.

(iii) *Mechanical rubber goods not covered by subdivision (ii).* This subdivision is applicable to any mechanical rubber good covered by this subparagraph (2) which is not covered by subdivision (ii). The maximum price of mechanical rubber goods covered by this subdivision shall be the sum total of direct labor and direct materials cost plus a gross margin which the manufacturer would have added to the total direct cost in arriving at a selling price to a purchaser of the same class on October 1, 1941. Direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the commodity by the wage rates in effect to the manufacturer on October 1, 1941. The direct materials cost shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the commodity by the following material prices: (*a*) For synthetic rubber, the manufacturer shall use the net price for the material in effect to him, or if no price was in effect to him, the net price for the material in effect to a purchaser of the same class on August 1, 1943. (*b*) For all other materials, the manufacturer shall use the net materials prices in effect to him, or if no price was in effect to a purchaser of the same class on October 1, 1941. The gross margin shall be calculated by the methods and rates used by the manufacturer on October 1, 1941, which shall be the methods and rates filed in accordance with the provisions of paragraph (a) of § 1315.28. If the manufacture of a mechanical rubber good requires the use of materials, labor or equipment the October 1, 1941, price of which is not ascertainable the cost of such items to be used in determining the maximum price shall be the first ascertainable price after October 1, 1941.

[Paragraph (a) amended by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43) and Amendment 13, effective 8-9-43. Former (a) revoked and former (b) redesignated (a) by Amendment 4]

(b) *Maximum prices for mechanical rubber goods listed in Appendix B.* The maximum price for all mechanical rubber goods of the types and kinds listed in Appendix B, incorporated herein as § 1315.35, shall be determined in the same manner as that stated in paragraph (a) of this § 1315.21a, except that the date January 5, 1942, shall in every case be substituted for the date October 1, 1941.

[Paragraph (b) as amended by Amendment 3, 7 F.R. 10103, effective 12-8-42, and Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43). Formerly paragraph (c); redesignated (b) by Amendment 4]

[Original paragraph (d) redesignated (c) by Amendment 4 and revoked by Amendment 9. Original paragraph (e) added by Amendment 1; redesignated (d) by Amendment 4 and revoked by Amendment 6]

(c) The maximum price for any mechanical rubber goods which cannot be priced under paragraphs (a) or (b) of this section shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration in Washington, D. C., an application setting forth (1) a description in detail of the mechanical rubber good for which a maximum price is sought (including the manufacturing process); (2) a statement of the facts which make it impossible for him to use the methods for determining a maximum price set forth in paragraphs (a) and (b) of this section; (3) his proposed pricing method; and (4) a statement of the reasons why he believes that the use of this method will result in prices which are in line with the level of maximum prices established by this Maximum Price Regulation No. 149. Such authorization will be given in the form of an order prescribing a method of determining the maximum price for some or all of the mechanical rubber goods manufactured by the applicant which cannot be priced under paragraphs (a) or (b) of this section.

[Paragraph (c) added by Amendment 8 as Paragraph (f); redesignated by Amendments 4, 6 and 9]

(d) Once the manufacturer has determined his maximum price for the sale of a particular mechanical rubber good to a particular class of purchasers (as defined in paragraph (a) (4) of § 1315.31) that price is his maximum for all future sales of that mechanical rubber good to that class of purchasers. However, if the manufacturer sells that mechanical rubber good to a purchaser of a different class, he must determine his maximum price for that sale in accordance with the applicable provisions of this section. For example, if the manufacturer has determined the maximum price for 100 gaskets and he later receives an order for 10,000 gaskets, and if on October 1, 1941, it was his practice to sell 10,000 gaskets at a lower price per unit than 100 gaskets, the manufacturer must determine his maximum price for the sale of the 10,000 gaskets in accordance with the applicable provisions of this section.

[Paragraph (d) added by Amendment 3 as paragraph (g). Redesignated by Amendments 4, 6 and 9]

(e) *Deduction of the amount of the Federal excise tax.* If, on October 1, 1941, in the case of the articles listed in Appendix A and on January 5, 1942, for the articles listed in Appendix B, the manufacturer did not bill the Federal excise tax on rubber products separately, he shall deduct the amount of such tax from the price determined in accordance with paragraphs (a) to (c), inclusive, of this § 1315.21a: *Provided,* That where the manufacturer had a price list in effect for the article on September 30, 1941, this deduction shall not exceed the amount by which the price determined in accordance with paragraphs (a) to (c), inclusive, exceeds the price stated in the manufacturer's price list in effect on September 30, 1941, less all discounts, allowances and other deductions from the list price in effect for a purchaser of the same class on that date.

[Paragraph (e) added by Amendment 6, as paragraph (f), 8 F.R. 1312, effective 2-3-43. Redesignated (e) by Amendment 9]

§ 1315.21b *Maximum wholesalers' prices for mechanical rubber goods*—(a) *Applicability of this section.* This section is applicable to sales by wholesalers (as defined in paragraph (a) (10) of § 1315.31) of mechanical rubber goods, except packing, gaskets and automotive parts.

[Paragraph (a) as amended by Amendment 12, 8 F.R. 9751, effective 7-20-43]

(b) *Maximum prices*—(1) *How the wholesaler calculates the maximum price.* The maximum price for a sale by a wholesaler of any mechanical rubber goods covered by this section shall be determined by multiplying the percentage determined in accordance with subparagraph (2) by:

(i) The wholesaler's net invoiced cost of the commodity, if available, not to exceed the applicable maximum price; or

(ii) If actual cost is not available, the net invoiced cost of the commodity as estimated by the wholesaler's supplier: *Provided,* That the wholesaler has no reason to believe that the price so estimated exceeds the maximum price.

(2) *How the wholesaler determines the percentage which must be used in determining the maximum price.* The percentage which the wholesaler must use in determining the maximum price shall be determined as follows:

(i) The wholesaler shall first determine what mechanical rubber goods he must use in determining the percentage. That mechanical rubber good shall be the first applicable of the following mechanical rubber goods which he offered for sale on October 1, 1941, in the case of mechanical rubber goods listed in Appendix A and on January 5, 1942, in the case of mechanical rubber goods listed in Appendix B:

(*a*) The mechanical rubber good which is the same as the mechanical rubber good being priced.

(*b*) The mechanical rubber good which has the same use as the mechanical rubber good being priced. If there is more than one mechanical rubber good which has the same use as the mechanical rubber good being priced, the wholesaler shall use that one of those mechanical rubber goods whose purchase price is nearest to the purchase price of the mechanical rubber good being priced.

(*c*) The mechanical rubber good whose purchase price is nearest to the purchase price of the mechanical rubber good being priced.

(ii) The wholesaler shall then determine the price at which on October 1, 1941, in the case of mechanical rubber goods listed in Appendix A, and on January 5, 1942, in the case of mechanical rubber goods listed in Appendix B, he was offering to sell that mechanical rubber good to a purchaser of the same class.

(iii) The wholesaler shall then determine the percentage by dividing this selling price by the price in effect to him on the date on which he established that selling price.

(c) *Maximum wholesalers' prices for mechanical rubber goods that cannot be priced in accordance with paragraph* (b). The maximum wholesalers' price for any mechanical rubber good covered by this section which cannot be priced in accordance with the provisions of paragraph (b) shall be a price in line

with the level of maximum prices established by this regulation, determined by the wholesaler after specific authorization from the Office of Price Administration. A wholesaler seeking such authorization shall file with the Office of Price Administration in Washington, D. C., an application setting forth:

(1) A description of the mechanical rubber good in question;

(2) The price at which he purchased that mechanical rubber good;

(3) His proposed pricing method; and

(4) A statement of the reasons why he believes that the use of this method will result in prices in line with the level of maximum prices established by this regulation.

After receipt of this report the Office of Price Administration will in writing establish a maximum price for some or all of the mechanical rubber goods sold by the wholesaler which cannot be priced in accordance with the automatic pricing provisions of this section.

[§ 1315.21b added by Amendment 9, 8 F.R. 7495, effective 6–17–43 (effective date changed to 7–10–43 by Amendment 11, 8 F.R. 8376, effective 6–17–43). Former § 1315.21b redesignated as § 1315.21c]

[NOTE: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1315.21c *Maximum prices for certain brands of rubber horseshoe pads manufactured by the Dryden Rubber Company.* Notwithstanding any other provision of this Maximum Price Regulation No. 149, the maximum price of the "Special Star", "C. I. C." and "K & Company" brands of rubber horseshoe pads, hereinafter referred to as rubber horseshoe pads manufactured by the Dryden Rubber Company shall be determined as follows:

[Above sentence as amended by Amendment 5, 7 F.R. 10993, effective 10–31–42]

(a) Dryden Rubber Company of Chicago, Illinois, may sell and deliver and offer, agree, solicit, and attempt to sell and deliver the following sizes of rubber horseshoe pads, and any person may buy from the Dryden Rubber Company the following sizes of rubber horseshoe pads at prices no higher than those hereinafter set forth:

TABLE OF MAXIMUM PRICES

Size:	*Price per pair*
0	.28
1	.315
2	.34
2½	.355
3	.38
3½	.415
4	.435
4½	.45
5	.475
5½	.505
6	.525
7	.555
8	.58
9	.615
10	.65

(b) (1) Any wholesaler or retailer may sell and deliver and any purchaser from a wholesaler or retailer may buy and receive rubber horseshoe pads, manufactured by the Dryden Rubber Company, at the maximum price for the corresponding size of the Elk or Harlem brands of rubber horseshoe pads, manufactured by the Phoenix Manufacturing Company, or the Tobin, Junior or Vacuum Mule brands, manufactured by the Fruin Drop Forge Company, whichever is lower, (i) established for such seller or (ii), established for the most closely competitive seller of the same class, if, during March 1942, the seller did not deliver or offer to deliver any of these brands.

(2) If the seller had no competitive seller of the same class who, during March 1942, delivered or offered to deliver any of the brands of rubber horseshoe pads, manufactured by companies other than Dryden Rubber Company, set forth in paragraph (b) (1), the maximum prices for sales and deliveries of rubber horseshoe pads, manufactured by the Dryden Rubber Company, by such seller shall be determined by adding to the maximum price for the particular size of such rubber horseshoe pads, as established by the General Maximum Price Regulation, the amount indicated in the following table:

Size:	*Amount to be added*
0	$0.00
1	.015
2	.04
2½	.045
3	.045
3½	.065
4	.065
4½	.07
5	.035
5½	.05
6	.055
7	.08
8	.07
9	.075
10	.09

(c) No seller shall change his customary allowances, discounts or other price differentials, unless such change shall result in a lower price.

(d) (1) Dryden Rubber Company shall notify each person to whom it sells rubber horseshoe pads of the modification of their maximum prices made by this section by sending him a copy of paragraphs (b), (c) and (d) (2) of this section;

(2) Every person who buys rubber horseshoe pads from the Dryden Rubber Company for resale shall advise in writing all persons (other than ultimate consumers) to whom they sell rubber horseshoe pads, manufactured by the Dryden Rubber Company, of the modification of the maximum prices for such resale permitted by this section. Such notification shall be made prior to the first delivery after October 26, 1942.

[§ 1315.21c added by Amendment 2, as § 1315.21a; 7 F.R. 8699, effective 10–31–42. Redesignated by Amendments 4 and 9]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price.]

§ 1315.22 *Federal and state taxes.* Any tax upon or incident to, the sale, delivery or processing of mechanical rubber goods imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

[§ 1315.22 as amended by Amendment 6, 8 F.R. 1312, effective 2–3–43]

§ 1315.22a *Terms and conditions of sale.* (a) No seller shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of the transportation costs incurred in the delivery of mechanical rubber goods, than the seller required purchasers of the same class to pay during October, 1941, in the case of mechanical rubber goods listed in Appendix A, and during January, 1942, in the case of mechanical rubber goods listed in Appendix B, on deliveries of the same or similar types of commodities.

(b) The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless (1) during October, 1941, in the case of mechanical rubber goods listed in Appendix A, and during January, 1942, in the case of mechanical rubber goods listed in Appendix B, the seller required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities, and (2) the amount charged for the extension of credit is not in excess of the charge the seller had in effect for extension of credit involving the same amount and term, during October, 1941, in the case of mechanical rubber goods listed in Appendix A, and during January, 1942, in the case of mechanical rubber goods listed in Appendix B.

[§ 1315.22a added by Amendment 9, 8 F.R. 7495, effective 6–17–43 (effective date changed to 7–10–43 by Amendment 11, 8 F.R. 8376, effective 6–17–43)]

§ 1315.22b *Fractions of a cent.* Notwithstanding any other provisions of this regulation, maximum prices established by this regulation shall be adjusted to the nearest fraction of a cent that the seller customarily used on the applicable base date in pricing products in the same line.

[§ 1315.22b added by Amendment 12, 8 F.R. 9751, effective 7–20–43]

§ 1315.23 *Export sales.* The maximum price at which a person may export any mechanical rubber goods shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [4] issued by the Office of Price Administration.

[§ 1315.23 as amended by Amendment 3, 7 F.R. 10103, effective 12–8–42]

§ 1315.24 *Transfer of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after October 1, 1941, and the transferee carries on the business, or continues to deal in the same type of mechanical rubber goods, in the same competitive area and in an establishment separate from an establishment previously owned or operated by him, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this Maximum Price Regulation No. 149, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this Maximum Price Regulation No. 149.

§ 1315.25 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 149 may be charged, demanded, paid or offered.

[§ 1315.25a, added by Amendment 8, 8 F.R. 3942, effective 4–1–43; revoked by Amendment 9, 8 F.R. 7495, effective 6–17–43 (effective date changed to 7–10–43 by Amendment 11, 8 F.R. 8376, effective 6–17–43)]

§ 1315.26 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 149 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, mechanical rubber goods, alone or in conjunction with any other commodity or by way of commission, service, transportation; or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.27 *Records.* Persons subject to this Maximum Price Regulation No. 149 shall keep available for inspection by representatives of the Office of Price Administration records of the following:

(a) For each sale or delivery of mechanical rubber goods after May 26, 1942, showing the date thereof, the name and address of the buyer, the price received, and the quantity of each class, kind, type, condition, and grade of mechanical rubber goods sold or delivered.

(b) For all mechanical rubber goods listed in Appendix A, incorporated herein as § 1315.34:

(1) Published and confidential price lists and discount sheets in effect on October 1, 1941, and all prices which the manufacturer regularly quoted in any other manner on that date.

[Paragraph (1) as amended by Amendment 3, 7 F.R. 10103, effective 12–8–42]

(2) Price determining methods—including labor rates, material prices, and rates used in the calculation of gross margin—in effect on October 1, 1941.

(3) Detailed cost estimate sheets and other data showing the calculations of prices of all mechanical rubber goods sold or delivered after May 26, 1942 for which the price lists of the manufacturer in effect on October 1, 1941 did not state a price.

(c) For all mechanical rubber goods listed in Appendix B, the same records as those required by paragraph (b) of this § 1315.27, except that the date January 5, 1942, shall in every case be substituted for the date October 1, 1941.

[Paragraph (c) as amended by Amendment 3, effective 12–8–42]

§ 1315.28 *Reports.* (a) Every manufacturer subject to the provisions of this Maximum Price Regulation No. 149, who has not already done so, shall file with the Office of Price Administration, Washington, D. C., on or before December 18, 1942:

(1) For all mechanical rubber goods listed in Appendix A:

(i) Published and confidential price lists and discount sheets in effect on October 1, 1941, and all other regularly quoted prices and discounts and all other deductions therefrom in effect on that date.

(ii) Price determining methods and rates used in the determination of the gross margin in effect on October 1, 1941, for those articles, the maximum prices of which are not established by this regulation by reference to a schedule or price list or some other regularly quoted price. If after December 7, 1942, the manufacturer produces any mechanical rubber goods, the gross margin for which is determined by methods and rates other than those he has already filed with the Office of Price Administration, he must file such methods and rates with the Office of Price Administration, Washington, D. C., prior to first offering such article for sale. If as of December 8, 1942 the maximum prices of all of the mechanical rubber goods produced by the manufacturer are established by this regulation by reference to a schedule or price list or by some other regularly quoted prices, the manufacturer shall report that fact to the Office of Price Administration, Washington, D. C., on or before December 18, 1942.

(2) For all mechanical rubber goods listed in Appendix B, the same reports as those required by paragraph (a) (1) of this section, except that the date January 5, 1942, shall in every case be substituted for the date October 1, 1941.

[Paragraph (a) as amended by Amendment 3, effective 12–8–42]

(b) This paragraph (b) is applicable to mechanical rubber goods the maximum price of which cannot be determined by reference to the price stated in the schedule or price list of the manufacturer in effect on the base date (October 1, 1941, for articles listed in Appendix A and January 5, 1942, for articles listed in Appendix B) or by reference to a price regularly quoted in some other manner by the manufacturer on the base date. If any such mechanical rubber good be listed as a new standard list good, the manufacturer shall report to the Office of Price Administration, Washington, D. C., that the article is being so listed and, prior to offering such mechanical rubber good for sale, shall report a detailed description thereof (including the size), the maximum price of each such article, the calculations used in the determination of the maximum price, the proposed selling price, and the terms of sale to each class of purchaser. The manufacturer may not accept payment for the commodity until fifteen days have elapsed after the mailing of the report. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

[Paragraph (b) as amended by Amendment 6, 8 F.R. 1312, effective 2–3–43]

(c) Every person subject to this Maximum Price Regulation No. 149 shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require, either in addition to, or in substitution for, records and reports herein required.

[Former paragraph (c) revoked by Amendment 6, effective 2–3–43. Former (d) redesignated (c)]

§ 1315.29 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 149 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 149 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State or Regional

[4] Second revision: 8 F.R. 4132, 7662, 9998.

Office of the Office of Price Administration or its principal office in Washington, D. C.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1315.30 *Petitions for amendment.* Persons seeking an amendment of any provision of this Maximum Price Regulation No. 149 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1315.30 as amended by Supplementary Order 26, 7 F.R. 8948, effective 11-4-42]

§ 1315.30a *Adjustments*—(a) *Application by a manufacturer*—(1) *Who may receive an adjustment.* The manufacturer's maximum price for mechanical rubber goods established by this regulation may be adjusted only in the case of an essential producer of an essential mechanical rubber good. An "essential mechanical rubber good" is one which contributes to the effective prosecution of the war. An "essential producer" is one whose output of mechanical rubber goods cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into or proposes to enter into a war contract (as defined in subparagraph (5)) or a subcontract thereunder, is an essential producer of mechanical rubber goods.

(2) *When adjustment may be granted*—(i) *In general.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential producer of an essential mechanical rubber good upon the basis of information submitted by the manufacturer or of other information. It may make that adjustment whenever it finds that the maximum price of a commodity is at such a level that, taking into account the costs thereof, the profits position of the manufacturer and the nature of his business, production of the commodity is impeded or threatened and that the adjustment would not cause an increase in the cost of living.

(ii) *Factors which may be considered.* (*a*) The following factors are relevant to consideration of whether production of the commodity is impeded or threatened:

(*1*) Whether, and by what amount, the maximum price is below or above (*i*) the current manufacturing costs plus freight out, installation charges, cash discounts and sales and service commissions paid to independent dealers, and (*ii*) the current total unit costs, of the commodity.

(2) Whether, and by what amount, the manufacturer's current over-all profits, before income and excess profit taxes, are greater or less than his average over-all profits during the normal base period, increased by 7% of the additional capital investment contributed entirely by the manufacturer, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(3) Whether the proposed price is higher than the price prevailing in the industry.

(4) Whether the manufacturer's sales of the commodity represent only a very small part of his total sales.

(5) Whether the manufacturer previously sold the commodity at a price which is below its total unit costs.

(*b*) The following factors are relevant to consideration of whether the adjustment would cause an increase in the cost of living:

(*1*) Whether the mechanical rubber good or a commodity in the production of which it is used is of a type sold to civilian consumers other than industrial consumers.

(2) If such is the case, whether the increase in price allowed by adjustment would be absorbed prior to sale to a non-industrial consumer.

(3) Whether, if the applicant did not produce the mechanical rubber good, his output would be replaced by the same or a substitute commodity at prices equal to or higher than the proposed adjusted maximum price.

(3) *How the manufacturer proceeds in applying for an adjustment*—(i) *In general.* An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1 and shall be made on Form OPA 696-167a set out in Appendix E, incorporated as § 1315.38 of this regulation. Copies of this amendment which contains this form and the instructions for completing it may be obtained from any district, State or regional office of the Office of Price Administration. If the manufacturer's total sales in the calendar year 1942, or in the fiscal year ending in 1942, exceeded $500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the manufacturer's total sales during that period did not exceed $500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region that the manufacturer's business is located.

(ii) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A manufacturer who believes that the conditions for an adjustment set forth in this paragraph (a) would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28,[5] which requires, among other things, that an application for adjustment in such case be filed within 15 days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within 15 days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(4) *Prices for deliveries made pending disposition of the application.* A manufacturer who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the manufacturer wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A manufacturer who wishes to enter into such an arrangement must specifically state to the buyer the following:

(i) The maximum price for the commodity;

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration;

(iii) The fact that the specific price quoted by the manufacturer is subject to the approval of the Office of Price Administration.

(5) *Definitions*—(i) *Normal base period.* The term "normal base period" means the period 1936-1939. If the applicant shall demonstrate to the satisfaction of the Office of Price Administration either (*a*) that his entire industry was operating during the greater part of such period at an unusually depressed level or (*b*) that because of unusual conditions prevailing during that period, the manufacturer's plant was operating during that period at an unusually depressed level in comparison to other plants in the industry, and in addition that some other period prior to January 1, 1941, represents a proper "normal base period", such other period may be considered. The mere fact that the rate of production has increased since 1936-1939 will not be deemed evidence that production during that period was at an "unusually depressed level". If the manufacturer was not in business prior to January 1, 1941, he shall state that fact in his application.

(ii) *Over-all profits.* The term "over-all profits" means net profit resulting from the operation of all divisions of the manufacturer, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "over-all profits" means the consolidated net profit before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) *Subcontract.* The term "subcontract" means any purchase, order or agreement to perform all or any part of

[5] 7 F.R. 9619.

the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(iv) *Total unit costs.* The term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services, plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience, properly allocable to the production of the commodity, but does not include provisions for income or excess profit taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(v) *War contract.* The term "war contract" means any contract with the United States, or any agency thereof, or with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of mechanical rubber goods purchased (*a*) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (*b*) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (c) for use in the production or manufacture of any commodity described in (*a*) or (*b*).

(b) *Application by a manufacturer based upon an appropriate decrease of other prices*—(1) *Who may receive an adjustment under this paragraph.* Adjustments under this paragraph will be granted only in the case of an essential producer of an essential mechanical rubber good. The meaning of these terms is explained in paragraph (a) (1) of this section.

(2) *When adjustment may be granted.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the manufacturer agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (b)) makes a reduction in the selling price of other commodities which will equal or exceed the total dollar amount of the adjustment granted under this paragraph.

(3) *What an application under this paragraph must show.* An application for price adjustment under this paragraph (b) shall contain information indicating that the manufacturer is an essential producer of an essential mechanical rubber good, and that if the proposed adjustment is granted, the gross dollar amount of sales of the commodities affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities affected.

(4) *How the manufacturer proceeds in applying for an adjustment.* An application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1. If the manufacturer's total sales for the calendar year 1942, or for the fiscal year ending in 1942, exceeded $500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the manufacturer's total sales during that period did not exceed $500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region that the applicant's business is located.

(c) *Application by a manufacturer under a combination of both paragraphs* (a) *and* (b). A manufacturer who desires to apply for an adjustment under paragraph (b) may, at the time he applies under that paragraph, also apply under paragraph (a), if the facts of his case entitle him to do so. In such case, the office considering his application will give the adjustment available under paragraph (a) before applying paragraph (b).

(d) No application for adjustment filed under Procedural Regulation No. 6* by a manufacturer after June 14, 1943, with respect to mechanical rubber goods will be granted.

(e) The maximum price for sales of mechanical rubber goods by persons, other than manufacturers, may be adjusted in an order issued under this section.

[§ 1315.30a added by Amendment 10, 8 F.R. 7818, effective 6–15–43]

§ 1315.30b *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, except in accordance with § 1315.30a in the case of an application for adjustment and unless authorized by the Office of Price Administration in the case of a petition for amendment, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization in the case of a petition for amendment may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

[§ 1315.30b added by Amendment 12, 8 F.R. 9751, effective 7–20–43]

§ 1315.31 *Definitions.* (a) When used in this Maximum Price Regulation No. 149, the term:

(1) "Gross margin" means the difference, expressed in dollars and cents, between (i) the total direct materials and direct labor cost and (ii) the net selling price which would have been charged to a purchaser of the same class on the base dates established by this Regulation. It includes only items (such as, factory overhead, depreciation, commercial expenses, transportation and warehouse expense, and margin of profit) that would have been used, at the rates that would have been used, in calculating the selling price for the article in question on October 1, 1941 or January 5, 1942, whichever is the applicable date. The rates used shall be those in effect at the volume of production on the base date.

(2) "Manufacturer" means any person engaged in the production of mechanical rubber goods who produces any rubber portion thereof.

(3) "Mechanical rubber goods" means all the articles listed in Appendices A and B, incorporated herein as §§ 1315.34 and 1315.35, but does not include the articles listed in Appendix C, incorporated herein as § 1315.36.

[Paragraphs (2) and (3) as amended by Amendment 3, 7 F.R. 10103, effective 12–8–42]

(4) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(5) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

[Paragraph (5) as amended by Amendment 12, 8 F.R. 9751, effective 7–20–43]

(6) "Rubber" means all forms and types of rubber, including synthetic and reclaimed rubber and balata.

[Paragraph (6) as amended by Amendment 7, 8 F.R. 4130, effective 4–5–43]

(7) "Regularly quoted price" means a price which was quoted by the seller to a purchaser or purchasers of the same class three or more times within a six months' period that includes the base date (October 1, 1941, for mechanical rubber goods listed in Appendix A and January 5, 1942, for mechanical rubber goods listed in Appendix B) and which was not changed on or before the base date. This term "regularly quoted price" also refers to the practice of interpolating between the prices of two sizes of a standard list item to obtain the price of an intermediate size.

(8) "Standard list item" means an article which is offered for sale by the seller at the same price to any member of a particular class through the medium of a schedule or price list.

[Paragraphs (7) and (8) added by Amendment 3, 7 F. R. 10103, effective 12–8–42 and amended by Amendment 12, 8 F.R. 9751, effective 7–20–43]

*7 F.R. 5087, 5664; 8 F.R. 6173, 6174.

(9) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

[Paragraph (9) added by Amendment 6, 8 F.R. 1312, effective 2-3-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43)]

(10) "Wholesaler" means a person, other than a manufacturer, who sells mechanical rubber goods to resellers of mechanical rubber goods or to industrial or commercial users, the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, any school, hospital, library, or any agency of any of the foregoing.

[Paragraph (10) added by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43)]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.32 *Applicability of the General Maximum Price Regulation.*[1] Except as provided in § 1315.32a, the provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

[1315.32 as amended by Amendment 9, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43)]

§ 1315.32a *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation selling mechanical rubber goods at wholesale. When used in this section the term "selling at wholesale" has the definition given to it by § 1499.20 (p) of the General Maximum Price Regulation.

[§ 1315.32a added by Amendment 9, effective 6-17-43]

§ 1315.33 *Effective date.* This Maximum Price Regulation No. 149 (§§ 1315.21 to 1315.34, inclusive) shall become effective May 27, 1942: *Provided*, That (a) On and after May 22, 1942 and before May 27, 1942, mechanical rubber goods may be sold or delivered by manufacturers either at the maximum prices established by the General Maximum Price Regulation or at the maximum prices established by this Maximum Price Regulation No. 149.

(b) The provisions of this Maximum Price Regulation No. 149 shall not apply:

(1) Until June 15, 1942 to deliveries under contracts with the United States or any agency thereof entered into prior to May 18, 1942, except deliveries under contracts with the War Department or the Department of the Navy of the United States;

(2) Until July 1, 1942, to sales or deliveries to, or contracts with, the War Department or the Department of the Navy of the United States.

[Issued May 22, 1942]

§ 1315.34 *Appendix A: Mechanical rubber goods whose maximum price is established by paragraph (a) of § 1315.21a.* Paragraph (a) of § 1315.21a establishes the maximum prices (base date, October 1, 1941) for the following kinds and types of mechanical rubber goods, when made in whole or in part of rubber:

Belting.
Hose and tubing.
Jar rings and container sealing compounds.
Lined or covered tanks, pipes and fittings, and other rubber lined or rubber covered items when lined or covered with either soft rubber or hard rubber, excepting rubber covered rolls.
Packing, sheet and strip rubber, and gaskets cut therefrom.
Plumbers' supplies and specialties.
Tape, except cable wrapping tape and surgical adhesive tape.
Thread and yarn, both bare and covered.

[§ 1315.34 as amended by Amendment 3, 7 F.R. 10103, effective 12-8-42, and Amendment 7, 8 F.R. 4130, effective 4-5-43]

§ 1315.35 *Appendix B: Mechanical rubber goods whose maximum price is established by paragraph (b) § 1315.21a.* Paragraph (b) of § 1315.21a establishes the maximum prices (base date, January 5, 1942) for the following kinds and types of mechanical rubber goods, when made in whole or in part of rubber:

Airplane parts, of types and kinds not listed in Appendix A, including de-icers and fuel-cells.
Automotive parts, of types and kinds not listed in Appendix A.
Brake linings and clutch facings.
Equipment parts, of types and kinds not listed in Appendix A.
Flooring, mats and matting.
Foamed latex products.
Gaskets of types and kinds not listed in Appendix A.
Hard rubber goods, except when used as linings or coverings for tanks, pipes, fittings and other lined or covered items.
Machinery parts, of types and kinds not listed in Appendix A.
Molded, extruded and lathe-cut goods of types and kinds not listed in Appendix A.
Oil well specialties.
Rubber covered rolls.
Sponge rubber goods.
All other mechanical rubber goods, except those listed in Appendix A.

[§ 1315.35 added by Amendment 3, effective 12-8-42, and amended by Amendment 7, effective 4-5-43]

§ 1315.36 *Appendix C: Other rubber goods, made in whole or in part of rubber, the maximum prices of which are not established by Maximum Price Regulation No. 149:* The following list is illustrative of articles which are not mechanical rubber goods within the meaning of this Maximum Price Regulation No. 149:

Bathing apparel.
Bonded abrasive products covered by Maximum Price Regulation No. 316.
Cement.
Covered wire and cable wrapping tape.
Dental goods.
Drug sundries, including surgical adhesive tape.
Footwear.
Gloves.
Heels and soles.
Latex products, other than foamed latex products.
Mechanical rubber goods covered by Maximum Price Regulation No. 403.
Paint.
Proofed goods (rubberized fabrics).
Protective clothing.
Sporting goods.
Stationer's supplies.
Tires, tubes and tire repair materials.
Toys and novelties.

[§ 1315.36 added by Amendment 3, effective 12-8-42, and amended by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43)]

§ 1315.37 *Appendix D: Maximum prices for certain mechanical rubber goods made in whole or in part of synthetic rubber.* (a) *Maximum manufacturers' prices for hose made in whole or in part of neoprene or thiokol.* This section is applicable to sales by manufacturers of the types of hose listed in Table I-D. However, except in the case of creamery hose, this section is applicable to those types of hose only if the cover and carcass are made of neoprene or thiokol compounds. This section is applicable to creamery hose only if its cover is made of a neoprene compound. The maximum manufacturers' price for sales of hose covered by this section shall be determined as follows:

(1) *Maximum prices for constructions and sizes listed in Table I-D.* The manufacturer shall deduct from the consumers' net price listed in Table I-D for the type, construction and size of hose being priced all discounts, allowances and other deductions from the consumers' net price that he had in effect to a purchaser of the same class on October 1, 1941. These discounts shall include a discount of 10% when the hose is sold in standard package lots, if this was the practice of the manufacturer on October 1, 1941. The resultant figure is the maximum price.

[Paragraphs (a) and (a) (1) as amended by Amendment 13, effective 8-9-43]

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991.

TABLE I-D

CONSUMERS' MAXIMUM PRICES FOR NEOPRENE HOSE SOLD IN BROKEN PACKAGE LOTS

Type of hose	Size (inches)	Braid	Ply	Unit of sale	Consumers' maximum price
Fuel-oil and gasoline hose (not service station pump)	1	3		Foot	$0.64
	1¼	3		Foot	.76
	1½	3		Foot	.95
Air and air tool hose, Grade 1 (molded-braided type)	½	2		100 ft	29.01
	½	3		100 ft	35.60
	⅝	3		100 ft	39.98
	¾	2		100 ft	33.18
	¾	3		100 ft	46.59
	1	3		100 ft	55.50
	1¼	3		100 ft	76.33
	1½	3		100 ft	94.51
Air and air tool hose, Grade 1 (wrapped type)	½		4	Foot	.35
	¾		4	Foot	.51
	1		5	Foot	.67
	1½		5	Foot	.91
	1½		6	Foot	1.18
	2		6	Foot	1.47
Oil-suction and discharge hose (2-wire-Rough bore, regular)	4			Foot	7.97
	6			Foot	12.91
	8			Foot	16.71
	10			Foot	21.14
Oil-suction and discharge hose (2-wire-Rough bore, heavy)	4			Foot	9.86
	6			Foot	14.29
	8			Foot	17.95
	10			Foot	24.05
Oil-suction and discharge hose (2-wire-Smooth bore)	4			Foot	9.38
	6			Foot	13.23
	8			Foot	16.71
	10			Foot	22.39
	12			Foot	27.58
Creamery hose (either braided or wrapped)	½			Foot	.36
	¾			Foot	.44
	1			Foot	.60
Hydraulic control and industrial grease hose (wire braid)	¼	2		100 ft	37.05
	5/16	2		100 ft	40.40
	⅜	2		100 ft	42.78
	½	2		100 ft	54.52
	¾	2		100 ft	77.76
	1	2		100 ft	99.62
Spray hose, paint—Fluid line and air line	¼	1		100 ft	15.06
	¼	2		100 ft	16.28
	5/16	1		100 ft	15.99
	5/16	2		100 ft	16.94
	⅜	1		100 ft	18.15
	⅜	2		100 ft	19.86
	½	2		100 ft	28.35
	⅝	2		100 ft	34.60
	¾	2		100 ft	40.37
Tank car and tank truck hose (hard type or soft type)	1½			Foot	.94
	2			Foot	1.23
	2½			Foot	1.83
	3			Foot	2.25
	4			Foot	3.25
Gasoline hose (service station pump)	¾	2		Foot	.41
	1	2		Foot	.52
Welding hose (molded-braided type)	3/16	1		100 ft	13.18
	¼	2		100 ft	15.43
	5/16	2		100 ft	17.23
	⅜	2		100 ft	20.22

[Last two items in Table I-D added by Amendment 13, effective 8-9-43.]

(2) *For constructions and sizes not listed in Table I-D.* If the construction and size of hose being priced is not listed in Table I-D and the type of hose being priced is listed in Table I-D, the manufacturer shall determine the maximum price for that construction and size of hose as follows:

(i) The manufacturer shall first select that hose listed in Table I-D which is of the most comparable construction to the hose being priced, and he shall then select the hose of that construction which is of the nearest size to the hose being priced.

(ii) The manufacturer shall then divide (*a*) the consumers' net price that he had in effect on October 1, 1941, for natural rubber hose of the same type, construction and size as the hose being priced by (*b*) the consumers' net price he had in effect on October 1, 1941, for the most comparable natural rubber hose (selected in the manner set forth in the preceding subdivision (i)). The resultant percentage should then be multiplied by the consumers' net price stated in Table I-D for the most comparable hose in order to obtain the maximum consumers' net price for the sale of the hose being priced in broken package lots.

(iii) The manufacturers shall then deduct from this consumers' net price all discounts, allowances and other deductions from the consumers' net price that he had in effect to a purchaser of the same class on October 1, 1941. These discounts shall include a discount of 10% when the hose is sold in standard package lots, if this was the practice of the manufacturer on October 1, 1941.

[Paragraph (iii) as amended by Amendment 13, effective 8-9-43]

(b) *Maximum manufacturers' prices for V-belts and oil resisting conveyor belting made in whole or in part of neoprene*—(1) *Applicability of this paragraph.* This paragraph is applicable to any V-belts and oil resisting conveyor belting made in whole or in part of neoprene for which the manufacturers had a price stated in his price list in effect on October 1, 1941.

(2) *How the manufacturer calculates his maximum price.* The manufacturer shall calculate the maximum price of the belts and belting covered by this paragraph as follows: The manufacturer shall first deduct from the list price in effect on October 1, 1941, an amount determined by multiplying that list price by the following percentages:

	Percent
Solid neoprene multiple V-belts	8.1
Neoprene cover multiple V-belts	2.9
Solid neoprene FHP V-belts (A and B sections only)	9.4
Neoprene cover FHP V-belts	3.8
Automotive equipment solid neoprene fan belts	12.2
Neoprene conveyor belting	18.6

The manufacturer shall then deduct from the resulting figure all discounts, allowances and other deductions from the list price that he had in effect to a purchaser of the same class on October 1, 1941.

[§ 1315.37 added by Amendment 4, 7 F.R. 10143, effective 12-8-42 and amended by Amendment 9, 8 F.R. 7495, effective 6-17-43 (effective date changed to 7-10-43 by Amendment 11, 8 F.R. 8376, effective 6-17-43) and Amendment 12, 8 F.R. 9751, effective 7-20-43; paragraph (b) added by Amendment 12.]

§ 1315.38 *Appendix E: Form for application for adjustment of maximum manufacturers' prices of mechanical rubber goods*—(a) *Form.*

Form OPA 696-167a — Form Approved Budget Bureau No. 03-R347

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES FOR MECHANICAL RUBBER GOODS UNDER MAXIMUM PRICE REGULATION No. 149

Company name _____
Address _____
(Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this Application:

SCHEDULE A

1. General description of the company's business.

2. Designate and describe the mechanical rubber goods for which price increase is requested.

3. Present the following information for each product listed in 2 above.

NOTE: If more than one product is being reported, present the required information on another sheet.

(a) Dollar volume of unfilled orders $_____
(b) Unit volume of unfilled orders. (Indicate unit used) _____ _____

4. Present evidence that the company is an essential producer of an essential mechanical rubber good.

(a) For each product designated in Item 2 above, fill in the following if you have entered into, or propose to enter into a war contract or subcontract for the sale of that product.

NOTE: If more than one product is being reported, present the required information on another sheet.

(1) Identification of contract _____
(2) Name of purchaser _____
(3) Address of purchaser _____
(Street) (City) (State)

(b) Present any other information which demonstrates that the manufacturer is an es-

sential producer of an essential mechanical rubber good.

NOTE: The terms "essential producer", "essential mechanical rubber good", "war contract" and "subcontract" are defined in the adjustment provision under which this report is filed (§ 1315.30a of Maximum Price Regulation 149.)

5. Are similar products manufactured by competitors in your region? ------
(Yes or No)

If yes, give names and addresses of competitors and their prices for such products.

SCHEDULE B

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

1. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses, the total amount of officers' salaries and the number of officers.)

2. Financial data 1936–1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936–1940, or fill in the following condensed table.

	1936	1937	1938	1939	1940
Net sales					
Cost of goods sold					
Gross profit					
Administrative expense					
Selling expenses					
Net operating profit					
Other income less other expenses					
Net profit before income taxes					
Debt (except current) at end of year					
Net worth at end of year					
Total assets					

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? ------
(Yes or No)
If no, state exceptions.

SCHEDULE C

Unit Price and Unit Cost Information

Designation of the mechanical rubber good:

NOTE: If more than one product is involved, prepare and file separate reports on this schedule for each product that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. *Price data:*
(a) *Net realized price:*

	Ceiling price ----- 194..	Current price	Requested price
1. (List) (gross) price			
2. Less: Dealer's commissions			
3. Less: Trade discounts			
4. Net realized price			
5. Net realized price at maximum discount and/or commissions			

(b) Analysis of Sales of the Above Designated Item:
Sales for ---------- month period ending ---------- 1943.
(Number of months) (Month and day)

	Percentage amount of commission or discounts	Dollar value of sales after discounts
Sales subject to commission of	(1) ----- %	$
Sales subject to commission of	(2) ----- %	
Sales not subject to commission	XXXX	
Sales subject to discount of	(1) ----- %	$
Sales subject to discount of	(2) ----- %	
Sales subject to discount of	(3) ----- %	
Sales subject to discount of	(4)	
Sales subject to discount of	(5)	
Sales subject to discount of	XXXX	
Sales not subject to discount	XXXX	
Total sales of above designated item		$

(c) Total sales for the above designated item only:

	1940	1941	1942 ----- months ending ----- 1943
Total unit volume of sales			
Total dollar volume of sales (net)	$	$	$

(d) *Is the price currently charged for the product the same as the maximum price filed with OPA?* ------
(Yes or no)
(If answer is "No", state date when increased price was first charged.)
Date: ----------, 194..
Month

(e) *Indicate whether the current maximum price is a list or established price* ------ *or a formula price* ------ (Check one).
Price used since ----------, 194..
Month
194...

(f) *State on a separate sheet the reasons for the need of the requested price increase.*

2. *Unit cost data:*

	Ceiling date costs ----- 194..	Costs October 1942	Current date costs ----- 1943
(a) Direct material	$	$	$
(b) Direct labor			
(c) Factory overhead			
(d) Selling expense (do not include discounts and commissions deducted under Price Data above)			
(e) Administrative expense			
(f) Freight out, if any			
(g) Installation expense, if any			
(h) Other expense, specify			
(i) Total cost per unit			

(j) What method is used in allocating factory overhead?
1. Standard ( ); Actual ( ); Other ( ); (Check one).
2. Direct labor cost ( ); Direct labor hours ( ); Machine hours ( ); Other ( ).
(Explain separately if "other" or combination.)

(Applicant)
By ----------

(Title)

AFFIDAVIT

STATE OF ----------
COUNTY OF ----------} ss:

The undersigned ----------
being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

(Signature)

Subscribed and sworn to before me this ------ day of ---------- 1943.

Officer Administering Oath

(b) *Instructions for completing form:*

INSTRUCTIONS FOR THE USE OF ADJUSTMENT APPLICATION FORM FOR MECHANICAL RUBBER GOODS

Schedule C entitled "Unit Price and Cost Information" is subject to the following explanation:

1. *Price data:*
(a) 1. *(List) (gross) price:*
Please indicate whether the price is a list price or a gross price by crossing out the term that does not apply.
(a) 2. *Dealer's commissions:*
Where all dealers receive the same commission, use the full commission rate even if some sales are not subject to any commission. If several different rates affect the product covered by the application, use the rate that applies to the largest amount of sales.
(a) 3. *Trade discounts:*
Deduct trade discounts at the average rate of discounts prevailing in your company for the product covered by the application.
(b) Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.
2. *Unit cost data:*
In presenting unit cost data be sure to include only actual cost.
Material cost must represent actual cost. State separately any charges added to costs of materials.
Where standard costs are used, adjust costs for over- and under-absorption during the period to which the costs apply.
The cost data for the ceiling date may be recomputed if the product covered by the application was not manufactured on or about that date. In the recomputation apply the wage rates prevailing in your plant on the ceiling date and material cost of the same date.
Under items (f), (g) and (h) include only costs borne by the manufacturer and not billed separately to the buyer.

[§ 1315.38 added by Amendment 10, 8 F.R. 7818, effective 6–15–43]

NOTE: All report and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12559; Filed, August 2, 1943; 4:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 591 Under § 1499.3 (b) of GMPR]

FOREMAN-DERRICKSON VENEER COMPANY

Foreman-Derrickson Veneer Company, Elizabeth City, North Carolina, has made application under § 1499.3 (b) of the General Maximum Price Regulation for the establishment of a maximum price on 5/16" 5 ply gu mresin glued plywood. For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328: *It is ordered:*

§ 1499.2129 *Approval of maximum price of 5/16" 5 ply gum resin glued plywood.* (a) On and after the effective date of this order, Foreman-Derrickson Veneer Company, Elizabeth City, North Carolina, may sell and deliver 5/16" 5 ply gum, resin glued plywood at prices not to exceed $139.85 per thousand surface feet, f. o. b. mill.

(b) Any collection or charge made in excess of the maximum price established by this order shall be refunded to the purchaser within 30 days from the issue date of this order.

(c) This order may be amended or revoked by the Price Administrator at any time.

The effective date of this order shall be May 26, 1943.

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12561; Filed, August 2, 1943; 4:20 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 32 Under § 1499.29 of GMPR, Amdt. 1]

MAULE INDUSTRIES

Amendment No. 1 to Order No. 32 under § 1499.29 of the General Maximum Price Regulation; Docket No. GF3–3095.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register: *It is hereby ordered*, That Order No. 32 be amended to read as follows:

§ 1499.432 *Authorization of maximum prices for quarry products, concrete products, and transit mixed concrete for the Maule Industries.* (a) Specific authority is hereby granted to Maule Industries, Miami, Florida, to sell and deliver quarry products, concrete block, and transit mixed concrete to any of the following persons: The United States Government, including any war procurement agency, the Navy Department, War Department, Maritime Commission, and the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Corporation, Metals Reserve Corporation, Defense Plant Corporation, and Defense Supplies Corporation, or any agency of the foregoing; or any contractor or subcontractor of the foregoing; at the prices set forth below.

Product	Size	Maximum prices f. o. b. plant per yd.[1]	Maximum prices delivered in Miami Area per yd.[1]
Road rock	3½" down	$0.85	$1.60
Ballast rock	2½" down	.95	
Concrete rock	1" down	1.10	1.85
Pea rock	⅜" down	1.50	2.35
Concrete sand	¼" down	1.00	1.75
Mason sand	⅛" down	1.00	1.75

[1] When sold by rail the unit of measure may be by net ton.

CONCRETE BUILDING BLOCKS

	Maximum prices per block f. o. b. plant [1]	Maximum prices per block delivered in Miami Area [1]
REGULARS	*Cents per block*	*Cents per block*
8 x 8 x 16	$0.0950	$0.1150
8 x 12 x 16	.1650	.19
4 x 8 x 16	.0675	.0775
SPECIALS		
8 x 8 x 16—Corners and jams	.0950	.1150
8 x 12 x 16—Corners	.1650	.19
8 x 8 x 8—Single corners and half jams	.0675	.0775
8 x 4 x 16 or 8 x 3 x 16—partition tile	.0675	.0775

[1] Less 2% discount if invoices are paid by the tenth of the month following invoice billing.

READY MIXED CONCRETE

Type of mix:	*Maximum prices delivered in Miami area*
5 bag mix	$7.00
6 bag mix	7.70
7 bag mix	8.40
8 bag mix	9.10
10 bag mix	10.50

(b) If the contract between the Maule Industries, and any purchaser holding a Government contract or subcontract under such contract had been negotiated at a price higher than that established by this Order No. 32, such price shall be adjusted downward to the established price. If any payment has been made under such contract at a price higher than that established by this Order No. 32, refund of the excess must be made to such purchaser.

(c) All prayers of the application not granted herein are denied.

(d) The Maule Industries shall submit such reports as the Office of Price Administration may at any time request.

(e) This Order No. 32 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 32 (§ 1499.432) shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12534; Filed, August 2, 1943; 11:43 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 71 Under SR 15, Amdt. 1]

RUSSELL HULLFISH, ET AL.

Amendment No. 1 to Order No 71 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation.

An opinion accompanying this amendment has been issued simultaneously herewith.

Section 1499.1371 (e) is amended to read as follows:

(e) This Order No. 71 (§ 1499.1371) shall become effective December 2, 1942.

This amendment shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12533; Filed, August 2, 1943; 11:41 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 308,[1] Amdt. 12]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of Amendment No. 12 to Maximum Price Regulation No. 306 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.551 (e) is amended to read as follows:

(e) "Processor" means the canner, manufacturer, or packer, as the case may be, of the kind and brand of packed food product being priced.

2. Section 1341.553 is amended by adding paragraphs (d) and (e), to read as follows:

(d) *Maximum prices for sales by processors from their branch warehouses.* A processor who sells an item from a branch warehouse owned or controlled by him to an independent retail store or commercial, industrial or institutional user shall figure his maximum price for those sales by adding together factors (1) and (2) and multiplying the result by factor (3):

(1) The maximum price named for the item, f. o. b. factory.

(2) The freight, if any, incurred from factory to branch warehouse. (Processors who have more than one factory or branch warehouse may average freight from factory to branch warehouse in the same manner as processors are allowed under paragraph (a) (1) to average outgoing freight.)

(3) The mark-up figure, appropriate to the particular sale, which would have been applicable to him as a "wholesaler" operating under Maximum Price Regulation No. 421,[2] had he purchased the finished product and not canned, manufactured or packed it. This mark-up, however, may be added only when the particular goods sold have been warehoused at the branch warehouse.

(e) *Maximum prices for sales by processors to ultimate consumers.* Processors who sell the items they make to ultimate consumers other than industrial, commercial or institutional users are normally retailers as well, that is, persons whose general business is selling at retail items manufactured by others. Retailers are covered by Maximum Price Regulations Nos. 422[3] and 423,[4] which also provide a pricing method for items that a retailer may happen to manufacture or process himself (see section 25 of MPR 422). Processor-retailers, therefore, shall figure their maximum prices under those regulations.

3. A new § 1341.562 is added as follows:

§ 1341.562 *Maximum prices for distributors other than wholesalers and retailers*—(a) *Primary distributors.* A "primary distributor" is a distributor, other than a wholesaler or retailer, who purchases all he sells of the kind and brand of packed food product being priced and who customarily receives shipment from the packer of at least 50% of his purchases in carload lots delivered to a warehouse or other receiving station not owned or controlled by any of his customers, for resale by him in less than carload lots.

There are two pricing methods for primary distributors.

Pricing Method No. 1: A primary distributor may use the following pricing method only if he sold the kind of packed food product being priced as a primary distributor before April 28, 1942, and he may use it only when he is selling, in less-than-carload lots, merchandise which he has actually warehoused (in normal situations the pricing method will give him the same dollars and cents margin that he previously had):

If the processor's maximum price for the item under this regulation is *greater* than the processor's maximum price under the maximum price regulation previously applicable to the processor, the primary distributor shall *add* the difference to the maximum price which he had immediately prior to August 5, 1943. If the processor's maximum price for it under this regulation is *less* than the processor's maximum price under the maximum price regulation previously applicable, the primary distributor shall *subtract* the difference from the maximum price which he had immediately prior to August 5, 1943. However, in no event may the primary distributor's maximum price be greater than the net delivered cost (based upon purchases directly from the packer) plus a markup of 8% of that cost. The resulting figure in each case is the primary distributor's maximum price for the item when warehoused by him and sold in less-than-carload lots.

Examples: The processor's ceiling under MPR 152 for the No. 2 can of X brand tomatoes was $1.10 a dozen. Under MPR 306, it is now $1.325. The primary distributor therefore adds the increase of $.225 to his own ceiling price (under GMPR).

The primary distributor handled canned tomatoes as a primary distributor before April 28, 1942. He added canned peas to his line in October 1942. Although he may use Pricing Method No. 1 for canned tomatoes, he must use Pricing Method No. 2 for canned peas.

If the primary distributor handled the kind of packed food product being priced before April 28, 1942, but did not handle the particular brand, size or container type being priced before August 5, 1943, his maximum price for the new item shall be his net delivered cost (based on his first purchase of the item after August 4, 1943) plus the percentage mark-up which he is permitted to charge, under the foregoing pricing method, for the most closely comparable item of that kind of packed food product already handled by him.

Pricing Method No. 2. For all items, and sales of such items, which are not covered by Pricing Method No. 1, the primary distributor's maximum price, f. o. b. shipping point, shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

(b) *Distributors who are not primary distributors, wholesalers, or retailers.* The maximum price for an item, f. o. b. shipping point, of a distributor who is not a primary distributor, wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is one who purchases all he sells of the kind and brand being priced and resells it without packing and processing any part of it.

4. A new § 1341.562a is added as follows:

§ 1341.562a *Restriction on packers' sales to primary distributors.* No packer may sell to primary distributors a greater percentage of his 1943 pack of any item than he sold to primary distributors during the one-year period ending April 28, 1942.

5. A new § 1341.566 is added as follows:

§ 1341.566 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

6. Section 1341.577 (a) is amended by adding a new subparagraph (2), as follows:

(2) "Wholesaler" and "retailer" mean the persons respectively referred to as "wholesalers" and "retailers" in Maximum Price Regulations Nos. 421, 422, and 423.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12560; Filed, August 2, 1943; 4:19 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1114, 1313, 2921, 3732, 3853, 4179, 4633, 5268, 6617, 9291, 10304, 10558.

[2] 8 F.R. 9388.

[3] 8 F.R. 9395.

[4] 8 F.R. 9407.

PART 1499—COMMODITIES AND SERVICES

[Order 70 Under SR 15, Amdt. 1]

U. S. INDUSTRIAL CHEMICALS, INC.

Amendment No. 1 to Order No. 70 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3315.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 70 under § 1499.75 (a) (3) to Supplementary Regulation No. 15 is amended in the following respects:

1. The head note of § 1499.1370 is amended to read as follows:

§ 1499.1370 *Adjustment of maximum prices for warehouse services performed by U. S. Industrial Chemicals, Inc.*

2. The text of § 1499.1370 (a), preceding subparagraph (1), is amended to read as follows:

(a) Lawrence Warehouse Company, a California corporation, or U. S. Industrial Chemicals, Inc., of Baltimore, Maryland, may sell and supply, at Curtis Bay, Baltimore, Maryland, the services of handling and storing alcohol for or belonging to Defense Supplies Corporation and acetone for or belonging to the Procurement Division of the Treasury Department at charges not higher than those set forth below:

3. Section 1499.1370 (a) (1) is amended to read as follows:

(1) *For storage.* 1¢ per barrel per month, based on the total storage capacity of all tanks used during such month; plus ¾¢ per barrel per month, based on the average quantity in storage during such month, whenever the storer assumes a warehouseman's liability with respect to the alcohol and acetone. Such average quantity shall be calculated by adding together the number of gallons shown on all reports filed with Defense Supplies Corporation during such month and dividing the total by the number of such reports.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12602; Filed, August 3, 1943; 11:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 592 Under § 1499.3 (b) of GMPR]

COLLINS AND AIKMAN CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.2130 *Establishment of maximum prices for a blanket manufactured by the Collins and Aikman Corporation.* (a) On and after August 4, 1943, the maximum prices at which the Collins and Aikman Corporation of 200 Madison Avenue, New York, New York, may sell and deliver the blanket specified below, as described in its application, shall be:

Style No.	Specification	Maximum price (per blanket)
RO1173	All-wool worsted spun blanket; 72 x 84 inches in size; 4/4½ pounds in weight; colors or white; 42 x 40, ends and picks per inch; 56's, foreign wool and medium wool white drawing laps.	$10.52

(b) The above maximum price shall be subject to terms no less favorable than 2%, 10 days, net 70 days.

(c) The maximum price authorized by this order shall be subject to adjustment at any time by the Office of Price Administration.

This order shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12599; Filed, August 3, 1943; 11:45 a. m.]

PART 1382—HARDWOOD LUMBER

[MPR 313, Amdt. 5]

PRIME GRADE HARDWOOD LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 313 is amended in the following respect:

1. Section 1382.254 is revoked.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12600; Filed, August 3, 1943; 11:45 a. m.]

PART 1436—PLASTIC AND SYNTHETIC RESINS

[MPR 406,[1] Amdt. 1]

CERTAIN PLASTIC PIPE AND TUBING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8372.

Section 17 (a) (6) (vi) is added to read as follows:

(vi) Plastic pipe and plastic tubing manufactured from co-polymer vinyl and vinylidene chlorides commercially known as "Saran B-11."

This amendment shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12601; Filed, August 3, 1943; 11:45 a. m.]

Chapter XIX—Defense Supplies Corporation

[Regulation 2]

PART 7002—BUTTER PRODUCTION PAYMENTS

Sec.
7002.1 Definitions.
7002.2 Persons eligible to apply for payments.
7002.3 Filing application for payment.
7002.4 Records and reports.
7002.5 Payment of claim.
7002.6 Right to declare claims invalid.
7002.7 Right to modify or revise claims.
7002.8 Termination.
7002.9 Effective date.

AUTHORITY: §§ 7002.1 to 7002.9, inclusive, issued under sec. 5d of the Reconstruction Finance Corporation Act as amended, 52 Stat. 212, 54 Stat. 573; 15 U.S.C. 606b; Defense Supplies Corporation Charter, 6 F.R. 2972.

§ 7002.1 *Definitions.* When used in this regulation, the following terms shall have the following meanings:

(a) "Person" means an individual, corporation, partnership, association, institution, or other business entity, or legal successor or representative of any of the foregoing.

(b) "Manufacture" means to physically process milk or cream into butter without regard to the ownership of the milk or cream or buter.

(c) "Butter" means the food product usually known as butter (including whey butter) and which is made exclusively from milk or cream, or both, with or without salt, and with or without additional coloring matter, and containing not less than 80 percent by weight of milk fat, all tolerances having been allowed. It shall not include adulterated butter or renovated or processed butter, as defined in section 2320, paragraphs (b) and (c) of the Internal Revenue Code.

(d) "Establishment" means each separate plant within the continental United States where butter is manufactured.

(e) "Applicant" means any person who files an application for payment pursuant to this regulation.

(f) "Claim" means a claim for payment filed pursuant to this regulation.

§ 7002.2 *Persons eligible to apply for payments.* Any person who manufactures 1,000 pounds or more of butter in any one establishment in any calendar month may file an application for payment on account of such butter manufactured during a calendar month after May 1943.

§ 7002.3 *Filing application for payment*—(a) *Place of filing.* Applications for payments shall be mailed in the same envelope with Dairy Products Report No. 1 (U. S. D. A. Form No. C. E. 9–119) to P. O. Box No. 6910–A, Chicago, Illinois.

(b) *Time of filing.* Applications for payments shall be filed after the last day of the calendar month in which the manufacture took place and on or before the last day of the calendar month following the month in which the manufacture took place.

(c) *Form of application.* All applications for payments shall be filed in triplicate on forms approved by the Defense Supplies Corporation, and all information therein provided for shall be supplied. Only one application can be filed on account of the butter manufactured in one establishment during a calendar month and an application cannot cover manufacture during a period longer than one calendar month. A separate application shall be filed for each establishment of the applicant.

§ 7002.4 *Records and reports*—(a) *Reports required by other agencies.* Every applicant shall file with the Office of Price Administration and with the United States Department of Agriculture the reports required of him by those agencies applicable to butter.

(b) *Inspection of records.* Every applicant shall preserve for inspection, for a period of not less than two years after the date of filing an application, books, records and other documents, which furnish information in support of such application and Defense Supplies Corporation, or its designated agent, shall have the right at any time to make such examinations and audits of the books, records and other documents as may be necessary to ascertain the facts set forth in such application or as may be required by Defense Supplies Corporation.

(c) *Failure to comply.* The Defense Supplies Corporation shall have the right to declare invalid any claim of an applicant who has failed to comply with the requirements of this section.

§ 7002.5 *Payment of claim*—(a) *Rate of payment.* Defense Supplies Corporation will make payment on approved claims at the rate of five cents per pound for butter manufactured on and after June 1, 1943.

(b) *Base of payment.* Payments will be made on the amount of butter to the nearest pound manufactured by an applicant during the calendar month covered by his application. A claim may be approved in whole or in part.

(c) *Persons to whom payments are to be made.* Payments shall be made only to the person who files the claim with the Defense Supplies Corporation. No claim filed pursuant to this regulation shall be assignable except as a part of a bona fide transfer of the applicant's business to a legal successor.

(d) *Terms of payment.* Payments shall be made monthly upon preliminary approval of the claim. Preliminary approval and payment of claims shall not constitute final acceptance of the validity or amount of the claim. On a finding that the claim is invalid or defective Defense Supplies Corporation shall have the right to require restitution of any payments or any part thereof. Any sums found to be due to Defense Supplies Corporation shall be deductible against any accrued or subsequent claim for any payment by Defense Supplies Corporation to the person.

§ 7002.6 *Right to declare claims invalid*—(a) *Compliance with other regulations.* The Defense Supplies Corporation shall have the right to declare invalid in whole or in part any application for payment not in accordance with this regulation, or any claim on account of butter manufactured or distributed in violation of any regulation of the War Food Administration or the Office of Price Administration.

(b) *Payments to producers of butterfat.* The Defense Supplies Corporation shall have the right to declare invalid in whole or in part any claim of any applicant who fails to pass on to producers of butterfat the benefits secured from payments under this regulation, either in the original purchase price or through provision for supplementary payments.

§ 7002.7 *Right to modify or revise claims.* Upon the announcement of any decision or interpretation issued hereunder any applicant may within thirty (30) days apply to Defense Supplies Corporation for the right to modify or revise any claims theretofore filed which are affected by such decision or interpretation and which accrued within the period of ninety (90) days immediately preceding the first of the month following the date when the decision or interpretation was announced. If Defense Supplies Corporation finds justification for reopening the claim it shall notify the applicant and the latter may thereupon submit a new application for payment which shall be processed in the same manner as though submitted within the required time.

§ 7002.8 *Termination.* This regulation may be terminated at any time after ten (10) days notice. Such termination shall not preclude the filing of applications on account of butter manufactured on or before the date of termination for which the applicant would otherwise have been eligible. Such applications must be filed within thirty (30) days after the date of termination.

§ 7002.9 *Effective date.* This Regulation No. 2 shall become effective as of June 1, 1943.

Issued this 7th day of June 1943.

DEFENSE SUPPLIES CORPORATION,
By GEORGE H. HILL, Jr.,
Executive Vice President.

[F. R. Doc. 43–12554; Filed, July 31, 1943; 11:24 a. m.]

[Regulation 3]

PART 7003—LIVESTOCK SLAUGHTER PAYMENTS

Sec.
7003.1 Definitions.
7003.2 Persons eligible to apply for payment.
7003.3 Filing application for payment.
7003.4 Records and reports.
7003.5 Payment of claims.
7003.6 Special provisions for farm slaughterers.
7003.7 Special provisions for butchers.
7003.8 Special provisions for local slaughterers.
7003.9 Special provisions for packers.
7003.10 Right to declare claims invalid.
7003.11 Right to modify or revise claims.
7003.12 Termination.
7003.13 Effective date.

AUTHORITY: §§ 7003.1 to 7003.13, inclusive, issued under sec. 5d of the Reconstruction Finance Corporation Act as amended; 52 Stat. 212, 54 Stat. 573; 15 U.S.C. 606b; Defense Supplies Corporation Charter, 6 F.R. 2972.

§ 7003.1 *Definitions.* When used in this regulation, the following terms shall have the following meanings:

(a) "Person" means an individual, corporation, partnership, association, institution, or other business entity, or legal successor or representative of any of the foregoing.

(b) "FDO 27" means Food Distribution Order No. 27, as amended or as it may be amended from time to time, by the War Food Administration.

(c) "MRO 1" means Meat Restriction Order No. 1, as amended, issued by the Office of Price Administration, as amended, or as it may be amended from time to time by the War Food Administration.

(d) "Permit" means the permit to slaughter livestock required by FDO 27.

(e) "Registration" means the registration required of slaughterers under MRO 1.

(f) "Slaughter" means to kill livestock or have it killed for the purpose of obtaining meat. For purposes of this regulation, livestock is slaughtered by the person who owns it at the time of slaughter.

(g) "Livestock" means cattle, calves, hogs and pigs, and sheep and lambs.

(h) "Live weight" means the purchase weight of livestock slaughtered except that if the livestock have been fed for more than thirty (30) days after purchase by the slaughterer, live weight means the transfer weight from feed lots.

(i) "Establishment" means each separate plant within the continental United States where livestock is slaughtered.

(j) "Accounting period" means the customary accounting period of a calendar month or a period of at least four weeks and not more than five weeks in length used by the slaughterer in keeping his books and records, and shall be the same period used by him in making the monthly reports required by War Food Administration and the Office of Price Administration covering his slaughtering operations.

(k) "Applicant" means any person who files a claim for payment under this regulation.

(l) "Class" means the class of slaughterer to which a person belongs under this regulation such as farm slaughterer, butcher, local slaughterer or packer.

(m) "Farm slaughterer" has the same meaning as given it in FDO 27.

(n) "Butcher" has the same meaning as given it in FDO 27.

(o) "Local slaughterer" has the same meaning as given it in FDO 27.

(p) "Packer" has the same meaning as the term "slaughterer" as defined in MRO 1. A person is a packer if he is registered as a slaughterer under that order.

(q) "Claim" means a right to payment on an application filed pursuant to this regulation.

(r) "Maximum base of payment" means the maximum number or weight of livestock on account of which any person is entitled to payment, computed in accordance with paragraph (b) of §§ 7003.6, 7003.7, 7003.8 or 7003.9.

(s) "Condemned meat" is meat that has been condemned at the time of slaughter as unfit for human consumption by inspectors of the United States Department of Agriculture or of any state or local governmental agency.

(t) "Quota base" means the quota base of a slaughterer calculated in accordance with the provisions of FDO 27 and MRO 1.

(u) "Quota" means the quota established for slaughter of livestock or of any one kind of livestock or for deliveries of meat produced from any one kind of livestock for any person under FDO 27 or MRO 1.

(v) "Quarterly quota period" means the period for which a quota is established for farm slaughterers under FDO–27 or for packers under MRO 1.

§ 7003.2 *Persons eligible to apply for payment.* Any person who has a permit or registration and whose permit or registration has not been suspended or revoked and who slaughters 4,000 pounds or more of livestock, live weight, in any one establishment in any one calendar month after May 1943, may file an application for payment on account of such livestock slaughtered in each such establishment on and after June 7, 1943. No person who kills livestock for the account of others is eligible to file application for payment on account of such livestock.

§ 7003.3 *Filing application for payment*—(a) *Application forms.* Requests for application forms may be directed to Defense Supplies Corporation at any one of the addresses listed in Appendix A, which contains the location of the regional office for each district. Each request should contain a statement as to the class of the applicant under this regulation and the county and state where his establishment or main office is located.

(b) *Place of filing.* Application for payment shall be filed with the Defense Supplies Corporation at the regional office for the district in which the establishment is located, except that a person slaughtering in more than one establishment must file applications for payment for all of the establishments at the regional office for the district in which his main office is located.

(c) *Time of filing.* Application for payments shall be filed after the last day of the accounting period in which the slaughter took place, and on or before the last day of the calendar month following the end of the accounting period in which the slaughter took place.

(d) *Form of application*—(1) *In general.* All applications for payments shall be filed in triplicate on forms specified for the applicant's class and approved by the Defense Supplies Corporation and all information therein provided for shall be supplied. Only one application can be filed on account of the livestock slaughtered in one establishment during an accounting period, and an application cannot cover livestock slaughtered during a period longer than the accounting period. A separate application shall be filed for each establishment of the applicant. A separate application shall be filed on account of the livestock slaughtered on and after June 7, 1943, and before the beginning of the applicant's next accounting period.

(2) *Custom slaughter.* Applications of persons who slaughter in establishments operated by others must be accompanied by a statement from the operator of such establishment on forms approved by Defense Supplies Corporation, giving all the information therein provided for. If a person kills livestock for another, and also slaughters for his own account, his application for payment on account of the livestock he slaughters for his own account must be accompanied by a complete report of the livestock killed for each other slaughterer.

(e) *Supporting documents.* Every applicant shall file the reports required of his class under §§ 7003.6, 7003.7, 7003.8 or 7003.9.

§ 7003.4 *Records and reports*—(a) *Reports required by other agencies.* Every applicant shall file with the Office of Price Administration and with the War Food Administration the reports required of him after June 1, 1943 by those agencies under Ration Order No. 16, MRO 1 or FDO 27.

(b) *Records required by this regulation.* Every applicant shall keep the records required of him by FDO 27 and MRO 1 and in addition keep the records required of his class by §§ 7003.6, 7003.7, 7003.8 or 7003.9.

(c) *Inspection of records.* Every applicant shall preserve for inspection for a period of not less than two years after the date of filing an application, books, records and other documents, which furnish information in support of such application and Defense Supplies Corporation or its designated agent shall have the right at any time to make such examinations and audits of the books, records and other documents as may be necessary to ascertain the facts set forth in such application or as may be required by Defense Supplies Corporation.

(d) *Failure to comply.* The Defense Supplies Corporation shall have the right to declare invalid any claim of an applicant who has failed to comply with the requirements of this section.

§ 7003.5 *Payment of claims*—(a) *Rate of payment.* Defense Supplies Corporation will make payment on approved claims at the following rates:

	Cents per lb.
Cattle and calves	1.1
Sheep and lambs	.95
Hogs and pigs	1.3

(b) *Base of payment.* Payments will be made on the live weight of the livestock slaughtered by an applicant during the accounting period covered by his application subject to the following qualifications:

(1) Payments will not be made on account of a greater number or weight of live stock than the applicant's maximum base of payment.

(2) No payments will be made on the live weight equivalent of the applicant's production of condemned meat. The applicant shall reduce the amount of his livestock slaughtered by the actual live weight of the livestock which produced the condemned meat, or in the event this figure is not obtainable, by the livestock weight equivalent computed by multiplying the number of condemned carcasses of each kind of livestock by the average live weight of the same kind of livestock which he slaughtered during the accounting period covered by his application.

(3) A claim may be approved in whole or in part.

(c) *Persons to whom payments are to be made.* Payments will be made only to the person who files the claim with the Defense Supplies Corporation. No claim filed pursuant to this regulation shall be assignable except as a part of a bona fide transfer of the applicant's business to a legal successor.

(d) *Terms of payment.* Payments will be made monthly upon preliminary approval of the claim. Preliminary approval and payment of claims shall not constitute final acceptance of the validity or amount of the claim. On a finding that the claim is invalid or defective Defense Supplies Corporation shall have the right to require restitution of any payment or any part thereof. Any sums found to be due to Defense Supplies Corporation shall be deductible against any accrued or subsequent claim for any payment by Defense Supplies Corporation to the person.

§ 7003.6 *Special provisions for farm slaughterers*—(a) *Filing application for payment.* A farm slaughterer shall file applications for payment in accordance with § 7003.3 with the following specific limitations:

(1) His accounting period shall be a calendar month, except that for the month of June, 1943, he may file an application on account of livestock slaughtered during the period on and after June 7, 1943 and before July 1, 1943.

(2) His application shall be on a form provided for farm slaughterers and butchers.

(3) He shall file with his first application for payment a copy of his current permit for livestock slaughter (FDO–27–1 of the United States Department of Agriculture) certified by the applicant to be a true copy of the original in effect on the date of certification. Such copy need not be refiled as long as the information contained therein remains current. When any change is made in a

farm slaughterer's permit or his quota base for ay period, a new copy shall be submitted similarly certified. If the applicant obtains permission to transfer any part of his quota from one period to another, a copy of such authorization shall be filed.

(4) Each application shall be accompanied by a copy of the report required of him by the Office of Price Administration in regard to his slaughtering operations during the period covered by his application for payment. This report shall be on Form OPA R–1609 or OPA R–1605.

(b) *Payments.* Payments will be made on claims of farm slaughterers in accordance with § 7003.5. A farm slaughterer's maximum base of payment during any quarterly quota period is his quota for that period.

(c) *Records required.* Every farm slaughterer making application for payments must keep accurate records of numbers and purchase weight and price of livestock slaughtered for each kind of livestock. He must keep records of the live weight at the time of slaughter, the date and place of weighing and by whom it was weighed.

§ 7003.7 *Special provisions for butchers*—(a) *Filing application for payments.* A butcher shall file applications for payments in accordance with § 7003.3 with the following specific limitations:

(1) His accounting period shall be a calendar month, except that for the month of June, 1943, he may file an application on account of livestock slaughtered during the period on and after June 7, 1943, and before July 1, 1943.

(2) His application shall be filed on a form provided for farm slaughterers and butchers.

(3) He shall file with his first application for payment a copy of his current permit for livestock slaughter (FDO–27–2 of the United States Department of Agriculture) certified by the applicant to be a true copy of the original in effect on the date of certification. Such copy need not be refiled as long as the information contained therein remains current. When any change is made in a butcher's permit or his quota base or his quota for any period, a new copy shall be submitted similarly certified.

(4) Each application shall be accompanied by a copy of the report required of him by the Office of Price Administration in regard to his slaughtering operations during the period covered by his application for payment. This report shall be on Form OPA R–1609 or OPA R–1606.

(b) *Payments.* Payments will be made on claims of butchers in accordance with § 7003.5. A butcher's maximum base of payment during any month is his quota for that month, and shall not include the amount of any slaughter for home consumption permitted by paragraph (d) (2) of FDO 27.

(c) *Records required.* Every butcher making application for payments must keep accurate records of numbers and purchase weight and price of livestock slaughtered for each kind of livestock. If the livestock is slaughtered more than thirty (30) days after its purchase, he must keep records of the live weight at the time of slaughter, the date and place of weighing, and by whom it was weighed. In addition he must keep a complete record with weights and prices of all of his other livestock purchases and of all of his livestock sales.

§ 7003.8 *Special provisions for local slaughterers*—(a) *Filing application for payments.* A local slaughterer shall make application for payments in accordance with § 7003.3, with the following specific limitations:

(1) The accounting period covered by his application for payment must contain the same number of days as the period for which his quota is established, except that for the first accounting period ending after June 7, 1943, he may file an application on account of livestock slaughtered during the period on and after June 7, 1943 and before the beginning of his next accounting period.

(2) His application shall be on a form provided for local slaughterers.

(3) He shall file with his first application for payment a copy of his current permit for livestock slaughter (FDO–27–3 of the United States Department of Agriculture) certified by the applicant to be a true copy of the original in effect on the date of certification. Such copy need not be refiled as long as the information contained therein remains current. When any change is made in a local slaughterer's permit or his quota base or in his quota for any period (aside from general changes in percentages used in determining quotas from quota bases) a new copy shall be submitted similarly certified.

(4) Each application shall be accompanied by a copy of the report required of him by the United States Department of Agriculture in regard to his slaughtering operations during the period covered by his application for payment. This report shall be on Form FDO–27–5 of the United States Department of Agriculture.

(b) *Payments.* Payments will be made on claims of local slaughterers in accordance with § 7003.5. A local slaughterer's maximum base of payment during any accounting period is the amount of his quota for that period plus his deliveries to governmental agencies and authorized processors for delivery to governmental agencies, computed in live weight or live weight equivalents in the following manner:

(1) Deliveries to governmental agencies and authorized processors for delivery to governmental agencies shall be expressed as conversion weight by multiplying the actual weight by the conversion facts set out in MRO 1, § 1407.913 (c).

(2) In the case of beef, veal, sheep and lamb these conversion weights shall be added to the amount of the quota and the totals expressed as live weight equivalents by using the applicable dressing percentage from the local slaughterer's records.

(3) In the case of pork, the conversion weight shall be converted to live weight equivalent by using the applicable dressing percentage from the local slaughterer's records, and the result added to the quota.

(c) *Records required.* Every local slaughterer making application for payments must keep accurate records of numbers and purchase weight and price of livestock slaughtered for each kind of livestock. If livestock is slaughtered more than thirty (30) days after its purchase, he must keep records of the transfer weight from feed lots. In addition he must keep a complete record with weights and prices of all of his other livestock purchases and all of his livestock sales.

§ 7003.9 *Special provisions for packers*—(a) *Filing application for payments.* A packer shall make application for payments in acordance with § 7003.3, with the following specific limitations:

(1) His application shall cover a full accounting period, except that for the first accounting period ending after June 7, 1943, he may file an application on account of the livestock slaughtered on and after June 7, 1943, and before the beginning of his next accounting period.

(2) His application shall be on a form provided for packers.

(3) He shall file with the first application for payment two copies of his current registration under MRO 1 (OPA Form No. RS01:1) showing his current quota bases. Such copies need not be refiled as long as the information contained therein remains current. When any change is made in a packer's registration or his quota base or in his quota for any period (aside from general changes in percentages used in determining quotas from quota bases) two new copies shall be submitted.

(4) He shall file a copy of each report required of him under MRO 1 after June 1, 1943 (OPA Form RS01:2, or such other reports as may be required) before the end of the accounting period following the period covered by the report. No application may be filed on account of slaughter during any accounting period until a copy of the report required for the preceding period has been filed.

(b) *Payments.* Payments will be made on claims of packers in accordance with § 7003.5. A packer's maximum base of payment during any quarterly quota period shall be computed in live weight or live weight equivalents in the following manner:

(1) Inventory at the opening, deliveries of meat to the packer from all persons, inventory at the close and deliveries without charge against quota for each quarterly quota period shall be expressed as conversion weight by multiplying the actual weight by the conversion factors set out in MRO 1, § 1407.913 (c).

(2) The conversion weights of inventory at the close of the period, deliveries without charge against quota and amount of quota shall be totaled. From these totals shall be subtracted the sums of the conversion weights of inventory at the opening of the period and deliveries of meat to the packer from all persons. The results shall be expressed as live weight equivalents by using the applicable dressing percentage determined from the packer's records.

(c) *Records required.* Every packer must keep a complete record with weights and prices of livestock sales for each kind of livestock.

§ 7003.10 *Right to declare claims invalid*—(a) *Compliance with other regulations.* Defense Supplies Corporation shall have the right to declare invalid, in whole or in part, any claim which does not meet the requirements of this regulation, and any claim filed by an applicant who, in the judgment of the War Food Administrator or the Price Administrator has wilfully violated any regulation of their respective agencies applicable to livestock slaughter or the sale or distribution of meat.

(b) *Payments to producers of livestock.* Defense Supplies Corporation shall have the right to declare invalid in whole or in part any claim of any applicant who fails to pass on to persons from whom he purchases livestock the benefits secured from payments under this regulation.

§ 7003.11 *Right to modify or revise claims.* Upon announcement of any decision or interpretation issued hereunder any applicant may within thirty (30) days apply to Defense Supplies Corporation for the right to modify or revise any claims theretofore filed which are affected by such decision or interpretation and which accrued within the period of ninety (90) days immediately preceding the first of the month following the date when the decision or interpretation was announced. If Defense Supplies Corporation finds justification for reopening the claim it shall so notify the applicant and the latter may thereupon submit a new application for payment which shall be processed in the same manner as though submitted within the required time.

§ 7003.12 *Termination.* This regulation may be terminated at any time after ten (10) days notice. Such termination shall not preclude the filing of applications on account of livestock slaughtered on or before the date of termination for which the applicant would otherwise have been eligible. Such applications must be filed within thirty (30) days after the date of termination.

§ 7003.13 *Effective date.* This Regulation No. 3 shall become effective as of June 7, 1943.

Issued this 16th day of June 1943.

DEFENSE SUPPLIES CORPORATION,
By GEORGE H. HILL, Jr.,
Executive Vice President.

Appendix A—*List of Agents, Defense Supplies Corporation*

E. W. Long, Comer Building, Birmingham, Alabama.
J. W. Jarrett, Pyramid Building, Little Rock, Arkansas.
Hector C. Haight, Pacific Mutual Building, Los Angeles, California.
John S. McCullough, Jr., 200 Bush Street, San Francisco 4, California.
Ross L. Hudson, Boston Building, Denver, Colorado.
Fred H. Farwell, Western Union Building, Jacksonville, Florida.
M. E. Everett, Healey Building, Atlanta 3, Georgia.
Frank M. Murchison, 208 South LaSalle Street, Chicago 4, Illinois.
J. Fort Abell, Lincoln Bank Bldg., 421 W. Market St., Louisville, Kentucky.
Geo. W. Robertson, Union Bldg., 837 Gravier St., New Orleans 12, Louisiana.
John J. Hagerty, 40 Broad Street, Boston, Massachusetts.
Arthur J. Fushman, 607 Shelby Street, Detroit, Michigan.
George G. Power, McKnight Building, Minneapolis 1, Minnesota.
Albert L. Strong, Federal Reserve Bank Bldg., Kansas City 6, Missouri.
B. Glenn Gulledge, Landreth Bldg., 320 N. Fourth St., St. Louis 2, Missouri.
Leon E. Chouquette, Power Block, Helena, Montana.
Herbert S Daniel, Woodmen of the World Bldg., Omaha, Nebraska.
Thomas J. Ahearn, Jr., Federal Reserve Bank Bldg., 33 Liberty St., New York 5, New York.
John A. Campbell, Jr., Wilson Bldg., 109 W. Third Street, Charlotte, North Carolina.
J. A. Fraser, Federal Reserve Bank Building, Cleveland 1, Ohio.
J. C. Eagen, Cotton Exchange Building, Oklahoma City, Oklahoma.
William Kennedy, Pittock Block, Portland, Oregon.
E. Raymond Scott, 1528 Walnut Street, Philadelphia, Pennsylvania.
J. M. Gardenhire, Nashville Trust Co. Bldg., Union St., Nashville 3, Tennessee.
L. B. Glidden, Cotton Exchange Bldg., Dallas, Texas.
W. I. Phillips, Rusk Bldg., 723 Main Street, Houston 2, Texas.
W. T. Montgomery, Alamo National Bldg., San Antonio, Texas.
Gerald L. Leaver, Dooley Building, Salt Lake City 1, Utah.
W. B. Cloe, Richmond Trust Bldg., 7th & Main Sts., Richmond, Virginia.
C. B. Grieve, Dexter Horton Building, Seattle, Washington.
O. M. Green, Columbia Building, Spokane, Washington.

[F. R. Doc. 43–12555; Filed, July 31, 1943; 11:25 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 5, Supp. 2, Revised]

PART 304—LABOR

EMPLOYMENT OF CERTAIN FOREIGN NATIONALS ON AMERICAN, PANAMANIAN AND HONDURAN FLAG VESSELS

General Order 5, Supp. 2, § 304.8 *Restriction of employment of certain foreign nationals on American, Panamanian and Honduran flag vessels owned by or under bareboat or time charter to the War Shipping Administration*, is revised to read:

§ 304.8 *Restriction of employment of certain foreign nationals on American, Panamanian and Honduran flag vessels owned by or under bareboat or time charter to the War Shipping Administration.* All owners, operators and agents of vessels owned by or under bareboat or time charter to the War Shipping Administration and documented under the laws of the United States of America or under the laws of the Republic of Panama or of the Republic of Honduras shall not employ on any such vessel:

(a) Any Norwegian, Netherlands, Belgian, Polish, Yugoslavian, Greek, or British national who was not so employed on April 8, 1942, or had not been so employed prior thereto, or

(b) Any Brazilian national who was not so employed on February 1, 1943, or had not been so employed prior thereto, or

(c) Any French or Chinese national who was not so employed on July 31, 1943, or had not been so employed prior thereto,

except when their employment is requested by the Recruitment and Manning Organization from the properly accredited consular representative of the nation involved.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

JULY 31, 1943.

[F. R. Doc. 43–12750; Filed, August 3, 1943; 10:26 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 106–A]

PART 95—CAR SERVICE

CERTAIN SHIPMENTS TO MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2nd day of August, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 106 (8 F.R. 1403) of January 30, 1943, and good cause appearing therefor; *It is ordered*, That:

Section 95.6 Prohibiting shipments originating in the United States and destined to points in Mexico from moving on other than straight bills of lading is hereby vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., August 3, 1943; that copies of this order and direction shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12589; Filed, August 3, 1943; 11:05 a. m.]

Notices

FEDERAL TRADE COMMISSION.

[Docket No. 4990]

MACDOUGAL BROTHERS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of July, A. D., 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, August 19, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500. 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 43-12595; Filed, August 3, 1943; 11:26 a. m.]

[Docket No. 5000]

BISHOP & BABBIN, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A.; section 41).

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, August 19, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 43-12596; Filed, August 3, 1943; 11:26 a. m.]

[Docket No. 5020]

HOLZBEIERLEIN & SONS, INC.

COMPLAINT AND NOTICE OF HEARING

Complaint

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described since June 19, 1936, has violated and is now violating the provisions of subsection (d) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C. Title 15, sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. The respondent, Holzbeierlein & Sons, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 1849 Seventh Street, Northwest, Washington, D. C.

PAR. 2. Respondent corporation is now and has been since prior to June 19, 1936, engaged in the business of processing and manufacturing and offering for sale, selling and distributing bakery bread in the several states of the United States and the District of Columbia, and causes said product to be shipped and transported from its place of business to the purchasers thereof who are located in the several states of the United States other than the District of Columbia in which respondent's place of business is located. The respondent distributes its bakery bread under the name of "Bamby Bread". There is and has been at all times mentioned a continuous course of trade and commerce in the said product across state lines between respondent's bakery and warehouse and the purchasers of said product. Such product is sold and distributed for use and resale within the several states of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its business as aforesaid, respondent is now and has been during all the time herein mentioned in substantial competition with other corporations and with individuals, partnerships and firms engaged in the business of processing, manufacturing, offering for sale, selling and distributing bakery bread in commerce.

PAR. 4. Respondent corporation in the course and conduct of its business and in the course of such commerce is now and has been subsequent to June 19, 1936, engaged in manufacturing and processing bakery bread for distribution and sale, and in selling such product to customers who are competitively engaged with each other in the handling, offering for sale and sale of such bakery bread to consumers, and to others for resale to consumers, and the respondent corporation has contracted to pay, and has paid to one of its preferred customers, namely, the District Grocery Stores, Inc., of Washington, D. C., the sum of $250 per month in consideration of and as compensation for advertising services and facilities contracted to be furnished and furnished by said District Grocery Stores, Inc., in connection with the handling, offering for sale and sale of said bakery bread. The respondent has made and makes such payments as compensation for advertising services and facilities in connection with the preferred customer's offering for sale bakery bread and with the general understanding and agreement that the District Grocery Stores, Inc., will advertise its bread in its weekly newspaper advertising and by handbills and bulletins. Respondent has not made payments of advertising allowance available on proportionally equal terms to any other customers who compete in the distribution of its bread.

PAR. 5. Such acts of respondents since June 19, 1936, in interstate commerce in the manner and form aforesaid in paying and contracting to pay valuable consideration to and for the benefit of one preferred customer for services and facilities furnished by and through such customer in connection with the handling, offering for sale and sale of its bakery bread without making such payments available on proportionally equal terms to all other competing customers is in violation of the provisions of Section 2 (d) of the Robinson-Patman Act.

Wherefore, the premises considered, the Federal Trade Commission on this 29th day of July, A. D., 1943, issues its complaint against said respondent.

Notice

Notice is hereby given you, Holzbeierlein & Sons, Inc., a corporation, respondent herein, that the 3rd day of September, A. D., 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise state-

ment of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 29th day of July, A. D. 1943.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43–12597; Filed, August 3, 1943; 11:28 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 158]

COMPETITIVE BIDDING IN SALE OF DESIGNATED SECURITIES

ORDER FOR INVESTIGATION

At a general session of the Interstate Commerce Commission, held at its office in Washigton, D. C., on the 31st day of July, A. D. 1943.

In the matter of competitive bidding in the sale of securities issued under section 20a of the Interstate Commerce Act.

It appearing, that it is necessary for the proper administration, execution, and enforcement of section 20a of the Interstate Commerce Act that a determination be made (1) whether competitive bidding shall be required in the sale of railroad securities issued under the provisions of said section, and (2) if competitive bidding is required, to what class or classes of railroad securities should it be applicable and what regulations or conditions should be prescribed relating to such sales:

It is ordered, That an investigation be, and it is hereby, instituted into the matters set forth in the preceding paragraph;

It is further ordered, That briefs in this proceeding may be filed by any interested party on or before September 15, 1943;

It is further ordered, That parties shall indicate in their briefs whether oral hearing is desired;

And it is further ordered, That notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43–12520; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 60 Under Service Order 123]

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The St. Louis Southwestern Railway Company (Berryman Henwood, Trustee) to reice once in transit after the first or initial icing ART 16033 and MDT 21625 containing potatoes shipped by Butler & Wood, Pangburn, Arkansas, and J. E. McCoy and Sons, J. H. Shaw, Rison, Arkansas, respectively, now on hand at St. Louis consigned to the Food Distribution Administration.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43–12521; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 61 Under Service Order 123]

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri-Kansas-Texas Railroad Company to reice once in transit after the first or initial icing ART 16452 shipped by W. A. Hooten, Hughes Springs, Texas, and NRC 15641 and PFE 38485 shipped by J. B. Fulgham, Waldron, Arkansas, all containing potatoes, now on hand at St. Louis consigned Food Distribution Administration.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43–12522; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 62 Under Service Order 123]

MISSOURI PACIFIC RAILROAD COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to reice once in transit after the first or initial icing ART 24320, NRC 10060, NRC 6770, NRC 4520, NRC 10462, ART 20115, PFE 18505, PFE 41755, NRC 5875, WFEX 63336, NRC 6797, NRC 5998, WFEX 62879, NRC 16089, NRC 339, NRC 17081, GARX 68501, NRC 7152, NRC 16092, NRC 7086, NRC 3026, NRC 7106, NRC 10066, NRC 4067, NWX 15208, ART 23318, NRC 10088, ART 16158, NRC 15048, ART 24078, NRC 8098, NRC 4069, NRC 10000, NRC 6561, NRC 8181, IC 50473, URT 9783, URT 3093, NRC 5323, NRC 5513, NRC 4443, NRC 5614, NRC 6704, NRC 10214, PFE 98495, ART 19315, NRC 15155, NRC 15586, ART 19716, NP 90136, NRC 6816, ARC 15847, ART 19517, NRC 4587, NRC 3127, NRC 15018, NRC 16279, ART 19649, NRC 10099, ART 18859, SFRD 21890, NRC 5300, FGEX 32577, NRC 6511, PFE 52631, NRC 4561, PFE 74821, NRC 10322, PFE 38902, NRC 8222, PFE 24972, ART 21893, NRC 10463, NRC 6703, NRC 5313, URT 9394, NRC 4224, NRC 7744, ART 22325, NRC 5715, NRC 4315, NRC 10275, URT 9585, NRC 4586, NRC 10427, IC 53967, ART 19598, ART 20228, NRC 5328, NRC 5838, URT 81299, NRC 4309, NRC 4559, NRC 10239, and NRC 15610, all containing potatoes, originating in Arkansas and Oklahoma, now on hand at St. Louis consigned to the Food Distribution Administration.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12523; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 63 Under Service Order 123]

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees) to reice once in transit after the first or initial icing NRC 15570, NRC 8115, NRC 3153, ART 18165, ART 90027, and NRC 5365; also for the Wabash Railroad Company to reice once in transit after the first or initial icing SFRD 38247 and SFRD 31514; also for the St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees) to reice once in transit after the first or initial icing MDT 3045, MDT 146304, MDT 4413, MDT 19509, MDT 19690, MDT 16857, MDT 19893, PFE 25432, MDT 146461, MDT 8069, MDT 17341, MDT 6439, MDT 3524, MDT 16724, MDT 16861, MDT 20901, PFE 74457, MDT 22129, MDT 18343, MDT 3473, MDT 21529, MDT 4750, MDT 20886, WFE 62158, PFE 62485, MDT 19279, MDT 22375, MDT 146501, MDT 4549, MDT 21832, MDT 146887, WFE 61655, PFE 61525, MDT 4288, MDT 20394, MDT 17505, MDT 17567, MDT 18848, MDT 17889, SFRD 24207, and PFE 25677, containing potatoes, all originating in Arkansas or Oklahoma, now on hand at St. Louis, Missouri, consigned to the Food Distribution Administration.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12524; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 64 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing ART 22136 and ART 22643 containing potatoes from Paris, Arkansas, now on hand Chicago Produce Terminal Company tracks consigned to the Edward H. Anderson & Company, Chicago, Illinois.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of July, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12525; Filed, August 2, 1943; 11:31 a. m.]

[Special Permit 65 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing NRC 15244, NRC 15562, NRC 5726, NRC 5525, NRC 6521, NRC 15250, NRC 10151, NRC 5358, NRC 4550, NRC 10400, NRC 7640, NRC 4033, NRC 16026, NRC 15172, NRC 5453, NRC 4777, NRC 8093, NWX 70058, URT 4702, IC 55966, IC 52649, IC 50170, IC 52551, IC 50098, ART 22568, ART 22812, ART 24031, ART 16543, ART 23907, ART 19555, ART 19820, ART 16763, ART 15797, ART 23657, ART 16750, ART 23238, ART 20040, ART 19890, ART 22562, ART 21725, ART 17561, NWX 50034, NRC 7521, NAD 12585, RD 21432, RD 24179, FGE 32493, PFE 14001, PFE 16273, URT 8108, and ART 18782 containing potatoes originating in Arkansas and Oklahoma, now on hand at the Chicago Produce Terminal Company tracks consigned to Edward H. Anderson & Company, Chicago, Illinois.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12526; Filed, August 2, 1943; 11:32 a. m.]

[Special Permit 66 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing ERDX 9565 containing potatoes from North Dardanelle, Arkansas, now on hand at Chicago on Chicago Produce Terminal Company tracks consigned to Edward H. Anderson & Company.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12527; Filed, August 2, 1943; 11:32 a. m.]

[Special Permit 67 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once after the first or initial icing and any authorized reicing MDT 146887, MDT 3045, MDT 6439, MDT 146501, MDT 20886, MDT 3524, MDT 20901, MDT 16857, GAR 68501, ART 23461, ART 23704, ART 73893, ART 19113, NRC 4587, NRC 6561, NRC 5513, URT 3093, NRC 5614, NRC 4777, ART 17561, IC 55966, NRC 5525, ART 23907, NRC 4550, NRC 5358, PFE 14001, IC 52551, NRC 8093, NRC 15172, ART 16750, URT 8108, NRC 15250, FGE 32492, NWX 70058, and NRC 5453 containing potatoes now on hand on the Chicago Product Terminal Company tracks consigned to Edward H. Anderson & Company.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12528; Filed, August 2, 1943; 11:32 a. m.]

[Special Permit 68 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing NRC 4240 containing potatoes originating at Mena, Arkansas, now on hand at Chicago on the Chicago Produce Terminal Company tracks consigned to Wilensky and Company.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12529; Filed, August 2, 1943; 11:32 a. m.]

[Special Permit 69 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to reice once in transit after the first or initial icing MDT 19690, PFE 18505, NRC 6797, MDT 20394, MDT 21529, PFE 25677, MDT 4413, MDT 16724, MDT 18343, MDT 19509, RD 24179, NRC 15244, NRC 7640, ART 22562, ART 23657, and ART 19820 originating in Arkansas and Oklahoma now on hand at Chicago on the Chicago Produce Terminal Company tracks consigned to Edward H. Anderson & Company.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12530; Filed, August 2, 1943; 11:32 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 279, Amdt.]

STOCK OF NORTH POINT CONSOLIDATED ENGINEERING COMPANY

Whereas by Vesting Order Number 279 of October 31, 1942, the undersigned vested among other items, all right, title, interest, and estate of the persons listed in Exhibit "A" attached to that Vesting Order and by reference made a part thereof, in and to certain shares of stock in the North Point Con. Irrigation Company, and water certificates in said company, as described therein; and

Whereas in describing said shares and water certificates certain typographical errors were inadvertently made;

Now therefore, Vesting Order Number 279 is hereby amended as follows and not otherwise:

Under section (a), subparagraph (1), the following words are deleted:

160 shares of North Point Con. Irrigation Company stock, Certificate #164 and Water Certificate Nos. 161 and 163, for an additional 70 shares of water in said Irrigation Company; and

and the following substituted therefor:

140 shares of North Point Consolidated Irrigation Company stock (Certificate No. 184) and 140 shares of water in said irrigation company (Water Certificates Nos. 151 and 163 for 70 shares each); and

All other provisions of said Vesting Order Number 279 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on July 28, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12585; Filed, August 3, 1943; 10:30 a. m.]

[Vesting Order 1593]

ORIGINAL LAMINATED PATENTBARREL CO. INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that M. Georg Mueller, whose principal place of business is located in Leipzig, Germany, is a national of a designated enemy country (Germany);

2. Finding that Original Laminated Patentbarrel Co. Inc. is a corporation organized under the laws of and doing business in the State of New York and is a business enterprise within the United States;

3. Finding that 160 shares of $100 par value common capital stock of Original Laminated Patentbarrel Co., Inc. are registered in the name of and owned by M. Georg Mueller;

4. Finding that said 160 shares constitute a substantial part (namely, 31.37%) of all the issued and outstanding capital stock of Original Laminated Patentbarrel Co. Inc. and represent an interest therein;

5. Finding, therefore, that Original Laminated Patentbarrel Co. Inc. is a national of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of the Original Laminated Patentbarrel Co. Inc. to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 5, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12571; Filed, August 3, 1943; 10:27 a. m.]

[Vesting Order 1747]

A. V. PUBLISHING CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 1640 of June 10, 1943, that German American Bund, an unincorporated association, with its principal office in New York, New York, is a business enterprise within the United States and is a national of a designated enemy country (Germany);

2. Finding that A. V. Publishing Corporation is a corporation organized under the laws of and doing business in the State of New York and is a business enterprise within the United States;

3. Finding that while none of the certificates of the common (voting) stock has been issued, four shares thereof, constituting control of A. V. Publishing Corporation, were authorized to be issued to the following:

	Share
G. Wilhelm Kunze	1
August Klapprott	1
Gustav J. Elmer	1
Willy Luedtke	—
Total	4

as officers of both A. V. Publishing Corporation and German American Bund, to be held by them in trust for the benefit of the German American Bund;

4. Finding that A. V. Publishing Corporation as an instrumentality of the German American Bund is controlled by and acts for and on behalf of a designated enemy country (Germany) or persons within such country;

5. Determining, therefore, that A. V. Publishing Corporation is a national of a designated enemy country (Germany);

6. Finding that the property described as follows:

All right, title and interest in and to, including the right to the issuance of certificates for, 4 shares of the no par value common stock of A. V. Publishing Corporation, authorized to be issued to G. Wilhelm Kunze, August Klapprott, Gustav J. Elmer, and Willy Luedtke, and to be held by them in trust for the benefit of the German American Bund,

is an interest in the aforesaid business enterprise held by a national of a designated enemy country (Germany);

7. Determining that to the extent that such nationals are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

8. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 6 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country (Germany), asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of anw such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12572; Filed, August 2, 1943; 10:27 a. m.]

[Vesting Order 1756]

OAHU JUNK COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Yotaro Fujino and Chiyono Fujino, whose last known addresses are Japan, are nationals of a designated enemy country (Japan);

2. Finding that Oahu Junk Company, Ltd., is a corporation organized and doing business under the laws of the Territory of Hawaii and is a business enterprise within the United States;

3. Finding that of the issued and outstanding capital stock of Oahu Junk Company, Ltd., consisting of 900 shares of common having a par value of $100.00 each, 404 shares are registered in the names of the persons listed below in the number appearing opposite each name:

Name:	Number of shares
Yotaro Fujino	270
Chiyono Fujino	134
Total	404

4. Finding that the said 404 shares constitute a substantial part (namely 44.89%) of the outstanding capital stock of Oahu Junk Company, Ltd., and represent control thereof;

5. Determining, therefore, that Oahu Junk Company, Ltd., is controlled by the aforesaid persons and is a national of a designated enemy country (Japan);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12573; Filed, August 3, 1943; 10:27 a. m.]

[Vesting Order 1761]

FURNITURE AND PERSONAL EFFECTS OWNED BY ANNA SCHMITZ

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Anna Schmitz, the wife of Ernst Schmitz, is a resident of Germany and is a national of a designated enemy country (Germany);

2. Finding that Anna Schmitz is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

Certain furniture and personal effects, described in Exhibit A, attached hereto and by reference made a part hereof, stored in the warehouse of the Manhattan Storage & Warehouse Company, 52nd Street and 7th Avenue, New York City, in the name of Mrs. E. Schmitz,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, on within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12574: Filed, August 3, 1943; 10:28 a. m.]

[Vesting Order 1767]

AN OIL PAINTING BY GAUGUIN, OWNED BY THEA STERNHEIM

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Thea Sternheim is a citizen of Germany, whose last known address was 7 Rue Antoine Chantin, Paris, XIVe, France, and is a resident of an enemy-occupied country (France), and is a national of a designated enemy country (Germany);

2. Finding that said Thea Sternheim is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

An oil painting by Gauguin entitled "Three Dogs, Three Wineglasses, Three Apples", presently in the custody of The Museum of Modern Art, 11 West 53rd Street, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that the aforesaid national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12575; Filed, August 3, 1943; 10:28 a. m.]

[Vesting Order 1822]

PATENTS OWNED BY HEINRICH KOPPERS G. M. B. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Heinrich Koppers G. m. b. H. is a corporation organized under the laws of Germany and is, therefore, a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Heinrich Koppers G. m. b. H.

3. Finding that the property described as follows:

All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent No.	Date of issue	Inventors	Title
1,937,028	11/28/33	Elisabeth Lux, Wilhelm Heinrich Daniels, and Eberhard Kuhn.	Method and apparatus for making refractory bricks.
1,944,989	1/30/34	Elisabeth Lux	Method and apparatus for making ceramic shapes.
1,945,236	1/30/34	Julius Schuffler	Silica brick.
1,957,421	5/1/34	Wilhelm Heinrich Daniels and Josef Daniels	Molding press.

is property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12577; Filed, August 3, 1943; 10:30 a. m.]

[Vesting Order 1826]

PATENT APPLICATION OF ERNST ALFRED MAUERSBERGER

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Ernst Alfred Mauersberger is a resident of The Netherlands and a citizen of Germany and is therefore a national of foreign countries (The Netherlands and Germany);

2. Finding that the patent application and other property related thereto identified in subparagraph 3 hereof are property of Ernst Alfred Mauersberger;

3. Finding, therefore, that the patent application described as follows:

Serial No. 151,843; filing date, 7/3/37; inventor, Ernst Alfred Mauersberger; title, aliphatic alcohols.

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of a national of foreign countries (The Netherlands and Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12579; Filed, August 3, 1943; 10:31 a. m.]

[Vesting Order 1867]

SEABOARD TRUST CO. v. PHILIP J. LEWIS, ET AL.

In re: Seaboard Trust Company v. Philip J. Lewis, et al.; File D–28–3638; E. T. sec. 5919.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph J. Garibaldi, of Jersey City, New Jersey, Substituted Trustee, acting under the judicial supervision of the Court of Chancery of New Jersey, Trenton, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Rudolf Grunhagen	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rudolf Grunhagen in and to the proceeds of the sale of a mortgage held by Joseph J. Garibaldi, Substituted Trustee, for the benefit of Philip J. Lewis, Gustave Henry Lewis and Rudolf Grunhagen.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12576; Filed, August 3, 1943; 10:27 a. m.]

[Vesting Order 1868]

TRUST UNDER WILL OF PAUL SEGLIE

In re: Trust under will of Paul Seglie, deceased; file D–38–333; E. T. sec. 330.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Commonwealth-Merchants Trust Company of Union City, New Jersey, Trustee, acting under the judicial supervision of the Court of Chancery of New Jersey, Trenton, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Antoinette Barberis	Italy.
Emma Barberis	Italy.
Paul Barberis	Italy.
Clotilde Barberis	Italy.
James Barberis	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Antoinette Barberis, Emma Barberis, Paul Barberis, Clotilde Barberis and James Barberis, and each of them in and to the Trust Estate created under the will of Paul Seglie, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12582; Filed, August 3, 1943; 10:29 a. m.]

[Vesting Order 1869]

ESTATE OF FRANCESCO SIMONE

In re: Estate of Francesco Simone, deceased; File D–38–122; E. T. sec. 4041.

Under the authority of the Trading with the Eenemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louis Semona, Administrator, 2319 Kenton Street, Cincinnati, Ohio, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Hamilton;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Nicola Simone	Italy.
Stella S. Salladino	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Nicola Simone and Stella S. Salladino, and each of them, in and to the estate of Francesco Simone, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12583; Filed, August 3, 1943; 10:29 a. m.]

[Vesting Order 1870]

TRUST UNDER WILL OF ANNA TAG

In re: Trust under will of Anna Tag, deceased; File D–28–1743; E.T. sec. 837.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Continental Bank and Trust Company of New York, 30 Broad Street, New York, N. Y., Trustee, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Albert Tag	Germany.
Heinrich Brunner, his wife and his issue whose names are unknown.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Albert Tag, Heinrich Brunner, his wife and his issue whose names are unknown, and each of them, in and to the Trust Estate created under the Last Will and Testament of Anna Tag, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12584; Filed, August 3, 1943; 10:29 a. m.]

[Vesting Order 1871]

ESTATE OF LOUISE WIEDMANN

In re: Estate of Louise Wiedmann, deceased; File D–28–3588; E. T. sec. 5834.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William E. Shappell, Administrator, c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Eugen Wiedmann	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order

or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Eugen Wiedmann, in and to the Estate of Louise Wiedmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12586; Filed, August 3, 1943; 10:29 a. m.]

[Vesting Order 1885]

TRUST UNDER WILL OF HELLMUTH W. JARCHOW

In re: Trust under the will of Hellmuth W. Jarchow, deceased; File No. D–28–1398; E. T. sec. 119.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Chase National Bank of the City of New York, as Trustee, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Siegfried R. Kirchhoff	Germany.
Erna C. Kirchhoff	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Siegfried R. Kirchhoff and Erna C. Kirchhoff, and each of them, in and to a trust created under the Will of Hellmuth W. Jarchow, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 26, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12587; Filed, August 3, 1943; 10:30 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A–3]

OMAHA, NEBRASKA AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof[1] (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Omaha, Douglas County, Nebraska, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance

[1] Filed as part of the original document.

with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–3" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois.

8. This order shall become effective August 10, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12591; Filed, August 3, 1943; 11:19 a. m.]

[Supp. Order ODT 20A–4]

JACKSON, MISSISSIPPI AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof[1] (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Jackson, and between points in Hinds County, Mississippi, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–4" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 10, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of August 1943.

JOSEPH B. EASTMAN,
Director, Office of
Defense Transportation.

[F. R. Doc. 43-12592; Filed, August 3, 1943; 11:19 a. m.]

[Supp. Order ODT 20A–5]

COLUMBUS, MISSISSIPPI AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1[1] hereof (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Columbus, Mississippi, and vicinity, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators

named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–5" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 10, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–12593; Filed, August 3, 1943; 11:20 a. m.]

[Supp. Order ODT 20A–6]

ABERDEEN, MISSISSIPPI, AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1[1] hereof (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Aberdeen, Mississippi, and vicinity, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–6" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 10, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–12594; Filed, August 3, 1943; 11:20 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 31, 1943.

Order number:	*Name*
MPR 136, as amended, Order 82.	D. S. Plumb Co., Inc.
RMPR 125, Order 41.	Dorchester Brass & Aluminum Foundry Inc.
MPR 189, Order 5, Amendment 1.	Jenkins & McCall Coal Co.
MPR 241, Order 2.	Michigan Malleable Iron Co.
MPR 244, Order 32.	Union Foundry Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–12540; Filed, August 2, 1943; 11:45 a. m.]

[Order 1 Under MPR 409]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with section 9: *It is ordered:*

(a) Packers are authorized to sell and deliver the frozen fruits, berries and vegetables covered in Maximum Price Regulation No. 409 under an agreement with the buyer in each case to adjust the selling price to conform with maximum prices to be established by the Office of Price Administration in Amendment No. 2 to the regulation, which is forthcoming.

(b) This order may be revoked as amended by the Price Administrator at any time.

This order becomes effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12610; Filed, August 3, 1943; 11:47 a. m.]

Regional, State, and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 31, 1943.

REGION I

New Hampshire Order 4, Amendment 1, Filed 11:09 a. m.
Springfield Order 4, Amendment 1, Filed 10:59 a. m.
Rhode Island Order 4, Filed 10:59 a. m.

REGION II

New York Order 4, Amendment 4, Filed 11:00 a. m.
Altoona Order 5, Filed 3:03 p. m.
Syracuse Order 3, Amendment 1, Filed 3:03 p. m.

REGION III

Charleston, W. V. Order 1, Filed 2:55 p. m.
Carleston, W. V. Order 1, Amendment 1, Filed, 3:03 p. m.
Charleston, W. V. Order 2, Filed 3:02 p. m.
Charleston, W. V. Order 3, Filed 3:02 p. m.
Cleveland Order 16, Filed 3:01 p. m.
Lexington Order 5, Amendment 1, Filed 3:04 p. m.
Lexington Order 7, Filed 3:04 p. m.
Cincinnati Order 4, Filed 4:14 p. m.
Cincinnati Order 5, Filed 4:15 p. m.
South Bend Order 7, Filed 3:04 p. m.
Indianapolis Order 7, Filed 2:58 p. m.
Indianapolis Order 8, Filed 2:58 p. m.
Saginaw Order 15, Filed 4:15 p. m.

REGION IV

Norfolk Order 1, Filed 2:55 p. m.
Norfolk Order 2, Filed 2:57 p. m.
Norfolk Order 3, Filed 2:57 p. m.

REGION V

Wichita Order G–5, Filed 11:09 a. m.
Fort Worth Order 4, Amendment 1, Filed 11:00 a. m.

REGION VI

Milwaukee Order 3, Amendment 2, Filed 11:04 a. m.
Milwaukee Order 3, Amendment 3, Filed 11:03 a. m.
Milwaukee Order 10, Filed 11:01 a. m.
Quad-Cities Order 5, Amendment 1, Filed 11:04 a. m.

REGION VII

Denver Order 16, Filed 11:05 a. m.
Denver Order 17, Filed 11:05 a. m.
Denver Order 19, Filed 11:06 a. m.

REGION VIII

Nevada Order 5, Filed 11:08 a. m.
Los Angeles Order 3, Amendment 4, Filed 11:09 a. m.
Phoenix Order 5, Amendment 1, Filed 11:08 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–12556; Filed, August 2, 1943; 4:20 p. m.]

[Region I Order G–7 Under Rev. MPR 122, Corr. to Amdt. 2]

BITUMINOUS COAL IN THE METROPOLITAN BOSTON AREA

Correction to Amendment No. 2 to Order No. G–7 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Bituminous coal—Metropolitan Boston Area.

In the table of prices in subparagraph (1) of paragraph (c), the price for High volatile modified stoker in the column headed Class V is corrected to read "8.35" instead of "9.35".

This correction shall become effective as of July 23, 1943.

Issued this 29th day of July 1943.

FRANK D. O'NEIL,
Acting Regional Administrator.

[F. R. Doc. 43–12475; Filed, July 31, 1943; 4:08 p. m.]

[Detroit Order G–2 Under MPR 376]

FRESH FRUITS AND VEGETABLES IN THE DETROIT DISTRICT

Order No. G–2 under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, and by him delegated to the District Director of the Detroit District Office of the Office of Price Administration under the provisions of that section, *It is hereby ordered:*

(a) *Maximum price.* (1) The maximum price per pound in the Detroit District for sales by any packer of repacked tomatoes packed by him shall be determined in accordance with the provisions of Order No. G–1 under Maximum Price Regulation No. 376 issued by the Cleveland Regional Office April 29, 1943, except that the packer's terminal base price per pound for repacked tomatoes shall be his terminal base price per pound for field grown tomatoes in the original container plus 2½ cents.

(b) *Definitions*—(1) "Repacked tomatoes" are tomatoes which have been selected, graded, culled, ripened and repacked in other than the original container.

(2) A "packer" shall be any wholesaler as defined in Order No. G–1 under Maximum Price Regulation No. 376 issued by the Cleveland Regional Office who purchases field grown tomatoes and processes them into repacked tomatoes.

(3) The definitions contained in Order No. G–1 under Maximum Price Regulation No. 376 issued by the Cleveland Regional Office are hereby incorporated into and made a part of this order.

(4) The Detroit District consists of the following counties of the State of Michigan:

Clinton.	Macomb.
Eaton.	Monroe.
Hillsdale.	Oakland.
Ingham.	St. Clair.
Jackson.	Washtenaw.
Lenawee.	Wayne.
Livingston.	

(c) This order may be revoked, amended, or corrected at any time.

This order shall be effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of July 1943.

W. E. FITZGERALD,
Acting District Director.

[F. R. Doc. 43–12552; Filed, August 2, 1943; 11:55 a. m.]

[Region IV Order G–3 of Rev. MPR 122]

SOLID FUELS IN FULTON AND DE KALB COUNTIES, GA.

Order No. G–3 under § 1340.260 of Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers. Maximum prices for solid fuels in Fulton and De Kalb Counties, in the State of Georgia.

Pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, *It is ordered:*

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels made in Fulton and De Kalb Counties in the State of Georgia. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point in Fulton and De Kalb Counties in the State of Georgia; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(2) This order contains three price schedules. The first applies to sales of high volatile bituminous coal for domestic or consumers delivery in various quantities and forms of delivery, and includes charges for services. The second applies to less than carload sales of forty tons or more of specified high volatile bituminous coals, and the third applies to carload sales of high volatile bituminous coals.

(b) *What this order prohibits.* Regardless of any obligation, no person shall (1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–3 but less than maximum prices may at any time be charged, paid, or offered,

(2) Obtain a higher than maximum price by (i) Charging for a service which is not expressly requested by the buyer and which is not specfically authorized by this order,

(ii) Charging a price higher than the schedule price for a service,

(iii) Making a charge higher than the schedule charge authorized for the extension of credit,

(iv) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(v) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule I—Sales on a "direct delivery or domestic" basis.* (1) Price Schedule 1 sets forth maximum prices for retail sales of specified sizes, kinds and quantities of solid fuels deliv-

ered to consumers at any point in Fulton and De Kalb Counties of the State of Georgia.

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NOS. 8 AND 13

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Lump, chunk, or block	$9.20	$4.85	$2.68
Egg	8.95	4.73	2.61
Stoker	8.95	4.73	2.61
Nut and slack	6.70	3.60	2.05
Montevallo 8" block	10.40	5.45	2.98

(2) *Maximum authorized service charges and deductions*—(i) *Carry or wheel service.* If buyer requests such service, the dealer may charge not more than 50 cents per ton for such service.

(ii) *Carry upstairs.* If buyer requests such service, the dealer may charge not more than $1.00 per ton for such service.

(iii) *Sacking.* Dealer may charge $1.00 per ton for the service of putting coal in sacks furnished by the purchaser; the dealer may charge $3.00 per ton for the same service if he furnishes the sacks.

(iv) *Credit.* Dealer may charge not more than 25 cents per ton for credit extending beyond 10 days after date of delivery.

(v) *Yard sales.* When the buyer picks up coal at the dealer's yard the dealer must reduce the domestic price of lump, chunk, or block coal $1.25 per ton, and must reduce the domestic price of egg coal $1.00 per ton on one ton or more.

(vi) *Less than ¼ ton yard sales.* On yard sales of sacked high volatile bituminous coal a dealer may charge not more than 50 cents per 80 lb. sack. On yard sales of unsacked coal in quantities of less than 500 pounds, buyer furnishing the take away receptacle, a dealer may charge not more than 40 cents per 100 lbs. for high volatile bituminous coal and may limit such sales to not less than 250 lbs.

(d) *Price Schedule II—Sales on less than carload commercial basis.* Price Schedule II sets forth maximum prices for commercial sales, 40 tons or more, of specified sizes and kinds of solid fuels delivered to consumers at any point in Fulton and DeKalb Counties in the State of Georgia.

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NOS. 8 AND 13

Size:	Per ton 2,000 lbs.
Egg	$7.45
Nut and slack	6.25

(e) *Price Schedule III—Sales on commercial carload basis.* Price Schedule III sets forth maximum prices for commercial carload sales of specified sizes and kinds of solid fuels delivered to consumers at any point in Fulton and DeKalb Counties in the State of Georgia.

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NOS. 8 AND 13

Size:	Per ton 2,000 lbs.
Egg	$6.80
Nut and slack	6.10

(f) *Ex parte 148 freight rate increase; transportation tax*—(1) *The freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (n) (2). But no part of that tax may be collected in addition to the maximum price on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

(g) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(j) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(j) *Records and reports.* Every dealer subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(k) *Posting of maximum prices: sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order. This paragraph (n) (2) shall not apply to sales of quantities of less than one-quarter ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Atlanta Office of the Office of Price Administration.

(m) *Definitions and explanations.* When used in this Order No. G–3 the term,

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or of any fuel in quarter ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(8) "High volatile bituminous coal" is produced in the high volatile sections of the producing districts specified herein.

(9) "Lump, egg, stoker, nut and slack" sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(q) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. C–3 shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 8781; E.O. 9328, 8 F.R. 4681)

Issued August 2, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43–12557; Filed, August 2, 1943; 4:21 p. m.]

[Fort Worth Order G–1 Under GO 50]

DOMESTIC MALT BEVERAGES IN THE FORT WORTH, TEXAS, DISTRICT

Order No. G–1 under General Order 50. Filing of prices by restaurants and similar establishments: Delegations of authority to fix maximum prices. Prices of domestic malt beverages in the Fort Worth District.

In the judgment of the District Director of Fort Worth, Texas, the prices of domestic malt beverages sold for immediate consumption in the counties of Archer, Bell, Concho, Falls, McLennan, Palo Pinto, Shackelford, Stephens, Tarrant, and Tom Green, Texas, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of Fort Worth, Texas, Region No. V, the maximum prices established by this order are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the District Director of Fort Worth, Texas, Region V, gave due consideration to prices prevailing between October 1 and 15, 1941, and March, 1942, and April, 1943, and has consulted with the representatives of those affected by this regulation.

An opinion accompanying this order is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (F.R. 7565), 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and General Order No. 50, issued by the Administrator of the Office of Price Administration and Region V Delegation Order, dated April 13, 1943, District Director of Fort Worth, Texas, Region V hereby issues this Fort Worth Order No. G–1, establishing as maximum prices for domestic malt beverages sold for immediate consumption in the counties mentioned, the maximum prices set forth in section 9 herein.

SECTION 1. *What this order does.* In accordance with the provisions of General Order No. 50, this order establishes in section 9 hereof, "dollars-and-cents" maximum prices for certain beverage items offered for sale or sold by any "person" owning or operating an "eating or drinking place" located in the Fort Worth District, composed of the following counties in the State of Texas:

Archer.	Palo Pinto.
Bell.	Shackelford.
Concho.	Stephens.
Falls.	Tarrant.
McLennan.	Tom Green.

SEC. 2. *What this order covers.* The beverage items to which this order applies are: (a) Domestic malt beverages as defined in section 7 hereof and commonly known as beer or ale.

SEC. 3. *Prohibition against sales of beverage items above maximum prices.* (a) On and after the effective date of this order, regardless of any contract, agreement, lease, or other obligation:

(1) No person shall sell or deliver any beverage item subject to this order at higher prices than the maximum prices set forth herein.

(2) No person shall buy or receive any beverage item subject to this order in the course of trade or business at higher prices than the maximum prices set forth herein.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 4. *Posting*—(a) *Selling prices.* All persons subject to this order must post in the "eating or drinking place", plainly visible to their customers, their selling prices for the beverage items listed in section 9 hereof, at or near the place where the beverage item is offered for sale.

(b) *Maximum prices.* All persons subject to this order must post in a conspicuous place in the "eating or drinking place" a list of the "dollars-and-cents" maximum prices of the beverage items offered for sale, so that such list will be plainly visible to their customers.

SEC. 5. *Applicability of General Order No. 50.* This order is subject to all the provisions of General Order No. 50 which are hereby made a part of this order.

SEC. 6. *Applicability of General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation, as well as amendments thereto, shall be applicable to all "eating or drinking places", subject to this order:

(a) Sales slips and receipts—§ 1499.14.
(b) Registration—§ 1499.15.
(c) Licensing—§ 1499.16.

SEC. 7. *Definitions.* (a) "Domestic malt beverage" shall mean any and all malt beverages produced within the continental United States, or its territories and possessions, made by the alcoholic fermentation of an infusion or decoction, or combinations of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(b) "Domestic malt beverage sold on draught" means domestic malt beverage dispensed from a barrel, keg, or other container by a "person" owning or operating an "eating or drinking place" subject to this regulation.

(c) "Person" includes an individual, corporation, partnership, trust or estate, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any state, county, or municipal government, or any of its political subdivisions, and any agencies of any of the foregoing: *Provided*, That no punishment provided by this regulation shall apply to the United States, or to any such government, political subdivisions, or agency.

(d) "Eating or drinking place" means any place, establishment, business, or location, whether temporary or permanent, stationary or movable, including, but not limited to, a restaurant, hotel, cafe, boarding house, coffee shop, tea room, private club, bar, tavern, delicatessen, soda fountain, cocktail lounge, catering business, or any other place from which any beverage item subject to this order is offered for sale or sold, except those places which are specifically exempted in section 8 hereof.

(e) "Beverage items" listed herein shall include all domestic malt beverages sold or served by "eating or drinking places" for consumption in or about the place or to be taken out for consumption, without additional preparation other than cooling.

(f) "Hotel room service sale" means sale to a guest or guests in a hotel room when delivery is made to a guest's hotel room.

(g) "Hotel" means any establishment generally regarded as such in its community and used predominately for transient occupancy.

(h) *Other definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 8. *Exempt sales.* Sales by the following "eating or drinking places" are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places (when operated as such) located on board common carriers, including railroad dining cars, club, bar, and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(b) Hospitals, except for beverage items served to persons other than patients.

(c) Hotel room service sales.

(d) Any place of business which does not make sales of food or beverages for consumption on the premises where sold.

Such aforesaid sales, not otherwise exempt from price control, shall remain subject to the appropriate Maximum Price Regulation or order.

SEC. 9. *Maximum "dollars-and-cents" prices.* (a) The maximum "dollars-and-cents" prices which may be charged for the beverage items subject to this order, are:

(1) In bottles	Maximum price per bottle	
	12 oz.	32 oz.
Brand or trade name:	*Cents*	*Cents*
Pabst Ale	20	----
Blatz Pilsner	16	36
Budweiser	16	36
Hamm's Preferred	16	----
Kingsbury	16	36
Muehlebach	16	36
Muehlebach Pilsner	16	36
Pabst Blue Ribbon	16	----
Schlitz	16	36
Berlin	11	26
Blue Bonnet	11	26
Bohemian Style	11	----
Canadian Ace	11	26
Falstaff	11	26
Grand Prize	11	26
Haas	11	26
Jax	11	26
Koller	11	----
Lang	11	----
Mellow Brew	11	----
Old Gold	11	26
Pearl	11	26
Pioneer	11	----
Polo	11	26
Pom Roy		26
Schott's Highland	11	----
Silver Cream	11	----
Silver Fox	11	26
Southern Select	11	26
Topaz	11	26
White Seal	11	----

(2) *On draught.* All brands domestic malt beverage (beer or ale) ten (10) fluid ounces, exclusive of foam, for ten cents (10¢).

Other quantities of any or all brands of domestic malt beverage (beer or ale), sold on draught, may be sold by any "eating or drinking place" to which this order applies: *Provided,* That such "eating or drinking place" dispenses no less than one (1) fluid ounce, exclusive of foam, of domestic malt beverage (beer or ale) for each one cent (1¢) charge.

(3) *Non-labeled bottles.* Any domestic malt beverage item (beer or ale) offered for sale or sold in bottles by any "eating or drinking place" subject to this regulation, which does not have the manufacturer's label affixed thereto, or the trade name or brand stamped, printed, or engraved or appearing in raised letters on the cap or bottle as proper identification, shall not be offered for sale or sold at a price higher than the lowest maximum price fixed herein for the size of bottle of domestic malt beverage (beer or ale) offered for sale or sold.

SEC. 10. *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

SEC. 11. *Other brands of domestic malt beverages.* Any person subject to this order desiring to sell any other trade name or brand of domestic malt beverage not specifically priced by section 9 herein, shall, before offering such domestic malt beverage for sale, apply to and receive from the Fort Worth District Office of the Office of Price Administration a maximum price for such beverage.

Such application need not be in any particular form, but must contain the following information: Name and address of applicant, location and type of "eating or drinking place", trade name or brand of domestic malt beverage, size of bottle, and cost per case, delivered. The Fort Worth District Office of the Office of Price Administration shall then fix the maximum price for such trade name or brand of domestic malt beverage, and shall notify such applicant accordingly. The price so fixed shall be the maximum price for which such trade name or brand of domestic malt beverage may be sold by such applicant.

SEC. 12. *Taxes.* The dollars-and-cents maximum prices for the beverage items listed in section 9 hereof, include municipal, state, and federal taxes in effect as of the effective date of this regulation. In the event of an increase in an existing tax or of the levy of a new or additional tax, not in effect on the effective date of this regulation, the Fort Worth District Director of the Office of Price Administration may make such adjustment in the maximum prices provided for herein, as may appear equitable and just.

SEC. 13. *Evasion.* The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of any beverage item, alone or in connection with any other commodity or by way of commission, service, transportation, or any charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means, manner, method, device, scheme, or artifice, or otherwise.

SEC. 14. *Enforcement.* "Persons" violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Petition for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment, in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

SEC. 16. *Effective date.* This order becomes effective at 12:01 a. m., central war time, July 26, 1943.

SEC. 17. *Revocation.* This order may be amended, corrected, revised, or revoked at any time.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Fort Worth, Texas, this 15th day of July 1943.

MARK MCGEE,
District Director.

[F. R. Doc. 43-12542; Filed, August 2, 1943; 11:55 a. m.]

[Fort Worth Order G-1 Under G. O. 50, Amdt. 1]

DOMESTIC MALT BEVERAGES IN THE FORT WORTH, TEXAS, AREA

Filing of prices by restaurants and similar establishments: delegation of authority to fix maximum prices.

For the reasons set forth in the opinion issued simultaneously herewith and under authority invested in the District Director of Fort Worth, Texas, of Region V of the Office of Price Administration under General Order No. 50 and Region V Delegation Order dated April 13, 1943: *It is hereby ordered,* That Fort Worth District Order No. G-1 be and the same is hereby amended as follows:

Section 9 of such order is hereby amended to read as follows:

SEC. 9. *Maximum "Dollars-and-Cents" Prices.* (a) The maximum "dollars-and-cents" prices which may be charged for the beverage items subject to this order, are:

(1) In bottles	Maximum price per bottle		
	12 oz.	21 oz.	32 oz.
Brand or trade name:	*Cents*	*Cents*	*Cents*
Pabst Ale	20	----	----
Blatz Pilsner	16	----	36
Budweiser	16	----	36
Canadian Ace	16	----	36
Hamm's Preferred	16	----	----
Kingsbury Pale	16	----	36
Muehlebach Pilsner	16	----	36
Pabst Blue Ribbon	16	----	36
Pilsner Club	16	31	36
Schlitz	16	----	----
Schoot's Highland	16	----	36
Silver Cream	16	31	----
A B C	11	----	26
Berlin	11	----	26
Blue Bonnet	11	----	----
Embassy Club	11	----	26
Falstaff	11	----	26
Grand Prize	11	----	26
Haas	11	----	----
High Brau	11	----	26
Jax	11	----	----
Koller	11	----	----
Lang	11	----	----
Lone Star	11	21	26
Mellow Brew	11	----	----
Mountain Top	11	----	----
Muskegon	11	----	26
Old Gold	11	----	26
Pearl	11	----	----
Pioneer	11	21	----
Polo	11	21	26
Pom Roy			26
Prima	11	21	----
Roebuck	11	----	----
Shiner	11	----	26
Silver Fox	11	----	26
Southern Select	11	----	----
Topaz	11	----	----
White Seal	11	----	----

This Amendment No. 1 to Fort Worth District Order No. G-1 shall become effective at 12:01 a. m., July 26, A. D. 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Fort Worth, Texas, this 23rd day of July 1943.

MARK MCGEE,
District Director.

[F. R. Doc. 43-12543; Filed, August 2, 1943; 11:48 a. m.]

[Oklahoma City Order G-1 Under G. O. 50, Amdt. 1]

DOMESTIC MALT BEVERAGES IN THE OKLAHOMA CITY, OKLA. DISTRICT

Order No. G-1, Amendment No. 1 under General Order No. 50. Filing of prices by restaurants and similar establishments: Delegation of authority to fix maximum prices.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Oklahoma City, Oklahoma, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region V Delegation Order dated April 13, 1943, *It is hereby ordered,* That section 11 be amended to read as set forth below:

SEC. 11. *Other brands of domestic malt beverages.* Any person subject to this order desiring to sell any domestic malt beverage of a trade name or brand not specifically priced by section 9 herein shall determine the price of such domestic malt beverages in the following manner:

If the bona fide net cost of the unlisted brand of domestic malt beverage is $1.99 or less per case of 24 twelve-ounce bottles, the maximum retail ceiling price shall be 11 cents per 12-ounce bottle. Such unlisted brands of domestic malt beverage in the 32-ounce size shall have a maximum retail ceiling price of 26 cents per 32-ounce bottle.

If the bona fide net cost of the unlisted brand of domestic malt beverage is $2 or more per case of 24 twelve-ounce bottles, the maximum retail ceiling price shall be 16 cents per 12-ounce bottle. Such unlisted brands of domestic malt beverage in the 32-ounce size shall have a maximum retail ceiling price of 36 cents per 32-ounce bottle.

Domestic malt beverage served in any container other than 12-ounce or 32-ounce shall be priced on an exact quantity ratio basis adjusted to the nearest cent; such ratio shall be to either the 12-ounce size or the 32-ounce size of the same brand, whichever is most nearly comparable in size.

The retailer is required to maintain and make available to any authorized representative of the Office of Price Administration invoices, receipts, or other prima facie evidence, to substantiate such net cost, and, in addition, such evidence must identify the source of supply by name and address.

"Net cost" as that term is used herein means the price charged by the wholesale supplier of domestic malt beverage to the retailer provided that such price is not in excess of the wholesale supplier's maximum ceiling price as determined under Maximum Price Regulation No. 259.

Within five days after determining the price for a new brand of malt beverage, the seller shall report the price so determined to the Price Panel of the War Price and Rationing Board of the county in which said place of business is located, setting forth the brand, unit package, and net cost, and also the source of supply, whether jobber, wholesaler, manufacturer or distributor. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Amendment to Order No. G-1 under General Order No. 50 shall become effective at 12:01 a. m., central war time, July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808.

Issued at Oklahoma City, Oklahoma, this 16th day of July 1943.

REX A. HAYES,
District Director.

[F. R. Doc. 43-12474; Filed, July 31, 1943; 4:04 p. m.]

[Region VI Order G-2 Under SR 15 to GMPR]

FLUID MILK IN GRAND FORKS, N. DAK., AND EAST GRAND FORKS, MINN.

Order No. G-2 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Grand Forks, North Dakota and East Grand Forks, Minnesota. (Formerly Order No. G-13.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Grand Forks, North Dakota, and East Grand Forks, Minnesota, depend for their supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and sub-paragraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Gallon	Quart	Pint	½ pint
Wholesale (cents)	4.0	1.0	0.5	0.25
Retail (cents)	4.0	1.0	.5	.25

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 41¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the Regional Office of the Office of Price Administration located in Chicago, Illinois, or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such seller at retail be increased by more than the highest increase in cost to himself.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form.

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Gallon	----
Quart	----
Pint	----
½ pint	----

5. This order shall apply to sales and deliveries within the cities of Grand Forks, North Dakota and East Grand Forks, Minnesota, and within an area of one mile from the respective city limits thereof.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor or other person of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the Chicago Regional Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price & Rationing Board, and insofar as practicable the information contained herein shall be made available to the press serving Grand Forks, North Dakota and East Grand Forks, Minnesota.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This Order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

(Pub. Laws 421 and 279, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43–12544; Filed, August 2, 1943; 11:55 a. m.]

[Region VI Order G–3 Under SR 15 to GMPR]

FLUID MILK IN THE BLACK HILLS AREA OF SOUTH DAKOTA

Order No. G–3 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Black Hills Area, South Dakota. (Formerly Order No. 14.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which the Black Hills area in South Dakota depends for their supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are or shortly will be paying to producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Gallon	Quart	Pint	Half pint
Wholesale (cents)	4.0	1.0	0.5	0.25
Retail (cents)	4.0	1.0	.5	None

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units.

3. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 41¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the South Dakota State Office of the Office of Price Administration, or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such seller at retail be increased by more than the highest increase in cost to himself.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Gallon	-------
Quart	-------
Pint	-------
½ pint	None.

5. This order shall apply to sales and deliveries within the area of the State of South Dakota described as follows: all of Butte, Lawrence, Custer and Fall River Counties, and that part of Pennington and Meade Counties lying west of a line extended south from the eastern boundary of Butte County, to a point where such line intersects the north boundary of Custer County, except the area already covered by Order No. 2 (redesignated as Order No. G–2) under Amendment No. 34 to Supplementary Regulation No. 14 dated October 7, 1942, being the area written by the city limits of Rapid City and within six miles from the city limits thereof and in addition the Rapid City Army Air Base.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor or other person of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the South Dakota State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Boards, and insofar as practicable the information contained herein shall be made available to the press serving the Black Hills area.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

JOHN C. WEIGEL,
Regional Administrator.

NOVEMBER 16, 1942.

[F. R. Doc. 43–12558; Filed, August 2, 1943; 4:21 p. m.]

[Region VI Order G–3 Under SR 15 to GMPR, Amdt. 1]

FLUID MILK IN THE BLACK HILLS AREA OF SOUTH DAKOTA

Amendment No. 1 to Order G–3 under Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Previously known as Regional Order No. 14 under Supplementary Regulation No. 15.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That Order G–3 under § 1499.75 of the General Maximum Price Regulation (previously known as Regional Order No. 14 under Supplementary Regulation No. 15) be amended by deleting paragraph 7 thereof.

This amendment shall become effective April 26, 1943.

Issued this 21st day of April 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–12545; Filed, August 2, 1943; 11:54 a. m.]

[Region VI Order G–4 Under SR 15 to GMPR]

FLUID MILK IN VELVA, N. DAK.

Order No. G–4 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Velva, North Dakota. (Formerly Order No. 15.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which Velva, North Dakota depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and sub-paragraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Quart	Pint	½ pint
Wholesale (cents)	1.0	0.5	0.25
Retail (cents)	1.0	.5	None

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figure containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No seller at retail purchasing milk from a distributor at wholesale shall sell milk at the increased prices provided by paragraph 1 hereof until and unless he shall have purchased or contracted to purchase milk at an increased price.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	--------
Pint	--------

5. This order shall apply to all sales and deliveries within the City of Velva, North Dakota, within an area of one mile of the city limits thereof and to sales and deliveries made to the Truax Traer mine located near Velva, North Dakota and to persons employed in said mine and any retailers serving said employees.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor, or other person, of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the North Dakota State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made available to the press serving Velva, North Dakota.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

JOHN C. WEIGEL,
Regional Administrator.

NOVEMBER 20, 1942.

[F. R. Doc. 43–12546; Filed, August 2, 1943; 11:54 a. m.]

[Region VI Order G–5 Under SR 15 to GMPR]

FLUID MILK IN ST. EDWARDS, NEBR.

Order No. G–5 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in St. Edwards, Nebraska. (Formerly Order No. 16.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which St. Edwards, Nebraska depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942 and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maxium prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Quart	Pint	½ pint
Wholesale (cents)	1.0	0.5	0.25
Retail (cents)	1.0	.5	None

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by

the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No seller at retail purchasing milk from a distributor at wholesale shall sell milk at the increased prices provided by paragraph 1 hereof until and unless he shall have purchased or contracted to purchase milk at an increased price.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	
Pint	

5. This order shall apply to all sales and deliveries within the city of St. Edwards, Nebraska, and within an area of one mile of the city limits thereof.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor, or other person, of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the Nebraska State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made availabel to the press serving St. Edwards, Nebraska.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

Issued this 24th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12547; Filed, August 2, 1943; 11:50 a. m.]

[Region VI Order G-6 Under SR 15 to GMPR]

FLUID MILK IN HENDERSON, MINN.

Order No. G-6 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Henderson, Minnesota. (Formerly Order No. 17.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which Henderson, Minnesota depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid consumption necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under Section 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

1. The maximum prices established for sellers of milk at retail by § 1499.2 of the General Maximum Price Regulation are herein increased by one cent a quart.

2. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	
Pint	

3. This order shall apply to all sales and deliveries within the City of Henderson, Minnesota and within an area of one mile of the city limits thereof.

4. All sellers of milk who purchase milk directly from the producers thereof shall file with the Minnesota State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

5. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

6. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made available to the press serving Henderson, Minnesota.

7. This order shall be effective from the issuance date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

Issued this 24th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12548; Filed, August 2, 1943; 11:50 a. m.]

[Region VI Order G-7 Under SR 15 to GMPR]

FLUID MILK IN ACKLEY, IOWA

Order No. G-7 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Ackley, Iowa. (Formerly Order No. 18.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which Ackley, Iowa, depends for its supply of fluid milk has increased 23¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000 in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 23¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying Opinion and pursuant to the Emergency Price Control Act of 1942, and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof, the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Quart	Pint
Wholesale (cents)	0.5	0.5
Retail (cents)	.5	.5

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 10½¢ for one unit would be adjusted to 11¢ for one unit, 21¢ for two units, etc.

3. No seller at retail purchasing milk from a distributor at wholesale shall sell milk at the increased prices provided by paragraph 1 hereof until and unless he shall have purchased or contracted to purchase milk at an increased price.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	
Pint	

5. This order shall apply to all sales and deliveries within the City of Ackley, Iowa and within an area of one mile of the city limits thereof.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor, or other person, of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the Iowa State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made available to the press serving Ackley, Iowa.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter or by any supplemental or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

Issued this 24th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12549; Filed, August 2, 1943; 11:52 a. m.]

[Region VI Order G-8 Under SR 15 to GMPR]

FLUID MILK IN EMMETSBURG, IOWA

Order No. G-8 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Emmetsburg, Iowa. (Formerly Order No. 19.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which Emmetsburg, Iowa depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000 in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15, *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Quart	Pint
Wholesale (cents)	1.0	0.5
Retail (cents)	1.0	.5

2. No seller at retail purchasing milk from a distributor at wholesale shall sell milk at the increased prices provided by paragraph 1 here until and unless he shall have purchased or contracted to purchase milk at an increased price.

3. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	
Pint	

4. This order shall apply to all sales and deliveries within the City of Emmetsburg, Iowa and within an area of three miles of the city limits thereof.

5. All sellers of milk who purchase milk directly from the producers thereof, shall file with the Iowa State Office of the Office of Price Administration a statement on the 20th of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

6. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

7. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made available to the press serving Emmetsburg, Iowa.

8. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

Issued this 24th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12550; Filed, August 2; 1943; 11:52 a. m.]

[Region VI Order G-9 Under SR 15 to GMPR]

FLUID MILK IN ROCKFORD, ILL.

Order No. G-9 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Rockford, Illinois. (Formerly Order No. 20.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk or milk powder for milk produced within the milk shed on which Rockford, Illinois depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected as the result of the adoption of all practicable measures de-

signed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying Opinion and pursuant to the Emergency Price Control Act of 1942, and subparagraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15, *It is ordered:*

1. The maximum prices for milk in quart containers at wholesale and retail shall be the prices established for such sellers under § 1499.2 of the General Maximum Price Regulation or the following prices, whichever shall be higher:

	Wholesale to stores	Retail out of stores	Home delivery
Quarts (cents)	9.5	11.0	12.5

2. This order shall apply to all sales and deliveries within the City of Rockford, Illinois, and within an area of two miles of the city limits thereof.

3. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor, or other person, of milk in bottles or paper containers.

4. All sellers of milk who purchase milk directly from the producers thereof shall file with the Illinois State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

5. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in the maximum prices for fluid milk in accordance with the permission granted hereby.

6. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board and insofar as practicable the information contained herein shall be made available to the press serving Rockford, Illinois.

7. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

Issued this 24th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12551; Filed, August 2, 1943; 11:53 a. m.]

[Region I Order G-8 Under Rev. MPR 122]

BITUMINOUS COAL IN WORCESTER, MASS.

Order No. G-8 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers—straight run of mine bituminous coal—Worcester, Massachusetts area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered:*

(a) *Maximum prices.* The maximum prices established by §§ 1340.254, 1340.256 and 1340.265 of Revised Maximum Price Regulation No. 122 for Straight Run of Mine bituminous coal sold and delivered in the Worcester, Massachusetts Area by dealers are modified, so that the maximum prices therefor per net ton shall be as follows:

Customer classifications: (net ton):	Price per net ton
1–2	$10.75
3–60	9.95
61–500	9.35
Over 500	9.10

(b) *Terms and conditions of sale.* (1) The maximum prices established hereby are for delivery of the coal into customer's bin. No additional charge shall be added thereto for carrying or wheeling from truck to bin or for trimming in the bin.

(2) Terms of sale shall be 2% 10 days, net 30 days.

(3) A dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by the supplier from whom he purchased.

(c) *Customer classifications.* The classification of a customer in one of the tonnage classifications set forth in the Table of Prices in section (a) shall be made upon the basis of that customer's total annual consumption even though he may purchase portions thereof from two or more dealers. In the event that it is impossible for any reason to determine the customer's proper classification at the time of the sale or delivery (as, for example, in the case of a customer who converts from oil to coal), an estimate shall be made of his probable consumption, he shall be tentatively classified upon the basis of that estimate, and the dealer or dealers supplying him shall make an appropriate refund and may require that the customer agree to pay an appropriate additional amount if, when his actual classification has been determined, it appears that he was entitled to a lower price or could properly have been charged a higher one.

(d) *Definitions.* (1) "Straight run of mine bituminous coal" means bituminous coal produced in Producing District 1 which contains all of the coal as produced at the mine; that is, from which no screenings or other sizes have been removed. It shall not include the coal commonly sold by the dealers in the Worcester, Massachusetts Area as "Lumpy run of mine," and which is bituminous coal produced in Producing District 1 and defined by the Bituminous Coal Division as "Domestic, dealer, modified or screened run of mine."

(2) The "Worcester, Massachusetts area" shall consist of the following cities and towns in the Commonwealth of Massachusetts: Auburn, Boylston, Grafton, Holden, Leicester, Millbury, Paxton, Shrewsbury, West Boylston and Worcester.

(3) "Dealer" means any person selling bituminous coal except coal which is delivered from a mine or preparation plant by a producer or distributor, or a person who sold bituminous coal subject to Revised Maximum Price Regulation No. 122 or subject to Maximum Price Regulation No. 122.

(4) "Bituminous Coal Division" means the Bituminous Coal Division of the United States Department of the Interior, and all references to Producing Districts are to the geographical bituminous coal producing districts as defined in the Bituminous Coal Act of 1937, as amended, and as they have been or may be modified from time to time by the Bituminous Coal Division.

(5) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(e) *Applicability of Revised Maximum Price Regulation No. 122.* Except as otherwise provided herein, the provisions of Revised Maximum Price Regulation No. 122 shall apply to all transactions which are the subject of this order, except that prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(f) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(g) Lower prices than those set forth herein may be charged, paid or offered.

(h) This order may be revoked, amended or corrected at any time.

This order shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

FRANK D. O'NEIL,
Acting Regional Administrator.

[F. R. Doc. 43-12465; Filed, July 31, 1943; 2:46 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-41, 70-312]

MICHIGAN GAS AND ELECTRIC CO. AND THE MIDDLE WEST CORP.

NOTICE OF FILING AND ORDER FOR HEARING AND DIRECTING CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of July, A. D., 1943.

Notice is hereby given that an amended declaration or application (or both) has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Michigan Gas and Electric Company, a subsidiary company of The Middle West Corporation, a registered holding company. All interested persons are referred to said amended declaration or application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Michigan Gas and Electric Company is a subsidiary company of The Middle West Corporation, a registered holding company. The Michigan company heretofore filed an application, and amendments thereto, pursuant to section 6 (b) of the Act, for exemption from the provisions of section 6 (a) of the Act of the issuance and sale of $3,500,000 principal amount of its First Mortgage Bonds, due March 1, 1972, and $750,000 principal amount of its Serial Debentures, due serially September 1, 1942–March 1, 1952 (File No. 70–312). The Commission ordered a hearing on said application, and instituted proceedings under sections 11 (b) (2), 12 (c) and 15 (f) of the Act against the Michigan company and Middle West (File No. 59–41). The two proceedings were consolidated for hearing.

On June 6, 1942, this Commission entered an Order in said proceedings granting the amended application of the Michigan company, subject to the condition, among others, "that Michigan Gas and Electric Company by appropriate charges to earned surplus set up a reserve for plant adjustments in the amount of $470,000". Said Order further provided "that jurisdiction be and is hereby reserved to consider all matters in these proceedings not hereby determined, including specifically, without limiting the generality of the foregoing, proper statement of the accounts of Michigan Gas and Electric Company, appropriate changes in its reserve for plant adjustments, fair and equitable distribution of voting power among its security holders, restriction of dividends, and any other problems presented under sections 11 (b) (2), 12 (c), 15 (f) and other applicable sections of the Act." Hearings are being held in the proceedings, pursuant to said reservation of jurisdiction.

On June 9, 1942, the Michigan company entered on its books a charge in the amount of $470,000 against earned surplus and a credit in the amount of $470,000 to "reserve for plant adjustments". The effect of making said entry on the Michigan company's books in compliance with said condition of the Commission's said order was to place the earned surplus of the Michigan company in a deficit position. Such earned surplus deficit amounted to approximately $208,400 at June 30, 1942, and to $30,065 at December 31, 1942.

The Michigan company now proposes (1) to reverse on its books said entry of June 9, 1942, above referred to, by charging the "reserve for plant adjustments" account now existing on its books with the sum of $470,000 and by crediting earned surplus on its books with the sum of $470,000; (2) to create capital surplus on its books in the amount of $781,000 through a reduction of its common capital or common capital stock in the amount of $781,000 to be effected by the surrender for cancellation and the retirement of 5,935 shares (out of 15,560 shares presently outstanding) of its $100 par value common stock and 2,500 shares (all presently outstanding) of its no par value common stock, stated value $187,500; (3) to charge such capital surplus with the sum of $470,000 and credit gas utility plant adjustment account with the sum of $470,000; and (4) to use the remainder of such capital surplus ($311,000) to write off such additional items as may be determined in the proceedings, or as a reserve for such purpose, any balance to be available for proper corporate purposes.

The Michigan company states that, so far as it can ascertain from its records, it has received no consideration of any substantial value for $470,000 par amount of its capital stock and has no objection to the elimination of that amount from its plant account through capital surplus to be created by the surrender for cancellation and the retirement of $470,000 par amount of common capital stock of the Michigan company now outstanding.

Middle West and Halsey, Stuart & Co., Inc., holders of the outstanding shares of common capital stock of the Michigan company, have agreed informally to surrender to the Michigan company without consideration, for cancellation and retirement, the 8,435 shares of common stock, for the purposes stated above. Middle West would surrender 4,785 shares (retaining 6,885 shares) of the $100 par value common stock and 1,250 shares (retaining none) of the no par value common stock. Halsey, Stuart & Co., Inc. would surrender 1,150 shares (retaining 2,740 shares) of the $100 par value common stock and 1,250 shares (retaining none) of the no par value common stock.

The Michigan company further proposes to amend its Articles of Incorporation to provide in part as follows:

(1) Each outstanding share of stock of every class shall have one vote, except as otherwise provided by Michigan law and by the amended Articles, on all matters voted upon at any meeting of stockholders.

(2) If at the date of any annual election of directors dividends equivalent to four quarterly dividend installments shall be in default on any outstanding shares entitled to any dividend preference over any other shares, then at such annual election and at each annual election of directors held thereafter, until such default shall have been remedied, the holders of all preference shares, voting as a single class separately from the common stock, shall be entitled to elect the smallest number of directors necessary to constitute a majority of the board, and the common stock, voting separately as a class, shall be entitled to elect the remaining directors.

(3) Any default in dividends on any preference stock shall be deemed remedied when all dividends on each such share shall have been paid in full. Dividends shall be deemed to have been paid in full whenever legally declared and paid, or whenever there shall be surplus or net earnings, earned since the date of the default which gave rise to the special voting right, legally available for such dividends.

(4) Special voting rights for the preference stock shall terminate whenever the default or defaults giving rise to such rights shall have been remedied.

The Michigan company further proposes, out of its earned surplus (to be restored as above set forth), forthwith to pay all arrears ($305,611 at February 28, 1943) in dividends on its Prior Lien Stock, and to resume payment of regular dividends on its Prior Lien Stock and on its Preferred Stock. The Michigan company further proposes to make payments on the arrears of dividends on its Preferred Stock from time to time in such amounts as may be feasible.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, and that said amended application shall not be granted nor said amended declaration permitted to become effective except pursuant to further order of this Commission; and

It further appearing to the Commission that some of the evidence in the pending proceedings under sections 11 (b) (2), 12 (c) and 15 (f) of the Act (File No. 59–41) is also relevant to said amended declaration or application filed by Michigan Gas and Electric Company, and that there are common issues to be determined in both proceedings; *It is ordered,* That a hearing on such matters under the applicable provisions of the Act and rules of the Commission thereunder be held on August 24, 1943 at 10 o'clock a. m. e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such amended declaration or application (or both) shall become effective or shall be granted.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to this Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by

such amended declaration or application (or both) otherwise to be considered in this proceeding particular attention will be directed at the hearing to the following matters and questions, in addition to those involved in the pending proceedings:

(1) Whether, under section 12 (c) and 12 (f) of the Act, the proposed acquisition by Michigan Gas and Electric Company of shares of its common stock, the proposed surrender by The Middle West Corporation, for cancellation, of shares of the common stock of Michigan Gas and Electric Company, and the proposed declaration and payment of dividends by Michigan Gas and Electric Company would be consistent with protection of the financial integrity and working capital of Michigan Gas and Electric Company and of The Middle West Corporation.

(2) Whether, under section 15 (f) of the Act, the proposed entries, charges and credits in and to the books and accounts of Michigan Gas and Electric Company would properly reflect the proposed transactions.

(3) Whether, and in what amounts, the plant accounts of Michigan Gas and Electric Company include items properly to be recorded as plant adjustments (Account 107), and whether, under section 15 (f) of the Act, such amounts may properly be charged to or reserved for out of capital surplus to be created in the manner proposed.

(4) Whether, under sections 6 (a) (2) and 7 (e) of the Act, the proposed amendment to the Articles of Incorporation of Michigan Gas and Electric Company would result in an unfair or inequitable distribution of voting power among holders of the securities of Michigan Gas and Electric Company or be otherwise detrimental to the public interest or the interest of investors or consumers.

(5) Whether, under sections 6 (a) (2) and 7 (g) of the Act, the proposed amendment to the Articles of Incorporation of Michigan Gas and Electric Company would comply with State laws applicable to said proposed amendment.

(6) Whether, pursuant to sections 6 (a) (2), 7 (e), 7 (f), 7 (g), 12 (c), 15 (f) and other applicable sections of the Act, it is necessary or appropriate to impose any terms and conditions with respect to the proposed transactions in the public interest, for the protection of investors and consumers, or in order to assure compliance with the standards of the Act.

It is further ordered, In the interest of expeditious procedure that the hearing on the matters recited above be and the same is hereby consolidated for hearing with the pending proceedings in the matter of Michigan Gas and Electric Company and The Middle West Corporation, Files No. 59-41 and 70-312, and that evidence be taken in said consolidated hearing with respect to both proceedings, reserving however the right at any time hereafter to sever said proceedings and to issue separate orders therein.

It is further ordered, That notice of said hearing is hereby given to Michigan Gas and Electric Company and The Middle West Corporation, their respective security holders, all States, municipalities and political subdivisions of States within which are located any of the physical assets of said companies, or under the laws of which any of said companies are incorporated, all State Commissions, State Securities Commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over Michigan Gas and Electric Company and The Middle West Corporation or over either of said companies or over any of the businesses, affairs, or operations of either of them; that the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Michigan Gas and Electric Company and The Middle West Corporation not less than fifteen days prior to the date hereinbefore fixed as the date of hearing; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Act; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not less than fifteen days prior to the date hereinbefore fixed as the date of hearing.

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission on or before the 20th day of August 1943 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12614; Filed, August 3, 1943; 11:55 a. m.]

WAR PRODUCTION BOARD.

CLEVELAND PNEUMATIC AEROL, INC.

AMENDMENT OF ORDER REVOKING PREFERENCE RATINGS

Builder: Cleveland Pneumatic Aerol, Inc., 20001 Euclid Avenue, Cleveland, Ohio. Project: Facilities to manufacture aircraft landing gear struts identified as Plancor 1053; sponsored by the Navy Dept., Bureau of Aeronautics.

Pursuant to the provisions of paragraph Number 3 of the War Production Board order issued June 10, 1943 revoking preference ratings issued to the above builder, a determination has been made that certain machine tools are necessary for the purpose set forth in said paragraph Number 3.

It is therefore ordered, That the said War Production Board order issued June 10, 1943 revoking certain preference ratings issued to the above builder be and it hereby is amended as follows:

The revocation of ratings provided in paragraph 1, and the prohibition of construction and installation provided in paragraph 3, of said order are hereby revoked with respect to the machine tools set forth on the list marked Exhibit A attached hereto and made a part hereof, as though said order issued June 10, 1943 had specifically excepted said machine tools from the effect of the order;

The builder is hereby authorized to apply, and his suppliers to extend the ratings previously assigned to deliveries of the machine tools set forth on the said list attached hereto and marked Exhibit A, and the builder is hereby authorized to install the said machine tools in the above project, and to perform such construction as may be incidental to such installation: *Provided*, That such incidental construction shall not be in violation of the provisions of Conservation Order L-41 or the provisions of Preference Rating Order P-19-h builder's Serial Number 26247.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

1—#74 Heald Internal Grinder, 6" Hollow Head, ordered from the Heald Machine Company, Worcester, Mass., through their Cleveland office on Aerol order #536.
1—#74 Heald Internal Grinder, with Extended Bridge, ordered from Heald Machine Company, Worcester, Mass., through their Cleveland office on order #551.
1—#74 Heald Internal Grinder, 10" Hollow Head, ordered from Heald Machine Company, order #535.
1—#50 Internal Cylinder Grinder on order #1555, ordered from Heald Machine Company.
1—16-30 x 48 Norton External Grinder, Order #378 ordered from Motch and Merryweather, Cleveland, Ohio.
1—16-30 x 96 Norton External Grinder ordered from Motch and Merryweather on order #702.
3—20" Gap Norton External Grinders on Orders 409, 411 and 412 ordered from Motch and Merryweather.
1—16 x 72 Norton External Grinder, Order #AD-321, ordered from Motch and Merryweather.
1—5¾" Cleveland Automatic, ordered from Cleveland Automatic Machine Company, Cleveland, Ohio, Order #4.
2—4H-12 Libby Turret Lathes with fixed turrets, ordered from Strong, Carlisle and Hammond, Cleveland, Ohio, Order #186.
5—4H-12 Libby Gap Turret Lathes, 84" swing, order #273 from Strong, Carlisle and Hammond.
1—65" Barnes Honing Machine on order #27 ordered from William K. Stamets Company of Cleveland.
4—3A Carlton Radial Drills, 15" column, 4' Arm, 2 on order #197 and 2 on order #256, ordered from the J. C. Whitney Company of Cleveland.

[F. R. Doc. 43-12562; Filed, August 2, 1943; 4:44 p. m.]

WAR SHIPPING ADMINISTRATION.

VESSEL "CATALINA"

DETERMINATION OF OWNERSHIP REQUIREMENT

Notice is hereby given that, pursuant to section 3 (b) of Public Law 17, 78th Congress, the following determination has been made:

Whereas, on August 25, 1942, title to the S. S. *Catalina* (including all spare parts appertaining thereto, whether aboard or ashore) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, and

Whereas, section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Cong.), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however*, That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. • • •

Whereas just compensation for the said vessel has not been determined by the Administrator, War Shipping Administration, and no part thereof has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, its spare parts and appurtenances, is not required by the United States; and

Whereas, by mutual agreement between the Administrator, War Shipping Administration, and Wilmington Transportation Company, the latter has consented to the determination by the Administrator that the use rather than the title of the said vessel, its spare parts and appurtenances, shall be deemed to have been requisitioned as of the date of the original taking thereof, namely, August 25, 1942;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above quoted provisions of law, do determine that the ownership of said vessel, its spare parts and appurtenances, is not required by the United States, and that the requisition on August 25, 1942 of the above mentioned vessel, its spare parts and appurtenances, shall, from and after the date of publication hereof in the FEDERAL REGISTER, be deemed to have been, for all purposes, a requisition of the use rather than of the title of the said vessel, its spare parts and appurtenances, as of the date of the original taking, namely, August 25, 1942.

Dated: August 2, 1943.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 43-12569; Filed, August 3, 1943; 10:26 a. m.]

Reference

6 '43

FEDERAL REGISTER

VOLUME 8 NUMBER 154

Washington, Thursday, August 5, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—War Food Administration

PART 802—SUGAR DETERMINATIONS

NORMAL YIELDS OF COMMERCIALLY RECOVERABLE SUGAR PER ACRE FOR SUGAR BEETS (REVISED)

Pursuant to the provisions of section 303 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.15e *Determination of normal yields of commercially recoverable sugar per acre for sugar beets.* (a) The normal yield of commercially recoverable sugar per acre for any farm on which sugar beets are planted shall be the amount of sugar obtained by multiplying the normal yield of sugar beets in tons per acre for the farm by the amount of sugar, raw value, determined to be commercially recoverable under section 302 (a) of the Sugar Act of 1937, as amended, from a ton of sugar beets of normal percentage of sugar content for the farm.

(b) For the purposes of this determination:

(1) "Planted" sugar beets shall be deemed to include only sugar beets planted for harvest for the extraction of sugar.

(2) The "normal yield" of sugar beets shall be:

(i) For a farm on which sugar beets were planted in three or more of the next preceding seven years, the simple average of the annual average yields of sugar beets in tons per acre planted on the farm for all of such years in which sugar beets were planted;

(ii) For a farm on which sugar beets were planted in only one or two of the next preceding seven years, the number of tons obtained by multiplying the county normal yield of sugar beets by the percentage that the simple average of the yields of sugar beets in tons per acre planted on the farm in such year or years is of the simple average of the county average yields of sugar beets for such year or years, except that the normal yield for such farm shall not be less than 80 percent nor more than 120 percent of the county normal yield; and

(iii) For a farm on which sugar beets were not planted in any of the next preceding seven years, 90 percent of the county normal yield of sugar beets.

(3) The "county average yield" of sugar beets shall be:

(i) For each of the years 1936–1941, inclusive, the yield established, or which could have been established, under the 1942 sugar beet program; and

(ii) For the year 1942 and any subsequent year, for a county with ten or more farms with respect to which applications for sugar payments were approved, the weighted average yield in tons per planted acre on such farms in such year, and for a county with less than ten farms with respect to which applications for sugar payments were approved, the yield per acre established by the State Agricultural Conservation Committee on the basis of the yields per acre for such year in the county and in adjacent counties with similar production conditions.

(4) The "county normal yield" of sugar beets shall be:

(i) For a county for which county average yields are established for three or more of the next preceding seven years on the basis of ten or more farms, the simple average of all the average yields in tons per acre so established for such county for such years; and

(ii) For a county for which county average yields are established for less than three of the next preceding seven years on the basis of ten or more farms, the yield established by the State Agricultural Conservation Committee on the

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
ALIEN PROPERTY CUSTODIAN:	
Vesting orders:	
Abandoned patent applications, nationals of:	
Enemy countries	10911
Enemy-occupied countries	10911
Avenarius, R., & Co	10913
BITUMINOUS COAL DIVISION:	
Minimum price schedules amended:	
District 4	10885
District 7 (2 documents)	10886, 10888
District 9	10889
District 14	10891
CIVIL AERONAUTICS BOARD:	
United Air Lines Transport Corp., oral argument	10910
INTERNAL REVENUE BUREAU:	
Gift tax under Internal Revenue Code, regulations revised	10858
INTERSTATE COMMERCE COMMISSION:	
Daingerfield, Tex., weighing of sand or gravel for use of Austin Bridge Co	10910
OFFICE OF DEFENSE TRANSPORTATION:	
Deliveries, wholesale and retail, further curtailment (ODT 17, Am. 5)	10910
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	10914
Adjustments, exceptions, etc.:	
Bond, Lawrence E	10907
Curtice Bros. Co	10908
Parkinson, Warren Lee	10907
Wells Mfg. Co	10907
Aluminum scrap and secondary ingot (MPR 2, Am. 2)	10899
Animal product feedingstuffs (RMPR 74, Am. 1)	10905
Asphalt, container costs (MPR 188, Am. 10 to Order A–1)	10915
Authority delegated to territorial director:	
Puerto Rico	10917
Virgin Islands	10917
Cotton goods, fine (MPR 11, Am. 8)	10900

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Cottonseed oil meal, cake, hulls, etc. (MPR 444) 10903
Malt beverages, domestic (MPR 259, Am. 2) 10902
Petroleum and products (RPS 88, Am. 118) 10901
Plastic pipe and tubing (MPR 188, Am. 18) 10907
Modification of prices (MPR 188, Am. 8 to Order A–1) 10914
Puerto Rico, specific prices for certain canned goods (RMPR 183, Am. 1) 10906
Regional, State, and district office orders:
Ice:
Greensburg, Ind. (2 documents) 10919
Indianapolis, Ind 10918
Milk:
Indiana 10920
Ohio, Cuyahoga, Wayne, and Summit counties 10917
Milk haulers, Indiana, Kentucky, Michigan, Ohio, and West Virginia (2 documents) 10920

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Regional, State, and district office orders—Continued.
Rubber footwear, victory line waterproof (MPR 229, Am. 7) 10900
Solid fuels:
Clinton, Ind 10918
Mt. Vernon, Ind 10917
Vanderburg County, Ind 10918
Sausages, frankfurters, etc., wholesale (MPR 389, Am. 5 and 6) (2 documents) 10906, 10907
PETROLEUM ADMINISTRATION FOR WAR:
Asphalt marketing, certain test requirements (Dir. 66, Am. 1) 10908
Productive operations, elimination of certain Louisiana fields (PAO 11, Am. 1) 10908
RECLAMATION BUREAU:
Green Mountain Reservoir, Colo., boat and wharf privileges 10908
WAR FOOD ADMINISTRATION:
Meat quotas for August:
(FDO 27–2, Am. 3) 10857
(FDO 61–2) 10857
Sugar beets, normal yields of commercially recoverable sugar per acre 10855
WAR PRODUCTION BOARD:
Aircraft, civilian (P4–7) 10898
Controlled materials plan (CMP Reg. 1, Am. 2) 10898
Dishwashers, commercial (L–248) 10896
Paper and paperboard (M–241) 10898
Petroleum solvents, aromatic (M–150) 10894
Reagent chemicals (P–135–a) 10896
Suspension orders:
Beck Engineering Combustion Kompany 10894
Simon, B. Hardware Co 10894
Tool steel (M–21–h) 10892
Vanadium, use in melting (M–21–h, Dir. 1) 10893
WAR SHIPPING ADMINISTRATION:
Ship warrant rules; rate ceilings for vessels under 1,000 tons 10910

basis of the yields per acre for the next preceding seven years in the county and in adjacent counties with similar production conditions.

(5) The "normal percentage of sugar content" of sugar beets for a farm from which sugar beets were contracted to be marketed under that type of agreement commonly known as an "individual test contract" shall be:

(i) In case sugar beets were so marketed in three or more of the next preceding seven years, the simple average of the annual average percentages of sugar content, at the time of delivery to a processor, of the sugar beets marketed in all of such years in which sugar beets were so marketed;

(ii) In case sugar beets were so marketed in only one or two of the next preceding seven years, the percentage of sugar content obtained by multiplying the county normal percentage of sugar content of sugar beets by the percentage that the simple average of the average percentages of sugar content, at the time of delivery to a processor, of the sugar beets marketed in such year or years is of the simple average of the county average percentages of sugar content of sugar beets for such year or years; and

(iii) In case sugar beets were not so marketed, in any of the next preceding seven years, the county normal percentage of sugar content of sugar beets.

(6) The "county average percentage of sugar content" of sugar beets shall be:

(i) For each of the years 1936–41, inclusive, the percentage established, or which could have been established, under the 1942 sugar beet program; and

(ii) For the year 1942 and any subsequent year, for a county with ten or more farms with respect to which applications for sugar payments were approved, the weighted average percentage of sugar content, at the time of delivery to a processor, of all sugar beets marketed under individual test contracts in such year from farms in the county, and for a county with less than ten farms with respect to which applications for sugar payments were approved, the percentage established by the State Agricultural Conservation Committee on the basis of the percentage of sugar content, at the time of delivery to a processor, of the sugar beets so marketed in such year from farms in the county and in adjacent counties.

(7) The "county normal percentage of sugar content" of sugar beets shall be:

(i) For a county for which county average percentages are established for three or more of the next preceding seven years on the basis of ten or more farms, the simple average of all the average percentages so established for the county for such years; and

(ii) For a county for which county average percentages are established for less than three of the next preceding seven years on the basis of ten or more farms, the percentage established by the State Agricultural Conservation Committee on the basis of the percentage of sugar content, at the time of delivery to a processor, of the sugar beets marketed under individual test contracts in the next preceding seven years from farms in the county and in adjacent counties.

(8) The "normal percentage of sugar content" of sugar beets for a farm from which sugar beets were contracted to be marketed under any type of agreement other than that commonly known as an "individual test contract" shall be the normal percentage of sugar content of sugar beets for the district (an area in which a common marketing agreement was in use).

(9) The "normal percentage of sugar content of sugar beets for the district" shall be:

(i) For a district in which a beet sugar factory was operated in three or more of the next preceding seven years, the simple average of the annual average percentages of sugar content, at the time of processing, of all of the sugar beets processed in the district in all of such years in which sugar beets were processed; and

(ii) For a district in which a beet sugar factory was operated in less than three of the next preceding seven years, the percentage of sugar content of sugar beets established by the Agricultural Adjustment Agency on the basis of the average percentage of sugar content, at the time of processing, of sugar beets produced under similar conditions in the next preceding seven years.

This determination supersedes, with respect to the 1943 and subsequent crops, the "Determination of Normal Yields of Commercially Recoverable Sugar Per Acre for Sugar Beets, Pursuant to the Sugar Act of 1937, as Amended," issued July 27, 1942.

(Sec. 303, 50 Stat. 911; 7 U.S.C. 1940 ed. 1133; E.O. 9322, as amended by E.O. 9334)

Issued this 3d day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–12647; Filed, August 4, 1943; 11:34 a. m.]

Chapter XI—War Food Administration

[FDO 27–2, Amdt. 3]

PART 1410—LIVESTOCK AND MEATS

MEAT QUOTAS

Food Distribution Order No. 27–2, as amended (8 F.R. 7185, 9041, 9641), § 1410.10, issued by the Director of Food Distribution, is amended as follows:

1. By deleting the figure "85" in paragraph (b) and substituting in lieu thereof the figure "90".

2. By deleting the word "July" wherever it appears in the proviso at the end of paragraph (c) and substituting in lieu thereof the word "August".

With respect to violations of said Food Distribution Order No. 27–2, as amended, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Order No. 27–2, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. 27, 8 F.R. 2785, 4227, 5700, 7739, 8795)

Issued this 4th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–12649; Filed, August 4, 1943; 11:34 a. m.]

[FDO 61–2]

PART 1410—LIVESTOCK AND MEATS

MEAT QUOTAS.

Pursuant to the provisions of Food Distribution Order No. 61 (8 F.R. 9108) and to effectuate the purposes thereof, *It is hereby ordered,* As follows:

§ 1410.16 *Increase in quotas for August.* (a) Any commercial slaughterer may deliver, during the month of August 1943, in addition to his quota and in addition to the percentage of such quota allowed to be delivered in August under (d) of Director Food Distribution Order No. 61–1, as amended (8 F.R. 9112, 9319), an amount of pork equivalent to 2 percent of such commercial slaughterer's pork quota base for Quota Period 4.

(b) Any commercial slaughterer located in the States of California, Oregon, and Washington may deliver, during the month of August 1943, in addition to his quota and in addition to the percentage of such quota allowed to be delivered in August under (d) of Director Food Distribution Order No. 61–1, as amended (8 F.R. 9112, 9319), an amount of lamb and mutton equivalent to 7 percent of such commercial slaughterer's lamb and mutton quota base for Quota Period 4.

(c) This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3897; E.O. 9334, 8 F.R. 5423; F.D.O. 61, 8 F.R. 9108)

Issued this 4th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–12648; Filed, August 4, 1943; 11:34 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter B—Estate and Gift Taxes

PART 86—GIFT TAX UNDER CHAPTER 4 OF INTERNAL REVENUE CODE, AS AMENDED

Regulations 108, relating to the Gift Tax under Chapter 4 of the Internal Revenue Code, as amended.

Sec.

86.0 Scope of regulations.
86.1 Imposition of tax.
86.2 Transfers reached.
86.3 Cessation of donor's dominion and control.
86.4 Residence.
86.5 Tax rate schedules.
86.6 Use of table for computing gift tax.
86.7 Computation of tax.
86.8 Transfers for a consideration in money or money's worth.
86.9 Net gifts.
86.10 Total amount of gifts.
86.11 Future interests in property.
86.12 Specific exemption.
86.13 Charitable, etc., gifts.
86.14 Religious, charitable, scientific, literary, and educational organizations.
86.15 Proof required.
86.16 Charitable, etc., gifts with power to divert.
86.17 Gifts made in property.
86.18 Situs of property.
86.19 Valuation of property.
86.20 Persons required to file return.
86.21 Donees and trustees required to file notice of gifts.
86.22 Time and place of filing return.
86.23 Form of return.
86.24 Description of property listed on return.
86.25 Aids to determination and collection of tax.
86.26 Supplemental data.
86.27 Recognition of attorneys and other persons representing taxpayers.
86.28 Date of payment.
86.29 Extension of time for payment of tax shown on return.
86.30 Voluntary advance payment.
86.31 When fractional part of cent may be disregarded.
86.32 Receipts for taxes.
86.33 Payment by check.
86.34 Donor liable for tax.
86.35 Lien for tax.
86.36 Release of lien.
86.37 Examination of return and determination of tax by the Commissioner.
86.38 Deficiency defined.
86.39 Assessment of deficiency.
86.40 Waiver by donor of restrictions on assessment.
86.41 Collection of deficiency.
86.42 Extension of time for payment of deficiencies.
86.43 Jeopardy assessments.
86.44 Claims in abatement.
86.45 Bankruptcy and receivership proceedings.
86.46 Immediate assessments in bankruptcy and receivership cases.
86.47 Period of limitation upon assessment of tax.
86.48 Period of limitation upon collection of tax.
86.49 Suspension of running of statute of limitations.
86.50 Addition to the tax for failure to file return.
86.51 Additions to the tax in case of deficiency.
86.52 Interest on extended payments.
86.53 Interest on deficiencies.
86.54 Interest on jeopardy assessments.
86.55 Interest on delinquent taxes.
86.56 Penalties.
86.57 Compromises.
86.58 Claims in cases of transferred assets.
86.59 Notice of fiduciary relationship.
86.60 Authority for abatement, credit, or refund.
86.61 Credit and refund adjustments.
86.62 Claims by collectors.
86.63 Claims for credit or refund by donors.
86.64 Claims for refund in case of judgment obtained against collector.
86.65 Claims for refund in case of judgment obtained against the United States.
86.66 Limitations upon the crediting and refunding of taxes paid.
86.67 Crediting of accounts of collectors in cases of assessments against several persons covering same liability.
86.68 Erroneous refunds and credits.
86.69 Closing agreements relating to tax liability in respect to internal revenue taxes.
86.70 Personal liability of fiduciaries.
86.71 Securing evidence; taking testimony.
86.72 Power to compel compliance.
86.73 Laws made applicable.
86.74 Definitions.
86.75 Promulgation of regulations.

AUTHORITY: §§ 86.0 to 86.75, inclusive, issued under secs. 1029 and 3791 of the Internal Revenue Code (53 Stat. 157, 467; 26 U.S.C. 1029, 3791)

§ 86.0 *Scope of regulations.* These regulations deal with the gift tax imposed by chapter 4 of the Internal Revenue Code and apply to transfers of property by gift during the calendar year 1940 and thereafter. They do not affect gift tax regulations (including Treasury decisions) heretofore issued in so far as they relate to taxes imposed on gifts made prior to January 1, 1940.

Each section, subsection, or paragraph of the Internal Revenue Code appearing in the regulations is followed by the section or sections of the prescribed regulations relating thereto and shall be considered as a part thereof. Sections of the Code set forth are readily distinguishable from the prescribed regulations sections since the latter appear in larger type and bear a number commencing with 86 and a decimal point. The number "86" is used in numbering the sections of the regulations for the reason that the regulations constitute Part 86 of Title 26 of the Code of Federal Regulations. Identifying portions of the section numbers (following 86.) begin with "0" and follow in sequence. Except as otherwise indicated, the statutory references are to the Internal Revenue Code.

To the extent that Regulations 79 (1936 Edition), as amended by Treasury decisions, have been made applicable to gift taxes imposed by the Internal Revenue Code, they are hereby superseded.

SEC. 1000. IMPOSITION OF TAX. [As originally enacted.]

(a) For the calendar year 1940 and each calendar year thereafter a tax, computed as provided in section 1001, shall be imposed upon the transfer during such calendar year by any individual, resident or nonresident, of property by gift. Gift taxes for the calendar years 1932–1939, inclusive, shall not be affected by the provisions of this chapter, but shall remain subject to the applicable provisions of the Revenue Act of 1932, except as such provisions are modified by legislation enacted subsequent to the Revenue Act of 1932.

(b) The tax shall apply whether the transfer is in trust or otherwise, whether the gift is direct or indirect, and whether the property is real or personal, tangible or intangible; but, in the case of a nonresident not a citizen of the United States, shall apply to a transfer only if the property is situated within the United States.

SEC. 452. POWERS OF APPOINTMENT. [Revenue Act of 1942, Title IV, Part II, Enacted October 21, 1942.]

(a) *General rule.* Section 1000 (relating to imposition of gift tax) is amended by inserting at the end thereof the following new subsection:

(c) *Powers of appointment.* An exercise or release of a power of appointment shall be deemed a transfer of property by the individual possessing such power. For the purposes of this subsection the term "power of appointment" means any power to appoint exercisable by an individual either alone or in conjunction with any person, except—

(1) A power to appoint within a class which does not include any others than the spouse of such individual, spouse of the creator of the power, descendants of such individual or his spouse, descendants (other than such individual) of the creator of the power or his spouse, spouses of such descendants, donees described in section 1004 (a) (2), and donees described in section 1004 (b). As used in this paragraph, the term "descendant" includes adopted and illegitimate descendants, and the term "spouse" includes former spouse; and

(2) A power to appoint within a restricted class if such individual did not receive any beneficial interest, vested or contingent, in the property from the creator of the power or thereafter acquire any such interest, and if the power is not exercisable to any extent for the benefit of such individual, his estate, his creditors, or the creditors of his estate.

If a power to appoint is exercised by creating another power to appoint, such first power shall not be considered excepted under paragraph (1) or (2) from the definition of power of appointment to the extent of the value of the property subject to such second power to appoint. For the purposes of the preceding sentence the value of the property subject to such second power to appoint shall be its value unreduced by any precedent or subsequent interest not subject to such power to appoint.

(b) *Powers with respect to which amendments not applicable.* (1) The amendments made by this section shall not apply with respect to a power to appoint, created on or before the date of enactment of this Act, which is other than a power exercisable in favor of the donee of the power, his estate, his creditors, or the creditors of his estate, unless such power is exercised after the date of enactment of this Act.

(2) The amendments made by this section shall not become applicable with respect to a power to appoint created on or before the date of enactment of this Act, which is exercisable in favor of the donee of the power, his estate, his creditors, or the creditors of his estate, if at such date the donee of such power is under a legal disability to release such power, until six months after the termination of such legal disability. For the purposes of the preceding sentence, an individual in the military or naval forces of the United States shall, until the termination of the present war, be considered under a legal disability to release a power to appoint.

(c) *Release on or before January 1, 1943.* (1) A release of a power to appoint before January 1, 1943, shall not be deemed a transfer of property by the individual possessing such power.

(2) This subsection shall apply to all calendar years prior to 1943.

SEC. 10. EXTENSION OF TIME IN CONNECTION WITH RELEASE OF POWER OF APPOINTMENT. [Current tax payment act of 1943.]

* * * section 452 (c) of the Revenue Act of 1942 is amended to read as follows:

(c) *Release before March 1, 1944.* (1) A release of a power to appoint before March 1, 1944, shall not be deemed a transfer of property by the individual possessing such power.

(2) This subsection shall apply to all calendar years prior to 1944 and to that part of the calendar year 1944 prior to March 1, 1944.

SEC. 453. GIFTS OF COMMUNITY PROPERTY. [Revenue Act of 1942, Title IV, Part II. Effective for calendar year 1943 and each calendar year thereafter.]

Section 1000 (relating to tax on gifts) is amended by inserting at the end thereof the following new subsection:

(d) *Community property.* All gifts of property held as community property under the law of any State, Territory, or possession of the United States, or any foreign country shall be considered to be the gifts of the husband except that gifts of such property as may be shown to have been received as compensation for personal services actually rendered by the wife or derived originally from such compensation or from separate property of the wife shall be considered to be gifts of the wife.

SEC. 451. GIFTS TO WHICH AMENDMENTS APPLICABLE. [Revenue Act of 1942, Title IV, Part II.]

Except as otherwise expressly provided, the amendments made by this Part shall be applicable only with respect to gifts made in the calendar year 1943, and succeeding calendar years.

§ 86.1 *Imposition of tax.* The statute imposes no tax upon property, but subjects to tax transfers of property by gift. The statute taxes all such transfers of property (other than gifts specified in section 1003 (b) (2) and (3) and other than releases before March 1, 1944, of powers to appoint created on or before October 21, 1942, the date of enactment of the Revenue Act of 1942) to the extent that they exceed the deductions authorized by section 1004. The tax is not limited in its imposition to transfers of property without a valuable consideration, which at common law are treated as gifts, but extends to sales and exchanges for less than an adequate and full consideration in money or money's worth. (See § 86.8.) The tax applies to all individuals, whether resident or nonresident of the United States, but, in the case of a nonresident not a citizen, the tax applies only to transfers of property situated within the United States. For the definition of "resident," see § 86.4. With reference to the situs of property, see § 86.18.

§ 86.2 *Transfers reached*—(a) *In general.* The statute imposes a tax whether the transfer is in trust or otherwise, whether the gift is direct or indirect, and whether the property is real or personal, tangible or intangible. Thus, for example, a taxable transfer may be effected by the declaration of a trust, the forgiving of a debt, the assignment of a judgment, the assignment of the benefits of a contract of insurance, or the transfer of cash, certificates of deposit, or Federal, State, or municipal bonds. Various statutory provisions, which exempt bonds, notes, bills and certificates of indebtedness of the Federal Government or its agencies and the interest thereon from taxation, are not applicable to the gift tax since this tax is an excise tax on the transfer, and is not a tax on the subject of the gift. However, a gift of a bond, note, or certificate of indebtedness issued by the Federal Government prior to March 1, 1941, if made by a nonresident alien not engaged in business in the United States, is not subject to the tax; but a gift by any such nonresident alien of an obligation of the Federal Government issued on or after March 1, 1941, is subject to the tax. Inasmuch as the tax also applies to gifts indirectly made, all transactions whereby property or property rights or interests are gratuitously passed or conferred upon another, regardless of the means or device employed, constitute gifts subject to tax. See, further, § 86.8. (However, for special provisions with respect to the exercise or release of powers of appointment, see paragraph (b) of this section.) In the following examples of transactions resulting in taxable gifts, it will be understood that the transfers were not made for an adequate and full consideration in money or money's worth:

(1) Transfer of property by a corporation to B is a gift to the latter from the stockholders of the corporation. If B himself is a stockholder, the transfer, not being a distribution from earnings or in liquidation to which B is entitled as a stockholder, is a gift to him from the other stockholders.

(2) The transfer of property to B where there is imposed upon B the obligation of paying a commensurate annuity to C is a gift to C.

(3) The payment of money or the transfer of property to B in consideration whereof B is to render a service to C, is a gift to C, or both to B and C, depending on whether the service to be rendered by B to C is or is not an adequate and full consideration in money or money's worth for that which is received by B.

(4) If A creates a joint bank account for himself and B (or similar type of ownership where A can regain the entire fund without B's consent), there is a gift to B when B draws upon the account for his own benefit, to the extent of the amount drawn.

(5) If A with his own funds purchases property and has the title thereto conveyed to himself and B as joint owners, with rights of survivorship (other than a joint ownership described in example (4) of this section), but which rights may be defeated by either party severing his interest, there is a gift to B in the amount of one-half the value of such property.

(6) If a husband with his own funds purchases property and has the title thereto conveyed to himself and wife as tenants by the entirety, and under the law of the jurisdiction governing the rights of the tenants there is no right of severance by which either of the tenants, acting alone, can defeat the right of the survivor to the whole of the property, he consummates a gift of such property valued as provided in § 86.19 (h).

(7) If A, without retaining a power to revoke the trust or to change the beneficial interests, transfers property in trust whereby B is to receive the income therefrom for life and at his death the trust is to terminate and the corpus is to be returned to A provided A survives but if A predeceases B the corpus is to pass to C, A consummates a gift of such property valued as provided in § 86.19 (g).

(8) If the insured purchases a life insurance policy, or pays a premium on a previously issued policy, the proceeds of which are payable to a beneficiary or beneficiaries other than his estate, and with respect to which the insured retains no power to revest the economic benefits in himself or his estate or to change the beneficiaries or their proportionate benefits (or if the insured relinquishes by assignment, by designation of a new beneficiary or otherwise, every such power that was retained in a previously issued policy), the insured consummates a gift of the value of such policy, or to the extent of such premium, even though the right of the assignee or beneficiary to receive the benefits is conditioned upon his surviving the insured. For the valuation of life insurance policies, see § 86.19 (i).

(b) *Transfers under power of appointment.* The exercise of a power of appointment after June 6, 1932, and before January 1, 1943, constitutes a gift by the individual possessing the power if the power is exercisable in favor of any person or persons in the discretion of such individual, or, however limited as to the persons or objects in whose favor the appointment may be made, if it is exercisable in favor of the individual possessing the power, his estate, his creditors, or the creditors of his estate. The release before March 1, 1944, of a power to appoint created on or before October 21, 1942, the date of enactment of the Revenue Act of 1942, is excepted from the application of the tax by reason of the express provisions of section 452 (c) of the Revenue Act of 1942, as amended by section 10 of the Current Tax Payment Act of 1943. It is presumed that all general powers of appointment are releasable, unless the local law on the subject is to the contrary; and it is presumed that the method employed to release the power is effective, unless it is not in accordance with the local law on the subject (or, in the absence of such local law, is not in accordance with the local law relating to similar transactions). Section 452 (c) of the Revenue Act of 1942, however, does not apply to any release of a power reserved, directly or indirectly, by a donor upon a transfer, as distinguished from a donee of a power of appointment who releases the power which he had received from another person. See § 86.3 with respect to the taxability of the relinquishment of reserved powers.

During the calendar year 1943 and any calendar year thereafter, section 1000 (c), as added by the Revenue Act of 1942, applies, subject, however, to sec-

tion 452 (c) of such Act, as amended by section 10 of the Current Tax Payment Act of 1943. That is, during such years an exercise or release (other than a release prior to March 1, 1944), without an adequate and full consideration in money or money's worth, of a power of appointment created on or before October 21, 1942, the date of enactment of the Revenue Act of 1942 (including a power to appoint exercisable in conjunction with another person) constitutes a gift by the individual possessing such power, except in the case of the following:

(1) The exercise or release of a power to appoint which is not exercisable to any extent for the benefit of such individual, his creditors, his estate, or the creditors of his estate, and which is exercisable in favor of only one or more other persons or objects:

(i) Within a class which does not include any others than the spouse of such individual, spouse of the creator of the power, descendants of such individual or his spouse, descendants of the creator of the power or his spouse, spouses of such descendants, charitable, etc., organizations described in section 1004 (a) (2) and charitable, etc., organizations described in section 1004 (b); or

(ii) Within a restricted class if such individual did not receive any beneficial interest, vested or contingent, in the property from the creator of the power or thereafter acquire any such interest.

For the purposes of this paragraph, the term "descendant" includes adopted and illegitimate descendants, and the term "spouse" includes former spouse. The treatment of adopted and illegitimate children (and their descendants and their adopted and illegitimate children (and their descendants and their adopted and illegitimate children) as descendants, if such children would be descendants had they been born as legitimate children in the station to which they are adopted or born. The provisions of (ii) apply to a power possessed by a disinterested trustee or one occupying a similar status to appoint within a relatively small class. For example, a power to appoint within a class composed of A's children would be a power to appoint within a restricted class. On the other hand, a power to appoint to anyone except A and his family would not be a power confined to a restricted class. The restricted character of a class is not affected by the fact that the decedent has power to appoint to any number of charitable, etc., organizations described in section 1004 (a) (2) or (b). A power to appoint is not confined to a restricted class merely because the power is not exercisable in favor of such individual, his creditors, his estate, or the creditors of his estate, or all of them.

(2) The release of a power to appoint created on or before October 21, 1942, the date of the enactment of the Revenue Act of 1942, which is not a power exercisable in favor of the donee of the power (who is the appointer), his estate, his creditors, or the creditors of his estate.

(3) The release of a power to appoint created on or before October 21, 1942, the date of the enactment of the Revenue Act of 1942, which power is exercisable in favor of the donee of the power (who is the appointor), his creditors, his estate, or the creditors of his estate, if on such date such appointor was under a legal disability to release such power and if the release thereof is effected prior to March 1, 1944, or the day after six months immediately following the termination of the legal disability, whichever is later. The legal disability referred to is determined under local law and may include the disability of an insane person, a minor, or an unborn child. The fact that a power of appointment of the type possessed by the individual was not generally releasable under the local law does not place the individual under a legal disability within the meaning of section 452 (b) (2) of the Revenue Act of 1942. Until the termination of the present war, an individual in active service in the military or naval forces of the United States on October 21, 1942, shall be considered under a legal disability to release a power to appoint while such individual is in such service.

If a power to appoint is exercised by creating another power to appoint, to the extent of the property subject to such second power to appoint, such first power shall not be considered excepted in (1) above of this paragraph. For this purpose the statute prescribes that the value of the property subject to such second power to appoint shall be its value unreduced by any precedent or subsequent interest not subject to such power to appoint. Thus if the donor has a power to appoint a fund of $100,000 within a class consisting only of his children (which is one of the excepted powers) and during his lifetime exercises such power by giving one child a power to appoint $25,000 of such fund and by making an outright appointment of $75,000, only $25,000 is considered a gift. If, however, the individual had appointed the income from the entire fund to such child for life with power in such child to appoint the remainder in his will, the whole $100,000 would be considered a gift. This provision applies whether or not the newly created power to appoint is of a kind described in (1) above of this paragraph.

The term "power of appointment" includes any power received by the appointor from another person which is in substance and effect a power to appoint regardless of the nomenclature used in creating the power and local property law connotations. For example, if a settlor transfers property in trust for the life of his wife with a power in the wife to appropriate or consume the principal of the trust, the wife has a power of appointment and the release of such a power constitutes a taxable transfer. On the other hand, if, for example, a power of appointment with respect to the remainder, exercisable by the life tenant, is subject to the consent of the trustee who is a disinterested third party not receiving any beneficial interest upon such transfer, upon the exercise or release of the power by the life tenant no part of the gift of such remainder is attributable to the trustee personally. Similarly, if property is transferred in trust by a grantor reserving the power to alter, amend, revoke, or terminate the trust with the consent of the trustee who is a disinterested party not receiving any beneficial interest upon the transfer, the exercise or relinquishment of such power by the grantor with the consent of such trustee is not a taxable transfer by the latter. Ordinarily, powers of management with respect to property in trust, such as the determination of whether distributions shall be made annually or quarterly, the making of investments and reinvestments, or the determination of items of income or principal under recognized rules of accounting, are not powers of appointment over property under section 1000 (c).

A power to appoint is exercised where the property subject thereto is appointed to the taker in default of appointment, regardless of whether or not the appointed interest and the interest in default of appointment are identical, and regardless of whether or not the appointee renounces any right to take under the appointment. For the purposes of section 1000 (c), a release of a power of appointment need not be express or formal in character. For example, the failure to exercise a power of appointment within a specified time, resulting in the termination of the power of appointment, is taxable if the other conditions imposed by section 1000 (c) are present.

The reduction in scope of a power of appointment, as defined in section 1000 (c), to an excepted power under section 1000 (c) (1) or (2), which is not a power of appointment as thus defined, constitutes the release of the power of appointment. In such case, the release is effected at such time as under the applicable law the power cannot be exercised in favor of persons or objects other than those described in section 1000 (c) (1) or (2). If such release of a power created on or before October 21, 1942, the date of enactment of the Revenue Act of 1942, is effected prior to March 1, 1944 (or, in a case described in (3) above of this paragraph, relating to persons under a legal disability, prior to the date specified therein), a taxable transfer does not result. For the purpose of determining whether a power created on or before October 21, 1942, satisfied the requirements of section 1000 (c) (2) on March 1, 1944 (or other applicable date in a case described in (3) above of this paragraph), the fact as to whether the individual received any beneficial interest in the property is to be ascertained without regard to the power to appoint which he received. If such release is effected on or after March 1, 1944 (or, in a case described in (3) above of this paragraph, relating to persons under a legal disability, on or after the date specified therein), a taxable transfer results.

Section 1000 (c) does not apply to a power reserved, directly or indirectly, by a donor upon a transfer, as distinguished from the possessor of a power of appointment received from another person. See § 86.3 with respect to the taxability of reserved powers.

(c) *Transfers of community property after 1942.* During the calendar year 1943 and any calendar year thereafter any gift of property held as community property under the law of any State, Territory, or possession of the United States, or any foreign country constitutes a gift of the husband for the purpose of the gift tax statute (regardless of whether under the terms of the transfer the husband alone or the wife alone is designated as the donor or whether both are so designated as donors), except to the extent that such property is shown (1) to have been received as compensation for personal services actually rendered by the wife or derived originally from such compensation, or (2) to have been derived originally from separate property of the wife. The entire property comprising the gift is prima facie a gift of the husband, but any portion thereof which is shown to be economically attributable to the wife as prescribed in the preceding sentence constitutes a gift of the wife.

The rule stated in the preceding paragraph applies alike to a transfer by way of gift of community property to a third party or third parties, to a division of such community property between husband and wife into the separate property of each, and to a transfer by the husband and wife of any part of such community property into the separate property either of the husband or of the wife, or into a joint estate or tenancy by the entirety of both spouses. In all of such cases the value of the property so transferred or so divided, as the case may be, is a gift by the husband to the extent that it exceeds the aggregate amount of the value of that portion which is shown to be economically attributable to the wife, as prescribed in the preceding paragraph, and of the value of the husband's interest in such property after such transfer or division. The value of the property so transferred or so divided, as the case may be, is a gift by the wife to the extent that the portion of such value which is shown to be economically attributable to her, as prescribed in the preceding paragraph, exceeds the value of her interest in such property after such transfer or division. See subparagraphs (5) and (6) of paragraph (a) of this section. No gift tax results from a transfer on or after January 1, 1943, of separate property of either spouse into community property.

Property derived originally from compensation for personal services actually rendered by the wife or from separate property of the wife includes property that may be identified as (1) income yielded by property received as such compensation or by such separate property, and (2) property clearly traceable (by reason of acquisition in exchange, or other derivation) to property received as such compensation, to such separate property, or to such income. The rule established by this statute for apportioning the respective contributions of the spouses is applicable regardless of varying local rules of apportionment, and State presumptions are not operative against the Commissioner.

§ 86.3 *Cessation of donor's dominion and control.* The tax is not imposed upon the receipt of the property by the donee, nor is it necessarily determined by the measure of enrichment resulting to the donee from the transfer, nor is it conditioned upon ability to identify the donee at the time of the transfer. On the contrary, the tax is a primary and personal liability of the donor, is an excise upon his act of making the transfer, is measured by the value of the property passing from the donor, and attaches regardless of the fact that the identity of the donee may not then be known or ascertainable.

As to any property, or part thereof or interest therein, of which the donor has so parted with dominion and control as to leave in him no power to change the disposition thereof, whether for his own benefit or for the benefit of another, the gift is complete. But if upon a transfer of property (whether in trust or otherwise) the donor reserves any power over the disposition thereof, the gift may be wholly incomplete, or may be partially complete and partially incomplete, depending upon all the facts in the particular case. Accordingly, in every case of a transfer of property subject to a reserved power, the terms of the power must be examined and its scope determined.

A gift is incomplete in every instance where a donor reserves the power to revest the beneficial title to the property in himself. A gift is also incomplete where and to the extent that a reserved power give the donor the right to name new beneficiaries or to change the interests of the beneficiaries as between themselves. Thus, the transfer of an estate for life where, by an exercise of the power, the estate may be terminated or cut down to one of less value, and without restriction upon the extent to which the estate may be so cut down, constitutes an incomplete gift. If in this example the power was confined to the right to cut down the estate for life to one for a term of five years, the certainty of an estate for not less than that term results in a gift to that extent complete.

A gift shall not be considered incomplete, however, merely because the donor reserves the power to change the manner or time of enjoyment thereof. Thus, the creation of a trust the income of which is to be paid annually to the donee for a period of years, the corpus being distributable to him at the end of the period, and the power reserved by the donor being limited to a right to require that, instead of the income being so payable, it should be accumulated and distributed with the corpus to such donee at the termination of the period, constitutes a completed gift.

A donor shall be considered as himself having the power where it is exercisable by him in conjunction with any person not having a substantial adverse interest in the disposition of the transferred property or the income therefrom. A trustee, as such, is not a person having an adverse interest in the disposition of the trust property or its income.

The relinquishment or termination of a power to change the disposition of the transferred property, occurring otherwise than by the death of the donor (the statute being confined to transfers by living donors), is regarded as the event which completes the gift and causes the tax to apply. For example, if A transfers property in trust for the benefit of B and C but reserves the power as trustee to change the proportionate interests of B and C, and if A thereafter has another person appointed trustee in place of himself, such later relinquishment of the power by A to the new trustee completes the gift of the transferred property, whether or not the new trustee has a substantial adverse interest. The receipt of income or of other enjoyment of the transferred property by the transferee or by the beneficiary (other than by the donor himself) during the interim between the making of the initial transfer and the relinquishment or termination of the power operates to free such income or other enjoyment from the power, and constitutes a gift of such income or of such other enjoyment taxable as of the calendar year of its receipt.

If the donor contends that the power is of such nature as to render the gift incomplete, and hence not subject to the tax as of the calendar year of the initial transfer, the transaction shall be disclosed in the return and evidence showing all relevant facts, including a copy of the instrument of transfer, should be submitted.

If for any calendar year prior to the calendar year 1939 a transfer has been subjected to payment of the tax despite the fact that the donor retained a power to name new beneficiaries or to change the interests of the beneficiaries as between themselves, and if the tax for such calendar year has been finally determined on such basis, and for all gift tax purposes such transfer has been treated, for such calendar year and each subsequent calendar year, as subject to the tax, and the donor agrees, in a closing agreement executed under the provisions of section 3760, that he will continue so to treat such transfer, then the relinquishment or termination of the power so retained by the donor shall not be treated as a gift subject to the tax.

§ 86.4 *Residence.* The statute imposes the tax upon the transfer of property by gift made by any individual, resident or nonresident, but provides that in the case of a nonresident not a citizen of the United States the tax shall apply to a transfer only if the property is situated within the United States. (See § 86.18.) If the donor is a citizen of the United States, whether a resident or a nonresident, thereof, or is a resident of the

United States, whether or not a citizen thereof, the tax applies, regardless of where the property, whether real or personal, is situated.

A resident is one who has his domicile in the United States (including only the States, the Territories of Alaska and Hawaii, and the District of Columbia) at the time of the gift. (See section 3797 (a) (9).) All others are nonresidents. A person acquires a domicile in a place by living there for even a brief period of time with no definite present intention of moving therefrom. Residence without the requisite intention to remain indefinitely will not suffice to constitute domicile, nor will intention to change domicile effect such change unless accompanied by an actual removal.

SEC. 1001. COMPUTATION OF TAX.

(a) The tax for each calendar year shall be an amount equal to the excess of—

(1) A tax, computed in accordance with the Rate Schedule hereinafter set forth, on the aggregate sum of the net gifts for such calendar year and for each of the preceding calendar years, over

(2) A tax, computed in accordance with the said Rate Schedule, on the aggregate sum of the net gifts for each of the preceding calendar years.

RATE SCHEDULE

(as amended by section 402 (a) of the Revenue Act of 1941; effective for the calendar year 1942 and each calendar year thereafter).

If the net gifts are	*The tax shall be*
Not over $5,000	2¼% of the net gifts.
Over $5,000 but not over $10,000	$112.50, plus 5¼% of excess over $5,000.
Over $10,000 but not over $20,000	$375, plus 8¼% of excess over $10,000.
Over $20,000 but not over $30,000	$1,200, plus 10½% of excess over $20,000.
Over $30,000 but not over $40,000	$2,250, plus 13½% of excess over $30,000.
Over $40,000 but not over $50,000	$3,600, plus 16½% of excess over $40,000.
Over $50,000 but not over $60,000	$5,250, plus 18¾% of excess over $50,000.
Over $60,000 but not over $100,000	$7,125, plus 21% of excess over $60,000.
Over $100,000 but not over $250,000	$15,525, plus 22½% of excess over $100,000.
Over $250,000 but not over $500,000	$49,275, plus 24% of excess over $250,000.
Over $500,000 but not over $750,000	$109,275, plus 26¼% of excess over $500,000.
Over $750,000 but not over $1,000,000	$174,900, plus 27¾% of excess over $750,000.
Over $1,000,000 but not over $1,250,000	$244,275, plus 29¼% of excess over $1,000,000.
Over $1,250,000 but not over $1,500,000	$317,400, plus 31½% of excess over $1,250,000.
Over $1,500,000 but not over $2,000,000	$396,150, plus 33¾% of excess over $1,500,000.
Over $2,000,000 but not over $2,500,000	$564,900, plus 36¾% of excess over $2,000,000.
Over $2,500,000 but not over $3,000,000	$748,650, plus 39¾% of excess over $2,500,000.
Over $3,000,000 but not over $3,500,000	$947,400, plus 42% of excess over $3,000,000.
Over $3,500,000 but not over $4,000,000	$1,157,400, plus 44¼% of excess over $3,500,000.
Over $4,000,000 but not over $5,000,000	$1,378,650, plus 47¼% of excess over $4,000,000.
Over $5,000,000 but not over $6,000,000	$1,851,150, plus 50¼% of excess over $5,000,000.
Over $6,000,000 but not over $7,000,000	$2,353,650, plus 52½% of excess over $6,000,000.
Over $7,000,000 but not over $8,000,000	$2,878,650, plus 54¾% of excess over $7,000,000.
Over $8,000,000 but not over $10,000,000	$3,426,150, plus 57% of excess over $8,000,000.
Over $10,000,000	$4,566,150, plus 57¾% of excess over $10,000,000.

(b) For the purpose of this section the term "preceding calendar years" means the calendar year 1932 and all calendar years intervening between the calendar year 1932 and the calendar year for which the tax is being computed.

(c) *Cross reference.* For definition of "calendar year", see section 1030 (a).

RATE SCHEDULE

(under section 1001 as enacted on February 10, 1939; effective for calendar years 1940 and 1941)

Upon net gifts not in excess of $10,000, 1½ per centum.

$150 upon net gifts of $10,000; and upon net gifts in excess of $10,000 and not in excess of $20,000, 3 per centum in addition of such excess.

$450 upon net gifts of $20,000; and upon net gifts in excess of $20,000 and not in excess of $30,000, 4½ per centum in addition of such excess.

$900 upon net gifts of $30,000; and upon net gifts in excess of $30,000 and not in excess of $40,000, 6 per centum in addition of such excess.

$1,500 upon net gifts of $40,000; and upon net gifts in excess of $40,000 and not in excess of $50,000, 7½ per centum in addition of such excess.

$2,250 upon net gifts of $50,000; and upon net gifts in excess of $50,000 and not in excess of $70,000, 9 per centum in addition of such excess.

$4,050 upon net gifts of $70,000; and upon net gifts in excess of $70,000 and not in excess of $100,000, 10½ per centum in addition of such excess.

$7,200 upon net gifts of $100,000; and upon net gifts in excess of $100,000 and not in excess of $200,000, 12¾ per centum in addition of such excess.

$19,950 upon net gifts of $200,000; and upon net gifts in excess of $200,000 and not in excess of $400,000, 15 per centum in addition of such excess.

$49,950 upon net gifts of $400,000; and upon net gifts in excess of $400,000 and not in excess of $600,000, 17¼ per centum in addition of such excess.

$84,450 upon net gifts of $600,000; and upon net gifts in excess of $600,000 and not in excess of $800,000, 19½ per centum in addition of such excess.

$123,450 upon net gifts of $800,000; and upon net gifts in excess of $800,000 and not in excess of $1,000,000, 21¾ per centum in addition of such excess.

$166,950 upon net gifts of $1,000,000; and upon net gifts in excess of $1,000,000 and not in excess of $1,500,000, 24 per centum in addition of such excess.

$286,950 upon net gifts of $1,500,000; and upon net gifts in excess of $1,500,000 and not in excess of $2,000,000, 26¼ per centum in addition of such excess.

$418,200 upon net gifts of $2,000,000; and upon net gifts in excess of $2,000,000 and not in excess of $2,500,000 28½ per centum in addition of such excess.

$560,700 upon net gifts of $2,500,000; and upon net gifts in excess of $2,500,000 and not in excess of $3,000,000, 30¾ per centum in addition of such excess.

$714,450 upon net gifts of $3,000,000; and upon net gifts in excess of $3,000,000 and not in excess of $3,500,000, 33 per centum in addition of such excess.

$879,450 upon net gifts of $3,500,000; and upon net gifts in excess of $3,500,000 and not in excess of $4,000,000, 35¼ per centum in addition of such excess.

$1,055,700 upon net gifts of $4,000,000; and upon net gifts in excess of $4,000,000 and not in excess of $4,500,000, 37½ per centum in addition of such excess.

$1,243,200 upon net gifts of $4,500,000; and upon net gifts in excess of $4,500,000 and not in excess of $5,000,000, 39¾ per centum in addition of such excess.

$1,441,950 upon net gifts of $5,000,000; and upon net gifts in excess of $5,000,000 and not in excess of $6,000,000, 42 per centum in addition of such excess.

$1,861,950 upon net gifts of $6,000,000; and upon net gifts in excess of $6,000,000 and not in excess of $7,000,000, 44¼ per centum in addition of such excess.

$2,304,450 upon net gifts of $7,000,000; and upon net gifts in excess of $7,000,000 and not in excess of $8,000,000, 45¾ per centum in addition of such excess.

$2,761,950 upon net gifts of $8,000,000; and upon net gifts in excess of $8,000,000 and not in excess of $9,000,000, 47¼ per centum in addition of such excess.

$3,234,450 upon net gifts of $9,000,000; and upon net gifts in excess of $9,000,000 and not in excess of $10,000,000, 48¾ per centum in addition of such excess.

$3,721,950 upon net gifts of $10,000,000; and upon net gifts in excess of $10,000,000 and not in excess of $20,000,000, 50¼ per centum in addition of such excess.

$8,746,950 upon net gifts of $20,000,000; and upon net gifts in excess of $20,000,000 and not in excess of $50,000,000, 51¾ per centum in addition of such excess.

$24,271,950 upon net gifts of $50,000,000; and upon net gifts in excess of $50,000,000, 52½ per centum in addition of such excess.

SEC. 207. GIFT TAX. [Revenue Act of 1940. Enacted on June 25, 1940; effective for calendar years 1940 and 1941.]

Section 1001 of the Internal Revenue Code is amended by adding at the end thereof the following new subsection:

(d) *Defense tax for 1940–1945.* Despite the provisions of subsection (a)—

(1) The tax for each of the calendar years 1941 to 1945, both inclusive, shall be an amount equal to the excess of—

(A) 110 per centum of a tax, computed in accordance with the Rate Schedule hereinbefore set forth, on the aggregate sum of the net gifts for such calendar year and for each of the preceding calendar years, over

(B) 110 per centum of a tax, computed in accordance with the said Rate Schedule, on the aggregate sum of the net gifts for each of the preceding calendar years.

(2) The tax for the calendar year 1940 shall be the sum of (A) the tax computed under subsection (a), plus (B) an amount which bears the same ratio to 10 per centum of the tax so computed as the amount of gifts made after the date of the enactment of the Revenue Act of 1940 bears to the total amount of gifts made during the year. For the purposes of this paragraph, the term "gifts" does not include gifts which, under section 1003 (b) (2), are not to be included in computing the total amount of gifts made during the calendar year 1940, or gifts which, in the case of a citizen or resident, are allowed as a deduction by section 1004 (a) (2), or gifts which, in the case of a nonresident not a citizen of the United States, are allowed as a deduction by section 1004 (b).

SEC. 402. GIFT TAX RATES. [Revenue Act of 1941.]

(a) *Rates.* The Rate Schedule of section 1001 of the Internal Revenue Code is amended to read as follows:

* * * * * *

(b) *Years to which amendments applicable.* The amendments made by this section shall be applied in computing the tax for the calendar year 1942 and each calendar year thereafter (but not the tax for the calendar year 1941 or a previous calendar year), and such amendments shall be applied in all computations in respect of the calendar year 1941 and previous calendar years for the purpose of computing the tax for the calendar year 1942 and any calendar year thereafter.

(c) *Defense tax repealed.* Section 1001 (d) of the Internal Revenue Code (relating to defense tax for five years on gifts) is repealed.

§ 86.5 *Tax rate schedules.* The rate schedule of section 1001 of the Internal Revenue Code as enacted on February 10, 1939, is applicable in computing the tax under the provisions of subsection (a) of that section for the calendar years 1940 and 1941. The defense tax imposed by subsection (d) of section 1001 (as added by section 207 of the Revenue Act of 1940) is applicable to the calendar years 1940 and 1941. For such years the tax is the sum of the amount computed in accordance with the rate schedule plus 10 percent thereof (or plus a proportion of such 10 percent for the calendar year 1940 as explained in § 86.7), and only such 10 percent or proportion thereof is referred to as the defense tax. The Revenue Act of 1941 (section 402) increased the rates and repealed the defense tax, effective for the calendar year 1942 and each calendar year thereafter, and the rate schedule of section 1001 as amended by such Act is applicable in computing the tax for the calendar year 1942 and each calendar year thereafter.

§ 86.6 *Use of table for computing gift tax.* On the following page is a tabulation of the rate schedules (1) applicable to the calendar year 1942 and each calendar year thereafter and (2) applicable to the calendar years 1940 and 1941. Care should be exercised in selecting the appropriate rate schedule (column 1 or 2). Only column 1 should be used in the computation of the tax for the year 1942 or any year thereafter. Only column 2 should be used in the computation of the tax for the years 1940 and 1941.

In using the table, select the amount set out in column A which is equal to, or which is the largest amount shown therein that is less than, the amount of the net gifts upon which tax is to be computed as provided in § 86.7. The tax upon the amount so selected is indicated on the same line in the first subcolumn of column 1 or 2. The tax upon any part of the amount of the net gifts in excess of the amount so selected is computed by multiplying the amount of such excess by the percentage indicated on the same line in the second subcolumn of column 1 or 2. If the amount of the net gifts is less than $5,000, the tax is computed at the rate indicated on the first line in the second subcolumn of the appropriate column. An illustration of the use of the table follows.

The tax according to the rate schedule in column 1 upon net gifts of $62,500 is computed as follows:

Tax on $60,000 (from first subcolumn of column 1)	$7,125
Tax on $2,500 at 21 percent (from second subcolumn of column 1)	525
Tax on net gifts of $62,500	7,650

For examples showing computation of tax for the calendar years 1940, 1941, and 1943, including the defense tax for the years 1940 and 1941, see § 86.7.

TABLE FOR COMPUTING GIFT TAX

(A)	(B)	(1) In effect for calendar year 1942 and for each calendar year thereafter		(2) In effect for calendar years 1940 and 1941	
Amount of net gifts equaling—	Amount of net gifts not exceeding—	Tax on amount in column (A)	Rate of tax on excess over amount in column (A)	Tax on amount in column (A)	Rate of tax on excess over amount in column (A)
			Percent		Percent
	$5,000		2¼		1½
$5,000	10,000	$112.50	5¼	$75	1½
10,000	20,000	375.00	8¼	150	3
20,000	30,000	1,200.00	10½	450	4½
30,000	40,000	2,250.00	13½	900	6
40,000	50,000	3,600.00	16½	1,500	7½
50,000	60,000	5,250.00	18¾	2,250	9
60,000	70,000	7,125.00	21	3,150	9
70,000	100,000	9,225.00	21	4,050	10½
100,000	200,000	15,525.00	22½	7,200	12¾
200,000	250,000	38,025.00	22½	19,950	15
250,000	400,000	49,275.00	24	27,450	15
400,000	500,000	85,275.00	24	49,950	17¼
500,000	600,000	109,275.00	26¼	67,200	17¼
600,000	750,000	135,525.00	26¼	84,450	19½
750,000	800,000	174,900.00	27¾	113,700	19½
800,000	1,000,000	188,775.00	27¾	123,450	21¾
1,000,000	1,250,000	244,275.00	29¼	166,950	24
1,250,000	1,500,000	317,400.00	31½	226,950	24
1,500,000	2,000,000	396,150.00	33¾	286,950	26¼
2,000,000	2,500,000	564,900.00	36¾	418,200	28½
2,500,000	3,000,000	748,650.00	39¾	560,700	30¾
3,000,000	3,500,000	947,400.00	42	714,450	33
3,500,000	4,000,000	1,157,400.00	44¼	879,450	35¼
4,000,000	4,500,000	1,378,650.00	47¼	1,055,700	37½
4,500,000	5,000,000	1,614,900.00	47¼	1,243,200	39¾
5,000,000	6,000,000	1,851,150.00	50¼	1,441,950	42
6,000,000	7,000,000	2,353,650.00	52½	1,861,950	44¼
7,000,000	8,000,000	2,878,650.00	54¾	2,304,450	45¾
8,000,000	9,000,000	3,426,150.00	57	2,761,950	47¼
9,000,000	10,000,000	3,996,150.00	57	3,234,450	48¾
10,000,000	20,000,000	4,566,150.00	57¾	3,721,950	50¼
20,000,000	50,000,000	10,341,150.00	57¾	8,746,950	51¾
50,000,000		27,666,150.00	57¾	24,271,950	52½

§ 86.7 *Computation of tax.* The first step in the determination of the tax is to ascertain the amount of the net gifts for the calendar year for which the return is being prepared. (For meaning of "net gifts," see § 86.9.) The second step is to ascertain the aggregate sum of the net gifts for each of the preceding calendar years, considering only gifts made after June 6, 1932. By the words "aggregate sum of the net gifts for each of the preceding calendar years" (aside from the amount of the specific exemption (deductible) is meant the true and correct aggregate of such net gifts, not necessarily that returned for such years and in respect to which tax was paid. In determining the aggregate sum of the net gifts for each of the preceding calendar years, the total amount of the specific exemption claimed and allowed for such preceding years should be deducted, except that if tax is being computed for the calendar year 1943 or for any calendar year thereafter such deduction cannot exceed $30,000, or if the tax is being computed for the calendar year 1940, 1941, or 1942 such deduction cannot exceed $40,000. (See § 86.12.) The third step is to add to the amount of net gifts for the calendar year for which the return is being prepared the aggregate sum of the net gifts for each of the preceding calendar years. The fourth step is to compute the tax upon the total amount of net gifts (as ascertained by the third step) by use of the rate schedule in force for the calendar year for which the return is being prepared. (See §§ 86.5 and 86.6.) The fifth step is to compute a tax in accordance with the same rate schedule upon the aggregate sum of net gifts for each of the preceding calendar years only. The sixth step is to subtract from the amount of tax as computed in the fourth step the amount of tax as computed in the fifth step. The amount remaining after such subtraction is the tax for the calendar year for which the return is being prepared, except in the case of a return for the calendar year 1940 or 1941.

If the return is being prepared for the calendar year 1940 or 1941, the defense tax, imposed by subsection (d) of section 1001 of the Internal Revenue Code, as added by section 207 of the Revenue Act of 1940, must be computed. The defense tax was repealed by section 402 of the Revenue Act of 1941 and is not applicable to gifts made during the calendar year 1942 or any calendar year thereafter but

remains in effect for the calendar years 1940 and 1941.

If the return is being prepared for the calendar year 1941, the defense tax is ascertained by computing 10 percent of the tax determined in the manner set forth in the first paragraph of this section. For such calendar year the total amount of tax payable is the amount determined in the manner explained in that paragraph plus the defense tax of 10 percent thereof.

In case of a return for the calendar year 1940, the amount of the defense tax to be added is that proportion of 10 percent of the tax computed in the manner indicated in the first paragraph of this section which the total amount of the gifts made after Jun 25, 1940 (determined after the allowance of any applicable exclusions authorized by section 1003 (b) (2) of the Internal Revenue Code, or deductions for charitable, etc., gifts authorized by sections 1004 (a) (2) and 1004 (b) of the Internal Revenue Code, but without the allowance of the specific exemption or any portion thereof) bears to the total amount of gifts made during the calendar year determined in the same manner. In computing this ratio, the exclusion authorized by section 1003 (b) (2) with respect to gifts made to the same person both on or before and after June 25, 1940, is applied against the first such gifts made during the calendar year.

In case no reportable gifts were made during the preceding calendar years, considering only gifts made after June 6, 1932, the tax for the calendar year for which the return is being prepared is the tax computed in accordance with the rate schedule in force for such year upon the amount of the net gifts for such calendar year, plus the amount of the defense tax, if applicable.

Example (1) (showing computation of tax for calendar year 1943). A donor makes gifts (other than gifts of future interests in property) during the calendar year 1943 of $30,000 to A and $33,000 to B. After excluding $6,000 for the two donees in accordance with section 1003 (b) (3), the total amount of gifts made during that year is $57,000. The specific exemption was previously exhausted and the amount of the net gifts for 1943 is $57,000. The total amount of gifts made by the donor during the preceding years, after excluding $5,000 for each donee for each calendar year in accordance with section 1003 (b) (1), is computed as follows:

Calendar year 1934	$120,000
Calendar year 1935	25,000
Total amount of gifts for preceding calendar years	145,000

The aggregate sum of the net gifts for the preceding calendar years, $115,000, is determined by deducting a specific exemption of $30,000 from $145,000. The deduction for such specific exemption cannot exceed $30,000, even though $50,000 was allowed as the specific exemption in the computation of the tax applicable to the preceding years 1934 and 1935. See § 86.12. The computation of the tax for the calendar year 1943 is shown below:

1. Amount of net gifts for year	$57,000
2. Total amount of net gifts for preceding years	115,000
3. Total net gifts	172,000
4. Tax computed on item 3 (in accordance with rate schedule)	31,725
5. Tax computed on item 2 (in accordance with rate schedule)	18,900
6. Tax for year 1943 (item 4 minus item 5)	12,825

Example (2) (showing computation of defense tax for calendar year 1941). During the calendar year 1941 a resident donor makes the following gifts:

To daughter	$44,000
To son	14,000
To a charitable organization	10,000

The amount of his net gifts for preceding calendar years, subsequent to June 6, 1932, is $50,000. Only $25,000 of his specific exemption was claimed for such preceding years. The remaining $15,000 of his specific exemption is claimed for the calendar year 1941. The amount of the net gifts for the calendar year 1941 is determined as follows:

Total gifts		$65,000.00
Less exclusions under the section 1003 (b) (2) of the Internal Revenue Code		12,000.00
Total included amount of gifts for year		56,000.00
Total deductions for charitable gifts ($10,000 less exclusion of $4,000)	$6,000	
Specific exemption claimed	15,000	
Total deductions		21,000.00
Amount of net gifts for year		35,000.00

The total amount of the tax payable for the calendar year 1941 is computed as follows:

1. Amount of net gifts for year	$35,000.00
2. Total amount of net gifts for preceding years	50,000.00
3. Total net gifts	85,000.00
4. Tax computed on item 3 (in accordance with rate schedule)	5,625.00
5. Tax computed on item 2 (in accordance with rate schedule)	2,250.00
6. Tax on net gifts for year without addition of defense tax (item 4 minus item 5)	3,375.00
7. Defense tax (10 percent of item 6)	337.50
8. Total tax payable for year (item 6 plus item 7)	3,712.50

Example (3) (showing computation of defense tax for calendar year 1940). The facts are the same as in the preceding example except that the remaining $15,000 of the donor's specific exemption is claimed for the calendar year 1940 and the gifts to the daughter, son, and charitable organization were made during the calendar year 1940, as follows:

To daughter before June 26, 1940	$44,000
To son after June 25, 1940	14,000
To charitable organization after June 25, 1940	10,000

The determination of the amount of the net gifts and the computation of the tax, without the addition of the defense tax, is the same as in the preceding example.

The computation of the defense tax and the total amount of the tax payable for the calendar year 1940 is shown as follows:

Total included amount of gifts for year, less amount deducted for charitable gift ($56,000 minus $6,000)	$50,000.00
Total included amount of gifts made after June 25, 1940, less amount deducted for charitable gift made after June 25, 1940 ($16,000 minus $6,000)	$10,000.00
10 percent of $3,375, the amount of the tax without the addition of the defense tax	337.50
Defense tax for 1940 $\left(\frac{10,000}{50,000} \times \$337.50\right)$	67.50
Total amount of tax payable for calendar year 1940 ($3.375 plus $67.50)	3,442.50

SEC. 1002. TRANSFER FOR LESS THAN ADEQUATE AND FULL CONSIDERATION.

Where property is transferred for less than an adequate and full consideration in money or money's worth, then the amount by which the value of the property exceeded the value of the consideration shall, for the purpose of the tax imposed by this chapter, be deemed a gift, and shall be included in computing the amount of gifts made during the calendar year.

§ 86.8 *Transfers for a consideration in money or money's worth.* Transfers reached by the statute are not confined to those only which, being without a valuable consideration, accord with the common law concept of gifts, but embrace as well sales, exchanges, and other dispositions of property for a consideration in money or money's worth to the extent that the value of the property transferred by the donor exceeds the value of the consideration given therefor. However, a sale, exchange, or other transfer of property made in the ordinary course of business (a transaction which is bona fide, at arm's length, and free from any donative intent), will be considered as made for an adequate and full consideration in money or money's worth. A consideration not reducible to a money value, as love and affection, promise of marriage, etc., is to be wholly disregarded, and the entire value of the property transferred constitutes the amount of the gift.

SEC. 1003. NET GIFTS. [As originally enacted.]

(a) *General definition.* The term "net gifts" means the total amount of gifts made during the calendar year, less the deductions provided in section 1004.

(b) *Exclusions from gifts.*—(1) *Gifts prior to 1939.* In the case of gifts (other than of future interests in property) made to any person by the donor during the calendar year 1938 and previous calendar years, the first $5,000 of such gifts to such person shall not, for the purposes of subsection (a), be included in the total amount of gifts made during such year.

(2) *Gifts after 1938.* In the case of gifts (other than gifts in trust or of future interests in property) made to any person by the donor during the calendar year 1939 and subsequent calendar years, the first $4,000 of such gifts to such persons shall not, for the purposes of subsection (a), be included in the total amount of gifts made during such year.

SEC. 454. EXCLUSION FROM NET GIFTS REDUCED. [Revenue Act of 1942, Title IV, Part II. Effective for calendar year 1943 and each calendar year thereafter.]

Section 1003 (b) (2) (relating to exclusion of gifts) is amended to read as follows:

(2) *Gifts after 1938 and prior to 1943.* In the case of gifts (other than gifts in trust or of future interests in property) made to any person by the donor during the calendar year 1939 and subsequent calendar years prior to 1943, the first $4,000 of such gifts to such person shall not, for the purposes of subsection (a), be included in the total amount of gifts made during such year.

(3) *Gifts after 1942.* In the case of gifts (other than gifts of future interests in property) made to any person by the donor during the calendar year 1943 and subsequent calendar years, the first $3,000 of such gifts to such person shall not, for the purposes of subsection (a), be included in the total amount of gifts made during such year.

SEC. 451. GIFTS TO WHICH AMENDMENTS APPLICABLE. [Revenue Act of 1942, Title IV, Part II.]

Except as otherwise expressly provided, the amendments made by this Part shall be applicable only with respect to gifts made in the calendar year 1943, and succeeding calendar years.

§ 86.9 *Net gifts.* The tax is computed upon the amount of the donor's net gifts (see §§ 86.5, 86.6, and 86.7. The term "net gifts" means the "total amount of gifts" computed as provided in section 1003 (see § 86.10), less the deductions provided in section 1004. (See §§ 86.12 and 86.13.)

§ 86.10 *Total amount of gifts.* Except with respect to any gift of a future interest in property, the first $3,000 of gifts made to any one donee during the calendar year 1943 or during any calendar year thereafter shall be excluded in determining the total amount of gifts for such calendar year. In the case of a gift in trust, the beneficiary of the trust is the donee of the gift. Except with respect to any gift in trust or of a future interest in property, the first $4,000 of gifts made to any one donee during any one of the calendar years 1939 to 1942, inclusive, shall be excluded in determining the total amount of gifts for any such calendar year. Except with respect to any gift of a future interest in property, the first $5,000 of gifts made to any one donee during the calendar year 1938 or during any calendar year prior thereto shall be excluded in determining the total amount of gifts for such calendar year. The entire value of any gift of a future interest in property, and the entire value of any gift made by a transfer in trust during the calendar years 1939 to 1942, inclusive, must be included in the total amount of gifts for the calendar year in which such a gift is made.

§ 86.11 *Future interests in property.* No part of the value of a gift of a future interest may be excluded in determining the total amount of gifts made during the calendar year. "Future interests" is a legal term, and includes reversions, remainders, and other interests or estates, whether vested or contingent, and whether or not supported by a particular interest or estate, which are limited to commence in use, possession, or enjoyment at some future date or time. The term has no reference to such contractual rights as exist in a bond, note (though bearing no interest until maturity), or in a policy of life insurance, the obligations of which are to be discharged by payment in the future. But a future interest or interests in such contractual obligations may be created by the limitations contained in a trust or other instrument of transfer employed in effecting a gift. For the valuation of future interests, see § 86.19 (g).

SEC. 1004. DEDUCTIONS.

In computing net gifts for the calendar year 1939 and preceding calendar years, there shall be allowed (except as otherwise provided in paragraph (1) of subsection (a) such deductions as are provided for under the gift tax laws applicable to the years in which the gifts were made.

In computing net gifts for the calendar year 1940 and subsequent calendar years, there shall be allowed as deductions:

(a) *Residents.* In the case of a citizen or resident—

(1) *Specific exemption.* An exemption of $40,000, less the aggregate of the amounts claimed and allowed as specific exemption in the computation of gift taxes for the calendar year 1932 and all calendar years intervening between that calendar year and the calendar year for which the tax is being computed under the laws applicable to such years. This exemption shall be applied in all computations in respect of the calendar year 1939 and previous calendar years for the purpose of computing the tax for the calendar year 1940 or any calendar year thereafter.

(2) *Charitable, etc., gifts.* The amount of all gifts made during such year to or for the use of—

(A) The United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(B) A corporation, or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals; no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(C) A fraternal society, order, or association, operating under the lodge system, but only if such gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals;

(D) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual;

(E) The special fund for vocational rehabilitation authorized by section 12 of the World War Veterans' Act, 1924, 43 Stat. 611 (U. S. C., title 38 § 440).

(b) *Nonresidents.* In the case of a nonresident not a citizen of the United States, the amount of all gifts made during such year to or for the use of—

(1) The United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) A domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals; no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) A trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; but only if such gifts are to be used within the United States exclusively for such purposes;

(4) A fraternal society, order, or association, operating under the lodge system, but only if such gifts are to be used within the United States exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals;

(5) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual;

(6) The special fund for vocational rehabilitation authorized by section 12 of the World War Veterans' Act, 1924, 43 Stat. 611 (U.S.C., Title 38, § 440).

(c) *Extent of deductions.* The deductions provided in subsection (a) (2) or (b) shall be allowed only to the extent that the gifts therein specified are included in the amount of gifts against which such deductions are applied.

SEC. 455. *Specific Exemption of Gifts Reduced.* [Revenue Act of 1942, Title IV, Part II. Effective for calendar year 1943 and each calendar year thereafter.]

That part of section 1004 which precedes paragraph (2) of subsection (a) is amended to read as follows:

SEC. 1004. DEDUCTIONS.

In computing net gifts for the calendar year 1942 and preceding calendar years, there shall be allowed (except as otherwise provided in paragraph (1) of subsection (a)) such deductions as are provided for under the gift tax laws applicable to the years in which the gifts were made.

In computing net gifts for the calendar year 1943 and subsequent calendar years, there shall be allowed as deductions:

(a) *Residents.* In the case of a citizen or resident—

(1) *Specific exemption.* An exemption of $30,000, less the aggregate of the amounts claimed and allowed as specific exemption in the computation of gift taxes for the calendar year 1932 and all calendar years intervening between that calendar year and the calendar year for which the tax is being computed under the laws applicable to such years. This exemption shall be applied in all computations in respect of the calendar year 1942 and previous calendar years for the purpose of computing the tax for the calendar year 1943 or any calendar year thereafter.

SEC. 451. GIFTS TO WHICH AMENDMENTS APPLICABLE. [Revenue Act of 1942, Title IV, Part II.]

Except as otherwise expressly provided, the amendments made by this Part shall be applicable only with respect to gifts made in the calendar year 1943, and succeeding calendar years.

§ 86.12 *Specific exemption.* In determining the amount of net gifts for the calendar year there may be deducted, if the donor was a citizen or resident of the United States at the time the gifts were made, a specific exemption of $30,000 ($40,000 if the calendar year is 1940, 1941, or 1942), less the sum of the amounts claimed and allowed as an exemption in prior calendar years. The exemption, at the option of the donor, may be taken in its entirety in a single

year, or be spread over a period of years in such amounts as he sees fit, but after the limit has been reached no further exemption is allowable. In determining the aggregate sum of the net gifts for the preceding calendar years (see § 86.7), the total amount of the specific exemption claimed and allowed for such preceding years should be deducted, except that if tax is being computed for the calendar year 1943 or for any calendar year thereafter such deduction cannot exceed $30,000, or if the tax is being computed for the calendar year 1940, 1941, or 1942, such deduction cannot exceed $40,000. The specific exemption is authorized only in the case of a citizen or resident of the United States. A donor who was a nonresident not a citizen of the United States at the time of the gift or gifts is not entitled to this exemption.

§ 86.13 *Charitable, etc., gifts.* In determining the amount of net gifts of a given calendar year, in the case of a donor who was a citizen or resident of the United States at the time when the gifts were made, there may be deducted the amount of such gifts as were to or for the use of (a) the United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes; or (b) any corporation, trust, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, provided no part of the net earnings of such organization inures to the benefit of any private shareholder or individual, and no substantial part of its activities is carrying on propaganda, or otherwise attempting, to influence legislation; or (c) a fraternal society, order, or association, operating under the lodge system, provided such gifts are to be used by such fraternal society, order, or association exclusively for one or more of the purposes enumerated in (b); or (d) any organization of war veterans or auxiliary unit or society thereof if such organization, auxiliary unit, or society thereof is organized in the United States or any of its possessions, and if no part of its net earnings inures to the benefit of any private shareholder or individual. The special fund for vocational rehabilitation authorized by section 12 of the World War Veterans' Act, 1924, referred to in section 1004, has been discontinued. See notes, 38 U. S. C. 440, 531–539.

In case the donor was a nonresident not a citizen of the United States at the time the gifts were made, the deduction of the amount of charitable, etc., gifts is governed by the same rules as those applying to similar gifts made by citizens or residents, subject, however, to the two following exceptions: (1) If the gift be made to or for the use of a corporation, such corporation must be one created or organized under the laws of the United States or of any State or Territory thereof; and (2) if made to or for the use of a trust, or community chest, fund, or foundation, or a fraternal society, order, or association, operating under the lodge system, the gift must be for use within the United States exclusively for religious, charitable, scientific, literary or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals.

The deduction is not limited in the case of donors who were citizens or residents to gifts to or for the use of domestic corporations, or for use within the United States when made to a trust, or community chest, fund, or foundation, or a fraternal society, order, or association, operating under the lodge system.

If money or other property is so given that the income is, for the duration of a life or a term of years, to be paid to the donor or other individual, or is to be used for a purpose not described in section 1004 (a) (2) or (b), and the property is then to be devoted exclusively to some one or more of the uses described in section 1004 (a) (2) or (b), only the present worth of the remainder is deductible. To determine the present worth or value of such remainder (that is, its value as of the date of the gift), the amount of the money or the value of the property transferred should be multiplied by the appropriate factor in column 3 of Table A or B, a part of § 86.19.

§ 86.14 *Religious, charitable, scientific, literary, and educational organizations.* The corporation, or trust, or community chest, fund, or foundation to which a gift is made must meet three tests to entitle the donor to deduct the amount of the gift: (1) It must be organized and operated exclusively for one or more of the purposes specified in the statute; (2) it must not by a substantial part of its activities carry on propaganda, or otherwise attempt, to influence legislation; and (3) no part of its net earnings shall inure to the benefit of private shareholders or individuals.

The donor is not deprived of the right to deduct an amount equal to the value of property so transferred by reason of the fact that private individuals are the recipients of the benefits which the organization dispenses. Such right is lost, however, where any part of the net earnings of the organization inures to the benefit of a private shareholder or individual.

§ 86.15 *Proof required.* In order to prove the right to this deduction, the donor must submit such documents or evidence as may be requested by the Commissioner.

§ 86.16 *Charitable, etc., gifts, with power to divert.* If a fraternal society, order, or association, operating under the lodge system, is empowered to divert a part of the property or fund transferred by gift to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly transferred by the donor for such use or purpose, deduction will be limited to that part of the property or fund which is not subject to the exercise of the power.

SEC. 1005. GIFTS MADE IN PROPERTY.

If the gift is made in property, the value thereof at the date of the gift shall be considered the amount of the gift.

§ 86.17 *Gifts made in property.* A gift made in property is subject to the tax in the same manner as a gift of cash, and the amount of the gift is the value of the property at the date of the gift.

§ 86.18 *Situs of property.* The statute imposes a tax upon gifts made by citizens of the United States, residents or nonresidents thereof, and upon those made by residents of the United States, whether or not citizens, irrespective of whether the property transferred (real or personal, tangible or intangible) be situated within or without the United States. But gifts by nonresidents of the United States who are not citizens thereof (see § 86.4) are subject to tax only if the property transferred is, at the time of the transfer, situated within the United States.

Real estate, tangible personal property, and the written evidence of intangible personal property which is treated as being the property itself are within the United States if physically situated therein. For example, a bond for the payment of money is not within the United States unless physically situated therein. Stock of a domestic corporation, however, constitutes property within the United States, irrespective of where the certificates thereof are physically located. (See section 1030 (b) and § 86.74.) Intangible personal property the written evidence of which is not treated as being the property itself constitutes property within the United States if consisting of a property right issuing from or enforceable against a resident of the United States or a domestic corporation (public or private), irrespective of where such written evidence is physically located.

Paragraph (9) of section 3797 (a) of the Internal Revenue Code defines the term "United States," when used in a geographical sense, as including only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 86.19 *Valuation of property.* (a) *General.* The statute provides that if the gift is made in property, the value thereof at the date of the gift shall be considered the amount of the gift. The value of the property is the price at which such property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell. The value of a particular kind of property is not to be determined by a forced sale price. Such value is to be determined by ascertaining as a basis the fair market value at the time of the gift of each unit of the property. For example, in the case of shares of stock or bonds, such unit of property is a share or a bond. All relevant facts and elements of value as of the time of the gift should be considered.

(b) *Real estate.* In returning a gift of real estate, the local assessed value thereof should not be returned as the value of the gift unless such value represents the fair market value of the property as of the date of the gift. (See § 86.24 for manner of listing and describing real estate in returns.)

(c) *Stocks and bonds.* The value at the date of the gift in the case of stocks

and bonds, within the meaning of the statute, is the fair market value per share or bond on such date.

In the case of stocks and bonds listed on a stock exchange, the mean between the highest and lowest quoted selling prices on the date of the gift shall be considered as the fair market value per share or bond. If there were no sales on the date of the gift, such value shall be determined by taking the mean between the highest and lowest sales on the nearest date before and the nearest date after the date of the gift (both such nearest dates being within a reasonable period), and by prorating the difference between such mean prices to the date of the gift, and by adding or subtracting, as the case may be, such prorated portion of the difference to or from the mean price obtaining on such nearest date before the date of the gift. For example, assume that sales of stock nearest the date of the gift (June 15) occurred two days before (June 13) and three days after (June 18) and that on such days the mean sale prices per share were $10 and $15, respectively. The price of $12 shall be taken as representing the fair market value of a share of such stock as of the date of the gift. If, however, on June 13 and June 18 the mean sale prices per share were $15 and $10, respectively, the price of $13 shall be taken as representing the fair market value of a share of such stock as of the date of the gift. If the security was listed on more than one exchange, the records of the exchange where the security is principally dealt in should be employed. In valuing listed stocks and bonds the donor should observe care to consult accurate records to obtain values as of the date of the gift.

In the case of stocks and bonds which are not listed upon an exchange, but are dealt in through brokers, or have a market, the fair market value shall be determined by taking the mean between the highest and lowest selling prices as of the date of the gift; or, if there were no sales on that date, such value shall be determined by taking the mean between the highest and lowest sales on the nearest date before and the nearest date after the date of the gift (both such nearest dates being within a reasonable period), and by prorating the difference between such mean prices to the date of the gift, and by adding or subtracting, as the case may be, such prorated portion of the difference to or from the mean price obtaining on such nearest date before the date of the gift. If quotations are obtained from brokers, or evidence as to the sale of securities is obtained from the officers of the issuing companies, the donor should preserve in his files the letters furnishing such quotations or evidence of sale for inspection when the return is verified by an investigating officer.

If actual sales are not available during a reasonable period beginning before and ending after the date of the gift, the fair market value may be determined by taking the mean between the bona fide bid and asked prices on the nearest date before and the nearest date after the date of the gift (both such nearest dates being within a reasonable period), and by prorating the difference between such mean prices to the date of the gift, and by adding or subtracting, as the case may be, such prorated portion of the difference to or from the mean price obtaining on such nearest date before the date of the gift.

If actual sale prices or quoted bona fide bid and asked prices are available on a date within a reasonable period prior to the date of the gift, and if no actual sale prices or bona fide bid and asked prices are available on a date within a reasonable period after the date of the gift, or vice versa, then the mean between such highest and lowest available sale prices or bid and asked prices may be taken as the value.

If actual sales or bona fide bid and asked prices are not available, then, in the case of corporate or other bonds, the value is to be arrived at by giving consideration to the soundness of the security, the interest yield, the date of maturity, and other relevant factors, and, in the case of shares of stock, upon the basis of the company's net worth, earning power, dividend-paying capacity, and all other relevant factors having a bearing upon the value of the stock. Complete financial and other data upon which the donor bases his valuation should be submitted with the return.

In cases in which it is established that the value per bond or share of any security determined on the basis of selling or bid and asked prices as herein provided does not reflect the fair market value thereof, then some reasonable modification of such basis or other relevant facts and elements of value shall be considered in determining fair market value.

(d) *Interest in business.* Care should be taken to arrive at an accurate valuation of any business which the donor transfers without an adequate and full consideration in money or money's worth, whether the interest transferred is that of a partner or of a proprietor. A fair appraisal as of the date of the gift should be made of all the assets of the business, tangible and intangible, including good will, and the business should be given a net value equal to the amount which a willing purchaser, whether an individual or a corporation, would pay therefor to a willing seller in view of the net value of the assets of the business and its demonstrated earning capacity. Special attention should be given to fixing an adequate figure for the value of the good will of the business.

The factors hereinbefore stated relative to the valuation of other property, if applicable, will be considered in determining the valuation of a proprietary or partnership interest in the business. All evidence bearing upon such valuation should be submitted with the return, including copies of reports in any case in which examinations of the business have been made by accountants, engineers, or any technical experts as of or near the date of the gift.

(e) *Notes, secured and unsecured.* The value of notes, whether secured or unsecured, will be presumed to be the amount of unpaid principal, plus accrued interest to the date of the gift, unless the donor establishes a lower value. Unless returned at face value, plus accrued interest, it must be shown by satisfactory evidence that the note is worth less than the unpaid amount because of the interest rate, or date of maturity, or other cause, or that the note is uncollectible in part by reason of the insolvency of the party or parties liable, or for other cause, and that the property, if any, pledged or mortgaged as security is insufficient to satisfy it.

(f) *Annuities, life estates, remainders and reversions*—(1) *Annuities—General.* For valuation of annuities purchased from life insurance companies or other companies regularly engaged in issuing annuity contracts, see (i) under this section. In case the donor creates a trust under which a specified annuity is payable to the donee, the value of such gift should be determined by using Table A or Table B, whichever is applicable, shown at the end of this section. If the annuity is payable at the end of each annual period, the factor is obtained directly from the table. If the annuity is payable for the life of an individual, the amount payable annually should be multiplied by the figure in column 2 of Table A opposite the number of years in column 1 of such table nearest the age of the individual (as of the date of the gift) whose life measures the duration of the annuity, or if payable for a definite number of years the amount payable annually should be multiplied by the figure in column 2 of Table B opposite the number of years in column 1 of such table.

Example (1). The donee is made the beneficiary of an annuity of $10,000 payable at the end of annual periods during his life. The age of the donee at the date of the gift is 40 years and 8 months. By reference to Table A, it is found that the figure in column 2 opposite 41 years, the number nearest to the donee's age, is 14.86102. The value of the gift is, therefore, $148,610.20 ($10,000 multiplied by 14.86102).

Example (2). The donor was entitled to receive an annuity of $10,000 a year payable at the end of annual periods throughout a term of 20 years; the donor, when 15 years have elapsed, makes a gift thereof to his son. By reference to Table B, it is found that the figure in column 2 opposite 5 years, the unexpired portion of the 20-year period, is 4.45182. The present worth of the annuity is, therefore, $44,518.20 ($10,000 multiplied by 4.45182).

(2) *Annuities payable at end of semiannual, quarterly, or monthly periods.* If the annuity is payable semiannually, quarterly, or monthly, the value should be determined by multiplying the aggregate amount to be paid within a year by the figure in column 2 of Table A opposite the number of years in column 1 nearest the actual age of the person whose life measures the annuity, or the figure in column 2 of Table B opposite the number of years the annuity is payable, as the case may be, and then multiplying the product by 1.01820 for monthly payments, by 1.01488 for quarterly payments, or by 1.00990 for semiannual payments.

Example. If, in example (1) given above under (1) *Annuities—General*, the annuity is payable semiannually, the factor, 14.86102, should be multiplied by 1.00990 and the prod-

uct multiplied by $10,000. The value of the gift is, therefore, $150,081.44 ($10,000×14.86102×1.00990).

(3) *Annuities payable at beginning of annual, semiannual, quarterly, or monthly periods*—(i) *Annuity for life.* If the first payment of an annuity for the life of an individual is to be paid at once, the value of the annuity is the sum of the first payment plus the present worth of a similar annuity the first payment of which is not to be made until the end of the first period.

Example. The donee is made the beneficiary for life of an annuity of $50 a month payable from the income of a trust, subject to the right reserved by the donor to cause the annuity to be paid for his own benefit or for the benefit of another. On the day a payment is due, the donor relinquishes his reserved power. The donee is then 50 years of age. The value of the gift is $50 plus the product of $50×12×12.47032 (see Table A)×1.01820, or $7,668.37 [$50 plus ($50×12×12.47032×1.01820)].

(ii) *Annuity for term of years.* If the first payment of an annuity for a definite number of years is to be paid at once, the applicable factor is the product of the factor shown in Table B multiplied by 1.02154 for monthly payments, by 1.02488 for quarterly payments, by 1.02990 for semiannual payments, or by 1.04 for annual payments.

Example. The donee is the beneficiary of an annuity of $50 a month subject to a reserved right in the donor to cause the annuity or the cash value thereof to be paid for his own benefit or for the benefit of another. On the day a payment is due, the donor relinquishes his power. There are 300 payments to be made covering a period of 25 years, including the payment due. The value of the gift is the product of $50×12×15.62208 (factor for 25 years, Table B)×1.02154, or $9,575.15 ($50×12×15.62208×1.02154).

(4) *Actuarial calculations by Bureau.* If in the case of a completed gift an annuity is to be paid during the life of an individual and in any event for a definite number of years, or for more than one life, or in any other manner rendering inapplicable both Table A and Table B, the case may be stated to the Commissioner, who will thereupon furnish the applicable factor. In making such calculations when life interests or remainders upon life interests are involved, use will be made of the Actuaries' or Combined Experience Table of Mortality, as extended (that being the basis of Table A), with interest at 4 percent per annum compounded annually.

(5) *Life estates, terms for years.—Hypothetical annuity.* If the gift consists of the donor's right for life or for the life of another person, or for a term of years, either to receive the income of certain property or to use nonincome-producing property, a hypothetical annuity at the rate of 4 percent of the value of the property should be made the basis of the calculation. A provision for the payment of income in semiannual, quarterly, or monthly installments does not affect the value to be assigned to the life interest.

(6) *Remainders or reversionary interests.* If the gift is of a remainder or reversionary interest subject to an outstanding life estate, the value of the gift will be obtained by multiplying the value of the property at the date of the gift by the figure in column 3 of Table A opposite the number of years nearest to the age of the life tenant. In case the remainder or reversion is to take effect at the end of a term of years, Table B should be used.

Example. The donor transferred by gift property worth $50,000 which he was entitled to receive upon the death of his brother, to whom the income for life had been bequeathed. The brother at the date of the gift was 31 years of age. By reference to Table A, it is found that the figure in column 3 opposite 31 years is 0.31262. The value of the gift is, therefore, $15,631 ($50,000×0.31262).

(g) *Transfers conditioned upon survivorship.* If A, without retaining a power to revoke the trust or to change the beneficial interest, transfers property in trust whereby B is to receive the income therefrom for life and at his death the trust is to terminate and the corpus is to be returned to A provided A survives but if A predeceases B the corpus is to pass to C, A consummates a gift of such property less the present value of his right to the corpus should he survive the life tenant. The value of such gift is to be determined in accordance with the Actuaries' or Combined Experience Table of Mortality, as extended.

A case involving the value of the right of survivorship (provided the gift is completed and not merely proposed or hypothetical) may be submitted to the Commissioner, who will furnish the applicable factor, computed in accordance with recognized actuarial principles.

(h) *Tenancies by the entirety.* If either a husband or his wife purchases property and causes the title thereto to be conveyed to themselves as tenants by the entirety, or if either causes to be created such a tenancy in property already owned by him or her, and under the law of the jurisdiction governing the rights of the spouses with respect to the property neither of them may, acting alone, defeat the right of the survivor of them to the whole of the property, the transfer effects a gift from the spouse owning the property at the time of the creation of the tenancy or who furnished the consideration in the purchase of the property. The value of the gift is the value of such property less the value of the right, if any, of the donor spouse to the income or other enjoyment of the property, or share thereof, during the joint lives of the spouses, and the value of the right of the donor spouse to the whole of the property should he or she be the survivor of them. The value of each of such rights is to be determined in accordance with the Actuaries' or Combined Experience Table of Mortality, as extended.

A case of this character (provided the gift is completed and not merely proposed or hypothetical) may be submitted to the Commissioner, who will, in accordance with recognized actuarial principles, compute the applicable factor to be used in determining such value, and will advise the donor of the factor.

(i) *Life insurance and annuity contracts.* The value of a life insurance contract or of a contract for the payment of an annuity issued by a company regularly engaged in the selling of contracts of that character is established through the sale of the particular contract by the company, or through the sale by the company of comparable contracts. As valuation through sale of comparable contracts is not readily ascertainable when the gift is of a contract which has been in force for some time and on which further premium payments are to be made, the value may be approximated, unless because of the unusual nature of the contract such approximation is not reasonably close to the full value, by adding to the interpolated terminal reserve at the date of the gift the proportionate part of the gross premium last paid before the date of the gift which covers the period extending beyond that date.

The examples given below, so far as relating to life insurance contracts, are of gifts of such contracts on which there are no accrued dividends or outstanding indebtedness.

Example (1). A donor purchases from a life insurance company for the benefit of another a life insurance contract or a contract for the payment of an annuity; the value of the gift is the cost of the contract.

Example (2). An annuitant, having purchased from a life insurance company a single payment annuity contract by the terms of which he was entitled to receive payments of $1,200 annually for the duration of his life, five years subsequent to such purchase, and when of the age of 50 years, gratuitously assigns the contract. The value of the gift is the amount which the company would charge for an annuity contract providing for the payment of $1,200 annually for the life of a person 50 years of age.

Example (3). A donor owning a life insurance policy on which no further payments are to be made to the company (e. g., a single premium policy or paid-up policy) makes a gift of the contract. The value of the gift is the amount which the company would charge for a single premium contract of the same specified amount on the life of a person of the age of the insured.

Example (4). A gift is made four months after the last premium due date of an ordinary life insurance policy issued nine years and four months prior to the gift thereof by the insured, who was 35 years of age at date of issue. The gross annual premium is $2,811. The computation follows:

Terminal reserve at end of tenth year	$14,601.00
Terminal reserve at end of ninth year	12,965.00
Increase	1,636.00
One third of such increase (the gift having been made four months following the last preceding premium due date), is	545.33
Terminal reserve at end of ninth year	12,965.00
Interpolated terminal reserve at date of gift	13,510.33
Two-thirds of gross premium ($2,811)	1,874.00
Value of the gift	15,384.33

(j) *Other property.* Any property not specifically treated in this section should be valued in accordance with the rule laid down under paragraph (a) of this section.

TABLE A

[Table, single life, 4 percent, showing the present worth of an annuity, or a life interest, and of a reversionary interest]

Age	1. Annuity, or present value of $1 due at the end of each year during the life of a person of specified age	3. Reversion, or present value of $1 due at the end of the year of death of a person of specified age
	Annuity	*Reversion*
0	$14.72829	$0.39507
1	17.30771	.29586
2	18.08578	.24247
3	19.15901	.22465
4	19.41226	.21491
5	19.55301	.20950
6	19.61731	.20703
7	19.62602	.20573
8	19.61097	.20727
9	19.53413	.21022
10	19.45359	.21332
11	19.36943	.21656
12	19.28184	.21993
13	19.19065	.22344
14	19.09590	.22708
15	18.99764	.23086
16	18.89569	.23478
17	18.79010	.23884
18	18.68070	.24305
19	18.56731	.24740
20	18.45038	.25191
21	18.32932	.25656
22	18.20416	.26138
23	18.07471	.26636
24	17.94067	.27150
25	17.80274	.27682
26	17.65984	.28231
27	17.51224	.28799
28	17.35968	.29386
29	17.20235	.29991
30	17.03961	.30615
31	16.87176	.31262
32	16.69846	.31929
33	16.51964	.32617
34	16.33503	.33327
35	16.14437	.34060
36	15.94755	.34817
37	15.74427	.35599
38	15.53421	.36407
39	15.31722	.37241
40	15.09295	.38104
41	14.86102	.38996
42	14.62122	.39918
43	14.37356	.40871
44	14.11800	.41852
45	13.85713	.42857
46	13.59058	.43886
47	13.31698	.44935
48	13.03942	.46002
49	12.75716	.47088
50	12.47032	.48191
51	12.17919	.49311
52	11.88408	.50446
53	11.58531	.51595
54	11.28325	.52757
55	10.97789	.53931
56	10.66982	.55116
57	10.35931	.56310
58	10.04630	.57514
59	9.73131	.58726
60	9.41474	.59943
61	9.09765	.61163
62	8.78052	.62383
63	8.46412	.63600
64	8.14888	.64812
65	7.83552	.66017
66	7.52476	.67212
67	7.21699	.68397
68	6.91298	.69565
69	6.61301	.70719
70	6.31716	.71857
71	6.02612	.72976
72	5.74003	.74077
73	5.45928	.75157
74	5.18402	.76215
75	4.91463	.77251
76	4.65125	.78264
77	4.39383	.79254
78	4.14296	.80220
79	3.89858	.81159
80	3.66071	.82074
81	3.42990	.82965
82	3.20698	.83836
83	2.98024	.84691
84	2.76106	.85534
85	2.54966	.86371
86	2.32795	.87200
87	2.11384	.88024
88	1.90115	.88842
89	1.69107	.89650
90	1.48540	.90441
91	1.28432	.91214
92	1.09024	.91961
93	$0.90647	$0.92667
94	.73687	.93320
95	.58435	.93906
96	.46182	.94378
97	.36698	.94742
98	.24038	.95229
99	.00000	.96154

TABLE B

[Table showing the present worth at 4 percent of an annuity for a term certain, and of a reversionary interest postponed for a term certain]

Number of years	1	2. Present worth of an annuity of $1, payable at the end of each year, for a certain number of years	3. Present worth of $1, payable at the end of a certain number of years
		Annuity	*Reversion*
	1	$0.96154	$0.961538
	2	1.88609	.924556
	3	2.77509	.889996
	4	3.62989	.854804
	5	4.45182	.821927
	6	5.24214	.790314
	7	6.00205	.759918
	8	6.73274	.730690
	9	7.43533	.702587
	10	8.11089	.675564
	11	8.76047	.649581
	12	9.38507	.624597
	13	9.98565	.600574
	14	10.56312	.577475
	15	11.11839	.555265
	16	11.65229	.533908
	17	12.16567	.513373
	18	12.65929	.493628
	19	13.13394	.474642
	20	13.59032	.456387
	21	14.02916	.438834
	22	14.45111	.421955
	23	14.85684	.405726
	24	15.24696	.390121
	25	15.62208	.375117
	26	15.98277	.360689
	27	16.32958	.346816
	28	16.66306	.333477
	29	16.98371	.320651
	30	17.29203	.308319

SEC. 1006. RETURNS.

(a) *Requirement.* Any individual who within the calendar year 1940 or any calendar year thereafter makes any transfers by gift (except those which under section 1003 are not to be included in the total amount of gifts for such year) shall make a return under oath in duplicate. The return shall set forth (1) each gift made during the calendar year which under section 1003 is to be included in computing net gifts; (2) the deductions claimed and allowable under section 1004; (3) the net gifts for each of the preceding calendar years; and (4) such further information as may be required by regulations made pursuant to law.

(b) *Time and place for filing.* The return shall be filed on or before the 15th day of March following the close of the calendar year with the collector for the district in which is located the legal residence of the donor, or if he has no legal residence in the United States, then (unless the Commissioner designates another district) with the collector at Baltimore, Maryland.

§ 86.20 *Persons required to file return.* Any individual citizen or resident of the United States who within the calendar year 1943, or within any calendar year thereafter, makes a transfer or transfers by gift to any one donee of a value or total value in excess of $3,000 (or regardless of value in the case of a gift of a future interest in property) must file a gift tax return for such year on Form 709. Any individual citizen or resident of the United States who within the calendar year 1940, 1941, or 1942 makes a transfer or transfers by gift to any one donee of a value or total value in excess of $4,000 (or regardless of value in the case of a gift in trust or of a future interest in property) must file a gift tax return for such year on Form 709. A nonresident not a citizen of the United States who made such a gift must also file a return on Form 709 if the subject of the gift consisted of property situated in the United States. The return is required even though because of authorized deductions (the specific exemption, in the case of a citizen or resident, and charitable, public, and similar gifts) no tax may be payable. Individuals only are required to file returns as donors, and not trusts, estates, partnerships, or corporations.

If the donor dies before filing his return, the executor of his will or the administrator of his estate shall file the return. If the donor becomes legally incompetent before filing his return, his guardian or committee shall file the return.

The return shall not be made by an agent unless by reason of illness, absence, or nonresidence, the person liable for the return is unable to make it within the time prescribed. Mere convenience is not sufficient reason for authorizing an agent to make the return. If by reason of illness, absence, or nonresidence, a return is made by an agent, such return must be ratified by the donor or other person liable for its filing within a reasonable time after such person becomes able to do so; otherwise the return filed by the agent will not be considered the return required by the statute. Supplemental data may be submitted at the time of ratification. The ratification must be in the form of an affidavit, filed with the Commissioner, and must specifically state that the return made by the agent has been carefully examined and that the affiant ratifies such return as his own. If a return is signed by an agent, a statement fully explaining the inability of the donor must accompany the return.

§ 86.21 *Donees and trustees required to file notice of gifts.* An information return or notice on Form 710 must be filed by every donee or trustee (except in the case of an organization receiving a gift for a public, charitable, etc., purpose as hereinafter explained) to whom is transferred in any one calendar year property by gift for which, as set forth in § 86.20, the donor is required to file a gift tax return. An organization which has been held by the Commissioner to come within the purview of section 1004 (a) (2) of the Internal Revenue Code or the corresponding provision of the Revenue Act of 1932 need not file such information return if the gift was made

by a citizen or resident of the United States. An organization which has been held by the Commissioner to come within the purview of section 1004 (b) of the Internal Revenue Code or the corresponding provision of the Revenue Act of 1932 need not file such information return if the gift was made by a nonresident not a citizen of the United States. Copies of this form may be obtained from any United States collector of internal revenue upon application. When a gift is made in trust notice thereof should be filed by either the beneficiary of the trust or the trustee, but in such case one notice only is required. If the donor retains a power over transferred property, the notice (which is for information purposes only) should be filed even though it is considered that the retention of the power renders the transfer wholly incomplete as a gift within the meaning of the statute. The notice shall be filed in duplicate with the collector for the district in which the donor resides, or with the Commissioner of Internal Revenue at Washington, D. C., on or before the 15th day of March following the close of the calendar year in which the transfer was made. The notice shall disclose the following information: (1) Name and address of donor, (2) date of transfer, (3) a general description of the property transferred, and (4) the approximate value thereof at the date of the transfer. If the donee dies or becomes legally incompetent, his executor, administrator, guardian, or committee, as the case may be, shall file such notice as would be required of the donee.

§ 86.22 *Time and place of filing return.* Gift tax returns must be filed in duplicate on or before the 15th day of March following the close of the calendar year in which gifts were made. The return shall be filed with the collector of internal revenue for the district in which is located the legal residence of the donor, or, if he has no legal residence in the United States, then, unless the Commissioner otherwise designates, with the collector of internal revenue at Baltimore, Md. When the due date for the filing of the return falls on a Sunday or a legal holiday, the due date will be the day next following which is not a Sunday or a legal holiday. If placed in the mails, the return should be posted in ample time to reach the collector's office, under ordinary handling of the mails, on or before the date on which the return is required to be filed. If a return is made and so placed in the mails, properly addressed, and postage paid, in ample time to reach the office of the collector on or before the due date, no penalty will attach should the return not be actually received by such officer until subsequent to that date. As to additions to the tax in the case of failure to file a return within the period prescribed, see section 3612 (d) (1) and § 86.50.

Section 3634 provides:

If the failure to file a return (other than a return of income tax) or list at the time prescribed by law or by regulation made under authority of law is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making or filing the return or list as he deems proper.

No such extension of time may be granted unless the application therefor is received by the collector prior to the expiration of the period for which the extension is requested and authorized. An extension of time for filing the return does not in itself operate to extend the time for the payment of the tax.

§ 86.23 *Form of return.* The return must be made on Form 709, copies of which will be supplied by the collector upon application. The return must be filed in duplicate and under oath. If the return is filed for the calendar year 1943, or for any calendar year thereafter, it must set forth every transfer by gift to any one donee during such calendar year, as to which the donor is required to make a return under § 86.20, which singly or in the aggregate exceeds $3,000 in value (or regardless of value in the case of a gift of a future interest in property). A return filed for the calendar year 1940, 1941, or 1942 must set forth every transfer by gift to any one donee during such calendar year, as to which a return is required under § 86.20, which singly or in the aggregate exceeds $4,000 in value (or regardless of value in the case of a gift in trust or of a future interest in property). The return shall also set forth the fair market value of all such gifts not made in money, including gifts resulting from sales and exchanges of property made for less than an adequate and full consideration in money or money's worth (see § 86.8), giving the fair market value of the property sold or exchanged and that of the consideration received by the donor, both as of the date of sale or exchange. The return shall also contain information with respect to transfers which the donor considers incomplete gifts because of his retained power over such transferred property (see § 86.3). The deductions claimed must also be fully set forth. The instructions printed on the form of return should be carefully followed. All documents and vouchers used in preparing the return should be retained by the donor so as to be available for inspection by representatives of the Bureau whenever required. Certified or verified copies of all documents required by the instructions printed on the form, or any documents which the donor may desire to submit, should be filed with the return.

In addition to the list of gifts made during the calendar year for which the return is filed, the return shall set forth for each of the preceding calendar years both the amount of gifts (other than charitable, public, and similar gifts) and the amount of specific exemption claimed and allowed.

The tax, if any, for the calendar year for which the return is filed shall be computed and entered on the return, as provided by the form. (See § 86.7.)

§ 86.24 *Description of property listed on return.* In listing upon the return the property comprising the gifts made during the calendar year, the description thereof should be such that the property may be readily identified. Thus, there should be given for each parcel of real estate a legal description, its area, a short statement of the character of any improvements, and if located in a city the name of street and number. Description of bonds should include the number transferred, principal amount, name of obligor, date of maturity, rate of interest, date or dates on which interest is payable, series number where there is more than one issue, the exchange upon which listed, or the principal business office of the corporation, if unlisted. Description of stocks should include number of shares, whether common or preferred, and, if preferred, what issue thereof, par value, quotation at which returned, exact name of corporation, and, if the stock is unlisted, the location of the principal business office and State in which incorporated and the date of incorporation. If a listed security, state principal exchange upon which sold. Description of notes should include name of maker, date on which given, date of maturity, amount of principal, amount of principal unpaid, rate of interest and whether simple or compound, and date to which interest has been paid. If the gift of property includes accrued income thereon to the date of the gift, the amount of such accrued income should be separately set forth. Description of land contracts transferred should include name of vendee, date of contract, description of property, sale price, initial payment, amounts of installment payments, unpaid balance of principal, interest rate and date prior to gift to which interest has been paid. Description of life insurance policies should show the name of the insurer and the number of the policy. A supplemental statement, Form 938, must be filed for every life insurance policy. (See § 86.26.) In describing an annuity, the name and address of the issuing company should be given, or if payable out of a trust or other fund such a description as will fully identify such trust or fund. If the annuity is payable for a term of years, the duration of the term and the date on which it began should be given, and if payable for the life of any person, the date of birth of such person should be stated. Judgments should be described by giving the title of the cause and the name of the court in which rendered, date of judgment, name and address of judgment debtor, amount of judgment, rate of interest to which subject, whether any payments have been made thereon, and, if so, when and in what amounts.

SEC. 1007. RECORDS AND SPECIAL RETURNS.

(a) *By donor.* Every person liable to any tax imposed by this chapter or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) *To determine liability to tax.* Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records, as the Commissioner deems sufficient to show whether or not such person is liable to tax under this chapter.

§ 86.25 *Aids to determination and collection of tax.* In assessing and collecting gift taxes, the Commissioner has the benefit of all existing internal revenue laws in so far as such laws are applicable. (See section 1028.) The Commissioner may require any person to keep specific records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may prescribe in order that he may determine whether such person is liable for the tax. In accordance with this provision, every individual shall, for the purpose of determining the total amount of his gifts, keep such permanent books of account or records as are necessary to establish the amount of his total gifts (limited as provided in section 1003 (b)), together with the deductions allowable in determining the amount of his net gifts, and the other information required to be shown in a gift tax return.

§ 86.26 *Supplemental data.* In order that the Commissioner may determine the correct tax the donor shall furnish such supplemental data as may be deemed necessary by the Commissioner. It is, therefore, the duty of the donor to furnish upon request copies of all documents relating to his gift or gifts, appraisal lists of any items included in the total amount of gifts, copies of balance sheets, or other financial statements relating to the value of stock constituting the gift, and any other information obtainable by him that may be found necessary in the determination of the tax. (See § 86.19.) For every policy of life insurance listed on the return, the donor must procure a statement from the insurance company on Form 938, in accordance with instructions printed thereon, and file it with the collector who receives the return. If specifically requested by the Commissioner, the insurance company shall file this statement direct with the Bureau.

§ 86.27 *Recognition of attorneys and other persons representing taxpayers.* For regulations governing the recognition of attorneys, agents, and other persons representing claimants before the Treasury Department, reference should be made to Treasury Department Circular No. 230, as revised, copies of which may be obtained upon application to the secretary of the Committee on Practice, Treasury Department, Washington, D. C.

If an attorney or other person asks a ruling on a question of law arising in a specific case, the Commissioner will require satisfactory evidence of the right to obtain such ruling. The transaction on which the ruling is sought must be completed and not merely proposed or planned. Hypothetical questions cannot be answered.

SEC. 1008. PAYMENT OF TAX.

(a) *Time of payment.* The tax imposed by this chapter shall be paid by the donor on or before the 15th day of March following the close of the calendar year.

(b) *Extension of time for payment.* At the request of the donor, the Commissioner may extend the time for payment of the amount determined as the tax by the donor, for a period not to exceed six months from the date prescribed for the payment of the tax. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

(c) *Voluntary advance payment.* A tax imposed by this chapter, may be paid, at the election of the donor, prior to the date prescribed for its payment.

(d) *Fractional parts of cent.* In the payment of any tax under this chapter a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(e) *Receipts.* The collector to whom any payment of any gift tax is made shall, upon request, grant to the person making such payment a receipt therefor.

§ 86.28 *Date of payment.* The tax is required to be paid by the donor on or before the 15th day of March following the close of the calendar year in which the gifts were made, unless an extension of time for payment thereof has been granted by the Commissioner. (See § 86.29.)

§ 86.29 *Extension of time for payment of tax shown on return.* If it is shown to the satisfaction of the Commissioner that the payment of the amount determined as the tax by the donor, or any part thereof, upon the due date will result in undue hardship to the donor, the Commissioner, at the request of the donor, may grant an extension of time for the payment for a period not to exceed six months. The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the donor. It must appear that substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the donor from making payment of the amount at the due date. If a market exists, the sale of property at the current market price is not ordinarily considered as resulting in undue hardship. An application for an extension of time for the payment of such tax should be made under oath and must be accompanied or supported by evidence showing the undue hardship that would result to the donor if the extension were refused. A sworn statement of assets and liabilities of the donor and an itemized statement under oath showing all receipts and disbursements for each of the three months immediately preceding the month in which falls the date prescribed for the payment of the tax are required and should accompany the application. The application, with the evidence, must be filed with the collector, who will transmit it to the Commissioner with his recommendations as to the extension. When it is received by the Commissioner, it will be examined and, if possible, within 30 days will be denied, granted, or tentatively granted subject to certain conditions of which the donor will be notified. The Commissioner will not consider an application for such an extension unless request therefor is made to the collector on or before the due date. If the donor desires to obtain an additional extension, the request therefor must be made to the collector on or before the date of the expiration of the previous extension.

As a condition to the granting of such an extension, the Commissioner will usually require the donor to furnish a bond in an amount not exceeding double the amount for which the extension is desired, or to furnish other security satisfactory to the Commissioner for the payment of the liability on or before the date prescribed for the payment in the extension, so that the risk of loss to the Government will not be more at the end of the extension period than it was at the beginning of the period. If a bond is required it shall be conditioned upon the payment of the amount for which the extension is granted, together with interest and additional amounts assessed in connection therewith, in accordance with the terms of the extension granted, and shall be executed by a surety company holding a certificate of authority from the Secretary of the Treasury as an acceptable surety on Federal bonds, and shall be subject to the approval of the Commissioner. In lieu of such a bond, the donor may file a bond secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, 49 Stat. 22, 6 U.S.C. 15.)

The amount for which an extension is granted, with the additions thereto, shall be paid on or before the expiration of the period of the extension without the necessity of notice and demand from the collector. Payment of the amount for which the extension was granted and the additions thereto before the expiration of the extension will not relieve the donor from paying the entire amount of interest provided for in the extension.

§ 86.30 *Voluntary advance payment.* The gift tax may be paid at the election of the donor prior to the date prescribed for its payment, that is, prior to the 15th day of March following the close of the calendar year in which the gift or gifts were made. No discount will be allowed for payment in advance of the due date.

§ 86.31 *When fractional part of cent may be disregarded.* In the payment of tax a fractional part of a cent shall be disregarded, unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent. A fractional part of a cent should not be disregarded in the computation of the tax.

§ 86.32 *Receipts for taxes.* Upon request the collector will give a receipt for tax payments. In the case of payments made by check or money order, the canceled check or the money order receipt is usually a sufficient receipt. In case of payments in cash, however, it might be to the donor's interest to require the collector to furnish a receipt.

§ 86.33 *Payment by check.* Collectors may accept uncertified checks in the payment of the tax, provided such

checks are collectible at par—that is, for the full amount without any deduction for exchange or other charges. The day on which the check is received will be considered the date of payment so far as the taxpayer is concerned unless the check is uncollectible.

All expenses incident to the attempt to collect unhonored checks and their return through the depositary bank must be paid by the drawer of the check to the bank on which it is drawn. (See section 3971.) If a check has been returned uncollected by the depositary bank, the collector should proceed to collect the tax as though no check had been given, and the taxpayer will remain liable for payment of the tax and for all interest, legal penalties, and additions, if any attach, to the same extent as though such check had not been tendered. A taxpayer who tenders a certified check in payment of taxes is not released from his obligation until the check has been paid. (See section 3656.)

§ 86.34 *Donor liable for tax.* The statute provides that the donor shall pay the tax. If the donor dies before the tax is paid, his executor or administrator shall make payment thereof to the collector. If there is no duly qualified executor or administrator, the heirs, legatees, devisees, and distributees are liable for and required to pay the tax to the extent of the value of their inheritance, bequest, devise, or distributive share of the donor's estate. As to the personal liability of the donee, see § 86.35, and as to that of the executor or administrator, see § 86.70.

SEC. 1009. LIEN FOR TAX.

The tax imposed by this chapter shall be a lien upon all gifts made during the calendar year, for ten years from the time the gifts are made. If the tax is not paid when due, the donee of any gift shall be personally liable for such tax to the extent of the value of such gift. Any part of the property comprised in the gift sold by the donee to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien herein imposed and the lien, to the extent of the value of such gift, shall attach to all the property of the donee (including after-acquired property) except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth. If the Commissioner is satisfied that the tax liability has been fully discharged or provided for, he may, under regulations prescribed by him with the approval of the Secretary, issue his certificate, releasing any or all of the property from the lien herein imposed.

§ 86.35 *Lien for tax.* A lien attaches upon all gifts made during the calendar year for the amount of the tax imposed upon the gifts made during such year. The lien extends for a period of 10 years from the time the gifts were made, unless the tax is sooner paid. If the tax is not paid when due, the donee of any gift becomes personally liable for the tax to the extent of the value of his gift. Any part of property which was the subject of a gift, sold by the donee to a bona fide purchaser for an adequate and full consideration in money or money's worth, is divested of the lien, but a like lien to the extent of the value of such gift attaches to all the property of the donee, including after-acquired property, except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth.

§ 86.36 *Release of lien.* The statute provides that, if the Commissioner is satisfied that the tax liability has been fully discharged or provided for, he may issue his certificate releasing any or all property from the lien imposed thereon. The issuance of certificates releasing such lien is a matter resting within the discretion of the Commissioner, and certificates will be issued only in case there is actual need therefor. The primary purpose of such release is not to evidence payment or satisfaction of the tax but to permit transfer of property free from the lien in case it is necessary to clear title. Receipts for payment of tax are issued by the collector. (See § 86.32.)

If the tax liability has been fully discharged, or its discharge provided for to the satisfaction of the Commissioner by the applicant for the release of lien filing with the collector a surety bond, a certificate may then be issued releasing any or all property from the lien imposed thereon. The tax will be considered fully discharged only when the return has been examined and payment of the tax, including any deficiency determined to be due, has been made. If the tax liability has not been fully discharged, or provided for as above stated, no general release will be granted, but certificates releasing the lien on particular items of property may be issued by the Commissioner, who may require as a prerequisite, in such amount as he may designate, a partial payment of the tax, or a surety bond. As to the character of surety bonds required, see § 86.29. In lieu of a surety bond, the taxpayer may file a bond secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, 49 Stat. 22, 6 U.S.C. 15.)

The application for a release should be filed with the Commissioner, should explain the circumstances that require the release, and should fully describe the particular items for which the release is desired. If the application is made prior to the filing of the return for gift tax, an affidavit may be required showing the value of the property to be released from the lien, the basis for such valuation, the total amount of gifts made during the calendar year and the prior calendar years subsequent to the enactment of the Revenue Act of 1932, the approximate value of all real estate upon which the lien has attached, and, in case the property is to be sold or otherwise transferred, the name and address of the purchaser or transferee and the consideration, if any, paid or to be paid by him.

SEC. 1010. EXAMINATION OF RETURN AND DETERMINATION OF TAX.

As soon as practicable after the return is filed the Commissioner shall examine it and shall determine the correct amount of the tax.

§ 86.37 *Examination of return and determination of tax by the Commissioner.* As soon as practicable after returns are filed, they will be examined and the amount of tax determined under such procedure as may be prescribed from time to time by the Commissioner. (See section 1012 and § 86.39.)

SEC. 1011. DEFINITION OF DEFICIENCY.

As used in this chapter in respect of the tax imposed by this chapter the term "deficiency" means—

(1) The amount by which the tax imposed by this chapter exceeds the amount shown as the tax by the donor upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the donor upon his return, or if no return is made by the donor, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax.

§ 86.38 *Deficiency defined.* Section 1011, by its definition of the word "deficiency," provides a term which will apply to any amount of tax determined to be due in excess of the amount of tax reported by the donor upon his return; or in excess of the amount reported by the donor after adjustment made for prior assessments, abatements, credits, refunds, or collections without assessment. In defining the term "deficiency" section 1011 recognizes two classes of cases—one, where the taxpayer makes a return showing some tax liability; the other, where the taxpayer makes a return showing no tax liability, or where the taxpayer fails to make a return. Additional tax shown on any so-called "amended return" is a deficiency within the meaning of the statute.

When a donor's taxability is considered for the first time, the deficiency is the excess of the amount determined to be the correct amount of tax over the amount shown as the tax by the donor on his return, or, if no tax was reported by the donor, the deficiency is the amount determined to be the correct amount of tax. Subsequent information sometimes discloses that the amount previously determined to be the correct amount of tax is less than the correct amount, and that a redetermination of the tax is necessary. In such a case, the deficiency on redetermination is the excess of the amount determined to be the correct amount of tax over the sum of the amount of tax reported by the donor and the deficiency assessed in connection with the previous determination. If it is a case where no tax was reported by the donor, the deficiency is the excess of the amount determined to be the correct amount of tax over the amount of deficiency assessed in connection with the previous determination. If the previous determination resulted in a credit or refund to the taxpayer, the deficiency upon the second determination is the excess of the amount determined to be the correct amount of tax over the amount of tax reported by the donor decreased by the amount of the credit or refund.

SEC. 1012. ASSESSMENT AND COLLECTION OF DEFICIENCIES. [As originally enacted.]

(a) (1) *Petition to Board of Tax Appeals.* If the Commissioner determines that there is a deficiency in respect of the tax imposed by this chapter, the Commissioner is authorized to send notice of such deficiency to the donor by registered mail. Within 90 days after such notice is mailed (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day), the donor may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. No assessment of a deficiency in respect of the tax imposed by this chapter and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the donor, nor until the expiration of such 90-day period, nor, if a petition has been filed with the Board, until the decision of the Board has become final. Notwithstanding the provisions of section 3653 (a) the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force may be enjoined by a proceeding in the proper court.

(2) *Cross references.* For exceptions to the restrictions imposed by this subsection see—

Subsection (d) of this section, relating to waivers by the donor;

Subsection (f) of this section, relating to notifications of mathematical errors appearing upon the face of the return;

Section 1013, relating to jeopardy assessments;

Section 1015, relating to bankruptcy and receiverships; and

Section 1145, relating to assessment or collection of the amount of the deficiency determined by the Board pending court review.

(b) *Collection of deficiency found by board.* If the donor files a petition with the Board, the entire amount redetermined as the deficiency by the decision of the Board which has become final shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the Commissioner but disallowed as such by the decision of the Board which has become final shall be assessed or be collected by distraint or by proceeding in court with or without assessment.

(c) *Failure to file petition.* If the donor does not file a petition with the Board within the time prescribed in subsection (a) the deficiency, notice of which has been mailed to the donor, shall be assessed, and shall be paid upon notice and demand from the collector.

(d) *Waiver of restrictions.* The donor shall at any time have the right, by a signed notice in writing filed with the Commissioner, to waive the restrictions provided in subsection (a) on the assessment and collection of the whole or any part of the deficiency.

(e) *Increase of deficiency after notice mailed.* The Board shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the donor, and to determine whether any additional amount or addition to the tax should be assessed, if claim therefor is asserted by the Commissioner at or before the hearing or a rehearing.

(f) *Further deficiency letters restricted.* If the Commissioner has mailed to the donor notice of a deficiency as provided in subsection (a) of this section, and the donor files a petition with the Board within the time prescribed in such subsection, the Commissioner shall have no right to determine any additional deficiency in respect of the same calendar year, except in the case of fraud, and except as provided in subsection (e) of this section, relating to assertion of greater deficiencies before the Board, or in section 1013 (c), relating to the making of jeopardy assessments. If the donor is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered (for the purposes of this subsection, or of subsection (a) of this section, prohibiting assessment and collection until notice of deficiency has been mailed, or of section 1027 (c), prohibiting credits or refunds after petition to the Board of Tax Appeals) as a notice of a deficiency, and the donor shall have no right to file a petition with the Board based on such notice, nor shall such assessment or collection be prohibited by the provisions of subsection (a) of this section.

(g) *Jurisdiction over other calendar years.* The Board in redetermining a deficiency in respect of any calendar year shall consider such facts with relation to the taxes for other calendar years as may be necessary correctly to redetermine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether or not the tax for any other calendar year has been overpaid or underpaid.

(h) *Final decisions of Board.* For the purposes of this chapter the date on which a decision of the Board becomes final shall be determined according to the provisions of section 1140.

(i) *Extension of time for payment of deficiencies.* Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the donor the Commissioner, under regulations prescribed by the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of eighteen months, and, in exceptional cases, for a further period not in excess of twelve months. If an extension is granted, the Commissioner may require the donor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties, as the Commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension.

(j) *Address for notice of deficiency.* In the absence of notice to the Commissioner under section 1026 (a) of the existence of a fiduciary relationship, notice of a deficiency in respect of a tax imposed by this chapter, if mailed to the donor at his last known address, shall be sufficient for the purposes of this chapter even if such donor is deceased, or is under a legal disability.

SEC. 456. PERIOD FOR FILING PETITION EXTENDED IN CERTAIN CASES. [Revenue Act of 1942, enacted October 21, 1942.]

(a) *Period extended.* Section 1012 (a) (1) (relating to period of filing petition with Board of Tax Appeals) is amended by inserting at the end thereof the following new sentence: "If the notice is addressed to a donor outside the States of the Union and the District of Columbia, the period specified in this paragraph shall be one hundred and fifty days in lieu of ninety days."

(b) *Effective date.* The amendment made by this section shall be applicable with respect to notices of deficiency mailed after the date of the enactment of this Act.

SEC. 504. CHANGE OF NAME OF BOARD OF TAX APPEALS. [Revenue Act of 1942, enacted October 21, 1942.]

(a) *The Tax Court of the United States.* Effective on the day after the date of enactment of this Act, section 1100 (relating to status of Board of Tax Appeals) is amended by inserting at the end thereof the following new sentence: "The Board shall be known as The Tax Court of the United States and the members thereof shall be known as the presiding judge and the judges of The Tax Court of the United States."

(b) *Powers, tenure, etc., unchanged.* The jurisdiction, powers, and duties of The Tax Court of the United States, its divisions and its officers and employees, and their appointment, including the designation of its officers, and the immunities, tenure of office, powers, duties, rights, and privileges of the presiding judge and judges of The Tax Court of the United States shall be the same as by existing law provided in the case of the Board of Tax Appeals. The Commissioner shall continue to be represented by the same counsel in the same manner before the Court as he has heretofore been represented in proceedings before the Board of Tax Appeals and the taxpayer shall continue to be represented in accordance with rules of practice prescribed by the Court. No qualified person shall be denied admission to practice before such Court because of his failure to be a member of any profession or calling.

(c) *References.* All references in any statute (except this section), or in any rule, regulation, or order, to the "Board of Tax Appeals" or to the "Board" when used in the sense of "Board of Tax Appeals", or to the "member", "members", or "chairman" thereof shall be considered to be made to The Tax Court of the United States, the judge, judges, and presiding judge thereof, respectively.

§ 86.39 *Assessment of deficiency.* If the Commissioner determines that there is a deficiency in respect of the tax he is authorized to notify the donor of the deficiency by registered mail. In the absence of notice to the Commissioner under section 1026 (a) of the existence of a fiduciary relationship, the Commissioner is authorized to mail the notice of a deficiency to the donor at his last known address, and such notice is sufficient even if the donor is deceased or is under a legal disability. Within 90 days after the notice of deficiency is mailed (or within 150 days after the notice of deficiency is mailed in case such notice is mailed after October 21, 1942, addressed to a donor outside the States of the Union and the District of Columbia), a petition may be filed with The Tax Court of the United States (formerly known as the Board of Tax Appeals) for a redetermination of the deficiency. In determining such prescribed period, Sunday or a legal holiday in the District of Columbia is not to be counted as the last day thereof. Except as stated in paragraphs (a), (b), (c), (d), and (e) of this section, no assessment of deficiency in respect of the tax shall be made until such notice has been mailed to the donor, nor until the expiration of the period prescribed for the filing of a petition with The Tax Court, nor, if a petition

has been filed, until the decision of The Tax Court has become final. As to the date on which a decision of The Tax Court becomes final, see sections 1140 and 1142.

(a) The donor may, at any time, by a signed notice in writing filed with the Commissioner, waive the restrictions on the assessment of the whole or any part of the deficiency. The notice must in all cases be filed with the Commissioner. The filing of such notice with The Tax Court does not constitute filing with the Commissioner within the meaning of the statute. After such waiver has been acted upon by the Commissioner and the assessment has been made in accordance with its terms, the waiver cannot be withdrawn. After a waiver of the restrictions on the assessment of the deficiency has been filed, there will be assessed at the same time as the assessment made in accordance with the terms of the waiver interest upon the tax so assessed at the rate of 6 percent per annum from the due date of the tax to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed, whichever is the earlier. (See section 1021 and § 86.53.)

(b) If a donor is notified of an additional amount of tax due on account of a mathematical error appearing upon the face of his return, such notice is not a notice of deficiency prescribed by section 1012 (a) and the donor has no right to file a petition with The Tax Court upon the basis of such notice, nor is the assessment of such additional tax prohibited by the provisions of section 1012 (a).

(c) If the Commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, such deficiency shall be assessed immediately as provided in section 1013. (See § 86.43.)

(d) Upon the adjudication of bankruptcy of a donor in any bankruptcy proceeding or the appointment of a receiver for a donor in any receivership proceedings before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency determined by the Commissioner in respect of the tax shall be assessed immediately irrespective of the provisions of section 1012 (a) if such deficiency has not been assessed in accordance with the law prior to the adjudication of bankruptcy or the appointment of the receiver. (See section 1015 and § 86.45.)

(e) If The Tax Court renders a decision and determines that there is a deficiency, and, if the donor duly files a petition for review of the decision by a Circuit Court of Appeals (or the United States Court of Appeals for the District of Columbia), the filing of the petition will not operate as a stay of the assessment of any portion of the deficiency determined by The Tax Court, unless the donor has filed a bond with The Tax Court as provided in section 1145. If, in such a case, the necessary bond has not been filed by the donor, the amount determined by The Tax Court as a deficiency will be assessed immediately after the filing of such petition. If the Commissioner files a petition for review and the donor has not filed a petition for review within three months after the decision of The Tax Court is rendered, the amount determined by The Tax Court as a deficiency will be assessed immediately after the expiration of the 3-month period. If the Commissioner files a petition for review, and a similar petition is filed by the donor, but the bond required by section 1145 has not been filed with The Tax Court, the deficiency will be assessed immediately after the filing of the petition for review by the donor.

If no petition is filed with The Tax Court within the period prescribed, the Commissioner shall assess the amount determined by him as the deficiency and of which he has notified the donor by registered mail. In such case, the Commissioner will not be precluded from determining a further deficiency and notifying the donor thereof by registered mail. In case a petition is filed with The Tax Court, the entire amount redetermined as the deficiency by the decision of The Tax Court which has become final shall be assessed by the Commissioner. If the Commissioner mails to the donor notice of a deficiency and the donor files a petition with The Tax Court within the period prescribed, the Commissioner is barred from determining any additional deficiency for the same taxable year except in the case of fraud and except as provided in section 1012(e), relating to the assertion of greater deficiencies before The Tax Court, or in section 1013, relating to jeopardy assessments. (See § 86.43.)

§ 86.40 *Waiver by donor of restrictions on Assessment.* If the donor acquiesces in any proposed, tentative, or final determination of the whole or any part of the deficiency, the donor has the right by a signed notice in writing filed with the Commissioner to waive the restrictions on the assessment and collection of such whole or part of the deficiency under the provisions of section 1012(d). A form of notice of such waiver for filing with the Commissioner will be supplied the donor upon notice of any proposed, tentative, or final determination of a deficiency. Filing of the notice of waiver will expedite assessment and stop the accrual of interest on the amount assessed until after notice and demand by the collector. As to interest on deficiencies, see section 1021 and § 86.53.

§ 86.41 *Collection of deficiency.* If a deficiency as redetermined by a decision of The Tax Court which has become final is assessed, or the donor has not filed a petition with The Tax Court and the deficiency as determined by the Commissioner has been assessed, or the restrictions upon the assessment and collection of the whole or any part of the deficiency provided in subsection (a) of section 1012 have been waived and an assessment made in accordance with such waiver, the amount so assessed shall be paid upon notice and demand from the collector. As to deficiencies coming within the provisions of sections 1013, 1015, and 1145, relating to jeopardy assessments, bankruptcies and receiverships, and deficiencies determined by The Tax Court pending court review, see §§ 86.43, 86.45, and 86.39 (e). As to interest on deficiencies, see section 1021 and § 86.53.

§ 86.42 *Extension of time for payment of deficiencies.* If it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for payment thereof would result in undue hardship to the donor, the Commissioner may grant an extension of time for the payment of the deficiency or any part thereof for a period of time not in excess of 18 months and in exceptional cases for a further period not in excess of 12 months. The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the donor. It must appear that substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the donor from making payment of the deficiency at the date prescribed for payment. If a market exists, the sale of property at the current market price is not ordinarily considered as resulting in undue hardship. The statute provides that no extension will be granted where the deficiency is due to negligence or intentional disregard of rules and regulations or to fraud with intent to evade tax.

An application for an extension of time for the payment of the deficiency should be made under oath and must be accompanied or supported by evidence showing the undue hardship that would result to the donor if the extension were refused. A sworn statement of assets and liabilities of the donor and an itemized statement under oath showing all receipts and disbursements for each of the three months immediately preceding the month in which falls the date prescribed for the payment of the deficiency are required and should accompany the application. The application, with the evidence, must be filed with the collector, who will transmit it to the Commissioner with his recommendation as to the extension. When it is received by the Commissioner, it will be examined and, if possible, within 30 days will be denied, granted, or tentatively granted subject to certain conditions of which the donor will be notified. The Commissioner will not consider an application for an extension of time for the payment of a deficiency unless request therefor is made to the collector on or before the date prescribed for payment thereof, as shown by the notice and demand from the collector. If the donor desires to obtain an additional extension, the request therefor must be made to the collector on or before the date of the expiration of the previous extension.

As a condition to the granting of such an extension, the Commissioner will usually require the donor to furnish a bond in an amount not exceeding double the amount of the deficiency, or to furnish other security satisfactory to the Commissioner for the payment of the liability on or before the date prescribed for the payment in the extension, so that the risk of loss to the Government will not be more at the end of the extension period than it was at the beginning of the period. If a bond is required it shall be conditioned upon the payment of the deficiency, interest, and additional amounts assessed in connection therewith in accordance with the terms of the extension granted, and shall be executed by a surety company holding a certificate of authority from the Secretary of the Treasury as an acceptable surety on Federal bonds, and shall be subject to the approval of the Commissioner. In lieu of such a bond, the donor may file a bond secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, 49 Stat. 22, 6 U.S.C. 15.)

The amount for which an extension is granted, with the additions thereto, shall be paid on or before the expiration of the period of the extension without the necessity of notice and demand from the collector. Payment of the amount for which the extension was granted and the additions thereto before the expiration of the extension will not relieve the donor from paying the entire amount of interest provided for in the extension.

SEC. 1013. JEOPARDY ASSESSMENTS.

(a) *Authority for making.* If the Commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, he shall immediately assess such deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) and notice and demand shall be made by the collector for the payment thereof.

(b) *Deficiency letters.* If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under section 1012 (a), then the Commissioner shall mail a notice under such subsection within 60 days after the making of the assessment.

(c) *Amount assessable before decision of Board.* The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the donor, despite the provisions of section 1012 (f) prohibiting the determination of additional deficiencies, and whether or not the donor has theretofore filed a petition with the Board of Tax Appeals. The Commissioner may, at any time before the decision of the Board is rendered, abate such assessment, or any unpaid portion thereof, to the extent that he believes the assessment to be excessive in amount. The Commissioner shall notify the Board of the amount of such assessment, or abatement, if the petition is filed with the Board before the making of the assessment or is subsequently filed, and the Board shall have jurisdiction to redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

(d) *Amount assessable after decision of Board.* If the jeopardy assessment is made after the decision of the Board is rendered such assessment may be made only in respect of the deficiency determined by the Board in its decision.

(e) *Expiration of right to assess.* A jeopardy assessment may not be made after the decision of the Board has become final or after the donor has filed a petition for review of the decision of the Board.

(f) *Bond to stay collection.* When a jeopardy assessment has been made the donor, within 10 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the Board which has become final, together with interest thereon as provided in section 1022 or 1023 (b) (4). If any portion of the jeopardy assessment is abated by the Commissioner before the decision of the Board is rendered, the bond shall, at the request of the taxpayer, be proportionately reduced.

(g) *Same—Further conditions.* If the bond is given before the donor has filed his petition with the Board under section 1012 (a), the bond shall contain a further condition that if a petition is not filed within the period provided in such subsection, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subsection.

(h) *Waiver of stay.* Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The donor shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the donor, be proportionately reduced. If the Board determines that the amount assessed is greater than the amount which should have been assessed, then when the decision of the Board is rendered the bond shall, at the request of the donor, be proportionately reduced.

(i) *Collection of unpaid amounts.* When the petition has been filed with the Board and when the amount which should have been assessed has been determined by a decision of the Board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be credited or refunded as provided in section 1027, without the filing of claim therefor. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector.

§ 86.43 *Jeopardy assessments.* If the Commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, he is required to assess such deficiency immediately, together with the interest and other additional amounts provided by law. If a deficiency is assessed on account of jeopardy after the decision of The Tax Court of the United States (formerly known as the Board of Tax Appeals) is rendered, the jeopardy assessment may be made only with respect to the deficiency determined by The Tax Court. The Commissioner is prohibited from making a jeopardy assessment after a decision of The Tax Court has become final (see section 1140) or after the donor has filed a petition for review of the decision of The Tax Court.

If notice of a deficiency was mailed to the donor (see section 1012 (a) and § 86.39) before it was discovered that delay would jeopardize the assessment or collection of the tax, a jeopardy assessment may be made in an amount greater or less than that included in the deficiency notice. On the other hand if the assessment on account of jeopardy was made without mailing the notice required by section 1012 (a), the Commissioner must within 60 days after the making of the assessment send the donor notice of the deficiency by registered mail. The donor may file a petition with The Tax Court for a redetermination of the amount of the deficiency within 90 days after such notice is mailed (or within 150 days after mailing in case such notice is mailed after October 21, 1942, addressed to a donor outside the States of the Union and the District of Columbia), and in determining such prescribed period Sunday or a legal holiday in the District of Columbia is not to be counted as the last day thereof. If the petition of the donor is filed with The Tax Court, either before or after the making of the jeopardy assessment, the Commissioner is required to notify The Tax Court of such assessment, and The Tax Court has jurisdiction to redetermine the amount of the deficiency together with all other amounts assessed at the same time in connection therewith. If the jeopardy assessment is made, the Commissioner may, at any time before the decision of The Tax Court is rendered, abate the assessment or any unpaid portion thereof, to the extent that he believes it to be excessive in amount. (See section 1013 (c).)

After a jeopardy assessment has been made, the list showing such assessment will be immediately transmitted to the collector. Upon receipt of the list containing the assessment, the collector is required to send notice and demand to the donor for the amount of the jeopardy assessment. Regardless of whether the donor has filed a petition with The Tax Court, he is required to make payment of the amount of such assessment within 10 days after the sending of notice and demand by the collector, unless before the expiration of such 10-day period he files with the collector a bond of the character hereinafter prescribed. The bond must be in such amount, not exceeding double the amount for which the stay is desired, as the collector deems necessary and must be executed by sureties satisfactory to the collector. In lieu of a surety bond, the taxpayer may file a bond secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par

value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, 49 Stat. 22, 6 U.S.C. 15.) The bond must be conditioned upon the payment of so much of the amount, the collection of which is to be stayed by the bond, as is not abated by a decision of The Tax Court which has become final, together with the interest on such amount as may accrue under section 1022 and section 1023 (b) (4). If the bond is given before the donor has filed his petition with The Tax Court, it must contain a further condition that if a petition is not filed before the expiration of the period provided for the filing of such petition, the amount stayed by the bond will be paid upon notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 percent per annum from the date of the jeopardy notice and demand to the date of the notice and demand made after the expiration of such period. If a petition is not filed with The Tax Court within the period prescribed for the filing of such petition, the collector will be so advised, and, if collection of the deficiency has been stayed by the filing of a bond within 10 days after the date of jeopardy notice and demand, he should then give notice and make demand for payment of the amount assessed plus interest. Any bond filed after the expiration of 10 days from the date of the jeopardy notice and demand is not such a bond as is contemplated by section 1013 (f), although the collector may in his discretion accept the bond and stay collection of the deficiency. If the Commissioner believes that the amount of the jeopardy assessment is excessive and abates a portion thereof before the decision of The Tax Court is rendered, the amount of the bond will be proportionately reduced at the request of the donor.

Upon the filing of a bond of the character described within 10 days after the date of notice and demand for payment of the amount assessed, the collection of so much thereof as is covered by the bond will be stayed. The donor may at any time waive the stay of collection of the whole or any part of the amount covered by the bond. If as a result of such waiver any part of the amount covered by the bond is paid, then the bond will at the request of the donor be proportionately reduced.

After The Tax Court has rendered its decision and such decision has become final, the collector will be notified of the action taken. The collector will then send notice and demand for the unpaid portion of the amount determined by The Tax Court, the collection of which has been stayed by the bond. The collector is required to include in the notice and demand for the unpaid portion, interest at the rate of 6 percent per annum from the date of the jeopardy notice and demand to the date of the notice and demand referred to in this paragraph. If the amount of the jeopardy assessment is less than the amount determined by The Tax Court, the difference, together with interest as provided in section 1021, will be assessed, and collected as part of the tax upon notice and demand from the collector. If the amount included in the notice and demand made after the decision of The Tax Court is not paid within 10 days after such notice and demand, there shall be collected, as part of the tax, interest as provided in section 1023. (See § 86.55.) If the amount of the jeopardy assessment is in excess of the amount determined by The Tax Court, the unpaid portion of such excess will be abated. If any part of the excess amount has been paid, it will be credited or refunded to the donor as provided in section 1027. (See §§ 86.60–86.63.)

As to bankruptcy and receivership cases, see sections 1015 and 1023 (b) (5) and §§ 86.45 and 86.55.

SEC. 1014. CLAIMS IN ABATEMENT.

No claim in abatement shall be filed in respect of any assessment in respect of any tax imposed by this chapter.

§ 86.44 *Claims in abatement.* Section 1014 prohibits the filing of claims for abatement by donors in respect of any assessment of gift tax imposed by the Internal Revenue Code. This provision does not prohibit the filing of claims in abatement by collectors. (See also § 86.62.)

SEC. 1015. BANKRUPTCY AND RECEIVERSHIPS.

(a) *Immediate assessment.* Upon the adjudication of bankruptcy of any donor in any bankruptcy proceeding or the appointment of a receiver for any donor in any receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) determined by the Commissioner in respect of a tax imposed by this chapter upon such donor shall, despite the restrictions imposed by section 1012 (a) upon assessments be immediately assessed if such deficiency has not theretofore been assessed in accordance with law. Claims for the deficiency and such interest, additional amounts and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency in pursuance of a petition to the Board; but no petition for any such redetermination shall be filed with the Board after the adjudication of bankruptcy or the appointment of the receiver.

(b) *Unpaid claims.* Any portion of the claim allowed in such bankruptcy or receivership proceeding which is unpaid shall be paid by the donor upon notice and demand from the collector after the termination of such proceeding, and may be collected by distraint or proceeding in court within six years after termination of such proceeding. Extensions of time for such payment may be had in the same manner and subject to the same provisions and limitations as are provided in sections 1012 (i), 1020 (b), and 1023 (b) (3) in the case of a deficiency in a tax imposed by this chapter.

§ 86.45 *Bankruptcy and receivership proceedings.* During a bankruptcy proceeding, or an equity receivership proceeding in either a Federal or a State court, the assets of the donor are in general under the control of the court in which such proceeding is pending, and the collection of taxes cannot be made by distraining upon such assets. However, any assets which under applicable provisions of law are not under the control of the court may be subject to distraint.

As used in these regulations the term "bankruptcy proceeding" includes proceedings under Chapters I to VII of the Bankruptcy Act, as amended, or under section 75 (11 U.S.C. 203), or Chapters XI to XIII, of such Act, as amended; and the term "adjudication of bankruptcy" includes an adjudication in a proceeding under Chapters I to VII, as amended, and the filing of a petition under section 75 or Chapters XI to XIII with a court of competent jurisdiction.

The clerk of a court of bankruptcy is required to mail to the Commissioner of Internal Revenue a certified copy of every order of adjudication forthwith upon the entry thereof. In every such case, the court of bankruptcy is required to mail or cause to be mailed a copy of the notice of the first meeting of creditors to the Commissioner of Internal Revenue and to the collector of internal revenue for the district in which the court located. (See section 58 (e) of the Bankruptcy Act, 11 U.S.C. 94 (e).)

Collectors should, promptly after notice of outstanding liability against a donor in any bankrutcy or receivership proceeding, and in any event within the time limited by the appropriate provisions of the Bankruptcy Act, as amended, and the orders of the court in which such proceeding is pending, file claim covering such liability in the court in which such proceeding is pending. Such claim should be filed whether the unpaid taxes involved have been assessed or not, except in cases where the departmental instructions direct otherwise; for example, where the payment of the taxes is secured by a suffcient bond. Such claim should cover the amount represented by the assessment, plus interest at the rate of 6 percent per annum for the period from the date of filing claim by the collector to the date of termination of the bankruptcy or receivership proceeding or to the date of payment if payment is made in full prior to such termination. At the same time claim is filed with the bankruptcy or receivership court, the collector will send notice and demand for payment to the donor together with a copy of such claim.

Under section 3466 of the Revised Statutes (31 U.S.C. 191) and section 3467 of the Revised Statutes, as amended by section 518 of the Revenue Act of 1934 (31 U.S.C. 192), and section 64 of the Bankruptcy Act, as amended (11 U.S.C. 104), taxes are entitled to the priority over other claims therein stated and the trustee, receiver, debtor in possession, or other person designated as in control of the assets of the debtor by the court in which bankruptcy or receivership proceeding is pending, may be held personally liable for failure on his part to protect the priority of the Government respecting taxes of which he has notice. Bankruptcy courts have jurisdiction under the Bankruptcy Act, as amended, to determine all disputes regarding the amount and validity of taxes of a bankrupt or of a debtor in a proceeding under the Bankruptcy Act, as amended. A bankruptcy or receivership proceeding for the donor does not discharge any portion of a claim of the United States for taxes except to the extent which may be provided in a plan or arrangement duly effectuated in a bankruptcy proceeding; and any portion of a claim of the United States for taxes which has been allowed by the court in which the bankruptcy or receivership proceeding is pending and which remains unsatisfied after the termination of the bankruptcy or receivership proceeding shall be collected, with interest as provided in section 1023 (b) (5).

§ 86.46 *Immediate assessments in bankruptcy and receivership cases.* If the Commissioner has determined that a deficiency is due in respect of gift tax and the donor has filed a petition with The Tax Court of the United States (formery known as the Board of Tax Appeals) prior to the adjudication of bankruptcy or the appointment of a receiver, the trustee, receiver, debtor in possession, or other person designated as in control of the assets of the debtor by the court in which the bankruptcy or receivership proceeding is pending, may prosecute the donor's appeal before The Tax Court as to that particular determination. No petition shall be filed with The Tax Court for a redetermination of the deficiency after the adjudication of bankruptcy or the appointment of a receiver.

Claim for the amount of a deficiency, even though pending before The Tax Court for consideration, may be filed with the court in which the bankruptcy or receivership proceeding is pending without awaiting final decision of The Tax Court. In case of final decision of The Tax Court before the termination of the bankruptcy, debtor, or receivership proceeding, a copy of The Tax Court decision may be filed by the Commissioner with the court in which such proceeding is pending.

While the Commissioner is required by section 1015 to make immediate assessment of any deficiency, such assessment is not made as a jeopardy assessment within the meaning of section 1013 and consequently the provisions of that section do not apply to any assessment made under section 1015. Therefore, the notice of the deficiency provided for in section 1013 (b) will not be mailed. Although such notice will not be issued, nevertheless a letter will be sent to the donor, or to the trustee, receiver, debtor in possession, or other person designated by the court in which the bankruptcy or receivership proceeding is pending, as in control of the assets of the debtor, notifying him in detail how the deficiency was computed, that he may furnish evidence showing wherein the deficiency is incorrect, and that upon request he will be granted a hearing with respect to such deficiency. If after such evidence is submitted and hearing held any adjustment appears necessary in the deficiency, appropriate action will be taken. A copy of the notification letter will be attached to the assessment list as the collector's authority for filing claim in any bankruptcy or receivership proceeding.

If any portion of the claim allowed by the court in a bankruptcy or receivership proceeding remains unpaid after the termination of such proceeding, the collector will send notice and demand for payment thereof to the donor. Such unpaid portion with interest as provided in section 1023 (b) (5) may be collected from the donor by distraint or proceeding in court within six years after the termination of the bankruptcy, debtor, or receivership proceeding. Extensions of time for the payment of such unpaid amount may be granted in the same manner and subject to the same provisions and limitations as provided in sections 1012 (i), 1020 (b), and 1023 (b) (3). (See § 86.42.)

This section deals only with immediate assessments provided for in section 1015 and the procedure in connection with such assessments.

SEC. 1016. PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION.

(a) *General rule.* Except as provided in subsection (b), the amount of taxes imposed by this chapter shall be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of three years after the return was filed.

(b) *Exceptions*—

(1) *False return or no return.* In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(2) *Collection after assessment.* Where the assessment of any tax imposed by this chapter has been made within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the donor.

§ 86.47 *Period of limitation upon assessment of tax.* The amount of the tax must be assessed within three years after the return was filed. Exceptions to this period of limitation are as follows:

(1) In case of a false or fraudulent return with intent to evade tax, the tax may be assessed at any time after such false or fraudulent return is filed.

(2) In the event the donor fails to file a return, the amount of tax due may be assessed at any time after the date prescribed for filing the return. See section 1017 and § 86.49 for provisions relating to the suspension of the running of the statute of limitations on the making of assessments.

With respect to the period of limitation for assessing the amount of the liability of a transferee of property of a donor, or for assessing the amount of the liability of a fiduciary under section 3467 of the Revised Statutes, as amended by section 518 of the Revenue Act of 1934 (31 U.S.C. 192), see section 1025 and § 86.58.

§ 86.48 *Period of limitation upon collection of tax.* A proceeding in court without assessment for the collection of the tax must be begun within three years after the return was filed, except that if the donor files a false or fraudulent return with intent to evade tax or fails to file a return, a proceeding in court for the collection of the tax may be begun at any time.

In any case in which the tax has been assessed within the statutory period of limitation properly applicable thereto, a proceeding in court or distraint for the collection of such tax may be begun within six years after the assessment thereof, or prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the donor. In determining the running of the statute of limitations in respect of distraint, the distraint shall be considered to have been begun, in the case of personal property, on the date on which the levy upon such property is made, or, in the case of real property, on the date on which notice of the time and place of sale is given to the person whose property it is proposed to sell.

See section 1017 and § 86.49 for provisions relating to the suspension of the running of the statute of limitations on the beginning of distraint or a proceeding in court for collection of the tax.

SEC. 1017. SUSPENSION OF RUNNING OF STATUTE.

The running of the statute of limitations provided in section 1016 on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of a notice under section 1012 (a)) be suspended for the period during which the Commissioner is prohibited from making the assessment or beginning distraint or a proceeding in court (and in any event, if a proceeding in respect of the deficiency is placed on the docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter.

§ 86.49 *Suspension of running of statute of limitations.* If a notice of a deficiency has been mailed to the donor under the provisions of section 1012 (a) (see § 86.39), then the running of the statute of limitations on assessment, on the beginning of distraint after assessment, or on the beginning of a proceeding in court after assessment or without assessment, in respect of any deficiency, shall be suspended for the period during which the Commissioner is prohibited from making the assessment or from beginning distraint or a proceeding in court (and in any event, if a proceeding in respect of the deficiency is placed on the docket of The Tax Court of the United States (formerly known as the Board of Tax Appeals), until the decision of The Tax Court becomes final), and for 60 days thereafter.

SEC. 1018. ADDITION TO THE TAX IN CASE OF DELINQUENT RETURN.

For addition to the tax in case of failure to make and file a return required by this chapter within the time prescribed by law or prescribed by the Commissioner in pursuance of the law, see section 3612 (d) (1).

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(d) *Additions to tax*—(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

(3) *Cross reference.*

For additions to tax in the case of income tax, see sections 291 and 293, and in the case of a deficiency in gift tax, see section 1019.

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

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§ 86.50 *Addition to the tax for failure to file return.* For failure to file the return required by the Internal Revenue Code within the time prescribed or within an extension of time granted by the collector, unless it is filed after such time and the failure is shown to have been due to a reasonable cause and not to willful neglect, 5 percent of the amount of the tax will be added thereto if the failure is for 30 days or less, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate.

Two classes of delinquents are subject to this addition to the tax:

(a) Those who do not file returns, and

(b) Those who file tardy returns and are unable to show reasonable cause for the delay.

A donor who files a tardy return and wishes to avoid the addition to the tax must make an affirmative showing of all facts alleged as a reasonable cause for failure to file the return on time in the form of an affidavit or affidavits which should be attached to the return. If affidavits are furnished with the return or upon the collector's demand, the collector, unless otherwise directed by the Commissioner, will forward the affidavits with the return, and, if the Commissioner determines that the delinquency was due to a reasonable cause and not to willful neglect, the addition to the tax will not be assessed. If the donor exercised ordinary business care and prudence and was nevertheless unable to file the return in the prescribed time, then the delay is due to reasonable cause.

If the addition to the tax for delinquency in filing the return has been added, the amount so added shall be collected in the same manner as the tax except that the interest provisions of section 1021 (see § 86.53) shall not apply to such additional amount. (But see § 86.55 as to interest accruing after issuance of notice and demand.)

For addition to the tax in case of fraud, see sections 1019 (b) and 3612 (d) and § 86.51.

SEC. 1019. ADDITIONS TO THE TAX IN CASE OF DEFICIENCY.

(a) *Negligence.* If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 per centum of the total amount of the deficiency (in addition to such deficiency) shall be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of section 1021, relating to interest on deficiencies, shall not be applicable.

(b) *Fraud.* If any part of any deficiency is due to fraud with intent to evade tax, then 50 per centum of the total amount of the deficiency (in addition to such deficiency) shall be so assessed, collected, and paid, in lieu of the 50 per centum addition to the tax provided in section 3612 (d) (2).

§ 86.51 *Additions to the tax in case of deficiency.* If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 percent of the total amount of the deficiency shall be added to the deficiency, and shall be assessed, collected, and paid in the same manner as the deficiency.

If any part of the deficiency is due to fraud with intent to evade tax, 50 percent of the total amount of the deficiency, in addition to the deficiency, shall be assessed, collected, and paid in the same manner as the deficiency. The 50 percent addition to the tax provided by section 1019 (b) is in lieu of the 50 percent addition provided in section 3612 (d) (2).

The interest provisions of section 1021 (see § 86.53) shall not apply to the additions to the tax described in this section. (But see § 86.55 as to interest accruing after issuance of notice and demand.)

For penalties other than additions to the tax for willful attempts to evade or defeat the tax, see section 1024 and § 86.56.

SEC. 1020. INTEREST ON EXTENDED PAYMENTS.

(a) *Tax shown on return.* If the time for payment of the amount determined as the tax by the donor is extended under the authority of section 1008 (b), there shall be collected as a part of such amount, interest thereon at the rate of 6 per centum per annum from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension.

(b) *Deficiency.* In case an extension for the payment of a deficiency is granted, as provided in section 1012 (1), there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period.

§ 86.52 *Interest on extended payments.* In case an extension of time has been granted for paying any portion of the tax shown by the donor upon his return, the statute requires the imposition of interest upon the amount, the time for payment of which has been extended, at the rate of 6 percent per annum from the date upon which such payment should have been made (the 15th day of March following the close of the calendar year) to the expiration of the period of the extension.

If an extension of time for paying the deficiency, or any portion thereof, has been granted, section 1020 (b) requires the imposition of interest upon the amount, the time for payment of which has been extended, at the rate of 6 percent per annum for the period of the extension, i. e., from the date prescribed for the payment (10 days after the date of the notice and demand) to the expiration of the period of the extension.

For provisions relating to interest in case the amount, the time for payment of which has been extended, is not paid on or before the expiration of the period of the extension granted, see § 86.55.

Example. A deficiency in tax amounting to $500 was determined and assessment thereof made on the 15th day of July, the due date of the tax being March 15 preceding. The amount of the assessment in this instance is $500, plus interest thereon at 6 percent per annum from and including March 16 to and including July 15, amounting to $10.03, computed upon the basis of 365 days to the year (or 366 days in a leap year), or a total assessment of $510.03, which thereupon becomes the amount of the deficiency. The date of the notice and demand by the collector for payment was August 1 following the assessment. Within 10 days thereafter $255.02 was paid and request was made for an extension of time for paying the balance of the deficiency ($255.01), and an extension from August 11 to and including February 11 was granted for the payment thereof. This amount bears interest at 6 percent per annum for the period of the extension, amounting to $7.71. The remaining liability is, therefore, $262.72.

SEC. 1021. INTEREST ON DEFICIENCIES.

Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the due date of the tax to the date the deficiency is assessed, or, in the case of a waiver under section 1012 (d), to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed whichever is the earlier.

§ 86.53 *Interest on deficiencies.* The statute provides that the deficiency shall bear interest at the rate of 6 percent per annum from the due date of the tax (the 15th day of March following the close of the calendar year) to the date the deficiency is assessed, except in the case of a waiver of the restrictions against the assessment and collection of the deficiency, and that such interest shall be assessed at the same time as the deficiency and shall be collected as part of the tax. The deficiency in respect to which the restrictions against the assessment and collection are waived under the provisions of section 1012 (d) bears interest at the rate of 6 percent per annum from the due date of the tax to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed, whichever is the earlier. The term "deficiency" as used in this section includes any tax resulting from the correction of a mathematical error appearing upon the face of a return. (See §§ 86.38 and 86.39 (b).)

For provisions relating to interest upon the deficiency in case an extension of time for payment is granted, see §§ 86.52 and 86.55. For provisions relating to interest in case of a jeopardy assessment, see § 86.54.

SEC. 1022. INTEREST ON JEOPARDY ASSESSMENTS.

In the case of the amount collected under section 1013 (f) there shall be collected at the same time as such amount, and as a part of the tax, interest at the rate of 6 per centum per annum upon such amount from the date of the jeopardy notice and demand to the date of notice and demand under section 1013 (1), or, in the case of the amount collected in excess of the amount of the jeopardy assessment, interest as provided in section 1021.

§ 86.54 *Interest on jeopardy assessments.* In case a stay of the collection of a jeopardy assessment of a deficiency tax (together with interest and any other amount assessed and collectible as a part thereof) is obtained in accordance with the provisions of section 1013 (f) (see § 86.43), and a petition for a redetermination of the deficiency is filed with The Tax Court of the United States (formerly known as the Board of Tax Appeals), interest accrues on the unpaid portion of any such amount determined by a decision of The Tax Court which becomes final, at the rate of 6 percent per annum from the date of the notice and demand from the collector following the jeopardy assessment to the date of the notice and demand by the collector subsequent to the final action taken on the petition filed with The Tax Court. If the amount determined by The Tax Court as the amount which should have been assessed is greater than the amount actually assessed, the difference bears interest at the rate of 6 percent per annum from the due date of the tax until the assessment of such difference. If the collection of the jeopardy assessment is stayed, and no petition is filed with The Tax Court for a redetermination of the deficiency, interest accrues upon the deficiency so assessed at the rate of 6 percent per annum from the date of the jeopardy notice and demand to the date of the notice and demand made by the collector after the expiration of the period prescribed for the filing of the petition.

SEC. 1023. ADDITIONS TO THE TAX IN CASE OF NONPAYMENT.

(a) *Tax shown on return*—(1) *Payment not extended.* Where the amount determined by the donor as the tax imposed by this chapter, or any part of such amount, is not paid on the due date of the tax, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 6 per centum per annum from the due date until it is paid.

(2) *Payment extended.* Where an extension of time for payment of the amount so determined as the tax by the donor has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under section 1020 (a), is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subsection, interest at the rate of 6 per centum per annum shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

(b) *Deficiency*—(1) *Payment not extended.* Where a deficiency, or any interest assessed in connection therewith under section 1021, or any addition to the tax provided for in section 3612 (d), is not paid in full within 10 days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 6 per centum per annum from the date of such notice and demand until it is paid.

(2) *Filing of jeopardy bond.* If a bond is filed, as provided in section 1013, the provisions of paragraph (1) of this subsection shall not apply to the amount covered by the bond.

(3) *Payment extended.* If the part of the deficiency the time for payment of which is extended as provided in section 1012 (1) is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 6 per centum per annum for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period.

(4) *Jeopardy assessment—payment stayed by bond.* If the amount included in the notice and demand from the collector under section 1013 (1) is not paid in full within 10 days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 6 per centum per annum from the date of such notice and demand until it is paid.

(5) *Interest in case of bankruptcy and receiverships.* If the unpaid portion of the claim allowed in a bankruptcy or receivership proceeding, as provided in section 1015, is not paid in full within 10 days from the date of notice and demand from the collector, then there shall be collected as a part of such amount interest upon the unpaid portion thereof at the rate of 6 per centum per annum from the date of such notice and demand until payment.

§ 86.55 *Interest on delinquent taxes.* If any portion of the tax shown on the donor's return is not paid on or before the due date (the 15th day of March following the close of the calendar year) and no extension of time for payment thereof has been granted, such unpaid portion bears interest from the due date until payment is received by the collector at the rate of 6 percent per annum.

If any portion of a deficiency assessed, together with interest and any other amount assessed and collectible as a part thereof, is not paid within 10 days from the date of the notice and demand issued by the collector (except a deficiency with respect to which a jeopardy assessment is made and collection is stayed by the filing of bond), and no extension of time for payment thereof has been granted, such unpaid amount bears interest from the date of the notice and demand until payment is received by the collector at the rate of 6 percent per annum.

If an extension of time has been granted for paying any portion of the tax shown on the donor's return (see § 86.29) or for any portion of a deficiency (see § 86.42) and the amount due is not paid in full prior to the expiration of the extension, the total unpaid amount (tax and interest for the period of the extension) bears interest from the expiration of the extension until payment is received by the collector at the rate of 6 percent per annum.

If a deficiency as determined by a decision of The Tax Court of the United States (formerly known as the Board of Tax Appeals) which has become final is in the amount of a jeopardy assessment, collection of which was stayed by the filing of a bond and such amount is not paid in full within 10 days after the notice and demand issued subsequent to such final decision, interest accrues on the unpaid amount for which such notice and demand was made, from the date of the notice and demand until it is paid at the rate of 6 percent per annum.

If, in the case of bankruptcy, debtor's relief proceeding, or a receivership for any donor, any portion of the claim for a deficiency (including interest and any other amount assessed and collectible as a part thereof) presented for adjudication in accordance with law is unpaid, the unpaid portion of the claim, if not paid in full within 10 days from notice and demand from the collector, bears interest from the date of such notice and demand until paid at the rate of 6 percent per annum.

SEC. 1024. PENALTIES.

(a) Any person required under this chapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this chapter, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(b) Any person who willfully attempts in any manner to evade or defeat any tax imposed by this chapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, on conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

§ 86.56 *Penalties.* Two kinds of penalties are provided for delinquency with respect to duties imposed by the statute:

(1) Criminal penalties, and

(2) Penalties of a certain percentage of the tax, to be added to and collected in the same manner as the tax.

In any case where more than one penalty is provided, the Government may assert any one or more thereof.

Any person required by the Internal Revenue Code to pay any tax, or required by law or regulations made under authority thereof to file any notice or make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of the tax, who willfully fails to pay such tax, file such notice or make such return, keep such records, or supply such information as required by the

law and the regulations, shall, in addition to the other penalties, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

Any person who willfully attempts in any manner to evade or defeat any gift tax shall, in addition to other penalties provided by law, be guilty of a felony and, on conviction thereof, shall be fined not more than $10,000, or imprisoned, for not more than five years, or both, together with the costs of prosecution.

Any person who willfully aids or assists in the preparation or presentation of a false or fraudulent notice or return, or procures, counsels, or advises the preparation or presentation of such notice or return, whether such falsity or fraud is with or without the knowledge or consent of the person required to make the notice or return, will be guilty of a felony and, upon conviction thereof, fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution. (See section 3793 (b).)

Any person who, in connection with any compromise entered into or offer made under the provisions of section 3761, or who, in connection with any closing agreement under section 3760 (see § 86.69) or the offer to enter into any such agreement, willfully conceals from any officer or employee of the United States any property belonging to the estate of the donor or to any person liable in respect of the tax, or receives, destroys, mutilates, or falsifies any book, document, or record, or makes under oath any false statement relating to the estate or financial condition of the donor or other person liable in respect of the tax, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both. (See section 3762.)

For penalties imposed for failure to make and file a return, or for fraud with intent to evade tax, which consist of a percentage of the tax to be added thereto and collected in the same manner as the tax, see sections 1019 and 3612 (d) and §§ 86.50 and 86.51.

SEC. 3761. COMPROMISES.

(a) *Authorization.* The Commissioner, with the approval of the Secretary, or of the Under Secretary of the Treasury, or of an Assistant Secretary of the Treasury, may compromise any civil or criminal case arising under the internal revenue laws prior to reference to the Department of Justice for prosecution or defense; and the Attorney General may compromise any such case after reference to the Department of Justice for prosecution or defense.

(b) *Record.* Whenever a compromise is made by the Commissioner in any case there shall be placed on file in the office of the Commissioner the opinion of the General Counsel for the Department of the Treasury, or of the officer acting as such, with his reasons therefor, with a statement of—

(1) The amount of tax assessed,

(2) The amount of additional tax or penalty imposed by law in consequence of the neglect or delinquency of the person against whom the tax is assessed, and

(3) The amount actually paid in accordance with the terms of the compromise.

(c) *Cross reference.* For compromises after judgment, see R. S. 3469 (U. S. C., Title 31, § 194).

§ 86.57 *Compromises.* Offers in compromise should be filed with the appropriate collector of internal revenue. No offer in compromise of tax, interest, and ad valorem penalty collectible as part of the tax will be accepted unless there is a substantial doubt as to either liability or collectibility.

SEC. 1025. TRANSFERRED ASSETS.

(a) *Method of collection.* The amounts of the following liabilities shall, except as hereinafter in this section provided, be assessed, collected, and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in the tax imposed by this chapter (including the provisions in case of delinquency in payment after notice and demand, the provisions authorizing distraint and proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

(1) *Transferees.* The liability, at law or in equity, of a transferee of property of a donor, in respect of the tax (including interest, additional amounts, and additions to the tax provided by law) imposed by this chapter.

(2) *Fiduciaries.* The liability of a fiduciary under section 3467 of the Revised Statutes (U. S. C., Title 31, sec. 192) in respect of the payment of any such tax from the estate of the donor.

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax.

(b) *Period of limitation.* The period of limitation for assessment of any such liability of a transferee or fiduciary shall be as follows:

(1) Within one year after the expiration of the period of limitation for assessment against the donor.

(2) If a court proceeding against the donor for the collection of the tax has been begun within the period provided in paragraph (1),—then within one year after return of execution in such proceeding.

(c) *Period for assessment against donor.* For the purposes of this section, if the donor is deceased, the period of limitation for assessment against the donor shall be the period that would be in effect had the death not occurred.

(d) *Suspension o running of statute of limitations.* The running of the statute of limitations upon the assessment of the liability of a transferee or fiduciary shall, after the mailing of the notice under section 1012 (a) to the transferee or fiduciary, be suspended for the period during which the Commissioner is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter.

(e) *Prohibition of suits to restrain enforcement of liability of transferee or fiduciary.* No suit shall be maintained in any court for the purpose of restraining the assessment or collection of (1) the amount of the liability, at law or in equity, of a transferee of property of a donor in respect of any gift tax, or (2) the amount of the liability of a fiduciary under section 3467 of the Revised Statutes (U. S. C., Title 31, sec. 192) in respect of any such tax.

(f) *Definition of "transferee."* As used in this section the term "transferee" includes donee, heir, legatee, devisee, and distributee.

(g) *Address for notice of liability.* In the absence of notice to the Commissioner under section 1026 (b) of the existence of a fiduciary relationship, notice of liability enforceable under this section in respect of a tax imposed by this chapter, if mailed to the person subject to the liability at his last known address, shall be sufficient for the purposes of this chapter even if such person is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence.

§ 86.58 *Claims in cases of transferred assets.* The amount for which a transferee of the property of a donor is liable, at law or in equity, and the amount of the personal liability of a fiduciary under section 3467 of the Revised Statutes, as amended by section 518 of the Revenue Act of 1934, 31 USC 192, in respect of the tax, whether such tax is shown on the return of the donor or determined as a deficiency, shall be assessed against such transferee or such fiduciary, as the case may be, and collected and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in the tax, except as hereinafter provided.

The term "transferee" as used in this section includes among others a donee, heir, legatee, devisee, and distributee.

The period of limitation for assessment of the liability of a transferee or of a fiduciary, is as follows:

(1) Within one year after the expiration of the period of limitation for assessment against the donor.

(2) If a court proceeding against the donor for the collection of the tax has been begun within the period of limitation for the bringing of such proceeding, then within one year after the return of the execution in such proceeding.

For the purpose of determining the period of limitation for assessment against a transferee or a fiduciary, if the donor is deceased, the period of limitation for assessment against the donor shall be the period that would be in effect had the death not occurred.

If a notice of the liability of a transferee or the liability of a fiduciary has been mailed to such transferee or to such fiduciary under the provisions of section 1012 (a) (see § 86.39), then the running of the statute of limitations shall be suspended for the period during which the Commissioner is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of The Tax Court of the United States (formerly known as the Board of Tax Appeals), until the decision of The Tax Court becomes final), and for 60 days thereafter.

SEC. 1026. NOTICE OF FIDUCIARY RELATIONSHIP.

(a) *Fiduciary of donor.* Upon notice to the Commissioner that any person is acting in a fiduciary capacity such fiduciary shall assume the powers, rights, duties, and privileges of the donor in respect of a tax imposed by this chapter (except as otherwise specifically provided and except that the tax shall be collected from the estate of the donor), until notice is given that the fiduciary capacity has terminated.

(b) *Fiduciary of transferee.* Upon notice to the Commissioner that any person is acting in a fiduciary capacity for a person subject to the liability specified in section 1025, the fiduciary shall assume, on behalf of such person, the powers, rights, duties, and privileges of such person under such action (except that the liability shall be collected from the estate of such person), until notice is given that the fiduciary capacity has terminated.

(c) *Manner of notice.* Notice under subsection (a) or (b) shall be given in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

§ 86.59 *Notice of fiduciary relationship.* As soon as the Commissioner recieves notice that any person is acting in a fiduciary capacity for a donor or a donor's estate, such fiduciary must, except as otherwise specifically provided, assume the powers, rights, duties, and privileges of the donor in respect of the the tax. If the person is acting as a fiduciary for a transferee or other person subject to the liability specified in section 1025 (see § 86.58), such fiduciary is required to assume the powers, rights, duties, and privileges of the transferee or other person under that section. The amount of the tax or liability is, however, not collectible from the estate of the fiduciary but is collectible from the estate of the donor or from the estate of the transferee or other person subject to the liability specified in section 1025. The "notice to the Commissioner" provided for in section 1026 shall be a written notice signed by the fiduciary and filed with the Commissioner. The notice must state the name and address of the person for whom the fiduciary is acting and the nature of the liability of such person; that is, whether it is a liability for the tax, and, if so, the year or years involved, or a liability at law or in equity of a transferee of property of the donor, or a liability of a fiduciary under section 3467 of the Revised Statutes, as amended by section 518 of the Revenue Act of 1934, 31 U.S.C. 192, in respect of the payment of any tax from the estate of the donor. Satisfactory evidence of the authority of the fiduciary to act for such person in the fiduciary capacity must be filed with and made a part of the notice. If the fiduciary capacity exists by order of court, a certified copy of the order may be regarded as such satisfactory evidence. When the fiduciary capacity has terminated, the fiduciary, in order to be relieved of any further duty or liability as such, must file with the Commissioner written notice that the fiduciary capacity has terminated as to him, accompanied by satisfactory evidence of the termination of the fiduciary capacity. The notice of termination should state the name and address of the person, if any, who has been substituted as fiduciary.

If the notice of the fiduciary capacity described in the preceding paragraph is not filed with the Commissioner prior to the sending of notice of a deficiency by registered mail to the last known address of the donor (see section 1012 (a)), or the last known address of the transferee or other person subject to liability (see section 1025), no notice of the deficiency will be sent to the fiduciary. In such a case the sending of the notice to the last known address of the donor, transferee, or other person, as the case may be, will be a sufficient compliance with the requirements of the statute, even though such donor, transferee, or other person is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence. Under such circumstances if no petition is filed with The Tax Court of the United States (formerly known as the Board of Tax Appeals) before the expiration of the period prescribed for the filing of the petition by the donor, transferee, or other person, the tax, or liability under section 1025, will be assessed immediately upon the expiration of such period, and demand for payment will be made by the collector. The term "fiduciary" is defined by section 3797 (a) (6) to mean guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

SEC. 1027. REFUNDS AND CREDITS. [As originally enacted.]

(a) *Authorization.* Where there has been an overpayment of any tax imposed by this chapter, the amount of such overpayment shall be credited against any gift tax then due from the taxpayer, and any balance shall be refunded immediately to the taxpayer.

(b) *Limitation on allowance*—(1) *Period of limitation.* No such credit or refund shall be allowed or made after three years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed by the taxpayer.

(2) *Limit on amount of credit or refund.* The amount of the credit or refund shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim was filed, then during the three years immediately preceding the allowance of the credit or refund.

(c) *Effect of petition to Board.* If the Commissioner has mailed to the taxpayer a notice of deficiency under section 1012 (a) and if the taxpayer files a petition with the Board of Tax Appeals within the time prescribed in such subsection, no credit or refund in respect of the tax for the calendar year in respect of which the Commissioner has determined the deficiency shall be allowed or made and no suit by the taxpayer for the recovery of any part of such tax shall be instituted in any court except—

(1) As to overpayments determined by a decision of the Board which has become final; and

(2) As to any amount collected in excess of an amount computed in accordance with the decision of the Board which has become final; and

(3) As to any amount collected after the period of limitation upon the beginning of distraint or a proceeding in court for collection has expired; but in any such claim for credit or refund or in any such suit for refund the decision of the Board which has become final, as to whether such period has expired before the notice of deficiency was mailed, shall be conclusive.

(d) *Overpayment found by Board.* If the Board finds that there is no deficiency and further finds that the taxpayer has made an overpayment of tax in respect of the taxable year in respect of which the Commissioner determined the deficiency, the Board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the Board has become final, be credited or refunded to the taxpayer. No such credit or refund shall be made of any portion of the tax unless the Board determines as part of its decision that such portion was paid within three years before the filing of the claim or the filing of the petition, whichever is earlier, or that such portion was paid after the mailing of the notice of deficiency.

SEC. 457. OVERPAYMENT FOUND BY BOARD. [Revenue Act of 1942, Title IV, Part II. Effective for calendar year 1943 and each calendar year thereafter.]

The second sentence of section 1027 (d) (relating to overpayment found by the Board of Tax Appeals) is amended by striking out "or the filing of the petition" and inserting in lieu thereof "or the mailing of the notice of deficiency".

SEC. 451. GIFTS TO WHICH AMENDMENTS APPLICABLE. [Revenue Act of 1942, Title IV, Part II.]

Except as otherwise expressly provided, the amendments made by this Part shall be applicable only with respect to gifts made in the calendar year 1943, and succeeding calendar years.

SEC. 503. SUIT AGAINST COLLECTOR; BAR IN OTHER SUITS. [Revenue Act of 1942.]

Section 3772 (relating to suits) is amended by inserting at the end thereof the following new subsection:

(d) *Suits against collector a bar.*—A suit against a collector (or former collector) or his personal representative for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected shall be treated as if the United States had been a party to such suit in applying the doctrine of res judicata in all suits instituted after June 15, 1942, in respect of any internal revenue tax, and in all proceedings in the Board and on review of decisions of the Board where the petition to the Board was filed after such date.

SEC. 3770. AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) *To taxpayers.*

* * * * * *

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

SEC. 3775. CREDITS AFTER PERIODS OF LIMITATION.

(a) *Period against United States.* Any credit against a liability in respect of any taxable year shall be void if any payment in respect of such liability would be considered an overpayment under section 3770 (a) (2).

SEC. 3771. INTEREST ON OVERPAYMENTS.

(a) *Rate.* Interest shall be allowed and paid upon any overpayment in respect of any internal revenue tax at the rate of 6 per centum per annum.

(b) *Period.* Such interest shall be allowed and paid as follows:

(1) *Credits.* In the case of a credit, from the date of the overpayment to the due date of the amount against which the credit is taken, but if the amount against which the credit is taken is an additional assessment of a tax imposed by the Revenue Act of 1921, 42 Stat. 227, or any subsequent Revenue Act, then to the date of the assessment of that amount.

(2) *Refunds.* In the case of a refund, from the date of the overpayment to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon.

(c) *Additional assessment defined.* As used in this section the term "additional assessment" means a further assessment for a tax

of the same character previously paid in part, and includes the assessment of a deficiency of any income or estate tax imposed by the Revenue Act of 1924, 43 Stat. 253, or by any subsequent Revenue Act.

* * * * *

§ 86.60 *Authority for abatement, credit, or refund.* Authority for the credit or refund of an overpayment is contained in section 1027. As to the abatement of a jeopardy assessment by the Commissioner before The Tax Court of the United States (formerly known as the Board of Tax Appeals) renders a decision, see § 86.43.

Section 1014 prohibits the filing of claims for abatement by donors with respect to assessments of the tax. The provisions of section 1014 do not impair the authority of the collectors to file claims with the Commissioner for relief from charges against them for uncollectible items, in accordance with section 3950, which provides:

SEC. 3950. CHARGES AND CREDITS.

(a) *Charges.* Every collector shall be charged with—

(1) *Taxes.* The whole amount of taxes, whether contained in lists transmitted to him by the Commissioner, or by other collectors, or delivered to him by his predecessor in office, and the additions thereto;

(2) *Stamps.* The par value of all stamps deposited with him; and

(3) *Moneys.* All moneys collected for penalties, forfeitures, fees, or costs.

(b) *Credits.* Every collector shall be credited with—

(1) *Payments into Treasury.* All payments into the Treasury made as provided by law;

(2) *Returned stamps.* All stamps returned by him uncancelled to the Treasury;

(3) *Taxes transmitted to other collectors.* The amount of taxes contained in the lists transmitted in the manner provided in section 3651 (b) to other collectors, and by them receipted as therein provided;

(4) *Taxes of insolvent or absconded persons.* The amount of the taxes of such persons as may have absconded or become insolvent, prior to the day when the tax ought, according to the provisions of law, to have been collected;

(5) *Uncollected taxes transferred to successor.* All uncollected taxes transferred by him or by his deputy acting as collector to his successor in office: *Provided*, That it shall be proved to the satisfaction of the Commissioner, who shall certify the facts to the General Accounting Office, that due diligence was used by the collector; and

(6) *Property purchased for United States.* The amount of all property purchased by him for the use of the United States, provided he faithfully account for and pay over the proceeds thereof upon a resale of the same as required by law.

§ 86.61 *Credit and refund adjustments.* Overassessments and overpayments of gift taxes will be adjusted by means of certificates of overassessment. Credits or refunds of overpayments on the basis of such certificates of overassessment will be allowed or made even though claim for credit or refund has not been filed. However, credits or refunds may not be allowed or made after the expiration of the statutory period of limitation properly applicable unless prior to the expiration of such period a proper claim therefor has been filed by the donor. The claim, together with appropriate supporting evidence, must be filed in the office of the collector for the district in which the tax was paid. (See § 86.63.) As to interest in case of credits or refunds, see section 3771 of the Internal Revenue Code and section 177 (b) of the Judicial Code as amended by Act of June 22, 1936 (28 U.S.C. 284).

§ 86.62 *Claims by collectors.* A collector may present blanket claims for the abatement of certain items which were erroneously assessed. Many of these items fall in a class where the error in assessment is apparent, and the abatement of such assessment by the use of blanket claims serves to relieve the collector of the charge against him for such amount and to relieve him in an expeditious manner of the duty of collecting from the donor certain amounts which a summary examination clearly shows are not due from the donor. Some of the items included in this class of cases are duplicate assessments, amounts assessed as unidentified collections and later identified, assessments resulting from errors in computation, and amounts assessed as excess collections which are subsequently credited against taxes later found to be due.

In the event an erroneous assessment has been paid, the collector may file a blanket claim for credit of such amounts against any unpaid assessments standing against the donor upon the assessment lists held by the collector. If there are no such unpaid assessments against which credit may be taken, the collector shall submit refund schedules to cover such amounts in accordance with instructions issued by the Commissioner. But no such credit or refund shall be allowed or made unless allowed or made within the statutory period of limitation properly applicable thereto.

The collector may also present claims for credit of taxes not erroneously assessed but found to be uncollectible. (See section 3950.) In such cases the collector or deputy collector who made the demand for the payment and is conversant with the facts may prepare the claim for credit. Even though the collector is so credited with the amount allowed as uncollectible, nevertheless the obligation to pay still remains upon the person assessed. It is the duty of the collector to use the same diligence to collect the tax after he has received credit for an amount as uncollectible as before the allowance of such credit. Collectors should, therefore, keep a record of all taxes thus credited and of the persons from whom they are due and should enforce payment whenever it is in their power to do so.

§ 86.63 *Claims for credit or refund by donors.* Claims for the crediting or refunding of taxes, interest, penalties, and additions to tax erroneously or illegally collected shall be made on Form 843 and should be filed with the collector of internal revenue, although a claim will not be considered defective solely by reason of the fact that it is not made on the form or that it is filed with the Commissioner of Internal Revenue. A separate claim on such form shall be made for each taxable year.

Claims must set forth in detail and under oath each ground upon which a credit or refund is claimed and facts sufficient to apprise the Commissioner of the exact basis thereof. No credit or refund will be allowed or made after three years from the date of the payment of the tax sought to be credited or refunded, except upon one or more of the grounds set forth in a claim or an amendment thereof filed prior to the expiration of such period. A claim which does not comply with this paragraph will not be considered for any purpose as a claim for credit or refund.

The burden of proof to sustain a claim for credit or refund rests upon the claimant and all facts relied upon in support of the claim must be clearly set forth under oath. Every affidavit, argument, brief, or statement of facts, prepared or filed by an attorney or agent as argument or evidence in the matter of a claim, must have therein a statement signed by such attorney or agent showing whether or not he prepared such document and whether or not the attorney or agent knows of his own knowledge that the facts contained therein are true. When there is a hearing, should the donor not appear in person, his representative who appears must present a properly executed power of attorney and be enrolled to practice before the Treasury Department. (See § 86.27.)

If a return is filed by a donor who subsequently dies and a refund claim is thereafter filed by a legal representative of the deceased, certified copies of the letters testamentary or letters of administration, or other similar evidence must be annexed to the claim to show the authority of the executor, administrator, or other fiduciary by whom the claim is filed. If an executor, administrator, guardian, trustee, receiver, or other fiduciary files a return and thereafter a refund claim is filed by the same fiduciary, documentary evidence to establish the legal authority of the fiduciary need not accompany the claim, provided a statement is made in the claim showing that the return was filed by the fiduciary and that the latter is still acting. In such cases, if a refund or interest is to be paid, letters testamentary, letters of administration, or other evidence may be required, but should be submitted only upon the receipt of a specific request therefor. If a claim is filed by a fiduciary other than the one by whom the return was filed, the necessary documentary evidence should accompany the claim.

Checks in payment of claims allowed will be drawn in the names of the persons entitled to the money and may be sent to such persons in care of an attorney or agent who has filed a power of attorney specifically authorizing him to receive such checks. The Commissioner may, however, send any such check direct to the claimant. In this connection, see section 3477 of the Revised Statutes (31 U.S.C. 203), the pertinent part of which provides:

All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

The Commissioner has no authority to refund on equitable grounds penalties or other amounts legally collected. As to claims for refund of sums recovered by suit see §§ 86.64 and 86.65.

§ 86.64 *Claims for refund in case of judgment obtained against collector.* (a) Claims for the amount of a judgment against a collector of internal revenue for the recovery of taxes, penalties, or other sums should be made on Form 843 and filed with the Commissioner of Internal Revenue, Washington, D. C. The claimant should state the grounds of his claim under oath, giving the names of all the parties to the suit, the cause of action, the date of its commencement, the date of the judgment, the court in which it was recovered, and its amount. To this affidavit there should be annexed a certified copy of the final judgment in duplicate, a certificate of probable cause, and an itemized bill of the costs paid, receipted by the clerk or other proper officer of the court. In this connection section 989 of the Revised Statutes (28 U.S.C. 842) provides:

When a recovery is had in any suit or proceeding against a collector or other officer of the revenue for any act done by him, or for the recovery of any money exacted by or paid to him and by him paid into the Treasury in the performance of his official duty, and the court certifies that there was probable cause for the act done by the collector or other officer, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector or other officer, but the amount so recovered shall, upon final judgment, be provided for and paid out of proper appropriation from the Treasury.

(b) If the judgment debtor shall have already paid the amount recovered against him, the claim should be made in his name. A certificate of the clerk of the court in which the judgment was recovered (or other satisfactory evidence), showing that the judgment has been satisfied and specifying the exact sum paid in its satisfaction, with a detail of all items of costs which were paid by the judgment debtor or for which he is liable, should accompany the claim. (See further, § 86.63.)

§ 86.65 *Claims for refund in case of judgment obtained against the United States.* Claims for the payment of judgments rendered by United States district courts and the United States Court of Claims against the United States representing taxes, penalties, or other sums, should be executed on Form 843 in duplicate and filed directly with the Commissioner of Internal Revenue, Washington, D. C. The claimant should state the grounds of his claim under oath, giving the names of all parties to the suit, the cause of action, the date of its commencement, the date of the judgment, the court in which it was recovered, and its amount. To this affidavit there should be annexed two certified copies of the final judgment, and an itemized bill of the costs paid, receipted by the clerk or other proper officer of the court. In the case of a judgment rendered by the Court of Claims, there may be submitted in lieu of a certified copy of the final judgment, a certificate of judgment issued by the clerk of the court and two copies of the court's opinion, if any was rendered.

§ 86.66 *Limitations upon the crediting and refunding of taxes paid.* (a) Except as provided in (b) of this section, (1) the Commissioner is prohibited from making credits or refunds of the tax after three years from the time the tax was paid unless before the expiration of such 3-year period a claim therefor is filed, and (2) the amount of such credit or refund shall not exceed the portion of the tax paid during the 3-year period immediately preceding the date of the allowance of the credit or refund, or, if the credit or refund is based upon a claim, the amount of the credit or refund shall not exceed the portion of the tax paid during the 3-year period immediately preceding the date of filing such claim.

(b) In any case where a person having a right to file a petition with The Tax Court of the United States (formerly known as the Board of Tax Appeals) with respect to a deficiency in the tax files such petition within the prescribed time, no credit or refund of the tax for the year to which the deficiency relates shall be allowed or made, and no suit for the recovery of any part of such tax shall be instituted by the donor, except that:

(1) If The Tax Court finds that the tax has been overpaid for the year to which the notice of the deficiency relates, if the decision of The Tax Court as to the amount overpaid has become final (see section 1140 of the Internal Revenue Code), and if The Tax Court determines as a part of its decision (i) that, as to gifts made during the calendar year 1943 or thereafter, any portion of the overpayment was made within three years before the filing of the claim for refund or the mailing of the notice of deficiency, whichever is earlier, or, as to gifts made during the calendar year 1940, 1941, or 1942, any portion of the overpayment was made within three years before the filing of the claim or the filing of the petition, whichever is earlier, or (ii) that any portion of the overpayment was made after the mailing of the notice of deficiency, the amount of such portion of the overpayment will be credited or refunded.

(2) In the case of a jeopardy assessment made under section 1013, if the amount which should have been assessed as determined by a decision of The Tax Court which has become final is less than the amount already collected, the excess payment shall be credited or refunded subject to the limitations provided in (b) (1) of this section.

(3) If the amount of the deficiency determined by The Tax Court (in a case where collection has not been stayed by the filing of a bond) is disallowed in whole or in part by the reviewing court, then the overpayment resulting from such disallowance shall be credited or refunded without the making of claim therefor. (See section 1146.)

(4) Where the amount collected is in excess of the amount computed in accordance with the decision of The Tax Court which has become final, the excess payment shall be credited or refunded within the period of limitation provided in section 1027 (b).

(5) Where an amount is collected after the statutory period of limitation upon the beginning of distraint or a proceeding in court for collection has expired (see § 86.48), the donor may file a claim for refund of the amount so collected within the period of limitation provided in section 1027 (b). In any such case, the decision of The Tax Court as to whether the statutory period upon collection of the tax expired before notice of the deficiency was mailed shall, when the decision becomes final, be conclusive.

§ 86.67 *Crediting of accounts of collectors in cases of assessments against several persons covering same liability.* If assessments have been made against several persons covering the same tax liability, and payment of such liability by one or more of such persons has been duly certified to the Commissioner, the Commissioner, for the purpose of temporarily relieving the collector from liability under section 3950, may authorize him to take credit temporarily with respect to the assessments not specifically paid. Such action, however, shall not constitute an abatement and shall not discharge the liability of the persons concerned.

SEC. 3774. REFUNDS AFTER PERIODS OF LIMITATION.

A refund of any portion of an internal revenue tax (or any interest, penalty, additional amount, or addition to such tax) shall be considered erroneous—(a) *Expiration of period for filing claim.* If made after the expiration of the period of limitation for filing claim therefor, unless within such period claim was filed; or

(b) *Disallowance of claim and expiration of period for filing suit.* In the case of a claim filed within the proper time and disallowed by the Commissioner if the refund was made after the expiration of the period of limitation for filing suit, unless—

(1) Within such period suit was begun by the taxpayer, or

(2) Within such period, the taxpayer and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of final decision in one or more named cases then pending before the Board of Tax Appeals or the courts. If such agreement has been entered into, the running of such statute of limitations shall

be suspended in accordance with the terms of the agreement.

(c) *Cross reference.* For procedure by the United States to recover erroneous refunds, see section 3746.

SEC. 3775. CREDITS AFTER PERIODS OF LIMITATION.

* * * * *

(b) *Period against taxpayer.* A credit of an overpayment in respect of any tax shall be void if a refund of such overpayment would be considered erroneous under section 3774.

SEC. 3746. SUITS AND RECOVERY OF ERRONEOUS REFUNDS.

(a) *Refunds after limitation period.* Any portion of an internal revenue tax (or any interest, penalty, additional amount, or addition to such tax), refund of which is erroneously made, within the meaning of section 3774, may be recovered by suit brought in the name of the United States, but only if such suit is begun within two years after the making of such refund.

* * * * *

(c) *Refund based on fraud or misrepresentation.* Despite the provisions of subsections (a) and (b) such suit may be brought at any time within five years from the making of the refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

* * * * *

§ 86.68 *Erroneous refunds and credits.* A refund is erroneous when made after the expiration of the period of limitation for filing a claim therefor, unless within such period a claim was filed. In the case where a claim was filed within the proper time and such claim was disallowed by the Commissioner and the period of limitation for filing suit by the donor had expired prior to the making of the refund, a refund is erroneous unless suit was begun by the donor within the period of limitation for filing suit, or unless within such period the donor and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of the final decision of one or more named cases then pending before The Tax Court of the United States (formerly known as the Board of Tax Appeals) or the courts. Any erroneous refund may be recovered by suit brought in the name of the United States within two years after the refund was made. If it appears that any part of an erroneous refund was induced by fraud or the misrepresentation of a material fact, the entire amount of such refund may be recovered by suit brought in the name of the United States within five years after the refund was made.

Where a refund of an overpayment would be an erroneous refund under the preceding paragraph of this section, a credit of such overpayment allowed against any tax is void. A credit is also void if allowed against a liability the assessment and collection of which was barred by the expiration of the period of limitation properly applicable thereto.

SEC. 3760. CLOSING AGREEMENTS.

(a) *Authorization.* The Commissioner (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period.

(b) *Finality.* If such agreement is approved by the Secretary, the Under Secretary, or an Assistant Secretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

§ 86.69 *Closing agreements relating to tax liability in respect of internal revenue taxes.* Closing agreements provided for in section 3760 may relate to the total tax liability of the donor, or to one or more separate items affecting such liability. For example, an agreement may be entered into with respect to the total amount of gifts, to deductions, or to the value of property on the date of gift. Accordingly, there may be a series of agreements relating to the tax liability for a single taxable period. Any tax or deficiency in tax determined pursuant to such an agreement shall be assessed and collected, and any overpayment determined pursuant thereto shall be credited or refunded, in accordance with the applicable provisions of the statute. Such agreements are final and conclusive, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact. (See also section 3762.)

SEC. 3467. REVISED STATUTES, AS AMENDED BY SECTION 518 OF THE REVENUE ACT OF 1934 (31 U. S. C. 192). LIABILITY OF FIDUCIARIES.

Every executor, administrator, or assignee, or other person, who pays, in whole or in part, any debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate to the extent of such payments for the debts so due to the United States, or for so much thereof as may remain due and unpaid.

§ 86.70 *Personal liability of fiduciaries.* Every executor, administrator, or assignee, or other person, who pays, in whole or in part, any debts due by a donor or a donor's estate for whom or for which he acts before he satisfies and pays the gift tax due to the United States from such donor, is, to the extent of such payments, personally liable for the payment of such tax.

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES.

(a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

(b) *To determine liability of a transferee.* The Commissioner, for the purpose of determining the liability at law or in equity of a transferee of the property of any person with respect to any Federal taxes imposed upon such person, is hereby authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon such liability, and may require the attendance of the transferor or transferee, or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter, with power to administer oaths to such person or persons.

SEC. 3633. JURISDICTION OF DISTRICT COURTS.

(a) *To enforce summons.* If any person is summoned under the internal revenue laws to appear, to testify, or to produce books, papers, or other data, the district court of the United States for the district in which such person resides shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, or other data.

* * * * *

SEC. 3800. JURISDICTION OF DISTRICT COURTS TO ISSUE ORDERS, PROCESSES, AND JUDGMENTS.

The district courts of the United States at the instance of the United States shall have such jurisdiction to make and issue, both in actions at law and suits in equity, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and process, and to render such judgments and decrees, granting in proper cases both legal and equitable relief together, as may be necessary or appropriate for the enforcement of the internal revenue laws. The remedies hereby provided are in addition to and not exclusive of any and all other remedies of the United States in such courts or otherwise to enforce such laws.

SEC. 3632. AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) *Internal Revenue personnel*—(1) *Persons in charge of administration of internal revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

* * * * *

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

§ 86.71 *Securing evidence; taking testimony.* In order to ascertain the correctness of a return or to determine the liability of a transferee of the property, the Commissioner has power to require the attendance and to take the testimony of the person rendering the return, any employee of such person, a transferee of the property, or any other person having knowledge in the premises. Such persons may be required to produce any relevant book, paper, or other record. This power may be exercised by any revenue agent or inspector designated for the purpose. For penalties, see § 86.56.

§ 86.72 *Power to compel compliance.* Where any person is summoned to appear and testify, or to produce books, papers, or other data, the district court of the United States for the district in which such person resides has power to compel the giving of testimony, the production of books, papers, or data, and to issue any appropriate process, writ, or order.

SEC. 1028. LAWS MADE APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are hereby extended to and made a part of this chapter.

§ 86.73 *Laws made applicable.* All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are made a part of chapter 4 of the Internal Revenue Code imposing the gift tax for the calendar year 1940 and each calendar year thereafter. For provisions of law and regulations authorizing the postponement by reason of war of the performance of certain acts required or permitted under the gift tax law, see section 507 of the Revenue Act of 1942 and regulations pertaining thereto separately promulgated.

SEC. 1030. DEFINITIONS. [As originally enacted.]

For the purposes of this chapter—

(a) *Calendar year.* The term "calendar year" includes only the calendar year 1932 and succeeding calendar years, and, in the case of the calendar year 1932, includes only the portion of such year after June 6, 1932.

(b) *Property within the United States.* Stock in a domestic corporation owned and held by a nonresident shall be deemed property situated within the United States.

SEC. 458. DEFINITION OF PROPERTY IN UNITED STATES. [Revenue Act of 1942]

(a) *Technical amendment to definition.*—Section 1030 (b) is amended to read as follows:

(b) *Property within the United States.* Stock in a domestic corporation owned and held by a nonresident not a citizen of the United States shall be deemed property situated within the United States.

(b) *Effective date of amendment.*—The amendment made by this section shall be effective as of February 10, 1939.

§ 86.74 *Definitions*—(a) *Calendar year.* The term "calendar year" as used in the gift tax provisions of the Internal Revenue Code includes the portion of the calendar year 1932 after the date of the enactment of the Revenue Act of 1932, i. e., June 6, 1932, and succeeding calendar years.

(b) *Property within the United States.* Section 1030 provides that stock in a domestic corporation owned and held by a nonresident not a citizen of the United States shall be deemed property situated in the United States for the purposes of the gift tax provisions of the Internal Revenue Code. For regulations relating to situs of property generally, see § 86.18.

(c) *Other definitions.* For other definitions, see section 3797.

SEC. 1031. PUBLICITY OF RETURNS.

For provisions with respect to publicity of returns under this chapter, see subsection (a) (2) of section 55.

SEC. 1029. RULES AND REGULATIONS.

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

SEC. 3791. RULES AND REGULATIONS.

(a) *Authorization*—(1) *In general.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

SEC. 3802. SEPARABILITY CLAUSE.

If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of the title, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

§ 86.75 *Promulgation of regulations.* In pursuance of the Internal Revenue Code, the foregoing regulations are hereby made and promulgated.

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 30, 1943.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-12541; Filed, August 2, 1943; 11:58 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2049]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of certain mines; for changes in shipping points of certain other mines and for other relief.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; for changes in shipping points of certain other mines in District No. 4; for correction of minimum prices of Long Hollow Coal Company, Mine Index No. 750, by showing the correct location of the mine as Hocking County rather than Athens County; and for correction of minimum prices of John W. Freetage, Mine Index No. 2060, and Dickerson & McCullough Coal Co. (Everett Dickerson), Mine Index No. 2059, by showing the correct location of said mines as being in Subdistrict No. 4, Middle, instead of Subdistrict No. 5; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

The minimum prices proposed by petitioner for the coals of the Sidwell Bros. Mine, Mine Index No. 3160, for truck shipments do not appear to reflect the minimum price increases provided for by the order entered in General Docket No. 21 on August 28, 1942. Accordingly, the minimum prices established for these coals are 20 cents per net ton more than the minimum prices requested therefor in the respective size groups.

Dated: July 24, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railroad loading facilities, showing price classification by price group numbers]

Mine Index No.	Code member	Mine name	Seam	Type	Subdistrict No.	Shipping points in Ohio	Freight origin group No.	Railroad	Price group No.	Railroad fuel price group No.	
										On line	Off line
3162	Angelo, Felix	Blue Diamond #2	7	Strip	6	Zanesville	34	PRR	41	113	202-204
2051	Gilchrist, Arthur W.[1]	Gilchrist	8	Deep	5	Amesville	24	FV	22-23	109	201-203
597	Leone, Tony (Leone Coal Co.)[1]	Little Valley	8	Deep	1	Piedmont	12	B&O	1	101	201-203
3165	McFarland, T. E. (Athens Coal Co.)	Athens	8A	Deep	8	Middleport	23	C&O	31	103	201-203
77	Marshall Mining Company[1]	Klemann	6	Strip	4	Lisbon	72	Erie	72	108	202-204
243	Marshall Mining Company[1]	Rock Camp	6 and 7	Strip	4	Lisbon	71	Erie	72	108	202-204
3168	Marshall Mining Company	Hanover	7	Strip	4	Lisbon	71	Erie	72	108	202-204
3170	Mitchell & Jones Corporation	Standard #3	8	Strip	1	Brilliant	15	PRR	3	113	202-204
3174	New Albany Coal Company (L. D. Russell).	Rogers	6	Strip	4	Willowcrest	74	Y&S	72	120	202-204
1966	Novak, Steve[2]	Novak	6	Deep	4	Lisbon	71	Erie	71	107	201-203
3167	Ryan, D. M. (Rayland Coal Co.)	No. 1	8	Strip	1	Warrenton	18	W&LE	3	119	202-204
3160	Sidwell Brothers (Carl Sidwell)	Sidwell Bros	6	Strip	5	Greendale	22	C&O	25	104	202-204
361	Williams, Elbert[2]	Williams	8A	Deep	8	Hobson	25	NYC	31	110	201-203

For letter classification see § 324.9 in Minimum Price Schedule for District No. 4.

[1] Subject to Price Exception No. 4, in § 324.1 in Minimum Price Schedule.
[2] Shipping point established in previous docket shall no longer be applicable.

[3] Change in Railroad and Freight Origin Group Number.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member	Mine	Mine index No.	Type	Seam	Base sizes							
					6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
					1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—EASTERN OHIO												
JEFFERSON COUNTY												
Mitchel & Jones Corporation	Standard #3	3170	Strip	6	295	285	270	245	240	230	210	200
Ryan, D. M. (Rayland Coal Co.)[1]	No. 1	3167	Strip	8	295	285	270	245	240	230	210	200
SUBDISTRICT NO. 4—MIDDLE												
COLUMBIANA COUNTY												
Marshall Mining Company	Hanover	3168	Strip	7	320	310	295	270	265	245	225	215
New Albany Coal Company (L. D. Russell).	Rogers	3174	Strip	6	320	310	295	270	265	245	225	215
COSHOCTON COUNTY												
Dickerson & McCullough Coal Co. (Everett Dickerson).[1]	D. & McC. C. Co	2059	Deep	6	300	290	280	255	250	215	185	175
Freetage, John W.[1]	J. W. Freetage	2060	Deep	6	300	290	280	255	250	215	185	176
SUBDISTRICT NO. 5—HOCKING												
HOCKING COUNTY												
Preston, Fred (Long Hollow Coal Company).[2]	Long Hollow	750	Deep	6	315	305	295	270	265	215	185	175
Sidwell Brothers (Carl Sidwell)	Sidwell Bros	3160	Strip	6	300	290	280	255	250	215	185	175
SUBDISTRICT NO. 6—CROOKSVILLE												
MUSKINGUM COUNTY												
Angelo, Felix	Blue Diamond #2	3162	Strip	7	300	290	280	255	250	215	185	185
PERRY COUNTY												
Standard Hocking Coal Co., The	Rend	3166	Deep	6	300	290	280	255	250	215	185	175
SUBDISTRICT NO. 8—POMEROY												
GALLIA COUNTY												
McFarland, T. E. (Athens Coal Co.).	Athens	3165	Deep	8A	315	305	295	270	265	215	160	160
Wheaton, Harold D.	Wheaton	3164	Deep	8	315	305	295	270	265	215	160	160

[1] Priced and classified in a previous docket in Subdistrict No. 5 instead of Subdistrict No. 4.
[2] Priced and classified in a previous docket in Athens County instead of Hocking County.

[F. R. Doc. 43-12566; Filed, August 3, 1943; 10:23 a. m.]

[Docket No. A-1438]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

MEMORANDUM OPINION AND ORDER ESTABLISHING MINIMUM PRICES

Memorandum opinion and order of the Director in the matter of the petition of District Board No. 7 for the establishment of minimum prices for river and ex-river shipments of the coals of Midvale No. 2 Mine (Mine Index No. 122) of Eastern Gas & Fuel Associates (Koppers Coal Division), a code member in District 7.

On August 26, 1942, after notice and hearing, Floyd McGown, a duly designated Examiner of the Bituminous Coal Division, submitted a report in which he found that: (1) minimum f. o. b. mine prices should be established for the high volatile coals in Size Groups 1 to 27, inclusive, produced by Eastern Gas & Fuel Associates (Koppers Coal Division) at its Midvale No. 2 Mine (Mine Index No. 122) in District 7, for shipment by Kanawha River to free alongside consumers at all destinations for all uses except for railway locomotive fuel, except that when floating equipment is loaded on the Kanawha River, at Cabin Creek Junction, West Virginia, Mine Index No. 122 may reduce said prices 25 cents per net ton; (2) the Special River Price Instructions and Exceptions for river (free alongside) and ex-river deliveries set forth on pages 37, 38, 40, 41 and 42, and amendments thereto, of the schedule of effective minimum prices for District No. 8 for all shipments except truck should be made applicable to the coals in question; (3) seasonal discounts for domestic coal should apply; (4) there should be added to the f. o. b. mine price for river (free alongside) not less than a reasonable charge for all transportation and handling to the point at which the purchaser takes possession of the coal, determined in the light of charges currently quoted or used by competing river transporters and others rendering similar services; and (5) for the determination of minimum f. o. b. mine prices for the coals produced at the Midvale No. 2 Mine for ex-river deliveries, the Special River Price Instructions and Exceptions shown on pages 37, 38, 40, 41, and 42 of the schedule of effective minimum prices for District No. 8 for all shipments except truck, and amendments thereto, should be made applicable. The Examiner recommended that an order be entered in conformity with the foregoing provisions.

An opportunity to file exceptions to the report of the Examiner was afforded all interested parties. As of the date hereof, no such exceptions have been filed.

I have considered the entire record in this proceeding and the report of the Examiner, and upon the basis thereof, I find that the report of the Examiner adequately and accurately reflects the law and the facts, as disclosed by the record. Accordingly, I have concluded to approve and adopt the proposed findings of fact and the proposed conclusions of law of the Examiner, as the findings of fact and conclusions of law of the Director.

Upon the entire record in this proceeding, upon the basis of the foregoing findings of fact and conclusions of law, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937.

It is ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner be, and the same hereby are, approved and adopted as the findings of fact and conclusions of law of the Director; and

It is, further, ordered, That § 327.14 (*Special prices*) be, and the same hereby is, added to the schedule of effective minimum prices for District No. 7 for all shipments except truck in acordance with the minimum prices[1] for river (free alongside deliveries) and ex-river shipments and the provisions set forth, in detail, in Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: July 23, 1943.

[SEAL] DAN H. WHEELER, *Director*.

SUPPLEMENT R

§ 327.14 *Special prices*—(a) *Prices for river (free alongside deliveries) and ex-river shipments*—(1) *Special river price instructions and exceptions*—(i) *Definitions of river (free alongside) deliveries.* "River (free alongside) deliveries", as used in this schedule, means:

(a) Deliveries in barges or other floating equipment alongside river docks or other barge unloading facilities to purchasers for consumption in their plants which adjoin such docks or other barge unloading facilities;

(b) Deliveries in barges or other floating equipment to purchasers for consumption on floating equipment operated by them;

(c) Deliveries in barges or other floating equipment alongside river docks or other barge unloading facilities to those retail dealers (not located in the Cincinnati, Louisville, Memphis, Chicago or Minneapolis-St. Paul areas as herein defined), for resale at retail, who operate such river docks or other barge unloading facilities and whose yard and storage facilities (in which the coal purchased free alongside is stored, when it is stored) adjoin such river docks or other barge unloading facilities; and

(d) Deliveries to any person at the mine or at a point nearer the mine than the river docks or other barge unloading facilities for transportation in barges or other floating equipment to a purchaser who takes free alongside delivery, within the meaning of Item (1) (*a*) or Item (1) (*c*) above.

(ii) *Definition of ex-river deliveries.* "Ex-river deliveries", as used in this schedule, means deliveries involving river transportation other than those defined in Item (1), above.

(iii) *Special cases.* (*a*) Any code member or Consumers Counsel Division, on behalf of any consumer or retail dealer (which consumer or retail dealer falls within the definition of a purchaser of ex-river coal, as defined in Item 2 above, but who (*a*) in the past customarily purchased coal moving by river at such prices and under such conditions that the coal moving by river was not competitive with coal of comparable quality moving by rail, truck or ex-lake dock, or (*b*) in the past regularly purchased coal moving by river at a savings over available prices for comparable coal moving by rail, truck or ex-lake dock) may file a petition requesting that such consumer or retail dealer be enabled to purchase at the minimum f. o. b. mine prices for free alongside delivery; and the Division shall, after hearing and upon satisfactory showing, authorize the sale of river coal to such purchaser by one or more code members at minimum f. o. b. mine prices for free alongside delivery, subject to such conditions as may be necessary to accomplish the objectives of the Act and to maintain the prescribed minimum prices. Any such petition filed by a code member or Consumers Counsel Division, as herein provided, and the procedure subsequent thereto shall be governed by the rules and regulations governing the procedure in respect to applications under section 4 II (d) of the Bituminous Coal Act of 1937.

Similarly, any code member or Consumers Counsel Division may file a petition requesting appropriate relief on behalf of any consumer or retail dealer, who in the absence of established minimum f. o. b. mine prices and by virtue of some future development, would have customarily purchased coal moving by river at such prices and under such conditions that the coal moving by river would not be competitive with coal of comparable quality moving by rail, truck or ex-lake dock, or would have regularly purchased coal moving by river at savings over available prices of comparable coal moving by rail, truck or ex-lake dock. Such future development may pertain to the location of the plant or facilities of the consumer or retail dealer, the cost of river transportation or other similar matters.

Any State or political subdivision of a State, which is a consumer of ex-river coal, may, on its own behalf, file petitions such as those which a code member or the Consumers Counsel Division may file, as above provided.

(*b*) Any code member may sell at the free alongside prices to the following consumers, subject to the limitations indicated:

(*1*) American Rolling Mill Company (for consumption at its plants located at Hamilton and Middletown, Ohio).

(*2*) Champion Paper & Fibre Company (for consumption at its plant located at Hamilton, Ohio).

(*3*) The City of Cincinnati, Ohio (for consumption within the city limits).

(*4*) The Board of Education of the City School District in the City of Cincinnati, Ohio (for consumption within the city limits).

(*5*) The Cincinnati Gas and Electric Co. (for consumption at its West End Station, located at Cincinnati, Ohio).

(*6*) The County of Hamilton, Ohio (for consumption at the County Home, the Court House, and the Tuberculosis Hospital).

(*7*) James Walsh and Company, Inc. (for consumption at its plant located at Lawrenceburg, Indiana).

(*8*) Key City Gas Company (for consumption at its plant located at Dubuque, Iowa).

(*9*) Lawrenceburg Roller Mills Company (for consumption at its plant located at Lawrenceburg, Indiana).

(*10*) The Northern States Power Company (for consumption at its Riverside Station Plant at Minneapolis, Minnesota, and its High Bridge Station Plant at St. Paul, Minnesota, limited to coals in Size Groups Nos. 20, 21, and 22).

(*11*) Old Quaker Company (for consumption at its plant located at Lawrenceburg, Indiana).

(*12*) Procter and Gamble Company (for consumption at its Ivorydale and St. Bernard plants located at St. Bernard, Ohio, provided that such coal is delivered in not less than barge load lots).

(*13*) Joseph E. Seagram and Sons, Inc. (for consumption at its plant located at Lawrenceburg, Indiana).

[1] The foregoing prices shall include the general increase in prices granted by Order of the Director in General Docket No. 21, dated August 28, 1942.

(2) *Price tables.*

[High volatile coal prices in cents per net ton f. o. b. Eastern Gas & Fuel Associates (Koppers Coal Division) Midvale No. 2 Mine, Index No. 122, for shipment by river to free alongside consumers to all destinations in all market areas. For all uses except for railway locomotive fuel]

	Size group Nos.																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	27
Price classifications	Q	Q	Q	Q	L	L	K	H	F	H	E	E	E	E	E	E	E	E	E	E	E	E	E
Prices	275	265	255	245	255	245	235	225	220	220	235	225	220	210	235	225	215	210	205	200	195	190	200

When floating equipment is loaded on Kanawha River at Cabin Creek Junction, West Virginia, Mine Index No. 122, may reduce the above prices 25 cents per net ton.

1. *Seasonal discounts.* Seasonal discounts for domestic coal as provided in price instructions and exceptions may be applied to the prices for free alongside deliveries.

2. *Transportation charges.* In all cases of free alongside delivery, as herein before defined, there shall be added to the f. o. b. mine price not less than a reasonable charge for rail, truck, river or other transportation and handling to the point at which the purchaser takes possession of the coal. The reasonableness of the charge at any given time shall be determined in light of the charges then currently quoted or used by competing river transporters and others rendering similar services.

3. The prices in the above price table shall be increased or decreased the cents per net ton indicated below for the market area at the destination point.

When destination is within Market Areas 1 to 21, inclusive; 100, 101, 102; 105 to 112, inclusive; 118; 125 to 129, inclusive; 131; 133 to 137, inclusive; 139 to 141, inclusive	No Adjustments.
When destination is within Market Areas 32 to 41, inclusive; 47 to 50, inclusive; 52 to 69, inclusive; 71, 73; 75 to 78, inclusive; 203, 215, 216, 234, 237 (Idaho), 240 and 241	Deduct 15¢.
Market Areas 22 to 31, inclusive; 70, 72, 74, 103, 104, 114, 115, 116; 151 to 157, inclusive; and 204 to 212, inclusive	Deduct 10¢.
Market Areas 42 to 46, inclusive; 200, 201, 202, 213, 214; 217 to 232, inclusive; 236, 244, 245, 246	Deduct 5¢.
Market Areas 237 (Washington), 238, 239, 242, 243; 247 to 254, inclusive	Add 5¢.
Market Areas 113, 117; 120 to 124, inclusive; 130, 132, 142, 143; 145 to 148, inclusive; and 150	Add 10¢.

(b) *Ex-river deliveries*—(1) *F. o. b. mine prices.* When coal is sold for ex-river delivery, whether the sale is made f. o. b. mine or f. o. b. destination or at some intermediate point, the minimum f. o. b. mine price of the size and quality of coal reloaded at the river terminals shall be such that the price at destination, including the rail, truck, river and other transportation and terminal and dock charges or expenses, shall be not less than the minimum all-rail price for the same size and quality of coal f. o. b. the originating mine for the destination Market Area plus the base freight origin group all-rail freight rate from District No. 7 to the same destination.

(2) *Delivery costs.* Producers or distributors shall promptly submit to the Coal Division such data and information as will establish that the coal sold ex-river was sold on a basis whereby it would be delivered at the destination at an amount not less than the sum of the f. o. b. mine price for the same size and quality of coal destined to the same Market Area and the base freight origin group all-rail freight rate from District No. 7 to the destination.

(3) *Seasonal discounts.* Seasonal discounts for domestic coal as provided in the price instructions and exceptions as shown for high volatile coals in section I of this schedule may be applied to prices for such coal for ex-river delivery.

(4) *Price exceptions for screenings.* The f. o. b. mine price for high volatile coal in Size Groups 18 to 22, inclusive, when destined to Market Areas 24, 25, 26, 28, 31 and that part of 23 located east of and including points on the N. Y. C. Railroad from Anderson to and including Alexandria and south of and including all destinations on the N. Y. C. & St. L. Railroad between and including Alexandria and Muncie and south of and including all destinations on the N. Y. C. Railroad between Muncie and Winchester, and that part of 27 lying south of and including the line of the N. Y. C. Railroad between Indianapolis and Anderson, may be adjusted so that such coal will deliver at 17¢ per net ton below the price for the same coal delivered via all-rail movement to the same destination.

(5) *Price exceptions for retail dealers*—(i) *F. o. b. mine prices.* All sizes to retail dealers having facilities, as described under Item 1 (c) of Special River Price Instructions, but who are located within the Cincinnati, Louisville, Memphis, Chicago or Minneapolis-St. Paul areas, as herein described, shall be made on the basis of an f. o. b. mine price, plus the all-rail or lake (as the case may be) freight rate to the destination, the same as herein described for ex-river movement, except that not more than the following deductions in cents per net ton may be made from the f. o. b. mine price in order that such coal may deliver in barges alongside such retail dealers' barge unloading facilities at delivered prices less than the all-rail or lake delivered price by the amount of these deductions:

	Cents
Size Groups 1 to 15, inclusive, 24, 25, 26	Deduct 60
Size Groups 16 to 23, inclusive, 27	Deduct 20

No deductions are applicable to the Chicago area (see base freight rates to the Chicago area following).

(ii) *Base freight rates.* In determining the base delivered price from which these deductions may be made, the published freight rates from the following Freight Origin Groups shall be used:

Cincinnati Area: Freight Origin Groups 61, 123, 150.

Louisville Area: Freight Origin Groups 80, 100.

Memphis Area: Freight Origin Groups 70, 71, 90.

Chicago Area: The rail freight rate from Freight Origin Groups 61, 123, 150 to Lake Erie ports plus the dumping charge plus the bulk vessel cargo rate of 55¢ to the Chicago Area. This results in the same delivered price for the same coal alongside such retail dealers' barge unloading facilities within the Chicago area, whether the coal is delivered alongside in river barges or in lake vessels.

Minneapolis-St. Paul Area: The rail freight rate from Freight Origin Groups 61, 123, 150 to Lake Erie ports plus the dumping charge plus the bulk vessel cargo rate of 45¢ to Duluth-Superior plus a dock handling charge of $1.00 on Lump and Double Screened coal and 50¢ on other than Lump and Double Screened coal plus the rail freight rate from Duluth-Superior to the destination.

(iii) *Description of retail dealers areas.* The following are descriptions of the areas to which prices for retail dealers, as referred to in Ex-River Deliveries, Item 5, are applicable:

Cincinnati area. Both banks of the Ohio River from a point at and on the opposite bank of the River from Silver Grove, Kentucky, downstream to and including a point at and on the opposite bank of the River from Columbia Park, Ohio.

Both banks of the Licking River from a point at and on the opposite bank of the River from DeCoursey, Kentucky, downstream to the confluence of the Licking and Ohio Rivers.

Louisville area. Both banks of the Ohio River from a point at and on the opposite bank of the River from Utica, Indiana, downstream to and including a point at and on the opposite bank of the River from Locust Point, Indiana.

Memphis area. Both banks of the Mississippi River from a point 10 miles upstream from the northerly limits of the City of Memphis on the water front to a point 10 miles downstream from the southerly limits of the City of Memphis on the water front, including a similar distance on the opposite bank of the River.

Both banks of the Wolf River from the head of navigation, downstream to its confluence with the Mississippi River.

Chicago area. Both banks of the Des Plaines River and the Chicago Sanitary and Ship Canal from a point at and on the opposite side of the Canal and River from Lockport, Illinois, upstream to and including all navigable points connected with the Chicago Sanitary and Ship Canal within Cook and Will Counties, Illinois and Lake County, Indiana including the Lake Michigan harbor.

Minneapolis-St. Paul area. Both banks of the Mississippi River from a point at the confluence of the St. Croix and Mississippi Rivers and on the opposite bank of the Mississippi River from this point upstream to a point at and on the opposite bank of the River from Anoka, Minnesota.

[F. R. Doc. 43-12565; Filed, August 3, 1943; 10:22 a. m.]

[Docket No. A-2077]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for coals produced from certain mines in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced from certain mines in District No. 7.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

Dated: July 24, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Subdistrict No.	Low volatile steam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
839	Duo Coal Company [1]	Martin	1	Sewell	Quinwood, W. Va.	NF&G	19	D	D	C	A	A	B	B	C	C	(†)

†When shown under a Size Group Number, this symbol indicates no classifications effective for this size group.
[1] Formerly Martin-Hines Smokeless Coal Company (S. L. Martin).

[F. R. Doc. 43-12567; Filed, August 3, 1943; 10:23 a. m.]

[Docket No. A-2078]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices and for other relief for the coals in certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with this Division by the above-named party requesting the establishment, both temporary and permanent, of price classifications and minimum prices; for change in shipping point for the coals of Mine Index No. 212; and also requesting changes, both temporary and permanent, in price classifications and minimum prices heretofore established for Mine Index Nos. 922 and 682; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and no petitions of intervention having been filed with the Division in the above-entitled matter, and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

No relief is granted herein as to that part of the petition requesting changes in price classifications and minimum prices for the coal produced by Alvey's No. 2 Mine, Mine Index No. 922, of Alvey Brothers (Bernard Alvey) and S. S. Wathen Mine, Mine Index No. 682, of Wathen-Deanfield Coal Co. (S. S. Wathen) for the reasons that a hearing would be necessary and that insufficient time remains prior to August 24, 1943, when the Bituminous Coal Act of 1937 will cease to be in effect to finally determine this question.

No relief is granted herein for the coals of Johnson Mine, Mine Index No. 1094 of Will Johnson, for the reasons that no prices were proposed for this mine in petitioner's Exhibit A.

No relief is granted herein for the coals of the Daniel Boone No. 2 Mine, of Sterling Mining Company, for the reason that the Code Membership Acceptance submitted with respect to this mine has not been approved by the Division.

Dated: July 24, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine Index No.	Producer	Mine	Seam	Freight origin group	Shipping point	Railroad
[1] 618	Alabama Mining Co. (Delsie Phelps).	Phelps & Childers	11	10	Beaver Dam	IC.
[1] 1096	Bates, W. C. (Paradise Coal Company).	Paradise Mining Co	11	40	Rockport Drakesboro	IC. L&N.
[1] 1093	Bates, W. C. (Paradise Coal Company).	Paradise Mining Co	12	40	Rockport Drakesboro	IC. L&N.
[1] 1091	Black Gem Mining Company (J. L. Rogers, Jr.)	Black Gem	11	30	Bevier	L&N.
[1] 1089	Clayton & Clayton (Elmo Clayton).	C & C	11	10	Madisonville	IC.
[1] 1097	DuVall, Ross	DuVall Strip	9	10	McHenry	IC.
[1] 1090	Franklin, Chesley	Franklin	9	50	Providence	L&N IC.
[1] 721	McCormack, C	Williams	11	10	Rockport	IC.
[1] 607	McCormack, C	Engler	11	10	Rockport	IC.
[1] 1095	Rye & Kyle (Archie Rye)	R & K	9	10	Madisonville	IC.
[2] 48	Meadows, T. C. (Meadows Coal Co.).	Lakeview #3	6	10	Dawson Springs Charleston	IC. IC.
[3] 212	Hawes, Sherman & Rex	Hawes	Stray	[4]40	Drakesboro Beaver Dam	L&N. IC.
[1] 1087	Romans, Lonnie	Ellis No. 4-A	Stray	30	Drakesboro	L&N

[1] The f. o. b. mine prices for coal shipped by Mine Index Nos. 618, 1096, 1093, 1091, 1089, 1097, 1090, 721, 607, 1095 to any market area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, For All Shipments Except Truck.

[2] The f. o. b. mine prices for coal shipped by Mine Index No. 48 to any market area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Dawson Daylight Coal Company, Mine Index No. 19, in Price Schedule No. 1 for District No. 9, For All Shipments Except Truck.

[3] The f. o. b. mine prices for coal shipped by Mine Index Nos. 212, 1087 to any market area for any use, including Railroad Locomotive Fuel, for size groups 1 to 4, inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for size groups 5 to 29, inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, For All Shipments Except Truck.

[4] Freight Origin Group 30 is no longer applicable.

TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1, 2	3	4*	5	6	7	8	9	10, 11, 12	13, 14	15	17	19, 20	21, 22	23, 24	25	26, 27	28, 29
BUTLER COUNTY																					
Johnson, Will	1094	Johnson	Stray	240	230	220	180	175	165	165	155	145	115	55						125	120
Romans, Lonnie	1087	Ellis No. 4-A	Stray	240	230	220	180	175	165	165	155	145	115	55						125	120
HANCOCK COUNTY																					
Bruner, J	1088	Bee	Stray	210	200	190	180	175	165	165	155	145	115	55						125	120
HOPKINS COUNTY																					
Clayton & Clayton (Elmo Clayton).	1089	C & C	#11	210	200	190	180	175	165	165	155	145	115	55						125	120
Franklin, Chesley	1090	Franklin	#9	210	200	190	180	175	165	165	155	145	115	55						125	120
Rye & Kyle (Archie Rye)	1095	R & K	#9	210	200	190	180	175	165	165	155	145	115	55						125	120
MUHLENBERG COUNTY																					
Bates, W. C. (Paradise Coal Co.).	1096	Paradise Mining Co.	#11	210	200	190	180	175	165	165	155	145	115	55						125	120
Bates, W. C. (Paradise Coal Co.).	1093	Paradise Mining Co.	#12	210	200	190	180	175	165	165	155	145	115	55						125	120
Black Gem Mining Company (J. L. Rogers, Jr.).	1091	Black Gem	#11	210	200	190	180	175	165	165	155	145	115	55						125	120
OHIO COUNTY																					
DuVall, Ross	1097	DuVall Strip	#9	210	200	190	180	175	165	165	155	145	115	55						125	120

[F. R. Doc. 43-12568; Filed, August 3, 1943; 10:24 a. m.]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

[Docket No. A-1859]

MEMORANDUM OPINION AND ORDER

Memorandum opinion and order of the Director in the matter of the petition of District Board 14 for revision of the effective price classifications and minimum prices for the coals produced at certain mines in Production Group No. 5, in District No. 14, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on March 18, 1942, by District Board 14, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the revision of the effective price classifications and minimum prices for the coals produced at the following six[1] mines, all located in Sebastian County, Arkansas, in Production Group 5 of District 14:[2]

Mine index No.	Mine name	Code member
2	Watson Excelsior	Barr Excelsior Coal Co. (herein referred to as Barr).
14	Boyd No. 3	Boyd-Sicard Coal Co. (herein referred to as Boyd).
34	Barr	Excelsior Thin Vein Coal Co., Inc. (herein referred to as Excelsior).
176	Peerless No. 2	Peerless Coal Co. (herein referred to as Peerless).
195	Gary	Harper, W. T. (Harper-Excelsior Coal Co.) (herein referred to as Harper).
511	Paris Purity No. 6	Paris Purity Coal Co. (herein referred to as Paris Purity)

All of these mines except the Paris Purity mine hereinafter sometimes will be referred to collectively as the Group 1 mines.

Motions of intervention and protest were filed by all operators whose mines were involved in the petition. The Bituminous Coal Consumers' Counsel filed a notice of appearance and brief. After due notice, a hearing was held in this matter, commencing April 21, 1942, before Examiner Scott A. Dahlquist, in Fort Smith, Arkansas, at which the above-named intervenors appeared. Thereafter, D. C. McCurtain was designated as Examiner vice Dahlquist.

On April 7, 1943, the Examiner filed his Report in this proceeding. He recommended the following revisions of classifications and prices:

1. FOR THE COALS PRODUCED AT THE MINES OF BARR, BOYD, EXCELSIOR, AND PEERLESS

Size groups	4	6	7	8	9	18
Rail	D	E	E	E	E	J
Truck	4.75	4.75	4.75	4.75	4.50	3.75

2. FOR THE COALS PRODUCED AT THE MINE OF HARPER

Size groups	4	6	7	8	9	10	11	13	17	18
Rail	D	E	E	E	E	G	F	D	A	J
Truck	4.75	4.75	4.75	4.75	4.50	4.00	3.85	2.30	2.15	3.75

3. FOR THE COALS PRODUCED AT THE MINE OF PARIS PURITY

Size groups	4	6	7	8	9	10	11	13	17	18
Rail	G	H	H	H	H	G	F	D	A	N
Truck	4.55	4.55	4.55	4.55	4.30	4.00	3.85	2.30	2.15	3.55

These changes are identical with those requested in the petition, as amended at the hearing, except that the recommended minimum prices for Paris Purity mine coals in Size Group 18 are 10 cents per ton lower, and except that the changes reflect the increases effected by the Order of August 28, 1942 in General Docket No. 21. The Examiner found that these changes were justified in order to effect the proper coordination between the prices of the coals of the various competing code members. In arriving at this conclusion, he took into consideration not only the evidence concerning mine conditions, operating and preparation methods, analyses, appearance, production, and market history, but also that concerning the size stability, friability, and slack content of the coals, including the results of drop shatter tests.

Paris Purity filed exceptions to the Report of the Examiner but no exceptions have been filed by the operators of the Group 1 mines. By letter, the operators of the Group 1 mines have requested disposition of the petition on the merits in so far as the relief recommended by the Examiner is applicable to the coals produced at their mines. Paris Purity, on the other hand, has indicated by letter that it would not object to the issuance of such an order, nor to dismissal of the entire proceeding, but it does object to a revision of prices for coals produced at its mine without affording it an opportunity to present oral argument to the Director, its application for oral argument having been previously granted.

Although a motion for severance of that portion of the docket relating to price changes for coals produced at the Group 1 mines was denied by me July 6, 1943, the case has assumed a new complexion by reason of the fact that it now appears that the Bituminous Coal Act of 1937 will expire (save as provided in section 19 of the Act) August 24, 1943.

Examination of the entire record in this proceeding leads me to believe that the Report of the Examiner, in so far as it relates to prices for coals produced by the Group 1 mines, adequately and accurately reflects the evidence. To this extent, I believe that the proposed findings of fact and proposed conclusions of law of the Examiner should be adopted as the findings of fact and conclusions of law of the Director.

On the other hand, Paris Purity has vigorously attacked the conclusions and recommendations of the Examiner with respect to prices the Examiner found to be appropriate for the coals produced at Mine Index No. 511 of Paris Purity. It has filed voluminous exceptions which raise varied and complex questions of law and fact. Normally, oral argument would be heard and the entire proceeding decided at one time. In view of the approaching elapse of the statute, however, it is hardly feasible to schedule oral argument, permit the filing of appropriate briefs, and finally determine the issues raised by Paris Purity. Moreover, any order which might be entered would become inoperative after the Act expires. For these reasons it seems advisable to dismiss the petition in so far as it relates to Paris Purity Coal Company, effective midnight, August 23, 1943. This appears to be satisfactory to Paris Purity as well as the other group of mines involved, and will prejudice neither.

It is therefore ordered, That the proposed findings of fact and conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director in so far as they relate to the coals produced at Mine Index Nos. 2, 14, 34, 176, and 195.

It is further ordered, That § 334.5 (*Alphabetical list of code members*) and § 334.24 (*General prices for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and the Schedule of Effective Minimum Prices for District Nc. 14 for Truck Shipments are amended, effective fifteen (15) days from the date hereof, by establishing in lieu of the present price classifications and minimum prices for the coals of Mine Index Nos. 2, 14, 34, 176, and 195, in certain size groups, those set forth in Supplement R and Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the petition is dismissed effective midnight August 23, 1943, in so far as it relates to revisions of the classifications and minimum prices of the coals produced at Mine Index No. 511 of the Paris Purity Coal Company.

Date: July 24, 1943.

[SEAL] DAN H. WHEELER,
Director.

[1] The petition was amended at the hearing, on motion of petitioner, by eliminating the request for revision of the price classifications and minimum prices of the coals of a seventh mine, Mine Index No. 553 (Lewis Excelsior Mine) of the Lewis Excelsior Coal Company (T. E. Lewis).

[2] Mine names and code member names listed here vary, in several cases, from those listed in the petition. The designations listed conform with the current official records of the Division.

DISTRICT No. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR RAIL SHIPMENTS

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification, by size group for all uses except railroad locomotive fuel]

Code member	Mine index No.	Mine name	Prod. group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Boyd-Sicard Coal Co	14	Boyd No. 3	5	Excelsior, Ark	MV	15	---	---	---	D	---	E	E	E	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	J
Excelsior Thin Vein Coal Company, Inc.	34	Barr	5	Hackett, Ark	SL-SF	16	---	---	---	D	---	E	E	E	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	J
Harper, W. T. (Harper-Excelsior Coal Company).	195	Gary	5	Excelsior, Ark	MV	15	---	---	---	D	---	E	E	E	G	F	(*)	D	(*)	(*)	(*)	A	J
Peerless Coal Company, c/o W. H. Lewis.	176	Peerless #2	5	Excelsior, Ark	MV	15	---	---	---	D	---	E	E	E	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	J
Watson Excelsior Coal Co., c/o T. W. Watson.	2	Watson Excelsior	5	Hackett, Ark	SL-SF	16	---	---	---	D	---	E	E	E	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	J

* Previously classified for these size groups. No changes requested.

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Prices and size group Nos.																
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Boyd-Sicard Coal Co	14	Boyd No. 3	5	Sebastian	---	---	---	475	---	475	475	475	450	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	375
Excelsior Thin Vein Coal Company, Inc.	34	Barr	5	Sebastian	---	---	---	475	---	475	475	475	450	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	375
Harper, W. T. (Harper-Excelsior Coal Company).	195	Gary	5	Sebastian	---	---	---	475	---	475	475	475	450	400	385	(*)	230	(*)	(*)	(*)	215	375
Peerless Coal Company c/o W. H. Lewis.	176	Peerless #2	5	Sebastian	---	---	---	475	---	475	475	475	450	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	375
Watson Excelsior Coal Co. c/o T. W. Watson.	2	Watson Excelsior	5	Sebastian	---	---	---	475	---	475	475	475	460	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	375

*Previously priced for these size groups. No changes requested.

[F. R. Doc. 43-12564; Filed, August 3, 1943; 10:22 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 962—IRON AND STEEL

[Supplementary Order M-21-h as Amended August 4, 1943]

TOOL STEEL

§ 962.9 *Supplementary Order M-21-h*—(a) *Definitions.* For the purpose of this order:

(1) "Tool steel" means any steel to be used for the manufacture of tools for use in mechanical fixtures for cutting, shaping, forming, and blanking of material, either hot or cold, or for precision gauges. It is not deemed to include steel for use as shanks in the manufacture of tipped or welded tools or for hand tools such as chisels, pliers, screw drivers, wrenches, centering punches and nail-sets.

(2) "Alloy steel" means alloy steel as defined in paragraph (a) of Supplementary Order M-21-a.

(3) "High-speed steel" means alloy tool steel of either of the following classes:

(i) "Class A high-speed steel" means either alloy steel containing not less than .60% carbon and more than 3.0% molybdenum; or alloy steel containing not less than .60% carbon, 6.0% or less tungsten, and more than 3.0% molybdenum.

(ii) "Class B high-speed steel" means alloy steel containing not less than .55% carbon and more than 12.0% tungsten.

Other alloying elements may be present in the high-speed steels of either class, but steel not containing the elements named, in the amount specified, shall not be deemed high-speed steel.

(4) "Producer" means any person who melts tool steel.

(b) *Purchasers' statements.* In addition to any statement required by General Preference Order M-21, on and after May 1, 1943, every order placed with a producer for steel to be used for the manufacture of tools for use in mechanical fixtures for cutting, shaping, forming or blanking of material, either hot or cold, or for precision gauges, shall include the statement, "This is an order for 'tool steel' ", over the signature, either manual or as provided in Priorities Regulation No. 7, of a duly authorized official of the purchaser, which will constitute a representation to the producer and to the War Production Board that the steel ordered will be used only for one or more of the above purposes.

(c) *Producers' forms.* Each producer shall file monthly with the War Production Board, Ref.: M-21-h, melting schedules on form PD-440. The War Production Board may make such changes in any melting schedule as shall seem appropriate and may from time to time issue supplementary directions with regard to melting of tool steel.

(d) *Melting and deliveries of tool steel.* Except pursuant to specific authorization in writing by the War Production Board, tool steel shall be melted and delivered as follows:

(1) Each producer shall melt tool steel in accordance and only in accordance with such melting schedules as are approved by the War Production Board or such supplementary directions as may from time to time be issued by the War Production Board.

(2) Each producer shall deliver tool steel on an order and only on an order for which the melting has been specifically authorized or directed by the War Production Board.

(e) *Special instructions.* The War Production Board may from time to time issue directions as to facilities to be used in production and directions specifying as to any alloying element the quantities and proportions which may be used in making tool steel, and whether and in what proportions any such element is to be the metal, a ferroalloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) *Restrictions of deliveries under toll agreements.* Except pursuant to specific authorization in writing by the War Production Board, no person shall make or accept delivery under any toll agreement whereby one person melts tool steel for another person.

(g) *Melting and deliveries of high-speed steel.* Except pursuant to specific authorization in writing by the War Production Board

(1) No producer shall melt high-speed steel except within the limits below specified for the following elements:

(i) Class A high-speed steel:

Grade	C.	Cr.	W.	Mo.	V.	Co.
	Min.	Max.	Max.	Max.	Max.	
I	.60	4.5	6.0	5.0	1.6	0.0
Ic	.60	4.5	6.0	5.0	1.9	3.5 Min.
II	.60	4.5	1.8	8.75	1.2	0.0
IIc	.60	4.5	1.8	8.75	1.9	3.5 Min.
III	.60	4.5	------	8.75	1.9	0.0
IIIc	.60	4.5	------	8.75	1.9	3.5 Min.

(ii) Class B high-speed steel:

Grade	C.	Cr.	W.	Mo.	V.	Co.
	Min.	Max.	Max.		Max.	
IV	.55	4.5	19.0	0.0	1.10	0.0
IVc	.55	4.5	22.0	1.1 Max.	1.90	3.5 Min.

(2) No producer shall melt in any calendar quarter, Class B high-speed steel which will exceed, in the aggregate, by weight, 35% of the total high-speed steel melted by him in such quarter.

(3) No person shall place an order with a producer or any other person for Class B high-speed steel if Class A high-speed steel would reasonably fulfill his requirements.

(4) No person shall place with a producer, and no producer shall accept, in any calendar quarter orders for Class B high-speed steel which will exceed, in the aggregate, by weight, 35% of the total high-speed steel ordered by such person from such producer during such quarter. This provision does not apply to the placement of orders for high-speed steel with warehouses.

(5) No person shall accept from producers in any calendar quarter, deliveries of Class B high-speed steel which will exceed in the aggregate, by weight, 35% of the total deliveries of all high-speed steel made to him by all producers during such quarter. This provision does not apply to deliveries of high-speed steel by warehouses.

(6) Customers' orders for high-speed steel which are to be filled in whole or in part by the use of material, including ore, ferro alloys, and alloy-bearing scrap, furnished by such customers shall be subject to all the restrictions and provisions of this order.

(7) The foregoing provisions of this paragraph (g) do not authorize the purchase or acquisition of Class A high-speed steel for the purpose of obtaining complementary quantities of Class B high-speed steel when the Class A high-speed steel being purchased or acquired will not be put into productive use within the time limits allowable by applicable War Production Board inventory regulations.

(h) *Exceptions to restrictions on deliveries of high-speed steel.* The provisions of paragraphs (g) (4) and (5) with respect to maximum permitted purchases and deliveries of Class B high-speed steel shall not apply to:

(1) Deliveries of high-speed steel to any person whose total receipts of high-speed steel from all producers does not exceed 100 lbs. per calendar quarter.

(2) Deliveries of high-speed steel to any person whose total receipts of high-speed steel from any producer in any calendar quarter balance within 5%, by weight, or 500 lbs., whichever is the lesser, of the permissive ratio of Class B high-speed steel to total high-speed steel.

(i) *Melting and deliveries of Class A high-speed steel.* Except pursuant to specific authorization in writing by the War Production Board:

(1) On and after December 1, 1942, no producer shall melt during any calendar month Class A high-speed steel, grades II and III, in excess of 30% of the monthly average tonnage of such Class A high-speed steel melted by him during the second calendar quarter of 1942.

(2) On and after January 1, 1943, no person shall accept for delivery from a producer during any calendar quarter Class A high-speed steel, grades II and III, in excess of 35% of the amount of such Class A high-speed steel received by him during the second calendar quarter of 1942.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington 25, D. C.; Ref.: M-21-h.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12638; Filed, August 4, 1943; 11:16 a. m.]

PART 962—IRON AND STEEL

[Direction 1 to Supplementary Order M-21-h]

USE OF VANADIUM IN MELTING ALLOY TOOL STEELS

The following Direction 1 is issued pursuant to Supplementary Order M-21-h.

Except pursuant to specific authorization or direction of the War Production Board, no producer shall use vanadium in the melting of alloy tool steel except within the limits below specified:

Grades I-IVc, High speed steel: In accordance with paragraph (g) of Order M-21-h.

Grade V, Hot work steels:

C	Mn	Si	Cr	W	Mo	V
.25/.55	.15/.45	.15/.45	3.50/4.50	16.00/18.00		.30/.40
.25/.55	.15/.45	.15/.45	2.50/4.50	13.00/15.00		.30/.40
.25/.55	.15/.45	.15/.45	2.50/4.50	10.00/12.00		.30/.40
.25/.55	.15/.45	.15/.45	2.50/4.50	7.50/9.50		.30/.40
.30/.45	.20/.75	.80/1.35	4.50/6.00		1.00/1.50	.30/.40

Grade VI, High chrome die steels; No vanadium permissible.

Grade VII, All other alloy tool steels:

1.00/1.30	.15/.40	.10/.45	.25/.80	1.00/1.50	/.30 max.	.15/.25
.60/1.35	.10/.45	.10/.45				.15/.25
.45/.70	.30/1.20	.70/2.25	/.50 max.		/.50 max.	.15/.25
.40/1.00	.20/.90	.15/.55	.60/1.10			.15/.25

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12639; Filed, August 4, 1943; 11:16 a. m.]

PART 1010—SUSPENSION ORDER

[Suspension Order S–301]

B. SIMON HARDWARE CO. ORDER FOR STAY OF EXECUTION

§ 1010.301 *Stay of execution of Suspension Order S–301.* (a) The provisions of the Suspension Order S–301 shall be stayed and shall be of no force or effect until further order of the War Production Board.

Issued this 3rd day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12637; Filed, August 4, 1943; 11:21 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–395]

BECK ENGINEERING COMBUSTION KOMPANY

Vernon S. Beck is engaged in business as a manufacturer and fabricator of furnaces under the firm name of Beck Engineering Combustion Kompany, 3033 Spruce Street, St. Louis, Mo. During the fourth quarter of 1942 he extended ratings to obtain deliveries and accepted deliveries of over 40 tons of carbon steel in excess of quantities authorized on his PD–25–A certificate. This was in violation of Priorities Regulation No. 11. In January and February, 1943, he put into production and completed six furnaces without having obtained approval from the War Production Board in violation of Limitation Order L–22–A. Vernon S. Beck had knowledge of Priorities Regulation No. 11 and of Limitation Order L–22–A and the aforesaid violations were wilful.

These violations of Limitation Order L–22–A and of Priorities Regulation No. 11 have hampered and impeded the war effort of the United States. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.395 *Suspension order No. S–395.* (a) Deliveries of material to Vernon S. Beck, individually, or doing business as Beck Engineering Combustion Kompany, or otherwise, his or its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to Vernon S. Beck, individually, or doing business as Beck Engineering Combustion Kompany, or otherwise, his or its successors or assigns, of any material or product, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall prevent deliveries of materials made pursuant to allotment or preference rating assigned by CMPL–150 issued May 20, 1943 and CMPL–200 issued June 4, 1943.

(d) Nothing contained in this order shall be deemed to relieve Vernon S. Beck, individually, or doing business as Beck Engineering Company, or otherwise, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions of this order.

(e) This order shall take effect on August 4, 1943, and shall expire on September 30, 1943.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12640; Filed, August 4, 1943; 11:17 a. m.]

PART 1227—AROMATIC PETROLEUM SOLVENTS

[Allocation Order M–150 as Amended August 4, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of aromatic petroleum solvents for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1227.1 *Allocation Order M–150*—(a) *Definitions.* For the purposes of this order:

(1) "Aromatic petroleum solvents" means solvents or naphthas of petroleum origin, other than benzol and toluol, containing more than 30% by volume of aromatic hydrocarbons as determined by the analytical procedure described as "Proximate Analysis of Hydrocarbon Thinners" published in the Scientific Section Circular No. 568 of the National Paint, Varnish and Lacquer Association, November, 1938, pages 381–388, and having A. S. T. M. 50% distillation point lower than 330° F.

Such term also includes all grades of xylol, regardless of whether derived from petroleum, coal tar or other sources, and includes high-flash naphtha as defined in the next paragraph.

(2) "High-flash naphtha" means water white coal tar solvent naphtha, refined from coke oven light oil, coal tar distillate, drip oils or holder oils.

(3) "Producer" means any person engaged in the production of aromatic petroleum solvents and includes any person who has such materials produced for him pursuant to toll agreement.

(4) "Distributor" means any person who purchases or has purchased aromatic petroleum solvents for resale, excluding, however, any person who sells aromatic petroleum solvents only in containers of capacities of sixty (60) gallons or less.

(b) *Restrictions on use and delivery of aromatic petroleum solvents.* (1) No producer or distributor shall deliver aromatic petroleum solvents other than high-flash naphtha at any time, or high-flash naphtha on and after September 1, 1943, and no person shall accept such delivery, except as specifically authorized in writing by the War Production Board upon application pursuant to paragraph (f).

(2) No person, including a producer or distributor, shall use aromatic petroleum solvents other than high-flash naphtha at any time or high-flash naphtha on and after September 1, 1943, except as specifically authorized in writing by the War Production Board upon application pursuant to paragraph (f).

(3) Each person accepting delivery of any aromatic petroleum solvent pursuant to specific authorization of the War Production Board shall use such aromatic petroleum solvent only for the purposes specified in such authorization.

(4) Each person affected by this order shall comply with such directions as may be given from time to time by the War Production Board, with respect to the use or delivery by such person of any aromatic petroleum solvent.

(c) *Small order exemptions.* Notwithstanding the provisions of paragraphs (b) (1) and (2):

(1) Any person may, without specific authorization, accept delivery from all suppliers, and use for any purpose, 60 gallons or less of aromatic petroleum solvents in any calendar month.

(2) Any person may, without specific authorization, accept delivery of 550 gallons or less of aromatic petroleum solvents other than high-flash naphtha, including quantities received pursuant to paragraph (c) (1) above, from all suppliers during any calendar month, and may use these solvents only as follows:

(i) Toluene range aromatic petroleum solvents only for barrage balloon cloth treatment, aircraft finishes, synthetic rubber manufacture and processing, or impregnation of wire and cable coatings.

(ii) Aromatic petroleum solvents other than toluene range solvents only for the uses listed in Schedule A annexed hereto.

(3) Authorization by the War Production Board is required for any producer or distributor to make such small order deliveries, upon application pursuant to paragraph (f) requesting an aggregate quantity of aromatic petroleum solvents for small orders.

(d) *Special exemption.* The restrictions provided for in paragraph (b) (1) hereof shall not apply to, and the specific authorization provided for in paragraph (b) (2) hereof, shall not be required with respect to, delivery to, or acceptance of delivery or use by, any person of any intermediate fraction for the manufacture of any aromatic petroleum solvents.

(e) *Production of aromatic petroleum solvents.* Each producer shall comply with such directions as may be given from time to time by the War Production Board with respect to the production of any aromatic petroleum solvent.

(f) *Applications and reports.* (1) The following instructions for filling out Forms WPB 2945 (formerly PD–600) and WPB 2946 (formerly PD–601) are intended to clarify but not to alter the practice previously followed in allocations under this order.

(2) Each person seeking authorization to use or accept delivery of aromatic petroleum solvents shall file application on Form WPB 2945 (formerly PD–600) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB 2945. Copies of Form WPB 2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

Time. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 10th day of the month preceding the month for which authorization to use or accept delivery is requested, if the supplier is a producer, on or before the 5th day if the supplier is a distributor.

Number of copies. Five copies shall be prepared, of which one shall be retained by the applicant, one (with Tables II, III and IV left blank) shall be forwarded to the supplier, and three completely filled out certified copies shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Reference M–150.

Number of sets. A separate set of WPB 2945 (formerly PD–600) application blanks shall be submitted for each supplier, and for each plant of the applicant.

Heading. Under name of chemical specify aromatic petroleum solvents; under War Production Board order number, specify M–150; under unit of measure, specify gallons; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for acceptance of delivery or use is requested.

Column 1. Specify trade name and number or letter, except in the case of xylol, in which case specify "xyol" and the degrees of range or other common identification.

Column 2. Specify gallons of aromatic petroleum solvents requested for each primary product and product use specified in Columns 3 and 4.

Column 3. Fill in as follows:

Paint, varnish, lacquer.
Flameproof composition.
Natural and synthetic rubber solution.
General solvents.
Dyestuffs.
Intermediates.
Other organic chemical.
Other (specify).
Resale (in original form).
Export (in original form).
Inventory (in original form).

Column 4. Opposite each primary product listed in Column 3, specify in Column 4 the product end use and governing military or Lend-Lease contract or specification number, if any. In describing end use the applicant may be guided by end use lists issued by the Chemicals Division for the guidance of protective coating manufacturers.

Opposite "Resale" or "Inventory" in Column 3, write in Column 4 "subject to further authorization", or specify "deliveries exclusively in containers of 60 gallons or less".

Opposite "Export" in Column 3, specify in Column 4 the name of the individual company or governmental agency to whom or for whose account the solvents will be exported, the country of destination and governing export license or contract numbers, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated for each grade or solvent listed in Column 1 of the application.

Table III. Fill in as indicated.

Table IV. Leave blank.

(3) Each producer and distributor shall apply for authorization to make deliveries of aromatic petroleum solvents on Form WPB 2946 (formerly PD–601) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB 2946. Copies of Form WPB 2946 (formerly PD–601) may be obtained at local field offices of the War Production Board.

Time. Application shall be made in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to make delivery is sought.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three certified copies shall be forwarded to the War Production Board, Washington, D. C., Reference M–150.

Number of sets. A separate set of forms shall be filed for each plant or distribution point.

A separate set of forms shall be submitted for each type of solvent.

Heading. Under name of chemical, specify type of aromatic petroleum solvent; under War Production Board order number, specify M–150; specify allocation month; under unit of measure, specify gallons; and otherwise fill in as indicated.

Columns 1, 2, 3, 4 and 5. Fill in as indicated Each customer who has filed Form WPB 2945 (formerly PD–600) with the producer or distributor (including the producer himself if he consumes part of his own production) shall be listed in Column 1. Column 5 is optional. At the end of the list of customers, application may be made for aggregate small order deliveries pursuant to paragraph (c) (4).

Columns 5a, 6 and 7. Leave blank, except for remarks, if any, in Column 7.

Rolling stock requirements. The columns relating to number of hopper cars and tank cars required may be left blank.

Table II. Fill in as indicated for each grade of solvent listed in Column 3, and leave Column 16 blank.

(4) The War Production Board may require any person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to filing Form WPB 2945 (formerly PD–600) and Form WPB 2946 (formerly PD–601). Form WPB 2945 and Form WPB 2946 have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Allocations for inventory.* Aromatic petroleum solvents allocated for inventory shall not be used for any purpose, except as specifically directed by the War Production Board or except to fill orders for authorized uses pending arrival of the solvent allocated to fill such orders. Upon arrival of such solvents, the allocated inventory shall be restored.

(h) *Notification of customers.* Each producer and distributor is requested to notify each of his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of aromatic petroleum solvents, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provisions of this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Reference: M–150.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

A. Military:
1. All arms and weapons.
2. Firing control equipment.
3. Ammunition and ammunition boxes.
4. Pyrotechnics.
5. Tanks, jeeps, peeps and parts.
6. Paulins and engine covers.
7. Camouflage paint.
8. Chemical resistant finishes for arsenals.
9. Fort, barrack, arsenal, camp, cantonment, & Navy yard finishes.
10. Special naval cable.
11. Special electronic equipment.
12. Signal corps equipment.
13. Canteen and blitz cans.

B. Aircraft:
Finishes for aircraft and aircraft parts.

C. Transportation:
1. Ships and vessels, construction and maintenance and parts.
2. Barges.
3. Plywood watercraft.
4. Dry docks.
5. Buoys.
6. Hawsers (cables).
7. Life preservers and jackets.
8. Motors, engines, and generators.
9. Railway equipment parts, and maintenance (other than freight cars).
10. Railroad military cars.
11. Ambulances.
12. Trucks.
13. Automobiles.
14. Trailers.
15. Motorcycles, bicycles and other vehicles.
16. Brake shoes and linings.

D. Communications and utilities:
1. Searchlights.
2. Military lanterns and flashlights.
3. Light bulbs.
4. Cable core.
5. Cable and wire insulation.
6. Bonding mica for insulation.
7. Electric motors and generating equipment.
8. Batteries.
9. Battery cables.
10. Radio cabinets and boxes (military only).
11. Radio tubes.
12. Other radio parts (military only).
13. Antenna masts.
14. Telephone & Telegraph equipment.
15. Gas, power & light plant operations equipment.
16. Central heating plant operational equipment.
17. Water supply plant operational equipment.
18. Water tanks.

E. Textiles and textile treating:
1. Tent proofing.
2. Flame proofing (other than tentage).
3. Gas proofing.
4. Mildew proofing.
5. Water proofing.
6. Wind proofing.
7. Insect cloth.
8. Chevron cloth.
9. Fluorescent coating.
10. Wool pile adhesive.
11. Wool scouring, other than dry cleaning.
12. Leather finishes.

F. Clothing:
1. Shoe parts (Shoe adhesives, combining shoe fabrics, shoe uppers, house slipper uppers, platform binding and heel covers, high heel covers, shoe linings, sock lining on paper heel pads, sock lining on fabric heel pads, innersole binding, house slipper soling).
2. Flying boots.
3. Gas resistant clothing (including leggings and footwear).
4. Flame-proof clothing (including leggings and footwear).
5. Foul weather clothing (including leggings and footwear).
6. Raincoats.
7. Gas masks.
8. Helmets.
9. Helmet liners.
10. Waterproof hat and cap covers.
11. Uniforms.
12. Insignia

G. Health safety and scientific uses:
1. X-Ray equipment.
2. Pill and tablet coatings.
3. Sutures.
4. Pharmaceutical, medical and surgical supplies (specify).
5. Surgical adhesive tape and plasters.
6. Collodion.
7. Surgical and medical equipment.
8. Surgical and medical instruments.
9. Scientific and precision instruments.

H. Photography:
1. Photographic equipment.
2. Photographic supplies.

I. Printing, publishing and engraving:
1. Gravure ink.
2. Aniline inks.

J. Containers and packaging:
1. Food packaging (containers, closures and linings).
2. Gasoline and water drums.
3. Cellophane.
4. Capsules.
5. Seam sealing of containers.
6. Heat sealing compound.

K. Chemical uses:
1. Vitamin synthesis.
2. De-hydrating agents.
3. Synthetic rubber.
4. Dyestuff and intermediates.
5. Rust preventatives.
6. Alkyd resins (mfgr. only).

L. Industrial operations and equipment:
1. Hoists, cranes, derricks and conveyors.
2. Stationary motors.
3. Elevator equipment.
4. Oil refinery equipment (petroleum equipment operations).
5. Plating and chemical equipment.
6. Textile machinery.
7. Industrial adhesives.
8. Machine tools.
9. Power and transmission equipment.

[F. R. Doc. 43-12642; Filed, August 4, 1943; 11:16 a. m.]

PART 3119—REAGENT CHEMICALS

[Supplementary Order P-135-a]

§ 3119.2 *Supplementary Order P-135-a*—(a) *What this order does.* This order provides a standard form of certification for laboratories ordering reagent chemicals for analysis, testing, control, educational or research purposes.

This order also provides that each laboratory shall be entitled to the full small order exemption of each WPB chemicals order.

(b) *Form of certification under small order exemptions.* Laboratories and laboratory suppliers ordering reagent chemicals under the small order exemption provided by any WPB chemicals order, may use this form of certification:

Pursuant to Order P-135-a, the undersigned represents to the seller and to the War Production Board that the reagent chemicals called for by this purchase order will be used, or resold for use, in a laboratory for one or more of the following purposes: Analysis, testing, control, educational or research. This purchase order is placed in accordance with the small order exemption(s) provided by the applicable WPB order(s).

(Name of purchaser)

By ---
(Signature and title of duly authorized official)

(c) *Form of end use certificate.* Laboratories and laboratory suppliers ordering reagent chemicals may use the following form of certificate in any case in which a WPB chemicals order requires a certificate of end use as a basis for allocation:

Pursuant to Order P-135-a, the undersigned represents to the seller and to the War Production Board that the reagent chemicals called for by this order will be used, or resold for use, in a laboratory for one or more of the following purposes: Analysis, testing, control, educational or research.

(Name of purchaser)

By ---
(Signature and title of duly authorized official)

Attention is drawn to the fact that the above end use certificate is the same as the small order certificate with the last sentence struck out.

(d) *Optional use of certificate.* The above standard certificate is optional. The certificate specified in the applicable WPB chemicals order may be used instead, and it is not necessary to use any certificate if the applicable WPB chemicals order does not require a certificate.

(e) *When the certificate may not be used.* The above certificate may not be used:

(1) In place of any certificate required to apply or extend preference ratings or allotment numbers or symbols.

(2) In place of a WPB-2945 (formerly PD-600) application form or any similar form.

(3) In any case where the applicable WPB order expressly prohibits use of the chemical except for one or more purposes which are specified in the WPB order, and where the WPB order requires that purchase orders carry a certificate specifying one of the permitted uses; for example, the Quinine Order, M-131.

(f) *Separate small order exemptions for laboratories.* Each laboratory shall be considered a separate person for the purpose of the small order exemption provisions of WPB chemicals orders, and therefore shall be entitled to the full exemption provided by each order.

(g) *Communications to the War Production Board.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: P-135-a.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12641; Filed, August 4, 1943; 11:17 a. m.]

PART 3171—COMMERCIAL DISHWASHERS

[Limitation Order L-248 as Amended August 4, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3171.1 *General Limitation Order L-248*—(a) *Definitions.* For the purposes of this order:

(1) "Commercial dishwasher" means any mechanical device designed for washing dishes, cutlery, glassware or kitchen utensils in establishments where food is prepared for consumption or sale on the premises. The term does not include dishwashers designed for domestic use.

(2) "Ultimate consumer" means any person who uses a commercial dishwasher for washing dishes, cutlery, glassware and kitchen utensils.

(3) "New commercial dishwasher" means any commercial dishwasher which has never been used by an ultimate consumer.

(4) "Used commercial dishwasher" means any commercial dishwasher which has been used by an ultimate consumer.

(5) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. It shall include alloy metal produced from scrap.

(b) *Restrictions on manufacture.* No manufacturer of commercial dishwashers shall put into process in the manufacture of such dishwashers, including finished units and parts thereof, during any calendar quarter, a weight of metal in excess of six and one quarter percent (6¼%) of the weight of metal put into process in the manufacture of finished commercial dishwashers by him during the calendar year 1941 except that in addition to the quotas set forth in this paragraph any manufacturer may put any weight of metal into process in the manufacture of any such dishwashers for delivery to or for the account of the Army, the Navy, the Maritime Commission, or the War Shipping Administration of the United States.

(c) *Restrictions on delivery.* Regardless of the terms of any contract, sale, other commitment or any preference rating, no person shall make or accept physical delivery of any new or used commercial dishwashers except that:

(1) Any person may make or accept physical delivery of any such dishwasher on a specific contract or subcontract for delivery to or for the account of the Army, the Navy, the Maritime Commission, or the War Shipping Administration of the United States;

(2) Any person may make or accept physical delivery of any such dishwasher pursuant to specific authorization of the War Production Board on Form WPB-1529 (formerly PD-638A). Applications under this order and Order L-182 may be made on a single Form WPB-1529 (formerly PD-638A);

(3) Any manufacturer may make physical delivery of any such dishwasher to any dealer or distributor of such dishwashers, or to any ultimate consumer, from whom he has received a written order or contract which bears a certification substantially as follows signed by an authorized official, either manually or as provided in Priorities Regulation No. 7; and any such dealer, distributor or ultimate consumer may accept such delivery:

I certify that I have received specific authority from the War Production Board to accept delivery of the equipment listed hereon; that I have knowledge of and am in compliance with Limitation Orders L-182 and/or L-248; and, further, that authorization was received by me on the following Form(s) WPB-1529 (formerly PD-638A):

(List number or numbers)

Firm Name

Signature & Title of Officer

Such certification shall constitute a representation to the War Production Board, as well as to the manufacturer of the facts certified therein.

No manufacturer shall make delivery under this order who has reason to believe that the purchaser has furnished a false certification; and no person shall falsely furnish the certification specified above.

Any manufacturer may rely upon the facts furnished in the above mentioned certification and shall not be responsible for any action taken by him under this order in reliance upon inaccurate or untrue statements therein, unless he has reason to believe that such statements are inaccurate or untrue;

(4) Any ultimate consumer may make physical delivery of any such dishwasher to any manufacturer, dealer or distributor of such dishwashers; and such manufacturer, dealer, or distributor may accept such delivery;

(5) Any such dishwasher actually in transit on March 2, 1943, may be delivered to its immediate destination; and

(6) Any such dishwasher manufactured in accordance with an appeal granted prior to March 2, 1943, may be physically delivered to the person specified in the appeal, and such person may accept delivery of such dishwasher.

(d) *Delivery of repair and replacement parts.* Nothing in this order shall prevent the delivery of repair or replacement parts for commercial dishwashers.

(e) *Simplified practices.* No person shall manufacture, fabricate or assemble any commercial dishwasher designed for washing cutlery, glassware or kitchen utensils exclusively. No person shall manufacture, fabricate or assemble any other type of commercial dishwasher except in accordance with the specifications and practices given below in this paragraph. However, this paragraph does not revoke or modify the terms of any appeal granted under this order.

(1)

Minimum capacity (dishes per hour)	Maximum content exclusive of motor, switches and wiring (pounds)		Maximum motor size (h. p.)
	Iron and steel	Copper base alloy	
1,500	600	18	¾
3,500	900	22	2
5,000	1,150	35	3

NOTE: Center column heading of Table amended August 4, 1943.

(2) Body (hood and tanks) shall be manufactured of not heavier than 14 gauge black iron or 14 gauge galvanized iron.

(3) No thermostatic controls shall be used.

(4) Spray pipes, feed pipes, and other piping shall be galvanized iron.

(5) To the extent that copper base alloy castings are permitted by this order, the alloy shall be of a type and grade in the production of which the use of refined copper or refined tin is not necessary.

(6) No metal other than iron, steel or copper base alloy shall be used, except zinc for coating or spraying, and metal necessary for assembling or installing.

(f) *Exceptions from simplified practices.* None of the restrictions in paragraph (e) shall apply to commercial dishwashers manufactured to specifications of the Army, Navy, Maritime Commission or War Shipping Administration of the United States for use on ships.

(g) *Reports.* Every manufacturer, dealer and distributor of any commercial dishwasher shall execute and file with the War Production Board on or before the tenth day of each calendar quarter a report on Form WPB-1509 (formerly PD-638), which may be obtained from the nearest field office of the War Production Board. Reports under this order and order L-182 may be made on a single Form WPB-1509 (formerly PD-638).

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of all the priorities regulations of the War Production Board, as amended from time to time.

(i) *Applicability of other orders.* Insofar as any other order issued, or to be issued hereafter, limits the production or delivery of commercial dishwashers to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating the grounds of the appeal.

(k) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington (25), D. C., Ref: L-248.

(l) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing and using, materials under priority control and may be deprived of priorities assistance.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

Paragraph (c) (1) of General Limitation Order L-248 (Commercial Dishwashers) reads as follows:

(1) Any person may make or accept physical delivery of any such dishwasher on a specific contract or subcontract for delivery to or for the account of the Army, the Navy, the Maritime Commission, or the War Shipping Administration of the United States;

Question has been raised as to whether purchase by the Army Pre-Flight Training Schools is within the exception stated in this subparagraph or whether such schools desiring to purchase this equipment must apply on Form WPB 1529, formerly Form PD-638A for authorization.

The exception referred to applies only to specific contracts or subcontracts for deliveries to or for the account of the agencies named. It does not include equipment which will be owned by the training schools and not by the Army, even though it is intended

that the equipment will for the present be used solely for the benefit of the personnel assigned to the school. Such a delivery is not made on a specific contract or subcontract for delivery to or for the account of the Army within the meaning of the provision quoted above. Accordingly, any training school desiring to purchase this equipment under these circumstances must apply on Form WPB 1529 formerly Form PD–638A for authorization. (Issued April 24, 1943.)

[F. R. Doc. 43–12643, Filed, August 4, 1943; 11:16 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Amdt. 2 to CMP Reg. 1 as Amended May 28, 1943]

Section 3175.1 (t) (3) (iv) of CMP Regulation No. 1 is hereby amended to read as follows:

(iv) A delivery to fill a sample order. Delivery of a sample order must be supported by the purchaser's certificate that the material covered by the order will be used by him for testing purposes only in connection with war production. On orders for steel (except stainless steel, tool steel and steel castings), the purchaser must also certify that the total amount received and on order for delivery within any calendar quarter does not exceed 1000 pounds of any composition nor a total of 3000 pounds of all compositions. On orders for other controlled materials (including stainless steel, tool steel and steel castings) the aggregate amount of any item delivered by any producer to any one purchaser in any one month shall not exceed 1 percent of the minimum mill quantity prescribed with respect to such item in Schedule IV of this regulation.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12644; Filed, August 4, 1943; 11:16 a. m.]

PART 3191—CIVILIAN AIRCRAFT

[Preference Rating Order P–47 as Amended August 4, 1943]

Limited Preference Rating Order P–47 is hereby amended to read as follows:

§ 3191.21 *General Preference Rating Order P–47*—(a) *Purpose and scope.* The purpose of this order is to provide persons operating civilian type aircraft with a uniform procedure for obtaining material for the operation of aircraft and aircraft facilities, both in the case of controlled materials obtained by use of allotment symbols under the Controlled Materials Plan, and in the case of materials or products, including components, obtained by preference ratings.

(b) *Definitions.* (1) "Aircraft facility" means any machinery, material, equipment, or structure, used in connection with the operation or shelter, or the maintenance or repair of aircraft.

(2) "Operator" means any individual, partnership, association, business trust, corporation, or any organized group of persons (whether incorporated or not), any air carrier holding a certificate of necessity from the Civil Aeronautics Board, any state or local governmental agency, any United States Governmental Agency, other than the Army or Navy of the United States, engaged in the operation of aircraft, or in the business of maintaining or repairing aircraft. Operator, as herein defined, may include foreign operators and domestic operators carrying on business outside of the United States.

(c) *Application for material.* Each operator may file Form WPB–1747 in accordance with the instructions accompanying the form, for the material, parts and products required for operation of aircraft and aircraft facilities. The War Production Board may approve the acquisition of materials, parts, and products, and will assign preference ratings for approved materials other than controlled materials, will authorize the use of the allotment symbol MRO (P–47) for approved controlled materials, and will assign a serial number on the form.

(d) *Restrictions on the acquisition of materials.* No operator may apply ratings or use any allotment symbol to acquire any material, parts or products in excess of the amounts approved, or at a time other than that specified in the approval.

(e) *Acquisition of materials.* Operators may obtain materials approved on Form WPB–1747 by placing on their purchase orders the following certification, (or the alternative form of certification provided in CMP Regulation No. 7) signed manually or as provided in Priorities Regulation No. 7:

MRO (P–47 Serial Number ——) [Insert Preference Rating]. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35(A) of the United States Criminal Code, that the items covered by this order are within the amounts approved by the War Production Board under Preference Rating Order P–47, and are to be used for a purpose so approved.

Name_____
By_____
Authorized official.
Date_____

A purchase order bearing this certification shall be deemed an authorized controlled material order for the purpose of all CMP Regulations.

(f) *Penalties for misrepresentation.* (1) The placing of any order bearing a certification or symbol, as provided by this order, shall constitute a representation, subject to the criminal penalties of section 35(A) of the United States Criminal Code (18 U. S. C. 80), that the person placing the order is entitled, under the terms of this order, to use of the symbol or preference rating indicated thereon.

(g) *Inventory restrictions.* No person shall receive any delivery if acceptance thereof would increase his inventory above a practicable working minimum, as provided in § 944.14 of Priorities Regulation No. 1, or would exceed the inventory limitations prescribed for such person by CMP Regulation No. 2, or by any other applicable regulation or order of the War Production Board.

(h) *Applicability of other orders and regulations.* (1) Nothing in this order shall be construed to relieve any person from complying with any applicable regulation or order of the War Production Board (including orders in the "E", "L", and "M" series) or with any order of any other competent authority.

(2) No operator may acquire material by use of any preference rating or allotment symbol assigned by any order in the "P" series except this order, by CMP Regulation No. 5 or No. 5A, or on Form PD–408.

(i) *Records.* Each person acquiring materials, parts, or products, pursuant to this order, shall keep and preserve for a period of not less than two years accurate and complete records of all such supplies so acquired and used, which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Communications.* All communications concerning this order should be addressed to: War Production Board, Washington 25, D. C., Ref. P–47.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12635; Filed, August 4, 1943; 11:16 a. m.]

PART 3281—PULP AND PAPER [1]

[General Conservation Order M–241 as amended August 4, 1943]

PAPER AND PAPERBOARD

Section 3096.1 *General Conservation Order M–241,* as amended July 14, 1943, is hereby amended to read as follows:

§ 3281.63 [1] *General Conservation Order M–241*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Produce" includes all operations involved in the manufacture of paper or paperboard in primary roll or sheet form, and only includes secondary operations when such operations are performed by an integral part of the paper machine (Yankee, Harper, Fourdrinier, Cylinder, or Wet Machine).

(c) *Restrictions on production of paper and paperboard.* Unless specifically authorized by the War Production Board, no person shall produce paper or paperboard on any machine which did not produce paper or paperboard in the period May 1, 1943 to July 15, 1943, inclusive.

(d) *Reserve production.* Each manufacturer of paper or paperboard shall reserve in the production schedule of each of his mills for the month of August 1943, and for each calendar month thereafter, time and supplies sufficient to produce and deliver within such month, at the order of the War Production Board 2% of such mill's potential production for the current calendar quarter. In general this should amount to approximately 6% of each month's production. The War Production Board may on or before the 15th day of any month direct any manufacturer to employ such reserve to produce any kind of paper or paperboard usually produced at such mill, and in any quantity thereof, not to exceed in the aggregate for any one month 2% of such mill's potential production for the current quarter, and sell and deliver the same within the month to any person named by the War Production Board. The manufacturer may refuse so to produce and deliver only for the reasons specified for the refusal of rated orders in § 944.2 (b) Priorities Regulation No. 1. If the manufacturer does not on or before the 15th day of any month receive from the War Production Board directions as to the disposition of such reserve (or has received directions as to the disposition of a part but not of the remainder) he may employ the same (or such remainder) as he may desire, consistent with the other provisions of this order.

(e) *Restrictions on inventory.* Unless specifically authorized by the War Production Board or excepted by paragraph (e) (4):

(1) *Consumers inventories.* (i) Prior to January 1, 1944, no person shall knowingly deliver to any person except a paper merchant and no person except a paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard (other than newsprint) if the inventory of such grade in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (*a*) in excess of two carloads or (*b*), if in excess of two carloads, greater than forty-five days' supply, on the basis of either his average rate of consuming such grade of paper or paperboard for the preceding quarter or his average rate of consuming such grade of paper or paperboard as projected for the then current quarter.

(ii) After January 1, 1944, no person shall knowingly deliver to any person except a paper merchant and no person except a paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard (other than newsprint) if the inventory of such grade in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (*a*) in excess of two carloads or (*b*), if in excess of two carloads, greater than thirty days' supply, on the basis of either his average rate of consuming such grade of paper or paperboard for the preceding quarter or his average rate of consuming such grade of paper or paperboard as projected for the then current quarter.

(2) *Merchants inventories.* (i) Prior to January 1, 1944, no person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of any quantity of any grade of paper or paperboard (other than newsprint) if the inventory of such grade in the hands of such paper merchant is, or will by virtue of such acceptance become, either (*a*) in excess of two carloads, or (*b*), if in excess of two carloads, greater than sixty days' supply, on the basis of either his average rate of distributing such grade of paper or paperboard for the preceding quarter or his average rate of distributing such grade of paper or paperboard as projected for the then current quarter.

(ii) After January 1, 1944, no person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of any quantity of any grade of paper or paperboard (other than newsprint) if the inventory of such grade in the hands of such paper merchant is, or will by virtue of such acceptance become, either (*a*) in excess of two carloads, or (*b*), if in excess of two carloads, greater than forty-five days' supply, on the basis of either his average rate of distributing such grade of paper or paperboard for the preceding quarter or his average rate of distributing such grade of paper or paperboard as projected for the then current quarter.

(3) *Mill Inventories.* No person shall produce at any mill any quantity of paper or paperboard, if his inventory at such mill is, or will by virtue of such production, become, in excess of (*a*) two carloads or (*b*), if in excess of two carloads, greater than sixty days' supply, on the basis of either the average rate of shipment of paper or paperboard from such mill for the preceding quarter or the average rate of shipment of paper or paperboard from such mill as projected for the then current quarter.

(4) *Item Inventories.* The term "grade of paper or paperboard" refers to the classification on United States Department of Commerce (Census) Form WPB–514, as revised February 24, 1943, each caption (except those which are further broken down by following captions) representing a separate grade. If a person's gross inventory of a grade is in excess of two carloads or the specific number of days supply as specified in (e) (1), (2), or (3), but his inventory of a particular item within that grade is less than thirty days' supply (or, in the case of a paper merchant, less than forty-five days' supply) he may accept delivery of or produce, and others may deliver to him, any quantity of such item as may be required to provide him with thirty days' supply (or in the case of a paper merchant forty-five days' supply). The restrictions of this paragraph (e) apply equally to paper and paperboard of foreign and domestic origin, and apply to intra company deliveries as defined in § 944.12 of Priorities Regulation No. 1. They do not, however, apply to those papers commonly reported on United States Department of Commerce (Census) Form WPB–514 as revised February 24, 1943 under the captions "Blueprint and similar base stock" (07610); "Photographic and other sensitizing stock" (07611); and "Cigarette" (08512), or to any paper or paperboard after it is printed or converted beyond waxing or coating.

(f) *Miscellaneous provisions*—(1) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(4) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of or from processing or using materials under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(6) *Communications.* All communications concerning this order shall unless otherwise directed be addressed to War Production Board, Pulp and Paper Division, Washington 25, D. C., Ref.: M–241.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12636; Filed, August 4, 1943; 11:16 a. m.]

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[1] Formerly part 3096, § 3096.1.

Chapter XI—Office of Price Administration

PART 1302—ALUMINUM

[MPR 2,[1] Amdt. 2]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 2 is amended in the following respects:

1. The provisos in paragraphs (a) and (b) of section 2, permitting contracts entered into prior to June 23, 1943 at prices in conformance with Revised Price

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8495, 8948.

Schedule No. 2, as amended, to be carried out at contract prices until July 23, 1943, are amended by extending the expiration date for the carrying out of such contracts to August 23, 1943.

2. The proviso in section 4 is amended to read as follows:

Provided, That any person may sell and deliver, or deliver secondary aluminum ingot until August 1, 1943, and may carry out until August 23, 1943 contracts entered into before August 1, 1943, at prices no higher than the maximum prices heretofore established for secondary aluminum ingot, so long as the quantity of secondary aluminum ingot delivered by such person at such prices between June 1, 1943 and August 23, 1943, inclusive, does not exceed the quantity of aluminum scrap and secondary aluminum ingot which such person had on hand in his plant at the close of business on May 31, 1943 and which he reported to the War Production Board on Form PD–272, plus the amount of scrap purchased under contract or other firm commitment prior to June 23, 1943, and which was not included on said inventory reported to the War Production Board on Form PD–272.

This amendment shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12619; Filed, August 3, 1943; 3:05 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 229,[1] Amdt. 7]

RETAIL AND WHOLESALE PRICES FOR VICTORY LINE WATERPROOF RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 229 is amended in the following respects:

1. Section 1315.1705b is added to read as follows:

§ 1315.1705b *Terms and conditions of sale.* (a) The maximum prices established by this regulation shall not be increased by any charges for the extension of credit unless (1) the seller during the period February 11 to September 29, 1941, required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities, and (2) the amount charged for the extension of credit is not in excess of the charge in effect during the period February 11 to September 29, 1941, for extension of credit involving the same amount and term.

(b) In the case of sales at wholesale a service charge of 5 cents a pair may be added to the maximum price on all orders of six pairs or less. However, the maximum prices established by this regulation shall not be increased by any other additional charges for services rendered to the purchaser by the seller unless (1) the seller during the period February 11 to September 29, 1941, required the payment of a separately stated additional charge for the rendition of services to purchasers of the same class, and (2) the amount charged for the rendition of services is not in excess of the charge in effect during the period February 11 to September 29, 1941, to purchasers of the same class for the rendition of the same or similar services.

2. Section 1315.1706a (b) is revoked.

3. Section 1315.1713 is amended by adding the following items to the table under the heading "Severe occupational".

Item	Sales at wholesale	Class I	Class II	Class III	Class IV	Class V
Men's black 10" no-lace mine pac	$3.30	$4.95	$4.69	$4.42	$4.19	$3.96
Men's black 10" no-lace mine pac, safety toe	3.60	5.40	5.11	4.82	4.57	4.32
Men's black 10" no-lace mine pac, steel toe	3.80	5.70	5.40	5.09	4.83	4.56

This amendment shall become effective Aug. 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12620; Filed, August 3, 1943; 3:07 p. m.]

PART 1316—COTTON TEXTILES

[MPR 11,[1] Amdt. 8]

FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 11 is amended in the following respects:

1. Section 1316.4 (d) Table I reference number AK10 is amended to read as follows:

AK10 40" 88 x 88 11.00 (Mule Spun Fill)---------- 20.50

2. Section 1316.4 (d) Table I reference number AO2 is amended by adding the following footnote.

AO2 [2a]

[2a] The maximum price for 37" 102 x 48 3.15 poplin on subcontracts entered into prior to July 3, 1943 under any prime contract with a war procurement agency is the maximum price in effect for the fabric on July 2, 1943.

3. Section 1316.4 (d) Table I reference number AV1 is amended by deleting the parenthetical phrase "(Ply Warp)".

4. Section 1316.4 (d) Table I reference number AZ1 is amended to read as follows:

AZ1 54" 70 x 216 1.24 (Combed-Ply Warp, Carded Fill)---------- 95.20

5. Section 1316.4 (d) Table I reference number BD8 under Printer's Blanket Fabric is added to read as follows:

BD8 42" 54 x 60 2.02 (Ply Yarn)------ 56.48

6. Section 1316.4 (d) Table I reference number BE1 is amended by adding after the numerals "1.93" the following parenthetical phrase: "(40/1 combed cotton yarn twisted with 20/1 carded spun rayon warp)".

7. Section 1316.4 (d) Table I reference number BE2 is amended by adding after the numerals "1.66" the following parenthetical phrase: "(40/1 combed cotton yarn twisted with 20/1 carded spun rayon warp)".

8. Section 1316.4 (d) Table I reference numbers BR1, BR2 and BR3 are amended to read as follows:

BR1 39"–40" 50 x 52 8.00 [4]---------- 14.57
BR2 45–1/2" 50 x 52 6.85 [4]---------- 16.94
BR3 49–1/2" 50 x 52 6.28 [4]---------- 17.75

[4] The maximum prices for the above insect nettings on contracts entered into prior to July 3, 1943, with a war procurement agency or on subcontracts entered into prior to July 3, 1943, under any prime contract with a war procurement agency are the maximum prices in effect for the respective fabrics on July 2, 1943.

9. Section 1316.4 (d) Table I reference numbers BT1 and BT2 are amended by adding after the title "madras" the following parenthetical phrase: "(Dobby Weave)".

10. Section 1316.4 (d) Table I reference number BT1, is amended to read as follows:

BT1 38" 92 x 88 4.62---------- 24.50

11. Section 1316.4 (d) Table I is amended by adding to the colored shirting and seersuckers group the following footnote:

Colored shirting and seersuckers [5]

[5] The maximum prices listed above for colored shirting and seersuckers are for plain weave single beam patterns with plain draw-in of not more than one color and greige in the warp, or pattern draw-in, of not more than two colors and greige in the warp, whichever is indicated, and in warp lengths of not less than 50 pieces.

For patterns or constructions of colored shirting and seersuckers varying from those for which maximum prices are established above, the maximum price shall be the maximum price for the nearest related pattern or construction listed in Table I adjusted in accordance with the premiums provided in paragraph (c) of this section and the following:

(A) Color or yarn changes:

For a substitution in the warp of a color, shade or greige for another color, shade or greige, or a substitution of one yarn size for another yarn size (the total change not to involve more than 12½% of the total count of warp ends); or for the addition of extra warp ends (colored and/or greige) for the purpose of producing pattern effects, (the total change not to exceed 5% of the total count of warp ends):

(1) Deduct from the maximum price of the listed construction the entire cost of its warp as calculated from the following table and to the result add the new warp cost calculated in accordance with the same table.

	40/1	50/1	60/1	40/2	40/3	40/4	50/2	60/2
Greige per 100 ends	.00210	.00195	.00173	.0042	.0063	.0084	.0039	.00346
Pastel 27¢ color per 100 ends	.00302	.00268	.00234	------	------	------	------	------
Medium 46¢ color per 100 ends	.00357	.00320	.00277	------	------	------	------	------
Dark 66¢ color per 100 ends	.00435	.00374	.00323	------	------	------	------	------

To determine the cost of each 100 ends of 40s, 50s or 60s colored ply yarns, use single yarn table for 40s, 50s and 60s respectively times the ply.

For any substitution involving a color of a cost other than the above listed costs, the warp cost shall be obtained by interpolation between or extrapolation from the costs listed above.

(B) Draw-in changes:

Where a listed pattern draw-in construction is converted to a plain draw-in construction deduct ½¢ per yard.

Where a listed plain draw-in construction is converted to a fancy draw-in construction, in addition to the premium provided in paragraph (c) of this section for fancy draw, add ⅛ of a cent per yard for each additional color, shade or equivalent in excess of two colors and greige. For the purposes of determining this premium tapes, ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as 1), reverse twist warp stripes, or any other novelty draw, shall each be considered the equivalent of a color or shade.

(C) Pickage changes:

For each pick (not exceeding 4 picks per inch) added to or omitted from a listed construction for the purpose of producing pattern effects add or subtract 0.15 cent per pick for greige filling yarns number 30 to 60, and 0.25 cent per pick for greige filling yarn number 60 and above.

(D) Short warps:

For short warps of any construction of colored shirting or seersucker subject to the maximum prices set in this regulation the following premiums may be added:

32 to 49 pieces to a warp, add 1¢ per yard
20 to 31 pieces to a warp, add 1¾¢ per yard
12 to 19 pieces to a warp, add 3¾¢ per yard

Where any one sale of a given pattern is for various size warps of different colors or shades with a resulting variation in the maximum prices for such warps the seller may, after computing the maximum price separately for each warp, determine and use as his maximum price for that sale a weighted average of such varying prices: *Provided*, That (1) The contract of sale or invoice shall contain the data from which the weighted average price is obtained; (2) Each delivery shall be accompanied by an invoice or similar document which shall either contain the information required by (1) above or make reference to the contract in which such information is set forth.

12. Section 1316.4 (d) Table I reference number KC16 is amended by deleting the maximum price "26.90" and inserting the maximum price "27.60" under the column headed "50% color, medium."

13. Section 1316.4 (d) Table I reference number KC17 is amended by deleting the maximum price "27.59" and inserting the maximum price "28.28" under the column headed "50% color, medium."

This amendment shall become effective on the 9th day of August, 1943.

(Pub. Laws 421 and 729 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12621; Filed, August 3, 1943; 3:06 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 118]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 88 is amended in the following respects:

1. Section 1340.159 (a) (2) is amended as follows:

(2) Where on October 1, 1941, there was for any given pool no posted purchase price, or more than one posted purchase price, the maximum price for a particular producer at the receiving tank for crude petroleum from such pool shall be the price paid for crude petroleum at any receiving tank of the same producer as of October 1, 1941 unless this price is below the lower or lowest of the posted purchase prices, if any, and in that case, the maximum price shall not be in excess of such lower or lowest posted purchase price: *Provided, however*, That a price paid pursuant to a contract in effect on October 1, 1941 and entered into prior to that date, shall not be considered in determining the maximum price for crude petroleum unless the contract price reflected current market conditions on or about October 1, 1941.

2. Section 1340.159 (a) (4) is amended to read as follows:

(4) Where the maximum price for any sale of crude petroleum at the receiving tank cannot be determined under (1) through (3) above, the seller or purchaser shall set a tentative price for the crude petroleum at the particular receiving tank or tanks which shall be in line with the maximum prices for comparable crude petroleum in the same general area. Within ten days after setting such a tentative price the seller or purchaser shall file with the Petroleum Branch of the Office of Price Administration, Washington, D. C., a written request for approval of such tentative price. The person filing such request, shall file in connection therewith a statement setting forth:

(i) Such tentative price,

(ii) An explanation as to why it is impossible to determine his maximum price under subparagraphs (1), (2) or (3) of this paragraph (a),

(iii) A description of the available transportation facilities, and a description of the gravity, characteristics and source of the crude petroleum in question.

Such tentative price shall be the maximum price for crude petroleum produced from the same pool until a substitute maximum price is set in writing by the Petroleum Branch of the Office of Price Administration, Washington, D. C. If a seller and purchaser have agreed upon a price for the sale of crude petroleum subject to the approval of the Office of Price Administration, a maximum price determined in accordance with this subparagraph (4) shall be effective retroactively to February 2, 1942 or the date of the agreement whichever is later.

3. Section 1340.159 (c) (1) (vii) (g) is added to read as follows:

(vii) The maximum price at the receiving tank for crude petroleum produced in the Woodsboro Field, Refugio County, Texas, and sold by owners of royalty interests shall be $1.35 flat per barrel.

4. Section 1340.159 (c) (1) (xiii) (*a*) is amended to read as follows:

(xiii) *Kentucky* (*a*). The maximum prices at the receiving tank for crude oil produced in the areas, in the State of Kentucky, designated below shall be:

Area:	*Price per 42 gallon barrel*
Big Sandy River (Somerset crude)	$1.43
Sebree Field, Webster County	1.37
Belton Field,, Muhlenberg County	1.37
Spottsville, Henderson County	1.37
Owensboro Area	1.37
Bowling Green Area	1.17
Butler County	1.32

Maximum prices established herein may be charged any purchaser who agreed on or prior to June 1, 1943 to pay a price determined in accordance with the disposition of a petition filed with the Office of Price Administration.

5. In § 1340.159 (c) (3) (xi) the words, "at seller's yard for deliveries in containers in quantities of 10 gallons or over," are corrected to read, "at seller's yard for deliveries in containers in quantities of 10 gallons or less."

6. In § 1340.159 (a) (5) (ii) the word "may" in the phrase, "the seller may establish a tentative differential for a sale of crude petroleum at such point," is corrected to "shall," and will now read, "the seller shall establish a tentative differential for a sale of crude petroleum at such point."

This amendment shall become effective August 9, 1943.

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[1] 7 F.R. 7740, 7738, 8701, 8936, 10289, 10844, 8 F.R. 8843.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 361, 2206, 4628, 4725, 5477, 8065, 8615, 8937.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12616; Filed, August 3, 1943; 3:04 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 259,[1] Amdt. 2]

DOMESTIC MALT BEVERAGES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 259 is amended in the following respects:

1. Section 1420.66 (h) is amended to read as follows:

(h) If the seller's maximum price for a domestic malt beverage to be priced cannot be determined under any of the above paragraphs of this section, the seller's maximum price for a domestic malt beverage shall be:

(1) *For manufacturers.* (i) The maximum price established by the manufacturer under the provisions of this regulation for the similar domestic malt beverage most nearly like it, for sales to purchasers of the same class: *Provided,* That if the maximum price established under this regulation for the manufacturer's similar domestic malt beverage most nearly like the domestic malt beverage to be priced, does not include the increases, or any part thereof, permitted under § 1420.66 (a) and (c), the maximum price established under this paragraph may include such permitted increases or part thereof.

(ii) If the manufacturer's maximum price cannot be determined under (i), he shall apply to the Office of Price Administration for authorization to determine his maximum price in accordance with the maximum price established under this regulation by his most closely competitive seller of the same class for the similar domestic malt beverage most nearly like it, for sales to purchasers of the same class: *Provided,* That if the maximum price established by the most closely competitive seller of the same class for his domestic malt beverage most nearly like the domestic malt beverage to be priced, does not include the increases, or any part thereof, permitted under § 1420.66 (a) and (c), the maximum price established under this paragraph may include such permitted increases or parts thereof.

(a) *Form and contents of application.* The application shall be in writing, signed by the manufacturer or his authorized agent and sent to the Office of Price Administration, Beverage Section, Washington, D. C., by registered mail. It shall contain information presented in the following way:

1. Brand name and description of item to be priced _____

_____

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8950, 9495, 9621.

2. Maximum price which applicant seeks to establish for new item _____ per (specify unit) _____

3. For all other domestic malt beverages manufactured and sold by applicant, give: Brand name and description _____

_____

Total raw material costs _____ per (same unit as given in 2) _____ Maximum price _____ per (same unit as given in 2) _____

4. For most closely competitive seller's similar item, give: Brand name and description _____

_____

Maximum price _____ per (same as unit as given in 2) _____

5. Explanation of reasons applicant is unable to establish maximum price for new item according to maximum price of any of his own brands.

(b) *Approval of or objection to application.* If within 30 days after receipt of the application by the Office of Price Administration, the manufacturer shall not receive notice of objection to the maximum price proposed in the application by letter from the Office of Price Administration, he shall be deemed authorized to establish such maximum price for sales of the item: *Provided,* That if within the 30-day period the Office of Price Administration shall by letter request supplemental information with respect to any matter set forth in the application, that period shall be figured from the date on which the requested supplemental information is received in writing by the Office of Price Administration. The authority so granted may be revoked at any time by the Price Administrator. Upon written request of the manufacturer received by the Office of Price Administration within 30 days after the date of a notice of objection given under this paragraph, the Office of Price Administration will issue a formal order denying authority to establish the maximum price requested in his application.

(c) *New products priced since March 31, 1942 and prior to August 9, 1943.* A manufacturer who since March 31, 1942 and prior to August 9, 1943 has established a maximum price for a domestic malt beverage newly produced by him, according to the maximum price of a competitor's similar item, shall within 30 days after the latter date apply to the Office of Price Administration for authorization to use the established price, in the manner prescribed under (a) and subject to the method of approval or objection prescribed under (b): *Provided,* That with respect to a domestic malt beverage for which an application is required to be filed pursuant to this paragraph, the manufacturer may not sell or deliver such item after August 8, 1943 until a maximum price is authorized under this paragraph, except under an agreement with the purchaser to adjust the selling price to a figure not higher than the maximum price which is later authorized under this paragraph. The maximum prices authorized under this paragraph may be revoked or amended at any time.

(2) *For wholesalers and retailers.* (i) The maximum price established by the wholesaler or retailer under the provisions of this regulation for the similar domestic malt beverage most nearly like it, for sales to purchasers of the same class: *Provided,* That if the maximum price established under this regulation for the wholesaler's or retailer's similar domestic malt beverage most nearly like the domestic malt beverage to be priced, does not include the increases, or any part thereof, permitted under § 1420.66 (a), (b) and (c), the maximum price established under this paragraph may include such permitted increases or part thereof.

(ii) If the wholesaler's or retailer's maximum price cannot be determined under (i), the maximum price established by the most closely competitive seller of the same class for (a) the same domestic malt beverage, or, if the same domestic malt beverage is not sold or offered for sale, then (b) the similar domestic malt beverage most nearly like it, for sales to purchasers of the same class: *Provided,* That if the maximum price established by the most closely competitive seller of the same class for such seller's same domestic malt beverage or similar domestic malt beverage most nearly like the domestic malt beverage to be priced, does not include the increases, or any part thereof, permitted under § 1420.66 (a), (b) and (c), the maximum price established under this paragraph may include such permitted increases or part thereof.

(iii) *New items priced since March 31, 1942 and prior to August 9, 1943.* A wholesaler or retailer who since March 31, 1942 and prior to August 9, 1943 has established a maximum price for a new domestic malt beverage according to the maximum price of a competitor's similar domestic malt beverage, shall within 30 days after the latter date establish a maximum price for such new domestic malt beverage under (i) or, if he cannot establish a maximum price for such item under that paragraph, the wholesaler or retailer shall continue the maximum price established according to his competitor's maximum price for the same or similar item: *Provided,* That if the manufacturer of such new domestic malt beverage is required under this section for any reason to decrease his maximum price therefor in accordance with any determination of the Office of Price Administration, the wholesaler or retailer shall re-examine the basis of his original determination in establishing a maximum price for such domestic malt beverage and establish a new maximum price for such item in accordance with the pricing methods of this section.

2. Section 1420.66 (d) is hereby revoked.

This amendment shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12622; Filed, August 3, 1943; 3:06 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 444]

COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND PELLETS; AND COTTONSEED HULLS AND HULL BRAN

Maximum Price Regulation 444 is a revision and amendment as to the above named cottonseed products of former § 1499.75 (a) (50) of Supp. Reg. 14 to the General Maximum Price Regulation. (The present section is section 1.8 of Revised Supp. Reg. 14 to the General Maximum Price Regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and comply with all provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of E.O. 9250 and E.O. 9328.

The statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1351.364 *Maximum prices for cottonseed oil meal, cake, sized cake and pellets; and cottonseed hulls and hull bran.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Maximum Price Regulation 444 (Cottonseed oil meal, sized cake and pellets; and cottonseed hulls and hull bran), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.364 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 444—COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND PELLETS; AND COTTONSEED HULLS AND HULL BRAN

ARTICLE I—SCOPE OF THIS REGULATION

Sec.
1. Geographical applicability.
2. Effect of maximum prices.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

3. Definitions.
4. Maximum prices for sale of domestic cottonseed oil meal, cake, sized cake and pellets other than that specified in section 5 hereof by processors.
5. Maximum prices for sale of domestic cottonseed oil meal, cake, sized cake or pellets owned or under contract by a processor or produced from cottonseed owned or under contract by a processor on July 31, 1943.
6. Maximum prices for the sale of domestic cottonseed hulls and hull bran by processors.
7. Maximum prices for the sale of domestic cottonseed oil meal, sized cake or pellets by grinders.
8. Maximum prices for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran by jobbers.
9. Maximum prices for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran by wholesalers.
10. Maximum prices for sales of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran by retailers.
11. Maximum prices for sales of imported cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran.
12. Maximum prices in other cases.
13. Increases for sacks.
14. Sales of cottonseed oil meal, cake, sized cake or pellets on basis of guaranteed minimum percentage of protein and adjustment for deficiencies.
15. Maximum prices for export sales.

ARTICLE III—MISCELLANEOUS PROVISIONS

16. Adjustable pricing.
17. Evasion.
18. Records and reports.
19. Enforcement.
20. Protests and petitions for amendment.

Article I—Scope of This Regulation

SECTION 1. *Geographical applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic cottonseed oil meal, cake, sized cake and pellets; and cottonseed hulls and cottonseed hull bran whether produced from domestic or imported cottonseed.

SEC. 2. *Effect of maximum prices.* (a) While this regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or cottonseed hull bran at prices above the maximum prices established by this regulation; nor shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this regulation may be charged and paid.

Article II—Definitions, Maximum Prices and Terms of Sale

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

"Processor" is a person who processes cottonseed by expeller, extraction or hydraulic process into cottonseed oil and cottonseed oil cake or meal, sized cake, pellets, cottonseed hulls, hull bran and linters.

"Grinder" is a person who buys cottonseed oil cake and processes or procures the processing of such cake into cottonseed oil meal, sized cake or pellets and sells such oil meal, sized cake or pellets It includes a processor who buys cottonseed oil cake and processes such cake into cottonseed oil meal, sized cake or pellets and sells such oil meal, sized cake or pellets.

"Cottonseed oil meal, cake, sized cake and pellets" refer to the products produced by a processor or grinder from cottonseed as above described. The cottonseed used must not contain screenings or other foreign materials except in such quantities as might have occurred in good production practice as in vogue prior to price control. Further, screenings or other foreign materials must not be added to the meal, or cake, sized cake or pellets after the crushing of the oil from the cottonseed.

"Cottonseed hulls and hull bran" refer to the by-products produced by a processor from cottonseed as above described.

"Jobber" is a person other than a processor, grinder or retailer who distributes cottonseed oil meal, cake, sized cake, pellets, cottonseed hulls or hull bran owned by him without unloading into a warehouse.

"Wholesaler" is a person who buys cottonseed oil meal, cake, sized cake or pellets, or cottonseed hulls or hull bran, unloads it into a warehouse and resells the same to a retailer or a person who processes the same further. It includes a processor or grinder where he transports and unloads the aforesaid products into a warehouse operated as a place of business separate from the production plant and thereafter sells the same to the persons above mentioned.

"Retailer" is a person who buys cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran and resells the same to a feeder. It includes a processor or grinder where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

"Feeder" is a person who feeds any cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran to animals or poultry.

"Carload lot" means a lot of cottonseed oil meal, cake, sized cake or pellets of 30 tons or more and for cottonseed hulls or hull bran the minimum established in official railroad tariffs.

"Less than carload lots" means a quantity other than a carload or pool car lot, and includes truck quantities.

"Pool car lot" means a railroad car lot in which two or more buyers have combined for the purpose of obtaining a carload rail freight rate.

"North-South dividing line" consists of a line extending along the following state boundary lines: the boundary line between North Carolina and Virginia; the boundary lines between Tennessee and Virginia, Kentucky and Missouri; the boundary line between Arkansas and Missouri; the boundary lines between Oklahoma and Missouri, Kansas and Colorado; the boundary line between New Mexico and Colorado; the boundary line between Arizona and Utah and Nevada; and the boundary line between California and Nevada and Oregon.

"Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3 per cent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not exceeding any maximum price established therefor.

*Copies may be obtained from the Office of Price Administration.

SEC. 4. *Maximum prices for sale of domestic cottonseed oil meal, cake, sized cake and pellets, other than that specified in section 5 hereof by processors.* (a) The maximum price for the sale and delivery of domestic cottonseed oil meal, and sized cake (other than that specified in section 5 hereof) per ton, in carload lots or pool car lots, bulk, 41 per cent up to 43 per cent of protein, at production plant, by a processor shall be as follows:

State where production plant is located:	*Maximum price*
Mississippi	$45.00
Tennessee	45.50
Arkansas (east of White River)	45.50
Arkansas (other points)	46.00
Missouri	46.00
Illinois	46.25
Louisiana	46.00
Oklahoma	47.00
Texas (exclusive of El Paso)	47.00
Texas (El Paso)	48.00
Alabama	46.00
Georgia	46.50
Florida	46.50
South Carolina	47.00
North Carolina	47.50
New Mexico	48.00
Arizona	48.00
California	48.00
Any other state	The maximum price of the state wherein is located the production plant nearest to the plant in question.

(b) The foregoing maximum prices shall be decreased at the rate of 75 cents per ton for a like sale and delivery of a like quality of cottonseed oil cake.

(c) The maximum prices specified in paragraph (a) of this section shall be increased at the rate of $1.50 per ton for a like sale and delivery of a like quality of cottonseed oil meal pellets.

(d) The foregoing maximum prices shall be decreased for the sale of lots of cottonseed oil meal, cake, sized cake or pellets containing less than 41 per cent protein at the rate of 75 cents per ton for each 1 per cent or fraction thereof of protein below 41 per cent of protein.

(e) The foregoing maximum prices shall be increased at the rate of $2.00 per ton for the sale of any lot of cottonseed oil meal, cake, sized cake or pellets containing 43 per cent or more of protein.

(f) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any cottonseed oil meal, cake, sized cake or pellets in a less than carload lot.

(g) The foregoing maximum prices shall be increased for a sale and delivery of any cottonseed oil meal, cake, sized cake or pellets by a processor at any point other than the plant where produced by transportation charges from said production plant to such point by a usual route and method of transportation; plus, in the case of a sale and delivery by any processor in carload lots of any cottonseed oil meal, cake, sized cake or pellets produced at any production plant to a point north of the North-South dividing line, a further increase at the rate of $1.00 per ton.

SEC. 5. *Maximum prices for sale of domestic cottonseed oil meal, cake, sized cake or pellets owned or under contract by a processor or produced from cottonseed owned or under contract by a processor on July 31, 1943.* (a) The maximum price for the sale and delivery of domestic cottonseed oil meal, cake, sized cake or pellets, which is owned or under contract by a processor or which is produced from cottonseed of the 1942 crop owned or under contract by a processor on July 31, 1943, per ton, in carload lots or pool car lots, bulk, 41 per cent up to 43 per cent of protein at production plant, by a processor shall be $2.00 per ton above the maximum trade prices specified in Schedule A of the Processor Contract, 1942 Cottonseed Program, of the Commodity Credit Corporation.

(b) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any cottonseed oil meal, cake, sized cake or pellets in a less than carload lot.

(c) The maximum prices established by this section shall be applicable to all processors irrespective of whether or not the above named Processor Contract is in effect.

SEC. 6. *Maximum prices for the sale of domestic cottonseed hulls and hull bran for processors.* (a) The maximum price for the sale of domestic cottonseed hulls, per ton, bulk, by the processor shall be $12.00 per ton for sales in carload lots, and $13.00 per ton for sales in less than carload lots, plus transportation charges from plant where produced to the buyer's receiving point by a usual route and method of transportation.

(b) The foregoing maximum prices shall be increased at the rate of $4.00 per ton for a sale of any cottonseed hull bran.

SEC. 7. *Maximum prices for the sale of domestic cottonseed oil meal, sized cake or pellets by grinders.* (a) The maximum price for the sale or delivery of cottonseed oil meal, sized cake or pellets by a grinder shall be the maximum price of the processor (from whom the cottonseed oil cake was obtained) for a like sale of such oil meal, sized cake or pellets (that is, the maximum price of the processor determined according to the applicable provisions of section 5 or 6) plus an addition at the rate of 50 cents per ton plus actual or reasonable transportation charges, if any, incurred by the seller in respect to the lot sold.

(b) Where a processor makes a sale as a grinder, the burden shall always rest upon him to establish by clear evidence that he in fact actually performed the functions of a grinder.

SEC. 8. *Maximum prices for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran by jobbers.* The maximum price for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran by a jobber shall be:

(a) 50 cents per ton (maximum markup) for all sales in carload lots; and

(b) $1.00 per ton (maximum markup) for sales in less than carload lots or pool car lots, over the maximum price which he could lawfully have paid a processor or grinder for the quantity or quality of the commodity as purchased by him and which he is reselling plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 9. *Maximum prices for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran by wholesalers.* The maximum price for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran by a wholesaler shall be:

(a) $2.50 per ton (maximum markup) for sales of cottonseed oil meal, cake, sized cake or pellets; and

(b) $2.00 per ton (maximum markup) for sales of cottonseed hulls or hull bran, over the maximum price which he could lawfully have paid the processor, grinder or jobber for the quantity or quality purchased (from out of which lot the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 10. *Maximum prices for sales of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran by retailers.* The maximum price for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran by a retailer shall be:

(a) $5.50 per ton (maximum markup) for sales of cottonseed oil meal, cake, sized cake or pellets; and

(b) $4.00 per ton (maximum markup) for sales of cottonseed hulls or hull bran over the maximum price which he could lawfully have paid the processor, grinder, jobber or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 11. *Maximum prices for sales of imported cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran.* (a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls shall be the maximum price for a like sale by a processor of a like quantity and quality of the domestic product produced at that domestic production plant located nearest the port of entry: *Provided*, That:

(1) If the port of entry is located in Oregon or Washington said basic maximum price for such sale thereof shall be the maximum price for a like sale by a processor of a like quantity and quality of the domestic product produced at San Francisco, California; or

(2) If the port of entry is not located in a state specifically named in section 4 (a) hereof or in Oregon or Washington said basic maximum price for such sale thereof shall be the maximum price for a like sale by a processor of a like quantity and quality of the domestic product produced at Memphis, Tennessee.

(b) Jobbers, wholesalers and retailers making sales (within the 48 states and the District of Columbia of the United States) of any such imported products shall add their respective permitted markups as provided as to domestic products over the basic maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 12. *Maximum prices in other cases.* (a) The maximum price for the sale of any cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which the person from whom he purchased could lawfully have charged for a like sale: *Provided*, That no grower or ginner of cottonseed shall sell or deliver cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran obtained from a processor in exchange for cottonseed at a higher price than the maximum price of the processor with whom he traded for a like sale or delivery.

(b) Notwithstanding any other provision of this regulation, sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided*, That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 13. *Increases for sacks.* When any seller has bulk domestic or imported cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran and desires to sell the same sacked the foregoing maximum prices where determined on a bulk basis shall be increased at the following rates per ton:

(a) For sales of cottonseed oil meal, cake, sized cake or pellets:

(1) In seller's sacks, the reasonable market value of the sacks, not exceeding any maximum price thereon at the time of the sale or delivery: *Provided*, That if the sacks were purchased from the buyer by the seller, the seller shall not charge more than the price he paid for such sacks.

(2) In buyer's new or recleaned sacks, $0.50.

(3) In buyer's sacks of any other kind, $1.00.

(b) For sales of cottonseed hulls and hull bran:

(1) In seller's sacks, the reasonable value of the sacks, not exceeding any maximum price thereon at the time of the sale or delivery.

(2) In buyer's sacks, 50 cents per ton for the sacking.

SEC. 14. *Sales of cottonseed oil meal, cake, sized cake or pellets on basis of guaranteed minimum percentage of protein and adjustment for deficiencies.* (a) No person shall sell any domestic or imported cottonseed oil meal, cake, sized cake or pellets except on the basis of a specified guaranteed minimum percentage of protein therein.

(b) If an actual analysis of any lot of domestic or imported cottonseed oil meal, cake, sized cake or pellets differs from the guaranteed minimum percentage of protein therein then:

(1) If above said guaranteed minimum percentage of protein, no increase in the maximum price is permitted.

(2) If below said guaranteed minimum percentage of protein, the deficiency shall be adjusted and settled in accordance with the applicable rules of the National Cottonseed Crushers Association and the resulting figure is the adjusted maximum price thereof.

SEC. 15. *Maximum prices for export sales.* The maximum price for export sales of cottonseed oil meal, cake, sized cake or pellets shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

Article III—Miscellaneous Provisions

SEC. 16. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 17. *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodity covered by this regulation alone or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 18. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of cottonseed oil meal, cake, sized cake or pellets after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.[2]

SEC. 19. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 20. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.[3]

Effective Date

This regulation shall become effective July 31, 1943.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12456; Filed, July 31, 1943; 2:40 p. m.]

[1] 8 F.R. 4132, 5987, 7662.

PART 1363—FEEDINGSTUFFS

[Rev. MPR 74, Amdt. 1]

ANIMAL PRODUCT FEEDINGSTUFFS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 74 is amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. *Maximum prices for sales by all persons of dry rendered tankage.* (a) The maximum price for the sale of domestic dry rendered tankage, per ton, bulk, by any person shall be at the rate of $1.25 for each percentage of protein therein plus transportation charges from production plant thereof to the buyer's receiving point by a usual route and method of transportation.

(b) The maximum price for the sale of imported dry rendered tankage, per ton, bulk, by any person shall be at the rate of $1.25 for each percentage of protein therein delivered at any point within the 48 states and the District of Columbia of the United States.

2. Section 5 is amended to read as follows:

SEC. 5. *Maximum prices for sales by all persons of wet rendered tankage and dried blood.* (a) The maximum price for the sale of domestic wet rendered tankage and dried blood, per ton, bulk,

*Copies may be obtained from the Office of Price Administration.

[2] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

by any person shall be at the rate of $5.53 for each percentage of ammonia therein plus transportation charges from production plant thereof to the buyer's receiving point by a usual route and method of transportation.

(b) The maximum price for the sale of imported wet rendered tankage and dried blood, per ton, bulk, by any person shall be at the rate of $5.53 for each percentage of ammonia therein delivered at any point within the 48 States and the District of Columbia of the United States.

3. Section 6 (b) (2) is amended to read as follows:

(2) For digester tankage, blood meal and blood flour, $5.53 for each percentage of ammonia in the dry or wet rendered tankage or dried blood used to produce the same, plus $6.50 per ton and plus transportation charges from production plant of the digester tankage, blood meal or blood flour (or if imported, from port of entry thereof) to buyer's receiving point by a usual route and method of transportation.

This amendment shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12623; Filed, August 3, 1943; 3:06 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 389,[1] Amdt. 5]

CEILING PRICES FOR CERTAIN SAUSAGE ITEMS AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 12 (c) (3) is added to read as follows:

(3) *All meat products.* On frankfurters and bologna meeting the requirements for Grade AA and containing no extender there may be added $0.50 per cwt.: *Provided*, That the seller states on his invoice that the product is an all meat product containing no extender. Manufacturers of frankfurters and bologna containing no extender may, in addition to the label required by section 4, mark such products, and their containers, "All Meat."

This amendment shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12624; Filed, August 3, 1943; 3:05 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5983, 6953, 6958, 6945, 8185, 8677.

PART 1418—TERRITORIES AND POSSESSIONS

[Rev. MPR 183,[1] Amdt. 1]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 14 is hereby revoked.

2. Section 20 Table 3 is amended by adding the category "Canned apples" and two new items to the category "Canned pears: Bartlett (Halves)" all to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per can
Canned apples:				
Reddi Maid	Case 24/#2 cans	$3.45	$3.95	$0.21
Washington	Case 6/#10 cans	3.85	4.40	.99
Canned pears: Bartlett (Halves):				
Tolo	Case 24/#2½ cans	6.40	7.35	.35
Penwald	Case 24/#2½ cans	6.00	6.90	.37

3. Section 24 Table 8 is amended by adding two brands to the category "Tomato sauce" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Tomato sauce:				
Libby Buffet	Case 72/8 oz. cans	$3.63	$4.17	$0.06
S & W	Case 72/8 oz. cans	3.72	4.28	.08

4. Section 25 Table 10 is amended by adding four new categories to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price per container
Lima beans, small, S & W	Case 24/#2 cans	$6.03	$6.93	$0.37
String beans, cut, S & W	Case 24/#2 cans	4.98	5.73	.31
Stringless green beans, cut, Chilford	Case 24/#2 cans	3.42	3.95	.21
Spinach, Maryland, chief	Case 24/#2½ cans	4.00	4.60	.25

5. Section 25a Table 10a is added to read as follows:

SEC. 25a *Maximum prices for certain canned vegetable juices sold or delivered in the Territory of Puerto Rico.*

TABLE 10A.—MAXIMUM PRICES FOR CERTAIN CANNED VEGETABLE JUICES

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price per can
V-Eight	Case 12/18 oz. cans	$1.80	$2.07	$0.22
	Case 12/46 oz. cans	3.83	4.40	.48

6. Section 36 Table 23 is amended by adding a new item to the category "Quaker" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price per package
Quaker: Farina Vito	Case 24/28 oz. pkgs.	$3.26	$3.60	$0.15

7. Section 42 Table 33 is amended by adding a new brand to the table to read as follows:

		Sales to wholesalers	Sales at wholesale	Sales at retail
				Price per pkg.
National Starch Co. (edible)	Case 40/1# pkgs	$2.58	$2.85	$0.10
	Case 144/1# pkgs	9.30	10.25	.10
	Case 96/1# pkgs	6.20	6.80	.10

This amendment shall become effective as of July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12625; Filed, August 3, 1943; 3:08 p. m.]

[1] 8 F.R. 9532.

PART 1499—COMMODITIES AND SERVICES

[MPR 188,[1] Amdt. 18]

PLASTIC PIPE AND TUBING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 188 is amended in the following respect:

1. The list of commodities in § 1499.166 (a) (1) (iv) under the heading "Plumbing" is amended by adding a new commodity as set forth below:

Plastic pipe and plastic tubing manufactured from co-polymer vinyl and vinylidene chlorides commercially known as "Saran B 11."

This amendment shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12626; Filed, August 3, 1943; 3:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 87 Under SR 15 to GMPR]

LAWRENCE E. BOND, ET AL.

Order No. 87 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3174.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1387 *Adjustment of maximum prices for contract carrier services supplied by Lawrence E. Bond, Baltimore, Maryland, et al.* (a) Lawrence E. Bond, doing business as Bond Transfer, of Baltimore, Maryland; Catherine B. Moser, doing business as C. B. Moser, of Owings Mill, Maryland; Hiram G. Winebarger, doing business as Valley Transport Lines, of Owings Mill, Maryland; and Liberty Transfer Company, Inc., of Baltimore, Maryland, may sell and deliver contract carrier services to the Chesapeake Paperboard Company, of Baltimore, Maryland, at prices not to exceed prices established by them in schedules issued January 2, 1943, filed with the Interstate Commerce Commission, and made effective February 1, 1943.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 87 (§ 1499.1387) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 87 (§ 1499.1387) shall become effective as of February 1, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5872, 7967, 8943, 10155, 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754, 9836.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12615; Filed, August 3, 1943; 3:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 583 Under § 1499.3 (b) of GMPR]

WARREN LEE PARKINSON

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.2121 *Approval of a maximum price for a sale at retail of hand loaded ammunition manufactured by Warren Lee Parkinson.* (a) Warren Lee Parkinson, 806 McKinley Avenue, Boise, Idaho, may sell and deliver at retail his hand loaded ammunition described in his application dated March 1, 1943, at a price no higher than $4.30 per box of twenty shells, f. o. b. Boise, Idaho.

(b) This Order No. 583 may be revoked or amended by the Price Administrator at any time.

This Order No. 583 shall become effective on the 16th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12631; Filed, July 15, 1943; 2:18 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 389,[1] Amdt. 6]

CEILING PRICES FOR CERTAIN SAUSAGE ITEMS AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 389 is amended in the following respects:

1. Item 1 of the table contained in section 12 (a) is amended by the addition of footnote "[1]" to follow the word "Pork" and to appear below the table, to read as follows:

[1] On sales of pork sausage in sheep castings, packaged in 1 pound wax paper cartons, seller may add $1.00 per hundredweight.

2. Section 7 is amended to read as follows:

SEC. 7. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall indirectly charge or receive for sausage subject to this regulation a price higher than the maximum prices permitted by this regulation. No person shall as a condition of selling any such sausage require a purchaser to buy any other meat or any other product: *Provided*, That a payment by a buyer to a seller for icing services performed by the seller after June 1, 1943, and before delivery of sausage to a railroad whose charges are paid directly to such railroad by the buyer shall not be constituted as an evasion of such price limitations, if the charge for such icing services is no higher than the cost actually incurred by the seller in performing such service and in no event higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad.

This amendment shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12651; Filed, August 4, 1943; 11:57 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 593 Under § 1499.3 (b) of GMPR]

WELLS MANUFACTURING CO.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.2131 *Approval of maximum prices for the sale of cherry blocking wood by Wells Manufacturing Company.* (a) Wells Manufacturing Company, South Bend, Indiana, may sell and deliver, and any person may buy from said company, 18 and 21 gauge cherry blocking wood at prices no higher than those hereinafter set forth.

Size and description:	*Maximum price Per square foot delivered*
18 and 21 gauge, paneled cherry	$0.40
18 and 21 gauge, random width	0.24
18 and 21 gauge, glued	0.29

(b) All customary discounts and allowances in use by applicant during March 1942 shall apply to the prices authorized herein.

(c) This Order No. 593 may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12652; Filed, August 4, 1943; 11:57 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 594 Under § 1499.3 (b) of GMPR]

CURTICE BROTHERS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2132 *Authorization of maximum prices for sales of "Tasty 7," a liquid product containing vinegar, spices, sugar, salt and spice oils, packed in 8-ounce bottles, 24 bottles to the case, manufactured by Curtice Brothers Co., Rochester, New York.* (a) On and after August 5, 1943, the maximum selling price for sales by Curtice Brothers Co., Rochester, New York, of "Tasty 7," a liquid product containing vinegar, spices, sugar, salt and spice oils, shall be $1.38 per dozen 8-ounce bottles, f. o. b. factory, packaged 24 bottles to the case.

(b) Curtice Brothers Co. is not required to apply any discounts to the maximum price authorized by paragraph (a).

(c) This Order No. 594 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 594 shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12653; Filed, August 4, 1943; 11:57 a. m.]

Chapter XIII—Petroleum Administration for War

[PAO 11, Amdt. 1]

PART 1515—PETROLEUM PRODUCTION OPERATIONS

ELIMINATION OF CERTAIN LOUISIANA FIELDS

Section 1515.6 *Petroleum Administrative Order No. 11* is hereby amended by eliminating from Exhibit A thereof the Lake Chicot field, located in St. Martin Parish, South Louisiana, and the Schuler Lime pool of the Sligo field, located in Bossier Parish, North Louisiana.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of August 1943.

R. K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-12630; Filed, August 3, 1943; 3:23 p. m.]

PART 1527—MARKETING ASPHALT

[Petroleum Dir. 66 as Amended May 22, 1943, Amdt. 1]

CERTAIN TEST REQUIREMENTS

Section 1527.1 *Petroleum Directive No. 66* is hereby amended by changing paragraph (c) (1) to read as follows:

(c) *Special provisions.* (1) At the option of the purchaser, the Oliensis Spot Test, A.A.S.H.O. designation T102–38 may be required in addition to Federal Specifications only for asphalt for use on surfaces on which aircraft travel. For all other surfaces, at the option of the purchaser, the Heptane-Xylene Equivalent Spot Test, A.A.S.H.O. designation T102–42, using 35% Xylene and 65% normal Heptane may be required in addition to Federal Specifications.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of August 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-12646; Filed, August 4, 1943; 11:25 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 451—BOAT AND WHARF PRIVILEGES ON CERTAIN RESERVOIRS [1]

GREEN MOUNTAIN RESERVOIR, COLORADO-BIG THOMPSON PROJECT

1. *Permits.* Any person desiring to keep or operate a boat or to construct and maintain a wharf or boathouse on the Green Mountain Reservoir will first be required to obtain a permit to do so from the Project Engineer of the Bureau of Reclamation, Estes Park, Colorado. For the issuance of such a permit there will be charged the sum of $1.50 per calendar year for each rowboat or canoe, the sum of $3.00 per calendar year for each sailboat or power boat, and the sum of $7.50 per calendar year for each houseboat: *Provided,* That where any such boat is used for hire or for the carriage of persons or property for compensation, a charge shall be fixed according to the capacity thereof, but in no case less than $3.00 per calendar year for each rowboat or canoe, $7.50 per calendar year for each sailboat or power boat, and $15.00 per calendar year for each houseboat. Permits will continue in force until the end of the calendar year in which issued, unless sooner terminated by the permittee or revoked by the Project Engineer with refund of the unearned portion of the charge paid: *Provided,* That if revoked by the Project Engineer for a violation of law or of these regulations no refund will be made. The Project Engineer will furnish the permittee license numbers for each boat, which must be displayed in a conspicuous place on each of the outer sides of the boat, and the permittee shall keep in his possession and available for inspection the permit granted to him.

2. *Use of land for wharfs and boathouses.* Where desired and if deemed by the Project Engineer not detrimental to the interest of the United States, there may be granted to a permittee, in addition to the general landing privilege conferred as an accompaniment to the boating permit contemplated by paragraph 1 hereof, the exclusive privilege to use and occupy, in connection with such boating permit, a certain described tract of land belonging to the United States and abutting the reservoir shoreline. A charge of $7.50 per calendar year will be made for the use of such land where the same is to be used only for a private wharf or as combined private wharf and boathouse site: *Provided,* That, when any wharf or combined wharf and boathouse site is used for hire, a charge shall be fixed according to the capacity of such improvements, but in no case less than $15.00 per calendar year for each wharf; and $30.00 per calendar year for each combined wharf and boathouse site. All wharves and boathouses shall be constructed in a substantial and workmanlike manner satisfactory to the Project Engineer. Neither the use nor occupation of the land shall be transferred or sublet by the permittee without the consent of the Project Engineer, and the permit shall terminate and all right or interest of the permittee thereunder shall cease upon the service of notice on the permittee because of failure to observe such condition. The Project Engineer will furnish the permittee license numbers which must be displayed in a conspicuous place on the wharf or on the outer side of the boathouse.

3. *Rates to be charged by permittees.* Where boats, wharves or boathouses are used for hire or for the carriage or accommodation of persons or property for compensation, the permittee shall file with the Project Engineer certified copies of schedule of rates: *Provided,* That the rates to be charged persons engaged in the survey, construction, and operation and maintenance of the Green Mountain Reservoir and Dam or any works in connection therewith shall not exceed one-half of such rates.

4. *Rowboats and canoes.* Each boat shall, when in use at any time between sunset and sunrise, carry a lantern or other suitable light visible all around the horizon.

5. *Sailboats and power boats.* (a) From sunset to sunrise, boats under way shall carry signal lights, and during such time no other lights that may be mistaken for those prescribed shall be exhibited. Each boat shall carry a white light aft, to show around the horizon, and a combination lantern in the fore part of the boat to show green to the right and red to the left so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides. In addition, a white light may be used in the center of the boat near the bow, but the aft light shall be higher than the forward lights and so placed as to form a range therewith and shall be clear of house, awnings and other obstructions.

(b) From sunset to sunrise, a boat at anchor while in use shall carry forward, where it can best be seen, at a height not exceeding 20 feet above the hull, a white light visible all around the horizon.

(c) Each boat shall be provided with an anchor of sufficient size and rope of sufficient length and strength to hold the boat in case of accident; with two or more oars; and with efficient life preservers equal in number to the maximum number of persons to be carried.

(d) Each boat shall be provided with a whistle or other sound-producing mechanical appliance capable of producing a blast of two seconds', or more, duration. A mouth whistle that can be heard at least one-half mile will be held in compliance with this rule.

6. *Rules of travel.* (a) When boats are approaching each other head-on or so nearly as to endanger collision, it shall be the duty of each to turn to the right and to pass to the port, or left, side of the other.

(b) Whenever power boats are so approaching, either boat shall give, as a signal of her intention, one short and distinct blast of her whistle which the other boat shall answer promptly by a similar blast of her whistle, and thereupon each boat shall pass on the port, or left, side of the other.

(c) If the course of the approaching boats is so far to the starboard, or right, side of each other as not to endanger collision, either boat shall give two sharp and distinct blasts of her whistle as an indication of her intention to continue on her course, which the other boat shall answer promptly by two similar blasts of her whistle, and thereupon each boat shall pass on the starboard, or right, side of the other.

(d) When two boats are crossing so as to involve risk of collision, the boat which has the other on her starboard, or right, side shall keep out of the way of the other boat.

(e) A boat overtaking any other boat shall keep out of the way of the overtaken boat.

(f) No boat shall approach, pass, or be located within five hundred (500) feet of any structure or other appliance constructed, operated or maintained by the United States in connection with the Green Mountain Reservoir, nor within twenty-five hundred (2,500) feet of the Green Mountain Dam or appurtenant works.

7. *Responsibility of owners.* Boats, which in the opinion of the Project Engineer, whose opinion shall be final and conclusive, are not properly constructed, operated or maintained, shall not be permitted to be placed or remain on the waters of the reservoir. All boats shall be securely anchored or tied up when not in use. Boats found floating loose on the reservoir will be taken up and the permittee shall be liable to the United States for any expense incurred in making the boat secure. Owners of power boats shall not permit the operation thereof for passenger service by any person not competent to handle the machinery.

8. *Order.* No intoxicated person shall be permitted upon land within the reservoir area belonging to the United States or wharves or boathouses constructed thereon, or boats on the waters of the reservoir, nor shall any person take any intoxicating liquor upon such land, wharf, boathouse or boat. The person in charge of such boat, wharf or boat house shall preserve order therein or thereon and shall extend courteous treatment to passengers and persons therein or thereon.

9. *Firearms.* The carrying of firearms in or upon the land within the reservoir area belonging to the United States or in or on any boat, boathouse or wharf by any person shall not be permitted.

10. *Sanitation.* No bottles, cans, garbage, rubbish or refuse of any kind shall be thrown into the waters of the reservoir, but the same shall be disposed of as directed by the Project Engineer, and the permittee shall locate and construct outhouses and cesspools as directed by the Project Engineer, and shall observe all sanitary regulations for the reservoir area which may be promulgated by the Project Engineer.

11. *Fishing and hunting.* Fishing in the waters of the reservoir will be permitted upon compliance with the laws, rules and regulations prescribed by the State of Colorado but subject to such additional regulations as it may be necessary for the United States to make for the protection of the reservoir, canals, diversion works, buildings or structures belonging to the United States. Hunting of any kind is prohibited on the reservoir or the lands bordering thereon.

12. *Camp fires.* The building of camp fires or any other fires within the reservoir area is prohibited except as may be permitted in accordance with existing Forest Service or other regulations, or regulations which may be promulgated by the Project Engineer.

13. *Violation of regulations.* The permit of any person, violating any of the foregoing regulations, may be revoked by the Project Engineer and such person shall remove his boat, wharf or boathouse from the reservoir and lands belonging to the United States; failing to do so, the boat may be impounded and sold or otherwise disposed of, or the boathouse or wharf may be removed or destroyed by the United States without liability of the United States to the owner.

14. *Waiver of liability.* The main purpose of the Green Mountain Reservoir is to impound water for irrigation and other regulatory purposes. Accordingly, any person at any time going in or upon the waters thereof or upon any of the structures or lands upon the margin thereof or upon adjacent lands belonging to the United States and held or reserved for the use in connection therewith, whether as licensee or permittee of the United States or otherwise, thereby assumes all risk of injury to or death of himself or damage to or destruction of property resulting directly or indirectly, wholly or in part, from said reservoir or appurtenant structures or their construction, operation and control by the United States.

Approved: July 26, 1943.

MICHAEL W. STRAUS,
First Assistant Secretary.

[F. R. Doc. 43-12632; Filed, August 4, 1943; 9:59 a. m.]

[1] Affects tabulation in part 451.

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 29,[1] Supp. 4]

PART 341—SHIP WARRANT RULES AND REGULATIONS

SUSPENSION OF RATE CEILINGS FOR CERTAIN VESSELS

General Order 29 (§ 341.75 *Suspension of rate ceilings with respect to vessels of less than 1,000 gross tons*), as amended, is amended by striking out the word, "August", and inserting in lieu thereof the word, "October."

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

AUGUST 3, 1943.

[F. R. Doc. 43-12645; Filed, August 4, 1943; 11:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 142]

PART 95—CAR SERVICE

SAND OR GRAVEL SHIPMENTS TO DAINGERFIELD, TEXAS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of August, A. D. 1943.

It appearing that shipments of sand and gravel in carloads originating at Jury, Texas (billing point Texarkana, Texas), and destined to Daingerfield, Texas, for use by the Austin Bridge Company are being weighed on railroad track scales, thus impeding the use, control, supply, movement, and distribution of cars; in the opinion of the Commission an emergency exists requiring immediate action to avoid a shortage of equipment and congestion of traffic:

It is ordered, That:

§ 95.24 *Carloads of sand or gravel destined to Daingerfield, Texas, for use by Austin Bridge Company, not to be weighed.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall weigh, or permit to be weighed, any shipment of sand or gravel in either straight or mixed carloads, on any railroad track scales when such traffic originates on or after the effective date of this order at Jury, Texas (billing point Texarkana, Texas), and is destined to Daingerfield, Texas, for use by the Austin Bridge Company, except that a limited number of cars may be weighed as is necessary to obtain average weights. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17)).

It is further ordered, That this order shall become effective at 12:01 a. m., August 4, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12634; Filed, August 4, 1943; 10:50 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 17, Amdt. 5]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART K—MOTOR CARRIERS OF PROPERTY

Pursuant to Executive Orders 8989 and 9156, *It is hereby ordered*, That, subparagraph (3) of paragraph (a) of § 501.76 of General Order ODT 17, as amended (7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), is amended by adding thereto subdivisions (viii), (ix), and (x), to read as follows:

§ 501.76 *Number of wholesale and retail deliveries limited.* (a) * * *:

(3) * * *:

(viii) To deliveries of property sold upon orders received by mail, telephone, or any other system of public communication;

(ix) To deliveries of property to the address of a person, other than the purchaser, which person is to retain possession of the property;

(x) To deliveries made to return or replace property delivered in error or property damaged in delivery.

This Amendment 5 to General Order ODT 17 shall become effective on August 5, 1943.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349)

Issued at Washington, D. C., this 4th day of August, 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12650; Filed, August 4, 1943; 11:37 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 854]

UNITED AIR LINES TRANSPORT CORPORATION

NOTICE OF ORAL ARGUMENT

In the matter of the application of United Air Lines Transport Corporation for approval of the acquisition by United Air Lines Transport Corporation of control of Lineas Aereas Mineras, S. A. (Lamsa), a Mexican corporation.

Notice is hereby given, pursuant to sections 1001 and 408 of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on August 13, 1943, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., August 3, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12633; Filed, August 4, 1943; 10:02 a. m.]

[1] 8 F.R. 1597, 2605, 4525, 9230.

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1825]

ABANDONED PATENT APPLICATIONS OF NATIONALS OF ENEMY-OCCUPIED COUNTRIES

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each of the persons to whom reference is made in the column headed "Owner" in Exhibit A attached hereto and made a part hereof if an individual, is a citizen and resident of, or, if a business organization, is organized under the laws of and has its principal place of business in, the country represented by the code number set forth after its respective name in said Exhibit A under the heading "Nat" in accordance with the following:

17 Czechoslovakia.
27 France.
49 The Netherlands.
51 Norway.

and is therefore a national of such foreign country or countries respectively;

2. Finding that the patent applications and other property related thereto described in subparagraph 3 hereof are property of the persons whose names appear in the column headed "Owner" opposite the respective numbers thereof in said Exhibit A;

3. Finding, therefore, that the property described as follows:

Patent applications identified in Exhibit A attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

is property of nationals of foreign countries (Czechoslovakia, France, The Netherlands, and Norway);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Owner	Inventor	Title	Nat. code
13,760	3/29/35	Etablissements Expert-Bezancon.	J. Expert-Bezancon	Process for the manufacture of metallic powders.	27
76,088	4/23/36	Compagnie de Produits Chimiques et Electrometallurgiques Alais, Froges et Camarque.	M. Fournier	Process for obtaining 1,1,2 trichlorethane.	27
125,633	2/13/37	Eduard Fischer & Bruno Donath.	E. Fischer et al.	Synthesis of hydrocarbons under ultra-pressure.	17
178,600	12/ 7/37	Edouard F. M. R. Lege	E. Lege	Method for preparing products of the hydrocarbon type.	27
222,451	8/ 1/38	Han Hoog	H. Hoog	Production of aromatic hydrocarbons.	49
249,748	1/ 7/39	Societe Des Usines Chimiques Rhone-Poulenc.	I. Scriabine	Manufacture of dipheuylamine.	27
251,040	1/14/39	Clair Seal	C. Seal	Process for combining elementary nitrogen with hydrogen.	7
265,242	3/31/39	Andre Girard & Georges Sandulesco.	A. Girard et al.	Process for quantitatively obtaining hydroxy compounds.	27
291,101	8/19/39	Norsk Hydro-Elektrisk Kvaelstofaktieselskab.	C. Andersen	Treatment of waste sulphite liquor.	51
293,622	9/ 6/39	Schneider & Cie.	F. Walckenaer	Ingot moulds and the castings of ingots.	27
306,41	11/27/39	Societe Anonyme des Manufactures Des Glaces et Produits Chimiques De Saint-Gobain, Chauny & Cirey.	A. Cornillot	Process for the production of the acrylic esters and their polymerizable substitution derivatives.	27
314,444	1/18/40	Etablissement Mouneyrat	A. Mouneyrat	Production of salts o [para-aminophenylsulfamides.	27
320,517	2/23/40	Carl Sandel Neuberg	C. Neuberg	Process for the production of saccharic acid.	49

[F R. Doc. 43-12578; Filed, August 3, 1943; 10:31 a. m.]

[Vesting Order 1827]

ABANDONED PATENT APPLICATIONS OF NATIONALS OF ENEMY COUNTRIES

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each of the persons to whom reference is made in the column headed "Owner" in Exhibit A attached hereto and made a part hereof if an individual, is a citizen and a resident of, or if a business organization, is organized under the laws of and has its principal place of business in, the country represented by the code number set forth after its respective name in said Exhibit A under the heading "Nat" in accordance with the following:

28 Germany.
34 Hungary.
38 Italy.
39 Japan.

and is therefore a national of such foreign country or countries, respectively;

2. Finding that the patent applications and other property related thereto described in subparagraph 3 hereof are property of the persons whose names appear in the column headed "Owner" opposite the respective numbers thereof in said Exhibit A;

3. Finding, therefore, that the property described as follows:

Patent applications identified in Exhibit A attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

is property of nationals of foreign countries (Germany, Hungary, Italy and Japan);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

EXHIBIT A—Continued

Serial No.	Filing date	Owner	Inventor	Title	Nat. code
230, 119	10/20/38	Zoltan Foldi and Rezso Konig.	Z. Foldi et al.	Process for preparing water soluble derivatives of aminosemicarbazide sulphamide.	28
236, 911	10/25/38	Walter Hoppe, Otto Hecht and Adolf Reinhofer.	W. Reppe et al.	Process for the production of tetrahydrofuranes.	28
238, 061	10/31/38	Chemische Werke Albert.	E. Eidelberg	Production of tetrahydro-1-oxa-2-methyl-4-aryl oxygen compounds.	28
240, 075	11/12/38	Konrad Keller	K. Keller	Method for producing chlorinated aliphatic hydrocarbons.	39
243, 656	12/2/38	Osumu Kamata	O. Kamata	Process for manufacturing polyamide fibers.	29
245, 148	12/12/38	Ruetgerswerke, A. G.	K. Lang	Process of producing pure naphthalene.	28
245, 754	12/14/38	Walter Hengstmann and Alfred Keil.	W. Hengstmann et al.	Method of producing thermoplastic artificial resins and device for performing such method.	28
245, 868	12/15/38	Giorgio Martin Wedard	G. Wedard	Process for the manufacture of synthetic liquid or gaseous products obtainable from gases containing carbon monoxide and hydrogen.	28
246, 092	12/16/38	Wilhelm Rohn, Franz Bollenrath and Heinrich Cornelius.	W. Rohn et al.	Process for manufacturing articles resistant to high stresses and temperatures.	28
247, 035	12/21/38	Christian Siegerwald and Karl Koeberle.	C. Stoigerwald et al.	Pyrrilinonthraquinones	28
250, 164	1/10/39	Edmund Waldmann and August Chwala.	E. Waldmann et al.	Sulfonates of organic compounds and a process of preparing them.	28
250, 927	1/14/39	Ludwig Orthner, Carl Platz, Hans Keller and Heinz Sonke.	L. Orthner et al.	Capillary active compounds and process of preparing them.	28
252, 060	1/21/39	Carl August Hornung	C. Hornung	Aliphatic-aromatic amines and process for their production.	28
252, 630	1/24/39	Hans Ufer, Willi Schmidt, and Max Mattauch.	H. Ufer et al.	High-molecular compounds of the type of polyamides and process of producing same.	28
253, 806	1/31/39	Walter Reppe and Richard Schnabel.	W. Reppe et al.	Process for the production of dihydrofuranes.	28
253, 807	1/31/39	Walter Reppe & Richard Schnabel.	W. Reppe et al.	Process for the production of dihydrofuranes.	28
254, 237	2/2/39	Wolfgang Winkelmuller	W. Winkelmuller	Extraction of phenols	28
255, 556	2/9/39	Heinrich Groh and Albert Mau.	H. Groh et al.	Process of distilling wood	28
255, 783	2/10/39	Hoch-Werk Chemische Fabrik Dr. Hengstmann & Co.	A. Keil	Method of producing artificial teeth, dental fillings, and denture bases.	39
255, 876	2/11/39	Willy Braun	W. Braun	Carboxylic acids or the phthalocyanine series.	28
256, 508	2/15/39	Hermann Schuette and Max Wittwer.	H. Schuette et al.	Condensation products	28
261, 316	3/11/39	Arnaldo Corbellini	A. Corbellini	Process for the production of esters of the 2-keto-levogulonic acid.	33
262, 292	3/21/39	Bayerische Stickstoff-Werke A. G.	H. Franck et al.	Method of producing resin-like condensation products.	28
262, 293	3/21/39	Ludwig Zvehner	L. Zvehner	Process for purifying and purifying glycosides.	28
264, 233	3/25/39	Bakelite G. m. b. H.	R. Muller et al.	Process for the production of magnesium phenolates.	28
265, 942	4/4/39	Heinz v. Lebitz-Tiwnickl.	H. Lebitz Tiwnickl.	Alkali alcoholates	28
274, 004	5/16/39	Deutsche Gold und Silber Scheideanstalt vormals Roessler.	M. Welmann	Extraction of aliphatic acids	28
274, 513	5/24/39	Wilhelm Rohn, Franz Bollenrath and Heinrich Cornelius.	W. Bauer et al.	Leuco sulfuric acid ester	28
276, 248	5/27/39	Curt Schuster and Adolf Hartmann.	C. Schuster et al.	Production of pyrroles	28
277, 892	6/7/39	Carl Blank K. G.	A. Antropoff et al.	Process for the production of polysulphides of organic bases and of their solutions.	28
278, 962	6/13/39	Wilhelm Fitzky and Gerhard Cramer.	W. Fitzky et al.	Sulfonic acids	28
279, 050	6/14/39	Fritz Guenther, Rudolf Beaumler and Hans Haussmann.	F. Guenther et al.	Acetals of halogenated alkoxyalkanediols and a process of preparing them.	28
280, 347	6/21/39	Bruno Hennig	B. Hennig	Manufacture of ethylene perchloride and hexachlorethane.	28
284, 218	7/13/39	Arthur Greth	A. Greth	Softening agents and gelatine assistants.	28

EXHIBIT A—Continued

Serial No.	Filing date	Owner	Inventor	Title	Nat. code
46, 334	10/20/35	Henkel & Cie. G.m.b.H.	W. Heinrich et al.	Hydrogenated aryl compounds containing hydroxyl groups.	28
53, 713	12/10/35	Leonid Andrussow	L. Andrussow	Production of alkyl halides	28
54, 321	12/13/35	Friedrich Muth	F. Muth	Ortho - hydroxycarboxylic acids and process for their production.	28
71, 264	3/27/36	Antonia Lilienfeld	L. Lilienfeld	Manufacture of cellulose derivatives.	28
90, 597	7/16/36	Fritz Gueather	F. Guenther	Production of water-soluble polyoxy-alkylene compounds	28
90, 549	11/6/36	Karl Koeberle and Otto Schlichting.	K. Koeberle et al.	High-molecular organic compounds.	28
119, 471	1/7/37	Martin Mueller, Hans Keller and Erwin Schnitzler.	M. Cunradi et al.	Manufacture of crotonaldehyde.	28
122, 065	1/23/37	Karl Dachlauer and Gerhard Halle and Karl Horst	K. Dachlauer et al.	Process of preparing higher chlorinated hydrocarbons.	28
140, 094	5/4/37	Gerhard Balle and Karl Horst.	G. Balle et al.	Polybasic oxygen-containing mineral acid esters of isocyclic alcohols.	28
140, 095	5/4/37	Gerhard Balle and Karl Horst.	G. Balle et al.	Polybasic oxygen containing mineral acid esters of isocyclic alcohols.	28
154, 012	7/16/37	Karl Daimler and Carl Platz	K. Daimler et al.	Esters derived from isocyclic compounds and process of making them.	28
155, 002	7/22/37	Henkel & Cie G. m. b. H.	O. Lalnau et al.	Preparation of hydroaromatic compounds.	28
158, 819	8/12/37	Edmund Waldmann and Aug. Chwala.	E. Waldmann et al.	Quaternary amino compounds and process of preparing them.	28
162, 279	9/3/37	Detlef Delfs	D. Delfs	Sulphones	28
174, 969	11/5/37	Heraeus Vacuum-schmelze A. G.	W. Hessenbruch	Beryllium-copper alloys	28
176, 914	11/27/37	Walter Schulze and Hans Mellin.	W. Schulze et al.	Process of preparing alkyl chlorides.	28
180, 155	12/15/37	Heinrich Ulrich	H. Ulrich	Process for the purification of alkylene oxides.	28
180, 611	12/18/37	Karl Koeberle and Otto Schlichting.	K. Koeberle et al.	Heterocyclic organic compounds.	28
180, 915	12/20/37	Seihachiro Shikata and Yoshiyuki Inoue.	S. Shikata	Manufacturing process of aromatic and aliphatic aldehydes or alcohols.	39
183, 458	1/8/38	Bruno Christ	B. Christ	Process of producing tertiary aliphatic amines.	28
184, 679	1/12/38	Walter Klempt	W. Klempt	Method for producing aminonitriles.	28
190, 223	2/12/38	Chemical Works of Gedeon Richter, Ltd.	L. Vargha et al.	Derivatives and a method for their production.	34
192, 554	2/25/38	Adolf Steinhoff, Gerhard Halle, Karl Horst and Johann Rosenbach.	A. Steinhoff et al.	Water - soluble urethane - like compounds.	28
196, 998	3/15/38	Gerhard Halle and Heinz Schild.	G. Balle et al.	Process of preparing aryl fatty acids substituted in the nucleus.	28
203, 509	4/22/38	Alfred Kreidler	A. Kreidler	Apparatus for the continuous casting of ingots.	28
211, 562	6/3/38	Heinz Hunsdiecker, Heinrich Erlbach and Egon Vogt.	H. Hunsdiecker et al.	Preparation of lactones	28
221, 394	7/26/38	Wilhelm Rohn, Franz Bollenrath and Heinrich Cornelius.	W. Rohn et al.	Cobalt-nickel-chromium-iron alloys.	28
221, 716	7/28/38	Wilhelm Fitzky and Gerhard Cramer.	W. Fitzky et al.	Acetals of halogenated alkoxyalkanediols and a process of preparing them.	28
225, 999	8/20/38	Vereinigte Oelfabriken Hubbe and Parchhultz.	K. Blass et al.	Process for the purification of organic acids obtained by the oxidation of hydrocarbons.	28
242, 584	10/1/38	Carl T. Kautter, Friedrich Hoedicker and Heinrich Orthner.	C. Kautter, F. Hoedicker et al.	Process for preparing a trisubstituted hexhuronic acid.	28
243, 966	10/19/38				

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Owner	Inventor	Title	Nat. code
287, 112	7/28/39	Giorgio Purkardhofer and Gualtiero Battilana.	G. Purkardhofer et al.	Solder	38
290, 496	8/16/39	August Bellefontaine Max L. Coenen and Ludwig Muller.	A. Bellefontaine et al.	Aromatic hydroxy carboxylic acids with unsaturated side chains and a process for the manufacture of the same.	28
10, 462	2/17/40	Heinrich Ulrich and Hans Stanger.	H. Ulrich et al.	Process for the production of n-alkylene carbamic acid esters.	28
22, 479	3/6/40	Gottfried Becker, Karl Daeves and Fritz Steinberg.	G. Becker et al.	Method for producing articles with high tensile strength at elevated temperatures and resistance to scaling.	28
27, 125	3/9/40	Gedeon Richter Vegyeszeti Gyar R. T.	L. Vargha et al.	Process for production of progesterone.	34
26, 757	2/29/40	Kohleund Eisenforschung G. m. b. H.	W. Bischof	Method for the sintering of powdery substances.	28
47, 294	7/24/40	Wilhelm Rohn, Franz Bollenrath and Heinrich Cornelius.	W. Rohn et al.	Articles having a high creep resistance at elevated temperatures.	28
51, 106	8/3/40	Albert W. Schroeder, A. Hermann Hemesath and Ernst Hammel.	Schroder et al.	Method of producing soap	28
72, 924	8/12/40	Troponwerke Dinklage & Co.	F. Kulz et al.	Production of tetrahydroisoquinoline compounds.	28
76, 810	9/7/40	Heinrich Ulrich and Gustav Steinbrunn.	H. Ulrich et al.	Alkylures derivatives	28
93, 105	11/9/40	Kurt Hess	K. Hess	Method of manufacturing viscose.	28
98, 913	12/6/40	Kohle-und Eisenforschung G. m. b. H.	K. Daeves	Method for increasing the durability of highly stressed winding cables.	28
83, 039	2/12/41	Phrix Arbeitsgemeinschaft	O. Molden-Hauer et al.	Polycondensation or polymerization products and method for producing the same.	28
280, 941	4/4/41	Tahl-Ichiro Shimizu	T. Shimizu	Synthetic resins and the process for making the same.	39

[F. R. Doc. 43-12581; Filed, August 3, 1943; 10:31 a. m.]

[Vesting Order 1828]

R. AVENARIUS AND CO. AND/OR AVENARIUS BROS.

Re: Trade-marks owned by R. Avenarius & Company and/or Avenarius Brothers.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Carbolineum Wood Preserving Company, a Wisconsin corporation of Milwaukee, Wisconsin, is a business enterprise within the United States;

2. Finding that R. Avenarius & Company and Avenarius Brothers, also known as Gebruder Avenarius, are partnerships organized under the laws of Germany and therefore are nationals of a foreign country (Germany);

3. Finding that the property described in subparagraph 5-a hereof is held by said Carbolineum Wood Preserving Company as agent for the beneficial interest of said R. Avenarius & Company and/or Avenarius Brothers who are the equitable owners thereof;

4. Finding that the property described in subparagraphs 5-b and 5-c hereof is the property of said R. Avenarius & Company and/or Avenarius Brothers;

5. Finding that the property described as follows:

a. The trade-mark registered in the United States Patent Office under the number and on the date set out in Exhibit A Part I attached hereto and made a part hereof and the registration thereof, together with

(1) The goodwill of the business in which the United States and all its possessions to which the trade-mark is appurtenant,

(2) Any and all indicia of such goodwill (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers' lists, labels, machinery, and other equipment);

(3) Any interest of any nature whatsoever in, and any rights and claims of every character and description to, said business, goodwill and trade-mark and registration thereof, and

(4) All accrued royalties payable or held with respect to said trade-mark and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

b. The trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Exhibit A Part II attached hereto and made a part hereof and the registrations thereof, together with

(1) The respective good-will of the business in the United States and all its possessions to which the trade-marks are appurtenant,

(2) Any and all indicia of such good-will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers' lists, labels, machinery, and other equipment),

(3) Any interest of any nature whatsoever in, and any rights and claims of every character and description to, said business, goodwill and trade-marks and registrations thereof, and

(4) All accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof.

c. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in R. Avenarius & Company and/or Avenarius Brothers by virtue of an agreement dated July 17, 1922 (including all modifications and supplements thereto, including, but not by way of limitation, supplemental agreement of September 9, 1922, letter of December 11, 1939 from R. Avenarius & Company to Carbolineum Wood Preserving Company and cable of January 6, 1940 and letter of January 10, 1940 from Carbolineum Wood Preserving Company to R. Avenarius & Company) by and between R. Avenarius & Company and Carbolineum Wood Preserving Company, which agreement relates, among other things, to the trade-marks "Carbolineum", "Avenarius Carbolineum", "Carbolineum Avenarius" and "Avenarius",

is property of, or is property payable or held with respect to trade-marks, or rights related thereto, in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 5, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meaning prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A—PART I

Trade-mark which is identified as follows and the title to which stands of record in the United States Patent Office in the name of Carbolineum Wood Preserving Company.

Reg. No.	Date	Character of goods
400, 890	4/6/43	Liquid wood preservative used as a fungicide and an insecticide.

PART II

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively, except where other record owner is shown:

Reg. No.	Date	Registrant	Character of goods
14,048	2/ 8/87 (Renewed)	Avenarius Brothers. Record title in R. Avenarius & Co.	Preservative liquids.
161,402	11/14/22 (Expired)	R. Avenarius & Co	Preserving paint.
271,868	6/17/30	R. Avenarius & Co	Chemical preparations for the protection of trees, etc.
341,056	12/ 1/36	R. Avenarius & Co	Chemical preparations for the protection of trees, etc.

[F. R. Doc. 43-12580; Filed, August 3, 1943; 10:32 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 2, 1943.

Order number:	*Name*
RPS 10, Order 7, Amendment 1.	Eastern Gas & Fuel Associates Inc.
RPS 6, Order 45	Knoxville Iron Co.
MPR 134, Order 9	North Carolina Equipment Co.
MPR 136, as amended, Order 83.	Atlas Engine Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial & Reference Section.

[F. R. Doc. 43-12629; Filed, August 3, 1943; 3:09 p. m.]

[Amdt. 8 to Order A-1 Under MPR 188]

PLASTIC PIPE TUBING, PIPE FITTINGS AND TUBING FITTINGS

MODIFICATION OF MAXIMUM PRICES

Amendment No. 8 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (9) is added to read as follows:

(9) *Modification of maximum prices of plastic pipe, plastic tubing, plastic pipe fittings, and plastic tubing fittings*—(i) *Scope of this amendment.* This subparagraph (9) sets maximum prices for sales and deliveries of plastic pipe, plastic tubing, plastic pipe fittings, and plastic tubing fittings manufactured from Co-Polymer Vinyl and Vinylidene chlorides commercially known as "Saran B 11."

(ii) *Maximum prices.* On and after the 9th day of August, 1943, regardless of any contract, agreement, lease or other obligation, no person shall sell and deliver, and no person shall buy and receive any plastic pipe, plastic tubing, plastic pipe fittings, and/or plastic tubing fittings, in the course of trade or business at prices higher than those set forth below. Lower than maximum prices may be charged or paid. The maximum prices computed under this subparagraph shall be subject to all cash discounts, allowances, and price differentials established by the seller and in effect to his various classes of customers during the month of March 1942 for similar commodities such as brass pipe, copper tubing, brass fittings and/or copper fittings.

(a) *Manufacturer's maximum prices*—(1) *Manufacturer to jobber.* The maximum prices for sales by manufacturers to jobbers, f. o. b. point of manufacture, shall be the prices contained in subdivision (d) subject to a discount of 50%. Upon shipments of 200 pounds and over, freight on the entire shipment shall be allowed to destination.

(2) *Manufacturer to all purchasers other than jobbers.* (i) The maximum prices for sales by manufacturers to all purchasers other than jobbers on direct shipments of 200 pounds and over, from point of manufacture, shall be the prices contained in subdivision (d) subject to successive discounts of 17% and 25% and 10%. Such maximum prices shall include free delivery to point of destination designated by the purchaser.

(ii) The maximum prices for sales by manufacturers to all purchasers other than jobbers (1) out of warehouse stock or (2) on direct shipments of less than 200 pounds from point of manufacture, shall be the prices contained in subdivision (d) subject to successive discounts of 17% and 20%. Such maximum prices shall include free delivery within customary free delivery zones.

(b) *Jobber's maximum prices*—(1) *Jobber to installer or retailer.* (i) The maximum prices for sales by jobbers to installers or retailers on direct shipments of 200 pounds and over, from point of manufacture, shall be the prices contained in subdivision (d) subject to successive discounts of 17% and 25% and 10%. Such maximum prices shall include free delivery to point of destination designated by the purchaser.

(ii) The maximum prices for sales by jobbers to installers or retailers out of stock or on direct shipments of less than 200 pounds from point of manufacture shall be the prices contained in subdivision (d) subject to successive discounts of 17% and 20%. Such maximum prices shall include free delivery within customary free delivery zones.

(2) *Jobber to industrial or commercial user.* The maximum prices for all sales by jobbers to industrial or commercial users shall be the prices contained in subdivision (d) subject to successive discounts of 17% and the customary differential discount allowed during the month of March 1942 to that particular class of purchaser for purchases of similar commodities.

(3) *Jobber to ultimate consumer (sales at retail).* The maximum prices for all sales by jobbers to ultimate consumers (sales at retail) shall be the prices contained in subdivision (d). Such maximum prices shall include free delivery within customary free delivery zones.

(c) *Maximum prices for other sellers*—(1) *Retailer's and installer's maximum prices (on an uninstalled basis).* The maximum prices for all sales by retailers and installers on an uninstalled basis shall be the prices contained in subdivision (d). Such maximum prices shall include free delivery within customary free delivery zones.

(2) *Automotive installer's maximum buying and selling prices.* (i) The maximum prices for all sales to automotive installers by any person shall be the prices contained in subdivision (d) subject to a discount of 25%. Such maximum prices shall include free delivery within customary free delivery zones.

(ii) The maximum prices for all sales by automotive installers, whether installed or uninstalled, shall be the prices contained in subdivision (d). Such installation charges as are established by any applicable regulation issued by the Office of Price Administration may be added to the maximum prices listed herein provided such installation charges are stated separately on the invoice.

(d) *Tables of maximum list prices.*

TABLE 1.—MAXIMUM LIST PRICES FOR PLASTIC PIPE

[List prices are per foot]

Size	½"	¾"	1"	1¼"	1½"
List price	$0.58	$0.78	$1.12	$1.33	$1.67
Size	2"	2½"	3"	3½"	4"
List price	$2.24	$3.53	$4.68	$5.62	$7.22

TABLE 2—MAXIMUM LIST PRICES FOR PLASTIC PIPE FITTINGS

Size	½"	¾"	1"	1¼"	1½"	2"
90° Elbow	$1.25	$1.50	$1.75	$2.00	$2.25	$2.50
Tee, straight	1.50	1.70	2.00	2.40	2.80	3.20
Coupling	.50	.60	.70	.80	.95	1.20
Reducer		.65	.75	.85	1.00	1.40
Cap	.50	.60	.70	.80	.95	1.20
Companion Flange	1.35	1.55	1.75	2.00	2.40	3.00
Blind Flange	1.35	1.55	1.75	2.00	2.40	3.00

TABLE 3—MAXIMUM LIST PRICES FOR PLASTIC TUBING FITTINGS

Half-union coupling size O. D. tube to male I. P. thread, exclusive of coupling nut (size):	*List price*
⅛ x ⅛"	$0.09
3/16 x ⅛"	0.09
¼ x ⅛"	0.09
¼ x ¼"	0.10
5/16 x ⅛"	0.11
5/16 x ¼"	0.11
⅜ x ¼"	0.13
⅜ x ⅜"	0.14
7/16 x ¼"	0.15
½ x ⅜"	0.16
½ x ½"	0.17
⅝ x ½"	0.36
¾ x ¾"	0.42
Half-union coupling size O. D. tube to female I. P. thread, exclusive of coupling nut (size):	
⅜ x ¾"	$0.23
½ x ½"	0.26
Tube-pipe elbow size O. D. tube to I. P. thread, exclusive of coupling nut (size):	
⅛ x ⅛"	$0.18
3/16 x ⅛"	0.18
¼ x ⅛"	0.19
5/16 x ⅛"	0.20
⅜ x ¼"	0.23
⅜ x ⅜"	0.24
5/16 x ¼"	0.25
½ x ⅜"	0.28
⅝ x ½"	0.40
¾ x ½"	0.50
Tee, reducing size O. D. tube exclusive of coupling nuts (size):	
½"	$0.28
¾"	0.41
Plug size male I. P. thread (size):	
⅛"	$0.10
¼"	0.11
⅜"	0.13
½"	0.18
¾"	0.20
Union coupling size O. D. tube to O. D. tube, exclusive of coupling nuts (size):	
⅛ x ⅛"	$0.09
3/16 x 3/16"	0.09
¼ x ¼"	0.09
5/16 x 5/16"	0.11
⅜ x ⅜"	0.13
7/16 x 7/16"	0.15
½ x ½"	0.16
⅝ x ⅝"	0.36
⅞ x ¾"	0.42
Coupling nut for flare fittings, size O. D. tube (size):	
⅛"	$0.10
3/16"	0.10
¼"	0.10
5/16"	0.12
⅜"	0.14
7/16"	0.15
½"	0.16
⅝"	0.25
¾"	0.30
Tee, straight size O. D. tube, exclusive of coupling nuts (size):	
⅛"	$0.18
⅞	0.18
3/16"	0.20
¼"	0.21
5/16"	0.25
⅜"	0.28
7/16"	0.32
½"	0.45
⅝"	0.59
¾"	

TABLE 4.—MAXIMUM LIST PRICES FOR PLASTIC TUBING

[List prices are per 100 ft.]

O. D. Size	⅛"	3/16"	¼"	5/16"	⅜"	7/16"	½"	⅝"	¾"
.015 wall thickness	$1.50	$2.30							
.031 wall thickness	$2.60	$4.40	$6.10	$7.80	$9.60	$11.30	$13.10	$16.50	$20.00
.045 wall thickness		5.70	8.30	10.80	13.30	15.80	18.30	23.40	28.40
.062 wall thickness		7.00	10.50	14.00	17.40	20.90	24.30	31.30	38.20
.093 wall thickness							33.90	44.30	54.70
.125 wall thickness									69.90

For Tubing, Boxed, 25' per box, above list prices may be increased by $0.75 per hundred lineal feet.

(iii) *Notification of purchasers of existence of this subparagraph (9).* Every person selling plastic pipe, plastic tubing, plastic pipe fittings, and /or plastic tubing fittings subject to this subparagraph (9) shall, before making an initial sale to each purchaser, notify such purchaser of the existence of this subparagraph, and, upon request of such purchaser, make available a copy of it for examination.

(iv) *New products.* The maximum list price of any article of plastic pipe, plastic tubing, plastic pipe fittings, and/or plastic tubing fittings, for which prices are not established in subdivision (d) of this subparagraph (9) shall be the price determined in accordance with the appropriate method contained in Maximum Price Regulation No. 188 as amended.

(v) *Records.* Every person selling plastic pipe, plastic tubing, plastic pipe fittings, and/or plastic tubing fittings subject to this subparagraph (9), shall have available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of each sale made under this subparagraph showing the date of the sale, the name and address of the purchaser, the manufacturer's plate number or the jobber's plate number, the list price of each unit, the discount allowed, and the point of delivery of the shipment.

(vi) *Reports.* All persons making sales subject to the provisions of this subparagraph (9) shall submit such reports as the Office of Price Administration may at any time request, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(vii) *Definitions.* For the purpose of this subparagraph (9) the term:

"Manufacturer" means a person who manufactures or extrudes synthetic organic thermoplastic into plastic pipe, plastic tubing, plastic pipe fittings or plastic tubing fittings.

"Jobber" means a person other than a "manufacturer" who purchases plastic pipe, plastic tubing, plastic pipe fittings, or plastic tubing fittings from a "manufacturer" for resale, customarily receives physical possession, and who sells primarily to an installer, industrial user or retailer.

"Installer" means any person customarily engaged in the installation of plumbing, heating, refrigeration, and/or air-conditioning systems and furnishes an installation service, but does not include automotive installers.

"Automotive installer" means any person who is engaged in the repair or maintenance of automotive vehicles.

"Retailer" means any person who sells to the ultimate consumer.

"Industrial or commercial user" means any person who customarily purchases for use in an industrial plant or commercial enterprise, such as an oil or sugar refinery, a chemical plant, shipyard, or railroad.

"Ultimate consumer" means a person who purchases for use rather than resale, other than an industrial or commercial user.

This Amendment No. 8 shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12618; Filed, August 3, 1943; 3:09 p. m.]

[Amdt. 10 to Order A-1 Under MPR 188]

ASPHALT

MODIFICATION OF MAXIMUM PRICES

Amendment No. 10 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturer's Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Modification of maximum prices in Maximum Price Regulation 188. An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (11) is added to read as follows:

(a) *Modification of maximum prices in Maximum Price Regulation No. 188.* The provisions of Maximum Price Regulation No. 188 as applied to certain commodities subject thereto are modified in accordance with § 1499.159b of Maximum Price Regulation No. 188 as hereinafter provided.

* * * * * *

(11) *Modification of maximum prices for asphalt and/or tar base roof coatings and cements in containers*—(i) *Explanation.* The purpose of the new method of pricing provided by this subparagraph (11) is to permit a manufacturer who is now packing asphalt and/or tar base roof coatings and cements in containers which have increased in cost to adjust his maximum prices and add the exact amount of the increase in the cost of the containers and in receiving delivery of them. The method permits him to account for differences in container costs without permitting him to increase the price per unit of the asphalt and/or tar

base roof coatings and cement packed in the container. The method is formulated for low-price sellers of these products who are unable to sell them at their established maximum prices because of the increased cost of the containers. Subdivision (ix) specifies the maximum prices in excess of which no manufacturer may sell asphalt and/or tar base roof coatings and cements if he adjusts his established maximum prices in accordance with this subparagraph. Any manufacturer whose established maximum prices for these commodities are higher than the prices itemized in subdivision (ix) may continue to sell at his established maximum prices without any adjustment.

(ii) *Pricing method.* To figure the adjusted maximum price to any class of purchasers for the commodity in containers, the manufacturer shall:

(*a*) *Determine the base container cost.* The manufacturer shall take as the "base container cost" his average direct cost of each type or size of container during March 1942. "Direct cost" means the net cost, at the manufacturer's plant, of the container and closure, but it does not include costs of filling, closing, labeling, or packing. If a manufacturer is unable to compute his base container cost because of lack of purchases during March 1942, he shall determine his base container cost by any purchase during the period December 1941 through February 1942, or if no purchases were made during this period, by the offering price during that period by the manufacturer's usual source of supply.

(*b*) *Determine the current container cost.* The manufacturer shall take as the "current container cost" his average direct cost of each type or size of container for any quarterly period subsequent to January 1, 1943. "Direct cost" means the net cost, at the manufacturer's plant, of the container and closure, but it does not include cost of filling, closing, labeling, or packing.

(*c*) *Determine the increased container cost.* Taking his "current container cost" the manufacturer shall then subtract the "base container cost." The difference, if any, represents the "increased container cost."

(*d*) *Determine the adjusted maximum price.* The manufacturer shall next add the "increased container cost" to his established maximum price. If the result is less than the prices itemized in subdivision (ix), such result shall be the adjusted maximum price. If the result is the same as or higher than the prices itemized in subdivision (ix), the prices in subdivision (ix) shall be his adjusted maximum prices. No manufacturer may sell in excess of the sum of his "increased container cost" plus his established maximum prices, even if such total does not equal the prices contained in subdivision (ix).

(*e*) *Changes in current container cost.* Each manufacturer must redetermine his "current container cost" upon a quarterly basis. If the manufacturer has determined his "current container cost" in accordance with subdivision (ii) (*b*), he may, if the redetermination of "current container cost" reflects an increase over his previous "current container cost", readjust his maximum prices for the ensuing quarterly period to include such increases provided such readjusted maximum prices do not exceed the prices contained in subdivision (ix). If the redetermination reflects a decrease of his "increased container cost", the manufacturer must readjust his maximum prices and reduce his adjusted maximum prices by the amount of the decrease for the ensuing quarterly period.

(iii) *Commodity and geographical coverage.* This subparagraph (11) applies to all sales of asphalt and/or tar base roof coatings and cements in containers in the forty-eight states of the United States and the District of Columbia. The only commodities covered by the subparagraph are plastic cement, asbestos roof coating and roof coating without asbestos fiber.

(iv) *Container deposits.* If the container used by any manufacturer is one which is capable of reuse, and if the manufacturer made a deposit charge for containers during March 1942, he shall not be permitted to adjust his maximum prices. If any manufacturer made no deposit charge during March 1942, and now desires to do so, he must reduce his established maximum price of his product by an amount equal to ⅓ of his "base container cost". If a manufacturer adjusts his established maximum prices to recover his "increased container cost" and desires to charge a container deposit, he must reduce his adjusted maximum price in the amount of his "increased container cost" plus ⅓ of the "base container cost".

(v) *Wholesalers, jobbers and retailers.* This subparagraph (11) permits adjustments by manufacturers. Other levels of distribution are permitted to adjust their maximum prices to the same extent as the manufacturer. Any purchaser who buys asphalt and/or tar base roof coatings and cement in containers for the purpose of resale, may increase his established maximum price by the exact amount which he is required to pay his supplier in excess of the maximum price previously charged by the said supplier. It is the purpose of this subdivision to permit wholesalers, jobbers and retailers to increase their maximum prices by the exact amount of the "increased container cost", provided such "increased container cost" is paid by them to their supplier.

(vi) *Mode of pricing.* The amount of the increase may be reflected in the mode of pricing which each seller used during the month of March 1942.

(vii) *Notification to purchasers by manufacturers.* All manufacturers selling asphalt and/or tar base roof coatings and cements in containers under the authority of this subparagraph shall send the following notice to every purchaser thereof at the time of the first sale:

We have increased our established maximum price for ---------- from ---------- to ----------. The difference represents our increased container cost. This increase is permitted by Amendment No. 10 to Order No. A-1 under Maximum Price Regulation No. 188, issued by the Office of Price Administration.

You may increase your established maximum price to the same extent, namely, ----------. Our increase and adjusted maximum price does not exceed the amount permitted by the Order of the Office of Price Administration.

If our container cost decreases, you will be notified and must reduce your established maximum price accordingly on these commodities you purchase from us at the reduced prices.

(viii) *Records and reports*—(*a*) *Records.* Manufacturers shall keep records showing how they compute their adjusted or readjusted maximum prices.

(*b*) *Reports.* Within 20 days after any adjustment or readjustment of maximum prices under this subparagraph, each manufacturer shall submit a report to the Building Materials Branch, Office of Price Administration, Washington, D. C., showing:

(*1*) The "base container cost";

(*2*) The "current container cost", including a description of the current containers, quantity purchased, and the name and address of the supplier or suppliers;

(*3*) The adjusted or readjusted maximum price and the method by which such price was established;

(*4*) Whether, in the case of a readjustment which results in a decrease, the manufacturer has notified his purchasers of the decreased prices applying on sales for the ensuing quarterly period, and the amount of the decrease.

(ix) *Adjusted maximum prices.* The following table of prices are those prices in excess of which no manufacturer may sell or deliver his products after he has adjusted his established maximum prices.

	Freight equalized with competitive shipping points		F. o. b. shipping point (No freight equalization)	
	LCL	CL	LCL	CL
Plastic cement (prices in lbs.)				
Bbl. (approximately 500 to 600 lbs.) containers	.027	.024	.025	.022
½ bbl. (approximately 300 lbs.) up to barrel containers	.029	.026	.27	.024
100 lb. up to ½ barrel containers	.035	.032	.033	.030
50 lb. up to 100 lb. containers	.038	.035	.036	.033
25 lb. up to 50 lb. containers	.043	.04	.041	.038
10 lb. up to 25 lb. containers	.049	.045	.047	.043
5 lb. up to 10 lb. containers	.057	.052	.055	.050
1 lb. up to 5 lb. containers	.077	.07	.075	.068
Asbestos roof coating (prices per gallon)				
Bbl. (approximately 50 to 60 gallons) containers	.263	.235	.248	.215
½ bbl. (approximately 30 gallons) up to barrel containers	.288	.262	.268	.242
5 gallon up to ½ barrel containers	.322	.289	.302	.269
1 gallon up to 5 gallon containers	.394	.356	.374	.336
Roof coating without asbestos fiber (prices per gallon)				
Bbl. (approximately 50 to 60 gallons) containers	.246	.226	.229	.206
½ bbl. (approximately 30 gallons) up to barrel containers	.28	.253	.26	.233
5 gallon up to ½ barrel containers	.314	.28	.294	.260
1 gallon up to 5 gallon containers	.382	.349	.362	.329

NOTE: The term "up to" does not mean inclusive of the next listed number following the word "to." For example, 1 gallon up to 5 gallon containers, does not include 5 gallon containers.

This Amendment No. 10 shall become effective August 4, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12617; Filed, August 3, 1943; 3:08 p. m.]

[2d Rev. Gen. Order 20]

DELEGATION OF AUTHORITY TO ACT FOR THE ADMINISTRATOR

AUTHORIZATION OF DIRECTOR FOR THE TERRITORY OF PUERTO RICO

Revised General Order 20 is amended to read as follows:

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125, Executive Order No. 9280, Executive Order No. 9322, Executive Order No. 9334, War Production Board Supplementary Directive No. 1–J, Food Distribution Administration Food Directive No. 3 and Food Directive No. 9, the following order is prescribed:

(a) The Director of the Office of Price Administration for the Territory of Puerto Rico is authorized and directed to exercise the functions, duties, powers, authority and discretion conferred upon the Administrator for the purpose of permitting the efficient rationing of all material in the Territory of Puerto Rico. *Provided, however,* That any program initiated pursuant to this authorization shall be subject to the approval of the Administrator for the Ninth Region of the Office of Price Administration.

(b) Any order issued by the Director pursuant to this delegation of authority shall have the same force and effect as if issued by the Administrator.

(c) The authority delegated hereby shall not include the power or authority to ration farm machinery and equipment. As used herein the term farm machinery and equipment shall have the same meaning as is given it in paragraph (b) of War Production Board Supplementary Directive No. 1–K.

Issued and effective August 3, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12627; Filed, August 3, 1943; 3:09 p. m.]

[2d Rev. Gen. Order 21]

DELEGATION OF AUTHORITY TO ACT FOR THE ADMINISTRATOR

AUTHORIZATION OF DIRECTOR FOR THE TERRITORY OF THE VIRGIN ISLANDS

Revised General Order 21 is amended to read as follows:

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125, Executive Order No. 9280, Executive Order No. 9322, Executive Order No. 9334, War Production Board Supplementary Directive No. 1–J, Food Distribution Administration Food Directive No. 3 and Food Directive No. 9, the following order is prescribed:

(a) The Director of the Office of Price Administration for the Territory of the Virgin Islands is authorized and directed to exercise the functions, duties, powers, authority and discretion conferred upon the Administrator for the purpose of permitting the efficient rationing of all material in the Territory of the Virgin Islands. *Provided, however,* That any program initiated pursuant to this authorization shall be subject to the approval of the Administrator for the Ninth Region of the Office of Price Administration.

(b) Any order issued by the Director pursuant to this delegation of authority shall have the same force and effect as if issued by the Administrator.

(c) The authority delegated hereby shall not include the power or authority to ration farm machinery and equipment. As used herein the term farm machinery and equipment shall have the same meaning as is given it in paragraph (b) of War Production Board Supplementary Directive No. 1–K.

Issued and effective August 3, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12628; Filed, August 3, 1943; 3:09 p. m.]

Regional, State and District Office Orders.

[Region III Order G–1 Under Rev. MPR 122]

COAL IN MT. VERNON, IND.

Order No. G–1 under Revised Maximum Price Regulation 122. Order adjusting maximum prices for coal sold at retail at Mt. Vernon, Indiana. (Formerly Order No. CV–122–19.)

In the exercise of the power and authority delegated to the Regional Administrator under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122 and upon the facts found and for the reasons stated in the annexed opinion, *It is hereby ordered:*

1. This order applies only to dealers in solid fuel as defined by Revised Maximum Price Regulation No. 122 located at Mt. Vernon, Indiana, and to sales and deliveries of coal in transactions governed by such regulation to purchasers situated in the City of Mt. Vernon and portions of Posey County, Indiana within five miles of the corporate limits of the City of Mt. Vernon.

2. This order further applies only to coal of equivalent or comparable quality to that sold during the base period provided by the regulation which is received by such dealers by rail shipment, or which is transported by truck from mines located more than fifteen miles from the corporate limits of Mt. Vernon, Indiana.

3. Any such dealer whose maximum price for such coal delivered upon the premises of any purchaser within the area mentioned established under the provisions of Revised Maximum Price Regulation No. 122, is less than $5.00 per ton for lump, nut and intermediate sizes, or $4.50 per ton for stoker coal, or $3.00 per ton for slack coal, is hereby permitted and authorized to increase his prices to the foregoing amounts.

4. This order shall take effect upon the execution hereof and remain in force until modified or revoked by the Regional Administrator.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Dated at Cleveland, Ohio, March 11th, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12603; Filed, August 3, 1943; 11:50 a. m.]

[Region III Order G–1 Under MPR 280]

BULK MILK IN CUYAHOGA, WAYNE AND SUMMIT COUNTIES, OHIO

Order No. G–1 under Maximum Price Regulation 280. Order adjusting the maximum prices of bulk milk sold in the counties of Cuyahoga, Wayne, and Summit, in the State of Ohio. (Formerly Order No. III, MPR 280, § 1351.-807–1.)

For the reasons set for in the opinion attached hereto and made part hereof, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1351.807 of Maximum Price Regulation No. 280 and notwithstanding the provisions of § 1351.803 thereof, *It is hereby ordered,* That:

(1) The maximum price for any bulk milk supplier in the counties of Cuyahoga, Wayne, and Summit, in the State of Ohio shall be $3.76 per cwt. or $3.20 per 10 gallon can for bulk milk of 3.5% butterfat content.

(2) Any bulk milk supplier who sells and delivers milk testing over 3.5% butterfat content may charge and receive not more than 4¢ per cwt. additional for each point of butterfat contained in said milk in excess of 3.5%, and bulk milk suppliers selling milk testing below 3.5% butterfat content must reduce their maximum price 4¢ or more per cwt. for each point of butterfat content below 3.5% contained in said milk.

(3) Each bulk milk supplier shall notify each fluid milk distributor in the Counties of Cuyahoga, Wayne, and Summit, in the State of Ohio to whom he sells milk, by letter, of the adjustment permitted in this order.

(4) *Definitions*—(a) *Bulk milk.* For the purpose of this order, bulk milk is defined to mean all cows' milk produced and then assembled and cooled at a country plant, a milk processing plant, or a milk cooling station and then sold to either (1) fluid milk distributors or (2) bulk milk suppliers in the Counties of Cuyahoga, Wayne, and Summit in the State of Ohio.

(b) *Bulk milk suppliers.* For the purpose of this order bulk milk suppliers is

defined to mean any individual, corporation, partnership, or any other organized group of persons or successors of the foregoing who operates (1) a country plant (2) a milk processing plant or (3) a milk cooling station, and who purchases raw fluid milk from producers and then sells or offers for sale such fluid milk in bulk lots to either (1) fluid milk distributors or (2) other (bulk milk suppliers in the counties of Cuyahoga, Wayne, and Summit in the State of Ohio).

(5) This order shall remain in effect until modified or revoked by the Regional Administrator.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of December 1942.
Effective December 16, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12607; Filed, August 3, 1943; 11:52 a. m.]

[Region III Order G-2 Under Rev. MPR 122]

SOLID FUEL IN VANDERBURG COUNTY, IND.

Order No. G-2 under Revised Maximum Price Regulation 122. Order adjusting maximum prices for solid fuel sold by dealers in the county of Vanderburg, State of Indiana. (Formerly Order No. CV-122-20.)

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122 and notwithstanding the provisions of § 1340.254 thereof, *It is hereby ordered*, That:

I. *Sales by dealers of solid fuel* in the county of Vanderburg, State of Indiana. Any dealer located in the County of Vanderburg State of Indiana may add to the maximum prices established for him under the provisions of § 1340.254 of Revised Maximum Price Regulation No. 122 for sales and deliveries of solid fuel, an amount not to exceed 25¢ per ton on quantities of one ton or more for each type and grade of solid fuel sold and delivered by such dealer.

II. *Exceptions.* Notwithstanding the provisions of paragraph I, this order shall not apply to any sales and deliveries of solid fuel made by a producer or distributor at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

III. *Each dealer subject to the provisions of this order* shall maintain all his customary allowances, discounts and other price differentials.

IV. *Definitions.* A. "Dealer" means a person, corporation, partnership, organization, or any other organized group of persons selling solid fuels, subject to the provisions of Revised Maximum Price Regulation No. 122.

B. "Solid fuel" means all solid fuel including all kinds of anthracite and semi-anthracite; bituminous and semi-bituminous, sub-bituminous and cannel coal; lignite; all coke, including low temperature coke (except by-product foundry and blast furnace coke, and beehive oven furnace coke produced in the State of Pennsylvania); briquettes made from coke or coal; and sea coal used for foundry facings. The term does not include wood or wood products.

V. This order shall remain in effect until modified or revoked by the Regional Administrator.

Issued March 16, 1943.
Effective March 16, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12604; Filed, August 3, 1943; 11:50 a. m.]

[Region III Order G-2 Under MPR 154 as Amended]

ICE IN INDIANAPOLIS, IND.

Order No. G-2 under Maximum Price Regulation 154, as amended. Order on application of certain ice manufacturing and distributing companies of Indianapolis, Indiana, for adjustment of their maximum prices for ice. (Formerly Order No. CV-154-18.)

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III by virtue of § 1398.8 (a) and (b) of Maximum Price Regulation No. 154 and General Order No. 32, and notwithstanding the provisions of § 1393.12 of Maximum Price Regulation No. 154, *It is hereby ordered*, That:

I. *Sales of ice at retail.* Capital Ice Refrigerating Company, Irvington Ice and Coal Company, Broad Ripple Ice and Manufacturing Company, National Ice and Coal Company and Indianapolis Ice and Fuel Company, and all distributors or peddlers purchasing ice from them for resale at retail are granted the following adjusted maximum prices for sales of ice at retail:

Type of ice sold—class sold to:	*Adjusted maximum price for 100 pounds*
A. Block ice:	
Domestic retail delivered:	
(100 lbs. or less)	$0.60
Commercial retail delivered:	
Water coolers only	0.60
100 lbs. or less	0.50
125 to 500 lbs	0.40
525 to 1900 lbs	0.35
Domestic retail platform:	
25 lbs	0.60
50, 75 (to next even cent) and 100 lbs	0.50
Commercial retail platform:	
100 lbs	0.40
	Per ton
Carload	$4.50

Type of ice sold—class sold to	Adjusted maximum price		
B. ICE CUBES			
Domestic retail delivered or platform	*Per ½ bushel* $0.60	*Per box of 50* $0.20	*Per box of 100* $0.60
Commercial retail delivered or platform	0.35	0.15	0.45
C. CRUSHED ICE			
Domestic retail delivered or platform	*Per bushel* $0.30	*Per 18 lb. bag* $0.20	
Commercial retail delivered or platform	0.25		
D. SNOW			
Commercial retail delivered or platform	*Per bushel* $0.20		

The above prices are applicable both to sales on a coupon basis and on a cash basis.

II. *Sales of ice at wholesale.* Capital Ice Refrigerating Company, Irvington Ice and Coal Company, Broad Ripple Ice and Manufacturing Company, National Ice and Coal Company and Indianapolis Ice and Fuel Company are hereby granted the following adjusted maximum prices for sales of ice to ice manufacturers, distributors and peddlers for resale at retail:

Type of ice sold—class sold to:	*Adjusted maximum price per ton*
A. Block ice:	
Wholesale delivered to peddlers, distributors or stations	$6.00
Wholesale platform to peddlers, distributors or stations	5.50
Wholesale platform to ice manufacturers	5.00
B. Crushed ice:	
Wholesale delivered or platform to peddlers, distributors and stations	6.00
C. Snow:	
Wholesale delivered to peddlers, distributors or stations	6.00
Wholesale platform to peddlers, distributors or stations	5.50

III. *Fractional sales.* Whenever the seller's maximum price, as established under this order, results in a figure containing a fraction of a cent, the seller may adjust such price to the next highest full cent.

IV. *Definition.* 1. "Delivery," for the purpose of this order, means delivery to a purchaser at a point other than the seller's place of business.

2. "Platform" means delivery to a purchaser at the seller's place of business.

3. "Sale at retail" means a sale or selling to an ultimate consumer.

4. "Sale at wholesale" means a sale to any person other than an ultimate consumer.

This order shall remain in effect until modified or revoked by the Regional Administrator of Region III.

Effective March 9, 1943.
Issued March 8, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12611; Filed, August 3, 1943; 11:47 a. m.]

[Region III Order G-3 Under Rev. MPR 122]

COAL IN CLINTON, IND.

Order No. G-3 under Revised Maximum Price Regulation 122. Order adjusting maximum prices for sales of coal by dealers at Clinton, Indiana. (Formerly Order No. CV-122-23.)

Pursuant to § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122 and upon the facts found and for the reasons stated in the annexed opinion, *It is hereby ordered:*

1. This order applies only to "dealers in solid fuels" as defined by Revised Maximum Price Regulation No. 122 making sales and deliveries of coal in transactions subject to said regulation in the City of Clinton, Indiana, and surrounding territory within the State of Indiana within five (5) miles of the corporate limits of the City of Clinton.

2. Any such dealer whose maximum prices established under Revised Maximum Price Regulation No. 122 for coal delivered upon the premises of any purchaser located within the above described area are insufficient to permit the following gross margins over cost to him f. o. b. mine of origin of the coal sold and federal transportation tax, if any, may increase his maximum prices to the extent necessary to provide such margin between his net cost at the mines plus tax, if any, and amount charged the purchaser:

A. Where the dealer is required to transport the coal eight (8) or less miles from point of loading delivery vehicle to purchaser's premises—$1.25.

B. Where the dealer is required to transport the coal more than eight (8) miles but not more than fifteen (15) miles from point of loading delivery vehicle to purchaser's premises—$1.50.

C. Where the dealer is required to transport the coal more than fifteen (15) miles from point of loading delivery vehicle to purchaser's premises—$1.75.

3. This order shall take effect upon the execution hereof and remain in force until modified, rejected or superseded by order or regulation issued by the Administrator or Regional Administrator.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Dated at Cleveland, Ohio this 31st day of March 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12606; Filed, August 3, 1943; 11:52 a. m.]

[Region III Order G-3 Under MPR 154, as Amended]

GREENSBURG ICE COMPANY, GREENSBURG, IND.

Order No. G-3 under Maximum Price Regulation 154, as amended—Ice. Order and opinion on application of the Greensburg Ice Company of Greensburg, Indiana for adjustment of its maximum prices for ice. (Formerly Order No. CV-154-17.)

On September 8, 1942, the Greensburg Ice Company of Greensburg Indiana, filed an application for adjustment of its maximum prices for ice as established by Maximum Price Regulation No. 154, and has requested that any adjustment granted be made applicable to all distributors purchasing ice from it for resale. After due consideration of the application and other available information, it has been decided that the application should be granted in part for the reasons set forth below.

The applicant is the sole remaining manufacturer of ice in the County of Decatur in the State of Indiana, and sells both at retail and at wholesale. As the result of a protracted and enervating price war between applicant and a former competitor, the prices existing at the time of the promulgation of the General Maximum Price Regulation and Maximum Price Regulation No. 154 were abnormally low. Labor, operating and delivery costs have risen appreciably since that time, and applicant's financial position is not sufficiently strong to absorb such increased costs. It is established to the satisfaction of the Regional Administrator of Region III that the perpetuation of such prices would force the applicant to discontinue operations.

By reason of the foregoing, it is found by the Regional Administrator of Region III that the maximum prices for ice established for the Greensburg Ice Company of Greensburg, Indiana, under the provisions of § 1393.12 of Maximum Price Regulation No. 154, as amended, are so low as to cause it substantial hardship and make it impossible for said company to continue selling or supplying ice; that such discontinuance will cause its customers substantial inconvenience disproportionate to the needs of the national or local economy.

Accordingly, pursuant to the authority vested in the Regional Administrator of Region III by virtue of the provisions of § 1393.8 (a) and (b) of Maximum Price Regulation No. 154 and General Order 32, the Greensburg Ice Company of Greensburg, Indiana, and all distributors purchasing ice from the Greensburg Ice Company for resale at retail are granted the following adjusted maximum prices for sales of ice at retail:

DELIVERED OR PLATFORM PRICES

1. For sales in units of 100 pounds or more:

Class of purchaser	Price per ton when monthly purchase is—	
	Less than 4000#	4000# or more
City domestic consumers	$9.00	$8.00
City commercial consumers	8.00	7.50
Rural domestic consumers	10.00	9.00
Rural commercial consumers	9.00	8.50

2. For sales in units of less than 100 pounds:

Weight	When ton price is—		
	$8.00	$9.00	$10.00
Maximum price for 75# shall be	20¢	40¢	40¢
Maximum price for 50# shall be	20¢	25¢	30¢
Maximum price for 25# shall be	10¢	15¢	15¢

The above prices are applicable both to sales on a coupon basis and on a cash basis.

The Greensburg Ice Company is hereby further granted on adjusted maximum price of $5.25 per ton for its platform sales to distributors who purchase for resale at retail.

Definitions

"Delivered," for the purposes of this order, means delivered to a purchaser at a point other than the seller's place of business.

"Platform" means delivery to purchaser at the seller's place of business.

To the extent that this application has been denied, the applicant may within 15 days after the date on which this order was mailed to it, request the Price Administrator to review such Order of Denial in the manner provided by Revised Procedural Regulation No. 1.

This order shall remain in effect until modified or revoked by the Regional Administrator of Region III.

This order shall become effective March 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued March 3, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12612; Filed, August 3, 1943; 11:49 a. m.]

[Region III Order G-3 Under MPR 154, as Amended, Amdt 1]

GREENSBURG ICE COMPANY, GREENSBURG, IND.

Amendment No. 1 to Order No. G-3 under Maximum Price Regulation 154, as amended—Ice. (Formerly Order No. CV-154-17.)

For the reasons set forth in the opinion attached hereto, paragraphs 1 and 2 in the schedules of delivered or platform prices in order No. G-3 are hereby revoked, and new Paragraphs 1 and 2, as set forth below, are substituted therefor.

DELIVERED OR PLATFORM PRICES

1. For all sales in 100# units in excess of the first 100# and including sales in 100# units only when made on the basis of the 2,000# coupon book:

Class of purchaser	Price per ton when monthly purchase is—	
	Less than 4,000# and in excess of 100# (but including 100# when sold under 2,000# coupon book)	4,000# or more
City domestic consumers	$9.00	$8.00
City commercial consumers	8.00	7.50
Rural domestic consumers	10.00	9.00
Rural commercial consumers	9.00	8.50

2. For sales in units of 100# and less. The prices applying to sales in units of 100#, however, shall be permitted only when sales are made either for cash or on the basis of the 1,000# or 500# coupon book.

Number of pounds	Domestic city	Domestic rural	Commercial city	Commercial rural
100	$0.50	$0.55	$0.45	$0.50
75	.40	.45	.35	.40
50	.25	.30	.25	.25
25	.15	.20	.15	.15
12½	.10	.....	.10	.....
25 (crushed or sized)	.25	.25	.....	.....

This amendment No. 1 shall remain in effect until modified or revoked by the Regional Administrator of Region III.

This amendment shall become effective March 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of March, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12613; Filed, August 3, 1943; 11:49 a. m.]

[Region III Order G-12 Under 18 (c) of GMPR, Amdt. 2]

FLUID WHOLE MILK IN INDIANA

Amendment No. 2 to Order No. G-12 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. (Formerly Order No. III-1499.18 (c)-15.) Adjustment of the maximum prices of fluid whole milk sold at retail and wholesale in the State of Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That subparagraph B of paragraph VII be amended to read as set forth below.

VII. *Definitions.* • • •

B. Approved fluid milk is defined to mean fluid cows' milk, whether raw or pasteurized meeting the minimum butterfat content, sanitary and health requirements for fluid milk for human consumption in the particular area wherein it is delivered, including standards set by the army or navy purchasing officer making purchases for the armed forces of the United States.

This amendment no. 2 shall become effective April 23, 1943.

Issued April 22, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12605; Filed, August 3, 1943; 11:53 a. m.]

[Region III Order G-19 Under 18 (c) of GMPR]

RAW MILK IN INDIANA, KENTUCKY, MICHIGAN, OHIO AND WEST VIRGINIA

Order No. G-19 (Formerly Order No. III-1499.18 (c)-30) under § 1499.18 (c), as amended, of the General Maximum Price Regulation adjusting the maximum rates of haulers of raw milk in the States of Indiana, Kentucky, Michigan, Ohio, and West Virginia.

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) and 1499.75 (a) (3) of the General Maximum Price Regulation, and notwithstanding the provisions of § 1499.2 thereof, it is hereby ordered that any carrier other than a common carrier operating in the states of Indiana, Kentucky, Michigan, Ohio and West Virginia may add 5¢ per cwt. to the maximum rate established for him under § 1499.2 of the General Maximum Price Regulation for the hauling of raw milk from farmers or other producers to milk depots, dairies, cooling stations, manufacturing plants or any other receiving point.

Effective February 3, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, and F.R. 7871)

Issued January 30, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12608; Filed, August 3, 1943; 11:53 a. m.]

[Region III Order G-19 Under 18 (c) of GMPR, Amdt. 1]

RAW MILK IN INDIANA, KENTUCKY, MICHIGAN, OHIO AND WEST VIRGINIA

Amendment No. 1 to Order No. G-19 (Formerly Order No. III-1499.18 (c)-30) under § 1499.18 (c), as amended, of the General Maximum Price Regulation adjusting the maximum rates of haulers of raw milk in the states of Indiana, Kentucky, Michigan, Ohio, and West Virginia.

For the reasons set forth in the opinion attached hereto, order No. G-19 adjusting the maximum rates of haulers of raw milk in the states of Indiana, Kentucky, Michigan, Ohio, and West Virginia, is amended by the addition of two new paragraphs, as set forth below:

Notwithstanding the provisions of the preceding paragraph, this order shall not apply to any carrier hauling raw milk from a farmer or other producer thereof to processing plants located in Coldwater, Ohio, or Holgate, Ohio.

This order shall remain in effect until modified or revoked by the Regional Administrator of Region III.

This amendment No. 1 to Order No. G-19 shall become effective at 12:01 a. m. March 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of March 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12609; Filed, August 3, 1943; 11:54 a. m.]

Reference

AUG 9

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTIONS

REDUCTIONS IN FORCE

Sec.
12.301 Coverage.
12.302 Transfers.
12.303 Organization unit and class.
12.304 Categories of tenure.
12.305 Order within category of tenure.
12.306 Military preference.
12.307 Length of service.
12.308 Preparation of reduction in force list.
12.309 Separations; demotions; furloughs.
12.310 Notice to employees.
12.311 Submission of reduction in force list to the Commission.
12.312 Effect of decisions on postaudits and appeals.
12.313 Prior reduction in force regulations superseded.

AUTHORITY: §§ 12.301 to 12.313, inclusive, issued under authority of sec. 1 of E.O. 9063, 7 F.R. 1075.

§ 12.301 *Coverage.* The following reduction in force procedure is promulgated for use whenever one or more employees in positions within the jurisdiction of the Commission are to be involuntarily separated or furloughed in excess of 90 days as a result of decrease or stoppage of work or funds, change in working conditions, abolition of positions, consolidation or reorganization of functions or organization structure, or upon orders of the Bureau of the Budget.

§ 12.302 *Transfers.* Whenever a department or agency in the executive branch of the government service finds that a reduction in force is necessary, the Commission shall be notified in writing immediately. Heads of departments and agencies in Washington, D. C., and vicinity shall notify the Commission's central office in Washington, D. C., of all anticipated reductions in force, departmental and field, specifying the locations where they are to be made and the probable number at each location. Heads of agencies and activities outside of Washington, D. C., and vicinity shall report anticipated reductions to the appropriate regional offices of the Commission. Representatives of the Commission will thereupon work with designated representatives of the department or agency concerned in transferring employees who are declared available to other departments and agencies whenever their services are needed and they can be effectively utilized by other departments or agencies.

Except where a reduction in force involves all employees in all classes in an organizational unit designated as a separate group for reduction in force purposes, departments and agencies shall proceed with the reduction in force procedures prescribed in the following paragraphs simultaneously with this transfer activity.

§ 12.303 *Organization unit and class.* The head of each department or establishment shall determine the organization units and classes in which the contemplated reduction in force is to be made. Organization units designated as separate groups for reduction in force purposes shall be materially distinct from each other in work functions or in geographical location and shall be organized and operated as separate entities with clearly separable staffs of employees. Ordinarily, organization units located within the same local commuting area shall not be considered to be materially distinct from each other in geographical location. The organization unit designated as a separate group for reduction in force purposes shall be as large and have as wide coverage as is administratively feasible. Consideration shall be given to making organization units correspond with the organizational jurisdiction of efficiency rating committees. Within the determined organization unit, the class in which the contemplated reduction in force is to be made shall include all positions allocated to the same class, service, and grade, and all positions of the same grade (although designated by another title) that are sufficiently alike that intertransfer of personnel is feasible. In ungraded positions, the class shall include all positions in an occupational level.

§ 12.304 *Categories of tenure.* Within the organization unit and class, the fol-

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

AGRICULTURAL ADJUSTMENT AGENCY: Page
Agricultural Conservation Program; allotments for tobacco, Irish potatoes, etc. 10924
ALIEN PROPERTY CUSTODIAN:
Subordination orders:
Adlanco X-Ray Corp. and Roentgen Supplies, Inc. 10943
Orma Realty Corp. 10943
Vesting orders:
Barbati, Mary 10944
Ficken, John 10945
Fox, Michael 10945
Gans, John H. 10945
Integrity Trust Co. 10946
Jablonski, Antoni and Alice 10946
King, Elizabeth B. L. 10946
Mantino, Peter 10947
Nordman, August 10947
Otto, Herman 10947
Safko, Anna 10948
Schine, Andrew 10948
Schreiber, John 10948
Seipp, Sophie 10949
Stenzel, Wilhelm, et al. 10944
CIVIL AERONAUTICS BOARD:
Municipal Airport, Burlington, Vt.; authorization of right-hand turn in traffic pattern 10925
Position lights; waiver of requirement for certain military aircraft (Corr.) 10925
CIVIL SERVICE COMMISSION:
Reduction in force procedure for employees 10921
FEDERAL POWER COMMISSION:
Cities Service Gas Co., hearing 10943
FISHERIES COORDINATOR:
Alaska; amendment to salmon canning industry regulations 10942
GENERAL LAND OFFICE:
Land withdrawals:
Colorado 10942
Nevada 10942
INTERSTATE COMMERCE COMMISSION:
Reicing permits for movement of vegetables and fruits (2 documents) 10941, 10942
Steam roads; requirement for accounting for road property depreciation 10941

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	10951
Adjustments, exceptions, etc.:	
Silver articles, sales	10951
Sugar allotment increases:	
Louisiana and Texas	10950
Tennessee	10949
Supreme Foundry & Mfg. Co	10950
Alarm and protective equipment (MPR 165, Am. 26)	10939
Bituminous coal:	
Deliveries from mine or preparation plant (MPR 120, Am. 57)	10936
Sales as bunker fuel (MPR 189, Am. 14)	10936
Fire reporting services, exceptions (Rev. SR 11, Am. 32)	10939
Fish and seafood, fresh (MPR 418, Am. 3)	10939
Lumber:	
Northern hardwood (MPR 223, Am. 7)	10939
Northern softwood (RMPR 222, Am. 2)	10937
Softwood; distribution yard sales (RMPR 215, Am. 1)	10937
Pick-up and delivery services (Rev. SR 14, Am. 10)	10939
Poultry (RMPR 269, Am. 12)	10940
Puerto Rico; canned beets (RMPR 183)	10937
Regional, State and district office orders:	
Community ceiling prices, list of orders filed	10951
Firewood:	
Beaufort County, S. C	10957
Richland, Lexington and Fairfield Counties, S. C	10957

CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Regional, State and district office orders—Continued.	
Fluid milk:	
Allen County, Ind	10953
Ben Hill County, Ga	10956
Bradley County, Tenn	10958
Cobb County, Ga	10960
Fulton and DeKalb Counties, Ga	10959
Michigan	10951
Ohio	10954
Stephens County, Ga	10958
Solid fuels (MPR 121, Am. 22)	10936
Sugar rationing (RO 3, Am. 75)	10937
Virgin Islands; tire rationing (RO 1C)	10927
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Cities Service Power & Light Co	10963
Engineers Public Service Co., et al	10964
Farnsworth Television & Radio Corp., et al	10963
Holly Oil Co	10961
Litchfield Electric Light and Power Co. and NY PA NJ Utilities Co	10961
Standard Oil Co	10964
United Gas Improvement Co., et al	10962
United Light and Power Co., et al	10961
United Public Service Corp., et al	10963
WAR PRODUCTION BOARD:	
Philadelphia Mattress Manufacturers Associates, approval of production plan (Certificate 105)	10965
Strategic materials, imports:	
(M-63, Am. 1)	10926
(M-63-a)	10926
Suspension orders:	
Peerless Alloy Co	10925
Peerless Steel Equipment Co	10925
Wensley Metals Products Co	10926

lowing categories of tenure constitute separate groups for reduction in force purposes, consideration being given to the categories in the following order:

(a) All employees serving under temporary appointment limited to a specific period of time of one year or less.

(b) All employees serving probational or trial periods in their present positions, not including those who served previously with a classified (competitive) civil service status.

(c) All employees who have completed probational or trial periods or an equivalent thereof but who do not have a classified (competitive) civil service status. (Until required appointment forms have been submitted to the Commission, employees who have completed probational periods shall not be considered as having a civil service status. The fact that the character investigation has not been completed will not prevent considering the probational period to be completed for status purposes if all other requirements have been met.)

(d) All employees serving under any type of appointment, except temporary, who have classified (competitive) civil service status in their present positions or who served previously with a classified (competitive) civil service status. (When there is doubt as to the civil service status of an employee, the Commission should be consulted.)

An employee in a lower category of tenure may be retained in preference to an employee in a higher category of tenure if the position is to be retained and its duties cannot be acceptably performed after a reasonable preliminary training period by any available employee who would be affected by reason of the retention.

Seasonal employees shall be considered in competition only with other seasonal employees in the same class of work. Reduction in force within this group shall be effected in the order of the categories of tenure.

Temporary employees and probation or trial period employees may be considered according to regulations controlling their appointment and status without regard to reduction in force procedures at the discretion of the head of the department or agency: *Provided*, That employees in the other categories of tenure are not affected thereby.

§ 12.305 *Order within category of tenure.* With respect to employees whose performance is evaluated under an efficiency rating system, the order of reduction in force within each category of tenure shall be:

(a) Employees without military preference who have "Fair" efficiency ratings, in order of reduction credits.

(b) Employees with military preference who have "Fair" efficiency ratings, in order of reduction credits.

(c) Employees without military preference who have efficiency ratings of "Good" or better, in order of reduction credits.

(d) Employees with military preference who have efficiency ratings of "Good" or better, in order of reduction credits.

Reduction credits shall be computed by giving a numerical value of 80 for a "Good" efficiency rating, 88 for a "Very Good" efficiency rating, and 96 for an "Excellent" efficiency rating, and adding one credit for each full year of service with the Federal government. No numerical value shall be given for a "Fair" efficiency rating, but one reduction credit shall be given for each full year of service with the Federal government.

With respect to all employees whose performance must be evaluated under the uniform efficiency rating system approved by the Commission, the current efficiency rating shall be used. In the event an employee does not have a current efficiency rating based on performance in a position of the class in which reduction in force is being made

and the reduction of force does not affect all employees in the category of tenure in which he falls, such employee shall be given a special efficiency rating in accordance with the regular procedure and his order in the reduction in force shall be determined accordingly. Such cases will be particularly noted in the reduction in force list by placing after their names in the remarks column the words "Special rating" followed by a statement of the number of days of service on which the rating is based.

With respect to employees whose performance is not required to be evaluated under a uniform system of efficiency ratings approved by the Commission but who are rated under an efficiency rating system approved by administrative authority, the foregoing rules shall be applied in so far as they are applicable. Reduction credits shall be given and the order of separation determined on the basis of ratings construed under the following efficiency rating definitions:

"Fair"—performance that conforms generally to that reasonably required with certain deficient performance not compensated by other outstanding performance.

"Good"—performance that conforms generally to that reasonably required with deficient performance in any phase compensated by outstanding performance in other phases.

"Very Good"—performance that is distinctly better than that reasonably required in most of the especially important phases provided no deficient performance is present in any phase.

"Excellent"—performance that is distinctly better than that reasonably required in all especially important phases provided no deficient performance is present in any phase.

Where there is no efficiency rating system in general use, or where the efficiency rating system cannot be adapted to the efficiency rating adjectives as defined above, separations in each category of tenure shall be determined on the basis of military preference and reduction credits, one credit for each full year of service with the federal government, those with the lowest number of reduction credits in the nonmilitary preference group to be selected first for separation.

An employee may be retained in preference to another employee who is higher in the order of reduction of force if the position is to be retained and its duties cannot be acceptably performed after a reasonable preliminary training period by any available employee who would be affected by reason of the retention.

No credits shall be allowed for dependency, official conduct, or like factors; but they shall be considered when two or more employees are tied for position in the order of reduction in force and one or more but not all employees so tied for position are to be affected.

§ 12.306 *Military preference.* It is incumbent upon the official charged with making a reduction in force to ascertain which among the employees affected are entitled to military preference. Such employees as are entitled to military preference but who have not furnished the necessary proof should be given opportunity to establish their claim to military preference before the reduction in force takes place.

§ 12.307 *Length of service.* Only full years of service shall be considered in the ultimate total; fractions of a year are to be counted in the periods of service that add up to the total service. The length of service shall be the total of all periods of service that are eligible for consideration for retirement purposes, without regard to whether the employee is or will be eligible to receive retirement benefits.

§ 12.308 *Preparation of reduction in force list.* The reduction in force list will be prepared in triplicate on any convenient form and will list employees in each organization unit and class in which the reduction in force is to be made (1) in accordance with the categories of tenure, and (2) in the order in which selections are to be made. The highest category of tenure shall be at the head of the list and names shall be so arranged that those first to be selected for action shall be at the bottom of the list.

The reduction in force list need give complete information only for all employees in the highest category of tenure affected. For all employees in the lower categories of tenure, the list shall show (1) the name of the employee, (2) the class title of the position occupied if different from the class title shown in the heading (supplemented in parentheses, where necessary, by the customary office title), and (3) the action to be taken. However, if any employee in a lower category of tenure is to be retained or is to be demoted to a position of a lower grade (or occupational level) rather than separated, the list must give full information for all employees from the lowest category of tenure in which this occurs to the highest category of tenure affected, inclusive. The reduction in force list shall contain:

(a) *The heading.* The heading will identify the department, bureau, division, organization unit, and class in which the reduction in force is being made.

(b) *The list.* The list, identified by the appropriate category of tenure, will contain the following information:

1. Name of employee. Names should be listed in the order of selection, with the first name to be selected at the bottom of the list.
2. Class title of position occupied by employee if different from the class title shown in the heading (supplemented in parenthesis, where necessary, by the customary office title).
3. Salary rate.
4. Statement whether employee is entitled to military preference. No entry need be made for employees not entitled to military preference.
5. Efficiency rating (adjective rating only; the numerical rating, if any, is not considered).
6. Length of service (total years of federal government service).
7. Reduction credits.
8. Action to be taken. Enter the letter "S" if employee is to be separated, "F" if employee is to be furloughed, the letter "D" if to be demoted to a position of lower grade (or occupational level). If no reduction in force action is to be taken but the salary of the employee is to be reduced, enter the letter "R". If the employee is to be retained in preference to other employees, enter an asterisk (*). Any convenient code may be used to indicate other changes if explained on the form.
9. A "Remarks" column or space for brief explanations or reference to footnotes or separate memoranda regarding basis for breaking ties when necessary, retention in preference to other employees, special efficiency rating, or any other matter which may be pertinent.

(c) *The certificate.* The reduction in force list shall bear substantially the following certificate by the head of the department or some person authorized to act for him:

I certify that the foregoing list contains the names of all employees holding positions in the organization unit and class in which a reduction in force is contemplated who are in the categories of tenure affected by such reduction in force; that, to the best of my knowledge and belief, the efficiency ratings are fair and just, and that the foregoing list is correct and in accordance with the procedure prescribed for reduction in force.

The actions proposed above are to be effective upon the expiration of accrued leave after the last day of active duty which will be _____, 19____, unless otherwise indicated in the "Remarks" column. The employees affected were notified of the proposed actions on _____, 19____.

_____
Date

(Signed) _____
Title

§ 12.309 *Separations; demotions; furloughs.* Heads of departments and independent establishments shall determine whether employees affected by reductions in force shall be separated, demoted, or furloughed, in accordance with the following rules:

(a) Where the reduction in force is permanent, as nearly as can reasonably be determined administratively, the affected employees shall be separated unless they have restoration rights to lower-grade positions or unless there is an administrative policy to demote employees in higher-grade positions to lower-grade positions and make separations in lower-grade positions, in either of which cases they may be demoted. No employee entitled to military preference shall be separated instead of being demoted if any other employee of lower standing on the reduction in force list is demoted unless such employee has restoration rights to the lower-grade position or unless it can be demonstrated as a matter of fact that the employee entitled to military preference could not perform the duties of the lower-grade position within a reasonable training period.

(b) Employees may be furloughed if the reduction in force is the result of a temporary condition that will exist for less than one year. The furlough period shall be one year or the period of tenure determined by the type and restrictions of appointment, whichever is less. While on furlough, employees shall have preferential rights to recall to duty over persons who may be considered for original

appointment to positions of the class and organization unit from which furloughed, in the inverse order of furlough ranking. Employees who are not recalled to duty within the furlough period shall be separated from the service.

These provisions shall not disturb any other reinstatement or reemployment list rights that employees may otherwise have. This procedure shall not be interpreted to conflict with any statutory provisions relating to restoration ts after return from military service.

§ 12.310 *Notice to employees.* Each employee affected by a reduction in force shall be given an individual notice in writing at least 30 days before the action becomes effective. Wherever possible, the notice should be given 30 days before the employee is relieved from active duty. Whenever appropriated funds can be made available to pay for accrued leave, employees affected by reductions in force shall have at least 30 days' notice before they are separated from a pay status and shall be carried in a pay status for such additional period as is necessary to exhaust accrued leave. In no case shall an employee be separated as a result of a reduction in force without 30 days' notice in advance of such separation.

In addition to the nature of the action and the date of termination of active duty, the notice shall inform the employee:

(a) Of his right to be continued in a pay status until accrued leave is exhausted.

(b) Of his right to appeal the proposed action to the Commission (Washington employees to the Central Office and others to the appropriate regional office) within 5 days from the receipt of the notice.

(c) Of any restoration or reemployment list rights he may have, and of the procedure and departmental or field channels through which the employee may apply for other government employment.

§ 12.311 *Submission of reduction in force list to the Commission.* As soon as employees are notified of the proposed action, two signed copies of the reduction in force list shall be transmitted to the appropriate office of the Commission (Central Office in the case of employees in Washington and vicinity, and regional offices in the case of employees stationed outside of Washington and vicinity). Actions may be made effective on the date indicated on the reduction in force list without the prior approval of the Commission but subject to a postaudit in the Commission's discretion, and subject to appeal to the Commission by any employee who feels that there has been a violation of his rights under military preference laws or these regulations. Appeals from employees must be submitted to the Commission in writing within 5 days from the receipt of notice of the proposed action. Any department or establishment desiring to do so may request the Commission to preaudit and approve the reduction in force list before proposed actions have been made effective. In so far as possible, the Commission will assist departments and establishments in planning the preparation of reduction in force lists upon request.

Whenever a department or establishment determines to separate, demote, or furlough employees whose names, with complete information, have already appeared on a reduction in force list that has been certified to the Commission during the same efficiency rating period in connection with action on other cases, it shall be necessary only for the department or establishment to report such cases to the Commission, referring to the list on which the ratings appear, and certifying as to the notices to employees.

§ 12.312 *Effect of decisions on postaudits and appeals.* Whenever the Commission, in acting upon the appeal of an employee or as a result of a postaudit, disapproves the separation of an employee under these regulations, if the employee is still carried on the rolls of the department or agency shall cancel the leave, or nonpay status, the head of such department or agency shall cancel the notice of separation. In such a case, where the employee has been relieved from active duty, he shall be restored to active duty. If the employee has been separated from the service before the department or agency is advised of the disapproval of the action by the Commission, the head of such department or agency shall promptly restore the employee to the position from which separated whenever such action can be accomplished under the law and regulations and in the public interest. In the case of the disapproval of a demotion, the employee shall be restored to the position from which he was demoted. In the case of the disapproval of a furlough in excess of 90 days, the employee shall be restored to active duty immediately, if the furlough has been in effect for 90 days, or within 91 days of the time he entered a nonpay status if the furlough has not been in effect for 90 days. If additional separations, demotions, or furloughs in excess of 90 days are necessary as a result of cases disapproved by the Commission, they shall be made in accordance with reduction in force procedures. With respect to reductions of force outside of Washington, D. C., and vicinity, the decision of the Commission's Regional Director is the decision of the Commission on appeals and postaudits.

§ 12.313 *Prior reduction in force regulations superseded.* Effective immediately, these regulations supersede all rules, regulations, or interpretations, or any parts of them, which are inconsistent with the procedure contained herein.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

JULY 31, 1943.

[F. R. Doc. 43-12736; Filed, August 5, 1943; 11:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-14]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART E—1943

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.403 (c) is amended to read as follows:

§ 701.403 *Production adjustment allowance and deductions.* • • •

(c) *Deductions for exceeding allotments.* Deductions for exceeding allotments shall be made from the remainder of the farm production adjustment allowance after any deduction provided for in paragraph (b) above has been made. If the deductions for exceeding allotments are in excess of the remainder of the farm production adjustment allowance, each person's share of the excess after proration of net deductions shall be deducted from such person's share in the production adjustment payment for any other farm in the county, and may be deducted from such person's share of the production adjustment payment for any other farm in the State, if the State committee finds that the crops grown on the farm or farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farm or farms. These deductions shall be determined as follows:

(1) *Tobacco*—(i) *Farms on which county committee determines that any crop has been destroyed or planting interfered with by flood.* No deduction.

(ii) *Other farms.* Ten times the payment rate for each acre planted to cigar filler (type 41), cigar filler and binder (except types 41 and 45) and Georgia-Florida (type 62) tobacco in excess of the applicable allotment and for each acre planted to Burley, flue-cured, dark air-cured, and fire-cured tobacco in excess of the applicable allotment plus the larger of .1 of an acre or 5 percent of the allotment, except that no deduction will be made for dark air-cured or fire-cured tobacco if an amount of such tobacco equivalent to the production of the acreage otherwise subject to deduction is delivered to an agency designated by the Food Distribution Administration for diversion to nicotine.

2. Section 701.406 (a) (1) is amended by inserting immediately following the first proviso thereof, the following:

§ 701.406 *Division of payments and deductions*—(a) *Payments and deductions in connection with crop acreage allotments and Irish potato and truck crop payments.* (1) • • • *Provided further,* That if for any reason the total acreage of cotton on a farm in 1943 is less than 80 percent of the cotton allotment for the farm and the acreage of cotton planted or which would have been planted thereon by any producer in 1943 is a substantially smaller proportionate share of the acreage planted to cotton thereon than such producer normally plants thereon and all the persons who are or would have been entitled to receive a share of the proceeds of the cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1943, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1943:

3. Section 701.411 (e), the second paragraph thereof, is amended to read as follows:

§ 701.411 *General provisions relating to payments.* • • •

(e) *Excess cotton acreage.* • • •

Any person who knowingly plants cotton or causes cotton to be planted on a farm in 1943 in excess of 110 percent of the 1943 farm cotton allotment shall not be eligible for payment on any farm except a farm on which the county committee determines that planting has been interfered with by flood in 1943 or on which a substantial part of any crop has been destroyed or damaged by flood or insects in 1943 so that abandonment or replanting is necessary, and the overplanting of cotton on any farm so affected by flood or insects shall not cause a person to become ineligible for payments on other farms. No person shall be deemed to have knowingly overplanted cotton on a farm if the acreage planted to cotton on the farm in 1943 does not exceed 110 percent of the farm cotton allotment by more than the larger of three acres or three percent. Otherwise, he shall be presumed to have knowingly overplanted cotton on the farm if notice of the farm cotton allotment is mailed to him prior to the completion of the planting of cotton on the farm and he fails to establish the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1943.

Done at Washington, D. C., this 4th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12732; Filed, August 5, 1943; 11:41 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial 281]

AIR TRAFFIC RULES: SPECIAL CIVIL AIR REGULATION

AUTHORIZATION OF RIGHT-HAND TURN IN TRAFFIC PATTERN AT MUNICIPAL AIRPORT, BURLINGTON, VT.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 2d day of August 1943.

The following special civil air regulation is made and promulgated to become effective August 2, 1943:

Regulation Serial Number 260 is hereby amended by adding subparagraph (e) to read as follows:

(e) *Municipal Airport, Burlington, Vermont.* All turns by aircraft approaching for a landing or after take off to the north, southeast, and west shall be made to the right.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12687; Filed, August 5, 1943; 9:59 a. m.]

[Regulations, Serial 279]

AIR TRAFFIC RULES: SPECIAL CIVIL AIR REGULATION

AIRCRAFT POSITION LIGHTS

The caption of F.R. Doc. 43-12350 appearing on page 10653 of the issue for Saturday, July 31, 1943, should read as set forth above.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-372]

PEERLESS STEEL EQUIPMENT CO.

Peerless Steel Equipment Company, Philadelphia, Pennsylvania, is a corporation engaged in the manufacture of filing cabinets, furniture and furnishings principally for equipment for vessels. Subsequent to June 1, 1942 the company manufactured and assembled 9,324 wooden, four-drawer filing cases containing more than two pounds per drawer of essential operating steel hardware. This item is a Group III product, as defined in Supplementary Limitation Order L-13-a, and its manufacture and assembly are prohibited by said order. At the time the company manufactured and assembled these filing cases, as aforesaid, they had knowledge of the provisions of Supplementary Limitation Order L-13-a, but nevertheless used steel in excess of the permitted amount, because they found it advantageous to them to do so. Such conduct was deliberate and wilful.

This violation of Supplementary Limitation Order L-13-a has hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.372 *Suspension Order No. S-372.* (a) Peerless Steel Equipment Company, its successors and assigns, are hereby prohibited from manufacturing, assembling, producing or selling any filing cases made of any materials, for a period of six (6) months from the effective date of this order, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Peerless Steel Equipment Company, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 5, 1943, and expire on February 5, 1944, after which latter date it shall have no further force and effect.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12727; Filed, August 5, 1943; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-374]

PEERLESS ALLOY CO.

Peerless Alloy Company, a corporation, of 1445 Osage Street, Denver, Colorado, is engaged in the business of smelting, refining and alloying tin and tin products. Between April 1, 1942 and November 15, 1942, it delivered 9663 pounds of tin to customers which had not furnished it with certificates as required by General Preference Order M-43, as amended. Between April 29, 1942 and December 8, 1942, it sold and delivered to Wensley Metal Products Company over 90,000 pounds of solder having a tin content of more than 16 per cent by weight, without receiving therefor any preference rated orders or certificates, as required by Amendment No. 2 to General Preference Order M-43, dated April 10, 1942. At the time of these transactions Peerless Alloy Company had knowledge of the provisions of General Preference Order M-43, and these unauthorized deliveries of tin and tin products were so grossly negligent as to constitute wilful violations of the order.

These violations have hampered and impeded the war effort of the United States by distributing scarce materials in a manner unauthorized by the War

Production Board. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.374 *Suspension Order No. S-374.* (a) Peerless Alloy Company, its successors and assigns, shall not purchase, accept delivery of, sell, deliver, process or otherwise deal in tin, as defined in General Preference Order M-43, except as specifically authorized in writing by the War Production Board.

(b) Deliveries of material to Peerless Alloy Company, its successors or assigns, shall not be accorded priority, directly or indirectly, over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, or any other orders or regulations of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) No allocation shall be made to Peerless Alloy Company, its successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(d) The provisions of this order shall not apply to the purchase, use, manufacture, sale or delivery by Peerless Alloy Company of tin for end use in "implements of War", as defined in General Preference Order M-43, but in all such cases the Company shall, as a condition precedent to delivery, secure from its purchasers a written statement to the effect that the tin is to be used in the manufacture of, or incorporated into, "implements of war".

(e) Nothing contained in this order shall be deemed to relieve Peerless Alloy Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on August 5, 1943, and shall expire on November 5, 1943.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12728; Filed, August 5, 1943; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-375]

WENSLEY METAL PRODUCTS CO.

Wensley Metal Products Company, a corporation, of 1445 Osage Street, Denver, Colorado, is engaged in the business of extruding, manufacturing and selling metal pipe and tin products. From April 16, 1942, through October 30, 1942, it violated General Preference Order M-43, by selling and delivering 7594 lbs. of solder having a tin content of more than 16 per cent by weight, on orders which bore no preference ratings, and which were not otherwise permitted. Wensley Metal Products Company had knowledge of the provisions of General Preference Order M-43, and these unauthorized deliveries of solder were made with such gross negligence as to constitute wilful violations of said order.

These violations have hampered and impeded the war effort of the United States by distributing scarce materials in a manner unauthorized by the War Production Board, and also diverting them to unauthorized uses. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.375 *Suspension Order No. S-375.* (a) Wensley Metal Products Company, its successors and assigns, shall not purchase, accept delivery of, sell, deliver, process or otherwise deal in tin, as defined in General Preference Order No. M-43, except as specifically authorized in writing by the War Production Board.

(b) Deliveries of material to Wensley Metal Products Company, its successors or assigns, shall not be accorded priority, directly or indirectly, over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, or any other orders or regulations of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) No allocation shall be made to Wensley Metal Products Company, its successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(d) The provisions of this order shall not apply to the purchase, use, sale or delivery by Wensley Metal Products Company of tin for end use in "implements of war", as defined in General Preference Order M-43, but in all such cases the company shall, as a condition precedent to delivery, secure from its purchasers a written statement to the effect that the tin is to be used in the manufacture of, or incorporated into, "implements of war".

(e) Nothing contained in this order shall be deemed to relieve Wensley Metal Products Company, its successors or assigns, from any restriction, prohibition or provision contained in any order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on August 5, 1943, and shall expire on November 5, 1943.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12729; Filed, August 5, 1943; 11:38 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Amdt. 1 to General Imports Order M-63 as Amended June 28, 1943]

Section 1042.1 *General Imports Order M-63 as amended* is hereby amended by making the following changes in List I, List II, and List III:

Change	Material	Commerce Import Class Number	Governing Date
Add to List I	Emetine and salts thereof	N. S. C.	8/5/43
Add to List II	Agave fibers, unmanufactured, not elsewhere specified on this order (including flume tow and bagasse waste)	N. S. C.	8/5/43
	Leather luggage and related articles (including suitcases, valises, satchels, traveling and overnight bags, hat boxes, trunks, and other luggage; and boxes, caskets, chests, baskets, rolls, brief cases, and other cases, except hand bags, and flat leather goods)	0691. 300 0691. 400 0691. 600 0691. 800	8/5/43 8/5/43 8/5/43 8/5/43
	Paper pulp or paper making machines, n. s. p. f., and parts thereof	7800. 830	8/5/43
Add to List III	Agave fiber processors' mill waste (including sisal and henequen processors' mill waste)	N. S. C.	8/5/43
	Celery seeds	1525. 000	8/5/43
	Glue stock, not elsewhere specified	0980. 900	8/5/43
	Paprika, ground or unground	1523. 100	8/5/43
	Pearl shells or mother-of-pearl shells, unmanufactured	0961. 000	8/5/43
	Pimientos, packed in brine or oil, or prepared or preserved	1244. 000	4/28/43
Remove from List III	Sisal and henequen processors' mill waste	N. S. C.	8/5/43

Issued this 5th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12730; Filed, August 5, 1943; 11:37 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M-63-a, as Amended Aug. 5, 1943]

Pursuant to General Imports Order M-63, as amended, which this order supplements, *It is hereby ordered,* That:

§ 1042.2 *Supplemental General Imports Order M-63-a.* Until further order of the War Production Board, the provisions of General Imports Order M-63, as amended June 2, 1942, and thereafter, shall not apply to materials on List III of said order which are located in, and are the growth, production, or manufacture of, and are transported into the continental United States overland, by air, or by inland waterway from, Canada, Mexico, Guatemala, or El Salvador, except with respect to materials listed on Schedule A attached hereto.

Issued this 5th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary

SCHEDULE A

NOTE: "Agave fiber xxx," "Bones, crude," and "Cod xxx" added, "Sisal and henequen xxx" amended August 5, 1943.

Material:	Commerce import Class No.	Effective date
Agave fiber processors' mill waste (including sisal and henequen processors' mill waste)	N. S. C.	Aug. 5, 1943
Bones, crude	0911. 200	Aug. 5, 1943
Bottle caps, collapsible tubes, and sprinkler tops of metal, including foil bottle caps (except screw caps and patented closures)	6790. 010	May 14, 1943
	6790. 020	May 14, 1943
Canary seed	2452. 000	Dec. 14, 1942
Chicle, crude and refined or advanced	2131. 000	Dec. 14, 1942
	2189. 300	Dec. 14, 1942
Chickpeas and garbanzos, dried	1200. 000	Mar. 5, 1943
Cod, haddock, hake, pollock, and cusk, pickled or salted (not in oil, etc., and not in airtight containers, weighing, with contents, not over 15 pounds each)	0069. 000	Aug. 5, 1943
	0069. 200	Aug. 5, 1943
	0069. 900	Aug. 5, 1943
Coffee: raw or green	1511. 000	Mar. 5, 1943
roasted or processed	1511. 100	Mar. 5, 1943
Hairpins of base metal, not plated with gold or silver, not jewelry (including bobby pins)	6790. 350	May 14, 1943
Molasses and sugar sirup, edible and inedible	1630. 480–1640. 000 inclusive	Dec. 14, 1942
Oil cake and oil cake meal:		
Coconut or copra	1111. 000	Mar. 5, 1943
Soybean	1112. 000	Mar. 5, 1943
Cottonseed	1114. 000	Dec. 14, 1942
Linseed	1115. 000	Mar. 5, 1943
Peanut	1119. 600	Dec. 14, 1942
Hempseed	1119. 700	Dec. 14, 1942
Other, n. s. p. f	1119. 900	Dec. 14, 1942
Sansevieria fiber	N. S. C.	June 28, 1943
Sansevieria manufactures (including all products in whole or in part of sansevieria)	N. S. C.	June 28, 1943
Sesame seed	2234. 000	Nov. 26, 1942
Syrups and extracts for use in the manufacture of beverages, if transported in railway tank cars	N. S. C.	April 28, 1943

[F. R. Doc. 43-12731; Filed, August 5, 1943; 11:37 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1 C]

MILEAGE RATIONING: TIRE REGULATIONS FOR THE VIRGIN ISLANDS

Preamble: This Ration Order No. 1 C for the Virgin Islands is issued pursuant to the direction of the Rubber Director to carry out the recommendations of the report of the President's special Committee to study the rubber situation.

The Committee's report states:

We are faced with certainties as to demands; with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by "bulling through" the present synthetic program and by safeguarding jealously every ounce of rubber in the country.

The Committee points out that the tires on civilian cars have been wearing down at a rate eight times greater than they have been replaced. If this rate were permitted to continue "by far the larger number of cars will be off the road next year and in 1944 there will be all but complete collapse of the 27 million passenger cars in America." The conservation program recommended by the Committee includes "more rubber to those who need it; less to those who don't. . . . Only actual needs, not fancied wants, can or should be satisfied."

This order has been geared to the Gasoline Regulations for the Virgin Islands (Ration Order No. 8) and puts into practice the various recommendations of the Committee. These recommendations include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.
2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles.
3. Prompt and strict enforcement of a nation-wide speed limit not exceeding thirty-five miles an hour. . . .
4. Compulsory periodic tire inspection.

The mileage rationing. Tire regulations (Ration Order 1 C) control the use, care and acquisition of tires, tubes and recapping services for all types and classes of rubber borne motor vehicles and are adjusted to conform to local transportation conditions in the Virgin Islands.

§ 1315.15 *Mileage rationing: tire regulations for the Virgin Islands.* Under the authority vested in the Office of Price Administration and the Price Administrator by Directive No. 1 of the War Production Board, issued January 24, 1942, and by Supplementary Directive No. 1–J as amended, issued October 27, 1942, this Ration Order No. 1 C (Mileage Rationing: Tire Regulations for the Virgin Islands) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: Section 1315.15 issued under Pub. Law 671, 76th Congress, as amended by Public Law 89, 77th Congress and by Public Law 507, 77th Congress, Public Law No. 421 and 729, 77th Congress; Executive Order 9125, 7 F.R. 2719, issued April 7, 1942, WPB Directive No. 1, issued January 24, 1942, Supp. Directive No. 1–J as amended, issued October 27, 1942.

RATION ORDER NO. 1 C—MILEAGE RATIONING: TIRE REGULATIONS FOR THE VIRGIN ISLANDS

ARTICLE I—SCOPE OF RATION ORDER NO. 1 C

Sec.

1.1 Territorial limitations.
1.2 Effect on other ration orders.

ARTICLE II—DEFINITIONS

2.1 Definitions.

ARTICLE III—ADMINISTRATION, JURISDICTION AND QUOTA

3.1 Administration and personnel.
3.2 Jurisdiction of boards.
3.3 Quotas.

ARTICLE IV—PROOF OF NEED AND ELIGIBILITY

4.1 General proof of need.
4.2 Eligibility of passenger automobile.
4.3 Additional proof of need for truck, bus, or taxicab.
4.4 Eligibility of truck, bus, or taxicab.
4.5 Eligibility of farm implement, industrial equipment and nonhighway vehicle.
4.6 Issuance of certificates by Office of Price Administration.
4.7 Eligibility for allotment of tires and tubes.

ARTICLE V—APPLICATIONS AND CERTIFICATES

5.1 Applications.
5.2 Filing of applications.
5.3 Certification by inspector prior to filing of application.
5.4 Investigation of facts by boards.
5.5 Notation of reasons for action.
5.6 Form of certificates to be issued.
5.7 Certificates non-transferable.
5.8 Execution and issuance of certificate.
5.9 Action by certificate holders.
5.10 Action by suppliers.
5.11 Splitting of certificates.
5.12 Revocation of certificates.
5.13 Refusal of certificate.

ARTICLE VI—PERIODIC INSPECTION AND DECLARATION OF TIRES

6.1 Periodic inspection.
6.2 Inspection of tire transferred.
6.3 Compensation to be paid for inspection.
6.4 Shifting of tires.
6.5 Replacement of lost tire inspection records.

ARTICLE VII—PROHIBITED AND PERMITTED TRANSACTIONS

7.1 Prohibitions.
7.2 Mounting or use of tires or tubes.
7.3 Transfer to consumers upon certificate.
7.4 Dealer transfers.
7.5 Acquisition for retransfer purposes.
7.6 Transfers without certificate, special authorization or notice.
7.7 Transfers to certain government agencies.

ARTICLE VIII—OTHER PROHIBITED ACTS

8.1 Offenses.

ARTICLE IX—RECORDS AND REPORTS

9.1 Posting names of successful applicants.
9.2 Disposition of parts of certificates and receipts.
9.3 Records and reports of transfers.
9.4 Inventories of sellers of tires, tubes and vehicles.

Sec.
9.5 Preservation and filing of records.
9.6 Notice of legal proceedings.
9.7 Report of violations.

ARTICLE X—APPEALS

10.1 Decision of board.
10.2 Who may appeal.
10.3 Procedure.
10.51 Criminal prosecutions.
10.52 Suspension orders.
10.98 Effective date of Ration Order No. 1 C.

Article I—Scope of Ration Order No. 1 C

SECTION 1.1 *Territorial limitations.* Ration Order No. 1 C shall apply to the Virgin Islands.

SEC. 1.2 *Effect on other ration orders.* Ration Order No. 1 C shall not be construed to permit any act which would be in violation of any other ration order issued by the Office of Price Administration.

Article II—Definitions

SEC. 2.1 *Definitions.* (a) For the purpose of this Ration Order No. 1 C:

(1) "Acquire" means to accept a transfer.

(2) "Board" means a war price and rationing board established by the Office of Price Administration.

(3) "Bus" means any motor vehicle, other than a station wagon or suburban carryall, built or rebuilt primarily for the purpose of carrying passengers, licensed by a municipality of the Virgin Islands to carry passengers for hire, and having a rated seating capacity of eight or more persons.

(4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping.

(5) "Certificate" unless the context requires otherwise, means a certificate issued by the Office of Price Administration authorizing the acquisition of any tire, tube or recapping service.

(6) "Consumer" means any person who holds or acquires a tire or tube for use and not for resale.

(7) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires, tubes or camelback.

(8) "Director" means the Director of the Office of Price Administration for the Virgin Islands.

(9) "Grade I", as applied to tires, means a new passenger type tire other than a Grade III tire.

(10) "Grade III", as applied to tires, means a passenger-type tire which is either a used or recapped tire or a new tire manufactured principally from reclaimed rubber as specified by the War Production Board.

(11) "Implement tire" means a tire which has the word "implement" or the name of a type of farm equipment, other than a tractor or combine, molded into the sidewall of the tire by the manufacturer.

(12) "Manufacturer" means any person engaged in the business of manufacturing tires, tubes, or camelback.

(13) "New", as applied to tires and tubes, means a tire or tube that has been used less than 1,000 miles.

(14) "Passenger automobile" means any motor vehicle, (other than an ambulance, hearse or taxicab), built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less persons, including any motorcycle, station wagon or suburban carryall.

(15) "Passenger-type camelback" means Grade F camelback as defined by the War Production Board.

(16) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(17) "Person" means any individual, partnership, corporation, association, government, government agency, or subdivision, or any other organized group or enterprise.

(18) "Recapping" means the process of tread renewal in which camelback is applied to the tread surface of a tire.

(19) "Recapping service" means the recapping of a certificate holder's tire, or the transfer by a dealer or manufacturer to a certificate holder of a recapped tire in exchange for a recappable tire carcass.

(20) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(21) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(22) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on a passenger automobile, bus, truck or farm implement.

(23) "Transfer" means any change in right, title, interest, possession or control, including but not limited to, sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment and hypothecation.

(24) "Truck-type camelback" means Grade A or Grade C camelback as defined by the War Production Board.

(25) "Tube" means any rubber type capable of being used, or capable of being repaired for use, within a tire casing on a passenger automobile, bus, truck or farm implement.

(26) "Truck" means any vehicle, other than a motorcycle, built or rebuilt primarily for the purpose of transporting or hauling property or equipment.

(27) "Used", as applied to tires and tubes, means any tire or tube which has been used 1,000 miles or more.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

Article III—Administration, Jurisdiction and Quota

SEC. 3.1 *Administration and personnel*—(a) *Personnel.* Ration Order No. 1 C shall be administered by the Office of Price Administration through its Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 1 C shall have such powers and duties as are herein described and as the Office of Price Administration has delegated, and may from time to time delegate.

(b) *Self interest shall disqualify official.* No person participating in the administration of Ration Order No. 1 C shall act officially in any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

SEC. 3.2 *Jurisdiction of Boards.* A board shall have jurisdiction to receive and act upon applications with respect to a vehicle normally stationed or garaged within the area served by the board.

SEC. 3.3 *Quotas*—(a) *Quota not to be exceeded by boards.* No board shall issue a certificate for the acquisition of tires, tubes, or recapping service in excess of its quota established by the Office of Price Administration.

(b) *Basis for board consideration.* If a board has before it eligible applications in excess of its quota, the board shall, in determining which of the competing applications are to be granted, be governed by the relative importance of each applicant to the war effort, public health and public safety. The board shall base its determination upon the application for a certificate, the application for a gasoline ration for the vehicle for which tires, tubes or recapping services are sought, and all other information which comes to its knowledge. The board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

(c) *List B vehicles.* No board shall issue a certificate for a vehicle eligible under section 4.4 (b) (List B) except between the twentieth and the last day of a month. No such certificate shall be granted at any time if there is pending any application for a vehicle eligible under section 4.4 (a) (List A).

Article IV—Proof of Need and Eligibility

SEC. 4.1 *General proof of need.* No board shall grant a certificate authorizing any consumer to acquire a tire, tube, or recapping service, and no consumer shall accept such a certificate, unless the applicant is eligible under either section 4.2, 4.4, or 4.5 and in addition meets each of the following conditions:

(a) *Immediate need.* That the tire, tube, or recapping service for which application is made is to equip a vehicle held for use and not for resale and is:

(1) To replace a tire which requires recapping or which will require recapping by the date the applicant may reasonably be expected to secure replacement; or

(2) To replace a tire or tube which cannot be repaired, but not as a result of applicant's abuse; or

(3) To replace a lost or stolen tire or tube; or

(4) To equip a vehicle which requires tires or tubes because of alteration or reconstruction; or

(5) To replace a tire or tube delivered as original equipment upon a vehicle, if the tire or tube is not serviceable for the use to which the vehicle is to be put.

(b) *No abuse or neglect.* That the applicant has not in any manner abused or neglected or permitted to be abused or neglected the tire or tube which he seeks to replace or recap. The board may consider, among other things, as evidence of tire abuse:

(1) That the vehicle for which a certificate is sought has been operated in excess of the applicable speed limit; or

(2) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as failure to make timely application for a replacement, or driving for unnecessary purposes or when other means of transportation are available.

(c) *Unlawful mileage.* That the applicant has not used the tires or tubes which he seeks to replace or recap on a vehicle which has been used for purposes other than those permitted under Ration Order No. 8 or for mileage in excess of that allowed by Ration Order No. 8.

(d) *Ply construction.* That, if the application is for a certificate for a new passenger-type tire of six or more ply construction, the vehicle upon which the tire is to be mounted cannot be operated satisfactorily in the use to which it is to be put with a tire of less than six-ply construction.

(e) *No available tire or tube.* That the applicant, other than a Federal, Insular, municipal or foreign government or government agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used, or repaired for use, in lieu of the tire or tube sought to be replaced or the tire sought to be recapped. In computing the number of tires or tubes owned or controlled, applicant need not include tires or tubes reported on OPA Form R–17 or R–17 (revised).

(f) *Tire inspection.* That the applicant has declared all his tires upon a Tire Inspection Record; and that the applicant's Tire Inspection Record has been signed by an authorized tire inspector showing that the required tire inspections have been made, and that either the serial number of the tire to be replaced has been entered upon such record or the applicant has Part D of a certificate authorizing acquisition of such tire. A board may waive the requirement that the applicant have a Tire Inspection Record showing the required tire inspections if the applicant can establish that serious illness of the applicant or the physical condition or location of the vehicle made it impossible to obtain the required inspections, and if the current inspection shows no evidence of abuse or neglect of any of the tires or tubes upon the vehicle. The provisions of this paragraph shall not apply to vehicles exempt from maintaining a Tire Inspection Record under section 6.1.

(g) *Gasoline ration.* That, if application is made to equip a passenger automobile, the applicant has a gasoline ration currently valid under Ration Order No. 8.

(h) *Condition of vehicle.* That the vehicle for which application is made is capable of operation without abuse of tires and is not in such a condition of disrepair as to prevent its operation for the purposes stated in the application.

SEC. 4.2 *Eligibility of passenger automobile*—(a) *Reconsideration of gasoline ration.* When application is made for a tire, tube, or recapping service for a passenger automobile, the board shall reconsider the applicant's gasoline ration before passing upon his application.

(b) *Redetermination of supplemental or fleet ration.* If upon reconsideration of the gasoline ration as provided in paragraph (a) of this section, the board finds that the applicant has been granted either a larger or a smaller gasoline ration than he is entitled to under Ration Order No. 8, or a ration of a class other than to which he is entitled under Ration Order No. 8, it shall recall excess gasoline coupons or issue an additional or a different gasoline ration for the corrected mileage: *Provided, however,* That no gasoline coupons shall be recalled if application is made for a fleet passenger automobile using an interchangeable gasoline ration book, but such mileage redetermination shall be used as the basis for determining whether the applicant is entitled to a Grade I or a Grade III tire.

(c) *Eligibility determined on basis of adjusted gasoline ration.* When the board has adjusted an applicant's mileage requirements pursuant to paragraphs (a) and (b) of this section, it shall determine the applicant's eligibility for a tire, tube, or recapping service on the basis of such adjusted mileage, and not on the basis of his former allowed gasoline mileage, in accordance with the following table:

Total allowed gasoline mileage	Kind of tire or recapping service	Kind of tube
440 or less miles per month	Recapping service with passenger-type camelback if applicant has a recappable tire carcass; or a Grade III tire, at applicant's option.	New or used at applicant's option.
441 miles per month or over	Recapping service with passenger-type camelback if the applicant has a recappable tire carcass, or a Grade I or Grade III tire at applicant's option.	New or used at applicant's option.
For fleet passenger automobiles for which interchangeable gasoline ration books have been currently issued.	Recapping service with passenger-type camelback if applicant has a recappable tire carcass; or a Grade III tire, at applicant's option.	New or used at applicant's option.

Provided, That an applicant applying for a fleet passenger automobile for which an interchangeable gasoline ration book has been currently issued may receive a certificate for a Grade I tire only if he establishes that the particular vehicle will be operated 441 or more miles per month:

Provided, further, That, in applying the mileage requirements stated in this paragraph, mileage allowed on a special ration issued pursuant to Ration Order No. 8 shall not be included.

(d) *Exceptions to eligibility—mileage not governing.* (1) An applicant may obtain a certificate for any grade of tire or tube if he clearly establishes that he must answer emergency calls which require him to operate a passenger automobile at high rates of speed, and that the vehicle is:

(i) Used exclusively for maintaining fire-fighting services or in investigation or patrolling necessary to the maintenance of public police services; or

(ii) Used by a licensed physician, surgeon, veterinarian, midwife, or nurse, for making necessary professional calls or rendering necessary professional services; or

(iii) Used as an emergency maintenance vehicle by a public utility and is clearly and permanently marked as such.

(2) An applicant whose allowed gasoline mileage would entitle him to a Grade I tire may be limited by a board to a certificate for a Grade III tire if the length of time for which he will need his allowed monthly mileage will be substantially less than the normal life of a Grade I tire.

SEC. 4.3. *Additional proof of need for truck, bus or taxicab.* In addition to meeting all the conditions of section 4.1 an applicant for a tire, tube, or recapping service for a truck, bus, or taxicab, must meet the following conditions:

(a) *Importance to war effort, public health, or safety.* That the functions to be performed by the use of the tire, tube, or recapping service are essential to the war effort, the public health or the public safety; and

(b) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of tires, tubes, or recapping service needed to perform functions deemed by the Board to be more essential to the war effort, public health or public safety than the functions performed by the applicant; and

(c) *Passenger-type tires unavailable.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available in the muncipality; and

(d) *No other vehicle available.* That if application is made for a vehicle eligible under section 4.4 (a) (List A), all other vehicles owned or controlled by the applicant are either eligible under section 4.4 (a) (List A) or cannot practicably be used to perform the services for which a certificate is sought.

SEC. 4.4 *Eligibility of truck, bus, or taxicab*—(a) *List A.* A certificate may be issued for any tire, tube, or recapping service for a truck or bus which meets the applicable conditions of sections 4.1 and 4.3, and which is used exclusively for one or more of the following purposes:

(1) As an ambulance, for the transportation of injured or sick persons; or a hearse, for the transportation of deceased persons.

(2) To transport mail on behalf of the United States Government.

(3) To maintain fire fighting services.

(4) To maintain necessary public police services, to enforce laws relating specifically to the protection of public health or property.

(5) To maintain garbage and night soil disposal, and other sanitation services.

(6) To transport passengers as part of the services rendered to the general public by a bus from which the general public may obtain service upon payment of a standard fare, if such services are

rendered along regular routes or with regular schedules. No certificate shall be issued for a bus used for sight-seeing trips or similar excursions.

(7) Transporting students, teachers, or other school employees between their homes, or regular stops, and regular places of instruction.

(8) Transporting workers (including executives, technicians, or office workers) to, from, within or between the establishments or facilities listed below, where other practicable means of transportation are not available:

(i) Naval, military, or hospital establishments or facilities;

(ii) Establishments or facilities of common carriers, or other carriers performing services essential to the community or to the war effort; or plants engaged in the production or distribution of light, power, electricity, or sanitation systems; or telephone, telegraph, radio, or other communication systems; or construction projects;

(iii) Industrial, extractive, or agricultural establishments essential to the war effort.

(9) Transporting the following persons: (i) Persons between their homes and their places of regular weekly worship for the purpose of attending religious services, where other practicable means of transportation are not available.

(ii) Civilians from their homes for purposes of evacuation, in the interest of their safety and to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities.

(10) To transport persons by taxicab. No certificate shall be issued to any taxicab unless the operator presents to the Board a receipt of registration as a "taxicab" issued to the operator by the appropriate municipal authority, or in lieu thereof, presents such evidence as the Board may in its discretion require to satisfy it that the applicant customarily operates his vehicle as a taxicab. The Board shall refuse to grant the certificate unless the applicant can establish that his vehicle is regularly available as a taxicab to any member of the general public at an established stand or call station. A taxicab shall be eligible only for a Grade III tire unless its allowed monthly mileage, pursuant to Ration Order No. 8 exceeds 440 miles a month. No tire or tube obtained on a certificate issued under this subparagraph shall be used on any taxicab unless it:

(i) Carries as many persons as is legally and practicably possible on each trip;

(ii) Is conspicuously marked as a taxicab.

(iii) Does not "cruise" for the purpose of seeking fares; and

(iv) Is not used for sightseeing purposes.

(11) For transportation of any property by a common carrier which holds itself out to serve the public at standard rates, fixed in advance, and which does not serve persons whom it chooses as its customers on terms separately arranged for each customer.

(12) For transportation, by contract or private carriers, of the following kinds of property:

(i) Ice, water, milk, and fuel.

(ii) Materials and equipment for strictly essential farms, highway, industrial, or government construction, maintenance or repair.

(iii) Waste and scrap material.

(iv) Such raw materials, semi-manufactured goods, and finished products, including foods and farm products, as are essential to the war effort or to the public health and safety. No certificate shall be issued, except to a common carrier, for transportation of such commodities to the ultimate consumer for personal, family, or household use, or for transportation to any person other than a shipper for purposes of export of alcoholic beverages, soft drinks and similar beverages, finished tobacco products, ice cream, confections, candy, flowers, toys, novelties, jewelry, radios, phonographs, musical instruments, or any luxury goods, or for furnishing transportation for the purpose of repairing any such effects, equipment, furniture, or machines as are portable, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or other establishment, except as such transportation or deliveries can be made in conjunction with and incidental to the transportation of commodities or services recognized as eligible herein, without diverting the vehicle from its normal route or schedule.

(b) *List B.* A certificate for any tire, tube, or recapping service may be granted for a truck which meets the applicable requirements of sections 4.1 and 4.3 and is used for any important purpose not included in section 4.4 (a) (List A), subject to the following conditions:

(1) Certificates may be granted under this paragraph to equip trucks performing functions which the board may find to be essential to the community, such as delivering milk, bread or other foods to the ultimate consumer for personal, family, or household use, and other vehicles performing services not provided for in section 4.4 (a) (List A).

(2) No certificate shall be granted under this paragraph if the transportation services can be obtained by using animal-drawn vehicles.

(3) The board shall issue certificates under this paragraph only between the twentieth day and the last day of a month. No such certificate shall be granted if its issuance would exceed the applicable quota, or if there is pending any application for a vehicle eligible under section 4.4 (a) (List A) which has not been satisfied.

(c) *Trucktype camelback.* No certificate shall be issued authorizing the acquisition of truck-type camelback for recapping a tire to be mounted on any station wagon or passenger automobile, unless the vehicle is a taxicab.

SEC. 4.5 *Eligibility of farm implement, industrial equipment and nonhighway vehicle*—(a) *Eligibility requirements.* A certificate authorizing the acquisition of a tire, tube, or recapping service necessary to equip a vehicle which meets the applicable conditions of sections 4.1 and 4.3, and is designed and used as one of the following may be granted, provided tires are essential for its operation:

(1) A farm tractor or other farm implement. Tractors or combines may be issued certificates to acquire tractor tires or implement tires only. Other types of farm equipment may be issued certificates for implement tires only: *Provided, however,* That if an implement or front wheel tractor tire of suitable size is not available, the board may issue a certificate for a Grade III tire.

(2) Industrial and construction equipment, other than passenger automobiles, or vehicles eligible under section 4.4.

(3) Non-highway vehicles for road grading, earth-moving, or similar off-the-road purposes.

(b) No certificate shall be issued for any vehicle regularly drawn by an animal.

(c) A certificate for a spare tire or tube may be issued for any vehicle which satisfies the conditions of this section, if the board finds that a spare tire or tube is necessary for the continued operation of the vehicle.

SEC. 4.6 *Issuance of certificates by Office of Price Administration.* (a) Certificates for tires, tubes or recapping service may be issued by the Director, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

SEC. 4.7 *Eligibility for allotment of tires and tubes*—(a) *Applicant must be a dealer.* The Director or Assistant Director may issue certificates authorizing the following persons to acquire allotments of passenger type tires and tubes:

(1) A person who was a dealer on December 31, 1942, and who filed OPA Form R–17 for the quarter ending December 31, 1942, for the establishment for which application is made;

(2) A person who intends in good faith to become a dealer may obtain an allotment of tires and tubes, if he, or a person in his employ, has had previous experience in the sale and servicing of tires, possesses the equipment and facilities necessary to inspect and service tires properly and agrees to become a tire inspector. The Director or Assistant Director may refuse the allotment if granting it will defeat or impair the effectiveness or policies of this Ration Order No. 1 C.

(b) *Amount of allotment of grade III tires.* Application for an allotment of Grade III tires shall be made on OPA Form R–54. Each applicant may be allotted a number of Grade III tires equal to forty per centum of the total number of passenger type tires sold by him during the calendar year 1941, but any applicant shall be entitled to at least six (6) Grade III tires; *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade III tires (including Parts B of certificates authorizing the acquisition of Grade III tires which he received in exchange for Grade III tires, but upon which he has not yet obtained replenishment) as of the date of his application.

(c) *Amount of allotment of Grade I tires.* Application for Grade I tires shall be made on OPA Form R–54. In addition, each applicant may be allotted a number of Grade I tires equal to twenty per centum of his allotment as set forth in paragraph (b) above, but any applicant shall be entitled to at least three (3) Grade I tires: *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade I tires (including Parts B of certificates authorizing the acquisition of Grade I tires which he received in exchange for Grade I tires but upon which he has not yet obtained replenishment) as of the date of his application.

(d) *Allotment of tubes.* Each applicant authorized to acquire an allotment of passenger type tires as provided in paragraph (b) and (c) above may be granted a certificate by the Director or Assistant Director authorizing him to acquire one passenger type tube (either new or used) for each passenger type tire that he has been authorized to acquire.

(e) *One allotment only.* The Director or Assistant Director shall grant only one allotment to an applicant under paragraph (b); one allotment under paragraph (c); and one allotment under paragraph (d) for each establishment for which such allotments are sought.

(f) *Calculation of sales by dealers in business part of 1941.* In determining his allotments under this section, an applicant who was a dealer for at least one (1) month in 1941 but for less than the entire year, may calculate his annual sales of passenger type tires and tubes by multiplying by twelve (12) his average monthly sales for the time during 1941 that he was a dealer.

Article V—Applications and Certificates

SEC. 5.1 *Applications*—(a) *Who may execute and file.* Any person may file with the board having jurisdiction an application for a certificate authorizing the acquisition of tires, tubes or recapping service. Application may be made by an agent; but if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the area served by the board. No member or employee of the board to whom application is made and no authorized tire inspector shall act as agent of an applicant. The board may require that principal and agent, or owner and operator join in an application.

(b) *Contents of application.* Each applicant shall set forth (1) facts showing jurisdiction of the board, (2) facts showing need and eligibility for the tires, tubes or recapping service for which application is made; and (3) such additional information and commitments as may be required by the application or by the board.

(c) *Presentation of tire inspection record.* Any applicant for a certificate who is required to have a Tire Inspection Record shall present to the board such record at the time of filing his application. If the serial numbers of any tire shown on the Tire Inspection Record are different from those previously entered on the record, the applicant shall produce Part D of a certificate authorizing the acquisition of such tire.

(d) *Certification by applicant.* The applicant shall, in his application, state the true and complete facts required by the application or the board to be set forth therein, and shall certify such facts. If an application is made by an agent, both the principal and agent shall be bound by and deemed to have knowledge of all statements set forth in the application.

SEC. 5.2 *Filing of applications.* Applications for certificates authorizing the acquisition of tires, tubes or recapping service shall be filed with the board having jurisdiction under § 3.2. A separate application must be filed on OPA Form R–1 (Revised) for each vehicle.

SEC. 5.3 *Certification by inspector prior to filing of application*—(a) *Inspection of tires and tubes.* No consumer may file an application for a certificate, and no such application shall be considered by a board, until an inspector appointed and authorized by the Director has currently inspected the tires or tubes to be replaced or recapped and has executed and signed the "Certification by Inspector" contained in OPA Form R–1 (Revised). This paragraph shall not apply when application is made to acquire a tire or tube necessary to equip an altered or reconstructed vehicle, or a vehicle not equipped with the number of tires permitted in section 4.1 (e), or to replace a lost or stolen tire or tube.

(b) *Thorough inspection required.* No inspector may certify any fact concerning the condition of a tire or tube without making a personal and adequate inspection to determine such fact; and no inspector shall certify that a tire can be recapped or that a tube needs replacement unless he removes the tire or tube from the wheel or rim.

(c) *No compensation to be paid for inspection.* No applicant may pay any compensation for the certification or the inspection required by this section, except that sums, not in excess of those set forth in the following schedule, may be paid the inspector, or any other person, for the service of removing and replacing a tire when such service is necessary for inspection purposes:

Type of tire	*Maximum fee*
(1) Passenger car tires, each	$0.25
(2) Small truck tires (7.50–20 or smaller) each	.50
(3) Large truck tires (larger than 7.50–20) each	.75
(4) Aditional charge for removing inside dual truck tires (larger than 7.50–20)	.50

SEC. 5.4 *Investigation of facts by boards*—(a) *Power of the board.* Before issuing a certificate the board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the board may make inquiries and investigations and may require an applicant to appear in person or by agent at the Office of the Board at a designated time and supply such additional evidence and information and furnish such records and affidavits as may relate to the application.

(b) *Additional information.* If the applicant is applying for tires or tubes to be mounted on a vehicle which has less than the number of tires and tubes permitted by section 4.1 (e) and which he has purchased or contracted to purchase, the board shall require him to submit together with his application an affidavit from the vendor of the vehicle stating in full the reasons why the vehicle is not equipped with a sufficient number of tires or tubes. The board must be satisfied from such an affidavit before it may grant a certificate that the vendor is not responsible for the lack of a sufficient number of tires or tubes for such vehicle.

SEC. 5.5 *Notation of reasons for action.* Whenever the board acts upon an application, it shall note the reasons for its action upon the application. If the application is granted, the number, grade, and type of tires or tubes, or the type of recapping service shall be noted upon the application.

SEC. 5.6 *Form of certificates to be issued*—(a) *By a board.* The board may issue to an applicant who has established need and eligibility under this Ration Order No. 1 C a certificate on OPA Form R–2 (Revised) authorizing an applicant to acquire tires, tubes, or recapping service. Separate certificates shall be issued for tires and for tubes and for recapping service.

(b) *By director or assistant director.* The Director or Assistant Director may issue the following certificates to an applicant:

(1) *For allotment of tires or tubes.* OPA Form R–2 (Revised) authorizing an applicant to acquire an allotment of Grade I or Grade III tires or passenger tubes.

SEC. 5.7 *Certificates non-transferable.* No certificate or any part thereof may be transferred except as authorized by Ration Order No. 1 C, or by the Office of Price Administration, or in exchange for tires, tubes or recapping service.

SEC. 5.8 *Execution and issuance of certificate*—(a) *Execution of certificates.* It shall be the responsibility of the board prior to issuing any certificate to fill in Parts A and B of the certificate setting forth the information required. It shall also be the responsibility of the board to indicate on Parts C and D of the certificate the number of the board and its address. No certificate shall be valid unless Part A is signed by the issuing officer of the board, who may be either a member of the board or one of its clerks designated to act as issuing officer.

(1) The board shall indicate on the certificate the tubes or the serial number of the tires to be replaced (including scrap tires or tubes), which the applicant must turn in. If the tire to be

replaced is a recappable carcass, the board shall write on the certificate after the serial number of such tire "recappable carcass."

(f) The applicant shall turn in all tires and tubes to be replaced, except when he is having his tire recapped, or if he can establish that he has no tires or tubes to turn in because he is acquiring a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted by section 4.1 (e), replacing a lost or stolen tire or tube, or is a government agency forbidden by law to make such disposition.

(2) The board shall indicate on the certificate the exact number, type, grade, and size of the tires or tubes or the amount and type of recapping service which may be acquired in exchange for the certificate.

(b) *Issuance of certificates.* When all of the foregoing steps have been taken, the board shall issue the certificate by delivering or mailing it to the applicant or his agent.

(1) If the certificate to be issued by the board is for recapping service, the board shall note on Parts A and B whether the certificate entitles the applicant to truck-type camelback or to passenger-type camelback, as provided in section 4.4 (c) and shall mark Part B thereof "good for (truck or passenger-type) camelback only."

(2) If the certificate to be issued by the board is for implement tires, the board shall mark Part B thereof "good for implement or tractor tires only."

SEC. 5.9 *Action by certificate holders*—(a) *Use of certificate.* A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purpose specified thereon. After the expiration date thereon, the certificate shall be void and the applicant shall surrender it to the issuing board.

(b) Replaced tires or tubes to be turned in. If the certificate indicates that a tire or tube being replaced must be turned in and does not indicate that such tire is a recappable carcass the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer, except in the case of purchase by mail. If the applicant acquires a tire or tube by mail, he shall within five days thereafter transfer the replaced tire or tube to a dealer. If the tire turned in is a recappable carcass, a dealer who is not a recapper shall transfer such tire to a recapper.

(c) *Signing of certificates.* The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon, prior to acquiring the tires, tubes or recapping service specified thereon. The same person shall sign Parts B, C and D of OPA Form R–2 (Revised) where the signature of the certificate holder is required. No member or employee of the board issuing the certificate, no authorized tire inspector, and no dealer shall act as agent of the applicant in signing Parts A, B, C, or D of OPA Form R–2 (Revised).

SEC. 5.10 *Action by suppliers*—(a) *Turn in of tire or tube prerequisite to transfer.* If the applicant is required to turn in a tire or tube, no dealer shall transfer any tire or tube pursuant to the certificate until the applicant has turned in to him the tire or tube to be replaced, except in the case of purchase by mail.

(b) *Certificate to be completed.* No dealer shall transfer tires or tubes until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the dealer to whom the certificate has been surrendered, shall deliver to the person indicated thereon, or to his agent, no more than the number and the exact type, grade and size of tires or tubes or the type of recapping service set forth on the certificate.

SEC. 5.11 *Splitting of certificates.* The holder of a certificate or part of a certificate who is unable to acquire from one supplier all the tires, tubes or recapping service which he has been authorized to acquire, may return the certificate to the issuing Board and the board shall thereupon cancel the returned certificate and issue as many certificates as are necessary to permit the acquisition of such tires, tubes or recapping service from several suppliers.

SEC. 5.12 *Revocation of certificates.* Any certificate, part of a certificate or authorization issued under Ration Order No. 1C shall be subject to revocation, cancellation, suspension, correction or modification by a board or other agent designated for this purpose by the Office of Price Administration.

SEC. 5.13 *Refusal of certificate.* If a board or other agent designated by the Office of Price Administration finds after due notice and hearing that an applicant has violated any provision of Ration Order No. 1C or Ration Order No. 8, the board may refuse to issue a certificate to the applicant and may declare that he shall not be eligible to receive a certificate for such period as it shall deem appropriate in the public interest. In such case, the board or such other agent shall serve upon the applicant a written statement of the grounds upon which the certificate was refused and the period for which he is declared ineligible.

Article VI—Periodic Inspection and Declaration of Tires

SEC. 6.1 *Periodic inspection*—(a) *Vehicles subject to inspection.* On or before June 1, 1943, every person controlling the use of a passenger automobile, truck, bus, or taxicab, shall obtain a Tire Inspection Record from his board and shall have the tires mounted on such vehicle inspected by a tire inspector appointed by the Director. The tires, at the time of inspection, shall be mounted on the vehicle for which the Tire Inspection Record has been issued. A separate Tire inspection Record shall be obtained for each vehicle. The provisions of this section shall not apply to:

(1) Motorcycles.

(2) Vehicles operated solely on special gasoline rations.

(3) Vehicles not registered for use on the highway.

(4) Farm tractors, farm implements, road-graders, earth-movers, or other industrial, mining or construction equipment not designated primarily for use on the highway.

(5) Vehicles operated by the armed forces of the United States.

(6) Tires reported on OPA Form R–17 by any person required to file such form.

(7) Tires obtained pursuant to section 4.6.

(b) *Time of inspection.* The time for periodic inspections shall be as follows:

Type of coupon book issued	First inspection must be made by	Subsequent inspections
Class A	Sept. 30, 1943	Within every 6-months period thereafter; i. e., on or before March 31 and Sept. 30 of each year. Inspections must be at least 90 days apart.
Class B	Aug. 31, 1943	Within every 4-month period thereafter; i. e., on or before Dec. 31, April 30, and Aug. 31, of each year. Inspections must be at least 60 days apart.
Class C	July 31, 1943	Within every 3-month period thereafter; i. e., on or before Oct. 31, Jan. 31, Apr. 30, and July 31, of each year. Inspections must be at least 45 days apart.

(c) *Declaration of tires.* Every person required to obtain a Tire Inspection Record pursuant to paragraph (a) of this section, shall set forth thereon a declaration of the number, size and serial number of all tires (including scrap tires but not including tires listed in paragraph (a) (6) or (a) (7)) which are owned by the registered owner of the vehicle or by any person living in his household and related to him by blood, marriage or adoption, and shall file such declaration with the board.

(d) *Check of serial numbers.* If the serial number of any tire inspected is not identical with that indicated on the Tire Inspection Record, the inspector shall not sign such record unless Part D of a certificate is presented as evidence that the tire was obtained on certificate. Any discrepancy between the serial numbers on the Tire Inspection Record, including those on Parts D and those on the mounted tire shall be recorded by the inspector and reported to the board.

(e) *Report on mileage and condition of tires.* The inspector shall indicate on the Tire Inspection Record as of the time of the inspection:

(1) The odometer reading of the vehicle,

(2) Whether the tires inspected should be replaced or recapped, and

(3) Any repairs and adjustments necessary to keep the tires in proper running order; if the inspector indicates that repairs and adjustments, other than recapping or replacements, are necessary, he shall not sign the Tire Inspection Record until such repairs or adjustments have been made, if parts are available to make such repairs or adjustments.

SEC. 6.2 *Inspection of tire transferred.* In addition to the periodic inspection, every consumer who acquires a passenger automobile, truck, bus or taxicab with tires mounted thereon, if such vehicle is not exempted under section 6.1 (a), shall have the tires inspected within ten days after they have been acquired. The Tire Inspection Record of the prior consumer shall be delivered to the transferee who shall turn in such record to the board to which application for a gasoline ration is made and thereupon a new Tire Inspection Record may be delivered by the board to such transferee: *Provided*, That if such tires are mounted on a passenger automobile for which no Tire Inspection Record has been issued, the transferee shall present to the board a statement from the transferor specifying the serial numbers of the tires mounted on the vehicle and stating that they were either mounted on the vehicle on September 30, 1942, or were acquired mounted on the vehicle since that date. The board may thereupon issue a new Tire Inspection Record to such transferee.

SEC. 6.3 *Compensation to be paid for inspection.* An inspector may charge a fee not to exceed twenty-five cents (25c) per vehicle for the inspection required by sections 6.1 and 6.2 In addition, sums not in excess of those set forth in section 5.3 (c) may be paid the inspector or any other person for the service of removing and replacing a tire when such service is necessary for inspection purpose under said sections.

SEC. 6.4 *Shifting of tires*—(a) *Prohibition.* No person shall mount on any vehicle, to which the provisions of section 6.1 (a) apply, any tire not duly entered upon the Tire Inspection Record for such vehicle, or acquired in exchange for a certificate issued to equip such vehicle, except as provided in paragraph (b).

(b) *Application for authorization.* A person may apply to a board for authorization to shift tires from one such passenger automobile owned by him to another such passenger automobile, or from one such vehicle eligible under section 4.4 owned by him to another such vehicle. Upon approval by the board, he may be issued Tire Inspection Records authorizing such shifting or mounting of tires in exchange for the surrender of the Tire Inspection Records then applicable to such vehicles.

SEC. 6.5 *Replacement of lost tire inspection records.* Any person who has lost a Tire Inspection Record shall apply to a board for a new record. Before issuing such record, the board shall reexamine and redetermine the current gasoline ration and shall satisfy itself that the serial numbers of the tires shown on such new record are those which were entered on the lost record or that discrepancies are accounted for by Part D of certificates in the possession of the applicant.

Article VII—Prohibited and Permitted Transactions

SEC. 7.1 *Prohibitions.* Notwithstanding the terms of any contract, agreement or other obligations, regardless of when made, no person, unless permitted by Ration Order No. 1 C, or by an order, authorization or regulation issued by the War Production Board, shall:

(a) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire, tube, or camelback; or

(b) Use, alter, or change the physical location of any tire, tube, or camelback; or

(c) Mount any tire or tube upon a wheel or rim.

SEC. 7.2 *Mounting or use of tires or tubes*—(a) *Mounting or use generally.* Subject to the restrictions of paragraph (b) of this section, any person may change the physical location of, mount or use;

(1) Tires or tubes which have been acquired or recapped on certificate issued by the Office of Price Administration on the vehicle eligible under section 4.2 or 4.4 for which they were acquired, or on any other such vehicle owned or controlled by such person but only when pursuant to section 6.4;

(2) Tires or tubes which have been acquired or recapped on certificate issued by the Office of Price Administration on the vehicle eligible under section 4.5 for which they were acquired, or on any other vehicle eligible under section 4.5 owned or controlled by such person;

(3) Tires or tubes owned and possessed by him prior to October 1, 1942, on any vehicle owned by him. If such vehicle is not exempted from the provisions of section 6.1, tires or tubes may only be mounted thereon if they have been declared on a Tire Inspection Record for such vehicle.

(b) *Mounting from stock prohibited.* No dealer shall declare in his Tire Inspection Record or mount or use tires or tubes taken from his stock unless he has obtained a certificate authorizing such mounting or use or unless such tires or tubes were permanently removed from his stock and mounted on his vehicle prior to October 1, 1942.

SEC. 7.3 *Transfer to consumers upon certificate*—(a) *By dealers.* A dealer may, in exchange for a certificate, transfer tires or tubes to a consumer.

(b) *No tire in stock.* A dealer who does not have in stock a tire or tube ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of tires or tubes specified thereon for transfer to the consumer.

(c) *Tire requiring repair or recapping.* No dealer may transfer to a consumer a tire that requires repair or recapping.

SEC. 7.4 *Dealer transfers*—(a) *Changes of location.* A manufacturer or dealer may change the location of tires or tubes within a single establishment or the location of the establishment itself, including the entire stock of tires or tubes contained therein: *Provided*, That no change in ownership, possession or control occurs.

(b) *Tires or tubes*—(1) *Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R–2 (Revised) and no person shall accept such transfer, unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided*, That a supplier may, without endorsement, return a Part B to the dealer from whom he received it, if he is unable to supply the tires or tubes specified thereon.

(2) *Permitted replenishment of tires or tubes.* Any dealer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate or receipt, transfer to another dealer or manufacturer the number of tires or tubes authorized by the certificate or receipt in accordance with the table below:

If Part B calls for:	*Dealer may replenish with:*
Any size grade I tire.	Any size Grade I or III tire.
Any size Grade III tire.	Any size grade III tire.
Any size truck-type tire.	Any size truck-type tire.
Any size tractor-type tire.	Any size tractor, truck or implement-type tire.
Any size implement-type tire.	Any size tractor or implement - type tire.
Any size passenger tube.	Any size passenger tube.
Any size truck tube.	Any size truck tube.

(3) *Transfers by dealers without certificates.* Any dealer may, without certificate, transfer tires or tubes to his supplier only for the following purposes:

(i) To return tires or tubes of a size, grade, type or quality other than that ordered by him, and his supplier may, without certificate, transfer to him in exchange therefor tires or tubes of the size, grade, type or quality ordered;

(ii) To effect adjustments between the dealer and his supplier pursuant to a contract or sales agreement.

(c) *Transfer of dealer's business.* Any dealer may, without certificate, transfer as a unit his entire stock of tires or tubes together with any replenishment portions (Parts B) of certificates or receipts to other dealers who may acquire such stock for resale: *Provided*, That the transferor shall file a statement containing the name and address of the transferee and an inventory of the tires, tubes, and replenishment portions (Parts B) to be transferred, with the Director at least ten days before making such transfer.

(d) *Transfers to dealer's warehouses.* Any dealer may, without certificate, transfer tires or tubes for the purpose of storage to any warehouse owned or operated by him if no change in ownership or control of such tires or tubes is thereby effected. Any dealer may, without certificate, withdraw the tires or tubes stored in such warehouse.

SEC. 7.5 *Acquisition for retransfer purposes*—(a) *Persons who may acquire.* Tires or tubes may be acquired, without certificate, in the following cases:

(1) *Exercise of governmental rights or powers.* The United States or the Government of the Virgin Islands may acquire from any person any tire, tube or camelback in the exercise of governmental rights or powers against such tire, tube or camelback.

(2) *Judicial process.* Any person may acquire any tire, tube or camelback pursuant to judicial process or under the supervision of a court of competent jurisdiction.

(3) *Salvage.* A person who is engaged principally and primarily in the business of adjusting losses, or reconditioning and selling damaged commodities, and who takes possession of such commodities on the occurrence or imminence of casualties, or in direct connection with the adjustment of losses resulting from such casualties, may acquire any tire, tube or camelback that has been damaged or that is in imminent danger of being damaged or destroyed.

(4) *Subrogation upon payment of claim.* A common or contract carrier or any person duly authorized by law to engage in the insurance business may acquire any tire, tube or camelback in consequence of the right of subrogation or in consequence of the payment of a claim.

(5) *Security transfers.* The Government of the Virgin Islands, the United States or any agency thereof, or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business may, without certificate, acquire tires, tubes or camelback for security purposes and may, without certificate, transfer such tires, tubes or camelback to the debtor upon release or extinguishment of the debt so secured. Any person may, without certificate, acquire a lien created by operation of law on tires, tubes or camelback and may satisfy or release such lien. Such security interest or liens may be enforced in the manner provided by applicable laws, and subject to the provisions of this section, transfers necessary to such enforcement may be made.

SEC. 7. *Transfers without certificate, special authorization or notice*—(a) *Transfers to Defense Supplies Corporation.* A person may, without certificate, transfer tires or tubes to Defense Supplies Corporation, Rubber Reserve Company, or Reconstruction Finance Corporation or any representative designated to receive tires or tubes on their behalf.

(b) *Changes in location.* A person, other than a dealer, may, without certificate, change the location of tires or tubes if no change in ownership, possession or control results.

(c) *By persons other than dealers.* A person, other than a dealer or manufacturer, may, without certificate, transfer tires or tubes to a dealer. A record of the serial number of any tire so transferred shall be given to the transferor and a copy shall be sent by the dealer to the board which issued the transferor's Tire Inspection Record.

(d) *Transfers on vehicles.* A person may, without certificate, transfer a tire or tube as part of the equipment of a vehicle provided that such transfer is not prohibited by any order or regulation issued by the Office of Price Administration or the War Production Board.

(e) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of inspection, mounting or repair only, and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

(f) *Return of lost or stolen tires or tubes.* A person may, without certificate, transfer tires or tubes which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(g) *Exchange of tires or tubes.* A consumer who in exchange for a certificate acquires any tire or tube that is of a size or grade different from that ordered may, without certificate, but only within thirty (30) days after its acquisition, exchange it with the transferor for the size or grade ordered if such tire or tube has not been used by such person.

(h) *Turn-in of tires or tubes to be replaced.* A consumer who holds a certificate authorizing the purchase of a tire or tube, and is required to turn in a tire or tube to be replaced, shall transfer such tire or tube to a dealer: *Provided,* That such dealer, if not a recapper, must sell the replaced tire, if recappable, to a recapper.

(i) *Transfers for recapping.* (1) A consumer may transfer a tire for recapping service to a dealer but only if accompanied by a certificate authorizing recapping service.

(2) A dealer may transfer a tire for recapping to a recapper if accompanied by Part B of a certificate authorizing recapping service, and the recapper may transfer a Grade III tire in exchange for such Part B.

(j) *Transfer of recappable tire to recapper.* A dealer who is not a recapper may, without certificate, transfer a recappable tire carcass to a recapper.

(k) *Transfers to and from carriers.* A person may, without certificate, transfer tires or tubes to a common or contract carrier for shipment, and such tires or tubes may be transferred by such carrier to the consignee in the regular course of business.

(l) *Change-overs.* A dealer or manufacturer may transfer tires or tubes to a rebuilder or dealer in vehicles in exchange for tires or tubes mounted on a new or rebuilt vehicle as part of its original equipment, upon authorization in writing from the director.

(m) *Tires, new tubes, or camelback held in customs.* Tires, new tubes or camelback imported into this Territory and held in customs may not be released to the claimant unless he holds a certificate, receipt or authorization from the Office of Price Administration that would entitle him to acquire such tires, new tubes or camelback.

SEC. 7.7 *Transfers to certain government agencies*—(a) *Transfers.* A person may transfer tires, tubes or camelback to or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ships' service store, commissary, or similar agency or organization, except for use on vehicles operated by it,

(b) *Receipt.* A dealer who makes any transfer pursuant to paragraph (a) shall obtain a receipt from the purchaser upon OPA Form R–12 (Revised).

Article VIII—Other Prohibited Acts

SEC. 8.1 *Offenses.* (a) Mutilation and forgery of certificates. No person shall without lawful authority wilfully deface, mutilate, or destroy any certificate, receipt, authorization (whether issued or unissued), Tire Inspection Record, or any part thereof, and no person shall counterfeit or forge any such instrument or any part thereof.

(b) *Illegal transfer of certificates.* No person shall transfer or assign and no person shall accept any transfer or assignment of any certificate, receipt, authorization (whether issued or unissued), or any part thereof, except in accordance with the provisions of this ration order.

(c) *Illegal use and possession of certificates.* No person shall use, possess, or control any certificate, receipt, authorization, or any part thereof, except the person or the agent of the person to whom such certificate, receipt, authorization (whether issued or unissued), or any part thereof, was issued or by whom it was acquired in accordance with the provisions of this ration order.

(d) *Possession of forged certificates.* No person shall without lawful authority transfer or accept a transfer of or have in his possession or under his control any forged, altered, or counterfeited certificate, receipt, authorization (whether issued or unissued), or any part thereof.

(e) *Illegal possession or use of tires.* No person shall possess, use, or permit the use of any tires, tubes or camelback acquired in violation of this ration order, and no person shall possess, use or permit the use of tires, tubes or camelback acquired under this ration order for any purpose other than one for which a tire, tube, or camelback may be obtained under this ration order.

(f) *Abuse of tires.* No person shall, without lawful authority, abuse, alter, damage or neglect any tire, tube or camelback in his possession or control. Failure to make timely application for recapping or replacement shall constitute one form of abuse within the meaning of this paragraph.

(g) *Speed limitation.* No person shall use or permit the use of tires or tubes in the operation of a motor vehicle at any rate of speed in excess of the applicable speed laws. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or where necessary to meet an emergency involving serious threat to life, health, or safety: *Provided,* That this paragraph shall not be construed to authorize any such motor vehicle to be driven at a rate of speed in excess of that which is reasonable under the circumstances.

(h) *Tire Inspection Record.* No person shall use or permit the use of tires or tubes unless he has obtained and kept current the Tire Inspection Record required by section 6.1.

(i) *Declaration of tires.* No person shall use or permit the use of tires or tubes on a motor vehicle unless he has filed a declaration of tires as required by the Office of Price Administration.

(j) *Illegal use of gasoline.* No person shall use or permit the use of tires or tubes upon a motor vehicle for which gasoline has been obtained in violation of Ration Order No. 8 or for which gasoline or other fuel is used in violation of that order.

(k) *False statements.* No person shall, in any application record, report, certificate or other document made pursuant to or required by the terms of this ration order, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

(l) *Attempts.* No person shall solicit offer, attempt, or agree to do, either directly or indirectly, any act in violation of this ration order.

(m) *Price violation.* No person shall sell or transfer any tire, tube, camelback or recapping service at a price in excess of the applicable maximum price for such article or service established by the Office of Price Administration.

Article IX—Records and Reports

SEC. 9.1 *Posting names of successful applicants.* At intervals of not more than one week, a list of the names of the recipients of certificates issued during the previous week for Grade I passenger tires or truck tires shall be posted at the Office of Price Administration for public inspection and shall be released to the press. This requirement shall not apply to certificates issued pursuant to section 4.6 or 4.7.

SEC. 9.2 *Disposition of parts of certificates and receipts—*(a) *Certificates or receipts for tires or tubes.* A transferor of tires or tubes to whom a certificate is surrendered by an applicant or who receives an OPA Form R–12 (Revised) receipt shall complete all the parts thereof and dispose of them as follows:

(1) *Part A.* Part A of OPA Form R–2 (Revised) shall be retained by the transferor as his record; Part A of OPA Form R–12 (Revised) shall be sent to the Director within fifteen (15) days from the end of each calendar month in which deliveries have been made.

(2) *Part B.* Part B not used for replenishment must be retained by the dealer as his record.

(3) *Part C.* Part C of OPA Form R–2 (Revised) shall within three days of the date of transfer of the tires or tubes, be sent to the issuing Board which shall retain it as its record. Part C of OPA Form R–12 (Revised) shall be retained by the transferor as his record.

(4) *Part D.* Part D of OPA Form R–2 (Revised) and OPA Form R–12 (Revised) shall be retained by the transferee as his record.

(b) *File of certificates and receipts.* Every dealer shall maintain a file of all certificates, receipts, or parts thereof which he is required to keep as his records.

SEC. 9.3 *Records and reports of transfers—*(a) *Records of transfers to and from dealers.* Every dealer shall keep true, accurate and complete records of all transfers of tires or tubes to or by him: *Provided,* That no records need be kept of transfers permitted by section 7.6 (e) relating to transfers for mounting or inspection. Such records shall show the serial number of the certificate or the receipt (if the transfer involved the use of a certificate or receipt); sales price; date of transfer; the name of the transferee and

(1) If tires, other than recapped tires, are transferred, the number, size, type and grade;

(2) If recapped tires are transferred, the number, size, type and grade thereof and the type of camelback used in recapping the tires;

(3) If tubes are transferred, the number, type and size thereof; or

(4) If tires or tubes are transferred for repair, information sufficient to identify the ownership of the tires.

(b) *Report of transfer of dealer's business.* A transferor under section 7.4 (d) shall file a statement containing the name and address of the transferee and an inventory of the tires or tubes and replenishment portions (Parts B) to be transferred, with the director at least ten days before making such transfer.

SEC. 9.4 *Inventories of sellers of tires, tubes and vehicles.* Every person engaged in the business of selling or holding for sale tires, tubes or vehicles, and every person extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle shall:

(a) At the close of business on the last day of each month take an inventory of all unmounted tires and tubes in his possession or control and keep a record thereof. Such inventory shall be based on a physical count.

(b) File a report on OPA Form R–17 in accordance with the instructions thereon, for each quarter ending March 31, June 30, September 30, and December 31, setting forth all unmounted tires and tubes in his possession or control on the last day of such quarter and all transfers of tires and tubes made during such quarter. Transfers permitted by section 7.6 (e) relating to transfers for repair, mounting or inspection need not be recorded hereunder. A separate report for each establishment where tires or tubes are located, whether such establishment is used for purposes of sale or storage, shall be filed on or before the fifteenth day after the end of each quarter with the Director.

(c) File a report with the Director if the grade of any tire has been changed, setting forth the reason for such change of grade, and shall not sell the tire until five days after the report has been filed.

SEC. 9.5 *Preservation and filing of records.* Any person affected by this ration order shall keep and file such additional records and reports as the Office of Price Administration may require. Any record required to be kept by this ration order shall be preserved for not less than two years, except that records of transfers for repair need be preserved only while the tires or tubes to be repaired are in the possession of the repairer. Such records and any other records relating to tires or tubes shall be available at all times for inspection by the Office of Price Administration.

SEC. 9.6 *Notice of local proceedings.* Every person holding a certificate, part of a certificate or authorization shall, immediately upon the commencement of any legal action or proceeeding involving such certificate, part of a certificate or authorization, notify the Director.

SEC. 9.7 *Report of violations—*(a) *By any person.* Any person may report a violation of this ration order to a board or to the Director.

(b) *By a board.* Whenever a board finds that an applicant has violated section 8.1 (k), it shall immediately inform the director of that fact in writing, transmitting all relevant documents with its report.

Article X—Appeals

SEC. 10.1 *Decision of board.* After acting upon an application the board shall, within three (3) days, notify the applicant of its decision and, if the application is denied in whole or in part, shall state the reasons for its decision.

SEC. 10.2 *Who may appeal.* Any applicant for a certificate, part of a certificate, or authorization, whose application has been denied in whole or in part by the action of a board, or whose certificate, part of a certificate, or authorization has been revoked, cancelled, suspended, or modified by action of a board,

may appeal from such action to the Director.

SEC. 10.3 *Procedure.* An appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9, and amendments thereto, issued by the Office of Price Administration.

Enforcement

SEC. 10.51 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application or any other record, report or certificate made pursuant to or required by the terms of this ration order, or who otherwise knowingly furnishes false information to a board, inspector, or any other agent, employee or officer of the Office of Price Administration, or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of this ration order may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of this ration order, may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

SEC. 10.52 *Suspension orders.* Any person who violates this ration order may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any tires, tubes, or gasoline. Such suspension order shall be issued for such period as in the judgment of the Director or such person as he may designate for such purpose, is necessary or appropriate to permit the efficient rationing of tires, tubes, or gasoline in the Virgin Islands.

SEC. 10.98 *Effect on other orders.* (a) Ration Order No. 1 C supersedes the Revised Tire Rationing Regulations insofar as applicable to the Virgin Islands: *Provided, however,* That any violations which occurred prior to the effective date of this ration order shall be governed by the orders, regulations and amendments thereto, in effect at the time such violations occurred.

Effective date. Ration Order No. 1 C shall become effective September 1, 1943.

Issued this 15th day of July 1943.

JACOB A. ROBLES,
Territorial Director Virgin Islands.

WALLACE M. COHEN,
Acting Regional Administrator.

[F. R. Doc. 43-12667; Filed, August 4, 1943; 2:11 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 57]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT: ADJUSTABLE PRICING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

1. Section 1340.203 is amended to read as follows:

§ 1340.203 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12668; Filed, August 4, 1943; 2:14 p. m.]

PART 1340—FUEL

[MPR 121, Amdt. 22]

SEMI-ANTHRACITE IN VIRGINIA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.249 (h) is added to read as follows:

(h) *Maximum prices for semi-anthracite produced in the State of Virginia.* Anything in this regulation contained to the contrary notwithstanding, the following maximum prices are established for semi-anthracite produced in the State of Virginia (also known as Virginia anthracite) for shipment via rail transportation f. o. b. mine to all destinations and for all uses.

Size:	Price per net ton
Egg, Stove and Nut	$4.35
Pea	3.10
Buckwheat	2.60
Rice	1.85
Culm	.85
Special prepared ⅛" x ⅞" crusher run-of-mine	3.60

The above prices are subject to a discount of 10 cents per ton for cash payment or payment within fifteen (15) days from date of invoice.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12676; Filed, August 4, 1943; 2:22 p. m.]

PART 1340—FUEL

[MPR 189,[1] Amdt. 14]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL: ADJUSTABLE PRICING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 189 is amended in the following respect:

1. Section 1340.303 is amended to read as follows:

§ 1340.303 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12669; Filed, August 4, 1943; 2:14 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168.

[1] 8 F.R. 2973.

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 222,[1] Amdt. 2]

NORTHERN SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Article II, section 5 is amended by the addition of a new paragraph (c) to read as follows:

(c) On and after August 10, 1943, the basic mill prices set forth in this regulation may be increased by 10 percent, except the following:

(1) Article V, Appendix A, Table 3; Article VI, Appendix B, Table 16; and Article VII, Appendix C, Table 26.

(2) Kiln-drying, millworking, anti-stain treatment, differentials and all additions to basic mill prices authorized by footnotes or otherwise.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12677; Filed, August 4, 1943; 2:23 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 75]

SUGAR RATIONING REGULATIONS: FOUNTAIN FRUITS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respect:

Section 1407.92 (a) is amended by adding "fountain fruits" to the list of products enumerated in Class 6.

This amendment shall become effective August 10, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12678; Filed, August 4, 1943; 2:24 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Correction to Rev. MPR 183[1]]

PUERTO RICO

Section 25 Table 10 is corrected by adding the category "Canned beets, sliced:" before the item "Exquisite, Case of 24 #2 cans" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned beets, sliced:				
Exquisite	Case of 24 #2 cans.	$3.70	$4.25	Per container $0.23

This correction shall become effective as of July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12679; Filed, August 4, 1943; 2:24 p. m.]

PART 1425—LUMBER DISTRIBUTION

[Rev. MPR 215,[1] Amdt. 1]

DISTRIBUTION YARD SALES OF SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 215 is amended in the following respects:

1. Section 2 (a) is amended to read as follows:

SEC. 2. *Summary of the regulation.* (a) The general plan of this regulation divides lumber yards into two groups: wholesale and retail.

Wholesale distribution yards have one fixed mark-up for all their sales, regardless of quantity or purchaser: $5.00 and 10%.

As to retail yards, the plan is to extend specific mark-ups to them for all sales as soon as they can be worked out. So far, the only specific mark-up which applies to all retail yards in the country is the mark-up of $5.00 and 10% for "wholesale-type" sales, that is, sales to five large-scale classes of buyers in quantities of 5,000 feet or more. An optional pricing provision permits the application of a similar mark-up to all other sales in the Common grades. Specific mark-ups are established herein for the North Central, North Atlantic, Great Plains, South Central, California, Texas, Louisiana, and Mountain States areas as set forth in section 6, paragraphs (b) and (c). Outside of these particular areas, except in the case of "wholesale-type" sales and sales made under the "optional pricing" provision, the General Maximum Price Regulation[2] continues to apply.

2. Section 3 is amended by adding to the list of species and regulations covered, the following:

Western Red Cedar Lumber—MPR 402.[3]
Tidewater Red Cypress Lumber—MPR 412.[4]

3. Section 4 (a) is amended by inserting at the end of the first sentence the following sentence: "In determining the dollar volume of softwood lumber hereunder, direct mill sales shall not be included".

4. Section 5 (a) is amended by adding at the end of the paragraph the following sentence: "In determining the dollar volume of softwood lumber hereunder, direct mill sales shall not be included".

5. Section 6 is amended to read as follows:

SEC. 6. *Maximum prices for retail yards: All other sales (other than "wholesale-type")*—(a) *General.* All sales out of retail yard stock other than the "wholesale-type" and the "optional pricing type" (where the optional pricing provision has been adopted) are subject to the General Maximum Price Regulation, except in the North Central, North Atlantic, Great Plains, South Central, California, Louisiana, Texas, and Mountain States areas.

(b) *Area definitions.* (1) The North Atlantic Area consists of Maine, New Hampshire, Connecticut, Rhode Island, Vermont and Massachusetts, New York, New Jersey, Eastern Pennsylvania (east of the western border of the counties of Juanita, Perry, Cumberland, Adams, Tioga, Lycoming, Union and Snyder), Maryland, Delaware, District of Columbia, the City of Alexandria and Fairfax and Arlington Counties of Virginia.

(2) The North Central Area consists of Western Pennsylvania (from the western border of the following counties: Juniata, Perry, Adams, Cumberland, Tioga, Lycoming, Union, and Snyder), West Virginia, Indiana, Ohio, Michigan (lower Peninsula only) and Illinois.

(3) The Great Plains Area consists of Minnesota, North Dakota, South Dakota and Iowa.

(4) The South Central Area consists of Kansas, Nebraska, Missouri and Oklahoma.

(5) The California Area consists of California.

(6) The Texas Area consists of Texas.

(7) The Mountain States Area consists of Wyoming, Utah, Colorado, Arizona and New Mexico.

(8) The Louisiana Area consists of Louisiana.

(c) *Mark-ups for North Atlantic, North Central, Great Plains, South Central, California, Texas, Mountain States, and Louisiana Areas.* The maximum prices for sales out of retail yard stock in the North Atlantic, North Central, South Central, California, Texas, Louisiana, and Mountain States Areas, other than "wholesale-type" sales is the sum of the following:

(1) F. o. b. mill maximum price, in the mill regulation for the particular species; plus

(2) Inbound transportation charges to the distribution yard figured under the rules in section 7; plus

(3) $5.00 "handling charge" (or 30¢ per square for shingles, and 60¢ per M pieces for lath) plus

(4) The following percentage mark-ups, to be applied to the sum of (1), (2) and (3) above.

(i) In North Central and North Atlantic Areas:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8362, 9382, 9779.

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6687, 6961, 7351, 7380, 8010, 8184, 8678, 8811, 9304, 9458, 10304.

[1] 8 F.R. 9532.

[1] 8 F.R. 8705.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025.

[3] 8 F.R. 7662.

[4] 8 F.R. 8712.

Quantities of over 1,000 ft. B. M.:
"Lower bracket" items, 30%
"Upper bracket" items, 40%
Quantities 1,000 ft. B. M. or less:
All items, 50%

(ii) In Great Plains and Texas Areas, all quantities:

"Lower bracket" items, 35%
"Upper bracket" items, 40%

(iii) In California Area all quantities:

"Lower bracket" items, 30%
"Upper bracket" items, 50%

(iv) In South Central and Mountain States Areas, all quantities:

"Lower bracket" items, 30%
"Upper bracket" items, 40%

(v) In Louisiana Area, all quantities:

All items, 30%

(vi) In all Areas, if sale of softwood lumber and/or shingles totals less than $7.50 add 10% of total.

(d) *Meaning of "lower and upper bracket" items.* (1) "Lower bracket" items include the following grades and sizes:

(i) *Grades.*

#1 Common & lower in the following species:
Southern Pine (longleaf and shortleaf)
Douglas Fir
West Coast Hemlock
Sitka Spruce
White Fir (W. C. L. A. Rules)
Redwood
Eastern Spruce
Aspen
Eastern Hemlock
Red Cedar
Tidewater Red Cypress
#2 Common & lower in the following species:
Jack Pine
Engelman Spruce
Lodgepole Pine
Larch
#3 Common & lower in the following species:
Ponderosa Pine
Norway Pine
Idaho Pine
Sugar Pine
Eastern and Northern White Pine (Pinus Strobus)
Ottawa Valley White Pine

NOTE: "Lower bracket" items include all special specifications applicable to the grades listed, such as dense or medium grain, or stress grades, and also any items of flooring, ceiling and similar patterns in the grades listed.

(ii) *Sizes.* All thicknesses of boards and strips: all widths in boards and Dimension 12" and under in nominal width; all 3" and 4" timbers 10" and under in nominal width; all 5" and 6" timbers 8" and under in nominal width; and all lengths in the above up to and including 24'; also all shingles and lath.

(2) "Upper bracket" items include all grades higher, sizes larger and lengths longer than those listed as "lower bracket" items.

(e) *Delivery in North Atlantic and North Central Areas.* The mark-ups for sales (other than "wholesale-type") in the North Atlantic and North Central areas include delivery within a radius of 25 miles. For deliveries more than 25 miles an addition of 10¢ per M'BM may be made for each mile beyond the first 25, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required; but it is a violation of this regulation for a yard unreasonably to refuse to make delivery when requested to do so, or unreasonably to insist that the buyer pick up the lumber at the yard.

(f) *Delivery in other specified areas.* The mark-up for sales (other than "wholesale-type") in the Great Plains, South Central, California, Texas, Louisiana, and Mountain States areas include delivery within a radius of 10 miles to those classes of customers to whom free delivery was extended in March 1942 and thereafter. For deliveries more than 10 miles to such classes of customers an addition of 10¢ per M'BM may be made for each mile beyond the first 10, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required, but it is a violation of this regulation for a yard unreasonably to refuse to make delivery when requested to do so or unreasonably to insist that the buyer pick up the lumber at the yard.

To all classes of customers to whom free delivery was not included in March 1942 and thereafter an additional charge for delivery may be made: *Provided,* That such charge does not exceed that made for the same type of delivery during March 1942. Any amount added for delivery must be shown separately on the invoice, bill of sale, or other billing.

6. Section 7 (a) is amended by the addition of the following subparagraphs (11) and (12):

(11) Western Red Cedar Lumber—MPR 402.

Seattle, Washington.

(12) Tidewater Red Cypress Lumber—MPR 412.

Perry, Florida: Alabama, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

Ponchatoula, Louisiana: Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming. Distribution yards located in these states may make the additions allowed for Louisiana producers in calculating mill prices. See Section 24 of MPR 412.

Albany, Georgia: Georgia and Tennessee.

Sumter, South Carolina: North Carolina and South Carolina.

NOTE: The following items of Tidewater Red Cypress are not subject to the mark-ups set forth in this regulation but continue to be subject to the General Maximum Price Regulation:

1. Mouldings.
2. Grounds.
3. Plant stakes and car strips
4. Pickets
5. Battens

7. Section 7 (b) is amended to read as follows:

(b) *Minimum rate.* If the distribution yard is located at the basing point, or within a radius of 10 miles from such point, or at a point which takes a lower freight rate (as determined in Section 20 (c)) than 10¢ per cwt., a rate of 10¢ per cwt. may be used to figure inbound transportation charges.

8. A new paragraph (e) is added to section 7 to read as follows:

(e) *Trucking from railhead to yard site in certain areas.* The provisions of this paragraph apply only to the Mountain States, and Texas Areas. Where the distribution yard is located at a distance greater than 10 miles from the nearest railhead it may add to its transportation charges, figured in accordance with paragraphs (b) and (d) of this section, for the cost of trucking from the railhead to the yard's site, an amount not to exceed the following: $2.00 per M'BM for any distance over 10 miles and less than 20 miles; $2.50 per M'BM for any distance 20 miles or greater. Distance is to be determined by the speedometer reading for the shortest route between the railhead and yard site or as indicated on the official state highway road map.

9. Section 10 (a) is amended by the addition of the following subparagraph (6):

(6) Where a distribution yard purchases lumber rough or green and works that lumber prior to the time of sale the milling or drying charges shall not exceed those charges for these services provided for in the mill regulation governing that particular species for the same type of processing. The maximum processing charges herein provided may only be added where the lumber is stocked rough or green and the method or type of processing required cannot be determined until the sale is made and the buyer's specifications are received. Under any condition, these charges may not be added to produce any item of boards or dimension in standard sizes, or sizes reasonably similar thereto, shown in the applicable regulation.

10. Section 24 is amended by the addition of the following sentence immediately at the end of the first sentence: "(Any wholesale yard as defined in section 4 (a) hereof, which prior to June 23, 1943, separately operated a retail department under conditions conforming with the definition of a retail yard as set forth in section 5 (a) hereof, may apply for approval to continue the operations of its retail yard department in the manner and under the conditions above set forth.)"

This amendment shall become effective August 10, 1943, except that:

(a) If this amendment lowers any maximum price below that fixed in any earlier regulation, contracts that were in existence before the date of issuance of this amendment at lawful prices may be completed according to their terms, if delivery is made on or before September 1, 1943.

(b) The mere fact that this amendment increases some maximum prices does not of itself allow any seller to apply the higher prices to existing uncompleted contracts without the consent of the buyer. The regulation permitting agreements to cover such situations. Apart from that, increasing prices in existing uncompleted contracts to the level of increased maximum prices in the amendment is purely a matter of agreement between buyer and seller.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12670; Filed, August 4, 1943; 2:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 10]

PICK-UP AND DELIVERY SERVICES

The statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation 14 is amended in the following respects:

1. Section 7.11 (d) (1), (2) and (3) are amended to read as follows:

(d) *Definitions.* (1) "Pick-up service" means the transportation of property to a terminal of a line haul carrier from the point of origin from which the line haul carrier's rate applies or the local transfer of property from a terminal of a line haul carrier to a terminal of a connecting line haul carrier.

(2) "Delivery service" means the transportation of property from a terminal of a line haul carrier to the point of destination to which the line haul carrier's rate applies or the local transfer of property from a terminal of a line haul carrier to a terminal of a connecting line haul carrier.

(3) "Pick-up and delivery carrier" means a carrier who performs pick-up and delivery services as herein above defined for a line haul carrier.

2. In OPA Form 383:8 in section 7.11 (e), the definitions of "pick-up service", "delivery service" and "pick-up and delivery carrier" are amended to read as follows:

"Pick-up service" means the transportation of property to a terminal of a line haul carrier from the point of origin from which the line haul carrier's rate applies or the local transfer of property from a terminal of a line haul carrier to a terminal of a connecting line haul carrier.

"Delivery service" means the transportation of property from a terminal of a line haul carrier to the point of destination to which the line haul carrier's rate applies or the local transfer of property from a terminal of a line haul carrier to a terminal of a connecting line haul carrier.

"Pick-up and delivery carrier" means a carrier who performs pick-up and delivery services as herein above defined for a line haul carrier.

*Copies may be obtained from the Office of Price Administration.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12681; Filed, August 4, 1943; 2:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 32]

EXCEPTIONS FOR FIRE REPORTING SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.46 (b) (38) is revoked.

This amendment shall be effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12680; Filed, August 4, 1943; 2:23 p. m.]

PART 1499—COMMODITIES AND SERVICE

[MPR 165 as Amended, Amdt. 26]

ALARM AND PROTECTION EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 165 as amended—Services is amended in the following respects:

1. Section 1499.101 (c) (28) is amended by deleting the phrase "burglar alarms."

2. Section 1499.101 (c) (66) is added to read as follows:

(66) Equipment used for the detection of, and protection against fire, theft, burglary, and sabotage (including but not limited to fire alarms, burglar alarms, watchman boxes, sprinkler systems, and electrical or mechanical devices used in connection therewith for the detection of, and for protection against, loss or damage by fire, theft burglary, or sabotage)—maintenance, repair, rental, supervision, operation, inspection, or installation (except installation of sprinkler systems).

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12682; Filed, August 4, 1943; 2:24 p. m.]

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

PART 1382—HARDWOOD LUMBER

[MPR 223,[1] Amdt. 7]

NORTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1382.151 *Maximum prices for Northern hardwood lumber* is amended by the addition of the following paragraph (e):

(e) On and after August 10, 1943, the basic mill prices set forth in this regulation may be increased by 10 percent on all items, except the following:

(1) Section 1382.163, (18) and (19) and § 1382.164 (b) (1) and (2).

(2) Kiln-drying, millworking, anti-stain treatment, specified differentials and all additions to basic prices authorized by footnotes or otherwise.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12684; Filed, August 4, 1943; 4:24 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[2] Amdt. 3]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 418 is amended in the following respects:

1. Section 2 (a) is amended by inserting after the sentence "For each month, there are two columns of prices." the sentence "The prices in Table A on sales by producers apply irrespective of the nature of the purchaser and irrespective of whether the fish are sold through an agent of any kind."

2. Section 3 (a) is amended to read as follows:

(a) *Sale by a primary fish shipper wholesaler.* A sale by a primary fish shipper wholesaler is a sale by a person who buys fresh fish or seafood from a producer and who distributes bulk, boxed, barreled, or packaged fish and seafood to other wholesalers (retailer-owned cooperative, cash and carry, and service and delivery) or to a retail chain store warehouse.

3. Section 3 (a) (1) is amended by inserting after the sentence "These prices are f. o. b. his established place of doing business in bulk." the sentence "The prices in Table B on sales by primary fish shipper wholesalers apply irre-

[1] 7 F.R. 7445, 8945; 8 F.R. 121, 2783, 5480, 5629, 8945.

[2] 8 F.R. 9366, 10086.

spective of whether the fish are sold through an agent of any kind."

4. Section 4 (a) (1) is amended to read as follows:

(1) *Maximum prices for sales by a retailer-owned cooperative wholesaler and by a wholesaler other than a primary fish shipper wholesaler to other wholesalers.* Maximum prices for sales by a retailer-owned cooperative wholesaler are the prices listed in Table C (Article IV, section 20 (c)) plus the container prices provided in section 19 when containers are used, plus transportation as provided in section 7. The prices in Table C also shall apply in sales by a wholesaler other than a primary fish shipper wholesaler to other wholesalers and chain store warehouses.

5. Section 4 (b) (1) is amended by deleting the sentence "These prices apply to sales to other wholesalers as well as to retailers and purveyors of meals."

6. Section 4 (c) is amended by inserting after the phrase "and who delivers the goods to his customer's usual receiving point" the phrase "by means other than a common carrier."

7. Section 4 (c) (1) is amended by deleting the sentence "These prices apply to sales to other wholesalers as well as to retailers and purveyors of meals."

8. The text of section 7 (a) preceding the example is amended to read as follows:

(a) *When a wholesaler may add his transportation cost to listed prices.* The prices set forth in section 20 list maximum prices for sales by a retailer-owned cooperation, cash and carry, and service and delivery wholesaler, exclusive of container costs and transportation costs incurred in transporting the fish to his established place of doing business. Where such transportation changes have been incurred (excluding local trucking and handling changes), a wholesaler who purchases fresh fish and seafood from a primary fish shipper wholesaler may add to the maximum prices the actual cost of transportation from the primary fish shipper wholesaler's established place of doing business to such wholesaler's customary receiving point, and must record the allowed transportation cost in an invoice to his customer. Any customer of such wholesaler may add to to his selling price the transportation cost as shown in the invoice. Where a primary fish shipper wholesaler has a branch warehouse located at a remote point from the market of origin to which it ships fresh fish and seafood, the branch warehouse for the purpose of transportation allowance may be considered a wholesaler who purchases fresh fish and seafood from a primary fish shipper wholesaler. In no instance may transportation costs exceed common carrier rates when such rates are availabe.

9. In section 20, table A, the name of Schedule No. 24 is amended to read as follows:

24 Ling Cod (Pacific Coast) (Ophiodon elongatus)[4]

10. In section 20, Table A, the name of Schedule No. 26 is amended to read as follows:

26 Sablefish (Anoplopoma fimbria).[4]

11. In section 20, Table A, Schedule No. 26, the size of Item No. 1 is amended to read "5 lbs. & over" instead of "6 lb. & over".

12. In section 20, Table A, Schedule No. 26, the size of Item No. 2 is amended to read "Under 5 lbs." instead of "Under 6 lb.".

13. In section 20, Table A, the name of Schedule No. 27 is amended by deleting the words "(Oncorhynchus tschawtyscha)'" and inserting in their place the words "(Oncorhynchus tschawytscha)'".

14. In section 20, Table A, the name of Schedule No. 28 is amended by deleting the words "(Oncorhynchus kisutch)'", and inserting in their place the words "(Oncorhynchus kisutch).'"

15. In section 20, Table A, the name of Schedule No. 45 is amended by deleting the words "(Pacific Coast)".

16. Footnote 18 following Table A in section 20 is amended by inserting after the word "California" the sentence "To the price in Schedule No. 49 $1.00 per ton may be added on sales of pilchards delivered to Benecia, Martinez and Moss Landing, California, and $1.50 to Pittsburgh, California."

17. In section 20, Table B, Schedule No. 26, the size of Item No. 1 is amended to read "5 lbs. & over" instead of "6 lbs. and over".

18. In section 20, Table B, Schedule No. 26, the size of Item No. 2 is amended to read "Under 5 lbs." instead of "Under 6 lbs".

19. In section 20, Table C, Schedule No. 26, the size of Item No. 1 is amended to read "5 lbs. & over" instead of "6 lb. and over".

20. In section 20, Table C, Schedule No. 26, the size of Item No. 2 is amended to read "Under 5 lbs." instead of "Under 6 lbs.".

21. In section 20, Table D, Schedule No. 26, the size of Item No. 1 is amended to read "5 lbs. and over" instead of "6 lbs. and over".

22. In section 20, Table D, Schedule No. 26, the size of Item No. 2 is amended to read "under 5 lbs." instead of "under 6 lbs.".

23. In section 20, Table E, Schedule No. 26, the size of Item No. 1 is amended to read "5 lbs. and over" instead of "6 lbs. and over".

24. In section 20, Table E, Schedule No. 26, the size of Item No. 2 is amended to read "under 5 lbs." instead of "under 6 lbs.".

This amendment shall become effective August 4, 1943, except that as to footnote 18 of Table A in section 20, it shall become effective as of August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12685; Filed, August 4, 1943; 4:24 p. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269,[1] Amdt. 12]

POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 269 is amended in the following respects:

1. Section 1429.1 is amended to read as follows:

§ 1429.1 *Prohibition against selling poultry at prices above the maximum.* On and after December 18, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, or cause to be sold or delivered whether for his own account or otherwise, the poultry items specified in this regulation, and no person in the course of trade or business shall buy or receive such poultry items at a price higher than the maximum prices permitted by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of poultry items to a purchaser, if, prior to December 18, 1942, such poultry items have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

2. Section 1429.4 (b) is amended to read as follows:

(b) Every person shipping any of the poultry items specified in this regulation by freight car, truck, or other means of transport from one place to another, shall post within such freight car, truck or other means of transport, a manifest showing the place from which such poultry items were shipped, the name and address of the owner of such poultry items while in transit, the name and address of the person or persons to whom such poultry items are being shipped, the name and address of the seller or sellers, the quantities, types, grades, weight classes of poultry bought and sold, the number of head of each type, grade, and weight class of poultry bought and sold, and the price paid.

3. Section 1429.14 (d) (4) is added to read as follows:

(4) The Administrator of the War Food Administration is notified in writing of every proposed uniform maximum base price for any live poultry item which reduces the maximum base price for such live poultry item at any place in the political subdivision or other defined area for which the uniform maximum base price is proposed by more than one-tenth of one cent per pound, and has consented in writing to the establishment of such uniform maximum base price.

4. Section 1429.24 is added to read as follows:

§ 1429.24 *Maximum prices for poultry items requisitioned or purchased by the United States Government or any agency thereof.* (a) If the United States Government or any agency thereof requisitions or purchases any of the poultry items specified in Table A of § 1429.19 of this regulation from a truck, freight car, or any other carrier, irrespective of the fact that such truck, freight car or carrier is in transit or at stoppage it shall pay no more than the maximum base price established for such poultry item at the place where the requisitioning or transfer of physical possession of such poultry item occurs, plus a sum not in excess of one cent per pound.

(b) The weight of any poultry item requisitioned or purchased by the United States Government or any agency thereof from a truck, freight car, or any other carrier, shall be determined at the time and place where the requisitioning or transfer of physical possession of such poultry item occurs: *Provided*, That, if the United States Government or any agency thereof believes it is impracticable for it to determine the weight of such poultry item at the time and place where the requisitioning or transfer of physical possession occurs, then such poultry item shall be transported immediately to the nearest available weighing station, and its weight shall there be determined as soon as possible.

5. Section 1429.25 is added to read as follows:

§ 1429.25 *Sale of poultry items requisitioned or purchased by the United States Government or any agency thereof.* (a) Whenever the United States Government or any agency thereof finds it necessary to sell any poultry item which it requisitioned or purchased pursuant to the provisions of this regulation, it may sell such poultry item, and any person may purchase such poultry item at a price not in excess of the price which the United States Government or any agency thereof paid for such poultry item pursuant to the provisions of this regulation.

6. Section 1429.26 is added to read as follows:

§ 1429.26 *Service charge for the processing of poultry items owned by the United States Government or any agency thereof.* (a) Any person who converts any of the live poultry items specified in Table A of § 1429.19 of this regulation into a dressed poultry item, may charge as compensation for his services a sum not in excess of the differential between the maximum base price established in Table A of § 1429.19 of this regulation for such live poultry item and the maximum base price established in such Table A for the corresponding dressed poultry item into which the live poultry item is converted: *Provided*, That, such poultry is and remains the property of the United States Government or any agency thereof.

This amendment shall become effective August 4, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10708, 10834, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9061, 9299.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12686; Filed, August 4, 1943; 4:25 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

POSTPONEMENT OF REQUIREMENT FOR ACCOUNTING FOR ROAD PROPERTY DEPRECIATION

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 28th day of July, A. D. 1943.

The orders of June 8, 1942 (7 F.R. 4673) modifying the Classification of Investment in Road and Equipment for Steam Roads; Classification of Operating Revenues and Operating Expenses for Steam Roads; Classification of Income, Profit and Loss, and General Balance Sheet Accounts for Steam Roads; and Accounting Bulletin No. 15, Interpretations of Accounting Classifications for Steam Roads; being under consideration:

And it appearing, that compliance with the requirements for depreciation accounting of road property prescribed by said orders of June 8, 1942 should be optional as to Class II and III steam roads until January 1, 1945;

It is ordered, That the mandatory requirement for accounting for depreciation of road property, prescribed in said orders of June 8, 1942, be, and it is hereby, postponed as to Class II and Class III steam roads until January 1, 1945.

And it is further ordered, That said orders of June 8, 1942 shall in all other respects remain in full force and effect.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12733; Filed, August 5, 1943; 11:40 a. m.]

[Service Order 133, Amdt. 2]

PART 95—CAR SERVICE

REFRIGERATION OF VEGETABLES USING TOP AND BODY ICE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August A. D. 1943.

At the request of the Office of Defense Transportation and upon further consideration of the provisions of Service Order No. 133 (8 F.R. 9037) of June 19, 1943, and Amendment No. 1 to Service Order No. 133 (8 F.R. 9728) of July 13, 1943;

It is ordered, That Service Order No. 133 (8 F.R. 9037) and Amendment No. 1 to Service Order No. 133 (8 F.R. 9728) be, and they are hereby, further amended to read as follows:

§ 95.313 *Refrigeration of vegetables using top or body ice*—(a) (1) *Restriction on refrigeration service.* Effective at once and until further order of the Commission any common carrier by railroad subject to the Interstate Commerce Act may accept or move a refrigerator car or cars loaded with fresh or green vegetables in straight or mixed carloads using top or body ice only under the following conditions:

(i) Refrigerator cars equipped with collapsible bunkers shall not be used unless the bunkers are collapsed.

(ii) Refrigerator cars not equipped with collapsible bunkers may be initially bunker iced, providing initial top or body ice used does not exceed 15,000 pounds.

(iii) Refrigerator cars not equipped with collapsible bunkers shall not be initially bunker iced if initial top or body ice used exceed 15,000 pounds.

(2) *Retop or rebody icing prohibited.* After the first or initial top or body icing no common carrier by railroad subject to the Interstate Commerce Act shall retop or rebody ice any refrigerator car or cars loaded with fresh or green vegetables in Straight or mixed carloads originating at points in Arizona or California, at any point or points west of the western border of the States of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee.

(3) *Bunker icing in California.* For carriers' convenience shipments originating in the Salinas-Watsonville District of California may be initially bunker iced at Roseville, California, where bunker ice is permissible under paragraph (a) (1), subparagraph (ii). The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(4) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(b) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-12734; Filed, August 5, 1943; 11:40 a. m.]

[Service Order 143]

PART 95—CAR SERVICE

REICING OF GREEN FRUITS AND VEGETABLES IN TRANSIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August, A. D. 1943.

It appearing that an acute shortage of ice is affecting the movement of perishables in refrigerator cars originating in states on the Pacific Coast, and Rocky Mountain Territory; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That:

§ 95.315 *Refrigerator cars*—(a) *Cars of fresh or green fruits or vegetables not to be reiced after first reicing in excess of 75 percent of capacity of bunkers.* Notwithstanding the provisions of Service Order No. 133 (8 F.R. 9037) of June 19, 1943, as amended, no common carrier by railroad subject to the Interstate Commerce Act shall reice or allow or permit reicing with more than enough ice to bring ice to three-fourths of the refrigerator car bunker capacity at Belen, New Mexico; Big Spring, Texas; Dalhart, Texas; Del Rio, Texas; Denver, Colorado; Laramie, Wyoming; or Pueblo, Colorado after the first reicing of a refrigerator car or cars loaded with fresh or green fruits or vegetables moving under standard refrigeration or defined in Agent Quinn's Perishable Protective Tariff No. 12, I.C.C. No. 19, supplements thereto or reissues thereof. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads, or their agent, shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(c) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-17))

It is further ordered, That this order shall become effective at 12:01 a. m., August 5, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-12735; Filed, August 5, 1943; 11:40 a. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1787, Field Administrator Amdt. 1]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

SALMON CANNING INDUSTRY IN TERRITORY OF ALASKA

Section 401.1 of Order No. 1787, dated March 3, 1943 (8 F.R. 2892), is hereby amended in Schedule A thereof, by the Field Administrator acting pursuant to the authority granted in paragraph (c) of that order as amended July 15, 1943, because in his judgment such amendment is reasonable and advisable to give effect to the purposes of the order, and because the circumstances do not permit of the delay that would otherwise result. In District numbered IV item (3) is altered, and in District numbered VII item (1) is altered and item (8) is added, so that these items will read as follows:

IV—KODIAK—AFOGNAK

Name of person	Nucleus Plant	No. of lines
(3) Kadiak Fisheries Co., Port Bailey.	Kadiak Fisheries Co., Port Bailey.	2

(The Kadiak Fisheries Co. may pack in the above plant salmon caught by the north shore traps of the Pacific American Fisheries, Inc.)

VII—PRINCE WILLIAM SOUND

(1) New England Fish Co., Cordova.	New England Fish Co., Cordova.	2
Central Alaska Packing Co., Shepard Point.		
W. R. Gilbert Co., Whitshed.	Pioneer Sea Foods, Cordova.	2
G. P. Halferty, Inc., Cordova.		
Pioneer Sea Foods, Cordova.		
(8) Charles Darl, Cordova.	Charles Darl, Cordova	1

Issued this 20th day of July 1943.

RALPH A. FERRANDINI, *Field Administrator.*

[F. R. Doc. 43-12705; Filed, August 5, 1943; 9:50 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Public Land Order 152]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for airport purposes:

SIXTH PRINCIPAL MERIDIAN

T. 9 S., R. 80 W.,
Sec. 9, NE¼NE¼, S½NE¼, E½SW¼, and NW¼SE¼.
The areas described aggregate 240 acres.

This order shall be subject to (1) the withdrawal for reservoir purposes made by the orders of February 28 and October 11, 1891, of the Secretary of the Interior (Tennessee Park Reservoir Site No. 7), and (2) the withdrawal for water power sites made by the Executive Order of July 2, 1910 (Power Site Reserve No. 92), so far as such withdrawals affect the above-described lands.

Jurisdiction over the lands hereby reserved shall revert to the Department of the Interior, and to any other Department or agency of the Federal Government which had any jurisdiction over such lands immediately preceding the issuance of this order, according to their respective interests, upon expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered, pending classification and a determination as to whether the lands, or portions thereof, are needed for public purposes.

ABE FORTAS, *Acting Secretary of the Interior.*

JULY 28, 1943.

[F. R. Doc. 43-12706; Filed, August 5, 1943; 9:50 a. m.]

[Public Land Order 153]

NEVADA

REVOKING PUBLIC LAND ORDER NO. 53 WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 53 of November 4, 1942, withdrawing public lands for the use of the War Department as a bombing range is hereby revoked.

ABE FORTAS, *Acting Secretary of the Interior.*

JULY 28, 1943.

[F. R. Doc. 43-12707; Filed, August 5, 1943; 9:50 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-490]

CITIES SERVICE GAS COMPANY

ORDER FIXING DATE OF HEARING AND REQUIRING CONTINUANCE OF SERVICE

AUGUST 3, 1943.

It appearing to the Commission that:

(a) On June 19, 1943, Cities Service Gas Company (hereinafter referred to as "Cities Service") filed with the Commission notice of its intention to cancel and terminate its Rate Schedule FPC No. 51, as supplemented, providing for the sale of natural gas to Union Gas System, Inc. (hereinafter referred to as "Union") for resale for industrial use, and to discontinue service thereunder effective August 22, 1943;

(b) On July 3, 1943, Union filed its informal protest to the proposed cancellation and termination of Cities Service Gas Company Rate Schedule FPC No. 51, as supplemented, and the discontinuance of service thereunder and stated, among other things, that it had no other means of obtaining the gas purchased under that rate schedule and that the public convenience and necessity will be adversely affected if the proposed discontinuance of service is permitted;

(c) On July 26, 1943, Union filed with the Commission an informal complaint, a copy of which was served upon Cities Service, alleging that Cities Service refuses to deliver gas to Union at a point near Olathe, Kansas, as provided by Cities Service Gas Company Rate Schedule FPC No. 42, that Cities Service can economically furnish gas to Union at that point, and that the refusal of Cities Service to make deliveries at such point is unreasonable, discriminatory and constitutes a violation of the Natural Gas Act;

(d) On July 26, 1943, Union also requested that these matters be heard together;

The Commission orders that:

(A) The proceedings in the above-entitled matters relating to Cities Service Gas Company Rate Schedules FPC Nos. 51 and 42 be set for public hearing to be held on August 23, 1943, at 9:30 a. m. in Room No. 527 in the U. S. Court House, Kansas City, Missouri;

(B) To expedite the disposition of these matters, Cities Service shall file its answer to Union's complaint with respect to Cities Service Gas Company Rate Schedule FPC No. 42 on or before August 16, 1943;

(C) Until further order of the Commission, Cities Service shall continue service to Union under Cities Service Gas Company Rate Schedule FPC No. 51;

(E) Interested State commissions may participate in this hearing as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 43-12715; Filed, August 5, 1943; 11:19 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Subordination Order 4]

ADLANCO X-RAY CORP. AND ROENTGEN SUPPLIES, INC.

In re: Adlanco X-Ray Corporation and Roentgen Supplies, Inc. (Vesting Orders Numbers 28, 102, 425 and 1786).

Whereas Siemens-Reiniger-Werke, A. G., Berlin, Germany (hereinafter referred to as Siemens, Berlin), owned all of the issued and outstanding shares of the capital stock of Siemens Elektrisitats Erzeugnisse, A. G. of Switzerland (hereinafter called Siemens, Switzerland) and General Radiological, Ltd. of London, England (hereinafter called General); and

Whereas Siemens, Berlin and General owned all of the issued and outstanding shares of the capital stock of Adlanco X-Ray Corporation, a New York corporation (hereinafter referred to as Adlanco); and Adlanco owned all of the issued and outstanding shares of the capital stock of Roentgen Supplies, Inc., a New York corporation (hereinafter called Roentgen); and

Whereas all of the aforesaid business enterprises have heretofore been found by the undersigned to be nationals of a designated enemy country (Germany); and

Whereas by Vesting Order No. 28, dated June 18, 1942 (7 F.R. 4632, June 23, 1942), the undersigned vested all of the issued and outstanding shares of the capital stock of Adlanco; and by Vesting Order No. 102, dated August 11, 1942 (7 F.R. 7153, September 10, 1942) the undersigned vested all of the issued and outstanding shares of the capital stock of Roentgen; and

Whereas by Vesting Order No. 425, dated December 1, 1942 (7 F.R. 10633, December 19, 1942), the undersigned vested a certain claim against Adlanco in the sum of $30,482.80 owned by Siemens, Berlin, and a certain other claim against Adlanco in the sum of $6,000 owned by Siemens, Switzerland; and

Whereas by Vesting Order No. 1786, dated July 12, 1943 (8 F.R. 10041, July 20, 1943), the undersigned vested a certain claim against Adlanco in the sum of $20,033.75 owned by General; and

Whereas the said business enterprises above-named purport to have other claims each against the other as follows:

(a) Adlanco purports to have a claim in the sum of $41,177.75 against Roentgen; and

(b) Roentgen purports to have a claim against Adlanco in the sum of $1,028.85; and

Whereas Adlanco and Roentgen are presently being liquidated:

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Siemens, Switzerland, General, Adlanco, and Roentgen were subsidiaries of Siemens, Berlin and were dominated by it, and that all said business enterprises were in fact adjuncts and parts of a single organization and that their activities and affairs were interwoven; and

2. Finding that the advances and transactions which resulted in the claims above-described and set forth were in the nature of capital advances and were of such nature and consummated under such circumstances as to indicate that the parties did not intend to create enforceable debt obligations thereby; and

3. Finding that the assets of Adlanco and Roentgen are insufficient to pay claims against them in full; and

4. Determining that it is equitable and in the national interest of the United States to subordinate said claims to the claims of other creditors of Adlanco and Roentgen;

Hereby directs Roentgen and its duly authorized officers to subordinate the claim of Adlanco in the sum of $41,177.75, as aforesaid, to the claims of other creditors of and claimants against Roentgen; and further

Directs Adlanco and its duly authorized officers to subordinate the claim of Roentgen in the sum of $1,028.85, and the claims of Siemens, Berlin in the sum of $30,482.80, and the claim of Siemens, Switzerland in the sum of $6,000, and the claim of General in the sum of $20,033.75, the last-mentioned three of which were heretofore vested by the undersigned, as aforesaid, to the claims of other creditors of and claimants against Adlanco; and further

Directs Roentgen to pay all its other creditors except Adlanco in full, and to deliver and pay over to the undersigned all assets remaining after such payment, the same to be applied on account of said claim of Adlanco against Roentgen hereby directed to be subordinated; and further

Directs Adlanco to pay all its other creditors except Roentgen and Siemens, Berlin and Siemens, Switzerland and General, in full and pay over to the undersigned all assets remaining after such payment, the same to be applied pro rata on account of the said claims of Roentgen and Siemens, Berlin and Siemens, Switzerland and General hereby directed to be subordinated.

Executed at Washington, D. C., July 31, 1943.

[SEAL] LEO T. CROWLEY, *Alien Property Custodian.*

[F. R. Doc. 43-12688; Filed, August 5, 1943; 9:41 a. m.]

[Subordination Order 5]

ORMA REALTY CORPORATION

In re: Orma Realty Corporation (Vesting Order Number 44)

Whereas all of the issued and outstanding shares of the capital stock of Orma Realty Corporation, a New York

corporation, were owned and held by Banco di Sicilia, Direzione Generale, Palermo, Italy, a national of a designated enemy country (Italy) and were vested by the undersigned by Vesting Order No. 44 dated July 1, 1942 (7 F.R. 5104, July 7, 1942); and

Whereas a certain promissory note in the amount of $314,455, dated May 5, 1938, executed by the aforesaid Orma Realty Corporation, payable on demand to the aforesaid Banco di Sicilia, and bearing interest at the rate of 3%, on which there is presently due and owing a balance of $158,500, together with accrued interest in the sum of $29,059.76, were vested by the undersigned by the aforesaid vesting order; and

Whereas Orma Realty Corporation is presently being liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Orma Realty Corporation was a wholly owned subsidiary of Banco di Sicilia, Direzione Generale, Palermo, Italy, and was dominated by it, and that both said business enterprises were in fact adjuncts and parts of a single organization; and

2. Finding that the advances by said Banco di Sicilia which resulted in the said promissory note above described were in the nature of capital contributions to Orma Realty Corporation, and that the transactions which gave rise to the said claim were of such nature and consummated under such circumstances as to indicate that the parties did not intend to create an enforceable debt obligation; and

3. Finding that the assets of Orma Realty Corporation are insufficient to pay all claims against it in full; and

4. Determining that it is equitable and in the national interest of the United States to subordinate said claim of Banco di Sicilia to the claims of other creditors of Orma Realty Corporation;

Hereby directs Orma Realty Corporation and its duly authorized officers to subordinate the claim of Banco di Sicilia in the sum of $158,500 and accrued interest in the sum of $29,059.76, as represented by the promissory note above-described, and heretofore vested by the undersigned as aforesaid to the claims of other creditors and claimants against Orma Realty Corporation; and further

Directs Orma Realty Corporation to pay all its other creditors in full and to deliver and pay over to the undersigned all assets remaining after such payments, the same to be applied on account of the balance due on the promissory note hereby directed to be subordinated.

Executed at Washington, D. C., July 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12689; Filed, August 5, 1943; 9:41 a. m.]

[Vesting Order 646, Amdt.]

REAL PROPERTY OWNED BY WILHELM STENZEL, ET AL

Re: Certain real property in Barber County, Kansas, owned by Wilhelm Stenzel, Gustave Stenzel, Wilhelm Hassel, et al; File D-28-1440; E. T. sec. 104.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Wilhelm Stenzel, Gustave Stenzel, Wilhelm Hassel, Karl Hassel, Fritz Hassel, August Hassel, Auguste Schmidt Schwering, Marie Schmidt Rieso, Marie Hassel Wiegmann, Auguste Hassel, Gustave Hassel, Leni Hassel Meier, Carl Hassel, Jr. and Helmut Hassel and each of them, are residents of Germany and are nationals of a designated enemy country, Germany;

2. Finding that the said Wilhelm Stenzel, Gustave Stenzel, Wilhelm Hassel, Karl Hassel, Fritz Hassel, August Hassel, Auguste Schmidt Schwering, Marie Schmidt Rieso, Marie Hassel Wiegmann, Auguste Hassel, Gustave Hassel, Leni Hassel Meier, Carl Hassel, Jr. and Helmut Hassel and each of them, are the owners of the real property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

That certain real property, together with all fixtures, improvements and appurtenances thereto, situated in Barber County, State of Kansas, and particularly described as follows:

All that certain lot, piece or parcel of land with the buildings and improvements thereon, situate, lying and being in Barber County, Kansas, bounded and described as follows:

Northwest Quarter (NW¼) of Section 9; East half of Southwest Quarter (E½SW¼) and West half of Southeast Quarter (W½SE¼) of Section 4, all in Township 31, Range 10, Barber County, Kansas.

is property within the United States owned by nationals of a designated enemy country, Germany;

4. Determining that to the extent that either or both of said nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons and each of them be treated as nationals of the aforesaid enemy country, Germany;

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record, held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12690; Filed, August 5, 1943; 9:41 a. m.]

[Vesting Order 1888]

ESTATE OF MARY BARBATI

In re: Estate of Mary Barbati, deceased; File D-27-672; E. T. sec. 6342.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Union Trust Company of Pittsburgh, 439 Fifth Avenue, Pittsburgh, Pennsylvania, Executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Battista Barbati	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Battista Barbati in and to the estate of Mary Barbati, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12691; Filed, August 5, 1943; 9:41 a. m.]

[Vesting Order 1889]

ESTATE OF JOHN FICKEN

In re: Estate of John Ficken, deceased; File D-28-2171; E.T. sec. 2854.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry Ficken, Administrator, acting under the judicial supervision of the District Court of the Eleventh Judicial District, Montana, in and for the County of Flathead;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany,

Nationals:	*Last known address*
Johan Meyer	Germany.
Hinrich Meyer	Germany.
Fridrich Ficken	Germany.
Hinrich Ficken	Germany.
Margarete Ficken	Germany.
Johan Ficken	Germany.
Wilhelm Ficken	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Johan Meyer, Hinrich Meyer, Fridrich Ficken, Hinrich Ficken, Magarete Ficken, Johan Ficken and Wilhelm Ficken, and each of them, in and to the Estate of John Ficken, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12692; Filed, August 5, 1943; 9:41 a. m.]

[Vesting Order 1890]

ESTATE OF MICHAEL FOX

In re: Estate of Michael Fox, deceased; File D-28-2175; E. T. sec. 2858.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Colorado National Bank, David Greenbaum, Raymond Fox, Michael Seligman and Michael Mendel, Executors, acting under the judicial supervision of the County Court, City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National:	*Last known address*
Hirsch Seligman or his descendants.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hirsch Seligman or his descendants, and each of them, in and to the Estate of Michael Fox, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12693; Filed, August 5, 1943; 9:41 a. m.]

[Vesting Order 1891]

TRUST UNDER WILL OF JOHN H. GANS

In re: Trust under will of John H. Gans, deceased; File D-28-1993; E. T. sec. 2042.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Central Hanover Bank and Trust Company, 70 Broadway, New York, N. Y., Trustee, acting under the judicial supervision of the Surrogate's Court, State of New York, in and for the County of Richmond; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
William Gans and his heirs	Germany.
Friederich Gans and his heirs	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of William Gans and his heirs and Friederich Gans and his heirs, in and to the Trust Estate created under the Last Will and Testament of John H. Gans, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12694; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1892]

LIQUIDATION OF INTEGRITY TRUST CO.

In re: Liquidation of Integrity Trust Company; File D–28–2263; E. T. sec. 2978.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Secretary of Banking, Commonwealth of Pennsylvania, Receiver, acting under the judicial supervision of Court of Common Pleas, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany namely,

Nationals:	*Last known address*
Henry Kiefer	Germany.
Katharine Kiefer	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash as follows:

Henry Kiefer	$146.63
Katharine Kiefer, paid-up life insurance policy in the amount of	2,500.00

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12695; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1893]

ESTATE OF ANTONI AND ALICE JABLONSKI

In re: Estate of Antoni and Alice Jablonski, debtors (in bankruptcy); File D–28–3840; E.T. sec. 6497.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Chicago Title and Trust Company, 69 West Washington Street, Chicago, Illinois, Distributing Agent, acting under the judicial supervision of the District Court of the United States for the Northern District of Illinois, Eastern Division;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Anna Kuhn	16 Uhland Strasse, Wurzburg, Bayern, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Kuhn in and to the bankrupt estate of Antoni and Alice Jablonski, debtors,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12696; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1894]

TRUST UNDER WILL OF ELIZABETH B. L. KING

In re: Trust under the will of Elizabeth B. L. King, deceased; File No. D–38–1198; E. T. sec. 4565.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Guaranty Trust Company of New York, as Trustee, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Lydia Morelli	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lydia Morelli in and to a trust created under the Will of Elizabeth B. L. King, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12697; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1895]

ESTATE OF PETER MANTINO

In re: Estate of Peter Mantino, also known as Peter Martino, deceased; File D–38–1185; E. T. sec. 3420.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mary Walsh Administratrix, acting under the Judicial supervision of the District Court of Silver Bow County, Montana;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy namely,

Nationals:	*Last known address*
Catterina Mantino	Italy.
Vedona Coquatti	Italy.
Sam Antonio	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interests,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Catterina Mantino, Vedona Coquatti, and Sam Antonio, and each of them, in and to the Estate of Peter Mantino, also known as Peter Martino, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12698; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1896]

ESTATE OF AUGUST NORDMAN

In re: Estate of August Nordman, deceased; File D–28–3578; E. T. sec. 5832.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lee Ora Nordman, c/o W. S. Sims, Route 3, Charlotte, North Carolina, Administratrix, acting under the judicial supervision of the Superior Court of Mecklenburg County, North Carolina;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Theodore Paul Nordman	Germany.
William August Nordman	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Theodore Paul Nordman and William August Nordman, and each of them, in and to the estate of August Nordman, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12699; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1897]

ESTATE OF HERMAN OTTO

In re: Estate of Herman Otto, deceased; File D–28–3645; E. T. sec. 6004.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by G. C. Wyland, Avoca, Iowa, Administrator with Will Annexed, acting under the judicial supervision of the District Court of the State of Iowa, in and for the County of Pottawattamie;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Emiel Otto	Germany.
Elizabeth Otto	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emiel Otto and Elizabeth Otto, and each of them, in and to the estate of Herman Otto, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12700; Filed, August 5, 1943; 9:43 a. m.]

[Vesting Order 1898]

ESTATE OF ANNA SAFKO

In re: Estate of Anna Safko, deceased; File D–66–963; E.T. sec. 6102.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Macoupin of State of Illinois, as depositary, acting under the judicial supervision of the County Court of Macoupin County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National:	*Last known address*
Rosa Tressel, also known as Rosa Tressel.	Mecsek, Sololcs, Hungary

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Rosa Tressel, also known as Rosa Tressel, in the sum of $2,000.00, which amount was deposited in the County Treasury of Macoupin County, Illinois, for the use of the said designated national, in accordance with the Executor's Report and Court Order dated September 28, 1940, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12701; Filed, August 5, 1943; 9:43 a. m.]

[Vesting Order 1899]

ESTATE OF ANDREW SCHINE

In re: Estate of Andrew Schine, deceased; File D–38–1647; E. T. sec. 3564.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James E. Kremer, Administrator, acting under the judicial supervision of the Orphans' Court in and for the County of Cascade, State of Montana;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Jacob Sajne	Italy.
Frank Sajne	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Jacob Sajne and Frank Sajne, and each of them, in and to the Estate of Andrew Schine, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12702; Filed, August 5, 1943; 9:43 a. m.]

[Vesting Order 1900]

ESTATE OF JOHN SCHREIBER

In re: Estate of John Schreiber, also known as John Scheiba, deceased; File D–28–2447; E.T. sec. 3461.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bank of America, National Trust & Savings Association, Executor, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Joseph Sombetzki, also known as Joseph Brandt, and his surviving issue.	Germany.
Franz Sombetzki, also known as Franz Brandt, and his surviving issue.	Germany.
Paul Sombetzki, also known as Paul Brandt, and his surviving issue.	Germany.
Martha Pitthofer and her surviving issue.	Germany.
Maria Kaese and her surviving issue	Germany.
Martha Biernath and her surviving issue.	Germany.
Martha Wenselowski and her surviving issue.	Germany.
Agnes Brieskorn and her surviving issue.	Germany.
Bruno Scheibe and his surviving issue.	Germany.
Franz Scheibe and his surviving issue.	Germany.
August Sombetzki, also known as August Brandt, and his surviving issue.	Germany.
Helmut Jarecki	Germany.
Alfred Jarecki	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Joseph Sombetzki, also known as Joseph Brandt, and his surviving issue, Franz Sombetzki, also known as Franz Brandt, and his surviving issue, Paul Sombetzki, also known as Paul Brandt, and his surviving issue, Martha Pitthofer and her surviving issue, Maria Kaese and her surviving issue, Martha Biernath and her surviving issue, Martha Wenselowski and her surviving issue, Agnes Brieskorn and her surviving issue, Bruno Scheibe and his surviving issue, Franz Scheibe and his surviving issue, August Sombetzki, also known as August Brandt, and his surviving issue, Helmut Jarecki, Alfred Jarecki, and each of them, in and to the Estate of John Schreiber, also known as John Scheiba, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12703; Filed, August 5, 1943; 9:43 a. m.]

[Vesting Order 1901]

ESTATE OF SOPHIE SEIPP

In re: Estate of Sophie Seipp, deceased; File No. D–28–3584; E. T. sec. 5791.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Mrs Marie Baumann	#6 Vormbaumstrasse, Bielefeld, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Mrs. Marie Baumann in the sum of $500.00, which amount was deposited with the Treasurer of Cook County, Illinois, on April 1, 1941, pursuant to order of the court of March 31, 1941, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12704; Filed, August 5, 1943; 9:44 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under R03]

SUGAR IN CERTAIN TENNESSEE COUNTIES

ORDER GRANTING TEMPORARY INCREASES IN ALLOTMENT NECESSITATED BY MILITARY MANEUVERS

Order No. 3 issued pursuant to § 1407.86b under Rationing Order No. 3 [1]—Sugar Rationing Regulations.

Military maneuvers of the armed forces of the United States are to be held in the counties of Bedford, Cannon, Clay, Coffee, DeKalb, Franklin, Jackson, Macon, Moore, Putnam, Rutherford, Smith, Sumner, Trousdale, Warren, White, and Wilson, in the State of Tennessee, during a substantial part of the remainder of 1943.

The undersigned finds that these military maneuvers will cause temporary abnormal demands for sugar-containing products within the counties named and they are hereby defined as the area affected by this order. The undersigned also finds that certain temporary increases in the allotments of registering units delivering such products within the affected area will be necessary in consequence of such abnormal demands.

Accordingly, pursuant to the authority vested in the Director of the Food Rationing Division of the Office of Price Administration by § 1407.86b of Rationing Order No. 3,

It is hereby ordered, That a registering unit which during January and

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7383, 8010, 8184, 8678, 8811, 9304, 9458, 10304.

February 1943 delivered within the affected area products in which it used 25 per cent or more of the total amount of sugar used by it in all products it delivered during those months may apply to the board on OPA Form R–315 for a temporary increase of its July–August, September–October, and November–December 1943 allotments. The amount of the temporary increases shall be determined as follows:

(a) The amount of sugar used by it in the products it delivered within the affected area during January and February 1943 shall be divided by the total amount of sugar used by it in all the products it delivered during those months.

(b) The temporary increase to be granted in the registering unit's July–August 1943 allotment shall be computed by

(1) Multiplying its July–August allotment by the figure obtained in (a) and

(2) Taking 10 per cent of the figure obtained in (1).

(c) The temporary increase to be granted in the registering unit's September–October 1943 allotment shall be computed by

(1) Multiplying its September–October allotment by the figure obtained in (a) and

(2) Taking 15 percent of the figure obtained in (1).

(d) The temporary increase to be granted in the registering unit's November–December 1943 allotment shall be computed by

(1) Multiplying its November–December allotment by the figure obtained in (a) and

(2) Taking 15 per cent of the figure obtained in (1).

Application for the temporary increases in the July–August, and the September–October allotments shall be made on or before September 5, 1943, and in the November–December allotment on or before November 5, 1943. However, application for the temporary increases for the September–October and November–December allotments may be made after such dates, but in such case the board shall reduce such temporary increases by the amount allocable to the expired portion of the allotment period, in the proportion which the number of days which have elapsed from the start of the period bears to the total number of days in that period.

A registering unit may use an increase provided by this order only in products to be delivered by it within the affected area. As a further condition of using the increase, it must, in addition to its delivery of these products, continue to deliver within the affected area during July, August, September, October, November, and December 1943, at least the same proportion of its products, in sugar content (counting only sugar used by it), as it delivered within the affected area during January and February 1943.

As used in this order the term "registering unit" refers only to the industrial users which are included within such registering unit.

This order shall become effective August 5, 1943.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1 and Supp. Dir. 1E, 7 F.R. 662, 2965; Food Dir. 3, 8 F.R. 2005; § 1407.86b, Rationing Order 3)

Issued this 4th day of August 1943.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 43–12673; Filed, August 4, 1943; 2:20 p. m.]

[Order 4 Under RO 3]

SUGAR IN CERTAIN LOUISIANA AND TEXAS AREAS

ORDER GRANTING TEMPORARY INCREASES IN ALLOTMENTS NECESSITATED BY MILITARY MANEUVERS

Order No. 4 issued pursuant to § 1407.86b under Rationing Order No. 3 [1]—Sugar Rationing Regulations.

Military maneuvers of the armed forces of the United States are to be held in the parishes of Allen, Beauregard, and Vernon in the State of Louisiana and the county of Newton in the State of Texas during a substantial part of the remainder of 1943.

The undersigned finds that these military maneuvers will cause temporary abnormal demands for sugar-containing products within the parishes and the county named and they are hereby defined as the area affected by this order. The undersigned also finds that certain temporary increases in the allotments of registering units delivering such products within the affected area will be necessary in consequence of such abnormal demands.

Accordingly, pursuant to the authority vested in the Director of the Food Rationing Division of the Office of Price Administration by § 1407.86b of Rationing Order No. 3,

It is hereby ordered, That a registering unit which during January and February 1943 delivered within the affected area products in which it used 25 per cent or more of the total amount of sugar used by it in all products it delivered during those months may apply to the board on OPA Form R–315 for a temporary increase of its July–August and September–October 1943 allotments. The amount of the temporary increases shall be determined as follows:

(a) The amount of sugar used by it in the products it delivered within the affected area during January and February 1943 shall be divided by the total amount of sugar used by it in all the products it delivered during those months.

(b) The temporary increase to be granted in the registering unit's July–August 1943 allotment shall be computed by:

(1) Multiplying its July–August allotment by the figure obtained in (a) and

(2) Taking half of the figure obtained in (1).

(c) The temporary increase to be granted in the registering unit's September–October 1943 allotment shall be computed by

(1) Multiplying its September–October allotment by the figure obtained in (a) and

(2) Taking 65 per cent of the figure obtained in (1).

Application for the temporary increases authorized by this order shall be made on or before September 5, 1943. However, application for the temporary increase in the September–October allotment may be made after such date, but in such case the board shall reduce the temporary increase by the amount allocable to the expired portion of the September–October allotment period, in the proportion which the number of days which have elapsed from the start of the period bears to the total number of days in that period.

A registering unit may use an increase provided by this order only in products to be delivered by it within the affected area. As a further condition of using the increase, it must, in addition to its deliveries of these products, continue to deliver within the affected area during July, August, September, and October 1943, at least the same proportion of its products, in sugar content (counting only sugar used by it), as it delivered within the affected area during January and February 1943.

As used in this order the term "registering unit" refers only to the industrial users which are included within such registering unit.

This order shall become effective August 5, 1943.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1 and Supp. Dir. 1E, 7 F.R. 662, 2965; Food Dir. 3, 8 F.R. 2005; § 1407.86b, Rationing Order 3.)

Issued this 4th day of August 1943.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 43–12674; Filed, August 4, 1943; 2:20 p. m.]

[Order 107 Under RPS 64]

SUPREME FOUNDRY & MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICE

Order No. 107 under § 1356.10 (a) of Revised Price Schedule No. 64 [1]—Domestic Cooking and Heating Stoves—Approval of maximum price for a gas plate manufactured by Supreme Foundry & Manufacturing Company, Belleville, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) *Sales by Supreme Foundry & Manufacturing Company, Belleville, Illinois.* Supreme Foundry and Manufacturing Company may sell and deliver its model V–6 gas plate at a price no higher than $2.83 f. o. b. factory to dealers, subject to percentage discounts, allowances, and terms for sales to distributors, jobbers, mail order houses, and other classes of purchasers, no less favorable than those in effect with respect to its model 2–6 as established under Revised Price Schedule No. 64.

(b) *Sales of this model by distributors and dealers.* Distributors and dealers (whose maximum prices for the model V–6 manufactured by the Supreme Foundry & Manufacturing Company were formerly fixed by the General Maximum Price Regulation [2]) may sell this model at prices no higher than those arrived at by the following method:

The distributor finds the highest percentage markup which he received on sales of the model 2–6 gas plate during the month of March 1942, to each class of purchaser. His maximum price to each class of purchaser is found by applying that percentage markup to the manufacturer's maximum price for sales to him, as fixed by this order. If the distributor did not sell the model 2–6 gas plate model during March 1942, then his maximum price is determined under the provisions of section 3 (a) of the General Maximum Price Regulation.

The dealer finds the highest percentage markup which he received on sales of the model 2–6 gas plate during the month of March 1942. His maximum price is found by applying that percentage markup to the maximum price for sales to him. If the dealer did not sell the model 2–6 during March, 1942, then his maximum price is the price determined under section 3 (a) of the General Maximum Price Regulation.

(c) *Notification of manufacturers and dealers.* On the first sale of its model V–6 gas plate after the effective date of this order, the Supreme Foundry & Manufacturing Company shall notify the buyer of the method of calculating maximum prices fixed by this order, for sales by such buyer. Each distributor shall, on the first sale of the model V–6 gas plate after the effective date of this order, notify the dealer of the method of calculating maximum prices for sales by dealers, fixed by this order.

(d) This Order No. 107 shall become effective on the 5th day of August 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12671; Filed, August 4, 1943; 2:12 p. m.]

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[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 8811, 9304, 9458, 10304.

[1] 7 F.R. 1329, 1836, 2000, 2132, 4404, 5372, 6821, 8948; 8 F.R. 1974, 4940, 4930, 5633 [illegible]

[2] 8 F.R. 3030, 3649, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 3, 1943.

Order Number and Name

RPS 7, Order 3, Kilburn Mill.
MPR 163, Order 17, Bernard Schildkraut Inc.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–12683; Filed, August 4, 1943; 4:24 p. m.]

[Order 226 Under MPR 188, Amdt. 1]

CONSUMERS' ARTICLES CONTAINING NEWLY MINED DOMESTIC SILVER

MAXIMUM PRICES FOR SALES

Amendment No. 1 to Order No. 226 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.

Order No. 226 is amended in the following respects:

1. Paragraph (d) is amended by inserting after the phrase "The provisions of the General Maximum Price Regulation", the phrase "or Maximum Price Regulation No. 210, whichever is applicable."

2. Paragraph (e) is amended by inserting after the phrase "under the General Maximum Price Regulation", the phrase "or Maximum Price Regulation No. 210, whichever is applicable."

3. Paragraph (f) is amended by inserting after the phrase "under the General Maximum Price Regulation," the phrase "or Maximum Price Regulation No. 210, whichever is applicable."

This amendment shall become effective August 5, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12672; Filed, August 4, 1943; 2:12 p. m.]

Regional, State, and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on August 3, 1943.

REGION II

District of Columbia Order 4, Amendment 1, Filed 3:19 p. m.
Philadelphia Order I–B—Correction—Filed 3:18 p. m.

REGION III

Detroit Order 5, Amendment 2, Filed 3:13 p. m.
Detroit Order 7, Filed 3:14 p. m.
Indianapolis Order 9, Filed 3:17 p. m.
Lexington Order 8, Filed 3:17 p. m.
Iron Mountain Order 12, Filed 3:18 p. m.
Grand Rapids Order 3, Amendment 2, Filed 3:13 p. m.
Saginaw Order 13, Amendment 1, Filed 3:14 p. m.
Saginaw Order 13, Amendment 2, Filed 3:16 p. m.
Saginaw Order 13, Amendment 3, Filed 3:16 p. m.
Saginaw Order 14, Amendment 2, Filed 3:16 p. m.
Saginaw Order 14, Amendment 3, Filed 3:16 p. m.
Saginaw Order 15, Amendment 1, Filed 3:16 p. m.
Saginaw Order 16, Amendment 1, Filed 3:16 p. m.

REGION IV

South Carolina Order 5, Filed 3:19 p. m.

REGION V

Little Rock, Arkansas Order 4, Amendment 1, Filed 3:20 p. m.
Little Rock, Arkansas Order 5, Amendment 1, Filed 3:20 p. m.

REGION VI

Springfield Order 5, Amendment 2, Filed 3:19 p. m.
Springfield Order 7, Amendment 1, Filed 3:19 p. m.
Springfield Order 8, Amendment 1, Filed 3:20 p. m.
Springfield Order 10, Amendment 1, Filed 3:20 p. m.
Fargo-Moorhead Order 4, Amendment 1, Filed 3:20 p. m.

REGION VII

Utah Order 6, Filed 3:21 p. m.

REGION VIII

Seattle Order 3, Amendment 3, Filed 3:23 p. m.
Seattle Order 4, Amendment 3, Filed 3:23 p. m.
Seattle Order 8, Amendment 5, Filed 3:21 p. m.
Los Angeles Order 3, Amendment 4, Correction, Filed 3:21 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–12675; Filed, August 4, 1943; 2:25 p. m.]

[Region III Order G–20 Under 18 (c)]

MILK IN STATE OF MICHIGAN

Order No. G–20 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan. (Formerly Order No. III–1499.18 (c)–29).

For the reasons set forth in the opinion attached hereto, and pursuant to the au-

thority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulations and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280, *it is hereby ordered*, That:

I. *Sales of fluid whole milk.* Any person may sell or deliver fluid whole milk at retail or wholesale in any County in the State of Michigan at (1) the maximum prices established for him under § 1499.2 of the General Maximum Price Regulations, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the maximum prices set forth in the schedule under the applicable paragraph in Schedule A hereof.

II. *Sales of special milk.* A. Except as hereinafter provided in paragraph B of this section II, any person selling special milk, as hereinafter defined, at retail or wholesale in any County in the State of Michigan who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the price of fluid whole milk (raw or pasteurized regular, standard milk) sold by him, may add an amount equal to such increase to the retail and wholesale prices of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation.

B. The adjusted maximum price of plain homogenized milk, chocolate drink, buttermilk and skim milk as established under the preceding Paragraph A shall in no event exceed the adjusted maximum price of fluid whole milk (raw or pasteurized regular, standard milk) established under the applicable provisions of this order.

C. If any person selling special milk at retail or wholesale in any County in the State of Michigan canot determine his maximum prices for such special milk under the provisions of paragraph A or B of this section II, he may apply by letter to the Regional Office, Office of Price Administration, Union Commerce Building, Cleveland, Ohio, for determination of his maximum prices. He shall submit full information as to his present maximum prices, the prices of his most closely competitive sellers, the type and approximate butter-fat content of the special milk sold by him and his most closely competitive sellers, and a full statement of the reasons why he is unable to determine adjusted prices under paragraph A and B hereof.

III. *Fractional sales.* A. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For sales of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 7½¢ per unit may be adjusted to 8¢ for the sale of one unit, but must be 15¢ for the sale of two units, etc.

B. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units in such sale; for example, the maximum price for 24 one-half pints of fluid milk at a per unit cost of 3¼¢ would be 78¢.

IV. *Reports.* Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall, within five (5) days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

Each such person shall, in addition to the above, file with the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, such reports as may hereafter be required by said Regional Office.

V. *Discounts.* Any person selling fluid whole milk and/or special milk at retail or wholesale in the State of Michigan may discontinue the granting of discounts.

VI. *Sales tax.* Any person selling fluid whole milk and/or special milk at retail or wholesale in the State of Michigan may add to the maximum prices established for him under this order the amount of any sales taxes imposed by the State of Michigan upon the sale of milk.

VII. *Notification of retail stores.* Each distributor selling fluid whole milk and/or special milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted in this order, and each retail store is hereby required to comply with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

VIII. *Definitions.* A. "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing.

B. *Fluid whole milk and special milk.* 1. "Fluid whole milk" is defined to mean all grades of cow's milk which has been produced, processed, distributed, and sold for human consumption in fluid form as raw or pasteurized regular, standard whole milk, with essentially the same butterfat content as each person or seller maintained during the applicable base period.

2. "Special milk" is defined to mean vitamin D homogenized milk, plain homogenized milk, softcurd milk, buttermilk, regular or standard milk flavored with chocolate, chocolate drink, skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than regular or standard milk, and (b) it must have sold during the month of March, 1942 at a price higher than regular or standard milk. For the purposes of this order, special milk does not include certified milk, lactic acid milk and acidophilus milk.

C. "Sale or delivery at retail" means a sale or sales of fluid whole milk or special milk in glass, paper, or other containers to an ultimate consumer, other than an industrial or commercial user.

D. "Sale or delivery at wholesale" refers to a sale of fluid whole milk or special in glass, paper, or other containers to any person, including an industrial or commercial user, other than an ultimate consumer. For the purposes of this order, a sale or delivery at wholesale shall include a sale or delivery to stores, hotels, restaurants, institutions and any branch of the Armed Forces of the United States. A sale or delivery at wholesale does not include a sale of bulk milk made by one distributor to another, or a sale by a cooling station to a distributor.

IX. This order shall remain in effect until modified or revoked by the Regional Administrator.

Issued January 30, 1943.

Effective February 1, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

SCHEDULE A

1. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in counties of Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Benzie, Berrien, Branch, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Emmet, Gladwin, Grand Traverse, Gratiot, Huron, Ionia, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, St. Joseph, Sanilac, Tuscola, Van Buren, and Wexford in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	13 cents per quart.
Retail	Glass or paper	1 pint	7½ cents per pint.
Retail	Glass or paper	½ pint	5 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	41 cents per gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	11 cents per quart.
Wholesale	Glass or paper	1 pint	6 cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint.

2. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the counties of Bay, Eaton, Hillsdale, Kalamazoo, Kent, Lapeer, Midland, Muskegon, Ottawa, Saginaw, and Shiawassee in the State of Michigan.

[Region III Order G-24 Under 18 (c)]

MILK IN ALLEN COUNTY, IND.

Order No. G-24 (formerly Order No. III-1499.18 (c)-38) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjusting the maximum prices of fluid milk and special milk sold at retail and wholesale in Allen County in the State of Indiana.

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation and § 1351.803 of the Maximum Price Regulation No. 280, *It is hereby ordered*, That:

1. *Sales of fluid whole milk.* Any person may sell or deliver fluid whole milk at retail or wholesale in Allen County in the State of Indiana at (1) the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280, or (2) the maximum prices set forth in the following schedule, whichever are greater.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	52 cents per gallon.
Retail	Glass or paper	½ gallon	27 cents per ½ gallon.
Retail	Glass or paper	1 quart	14 cents per quart.
Retail	Glass or paper	1 pint	8 cents per pint.
Retail	Glass or paper	½ pint	5½ cents per pint.
Wholesale	Glass or other	1 gallon or multiples thereof	47 cents per gallon.
Wholesale	Glass or paper	½ gallon	24 cents per ½ gallon.
Wholesale	Glass or paper	1 quart	12 cents per quart.
Wholesale	Glass or paper	1 pint	7½ cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint.

3. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Calhoun, Ingham, Jackson, Lenawee and Livingston in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	51 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	14 cents per quart.
Retail	Glass or paper	1 pint	8 cents per pint.
Retail	Glass or paper	½-half pint	6 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Wholesale	Glass, paper or other	1 quart or multiples thereof	12 cents per quart.
Wholesale	Glass or paper	1 pint	6½ cents per pint.
Wholesale	Glass or paper	½-pint	3½ cents per ½ pint.

4. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the counties of Genesee, Monroe, St. Clair, and Washtenaw in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	52 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	14½ cents per quart.
Retail	Glass or paper	1 pint	8½ cents per pint.
Wholesale	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	12½ cents per quart.
Wholesale	Glass or paper	1 pint	7 cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint.

5. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the counties of Macomb, Oakland, and Wayne in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	53 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	15 cents per quart.
Retail	Glass or paper	1 pint	9 cents per pint.
Retail	Glass or paper	½ pint	6 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	49 cents per gallon.
Wholesale	Glass or other	1 quart or multiples thereof	13 cents per quart.
Wholesale	Glass, paper or other	1 pint	7½ cents per pint.
Wholesale	Glass or paper	½ pint	4 cents per ½ pint.

6. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the counties of Keweenaw, Houghton, Ontonagon, Baraga, Gogebic, Iron, Marquette, Dickinson, Menominee, Delta, Alger, Schoolcraft, Mackinac, Luce, and Chippewa in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	13 cents per quart.
Retail	Glass or paper	1 pint	7½ cents per pint.
Wholesale	Glass or other	1 gallon or multiples thereof	44 cents per gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	11 cents per quart.
Wholesale	Glass or paper	1 pint	6 cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint.

[F. R. Doc. 43-12666; Filed, August 4, 1943; 11:58 a. m.]

closely competitive sellers, and a full statement of the reasons why he is unable to determine adjusted prices under paragraphs A, B, or C hereof.

III. *Fractional sales.* A. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For sales of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 7½¢ per unit may be adjusted to 8¢ for the sale of one unit, but must be 15¢ for the sale of two units, etc. Home deliveries shall be considered multiple unit sales unless separate collections are made for single unit deliveries.

B. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units in such sale; for example, the maximum price for 24 one-half pints of fluid milk at a per unit cost of 3¾¢ would be 90¢.

IV. *Reports.* Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall, within five (5) days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

Each person shall, in addition to the above, file with the Regional Office of Office of Price Administration, Union Commerce Building, Cleveland, Ohio, such reports as may hereafter be required by said Regional Office.

V. *Discounts.* Any person selling fluid whole milk and/or special milk at retail or wholesale in Allen County in the State of Indiana may discontinue the granting of discounts.

VI. *Notification of retail stores.* Each distributor selling fluid whole milk and/or special milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted in this order, and each retail store is hereby required to comply with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

VII. The provisions of this order supersede the provisions of General Order No. 1 (Redesignated as Order No. G–17 Under § 1499.18 (c), as amended, of the General Maximum Price Regulation) pertaining to certain trade practices in Region III. Said General Order No. 1 is, therefore, revoked as to Allen County in the State of Indiana.

VIII. *Definitions.* A. "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing.

B. *Fluid whole milk and special milk.* 1. "Fluid whole milk" is defined to mean all grades of cow's milk which has been produced, processed, distributed, and sold for human consumption in fluid form as raw or pasteurized regular, standard whole milk, with essentially the same butterfat content as each person or seller maintained during the applicable base period.

2. "Special milk" is defined to mean vitamin D homogenized milk, plain homogenized milk, softcurd milk, buttermilk, regular or standard milk flavored with chocolate, chocolate drink, skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than regular or standard milk, and (b) it must have sold during the month of March, 1942 at a price higher than regular or standard milk.

C. "Sale or delivery at retail" means a sale of fluid whole milk or special milk in glass, paper or other containers to an ultimate consumer other than to an industrial, institutional, commercial or governmental user.

D. "Sale or delivery at wholesale" refers to a sale of fluid whole milk or special milk in glass, paper or other containers to any person, including an industrial or commercial user, other than an ultimate consumer. For the purposes of this order, a sale or delivery at wholesale shall include a sale or delivery to stores, hotels, restaurants, institutions and any branch of the Armed Forces of the United States. A sale or delivery at wholesale does not include a sale of bulk milk made by one distributor to another, or a sale by cooling station to a manufacturing plant or to a distributor.

IX. This order shall remain in effect until modified or revoked by the Regional Administrator.

Issued February 17, 1943.

Effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–12657; Filed, August 4, 1943; 11:59 a. m.]

[Region III Order G–25 Under 18 (c)]

MILK IN STATE OF OHIO

Order No. G–25 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. General order adjusting the maximum prices of approved fluid milk and special milk in the State of Ohio. (Formerly Order No. III–1499.18 (c)–43.)

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation No. 280 and § 1351.408 of Maximum Price Regulation No. 329, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation, § 1351.803 of Maximum Price Regulation No. 280 and § 1351.402 of Maximum Price Regulation No. 329, *It is hereby ordered,* That:

I. *Sales of approved fluid milk.* Any person may sell or deliver approved fluid milk at retail or wholesale in any County in the State of Ohio at (1) the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the maximum prices set forth in the section of Schedule A hereof which is applicable to the County or Township in which the sale or purchase is made, whichever are greater.

II. *Sales of special milk.* A. Except as hereinafter provided in paragraph C of this section II, any person selling special milk, as hereinafter defined, at retail in any County in the State of Ohio who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the retail quart price of approved fluid milk sold by him, may add an amount equal to such increase or increases to the retail quart price (or a proportional amount of such increase or increases in the case of containers of greater or lesser content than one quart) of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280.

B. Except as hereinafter provided in paragraph C of this section II, any person selling special milk, as hereinafter defined, at wholesale in any County in the State of Ohio who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the wholesale quart price of approved fluid milk sold by him, may add an amount equal to such increase or increases to the wholesale quart price (or a proportional amount of such increase or increases in the case of containers of greater or lesser content than one quart) of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280.

C. The adjusted maximum price of plain homogenized milk, chocolate drink, buttermilk and skim milk as established under the preceding paragraphs A and B shall in no event exceed the adjusted maximum price of approved fluid milk established under the applicable provisions of this order.

D. If any person selling special milk at retail or wholesale in any County in the State of Ohio cannot determine his maximum prices for such special milk under the provisions of paragraphs A, B or C of this section II, he may apply by letter to the Office of Price Administration, Cleveland Regional Office, Union Commerce Building, Cleveland, Ohio, for determination of his maximum prices. He shall submit full information as to his present maximum prices, the prices of his most closely competitive sellers, the type and approximate butterfat content of the special milk sold by him and his most closely competitive sellers, and a full statement of the reasons why he is unable to determine adjusted prices under paragraphs A, B or C hereof.

III. *Maximum prices to producers.* The provisions of "Region III order adjusting milk distributors' maximum prices to producers, Order No. VC–329–14" are hereby incorporated in and made a part of this order, and for the purposes of this section III the effective date of said Order No. CV–329–14 shall be deemed to be March 2, 1943.

IV. *Fractional sales.* A. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For sales of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 7½¢ per unit may be adjusted to 8¢ for the sale of one unit, but must be 15¢ for the sale of two units, etc. Home deliveries shall be considered multiple unit sales unless separate collections are made for single unit deliveries.

B. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units in such sale; for example, the maximum price for 24 one-half pints of fluid milk at a per unit cost of 3½¢ would be 84¢.

V. *Reports.* A. Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall, within five (5) days after such action, notify the Office of Price Administration, Cleveland Regional Office, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

B. Each milk distributor increasing his price to producers for whole milk in a raw and unprocessed state pursuant to the provisions of this order shall, within five (5) days after such action, notify the Office of Price Administration, Cleveland Regional Office, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

C. Each person shall, in addition to the above, file with the Office of Price Administration, Cleveland Regional Office, Union Commerce Building, Cleveland, Ohio, such reports as may hereafter be required by said Regional Office.

VI. *Discounts.* Any person selling approved fluid milk and/or special milk at retail or wholesale in the State of Ohio may discontinue the granting of discounts.

VII. *Notification of retail stores.* Each distributor selling approved fluid milk and/or special milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted in this order, and each retail store is hereby required to comply with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

VIII. The provisions of this order supersede the provisions of the following orders which have previously been issued by the Regional Administrator of Region III:

General Order No. 1

Order No. III–1499.18 (c)–1: In the matter of Deerlick Dairy, Leonardburg, Ohio.

Order No. III–1499.18 (c)–2: Order adjusting the maximum prices of fluid milk at retail and wholesale in the Counties of Erie and Ottawa in the State of Ohio.

Order No. III–1499.18 (c)–4: Order adjusting the maximum prices of the Soeder Sons Milk Company for fluid milk sold at wholesale to the Cleveland Board of Education.

Order No. III–1499.18 (c)–5: Order adjusting the maximum prices of fluid milk sold at retail and wholesale in the County of Warren and in Municipality of Middletown and its environs in Butler County in the State of Ohio.

Order No. III–1499.18 (c)–6: Order adjusting the maximum prices of fluid milk at wholesale to the Cleveland Board of Education.

Order No. III–1499.18 (c)–9: Order adjusting the maximum prices of fluid milk sold at retail and wholesale in the Municipality of Hicksville (and its immediate environs) in the State of Ohio.

Order No. III–1499.18 (c)–10: Order adjusting the maximum prices of fluid whole milk sold at retail and wholesale in the Counties of Cabell and Wayne in the State of West Virginia, and in the Counties of Galia and Lawrence in the State of Ohio.

Order No. III–1499.18 (c)–11: Order adjusting the maximum prices of fluid whole milk sold at retail and wholesale in the counties of Butler (except area within corporate limits of Middletown), Preble, Darke, Miami, Montgomery, Clermont, Brown, Clinton, Green, Clark, Champaign, Logan, Union, Madison, Fayette, Highland, Adams, Pike, Ross, Pickaway, Franklin, Delaware, Marion, Morrow, Knox, Scioto, Licking, and Fairfield, all located in Ohio, and the various Municipalities, within the limits of such Counties.

Order No. III–1499.18 (c)–16: Order adjusting the maximum prices of fluid whole milk sold at retail and wholesale in the Eastern and Northern Ohio Area.

Order No. III–1499.18 (c)–33: Order adjusting the maximum prices of fluid whole milk and special milk at retail and wholesale in the County of Lucas in the State of Ohio.

Said Orders Nos. III–1499.18 (c)–1, 2, 4, 5, 6, 9, 10, 11, 16 and 33 are, therefore, revoked, and General Order No. 1 is revoked as to all Counties in the State of Ohio.

IX. *Definitions.* A. "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing.

B. "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases whole milk in a raw and unprocessed state for the purpose of resale as fluid whole milk in glass, paper or other containers.

C. *Approved fluid milk and special milk.* 1. "Approved fluid milk" is defined to mean fluid cow's milk, whether raw or pasteurized, meeting the minimum butterfat content, sanitary and health requirements for fluid milk for human consumption in the particular area wherein it is delivered, including standards set by the Army or Navy purchasing officer making purchases for the Armed Forces of the United States.

2. "Special milk" is defined to mean vitamin D homogenized milk, plain homogenized milk, softcurd milk, buttermilk, approved fluid milk flavored with chocolate, chocolate drink, skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than approved fluid milk, and (b) it must have sold during the month of March, 1942 at a price higher than approved fluid milk.

D. "Sale or delivery at retail" means a sale of approved fluid milk or special milk in glass, paper or other containers to an ultimate consumer, other than to an industrial, institutional, commercial or governmental user.

E. "Sale or delivery at wholesale" refers to a sale of approved fluid milk or special milk, in glass, paper or other containers to any person, including an industrial or commercial user, other than an ultimate consumer. For the purposes of this order, a sale or delivery at wholesale shall include a sale or delivery to stores, hotels, restaurants, institutions and any branch of the Armed Forces of the United States. A sale or delivery at wholesale does not include a sale of bulk milk made by one distributor to another, or a sale by a cooling station to a manufacturing plant or to a distributor.

X. This order shall remain in effect until modified or revoked by the Regional Administrator.

This Order No. G–25 shall become effective March 1, 1943.

Issued March 1, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

SCHEDULE A

I. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the Counties of Butler, Cuyahoga, Hamilton, Lucas, Montgomery, Stark and Summit; and in the Townships of Colerain, Mead, Pease, Pultney, Richland and York in the County of Belmont; the Townships of Liverpool, St. Clair and Yellow Creek in the County of Columbiana; the Townships of Addison, Cheshire, Clay, Gallipolis, Guyan and Ohio in the County of Gallia; the Townships of Bainbridge, Chardon, Chester, Munson and Russell in the County of Geauga; the Townships of Cross Creek, Island Creek, Knox, Saline, Steubenville, Warren and Wells in the County of Jefferson; the Townships of Concord, Kirtland, Mentor, Painsville and Willoughby in the County of Lake; the Townships of Fayette, Hamilton, Perry, Rome, Union and Upper in the County of Lawrence; the Townships of Avon, Avon Lake, Black River, Carlisle, Columbia, Eaton, Elyria, Grafton, LaGrange, Ridgeville and Sheffield in the County of Lorain; the Townships of Brunswick, Granger, Hinckley, Liverpool, Sharon and Wadsworth in the County of Medina; the Townships of Atwater, Aurora, Brimfield, Charlestown, Edinburg, Franklin, Freedom, Hiram, Mantua, Nelson, Paris, Randolph, Ravenna, Rootstown, Sharlersville, Streetsboro, Suffield and Windham in the County of Portage; and the Townships of Lake, Perrysburg and Ross in the County of Wood, all in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	51 cents per gallon.
Retail	Glass or paper	½ gallon or multiples thereof	28 cents per ½ gallon.
Retail	Glass or paper	1 quart or multiples thereof	15 cents per quart.
Retail	Glass or paper	1 pint	9 cents per pint.
Retail	Glass or paper	½ pint	7 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Wholesale	Glass or paper	½ gallon or multiples thereof	25 cents per ½ gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	13 cents per quart.
Wholesale	Glass or paper	1 pint	8 cents per pint.
Wholesale	Glass or paper	½ pint	4 cents per ½ pint.

II. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the counties of Ashtabula, Mahoning and Trumbull; and in the Townships of Butler, Center, Elk Run, Fairfield, Franklin, Hanover, Knox, Madison, Middleton, Salem, Perry, Unit, Washington, Wayne, and West in the county of Columbiana; the Townships of Auburn, Burton, Claridon, Hambden, Huntsburg, Middlefield, Montville, Newbury, Parkman, Thompson, and Troy in the county of Geauga; the townships of Leroy, Perry, and Madison in the county of Lake; the townships of Deerfield and Palmyra in the county of Portage, all in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	50 cents per gallon.
Retail	Glass or paper	½ gallon or multiples thereof	30 cents per ½ gallon.
Retail	Glass or paper	1 quart or multiples thereof	14½ cents per quart.
Retail	Glass or paper	1 pint	8½ cents per pint.
Retail	Glass or paper	½ pint	7 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	45 cents per gallon.
Wholesale	Glass or paper	½ gallon or multiples thereof	27 cents per ½ gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	12½ cents per quart.
Wholesale	Glass or paper	1 pint	7½ cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint.

III. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the counties of Adams, Allen, Ashland, Athens, Auglaize, Brown, Carroll, Champaign, Clark, Clermont, Clinton, Coshocton, Crawford, Delaware, Erie, Fairfield, Fayette, Franklin, Greene, Guernsey, Hardin, Harrison, Hancock, Highland, Hocking, Holmes, Huron, Jackson, Knox, Licking, Logan, Madison, Marion, Meigs, Miami, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Perry, Pickaway, Pike, Preble, Richland, Ross, Sandusky, Seneca, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, Washington, Wayne and Wyandot; and in the Townships of Flushing, Goshen, Kirkwood, Somerset, Smith, Union, Warren, Washington, Wayne, and Wheeling in the county of Belmont; the Townships of Green, Greenfield, Harrison, Huntington, Morgan, Perry, Raccoon, Springfield, and Walnut in the county of Gallia; the townships of Brush Creek, Springfield, Rosa, Salem, Wayne, Smithfield, and Mount Pleasant in the county of Jefferson; the townships of Aid, Decatur, Elizabeth, Lawrence, Mason, Symmes, Washington, and Windsor in the county of Lawrence; the townships of Amherst, Brighton, Brownheim, Camden, Henrietta, Huntington, Penfield, Pittsfield, Rochester, Russia, and Wellington in the county of Lorain; the townships of Chatham, Guilford, Harrisville, Homer, Lafayette, Litchfield, Medina, Montville, Spencer, Westfield, and York in the county of Medina; the townships of Bloom, Center, Freedom, Grand Rapids, Henry, Jackson, Liberty, Middleton, Milton, Montgomery, Perry, Plain, Portage, Troy, Washington, Webster, and Weston in the county of Wood, all in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Retail	Glass or paper	½ gallon or multiples thereof	26 cents per ½ gallon.
Retail	Glass or paper	1 quart or multiples thereof	14 cents per quart.
Retail	Glass or paper	1 pint	8 cents per pint.
Retail	Glass or paper	½ pint	6 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	45 cents per gallon.
Wholesale	Glass or paper	½ gallon or multiples thereof	25 cents per ½ gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	12 cents per quart.
Wholesale	Glass or paper	1 pint	6½ cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint.

IV. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the Counties of Darke, Defiance, Fulton, Henry, Mercer, Paulding, Putnam, Van Wert and Williams in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	45 cents per gallon.
Retail	Glass or paper	½ gallon or multiples thereof	24½ cents per ½ gallon.
Retail	Glass or paper	1 quart or multiples thereof	13 cents per quart.
Retail	Glass or paper	1 pint	7½ cents per pint.
Retail	Glass or paper	½ pint	5 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	42 cents per gallon.
Wholesale	Glass or paper	½ gallon or multiples thereof	21½ cents per ½ gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	11 cents per quart.
Wholesale	Glass or paper	1 pint	6 cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint.

[F. R. Doc. 43-12658; Filed, August 4, 1943; 12:00 m.]

[Region IV Order G-1 Under SR 14]

FLUID MILK IN BEN HILL COUNTY, GA.

Order No. G-1 under § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Atlanta Regional Price Order No. 14-34-1.) Adjustment of fluid milk prices for Ben Hill County, Georgia.

The Regional Administrator of the Office of Price Administration for Region IV has determined upon his own motion that the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale of fluid milk has established an abnormal differential between the prices charged for fluid whole milk in the community of Fitzgerald, Ben Hill County, Georgia, and other surrounding communities. The Regional Administrator has further found that the abnormal differential which has been established is causing a diversion of a material portion of the normal supply of fluid whole milk from the community of Fitzgerald to other communities, and that there is a serious shortage of such milk in that locality. So far as practicable the Regional Administrator has advised and consulted with representative members of the industry which will be affected by this order and the prices herein established have been discussed with such persons.

In the judgment of the Regional Administrator the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to relieve the condition of shortage of fluid whole milk now existing in the locality of Fitzgerald, Ben Hill County, Georgia.

Therefore, under the authority vested in the Regional Administrator, by Amendment 34 to Supplementary Regulation 14 to the General Maximum Price Regulation issued September 26, 1942, Atlanta Regional Order No. G-1 is hereby issued.

I. *Adjusted maximum prices for fluid whole milk.* On and after November 9th, 1942, the maximum price for fluid whole milk sold and delivered in the locality of Fitzgerald, Ben Hill County, Georgia, by any person at wholesale shall be 12¢ per quart and 7¢ per pint; and the maximum price for fluid whole milk sold and delivered in the locality of Fitzgerald, Ben Hill County, Georgia, by any person at retail shall be 14¢ per quart and 8¢ per pint.

II. *Definitions.* For the purposes of this order:

(1) "Locality of Fitzgerald, Ben Hill County, Georgia" shall mean the area included within the boundaries of the County of Ben Hill.

(2) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this Order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G-1 issued by the Atlanta Regional Office on October 31, and effective November 9th, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for fluid whole milk in the locality of Fitzgerald, Ben Hill County, Georgia, as follows:

	Quart	Pint
	Cents	*Cents*
Wholesale	12	7
Retail	14	8

Copy of said order may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of fluid whole milk at wholesale or retail pursuant to this order shall post a copy of this order at a conspicuous place in his place of business, and shall make such order available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order shall become effective November 9th, 1942.

This order may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 31st day of October 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-12659; Filed, August 4, 1943; 12:00 p. m.]

[Region IV Order G-1 Under SR 15]

FIREWOOD IN RICHLAND, LEXINGTON AND FAIRFIELD COUNTIES, S. C.

Order No. G-1 under Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Formerly Price Order No. 1.)

The Director of the State Office of the Office of Price Administration for the State of South Carolina has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the Counties of Richland, Lexington, and Fairfield, in the State of South Carolina. The State Director has ascertained and given due consideration to the increased costs of production and transportation which sellers of firewood in the Counties of Richland, Lexington, and Fairfield, in the State of South Carolina must incur in order to produce such firewood compared with such costs in March 1942, and in any earlier months in which firewood was generally produced in the three Counties aforesaid. So far as practicable, the Director has advised and consulted with sellers of firewood who will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the Counties of Richland, Lexington, and Fairfield, State of South Carolina.

Therefore, under the authority vested in the State Director by Supplementary Regulation Number 15 to the General Maximum Price Regulation, Order No. G-1 is hereby issued.

1. *Maximum prices for firewood.* On and after November 19, 1942, regardless of any contract or other obligation, no person shall sell or deliver in the Counties of Richland, Lexington and Fairfield, State of South Carolina, any firewood covered by this order and no person shall buy or receive in the course of trade or business in the Counties of Richland, Lexington and Fairfield, said State, any firewood covered by this order, at prices higher than the maximum prices set forth below:

(a) The maximum prices for sales or deliveries at retail of firewood, sawed and split into pieces which may vary from twelve to eighteen inches in length, shall be:

1. One cord	$9.00
2. One-half cord	4.75
3. One-fourth cord	2.40

(b) The maximum prices for sales or deliveries of firewood, regardless of length, other than at retail, shall be: $6.00 per cord.

The prices established in this order include delivery at the purchaser's premises and other services incident to the sale of firewood customarily performed by the seller in March 1942.

All credit terms, discounts, allowances and price differentials offered by the seller during March 1942, shall be maintained.

2. *Definitions.* When used in this order the term:

(a) "Firewood" means any wood, other than kindling, prepared and intended for consumption as fuel.

(b) "A cord". A cord shall contain 128 cubic feet of wood.

(c) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

3. *Records and reports.* (a) Every seller at retail whose maximum prices are established by this order must keep posted at a conspicuous place in his place of business a copy of this order.

(b) Every seller whose maximum prices are established by this order shall keep for inspection by the Office of Price Administration a record of each sale of firewood made by him on and after the effective date of this order. Such record must show the date of delivery, the kind and quantity of wood sold, the name of the purchaser and the amount charged for the sale.

(c) Every seller at retail whose maximum prices are established by this order shall deliver to the purchaser with respect to each sale a written bill or invoice which shall contain (1) the date on which the sale or contract of sale was made; (2) a description of the size, kind, quality and quantity of firewood involved in the transaction; (3) the price charged; and (4) the following statement:

By Order No. G-1 issued by the South Carolina Office on November 19, 1942 and effective November 19, 1942, the Office of Price Administration established maximum prices for firewood in the Counties of Richland, Lexington, and Fairfield, South Carolina, at $9.00 per cord, $4.75 per half cord, and $2.40 per one-fourth cord, when sold at retail, and sawed and split into pieces which may vary from twelve to eighteen inches in length, and maximum prices for sales or deliveries of firewood, other than at retail, at $6.00 per cord. Copy of said order may be inspected at the place of business of the above named seller.

4. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments and supplementary regulations that have been heretofore or may be hereafter issued.

5. *Effective date.* This order shall become effective November 19, 1942.

This order may be revoked or amended by the State Director of the Office of Price Administration for the State of South Carolina at any time.

Issued this 19th day of November 1942.

JAMES C. DERIEUX,
State Director.

NOVEMBER 19, 1942.

[F. R. Doc. 43-12654; Filed, August 4, 1943; 11:58 a. m.]

[Region IV Order G-2 Under SR 15]

FIREWOOD IN BEAUFORT COUNTY, S. C.

Order No. G-2 under Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Formerly Price Order No. 2.)

The Director of the State Office of the Office of Price Administration for the State of South Carolina has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the County of Beaufort, in the State of South Carolina. The State Director has ascertained and given due consideration to the increased costs of production and transportation which sellers of firewood in this County and State must incur in order to produce such firewood compared with such costs in March, 1942, and in any earlier

months in which firewood was generally produced in the County aforesaid. So far as practicable, the Director has advised and consulted with sellers of firewood who will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the County of Beaufort, State of South Carolina.

Therefore, under the authority vested in the State Director of Supplementary Regulation Number 15 to the General Maximum Price Regulation, Order No. G–2 is hereby issued.

1. *Maximum prices for firewood.* On and after December 17, 1942, regardless of any contract or obligation, no person shall sell or deliver in the County of Beaufort, State of South Carolina, any firewood covered by this order and no person shall buy or receive, in the course of trade or business in the County of Beaufort, said State, any firewood covered by this order, at prices higher than the maximum prices set forth below:

(a) The maximum prices for sales or deliveries at retail of pine and oak firewood, sawed or cut into lengths which may vary from twelve to eighteen inches in length, shall be:

SALES AT RETAIL

[Lengths varying from twelve to eighteen inches]

	Oak		Pine	
	Split	Unsplit	Split	Unsplit
One cord	$9.50	$8.00	$9.00	$7.50
One-half cord	5.25	4.25	4.75	3.75
One-third cord	3.25	2.75	3.00	2.50
One-sixth cord	2.00	1.50	1.75	1.25

SALES OTHER THAN AT RETAIL

[Regardless of length]

	Oak	Pine
One cord	$6.00	$5.50

and that suppliers of such firewood are devoting their efforts and productive capacities to other purposes, and that the retailers of cordwood find it impossible to meet the demand for fuelwood in the area referred to.

It is the intent of this order to relieve the shortage by encouraging the production and distribution of firewood at prices designed to be equitable both to sellers and purchasers.

This order is effective December 17, 1942.

Dated December 17, 1942.

JAMES C. DERIEUX,
State Director.

[F. R. Doc. 43–12655; Filed, August 4, 1943; 11:58 a. m.]

[Region IV Order G–4 Under 18 (c)]

FLUID MILK IN BRADLEY COUNTY, TENN.

Order No. G–4 under § 1499.18 (c), as amended of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Bradley County, Tenn. (Formerly Price Order No. 18 (c)–4.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of Grade A raw milk, both at wholesale and at retail, exists in Bradley County, Tennessee. The Regional Administrator has further found that a supply of Grade A raw milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Bradley County, Tennessee, will be eliminated by adjusting the maximum prices of sellers of Grade A raw milk in Bradley County, Tennessee, to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or a need for increases in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered,* That:

I. *Adjusted maximum prices for grade A raw milk.* On and after December 14, 1942, the maximum price for Grade A raw milk in glass and paper containers sold and delivered within the boundaries of Bradley County, Tennessee, by any person at wholesale shall be 11¢ per quart, 6¢ per pint, and 3½¢ per half-pint when sold in glass containers, and 13¢ per quart, and 7¢ per pint when sold in paper containers; and the maximum price for Grade A raw milk in glass and paper containers sold and delivered within the boundaries of Bradley County, Tennessee, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 13¢ per quart, 7¢ per pint, and 5¢ per half-pint when sold in glass containers, and 15¢ per quart and 8¢ per pint when sold in paper containers.

II. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this Order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G–3 issued by the Atlanta Regional Office on December 7, and effective December 14, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Grade A raw milk within the boundaries of Bradley County, Tennessee, as follows:

	Wholesale	Out of retail store	Retail home-delivered
GLASS			
Quarts	11	13	13
Pints	6	7	7
Half-Pints	3½	5	5
PAPER			
Quarts	13	15	15
Pints	7	8	8

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of grade A raw milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

III. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

IV. *Effective date.* This order No. G–4 shall become effective December 14, 1942.

This order No. G–4 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–12660; Filed, August 4, 1943; 12:01 p. m.]

[Region IV Order G–5 Under 18 (c)]

FLUID MILK IN STEPHENS COUNTY, GA.

Order No. G–5 (formerly Price Order No. 18 (c)–6) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Stephens County, Georgia.

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of fluid milk, both at wholesale and at retail, exists in Stephens County, Georgia. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of war; that the existing shortage in Stephens County, Georgia will be eliminated by adjusting the maximum prices of sellers of fluid milk in Stephens County to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered,* That:

I. *Adjusted maximum prices for Grade A raw and pasteurized milk.* On and after December 30, 1942, the maximum price for Grade A Raw and Pasteurized milk sold and delivered in Stephens County, Georgia by any person at wholesale shall be 14¢ per quart, 8¢ per pint and 4¢ per half-pint; and the maximum price for Grade A Raw and Pasteurized milk sold and delivered in Stephens County, Georgia by any person at retail (including sales to the War Department or the Department of the Navy of the United States) other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 16¢ per quart, 9¢ per pint and 5¢ per half-pint; *Provided, however,* That the maximum price for Grade A Raw and Pasteurized milk sold and delivered in Stephens County, Georgia by any person at wholesale to a Post Exchange shall be 16¢ per quart, 9¢ per pint and 5¢ per half-pint.

II. *Definitions.* (1) "Stephens County, Georgia" shall mean the area included within the established boundaries of such county.

(2) "Grade A raw milk" shall mean liquid Grade A raw milk in quart, pint and half-pint glass containers.

(3) "Grade A pasteurized milk" shall mean liquid Grade A pasteurized milk in quart, pint and half-pint glass containers.

(4) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G–5, issued by the Atlanta Regional Office on December 22, 1942 and effective December 30, 1942, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for grade A raw and pasteurized milk within the boundaries of Stephens County, Georgia, as follows:

Grade A raw and pasteurized	Quart	Pint	Half-pint
	Cents	Cents	Cents
Wholesale	14	8	4
Sales to Post Exchanges	16	9	5
Retail from store	16	9	5
Retail home delivered	16	9	5
Sales to Army and Navy	16	9	5

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of Grade A raw and pasteurized milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–5 shall become effective December 30, 1942.

This order No. G–5 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–12661; Filed, August 4, 1943; 12:01 p. m.]

[Region IV Order G–9 Under 18 (c)]

FLUID MILK IN FULTON AND DE KALB COUNTIES, GA.

Order No. G–9 under § 1499.18 (c), as amended, of General Maximum Price Regulation. Adjustment of certain fluid milk prices for Fulton and De Kalb Counties, Georgia. (Formerly Price Order No. 18 (c)–10.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of fluid milk, both at wholesale and at retail, is threatened in Fulton and De Kalb Counties, Georgia. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of war; that the threatened shortage in Fulton and De Kalb Counties, Georgia will be eliminated by adjusting the maximum prices of sellers of fluid milk in Fulton and De Kalb Counties, Georgia to the extent permitted by this Order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered,* That:

I. *Adjusted maximum prices for raw and pasteurized fluid milk, premium milk, chocolate milk and butter milk.* On and after January 1, 1943 the maximum price for raw and pasteurized fluid milk in glass and paper containers sold and delivered within the boundaries of Fulton and DeKalb Counties, Georgia by any person at wholesale shall be 15¢ per quart, 8¢ per pint and 4¢ per half-pint when sold in glass containers and 16¢ per quart, 9¢ per pint and 5¢ per half-pint when sold in paper containers; and the maximum price for raw and pasteurized fluid milk in glass and paper containers sold and delivered within the boundaries of Fulton and DeKalb Counties, Georgia by any person at retail, other than a person selling milk at a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises, shall be 17¢ per quart, 9¢ per pint and 5¢ per half-pint when sold in glass containers and 18¢ per quart, 10¢ per pint and 6¢ per half-pint when sold in paper containers: *Provided,* That the maximum price of any seller for any specific kind, grade, quality or quantity of premium milk, chocolate milk or butter milk shall be a price reflecting the same differential in terms of cents between such product and standard whole mile (raw or pasteurized), in containers of the same size and type, as existed under prices established by such seller under General Maximum Price Regulation.

II. *Definitions.* (1) "Fulton and DeKalb Counties, Georgia" shall mean the area included within the established boundaries of such counties.

(2 "Raw and pasteurized fluid milk" shall mean liquid milk containing no less than 3.5% butter fat content in half-pint, pint and quart glass and paper containers but shall not include premium milk, chocolate milk or butter milk.

(3) "Premium milk" shall mean certified milk, vitamin D milk and Golden Guernsey milk.

(4) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale within five days after the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail within five days after the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G-9, issued by the Atlanta Regional Office on December 31, 1942 and effective January 1, 1943, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for raw and pasteurized fluid milk within the boundaries of Fulton and DeKalb Counties, Georgia, as follows:

	Wholesale	Out of retail store	Retail home delivered
CLASS	*Cents*	*Cents*	*Cents*
Quarts	15	17	17
Pints	8	9	9
Half-pints	4	5	5
PAPER			
Quarts	16	18	18
Pints	9	10	10
Half-pints	5	6	6

This order contains the following proviso—the maximum price of any seller for any specific kind, grade, quality or quantity of premium milk, chocolate milk or butter milk shall be a price reflecting the same differential in terms of cents between such product and standard whole milk (raw or pasteurized), in containers of the same size and type, as existed under prices established by such seller under General Maximum Price Regulation. The order defines premium milk to mean certified milk, vitamin D milk and Golden Guernsey milk.

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of raw and pasteurized fluid milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–9 shall become effective January 1, 1943.

This order No. G–9 may be revoked or amended by the Regional Administrator at any time.

(Pub. Law 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–12662; Filed, August 4, 1943; 12:01 p. m.]

[Region IV Order G–13 Under 18 (c)]

FLUID MILK IN COBB COUNTY, GA.

Order No. G–13 under § 1499.18 (c), as amended of General Maximum Price Regulation. Adjustment of certain fluid milk prices for Cobb County, Georgia. (Formerly Price Order No. 18 (c)–15.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of fluid milk, both at wholesale and at retail, is threatened in Cobb County, Georgia. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of war; that the threatened shortage in Cobb County, Georgia will be eliminated by adjusting the maximum prices of sellers of fluid milk in Cobb County, Georgia to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation as amended, *It is hereby ordered,* That:

I. *Adjusted maximum prices for raw and pasteurized whole milk.* On and after the 21st day of January, 1943, the maximum prices for whole milk, raw and pasteurized, sold and delivered in quarts, pints and half pints in glass containers within the boundaries of Cobb County, Georgia, by any person at wholesale or retail shall be either the prices set forth in subsection (a) or subsection (b) whichever is higher:

(a) The maximum prices established by any such seller under the General Maximum Price Regulation (if such seller has prior to the effective date of this Order established such maximum price), or

(b) Glass containers:

	Wholesale	Retail	
		Home	Store
	Cents	*Cents*	*Cents*
Quarts	14	16	16
Pints	8	9	9
Half pints	4	5	5

Provided that milk in paper containers may be sold at 1¢ above the price for the corresponding container size for glass set forth in the schedule of prices heretofore listed in this subsection, and provided that the maximum price of any seller for any specific kind, grade, quality or quantity of premium milk, chocolate milk or buttermilk shall be a price reflecting the same differential in terms of cents between such product and standard whole milk (raw or pasteurized) in containers of the same size and type, as existed under prices established by such seller under the General Maximum Price Regulation.

This order is not intended to establish maximum prices for the sale at retail of milk at a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises, such sales remaining subject in all respects to the provisions of the General Maximum Price Regulation.

II. *Definitions.* (a) "Cobb County, Georgia," shall mean the area included within the established boundaries of such county.

(b) "Raw and pasteurized fluid milk" shall mean liquid milk containing no less than 3.5 per cent butterfat content in half-pint, pint and quart glass and paper containers but shall not include premium milk, chocolate milk or buttermilk.

(c) "Premium milk" shall mean certified milk, vitamin D milk and Golden Guernsey milk.

(d) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale," shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

III. *Requirements of notification.* (a) All persons making sales at retail and all persons making sales at wholesale pursuant to this order except persons making retail sales from a retail store, shall in writing notify each purchaser of the maximum price established by this order within five days after the first delivery of such product to such purchaser after the effective date hereof.

(b) The written notification required in subparagraph III (a) shall contain the following statement:

By Order No. G–13 issued by the Atlanta Regional Office on January 19, 1943, and effective January 21, 1943, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for whole milk, raw and pasteurized, within the boundaries of Cobb County, Georgia, as follows:

On and after January 21, 1943, the maximum price for whole milk, raw and pasteurized, sold and delivered in quarts, pints, and half pints in glass containers within the boundaries of Cobb County, Georgia, by any person at wholesale or retail shall be either the prices set forth in subsection (a) or subsection (b), whichever is higher:

(a) The maximum prices established by any such seller under the General Maximum Price Regulation (if such seller has prior to the effective date of this order established such maximum price), or

(b) Glass Containers:

	Wholesale	Retail	
		Home	Store
	Cents	*Cents*	*Cents*
Quarts	14	16	6
Pints	8	9	9
Half-pints	4	5	5

Provided that milk in paper containers may be sold at 1¢ above the price for the corresponding container size for glass set forth in the schedule of prices heretofore listed in this subsection, and provided that the maximum price of any seller for any specific kind, grade, quality or quantity of premium milk, chocolate milk or buttermilk shall be a price reflecting the same differential in terms of cents between such product and standard whole milk (raw or pasteurized), in containers of the same size and type, as existed under prices established by such seller under the General Maximum Price Regulation.

This order is not intended to establish maximum prices for the sale at retail of milk at a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises, such sales remaining subject in all respects to the provisions of the General Maximum Price Regulation.

Copy of this order and the accompanying opinion may be inspected at the place of business of the seller.

(c) Every person making sales and deliveries of whole milk, raw and pasteurized, at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–13 shall become effective the 21st day of January, 1943.

This order No. G–13 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of January 1943.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–12663; Filed, August 4, 1943; 12:02 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–512]

HOLLY OIL COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of August, A. D. 1943.

In the matter of Holly Oil Company—Capital Stock, $1 Par Value.

The Holly Oil Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, having made application to the Commission to withdraw its capital stock, $1 par value from listing and registration on the Los Angeles Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Tuesday, September 7, 1943, at the office of the Securities and Exchange Commission, 444 Seventeenth Street, Denver, Colorado, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John L. Geraghty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–12665; Filed, August 4, 1943; 12:22 p. m.]

[File Nos. 59–11, 59–17, 54–25]

THE UNITED LIGHT AND POWER COMPANY, ET AL.

NOTICE OF FILING OF SUPPLEMENTAL APPLICATION

In the matter of the United Light and Power Company, Continental Gas & Electric Corporation, and Eastern Kansas Utilities, Inc., et al.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of August 1943.

Notice is hereby given that an application has been filed with this Commission by Eastern Kansas Utilities, Inc., a subsidiary of Continental Gas & Electric Corporation, a registered holding company; the said application being designated as a supplemental application to Application No. 9; and

Notice is further given that any interested person may not later than August 17, 1943 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time, thereafter, such application as filed or as amended may be granted by an appropriate order of the Commission. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to the said application which is on file in the office of the said Commission for a statement of the subject matter which is summarized below:

The Eastern Kansas Utilities, Inc., was permitted to acquire electric utility assets and certain non-utility assets by order of the Commission dated July 16, 1942, which order under the provisions of section 11 (b) (1) of the Public Utility Holding Company Act of 1935 required that the non-utility assets be divested within one year from the date of the order. The application requests an extension until July 16, 1944 of the time for compliance with that divestment order on the ground that the applicant has been unable in the exercise of due diligence to comply therewith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–12666; Filed, August 4, 1943; 12:22 p. m.]

[File No. 70–766]

THE LITCHFIELD ELECTRIC LIGHT AND POWER COMPANY AND NY PA NJ UTILITIES COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of August 1943.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by NY PA NJ Utilities Company, a registered holding company, and its wholly-controlled subsidiary, The Litchfield Electric Light and Power Company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed which are summarized below:

NY PA NJ Utilities Company proposes to sell all of its securities of The Litchfield Electric Light and Power Company, consisting of the entire outstanding issue of 2500 shares of common stock (with no par value), to The Connecticut Light and Power Company, a non-affiliate, for a base cash consideration of $485,000.

NY PA NJ Utilities Company also proposes to acquire from The Litchfield Electric Light and Power Company all of the latter's holdings of 280 shares of common stock of Atlantic Utility Service Corporation, paying therefor a cash consideration of $3,710, and, in consideration for the receipt from said subsidiary of the sum of $1,321.29, to indemnify the latter against any and all claims which may be asserted against it by Atlantic Utility Service Corporation.

NY PA NJ Utilities Company also proposes to pay The Litchfield Electric Light and Power Company the further sum of $1,143.87, in consideration for an assignment of certain claims, at the same time indemnifying it against counter-claims. Certain other payments, indemnifications and adjustments between the applicants-declarants are also proposed.

The said application-declaration contains a request that the Commission enter an order reciting in substance that the proposed sale and transfer of common stock by NY PA NJ Utilities Company is necessary and appropriate to effectuate the provisions of section 11 (b) of the Act; and

The applicants-declarants have designated sections 9 (a), 10, 12 (a), 12 (d), and 12 (f) of the Act, and Rules U-43, U-44, and U-45 promulgated thereunder, as applicable to the filing.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the Rules of the Commission thereunder be held on August 16, 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commis-

sion, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held;

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transactions are in the public interest and in the interest of investors and consumers;

2. Whether the various considerations for the proposed transactions are fair and reasonable;

3. The propriety of the proposed accounting treatment of each of the proposed transactions on the books of the applicants-declarants;

4. Whether the proposed acquisition by NY PA NJ Utilities Company of the common stock of Atlantic Utility Service Corporation complies with the provisions of sections 9 and 10 of the Act, and specifically whether it is detrimental to the carrying out of the provisions of section 11 of the Act;

5. Whether the proposed sale of the common stock by NY PA NJ Utilities Company is necessary and appropriate to effectuate the provisions of section 11 (b) (1) of the Public Utility Holding Company Act of 1935;

6 Whether, in all respects, the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder;

7. Whether, and to what extent, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions in regard to any of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12664; Filed, August 4, 1943; 12:22 p. m.]

[File No. 70-759]

THE UNITED GAS IMPROVEMENT CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of August 1943.

In the matter of The United Gas Improvement Company, Delaware Power & Light Company, Eastern Shore Public Service Company (Delaware), The Eastern Shore Public Service Company of Maryland, The Maryland Light and Power Company, and Eastern Shore Public Service Company of Virginia.

Notice is hereby given that an application, and an amendment thereto, have been filed pursuant to the Public Utility Holding Company Act of 1935 by The United Gas Improvement Company, a registered holding company, and Delaware Power & Light Company, Eastern Shore Public Service Company (Delaware), The Eastern Shore Public Service Company of Maryland, The Maryland Light and Power Company, and Eastern Shore Public Service Company of Virginia, subsidiaries of a registered holding company;

All interested persons are referred to said application, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

There are presently pending before the Commission applications and declarations with respect to the proposed acquisition by The United Gas Improvement Company of all the outstanding common stock of Eastern Shore Public Service Company (Delaware), which company owns all the outstanding capital stock of The Eastern Shore Public Service Company of Maryland, The Maryland Light and Power Company, and Eastern Shore Public Service Company of Virginia. Subject to and following the said acquisition, it is proposed that:

(1) Delaware Power & Light Company, a subsidiary of The United Gas Improvement Company, and Eastern Shore Public Service Company (Delaware) be merged and consolidated into one Delaware company.

(2) The Maryland Light and Power Company will be merged into The Eastern Shore Public Service Company of Maryland.

(3) Prior to or coincident with the proposed mergers, the following refinancing are proposed:

(a) Delaware Power & Light Company will redeem:

$3,400,000 principal amount of First Mortgage Bonds, 4¼% Series due January 1, 1969, callable at 100% of the principal amount and accrued interest;

$3,100,000 principal amount of First Mortgage Bonds, 4½% Series, due January 1, 1969, callable at 102% of the principal amount and accrued interest;

$6,000,000 principal amount of First Mortgage Bonds 4½% Series due July 1, 1971, callable at 102% (present price) of the principal amount and accrued interest.

(b) Eastern Shore Public Service Company (Delaware) will retire or redeem:

$4,800,000 principal amount of First Mortgage and First Lien Twenty-year 5½% Bonds, Series A, due September 1, 1947, callable at 101% (price effective September 1, 1943) of the principal amount;

$2,250,000 principal amount of First Mortgage and First Lien Twenty-five Year 5% Bonds, Series B, due September 1, 1955, callable at 102% (price effective September 1, 1943) of the principal amount;

$200,000 face amount 3% note payable to The Chase National Bank of the City of New York due May 20, 1944, payable at any time at the face amount, secured by the pledge of $900,000 principal amount of First Mortgage and First Lien 5% Bonds, Series C, due September 1, 1946 of Eastern Shore Public Service Company (Delaware), which bonds are to be cancelled;

20,177 shares of $6 Series, no par preferred stock, at $106 per share plus accrued dividends;

14,538⅜ shares of $6.50 Series, no par preferred stock, at $106.50 per share, plus accrued dividends.

(c) The new combined Delaware Power & Light-Eastern Shore Public Service Company (Delaware) will sell:

$15,000,000 principal amount of 30-year 3% First Mortgage and Collateral Trust Bonds to net the said combined Company not less than the principal amount and accrued interest, secured by an open-end mortgage on the properties and franchises of the said combined Company, and by the pledge of the outstanding securities of the subsidiaries of said combined Company;

$4,000,000 par value of Preferred Stock ($100 par) to be sold to net the said combined Company not less than par, plus accrued dividends, and with a dividend rate not to exceed 4.4%;

1,162,600 shares of $13.50 par value Common Stock ($15,695,100) to be sold to The United Gas Improvement Company in consideration of the payment by The United Gas Improvement Company of its holdings of the outstanding Common Stock of Delaware Power & Light Company and Eastern Shore Public Service Company (Delaware), and $6,287,063.50 cash.

(d) Maryland Light and Power Company will redeem its publicly-held long-term debt, consisting of $1,089,000 principal amount of First Mortgage First Lien Bonds, Series A, 5½%, due January 1, 1950, callable at 102 (present price) of the principal amount and accrued interest.

(e) The Eastern Shore Public Service Company of Maryland will retire the $3,592,500 principal amount of First Mortgage Bonds, 4% Series due 1969 issued under its present indenture, dated September 1, 1939, which indenture is to be discharged, and pledged under the mortgage of Eastern Shore Public Service Company (Delaware), which mortgage is also to be discharged.

(f) The new combined Maryland Light and Power-Eastern Shore Public Service Company of Maryland will issue 37,600 shares of no par capital stock (stated value $3,760,000) and $3,760,000 of 30-year 4% Notes, all of which securities will be owned by the new combined Delaware Power & Light-Eastern Shore Public Service Company (Delaware), and pledged under its new mortgage.

(g) Eastern Shore Public Service Company of Virginia will retire its outstanding debt aggregating $1,403,319.91, including the $1,372,500 principal amount of its First Mortgage Bonds, 4% Series due 1969, issued under its present indenture, dated September 1, 1939, which is to be discharged, and pledged under the mortgage of Eastern Shore Public Service Company (Delaware), which is also to be discharged, and will issue 7,750 shares of no par value capital stock (stated value $775,000) and $775,000 principal amount of 30-year 4% notes, all of which securities will be owned by the new combined Delaware Power & Light-Eastern Shore Public Service Company (Delaware) and pledged under its new mortgage.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters and that the application shall not be granted except pursuant to further order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on September 3, 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia, Pennsylvania, in such rooms as the hearing room clerk in room 318 will at that time advise. At such hearing cause shall be shown why such application shall be granted. Any person desiring to be heard or otherwise participate in the proceedings should file with the Secretary of the Commission, on or before the 28th day of August, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by the application otherwise to be considered in these proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether it is in the public interest and the interest of investors and consumers and in conformity with the applicable provisions of the Act to grant the application.

2. Whether all fees in connection with the proposed transactions are fair and reasonable.

3. Whether and to what extent it is appropriate in the public interest and for the protection of investors and consumers to impose terms and conditions with respect to the proposed transactions.

4. Generally, whether the proposed transactions meet the appropriate provisions of the Act and Rules and Regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12712; Filed, Aug. 5, 1943; 9:50 a. m.]

[File Nos. 7-700—7-705]

FARNSWORTH TELEVISION AND RADIO CORP., ET AL.

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of August, A. D. 1943.

In the matter of applications by the New York Curb Exchange to extend unlisted trading privileges to:

Farnsworth Television & Radio Corporation, common stock, $1 par value, (File No. 7-700); Lukens Steel Company, common stock, $10 par value (File No. 7-701); Merck & Co., Inc., common stock, $1 par value (File No. 7-702); Northern Natural Gas Company, common stock, $20 par value (File No. 7-703); Public Service Company of Indiana, Inc., common stock, without par value (File No. 7-704); and The Warner & Swasey Company, common stock, without par value (File No. 7-705).

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, September 16, 1943, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12708; Filed, August 5, 1943; 9:50 a. m.]

[File No. 70-418]

UNITED PUBLIC SERVICE CORP.

NOTICE OF FILING SUPPLEMENTAL APPLICATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of August 1943.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Public Service Corporation.

All interested persons are referred to said application, which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

United Public Service Corporation proposes to sell its 148,055 shares of Class B Common Stock of United Public Utilities Corporation to Wilbur W. Thompson who offers to buy said shares of stock for the sum of $16,000 clear of fees or commissions less transfer taxes estimated at approximately $105.

The application states that said shares of stock are the sole remaining asset of United Public Service Corporation other than cash and receivables; that said Wilbur W. Thompson is the president of Commercial National Bank of Iron Mountain, Iron Mountain, Michigan; that he is not a holding company, or a subsidiary or an affiliate or associate of any registered holding company as defined in the Act; that it is his intention to hold said shares for investment and public distribution is not contemplated; and that the proposed price of $16,000 is the best price obtainable at the present time.

The application further states that it is filed in accordance with the Commission's orders of December 30, 1941, January 23, 1942 and November 30, 1942 issued in the above entitled matter providing that sales or distributions of the remaining assets of United Public Service Corporation should not be made, except upon further order of the Commission.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters and that the application shall not be granted except pursuant to further order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on August 25, 1943 at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in room 318 will at that time advise.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by the application otherwise to be considered in these proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether it is in the public interest and the interest of investors and consumers to grant the application.

2. Whether and to what extent, if any, it is appropriate in the public interest or for the protection of investors and consumers that terms and conditions be imposed with respect to the proposed transactions.

3. Whether the proposed transactions meet the appropriate provisions of the Act and rules, regulations or orders of the Commission promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12711; Filed, August 5, 1943; 9:50 a. m.]

[File No. 70-765]

CITIES SERVICE POWER AND LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of August 1943.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Cities Service Power & Light Company ("Power &

Light"), a registered holding company. All interested persons are referred to said application or declaration, which is on file at the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Power & Light seeks authority in its discretion to expend (over and above the amounts presently permitted by rules of the Commission) not more than One Million Dollars ($1,000,000) in the purchase in the open market of shares of its outstanding 5½% Debentures during the 12-month period next following the date of the Commission's Order on the declaration. The purchases are to be made through brokers or dealers, on securities exchanges or in the over-the-counter market or at private sales not solicited by Power & Light and at prices not exceeding the current offering price on the New York Curb Exchange at the time of such purchase. No fees or commissions are to be paid in connection with such purchases except the usual brokers' or dealers' commissions and Power & Light does not anticipate any additional expenses in any significant amount in connection therewith.

As of July 18, 1943, Power & Light's cash position was $5,076,000, and the amount of its outstanding 5½% Debentures segregated between that held by Cities Service Company (a registered holding company and the parent company of Power & Light) and by others was as follows:

Title of issue	Held by parent	Held by others	Total outstanding
5½% Debentures due 1949	$1, 914, 000	$13, 044, 000	$14, 958, 000
5½% Debentures due 1952	2, 289, 000	29, 468, 000	31, 755, 000
	$4, 203, 000	$42, 510, 000	$46, 713, 000

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration and that said declaration should not become effective except pursuant to further order of the Commission;

It is ordered, That a hearing be held upon said matters on the 18th day of August, 1943, at 10:00 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration should be permitted to become effective.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearings. The officer so designated to preside at said hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether, pursuant to section 12 (c) of said Act, an order refusing to permit said declaration to become effective is necessary or appropriate to protect the financial integrity of Cities Service Power & Light Company and its subsidiary companies, to safeguard the working capital of the public-utility companies in the holding-company system of Cities Service Power & Light Company, or to prevent the circumvention of any provisions of said Act or of any rules, regulations or orders thereunder.

(2) Whether any terms or conditions with respect to the proposed acquisition by Cities Service Power & Light Company of its outstanding Debentures are necessary or appropriate to protect the financial integrity of Cities Service Power & Light Company and its subsidiary companies, to safeguard the working capital of the public-utility companies in the holding-company system of Cities Service Power & Light Company, or to prevent the circumvention of any provisions of said Act or of any rules, regulations or orders thereunder.

It is further ordered, That the Secretary of the Commission shall give notice of said hearing by mailing a copy of this order to Cities Service Power & Light Company, and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. It is requested that any person desiring to be heard in these proceedings shall file with the Secretary of this Commission, on or before August 13, 1943, an appropriate request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commmission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12713; Filed, August 5, 1943; 9:50 a. m.]

[File No. 59-28]

ENGINEERS PUBLIC SERVICE COMPANY, ET AL.

ORDER DISMISSING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of August 1943.

In the matter of Engineers Public Service Company, The Western Public Service Company, a Maryland corporation, Missouri Service Company, and The Northern Kansas Power Company, Respondents.

The Commission having on the 23rd day of July, 1941, instituted proceedings pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, directed to Engineers Public Service Company, a registered holding company, The Western Public Service Company, a Maryland corporation, likewise a registered holding company and a subsidiary company of said Engineers Public Service Company, Missouri Service Company and The Northern Kansas Power Company, the two companies last named being direct subsidiaries of said The Western Public Service Company, for the purpose of determining what steps should then or thereafter be required to be taken by The Western Public Service Company and its subsidiary companies in order to comply with the provisions of section 11 (b) (2) of said Act; and

Said The Western Public Service Company, having thereafter redeemed at their respective call prices all of its publicly-held securities and having disposed of all of its assets (See Holding Company Act Releases Nos. 3230 and 3245, December 29, 1941); and

Said The Western Public Service Company, having been liquidated and dissolved, and the Commission by its order of January 19, 1942, having found that the said company had ceased to be a holding company and that the registration of said company had ceased to be in effect (see Holding Company Act Release No. 3282, January 19, 1942); and

It appearing to the Commission that the issues raised by its order of July 23, 1941 have become moot and that it is in the public interest and in the interest of investors and consumers that said proceedings should be dismissed:

It is ordered, That said proceedings be and the same are hereby dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12710; Filed, August 5, 1943; 9:51 a. m.]

[File Nos. 31-130 and 30-203]

STANDARD OIL CO. AND CONSOLIDATED NATURAL GAS CO.

ORDER EXTENDING EFFECTIVE DATE OF ORDER DENYING EXEMPTION: AND EXTENDING TIME WITHIN WHICH TO FILE FORM

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of August, A. D. 1943.

In the matters of Standard Oil Company (Incorporated in New Jersey), File No. 31-130, and Consolidated Natural Gas Company, File No. 30-203.

The Commission, on February 5, 1942, having issued its Findings, Opinion and Order, denying the application of Standard Oil Company, pursuant to section 3 (a). (3) of the Public Utility Holding Company Act of 1935, for an exemption from the provisions of said Act, but having extended the effective date of said order to August 4, 1942; and

Standard Oil Company having caused Consolidated Natural Gas Company (a) to be organized and file on July 31, 1942, pursuant to section 5 (a) of the Act, a notification of registration as a person purposing to become a holding company, and (b) to file applications and declarations regarding the proposed acquisition from Standard Oil Company of all the voting securities of certain natural gas utility companies concerning which hearings have been held and substantially completed; and

The Commission on August 3, 1942 and on January 20, 1943 having issued its order granting applications of Standard Oil Company for a further extension to February 4, 1943 and August 4, 1943, respectively, of the effective date of the order of February 5, 1942; and

Standard Oil Company having now requested that the effective date of the Commission's order of February 5, 1942, as extended, be further extended for an additional period of eight days to August 12, 1943 on the grounds that, although it is proceeding diligently in working out a program for the disposition of the securities of the gas utility companies owned by it, the company is of the opinion that it will not be possible to complete its plans by August 4, 1943; and

Consolidated Natural Gas having for similar reasons also requested that the time within which it is required to file its registration statement on Form U5B pursuant to Rule U-1 (b) promulgated under the Act, be extended from August 4, 1943 to September 3, 1943; and

It appearing to the Commission that such requests for further extensions are reasonable and are not detrimental to the public interests or the interests of investors and consumers;

It is hereby ordered, That the effective date of the order of the Commission dated February 5, 1942, denying the application of Standard Oil Company for exemption, pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, be, and the same hereby is, extended to August 12, 1943; and

It is further ordered, That the time within which Consolidated Natural Gas Company is required to file its registration statement on Form U5B pursuant to Rule U-1 (b), promulgated under the Public Utility Holding Company Act of 1935, be and the same hereby is, extended to September 3, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12709; Filed, August 5, 1943; 9:51 a. m.]

WAR PRODUCTION BOARD.

[Certificate 105]

PHILADELPHIA MATTRESS MANUFACTURERS ASSOCIATES

APPROVAL OF PRODUCTION PLAN

TO THE ATTORNEY GENERAL:

I submit herewith a plan of the organization, procedure and objectives of the Philadelphia Mattress Manufacturers Associates, a war production association of certain companies located in Philadelphia, Pennsylvania, which has been approved by the Chairman of the Smaller War Plants Corporation. The purpose of the association is to combine the facilities and skills of the member companies for the manufacture of articles, equipment, supplies and materials for war and essential civilian requirements. The activities of the association will relate solely to such production and will terminate within six months after the termination of the war.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve this association; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with my approval as herein expressed is requisite to the prosecution of the war.

Dated: July 31, 1943.

DONALD M. NELSON, *Chairman.*

[F. R. Doc. 43-12714; Filed, August 5, 1943; 11:05 a. m.]

Reference

AUG 9 '43

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 8 NUMBER 156

Washington, Saturday, August 7, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—War Food Administration

PART 802—SUGAR DETERMINATIONS

SUGAR COMMERCIALLY RECOVERABLE FROM SUGARCANE IN HAWAII

Determination of sugar commercially recoverable from sugarcane in the Territory of Hawaii, pursuant to the Sugar Act of 1937 (Revised).

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.31 *Sugar commercially recoverable from sugarcane in the Territory of Hawaii.* The amount of sugar, raw value, commercially recoverable from the sugarcane grown on any farm in the Territory of Hawaii and marketed (or processed by the producer) for the extraction of sugar shall be the amount of sugar, raw value, recovered from such sugarcane.

This determination supersedes the "Determination of Sugar Commercially Recoverable from Sugarcane in the Territory of Hawaii, Pursuant to the Sugar Act of 1937," issued July 2, 1938.

(Sec. 302, 50 Stat. 910; 7 U.S.C. 1940 ed. 1132; E.O. 9322, as amended by E.O. 9334)

Issued this 5th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12744; Filed, August 5, 1943; 4:41 p. m.]

PART 802—SUGAR DETERMINATIONS

SUGAR COMMERCIALLY RECOVERABLE FROM SUGAR BEETS

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.11 *Determination of sugar commercially recoverable from sugar beets.* The amount of sugar, raw value, commercially recoverable from sugar beets marketed under that type of agreement commonly known as "individual test contract" shall be deemed to be 95 percent of the total sugar in the sugar beets, net weight, at the time of delivery to a processor; and the amount of sugar, raw value, commercially recoverable from sugar beets marketed under any other type of agreement shall be deemed to be 97 percent of the amount of sugar calculated by applying to the net weight of the sugar beets, at the time of delivery to a processor, the average percentage of sugar content in the cossettes of all of the sugar beets included in a common marketing agreement: *Provided, however,* That in all cases the tests used to determine the sugar content are those tests customarily used for such purpose by sugar beet processors.

This determination supersedes, with respect to the 1943 and subsequent crops, the determination entitled "Determination of Sugar Commercially Recoverable from Sugar Beets," issued June 21, 1940.

(Sec. 302, 50 Stat. 910; 7 U.S.C. 1940 ed. 1132; E.O. 9322, as amended by E.O. 9334)

Issued this 5th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12794; Filed, August 6, 1943; 11:37 a. m.]

Chapter XI—War Food Administration

[FDO 73]

PART 1405—FRUITS AND VEGETABLES

FREESTONE PEACHES GROWN IN THE STATE OF CALIFORNIA

The fulfillment of requirements for the defense of the United States will re-

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
FEDERAL PUBLIC HOUSING AUTHORITY:	
War housing projects; delegation of powers to regional officials	11000
FEDERAL TRADE COMMISSION:	
Cease and desist orders:	
Amogen Co.	10973
Todd, J. E., Inc.	10972
GENERAL LAND OFFICE:	
Alaska, land withdrawn for use of War Department	10995
Wyoming, air navigation site withdrawal	10995
INTERSTATE COMMERCE COMMISSION:	
Louisiana, weighing of gravel destined to Fosters or Shreveport	10994
Mexican border points, demurrage charges	10994
Virginian Railway Co., reicing of potatoes	10999
OFFICE OF DEFENSE TRANSPORTATION:	
Akron Transportation Co.; certain operations suspended and adjusted	11000
All American Bus Lines, Inc. and Northern Trails, Inc.; coordinated operations between Chicago and New York	11000
Florists of Philadelphia; joint action plan	11001
OFFICE OF ECONOMIC STABILIZATION:	
Meats, grading and grade labeling	10988
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	11001
Grade labeling:	
Beans, dry edible (RMPR 270, Am. 7)	10986
Burley tobacco (MPR 283, Am. 4)	10988
Food products, certain packed (MPR 306, Am. 13)	10986
Peanuts and peanut butter (RMPR 335, Am. 2)	10987
Hawaii:	
Beverage coasters and sea shells (Supp. Order 45, Am. 2)	10980

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.
Hawaii—Continued. Page
Fish and seafood, etc. (MPR 373, Am. 9) 10984
Jewelry (MPR 374, Am. 2) 10984
Machines, parts and machinery services (MPR 136, Am. 97) 10988
Malted milk:
Retail prices:
Group 1 and 2 stores (MPR 423, Am. 2) 10988
Group 3 and 4 stores (MPR 422, Am. 2) 10987
Wholesale prices (MPR 421, Am. 2) 10987
Printing and printed paper commodities (MPR 225, Am. 6) 10983
Regional, state and district office orders:
Bernard pliers, Denver, Colo. 11003
Bituminous coal, Seattle, Wash., area 11011
Firewood:
Northern California (5 documents) 11003–11007
South Dakota 11001
Fluid milk:
Casper, Wyo. 11002
Greeley, Colo., area 11003
Laramie and Hanna, Wyo. 11002
Rubber commodities (MPR 220, Am. 12) 10983
Rubber heels:
(MPR 200, Am. 10) 10980
(MPR 200, Am. 11) 10980
Virgin Islands; prices (MPR 201, Am. 6) 10984
Wines, domestic (Rev. SR 14, Am. 12) 10984

CONTENTS—Continued

SECURITIES AND EXCHANGE COMMISSION: Page
Hearings, etc.:
Puget Sound Power & Light Co 11014
Scranton-Spring Brook Water Service Co. (2 documents) 11014
West Texas Utilities Co. 11014
SOCIAL SECURITY BOARD:
Old-age and survivors insurance; evidence as to death 10973
SOLID FUELS ADMINISTRATION FOR WAR:
Bituminous coal producers; establishment of advisory boards 10974
WAGE AND HOUR DIVISION:
Learner employment certificates; issuance to various industries (2 documents) 10995
Minimum wage recommendations:
Fruit and vegetable packing and farm products assembling industry 10996
Meat, poultry and dairy products industry 10998
WAR DEPARTMENT:
Procurement and disposal of equipment of and supplies; fixed price contracts, subcontracting, etc. 10972
WAR FOOD ADMINISTRATION:
Cottonseed, peanut, etc. oil (FDO 29, Am. 3) 10970
Fish, imported salted (FDO 72) 10970
Peaches:
California freestone (FDO 73) 10967
Washington and Oregon Elberta (FDO 74) 10969
Sugar commercially recoverable from:
Sugar beets 10967
Sugar cane, Hawaii 10967
WAR PRODUCTION BOARD:
Broom materials and brooms L–283 10977
Fire apparatus, motorized (L–43) 10975
Florists of Philadelphia, Pa., approval of joint action plan (Certificate 106) 11016
Stop construction orders (3 documents) 11015
Suspension orders:
Schoenlein, L., and Son 10974
Western Sales and Supply Co 10975
Transportation; haulage conservation (T–1) 10978
Welding equipment gauges (L–272, Sched. VI) 10977
WAR SHIPPING ADMINISTRATION:
Insurance; miscellaneous amendments 10991
Merchant vessels; repairs and other work 10991

sult in a shortage in the supply of freestone peaches produced in the State of California, for defense and private account; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.20 *Restrictions relative to the shipment of freestone peaches*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "freestone peaches" means all fresh freestone peaches grown in the State of California, except the Elberta, J. H. Hale, and Rio Oso Gem varieties.

(2) The term "person" means any individual, partnership, corporation, association, business trust, or any organized group of persons whether incorporated or not.

(3) The term "ship" means to convey fresh freestone peaches, or cause fresh freestone peaches to be conveyed, by railroad, truck, boat, or any other means whatsoever.

(4) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* (1) No person (other than a carrier of peaches for another person) may ship any freestone peaches from a point within the State of California to a point without the State of California.

(2) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of fresh freestone peaches of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in freestone peaches as defined herein.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Regional Director, War Food Administration, serving the area (8 F.R. 9315) in which the peaches, subject to the restrictions hereof, are located. Petition for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Regional Director, he may, by requesting the Regional Director therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using freestone peaches, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Food Distribution Administration, War Food Administration, P. O. Box 230, Sacramento 1, California. Ref. FD–73.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 7, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 6th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12795; Filed, August 6, 1943; 11:37 a. m.]

[FDO 74]

PART 1405—FRUITS AND VEGETABLES

ELBERTA PEACHES GROWN IN OREGON OR WASHINGTON

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of peaches produced in the States of Oregon and Washington, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.18 *Restrictions relative to the shipment of peaches*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "peaches" means fresh Elberta peaches, including any and all strains of the Elberta variety of peaches, grown in the State of Oregon or in the State of Washington.

(2) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) The term "ship" means to convey peaches or to cause such peaches to be conveyed by railroad, truck, boat, or any other means whatsoever, from a point within Oregon and Washington to a point without Oregon and Washington. The conveyance or transportation of peaches from Oregon to Washington, or vice versa, is not within the meaning of the term "ship."

(4) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* (1) No person (other than a carrier of peaches for another person) may, during any calendar year, except pursuant to (b) (2), (b) (3), or (f) hereof, ship any peaches in excess of 100 percent of the quantity of peaches shipped by such person in 1942: *Provided,* That any person who, prior to the effective time of this order, has shipped in excess of the quota herein prescribed shall not be deemed, on account of such shipments heretofore made, to have violated the provisions of this order, but any shipment hereafter by any such person will be in violation of the provisions hereof, except such shipment as may be made pursuant to (b) (2), (b) (3), or (f) hereof.

(2) The Director may authorize any person to ship a particular lot of peaches if (i) the peaches are not suitable for canning or freezing; (ii) canning or freezing facilities are not accessible; or (iii) for any other reason which the Director determines is necessary in order to effectuate the purposes of this order.

(3) The Director may, if he determines that such will tend to effectuate the purposes of this order, issue general authorizations, from time to time, authorizing the shipment of certain grades or sizes of peaches produced in a designated area, and the quantity or quantities thereof which may be shipped.

(4) The Director may, if he determines that such will tend to effectuate the purposes of this order, prescribe the minimum grade of all peaches which may be shipped.

(5) Each person, prior to making each shipment of peaches, shall, when the Director so prescribes and announces, cause each such shipment to be inspected by a duly authorized representative of the Federal-State inspection service; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Food Distribution Administration, War Food Administration, Room 210, Mayer Building, Portland, Oregon, the Federal-State shipping point inspection certificate with respect to each shipment of peaches by such person, which certificate shall set forth such information as may be required by the Director with respect to the variety, grade, or size of the peaches contained in such lot or shipment.

(6) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of peaches of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in peaches.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Regional Director, War Food Administration, serving the area (8 F.R. 9315) in which the peaches, subject to the restrictions hereof, are located. Petition for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Regional Director, he may, by requesting the Regional Director therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using peaches, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be

prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Food Distribution Administration, War Food Administration, Room 210, Mayer Building, Portland, Oregon.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 9, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 6th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12796; Filed, August 6, 1943; 11:37 a. m.]

[FDO 29, Amdt. 3]

PART 1460—FATS AND OILS

USE AND DISTRIBUTION OF COTTONSEED, PEANUT, SOYBEAN, AND CORN OIL

Food Distribution Order No. 29, as amended (8 F.R. 5619), § 1460.13, issued under authority of the War Food Administrator on April 28, 1943, is amended as follows:

1. By deleting the provisions in (a) (2) thereof and inserting, in lieu thereof, the following:

(2) The term "refined oil" means any oil pressed, expelled, or extracted from cottonseed, peanuts, soybeans, or corn, which has been refined by treating with caustic soda, soda ash, or otherwise to reduce the free fatty acid content, and which may or may not have been further processed. Such processing may include, but is not limited to, bleaching, deodorizing, winterizing, or hydrogenation. However, unless otherwise specified by the Director, "refined oil" when allocated for delivery pursuant to this order shall mean (in the absence of a previous contract between the deliverer and the deliveree, or unless otherwise requested by the deliveree) oil that is once refined, unbleached, and undeodorized.

2. By deleting the provisions in (b) thereof and inserting, in lieu thereof, the following:

(b) *Restrictions on delivery of crude oil.* No person shall deliver and no person, except an industrial user, shall accept delivery of crude oil, except as specifically authorized or directed by the Director. In any authorization or directive issued pursuant to this paragraph (b), the Director may designate the point from which the oil is to be shipped and the point where it is to be received.

3. By deleting the provisions in (c) thereof and inserting, in lieu thereof, the following:

(c) *Restrictions on delivery of refined oil.* No person shall deliver refined oil to any other person who is a refiner, non-refining margarine manufacturer, or non-refining shortening manufacturer, and no refiner, non-refining margarine manufacturer, or non-refining shortening manufacturer shall accept delivery of refined oil, except as specifically authorized or directed by the Director. In any authorization or directive issued pursuant to this paragraph (c), the Director may designate the point from which the oil is to be shipped and the point where it is to be received.

With respect to violations of said Food Distribution Order No. 29, as amended, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Order No. 29, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This amendment shall become effective as of 12:01 a. m., e. w. t., August 7, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 5th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12797; Filed, August 6, 1943; 11:37 a. m.]

[FDO 72]

PART 1465—FISH AND SHELLFISH

ALLOCATION OF IMPORTED SALTED FISH

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of salted fish for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1465.23 *Regulation of salted fish imported into the United States.*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "salted fish" means and includes the following if such fish are cured or preserved in any manner with the use of salt, but does not mean or include the following if such are smoked or packed in air-tight containers: Cod (Gadus macrocephalus and Gadus callarias), haddock (Melanogrammus aeglefinus), hake (Urophycis species and Merluccius productus), pollock (Pollachius virens), cusk (Brosmius brosme), ling (Molva molva), and saithe (Gadus virens).

(3) The term "green-salted" means and includes salted fish neither skinned nor boned (except that the vertebral column may be removed) when containing more than 43 percent of moisture, by weight.

(4) The term "dry-salted" means salted fish neither skinned nor boned (except that the vertebral column may be removed) when containing not more than 43 percent of moisture, by weight.

(5) The term "boneless" means and includes salted fish, skinned or boned, whether or not dried.

(6) The term "1943 pack" means and includes the salted fish produced from the fish caught during the calendar year of 1943.

(7) The term "import" means, except as used in (e) hereof, to enter for consumption in the continental United States from any foreign country, including the Treaty Coasts defined in the Treaty of October 20, 1818, between the United States and Great Britain, entitled "Convention Respecting Fisheries, Boundary, and the Restoration of Slaves", proclaimed on January 30, 1819, or to withdraw from the bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, for consumption in the continental United States.

(8) The term "import" as used in (e) hereof means to enter for consumption in the Territory of Puerto Rico from any foreign country, including the Treaty Coasts defined in the aforesaid Treaty of October 20, 1818, between the United States and Great Britain, or to withdraw from the bonded custody of the United States Bureau of Customs (bonded warehouse) in the Territory of Puerto Rico for consumption in the Territory of Puerto Rico.

(9) The term "importer" means any person who is the first owner, in the continental United States, of imported salted fish; and it is immaterial, in determining whether a person is an importer, whether or not the United States import duty, if any, or other payments were made through or by a customs broker, nominal consignee, or other agent.

(10) The term "Director" means the Director of the Food Distribution Administration, War Food Administration.

(11) The term "governmental agency" means (i) the Armed Services of the United States (for the purpose of this order, such does not include the United States Army post exchanges, United States Navy ship's service departments, or United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing restricted salted fish in accordance with said Food Distribution Regulation 2.

(12) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(b) *Allocations.* (1) Notwithstanding any previous contract or other arrangement, no person shall import into the continental United States, for consumption in the continental United States, any salted fish except as permitted by this order.

(2) From the 1943 pack, each importer is, subject to the limitation of the quota determined hereunder, and subject further to the various other provisions hereof and to the import authorization under War Production Board Order M-63 (8 F.R. 8818), as amended, hereby authorized to import for consumption in the continental United States (i) from Canada not more than 55 percent, net weight, of the salted fish imported by the respective importer from Canada in 1942; (ii) from Newfoundland not more than 55 percent, net weight, of the salted fish imported by the respective importer from Newfoundland in 1942; and (iii) from Iceland not more than 20 percent, net weight, of the salted fish imported by such importer from Iceland in 1942. Each quantity of salted fish imported in 1942 by a particular importer for the use of any governmental agency or sold to any governmental agency by such importer subsequent to the importation of such salted fish in 1942 shall be excluded from the computation of the respective importer's quota, as aforesaid. The quota which may be imported pursuant hereto shall be computed on the basis of dry-salted fish, but each importer may import his entire quota in green-salted, dry-salted, or boneless fish, as defined in (a) hereof, or any combination thereof: *Provided*, That the following ratio shall be applied to each such quota: one pound of dry-salted fish equals 1.75 pounds of green-salted fish, and one pound of dry-salted fish equals 0.85 pound of boneless fish.

(3) Each importer shall, prior to importing salted fish pursuant to the provisions hereof, submit to the Director a statement, with respect to each lot of salted fish imported by such person in the calendar year of 1942 and in 1943 prior to the effective date hereof, showing (i) the country of origin, (ii) the name of the shipper, (iii) the quantity, (iv) the date and port of entry, (v) the rate of duty paid, (vi) the name of the person making the United States Customs entry or withdrawal from the bonded custody of the United States Bureau of Customs, and (vii) the quantity of salted fish sold in 1942 and in 1943 prior to the effective date hereof, by such importer to a governmental agency and the name of the particular governmental agency. The Director shall, from the information submitted to him and from such other information as may be available to him, determine, in accordance with the provisions of this order, the respective importer's quota which may be imported from the 1943 pack of salted fish: *Provided*, That the quantity of salted fish from the 1943 pack which has been imported in 1943 by any importer, prior to the effective date of this order, shall be deducted in computing the respective importer's quota, except that any such quantity of such salted fish as may have been imported for the use of any governmental agency or sold by the respective importer, prior to the effective date hereof, to any governmental agency subsequent to the importation of such salted fish shall not be deducted in computing the respective importer's quota. The Director shall notify each importer with respect to the respective importer's quota determined pursuant hereto; and an importer shall not import salted fish in excess of his quota.

(c) *Reallocation.* Each importer's quota pursuant hereto is on condition that the respective importer shall contract on or before September 15, 1943, for the purchase of the entire quota of salted fish allocated hereunder to the respective importer, and submit, on or before September 20, 1943, to the Director a copy of each such contract: *Provided*, That no such contract need be submitted with respect to salted fish which are the product of American fisheries and are from the Treaty Coasts or regions described in the aforesaid Treaty of October 20, 1818, between the United States and Great Britain. An importer may, under his quota pursuant to this order, import only such salted fish of the 1943 pack as may have been contracted for as aforesaid, by the respective importer on or before September 15, 1943. The Director may reallocate among other importers or other persons, including but not being limited to the Food Distribution Administration or the Federal Surplus Commodities Corporation, the unused portion of any importer's quota not thus under contract on September 15, 1943.

(d) *Exemption from quota restrictions.* The provisions of this order shall not be construed as restricting the importation of salted fish by or for a governmental agency: *Provided*, That any such importation of salted fish by or for a governmental agency shall be free from regulation hereunder only if, with respect to each such importation, a certificate is issued, prior to the importation of the salted fish of the 1943 pack, by the Quartermaster General of the Army, the Chief of the Bureau of Supplies and Accounts or the Chief of the Bureau of Naval Personnel of the Navy, the Commandant of the United States Coast Guard, the Quartermaster of the United States Marines, the Administrator of the War Shipping Administration, the Director of the Veterans Administration, the Director, or the duly authorized representative of any of the foregoing, and such certificate is issued to the person having the prime contract with a governmental agency, and specifying, in such certificate, the following: the name of the importer supplying such salted fish and that such salted fish are for direct Army, Navy, Coast Guard, or Marine Corps issue or for contract feeding of the Army, the Navy, the Coast Guard, or the Marine Corps personnel, or for consumption on ships operating under the War Shipping Administration. Each importer who claims that a particular importation and delivery of salted fish is for a governmental agency and is, therefore, exempt from quota restriction under this order, shall promptly submit to the Director a copy of each such certificate, described hereinabove, and certify to the Director that such is a true and correct copy of the certificate issued, as aforesaid.

(e) *Restrictions relative to Puerto Rico.* The Food Distribution Administration is hereby authorized, notwithstanding any provision of Food Distribution Regulation 2 (8 F.R. 7523) or any other order or regulation, to purchase all of the salted fish for the requirements of the Territory of Puerto Rico. No person other than the Food Distribution Administration may import salted fish of the 1943 pack into the Territory of Puerto Rico.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of salted fish of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order. The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using salted fish, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be

instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FD–72.

(l) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 5, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 5th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–12743; Filed, August 5, 1943; 4:41 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

FIXED PRICE CONTRACTS, SUBCONTRACTING, ETC.

Section 81.367 is added as follows:

§ 81.367 *Fixed price contracts; subcontracting.* (a) All fixed price contracts, except those in which, in the opinion of the contracting officer, subcontracting (as defined in paragraph (d) quoted herein is impracticable, will contain the following clause without deviation:

Subcontracting. (a) It is mutually understood and agreed that the policy of the Government, as declared by Congress in Public Law 603—77th Congress (the Smaller War Plants Act), is to bring about the greatest utilization of small war plants facilities which is consistent with efficient production of war materials.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to smaller war plants that the Contractor finds to be consistent with the efficient performance of all its other obligations undertaken by this contract.

(c) The Government agrees that in any renegotiation proceedings involving this contract, proper consideration will be given to the efficiency and ingenuity exhibited by the prime contractor in subcontracting to, and in utilizing the facilities of, smaller war plants; to the amount of such subcontracting so accomplished; and to the amount of technical, engineering, and other assistance rendered by the Contractor to such subcontractors.

(d) For the purposes of this article the term "subcontracts" includes only contracts for the production of or work upon an item, component, or assembly manufactured according to Government specifications or specifications of a prime contractor and does not include (1) any purchase of a standard commercial or catalog item, or (2) any purchase of a basic raw material, or (3) any purchase of supplies or services for the general operation of the contractor's plant, or (4) any purchase from a parent, subsidiary, or affiliate of the Contractor.

(b) It is to be noted that the above clause is applicable to fixed price contracts only. The application of this clause, or a similar one, to cost-plus-a-fixed-fee contracts is under consideration and regulations in this regard will be published shortly. (Sec. 5a, National Defense Act as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601–622) [A.S.F. Memorandum No. S5–145–43, 28 July 1943]

Section 81.223 (d) (4) is amended as follows:

§ 81.223 *Factors governing placement of contracts.* * * *

(d) *Labor shortage areas.* * * *

(4) *Exceptions.* The restrictions stated in this paragraph (d) do not apply to the placing of contracts:

(i) With firms which currently employ less than 100 wage earners and which will not employ more than 100 wage earners during the performance of the contract; or

(ii) With originating manufacturers for a newly developed article in accordance with § 81.224. (Sec. 5a, National Defense Act as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195 and the First War Powers Act 1941, 55 Stat. 383, 50 U.S.C. Sup. 601–622) [A.S.F. Memorandum No. S5–145–43, 28 July 1943]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–12768; Filed, August 6, 1943; 10:06 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4549]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

J. E. TODD, INC.

§ 3.6 (t) *Advertising falsely or misleadingly: Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly: Results.* In connection with offer, etc., of respondent's medicinal preparation designated "Todd's Capsules", or any other similar preparation, disseminating, etc., any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said preparation, which advertisement represents, directly or through inference, that respondent's preparation has any therapeutic value in the treatment of arthritis, neuritis, or rheumatism or similar diseases or conditions; or that said preparation will relieve or alleviate the symptoms of pain associated with such diseases or conditions; or that said preparation possesses curative properties in the treatment of any of such diseases or conditions; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, J. E. Todd, Inc., Docket 4549, July 27, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, supplemental report of the trial examiner, and briefs and supplemental briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, J. E. Todd, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of its medicinal preparation designated "Todd's Capsules," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that respondent's preparation has any therapeutic value in the treatment of arthritis, neuritis, or rheumatism or similar diseases or conditions; or that said preparation will relieve or alleviate the symptoms of pain associated with such diseases or conditions; or that said preparation possesses curative properties in the treatment of any of such diseases or conditions.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondent's medicinal preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43–12788; Filed, August 6, 1943; 11: 24 a. m.]

[Docket No. 4836]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMOGEN COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly; Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly: Results:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure: Safety.* In connection with offer, etc., of respondent's medicinal preparation designated "Amogen Tablets", or any other similar preparation, disseminating, etc., any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., purchase in commerce of said preparation, which advertisement represents, directly or through inference, that said preparation (1) is a cure or remedy for or has any therapeutic value in the treatment of malaria, common colds and fevers, poor digestion, acid or gas on the stomach, overindulgence in food and drink, clogged bowels, neuralgia, rheumatic pains and fever, sallow complexion, pimples, sores, boils, or skin irritations; (2) has any therapeutic value in the treatment of billiousness or excess bile in the system, headaches, coated tongue, bad breath, or bad taste in the mouth, in excess of such temporary relief as may be afforded by a laxative when such conditions are due to or caused by constipation; or (3) will rid the system of poisons or enable the user to avoid sickness or maintain good health; or which advertisement (4) fails to reveal that the continued use of said preparation over a long period of time may result in mercury poisoning, and that said preparation should not be used in cases of abdominal pains, nausea, vomiting, or other symptoms of appendicitis; prohibited, subject to the provision, however, as respects said last named prohibition, that if the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation as hereinbefore set forth, such advertisements need contain only the cautionary statement, "Caution: Use only as directed". (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112, 15 U.S.C., sec 45b) [Cease and desist order, Amogen Company, Docket 4836, July 27, 1943]

In the Matter of J. R. Hodges, Individually and Trading Under the Style and Firm Name of Amogen Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the stipulation as to the facts entered into by and between counsel for the Commission and the respondent upon the record, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusions based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, J. R. Hodges, trading under the name Amogen Company, or under any other name or names, his agents, representatives, or employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of his medicinal preparation designated "Amogen Tablets" or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement

A. Which represents, directly or through inference, that said preparation

(a) Is a cure or remedy for or has any therapeutic value in the treatment of malaria, common colds and fevers, poor digestion, acid or gas on the stomach, overindulgence in food and drink, clogged bowels, neuralgia, rheumatic pains and fever, sallow complexion, pimples, sores, boils, or skin irritations;

(b) Has any therapeutic value in the treatment of biliousness or excess bile in the system, headaches, coated tongue, bad breath, or bad taste in the mouth, in excess of such temporary relief as may be afforded by a laxative when such conditions are due to or are caused by constipation;

(c) Will rid the system of poisons or enable the user to avoid sickness or maintain good health.

B. Which fails to reveal that the continued use of said preparation over a long period of time may result in mercury poisoning, and that said preparation should not be used in cases of abdominal pains, nausea, vomiting, or other symptoms of appendicitis: *Provided, however,* That such advertisement need contain only the statement, "Caution: Use Only as Directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain warnings to the above effect.

2. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph (1) hereof, or which advertisement fails to reveal the dangerous consequences which may result from the use of the said preparation as required in said paragraph (1).

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43–12789; Filed, August 6, 1943; 11:24 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Board, Federal Security Agency

[Regulations 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

EVIDENCE AS TO DEATH

This regulation, amends Regulations No. 3[1] (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.), by amending § 403.702 (c) thereof, as amended, to read as follows:

(c) *Evidence as to death.* An applicant for benefits or a lump sum based upon the wages of a deceased individual shall file supporting evidence as to the death of such individual and as to the time and place of such death. Such evidence may also be required by the Board as to the death of any other individual when such other individual's death is relevant to the determination of the applicant's entitlement. Such evidence shall be of the following character:

(1) A certified copy of the public record of death, coroner's report of death, or verdict of the coroner's jury of the State or community where death occurred, or a certificate by the custodian of the public record of death or a statement of the contents of the record of death certified by an individual designated by the Board; or

(2) A statement of the funeral director, attending physician, or of the superintendent, physician, or interne of the institution where the death occurred; or

(3) A certified copy of an official report or finding of death, made by any agency or department of the United States which is authorized or requested to make such report or finding in the administration of any law of the United States, or a statement of the contents of such report or finding certified by an in-

[1] 5 F.R. 1849. For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 403.1, Title 20, Code of Federal Regulations, 1940 Supp.).

dividual designated by the Board: *Provided, however,* That a finding of presumptive death made pursuant to section 5 of Public Law 490, 77th Congress, as amended, (50 U. S. C. A. App. § 1005) shall be accepted only as evidence of the fact of death and not of the date of death.

If none of the evidence described in subparagraphs (1), (2), and (3) of this paragraph is obtainable, the reason therefor should be stated and the applicant may submit:

(4) The verified statements of two or more persons, having personal knowledge of the death, setting forth the facts and circumstances as to the place, date and cause of death; or

(5) Other evidence of probative value.

If death occurs outside the United States there must be furnished a report of the death by a United States consul, or other agent of the State Department, bearing the signature and official seal of such consul or agent, or a certified copy of the public record of death authenticated by the United States consul or other agent of the State Department, or other evidence of probative value.

Whenever it is necessary to determine the death of an individual other than the wage earner, in order to determine the right of another to a benefit under section 202 (f) or a lump sum under section 202 (g) of the Act, and such individual has been unexplainedly absent from his residence and unheard of for a period of 7 years, the Board, upon satisfactory establishment of such facts, will presume that such individual has died, in the absence of any substantial evidence to the contrary.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C. sec. 405 (a), 1302)

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this 31st day of July, 1943.

[SEAL] A. J. ALTMEYER,
Chairman.

Approved: August 3, 1943.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 43-12773; Filed, August 6, 1943; 10:35 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Order No. 2]

PART 601—ADMINISTRATIVE; GENERAL

BITUMINOUS COAL PRODUCERS ADVISORY BOARDS

It would be very helpful in carrying out the purposes of Executive Order No. 9332 (8 F.R. 5355) if there were available a Bituminous Coal Producers Advisory Board for each bituminous coal producing district. Accordingly, pursuant to powers conferred upon me as Secretary of the Interior and as Solid Fuels Administrator for War, I hereby order that:

Sec.
601.11 Establishment and functions of Boards.
601.12 Designation of members.
601.13 General plan of operation.
601.14 Vacancies on Boards.

AUTHORITY: §§ 601.11 to 601.14, inclusive, issued under E.O. 9332, 8 F.R. 5355.

§ 601.11 *Establishment and functions of Boards.* A Bituminous Coal Producers Advisory Board be set up in each bituminous coal producing district, as described in the Bituminous Coal Act of 1937, as amended, to serve on a volunteer basis and furnish (a) such information and advice, as may be requested from time to time by the Solid Fuels Administration for War and (b) any information and advice which the Bituminous Coal Producers Advisory Board believes would help in carrying out the purposes of Executive Order No. 9332.

§ 601.12 *Designation of members.* The members of the Bituminous Coal Producers Advisory Board for each district shall be designated by the Solid Fuels Administrator for War and any changes in the membership of such Board shall be subject to the approval of the Solid Fuels Administrator for War.

§ 601.13 *General plan of operation.* Each Bituminous Coal Producers Advisory Board may obtain such voluntary contributions from producers within the district as it deems advisable, provided that the budget and the general plan of operation have been approved by the Solid Fuels Administrator for War. Within twenty days after the designation by the Solid Fuels Administrator for War of the members of the Board the proposed budget for the remainder of the calendar year 1943 and the proposed general plan of operation of the Board shall be filed with the Solid Fuels Administrator for War.

§ 601.14 *Vacancies on Boards.* The Solid Fuels Administrator for War will receive and consider suggestions and nominations from time to time from producers and from the principal labor organizations in each district as to changes in membership of the Bituminous Coal Producers Advisory Board and as to successors to members when they resign or retire.

Issued this 3d day of August 1943.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 43-12739; Filed, August 5, 1943; 2:22 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-321]

L. SCHOENLEIN AND SON

August Schoenlein, doing business as L. Schoenlein & Son at 3006 Parkside Drive, Baltimore, Maryland, is a building contractor. Subsequent to September 7, 1942, the effective date of Conservation Order L-41, as amended, he began construction of an addition to a restaurant building at an estimated cost in excess of $4,000, without the authority of the War Production Board. He then applied to the War Production Board for permission to complete the construction and this application was denied. Respondent continued construction to a total cost of $4,302.92, which substantially exceeded the limits permitted under Conservation Order L-41. Respondent had in his possession, prior to the commencing of this construction, a copy of Conservation Order L-41, and his action must therefore be deemed a wilful violation of this Order. This violation of Conservation Order L-41 has diverted scarce materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.321 *Suspension Order S-321.* (a) August Schoenlein, doing business as L. Schoenlein & Son, or under any other name, his or its successors or assigns, are hereby prohibited from ordering, purchasing, accepting delivery of, withdrawing from inventory, or in any other manner securing or using material or construction plant in order to begin construction or to continue construction, as defined in Conservation Order L-41, unless hereafter specifically authorized in writing by the War Production Board.

(b) Deliveries of material to August Schoenlein, doing business as L. Schoenlein & Son, or under any other name, his or its successors or assigns shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) No allocation or allotment of materials or products, the supply or distribution of which is governed by any order or regulation of the War Produc-

tion Board shall be made to August Schoenlein, doing business as L. Schoenlein & Son, or under any other name, his or its successors or assigns, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve August Schoenlein, doing business as L. Schoenlein & Son, or under any other name, his or its successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 6, 1943, and shall expire on November 6, 1943.

Issued this 30th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-129779; Filed, August 6, 1943; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-341, Amdt. 1]

WESTERN SALES AND SUPPLY CO.

Bernard W. Stein, Abraham Stein, Harold H. Stein, and J. R. Stein, doing business as Western Sales and Supply Company at 1011 West Highland Avenue, Hollywood, California, have appealed from the provisions of Suspension Order S-341, issued on June 10, 1943, and in connection with the appeal have asked for permission to sell their inventory of steel products located in their Hollywood, California warehouse. The Chief Compliance Commissioner, after considering all the circumstances, has decided to grant such permission, in accordance with the terms of paragraph (b) (1) set forth below, which is to be incorporated into the suspension order as a new paragraph.

Section 1010.341 *Suspension Order S-341* issued June 10, 1943, is hereby amended by including therein a new paragraph to be known as paragraph (b) (1) reading as follows:

(b) (1) Nothing herein contained shall be deemed to prevent the respondents from selling the stock of steel products which they have in their Hollywood, California warehouse, provided the following conditions are complied with:

(i) Deliveries must be in accordance with paragraphs (d) (1), (2) and (3) of CMP Regulation No. 4 as amended.

(ii) Deliveries must be made in accordance with the rules, regulations and orders of the Office of Price Administration.

(iii) No delivery shall be made without obtaining the approval of the Regional Compliance Chief of the San Francisco Regional Office of the War Production Board.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12780; Filed, August 6, 1943; 11:20 a. m.]

PART 1066—MOTORIZED FIRE APPARATUS

[General Limitation Order L-43, as Amended August 6, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the materials entering into the manufacture of motorized fire apparatus for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1066.1 *General Limitation Order L-43*—(a) *Definitions.* For the purposes of this order:

(1) "Motorized fire apparatus" means self-propelled motorized fire apparatus and auxiliary pumping units of fire apparatus, and includes accessories therefor and equipment thereon.

The term shall not include second hand apparatus nor parts or materials for the repair or maintenance of existing apparatus.

(2) "Sedan" means self-propelled motorized fire apparatus of which more than 50% of the area behind the windshield is enclosed.

(3) "Service ladder truck" means self-propelled motorized fire apparatus on which the equipment carried consists of service or ground ladders, miscellaneous equipment, and tools.

(4) "Squad car" means self-propelled motorized fire apparatus designed to carry men.

(5) "Salvage car" means self-propelled motorized fire apparatus designed to carry canvas covers, life nets, and similar equipment.

(6) "Rescue car" means self-propelled motorized fire apparatus designed to carry first aid equipment.

(7) "Hose truck" means self-propelled motorized fire apparatus designed to carry fire hose.

(8) "Pumper" means self-propelled motorized fire apparatus carrying a booster tank, a pump, and hose, which is designed primarily to pump water from sources other than its own booster tank.

(9) "Tank truck" means self-propelled motorized fire apparatus carrying a water tank, a pump, and hose, which is designed primarily to pump water from its own water tank rather than from outside sources. The term shall include, but not by way of limitation, so-called "crash trucks".

(10) "Aerial ladder truck" means self-propelled motorized fire apparatus on the chassis of which are combined an aerial ladder and any or all of the following equipment: (i) a complement of service or ground ladders, (ii) fire hose, (iii) a booster tank, (iv) a pump. An aerial ladder truck may also carry miscellaneous equipment.

(11) "Auxiliary pumping unit" means the following types of fire apparatus:

(i) A pump designed to be mounted on the front or side of a self-propelled vehicle and designed to receive its pumping power from the motor of the self-propelled vehicle;

(ii) A pump and motor designed to be mounted on a trailer, skid, or other type of support; and

(iii) A vehicle or other support carrying a pump or a pump and motor of the types described in the preceding subparagraphs of this paragraph (a) (11).

The term does not include any pumps covered by Limitation Order L-192 or L-246, or Schedule VII to Limitation Order L-217.

(12) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 per cent of the weight of all metal in the alloy.

(13) "Specification of the War Production Board" means the specification for 500 and 750 g. p. m. pumpers on file at the offices of the Safety and Technical Equipment Division of the War Production Board, Washington, 25 D. C. (Copies of this specification may be obtained by addressing a communication to the address indicated in paragraph (k) of this order.)

(14) "Manufacturer" means any person engaged in the business of manufacturing, fabricating or assembling motorized fire apparatus.

(15) "Distributor" means any person engaged in the business of purchasing and reselling motorized fire apparatus without further fabrication of such apparatus.

(16) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(b) *Restrictions on manufacture of motorized fire apparatus.* Except as permitted by paragraph (c) of this order, no manufacturer shall take any action to commence, continue or complete the manufacture of:

(1) Any sedan, service ladder truck, squad car, salvage car, rescue car, or hose truck;

(2) Any chassis for use in connection with a pumper carrying a centrifugal pump of 500 g. p. m. capacity, as rated by the National Board of Fire Underwriters, unless such pumper is being manufactured for delivery to or for the account of the Navy of the United States, Lend-Lease, or any person to whom an export license covering the specific equipment has been issued by the Board of Economic Warfare;

(3) Any 1½ ton chassis for use in connection with a tank truck, unless such tank truck is being manufactured for delivery to or for the account of the Navy of the United States or Lend-Lease;

(4) Any pumper except the following types:

(i) Pumpers which carry centrifugal pumps of either 500 or 750 g. p. m. capacities, as rated by the National Board of Fire Underwriters, and which conform to the "Specification of the War Production Board", and

(ii) Pumpers which carry centrifugal pumps of 1000 or 1250 g. p. m. capacity, as rated by the National Board of Fire Underwriters: *Provided, however,* That the manufacture of such pumpers shall not

be commenced until the specifications therefor have been submitted to the War Production Board and have been specifically approved by the War Production Board;

(5) Any tank truck except one having a pump capacity of not more than 400 g. p. m. and carrying a water tank of a capacity of 250 gallons or more, *Provided, however,* That the restrictions set forth in this subparagraph (5) shall not apply to the manufacture of tank trucks for delivery to or for the account of the Army or Navy of the United States or Lend-Lease;

(6) Any aerial ladder truck except one carrying

(i) An extension ladder of not less than 65 feet nor more than 100 feet in length;

(ii) Not more than 500 feet of 2½ inch fire hose, if hose is required;

(iii) A booster tank of not less than 100 gallon nor more than 200 gallon capacity, if a booster tank is required; and (iv) A pump having a capacity of not more than 100 g. p. m., if a pump is required.

(c) *Exceptions.* (1) Notwithstanding the restrictions set forth in paragraph (b) of this order any motorized fire apparatus in the process of manufacture on April 16, 1943, may be completed to fill purchase orders bearing preference ratings which had been assigned to the person placing the order prior to April 16, 1943. Deliveries of such apparatus may be made and accepted without further authorization under paragraph (e) (5) (iii) of this order.

(2) The provisions of paragraphs (b) (2) and (b) (3) of this order shall not be construed to prohibit any alteration or further fabrication of chassis which have been obtained under the provisions of General Conservation Order M-100.

(d) *Restrictions on use of materials in motorized fire apparatus.* Except as specifically authorized by the War Production Board, no manufacturer shall incorporate in the manufacture of any motorized fire apparatus, or of component parts thereof, any aluminum, copper, copper base alloy nickel, chromium, cadmium, tin, zinc, alloy steel, carbon steel, or synthetic rubber, except to the extent permitted in Appendix A, attached to this order.

(e) *Restrictions on sale and delivery of motorized fire apparatus.* (1) No manufacturer or distributor shall install a bell on any motorized fire apparatus, and no person shall sell or deliver any bell which he knows or has reason to believe will be used in connection with motorized fire apparatus;

NOTE: Paragraph (1) amended August 6, 1943.

(2) No manufacturer or distributor shall install any new or used rubber tires on any auxiliary pumping unit, and no person shall sell or deliver any new or used rubber tires which he knows or has reason to believe will be used on an auxiliary pumping unit, except to fill "War Orders" as defined in General Limitation Order M-15-b.

(3) No manufacturer or distributor shall sell, deliver, or otherwise supply:

(i) Any accessories or equipment for use in connection with new motorized fire apparatus other than the types and kinds permitted for pumpers by paragraph D-20 of the "Specification of the War Production Board."

(ii) Any intercooler for use in connection with any auxiliary pumping unit, except where it is to be used in place of a radiator.

(iii) Any tachometer for use in connection with motorized fire apparatus, except tachometers which were completed and in the possession of manufacturers or distributors on April 16, 1943.

NOTE: Paragraph (iii) amended August 6, 1943.

(4) No person shall sell or deliver any suction hose for use in connection with motorized fire apparatus except to fill purchase orders bearing preference ratings of AA-5 or higher;

(5) Subject to the further restrictions contained in paragraph (g) of this order, no person shall sell or deliver any pumper, tank truck, aerial ladder truck, or auxiliary pumping unit, except to or for the account of:

(i) The Army or Navy of the United States;

(ii) Any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(iii) Any other person who has been authorized by the War Production Board on Form PD-556 to receive the specific motorized fire apparatus and has delivered to his supplier a copy of such form signed in the name of the War Production Board.

(6) No person shall purchase or accept delivery of any material if he knows or has reason to believe that the sale or delivery of such material is prohibited by the terms of subparagraphs (1), (2), (3), (4) or (5) of this paragraph (e).

(f) *Authorizations on Form PD-556.* (1) Each person seeking authorization under paragraph (e) (5) (iii) of this order to receive any pumper, aerial ladder truck, tank truck, or auxiliary pumping unit shall prepare Form PD-556 in quintuplicate (copies of which form may be obtained at the local offices of the War Production Board) in the manner prescribed therein, subject to the following instructions:

(i) The form should be filed only by the person (transferee) desiring to receive the specified motorized fire apparatus and not by the person (transferor) desiring to make delivery of such apparatus.

(ii) In describing the apparatus for which application is made, give the type, size, manufacturer's name and any other pertinent descriptive material. Do not fill in columns (b) and (c) of table II.

(iii) Do not fill in sections (6), (7) and (8) of table III.

(iv) Under section (5) of table III state in detail the reasons why the apparatus applied for is needed at this time. (The application cannot be processed unless a full statement is made on this subject.)

(2) Any authorization by the War Production Board on Form PD-556 may be granted subject to any conditions which the War Production Board deems necessary. Such conditions may include the requirement that a different size or type of apparatus be obtained, or any other condition. The War Production Board may also assign a preference rating on Form PD-556 if such rating is deemed necessary.

(g) *Production and shipping schedules and restrictions thereon.* On or before April 26, 1943, and on or before the 15th day of each succeeding calendar month, each manufacturer of motorized fire apparatus shall file with the War Production Board in triplicate on Form PD-774 his proposed production and shipping schedules of motorized fire apparatus for such period as production and shipping may be planned. Upon receipt of such form, the War Production Board will approve or disapprove the proposed production and shipping schedule, or make such changes therein as it shall deem necessary, and will thereupon return to the manufacturer a copy of such form as approved or changed. Notwithstanding any preference rating which any order may bear or any rule or regulation of the War Production Board, each manufacturer shall produce and ship motorized fire apparatus in accordance with his production and shipping schedules as approved or changed by the War Production Board.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(k) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington (25), D. C., Ref: L-43.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

NOTE: Paragraph (6) amended August 6, 1943.

In accordance with paragraph (d) of this order, the following materials may be incorporated in the manufacture of motorized fire apparatus, or of component parts thereof, to the extent indicated below, unless any of the uses specified herein shall conflict with the provisions of any other limitation ("L") or conservation ("M") order, in which case the more restrictive order shall control:

(1) Alloy steel containing chromium, in relief valves and seats and highly stressed steel parts, including axles, shafts and gears, to the extent allowed by the National Emergency Steel Specifications; in engine exhaust valves to the extent permitted by Limitation Order L-128; in pump shafts not exceeding 14%;

(2) Alloy steel containing nickel, in piston pins for engines over 125 horsepower and in heavy duty gears, to the extent allowed by the National Emergency Steel Specifications; and in engine exhaust valves to the extent permitted by Limitation Order L-128;

(3) Aluminum, as authorized in accordance with the provisions of Order M-1-i;

(4) Carbon steel, to the extent essential to the efficient functioning of the parts;

(5) Chromium, in alloy steel as permitted under paragraph (1) of this Appendix A; and in plating to the extent essential to the efficient functioning of the parts plated;

(6) Copper or copper base alloy (of the lowest type and grade which is practical for the particular application), in automotive parts to the extent permitted by Limitation Order L-106; and copper base alloy (of the lowest type and grade which is practical for the particular application), in intercoolers; suction tube caps; discharge valve caps; valves (not including the handles); relief valves; impellers, rings and rotors; and in swivels and rollers in suction hose couplings;

(7) Synthetic rubber, in valve packing, pump packing, hydraulic hose lines and fuel pump lines;

(8) Tin, in copper base alloys (where no tin-free alloy can be used); and in solders and babbitts to the extent permitted by Preference Order M-43;

(9) Zinc, in carburetors, fuel pumps, speedometers, and windshield wipers; in plating to the extent essential to the efficient functioning of the parts plated; and for protection of ferrous parts substituted for nonferrous parts.

[F. R. Doc. 43-12781; Filed, August 6, 1943; 11:20 a. m.]

PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS: SIMPLIFICATION

[Schedule VI to Limitation Order L-272]

WELDING EQUIPMENT GAUGES

§ 3207.7 *Schedule VI to Limitation Order L-272*—(a) *Definition.* A "welding equipment gauge" is any gauge which is designed and manufactured for use on oxyacetylene apparatus. This does not include any gauge for use on acetylene generators or compressed gas pipe lines and manifolds, nor does it include gauges for regulators for the control of therapeutic gases or oxygen respiratory apparatus.

(b) *Specifications.* Welding equipment gauges shall be manufactured according to the following specifications only:

(1) Sizes shall be limited to 2-inch or 2½-inch dial diameter.

(2) Case material shall be zinc plated steel, with black finish inside and out.

(3) Screw ring shall be brass or plated steel, with black finish.

(4) Glass shall be beveled.

(5) Cupped litho silvered dial shall be used, and shall bear the legend: "Use no oil." High pressure gauge dials shall include a residual gas volume scale. No other service markings shall be used; but this does not mean that the gauge manufacturer may not put his name or trademark on the gauge.

(6) Pressure ranges shall be limited to the following: 0-30 lbs.; 0-60 lbs.; 0-100 lbs.; 0-200 lbs.; 0-400 lbs.; 0-600 lbs.; 0-3000 lbs.

(7) All gauge models shall conform to such safety requirements as are prescribed for such gauges by the National Board of Fire Underwriters on August 6, 1943.

(c) *Special provisions.* (1) The exemption provisions of paragraph (c) (1) (i) of Limitation Order L-272 shall not apply to this schedule, which means that welding equipment gauges manufactured to fill existing purchase orders must conform to these specifications. A producer may, however, sell or deliver any completed welding equipment gauges which he has on hand or use up any gauge parts which he has in stock on August 6, 1943.

(2) The provisions of paragraph (c) (2) of Limitation Order L-272 shall not apply to this schedule, which means that welding equipment gauges must conform to the above specifications notwithstanding anything that Limitation Order L-134 says with respect to the use of chromium or nickel in instruments and instrument parts.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12782; Filed, August 6, 1943; 11:20 a. m.]

PART 3230—BROOM MATERIALS AND BROOMS

[General Conservation Order L-283]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials entering into the manufacture of brooms for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3230.1 *General Conservation Order L-283*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(2) "Broom corn" means the plant of the sorghum family used in the manufacture of brooms.

(3) "Fiber" means any fiber used in the manufacture of brooms, excluding broom corn.

(4) "Warehouse broom" means a broom of the type ordinarily used in industrial plants or for some other special industrial, agricultural, mining or commerccial purpose. It does not include push or street brooms.

(5) "Household broom" means a broom of the type ordinarily used for household purposes and includes brooms manufactured for other purposes if they are of the type ordinarily used in the household.

(6) "Producer" means any person who produces, while this order is in effect, more than six hundred (600) brooms during any calendar month.

(7) "Wound broom" means a broom assembled by wrapping wire or twine over the broom corn or fiber to fasten them to the handle.

(8) "Whisk broom" means a small broom of the type ordinarily used for brushing clothes, and includes barber brooms, lobby brooms and the like.

(9) "Metal cap broom" means a broom the handle of which is attached to two metal plates and in which the fiber is secured by clamping these plates over it.

(10) "Metal case broom" means a broom in which the handle and fiber are attached by means of an open top oval band of thin sheet metal.

(11) "Design" of a broom means the make-up, construction and quality in every detail, so that any two brooms of the same design are necessarily identical.

(c) *Restrictions on purchasing and accepting delivery of broom corn.* No producer shall purchase or accept delivery of, or cause to be purchased or delivered for his account, any broom corn if his inventory of broom corn will thereby be increased to an amount in excess of that consumed by him during the six month period ended March 31, 1943.

(d) *Manufacturing restriction applying to all types of brooms.* No producer shall manufacture any broom the handle of which has more than two coats of protective coating (i. e., lacquer, varnish, paint, etc.) *Provided, however,* That no protective coating may be used which must be obtained with a preference rating.

(e) *Manufacturing restrictions applying to wound household and warehouse brooms.* (1) No producer shall manufacture any wound household or warehouse broom:

(i) Finished except by lock, rundown or ring neck finish.

(ii) Having a ring neck finish using more than the number of turns of wire shown in the following schedule:

Weight per dozen:	*Number of turns*
Up to 28 pounds	Not more than 8 turns.
28 to 32 pounds	Not more than 10 turns.
32 pounds and over.	Not more than 14 turns.

(iii) Having a rundown finish more than 1 inch in width (not including the width of the bead).

(iv) Utilizing wire larger than 18½ gauge, Washburn and Moen steel wire

gauge, or wire that is tinned, galvanized, nickled, cadmium coated or finished with enamel or liquor.

(v) Having a metal hanger or cap.

(vi) Utilizing twine having a tensile strength of less than 36 pounds or more than 44 pounds on brooms weighing 32 pounds per dozen or over, or of less than 25 pounds or more than 33 pounds for brooms weighing under 32 pounds per dozen.

(vii) Having more than 4 seams of sewing, if the head measures less than 15 inches; more than 5 seams of sewing if the head measures at least 15 inches but less than 16½ inches; or more than 6 seams of sewing if the head measures more than 16½ inches: *Provided, however,* That if a metal band is used the number of permitted sewings shall be fewer by 2 than the number specified above.

(viii) Having a handle of greater diameter than the following:

	Hardwood (inches)	Softwood (inches)
Broom weight under 32 pounds	1	1 5/16
Broom weight 32 pounds or over	1 5/16	1¼

(ix) Having metal bands, except in brooms weighing 32 pounds or over.

(2) No producer shall use more than 20 designs in manufacturing wound brooms.

(f) *Manufacturing restrictions applying to whisk brooms.* (1) No producer shall manufacture any whisk brooms:

(i) With metal caps, metal hangers or other similar parts made of metal, except metal reinforcements for plush caps.

(ii) Using wire larger than 21 gauge, Washburn and Moen steel wire gauge, except that 20 gauge may be used where the head measures 8 inches or longer.

(iii) Using tinned, galvanized, nickled, cadmium coated wire or wire finished with enamel or liquor.

(iv) Using more than 18 turns of wire on the handle.

(v) Using twine having a tensile strength of less than 18 pounds or more than 24 pounds.

(vi) Having more than one seam of sewing where the head measures less than 5½ inches long, more than 2 seams where the head measure 5½ inches or over but less than 8 inches, or more than 3 seams where the head measures over 8 inches.

(2) No producer shall cut broom corn measuring over 14 inches from the knuckle to the end of the broom corn for use in whisk brooms.

(3) No producer shall use more than 20 designs in manufacturing whisk brooms.

(4) No producer shall produce during any semi-annual calendar period beginning July 1, 1943 more whisk brooms than he produced during the first six calendar months of 1943.

(g) *Manufacturing restrictions applying to metal cap or case brooms.* (1) No producer shall manufacture any metal cap broom using more than 5¼ ounces of metal in the cap (including nails and rivets), except that brooms having over 20 ounces of broom corn or fiber may use up to 6¾ ounces of metal in the cap.

(2) No producer shall manufacture any metal case broom using more than 2 ounces of metal in the case (including nails and rivets), except that brooms having over 20 ounces of broom corn or fiber may use up to 4¾ ounces of metal in the case.

(3) No producer shall manufacture any metal case or metal cap broom:

(i) Using more than one coat of finish on the cap or case;

(ii) Using twine having a tensile strength of less than 27 or more than 35 pounds in brooms having under 20 ounces of broom corn or fiber, or less than 36 pounds or more than 44 pounds in brooms having 20 ounces or more of broom corn or fiber;

(iii) Having any sewings on brooms using cut broom corn or fiber under 9½" long, more than 2 seams of sewing on brooms using corn or fiber over 9½" but less than 13", or more than 3 on brooms using corn or fiber 13" or over, except that 3 seams may be used on hide brooms;

(iv) Using handles having a diameter greater than the following:

	Hardwood (inches)	Softwood (inches)
Brooms having over 20 ounces of broomcorn or fiber	1 5/8	1¾
Other weights	1	1

(v) Using wire bands weighing in the aggregate more than 1¾ ounces per broom.

(vi) Using a metal or wire band in addition to sewings (except on brooms made exclusively of bass or palmyra stalks), or more than one metal or wire bands where there are no sewings.

(4) No producer shall use more than 18 designs in manufacturing metal cap brooms or more than 15 designs in manufacturing metal case brooms.

(h) *Restrictions on the manufacture of toy brooms and hearth brooms.* No producer shall manufacture any toy brooms or hearth brooms.

(i) *Weight standards.* Whenever the weight of a broom is referred to in this order the weight specified is the weight of the broom per dozen using a maple handle. Where other types of handles are used, the weight specified shall be adjusted by the difference between the weight of the handle used and a maple handle. Weights are also specified on the assumption that the broom corn or fiber is dry and similar adjustment shall be made where the broom corn or fiber is wet.

(j) *Exceptions.* The War Production Board may authorize in writing the manufacture of brooms not made in accordance with paragraphs (d) through (h) above where such brooms are required for a particular military, industrial or household purpose. Application for such authorization shall be made by letter describing in detail the broom proposed to be made and stating the need for such broom.

This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(k) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the ground of the appeal.

(l) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C. Ref.: L-283.

(m) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(n) *Effective dates.* Paragraphs (e), (f), (g) and (h) of this order shall take effect on September 1, 1943. All other paragraphs shall become effective immediately.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12783; Filed, August 6, 1943; 11:20 a. m.]

PART 3157—HAULAGE CONSERVATION

[General Haulage Conservation Order T-1 as Amended August 6, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials and facilities for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3157.1 *General Haulage Conservation Order T-1*—(a) *Definitions.* For the purpose of this order (and any lists, supplements or schedules hereto, unless otherwise indicated):

(1) "Controlled delivery" means any delivery (including reconsignment) of any material specified on List 1 or 2 annexed hereto, or on any supplement or schedule hereto, where the delivery is to be made under the conditions specified for such material in such list, supplement or schedule.

(2) "Originate" means to load or to tender or offer to a carrier for delivery.

(3) Any distance or mileage which is specified in any list, schedule or supplement to this order, shall be measured over the shortest route over which carload freight may be transported without transfer of lading.

(4) The boundary of any city or village specifically referred to in any list, schedule or supplement hereto, shall be deemed to include the railroad switching limits as established in duly published rail tariffs.

(b) *List 1 materials.* (1) No person shall originate a controlled delivery of any List 1 material, except as specifically authorized or directed in writing by the War Production Board.

(2) Any person seeking authorization to originate a controlled delivery of any List 1 material may make application on Form WPB-2188 (Formerly PD-782), or, in emergency, by telegram, containing substantially the information called for by such form.

(c) *List 2 materials.* (1) Each person shall report on Form WPB-2188 (formerly PD-782) on or before the 20th day of each calendar month all controlled deliveries of List 2 materials which he then intends to originate during the succeeding calendar month.

(2) Each person shall report on Form WPB-2188 (formerly PD-782) on or before the 10th day prior to originating such delivery any controlled delivery of List 2 materials which he then intends to originate and has not previously reported.

(3) Any person may originate a controlled delivery of List 2 materials reported pursuant to paragraph (c) (1) or (2), unless otherwise specifically directed in writing by the War Production Board.

(4) No person shall originate a controlled delivery of List 2 materials which has not been reported pursuant to paragraph (c) (1) or (2), except as specifically directed or authorized in writing by the War Production Board. Application for such authorization may be made on Form WPB-2188 (formerly PD-782), or, in emergency, by telegram containing substantially the information called for by such form.

(d) *Deliveries originating outside United States.* With respect to any delivery terminating within the forty-eight states or the District of Columbia, but in fact originating elsewhere, the delivery shall, for the purpose of this order and any supplements or schedules hereto, be deemed to have been originated by the consignee at the point of entry.

(e) *Materials covered by supplements and schedules.* The War Production Board may from time to time issue supplements or schedules to this order prescribing conditions governing controlled deliveries of particular materials specified thereon. On and after the effective date of any such supplement or schedule, no person shall make a controlled delivery of any such material except as specified in such supplement or schedule.

(f) *Nonapplicability of order.* This order shall not apply to any carrier when acting in the capacity of a carrier, nor shall it operate as an assignment of, or right to obtain, transportation equipment.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Applicability of other orders.* Nothing contained in this order shall be construed to limit the requirements of any other War Production Board order now or hereafter issued.

(3) *Appeals.* Any appeal from denials of applications or from directions pursuant to this order, or any supplement or schedule hereto, shall be made by filing a letter in triplicate, referring to the particular action appealed from and stating fully the grounds of the appeal.

(4) *Violations.* Any person who wilfully violates any provision of this order, or any supplement or schedule hereto, or who, in connection therewith wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order or any supplement or schedule hereto, shall unless otherwise directed be addressed to: War Production Board, Washington, D. C., Ref.: T-1 (Specify commodity).

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1

ZONED DELIVERIES OF MATERIALS IN BULK (NOT IN CONTAINERS), LOADED OR UNLOADED IN LIQUID FORM

NOTE: Paragraph (3) added August 6, 1943.

1. *Molasses.* Deliveries to any point 200 miles or more distant from the point of origin, originating on or after July 1, 1943, of beet, blackstrap, invert, edible or hydrol molasses. The term molasses shall be construed to include the residuum of such molasses.

2. *Caustic soda (liquid).* Deliveries, originating on or after July 1, 1943, from any point in any one of the following zones to a point in any other such zone, except that

(a) Producers in Zone 2 may originate controlled deliveries without authorization to any point in Area A as defined below,

(b) Producers in Zones 2 and 3 may originate controlled deliveries without authorization to any point in Area B as defined below,

(c) Producers in Zones 2 and 3, except those in Virginia, may originate controlled deliveries without authorization to any point in Area C as defined below,

(d) Producers in Zones 3, 4, and 6, except those in Virginia, may originate controlled deliveries without authorization to any point in Area D as defined below, and

(e) Producers in Zones 5 and 6 may originate controlled deliveries without authorization to any point in Area E as defined below.

First caustic soda zone: The states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York and Delaware; that portion of Pennsylvania east of but not including the counties of Warren, Elk, Clearfield, Centre, Mifflin, Juniata and Franklin; and that portion of Maryland east of but not including the counties of Frederick, Montgomery, Prince Georges, Calvert and St. Marys.

Second caustic soda zone: The District of Columbia; that portion of Pennsylvania and Maryland not included in Zone 1; that portion of Virginia north of the James River as far west as Nelson County, and that portion north of but not including the counties of Nelson and Augusta, plus that portion of Virginia included in the Richmond, Virginia, switching limits as described in duly published tariffs; also South Richmond and Ampthill, Virginia, that portion of West Virginia north of but not including the counties of Pocahontas, Greenbrier, Nicholas, Kanawha, Putnam, Cabell; and that portion of Ohio east of but not including the counties of Adams, Highland, Clinton, Greene, Clark, Champaign, Logan, Auglaize, Allen, Hancock, Seneca, Huron and Erie.

Third caustic soda zone: The states of North Carolina and South Carolina; that portion of Virginia and West Virginia not included in Zone 2; that portion of Kentucky south of but not including the counties of Mason, Bracken, Pendleton, Grant, Owen, Henry, Oldham and Jefferson, and that portion of Kentucky east of but not including the counties of Crittenden, Caldwell, Christian and Todd; that portion of Tennessee east of but not including the counties of Montgomery, Cheatham, Davidson, Williamson, Maury and Lawrence; that portion of Alabama east of but not including the counties of Lauderdale, Lawrence, Winston, Walker, Jefferson, Shelby, Coosa, Elmore, Montgomery, Bullock, Barbour, Henry and Houston; and that portion of Georgia east and north of but not including the counties of Clay, Calhoun, Baker, Mitchell and Grady.

Fourth caustic soda zone: The states of Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Iowa and Indiana; that portion of Kentucky not included in Zone 3 or 5; that portion of the State of Ohio not included in Zone 2; and that portion of Illinois north of but not including the counties of Union, Johnson, Pope and Hardin; and that portion of Missouri north of but not including the counties of Bates, St. Clair, Hickory, Dallas, Laclede, Texas, Shannon, Reynolds, Carter, Butler, Stoddard and Cape Girardeau.

Fifth caustic soda zone: The states of Arkansas, Louisiana, Florida, and Mississippi; that portion of Missouri and Illinois not included in Zone 4; that portion of Kentucky not included in Zone 3 or 4; that portion of Tennessee, Georgia and Alabama not included in Zone 3; that portion of Oklahoma east of but not including the counties of Kay, Noble, Payne, Lincoln, Pottawatomie, Pontotoc, Johnston and Bryan; that portion of Texas east of but not including the counties of Fannin, Hunt, Rains, Van Zandt, Smith, Cherokee, Angelina, Tyler, Hardin and Jefferson.

Sixth caustic soda zone: That portion of Oklahoma and Texas not included in Zone 5.

Seventh caustic soda zone: The state of Montana, Idaho, Wyoming, Colorado, Utah, Arizona and New Mexico, and that portion of the State of Nevada east of but not including the counties of Humboldt, Pershing, Churchill, Mineral and Esmeralda.

Eighth caustic soda zone: The states of Washington, Oregon and California and that portion of Nevada not included in Zone 7.

Caustic soda Area A: The state of New Jersey, the counties of Delaware, Philadelphia, Montgomery and Bucks in Pennsylvania, the counties of Putnam, Westchester, Rockland, Bronx, New York, Richmond, Kings, Queens, Nassau and Suffolk in New York, and Fairfield County in Connecticut.

Caustic soda Area B: The District of Columbia, the states of Delaware and Maryland; that portion of Virginia north of the James

River as far west as the county of Amherst, and that portion of Virginia north of but not including the counties of Amherst, Rockbridge, Botetourt and Craig; that portion of West Virginia north of but not including the counties of Monroe, Summers, Raleigh, Boone, Logan and Mingo, but not including the counties of Marshall, Ohio, Brock and Hancock; the counties of Boyd and Greenup in Kentucky; and that portion of Ohio east and south of but not including the counties of Scioto, Jackson, Vinton, Hocking, Perry, Morgan, Noble and Monroe.

Caustic soda Area C: The counties of Jefferson, St. Louis and St. Charles in Missouri, the counties of Monroe, St. Clair, Madison, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Effingham, Clay, Wayne, Hamilton, White, Edwards, Richland, Jasper, Cumberland, Clark, Crawford, Lawrence and Wabash in Illinois; the counties of Jefferson, Oldham, Trimble, Henry, Carroll, Owen, Gallatin, Grant, Boone, Kenton, Campbell, Pendleton, Bracken and Mason in Kentucky; that portion of Indiana south of but not including the counties of Vermillion, Parke, Putnam, Morgan, Hendricks, Boone, Hamilton, Tipton, Grant, Wells, and Adams; and that portion of Ohio south and west of but not including the counties of Van Wert, Allen, Hardin, Union, Madison, Fayette, Ross, Pike and Scioto.

Caustic soda Area D: The portion of Missouri east and south of but not including the counties of Ripley, Carter, Wayne, Bollinger and Perry; the portion of Illinois south of but not including the counties of Jackson, Williamson, Saline, and Gallatin; the portion of Kentucky west and south of but not including the counties of Union, Webster, Hopkins, Muhlenberg, and Logan; and the portion of Tennessee west of but not including the counties of Robertson, Sumner, Wilson, Rutherford, Marshall and Giles.

Caustic soda Area E: The portion of Texas east and south of but not including the counties of Matagorda, Wharton, Austin, Waller, Grimes, Walker, Trinity, Angelina, San Augustine and Sabine, and the portion of Louisiana south and west of but not including the counties of Sabine, Natchitoches, Rapides, Allen, Jefferson Davis and Vermilion.

(3) *Apple cider, including apple juice and vinegar stock.* All deliveries originating on or after September 1, 1943.

LIST 2

REPORTED DELIVERIES OF MATERIALS IN BULK (NOT IN CONTAINERS), LOADED OR UNLOADED IN LIQUID FORM

Deliveries of any of the following materials to any point 200 miles or more distant from the point of origin, originating on or after July 1, 1943:

1. *Acetone.*
2. *Corn syrup (glucose).*
3. *Ethyl alcohol (including denatured ethyl alcohol)* (except deliveries to or by Defense Supplies Corporation, or of specially denatured ATU Formula No. 18).

[F. R. Doc. 43-12784; Filed, August 6, 1943; 11:20 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 45,[1] Amdt. 2]

EXEMPTION OF BEVERAGE COASTERS AND SEA SHELLS IN HAWAII

A statement to accompany this amendment to Supplementary Order No. 45 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1305.59 (b) is added to read as follows:

(b) The provisions herein with respect to beverage coasters and sea shells shall not be applicable in the Territory of Hawaii.

This amendment shall become effective August 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12747; Filed, August 6, 1943; 9:31 a. m.]

[1] 8 F.R. 5529, 6672.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 200,[1] Amdt. 10]

RUBBER HEELS, RUBBER HEELS ATTACHED, AND ATTACHING OF RUBBER HEELS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 200 is amended in the following respects:

1. Section 1315.1420 is amended by adding the following item to Table I–A under the heading "Men's half heels (all sizes)."

Item	Maximum price for sales to wholesalers[2]	Maximum price for sales to shoe repairmen[2]	Unit of sale to wholesalers and shoe repairmen	Maximum price to consumer for heels attached by shoe repairmen[3] (per pair)
Corded	$1.58	$2.10	1 doz. pairs	$0.55

2. Section 1315.1420 (h) is amended to read as follows:

(h) The maximum price for sales by wholesalers to that class of wholesaler who during March, 1942, purchased rubber heels from wholesalers at prices higher than those set forth in Table I–A for sales to wholesalers is the price set forth in Table I–A for sales of the rubber heels in question to shoe repairmen, less 20 percent. The seller may add to the maximum price calculated in accordance with this paragraph the same proportion of transportation costs incurred in the delivery of rubber heels that the seller required purchasers of the same class to pay during March, 1942, on deliveries of rubber heels. The maximum price determined in accordance with the provisions of this paragraph shall be decreased by 5 percent if the purchaser pays cash within 30 days after delivery of the rubber heels.

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328; 8 F.R. 4681)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12748; Filed, August 6, 1943; 9:27 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 490, 1461, 4917, 6842, 8843, 9135.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 200,[1] Amdt. 11]

RUBBER HEELS, RUBBER HEELS ATTACHED AND THE ATTACHING OF RUBBER HEELS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 200 is amended in the following respects:

1. The preamble is amended by adding a paragraph thereto to read as follows:

In the judgment of the Price Administrator the standardization required by this regulation is the only practicable means of securing effective price control of rubber heels sold in the shoe repair trade.

2. Section 1315.1401 is amended to read as follows:

§ 1315.1401 *Prohibition against dealing in rubber heels, rubber heels attached and attaching rubber heels at prices in excess of the maximum.* On and after September 1, 1942, regardless of any contract or other obligation:

(a) No person shall sell or deliver rubber heels or attached rubber heels in the shoe repair trade at prices in excess of the maximum fixed by this regulation;

(b) No person shall attach rubber heels at prices in excess of the maximum fixed by this regulation;

(c) No person shall buy or receive rubber heels or attached rubber heels in the shoe repair trade, in the course of trade or business at prices in excess of the maximum fixed by this regulation; and

(d) No person shall agree, offer, solicit or attempt to do any of the foregoing.

3. Sections 1315.1402 to 1315.1420 inclusive, are redesignated §§1315.1406 to 1315.1424, respectively.

4. Section 1315.1402 is added to read as follows:

§ 1315.1402 *Maximum manufacturers' prices for rubber heels sold in the shoe repair trade.* The maximum manufacturers' prices for sales of rubber heels in the shoe repair trade are set forth in Appendix A. Those prices vary depending upon whether the heel in question is classed as a "corded", "super", "standard", "competitive", or "special competitive" heel. The classification of a heel for pricing purposes is dependent upon the brand name on the heel and the physical tests the heel can meet. Accordingly, in order to be sold at the maximum price for any of the particular grades in Appendix A, the heel must meet both the physical tests set forth in paragraph (c) of § 1315.1405 for that grade of heel and must be of a brand which is listed in paragraph (a) of § 1315.1405 as belonging to that grade of heel. If the brand name of the heel places it in a higher priced category than the physical tests, the physical tests shall control. If the physical tests place the heel in a higher priced category than the brand name, the brand name shall control. However, in such case, the manufacturer may apply for reclassification of the brand name in accordance with § 1315.1403. If the manufacturer marks the heel with a V-marking in accordance with paragraph (a) of § 1315.1410 to indicate the physical tests that the heel can equal or exceed, the V-marking shall control.

5. Section 1315.1403 is added to read as follows:

§ 1315.1403 *Classification and reclassification of brands.* (a) A manufacturer who introduces a new brand name for a heel or who wishes to have a certain brand name reclassified shall file a report and six pairs of the heel with the Office of Price Administration, Washington, D. C. This report shall include the following:

(1) The abrasion index and tensile strength of the heel.

(2) The classification in which he wishes the brand name to be placed.

(3) A statement indicating that all hee's produced by him that bear that brand name will equal or exceed the quality of the sample heels submitted.

After receipt of the report and samples, the Office of Price Administration will either amend the regulation to classify or reclassify the heel or will deny the request for reclassification.

(b) Every manufacturer who after August 4, 1943, sells a rubber heel, the brand name of which places it in a higher price category than the physical tests it can meet (as set forth in paragraph (c) of § 1315.1405) shall file a report and six pairs of the heel with the Office of Price Administration, Washington, D. C., within five days after he first sells any such heel. The report shall include the abrasion index and the tensile strength of the heel. After receipt of the report and samples, the Office of Price Administration will determine whether the brand name shall be reclassified.

6 Section 1315.1404 is added to read as follows:

§ 1315.1404 *Maximum wholesalers' prices for rubber heels sold in the shoe repair trade and maximum shoe repairmen's prices for rubber heels, attached rubber heels and attaching rubber heels.* Maximum wholesalers' prices for rubber heels and maximum shoe repairmen's prices for rubber heels, rubber heels attached and attaching rubber heels are set forth in Appendix A. Those prices vary depending upon whether the heel in question is classed as a "corded," "super," "standard," "competitive," or "special competitive" heel. If the heel is not marked with a V–1, V–2, V–3 or V–4, the maximum price for selling or attaching the heel or selling it attached depends on the brand name of the heel. The classification of heels by brand names is set forth in paragraph (a) of § 1315.1405. Thus, for example, if a certain brand of heel is listed in that paragraph as being a competitive grade heel and if that heel is not marked with a V–1, V–2, V–3 or V–4, the heel may not be sold, attached or sold attached at a price in excess of that stated in Appendix A for a "competitive grade" heel. If a heel is marked with a V–1, V–2, V–3 or V–4, the maximum price for selling or attaching the heel or selling the heel attached shall depend on the V-marking on the heel. For example, if a heel is marked with a "V–2" it may not be sold, attached or sold attached at a price in excess of the maximum price listed in Appendix A for a V–2 heel.

7. Section 1315.1405 is added to read as follows:

§ 1315.1405 *Price categories for heels.* In §§ 1315.1402 and 1315.1404 it is stated that the maximum price of a heel depends upon whether it is classed as a "corded", "super", "standard", "competitive" or "special competitive" heel. This section is for the purpose of classifying heels into the various price categories set forth in Appendix A.

(a) *Classification of heels, not marked with V–1, V–2, V–3 or V–4, by brand names.*—(1) *Sales by persons, other than manufacturers.* The classifications of heels not marked with a V-symbol for sales by persons other than manufacturers follows:

(i) *Corded.* "Corded" means rubber heels bearing the following brand names and made by the following manufacturers:

CORDED

Brand	Manufacturer
Aristocrat Cord Grip	O'Sullivan Rubber Company
Cat's Paw Super Cord	Holtite Manufacturing Company
Corded Service	O'Sullivan Rubber Company
Biltrite Cord-on-end	Panther Panco Rubber Company
Goodyear Corded	Goodyear Tire & Rubber Company
Gro-Cord	Lima Cord Sole & Heel Company
Pancord Tuffgrip Hy-Bloc Cord-on-end.	Panther Panco Rubber Company
U. S. Royal Cord	U. S. Rubber Company
Verticord	O'Sullivan Rubber Company

(ii) *Super grade.* "Super grade" means rubber heels bearing the following brand names and made by the following manufacturers:

SUPER

Brand	Manufacturer
Adjusto-Wear	Selberling Rubber Company
Aristocrat	O'Sullivan Rubber Company

SUPER—Continued

Brand	Manufacturer
Biltrite	Panther Panco Rubber Company
Borman Pneumatic	Borman Pneumatic Heel Company
Cat's Paw	Holtite Manufacturing Company
Custom-50	Goodyear Tire & Rubber Company
Delux Suprex	B. F. Goodrich Co.—Hood Rubber Co.
Goodrich "D" Plywood-Core	B. F. Goodrich Co.—Hood Rubber Co.
Goodrich Lifelong	B. F. Goodrich Co.—Hood Rubber Co.
G-50	Goodyear Tire & Rubber Company
Monarch Certified	Monarch Rubber Company
Nojar	Cupples Company
No Jar Super 50	Cupples Company
Selberling Bonded	Selberling Rubber Company
Tuffies	The I. T. S. Company
Tufford	The I. T. S. Company
U. S. Super Royal	U. S. Rubber Company

(iii) *Standard grade.* "Standard grade" means rubber heels bearing the following brand names and made by the following manufacturers:

STANDARD

Brand	Manufacturer
Commander	Holtite Manufacturing Company
Fleetfoot 60	New Jersey Rubber Company
Hyflex	Essex Rubber Company
I. T. S.	The I. T. S. Company
Imperial	U. S. Rubber Company
O'Sullivan Service	O'Sullivan Rubber Company
O'Sullivan Stylist	O'Sullivan Rubber Company
Panco Triple Wear	Panther Panco Rubber Company
Presto grip	Cupples Company
Selberling	Selberling Rubber Company
Suprex	B. F. Goodrich Co.—Hood Rubber Co.
U. S. Royal	U. S. Rubber Company
U. S. Royal Nukup	U. S. Rubber Company
Uskide	U. S. Rubber Company
Wingfoot	Goodyear Tire & Rubber Company

(iv) *Competitive grade.* "Competitive grade" means rubber heels bearing the following brand names and made by the following manufacturers:

COMPETITIVE

Brand	Manufacturer
Adlife	Hagerstown Rubber Company
Ambassador	Monarch Rubber Company
Arrow	B. F. Goodrich Co.-Hood Rubber Co.
Cupples Delux	Cupples Company
Cupples Ribbed	Cupples Company
Fleetfoot	New Jersey Rubber Company
Foster	Holtite Manufacturing Company
Gold Crown	Holtite Manufacturing Company
Grippo	Holtite Manufacturing Company

[1] 8 F.R. 1461, 4917, 6842, 8843, 9135.

COMPETITIVE—Continued

Brand	*Manufacturer*
Greyhound	B. F. Goodrich Co.-Hood Rubber Co.
Holtite	Holtite Manufacturing Company
Jax	Holtite Manufacturing Company
L and R	The I. T. S. Company
Mercury	Goodyear Tire & Rubber Company
Monarch	Monarch Rubber Company
Monogram	Panther Panco Rubber Company
Pancrom Diamond Grip	Panther Panco Rubber Company
Portage	Seiberling Rubber Company
Resolute	Goodyear Tire & Rubber Company
Rite Pro	Bradstone Rubber Company
Ritz	The I. T. S. Company
Springstep	U. S. Rubber Company
Tredwell	O'Sullivan Rubber Company
Tite-Edge	Essex Rubber Company
Velveton	Velveton Rubber Heel Corporation

(v) *Special competitive grade.* "Special competitive grade" means rubber heels bearing the following brand names and made by the following manufacturers, or heels bearing no brand name or a brand name not listed in this subparagraph (1).

SPECIAL COMPETITIVE

Brand	*Manufacturer*
Ace	Plymouth Rubber Company
Ace Double Duty	Plymouth Rubber Company
Airway	Donovan Rubber Company
Armortred	Quabaug Rubber Company
Athletic	Queens Rubber Heel Company
Camel	Victor Products Company
Columbia	New Jersey Rubber Company
Coronet	Holtite Manufacturing Company
Daisy	Schacht Rubber Manufacturing Co.
Dictator	Holtite Manufacturing Company
Duwear	Cupples Company
E. Z	Hagerstown Rubber Company
Eagle	Queens Rubber Heel Company
Elmor	Queens Rubber Heel Company
Gueting	Gueting Rubber Company
Gueting Service	Gueting Rubber Company
Hy Way	Holtite Manufacturing Company
Hi Test	Holtite Manufacturing Company
Leviathan	Victor Products Company
New Yorker	Velveton Rubber Heel Corporation
Regent	U. S. Rubber Company
Reliance	U. S. Rubber Company
Roamer	Monarch Rubber Company

SPECIAL COMPETITIVE—Continued

Brand	*Manufacturer*
Royal Balloon	P & B Rubber Company
Runner	Goodyear Tire & Rubber Company
Skylark	Essex Rubber Company
Slipknot	Plymouth Rubber Company
Slipknot Double Duty	Plymouth Rubber Company
Spartan	New Jersey Rubber Company
Surestep	Panther Panco Rubber Company
Tauko	New Jersey Rubber Company
Weartex	Monarch Rubber Company
Windsor	Hagerstown Rubber Company

(2) *Sales by manufacturers.* The classifications of heels not marked with a V-symbol for sales by manufacturers are the same as those set forth in the preceding subparagraph (1). However, the restrictions as to the physical tests the heel can meet which are set forth in paragraph (c) of this section are applicable to sales by manufacturers.

(b) *Classifications of heels marked with V–1, V–2, V–3 or V–4.* The following are the classifications for heels marked with a V-symbol:

Heels marked with—	*Grade*
V–1	Super
V–2	Standard
V–3	Competitive
V–4	Special Competitive

Sellers, other than manufacturers, may rely on the V-symbol that appears on the heel. No manufacturer may mark a heel with a particular V-symbol unless the heel equals or exceeds the physical tests for that V-symbol set forth in paragraph (c).

(c) *Physical tests for heels sold by manufacturers* — (1) *Non-fiber heels.* The following are the physical tests that "non-fiber" heels sold by manufacturers must meet:

Grade	Minimum abrasive index [1]		Tensile strength
	All types except whole heels	Whole heels	
Super (V–1)	23	20	1,000
Standard (V–2)	18	16	800
Competitive (V–3)	13	12	500
Special Competitive (V–4)	8	8	400

[1] No minus tolerance is permitted. The methods of federal specifications EA–ZZ–H–141 and ZZ–R–601a shall be applicable to the specifications.

"Non-fiber heels" are either heels which do not contain any fiber or heels which contain fiber only in one or more plugs, which are placed in the area of greatest wear.

(2) *Corded heels.* A "corded" heel sold by a manufacturer must have a minimum abrasion of 28. If produced after June 19, 1943, it must contain clearly discernible whole cords which at any given level lie generally parallel to each other.

(i) *Segment fiber heels.* "Segment fiber heels" are heels which have a non-fiber base stock and a segment containing fibers placed at the back of the heel in the area of greatest wear. If such heels are produced before June 20, 1943, the physical tests set forth in subparagraph (1) are applicable. However, those tests shall be applied only to the non-fiber portion of the heel. If such heels are produced on or after June 20, 1943, the physical tests applicable shall be those set forth in the next subdivision.

(ii) *Fiber heels.* A "fiber heel" is any heel containing fiber in any portion of the heel. However, for the purposes of this regulation the term "fiber heel" does not include corded heels, segment fiber heels produced before June 20, 1943, or heels which only contain fiber in one or more plugs placed in the area of greatest wear. If the manufacturer wishes, he may apply the physical tests set forth in subparagraph (1) to fiber heels. If those physical tests are used, each compound used in the manufacture of the heels must meet those requirements. If the tests just set forth are not applied, the physical tests for fiber heels shall be their wearing qualitity as compared with non-fiber heels. In such cases, fiber heels shall be deemed to have wearing qualities which are equal to those of a special competitive heel, until tests are made which prove a better wearing quality. If a manufacturer believes that a fiber heel sold by him has wearing qualities that are equal to a higher grade of non-fiber heel than "special competitive", he shall submit eight pairs of the fiber heel and evidence that the fiber heel wears as well as non-fiber heels in the price category in which the manufacturer wishes to place the fiber heel. After receipt of this report, the Office of Price Administration will determine whether the fiber heel wears as well as non-fiber heels in the price category in which the manufacturer wishes to place the fiber heel. Until the Office of Price Administration notifies the manufacturer that the fiber heel has such wearing qualities, the heel may not be sold at a price in excess of that established for special competitive heels.

8. Section 1315.1410 is amended to read as follows:

§ 1315.1410 *Marking and posting*—(a) *Marking.* No person may mark any rubber heels produced after August 4, 1943, for sale in the shoe repair trade with the symbol "V–1," "V–2," "V–3" or "V–4" unless the heel in question can equal or exceed the physical tests for the particular symbol set forth in paragraph (c) of § 1315.1405. If a manufacturer uses such a "V" symbol on rubber heels it shall be marked as follows: All rubber heels, except sport heels and women's scoop lifts, toplifts, toplift strips and toplift blocks, shall have the symbol imprinted prominently on the face of every such heel in the place receiving the least wear. If sport heels and women's scoop lifts, toplifts, toplift strips and toplift blocks are marked with a "V" symbol, they shall be marked in a manner which is approved in writing by the Office of Price Administration. The marking of the unit of sale container (in the case of sport heels, a container for 12 or less pairs of heels) is an approved method of marking sport heels and women's scoop lifts (1 and 3 nail hole) and died out toplifts. A paper sticker on each toplift strip or block is also an approved method of marking toplift strips and toplift blocks.

(b) *Posting.* On and after October 5, 1943, every shoe repairman engaged in the business of selling rubber heels or attached rubber heels or of attaching rubber heels shall keep posted in a conspicuous place in each establishment at which rubber heels are offered for sale, or at which the attaching of rubber heels is contracted for, a poster, provided by the Office of Price Administration, setting forth the maximum prices which he is permitted to charge under this regulation.

9. Section 1315.1424 is amended by revoking footnotes 5 and 6 to Table I–A.

10. Section 1315.1424 (g) is revoked.

This amendment shall become effective August 5, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12749; Filed, August 6, 1943; 9:28 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220,[1] Amdt. 12]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 220 is amended in the following respects:

1. Section 1315.1553 (c) is amended to read as follows:

(c) If a commodity priced under this section contains synthetic or substitute rubber or balata the price of which in effect on August 1, 1943, was lower than the price in effect on March 31, 1942, the manufacturer shall deduct from the price determined in accordance with the provisions of paragraph (a) of this section a differential to be calculated as follows:

(1) Where the manufacturer compounds the synthetic or substitute rubber or balata contained in the commodity, he shall first determine the amount of each type of synthetic or substitute rubber or balata required to produce the commodity. The manufacturer will then multiply this amount by the difference between the price of the synthetic or substitute rubber or balata in effect to him on March 31, 1942, and the price for that material in effect to him on August 1, 1943. The resulting figure is the differential. If the manufacturer customarily sold several sizes, styles or compounds of the commodity at the same price to the same class of purchasers, he shall use the same differential for all sizes, styles or compounds of the commodity that he sold at the same price to the same class of purchasers. This differential shall be calculated in the manner just set forth except that in applying that method the manufacturer shall use the method he customarily used in March, 1942, to arrive at a uniform price. If the manufacturer had no such customary method, he shall use as a basis for calculating the differential that size, style or compound of the commodity of which he sold the largest quantity during the period January 1, 1943, to July 1, 1943.

(2) Where the manufacturer did not compound the synthetic or substitute rubber or balata contained in the commodity he shall first determine the price for the material or part purchased by him which contains synthetic or substitute rubber or balata in accordance with paragraph (a) (1) (ii) (*a*) of § 1315.1557. The manufacturer shall then deduct from that price the first price at which he purchased the material or part containing the synthetic or substitute rubber or balata after August 1, 1943, not to exceed the applicable maximum price. The resulting figure is the differential.

2. Section 1315.1557 (a) (1) (ii) (*b*) is amended to read as follows:

(*b*) The price of any synthetic or substitute rubber or balata used in the calculation of materials costs shall be determined in accordance with the provisions of inferior subdivision (*a*) above except that the date, August 1, 1943, shall be substituted for the dates March, 1942, and March 31, 1942.

3. Section 1315.1557a is added to read as follows:

§ 1315.1557a *Fractions of a cent.* Notwithstanding any other provisions of this regulation, maximum prices determined under this regulation shall be adjusted to the nearest fraction of a cent that the seller customarily used during March, 1942, in pricing commodities in the same line.

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12750; Filed, August 6, 1943; 9:29 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 225,[1] Amdt. 6]

PRINTING AND PRINTED PAPER COMMODITIES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation 225 is amended in the following respects:

1. Section 1347.472 (a) (6) (iv) is hereby revoked.

2. Section 1347.477 (b) is added to read as follows:

(b) *Equalization of maximum prices, established under certain long term contracts, to sellers' general levels of prices as of March 1942.* This paragraph (b) provides a method by which a seller can, in re-negotiating certain long term contracts, restore normal pricing differentials between his various classes of purchasers.

(1) To establish a maximum price under this paragraph (b), a seller must prove to the Office of Price Administration that prior to April 1942, he had put into effect a price increase and made delivery or supply pursuant thereto of:

(i) The same or a similar commodity or service, or

(ii) Most commodities or services produced or supplied by him which are comparable to the commodity or service being repriced.

He must also prove that his reason for having delivered, supplied, or offered to deliver or supply this article or service during March, 1942 at a lower price than is reflected in his general March price level was a contract entered into before his general price increase and before January 1, 1942.

(2) If the seller meets the requirements of subparagraph (1) above, his maximum price shall be:

(i) The highest price which he charged on deliveries or supplies during March 1942, of the same or a similar commodity or service to a purchaser of a different class, adjusted to reflect his customary differential in price between the two classes of purchasers or, if he had no customary differential, the actual percentage differential existing at the date of the contract; or

(ii) If he made no delivery or supply of the same or a similar commodity or service to any other class of purchasers during March 1942, then his maximum price shall be computed according to the pricing formula in §§ 1347.453 or 1347.454 (b), whichever shall be applicable.

(3) Every seller determining a maximum price under the provisions of this paragraph (b), shall, before making a sale at such a price, file a report with the Office of Price Administration, Printing and Publishing Unit, Reference 695, Washington, D. C., specifying in full detail all of the data necessary to prove the requirements of this section. If the new maximum price has been

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7282, 8936, 8948, 11111; 8 F.R. 1584, 2667, 4130, 3942, 5909, 6043, 7497.

[1] 8 F.R. 4181, 7382.

calculated under subparagraph (2) (i), OPA Form No. 695–406 shall be used; if under paragraph (2) (ii), OPA Form No. 695–407. These forms may be obtained from any regional or district office of the Office of Price Administration or its national office in Washington, D. C. Unless the Office of Price Administration shall, by letter mailed to the applicant within 21 days from the date of the filing of this report, disapprove the maximum price as reported, this price shall be deemed to have been approved, subject to nonretroactive written disapproval or adjustment at any later time by the Office of Price Administration.

(4) Any seller whose maximum price for the sale of a commodity or service is established and approved under this § 1347.477, paragraph (b), shall promptly send written notice thereof to every purchaser of the class for which a maximum price has thus been established.

This amendment shall become effective August 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12752; Filed, August 6, 1943; 9:28 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 201,[1] Amdt. 6]

VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1418.113 (a) (4) is amended to read as follows:

(4) "The direct cost to the seller" means the price which the seller paid for the commodity, which in no event may exceed the maximum price established by any applicable price regulation or order, less discounts allowed to the seller plus all costs of shipment actually incurred by the seller: *Provided*, That in computing the costs of shipment incurred by the seller, war risk insurance costs shall not exceed the amount represented by the charge for war risk insurance by the War Shipping Administration on an identical shipment.

This amendment shall become effective August 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12761; Filed, August 6, 1943; 9:31 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6269, 6744, 8947, 10231, 10790; 8 F.R. 1860.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 9]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII; FISH AND SEAFOOD, ETC.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 20, Table VII is amended by adding the words "per pound" in the title after the word "Maximum prices".

2. Section 32, Table XIX is amended by adding the item "12 ounce bottles, 24 to a case" after the item "11½ ounce bottles, 24 to a case", to read as follows:

	Maximum price at wholesale (per case)	*Maximum price at retail (each)*
12 ounce bottles, 24 to a case	$4.90	$0.25

This amendment shall become effective August 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12762; Filed, August 6, 1943; 9:31 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 374,[2] Amdt. 2]

JEWELRY AND CERTAIN OTHER ARTICLES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1 is amended by deleting the last sentence, which starts "In no case" and ends "General Maximum Price Regulation for Hawaii".

This amendment shall become effective August 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12763; Filed, August 6, 1943; 9:30 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14[3] to GMPR,[4] Amdt. 12]

DOMESTIC WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended by adding section 2.18 to Article II thereof to read as follows:

SEC. 2.18 *Domestic wines: Records and reports required from brand owners*—(a) *Brand names in use during March 1942*—(1) *Report of brand description.* On or before September 10, 1943, every owner of a brand name used during March 1942 for sales of domestic wines shall report the brand description of the domestic wines sold thereunder and his maximum prices therefor to the Office of Price Administration, Washington, D. C. If the brand name was used during March 1942 for sales of more than one type of domestic wines, the brand owner shall make a separate report for each such type.

(2) *Forms for brand names in use during March 1942*—(i) *Where brand description has not been changed.* If the brand name is one which the owner used during March 1942 and the type of domestic wines is the same type sold thereunder during March 1942, the report shall be on Form 635–369a as set forth at paragraph (e) of this section.

(ii) *Where brand description has been changed.* If the brand name is one which the owner used during March 1942 but the brand description differs in any respect from the brand description covering the domestic wines sold thereunder during March 1942, the report shall be on Form 635–369b as set forth at paragraph (e) of this section.

(b) *Brand names in use on August 5, 1943 but not in use during March 1942*—(1) *Report of brand description.* On or before September 10, 1943, every owner of a brand name not used during March 1942 for sales of domestic wines, but being used for that purpose on August 5, 1943, shall report the brand description of the domestic wines being sold thereunder and his maximum prices therefor to the Office of Price Administration, Washington, D. C. If such brand name is being used for more than one type of domestic wines, the brand owner shall make a separate report for each brand description.

(2) *Form for brand name not in use during March 1942.* If the brand name is one which the owner did not use during March 1942 the report shall be on Form 635–369c as set forth at paragraph (e) of this section.

(c) *Brands introduced after August 4, 1943; and changes in brand description after August 4, 1943 of brands sold during March 1942.* (1) Brand introduced after August 4, 1943. An owner of a brand who after August 4, 1943 desires:

(i) To sell any domestic wines of any brand description under a brand name not used for that purpose since March 1, 1942; or

(ii) To sell domestic wines of any brand description not in use either during March 1942 or on August 5, 1943 shall file a report with the Office of Price Administration, Washington, D. C. Such report shall be on Form 635–369c as set forth at paragraph (e) of this section.

(2) *Changes in brand description after August 4, 1943 of brand name sold during March 1942.* An owner of a brand name used during March 1942 who after August 4, 1943 desires to sell domestic wines of a changed brand description under such brand name shall file a report with the Office of Price Administration, Washington, D. C. Such report shall be on Form 635–369b as set forth at paragraph (e) of this section.

(3) *Time within which reports must be filed.* The reports required to be filed under paragraph (c) shall be filed at least 20 days before the brand owner offers for sale, sells or delivers the commodity for which the report is required.

(d) *Explanations and definitions*—(1) *Explanations.* (i) Each report required by this section shall contain the information and be on the form required under the applicable paragraph thereof. Forms for reports are available at regional and district offices of the Office of Price Administration, or at its principal office in Washington, D. C. Duplicate copies of reports are not required and a report once properly made need not be repeated.

(ii) The brand description required by this section for domestic wines shall be as follows:

(*a*) Class of wine, such as

Grape wine
Citrus wine
Fruit wine
Wine from other agricultural products
Vermouth
Imitation, concentrate or substandard wine

(Unless otherwise designated a brand description using only the word "wine" will be classed as "grape wine" so the words "grape wine" need not be included in the brand description if the word "wine" is used.)

(*b*) Kind of wine, such as

Still wine
Sparkling wine
Carbonated wine

(The brand description must indicate whether a wine is a "sparkling wine" or a "carbonated wine," and any wine not so designated will be considered as a "still wine" so that the words "still wine" need not be included in the brand description.)

(*c*) Type of wine, such as

Sherry	Catawba
Port	Barbera
Muscatel	Zinfandel
Claret	Hock
Chablis	Muscat
Sauterne	Champagne
Concord	Burgundy
Marsalos	Chianti
Madeira	Cabernet
Scuppernong	Riesling
Angelica	Moselle
Tokay	Malaga
Rhine	Haut Sauterne

and in the case of all wines made from fruits, berries and other agricultural products the name of the commodity from which made, such as

Apple	Gooseberry
Blackberry	Loganberry
Currant	Cherry

(*d*) Sub-type designation, such as

Natural	Old fashioned
Dry	Pink
Pale dry	Wild
White	Secco-pio
Red	Wild mountain
Sweet	Light

NOTE: If a vintage designation is used in the brand description it shall be included as part of the type and sub-type description.

(*e*) Appellation of origin, such as

California	Lake Erie Islands
New York State	Livermore Valley
American	Cucamonga Valley
Napa Valley	Georgia

(*f*) Alcoholic content must be stated in the case of wines containing 14 percent or more of alcohol by volume. In the case of wines containing less than 14 percent alcohol by volume the alcoholic content may, but need not, be stated.

(*g*) Where the label or labels used by a brand owner for any particular brand description contain all the information required under this subdivision (ii) the label or labels may be submitted in lieu of a written brand description.

(iii) Neither acceptance by the Office of Price Administration of any report filed under this section, nor its failure to act thereon shall constitute approval of the maximum prices listed by a brand owner in the report.

(2) *Definitions.* For the purposes of this section:

(i) "Owner of a brand name" or "brand owner" means the person such as a vintner, bottler, packer, wholesaler or retailer licensed to use or entitled to exclusive use of the brand name for sales of domestic wines of a particular brand description.

(ii) "Label" or "labels" means the label or labels affixed to the bottle or other unit of sale of domestic wines in accordance with Regulation No. 4 relating to the Labeling and Advertising of Wine, As Amended, issued by the Federal Alcohol Administration.

(iii) A brand name shall be deemed "used" during or at a particular time if domestic wines were then being sold or offered for sale thereunder.

(iv) "Domestic wines" means California Grape Wine as defined in section 2.11, fruit wines, berry wines and grape wines (other than California grape wines) as defined in section 2.15, also citrus wine as defined in Class 4, wine from other agricultural products as defined in Class 6, vermouth as defined in Class 7, imitation and sub-standard wine and concentrates as defined in Class 8 of Regulation No. 4 relating to Labeling and Advertising of Wine, As Amended, issued by the Federal Alcohol Administration.

(e) *Sample forms.*

Form Approved
Budget Bureau No. 08–R527
OPA Form 635–369a

OFFICE OF PRICE ADMINISTRATION

WASHINGTON, D. C.

Report for Brand of Domestic Wines

[Filed Pursuant to Section 2.18 of Revised Supplementary Regulation No. 14]

[Use This Form Only for Brand Names Sold During March 1942, Where No Brand Description Change Has Been Made]

Brand Name_____
Name of brand owner filing report_____
Name of person filing this report_____
Address_____
Street City State

Maximum price per case brand owner charged during March 1942. Prices should include Federal taxes in effect March 31, 1942 but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

Class of purchaser	Maximum price per case			F. o. b. following shipping point
	Quarts	Fifths	Other size (specify)	
Monopoly States				
Open State Wholesalers				
Retailers				
Others (Specify)				

March 1942 brand description (*See section 2.18 (d). Copy all data on March 1942 labels, or paste actual labels hereon.*

Remarks:

CERTIFICATION

I hereby certify and represent to the Office of Price Administration, an agency of the United States, that I am the brand owner named above, or his agent duly authorized to make this certification in his behalf, that the statements and representations herein made are true.

Notice: Section 35 (a) of the United States Criminal Code makes it a criminal offense, punishable by a maximum ten years' imprisonment, $10,000 fine, or both to make a false statement or representation to any Department or Agency of the United States.

Signature of Brand Owner—If a Corporation, this form should be signed by an authorized officer of the Company

Title_____
Date_____

Form Approved
Budget Bureau No. 08–R528

OPA Form 635–369b

OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

Report for Brand of Domestic Wines

Filed Pursuant to Section 2.18 of Revised Supplementary Regulation No. 14

Use This Form Only If Brand Name Is Retained and Brand Description Sold in March 1942 Has Been Changed

Brand Name_____
Name of Brand Owner filing report_____
Name of person filing this report_____
Address_____
Street City State

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270.

[2] 8 F.R. 5313, 10269.

[3] 8 F.R. 9787, 9880.

[4] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

Brand owners' ceiling prices per case as of March 1942. Prices should include Federal taxes in effect March 31, 1942 but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

Class of purchaser	Maximum price per case			F. o. b. following shipping point
	Quarts	Fifths	Other size (specify)	
Monopoly States				
Open State Wholesalers				
Retailers				
Others (Specify)				

Remarks:
Brand Descriptions (See sections 2.18 (d)).
March 1942 Brand Description.
New Brand Description.
Copy all data on March 1942 labels, or paste actual labels hereon:
Brand Owner's Present or Proposed Ceiling Prices per case of the New Brand Description.
Prices should include Federal taxes in effect March 31, 1942 but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

Class of purchaser	Maximum price per case			F. o. b. following shipping point
	Quarts	Fifths	Other size (specify)	
Monopoly States				
Open State Wholesalers				
Retailers				
Others (Specify)				

METHOD USED TO DETERMINE MAXIMUM PRICES

I. Our first sale of domestic wines of the new brand description to any class of purchaser was made on _____.
(Date)

II. Our new ceilings were determined in the following manner:
A. Under OPA Order No. _____ (if order has been issued) (If OPA order was issued, Parts III and IV below need not be answered).
B. By reference to our ceiling prices for sales of a similar brand _____.
C. By reference to a competitor's prices for sales of a brand:
Having the same brand description _____.
Having a similar brand description _____.

III. To determine ceiling prices in the manner indicated above we used as:
A brand having the { same / similar } brand description _____
(State brand name)
Ceiling price of this brand $_____ per _____.
From what source was this ceiling price obtained _____
Sold by: _____
(Name)
Address: _____
(Street) (City) (State)
This brand was considered similar because:
(State reasons) _____

IV. We wish to submit the following additional information which we consider pertinent to establishment of our maximum prices for the new brand description. (Use additional pages if necessary) _____

CERTIFICATION

I hereby certify and represent to the Office of Price Administration, an agency of the United States, that I am the brand owner named above, or his agent duly authorized to make this certification in his behalf, that the statements and representations herein made are true.

NOTICE: Section 35 (a) of the United States Criminal Code makes it a criminal offense, punishable by a maximum of ten years' imprisonment, $10,000 fine, or both to make a false statement or representation to any Department or Agency of the United States.

Signature of Brand Owner.—If a Corporation, this form should be signed by an authorized officer of the Company
Title _____
Date _____

Form Approved
Budget Bureau No. 08–R529

OPA Form 635–369c

OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

Report for Brand of Domestic Wines

[Filed Pursuant to Section 2.18 of Revised Supplementary Regulation No. 14]

[Use this form only for brand names not sold by Brand Owner during March 1942]

Brand Name _____
Name of Brand Owner filing report _____
Name of Person filing this report _____
Address _____
(Street) (City) (State)

Brand Description (See section 2.18 (d)). Copy all data on labels or paste actual labels hereon.

Brand Owner's present or proposed ceiling price per case of the new brand description.

Prices should include Federal taxes in effect March 31, 1942 but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

Class of purchaser	Maximum price per case			F. o. b. following shipping point
	Quarts	Fifths	Other size (specify)	
Monopoly States				
Open State Wholesalers				
Retailers				
Others (Specify)				

METHOD USED TO DETERMINE MAXIMUM PRICES

I. Our first sale of domestic wines of the new brand description to any class of purchaser was made on _____.
(Date)

II. Our new ceilings were determined in the following manner:
A. Under OPA Order No. _____ (if order has been issued) (If OPA order was issued, Parts III and IV below need not be answered).
B. By reference to our ceiling prices for sales of a similar brand _____.
C. By reference to a competitor's prices for sales of a brand:
Having the same brand description _____.
Having a similar brand description _____.

III. To determine ceiling prices in the manner indicated above we used as:
A brand having the { same / similar } brand description _____
(State brand name)
Ceiling price of this brand $_____ per _____.
From what source was this ceiling price obtained _____
Sold by: _____
(Name)
Address: _____
(Street) (City) (State)
This brand was considered similar because:
(State reasons) _____

IV. We wish to submit the following additional information which we consider pertinent to establishment of our maximum prices for the new brand description. (Use additional pages if necessary) _____

CERTIFICATION

I hereby certify and represent to the Office of Price Administration, an agency of the United States, that I am the brand owner named above, or his agent duly authorized to make this certification in his behalf, that the statements and representations herein made are true.

NOTICE: Section 35 (a) of the United States Criminal Code makes it a criminal offense, punishable by a maximum of ten years' imprisonment, $10,000 fine, or both to make a false statement or representation to any Department or Agency of the United States.

Signature of Brand Owner.—If a Corporation, this form should be signed by an authorized officer of the Company.
Title _____
Date _____

This amendment shall become effective August 11, 1943.

NOTE: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12764; Filed, August 6, 1943; 9:29 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[1] AMDT. 13]

CERTAIN PACKED FOOD PRODUCTS: GRADE LABELING

A statement of the considerations involved in the issuance of this amendment has been filed with the Division of the Federal Register.*

Sections 1341.565 (e) and (f) are revoked.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12751; Filed, August 6, 1943; 9:27 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 270,[2] Amdt. 7]

DRY EDIBLE BEANS, SALES EXCEPT AT WHOLESALE AND RETAIL: GRADE LABELING

A statement of the considerations involved in the issuance of this amendment has been filed with the Division of the Federal Register.*

1. Section 1351.1205 is amended to read as follows:

§ 1351.1205 *Statement of grades in certain cases.* (a) Every country shipper making a sale of dry edible beans in any quantity or container type or size shall state on the invoice, or other document of sale, and if he wishes, he may also state on the container or on a tag or label attached to the container, the "United States Grade" of the dry edible beans being sold. If the state within which the sale is made requires it, he may also state the appropriate "state grade". He shall employ no designation of grade other than "United States grade" or "state grade", as defined in the next paragraph.

(b) When used in this paragraph "United States grade" means the standards and grades of dry edible beans set forth in the "United States standards for Beans" issued by the United States Department of Agriculture. "State grade" means standards and grades promulgated by any State or agency thereof under authority of an act of the State legislature permitting the establishment of such standards and grades.

(c) Nothing in this regulation shall be construed as permitting the shipment in intrastate commerce of any grades of dry edible beans which are prohibited, by the laws of any State, from being so shipped.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong. Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12757; Filed, August 6, 1943; 9:25 a. m.]

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 1114.
[2] 8 F.R. 1061.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421,[1] Amdt. 2]

CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE: MALTED MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 421 is amended in the following respects:

1. In section 32 (a), item (3) of Table A is amended to read as follows:

TABLE A—MARK-UP FIGURES TO BE USED BY WHOLESALERS IN FIGURING CEILING PRICES FOR ITEMS COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Figures to be multiplied by net cost			
	Class 1	Class 2	Class 3	Class 4
	Retailer-owned cooperatives	Cash and carry	Service and delivery	Institutional
3. Cocoa, chocolate, and cereal drink preparations	1.07	1.085	1.125	1.175

2. Section 32 (b) (3) is amended to read as follows:

(3) "Cocoa, chocolate, and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35% malted milk, chocolate syrup, chocolate bits, and cooking chocolate. Excluded are chocolate confections, bittersweet bars, milk chocolate, powdered milks, malted milk, and any preparation containing 35% or more malted milk. Also excluded are any items which are bought by you in bulk and sold loose.

3. In section 32 (c) the following item is added in alphabetical order to the list of commodities excluded: "Malted milk and any preparation containing 35% or more malted milk."

This amendment shall become effective August 5, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12753; Filed, August 6, 1943; 9:26 a. m.]

[1] 8 F.R. 9388, 10569.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 2]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES: MALTED MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 423 is amended in the following respects:

1. In section 38 (a), item (3) of Table A is amended to read as follows:

TABLE A.—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over net cost	
	Group 3. Retailer other than independent, with annual volume under $250,000	Group 4. Any retailer with annual volume of $250,000 or more
3. Cocoa, chocolate, and cereal drink preparations	*Percent* 22	*Percent* 21

2. Section 38 (b) (3) is amended to read as follows:

(3) "Cocoa, chocolate, and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35% malted milk, chocolate syrup, chocolate bits, and cooking chocolate. Excluded are chocolate confections, bittersweet bars, milk chocolate, powdered milks, malted milk, and any preparation containing 35% or more malted milk.

3. Section 38 (b) (5) is amended to read as follows:

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, swieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

4. In section 38 (b) (37) the following item is added in alphabetical order to the list of commodities included under "Miscellaneous foods": "Cookies, crackers, toast, and crumbs" bought by you in bulk and sold loose."

5. In Section 38 (c) the following item is added in alphabetical order to the list of commodities excluded: "Malted milk and any preparation containing 35% or more malted milk."

This amendment shall become effective August 5, 1943.

[1] 8 F.R. 9395, 10569.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12754; Filed, August 6, 1943; 9:26 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[1] Amdt. 2]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES): MALTED MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 423 is amended in the following respects:

1. In section 27 (a), item (3) of Table A is amended to read as follows:

TABLE A—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over "net cost"—Independent retailers with annual volumes	
	Group 1—under $50,000	Group 2—$50,000 but less than $250,000
3. Cocoa, chocolate, and cereal drink preparations	*Percent* 29	*Percent* 29

2. Section 27 (b) (3) is amended to read as follows:

(3) "Cocoa, chocolate, and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35% malted milk, chocolate syrup, chocolate bits, and cooking chocolate. Excluded are chocolate confections, bittersweet bars, milk chocolate, powdered milks, malted milk, and any preparation containing 35% or more malted milk.

3. Section 27 (b) (5) is amended to read as follows:

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, swieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

4. In section 27 (b) (37) the following item is added in alphabetical order to the list of commodities included under "Miscellaneous foods": "Cookies, crackers, toast, and crumbs" bought by you in bulk and sold loose.

5. In section 27 (c), the following item is added in alphabetical order to the list of commodities excluded: "Malted milk and any preparation containing 35% or more malted milk."

This amendment shall become effective August 5, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12755; Filed, August 6, 1943; 9:26 a. m.]

PART 1358—TOBACCOS

[MPR 283,[1] Amdt. 4]

BURLEY TOBACCO (1942 CROP): GRADE LABELING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1358.161 (c) is revoked.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12758; Filed, August 6, 1943; 9:25 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] as Amended, Amdt. 97]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The following item is added to § 1390.33 (c) in alphabetical order:

Replacement units and assemblies for mechanical refrigerators having a refrigerated volume of 16 cubic feet or less.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 8781; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12760; Filed, August 6, 1943; 9:25 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9407, 10570.

[1] 7 F.R. 10224.

[1] 7 F.R. 5047.

Chapter XVIII—Office of Economic Stabilization

Subchapter A—Office of the Economic Stabilization Director

[Regulation 1]

PART 4002—REGULATIONS ON GRADING AND GRADE LABELING

GRADING AND GRADE LABELING OF MEATS

Pursuant to the provisions of the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public Law No. 729, 77th Congress, 2d Session), Executive Order No. 9250, dated October 3, 1942, and Executive Order No. 9328, dated April 8, 1943, and in order to prevent the breakdown of existing price controls essential to stabilization of the cost of living and to aid in the effective prosecution of the war by preventing dislocations in the distribution of meat and meat products, the following regulation is hereby issued:

Sec.
4002.1 Prohibition against dealing in or storing meat unless graded and grade marked.
4002.2 Duty to maintain and identify grades of beef and veal.
4002.3 Duty to maintain and identify grades of lamb and mutton.
4002.4 Provisions applicable to sellers of beef, veal, lamb or mutton at retail.
4002.5 Enforcement.
4002.6 Definitions.
4002.7 Effective date.

AUTHORITY: §§ 4002.1 to 4002.7, inclusive, issued under E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

§ 4002.1 *Prohibition against dealing in or storing meat unless graded and grade marked.* No person shall sell, offer to sell, ship, deliver, store or retain in his possession and no person in the course of trade or business shall buy or receive any beef, veal, lamb or mutton unless such beef, veal, lamb or mutton has been graded and grade marked in the manner required by this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 4002.2 *Duty to maintain and identify grades of beef and veal.* No person shall sell, offer to sell, ship, deliver or break, and no person in the course of trade or business shall buy or receive any beef carcass or wholesale cut or veal carcass or wholesale cut unless each such carcass and wholesale cut has been identified by grade in accordance with the provisions of this section. No custom slaughterer shall ship, deliver or break and no person shall receive or accept any beef carcass or wholesale cut or veal carcass or wholesale cut unless such carcass and wholesale cut has been identified by grade in accordance with the provisions of this section. Each person shall maintain uniform grades, as specified in paragraph (a) of this section; shall determine his maximum prices for beef and veal pursuant to Revised Maximum Price Regulation No. 169, Beef and Veal Carcasses and Wholesale Cuts,[1] upon the basis of such uniform grades rather than upon the basis of his own grades, as provided in paragraph (b) of this section; and shall have his products identified by grade designations, as provided by paragraph (c) of this section.

(a) *Uniform grades.* (1) Beef carcasses and the wholesale cuts therein contained derived from steers, heifers and cows shall be graded into the following uniform grades: choice, good, commercial, utility, cutter and canner; except, that no cow carcass or wholesale cut shall be graded choice. Beef carcasses and wholesale cuts derived from bulls and stags shall be graded in the same manner, except that no bull carcass or wholesale cut shall be graded choice or good, and no stag carcass or wholesale cut shall be graded choice. In determining the grade of each beef carcass, the "Specifications for Official United States Standards for Grades of Carcass Beef"[2] set forth in § 1364.528 of Revised Maximum Price Regulation No. 169, Beef and Veal Carcasses and Wholesale Cuts, and incorporated herein by reference, shall be used and the grade of such carcass shall apply to each wholesale cut derived therefrom, except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade, choice, and the specifications therein for the two grades cutter and canner shall be combined and treated as a single grade.

(2) Veal carcasses and the wholesale cuts therein contained shall be graded into the following uniform grades: Choice, good, commercial, utility and cull. In determining the grade of each such carcass the "Specifications for Official United States Standards for Grades of Veal and Calf Carcasses"[3] set forth in § 1364.529 of Revised Maximum Price Regulation No. 169, and incorporated herein by reference, shall be used and the grade of such carcass shall apply to each wholesale cut derived therefrom, except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade, choice.

(b) *Duty to determine maximum prices on the basis of uniform grades.* The word "grade" as used in this section means any uniform grade referred to in paragraph (a) of this section and shall not be construed to mean the private grade of an individual seller.

Irrespective of the private grading system heretofore used by the seller, it shall be the duty of the seller, except as provided in paragraph (c) (3) to have classified into the uniform grades provided for in paragraph (a) of this section, by an official grader of the United States Department of Agriculture, the beef carcasses and beef wholesale cuts of cattle and the veal carcasses and veal wholesale cuts of calves slaughtered by the seller or sold by the seller, and then to determine the maximum price for each grade of beef carcass and beef wholesale cut by reference to §§ 1364.451 and 1364.452 of Revised Maximum Price Regulation No. 169 and for each grade of veal carcass and veal wholesale cut by reference to §§ 1364.466 and 1364.467 of Revised Maximum Price Regulation No. 169.

(c) *Duty to identify products by grade marks.* (1) No person shall sell, offer to sell, ship, deliver or break any beef or veal carcass unless a stamp has been placed thereon with harmless marking fluid conforming to the formula for violet branding fluid approved by the United States Department of Agriculture, Bureau of Animal Industry, set forth in § 1364.526 of Revised Maximum Price Regulation No. 169, and incorporated herein by reference, marking the appropriate grade letter, as hereinafter designated, in such manner as to identify by such letter the uniform grade of each beef wholesale cut or veal wholesale cut which may be derived from the carcass, except that in the case of a calf or veal carcass sold with the skin on, the grade letter shall be stamped only on the shanks and briskets. The purchaser of a calf or veal carcass with the skin on shall not sell, offer to sell, ship or break such carcass after removal of the skin unless a stamp has been placed thereon, marking the appropriate grade letter, as hereinafter designated, in such manner as to identify by such letter the uniform grade of each veal wholesale cut which may be derived from such carcass.

The term "bull" or "stag" as the case may be shall be similarly stamped on all bull and stag carcasses and wholesale cuts. The grade and prescribed sex identification of each beef carcass and wholesale cut and veal carcass and wholesale cut must appear on the seller's invoice.

(2) The appropriate grade letter for each uniform grade shall be as follows:

Beef grade	Grade letter	Veal grade
Choice	AA	Choice.
Good	A	Good.
Commercial	B	Commercial.
Utility	C	Utility.
Cutter and Canner	D	Cull.

The grade letter shall be at least ½ inch in height and width. In stamping any beef or veal carcass determined by an official grader of the United States Department of Agriculture to conform to the grade standards contained in Revised Maximum Price Regulation No. 169, such official grader may use the grade designations U. S. choice or choice, U. S. good or good, U. S. commercial or commercial, U. S. utility or utility, U. S. cutter or cutter, U. S. canner or canner, U. S. cull or cull, whichever is appropriate, in lieu of the grade letters established in the subparagraph.

(3) (i) No person shall sell, offer to sell, ship, deliver or break any beef or veal carcass irrespective of grade unless such carcass has been examined and graded by an official grader of the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc."[4] as modified to the extent set forth in § 1364.527 of Revised Maximum Price Regulation No. 169, which is incorporated herein by reference, and unless a stamp has been placed upon such carcass by such official grader in the manner set forth in paragraph (c) (1) of this section: *Provided,* That in any instance where any person is unable to procure the services of an official grader within 24 hours after such person has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) contained in § 1364.527 of Revised Maximum Price Regulation No. 169, then the provisions of this subparagraph shall not apply, for so long a period as the Food Distribution Administration of the United States Department of Agriculture certifies in writing that it is unable to provide such person with the services of an official grader. During such period such beef and veal carcasses shall be graded by the slaughterer in the manner provided in paragraphs (a), (b), (c) (1) and (c) (2) of this section.

(ii) If the slaughterer is a farm slaughterer or if he is primarily the resident operator of a farm engaging only casually, and not as a business, in slaughtering cattle or calves as a service for others, he shall not be required to have the cattle or calves slaughtered by him graded by an official grader of the United States Department of Agriculture. Such beef or veal as is sold by such slaughterer or is slaughtered by him as a service for sale by others shall be graded by him in accordance with the requirements of paragraphs (a), (b), (c) (1) and (c) (2) of this section.

"Farm slaughterer" as used in this subparagraph (c) (3) (ii) and in § 4002.3, (c), means a person chiefly engaged in producing agricultural products as the resident operator of a farm, who did not deliver meat in 1941 of a live weight of more than 10,000 pounds and whose current slaughter is not in excess of that permitted such slaughterers under Food Distribution Order No. 27[5] or any superseding order.

(4) Whenever any person having a financial interest in any beef or veal carcass which has been graded and grade stamped by an official grader pursuant

[1] 8 F.R. 4097, 4787, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066, 9300, 9995.

[2] Service and Regulatory Announcement No. 99, Official United States Standards for the Grades of Carcass Beef, United States Department of Agriculture, Food Distribution Administration, issued as amended May, 1942.

[3] Service and Regulatory Announcement No. 114, Official United States Standards for Grades of Veal and Calf Carcasses, United States Department of Agriculture, Food Distribution Administration, issued as amended October, 1940.

[4] Service and Regulatory Announcement No. 98 (Revised), Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, Prepared Meats, Meat Food Products, and Meat By-Products for Class, Quality (Grade) and Condition, United States Department of Agriculture, Food Distribution Administration, issued as amended September 26, 1942.

[5] 8 F.R. 2785.

to paragraph (c) (3) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading and grade stamping by making an application for appeal grading in the manner provided in Regulation No. 5 (Appeal grading) contained in § 1364.527 of Revised Maximum Price Regulation No. 169, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C., of such appeal.

(d) *Use of other grading and branding systems.* Any seller may use a private grading and branding system in addition to that required by the foregoing paragraphs of this section: *Provided*, That he shall identify his private grading and branding system in such manner as to distinguish it from the official grade stamp as required by paragraph (c) of this section.

§ 4002.3 *Duty to maintain and identify grades of lamb and mutton.* No person shall sell, offer to sell, ship, deliver or break and no person in the course of trade or business shall buy or receive any lamb or mutton carcass or cut unless it has been identified by grade and marked in accordance with the provisions of this section. Each person shall maintain uniform grades, as specified in paragraph (a) of this section; shall determine his maximum prices for lamb and mutton pursuant to Revised Maximum Price Regulation No. 239, Lamb and Mutton Carcasses and Cuts at Wholesale and Retail,[6] upon the basis of such uniform grades rather than upon the basis of his own grades; and shall have his products identified by grade designations, as provided by paragraph (a) of this section.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, it shall be the duty of each person to have all lambs, including yearlings, and all sheep slaughtered by or for him, or sold by him, classified by an official grader of the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc.", (§ 1364.527, Revised Maximum Price Regulation No. 169). Each carcass shall be classified into one of the grades set out in Column I below and marked with harmless marking fluid with the grade designation set out in Column II, if classified by an official grader, or the grade letter set out in Column III, such grade letter to be at least ½ inch in height and width, if classified by anyone other than an official grader pursuant to paragraph (b) of this section. Where the grade designation set out in Column II is stamped on the carcass, there shall also be stamped the word "yearling" if the carcass being graded is that of a yearling, and the word "mutton" if that of a mature sheep. The carcass shall be marked in such a manner as to result in each wholesale cut being identified by grade.

Column I	Column II	Column III
Lamb:		
Choice or better	Choice	AA
Good	Good	A
Commercial	Commercial	B
Utility	Utility	C
Cull	Cull	C
Yearling:		
Choice or better	Choice	A
Good	Good	B
Commercial	Commercial	C
Utility	Utility	C
Cull	Cull	C
Mutton:		
Choice or better	Choice	S
Good	Good	S
Commercial	Commercial	M
Utility	Utility	R
Cull	Cull	R

The "Specifications for Official United States Standards for Grades of Lamb Carcasses, Yearling Mutton Carcasses" set forth in § 1364.185 of Revised Maximum Price Regulation No. 239, Lamb and Mutton Carcasses and Cuts at Wholesale and Retail, and incorporated herein by reference, determine the proper classification of each carcass, except that no mutton buck may be graded higher than commercial.

The harmless marking fluid used in marking the carcass shall conform to the formula for violet branding fluid approved by the United States Department of Agriculture, Bureau of Animal Industry, set forth in § 1364.526 of Revised Maximum Price Regulation No. 169.

(b) In any instance where any person is unable to procure the services of an official grader within 24 hours after such person has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) (§ 1364.-527, Revised Maximum Price Regulation No. 169), then such person shall not be required to have the lamb or sheep slaughtered by, or for him, or sold by him, graded by an official grader of the United States Department of Agriculture for so long a period as the Food Distribution Administration of the United States Department of Agriculture certifies in writing that it is unable to provide such person with the services of an official grader. During such period, such lamb or mutton carcasses shall be graded by such person in accordance with the requirements of paragraph (a) of this section.

(c) If the slaughterer is a farm slaughterer or if he is primarily the resident operator of a farm engaging only casually, and not as a business, in slaughtering sheep or lamb as a service for others, he shall not be required to have the lamb or sheep slaughtered by him graded by an official grader of the United States Department of Agriculture. Such lamb or mutton as is sold by such slaughterer, or is slaughtered by him as a service for sale by others, shall be graded by him in accordance with the requirements of paragraph (a) of this section.

(d) Whenever any person having a financial interest in any lamb or mutton carcass which has been graded and grade stamped by an official grader pursuant to paragraph (b) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading and grade stamping by making an application for appeal grading in the manner provided in Regulation No. 5 (Appeal grading) contained in § 1364.527 of Revised Maximum Price Regulation No. 169, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C., of such appeal.

(e) *Use of other grading and branding systems.* Any person may use a private grading and branding system in addition to that required by the foregoing paragraphs of this section: *Provided*, That he shall identify his private grading and branding system in such manner as to distinguish it from the grade stamp required by paragraphs (a), (b) and (c) of this section.

(f) Each invoice, sales slip or other memorandum of sale covering sales of lamb or mutton carcasses, wholesale cuts or hotel supply cuts shall show the grade and age classification of each lamb or mutton carcass or cut sold.

§ 4002.4 *Provisions applicable to sellers of beef, veal, lamb or mutton at retail.* No retail seller shall sell, offer to sell, deliver, store or retain in his possession any beef, veal, lamb or mutton unless such beef, veal, lamb or mutton has been graded, grade marked and/or designated as hereinafter set forth:

(1) All carcasses and wholesale cuts of beef, veal, lamb and mutton must be graded and must have a mark showing the grade on them, in accordance with §§ 4002.2 (c) (2) and 4002.3 (a). No retail seller shall have in his store refrigerator, cooler or warehouse any meat which does not have the grade name or mark stamped on each wholesale cut.

(2) If any retail seller slaughters the animal himself, he shall have it graded and marked before the carcass is broken in the manner provided by § 4002.2, in the case of beef and veal, and § 4002.3, in the case of lamb and mutton.

(3) No retail seller shall remove the grade mark from any carcass, wholesale cut or retail cut, nor shall he put different grades of meat together in a showcase.

(4) Each grade of meat which shall have been separated in the showcase as required in (3) above, shall be designated by the appropriate official grade, so that customers can see and read it.

(5) Upon request by any customer, the retail seller shall give such customer a receipt showing the date, the retail seller's name and address, the name, weight, and grade of each retail cut sold.

§ 4002.5 *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties provided by section 11 of the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" and to all other actions, proceedings and penalties provided by law.

§ 4002.6 *Definitions.* (a) When used in this regulation, the term:

(1) "Person" means any individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing: *Provided*, That no punishment shall apply to the United States or to any such government, political subdivision or agency.

(2) "Beef," "beef carcass," "beef wholesale cut," "veal," "veal carcass," and "veal wholesale cut" shall have the same meaning ascribed by Revised Maximum Price Regulation No. 169, Beef and Veal Carcasses and Wholesale Cuts.

(3) "Lamb," "yearling lamb," "mutton," "lamb cut," "cut," and "wholesale cut" shall have the same meaning ascribed by Revised Maximum Price Regulation No. 239, Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

(4) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, car-route, hotel supply house, commercial user, purveyor of meals, war procurement agency or other government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by a retailer at least 80 percent of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

(5) "Retail seller" means a person regularly and generally engaged in making sales at retail.

(6) "Retail meat cut" shall have the same meaning ascribed by Maximum Price Regulation No. 355, Retail Ceiling Prices for Beef, Veal, Lamb and Mutton Cuts and All Variety Meats and Edible By-Products.[7]

(b) Unless the context otherwise requires, other terms used herein:

Applicable to beef and veal shall be subject to the definitions set forth in Revised Maximum Price Regulation No. 169, Beef and Veal Carcasses and Wholesale Cuts;

Applicable to lamb and mutton shall be subject to the definitions set forth in Revised Maximum Price Regulation No. 239, Lamb and Mutton Carcasses and Cuts at Wholesale and Retail; and

Applicable to retail sellers shall be subject to the definitions set forth in Maximum Price Regulation No. 355, Retail Ceiling Prices for Beef, Veal, Lamb and Mutton Cuts and All Variety Meats and Edible By-Products.

§ 4002.7 *Effective date.* This Regulation No. 1 shall become effective August 5, 1943.

Issued this 5th day of August 1943.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 43-12767; Filed, August 5, 1943; 5:21 p. m.]

[6] 7 F.R. 10688, 8 F.R. 3589, 4786, 7679, 8677, 9066.

[7] 8 F.R. 4423, 4922, 6214, 6248, 7199, 7827, 8185, 8945, 9366.

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 36[1]]

PART 301—GENERAL REGULATIONS

REPAIRS AND OTHER WORK ON MERCHANT VESSELS

It appears that in many instances arrangements for repairs to and other work on merchant vessels are being made between contractors and owners or managing agents, and that such vessels are being placed in yards without consultation with or notification of the Office of The Coordinator for Ship Repair and Conversion. This serves to nullify the intent and purpose of the Coordinator's office, namely, the fullest utilization of repair facilities of the United States in prosecuting the war to a successful conclusion. In addition, it now appears desirable for the Coordinator's office to obtain certain information concerning the volume of work performed under subcontract, to determine the need for additional repair facilities in the several ports.

Accordingly, pursuant to the authority vested in me by Executive Order 9054, as amended, I hereby order and direct, That:

§ 301.21 *Scope of regulations.* All owners, managing agents, vessel repair yards and contractors, British Ministry of War Transport, and Local and District Managers of the Maintenance and Repair Division of the War Shipping Administration shall arrange for or perform repairs to and other work on merchant vessels in accordance with the following regulations (§§ 301.22 through 301.24).

§ 301.22 *Allocation of vessel by Coordinator for Ship Repair and Conversion.* Except under circumstances of extreme emergency, no merchant vessel shall be placed in or at water-side facilities of a contractor for repairs or other work until allocation of said vessel to such contractor has been approved by the Office of the Coordinator for Ship Repair and Conversion.

§ 301.23 *Extreme emergency repairs or work and reports.* Repairs or other work effected by contractors without water-side facilities, effected on loading berths, in the stream, or at other locations away from the site of the contractor's water-side facilities, or performed in or at water-side facilities under conditions of extreme emergency, need not be previously allocated by the Coordinator's office. In all such cases, the owner, managing agent, representative of the British Ministry of War Transport, or Local or District Manager, concerned therewith shall report in writing to the Coordinator, with a copy to the Executive Manager, Maintenance & Repair Division, War Shipping Administration, 45 Broadway, New York City, listing the name of the vessel, contractor, type of work, estimated cost, starting and estimated or actual completion date of the repairs or other work, within 5 days after allocation thereof.

§ 301.24 *Reports of repairs or other work effected by subcontract.* All ship repair contractors shall report weekly, within 5 days after the end of each calendar week, all repair or other work on merchant vessels effected on a subcontract basis, listing the name of the vessel, subcontractor, type of work, estimated cost, and starting and estimated or actual completion date. The report shall be submitted to the local office of the Coordinator, with a copy to the Executive Manager, Maintenance and Repair Division, War Shipping Administration, 45 Broadway, New York City.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

AUGUST 5, 1943.

[F. R. Doc. 43-12745; Filed, August 6, 1943; 9:15 a. m.]

[1] General Orders 34 and 35 will be issued at a later date.

[General Order 6, Revised, Supp. 2]

PART 305—INSURANCE

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Act approved June 29, 1940 (54 Stat. 689), as amended, and Executive Order 9054, February 7, 1942 (7 F.R. 837), General Order 6, Revised, is amended and supplemented as follows:

Effective with the date of the opening of the New York City Cargo Underwriting Office, § 305.2 *Submission of risks*, § 305.4 *Quotation of rate*, and § 305.9 *Issuance of facultative policy*, are amended by striking out in each respectively the words and figures "at room 4089, Commerce Building, Washington, D. C." and inserting in lieu thereof the words and figures "at Room 915, 99 John Street, New York 7, N. Y."

Section 305.12 *Special rules* is clarified by adding at the end thereof:

(g) No return of premium for any reason will be allowed where the amount of the return premium involved is less than $100.00 or unless amounting to 10 percent or more of the original premium in respect to any facultative cargo war risk insurance.

Section 305.22 *Form of facultative policy* as published in General Order 6, Revised, is amended by striking out all material of the form appearing from the beginning thereof to the first numbered clause and inserting in lieu thereof the following:

UNITED STATES OF AMERICA

WAR SHIPPING ADMINISTRATION

Warshipcargo Policy
Amount Insured, $--------
Rate, --------%
Premium, $--------
No. C--------
Effective Date and Hour----------

This policy of insurance witnesseth that in consideration of a premium as shown above, receipt of which is hereby acknowledged, the War Shipping Administration hereby insures, in accordance with applicable provisions of Law:

------- for account of whom it may concern.
Upon ----------
----------, identified as set forth below
In the sum of ---------- dollars
At and from ---------- to ----------
Warranted goods shipped and in transit on or before midnight of the 30th consecutive calendar day from and including the effective date of this policy. Any loss payable hereunder shall be payable in funds current in the United States, to ---------- or order, upon surrender of this Policy, thirty days after full proofs of loss and proofs of interest have been filed with the War Shipping Administration.

(For marks, numbers, or other identification of cargo, and special conditions)

If marks, numbers, or other specific identification of cargo are not noted hereon, then, unless otherwise agreed by the War Shipping Administration, the same must be incorporated in an endorsement duly signed by the War Shipping Administration within seven days from the effective date of the policy or prior to the sailing of the vessel from port of loading, whichever last occurs.

Subpart A, Cargo Insurance, is supplemented by adding the following:

§ 305.25 *Establishment of New York City Cargo Underwriting Office.* There is established in the offices of the War Shipping Administration, Division of Wartime Insurance, at 99 John Street, New York 7, N. Y., a cargo unit of the Underwriting Section for the underwriting of cargo war risk insurance. This office is designated the New York City Cargo Underwriting Office and shall perform such functions as may now or hereafter be established in General Order by the War Shipping Administration.

Over-the-Counter Facultative Cargo War Risk Insurance

§ 305.50 *Establishment of an over-the-counter facultative cargo war risk insurance procedure.* Effective with the date of opening of the New York City Cargo Underwriting Office, a new procedure for the underwriting of cargo war risk insurance on a facultative or special risk basis is established. This procedure will be known as the "Over-the-Counter" facultative cargo war risk insurance procedure and unless hereafter announced or otherwise agreed shall be applicable only to insurances negotiated by or through persons, firms or corporations in the metropolitan area of New York City. The procedure hitherto established for the binding of cargo war risk insurance on a facultative or special risk basis as set forth in § 305.3 shall continue to apply to all facultative cargo war risk insurance business negotiated other than as aforesaid.

§ 305.51 *Presentation and receipt of prepared policies.* On request the New York City Cargo Underwriting Office will furnish to applicants for insurance or their representatives sets of blank policies in sufficient quantities for appropriate use. The applicant for insurance will prepare the set of policies so received and must present the same by mail or hand delivery to the New York City Cargo Underwriting Office, as a set, consisting of an original, duplicate-original, and four copies, along with a receipt slip executed in duplicate on the form set forth in § 305.61. When a prepared set (or sets) of policies is (are) received with an accompanying receipt slip, the New York City Cargo Underwriting Office will immediately assign a policy number to each respective risk listed on the receipt slip for which an applicable set of prepared policies has been submitted, and will place on the receipt slip the acknowledged time and date of receipt. The duplicate receipt slip, indicating the time of the acknowledged receipt and the policy number, will be handed back to the person making the delivery, or will be mailed to the address indicated thereon.

§ 305.52 *Payment of premium.* In order to obtain the effective validation of any set of policies (or any set of endorsements for which payment of premium is necessary) as of the time of the acknowledged receipt thereof, payment of sufficient premium at the correct rate for the applicable voyage and conditions of insurance must be received by the New York City Cargo Underwriting Office by means of either a certified check, or a cashier's check or a money order payable to the order of War Shipping Administration prior to the close of business of the second business day following the date of the acknowledged receipt of such set of policies or such set of endorsements as shown by the original receipt slip.

(a) Payment of premium must be made by one check or money order for all policies (and/or endorsements) listed on a single receipt slip, and may be so made by a single check or money order for one or more receipt slips which are acknowledged as having been received on the same day.

(b) The check or money order in payment of premium must be accompanied either by the set of prepared policies or the duplicate acknowledged receipt slip for the purposes of identification.

§ 305.53 *Validation of policies.* When the New York City Cargo Underwriting Office is satisfied that the set of policies is prepared properly and sufficient premium for the applicable voyage and conditions of the insurance has been paid in accordance with the provisions of Sec. 305.52, it will cause the set of policies to be made effective subject to the policy warranties as of the time of the acknowledged receipt thereof as shown by the receipt slip. The original, duplicate-original, and two copies of the validated set of policies will be returned to the person requesting delivery in return for the duplicate receipt slip or such policies will be mailed to the address indicated on the receipt slip.

(a) If proper payment of premium is not made any set of policies submitted may in the discretion of the New York City Cargo Underwriting Office be treated as null, void and of no effect.

§ 305.54 *Correction of policies and validation.* When the New York City Cargo Underwriting Office ascertains that any set of prepared policies contains one or more errors it may return the original, duplicate-original and two copies of the policies together with a rejection slip which will indicate the respects in which the set of policies is required to be corrected.

(a) When the New York City Cargo Underwriting Office is satisfied that sufficient premium for the applicable voyage and conditions of the insurance has been paid in accordance with the provisions of § 305.52 and that all corrections which are indicated to be necessary on the rejection slip are made, and within three business days following the date appearing on the rejection slip, either the original and duplicate-original policies are returned without other changes or a new set of policies embodying no change other than the corrections indicated to be necessary on the rejection slip, is submitted, the policies will be made effective subject to the policy warranties as of the time of the acknowledged receipt thereof as shown by the original receipt slip.

(b) Notwithstanding the foregoing the New York City Cargo Underwriting Office has the right to make any necessary corrections in any set of policies. Any change so made shall be conclusively binding on the applicant for insurance upon acceptance by him of the policy so corrected.

(c) If proper payment of premium is not made any set of resubmitted policies may in the discretion of the New York City Cargo Underwriting Office be treated as null, void and of no effect.

§ 305.55 *Manner of increasing insured amounts.* Whenever a set of endorsements consisting of an original, duplicate-original and two copies is received by the New York City Cargo Underwriting Office, prepared properly on the form set forth in § 305.59, and it is ascertained that sufficient premium for the applicable voyage and conditions of insurance has been paid in accordance with the provisions of § 305.52, such set of endorsements will be made effective subject to its terms and conditions as of the time of its acknowledged receipt as shown by the receipt slip. The original and duplicate-original of the validated set of endorsements will be returned to the person requesting delivery in return for the duplicate receipt slip, or such endorsements will be mailed to the address indicated on the receipt slip.

(a) If a shipment of additional merchandise is the reason for the increased amount insured a description of such additional merchandise must be furnished in writing including specific identification.

§ 305.56 *Manner of extending the transit warranty.* In a proper instance, subject to the provisions of § 305.10 (a), whenever an extension of the time within which the goods are warranted to be shipped and in transit is required, an extension of the transit warranty will be granted provided a set of endorsements, consisting of an original, duplicate-original, and two copies, prepared properly on the form set forth in § 305.60 is presented to the New York City Cargo Underwriting Office. The set of endorsements will be made effective as of the time of its acknowledged receipt by the New York City Cargo Underwriting Office, subject to the regulations set forth in this section, unless otherwise agreed by the War Shipping Administration. The original and duplicate-original of such set of validated endorsements will be returned to the person requesting delivery in return for the duplicate receipt slip, or such endorsements will be mailed to the address indicated on the original receipt slip.

(a) In the instance of the presentation of a set of these endorsements on a date which is more than seven (7) days prior to the then existing expiration date of the transit warranty, the set of endorsements may be returned without further action, or treated as null, void and of no effect by the New York City Cargo Underwriting Office, unless otherwise agreed.

(b) If the correct rate of premium for the applicable voyage and conditions of insurance in effect at the time of the acknowledged receipt of the set of endorsements by the New York City Cargo Underwriting Office is not greater than that by which premium has already been calculated and paid, the set of endorsements will be validated without the requirement of additional premium.

(c) If the correct rate of premium for the applicable voyage and conditions of insurance in effect at the time of the acknowledged receipt of the set of endorsements by the New York City Cargo Underwriting Office is greater than that by which premium has already been calculated and paid, then payment of sufficient additional premium must be made in accordance with the provisions of § 305.52 in order to permit the set of endorsements to be validated as of the time of the acknowledged receipt.

§ 305.57 *Other endorsements.* Whenever it is necessary to endorse the policy with any endorsement other than the Standard Endorsements set forth respectively in § 305.59 and § 305.60, the applicant for insurance or his representative or the policy-holder may request any necessary endorsement by submitting a form of endorsement or sufficient information in the form of a letter. If the New York City Cargo Underwriting Office is satisfied that the request is appropriate and that any additional premium required has been paid in accordance with the provisions of § 305.52, it will validate or prepare the necessary endorsement.

§ 305.58 *Correction of endorsements and validation.* When the New York City Cargo Underwriting Office ascertains that any set of prepared endorsements contains one or more errors it may return the original and duplicate-original, together with a rejection slip which will indicate the respects in which the set of endorsements is required to be corrected.

(a) When the New York City Cargo Underwriting Office is satisfied that sufficient premium for the applicable voyage and conditions of the insurance has been paid in accordance with the provisions of § 305.52 and that all corrections which are indicated to be necessary on the rejection slip are made, and within three business days following the date appearing on the rejection slip, either the original and the duplicate-orginal endorsements are returned without other changes or a new set of endorsements embodying no change other than the corrections indicated to be necessary on the rejection slip, is submitted, the set of endorsements will be made effective according to its terms as of the time of the acknowledged receipt thereof as shown by the original receipt slip.

(b) Notwithstanding the foregoing the New York City Cargo Underwriting Office has the right to make any necessary corrections in any set of endorsements. Any change so made shall be conclusively binding on the applicant for insurance upon acceptance by him of the endorsement so corrected.

(c) If proper payment of premium is not made any set of submitted endorsements may in the discretion of the New York City Cargo Underwriting Office be treated as null, void and of no effect.

§ 305.59 *Standard form of increase endorsement.* Unless otherwise agreed the following is the standard form of increase endorsement.

Endorsement No. -------- to be attached to Cargo War Risk Policy No. -------- issued to ---------- by War Shipping Administration.

In consideration of an additional premium of $--------, the insured amount of the Policy to which this endorsement is attached is increased by the sum of ---------- ($--------) Dollars, and the description of merchandise insured hereunder is amended as set forth below; warranted, however, with respect to the amount of increase only, that the goods to which this Policy is applicable have not become waterborne on an overseas vessel prior to the day and hour this endorsement is effective, or if waterborne prior to that time on any vessel that the goods are on a vessel safe in port at the effective day and hour of this endorsement, or held covered pursuant to the terms and conditions of Clause 12 of the Policy.

It is further warranted that there is no known or reported loss of or damage to said vessel and interest insured at the effective day and hour of this endorsement.

(Amended description of merchandise)

All other terms and conditions remaining unchanged. Effective this -------- day of ---------- 19---- at ------ am pm

For ----------
Director of Wartime Insurance,
War Shipping Administration.

§ 305.60 *Standard form of endorsement for extension of the transit warranty.* Unless otherwise agreed the following is the standard form of Endorsement for Extension of the Transit Warranty:

Endorsement No. -------- to be attached to Cargo War Risk Policy No. --------, Issued to ---------- by War Shipping Administration. *(In consideration of an additional premium of $--------.)

It is understood and agreed that the transit warranty contained in this policy as originally issued or as amended by endorsement, which requires the goods to which this insurance is applicable to be shipped and in transit on or before a specified time, is hereby amended to permit the goods to be shipped and in transit on or before midnight of the expiration of the 30th consecutive calendar day, (including the effective day of this endorsement) from the effective day of this endorsement, such amendment being subject to the following: That if such goods were, after the expiration of the transit warranty contained in this policy as originally issued, or as amended by endorsement, both placed in transit and waterborne prior to the effective day and hour of this endorsement then it is warranted such goods are on a vessel safe in port on the effective day and hour of this endorsement, or held covered pursuant to the terms and conditions of Clause 12 of the policy.

It is further warranted that there is no known or reported loss of or damage to said vessel and interest insured at the effective day and hour of this endorsement.

All other terms and conditions remaining unchanged. Effective this ------ day of ---------- 19---- at ------ a. m.-p. m.

For ----------
Director of Wartime Insurance,
War Shipping Administration.

§ 305.61 *Receipt slip.* The following is the form of receipt slip which will be acceptable for use in connection with the submission of prepared policies or endorsements to the New York City Cargo Underwriting Office:

RECEIPT SLIP

Submitted herewith are ------ set(s) of policies and/or set(s) of endorsements prepared and presented for validation subject to the provisions of § 305.50 and following of General Order No. 6, revised, as supplemented.

Policy Number [1]	Insured Amount	Assured's Name	Extended Transshipment Endorsement [2]	Ship to Shore Endorsement [2]	Other Type of Endorsement	Rate	Amount of Premium

[1] Leave blank for insertion of policy numbers by War Shipping Administration.
[2] If Standard Optional Endorsement I is desired, insert "yes".
[3] If Standard Optional Endorsement XVI is desired insert "yes".

*Insert word "none" if additional premium not required.

Will call for ☐ Mail ☐
(Please indicate by "X")

Date and hour of Acknowledged Receipt:
Signed by_____
Address_____
Per _____
Telephone No._____
The Rate and Premium noted hereon are statements of the applicant and are not binding upon the War Shipping Administration.

(Do not use this space)

NOTE: Receipt slips must be typewritten, printed or mimeographed by the policy applicant.

§ 305.62 *Office hours.* For the purposes of payment of premium and issuance of validated policies or endorsements the New York City Cargo Underwriting Office will regard 4:00 P. M., E. W. T. as the time of closing of the business day unless otherwise specially agreed.

§ 305.63 *Applicability of other sections of General Order No. 6, Revised.* All sections of General Order No. 6, Revised, as supplemented, dealing with facultative cargo war risk insurance, insofar as the same are not in conflict with §§ 305.50 through 305.64 for providing facultative cargo war risk insurance on an over-the-counter basis, shall be deemed applicable to the underwriting of facultative cargo war risk insurance by the New York City Cargo Underwriting Office. In no event, however, shall the provisions in respect to a special guarantee deposit account apply to the writing of facultative cargo war risk insurance on an over-the-counter basis by the New York City Cargo Underwriting Office.

§ 305.64 *Powers of the New York City Cargo Underwriting Office.* The Director of Wartime Insurance, or his representative duly authorized by a written directive, may waive strict compliance with any regulation for procuring facultative cargo war risk insurance to the extent that he may determine that such waiver is not contrary to the purposes of the statute under which such insurance is provided or to the interests of the War Shipping Administration. In any determination as aforesaid the decision of the Director of Wartime Insurance or his duly authorized representative shall be conclusive upon all parties thereto.

Subpart A, Cargo Insurance, Open Policy Cargo War Risk Insurance, is supplemented by adding the following:

§ 305.153 *Automatic reinstatement endorsement.* Effective with the day of the publication hereof the following clause shall automatically be made a part of each Warshipopencargo Policy which attached prior to January 30, 1943, unless written or telegraphic notice to the contrary is received by the War Shipping Administration, Division of Wartime Insurance, from the policyholder within thirty (30) days from the date of the publication hereof:

It is understood and agreed that in the event prior to January 30, 1943 this policy became void through failure of the policyholder to maintain a sufficient collateral deposit or surety bond but such voidance has not become known to the policyholder prior to the date of the publication of this clause in the FEDERAL REGISTER, this policy shall be deemed automatically reinstated as of January 30, 1943 with respect to all shipments:

(a) Under ocean bills of lading dated on or after January 30, 1943, or

(b) If ocean bills of lading are not issued under equivalent shipping documents dated on and after said date, or

(c) If no ocean bills of lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel on or after such date.

With respect to shipments other than as aforesaid the reinstatement shall only become effective upon arrival of the insured merchandise at first safe port (other than port of final destination) subsequent to January 30, 1943.

In consideration of the reinstatement of this policy as aforesaid it is understood and agreed that with respect to insurances so reinstated the policy-holder waives any claim which might otherwise arise for return of premium by reason of the voidance of said policy and admits liability for all premium payments which would have been due under this policy with respect to such shipments if the breach of warranty had not arisen.

All other terms and conditions remaining unchanged.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

AUGUST 5, 1943.

[F. R. Doc. 43-12746; Filed, August 6, 1943; 9:15 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Service Order 135, Amdt. 1]

PART 95—CAR SERVICE

DEMURRAGE CHARGE AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of August, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 135 (8 F.R. 9569-70) of July 10, 1943, and good cause appearing therefor:

It is ordered, That Service Order No. 135 (8 F.R. 9569-70) be, and it is hereby, amended to read as follows:

§ 95.502 *Demurrage charge at Mexican border points.* (a) After expiration of the free time allowed by tariffs lawfully on file with this Commission on interstate or foreign shipments in carloads originating at points in, or moving through, the United States and destined to points in Mexico the demurrage charges at Brownsville, Texas; Calexico, California; Cantu, California; Division, California; Douglas, Arizona; Eagle Pass, Texas; El Paso, Texas; Laredo, Texas; Naco, Arizona; Nogales, Arizona; Presidio, Texas; and San Ysidro, California; on such carload shipments shall be $5.50 per car per day or fraction thereof, for each of the first two (2) days, and shall be $22.00 per car per day or fraction thereof, for each succeeding day.

(b) *Average agreements.* Carload shipments from and to the points set forth in paragraph (a) of this section shall not be included in any average agreement at named border points.

(c) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of paragraphs (a) and (b) of this section is hereby suspended.

(d) *Announcement of suspension.* Each railroad, or its agent, on or before the effective date of this order, and upon not less than one day's notice to the Commission and the public, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions above set forth. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., August 6, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12774; Filed, August 6, 1943; 10:53 a. m.]

[Service Order No. 139, Amdt. 1]

PART 95—CAR SERVICE

SHIPMENT OF GRAVEL TO FOSTERS OR SHREVEPORT, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of August, A. D. 1943.

It appearing, that shipments of gravel in carloads originating at points in Arkansas and Louisiana and destined to Fosters or Shreveport, Louisiana, or any other point near Shreveport, for use at Barksdale Field are being weighed on railroad track scales, thus impeding the use, control, supply, movement, and distribution of cars; in the opinion of the Commission an emergency exists requiring immediate action to avoid a shortage of equipment and congestion of traffic:

It is ordered, That Service Order No. 139, (8 F.R. 10774) be, and it is hereby, amended to read as follows:

§ 95.21 *Carloads of gravel destined to Fosters or Shreveport, Louisiana, or any other point near Shreveport, for use at Barksdale Field, not to be weighed.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall weigh or permit to be weighed any shipment of gravel in carloads, on any railroad track scales when such traffic originates on or after the effective date of this order at any point or points in Arkansas or Louisiana and is destined to Fosters or Shreveport, Louisiana, or any point near Shreveport, for use at Barksdale Field, except that a limited number of cars may be weighed as is necessary to obtain average weights. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 A. M., August 6, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12775; Filed, August 6, 1943; 10:53 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Air-Navigation Site Withdrawal 207]

WYOMING

AIR-NAVIGATION SITE WITHDRAWAL

By virtue of the authority contained in section 4 of the act of May 24, 1928, c. 728, 45 Stat. 729 (U.S.C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public land, near Rock Springs, Wyoming, is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 207:

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 106 W.,
Sec. 36, NE¼SE¼SW¼.
The area described contains 10 acres.

This order shall take precedence over, but shall not modify the order of the Acting Secretary of the Interior of October 31, 1936, establishing Wyoming Grazing District No. 4.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 31, 1943.

[F. R. Doc. 43-12777; Filed, August 6, 1943; 11:19 a. m.]

[Public Land Order 154]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473) and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described area, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

CORDOVA TO CORDOVA AIRPORT

A strip of land 200 ft. wide, 100 ft. on each side of the center line of the Copper River and Northwestern Railroad shown on map designated "Directive Maps—December 15, 1942—Office of Chief Engineer Cordova Alaska" on file in the General Land Office, Washington, D. C., file No. 1906338, the terminal points being described as follows:

Beginning at a point on the south line of U. S. Survey No. 449 station 61+95, thence southeasterly and easterly as shown on said map to station 686+41.4 or Mile 13.

This Order shall take precedence over, but shall not rescind or revoke, any other prior order withdrawing or reserving the lands described herein.

Jurisdiction over the public lands in the above-described area shall revert to the Department of the Interior and to any other Department or Agency of the Federal Government having jurisdiction over the lands immediately prior to the issuance of this order, according to their respective interests, when the lands are no longer needed for the purpose for which they are reserved. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered, pending classification and determination as to whether the lands or any portion thereof are needed for public purposes.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 29, 1943.

[F. R. Doc. 43-12778; Filed, August 6, 1943; 11:19 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective August 2, 1943.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of the Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Acme Cloth Reel Company, 214 West McBee Avenue, Greenville, South Carolina; Cloth reels; 2 learners (T); Reinforcing ends of cloth reels and pasting lettered labels for a learning period of 240 hours at 35¢ per hour until February 1, 1944.

Signed at New York, this 3d day of August 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12737; Filed, August 5, 1943; 12:36 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943, (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable Determination and Order or Regulations cited above. The applicable Determination and Order or Regulations and the effective and expiration dates of the Certificates issued to each employer is listed below. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Atlantic Garment Company, 2406 Island Avenue, Atlantic City, New Jersey; Cotton overalls, coveralls, work clothes for defense plants; 5 learners (T); effective August 3, 1943, expiring August 3, 1944.

Brookshire Shirt Company, Incorporated, 19 Edson Street, Amsterdam, New York; Men's shirts and sport shirts; 10 learners (T); effective August 3, 1943, expiring August 3, 1944.

Carwood Manufacturing Company, Athens Street, Winder, Georgia; Wool, serge, O. D. trousers, cotton trousers and shirts; 5 percent (A. T.); effective August 6, 1943, expiring February 6, 1944.

Central Manufacturing Company, Dickson, Tennessee; Work shirts, U. S. Army shirts, U. S. Navy shirts; 125 learners (A. T.); effective August 5, 1943, expiring February 5, 1944. (This certificate replaces the one previously issued effective October 5, 1942, and expiring October 5, 1943.)

Dixie Dress Manufacturing Company, 116 Mitchell Street, S. W., Atlanta, Georgia; (WAAC) skirts, dresses and sportswear; 10 learners (T); effective August 4, 1943, expiring August 4, 1944.

Dixie Shirt Company, Incorporated, Camp Wadsworth, Spartanburg, South Carolina; Men's shirts; 10 percent (T); effective August 25, 1943, expiring August 25, 1944.

Elder Manufacturing Company, St. Genevieve, Missouri; Boys' shirts, pajamas and sportswear; 20 percent (A. T.); effective August 2, 1943, expiring February 2, 1944. (This certifiate replaces the one issued previously, effective November 12, 1942 and expiring November 12, 1943.)

The Fishback Manufacturing Company, 1731 Arapahoe Street, Denver, Colorado; Work clothing, government one-piece suits; 10 learners (T); effective August 4, 1943, expiring August 4, 1944.

Friedman & Shickman, 1104 Washington Avenue, St. Louis, Missouri; Rayon dresses; 10 learners (T); effective August 3, 1943, expiring August 3, 1944.

Georgia Shirt Company, Cornelia, Georgia; Flannel O. D. shirts; 5 percent (A. T.); effective August 6, 1943, expiring February 6, 1944.

High Point Overall Company, Willowbrook and Hamilton Streets, High Point, North Carolina; Overalls, work pants and shirts, 1 piece suits, trousers and dungarees for the government; 20 percent (A. T.); effective August 11, 1943, expiring February 11, 1944.

Jimy Manufacturing Company, Blackwood, New Jersey; Children's and ladies' cotton wash dresses; 5 learners (T); effective August 4, 1943, expiring August 4, 1944.

S. Liebovitz & Sons, Incorporated, Beech & Evans Street, Pottstown, Pennsylvania; Men's dress shirts; 10 percent (T); effective August 11, 1943, expiring August 11, 1944.

Meyersdale Manufacturing Company, Meyersdale, Pennsylvania; Army shirts, dress shirts; 60 learners (A. T.); effective August 14, 1943, expiring February 14, 1944.

Monroe Manufacturing Company, Monroe, Georgia; Trousers, herringbone O. D., overalls, shirts; 5 percent (A. T.); effective August 6, 1943, expiring February 6, 1944.

Regal Manufacturing Company, 3915 Main Street, Dallas, Texas; Washable service uniforms; 10 learners (T); effective August 3, 1943, expiring August 3, 1944.

Southeastern Manufacturing Company, Monroe, Georgia; Cotton khaki trousers; 10 percent (T); effective August 5, 1943, expiring August 5, 1944.

Tuf-Nut Garment Manufacturing Company, 423 East Third Street, Little Rock, Arkansas; Men's and boys' overalls and jumpers, work trousers and work shirts; 10 percent (T); effective August 3, 1943, expiring August 3, 1944.

Glove Industry

Alvord Glove Company, Mayfield, New York; Men's dress gloves; 5 learners (T); effective August 7, 1943, expiring August 7, 1944.

Hosiery Industry

Burlington Mills Hosiery Division, 1421 South Elm Street, Greensboro, North Carolina; Seamless and full-fashioned hosiery; 5 percent (T); effective August 5, 1943, expiring August 5, 1944.

Commonwealth Hosiery Mills, Ellerbe, North Carolina; Seamless hosiery; 15 learners (A. T.); effective August 4, 1943, expiring February 4, 1944.

Grantville Mills, Grantville, Georgia; Seamless hosiery; 3 percent (T); effective August 4, 1943, expiring August 4, 1944.

Textile Industry

Huntingdon Throwing Mills, Mifflinburg, Pennsylvania; throwing of silk, rayon and fiberglas; 100 learners (A. T.); effective August 3, 1943, expiring February 3, 1944.

Signed at New York, N. Y., this 3d day of August 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12738; Filed, August 5, 1943; 12:36 p. m.]

FRUIT AND VEGETABLE PACKING AND FARM PRODUCTS ASSEMBLING INDUSTRY

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION

Notice of hearing on the minimum wage recommendation of Industry Committee No. 62 for the Fruit and Vegetable Packing and Farm Products Assembling Industry, to be held August 26, 1943.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on July 2, 1943, by Administrative Order No. 202, appointed Industry Committee No. 62 for the Fruit and Vegetable Packing and Farm Products Assembling Industry, composed of an equal number of representatives of the public, employers in the Industry and employees in the Industry, and on July 15, 1943, by Administrative Order No. 206 enlarged the Committee by appointing nine additional members, likewise equally representative of the public, employers, and employees in the Industry, all of such representatives having been appointed with due regard to the geographical regions in which the Industry is carried on; and

Whereas Industry Committee No. 62, on July 27, 1943, recommended a minimum wage rate for the Fruit and Vegetable Packing and Farm Products Assembling Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on July 30, 1943, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 62 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 62 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Fruit and Vegetable Packing and Farm Products Assembling Industry (as defined in Administrative Order No. 202) who is engaged in commerce or in the production of goods for commerce and is not exempt under section 13 (a) of the Act.

II. The definition of the Fruit and Vegetable Packing and Farm Products Assembling Industry as set forth in Administrative Order No. 202, issued July 2, 1943, is as follows:

The assembling and preparing for market of fresh fruits and vegetables, and other farm and related products (including wild and domesticated animals other than those assembled for processing into food for human or animal consumption).

a. It includes, but without limitation:

(1) The packing of fresh fruits and vegetables; the shelling of nuts; the ginning and compressing of cotton; the retting and decorticating of flax and other vegetable fibers; and other similar operations performed on farm and related products.

(2) The gathering or collecting of wild berries, plants, flowers, gums, saps, seeds and other forms of wild plant or animal life.

(3) "The leaf processing branch of the Cigar Industry" as defined in the wage order for the Cigar Industry.

b. *Provided, however,* This industry does not include:

(1) the assembling of fresh fruits and vegetables or other farm and related products when performed in a marketing or wholesaling establishment which does no preparing for market within the meaning of this definition and which receives directly from gatherers of non-cultivated products or from farmers products constituting less than one-half of all products handled; (2) logging; (3) public warehousing of commodities other than cotton; (4) any product included in the Canned Fruits and Vegetables and Related Products Industry; Cottonseed and Peanut Crushing Industry; Vegetable Fats and Oils Industry; and Meat, Poultry, and Dairy Products Industry (as defined in Administrative Orders Nos. 182, 189, 190, and 201 respectively), or in the Grain Products Industry and the Tobacco Industry (as defined in the wage orders for such industries).

III. The full text of the report and recommendation of Industry Committee No. 62 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:00 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, Parcel Post Building, 341 Ninth Avenue.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.
Richmond, Virginia, 215 Richmond Trust Building.
Atlanta, Georgia, Fifth Floor, Carl Witt Building, 249 Peachtree Street NE.
Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.
Birmingham, Alabama, 1007 Comer Building.
Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.
Cleveland, Ohio, 4094 Main Post Office, West Third and Prospect Avenue.
Detroit, Michigan, David Stott Building, 1150 Griswold Street.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue and Seventh Street.
Baltimore, Maryland, 401-411 Old Town Building, Gay Street and Failsway.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
Jacksonville, Florida, 456 New Post Office Building.
New Orleans, Louisiana, 916 Union Building.
Nashville, Tennessee, 509 Medical Arts Building.
Cincinnati, Ohio, 1312 Traction Building, Fifth and Walnut Streets.
Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
St. Louis, Missouri, 316 Old Customs House, 815 Olive Street.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
San Francisco, California, 800 Humboldt Bank Building, 785 Market Street.
Kansas City, Missouri, 3000 Fidelity Building, 911 Walnut Street.
Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.
Los Angeles, California, 417 H. W. Hellman Building, Spring and Fourth Streets.
Seattle, Washington, 305 Post Office Building, Third Avenue and Union Street.
San Juan, Puerto Rico, Post Office Box 112.
Washington, District of Columbia, Department of Labor, First Floor.
New York, New York, 165 West 46th Street.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

IV. A public hearing will be held on August 26, 1943, before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, at 10:00 a. m. in Room 1001, United States Department of Labor, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 62 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 62 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided,* That not later than August 21, 1943, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 62.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 62 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the Fruit and Vegetable Packing and Farm Products Assembling Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, "Memorandum to Industry Committee No. 62 for the Fruit and Vegetable Packing and Farm Products Assembling Industry," prepared by the Economics Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor, July 1943.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or Presiding Officer as are deemed appropriate.

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, a complete record of the proceedings shall be filed with the Administrator. No intermediate report shall be filed unless so directed by the Administrator. If a report is filed it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 2d day of August, 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-12740; Filed, August 5, 1943; 2:24 p. m.]

MEAT, POULTRY, AND DAIRY PRODUCTS INDUSTRY

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION

Notice of hearing on the minimum wage recommendation of Industry Committee No. 61 for the Meat, Poultry, and Dairy Products Industry, to be held August 24, 1943.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938 on June 16, 1943, by Administrative Order No. 201, appointed Industry Committee No. 61 for the Meat, Poultry, and Dairy Products Industry, composed of an equal number of representatives of the public, employers in the Industry and employees in the Industry, such representatives having been appointed with due regard to the geographical regions in which the Industry is carried on; and

Whereas Industry Committee No. 61, on July 13, 1943, recommended a minimum wage rate for the Meat, Poultry, and Dairy Products Industry and duly adopted a report containing such recommendations and reasons therefor and filed such report with the Administrator on July 14, 1943, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 61 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 61 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Meat, Poultry and Dairy Products Industry (as defined in Administrative Order No. 201) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Meat, Poultry, and Dairy Products Industry as set forth in Administrative Order No. 201, issued June 16, 1943, is as follows:

The assembling, processing, and marketing of meat animals and meat animal products, poultry and poultry products, and dairy products.

a. It includes, but without limitation, any product or by-product obtained from livestock, poultry, wild fowl and game (including meats, milk, and eggs) and any other product which is derived from any other form of animal life (such as fish, reptiles, and frogs), and which is assembled, processed or marketed for animal or human consumption.

b. *Provided, however,* That the definition shall not include:

(1) Storing performed by an independent warehouse.

(2) Any product included in the Leather Industry; Drug, Medicine, and Toilet Preparations Industry (as defined in the wage orders for these industries); or in the Canned Fruits and Vegetables and Related Products Industry; and the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries (as defined in Administrative Orders Nos. 182 and 193 respectively).

The definition of the Meat, Poultry, and Dairy Products Industry covers all occupations in the industry which are necessary to the production of the articles or the operations specified therein including clerical, maintenance, shipping and selling occupations: *Provided, however,* The definition does not cover such clerical, maintenance, shipping and selling occupations (a) when carried on in an establishment or department exclusively engaged in wholesaling or selling, the greater part of the sales of which establishment or department are sales of products which are not included in this industry; and (b) when carried on exclusively in connection with the sale of articles not included in this industry: *And provided, further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek, unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 61 is and will be available for inspection by any person between the hours of 9:00 a. m. and 5:00 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, Parcel Post Building, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.
Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue and Seventh Street.
Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
Baltimore, Maryland, 408 Old Town Bank Building.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.
Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street NE.
Jacksonville, Florida, 456 New Post Office Building.
Birmingham, Alabama, 1007 Comer Building, 2nd Avenue and 21st Street.
New Orleans, Louisiana, 916 Richards Building, 837 Gravier Street.
Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.
Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.
Cleveland, Ohio, 4094 Main Post Office, West 3rd and Prospect Avenue.
Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.
Detroit, Michigan, David Stott Building, 1150 Griswold Street.
Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
Kansas City, Missouri, 3000 Fidelity Building, 911 Walnut Street.
St. Louis, Missouri, 316 Old Customs House.
Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
San Francisco, California, 511 Humboldt Bank Building, 785 Market Street.
Los Angeles, California, 417 H. W. Hellman Building.
Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.
San Juan, Puerto Rico, Post Office Box 112.
Washington, District of Columbia, Department of Labor, 1st Floor.
New York, New York, 165 West 46th Street.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

IV. A public hearing will be held on August 24, 1943, before the Administrator of the Wage and Hour Division or a representative designated to preside in his place at 10:00 a. m. at the National Headquarters Office, Wage and Hour Division, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 61 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 61 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person; provided that not later than August 18, 1943, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 61.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 61 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C. and New York, New York.

VII. Copies of the following document relating to the Meat, Poultry, and Dairy Products Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, "Memorandum to Industry Committee No. 61 for the Meat, Poultry and Dairy Products Industry," prepared by the Economics Branch, Wage and Hour Division, United States Department of Labor, June 1943.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate.

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.
2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.
3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer or by other appropriate notice.
4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the Presiding Officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.
5. All evidence must be presented under oath or affirmation.
6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.
7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer, the original document together with two copies of those portions of the document intended to be put in evidence.
8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.
9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.
10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.
11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such request or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.
12. Before the close of the hearing, the Presiding Officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. Those requests will be forwarded to the Administrator by the Presiding Officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.
13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.
14. On the close of the hearing, the Presiding Officer shall forthwith file a complete record of the proceedings with the Administrator. The Presiding Officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.
15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 29th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-12741; Filed, August 5, 1943; 2:24 p. m.]

INTERSTATE COMMERCE COMMISSION.

[Service Order 126, Special Permit 3]

THE VIRGINIAN RAILWAY COMPANY

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph of (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Virginian Railway Company to initially ice (but not to reice) not to exceed 18 refrigerator cars containing potatoes to be shipped by the War Foods Administration from the Peoples Ice and Cold Storage Co., Roanoke, Va., consigned to Cherokee Products Co., Haddock, Ga.

Not more than 5 cars shall be accepted for movement and iced on any one calendar day.

The bills of lading and waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 5th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12776; Filed, August 6, 1943; 10:53 a. m.]

NATIONAL HOUSING AGENCY.

Federal Public Housing Authority.

DELEGATION OF POWERS TO REGIONAL OFFICIALS IN DEVELOPMENT OF WAR HOUSING PROJECTS

AUGUST 3, 1943.

The purpose of this section is to set forth the powers and duties, to be exercised in the regional offices in connection with the development of projects undertaken pursuant to the provisions of Pub. Laws 671, 781, and 849, 76th Cong., and Pub. Laws 9, 73, and 353, 77th Cong., as amended.

1. *Regional directors and assistant regional directors.* To regional directors and assistant regional directors there is hereby delegated the power:

a. To execute contracts in any amount whatsoever with respect to the development of projects, except that until further notice the acceptance of options to purchase land or the execution of leases for sites shall be referred to the Central Office for acceptance or execution.

b. To execute or approve contract changes in any amount whatsoever with respect to the development of projects and to act as the representative of the head of the department for the purpose of approving such contract changes when the contract documents require the approval of such contract changes by the head of department or his duly authorized representative.

2. *Regional directors.* To regional directors there is hereby delegated the power:

a. To act as representatives of the head of the department for the purpose of approving the consideration of contractors' requests for extension of time, when contracts permit the waiver by the head of the department or his duly authorized representative of the contractors' failure to notify the Government of the delay within the period of time stated in the contract.

b. To make such findings of need as are required by the provisions of the Lanham Act, (Pub. Law 849, 76th Cong.) with respect to the installation of furniture for family dwellings.

c. Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001 and 9116, and the National Housing Administrator's General Order FPHA-7.

(1) To make advance payments to contractors;

(2) To waive requirements of advertising and competitive bidding, to the extent permitted or required by established FPHA policies and procedures.

3. *Regional directors and assistant regional directors for development.* To regional directors and assistant regional directors for development there is hereby delegated the power:

a. To select or approve sites;

b. To grant revocable licenses, permits and easements, and execute appropriate instruments therefor, to facilitate the provision of adequate utility services;

c. To execute appropriate deeds of conveyance or other instruments for the dedication of land acquired for permanent projects only, for necessary streets, alleys, walks or other means of ingress and egress, and utilities;

d. To effectuate, wherever possible, the annexation of project property by political subdivision if necessary to facilitate the extension of adequate public facilities or services, including utilities, to such property.

4. *Regional construction advisers.* To regional construction advisers, there is hereby delegated the power:

a. To approve contract changes of $2,500 or less and to act as representative for head of the department for the purpose of approving contract changes of $2,500 or less when the contract documents require the approval of such changes by the head of the department or his duly authorized representative;

b. To execute contract changes in any amount, subject however to the approval of all contract changes in excess of $2,500, by the regional director or assistant regional directors.

5. *Project engineers.* To project engineers there is hereby delegated the power:

a. To execute contract changes in any amount, subject however to the approval of all contract changes in excess of $500 by the regional director or assistant regional directors, or in case of contract changes of $2,500 or less, subject to the approval of the regional construction adviser;

b. To execute contract changes in the aggregate of $5,000 on any one project if the contract change involves only latent soil, or other conditions covered by Article 4 of the lump sum contract, and to act as representative of the head of the department for the purpose of approving such changes in excess of $500;

c. To approve lump sum subcontracts up to and including $500.

6. *Exercise of authority.* The incumbents of the above-named offices are hereby instructed that they shall exercise the powers delegated to them only in accordance with established FPHA policies and procedures, applicable laws and regulations and within approved budgets, and shall execute documents in their own names.

[SEAL] HERBERT EMMERICH,
Commissioner.

[F. R. Doc. 43-12742; Filed, August 5, 1943; 4:30 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT LB-13, Amdt. 1]

AKRON TRANSPORTATION COMPANY, AKRON, OHIO

ORDER SUSPENDING AND ADJUSTING CERTAIN OPERATIONS

Pursuant to Executive Orders 8989, 9156, and 9294, and War Production Board Directive 21, and in order to assure the orderly and expeditious movement of necessary passenger traffic, and to conserve and providently utilize manpower and existing transportation facilities and service, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. Special Order ODT LB-13 (8 F.R. 10454) be, and it is hereby, amended by deleting paragraph numbered 4 therefrom, by designating paragraph numbered 5 as paragraph number 4, and by designating paragraph numbered 6 as paragraph number 5, and changing said paragraph so as to read as follows:

5. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., Cleveland, Ohio, or Chicago, Illinois, and should refer to "Special Order ODT LB-13".

This order shall become effective August 16, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 5th day of August, 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-12766; Filed, August 6, 1943; 9:51 a. m.]

[Special Order ODT B-9, Amdt. 2]

ALL AMERICAN BUS LINES, INC. AND NORTHERN TRAILS, INC.

COORDINATED OPERATIONS BETWEEN CHICAGO, ILLINOIS, AND NEW YORK, NEW YORK

Upon further consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers and an amendment thereof, filed with this Office by All American Bus Lines, Inc., Chicago, Illinois, and Northern Trails, Inc., Chicago, Illinois, pursuant to § 501.49 of General Order ODT 11, as amended, (7 F.R. 4389, 11099): *It is hereby ordered*, That:

1. Special Order ODT B-9, as amended, (7 F.R. 5926, 8 F.R. 1160), be and it is hereby amended by deleting the words May 15, 1943, wherever they appear in paragraph 3 and substituting therefor May 15, 1944.

This amendment shall become effective on August 6, 1943.

Issued at Washington, D. C., this 6th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12765; Filed, August 6, 1943; 9:51 a. m.]

WHOLESALE FLORISTS OF PHILADELPHIA

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), S. S. Pennock Co., Callnon Bros., Delaware County Wholesale Florists, Berger Bros., Eugene Bernheimer, Philadelphia Cut Flower Co., and Irvin & Penater, all of Philadelphia, Pennsylvania, have filed with the Office of Defense Transportation for approval an amended joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in Philadelphia and vicinity.

The participants in the plan, wholesale florists, deliver flowers and related articles in their own trucks to retailers in Philadelphia and within a 25-mile radius thereof. They propose to eliminate wasteful operations by the pooling of deliveries and the formation of a cooperative association which will perform the delivery service. The cooperative will be able to make all deliveries with 6 or 7 trucks, whereas 15 trucks were formerly operated by the individual participants. Their trucks will be sold, stored, leased to the cooperative, or held in reserve. Operation under the plan will result in estimated savings of 19,000 truck-miles a month. Other wholesale florists of Philadelphia are invited to join in the plan. The plan does not contemplate joint selling activities or exchange of customers.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 2d day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12791; Filed, August 6, 1943; 11:29 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 4, 1943.

Order number:	*Name*
MPR 120, Second Revised Order 7	Masteller Coal Co.
MPR 120, Revised Order 115	Henry Clay Coal Mining Co.
MPR 120, Order 184	Zion Coal Co.
MPR 120, Order 200, Correction	Marcum Coal Co.
MPR 120, Order 228	Independent Coal Co.
MPR 120, Order 229	Imperial Coal Co.
MPR 120, Order 230	C. A. Hughes & Co.
MPR 120, Order 231	Pardee, Curtin Lumber Co. & Minds Coal Mining Corp.
RMPR 148, Order 32, Amendment 1	William Underwood Co.
MPR 149, Order 4	Joseph Stokes Rubber Co.
MPR 152, Order 42	F. E. Booth Co., Inc.
MPR 177, Order 9, Amendment 1	Robert Kaufman & Co.
MPR 177, Order 11	N. Snellenburg & Co., Inc.
MPR 185, Orders 19 & 20	H. J. Heinz Co.
MPR 185, Order 21	Libby, McNeill & Libby.
MPR 246, Order 9	Craine, Inc.
MPR 385, Order 1	A. Staiman, Inc.
MPR 385, Order 2	Famous-Sternberg, Inc.
MPR 385, Order 3	Coronet Military Uniform Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12759; Filed, August 6, 1943; 9:27 a. m.]

Regional, State, and District Office Orders.

[S. Dak. Order G-1 Under SR 15]

FIREWOOD IN SOUTH DAKOTA

South Dakota State Office Order No. G-1 under § 1499.75 (a) (1) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Formerly Order No. 1.)

The Director of the State Office of the Office of Price Administration for the State of South Dakota has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation, as amended, for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in certain areas hereinafter described within the State of South Dakota. The State Director has ascertained and given due consideration to the increased production costs which sellers of firewood within the specified areas of the State of South Dakota must incur in order to produce such firewood compared with the costs of production in March 1942 (and in any earlier months in which firewood was generally produced in the State of South Dakota). He has ascertained and given due consideration to the extent of increased transportation costs which must be incurred by such sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in the State of South Dakota. He has also compared the average selling prices within the areas with the higher maximum prices established in the territory immediately adjacent to these specified areas of South Dakota. He has also considered such other circumstances as may be pertinent to the procurement of sufficient supplies of firewood to meet the requirements of the localities affected.

In the judgment of the State Director the alternative maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation, as amended, to the minimum extent necessary to insure a sufficient supply of firewood in these areas of the State of South Dakota.

Therefore under the authority vested in me by Supplementary Regulation No. 15 to the General Maximum Price Regulation, as amended, *It is ordered:*

1. Maximum prices for firewood within the areas hereinafter described, shall be the prices established for such sellers under § 1499.2 of the General Maximum Price Regulation, as amended, or the adjusted prices hereinafter provided in paragraphs 2 and 3 hereof, whichever shall be higher.

2. The adjusted prices for sales and deliveries of firewood in cords or multiples or fractions thereof (or in equivalent quantities expressed in terms of ricks or weights) within that portion of Pennington and Custer Counties lying East of the Eastern boundary lines of the Black Hills and Harney National Forests and the South Dakota State Park shall be as follows:

Body wood cut as furnace wood in 12", 16", 24" lengths	$9.00
Body wood cut in 12", 16", 24" lengths	8.50
Body wood 4' lengths	7.50
Slab wood cut in 12", 16", 24" lengths, 4' lengths	8.00

3. Maximum prices for sales and deliveries of firewood in cords or multiples or fractions thereof (or in equivalent quantities expressed in terms of ricks or weights) for that portion of Pennington and Custer Counties lying west of the

eastern boundary line of and within the area of the Black Hills and Harney National Forests and the South Dakota State Park shall be as follows:

Body wood cut as furnace wood in 12", 16", 24" lengths	$7.00
Body wood cut in 12", 16", 24" lengths	6.25
Body wood cut in 4' lengths	5.50
Slab wood	no adjustment

4. The terms used herein shall have the following meanings:

(a) A standard cord shall be the amount of wood cut in 4 foot lengths which is contained in a space of 128 cubic feet when well ranked and stowed.

(b) A cord of four foot firewood shall contain a standard cord.

(c) A cord of 24-inch firewood shall contain the quantity of 24-inch wood cut from a standard cord but not less than 104 cubic feet of 24-inch wood when compactly piled.

(d) A cord of 16-inch firewood shall contain the quantity of 16-inch wood cut from a standard cord but not less than 96 cubic feet of 16-inch wood when compactly piled.

(e) A cord of 12-inch firewood shall contain the quantity of 12-inch wood cut from a standard cord but not less than 96 cubic feet of 12-inch wood when compactly piled.

5. When firewood shall be sold by weight, such weights shall be computed in accordance with established practice in such a fashion that the price per cwt. shall not exceed the maximum prices per cord established hereunder for each type of wood.

6. A "rick" shall for the purposes of this order and in accordance with standard practices and customs prevailing in the areas affected be ¼ of a standard cord, or its equivalent.

7. Body wood shall consist of dry mixed timber of 3" diameter or greater; and weighing not less than 2600 lbs. per cord.

8. Slab wood shall consist of dry mixed edgings, slashings, branches, roots (but not including sawdust or by-products of mill or forestry operations) used for fuel consumption and weighing not less than 2200 lbs. per cord.

9. Firewood shall mean mixed pine, fir, and hardwood species indigenous to South Dakota.

10. The adjusted prices herein provided for shall be f. o. b. the seller's yard or place of business.

11. Every seller of firewood at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, as amended, to reflect the increase in the maximum prices for firewood in accordance with the permission granted hereby.

12. This order shall be effective from the date hereof. It is subject to revocation or amendment by the State Director at any time hereafter upon a finding that a shortage of supply of firewood is no longer threatened. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

GUY HARDING,
State Director.

NOVEMBER 28, 1942.

[F. R. Doc. 43-12717; Filed, August 5, 1943; 11:31 a. m.]

[Region VII Order G-3 Under SR 14]

FLUID MILK AND CREAM IN LARAMIE AND HANNA, WYO.

Order No. G-3 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. Order modifying maximum wholesale and retail prices for fluid milk and cream in Laramie and Hanna, Wyoming. (Formerly Order No. 3.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk and cream sold at wholesale and retail in Laramie and Hanna, Wyoming.* The maximum price of fluid milk and cream sold and delivered at wholesale and retail in the localities set forth below shall be, from and after the effective date of this order, as follows:

(a) In Laramie and Hanna, Wyoming:

Commodity in bottles	Wholesale price	Retail price	Public institutions
Milk, raw:			
½ pints	$0.03½		
Quarts	.11	$0.13	
Gallons	.39	.49	$0.44
Coffee cream:			
½ pints	.11	.14	
Quarts	.39	.49	
Whipping cream:			
½ pints	.19	.22	
Quarts	.58	.68	

(2) *Definitions.* For the purpose of paragraph (a):

(i) "Milk" means cow's produced, processed, distributed, and sold in bottles for consumption in fluid form as whole milk.

(ii) "Cream" means concentrated butter fat to the degree specified taken from milk.

(iii) Laramie, Wyoming, means all the area lying within the municipal boundaries of that City, and a distance of one mile beyond at all boundary points.

(iv) Hanna, Wyoming, means all the area lying within the incorporated limits.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of October 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12718; Filed, August 5, 1943; 11:34 a. m.]

[Region VII Order G-4 Under SR 14]

FLUID MILK IN CASPER, WYO.

Order No. G-4 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. Order modifying maximum wholesale and retail prices for fluid milk and cream in Casper, Wyoming. (Formerly Order No. 4.)

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) ***Maximum prices for fluid milk and cream sold at wholesale and retail in Casper, Wyoming.*** The maximum price of fluid milk and cream sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In Casper, Wyoming:

Commodity in bottles	Wholesale price	Retail price delivered	
		At store	At home
Milk, raw:			
Quarts	$0.11	$0.13	$0.13
Gallons	.39	.49	.49
Coffee cream:			
½ pints	.11	.13	.13
Quarts	.39	.49	.49
Whipping cream:			
½ pints	.19	.22	.22

(2) *Definitions.* For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed, and sold in bottles for consumption in fluid form as whole milk.

(ii) "Cream" means concentrated butter fat to the degree specified taken from milk.

(iii) Casper, Wyoming, means all the area lying within the municipal boundaries of that City, and a distance of three miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of October 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12719; Filed, August 5, 1943; 11:34 a. m.]

[Region VII Order G-6 Under SR 14]

FLUID MILK IN GREELEY, COLO.

Order No. G-6 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. Order modifying maximum wholesale and retail prices for fluid milk in the Greeley, Colorado, Area. (Formerly Order No. 6.)

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold at wholesale and retail in the Greeley, Colorado, area.* The maximum prices of fluid milk sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In the Greeley, Colorado, area:

Commodity in bottles	Retail price	Wholesale price
Milk, raw:		
Gallons	$0.39	$0.35
Quarts	.12	.10
½ gallons	.21	.18
Pints	.07	.06
½ pints	.05	.03½

(2) *Definitions.* For the purpose of paragraph (a):

(i) "Milk means cow's milk produced, processed, distributed and sold in bottles for consumption in fluid form as whole milk.

(ii) The Greeley, Colorado, area means all of the area lying within the rectangle formed by a line drawn east and west through a point three miles north of the most northern boundary point of the corporate limits of Eaton, Colorado, and a line drawn north and south through a point three miles east of the most eastern boundary point of the corporate limits of Kersey, Colorado, and a line drawn east and west through a point three miles south of the most southern boundary of the corporate limits of Gilchrist, Colorado, and a line drawn north and south through a point three miles west of the most westerly point of the corporate limits of Eaton, Colorado.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12720; Filed, August 5, 1943; 11:27 a. m.]

[Region VII Order G-26 Under 18 (c)]

BERNARD 6½" PLIERS MANUFACTURERS IN DENVER REGION

Order No. G-26 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of Maximum Prices in Region VII, Denver, for Bernard 6½" Pliers Manufacturer's No. 102; Docket No. VII-18 (c)-67.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) Maximum prices for Bernard 6½" Pliers at wholesale and retail. The maximum prices for Bernard 6½" Pliers, Mfr's No. 102, in all of Region VII, Denver, shall be from and after the effective date of this general order as follows:

(1) *Wholesale price.* The maximum price for Bernard 6½" Pliers, Mfr's No. 102, when sold at wholesale shall be $25.20 per dozen.

(2) *Retail price.* The maximum price for Bernard 6½" Pliers, Mfr's No. 102, when sold at retail shall be $3.00 each.

(b) *Definitions.* For the purpose of this order:

(1) Unless the context of this general order otherwise requires, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation shall apply to and be deemed to be a part of this general order with like force and effect as though re-written herein.

(c) *Quantity discounts and price differentials need not be maintained.* From and after the effective date of this order it shall not be obligatory upon any seller of Bernard 6½" Pliers, Mfr's No. 102, either at wholesale or retail, to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell said item at a lower price than the maximum price established by this general order if he so desires.

(d) *Right to revoke or amend.* This order may be revoked, amended or corrected at any time by the Price Administrator or Regional Administrator.

(e) *Effective date.* This order shall become effective March 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of March 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12721; Filed, August 5, 1943; 11:33 a. m.]

[No. Calif. Order G-1 Under SR 15]

FIREWOOD IN HUMBOLDT COUNTY, CALIF.

Order No. G-1 under § 1499.75 (a) (1) of Supplementary Regulation 15 to the General Maximum Price Regulation—Firewood. (Formerly Price Order No. 1).

The Director of the Northern California State Office of the Office of Price Administration has determined upon his own motion that in his judgment the maximum prices established under the General Maximum Price Regulation for the sale and delivery of firewood are inadequate to insure a sufficient supply of firewood to meet the heating requirements in Humboldt County, State of California.

The State Director has ascertained and given due consideration to the increased production and distribution costs which sellers of firewood in Humboldt County are now experiencing as compared with the costs of production and distribution generally prevailing in Humboldt County in March 1942. He has given due consideration to the importance of firewood as a source of residential heat in Humboldt County and the necessity of using such firewood for heating purposes as a means of minimizing the use of coal, oil, and other types of heating fuel.

The State Director has given due consideration to the increased demand for labor in defense industries in Humboldt County and the resultant increased demand for firewood that is now being experienced in Humboldt County. He has determined on the necessity of utilizing the waste from lumber mills as a source of firewood so as to minimize the use of labor in furnishing firewood to the residents of Humboldt County.

So far as practicable, the Director has advised and consulted with representative members of the industry which will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices of firewood established under General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in Humboldt County and will effectuate the purpose of this order.

Therefore, under the authority vested in the State Director by Supplementary Regulation 15 to the General Maximum Price Regulation, this Northern California State Order No. G-1 is hereby issued.

1. *Prohibition against dealing in firewood above maximum prices.* On and after November 14, 1942, regardless of any contract, agreement, or other obligation:

(a) No person shall sell or deliver firewood in Humboldt County at prices higher than the maximum prices established under this order, and

(b) No person in the course of trade or business shall buy or receive firewood in Humboldt County at prices higher than the maximum prices established under this order.

2. *Evasion.* The price limitations set forth in this order No. G-1 shall not be

evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to firewood in Humboldt County, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.

Without limiting the generality of the foregoing, the price limitation set forth herein shall not be evaded by improper classification of any item of firewood, splitting of orders into small quantities in order to increase prices, discontinuing or increasing the cost of delivery, or by decreasing or discontinuing cash discounts.

3. *Less than maximum prices.* Lower prices than those set forth in this order No. G–1 may be charged, demanded, paid, or offered.

4. *Maximum prices for sales of firewood in Humboldt County.* The maximum price for each item of firewood shall be the sum of the following items:

(a) The highest net price (after adjustment for all applicable customary charges, discounts, quantity differentials and other allowances) established for the seller under the General Maximum Price Regulation to a purchaser of the same class, and

(b) An amount equal to 20% of said highest net price.

5. *Adjustment of maximum prices for different classes of customers.* If the seller had an established practice in March of 1942 of giving allowances, discounts, or other price differentials, to different classes of purchasers, he is required to continue this practice, and his maximum prices calculated for any type of firewood must be reduced to reflect such allowances, discounts and price differentials. No seller shall change his customary allowances, discounts or other differentials unless such change results in lower prices.

It has been the practice in some instances for lumber mills who sell their waste to wood dealers to require that the employees of the mill be granted a special price. This order stipulates that such practice, if it existed in March 1942, shall continue.

6. *Applicability of maximum prices.* The prices established by this order apply only to sellers selling firewood at wholesale and retail. This order does not apply to mills selling mill waste.

7. *Applicability of the General Maximum Price Regulation.* Except insofar as they are inconsistent, all of the provisions and definitions contained in the General Maximum Price Regulation are incorporated in this order.

8. *New sellers.* Every person engaged in or who proposes to engage in the business of selling firewood at wholesale or retail who was not in such business at his present location in March 1942, and who is not a transferee as described in section 5 of the General Maximum Price Regulation, shall apply to the Northern California State Office of the Office of Price Administration for a method of pricing firewood and shall adhere to the method given him by said Office.

9. *Method of billing of sales of firewood.* Every seller selling firewood in Humboldt County shall on each sale of firewood separately state on the Bill or Invoice his maximum price established under the General Maximum Price Regulation and the increase allowed him under this order.

10. *Affidavits of compliance.* (a) Before any seller of firewood may sell at prices in excess of those established for him under the General Maximum Price Regulation, and avail himself of the increases allowed him under this order, such seller must file with the Northern California State Office of the Office of Price Administration a sworn statement stating that he is not, at the time of the issuance of this order, and has not, since the General Maximum Price Regulation controlled the prices which he may charge for firewood, sold at prices in excess of the maximum prices established by the General Maximum Price Regulation for such seller. The effective date of the General Maximum Price Regulation with regard to sales at wholesale was May 11, 1942; with regard to sales at retail, the effective date was May 18, 1942.

(b) Such sworn statement shall also contain a statement by every seller of firewood at retail that he has filed with his local War Price and Rationing Board his maximum prices for firewood as determined by the General Maximum Price Regulation.

(c) In the event that any seller cannot submit the sworn statement showing that he has not violated the maximum prices applicable to such seller under the General Maximum Price Regulation, he shall present the facts of his case to the Northern California State Office of the Office of Price Administration. Such office will, after due consideration of the matter, make such individual adjustment with such seller as the facts of his case may warrant, and thereafter give specific permission to such seller to fix his maximum prices for the sales of firewood in accordance with the maximum prices prescribed in this order.

11. *Records and reports.* (a) Every person making sales of firewood at wholesale, who is subject to this order No. G–1, shall within fifteen days after the effective date of this order file with his local War Price and Rationing Board a statement of his maximum prices for firewood as determined under the General Maximum Price Regulation.

(b) Every seller of firewood subject to this order and every buyer in the course of trade or business shall preserve for examination by representatives of the Office of Price Administration copies of invoices covering each sale of firewood, and prepared in accordance with the provisions of this order.

12. *Definitions.* (a) Firewood means any wood prepared and intended for consumption as fuel.

13. *Amendment.* This order may be revoked or amended at any time by the Northern California State Office of the Office of Price Administration.

14. *Effective date.* This Northern California State Office Order G–1 shall become effective November 21, 1942.

Issued: November 21, 1942.

FRANCIS CARROLL,
State Director.

[F. R. Doc. 43-12732; Filed, August 5, 1943; 11:27 a. m.]

[No. Calif. Order G-1 Under SR 15]

FIREWOOD IN DESIGNATED COUNTIES IN CALIFORNIA

Order No. G-2 under § 1499.75 (a) (1) of Supplementary Regulation 15 of the General Maximum Price Regulation—Firewood. (Formerly Price Order No. 2.)

The Director of the Northern California State Office of the Office of Price Administration has determined upon his own motion that in his judgment the maximum prices established under the General Maximum Price Regulation for the sale and delivery of firewood in Santa Cruz, San Benito, and Monterey Counties, State of California, are inadequate to insure a sufficient supply to meet the heating requirements in these three Counties.

That State Director has ascertained and given due consideration to the increased costs of production and distribution which sellers of firewood in these three Counties are now experiencing as compared with the costs generally prevailing in these Counties in March, 1942. He has given due consideration to the importance of firewood as a source of residential heat in the three Counties and the necessity of using such firewood for heating purposes as a means of minimizing the use of coal, oil, and other types of heating fuel.

So far as practicable the Director was advised and consulted with representative members of the industry. He has determined that the new maximum prices established are and will be generally fair and equitable and will effectuate the purposes of this order.

Therefore, in order to accelerate the movement of firewood now in the stocks of dealers to the consuming public, under the authority vested in the State Director by Supplementary Regulation No. 15 of the General Maximum Price Regulation, this Northern California State Order No. G–2, is hereby issued.

1. *Prohibition against dealing in firewood above maximum prices.* On and after December 12, 1942, regardless of any contract, agreement, or other obligation:

(a) No person shall sell or deliver firewood in Monterey, Santa Cruz, or San Benito Counties at prices higher than the maximum prices established under this order, and

(b) No person in the course of trade or business shall buy or receive firewood in Monterey, Santa Cruz, or San Benito Counties at prices higher than the maximum prices established under this order.

2. *Evasion.* (a) The price limitation set forth in this order No. G–2 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to firewood in Monterey, San Bonito or Santa Cruz Counties, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.

(b) Without limiting the generality of the foregoing, the price limitations set forth herein shall not be evaded by improper classification of any item of firewood, splitting of orders into small quantities in order to increase prices (except as specifically allowed in Appendices A, B, C, & D of this Order), discontinuing or increasing the cost of delivery, or by decreasing or discontinuing cash discounts.

(c) The maximum prices herein set forth shall not be evaded by any practice or practices of any seller in connection with the cutting or splitting of firewood to a particular size demanded by the customer. If larger pieces of firewood are cut to a special size demanded by the customer, the quantity of wood for which the customer is to be charged is to be measured after said cutting and not before. In such case, the customer should be charged only on the basis of the measured cord or fraction thereof after the cutting has been completed, and the customer should be billed only for the measured cord or fraction thereof, after the said cutting, actually delivered to the customer.

3. *Less than maximum prices.* Lower prices than those set forth in this order No. G–2 may be charged, demanded, paid, or offered.

4. *Maximum prices for sales of firewood in Monterey, Santa Cruz, and San Bonito Counties.* The maximum price for each item of firewood shall be the following:

(a) *Sales at retail.* The maximum prices set forth in Appendices A, B, & C.

(i) Said prices are delivered prices. In the event the seller at retail does not deliver, but sells f. o. b. his yard, the retailer shall deduct from said maximum price, an amount equal to the differential between the delivered price and the f. o. b. price which said retailer had established in March, 1942, for f. o. b. sales as compared with delivered sales.

(ii) In the event any retailer had no such established differential in March, 1942, the amount of deduction shall be an amount equal to the cost to the customer of having the firewood delivered by the most usual and reasonable method.

(iii) In no event, however, shall a seller at retail refuse to sell to a purchaser on a delivered basis, if the customer desires to purchase the firewood on a delivered basis.

(b) *Sales at wholesale.* The maximum prices set forth in Appendix D. These prices shall be prices at the wholesaler's yard.

5. *Adjustment of maximum prices for different classes of customers.* If the seller had an established practice in March of 1942, of giving allowances, discounts, or other price differentials, to different classes of purchasers, he is required to continue this practice, and his maximum prices calculated for any type of firewood must be reduced to reflect such allowances, discounts and price differentials. No seller shall change his customary allowances, discounts or other differentials unless such change results in a lower price.

6. *Applicability of maximum prices.* The prices established by this order apply only to sellers selling firewood at wholesale and retail. This order does not apply to mills selling mill waste.

7. *Applicability of the General Maximum Price Regulation.* Except insofar as they are inconsistent, all of the provisions and definitions contained in the General Maximum Price Regulation are incorporated in this order.

8. *Method of billing of sales of firewood.* Every seller selling firewood in Monterey, Santa Cruz, or San Bonito Counties shall incorporate a statement on his bill or invoice to the effect that the prices charged for the firewood covered by the bill or invoice are not in excess of the maximum prices allowed by State Order No. G–2.

9. *Affidavit of compliance.* (a) Before any seller of firewood may sell at prices in excess of those established for him under the General Maximum Price Regulation, and avail himself of any increases allowed him under this order, such seller must file with the Northern California State Office of the Office of Price Administration a sworn statement stating that he is not, at the time of the issuance of this order, and has not, since the General Maximum Price Regulation controlled the prices which he may charge for firewood, sold at prices in excess of the maximum prices established by the General Maximum Price Regulation for such seller. The effective date of the General Maximum Price Regulation with regard to sales at wholesale was May 11, 1942; with regard to sales at retail, the effective date was May 18, 1942.

(b) In the event that any seller cannot submit the sworn statement showing that he has not violated the maximum prices applicable to such seller under the General Maximum Price Regulation, he shall present the facts of his case to the Northern California State Office of the Office of Price Administration. Such office will, after due consideration of the matter, make such individual adjustment with such seller as the facts of his case may warrant, and thereafter give specific permission to such seller to fix his maximum prices for the sales of firewood in accordance with the maximum prices prescribed in this order.

(c) Every dealer in firewood, whether at wholesale or retail shall post a copy of ceiling prices established under this order in his place of business where it can be readily seen by his customers.

10. *Records and reports.* Every seller of firewood subject to this order and every buyer in the course of trade or business shall preserve for examination by representatives of the Office of Price Administration copies of invoices covering each sale of firewood, and prepared in accordance with the provisions of this order.

11. *Definitions.* (a) "Firewood" means any wood prepared and maintained for consumption as fuel.

(b) "Cord" means any pile of firewood containing 128 cubic feet of firewood.

(c) "Delivered" means delivered to the curb of the customer.

12. *Revocation.* This order may be revoked or amended at any time by the Northern California State Office of the Office of Price Administration.

13. *Effective date.* This Northern California State Office Order No. G–2 shall become effective December 12, 1942.

Issued December 12, 1942.

FRANCIS CARROLL,
State Director.

APPENDIX A—CORD WOOD

[Retail delivered prices]

Dry or medium dry	Cord					
	4 ft.	2 ft.	16 inches	12 inches	9½ to 10 inches	Assorted lengths, 2 ft. and under
Oak (any kind)	$15.00	$22.00	$22.50	$23.00	$23.00	----------
Madrone	15.00	22.00	22.50	23.00	23.00	----------
Pine	13.00	17.00	17.50	18.00	18.00	----------
Redwood	10.00	13.50	14.00	14.50	14.50	----------
Eucalyptus (gum)	13.50	17.50	18.00	18.50	18.50	----------
Orchard (any kind)	13.00	----------	----------	----------	----------	$17.00
Manzanita	13.00	----------	----------	----------	----------	17.00

[Fractional cord maximum prices]

Half cord price: Divide cord price by 2 and add 25 cents.
Third cord price: Divide cord price by 3 and add 35 cents.
Quarter cord price: Divide cord price by 4 and add 45 cents.
Fifth cord price: Divide cord price by 5 and add 55 cents.
For splitting to stovewood size, add $3.00 per cord to above cord prices.

APPENDIX B—SACK STOVEWOOD

[Retail delivered prices]

Dry or medium dry:	Price (cents)
Oak (any kind)	60
Madrone	60
Pine	50
Redwood	45
Mill ends and slabs	35
Kindling	60

Sack size: 22 inches by 36 inches (minimum). Deposit of 7¢ may be required on the sack.

APPENDIX C—MILL ENDS AND SLAB WOOD, DRY OR MEDIUM DRY

[Retail delivered prices]

16 inches and under:	Per cord
Pine	$8.00
Redwood	6.00

Half cord: Divide by 2 and add 20¢. Quarter cord: Divide by 4 and add 40¢.

APPENDIX D—WHOLESALE MAXIMUM PRICES

[Prices at wholesaler's yard]

4 ft. length:	Per cord
Oak (any kind)	$12.50
Madrone	12.50
Pine	10.50
Redwood	8.00
Eucalyptus (gum)	11.50

[F. R. Doc. 43-12723; Filed, August 5, 1943; 11:29 a. m.]

[No. Calif. Order G-3 Under SR 15]

FIREWOOD IN SANTA CLARA AND SAN MATEO COUNTIES, CALIF.

Order No. G-3 (Formerly Price Order No. 3) under § 1499.75 (a) (1) of Supplementary Regulation 15 to the General Maximum Price Regulation—Firewood.

The Director of the Northern California State Office of the Office of Price Administration has determined upon his own motion that in his judgment the maximum prices established under the General Maximum Price Regulation for sale and delivery of firewood in Santa Clara and San Mateo Counties, State of California, are inadequate to insure a sufficient supply to meet the heating requirements in these two Counties, and are inadequate to move the existing stocks of wood in dealers' hands to the consuming public.

The State Director has ascertained and given due consideration to the increased costs of production and distribution which sellers of firewood in these two Counties are now experiencing as compared with the costs generally prevailing in these counties in March, 1942. He has given due consideration to the importance of firewood as a source of residential heat in the two Counties, and the necessity of using such firewood for heating purposes as a means of minimizing the use of coal, oil, and other types of heating fuel.

So far as practicable, the Director has advised and consulted with representative members of the industry. He has determined that the new maximum prices established are and will be generally fair and equitable and will effectuate the purposes of this order.

Therefore, in order to accelerate the movement of firewood now in the stocks of dealers to the consuming public, and to eliminate inequalities in the existing maximum prices of firewood, under the authority vested in the State Director by Supplementary Regulation No. 15 of the General Maximum Price Regulation this Northern California State Order No. G-3 is hereby issued.

1. *Prohibition against dealing in firewood above maximum prices.* On and after December 15, 1942, regardless of any contract, agreement, or other obligation:

(a) No person shall sell or deliver firewood in Santa Clara or San Mateo Counties at prices higher than the maximum prices established under this order, and

(b) No person in the course of trade or business shall buy or receive firewood in Santa Clara or San Mateo Counties at prices higher than the maximum prices established under this order.

2. *Evasion.* (a) The price limitations set forth in this order No. G-3 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to firewood in Santa Clara or San Mateo Counties, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.

(b) Without limiting the generality of the foregoing, the price limitations set forth herein shall not be evaded by improper classification of any item of firewood, splitting of orders into small quantities in order to increase prices (except as specifically allowed in Appendices A, B, C, and D of this order), discontinuing or increasing the cost of delivery, or by decreasing or discontinuing cash discounts.

(c) The maximum prices herein set forth shall not be evaded by any practice or practices of any seller in connection with the cutting or splitting of firewood to a particular size demanded by the customer. If larger pieces of firewood are cut to a special size demanded by the customer, the quantity of wood for which the customer is to be charged is to be measured after said cutting and not before. In such case, the customer should be charged only on the basis of the measured cord or fraction thereof after the cutting has been completed, and the customer should be billed only for the measured cord or fraction thereof, after the said cutting, actually delivered to the customer.

3. *Less than maximum prices.* Lower prices than those set forth in this order No. G-3 may be charged, demanded, paid, or offered.

4. *Maximum prices for sales of firewood in Santa Clara and San Mateo counties.* The maximum price for each item of firewood shall be the following:

(a) *Sales at retail.* The maximum prices set forth in Appendices A, B & C.

(i) In the case of sack stovewood, delivered and cash and carry prices are set out.

(ii) In all other cases said prices are delivered prices.

(a) In the event the seller at retail does not deliver, but sells f. o. b. his yard, the retailer shall deduct from said maximum price, an amount equal to the differential between the delivered price and the f. o. b. price which said retailer had established in March, 1942, for f. o. b. sales as compared with delivered sales.

(b) In the event any retailer had no such established differential in March, 1942, the amount of deduction shall be an amount equal to the cost to the customer of having the firewood delivered by the most usual and reasonable method.

(c) In no event, however, shall a seller at retail refuse to sell to a purchaser on a delivered basis, if the customer desires to purchase the firewood on a delivered basis.

(b) *Sales at wholesale.* The maximum prices set forth in Appendix D. These prices shall be prices at the wholesaler's yard.

5. *Adjustment of maximum prices for different classes of customers.* If the seller had an established practice in March of 1942, of giving allowances, discounts, or other price differentials, to different classes of purchasers, he is required to continue this practice, and his maximum prices calculated for any type of firewood must be reduced to reflect such allowances, discounts and price differentials. No seller shall change his customary allowances, discounts or other differentials unless such change results in a lower price.

6. *Applicability of maximum prices.* The prices established by this order apply only to sellers selling firewood at wholesale and retail. This order does not apply to mills selling mill waste.

7. *Applicability of the General Maximum Price Regulation.* Except insofar as they are inconsistent, all of the provisions and definitions contained in the General Maximum Price Regulation are incorporated in this order.

8. *Method of billing of sales of firewood.* Every seller selling firewood in Santa Clara and San Mateo Counties shall incorporate a statement on his bill or invoice to the effect that the prices charged for the firewood covered by the bill or invoice are not in excess of the maximum prices allowed by State Order No. G-3.

9. *Affidavit of compliance.* (a) Before any seller of firewood may sell at prices in excess of those established for him under the General Maximum Price Regulation, and avail himself of any increases allowed him under this order, such seller must file with the Northern California State Office of the Office of Price Administration a sworn statement stating that he is not, at the time of the issuance of this order, and has not, since the General Maximum Price Regulation Controlled the prices which he may charge for firewood, sold at prices in excess of the maximum prices established by the General Maximum Price Regulation for such seller. The effective date of the General Maximum Price Regulation with regard to sales at wholesale was May 11, 1942; with regard to sales at retail, the effective date was May 18, 1942.

(b) In the event that any seller cannot submit the sworn statement showing that he has not violated the maximum prices applicable to such seller under the General Maximum Price Regulation, he shall present the facts of his case to the Northern California State Office of the Office of Price Administration. Such office will, after due consideration of the matter, make such individual adjustment with such seller as the facts of his case may warrant, and thereafter give specific permission to such seller to fix his maximum prices for the sales of firewood in accordance with the maximum prices prescribed in this order.

(c) Every dealer in firewood, whether at wholesale or retail shall post a copy of ceiling prices established under this order in his place of business where it can be readily seen by his customers.

10. *Records and reports.* Every seller of firewood subject to this order and every buyer in the course of trade or business shall preserve for examination by representatives of the Office of Price Administration copies of invoices covering each sale of firewood, and prepared in accordance with the provisions of this order.

11. *Definitions.* (a) "Firewood" means any wood prepared and maintained for consumption as fuel.

(b) "Cord" means any pile of firewood containing 128 cubic feet of firewood.

(c) "Delivered" means delivered to the curb of the customer.

12. *Other grades of firewood.* The maximum prices for all other grades, kinds, and sizes of firewood shall be the maximum price established under the General Maximum Price Regulation for each particular seller.

13. *Revocation.* This order may be revoked or amended at any time by the Northern California State Office of the Office of Price Administration.

14. *Effective date.* This Northern California State Office Order No. G-3 shall become effective December 15, 1942.

Issued December 15, 1942.

FRANCIS CARROLL,
State Director.

APPENDIX A—CORD WOOD

[Retail delivered prices]

Dry or medium dry	Cord			
	4 feet	2 feet	16 inches	12 inches
Oak (any kind)	$18	$22	$22	$24
Madrone	18	22	22	24
Eucalyptus (gum)	16	20	20	22
Orchard (any kind)	12	15	15	17

[Fractional cord maximum prices]

Half cord price: Divide cord price by 2 and add 25 cents. Third cord price: Divide cord price by 3 and add 35 cents. Quarter cord price: Divide cord price by 4 and add 45 cents. Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size—add $3.00 per cord to above cord prices.

APPENDIX B—SACK STOVEWOOD

[Retail prices]

Dry or medium dry	Delivered	Cash and carry
	Cents	Cents
Oak (any kind)	60	50
Madrone	60	50
Pine	50	40
Mill ends and slabwood	40	30

Sack size: 22 inches by 36 inches (minimum). Deposit of 7¢ may be required on the sack.

APPENDIX C—MILL ENDS AND SLAB WOOD, DRY OR MEDIUM DRY

[Retail delivered prices]

16 inches and under:	Per cord
Pine	$9.00
Redwood	7.50

Half cord price: Divide cord price by 2 and add 20 cents. Quarter cord price: Divide cord price by 4 and add 40 cents.

APPENDIX D—WHOLESALE MAXIMUM PRICES

Dry or medium dry	Prices, wholesaler's yard (per cord)				
	4 feet	2 feet	16 inches	12 inches	Assorted lengths, 16 inches and under
Oak (any kind)	$13	$16	$16	$18	.....
Madrone	13	16	16	18	.....
Eucalpytus (gum)	11	14	14	16	.....
Orchard (any kind)	6	9	9	11	.....
Mill ends and slab wood:					
Pine	.....	.....	.....	.....	$4.00
Redwood	.....	.....	.....	.....	3.25

[F. R. Doc. 43-12724; Filed, August 5, 1943; 11:29 a. m.]

[No. Calif. Order G-3 Under SR 15, Amdt. 1]

FIREWOOD IN SANTA CLARA AND SAN MATEO COUNTIES, CALIF.

Amendment No. 1 to Order No. G-3 (Formerly Price Order No. 3) of § 1499.75 (a) (1) of Supplementary Regulation 15 to the General Maximum Price Regulation—Firewood.

Appendixes B and C of Northern California State Office Order No. G-3 are amended as follows:

APPENDIX B—SACK STOVEWOOD

RETAIL PRICES

* * * * *

Deposit of 10¢ may be required on the sack.

APPENDIX C—MILL ENDS AND SLAB WOOD, DRY OR MEDIUM DRY

RETAIL DELIVERED PRICES

* * * * *

One-quarter cord: Divide cord price by 4 and add 40¢.

One-third cord: Divide cord price by 3 and add 30¢.

One-half cord: Divide cord price by 2 and add 20¢.

Two-thirds cord: Multiply cord price by 2, divide by 3, and add 15¢.

* * * * *

SEC. 14a. *Effective date.* Amendment 1 to Northern California State Office Order No. G-3 shall become effective January 28th, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 28th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-12725; Filed, August 5, 1943; 11:30 a. m.]

[No. Calif. Order G-4 Under SR 15]

FIREWOOD IN CALIFORNIA AREAS NOT COVERED BY OTHER ORDERS

Order No. G-4 under § 1499.75 (a) (1) of Supplementary Regulation No. 15 to the General Maximum Price Regulation (formerly Price Order No. 4)—Firewood.

The Director of the Northern California State Office of the Office of Price Administration has determined upon his own motion that in his judgment, the maximum prices established under the General Maximum Price Regulation for the sale and delivery of firewood in the various areas of Northern California, as to which specific orders have not heretofore been issued, are inadequate to insure a sufficient supply to meet the heating requirements in such areas, and are inadequate to move the existing stocks of wood in dealers' hands to the consuming public.

The State Director has ascertained and given due consideration to the increased costs of production and distribution which sellers of firewood in these various areas are now experiencing as compared with the costs generally prevailing in such areas in March, 1942. He has given due consideration to the importance of firewood as a source of residential heating in these various areas, and the necessity of using such firewood for heating purposes as a means of minimizing the use of coal, oil, and other types of fuel.

So far as practicable, the Director has advised and consulted with representative members of the industry. He has determined that the new maximum prices established by this order are, and will generally be, fair and equitable, and will effectuate the purposes of this order.

Therefore, in order to accelerate the movement of firewood now in the stocks of dealers to the consuming public, and to eliminate inequalities in the existing prices of firewood, under the authority vested the State Director by Supplementary Regulation 15 to the General Maximum Price Regulation, this Northern California Order No. G-4 is hereby issued.

1. *Prohibition against dealing in firewood above maximum prices.* On and after December 19, 1942, regardless of any contract, agreement, or other obligation:

(a) No person shall sell or deliver firewood in any specific area covered by this order at prices higher than the maximum prices established under this order for sales or deliveries in such area, and

(b) No person shall buy or receive firewood in any specific area covered by this order at prices higher than the maxi-

mum prices established under this order for sales or deliveries in such area.

2. *Evasion.* (a) The price limitations set forth in this Order No. G–4 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to firewood in the areas covered by said order alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

(b) Without limiting the generality of the foregoing, the price limitations set forth herein shall not be evaded by improper classification of any item of firewood, splitting of orders into small quantities in order to increase prices (except as specifically allowed in this order), discontinuing or increasing the cost of delivery, or by decreasing or discontinuing cash discounts.

(c) The maximum prices herein set forth shall not be evaded by any practice or practices of any seller in connection with the cutting or splitting of firewood to a particular size demanded by the customer. If larger pieces of firewood are cut to a special size demanded by the customer, the quantity of wood for which the customer is to be charged is to be measured after said cutting and not before. In such case, the customer should be charged only on the basis of the measured cord or fraction thereof after the cutting has been completed, and the customer should be billed only for the measured cord or fraction thereof, after the said cutting, actually delivered to the customer.

3. *Less than maximum prices.* Lower prices than those set forth in this order No. G–4 may be charged, demanded, paid, or offered.

4. *Areas covered by this Order No. G–4.* For the purposes of fixing prices for a Northern California area not already covered by specific price orders setting prices of firewood, the said Northern California area shall be divided into districts. Each district shall be known by number and shall consist of the counties listed below:

(a) *District I:* Del Norte, Siskiyou, Modoc, Lassen, Plumas, Shasta, Trinity, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Alpine, and Mono.

(b) *District II:* Butte, Tehama, Glenn, Colusa, Yuba, Yolo, Sacramento, and Sutter.

(c) *District III:* Mendocino and Lake.

(d) *District IV:* Alameda, Contra Costa, San Francisco, Marin, Sonoma, Napa, and Solano.

(e) *District V:* San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare.

5. *Maximum prices for sales of firewood in district I.* The maximum price for each item of firewood shall be the following:

(a) *Sales at retail.* The maximum prices set forth in Appendix A.

(i) In the case of sack stovewood, delivered and cash and carry prices are set out.

(ii) In all other cases said prices are delivered prices.

(a) In the event the seller at retail does not deliver, but sells f. o. b. his yard, the retailer shall deduct from said maximum price, an amount equal to the differential between the delivered price and the f. o. b. price which said retailer had established in March, 1942, for f. o. b. sales as compared with delivered sales.

(b) In the event any retailer had no such established differential in March, 1942, the amount of deduction shall be an amount equal to the cost to the customer of having the firewood delivered by the most usual and reasonable method.

(c) In no event, however, shall a seller at retail refuse to sell to a purchaser on a delivered basis, if the customer desires to purchase the firewood on a delivered basis.

(d) In some instances sellers at retail made an extra charge for piling the firewood on the consumer's premises. If any dealer had a customary charge in March, 1942, for piling of the wood on the consumer's premises, in addition to his charge for wood delivered to the consumer's curb, such dealer may charge the additional amount indicated in said Appendix A as a "storage charge" for rendering such service to the consumer, if the consumer requests such service.

(b) *Sales other than at retail.* The maximum prices set forth in Appendix A.

(i) Said prices are prices at the seller's yard, or f. o. b. means of transportation at the customary place of delivery, depending upon the practice of the particular seller in March, 1942.

(ii) If the seller, at the purchaser's request, delivers the wood in his own truck to the buyer's place of business, the seller may make an additional charge for such delivery. Such charge shall not exceed the charge which such seller made in March, 1942, for delivery. If the seller had an established differential in March, 1942, for wood sold on a delivered as compared with a non-delivered basis, such differential shall be the maximum price which the seller may charge for such delivery.

(iii) If the purchaser requests the seller to pile the wood in the purchaser's yard, such seller may make a charge for such service. Such charge shall not exceed the charge which the seller would have made for such service in March, 1942.

If, pursuant to the purchaser's request, the seller renders either or both of the above services, when billing the purchaser, the seller shall separately state on his invoice:

(a) the price for the wood, not to exceed the maximum prices set forth in Appendix A, and

(b) the cost of the additional service or services.

6. *Maximum prices for sales of firewood in District II.* (a) The maximum price for each item of firewood shall be the price set out in Appendix B.

(b) The provisions of paragraph 5 above concerning the terms and conditions of sale, etc., are referred to and incorporated herein and shall apply to all sales of firewood in said District II.

7. *Maximum prices for sales of firewood in District III.* (a) The maximum price for each item of firewood shall be the price set out in Appendix C.

(b) The provisions of paragraph 5 above concerning the terms and conditions of sale, etc., are referred to and incorporated herein and shall apply to all sales of firewood in said District III.

8. *Maximum prices for sales of firewood in District IV.* (a) The maximum price for each item of firewood shall be the price set out in Appendix D.

(b) The provisions of paragraph 5 above concerning the terms and conditions of sale, etc., are referred to and incorporated herein and shall apply to all sales of firewood in said District IV, except that in the case of sales of mill waste other than at retail, the prices listed shall be prices delivered at the usual place of delivery to the retailer.

9. *Maximum prices for sales of firewood in District V.* (a) The maximum price for each item of firewood shall be the price set out in Appendix E.

(b) The provisions of paragraph 5 above concerning the terms and conditions of sale, etc., are referred to and incorporated herein and shall apply to all sales of firewood in said District V.

10. *Mixed sales.* In the event that a seller sells any lot of wood which contains two or more classes of firewood which, under the terms of this order have different maximum prices, the maximum price of the entire lot of wood shall be determined by ascertaining the quantity of each class of wood in the lot, and charging the proper maximum price applicable to the amount of each class of wood in the lot. In such case, the seller may not add to the price of each individual item of wood the additional amount allowed where fractional cords of wood are ordered by and sold to consumers. Further, the seller must, in his invoice, itemize the type, quantity, and price of each class in the shipment.

11. *Adjustment of maximum prices for different classes of customers.* If the seller had an established practice in March of 1942, of giving allowances, discounts, or other price differentials, to different classes of purchasers, he is required to continue this practice, and his maximum prices calculated for any type of firewood must be reduced to reflect such allowances, discounts and price differentials. No seller shall change his customary allowances, discounts or other differentials unless such change results in a lower price.

12. *Applicability of maximum prices.* The prices established by this order apply only to sellers selling firewood at retail and to sellers selling other than at retail. However, this order does not apply to mills selling mill waste.

The provisions fixing said prices are expressly subject to the provisions of section 9 (b) (1) of the General Maximum Price Regulation.

13. *Applicability of the general maximum price regulation.* Except insofar as they are inconsistent, all of the provisions and definitions contained in the General Maximum Price Regulation are incorporated in this order.

14. *Method of billing of sales of firewood.* Every seller selling firewood in the areas covered by this order shall incorporate a statement on his bill or invoice to the effect that the prices charged for firewood covered by the bill or invoice are not in excess of the maximum prices allowed by State Order No. G–4.

15. *Affidavit of compliance.* (a) Before any seller of firewood may sell at prices in excess of those established for him under the General Maximum Price Regulation, and avail himself of any increases allowed him under this order, such seller must file with the Northern California State Office of the Office of Price Administration a sworn statement stating that he is not, at the time of the issuance of this order, and has not, since the General Maximum Price Regulation controlled the prices which he may charge for firewood, sold at prices in excess of the maximum prices established by the General Maximum Price Regulation for such seller. The effective date of the General Maximum Price Regulation with regard to sales at wholesale was May 11, 1942; with regard to sales at retail, the effective date was May 18, 1942.

(b) In the event that any seller cannot submit the sworn statement showing that he has not violated the maximum prices applicable to such seller under the General Maximum Price Regulation, he shall present the facts of his case to the Northern California State Office of the Office of Price Administration. Such office will, after due consideration of the matter, make such individual adjustment with such seller as the facts of his case may warrant, and thereafter give specific permission to such seller to fix his maximum prices for the sales of firewood in accordance with the maximum prices prescribed in this order.

(c) Every seller of firewood, whether selling at retail, or other than at retail, shall post a copy of the ceiling prices governing the sale of firewood in the area in which said seller is located, as established under this order, in his place of business where it can be readily seen by his customers.

16. *Records and reports.* Every seller of firewood subject to this order and every buyer in the course of trade or business shall preserve for examination by representatives of the Office of Price Administration copies of invoices covering each sale of firewood, and prepared in accordance with the provisions of this order.

17. *Other grades of firewood.* The maximum prices for all other grades, kinds, and sizes of firewood shall be the maximum price established under the General Maximum Price Regulation for each particular seller.

18. *Definitions.* (a) "Firewood" means any wood prepared and maintained for consumption as fuel.

(b) "Cord" means any pile of firewood containing 128 cubic feet of firewood.

(c) "Delivered" means delivered to the curb of the customer.

(d) "Storage charge" means the practice which existed as to some sellers at retail of making an extra charge for the piling of cord wood and firewood, other than sack wood, in the premises of the consumer. Such storage charge would be added to the price of the firewood when such additional service was requested by the purchaser. When not so requested, the firewood would be delivered to the consumer's curb, under normal circumstances.

(e) "Sales other than at retail" means all sales except sales by retail dealers to ultimate consumers: *Provided, however,* That this does not refer to sales covered by section 9 (b) (1) of the General Maximum Price Regulation, nor to sales by mills of mill waste.

(f) "F. O. B. means of transportation the customary place of delivery has reference to sales other than at retail. Such sales may be f. o. b. the seller's yard, or f. o. b. the means by which the seller transports the wood to the purchaser, as for example, by truck or railroad car. The customary place of delivery may vary, depending upon the particular seller's practice, for example, such customary place of delivery may be the rail siding adjoining the purchaser's yard, or the nearest rail depot to purchaser's yard, or some other place, depending upon the practice of the particular seller.

19. *Revocation.* This order may be revoked or amended at any time by the Northern California State Office of the Office of Price Administration.

20. *Effective date.* This Northern California State Office Order No. G4 shall become effective December 19, 1942.

Issued December 19, 1942.

FRANCIS CARROLL,
State Director.

DISTRICT NO. 1

APPENDIX A—MAXIMUM PRICES FOR FIREWOOD

[Del Norte, Siskiyou, Modoc, Lassen, Plumas, Shasta, Trinity, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Alpine, and Mono Counties]

I. RETAIL DELIVERED PRICES CORD WOOD

Dry or medium dry	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½–10 inches	Assorted lengths, 2 feet and under
Pine (Fir)	$11	$13	$13.50	$14	$14	------
Juniper	11	13	13.50	14	14	------
Cedar	11	13	13.50	14	14	------
Oak (any kind)	14	16	16.50	17	17	------
Madrone	14	16	16.50	17	17	------
Eucalyptus (gum)	12	14	14.50	15	15	------
Orchard (any kind)	11	13	13.50	14	14	------
Manzanita	14	----	------	----	----	$16

FRACTIONAL CORD MAXIMUM PRICES—DELIVERED

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add $2.50 per cord to above cord prices.

"Storage Charge", as defined in the Order, a $2.00 per cord (fractional cord in proportion) charge may be added to above cord prices.

II. MILL WASTE—RETAIL DELIVERED PRICES

[Mill ends and slab wood]

Dry or medium dry—	Per cord
16 in. and under:	
Pine	$6.00
Redwood	4.00

Half cord price: Divide cord price by 2 and add 20 cents. Quarter cord price: Divide cord price by 4 and add 40 cents.

III. SACK STOVEWOOD—RETAIL PRICES PER SACK

Dry or medium dry	Cash and carry	Delivered
Oak, Madrone, Manzanita	$0.45	$0.55
Pine (Fir), Juniper, Cedar	.35	.45
Mill Waste (Mill Ends and Slabs)	.30	.40

Sack size: 22 inches by 36 inches (minimum). Deposit of 7 cents may be required on the sack.

IV. CORD WOOD SALES—OTHER THAN AT RETAIL

Dry or medium dry	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½–10 inches	Assorted lengths, 2 feet and under
Pine (fir)	$6	$7	$7.50	$8	$8	------
Juniper	6	7	7.50	8	8	------
Cedar	6	7	7.50	8	8	------
Oak (any kind)	8	11	11.50	12	12	------
Madrone	8	11	11.50	12	12	------
Eucalyptus (gum)	6	9	9.50	10	10	------
Orchard (any kind)	6	7	7.50	8	8	------
Manzanita	8	----	------	----	----	$10

FRACTIONAL CORD MAXIMUM PRICES

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add $2.50 per cord to above cord prices.

DISTRICT NO. 2

APPENDIX B—MAXIMUM PRICES FOR FIREWOOD

[Butte, Tehama, Glenn, Colusa, Yuba, Yolo, Sacramento, and Sutter Counties]

I. RETAIL DELIVERED PRICES CORD WOOD

Dry or medium dry	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½–10 inches	Assorted lengths, 2 feet and under
Pine (fir)	$12	$14	$14.50	$15	$15	------
Juniper	12	14	14.50	15	15	------
Oak (any kind)	16	19	19.50	20	20	------
Madrone	16	19	19.50	20	20	------
Eucalyptus (gum)	14	17	17.50	18	18	------
Orchard (any kind)	11	13	13.50	14	14	------
Manzanita	16	----	------	----	----	$18

FRACTIONAL CORD MAXIMUM PRICES—DELIVERED

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add $3 per cord to above cord prices.

"Storage Charge", as defined in the Order: a $2 per cord (fractional cord in proportion) charge may be added to above cord prices.

II. Mill Waste—Retail Delivered Prices

[Mill ends and slab wood]

Dry or medium dry—16 inches and under:	*Per cord*
Pine	$6
Redwood	4

Half cord price: Divide cord price by 2 and add 20 cents. Quarter cord price: Divide cord price by 4 and add 40 cents.

III. Sack Stovewood—Retail Prices per Sack

Dry or medium dry	Cash and carry	Delivered
Oak, Madrone	$0.50	$0.60
Eucalyptus (gum), Manzanita	.50	.60
Pine (fir), Juniper, Orchard	.40	.50
Mill waste (mill ends and slabs)	.30	.40

Sack size: 22 inches by 36 inches (minimum). Deposit of 7 cents may be required on the sack.

IV. Cord Wood Sales—Other Than At Retail

Dry or medium dry	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½-10 inches	Assorted lengths, 2 feet and under
Pine (fir)	$6	$7	$7.50	$8	$8	------
Juniper	6	7	7.50	8	8	------
Oak (any kind)	9	12	12.50	13	13	------
Madrone	9	12	12.50	13	13	------
Eucalyptus (gum)	7	10	10.50	11	11	------
Orchard (any kind)	6	7	7.50	8	8	------
Manzanita	10	----	------	----	----	$12

FRACTIONAL CORD MAXIMUM PRICES

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add $3 per cord to above cord prices.

DISTRICT NO. 3

Appendix C—Maximum Prices for Firewood

[Mendocino and Lake Counties]

I. Cordwood—Retail Delivered Prices

Dry or medium dry	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½ to 10 inches	Assorted lengths, 2 feet and under
Pine (fir)	$11	$13	$13.50	$14	$14	------
Oak (any kind)	13	15	15.50	16	16	------
Madrone	13	15	15.50	16	16	------
Eucalyptus (gum)	11	13	13.50	14	14	------
Orchard (any kind)	11	13	13.50	14	14	------
Manzanita	10	----	------	----	----	$12

FRACTIONAL CORD MAXIMUM PRICES—DELIVERED

Half Cord Price: Divide cord price by 2 and add 25 cents.

Third Cord Price: Divide cord price by 3 and add 35 cents.

Quarter Cord Price: Divide cord price by 4 and add 45 cents.

Fifth Cord Price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size: add $2.50 per cord to above cord prices.

"Storage charge", as defined in the order: A $2.50 per cord (fractional cord in proportion) charge may be added to above cord prices.

II. Mill Waste—Retail Delivered Prices

[Mill ends and slab wood]

Dry or medium dry—16 inches and under:	*Per cord*
Pine	$6
Redwood	4

Half cord price: Divide cord price by 2 and add 20 cents. Quarter cord price: Divide cord price by 4 and add 40 cents.

III. Sack Stovewood—Retail Prices Per Sack

Dry or medium dry	Cash and carry	Delivered
	Cents	*Cents*
Pine (fir)	40	50
Oak (any kind)	40	50
Madrone, eucalyptus (gum)	40	50
Manzanita	40	50
Orchard (any kind)	40	50
Mill waste (mill ends, slab wood)	30	40

Sack size: 22 inches by 36 inches (minimum). Deposit of 7 cents may be required on the sack.

IV. Cord Wood Sales—Other Than at Retail

[Per cord]

Dry or Medium Dry	4 feet	2 feet	16 inches	12 inches	9½ to 10 inches	Assorted lengths, 2 feet and under
Pine (fir)	$6	$7	$7.50	$8	$8	------
Oak (any kind)	8	9	9.50	10	10	------
Madrone	8	9	9.50	10	10	------
Eucalyptus (gum)	6	7	7.50	8	8	------
Orchard (any kind)	6	7	7.50	8	8	------
Manzanita	5	----	------	----	----	10

FRACTIONAL CORD MAXIMUM PRICES

Half Cord Price: Divide cord price by 2 and add 25 cents.

Third Cord Price: Divide cord price by 3 and add 35 cents.

Quarter Cord Price: Divide cord price by 4 and add 45 cents.

Fifth Cord Price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add $2.50 per cord to above cord prices.

DISTRICT NO. 4

Appendix D—Maximum Prices for Firewood

[Alameda, Contra Costa, San Francisco, Marin, Sonoma, Napa, and Solano Counties]

I. Retail Delivered Prices—Cord Wood

Dry or medium dry	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½–10 inches	Assorted lengths, 2 feet and under
Pine (fir)	$18.00	$22.00	$22.50	$23.00	$23.00	------
Oak (any kind)	22.00	26.00	27.00	28.00	28.00	------
Madrone	22.00	26.00	27.00	28.00	28.00	------
Eucalyptus (gum)	20.00	24.00	25.00	26.00	26.00	------
Orchard (any kind)	13.50	15.50	16.00	16.50	16.50	------
Manzanita	16.00	----	------	----	----	$18

FRACTIONAL CORD MAXIMUM PRICES—DELIVERED

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add $3.00 per cord to above cord prices.

"Storage Charge", as defined in the Order: a $2.00 per cord (fractional cord in proportion) charge may be added to above cord prices.

II. Mill Waste—Retail Delivered Prices

[Mill ends and slab wood]

Dry or Medium Dry—16 inches and under:	*Per cord*
Pine	$11
Redwood	9

Half cord price: Divide cord price by 2 and add 20 cents. Quarter cord price: Divide cord price by 4 and add 40 cents.

III. Sack Stovewood—Retail Prices Per Sack

Dry or medium dry	Cash and carry	Delivered
Pine (fir)	$0.50	$0.60
Orchard (any kind)	.50	.60
Manzanita	.50	.60
Oak (any kind)	.60	.70
Madrone	.60	.70
Eucalyptus (any kind)	.60	.70
Mill Waste (mill ends and slab wood)	.45	.55

Sack Size: 22 inches by 36 inches (minimum). Deposit of 7 cents may be required on the sack.

IV. CORD WOOD SALES—OTHER THAN AT RETAIL

Dry or medium dry	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½–10 inches	Assorted lengths, 2 feet and under
Pine (fir)	$12.00	$16.00	$16.50	$17.00	$17.00	----------
Oak (any kind)	16.00	20.00	21.00	22.00	22.00	----------
Madrone	16.00	20.00	21.00	22.00	22.00	----------
Eucalyptus (gum)	14.00	18.00	19.00	20.00	20.00	----------
Orchard (any kind)	7.50	9.50	10.00	10.50	10.50	----------
Manzanita	10.00	----------	----------	----------	----------	$12

FRACTIONAL CORD PRICES

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add $3.00 per cord to above cord prices.

V. MILL WASTE—SALES OTHER THAN AT RETAIL

[Mill Ends and Slab Wood]

Dry or medium dry—16 inches and under:	*Per cord*
Pine	5.00
Redwood	3.50

DISTRICT NO. 5

APPENDIX E—MAXIMUM PRICES FOR FIREWOOD

[San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare Counties]

I. MILL WASTE—RETAIL DELIVERED PRICES

[Mill Ends and Slab Wood]

Dry or medium dry—16 inches and under:	*Per cord*
Pine	$6.00
Redwood	4.00

Half cord price: Divide cord price by 2 and add 20 cents. Quarter cord price: Divide cord price by 4 and add 40 cents.

II. RETAIL DELIVERED PRICES—CORD WOOD

Dry or medium dry	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½–10 inches	Assorted lengths, 2 feet and under
Pine (fir)	$14	$16	$16.50	$17	$17	------
Cedar	14	16	16.50	17	17	------
Oak (any kind)	18	22	22.50	23	23	------
Madrone	18	22	22.50	23	23	------
Eucalyptus (gum)	16	20	20.50	21	21	------
Orchard (any kind)	12	14	14.50	15	15	------
Willow	11	13	13.50	14	14	------
Manzanita	16	----	-------	----	----	$18

FRACTIONAL CORD MAXIMUM PRICES—DELIVERED

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add $3.00 per cord to above cord prices.

"Storage Charge", as defined in the Order: a $2 per cord (fractional cord in proportion) charge may be added to above cord prices.

III. SACK STOVEWOOD—RETAIL PRICES PER SACK

Dry or medium dry	Cash and carry	Delivered
Oak (any kind)	$0.50	$0.60
Madrone	.50	.60
Eucalyptus (gum)	.50	.60
Pine (fir), willow	.45	.55
Manzanita, cedar	.45	.55
Orchard (any kind)	.45	.55
Mill waste (mill ends and slab wood)	.30	.40

Sack size: 22 inches by 36 inches (minimum). Deposit of 7 cents may be required on the sack.

IV. CORD WOOD SALES—OTHER THAN AT RETAIL

Dry or medium dry	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½–10 inches	Assorted lengths, 2 feet and under
Pine (fir), cedar	$8	$10	$10.50	$11	$11	------
Oak (any kind)	12	16	16.50	17	17	------
Madrone	12	16	16.50	17	17	------
Eucalyptus	10	14	14.50	15	15	------
Orchard (any kind)	6	8	8.50	9	9	------
Willow	5	6	6.50	7	7	------
Manzanita	10	----	-------	----	----	$12

FRACTIONAL CORD MAXIMUM PRICES

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add $3.00 per cord to above cord prices.

[F. R. Doc. 43–12726; Filed, August 5, 1943; 11:32 a. m.]

[Region VIII Order G–2 Under Rev. MPR 122]

BITUMINOUS COAL IN SEATTLE, WASH., AREA

Order No. G–2 Under Revised Maximum Price Regulation 122—Solid Fuels Sold and Delivered by Dealers. Maximum prices for certain sales of bituminous coal in Seattle, Washington area.

For the reason set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region VIII of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered:*

(a) *What this order does*—(1) *In general.* This order establishes dollar-and-cents maximum prices for sales to consumers in the Seattle Area of certain kinds of bituminous coal. The maximum prices established herein supersede those previously established under Revised Maximum Price Regulation No. 122 and are the only maximum prices applicable to the sales covered by this order. The maximum prices established by this order may not be increased to reflect increased mine prices, transportation, or other costs.

(2) *Kinds of coal covered.* Maximum prices for sales to domestic consumers in the Seattle Area of bituminous coals produced in Bituminous Coal Division Districts 19, 20, 22, and 23 shall be those prescribed in paragraphs (b) and (c).

(3) *Kinds of sales covered.* This order applies only to sales of coal to domestic consumers. As used herein the term "domestic consumer" means a purchaser who uses the coal purchased to heat a dwelling housing not more than four family units. A sale to a public housing authority shall be deemed a sale to a domestic consumer, whenever by its terms such sale calls for a delivery of the coal directly to individual tenants of such authority.

(4) *Area covered.* This order applies to sales of bituminous coals in the Seattle Area, which comprises the area within the corporate city limits of Seattle, Washington, the area bounded by the northern corporate limits of the City of Seattle, Puget Sound, North 145th Street, and Lake Washington, and the area bounded by the southern corporate limits of the City of Seattle, Puget Sound, South 160th Street, State Highway 1–L, and State Highway 5. A sale is deemed to be made within the Seattle Area when, and only when, the coal is delivered within such Area, regardless of the seller's place of business.

(5) *Applicability of Revised Maximum Price Regulation No. 122.* (i) Except as otherwise provided herein the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this order. Any violation of the order shall constitute a violation of Revised Maximum Price Regulation No. 122, and shall subject the person violating to the penalties and liabilities prescribed in § 1340.264 thereof.

(ii) The terms used in this order unless defined herein, shall have the same meanings as in Revised Maximum Price Regulation No. 122.

(b) *Tables of maximum prices.* (1) The maximum prices for sales to domestic consumers in the Seattle Area of untreated bituminous coals produced in Bituminous Coal Division Districts 19 (Wyoming), 20 (Utah), 22 (Montana), and 23 (Washington) are set forth in Tables I to XIV hereunder.

TABLE V—DISTRICT 18, WYOMING, SUBDISTRICT NO. 7, "SHERIDAN"

Size groups	Delivered f. o. b. yard		Delivered to buyer's premises				
	100 pound bag	Loose, per ton	100 pound bag	½ ton	1 ton	2 ton	3 ton	5 ton
1 Lump 6"--------	$0.75	$12.40	$0.80	$7.45	$13.40	$13.15	$12.90	------
2 Lump 7"--------								
3 Lump 5"--------	.75	12.10	.80	7.30	13.10	12.85	12.60	------
4 Lump 3"--------								
5 Stove 8 x 3"--------	.70	11.60	.75	7.05	12.60	12.35	12.10	------
7 Grate nut, 8 x 1⅝"--------								
Egg 5 x 3"--------								
8 Nut 3 x 1⅝"--------	.65	10.60	.70	6.55	11.60	11.35	11.10	$10.85
9 Pea 1⅛ x 1"--------								
10 Pea #2, 1⅝ x ⅜"--------	.65	10.40	.70	6.45	11.40	11.15	10.90	10.65
11 Stoker pea 1 x 3/16"--------								
15 Slack 1¼ x 0"--------	.65	10.25	.70	6.35	11.25	11.00	10.75	10.50
16 Slack 1 x 0"--------								

TABLE VI—DISTRICT 20, UTAH, SUBDISTRICT NO. 1, "CASTLEGATE"

1 Lump 11 x 8"--------	$0.80	$13.55	$0.85	$8.00	$14.55	$14.30	$14.05	------
2 Lump 10"--------								
3 Lump 7"--------	.80	13.35	.85	7.90	14.35	14.10	13.85	------
4 Lump 5"--------								
5 Stove 8 x 3"--------	.80	12.90	.85	7.70	13.90	13.65	13.40	------
6 Egg 5 x 3"--------	.75	12.10	.80	7.30	13.10	12.85	12.60	------
7 Nut 3 x 1⅝"--------								
8 Grate nut, 8 x 1⅝"--------	.70	11.10	.75	6.80	12.10	11.85	11.60	$11.35
9 Pea 1⅛ x 1"--------								
10 Slack 1⅛ x 0"--------	.65	10.65	.70	6.55	11.65	11.40	11.15	10.90
11 Slack 1 x 0"--------								

TABLE VII—DISTRICT 22, MONTANA, SUBDISTRICT NO. 1, "ROUNDUP"

1 Lump 6" and up--------	$0.80	$13.30	$0.85	$7.90	$14.30	$14.05	$13.80	------
2 Lump 2"--------								
3 Furnace 9 x 6"--------	.80	13.15	.85	7.80	14.15	13.90	13.65	------
4 Stove 6 x 2"--------	.70	11.75	.75	7.10	12.75	12.50	12.25	------
7 Nut 2 x 1¼"--------	.65	10.70	.70	6.60	11.70	11.45	11.20	$10.95
9 Stocker pea 1¼ x ⅝"--------	.60	9.60	.65	6.05	10.60	10.35	10.10	9.85
10 Slack 1¼ x 0"--------								

TABLE VIII—DISTRICT 22, MONTANA, SUBDISTRICT No. 2, "RED LODGE"

1 Lump 6" and up--------	$0.80	$13.70	$0.85	$8.10	$14.70	$14.45	$14.20	------
2 Lump 2"--------								
3 Furnace 9 x 6"--------	.80	13.30	.85	7.90	14.30	14.05	13.80	------
5 Stove 6 x 2"--------	.70	11.60	.75	7.05	12.60	12.35	12.10	------
6 Nut 2 x 1¼"--------								
7 Chestnut 1¼ x 1"--------	.65	10.35	.70	6.40	11.35	11.10	10.85	$10.60
8 Stocker pea 1¼ x ½"--------	.60	9.75	.65	6.10	10.75	10.50	10.25	10.00
10 Slack 1¼ x 0"--------								

TABLE IX—DISTRICT 23, WASHINGTON, SUBDISTRICT A, "ROSYLN"

2 Lump 3½"--------	$0.70	$11.15	$0.75	$6.80	$12.15	$11.90	$11.65	------
3 Lump 2"--------								
4 Egg 3¼ x 1⅝"--------	.70	10.95	.75	6.70	11.95	11.70	11.45	------
7 Egg nut 3¼ x 1¼"--------	.65	10.70	.70	6.60	11.70	11.45	11.20	------
10 Nut #2, 2 x ⅜"--------	.60	10.10	.65	6.30	11.10	10.85	10.60	------
13 Nut #2, 2 x ⅜"--------	.60	9.80	.65	6.15	10.80	10.55	10.30	$10.05
15 Pea 1 x ⅝"--------	.55	8.50	.60	5.50	9.50	9.25	9.00	8.75
16 Slack 1 x 0"--------								

TABLE I—DISTRICT 19, WYOMING, SUBDISTRICT NO. 1, "KEMMERER"

Size groups	Delivered f. o. b. yard		Delivered to buyer's premises				
	100 pound bag	Loose, per ton	100 pound bag	½ ton	1 ton	2 ton	3 ton	5 ton
1 Lump 6"--------	$0.80	$13.65	$0.85	$8.05	$14.65	$14.40	$14.15	------
2 Lump 7"--------								
3 Lump 5"--------								
4 Lump 3"--------								
5 Stove 8 x 3"--------	.75	12.45	.80	7.45	13.45	13.20	12.95	------
7 Grate nut, 8 x 1⅝"--------								
Egg 5 x 3"--------								
Nut 3 x 1⅝"--------	.75	12.00	.80	7.25	13.00	12.73	12.50	------
9 Pea 1⅛ x 1"--------	.70	11.05	.75	6.75	12.05	11.80	11.55	$11.05
10 Pea #2, 1⅝ x ⅜"--------								
11 Stoker pea 1 x 3/16"--------	.65	10.80	.70	6.65	11.80	11.55	11.30	11.05
15 Slack 1¼ x 0"--------								
16 Slack 1 x 0"--------	.65	10.25	.70	6.35	11.25	11.00	10.75	10.50

TABLE II—DISTRICT 19, WYOMING, SUBDISTRICT NO. 2, "ROCKSPRINGS"

1 Lump 6"--------	$0.80	$13.45	$0.85	$7.95	$14.45	$14.20	$13.95	------
2 Lump 7"--------								
3 Lump 5"--------	.80	13.20	.85	7.85	14.20	13.95	13.70	------
4 Lump 3"--------								
5 Stove 8 x 3"--------								
7 Grate nut, 8 x 1⅝"--------	.75	12.30	.80	7.40	13.20	13.05	12.80	------
Egg 5 x 3"--------	.75	11.80	.80	7.20	12.90	12.65	12.40	------
8 Nut 3 x 1⅝"--------								
9 Pea 1⅛ x 1"--------	.70	11.00	.75	6.75	12.00	11.75	11.50	$11.25
10 Pea No. 2, 1⅝ x ⅜"--------								
11 Stoker pea 1 x 3/16"--------	.65	10.55	.70	6.50	11.55	11.30	11.05	10.80
15 Slack 1¼ x 0"--------								
16 Slack 1 x 0"--------								

TABLE III—DISTRICT 19, WYOMING, SUBDISTRICT NO. 3, "HANNA RAWLINS"

1 Lump 6"--------	$0.80	$13.15	$0.85	$7.80	$14.15	$13.90	$13.65	------
2 Lump 7"--------								
3 Lump 5"--------								
4 Lump 3"--------	.75	12.90	.80	7.70	13.90	13.65	13.40	------
5 Stove 8 x 3"--------								
7 Grate nut, 8 x 1⅝"--------	.75	12.50	.80	7.50	13.50	13.25	13.00	------
Egg 5 x 3"--------	.75	12.30	.80	7.40	13.30	13.05	12.80	------
8 Nut 3 x 1⅝"--------								
9 Pea 1⅛ x 1"--------	.65	11.00	.70	6.75	12.00	11.75	11.50	$11.25
10 Pea No. 2, 1⅝ x ⅜"--------								
11 Stoker pea 1 x 3/16"--------	.65	10.75	.70	6.60	11.75	11.50	11.25	11.00
15 Slack 1¼ x 0"--------								
16 Slack 1 x 0"--------	.65	10.55	.70	6.50	11.55	11.30	11.05	10.80

TABLE IV—DISTRICT 19, WYOMING, SUBDISTRICT NO. 5, "GEBO-KIRBY"

1 Lump 8"--------	$0.85	$14.50	$0.90	$8.30	$15.50	$15.25	$ 15.00	------
2 Lump 7"--------								
3 Lump 5"--------								
4 Lump 3"--------								
5 Stove 8 x 3"--------								
7 Grate nut, 8 x 1⅝"--------	.80	13.85	.85	8.15	14.85	14.60	14.35	------
Egg 5 x 3"--------	.80	13.10	.85	7.80	14.10	13.85	13.60	------
8 Nut 3 x 1⅝"--------	.75	12.55	.80	7.60	13.55	12.30	12.05	$11.80
9 Pea 1⅛ x 1"--------	.70	11.90	.75	6.77	12.90	12.00	11.75	11.50
15 Slack 1¼ x 0"--------	.65	10.25	.70	6.35	11.25	11.00	10.75	10.50
16 Slack 1 x 0"--------								

TABLE X—DISTRICT 23, WASHINGTON, SUBDISTRICT B, PIERCE COUNTY

Size groups	Delivered f. o. b. yard		Delivered to buyer's premises				
	100 pound bag	Loose, per ton	100 pound bag	½ ton	1 ton	2 ton	3 ton	5 ton
2 Lump 3½"--------	$0.70	$11.80	$0.75	$7.15	$12.80	$12.55	$12.30	------
3 Lump 2"--------								
7 Egg 3½ x 2½"--------								
13 Nut #2, 2 x ⅜"--------	.55	10.80	.70	6.65	11.80	11.55	11.30	------
21 Slack 2 x 0"--------	.60	9.95	.65	6.20	10.95	10.70	10.45	$10.20
23 Slack 1 x 0"--------	.60	9.80	.65	6.15	10.80	10.55	10.30	10.05

TABLE XI—DISTRICT 23, WASHINGTON, SUBDISTRICT D, "BELLINGHAM"

1 Lump 4"--------	$0.65	$10.65	$0.70	$6.65	$11.65	$11.40	$11.15	------
3 Lump 2"--------								
6 Stove 4 x 2"--------	.65	10.80	.70	6.40	11.30	11.05	10.80	------
7 Egg 3½ x 2½"--------	.65	10.00	.70	6.25	11.00	10.75	10.50	------
9 Egg nut 3¼ x 1¼"--------	.60	9.75	.65	6.10	10.75	10.50	10.25	------
12 Nut 2 x 1¼"--------	.60	9.45	.65	5.95	10.45	10.20	9.95	------
14 Chestnut 1¼ x 1"--------	.55	8.80	.60	5.65	9.80	9.55	9.30	------
16 Pea 1 x ⅝"--------	.55	8.50	.60	5.50	9.50	9.25	9.00	$8.75

TABLE XII—DISTRICT 23, WASHINGTON, SUBDISTRICT E, "McKAY-BLACK DIAMOND"

2 Lump--------	$0.75	$12.20	$0.80	$7.35	$13.20	$12.95	$12.70	------
8 Egg 3¼ x 1⅝"--------	.70	12.00	.75	7.25	13.00	12.75	12.50	------
9 Egg nut 3¼ x 1¼"--------								
10 Egg nut 3 x 1¼"--------								
12 Nut 2 x 1¼"--------	.70	11.60	.75	7.05	12.60	12.35	12.10	------
14 Pea 1¼ x 1"--------								
15 Pea 1¼ x ½"--------								
17 Pea 1⅝ x 3/32"--------								
18 Stoker 1 x 3/32"--------	.65	10.40	.70	6.45	11.40	11.15	10.90	$10.65
21 Slack 2 x 0"--------								
23 Slack 1¼ x 0"--------								

TABLE XIII—DISTRICT 23, WASHINGTON, SUBDISTRICT F, "NEWCASTLE"

2 Lump 3½"--------	$0.70	$11.00	$0.75	$6.75	$12.00	$11.75	$11.50	------
5 Egg 3 x 1⅝"--------	.65	10.50	.70	6.50	11.50	11.25	11.00	------
9 Egg nut 3¼ x 1¼"--------								
10 Egg nut 3 x 1¼"--------	.65	10.15	.70	6.30	11.15	10.90	10.65	------
12 Nut 2 x 1¼"--------								
14 Chestnut 1¼ x 1"--------	.60	9.50	.65	6.00	10.50	10.25	10.00	------
16 Pea 1 x ⅝"--------	.60	9.10	.65	5.80	10.10	9.85	9.60	$9.35
22 Slack 1¼ x 0"--------	.55	8.85	.60	5.65	9.85	9.60	9.35	9.10

TABLE XIV—DISTRICT 23, WASHINGTON, SUBDISTRICT G, "CUMBERLAND"

2 Lump--------	$0.70	$11.25	$0.75	$7.55	$12.25	$12.00	$11.75	------
3 Lump--------								
4 Lump--------								
5 Lump--------	.65	10.85	.70	7.40	11.85	11.60	11.35	------
6 Egg--------								
9 Egg nut--------								
10 Nut--------	.65	10.15	.70	7.05	11.15	10.90	10.65	------
11 Nut--------								
12 Nut No. 2--------	.60	9.90	.65	6.95	10.90	10.65	10.40	$11.15
14 Pea--------	.60	9.90	.65	6.95	10.90	10.65	10.40	
19 Mine run--------	.60	9.90	.65	6.95	10.90	10.65	10.40	------

(b) (2) The term "delivered f. o. b. yard" means delivered at the dealer's place of business, loaded on the purchaser's vehicle or other conveyance.

(3) The term "delivered to buyer's premises" means delivered into the buyer's bin or other storage facility, where such delivery can be made directly from the dealer's truck by the use of shovels and/or chutes.

(4) The maximum prices listed in the columns headed "2 ton", "3 ton", and "5 ton" are the maximum prices per net ton for deliveries in the quantities indicated.

(5) *Packing charges.* Where delivery into the buyer's basement bin or other storage facility can be effected only by carrying the coal from the dealer's truck in tins, baskets, or other containers, the maximum price "delivered to buyer's premises" may be increased by a packing charge not in excess of the appropriate maximum charge provided in subdivision (1) below.

(i) The maximum packing charge shall be $1.00 per ton for the first 170 feet or less which the coal is carried on the level, plus 35 cents per ton for each additional 75 feet or fraction thereof on the level. Each step up or down shall count as 10 feet on the level. Each foot of rise or fall of incline shall count as twenty feet on the level.

(ii) Packing charges must be separately stated on sales slips or invoices.

(6) *Addition for dust treatment.* When any of the coals listed in Tables I to XIV of subparagraph (1) has been treated to minimize dust, its maximum price may be increased by an amount not in excess of the producer's charge for such treatment: *Provided,* That such amount may not exceed ten cents per ton for nut and larger sizes, fifteen cents per ton for pea size, and thirty-five cents per ton for stoker and slack sizes: *And provided further,* That the coal is described as treated on the sales slip or invoice.

(c) *Container deposit charges.* When coal is delivered in bags owned by the dealer he may require the payment of a deposit charge in addition to the maximum price established herein, provided that such charge may not be unreasonably in excess of the cost of the bags delivered and that a full refund of such charge be made upon return of the bags in substantially the same condition as when received by the buyer.

(d) *Taxes.* A dealer subject to this order may collect in addition to the maximum prices established herein, provided he states them separately:

(1) The amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by the supplier from whom he purchased; and

(2) The amount of the Washington State Sales Tax payable by such dealer.

(e) Less than maximum prices may be charged, paid, or offered, but this order shall not authorize or excuse any sale in violation of any order of the Bituminous Coal Division setting minimum prices.

(f) *Records and reports.* The provisions of § 1340.262 of Revised Maximum Price Regulation 122 shall remain in full effect with respect to all dealers in the Seattle area, except that the dollars-and-cents maximum prices established by this order need not be reported pursuant to paragraph (c) of said section.

(g) *Posting of maximum prices, sales slips, and receipts.* (1) Every dealer subject to this order shall post at his place of business in a manner plainly visible to and understandable by the purchasing public, all of the maximum prices established herein which are applicable to his sales, and shall keep a copy of this order available for examination by any person during ordinary business hours.

(2) Every dealer making sales subject to this order shall give to each purchaser an invoice or sales slip showing the name and address of the dealer; the name and address of the purchaser; the kind, type, and quantity of bituminous coal sold; the price thereof; and such special or additional charges, if any, which are required to be separately stated by other provisions of this order.

(h) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the San Francisco Regional Office of the Office of Price Administration, and shall be acted upon by the Regional Administrator.

(i) This order may be revoked, amended, or corrected at any time.

This order becomes effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-12716; Filed, August 5, 1943; 11:35 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 7-710]

PUGET SOUND POWER AND LIGHT COMPANY

ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

In the matter of application by the New York Curb Exchange to extend unlisted trading privileges to: Puget Sound Power & Light Company Common Stock, $10 Par Value.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of August, A. D. 1943.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11: 00 a. m. on Tuesday, August 17, 1943, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William W. Swift, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12771; Filed, August 6, 1943; 10:06 a. m.]

[File No. 70-750]

SCRANTON-SPRING BROOK WATER SERVICE COMPANY

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of August, A. D. 1943.

Scranton-Spring Brook Water Service Company, a subsidiary of Federal Water and Gas Corporation, a registered holding company, having filed an application and a declaration pursuant to the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, regarding the proposed purchase in the open market from time to time but prior to December 31, 1943, of all or any part of a maximum of $500,000 principal amount of its First Mortgage and Refunding 5% Gold Bonds, Series A, due August 1, 1967, and Series B, due August 1, 1961, for cash at prices not in excess of the call price in effect at the date of purchase; and

Said application and declaration having been filed on June 26, 1943 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application and declaration within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the statutory requirements under sections 10 and 12 of said Act are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and to permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application be and hereby is granted forthwith and that the aforesaid declaration be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12769; Filed, August 6, 1943; 10:06 a. m.]

[File No. 70-758]

SCRANTON-SPRING BROOK WATER SERVICE CO.

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of August, A. D. 1943.

Scranton-Spring Brook Water Service Company, a subsidiary of Federal Water and Gas Corporation, a registered holding company, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11: 00 a. m. on Tuesday, August 17, 1943, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William W. Swift, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12770; Filed, August 6, 1943; 10:06 a. m.]

[File No. 70-449]

WEST TEXAS UTILITIES COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of August 1943.

Notice is hereby given that an application or declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by West Texas Utilities Company ("West Texas"), a subsidiary of American Public Service Company, a registered holding company, and an indirect subsidiary of Central and South West Utilities Company and The Middle West Corporation, both registered holding companies.

All interested persons are referred to said document which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

West Texas proposes to issue and sell $18,000,000 principal amount of First Mortgage Bonds, due August 1, 1973 and with the proceeds of the sale, together with treasury funds of the company to the extent required, redeem and retire the company's $18,000,000 principal amount of outstanding First Mortgage Bonds, Series A, 3¾%, due May 1, 1969.

The bonds are to be sold by competitive bidding pursuant to the provisions of Rule U-50. The company has requested that the ten day period specified in such rule be shortened to six days. The interest rate, price to be received and the purchasers of the proposed bonds are to be supplied by amendment.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission; and

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on August 16, 1943, at 10: 00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations and applications shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested parties, said notice to be given to said declarant and applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate herein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's Rules of Practice on or before August 13, 1943.

It is further ordered, That Robert P. Reeder, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said applications and declarations otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the bonds proposed to be issued are reasonably adapted to the security structure and earning power of the declarant.

2. Whether the fees and commissions, or other remuneration to whomsoever paid, directly or indirectly, in connection with the issue, sale, or distribution of the security are reasonable.

3. Whether the terms and conditions of the issue or sale of the security are detrimental to the public interest or the interest of investors or consumers.

4. Whether the accounting entries to be made in connection with the proposed financing and the adjustment of accounts incident thereto are in accord with sound and accepted principles of accounting and accounting practices.

5. Whether the provisions of the indenture securing the proposed bonds are appropriate.

6. Whether all State laws applicable to the proposed transactions have been complied with.

7. Whether the transactions as proposed will comply with the provisions of Rule U-50 with respect to competitive bidding and whether the ten day period specified in such rule should in this instance be shortened to six days.

8. Whether it is necessary or appropriate to impose any terms and conditions with respect to the proposed transactions in the public interest, for the protection of investors and consumers, or in order to assure compliance with the standards of the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12772; Filed, August 6, 1943; 10:06 a. m]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued: August 6, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-19-h	43751	The American Oil Co., 122 East 42d St., New York, N. Y.	South Portland, Maine	7/30/43
P-19-h	48755	The American Oil Co., 122 East 42d St., New York, N. Y.	South Portland, Maine	7/30/43

[F. R. Doc. 43-12786; Filed, August 6, 1943; 11:19 a. m.]

NOTICES TO BUILDERS AND SUPPLIES OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the Specific Order issued to the builder.

Issued: August 6, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-19-e	510-E	Kentucky Department of Hwys., Frankfort, Ky.	Carrollton, Ky	7/22/43
P-19-e	556-E	Wisconsin State Hwy. Comm., Madison, Wis.	Sauk, Richland, and Iowa Counties, Wis.	7/31/43

[F. R. Doc. 43-12785; Filed, August 6, 1943; 11:19 a. m.]

LOUISIANA DEPARTMENT OF HIGHWAYS

REVOCATION OF PREFERENCE RATING

Name of builder: Louisiana Department of Highways, Baton Rouge, Louisiana; Project identified as SN-FAP 68 E (1), located at Shreveport, La. (Serial No. 29621).

The revocation of preference rating issued on July 2, 1943 with respect to the above serially numbered project is hereby amended by striking paragraph 3 thereof and by substituting the following:

3. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except further permitted construction being construction necessary to complete the following work:

1. The installation of storm sewer tile in such open trenches as have been made and the back-filling thereof along with such additional storm water work as is the absolute minimum necessary to prevent undue damage to the work already incorporated.

2. The restoration of entrance facilities to adjacent property to the same practicable condition as existed prior to the start of construction.

3. Such other minor items of work as are necessary to prevent undue damage to materials already incorporated in the project.

The foregoing permitted construction shall not be construed as permitting the construction work to progress as originally planned and proposed nor shall the foregoing permitted construction be construed as permission for the installation of any concrete paving.

Issued: August 6, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12787; Filed, August 6, 1943; 11:19 a. m.]

[Certificate 106]

WHOLESALE FLORISTS OF PHILADELPHIA, PA.

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of flowers and related articles by motor vehicles in Philadelphia, Pa., and vicinity.[1]

[1] *Supra.*

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: August 2, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-12972; Filed, Aug. 6, 1943; 11:29 a. m.]

Reference

AUG 11 '43

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 8 NUMBER 157

Washington, Tuesday, August 10, 1943

The President

EXECUTIVE ORDER 9367

PROHIBITING, WITH CERTAIN EXCEPTIONS, INSTRUCTION OF APPLICANTS FOR CIVIL SERVICE AND FOREIGN SERVICE EXAMINATIONS BY OFFICERS OR EMPLOYEES OF THE GOVERNMENT

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), and as President of the United States, it is hereby ordered as follows:

1. No officer or employee of the Government shall directly or indirectly instruct or be concerned in any manner in the instruction of any person or classes of persons with a view to their special preparation for the examinations of the United States Civil Service Commission or the examinations of the Boards of Examiners for the Foreign Service of the Department of State: *Provided*, That this order shall not be construed to prevent any agency of the Government from utilizing Government facilities and the services of Federal officers and employees whenever such facilities or services may be necessary or useful in carrying out the duties imposed upon such agency by law in the training and testing of disabled members or former members of the armed forces of the United States or in the conduct of educational or training programs which are open exclusively to members or former members of the armed forces: *Provided further*, That due credit in civil service examinations shall be given by the Civil Service Commission to any member or former member of the armed forces of the United States who has satisfactorily completed any such educational or training program conducted by a Government agency.

2. Violation of the provisions of this order by any officer or employee of the Government shall be considered sufficient cause for removal from the service.

3. This order supersedes Executive Orders No. 359 of October 13, 1905, No. 1277 of December 23, 1910, No. 3088 of May 17, 1919, and No. 3215 of January 13, 1920.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 4, 1943.

[F. R. Doc. 43-12808; Filed, August 6, 1943; 12:14 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-15]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

FARM PRODUCTION ADJUSTMENT ALLOWANCE ON CORN, COTTON AND WHEAT

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.403 (a) (1), (2), and (5) is amended to read as follows:

§ 701.403 *Production adjustment allowance and deductions*—(a) *The farm production adjustment allowance.* * * *

(1) *Corn.* 3.0 cents per bushel of the normal yield of corn for the farm for each acre in the corn allotment.

(2) *Cotton.* 1.0 cents per pound of the normal yield of cotton for the farm for each acre in the cotton allotment.

* * * * *

(5) *Wheat.* 8.5 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

Done at Washington, D. C., this 7th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12883; Filed August 9, 1943; 11:15 a. m.]

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page
Examinations, civil service and foreign service; instruction by Federal employees prohibited ---------- 11017

REGULATIONS AND NOTICES

AGRICULTURAL ADJUSTMENT AGENCY:
Conservation program; amendment to corn, cotton and wheat allowances ---------- 11017
FEDERAL COMMUNICATIONS COMMISSION:
Hearings, etc.:
American Telephone and Telegraph Co ---------- 11091
Florida Defense Force (State Guard) ---------- 11092
Selly, Joseph P., and American Communications Ass'n, et al ---------- 11092
Westport, Conn.; police radio facilities (2 documents) .. 11093
IMMIGRATION AND NATURALIZATION SERVICE:
Foreign government officials and families; exemption from registration and fingerprinting ---------- 11020
INTERNAL REVENUE BUREAU:
Excess profits tax; computation of net income in case of prior stock acquisition ---------- 11020
INTERSTATE COMMERCE COMMISSION:
Icing of potatoes originating in certain Eastern states ---------- 11089
Icing of Western potatoes ---------- 11089
Icing permits:
Any common carrier by rail .. 11093
Pennsylvania Railroad Co ... 11093
Shipments of sand or gravel destined to Dalhart, Tex., area ---------- 11088
NAVY DEPARTMENT:
Court proceedings concerning members of the Navy ---------- 11084
OFFICE OF DEFENSE TRANSPORTATION:
Coordinated operations:
Taylor Trucking Co., et al.; Cincinnati, Ohio, area ... 11096
Viking Freight Co. and Hayes Freight Lines, Inc., between St. Louis, Mo., and Illinois ---------- 11093

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF DEFENSE TRANSPORTATION—Continued. Page
Coordinated operations—Con.
Wilson Storage and Transfer Co. and Buckingham Transportation Co., between points in South Dakota, Minnesota, etc. 11094
Florists of Sioux Falls, S. Dak.; joint action plan 11094
OFFICE OF PRICE ADMINISTRATION:
Adjustment orders filed, list 11096
Adjustments, exceptions, etc.:
Brach, E. J., & Sons 11036
Duckwall Bros., Inc 11036
Dulany, John H., and Son 11080
Sargent Barge Line, Inc 11080
Spalding, A. G., & Bros., Inc. 11037
Alaska; butter (MPR 288, Am. 7) 11035
Apparel; women's, girls', etc., outerwear garments (MPR 330) 11041
Beef and veal carcasses and cuts (RMPR 169, Am. 24) 11081
Clay, processed plastic, etc. (MPR 188, Am. 19) 11037
Eggs and egg products (MPR 333, Am. 9) 11036
Food commodities, seasonal and miscellaneous (MPR 262, Am. 9) 11040
Foods; processed (RO 13) 11048
Fruits, berries and vegetables, frozen:
(MPR 409, Am. 2) 11034
(MPR 409, Am. 3) 11080
Lamb and mutton carcasses and cuts (RMPR 239, Am. 8) 11082
OFFICE OF PRICE ADMINISTRATION—Continued. Page
Lumber:
Softwood (RMPR 215, Corr. to Am. 1) 11080
Western pine, etc. (MPR 94, Am. 5) 11040
Meat, fats, fish and cheeses; sales to Army post exchanges, etc. (RO 16, Am. 53) 11080
Meats, variety, and edible by-products (MPR 398, Am. 1) 11082
Milk (MPR 329, Am. 12) 11035
Pulpwood; Minnesota, Michigan and Wisconsin (RMPR 257) 11037
Railroad ties, Eastern (RMPR 216, Am. 2) 11036
Regional, state and district office orders:
Cordwood; Rhode Island 11104
Firewood:
Connecticut 11099
Maine (2 documents) 11101, 11102
New Hampshire (2 documents) 11103, 11108
Vermont 11102
Fluid milk:
Bartow and Gordon Counties, Ga 11107
Chatham County, Ga 11097
Colleton County, S. C 11099
Halifax County, N. C 11097
Lee and Russell Counties, Ala 11098
Michigan (2 documents) 11109
Polk County, Oreg 11107
Washington 11108
West Virginia 11110
Hog houses, Indiana 11106
Malt beverages:
Louisiana 11105
Oklahoma 11105
Refrigerators; Indiana, Kentucky, etc 11111
Rubber:
Commodities (MPR 403, Am. 3) 11039
Scrap (RPS 87, Am. 8) 11039
Sausage products (MPR 286, Am. 5) 11039
Wheat mill feeds (RMPR 173, Am. 1) 11040
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Acme Mining Co 11113
Central Capital Corp 11112
Central Power and Light Co. and American Power and Light Co 11116
Columbia Gas and Electric Corp., et al 11115
Eisenlohr, Webster, Inc 11112
Laclede Gas and Light Co., et al 11114
Transamerica Corp 11112
Western Pacific Railroad Corp 11112
WAGE AND HOUR DIVISION:
Learner employment certificates; issuance to various industries (3 documents) 11090, 11091
Logging, lumber and timber, etc., industries; industry committee appointment 11090
WAR DEPARTMENT: Page
Prescribed service uniform; insignia and decoration specifications amended 11020
WAR FOOD ADMINISTRATION:
Fruit, dried (FDO 16, Am. 1) 11019
Peaches, Elberta, grown in Oregon and Washington (FDO 74–1) 11018
WAR PRODUCTION BOARD:
Acetic anhydride, acetic acid, etc. (M–243) 11022
Ashbach and Rubloff, etc.; consent order amended 11117
Chlorinated hydrocarbon refrigerants (M–28, Am. 1) 11025
Common carriers by motor vehicle; coordinated operations between St. Louis, Mo. and Illinois (Certificate 107) 11117
Flowers in Sioux Falls, S. Dak., transportation and delivery (Certificate 108) 11117
Food dehydrators, domestic (L–308, Am. 1) 11022
Internal combustion engines for farmers; delegation of authority to War Food Administrator (Directive 28) 11021
Local carriers, Cincinnati, Ohio; coordinated operations (Certificate 109) 11117
Lumber, stress grade; specifications (Directive 29) 11021
Petroleum (P–98–b) 11027
Suspension orders:
Clark Oil Co 11021
Deisroth, W. H., Inc 11026
Graham, Howard, Inc 11025
Mestayer, R. F., Lumber Co., Inc 11026
Stapleton Heating Co 11021
Wallick and Buenger Realty Co 11025
Woodbury, W. F 11027
WAR SHIPPING ADMINISTRATION:
American, Panamanian and Honduran flag vessels; employment of graduates of training organization schools, etc 11088

Chapter XI—War Food Administration

[FDO 74–1]

PART 1405—FRUITS AND VEGETABLES

ELBERTA PEACHES GROWN IN OREGON OR WASHINGTON

Pursuant to the authority vested in me by Food Distribution Order No. 74, issued by the War Food Administrator on August 6, 1943, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942; Executive Order No. 9322, dated March 26, 1943; and Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered*, as follows:

§ 1405.19 *Delegation of authority*—(a) *Definitions.* (1) When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, the term "order" means Food Distribution Order No. 74, issued by the War Food Administrator on August 6, 1943.

(2) Each term defined in Food Distribution Order No. 74–1 shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 74.

(b) *Authority delegated.* In accordance with the provisions of § 1405.18 (g) of the order, there is hereby delegated to Merritt A. Clevenger, as Order Administrator, and Donald R. Rush and Harold A. Brock, as Deputy Order Administrators, the following authority to administer, in the respects hereinafter stated, the aforesaid order:

(1) The aforesaid Order Administrator may, after having received in each instance prior approval by the Chief or Acting Chief of the Fruit and Vegetable Branch, Food Distribution Administration, War Food Administration, issue general authorizations in accordance with the provisions of § 1405.18 (b) (3) of the order, and may, after having received in each instance prior approval as aforesaid, prescribe, in accordance with the provisions of § 1405.18 (b) (4) of the order, the minimum grade of all peaches which may be shipped pursuant to such order.

(2) The aforesaid Order Administrator may exercise the authority conferred on the Director by the provisions of § 1405.18 (b) (5) and § 1405.18 (c) of the order.

(3) The aforesaid Order Administrator or any Deputy Order Administrator may exercise the authority conferred on the Director by the provisions of § 1405.18 (b) (2) of the order.

(c) *Effective date.* The provisions hereof shall become effective at 12:01 a. m., e. w. t., August 9, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 74, 8 F.R. 10969)

Issued this 7th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–12863; Filed, August 7, 1943, 3:24 p. m.]

[FDO 16, Amdt. 1]

PART 1407—DRIED FRUIT

RESTRICTIONS ON PURCHASE, ACCEPTANCE, AND DELIVERY OF DRIED FRUIT

Food Distribution Order No. 16 (8 F.R. 1705), issued by the Secretary of Agriculture on January 30, 1943, is hereby amended to read as follows:

§ 1407.1 *Restrictions on the purchase, delivery, and use of dried fruit*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "dried fruit" means the whole or fleshy portions of apples, apricots, peaches, pears, prunes, and the Thompson seedless, Muscat, Sultana, and Zante currant varieties of grapes preserved by the removal therefrom of part of the natural moisture and, unless otherwise indicated, shall include such fruit in its natural or processed condition.

(2) The term "packer" means any person engaged in the business of processing and packaging dried fruit or having dried fruit processed and packaged for his account.

(3) The term "producer" means any person engaged in the production of dried fruits; and such term includes, but is not limited to, any owner of fresh fruit at the time such fruit is dried.

(4) The term "processing" means grading, sizing, stemming, seeding, or treating dried fruit by the use of water, steam, chemicals, or compressed or hot air; or cutting fresh apples for the production of dried apples.

(5) The term "governmental agency" means (i) the Armed Services of the United States; (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing restricted fruit in accordance with said Food Distribution Regulation 2.

(6) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(8) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) *Restrictions on packers and producers.* (1) No producer may sell or deliver dried fruit except to (i) the Food Distribution Administration (including but not restricted to the Federal Surplus Commodities Corporation); (ii) any person or agency designated by the Director; or (iii) a packer.

(2) Each packer shall, without regard to existing contracts, set aside and hold for delivery to a governmental agency, all dried fruit, and all fresh fruit acquired for use in the production of dried fruit, which was in his possession, under his control, or under contract to him on August 10, 1942, or was acquired by such packer within a period of two calendar years thereafter. All fruit so set aside shall not be processed or packed without instructions furnished by the Director, or any governmental agency, if such fruit is to be purchased by a governmental agency. The Director or any governmental agency may issue specifications at any time as to the processing, packing, labeling, boxing, and strapping of the fruit to be acquired by each such governmental agency.

(3) Each packer shall mail to, or file with, the Director on the 15th and last days of each month reports on Form FDO series. (This reporting requirement has been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.)

(4) If the Director determines that any dried fruit set aside pursuant to this order is not required for a governmental agency, the Director may release such dried fruit at any time by notice directed to the packer. So far as such action is consistent with the defense requirements of the United States, such releases shall be of such a character as to allow all packers substantially equal proportions of their packs of each fruit for sale to purchasers other than governmental agencies.

(5) Any quantities of dried fruit allocated or released shall, unless otherwise specified, be withdrawn by the packer from the earliest reported stocks of such dried fruit.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of dried fruit of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using dried fruit, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department

of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FDO 16.

(i) *Conservation Order No. M–205, as amended, superseded.* This order supersedes in all respects Conservation Order No. M–205, as amended, issued by the War Production Board on November 11, 1942, except that, as to violations of said order, or rights accrued, liabilities incurred, or appeals taken under said order, said Conservation Order No. M–205, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Conservation Order No. M–205, as amended, shall be considered under (e) hereof.

(j) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., August 10, 1943.

(E.O. 9280, 8 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 7th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12884; Filed, August 9, 1943; 11:15 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C-21, Supp. 7]

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

EXEMPTION OF FOREIGN GOVERNMENT OFFICIALS AND FAMILIES

Pursuant to the authority contained in sections 32 (c), 34 (a), and 37 (a) of the Act of June 28, 1940 (54 Stat. 674, 675; 8 U.S.C. 453, 455, 458), § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735), and all other authority conferred by law, the following proviso is deleted from § 170.1 (h) (1) of Title 8, Chapter I, Code of Federal Regulations:

And provided further, That a claim of exemption as a foreign government official in behalf of any alien shall operate to terminate any status as a permanent resident theretofore acquired by such alien for immigration and naturalization purposes, and a period is substituted for the semicolon immediately preceding this proviso.

EARL G. HARRISON,
Commissioner of Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. D. Doc. 43-12882; Filed, August 9, 1943; 11:11 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM INSIGNIA AND DECORATION SPECIFICATIONS

So much of §§ 79.32, 79.33, 79.34, 79.35, 79.36, 79.37, 79.41, 79.42, 79.43, 79.44, 79.45, 79.46, 79.47, 79.48, 79.49, 79.50, 79.51 and 79.52, as require that decorations and service medals be numbered serially, is hereby rescinded. (R.S. 1296; 10 U.S.C. 1391) [Pars. 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, AR 600–35, 10 November 1941, as amended by C 26, 28 July 1943]

Section 79.58 (d) (5) is amended as follows:

§ 79.58 *Service ribbons, bronze stars, miniatures, lapel buttons, and lapel ribbons.* • • •

(d) *Lapel buttons.* • • •

(5) *For service.* A dexter eagle with wings displayed perched within a ring which displays 13 vertical stripes with a chief, the dexter wing of the eagle behind the ring, the sinister wing in front of the ring, all of gold plated plastic. (R.S. 1296; 10 U.S.C. 1391) [Par. 58.AR 600–35, 10 November 1941, as amended by C 26, 28 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-12824; Filed, August 6, 1943; 5:11 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5289]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

AVERAGE BASE PERIOD NET INCOME IN CASE OF PRIOR STOCK ACQUISITION

Section 30.742–2 (b) (3) (ii) (B) of Regulations 109, as added by Treasury Decision 5242, approved March 11, 1943, is amended by striking out the last paragraph (including examples (1) and (2) of such paragraph) and by inserting in lieu thereof the following paragraph:

Section 742 (f) (1) also applies in cases in which a component (referred to as the "first corporation") of the taxpayer transfers assets for the stock in a corporation (referred to as the "second corporation") and both corporations become components of the taxpayer (the second corporation becoming a component either directly or as a component of the first corporation). The statute also applies to any other corporation which becomes a component of the taxpayer and which at the time of a stock acquisition by the taxpayer or first corporation (under the circumstances described in section 742 (f) (1) (A) or (B)) was connected, directly or indirectly, through stock ownership with the corporation the stock of which was acquired. In the case of such a corporation connected through stock ownership, the statute applies regardless of the manner of acquisition of the stock of such connected corporation held at such time (for example, whether or not acquired for a consideration other than the issuance of stock). The statute also applies regardless of the date before such time that the corporation holding such stock, directly or indirectly, acquired such stock of such connected corporation. That is, it is immaterial whether the stock of such connected corporation held at such time was acquired before, on, or after December 31, 1935, as long as such stock was acquired before the time the acquisition of stock of the corporation to which it was so connected occurred in a transaction described in section 742 (f) (1) (A) or (B). In the case of any such corporation connected through stock ownership at such time, the amount of its excess profits net income, or deficit, which is to be eliminated under section 742 (f) (1) is to be determined by reference to that part of such amount which is attributable to the period prior to such time and which is attributable to the stock held, directly or indirectly, at such time, and not disposed of thereafter, by the corporation the stock of which was acquired at such time by the taxpayer or first corporation. Such experience to be eliminated is to be attributed to the period prior to such time and to such stock so held upon the basis of the principles previously stated in this subsection. To the extent that the stock of a corporation (later to become a component) was not so held at such time but was subsequently acquired, after December 31, 1935 by the taxpayer or another corporation (a first or second corporation), for assets of the latter, the base period experience of such corporation is to be excluded in accordance with the rules previously set forth in this subsection for excluding the experience of a component when the latter's stock is acquired after December 31, 1935, for assets by the taxpayer. The application of these rules in such cases is illustrated by the following examples:

Example (1). The R, S, T, and U Corporations were in existence prior to January 1, 1936, and at all times made their income tax returns on the calendar year basis. The S Corporation came into existence on January 1, 1935, and issued all of its stock to the stockholders of the T Corporation for the stock of the latter. On January 1, 1937, the S Corporation purchased for cash all of the stock of the U Corporation. On January 1, 1938, the R Corporation purchased for cash all of the stock of S from the latter's stockholders. On December 31, 1939, S acquired all of the assets of the T and U Corporations in Supplement A transactions. On December 31, 1940, R acquired all of the assets of S in a Supplement A transaction. In computing the Supplement A average base period net income of R, there is to be excluded under section 742 (f) (1) the experience of S, T, and U for 1936 and 1937.

Example (2). Assume the same facts as in example (1) above except that the S Corporation made the acquisition of the U Corporation's stock on January 1, 1939 (after the acquisition by R of the stock of S). In such case, there is to be excluded under section 742 (f) (1) the experience of both S and T for 1936 and 1937 and the experience of U for 1936, 1937, and 1938.

Example (3). The W, X, Y, and Z Corporations were all in existence in 1935 and at all times made their income tax returns on the calendar year basis. In July, 1935, the X Corporation acquired 50 percent of the stock of Y from the stockholders of the latter. On January 1, 1937, the W Corporation acquired for assets (other than its own stock) all of the stock of the X Corporation from the latter's stockholders. On January 1, 1938, the X Corporation acquired for assets (other than its own stock) the remaining 50 percent of the stock of the Y Corporation from other stockholders of the latter. On January 1, 1939, the Y Corporation acquired for assets (other than its own stock) all of the stock of the Z Corporation from the latter's stockholders. On January 31, 1939, the X Corporation acquired all of the assets of the Y Corporation in a Supplement A transaction and on November 30, 1939 the W Corporation acquired all of the assets of the X Corporation in a Supplement A transaction. On December 31, 1939, the W Corporation acquired all of the assets of the Z Corporation in a Supplement A transaction. In computing the Supplement A average base period net income of the W Corporation, there is to be excluded all of the experience of the X Corporation for 1936. There is also to be excluded all of the experience of the Y Corporation for 1936, one-half of such experience being excluded because of the 50 percent ownership of its stock by the X Corporation at the time the stock of X was acquired by W, and the other half being excluded because of the subsequent acquisition of the other 50 percent of the stock of Y by the X Corporation for the assets of the latter. One-half of the experience of the Y Corporation for 1937 is also to be excluded because of the acquisition of one-half of its stock on January 1, 1938 by the X Corporation for assets of the latter. The entire experience of the Z Corporation for 1936, 1937, and 1938 is to be excluded because of the acquisition from the stockholders of Z on January 1, 1939 of the stock of Z for assets of the Y Corporation.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C. 62), as made applicable by sec. 729 (a) of the Internal Revenue Code (54 Stat. 989; 26 U.S.C. 729 (a)), and sec. 742 (f) (1) of the Internal Revenue Code, as added by sec. 228 (c) of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: August 7, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-12878; Filed, August 9, 1943; 10:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 28]

INTERNAL COMBUSTION ENGINES FOR FARMERS

Pursuant to authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9125 of April 7, 1942, and War Production Board Regulation No. 1 as amended March 24, 1943, and in order to facilitate the distribution of internal combustion engines, rated at not more than twenty (20) H. P., for use in essential agricultural needs, *It is hereby ordered:*

§ 903.40 *Directive 28.* (a) Subject to the provisions of paragraph (b), the War Food Administrator is hereby authorized to assign preference ratings to farmers, and to persons operating farm equipment on farms for hire, to enable them to procure engines for essential agricultural needs.

(b) The War Food Administrator in exercising the authority delegated in paragraph (a) above will comply with such conditions as may be prescribed from time to time by written memorandum from the Program Vice-Chairman in respect to the following matters:

(1) The level of preference ratings assignable pursuant to paragraph (a).

(2) The uses for which such ratings are assigned.

(3) The form of the instruments by which such ratings are assigned.

(4) The total quantity of internal combustion engines, rated at not more than twenty (20) H. P., for which ratings may be so assigned.

(5) The period of time during which ratings may be so assigned.

(c) The War Food Administrator is authorized to inspect the books, records and other writings of engine producers, distributors and dealers to determine their compliance with Priorities Regulations and orders insofar as preference ratings assigned under the authority of this Directive are concerned.

(d) The War Food Administrator may exercise the authority delegated in this Directive through such officials, including the United States Department of Agriculture War Boards, as he may determine.

(e) Nothing herein shall be construed to limit or modify any order heretofore issued by the Director of Priorities of the Office of Production Management, by the Director of Industry Operations of the War Production Board, by the Director General for Operations of the War Production Board, or by the War Production Board, as from time to time amended, nor to delegate to the War Food Administrator the power to extend, amend, or modify any such order.

(f) For the purpose of this Directive:

(1) "Engine" means any internal combustion air-cooled or liquid-cooled gasoline or kerosene driven engine, rated at not more than twenty (20) H. P. This Directive does not cover engines above 20 H. P. nor Diesel engines.

(2) "Farmer" means a person who engages in farming by raising crops, livestock, bees or poultry, and persons operating farm equipment on farms for hire. It does not include a person who raises agricultural products entirely for his own use.

(3) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacturing or assembling of engines.

(4) "Distributor" or "Dealer" means any person engaged in the business of selling engines to farmers or other consumers.

(E.O. 9024, 7 F.R. 329; E.O. 9125; 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 7th day of August 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-12872; Filed, August 7, 1943; 5:03 p. m.]

PART 905—SPECIFICATIONS

[Directive 29]

NATIONAL EMERGENCY SPECIFICATIONS OF GRADE LUMBER

Pursuant to the authority vested in me by Executive Orders No. 9024 of January 16, 1942, No. 9040 of January 24, 1942, and No. 9125 of April 7, 1942, and pursuant to the policy stated in the Joint Directive of the War Production Board and the War and Navy Departments dated May 20, 1942, and the Army and Navy Munitions Board "List of Prohibited Items for Construction Work", dated April 1, 1942, as revised and supplemented, the following policy is prescribed (1) for the War Production Board and for the Army, Navy, Maritime Commission, Reconstruction Finance Corporation, National Housing Agency, and (2) for all other Departments and Agencies in respect to war construction and the financing of war construction.

§ 905.3 *National Emergency specifications for design, fabrication and erection of stress grade lumber and its fastenings for buildings.* (a) "National Emergency Specifications for the Design, Fabrication and Erections of Stress Grade Lumber and its Fastenings for Buildings"[1] issued by the War Production Board on August 9, 1943, shall apply to and shall govern the design, fabrication and erection of all buildings in which stress grades of lumber are used, and which are constructed by, or the construction of which is financed by or must be approved by any of such departments or agencies. Such emergency specifications shall be used only in the design, fabrication and erection of buildings to the extent stress grades of lumber are used and the contracts for which are placed on and after November 1, 1943, but such departments and agencies are empowered to put this directive into immediate effect wherever

[1] Filed as part of the original document. Copies may be obtained from the War Production Board.

possible. As used herein, "stress grade" lumber means lumber which has been graded for strength by a recognized lumber grading or inspection bureau or agency.

(b) Nothing herein shall prevent the Army, Navy, or Maritime Commission from specifying and using higher stresses than those set forth in such emergency specifications for any buildings which are under their control.

(c) With respect to any such contracts already placed by any of said departments or agencies, or entered into prior to November 1, 1943, the department or agency concerned shall review the contract promptly and shall change to said emergency specifications unless such change will result in a substantial delay in the war effort.

(d) The department or agency undertaking or approving the construction shall obtain from the person in responsible charge of the design of each such building a certificate to the effect that such emergency specifications have been complied with. In cases where Forms WPB–617 (formerly PD–200) and WPB–2570 (formerly PD-200C) must be filed with the War Production Board in order to obtain authorization to begin construction of such building, such certificate shall be filed with said forms.

(e) Authority to depart from the provisions of this directive may, upon specific request, be granted by the War Production Board. Applications for such authority shall be submitted in writing with the application for permission to begin construction, or, if no such application is necessary, by letter addressed to: War Production Board, Conservation Division, Washington 25, D. C., Ref.: Directive 29.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amend. March 24, 1943, 8 F.R. 3666 3696).

Issued this 9th day of August 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43–12885; Filed, August 9, 1943; 11:31 a. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 3291—CONSUMERS DURABLE GOODS[1]

[L–308, Amdt. 1]

DOMESTIC FOOD DEHYDRATORS

Section 3291.296[1] *General Limitation Order L–308* is hereby amended by changing Schedule A to read as follows:

SCHEDULE A

APPROVED PRODUCTION SCHEDULE

	Number of domestic food dehydrators
Albano Co., New York, N. Y.	2,000
Bailey Lumber Co., Bluefield, W. Va.	10,000

[1] Formerly Part 3283, § 3283.1.

SCHEDULE A—Continued

APPROVED PRODUCTION SCHEDULE—continued

	Number of domestic food dehydrators
Beckett Electric Co. Air-O-Line Div., Dallas, Tex.	2,200
Burdick Baron Co., Dallas, Tex.	5,000
Burt Co., Denver, Colo.	500
Climax Machinery Co., Indianapolis, Ind.	500
H. Conrad Manufacturing Co., Minneapolis, Minn.	3,000
Edwards Cabinet Shop, East Point, Ga.	500
Electromaster, Inc., Detroit, Mich.	50
Folding Carrier Co., Oklahoma City, Okla.	1,000
General Bronze Corporation, Long Island City, N. Y.	2,500
General Electric Co., Bridgeport, Conn.	18,000
General Fabricators, Inc., Attica, Ind.	6,000
Gunnison Housing Corporation, New Albany, Ind.	5,000
Houston Ready Cut House, Houston, Tex.	10,000
O. W. Ketcham Co., Crum Lynne, Pa.	1,000
Libman Spanjer Corporation, New York, N. Y.	500
Macon Cabinet Works, Inc., Macon Ga.	200
Metropolitan Device, Brooklyn, N. Y.	7,500
Pierce Phelps, Philadelphia, Pa.	4,500
Refrigeration Corporation of America, New York, N. Y.	3,000
Rome Builders Supply Co., Rome, Ga.	500
Stanford & Inge, Inc., Roanoke, Va.	2,000
A. J. Stephens & Co., Kansas City, Mo.	500
Stewart Warner, Chicago, Ill.	1,000
Tennessee Valley Associates, Nashville, Tenn.	1,000
G. A. Tye & Sons, Americus, Ga.	500

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12820; Filed, August 6, 1943; 4:33 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–269, Amdt. 1]

STAPLETON HEATING COMPANY

Stapleton Heating Company of Johnstown, Pennsylvania, has appealed from the provisions of Suspension Order S–269, issued April 3, 1943. After a review of the case, it has been determined that the appeal be denied but that Suspension Order S–269 be modified so as to expire on August 6, 1943, instead of October 6, 1943.

In view of the foregoing: *It is hereby ordered*, That Paragraph (c) of § 1010.269, Suspension Order S–269, issued April 3, 1943, is hereby amended to read as follows:

(c) This order shall take effect on April 6, 1943, and shall expire on August 6, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12848; Filed, August 7, 1943; 11:27 a. m.]

PART 1010—SUSPENSION ORDERS

[Stay of Execution of Suspension Order S–316]

CLARK OIL COMPANY

A stay of execution was issued, pursuant to direction of the Deputy Chief Compliance Commissioner, on June 11, 1943, which provided that the Government should have an opportunity to arrange for a rehearing in the matter of the Clark Oil Company. A rehearing was held and this stay is issued upon direction of the Deputy Chief Compliance Commissioner pending determination of the rehearing. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.316 *Suspension Order S–316.* (a) The provisions of Suspension Order S–316, issued May 6, 1943, are hereby stayed effective July 11, 1943.

(b) This stay shall expire at such time as the Compliance Commissioner shall have rendered a supplementary report in the above matter and an order has been duly issued pursuant thereto.

Issued this 7th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12849; Filed, August 7, 1943; 11:27 a. m.]

PART 3099—ACETIC ANHYDRIDE, ACETIC ACID AND ACETALDEHYDE

[Allocation Order M–243, as Amended August 7, 1943]

Part 3099 "Acetic Anhydride" is hereby amended to read "Acetic Anhydride, Acetic Acid and Acetaldehyde."

Section 3099.1 *General Preference Order M–243* is hereby amended to read:

§ 3099.1 *Allocation Order M–243*—(a) *Definitions.* (1) "Acetic anhydride" means acetic anhydride (ethanoic anhydride of any grade and from whatever source derived.

(2) "Acetic acid" means acetic acid (ethanoic acid) of any grade and from whatever source derived, including recovered acetic acid. The term does not include acetic acid recirculated as such within a manufacturing process nor does it include acetic acid of less than 12% concentration (vinegar) produced at plants at which there are no facilities for further chemical conversion.

(3) "Recovered acetic acid" means that acid which is removed from a manufacturing process in which that acid was used as a raw material whether introduced as acetic acid or acetic anhydride, or as a solvent or any other material, excluding acetic acid which is recirculated as such within the manufacturing process. By "removed" is meant removal for resale, conversion into acetic anhydride, or use in another manufacturing process in the same plant or separate plants.

(4) "Acetaldehyde" means acetaldehyde (acetic aldehyde or ethyl aldehyde) of any grade and from whatever source derived.

(5) "Producer" means any person who produces or imports acetic anhydride, acetic acid or acetaldehyde, and includes any person who has acetic anhydride, acetic acid or acetaldehyde produced for him pursuant to toll agreement.

(6) "Distributor" means any person who buys acetic anhydride, acetic acid or acetaldehyde for purposes of resale as such.

(7) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) No supplier shall deliver acetic anhydride, acetic acid or acetaldehyde to any person except as specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (e) hereof.

(2) No person shall accept delivery in any calendar month from all suppliers of more than 27,000 pounds in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, except as specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof. Acetic acid weight shall be calculated on a 100% acid basis.

(3) No person shall accept delivery in any calendar month from all suppliers of 27,000 pounds or less in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, and no person shall place any such order for such delivery, unless and until he shall have furnished each supplier with a use certificate pursuant to paragraph (f) (2) hereof, but such certificate need not be furnished with respect to any one of the chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde where the quantity of such chemical delivered or ordered for delivery in any calendar month from all suppliers is not more than 54 gallons.

(c) *Restrictions on use.* (1) No supplier shall use acetic anhydride, acetic acid or acetaldehyde except as specifically authorized or directed in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof.

(2) Each person who with an order for acetic anhydride, acetic acid and acetaldehyde furnishes the certificate required by paragraph (f) (2), shall use the chemical delivered on such order only as specified in such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) Acetic anhydride, acetic acid and acetaldehyde allocated for inventory shall not be used for any purpose except as specifically authorized or directed in writing by War Production Board.

(d) *General and special instructions of War Production Board.* (1) Authorizations and directions as to deliveries and use to be made by suppliers and with respect to acceptance of delivery in quantities exceeding 27,000 pounds (in the case of acetic acid on a 100% basis) in the aggregate in each month will generally be issued by War Production Board prior to the beginning of such month, but War Production Board may at any time issue special directions to any person with respect to:

(i) Use, delivery or acceptance of delivery of acetic anyhdride, acetic acid or acetaldehyde.

(ii) Production of acetic anhydride, acetic acid or acetaldehyde.

(2) War Production Board may issue to suppliers and other persons, other and different directions with respect to preparing and filing Forms WPB 2945 (formerly PD–600) and WPB 2947 (formerly PD–602) provided for in the paragraphs (e) and (f).

(e) *Applications by suppliers for authorization to deliver.* (1) Each supplier seeking authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him Form WPB 2945 (formerly PD–600) respecting a delivery in such month, shall file application on or before the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD–602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Each supplier seeking authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him the use certificate provided for by paragraph (f) (2) or to any person ordering not more than 54 gallons, shall file application on or before the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD–602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(f) *Applications and use certificates to be filed by prospective purchasers.* (1) Each person wishing to obtain delivery in any calendar month from all sources of more than 27,000 pounds of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde (and each supplier requiring authority to use any such chemical in any calendar month regardless of quantity) shall file application on or before the 15th of the preceding month. The application shall be made on Form WPB 2945 (formerly PD–600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Each person wishing to accept delivery in any calendar month from all sources of not more than 27,000 pounds (but more than 54 gallons) of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde, shall file with each supplier on or before the 15th of the preceding month a certificate stating the use for which he is ordering such chemical. Such certificate must be substantially in the form indicated in Appendix C. It need not be filed with War Production Board. A supplier must not deliver any such chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge, or reason to believe, he may rely on the certificate.

(g) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Approval of reporting requirements.* Forms WPB 2945 and WPB 2947 (formerly PD–600 and PD–602 respectively) provided for in paragraphs (e) (1), (e) (2) and (f) (1), have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–243.

This amended order shall take effect September 1, 1943, except that the provisions as to applications for authority to deliver, accept delivery or use during September 1943, shall take effect at once. Order M–243, issued October 20, 1942 shall continue in effect until so superseded.

Issued this 7th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB 2947 (FORMERLY PD–602)

(1) *Obtaining forms.* Copies of Form WPB 2947 (formerly PD–602) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington, D. C., Ref: M–243, retaining the third copy for your files. The original shall be manually signed by a duly authorized official.

(3) *Separate set of forms for each chemical.* Where the supplier's application relates to deliveries of two or more of the three chemicals, he shall file a separate set of Form WPB 2947 (formerly PD–602) for each.

(4) *Information at top of form.* In the heading, under "name of material" specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde"; leave "grade" blank; under

"WPB Order No.", specify "M-243"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure", specify "pounds", except in the case of acetic acid, where indicate "pounds of 100% acetic acid"; under "Name of Company", specify your name and the address of the plant from which shipment will be made.

(5) *Grade (percent) of acetic acid.* In the case of proposed deliveries of acetic acid, specify grade in Column 7 (Remarks) in terms of percent of acid content.

(6) *Listing of customers.* In Column 1 (except for small orders as explained in (8) below) list the name of each customer from whom an order for delivery during the applicable month has been received. List first the name of each customer who has filed with you Form WPB 2945 (formerly PD-600) in connection with his order. Thereafter, leave a space, and insert in Column 1 "Use certificate", and then list the name of each customer from whom a use certificate has been received under paragraph (f) (2) with respect to a delivery in the applicable month. Do not list names of customers who have not placed with you either Form WPB 2945 or a use certificate. If it is necessary to use more than one sheet to list customers, number each sheet in order and show separately on the last sheet the total poundage ordered by customers filing Form WPB 2945 and the total poundage ordered by customers filing use certificates.

(7) *Primary product and end use.* In Column 1-a, opposite the name of each customer filing a use certificate (obtained under paragraph (f) (2)), specify the product or products in the manufacture or preparation of which acetic anhydride, acetic acid (100% basis) or acetaldehyde will be used by such customer, the end use to which such product or products will be put, Army or, Navy contract numbers, Lend-Lease requisition or contract numbers, and export license numbers, all as indicated on such use certificate. The quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde used in the manufacture or preparation of each primary product for each end use shall be shown separately. If the chemical ordered by a customer is for two or more uses, indicate each use separately and list the quantity ordered for each use. It is not necessary to show primary product or end use with respect to a customer filing Form WPB 2945 (formerly PD-600). Instead, in Column 1-a, opposite the name of each customer filing such Form WPB 2945, enter merely "WPB 2945."

(8) *Small orders.* It is not necessary to list the name of any customer to whom the supplier is to deliver in the applicable month not more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, unless such customer has filed a use certificate, nor is it necessary in the case of any such delivery to show the name of the product or end use. Instead, write in Column 1 "Total small order deliveries (estimated)" and in Column 4, specify total estimated quantity of acetic anhydride, acetic acid or acetaldehyde to be delivered on such orders.

(9) *Use by producers.* Each producer who has filed application on Form WPB 2945 (formerly PD-600) specifying himself as his supplier, shall list his own name as customer in Column 1 on Form WPB 2947 (formerly PD-602).

(10) *Table II.* Each producer shall report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors shall fill out only Columns 10, 12, and 13. In Column 8 producers and distributors shall show, where Form WPB 2947 (formerly PD-602) relates to acetic acid, the percent of acid content or where Form WPB 2947 (formerly PD-602) relates to acetic anhydride or acetaldehyde, will leave Column 8 blank.

(11) *Recovered acetic acid.* In the case of recovered acetic acid show such acid separately from other acetic acid in Table II. If necessary, use supplemental rider and attach to Form WPB 2947 (formerly PD-602).

APPENDIX B—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD-600)

(1) *Obtaining forms.* Copies of Form WPB 2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and four copies. Forward original and two copies to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243, forward one copy to the supplier with whom order is placed, and retain one copy for your files. The original shall be signed by a duly authorized official. Where the application is by a supplier for authorization to use, no copy should be sent to a producer or distributor.

(3) *Separate set of forms for each chemical.* A customer who wishes to obtain delivery of two or more of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, must file a separate set of Form WPB 2945 (formerly PD-600) for each.

(4) *Material.* In the heading under "Name of chemical", specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde", as the case may be; under "WPB Order No.", specify "M-243"; under "Unit of measure", specify "Pounds", except in the case of acetic acid, where specify "Pounds of 100% acetic acid".

(5) *Month and year.* In the heading, at top of Table I, specify the month and year for which delivery is requested.

(6) *Grade (percent) of acetic acid.* Leave blank Columns 1 and 11, except in the case of acetic acid where percent of acid content should be stated.

(7) *Quantities.* In the case of applications for acetic acid, indicate in Columns 2, 13 to 16, inclusive, and 18, quantities in terms of pounds of 100% acetic acid.

(8) *Primary product.* In Column 3, applicant must specify in terms of the following the product or products in the manufacture or preparation of which the chemicals subject to this order will be used:

(For acetic anhydride)

Aspirin.
Cellulose acetate.
Cellulose acetate butyrate.
Cellulose acetate propionate.
Explosives.
Synthetic casein fibre.
Synthetic vitamins.
Triacetin.
Other primary products (specify).
Resale (as acetic anhydride).
Export (as acetic anhydride).
Inventory (as acetic anhydride).

(For acetic acid)

Acetic anhydride.
Drugs and pharmaceuticals.
Dyestuffs.
Amyl acetate.
Butyl acetate.
Ethyl acetate.
Isopropyl acetate.
Photographic products.
Sodium acetate.
Vinyl acetate.
Other primary products (specify).
Resale (as acetic acid).
Export (as acetic acid).
Inventory (as acetic acid).

(For acetaldehyde)

Acetic acid.
Butadiene.
Pentaerythritol.
Other primary products (specify).
Resale (as acetaldehyde).
Export (as acetaldehyde).
Inventory (as acetaldehyde).

(9) *End use.* In Column 4, applicant will specify with respect to each primary product the ultimate use to which such primary product will be put in terms of the following:

Opposite any primary product listed in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, "M-326" for cellulose acetate, cellulose acetate butyrate and cellulose acetate propionate; "Order M-159" for butyl acetate; "Order M-327" for ethyl acetate and isopropyl acetate; "Order M-10" for vinyl acetate; "Order M-178" for butadiene; and "Order M-25" for pentaerythritol.

Opposite any primary product listed in Column 3 which is not under allocation, specify end use in terms of the following, giving also Army and Navy contract numbers, and Lend-Lease requisition or contract numbers when available:

Dyestuffs.
Explosives.
Leather tanning and processing.
Mordant.
Paint pigment.
Photographic film.
Other film (specify).
Plastics.
Rubber accelerators.
Solvents.
Surface coatings.
Synthetic resins (specify type and state end use if not under allocation).
Textile bleaching.
Other end uses (specify).

Opposite "Export" in Column 3, specify in Column 4 the name of individual, company or governmental agency to whom or for whose account the material is to be exported, the country of destination and the governing export license number, unless Lend-Lease, in which case merely specify the Lend-Lease requisition or contract number.

Opposite "Resale" in Column 3, distributors shall write into Column 4 "upon further authorization" or "for uncertified small orders of 54 gallons or less." In the case of small orders for acetic acid, also specify "100% basis".

Opposite "Inventory" in Column 3 specify in Column 4 "subject to further authorization".

(10) *Tables II, III and IV.* Fill out Tables II, III and IV completely.

(11) *Table V.* In Column 23, list each primary product produced in last month. In Column 24, list quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde, consumed in last month in the manufacture of each such primary product. In Column 25, list the quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde allocated to you for the manufacture of each such primary product in last month.

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-243, that the ---------- [specify whether acetic anhydride, acetic acid or acetaldehyde] ordered for delivery in ----------, 194--, will be used
month
by him in the manufacture or preparation of the following product(s), and that such product(s) on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Gallons	Primary product	End use
(A)	--------	----------	--------
(B)	--------	----------	--------

Name of Purchaser

---------- By ---------- -----
Date Duly Authorized Official Title

Instructions for customer's certificate

(1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive from all sources more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, a separate certificate shall be filed as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the acetic anhydride, acetic acid or acetaldehyde will be used or incorporated. Primary products should be stated in terms of the primary products listed in paragraph (8) of Appendix B.

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put in terms of the end uses stated in paragraph (9) of Appendix B. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, indicate contract numbers in the case of military use, requisition or contract numbers in the case of Lend-Lease, and in the case of other export, export license numbers. A distributor ordering acetic anhydride, acetic acid or acetaldehyde for resale as such will leave blank the "End use" column.

[F. R. Doc. 43-12850; Filed, August 7, 1943; 11:27 a. m.]

PART 970—CHLORINATED HYDROCARBON REFRIGERANTS

[Amdt. 1 to Conservation Order M-28, as amended July 10, 1943]

Section 970.1 *Conservation Order M-28, as amended July 10, 1943* is hereby amended in the following respects:

1. That part of paragraph (b) which defines Classes III and IV is amended to read as follows: (leaving the remainder of the paragraph unchanged):

(b) * * *

Class III: (a) Maritime Commission or War Shipping Administration, for charging new refrigeration or air conditioning systems at factories of equipment manufacturers.

(b) Maritime Commission or War Shipping Administration, for charging new refrigeration or air conditioning systems in the field.

(c) Maritime Commission or War Shipping Administration, for maintenance and repair of systems already installed.

Class IV: (a) For maintenance of industrial, wholesale, retail, and household refrigeration systems used for the processing, storage, and dispensing of food and food products; but excluding systems referred to on List A or List B.

(b) For maintenance of industrial refrigeration and air conditioning systems used for processing of products other than food.

(c) For maintenance of all other refrigeration and air conditioning systems not included under (a) or (b) above, and not on List A or List B. This class includes sealed railroad cars.

2. Subparagraph (d) (3) is amended to read as follows:

(d) * * *

(3) *Deliveries by suppliers after August 7, 1943, for uses in (b) and (c) of Class IV.* Chlorinated hydrocarbon refrigerants will not be allocated for the uses described in parts (b) and (c) of Class IV by regular monthly deliveries to suppliers. In the event a system operated for any of such uses becomes inoperative for lack of refrigerant, a separate application for refrigerants must be made by the owner of the system, directly to the War Production Board, General Industrial Equipment Division, by letter, telegram, or other communication, stating (i) whether the system is used for air conditioning or refrigeration, (ii) its size or capacity by horsepower or tons of refrigeration, (iii) the minimum operating charge necessary to restore the systems to operation, (iv) why conversion to another type of refrigerant is not practicable, (v) the functional use of the system in the plant, and (vi) the end product being processed by its use. If the application is granted, the Board will issue a specific direction to the producer authorizing and directing delivery of a specified quantity to be made to the owner of the particular system for the use specified. No user, supplier, or other person shall deliver any chlorinated hydrocarbon refrigerant to the owner of such a system unless and until the Board has specifically directed such delivery to be made. This paragraph (d) (3) shall be followed, as long as it remains in effect, notwithstanding any other provisions of this order. However, suppliers will continue to place their orders for refrigerants, for uses described in Class IV in parts (a), (b) and (c) (listing (a), (b) and (c) separately), in accordance with paragraph (d).

NOTE: This reporting requirement has been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 7th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12864; Filed, August 7, 1943; 4:00 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-368]

HOWARD GRAHAM, INC.

Howard Graham, Inc. is engaged in the operation of a retail furniture store at 1359 Madison Street, Memphis, Tennessee. Between September 1, 1942 and December 17, 1942, it sold and delivered new metal heating equipment, consisting of more than 50% metal by weight, although the orders therefor bore no preference ratings and had no certificates endorsed thereon, in violation of Limitation Order L-79. At the time of the transactions, respondent, through its officers, had general knowledge of the existence of War Production Board regulations and specifically of General Limitation Order L-79, and the officers of said corporation were under a duty to inform themselves of the regulations applicable to the business of the corporation. Their failure properly to inform themselves of these regulations constituted wilful violations of the order.

These violations of General Limitation Order L-79, as amended, have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.368 *Suspension Order S-368.* (a) Howard Graham, Inc., its successors and assigns, shall not directly or indirectly purchase, accept delivery of, sell, deliver, or deal in, new metal heating equipment (as defined in Limitation Order L-79), either as complete units or parts therefor, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Howard Graham, Inc., its successors, or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 9, 1943, and shall terminate on November 9, 1943.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12888; Filed, August 9, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-380]

WALLICK AND BUENGER REALTY CO.

O. D. Wallick and Leonard H. Buenger, partners, doing business as Wallick & Buenger Realty Company, of Cheyenne, Wyoming, are, and for several years have been, realtors, title abstractors, and builders of residences. On August 29, 1942 the company applied to the War Production Board on Form PD-105 for a preference rating on Preference Rating Order P-55, to be used in procuring materials for the construction of 16 one-family dwelling units in Cheyenne. In this application the company agreed that in consideration of the issuance of the order, which was issued, 8 of the units would be held for rental to defense workers and would not be sold. In violation of this agreement the company did not hold any of those units for rental, but entered into contracts to sell, and sold, each of them before its construction was completed. In purchasing the materials that were used in constructing the 16 units, the company did not apply or extend any preference ratings and purchased and used 16 twenty-gallon water heaters and 16 hot-air furnaces which it was not authorized to purchase. The company kept no records of preference ratings assigned, or which should have been assigned, to purchase orders for materials used in con-

structing the 16 units, as required by Priorities Regulation No. 1.

The company, in constructing and selling the units, acted in reckless disregard of, and made no effort to familiarize itself with, the provisions and restrictions of its PD–105 application, the Preference Rating Order P–55 issued to it, and Priorities Regulation No. 1, and is guilty of wilful and significant violations of each of them.

This conduct of Wallick & Buenger Realty Company has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.380 *Suspension Order No. S–380.* (a) Deliveries of material to O. D. Wallick and Leonard H. Buenger doing business as Wallick & Buenger Realty Company, a partnership, or otherwise, their successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries to them, their successors or assigns, by means of preference rating certificates, preference rating orders, general preference orders, or any other orders and regulations of the War Production Board, unless hereafter approved in writing by the War Production Board.

(b) No allocation or allotment shall be made to O. D. Wallick and Leonard H. Buenger doing business as Wallick & Buenger Realty Company, a partnership, or otherwise, their successors or assigns, of any material or product, the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve O. D. Wallick and Leonard H. Buenger doing business as Wallick & Buenger Realty Company, a partnership, or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 9, 1943, and shall expire on December 9, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12889; Filed, August 9, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–385]

W. H. DEISROTH, INC.

W. H. Deisroth Incorporated is engaged in the manufacture of paper boxes at Third and Cambria Streets, Philadelphia, Pennsylvania. On October 30, 1942, it extended a preference rating, which had been received by it on May 7, 1942 for paper boxes, to the purchase of five fluorescent lighting fixtures which were capital equipment. This extension occurred more than ninety days after receipt of the rating and was an improper extension for obtaining capital equipment, and therefore constituted a violation of Priorities Regulation No. 3.

On November 2, 1942, respondent extended a preference rating for the purchase of a water lifter which was not to be delivered to respondent or to be incorporated in any materials made by respondent, but was delivered to respondent's landlord. It possessed no rating available to purchase this water lifter, and such action constituted a violation of Priorities Regulation No. 3. On or about May 8, 1942, respondent purchased a suction conveyor, which is used in the making of paper boxes, pursuant to a P–11–a preference rating certificate which it had no right to use. The respondent's false representations in connection with said certificate constituted a violation of Priorities Regulation No. 1. On December 10, 1942, respondent extended a preference rating for the purchase of an electric motor to replace one which had been burned in respondent's plant. This was done without authority from the War Production Board and the rating extended was not proper for the purchase of capital equipment.

Responsible officers of the company must be deemed either to have had direct knowledge of the aforesaid Regulations or from their past experience and general knowledge of the Orders of the War Production Board, they should have known of the aforesaid Regulations, and their violations must therefore be deemed wilful. These wilful violations of Priorities Regulation No. 1 and Priorities Regulation No. 3 have diverted critical materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.385 *Suspension Order No. S–385.* (a) W. H. Deisroth Incorporated, Philadelphia, Pennsylvania, its successors or assigns, shall not engage in the manufacture of any paper "boxes" as said term is defined in Limitation Order L–239 as amended, unless hereafter specifically authorized in writing by the War Production Board.

(b) The provisions of this order shall not apply to orders bearing a preference rating of AA–3 or higher.

(c) Nothing contained in this order shall be deemed to relieve W. H. Deisroth Incorporated, its successors or assigns, of any restrictions, prohibitions, or provisions contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 9, 1943 and shall expire on November 9, 1943.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12890; Filed, August 9, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–391]

R. F. MESTAYER LUMBER CO., INC.

R. F. Mestayer Lumber Co., Inc., is a corporation engaged in the retail distribution of lumber and builders' supplies at 1533 Lafitte Avenue, New Orleans, Louisiana. Between November 1, 1942, and January 1, 1943, the respondent sold about $900 worth of lumber and building materials knowing that they were to be incorporated into a night club, located in New Orleans, where construction work had been started the estimated cost of which exceeded the limit permitted under Conservation Order L–41. Between December 1, 1942, and March 1, 1943, respondent made deliveries of more than $450 worth of lumber and other construction materials to another night club, located in New Orleans, where construction work had been started the estimated cost of which exceeded the limit permitted under Conservation Order L–41.

Respondent was familiar with Conservation Order L–41, and it knew or should have known from its business experience the construction limits imposed by this Order. The respondent knew that these two projects were night clubs, and would have as their principal designed function public amusement, and its actions in supplying these materials must be deemed to constitute wilful violations of Conservation Order L–41. These actions of respondent have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.391 *Suspension Order No. S–391.* (a) Delivery of materials to R. F. Mestayer Lumber Co., Inc., its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to R. F. Mestayer Lumber Co., Inc., its successors or assigns, of any material or product the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve R. F. Mestayer Lumber Company, Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 9, 1943, and shall expire on October 9, 1943.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12891; Filed, August 9, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–392]

W. F. WOODBURY

W. F. Woodbury operates a lumber business at 154 East Fourth Street, Dunkirk, New York. On or after August 3, 1942, he began construction of two residences at 305 and 311 Railroad Avenue, Dunkirk, New York at an estimated cost of $1,000 each, in violation of Conservation Order L–41. After construction was begun, respondent filed an application with the War Production Board for approval of these two construction jobs. These applications for special permission were denied because the construction jobs were not deemed essential to the war effort. Respondent was aware of Conservation Order L–41 and his actions must be deemed to constitute wilful violations. These wilful violations of Conservation Order L–41 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.392 *Suspension Order No. S–392.* (a) Delivery of materials to W. F. Woodbury, his successors or assigns, shall not be accorded priority, directly or indirectly, over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, or any other orders or regulations of the War Production Board, except as specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to W. F. Woodbury, his successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve W. F. Woodbury, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 9, 1943, and shall expire on October 9, 1943.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12892; Filed, August 9, 1943; 11:32 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P–98–b as Amended August 9, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1041.2 *Preference Rating Order P–98–b.*

Purpose and Scope

(a) *Purpose.* The purpose of this order is to make available methods by which an operator may acquire deliveries of material for essential production and construction operations as well as for maintenance or repair purposes or as operating supplies. This order also applies to the use of material in certain construction operations and establishes uniform standards by which operators in the petroleum industry may obtain and use their necessary material requirements for the effective continuance of necessary petroleum industry operations.

From time to time supplementary orders or directions will be issued to operators covering the use of allotment numbers, symbols or preference ratings or the delivery or use of material and informing them of modifications in the programs and policies of the War Production Board or the Petroleum Administration for War.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Operator" means:

(i) Any person located in the United States, its territories or possessions to the extent that he is engaged in the petroleum industry (Domestic operator); or

(ii) Any person located in the Dominion of Canada to the extent that he is engaged in the petroleum industry and to whom and in whose name a copy of this order or of Preference Rating Order P–98, Extended and Amended, is or has been specifically issued and to whom a serial number has been assigned (Canadian operator).

(3) "Supplier" means any person with whom a delivery order is placed for delivery of material to an operator or to another supplier.

(4) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(5) Except as provided in Schedule B hereof, "petroleum industry" means any operation directly incident to:

(i) The discovery, development or depletion of petroleum pools (production);

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline production);

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation);

(iv) The processing, refining or compounding of finished or unfinished petroleum products (refining);

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing);

and shall include for each of the above listed branches of the industry, to the extent applicable therein, the investigation into more efficient or more effective methods of conducting petroleum industry operations by means of research or technical laboratories.

(6) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(7) "Production operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to production.

(8) "Construction operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to natural gasoline production, transportation, refining or marketing.

(9) "Maintenance or repair" means that use of material specified in Schedule A hereof.

(10) "Operating supplies" means any material (other than material used for maintenance or repair purposes) which is essential to and consumed in the petroleum industry and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense.

(11) "Research laboratory material" means material used exclusively for the purpose of carrying out investigations

into more efficient or more effective methods of conducting petroleum industry operations by means of research or technical laboratories, except that such material shall not include material for use in the construction of laboratory buildings or other structures.

(12) "Controlled material", "Class A product" and "Class B product" shall have the same meanings, respectively, as in CMP Regulation No. 1 of the War Production Board.

(13) "Allotment" means a determination by the Petroleum Administration for War or a further determination by any operator or secondary consumer as to the portion of its allotment of controlled materials which may be received by an operator or a secondary consumer, as the case may be.

(14) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given.

(15) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in paragraph (j) of this order or which is specifically designated to be such by any regulation or order of the Petroleum Administration for War or the War Production Board.

(c) *Restrictions on scope of order.* (1) No operator may use an allotment number or symbol or apply a preference rating to secure delivery of any material which may be acquired under this order other than in accordance with the applicable provisions of this order: *Provided, however*, That an operator who, but for the terms of this subparagraph, would be required by Priorities Regulation No. 9 to utilize the method provided in that regulation to obtain priorities assistance for export, shall continue to obtain priorities assistance in the manner provided by Priorities Regulation No. 9, as amended from time to time.

(2) No operator may apply a preference rating to obtain delivery of any material specified or referred to on Schedule "C" except in conformity with the directions set forth on that schedule.

(3) Any allotment number or symbol issued or any preference rating assigned to any operator prior to May 15, 1943 shall not be considered revoked by the provisions of subparagraph (1) of this paragraph (c).

MRO Material

(d) *Method of securing MRO material and laboratory equipment.* (1) To secure delivery of research laboratory material or material for maintenance or repair purposes or as operating supplies—including without limitation controlled materials, Class A, or Class B products—an operator is hereby authorized to use allotment symbol MRO–P–98–b and a preference rating of AA–1, except for such material to be used in retail marketing (service station operations), to secure the delivery of which a preference rating of AA–5 is hereby authorized. Material delivered or to be delivered for use as research laboratory material, or for maintenance or repair purposes or as operating supplies is referred to as "MRO material".

(2) In placing an allotment symbol or preference rating on a delivery order for MRO material, the operator shall endorse upon such delivery order the certification provided in paragraph (l).

NOTE: Paragraph (d) (2) as amended August 9, 1943.

(3) Any operator requiring aluminum (in any of the forms or shapes constituting a controlled material) as essential MRO material, where the use of other material for this purpose is impracticable, may obtain such aluminum from a controlled materials producer or from an approved aluminum warehouse in amounts of not to exceed 100 pounds from all sources during any one calendar quarter, only by endorsing upon any delivery order the certification provided in paragraph (l).

Any operator requiring aluminum as essential MRO material (in any of the forms or shapes constituting a controlled material) in amounts in excess of 100 pounds from all sources during any one calendar quarter, where the use of other material for this purpose is impracticable, may apply for an allotment of the amount thereof in excess of 100 pounds during any one calendar quarter by a letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington 25, D. C., Ref: MRO. Such letter should contain substantially the information called for by paragraphs (d) (1) to (d) (6) of Supplementary Order M–1–i, as amended March 10, 1943. Such operator may place authorized controlled material orders, based on any allotment received pursuant to such application, with a controlled materials producer or an approved aluminum warehouse only by using the certification provided in paragraph (l).

(4) Prior to placing with a supplier a delivery order for MRO material bearing the certification provided in paragraph (l), each operator shall submit copies of delivery orders to the Petroleum Administration for War or the Office of Oil Controller, as follows:

(i) Where Schedule D is applicable, submission shall be made in the manner and to the places specified therein. If Schedule D is not applicable:

(ii) Where the total cost to the operator of all items on the delivery order is $100.00 or more, but less than $1000.00, and the cost of every item on the delivery order is less than $500.00, *one* copy of such delivery order shall be submitted.

(iii) Where the total cost to the operator of all items on the delivery order is $1000.00 or more and the cost of every item on the delivery order is less than $500.00, *two* copies of such delivery order shall be submitted.

(iv) Where the cost to the operator of any item on the delivery order is $500.00 or more, *two* copies of such delivery order shall be submitted.

No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

When the delivery order is for MRO material to be used in production, a domestic operator shall submit such delivery order to the district office of the Petroleum Administration for War in the district where the material is to be used. When the delivery order is for MRO material to be used in any other branch of the industry, a domestic operator shall submit such delivery order: (a) to a district Office of the Petroleum Administration for War (in the district in which the material will be used or in which the purchasing office of the operator is located, as the operator may elect) where such delivery order is to be submitted in accordance with paragraphs (d) (4) (ii) or (d) (4) (iii); or (b) to the Washington Office of the Petroleum Administration for War where such delivery order is to be submitted in accordance with paragraph (d) (4) (iv). A Canadian operator shall, in every instance, submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each such delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the specific use to which the material is to be put, the branch of the petroleum industry and the PAW District in which the material is to be used, the price, quantity and description of the material on the delivery order (including weight if a controlled material), and, where applicable, such additional information as may be necessary to enable the proper official to make an accurate determination of the operator's needs.

(5) No operator may place with a supplier any delivery order submitted in accordance with paragraph (d) (4) (iii) or (d) (4) (iv) until approval has been received from the Petroleum Administration for War or the Office of Oil Controller.

(6) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item or subdivide an ordinary purchase of any item or items for the purpose of making it appear that an item costs less than $500.00; that the total cost of all items on the delivery order is less than $1000.00; or that the total cost of all items on the delivery order is less than $100.00.

(e) *Emergency provisions for securing MRO material.* (1) If there has been an actual breakdown or suspension of operations and if the method specified in paragraph (d) for using the allotment symbol, preference rating or certification will not permit an operator to obtain MRO material on the date and in the quantity required, the operator may request authority to obtain delivery of such material by communicating by letter, telegram or telephone with the Petroleum Administration for War, Washington 25, D. D., Ref: P–98–b, supplying the following information:

(i) Date of actual breakdown or suspension of operations and exact explanation as to what extent operations are affected;

(ii) Description of equipment to be repaired and its function in maintaining continuous operation;

(iii) Price, quantity, and detailed description of necessary material (including weight if a controlled material) and number and date of delivery order(s) therefor.

Whenever any of the above information is furnished by telephone, the operator shall confirm such information within three days by a letter of telegram. No delivery order for MRO material for emergencies need be submitted.

(2) No operator may place with a supplier a delivery order, covering the delivery of material for which approval has been requested pursuant to paragraph (e) (1), until approval has been received from the Petroleum Administration for War or the War Production Board. In placing any such delivery order after receipt of approval, the operator shall use the certification provided in paragraph (l).

Material for Production Operations

(f) *Method of securing material for production operations*—(1) *Authorization of preference rating.* (i) To secure delivery of any material (other than MRO material) requiring the use of a preference rating, which material is for a production operation, an operator is hereby authorized to use a preference rating of AA–2X.

(ii) Subject to the applicable provisions of Petroleum Administrative Order No. 11, as amended and supplemented from time to time, an operator is hereby authorized to place an order with a supplier for delivery of material requiring the use of a preference rating, which material is for a production operation, only where the delivery order covering any such material is placed in accordance with the provisions of subparagraphs (f) (4) and (f) (5) of this order.

(2) *Allotment of controlled materials.* (i) Any domestic operator, who during the year 1942 drilled 40,000 feet of hole or more, may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number, which material is for a production operation, only by submitting to the District Office of the Petroleum Administration for War in the District where the material is to be used Form WPB–2565 (formerly PD–873) at least four months prior to the calendar-quarter in which such material is to be delivered. Notwithstanding this provision, any such operator may request interim assistance to obtain additional quantities of such material for a production operation, or any domestic operator who during the year 1942 drilled less than 40,000 feet of hole, may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number for a production operation, only by submitting to the District Office of the Petroleum Administration for War in the District where the material is to be used Form WPB–2565 (formerly PD–873) not less than one month prior to the time the operator proposes to initiate or to obtain delivery of such material for such production operation.

(ii) Any Canadian operator may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number, which material is for a production operation, only by submitting to the Office of Oil Controller of the Dominion of Canada Form WPB–2565 (formerly PD–873) not less than one month prior to the time the operator proposes to initiate or to obtain delivery of such material for such production operation.

(iii) Submission of Form WPB–2565 (formerly PD–873) to the Petroleum Administration for War or the Office of Oil Controller shall constitute an application for an allotment of controlled materials, an application for an allotment number, and, subject to the applicable provisions of Petroleum Administrative Order No. 11, as amended and supplemented from time to time, an application for authority to use an allotment number to secure delivery of material necessary for the production operation(s) specified on such form. The Petroleum Administration for War or the Office of Oil Controller may thereafter make an allotment and authorize the use of an allotment number to secure delivery of material necessary for the production operation(s) specified on such form. Such allotment and authorization will be made on Form WPB–2565 (formerly PD–873).

(3) An operator may use an allotment number which he may have been authorized to use by placing it upon the delivery order for controlled materials to be used in the production operation(s) specified on Form WPB–2565 (formerly PD–873) and by certifying the delivery order as provided in paragraph (l). An operator may use the preference rating authorized by subparagraph (f) (1) (i) by placing it upon any delivery order for material requiring the use of a preference rating and by certifying the delivery order as provided in paragraph (l).

NOTE: Paragraph (f) (5), (6), (7) redesignated (f) (4), (5), (6) and amended August 9, 1943.

(4) Prior to placing with a supplier a delivery order bearing an allotment number or preference rating for the delivery of any material (other than MRO material) to be used in a production operation, each operator shall submit copies of delivery orders to the Petroleum Administration for War or the Office of Oil Controller, as follows:

(i) Where the total cost to the operator of all items on the delivery order is $100.00 or more, but less than $1000.00, and the cost of every item on the delivery order is less than $500.00, one copy of such delivery order shall be submitted.

(ii) Where the total cost to the operator of all items on the delivery order is $1000.00 or more or where the cost to the operator of any item on the delivery order is $500.00 or more, two copies of such delivery order shall be submitted.

No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

A domestic operator shall submit such delivery order to the District Office of the Petroleum Administration for War in the District where the material is to be used. A Canadian operator shall submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each such delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the serial number of the Form WPB 2565 (formerly PD–873) which was returned to him as authority to acquire the material, the specific use to which the material is to be put, and the price, quantity and description of material on the delivery order.

(5) No operator may place with a supplier any delivery order submitted in accordance with paragraph (f) (4) (ii) until approval has been received from the Petroleum Administration for War or the Office of Oil Controller.

(6) In placing a delivery order bearing an allotment number or preference rating for material to be used in a production operation, no operator shall alter the customary designation of any item or subdivide an ordinary purchase of any item or items for the purpose of making it appear that an item costs less than $500.00; the total cost of all items on the delivery order is less than $1000.00; or the total cost of all items on the delivery order is less than $100.00.

Material for Construction Operations

(g) *Authorization required for certain construction operations.* No operator may accept delivery of, acquire, or use material in a construction operation except in accordance with Schedule E hereof.

(h) *Method of securing material for construction operations.* (1) Any domestic operator may apply for authority to obtain delivery of material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a construction operation, only by submitting to the Petroleum Administration for War those forms at such times as may be specified in Schedule E hereof. Any Canadian operator may apply for authority to obtain delivery of material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a construction operation, only by submitting to the Office of Oil Controller of the Dominion of Canada those forms at such times as may be specified in Schedule E hereof.

(2) Submission of the proper form for a specific construction operation as specified in Schedule E hereof shall constitute an application for an allotment of controlled material, an application for an allotment number and preference rating, an application for authority to use an allotment number and preference rating, and, subject to the applicable provisions of Schedule E hereof, an application for authorization to accept delivery of or acquire material and to initiate the construction operation(s) specified in the form submitted. The Petroleum Administration for War, the Office of Oil Controller, or the War Production Board may thereafter make an allotment and authorize the use of an allotment number and preference rating to secure delivery of material necessary for the construction operation(s) specified in or authorized pursuant to an application submitted in accordance with Schedule E hereof.

(3) In the event that authority to use an allotment number and preference rating is granted to the operator, the operator may use such allotment number and preference rating by placing them upon the delivery order for material to be used in the specified construction operation(s) and by certifying the delivery order as provided in paragraph (l).

(4) Preference ratings assigned to construction operation(s) may be applied or extended only for the purpose of acquiring those items of material specifically approved in connection with the construction operation(s) specified in or authorized pursuant to an application submitted in accordance with Schedule E hereof; and authorized controlled material orders may be placed only for the purpose of acquiring those items of controlled material specified for use in the construction operation(s).

(5) Any application upon the required form specified in Schedule E hereof for a construction operation located in the United States, its territories or possessions shall be submitted to the Petroleum Administration for War, Washington 25, D. C., or to such other place as may be specifically designated in Schedule E hereof. Any such application for a construction operation located in the Dominion of Canada shall be submitted to the Office of Oil Controller of the Dominion of Canada.

Allotments, Placement of Orders, General

(i) *Allotments in production or construction operations.* In certain instances an operator, who has obtained the necessary allotment of controlled materials for a production or construction operation, may require the manufacture and installation of certain Class A products or may undertake the construction operation through a construction contractor. In either case it may be necessary for the operator to allot a portion of his allotment to the Class A product manufacturer or to the contractor (each of whom then becomes a secondary consumer) for reallotment or the placement of controlled material orders. Any operator making such an allotment shall follow the procedures established therefor in CMP Regulation No. 1, except as otherwise modified by this order. A secondary consumer who receives any such allotment shall not be bound by the provisions of this order and must rely upon existing procedures other than those established by this order in securing necessary material.

(j) *Placement of delivery orders; application of preference ratings.* (1) An operator who has complied with the provisions of paragraph (d), (e), (f) or (h) of this order may place a delivery order with any supplier for delivery of material authorized pursuant to such paragraph and may place upon such delivery order the allotment number or symbol or preference rating which has been duly authorized in accordance with the provisions of this order. The allotment symbol MRO–P–98–b shall constitute an allotment symbol for the purpose of CMP Regulation No. 3.

NOTE: Paragraphs (j) (3), (4) redesignated paragraphs (j), (2), (3) August 9, 1943.

(2) Any delivery order for controlled materials placed pursuant to this order and bearing the certification provided for in this order shall constitute an authorized controlled material order: *Provided*, That such delivery order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(3) The allotment number referred to in this paragraph (j) or endorsed upon any delivery order bearing the certification provided for in this order shall be the abbreviated allotment number prescribed by paragraph (c) (6) (ii) of CMP Regulation No. 1, including as the last two digits, the number of the month in which delivery is requested in place of the number identifying the quarter for which the allotment received is valid.

(k) *Use, cancellation, or reduction of allotments.* (1) When an allotment received by an operator is not reallotted, or authorized controlled material orders therefor are not placed, within 30 days of receiving the allotment, the operator shall promptly notify the Petroleum Administration for War in Washington, D. C., or the Office of Oil Controller in Toronto, Canada, of this fact and of the extent to which the allotment has not been reallotted or authorized controlled material orders therefor have not been placed. In the event that an operator elects not to use an allotment which has been received by him, he shall, within 30 days of receiving the allotment, notify the Petroleum Administration for War in Washington, D. C. or the Office of Oil Controller in Toronto, Canada of this fact and of the extent to which he has elected not to use the allotment, together with the reasons therefor.

(2) An operator who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. Where an allotment received by an operator is cancelled, he must cancel all allotments which he has made and all authorized controlled material orders which he has placed, on the basis of the allotment; and where an allotment received by an operator is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. In the event that this course of action is impracticable, the operator shall immediately report to the Petroleum Administration for War or the Office of Oil Controller for instructions.

(l) *Certification.* An operator may use any allotment number or symbol or preference rating authorized pursuant to this order only by endorsing upon his delivery order a certification in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

> The undersigned purchaser certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

This certification may be used in lieu of any other certification required by any CMP regulation to be endorsed on a delivery order or to be furnished therewith. Any certification provided for in this order, so used, shall be construed to be a representation of facts in the same manner and to the same extent as any specific certification required by any CMP regulation.

(m) *Restoration of inventories.* An operator may, subject to the provisions of this order, use the allotment number or symbol and the preference rating duly authorized in accordance with the provisions of this order to restore to a practical working minimum his inventory of material where the inventory has been depleted through use of MRO material or material necessary to a production or construction operation: *Provided*, That no delivery of material which would result in surplus material, as defined in Preference Rating Order P–98–c, may be accepted by any operator.

(n) *Restrictions.* No operator may use the allotment number or symbol or the preference rating duly authorized in accordance with the provisions of this order:

(1) To obtain delivery of material in greater amounts or on earlier dates than required to fulfill the purpose authorized pursuant to the provisions of this order.

(2) To obtain delivery of material for any purpose other than a purpose authorized pursuant to the provisions of this order.

(3) To obtain delivery of material which can be secured without the use of an allotment number or symbol or preference rating.

(4) To obtain delivery of material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material, or by change of design.

(5) To obtain delivery of material in such amounts or at such dates that receipt of such amounts on the requested dates would result in surplus material, as defined in Preference Rating Order P–98–c.

(6) To obtain deliveries of material on or after August 1, 1943 unless such operator is a participant in the PAW Materials Redistribution Program No. 2 in the event that participation by the operator in such program is required by the terms of the program.

(o) *Applicability of other orders and regulations.* (1) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all applicable orders or regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulation Nos. 2, 5, or 6 (or the limitations incorporated in any CMP regulation which otherwise would subject an operator to the provisions of CMP Regulation Nos. 2, 5, or 6) shall apply to an operator and no operator shall obtain any material under or be limited by the provisions of such regulations or limitations. The provisions of paragraphs (i), (s), (s–1) and (u) of CMP Regulation No. 1 shall not apply to an operator who secures delivery of material in accordance with the provisions of this order and no such operator shall to this extent be limited by the provisions of these paragraphs of CMP Regulation No. 1. None of the provisions of Limitation Order L–41, as amended from time to time, shall apply to an operator as such operator is limited by the provisions of such order.

(p) *Further limitations on use of priorities assistance.* The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

(q) *Communications.* All reports which may be required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed:

(1) By any person located in the United States, its territories or possessions to: Petroleum Administration for War, Interior Building, Washington 25, D. C., Ref: P–98–b.

(2) By any person located in the Dominion of Canada to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref: P–98–b.

Wherever communications are specifically directed to be addressed to a District Office of the Petroleum Administration for War such communications shall be addressed to the District Office for the appropriate area as specified in Schedule F hereof.

(r) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Petroleum Administration for War or the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

Issued this 9th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

"Maintenance or repair" means, without regard to accounting practice, any use of material:

(1) In production, natural gasoline production, transportation or refining for any of the following purposes:

(i) The upkeep of material or equipment in a sound working condition;

(ii) The restoration of material or equipment which has been rendered unsafe or unfit for service by wear and tear, damage, destruction, failure of parts or similar causes; or

(iii) Any other production or construction operation not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition:

Provided, That upkeep or restoration shall not include any use of material for the improvement of material or equipment by the replacement of material which is still serviceable in the existing material or equipment: *And provided further*, That maintenance or repair shall not include the installation or replacement of pumping or other artificial lifting equipment or the deepening or plugging back of any well.

(2) In marketing for any of the following purposes:

(i) The upkeep of any structure or equipment in a sound working condition;

(ii) The restoration of any structure or equipment or part thereof to a sound working condition when such structure or equipment or part thereof has been rendered unsafe or unfit for further service by wear or tear, damage, destruction, failure of parts or similar causes; or

(iii) Any other construction operation in connection with any bulk plant (but not any service station or retail outlet) not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition:

Provided, That upkeep or restoration shall not include any use of material for the improvement of any structure or equipment by the replacement of material which is still serviceable in the existing structure or equipment: *And provided further*, That maintenance or repair shall not include any construction operation in connection with a service station or retail outlet other than for upkeep or restoration purposes.

SCHEDULE B—NON-PETROLEUM INDUSTRY USES OF MATERIAL

Other than as specifically provided for in this schedule, use of the following material shall not be considered as a use of material in the petroleum industry:

(a) Material or equipment which is to be used by consumer accounts for or in the storage or dispensing of petroleum, including liquefied petroleum gas.

(b) Material or equipment which is to be used for transportation by means of a tank truck or trailer, railroad rolling stock, or marine equipment: *Provided*, That:

(1) Where material is to be used on a tank truck or trailer and is specialized petroleum

material or equipment which is actually to be attached to the truck or trailer and is necessary to the containing, dispensing, measuring the movement, or distributing of petroleum, such use shall be considered a use of material in the petroleum industry.

(ii) Where material is to be used on railroad rolling stock and the rolling stock is owned or leased by the operator, used on his premises and in the petroleum industry, and is not under the jurisdiction of the Interstate Commerce Commission, such use shall be considered a use of material in the petroleum industry.

(iii) Where material is to be used on marine equipment and the marine equipment is used or chartered by the operator, is used on or in the vicinity of his premises and in the petroleum industry, and is not under the jurisdiction of the United States Maritime Commission, the Navy Department, or any other federal agency for the purpose of establishing methods by which material incident to the operation of the marine equipment may be made available, such use shall be considered a use of material in the petroleum industry.

(c) Material or equipment which is to be used in connection with a construction operation for "residential construction" or "multiple residential construction", as defined in Limitation Order L-41, as amended from time to time.

SCHEDULE C—SPECIAL DIRECTIONS CONCERNING CERTAIN MATERIAL AND EQUIPMENT USED IN THE PETROLEUM INDUSTRY

An operator may apply a preference rating to obtain delivery of the material specified on Lists A, B and C of Priorities Regulation No. 3, as amended from time to time, only in accordance with paragraph (f) of Priorities Regulation No. 3. Each operator should acquaint himself fully with the new Priorities Regulation No. 3, before applying preference ratings made available by P-98-b.

SCHEDULE D

Because of the over-all materials situation, it has been necessary in exceptional instances to develop specialized treatment for certain types of material. In certain instances, special treatment is necessary only for the purpose of developing requirements to assure sufficient supplies to operators. Material of this character is treated in Part I of this schedule.

In other instances, the critical shortage of particular materials and the universal importance of such materials to the war program have required more complete control than ordinarily required by this order. Material of this character is treated in Part II of this schedule.

The schedule has been so arranged as to provide a flexible medium whereby as the status of important classes of material alters, particular classes can be added to or subtracted from the lists—thus, adjusting the material demand and supply picture to the needs of petroleum industry operators.

PART I—MATERIAL REQUIRING SUBMISSION OF DELIVERY ORDER FOR INFORMATION ONLY

(a) Prior to placing with a supplier a delivery order (for the MRO material specified in (b) of Part I of this schedule) bearing the certification provided in paragraph (1), each operator shall submit for information purposes only (to the district office of the Petroleum Administration for War in the district where the material is to be used or the Office of Oil Controller) one copy of any delivery order for such material unless the total cost to the operator of all items on the delivery order is less than $100.00. No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

(b) Specified MRO material:

(i) Aluminum allotted pursuant to application made to the Aluminum and Magnesium Division of the War Production Board.

(ii) Rotary bits.

(c) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item specified in Part I, (b) of this schedule or subdivide an ordinary purchase of any item or items specified in Part I, (b) of this schedule for the purpose of making it appear that the total cost of all items on the delivery order is less than $100.00.

PART II—MATERIAL REQUIRING PRE-SUBMISSION OF DELIVERY ORDER

(a) Prior to placing with a supplier a delivery order (for the MRO material specified in (b) of Part II of this schedule) bearing the certification provided in paragraph (1), each operator shall submit for approval *two* copies of any delivery order for such material where the total cost to the operator of all items on the delivery order is $100.00 or more. No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

When the delivery order is for the MRO material specified in Part II, (b) to be used in production, a domestic operator shall submit such delivery order to the district office of the Petroleum Administration for War in the district where the material is to be used. When the delivery order is for such MRO material to be used in any other branch of the industry, a domestic operator shall submit such delivery order: (a) to a district office of the Petroleum Administration for War (in the district in which the material will be used or in which the purchasing office of the operator is located, as the operator may elect) where the total cost of all items on the delivery order is $100.00 or more and the cost of every item on the delivery order is less than $500.00; or (b) to the Washington Office of the Petroleum Administration for War where the cost of any item on the delivery order is $500.00 or more. A Canadian operator shall, in every instance, submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the specific use to which the material is to be put, the branch of the petroleum industry and the PAW district in which the material is to be used, the price, quantity and description of the material on the delivery order (including weight if a controlled material), and, where applicable, such additional information as may be necessary to enable the proper official to make an accurate determination of the operator's needs.

(b) Specified MRO material:

(i) Cast iron valves over 12 inches.

(ii) Industrial control instruments including relief and control valves and regulators.

(iii) Steel valves.

(c) No operator may place with a supplier a delivery order, covering the delivery of material for which approval has been requested pursuant to (a) of Part II of this schedule, until approval has been received from the Petroleum Administration for War.

(d) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item specified in Part II, (b) of this schedule or subdivide an ordinary purchase of any item or items specified in Part II, (b) of this schedule for the purpose of making it appear that an item costs less than $500.00 or that the total cost of all items on the delivery order is less than $100.00.

SCHEDULE E

This schedule both describes and determines how to obtain the delivery of material for and authority to use material in construction operations.

Schedule E shall not determine the methods by which an operator obtains delivery of, acquires or uses MRO material or material for production operations. Requirements governing the use of priorities assistance to secure delivery of and use MRO material are treated in paragraphs (d) and (e) and Schedules A, C, and D. Requirements governing the use of priorities assistance to secure delivery of material for production operations are treated in paragraph (f); the use of material in production operations is covered in PAO No. 11.

The requirements in this schedule with respect to applications for authorization to accept delivery of or acquire material and to initiate a construction operation (but not with respect to obtaining priorities assistance) do not apply to any Canadian operator.

For the purpose of this Schedule E, "material on hand" means any material

(1) which has been or can be obtained without priorities assistance (other than priorities assistance assigned by paragraph (b) (1) of M-208); or

(2) which has been acquired with priorities assistance (other than priorities assistance made available by this order to secure delivery of MRO material) for a purpose other than use in the construction operation for which application must be made on the appropriate form specified in Column (4) below; and

(1) Petroleum industry operations	(2) Construction operations covered by this schedule	(3) Extent of authorization required and method of obtaining authorization	(4) Use form below to obtain authority to engage in a construction operation, if required	(5) Use form below to obtain priorities assistance	(6) Order which governs the need to obtain authority
Marketing	Any construction operation, as defined in P-98-b, to the extent covered by PAO No. 12	(1) Authority is granted by PAO No. 12 to undertake certain construction operations and installations of equipment. As to such operations or installations, no action need be taken. (2) Authority must be obtained before undertaking any construction operation or installation of equipment other than those specifically permitted by PAO No. 12. To request authority, file PAW Form 23 with the District Director of Marketing at the PAW District Office for the District in which the material will be used.	PAW Form 23	Form WPB-617 [formerly PD-200].	PAO No. 12.
Natural gasoline production.	Any construction operation as defined in P-98-b (any production operation as defined in PAO No. 11 directly incident to the extraction or recovery of natural gasoline and associated hydrocarbons).	Authority must be obtained under PAO No. 11 before engaging in any such construction operation. To request authority, file PAW Form 4 as follows: 3 copies with the Director of Natural Gas & Natural Gasoline, Petroleum Administration for War, Washington, D. C. 1 copy with the District Director of Natural Gas & Natural Gasoline, Petroleum Administration for War District Office.	PAW Form 4	Form WPB-617 [formerly PD-200].	PAO No. 11.
Refining or transportation.	(a) Any construction operation, as defined in P-98-b, with an estimated material cost of less than $3,000 for any one complete operation, which can be completed primarily with material on hand.	Any operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation as described and limited in Column (2) (a) without obtaining any authority to do so	----------	----------	P-98-b Schedule E.
	(b) Any construction operation, as defined in P-98-b, with an estimated material cost of $3,000 or more for any one complete operation, which can be completed primarily with material on hand.	No operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation described and limited in Column (2) (b) unless he obtains prior authority to do so. To request such authority, file Form WPB-617 [formerly PD-200] with the Petroleum Administration for War, Washington, D. C.	Form WPB-617 [formerly PD-200].	----------	P-98-b Schedule E.
	(c) Any construction operation, as defined in P-98-b, the delivery of material for which will require priorities assistance.	No operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation described in Column (2) (c) unless he obtains prior authority to do so from the Petroleum Administration for War. To request such authority, file Form WPB-617 [formerly PD-200] with the Petroleum Administration for War Washington, D. C.	Form WPB-617 [formerly PD-200].	Form WPB-617 [formerly PD-200].	P-98-b Schedule E.

NOTES—READ CAREFULLY

a. *Use of Form WPB-1548 [formerly PD-200B].* After an operator has filed a Form WPB-617 [formerly PD-200] and has been authorized to construct or has been granted priorities assistance, Form WPB-1548 [formerly PD-200B] should be used (1) to obtain priorities assistance for additional material; (2) to obtain greater quantities of material than authorized by the priorities assistance granted; or (3) to obtain a higher preference rating than the rating granted, if such is necessary to secure delivery of material at the time required.

b. *Form WPB-617 [formerly PD-200] used for both authority and priorities assistance.* Where both authority to initiate a construction operation and priorities assistance are required and Form WPB-617 [formerly PD-200] is prescribed for both purposes, it is only necessary to file such Form WPB-617 [formerly PD-200] once for both purposes.

c. *Where to file Forms WPB-617 [formerly PD-200] and WPB-1548 [formerly PD-200B].* Domestic operators should file with the Washington office of the Petroleum Administration for War; Canadian operators should file with the Office of Oil Controller.

d. *When to file forms.* PAW Form 23, PAW Form 4, and Form WPB-617 [formerly PD-200] (when it is used to obtain authority to initiate a construction operation) must be filed before construction or installation is begun. Where Form WPB-617 [formerly PD-200] is used to obtain priorities assistance only, it should be filed at the earliest possible opportunity and preferably with PAW Form 23 or PAW Form 4, if authority to initiate a construction operation in Marketing or Natural Gasoline Production is to be requested.

e. *Filing of Form CMP-4C.* Not required of operators except where specifically requested by the Petroleum Administration for War or the Office of Oil Controller.

(3) which will not be replaced in the operator's inventory by the use of priorities assistance made available by this order to secure delivery of MRO material.

For further definitions of the terms used in the table below consult the respective orders referred to therein.

In addition to the orders specified, the terms of any other applicable E, L, M, or U order shall apply.

SCHEDULE F—INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO DISTRICT OFFICES

District 1. (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia) Direct communications to Petroleum Administration for War, 1104 Chanin Building, 122 East 42nd Street, New York, N. Y. Ref: P-98-b.

District 2. (Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota) Direct communications to Petroleum Administration for War, 1200 Bium Building, 624 South Michigan Avenue, Chicago, Ill., (or) 410 Beacon Building, 406 South Boulder Avenue, Tulsa, Okla. Ref: P-98-b.

District 3. (Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico) Direct communications to Petroleum Administration for War, 245 Mellie Esperson Building, Houston, Tex. Ref: P-98-b.

District 4. (Montana, Wyoming, Colorado, Utah, Idaho) Direct communications to Petroleum Administration for War, 320 First National Bank Building, Denver, Colo. Ref: P-98-b.

District 5. (Arizona, California, Nevada, Oregon, Washington, Territories of Alaska or Hawaii) Direct communications to Petroleum Administration for War, 855 Subway Terminal Building, Los Angeles, Calif. Ref: P-98-b.

[F. R. Doc. 43-12893; Filed, August 9, 1943; 11:33 a. m.]

Chapter XI—Office of Price Administration

PART 1341—CANNED AND PRESERVED FOODS

[MPR 409,[1] Amdt. 2]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

A statement of the considerations involved in the issuance of Amendment No. 2 to Maximum Price Regulation No. 409 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 409 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *List of maximum prices which packers may charge for frozen fruits, berries and vegetables packed and frozen in barrels.* The maximum prices per pound, carload basis f. o. b. shipping point, which packers may charge for the following frozen fruits, berries and vegetables, packed and frozen in barrels after the 1942 pack shall be:

Variety and sugar basis:	*Maximum price per pound, cents*
Cherries:	
4+1	13¾
5+1	14
Blackberries:	
Straight	17¾
Boysenberries:	
Straight	17¾
Gooseberries:	
Straight	13¾
Loganberries:	
Straight	17¾
Raspberries, black:	
4+1	17¾
5+1	18¼
Straight	18¾
Raspberries, red:	
4+1	19¾
5+1	20¼
Straight	20¾
Strawberries (Ettersburg variety):	
3+1	17¾
3+1 sortouts	15¾
4+1	18¼
4+1 sortouts	16¼
5+1	18¾
Straight	19¾
Strawberries (other varieties):	
3+1	16¼
3+1 sortouts	14¼
4+1	16¾
4+1 sortouts	14¾
5+1	17¼
Straight	17¾
Youngberries:	
Straight	17¾

When a packer sells a listed item on a "no-storage" basis, that is, at a price which includes only the first month's storage, his maximum price shall be reduced by ¼¢ per pound.

Barreled products which are not listed shall be priced as if they were under section 3.

2. Paragraphs (a), (b), (c) and (j) of section 3 are amended to read as follows:

SEC. 3. *Maximum prices which packers may charge for frozen fruits, berries and vegetables packed and frozen in containers other than barrels*—(a) *General pricing method.* The packer shall figure a maximum price per dozen or other unit, f. o. b. shipping point, for each separate kind, grade, style of pack, container type and size of frozen fruits, berries, and vegetables, packed and frozen after the 1942 pack, in containers other than barrels. The maximum price for such an item, including all storage, shall be figured by adding together his "base price" and his "permitted increase for miscellaneous costs."

(b) *Base price.* The packer's base price in each case shall be his maximum price, f. o. b. factory, for the item under Maximum Price Regulation No. 207, after it has been adjusted for raw material costs. However, no maximum price authorized under § 1341.202 (d) for the 1943 pack of any item may be used. (If the packer sold or delivered none of the 1942 pack of the item between August 24, 1942, and June 16, 1943, his base price shall be the maximum price, adjusted for raw material costs, which he would have figured for the 1942 pack of the item if Maximum Price Regulation No. 207 had been effective January 1, 1942.) Adjustments for raw material costs shall be made as follows:

(1) *Adjustment for commodities included in the Commodity Credit Corporation's raw materials program.* In the case of commodities included in the Commodity Credit Corporation's raw materials program the packer shall adjust for raw material costs in each case, as follows: First, he shall determine the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207. If this figure is less than the price at which the Commodity Credit Corporation will resell the raw product to packers in that area, after these figures have been converted to cents per dozen or other unit of the finished product, the difference between them shall be added to the maximum price for the item under Maximum Price Regulation No. 207. If this figure is greater than that resale price, after conversion to a finished product basis, the difference between them shall be subtracted from the maximum price for the item under Maximum Price Regulation No. 207. The figure resulting from this addition or subtraction is the packer's base price in sales to purchasers other than United States agencies. (In figuring base prices in sales to United States agencies, the packer shall use the Commodity Credit Corporation's purchase price for the area in which the packer received delivery of the raw materials, instead of the resale price, when making the foregoing calculations.) Commodities included in the Commodity Credit Corporation's program include:

Beans, snap
Corn
Peas

Purchase and resale prices under the Commodity Credit Corporation's raw materials program are published by the Department of Agriculture and may be obtained from its local State war boards.

(2) *Adjustment for commodities not included in the Commodity Credit Corporation's raw materials program.* In the case of the following commodities, the packer shall adjust for raw material costs in each case by adding to his maximum price for the item under Maximum Price Regulation No. 207 the appropriate figure named in the following table (after conversion to cents per unit of the finished product).

Variety:	*Cents per pound (raw weight)*
Asparagus:	
California, Oregon and Washington	1½
Other states	1
Spinach	0

In the case of the following commodities, the packer shall adjust for raw materials by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207 from the appropriate figure named in the following table (after conversion to cents per unit of the finished product) and adding the difference so obtained to his maximum price for the item under Maximum Price Regulation No. 207.

Variety:	*Cents per pound (raw weight)*
Cherries	8½
Blueberries (wild):	
Maine, New Hampshire, Vermont, and Massachusetts only	12
(For other blueberry prices, see table below)	
Boysenberries	12
Gooseberries	8
Loganberries	12
Raspberries, Black	13
Raspberries, Red	15
Strawberries (Ettersburg variety)	14
Strawberries (Other varieties)	12
Youngberries	12

	Dollars per ton (raw weight)
Peaches, clingstone	$60
Pears:	
California	$65
Oregon and Washington	$75
(For other pear prices, see table below)	
Plums	$55
Prunes, fresh	$40
Other varieties (to be announced)	

In the case of the following commodities, the packer shall adjust for raw material costs by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207 from the weighted average cost for raw materials used in the 1943 pack of the product, based on not less than the first 75 per cent of his 1943 purchases, and adding the difference so obtained (after conversion to cents per unit of the finished product) to his maximum price for the item under Maximum Price Regulation No. 207. However, the packer may not add an amount greater than the figure listed below (after the listed figure has been converted to a finished product basis).

	Cents per pound (raw weight)
Blueberries (cultivated)	3
Blueberries (wild):	
States other than Maine, New Hampshire; Vermont and Massachusetts	3
	3
Cranberries	3
Currants	8
Dewberries	3
Elderberries	
Huckleberries	3
Johnsonberries	3
Olympic berries	3

	Dollars per ton (raw weight)
Apricots	31
Pears:	
States other than California, Oregon and Washington	8
Other varieties (to be announced)	

Commodities for which no figure is named continue to be subject to Maximum Price Regulation No. 207.

(c) *Permitted increase for miscellaneous costs.* The packer's permitted increase for miscellaneous costs shall be figured by adding the following factors:

(1) The packer's permitted increase for labor shall be figured by multiplying the "base price" for the item by the appropriate percentage figure named in Appendix A. However, for areas for which no percentage figure is named in Appendix A, and for those items which are included in the labor subsidy program of the Commodity Credit Corporation, that is, snap beans, corn and peas sold to purchasers other than United States agencies, the packer's permitted increase for labor shall be 0. (For snap beans, corn and peas sold to purchasers other than United States agencies, compensation for labor increases is given by the Commodity Credit Corporation in certain prescribed situations.)

(2) For cold-packed commodities, an additional one-quarter cent may be added for each pound of the finished product in a unit of the size being priced.

(j) *Items sold on a "no-storage" basis.* When a packer sells an item of frozen fruits, berries or vegetables on a "no-storage" basis, that is, at a price which includes only the first month's storage, his maximum price under paragraph (a) shall be reduced by ¾¢ per pound of the finished product in the case of quick-frozen items and ¼¢ per pound in the case of cold-packed items.

3. Sections 18 and 19 are added to read as follows:

SEC. 18. *Reports which packers must file.* Every packer shall file with the district or state office of the Office of Price Administration for the area in which he is located a statement showing:

(a) The maximum prices which he has figured under this regulation and the items to which they are respectively applicable. Where any maximum price is figured on a delivered basis, he shall also show his price figured on an f. o. b. shipping point basis.

(b) A list of all his customary allowances, discounts, and other price differentials.

The statement for any item shall be filed on or before August 31, 1943, or within twenty days after the maximum price for it has been established in the manner explained in section 15.

SEC. 19. *Records which packers must keep.* (a) Every packer shall keep a copy of the report which he must file under section 18 in order that it may be examined by any person during ordinary business hours. Any packer who claims that he would be substantially injured by showing this statement to another person may file it with the district or state office of the Office of Price Administration for the area in which he is located, with a statement explaining why he would be substantially injured. The information will not be shown to anyone unless withholding it would be contrary to the purposes of this regulation.

(b) Every packer shall keep for examination by the Office of Price Administration, as long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept, relating to the prices which he charged after June 16, 1943.

4. Appendix A is added to the regulations, to read as follows:

APPENDIX A—WAR LABOR BOARD ADJUSTMENTS FOR FROZEN FRUITS, BERRIES AND VEGETABLES

[Percentages named are to be applied to "base prices"]

AREAS

	1	2	3	4
VEGETABLES	*Percent*	*Percent*	*Percent*	*Percent*
Asparagus	3.5	5	3.5	3.0
Corn*	4.5	4.5	4.0	4.0
Peas*	3.0	4.5	3.0	3.0
Lima beans	3.0	4.5	4.5	3.5
Snap beans*	4.0	4.5	4.0	4.0
Spinach	4.5	5.5	4.5	5.0
Other vegetables	6.0	6.0	6.0	6.0
FRUITS				
Apples	2.5	2.5	2.5	2.5
Peaches	5.0	5.0	5.0	3.0
Cherries	3.0	2.0	2.0	3.0
Apricots				3.5
Grapes	3.0	3.0	3.0	3.0
Other fruits	2.0	2.0	2.0	2.0
BERRIES				
Strawberries	4.5	4.5	4.0	2.0
Raspberries, red	1.5	2.0	1.5	1.5
Raspberries, black	2.0	3.0	2.0	2.0
Blackberries	2.5	2.5	2.5	1.5
Other berries	2.0	2.0	2.0	2.0

*For varieties indicated with an asterisk no increase may be taken for sales to purchasers other than United States agencies.

STATES INCLUDED

[Others will be added as the facts justify it]

Area 1 New York.
Area 2 Delaware and Maryland.
Area 3 Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota.
Area 4 Colorado, Utah, Washington, Oregon, California.

This amendment shall become effective August 6, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12812; Filed, August 6, 1943; 3:14 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 329, Correction to Amdt. 12]

PURCHASES OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

Amendment 12 to Maximum Price Regulation 329, issued and effective July 30, 1943, is redesignated as Amendment 13 to Maximum Price Regulation 329.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12813; Filed, August 6, 1943; 3:13 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288,[1] Amdt. 7]

SPECIFIC MAXIMUM PRICES IN ALASKA; BUTTER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 288 is amended in the following respects:

1. Section 1418.363 (c), Table III, is amended to read as follows:

(c) Table III: Maximum retail prices for butter.

(1) Maximum prices for the following grades and packages of fresh butter sold at retail in the Territory of Alaska shall be:

Town	Fresh print butter, 90-93 score			Butter in tins 90-93 score	
	Parch. wrapped	Carton wrapped	Quartered in cartons	1 lb. tin	2 lb. tin
Ketchikan	$0.59	$0.59	$0.60	$0.71	$0.67
Wrangell	.59	.60	.60	.71	.67
Petersburg	.59	.59	.60	.71	.67
Juneau	.59	.59	.60	.71	.67
Douglas	.59	.59	.60	.71	.67
Sitka	.59	.59	.60	.71	.67
Skagway	.59	.59	.60	.71	.67
Haines	.59	.59	.60	.71	.67
Cordova	.60	.61	.62	.73	.68
Valdez	.60	.61	.62	.73	.68
Seward	.60	.60	.61	.73	.68
Kodiak	.61	.61	.62	.74	.69
Anchorage	.63	.63	.64	.76	.71
Palmer	.63	.63	.64	.76	.71
Points on Alaska R. R. North of Anchorage and South of Curry	.63	.63	.64	.76	.71
Curry and all points on Alaska R. R. North of Curry and South of Fairbanks	.65	.66	.67	.79	.74
Fairbanks	.65	.66	.67	.79	.74
Nome	.62	.63	.64	.75	.70

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8358, 9298.

[1] 7 F.R. 10581, 11012; 8 F.R. 23, 567, 2158, 2445, 6964, 3844, 8184.

(2) For sales of fractions of a pound the maximum price shall be proportionately computed.

(3) The maximum retail price for all grades of butter sold in places other than those enumerated above shall continue to be established by Maximum Price Regulation 194, if imported, and by the General Maximum Price Regulation if produced in the Territory of Alaska.

(4) The maximum retail price for 89 and lower score butter shall be computed by deducting one cent per pound from the appropriate price set forth in Table III above.

2. Section 1418.363 (c) Table V is hereby revoked.

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12814; Filed, August 6, 1943; 3:13 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Rev. MPR 216,[1] Amdt. 2]

EASTERN RAILROAD TIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 216 is amended in the following respects:

1. In § 1426.5 *Prohibited practices,* paragraph (b) (4) is added to read as follows:

(4) Including an addition for railroad freight in the price charged or paid for ties at a given loading-out point when the ties actually have not been shipped in to such point by rail, except as otherwise provided in § 1426.3 (a) (1) covering sales on delivered basis.

2. Section 1426.14, Table 1A, in the vertical column headed "Maximum price per 1,000 feet board measure for switch ties", the figures "$55.00" are amended to read "$60.00".

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12815; Filed, August 6, 1943; 3:14 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10782; 8 F.R. 7268.

PART 1429—POULTRY AND EGGS

[MPR 333,[1] Correction to Amdt. 9]

EGGS AND EGG PRODUCTS

Amendment 9 to Maximum Price Regulation 333 issued and made effective June 29, 1943, is corrected in the following respects:

1. The maximum price in cents per pound for 45% yolks set forth in Table F of § 1429.70 (g) for the month of October 1943 is corrected to read "45.4 cents".

2. The maximum price in cents per pound for spray dried or powdered albumen set forth in Table H of § 1429.74 (d) for the month of August 1943 is corrected to read "$1.87".

This correction shall be effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12816; Filed, August 6, 1943; 3:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 88 Under SR 15 to GMPR]

DUCKWALL BROS., INC.

Order No. 88 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. PO-17.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1388 *Adjustment of maximum prices for warehouse services sold by Duckwall Brothers, Inc. of Hood River, Oregon.* (a) Duckwall Brothers, Inc. of Hood River, Oregon, may sell and supply and any person may buy and sell, during the season commencing in the fall of 1942 and thereafter, the services of handling and storing apples and pears at prices not in excess of the following:

(1) *For storage and handling:*

(i) In standard boxes of carload quantities or more, not sorted, 12 cents for the first month and 5 cents monthly thereafter, but not to exceed 22 cents for the season.

(ii) In standard boxes of less than carload quantities, not sorted, 14 cents for the first month and 5 cents monthly thereafter, but not to exceed 25 cents for the season.

(iii) In half boxes of carload quantities or more, not sorted, 7 cents for the first month and 3 cents monthly thereafter, but not to exceed 14 cents for the season.

(b) *Definitions.* The term season, as used in this § 1499.1388, means the period from the time the apples or pears are received in the warehouse for storage until the following April 1.

(c) All prayers of the petition not granted herein are denied.

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[1] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9027, 9300, 9879.

(d) This Order No. 88 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 88 (§ 1499.1388) shall become effective August 7, 1943.

(Pub. Laws 421 and 29, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12809; Filed, August 6, 1943; 3:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 595 Under § 1499.3 (b) of GMPR]

E. J. BRACH & SONS

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2133 *Authorization of maximum prices governing sales of the following confectionery items manufactured by E. J. Brach & Sons, Chicago, Illinois: "1¾ Ounce Chocolate Pudding Bar"; "3 Ounce Cellophane Bag Peanut Niblets"; "3 Ounce Cellophane Bag Licorice Pellets"; "3 Ounce Cellophane Bag Pastel Nut Crunches"; "3¼ Ounce Cellophane Bag Chocolate Panned Mints"; "3½ Ounce Cellophane Bag Chocolate Filled Mints"; "4¼ Ounce Cellophane Bag Bantam Candy Corn"; "4¼ Ounce Cellophane Bag Rainbow Mellowcreams"; and "4⅜ Ounce Cellophane Bag Spiced Jelly Drops."* (a) (1) That E. J. Brach & Sons, 4600 to 4700 West Kinzie Street, Chicago, Illinois, is authorized to sell to wholesalers its 5¢ retail "1¾ Ounce Chocolate Pudding Bar", packed 24 bars to the box, at the maximum delivered price of 68 cents per box less 2%—10 days.

(2) That wholesalers of this bar are authorized to sell it to retailers at a maximum delivered price of 85 cents per box of 24 bars.

(3) That retailers are authorized to sell this bar at a price not in excess of 5 cents per bar.

(4) That E. J. Brach & Sons shall mail or otherwise supply to its purchasers of this 5 cent retail bar at the time of or prior to the first delivery to such purchasers a written notice as follows:

The Office of Price Administration has authorized us to sell our 5¢ retail 1¾ Ounce Chocolate Pudding Bar to wholesalers at the maximum delivered price of 68 cents per box of 24 bars less 2% discount—10 days. You are authorized to sell this item to retailers at a delivered price not in excess of 85 cents per box of 24 bars.

(5) That E. J. Brach & Sons, for a period of at least ninety days, shall place in or on the smallest retail packing unit a written notice as follows:

The Office of Price Administration has authorized us to sell our "1¾ Ounce Chocolate Pudding Bar" to wholesalers who in turn are authorized to sell this bar to retailers packed 24 bars to a box, at a maximum delivered price of 85 cents per box. Retailers are authorized to sell this item at a price not in excess of 5 cents per bar.

(b) (1) That E. J. Brach & Sons, 4600 to 4700 West Kinzie Street, Chicago, Illinois, is authorized to sell to wholesalers the following 10 cent retail bag items packed 12 bags to the box at the maximum delivered price of 68 cents per box less 2% discount—10 days:

(i) 3 Ounce Cellophane Bag Peanut Niblets.
(ii) 3 Ounce Cellophane Bag Licorice Pellets.
(iii) 3 Ounce Cellophane Bag Pastel Nut Crunches.
(iv) 3¼ Ounce Cellophane Bag Chocolate Panned Mints.
(v) 3½ Ounce Cellophane Bag Chocolate Filled Mints.
(vi) 4¼ Ounce Cellophane Bag Bantam Candy Corn.
(vii) 4¼ Ounce Cellophane Bag Rainbow Mellowcreams.
(viii) 4⅜ Ounce Cellophane Bag Spiced Jelly Drops.

(2) That wholesalers are authorized to sell these items to retailers at a maximum delivered price of 85 cents per box of 12 bags.

(3) That retailers are authorized to sell these items at a price not in excess of 10 cents per bag.

(4) That E. J. Brach & Sons shall mail or otherwise supply to its purchasers of these items, at the time of or prior to the first delivery to such purchasers a written notice as follows:

The Office of Price Administration has authorized us to sell to wholesalers the following items, packed 12 bags to the box, at a maximum delivered price of 68 cents per box less 2% discount—10 days:

3 Ounce Cellophane Bag Peanut Niblets.
3 Ounce Cellophane Bag Licorice Pellets.
3 Ounce Cellophane Bag Pastel Nut Crunches.
3¼ Ounce Cellophane Bag Chocolate Panned Mints.
3½ Ounce Cellophane Bag Chocolate Filled Mints.
4¼ Ounce Cellophane Bag Bantam Candy Corn.
4¼ Ounce Cellophane Bag Rainbow Mellowcreams.
4⅜ Ounce Cellophane Bag Spiced Jelly Drops.

Wholesalers are authorized to sell these items to retailers, packed 12 bags to the box, at a maximum delivered price of 85 cents per box. Retailers are authorized to sell these items at a price not in excess of 10 cents per bag.

(5) That E. J. Brach & Sons for a period of at least ninety days shall place in or on the smallest retail packing unit of each of these items a written notice as follows:

The Office of Price Administration has authorized us to sell the following items to wholesalers:

3 Ounce Cellophane Bag Peanut Niblets.
3 Ounce Cellophane Bag Licorice Pellets.
3 Ounce Cellophane Bag Pastel Nut Crunches.
3¼ Ounce Cellophane Bag Chocolate Panned Mints.
3½ Ounce Cellophane Bag Chocolate Filled Mints.
4¼ Ounce Cellophane Bag Bantam Candy Corn.
4¼ Ounce Cellophane Bag Rainbow Mellowcreams.
4⅜ Ounce Cellophane Bag Spiced Jelly Drops.

Wholesalers are authorized to sell these items to retailers, packed 12 bags to the box, at a maximum delivered price of 85 cents per box. Retailers are authorized to sell these items at a price not in excess of 10 cents per bag.

(c) This order may be amended or revoked at any time by the Office of Price Administration.

(d) This order shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12811; Filed, August 6, 1943; 3:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 596 Under § 1499.3 (b) of GMPR]

A. G. SPALDING AND BROS., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.2134 *Approval of a maximum price for sales of a new baseball center manufactured by A. G. Spalding & Bros. Inc.* (a) A. G. Spalding & Bros. Inc., Chicopee, Massachusetts, may sell and deliver its new baseball center at a price no higher than $.87 per dozen.

(b) This Order No. 596 may be revoked or amended by the Price Administrator at any time.

This Order No. 596 shall become effective on the 7th day of August 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12810; Filed, August 6, 1943; 3:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188,[1] Amdt. 19]

CRUDE, PROCESSED, PLASTIC AND FLINT FIRE CLAY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 188 is amended in the following respect:

1. The list of commodities in § 1499.167, Appendix B is amended by adding a new commodity as set forth below:

Crude and processed plastic and flint fire clay transported by wagon, truck or rail within 100 miles of the point of production.

This amendment shall become effective August 12, 1943.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5872, 7967, 8943, 8948, 10155, 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754, 9836.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12817; Filed, August 6, 1943; 3:15 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Rev. MPR 257]

PULPWOOD PRODUCED IN THE STATES OF MINNESOTA, MICHIGAN AND WISCONSIN

Maximum Price Regulation No. 257 is redesignated Revised Maximum Price Regulation No. 257 and is revised and amended to read as set forth herein.

In the judgment of the Price Administrator the price of pulpwood has risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the price of pulpwood prevailing in the States of Minnesota, Michigan and Wisconsin between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The Price Administrator has advised and consulted with representative members of the industry. In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been prepared and is issued simultaneously herewith.*

§ 1347.351 *Maximum prices for pulpwood produced in the State of Minnesota, Michigan and Wisconsin.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 257 Pulpwood Produced in the States of Minnesota, Michigan and Wisconsin is hereby issued.

AUTHORITY: § 1347.351 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 257—PULPWOOD PRODUCED IN THE STATES OF MINNESOTA, MICHIGAN AND WISCONSIN

Sec.
1. Prohibitions.
2. Less than maximum prices.
3. Adjustable pricing.
4. Evasion.
5. Records and reports.
6. Enforcement.
7. Petitions for amendment.
8. Definitions.
Appendix A: Maximum prices for pulpwood.

SECTION 1. *Prohibition.* (a) On and after August 6, 1943, in the continental limits of the United States, regardless of any contract, agreement, lease or other

obligation, no person shall buy and no person shall sell, deliver or transfer pulpwood cut from the stump in the states of Minnesota, Michigan, or Wisconsin, at prices in excess of the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price.

(c) *Specific prohibited practices.* The following are among the practices prohibited:

(1) Up-grading, up-scaling or allowing a greater net scale than the actual scale content of the pulpwood;

(2) Increasing the price of pulpwood by failing to make an effort in good faith to collect monetary or other advances such as trucks, tires, or other equipment to producers. Any advance whatsoever to a producer is to be considered as part of the price of the pulpwood to be supplied by the producer.

SEC. 2. *Less than maximum prices.* Lower prices than those set forth in Appendix A may be changed, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

SEC. 4. *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 257 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to pulpwood produced in the states of Minnesota, Michigan, and Wisconsin, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other understanding, or otherwise.

SEC. 5. *Records and reports.* (a) Every person making a purchase or sale of pulpwood, for which a maximum price is established by this Regulation, shall make and shall preserve, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 shall be in effect, the same records of such purchases and sales as such person customarily made prior to the effective date of this regulation.

(b) Every person required to keep records by paragraph (a) of this section shall submit such reports as the Office of Price Administration, with the approval of the Bureau of the Budget, may from time to time require.

SEC. 6. *Enforcement.* Persons violating any provision of this Revised Maximum Price Regulation No. 257 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

SEC. 7. *Petitions for amendment.* (a) Persons seeking any amendment of this Revised Maximum Price Regulation No. 257 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

SEC. 8. *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 27, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing:

(2) "Pulpwood producer" or "seller" includes any person who sells pulpwood;

(3) "Consumer" includes any person who purchases pulpwood for its own consumption;

(4) "Pulpwood" means any spruce, balsam fir, hemlock, jack pine, tamarack, white birch or poplar wood sold for manufacture into woodpulp;

(5) "Spruce wood" includes Black spruce (Picea mariana) and White spruce (Picea glauca);

(6) "Balsam fir wood" includes Abies balsamea;

(7) "Jack Pine wood" includes Jack Pine (Pinus banksiana), Pitch pine (Pinus rigida), White pine (Pinus strobus), and Norway pine (Pinus resinosa);

(8) "Hemlock wood" includes Hemlock (Tsuga canadensis) and Tamarack (Larix laricina);

(9) "Poplar wood" includes any commercial species of the Genus Populus;

(10) "White birch wood" includes Betula papyrifera;

(11) "Peeled pulpwood" includes any pulpwood from which the bark has been removed by any manual process prior to its delivery to a consumer;

(12) "Rossed pulpwood" includes any pulpwood from which the bark has been removed by any mechanical process prior to its delivery to a consumer;

(13) "Rough pulpwood" means pulpwood from which the bark has not been removed;

(14) "A cord of pulpwood" means an amount of pulpwood (whether peeled, rossed, or rough) which, when properly prepared and stacked, contains 128 cubic feet;

(15) "Dealer" means any person who sells to consumers pulpwood not cut or prepared by such person, but purchased by such persons in the condition in which it is to be delivered to the consumer and who sold and delivered not less than 8,000 cords of pulpwood to consumers in the 1942–1943 operating season, or who shall sell and deliver not less than 8,000 cords of pulpwood to consumers in any subsequent operating season. "Operating season" means the period between the first day of May in one year and the last of April in the next succeeding year:

(16) "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells pulpwood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than a consumer;

(17) "Culls" means decayed sticks of wood, or sticks otherwise unsuited for manufacture into wood pulp;

(18) "A shipment of pulpwood" means an amount of pulpwood delivered at a single time to a purchaser, or to a common carrier for delivery to a purchaser, pursuant to the terms of any contract or agreement between a purchaser and a seller;

(19) "Sale" or "sold" includes sales and deliveries, sales, and contracts to sell pulpwood.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Appendix A: Maximum prices for pulpwood. (a) (1) Maximum prices per cord of pulpwood shall not exceed the following, delivered by the seller or at his expense on board railway cars, f. a. s. vessel, in a lake or stream, or at streamside:

Species	Rough	Peeled or rossed
Spruce wood	$15.00	$18.00
Balsam wood	13.00	16.00
Jack pine wood	11.50	14.00
Hemlock wood	11.00	13.50
Poplar wood	9.00	11.00
		[1] 12.50
White birch wood	9.00	11.00

[1] For 147 cubic feet of properly piled wood in 55-foot lengths.

(2) In cases where wood is delivered by a seller or at his expense at a consumer's mill, an amount not in excess of $1.00 per cord may be added to the maximum prices set forth in subparagraph (1) of this appendix.

(3) Sales may be made at points other than those mentioned in subparagraphs (1) and (2) above. In all such cases the actual costs per cord for transportation to and for loading on the railway cars, vessel or stream by which the wood is to be delivered to the mill, or, in the case of wood to be trucked to the mill at the buyer's expense, the costs per cord of such trucking shall be deducted from the appropriate maxium price set forth above.

(4) The prices established herein are for sound wood of top quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed.

(5) *Mixed shipments.* If a shipment contains a mixture of species, the maximum price per cord shall be ascertained by determining the number of cords of each species in the shipment and then applying the maximum price for each species.

(c) *Dealers and traders.* (1) If a consumer of pulpwood buys pulpwood through a dealer as defined in section 8 (a) (15), such consumer may pay such dealer, in addition to the maximum price provided in Appendix A, a commission not to exceed $1.00 per cord. If any person buys pulpwood through a trader, as defined in section 8 (a) (16), such person may pay such trader, in addition to the maximum price provided in Appendix A, a commission not to exceed 50¢ per cord: *Provided,* That in no case shall the aggregate amount of commissions, on any cord of pulpwood exceed $1.00.

(2) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on pulpwood cut by him or by his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all of the following requirements (i) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii) with respect to the transactions:

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The sale is made by the dealer to the consumer;

(iii) The pulpwood sold by the dealer to the consumer or sold by the trader to his vendee has been completely prepared for delivery by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the pulpwood and that the pulpwood is free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the pulpwood, and that the charges are not in excess of Revised Maximum Price Regulation No. 257;

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever;

(vii) All pertinent provisions in this Revised Maximum Price Regulation No. 257 are strictly complied with.

(3) Persons who have not qualified as dealers, but who intend to do so, shall state their intention so to do in writing to the Paper and Paper Products Branch of the Office of Price Administration, Washington, D. C. Nothing contained herein shall be construed to prohibit payment of a dealer's allowance in escrow to a bank or bank and trust company to be paid to such dealer if and when it shall have been determined by the Paper and Paper Products Branch of the Office of Price Administration that such dealer has qualified so as to be entitled to receive such commission, but otherwise to be repaid by such fiduciary to the consumer at the end of the calendar year.

Effective date. This Revised Maximum Price Regulation No. 257 shall become effective August 6, 1943.

NOTE: The record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12818; Filed, August 6, 1943; 4:31 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 286[1] Amdt. 5]

CERTAIN SAUSAGE PRODUCTS FOR WAR PROCUREMENT AGENCIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 286 is amended in the following respect:

A new subdivision (iv) is added to § 1364.802 (d) to read as follows:

(iv) *Temporary addition for sales to certain areas.* To the applicable base price the sum of $2.00 per cwt. may be added on sales of frankfurters and bologna to the War Department for delivery to Arizona and California from August 6, 1943, to and including September 6, 1943.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12819; Filed, August 6, 1943; 4:31 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 403,[2] Amdt. 3]

CERTAIN RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 403 is amended in the following respects:

1. Section 5 (b) is amended by substituting the date August 1, 1943, for the dates June 1, 1943, and June 17, 1943, wherever the latter dates appear.

2. Section 6 (c) (2) (ii) is amended by substituting the date August 1, 1943, for the date June 1, 1943.

3. Section 20 (d) is added to read as follows:

(d) Repair kits for any of the items listed in paragraphs (b) and (c).

This amendment shall become effective August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-12829; Filed, August 7, 1943; 10:44 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 87, as amended,[1] Amdt. 8]

SCRAP RUBBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1263 (g) is amended to read as follows:

(g) *Maximum prices for hard rubber scrap and for certain bicycle inner tubes.* Anything in this regulation to the contrary notwithstanding, the maximum price for (1) hard rubber scrap and (2) bicycle inner tubes sold for the manufacture of rubber bands shall be determined in accordance with the provisions of the General Maximum Price Regulation. In applying those provisions to sales and deliveries by the Rubber Reserve Company, other persons who were dealing in scrap rubber during March 1942 shall be deemed to be competitive sellers of the same class as the Rubber Reserve Company.

This amendment shall become effective August 13, 1943.

(Pub. laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12830; Filed, August 7, 1943; 10:46 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10554, 8 F.R. 2157, 2350, 4640, 7681, 10079.

[2] 8 F.R. 7498, 8837.

[1] 7 F.R. 4781, 5177, 6602, 8700, 8948; 8 F.R. 4628, 5986, 8844.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,[1] Amdt. 9]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.957 is amended to read as follows:

§ 1351.957 *Information which producers of peanut candy or potato chips must give their customers of price increases*—(a) *Notice from producers to wholesalers of price increases.* In the case of any item of peanut candy or potato chips which is being sold by a producer to a wholesaler for the first time after the producer's maximum price for it has been established under § 1351.955, the producer shall send the wholesaler (before or at the time of delivery) a written statement which lists for each such item included in the sale (1) the weighted average price charged by the producer during the month of March 1942, called the "base price", (2) the producer's maximum price, as calculated under the provisions of this regulation, called the "maximum price", and (3) the amount of the difference between the "base price" and the "maximum price", called the "wholesaler's permitted increase." When any producer of peanut candy or potato chips has established a maximum price by taking the maximum price of his competitor, as provided in § 1351.955 (b), his base price shall be the base price of the competitor. When calculating the "wholesaler's permitted increase", the producer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler customarily quotes prices for the item.

(b) *Notice from producers to retailers of price increases*—(1) *General package requirement.* Every producer who sells any item of peanut candy or potato chips during the 90-day period from and after the effective date of this regulation whether to a wholesaler or a retailer, shall include with the shipping case (or other package unit in which the retailer usually purchases the product) a "Notice of retailer's permitted increase." This notice must be either pasted or stamped on the outside of each shipping case sold, or printed on a slip and enclosed. In the latter case the producer shall place this statement on the outside: "Retailer's notice enclosed." The producer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the producer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Except for the proper insertion, the notice of retailer's permitted increase shall read as follows:

Notice of retailer's permitted increase. Your new OPA ceiling price for the enclosed item is your March ceiling price *plus* ..... cents per retail container. OPA requires you to keep this information for examination.

(2) *First sales directly to retailers; where notices do not accompany packages.* In the case of any item of peanut candy or potato chips which is being sold by a producer to any retailer for the first time after the producer's maximum price for it has been established under § 1351.955 and which for any reason is being sold in a form which does not include a producer's notice of retailer's permitted increase, the producer shall send the retailer (before or at the time of delivery) a written statement that (i) clearly identifies each such item included in the sale and (ii) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the producer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the producer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Each statement shall be accompanied by this notice:

Your new OPA ceiling price for each item noted is your March ceiling price *plus* the permitted increase shown per retail container. OPA requires you to keep this information for examination.

This statement may also contain similar information for any other items covered by this regulation even though they are not included in the sale.

This amendment shall become effective August 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12832; Filed, August 7, 1943; 10:46 a. m.]

PART 1361—SOFTWOOD LUMBER

[MPR 94,[1] Amdt. 5]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 94 is amended in the following respects:

1. Section 1381.502 (b) (2) (iii) is amended by inserting the word "Alaska," between the words "California," and "Mexico."

2. Section 1381.511 is amended by adding a paragraph (c) to read as follows:

(c) *Maximum prices for Alaskan lumber.* The maximum f. o. b. mill prices for Engelmann spruce, red cedar, and incense cedar lumber produced in Alaska and delivered to points outside the continental United States shall be the maximum f. o. b. mill prices set forth in Appendices F, G, and H, plus an amount equal to freight under the Maritime Commission's published freight rate from Seattle, Washington, to the mill's shipping point, including surcharges, War Risk insurance, and wharfage and handling charges under the published Seattle Wharfage and Handling rate for comparable lumber. The maximum delivered prices for such lumber shall be the maximum f. o. b. mill price arrived at according to the foregoing, plus transportation charges permitted by § 1381.504.

3. Section 1381.513, Appendix A, in the table entitled "Differentials and rules applicable to all grades of ponderosa pine", Rule 10 is amended to read as follows:

10. For 4/4 and thicker stock dressed thicker than standard: for 1/32" add $1.00, and for 1/16" add $2.00. No further addition is permitted.

This amendment shall become effective August 13, 1943.

[1] 7 F.R. 10848; 8 F.R. 859, 1138, 4118, 7352, 8009, 8756.

PART 1363—FEEDING STUFFS

[Rev. MPR 173, Amdt. 1]

WHEAT MILL FEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 7 (b) (3) is amended to read as follows:

(3) At destinations in Texas and Louisiana, the maximum price shall be $34.95 per ton, plus the charge at the lowest domestic railroad carload flat rate from Enid, Oklahoma to destination.

This amendment shall become effective August 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12831; Filed, August 7, 1943; 10:48 a. m.]

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*Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 9244, 10844; 8 F.R. 262, 273, 437, 973, 2285, 9201.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12833; Filed, August 7, 1943; 10:46 a. m.]

PART 1389—APPAREL

[MPR 330,[1] Incl. Amdt. 1]

RETAILERS' AND WHOLESALERS' PRICES FOR WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

Sections 1389.551 (d), 1389.555 (g), 1389.557 (e), 1389.559 (d) added; §§ 1389.552 (a), (c); 1389.553; 1389.554 (a), (b), (c), (d) (1), (2), (3), (4), (e), (f) (2), (3); 1389.555 (c), 1389.557 (c), (d); 1389.559 (a); 1389.560; 1389.562 (g); Appendices A, B amended; § 1389.551 (b) corrected by Amendment 1, effective August 7, 1943 (except that sellers may on or before August 13, deliver garments covered by this regulation at prices established under existing regulations), so that Maximum Price Regulation 330 shall read as follows:

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for retailers and wholesalers of certain women's, girls' and children's outerwear garments. The maximum prices established by this regulation are in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 330 is hereby issued.

Sec.

1389.551 Scope of this regulation.
1389.552 How to find your ceiling price under this regulation.
1389.553 Explanation of highest price line limitation.
1389.554 How to use the pricing rules.
1389.555 What acts are prohibited by this regulation.
1389.556 Enforcement.
1389.557 Records.
1389.558 Invoices, sales slips and receipts, notification and disclosure to retailers.
1389.559 Relation to the other maximum price regulations.
1389.560 Amendment and adjustable pricing.
1389.561 Geographical applicability of this regulation.
1389.562 Definitions.
Appendix A: What garments must be priced under this regulation.
Appendix B: Example of a pricing chart.

AUTHORITY: §§ 1389.551 to 1389.562, inclusive, issued under 56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681

§ 1389.551 *Scope of this regulation*—(a) *What garments must be priced under this regulation.* A list of the women's, girls' and children's outerwear garments which must be priced under this regulation is given in Appendix A at the end of the regulation. This regulation applies only to the garments which are described in that list. Hereafter, the women's, girls' and children's outerwear garments covered by this regulation are referred to as "garments."

(b) *Kinds of sales which are covered.* This regulation applies to sales by retailers and wholesalers. It does not apply to sales by manufacturers, manufacturing-retailers, custom-tailors or dressmakers. These terms are defined in § 1389.562. If after reading these definitions, you are in doubt as to whether this regulation applies to you, consult the nearest field office of the Office of Price Administration.

(c) *When this regulation takes effect.* This regulation takes effect February 24, 1943. As to garments delivered to you on or after February 24, 1943, you may not sell at higher prices than the ceiling prices set by this regulation. As to garments delivered to you before February 24, 1943, you were required to set your ceiling prices under § 1499.2 (a) of the General Maximum Price Regulation [2] or under Maximum Price Regulation 153, as amended.[3] You may, if you desire, continue to use those ceiling prices for these garments, or you may reprice your garments under the ceilings set in this regulation.

(d) *How to use this regulation for Spring and Fall pricing.* (1) The Spring selling season is the period between March 1 and July 31.

(2) The Fall selling season is the period between August 1 and February 29.

§ 1389.552 *How to find your ceiling price under this regulation*—(a) *Explanation of rules.* You find your ceiling price under this regulation by calculating the markup which you took on garments you delivered during the "base period", and then applying that markup to the cost of the garments you are pricing. You find what the "base period" markup is by using one of the pricing rules which are given in § 1389.554. However, you are not permitted to sell any garment at a higher price than the "highest price line" at which you delivered a garment of the same "category number" during the period which fixes your "highest price line" limitation. (This "highest price line" provision is explained in § 1389.553.)

(b) *What is a "category number."* The garments covered by this regulation are listed in Appendix A. Each kind of garment (such as dresses, coats, suits, skirts) is broken down into certain size groups. Each size group is described as a category and given a "category number."

For example: all "women's" coats are placed in Category No. 1; all "misses'" and "junior misses'" coats in sizes from 9 to 20, inclusive, are in Category No. 2; all "teen age" coats in sizes from 10 to 16, inclusive, are in Category No. 3; "women's" jackets are in Category No. 11; "girls'" dresses in sizes from 7 to 14, inclusive, are in Category No. 24, etc.

(c) *What is the "base period".* The base period is very important because you must figure your mark-up from your deliveries of garments during that period.

(1) *For sales of toddlers' garments, or blouses under size 30, or slacks and slack suits.* The "base period" for all garments in Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b and 32-39 is the period between (i) August 1 and December 31, 1942 for retailers and (ii) July 1 and October 31, 1942 for wholesalers.

For retailers who made their first delivery of garments in Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b or 32-39 after October 1, 1942 (September 1, 1942 for wholesalers) but before April 7, 1943, the "base period" is the first four months immediately following the first delivery of garments.

(2) *For sales of garments in all other category numbers.* The "base period" for retailers is the period between August 1 and December 31, 1941; for wholesalers, the period between July 1 and October 31, 1941.

For retailers who made their first delivery of garments in these category numbers after October 1, 1941 but before April 7, 1943, and for wholesalers who made their first delivery of garments after September 1, 1941, but before April 7, 1943, the "base period" is the first four months immediately following the first delivery of garments.

§ 1389.553 *Explanation of "highest price line" limitation.* In order that consumers may continue to buy garments at customary price levels, this regulation provides a highest price line limitation, or an over-all ceiling rule, for each category number during each selling season. The rule is that you may not under any circumstances sell any garment (a) during the Spring selling season for more than the highest selling price line at which you delivered a garment of the same category number during March

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2209, 4732.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991.

[3] 7 F.R. 4381, 5869, 7010, 7535, 8946, 10081; 8 F.R. 129, 2209, 1394.

1942, or (b) during the Fall selling season for more than the highest selling price line at which you delivered a garment of the same category number either during your base period or during March 1942.[4]

If you did not deliver any garments of the same category number during the period which determines your highest price line limitation (March 1942 for the Spring selling season; the base period or March 1942, whichever is higher, for the Fall selling season), then your highest price line limitation is the same as that of your most closely competitive seller of the same class for a garment of that category number during that selling season. Moreover, if your base period does not include the 3-month period between October 1 and December 31 (for wholesalers, the 2-month period between September 1 and October 31), then your highest price line limitation during the Fall selling season is the same as that of your most closely competitive seller of the same class for the same category number during the Fall selling season.

§ 1389.554 *How to use the pricing rules*—(a) *Pricing chart.* In order to price under this regulation it is necessary to prepare a pricing chart. On or before September 1, 1943, you must prepare a pricing chart which contains:

(1) A list of the category numbers you delivered during your base period.

(2) A list of the cost prices at which you purchased garments in each of these category numbers. (If you intend to use the exception provided in Rule 1 (§ 1389.554 (c)) for any cost prices, such cost prices on your pricing chart should be preceded by the symbol "(S)".)

(3) The discount, terms or allowance at which you purchased the largest number of garments at each cost price listed in (2).

(4) The selling price at which you delivered during the base period the largest number of garments of each cost price listed in (2).

(5) The percentage markup taken on each selling price listed in (4).

(6) The highest selling price line at which you delivered a garment of each category number during March 1942 (or, if you did not deliver the category number and now intend to deliver it, the highest selling price line at which your most closely competitive seller of the same class delivered a garment of the category number during March 1942. In such cases place the symbol "(C)" preceding the highest selling price line.)

(7) The highest selling price line at which you delivered a garment of each category number during the base period (or, if you did not deliver the category number, and now intend to deliver it, or if your base period does not include the 3-month period between October 1 and December 31 (the 2-month period between September 1 and October 31 for wholesalers), the highest selling price line at which your most closely competitive seller of the same class delivered a garment of the category number during the base period. In such cases place the symbol "(C)" preceding the highest selling price line.)

You must keep a copy of your pricing chart available for examination by the OPA. (An example of a pricing chart and detailed instructions for its preparation are found in Appendix B.)

NOTE: If you discover an incorrect entry on your pricing chart, you may correct it at any time: *Provided*, That you note next to the correction the date on which it is made. However, you must never deliver a garment at a higher price than the ceiling price shown on your chart on the date when the garment is delivered; corrected entries may be used as a basis for pricing only for garments delivered after the date of the correction noted on your pricing chart.

(b) *Summary of pricing rules.* In order to find your ceiling price for a garment, you use whichever of the five following pricing rules is applicable. You will note that your ceiling price generally depends upon the relationship between your present cost and one of the cost prices listed in your pricing chart. If your present cost is based on different terms or on a different discount from those listed for the cost prices in your pricing chart, you must adjust your present cost accordingly.

For example. Your present cost price is $19.75 less 8/10 EOM. In order to determine which pricing rule to use, you look at your pricing chart to find which cost prices listed there, if adjusted to a net basis, would be closest or equal to the actual net cost of your $19.75 less 8/10 EOM. You find cost prices of $19.75 less 3/10 EOM and $18.75 less 1/10 EOM listed on your pricing chart. To compare your present cost price with those listed on your chart, you adjust all three cost prices to a net basis. Thus the $19.75 less 8/10 EOM which you now purchase is adjusted to $18.17 ($19.75×92%=$18.17); your $19.75 less 3/10 EOM is adjusted to $19.16 ($19.75×97%=$19.16); and your $18.75 less 1/10 EOM is adjusted to $18.56 ($18.75×99%=$18.56).

In calculating your maximum price for this $19.75 less 8/10 EOM line under any of the first four pricing rules you must adjust that cost to reflect the terms or discount listed on your pricing chart for the cost price to which you are comparing it. (For an illustration of this requirement, see the second example under Rule 2.)

(1) *Rules 1 2 and 3.* You first find whether you delivered during the base period a garment of the same category number as the garment for which you are calculating your ceiling price. If you did, you then find your ceiling price by using either Rule 1, 2 or 3.

(2) *Rule 4* If you find that you did not deliver during the base period a garment of the same category number as the garment you are pricing, you then must calculate your ceiling under Rule 4.

(3) *Rule 5* You are permitted to price a garment under Rule 5 only if none of the rules from 1 through 4 applies to your case. For example, you use Rule 5 if you first started selling garments after April 7, 1943.

(c) *Pricing rules for garments of a category number delivered during the base period.* To find your ceiling price for garments of the same category number as garments which you delivered during the base period, you compare the cost price at which you purchased the garments now being priced with the cost price at which you purchased garments of the same category number which you delivered during the base period, and then use the first of the next three rules that applies.[5]

Rule 1. The ceiling price for a garment of the same cost to you as a garment you delivered during the base period is the selling price at which you delivered the largest number of such garments during the base period.

For example: You want to find your ceiling price for women's dresses (Category No. 21), which you now buy in a $6.75 cost price line. During the base period you delivered a total of 250 women's dresses which you bought at a $6.75 cost price. Of these 250 dresses your selling price was $9.95 for 50 of these dresses, $10.95 for 125 of them and $11.95 for 75 of them. Your ceiling price this season for dresses which cost you $6.75 is $10.95, since that is the price at which you delivered in the base period the largest number of women's dresses that cost you $6.75.

If during the base period you delivered an equal number of units at two or more different selling prices then your ceiling price shall be the lowest of these selling prices.

For example: You want to find your ceiling price for women's coats (Category No. 1), which you now buy in a $6.75 cost price line. In the base period, you delivered 120 coats that cost you $22.75. You delivered 20 of them at $32.50, 50 of them at $35.00 and 50 at $39.95; the rule requires that you take as your ceiling the lower of the two selling prices ($35.00).

NOTE: There is an exception permitting you to price garments of the same cost as garments delivered during the base period under Rule 3 rather than Rule 1 if both of the following conditions are met:

1. If this cost price is lower than the cost of any garment in the same category number which was both delivered to you and offered by you for sale during the base period; and

2. If the selling price at which you delivered the largest number of garments of that category number and cost price line during the base period was substantially lower than the initial offering prices of the same styles of garments in Spring 1941 (Spring 1942 for Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b and 32–39).

For example: You want to find your ceiling price for girls' suits (Category No. 9) which you now purchase at $3.75. You delivered 130 girls' suits of that cost price in a particular style at $5.98 in Spring 1941, and 70 of the same style at $4.50 during the base period. These were the only $3.75 suits you delivered during the base period. Moreover, you did not offer for sale during the base period any girls' suits delivered to you during the base period at a cost of $3.75 or less. You need not price the $3.75 girls' suits which you now purchase, at $4.50 by using this Rule, but you may price them under Rule 3.

Rule 2. This rule is used where the garment being priced is bought by you at a cost different from the cost of garments of the same category number which you delivered in the base period.

In such case, you calculate your ceiling price as follows: You first find the next lower cost price line of garments of the same category number which you delivered during the base period. You then find the selling price at which you delivered the largest number of units of such garments in that next lower cost price line during the base period. Then you find the percentage markup which you took on these garments in the base period and apply the same percentage markup to the garments you are pricing. This is done by subtracting the percentage markup from 100%, and dividing the cost of the garments you are pricing by the difference. The result is the ceiling price.

For example: You want to find your ceiling price for women's dresses (Category No. 21), that you now buy at a $7.75 cost price line. In the base period you delivered women's dresses that cost you $6.75 and $8.75, but you did not deliver any that cost you $7.75. To calculate your ceiling, you find your next lower cost price line in women's dresses, that you delivered in the base period, which is $6.75. You delivered in the base period altogether 200 women's dresses which you bought in a $6.75 cost price line. You delivered 125 of them at $10.95 and 75 at $11.95. Since $10.95 is the selling price at which you delivered the largest number of units, you then calculate the percentage markup, which you took in the base period on the garments sold at $10.95 and which cost you $6.75. This markup is 38.4%. (This percentage markup is found in Column E of your Pricing Chart). You then apply this same percentage markup in pricing your $7.75 garments and you find that your ceiling price is $12.58 ($7.75÷61.6%=$12.58).

Where you find that a garment which you now purchase has a different cost price from any garment of the same category number listed on your pricing chart, and that you bought such garment on terms different from those listed for the next lower cost price on your pricing chart, you must adjust the cost of the garment you are now pricing to reflect the terms listed on your pricing chart for the next lower cost price, and then, using the adjusted cost, take the percentage markup of the next lower cost price.

For example: The seller whose pricing chart is shown in Appendix B (a) listed the following cost prices for women's coats:

$18.75 1/10 EOM
19.75 8/10 EOM
22.75 8/10 EOM

He now wishes to price a woman's coat (Category No. 1) purchased at $19.75 less 3/10 EOM. This is clearly not the same cost price line as the $19.75 less 8/10 EOM listed on his pricing chart. He adjusts both of his $19.75 cost prices and his $18.75 less 1/10 EOM to reflect net terms. The $19.75 less 8/10 EOM listed on his pricing chart had a net cost of $18.17 ($19.75×92%=$18.17); the $19.75 less 3/10 EOM which he now purchases has a net cost of $19.16 ($19.75×97%=$19.16); the $18.75 less 1/10 EOM had a net cost of $18.56 ($18.75×99%=$18.56). Therefore, in pricing his woman's coat purchased at $19.75 less 3/10 EOM under Rule 2, the seller uses the percentage markup on his next lower cost price. This is his $18.75 less 1/10 EOM. Since this cost price line was purchased at 1/10 EOM, he adjusts his $19.75 less 3/10 EOM to reflect a discount of 1/10 EOM and now shows a cost price of $19.35 less 1/10 EOM ($19.75×97%=$19.16; $19.16÷99%=$19.35). Applying the percentage markup listed for $18.75 cost price (37.4%) to the woman's coat with an adjusted cost of $19.35, he finds his ceiling price for women's coats purchased at $19.75 less 3/10 EOM is $30.90 ($19.35÷62.6%=$30.90).

Rule 3. This rule is used where the garment you are pricing is bought by you at a cost which is lower than any cost price line of garments of the same category number which you delivered in the base period. In such case you follow exactly the same procedure set forth in Rule 2, except that you apply the percentage markup listed on your pricing chart for the lowest cost price line of garments of the same category number delivered in the base period instead of the next lower cost price line. If you can use the exception provided in Rule 1, you will have marked an (S) preceding certain of the lowest cost prices on your pricing chart. In using this Rule you disregard cost prices preceded by (S).

For example: You have some women's dresses (Category No. 21) that you bought for $2.75. During the base period you did not deliver any women's dresses costing less than $3.75. Column D of your pricing chart shows you that the selling price at which you delivered the largest number of $3.75 dresses is $5.98. Column E shows you that your percentage markup was 37.3%. By applying this same markup in pricing your $2.75 dresses, you find that your ceiling price is $4.39 ($2.75÷62.7%=$4.38).

However, if you find that your $3.75 cost price for women's dresses is marked with an (S) you disregard the percentage markup listed for that cost price and find your ceiling price for your $2.75 dresses by applying the percentage markup listed on your pricing chart for the lowest cost price line of women's dresses not preceded by (S).

(d) *Pricing rules for garments in a category number not delivered during the base period.* To find your ceiling price for garments which are in a category number that you did not deliver during the base period, you compare the cost price line of the garment being priced with the cost price line at which you bought garments of other category numbers delivered by you during the base period, and then use Rule 4.

[4] For purpose of this limitation, the prices authorized by any order granting an adjustment under the GMPR or under MPR 153, as amended, are considered to be prices of garments delivered during March 1942 or the base period. If the authorized price for a particular category number is higher than the highest price at which you actually delivered garments of that category number, it should be listed in Column F or G of your pricing chart.

[5] In applying these rules, the selling price authorized for a particular cost price line in any category number by an order granting an adjustment under MPR 153, as amended, shall be deemed to be the selling price at which the seller during the base period delivered the largest number of garments of that category number having the same cost price line; and any percentage markup authorized for a particular cost price line and or category number by such an order shall be deemed to be the percentage markup taken by the seller on the largest number of garments of the same cost price line and/or category number delivered during the base period. These adjusted selling prices and percentage margins should be listed on your Pricing Chart in Columns D and E respectively.

Rule 4. Your ceiling price for a garment of a category number that you did not deliver in the base period is determined as follows:

(1) If during the base period you delivered garments of any other category number which had been purchased at the same cost as the garment you are pricing, your ceiling price is the same as the Rule 1 ceiling price for garments of that other category number which have the same cost. However, if the cost price listed for that other category number on your pricing chart is preceded by an (S), you use subparagraph (3) below for the garment you are pricing.

Example 1. You want to find your ceiling price for women's suits (Category No. 6), now purchased for $6.75. You did not deliver any women's suits during the base period, but you did deliver women's slack suits (Category No. 36) which cost you $6.75. Column D of your pricing chart shows $10.95 as the price at which you delivered the largest number of women's slack suits. Accordingly, $10.95 is your ceiling price for women's suits.

However, if your $6.75 slack suit cost price were preceded by an (S), you would use subparagraph (3) below for your $6.75 women's suits.

(2) If you did not deliver during the base period garments of any category number which you bought at the same cost as the garment you are pricing, then you take the next lower cost price line of garments which you delivered in the base period and find the selling price at which you delivered the largest number of such garments; then find the percentage markup which you took on these garments, and use this markup in calculating the ceiling price of the garments you now wish to deliver.

Example 2. You want to find the ceiling price for misses' suits (Category No. 7) which you now buy at $9.25. You did not deliver any misses' suits during the base period, nor did you deliver any garments at all which you bought at $9.25. You delivered women's dresses (Category No. 21) bought at $8.75, which is the next lower cost price line for any garments delivered by you in the base period. Column E of your pricing chart shows 37.3% as your markup on $8.75 women's dresses, since Column D shows that you delivered the largest number of those dresses at $13.95. Accordingly, 37.3% is your markup for $9.25 misses' suits, and your ceiling price is $14.75

(3) If you did not deliver during the base period any garment bought at a cost price lower than the garment you are pricing, then you take the lowest cost price line of garments which you did deliver, and which is not preceded by an (S) on your pricing chart, and find the selling price at which you delivered the largest number of such garments. Then find the percentage markup which you took on these garments and use this markup in calculating the ceiling price of the garments you now wish to deliver.

Example 3. You want to find your ceiling price for misses' blouses (Category No. 26) which now cost you $2.50. You did not deliver any misses' blouses during the base period. The lowest cost price line at which you bought any garments delivered during the base period was $3.75, for women's dresses (Category No. 21). Column D of your pricing chart shows that you delivered the largest number of the $3.75 dresses at $5.98, and Column E shows 37.3% as the markup. Accordingly, you use 37.3% as your markup for the $2.50 blouses; and your ceiling price is $3.99 ($2.50 ÷ 62.7% = $3.99).

However, if your $3.75 cost price for women's dresses was preceded by an (S) on your pricing chart, you use the percentage markup which you took on garments in the lowest cost price line not preceded by an (S).

(4) In applying Rule 4, you might find that in the base period the largest number of garments that you delivered in two or more category numbers, which you purchased in the same cost price line, or in the next lower cost price line, or in the lowest cost price line, was delivered at different selling prices. In any such case in determining your ceiling price you must use that selling price or that percentage markup which gives you the lowest ceiling price. Also, if you find that you delivered during the base period an equal number of units at two or more different selling prices, then you shall use the lowest of these selling prices.

Example 4: Suppose that in calculating your ceiling price on the women's suits mentioned in Example 1 above, you find that during the base period you delivered not only women's dresses bought at $6.75, but also girls' coats (Category No. 4), which you bought at $6.75 and delivered at $9.95. Under Rule 1, your ceiling price for girls' coats bought at $6.75, is $9.95, since in the base period you delivered the largest number of girls' coats bought at that price for $9.95, and therefore, your ceiling price for these women's suits is $9.95 instead of $10.95 since that selling price gives you the lowest ceiling price.

Example 5. Suppose that in calculating your ceiling price on the misses' suits mentioned in Example 2 above, which you now buy at $9.25, you find that during the base period you delivered two different category numbers of garments each purchased at $8.75, namely women's dresses (Category No. 21) and women's coats (Category No. 1). You took a percentage markup of 32% on the coats and a percentage markup of 37.3% on the dresses. Using the 32% markup for your $9.25 misses' suits, you would have a ceiling price of $13.60 ($9.25 ÷ 69% = $13.60). If you could use the 37.3% markup, your ceiling price would be $14.75 ($9.25 ÷ 62.7% = $14.75). However, you must take the percentage markup which will give you the lowest ceiling price. This is 32%, and your ceiling price for your $9.25 misses' suits is therefore $13.60.

(e) *Rule 5: For wholesalers and retailers who started selling garments on or after April 7, 1943, or who cannot otherwise price.* This rule is used when you find that none of the preceding four pricing rules applies to your situation. You may determine your ceiling prices in either of the following ways, provided you keep the records required by § 1389.557 (d):

(1) The ceiling price for the garment being priced shall be the same as the ceiling price established by your most closely competitive seller of the same class for the same garment or, if none has been established for the same garment, for the similar garment most nearly like it; or

(2) The ceiling price for the garment being priced shall be the same as the ceiling price established by your most closely competitive seller for a garment of the same category number having the same cost price line.

If you price any garments under subparagraph (2) of this rule, then you must use the same method for pricing all garments of that category number having the same cost price line.

(f) *Special provisions for selling establishments which sell through separate departments.* (1) For the purpose of this regulation each separate department of a selling establishment shall be considered a separate seller.

(2) The highest price at which a separate department of a selling establishment may deliver a garment of a category number which it did not deliver during the period determining its highest price line limitation (March 1942 for the Spring selling season; the base period or March 1942, whichever is higher, for the Fall selling season) shall be the highest price line at which any department of the same selling establishment may deliver a garment of the same category number during the same selling season. Moreover, if the base period of the separate department does not include the 3-month period between October 1 and December 31 for retailers (the 2-month period between September 1 and October 31 for wholesalers) the highest price at which it may deliver any garment during the Fall selling season is the highest price at which any department in the same selling establishment may deliver a garment of the same category number during the Fall selling season.

(3) A separate department which is established after April 7, 1943, by a selling establishment which was in business prior to that date, shall establish its maximum prices in the following manner:

(i) The highest price line at which it may sell a garment in any category number shall be the highest price line at which any department of the selling establishment is permitted to sell a garment of that category number under this regulation.

(ii) The maximum markup which it may apply to the cost of the garment being priced shall be the highest markup which any department of the selling establishment is permitted to take had the garment been sold in that department or unit.

§ 1389.555 *What acts are prohibited by this regulation.* On and after the effective date of this regulation regardless of any contract or other obligation, no person shall do any of the following:

(a) Sell or deliver any garment at a price higher than the ceiling price permitted by this regulation, although he may lawfully charge prices below the ceiling.

(b) Change his customary discounts, allowances or price differentials, if the change results in a higher net price.

(c) Make a sale of garments which is conditioned directly or indirectly on the purchase of any other commodity or service. (Matched sets, however, if designed by the manufacturer for sale at a unit price, and so purchased by the seller under this regulation, may be sold at a unit price unless such sale is prohibited by any order of the War Production Board.)

(d) Do any other act which directly or indirectly increases, above the maximum price, the consideration paid for a garment or delivery of any garment.

(e) Buy or receive, in the course of trade or business, any garment which was sold in violation of any of the paragraphs of this section.

(f) Agree, offer, solicit or attempt to do any of the acts prohibited by this regulation.

(g) For the purposes of evading the price limitations set forth in this regulation, purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, controlled by, controlling or otherwise affiliated with the seller. No person shall do any other act which directly or indirectly increases the consideration paid for any garment. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright raising of the maximum price. This applies to devices making use of commissions, services, transportation arrangements, premiums, discounts, special privileges, tying agreements, trade understandings and all similar practices.

§ 1389.556 *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for the suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1389.557 *Records.* (a) You must keep a record of all prices established under this regulation. For each price, the record must show (1) the cost of the garment, (2) the selling price, (3) if you did not price under Rule 1, the percentage markup used in establishing the ceiling price, and (4) the pricing rule under which the ceiling was calculated.

(b) You must also preserve the records that you were required to prepare by § 1389.8 of Maximum Price Regulation 153, as amended.

(c) If, in Column F or Column G of your pricing chart you have listed a price established by your most closely competitive seller of the same class, you must keep a record showing his name and address.

(d) If you used paragraph (1) of Rule 5 in pricing any garments, then you must keep a record of (1) the name and address of your most closely competitive seller of the same class whose garment you used to establish your maximum price, (2) a description of such garment of such most closely competitive seller, and (3) a description of your same or similar garment priced on the basis of such garment.

If you used paragraph (2) of Rule 5 in pricing any garment, then you must keep a record of (1) the name and address of your most closely competitive seller of the same class whose ceiling prices you used to establish your ceiling prices, and (2) a chart showing the cost price line, percentage markup, and ceiling price established by your most closely competitive seller of the same class for each cost price line in each category number which you priced by reference to his ceiling prices. Such chart will be your pricing chart for those cost prices in those category numbers.

(e) If, prior to April 7, 1943, you delivered garments covered by this regulation, you must prepare and keep available for examination by the OPA the pricing chart required by § 1389.554 (a).

§ 1389.558 *Invoices, sales slips and receipts, notification and disclosure to retailers.* (a) Every wholesaler, in connection with a sale to a retailer shall deliver an invoice or other similar document showing (1) the date, (2) the name and address of the seller and purchaser, (3) the style number and category number of each of the different styles of garment sold, (4) the quantity of each different style of garment sold, (5) the price of each different style of garment sold, and (6) all discounts, allowances and other price differentials.

(b) Every retailer who has customarily given his customers a sales slip, receipt or similar evidence of purchase must continue to do so. Upon request from a customer, a retailer, regardless of previous custom, must give the purchaser a receipt showing (1) the date, (2) the name and address of the seller, (3) the name and description of each garment sold, and (4) the price received for it.

§ 1389.559 *Relation to the other maximum price regulations.* (a) The General Maximum Price Regulation[6] shall not apply and this regulation shall apply to sales of garments covered by this regulation, except that garments in Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b and 32–39 purchased by the seller pursuant to written contracts entered into on or before August 7, 1943, may be priced under the GMPR provided they are sold and delivered by the seller on or before November 1, 1943. In addition, the following sections of the GMPR are made a part of this regulation, and you must observe them:

(1) Sellers operating more than one retail establishment (§ 1499.4a).

(2) Transfers of business or stock in trade (§ 1499.5).

(3) Federal and state taxes (§ 1499.7).

(4) Current records (§ 1499.12).

(5) Marking and posting of cost-of-living commodities (§ 1499.13), except that paragraph (b) of § 1499.13 (filing of cost-of-living statements) does not apply.

(6) The licensing provisions of § 1499.16 shall apply to every person who sells women's, girls', children's and toddler's outerwear garments at wholesale or retail.

(7) The adjustment provision of § 1499.18 (d) shall apply to every retailer of garments purchased pursuant to a Fair Trade Agreement as provided in the GMPR.

(b) *Revised Maximum Export Price Regulation.*[7] Revised Maximum Export Price Regulation shall apply, and this regulation shall not apply to sales or deliveries for which maximum prices are established by Revised Maximum Export Price Regulations, issued by the Office of Price Administration.

(c) *Maximum Price Regulation 153, as amended.* This regulation shall be considered as an amendment to Maximum Price Regulation No. 153, as amended, for

[6] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991.

[7] 2d Revision: 8 F.R. 4132, 7662, 9998.

all purposes, except that it shall be known as Maximum Price Regulation No. 330.

(d) *Maximum Price Regulation 142.*[8] Maximum Price Regulation 142—Retail Prices for Summer Seasonal Commodities—shall not apply, and this regulation shall apply to sales of girls' slacks, overalls and slack suits of cotton or rayon.

§ 1389.560 *Amendment and adjustable pricing*—(a) *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment of general applicability. Any such petition must be filed in accordance with the provisions of Revised Procedural Regulation No. 1,[9] issued by the OPA.

(b) *Adjustable pricing.* If you wish, you may sell at the maximum price permitted by this regulation subject to an agreement with the buyer to charge a higher price if it becomes the legal maximum price by the time delivery is made. But you must never charge a price which is higher than the maximum price in effect at the time of delivery. Moreover, unless authorized by the OPA, you must not deliver at a price which is to be adjusted upward in accordance with action taken by the OPA after delivery. This authorization will be given only where: (1) a request for a change in the applicable price is pending; (2) authorization is necessary to promote distribution or production; and (3) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

[Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1389.561 *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States, and to the District of Columbia, but not to the territories and possessions of the United States.

§ 1389.562 *Definitions.* (a) Unless the context otherwise requires or unless otherwise specifically provided herein, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation, shall apply to the terms used in this regulation.

(b) "Retail sale" or "sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user.

(c) "Wholesale sale" or "sale at wholesale" means a sale, otherwise than at retail, of a garment which the seller received in substantially the form in which he sells it. Sales by a manufacturer of those garments which he produces or has produced for him are not considered sales at wholesale.

(d) A "manufacturer" is a person who sells a garment which he has fabricated or which has been fabricated for him by an agent or by a "contractor" as that term is defined in Maximum Price Regulation No. 172.[10]

(e) A "manufacturing-retailer" is a manufacturer who maintains one or more establishments selling at retail, or who otherwise sells to ultimate consumers and who sells substantially all of the garments that he manufactures to ultimate consumers.

(f) A "custom tailor" or "dressmaker" is a manufacturer who sells to ultimate consumers from his own establishment, garments fabricated by himself to the individual specifications and at the special order of such ultimate consumers.

(g) "Cost price line," "cost price" and "cost" have the same meaning when used in this regulation. You find the cost price line of a garment by taking whichever of the following is lower:

(1) The actual cost of the garment, or

(2) The maximum price, at the time of purchase, that the regulations of the OPA permit your source of supply to charge for the garment.

In calculating your selling price under this regulation, you use the same cost basis that you used in the base period. Thus, if in the base period in calculating selling price, you used as "cost", your invoice price, before subtracting discounts or freight, you now calculate your markup on the same basis.

(h) "Seller" means a seller of any of those types of women's, girls' and children's outerwear garments covered by this regulation.

Appendix A: What Garments Must Be Priced Under This Regulation

This regulation covers the garments listed below, if fabricated from yard goods (including knitted fabrics and laces). It does not cover garments fabricated from materials obtained by the assignment of an A-2 preference rating by the War Production Board, pursuant to Limitation Order M-207; nor does it cover uniforms and women's work clothing which would ordinarily be purchased only for wear in industrial, commercial, institutional or agricultural occupations. Note, however, that sportswear and utility wear suitable for general use are covered.

(a) *Coats.* "Coats" include all feminine outerwear garments commonly known as coats, usually worn over other outer apparel, untrimmed, trimmed, fur-trimmed and fur-lined, sport and dress, including capes and wraps, but not including rainwear garments or garments made of artificial leather. "Rainwear garments" are those which are commonly regarded as having their chief use as protection against rain.

Category numbers:

1—"Women's"—all sizes.

2—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.

3—"Teen age"—sizes from 10 to 16, inclusive.

4—"Girls'"—sizes from 7 to 14, inclusive.

5—"Children's"—sizes from 3 to 6, inclusive.

5a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(b) *Suits.* "Suits" include all two-piece feminine outerwear garments, untrimmed, trimmed and fur-trimmed, consisting of a "separate jacket" and "separate skirt" fabricated of either matching or contrasting material to be sold at a unit price. Two-piece dresses, however, are not included.

Category numbers:

6—"Women's"—all sizes.

7—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.

8—"Teen age"—sizes from 10 to 16, inclusive.

9—"Girls'"—sizes from 7 to 14, inclusive.

10—"Children's"—sizes from 3 to 6, inclusive.

10a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(c) *Separate jackets.* "Separate jackets" include all feminine outerwear garments commonly known as jackets which can be opened from neck to hem and which ordinarily are not worn tucked into a skirt, slacks or shorts. Note that this includes ski jackets, skating jackets and other sport jackets. Garments made of artificial leather are, however, excepted. Boleros, jerkins and other garments of the same type are considered to be jackets.

Category numbers:

11—"Women's"—all sizes.

12—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.

13—"Teen age"—sizes from 10 to 16, inclusive.

14—"Girls'"—sizes from 7 to 14, inclusive.

15—"Children's"—sizes from 3 to 6, inclusive.

15a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(d) *Separate skirts.* "Separate skirts" include all feminine outerwear garments commonly known as skirts, including skating skirts, but excluding culottes.

Category numbers:

16—"Women's"—all sizes.

17—"Misses'" and "jr. misses'"—sizes 9 to 20, inclusive.

18—"Teen age"—sizes from 10 to 16, inclusive.

19—"Girls'"—sizes from 7 to 14, inclusive.

20—"Children's"—sizes from 3 to 6, inclusive.

20a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(e) *Dresses.* "Dresses" include all feminine outerwear garments commonly known as dresses, whether made in one-piece models or in two-piece models consisting of a skirt and a separate blouse, or separate unlined jacket, and sold at a unit price. Such garments include dresses used for street, evening, house or utility wear. Jumpers, pinafores, brunchcoats, smocks and similar garments are considered dresses.

Category numbers:

21—"Women's"—all sizes.

22—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.

23—"Teen age"—sizes from 10 to 16, inclusive.

24—"Girls'"—sizes from 7 to 14, inclusive.

25—"Children's"—sizes from 3 to 6, inclusive.

25a—"Toddlers'"—sizes from 6 months to 3 years, inclusive.

(f) *Blouses.* "Blouses" include all feminine outerwear garments, commonly known as blouses or shirtwaists.

Category numbers:

26—"Women's", "misses'" and "jr. misses'"—all sizes.

26a—"Teen age" and "girls'"—sizes from 7 to 16, inclusive.

26b—"Children's" and "toddlers'"—sizes from 6 months to 6 years, inclusive.

(g) *Snowsuits.* "Snowsuits" include all (1) toddlers' and children's (including boys'), (2) girls' and (3) teen age outerwear garments commonly known as snowsuits or ski suits.

Category numbers:

27—"Children's" and "toddlers'" one and two-piece snowsuits (with or without a matching hat)—sizes from 1 to 6, inclusive.

28—"Teen age" and "girls'" one and two-piece snowsuits (with or without a matching hat)—sizes from 7 to 16, inclusive.

(h) *Legging sets and separate leggings.* "Legging sets" and "separate leggings" include all (1) toddlers' and children's (including boys'), and (2) girls' outerwear garments commonly known as legging sets and separate leggings, but excluding garments made of artificial leather.

Category numbers:

29—Legging sets—sizes from 1 to 14, inclusive.

30—Separate leggings—sizes from 1 to 14, inclusive.

(i) *Separate ski pants.* "Separate ski pants" include all (1) toddlers' and children's (including boys'), (2) girls' and (3) teen age outerwear garments commonly known as ski pants.

Category number:

31 Separate ski pants—sizes from 1 to 16, inclusive.

(j) *Separate slacks.* "Separate slacks" include all women's, girls' and children's outerwear garments commonly known as slacks, and usually cut in the same style as men's trousers, reaching from waist to calf or below and having long loose legs, including slacks with any attached sleeveless bodice commonly known as "overalls" or "jumperalls", but excluding culottes.

Category numbers:

32—"Women's"—all sizes.

33—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.

34—"Teen age" and "girls"—sizes from 7 to 16, inclusive.

35—"Children's" and "toddlers'" (including boys', except boys' tailored pants which are covered by Maximum Price Regulation 177)[11]—sizes from 6 months to 6 years, inclusive.

(k) *Slack suits.* "Slack suits" include women's, girls' and children's outerwear garments commonly known as slack suits or slack sets, consisting of a slack and separate jacket, or a slack and separate or attached blouse, sold at a unit price. Garments commonly known as "coveralls" are included.

Category numbers:

36—"Women's"—all sizes.

37—"Misses" and "jr. misses"—sizes from 9 to 20, inclusive.

38—"Teen age" and "girls'"—sizes from 7 to 16, inclusive.

39—"Children's" and "toddlers'" (including boys', except boys' tailored suits which are covered by Maximum Price Regulation 177)—sizes from 6 months to 6 years, inclusive.

Any seller (including a separate department described in paragraph (f) of § 1389.554) who sells garments in women's and misses' or juniors' sizes and who customarily delivered garments in women's and misses' or juniors' sizes at the same percentage markups may, at his option, combine garments in those sizes when calculating the selling price at which he sold the largest number of garments of each cost price line during the base period.

Two-piece dresses and snowsuits purchased by the seller pursuant to written contracts entered into on or before August 7, 1943, may be delivered by the seller on or before November 1, 1943 at the ceiling prices in effect prior to August 7, 1943 for two-piece dresses and snowsuits of the same cost prices.

Appendix B: Examples of a Pricing Chart

(a) *Pricing chart.* An example of the pricing chart required by § 1389.554 (a) follows:

Pricing Chart

A	B	C	D	E	F	G
Category No.	Cost price lines	Terms	Selling prices	Percentage mark-up	Highest March selling price line	Highest Base Period selling price line
				Percent		
21 (women's dresses)	$3.75	8/10/EOM	$5.98	37.3		
	4.75	8/10/EOM	7.95	40.3		
	5.50	3/10/EOM	8.95	38.5		
	6.75	8/10/EOM	10.95	38.4		
	8.75	8/10/EOM	13.95	37.3		
	9.75	8/10/EOM	14.95	34.8		
	10.75	8/10/EOM	16.95	36.6	$14.95	$17.95
1 (women's coats)	(S)11.75	8/10/EOM	14.95	21.4		
	12.75	8/10/EOM	19.95	36.1		
	14.75	8/10/EOM	25.00	41.0		
	18.75	1/10/EOM	29.95	37.4		
	19.75	8/10/EOM	29.95	34.1		
	22.75	8/10/EOM	35.00	35.0		
	26.75	8/10/EOM	39.95	33.0		
	29.75	Net	49.95	40.4	35.00	55.00

(b) *How to prepare your pricing chart:*

1. In Column A, list the category numbers of the garments you are pricing. You will find the category numbers for the garments in Appendix A.

2. In Column B, list all the cost price lines at which you purchased garments that you delivered during the base period. (Section 1389.552 (c) explains what the base period is). If you are permitted to use the exception provided in Rule 1 (§ 1389.554 (c)) for any cost price lines, you should place the symbol "(S)" preceding each such cost price line in your Pricing Chart.

3. In Column C, list the discount, terms or allowance at which you purchased the largest number of garments at each cost price line listed in Column B.

4. In Column D, list the selling price at which you delivered during the base period the largest number of units of each cost price line listed in Column B. (See Rule 1, if you delivered the same number of units at two or more selling prices, for then you use the lowest selling price).

5. In Column E, list the percentage markup taken on each cost price line listed in Column B. This is how you make this calculation:

Step 1. You subtract the cost price line (Column B) from the selling price (Column D) and the difference is the dollar markup.

Step 2. Divide this dollar markup by the selling price (Column D) and the result is the percentage markup.

For example: In the Pricing Chart listed above, in order to find the percentage markup taken on the $3.75 cost price line, you subtract $3.75 (Column B) from $5.98 (Column D). The difference is $2.23. By dividing $2.23 by $5.98 (Column D), you find your percentage markup to be 37.3%.

6. The percentage markups illustrated in Column E and in the examples given throughout the regulation are markups on selling price. If you usually calculate your markups on your cost prices, you may under this regulation, continue to calculate your markups on cost instead of on selling price. However, you must calculate your markups in the same manner now that you did in the base period.

7. In Columns F and G, respectively, list the highest price line at which you delivered

[8] 7 F.R. 3553, 3720, 5179, 5520, 8945, 8948.
[9] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.
[10] 7 F.R. 4882, 6384, 8351, 8948, 10864; 8 F.R. 6063.
[11] 7 F.R. 5182, 7475, 8792, 7100, 7944, 8940, 9000, 8948.

in March 1942 and the base period a garment of each category number listed in Column A. If you did not deliver a garment of any category number in March 1942 or in the base period and now intend to deliver it, then list the highest price line at which your most closely competitive seller of the same class delivered a garment of the same category number in March 1942 or in the base period. If your base period does not include the 3-month period between October 1 and December 31 (the 2-month period between September 1 and October 31 for wholesalers) you should list in Column G the highest selling price line at which your most closely competitive seller of the same class delivered a garment of the same category number during March 1942 or during the base period. In any case in which you list the highest selling price line of a competitive seller, you should precede such price by the symbol "(C)" on your Pricing Chart.

This regulation shall become effective February 24, 1943.

[Issued February 18, 1943]

NOTE: All record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12834; Filed, August 7, 1943; 10:44 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Incl. Amdt. 50]

PROCESSED FOODS

Sections 23.3 (a), (b), 23.4 (a), (b) amended by Amendment 50, effective August 13, 1943, so that Ration Order 13 shall read as follows:

Why Processed Foods Must Be Rationed

Our soldiers and sailors in combat areas must be fed—they must be well fed. The armed forces of our allies must be fed. War is fought, and won, as much by food as by munitions. Food is a weapon which we must forge and send wherever needed—to the millions of our fighting men—to our allies and their fighting men—to their fighters on the home front, in factories, in shipyards, in munitions plants.

Processed foods—canned and frozen fruits and vegetables, and dried fruits—have been aptly called "fighting foods." Because they are compact, easily shipped and easily prepared—because they can be kept for long periods without spoiling—they fill a vital need of our armed forces and those of our allies.

Thus, the war has brought a tremendous increase in the demand for processed foods. A large part of our supply of these fighting foods must be shipped to our armed forces and to our allies.

At the same time, the war has limited our ability to increase production indefinitely. Shortages of tin, rubber and steel—of manpower and of plant facilities—place definite limits on the possibilities of expansion.

The result is that our supplies are not sufficient to meet normal civilian demands. The supplies of processed foods which are available must therefore be rationed so that everyone can get his fair share.

The use of canned baby foods has increased tremendously during the past few years. Here too, however, the war limits our ability to expand production indefinitely. Baby foods are therefore included in the program in order to help avoid depriving any mother of the convenience of using these foods because of uneven distribution of supplies. Babies have war ration books, and their books can be used for those foods.

The Point Rationing System

Processed foods are rationed by what is called a "point" system. A particular "price", in points, is fixed for each item of processed foods. That "price" is called its "point value". Every consumer is then given a certain number of "points" which he can "spend" for processed foods, just as he has a certain amount of money which he can spend. He can get less of a higher priced item, or more of a lower priced item.

The reason for adopting this system is that there are a great number of different items of processed foods. If the supply of each item were divided evenly, there would not be enough to go around. Thus, if everyone were given stamps for canned asparagus, the amount which each consumer could get would be too small to be useful.

However, many of those items can be substituted for each other. To a considerable extent, the use of one item, rather than another, depends upon personal preference. For example, one person may prefer canned peaches, while another prefers canned pears.

The point system provides a method for letting everyone choose the kinds he prefers. It gives the same type of flexibility that a person has when he spends his money. He can get canned peas or, if he prefers, canned asparagus. He can get a small can of peas and a small can of asparagus, instead of a large can of peas.

Furthermore, the point system provides a method for adjusting demand to the available supply. For example, if canned tomatoes are relatively plentiful, a low point value could be fixed. More people would then buy canned tomatoes, just as when the money price is low. If canned tomatoes become scarce, their point value is increased. Fewer consumers will then buy them, since consumers who do not want canned tomatoes badly will not wish to spend too many of their points on canned tomatoes, when they could get other processed foods at a lower point price.

The point rationing system has been in use in England for a long time. It works simply and easily—and it is the most satisfactory method yet devised for fair and flexible distribution of a group of commodities which should be rationed together.

How Consumers Get Processed Foods

Consumers are given "points" for processed foods in the form of the blue stamps in War Ration Book Two. Each stamp has a number which shows the number of points for which it is good.

Consumers register for and get War Ration Book Two during the week before processed foods rationing actually begins. When they apply for the book, they declare their stocks of processed foods and give up stamps for any excessive amounts they have.

During the week of registration for War Ration Book Two, consumers are not permitted to buy processed foods. The reason for this is to give retailers a chance to stock up and to prepare to meet demands under rationing. At the same time, it helps make sure that all consumers start evenly. If purchases were permitted, a hoarder could get his War Ration Book Two, and then go out and buy processed foods during the rest of the week without giving up points. This would give him an unfair advantage which would be inconsistent with the purposes of rationing.

When rationing begins, a consumer gives up stamps when he buys processed foods in much the same way as he gives up sugar stamps when he gets sugar. If he buys an item with a point value of 11 points, he gives up stamps worth 11 points. Retailers are required to post point values plainly, so that consumers will know just how many points each item costs.

Just as in the case of sugar, only certain stamps are good at a particular time. In this way, supplies are spread out evenly among consumers, over the year. At the outset of the program, 48 points worth of stamps will be good each month.

While no consumer starts with more points than the number in his War Ration Book Two, the order makes provision for cases of special need. A consumer who needs processed foods because of special dietary requirements due to illness can go to his local Board and get a certificate for more points, so that he can get the additional foods he needs. A consumer who lives in remote areas and who buys supplies for a long period at one time can exchange his stamps for a certificate, so that he can make his purchases all at once.

The order permits housewives to lend processed foods to each other. It also permits any person who has more processed foods of a particular kind than he needs, to exchange them for other types of processed foods of equal point value.

All of these provisions for special cases give the system necessary flexibility and permit it to operate in a way which will cause as little hardship as possible.

How Other Users Get Processed Foods

Many consumers eat in restaurants or other eating establishments. The problem of rationing the food supply of those establishments (called "institutional users") is not confined to processed foods. Institutional users need other rationed foods. Therefore, the method by which institutional users get rationed foods—sugar and coffee, as well as processed foods—is covered by a general order, called General Ration Order 5.

There is another purpose for which processed foods are used. Processed foods are used in making other items which are not rationed under this order. That use is called an "industrial use." For example, bakeries may use canned or dried fruits in making pies. Pies are not rationed. Therefore, a bakery which uses canned peaches to make peach pie is an "industrial user."

It is obvious that if consumers are cut, these uses should also be cut. Therefore, the allotments given to industrial users are calculated in such a way that they will take a cut which is fair as compared with the cut borne by the average home consumer.

How the Trade Operates Under the Order

In order to make sure that all processed foods are accounted for, points must be given up for all sales of processed foods. When a retailer buys from a wholesaler, he gives up to the wholesaler points he got from consumers or from other people to whom he made sales. Similarly, when a wholesaler buys from a producer or importer (called a "processor"), the wholesaler gives up points. Processors then turn over their points to the Office of Price Administration—and the points they turn over must match the point value of processed foods they transferred.

It is also important to make sure that supplies of processed foods are evenly distributed and that every person who deals in processed foods has his proper share to sell. This is done by making provision for retailer and wholesaler inventories. No one, however, can get a supply of processed foods for sale unless he is engaged or is about to engage in the business of dealing in them. He must show that he is part of the channel of distribution. Therefore, retailers, wholesalers and processors are required to register under this order and to give information showing the volume of their business.

Retailers register and report only once—at the end of the first month of rationing. They report their sales during that month. Their volume shows how large a supply they need under rationing. A retailer is therefore given an "allowable inventory" which is based on his sales during the first month of rationing. However, to make sure that he has a large enough stock to work with flexibly, his sales are multiplied by a "factor" fixed by the Office of Price Administration, to get his allowable inventory.

Wholesalers also get allowable inventories, based on their sales under rationing. However, in some respects they are treated differently from retailers.

Wholesalers occupy a strategic position in the distribution of processed foods. Many of them have large warehouse space. During the packing seasons, supplies must flow to them freely, since the limited storage space of most processors would otherwise overflow. During those seasons, the problems of storage and warehousing make it important to let wholesalers get large quantities, even if they do not need them all for immediate sale. In other seasons, when supplies are scarce, the amount going to each wholesaler should be reduced, since no storage problem exists and even distribution is important.

Wholesalers are therefore required to report their sales each month. The Office of Price Administration fixes a factor, for each month, to reflect available supplies and proper distribution of them. Each wholesaler then gets a maximum allowable inventory for each month, equal to his sales during the last month, multiplied by that factor.

Any retailer or wholesaler who does not have large enough stocks when rationing begins, can come in during the first month for an emergency adjustment. He will be given a certificate for enough points to get adequate working stocks.

Processors have no allowable inventory problems, since they sell stocks which they themselves produce or import. However, all processed foods must be accounted for. Furthermore, rationing can be effective only if the available supply is known. Processors are therefore required to make monthly reports of their sales, inventories and production or imports. In this way, the necessary information is obtained. Processors are, of course, required to register at the start of rationing, so that supplies at that time, and the sources of future supplies, can be known.

Adjustments at Trade Levels

The order makes provision for various adjustments at trade levels, to get maximum flexibility. For example, retailers and wholesalers may apply for adjustments of their allowable inventories, to cover changed conditions or unusual situations. They can also apply for "loans" of points, if their own points are tied up in shipments which have not arrived. Provision is made for new business—for persons who wish to engage in processing, wholesaling or retailing processed foods.

Provisions of this type, coupled with the provisions made for special cases at the consumer level, should permit the order to operate on the smoothest and most flexible basis consistent with effective rationing.

§ 1407.1101 *Rationing of processed foods.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; Directive No. 1 and Supplementary Directive No. 1-M of the War Production Board, issued on January 24, 1942 and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directive No. 1, issued by the Secretary of Agriculture on January 16, 1943, Ration Order No. 13 (Processed Foods), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1407.1101 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562, and Supplementary Directive 1-M, 7 F.R. 7234; and Food Directive 5, 8 F.R. 2251, 3469.

RATION ORDER NO. 13—PROCESSED FOODS

ARTICLE I—INTRODUCTION

Sec.
1.1 This order covers processed foods.
1.2 Processed foods are rationed by the point system.
1.3 Points come in the form of stamps, certificates and ration checks.

ARTICLE II—CONSUMERS

2.1 When a person is a consumer.
2.2 Consumers may not purchase processed foods from February 21, 1943 to February 28, 1943.
2.3 Consumers may purchase after February 28, 1943, only for points.
2.4 How points are given up by consumers.
2.5 Consumers who need more processed foods because of illness may apply for more points.
2.6 Consumers who must purchase in quantity may apply for certificates.
2.7 Service men may get certificates to acquire processed foods.
2.8 [Revoked]
2.9 Consumers who must have more processed foods for their subsistence may apply for more points.

ARTICLE III—PROCESSORS

3.1 Explanation of the terms processor and processor establishment.
3.2 Processors must register and file reports.
3.3 Processor is given a registration number.
3.4 Processor may not do business if he does not register and file reports.
3.5 Processors must report their inventories.
3.6 A processor must turn over the points he receives to the Washington Office.
3.7 [Revoked]
3.8 Processors must keep records.
3.9 Processors must account for differences between their transfers and the number of points given up to the Office of Price Administration.

ARTICLE IV—WHOLESALERS

4.1 Explanation of the terms wholesaler and wholesaler establishment.
4.2 Wholesalers must register and file reports.
4.3 Wholesaler may not do business if he does not register and file reports.
4.4 Wholesalers must report their inventories.
4.5 Wholesalers must report their sales and points on hand.
4.6 A wholesaler is allowed a maximum inventory.
4.7 Wholesaler may not acquire processed foods if actual inventory is greater than maximum allowable inventory.
4.8 Washington Office may grant working point capital to wholesalers.
4.9 Wholesalers must keep records.
4.10 Inventory adjustments because of additions to the list of processed foods.

ARTICLE V—RETAILERS

5.1 Explanation of the terms retailer and retail establishment.
5.2 Retailers must get statement of purchases during March 1943.
5.3 Retailers must register.
5.4 Retailer may not do business unless he has registered.
5.5 Retailers must report their inventories.
5.6 Retailers must report their sales and points on hand.
5.7 Certain retailers need not report inventory and other information.

[1] 8 F.R. 1840.

Sec.
5.8 A retailer is given an allowable inventory.
5.9 [Revoked]
5.10 Retailers must keep records.
5.11 Retailers must post point prices.

ARTICLE VI—INDUSTRIAL USERS

6.1 Explanation of the terms industrial user and industrial user establishment.
6.2 Industrial users must register.
6.3 Industrial user may not do business unless he has registered.
6.4 Industrial users must report their inventories.
6.5 Industrial users must report their base period use.
6.6 Industrial users' allotments.
6.7 Registration after March 10, 1943.
6.8 Restrictions on use of processed foods by industrial users.
6.9 Industrial users must keep records.
6.10 Dry beans, peas and lentils, and dried and dehydrated soups and soup mixtures are included in classes of processed foods.

ARTICLE VII—COMBINED OPERATIONS AND COMBINED ESTABLISHMENTS

7.1 A person who operates different types of establishments is treated as if he were different persons.
7.2 The same person may be both a wholesaler or retailer and industrial user at the same place.
7.3 The same person may be both a wholesaler or retailer and an institutional user at the same place.
7.4 The same person may be both a processor and a wholesaler or retailer at the same place.
7.5 The same place may be more than one establishment.

ARTICLE VIII—RATION BANK ACCOUNTS

8.1 A ration bank account is an account in which points are deposited.
8.2 Who must open a ration bank account.
8.3 All points must be deposited in the account.
8.4 When points must be deposited.

ARTICLE IX—SALES AND TRANSFERS OF PROCESSED FOODS

9.1 No transfers may be made to consumers between February 21, 1943 and February 28, 1943.
9.2 Only retailers, wholesalers and processors may transfer processed foods.
9.3 Transfers after February 28, 1943 may be made only for points.
9.4 How processed foods are transferred to consumers.
9.5 How processed foods are transferred to persons other than consumers.
9.6 Transfers between establishments of different types operated by the same person.
9.7 Transferor may not use points he receives in advance until processed foods are transferred.
9.8 Points may be returned for underdeliveries of processed foods.
9.9 Points must be given up for imports of foods.

ARTICLE X—POINT-FREE TRANSFERS

10.1 Processed foods in transit prior to effective date of rationing may be acquired point-free.
10.2 Processed foods may be exchanged for other processed foods.
10.3 Lost or stolen processed foods may be returned, point-free.
10.4 Stocks of processed foods may be moved point-free between establishments of the same person.
10.5 Processed foods may be stored and returned from storage, point-free.
10.6 Security interests in processed foods may be created and released, point-free.
10.7 Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings.
10.8 Processed foods may be acquired, point-free, by insurers or for salvage.
10.9 Processed foods may be transferred to prospective buyers for sampling, point-free and may be used for sampling and demonstration.
10.10 Processed foods may be delivered point-free to certain persons.
10.11 Processed foods may be transferred, point-free, in connection with transfer of a business.
10.12 Processors may transfer point-free to allow for spoilage.
10.13 Grower of dry beans, peas or lentils may transfer them to country shippers point-free.
10.14 Country shipper or grower of dry beans, peas, or lentils may transfer them point-free to growers for seed purposes.
10.15 Wholesaler or retailer may transfer dry beans, peas, or lentils point-free for seed.
10.16 Dry beans, peas, or lentils may be transferred point-free between country shippers.

ARTICLE XI—SALE OF BUSINESS

11.1 Sale or transfer of retail, wholesale, or processor establishment.
11.2 Sale or transfer of industrial user establishments.

ARTICLE XII—NEW BUSINESSES

12.1 New retail establishments may be opened.
12.2 New wholesale establishments may be opened.
12.3 New processor establishments may be opened.
12.4 In special cases, allotments may be granted for new industrial user establishments.

ARTICLE XIII—CLOSING OF BUSINESS

13.1 What a person who closes his establishment must do.

ARTICLE XIV—MISCELLANEOUS ADJUSTMENTS

14.1 Retailer may apply for inventory adjustments after March 1943.
14.2 Wholesaler may apply for inventory adjustments after March 1943.
14.3 Wholesalers and retailers may apply for point loans.
14.4 Adjustments for lost, destroyed, stolen or spoiled processed foods.
14.5 Applications may be made for other adjustments.
14.6 Wholesaler or retailer may apply for points to replace dry beans, peas, or lentils transferred point-free for seed.
14.7 Person acquiring seed beans, peas, or lentils may transfer them as food only for points.

ARTICLE XV—ISSUANCE AND USE OF CERTIFICATE

15.1 How certificates are issued.
15.2 Certificates are good for a limited time.
15.3 A certificate must be endorsed.
15.4 [Revoked]
15.5 Names of persons who have been given certificates may be posted.
15.6 Certificates are the property of the Office of Price Administration and may be revoked.
15.7 Sugar purchase certificates may be corrected and used as processed foods purchase certificates.

ARTICLE XVI—RECORDS, REPORTS AND INSPECTIONS

16.1 Records must be kept for two years.
16.2 Records may be inspected by Office of Price Administration.
16.3 Places where processed foods are kept may be inspected.
16.4 Records and reports are confidential.
16.5 Office of Price Administration may extend time for registration and reports.
16.6 Office of Price Administration may require applicants to give information.
16.7 Persons who produce certain items similar to processed foods must file reports.

ARTICLE XVII—ADDITIONAL RECORDS TO BE KEPT BY CHAINS

17.1 Chains must keep records of transfers of stocks and points between establishments.

ARTICLE XVIII—APPEALS

18.1 Persons directly affected by action taken under this order can appeal.

ARTICLE XIX—MISCELLANEOUS RULES AND PROHIBITIONS

19.1 Additional prohibitions.
19.2 Stamps and certificates may not be taken by legal process or acquired by will.
19.3 Office of Price Administration must be notified of legal proceedings.
19.4 General Ration Order 5 governs whenever inconsistent with this order.

ARTICLE XX—SUSPENSION ORDERS

20.1 Office of Price Administration may issue suspension orders.

ARTICLE XXI—DEFINITIONS

21.1 Definitions

ARTICLE XXII—EXPORTS

22.1 Processed foods may be exported point-free.
22.2 Points may be obtained to acquire processed foods for export.
22.3 Exporter must account for all processed foods exported.

ARTICLE XXIII—EXEMPT AGENCIES: SHIPS' STORES; GOVERNMENTAL INVESTIGATORY AGENCIES

23.1 Exempt agencies may acquire processed foods.
23.2 How exempt agencies acquire processed foods.
23.3 Post exchanges and ships' service departments ashore may acquire processed foods for points.
23.4 Sales commissaries, post exchanges and ships' service departments ashore may transfer processed foods for points.
23.5 Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.
23.6 Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.
23.7 Ships' stores for ocean-going vessels.
23.8 Governmental investigatory agencies may acquire processed foods needed in their investigations.

ARTICLE XXIV—GROWERS AND COUNTRY SHIPPERS OF DRY BEANS, PEAS, AND LENTILS

24.1 Explanation of terms grower and country shipper with respect to dry beans, peas, and lentils.
24.2 Country shippers must register and file reports.
24.3 Country shipper is given a registration number.
24.4 Country shipper may not do business if he does not register and file reports.
24.5 Country shippers must report their inventories.
24.6 A country shipper must turn over the points he receives to the Washington office.
24.7 A country shipper must keep records.
24.8 Country shippers must open a ration bank account.
24.9 Growers who sell or transfer dry beans, peas, or lentils to persons other than country shippers must do so only for points.

ARTICLE XXV—ACQUISITION OF PROCESSED FOODS BY RESIDENTS OF MEXICO

25.1 Residents of Mexico may acquire processed foods in the United States.
25.2 How processed foods may be transferred to residents of Mexico.
25.3 Records and reports by supplier from whom processed foods are to be acquired.
25.4 Records and reports by suppliers who transferred processed foods to residents of Mexico before July 1, 1943.

ARTICLE XXVI—HOME PROCESSED FOODS

26.1 Explanation of terms "home processor" and "home processed foods."
26.2 Person may consume home processed foods he produces and may give away limited amounts.
26.3 A person may sell home processed foods he produces.
26.4 Person producing processed foods in place other than a "kitchen" may get permission to treat them as home processed foods.
26.5 Person may have foods grown by members of his family unit processed by a processor for household consumption.
26.6 Consumer groups may acquire and use processed foods they produce in commercial scale processing facilities.
26.7 Certain community groups may apply to Washington office for an exception.
26.8 Group II and III institutional users may use and transfer processed foods they produce as provided in General Ration Order 5.

APPENDICES

Appendix A
Appendix B

EFFECTIVE DATE

Article I—Introduction[2]

SECTION 1.1 *This order covers processed foods.*

(a) The foods which are covered by this order are called "processed foods" and are listed in section 21.1 (a) (10).

[Paragraph (a) amended by Amendment 3, 8 F.R. 2664, effective 3-1-43, Amendment 16, 8 F.R. 5342, effective 4-27-43 and Amendment 24, 8 F.R. 5757, effective 5-2-43]

(b) Puncturing or opening the container in which processed foods are packed, or merely removing them from the container, does not cause them to cease to be processed foods.

(c) When any processed food is prepared for service and served, it is no longer considered a processed food. Thus, a "person" who is served canned peaches in a restaurant, as part of a meal, is not getting processed food. Furthermore, when a processed food has been used in making a product which is not rationed under this order, it ceases to be a processed food. For example, canned peaches may be used in baking peach pie—that pie, and the peaches in it, are not processed foods.

SEC. 1.2 *Processed foods are rationed by the point system.* (a) All types of processed foods are rationed together, as a group, through the use of the point system of rationing. Each item of processed foods is given a particular point value for each size in which it is sold. The point value of a processed food is the number of points that must be given up by any person who wants to get it, just as the money price of an article is the amount of money it costs. The point values will be fixed by the Office of Price Administration in a supplement to this order, containing the official table of point values. These point values may be changed from time to time, as conditions require.

SEC. 1.3 *Points come in the form of stamps, certificates and ration checks.* (a) There are several forms of tokens or ration currency which represent points.

(b) The basic tokens are the blue "stamps" in War Ration Book Two, which are designated by the Office of Price Administration to be used for the acquisition of processed foods. They are the form in which points are generally given up by consumers.

(c) Other forms of ration currency authorized by the Office of Price Administration are "certificates" (OPA Form R-1201) and ration checks drawn on ration bank accounts. A certificate is issued by the Office of Price Administration (or a person authorized by that office to issue it) and is worth the number of points stated on it. Ration checks are very much like ordinary checks. They are drawn on a bank account in which a person has deposited his points, just as an ordinary check is drawn on a bank account in which he has deposited his money. (The cases in which ration checks are used are covered in Articles VIII and IX.)

Article II—Consumers

SEC. 2.1 *When a person is a consumer.* (a) Any "person" who buys or "acquires" "processed foods" for his personal use or for use at a table at which he eats, is a "consumer". (When a person gets processed foods in order to resell them or in order to use them in making other products for sale, he is not a consumer, since those are not personal uses. He is a consumer only so far as he does get processed foods for personal uses.)

SEC. 2.2 *Consumer may not purchase processed foods from February 21, 1943 to February 28, 1943.* (a) From February 21, to February 28, 1943, inclusive, no consumer may buy or acquire processed foods from any other person. (However, a consumer may borrow processed foods from, and return borrowed processed foods to, another consumer and may acquire processed foods from another consumer for consumption at a common table.)

SEC. 2.3 *Consumers may purchase after February 28, 1943 only for points.* (a) Beginning March 1, 1943, a consumer may buy or acquire processed foods only by giving up points equal to the point value of the processed foods acquired. However, a consumer may exchange processed foods with any other person for other processed foods of equal point value, without giving up points and may transfer and acquire processed foods as provided in Article XXVI of this order.

[Paragraph (a) as amended by Amendment 31, 8 F.R. 6339; effective 5-27-43]

(b) Consumers may lend processed foods to, or borrow them from, other consumers, and they may return borrowed processed foods. They may also acquire processed foods from other consumers for consumption at a common table. No points are to be given up for such transactions. (A transaction is not a loan of processed foods if any charge is made.)

SEC. 2.4 *How points are given up by consumers* — (a) *A consumer uses stamps.* A consumer gives up points, when he acquires processed foods, by surrendering blue "stamps" taken from his War Ration Book Two. A stamp is not good unless the book from which it is taken has a validation stamp properly placed on its cover.

(b) *Stamps may be used only during fixed periods.* Each blue stamp in War Ration Book Two is good for a limited time only and a consumer may use it only during that time. The letter printed on the stamp is used to indicate the time when it may be used by a consumer. Stamps lettered "A," "B" and "C" may be used only during March 1943. Stamps lettered "D," "E" and "F" may be used only from March 25, 1943 to April 30, 1943, inclusive. The other blue stamps in War Ration Book Two may be used only during periods which will be fixed in a supplement to this order. These periods may be changed by the Office of Price Administration, even after they have begun.

(c) *General rules for the use of stamps by consumers.* A consumer must give up stamps worth exactly the point value of the processed foods he acquires. The number of points a stamp is worth is shown by the figure printed on it. Stamps must be given up at the time processed foods are acquired. The stamps may be used by a consumer only if torn out of the war ration book in the presence of the person who is selling or transferring the processed foods. A stamp may be used only to get processed foods for the consumer from whose book it is taken, or for use at a table at which he eats.

(d) *A consumer also uses certificates.* Any consumer to whom a "board" issues a "certificate" may use it to acquire processed foods, just as the blue stamps from War Ration Book Two are used. The number of points a certificate is worth, and the date when it expires, will

[2] Words which are specially defined in this order are shown in quotation marks the first time they appear in each article. All definitions are given in section 21.1 of the order.

be shown on that certificate. A consumer to whom a certificate has been issued must sign his name on the back before he may use it.

(e) *How mail order purchases are made.* A consumer who orders processed foods for delivery by mail may detach stamps from his War Ration Book Two and send them with his order. The stamps are good if the envelope in which they are inclosed is postmarked on or before the last day on which they may be used by a consumer, even if the seller does not receive them until after that date. If the seller cannot fill all or any part of the order, he will return a ration check for the difference. The consumer may endorse that check and use it to get processed foods.

[Paragraph (e) as amended by Amendment 22, 8 F.R. 5847, effective 5-10-43]

SEC. 2.5 *Consumers who need more processed foods because of illness may apply for more points.* (a) Any consumer whose health requires that he have more processed foods than he can get with War Ration Book Two, may apply for additional points. The application must be made, on OPA Form R-315, by the consumer himself or by someone acting for him, and may be made in person or by mail. The application can be made only to the board for the place where the consumer lives. His application (on OPA Form R-315) must contain a written statement signed by a person licensed by the laws of the State in which the certification is made to prescribe for human medication all internal drugs which may be prescribed within that State. The statement must show why the applicant must have more processed foods, the amounts and types he needs during the next two months, and why he cannot use unrationed foods instead.

[Paragraph (a) as amended by Amendment 44, 8 F.R. 9216, effective 7-8-43]

(b) If the board finds that his health depends upon his getting more processed foods, and that he cannot use or cannot get unrationed foods, it shall issue to him one or more certificates for the number of points necessary to get the additional processed foods he needs during the next two months.

SEC. 2.6 *Consumers who must purchase in quantity may apply for certificates.* (a) Some consumers may not be able to get processed foods during the period when their stamps are good, either because of transportation difficulties, or because they live an unusually long distance from their market. Such a consumer may apply for a certificate in exchange for some or all of the blue stamps in his War Ration Book Two, so that he can get the amount of processed foods to which he is entitled at a time when he is able to get them. The application must be made on OPA Form R-315, in person or by mail, to the board for the place where he lives. It must be made by the consumer himself or by someone acting for him.

(b) If the board finds that the consumer will suffer hardship because he cannot get the processed foods to which he is entitled during the periods when his stamps are good (for the reasons set forth above), it may issue to him a certificate. The certificate may be for any number of points up to the value of the remaining blue stamps in his War Ration Book Two. The board must remove from that book, and cancel, blue stamps worth the amount of the certificate.

SEC. 2.7 *Service men may get certificates to acquire processed foods.* (a) Members of the Armed Forces of the United States and Allied Nations who do not have War Ration Book Two and are not entitled to have it, may obtain certificates to get processed foods under the circumstances and in accordance with the procedure set forth in General Ration Order 9.

[Sec. 2.7 as amended by Amendment 34, 8 F.R. 7380, effective 6-7-43]

SEC. 2.8 [Revoked]

[Sec. 2.8 revoked by Amendment 31, 8 F.R. 6839, effective 5-27-43]

SEC. 2.9 *Consumers who must have more processed foods for their subsistence may apply for more points.* (a) Consumers (including those who eat in group one institutional establishments, as defined in General Ration Order 5) may apply for additional points if they cannot get enough fruits or vegetables to meet minimum nutritional needs for such foods, because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs.

(b) Any consumer who needs more processed foods for the reasons set forth in paragraph (a) of this section, may apply to his board, in person or by mail, on OPA Form R-315. He must submit his War Ration Book Two with his application. One application may be made covering more than one consumer, but the name of each shall be listed on the application, and the War Ration Book Two of each person included in the application must be submitted with it. The application must state in detail:

(1) Why the persons included therein cannot obtain enough fruits or vegetables to meet minimum nutritional standards;

(2) How many pounds of processed foods they will need;

(3) For how long a period;

(4) How many pounds of processed foods (including home canned) they have, at the time of application; and

(5) How many pounds of fresh fruits or vegetables (excluding potatoes) will be available to them during the period covered by the application.

(c) All regional offices are authorized to rule on applications under this section, and to authorize boards or district offices (or, where there are none, state offices) to rule on them. A board or district (or state) office may rule on such an application only if the regional office for the area where it is located has given it such authority. If the board has not been given such authority, it shall forward the application with its recommendation to the district (or state) office. If the district (or state) office has been given such authority, it shall indicate what action is to be taken, and return the file to the board. If the district (or state) office has not been given such authority, it shall forward the file to the regional office. The regional office shall then indicate what action is to be taken, and return the file to the board. All certificates to be issued under this section shall be issued by boards.

(d) The regional office, or board or district (or state) office which is authorized to rule on such applications, may issue or authorize the issuance of one or more certificates for the number of points that it finds should be allowed. No board or district (or state) or regional office shall issue or authorize the issuance of a certificate unless it finds that the applicants will be unable to get enough fruits or vegetables, during the period covered by the application, to meet minimum nutritional needs for such foods because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs. In determining how many points to allow, consideration shall be given to the amount of processed foods, and fresh fruits or vegetables (excluding potatoes) which will be available to the applicants during the period covered by the application. In addition, the board or district (or state) office shall be governed by any further conditions established by the regional or Washington office.

(e) Any board which issues certificates under this section shall keep a record of the number of points which it has issued. It shall, within five (5) days after the end of each month, send to the district (or state) office a statement of the total number of points issued each month. The district (or state) office shall forward such statements to the regional office. The regional office shall forward such statements to the Washington office.

[Sec. 2.9 added by Amendment 6, 8 F.R. 3179, effective 3-12-43]

Article III—Processors

SEC. 3.1 *Explanation of the terms processor and processor establishment—*(a) *A place where processed foods are produced is a processor establishment.* Any place at which a "person" produces "processed foods" for sale or other "transfer", is a "processor establishment." (This article does not apply with respect to dry beans, peas, or lentils, to "growers" or to "country shippers." Article XXIV sets forth the definitions and rules controlling growers and country shippers with respect to dry beans, peas, and lentils. However, any person who is a grower or country shipper of dry beans, peas, or lentils as well as a "processor" of other processed foods is controlled by both Article XXIV and Article III of this order.)

(1) A person produces processed foods:

(i) If he bottles, cans or packs fruits, fruit juices, vegetables, vegetable juices, soups or baby foods, in hermetically sealed containers and sterilizes them by the use of heat; or

(ii) If he packs and freezes fruits or vegetables; or

[Paragraph (ii) as amended by Amendment 36, 8 F.R. 7490, effective 6-6-43]

(iii) [Revoked]

[Paragraph (iii) revoked by Amendment 16, 8 F.R. 5342, effective 4-27-43]

(iv) If he packs fruit or vegetable juices from containers over one (1) gallon into hermetically sealed containers of one (1) gallon or less and sterilizes them by the use of heat; or

(v) [Revoked]

[Paragraph (v) revoked by Amendment 36, 8 F.R. 7490, effective 6-6-43]

(vi) If he precooks dry beans, peas, or lentils; or

(vii) [Revoked]

[Paragraph (vii) revoked by Amendment 28, 8 F.R. 5181, effective 5-17-43]

(viii) If he uses processed foods to produce other processed foods (as, if he uses canned peaches to make canned fruit salad).

NOTE: Not all items in the above groups are processed foods as that term is defined. For example, fruit and vegetable juices packed in containers over one gallon are not processed foods. Canned olives are not processed foods. Therefore, a person who packs fruit juices in containers over one gallon, or who cans or bottles olives, does not thereby produce a processed food.

[Paragraph (a) amended by Amendment 9, 8 F.R. 4342, effective 4-2-43]

(b) *A place to which processed foods are imported is a processor establishment.* Any place (including space in a public warehouse) to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer, is also a processor establishment.

(c) *Place where person keeps only processed foods he produced is a processor establishment.* The term processor establishment also includes any place (including space in a public warehouse) at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only stocks of processed foods which he himself produced or imported. (If he also regularly keeps there, for sale or transfer, processed foods produced or imported by someone else it is a processor establishment only if it meets the requirements of paragraph (d); otherwise it is a wholesale or retail establishment, depending upon the nature of his operations there.)

[Paragraph (c) amended, paragraph (d) added, former paragraphs (d) and (e) redesignated (e) and (f) by Amendment 30, 8 F.R. 6838, effective 5-27-43]

(d) *A place where a person keeps processed foods produced by someone else may be a processor establishment.* There are two cases in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment:

(1) A place where a person keeps, for sale or transfer, processed foods produced or imported by someone else, is a processor establishment as to those stocks if the person keeping such processed foods, also produces processed foods, whether at that place or elsewhere, and if he does not, in any one calendar year, acquire (at all his establishments together, of whatever type) for sale or transfer more processed foods produced or imported by someone else than 10% by weight of the processed foods he himself produced or imported in the previous calendar year. As soon as his acquisitions for sale or transfer, of processed foods produced or imported by someone else exceed that 10%, within the calendar year, that place shall cease to be a processor establishment as to those stocks, and becomes a wholesale or retail establishment depending upon the nature of his operations there. He must then follow the procedure set forth in Article XII with respect to new businesses.

(2) There is one other case in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment. A person may get processed foods from someone else, to use them in producing other processed foods for sale or transfer. If he keeps the processed foods obtained from someone else only to produce other processed foods, the place where he keeps them is a processor establishment.

(e) *A place where processed foods produced only for own use is not a processor establishment.* A place at which a person produces or imports processed foods only for his own use, and not for sale or transfer, is not a processor establishment. (Thus, if he produces processed foods, at a particular place, only for the purpose of using them in baking pies, or in serving meals, that place is not a processor establishment.) Also, a place does not become a processor establishment because a person produces home processed foods there, even if he produces them for sale or transfer.

[Paragraph (e) as amended by Amendment 31, 8 F.R. 6839, effective 5-27-43]

(f) *Person who has processor establishment is a processor.* Any person who has a processor establishment is called a "processor".

SEC. 3.2 *Processors must register and file reports—*(a) *Registration.* Every processor must register with the Office of Price Administration by filing OPA Form R-1305, at any time from March 1, 1943 to March 10, 1943, inclusive. The form must be completed and signed by the processor or his authorized agent. If he has more than one processor establishment, he must show, for each, its name and address, the type of business done there, and the name of the person authorized to report for it on OPA Form R-1305.

(b) *Reports.* Every processor must file periodic reports, also on OPA Form R-1305, covering the operations of his processor establishment during each reporting period set forth in Appendix B. The report must be signed by him or by his authorized agent. If he has more than one processor establishment, he must file a separate report for each, except that he may combine in a single report all his processor establishments in a single state. The first report which must be filed is for February 1943, and is part of his registration. Reports for subsequent reporting periods must be filed within eight days after the end of the reporting period.

[Paragraph (b) amended by Amendment 14, 8 F.R. 4921, effective 4-20-43 and Amendment 35, 8 F.R. 7353, effective 5-31-43]

(c) *Some processors need not file reports for reporting periods after February 1943.* A processor who produced or imported less than 10,000 pounds of processed foods during 1942 must register but need not file a report for any reporting period after February 1943. However, if his total production and imports in 1943 reach 10,000 pounds, he must file reports beginning for the reporting period in which that figure was reached.

[Paragraph (c) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(d) *Processors must give information called for by form.* The processor must give all information called for by OPA Form R-1305.

(e) *Registration and reports must be filed in Washington.* The processor's registration and periodic reports must be filed by mailing OPA Form R-1305 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

[Paragraph (e) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(f) *Registration of persons who become processors because of additions to the list of processed foods.* A person who becomes a processor because the foods he produces are added to the list of processed foods, must, within eight days after such addition, file a report on OPA Form R-1305 covering his operations during the preceding reporting period. The report must be mailed to the Office of Price Administration, care of the Bureau of Census, Washington, D. C., and is treated as his registration.

[Paragraph (f) added by Amendment 36, 8 F.R. 7490, effective 6-6-43]

SEC. 3.3 *Processor is given a registration number.* (a) After a processor has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each invoice or similar document prepared in connection with any sale or transfer of processed foods from any of his processor establishments.

SEC. 3.4 *Processor may not do business if he does not register and file reports.* (a) No processor may transfer or "acquire" processed foods after March 10, 1943, unless he has registered in the manner required.

(b) No processor may transfer or acquire processed foods after any date on which a report is due from him, unless he has filed that report.

SEC. 3.5 *Processors must report their inventories.* (a) As part of his registration, a processor must report, on OPA Form R–1305, the point value of his inventory of processed foods (by items and sizes) at the close of business on February 28, 1943. His inventory at the beginning and end of each reporting period must then be reported in his report for that period.

[Paragraph (a) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(b) A processor's inventory at his processor establishment consists of all processed foods physically located at that establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

SEC. 3.6 *A processor must turn over the points he receives to the Washington office.* (a) A processor is required to turn over to the Washington Office points he receives for sale or transfers of processed foods. However, he may use some of them for the following purposes:

(1) To get back processed foods he transferred; or

(2) To acquire processed foods with which to produce other processed foods; or

(3) To acquire for sale or transfer processed foods produced or imported by someone else, if the place at which he acquires them is a processor establishment as to those stocks, under section 3.1 (d) (1).

[Paragraph (a) amended by Amendment 30, 8 F.R. 6838, effective 5–27–43 and Amendment 47, 8 F.R. 9629, effective 7–19–43]

(b) A processor must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of processed foods. Not later than the eighth day of every reporting period he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the preceding reporting period. A processor who is required to file periodic reports on OPA Form R–1305, must attach his check to the report. A processor who does not have to file reports must send his check in a sealed envelope, enclosing a statement showing his name, principal business address and registration number.

[Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(c) A processor who used some of those points to acquire processed foods, as permitted in paragraph (a) of this section, must issue and send his check for the rest. He must enclose with his check a statement giving the names and addresses of the persons from whom he acquired the processed foods, the items he acquired, and their point values. If he used the points to acquire processed foods, as permitted in paragraph (a) (3) of this section, he must state, in pounds, the total amount of processed foods he produced or imported during the preceding calendar year and his total acquisitions during the current calendar year, for sale or transfer, of processed foods produced or imported by someone else.

[Paragraph (c) as amended by Amendment 30, 8 F.R. 6838, effective 5–27–43]

SEC. 3.7 [Revoked]

[Sec. 3.7 revoked by Amendment 30, 8 F.R. 6838, effective 5–27–43]

SEC. 3.8 *Processors must keep records.* (a) Beginning March 1, 1943, every processor must keep, at each of his processor establishments, a record showing, by items and sizes:

(1) All processed foods produced or imported there;

(2) All processed foods sold or transferred to (or reserved for) exempt agencies;

(3) All processed foods used in producing other processed foods; and

(4) All processed foods, produced or imported by someone else, acquired for sale or transfer.

[Paragraph (4) added by Amendment 30, 8 F.R. 6838, effective 5–27–43]

(b) He must also keep, at his principal business office, a copy of his registration and of his periodic reports on OPA Form R–1305 (if any are required). If he has more than one processor establishment, he must keep at each establishment a copy of the report filed for it. (However, if he has filed a combined report for several processor establishments, he must keep copies of the reports at one of them.)

[Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(c) In addition, at the time of any change in the point value of any item of processed foods, every processor must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every processor must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one processor establishment, he must make and keep such a record at each establishment.

[Paragraph (c) as amended by Amendment 36, 8 F.R. 7490, effective 6–6–43]

SEC. 3.9 *Processors must account for differences between their transfers and the number of points given up to the Office of Price Administration.* (a) Every processor must attach to his periodic report on OPA Form R–1305, beginning with the report for March 1943, a statement accounting for all differences between the point value of the processed foods sold or transferred by him during that reporting period, and the number of points given up by him to the Office of Price Administration. Also, if he used any processed foods in grading the processed foods which he produced or imported, he must attach a statement showing how much he used. The statements must be signed by the same person who signed the periodic report.

[Sec. 3.9 added by Amendment 14, 8 F.R. 4921, effective 4–20–43 and amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

Article IV—Wholesalers

SEC. 4.1 *Explanation of the terms wholesaler and wholesale establishment.* (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "wholesale establishment," if fifty percent or more of those stocks are transferred from there directly to persons other than "consumers." However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies:

(1) At least one of his wholesale establishments; or

(2) At least four of his "retail establishments."

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a wholesale establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a wholesale establishment. In addition, this Article does not apply, with respect to dry beans, peas, or lentils, to "growers" or to "country shippers." Article XXIV sets forth the definitions and rules controlling growers and country shippers with respect to dry beans, peas, and lentils. However, any person who is a grower or country shipper of dry beans, peas, or lentils as well as a "wholesaler" of other processed foods, is controlled by both Article XXIV and Article IV of this order.)

[Paragraph (a) amended by Amendmet 9, 8 F.R. 4342, effective 4–2–43 and Amendment 30, 8 F.R. 6838, effective 5–27–43]

(b) Any person dealing in processed foods who has a wholesale establishment is called a wholesaler.

SEC. 4.2 *Wholesalers must register and file reports*—(a) *Registration.* Every wholesaler must register with the Office of Price Administration by filing OPA Form R–1310, at any time from April 1, 1943 to April 10, 1943, inclusive. The form must be completed and signed by the wholesaler or his authorized agent. If he has more than one wholesale establishment, he must file a combined registration for all of them on a single form.

(b) *Reports.* Every wholesaler must file periodic reports, also on OPA Form R–1310, covering the operations of his wholesale establishment during each reporting period set forth in Appendix B. The report must be signed by him or by his authorized agent. If he has more than one wholesale establishment, he must file a separate report for each, except that he may combine in a single report all his wholesale establishments for a single state. The first report which must be filed is for March 1943, and is part of his registration. Reports for subsequent reporting periods must be filed within eight days after the end of the reporting period.

[Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(c) *Wholesaler must give information called for by form.* The wholesaler must give all information called for by OPA Form R–1310.

(d) *Registration and reports must be filed in Washington.* The wholesaler's registration and periodic reports must be filed by mailing OPA Form R–1310 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

[Paragraph (d) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(e) *Registration of persons who become wholesalers because of additions to the list of processed foods.* (1) A person who becomes a wholesaler because foods he keeps for sale or transfer are added to the list of processed foods, must, within eight days after such addition, file a report on OPA Form R–1310 covering his operations during the preceding reporting period. He must give all the information called for by the form. The report must be mailed to the Office of Price Administration, care of the Bureau of Census, Washington, D. C., and is treated as his registration.

(2) His maximum allowable inventory for the current reporting period is then determined by multiplying his sales or transfers of each such item during the preceding reporting period (less returns of processed foods made during that period) by the point value assigned to that item. The resulting figures are added together and the sum is multiplied by the wholesale factor fixed for the current reporting period by the Office of Price Administration in a supplement to this order.

[Paragraph (e) added by Amendment 36, 8 F.R. 7490, effective 6–6–43 and amended by Amendment 49, 8 F.R. 10665, effective 7–31–43]

SEC. 4.3 *Wholesaler may not do business if he does not register and file reports.* (a) No wholesaler may transfer or "acquire" processed foods after April 10, 1943, unless he has registered in the manner required.

(b) No wholesaler may transfer or acquire processed foods after any date on which a report is due from him unless he has filed that report.

SEC. 4.4 *Wholesalers must report their inventories.* (a) As part of his registration, a wholesaler must report, on OPA Form R–1310, his inventory of processed foods (by items and sizes) at the opening of business on March 1, 1943, and the point value of his inventory of processed foods (by items and sizes) at the close of business on March 31, 1943. If he has more than one wholesale establishment, his registration must include a report of the total point value of his inventory at all those establishments. His inventory at the beginning of the next reporting period must then be reported in his report for that period.

[Paragraph (a) amended by Amendment 2, 8 F.R. 2681, effective 3–1–43, Amendment 23, 8 F.R. 5757, effective 5–1–43 and Amendment 35, 8 F.R. 7353, effective 5–31–43]

(b) A wholesaler's inventory at his wholesale establishment consists of processed foods physically located at that establishment or in transit to it. It includes processed foods which he holds there on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

SEC. 4.5 *Wholesalers must report their sales and points on hand.* (a) A wholesaler must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his wholesale establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) The point value of his transfers during each subsequent reporting period and the total number of points he has at the end of that period for which he can get processed foods, must then be reported in his report for that period.

[Paragraph (b) amended by Amendment 23, 8 F.R. 5757, effective 5–1–43 and Amendment 35, 8 F.R. 7353, effective 5–31–43]

SEC. 4.6 *A wholesaler is allowed a maximum inventory*—(a) *General.* For each reporting period every wholesaler is entitled to an operating inventory (called a maximum allowable inventory) based on his transfers during the second preceding reporting period. (For example, a wholesaler's maximum allowable inventory for the period from July 4 to July 31, 1943, inclusive, is based on his transfers during the period from May 2 to June 5, 1943, inclusive.) This maximum allowable inventory is stated in terms of points.

[Paragraph (a) amended by Amendment 35, 8 F.R. 7353, effective 5–31–43 and Amendment 39, 8 F.R. 8705, effective 6–29–43]

(b) *Amount of maximum allowable inventory.* To get a wholesaler's maximum allowable inventory for any reporting period, the point value of all processed foods transferred from his wholesale establishments during the second preceding reporting period (less returns of processed foods made during that period) is multiplied by a factor which the Office of Price Administration will fix for each reporting period. The result is his maximum allowable inventory for the reporting period in question. Exchanges of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation. The factor for each reporting period will be fixed by the Office of Price Administration in a supplement to this order.

[Paragraph (b) amended by Amendment 14, 8 F.R. 4921, effective 4–20–43, Amendment 35, 8 F.R. 7353, effective 5–31–43, Amendment 39, 8 F.R. 8705, effective 6–29–43 and Amendment 49, 8 F.R. 10665, effective 7–31–43]

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a wholesaler has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account (except those for which ration checks are outstanding), all which he already has given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not shipped, or points he owes for processed foods already shipped to him, are not included.

[Paragraph (ii) amended by Amendment 14, 8 F.R. 4921, effective 4–20–43 and Amendment 40, 8 F.R. 9024, effective 7–6–43]

(2) The sum of the above two figures, at a particular time, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The wholesaler must make this computation at the time of filing his periodic report on OPA Form R–1310.

[Paragraph (2) amended by Amendment 35, 8 F.R. 7353, effective 5–31–43 and Amendment 39, 8 F.R. 8705, effective 6–29–43]

(d) *When a wholesaler is entitled to a certificate.* If a wholesaler's maximum allowable inventory for any reporting period is greater than his point inventory at the end of the preceding reporting period, he is entitled to receive a "certificate", upon request, for the number of points needed to make up the difference. However, after April 1943, he is not entitled to a certificate unless that difference is more than 10% of his maximum allowable inventory. The certificate will be issued by the "Washington Office", after his report has been checked.

[Paragraph (d) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(e) [Revoked]

[Paragraph (e) revoked by Amendment 39, 8 F.R. 8705, effective 6-29-43]

SEC. 4.7 *Wholesaler may not acquire processed foods if actual inventory is greater than maximum allowable inventory.* (a) A wholesaler must not acquire processed foods at any time when his actual inventory is larger than his maximum allowable inventory. A wholesaler also must not acquire processed foods if it would bring his actual inventory above his maximum allowable inventory. Even if he has points available, he may not use them to get more stock than is needed to bring his actual inventory up to his maximum allowable inventory. However, if he has already given up points for a transfer of processed foods at a time when he was entitled to acquire them, he may take delivery of those foods. Furthermore, regardless of his actual inventory, he may, during a reporting period, acquire processed foods for the purpose of keeping his stocks balanced, in an amount not more than 10% of the number of points he received for his sales or transfers of processed foods during the period covering April 1 to May 1, 1943, inclusive.

[Sec. 4.7 amended by Amendment 25, 8 F.R. 5758, effective 5-2-43 and Amendment 35, 8 F.R. 7353, effective 5-31-43]

SEC. 4.8 *Washington Office may grant working point capital to wholesalers.* (a) For the purpose of providing a wholesaler with enough points with which to acquire processed foods up to the amount of his maximum allowable inventory when that maximum is raised during the height of the packing season, the Washington Office of the Office of Price Administration may issue points to him in anticipation of such an increase. The number of points to be issued for this purpose will be calculated in the following manner:

(1) The point value of the wholesaler's transfers of processed foods during the reporting period covering April 1 to May 1, 1943, inclusive, is determined;

(2) That figure is multiplied by 7 (a number which it is believed will give each wholesaler a working point capital sufficient to provide the points he will need to acquire processed foods up to the amount of his greatest maximum allowable inventory);

(3) From that figure is deducted the wholesaler's point inventory at the close of business on May 1, 1943, (including the number of points the wholesaler owes the Office of Price Administration on account of his March excess inventory) and the point value of any certificates issued to him by the Office of Price Administration to increase his point inventory since May 1, 1943;

(4) To the resulting figure is added the number of points given up to the Office of Price Administration by such wholesaler since May 1, 1943, on account of his March excess inventory.

[Sec. 4.8 as amended by Amendment 39, 8 F.R. 8705, effective 6-29-43]

SEC. 4.9 *Wholesaler must keep records.* (a) Every wholesaler must keep, at each of his wholesale establishments, a record of the point value of all transfers of processed foods from that establishment during each reporting period. He must also keep, at his principal business office, a copy of his registration and of the reports on OPA Form R-1310 which he filed with it. If he has more than one wholesale establishment, he must keep at each establishment a copy of the reports filed for it. (However, if he has filed a combined report for several wholesale establishments, he must keep copies of the reports at one of them, and must also keep a record of the inventory of each at the close of business on March 31, 1943.)

[Paragraph (a) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(b) In addition, at the time of any change in the point value of any item of processed foods, every wholesaler must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every wholesaler must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one wholesale establishment, he must make and keep such a record at each establishment.

[Paragraph (b) as amended by Amendment 36, 8 F.R. 7490, effective 6-6-43]

SEC. 4.10 *Inventory adjustments because of additions to the list of processed foods.* (a) Whenever an item is added to the list of processed foods at the beginning of a reporting period, a wholesaler's maximum allowable inventory is adjusted in his report for that period in the following way:

(1) The amount of that item which he sold or transferred during the preceding reporting period (less returns of that item made during such period) is multiplied by the point value assigned to that item at the beginning of the current reporting period;

[Paragraph (1) as amended by Amendment 49, 8 F.R. 10665, effective 7-31-43]

(2) The resulting figure is multiplied by the wholesale factor fixed for the current reporting period in the supplement to this order.

(b) Whenever a wholesaler adjusts his maximum allowable inventory as described in paragraph (a) of this section, he must attach to his report a statement showing:

(1) His inventory of that item at the beginning of the preceding reporting period;

(2) The amount of that item acquired by him during the preceding reporting period; and

(3) His inventory of that item at the end of the preceding reporting period.

[Sec. 4.10 added by Amendment 36, 8 F.R. 7490, effective 6-6-43]

Article V—Retailers

SEC. 5.1 *Explanation of the terms retailer and retail establishment.* (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "retail establishment" if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". It is also a retail establishment, even if the amount sold or transferred to consumers is fifty per cent or less, in the following case:

(1) If some of those stocks are transferred directly to consumers; and

(2) If the rest of those stocks are kept there just to supply his own establishments of any type; and

(3) If no "wholesale establishments", and not more than three retail establishments, are supplied from there

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a retail establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a retail establishment.)

[Paragraph (3) as amended by Amendment 30, 8 F.R. 6838, effective 5-27-43]

(b) Any person dealing in processed foods who has a retail establishment is called a "retailer".

SEC. 5.2 *Retailers must get statement of purchases during March 1943.* (a) When a retailer buys or "acquires" processed foods during March 1943, he must get from his seller or transferor a statement showing the name of the seller or transferor, the date of the purchase or acquisition, and the number of points given up for the processed foods.

SEC. 5.3 *Retailers must register*—(a) *General.* Every retailer must register his retail establishments with the Office of Price Administration, at any time from April 1, 1943 to April 10, 1943, inclusive, on OPA Form R-1302. The registration form must be completed and signed by the retailer or his authorized agent. He must give all information called for by OPA Form R-1302.

(b) *Place where registration must be filed.* A retailer who has only one retail establishment must file his registration, in person or by mail, with the "board" for the place where that establishment is located. If he has more than one retail establishment, he must file a combined registration for all those establishments, in person or by mail, with the board for the place where his principal business office is located. A person who has a wholesale or a processor establishment, as well as a retail establishment, must file his retailer registration, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

(c) *Filing by mail.* Where a registration form is filed by mail, it is considered filed on time if the envelope is postmarked on or before April 10, 1943.

SEC. 5.4 *Retailer may not do business unless he has registered.* (a) No retailer may transfer or acquire processed foods after April 10, 1943, unless he has registered in the manner required.

SEC. 5.5 *Retailers must report their inventories.* (a) As part of his registration, every retailer (except those covered in section 5.7) must report the point value of his inventory of processed foods at the close of business on March 31, 1943. If he has more than one retail establishment, a separate inventory report for each establishment must be filed with his registration.

(b) A retailer's inventory at his retail establishment consists of processed foods physically located at that establishment or in transit to it, and also of processed foods stored, or in transit for storage, for that establishment at any other place (including a public warehouse). It includes processed foods held on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods still in the possession of his seller or transferor;

(3) Processed foods included in the inventory of one of his other establishments.

SEC. 5.6 *Retailers must report their sales and points on hand.* (a) Every retailer (except those covered by section 5.7) must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his retail establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account (if any) and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) He must attach to and file with his registration, a statement showing each of his purchases or other acquisitions of processed foods during March 1943, the name and address of his seller or transferor, and the points he gave up for each purchase or other acquisition.

SEC. 5.7 *Certain retailers need not report inventory and other information.* (a) A retailer whose gross sales of all commodities during March 1943 were $200 or less must register on OPA Form R-1302, but need not report his inventory, sales or transfers, and points on hand. However, if he elects not to report this information, he will have to operate on the basis of turnover of the stocks he has, and he will not be eligible, when he registers, to receive a certificate enabling him to increase his working stocks.

[Sec. 5.7 as amended by Amendment 14, 8 F.R. 4921, effective 4-20-43]

SEC. 5.8 *A retailer is given an allowable inventory*—(a) *General.* Every retailer (except those who elect not to report, as permitted by section 5.7) is entitled to an operating inventory, called an allowable inventory, which is based on his transfers of processed foods during March 1943. This allowable inventory is stated in terms of points.

(b) *Amount of allowable inventory.* To get a retailer's allowable inventory the point value of all processed foods transferred from his retail establishments during March 1943, is multiplied by a factor fixed by the Office of Price Administration in a supplement to this order. The result is his allowable inventory. Exchanges of processed foods, and transfers from one to another of his retail establishments, must not be included in this computation.

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a retailer has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points which he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account, if any (except those for which ration checks are outstanding), all which he has already given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not yet shipped, or points he owes for processed foods already shipped to him, are not included.

[Paragraph (ii) amended by Amendment 14, 8 F.R. 4921, effective 4-20-43 and Amendment 40, 8 F.R. 9024, effective 7-6-43]

(2) The sum of the above two figures, at the close of business on March 31, 1943, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The retailer makes this computation at the time of filing his registration on OPA Form R-1302.

(d) *When a retailer is entitled to a certificate.* If a retailer's point inventory at the close of business on March 31, 1943, is less than his allowable inventory, he is entitled to receive a "certificate" for the number of points needed to make up the difference. The certificate will be issued by the Board with which he registers, or by the "Washington Office", if he is required to register with that office.

(e) *What a retailer must do if he has excess inventory.* If a retailer's point inventory at the close of business on March 31, 1943, is greater than his allowable inventory, the difference is excess inventory. He must, in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. Points for that amount must be forwarded with his registration. If he does not have a ration bank account, he may give up the points in any form. If he has a ration bank account, he must give up the points in the form of a certified check drawn on that account, made payable to the Office of Price Administration. A retailer who does not have enough points at the time of registration may accumulate and forward them later. However, until he has given up points equal to his excess inventory, he may not acquire during any one calendar month processed foods having a point value of more than 25 percent of the number of points he received for his sales or transfers of processed foods during March 1943.

[Paragraph (e) as amended by Amendment 13, 8 F.R. 4726, effective 4-8-43 and Amendment 22, 8 F.R. 5847, effective 5-10-43]

SEC. 5.9 [Revoked]

[Sec. 5.9 revoked by Amendment 47, 8 F.R. 9629, effective 7-19-43]

SEC. 5.10 *Retailers must keep records.* (a) Every retailer must keep a copy of his registration, at his principal business office. If he has more than one retail establishment, he must keep at each establishment a copy of the inventory report filed for it.

(b) He must also keep, at his principal business office, the statements from his suppliers showing their sales or transfers to him during March 1943.

(c) In addition, at the time of any change in the point value of any item of processed foods, after March 31, 1943, every retailer must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every retailer must keep a record of the amounts, sizes, and point value of that item which he has in his inventory. If he has more than one retail establishment, he must make and keep such a record at each establishment.

[Paragraph (c) amended by Amendment 7, 8 F.R. 3949, effective 3-29-43 and Amendment 36, 8 F.R. 7490, effective 6-6-43]

SEC. 5.11 *Retailers must post point prices.* (a) Beginning March 1, 1943, every retailer must post the current Official Table of Point Values (OPA Form R–1313) in his retail establishment in such manner that it can be plainly seen and read by purchasers.

[Paragraph (a) as amended by Amendment 47, 8 F.R. 9629, effective 7–19–43]

(b) Every retailer who has an establishment at which the processed foods he carries are displayed to consumers must post there the point value of every item of processed foods he carries. The point value must be posted, in such manner that it can be plainly seen and read by consumers, in one or more of the following ways:

(1) On the commodity itself; or

(2) On the shelf or other place where the commodity is kept; or

(3) On a list attached to, or posted next to, the shelf or other place where the commodity is kept.

Article VI—Industrial Users

SEC. 6.1 *Explanation of the terms industrial user and industrial user establishment.* (a) An "industrial user establishment" is any place at which "processed foods" are used in producing or manufacturing for sale or "transfer" any product which is not a processed food. (For example, a bakery at which canned peaches are used in baking peach pies, for sale or transfer, is an industrial user establishment. Canned peaches are processed foods, but peach pie is not). It also includes any place (except places where processed foods are used for sampling or demonstration in accordance with section 10.9) at which processed foods are used for experimental, educational, testing or demonstration purposes. A place at which processed foods are used in producing other processed foods is a "processor establishment" and not an industrial user establishment. (An example of this would be the use of canned peaches for making canned fruit salad, since both canned peaches and canned fruit salad are processed foods.) Moreover, a place, such as a restaurant, at which processed foods are used in the preparation for service and the service of meals, would be an "institutional user establishment," and not an industrial user establishment. (An "institutional user" may obtain processed foods allotments, and may use processed foods, only in accordance with the provisions of General Ration Order 5.)

[Paragraph (a) amended by Amendment 2, 8 F.R. 2681, effective 3–1–43 and Amendment 10, 8 F.R. 4525, effective 4–12–43]

(b) Any "person" who operates an industrial user establishment is called an "industrial user".

(c) A wholesaler or retailer who marks or labels dry beans, peas, or lentils in accordance with applicable federal or state seed laws (or, if none is applicable, in accordance with the standards stated in the federal seed law), does not thereby become an industrial user.

[Paragraph (c) added by Amendment 9, 8 F.R. 4342, effective 4–2–43]

SEC. 6.2 *Industrial users must register*—(a) *General.* Every industrial user must register his industrial user establishment with the Office of Price Administration, at any time from March 1, 1943, to March 10, 1943, inclusive, on OPA Form R–1308, in duplicate. The registration form must be completed and signed by the industrial user or his authorized agent. If he has more than one industrial user establishment, he must file a combined registration for all those establishments.

(b) *Place where registration must be filed.* The registration form must be filed, in person or by mail, with the "board" for the place where his principal business office is located. He must give all information called for by the form.

SEC. 6.3 *Industrial user may not do business unless he has registered.* (a) No industrial user may "acquire" or use processed foods at his industrial user establishment, after March 10, 1943, unless he has registered as required.

SEC. 6.4 *Industrial users must report their inventories.* (a) As part of his registration, an industrial user must report the point value of his inventory of processed foods (by items) at the close of business on February 28, 1943. If he has more than one industrial user establishment, a separate inventory report for each establishment must be filed with his registration.

(b) His industrial user inventory consists of all processed foods included in the inventory of his industrial user establishments. The inventory of an industrial user establishment consists of all processed foods physically located at the establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for another person, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of any of his other establishments of any type.

(c) His industrial user inventory also includes all processed foods which he holds at, or which are in transit to, any other place for his industrial use. However, processed foods included in the inventory of any establishment which is not an industrial user establishment must not be reported as part of his industrial user inventory.

(d) In addition, within 20 days of the date on which any item is added to the list of processed foods, every industrial user must report to the board with which he is registered his inventory of that item, in pounds and point value, as of the date on which it becomes a processed food. His inventory of that item shall be treated as excess inventory. He may at the same time apply for an increase in his allotment (for the allotment period in which such item is added to the list of processed foods) by reason of that addition.

[Paragraph (d) added by Amendment 36, 8 F.R. 7490, effective 6–6–43]

SEC. 6.5 *Industrial users must report their base period use.* (a) As part of his registration, an industrial user must also report the number of pounds of processed foods he used in his industrial user establishment during 1942. The report must show the amount he used during each of the following four month periods in 1942, called base periods:

(1) January to April, inclusive;

(2) May to August, inclusive;

(3) September to December, inclusive.

If he has more than one industrial user establishment, he must file, as part of his registration, a separate report of his use in each.

(b) The report must show his use, during those periods, of each of the following classes of processed foods:

(1) Canned and bottled;

(2) Dried and dehydrated;

(3) Frozen (packed in containers of ten pounds or less);

(4) Frozen (packed in containers of over ten pounds).

In addition, the report must show his use, during those periods, of fruit and vegetable juices in containers over one gallon and of jellies and preserves.

[Paragraph (b) as amended by Amendment 36, 8 F.R. 7490, effective 6–6–43]

(c) If an industrial user's establishment was not in operation for the full base period, his use of processed foods at the establishment during that base period is fixed, for all the purposes of this order, in the following way:

(1) *If it was in operation during a part of the base period.* (i) The amount of processed foods used there by him during that part of the period is determined; (ii) That amount is divided by the number of days it was in operation during the period; (iii) The result is multiplied by the number of days the establishment would have been operated during the base period, if it had been a normal period of operations; (iv) The resulting figure is treated as the amount used during the base period.

(2) *If it was not in operation at all during the base period.* (i) The amount of processed foods used there by him during all of 1942 is determined; (ii) That amount is divided by the number of days it was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the base period, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the base period.

(3) *If it was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and February 28, 1943, inclusive.* (i) The amount of processed foods used there by him between January 1, 1943 and February 28, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days it was in operation between January 1, 1943 and February 28, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the base period, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the base period.

(d) The rules set forth under (1) and (2) of the last paragraph do not apply where an industrial user establishment was not in operation during all or part of a base period because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period in 1943, and the allotment must depend upon his actual use during the base period.

SEC. 6.6 *Industrial users allotments*—(a) *General.* An industrial user is given an allotment to enable him to get and use processed foods at his industrial user establishments. Allotments are given for fixed periods, called allotments periods. The first allotment period is from March 1, 1943 through April 30, 1943. The second period is from May 1, 1943 through August 31, 1943. The third period is from September 1, 1943 through December 31, 1943.

(b) *Application for allotments.* An industrial user's registration is treated as an application for an allotment for the first allotment period. His application for an allotment for any other allotment period must be made, in person or by mail, to the board with which he is registered. No particular form need be used for such an application. The application must be made not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period, unless he shows a good reason for applying at another time.

(NOTE: An industrial user is permitted to use processed foods only up to the amount of his allotment. He may therefore need an allotment even if his stocks are sufficient, since his allotment establishes his right to use processed foods—it is not just a method by which he gets them.)

(c) *Amount of allotment.* An industrial user's allotment is determined on the basis of his total use of processed foods at his industrial user establishments during the four month base period in 1942 corresponding to the allotment period. (The base period corresponding to the first allotment period is January 1, 1942 through April 30, 1942.) The amount of each class of processed foods (canned and bottled, dried, and frozen) used by him during the base period is multiplied by a factor fixed for that class by the Office of Price Administration in a supplement to this order. The numbers which result are added, and the total is his allotment, stated in points. (The factor is fixed in such a way that it gives an allotment which fairly represents both the average point value of the processed foods used and the reduction in use required as a result of the scarcity of processed foods).

(d) *Right to a certificate: excess inventory.* (1) An industrial user is entitled to get and use processed foods up to the amount of his allotment. He is therefore, given a certificate for the number of points he needs in order to get that amount. However, if he has stocks on hand, he can use them for his allotment and therefore needs fewer points. For that reason, the point value of his inventory at the close of business on February 28, 1943 must be deducted from his allotment. (The method of determining his inventory at the close of business on February 28, 1943, is covered by section 6.4.)

(2) If the point value of an industrial user's inventory is less than his allotment, he is entitled to get, from the board with which he registers, a certificate for the number of points needed to make up the difference.

(3) If the point value of an industrial user's inventory is greater than his allotment, the difference is excess inventory. In that case, he is not entitled to receive a certificate for the first allotment period. He is not entitled to get a certificate until the total of his subsequent allotments exceeds his excess inventory.

(e) *Issuance of certificate.* Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled, even if he has more than one industrial user establishment. However, if he is entitled to a certificate for more than 30,000 points for the second allotment period (May 1, 1943 to August 31, 1943, inclusive) the board must first issue a certificate for only one half of the total amount. A certificate for the balance is to be issued to him at any time he requests it after June 5, 1943.

[Paragraph (e) as amended by Amendment 36, 8 F.R. 7490, effective 6–6–43]

(f) *Industrial users who have unbalanced stocks.* If an industrial user is not entitled to receive a certificate because he has excess inventory, but finds that he does not have an adequate stock of a particular kind of processed foods, he may apply to the board with which he is registered on OPA Form R–315, for a certificate to enable him to get that kind. The application must show the kind and amount of food which he needs and the reasons he needs it. The board may call upon him for any other information which it finds necessary in order to act upon the application. If the board finds that he does not have an adequate stock of the particular food, it may issue to him a certificate for the number of points needed, up to one-third of his allotment for that period. The points so issued must be treated as excess inventory. The granting of the application shall not be treated as an increase in his allotment. The board may grant only one such application for an industrial user.

[Paragraph (f) added by Amendment 17, 8 F.R. 5480, effective 4–29–43]

(g) *Industrial users may apply for points with which to make advance purchases of frozen foods.* An industrial user may apply at any time before August 15, 1943 for points with which to acquire, in advance, frozen processed foods. The application must be made on O. P. A. Form R–315 to the board with which he is registered and must state the amount of frozen processed foods he wishes to acquire under this paragraph. The board may issue a certificate to the applicant. However, the number of points issued must not exceed an amount computed in the following way:

(1) Determine the total number of pounds of frozen processed foods which the applicant used from September 1 through December 31, 1942, inclusive, and from January 1 through April 30, 1942, inclusive;

(2) Multiply that number by 2.4;

(3) Deduct the amount of his excess inventory.

The points so issued must then be treated as excess inventory. One half of the points so issued must be deducted from any certificate issued to the applicant for the third allotment period of 1943 and the balance must be deducted from any certificate issued to him for the first allotment period of 1944.

[Paragraph (g) added by Amendment 36, 8 F.R. 7490, effective 6–6–43]

(h) *Accounting for errors.* If an industrial user receives an allotment larger than he is entitled to receive, as a result of an error, omission, or mistake made in his application or by his board, the amount of the excess shall be treated as excess inventory.

[Paragraph (h) added by Amendment 47, 8 F.R. 9629, effective 7–19–43]

SEC. 6.7 *Registration after March 10, 1943*—(a) *Registration of persons who become industrial users because of changes in the list of processed foods.* (1) Any person who becomes an industrial user because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which are removed from the list of processed foods) must, if he used those foods in his operations prior to March 1, 1943, register his industrial user establishment by filing OPA Form R–1308 within twenty days after he becomes an industrial user. The registration form must be filed, in person or by mail, with the board for the place where his principal business office is located. He must give all the information called for by the form. However, he must report his inventory of processed foods as of the time he became an industrial user. This registration is treated as an application for an allotment for the allotment period in which he became an industrial user.

(2) Any person who becomes an industrial user because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which are removed from the list of processed foods) may, if he began to use those foods in his operations since February 28, 1943, apply for an allotment. The application must be made on OPA Form R–315 to the board for the place

where his principal business office is located. The application must show:

(i) The product the applicant makes;
(ii) The size of the establishment;
(iii) The amount invested in it;
(iv) The market supplied;
(v) The date on which he started to use the processed foods;
(vi) His inventory of processed foods;
(vii) The amount and kinds of foods used since he began operations; and
(viii) The amount of allotment requested.

The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office (or, where there is none, to the State office). It may attach its recommendation, if any, as to the action to be taken. The district (or State) office must forward the entire file to the "Washington Office," for decision, or take such other action as the Washington Office may authorize or direct.

(3) Any allotment given to an industrial user pursuant to an application made under this paragraph is to be reduced in proportion to the part of the allotment period which had elapsed at the time he became an industrial user.

[Paragraph (3) added by Amendment 46, 8 F.R. 9459, effective 7-14-43]

(b) *Late registrations.* (1) The board may permit an industrial user who failed to register at the time required, to register and apply for an allotment at a later date. In his registration, he must report his inventory of processed foods as of the first day of the period in which he was required to register.

(2) His allotment is computed in the same way as that of an industrial user who registered on time. However, unless he shows good cause for his failure to register on time, his allotment is to be reduced in proportion to the part of the allotment period which had elapsed at the time he registered and he may not receive an allotment for expired allotment periods.

[Sec. 6.7 as amended by Amendment 36, 8 F.R. 7490, effective 6-6-43]

SEC. 6.8 *Restrictions on use of processed foods by industrial users.* (a) No industrial user may use, during an allotment period more processed foods than his allotment for that period plus any unused part of his allotments for earlier periods.

(b) No industrial user may use for any purpose except an industrial use, processed foods which are included in his inventory, or which he acquired with points he received as an industrial user.

SEC. 6.9 *Industrial users must keep records.* (a) Every industrial user must keep a copy of his registration at his principal business office. He must also keep a record of his inventory at the close of business on February 28, 1943. In addition, if he has more than one industrial user establishment, he must keep, at each establishment, a record of its inventory on that date. He must also preserve his records showing his use of processed foods during the period for which he reported in his registration.

(b) In addition, an industrial user must keep a record of the amount of processed foods he acquires and the date of acquisition, and the amount of processed foods used at each of his industrial user establishments during each allotment period. He must also keep a record of the amount of the following items used by him:

[Paragraph (1) revoked and former paragraphs (2) and (3) redesignated (1) and (2) by Amendment 36, 8 F.R. 7490, effective 6-6-43]

(1) Fruit and vegetable juices in containers over 1 gallon;

(2) Jams, jellies, and preserves.

SEC. 6.10 *Dry beans, peas and lentils, and dried and dehydrated soups and soup mixtures are included in classes of processed foods.* (a) Whenever this order refers to processed foods by classes, the class of canned and bottled processed foods includes dry beans, peas and lentils, and the class of dried and dehydrated processed foods includes dried and dehydrated soups and soup mixtures.

[Sec 6.10 added by Amendment 2, 8 F.R. 2681, effective 3-1-43]

Article VII—Combined Operations and Combined Establishments

SEC. 7.1 *A person who operates different types of establishments is treated as if he were different persons.* (a) (1) The same "person" may operate different kinds of establishments. He may have, for example, both a "wholesale establishment" and a "retail establishment". For the purposes of this order, he is both a "wholesaler" and a "retailer", since he has establishments of both kinds. The provisions of this order dealing with retailers apply to him as far as the operation of his retail establishment is concerned. The operation of his wholesale establishment is regarded as separate and is governed by the provisions dealing with wholesalers. Thus, he is treated as if he were two persons.

(2) This rule also applies to the way in which a person who is both a wholesaler and a retailer must handle the points he gets in connection with his wholesale and his retail establishment. The only points he may use as a retailer are those he gets in connection with his retail establishment. If he "transfers" "processed foods" from his wholesale establishment to his retail establishment, points he has as a retailer must be given up. When those points are given up to his wholesale establishment, they become points he has as a wholesaler. Points he has as a retailer must be kept and handled separately from the points he has as a wholesaler.

(3) The same rules apply to a person who has other types of establishments, such as "processor" or "industrial user establishments".

(b) Where a person has establishments of more than one kind, he must operate them as if each separate kind belonged to a separate person, as far as the provisions of this order are concerned. All dealings between establishments of different kinds operated by the same person are treated just as if those establishments were operated by different persons.

SEC. 7.2 *The same person may be both a wholesaler or retailer and industrial user at the same place.* (a) A person may keep stocks of processed foods at a place for sale or other transfer and may also use processed foods at that place for the production of some commodity other than processed foods.[*] (For example, he may sell canned peaches at a particular place and may also operate a bakery there and use canned peaches in baking pies.) In a case of this type, the place is treated as two establishments. If processed foods are sold or transferred from there, it may be a retail or a wholesale establishment, depending upon the facts. It would also be an industrial user establishment, since processed foods are used there in baking pies for sale.

(b) A place of the type described in the last paragraph must be registered as a retail or wholesale establishment, depending upon which it is. Its sales or transfers of processed foods, and its stocks held for sale or transfer, must be included in that registration. It must also be registered as an industrial user establishment, and its stocks held for such use must be included in the industrial user registration.

SEC. 7.3 *The same person may be both a wholesaler or retailer and an institutional user at the same place.* (a) If, in the case described in the last section, the person operated a restaurant at that place as well as (or instead of) a bakery, it would also be an "institutional user establishment" (Restaurants are covered by General Ration Order 5 and are called "institutional users" in that order.) A place of that type must be registered under General Ration Order 5. Its restaurant activities and its stocks of processed foods held for restaurant use must be included in that registration.

SEC. 7.4 *The same person may be both a processor and a wholesaler or retailer at the same place.* (a) A person may produce or import processed foods at a particular place, for sale or transfer. He may also regularly keep at that place, for sale or transfer, processed foods which he did not produce or import, but which he acquired from someone else. In such a case, that place is a processor establishment, since he produced or imported processed foods there. It may also be a retail or wholesale establishment, depending upon the facts, since he regularly keeps there, for sale or transfer, processed foods which someone else produced or imported. (This does not apply if the place where he keeps, for sale or transfer, processed foods produced or imported by someone else is a processor establishment as to those stocks, under section 3.1 (d) (1). In such a case, the place is not a wholesale or retail establishment.)

[Sentences in parentheses added by Amendment 30, 8 F.R. 6838, effective 5-27-43]

(b) A place of the type described in the last paragraph must be registered as a processor establishment. It must also be registered as a wholesale or retail establishment, depending upon which it is. Its production and imports, and its stocks and shipments of processed foods produced or imported there, must be included in the processor report. Stocks which were produced or imported by someone else, and the sales or transfers of those stocks, must be included in the wholesaler or retailer report. (However, stocks of processed foods kept there for producing other processed foods must be included in the processor report.)

SEC. 7.5 *The same place may be more than one establishment.* (a) The situations described in the last three sections are examples of the rule that the same place may be more than one establishment, depending upon the type of business or operations carried on there. Wherever the operations at a place are such that it is more than one establishment, it is treated just as if each of those establishments were located at a different place.

(b) No place can, however, be both a retail and a wholesale establishment of the same person. Under the definitions of retail and wholesale establishments, the place may be one or the other, but not both.

(c) The word establishment, as it is used in this order, covers the operation at a place, as well as the place itself. Where a person such as a wholesaler or a retailer does not operate from any fixed place, his wholesale or retail operations as a whole are regarded as an establishment. Similarly, if a person who deals in processed foods and makes sales or transfers of them does not actually keep processed foods at any particular place, his operations as a whole, are regarded as his establishment, and he may register as a wholesaler or a retailer, depending on the class of persons to whom he makes transfers.

[Paragraph (c) added by Amendment 15, 8 F.R. 5318, effective 4-27-43]

Article VIII—Ration Bank Accounts

SEC. 8.1 *A ration bank account is an account in which points are deposited.* (a) A ration bank account is a bank account very much like an ordinary checking account. A "person" who opens a ration bank account deposits in it points he receives, and issues checks drawn on it for points he uses. These checks are called ration checks.[†] (The general rules for the opening, closing and use of ration bank accounts are covered by General Ration Order 3A.[‡])

SEC. 8.2 *Who must open a ration bank account.* (a) *Processors.* Every "processor" must open at least one ration bank account for all his "processor establishments". If he has more than one processor establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has processor establishments.

[Paragraph (a) as amended by Amendment 20, 8 F.R. 5818, effective 5-8-43]

(b) *Wholesalers.* Every "wholesaler" must open at least one ration bank account for all his "wholesale establishments". If he has more than one wholesale establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has wholesale establishments.

[Paragraph (b) as amended by Amendment 20, 8 F.R. 5818, effective 5-8-43]

(c) *Retailers.* Every "retailer" whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than $2,500.00, and every retailer who has more than one "retail establishment", must open at least one ration bank account for all his retail establishments. If he has more than one retail establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has retail establishments. Also, any retailer who receives points (stamps, certificates, or endorsed ration checks) from, and makes transfers to, consumers by mail must have a ration bank account. Any other retailer may open an account for his retail establishment if he had a processed foods ration bank account on April 16, 1943, or has a ration bank account for any other rationed food. (A bank is not required to open or maintain such accounts; but if it does so, it must open or maintain them for any such retailer who applies.) No other retailer may open an account.

[Paragraph (c) as amended by Amendment 11, 8 F.R. 4784, effective 4-16-43, Amendment 20, 8 F.R. 5818, effective 5-8-43, Amendment 22, 8 F.R. 5847, effective 5-10-43 and Amendment 45, 8 F.R. 9305, effective 7-12-43]

(d) *Industrial users.* An "industrial user" is entitled to open a ration bank account, but is not required to do so. If he opens an account, he must use it for all his "industrial user establishments". However, if he has more than one industrial user establishment, he may open a separate account for each, or for any group of them.

(e) *Institutional users.* The opening of ration bank accounts by "institutional users" is covered by General Ration Order 5.

(f) *Application for additional accounts.* Any processor, wholesaler, or retailer who wishes to open more ration bank accounts than the number permitted by this section, may apply on OPA Form R-315 to the Washington Office for authority to open further ration bank accounts. He must state in his application all the facts which he claims show his need for additional ration bank accounts.

[Paragraph (f) added by Amendment 20, 8 F.R. 5818, effective 5-8-43]

(g) *Washington Office may open accounts.* The Washington Office of the Office of Price Administration may open one or more ration bank accounts and it may issue ration checks instead of certificates to persons entitled to receive points under the provisions of this order. Wherever this order provides that the Washington Office shall issue a certificate, it may, in its discretion, issue a ration check instead.

[Paragraph (g) added by Amendment 38, 8 F.R. 8357, effective 6-22-43]

SEC. 8.3 *All points must be deposited in the account.* (a) Every processor, wholesaler, retailer, or industrial user, who has a ration bank account, must deposit in his account all points he receives, whether in the form of "stamps"[†] certificates or ration checks.

SEC. 8.4 *When points must be deposited*—(a) *Stamps.* A person who has a ration bank account may not deposit stamps later than one month and ten days after the last date on which they were good for use by a consumer. (The periods during which particular stamps are good for use by consumers are fixed in the supplement to this order.) If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month.

[Paragraph (a) amended by Amendment 29, 8 F.R. 6138, effective 5-10-43 and Amendment 47, 8 F.R. 9629, effective 7-19-43]

(b) *Certificates.* He may not deposit a certificate later than 20 days after the date which appears on it. (The fact that the certificate may have passed through several hands before reaching him does not give him any more time to deposit it.)

(c) *Effect of failure to deposit stamps or certificates.* A stamp or certificate which was not deposited on time is not good, and may not be used or accepted for any purpose.

(d) *Ration checks.* Ration checks may be deposited at any time.

Article IX—Sales and Transfers of Processed Foods

SEC. 9.1 *No transfers may be made to consumers between February 21, 1943*

[*] 8 F.R. 1130, 1449.

[†] For the purposes of General Ration Order 3A, blue "stamps" from the War Ration Book Two, certificates (Form OPA R-1201) and ration checks are to be regarded as "evidences". That term is not, however, actually used in this order.

and February 28, 1943. (a) From February 21, 1943 to February 28, 1943, inclusive, no "person" may sell or "transfer" "processed foods" to a "consumer" regardless of any contract or other agreement. (Certain transactions between consumers, covered in section 2.2 are excepted from this rule.)

SEC. 9.2 *Only retailers, wholesalers and processors may transfer processed foods.* (a) Beginning March 1, 1943, only "retailers", "wholesalers", "processors", "country shippers" and "growers" may sell or transfer processed foods. (Certain transactions between consumers, covered in section 2.3 (b); certain transactions by seed dealers, covered in section 14.7; and certain other transactions covered in Articles X and XXVI are excepted from this rule.)

[Paragraph (a) amended by Amendment 9, 8 F.R. 4342, effective 4-2-43 and Amendment 31, 8 F.R. 6839, effective 5-27-43]

(b) An "industrial user" who has an excess inventory of processed foods may apply for permission to sell or transfer any part of that excess. The application shall be made on OPA Form R-315 to the Board with which he is registered. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the Board requests. The Board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the Board all points which he received for the processed foods sold or transferred. The Board shall reduce his excess inventory by an amount equal to the number of points given up.

(c) "Institutional users" may sell or transfer processed foods only as permitted in General Ration Order 5.

(d) Any person not covered by paragraphs (a), (b) or (c) may apply for permission to sell or transfer processed foods. The application shall be made on OPA Form R-315 to the Board for the place where he lives or where he has his principal business office. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the Board requests. Only one such application may be made by a person on his own behalf or on behalf of the members of his family unit. The Board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the Board all points which he received for the processed foods sold or transferred.

(e) If the person making the sale or transfer, as permitted in paragraph (d), is a consumer who has been charged with an excess number of cans of processed foods (as shown by a notation on the inside front cover of his War Ration Book Two, or by the removal from his War Ration Book Two of eight point blue stamps which have not yet become valid); the number of cans with which he is charged shall be reduced by one for each can or bottle of processed foods of eight ounces or over which he has transferred and for which he turns over points. If the number of cans by which that reduction is to be made does not exceed the notation on the inside front cover of the consumer's book, the Board shall reduce the number noted on the book by the appropriate amount. Otherwise, the Board shall issue a substitute book exactly corresponding to that surrendered by the consumer, except that no number shall be written on the inside front cover of the substitute book and an appropriate reduction shall be made in the number of eight point blue stamps not yet valid, which are to be removed. If the processed foods sold or transferred were charged against several members of a family unit the Board shall divide the reduction as equally as possible among the books of members of the family unit which have been charged with an excess number of cans of processed foods.

[Paragraphs (b), (c), (d) and (e) added by Amendment 48, 8 F.R. 10511, effective 7-31-43]

SEC. 9.3 *Transfers after February 28, 1943 may be made only for points.* (a) Beginning March 1, 1943, no person may sell or transfer, and no person may buy or "acquire" processed foods, regardless of any contract or other agreement, unless points are given up in the way this order requires. (The word "transfer", as it is defined, means to sell, as well as to transfer in other ways. The word "acquire", means to buy, as well as to get in other ways. Therefore, the only words which will generally be used, in later sections, are "transfer" and "acquire".)

The rules covering various kinds of transactions are set forth in the sections which follow.

SEC. 9.4 *How processed foods are transferred to consumers.* (a) *General.* Processed foods may be transferred to a consumer, and may be acquired by him, only if he gives up to the seller, or transferor, points equal to the point value of the processed foods transferred. (Certain transactions between consumers covered in section 2.3 (b), are excepted from this rule. Certain other exceptions are covered in Article X.)

(b) *How points are given up.* Points may be given up by, and taken from, a consumer only in the form of blue stamps from his War Ration Book Two, a certificate issued for him, or a ration check issued to him and endorsed by him.

[Paragraph (b) as amended by Amendment 22, 8 F.R. 5847, effective 5-10-43]

(c) *When points must be given up.* The seller or transferor must take the points from the consumer at the time when the processed foods are transferred.

(d) *When stamps must be detached.* The seller or transferor may accept a stamp only if it is torn out of War Ration Book Two in his presence, and only if the book has a validation stamp on its cover. Loose stamps may not be used by a consumer and they must not be accepted by the seller or transferor.

(e) *When stamps are good.* Each stamp is good for a limited time and may be accepted for a transfer to a consumer only during that time. The letter printed on the stamp serves to indicate when it may be used by a consumer. Stamps lettered A, B and C may be accepted from a consumer, only during March 1943. Stamps lettered D, E and F may be accepted only from March 25, 1943 to April 30, 1943, inclusive. The periods during which other stamps may be accepted from a consumer are fixed by the Office of Price Administration in a supplement to this order.

(f) *Use of certificates.* A certificate may be accepted from a consumer only if it has been signed on the back by the person for whom it was issued (or by someone authorized to act for him, if he cannot write.) A certificate is not valid for a transfer to a consumer after the date shown on its face, and may not be used or accepted for such a transfer after that date.

(g) *Mail order sales.* (1) Processed foods may be transferred to consumers by mail if a certificate, detached stamps, or a ration check payable to, and endorsed by the consumer, are received with the order. Stamps or certificates which are received after the last day on which they are good in the hands of the person who sends them may be accepted if the envelope in which they are enclosed is postmarked on or before that date.

[Paragraph (1) as amended by Amendment 22, 8 F.R. 5847, effective 5-10-43]

(2) If the transferor fails to deliver processed foods equal in point value to the points received, he shall issue and send to the consumer a ration check for the balance.

(3) Before accepting stamps from and making transfers to consumers by mail, any retailer, wholesaler, or processor who wishes to do so must notify, in writing, the district office for the place where his principal business office is located (or, where there is no district office, the State office). The notice must give his name and principal business address, the name and address of each establishment from which he will make transfers to consumers by mail, and must contain an estimate of the dollar volume of his mail order deliveries of processed foods to consumers during 1942. He may not make any such transfers until he has given this notice. Beginning March 1, 1943, he must keep a record of the dollar volume or the point value of his transfers of processed foods to consumers by mail.

[Paragraph (3) as amended by Amendment 26, 8 F.R. 6046, effective 5-13-43]

(4) No retailer may receive points from and make transfers to consumers by mail unless he has a ration bank account.

[Paragraph (4) as amended by Amendment 22, 8 F.R. 5847, effective 5-10-43]

(h) *Ration checks.* A ration check may be accepted from a consumer only if it is payable to him and has been endorsed by him (or by someone authorized to act for him, if he cannot write).

[Paragraph (h) added by Amendment 22, 8 F.R. 5847, effective 5-10-43]

SEC. 9.5 *How processed foods are transferred to persons other than consumers*—(a) *General.* Processed foods may be transferred to and acquired by a retailer, wholesaler, or a processor, or an industrial user or institutional user only if he gives up to the seller (or transferor) points equal to the point value of the processed foods transferred.[8] (Certain exceptions to this rule are covered in Article X.)

(b) *Point value.* The number of points which must be given up for a transfer of processed foods is determined by their point value at the time of the transfer.

(c) *When points must be given up.* (1) The transferor must get the points from the transferee, and the transferee must give them up, at or before the time when the transfer is made. Exceptions to this rule are stated in the next two subparagraphs.

(2) If the transfer is made through shipment by railroad or any other public carrier, the transferor may arrange to have the carrier get the points for him from the transferee at the time of actual delivery, or to have the points obtained for him by anyone in exchange for the bill of lading or other document entitling its holder to take possession of the processed foods.

(3) The points may be given up later, but not more than ten days after the time when the transfer is made, if the conditions of this subparagraph are satisfied. A transferee may not accept the transfer in this case unless he has points on hand (excluding points not yet surrendered for processed foods bought or acquired) or in his ration bank account (excluding the amounts of ration checks issued which have not yet been cleared) equal to the point value of the processed foods transferred. The transferor must, at or before the time he transfers the processed foods to the transferee, prepare and keep a memorandum showing the name of the transferee, the date of transfer of the processed foods, a description of the items, and their point value. If the transferor does not get the points within the time required by this subparagraph, he must immediately notify the district (or State) office for the place where the transfer was made, of the default. As long as the transferee is in default, he must not acquire any processed foods and no transferor who has knowledge of the default may transfer such foods to him. (However, he may continue to acquire processed foods and transferors may continue to transfer such foods to him, pursuant to Article X.)

(4) Points which are mailed are considered given up when the envelope containing them is postmarked.

[Paragraph (c) amended by Amendment 2, 8 F.R. 2681, effective 3-1-43 and Amendment 40, 8 F.R. 9024, effective 7-6-43]

(d) *Form in which transferor must get points.* The transferor may take points from the transferee only in the form of stamps, certificates, or a ration check drawn on the transferee's ration bank account or endorsed by him.

[Paragraph (d) as amended by Amendment 22, 8 F.R. 5847, effective 5-10-43]

(1) *Stamps.* No stamp may be accepted from the transferee more than one month after the last date on which it was good for use by a consumer. If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this subparagraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month. The stamps must either by pasted on gummed sheets (OPA Form R-120) or enclosed in sealed envelopes. If the stamps are pasted on gummed sheets, the name and address of the transferee must be written on each sheet, and only stamps of the same point value, and valid for a transfer to the transferee at the time they are given up, may be pasted on the same sheet. If the stamps are enclosed in sealed envelopes, they must be handled in all respects in accordance with the procedure described in General Ration Order 7[9] for the use of such envelope.

[Paragraph (1) amended by Amendment 29, 8 F.R. 6138, effective 5-10-43 and Amendment 47, 8 F.R. 9629, effective 7-19-43]

(2) *Certificates.* A certificate may not be accepted from the transferee unless the name of the person to whom it was issued has been written on the back. The back of the certificate must also carry the signature of the transferee. The certificate may not be accepted more than ten days after the date shown on its face. However, if it was issued to the transferee, it may not be accepted after the date shown on its face.

(3) *Ration checks.* A ration check may be accepted by a transferor only if it is made payable to him and if it is drawn by his transferee, or if it is endorsed by his transferee and by the person to whom the check was issued, if the check was not issued to the transferee. (The rules for handling ration checks are set forth in General Ration Order 3A.)

[Paragraph (3) as amended by Amendment 22, 8 F.R. 5847, effective 5-10-43]

(e) *Form in which transferee must give up points*—(1) *Wholesalers and processors.* A wholesaler or a processor must give up points only in the form of a ration check drawn on his ration bank account.

(2) *Retailers.* A retailer who is required to have a ration bank account must give up points only in the form of a ration check drawn on that account. Other retailers may give up points only in the form of stamps, certificates, or ration checks endorsed by them.

(3) *Industrial and institutional users.* An industrial or institutional user who has a ration bank account must give up points only in the form of a ration check drawn on that account. Any other industrial or institutional user may give up points only in the form of certificates or ration checks endorsed by him.

[Paragraphs (2) and (3) as amended by Amendment 22, 8 F.R. 5847, effective 5-10-43]

(4) *General.* Points may be transferred freely between establishments of the same type operated by the same person, and points of one of those establishments may be used to get processed foods for another of them. However this rule does not apply to the movement of points between institutional user establishments, which is covered by the provisions of General Ration Order 5.

[Paragraph (4) as amended by Amendment 2, 8 F.R. 2681, effective 3-1-43]

(f) *Transfers to retailers during March 1943.* A retailer, wholesaler or processor who transfers processed foods to a retailer during March 1943, must prepare and give to the retailer a written statement (in any convenient form) showing the name and address of both the transferor and transferee, the date of the transfer, and the number of points given up by the transferee. The transferor must keep a copy of the statement at his principal business office.

SEC. 9.6 *Transfers between establishments of different types operated by the same person.* (a) All of the rules set forth above which apply to transfers from one person to another, also apply to transfers between establishments of different types operated by the same person. (For example, a person may have both a wholesale and a retail establishment. He is, therefore, both a wholesaler and a retailer. He is permitted to transfer processed foods from his wholesale to his retail establishment. However, when he does so, he must give up points from the retail to the wholesale establishment just as if those establishments were operated by two different persons.)

[8] For convenience, the retailer, wholesaler processor, or industrial or institutional user, to whom the transfer is made, will sometimes be called "the transferee", in the paragraphs which follow.

[9] 8 F.R. 2858, 2997, 4840, 6965.

SEC. 9.7 *Transferor may not use points he receives in advance until processed foods are transferred.* (a) A transferor may receive points from his transferee before he actually transfers the processed foods. In that case, he may not use points so received, to get other processed foods, until he has actually transferred to the transferee processed foods worth that number of points.

SEC. 9.8 *Points may be returned for underdeliveries of processed foods.* (a) If a retailer, wholesaler, processor, country shipper, or grower receives points in advance for a transfer of processed foods, and is unable to transfer all or any part of the amount ordered, he may return the points in excess. He must return the points in the same form he would use to give up points for a purchase or other acquisition of processed foods. (For example, a wholesaler can give up points only in the form of a ration check. He would, therefore, deposit all the points received by him, and draw a check for any amount to be returned. However, this section does not apply to consumers, except in connection with mail order transactions.)

[Sec. 9.8 as amended by Amendment 9, 8 F.R. 4342 effective 4-2-43]

SEC. 9.9 *Points must be given up for imports of foods.* (a) Any person (other than persons importing processed foods in accordance with section 10.10) who imports processed foods must give up points to the Collector of Customs (or his deputy) at or before the time the foods are released or delivered to him by the Collector.

(b) The Collector of Customs shall turn over each month, to the district (or, where there is none, the State) office for the area in which the point of entry is located, all points received by him in this way during the preceding month.

[Sec. 9.9 added by Amendment 14, 8 F.R. 4921, effective 4-20-43]

Article X—Point-Free Transfers

SEC. 10.1 *Processed foods in transit prior to effective date of rationing, may be acquired point-free.* (a) No points need be given up for a delivery of "processed foods" to a "person" other than a "consumer", if those processed foods were in transit to him on February 28, 1943.

(NOTE: Processed foods which were in transit to a "processor", or an "industrial" or "institutional user" at the close of business on February 28, 1943, must be included in the inventory which he reports in his registration.)

(b) No points need be given up for a delivery to any person other than a consumer, of an item which is added to the list of processed foods, if the item was in transit to him on the day preceding such addition.

[Paragraph (b) added and section heading amended by Amendment 36, 8 F.R. 7490, effective 6-6-43]

SEC. 10.2 *Processed foods may be exchanged for other processed foods.* (a) Any person may exchange processed foods with any other person for processed foods of equal point value, without giving up or taking points. (This rule applies even if there is a money payment to make up any difference in the money value of the processed foods exchanged.) However, neither a "grower" nor a "country shipper" may exchange dry beans, peas, or lentils for other processed foods.

[Sec. 10.2 as amended by Amendment 9, 8 F.R. 4342, effective 4-2-43]

SEC. 10.3 *Lost or stolen processed foods may be returned, point-free.* (a) No points need be given up for a return of lost or stolen processed foods to the person who lost them or from whom they were stolen.

SEC. 10.4 *Stocks of processed foods may be moved point-free between establishments of the same person.* (a) No points need be given up when a person moves stocks of processed foods from one of his establishments to another of his establishments of the same kind. For example, a person who has two "retail establishments" may move processed foods from one to the other, without exchanging points between them. (However, a record must be kept of the amount of stocks involved in each such movement.) When a person "transfers" processed foods between establishments of different kinds—for example, from his "wholesale establishment" to his retail establishment—points must be given up just as if those establishments were operated by different persons.

(b) This rule does not apply to the movement of stocks between "institutional user establishments", which is covered by the provisions of General Ration Order 5.

[Paragraph (b) as amended by Amendment 2, 8 F.R. 2681, effective 3-1-43]

SEC. 10.5 *Processed foods may be stored and returned from storage, point-free.* (a) No points need be given up for a delivery of processed foods for storage purposes only.

(b) No points need be given up for a delivery of processed foods from the place of storage to the person who stored them, or to a person to whom he has sold or transferred them. (However, that sale or transfer must be made in a way permitted by this order.)

SEC. 10.6 *Security interests in processed foods may be created and released, point-free.* (a) No points need be given up for a transfer of processed foods, or of any interest in them, for security purposes only. (For example, if processed foods are pledged or mortgaged the person with whom they are pledged or mortgaged need not give up points.)

(b) No points need be given up for a release of a security interest in processed foods, or for a return of those foods to the person who originally transferred them for security purposes. (For example, a person who pledged processed foods may get them back without giving up points. Similarly, a person who gave a chattel mortgage on his processed foods need not give up points when the mortgage is ended.)

SEC. 10.7 *Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings*—(a) *General.* No points need be given up for a transfer of processed foods to a person who gets them for liquidation only. Also, no points need be given up for a transfer of processed foods as part of a judicial proceeding, or by operation of law, order of a court, or judicial process.[1] (For example, processed foods may be taken over by a creditor, under a court order, without any surrender of points. If processed foods are assigned for the benefit of creditors, the person to whom they are assigned need not give up points to the person making the assignment. Also, a person need not give up points when he inherits processed foods or "acquires" them by will.)

(b) *How transferee may dispose of the processed foods.* A person who acquires processed foods in this way must within five days after acquiring them, report to the district office (or, where there is none, to the State office) for the place where his principal business office is located:

(1) The kinds and the point value of the processed foods acquired;

(2) The name and address of the person from whom they were acquired;

(3) The way in which and the date when they were acquired. He may not use the processed foods unless he gives up to the district (or State) office, for cancellation, points equal to their point value. He may, however, sell or transfer them in the same way that a "retailer" is permitted to sell or transfer processed foods. He must immediately after selling or transferring them, account to the district (or State) office for points equal to their point value.

(c) *Consumer inheritance.* A consumer who gets processed foods from another consumer, by inheritance or by will, may use them without giving up points.

SEC. 10.8 *Processed foods may be acquired, point-free, by insurers or for salvage*—(a) *Acquisition of damaged processed foods.* Damaged processed foods, and undamaged processed foods mingled with them, may be transferred to, and acquired by, the following persons, without any surrender of points:

(1) A person who has paid or is liable for a claim for the damage done to the foods, and who is entitled to reimburse himself by taking them over;

(2) A person in the business of adjusting losses or of reconditioning or selling damaged articles.

[1] A "wholesaler" may acquire processed foods in this way even if his actual inventory is or would become larger than his maximum allowable inventory.

(b) *Disposal of the processed foods.* The person acquiring the processed foods must, within five days after acquiring them, report to the district office (or, where there is none, to the State office) for the place where his principal business office is located:

(1) The kinds and point value of the processed foods acquired;

(2) The name and address of the person from whom he acquired them;

(3) The way in which and the date when they were acquired. If he cannot ascertain the kinds and point value immediately, he must describe the approximate amount he received and must give the detailed information as soon as he can. He may dispose of those processed foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer processed foods. He must, immediately after selling or transferring them, account to the district (or State) office for points equal to their point value. If he cannot dispose of them all, he must report to the district (or State) office the amount which was not salable.

SEC. 10.9 *Processed foods may be transferred to prospective buyers for sampling, point-free and may be used for sampling and demonstration.* (a) A processor, country shipper, or grower may deliver processed foods to prospective buyers (other than consumers) for sampling, without getting points. However, he may not deliver in this way more than one-fortieth of one percent of the total amount of processed foods produced or imported by him.

(b) A retailer or "wholesaler", who acquires processed foods from a processor, country shipper, or grower, may sample some of them in order to check grades and quality, and may use some of them to demonstrate them to prospective purchasers other than consumers. However, he may not use for this purpose more than one-tenth of one percent of the total amount of processed foods acquired by him. A wholesaler shall attach to his periodic report to the Washington Office on OPA Form R-1310 a statement accounting for the amount of processed foods used by him for sampling or demonstration to prospective purchasers.

[Sec 10.9 amended by Amendment 9, 8 F.R. 4342, effective 4-2-43. Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

SEC. 10.10 *Processed foods may be delivered point-free to certain persons*—(a) *Point-free delivery to processors.* No points need be given up for a transfer of processed foods by an authorized customs official to a processor if the processor gives his signed statement to the official showing:

(1) His name;

(2) His principal business address;

(3) His processor registration number;

(4) The address of the establishment at which the foods are to be kept for sale or transfer or for his own use in making other processed foods; and

(5) The amount and kind of processed foods imported at the time.

(b) *Point-free delivery to country shippers.* No points need be given up for a transfer of dry beans, peas or lentils by an authorized Customs Official to a country shipper if the country shipper gives his signed statement to the Official showing:

(1) His name;

(2) His principal business address;

(3) His country shipper's registration number; and

(4) The amount of dry beans, peas and lentils imported at the time.

[Paragraph (b) as amended by Amendment 47, 8 F.R. 9629, effective 7-19-43]

(c) *Collector of Customs to send statements to Washington Office.* After the close of each month the Collector of Customs shall deliver all processors' and country shippers' statements received during that month to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

[Paragraph (c) added and former paragraph (c) redesignated (d) by Amendment 47, 8 F.R. 9629, effective 7-19-43]

(d) *Point-free delivery to representatives of foreign governments, prisoners of war, internees and others.* No points need be given up for a transfer of processed foods by an authorized customs official:

(1) Upon request by the Department of State, to representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937;

(2) To members of the armed forces of the United Nations, other than those of the United States, who are on duty within the United States, where the processed foods are consigned or addressed to them and are intended for their personal or official use;

(3) To enemy prisoners of war and enemy civilian internees and detainees in the United States, where the processed foods are consigned or addressed to them.

[Sec. 10.10 amended by Amendment 14, 8 F.R. 4921, effective 4-20-43]

SEC. 10.11 *Processed foods may be transferred, point-free, in connection with transfer of a business.* (a) No points need be given up for a sale or transfer of processed foods in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who so buys or acquires processed foods may not use them, but may hold them only for sale or transfer. However, a person who acquires an industrial user establishment may use its stocks up to the amount of any allotment he gets. (The procedure which the transferor and transferee must follow, where an establishment is transferred for continued operation, is covered in Article XI.)

SEC. 10.12 *Processors may transfer point free to allow for spoilage.* (a) In any case in which a processor makes a money allowance to his transferee to cover spoilage of the processed foods transferred, he may, in order to allow for spoilage, transfer to his transferee, without receiving points, processed foods in an amount not exceeding the same percentage of the total amount transferred that the money allowance made is of the total price paid. However, such transfer may not, in any event, exceed one-fourth of one percent of the total amount transferred.

(b) If the actual spoilage of processed foods transferred by a processor exceeds one-fourth of one percent, the transferee may return the spoiled foods to the processor and receive points for the difference between the amount spoiled and any allowance already made. However, if he does not return the spoiled processed foods, he may receive points for that difference only if and to the extent that the processor makes a money adjustment for the spoiled processed foods.

(c) The processor must keep a record of the name and address of each person to whom such point-free transfers and point returns are made, the dates thereof, and the amounts of such transfers and returns.

[Sec. 10.12 added by Amendment 2, 8 F.R. 2681, effective 3-1-43]

SEC. 10.13 *Grower of dry beans, peas, or lentils may transfer them to country shippers point-free.* (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a grower to a country shipper. At the time of the point-free sale or transfer, the country shipper must give to the grower, and the grower must get from the country shipper, a written receipt on which the country shipper's OPA registration number appears.

SEC. 10.14 *Country shipper or grower of dry beans, peas, or lentils may transfer them point-free to growers for seed purposes.* (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a country shipper or grower to a grower, when the transferee acquires the dry beans, peas, or lentils for use as seed.

SEC. 10.15 *Wholesaler or retailer may transfer dry beans, peas, or lentils point-free for seed.* (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a wholesaler or retailer to a person when such person acquires the dry beans, peas, or lentils for use as seed. However, when the transferor sells or transfers, point-free for use as seed, dry beans, peas, or lentils which were in his inventory on March 1, 1943, or which he acquired for points, he shall make and keep a record of the name and address of the transferee, the date of the sale or transfer, and the amounts of dry beans, peas, or lentils transferred point-free for use as seed.

SEC. 10.16 *Dry beans, peas, or lentils may be transferred point-free between country shippers.* (a) No points need be given up for a sale or transfer of dry

beans, peas, or lentils by one country shipper to another country shipper. At the time of the point-free sale or transfer, the country shippers must exchange written receipts and invoices on which their respective names and addresses and OPA registration numbers appear.

[Sec. 10.13 through Sec. 10.16 added by Amendment 9, 8 F.R. 4342, effective 4-2-43]

Article XI—Sale of Business

SEC. 11.1 *Sale or transfer of retail, wholesale, or processor establishment*—(a) *General.* (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retail", "wholesale" or "processor establishment", for continued operation, they must both notify the "board" at which the establishment is registered, or the "Washington Office", if it is registered there. The notice must be given in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and "acquiring" it;

(ii) The point value of the inventory transferred; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for "processed foods" not yet shipped.

This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A (the ration banking order).

(b) *Purchaser of retail or wholesale establishments may get its points.* The purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. (If it is a wholesale establishment, however, he may not use those points to exceed its maximum allowable inventory, except as permitted by section 4.7 (a).) If the establishment has a ration bank account, the transferor is to give all the establishment's points to the transferee by issuing a ration check. If the establishment does not have a ration bank account, the transferor is to give to the transferee the stamps and certificates he has and to endorse and give to the transferee any ration checks he has. (If the transferee is required to have a ration bank account he must deposit all the points in that account. If the transferee is not required to have a ration bank account, he may endorse the checks and use them to get processed foods.)

[Paragraph (b) as amended by Amendment 22, 8 F.R. 5847, effective 5-10-43]

(c) *Seller of processor establishment must give up all points to the Office of Price Administration.* A person who sells or transfers a processor establishment must, within five (5) days after the transfer, turn over to the Washington Office, all points on hand at that establishment and all in its ration bank account. He does so by issuing and sending his certified ration check, payable to the Office of Price Administration, along with his notice of the transfer. (If any of the points represent processed foods not yet shipped, he must attach to his notice a statement showing the amount and the person from whom he got them.)

(d) *Same rules apply to sale of an entire chain.* The rules set forth above also apply to a person who has more than one establishment of a particular kind and who sells or transfers all of them for continued operation. He must give the information, and give up or transfer the points for all the establishments.

(e) *Sale of part of a chain.* Where the seller or transferor also has other establishments of the same kind which are not sold or transferred, the procedure described in paragraph (a) of this section must be followed. However, while the purchaser or transferee may acquire the processed foods inventory of the transferred establishment, he may not acquire its points. In this case, the seller or transferor keeps the points. If he is a "retailer," or "wholesaler," he may use the points with his other establishment of the same kind as the transferred establishment. If he is a "processor," he must give up to the Washington Office, the points received for sales and transfers of processed foods from that establishment at the time that he is required to give up points received by his other processor establishments.

SEC. 11.2 *Sale or transfer of industrial user establishments*—(a) *General.* (1) When an industrial user sells or transfers to any other person the business and inventory of his industrial user establishment, for continued operation, both the transferor and transferee must notify the board at which the establishment is registered. The notice must be in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The point value of the inventory transferred;

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for processed foods not yet shipped.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A.

(b) *Transferor must give up unused points.* The seller or transferor must give up to the board all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points in the form of his certified ration check payable to the Office of Price Administration. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

(c) *Application for allotment by transferee.* The transferee may not use the stocks of processed foods transferred with the establishment unless he receives an allotment. The application for an allotment must be made, on OPA Form R-315, to the board for the place where his principal business office is located, and must state facts showing whether:

(1) The entire establishment, including substantially all the equipment the good will, and the processed foods inventory, has been transferred;

(2) The transferee will continue to serve, from that establishment, the same general class of customers and the same area served by it before the transfer;

(3) The equipment of the transferred establishment will be continued in use after the transfer; and

(4) The transferee will continue to produce, at the establishment, the same product or products, though not necessarily under the same trade name.

The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office (or, where there is none, to the State office).

(d) *Granting of allotment.* If the district (or State) office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (c) are satisfied, it shall assign to the transferee the transferor's allotment and base period use, for that establishment. It shall also give him a certificate for the number of points that the transferor surrendered to the board, or, if the amount of processed foods transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(e) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them, for continued operation.

(f) *Sale of part of a chain.* (1) When the seller or transferor has other industrial user establishments which are not sold or transferred, the procedure described in paragraphs (a) and (c) of this section must be followed, except that the transferor must also apply to the board with which he registered for a redetermination of his allotment and his base period use. The board shall send the application and notices of both parties, and the transferor's registration, to the district office, or, where there is none, to the State office. If the district (or State) office finds that the tests described in paragraph (c) are satisfied, it shall grant an allotment to the transferee and assign to him a base period use. It shall first determine the amount of the transferor's allotment and base period use allocable to the transferred establishment. That base period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment corresponding to the unexpired part of the allotment period. The base period use and the allotment assigned to the transferee shall be deducted from the base period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(g) *Transferee's registration.* A transferee is regarded as registered as soon as the district (or State) office assigns an allotment and base period use to him.

(h) *Use of allotment by transferee.* A transferee may not use an allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (c).

Article XII—New Businesses

SEC. 12.1 *New retail establishments may be opened*—(a) *How stocks are obtained.* A "person" who wishes to open a "retail establishment" after February 1943, may apply for a "certificate" to get stocks of "processed foods" The application must be made, on OPA Form R-315, to the "board" for the place where the establishment will be located. (If he also has a "wholesale" or "processor establishment", he must apply to the "Washington Office", and not to the board.) The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of certificate.* The board (or the Washington Office) will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Registration.* At the end of his first full month of operation, he must register that establishment, on OPA Form R-1302, in the same way that "retailers" register between April 1 and April 10, 1943. He must give all information called for by the form. However, he must show his sales and "transfers" of processed foods from that establishment during his first full month of operation, instead of during March 1943, and must report his point inventory at the end of that month, instead of at the end of March 1943. When he registers, he may get a certificate or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943. He may not, however, be given a certificate for more than the amount by which his allowable inventory exceeds the amount of the certificate given to him when he applied on OPA Form R-315.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the retail establishment has enough stocks, he need not apply on OPA Form R-315. He may begin operation with the stocks he has. However, before making any sales or transfers of processed foods from the establishment after April 10, 1943, he must notify the board for the place where the establishment is located. If he also has a wholesale or a processor establishment, he must notify the Washington Office, instead of the board. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory. At the end of his first full month of operation, he must register the establishment and follow the procedure described in the last paragraph.

SEC. 12.2 *New wholesale establishments may be opened*—(a) *How stocks are obtained.* A person who wishes to open a wholesale establishment after February 1943, may apply for a certificate to get stocks of processed foods. The application must be made to the Washington Office on OPA Form R-315. The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of a certificate.* The Washington Office will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Reports.* Beginning for his first full reporting period of operation, he must file reports for that establishment, on OPA Form R-1310, and follow the same procedure as a "wholesaler" who registered between April 1 and April 10, 1943.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the wholesale establishment has enough stocks, he need not apply on OPA Form R-315. He may begin operations with the stocks he has. However, before making any sales or transfers of processed foods from that establishment after April 10, 1943, he must notify the Washington Office. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory.

SEC. 12.3 *New processor establishments may be opened.* (a) A person who opens a processor establishment which was not in operation during February 1943 must notify the Washington Office before making sales or transfers of processed foods from that establishment. The notice must be in writing and must show:

(1) The name and address of the establishment;

(2) The type of processed foods he produces or imports there;

(3) The inventory of that establishment on the date of the notice.

He must file reports for that establishment, on OPA Form R-1305, beginning for the reporting period in which he started operations there.

[Paragraph (3) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

SEC. 12.4 *In special cases, allotments may be granted for new industrial user establishments.* (a) A person who has or wishes to open an "industrial user establishment" which he did not operate at any time between January 1, 1942 and February 28, 1943, may apply for an allotment. No such application may be granted in any case, unless it is found that:

(1) The operation of the establishment will make a direct contribution to the war effort or is essential to meet civilian needs in the area it will serve; and

(2) The product it will produce cannot be obtained from any other source in the area to be supplied.

(b) The application must be made on OPA Form R-315, to the board for the place where the establishment is or will be located. The application must show:

(1) The product the applicant will make;

(2) The size of the establishment;

(3) The amount he has invested or intends to invest in it;

(4) The market to be supplied;

(5) The kinds and point value of any processed foods he may have for that establishment;

(6) The amount of the allotment requested.

(c) The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office (or, where there is none, to the State office). It may attach its recommendation, if any, as to the action to be taken. The district (or State) office must forward the entire file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

(d) An industrial user who already has an allotment, may not open another industrial user establishment and use his allotment there, unless he applies under this section and is given permission to do so.

Article XIII—Closing of Business

SEC. 13.1 *What a person who closes his establishment must do*—(a) *General.* (1) Any "retailer", "wholesaler", "processor", "country shipper", or "industrial user" who goes out of the business of dealing in or using "processed foods" at his establishment must notify the "board" at which it is registered, or the "Washington Office", if it is regis-

tered there. (A person is considered as going out of the business of dealing in or using processed foods if the foods he deals in or uses at his establishments are removed from the list of processed foods.) The notice must be given in writing within five (5) days after he goes out of the business. It must show:

(i) The name and address of the establishment;

(ii) The point value of its inventory at the time that he ceases doing business in processed foods at that establishment; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points in the hands of his suppliers for processed foods not yet shipped. If he has a ration bank account he must also notify the district office in the way required by General Ration Order 3A (the Ration Banking Order).

[Paragraph (1) as amended by Amendment 47, 8 F.R. 9629, effective 7-19-43]

(2) He must account to the Office of Price Administration for all points he has for the establishment at which he ceased doing business. If all his stocks of processed foods have not been disposed of at the time of the notice, he must account for the rest of the points as soon as the stocks have been liquidated. An industrial user who has given the notice called for above, may sell or "transfer" his unused stocks of processed foods in the same way that a retailer is permitted to make sales or transfers.

(b) *Closing of entire chain.* The rules set forth in paragraph (a) of this section, also apply to a "person" who has more than one establishment of a particular kind and who goes out of business at all of them. He must give the information required, and must give up the points, for all the establishments.

(c) *Closing of part of a chain.* (1) A person who has several retail, wholesale or processor establishments may go out of business at one or more, but may continue to operate the others. In that case, he need not give up points to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues.

(i) If the establishment closed was a "retail establishment", he must notify the board at which it is registered within five (5) days after he closes it. If it is registered at the Washington Office, he must notify that office instead. The notice must be in writing and must give the name and address of the establishment closed.

(ii) If the establishment closed was a "wholesale" or "processor establishment", he must indicate that fact in his next periodic report.

[Paragraph (ii) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(2) A person who has several "industrial user establishments" may go out of business at one or more, but may continue to operate the others. In that case he must notify the board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The board must send the notification and his registration to the district office, or where there is none, to the State office. The district (or State) office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration points equal to the reduction. If he does not have points to give up, the amount of the reduction shall be treated as excess inventory.

Article XIV—Miscellaneous Adjustments

SEC. 14.1 *Retailer may apply for inventory adjustments after March 1943*—(a) *How to apply.* A "retailer" who finds that his allowable inventory is inadequate may apply for an adjustment. The application must be made, on OPA Form R-315, to the "board" with which he registered, or to the "Washington Office", if he registered there. The application must give the following information:

(1) The amount of his allowable inventory;

(2) The reasons why he claims that it is inadequate;

(3) The point value of his sales and "transfers" of "processed foods" during the thirty days before his application, not including exchanges, and transfers from one of his "retail establishments" to another;

(4) The amount of the adjustment which he needs.

He must also give any other information that the board (or the Washington Office) may request.

(b) *Application based on increase of business.* If he asks for a larger inventory because of an increase in business which is not due to regular seasonal variations, his application is to be acted upon in the following way:

(1) The point value of his sales or transfers upon which his allowable inventory was based is determined;

(2) The point value of his sales and transfers of processed foods, during the thirty days before the application is determined;

(3) If the second figure is more than ten percent larger than the first figure, he is to get a "certificate" for the difference between them multiplied by the factor fixed in the supplement to this order for determining retailer allowable inventories;

(4) If the second figure is not more than ten percent larger than the first, his application is to be denied.

(c) *Other applications.* If he asks for a larger inventory for any other reason, a board may not act on the application but must send it, and any other information received, to the district office, or, where there is none, to the State office. The board may attach its recommendation, when it transmits the application. The district (or State) office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.2 *Wholesaler may apply for inventory adjustments after March 1943*—(a) *How to apply.* A "wholesaler" who finds that his maximum allowable inventory is inadequate may apply for an adjustment. The application must be made to the Washington Office, on OPA Form R-315, and must give the following information:

(1) The amount of his maximum allowable inventory for the reporting period in which he applies;

[Paragraph (1) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(2) The reasons why he claims that it is inadequate;

(3) The amount of the adjustment which he needs.

He must also give any other information that the Washington Office may request.

(b) *Action on application.* The Washington Office will act on the application according to the circumstances of the case.

SEC. 14.3 *Wholesalers and retailers may apply for point loans*—(a) *General.* A retailer or a wholesaler may have large seasonal variations in the amount of business that he does. He may therefore need an unusually large inventory at certain times. In other cases due to difficulties of transportation, a retailer or a wholesaler may have a large number of points tied up in the hands of his supplier, for processed foods which he has not yet received. In these situations the retailer or wholesaler may wish to borrow points in order to get enough processed foods to tide himself over. He does not need a permanent adjustment, but simply a loan of points which he can pay back later.

(b) *Application for a point loan.* A retailer or wholesaler may apply for a point loan when he needs more points to get processed foods for a limited period of time, because of uncertainties or delays in transportation or because of seasonal variations in his business. He must apply on OPA Form R-315, to the board with which he is registered (or to the Washington Office, if he is registered there). The application must show:

(1) His allowable inventory;

(2) The reasons he needs a point loan;

(3) The number of points he needs to borrow;

(4) The length of time for which he needs the loan.

He must give any other information that the board (or the Washington Office) requests.

(c) *Action on application.* If he needs a point loan for any of the reasons set forth in the last paragraph, he may be given a certificate for the number of points needed. The loan can be for any period up to two months. He must give back that number of points to the Office of Price Administration, for cancellation, not later than the date set at the time the certificate is issued.

(d) *When Board may not act upon application.* A board may not grant a point loan of more than fifty percent of the applicant's allowable inventory. If more than that is needed, it must send the application, together with all information it received, to the district office or, where there is none, to the State office. It may attach its recommendation as to the action to be taken. The district (or State) office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.4 *Adjustments for lost, destroyed, stolen or spoiled processed foods*—(a) *Lost, destroyed or stolen processed foods*—(1) *How to apply.* Any "person" whose processed foods were lost, destroyed or stolen, or taken away by legal process or order of a court, may apply for a certificate for the number of points needed to replace them. The application must be made on OPA Form R-315. A "consumer" who wants a certificate must apply to the board for the place where he lives. Any other person must apply to the board with which he is registered (or to the Washington Office, if he is registered there). The application must give:

(i) A description of the processed foods he wishes to replace, showing their point value;

(ii) A description of the way in which they were lost, destroyed, stolen, or taken away.

He must also give any other information that the board (or the Washington Office) may request.

(2) *Action on application.* If the board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points needed to replace the foods.

(3) *Recovery of lost or stolen foods.* If the applicant gets back any of the processed foods covered by his application, he must give back to the Office of Price Administration, for cancellation, points equal to the point value of the foods he recovered.

(b) *Spoiled processed foods.* No adjustment, other than that provided in section 10.12 is granted for processed foods which spoiled. Spoiled processed foods not covered in section 10.12 may be replaced only by exchanging them for other processed foods of equal point value. However, a "processor" must account, in his periodic report to the Washington office, for processed foods which spoiled in his hands, or which he took back in an exchange.

[Paragraph (b) amended by Amendment 2, 8 F.R. 2681, effective 3-1-43 and Amendment 35, 8 F.R. 7353, effective 5-31-43]

(c) [Revoked]

[Paragraph (c) revoked by Amendment 2, 8 F.R. 2681, effective 3-1-43]

SEC. 14.5 *Applications may be made for other adjustments*—(a) *How to apply.* Any retailer, wholesaler, processor, country shipper, or industrial user who needs an adjustment in his inventory or allotments, or other relief, may apply, on OPA Form R-315, to the board with which he is registered, or to the Washington Office, if he is registered there. He must state in his application all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the board (or the Washington Office) requests.

[Paragraph (a) as amended by Amendment 47, 8 F.R. 9629, effective 7-19-43]

(b) *Action on application.* A board may not act upon an application under this section. It must send the application, together with all other information received, to the district office, or, where there is none, to the State office. It may attach its recommendation as to the action to be taken. The district (or State) office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.6 *Wholesaler or retailer may apply for points to replace dry beans, peas, or lentils transferred point-free for seed.* (a) Any wholesaler or retailer who sells or transfers, point-free for use as seed, dry beans, peas, or lentils which were in his inventory on March 1, 1943, or which he acquired for points, may apply on OPA Form R-315 to the Board with which he is registered (or to the Washington Office, if he is registered there) for a certificate for the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils so transferred.

(b) The application must contain a statement:

(1) Of the amounts of such dry beans, peas, or lentils sold or transferred point-free for seed purposes;

(2) That the applicant did not receive points for the sales or transfers;

(3) Of the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils sold or transferred point-free for use as seed; and

(4) Of the dates between which the sales or transfers were made. The total number of points for which application is made must not exceed the total point value of the amounts of dry beans, peas, and lentils which were in the applicant's inventory on March 1, 1943, or which he acquired for points and which he sold or transferred point-free for use as seed and of which records are kept as required by section 10.15 (a).

(c) If the Board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points needed to replace the dry beans, peas, or lentils sold or transferred point-free for use as seed.

[Sec. 14.6 added by Amendment 9, 8 F.R. 4342, effective 4-2-43]

SEC. 14.7 *Person acquiring seed beans, peas, or lentils may transfer them as food only for points.* (a) Any person who, for sale or transfer, acquired dry beans, peas, or lentils marked or labeled in accordance with any applicable federal or state seed laws (or, if none is applicable, in accordance with the standards stated in the federal seed law), may transfer them for use as food only if the transferee gives up points equal to the point value of the processed foods so sold or transferred.

(b) Points received for dry seed beans, peas, or lentils, acquired point-free for use or transfer as seed but sold or transferred for use as food, may not be used by the transferor for any purpose. They must, within 5 days of the sale or transfer, be given up to the board for the place where the principal business office of the transferor is located. At the time the points are given up, the transferor must report in writing to the board:

(1) The amounts of dry seed beans, peas, or lentils sold or transferred as food;

(2) The reason that the dry seed beans, peas, or lentils were sold or transferred as food; and

(3) The names and addresses of the persons to whom they were transferred.

[Sec. 14.7 added by Amendment 9, 8 F.R. 4342, effective 4-2-43]

Article XV—Issuance and Use of Certificates

SEC. 15.1 *How certificates are issued*—(a) *By whom issued.* "Certificates" (OPA Form R-1201) may be issued by the "Washington Office", by a "board", by any authorized officer or representative of the Office of Price Administration, or by any "person" authorized by the Office of Price Administration to issue them. Certificates may be issued only in the cases and for the purposes permitted by this or any other order of the Office of Price Administration.

(b) *How certificates are issued.* The person who issues a certificate must insert, in ink, the words "Processed Foods" in the appropriate space and must sign it and fill in:

(1) The number of points for which it is issued;

(2) The name of the person for whom it is issued; and

(3) The expiration date of the certificate, which is 60 days after the date on which it is issued.

A certificate which is not filled out in this way is not good for the acquisition of processed foods and may not be used or accepted for that purpose.

SEC. 15.2 *Certificates are good for a limited time.* (a) A certificate may not be used by the person for whom it was issued after the date shown on its face. However, a "retailer" who "transferred" processed foods for a certificate may use it to acquire processed foods within ten days after the date shown on its face, if he does not have and is not required to have a ration bank account. Any person who has a ration bank account may deposit a certificate (whether it was issued to him, or received by him for a transfer of processed foods) within twenty days after the date shown on its face. A certificate is thus not valid for any purpose more than twenty days after the date shown on its face.

SEC. 15.3 *A certificate must be endorsed.* (a) Before it can be used, a certificate must be signed on the back by the person for whom it was issued, or by a person authorized to sign for him, if he cannot write.

(b) Any retailer, "wholesaler" or "processor" who has transferred processed foods for a certificate must sign his name on the back of the certificate before he can deposit or use it.

SEC. 15.4 [Revoked]

[Sec. 15.4 revoked by Amendment 22, 8 F.R. 5847, effective 5-10-43]

SEC. 15.5 *Names of persons who have been given certificates may be posted.* (a) A board may post at its office the name of any person to whom it has issued a certificate under this order. However, it shall not do so if it would reveal information of a military character, or information which any public law enforcement or investigating agency wishes to keep confidential.

SEC. 15.6 *Certificates are the property of the Office of Price Administration and may be revoked.* (a) All certificates are the property of the Office of Price Administration, whether or not they have been issued.

(b) The Office of Price Administration may suspend, cancel, or revoke any certificate issued if it finds it in the public interest to do so.

SEC. 15.7 *Sugar purchase certificates may be corrected and used as processed foods purchase certificates.* (a) Where no food ration certificates (OPA Form R-1201) are available, sugar purchase certificates (OPA Form R-306) may be used instead, if the word "sugar" in the title is changed to "processed foods", and the rest of the sentence following the applicant's name and address and ending with "Administration" is changed to read "is issued [amount in words] ([amount in numerals]) points of processed foods". In the upper right corner, "not valid before" shall be changed to "not valid after", and the date inserted there shall be 60 days from date of issue. The date in the lower right corner shall be left blank.

[Sec. 15.7 added by Amendment 14, 8 F.R. 4921, effective 4-20-43]

Article XVI—Records, Reports and Inspections

SEC. 16.1 *Records must be kept for two years.* (a) Every "person" must hold, for at least two years, all records which this order requires him to keep.

SEC. 16.2 *Records may be inspected by Office of Price Administration.* (a) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at any time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

SEC. 16.3 *Places where processed foods are kept may be inspected.* (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where "processed foods" are produced, imported or kept. Any person who produces, imports, or has processed foods, must permit such inspection of the place where he produces, imports or keeps them.

SEC. 16.4 *Records and reports are confidential.* (a) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 16.5 *Office of Price Administration may extend time for registration and reports.* (a) The "Washington Office" may, for good cause, give any person additional time to file any registration or report which this order requires him to file. Any person who needs more time for filing a registration or report may apply, in writing, to the Washington Office. He must explain, in his application, why he needs more time. The Washington Office may impose any conditions it finds proper, when it grants such an extension of time.

SEC. 16.6 *Office of Price Administration may require applicants to give information.* (a) The Washington Office, a "board", or a district manager, State director or regional administrator may require any person who files an application or an appeal under this order to appear in person, to bring witnesses and to supply any information needed for passing on his case.

SEC. 16.7 *Persons who produce certain items similar to processed foods must file reports.* (a) Every person, who, for sale or transfer (1) produces jams, jellies, preserves, fruit butters, fountain fruits, pickles or relishes, or (2) cans or bottles fruit or vegetable juices in hermetically sealed containers over one gallon and sterilizes them by the use of heat, or (3) cans condensed or evaporated milk, or meat, or fish or shellfish in hermetically sealed containers sterilized by the use of heat, or (4) packages dried or dehydrated fruits (unless he packages them only for sale or transfer directly to consumers), or (5) packages dried or dehydrated vegetables or meat stocks whether or not in combination with noodles or other similar paste products, for use as a dried soup or soup base, must file periodic reports on OPA Form R-1305. He must give all information as to those items called for by the form.

[Paragraph (a) amended by Amendment 16, 8 F.R. 5342, effective 4-27-43, Amendment 28, 8 F.R. 5181, effective 5-17-43, Amendment 35, 8 F.R. 7353, effective 5-31-43, Amendment 36, 8 F.R. 7490, effective 6-6-43 and Amendment 46, 8 F.R. 9459, effective 7-14-43]

(b) The first report is for February 1943 and must be filed, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., not later than March 10, 1943. Reports for subsequent reporting periods must be filed not later than eight days after the end of the period.

[Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

Article XVII—Additional Records To Be Kept by Chains

SEC. 17.1 *Chains must keep records of transfers of stocks and points between establishments.* (a) Every "person" who has more than one "retail", "wholesale" or "processor establishment" must keep at each establishment (or at the place exercising immediate supervision over that establishment) a record in any convenient form, which shows:

(1) The amount of "processed foods" "transferred" from and "acquired" by that establishment, the date of each transfer or acquisition, and the name and address of the establishment to which the processed foods were transferred, or from which they were acquired. The record must show the amount of processed foods which were transferred and acquired, either by items and sizes, or by point value. (However, no such records need be kept for transfers of processed foods to "consumers"); and

(2) The number of points received for transfers of processed foods from that establishment, the disposition of those points, and the dates of their disposition. If the records are kept at the place exercising immediate supervision over one or more establishments, a list must also be kept at that place, showing the address of each establishment whose records are kept there.

[Paragraph (a) as amended by Amendment 33, 8 F.R. 7268, effective 6-4-43]

(b) In addition, he must keep for each ration bank account used by him for more than one establishment, a record showing the number of points deposited in that account by and for each such establishment, and the dates of the deposits.

Article XVIII—Appeals

SEC. 18.1 *Persons directly affected by action taken under this order can appeal.* (a) Any "person" directly affected by the action of a "board", district manager, state director or regional administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation No. 9 of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under sections 12.4 or 14.5, except action taken by a board, district, State, or regional office which has been authorized by the Office of Price Administration to grant or deny such application.

[Paragraph (b) as amended by Amendment 14, 8 F.R. 4921, effective 4-20-43]

Article XIX—Miscellaneous Rules and Prohibitions

SEC. 19.1 *Additional prohibitions.* (a) No "person" shall use points unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall "transfer", "acquire", use or possess "processed foods" except in a way permitted by this or any other order of the Office of Price Administration.

(c) No person shall give or transfer points, a "stamp" or a "certificate" to any other person, except in a way permitted by this or any other order of the Office of Price Administration.

(d) No person may transfer processed foods for a stamp, certificate or ration check if he knows or has reason to believe that it is not valid or that the person tendering it is not entitled to use it.

(e) No person shall have a stamp, certificate or ration check in his possession except the person (or agent of the person) to whom it was issued or by whom it was acquired in a way permitted by this or any other order of the Office of Price Administration.

(f) No person shall deface, mutilate, or destroy any stamp, certificate or ration check, except where permitted by this or any other order of the Office of Price Administration. A defaced or mutilated stamp, certificate or ration check is not valid for any purpose.

(g) No person shall counterfeit, forge, or alter a stamp, certificate or ration check, and no person shall transfer, acquire, possess or use a counterfeited, forged or altered stamp, certificate or ration check.

(h) No person shall offer, solicit, attempt or agree to do, or assist in doing, any act in violation of this order.

(i) Paragraphs (b), (c), (e), (f) and (g) of this section do not apply to public officials who do any of those acts in the performance of their public duties.

(j) No person shall, in any registration, report, application, or other statement or record made pursuant to or required by this order, make any untrue statement of fact, or omit to state any fact which is required to be stated or which is necessary to make a statement not misleading.

(k) No person shall, after demand, withhold a stamp, certificate or ration check from the person who is entitled to have it.

(l) No person shall sell or transfer any item of processed foods at a price in excess of the applicable maximum price established for that item by the Office of Price Administration.

(m) Beans, lentils, or peas acquired point-free for use as seed shall not be used by any person as food.

[Paragraph (m) added by Amendment 4, 8 F.R. 2943, effective 3-8-43]

SEC. 19.2 *Stamps and certificates may not be taken by legal process or acquired by will.* (a) No stamp, certificate or ration check, or any interest in it, may be taken or seized by judicial process or by any court order. However, a person to whom a War Ration Book Two or a certificate has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

SEC. 19.3 *Office of Price Administration must be notified of legal proceedings.* (a) Any person who has a stamp, certificate or ration check must notify the district office of the Office of Price Administration immediately after the beginning of any legal proceeding involving that stamp, certificate or check.

SEC. 19.4 *General Ration Order 5 governs whenever inconsistent with this order.* (a) If any provision of this order is inconsistent with the provisions of General Ration Order 5, the provisions of General Ration Order 5 shall govern, and shall supersede the provisions of this order to the extent that they are inconsistent.

[Sec. 19.4 added by Amendment 2, 8 F.R. 2681, effective 3-1-43]

Article XX—Suspension Orders

SEC. 20.1 *Office of Price Administration may issue suspension orders.* (a) Any "person" who violates this order may, by administrative suspension order, be prohibited from receiving any "transfer" or delivery of, or from selling or using or otherwise disposing of, any "processed food" or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

Article XXI—Definitions

SEC. 21.1 *Definitions.* (a) When used in this order:

(1) "Acquire" means to accept a "transfer" or to get possession or title in any other way.

(2) "Board" means a war price and rationing board established by the Office of Price Administration.

(3) "Certificate" means a certificate on OPA Form R-1201, or on OPA Form R-306 revised in accordance with section 15.7.

[Paragraph (3) as amended by Amendment 14, 8 F.R. 4921, effective 4-20-43]

(4) "Consumer" means any "person" who "acquires" "processed foods" for personal use, or for use at a table at which he eats.

(5) "Industrial user" means any "person" who has an "industrial user establishment".

(6) "Industrial user establishment" means any place where a "person" uses "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food. It also includes any place (except places where processed foods are used for sampling or demonstration in accordance with section 10.9) at which processed foods are used for experimental, educational, testing or demonstration purposes.

[Paragraph (6) as amended by Amendment 10, 8 F.R. 4525, effective 4-12-43]

(7) "Institutional user" means any "person" who has an "institutional user establishment".

(8) "Institutional user establishment" means an institutional user establishment as defined in General Ration Order 5. (With certain exceptions, it means any place where a "person" uses a rationed food in the preparation of food which he serves to "consumers", or in the service of food to consumers.)

(9) "Person" means not only an individual, but also a partnership, corporation, association, or business trust. It includes a government, government agency and any other organized group or enterprise.

(10) "Processed foods" means:

(i) The following fruits, fruit juices, vegetables, vegetable juices, soups, and baby foods in hermetically sealed containers of any type and sterilized by the use of heat:

FRUITS (INCLUDING PICKLED, SPICED, OR BRANDIED)

Apples (including crabapples).
Applesauce.
Apricots.
Berries.
Cherries.
Cranberries or sauce (whole, strained, or jellied).
Figs.
Fruit cocktail, fruits for salad, or mixed fruits.
Grapefruit.
Peaches.
Pears.
Pineapple.
Plums.
Prunes.

FRUIT JUICES

Citrus juices.
Apricot, peach, or pear juice or nectar.
Grape juice.
Pineapple juice.
Prune juice.

VEGETABLES

Asparagus.
Beans, all types and varieties (including soaked dry beans, pork and beans, lentils, etc.).
Beets (including pickled).
Carrots.
Chili sauce.
Corn.
Greens, leafy (including only beet, collard, dandelion, kale, mustard, poke, or turnip).
Mixed vegetables (containing over 20% by volume of vegetables listed under this subdivision).
Mushrooms.
Peas.
Pumpkin.
Sauerkraut.
Spinach.
Squash.
Tomatoes.
Tomato catsup.
Tomato paste.
Tomato pulp or puree.
Tomato sauces (containing over 5% dry tomato solids).

VEGETABLE JUICES

Tomato juice.
Vegetable juice combinations (containing 70% or more of tomato juice.)

SOUPS

All concentrated canned or bottled soups.
All ready-to-serve (not concentrated) canned or bottled soups.

BABY FOODS

All canned or bottled types and varieties (including custards).

(ii) The following frozen fruits, berries, juices and vegetables:

FRUITS, BERRIES, AND JUICES

Apples.
Apricots.
Blackberries.
Boysenberries.
Cherries.
Currants.
Dewberries.
Gooseberries.
Grapes.
Loganberries.
Olympicberries.
Peaches.
Plums.
Prunes.
Strawberries.
Youngberries.
All other fruits and berries not specifically listed.
All fruit juices.

VEGETABLES

Beans, baked.
Beans, green (all styles).
Beans, lima (all varieties).
Corn, cut.
Corn on the cob.
Greens, leafy.
Peas.
Spinach.
All other vegetables and vegetable combinations.

(iii) Dry beans, peas, and lentils.

NOTE: Foods in the above group which are not covered by this order are listed in Appendix A. The foods listed in Appendix A are not "processed foods" as that term is used.

[Paragraph (10) amended by Amendment 1, 8 F.R. 2238, effective 2–21–43, Amendment 3, 8 F.R. 2684, effective 3–1–43, Amendment 24, 8 F.R. 5757, effective 5–1–43, Amendment 32, 8 F.R. 7267, effective 6–6–43 and Amendment 43, 8 F.R. 9216, effective 7–4–43]

(11) "Processor" means any "person" who has a "processor establishment".

(12) "Processor establishment" means any place where a "person" produces "processed foods" for sale or "transfer". This does not apply, with respect to dry beans, peas, or lentils, to "growers" or to "country shippers". A person is considered to "produce" if he:

(i) Bottles, cans or packs fruits, fruit juices, vegetables, vegetable juices, soups or baby foods, in hermetically sealed containers and sterilizes them by the use of heat; or

(ii) Packs and freezes fruits or vegetables; or

(iii) [Revoked]

[Paragraph (iii) revoked by Amendment 16, 8 F.R. 5342, effective 4–27–43]

(iv) Packs fruit or vegetable juices from containers over one (1) gallon into hermetically sealed containers of one (1) gallon or less and sterilizes them by the use of heat; or

(v) [Revoked]

[Paragraph (v) revoked by Amendment 36, 8 F.R. 7490, effective 6–6–43]

(vi) Precooks dry beans, peas, or lentils; or

(vii) [Revoked]

[Paragraph (vii) revoked by Amendment 28, 8 F.R. 5181, effective 5–17–43]

(viii) Uses processed foods to produce other processed foods.

The term "processor establishment" also means any place to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer. It also includes a place at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only processed foods which he himself produced or imported. Finally, there is one case in which a place where a person keeps stocks of processed foods produced or imported by someone else is a processor establishment. If he keeps those stocks at that place just to use them to produce other processed foods, that place is a processor establishment.

[Paragraph (12) amended by Amendment 9, 8 F.R. 4342, effective 4–2–43]

(13) "Retail establishment" means any place, (other than a "processor establishment") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". Even if the amount sold or transferred from there directly to consumers is fifty per cent or less, it is still a retail establishment in the following case:

(i) If some of those stocks are transferred directly to consumers; and

(ii) If he keeps the rest of the stocks just to supply his own establishments; and

(iii) If no "wholesale establishment" and not more than three retail establishments are supplied from there.

(14) "Retailer" means any "person" who has a "retail establishment."

(15) "Stamp" means a blue stamp in, or taken from War Ration Book Two.

(16) "Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, and any movement of goods from one establishment to another. The use by any "person" of "processed foods" which he holds for sale or transfer is considered a transfer of those foods to himself. However, delivery to a carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

(17) "Washington Office" means the national headquarters of the Office of Price Administration, in Washington, D. C.

(18) "Wholesale establishment" means any place (other than a "processor establishment" or a place at which dry beans, peas, or lentils are kept by a "grower" or "country shipper") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if fifty percent or more of those stock are transferred from there directly to persons other than "consumers". However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies;

(i) At least one of his wholesale establishments; or

(ii) At least four of his "retail establishments".

[Paragraph (18) as amended by Amendment 9, 8 F.R. 4342, effective 4–2–43]

(19) "Wholesaler" means any "person" who has a "wholesale establishment".

(20) "Country shipper" means:

(i) The first "person" who "acquires" dry beans, peas, or lentils from a "grower" for purposes of sale or "transfer" if such person is regularly engaged in the distribution of dry beans, peas, or lentils and if more than fifty percent of the dry beans, peas, and lentils sold or transferred by him are sold or transferred to persons other than "consumers", "retailers", or "industrial" or "institutional users";

(ii) A person who imports dry beans, peas, or lentils for purposes of sale or transfer.

(21) "Grower" means any "person" who, for sale or "transfer", grows or produces dry beans, peas, or lentils for his own account or for the account of himself and others. Such person is a grower with respect to the dry beans, peas, and lentils grown or produced by him. However, if he is a "country shipper", he is a country shipper even with respect to the dry beans, peas, and lentils grown or produced by him.

[Paragraphs (20) and (21) added by Amendment 9, 8 F.R. 4342, effective 4–2–43]

Article XXII—Exports

SEC. 22.1 *Processed foods may be exported point-free.* (a) Any "person" who exports "processed foods" to any foreign country or to any territory or possession of the United States (other than the District of Columbia) need not receive points for the export.

SEC. 22.2 *Points may be obtained to acquire processed foods for export.* (a) A person who needs points with which to "acquire" processed foods for export to any foreign country or to any territory or possession of the United States (other than the District of Columbia), may apply, on OPA Form R–315, to the district office (or, where there is none, to the State office) for the place where his principal business office is located. The application must show:

(1) His name and business address;

(2) The port (or other shipping point) from which they will be shipped, and the method of shipment;

(3) The name and address of the person to whom the foods are to be exported; and

(4) The number of points needed.

He must also give any other information which the district (or State) office may request. However, military or naval information which is secret in nature need not be disclosed.

(b) If the district (or State) office finds that the processed foods will be acquired for export, it shall issue a "certificate" for the number of points needed.

(c) No person may use processed foods acquired for a certificate issued under this section, for any purpose other than export to a foreign country or to a territory or possession of the United States (other than the District of Columbia). However, if he is unable to export them, he may dispose of them by sale or transfer in the way a "retailer" is permitted to do so under this order. Immediately after such a sale or transfer, he must give up to the district (or State) office all points received for them.

SEC. 22.3 *Exporter must account for all processed foods exported.* (a) Any person who exports processed foods (other than a "consumer" who acquired them with his "stamps") must submit a copy of a Shippers' Export Declaration (Commerce Form 7525) to the Office of Price Administration within seven days after the export. The declaration must contain a list of the processed foods exported and must contain a signed statement by an authorized customs official that, to the best of his knowledge and belief, those processed foods were exported by such person. A "processor", or a "wholesaler" who did not receive an advance of points under section 22.2 must mail the declaration to the "Washington Office" along with his report for the reporting period in which he exported the processed foods. Any other person must send the declaration to the district (or State) office.

[Paragraph (a) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(b) If the foods were consigned to an agency of the United States and no Shippers' Export declaration was filed at the time of the shipment the exporter may submit, instead of the Declaration, a bill of lading, manifest, or other satisfactory evidence that the foods were actually exported.

(c) A person who received an advance of points under section 22.2 must account to the district (or State) office within thirty days for all the points he received. At that time he must return any points which he did not use to acquire processed foods for export. If, within that time, he exported all the processed foods which he acquired with the points received, he need only submit the declaration or other evidence of export.

(d) A retailer or wholesaler who exported processed foods and who did not receive an advance of points under section 22.2 may, when he submits the declaration or other evidence of export, apply on OPA Form R–315 for points equal to the point value of the processed foods he exported. If the district (or State) or the Washington office finds that the stated amount of processed foods was exported by the applicant and that he has not already received points with which to acquire or replace them, it shall issue a certificate to him for the number of points of processed foods which he exported.

(e) An agency of the United States which has exported processed foods need not submit a declaration or other evidence of export, and need not account for an advance of points under section 22.2.

[Article XXII added by Amendment 2, 8 F.R. 2681, effective 3–1–43]

Article XXIII—Exempt Agencies; Ships' Stores; Governmental Investigatory Agencies

SEC. 23.1 *Exempt agencies may acquire processed foods.* (a) Nothing in this order restricts the amounts of "processed foods" which may be "acquired" by the Army, Navy, Marine Corps or Coast Guard of the United States or by the War Shipping Administration, Office of Lend-Lease Administration or Food Distribution Administration. (These agencies are referred to in this order as "exempt agencies" and are exempt agencies for the purpose of General Ration Order 3B.) In addition, the Army Exchange Service, to the extent it acquires processed foods for export to a foreign country or a territory or possession of the United States (except the District of Columbia), and ships' service departments afloat, are exempt agencies under this order and General Ration Order 3B, and may acquire processed foods without restriction as to quantity.

SEC. 23.2 *How exempt agencies acquire processed foods.* (a) Each of the agencies listed in section 23.1 is authorized to open one or more exempt ration bank accounts of the type described in General Ration Order 3B. Processed foods may be "transferred" to and acquired by these agencies only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred. However, processed foods may be transferred between or within these agencies without the surrender of points.

(b) Any "person" who transfers processed foods to any of these agencies must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

[Paragraph (b) as amended by Amendment 47, 8 F.R. 9629, effective 7–19–43]

(c) If for any reason a ration check cannot be used when one of these agencies acquires processed foods, an emergency acknowledgment shall be given to the transferor, instead of a check. This acknowledgment may be in any form, but must show the name of the agency, the name and address of the activity within the agency for which the processed foods are acquired, the name and address of the activity to which the emergency acknowledgment must be sent for replacement by a ration check, the point value of the processed foods acquired, and the date of acquisition. The acknowledgment must be signed by an authorized officer or employee of the agency, and must show his official title or rank. A person to whom such an acknowledgment is given may not exchange it at a "board" or use it to acquire processed foods but must send it to the agency activity designated thereon, and a ration check for the amount of processed foods transferred shall be given to him in exchange for the acknowledgment.

SEC. 23.3 *Post exchanges and ships' service departments ashore may acquire processed foods for points.* (a) Processed foods may be transferred to and acquired by Army exchanges, post exchanges of the Marine Corps, ships' service departments ashore of the Navy and Coast Guard, commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred, without regard to who transfers them. However, these activities may not

open ration bank accounts with unlimited drawing privileges of the type described in General Ration Order 3B. Points needed by these activities for the acquisition of processed foods will be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard and the Marine Corps, and the Training Organization of the War Shipping Administration. (The issuance of points for use by Army exchanges, post exchanges and ships' service departments ashore for the acquisition of processed foods for institutional use is covered by General Ration Order 5.)

[Paragraph (a) amended by Amendment 41, 8 F.R. 9012, effective 7-1-43 and Amendment 50, effective 8-13-43]

(b) Points may be transferred freely without a transfer of processed foods among ration bank accounts maintained for Army exchanges, among accounts maintained for post exchanges, among accounts maintained for ships' service departments ashore of the Navy, among accounts maintained for commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and among accounts maintained for ships' service departments ashore of the Coast Guard.

[Paragraph (b) as amended by Amendment 50, effective 8-13-43]

(c) During March 1943, Army exchanges, Post Exchanges, Ships' Service Departments Ashore, and similar designated activities, may, if ration checks are unavailable, use emergency acknowledgments to acquire processed foods, in the way described in section 23.2 (c). An emergency aknowledgment issued under this section may not be used by the person to whom it was issued to acquire processed foods, but must be exchanged for a ration check at the activity designated thereon.

SEC. 23.4 *Sales commissaries, post exchanges and ships' service departments ashore may transfer processed foods for points.* (a) Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, and any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Coast Guard and the Food Distribution Administration may transfer processed foods only in exchange for points in the same way as "retailers" are permitted to make transfers under this order. However, they are not required to register as retailers, "wholesalers", or "processors".

(b) All points so received by Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, or any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Guard Guard or by the Food Distribution Administration must be deposited in the ration bank accounts maintained for them. These points may then be used to acquire other processed foods.

[Paragraphs (a) and (b) as amended by Amendment 50, effective 8-13-43]

SEC. 23.5 *Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.* (a) Allotments of processed foods for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

[Sec. 23.5 as amended by Amendment 21, 8 F.R. 5819, effective 5-8-43]

SEC. 23.6 *Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.* (a) Any "industrial user" who, before July 1, 1943, transfers to any exempt agency any products which he manufactured after February 28, 1943, in the manufacture of which he used processed foods may apply to and obtain from his board a "certificate" equal in point value to the processed foods used by him in such products. The application shall be made on OPA Form R-315, on or before August 1, 1943, and shall set forth the nature and amount of the products, the time when the products were manufactured, the date when such products were transferred and the amount of processed foods he used in such products. The application shall be accompanied by such evidence of transfer to the exempt agency as the board may require. If a certificate is issued under this section, the industrial user's allotment for the allotment period in which it is issued shall be considered increased by the amount of the certificate.

(b) Any industrial user who used a processed food in products which are acquired on or after July 1, 1943, by any of the designated agencies covered by General Ration Order 11, may apply for replacement or advance of such processed foods under the conditions and in accordance with the procedure set forth in General Ration Order 11.

[Sec. 23.6 as amended by Amendment 41, 8 F.R. 9012, effective 7-1-43]

SEC. 23.7 *Ships' stores for ocean-going vessels*—(a) *The owner of the vessel must get a statement from the collector of the customs.* Any person who operates an ocean-going vessel engaged in the transportation of cargo or passengers in foreign, coastwise, or intercoastal trade, and who needs processed foods as ships' stores, must get a statement signed by the Collector of the Customs (or his deputy) authorizing the operator of the vessel (or his agent) to acquire a specified amount of processed foods as ships' stores.

(b) *Acquisition of the processed foods by the owner of the vessel.* The operator of the vessel (or his agent) may, without giving up points, acquire processed foods up to the amount shown on the Customs Collector's statement, by giving the statement to the person from whom he acquired the processed foods.

(c) *Transfer of processed foods to the owner of the vessel.* In exchange for the Customs Collector's statement, any retailer, wholesaler, or processor may, without getting points, transfer processed foods to the operator of the vessel (or his agent) up to the amount specified on the statement. A retailer or wholesaler may then exchange the Customs Collector's statement for a certificate, at his board. He must attach to the statement a signed receipt, invoice, or other evidence to prove the transfer of the processed foods. If the board is satisfied that the processed foods were transferred as ships' stores, it shall issue a certificate to the retailer or wholesaler for the number of points needed to replace the processed foods transferred. A processor must send the Customs Collector's statement and the attached receipt or other evidence with his monthly report (on OPA Form R-1305) to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

SEC. 23.8 *Governmental investigatory agencies may acquire processed foods needed in their investigations.* (a) An investigatory agency of the United States or of any State or local government which needs processed foods in order to perform its inspections or investigations may apply for points to acquire them. The application must be in writing, on an official letterhead of the agency (if any is available), and must state the name of the agency, the purpose for which points are needed, the period during which they are needed, and the number of points required. An agency of the United States may make its application to the Washington Office, or to any district or State office. An agency of a State or local government shall apply to the district office (or, where there is none, to the State office). If the district, State, or Washington Office finds that points are needed in order to carry on the investigatory activities of the agency, it shall issue one or more certificates for the number of points required.

(b) The Food and Drug Administration of the Federal Security Agency (which is hereby designated an exempt agency for this purpose) may open one or more exempt ration book accounts of the type described in General Ration Order 3B. However, it may issue ration checks against those accounts only to acquire processed foods which are needed for inspection or investigation.

(c) Any government agency which acquires processed foods for purposes of inspection or investigation may, after they have served the purpose for which they were acquired, dispose of them to any federal, state or local institution without receiving points for them. The institution which receives the processed foods shall report in writing the amount received and the date on which it was received to the district (or State) office for the area in which it is located. Its allotment shall not be regarded as increased by such acquisition.

[Paragraph (c) as amended by Amendment 37, 8 F.R. 7589, effective 6-10-43]

[Article XXIII added by Amendment 2, 8 F.R. 2681, effective 3-1-43. Article heading added by Amendment 18, 8 F.R. 5342, effective 4-22-43]

Article XXIV—Growers and Country Shippers of Dry Beans, Peas, and Lentils

SEC. 24.1 *Explanation of terms grower and country shipper with respect to dry beans, peas, and lentils*—(a) *Grower.* Any "person" who, for sale or "transfer", grows or produces dry beans, peas, or lentils for his own account or for the account of himself and others, is a "grower" with respect to the dry beans, peas, and lentils grown or produced by him. However, if he is a "country shipper", he is a country shipper even with respect to the dry beans, peas, and lentils grown or produced by him.

(b) *Country shipper.* A country shipper is:

(1) The first person who "acquires" dry beans, peas, or lentils from a grower for purposes of sale or transfer if such person is regularly engaged in the distribution of dry beans, peas, or lentils and if more than fifty percent of the dry beans, peas, and lentils sold or transferred by him are sold or transferred to persons other than "consumers", "retailers", or "industrial" or "institutional users"; or

(2) A person who imports dry beans, peas, or lentils for purposes of sale or transfer.

NOTE: Such person is a country shipper whether he acquires the dry beans, peas, or lentils by warehouse receipt, or otherwise. A person operating a warehouse in which dry beans, peas, or lentils are sorted or cleaned for the account of another person is not a country shipper unless the warehouseman acquires title to the dry beans, peas, or lentils.

(c) *Country shipper may not be grower, processor, or wholesaler.* A person who is a country shipper may not be a grower, "processor", or "wholesaler" with respect to dry beans, peas, or lentils, nor may he include dry beans, peas, or lentils in the inventory or transfers of any of his "processor" or "wholesale establishments". Any country shipper of dry beans, peas, or lentils who is also a processor of other "processed foods" is covered by Article III with respect to the other processed foods and by Article XXIV with respect to dry beans, peas, or lentils.

(d) *A person who is a country shipper or a grower and also a retailer must be treated as two separate persons.* A person who has a "retail establishment" and who is also a country shipper or a grower must be treated as two separate persons.

SEC. 24.2 *Country shippers must register and file reports*—(a) *Registration.* Every country shipper of dry beans, peas, or lentils must register with the Office of Price Administration by filing OPA Form R-1303 at any time before April 20, 1943. The form must be completed and signed by the country shipper or his authorized agent.

(b) *Reports.* Every country shipper of dry beans, peas, or lentils must file a monthly report, also on OPA Form R-1303, covering his operations during the month before. The reports must be signed by him or his authorized agent. His first report will cover March 1943, and will be his registration. Reports for each subsequent month must be filed within 20 days after the end of the month. Any country shipper of dry beans, peas, or lentils who is also a processor of other processed foods must file reports on both OPA Form R-1305 and OPA Form R-1303.

[Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(c) *Some country shippers need not file reports for months after March 1943.* A country shipper of dry beans, peas, or lentils who handled less than 10,000 pounds of dry beans, peas, and lentils during 1942 must register but need not file a report for any month after March 1943. However, if the dry beans, peas, and lentils transferred by him in 1943 reach a total of 10,000 pounds, he must file reports beginning for the month in which that figure was reached.

(d) *Country shippers must give information called for by form.* Country shippers of dry beans, peas, or lentils must give all the information called for by OPA Form R-1303.

(e) *Registration and reports must be filed in Washington.* The country shipper's registration and monthly reports must be filed by mailing OPA Form R-1303 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

SEC. 24.3 *Country shipper is given a registration number.* (a) After a country shipper of dry beans, peas, or lentils has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each report, invoice, or similar document prepared in connection with any sale or transfer by him of dry beans, peas, or lentils. (A country shipper who is also a processor of other processed foods will receive two registration numbers. He will receive one registration number as a processor when he registers by filing OPA Form R-1305. That number must be used on his documents prepared in connection with his sales or transfers of processed foods other than dry beans, peas, and lentils He will receive a different registration number when he registers by filing OPA Form R-1303. That second number must be used on his documents prepared in connection with his sales, transfers, and acquisitions of dry beans, peas, or lentils.)

SEC. 24.4 *Country shipper may not do business if he does not register and file reports.* (a) No country shipper may transfer or acquire dry beans, peas, or lentils after April 20, 1943 unless he has registered in the manner required.

(b) No country shipper may transfer or acquire dry beans, peas, or lentils after any date on which a report is due from him, unless he has filed that report.

SEC. 24.5 *Country shippers must report their inventories.* (a) As part of his registration and monthly reports, a country shipper must report his inventory.

(b) A country shipper's inventory consists of all dry beans, peas, and lentils owned or possessed by him, or in transit to him. However, the following items are not part of that inventory:

(1) Dry beans, peas, or lentils stored for the account of persons other than his purchasers or transferees;

(2) Dry beans, peas, or lentils held by him as security for a loan made by him to another (or similar transaction); or

(3) Dry beans, peas, or lentils in transit to him for either of those purposes.

SEC. 24.6 *A country shipper must turn over the points he receives to the Washington office.* (a) A country shipper of dry beans, peas, or lentils is not permitted to buy or acquire processed foods with the points he gets for sale or transfer of dry beans, peas, and lentils which were part of the inventory reported by him, except for one purpose: to get back dry beans, peas, or lentils which he sold or transferred.

[Paragraph (a) as amended by Amendment 47, 8 F.R. 9629, effective 7-19-43]

(b) A country shipper must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of dry beans, peas, and lentils. Not later than the 20th day of every month he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the month before. A country shipper who is required to file monthly reports on OPA Form R-1303, must attach his check to the report. A country shipper who does not have to file monthly reports must send his check in a sealed envelope, enclosing a statement showing his name, principal business address, and registration number.

(c) A country shipper who used some of those points to get back dry beans, peas, or lentils which he transferred must issue and send his check for the rest. He must enclose with his check a statement giving the name of the person who returned the dry beans, peas, or lentils and their point value.

SEC. 24.7 *A country shipper must keep records.* (a) Beginning April 1943, every country shipper of dry beans, peas, or lentils must keep at his principal business office a record showing:

(1) All dry beans, peas, and lentils acquired by him;

(2) All dry beans, peas, and lentils sold or transferred for points;

(3) All dry beans, peas, and lentils sold or transferred for purposes of seed;

(4) All dry beans, peas, and lentils sold or transferred point-free to other country shippers; and

(5) All weight adjustments.

(b) He must also keep, at his principal business office, a copy of his registration and of his monthly report on OPA Form R–1303 (if any are required).

(c) In addition, at the time of any change in the point value of dry beans, peas, or lentils, every country shipper must make a record of the amount of that item which he has in his inventory. The record must show the point value of the item before and after the change and the amount by which the point value of his inventory was increased or decreased as a result.

SEC. 24.8 *Country shippers must open a ration bank account.* (a) Every country shipper must open at least one ration bank account for his operations in dry beans, peas, and lentils. If he has more than one business office, he may, if he wishes, open a separate account for each or for any group of them.

SEC. 24.9 *Growers who sell or transfer dry beans, peas, or lentils to persons other than country shippers must do so only for points.* (a) Any grower, who sells or transfers dry beans, peas, or lentils directly to persons other than country shippers, must do so only for points equal to the point value of the dry beans, peas, and lentils sold or transferred.

(b) Points, received by a grower as a result of sales or transfers of dry beans, peas, or lentils directly to persons other than country shippers, may not be used by the grower for any purpose. They must, between the 1st and 10th days of the following month, be given up to the "Board" for the place where the dry beans, peas, or lentils were grown.

[Article XXIV added by Amendment 9, 8 F.R. 4342, effective 4–2–43]

Article XXV—Acquisition of Processed Foods by Residents of Mexico

SEC. 25.1 *Residents of Mexico may acquire processed foods in the United States.* (a) Any "person" who resides in Baja California, Mexico, within ninety kilometers of the border between Mexico and the United States, or in any other part of Mexico within twenty kilometers of that border, may apply for points to "acquire" "processed foods" in the United States. The application must be made, in person, on OPA Form R–183, to the "board" whose office is nearest his customary point of entry into the United States, or if the applicant is unable to apply to the board because of inadequacy of transportation, to the customs officer in charge of his customary point of entry. A single application must be made by the applicant for himself and for all members of his "family unit" (that is, for all persons living in his household who are related to him by blood, marriage, or adoption) who wish to acquire processed foods. An application may be made by a person under 18 years of age only if he is the head of a household or is not a member of a family unit. However, anyone who can complete the application may sign or present it as agent for an applicant who is unable to appear.

(b) The application must be signed by the applicant or his agent and must show:

(1) His name, address and age;

(2) The names and ages of all persons living in his household who are related to him by blood, marriage or adoption and who wish to acquire processed foods;

(3) The name and address of the "retailer", "wholesaler", "processor", "country shipper", or "grower" from whom the processed foods are to be acquired; and

(4) The serial number of the Non-Resident Alien's Border Crossing Identification Card, if any, or of the passport, if any, bearing either a visa for entry into the United States or a notation showing that such a visa has been issued for use by the applicant, and of any cards or passports issued for use by the persons included in the application. The applicant shall present them, if any have been issued, to the board (or Customs Officer) at the time he makes his application. He shall also give any other information which the board or Customs Office may request.

[Paragraph (4) as amended by Amendment 42, 8 F.R. 9012, effective 7–1–43]

(c) If the board (or Customs Officer) finds that the persons covered by the application reside in Mexico, within the area described in paragraph (a), and desire to acquire processed foods in the United States, it shall grant the application and shall issue yellow punch cards (OPA Form R–184) as provided in this article. (Applicants who have received certificates for a period prior to July 1, 1943, may obtain yellow punch cards for a subsequent period by returning to the board (or Customs Officer) the duplicate copies of such certificates, in accordance with paragraph (m).)

(d) The monthly ration of processed foods for each of the persons for whom the application is granted shall be 48 points. Yellow punch cards shall be issued for periods of two calendar months, beginning July 1, 1943. However, a card shall be issued for only one calendar month, if it is issued in August 1943 or in any second month thereafter, unless it is then issued for the next two month period. The full monthly ration shall be allowed for the month in which the application is made regardless of the time of the month when it is made, if a ration is desired for that month.

(e) One yellow punch card shall be issued for all persons included in the application. However, if there are more than 5 such persons, one additional yellow punch card shall be issued for each additional 5 persons or less. The board (or Customs Officer) shall indicate the number of persons for whom the card is issued by perforating the appropriate box on the top of the card. For each person fewer than 5 for whom a card valid for two months is issued, the board (or Customs Officer) shall remove two of the horizontal strips, each containing the numbers 1 to 48, starting at the bottom of the card. For each person fewer than 5 for whom a card valid for one month is issued, the board (or Customs Officer) shall remove horizontal strips starting at the bottom of the card, in sufficient number to leave as many strips attached to the card as there are persons for whom the card is issued.

(f) The board (or Customs Officer) shall indicate the period for which the yellow punch card is valid by perforating the appropriate boxes under the words "Ration for". The name and address of the applicant and of the retailer, wholesaler, processor, country shipper or grower from whom the processed foods will be acquired shall be written by the board (or Customs Officer) in the spaces on the card provided for that purpose. If the applicant has a Non-Resident Alien's Border Crossing Identification Card, or passport bearing either a visa for entry into the United States or a notation showing that such a visa has been issued, the board (or Customs Officer), at the time a yellow punch card is issued, shall endorse the letter "R" upon these immigration papers and upon the immigration papers, if any, of the other persons included in the application. A validation stamp (OPA Form R–123) shall be pasted on the reverse side of each yellow punch card issued.

(g) If the board (or Customs Officer) which issued a yellow punch card is not the board for the area in which the supplier designated on the card is located it shall notify the supplier's board of the issuance by following the procedure indicated below:

(1) If the card is issued pursuant to an application on OPA Form R–183, it shall send to the supplier's board a copy of the application, with a notation of its action.

(2) If the card is issued upon surrender of an expired certificate or yellow punch card, without a new application on OPA Form R–183, as provided in paragraph (m), it shall send the expired card or certificate to the supplier's board.

(h) Between the 10th and the 15th of July 1943, and between the 10th and 15th day of every second month thereafter, each board shall send a "certificate" to each retailer, wholesaler, processor, country shipper or grower within its area entitled thereto, who has been designated on yellow punch cards for which he has not previously been given a certificate. However, no certificate shall be issued to any such supplier until he has submitted to the board the reports required by section 25.3.

(i) Each certificate issued under paragraph (h) in July 1943, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the yellow punch cards on which the supplier has been designated, issued prior to July 10, 1943;

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes, is the total number of points given him by certificates previously issued under this Article, less the point value of all processed foods transferred by him to residents of Mexico, prior to July 1, 1943.

[Paragraphs (c), (d), (e), (f), (g), (h), and (i) as amended by Amendment 42, 8 F.R. 9012, effective 7–1–43]

(j) Each certificate issued under paragraph (h) in September 1943, or in any second month thereafter, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the yellow punch cards on which the supplier has been designated, issued before the 10th day of the current month and after the 9th day of the second preceding month, and for which no certificate has previously been issued.

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes is the total number of points given him by all certificates previously issued to him under this Article, less the point value of all processed foods transferred by him to residents of Mexico, up to the end of the preceding month, pursuant to this Article.

(k) For the purposes of paragraphs (i) and (j) only, a yellow punch card issued by a Customs Officer or a board other than the supplier's board shall be considered issued on the date when the supplier's board receives the information as to issuance, as provided in paragraph (g).

(l) A retailer or wholesaler designated on any yellow punch card issued to an applicant at any time other than between the 1st day and the 9th day of July 1943, or of any second month thereafter, may apply to his board for a certificate to cover that card. His application need not be on any particular form. He must show that he will be unable to acquire sufficient processed foods to meet consumer demand under rationing if he waits until the next regular period for issuance of certificates under paragraph (h). The board may give him a certificate for the number of points allowed by any such cards.

(m) Upon the expiration of a certificate issued under section 25.1 (c) as it read prior to July 1, 1943, or of any yellow punch card, the board (or Customs Officer) shall issue a yellow punch card for a subsequent period, but only if the applicant returns the expired duplicate certificate or card to it. The applicant shall, within five days after the expiration of any certificate or yellow punch card issued to him, return the duplicate of the certificate, or the card, to the board (or Customs Officer), either in person or by mail. However, if the duplicate certificate or yellow punch card has been lost, destroyed or stolen, a supplier's statement given to the applicant before July 1, 1943 under section 25.2 as it read prior to that date, or a white punch card given to the applicant by his supplier as provided in section 25.2 as amended, may be returned to the board (or Customs Officer) instead. If the applicant has not received such a statement or a white card, a board may waive compliance with this requirement. No new application is required for the issuance of a yellow punch card to replace an expired yellow punch card or an expired certificate issued for a period prior to July 1, 1943, unless, since the date of the last application, there has been a change in the number of members of the applicant's household related to him by blood, marriage or adoption who wish to acquire processed foods. Acceptance by applicant of a yellow punch card to replace an expired card or certificate shall constitute a representation by the applicant that the number of such persons has not been reduced

(n) An applicant may apply to the board (or Customs Officer) where his original application was made, to change the retailer, wholesaler, processor, country shipper or grower from whom he acquires processed foods. However, no application for such a change shall be made with respect to any currently valid yellow punch card unless the supplier designated on the card refuses to transfer processed foods against it under section 25.2. Any yellow punch card thereafter issued to the applicant by the board (or Customs Officer) shall be issued with the name and address of the new supplier written on it in the space provided for that purpose.

[Paragraphs (j), (k), (l), (m), and (n) added by Amendment 42, 8 F.R. 9012, effective 7–1–43]

SEC. 25.2 *How processed foods may be transferred to residents of Mexico.* (a) Each supplier who has been designated by an applicant as the person from whom processed foods are to be acquired, may transfer to the applicant to whom a yellow punch card has been issued, or to his authorized agent, and the applicant (or his agent) may acquire from the supplier, processed foods up to the number of points allowed by the yellow punch card, at any time during the valid period indicated on the card.

[Paragraph (a) as amended by Amendment 42, 8 F.R. 9012, effective 7–1–43]

(b) A supplier who transfers processed foods against a yellow punch card shall, at or before the time of his first transfer against that card, make an exact copy of it on a white punch card which will be furnished to him by his board.

(c) Each time a supplier transfers processed foods against a yellow punch card he shall indicate, on the transferee's yellow punch card and upon the duplicate white punch card made out by the supplier, the point value of the processed foods transferred. This is to be done by perforating the appropriate box in the horizontal strip, or crossing out the number in that box, beginning at the bottom of the card, and by removing one strip for each 48 points of processed foods transferred. (For example, if the processed foods first transferred have a point value of 44 points, the supplier is required to perforate the box in the first horizontal strip containing the number 44 or to cross out that number. If the second transfer is for 24 points, the supplier is required to remove the first strip and to perforate the box in the second horizontal strip containing the number 20 or to cross out that number.)

(d) No transfer may be made unless the yellow punch card is presented to the transferor. However, if the applicant or his agent fails to present the yellow punch card on the ground that it has been lost, destroyed or stolen, the supplier may make an exact copy of his white punch card on another white punch card. He shall sign the white punch card which he makes out in this manner. This card may then be used in place of the lost, destroyed or stolen yellow punch card.

[Paragraphs (b), (c) and (d) added by Amendment 42, 8 F.R. 9012, effective 7–1–43]

SEC. 25.3 *Records and reports by supplier from whom processed foods are to be acquired.* (a) Any retailer, wholesaler, processor, country shipper or grower who has been designated by an applicant as the supplier from whom processed foods are to be acquired shall maintain and keep at his place of business the white punch card which he is required by section 25.2 (b) to make out for each such applicant. Not later than the 10th day of September 1943 and not later than the 10th day of every second month thereafter the supplier must give his board a written statement showing the total number of points given to him by certificates issued under this Article during the two preceding calendar months and the total number of unused points left on yellow punch cards valid for those months, on which he has been designated as supplier.

[Sec. 25.3 as amended by Amendment 42, 8 F.R. 9012, effective 7–1–43]

SEC. 25.4 *Records and reports by suppliers who transferred processed foods to residents of Mexico before July 1, 1943.* (a) Any retailer, wholesaler, processor, country shipper or grower to whom a certificate has been issued under this Article prior to July 1, 1943, shall maintain and keep at his place of business a record showing the name of each applicant for whom he has received such certificate, the point value of each certificate and of all processed foods transferred against it and the dates of such transfers. Before the 10th day of July 1943, he must give to his board a written statement showing the total point value of all certificates received by him for June 1943 and the total point value of all transfers of processed foods made under such certificates during that month.

[Sec. 25.4 as amended by Amendment 42, 8 F.R. 9012, effective 7–1–43]

[Article XXV added by Amendment 19, 8 F.R. 5568, effective 4–26–43]

Article XXVI—Home Processed Foods

SEC. 26.1 *Explanation of terms home processor and home processed foods—(a) Processed foods produced in kitchen are home processed foods.* "Processed foods" produced in a "kitchen" are "home processed foods":

(1) A "person" is considered to "produce" home processed foods, for the purposes of this Article, if he:

(i) Takes an active part in the processing of such foods; or

(ii) Contributes the fruits or vegetables for processing by others; or

(iii) Contributes facilities, such as steamers, pressure cookers, or the kitchen, to be used by others to produce such foods.

(2) A "kitchen" is a place principally used for the preparation of meals, or for the demonstration of such preparation (such as a kitchen in a school or in a home economics center).

SEC. 26.2 *Person may consume home processed foods he produces and may give away limited amounts—Points need not be given up for use.* A person may consume home processed foods he produces, and may let members of his "family unit", and others who eat at his table or on a farm he operates, consume them, without giving up points.

(1) A "family unit" consists of all persons related by blood, marriage, or adoption, who regularly reside in the same household.

(b) *Gifts.* He and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but no more than fifty (50) quarts (or one hundred (100) pounds) of such foods per member may be given away point-free by the family unit in any calendar year. One quart of processed foods is considered the equivalent of two pounds.)

SEC. 26.3 *A person may sell home processed foods he produces—(a) He may sell only for points.* A person may not sell or "transfer" home processed foods produced by him (except for those he is permitted to give away point-free under section 26.2 (b)) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by section 26.2 (b). (The point value of home processed foods is fixed by Revised Supplement No. 1 to this order.)

(b) *He must keep records and surrender points to board.* For this purpose he need not register as a "processor" or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers of home processed foods for points during any month, he must give up the points to his "board," on or before the tenth day of the next month.

SEC. 26.4 *Person producing processed foods in place other than a "kitchen" may get permission to treat them as home processed foods—(a)* A person may produce processed foods in a place not used principally for the preparation of meals or for demonstrating such preparation (and hence not a kitchen as defined in section 26.1 (a) (2)). Yet the facilities he uses may not differ substantially from those ordinarily found in a "kitchen", and may clearly not be commercial-scale processing facilities. For example, a farmer may have a kitchen in his home, where the meals for his household are prepared, and separate facilities elsewhere on his premises, perhaps in a shed, consisting of a stove, and a steamer or pressure cooker. A person who has such a place and facilities may apply to his board in writing for permission to treat the processed foods produced there as "home processed foods". He shall describe the facilities he intends to use, the purposes for which those facilities are ordinarily used, the total amount of processed foods he expects to produce there, and the disposition to be made of such processed foods.

(b) If the board finds that the facilities to be used are clearly not commercial-scale processing facilities and do not differ substantially from those ordinarily found in a kitchen, it shall notify the applicant that the foods so produced may be treated as home-processed foods. The applicant may then use and transfer them as permitted by sections 26.2 and 26.3 of this order.

SEC. 26.5 *Person may have foods grown by members of his family unit processed by a processor for household consumption—(a) He may acquire such foods point-free.* A person may "acquire" from a processor, point-free, processed foods produced for him (including foods frozen for him) from foods which he or members of his family unit have grown, if he supplies all the ingredients in an amount necessary to produce such foods. Not more than one hundred (100) quarts of such processed foods per member may be acquired by or for any family unit under this section in any calendar year. He may acquire such processed foods point-free only if he gives to the processor a signed statement that the foods to be processed were grown by a member of his family unit, together with the names of each member of his family unit. The processor shall retain this statement for one year.

(b) *He may consume such foods and give away limited amounts.* He may consume such foods, and let the members of his family unit, and others who eat at his table or on a farm he operates, consume them, without giving up points. He and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but not more than fifty (50) quarts of such foods per members may be given away point-free in any calendar year by the family unit.

(c) *He may sell only for points, and must surrender points he gets to the board.* He may not sell or transfer any of such foods (except for those he is permitted to give away point-free by the last paragraph) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by the last paragraph. (Such foods are not home processed foods, and they may be transferred only at their regular point value, as fixed by Revised Supplement No. 1 to this order, rather than at the point value of home processed foods.) For this purpose, he need not register as a processor or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers for points during any month, he must give up the points to his board on or before the tenth day of the next month.

SEC. 26.6 *Consumer groups may acquire and use processed foods they produce in commercial scale processing facilities—(a) Member of group may acquire his share of processed foods produced.* In some cases, a group of persons may be permitted by the owner or operator of commercial-scale processing facilities to use such facilities after business hours, or during the off-season. Each member of a group which produces processed foods in such facilities primarily for consumption in their households or on farms they operate, may acquire his share of the foods so produced point-free, and without the limitation as to amount established by section 26.5 of this order, but only if:

(1) He "produces" his share of such processed foods (he "produces" such share if he participates in the production by doing any of the things described in section 26.1 (a) (1) of this order); and

(2) Neither the person who owns or who normally operates the facilities used, nor an employee of this person, does any of the processing; and

(3) The members of the group have used the same facilities for the same purpose in the past, or if they have not, they use such facilities only to process fruits or vegetables grown by a member of the group, or by a member of his family unit.

(b) *Member of group may apply to board.* Any member of a group which wishes so to produce processed foods in commercial-scale processing facilities may make application to his board in writing on behalf of the group, stating:

(1) The name and address of each member of the group; and

(2) The facts which bring the group under paragraph (a); and

(3) The total amount of processed foods to be produced; and

(4) The disposition to be made of the foods produced.

(c) *Board may approve application.* If the board finds that the group and its members meet all the requirements of paragraph (a) of this section, it shall approve the application.

(d) *Member may acquire and consume his share point-free and give away limited amounts.* Upon receipt of approval of the application from the board, each member of the group may acquire his share of the processed foods produced by the group point-free, and may consume it, and let the members of his family unit, and others who eat at his table or on a farm he operates, consume it, without giving up points. He and the members of his family unit may give (but not sell) his share to any other person, but no more than fifty (50) quarts of such foods per member may be given away point-free by the family unit in any calendar year. Processed foods produced pursuant to this paragraph are not home processed foods. A member of a group who sells or transfers any part of his share of such foods (except for the amount he is permitted to give away point-free by this paragraph) is considered a processor as to that part. He must register and file the reports required by section 3.2 of this order. He may make such transfers only in exchange for points equal to the regular point value of the processed foods transferred, as fixed by Revised Supplement No. 1 to this order, rather than at the point value of home processed foods.

SEC. 26.7 *Certain community groups may apply to Washington Office for an exception—(a)* In certain instances, as in the case of some religious groups or sects, communities carry on their activities and produce and distribute foods among their members on a cooperative basis. In such cases, certain members of the community may produce processed foods from fruits and vegetables grown by members, while others produce other types of foods. The various types of foods produced may then be interchanged, but many members of the community who get the processed foods may not have been members of the group which produced them and so may not meet the requirements of this Article. If, in such case, the processed foods are produced exclusively for consumption by members of the community, the group may apply to the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C., for an exception permitting distribution of such processed foods to any members of the community. The application must be in writing, in any form, and must show the manner in which the community operates, the type of facilities used for processing, the source of the foods processed, the amount of processed foods produced, and the class of persons by whom they are produced and to whom they are to be distributed.

(b) The Director of the Food Rationing Division will act on the application according to the circumstances of the case and may, in his discretion, permit distribution of the foods among the members of the community in such manner and under such conditions as he establishes.

SEC. 26.8 *Group II and III institutional users may use and transfer processed foods they produce as provided in General Ration Order 5.* This Article does not apply to the production of processed foods for use in, or to the use of processed foods in, Group II or III "institutional user establishments." The production, use, and transfer by Group II or III "institutional users" of home processed foods and of other processed foods they produce, are governed by General Ration Order 5.

[Article XXVI added by Amendment 27, 8 F.R. 6137, effective 5-15-43.]

Appendices

Appendix A. The following foods are not "processed foods" as that term is used in this order:

Apple cider.
Apple juice.
Artichoke paste.
Beans, lentils, or peas held for sale or transfer exclusively as seed for sowing or planting (and not for human consumption) and marked or labeled in accordance with any applicable federal or state seed laws, or, if none is applicable, in accordance with the standards stated in the federal seed law.
Beans, lentils, or peas which contain not more than 10% sound beans, lentils, or peas; and beans, lentils, or peas infested with insects or otherwise unfit for human consumption.
The by-product, if sold exclusively as animal feed or fertilizer, of milling and sorting or otherwise processing for marketing as seed, and consisting of a mixture of dry beans, peas, or lentils which is not a recognized trade variety (for human consumption) of dry beans, peas, or lentils.
Bitters.
Bouillon cubes and powders.
Bread or cake with raisins including brown bread.
Candied fruits.
Cane syrups.
Capers.
Cereals.
Chocolate syrup.
Clam broth.
Clam juice.
Clam juice cocktail.
Condiment sauces (other than those containing a base of tomato products).
Corn-on-the-cob (hermetically packed).
Corn syrup.
Date and nut bread.
Dates (unless packed in hermetically sealed containers and sterilized by the use of heat).
Dehydrated vegetables (hermetically packed).
Dried mushrooms (hermetically packed).
Dry blackeye peas (otherwise known as dry blackeye beans).
Dry cow peas.
Figs (unless packed in hermetically sealed containers and sterilized by the use of heat).
Fountain fruits. Fountain fruits means a product made of fruits (either whole, cut or crushed), added sugar solids constituting at least 40% of the product by weight, and color, flavoring, acidulant or preservative, and which is ordinarily used as an ice-cream topping or dressing, or in the manufacture of ice-cream.
Fruit and vegetable dyes and flavoring extracts, fruit syrups and similar products (other than full strength or concentrated fruit or vegetable juices).
Fruit and vegetable juices in containers over one (1) gallon.
Fruit cakes.
Fruit flavoring bases prepared for use in the further manufacture of products for human consumption and consisting of a combination of fruit juice with one or more of the following added ingredients: acidulent, citrus oil, fruit extract or other flavoring material.
Fruit puddings.
Gravy mixes.
Green turtle soup.
Health foods with wheat, gluten or other cereal or flour base.
Hearts of palm and hearts of artichokes.
Horseradish.
Jams, jellies, marmalades, fruit butters, and other similar preserves.
Maraschino cherries.
Marrons and nesselrode.
Meat stews even though containing some vegetables.
Milk.
Mincemeat.
Molasses and bead molasses.
Mustard.
Nuts, nut meats and nut milks.
Olives.
Onion soup (hermetically packed).
Oyster soup.
Papaya nectar.
Peanut butter.
Peppers and pimentos.
Pickles; relishes; pickled onions, tomatoes and watermelon; cocktail onions, mushrooms and oranges; and spiced cantaloupe and watermelon.
Popcorn.
Potato salad.
Root and ginger beer extracts.
Soft drinks containing less than 25% by weight of natural fruit juices.
Soya bean milk and soya bean oil.
Soy sauce.
Spaghetti, macaroni, noodles or similar paste products packed in hermetically sealed containers, even though mixed or combined with added vegetable sauces.
Spices.
Terrapin soup.
Vegetable seasonings including liquid and salts.

[Appendix A added by Amendment 3 8 F.R. 2684, and amended by Amendment 4, 8 F.R. 2943, effective 3-8-43, Amendment 5, 8 F.R. 3179, effective 3-13-43, Amendment 8, 8 F.R. 3949, effective 3-29-43, Amendment 18, 8 F.R. 5342, effective 4-22-43, Amendment 24, 8 F.R. 5757, effective 5-1-43, Amendment 32, 8 F.R. 7267, effective 6-6-43, Amendment 36, 8 F.R. 7490, effective 6-6-43, Amendment 46, 8 F.R. 9459, effective 7-14-43, and Amendment 47, 8 F.R. 9629, effective 7-19-43]

Appendix B. The reporting periods for which "processors" and "wholesalers" must prepare and file reports, are as follows:

1. February 1 to February 28, 1943, inclusive (processors only).
2. March 1 to March 31, 1943, inclusive.
3. April 1 to May 1, 1943, inclusive.
4. May 2 to June 5, 1943, inclusive.
5. June 6 to July 3, 1943, inclusive.
6. July 4 to July 31, 1943, inclusive.
7. August 1 to September 4, 1943, inclusive.
8. September 5 to October 2, 1943, inclusive.
9. October 3 to October 30, 1943, inclusive.
10. October 31 to December 4, 1943, inclusive.
11. December 5, 1943 to January 1, 1944, inclusive.
12. January 2 to January 29, 1944, inclusive.
13. January 30 to March 4, 1944, inclusive.
14. March 5 to April 1, 1944, inclusive.
15. April 2 to April 29, 1944, inclusive.
16. April 30 to June 3, 1944, inclusive.
17. June 4 to July 1, 1944, inclusive.
18. July 2 to July 29, 1944, inclusive.
19. July 30 to September 2, 1944, inclusive.
20. September 3 to September 30, 1944, inclusive.
21. October 1 to October 28, 1944, inclusive.
22. October 29 to December 2, 1944, inclusive.
23. December 3 to December 30, 1944, inclusive.

[Appendix B added by Amendment 35, 8 F.R. 7353, effective 43-1-43]

Effective Date

This ration order shall become effective at 12:01 a. m. on March 1, 1943, except that sections 2.2, 9.1 and 21.1 shall become effective at 12:01 a. m. on February 21, 1943. [Issued February 20, 1943.]

NOTE: All reporting and record-keeping requirements of this ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12835; Filed, August 7, 1943; 10:44 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 53]

MEAT, FATS, FISH AND CHEESES; SALES TO ARMY EXCHANGES, ETC.

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 22.3 (a) is amended to read as follows:

(a) Foods covered by this order may be transferred to and acquired by Army exchanges, post exchanges of the Marine Corps, ships' service departments ashore of the Navy and Coast Guard, commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for points in the form of ration checks equal to the point value of the foods transferred, without regard to who transfers them. However, these activities may not open ration bank accounts with unlimited drawing privileges of the type described in General Ration Order 3B. Points needed by these activities for the acquisition of foods covered by this order will be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard and the Marine Corps, and the Training Organization of the War Shipping Administration. (The issuance of points for use by Army exchanges, post exchanges and ships' service departments ashore for the acquisition of foods covered by this order for institutional use is covered by General Ration Order 5.)

2. Section 22.3 (b) is amended by inserting between the words "Navy," and "and" the following:

• • • among accounts maintained for commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, • • •

3. Section 22.4 (a) and (b) are amended by inserting in each between the words "Navy," and "Marine" the following:

• • • Training Organization of the War Shipping Administration, • • •

This amendment shall become effective August 13, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. I–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12826; Filed, August 7, 1943; 10:46 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 597 Under § 1499.3 (b) of GMPR]

JOHN H. DULANY AND SON

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2135 *Authorization of maximum prices for sales of Frozen Pork and Beans by John H. Dulany and Son, Fruitland, Maryland.* (a) On and after August 9, 1943, the maximum prices for sales by John H. Dulany and Son, Fruitland, Maryland, of Frozen Pork and Beans manufactured by it, shall be as follows for the respective sizes and packages:

	Per package f. o. b. plant
"Retail" package—1 pound six ounces, packed 24 to the case	$8.18
"Institutional" package—12 pounds, packed 4 to the case	$1.25

(b) John H. Dulany and Son is not required to apply any discounts to the maximum prices authorized by paragraph (a).

(c) This Order No. 597 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 597 shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12828; Filed, August 7, 1943; 10:48 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 89 Under SR 15 to GMPR]

SARGENT BARGE LINES, INC.

Order No. 89 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF1–975–P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1389 *Adjustment of maximum prices for contract carrier services by Sargent Barge Line, Inc., No. 1 Broadway, New York, New York, for Jersey Central Power and Light Company, National Sugar Refining Company and National Lead Company.* (a) Sargent Barge Line, Inc., No. 1 Broadway, New York, New York may furnish to Jersey Central Power and Light Company, National Sugar Refining Company and National Lead Company contract carrier services at prices not to exceed the following:

	Cents per long ton
Jersey Central Power and Light Company	
Raritan River Plant, Sayreville, N. J.	31.1
South Amboy Plant, South Amboy, N. J.	27.6
National Sugar Refining Company	
Anthracite Coal—All ports	34.9
Bituminous Coal—Lower ports [1]	30.0
Bituminous Coal—Upper ports [2]	29.6
National Lead Company (Titanium Division)	
Bituminous Coal—Lower ports [1]	29.5

[1] This reference is to Port Reading, South Amboy and Perth Amboy, N. J.

[2] This reference is to Pier 18, Jersey City, Hoboken, and Edgewater, N. J.

(b) All prayers of the protest filed by Sargeant Barge Line, Inc., Docket No. GF1–975–P, not granted herein are denied.

(c) This Order No. 89 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 89 (§ 1499.1389) shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12827; Filed, August 7, 1943; 10:46 a. m.]

PART 1425—LUMBER DISTRIBUTION

[Rev. MPR 215, Amdt. 1]

DISTRIBUTION YARD SALES OF SOFTWOOD LUMBER

Correction

In F.R. Doc. 12670 appearing on page 10937 of the issue for Friday, August 6, 1943, the second sentence of the final paragraph should read as follows:

"The regulation permits the making of certain adjustable pricing agreements to cover such situations."

PART 1341—CANNED PRESERVED FOODS

[MPR 409,[1] Amdt. 3]

FROZEN FRUITS, BERRIES AND VEGETABLES (1942 PACK AND AFTER)

A statement of the considerations involved in the issuance of this amendment has been filed with the Federal Register.*

Maximum Price Regulation No. 409 is amended in the following respects:

1. In section 3 (b) (2) the item "Spinach ____0¢" is deleted.

2. In section 3 (b) (2) the following items are added to the second list, immediately following the item "Peaches, clingstone ____$60.00."

Peaches, free-stone:	
Oregon and Washington	$60.00
California	to be announced

(For other peach prices see table below).

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5358, 9208.

3. The following item is added to the third list in section 3 (b) (2):

Spinach	1¢

4. In section 3 (b) (2) the following item is added to the third list, immediately following the item "Apricots ____ $31.00."

Peaches, free-stone:	
States other than Oregon, Washington and California	$10.00.

5. The sentence "Commodities for which no figure is named continue to be subject to Maximum Price Regulation No. 207." is deleted from the end of section 3 (b) (2) and is inserted as section 3 (b) (4).

6. Section 3 (b) (3) is added to read as follows:

(3) *Special provisions for adjustment for certain miscellaneous commodities.* The miscellaneous frozen fruits and vegetables covered in this subparagraph are as follows:

Group I:
- Rhubarb.
- Melons.
- Ford hook lima beans.
- Broccoli.
- Brussels sprouts.
- Cauliflower.
- Squash.
- Pumpkin.
- Kale.
- Vegetable greens (except spinach).

Group II:
- Lima beans (except Ford hook lima beans).
- Beets.
- Carrots.

Group III:
- Mixed vegetables.
- Mixed fruits.

(i) *Maximum prices for fruits and vegetables in Group I.* The packer's maximum price per dozen containers, or other unit, f. o. b. shipping point, shall be his maximum price for the 1942 pack for the same variety, style, grade and container size of the same item, plus 20% of the 1942 raw material cost per dozen or other unit as required to be computed by Maximum Price Regulation No. 207.[1]

(ii) *Maximum prices for fruits and vegetables in Group II.* The packer's maximum price per dozen containers, or other unit, f. o. b. shipping point shall be computed by the packer by adjusting his maximum price per dozen, or other unit f. o. b. shipping point for the 1942 pack of the same variety, style, grade and container as follows:

Deduct the total 1942 raw material cost per dozen containers or other unit as required to be computed by Maximum Price Regulation No. 207, and

Add to the figure so obtained the total raw material cost per dozen containers or other unit determined by dividing the applicable support price of the War Food Administration for the area where the factory is located by the number of dozens of containers or other units obtained per ton of raw material as required to be computed by Maximum Price Regulation No. 207.

(iii) *Maximum prices for mixed fruits and vegetables.* (*Group III*). (a) The packer's maximum price per dozen containers, or other unit f. o. b. shipping point for sales other than to government procurement agencies, shall be his maximum price for the same item of the 1942 pack, adjusted for the difference in raw material cost, to be computed as provided herein. The difference in cost shall be separately computed for each item in the combination, as follows:

(1) For raw materials in Group I, increase the raw material cost for such vegetables required to be used in computing maximum prices for the 1942 pack, by 20%.

(2) For raw material in Group II, deduct the raw material cost for such material required to be used in computing maximum prices for the 1942 pack and add the 1942 raw material cost for such materials, obtained by dividing the applicable support price of the War Food Administration for the area in which the packer's factory is located by the dozen container or other unit yield per ton required to be used in computing the 1942 maximum price.

(3) For raw vegetable cost of corn, peas and snap beans used in the item, deduct the raw vegetable cost for such vegetables required to be used in computing the maximum prices for the 1942 pack, and add the 1943 raw vegetable cost for such vegetables, obtained by dividing the resale price of the Commodity Credit Corporation for the area in which the packer's factory is located by the dozen container or other unit yield per ton required to be used in computing the 1942 maximum prices.

(b) The maximum prices per dozen containers or other unit f. o. b. shipping point, for sales to government procurement agencies shall be the maximum prices as determined above under this Section, except that for any item containing corn, peas or snap beans, the packer shall add the amount of the difference between the Commodity Credit Corporation's purchase price and resale price per ton of such raw vegetable for the area where the factory is located, divided by the dozen container or other unit yield per ton required to be used in computing the 1942 maximum prices.

7. In section 2 a new sentence is added to the first undesignated paragraph following the list, to read as follows: Such reduction must be shown on the packer's invoice as an allowance to the purchaser on the selling price.

8. In section 3 (j) a new sentence is added to read as follows: Such reduction must be shown on the packer's invoice as an allowance to the purchaser on the selling price.

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12865; Filed, August 7, 1943; 4:21 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 169,[1] Amdt. 24]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.415 (a) is amended to read as follows:

(a) No hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment shall sell and deliver to purveyors of meals, other than the War Shipping Administration and contract schools, during any three-month period beginning June 1, September 1, December 1, or March 1, a volume of fabricated meat cuts of all kinds in excess of 70 percent of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (e. g. fresh, frozen, cured, smoked, cooked, canned, dried, etc.) of meats, variety meats (e. g. liver, tongue, kidney, etc.), edible by-products, and all other processed meat items not specifically set forth herein, sold and delivered by such selling establishment from September 15, 1942, through December 15, 1942, to purveyors of meals other than sales to war procurement agencies.

2. The column heading designated as III of the table contained in § 1364.452 (p) (3) is amended to read as follows:

III
Trimmed beef tenderloin cutter and canner grade (may not be sold to retailers)

3. Section 1364.455 (b) (1) is amended to read as follows:

(1) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and in the sale of fabricated meat cuts, variety meats, edible by-products and sausage to purveyors of meals, including the sale of beef carcasses and wholesale cuts to purveyors of meals as an incident to the sale of fabricated meat cuts; and which during the period September 15, 1942, through December 15, 1942, sold to purveyors of meals, other than war procurement agencies not less than 70 percent of the total weight volume of meat, variety meats, edible by-products or sausage sold by it.

4. Subdivision (v) of § 1364.455 (b) (2) is added to read as follows:

(v) "Contract school" (means and includes any person who is feeding, pur-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4097, 4786, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9068, 9300, 10362, 10363, 10671.

[1] 8 F.R. 2977.

suant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States).

5. Section 1364.470 (b) (1) is amended to read as follows:

(1) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment, which is engaged in the fabrication of meat cuts and in the sale of fabricated meat cuts, variety meats, edible by-products and sausage to purveyors of meals, including the sale of veal carcasses and veal wholesale cuts to purveyors of meals as an incident to the sale of fabricated meat cuts, and which during the period September 15, 1942, through December 15, 1942, sold to purveyors of meals, other than war procurement agencies, not less than 70 percent of the total weight volume of meat, variety meats, edible by-products or sausage sold by it.

6. Subdivision (ii) of § 1364.470 (b) (2) is amended to read as follows:

(ii) War Shipping Administration of the United States Government.

7. Subdivision (v) of § 1364.470 (b) (2) is added to read as follows:

(v) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States).

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; and Pub. Law 151, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

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PRENTISS M. BROWN,
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PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 239,[1] Amdt. 8]

LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. Section 1364.160 (a) (5) is amended to read as follows:

(5) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and in the sale of hotel supply cuts (fabricated meat cuts), variety meats, edible by-products and sausage to purveyors of meals, including the sale of lamb and/or mutton carcasses or wholesale cuts to purveyors of meals as an incident to the sale of hotel supply cuts, and which during the period September 15, 1942, through December 15, 1942, sold to purveyors of meals, other than war procurement agencies, not less than 70 percent of the total weight volume of meat, variety meats, edible by-products or sausage sold by it.

2. Subdivision (v) is added to § 1364.160 (a) (11) to read as follows:

(v) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or non-commissioned officer or other authorized representative of the armed services of the United States).

3. Section 1364.168 (a) is amended to read as follows:

(a) No hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment shall sell and deliver to purveyors of meals, other than to the War Shipping Administration and contract schools, during any three month period beginning June 1, September 1, December 1, or March 1, a volume of hotel supply cuts (fabricated meat cuts) of all kinds in excess of 70 percent of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (e. g. fresh, frozen, cured, smoked, cooked, canned, dried, etc.) of meats, variety meats (e. g. liver, tongue, kidney, etc.), edible by-products, and all other processed meat items not specifically set forth herein, sold and delivered by such selling establishment from September 15, 1942, through December 15, 1942, to purveyors of meals, other than sales to war procurement agencies.

4. Section 1364.170 (a) is amended to read as follows:

(a) *Independent wholesaler's selling addition.* On sales of any lamb and/or mutton carcass or lamb and/or mutton wholesale cut, a person who at the time of the sale is an independent wholesaler may add 75 cents per hundredweight to the applicable maximum price: *Provided, however,* That on and after August 15, 1943, no person shall charge the addition permitted by this § 1364.170 (a) unless by such date such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person (1) is engaged in the business of buying lamb and/or mutton carcasses and/or lamb or mutton wholesale cuts for resale other than at retail; (2) does not own or control, in whole or substantial part, any slaughtering plant or facilities, and is not owned or controlled in whole or in substantial part by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 239. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

5. Sections 1364.170 (h) and (i) are redesignated as (i) and (j) respectively.

6. Section 1364.170 (h) is added to read as follows:

(h) *Melts.* For removing the melts from lamb or mutton carcasses on sales to war procurement agencies, $0.07 per hundredweight.

7. Section 1364.171 (a) is amended to read as follows:

(a) For all lamb and/or mutton carcasses and/or lamb or mutton wholesale cuts and/or other meat items subject to this § 1364.171 delivered in a straight or mixed carload shipment or sold as a part of a straight or mixed carload sale, the seller shall deduct $0.25 per hundredweight from the applicable maximum price.

8. Section 1364.171 (c) is revoked.

9. Section 1364.174 (a) (4) is revoked.

10. Section 1364.174 (a) (5), (6), (7), (8), (9), (10), (11), (12) and (13) are redesignated as (a) (4), (5), (6), (7), (8), (9), (10), (11) and (12) respectively.

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

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PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 398,[1] Amdt. 1]

VARIETY MEATS AND EDIBLE BY-PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10688, 8 F.R. 3589, 4786, 7679, 8677, 9066, 10444.

[1] 8 F.R. 6945, 7351.

Maximum Price Regulation No. 398 is amended in the following respects:

1. The head-note of section 3 is amended to read "Quality and descriptive labeling requirements."

2. Section 3 (b) is amended to read as follows:

(b) *Descriptive labeling requirements.* No variety meat or edible by-product may be offered for sale or sold, or bought in the course of trade or business, except in accordance with the provisions of this paragraph.

(1) The carton or other immediate container shall have stamped or printed on it the word "kosher" whenever kosher products are packed therein, and, whenever sterilized products are, the word "sterilized."

(2) The name of the variety meat or edible by-products must appear on the seller's invoice. Kosher and sterilized meat shall be invoiced as such.

3. Section 5 (b) is amended by changing the word "months" to read "month."

4. Section 8 is amended to read as follows:

SEC. 8. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall indirectly charge or receive for variety meats or edible by-products a price higher than the maximum prices permitted by this regulation. No person shall as a condition of selling any variety meats or edible by-products require a purchaser to buy any other meat or any other product: *Provided,* That the following payments shall not be construed as evasions of such price limitations under the following conditions:

(1) A payment by a buyer to a seller for icing services performed by the seller after June 1, 1943, and before delivery of variety meats and edible by-products to a railroad whose charges are paid directly to such railroad by the buyer, if the charge for such icing services is no higher than the costs actually incurred by the seller in performing such services and no higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad.

(2) A payment by a war procurement agency to a seller for costs incurred in freezing and/or storing variety meats and by-products purchased by such agency, (i) if such freezing and/or storage costs were actually incurred by the seller and are evidenced by an invoice and warehouse receipt duly issued to the seller by a commercial warehouse in which case the agency may also pay actual costs not to exceed $0.10 per hundredweight, incurred by the seller in transporting such meat to the commercial warehouse; or (ii) if such storage services were performed by the seller and not by a commercial warehouse and are evidenced by a warehouse receipt showing the length of the storage, issued by the seller to the war procurement agency, and if such charges do not exceed the second month's maximum storage rates (under the General Maximum Price Regulation) of commercial warehousemen in the vicinity of the place where the storage occurred.

5. Section 13 (a) (1) is amended to read as follows:

(1) *Variety meats and edible by-products—Fresh or frozen, cured or smoked.*

Variety meats and edible by-products	Beef	Kosher beef	Veal	Kosher veal	Lamb and mutton	Kosher lamb and mutton	Pork
Blood (defibrinated)	6.00						
Brains	7.00	13.00	10.00	16.00	10.00	11.00	11.00
Caul fat	10.00		9.00	9.00		10.50	11.00
Cheek meat	13.00		13.00		10.00		18.00
Cheek meat, lip on		13.00					
Cheek meat trimmings	8.00						
Chitterlings							8.00
Crown meat							8.00
Cutlets							25.00
Diaphragm meat	11.00		11.00		9.00		11.00
Ears							6.00
Feet		11.00	10.00	10.00			
Fries	6.00		25.00		28.00		
Gullett weasand meat	11.00		11.00		9.00		11.00
Head (pork)							8.00
Head (calf, skin on)				4.00			
Head (calf, skinned)			8.00				
Head (calf, scalded)			15.00				
Heart, cap off	15.00		15.00				
Heart	12.00	12.00	12.00	12.00	12.00		12.00
Heart and melt				9.00			
Heart trimmings	6.00		6.00				
Kidneys	11.00	11.00	17.00				10.00
Leaf lard, raw							12.75
Lips	6.00	6.00	6.00	6.00			5.00
Livers, unblemished	23.00	31.00	50.00	57.00	18.00	25.00	13.00
Livers, blemished	19.00	27.00	47.00	54.00			
Lungs	3.00	3.00	3.00		3.00		
Lungs and heart						7.00	
Lungs, heart and melt				5.50			
Melts	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Oxtail split joints	13.00						
Palates	3.00						
Plucks			27.00		12.50	12.50	12.75
Rennets		2.00		ea. 23½		ea. 03	
Snouts							9.00
Sweetbreads, neck	23.00	31.00	40.00	40.00	25.00	27.00	
Sweetbreads, heart	10.00	18.00	40.00	40.00			
Pairs:							
Under 6 oz			40.00	40.00			
6-12 oz			45.00	45.00			
Over 12 oz			50.00	55.00			
Tails—under ¾ lb	8.00	10.00	8.00	10.00			
Tails—¾ lb. and up	11.00	13.00	11.00	13.00			
Tongues	22.00	25.00	18.00	21.00	15.00	16.00	18.00
Tongues, cured	23.00	26.00	19.00	22.00			19.00
Tongues, smoked	29.50	32.50	25.50	28.50			25.50
Tongues, canner	16.00	19.00	13.00	16.00			
Tongues, canner, cured	20.50						
Tongue meat	11.00		11.00				10.00
Tripe scalded (bellies)	4.00	4.00	4.00		3.00	3.00	4.00
Tripe cooked	8.00		8.00		7.00		8.00
Tripe honeycomb	13.00						
Udders	3.00						

6. Section 13 (a) (2) and (a) (3) are redesignated (a) (3) and (a) (4) respectively.

7. Section 13 (a) (2) is added to read as follows:

(2) *For sales by a hotel supply house to purveyors of meals.*

Variety meats and edible by-products	Beef	Veal	Lamb and mutton	Pork
Brains	10.25	13.75	13.75	15.00
Fries	8.00	29.50	33.00	
Hearts	18.00	18.00		
Kidneys	13.50	20.50		12.25
Livers	28.00	60.75	31.25	17.00
Oxtails, split joints	16.00			
Plucks		31.75		
Sweetbreads (neck)	29.00	49.00	33.75	
Pairs:				
Under 6 oz		47.00		
6-12 oz		52.75		
Over 12 oz		58.25		
Tails:				
¾ lb and under	10.00	10.00		
¾ lb and over	13.25	13.25		
Tongues:				
Fresh	26.25			
Cured	27.00			
Smoked	35.00			
Tripe:				
Cooked	10.00			
Honeycomb	16.00			

8. Section 14 (b) (1) is amended to read as follows:

(1) For delivery in shipping containers on domestic sales: (No addition permitted where prices in section 13 (a) include shipping containers.)

	Per cwt.
(i) In 5 lb. container, including outside package, if used; sweetbreads, brains and cutlets, only	$2.00
(ii) In 10–15 lb. container, including outside package, if used; sweetbreads, brains, cutlets, lamb and veal livers and chitterlings, only	1.50
(iii) In 16–30 lb. wooden or fibre boxes	.75
(iv) In 31–100 lb. wooden or fibre boxes	.50
(v) Slack barrels	.25

(vi) The following additions may be charged where cured tongues are packed as described below:

	Per cwt.
(a) 200 lb. net weight tight hardwood barrels "pickle on"	$1.50
(b) 100 lb. net weight tight hardwood barrels, "pickle on"	1.75
(c) 50 lb. net weight tight hardwood kegs, "pickle on"	2.00
(d) 25 lb. net weight tight hardwood kits, "pickle on"	2.50

9. Section 14 (c) is amended to read as follows:

(c) *Hotel supply house's selling addition.* A hotel supply house may add

$2.00 per hundredweight on sales to purveyors of meals of items listed in section 13 (a) (1). No such addition may be made on sales to purveyors of meals of items listed in section 13 (a) (2).

10. Section 14 (e) is added to read as follows:

(e) *Freezing.* For freezing variety meats and edible by-products sold to war procurement agencies, in seller's plant and not in a commercial warehouse, $0.10 per hundredweight.

11. Section 14 (f) is added to read as follows:

(f) *Slicing livers.* For slicing livers at the request of a purchaser, $2.00 per hundredweight.

12. Section 14 (g) is added to read as follows:

(g) *Wholesaler's selling addition.* On sales of variety meats and edible by-products, a person who at the time of the sale is a wholesaler may add $1.00 per hundredweight to the applicable price: *Provided, however,* That on and after August 25, 1943, no person shall charge the addition permitted by this section 15 (b) unless by such date such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person: (1) is engaged in the business of buying variety meats and edible by-products for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Maximum Price Regulation No. 398. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

13. Section 15 (b) is amended to read as follows:

(b) *Carload discount.* For all variety meats and edible by-products delivered in a straight or mixed carload shipment or sold as a part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

14. The following definition is added to section 16 (a).

"Container" means either (1) a substantial carton or box or bag made of crinkled Kraft paper lined with waxed or other moisture resistant paper which is used as an interior package for product shipped in wire-bound, solid fibre or corrugated shipping cases, or (2) an individual shipping container made of wood, wire-bound, solid fibre or corrugated board lined with waxed or other moisture resistant paper.

15. Subdivision (ii) in the definition of "purveyor of meals" contained in section 16 (a) is amended to read as follows:

(ii) The War Shipping Administration of the United States Government.

16. Subdivision (v) is added to the definition of "purveyor of meals" contained in section 16 (a) to read as follows:

(v) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned officer or other authorized representative of the armed services of the United States.)

17. The heading of the definition "Hearts, beef, Type A" in section 16 (b) is amended to read, "Hearts, beef, cap off"; the heading "Heats, beef, Type B" is amended to read "Hearts, beef"; the definition following the heading "Heart trimmings" is amended by striking therefrom the words "Type A" and substituting "cap off"; the heading "Livers, veal or calf, Type A" is amended to read, "Livers, veal or calf, unblemished"; the heading, "Livers, beef, Type A" is amended to read, "Livers, beef, unblemished"; the heading "Livers, beef, calf, Type B" is amended to read, "Livers, beef, calf, blemished"; the heading "Sweetbreads, beef, Type A" is amended to read "Sweetbreads, beef, neck"; the heading "Sweetbreads, beef, Type B" is amended to read "Sweetbreads, beef, heart"; the heading "tongues, beef, Type A" is amended "Tongues, beef"; the definition following the heading "Tongues, beef, canner trim" is amended by striking out the words, "Type A" and substituting the word "above" the definition of "head, calf" is amended to read as follows: "Head, calf means a calf head scalded with the hair completely removed leaving skin on; must be thoroughly cleaned with the eye lids and ear drums removed. The throat and nostrils shall be thoroughly flushed and the ragged edges of the skin around the head and esophagus (gullet) trimmed off. Tongue shall be kept in."

The definition of "Tripe, cooked" is amended to read as follows: "Tripe, cooked" means tripe which has been thoroughly cooked by boiling in water, cooled and washed; any excess fat is to be removed from beef and calf tripe.

Two new definitions are added to section 16 (b) to read as follows:

"Head, calf, skin on", means the unskinned head with the horns left on and the tongue left in.

"Head, calf, skinned" means a calf head thoroughly cleaned with the entire skin, eye lids and ear drums removed. The throat and nostrils must be thoroughly flushed and the esophagus (gullet) trimmed off. The tongue shall be left in.

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; and Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12866; Filed, August 7, 1943; 4:19 p. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

NAVAL AND CIVIL COURT PROCEEDINGS CONCERNING MEMBERS OF THE NAVY

Parts 11 and 12, Chapter I, Title 34, are hereby amended and revised to read as follows:

PART 11—NAVAL COURTS AND BOARDS

Sec
11.213 Depositions before naval tribunals; procedure.
11.238 Testimony of husband and wife.
11.240 Testimony of medical officers and civilian physicians.
11.241 Testimony of children.
11.244 Persons amenable to service as witnesses.
11.245 Summoning witnesses.
11.247 Summoning civilian witnesses.
11.248 Authority of judge advocate in summoning civilian witnesses.
11.253 Service of subpoenas.
11.254 Advance notice to witnesses.
11.255 When subpoena is disregarded.
11.256 Warrant of attachment to compel attendance of civilian witnesses.
11.257 Fees of civilian witnesses.
11.258 Fees of civilian witnesses; rates prescribed.
11.259 Fees of civilian witnesses attending several trials on same day.
11.261 Privilege of witness is not answering particular questions.
11.265 Rule for determining privilege on ground of self-incrimination.
11.290 Authority of naval courts to punish contempt.
11.292 Procedure when witness is charged with contempt.
11.294 Further procedure where civilian witness is adjudged guilty.
11.720 Courts of inquiry; power to compel attendance of witness.

AUTHORITY: §§ 11.213 to 11.720, inclusive, issued under R.S. 1547; 34 U.S.C. 591. Additional statutory provisions noted in parentheses at the end of particular sections are applicable to such sections

NOTE: In §§ 11.213 to 11.720, inclusive, the numbers to the right of the decimal point correspond with the article numbers in Naval Courts and Boards, 1937, Navy Department, effective July 1, 1937, as amended to August 1, 1943.

§ 11.213 *Depositions before naval tribunals; procedure.* (a) The method of procedure in order to obtain a deposition is as follows: The party, prosecutor or defendant, desiring the deposition submits to the court a list of interrogatories to be propounded to the absent witness; then the opposite party, after he has been allowed a reasonable time for this purpose, prepares and submits a list of cross-interrogatories. After the court has assented to the interrogatories and cross-interrogatories thus submitted, it adds such as, in its judgment, may be necessary to elucidate the whole subject of the testimony to be given by the witness. Depositions may also be taken before the assembling of the court by mutual agreement between the judge advocate and the accused (counsel), subject to objections when read in court. (Sec. 16, 35 Stat. 622, 34 U.S.C. 1200, art. 68)

(b) If the witness whose deposition it is desired to take be a civilian, the judge advocate should prepare, in duplicate, a subpoena requiring the witness to appear before the officer designated at the time and place designated for the purpose of giving his deposition. The officer who is to take the deposition will be designated, or caused to be designated, by the convening authority, or by the Commandant of the naval district in which the deposition is to be taken. It may be left to the designated officer to name the time and place of taking the deposition. The subpoena (in duplicate), together with the interrogatories, should be forwarded to the officer who is to take the deposition. This officer will cause the duplicate subpoena to be served personally upon the witness and return the original, with indorsement that the duplicate has been delivered, to the judge advocate. A civilian witness who attends to give his deposition is entitled to the same fees and expenses as if he had attended personally before the court, and a proper account with the required data should be furnished. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

(c) If the deposition of a person in the service is required, a summons will not be inclosed with the interrogatories, but the officer before whom the deposition is to be taken, or the officer who causes it to be taken, shall direct the witness to appear at the proper time and place. (Sec. 16, 35 Stat. 622; 34 U.S.C. 1200, art. 68)

(d) If the witness is in a foreign country his testimony or written interrogatories may be taken by a consular officer of the United States, as provided by the Act of June 20, 1936. (Sec. 3, 49 Stat. 1562; 28 U.S.C. 695b)

§ 11.238 *Testimony of husband and wife.* The rule for naval courts martial is summarized:

(a) Wife or husband of an accused may testify on behalf of the accused without restriction, but when so testifying shall be subject to cross-examination in the same manner as an accused testifying at his own request.

(b) Wife or husband of an accused may not be called to testify against the accused without the consent of both accused and witness, unless on a charge of an offense committed by the accused against the witness.

(c) Wife or husband of any person may not testify to confidential communications of the other, unless the other give consent.

(The last two rules are rules of privilege, and are more fully considered in §§ 11.261, 11.265.)

§ 11.240 *Testimony of medical officers and civilian physicians.* It is the duty of medical officers to attend officers and men when sick, to make the annual physical examination of officers, and examine applicants for enlistment, and they may be specially directed to observe an officer or man or specially to examine or attend him; such observations, examinations, or attendance would be official and the information acquired would be official. While the ethics of the medical profession forbid doctors divulging to unauthorized persons the information thus obtained and the statements thus made to them, such information and statements do not possess the character of privileged communications. If a medical officer, when called as a witness before a court martial, refuses to testify to such matters, he is subject to punishment under the forty-second article (sec. 12, 35 Stat. 622; 34 U.S.C. 1200) for the Government of the Navy or to court martial. Neither is there any privilege between a civilian physician and a patient.

§ 11.241 *Testimony of children.* The admissibility of testimony of children is not regulated by their age, but by their apparent sense and understanding. The court may, in its discretion, receive the testimony of any child, regardless of age, and give it such weight as it may appear to deserve; provided, only that in the opinion of the court the child understands the moral importance of telling the truth, for which purpose the court may examine the child.

§ 11.244 *Persons amenable to service as witnesses.* All persons are amenable to the service of process to appear as witnesses. One who has disobeyed a subpoena or a summons can show as a defense to a proceeding to punish for contempt that it was impossible for him to appear, or that by reason of illness or otherwise his life would have been endangered; but no duty, except of the most imperative kind, nor any business engagement, is a valid excuse for failure to attend. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.245 *Summoning witnesses.* (a) The judge advocate shall summon as witnesses persons whose testimony is necessary to a trial, whether for the prosecution or the defense; but shall not, except as hereinafter provided, summon any witness at the expense of the United States.

(b) The written instrument that serves to summon a witness who is in the naval or military service is termed a summons; a witness who is not in the service, a subpoena. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.247 *Summoning civilian witnesses.* (a) The power with which a naval general court martial and a court of inquiry is vested to compel witnesses to appear and testify is conferred upon such courts by the 42nd Article for the Government of the Navy (sec. 12, 35 Stat. 622; 34 U.S.C. 1200). A naval court martial has the power to subpoena witnesses, and such subpoenas run throughout the United States. However, article 42 (c), Articles for the Government of the Navy, provides for the punishment of any person who wilfully neglects to obey the subpoena, but limits this power so that it shall not apply to persons residing beyond the State, Territory, or District in which such naval court is held. The word "District" applies to the District of Columbia only.

(b) From the foregoing it will be seen that a subpoena issued by a naval court to compel the attendance of witnesses will run throughout the United States, but that the penalties provided in article 42 (c), do not attach where the person resides beyond the State.

(c) To illustrate, a general court martial at the Navy Yard, New York, N. Y., has the power to compel the attendance of civilian witnesses who reside within the State of New York; and should such witnesses wilfully neglect or refuse to appear they may be proceeded against and prosecuted in the manner provided in article 42 (c) mentioned in paragraph (a) of this section. However, should the naval court desire the attendance of a witness who resides in the State of New Jersey it can not compel his attendance, but should such witness be willing to appear to testify, he may lawfully be paid his fees and mileage. (See § 11.248.) (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

CROSS REFERENCES: For warrant of attachment to compel attendance of civilian witness, see § 11.256. For fees to civilian witnesses, see §§ 11.257, 11.259.

§ 11.248 *Authority of judge advocate in summoning civilian witnesses.* (a) The judge advocate is authorized to subpoena as a witness any civilian who is to be a material witness as to facts, and who is within the State, Territory, or District in which a naval court sits and can compel attendance.

(b) The judge advocate is not authorized to subpoena as a witness, at the expense of the United States, any civilian who is not within the territorial limits in which the court can compel attendance, even though such witness be considered a material one and be willing to attend. In such cases the judge advocate shall forward the subpoena to the Secretary of the Navy, together with the information, and in the manner required when forwarding a summons for a naval witness who is not present at the station where the court martial is convened. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.253 *Service of subpoena.* (a) Unless he has reason to believe that a formal service of subpoena will be required, the judge advocate will endeavor to secure the attendance of a civilian witness by correspondence with him, sending him duplicate subpoenas properly filled out, with a request to accept service on one by signing the printed statement, "I hereby accept service of the above subpoena", and to return it to the judge advocate, for which purpose a return address penalty envelope should be inclosed. Ordinarily there will be no difficulty in securing the voluntary attendance of a civilian witness if he is informed that his fees and mileage will not be reduced by reason of his voluntary attendance, and that a voucher for his fees and mileage going to and returning from the place of the sitting of the court martial will be delivered to him promptly on being discharged from attendance on the court. If this procedure will not procure the witness, the judge advocate shall prepare duplicate subpoenas. Service is made by a personal delivery of the duplicate subpoenas to the witness, and proof of service by returning the original to the judge advocate properly indorsed and sworn to by the person who serves the subpoena. Any person duly instructed to do so may serve the subpoena, but the service must be personal.

(b) If the desired witness lives near the place where the court is convened, and within the territorial limits in which the court can compel attendance, the subpoena may be served by the judge advocate, provost marshal, or by any other person instructed to do so. If the residence of the witness is not near at hand, but within the territorial limits in which the court can compel attendance, the president of the court shall address a letter to the Commandant or senior officer present, requesting that a person be designated to proceed to such place as the desired witness may be for the purpose of serving the subpoena, and further requesting that the necessary transportation and subsistence be furnished. If the witness is beyond the territorial limits within which the court can compel attendance, the necessity for personal service no longer exists. In such case delivery may be made by such method as may be most practicable. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.254 *Advance notice to witnesses.* The judge advocate will endeavor to issue subpoenas to civilian witnesses and to make request for the attendance of military witnesses at such time as will give each witness at least 24 hours' notice before starting to attend the meeting of the court.

§ 11.255 *When subpoena is disregarded.* In case a civilian, duly subpoenaed before a general court martial or court of inquiry, wilfully neglects or refuses to appear or qualify as a witness or to testify or produce documentary evidence as required by law, he shall at once be tendered or paid, in the manner prescribed in § 11.257, one day's fees and mileage for the journey to and from the court, and shall thereupon be again called upon to comply with the requirements of the law. For the further procedure to be taken in the event that a witness persists in refusal to attend, see articles 42 (b) and 42 (c), Articles for the Government of the Navy (secs. 11, 12, 35 Stat. 621, 622; 34 U.S.C. 1200, arts. 42 (b), 42 (c)). The fees and mileage of civilian witnesses residing beyond the territorial limits within which the court can compel attendance shall not be paid in advance, as such witnesses can not be punished if they disregard a subpoena. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.256 *Warrant of attachment to compel attendance of civilian witnesses.* (a) In order to compel the appearance of a civilian witness in certain exceptional cases, under the circumstances hereinafter set forth, it may become desirable to resort to a warrant of attachment.

(b) In such cases the proper procedure is as follows: The president of the court will issue a warrant of attachment, directing and delivering it for execution to an officer designated for that purpose, generally the provost marshal of the court. He will also deliver to this officer the subpoena, indorsed with affidavit of service (to be returned when the warrant is executed) and a certified copy of the order appointing the court martial. A warrant, or writ of attachment, does not run beyond the State, Territory, or District (of Columbia) in which the court martial sits.

(c) In executing such process it is lawful to use only such force as may be necessary to bring the witness before the court. Whenever force is actually required, the senior officer present, or other officer designated by the convening authority, nearest the witness' residence will furnish a detail sufficient to execute the process. The use of this procedure, however, should be resorted to only when the ends of justice absolutely demand it, when all other means have failed, and only upon the authorization of the Secretary of the Navy. (Sec. 12. 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.257 *Fees of civilian witnesses.* (a) When directed in writing by the commanding officer, payment of the fees and mileage of civilian witnesses shall be made by the disbursing officer of any vessel or, at a yard or station where there is no receiving ship, by the disbursing officer of the yard, or at Marine Corps posts, not at a navy yard or station, and where there is no disbursing officer of the Navy, by the assistant paymaster of the Marine Corps serving with the command. The order from the commanding officer must be accompanied by a certified copy of the precept and by vouchers, properly sworn to by the witness and certified by the judge advocate or recorder of the court, or by the deck court officer, or by the officer before whom the witness gave his deposition.

(b) The fees and mileage of a civilian witness who refuses to obey a subpoena to appear before a general court martial or court of inquiry will be duly paid (or tendered) by the judge advocate; the money for this purpose will be supplied by such pay officer as may be designated upon the written order of the senior officer present, and the judge advocate receiving the money for the purpose named shall furnish the pay officer concerned with a proper receipt.

(c) The certificate of the judge advocate, recorder, deck court officer, or officer before whom a deposition is taken will be evidence of the fact and period of attendance and place from which summoned, and said certificate shall be made on the voucher.

(d) Upon execution of the certificate the witness will be paid upon his discharge from attendance, without awaiting performance of return travel. The charges for return journeys will be made upon the basis of the actual charges allowed for travel to the court, or place designated for taking a deposition. No other items will be allowed.

(e) Travel must be estimated by the shortest usually traveled route, by established lines of railroad, stage, or steamer, the time occupied to be determined by the official schedules; reasonable allowance will be made for unavoidable detention.

(f) If no pay officer be present at the place where the court sits, the accounts, properly authenticated as directed above, shall be transmitted to the convening authority or to the nearest naval station to which a pay officer is attached, with the request that the amount be paid by check.

(g) Accounts of civilian witnesses are not transferable.

(h) Signatures of witnesses when signed by mark must be witnessed.

§ 11.258 *Fees of civilian witnesses; rates prescribed.* A civilian not in government employ, duly summoned as a witness before a naval court, or at a place where his deposition is to be taken for use before such court, will receive $1.50 a day for each day of actual attendance and for the time necessarily occupied in going and returning, and 5 cents a mile for going from his or her place of residence and return. A civilian witness not in the Government employ who attends a naval court or at a place where his deposition is to be taken, at a point so far removed from his residence as to prohibit return thereto from day to day, will receive, in addition to the compensation provided above, $3 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to attend court and return home. (R.S. 823, 848, sec. 3, 44 Stat. 323; 28 U.S.C. 600c, 601)

§ 11.259 *Fees of civilian witnesses attending several trials on same day.* A civilian attending as a witness in several court-martial trials on the same day is entitled to a separate fee for attendance in each case, but will receive mileage in only one case. (R.S. 823, 848, sec. 3, 44 Stat. 323; 28 U.S.C. 600c, 601)

§ 11.261 *Privilege of witness in not answering particular questions.* Although every person is amenable to the service of process to appear and testify, a witness may be privileged with respect to certain testimony, or there may be certain matters concerning which he may claim the privilege of not testifying. This privilege should be distinguished from the incompetency attaching to certain testimony, as of husband and wife, and of an attorney as set forth in sections 238 and 239.[1] The principal cases of privilege are:

(a) *State secrets.* This class of privilege covers all the departments of the Government, and its immunity rests upon the belief that the public interests would suffer by a disclosure of state affairs. The scope of this class is very extended, and the question of the inclusion of a given matter therein is decided by a consideration of the requirements of public policy with reference to such matter.

(b) *Criminating questions.* All questions whose answers would expose the witness to a criminal prosecution or penal action come under the head of criminating questions. A witness may properly decline to answer a criminating question. If the declination be sustained by the court, no inference therefrom or comment thereon is permissible.

[1] For section 238 cited to the text, see § 11.238 of this part. Section 239 is not included in this part. "Naval Courts and Boards" is available at the office of the Judge Advocate General, Navy Department.

(c) *Degrading questions.* A witness may also properly decline to answer where the inquiry is as to collateral, irrelevant, or immaterial matters on the ground that his answer will have the direct effect of degrading or disgracing him, as, for example, in a case where his answer could have no effect upon the case except to impair his credibility. He may, however, be compelled to answer as to a matter which is material to the issue or trial, notwithstanding the fact that his answer may tend to disgrace him or bring him into disrepute, unless his answer would also tend to incriminate him in addition to degrading him. (R.S. 858, 34 Stat. 618; 28 U.S.C. 631)

§ 11.265 *Rule for determining privilege on ground of self-incrimination.* (a) To entitle a witness to the privilege of silence, the court must see from the circumstances of the case and the nature of the evidence which the witness is called to give that there is reasonable ground to apprehend danger to the witness from his being compelled to answer. In order to assist the court in deciding whether to require the witness to answer, it is proper to inquire into the merits of his refusal to answer and afford him the opportunity to substantiate his contention that such answer would, in fact, incriminate him. If the party examining the witness requests he be compelled to answer, the court will then decide, in accordance with the above, whether the answer will tend to incriminate him and, if so, will not require the witness to answer. If there is no reasonable apprehension of incrimination, then the witness should be compelled to answer or be cited for contempt. The danger to be apprehended must be real and appreciable with reference to the ordinary operation of the law in the ordinary course of things. It is not sufficient if the danger is of an imaginary and unsubstantial character having reference to some barely possible contingency so improbable that no reasonable man would allow it to influence his conduct.

(b) If the witness has been previously tried in connection with the matter about which he is called upon to testify, his claim of privilege is not valid, the danger having ceased. Completion of the trial is the test and the trial is deemed to be complete when jeopardy is complete.

(c) If the privilege claimed be on the ground of self-incrimination and the answers when made under compulsion thus tend to incriminate the witness then such answers can not subsequently be put in evidence in a criminal proceeding against the witness. However, no such right accrues to the person compelled to answer a degrading question. (R. S. 858, 34 Stat. 618; 28 U.S.C. 631)

§ 11.290 *Authority of naval courts to punish contempt.* The forty-second Article for the Government of the Navy (34 U.S.C. 1200, art. 42) gives a court authority to punish contempts. The article is not construed as extending the authority to punish for contempt to a summary court martial or deck court. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.292 *Procedure when witness is charged with contempt.* When a witness is charged with contempt, the regular business of the court should be suspended, and he should be given opportunity to reply. The action taken is properly summary, a formal trial not being called for. If the reply is satisfactory, the proceedings for contempt may be ended. A witness can not, however, purge himself of contempt by insisting that his language or behavior was proper. The testimony of a witness who has been adjudged guilty of contempt may be continued.

§ 11.294 *Further procedure where civilian witness is adjudged guilty.* If possible, before a civilian witness in contempt before a general court martial or court of inquiry is permitted to withdraw, .the Federal district attorney should be communicated with in order that the witness may be apprehended expeditiously. The law does not give a naval court authority to restrain such witness of his liberty as in the case of naval witnesses. Even though the witness has departed from the jurisdiction within which the court martial sits, the district attorney may cause his arrest in another jurisdiction, as the offense is one against the United States. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, Art 42)

§ 11.720 *Courts of inquiry; power to compel attendance of witnesses.* A court of inquiry has power to compel the attendance of civilian witnesses, and should be convened or requested where testimony of civilians will likely be desired; the proceedings of a court of inquiry may under certain conditions be evidenced before a court martial; otherwise there is no vital distinction in the power or effectiveness of a court of inquiry and an investigation, and the question which to convene is entirely within the discretion of the convening authority. Whether or not an investigation shall be by a board of officers or by one officer is entirely within his discretion, but in important cases where the facts are various and complicated, where there appears to be reason for suspecting criminality, or where crime has been committed with uncertainty as to the perpetrator, or where serious blame has been incurred without certainty on whom it ought chiefly to fall, a court of inquiry or a board of investigation affords the best means of collecting, sifting, and methodizing information for the purpose of enabling the convening authority to decide upon the necessity and expediency of further judicial proceedings. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, Art. 42)

PART 12—PROCEEDINGS IN CIVIL COURTS

Secs.

12.1 Delivery of men to civil authorities.
12.4 Delivery of men to state authorities for trial.
12.10 Naval prisoners wanted by civil authorities.
12.11 Naval prisoners as witnesses or parties in civil courts.
12.12 Men released by civil authorities on bail.
12.13 Service of subpoena or other process on a person in the Navy.
12.15 Production of documents in civil court in response to a subpoena duces tecum.
12.24 Habeas corpus proceedings; State courts.

AUTHORITY: §§ 12.1 to 12.15, inclusive, issued under R.S. 1547; 34 U.S.C. 591.

NOTE: In §§ 12.1 to 12.24, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in Appendix C, Naval Courts and Boards, 1937, Navy Department, effective July 1, 1937, as amended to August 1, 1943.

§ 12.1 *Delivery of men to civil authorities.* In no case will commanding officers of vessels or shore stations of the Navy or Marine Corps deliver to the civil authorities, State or Federal, any person in their custody or under their control without first communicating with the Secretary of the Navy and awaiting his instructions. The Secretary of the Navy will promptly issue the necessary orders in the case or make request upon the Attorney General, in accordance with 5 U.S.C. 5, to furnish such legal assistance to the commanding officer concerned as the interests of the United States involved in such case may demand.

§ 12.4 *Delivery of men to state authorities for trial.* In every case in which the Secretary of the Navy authorizes the delivery of any person in the Navy or Marine Corps to the civil authorities of a State, for trial, such person's commanding officer will, before making such delivery, obtain from the Governor or other duly authorized officer of such State a written agreement that he will be informed of the outcome of the trial and that the person so delivered will be returned to the naval authorities at the place of his delivery or issued transportation to the nearest receiving ship (or marine barracks in the case of Marines) without expense to the United States or to the person delivered immediately upon the completion of his trial for the alleged misconduct which occasioned his delivery to the civil authorities, in the event that he is acquitted upon said trial, or immediately upon satisfying the sentence of the court in the event that he is convicted and a sentence imposed, or upon other disposition of his case, provided that the naval authorities shall then desire his return.

§ 12.10 *Naval prisoners wanted by civil authorities.* In any case in which the delivery of a person in the Navy or Marine Corps for trial is desired by the civil authorities, Federal or State, and such person is a naval prisoner (which includes any person serving sentence of court martial or in custody awaiting trial by court martial or disposition of charges against him), he will not, in general, be delivered to the Federal or State authorities until he has served the sentence of the naval court martial, or his case has otherwise been finally disposed of by the naval authorities. However, if the Federal or State authorities desire the surrender of the party under the above circumstances upon a serious charge,

such as felonious homicide, and the interests of justice would be better served by his delivery, the Secretary of the Navy may, in his discretion, discharge the man from naval custody and from his contract of enlistment and deliver him to the civil authorities for trial.

§ 12.11 *Naval prisoners as witnesses or parties in civil courts.* If the Federal or State authorities desire the attendance of a naval prisoner as a witness in a criminal case pending in a civil court, upon the submission of such a request to the Secretary of the Navy, authority will be given in a proper case for the production of the man in court without resort being had to a writ of habeas corpus ad testificandum. The Department, however, will not authorize the attendance of a naval prisoner in a Federal or State court, either as a party or as a witness in private litigation pending before such court, as in such cases the court may grant a postponement or a continuance of the trial; but the Department will allow the deposition of such naval prisoner to be taken in the case.

§ 12.12 *Men released by civil authorities on bail.* Where a person in the Navy or Marine Corps is arrested by the Federal or State authorities for trial and returns to his ship or station on bail, the commanding officer may grant him leave of absence to appear for trial on the date set upon an official statement by the judge, prosecuting attorney, or clerk of the court, reciting the facts, giving the date on which the appearance of the man is required, and the approximate length of time that should be covered by such leave of absence.

§12.13 *Service of subpoena or other process on a person in the Navy.* Commanding officers afloat or ashore are authorized to permit the service of subpoena or other process upon the person named therein, provided such person is within the jurisdiction of the court out of which the process issues, but such service will not be allowed without permission of the commanding officer first being obtained. Where the person in the naval service is on board ship or at a naval station beyond the jurisdiction of the court, it is necessary that the process be presented to the man's commanding officer who will deliver the process to the person named therein and inform him that, if he is willing voluntarily to accept such service, he should indicate his acceptance in the manner provided. In the event the man declines to accept service, the commanding officer will return said warrant with a statement to that effect. In cases in which service by mail is legally sufficient, the papers may be addressed to the man.

§ 12.15 *Production of documents in civil court in response to a subpoena duces tecum.* Unless authorized by the Secretary of the Navy, persons in the naval service and civil employees are prohibited from producing official records or copies thereof in a civil court in answer to subpoenas duces tecum, or otherwise, and from disclosing the information described in article 113,[1] Navy Regulations, or the secret and confidential correspondence and information described in article 2005,[2] Navy Regulations. In all cases where copies of records are desired by or on behalf of parties to a suit, whether in a Federal or State court, such parties will be informed that it has been the invariable practice of the Navy Department to decline to furnish in the case of legal controversies, at the request of the parties litigant, copies of papers or other information to be used in the course of the proceedings, or to grant permission to such parties or their attorneys to make preliminary or informal examination of the records, but that the department will promptly furnish copies of papers or records in such cases upon call of the court before which the litigation is pending. In all cases where the production of records in civil courts is authorized, the original records are not to leave the custody of the person producing them. However, copies of such records may be introduced into evidence.

§ 12.24 *Habeas corpus proceedings; State courts.* State courts have no jurisdiction in habeas corpus proceedings to order the discharge of any person held by an officer of the Navy or Marine Corps by authority of the United States; however, in the event that a writ of habeas corpus should be issued by a State court to a commanding officer of the Navy or Marine Corps, afloat or ashore, the Secretary of the Navy will be communicated with immediately in accordance with section C-3;[3] and should instructions not be received by the commanding officer from the Secretary of the Navy by the time specified in the writ, or if no definite time be specified therein, within 3 days after the service of the writ, the officer upon whom the writ is served will make return thereto in accordance with the instructions in the preceding section[4] without producing the body of the accused in court. (27 How. 506)

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43-12861; Filed, August 7, 1943; 1:10 p. m.]

[1] Article 113, Navy regulations, is available at the Office of the Chief of Naval Operations, Navy Department.

[2] Article 2005, Navy Regulations, is available at the Office of the Chief of Naval Operations, Navy Department.

[3] Section C-3 is available at the office of the Judge Advocate General.

[4] Preceding section refers to section C-23 of Naval Courts and Boards. This is available at Office of Judge Advocate General.

[5] 8 F.R. 10620.

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 304—LABOR

[General Order 17, Rev.,[5] Correction]

EMPLOYMENT OF GRADUATES OF TRAINING ORGANIZATION SCHOOLS AND STATIONS ON AMERICAN, PANAMANIAN AND HONDURAN FLAG VESSELS

Section 304.10 (a) (3) should read:

(3) Interstate Building, 600 Canal Street, New Orleans, Louisiana; and

By order of the War Shipping Administration.

[SEAL] A. J. WILLIAMS,
Acting Secretary.

AUGUST 7, 1943.

[F. R. Doc. 43-12876; Filed, August 9, 1943; 9:42 a. m.]

TITLE 49—TRANSPORTATIONS AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 144]

PART 95—CAR SERVICE

SHIPMENTS OF SAND OR GRAVEL DESTINED TO DALHART, TEXAS, REGION

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of August, A. D. 1943.

It appearing, that shipments of sand, gravel, or aggregates in carloads originating at various points and destined to Dalhart, Hitt, Twist, Wagner, or Ware, Texas, or any other point near Dalhart, for use on goverpment construction at Dalhart are being weighed on railroad track scales, thus impeding the use, control, supply, movement, and distribution of cars; in the opinion of the Commission an emergency exists requiring immediate action to avoid a shortage of equipment and congestion of traffic: *It is ordered*, That:

§ 95.25 *Carloads of sand, gravel, or aggregates destined to Dalhart, Hitt, Twist, Wagner, or Ware, Texas, or any other point near Dalhart, for use on government construction at Dalhart, not to be weighed.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall weigh, or permit to be weighed, any shipment of sand, gravel, or aggregates in carloads, on any railroad track scales when such traffic originates on or after the effective date of this order at any point and is destined to Dalhart, Hitt, Twist, Wagner, or Ware, Texas, or any point near Dalhart, for use on government construction at Dalhart, except that a limited number of cars may be weighed as is necessary to obtain average weights. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., August 7, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12838; Filed, August 7, 1943; 11:10 a. m.]

[Service Order 126, Amdt. 4]

PART 95—CAR SERVICE

ICING OF POTATOES ORIGINATING IN CERTAIN EASTERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of August, A. D. 1943.

It appearing, that weather conditions have enhanced the perishable characteristics of potatoes originating in the States of Florida, Georgia, and South Carolina, so that they require icing; that the acute shortage of ice in this territory precludes full icing privileges for such traffic, or any icing or reicing of such traffic originating in Delaware, Maryland, New York (Long Island), New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia, or West Virginia when moving in refrigerator cars; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That Service Order No. 126 (8 F.R. 7285) of May 29, 1943, as amended (8 F.R. 7728-29; 8 F.R. 8082; 8 F.R. 9033), be, and it is hereby, further amended to read as follows:

§ 95.308 *Refrigerator cars*—(a) (1) *Cars of potatoes originating in Delaware, Maryland, New York (Long Island), New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia or West Virginia, not to be iced or reiced.* Notwithstanding the provisions of Service Order No. 123, as amended (§ 95.307 of this part, 8 F.R. 6481), no common carrier by railroad subject to the Interstate Commerce Act shall initially ice or reice, or permit to be initially iced or reiced, a refrigerator car or cars loaded with potatoes originating at points in the States of Delaware, Maryland, New York (Long Island), New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia, or West Virginia. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(2) *Cars of potatoes originating in Florida, Georgia, or South Carolina to be initially iced.* All common carriers by railroad may initially ice, or permit to be initially iced, a refrigerator car or cars loaded with potatoes originating in the States of Florida, Georgia, or South Carolina, but not in excess of 5,000 pounds of ice per car: *Provided, however*, That where a refrigerator car is equipped for half-stage icing, such ice, but not to exceed 5,000 pounds per car, shall be placed in the upper half of the bunkers with grates set for half-stage icing. This order shall not be construed to permit any reicing.

(b) *Charges to be assessed.* Charges to be assessed for icing prescribed in paragraph (a) (2) of this section shall be as now provided in Rule 240 of Agent Quinn's Perishable Protective Tariff, No. 12, I. C. C. No. 19, supplements thereto or reissues thereof.

(c) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the substitute provisions above set forth.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12.01 a. m., August 7, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12839; Filed, August 7, 1943; 11:10 a. m.]

PART 95—CAR SERVICE

[Service Order 145]

ICING RESTRICTIONS ON WESTERN POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of August, A. D. 1943.

It appearing, that an acute shortage of ice is affecting the movement of perishables in refrigerator cars originating in certain Western States; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That:

§ 95.316 *Western potatoes*—(a) (1) *Icing restrictions on Idaho and Oregon potatoes.* Notwithstanding the provisions of Service Order No. 143 (8 F.R. 10942) of August 4, 1943, no common carrier by railroad subject to the Interstate Commerce Act shall:

(i) After the first or initial icing which carriers shall perform at Nampa, Idaho, allow or permit more than one reicing of a refrigerator car or cars loaded with potatoes originating at Group B points in the States of Oregon or Idaho when destined to any point or points west of the western border of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee, nor more than two reicings in transit when destined to points on or east of the western border of the above-described states. The provisions of this subparagraph shall not be construed to apply on refrigerator cars loaded with potatoes originating at the aforesaid points when destined to stations in Oregon (Group 3 Territory) or Idaho (Group 2 or 3 Territories).

(ii) After the first or initial icing which carriers shall perform at Pocatello, Idaho, allow or permit more than one reicing of a refrigerator car or cars loaded with potatoes originating at Group C points in the State of Idaho when destined to any point or points west of the western border of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee, nor more than two reicings in transit when destined to points on or east of the western border of the above described states. The provisions of this subparagraph shall not be construed to apply on refrigerator cars loaded with potatoes originating at the aforesaid points when destined to stations in Oregon (Group 3 Territory) or Idaho (Group 2 or 3 Territories), nor to permit reicing after an initial icing at Pocatello, of refrigerator cars loaded with potatoes destined to points in Montana or Utah.

(2) The reicing or reicings authorized under paragraph (a) (1), subparagraphs (i) and (ii) shall consist of no more than sufficient ice to fill the bunkers three-fourths full.

(b) *Icing restrictions on Colorado, Kansas, Montana, New Mexico, Nebraska, or Wyoming potatoes.* No refrigerator car or cars loaded with potatoes originating in Colorado, Kansas, Montana, New Mexico, Nebraska, or Wyoming shall be initially iced with more than enough ice to fill the bunkers three-fourths full, nor reiced in transit more than once, which said reicing shall consist of no more than sufficient ice to fill the bunkers three-fourths full, when destined to any point or points west of the western border of the States described in paragraph (a) (1) subparagraphs (i) (ii) nor reiced in transit more than twice, which said reicings shall consist of no more than sufficient ice, to fill the bunkers three-fourths full when destined to points on or east of the western border of the States described in paragraph (a) (1) subparagraphs (i) and (ii).

(c) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(e) *Special and general permits.* The provisions of this order shall be sub-

ject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12886; Filed, August 9, 1943; 11:22 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 209]

LOGGING, LUMBER AND TIMBER AND RELATED PRODUCTS INDUSTRIES

INDUSTRY COMMITTEE APPOINTMENT

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene for the Logging, Lumber and Timber and Related Products Industries (as such industry is defined in paragraph 2) an industry committee No. 64 composed of the following representatives:

For the public:
- George E. Osborne, Chairman, Palo Alto, Calif.
- Leslie H. Buckler, Charlottesville, Va.
- Clyde E. Dankert, Hanover, N. H.
- Z. Clark Dickinson, Ann Arbor, Mich.
- Charles F. Lay, Austin, Tex.
- William Nash, Little Rock, Ark.
- Erwin H. Schell, Cambridge, Mass.
- Josephine Wilkins, Atlanta, Ga.

For the employers:
- E. J. Curtis, Clinton, Iowa.
- Thomas De Weese, Philadelphia, Miss.
- Abbott Fox, Iron Mountain, Mich.
- James G. McNary, McNary, Ariz.
- Hobart Manley, Savannah, Ga.
- George Metzger, Eugene, Oreg.
- J. P. Rogers, Laconia, N. H.
- Jack W. Simmons, Tallahassee, Fla.

For the employees:
- William Botkin, Memphis, Tenn.
- James J. Doyle, Boston, Mass.
- J. E. Fadling, Portland, Oreg.
- Charles Fisher, Duluth, Minn.
- Maurice A. Hutcheson, Indianapolis, Ind.
- Charles F. Mendenhall, Little Rock, Ark.
- A. W. Muir, Los Angeles, Calif.
- Boris Shiskin, Washington, D. C.

Such representatives have been chosen with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "Logging, Lumber and Timber and Related Products Industries" means:

Logging; wood saw milling and surfacing; wood preserving; wood re-working, including but without limitation kiln or air drying, and the manufacture of planing mill products, dimension stock, boxes and other containers including cigar boxes and vegetable and fruit baskets, and wood turnings and shapings; and the manufacture of shingles, cooperage and cooperage stock, veneer, plywood, insulation board made of any vegetable fiber, prefabricated building units, and all other products made from wood, reed, cork, rattan, and related materials and from such other materials as bone, shell, horn, and ivory: *Provided, however,* That the definition shall not include any product or operation included in the Wood Furniture Manufacturing Industry, Button and Buckle Manufacturing Industry or the Metal, Plastics, Machinery, Instrument, and Allied Industries (as defined in the wage orders for those industries); or in the Pens and Pencils Manufacturing Industry (as defined in Administrative Order No. 168).

3. The definition of the Logging, Lumber and Timber and Related Products Industries covers all occupations in the industry which are necessary to the production of products covered in the definition including clerical, maintenance, shipping and selling occupations, *Provided, however,* This definition does not cover clerical, maintenance, shipping and selling occupations when carried on in an establishment, the greater part of whose sales are of products not covered in the definition, or employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. Any person, who, in the opinion of the committee, having a substantial interest in the proceeding and who is prepared to present material pertinent to the question under consideration, may, with the approval of the committee, appear on his own behalf or on behalf of any other person. Moreover, any interested person may submit in writing pertinent data to the committee either through the Administrator or through the chairman of the committee.

5. The industry committee herein created shall meet at 10:00 a. m. on August 30, 1943 in the Hotel Victoria, Victoria Room, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York, this 5th day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-12825; Filed, August 7, 1943; 9:12 a. m.]

FINESILVER MANUFACTURING COMPANY

NOTICE OF CANCELLATION OF SPECIAL LEARNERS' EMPLOYMENT CERTIFICATE

Notice of cancellation of special certificate for the employment of learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries.

Notice is hereby given that the special certificate for the employment of learners, authorizing the employment of not more than twenty (20) learners at any one time between January 29, 1942 and January 29, 1943, issued to the Finesilver Manufacturing Company of San Antonio, Texas, has been ordered cancelled as of the date of first violation because of the violation of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen day period following the date on which this notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the regulations. If a petition is properly filed the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York, this 5th day of August 1943.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12879; Filed, August 9, 1943; 10:59 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective August 9, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Mid-West Map Company, 107 Washington Street, Aurora, Missouri; Converted paper products; 2 learners (T); Color Separator and Photo Retoucher for a learning period of 160 hours at 30 cents per hour until December 31, 1943.

Navajo Weavers, Roswell, New Mexico; Neckwear; 2 learners (T); Hand sewing, machine sewing for a learning period of 160 hours at 30 cents per hour until February 9, 1944.

Signed at New York, N. Y., this 7th day of August 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12881; Filed, August 9, 1943; 10:59 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862), and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Reglations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

American Sheep Lined Coat Company, Inc., Bayway Terminal Building #12, Elizabeth, New Jersey; Leather jackets, wool mackinaws; 8 learners (T); effective August 9, 1943, expiring August 9, 1944.

Archbald Sewing Company, Cherry Street, Archbald, Pennsylvania; Children's dresses; 25 learners (E); effective August 4, 1943, expiring February 4, 1944.

Bell Sportswear Company, 127 East 9th Street, Los Angeles, California; Women's slacks and slack suits; 5 learners (T); effective August 9, 1943, expiring August 9, 1944.

Blain Associates, Blain, Perry County, Pennsylvania; Women's panties, gowns and pajamas; 4 learners (T); effective August 7, 1943, expiring August 7, 1944.

Boston Blouse Company, 75 Kneeland Street, Boston, Massachusetts; Women's blouses; 10 percent (T); effective August 18, 1943, expiring August 18, 1944.

Millen Shirt Company, 21 Academy Avenue, Middletown, New York; Cotton shirts and rayon sportswear; 10 percent (T); effective August 7, 1943, expiring August 7, 1944. (This certificate replaces the one previously issued, effective July 28, 1943 and terminating July 28, 1944.)

S. L. Robinson Company, 119 South 9th Street, Omaha, Nebraska; Cotton trousers and jackets; 10 percent (T); effective August 6, 1943, expiring August 6, 1944.

Texas Infants' Dress Company, Incorporated, 1200 West Houston Street, San Antonio, Texas; Children's cotton and rayon dresses; 10 learners (T); effective August 7, 1943, expiring August 7, 1944. (This certificate replaces the one previously issued, effective December 17, 1942, and expiring December 17, 1943.)

P. A. Specht, Blooming Glen, Pennsylvania; Pants; 5 learners (T); effective August 14, 1943, expiring August 14, 1944.

Tamon Manufacturing Company, 1951 Brooklyn Street, Los Angeles, California; Shirts; 2 learners (T); effective August 5, 1943, expiring August 5, 1944.

Knitted Wear Industry

Dove Manufacturing Company, 1013 South Los Angeles Street, Los Angeles, California; Rayon knit underwear; 5 learners (T); effective August 6, 1943, expiring August 6, 1944.

Trenton Mills, Incorporated, Factory Street, Trenton, Tennessee; Commercial knitting; 8 learners (A. T.) effective August 6, 1943, expiring January 4, 1944.

Telephone Industry

Central Iowa Telephone Company, Toledo, Iowa; To employ learners as commercial switchboard operators at its Eldora exchange, located at Eldora, Iowa; effective August 11, 1943, expiring August 11, 1944.

Textile Industry

Cabin Handicrafters, Inc., Clayton, Georgia; Hand woven rag rugs; 3 learners (T); effective August 7, 1943, expiring August 7, 1944.

Trenton Mills, Inc., Factory Street, Trenton, Tennessee; Cotton meat bags and stockinettes for packing trade; 3 percent (A. T.); effective August 6, 1943, expiring January 4, 1944.

Signed at New York, N. Y., this 7th day of August 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12880; Filed, August 9, 1943; 10:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6532]

AMERICAN TELEPHONE & TELEGRAPH COMPANY

ORDER FOR HEARING

In the matter of American Telephone and Telegraph Company, charges for telephone service between the United States and Puerto Rico.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 3d day of August, 1943;

It appearing that the American Telephone and Telegraph Company has filed with the Commission new tariff schedules, to become effective August 15, 1943, proposing to establish new ocean-link rates from New York, New York to San Juan, Puerto Rico applicable to Channels for Program Transmission and proposing to discontinue the ocean-link rates from Miami, Florida to San Juan, Puerto Rico applicable to this service; said tariff schedules being designated as follows:

American Telephone and Telegraph Company; Tariff F. C. C. No. 198 26th revised page 42.

It further appearing that the new ocean-link rates from New York, New York, to San Juan, Puerto Rico for Channels for Program Transmission are higher than those from Miami, Florida to San Juan, Puerto Rico heretofore stated for like service; and

It further appearing that the American Telephone and Telegraph Company is proposing to discontinue the use of Miami, Florida, as its normal gateway for Message Toll Telephone Service with Puerto Rico without making any adjustment in existing charges for Message Toll Telephone Service with Puerto Rico, which charges are based on Miami as a gateway instead of New York City;

It is ordered, That the Commission shall, on its own motion, and without formal pleading, enter upon a hearing concerning the lawfulness of the new provision contained in the above-cited tariff schedule with respect to charges for Channels for Program Transmission between the United States and Puerto Rico;

It is further ordered, That insofar as the above-cited tariff schedule of American Telephone and Telegraph Company provides for the cancellation of ocean-link rates from Miami, Florida to San Juan, Puerto Rico applicable to Channels for Program Transmission, the operation of such schedule be, and it is hereby, suspended until November 15, 1943, unless otherwise ordered by the Commission; and that during such period of suspension no changes shall be made in the provisions whose operation is hereby so suspended, or in the provisions sought to be altered thereby, unless authorized by the Commission;

It is further ordered, That an investigation be, and the same is hereby instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of the American Telephone and Telegraph Company for and in connection with Message Toll Telephone Service between the United States and Puerto Rico;

It is further ordered, That a copy of this order shall be filed in the office of the Federal Communications Commission with said tariff schedules herein suspended in part; that copies hereof served upon the carrier parties to such tariff schedules; and that said carrier parties be, and they are hereby, each made a party respondent to this proceeding;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing at 10 a. m. on the 16th day of September, 1943, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-12821; Filed, August 6, 1943; 4:57 p. m.]

[Docket No. 6533]

JOSEPH P. SELLY, AMERICAN COMMUNICATIONS ASSOCIATION, ET AL.

ORDER FOR INVESTIGATION

In the matter of Joseph P. Selly and American Communications Association (C. I. O.), Complainants, vs. The Western Union Telegraph Company and Postal Telegraph, Inc., Defendants, in the matter of the investigation of any discontinuance, reduction or impairment of Telegraph Service in violation of section 214 of the Communications Act of 1934, as amended, by The Western Union Telegraph Company, Postal Telegraph, Inc. and the companies comprising the Postal Telegraph Land Line System.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of August, 1943;

The Commission, having under consideration the above-entitled complaint and motion for a temporary order pending hearing and determination of the issues raised by said complaint, filed June 26, 1943, and the answers thereto filed by the defendants, The Western Union Telegraph Company and Postal Telegraph, Inc., on July 3, 1943, and July 5, 1943, respectively; and

It appearing that said complaint alleges violations by the defendants of sections 201, 202, 214, and 222 of the Communications Act of 1934, as amended, and the Sherman and Clayton Anti-Trust Acts and orders of the War Manpower Commission; and that the motion requests the Commission to enter a temporary order, pending hearing and determination of the issues raised by said complaint; and

It further appearing that there is reasonable ground for investigating the alleged violations of section 214 of the Communications Act of 1934, as amended; that, with respect to the other charges made, either such charges are not within the jurisdiction of the Commission or no reasonable ground is given for investigating the same; and that the Commission is not authorized by law to enter an order, pending hearing, directing the relief prayed for by complainants; and

It further appearing that Postal Telegraph, Inc., is a holding company and that any discontinuance, reduction or impairment of telegraph service to a community or part of a community by The Western Union Telegraph Company or the operating companies comprising the Postal Telegraph Land Line System, in violation of section 214 of the Communications Act of 1934, as amended, should also be investigated at this time;

It is ordered, That an investigation be, and the same is hereby, instituted as to the complaint, in so far as it alleges unauthorized discontinuance, reduction or impairment of service by The Western Union Telegraph Company and the Postal Telegraph, Inc., in violation of Section 214 of the Communications Act of 1934, as amended; that the complaint be, and the same is hereby, dismissed, as to all other issues; and that the motion for a temporary order pending hearing and determination of the issues raised by said complaint be, and the same is hereby, denied; and

It is further ordered, That the companies comprising the Postal Telegraph Land Line System be, and the same are hereby, made respondents to this proceeding and that an investigation be, and the same is hereby, ordered to determine whether The Western Union Telegraph Company or the companies comprising the Postal Telegraph Land Line System have, since March 6, 1943, occasioned the discontinuance, reduction or impairment of telegraph service to any community or part of a community in the United States in violation of section 214 of the Communications Act of 1934, as amended.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-12822; Filed, August 6, 1943; 4:57 p. m.]

[Docket No. 6531]

FLORIDA DEFENSE GUARD

NOTICE OF HEARING

In re application of Florida Defense Force (State Guard), dated February 15, 1943, for Construction permits and licenses to cover for twelve land and seven portable special emergency radio stations in the State of Florida; class of service, emergency; class of station, special emergency; locations, Jacksonville, Homestead, Fort Myers, Sanford, Lake Worth, West Palm Beach, Titusville, Orlando, Tampa, Everglades, Miami, Panama City, Florida, and Portable; operating assignment specified: Frequency, 2726 kc., Emission A-3, 3190 kc., Emission A-1; power, ranging from 12 watts to 240 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described applications and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, and other qualifications of the applicant to operate the proposed stations.

2. To determine what types of communications will be transmitted and the extent and purpose of the proposed communications system.

3. To determine what other means of communication is available for this purpose and the adequacy thereof.

4. To determine whether or not interference would result to any existing station or stations from operation of the proposed stations.

5. To determine whether the applications may be granted under the existing rules and regulations of the Commission governing special emergency radio stations.

6. To determine whether operation of the proposed stations would serve an essential military need or a vital public need which cannot otherwise be met, as required by the Commission's Memorandum Opinion of July 7, 1942.

7. To determine whether in the light of the evidence adduced on the foregoing issues the granting of the applications would serve public interest, convenience, or necessity.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Florida Defense Force, (State Guard), The Arsenal, Marine Street, St. Augustine, Florida.

Dated at Washington, D. C., August 5, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-12862; Filed, August 7, 1943; 1:40 p. m.]

[Docket No. 6535]

POLICE RADIO FACILITIES IN WESTPORT, CONN.

ORDER FOR HEARING

In re application of Town of Westport, Connecticut (WBLT) Westport, Connecticut, for construction permit for additional police radio facilities.

The Commission having under consideration the application of the Town of Westport, Connecticut, for a permit to authorize construction of an additional portable mobile unit for its existing police radio station WBLT; and

It appearing that the applicant has failed to make a proper showing that operation of this additional equipment would serve an essential military need or a vital public need which cannot otherwise be met, as required by the Commission's Memorandum Opinion of July 7, 1942;

It is ordered, This 3d day of August, 1943, that this matter be, and the same is hereby, assigned for hearing on the ninth day of September, 1943, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-12871; Filed, August 7, 1943; 4:39 p. m.]

[Docket No. 6535]

POLICE RADIO FACILITIES IN WESTPORT, CONN.

NOTICE OF HEARING

In re application of Town of Westport, Connecticut (WBLT), dated May 21, 1943, for construction permit for additional police radio facilities; class of service, emergency; class of station, municipal police; location, Westport, Connecticut; operating assignment specified: Frequency, 33940 kc; power, 30 watts special emission; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether or not operation of the proposed station would serve an essential military need or a vital public need which cannot otherwise be met, and

2. To determine whether, in the light of the evidence adduced on the foregoing issue, public interest, convenience or necessity would be served by granting the application

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Town of Westport, Connecticut, 53 East State Street, Westport, Connecticut.

Dated at Washington, D. C., August 7, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-12877; Filed, August 9, 1943; 10:22 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 4 Under Service Order 126]

PENNSYLVANIA RAILROAD COMPANY

INITIAL ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Pennsylvania Railroad Company to initially ice, but not in excess of 5,000 pounds of ice per car, 25 refrigerator cars containing potatoes originating on The Pennsylvania Railroad Company in New Jersey and consigned to various Army and naval installations in the States of Alabama, Florida, or Georgia.

Initial icing on the above cars shall take place at Potomac Yard, Virginia.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 5th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12840; Filed, August 7, 1943; 11:10 a. m.]

[Special Permit 49 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Chicago, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona or California.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 5th day of August, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-12841; Filed, August 7, 1943; 11:10 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev.-48]

VIKING FREIGHT COMPANY AND HAYES FREIGHT LINES, INC.

COORDINATED OPERATIONS BETWEEN ST. LOUIS, MISSOURI, AND POINTS IN ILLINOIS.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Viking Freight Company, St. Louis, Missouri, and Hayes Freight Lines, Inc., Mattoon, Illinois, to facilitate compliance with the requirements of General Order ODT, 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle to and from St. Louis, Missouri, and points in Illinois, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment,

[1] Filed as part of the original document.

and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–48" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective August 5, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12790; Filed, August 6, 1943; 11:29 a. m.]

[Supp. Order ODT 3, Revised-49]

WILSON STORAGE AND TRANSFER CO. AND BUCKINGHAM TRANSPORTATION CO.

COORDINATED OPERATIONS BETWEEN POINTS IN SOUTH DAKOTA, MINNESOTA, IOWA, NEBRASKA, AND WYOMING

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Wilson Storage and Transfer Co., a corporation, Sioux Falls, South Dakota, and Earl F. Buckingham, Glen O. Buckingham, Harold D. Buckingham, and Oliver L. Buckingham, doing business as Buckingham Transportation Company, Rapid City, South Dakota, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between points in South Dakota, Minnesota, Iowa, Nebraska, and Wyoming, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–49" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

8. This order shall become effective August 11, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

EXHIBIT A

Between Rapid City, Hot Springs, and Belle Fourche, South Dakota, and Gillette, Wyoming, as follows:

From Rapid City, South Dakota, over S. Dak. Highway 79 to junction S. Dak. Highway 36 thence over S. Dak. Highway 36 to junction U. S. Highway 16, thence over U. S. Highway 16 via Custer, South Dakota, to Gillette;

From Hot Springs, South Dakota, over Alternate U. S. Highway 85 to Custer (also from Hot Springs over Alternate U. S. Highway 85 to junction S. Dak. Highway 87, thence over S. Dak. Highway 87 to junction U. S. Highway 16, thence over U. S. Highway 16 to Custer), thence as specified above to Gillette;

From Belle Fourche, S. Dak. over U. S. Highway 85 to Spearfish, South Dakota, thence over U. S. Highway 14 to Sturgis, South Dakota, (also from Spearfish over unnumbered highways via Whitewood, South Dakota, to junction U. S. Highway 14, thence over U. S. Highway 14 to Sturgis), thence over U. S. Highway 14 to Rapid City, South Dakota, and thence as specified above to Gillette;

From Belle Fourche over U. S. Highway 212 to Newell, South Dakota, thence over S. Dak. Highway 79 to Sturgis, South Dakota, and thence as specified above to Gillette; and

Return over these routes to Rapid City, Hot Springs, and Belle Fourche.

Between Kadoka, South Dakota, and Rapid City, South Dakota, as follows:

From Kadoka over S. Dak. Highway 40 to Rapid City and return over the same route;

From Kadoka over U. S. Highway 16 to Rapid City and return over the same route.

Between Kadoka, S. Dak. and Sioux City, Iowa, as follows:

From Kadoka over U. S. Highway 16 to Sioux Falls, South Dakota, thence over U. S. Highway 77 to Sioux City and return over the same route.

Between Pierre and Ft. Pierre, South Dakota, over U. S. Highway 14.

EXHIBIT B

Between St. Paul, Minnesota, and Miller, South Dakota, as follows:

From St. Paul over city streets to Minneapolis, Minnesota, thence over U. S. Highway 212 to Redfield, South Dakota, thence over U. S. Highway 281 to junction South Dakota Highway 26, thence over South Dakota Highway 26 to junction South Dakota Highway 45, thence over South Dakota Highway 45 to Miller and return over the same route.

Between Miller, South Dakota, and Pierre, South Dakota, over U. S. Highway 14.

Between Omaha, Nebraska, and Sioux City, Iowa, as follows:

From Omaha over U. S. Highway 75 to Sioux City and return over the same route.

Between Sioux Falls, South Dakota, and Sioux City, Iowa:

From Sioux Falls over U. S. Highway 77 to junction U. S. Highway 18, thence over U. S. Highway 18 to Canton, South Dakota, thence over unnumbered highways via Norway, Center, Alcester, and Nora, South Dakota, to junction U. S. Highway 77, thence over U. S. Highway 77 to Sioux City and return over the same route.

Between Sioux Falls, South Dakota, and Yankton, South Dakota:

From Sioux Falls over U. S. Highway 16 to junction South Dakota Highway 17, thence over South Dakota Highway 17 to junction U. S. Highway 18, thence over U. S. Highway 18 to junction South Dakota Highway 19, thence over South Dakota Highway 19 via Viborg, South Dakota, to junction South Dakota Highway 46, thence over South Dakota Highway 46 and unnumbered highways via Wakonda, Volin, and Mission Hill, South Dakota, to junction South Dakota Highway 50 and thence over South Dakota Highway 50 to Yankton and return over the same route.

Between Sioux Falls, South Dakota, and Philip Junction, South Dakota, as follows:

From Sioux Falls over U. S. Highway 16 to Philip Junction and return over the same route.

Between Huron, South Dakota, and Miller, South Dakota, as follows:

From Huron over U. S. Highway 14 to Miller and return over the same route.

[F. R. Doc. 43-12847; Filed, August 7, 1943; 11:25 a. m.]

FLORISTS OF SIOUX FALLS, S. DAK.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), Strongs Florists, J. G. Coleman, doing business as Coleman The Florist, Arthur R. Anderson, doing business as Anderson Flower Shop, and Roger Malcomb, doing business as Egyptian Flower Shop, all of Sioux Falls, South Dakota, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in Sioux Falls.

The participants in the plan proposes to eliminate wasteful operations in the retail delivery of flowers and related articles by curtailing deliveries and by pooling the use of their trucks. All retail deliveries of the participants will be made in one truck after 4 p. m. each week day and none will be made on Sundays. Each participant will assign a truck to the pool and will operate it 2 successive days in each series of 8 delivery days. No delivery will be made where the purchase price of the merchandise is less than $1.00. The participants agree, on the days they are not operating the pool truck, not to make any delivery which requires the use of a commercial motor vehicle. Excepted from the operation of the plan are deliveries for weddings and funerals, deliveries on Mother's Day and on the Sunday preceding Decoration Day, deliveries to wholesale customers or to cemeteries during the spring planting season, and deliveries of articles too heavy or bulky for efficient handling by the pool truck. By unanimous consent of the participants the plan may be suspended not to exceed 4 consecutive days immediately preceding Mother's Day and the Sunday preceding Decoration Day, also on any particular day when it appears that there will be more parcels for delivery than can be conveniently handled by one truck. The participants estimate that effectuation of the plan will result in savings of 60 percent or 18,000 truck-miles a year. Joint selling activities are not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section

[1] Filed as part of the original document.

12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 6th day of August 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-12895; Filed, August 9, 1943; 11:40 a. m.]

[Supplementary Order ODT 6A-1]

TAYLOR TRUCKING CO., ET AL.

COORDINATED OPERATIONS WITHIN THE CINCINNATI, OHIO, AREA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by John R. Taylor, doing business as Taylor Trucking Co. and as Taylor Drayage Co., and Henry J. Stueve, doing business as John B. Stueve & Son, local carriers, pursuant to § 501.25 of General Order ODT 6A (8 F.R. 8757, a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose, by the plan, to coordinate their operations as local carriers of property by motor vehicle within an area comprised of the City of Cincinnati, Ohio, and the contiguous municipalities and other suburbs of Cincinnati, known as Greater Cincinnati, and the northern Kentucky towns, which are within a zone extending 10 miles from the boundaries of Cincinnati, by informing each other, from time to time, in respect of the intended movement of partially laden vehicles, and by diverting shipments to each other, in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

[1] Filed as part of the original document.

2. Each of the carriers shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Any carrier by motor vehicle duly authorized or permitted to engage in transportation as herein described and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the plan. A copy of every such application shall be served upon each of the carriers parties to the plan. Upon receiving such authorization, such carrier shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all the provisions and conditions of this order, in the same manner and degree as the carriers named herein.

8. Communications concerning this order should refer to "Supplementary Order ODT 6A-1", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective August 10, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12896; Filed, August 9, 1943; 11:40 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS UNDER PRICE REGULATIONS

The following orders were filed with the division of the Federal Register on August 6, 1943.

Order Number:	Name
RPS 6, Order 46	Empire Sheet & Tin Plate Co.
RPS 41, Order 20	Hunt-Spiller Mfg. Co.
RPS 64, Order 108	Caloric Gas Stove Works
RPS 67, Order 17	Henry & Wright Mfg. Co.
MPR 120, Order 232.	Excelsior Paramount Coal Co.
MPR 120, Order 233.	Black Oak Coal Mining Co.
MPR 120, Order 234.	Hardscrabble Coal Co.
MPR 136, as amended, Revised Order 73.	General Ceramics & Steatite Corp.
MPR 188, Order 559.	Fold-Away Basket Co.
MPR 246, Order 10	Red Cross Mfg. Co.
MPR 246, Order 11	Kingston Products Corp.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK.
Head, Editorial and Reference Section.

[F. R. Doc. 43-12851; Filed, August 7, 1943; 11:44 a. m.]

Regional, State, and District Office Orders.

[Region IV Order G-7 Under 18 (c)]

FLUID MILK IN HALIFAX COUNTY, N. C.

Order No. G-7 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Halifax County, North Carolina. (Formerly Price Order No. 18 (c)-8.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of raw and pasteurized fluid milk both at wholesale and at retail exists in Halifax County, North Carolina. The Regional Administrator has further found that a supply of raw milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Halifax County, North Carolina, will be alleviated by adjusting the maximum prices of sellers of raw and pasteurized fluid milk in said county to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage or a need for increases in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for raw and pasteurized fluid milk.* On and after the 8th day of January 1943, the maximum prices of raw and pasteurized fluid milk in glass bottles sold and delivered within the boundaries of Halifax County, North Carolina, by any person at wholesale or retail shall be either the price set out in inferior subdivision (a) or inferior subdivision (b), whichever is higher;

(a) The maximum prices already established by any such seller under the General Maximum Price Regulation (if such seller has, prior to the effective date of this order, established such maximum prices), or

(b) At wholesale, 14¢ per quart, 8¢ per pint, and 4¢ per half-pint in glass bottles; at retail, 16¢ per quart, 9¢ per pint, and 5¢ per half-pint in glass bottles, both store sales and home delivered.

This order shall have no application to sales at retail of raw or pasteurized milk in a hotel, restaurant, soda fountain, bar, cafe or other similar establishments for consumption on the premises.

II. *Definitions.* For purposes of this order:

(1) "Halifax County, North Carolina," shall mean the area included within the established boundaries of this county.

(2) "Raw and pasteurized fluid milk" shall mean liquid milk of at least 3.5 per cent butterfat content packaged in half pints, pints and quarts in glass containers.

(3) All other terms used, unless the context otherwise requires, including the terms, "retail" and "wholesale", shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

III. *Requirements of notification.* (1) Each seller making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) Each seller making sales at retail pursuant to this order except persons making such sales from a retail store shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By order No. G-7 issued by the Atlanta Regional Office on December 31, 1942, and effective January 8, 1943, the Regional Administrator of the Office of Price Administration for Region IV has established adjusted maximum prices for raw and pasteurized milk within the boundaries of Halifax County, North Carolina, as follows:

(a) The maximum prices already established by any such seller under the General Maximum Price Regulation (if such seller has, prior to the effective date of this order, established such maximum prices), or

(b) At wholesale, 14¢ per quart, 8¢ per pint, and 4¢ per half-pint in glass bottles; at retail, 18¢ per quart, 8¢ per pint, and 5¢ per half-pint in glass bottles, both store sales and home delivered.

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise herein provided, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G-7 shall become effective January 8, 1943.

This order No. G-7 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

OSCAR STRAUSS, JR.,
Regional Administrator.

[F. R. Doc. 43-12804; Filed, August 6, 1943; 10:57 a. m.]

[Region IV Order G-8 Under 18 (c)]

FLUID MILK IN CHATHAM COUNTY, GA.

Order No. G-8 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Chatham County, Georgia. (Formerly Price Order No. 18 (c)-9.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of fluid milk, both at wholesale and at retail, is threatened in Chatham County, Georgia. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of war; that the threatened shortage in Chatham County, Georgia, will be eliminated by adjusting the maximum prices of sellers of fluid milk in Chatham County, Georgia, to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for raw and pasteurized fluid milk.* On and after January 1, 1943, the maximum prices for raw and pasteurized fluid milk sold and delivered within the boundaries of Chatham County, Georgia, by any person at wholesale shall be 16¢ per quart, 9¢ per pint and 5¢ per half-pint, and the maximum prices for raw and pasteurized fluid milk sold and delivered within the boundaries of Chatham County, Georgia, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 18¢ per quart, 10¢ per pint and 6¢ per half-pint.

II. *Definitions.* (1) "Chatham County, Georgia," shall mean the area included within the established boundaries of such county.

(2) "Raw and pasteurized fluid milk" shall mean liquid milk containing no less than 3.5% butterfat content in half-pint, pint and quart glass containers.

(3) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale within five days after the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail within five days after the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G-8 issued by the Atlanta Regional Office on December 31, 1942, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Raw and Pasteurized fluid milk within the boundaries of Chatham County, Georgia, as follows:

	Quart	Pint	Half pint
	Cents	*Cents*	*Cents*
Wholesale	16	9	5
Retail	18	10	6

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of raw and pasteurized fluid milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–8 shall become effective January 1, 1943. This order No. G–8 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–12805; Filed, August 6, 1943; 10:57 a. m.]

[Region IV Order G–10 Under 18 (c)]

FLUID MILK IN LEE AND RUSSELL COUNTIES, ALA.

Order No. G–10 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Lee and Russell Counties, Alabama. (Formerly Price Order No. 18 (c)–11.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of raw and pasteurized fluid milk both at wholesale and at retail exists in Lee and Russell Counties, Alabama. The Regional Administrator has further found that a supply of raw milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Lee and Russell Counties, Alabama, will be alleviated by adjusting the maximum price of sellers of raw and pasteurized fluid milk in said counties to the extent permitted by this Order; and that such adjustment will not create or tend to create a shortage or need for increases in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation as amended and § 1351.807 (a) of Maximum Price Regulation 280 as amended, *It is hereby ordered,* That:

I. *Adjusted maximum prices for raw and pasteurized fluid milk.* On and after the 14th day of January, 1943, the maximum prices of raw and pasteurized fluid milk sold and delivered by any person at wholesale and retail other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be either the price set forth in subdivision (a) or subdivision (b), whichever is higher:

(a) The maximum price already established by any such seller under the General Maximum Price Regulation (if such seller has prior to the effective date of this order established such maximum price), or

(b) (1) Raw and pasteurized milk sold in glass or paper containers

	Wholesale	Retail
	Cents	*Cents*
Gallon	54	58
Quart	14	16
Pint	8	9
Half-pint	4	5

Provided, however, That in sales at retail of four or more quarts delivered at one time, packaged in glass or paper quart containers, the price shall not exceed 14½¢ per quart.

(2) Raw and pasteurized milk sold at wholesale to stores, hotels, restaurants and institutions in glass and paper containers shall not exceed the maximum prices provided for wholesale sales set forth in subdivision (b) (1).

Raw and pasteurized milk sold at wholesale to stores, hotels, restaurants and institutions in other than glass or paper containers shall not exceed the maximum prices for wholesale sales set forth in subdivision (b) (1).

(3) No seller may establish an adjusted maximum price under this order which exceeds the maximum price established by him under the provisions of the General Maximum Price Regulation by more than 6¢ at wholesale, and 8¢ at retail per gallon, and at wholesale and retail by 2¢ per quart, 1¢ per pint, and 1¢ per half-pint.

II. *Definitions.* For purposes of the order:

(a) "Lee and Russell Counties, Alabama," shall mean the area included within the established boundaries of these counties.

(b) "Sold at wholesale" refers to a sale of fluid milk in glass or paper containers to any person including an industrial or commercial user, other than the ultimate consumer, and in addition, refers to a sale of fluid milk other than in glass or paper containers to stores, hotels, restaurants and institutions.

(c) Unless the context otherwise requires, the definitions of the General Maximum Price Regulation as amended and section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used herein.

III. *Requirements of notification.* (a) Each seller making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(b) Each seller making sales at retail pursuant to this order except persons making such sales from a retail store shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(c) The written notifications required in subparagraphs III (a) and (b) shall contain the following statement:

By Order No. G–10 issued by the Atlanta Regional Office on January 9, 1943, and effective January 14, 1943, the Regional Administrator of the Office of Price Administration for Region IV has established adjusted maximum prices for raw and pasteurized milk within the boundaries of Lee and Russell Counties, Alabama, as follows:

(a) The maximum price already established by any such seller under the General Maximum Price Regulation (if such seller has prior to the effective date of this order established such maximum price), or

(b) (1) Raw and pasteurized milk sold in glass or paper containers

	Wholesale	Retail
	Cents	*Cents*
Gallon	54	58
Quart	14	16
Pint	8	9
Half-pint	4	5

Provided, however, That in sales at retail of four or more quarts delivered at one time, packaged in glass or paper quart containers, the price shall not exceed 14½¢ per quart.

(2) Raw and pasteurized milk sold at wholesale to stores, hotels, restaurants and institutions in glass and paper containers shall not exceed the maximum prices provided for wholesale sales set forth in subdivision (b) (1).

Raw and pasteurized milk sold at wholesale to stores, hotels, restaurants and institutions in other than glass or paper containers shall not exceed the maximum prices for wholesale sales set forth in subdivision (b) (1).

(3) No seller may establish an adjusted maximum price under this order which exceeds the maximum price established by him under the provisions of the General Maximum Price Regulation by more than 6¢ at wholesale, and 8¢ at retail per gallon, and at wholesale and retail by 2¢ per quart, 1¢ per pint, and 1¢ per half-pint.

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise herein provided, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–10 shall become effective January 14, 1943.

This order No. G–10 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

OSCAR R. STRAUSS, Jr.
Regional Administrator.

[F.R. Doc. 43–12806; Filed, August 6, 1943; 11:05 a. m.]

[Region IV Order G–12 Under 18 (c)]

FLUID MILK IN COLLETON COUNTY, S. C.

Order No. G–12 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Colleton County, South Carolina. (Formerly Price Order No. 18 (c)–14.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of whole milk, raw and pasteurized, both at wholesale and at retail, exists in Colleton County, South Carolina. The Regional Administrator has further found that a supply of whole milk is essential to a standard of living consistent with the prosecution of war; that the existing shortage in Colleton County, South Carolina will be eliminated by adjusting the maximum price of sellers of whole milk in Colleton County, South Carolina to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality and will effectuate the purpose of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by §1499.18 (c) of the General Maximum Price Regulation, as amended, *It is hereby ordered,* That:

I. *Adjusted maximum prices for whole milk, raw and pasteurized.* On and after January 14, 1943 the maximum price for whole milk, raw and pasteurized, sold and delivered in quart, pint and half-pint glass containers within the boundaries of Colleton County, South Carolina by any person at wholesale or retail shall be either the price set out in subsection (a) or subsection (b) of this section, whichever is higher:

(a) The maximum prices established by any such seller under the General Maximum Price Regulation (if such seller has, prior to the effective date of this order, established such maximum price), or,

(b)

	Quart	Pint	Half-pint
PASTEURIZED	*Cents*	*Cents*	*Cents*
Wholesale	15	8	4
Out of retail store	17	9	5
Retail home delivered	17	9	5
RAW			
Wholesale	14	8	4
Out of retail store	16	9	5
Retail home delivered	16	9	5

Provided, however, That the maximum price for whole milk, raw and pasteurized, sold and delivered in Colleton County, South Carolina by any person to the War Department or the Department of the Navy of the United States or to a Post Exchange shall be:

	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Pasteurized	15	8	4
Raw	14	8	4

This order is not intended to establish maximum prices for the sale at retail of milk at a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises.

II. *Definitions.* (1) "Colleton County" shall mean the area included within the established boundaries of such county.

(2) "Whole milk, raw or pasteurized" shall mean fluid milk, raw or pasteurized, containing not less than 3.5% butter fat content in half-pint, pint and quart glass containers.

(3) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at retail and all persons making sales at wholesale pursuant to this order, except persons making retail sales from a retail store, shall, in writing, notify each purchaser of the maximum price established by the order within five days after the first delivery of such product to such purchaser after the effective date hereof.

(2) The written notification required in subparagraph III (1) shall contain the following statement:

By Order No. G–12 issued by the Atlanta Regional Office on January 9, 1943, and effective January 14, 1943, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for whole milk, raw and pasteurized, within the boundaries of Colleton County, South Carolina, as follows:

On and after January 14, 1943, the maximum price for whole milk, raw and pasteurized, sold and delivered in quart, pint and half-pint glass containers within the boundaries of Colleton County, South Carolina by any person at wholesale or retail shall be either the price set out in sub-section (a) or sub-section (b) of this section, whichever is higher:

(a) The maximum prices established by any such seller under the General Maximum Price Regulation (if such seller has, prior to the effective date of this Order, established such maximum price), or,

(b)

	Quart	Pint	Half-pint
PASTEURIZED	*Cents*	*Cents*	*Cents*
Wholesale	15	8	4
Out of retail store	17	9	5
Retail home delivered	17	9	5
RAW			
Wholesale	14	8	4
Out of retail store	16	9	5
Retail home delivered	16	9	5

Provided, however, That the maximum price for whole milk, raw and pasteurized, sold and delivered in Colleton County, South Carolina by any person to the War Department or the Department of the Navy of the United States or to a Post Exchange shall be:

	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Pasteurized	15	8	4
Raw	14	8	4

This order is not intended to establish maximum prices for the sale at retail of milk at a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises.

Copy of this order and the accompanying opinion may be inspected at the place of business of the seller.

(3) Every person making sales and deliveries of whole milk, raw and pasteurized, at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–12 shall become effective January 14, 1943. This order No. G–12 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

OSCAR R. STRAUSS, Jr.
Regional Administrator.

[F. R. Doc. 43–12807; Filed, August 6, 1943; 11:05 a. m.]

[Connecticut Order G–1 Under SR 14]

FIREWOOD IN CONNECTICUT

Order No. G–1 under Supplementary Regulation 14 to the General Maximum Price Regulation—Firewood. (Formerly Price Order No. 1.)

The Director of the State Office of The Office of Price Administration for the State of Connecticut has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the State of Connecticut. The State Director has ascertained and given due consideration to the increased production costs which sellers of firewood in the State of Connecticut must incur in order to produce such firewood compared with the costs of production in March, 1942, and in any earlier months in which firewood was generally produced in the State of Connecticut. He has also ascertained and given due consideration

to the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in the State of Connecticut. So far as practicable, the Director has advised and consulted with representative members of the industry which will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the State of Connecticut.

Therefore, under the authority vested in the State Director by Amendment No. 26 to Supplementary Regulation 14 to the General Maximum Price Regulation, Connecticut State Order No. G–1 is hereby issued. This Connecticut State Order No. G–1 supersedes the provisions of § 1499.2 of the General Maximum Price Regulation with regard to sales and deliveries of the types of firewood for which prices are fixed in this Order No. G–1.

SECTION 1. *Maximum prices for firewood.* On and after October 17, 1942, regardless of the provisions of any contract, agreement or other obligations, no person shall sell or deliver in the State of Connecticut and no person shall buy or receive in the course of trade or business in the State of Connecticut any firewood listed in Appendix A hereof, incorporated herein as section 6, at prices higher than the maximum prices set forth in said Appendix A.

SEC. 2. *Less than maximum prices.* Lower prices than those provided in this Connecticut State Order No. G–1 may be charged, demanded, paid or offered.

SEC. 3. *Evasion.* (a) The price limitations set forth in this Connecticut State Order No. G–1 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to firewood in the State of Connecticut, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

(b) Without in any way limiting the generality of the foregoing, the following practices are forbidden:

(i) The sale, delivery, purchase or acceptance of firewood in units other than a cord, half-cord, quarter-cord, or any multiples thereof, or

(ii) Requiring as a condition of any sale or delivery of firewood that the buyer use the services of the seller in stacking the purchased firewood on the premises of the buyer.

(c) The maximum prices established in this Connecticut State Order No. G–1 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on March 1, 1942.

SEC. 4. *Definitions.* When used in this Connecticut State Order No. G–1, the term:

(a) "Person" includes any individual, corporation, partnership, association or any other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States, or any government, or any of its political sub-divisions, or any agency of any of the foregoing.

(b) (1) "Cord" shall mean a standard cord of 128 cubic feet of compactly piled wood.

(2) A cord of 24-inch firewood shall contain the quantity of 24-inch wood cut from a standard cord but not less than 104 cubic feet of 24-inch wood when compactly piled.

(3) A cord of 16-inch firewood shall contain the quantity of 16-inch wood cut from a standard cord but not less than 96 cubic feet of 16-inch wood when compactly piled.

(4) A cord of 12-inch firewood shall contain the quantity of 12-inch wood cut from a standard cord but not less than 96 cubic feet of 12-inch wood when compactly piled.

(c) This order does not recognize the term "running cord" or any other similar term, except as such term may be used to describe a proportion of a cord of wood containing 128 cubic feet.

(d) "Firewood" means any wood prepared and intended for consumption as fuel.

(e) "Cordwood" means any firewood so prepared that at least 80% thereof consists of cleft wood or merchantable body wood in the round of desirable species.

(f) "Slab wood" means the refuse except sawdust and bark not adhering to the wood from sawing any logs.

(g) "Hardwood cordwood" and "hardwood slabwood" means cordwood and slabwood respectively cut from the following deciduous woods: oak, beech, black, yellow, and white birch, hard and soft maple, hickory, ash, cherry, elm and gum.

(h) "Softwood cordwood" and "softwood slabwood" mean cordwood and slabwood respectively cut from any trees other than those set forth in section 4 (g) of this price order.

(i) "Mixed slabwood" means a mixture of hardwood slabwood and softwood slabwood containing not less than 50% by quantity of hardwood slabwood in the total quantity delivered on any individual sale of mixed slabwood.

(j) "Delivered" means deposited in the yard of the purchaser.

SEC. 5. *Effective date.* This Connecticut State Order No. G–1 shall become effective October 17, 1942.

SEC. 6. *Appendix A: Maximum prices for firewood.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the types of firewood listed in this Appendix A sold or delivered in the State of Connecticut shall be modified as set forth in this Appendix A.

(b) To the maximum prices set forth in this Appendix A, the seller may add a charge at a rate not to exceed $1.00 per cord for his services in neatly stacking firewood in the house or in any covered outbuilding of the buyer if the buyer requests such services.

(c) When used in this Appendix A, Zone 1 shall mean the following towns: Bridgeport, Darien, East Hartford, Fairfield, Greenwich, Hartford, Milford, New Britain, New Haven, Newington, Norwalk, Stamford, Stratford, Waterbury, West Hartford, West Haven, Westport, Wethersfield.

Zone 2 shall mean the following towns: Ansonia, Avon, Bloomfield, Bristol, Danbury, Derby, East Haven, Farmington, Groton, Hamden, Manchester, Meriden, Middletown, New London, North Haven, Norwich, Orange, Putnam, Simsbury, Thompsonville, Torrington, Wallingford, Windham, Windsor Locks, Woodbridge, Windsor.

Zone 3 shall mean all other towns in the State of Connecticut not included in Zone 1 or Zone 2.

HARDWOOD CORDWOOD

	At roadside, lengths 30"–4'6" (per cord)	At roadside, cut lengths 12"–30" (per cord)	At retail yard, cut lengths 12"–30"			Delivered into yard consumer			
						30"–4'6" lengths	Cut lengths 12"–30"		
			Per cord	Per ½ cord	Per ¼ cord	Per cord	Per cord	Per ½ cord	Per ¼ cord
Zone 1	$10	$12	$17.00	$8.50	$4.50	$18.00	$20.00	$10.00	$5.50
Zone 2	10	12	15.00	7.50	4.00	15.00	17.00	8.50	4.75
Zone 3	10	12	13.50	6.75	3.50	12.50	14.50	7.25	4.10

SLABWOOD

	Hardwood slabwood				Softwood slabwood				Mixed slabwood			
	At mill all lengths (per cord)	Delivered into consumer's yard, cut lengths, 12"–30"			At mill all lengths (per cord)	Delivered into consumer's yard, cut lengths, 12"–30"			At mill all lengths (per cord)	Delivered into consumer's yard, cut lengths, 12"–30"		
		Per cord	Per ½ cord	Per ¼ cord		Per cord	Per ½ cord	Per ¼ cord		Per cord	Per ½ cord	Per ¼ cord
Zone 1	$4.50	$12	$6.00	$3.50	$2.50	$10	$5.00	$3.00	$3.50	$11	$5.50	$3.25
Zone 2	4.50	11	5.50	3.25	2.50	9	4.50	2.75	3.50	10	5.00	3.00
Zone 3	4.50	10	5.00	3.00	2.50	8	4.00	2.50	3.50	9	4.50	2.75

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Dated at Hartford, Connecticut, October 16, 1942.

CHESTER BOWLES,
State Director.

[F. R. Doc. 43–12803; Filed, August 6, 1943; 11:04 a. m.]

[Maine Order G–1 Under SR 14]

FIREWOOD IN STATE OF MAINE

Order No. G–1 (Formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

The Director of the State Office of the Office of Price Administration for the State of Maine has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the State of Maine. The State Director has ascertained and given due consideration to the increased production costs which sellers of firewood in the State of Maine must incur in order to produce such firewood compared with the costs of production in March 1942, and in any earlier months in which firewood was generally produced in the State of Maine. He has also ascertained and given due consideration to the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in The State of Maine. So far as practicable, the Director has advised and consulted with representative members of the industry which will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the State of Maine.

Therefore under the authority vested in the State Director by Amendment No. 26 to Supplementary Regulation 14 to the General Maximum Price Regulation, Maine State Order No. G–1 is hereby issued.

A. *Maximum prices for firewood.* On and after October 5, 1942, regardless of any contract or other obligation, no person shall sell or deliver in the State of Maine any firewood and no person shall buy or receive in the course of trade or business in the State of Maine any firewood at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as Section E.

B. *Evasion.* (a) The price limitations set forth in this Order No. G–1 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to firewood in the State of Maine, alone or in conjunction with any other commodity or by way of commission, service transportation, or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

(b) The maximum prices established in this Order No. G–1 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on March 1, 1942.

(c) *Definitions.* When used in this Order No. G–1, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States, or any government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Firewood" means any wood prepared and intended for consumption as fuel.

(3) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round, of desirable species.

(4) "Hardwood cordwood" means cordwood cut from any deciduous tree.

(5) "Delivered" means deposited on or at premises designated by the buyer.

(6) A cord of 4 foot firewood shall measure 8 feet in length, 4 feet in width, and 4 feet in height, or shall otherwise contain 128 cubic feet. A cord of firewood less than 4 feet long shall contain the quantity of such shorter wood cut from a cord of 4 foot wood.

(7) A load of firewood, not exceeding 16 inches in length, sold in the loose shall contain not less than 144 cubic feet; three-fourths of a load shall contain not less than 108 cubic feet; one-half of a load shall contain not less than 72 cubic feet; and one-fourth of a load shall contain not less than 36 cubic feet.

(8) "Zone A," "Zone B" and "Zone C" shall comprise the towns set out respectively in Appendix A, Table II.

D. *Effective date.* This Order No. G–1 shall become effective October 5, 1942.

E. *Appendix A: Maximum prices for firewood sold or delivered in the state of Maine.* The maximum prices established by § 1499.2 of the General Maximum Price Regulation for firewood sold or delivered in the State of Maine shall be modified as follows: *Provided*, That, for the sale of wood suitable for stove use, split to buyer's order, the seller may add at the rate of one dollar per cord or per load to the prices established below for wood delivered:

APPENDIX A

TABLE I

	At roadside, available for trucking per cord	Delivered at buyers' premises, grounds only					
		Per cord	Per ½ cord	Per ¼ cord	Per cord or per load	Per ½ cord or per ½ load	Per ¼ cord or per ¼ load
Maximum price for firewood in Zone A:							
Hardwood cordwood, 4 feet	$10	$12	$8.00	$3.25			
Hardwood cordwood, 24 inches	12	16	8.00	4.50			
Hardwood cordwood, 12 or 16 inches	12				$16	$8.00	$4.50
Maximum prices for firewood in Zone B:							
Hardwood cordwood, 4 feet	10	12	6.00	3.25			
Hardwood cordwood, 24 inches	12	15	7.50	4.25			
Hardwood cordwood, 12 or 16 inches	12				15	7.50	4.25
Maximum price for firewood in Zone C:							
Hardwood cordwood, 4 feet	10	12	6.00	3.25			
Hardwood cordwood, 24 inches	12	14	7.00	4.00			
Hardwood cordwood, 12 or 16 inches	12				14	7.00	4.00

TABLE II

For the purposes of the schedule the State of Maine is set off into three zones, designated as Zone A, Zone B, and Zone C.

Zone A: The following cities, towns, townships, and plantations in the State of Maine shall comprise Zone A—(by Counties):

Androscoggin: Lewiston, Auburn. *Aroostook:* Presque Isle, Fort Fairfield, Caribou, Limestone, Houlton, Littleton, Mars Hill, Easton. *Cumberland:* Portland, South Portland, Cape Elizabeth, Falmouth, Harpswell, Freeport, Yarmouth, Westbrook, Cumberland, Brunswick, Scarborough. *Franklin:* None. *Hancock:* Bar Harbor, Mt. Desert, S. W. Harbor, Tremont, Swan's Island, Long Island Place, Cranberry Isles, Deer Island, Stonington. *Kennebec:* Augusta, Hallowell, Gardiner, Randolph, Farmingdale, Winslow, Waterville, Oakland. *Knox:* Rockland, Rockport, Camden, Thomaston, South Thomaston, North Haven, Vinalhaven, St. George, Cushing, Friendship, Warren, Owl's Head, Matinicus Isle, Isle Au Haut. *Lincoln:* Waldoboro, Nobleborough, Damariscotta, Bremen, Bristol, South Bristol, Boothbay, Boothbay Harbor, Southport, Westport, Newcastle, Edgecomb, Wiscasset, Monhegan Island. *Oxford:* None. *Penobscot:* Bangor, Veazie, Brewer, Orrington, Hampden. *Piscataquis:* None. *Sagadahoc:* Arrowsic, Georgetown, Phippsburg, West Bath, Bath, Woolwich, Topsham. *Somerset:* Fairfield, *Waldo:* Islesborough. *Washington:* None. *York:* Saco, Biddeford, Kittery, Eliot, York, Old Orchard Beach.

Zone B: The following cities, towns, townships, and plantations in the State of Maine shall comprise Zone B—(by Counties):

Androscoggin: Lisbon, Wester, Mechanic Falls, Livermore Falls, Green, Poland, Minot, Durham. *Aroostook:* Fort Kent, Frenchville, Madawaska, Grand Isle, Van Buren, St. Agatha, Blaine, Bridgewater, Monticello, Washburn, Mapelton, Westfield, Connor, Caswell Plantation, New Sweden, Chapman, Ludlow, New Limerick, Hodgdon, Linneus, Woodland. *Cumberland:* Gorham, Windham, Bridgton, Harrison, Pownal, North Yarmouth, Gray, New Gloucester. *Franklin:* Farmington, Wilton, Jay. *Hancock:* Bucksport, Orland, Ellsworth, Surry, Bluehill, Brooklin, Sedgwick, Brooksville, Castine, Penobscot, Trenton, Lamoine, Sorrento, Winter Harbor, Verona, *Kennebec:* Vassalboro, Winthrop, Chelsea, Pittston, Clinton, Benton, Albion, China, Sidney, Belgrade, Windsor, Manchester, West Gardiner. *Knox:* Union, Hope. *Lincoln:* Jefferson, Alna, Dresden. *Oxford:* Rumford,

Mexico, Dixfield, Bethel, Paris, Norway, Fryeburg. *Penobscot:* Old Town, Milford, Bradley, Orono, Eddington, Holden, Alton, Glenburn, Hermon, Carmel, Newburgh, Newport, Corinna, Dexter. *Piscataquis:* Dover-Foxcroft, Sangerville, Milo, Guilford, Brownville. *Sagadahoc:* Richmond, Bowdoin, Bowdoinham. *Somerset:* Skowhegan, Norridgewock, Madison, Pittsfield, Anson, Canaan, Smithfield. *Waldo:* Belfast, Northport, Lincolnville, Winterport, Frankfort, Prospect, Stockton Springs. *Washington:* Calais, Baring, Eastport, Lubec, Machias, Machiasport, Jonesport. *York:* Wells, Kennebunk, Kennebunkport, Berwick, South Berwick, North Berwick, Sanford, Buxton, Dayton.

Zone C: All cities, towns, townships, and plantations in the State of Maine not specifically set out in Zone A and Zone B shall comprise Zone C.

Issued at Augusta, Maine, October 3, 1942.

EDWARD C. MORAN, Jr.,
State Director.

[F. R. Doc. 43-12798; Filed, August 6, 1943; 10:59 a. m.]

[Maine Order G-1 Under SR 14, Amdt. 1]

FIREWOOD IN STONINGTON AND DEER ISLE, MAINE

Amendment No. 1 to Order No. G-1 (formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

An opinion accompanying this amendment has been issued simultaneously herewith and a copy of this amendment together with the accompanying opinion has been duly transmitted (1) to the Regional Office for Region I of the Office of Price Administration in Boston, Massachusetts and (2) to the National Office of the Office of Price Administration in Washington, D. C.

Section D of Order No. G-1 is amended by adding a new subsection (a); and Section E is amended, as set forth below:

D. • • •

(a) Amendment No. 1 to Order No. G-1 shall become effective December 21, 1942.

E. *Appendix A: Maximum prices for firewood sold or delivered in the State of Maine.* The maximum prices established by § 1499.2 of the General Maximum Price Regulation for firewood sold or delivered in the State of Maine shall be modified as follows: *Provided*, That for the sale of wood suitable for stove use, split to buyer's order, the seller may add at the rate of one dollar per cord or per load to the prices established below for wood delivered; except that for four foot hardwood cordwood sold in the Town of Stonington and in the Town of Deer Isle, both located in Zone A, the maximum price for such wood delivered at buyer's premises, grounds only, shall be $14.00 per cord, $7.00 per one-half cord, and $3.75 per one-quarter cord:

• • • • •

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued at Augusta, Maine this 21st day of December, 1942.

EDWARD C. MORAN, Jr.,
State Director.

[F. R. Doc. 43-12799; Filed, August 6, 1943; 11:04 a. m.]

[Vermont Order G-1 Under SR 14]

FIREWOOD IN VERMONT

Order No. G-1 (Formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

The Director of the State Office of the Office of Price Administration for the State of Vermont has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the State of Vermont. The State Director has ascertained and given due consideration to the increased production costs which sellers of firewood in the State of Vermont must incur in order to produce such firewood compared with the costs of production in March, 1942, and in any earlier months in which firewood was generally produced in the State of Vermont. He has also ascertained and given due consideration to the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in the State of Vermont. So far as practicable, the Director has advised and consulted with representative members of the industry which will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the State of Vermont.

Therefore, under the authority vested in the State Director by Amendment No. 26 to Supplementary Regulation 14, Vermont State Order No. G-1 is hereby issued.

1. *Maximum prices for firewood.* On and after October 3, 1942, regardless of any contract or other obligation, no person shall sell or deliver in the State of Vermont any firewood and no person shall buy or receive in the course of trade or business in the State of Vermont any firewood at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as section 5.

2. *Evasion.* (a) The price limitations set forth in this Vermont Order No. G-1 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to firewood in the State of Vermont, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) The maximum prices established in this Vermont Order No. G-1 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on March 1, 1942.

3. *Definitions.* When used in this Vermont Order No. G-1, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States, or any government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Firewood" means any wood prepared and intended for consumption as fuel.

(c) "Hardwood cordwood" means any cordwood cut from any deciduous tree.

(d) "Softwood cordwood" means all cordwood other than hardwood cordwood.

(e) "A cord" shall contain 128 cubic feet of wood. A cord of 16 inch wood shall contain the equivalent of three piles of wood 4 feet high, 8 feet long and 16 inches wide. A cord of 12 inch wood shall contain the equivalent of four piles of wood 4 feet high, 8 feet long and 12 inches wide. No cord of wood of any length shall contain less than 128 cubic feet of wood. This order does not recognize the terms, "a run", or "stove cord", except as they apply to that proportion of a cord of wood containing 128 cubic feet.

(f) "Fitted wood" shall be cordwood firewood suitable for stove use, sawed and split to buyer's order.

(g) "Slab wood" means the refuse except sawdust and bark not adhering to the wood from sawing any logs.

(h) "Wood waste" means edging, bobbin wood, clippings, and any other wooden material except sawdust and slab wood produced in the course of milling or manufacturing wood.

(i) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round of desirable species.

(j) "Delivered" means deposited on or at premises designated by the buyer.

(k) "Kindling wood" shall mean any hardwood or softwood, including waste wood, split and prepared so as to be primarily used to start or kindle a fire.

4. *Effective date.* This Vermont Order No. G-1 shall become effective October 3, 1942.

5. *Appendix A: Maximum prices for firewood sold or bought in the State of Vermont.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for firewood sold or delivered in the State of Vermont shall be modified as follows: *Provided*, That, for the sale of fitted wood, the seller may add one dollar and fifty cents ($1.50) per cord to the maximum prices for cordwood listed in Table I below.

(b) The classifications of firewood listed herein in Table I of Appendix A may be mixed but the maximum price of the mixture shall be the same as the maximum price of the lowest classification therein.

TABLE I—MAXIMUM PRICES FOR FIREWOOD

	In the woods per cord	At roadside per cord	At mill per cord	At retail yard per cord	Delivered at consumers premises					
					Per cord cut 24"	Per cord cut 16"	Per cord cut 12"	Per cord 4 feet	Per cubic foot in baskets or containers piled 9 cubic feet or less	Per cubic foot closely packed and in quantity of more than 9 cubic feet
Hardwood cordwood, 4 feet	$7	$9	.....	$11.00	.....	.....	.....	$11	.....	.....
Hardwood cordwood, under 4 feet	.....	11	.....	14.00	$15	$15	$16	.....	.....	.....
Softwood cordwood, 4 feet	3	5	.....	8.00	.....	.....	.....	8	.....	.....
Softwood cordwood, under 4 feet	.....	7	.....	9.00	10	10	11	.....	.....	.....
Hardwood slabwood, 4 feet or over	.....	.....	$4.00	5.00	.....	.....	.....	6	.....	.....
Hardwood slabwood, under 4 feet	.....	.....	5.50	11.00	12	12	14	.....	.....	.....
Softwood slabwood, 4 feet or over	.....	.....	1.50	3.50	.....	.....	.....	4	.....	.....
Softwood slabwood, under 4 feet	.....	.....	2.00	8.00	9	9	10	.....	.....	.....
Softwood kindling	.....	.....	.....	.....	.....	.....	.....	.....	$0.13	$0.11
Hardwood—Kindling	.....	.....	.....	.....	.....	.....	.....	.....	.17	.15

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 1st day of October 1942, at Montpelier, Vermont.

FRED S. BRYNN,
State Director.

[F. R. Doc. 43-12800; Filed, August 6, 1943; 11:00 a. m.]

[New Hampshire Order G-1 Under SR 14]

FIREWOOD IN NEW HAMPSHIRE

Order No. G-1 (formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

The Director of the State Office of the Office of Price Administration for the State of New Hampshire has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the State of New Hampshire. The State Director has ascertained and given due consideration to the increased production costs which sellers of firewood in the State of New Hampshire must incur in order to produce such firewood compared with the costs of production in March 1942, and in any earlier months in which firewood was generally produced in the State of New Hampshire. He has also ascertained and given due consideration to the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in the State of New Hampshire. So far as practicable, the Director has advised and consulted with representative members of the industry which will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the State of New Hampshire.

Therefore under the authority vested in the State Director by Amendment No. 26 to Supplementary Regulation 14 to the General Maximum Price Regulation, New Hampshire State Order No. G-1 is hereby issued.

A. *Maximum prices for firewood.* On and after September 26, 1942, regardless of any contract or other obligation, no person shall sell or deliver in the State of New Hampshire any firewood and no person shall buy or receive in the course of trade or business in the State of New Hampshire any firewood at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as section G; no person shall sell or deliver any firewood in the State of New Hampshire and no person shall buy or receive in the course of trade or business in the State of New Hampshire any firewood in quantities other than the units specified herein; and no person subject to this New Hampshire Order No. G-1 shall agree, offer, solicit, or attempt to do any of the foregoing.

B. *Less than maximum prices.* Lower prices than those provided in this New Hampshire Order No. G-1 may be charged, demanded, paid or offered.

C. On and after September 26, 1942, regardless of any contract or other obligation, the following shall be the only units for the sale, delivery, purchase, or acceptance of firewood in the State of New Hampshire:

(a) *A cord.* Firewood may be sold by the quarter cord or by any multiple thereof.

(1) A cord of four foot firewood shall contain a standard cord.

(2) A cord of 24-inch firewood shall contain the quantity of 24-inch wood cut from a standard cord but not less than 104 cubic feet of 24-inch wood when compactly piled.

(3) A cord of 16-inch firewood shall contain the quantity of 16-inch wood cut from a standard cord but not less than 96 cubic feet of 16-inch wood when compactly piled.

(4) A cord of 12-inch firewood shall contain the quantity of 12-inch wood cut from a standard cord but not less than 96 cubic feet of 12-inch wood when compactly piled.

(b) *A load.* Firewood not exceeding 16 inches in length may be measured and sold by the quarter load or any multiple thereof. A load shall contain 80 cubic feet of such firewood thrown in loose.

D. *Evasion.* (a) The price limitations set forth in this New Hampshire Order No. G-1 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to firewood in the State of New Hampshire, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) The maximum prices established in this New Hampshire Order No. G-1 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on March 1, 1942.

E. *Definitions.* When used in this New Hampshire Order No. G-1, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States, or any government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Firewood" means any wood prepared and intended for consumption as fuel.

(3) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round of desirable species.

(4) "Hardwood cordwood" means cordwood cut from any deciduous tree.

(5) "Softwood cordwood" means all cordwood other than hardwood cordwood.

(6) "Fitted wood" means cordwood firewood suitable for stove use, split to buyer's order.

(7) "Slab wood" means the refuse except sawdust and bark not adhering to the wood from sawing any logs.

(8) "Wood waste" means edging, bobbin wood, clippings, and any other wooden material except sawdust and slab wood produced in the course of milling or manufacturing wood.

(9) "Standard cord" means 128 cubic feet of four foot firewood piled four feet high and eight feet long.

(10) "Delivered" means deposited on or at premises designated by the buyer.

F. *Effective date.* This New Hampshire Order No. G–1 shall become effective September 26, 1942.

G. *Appendix A: Maximum prices for firewood.* The maximum price for firewood sold or delivered in the State of New Hampshire shall be as follows: *Provided*, That, for the sale of fitted wood, the seller may add at the rate of one dollar per cord or at the rate of 60¢ per load to the prices established below for wood delivered.

The classifications of firewood listed herein in Appendix A may be mixed but the maximum price of the mixture shall be the same as the maximum price of the lowest classification therein.

TABLE 1—MAXIMUM PRICES FOR FIREWOOD IN MANCHESTER AND NASHUA, NEW HAMPSHIRE

	In the woods (per cord)	At road-side (per cord)	At mill (per cord)	At retail yard (per cord)	Delivered at buyer's premises, grounds only					
					Per cord	½ cord	¼ cord	Load (80 cubic feet)	½ load	¼ load
Hardwood cordwood, 4 foot	$8	$10	.....	$12	$14	$7	$3.75	.....	.....	.....
Hardwood cordwood 12-, 16-, or 24-inch	.....	12	.....	16	18	9	5.00	$9.50	$5.25	$3.00
Softwood cordwood, 4-foot	4	6	.....	7	8	4	2.50	.....	.....	.....
Softwood cordwood, 12-, 16-, or 24-inch	.....	8	.....	9	10	5	3.00	5.50	3.25	1.75
Hardwood slabwood, 4-foot	.....	.....	$6	8	10	5	3.00	.....	.....	.....
Hardwood slabwood, 12-, 16-, or 24-inch	.....	.....	.....	10	12	6	3.50	6.50	3.50	2.00
Softwood slabwood, 4-foot	.....	.....	2	4	6	3	2.00	.....	.....	.....
Softwood slabwood, 12-, 16-, or 24-inch	.....	.....	.....	.....	8	4	2.50	4.50	2.50	1.50
Hardwood waste	.....	.....	1 5	.....	.....	.....	.....	6.50	3.50	2.00
Softwood waste	.....	.....	1 1	.....	.....	.....	.....	4.00	2.25	1.25

1 Prices per load.

TABLE 2—MAXIMUM FIRE WOOD PRICES FOR THE FOLLOWING NEW HAMPSHIRE COMMUNITIES: BERLIN, CLAREMONT, CONCORD, DERRY, DOVER, EXETER, FRANKLIN, KEENE, LACONIA, LEBANON, NEWPORT, PORTSMOUTH, ROCHESTER, AND SOMERSWORTH

	In the woods (per cord)	At road-side (per cord)	At mill (per cord)	At retail yard (per cord)	Delivered at buyer's premises, grounds only					
					Per cord	½ cord	¼ cord	Load (80 cubic feet)	½ load	¼ load
Hardwood cordwood, 4-foot	$8	$10	.....	$12	$14	$7	$3.75	.....	.....	.....
Hardwood cordwood, 12-, 16-, or 24-inch	.....	12	.....	14	16	8	4.50	$8.50	$4.75	$2.50
Softwood cordwood, 4-foot	4	6	.....	7	8	4	2.50	.....	.....	.....
Softwood cordwood, 12-, 16-, or 24-inch	.....	8	.....	9	10	5	3.00	5.50	3.25	1.75
Hardwood slabwood, 4-foot	.....	.....	$6	8	10	5	3.00	.....	.....	.....
Hardwood slabwood, 12-, 16-, or 24-inch	.....	.....	.....	10	12	6	3.50	6.50	3.50	2.00
Softwood slabwood, 4-foot	.....	.....	2	4	6	3	2.00	.....	.....	.....
Softwood slabwood, 12-, 16-, or 24-inch	.....	.....	.....	.....	8	4	2.50	4.50	2.50	1.50
Hardwood waste	.....	.....	1 5	.....	.....	.....	.....	6.50	3.50	2.00
Softwood waste	.....	.....	1 1	.....	.....	.....	.....	4.00	2.25	1.25

1 Prices per load.

TABLE 3—MAXIMUM FIRE WOOD PRICES FOR ALL OTHER NEW HAMPSHIRE COMMUNITIES NOT LISTED IN TABLES 1 AND 2 OF APPENDIX A

	In the woods (per cord)	At road-side (per cord)	At mill (per cord)	At retail yard (per cord)	Delivered at buyer's premises only					
					Per cord	½ cord	¼ cord	Load (80 cu. feet)	½ load	¼ load
Hardwood cordwood, 4-foot	$8	$10	.....	$12	$12.00	$6.00	$3.50	.....	.....	.....
Hardwood cordwood 12-, 16-, or 24-inch	.....	12	.....	13	14.00	7.00	4.00	$7.50	$4.25	$2.25
Softwood cordwood, 4-foot	4	6	.....	7	8.00	4.00	2.50	.....	.....	.....
Softwood cordwood 12-, 16-, or 24-inch	.....	8	.....	9	10.00	5.00	3.00	5.50	3.25	1.75
Hardwood slabwood, 4-foot	.....	.....	$6	8	10.00	5.00	3.00	.....	.....	.....
Hardwood slabwood 12-, 16-, or 24-inch	.....	.....	.....	10	12.00	6.00	3.50	6.50	3.50	2.00
Softwood slabwood, 4-foot	.....	.....	2	3	4.50	2.25	1.25	.....	.....	.....
Softwood slabwood, 12-, 16-, or 24-inch	.....	.....	.....	.....	6.50	3.25	1.75	3.75	2.25	1.25
Hardwood waste	.....	.....	1 5	.....	.....	.....	.....	6.50	3.50	2.00
Softwood waste	.....	.....	1 1	.....	.....	.....	.....	3.50	2.00	1.25

1 Prices per load.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Dated at Concord, New Hampshire, September 25, 1942.

RUSSELL R. LARMON,
State Director.

[F. R. Doc. 43–12801; Filed, August 6, 1943; 11:01 a. m.]

[Rhode Island Order G–1 Under SR 14]

CORDWOOD IN RHODE ISLAND

Order No. G–1 under Supplementary Regulation 14 to General Maximum Price Regulation (Formerly Price Order No. 1)—Cordwood.

The Director of the Rhode Island Office of the Office of Price Administration has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale and delivery of cordwood are inadequate to insure a sufficient supply of cordwood to meet heating requirements in the State of Rhode Island. The State Director has ascertained and given due consideration to the increased production costs which sellers of cordwood in the State of Rhode Island must incur in order to produce such cordwood compared with the costs of production in March, 1942, and in earlier months in which cordwood was generally produced in the State of Rhode Island. He has also ascertained and given due consideration to the extent of increased transportation costs which must be incurred by sellers of cordwood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in the State of Rhode Island. So far as practicable, the Director has advised and consulted with representative members of the industry and of consumers that will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of cordwood in the State of Rhode Island.

Therefore, under the authority vested in the State Director by § 1499.73 (a) (8), as amended, of General Maximum Price Regulation (See Amendment No. 26 to Supplementary Regulation 14 to General Maximum Price Regulation), Rhode Island State Order No. G–1 is hereby issued.

1. *Maximum prices for cordwood.* On and after October 15, 1942, regardless of any contract or other obligation, no person shall sell or deliver any cordwood in the State of Rhode Island, and no person, in the course of trade or business, shall buy or receive any cordwood in the State of Rhode Island, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as section 6.

2. *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

3. *Definitions.* When used in this Rhode Island Order No. G–1, the term:

(a) "Cordwood" means hardwood consisting of oak, maple, ash, birch, hickory, and apple, or the equivalent burning species prepared for consumption as fuel.

(b) "Delivered", with respect only to sales to an ultimate consumer, means deposited on or at premises designated by the buyer.

(c) The definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to other terms used herein.

(d) "Zone A", "Zone B", "Zone C", and "Zone D" shall comprise the cities and towns specified in Appendix A hereof, incorporated herein as § 6.

4. This order may be revoked or amended at any time by the State Director.

5. *Effective date.* This Rhode Island Order No. G–1 shall become effective October 15, 1942.

6. *Appendix A: Maximum prices for cordwood sold or delivered in the State of Rhode Island.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for cordwood sold or delivered in the State of Rhode Island are hereby adjusted as follows:

(1) For cordwood delivered to the ultimate consumer in:

(i) "Zone A," $17.50 per cord for all lengths of cut.

(ii) "Zone B," $12.50 per cord for all lengths of cut.

(iii) "Zone C," $20 per cord, in 4 foot lengths, plus the sum of $1 for each additional cut required for less than 4 foot lengths.

(iv) "Zone D," $16 per cord for all lengths of cut.

(2) For cordwood sold or delivered to others than the ultimate consumer, the maximum price established under § 1499.2 of the General Maximum Price Regulation, plus $2.50 per cord.

(b) Zones "A," "B," "C," and "D" are hereby established comprising the cities and towns specified for each such zone as follows:

Zone "A": The Cities of Central Falls, Cranston, Pawtucket and Providence, and the town of East Providence.

Zone "B": The towns of Charlestown, Exeter, Hopkinton, Richmond and Westerly.

Zone "C": The city of Newport, and the Towns of Jamestown, Middletown, New Shoreham and Portsmouth.

Zone "D": All of that area of the State of Rhode Island not comprised in Zones "A," "B," and "C" as above.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued at Providence, Rhode Island, October 15, 1942.

CHRISTOPHER DEL SESTO,
State Director.

[F. R. Doc. 43–12802; Filed, August 6, 1943; 11:01 a. m.]

[Tulsa Order G–1 Under Gen. Order 50, Amdt. 1]

DOMESTIC MALT BEVERAGE IN TULSA DISTRICT

Order No. G–1, Amendment No. 1 under General Order No. 50. Filing of prices by restaurants and similar establishments: Delegation of authority to fix maximum prices.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Tulsa, Oklahoma, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region V Delegation Order, *It is hereby ordered*, That Tulsa Order No. G–1 under General Order No. 50 be amended as follows:

1. Section 9 (a) (2), is hereby amended to read as follows:

(2) *On draught.* All brands, except Michelob, of domestic malt beverage (beer or ale) ten (10) fluid ounces, exclusive of foam, for ten cents (10¢). Michelob domestic malt beverage may be sold eight (8) ounces, exclusive of foam, for ten cents (10¢).

Other quantities of all brands of domestic malt beverage sold on draught, may be sold by any "eating or drinking place" to which this order applies: *Provided*, That such "eating or drinking place" dispenses no less than one (1) fluid ounce, exclusive of foam, of domestic malt beverage (beer or ale) for each one cent (1¢) charged.

This amendment to Tulsa Order No. G–1 under General Order No. 50, shall become effective at 12:01 a. m., July 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Tulsa, Oklahoma, this 23d day of July 1943.

BEN O. KIRKPATRICK,
District Director.

[F. R. Doc. 43–12837; Filed, August 7, 1943; 10:49 a. m.]

[Shreveport Order G–1 Under Gen. Order 50]

CEILING PRICES FOR DOMESTIC MALT BEVERAGES IN SHREVEPORT DISTRICT

Order No. G–1 under General Order No. 50. (Filing of prices by restaurants and similar establishments: delegation of authority to fix maximum prices). Dollars and cents ceiling prices for domestic malt beverages.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Shreveport, Louisiana, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region V Delegation Order dated April 13th, 1943, *it is hereby ordered:*

SECTION 1. *What this order does.* In accordance with the provisions of General Order No. 50, this order establishes in section 9 hereof, "dollars-and-cents" maximum prices for certain beverage items offered for sale or sold by any "person" owning or operating an "eating or drinking place" located in the Shreveport District, composed of the following parishes in the State of Louisiana:

Bienville.	East Carroll.
Bossier.	Franklin.
Caddo.	Grant.
Caldwell.	Jackson.
Catahoula.	LaSalle.
Claiborne.	Lincoln.
Concordia.	Madison.
DeSoto.	Morehouse.
Natchitoches.	Tensas.
Ouachita.	Union.
Red River.	Webster.
Richland.	West Carroll.
Sabine.	Winn.

SEC. 2. *What this order covers.* The beverage item to which this order applies are:

(a) Domestic malt beverages as defined in section 7 hereof and commonly known as beer or ale.

SEC. 3. *Prohibition against sales or beverage items above maximum prices.* (a) On and after the effective date of this order, regardless of any contract, agreement, lease, or other obligation:

(1) No person shall sell or deliver any beverage item subject to this order at higher prices than the maximum prices set forth in this order.

(2) No person shall buy or receive any beverage item subject to this order in the course of trade or business at higher prices than the maximum prices set forth in this order.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 4. *Posting—*(a) *Selling prices.* All persons subject to this order must post in the "eating or drinking place," plainly visible to their customers, their selling prices for the beverage items listed in Section 9 hereof, at or near the place where the beverage item is offered for sale.

(b) *Maximum prices.* All persons subject to this Order must post in a conspicuous place in the "eating or drinking place" a list of the "dollars-and-cents" maximum prices of the beverage items offered for sale, so that such list will be plainly visible to their customers.

SEC. 5. *Applicability of General Order No. 50.* This order is subject to all the provisions of General Order No. 50 which are hereby made a part of this order.

SEC. 6. *Applicability of General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation, as well as amendments thereto, shall be applicable to all "eating and drinking places" subject to this order:

(a) Sales Slips and Receipts: § 1499.14.

(b) Registration: § 1499.15.

(c) Licensing: § 1499.16.

SEC. 7. *Definitions.* (a) "Domestic malt beverage" shall mean any and all malt beverages produced within the continental United States, or its territories and possessions, made by the alcoholic fermentation of an infusion or decoction, or combinations of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(b) "Domestic malt beverage sold on draught" means domestic malt beverage dispensed from a barrel, keg or other container by a "person" owning or operating an "eating place" subject to this order.

(c) "Person" includes an individual, corporation, partnership, trust or estate, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any state, county, or municipal government, or any of its political subdivisions, and any agencies of any of the foregoing: *Provided*, That no punishment provided by this order shall apply to the United States, or to any such government, political subdivision, or agency.

(d) "Eating or drinking place" means any place, establishment, business, or location, whether temporary or permanent, stationary or movable, including, but not limited to, a restraurant, hotel, cafe, boarding house, diner, coffee shop, tea room, private club, bar, tavern, delicatessen, soda fountain, cocktail lounge, catering business, or any other place from which any beverage item subject to this order is offered for sale or sold, except those places which are specifically exempted in section 8 hereof.

(e) "Beverage items" listed herein shall include all domestic malt beverages sold or served by "eating or drinking places" for consumption in or about the place, without additional preparation other than cooling.

(f) "Hotel room service sale" means sale to a guest or guests in a hotel room when delivery is made to a guest's hotel room.

(g) "Hotel" means any establishment generally regarded as such in its community and used predominantly for transient occupancy.

(h) *Other definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 8. *Exempt sales.* Sales by the following are specifically exempt from the provisions of this order:

(a) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar, and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(b) Hospitals, except for beverage items served to persons other than patients.

(c) Hotel room service sales.

(d) Any place of business which does not sell domestic malt beverages for consumption on or about the premises where sold.

Such aforesaid sales, not otherwise exempt from Price Control, shall remain subject to the appropriate maximum price regulation or order.

SEC. 9. *Maximum "Dollars-and-Cents" prices.* (a) The maximum "dollars-and-cents" prices which may be charged for the beverage items subject to this order are:

(1) *In bottles:*

Brand or trade name	Maximum price per bottle	
	12 oz.	32 oz.
	Cents	*Cents*
Blatz Pilsener (beer)	16	36
Budweiser (beer)	16	36
Burger Brau (beer)	16	
Fortune (beer)	16	36
Manhattan (beer)	16	
Muehlebach (beer)	16	36
Pabst (beer)	16	36
Schlitz (beer)	16	36
Silver Fox (beer)	16	36
Burger Beer (beer)	11	
Burger Ale (ale)	11	
Birk's (beer)	11	26
Champ-Velvet (beer)	11	26
Eagle (beer)	11	26
Falstaff (beer)	11	26
Fox DeLuxe (beer)	11	26
Gold Crest (beer)	11	26
Hapsburg (beer)	11	26
Jax (beer)	11	26
Regal (beer)	11	26
Stag (beer)	11	26
76—Ale (ale)	11	26

(2) *On draught.* All brands of domestic malt beverage (beer or ale) ten (10) fluid ounces, exclusive of foam, for ten cents (10¢), or in other quantities at the rate of one cent (1¢) per ounce, exclusive of foam.

(3) *Non-labeled bottles.* Any domestic malt beverage item (beer or ale) offered for sale or sold in bottles by any "eating or drinking place" subject to this order, which does not have the manufacturer's label affixed thereto, or the trade name or brand stamped, printed, or engraved or appearing in raised letters on the cap or bottle as proper identification, shall not be offered for sale or sold at a price higher than the lowest maximum price fixed herein for the size of bottle of domestic malt beverage (beer or ale) offered for sale or sold.

SEC. 10. *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

SEC. 11. *Other brands of domestic malt beverages.* Any person subject to this order desiring to sell any other trade name or brand of domestic malt beverage not specifically priced by section 9 herein, shall, before offering such domestic malt beverage for sale, apply to and receive from the Shreveport District Office of the Office of Price Administration a maximum price for such beverage.

Such application need not be in any particular form, but must contain the following information: Name and address of applicant, location and type of "eating or drinking place", trade name or brand of domestic malt beverage, size of bottle, and cost per case, delivered. The Shreveport District Office of the Office of Price Administration shall then fix the maximum price for such trade name or brand of domestic malt beverage, and shall notify such applicant accordingly. The price so fixed shall be the maximum price for which such trade name or brand of domestic malt beverage may be sold by such applicant.

SEC. 12. *Taxes.* The dollars-and-cents maximum prices for the beverage items listed in section 9 hereof, include municipal, state and federal taxes in effect as of the effective date of this order. In the event of an increase in an existing tax or of the levy of a new or additional tax, not in effect on the effective date of this order, the Shreveport District Director of the Office of Price Administration may make such adjustment in the maximum prices provided for herein, as may appear equitable and just.

SEC. 13. *Evasion.* The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of any beverage item, alone or in connection with any other commodity or by way of commission, service, transportation, or any charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means, manner, method, device, scheme, or artifice, or otherwise.

SEC. 14. *Enforcement.* "Persons" violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Petition for amendment.* Any person seeking an amendment of any provisions of this order, may file a petition for amendment, in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

SEC. 16. *Effective date.* This order becomes effective at 12:01 a. m., Central War Time, August 9, 1943.

SEC. 17. *Revocation.* This order may be amended, corrected, revised, or revoked at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued at Shreveport, Louisiana, this 31st day of July 1943.

J. E. BRUMFIELD,
District Director.

[F. R. Doc. 43-12836; Filed, August 7, 1943; 10:48 a. m.]

[Region III Order G-27 Under 18 (c) of GMPR]

HOG HOUSES IN SOUTHERN AND CENTRAL INDIANA

Order No. G-27 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Order adjusting maximum prices for hog houses in southern and central Indiana.

Pursuant to § 1499.18 (c) of the General Maximum Price Regulation and upon the facts found and for the reasons stated in the annexed opinion: *It is hereby ordered:*

1. This order applies only to persons located in those counties of the State of Indiana south of the southern boundaries of Newton, Jasper, Pulaski, Fulton, Kosciusko, Whitley and Allen Counties who construct or manufacture hog houses and sell the same direct to raisers of hogs within such portion of the State of Indiana.

2. Any seller of hog houses to whom this order applies is authorized to adopt as his maximum price for hog houses sold in transactions governed by this order in the place and stead of his maximum price established under the General Maximum Price Regulation, the total of the following amounts:

(a) The maximum price for sale at retail of each item of lumber and other material actually used in the manufacture or construction of the hog house. In determining the amount of lumber and other material actually used, the allowance for wastage shall in no event exceed 5%.

(b) The actual cost of direct labor used in the manufacture or construction. This means the amount of wages or salary paid for time actually worked on the manufacture or construction of the hog house and shall not include any sum for supervision or administrative cost. In instances where the seller performs the labor himself, he shall compute the value of his time at wage rates prevailing in his community for similar type of work.

(c) 10% of the total amount allowed for labor and material as above set forth.

3. Every seller making sales pursuant to this order shall in addition to all other records required by the maximum price regulation, prepare an itemized statement showing in detail how he determined his maximum price on each kind and type of hog house manufactured or constructed by him and shall retain such statement while this order remains in effect for examination by any representative of the Office of Price Administration. Where any used, scrap, discarded, or rejected materials are employed, that fact shall be noted on such statement.

4. Except to the extent expressly authorized by this order, each seller shall conform to all requirements of the General Maximum Price Regulation.

5. This order shall take effect upon the execution hereof and remain in force until revoked, modified or superseded by order or regulation issued by the Office of Price Administration.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12860; Filed, August 7, 1943; 11:50 a. m.]

[Region IV Order G-3 Under 18 (c) of GMPR]

FLUID MILK IN BARTOW AND GORDON COUNTIES, GA.

Amendment No. 1 to Order No. G-3, (formerly Price Order No. 18 (c)-3) under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

Adjustment of certain fluid milk prices for Bartow and Gordon Counties, Georgia.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. G-3 issued December 7, 1942, with effective date of December 14, 1942, is amended as follows:

Paragraph I is revoked; and Paragraph II and Paragraph IV (3) are amended as set forth below:

II. *Adjusted maximum prices for Grade A raw and pasteurized milk.* On and after December 14, 1942, the maximum price for Grade A raw and pasteurized milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at wholesale shall be 13¢ per quart, 7¢ per pint, and 3½¢ per half-pint; and the maximum price of Grade A raw and pasteurized milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 15¢ per quart, 8¢ per pint, and 5¢ per half-pint.

IV. *Requirements of notification.*
* * *

(3) The written notifications required in subparagraphs III, (1) and (2) shall contain the following statement:

By Order No. G-3 effective December 14th, as amended by Amendment No. 1 thereto, issued December 9th, and effective December 14th, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Grade A raw and pasteurized milk within the boundaries of Bartow and Gordon Counties, Georgia, as follows:

Raw and pasteurized	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Wholesale	13	7	3½
Out of retail store	15	8	5
Retail home delivered	15	8	5

Copy of said order and the accompanying opinion, and Amendment No. 1 to said order and the opinion issued in connection therewith may be inspected at the place of business of the seller.

Effective Date

Amendment No. 1 to Order No. G-3 shall be effective as of December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-12854; Filed, August 7, 1943; 11:46 a. m.]

[Region VIII Order G-3 Under SR 14]

FLUID MILK IN POLK COUNTY, OREG.

Order G-3 under § 1499.73 (a) (1) (iv) of Supplemental Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order 5.) Fluid milk prices at wholesale and retail in Polk County, Oregon.

For the reasons set forth in a statement of reasons issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, the General Maximum Price Regulation, and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold and delivered at retail in Polk County, Oregon.* (a) The maximum prices for fluid milk sold and delivered at retail in Polk County, Oregon, shall be the seller's maximum prices as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Butterfat	Container size	Adjusted maximum price (cents)
4%	½ pint	5
4%	pint	8
4%	quart	13
5%	½ pint	6
5%	pint	9
5%	quart	15

(2) *Maximum prices for fluid milk sold at wholesale in Polk County, Oregon.* (a) The maximum prices for fluid milk sold and delivered at wholesale in Polk County, Oregon, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Butterfat	Container size	Adjusted maximum price (cents)
4%	½ pint	3½
4%	pint	6
4%	quart	11
5%	½ pint	3½
5%	pint	7
5%	quart	13

(3) *Definitions.* For the purposes of this order:

(a) "Milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(b) "4% butterfat" milk means milk having a butterfat contènt of 4.5% or less, and includes chocolate milk. "5% butterfat" milk means milk having a butterfat content exceeding 4.5%.

(c) "Sale at wholesale" means a sale of fluid milk in bottles or paper containers to any person, including an industrial or commercial user, other than the ultimate consumer.

(d) "Sale at retail" means a sale or selling of fluid milk in bottles or paper containers to an ultimate consumer other than an industrial or commercial user.

(4) According to the Sixteenth Census of the United States 1940, no city in Polk County, Oregon has a population of 100,000 persons or more. No marketing Agreement Act of 1937, as amended, has been made or issued establishing a minimum producer price for milk in any part of Polk County, Oregon.

(5) No seller of fluid milk affected by this order shall change his customary allowances, discounts, or other price differentials unless such change results in a lower price.

(6) Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(7) This Order No. G–3 may be revoked or amended at any time by the Office of Price Administration.

(8) This Order No. G–3 shall become effective October 16, 1942.

Issued this 16th day of October 1942.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–12853; Filed, August 7, 1943; 11:44 a. m.]

[Region VIII Order G–2 Under SR 14]

FLUID MILK IN CERTAIN LOCALITIES IN WASHINGTON

Order G–2 under § 1499.73 (a) (1) (iv) of Supplemental Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order 3). Fluid milk prices at wholesale and retail in certain localities in the State of Washington.

For the reasons set forth in a statement of reasons issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, the General Maximum Price Regulation, and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold and delivered at retail in certain specified localities in the State of Washington.* (a) The maximum prices for fluid milk sold and delivered at retail, in the localities in the State of Washington set forth below, shall be the seller's maximum prices as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Locality	Grade	Butterfat	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(a) Camas, Wash.	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	13
(b) Washougal, Wash.	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	13

(2) *Maximum prices for fluid milk sold at wholesale in certain specified localities in the State of Washington.* (a) The maximum prices for fluid milk sold and delivered at wholesale, in the localities in the State of Washington set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Locality	Grade	Butterfat	Container size	Type of container	Adjusted maximum price (cents)
(a) Camas, Wash.	Milk	Standard	Quart	Glass or paper	11
(b) Washougal, Wash.	Milk	Standard	Quart	Glass or paper	11

(3) *Definitions.* For purposes of this order:

(a) "Milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk,

(b) "Standard" milk means milk of the butterfat content which the seller normally supplied as his standard grade in March, 1942.

(c) "Sale at wholesale" means a sale of fluid milk in bottles or paper containers to any person, including an industrial or commercial user, other than the ultimate consumer.

(d) "Sale at retail" means a sale or selling of fluid milk to an ultimate consumer other than an industrial or commercial user.

(e) "Camas, Washington" means the area included within the city limits of the City of Camas, in the State of Washington, and any place within 3 miles of said city limits.

(f) "Washougal, Washington" means the area included within the city limits of the City of Washougal, in the State of Washington, and any place within 3 miles of said city limits.

(4) The City of Camas, Washington and the City of Washougal, Washington, according to the Sixteenth Census of the United States 1940, have populations of less than 100,000 persons. No marketing agreement or order under provisions of the Agricultural Marketing Agreement Act of 1937, as amended, has been made or issued establishing a minimum producer price for milk in the Cities of Camas and Washougal, Washington.

(5) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(6) This Order No. G–2 may be revoked or amended by the Office of Price Administration at any time.

(7) This Order No. G–2 shall become effective October 6th, 1942.

Issued this 6th day of October 1942.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–12852; Filed, August 7, 1943; 11:44 a. m.]

[New Hampshire Order G–1 Under SR 14 of GMPR, Amdt. 1]

FIREWOOD IN NEW HAMPSHIRE

Amendment No. 1 to Order No. G–1 (formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

An opinion accompanying this amendment has been issued simultaneously herewith and a copy thereof has been duly transmitted to the Regional Office for Region I of the Office of Price Administration and a copy to the National Office of the Office of Price Administration in Washington, D. C.

Paragraph (a) of section C is amended, paragraph (b) of section D is amended, section C is amended, by adding a new paragraph (c), a new section Da is added (following section D), section E is amended, a new section Fa is added (following section F), section G, Appendix A, is amended, all as set forth below:

C. • • •

(a) *A cord or multiples thereof.* Firewood may also be sold in units of a quarter of a cord, one-third of a cord, or one-half of a cord. Multiples of a quarter of a cord or of one-third of a cord, not herein mentioned, may not be used as units of sale.

• • • • •

(c) *A basket.* Firewood in units of less than one quarter load and not exceeding 12 inches in length including but not limited to edgings, bobbin wood, clippings, slabwood and other wood waste may be sold by the bushel; *Provided,* That the baskets or similar receptacles used shall be of one bushel or multiple thereof, New Hampshire standard dry measure, and shall be filled at least level full when well shaken.

D. • • •

(b) *A load.* Firewood not exceeding 16 inches in length may be measured and sold by the quarter-load or any multiple thereof. A load shall contain 80 cubic feet of such firewood thrown in loose. Firewood exceeding 16 inches in length shall not be sold by the load.

Da. *Sales slips.* Every person selling firewood for which, upon sale by that person, maximum prices are established by this New Hampshire Order No. G–1 shall deliver to the purchaser a sales slip showing (1) the date, (2) the names and addresses of the seller and buyer, (3) the kind, grade, and quantity of such firewood being sold, (4) any permissible processing charges made in connection

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Dated at Concord, N. H., on December 15, 1942.

RUSSELL R. LARMON,
State Director.

[F. R. Doc. 43–12855; Filed, August 7, 1943; 11:46 a. m.]

[Region III Order G–20 Under 18 (c) of GMPR]

FLUID MILK IN DESIGNATED COUNTIES IN MICHIGAN

Amendment No. 1 to Order No. G–20 under § 1499.18 (c), as amended of the General Maximum Price Regulation (formerly Order No. III–1499.18 (c)–29). Adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan.

For the reasons set forth in the opinion attached hereto, paragraph 6 of Schedule A of Order No. G–20 is hereby revoked and a new paragraph 6, as set forth below, is substituted therefor.

6–A. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Keweenaw, Houghton, Ontonagon, Baraga, Iron, Marquette, Dickinson, Menominee, Delta, Alger, Schoolcraft, Mackinac, Luce and Chippewa in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	13¢ per quart.
Retail	Glass or paper	One pint	7½¢ per pint.
Retail	Glass or other	One half pint	5¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	44¢ per gallon.
Wholesale	Glass or paper	One quart or multiples thereof	11¢ per quart.
Wholesale	Glass or paper	One pint	6½¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per one-half pint.

6–B. Adjusted maximum prices for the sale of pasteurized fluid whole milk at retail or wholesale in the County of Gogebic in the State of Michigan shall be the same as those set forth under the preceding sub-part (A) of this paragraph 6.

6–C. Adjusted maximum prices for the sale of raw fluid whole milk at retail or wholesale in the County of Gogebic in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	45¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	13¢ per quart.
Retail	Glass or paper	One pint	7¢ per pint.
Retail	Glass or paper	One half pint	5¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	42¢ per gallon.
Wholesale	Glass or paper	One quart or multiples thereof	11¢ per quart.
Wholesale	Glass or paper	One pint	6½¢ per pint.
Wholesale	Glass or paper	One-half pint	3¢ per one-half pint.

This Amendment No. 1 shall be effective March 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 26, 1943.

BIRKEY L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–12857; Filed, August 7, 1943; 11:47 a. m.]

[Region III Order G–20 Under 18 (c), Amdt. 2]

FLUID MILK IN KALAMAZOO AND BATTLE CREEK

Amendment No. 2 to Order No. G–20 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. III–1499.18 (c)–29). Adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan.

(2) "Edgings" means the round-edge parts of boards removed in the process of sawing round-edge boards into square-edge boards. "Bundled edgings" means edgings that are tied with rope, twine, wire or other similar fastening into bundles of a convenient size for handling.

Fa. *Effective date of amendment.* Amendment No. 1 (C (a), C (b), C (c), Da, E, Fa, F) to order No. G–1 shall become effective December 17th, 1942.

G. *Appendix A: Maximum prices for firewood.* • • •

TABLE 1.—MAXIMUM PRICES FOR FIREWOOD IN MANCHESTER AND NASHUA, NEW HAMPSHIRE

	In the woods per cd.	At roadside per cd.	At mill per cd.	At retail yard per cd.	Delivered at buyers' premises, grounds only						
					Per cd.	½ cd.	¼ cd.	80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft.	$8	$10	.....	$12	$14.00	$7.00	.....	$3.75	.....	.....	.....
Hardwood cordwood 12", 16", 24"	.....	.....	.....	16	18.00	9.00	$5.25	5.00	$9.50	$5.25	$3.00
Softwood cordwood—4 ft.	4	12	.....	7	8.00	4.00	2.50	2.50	5.00	2.75	1.75
Softwood cordwood 12", 16", 24"	.....	6	.....	9	10.00	5.00	3.50	3.00	6.00	3.25	2.00
Hardwood slabwood—4 ft.	.....	8	$6.00	8	10.00	5.00	3.00	3.00	5.50	3.00	1.75
Hardwood slabwood 12", 16", 24"	.....	.....	.....	10	12.00	6.00	4.25	3.50	6.50	3.50	2.00
Softwood slabwood—4 ft.	.....	4	2.00	4	6.00	3.00	2.00	2.00	4.00	2.25	1.25
Softwood slabwood 12", 16", 24"	.....	.....	.....	.....	8.00	4.00	.....	2.50	4.50	2.50	1.50
Hardwood waste	.....	.....	$5.00	.....	.....	.....	.....	.....	.....	.....	.....
Softwood waste	.....	.....	1.00	.....	.....	.....	.....	.....	.....	.....	.....
Softwood blocks	.....	.....	2.00	.....	.....	.....	.....	.....	.....	.....	.....
Bundled edgings—4 ft.	.....	.....	2.50	.....	4.00	2.00	.....	.....	.....	.....	.....
Hardwood cordwood 12", 16", 24"	.....	12	.....	12	14.00	6.00	.....	3.50	.....	.....	.....
Softwood cordwood—4 ft.	4	.....	.....	13	14.00	7.00	5.00	4.00	7.50	4.25	2.25
Softwood cordwood 12", 16", 24"	.....	8	.....	7	8.00	4.00	2.50	2.50	4.50	2.50	1.50
Hardwood slabwood—4 ft.	.....	.....	.....	9	10.00	5.00	3.50	3.00	5.50	3.25	1.75
Hardwood slabwood 12", 16", 24"	.....	.....	6.00	8	10.00	5.00	.....	3.00	6.00	.....	.....
Softwood slabwood—4 ft.	.....	.....	.....	10	12.00	6.00	4.25	3.50	6.50	3.50	2.00
Softwood slabwood 12", 16", 24"	.....	.....	2.00	3	4.50	2.25	.....	1.25	.....	.....	.....
Hardwood waste	.....	.....	.....	.....	6.50	3.25	.....	1.75	3.25	1.75	1.00
Softwood waste	.....	.....	5.00	.....	.....	.....	.....	.....	.....	.....	.....
Softwood blocks	.....	.....	1.00	.....	.....	.....	.....	.....	.....	.....	.....
Bundled edgings 4 ft.	.....	.....	2.00	.....	4.00	.....	.....	.....	.....	.....	.....

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12 inch wood or less.
[4] Prices per load.

Subsequent to the issuance of Order No. G–20 further investigation has disclosed that distributors in Kalamazoo and Battle Creek, Michigan secure their supplies of raw fluid milk for the same general procurement area.

Distributors in Kalamazoo were forced to meet the competitive producer prices offered by Battle Creek distributors, who enjoyed higher resale prices.

Also, manufacturers of milk products located in the Kalamazoo area are currently paying producers prices for uninspected raw milk nearly equal to the maximum producer prices established for fluid milk distributors in said area.

It is established to the satisfaction of the Regional Administrator that it is necessary to adjust Kalamazoo County distributors' resale and producer prices upward in order to assure the maintenance of an adequate supply of fluid whole milk in said county.

For the reasons hereinbefore set forth, Order No. G–20 is hereby amended by deleting the County of Kalamazoo from the list of counties set forth in paragraph 2 of schedule A, and adding the County of Kalamazoo to the list of counties set forth in paragraph 3 of schedule A.

This Amendment No. 2 shall become effective April 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued March 31, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–12856; Filed, August 7, 1943; 11:47 a. m.]

[Region III Order G–23 Under 18 (c) of GMPR]

FLUID MILK IN WEST VIRGINIA

Order No. G–23 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of West Virginia (formerly Order No. III–1499.18 (c)–35).

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280: *It is hereby ordered*, That:

I. *Sales of fluid whole milk.* Any person may sell or deliver fluid whole milk at retail or wholesale in any county in the State of West Virginia at (1) the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the maximum prices set forth in the schedule under the applicable paragraph in Schedule A hereof, whichever are greater.

II. *Sales of special milk.* A. Except as hereinafter provided in paragraph C of this section II, any person selling special milk, as hereinafter defined, at retail in any county in the State of West Virginia who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the retail quart price of fluid whole milk (raw or pasteurized regular, standard milk) sold by him, may add an amount equal to such increase or increases to the retail quart price (or a proportional amount of such increase or increases in the case of containers of greater or lesser content than one quart) of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280.

B. Except as hereinafter provided in paragraph C of this section II, any person selling special milk, as hereinafter defined, at wholesale in any county in the State of West Virginia who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the wholesale quart price of fluid whole milk (raw or pasteurized regular, standard milk) sold by him, may add an amount equal to such increase to the wholesale quart price (or a proportional amount of such increase in the case of containers of greater or lesser content than one quart) of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280.

C. The adjusted maximum price of plain homogenized milk, chocolate drink, buttermilk and skim milk as established under the preceding paragraphs A and B shall in no event exceed the adjusted maximum price of fluid whole milk (raw or pasteurized regular, standard milk) established under the applicable provisions of this order.

D. If any person selling special milk at retail or wholesale in any county in the State of West Virginia cannot determine his maximum prices for such special milk under the provisions of paragraphs A, B or C of this section II, he may apply by letter to the Regional Office, Office of Price Administration, Union Commerce Building, Cleveland, Ohio, for determination of his maximum prices. He shall submit full information as to his present maximum prices, the prices of his most closely competitive sellers, the type and approximate butterfat content of the special milk sold by him and his most closely competitive sellers, and a full statement of the reasons why he is unable to determine adjusted prices under paragraphs A, B or C hereof.

III. *Fractional sales.* A. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For sales of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 7½¢ per unit may be adjusted to 8¢ for the sale of one unit, but must be 15¢ for the sale of two units, etc. Home deliveries shall be considered multiple unit sales unless separate collections are made for single unit deliveries.

B. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units such sale; for example, the maximum price for 24 one-half pints of fluid milk at a per unit cost of 3½¢ would be 84¢.

IV. *Reports.* Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall, within five (5) days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

Each person shall, in addition to the above, file with the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, such reports as may hereafter be required by said Regional Office.

V. *Discounts.* Any person selling fluid whole milk and/or special milk at retail or wholesale in the State of West Virginia may discontinue the granting of discounts.

VI. *Notification of retail stores.* Each distributor selling fluid whole milk and/or special milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted in this order, and each retail store is hereby required to comply with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

VII. The provisions of this order supersede the provisions of General Order No. 1 (redesignated as Order No. G–17 under § 1499.18 (c), as amended, of the General Maximum Price Regulation) pertaining to certain trade practices in Region III. Said General Order No. 1 is, therefore, revoked as to all counties in the State of West Virginia.

VIII. *Definitions.* A. "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing.

B. 1. "Fluid whole milk" is defined to mean all grades of cow's milk which has been produced, processed, distributed, and sold for human consumption in fluid form as raw or pasteurized regular, standard whole milk, with essentially the same butterfat content as each person or seller maintained during the applicable base period.

C. *"Special Milk"* is defined to mean Vitamin D homogenized milk, plain homogenized milk, softcurd milk, buttermilk, regular or standard milk flavored with chocolate, chocolate drink, skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than regular or standard milk, and (b) it must have sold during the month of March, 1942 at a price higher than regular or standard milk.

D. *"Sale or delivery at retail"* means a sale of fluid whole milk or special milk in glass, paper or other containers to an ultimate consumer other than to an industrial, institutional, commercial, or governmental user.

E. *"Sale or delivery at wholesale"* refers to a sale of fluid whole milk or special milk in glass, paper or other containers to any person, including an industrial or commercial user, other than an ultimate consumer. For the purposes of this order, a sale or delivery at wholesale shall include a sale or delivery to stores, hotels, restaurants, institutions and any branch of the armed forces of the United States. A sale or delivery at wholesale does not include a sale of bulk milk made by one distributor to another, or a sale by a cooling station to a manufacturing plant or to a distributor.

IX. This order shall remain in effect until modified or revoked by the Regional Administrator.

Effective February 8, 1943.
Issued February 6, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

SCHEDULE A

1. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in Barbour, Braxton, Calhoun, Clay, Doddridge, Gilmer, Jackson, Grant, Hardy, Monroe, Pendleton, Pleasants, Pocahontas, Lewis, Nicholas, Randolph, Ritchie, Roane, Summers, Tucker, Tyler, Upshur, Webster, Wirt and Wood Counties in the State of West Virginia.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Retail	Glass or paper	One-half gallon	26¢ per one-half gallon.
Retail	Glass or paper	One quart	14¢ per quart.
Retail	Glass or paper	One pint	8¢ per pint.
Retail	Glass or paper	One-half pint	6¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	45¢ per gallon.
Wholesale	Glass or paper	One-half gallon	23¢ per one-half gallon.
Wholesale	Glass or paper	One quart	12¢ per quart.
Wholesale	Glass or paper	One pint	6½¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per one-half pint.

2. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in Berkeley, Brooke, Cabell, Greenbriar, Hampshire, Hancock, Harrison, Jefferson, Lincoln, Marion, Marshall, Mason, Mineral, Monongalia, Morgan, Ohio, Putnam, Preston, Taylor, Wayne and Wetzel Counties in the State of West Virginia.

Type of delivery	Container	Size	Adjusted maximum prio
Retail	Glass or other	One gallon or multiples thereof	51¢ per gallon.
Retail	Glass or paper	One-half gallon	28¢ per one-half gallon.
Retail	Glass or paper	One quart	15¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Wholesale	Glass or paper	One-half gallon	25¢ per one-half gallon.
Wholesale	Glass or paper	One quart	13¢ per quart.
Wholesale	Glass or paper	One pint	8¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per one-half pint.

3. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in Boone, Fayette, Kanawha, Logan, McDowell, Mercer, Mingo, Raleigh and Wyoming Counties in the State of West Virginia.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	54¢ per gallon.
Retail	Glass or paper	One-half gallon	30¢ per one-half gallon.
Retail	Glass or paper	One quart	16¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	51¢ per gallon.
Wholesale	Glass or paper	One-half gallon	27¢ per one-half gallon.
Wholesale	Glass or paper	One quart	14¢ per quart.
Wholesale	Glass or paper	One pint	8¢ per pint.
Wholesale	Glass or paper	One-half pint	4½¢ per one-half pint.

[F. R. Doc. 43–12858; Filed, August 7, 1943; 11:48 a. m.]

[Region III Order G–26 Under 18 (c), as Amended]

NON-MECHANICAL REFRIGERATORS IN INDIANA, KENTUCKY, MICHIGAN, OHIO AND WEST VIRGINIA

Order No. G–26 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. General order pertaining to the selling of non-mechanical refrigerators in Region III. (Formerly Order No. III–1499.18 (c)–55)

For the reasons set forth in the opinion attached hereto and pursuant to the authority vested in the Regional Administrator of Region III by the provisions of § 1499.18 (c) of the General Maximum Price Regulation, and notwithstanding the provisions of § 1499.2 thereof, *It is hereby ordered*, That:

I. *Sales at retail.* A. Any person who purchases any approved non-mechanical refrigerator, as hereinafter defined, directly from the manufacturer, may sell or deliver such refrigerator at retail at a price not in excess of:

1. The approved manufacturer's price, as hereinafter defined, plus
2. An amount not to exceed 80% of such approved manufacturer's price, plus
3. When the resulting figure obtained under 1 and 2 hereof is other than a multiple of 50¢, such amount as may be necessary to raise such resulting figure to the nearest multiple of 50¢.

B. Any person who purchases any approved non-mechanical refrigerator, as hereinafter defined, from a distributor may sell or deliver such refrigerator at retail at a price not in excess of:

1. The approved manufacturer's price, as hereinafter defined, plus
2. An amount not to exceed 100% of such approved manufacturer's price, plus
3. When the resulting figure obtained under 1 and 2 hereof is other than a multiple of 50¢, such amount as may be necessary to raise such resulting figure to the nearest multiple of 50¢.

II. *Sales at wholesale.* A. Any person may sell or deliver at wholesale any approved non-mechanical refrigerator, as hereinafter defined, at a price not in excess of the approved manufacturer's price, as hereinafter defined, increased by the following percentages of such approved manufacturer's price;

1. 30% in the case of sales of 1 to 9 refrigerators, inclusive, to a purchaser, f. o. b. distributor's warehouse.
2. 25% in the case of sales of 10 to 24 refrigerators, inclusive, to a purchaser, f. o. b. distributor's warehouse.
3. 20% in the case of sales of 25 or more refrigerators to a purchaser, f. o. b. distributor's warehouse.
4. 14% in the case of sales to a purchaser of carload lots shipped direct from the factory, f. o. b. factory.

B. A person purchasing at wholesale shall be billed at the highest applicable wholesale price until he has received delivery of sufficient refrigerators to entitle him to a lower wholesale price, after which time he shall be billed at the lower applicable wholesale price and shall receive a rebate for payments made for refrigerators billed at any higher price. The determination of the quantity purchased shall be based upon cumulative monthly deliveries to the purchaser during a calendar year. Rebates shall be made to the purchaser on or before the 15th day of the month following the delivery which entitles the purchaser to a lower price or prices. Such rebate shall be made by cash or by credit on an unpaid account.

C. A cash discount of 2%, which shall be stated on the invoice, shall be allowed for payment received within 10 days from the date of shipment and shall be based upon the price applicable at the time of shipment. Such discounts are not to be included in the computation of any rebate provided for in section II–B hereof.

III. *Additional charges.* Notwithstanding the provisions of sections I and II hereof, there may be added to the maximum selling prices established under said sections I and II a charge of

$1.00 covering freight from the factory. When charged by the wholesaler and passed on to the retailer, such freight charge shall be separately stated.

IV. *Reports.* Any person affected by the provisions of this order shall furnish such reports as may be required from time to time by the Office of Price Administration, Cleveland Regional Office, Cleveland, Ohio.

V. *Definitions.* 1. "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of the foregoing.

2. "Approved non-mechanical refrigerator" is defined to mean any household non-mechanical (ice) refrigerator manufactured and released by an authorized manufacturer producing under War Production Board Limitation Order L–7–c for which the Office of Price Administration has issued the manufacturer an approved maximum price.

3. "Approved manufacturer's price" is defined to mean the price established by the Office of Price Administration as the maximum price for carload lots, f. o. b. manufacturer's factory.

4. "Sale at retail or selling at retail" means a sale or selling to an ultimate consumer.

5. "Sale at wholesale" means a sale to any person other than an ultimate consumer.

6. "Manufacturer" is defined to mean any person operating a plant or factory which manufactures or assembles approved non-mechanical refrigerators.

VI. *Applicability of the General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation are incorporated in and made a part hereof:

§ 1499.5—Transfers of business or stock in trade.
§ 1499.7—Federal and State taxes.
§ 1499.8—Less than maximum prices.
§ 1499.12—Current records.
§ 1499.13—Maximum prices of cost-of-living commodities (posting).
§ 1499.14—Sales slip and receipts.
§ 1499.15—Registration.
§ 1499.16—Licensing.
§ 1499.17—Penalties.
§ 1499.19—Petitions for amendment.
§ 1499.21—Effect of other price regulations.
§ 1499.25—Appendix B.

VII. *Geographical applicability.* This order applies to all sales pursuant to which the buyer receives physical delivery within the States of Indiana, Kentucky, Michigan, Ohio and West Virginia.

This order shall remain in effect until modified or revoked by the Office of Price Administration.

Effective March 15, 1943.
Issued March 13, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–12859; Filed, August 7, 1943; 11:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–251]

WESTERN PACIFIC RAILROAD CORPORATION

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of August, A. D. 1943.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the $100 Par 6% convertible preferred stock, cumulative to 12%, of The Western Pacific Railroad Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on August 16, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–12843; Filed, August 7, 1943; 11:07 a. m.]

[File No. 811–244]

CENTRAL CAPITAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of August, A. D., 1943.

An application having been filed by Central Capital Corporation pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on August 16, 1943, at 11:00 a. m. Eastern War Time, in Room 318 of the Securities Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–12846; Filed, August 7, 1943; 11:07 a. m.]

[File No. 1–157]

WEBSTER EISENLOHR, INC.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of August, A. D. 1943.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the $100 Par 7% Cumulative Preferred Stock of Webster Eisenlohr, Inc.; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on August 16, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS.
Secretary.

[F. R. Doc. 43–12842; Filed, August 7 1943; 11:07 a. m.]

[File 1–2964]

TRANSAMERICA CORPORATION

ORDER DENYING MOTION TO STRIKE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of August, A. D. 1943.

The Commission having instituted proceedings pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether the Capital Stock, $2 par value, of Transamerica Corporation should be suspended or withdrawn from listing and registration upon the New York Stock Exchange, the San Francisco Stock Exchange, and the Los Angeles Stock Exchange;

Transamerica Corporation, by its counsel, having filed a "Special appearance and motion to strike out all of paragraph IV of the amended order for hearing and all of paragraph III of the supplemental amended order", together with a supporting affidavit and a citation of points and authorities, and having requested oral argument thereon before the Commission;

The Commission having duly considered the said motion and supporting

papers, and being fully advised in the premises;

It is ordered, That the request for oral argument and the motion to strike be, and they hereby are, denied; and

It is further ordered, That the hearing in these proceedings be reconvened on Monday, August 30, 1943, at 10:00 o'clock, A. M., in Room 1301 of the Commission's regional office at 625 Market Street, San Francisco, California; and

It is further ordered, That Henry Fitts be, and he hereby is, designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the matters in issue at such hearing, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–12845; Filed, August 7, 1943; 11:07 a. m.]

[File No. 1–2243]

ACME MINING COMPANY

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of August, A. D. 1943.

I

It appearing to the Commission:

That Acme Mining Company, a corporation organized under the laws of the State of California, is the issuer of Assessable Common Stock, 10¢ Par Value; and

That said Acme Mining Company registered its assessable Common Stock, 10¢ Par Value on the San Francisco Mining Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about January 24, 1940, an application on Form 8-A, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X–12B–1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on March 7, 1940, and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X–13A–1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X–13A–2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10–K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Acme Mining Company; and

That said Rule X–13A–1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10–K does not prescribe any period other than such 120 days; and that pursuant to said Rule X–13A–1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That the said Acme Mining Company has a fiscal year ending December 31; that the annual report of Acme Mining Company for its fiscal year ended December 31, 1942 was due to be filed not later than April 30, 1943; and that to date the registrant has not filed with the Commission such annual report, nor has it filed with the Commission a request for an extension of time within which to file same; and

II

The Commission having reasonable cause to believe:

That the said Acme Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A–1 and X-13A–2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1942, within the time prescribed to file said report, and (2) it has failed to file such annual report at any later date; and

That the said Acme Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A–1 and X-13A–2 promulgated thereunder, in that the annual reports on Form 10–K filed by said Acme Mining Company for the fiscal years ended December 31, 1939, December 31, 1940 and December 31, 1941, contain financial statements which do not reflect the true financial condition of the company, and which, at the time and in the light of the circumstances, were false and misleading with respect to material facts, to wit: (1) the balance sheets dated December 31, 1939, December 31, 1940, and December 31, 1941, improperly include as assets, the maximum amounts of contingent royalties which may be paid, if production is sufficient, from the Chisna River Placers and Port Wells Quartz properties held under lease and option, and (2) the balance sheets dated December 31, 1940, and December 31, 1941, include general and administrative expenses in development costs, and improperly capitalize said general and administrative expenses; and

That the said Acme Mining Company has failed to comply with the provisions of said section 13 of the Securities Exchange Act of 1934, as amended, and Rules X–13A–1 and X–13A–2 promulgated thereunder, and has failed to comply with Rules 2.02 and 3.07 of Regulation S–X promulgated under the Securities Exchange Act of 1934, in that

(a) The annual report on Form 10–K filed by said Acme Mining Company for the fiscal year ended December 31, 1940, includes in Item 8 thereof, an accountant's certificate which fails (1) to contain a reasonably comprehensive statement as to the scope of the audit made, including, if with respect to significant items in the financial statements any auditing procedures generally recognized as normal have been omitted, a specific designation of such procedures and of the reasons for their omission, (2) to state whether the audit was made in accordance with generally accepted auditing standards applicable in the circumstances, (3) to state whether the audit made omitted any procedure deemed necessary by the accountant under the circumstances of the particular case, and (4) to state clearly the opinion of the accountant as to any changes in accounting principles or practices, or adjustments of the accounts, required to be set forth by Rule 3.07 of Regulation S–X; and

(b) Such report fails to include in Item 8 thereof in notes to the appropriate financial statements, the statement required by Rule 3.07 of Regulation S–X regarding a change in accounting principles or practices with respect to the capitalization of development expenses in connection with Chisna River Placers and Port Wells Quartz properties, together with the necessary explanation of the effect of such change in accounting principles or practices upon proper comparison with the preceding fiscal period; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Acme Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Assessable Common Stock, 10¢ Par Value, of the said Acme Mining Company on said San Francisco Mining Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other rec-

ords deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 20th day of August, 1943, at 10:00 A. M. Pacific War Time at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, Calif., and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12844; Filed, August 7, 1943; 11:07 a. m.]

[File Nos. 54-39, 54-69, 59-65]

LACLEDE GAS LIGHT COMPANY, ET AL.

NOTICE OF FILING OF AMENDMENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 7th day of August, A. D., 1943.

In the matters of The Laclede Gas Light Company, Laclede Power & Light Company, Phoenix Light, Heat and Power Company, and Ogden Corporation, File No. 54-39; Ogden Corporation and Subsidiary Companies, File No. 54-69; Ogden Corporation and subsidiary companies, Respondent, File No. 59-65.

Notice is hereby given that The Laclede Gas Light Company, Laclede Power & Light Company, and Phoenix Light, Heat and Power Company, subsidiaries of Ogden Corporation, a registered holding company, and Ogden Corporation have filed Amendment No. 6 to their joint application heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan, the purpose of which is to effectuate the reorganization of The Laclede Gas Light Company, to dispose of the electric utility assets operated by Laclede Power & Light Company to Union Electric Company of Missouri, and to enable the Ogden holding company system to comply, in part, with the provisions of section 11 (b) of the Act.

All interested persons are referred to said plan, as now amended, which is on file at the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

1. The transfer by The Laclede Gas Light Company ("Laclede Gas"), Phoenix Light, Heat and Power Company ("Phoenix"), and Laclede Power & Light Company ("Laclede Electric") to Union Electric Company of Missouri ("Union Electric") of the electric properties operated by Laclede Electric for a base purchase price of $8,600,000, subject to certain adjustments for property additions and retirements, receivables, materials and supplies, and other items of a similar fluctuating nature. In connection with such sale, Laclede Electric will not exercise the option granted to it pursuant to an agreement entered into in 1926 to purchase from Laclede Gas the properties covered in said agreement, but said agreement will, as a part of the plan, be terminated concurrently with the joint transfer of the said electric properties;

Laclede Gas and Laclede Electric have entered into a contract for division of the proceeds of the sale of electric properties. Under this contract, Laclede Gas is to receive $2,200,000 out of such proceeds;

2. The payment by Union Electric of the aforesaid base purchase price for the said electric properties in the amount of $8,600,000, as adjusted, as follows:

(a) There shall be paid directly to Laclede Electric only such portion of the said purchase price which, when added to the cash of Laclede Electric, will be sufficient to discharge in full all the liabilities of Laclede Electric not assumed by Union Electric, as provided in the contract of sale, and to pay severance compensation to such of the employees of Laclede Electric as hereafter determined by its Board of Directors;

(b) There shall be paid directly to Laclede Gas all of the balance of the said purchase price, which balance will include not only the portion to which Laclede Gas is entitled ($2,200,000), but also the portion of the said price to which Laclede Electric is entitled which remains after the payment by Union Electric to Laclede Electric of the amount provided to be so paid in sub-paragraph (a) preceding;

3. The transfer to Laclede Gas by Laclede Electric of all of its assets, except cash, remaining after the consummation of the said contract of sale of the electric properties;

4. The decrease in the par value of the outstanding shares of preferred stock and of the outstanding, as well as the authorized but unissued shares of common stock of Laclede Gas, from a par value of $100 per share to a par value of $4 per share and a corresponding increase in the number of the outstanding shares of such preferred stock and of the outstanding, as well as the authorized but unissued, shares of such common stock;

5. The issuance to Ogden Corporation of 2,000,000 shares of authorized but unissued common stock of $4 par value of Laclede Gas in return for:

(a) The cancellation of the $2,000,000 principal amount of notes of Laclede Gas owned by Ogden Corporation,

(b) The payment to Laclede Gas by Ogden Corporation of $905,000 cash,

(c) The portion of the purchase price of said electric properties paid to Laclede Gas by Union Electric (hereinbefore provided) to which Laclede Electric is entitled, and

(d) The assets transferred by Laclede Electric to Laclede Gas, as hereinbefore described:

In the event that the portion of the purchase price of said electric properties, referred to in paragraph 5 (c) preceding shall be less than $5,975,000, the said 2,000,000 shares of Laclede Gas to be issued will be decreased by a number of shares which in the opinion of the proponents of the plan will fairly compensate for any such decrease in the amount of cash to be received by Laclede Gas below the estimated receipt of approximately $6,075,000. In the event that such portion of the said purchase price exceeds $6,175,000, such excess shall not be paid to Laclede Gas, but shall be paid by Union Electric to Laclede Electric, and thereafter distributed pro rata to its stockholders;

6. The payment by Ogden Corporation to each holder (other than Ogden Corporation) of common stock of Laclede Electric at the effective date of the plan, as amended, upon surrender for cancellation of such stock, of an amount in cash equal to the pro rata share of each such holder in the net assets of Laclede Electric as of said effective date, after giving effect to the consummation of the sale of the electric properties and assuming the payment in cash by Union Electric to Laclede Electric of all but $2,200,000 of the purchase price of such properties, but before giving effect (a) to the payment to Laclede Gas of any of Laclede Electric's portion of the said purchase price or (b) to the transfer to Laclede Gas of any of the other assets of Laclede Electric as provided in the plan, as amended;

7. The cancellation of fourteen out of the twenty-five shares of preferred stock of $4 par value, which each holder of one share of preferred stock is entitled to receive as a result of the decrease in par value of such stock and the corresponding increase in the number of shares, as described hereinbefore in paragraph 4, and the cancellation of all rights and preferences appertaining to the preferred stock, including all rights to accumulated, unpaid dividends. Such shares so cancelled will not be reissued;

The result of the foregoing will be that, upon consummation of the plan, each holder of preferred stock of $100 par value will receive eleven shares of common stock of $4 par value for each share of preferred stock of $100 par value surrendered by him;

8. The cancellation of twenty-four out of the twenty-five shares of common stock of $4 par value, which each holder of one share of common stock of $100 par value is entitled to receive as a result of the decrease in par value of such stock and the corresponding increase in the number of shares, as provided hereinbefore in paragraph 4. Such shares so cancelled shall not be reissued;

The result of the foregoing will be that upon consummation of the plan, each holder of common stock of $100 par value will receive one share of common stock of $4 par value for each share of common stock of $100 par value surrendered by him;

9. The issuance by Laclede Gas of the following securities:

(a) $19,000,000 principal amount of First Mortgage Bonds, bearing interest at the rate of 3¾% per annum, and maturing twenty years from the date of issuance thereof.

(b) $3,000,000 aggregate principal amount of serial debentures, maturing serially within a ten or fifteen year period from the date of issuance thereof;

The proceeds from the sale of these securities, together with other available cash on hand of Laclede Gas and to be received by it as a result of certain of the foregoing transactions, will be used to discharge the outstanding funded debt of Laclede Gas aggregating $32,529,000 principal amount by payment of the face amount of such securities to the holders thereof;

10. The result of the cancellation of shares of preferred stock and common stock of $4 par value (as hereinbefore provided) will be to increase capital surplus on the books of Laclede Gas by approximately $12,600,000. The increase in the property account of Laclede Gas as a result of a revaluation effected in 1926, will be charged to capital surplus. There will be charged to earned surplus until it is exhausted, and then to capital surplus, the loss on the books of Laclede Gas resulting from the said sale of the electric properties to Union Electric and any other adjustments required to be made on the books of Laclede Gas by any regulatory body having jurisdiction;

11. The dissolution of Lacelde Electric after the discharge of its liabilities as provided in paragraph 2 (a) preceding;

12. The offer by Ogden Corporation to residents of the State of Missouri of the new common stock of Laclede Gas, which it is entitled to receive hereunder, at a price to be subject to the approval at the time by the Securities and Exchange Commission as fair. Said offer shall be made within one year after completion of the reorganization unless such time shall be extended by this Commission;

The plan further provides that at any time after its approval, as provided above, the Board of Directors of Laclede Gas may, if it be deemed necessary or desirable, request the Securities and Exchange Commission, pursuant to section 11 (e), to apply to a court of competent jurisdiction to carry out the terms and provisions of the plan.

This Commission having heretofore ordered (Holding Company Act Release No. 4253) that the plan filed by Laclede Gas, Laclede Electric, Phoenix, and Ogden Corporation (File No. 54-39) and proceedings in respect of the plan filed by Ogden Corporation and subsidiary companies pursuant to section 11 (e) of the Act (File No. 54-69) and the proceedings instituted by the Commission directed to Ogden Corporation and subsidiary companies, respondents, pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the Act (File No. 59-65) be consolidated, and having ordered that a hearing on such matters be held on May 18, 1943; and

A hearing having been held on said date, and said hearing having been thereafter adjourned subject to call;

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing be reconvened with respect to the said consolidated matters;

It is therefore ordered, That the hearing in these proceedings shall be reconvened on August 19, 1943, at 10 a. m., e. w. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On that date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, to preside at such hearings shall exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented in these consolidated proceedings, particular attention will be directed at the reconvened hearing to the following matters and questions:

(a) Whether the proposed issuance by Laclede Gas of $22,000,000 principal amount of debt is reasonably adapted to its assets, earning power, and security structure;

(b) Whether Laclede Gas should be required to carry its fixed assets on its books at the estimated original cost thereof as determined by the accountants for the Public Service Commission of the State of Missouri, as of August 31, 1942, plus subsequent net additions at actual cost;

(c) Whether the depreciation reserve of Laclede Gas is adequate and whether any remaining balance in capital surplus, after giving effect to all other charges for property adjustments and similar matters, should be required to be transferred to the depreciation reserve;

(d) Whether the proposed allocation of the proceeds of the sale of the electric properties operated by Laclede Electric between Laclede Gas and Laclede Electric is fair and equitable;

(e) Whether the proposed issuance by Laclede Gas of eleven shares of new $4 par value common stock for each share of $100 par value preferred stock to the present holders thereof and the proposed issuance of one share of new $4 par value common stock for each share of $100 par value common stock to the present holders thereof are fair and equitable to the persons affected thereby;

(f) Whether the securities and cash proposed to be received and retained by Ogden as a result of the reorganization of Laclede Gas, the sale of the electric properties operated by Laclede Electric, and the liquidation and dissolution of Laclede Electric, constitute fair and equitable consideration for Ogden's interests in Laclede Gas and Laclede Electric;

(g) To what extent, if any, the proposed plan should be modified or amended to render it feasible and fair and equitable to the persons affected and what terms and conditions should be imposed in the public interest and for the protection of investors and consumers.

Notice is hereby given of said hearing to the above-named applicants and respondents, and to all interested persons; said notice to be given to said applicants and respondents by registered mail, and to all other persons by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard in this proceeding shall file with the Secretary of this Commission, on or before August 17, 1943, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions, or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with these proceedings other filings or matters pertaining to said Plan or to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12875; Filed August 9, 1943; 9:28 a. m.]

[File Nos. 70-7; 70-25; 70-26]

COLUMBIA GAS AND ELECTRIC CORPORATION, ET AL.

NOTICE OF FILING OF AMENDMENT, ORDER RECONVENING HEARING AND DESIGNATING NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of August, A. D., 1943.

In the matter of Columbia Gas & Electric Corporation, The Manufacturers Light and Heat Company, Gettysburg Gas Corporation, Manufacturers Gas Company, Pennsylvania Fuel Supply Company, Greensboro Gas Company, Cumberland and Allegheny Gas Company, Natural Gas Company of West Virginia, and Fayette County Gas Company.

Columbia Gas & Electric Corporation, a registered holding company, and eight of its subsidiaries, viz: The Manufacturers Light and Heat Company, Gettysburg Gas Corporation, Manufacturers Gas Company, Pennsylvania Fuel Supply Company, Greensboro Gas Company, Cumberland and Allegheny Gas Company, Natural Gas Company of West Virginia and Fayette County Gas Company, having heretofore filed applications and declarations (or both) pursuant to various sections of the Public Utility Holding Company Act of 1935 regarding a series of transactions involving (a) the consolidation of four of the subsidiary companies; (b) the acquisition by the consolidated corporation of the assets of four other subsidiary companies; and (c) the issuance and exchange of securities in connection therewith, all of said transactions being more fully described in this Commission's file numbers 70-7, 70-25 and 70-26;

Public hearings having been held in respect of said applications and declarations (or both) and having been adjourned subject to the call of the Trial Examiner; and

Said applicants and declarants having filed an amendment on July 29, 1943 deleting from the pending applications and declarations all reference to the acquisition of the assets of four of the subsidiary companies and requesting the withdrawal of the application with respect to the issuance of certain securities so that the amended applications and declarations now propose the following transactions:

(a) The Manufacturers Light and Heat Company, Manufacturers Gas Company, Pennsylvania Fuel Supply Company and Greensboro Gas Company will consolidate and merge to form The Manufacturers Light and Heat Company, a new corporation. The

new corporation will have an authorized capital stock of $37,550,000 (consisting of 751,000 shares of $50 par value common stock), which amount represents the aggregate capital stock of the four consolidating corporations. In the consolidation, the new Manufacturers Light and Heat Company will acquire all of the assets of the four companies just mentioned and assume all of their liabilities, consisting of demand notes and loans on open accounts, all of which is owing to Columbia Gas & Electric Corporation, and current liabilities. The new Manufacturers Light and Heat Company will issue and deliver 581,660 shares of its $50 par value common stock to the stockholders of the four consolidating corporations, of which 581,534 shares will be received by Columbia Gas & Electric Corporation; and

(b) The new Manufacturers Light and Heat Company will assume all the liabilities and acquire all of the assets of Fayette County Gas Company issuing in exchange therefor, 19,556 shares of common stock $50 par value. Thereupon Fayette County Gas Company will dissolve, distributing the shares of the new corporation to its stockholders (all but 14 shares being owned by Columbia Gas & Electric Corporation) as a liquidating dividend.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that the hearings heretofore held upon the original applications and declarations (referred to above) and adjourned subject to the call of the examiner, be reconvened for the purpose of completing the evidence in respect of the transactions which are presently proposed; and it further appearing that the trial examiner heretofore designated to preside is now engaged in other matters and accordingly is unable to preside in this proceeding;

It is therefore ordered, That the hearings in the above-entitled matter be reconvened on the 8th day of September 1943 at ten o'clock in the forenoon of that date in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the Hearing Room Clerk in Room 318 will at that time advise.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all power granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by these proceedings in addition to the matters specified in our notice and order of April 12, 1940, particular attention will be directed at the reconvened hearings to the following matter and questions:

(1) Whether the proposed acquisitions will serve the public interest by tending toward the economic and efficient development of integrated public utility system and whether such acquisition will be detrimental to carrying out of the provisions of section 11 of the Act;

(2) Whether the fees and expenses or other remuneration to be paid in connection with the various transactions are fair and reasonable;

(3) The propriety of the proposed accounting treatment of the transactions involved;

(4) Whether and to what extent it is appropriate in the public interest and for the protection of investors and consumers to impose terms and conditions in respect of the proposed transaction; and

(5) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, and are not detrimental to the public interest and interest of investors and consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12873; Filed, August 9, 1943; 9:27 a. m.]

[File No. 70-761]

CENTRAL POWER AND LIGHT CO. AND AMERICAN POWER AND LIGHT CO.

NOTICE OF FILING, ORDER OF CONSOLIDATION, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 5th day of August, A. D. 1943.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by Central Power and Light Company ("Central"), a subsidiary of Central and South West Utilities Company, a registered holding company which in turn is a subsidary of The Middle West Corporation, also a registered holding company, and that a declaration has been filed by American Power & Light Company ("American"), a subsidiary of Electric Bond and Share, both registered holding companies.

All interested persons are referred to said documents which are on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Texas Electric Service Company ("Electric Service"), a subsidiary of American, proposes to sell and Central proposes to acquire the electric utility properties and assets owned by Electric Service located at and in the vicinity of Eagle Pass, Texas, and Texas Public Utilities Corporation ("Public Utilities"), also a subsidary of American, proposes to sell and Central proposes to acquire the ice and water properties and assets of Public Utilities also located at and in the vicinity of Eagle Pass, Texas for an aggregate consideration of $680,000 subject to certain adjustments with respect to current assets at date of closing. The declaration of American related to the disposition of Electric Service of said electric utility assets and the application of Central relates to the acquisition of said electric utility and said non-utility assets.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters and that the application of Central shall not be granted nor the declaration of American be permitted to become effective except pursuant to further order of this Commission; and

It further appearing that said application and said declaration necessarily involve common questions of law and fact and that they may properly be consolidated for hearing and consideration;

It is ordered, That said application and said declaration be, and hereby are, consolidated for hearing and consideration under the applicable provisions of said Act and Rules of the Commission thereunder.

It is further ordered, That said consolidated hearing be held on August 25, 1943 at 10:30 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such application shall be granted and such declaration be permitted to become effective. Notice is hereby given of said hearing to the above named applicant and declarant and to all interested parties, said notice to be given to said applicant and declarant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before August 16, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission;

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That without limiting the scope of issues presented by said application and said declaration otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration proposed to be paid by Central for the assets to be acquired from Electric Service and Public Utilities is reasonable and bears a fair relation to the sums invested in or the earning capacity of the assets proposed to be acquired.
2. Whether the proposed acquisitions will not be detrimental to the public interest or the interest of investors or consumers.
3. Whether the proposed acquisitions will serve the public interest by tending toward the economical and efficient development of an integrated public utility system and will not be detrimental to the carrying out of the provisions of Section 11 of the Act.
4. Whether the proposed sale of the assets of Electric Service meets the applicable requirements of section 12 (d) of the Act and Rule U-44 promulgated thereunder.
5. What, if any, terms and conditions with respect to such acquisition and disposition should be prescribed in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12874; Filed, August 9, 1943; 9:27 a. m.]

WAR PRODUCTION BOARD.

[Certificate 107]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE

APPROVAL OF COORDINATED OPERATIONS BETWEEN ST. LOUIS, MO. AND POINTS IN ILLINOIS

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 3, Revised-48, issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of certain common carriers of property by motor vehicle between St. Louis, Missouri, and points in Illinois.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised-48, is requisite to the prosecution of the war.

Dated: August 2, 1943.

DONALD M. NELSON, *Chairman.*

[F. R. Doc. 43-12793; Filed, August 6, 1943; 11:29 a. m.]

ASHBACH AND RUBLOFF, ETC.

CONSENT ORDER AMENDED

M. L. Gersh Furniture Company, 152 West Huron Street, Chicago, Illinois, appealed from the provisions of the Consent Order issued July 15, 1943, directed against Leonard Ashbach and Harry L. Rubloff, doing business as Ashbach and Rubloff, Domestic Distributing Company, M. L. Gersh Furniture Company or otherwise. The Chief Compliance Commissioner has determined that M. L. Gersh Furniture Company did not join in the consent to the order and in fact had no connection whatever with the violations upon which the Consent Order was based. He has directed that the Consent Order be amended to delete all mention therein to M. L. Gersh Furniture Company.

In view of the foregoing, the Consent Order is hereby amended to read as follows:

Leonard Ashbach and Harry L. Rubloff, a partnership, doing business as Ashbach and Rubloff, or Domestic Distributing Company, 152 West Huron Street, Chicago, Illinois, were charged in a letter from the Regional Compliance Chief of the Chicago Regional Office of the War Production Board with having violated Limitation Order L-183 in that between January 1, 1943, and April 24, 1943, they manufactured, produced, fabricated or assembled electronic equipment, namely, approximately 2,380 radio sets by converting the use or mode of operation of said radio sets from automobile radios to radios for home use pursuant to orders bearing no preference ratings, and transferred approximately 3,880 radio sets on orders which did not bear a preference rating of A-3 or higher. Ashbach and Rubloff, and Domestic Distributing Company, by Leonard Ashbach and Harry L. Rubloff, admit the aforementioned violations as charged, and have consented to the issuance of the within order.

Wherefore, upon agreement and consent of the respondents, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner.

It is hereby ordered, That:

(a) Leonard Ashbach and Harry L. Rubloff, doing business as Ashbach and Rubloff, Domestic Distributing Company or otherwise, their successors and assigns, are hereby prohibited from selling, leasing, trading, lending, shipping, transferring, or negotiating for the sale of any electronic equipment as defined in Limitation Order L-265, except to fill preferred orders, as defined in Limitation Order L-265, or unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Leonard Ashbach and Harry L. Rubloff, doing business as Ashbach and Rubloff, Domestic Distributing Company or otherwise, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 15, 1943, and shall expire on September 15, 1943.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12823; Filed, August 6, 1943; 5:03 p. m.]

[Certificate 108]

TRANSPORTATION AND DELIVERY OF FLOWERS IN SIOUX FALLS, S. DAK.

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of flowers and related articles by motor vehicle in Sioux Falls, South Dakota.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

AUGUST 6, 1943.

[F. R. Doc. 43-12897; Filed, August 9, 1943; 11:40 a. m.]

[Certificate 109]

LOCAL CARRIERS OF PROPERTY IN CINCINNATI, OHIO, AREA

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 6A-1, issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of certain local carriers of property by motor vehicle within the Cincinnati, Ohio, area.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 6A-1 is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

AUGUST 6, 1943.

[F. R. Doc. 43-12898; Filed, August 9, 1943; 11:40 a. m.]

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[1] *Supra.*

FEDERAL REGISTER

VOLUME 8 NUMBER 158

Washington, Wednesday, August 11, 1943

The President

EXECUTIVE ORDER 9368

SUSPENSION OF THE EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE DEPARTMENT OF THE INTERIOR ON PUBLIC WORKS WITHIN THE TERRITORY OF ALASKA

By virtue of the authority vested in me by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (U. S. C., title 40, sec. 321), and as President of the United States, I hereby extend the provisions of Executive Order 9360 of July 7, 1943, entitled "Suspension of Eight-Hour Law as to Laborers and Mechanics Employed by the Department of the Interior on Public Works Within the United States",[1] to all work performed by laborers and mechanics employed by the Department of the Interior on any public work within the Territory of Alaska which is designated by the Secretary of the Interior as essential to the prosecution of the war, subject to the conditions and limitations contained in the said Executive order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 9, 1943.

[F. R. Doc. 43-12933; Filed, August 9, 1943; 4:12 p. m.]

[1] 8 F.R. 9437.

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

PART 1410—LIVESTOCK AND MEATS

[FDO 75]

SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of meat, meat food products, and by-products for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1410.15 *Restrictions on the slaughter of livestock and delivery of meat*—(a) *Definitions.* When used in this order:

(1) The term "person" means any individual, partnership, association whether incorporated or not, business trust, or corporation, and includes any State or political subdivision or agency thereof, and any foreign government or agency thereof.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "livestock" means cattle, calves, sheep, lambs, and swine.

(4) The term "federal inspection" means inspection under the provisions of the Act of March 4, 1907 (34 Stat. 1260), as amended, 21 U.S.C. 1940 ed. 71, and as extended by Public Law 602, 77th Cong., 2d Sess., approved June 10, 1942 (56 Stat. 351), and the rules and regulations promulgated thereunder.

(5) The term "farmer" means any person chiefly engaged in producing agricultural products as the resident operator of a farm.

(6) The term "slaughterer" means any person who owns livestock at the time that such livestock is killed for meat production, and includes "Class 1 slaughterer", "Class 2 slaughterer", and "Class 3 slaughterer" as herein defined.

(7) The term "Class 1 slaughterer" means any slaughterer whose establishment is operated under federal inspection.

(8) The term "Class 2 slaughterer" means any slaughterer, other than a Class 3 slaughterer, whose establishment is not operated under federal inspection.

(9) The term "Class 3 slaughterer" means any farmer who slaughters or who is authorized to slaughter livestock for the delivery of meat in an amount not exceeding 10,000 pounds per year live weight.

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page

Alaska; suspension of eight-hour law for laborers and mechanics employed on public works by the Department of the Interior 11119

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Vesting orders:
Adler, Max 11186
Cerutti, Alfred 11187
Colainta, Alba 11188
Colainta, Joseph 11188
Crohn, Herman 11188
DeCorleto, Pasquale 11189
Doscher, Johanna C 11189
Esterle, Gottlob F 11189
Garrett, Elizabeth W 11190
German American Bund 11184
Goetjen, John F., et al. (2 documents) 11186, 11187
Grawe, Ferdinand 11190
Grieco, Francesco 11190
Holsken, Anna 11191
Iwata Trading Co 11185
Kent, Louise D 11191
Matsuno, Gisaburo 11185
Motoshige Shoten, Ltd 11186

BITUMINOUS COAL DIVISION:
Hearings, etc.:
Marion County Coal Mining Corp., Inc 11182
Yasbez, Frank 11183
Minimum price schedules amended:
District 13 11122
District 22 11124

FEDERAL POWER COMMISSION:
Kansas-Nebraska Natural Gas Co., Inc., et al., hearing 11183

FEDERAL TRADE COMMISSION:
Greening Nursery Co., cease and desist order 11122

OFFICE OF ECONOMIC WARFARE:
Prohibited exportations:
Fish and seafood 11126
Publications 11127
Publications, designation of General License "G-PUB" for exporting 11127

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	11192
Adjustments, exceptions, etc.:	
Aller and Sharp, Inc	11174
Confections, Inc	11174
Gray, Wm. S., and Co	11191
Loose-Wiles Biscuit Co	11174
Asphalt and asphalt products (MPR 323, Am. 6)	11143
Bituminous coal (MPR 189, Am. 15)	11143
Cooperage stock, etc. (MPR 424, Am. 1)	11175
Defense-rental areas (Rent Reg. for Hotels and Rooming Houses)	11161
Fats and oils (MPR 53)	11150
Fish and seafood, frozen (MPR 364, Am. 3)	11175
Lumber, Southern hardwood (RMPR 97, Am. 7)	11161
Metal; solder and babbitt containing silver (Rev. SR 14, Am. 15)	11182
Motor vehicles, used commercial (RMPR 341)	11176
Petroleum and petroleum products:	
(RPS 88, Am. 120)	11149
(RPS 88, Am. 121)	11149
Regional, state and district office orders:	
Community ceiling prices, list of orders filed	11197
Firewood; Connecticut (2 documents)	11192
Fluid milk:	
Idaho, Southern area	11195
Lafayette, Colo	11193
Montana	11194
Norwood, Colo	11194
Sheridan, Wyo	11193
Sterling, Colo	11194
Winchester, Idaho	11194
OFFICE OF PRICE ADMINISTRATION—Continued.	
Regional, state and district office orders—Continued.	
Fruit preserves, jams and jellies; Denver, Colo., region	11195
Vegetables; Southern Idaho	11192
Silver, scrap (Rev. SR 14, Am. 14)	11174
Solid fuels (RMPR 122, Am. 10)	11143
Spirits and wines, distilled (MPR 445)	11161
Sugar rationing, establishment of zones (RO 3, 8th Rev. Zoning Order 1)	11175
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Honohan, Herbert L	11197
Milwaukee Light, Heat and Traction Co. and North American Co	11198
SELECTIVE SERVICE SYSTEM:	
Civilian employees; appointment, tenure and compensation	11126
WAR FOOD ADMINISTRATION:	
Livestock and meat; slaughter and delivery (FDO 75)	11119
Regional areas, designation	11198
Regional directors, delegation of authority regarding slaughter permits and quotas	11198
WAR PRODUCTION BOARD:	
Allyl chloride and alcohol (M-342)	11141
Closures, glass container (M-104, Am. 1)	11127
Iron and steel conservation (M-126)	11130
Metal scrap processors (P-136)	11138
Methyl isobutyl ketone (M-332)	11140
Refrigerating and air conditioning machinery and equipment, industrial and commercial:	
(L-38, Am. 2)	11130
(L-38, Int. 1)	11138
Steel furnished by fabricators (CMP Reg. 1, Direction 24)	11140
Suspension orders:	
Barton Electric Co	11129
Hog Island Lumber Co	11129
Tennessee Maytag and Furniture Co	11129
Tidmarsh Engineering Co	11129

stock for meat production, and no slaughterer shall deliver meat, unless he holds a valid and effective license or permit under the provisions of this order.

(1) Any slaughterer may, without a license or permit, slaughter for home consumption livestock which he has raised on his premises; and

(2) Any farmer may, without a license or permit: slaughter livestock owned by him for home consumption or for consumption, on his premises, by his resident or seasonal employees. Such farmer may, in any calendar year, deliver not over 400 pounds of meat derived from such slaughter: *Provided*, That he first obtains a permit authorizing such delivery.

(c) *Class 1 slaughterers; licenses.* Any Class 1 slaughterer may apply to the Director for a Class 1 license.

(d) *Class 2 slaughterers; licenses.* (1) Any Class 2 slaughterer who, on August 14, 1943, held a valid and effective permit as a butcher under Food Distribution Order No. 27, as amended,[1] and who meets the requirements of this order shall, without application on his part, be issued a Class 2 license.

(2) Any other Class 2 slaughterer may apply to the Director for a Class 2 license.

(e) *Class 3 slaughterers; permits.* Any farmer who, on August 14, 1943, held a valid and effective permit as a farm slaughterer under the provisions of Food Distribution Order No. 27, as amended,[1] shall continue to hold such permit as a permit under, and may slaughter livestock in accordance with the provisions of, this order.

(f) *Custom slaughter.* Any person who, on August 14, 1943, held a valid and effective permit to custom slaughter livestock under the provisions of Food Distribution Order No. 27, as amended,[1] and who meets the requirements of this order shall, without application on his part, be issued a license to custom slaughter livestock.

(g) *Issuance of permits and licenses.* All applications under this order shall be submitted on such forms and contain such information as the Director may require. Upon the receipt of an application properly executed, or upon his own motion in those cases where no application is required, the Director shall issue the appropriate license or permit, unless he has reason to believe that the proposed recipient can not or will not comply with the applicable provisions of this order. Where the Director determines that a license shall not be issued he shall notify the person affected in what respect he fails to meet the requirements of this order, and shall afford an opportunity to submit additional information establishing the right to a license or permit. In such cases, persons referred to in (d) (1) and (f) hereof may operate under existing permits pending final action by the Director.

(h) *Reclassification.* Any person holding a license or permit hereunder may apply to the Director for a change in classification, setting forth the facts in support thereof. Upon a determination by the Director that such person should be reclassified, the Director shall issue a new license or permit in the appropriate classification. The Director shall, upon his own motion, reclassify any slaughterer in cases where he determines that such reclassification is necessary to accomplish the purposes of this order.

(i) *Applications by persons becoming slaughterers.* Any person (i) who has acquired slaughtering facilities, or (ii) who owned livestock at the time of slaughter during 1941, may apply to the Director in accordance with the provisions of (g) hereof and may be issued a license or permit in such classification as the Director determines to be proper.

(j) *Quotas; processing regulations; inventories.* (1) All slaughterers, all processors, and all persons who custom slaughter shall comply with orders of the Director or the War Food Administrator regulating the delivery, acceptance of delivery, or the movement or slaughter of livestock, or the delivery of meat, meat products, or animal fats, by the establishment of quotas or otherwise.

(2) All slaughterers, all processors, and all persons who custom slaughter shall comply with orders of the Director prescribing methods and specifications for preparing, cutting or treating carcasses or parts thereof, or for preparing or processing meat, meat products, or animal fats.

(3) All slaughterers and all processors shall comply with orders of the Director governing the quantity and type of meat, meat products, or animal fats held in storage or inventory; and all other persons dealing in meat (except with respect to their retail operations) shall comply with such orders of the Director: *Provided*, The issuance thereof is approved by the Office of Price Administration. The Director is hereby authorized to amend, suspend, revoke, or supersede Food Distribution Order No. 48, as amended (8 F.R. 4499, 7520).

(k) *Ration points.* All slaughterers who sell or deliver meat shall collect the required number of ration points in accordance with regulations of the Office of Price Administration.

(l) *Support prices; ceiling prices.* All Class 1 and Class 2 slaughterers shall pay not less than the following support prices for swine:

Effective period		Grade	Weight range	Price per cwt.
From	To			
Aug. 15, 1943	Sept. 30, 1944	Good and choice barrows and gilts	240–270	[1] $13.75
Sept. 1, 1943	Mar. 31, 1944	Good and choice barrows and gilts	200–240	[1] 13.75

[1] Chicago basis.

All Class 1 and Class 2 slaughterers shall pay not more than such maximum prices for swine as may be established by the Office of Price Administration under the Emergency Price Control Act of 1942, as amended.

(m) *Set aside requirements.* All Class 1 and Class 2 slaughterers and all processors under federal inspection shall comply with orders of the Director requiring the setting aside, reserving, holding, processing, and packaging of meat, meat products, and animal fats for delivery to such persons or agencies as the Director may prescribe.

(n) *Meat inspection.* All Class 1 and Class 2 slaughterers shall comply with orders of the Director requiring inspection, by persons designated for that purpose of their premises, plants, livestock, carcasses, meat, meat products, and animal fats, for the purpose of determining whether the meat, meat products, or animal fats produced in such plants are sound, healthful, and fit for human consumption.

(o) *Sanitary facilities; conservation facilities.* All slaughterers and all persons who custom slaughter shall maintain such sanitary and conservation facilities as the Director may prescribe.

(p) *Records and reports.* (1) The Director shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least 2 years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in livestock and meat.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Contracts.* The provisions of this order and of all orders or regulations issued pursuant thereto shall be observed without regard to contracts heretofore or hereafter made, or any rights accrued or payments made thereunder.

(r) *Audits and inspections of books and records.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, promises, or stocks of meat of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(s) *Petition for relief from hardship.* Any person affected by this order who considers that compliance therewith will work an exceptional and unreasonable hardship on him may, in writing, apply to the Director for relief, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(t) *Violations.* The Director may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using meat or meat products, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. Upon a determination by the Director that any slaughterer or any person who custom slaughters has, prior to the effective date hereof, violated any provision of Food Distribution Order No. 27, as amended (*supra*), or Food Distribution Order No. 61 (8 F.R. 9108, 9275), or has subsequent to the effective date hereof violated any provision of this order, the Director may suspend or revoke the license or permit of such person. In addition, any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any or all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(u) *Delegation of authority.* The administration of this order, and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(v) *Territorial scope.* The provisions of this order shall apply to transactions within the 48 States and the District of Columbia.

(w) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington 25, D. C., Ref: FD–75.

(x) *Food Distribution Orders No. 20, 27, as amended, 28, and 61 superseded.* This order supersedes in all respects Food Distribution Order No. 20 (8 F.R. 1913), Food Distribution Order No. 27, as amended (*supra*), Food Distribution Order No. 28 (8 F.R. 2787), and Food Distribution Order No. 61 (*supra*), except that, as to violations of said orders or liabilities incurred thereunder, said orders shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation or liability.

(y) *Effective date.* This order shall be effective at 12:01 a. m., e. w. t., August 15, 1943: *Provided, however*, That persons who, on or prior to September 1, 1943, have filed applications for licenses under this order may, from the date when such applications are postmarked until such time as they are acted upon, continue to operate under permits, registrations, quotas, and quota bases in effect for such persons on August 14, 1943; and persons who, under the provisions of this order are not required to apply for licenses, may continue to

(10) The term "custom slaughter" means the killing of livestock for the owner by any person, other than such owner, for the purpose of meat production.

(11) The term "home consumption" means the consumption of meat by the immediate household of the slaughterer of the livestock from which such meat was derived.

(12) The term "processor" means any person who is regularly engaged in the business of processing, preparing, or treating meat, meat products, or animal fats.

(b) *Restrictions upon slaughter and delivery.* Except as otherwise provided, no person shall, either for himself or for any other person, slaughter any live-

[1] 8 F.R. 2785, 4227, 5700, 7739, 8795.

operate under permits, registrations, quotas, and quota bases in effect for such persons on August 14, 1943, until such time as they receive licenses under this order or are notified by the Director that such licenses will not be issued to them.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 9th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12973; Filed, August 10, 1943; 11:13 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3673]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GREENING NURSERY COMPANY

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique status or advantages:* § 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages:* § 3.80 (b) *Securing agents or representatives falsely or misleadingly—Demand or business opportunities.* In connection with offer, etc., in commerce, of fruit trees and other nursery products, representing, directly or by implication, (1) that the respondent is the only nursery which uses the bud selection method of grafting in the propagation of fruit trees; (2) that fruit trees propagated by the bud selection method of grafting can only be procured from the respondent or its salesmen; and (3) that the bud selection method of grafting is an exclusive feature of respondent's nursery stock; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec 45b) [Cease and desist order issued pursuant to modified findings as to the facts, Greening Nursery Company, Docket 3673, August 3, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of August, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon request of the attorney for the respondent to modify the findings as to the facts issued on March 10, 1943; and the Commission having duly considered said request and the record herein and having issued its order modifying the findings as to the facts issued on March 10, 1943, and having issued its modified findings as to the facts and conclusion pursuant to said order:

It is ordered, That the respondent, Greening Nursery Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of fruit trees and other nursery products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that the respondent is the only nursery which uses the bud-selection method of grafting in the propagation of fruit trees.

2. Representing directly or by implication that fruit trees propagated by the bud-selection method of grafting can only be procured from the respondent or its salesmen.

3. Representing either directly or by implication that the bud-selection method of grafting is an exclusive feature of respondent's nursery stock.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12972; Filed, August 10, 1943; 11:02 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2071]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.24 (*General prices*) is amended by adding thereto Supplement R–IV, § 333.25 (*Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) is amended by adding thereto Supplement R–V, § 333.27 (*Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the States of Tennessee and Alabama*) is amended by adding thereto Supplement R–VI, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

Minimum prices were proposed by petitioner for Williams, L. J., Sunlight Mine, Mine Index No. 1784. This mine was priced identically in all size groups in Docket No. A–2027 and has been deleted from the attached schedule marked Supplement T.

The Alexander, Tom J., Deep Creek No. 1 Mine, Mine Index No. 1788, is shown in the petition as being served by the "Southern Ry." The railroad serving this mine is the Cincinnati, New Orleans & Texas Pacific (C. N. O. & T. P.) and so appears in the attached schedule marked Supplement R–IV.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

[*Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing*]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	HAMILTON COUNTY, TENN.				
1788	Alexander, Tom J.	Deep Creek #1	3	Soddy #10	200
	MARION COUNTY, TENN.				
1790	Gilliam, E. S.	E. S. Gilliam #3	3	Sewanee	150
	RHEA COUNTY, TENN.				
1792	Lloyd, Walter, Coal Co.	Sewanee	3	Sewanee	200

[*Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing*]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	MARION COUNTY, ALA.				
1485	Norris, Martin	Kelly #1	1	Black Creek	101
	WALKER COUNTY, ALA.				
1783	Fletcher, C. S.	Fletcher	1	Jagger	101
1703	Guthrie, C. B.	Wideman #3	1	Black Creek	101

[1] Shipping point: Eldridge, Ala. Railroad: St. L.-S. F. Denotes change in shipping point. Shipping point now Glen Allen, Ala., shall no longer be applicable.

[2] Shipping point: Carbon Hill, Ala. Railroad: St. L.-S. F. This mine shall have in Size Groups 1, 2, 7, 13, 16, 22, and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 1365 (Kelley & Lenard (Jo Kelley), Kelley & Lenard mine, Price Schedule No. 2), and will be included in Group No. 181.

[3] Shipping point: Carbon Hill, Ala. Railroad: St. L.-S. F. This mine shall have in Size Groups 1, 2, 4, 7, 13, 19, 20, 21, 22, and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 1350 (Guthrie, C. B., Wideman #1 mine, Price Schedule No. 2), and will be included in Group No. 194.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use the railroad prices; for other uses, the commercial prices listed in the sections of this price schedule that shall apply. For all mines in subdistrict No. 1. For all sizes customarily furnished railroads for locomotive fuel.]

Mine Index No.	Central of Georgia [1]	Seaboard Air Line Ry.	St. Louis & San Francisco R.R. (for consignment west of the Mississippi River)	St. Louis & San Francisco R.R. (for consignment east of the Mississippi River)	A. T. & C. Railroad	All other railroads not specifically shown
1783–1793	230	230	230	230	----------	230

[1] Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Subject to price instructions and exceptions]

[Size groups and prices applicable for steamship vessel fuel]

Mine Index No. (Mine No. 3, Subdistrict No. 3)	Size	Price
1793	Mine group	305

§ 333.25 *Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*—Supplement R–V

Mine index No.	For mines in subdistrict No. 3 (quite index No.)	Size	Price
1790	----------	For all sizes except screenings. Screenings with top size not more than 2".	255
			245
1788, 1792	----------	For all sizes except screenings. Screenings with top size not more than 2".	230
			215

[1] Shipping point: Rathburn, Tenn. Railroad: C. N. O. & T. P. On each respective price table, this mine shall have in each size group the same respective prices as are shown for mines included in Group No. 6.

[2] Shipping point: Sequatchie, Tenn. Railroad: N. C. & St. L. On each respective price table, this mine shall have in each size group the same respective prices as are shown for mines included in Group No. 9.

[3] Shipping point: Dayton, Tenn. Railroad: C. N. O. & T. P. On each respective price table, this mine shall have in each size group the same respective prices as are shown for mines included in Group No. 6.

FREE ALONGSIDE DELIVERIES

§ 333.27 *Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River f. a. s. consumers in the States of Tennessee and Alabama*—Supplement R–VI

Code member index	Mine	Mine index No.	County	Seam	Lump: over 2", egg: top size over 3"	Egg: top size 6" and under, bot. size 2" and under	Lump: 2" and under	Nut: top size 2" and under, bot. size 1" and under	Stoker: top size 1½" and under, bot. size ½" and under	Stoker: top size ¾" and under, bot. size ⅜" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
(Subdistrict 5)																			
Alexander, Tom J.	Deep Creek #1	1788	Hamilton	Soddy #10	335	335	325	280	270	250	255	255	255	235	235	225	220	185	280
Campbell, James M.	Brown Hollow	1789	Marion	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
Gilliam, E. S.	E. S. Gilliam #3	1790	Marion	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
Lloyd, Walter, Coal Co.	Sewanee	1792	Rhea	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: over 2", egg: top size over 6"	Egg: top size 6" and under	Lump: 2" and under	Nut: top size 3" and under bot. size over ½"		Chestnut: top size 3" and under, bot. size ⅜" and under		Chestnut: top size 1¼" and under, bot. size ½" and under		Run of mine, modified R/M—Raw	Resultants: 3" and under		Screenings 1¼" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw		Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
JEFFERSON COUNTY, ALA.																			
Reed, John	Reed	1787	2	Mary Lee	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255
WALKER COUNTY, ALA.																			
Fletcher, C. S.	Fletcher	1783	2	Jagger	310	310	305	325	305	.....	.....	300	280	260	265	230	260	210	260
Fletcher & Myers (C. S. Fletcher).	Fletcher & Myers	1785	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	255	320

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: Over 2", Egg: Top size over 3"	Egg: Top size 6" and under bot. size 2" and under	Lump: 2" and under	Nut: Top size 2" and under bot. size 1" and under	Stoker: Top size 1½ bot. size ½" and under	Stoker: Top size ¾" and under; bot. size ⅜" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
HAMILTON COUNTY, TENN.																			
Alexander, Tom J.	Deep Creek #1	1788	4	Soddy #10	335	335	325	280	270	250	255	255	255	235	235	225	220	185	280
MARION COUNTY, TENN.																			
Campbell, James M.	Brown Hollow	1789	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
Gilliam, E. S.	E. S. Gilliam #3	1790	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
RHEA COUNTY, TENN.																			
Lloyd, Walter, Coal Co.	Sewanee	1792	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290

[F. R. Doc. 43–12910; Filed, August 9, 1943; 12:07 p. m.]

[Dockets Nos. A–1959 and A–2000, Part II]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

MEMORANDUM OPINION AND ORDER OF CONSOLIDATION

Memorandum opinion and order of consolidation granting petition to amend petition, amending petition, terminating temporary relief heretofore granted and granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 22 for the establishment of additional price classification and minimum prices for certain coals produced in Subdistricts 1 and 2 in District No. 22 in the matter of the petition of District Board No. 22 for the establishment of a price classification and minimum prices for nut coals, 3" x 1⅝" in size, of the Smith No. 2 Vein Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with the Division by the above-named party, requesting the establishment, both temporary and permanent, of a price classification and minimum prices for 3" x 1⅝" nut coal to be designated as Size Group 6–A, produced by code members in Subdistricts 1 and 2 in District No. 22 for shipment by rail to destinations in certain specified market areas. A separate petition requesting, among other things, the same relief was filed for the coals produced from the Smith No. 2 Vein Mine, Mine Index No. 310.

On April 30, 1943, a memorandum opinion and order granting temporary relief was issued in Docket No. A–1959 wherein it was found that the original petition did not contain facts sufficient to warrant the temporary or permanent establishment of a new size group to be designated as Size Group 6–A, as requested by petitioner, without a hearing; that the minimum prices proposed by petitioner for the 3" x 1⅝" nut coal produced in Subdistrict 2 for shipment by rail did not appear to maintain a proper differential with respect to the minimum prices previously established for Size Group 7 coals produced in Subdistrict 2 for rail shipments. Accordingly, pending a hearing and the final disposition of the original petition in Docket No. A–1959, temporary relief was granted except that no new size group was established and temporary minimum prices which were lower than those proposed in the original petition, were established for Size Group 6, which would include 3" x 1⅝" nut coals, produced in Subdistrict 2.

On June 4, 1943, the Bituminous Coal Consumers' Counsel filed with the Division a Petition of Intervention and Motion to Modify Temporary Relief in Docket No. A–1959 which was denied by order dated June 29, 1943, which order scheduled a hearing in the matter. The hearing was cancelled by order dated July 8, 1943.

A petition was filed by the petitioner with this Division on July 21, 1943, requesting that the original petition be amended by deleting therefrom the request for relief as set forth above and proposing in lieu thereof the establishment of temporary and permanent price classifications for nut coal, 3" x 2", Size Group 6, for shipment by rail into all market areas. Petitioner also requests the establishment, both temporary and permanent, of minimum prices for egg coal, 6" x 3", Size Group 4, for shipment by rail into all market areas which results in a coal with a top size of 3" (Size Group 6).

It is further stated that the establishment of the requested minimum prices will provide necessary relief to producers in Subdistricts 1 and 2 of District No. 22 and will remove the objections set forth in the aforesaid petition of intervention filed by the Bituminous Coal Consumers Counsel.

The minimum prices proposed by petitioner for 6" x 3" nut coal, Size Group 4, for shipment by rail into all market areas are uniformly 10 cents per ton higher than the effective minimum prices for 6" x 2" coal, Size Group 5, and the minimum prices proposed by petitioner for 3" x 2" egg coal, Size Group 6, for shipment by rail into all market areas, except Market Area 243, are predicated upon a differential of 10 cents per ton higher than the effective minimum prices for 2" x 1¼" coal, Size Group 7. Since no minimum prices have heretofore been established for shipment by rail into Market Area 243 for Size Group 7 coal produced in Subdistricts 1 and 2 in District No. 22, no relief is granted herein with respect to Size Group 6 coals for shipment by rail into Market Area 243.

Upon the basis of the foregoing facts and statements, the Director is of the opinion that good cause has been shown for the granting of said petition to amend and that said petition to amend should be granted as hereinafter set forth.

By letter dated July 19, 1943, and received by the Division on July 23, 1943, petitioner requests that the same price classifications and minimum prices proposed in the aforesaid petition to amend filed in Docket No. A–1959 for nut coal, 3" x 2", Size Group 6, and for egg coal, 6" x 3", Size Group 4, produced by code members in Subdistricts 1 and 2 in District No. 22, be established for the Smith No. 2 Vein Mine, Mine Index No. 310, located in Subdistrict 2 in District No. 22.

On June 4, 1943, a Memorandum Opinion and Order severing Docket No. A–2000, Part II, from Docket No. A–2000 and Granting Temporary Relief in Docket No. A–2000, Part II, was issued wherein it was found that pending a hearing and further order in Docket No. A–1959, no permanent relief should be granted with respect to coals 3" x 1⅝" in size produced at the Smith No. 2 Vein Mine, but that the same temporary price classification and minimum prices established by the order in Docket No. A–1959 on April 30, 1943, for this size of coal produced at other mines in Subdistrict 2 should also be established for this mine.

It appears that a reasonable showing of necessity has been made for the granting of relief in the manner hereinafter set forth; that no petitions of intervention and no motions in objection to the granting of said petition to amend filed on July 21, 1943 in Docket No. A–1959 have been filed with the Division; that the petitions filed in Dockets Nos. A–1959 and A–2000, Part II, should be consolidated; and that the following action is necessary to effectuate the purposes of the Act.

Now, therefore, it is ordered, That the above-named matters be, and the same hereby are, consolidated.

It is further ordered, That the prayer of the said petition to amend be, and the same hereby is, granted.

It is further ordered, That the temporary relief heretofore granted in the orders issued in Docket No. A–1959 on April 30, 1943 and in Docket No. A–2000, Part II on June 4, 1943, be, and the same hereby are, terminated.

It is further ordered, That pending further order temporary relief is granted as follows: Commencing forthwith § 342.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the petitions filed in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final August 10, 1943, unless it shall otherwise be ordered.

Dated: August 2, 1943.

[SEAL] DAN H. WHEELER, *Director.*

DISTRICT NO. 22

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 342, Minimum Price Schedule for District No. 22 and supplements thereto.

RAIL TRANSPORTATION

§ 342.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 22. Insert under subdistricts Nos. 1 and 2 the following minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into market areas shown:

Market areas	Size groups (6" x 3") 4	Size groups (3" x 2") 6
SUBDISTRICT NO. 1—ROUNDUP		
45 and 46	325	275
47–50, 52–68, 76, and 77	315	265
200–202	340	290
203	330	280
204–207	335	285
215	340	290
234 and 241	370	280
237 (Idaho) and 240	320	280
237 (Washington), 238, 239, and 247–254	340	300
243	340	.....
All other market areas [1]	400	300
SUBDISTRICT NO. 2—RED LODGE		
45 and 46	325	250
47–50, 52–68, 76 and 77	315	240
200–202	340	265
203	330	255
204–207	335	260
214	360	225
215	340	265
234 and 241	345	255
237 (Idaho) and 240	320	255
237 (Washington), 238, 239 and 247–254	340	275
243	340	.....
All Other Market Areas [1]	375	275

[1] Prices for rail shipment shown in the foregoing price tables for "All Other Market Areas" shall be increased or decreased in cents per net ton as follows:

To market areas	
1–21, 100–102, 105–112, 118, 125–129, 131, 133–137 and 139–141.	Plus 5 cents per net ton.
22–31, 70, 72, 74, 103, 104, 114–116, 151–157 and 208–212.	Minus 5 cents per net ton.
32–41, 69, 71, 73, 75, 78 and 216.	Minus 10 cents per net ton.
42–44, 213, 214, 217–232, 236 and 244–246.	No adjustment.

113, 117, 120–124, 130, 132, 142, 145–148 and 150.	Plus 15 cents per net ton.
242	Plus 10 cents per net ton.

[F. R. Doc. 43-12909; Filed, August 9, 1943; 12:07 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 604—CIVILIAN EMPLOYEES

[Amdt. 169, 2d Ed.]

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 604.1 to read as follows:

§ 604.1 *Appointment and tenure.* (a) All employees engaged in the administration of the selective service law who receive compensation from the United States, including temporary, intermittent, and part-time employees, shall be employed or separated from employment in accordance with the provisions of the Federal civil service laws, the rules and regulations of the United States Civil Service Commission, and in accordance with instructions given and limitations imposed by the Director of Selective Service.

(b) Several statutory provisions prohibit or restrict the receipt of dual compensation from the United States. No person receiving salary or compensation from the United States Government shall be appointed to the Selective Service System without the eligibility of such person to receive dual compensation being first ascertained.

(c) When the appointing authority, the State Director of Selective Service, or the Director of Selective Service finds the employment in any position to be unnecessary, it shall be his duty to order the abolition of such position.

(d) Appointments of employees of local boards and boards of appeal and of any group of a board of appeal shall be subject to confirmation by the State Director of Selective Service.

2. Amend the regulations by deleting § 604.2 in its entirety.

3. Amend § 604.11 to read as follows:

§ 604.11 *Fixing compensation.* (a) The classification grades and salary rates prescribed by the Classification Act of 1923, as amended, shall apply to all employees receiving compensation from the United States, except the following:

(1) Local board employees.

(2) Persons appointed by the President.

(3) Persons appointed as State Directors of Selective Service.

(b) Salary rates of employees of local boards shall be established by the State Director of Selective Service in accordance with instructions given and limitations imposed by the Director of Selective Service.

(c) Salary rates of employees appointed by the President and of persons appointed as State Directors of Selective Service will be fixed by the appointing authority.

(d) When the appointing authority, the State Director of Selective Service, or the Director of Selective Service finds the classification grade or salary rate of any position to be excessive, it shall be his duty to order the reduction of the classification grade or of the salary rate.

4. Amend the regulations by deleting § 604.12 in its entirety.

5. Amend § 604.21 to read as follows:

§ 604.21 *Appointment and tenure.* (a) Each local board by majority vote may select and the chairman shall appoint in the manner provided by these regulations and in accordance with instructions given and limitations imposed by the Director of Selective Service local board employees in the number authorized by the State Director of Selective Service at rates of compensation not exceeding those fixed by the State Director of Selective Service.

(b) Each local board shall by a majority vote designate one of its employees as the clerk of the local board.

(c) The local board shall not employ or continue in employment any person related to any member of the board as close as or closer by blood or marriage than a first cousin.

(d) The State Director of Selective Service or the Director of Selective Service, when he deems it to be in the best interests of the Selective Service System, may authorize the joint employment of an individual by two or more local boards.

6. Amend § 604.31 to read as follows:

§ 604.31 *Appointment and tenure.* Each board of appeal or group thereof by majority vote may select and the chairman of such board of appeal or group thereof shall appoint in the manner provided by these regulations and in accordance with instructions given and limitations imposed by the Director of Selective Service employees of the board of appeal or group thereof in the number authorized by the State Director of Selective Service at rates of compensation not exceeding those fixed by the State Director of Selective Service.

7. Amend § 604.41 to read as follows:

§ 604.41 *Appointment and tenure.* Subject to instructions given and limitations imposed by the Director of Selective Service, and upon recommendation of the chairman of the medical advisory board, the State Director of Selective Service may appoint an employee for such medical advisory board.

8. Amend § 604.51 to read as follows:

§ 604.51 *Appointment and tenure.* Subject to instructions given and limitations imposed by the Director of Selective Service, the State Director of Selective Service shall appoint employees for his State Headquarters for Selective Service.

9. Amend the regulations by deleting § 604.71 in its entirety.

10. Amend the regulations by deleting § 604.72 in its entirety.

11. Amend the regulations by deleting § 604.73 in its entirety.

12. Amend the regulations by deleting § 604.74 in its entirety.

13. Amend the regulations by deleting § 604.75 in its entirety.

14. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 9, 1943.

[F. R. Doc. 43-12934; Filed, August 9, 1943; 4:10 p. m.]

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amdt. 87]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS; FISH AND SEAFOOD

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "Shipping Priority Rating" the shipping priority rating assigned to the commodities listed below, at every place where said commodities appear in said section, is hereby deleted and in the column headed "General License Group" the group designation assigned to the commodities listed below, at every place where said commodities appear in said section, is hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Fresh fish: Salmon	0070.00	None
Oysters, fresh in the shell	0072.00	None
Oysters, fresh, shucked, frozen, or in ice	0073.00	None
Shrimp, fresh, frozen, or in ice	0074.00	None
Shrimp, dried	0075.00	None
Fish, salted, pickled, or dry-cured:		
Salmon	0077.00	None
Cod, haddock, hake, pollock, cusk	0078.00	None
Herring	0079.01	None
Sardines	0079.03	None
Other fish, salted, pickled or dry-cured	0079.98	None
Fresh lobsters	0080.03	None
Fresh crabs	0080.05	None
Fresh clams	0080.07	None
Other fish and fish products n. e. s.	0080.98	None

Shipments of the above commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective August 15, 1943.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; Executive Order No. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

Dated: August 7, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-12913; Filed, August 9, 1943; 2:27 p. m.]

[Amdt. 88]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS; PUBLICATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "Commodity" the words "(The following are in Group K unless classified as Technical Data)" which appear immediately after the words "Books, maps, pictures, and other printed matter:" are hereby deleted, and in the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are amended to read as follows:

Commodity	Department of Commerce No.	General license group
Books, bound, other	9512.00	None
Books, text, bound educational	9510.00	None
Books, unbound in sheets	9514.00	None
Calendars, printed or unprinted	9560.00	None
Catalogs and pamphlets	9516.00	None
Currency, bank notes and uncancelled postage and revenue stamps	9569.98	None
Lithographically printed matter	9563.00	None
Maps and charts, geographic	9522.00	None
Newspapers, current (report overissued and old newspapers in 4722.03, 4722.05, or 4722.98)	9553.00	None
Periodicals	9555.00	None
Photographs and blueprints, n. e. s.	9550.98	None
Other printed matter, n. e. s.	9569.98	None

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; Executive Order No. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

Dated: August 7, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-12914; Filed, August 9, 1943; 2:27 p. m.]

[Amdt. 89]

PART 802—GENERAL LICENSES

EXPORTATION OF PUBLICATIONS

Part 802 *General licenses* is hereby amended by adding thereto § 802.21 *General licenses "G-PUB"* as follows:

§ 802.21 *General license "G-PUB".* (a) When used in this section publications shall mean all those commodities classified under the following Department of Commerce Schedule B numbers which do not contain technical data as defined in § 806.1 of this subchapter:

Commodities	*Department of Commerce No.*
Books, bound, other	9512.00
Books, text, bound educational	9510.00
Books, unbound in sheets	9514.00
Calendars, printed or unprinted	9560.00
Catalogs and pamphlets	9516.00
Lithographically printed matter	9563.00
Maps and charts, geographic	9522.00
Newspapers, current (report overissued and old newspapers in 4722.03, 4722.05, or 4722.98)	9553.00
Periodicals	9555.00
Photographs and blueprints, n. e. s.	9550.98
Other printed matter, n. e. s. (including, but not by way of limitation, currency, bank notes and uncancelled postage and revenue stamps	9569.98

(b) A general license designated "G-PUB" is hereby granted authorizing the exportation of publications to all destinations assigned general license numbers except those destinations designated Country Group M.

(c) The general license designation is not required to be shown on the envelope or package containing publications for export under this general license.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; Executive Order No. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

Dated: August 7, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-12915; Filed, August 9, 1943; 2:27 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 3270—CONTAINERS[1]

[Conservation Order M-104, as Amended May 17, 1943, Amdt. 1]

CLOSURES FOR GLASS CONTAINERS

Section 3270.37[1] *Conservation Order M-104* is hereby amended as follows:

a. Paragraph (a) is to be amended by deleting subparagraph (7) defining rubber, and by renumbering subparagraphs (8) and (9) to read (7) and (8), respectively.

b. Paragraph (b) is to be amended as follows:

1. Delete the word "rubber" in subparagraph (1) line 4.

2. Delete the words "or rubber" in subparagraph (2) line 2 and insert the word "or" before the word "waste."

3. Delete the words "or rubber" in subparagraph (3) line 2 and insert the word "or" before the word "wire."

4. Subparagraph (4) is to be replaced by the following:

No person shall use any tinplate, terneplate, or blackplate, except "rejects" "frozen blackplate" or "electrolytic wastewaste", heavier than 90 pounds per base box, for the manufacture of crown caps.

5. Delete the words "on and after May 17, 1943" in subparagraph (5) line 4.

6. Delete the words "after May 1, 1943" in subparagraph (6).

c. Paragraph (c) is to be amended by deleting the words "or rubber" in lines 8 and 9, and inserting the word "or" before the word "blackplate" in line 8.

d. Exhibit A is to be amended by deleting the words "or rubber" in line 6 and inserting the word "or" before the word "waste."

e. Schedule I is to be amended as follows:

1. Delete the words "the year 1943" in paragraph (A) line 5 and insert in their place "any calendar year."

2. Delete the numbers "1943" in paragraph (D) line 2 and substitute the words "Calendar year."

3. The column heading entitled "1943 packing quota" is to be changed to read "Calendar Year Packing Quota", and the column entitled "Rubber" is to be deleted.

4. Add the following Item 27–a after item 27:

Products	Calendar year packing quota	Closure material indicated by X	
		Tinplate	Blackplate
27-a. Mixed Fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 55 percent nor more than 65 percent Diced Peaches, and less than 35 percent nor more than 45 percent Diced Pears; or a combination of not less than 50 percent nor more than 60 percent Diced Peaches and not less than 30 percent nor more than 40 percent Diced Pears with not less than 6 percent nor more than 10 percent Grapes. Such peaches or pears shall be peeled, pitted, or cored, and diced to a size such that no more than 20 percent of the units will pass through a 5/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than ¾", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	X	

[1] Formerly Part 1128, § 1128.1.

Products	Calendar year packing quota	Closure material indicated by X: Tinplate	Closure material indicated by X: Blackplate
13-a Cosmetics,[1] During balance of 1943, 35% of 1942, thereafter 65% of 1942 for each calendar year.	.....	.....	(See footnote 2.)

5. Add footnotes 1, 2 and 3 after Schedule 3 as follows:

[1] No person packaging cosmetics shall at any time accept or have any supplier set aside for him any quantity of closures which will increase his inventory to more than a 60-day supply. Any person who uses less than $500 worth of closures in a calendar year is exempt from this restriction.

[2] The following material only may be used for closures for cosmetics:

(i) Used closures and cans, and

(ii) Slitter or shear trimmings, lithographing lay sheets and discs, produced as a by-product in the ordinary course of manufacturing cans and closures.

[3] Permission to accept delivery of used cans or of sheets recovered from such cans, must be obtained on Form WPB 2825. Permission to accept delivery of slitter or shear trimmings, lithographic lay sheets and discs, must be obtained under Conservation Order M-325.

6. In Item 19 the product is to be amended by adding the word "disinfectants" as follows:

Products

19. Fungicides, insecticides, disinfectants and livestock or agricultural solutions or sprays.

h. Schedule IV is to be amended as follows:

1. Delete paragraph (A)

2. Add the following item to the schedule:

Product	Quota	Closure material
Wines and distilled spirits.	During balance of 1943—25% of the number of closures used in 1942. For any subsequent year, 50% of the number of closures used in 1942.	Used closures and cans, and slitter or shear trimmings, lithographing lay sheets, and discs, produced as a by-product in the ordinary course of manufacturing cans and closures.

3. Add the following as footnotes 4 and 5 after the schedule:

[4] No person packing wines and distilled spirits shall, at any time accept, or have any supplier set aside for him, any quantity of closures which will increase his inventory to more than a 60-day supply. Any person who uses less than $500 worth of closures in a calendar year is exempt from this restriction.

[5] Permission to accept delivery of used cans, or of sheets recovered from such cans, must be obtained on Form WPB 2825. Permission to accept delivery of slitter or shear trimmings, lithographic lay sheets and discs, must be obtained under Conservation Order M-325.

4. Add "frozen blackplate" to the closure material column of the present items in Schedule IV so that the last two lines will read as follows: "Also rejects, frozen blackplate and electrolytic waste-waste".

5. Schedule V is to be amended as follows:

1. The heading of the second column is to be changed to read: "Manufacturer's quota" deleting the words "from October 1, 1942 to September 30, 1942."

2. The entire column entitled "Rubber" is to be deleted.

3. Delete items 1 and 2 and renumber items 3 to 9 to read 1 to 7.

Issued this 9th day of August, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12894; Filed, August 9, 1943; 11:32 a. m.]

5. The following items are to be changed to read as follows:

Products	Calendar year packing quota	Closure material indicated by X: Tinplate	Closure material indicated by X: Blackplate
15. Tomato catsup and chili sauce, containing not less than 10.7 percent (specific gravity 1.043) by weight, dry tomato solids.	Unlimited	X	.....
47. Vegetable soups, the following kinds of soups which shall contain not less than the specified percentage, by weight, of dry solids from the products listed in this schedule:	Unlimited	X	.....
Asparagus, pea, spinach and tomato—7 percent. Chicken, Chicken gumbo, chicken noodle, gumbo creole, consommé and bouillon, 4 percent. Clam or fish chowder and clam broth, 3 percent. Mock turtle, 6 percent. Vegetable, vegetable with pepper pot, oxtail, mock turtle, country style chicken, and corn chowder—10 percent; beef and vegetable beef—12 percent. Bean—23 percent, salt free; Mushroom—18½ percent, salt free.	Unlimited	X	.....
82. Baby foods: Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruit (except dried apricots, dried peaches, dried prunes, and dried raisins), vegetables, meats, cereals, poultry, products, dairy products, sugar, salt or seasoning, yeast or yeast derivatives. Frozen fruits and vegetables may be used. Potatoes and cereals may be used only in combination with other permitted products and only provided the combined potato and cereal content does not exceed 12 percent, by weight of the total product. Pineapple from No. 10 cans and tomato products from 5-gallon containers may be used in packing baby foods.	125%[2] 1942* 100%[3] 1942*	X	.....
Formulas—dry or liquid			
83. Cherries, maraschino			

6. Delete the footnotes 1 and 2 after Item 51 which read as follows:

[1] During 1943 only.

[2] Until Mar. 31, 1943

f. Schedule III is to be amended as follows:

1. Delete paragraph (A) and change (B) to (A)

2. The column heading entitled "1943 packing quota" is to be changed to read "Calendar Year Packing Quota", and the column entitled "Rubber" is to be deleted.

3. Item 30 is to be changed to read as follows:

Product	Calendar year packing quota	Closure material indicated by X: Tinplate	Closure material indicated by X: Blackplate
30. Ointments, cerates, petrolatum, pastes (not including hair pomades, hair dressings, and hair straighteners).	Unlimited	.....	X

g. Schedules III is to be amended as follows:

1. Delete paragraph (A).

2. Change paragraph (B) to paragraph (A) and add the following words to it: "except in the case of cosmetics where the packing quota relates only to the number of closures."

3. The column heading entitled "1943 packing quota" is to be changed to read "calendar year packing quota" and the column entitled "Rubber" is to be deleted.

4. Add the following item as 13-a and insert it after Item 13.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-384]

TENNESSEE MAYTAG AND FURNITURE CO.

Tennessee Maytag and Furniture Company, a corporation, of Nashville, Tennessee, is engaged in the retail furniture business. Subsequent to January 18, 1943, said corporation sold and delivered new metal heating equipment, as defined in Limitation Order L-79, on orders which bore no preference ratings, or concerning which signed statements from the purchasers, as required by said order, had not been furnished. At the time of these sales the Tennessee Maytag and Furniture Company had knowledge of the provisions of Limitation Order L-79, and these sales constituted wilful violations of that order.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.384 *Suspension Order No. S-384.* (a) Tennessee Maytag Furniture Company, its successors or assigns, shall not, directly or indirectly, purchase, accept deliveries of, sell, deliver, or otherwise deal in, new metal heating equipment, as defined in Limitation Order L-79, except as specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Tennessee Maytag Furniture Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 10, 1943, and shall expire on November 10, 1943.

Issued this 3d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12981; Filed, August 10, 1943; 11:45 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-387]

HOG ISLAND LUMBER CO.

The Hog Island Lumber Company, 2908 South 84th Street, Philadelphia, Pennsylvania, is a partnership composed of Samuel Cohen and David Cohen and is engaged in the retail lumber business. Subsequent to August 21, 1942, they sold and delivered soft wood lumber of a kind and grade defined in Conservation Order M-208 in the exact amount necessary for the construction or assembling of a bungalow knowing that it was to be used for that purpose, without authorization from the War Production Board. This act constituted a violation of Conservation Order M-208.

Between October 8, 1942, and January 13, 1943, respondents purchased lumber on orders bearing no preference rating in violation of Conservation Order M-208. Between October 8, 1942, and January 13, 1943, respondents purchased lumber on orders to which preference ratings were subsequently and improperly applied by respondents, or for some of which the respondents had no preference ratings at the time they purported to apply preference ratings. These actions constituted a violation of Priorities Regulation No. 3. Respondents knew, or from their business experience should have known of Conservation Order M-208 and Priorities Regulation No. 3. Such actions constitute wilful violations of Conservation Order M-208 and Priorities Regulation No. 3; they have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.387 *Suspension Order No. S-387.* (a) Deliveries of material to Samuel Cohen and David Cohen doing business as Hog Island Lumber Company, or otherwise, their and its successors and assigns shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment of materials or products, the supply or distribution of which is governed by any order or regulation of the War Production Board shall be made to Samuel Cohen and David Cohen, doing business as Hog Island Lumber Company, or otherwise, their and its successors and assigns, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Samuel Cohen and David Cohen, doing business as Hog Island Lumber Company, or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 10, 1943, and shall expire on October 10, 1943.

Issued this 3d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12982; Filed, August 10, 1943; 11:45 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-388]

TIDMARSH ENGINEERING CO.

P. M. Tidmarsh, trading as Tidmarsh Engineering Company, of Tucson, Arizona, is engaged, among other things, in the sale and installation of plumbing, heating, cooling and refrigerating equipment. Between October 1, 1942, and February 10, 1943, he violated Limitation Order L-79 by selling and delivering numerous items of new metal plumbing equipment and new metal heating equipment, as defined in that order, to ultimate consumers who did not furnish him with preference rated orders or proper certifications. At the time of these transactions P. M. Tidmarsh was familiar with the provisions of Limitation Order L-79, and the violations of that order must be considered wilful.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by distributing scarce material in a manner unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.388 *Suspension Order No. S-388.* (a) During the term of this order P. M. Tidmarsh, individually or trading as Tidmarsh Engineering Company, or otherwise, his successors or assigns, shall not purchase, sell, accept or make delivery of, or otherwise deal in new metal plumbing equipment or new metal heating equipment, as defined in Limitation Order L-79, except as specifically authorized in writing by the Regional Director of the San Francisco Regional Office of the War Production Board. Authority is hereby delegated to the San Francisco Regional Director to pass upon such applications made by the respondent.

(b) Nothing contained in this order shall be deemed to relieve P. M. Tidmarsh, individually or doing business as Tidmarsh Engineering Company, or otherwise, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 10, 1943, and shall expire on November 10, 1943.

Issued this 3d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12983; Filed, August 10, 1943; 11:45 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-390]

BARTON ELECTRIC CO.

The respondents, J. W. Barton and G. H. Barton, partners operating under the firm name of Barton Electric Company, are engaged in business as electrical contractors and also as dealers in various electrical appliances. They are located in business at 111 West Chestnut Street, Dodge City, Kansas.

On August 3, 1942, the respondents began construction of a frozen food locker plant at Syracuse, Kansas, at a total cost of $9,200, which included the sale and installation therein of new refrigeration equipment of a value of $4,000. On September 15, 1942, they began construction for their own use of a frozen food locker

plant in Dodge City, Kansas, at a total cost of more than $4,000, which included the installation therein of new refrigeration equipment of a value of $3,200. These construction projects were not authorized pursuant to Conservation Order L–41. The sales and installations of new refrigeration equipment were not made on preferred orders pursuant to Limitation Order L–38.

While there may be some doubt as to whether the respondents knew of the restrictions of Conservation Order L–41 when they began construction of the Syracuse plant, (and they are accorded the benefit of the doubt), there is no question but that they knew of them when they constructed their own plant in Dodge City. They were aware of Limitation Order L–38 which prevented the sale and installation of new electric refrigeration equipment without a preference rating. Thus their actions, with the exception of the construction in Syracuse, Kansas, were wilful violations of Conservation Order L–41 and Limitation Order L–38.

These violations of Orders L–38 and L–41 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.390 *Suspension Order No. S–390.* (a) Deliveries of material to J. W. Barton and G. H. Barton, individually or doing business as Barton Electric Company or otherwise, their or its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to J. W. Barton and G. H. Barton, individually or doing business as Barton Electric Company, or otherwise, their or its successors or assigns, of any material the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) The provisions of this order shall not apply to materials or products which are required by the respondent in servicing or repairing refrigeration equipment, if written authority for such service or repair work is obtained in advance from the Regional Director of the Kansas City Regional Office of the War Production Board. Authority is hereby delegated to the said Regional Director to pass upon respondent's requests for permission to perform such service or repair work.

(d) Nothing contained in this order shall be deemed to relieve J. W. Barton or G. H. Barton, individually or doing business as Barton Electric Company or otherwise, their or its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 10, 1943 and shall expire on December 10, 1943.

Issued this 3d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12984; Filed, August 10, 1943; 11:45 a. m.]

PART 1071—INDUSTRIAL AND COMMERCIAL REFRIGERATING AND AIR CONDITIONING MACHINERY AND EQUIPMENT

[Amdt. 2 to General Limitation Order L–38 as amended May 20, 1943]

Section 1071.1 *General Limitation Order L–38*, as amended May 20, 1943, is hereby amended in the following particulars:

1. On "List B", "Part I", in item 1 the words "Army or Navy." are changed to read "Army or Navy; or when specifically authorized on Form WPB–2448 (formerly PD–831) only, and only for a hospital or a new or enlarged industrial plant (except in offices and eating places) or replacement in an industrial plant of an existing cooler which is beyond repair, if considered indispensable by the War Production Board."

2. On "List E", in item 1, the words "Army, Navy, Maritime Commission, or War Shipping Administration." are changed to read: "Army, Navy, Maritime Commission, or War Shipping Administration, for use aboard ship."

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12986; Filed, August 10, 1943; 11:44 a. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Conservation Order M–126 as Amended August 10, 1943]

Section 1176.1 *General Conservation Order M–126* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1176.1 *General Conservation Order M–126*—(a) *Definitions.* For the purposes of this order:

(1) The term "iron or steel" does not include "tin plate" and "terne plate" as defined by Supplementary Order M–21—(e), as amended, or screws, nails, rivets, bolts, wire, strapping or small hardware for joining or other similar essential purposes. The term does include stainless steel.

(2) The term "stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel and/or other alloying elements.

(3) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(4) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(5) The term "assemble" does not include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" also does not include adding finished parts to an otherwise finished article when the location of one or more of the added parts, or the size or type of one or more of the added parts, is determined by the use to which the ultimate consumer is to put the article.

(6) The term "Bessemer processed steel" means steel made by a process, in which air is blown through molten cast iron contained in a converter.

(7) The term "top cut" means that portion of a steel ingot rejected because it is not of sufficiently high quality for use on the order for which the ingot was melted, but which is normally used for some other purpose.

(b) *Restrictions with respect to List A products*—(1) *Raw material deliveries.* No person shall deliver or accept delivery of any iron or steel (including stainless steel) which he knows or has reason to know will be used to make any item on List A, any part thereof or repair part therefor.

(2) *Fabrication: prohibition.* No person shall process any iron or steel (including stainless steel) to make any item on List A, any part thereof or repair part therefor.

(3) *Assembly.* No person shall assemble any item on List A, any part thereof or repair part therefor, if it contains any iron or steel (including stainless steel).

(4) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List A, any part thereof or repair part therefor, which he knows or has reason to know was made, assembled or delivered in violation of any applicable provisions of this order as amended from time to time.

(c) *Exemption for Army-Navy-Maritime orders*—(1) *List C items.* In the case of any item on List C ordered by or for the account of the Army or Navy of the United States, the United States Maritime Commission and the War Shipping Administration, or ordered for physical incorporation into material to be purchased by or for the account of such agencies, the kind and amount of iron or steel required by the specifications (including performance specifications) applicable to the purchase order or contract may be delivered for and used in the manufacture of the item unless List C says otherwise. However, no stainless steel shall be used unless List C specifically says that it may.

(2) *Other items.* In the case of all articles or parts not governed by List A or C (including those articles and parts excepted from List A), when specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration call for a particular kind or amount of iron or steel (including stainless steel) the iron or steel specified may be used.

(d) *Restrictions on manufacture when the use of iron and steel is not elsewhere prohibited in this order.* No person shall use any iron or steel to make any article or part for which it would be practicable to use other less scarce material.[1] No person shall use more iron or steel in making any article or part than is necessary. No person shall use any alloy steel (including stainless steel) to make any article or part for which it is practicable to use carbon steel or iron (other than iron included under the definition of stainless steel).

(e) *Restrictions with respect to other scarce materials.* No person shall use as a substitute for any iron or steel (including stainless steel) any material more critical[1] than the material which he is prevented from using by this order.

(f) *Disposition of frozen and excessive inventories.* The disposition of frozen and excessive inventories containing iron or steel (including stainless steel) shall be subject to the applicable provisions of Priorities Regulation No. 13 (§944.34).

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order must be made on Form WPB–1477 (formerly Form PD–500) and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply whether the items are ordered or manufactured pursuant to a contract made prior to, on, or subsequent to May 5, 1942, or pursuant to a contract supported by a preference rating or allotment insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such order shall be observed.

(4) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

[1] The Conservation Division of the War Production Board issues, periodically, a publication showing the relative scarcity of materials entitled "Materials Substitutions and Supply".

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Installation.* The restrictions of this order shall not apply to the installation of an item or part for the ultimate consumer on his premises or to any putting into process, processing or assembling of the item or part incidental to the installation when done on the premises of the ultimate consumer.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (d)) shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use iron or steel weighing in the aggregate more than 25 pounds and if any putting into process, processing or assembling done by such person is for the purpose of making the specific repair. This paragraph (g) (7) does not limit the manufacture of repair and maintenance parts when List A permits the making of such parts.

(8) *Restrictions on manufacturing in certain labor areas.* When List A indicates that the manufacture of a particular item is subject to this paragraph (g) (8), no person shall put into process, process, or assemble any iron or steel (including stainless steel) to make any such item or any part thereof, unless such processing or assembling is to take place in a manufacturing establishment located in groups 3 or 4 of the labor market areas as may be from time to time designated by the War Manpower Commission.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

"A" Frames and booms for lighters of 15 ton capacity and under.
Access panels—except as required by Underwriters Codes.
Accessories, soda fountain.*
Acoustical ceilings.
Advertising novelties.
Air-conditioning systems—except as may be permitted under Limitation Orders L–38 and L–126.
Aircraft fire walls—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Aircraft seats—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Aircraft toilets—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Amusement park devices and roller coasters.*
Area walls.
Ash sieves—except as may be permitted under limitation orders in the L–30 series.
Asparagus tongs.
Atomizers, perfume-boudoir.
Attic fans.
Automobile accessories.
Automobile heaters*—except for passenger carriers as defined in Limitation Order L–158, police cars, ambulances, trucks and fire wagons.
Awning frames and supports—except when made from material in the inventory of the manufacturer on or before June 18, 1942, purchased for the purpose of making this item and then only subject to the provisions of paragraph (g) (8) of this order.
Bag, purse and pocketbook frames—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Balers, paper, for household use.
Ball park equipment including but not limited to:
Cages.*
Fences.
Lighting systems—except lamp bulbs.
Metal bases.
Protective netting.*
Railings.
Rollers.
Score boards.
Screens.*
Seats.*
Tampers.
Banks, personal, toy, miniature.
Barber and beauty shop furniture.
Barber and beauty shop supplies, machines and equipment.*
Barn pushers and scrapers.
Barrel hoops and fittings—except when made with iron or steel other than stainless steel.
Barware and bar accessories.
Bases on refrigerating machines below one H P—except as may be permitted under Limitation Orders L–38 and L–126.
Baskets—(i) except for commercial cooking, industrial and laboratory uses; (ii) except as may be permitted under Limitation Orders in the L–30 series; and (iii) except for agricultural purposes as may be permitted under Limitation Order L–257. Stainless steel may not be used for any basket except for baskets for heat-treating, pickling and plating and for repair and maintenance parts.
Baths, steam, all types.
Bath tubs—except as may be permitted under Limitation Order L–42.
B-B shot for air rifles.
Beach umbrellas—except as may be permitted under Limitation Order L–62.
Bed pans—except when made with iron or steel other than stainless steel and in accordance with Schedule 1 of Limitation Order L–214.
Beds—(i) except hospital beds; and (ii) except other beds when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to paragraph (g) (8) of this order.
Bed spring frames—except as may be permitted under Limitation Order L–49.
Beer kegs—except hoops and fittings for wooden kegs.
Beer mugs.
Beer stands.
Beer steins.
Bench legs—except industrial.
Beverage bottle cases, including but not limited to beer and all soft drinks.
Bicycle racks.
Binding, linoleum—except when made from material in the inventory of the manufac-

*Maintenance and repair parts excepted.

turer which was put into process to make this item on or before December 5, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Binoculars—except for U. S. Government Agencies.
Bins and screens—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Bird cages and bird cage stands.
Bird houses and feeders.
Biscuit boxes—except as may be permitted under Limitation Orders in the L–30 series.
Blackboards.
Blade stroppers, mechanical.
Bleachers and grandstands.*
Blocks, hat.
Blue print machines—(i) except parts coming in contact with chemicals; and (ii) except for other ports when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Boards, sounding.
Boat hooks.
Bobbin heads—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–98.
Boiler casings—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L–42, L–185, L–187 and L–199.
Book ends.
Book trucks—except wheel tires.
Boot jacks.
Bottle coolers—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–38.
Bottle holders—except hospital.
Bowling alleys, bowling pins and accessories.*
Boxes and trays for jewelry, cutlery, combs and toilet sets.
Boxes, meter, for household use—(i) except covers; and (ii) except reinforcing for concrete.
Braces, extensible steel, trench.
Branding, marking, and labeling devices—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L–83 and L–292.
Bread and cake boxes, household—except as may be permitted under Limitation Orders in the L–30 series.
Bread slicers for home use—(i) except knives; and (ii) except as may be permitted under Limitation Orders in the L–30 series.
Brewing, distilling, and processing equipment for alcoholic and nonalcoholic beverages, including bottling equipment—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–292.
Bridge splash guards.
Brush-backs—(i) except industrial; and (ii) except brush-backs other than industrial when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Buckets and pails—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L–30 series and L–257.
Buckles for clothing—except as may be permitted under Limitation Order L–68.
Buckles for pocketbooks and shoes—except as may be permitted under Limitation Order L–68.
Builders' hardware—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–236.
Builders' supplies—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Building ornaments.
Buildings, portable.
Burial lowering devices.
Butter chips.
Butter knives.
Buttons for clothing—except as may be permitted under Limitation Order L–68.
Cabinets—except as may be permitted under Limitation Orders L–13–a, L–62 and Schedule 3 to L–214.
Cafeteria and restaurant equipment—except when made with iron or steel other than stainless steel provided that stainless steel may be used for operating parts for repair and maintenance purposes.
Cake cutters.
Cake icing equipment.
Cake tongs.
Calendar and memo pad stands—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Calliopes or steam organs.
Candy display dishes.
Canes.
Canopies, hoods and supports—except brooder canopies.
Cans, containers and closures—except (i) shipping packages; and (ii) cans, containers and closures as may be permitted under Conservation Orders M–81, M–104, M–255 and M–261.
Car washing machines—except as may be permitted under Limitation Order L–270.
Carillons.
Carpet rods.
Carriers, casket.*
Carrousels (Merry-go-rounds).*
Carving set holders.
Cash boxes.
Cash registers.*
Casket hardware—except as may be permitted under Limitation Order L–64.
Casket trucks, undertaker's—except wheels.
Ceilings.
Chafing dishes.
Chains and cables—(i) except for heat-treating, pickling and plating; and (ii) except for all other uses when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Chamber pots—except as may be permitted under Limitation Orders in the L–30 series.
Cheese dishes.
Cheese vats—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–292.
Chicken crates.
Chicken house scrapers.
Christmas tree holders.
Christmas tree ornaments—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Cigar and cigarette holders and cases.
Cigar clippers.
Cigarette lighters.
Cigarette package holders.
Cigarette making machines, hand.
Circus and carnival apparatus, equipment and devices, including but not limited to:
Animal cages.*
Animal stands.
Tent standers.
Trailers.*
Trapeze bars.
Clamps, hair, including barrettes, decorative clips and fasteners (but not including common bob and hair pins and clamps for hair curling or waving)—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before December 5, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Clips for attaching baggage tags.
Clock cases—except on recording and controlling industrial instruments and heating system control equipment, and then only if made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Clocks, parts other than cases—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Clothes hampers.
Clothes lines.
Clothes line pulleys.
Clothes line reels.
Clothes racks and clothes dryers.
Clothes trees.
Clothing trim and dress ornaments—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Coal chutes and doors, household.
Coal pans.
Coasters and trivets for glass and hot containers.
Cocktail glasses.
Cocktail sets.
Cocktail shakers.
Coffee pots—except when made from iron and steel other than stainless steel and in accordance with Limitation Orders of the L–30 series.
Combs, hair—except curry combs.
Compacts.
Control levers—except when made from iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Convectors, local and unit heaters—(i) except for heat controls; and (ii) except for parts other than heat controls when made with iron or steel other than stainless steel and in accordance with Limitation Order L–107.
Conveyors and conveyor chutes—(i) except where subject to high temperature or corrosive action and made in accordance with Supplementary Order M–21–g; and (ii) except when made of iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Cooking stoves, commercial, electric—except as may be permitted under Limitation Order L–65.
Copy holders.
Corn poppers and machines.
Cosmetics and toiletries—except as may be permitted under Conservation Order M–104.
Counter tops and edgings.
Covers for automotive leaf-type springs.
Covers and frames, manhole—(1) except for reinforcing for concrete covers.
Covers, meter frame—except for industrial use.
Crochet hooks.
Croquet sets.
Crumb trays—except as may be permitted under Limitation Orders in the L–30 series.
Crutches.
Culverts, including conduits, corrugated pipe and corrugated plates and arches for culverts—(i) except from top cuts and discard steel; (ii) except reinforcing bars for poured concrete; (iii) except other reinforcing made with iron or steel in the form of re-rolled rail stock, top cuts and discard steels; (iv) except nestable culverts for use outside of the continental limits of the United States; and (v) except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Cups, drinking, of all kinds—(i) except for livestock; and (ii) except as may be permitted under Limitation Orders in the L–30 series.

*Maintenance and repair parts excepted.

Cups, other than drinking—(i) except industrial; and (ii) except when made with iron or steel other than stainless steel and in accordance with other applicable War Production Board orders.
Curb guards.
Curler, hair, non-electric—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order
Curtain stretchers.
Cutlery for the processing and preparation of food—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–140–a.
Dampers, fireplace—except as may be specified by the War Housing Critical List.
Darners, sock.
Decorative iron products.
Deodorizing dispensers.
Desk equipment, including but not limited to:
Desk sets.
Desk pads.
Fountain pen and pencil stands.
Letter openers.
Name plates.
Paper weights.
Diaper cans, containers, and receptacles.
Dictaphone racks.
Dinner bells.
Dishes, saucers and plates—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L–30 series.
Dish trucks—except wheel tires.
Dishwashing machines—except commercial dishwashing machines as may be permitted under Limitation Order L–248.
Dishwashing racks, household.
Dispensers, hand, for:
Hand lotions.
Paper products.
Soap.
Straws.
Display forms.
Document stands.
Door chimes.
Door closers—except as may be permitted under Limitation Order L–236.
Door handles—except as may be permitted under Limitation Order L–236.
Door knockers.
Door mats.
Door stops—except as may be permitted under Limitation Order L–236.
Drain boards—except as may be permitted under Limitation Order L–42.
Drawer pulls—except as may be permitted under Limitation Orders L–13–a and L–260.
Dress forms.
Dummy police.
Dust collecting systems and equipment*—except on preference rating of AA–5 or higher.
Dust covers and enclosures*—except industrial
Dyeing equipment—(i) except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–215, and (ii) except for repair and maintenance parts as may be permitted under Limitation Order L–215.
Easels, all types.
Edging, furniture and linoleum—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before December 5, 1942, and then only subject to the provisions of paragraph (g) (8) of this order
Ediphone racks.
Egg slicers.
Electric drinking water coolers—except as may be permitted under Limitation Orders L–38 and L–126.
Elevators, including doors and trim—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L–89 and L–257.
Embalming tables.*
Enameled tile sheets and squares.
Enamel store fronts.
Erasing knives.
Erasing shields.
Escalators.*
Exercise and reducing machines.*
Exhibition and fair apparatus and equipment,* including but not limited to:
Lighting equipment.
Racks.
Stands.
Fan stands, all types.
Fans, (i) except industrial; or (ii) except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–176.
Farm machinery and replacement parts therefor—(i) except high pressure sprayer valves, valve sets and nozzles; and (ii) except other parts when made with iron or steel other than stainless steel and in accordance with Limitation Order L–257.
Feed troughs, except as may be permitted under Limitation Order L–257.
Fences of all kinds, including chain link—except as may be permitted under Limitation Order L–211, Schedule III.
Fence posts—except for agricultural purposes and then only if made from steel in the form of re-rolled rail stock.
Ferneries, metal.
Finger bowls.
Fireplace equipment, including but not limited to: andirons, fireplace screens, fireplace accessories, clean-out doors and ash dumps but not including dampers and grates. See also the items "Dampers x x" and "Fireplace grates x x" on List A hereof.
Fireplace grates—except grates weighing not more than 40 lbs. each. No person shall process during the year 1943 in the manufacture of all fireplace grates weighing 40 lbs. each or less, more than 50% of the amount of iron and steel used by him in making all fireplace grates during the year 1941.
First aid kit boxes.
Fish aquariums.
Fishing tackle and equipment other than commercial—except as may be permitted under Limitation Order L–92.
Flag holders.
Flag poles.
Flashlights—except as may be permitted under Limitation Order L–71.
Flasks, quicksilver.
Floats for pageants, parades, advertising, etc.—except trucks.
Floor and ceiling plates for piping—except for industrial use.
Floor and counter covering trim—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Floor plates and floor coverings—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Floor scrapers—except power driven.
Floral tools and floral hoes.
Florist supplies—except that iron or steel wire may be used which was drawn prior to June 19, 1942 or was sold to the manufacturer of florist supplies as scrap.
Flour, salt and pepper shakers—except as may be permitted under Limitation Orders in the L–30 series.
Flower boxes, pot holders and vases.
Flower shears.
Fly traps.
Food carts—(i) except wheel tires; and (ii) except for hospital use.
Food vending machines, including automats.
Foot baths—except as may be permitted under Limitation Order L–42.
Foot scrapers.
Forms for concrete construction.
Fountain pens—except as may be permitted under Limitation Order L–227.
Fountains—(i) except fountains (other than ornamental fountains) when made with iron or steel other than stainless steel and in accordance with Limitation Orders L–38 and L–42; and (ii) except for replacement parts for soda fountains of the following types: covers, breaker strips, milk cans and ice pans which may be made with any iron or steel including stainless steel.
Fountains, ornamental.
Frames, catch basin and grater, all types—(i) except when made from low-grade cast iron; and (ii) except for reinforcing for concrete covers.
Frames, clothes drying.
Frames for artists' canvas, darning and needle work.
Frames, steel blocking.
Fruit juice extractors, household—except as may be permitted under Limitation Orders in the L–30 series and L–65.
Furniture*—except as may be permitted under Limitation Orders L–13–a, L–62, L–135, Schedule 3 of L–214, L–226, L–249, L–254 and L–260, but subject to the prohibition on the use of stainless steel in "Mechanical drawing and drafting equipment" on this List A.
Furniture, hardware—except when made with iron or steel other than stainless steel and as may be permitted under Limitation Order L–260.
Galley and mess equipment—except when made with iron or steel other than stainless steel, provided that stainless steel may be used for operating parts for repair and maintenance purposes.
Galley, kitchen, cafeteria and restaurant paneling—except when made with iron or steel other than stainless steel.
Game and gambling devices.
Garage hoists, car lifts and racks—except as may be permitted under Limitation Order L–270.
Garbage grinders, household.*
Garden trowels.
Gas toasters, household.
Gates for fences*—except for agricultural use as may be permitted under Limitation Order L–257.
Glassware holders and trim—except on cooking utensils.
Golf bag supports.
Grass shears.
Grass whips.
Grave markers.
Grilles, ornamental.
Grilles, sewers—except when made from low-grade cast-iron.
Grills, outdoor.
Guards for guy wires.
Gutters, spouting, conductor pipe and fittings for dwellings two stories or less in height*—except when the installation has been approved by the National Housing Agency.
H-Bar units.
Hair dryers, hand. See also the item "Barber and beauty shop, supplies, machines and equipment" on this List A for other hair dryers.
Hand seals for documents.
Hand weeders.
Handles, broom and mop.
Hangers, all types—(i) except X-ray film hangers; and (ii) except for other types of hangers when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders. See the next item below

*Maintenance and repair parts excepted.

for a type of hanger which may not be made with any iron or steel.
Hangers and track for garage doors for private use.
Hangers rings on brushes, brooms, etc.
Harness and saddlery fittings—except for draft, work and ranch animals.
Hat frames—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Hat-making machinery.*
Heat resisting pads for household use.
Hedge shears.
Helmets—except as may be permitted under Limitation Order L–105.
Highway crossing protection devices, electrical or mechanical.*
Highway guard rail, wire, strip and posts.*
Highway guard rail reflectors.
Hitching posts.
Holders, wire, all types—except as may be permitted under Limitation Orders in the L–30 series.
Hoops, galvanized wire for flower garden trim.
Hose clamps—except when made with iron or steel other than stainless steel.
Hose reels—(i) except fire fighting equipment; (ii) except for industrial use in direct fire hazard areas; and (iii) except for industrial use where required for lubricating equipment but only if made from steel in the form of re-rolled rail stock.
Hospital, medical, dental and related equipment—only items listed elsewhere on this List A are restricted by any provisions of this order other than paragraph (d).
Hot water heaters, tanks and coils—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L–65, L–185 and L–199.
House numerals.
Houses, poultry—except wire netting and except reinforcing for concrete, and except as permitted in the P–19 series of Orders.
Houses, tool and hog—except reinforcing for concrete, and except as permitted in the P–19 series of Orders.
Humidification devices—except as may be permitted under Limitation Orders L–38 and L–126.
Humidors.
Ice box exteriors—except as may be permitted under Limitation Orders L–7–c, L–38 and L–126.
Ice box parts other than exteriors—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L–7–c, L–38 and L–126.
Ice cream cabinets (see Item "Cabinets **x x**" on this List A).
Ice cream freezers, household.
Ice cream molds.
Ice cube trays.
Identification tags and badges (see "Tags and badges **x x x**" on this List A).
Incinerators—except for industrial or commercial use and except for housing as may be permitted by the War Housing Critical List.
Ink well holders.
Inlets, gutter, all types—except reinforcing for concrete.
Inlets, sewer, all types—except reinforcing for concrete.
Instrument dials and cases—except when made with iron or steel other than stainless steel and in accordance with other applicable War Production Board orders.
Insulation, metal reflecting type.
Ironing boards and stands.
Jam boxes—except as may be permitted under Limitation Orders in the L–30 series.
Jelly molds—except as may be permitted under Limitation Orders in the L–30 series.
Jewelry.

*Maintenance and repair parts excepted.

Jewelry cases.
Jugs, picnic, all types.
Kaleidoscopes.
Key chains, cases and rings.
Kitchenware—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L–30 series.
Knitting needles.
Ladders and hoists, including fittings—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Ladders, step.
Lanterns and lamps—(i) except valves, controls and mantle-holders and except for miners' lamps; and (ii) except for parts of lamps other than valves, controls and mantle-holders and for all parts of lamps other than miners' lamps, when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Lanterns, magic.
Lard or vegetable oil tubs—except of a capacity of 5 pounds and over.
Laundry chutes.
Laundry trays—except as may be permitted under Limitation Order L–42.
Laundry trucks and laundry truck tubs—(i) except wheel tires; and (ii) except for use in dry cleaning plants.
Lavatories—(i) except for railway cars; (ii) except for hangers; and (iii) except as may be permitted under Limitation Order L–42.
Lavatory equipment—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–42.
Lawn brooms.
Lawn edgers.
Lawn rakes.
Lawn rollers.*
Lawn tampers.
Lawn seeders.*
Lawn sprinklers.
Letter chutes.
Letter openers.
Letter trays.
Lighting equipment—(i) except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L–78, L–168, L–212, L–235 and L–259; and (ii) except for use in floodlights, searchlights and other outdoor lighting equipment used in connection with aerial and marine navigation.
Lighting poles and standards.*
Linen hampers—except for frames.
Linen trucks—except wheel tires.
Lipstick holders—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Livestock and poultry equipment—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–257.
Lockers—(i) except for oil refinery use; and (ii) except as permitted under Limitation Order L–13–a.
Locks—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–236.
Logs, artificial for gas—except as may be permitted under Limitation Order L–23–c.
Logs, artificial for electric fireplaces.
Luggage*—except as may be permitted under Limitation Order L–284.
Lunch boxes—except as may be permitted under Limitation Orders in the L–30 series.
Mail boxes—except as required by U. S. postal regulations.
Mailing tubes or cases—except for transportation of bacteria, cultures, serums, plasma and biological specimens.
Marine hardware for pleasure boats.
Marquees.
Match boxes.
Match and pattern plates, matrices and flasks—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Material for housing not otherwise specified in this order—except as may be specified by the War Housing Critical List.
Measuring pumps and dispensers* for gasoline station, garage and household uses, including but not limited to:
  Air pumps—except as may be permitted under Limitation Order L–270.
  Grease guns.
  Grease pumps.
  Gasoline dispensing pumps.
  Kerosene pumps.
  Oil pumps—except barrel pumps and lubesters.
Meat molds.
Mechanical book binding—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Mechanical drawing and drafting equipment—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
Memorial tablets.
Menu holders.
Metal cloths—except insect screening and hardware cloth and for industrial processing.
Metal dust covers and enclosures—except for industrial use.
Milk bottle cases—except that a total of 4½ pounds of steel per case (including joining and essential hardware) may be used.
Military wire and gimps—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Mirrors, hand.
Monograms and initials.
Mop wringers.
Mortician's supplies and equipment—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
Motion picture cameras.*
Motion picture projectors and projection equipment.*
Motion picture screen stands.
Motion picture sound reproducing equipment.*
Mud scrapers.
Music stands.
Name, data and instruction plates for machinery and equipment—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
Napkin rings.
Necktie racks—except as may be permitted under Limitation Orders in the L–30 series.
Newspaper boxes or holders.
Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruits, and flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942, or was sold to the manufacturer of the artificial leaves, fruits, flowers, or feather ornaments as scrap.
Ornamental hardware and moldings.
Outdoor fireplace parts.
Outing spades.
Packing twine holders.
Pail clasps.
Paint spray outfits—except for industrial use.
Paper rollers, household—except as may be permitted under Limitation Order L–120.

Parachute ripcord housing after September 30, 1943—(i) except when made from iron or steel (including stainless steel) acquired through Steel Recovery Corporation; and (ii) except when the manufacturer has not been able to acquire iron or steel (including stainless steel) of the type required through Steel Recovery Corporation.
Parasols, shafts and handles.
Park and recreational benches.
Parking meters.
Partitions.
Partition studs.
Pegs, tent.
Pen holders.
Pencil holders.
Permanent wave machines.*
Pet beds.
Pet cages.
Pet dishes.
Pet equipment (except license tags) including but not limited to:
  Carriers.
  Chains.
  Collars.
  Feeders.
  Houses.
  Leashes.
  Muzzles.
Phonograph motors, hand wound.
Phonograph record blanks.
Photographic accessories—except accessories used in connection with X-ray.
  ing and publishing equipment as may be permitted under Limitation Order L–226; (ii) except X-ray film developing equipment; and (iii) except document copying machines and equipment therefor (other than blue print machines) for business purposes and for use by government agencies. See also the item "Blue print machines * * *" on this List A.
Physical reducing machines.
Picnic and outing boxes and accessories.
Picture and mirror hardware.
Pie plates—except as may be permitted under Limitation Orders in the L–30 series.
Pipe cases.
Pipe cleaner knives.
Pipe posts.
Pitchers—except for hospital use.
Plant and flower supports.
Plates, light switch—except for cast conduit bodies.
Playground equipment—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before October 3, 1942, and then only subject to the provisions of paragraph (g) (8) of this order and only for sale to public recreation areas and Defense Housing projects.
Play pens, boxes and enclosures, children's.
Pleasure boats.
Pleasure boat equipment and accessories.
Plumbing and heating equipment.
  Gas conversion burners.*
  Gas fired boiler-burner units—except as may be permitted under Limitation Order L–187.
  Gas fired furnace-burner units—except as may be permitted under Limitation Order L–22–a.
  Grilles.*
  Oil fired boiler-burner units—except as may be permitted under Limitation Order L–187.
  Oil fired furnace-burner units—except as may be permitted under Limitation Order L–22–a.
  Registers*—(i) except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order; and (ii) except registers for use in warm air circulating systems but only if made from Bessemer processed steel or from a "top cut" and then only subject to the provisions of paragraph (g) (8) of this order.
  Steel heating boilers of 129 sq. ft. or less of heating surface.*
Pneumatic tube delivery systems*—except industrial.
Pocketbook ornaments.
Pole-line hardware—except when made with iron or steel other than stainless steel.
Polishing-wax applicators—except industrial as may be permitted under Limitation Order L–222.
Polishing-wax sprayers.
Portable bath tubs.
Poultry incubator cabinets—except as may be permitted under Limitation Order L–257.
Pulp, paper, paper products and converter machinery and equipment*—(i) except graphic arts machinery or equipment as may be permitted under Limitation Order L–226, and (ii) except that, with respect to pulp, paper, paper products and converter machinery and equipment not subject to Limitation Order L–226, particular machines and pieces of equipment of the types listed below, in production on August 9, 1943, may be finished if all fabrication and assembly is completed by September 20, 1943.
  Automatic paper packaging machines.
  Paper bag machinery.
  Paper corrugating machinery.
  Paper cup machinery.
  Paper cutting machinery.
  Paper paraffining machinery.
  Paper pasting machinery.
  Paper slitting machinery.
  Paper tube machinery.
  Slitters and winders.
  Waxing machines.
Pumps, fresh water—(i) except industrial; and (ii) except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
Push carts.
Push plates and kick plates, door.
Race track apparatus and equipment,* including but not limited to:
  Mutuel ticket machines.
  Pari-mutuel boards.
  Race finish photographic equipment.
  Starting gates.
Racks, display.
Racquets.
Radiator enclosures.
Radio antenna—except when made with iron or steel other than stainless steel.
Radio antenna poles*—except on preference ratings of AA–5 or higher.
Railings and barriers—(i) except for essential industrial use; and (ii) for metal fire escapes and fire towers.
Railroad rail joint angle bars over 24" in length*—(i) except for replacement on used rails; and (ii) except for rail weighing more than 110 lbs. per yard.
Reading stands.
Reels, cable and rope.
Refrigerator boxes, walk-in—except as may be permitted under Limitation Orders L–38 and L–126.
Refrigerator containers and trays, household.
Refrigerator and refrigeration equipment—(i) except essential machinery parts; and (ii) except for parts other than essential machinery parts when made with iron or steel other than stainless steel. This item is subject to the provisions of the two previous items on this List.
Regalia.
Registers, hand tally.
Rodeo equipment, including but not limited to:
  Animal trappings.
  Fences.
  Gates.*
Rolling boardwalk chairs.*
Rolling pins—except as may be permitted under Limitation Orders in the L–30 series.
Roofing and siding*—(i) except for roofing of railroad freight and passenger cars, street cars and busses; and (ii) except for other purposes but only when Bessemer processed steel is used.
Rotary door bells.
Rubber moulds—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
Rug scrubbing and shampooing machines.*
Safety zone posts, rails, cables and platforms.
Salesmen's display cases and sales kits.
Salt and pepper holders—except as may be permitted under Limitation Orders in the L–30 series.
Sample boxes.
Sand boats.
Scaffolding—except for use in shipyards and industrial plants.
Scales, coin operated.
Scenery and stage hardware equipment* (except lamp bulbs) for dramatic, theatrical and operatic use, including but not limited to:
  Battens.
  Cables.
  Lighting equipment.
  Stage drops.
Score boards.
Screen frames—(i) except for industrial processing; and (ii) except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Scrubbing boards.
Semaphores, traffic signal—except railroad.
Service food trays.
Sewer pipe, exterior installations*—(i) except for vents and within 5 feet of buildings; (ii) except for cast iron pressure mains; and (iii) except for reinforcing for concrete made from iron or steel in the form of re-rolled rail stock, "top cuts", or discard steel.
Shades, window and roller type—except for railway cars and for roller mechanism.
Sheet iron or hoop iron packings for cookies and sweet goods.
Shelf trucks—except wheel tires and frame.
Shelves for domestic ice refrigerators, as defined by Limitation Order L–7–c.
Shelves, other than shelves for domestic ice refrigerators—except as may be made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
Shirt and stocking dryers.
Shoe cleaning kits.
Shoe ornaments.
Show window lighting and display equipment.
Shower receptors and stalls—except as may be permitted under Limitation Order L–42.
Shutters, window*—except as may be permitted under Limitation Order L–142.
Sidewalk scrapers.
Sign hanger frames.
Sign posts.
Signets.
Silos—except as may be permitted under Limitation Order L–257.
Sinks, sink aprons and sink legs—except as may be permitted under Limitation Order L–42.
Sink drainboards, both integral and removable—except as may be permitted under Limitation Order L–42.
Siphon chargers—except as may be permitted under Limitation Order M–233.
Sitz baths—except as may be permitted under Limitation Order L–42.
Skates, roller and ice.
Skating rink apparatus and equipment.*

*Maintenance and repair parts excepted.

Skewers, all types.
Ski racks.
Sleds and sleighs—except runners.
Slide fasteners—except as may be permitted under Limitation Order L–68.
Slides, loops and slide-loops for work clothing—except as may be permitted under Limitation Order L–68.
Smokers' accessories.
Snow shovels and pushers, hand—except as may be permitted under Limitation Order L–157.
Sod lifters.
Spading forks—children's.
Special industrial machinery of the following types:
Ceramic making machinery*—except machinery for making refractories, porcelain for industrial use, vitrified abrasives and stoneware for chemical processing.
Collapsible tube filling machines.*
Cosmetic machinery.
Coupon inserting machines.
Cut and monumental stone machinery.
Milk can machinery.*
Paint processing and manufacturing machinery.*
Soap making machinery.*
Steel drum machinery—except for export purposes.
Tobacco machinery.*
Wire-bound box making machinery.
Spittoons—except as may be permitted under Limitation Orders in the L–30 series.
Spools, for cord, ribbon or tape—except for adhesive tape and inked ribbon.
Spools for wire—except traverse and spools used in industrial processing.
Sporting and athletic goods—(i) except cleats and spikes for athletic shoes; (ii) fishing tackle as permitted under Limitation Order L–92; and (iii) gymnasium equipment for programs approved by the United States Office of Education. Fully fabricated skates may be attached to athletic shoes without restrictions since the order does not regulate such assembly (see paragraph (a) (5)).
Spray containers, household.
Sprinkling cans, garden.
Stadiums.*
Stair and threshold treads,* household, institutional and commercial buildings—except for fire escape, fire towers and essential industrial use.
Stamped bakery equipment—except as may be permitted under Limitation Orders in the L–30 series.
Stands, all types—(i) except for essential industrial use; and (ii) except as may be permitted under Limitation Order L–54–c and Schedule 3 of Limitation Order L–214.
Staple removers—except as may be permitted under Limitation Order L–73.
Staples—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
Starter shingle strips.
Statues.
Steel wool for household use made from material other than waste.
Stencils.
Stokers until September 1, 1943—(i) except functional parts; and (ii) except for other parts when made with iron or steel other than stainless steel. Both (i) and (ii) must be in accordance with Limitation Order L–75.
Stokers, after August 31, 1943—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–75.
Storage racks, racks, cabinets or lockers—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
Store display equipment and show cases.

*Maintenance and repair parts excepted.

Store fronts.
Stoves and ranges, disc stoves and hot plates—(i) except electrical controls, heating units and needle valves; and (ii) except other parts when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.
Stretchers, carpet.
Stretchers, glove, sock and sweater.
Structural steel home construction.
Subway turnstiles.*
Sugar cube dryer trays.
Sugar holders—except as may be permitted under Limitation Orders in the L–30 series.
Sun dials.
Sun lamps and infra-red lamps—except as may be permitted under Limitation Order L–259.
Swimming pool equipment*, including but not limited to:
Diving boards.
Diving stands.
Ladders.
Slides.
Swivel chairs.
Table name-card holders.
Table tops for household use—except as may be permitted under Limitation Order L–62.
Tablets.
Tags and badges, key; name; price; identification—(i) except personnel identification tags or badges where metal tags or badges are required for the protection of government agencies provided they are made with iron or steel other than stainless steel; (ii) except personnel identification tags or badges containing not more than ¾ ounce of iron and steel where metal tags or badges are required for protection of industrial plants provided they are made with iron or steel other than stainless steel; (iii) except metal tags required for identification of livestock and poultry and products made therefrom provided they are made with iron or steel other than stainless steel; (iv) except pin attached or wire attached tickets for price marking of soft goods; (v) except metal tags for marking and identification of metals in its production, shipment and application provided they are made with iron or steel other than stainless steel; (vi) except license tags for pets; (vii) except name, data, identification and instruction plates for machinery and equipment provided they are made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board; and (viii) except for laundry and dry cleaning identification as may be permitted under Limitation Order L–91.
Tanks (strapping excluded) for agricultural use—except as may be permitted under Limitation Order L–257.
Tanks, storage (strapping excluded) for beer.
Tanks (strapping excluded) for water*—(i) except for use in tropical climates; (ii) except of a height in excess of 100 feet; (iii) except for range boilers and hot water storage; and (iv) except pneumatic pressure tanks.
Tank towers (i) except over 20 feet in height supporting more than 100 tons; and (ii) except over 50 feet in height.
Teapots—except as may be permitted under Limitation Orders in the L–30 series.
Telephone bell boxes—except bases and where required for safety.
Telephone booths.
Telescopes—except for U. S. Government Agencies.
Tent frames and supports.
Termite shields—except as may be specified by the War Housing Critical List.
Terrazzo spacers and decorative strips—except hospital operating rooms.
Textile machinery—except as may be permitted under Limitation Order L–215.
Thermometer bases, household.
Thermometer cases and mountings—except for industrial use and use on heating boilers.
Thermos jugs and bottles over one quart size.
Thimbles, sewing.
Tickers, stock.
Ticket vending machines*—except for public transportation.
Tile, steel-back.
Toilet floats, cistern and low water-floats—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–42.
Tongs, for food handling or for household use.
Tool boxes and cases—except for industrial use.
Tool handles—except for power driven tools.
Traffic lane markers.
Trailer bodies—except as may be permitted under Limitation Order L–253.
Transplanting trowels—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Trophies.
Truck bodies—except as may be permitted under Limitation Order L–253.
Trunks*—except as may be permitted under Limitation Order L–284.
Tub covers.
Tubs, washing—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L–30 series.
Turf edgers.
Typewriter mechanism for pedestal and drop-head desks.
Umbrellas, garden—except as may be permitted under Limitation Order L–62
Umbrella shafts and handles.
Urinals—except as may be permitted under Limitation Order L–42.
Valve handles—except when made with iron or steel other than stainless steel.
Vanity cases—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Vending machines for sanitary napkins—except as may be permitted under Limitation Order L–27–a.
Ventilators other than louver ventilators of the residential type, for use in walls—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L–142 and other applicable orders of the War Production Board.
Ventilators, louver, for use in walls, residential type—except when made from shop shearings or trimmings.
Vibrators, electric—except for industrial use.
Voting machines.
Wagon bodies and frames—(i) except for construction use; and (ii) except for agricultural use as may be permitted under Limitation Order L–257.
Wardrobe trunks—except as may be permitted under Limitation Order L–284
Waste paper receptacles.
Watch straps.
Water color paint boxes.
Water stills, household.
Water troughs—except as may be permitted under Limitation Order L–257.
Weather stripping.
Weather vanes.
Weed cutters and pullers, including dandelion, thistle and dock cutters and pulleys—except when made from steel in the form of re-rolled rail stock.
Wheelbarrows (parts other than wheels)—except for use in dairies; coal yards and mines; for handling hot materials; forgings and castings.
Wheel chairs—except frames and wheels.
Whiskey service sets.

Window display advertising.
Window shade rollers (parts other than roller mechanism)—except for railway cars.
Window stools.
Window ventilators—except for industrial and hospital use.
Wine coolers.
Wine service sets.
Wire parcel handles and holders.
Wire racks—(i) except for animal cages for biological work; (ii) except for industrial use; (iii) except for scientific laboratory equipment; (iv) except for agricultural use as may be permitted under Limitation Order L–257; and (v) except as may be permitted under Limitation Order L–23–c and L–182.
Work benches—(i) except for shipboard use; and (ii) except for industrial use where required for safety.

LIST C

Access panels—for use on board ship, on military vehicles and artillery items and where climatic or safety conditions make necessary.
Access panels of stainless steel for radio equipment.
Accessories, soda fountain—for use on board ship.
Acoustical ceilings—for use on board ship.
Aircraft fire walls—stainless steel permitted where required for non-magnetic properties, or when required as a structural member of aircraft.
Attic fans*—where climatic conditions make necessary.
Automobile accessories.
Automobile heaters—where specified for military vehicles.
Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Barber chairs—when manufactured in accordance with Navy Department specification 26C6 for use on board ship.
Barber shop supplies.
Baskets*—for cooking and manufacturing uses and for ordnance operations.
Baths, steam—for use on board ship.
B-B shot—for training and shot blast cleaning purposes.
Beds—hospital.
Beds, other than hospital—only from iron or steel in the form of rerolled rail stock or Bessemer processed steel.
Bench legs.
Binoculars.
Bird cages—for carrier pigeons.
Bird feeders—for carrier pigeons.
Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.
Boat hooks.
Bobbin heads of non-nickel bearing stainless steel—for use on board ship.
Boiler casings of stainless steel*—for use on board destroyers and where required for corrosion or heat resistance on board ship.
Bottle holders—for use on board ship and in hospitals.
Boxes, meter, and covers.
Brush-backs for bore brushes.
Buckets and pails.**
Buildings, portable.
Cabinets* for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, and as may be permitted under Limitation Orders L–13–a, L–62 and Schedule 3 of L–214.
Cabinets of stainless steel for radar equipment.

*Maintenance and repair parts excepted.
**Stainless steel also permitted but only where required for corrosion or heat resistance or non-magnetic properties.

Cable terminals, fittings and turnbuckles of stainless steel—for aircraft and use on board ship.
Canopies, hoods, and supports.
Cash boxes.
Ceilings—for use on board ship.
Chains and cables.**
Cigarette lighters—when ordered by the Army Exchange Service, the Bureau of Naval Personnel, and the Marine Corps, for use by the Army, Navy, Coast Guard, Marine Corps, Maritime Commission and War Shipping Administration.
Clock bases.
Clothes hampers—for use on board ship.
Clothing trim.
Control levers of stainless steel for aircraft.
Conveyor and conveyor chutes for artillery equipment—stainless steel permitted where required.
Counter tops and edgings—for use on board ship.
Covers and frames, manhole.
Covers, meter frame.
Culverts—for airports, for use outside continental limits of the U. S., and where certified to the manufacturer or supplier as necessary by the Army or Navy engineer in charge.
Cups of all kinds, drinking.
Door stops.
Dust collecting systems and equipment.
Dust covers and enclosures—when specified for military vehicles and artillery items.
Erasing knives.
Fans of stainless steel—for use on board ship and where required for corrosion resistance.
Fences, including chain link, weighing not more than 2 pounds per lineal foot and not more than .33 pounds per square foot.
Fence posts from iron or steel in the form of re-rolled rail stock.
First aid kit boxes.
Flag holders.
Flag staffs and flag masts—for use on board ship, and on military vehicles.
Flashlights and portable electric lights on fire control instruments.
Floor and ceiling plates for piping—for use on board ship, for military vehicles and artillery items, and where climatic or safety conditions make necessary.
Fountains, portable, of stainless steel—for use on board ship.
Furniture—for use on board ship.
Galley and mess equipment of stainless steel, as follows:
Canteens.
Coffee urns of non-nickel bearing stainless steel.
Cold storage space on board ship—but only clad stainless steel for doors and other parts coming in direct contact with food.
Compartment mess trays—but only from existing finished stocks of stainless steel.
Dishwashing machines—but only tanks, hoods and pump shafts of non-nickel bearing stainless steel.
Kettles, steam jacketed—but only single clad stainless steel for inside lining and cover; solid stainless steel for interior baffles, strainer and drain-off fittings, and for covers when two-piece covers are specified.
Meat cans and covers.
Metal sponges of non-nickel bearing stainless steel wire.
Portable water coolers, liners only—non-nickel bearing stainless steel.
Pressure cookers—but only clad stainless steel for bottoms and solid stainless steel for sides.
Sinks and dresser tops for use on board ship and aircraft—but only clad stainless steel.
Steam tables, warming pans and inserts—but only clad stainless steel.
Stock pots—but only clad stainless steel.
Games.
Gates for fences.
Grilles—sewer.
Grilles—for use on board ship.
Hand seals for documents.
Harness and saddlery fittings.
Hat frames, wire and gimps.
Hat-making machinery, but only—
Blocking machines with complete sets of blocks.
Sets or dies for cutting parts.
Hose clamps of stainless steel—for aircraft.
Hose reels.
Hot water heater tanks and coils of stainless steel—for aircraft and military vehicles.
Ice cube trays.
Incinerators.
Instrument dials and cases of stainless steel.
Ironing boards and stands—for use on board hospital ships.
Ladders, step.
Laundry trucks and laundry truck tubs—for use overseas, in the field or on shipboard.
Lighting equipment for theatres and recreational buildings for the armed forces.
Lighting poles and standards for fire control instruments.
Linen trucks—for use on board ship.
Lockers—for office equipment as limited under Limitation Order L–13–a, for use on board ship, military vehicles, outside continental limits of U. S. and in ordnance plants.
Mail boxes—for use on board ship.
Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—
Air pumps.
Gasoline dispensing pumps.
Grease guns.
Grease pumps.
Kerosene pumps.
Oil pumps.
Mechanical drawing and drafting equipment of stainless steel.
Metal cloths.
Mirrors, hand—for signal use.
Motion picture cameras, projectors and projection equipment—stainless steel permitted for sprockets and aperture plates.
Motion picture screen stands.
Motion picture sound reproducing equipment.
Music stands—for use on board ship.
Name, data and instruction plates for machinery, equipment and aircraft—stainless steel permitted if acquired through Steel Recovery Corporation.
Paint spray outfits—stainless steel permitted for nozzle tips and needle valves.
Partitions—for use in hospitals and on board ship.
Partition studs for radar equipment.
Pegs, tent.
Phonograph motors, hand wound.
Phonograph record blanks.
Photographic equipment and accessories.**
Pipe posts.
Pitchers.
Plates, light switch, for use on board ship and for artillery and mobile items.
Pneumatic tube delivery systems.
Portable bathtubs.
Pumps, fresh water, for use on board ship.**
Pump shafts of stainless steel.
Push carts—for ordnance and combat organizations.
Radiator enclosures for use on board ship, on military vehicles and on artillery items.
Radio antenna of stainless steel.
Radio antenna poles—stainless steel permitted for submarines.
Railings—for use on board ship.
Reels, cable and rope—for combat and field training purposes and for use on board ship.
Scaffolding—for use in airfields and other places where use of wood scaffolding is impracticable.
Screen frames.
Sewer pipe for pressure lines in exterior installations—cast iron only may be used.

Shirt and stocking dryers of cast iron only.
Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.
Skewers, all types.
Spools for wire—for combat and field training purposes.
Sporting and athletic goods.
Stair and threshold treads—for use on board ship.
Stencils.
Swimming pool equipment and materials for swimming pools for training purposes.
Swivel chairs—for use on board ship.
Tags—
For marking ammunition and military equipment.
Identification tags and badges for personnel.**
Tanks, storage, water—but only for use on board ship, mobile units, range boilers and water storage, of a height in excess of 100 feet, or for pneumatic pressure tanks, or for use outside continental limits of U. S.
Tanks, water storage, of stainless steel—for use in aircraft.
Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.
Telephone booths, acoustically treated—for use on board ship.
Tent frames and supports.
Termite shields—for use outside continental limits of U. S.
Thermos jugs and bottles.
Tile, steel back—for ladder treads, step plates and use on board ship.
Tool boxes and cases.
Tool handles.
Typewriter mechanism for pedestal and drophead desks—for use on board ship.
Waste paper receptacles—for hospital use.
Water troughs—frame and support only.
Wheel barrows.
Wire racks.
Workbenches.

[F. R. Doc. 43-12976; Filed, August 10, 1943; 11:44 a. m.]

PART 1071—INDUSTRIAL AND COMMERCIAL REFRIGERATING AND AIR CONDITIONING MACHINERY AND EQUIPMENT

[Interpretation 1 to General Limitation Order L-38]

The following Interpretation 1 is issued with respect to General Limitation Order L-38:

a. *Orders accepted prior to April 6, 1943.* An "authorized order" includes (in addition to an order authorized on Form PD-830 or PD-831) any order accepted prior to April 6, 1943, and rated A-1-c or higher if the system or parts are produced and delivered in accordance with the provisions of Orders M-9-c and M-126 which were applicable immediately prior to that date. For example: Prior to April 6, Order M-126 prohibited the processing, assembly, and delivery of electric drinking water coolers containing iron or steel, except to fill orders of the United States Army, Navy, Maritime Commission or War Shipping Administration, for coolers for use on board ship, in hospitals and in tropical climates (List C). Therefore electric drinking water coolers fabricated or assembled during the period from the date when such restrictions of M-126 became effective, until April 6, 1943, may be delivered under an order rated A-1-c or higher and accepted prior to April 6, 1943 only if such coolers were produced and are to be delivered for those purposes. If produced or to be delivered for any other purpose, their delivery must be specifically authorized.

b. *Change in type of refrigerant.* Paragraph (b) (1) does not prevent the substitution of one type of refrigerant for another if the change does not involve the delivery of any "parts". The restrictions of paragraph (b) (1) apply only to "parts" and the term "parts" is defined in paragraph (a) (2) to exclude liquid or gaseous refrigerants. For example: Where the owner of a system is unable to obtain a chlorinated hydrocarbon refrigerant to keep it in operation, methyl chloride may be substituted as a refrigerant (in so far as Order L-38 is concerned), if no additional "parts" are installed. However, if the change involves the installation of an expansion valve or other "part", it may be made only in accordance with paragraph (b) (1). Moreover, if the "part" which is being replaced is still usable, compliance with paragraph (b) (1) can be had only under subdivision (c) or (d) of the paragraph.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12985; Filed, August 10, 1943; 11:44 a. m.]

PART 3132—PROCESSORS OF METAL SCRAP

[Preference Rating Order P-136 as Amended August 10, 1943]

Section 3132.1 *Preference Rating Order P-136* is hereby amended to read as follows:

§ 3132.1 *Preference Rating Order P-136*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Processor" means any person operating an automobile graveyard or scrap yard physically situated within the limits of the United States or Canada.

(3) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(4) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition, and "repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided*, That neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design, except as provided in paragraph (a) (6) of this order.

(5) "Operating supplies" means any material or products which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies. The term shall also include such items as hand tools, customarily purchased by the particular employer for sale to his employees for use only in his business, in those cases where they would constitute operating supplies under established accounting practice if issued to employees without charge.

(6) Minor capital additions may be obtained under the procedures established by this order where the cost of such addition does not exceed $250 (excluding the purchaser's cost of labor) for any one complete capital addition. The term "one complete capital addition" includes a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition shall be subdivided for the purpose of coming within this paragraph, and where the capital addition involves construction authorization to construct must be obtained to the extent required by Conservation Order L-41 or by any other applicable order or regulation of the War Production Board.

(b) *Assignment of preference ratings.* Subject to the terms of this order, processors shall use the rating AA-2 for deliveries to them of material for repairs to, maintenance of, or operating supplies for, equipment used solely for locating, processing or transporting metal scrap, but nothing herein contained shall prevent the use of any other or higher rating to which any processor may be entitled by reason of any preference rating certificate or order, other than CMP Regulation No. 5.

(c) *Certificates on rated purchase orders or contracts.* (1) The ratings assigned under paragraph (b) of this order may be applied by a processor only by use of a certificate in substantially the following form (in lieu of the endorsements specified in CMP Regulation No. 5), signed manually or as provided in Priorities Regulation No. 7:

Preference Rating AA-2—MRO—P-136 No._____(show serial number). The undersigned certifies subject to the penalties of Section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that all materials and items covered by this order are required for essential repairs to, maintenance of, or operating supplies for, equipment used for the sole purpose of locating, processing or transporting metal scrap; and that this order is rated and placed in compliance with Preference Rating Order P-136.

(2) An order for a controlled material endorsed in accordance with subparagraph (1) of this paragraph (c) shall constitute an authorized controlled material order.

(3) No processor shall apply the preference rating or allotment symbol assigned by this order for the acquisition of aluminum in any of the forms or shapes constituting a controlled material.

(d) *Use of preference rating and allotment symbol.* No processor shall apply any preference rating or allotment symbol assigned by this order until:

(1) He shall have filed with the Scrap Processors Branch, Salvage Division, War Production Board, a statement in the form prescribed by the War Production Board, setting forth amounts of raw material used for repair, maintenance and operating supplies for the preceding calendar quarter, inventories of such material at the beginning and end of such period, and an estimate of the requirements of such material for the current quarter, and further stating that he accepts the terms and conditions of this order; and

(2) He shall have received from the Scrap Processors Branch, War Production Board, a serial number which shall thereafter be endorsed on all purchase orders or contracts for material by him or for his account which are rated pursuant to this order. Serial numbers which heretofore have been or hereafter are assigned to any processor may be revoked by the War Production Board at any time.

(e) *Restrictions on use of rating.* No processor may apply any rating or allotment symbol hereby assigned to obtain delivery of material on earlier dates than required for the operation, maintenance or repair of his equipment.

(f) *Quantity restrictions.* (1) No processor who uses the preference rating or allotment symbol assigned by this order to obtain any maintenance, repair or operating supplies shall order for delivery during any calendar quarter maintenance, repair or operating supplies in an aggregate amount exceeding 30 percent of his aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or his fiscal year ending nearest to December 31, 1942). In determining the dollar amount of expenditures for maintenance, repair and operating supplies permitted under this paragraph (f) there shall be included not only expenditures for which the preference rating or allotment symbol hereby assigned is required, but also expenditures for supplies which may be obtained without the use of such rating or symbol, plus amounts expended in acquiring minor capital additions under paragraph (a) (6) of this order. Expenditures during the base period may be computed in the same fashion.

(2) In the case of a plant or other operating unit which was not in operation during the base period specified in subparagraph (1) of this paragraph (f), the processor operating the same may take, as a base, his expenditures for maintenance, repair and operating supplies during the first quarter of 1943, or during the portion thereof when the plant or unit was in operation, reasonably adjusted for seasonal or other variable factors: *Provided*, That he first notifies the War Production Board in writing of the base which he is taking, the reasons therefor, and the nature of any adjustments made.

(3) The quantity restrictions imposed in this paragraph (f) shall not apply to processors whose aggregate requirements for maintenance, repair and operating supplies do not exceed $500 per year.

(g) *Relief.* (1) Any processor who feels that the preference rating assigned by this order is inadequate to permit him to acquire materials needed for maintenance, repair or operating supplies, may apply for relief by filing form WPB-541 (formerly PD-1A) with the nearest District Office of the War Production Board.

(2) Any processor who feels that any other provision of this order, including the quantity restrictions imposed by paragraph (f), works a hardship on him, may apply for relief by filing a letter in triplicate stating fully the grounds of such appeal.

(h) *Resale of material prohibited.*—Except with specific permission of the War Production Board, a processor shall not resell any material acquired for repair, maintenance or operating supplies (whether or not obtained pursuant to the rating or allotment symbol assigned by this order); *Provided*, That nothing herein contained shall prohibit sale by the processor of used material acquired prior to October 31, 1942.

(i) *Several operating units under single ownership.* A processor who has several plants or other operating units which maintain separate records of maintenance, repair and operating supplies shall treat each of them separately for purposes of this order.

(j) *Inventory restrictions.* Nothing in this order shall be deemed to authorize any processor to receive any delivery of maintenance, repair or operating supplies if acceptance thereof would increase his inventory above a practicable working minimum as provided in § 944.14 of Priorities Regulation No. 1, or would exceed the inventory limitations prescribed for such processor by CMP Regulation No. 2, or by any other applicable regulation or order of the War Production Board.

(k) *Restriction on use of rating and symbol.* The preference rating and allotment symbol assigned by this order shall not be applied to deliveries of any of the items appearing on List B of Priorities Regulation No. 3, as amended from time to time, regardless of whether or not such items are required for maintenance, repair or operating supplies. For convenience of reference, there is set forth in List 1 attached hereto items appearing in List B of Priorities Regulation No. 3 which are of particular interest to processors; however, Priorities Regulation No. 3 shall be controlling with respect to the application of the preference rating and allotment symbol hereby assigned.

(l) *CMP Regulation No. 5 not applicable.* None of the provisions of CMP Regulation No. 5 shall apply to any processor, as defined in paragraph (a) (2) of this order, and no such processor shall obtain any material under such regulation.

(m) *Records, audits and reports.* Each processor and each supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order and shall submit such records from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each processor and each supplier shall execute and file with the War Production Board or other designated agency such reports and in such form as the War Production Board shall from time to time require, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Revocation or modification.* This order may be revoked or modified by the War Production Board at any time as to any processor or supplier. In the event of revocation or modification, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless said rating has been specifically revoked or modified with respect thereto. No additional application of said rating to any other deliveries shall thereafter be made by any processor or supplier affected by such revocation or modification.

(p) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed be addressed to: War Production Board, Salvage Division, Washington 25, D. C., Reference P-136.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1

List B attached to Priorities Regulation No. 3 prohibits the application of preference ratings to the delivery of the following items, among others, as maintenance, repair and operating supplies. The following list is included for convenience of reference only, and the preference rating and allotment symbol assigned by this order may not be used to acquire any items set forth in List B of Priorities Regulation No. 3, as amended from time to time.

1. Anti-freeze, all types.
2. Automotive maintenance equipment as defined in Limitation Order L-270.
3. Automotive replacement batteries as defined in Limitation Order L-180.
4. Automotive replacement parts as defined in Limitation Order L-158.
5. Construction machinery costing in excess of $100.00.
6. Containers, fabricated, other than shipping reels and skids (in knock-down or set-up forms whether assembled or unassembled) required for packaging products to be shipped or delivered.
7. Filing cabinets, wooden.
8. Fire protective equipment.
9. Furniture for use in offices, factories or industrial establishments.
10. Galvanized ware governed by Limitation Order L-30-a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout measures).
11. Laboratory instruments and equipment (except ratings assigned by Preference Rating Order P-43, P-89, and P-98-b).
12. Lockers, wooden, for offices and factories.
13. Pails and tubs, wooden, including wooden mop pails.

**Stainless steel also permitted but only where required for corrosion or heat resistance or non-magnetic properties.

14. Printing and publishing:
    a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;
    b. Processed printing plates;
    c. Types metal, stereotyping metal and electrotype backing-metal;
    d. Printing paper, paperboard and binders' board;
    e. Book cloth;
    f. Blank-book and loose-leaf binders, metal parts and units;
    g. Mechanical bindings.
15. Wooden shelving.
16. Any device, equipment, instrument, preparation or other material designed or adapted for use, in connection with:
    a. Air raid warnings or detection of the presence of enemy aircraft; or
    b. Black-outs or dim-outs; or
    c. The protection of civilians, either individually or collectively, against enemy action or attack.
17. Fuel.
18. Pens, fountain.
19. Pencils, mechanical.
20. Pencils, wood cased.
21. Pen nibs, steel.
22. Pen holders.

[F. R. Doc. 43-12977; Filed, August 10, 1943; 11:45 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 24 to CMP Reg. 1]

STEEL FURNISHED BY FABRICATORS ON CONSTRUCTION PROJECTS

The following Direction 24 is issued pursuant to CMP Regulation 1.

(a) Steel shapes, plates, bars, concrete reinforcing bars, and wire products used for concrete reinforcement, in controlled material form, on which one or more of the services listed in paragraph (d) (3) of this direction have been performed by the fabricator, or which have been cut to specific size or length for a specific construction project by the fabricator, are to be treated as Class A products instead of as controlled materials.

(b) Steel shapes, plates, bars, concrete reinforcing bars, and wire products used for concrete reinforcement, furnished in controlled material form by a fabricator under this direction must nonetheless be treated as a controlled material by the customer of the fabricator for the purpose of the inventory restrictions of CMP Regulation No. 2.

(c) This direction does not apply to that portion of a fabricator's operations which is subject to any order or regulation governing the distribution of steel from, or the procurement of steel for, warehouse stocks. The term "warehouse" is used in this direction in the same sense as "distributor" as defined in CMP Regulation No. 4.

(d) For the purpose of this direction, a fabricator is a person principally engaged in the business of furnishing fabricated steel, who

(1) Maintains a stock of steel shapes, plates, bars, concrete reinforcing bars or wire products used for concrete reinforcement; and

(2) Is equipped to render engineering services in connection with the furnishing of such steel; and

(3) Operates a fabricating plant in which he performs one or more of the following operations:
    (a) Forming
    (b) Bending
    (c) Punching
    (d) Welding
    (e) Riveting
    (f) Bolting
    (g) Painting.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12978; Filed, August 10, 1943; 11:45 a. m.]

PART 3258—METHYL ISOBUTYL KETONE

[General Preference Order M-322 as Amended August 10, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of methyl isobutyl ketone for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3258.1 *General Preference Order M-322*—(a) *Definitions.* (1) "Methyl isobutyl ketone" means the chemical known by that name or by the name hexone.

(2) "Producer" means any person engaged in the production of methyl isobutyl ketone and includes any person who has methyl isobutyl ketone produced for him pursuant to toll agreement.

(3) "Distributor" means any person who purchases methyl isobutyl ketone for resale without further processing.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on delivery.* (1) On and after June 1, 1943, no supplier shall deliver methyl isobutyl ketone to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of methyl isobutyl ketone which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions with respect to deliveries to be made in each calendar month by suppliers will so far as practicable be issued by War Production Board prior to the commencement of such month (in the normal case on Form PD-602 filed pursuant to paragraph (f) (1) hereof), but War Production Board may at any time issue directions with respect to deliveries to be made.

(3) In the event that any supplier after receiving notice from War Production Board with respect to a delivery of methyl isobutyl ketone which he is authorized or directed to make to any specific customer or group of customers, shall for any reason be unable or unwilling to make such delivery, such supplier shall forthwith give notice of such fact to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-322, and shall not, in the absence of specific authorization or direction in writing from War Production Board, sell or otherwise dispose of such methyl isobutyl ketone.

(c) *Restrictions on use.* (1) On and after June 1, 1943, no supplier shall use methyl isobutyl ketone except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for methyl isobutyl ketone furnishes a certificate required by paragraph (e) (1) shall use the methyl isobutyl ketone delivered on such order only as specified in such certificate, except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of methyl isobutyl ketone to be delivered to, or then in the inventory of, the prospective user.

(d) *Exceptions to requirements for specific authorizations.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization in writing of War Production Board shall not be required for the delivery by any supplier to any one person in any calendar month of not more than 54 gallons: *Provided, however,* That the aggregate quantity of methyl isobutyl ketone which any supplier may deliver in any calendar month pursuant to this paragraph (d) shall not exceed the quantity which War Production Board shall in writing have specifically authorized or directed such supplier to deliver in such month under this paragraph (d), on application made by such supplier (in the normal case on Form PD-602 filed pursuant to paragraph (f) (1) hereof).

(e) *Customer's certificate of intended use.* (1) No supplier shall in any calendar month deliver to any one person more than 54 gallons of methyl isobutyl ketone unless, prior thereto, he shall have received from such person a certificate in substantially the following form:

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order M-322, that the methyl isobutyl ketone hereby ordered for delivery in _____, 194__ will be
month
used by him in the manufacture or preparation of the following product(s), and that such product(s), on the basis of an order or orders filed with the undersigned, will be put to the following end use(s):

	Pounds	Primary product	End use
(A)	_____	_____	_____
(B)	_____	_____	_____

_____
Name of purchaser

_____ By _____
Date — Duly authorized official — Title

Such certificate need not be filed with War Production Board. It may be inscribed on the purchaser's order or take the form of a separate instrument but in either case shall be signed by an authorized official of the purchaser either manually or as provided in Priorities Regulation No. 7. No supplier shall deliver methyl isobutyl ketone where he knows or has reason to believe the purchaser's certificate to be false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(2) In filling out the certificate called for by paragraph (e) (1), purchaser will specify under "Primary product" the product or products in the manufacture of which he will use methyl isobutyl ketone in terms of the following:

Denaturant
Lacquer manufacture
Thinner manufacture
Others (specify)
Resale (as methyl isobutyl ketone)

Under "End use", the purchaser will specify the end or ultimate use to which the primary product manufactured by him will be put, and will also indicate whether such ultimate use will be Army, Navy, other government agency, Lend-Lease, other export or civilian, and he will also list Army, Navy and Lend-Lease contract numbers and export license numbers. Quantities for each primary product and for each different end use for each primary product must be shown separately. If purchase is for resale, specify "resale" under "primary product" and leave blank "end use" column.

(f) *Applications and reports.* (1) Each supplier requiring authorization to make delivery of, or to use, methyl isobutyl ketone during any calendar month, beginning with July, 1943, shall file application on or before the 20th day of the preceding month. Applications with respect to delivery or use in June, 1943, shall be filed as many days as possible before the commencement of such month. In any case applications shall be made on Form PD-602 in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD-602 may be obtained at local field offices of the War Production Board.

(ii) An original and three copies shall be prepared of which the original and two copies shall be filed with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-322, the third copy being retained for applicant's files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(iii) In the heading, under "Name of chemical", specify "Methyl isobutyl ketone"; leave blank the space following "Grade"; under "WPB Order No.", specify "M-322"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure", specify "pounds"; under name of company, applicant will specify his name and the address of the plant or warehouse from which shipment will be made.

NOTE: Paragraph (f) (iii) amended August 10, 1943.

(iv) In Column 1 (except as provided in subparagraph (v)) list names of customers from whom orders for delivery during the month to which the application relates have been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on last sheet, which is the only one that need be certified.

(v) Applicant need not list the name of any customer to whom not more than 54 gallons of methyl isobutyl ketone is to be delivered in the applicable month. Instead, applicant will state in Column 1 "Total small order deliveries (estimated)" and in Column 4, will specify the total estimated quantity so to be delivered.

(vi) A producer requiring permission to use a part or all of his own production of methyl isobutyl ketone shall list his own name as customer in Column 1 on Form PD-602, specifying quantity required and product manufactured. Written approval of War Production Board on such Form PD-602 shall constitute authority to the producer to use methyl isobutyl ketone in the quantity and for the purposes indicated in such approved Form.

(vii) Except as otherwise provided in subdivision (v), applicant will specify in column 1-a, primary product to be manufactured, its end use, whether the end use is Army, Navy, other government agency, Lend-Lease, other export, or civilian, and Army, Navy, and Lend-Lease contract numbers and export license numbers, all as indicated by the certificate filed with applicant pursuant to paragraph (e).

(viii) Leave Column 6 blank.

(ix) Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will leave Column 8 blank.

(2) War Production Board may issue other and further directions with respect to preparing and filing Form PD-602.

(g) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-322.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12979; Filed, August 10, 1943; 11:44 a. m.]

PART 3298—ALLYL CHLORIDE AND ALLYL ALCOHOL

[Allocation Order M-342]

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of allyl chloride and allyl alcohol for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3298.1 *Allocation Order M-342*—(a) *Definitions.* For the purpose of this order:

(1) "Allyl chloride" means allyl chloride from whatever source derived.

(2) "Allyl alcohol" means allyl alcohol from whatever source derived.

(3) "Supplier" means any person who produces allyl chloride or allyl alcohol, or who purchases allyl chloride or allyl alcohol for resale as such.

(b) *Restrictions on delivery and acceptance of delivery.* On and after September 1, 1943:

(1) No supplier shall deliver allyl chloride or allyl alcohol, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) No person shall accept delivery of more than 50 pounds of allyl chloride and allyl alcohol together from all suppliers during any calendar month, except as specifically authorized by the War Production Board, upon application pursuant to Appendix B.

(c) *Restrictions on use.* On and after September 1, 1943, no person shall use allyl chloride or allyl alcohol except as follows:

(1) As specifically authorized in writing by the War Production Board upon application pursuant to Appendix B; or

(2) For any purpose, during any calendar month in which such person uses

not more than 50 pounds of allyl chloride and allyl alcohol together.

(d) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of allyl chloride or allyl alcohol; or

(2) Production of allyl chloride or allyl alcohol; or

(3) Preparation and filing of application forms required by Appendices A and B.

(e) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries shall apply only to deliveries to other persons, notwithstanding the provisions of Section 944.12 (intra-company deliveries) of Priorities Regulation No. 1, as amended.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref. M-342.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS FOR FILING APPLICATION TO DELIVER ALLYL CHLORIDE AND ALLYL ALCOHOL

(1) Each supplier seeking authorization to deliver allyl chloride or allyl alcohol may file application on Form WPB-2946 (formerly PD-601)*, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

*Form WPB-2946 (formerly PD-601)**. Copies of Form WPB-2946 (formerly PD-601) may be obtained at local field offices of the War Production Board.

Time. Application shall be filed or mailed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to make delivery is sought.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-342.

Number of sets. A separate set of forms may be filed for each plant of the supplier, but a single set of forms may be submitted for allyl chloride and allyl alcohol together.

Heading. Under name of chemical, specify allyl chloride and/or allyl alcohol; under War Production Board order number, specify M-342; specify allocation month; under unit of measure, specify pounds; and otherwise fill in as indicated.

Table I. Fill in as indicated, specifying each customer who filed a WPB-2945 (formerly PD-600) form with the applicant supplier. An aggregate quantity may be requested, without specifying customers' names, for delivery on uncertified small orders of 50 pounds or less per person per month.

Table II. Fill in as indicated for each grade of allyl chloride or allyl alcohol specified in Column 3 of the application.

(2) *Special instructions for small distributors.* Any distributor may deliver allyl chloride and allyl alcohol on uncertified small orders of 50 pounds or less without application, or specific authorization, if he himself acquired the allyl chloride and allyl alcohol on such an uncertified small order, or if he acquired it pursuant to specific authorization for the purpose of filling such uncertified small orders.

APPENDIX B—INSTRUCTIONS FOR FILING APPLICATION FOR AUTHORIZATION TO USE OR ACCEPT DELIVERY OF ALLYL CHLORIDE OR ALLYL ALCOHOL

Each person seeking authorization to use or accept delivery of allyl chloride or allyl alcohol may file application on Form WPB-2945 (formerly PD-600)*, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

*Form WPB-2945 (formerly PD-600).** Copies of Form WPB-2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

Time. Application shall be made in time to ensure that copies will have reached the supplier (or the War Production Board, if applying for use only) on or before the 12th day of the month preceding the month for which authorization to use or accept delivery is requested.

Number of copies. Five copies shall be prepared, of which one shall be retained by the applicant, one (with Tables II, III and IV left blank) shall be forwarded to the supplier, and three copies shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-342.

Number of sets. A separate set of forms shall be submitted for each supplier, for each plant of the applicant, and for allyl chloride and allyl alcohol, respectively.

Heading. Under name of chemical, specify allyl chloride or allyl alcohol, as the case may be; under War Production Board order number, specify M-342; under unit of measure, specify pounds; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for acceptance of delivery or use is sought.

Column 1. Leave blank.

Column 2. Specify pounds requested for each primary product and product use specified in Columns 3 and 4 of the application.

Column 3. Fill in as follows:

For orders on hand:
- *Primary product.
- Resale.
- Export.

For anticipated orders:
- *Primary product.
- Resale.
- Export.

Inventory (in original form).

*The primary products referred to above shall be specified as follows:

(For allyl chloride):
- Allyl alcohol.
- Allyl bromide.
- Monochlorohydrin.
- Dichlorohydrin.
- Epichlorohydrin.
- Other (specify).

(For allyl alcohol):
- Allyl bromide.
- Clear glazing resin.
- Laminating resin.
- Other (specify).

Column 4. Opposite each primary product listed in Column 3, specify in Column 4 the product end use and governing military or Lend-Lease contract number, if any. Examples of end uses are gas mask lenses, airplane windows, wing tip assembly (specify plane type number). If for research, specify only "experimental".

Where application is made for use or acceptance of delivery of allyl chloride for the production of allyl alcohol (Column 3), the applicant may specify in Column 4 "resale upon authorization", or may specify in Column 4 the primary product and end use of such allyl alcohol if the applicant is to consume it in his own operations.

Opposite "Resale" or "Inventory" in Column 3, write in Column 4 "subject to further authorization".

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom or for whose account the allyl chloride or allyl alcohol will be exported, the country of destination and governing export license or contract numbers, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Columns 9 and 10. Leave blank.

Table II. Fill in as indicated.

Table III. Leave blank.

Table IV. Fill in as indicated for each primary product listed in Column 3 of the application, except products under direct allocation.

[F. R. Doc. 43-12980; Filed, August 10, 1943; 11:44 a. m.]

*Form WPB-2945 (formerly PD-600) and Form WPB-2946 (formerly PD-601) have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Chapter XI—Office of Price Administration

PART 1340—FUEL

[Rev. MPR 122,[1] Amdt. 10]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 122 is amended in the following respects:

1. In § 1340.251 (a) (1), the words, "by the producer or distributor" are deleted.

2. In § 1340.254, the headnote of paragraph (a) is amended to read: *"How to use the maximum price rules of paragraphs (b) and (c)."*

3. In § 1340.254, the headnote of paragraph (b) is amended to read: *"The maximum price rules for fuels."*

4. In § 1340.254 (a), after the words, ". . . are stated in § 1340.256", a new sentence is added to read as follows: "Rules 5 and 6 are to be used for calculating the maximum prices for services rendered by the dealer in connection with his sales of fuels."

5. In § 1340.254 (b), a new undesignated paragraph is added after the second undesignated paragraph to read as set forth below:

If the dealer did not deliver a certain size of a kind of fuel to any class of purchasers during December 1941, his maximum price for sales of that size shall be based upon his maximum price for a like sale of that kind of fuel adjusted to reflect his customary price differential between that size and the size of the same kind of fuel most nearly similar thereto.

6. In § 1340.254, new paragraph (c) is added to read as follows:

(c) *The maximum price rules for services.*

Rule 5. The maximum price for any service rendered by a dealer in connection with a sale or handling of solid fuel shall be *the highest price charged by the dealer* during December 1941 for the same service. If, during December 1941, the dealer rendered any service without charge, he shall continue to do so. Although a dealer may have, during December 1941, rendered other services than those here enumerated, dealers customarily render these services subject to this regulation: carry, wheel, trimming and storing in the bin, bagging, shovel and dust treatment of coal.

Rule 6. If a dealer did not render a service during December 1941, his maximum price for such a service shall be the price set by the regional office of the Office of Price Administration. The dealer shall apply to the regional office stating in writing:

First: a description of the services to be rendered;

Second: the classes of purchasers to whom it will be rendered;

Third: a proposed price for the service which shall be shown to the satisfaction of the Regional Administrator to be reasonably computed in relation to charges for similar services by other dealers in the locality and to be reasonable in relation to the actual costs the dealer will incur in rendering the service.

Fourth: any other pertinent information the regional office may request.

7. Section 1340.255 (a) (2) is amended to read as follows:

(2) "The highest price charged by the dealer" means the highest price he charged for a like sale of fuel delivered during December 1941 and, in the case of a service, means the highest price he charged for the same service he rendered during the same month.

8. In Rule 3 in § 1340.254 (b), the words, "plus not more than five (5) cents per net ton if he would then have used rail transportation" are deleted and the comma preceding the deleted words is changed to a period.

This amendment shall become effective August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12919; Filed, August 9, 1943; 3:24 p. m.]

PART 1340—FUEL

[MPR 189,[1] Amdt. 15]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 189 is amended in the following respects:

1. The last sentence of § 1340.313 (a) (5) is amended to read as follows:

On and after May 25, 1943, there shall not be so added all or any part of the freight rate increase authorized either by the Interstate Commerce Commission on March 18, 1942, in Ex Parte 148, or by any state freight rate regulatory body and based on Ex Parte 148.[2]

2. Section 1340.313 (b) (5) is amended to read as follows:

(5) On and after May 25, 1943, the maximum prices established by this paragraph (b) shall be reduced by the amount of the freight rate increase authorized either by the Interstate Commerce Commission on March 18, 1942 in Ex Parte 148, or by any state freight rate regulatory body and based on Ex Parte 148.

This amendment shall be effective as of August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12918; Filed, August 9, 1943; 3:25 p. m.]

PART 1340—FUEL

[MPR 323,[1] incl. Amdt. 6]

ASPHALT AND ASPHALT PRODUCTS

Sections 1340.353 (c), (d); 1340.356, 1340.357, 1340.359, 1340.360 (e), 1340.370 (a), (b) amended by Amendment 6, effective August 14, 1943, so that Maximum Price Regulation 323 shall read as follows:

In the judgment of the Price Administrator all asphalt and asphalt products sold in the United States should be placed under one specific dollars-and-cents maximum price regulation as far as possible. In issuing this Maximum Price Regulation No. 323 the Price Administrator has ascertained and given due consideration to the prices of asphalt and asphalt products prevailing between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the consideration involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 323, Asphalt and Asphalt Products, is hereby issued.

CONTENTS

Sec.	
1340.351	Sales of asphalt and asphalt products at higher than maximum prices prohibited.
1340.352	To what transactions and persons this regulation is applicable.
1340.353	Maximum bulk prices for standard products.
1340.354	Maximum bulk prices for special products.
1340.355	Changes in ingredients and changes in costs of purchased ingredients.
1340.356	Packaged asphalt. Maximum prices for producers, except roofing mfg.
1340.357	Sales by resellers, roofing manufacturers and sales f. o. b. a warehouse or a bulk plant.
1340.358	Other retail sales.
1340.359	Terminals.
1340.360	Definitions.
1340.361	Shipments by insulated tank cars.
1340.362	Tank truck sales.
1340.363	Maximum prices on delivered basis.
1340.364	Brokerage or commissions.
1340.365	Conversion table.
1340.366	Adjustable pricing.
1340.367	Transfers of business or stock in trade.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 440, 1200, 3524, 4510.

[1] 8 F.R. 2973, 5566, 6444, 6842, 8504, 8680.

[1] 8 F.R. 2101.

[2] Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

Sec.

1340.368 Federal and state taxes.
1340.369 Applications for adjustment or petitions for amendment.
1340.370 Reports, records and petitions.
1340.371 Enforcement and licensing.
1340.372 Evasion.
1340.373 Export and import sales.
1340.374 Effective date.

AUTHORITY: §§ 1340.351 to 1340.374 inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1340.351 *Sales of asphalt and asphalt products at higher than maximum prices prohibited.* (a) On and after February 20, 1943, regardless of any contract or other obligation no person shall sell or deliver and no person shall buy or receive in the course of trade or business any asphalt or asphalt product at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1340.352 *To what transactions and persons this regulation is applicable*—(a) *What transactions are covered.* This regulation covers all sales and deliveries of asphalt and asphalt products either by refiners, resellers, distributors, roofers, retailers, or by any other persons.

(b) *What persons are covered.* Any person selling asphalt or asphalt products is subject to the regulation. The term "persons" includes any individual, corporation, partnership, association or any other organized group of persons; their legal successors and representatives; the United States or any other government or any political subdivision or any agency of the foregoing.

§ 1340.353 *Maximum bulk prices for standard products*—(a) *Use of reference points explained.* The reference points and prices listed in Tables I and II below are for the sole purpose of determining maximum prices f. o. b. refinery. If the refinery is located at a reference point, then the maximum f. o. b. price for that refinery is the price listed in the table for that reference point. If the refinery is not located at a reference point, then to establish the maximum price on any standard grade of asphalt locate the reference point geographically (air line) closest to the refinery in question; the prices indicated at this reference point are the maximum prices f. o. b. that refinery.

Example: A refiner at Robinson, Illinois wants to determine his maximum price for asphalt cement 100–300 penetration f. o. b. refinery. The map indicates that St. Louis, Missouri is the closest reference point. The table shows that the price is $12.50 per ton for the St. Louis reference point. Therefore, the maximum price f. o. b. the Robinson refinery for this grade of asphalt cement is $12.50.

(b) *Limitation on the price of roofing flux and oxidized asphalt.* Normally, a seller is permitted to charge his maximum f. o. b. refinery price as determined by Table I or II, even though the laid-down cost to the buyer may exceed what his laid-down cost would have been had he purchased from some other refinery. To this general principle there is one exception, namely, a refiner must make a reduction in his maximum f. o. b. refinery bulk price when all of the following circumstances are present.

(1) The sale is of roofing flux or oxidized asphalt; and

(2) The refinery nearest the destination has a different reference point from the refinery making the shipment; and

(3) The sum of the maximum f. o. b. price at the refinery from which a shipment is made plus the rail freight cost from that refinery to the destination exceeds the sum of the maximum f. o. b. price at the refinery producing roofing flux or oxidized asphalt nearest to that destination plus the rail freight cost from that nearest refinery to that destination.

Under the above circumstances the reduction in his maximum f. o. b. refinery price as determined by Table I or II shall be the amount necessary to make the laid-down cost from the refinery making the shipment the same as it would be from the refinery producing roofing flux or oxidized asphalt nearest the destination. However, the required reduction need never exceed 20% of the maximum f. o. b. refinery price.

For example: A buyer in Wisconsin desires to purchase roofing flux. The refinery nearest to him producing roofing flux uses Chicago as its reference point. Assume that the laid-down cost on the Indiana purchase is $10.50 plus $1.00 freight, or $11.50. Suppose the same buyer wishes to purchase from a Texas refinery. The Texas refinery uses Ft. Worth, Texas, as its reference point; the maximum price for the Texas refinery is $7.50. Assume the freight from the Texas refinery to the same buyer in Wisconsin is $7.00. This would mean a laid-down cost to the buyer of $14.50. To equalize this with the laid-down cost from Indiana of $11.50 would mean a reduction in the f. o. b. Texas refinery price of $3.00. But this is more than 20% of the Texas f. o. b. price of $7.50. Therefore, the reduction by the Texas refiner would be $1.50 (20% of $7.50) making his maximum f. o. b. refinery price for the Wisconsin destination $6.00 and the buyer's laid-down cost from the Texas refinery would be $13.00.

[Paragraph (b) as amended by Amendment 2, 8 F.R. 5383, effective 4–28–43]

(c) *Price tables to determine maximum bulk prices f. o. b. refiners for standard grades; exclusive of taxes.*

TABLE I—REFINERIES EAST OF WASHINGTON, OREGON AND CALIFORNIA

[Asphalt cement, Roofing flux, Oxidized asphalt: Price in dollars per net ton of 2,000 lbs. Liquid asphalt: Price in cents per U. S. gallon]

Reference points	Asphalt cement		Liquid asphalt			Roofing flux	Oxidized asphalt	
	Pen. 40–100	Pen. 100–300	S. C. 1–5	M. C. 1–5	R. C. 1–5		110–165 M. P.	165–220 M. P.
New York, N. Y.	$15.00	$14.00	.0575	.0625	.0625	$12.50	$13.50	$14.50
Charleston, S. C.	14.00	13.00	.0550	.0600	.0625	12.25	13.25	14.25
Buffalo, N. Y.	14.00	13.00	.0525	.0575	.0600	11.75	12.75	13.75
(a) Columbus, O. Refinery	15.00	14.00	.0525	.0600	.0625	11.75	12.75	13.75
(b) Columbus, O. Delivered[2]	17.00	16.00	.0600	.0675	.0700			
Chicago, Ill.	14.00	13.00	.0450	.0575	.0600	10.50	11.50	12.50
St. Louis, Mo.	13.50	12.50	.0425	.0550	.0575	9.00	10.00	11.00
El Dorado, Ark.	10.50	9.50	.0400	.0450	.0475	7.50	8.50	9.50
New Orleans, La.	13.00	12.00	.0500	.0550	.0575	10.50	11.50	12.50
Kansas City, Mo.	10.50	9.50	.0300	.0400	.0425			
Wichita, Kans.	10.50	9.50	.0300	.0425	.0450	8.00	9.00	10.00
Oklahoma City, Okla.	11.50	10.50	.0400	.0475	.0500	8.00	9.00	10.00
Fort Worth, Tex.	11.00	10.00	.0400	.0500	.0525	7.50	8.50	9.50
Houston, Texas	11.50	10.50	.0425	.0525	.0550	8.50	9.50	10.50
Great Falls, Mont.	13.50	12.50	.0475	.0650	.0650			
Cody, Wyoming[4]	11.00	10.00	.0325	.0450	.0475	8.50	9.50	10.50
Dodge City, Kans.	11.00	10.00	.0300	.0450	.0475	8.00	9.00	10.00
Salt Lake City, Utah	17.00	16.00	.0425	.0750	.0775			
Santa Fe, N. M.	15.00	14.00	.0475	.0625	.0625			
Yazoo City, Miss.	13.00	12.00				10.50	11.50	12.50
West Branch, Mich.	15.00	14.00	.0525	.0650	.0675	12.25	13.25	14.25

NOTE: These prices are net prices and no discounts thereunder are required to be made.

[1] Notwithstanding this Table the maximum delivered bulk price for roofing flux to the roofing and floor covering industries at the points designated below shall be as follows: In the city limits of St. Paul and Minneapolis, Minnesota, $13.75 per ton; provided that if there is any reduction in the rail freight costs after April 1, 1943, including taxes on such transportation service the above delivered price shall be reduced by the actual amount of the reduction in the rail freight from refineries using Wichita, Kansas as a reference point to St. Paul and Minneapolis, Minnesota. Within the State of Louisiana the delivered price shall be $10 per ton. The maximum price f. o. b. a refinery for shipments into the State of Louisiana and the cities of St. Paul and Minneapolis, Minnesota shall be such that the sum of such price and the rail freight from the refinery to such destinations shall not exceed the delivered price as determined above.

[2] The delivered prices indicated are only for refineries using Columbus as a reference point and apply only to their shipment to points within the State of Ohio. The refinery prices apply to all shipments outside the State of Ohio.

[3] For refineries within the State of Montana using Cody as a reference point, the maximum bulk price f. o. b. refinery M. C. or R. C. grades is .056 per gallon when the material is sold for use within the State of Montana.

[4] For S. C. 1, 2 and 3; .0450 for S. C. 4 and 5.

[Table I amended by Amendment 2, 8 F.R. 5383, effective 4–28–43]

[Footnote 1 amended by Amendment 2, 8 F.R. 5383, effective 4–23–43 and Amendment 5, 8 F.R. 6672, effective 5–25–43]

sideration the prices of the two products which his nearest geographical competitor sells which are nearest in specifications to the product to be priced, one having the next lower maximum price and one having the next higher maximum price.

Such a seller shall then complete Form No. 652.166 below with reference to such products of that nearest competitor. Space for name and address of nearest competitor must then be added to the form.

The seller shall within 15 days after setting a tentative maximum price, file with the Office of Price Administration a written request for approval of such tentative maximum price. In connection with such request, the seller shall file with the Petroleum Branch of the Office of Price Administration at its principal office in Washington, D. C., the information required in Form No. 652.166 below:

If the seller has no product of similar specifications, he shall take into consideration the prices of the two products under a contract entered into prior to said period need not be maintained unless such contract price reflected current market conditions during said period. If a seller's bulk prices for standard products are governed by Table II of § 1340.353, he may add $1.40 per ton to the price of any special product calculated under this subparagraph (1).

(2) If the seller is unable to determine his maximum bulk price for a special product under (1) he shall set a tentative maximum price f. o. b. his refinery taking into consideration the two products which he sells which are nearest in specifications to the product to be priced, one having the next lower maximum price to the chosen tentative price and one having the next higher maximum price. He shall then complete Form No. 652.166 below.

If the seller has no product of similar specifications, he shall take into consideration the prices of the two products which are nearest in specifications to the product to be priced, one having the next lower maximum price and one having the next higher maximum price. He shall then complete Form No. 652.166 below.

REPORT OF TENTATIVE MAXIMUM PRICE SPECIAL ASPHALT PRODUCT

Budget Bureau No. 08-S. T.1153

	Product nearest in specification having a lower maximum price	New product	Product nearest in specification having a higher maximum price
	A	B	C
1. a. Identification			
b. Maximum price and unit of sale including container if packaged			
2. Delivery cost of ingredients used in the manufacture of products shown above, Item 1a, Columns A, B, and C:			
a. Crudes or residuum			
b. Asphalt			
c. Other ingredients (list each)			
3. The percentage of weight of finished product of ingredients used in the manufacture of the product shown above, Item 1a, Columns A, B, and C and detailed in Items 2a, b, and c:			
a. Crudes or residuum			
b. Asphalt			
c. Other ingredients (list each)			
Total (add a, b, and c)	100.0	100.0	100.0
4. Container shipments:			
a. Type of container (i. e. barrel, drum, carton, etc.)			
b. Material from which container is fabricated			
c. Capacity of container			
d. Unit cost of container			
5. Penetration of finished product:			
a. At 32° F.			
b. At 77° F.			
c. At 115° F.			
6. Duetility of finished product, 77° F.			
7. Flash point of finished product, degrees F.			
8. Melting point of finished product, degrees F.			
9. Percent soluble of finished product:			
a. In carbon disulphide			
b. In normal heptane			
10. Percent loss on heating of finished product			

NOTE: All tests shall be conducted in accordance with the latest methods as set forth by the A. S. T. M.

TABLE II—REFINERIES AND TERMINALS IN OREGON, WASHINGTON AND CALIFORNIA

Reference point	Asphalt cement penetration	Liquid asphalt								Roofing flux	Oxidized asphalt	
	11–40	41–200	R. C. M. C. M. C. & 1	R. C. M. C. 2–3–4–5–6	SC. 0	SC. 1	SC. 1A	SC. 2	SC. 3 & 4	SC. 5 & 6		110–165 M. P.	165–220 M. P.
San Francisco, Calif.	$13.40	10.90	12.90	11.40	11.40	9.00	6.80	10.00	10.90	10.90	8.65	12.40	13.40
Bakersfield, Calif.	13.40	10.50	12.90	11.40	11.15	8.00	6.50	8.00	9.40	10.40	8.65	12.40	13.40
Los Angeles, Calif.	13.40	10.40	12.40	10.90	11.15	8.00	6.50	8.40	8.90	9.90	8.65	12.40	13.40
Santa Maria, Calif.	11.40	8.90	10.90	9.40	9.40	7.00	.....	8.00	8.50	8.90	8.65	12.40	13.40
Spokane, Wash.	21.00	21.00	21.00	.....	.....	.....	7.70	13.40	.....	.....	.....	.....	.....
Seattle, Wash.	.....	.....	13.90	13.90	13.90	.....	.....	.....	.....	.....	.....	.....	.....

[1] Refiners in the Santa Maria Valley of California may charge a price delivered to the buyer not in excess of the sum of the maximum f. o. b. refinery or terminal price for the same product established for the refinery or terminal nearest to the particular destination and the rail freight tariff from such nearest refinery to destination.

[2] M. C. 2 and R. C. 3 and 4 only apply to bulk storage points at Portland and Seattle.

[Table II amended by Amendment 1, 8 F.R. 3841, effective 3–26–43, Amendment 3, 8 F.R. 6109, effective 5–15–43, and Amendment 6, effective 8–14–43.]

(d) *Roofing flux converters, except roofing manufacturers.* If a seller purchases roofing flux and thereafter converts or processes it at his plant, his maximum bulk price f. o. b. his plant for the asphalt so converted or processed shall be the sum of the following amounts: (1) The maximum price of asphalt of the same grade as the asphalt so converted or processed at the refinery from which shipment was made to such seller, (2) the actual cost of transportation incurred in transporting the roofing flux to such seller's plant and (3) fifty cents per ton.

[Paragraph (d) added by Amendment 2, 8 F.R. 5383, effective 4–28–43 and amended by Amendment 4, 8 F.R. 6613, effective 5–24–43. Paragraph heading amended by Amendment 6, effective 8–14–43. Former paragraph (d) redesignated (e) by Amendment 2]

(e) *Tentative maximum price.* In the event that a seller is unable to determine his maximum bulk price for the sale of any standard product under this price regulation because a price for such product is not listed in Tables I and II opposite the reference point which determines his maximum price then that seller shall set a tentative maximum bulk price for such product. Such tentative price shall be in line with the level of prices set forth in said tables and the differential between the tentative price of a particular standard product and the maximum prices of the refinery for other standard products shall be consistent with the differentials between these products at other reference points. The seller shall within 5 days after setting a tentative maximum price file with the Petroleum Branch of the Office of Price Administration, a written request for approval of such tentative maximum price. Such tentative price shall be the seller's maximum price for the particular product, unless it is disapproved in writing by the Office of Price Administration within 30 days from the date it is filed as above provided or a substitute price is set by the Office of Price Administration. If a substitute price is set, then such price shall be the maximum price. A tentative price which has been approved as a maximum price hereunder may subsequently be changed by order of the Price Administrator.

§ 1340.354 *Maximum bulk prices for special products.* The maximum bulk price f. o. b. refinery for special products as defined in § 1340.360 (b) shall be as follows:

(a) *Special products, the specifications of which will meet those of a standard product but sold for different uses.* (1) If a seller delivered a special product having the specifications that will meet those of a standard product during the period August 1–November 1, 1941, such seller's maximum price shall be the highest price charged by the seller for a delivery of that product during such pe-

11. Has the new product been requested by a buyer? (Answer "yes" or "no")
12. Identify products replaced by new product
13. Identify product supplemented by new product

Filed by
Name of company
Address
Date

NOTE: Where a new special product is liquid, and where the tests required above are not applicable, then standard detailed specifications should be supplied.

Where the information required is submitted, a tentative price shall be the seller's maximum price for the particular product unless it is disapproved in writing by the Office of Price Administration within 30 days from the date it is filed as above provided or a substitute price is set. If a substitute price is set, then such price shall be the maximum price. A tentative price which has been approved as a maximum price hereunder may subsequently be changed by order of the Price Administrator.

(b) *Special products having different specifications from those of any standard product.* (1) If the seller delivered a special product during the period August 1–November 1, 1941 having different specifications from those of any standard product, such seller's maximum price shall be either (i) the highest price charged by such seller for a delivery of that product during such period to a purchaser of the same class except that if a seller's bulk prices for standard products are governed by Table II of § 1340.353 he may add $1.40 per ton to such highest price or (ii) the maximum bulk price of that standard product having the specifications nearest to those of such special product: *Provided, however,* That if the only delivery of a special product was made under a contract negotiated prior to said period and the price charged for such delivery did not reflect current market conditions during such period the seller's maximum price shall be determined under subparagraph (2) below.

(2) If the seller is unable to determine his maximum bulk price for a special product having different specifications from those of a standard product under (1) such seller's maximum prices shall be either (i) the maximum bulk price of that standard product having specifications nearest to those of such special product or (ii) tentative maximum price established in accordance with the provisions of subparagraph (2) of paragraph (a).

[§ 1340.354 as amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

§ 1340.355 *Changes in ingredients and changes in the costs of purchased ingredients*—(a) *Changes in ingredients.* When a seller makes a change in the ingredients used in the production of a special product or when he makes a change in the percentage of the same ingredients formerly used he shall be considered as making a new product and should file a tentative maximum price and report under § 1340.354.

(b) *Changes in the costs of purchased ingredients.* An adjustment in the maximum price of a special product may, however, be requested when the seller's cost of a special product, as compared with his cost during the period August 1–November 1, 1941, has been increased because of a change in the cost of purchased ingredients. No request will be considered hereunder unless the change in the cost of purchased ingredients exceeds 20% of the cost during the period August 1–November 1, 1941 and the total cost of producing the special product has also increased by not less than 20%.

A seller should set a tentative maximum price for the special product f. o. b. his refinery by filing with the Petroleum Branch of the Office of Price Administration at its principal office in Washington, D. C. a statement setting forth:

(1) Present maximum price

(2) The tentative maximum price

(3) The ingredients used in producing the special product upon which the request for a price increase is made, the percentages by weight of each ingredient in the finished product, and the weighted average costs thereof during the period August 1–November 1, 1941 and the costs at the time the request for an adjustment is made. The weighted average cost of an ingredient shall be determined by dividing the total amount expended for such ingredient during the period heretofore specified by the total quantity purchased.

If any of the above information is not reported with the tentative maximum price, it will be disapproved until such time as all data have been submitted. Disapproval of a tentative maximum price automatically requires the manufacturer to return to his original maximum price.

Where the information required is submitted, a tentative price shall be the seller's maximum price for the particular product unless it is disapproved in writing by the Office of Price Administration within 30 days from the date it is filed as above provided or a substitute price is set. If a substitute price is set, then such price shall be the maximum price. A tentative price which has been approved as a maximum price hereunder may subsequently be changed by order of the Price Administrator.

§ 1340.356 *Packaged asphalt maximum prices for producers, except roofing manufacturers*—(a) *Method for calculating prices.* Except as provided in (b) below, when the seller supplies a container, the maximum price for packaged asphalt in carload quantities shall be the sum of the following:

[Section heading as amended by Amendment 6, effective 8-14-43]

(1) The maximum bulk price as determined by this regulation but without reference to the adjustment provided for by § 1340.353 (b).

(2) (i) If the container supplied by the seller is not returnable, a charge determined as follows:

(*a*) If the seller purchases an assembled container, an amount equal to the cost of acquisition, including the cost of transportation to the seller's refinery or plant of the initial shipment of the same kind of container received at such refinery or plant after February 20, 1943;

(*b*) If the seller has facilities for manufacturing or assembling his own container, an amount equal to the actual cost of acquisition of the required materials, including the cost of transportation to the seller's refinery or plant, of the initial shipment of the same kind of materials received at such refinery or plant after February 20, 1943 plus the actual cost of manufacturing or assembling such material into an assembled container: *Provided, however,* That the amount chargeable shall never exceed the cost of acquisition if he had purchased an assembled container of the same kind.

(c) If, however, at any time the cost of the container of a particular kind amounts to 10% more or less than the amount that is currently being charged purchasers of packaged asphalt, the amount chargeable thereafter for the container shall be the cost of the container at such time. The maximum amount chargeable for a particular kind of container is not adjustable either up or down merely because of a change in the cost of such container not amounting to as much as 10%.

[Paragraph (1) as amended by Amendment 5, 8 F. R. 6672, effective 5-25-43]

(ii) If the container supplied by the seller is returnable, 2.5 cents per gallon. The seller, however, shall pay for the cost of returning, cleaning and repairing such container.

(3) The following packaging differentials:

Reference point:	Packaging differential per ton
New York, N. Y.	$2 00
Charleston, S. C.	2 00
Buffalo, N. Y.	3 00
Columbus, Ohio	3 00
Chicago, Ill.	3.00
St. Louis, Mo.	4.00
El Dorado, Ark.	4.00
New Orleans, La.	3.00
Kansas City, Mo.	4.00
Wichita, Kans.	4.00
Oklahoma City, Okla.	4 00
Dallas, Tex.	4 00
Houston, Tex.	4.00
Cody, Wyo.	4 00
Great Falls, Mont.	4 00
Dodge City, Kans.	4 00
Salt Lake City, Utah	4.00
San Francisco, Cal.	4 00
Bakersfield, Cal.	4 00
Los Angeles, Cal.	4 00
Santa Maria, Cal.	4 00
Yazoo City, Miss.	3 00
West Branch, Mich.	3 00

Either the seller shall in every case separately show the above charges in invoicing the purchaser or the seller shall at the time of the initial shipment of the packaged asphalt after April 28, 1943, to a particular purchaser send the purchaser a letter separately stating the maximum amount of each of the above charges that he is permitted to make. If the seller adopts the latter alternative he shall, thereafter, notify the purchaser of any changes in the maximum amount of any charge that he is permitted to make.

(b) *Special products.* If a seller did not deliver a special product in bulk during the August 1–November 1, 1941 period, but such seller did deliver such a special product in packages during such period, his maximum price for such packaged asphalt shall be either (1) the highest price charged by the seller for such packaged asphalt during such period to a purchaser of the same class except that if a seller's bulk prices are governed by Table II of § 1340.353 he may add $1.40 per ton to such highest price or (2) a price determined in accordance with the provisions of (a) above.

(c) *Congealed asphalt.* When the seller uses a form to congeal hot asphalt, then removes the form and ships the molded asphalt without packaging it, the maximum price for such asphalt in carload quantities shall be determined in the same manner as the seller would determine his maximum price for packaged asphalt and such seller shall comply with all the provisions of (a) above, except that in lieu of a charge for the container the seller may charge an amount equal to the actual cost of all materials used and operations performed which would not have been necessary if the asphalt had been shipped in a package: *Provided, however,* That the total amount so chargeable by the seller shall never exceed $1.50 per ton.

(d) *Purchaser's containers.* When the purchaser supplies the container, the seller's maximum price for packaged asphalt in carload quantities shall be the maximum bulk price as determined by this price regulation plus the packaging differential specified under (a) (3) above.

(e) *L. c. l. differential.* The seller's maximum price for packaged asphalt for less than carload quantities shall be his maximum price for carload quantities plus $2.00 per ton.

[§ 1340.356 amended by Amendment 2, 8 F.R. 5383, effective 4-28-43]

§ 1340.357 *Sales by resellers, roofing manufacturers and sales f. o. b. a warehouse or a bulk plant*—(a) *Producers other than roofing manufacturers.* The maximum price f. o. b. his warehouse or bulk plant for asphalt of any producer, other than a roofing manufacturer, who receives shipments at a warehouse or a bulk plant other than a terminal as defined in § 1340.360 (e) shall be determined by adding to the cost delivered at the warehouse or bulk plant $2.50 per ton. Such producer's cost delivered at the warehouse shall be the sum of his maximum price at the refinery or plant from which the shipment is made and the actual cost of transportation from such plant to the warehouse or bulk plant. A producer's maximum price for asphalt is to be determined by this section even though the asphalt was produced by another person.

(b) *Roofing manufacturers—packaged asphalt*—(1) *F. o. b. warehouse.* A roofing manufacturer's maximum price for purchased packaged asphalt f. o. b. his warehouse shall be determined by adding to the delivered cost the following amounts: $3.50 per ton on sales to jobbers or distributors; $4.50 per ton to all other buyers. If the asphalt sold from a warehouse other than his plant storage was produced by the roofing manufacturer, then his maximum price shall be the sum of his maximum price for packaged asphalt f. o. b. his plant as determined hereafter and the cost of transportation to said warehouse.

(2) *F. o. b. a point of production, except seller's plant.* If a roofing manufacturer makes a direct shipment to a buyer from the production plant of another person, his maximum price for packaged asphalt f. o. b. the production plant shall be the sum of the price paid for the packaged asphalt and the following amount: $2.50 per ton on sales to jobbers or distributors; $3.50 per ton on sales to all other buyers.

(3) *F. o. b. the roofing manufacturer's production plant.* If a roofing manufacturer produces asphalt and makes a direct shipment to a buyer from his production plant or plant storage, his maximum price for packaged asphalt f. o. b. his production plant or plant storage shall be the sum of the following amounts:

(i) The delivered cost of roofing flux at his production plant.

(ii) The difference between the price for roofing flux and that for oxidized asphalt of the grade produced listed in Tables I and II of § 1340.353 (c) for the reference point closest to the seller's production plant.

(iii) A charge for the container or package computed in accordance with § 1340.356 (a) (2).

(iv) A packaging differential charge in accordance with § 1340.356 (a) (3).

(v) $3.50 per ton on sales to jobbers and distributors and $4.50 per ton on sales to all other buyers.

(c) *Resellers.* The maximum price f. o. b. his warehouse or bulk plant for asphalt of any dealer or reseller, other than a producer or roofing manufacturer, who receives shipments at a warehouse or a bulk plant other than a terminal as defined in § 1340.360 (e) shall be determined by adding to the cost delivered at the warehouse or bulk plant $2.50 per ton or an amount sufficient to give the seller the same dollars and cents mark-up that he had during the major portion of the period August 1–November 1, 1941. If such a seller did not carry inventory or received shipments of asphalt at a warehouse or bulk plant during the period specified above, then his maximum price shall be determined by adding to the cost delivered at the warehouse or bulk plant $2.50 per ton or an amount sufficient to give the seller the same dollar and cents mark-up that his most closely competitive seller had during the major portion of the period August 1–November 1, 1941. For the purposes of this section "mark-up" means the dollars and cents difference between the selling price of the asphalt and the cost thereof delivered at the warehouse or bulk plant. Any reseller who elects to use a "mark-up" computed in accordance with this section and amounting to more than $2.50 must report such "mark-up" to the Petroleum Branch of the Office of Price Administration at Washington, D. C., on or before May 31, 1943.

A reseller other than a producer or roofing manufacturer who maintained and did business through a warehouse or bulk plant, other than a terminal, during the period August 1–November 1, 1941 may make shipment direct from a production point and add $2.50 per ton.

[§ 1340.357 amended by Amendment 2, 8 F.R. 5383, effective 4-28-43, Amendment 3, 8 F.R. 6109, effective 5-15-43 and Amendment 6, effective 8-14-43]

§ 1340.358 *Other retail sales.* The maximum price of any retail seller not otherwise covered by this regulation shall be the delivered cost at his retail establishment or other point of delivery plus an amount sufficient to give the seller the same dollars and cents differential between his selling price and his delivered cost at the retail establishment or other point of delivery that he had during the major portion of the period August 1–November 1, 1941.

§ 1340.359 *Terminals.* Bulk prices at terminals are not determined by reference points. When shipments in bulk are made from terminals, the laid-down cost to a buyer at a given destination shall not exceed the maximum f. o. b. refinery price established by this regulation for the asphalt refinery nearest to that destination plus the rail freight from that nearest refinery to that destination. The maximum f. o. b. price on a given shipment from a terminal shall be the laid-down cost to the buyer as above defined less rail freight from terminal to the destination. The deduction of rail rate also applies to truck shipments.

Note that bulk storage points at Portland, Oregon, and Seattle, Washington, have specific prices in the table covering Oregon, Washington, and California.

[§ 1340.359 as amended by Amendment 6, effective 8-14-43]

§ 1340.360 *Definitions.* (a) "Asphalt" means any asphalt refined from petroleum.

(b) "Standard product" means any of the following grades:

(1) *Roofing flux.* Roofing flux means any grade of soft asphalt or liquid asphalt, having a melting point of less than 110° F. (Method, ball and ring A. S. T. M. D. 36–26) when sold to the roofing or floor covering industry for saturating or further processing to a higher melting point.

(2) *Oxidized asphalt.* Oxidized asphalt means any grade of asphalt which has a penetration of less than 125 (Method A. S. T. M. D. 88–38) and has been oxidized to a melting point above 110° F. when sold to the roofing or floor covering industry and has not been specially processed by the addition of another ingredient.

(3) *Asphalt cement.* Asphalt cement means any grade of asphalt which has a penetration of more than 40 and less than 300 at 77° F. when used for paving purposes.

(4) *Liquid asphalt.* "Liquid asphalt" means any grade of asphalt having a penetration in excess of 300 at 77° F. when used for road construction or similar ground surfacing.

S. C. (Slow curing)
M. C. (Medium curing)
R. C. (Rapid curing)

[Paragraph (4) as amended by Amendment 2, 8 F.R. 5383, effective 4–28–43]

(c) "Special product" means any asphalt or asphalt product not included under standard products with the exception of those products which have been specially processed by the roofing or paint industry by the addition of another ingredient.

[Paragraph (c) as amended by Amendment 2, 8 F.R. 5383, effective 4–28–43]

(d) "Rail freight" means the lowest railroad rate applicable to the commodity to be shipped.

(e) "Terminal" means a bulk tank storage point other than a refinery where shipments are normally received by water.

[Paragraph (e) as amended by Amendment 6, effective 8–14–43]

(f) "Ton" means a "net ton" of 2,000 pounds, provided, however, that if a seller normally sold packaged asphalt during the period August 1–November 1, 1941 on a gross ton basis, then "ton" means a gross ton (includes weight of package) of 2,000 pounds.

[Paragraph (f) as amended by Amendment 2, 8 F.R. 5383, effective 4–28–43]

(g) "Gallon" means a U. S. gallon.

(h) "Bulk price" means a tank car, tank truck or barge price.

§ 1340.361 *Shipments by insulated tank cars.* Where a particular seller had an additional charge in effect during the period August 1–November 1, 1941 for shipments made in insulated tank cars, this same charge may be continued.

§ 1340.362 *Tank truck sales.* An additional charge of 75¢ per ton may be added for filling tank trucks.

[§ 1340.362 as amended by Amendment 2, 8 F.R. 5383, effective 4–28–43]

§ 1340.363 *Maximum prices on delivered basis.* If a seller wishes to quote a delivered price, the delivered price shall never result in a higher laid-down cost to a particular buyer than the sum of his maximum price f. o. b. his refinery, terminal or warehouse and his actual transportation cost incurred from that point to the destination except that when the seller transports by his own vehicles, the transportation cost shall be the applicable rates of a common carrier performing like transportation service. In the event there is no applicable common carrier rate the seller should add his own actual cost of transportation.

[§ 1340.363 as amended by Amendment 2, 8 F.R. 5383, effective 4–28–43]

§ 1340.364 *Brokerage or commissions.* Brokerage or commissions which increase the maximum price listed or determined above will not be allowed. The maximum price chargeable to the buyer by a seller f. o. b. a refinery or terminal includes any brokerage or commission which may be involved in the particular sale.

§ 1340.365 *Conversion table.* While actual weights on specified products may vary slightly, for sake of uniformity the following table shall be used for converting gallons to tons, or tons to gallons:

LIQUID ASPHALT	*Gallons per ton at 60° F.*
Grade	
0	257
1	251
2	248
3	245
4	243
5	241
ASPHALT CEMENTS	*Gallons per ton at 60° F.*
Penetration	
40–100	235
100–200	237
200–300	239

§ 1340.366 *Adjustable pricing.* Where a contract or agreement provides for the sale of asphalt or asphalt products to be delivered at a future date, the parties may agree that the prices to be charged shall be the maximum price in effect at the time of each delivery.

§ 1340.367 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any seller or any person as defined in § 1340.352 (b) are sold or otherwise transferred on or after November 1, 1941 and the transferee carries on the business, or continues to deal in the same or similar asphalt and/or asphalt products, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records and make reports shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the records and reports provisions of this price regulation.

§ 1340.368 *Federal and State taxes.* Any tax upon or incident to the sale, delivery, processing, or use of asphalt or asphalt products, imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such asphalt or asphalt products and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to November 1, 1941.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the period August 1–November 1, 1941, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining his maximum price under this price regulation.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any prior vendor and separately stated and collected, and in such case the seller shall not include such amount in determining the maximum price under this price regulation.

(b) *As to a tax or increase in a tax which becomes effective on or after November 1, 1941.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1340.369 *Applications for adjustment or petitions for amendment*—(a) *Government contracts.* (1) The term "government contract" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1, 1941, entitled "An Act to promote the defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this regulation is impeding or threatens to impede production of material which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[1] issued by the Office of Price Administration.

(3) As soon as the application is filed, government contracts deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

§ 1340.370 *Reports, records and petitions.* (a) The following reports are required by this regulation:

§ 1340.353 (d) Tentative maximum bulk price set by seller for standard products not listed in Tables I and II.

§ 1340.354 (a) and (b) Tentative maximum bulk price set by seller for specific product in case he is unable to determine maximum bulk price.

§ 1340.355 (a) Tentative maximum bulk price set by seller for special product—change in ingredients.

§ 1340.355 (b) Tentative maximum bulk price—change in the cost of ingredients.

§ 1340.357 Report of mark-up by resellers on sales from warehouse or bulk storage.

§ 1340.367 Reports to be continued unchanged in case of transfer of business or of stock.

(b) The following records are required by this regulation:

§ 1340.356 (a) Item required in seller's invoice or letter for packaged asphalt.

§ 1340.367 Records to be continued unchanged in case of transfer of business or of stock.

(c) The following petitions may be filed under this regulation:

§ 1340.369 (a) (2) Application for an adjustment if a maximum price is thought to impede work on a government contract.

§ 1340.369 (b) Petition for amendment of any provision of this regulation.

(d) *Other reports and records.* All sellers and purchasers of asphalt and asphalt products shall file such other reports and keep such other records as the Office of Price Administration may from time to time require.

[§ 1340.370 as amended by Amendment 6, effective 8–14–43]

§ 1340.371 *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

[1] 7 F.R. 5087, 5664, 8 F.R. 6173, 6174.
[2] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

(b) Persons who have evidence of any violation of this regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional offices of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) The Emergency Price Control Act of 1942 and Supplementary Order 18[3] explain the circumstances under which licenses may be suspended. A license cannot be transferred.

§ 1340.372 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 323 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any other commodity, or by way of commission, service, transportation, or any other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1340.373 *Export and import sales.* (a) *Exports.* The maximum price at which a person may export a commodity covered by this regulation shall be determined in accordance with the provisions of the second Revised Maximum Export Price Regulation[4] or any revisions thereto, issued by the Office of Price Administration.

(b) *Imports.* The provisions of this regulation do not apply to the purchases, sales or deliveries of the commodities governed by this regulation if they originate outside of and are imported into the United States or its territories and possessions. Sales, purchases and deliveries of such imported products are governed by the provisions of the General Maximum Price Regulation,[5] and especially Revised Supplementary Regulation No. 12.

[§ 1340.373 as amended by Amendment 5, 8 F.R. 6672, effective 5–25–43]

§ 1340.374 *Effective date.* Maximum Price Regulation No. 323 (§§ 1340.351 to 1340.374, inclusive) shall become effective February 20, 1943, *Provided, however,* That where a buyer and seller have agreed on a particular price subject to the approval of the Office of Price Administration, the effective date of this regulation shall be the date of execution of such agreement for deliveries thereunder.

[Issued February 15, 1943]

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12917; Filed, August 9, 1943; 3:25 p. m.]

[3] 7 F.R. 9240, 11007.
[4] 8 F.R. 4132, 7662, 9998.
[5] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991.

PART 1340—FUEL

[RFS 88,[1] Amdt. 120]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the consideration involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (c)[2] (3) (xxx) is added to read as set forth below:

(xxx) *South Carolina—Pee Dee River Section.* The maximum tank wagon prices for kerosene and No. 1 fuel oil for the following bulk plant points and the circuit points and rural territory served from such plants shall be as set forth below:

Town	Kerosene (cents per gallon)	No. 1 fuel oil (cents per gallon)
Bennettsville	11.5	10.8
Conway	11.5	11.2
Darlington	11.7	11.5
Dillon	11.5	11.2
Florence	11.7	11.5
Georgetown	12.4	11.1
Hartsville	11.5	11.5
Hemingway	11.5	11.1
Kingstree	12.4	11.0
Lake City	11.5	11.8
Lake View	11.5	11.5
Lamar	11.7	11.7
Latta	11.5	11.2
Loris	11.5	11.1
Marion	11.5	11.2
Mullins	11.5	11.2
Nichols	11.5	11.5
Olanta	11.5	11.5
Sumter	11.5	11.5

This amendment shall become effective on the 14th day of August 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12925; Filed, August 9, 1943; 3:23 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 121]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The effective date provision of Amendment No. 119 to Revised Price Schedule No. 88 is amended to read as follows:

Amendment No. 119 to Revised Price Schedule No. 88 shall be effective August 1, 1943.

This amendment shall be effective August 9, 1943.

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 3718.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12920; Filed, August 9, 1943; 3:24 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53]

FATS AND OILS

Revised Price Schedule No. 53 is redesignated Maximum Price Regulation No. 53 and is revised and amended to read as follows:

The Administrator has deemed it necessary to establish maximum prices for fats and oils under this Maximum Price Regulation No. 53. A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1351.151 *Maximum prices for fats and oils.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 53 (Fats and Oils), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.151 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION No. 53—FATS AND OILS

ARTICLE I—GENERAL PROVISIONS

Sec.
1.1 Prohibition against dealing in fats and oils at prices above the maximum.
1.2 Exempt sales.
1.3 Exempt governmental purchases of foreign fats and oils.
1.4 Application for determination of a maximum price.
1.5 Imports and exports—adjustment of maximum prices caused by variances in freight and insurance charges.
1.6 Brokers' commissions paid by buyers.
1.7 Adjustable pricing.
1.8 Petitions for amendment.
1.9 Evasion.
1.10 Enforcement.
1.11 Records and reports.
1.12 Geographic applicability of the regulation.
1.13 Definitions.

ARTICLE II—MAXIMUM PRICES FOR FATS AND OILS FOR WHICH NO MAXIMUM PRICES IN TERMS OF DOLLARS AND CENTS ARE PROVIDED

2.1 Maximum prices.
2.2 Inclusion of transportation and other charges in maximum prices.
2.3 Evasion.

ARTICLE III—COTTONSEED OIL

Sec.
3.1 Maximum prices.
3.2 Refined cottonseed oil sold for industrial use.
3.3 Cottonseed oil futures contracts.
3.4 Purchases of cottonseed oil by the Commodity Credit Corporation.

ARTICLE IV—PEANUT OIL

4.1 Maximum prices.
4.2 Refined peanut oil sold for industrial use.

ARTICLE V—SOYBEAN OIL

5.1 Maximum prices.
5.2 Refined soybean oil sold for industrial use.

ARTICLE VI—CORN OIL

6.1 Maximum prices.

ARTICLE VII—LINSEED OIL

7.1 Maximum prices.

ARTICLE VIII—OLIVE OIL

8.1 Maximum prices of domestic olive oil.
8.2 Differentials.
8.3 Maximum prices of imported olive oil.
8.4 Differentials.
8.5 Limitation.

ARTICLE IX—IMPORTED VEGETABLE OILS

9.1 Maximum prices.
9.2 Maximum prices.

ARTICLE X—SHORTENING AND COOKING AND SALAD OILS

10.1 Maximum prices for processors.
10.2 Differentials.
10.3 Maximum prices of brands for which maximum prices are not established in section 10.1.
10.4 Applications for adjustment of maximum prices by processors.
10.5 Definitions.

ARTICLE XI—LARD

11.1 Maximum prices.
11.2 Quality differentials.
11.3 Container differentials.
11.4 Quantity differentials.
11.5 Cash lard.
11.6 F. S. C. C. lard.
11.7 Lard flakes.
11.8 Definitions.

ARTICLE XII—OLEO

12.1 Maximum prices.

ARTICLE XIII—WOOL GREASE

13.1 Maximum prices.

ARTICLE XIV—TALLOWS AND GREASES

14.1 Maximum prices.
14.2 Imported tallow and greases.

ARTICLE XV—SOAPSTOCKS AND FATTY ACIDS

15.1 Maximum prices of raw soapstocks.
15.2 Maximum prices of recovered or acidulated soapstocks.
15.3 Maximum prices of distilled fatty acids.
15.4 Maximum prices of split fatty acids.
15.5 Maximum prices of stearic acid and oleic acid.

ARTICLE XVI—MARINE ANIMAL OILS

Sec.
16.1 Maximum prices.

ARTICLE XVII—LINSEED OIL SHORTENING AND HYDROGENATED LINSEED MARGARINE OIL

17.1 Temporary exemption for linseed oil shortening and hydrogenated linseed margarine oil.

Article I—General Provisions

SECTION 1.1 *Prohibition against dealing in fats and oils at prices above the maximum.* No person shall sell, offer to sell, deliver, or transfer, and no person in the course of trade or business shall buy or receive, fats or oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941, providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges. Lower prices than the maximum prices established by this Maximum Price Regulation No. 53 may be charged, demanded, paid, or offered.

SEC. 1.2 *Exempt sales.* Sales of fats and oils products in the finished form, sales of refined fats and oils (except coconut oil) destined for use or consumption without further processing or packing by the buyer, and sales of lard destined for human consumption without further processing are exempt from the operation of this Maximum Price Regulation No. 53, unless a maximum price for such fats or oils product, or refined fat or oil, or lard, is enumerated in terms of dollars and cents, or a method for computing a maximum price for such fats or oils product, or refined fat or oil, or lard, is set forth in Article III or any subsequent article of this regulation.

SEC. 1.3 *Exempt Governmental purchases of foreign fats and oils.* All purchases of fats and oils located in any foreign country by the United States Government or any agency thereof, or by an agent, broker or other representative purchasing for the account of the United States Government or any agency thereof, shall be exempt from the operation of this Maximum Price Regulation No. 53, whether the purchase is made directly in the foreign country or through an agent, broker or other representative of the foreign seller located in the United States. Where fats and oils located in a foreign country are purchased by an agent, broker or other representative of the United States Government or any agency thereof who has a contract to resell the fats and oils so purchased to the United States or any agency thereof, such resale shall be exempt from the operation of this Maximum Price Regulation No. 53. This provision shall have no application to purchases by the United States Government or any agency thereof of fats and oils located in the United States which have been imported into this country without a contract to resell the fats and oils so imported to the United States Government or any agency thereof.

SEC. 1.4 *Application for determination of a maximum price.* If the maximum price on a particular fat or oil covered by this Maximum Price Regulation No. 53 cannot be determined under the provisions of this Maximum Price Regulation No. 53, the affected party shall file an application with the Office of Price Administration in Washington, D. C., containing:

(a) A description of the fat or oil and showing wherein it is impossible to determine a maximum price therefor;

(b) A statement of the facts of all transactions since January 1, 1941, of the applicant and all information he may have obtained concerning transactions of others from said date in the fat or oil in question in any form or state of processing including transactions in the oil bearing material, raw product, and crude oil.

(c) (1) An itemized statement of the applicant's total cost of said fat or oil (including any manufacturing or processing costs), (2) the applicant's maximum price for that commodity presently sold by the applicant that has a maximum price presently determinable and that is most nearly similar to the fat or oil for which a maximum price is sought and (3) an itemized statement of the applicant's total cost of such most nearly similar commodity (including any manufacturing or processing costs).

Upon receipt of such application the Office of Price Administration will proceed to fix a maximum price or instruct the applicant as to the method of determining the same and for reporting the price he may determine. Any price fixed or determined under this paragraph shall be subject to adjustment at any time by the Office of Price Administration.

SEC. 1.5 *Imports and exports—Adjustment of maximum prices caused by variances in freight and insurance charges.* The maximum prices hereinafter established by this Maximum Price Regulation No. 53 for fats and oils shipped into or out of the United States by ocean transportation shall include the charges prevailing on October 1, 1941, for freight, war risk insurance, and marine insurance connected with such transportation.

Increases in such charges may be added only if such charges have been actually incurred by the seller on such sale. Decreases in such charges shall be subtracted from the maximum prices hereinafter established by this Maximum Price Regulation No. 53.

SEC. 1.6 *Brokers' commissions paid by buyers.* (a) Where the buyer pays a broker or other person a commission or other contingent compensation for services in bringing about, or otherwise connected with, any purchase, sale, delivery, acquisition, or other transfer of any fats or oils for which a maximum price is established by this Maximum Price Regulation No. 53, (1) the maximum total price that the buyer may pay for the fats or oils and as such commission or other contingent compensation, shall be the maximum prices for such fats or oils specified in this Maximum Price Regulation No. 53, and (2) the maximum price that the seller may receive for the fats or oils sold shall be that sum which, when added to such commission or other contingent compensation paid by the buyer, equals the maximum prices for such fats or oils specified in this Maximum Price Regulation No. 53.

(b) *Exception.* The provisions of paragraph (a) of this section 1.6 shall not apply to purchases made from the United States Government, or any state, municipal or other governmental unit, or any agencies of any of them, where the buyer customarily has paid broker's commissions or fees during the two years preceding the month of March 1942; in such case the buyer, in addition to paying the broker's commissions or fees, may pay the seller, and the seller may receive, the maximum prices specified in this Maximum Price Regulation No. 53.

SEC. 1.7 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 1.8 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 53 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[1]

SEC. 1.9 *Evasion*—(a) *General.* The price limitations set forth in this Maximum Price Regulation No. 53 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of fats or oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding or by any other means.

(b) *By purchasing oil-bearing materials and paying for processing.* The purchase of oil-bearing materials from a processor who is to process the oil-bearing materials for the purchaser is forbidden, if the combined cost of (1) the oil-bearing materials and (2) the processing toll exceeds the maximum price established by this Maximum Price Regulation No. 53 for the type and quantity of oil produced from the oil-bearing materials. If the meal or other by-products produced from the oil-bearing materials are to be retained by the processor, the value of the meal or other by-product retained must be considered in determining the cost of the processing toll.

SEC. 1.10 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 53 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

SEC. 1.11 *Records and reports.* Every person making any sale of fats or oils, except sales exempted under sections 1.2 and 1.3 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality and amount sold.

Every person affected by this Maximum Price Regulation No. 53 shall submit such reports to the Office of Price Administration as it may from time to time require, subject to the approval of the Bureau of the Budget.

SEC. 1.12 *Geographic applicability of the regulation.* This Maximum Price Regulation No. 53 shall apply in, and only in, the District of Columbia and the forty-eight states of the United States.

SEC. 1.13 *Definitions.* When used in this Maximum Price Regulation No. 53, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its politi-

[1] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

cal subdivisions, and any agency of the foregoing.

(b) "Fats and oils" means all of the raw, crude, and refined fats and oils, their by-products and derivatives, and greases, except "essential oils", mineral oils, butter, and cocoa butter.

(c) "Fats and oils products in the finished form" means those products the whole or substantial part of which are manufactured from fats or oils, which are sold for use or consumption without further processing and the manufacturing process of which includes more than filtering, refining, or deodorizing, or splitting, or dividing into component parts, for example, shortening, soap, paint, margarine, salad dressing, and mayonnaise.

(d) "Refined fats and oils" means those fats and oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative, for example, margarine oil, salad oil, prime summer yellow, and/or bleachable cottonseed oil, oleo oil, and oils used for the technical and protective coating trades.

(e) In the phrase, "similar amount to a similar purchaser," the word "similar" means that amount and that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on October 1, 1941.

Article II—Maximum Prices for Fats and Oils for Which No Maximum Prices in Terms of Dollars and Cents Are Provided

SEC. 2.1 *Maximum prices.* (a) The maximum price for any kind, grade or quality of fat or oil for which a maximum price is not specifically provided in any of the following Articles of this Maximum Price Regulation No. 53, shall be the highest price at which the seller sold such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser on October 1, 1941, for delivery within sixty days.

(b) If the maximum price of such fat or oil cannot be determined under paragraph (a) of this section 2.1, the maximum price shall be the highest price at which the seller sold the same kind of fat or oil of a different grade or quality or in a different amount or to a different type of purchaser on October 1, 1941, for delivery within sixty days, making the necessary adjustments for differences in grade, quality, amount or type of purchaser in accordance with the seller's practice for determining price differentials existing on October 1, 1941.

(c) If the maximum price cannot be determined under either paragraphs (a) or (b) of this section 2.1, the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the locality of the seller's shipping point on October 1, 1941, for delivery within sixty days.

(d) If the maximum price cannot be determined under paragraphs (a) (b) or (c) of this section 2.1, the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the nearest market in which such sale was made on October 1, 1941, making adjustments for the customary differential between the price in such markets and the price in the locality of the seller's shipping point.

(e) If the maximum price determined under the above paragraphs of this section 2.1 is less than 111 percent of the price at which the same kind of fat or oil of the same grade and quality was sold by the seller, or was sold in the locality of the seller's shipping point, or in the nearest market, as the case may be, in a similar amount and to a similar purchaser on November 26, 1941, for delivery within sixty days, the maximum price shall be 111 percent of such November 26 price.

SEC. 2.2 *Inclusion of transportation and other charges in maximum prices.* The maximum prices for both domestic and imported fats and oils determined under section 2.1 hereof, shall include at least the same absorption of transportation and other charges as were or would have been absorbed by the seller on comparable shipments to the same place of destination on October 1, 1941.

SEC. 2.3 *Evasion.* The price limitations set forth in section 2.1 hereof, shall not be evaded by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other direct or indirect means.

Article III—Cottonseed Oil

SEC. 3.1 *Maximum prices.* The maximum prices of cottonseed oil shall be the following prices:

(a) Crude cottonseed oil, f. o. b. mill, in tank cars, in cents per pound, as follows:

North Carolina, South Carolina and Tennessee	12.75
Mississippi Valley, Alabama and Georgia	12.625
Texas and Oklahoma	12.50

(1) These crude cottonseed oil maximum prices shall be adjusted on a 9% settlement basis as provided in Rule 142 of the 1942–1943 rules of the National Cottonseed Products Association, Inc.

(2) The usual or normal location differentials shall continue to apply.

(b) Refined cottonseed oil and bleachable cottonseed oil stearine, delivered in tank cars, as follows:

[Cents per pound]

	Bleachable cottonseed oil stearine	Bleachable prime summer yellow oil	Refined bleached and undeodorized oil	Refined deodorized and unbleached oil	Cooking or deodorized white, bleached, summer oil	Salad or winterized oil	Hydrogenated or margarine oil	High titre hydrogenated oil
Albany, N. Y.	13.75	14.00	14.32	14.35	14.67	15.05	15.25	15.40
Atlanta, Ga.	13.37	13.62	13.94	13.97	14.29	14.67	14.87	15.02
Baltimore, Md.	13.66	13.91	14.23	14.26	14.58	14.96	15.16	15.31
Boston, Mass.	13.74	13.99	14.31	14.34	14.66	15.04	15.24	15.39
Buffalo, N. Y.	13.78	14.03	14.35	14.38	14.70	15.08	15.28	15.43
Charlotte, N. C.	13.49	13.74	14.06	14.09	14.41	14.79	14.99	15.14
Chattanooga, Tenn.	13.54	13.79	14.11	14.14	14.46	14.84	15.04	15.19
Chicago, Ill.	13.63	13.88	14.20	14.23	14.55	14.93	15.13	15.28
Cincinnati, Ohio	13.63	13.88	14.20	14.23	14.55	14.93	15.13	15.28
Columbus, Ohio	13.68	13.93	14.25	14.28	14.60	14.98	15.18	15.33
Cudahy, Wis.	13.65	13.90	14.22	14.25	14.57	14.95	15.15	15.30
Dallas, Tex.	13.22	13.47	13.79	13.82	14.14	14.52	14.72	14.87
Denison, Tex.	13.26	13.51	13.83	13.86	14.18	14.56	14.76	14.91
Denver, Colo.	13.68	13.93	14.25	14.28	14.60	14.98	15.18	15.33
El Paso, Tex.	13.55	13.80	14.12	14.15	14.47	14.85	15.05	15.20
Fort Worth, Tex.	13.24	13.49	13.81	13.84	14.16	14.54	14.74	14.89
Houston, Tex.	13.28	13.53	13.85	13.88	14.20	14.58	14.78	14.93
Indianapolis, Ind.	13.60	13.85	14.17	14.20	14.52	14.90	15.10	15.25
Jacksonville, Fla.	13.47	13.72	14.04	14.07	14.39	14.77	14.97	15.12
Kansas City, Mo.	13.49	13.74	14.06	14.09	14.41	14.79	14.99	15.14
Los Angeles, Calif.	13.90	14.15	14.47	14.50	14.82	15.20	15.40	15.55
Louisville, Ky.	13.39	13.64	14.16	14.19	14.51	14.89	15.09	15.24
Macon, Ga.	13.37	13.62	13.94	13.97	14.29	14.67	14.87	15.02
Memphis, Tenn.	13.39	13.64	13.96	13.99	14.31	14.69	14.89	15.04
New Orleans, La.	13.46	13.71	14.03	14.06	14.38	14.76	14.96	15.11
New York, N. Y.	13.70	13.95	14.27	14.30	14.62	15.00	15.20	15.35
Oklahoma City, Okla.	13.37	13.62	13.94	13.97	14.29	14.67	14.87	15.02
Philadelphia, Pa.	13.68	13.93	14.25	14.28	14.60	14.98	15.18	15.33
St. Louis, Mo.	13.54	13.79	14.11	14.14	14.46	14.84	15.04	15.19
San Antonio, Tex.	13.28	13.53	13.85	13.88	14.20	14.58	14.78	14.93
San Francisco, Calif.	13.90	14.15	14.47	14.50	14.82	15.20	15.40	15.55
Savannah, Ga.	13.45	13.70	14.02	14.05	14.37	14.75	14.95	15.10
Seattle, Wash.	13.90	14.15	14.47	14.50	14.82	15.20	15.40	15.55
Sherman, Tex.	13.24	13.49	13.81	13.84	14.16	14.54	14.74	14.89
Terre Haute, Ind.	13.58	13.83	14.15	14.15	14.50	14.88	15.08	15.23

Article V—Soybean Oil

SEC. 5.1 *Maximum prices.* The maximum prices of soybean oil shall be the following prices:

(a) Crude soybean oil—in tank cars:

Cents per pound

F. O. B. midwestern mills 11.75

(1) The maximum price of crude soybean oil that does not meet the standard specifications set forth in Rule 102 of the Year Book and Trading Rules 1941–1942 of the National Soy Bean Processors Association, is the price set forth above, less the allowances provided in said Rule 102 for crude soybean oil of the kind and quality being delivered.

(b) Refined soybean oil—in tank cars, basis f. o. b. Decatur, Illinois:

[Cents per pound]

	Refined unbleached and undeodorized	Refined bleached and undeodorized	Refined deodorized and bleached	Deodorized and bleached soybean oil	Winterized soybean oil	Hydrogenated margarine soybean oil	High titre hydrogenated soybean oil
F. o. b. Decatur, Ill.	12.30	12.57	12.60	12.87	13.00	13.45	13.60

(1) The usual or normal differentials for grade, above or below these basic grades, shall continue to apply.

(2) The usual or normal differentials for type of container shall continue to apply.

SEC. 5.2 *Refined soybean oil sold for industrial use.* Where refined soybean oil is sold to be used ultimately for industrial usages and not for edible purposes, the seller may add ½ cent per pound to the maximum prices established for refined soybean oil by section 5.1 (b) hereof.

Article VI—Corn oil

SEC. 6.1 *Maximum prices.* The maximum prices of corn oil shall be the following prices:

(a) Crude corn oil—in tank cars:

Cents per pound

F. O. B. Midwestern Mills 12.75

(b) Refined corn oil—in tank cars, basis f. o. b. Chicago:

[Cents per pound]

	Deodorized bleached corn oil	Winterized corn oil	Hydrogenated margarine corn oil	High titre hydrogenated corn oil
F. o. b. Chicago, Ill.	14.37	14.80	14.95	15.10

(1) The usual or normal differentials for grade, above or below these basic grades, shall continue to apply.

(2) The usual or normal differentials for type of container shall continue to apply.

Article VII—Linseed Oil

SEC. 7.1 *Maximum prices.* The maximum prices of the following linseed oils and linseed oil products shall be the following prices:

(a) *Raw linseed oil and linseed oil products, delivered in Zone 1.* Linseed oil and linseed oil products, in tank cars, delivered in Zone 1, as follows:

SEC. 3.4 *Purchases of cottonseed oil by the Commodity Credit Corporation.* The Commodity Credit Corporation is free to purchase bleachable prime summer yellow cottonseed oil at any price, whether that price is above or below the maximum price for bleachable prime summer yellow cottonseed oil established by this schedule.

Article IV—Peanut Oil

SEC. 4.1 *Maximum prices.* The maximum price of peanut oil shall be the following prices:

(a) Crude peanut oil—in tank cars:

Cents per pound

F. o. b. Southeastern mills 13.00

F. o. b. Texas and Oklahoma mills 12.875

(1) These crude peanut oil maximum prices shall be adjusted on a 5% settlement basis as provided in Rule 142 of the 1942–1943 Rules of the National Cottonseed Products Association, Inc.

(b) Refined peanut oil, delivered in tank cars, as follows:

[Cents per pound]

	Refined unbleached and undeodorized	Refined bleached and undeodorized	Refined deodorized (bleached) refined peanut oil	Hydrogenated peanut margarine oil	High titre hydrogenated peanut oil
Albany, N. Y.	14.38	14.70	15.03	15.63	15.78
Atlanta, Ga.	14.00	14.32	14.65	15.25	15.40
Baltimore, Md.	14.29	14.61	14.94	15.54	15.69
Boston, Mass.	14.37	14.69	15.02	15.62	15.77
Buffalo, N. Y.	14.41	14.73	15.06	15.66	15.82
Charlotte, N. C.	14.12	14.44	14.77	15.42	15.57
Chattanooga, Tenn.	14.17	14.49	14.82	15.47	15.62
Chicago, Ill.	14.26	14.58	14.91	15.51	15.66
Cincinnati, Ohio	14.26	14.58	14.91	15.51	15.66
Columbus, Ohio	14.31	14.63	14.96	15.56	15.71
Cudahy, Wis.	14.28	14.60	14.93	15.53	15.68
Dallas, Tex.	13.85	14.17	14.50	15.10	15.25
Denison, Tex.	13.87	14.19	14.52	15.12	15.27
Denver, Colo.	14.31	14.63	14.96	15.56	15.71
El Paso, Tex.	14.18	14.50	14.83	15.43	15.58
Fort Worth, Tex.	13.87	14.19	14.52	15.12	15.27
Houston, Tex.	13.91	14.23	14.56	15.16	15.31
Indianapolis, Ind.	14.23	14.55	14.88	15.48	15.63
Jacksonville, Fla.	14.12	14.44	14.77	15.37	15.52
Kansas City, Mo.	14.14	14.47	14.80	15.40	15.55
Los Angeles, Calif.	14.53	14.85	15.20	15.80	15.95
Louisville, Ky.	14.04	14.37	14.70	15.30	15.45
Macon, Ga.	14.00	14.32	14.65	15.25	15.40
Memphis, Tenn.	14.02	14.34	14.67	15.27	15.42
Minneapolis, Minn.	13.99	14.31	14.64	15.24	15.39
New York, N. Y.	14.33	14.65	14.98	15.58	15.73
Oklahoma City, Okla.	14.00	14.32	14.65	15.25	15.40
Philadelphia, Pa.	14.31	14.63	14.96	15.56	15.71
St. Louis, Mo.	14.17	14.49	14.82	15.42	15.57
San Antonio, Tex.	13.91	14.23	14.56	15.16	15.31
San Francisco, Calif.	14.53	14.85	15.20	15.80	15.95
Savannah, Ga.	14.08	14.40	14.73	15.33	15.48
Seattle, Wash.	14.53	14.85	15.20	15.80	15.95
Sherman, Tex.	13.87	14.19	14.52	15.12	15.27
Terre Haute, Ind.	14.21	14.53	14.88	15.46	15.61

	Color	Acid value	Iodine value	Sapon. value	Spec. gravity	Vis-cosity	Cents per pound
Linseed oil	11-13	4 max.	170-190	188-196	.931-.935	A	14.5
GRINDING OILS							
Raw plus 10% bodied oil	10-13	2-4	165-187	189-198	.934-.937	A-B	14.5
Containing organic superoxide	9-11	1-4	170-190	188-196	.931-.936	A	15.0
Semi-refined and bleached varnish and grinding oil	4-8	2-5	170-190	188-196	.931-.935	A	15.5
Mechanically refined grinding oil (no chemicals used)	4-7	1-4	170-190	188-196	.931-.935	A	15.5
Mechanically refined + 10% polymerized oil	6-7	2-5	165-180	192-206	.934-.944	C-D	16.5
Alkali refined grinding oil	5-7	2-4	170-190	188-196	.931-.935	A	15.5
Acid refined grinding oil	5-6	3-6	170-190	188-196	.931-.935	A	15.5
Acid refined grinding oil	5-7	8-12	170-190	188-196	.930-.935	A	15.5
Acid refined grinding oil	5-7	12-16	170-190	188-196	.930-.935	A	15.5
VARNISH OILS							
Dispersed-brera oil	10-14	2-9	170-190	188-196	.931-.935	A	15.0
Semi-refined varnish and grinding	10-14	2-5	170-190	188-196	.931-.935	A	15.0
Alkali refined, not refrigerated	4-7	1.5-3	170-190	188-196	.931-.935	A	15.5
Alkali refined, not refrigerated	4-7	0-0.6	170-190	188-196	.931-.935	A	15.5
Alkali refined, neutral-refrigerated	5-6	0-0.3	170-190	188-196	.931-.934	A	15.7
Alkali refined, neutral-refrigerated catalyst	5-6	0-0.4	170-190	188-196	.931-.935	A	15.7
Alkali refined, refrigerated	5-6	2-4	170-190	188-196	.931-.935	A	15.7
Bleached cold pressed	4-6	0.5-2.0	170-190	188-196	.931-.935	A	15.7
Alkali refined, slightly oxidized	5-6	1.5-4.0	168-185	190-202	.944-.950	C-E	15.7
Slightly oxidized raw	7-10	2-6	160-178	194-200	.948-.955	C-E	14.8
Semi-oxidized oil	9-12	4-6	165-175	192-196	.940-.945	B-D	14.9
BOILED OILS							
Raw driers bodied oil	11-13	3-6	165-190	188-196	.931-.941	B	14.9
Old style boiled	12-18	5-7.5	165-185	189-196	.935-.942	B-C	14.9
Slightly oxidized raw driers	12-18	3-7	165-185	189-196	.936-.944	B	15.1
Raw Cobalt drier	13-16	3-6	168-190	188-196	.931-.940	A	15.3
Acid refined driers	6-9	6-8	170-185	188-196	.931-.934	A	15.7
Mechanically refined + driers	5-8	2.5-5	165-190	188-196	.931-.938	A	15.7
Partially oxidized acid refined + driers	5-8	4-6	166-185	188-196	.933-.938	A	15.7
OXIDIZED OILS							
X-Z2 oxidized with and without driers	8-13	4-8	115-155	205-230	.970-.998	X-Z2	15.0
Z2-Z3 oxidized with and without driers	7-11	4-8	115-140	210-230	.980-.996	Z2-Z3	15.3
Z1-Z3 oxidized acid refined	6-8	4-12	115-140	210-230	.994-.996	Z1-Z3	15.6
Polymerized + oxidized	7-9	5-8	120-135	200-210	994-.996	Z2-Z3	16.0
POLYMERIZED OIL							
Polymerized high acid	3-7	6-22	115-130	190-196	.948-.971	Q-Z4	18.5
Polymerized low acid	3-7	1-3	115-160	190-196	.950-.975	{Poises (20-1000)}	20.5
FATTY ACID							
Linseed fatty acids	10-14	180-198	175-190	194-200	.906-.914	A—	17.2
Distilled linseed fatty acids	2-4	194-205	175-195	194-208	.906-.913	A—	19.5
MISCELLANEOUS							
Sulphur chloride treated + 30% thinner	6-8	2-4	60-70	122-132	.878-.884	A	15.5
Sulphur chloride treated + 7% thinner	77-9	4-7	110-120	200-210	.980-.984	Z-Z2	17.0
Alkali refined edible oil base	11 max.	0-.3	170-190	188-196	.931-.935	A	15.5

(1) *Grade differentials.* The usual or normal differential for types or grades with specifications other than those listed above shall continue to apply.

(2) *Container and quantity differentials*—(i) *Returnable drums, carlots.* The maximum delivered prices of the above linseed oil products delivered in Zone 1, in returnable drums, carlot quantities, shall be the prices set forth above, plus .4¢ per pound.

(ii) *Returnable drums in less than carlot quantities—(a)—Delivered in city in which seller has a warehouse.* The maximum delivered prices of the above linseed oil products delivered, in returnable drums in less than carlot quantities, in Zone 1 within the corporate limits of a city in which the seller has a warehouse, shall be the prices set forth in section 7.1 (a) above, plus the differentials hereinafter set forth for the particular quantity sold:

Quantity sold (returnable drums)	*Differential to be added to specified prices (Cents per pound)*
Carlots, in more than one delivery of 10 drums each	0.6
5 to 9 drums, one delivery	1.0
1 to 4 drums, one delivery	1.4

(b) *Delivered outside city in which seller has a warehouse.* The maximum delivered prices of the above linseed oil products, delivered, in returnable drums in less than carlot quantities, in Zone 1 outside of the corporate limits of the city in which the seller's nearest warehouse is located, shall be the maximum prices provided in the preceding sub-paragraph hereof, (section 7.1 (a) (2) (ii) (*a*)), plus the actual cost of transporting said linseed oil products from the seller's nearest warehouse to the buyer.

(iii) *Other containers.* When linseed oil products are sold in containers other than tank cars or returnable drums, the maximum delivered prices for such oil products in such other containers, delivered in Zone 1, shall be the tank car price specified above, plus the usual or normal differential for the type of container in which the oil is sold.

(iv) *Other quantities.* When linseed oil products are sold in quantities other than those listed in section 7.1 (a) (2) above the usual or normal differential for the particular quantity sold shall continue to apply.

(b) *Raw linseed oil and linseed oil products, delivered in zones 2 to 9, inclusive.* To determine his maximum delivered price for the above enumerated linseed oil products delivered in Zones 2 to 9, inclusive, the seller shall,

(1) Calculate his maximum price for such linseed oil products under the preceding paragraphs of this Article VII—(section 7.1 (a)), assuming for the purpose of such calculation that the delivery is being made in Zone 1.

(2) Add to the maximum price thus arrived at the differentials hereinafter set forth for the particular zone in which the oil actually is being delivered:

Zone:	*Differentials to be added Cents per pound*
2	0.2
3	.4
4	.6
5	.5
6	.5
7	.6
8	.5
9	None

(3) In those cases, and only those cases, where such linseed oil products are being delivered, in returnable drums in less than carlot quantities, within the corporate limits of the cities of Los Angeles, California; San Francisco, California; Portland, Oregon; Seattle, Washington and Spokane, Washington, add the actual cost of transporting such linseed oil product from the seller's nearest warehouse to the buyer.

The total thus arrived at shall be the seller's maximum delivered price at the place where delivery actually is made.

(c) *Sales to Agencies of the United States that require prices on an f. o. b. basis.* Where, and only where, linseed oil products are sold to any agency of the United States that specifies that bids to, and contracts with, it shall be made on an f. o. b. basis, the maximum price of such linseed oil shall be on an f. o. b. basis. The maximum price of such linseed oil product, f. o. b. producer's plant, shall be equal to the maximum delivered price of a similar linseed oil product, in similar containers, sold in similar quantities to any other purchaser in the city in which the seller has his plant, minus .3 cents per pound.

(d) *Definitions.* When used in this Article VII, the following terms shall have the following meanings:

(1) "Zone 1" means the area included in the states of Minnesota, Iowa, Missouri, Illinois and Wisconsin.

(2) "Zone 2" means the area included in the states of Michigan, Indiana, Ohio and West Virginia, in all that portion of New York west of and including the counties of Niagara, Erie, and Cattaraugus, and in that portion of Pennsylvania west of and including the counties of McKean, Cameron, Clearfield, Cambria and Somerset.

(3) "Zone 3" means the area included in the states of Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware and Maryland, in all that portion of New York east of and including the counties of Orleans, Genesee, Wyoming, Allegany, and in all that portion of Pennsylvania east of and including the counties of Potter, Clinton, Centre Blair and Bedford.

(4) "Zone 4" means the area included in the state of Florida, and also the fol-

lowing port cities: Charleston, South Carolina; Savannah, Georgia; Brunswick, Georgia, and Mobile, Alabama.

(5) "Zone 5" means the area included in the states of Kentucky, Virginia, Tennessee, North Carolina, Mississippi, Alabama (except Mobile), Georgia (except Savannah and Brunswick), and South Carolina (except Charleston).

(6) "Zone 6" means the area included in the states of Montana, North Dakota, Wyoming, South Dakota, Nebraska, Colorado and Kansas.

(7) "Zone 7" means the area included in the states of New Mexico, Oklahoma, Arkansas, Texas, and Louisiana.

(8) "Zone 8" means the area included in the states of Washington, Oregon, Idaho, Nevada, Utah and Arizona.

(9) "Zone 9" means the area included in the state of California.

Article VIII—Olive Oil

SEC. 8.1 *Maximum prices of domestic olive oil.* The maximum prices of the following described domestic olive oils shall be the following prices:

(a) *Pure pressed edible domestic olive oil,* f. o. b. producer's plant in returnable drums, carlots or less than carlots, as follows:

Percent F. F. A. (Max.):	*Dollars per gallon*
.50	4.80
1.00	4.70
1 41 (U. S. P.)	4.60
1.50	4.575
1.75	4.55
2.00	4.50
2 25	4.45
2 50	4.40
2 75	4.35
3.00	4.30

(b) *Pure pressed domestic olive oil,* f. o. b. producer's plant, in returnable drums, carlots or less than carlots, as follows:

Percent F. F. A. (range):	*Dollars per gallon*
3.01 to 3.50	4.25
3 51 to 4.00	4.20
4.01 to 5.00	4.15
5 01 to 6.00	4.10
6 01 to 7.00	4.05
7.01 to 8.00	4.00
8.01 or more	4.00, less 12¢ for each 1% or fraction of 1% of F. F. A. over 8%.

(c) *Refined, bleached, and deodorized domestic olive oil,* f. o. b. producer's plant, in returnable drums, carlots or less than carlots, as follows:

Percent F. F. A. (max.):	*Dollars per gallon*
.50	4.75

SEC. 8.2 *Differentials.* The maximum prices of domestic olive oil when sold in the following described containers, shall be the prices set forth above for such oil in returnable drums, plus not more than, or minus at least, the differentials set forth below:

Container:	*Differential*
Tankcars	6½¢ per gallon less than olive oil in returnable drums.
Wooden barrels	10¢ per gallon more than olive oil in returnable drums.
Drums or other metal containers holding less than 55 gallons and more than 6 gallons.	None.
Tin or other metal containers holding less than 7 gallons and more than 1 gallon.	10¢ per gallon more than such oil in drums.
Glass containers holding less than 7 gallons and more than 1 gallon.	15¢ per gallon more than such oil in drums.

SEC. 8.3 *Maximum prices of imported olive oil.* The maximum price of imported olive oil, in drums with duties and taxes paid, f. o. b. port of entry, shall be the maximum price, in returnable drums at the producer's plant, of domestic olive oil of the same F. F. A., plus 61½¢ per gallon.

SEC. 8.4 *Differentials.* The maximum price of imported olive oil when sold in the following described containers, shall be the price set forth above for such oil in drums, plus the differentials set forth below:

Container:	*Differential*
Drums or other metal containers holding less than 55 gallons and more than 6 gallons.	None.
Tin or other metal containers holding less than 7 gallons and more than 1 gallon.	10¢ per gallon more than such oil in drums.
Glass containers holding less than 7 gallons and more than 1 gallon.	15¢ per gallon more than such oil in drums.

SEC. 8.5 *Limitation.* The maximum prices for domestic olive oil and for imported olive oil established by this Article VIII are the maximum prices for such olive oils when sold in containers holding more than one gallon; they are not the maximum prices for such olive oils when sold in containers holding one gallon or less.

Article IX—Imported Vegetable Oils

SEC. 9.1 *Maximum prices.* The maximum prices of the following oils shall be the following prices:

Imported vegetable oils, bulk, in cents per pound;

	c. i. f. New York	c. i. f. San Francisco
Coconut oil:		
Crude, Manila	8.35	8.00
Crude, Ceylon	8.85	8.50
Cochin type	9.35	9.00
	f. o. b. New York	f. o. b. San Francisco
Refined Edible Coconut oil, ex tax	9.85	9.50
	c. i. f. New York	
Palm oil—African:		
Soft, basis 12% F. F. A	8.25	
Semi, basis 35% F. F. A	8.25	
Niger, or hard, basis over 45% F. F. A	8.25	
Congo Plantation, basis 10% F. F. A	8.32	
Malayan and Sumatra, basis 5% F. F. A	8.50	
Palm kernel oil, crude	8.35	
Rapeseed oil, denatured	11.50	
Teaseed oil, crude, in drums	30.00	

(a) The above prices are for basic grades. The usual or normal differentials for grades above or below these basic grades shall continue to apply.

(b) The usual or normal differentials for type of container shall continue to apply.

(c) The usual or normal differentials, above or below these prices, shall continue to apply for all other shipping points.

(d) Duties, processing taxes and excise taxes may be added to the above c. i. f. prices, and to the prices of refined edible coconut oil.

SEC. 9.2 *Maximum prices.* The maximum prices of the following oils shall be the following prices:

Imported vegetable oils, f. o. b. New York, duties and taxes paid, in cents per pound.

	Tankcars	Drums, carlots
Andiroba		11.00
Babassu oil	11.10	
Castor oil:		
No. 1	13.05	
No. 3	12.75	
Dehydrated, bodied	17.85	
Cohune oil	11.10	
Muru-muru oil	14.03	
Oiticica oil:		
Commercial grade, liquid	25.00	
Condensed		23.00
Curicuri oil	11.10	
Pataua oil	40.00	
Perilla oil, crude	24.50	
Sesame oil	14.30	
Sunflower seed oil, semi-refined	14.30	
Tucum oil	12.68	
Tung oil (Chinawood oil)		39.00
Ucuhuba crude vegetable tallow, barrels or drums, carlots		8.75

(a) The above prices are for basic grades. The usual or normal differentials for grades above or below these basic grades shall continue to apply.

(b) The usual or normal differentials for type of container shall continue to apply.

(c) The usual or normal differentials, above or below these prices, shall continue to apply for all other shipping points.

Article X—Shortening and Cooking and Salad Oils

SEC. 10.1 *Maximum prices of processors.* The maximum prices of processors for the following shortenings and cooking and salad oils shall be the following prices:

(a) *Standard shortening.* The maximum delivered prices of Swift's "Jewel" and "Sanco"; Armour's "Vegetole"; Lookout's "Domino"; Wilson's "Advance"; Atlantic Lard's "Royal Aster"; Procter and Gamble's "Flakewhite" and "Fluffo"; Southern's "Scoco" and "Kneedit"; South Texas' "Crustene"; Gulf and Valley's "Blue Plate"; Interstate's "Mrs. Tucker"; Lever Brothers' "Hydora" and Humko's "Humko" and all other brands of standard shortening manufactured or distributed by the processors of these brands shall be the following prices:

	North	South	Pacific Coast
Drums (per pound)	16.50¢	16.25¢	16.75¢
Cartons:			
(1) 12/4 lbs. (per case)	$8.10	$8.00	$8.20
(2) 48/1 lbs. (per case)	8.25	8.15	8.35

(b) *Hydrogenated shortening.* (1) The maximum delivered prices of Procter and Gamble's "Primex"; Lever Brothers' "Cove"; Southern's "Heavy Duty MFB"; Swift's "Vream"; Armour's "Kremit"; and Wilson's "Bakerite" shall be the following prices:

	North	South	Pacific Coast
Drums (per pound)	17.75¢	17.75¢	17.75¢

(2) The maximum delivered prices of Procter and Gamble's "Sweetex"; Lever Brothers' "Covo Super Mix"; Southern's "Quik Blend"; Swift's "Vreamay"; Armour's "Kremor"; and Wilson's "Bakerite 140" shall be the following prices:

	North	South	Pacific Coast
Drums (per pound)	18.75¢	18.75¢	18.75¢

(3) The maximum delivered prices of Lever Brothers' "Spry" and Procter and Gamble's "Crisco" shall be the following prices:

	North	South	Pacific Coast
Three and six pound airtight containers (per case)	$7.74	$7.74	$7.74

(c) *Salad oil.* The maximum delivered prices of Southern's "77" and "Angela Mia"; Gulf and Valley's "Blue Plate"; Procter and Gamble's "Puritan" and "Fluffo"; Swift's "Jewel"; Armour's "Star"; Wilson's "Certified"; South Texas' "Crustene"; Interstate's "Mrs. Tucker" and Humko's "Humko" shall be the following prices:

	North	South	Pacific Coast
(1) Drums (per pound)	16.50¢	16.50¢	17.00¢
(2) 1.5 gal. can (per can)	$6.05	$6.55	$6.75
(3) 6/1 gal. can (per case)	$8.20	$8.10	$8.50

The maximum delivered prices of Southern's "Wesson Oil" shall be the following prices:

	North	South	Pacific Coast
(4) 12/1 qt. cans (per case)	$5.40	$5.35	$5.39
(5) 24/1 pint cans (per case)	5.60	5.60	5.65

(d) *Cooking oil.* The maximum delivered prices of Procter and Gamble's "Marigold"; Southern's "88"; Gulf and Valley's "Clarola"; Swift's "Golden West"; Armour's "Supreme"; Wilson's "Laurel"; South Texas' "Magnolia" and Interstate's "White Beauty" shall be the following prices:

	North	South	Pacific Coast
(1) Drums (per pound)	16.00¢	16.00¢	16.50¢
(2) 1.5-gal. can (per can)	$6.45	$6.35	$6.55
(3) 6/1-gal. cans (per case)	$7.95	$7.85	$8.25

SEC. 10.2 *Differentials*—(a) *Quantity.* The maximum delivered prices of hydrogenated and standard shortenings, established in section 10.1 above, are the maximum delivered prices for hydrogenated and standard shortenings when shipped in (1) carlots or (2) the quantity to which the lowest price is usually applied in the processor's published lists. When hydrogenated and standard shortenings are shipped in less than (1) carlots or (2) the quantity to which the lowest price is usually applied in the processor's published lists, the usual or normal differential for such a quantity shall continue to apply.

(b) *Quantity.* The maximum delivered prices of salad and cooking oils, established in section 10.1 above, are the maximum prices for salad and cooking oils when shipped in the quantities usually named in the processor's published lists. When salad and cooking oils are shipped in carlots on which a refining in transit privilege is applicable the usual or normal discount (if any) from the maximum prices established in the Schedule shall continue to apply. When shipped in a quantity less than the quantity to which the lowest price is usually applied in the processor's published lists, the usual or normal differential over the maximum prices established in this schedule shall continue to apply.

(c) *Container.* When hydrogenated and standard shortenings and salad and cooking oils are sold in containers of different sizes from the container sizes named in section 10.1, the usual or normal differential for size of container shall continue to apply.

(d) *Cash discounts.* The maximum prices of hydrogenated and standard shortenings and salad and cooking oils, established in Section 10.1, are the maximum prices before cash discounts. The usual or normal discount for the receipt of payment within the period usually specified in the processor's published lists shall continue to apply.

(e) *Area.* The maximum prices of hydrogenated and standard shortenings and salad and cooking oils, established in Section 10.1, are basic prices for the three areas named (North, South, and Pacific Coast). The usual or normal differentials which have applied in the past over base prices to some points within these areas shall continue to apply.

(f) *Limitation.* The maximum prices of hydrogenated and standard shortenings and salad and cooking oils, established in this Article X are the maximum prices on sales made by processors. These prices are not the maximum prices on sales made by wholesalers and retailers.

(g) The maximum prices established in Section 10.1, shall apply to sales to any person.

(h) The usual or normal differentials for type of purchaser shall continue to apply.

(i) *Branch houses and car routes.* Where a processor sells a brand of standard or hydrogenated shortening enumerated in Section 10.1 hereof through a branch house or car route owned by the processor or owned by a corporation more than 50% of whose stock is owned or controlled by the processor, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carlot or that quantity to which the lowest price usually is applied in the processor's published lists, or (4) a purchaser who during the years 1941 and 1942 customarily has bought in carlots or the quantity to which the lowest price usually is applied in the processor's published lists, the processor's maximum price on such sales shall be 106% of the lesser of (i) the amount that he bills his branch house or car route for the shortening so sold, or (ii) the maximum price permitted him by sections 10.1 to 10.2 (h) inclusive, for carlot shipments of the shortening so sold.

(j) *Branch houses and car routes.* Where a processor sells a brand of salad or cooking oil enumerated in section 10.1 hereof through a branch house or car route owned by the processor or owned by a corporation more than 50% of whose stock is owned or controlled by the processor, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carlot or that quantity to which the lowest price usually is applied in the processor's published lists, or (4) a purchaser who during the years 1941 and 1942 customa has bought in carlots or the quantity to which the lowest price usually is applied in the processor's published lists, the processor's maximum price on such sales shall be 110% of the lesser of (i) the amount that he bills his branch house or car route for the oil so sold, or (ii) the maximum price permitted him by sections 10.1 to 10.2 (h) inclusive, for carlot shipments of the oil so sold.

SEC. 10.3 *Maximum prices of brands for which maximum prices are not established in section 10.1.* (a) The maximum price of a brand of shortening, the maximum price of which is not established in section 10.1, shall be determined according to the provisions of the General Maximum Price Regulation except that the period from January 16, 1942 to January 31, 1942 inclusive shall be substituted for the period of the month of March 1942 in determining the highest price which may be charged in accordance with §§ 1499.2 and 1499.3 thereof.

(b) The maximum price of a brand of salad or cooking oil, which is not specifically named in section 10.1, shall be determined according to the provisions of the General Maximum Price Regulation, except that the period from January 16, 1942 to January 31, 1942 inclusive shall be substituted for the period of the month of March 1942 in determining the highest price which may be charged in accordance with §§ 1499.2 and 1499.3 thereof.

SEC. 10.4 *Applications for adjustment of maximum prices by processors.* If the processor of a brand of shortening, or of a brand of salad or cooking oil, the maximum price of which is not established in section 10.1, feels that his brand should command the same maximum price as those brands for which a maximum price is established in section 10.1, or if he feels that the maximum price for his brand, as computed under section 10.3, is unduly low in relation to the maximum prices of those brands the maximum prices of which are established in section 10.1, he should file an application for adjustment with the Office of Price Administration in accordance with the procedure set forth in Revised Procedural Regulation No. 1. Such application should set forth in detail the reasons why the applicant believes his brand should command the maximum price requested by the applicant in his application. The application should also set forth in detail the price relationship between the applicant's brand and one of the brands specifically named in section 10.1.

SEC. 10.5 *Definitions.* When used in this Article X, the following terms shall have the following meanings:

(a) "Standard shortening" means a shortening which is (1) made from hardened vegetable oil or (2) made from a mixture of vegetable oil and animal fat and/or hardened marine animal oils. It must conform with the following specifications:

Suspended matter: The shortening must be free from any appreciable amount of suspended matter.

Taste and odor: The shortening must be free from rancidity, foreign odor and sourness.

Moisture: The moisture must not exceed 0.3% (Vacuum Oven Method Official Agricultural Chemists Association, 6th ed., 1940, p. 423).

Smoke point: The shortening must withstand a temperature of 400 degrees F. without smoking.

Stability: The stability of the shortening must be not less than three hours (Active Oxygen Method; King, Roschen and Irwin; Oil and Soap 10, 105, June, 1933).

Plasticity: The shortening must remain solid and be plastic and workable at a temperature within the range from 70 degrees F. to 90 degrees F.

F. F. A.: The F. F. A. must not exceed 0.12% (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

Iodine number: The iodine number must not exceed 80 (Hanus Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 429).

(b) "Hydrogenated shortening" means a shortening made entirely from vegetable oils, each of which has been hydrogenated to some extent. It must conform with the following specifications:

No free oils: The shortening must contain no free oils.

Suspended matter: The shortening must be free from any appreciable amount of suspended matter.

Taste and odor: The shortening must be free from rancidity, foreign odor and sourness.

Moisture: The moisture must not exceed 0.3% (Vacuum Oven Method Official Agricultural Chemists Association, 6th ed., 1940, p. 423).

Smoke point: The shortening must withstand a temperature of 400 degrees F. without smoking.

Stability: The stability of the shortening must be not less than three hours (Active Oxygen Method; King, Roschen and Irwin; Oil and Soap, 10, 105, June, 1933).

Plasticity: The shortening must remain solid, and be plastic and workable at a temperature within the range from 70 degrees F. to 90 degrees F.

F. F. A.: The F. F. A. must not exceed 0.3% (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

(c) The term "North" includes the following states:

Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Colorado, Wyoming.

The term "South" includes the following states:

Delaware, Maryland, Washington, D. C., West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Missouri, Arkansas, Louisiana, Kansas, Oklahoma, Texas, New Mexico.

The term "Pacific Coast" includes the following states:

Washington, Oregon, California, Montana, Idaho, Nevada, Utah, Arizona.

(d) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of the foregoing.

Article XI—Lard

SEC. 11.1 *Maximum prices.* The maximum prices of lard shall be the prices computed as follows:

(a) *Chicago and East St. Louis basing points area.* This area shall include that part of the continental United States east of the Mississippi River and north of the northern boundaries of Tennessee and North Carolina, except Minnesota. Chicago and East St. Louis basing points maximum prices:

(1) Loose lard 12.80 cents per pound, in tank cars, delivered within corporate limits of basing points.

(2) Base or standard commercial refined lard, 14.55 cents per pound, in tierces, delivered within corporate limits of basing points.

(i) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area outside the corporate limits of the basing points, shall be 12.80 cents per pound, plus the tankcar freight rate per pound on loose lard from the nearest basing point in the area to the community of sale. No other charges may be added to this delivered price.

(ii) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 14.55 cents per pound, plus the packing house product freight rate, tare added, between the nearest basing point and the community of sale. No other charges may be added to this delivered price.

(b) *Kansas City basing point area.* This area shall include that part of the continental United States east of the Mississippi River and south of the southern boundaries of Kentucky and Virginia. Kansas City basing point maximum prices:

(1) Loose lard, 12.55 cents per pound, in tank cars, delivered within corporate limits of Kansas City.

(2) Base or standard commercial refined lard, 14.30 cents per pound, in tierces, delivered within corporate limits of Kansas City.

(i) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area shall be 12.55 cents per pound, plus the tank-car freight rate per pound on loose lard from the basing point for this area to the community of sale. No other charges may be added to this delivered price.

(ii) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area shall be 14.30 cents per pound, plus the packing house product freight rate, tare added, between the basing point and the community of sale. No other charges may be added to this delivered price.

(c) *Multiple basing point area.* This area shall include that part of the continental United States west of the Mississippi River and all of the State of Minnesota. Basing points shall be as follows:

Iowa: Cedar Rapids, Davenport, Des Moines, Dubuque, Fort Dodge, Marshalltown, Mason City, Ottumwa, Waterloo.

Minnesota: Albert Lea, Austin, Duluth, South St. Paul, St. Paul, Winona.

Missouri: Joplin, Kansas City, South St. Joseph, Springfield.

Nebraska: South Omaha, Omaha.

Maximum prices at each of these basing points shall be as follows:

(1) Loose lard, 12.55 cents per pound, in tank cars, delivered within corporate limits of basing points.

(2) Base or standard commercial refined lard, 14.30 cents per pound, delivered within corporate limits of basing points.

(i) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 12.55 cents per pound, plus the tank-car freight rate per pound or loose lard from the nearest basing point in the area to the community of sale. No other charges may be added to this delivered price.

(ii) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 14.30 cents per pound, plus the packing house products freight rate, tare added, between the nearest basing point and the community of sale. No other charges may be added to this delivered price.

SEC. 11.2 *Quality differentials.* To determine his maximum price for lard other than loose lard or base or standard commercial refined lard in tierces, the processor should determine his maximum price for base or standard commercial refined lard in tierces, in accordance with this schedule, and to this figure add no more than, or, subtract at least the quality differentials hereinafter set forth for the appropriate type of lard, irrespective of area, quantity or type of package:

Prime steam	¾ cent per pound under base or standard commercial refined lard.
Rendered pork fat	1 cent per pound under base or standard commercial refined lard.
Refined rendered pork fat.	¼ cent per pound under base or standard commercial refined lard.
Base or standard commercial refined lard.	None.
Special refined hardened lard.	¼ cent per pound over base or standard commercial refined lard.
Open kettle rendered lard.	½ cent per pound over base or standard commercial refined lard.
Neutral lard	1 cent per pound over base or standard commercial refined lard.
Edible lard oil	1½ cents per pound over base or standard commercial refined lard.
Lard flakes	1½ cents per pound over base or standard commercial refined lard.
Rendered pork fat flakes.	1½ cents per pound over rendered pork fat.
Swift and Company's Bland lard.	4/10 cent per pound over base or standard commercial refined lard.

SEC. 11.3 *Container differentials.* (a) To determine his maximum price for lard sold in other than tierces, the processor should first compute his maximum price for the particular type of lard involved, in accordance with the above provisions of this schedule, than, to this figure he may add a sum equal to, but no more than, the differential hereinafter set forth for the appropriate type of package, irrespective of area, quantity or quality:

	Cents per lb.
Tierces	None
400 pound non-returnable steel drums	None
120 pound non-returnable steel drums	None
57 pound tubs	None
65 pound hardwood tubs	⅛
50 pound tins	¼
25 pound tins	½
20 pound tins	1
16 pound tins	1
20 pound wooden pails	1
8 pound tins	1
4 pound tins	1¼
3 pound tin or fibre containers	1¼
8 pound cartons	¼
4 pound cartons	¼
2 pound cartons	¼
1 pound cartons	¼

(b) If a processor sells lard in a type of package not listed in section 11.3 (a) above, his maximum price for lard sold in such type of package shall be his maximum price for the particular type of lard involved, in accordance with this schedule plus the usual or normal differential for such type of package.

SEC. 11.4 *Quantity differentials.* (a) The maximum prices for processors, established by sections 11.1 to 11.3 of this schedule, are maximum prices for carload sales of a lard commodity or combination of lard commodities where such carload is sold to one buyer and shipped in one shipment whether a through car shipment, single destination, or a stopover joint car shipment, more than one destination.

(b) The processor's maximum price for less than carload sales shall be the processor's maximum delivered price at the community of sale, as established by section 11.1 to 11.3 of this schedule, plus ¾ cent per pound.

(c) Section 11.4 shall apply whether the sale is made direct or through branch house or car route activity or similar form of selling, so long as such selling unit is processor-owned or operated.

SEC. 11.5 *Cash lard.* The maximum price for cash lard shall be 13.80 cents per pound, Chicago basis, and the maximum price for lard futures contracts traded on the Chicago Board of Trade shall be 13.80 cents per pound.

SEC. 11.6 *F. S. C. C. lard.* The maximum price per pound, f. o. b. shipping point, for lard sold to the Federal Surplus Commodity Corporation shall be the maximum delivered price, per pound, permitted by this schedule for carload quantities of similar lard, similarly packed, sold to other purchasers, and delivered at the point of shipment.

SEC. 11.7 *Lard flakes.* Where a Chicago processor sells lard flakes to another processor who is to use such lard flakes in the manufacture of war lard and the purchasing processor's maximum selling price on base or standard commercial refined lard, as established under this Article XI, is lower than the maximum price on base or standard commercial refined lard, as established for the corporate limits of Chicago under section 11.1 (a), the maximum price on such lard flakes shall be the maximum price on lard flakes, as established for the corporate limits of Chicago under section 11.1 (a), plus the actual cost of freight from the seller's plant to the buyer's plant. Where the maximum price on lard flakes is computed under this section 11.7, the maximum selling price of the purchasing processor on war lard, in whose manufacture such lard flakes are used, shall be the maximum price on war lard, as established for the corporate limits of Chicago under section 11.1 (a), plus ⅛ cent per pound.

SEC. 11.8 *Definitions.* When used in this Article XI, the term:

(a) "Loose lard" means lard conforming with paragraph 29, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture regardless of rendering method and not refined or packaged.

(b) "Prime steam lard" shall be considered the same as loose lard both as to definition and price consideration except that it shall be rendered in steam tanks.

(c) "Cash lard" means prime steam lard in tierces conforming with the requirements of paragraph 1479, pages 183-184, of the Rules and Regulations of Board of Trade of City of Chicago, March 8, 1941.

(d) "Rendered pork fat" means those rendered edible pork fats, regardless of rendering method, not eligible for lard as such, in accordance with paragraph 30, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture.

(e) "Refined rendered pork fat" means rendered pork fat, as defined above, regardless of rendering method used in processing such pork fats, refined under standard commercial practice to conform to the following specifications:

Moisture: Not to exceed 0.3% as tested by the vacuum oven method of the Association of Official Agricultural Chemists.
Suspended matter: Shall be free from appreciable amounts of suspended matter.
F. F. A.: Not to exceed 0.5% as tested by method of the Association of Official Agricultural Chemists.
Taste and odor: Shall be mild, sweet and normal.
Stability: Not less than three hours, as determined by active oxygen method. (King, Roschen & Irwin, Oil and Soap 10, 105. June, 1933.)

(f) "Base or standard commercial refined lard" means that kind of lard produced from loose lard, regardless of rendering method used in making the loose lard, and refined under standard commercial practice to conform to the following specifications:

Moisture: Not to exceed 0.3%. (Same test as above.)
Suspended matter: Shall be free from appreciable amounts of suspended matter.
F. F. A.: Not to exceed 0.5%. (Same test as above.)
Taste and odor: Shall be mild, sweet and normal for pure lard.
Stability: Not less than three hours as determined by active oxygen method.
Plasticity: Shall remain solid and be plastic and workable at ordinary temperatures.

(g) "Special refined hardened lard" means lard which conforms to the requirements of base or standard commercial refined lard, as above defined, with the addition of a minimum of 8% lard flakes which have a minimum titre of 57° C. and shall conform to the following specifications:

Moisture: Not to exceed 0.2%. (Same test as above).
Suspended matter: Shall be free from appreciable amounts of suspended matter.
F. F. A.: Not to exceed 0.5%. (Same test as above.)
Taste and odor: Shall be mild, sweet and normal for pure lard.
Stability: Not less than three hours as determined by active oxygen method.
Melting point: Not less than 45° C., as tested by Wiley Method of the Association of Official Agricultural Chemists.

(h) "Open kettle rendered lard" means that kind of lard which is produced from 100% leaf fat or any mixture of leaf fat and back fat down to a minimum of 40% leaf fat, and is kettle rendered in a regular commercial manner to conform to the following specifications:

Moisture: Not to exceed 0.3%. (Same test as above.)
Suspended matter: Shall be free from appreciable amounts of suspended matter.
F. F. A.: Shall be less than 0.5%. (Same test as above.)
Taste and odor: Shall have a characteristic kettle rendered flavor.
Stability: Not less than five hours as determined by active oxygen method.
Plasticity: Shall remain solid and be plastic and workable at ordinary temperatures.

(i) "Neutral lard" means that kind of lard from fresh chilled leaf fat only, rendered at a temperature not exceeding 130° F., to conform to the following specifications:

Moisture: Not to exceed 0.3%. (Same test as above.)
Suspended matter: Shall be free from appreciable amounts of suspended matter.
F. F. A.: Not to exceed 0.5%. (Same test as above.)
Taste and odor: Shall be neutral in flavor.
Stability: Not less than ten hours as determined by active oxygen method.

(j) "Lard flakes" means hydrogenated lard which conforms with paragraph 29, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture. The titre shall not be less than 57° C. and free fatty acid shall not exceed 0.2%.

(k) "Rendered pork fat flakes" means hydrogenated rendered pork fat conforming to paragraph 30, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture.

(l) "Edible lard oil" means the liquid or oil portion mechanically pressed from prime steam lard that has a minimum stability of seven hours measured by the active oxygen method and that has been previously conditioned by seeding under controlled temperatures, which oil conforms to the following specifications:

Moisture: Not to exceed 0.3% as tested by the vacuum oven method of the Association of Official Agricultural Chemists, 6th ed., 1940 P 423.
Suspended matter: Shall be free from any appreciable amount of suspended matter.
F. F. A.: Shall not exceed 0.5% as tested by Association of Official Agricultural Chemists, 6th ed., 1940, P. 436.
Taste and odor: Shall be mild, sweet, and normal for pure lard.
Viscosity: At 100° F., Saybolt Method, shall be not more than 200 seconds.

(m) "Tare" means 15% of the packing house product freight rate, whether carload sale or less than carload sale and regardless of package or type of lard.

(n) "Packing house product freight rate" means the packing house product freight rate, published in public tariffs for minimum 30,000 pound weight packing house products (except canned meats) or if no rate for 30,000 pound minimum weight same class is available the nearest minimum weight carload established for same class shall apply in computing maximum prices under this Article XI.

(o) "Community of sale" means that point at which the purchaser from the processor resells the lard so purchased, regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place.

(p) "The maximum price delivered" means the maximum price delivered at the community of sale, as established by section 11.1 (a) (b) and (c), regardless of the method of shipment and regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place. It also means the actual dollars and cents figure, as computed decimally under this Article XI, and no higher price may be charged, although the processor may adjust this maximum price downward to the next nearest eighth of a cent or lower figure, if he so desires.

Article XII—Oleo

SEC. 12.1 *Maximum prices.* The maximum prices of the following fats and oils shall be the following prices:

Oleo—Packed in used drums or barrels, f. o. b. Chicago:	*Cents per pound*
Extra oleo stock	12.75
Prime oleo stock	12.50
Extra oleo oil	13.04
Prime oleo oil	12.75
Prime oleo stearine	10.61

(a) The usual or normal differentials for grade, quantity, container and type of purchaser, above or below these prices for basic grades, shall continue to apply.

(b) The usual or normal differentials, above or below these f. o. b. Chicago prices, shall continue to apply for all other shipping points.

Article XIII—Wool Grease

SEC. 13.1 *Maximum prices.* The maximum prices of the following fats and oils shall be the following prices:

Wool grease: f. o. b. producer's plant, in returnable drums, carlots.

	Cents per pound
U. S. P. lanolin, anhydrous cosmetic grade	35
U. S. P. lanolin, pharmaceutical type	33
U. S. P. lanolin, hydrous	32
Technical lanolin, bleached and deodorized, ash maximum 1/10 of 1%, moisture maximum ¾ of 1%, acid maximum ¾ of 1%, 1½% loss with petroleum ether extraction, color 3½ A. S. T. M. standard	31
Neutral wool grease, fully refined, acid maximum 2%, ash maximum 1/10 of 1%, moisture maximum 1%	29
Neutral wool grease, fully refined, over 2% acid, ash maximum 1/10 of 1%, moisture maximum 1%	27½
Crude centrifugal wool grease, known as dry, moisture maximum 2½%, ash maximum ¾ of 1%, maximum 1½ F. F. A	20
Crude centrifugal wool grease, known as wet, over 5% moisture, maximum 2½ F. F. A., not refined, anhydrous grease basis	17
Common Degras, moisture maximum 2½%, ¼ to 1% ash, maximum 11% F. F. A	12
Common Degras, moisture maximum 2½%, ¼ to 1% ash, maximum 20% F. F. A	11
Common Degras, moisture maximum, 2½%, ¼ to 1% ash, maximum 30% F. F. A	10

(a) The usual or normal differential for type of container shall continue to apply.

(b) The usual or normal differentials for grades above or below the listed grades shall continue to apply.

(c) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(d) The maximum price of an imported wool grease, duties and taxes paid, shall be the maximum price established above for the closest grade of domestic wool grease.

Article XIV—Tallows and Greases

SEC. 14.1 *Maximum prices.* The maximum prices of the following tallows and greases shall be the following prices:

Tallows and greases. F. o. b. producer's plant, in tank cars or tank trucks, or in returnable or non-returnable drums, barrels, or tierces, carlots:

	Titre minimum	F. F. A. maximum	M. I. U. basis (percent)	F. A. C. maximum untreated and unbleached	Cents per pound
TALLOWS					
Edible	41.5	1	1	5	9⅞
Fancy	41.5	4	1	7	8⅞
Choice	41	5	1	9	8¾
Prime, renderers prime, prime packers, or extra	40.5	6	1	13 or 11B	8⅝
Special	40.5	10	1	19 or 11C	8½
No. 1	40.5	15	2	33	8⅜
No. 3	40.5	20	2	37	8¼
No. 2	40	35	2	No color	8⅛
Naphtha extracted bone	40	50	3	No color	7⅞
GREASES					
Choice white	37	4	1	13 or 11B	8⅞
A. white	37	8	1	15	8¾
B. white	36	10	2	19 or 11C	8½
Yellow	36	15	2	37	8⅜
House	37.5	20	2	39	8¼
Brown	38	50	2	No color	7⅝
Fleshing and/or Glue grease No. 1	36	15	1	15	8¼
Fleshing and/or Glue grease No. 2	36	40	2	21	8
No. 1 pig skin & Pigsfoot	34	2	1	9	9⅛
Garbage grease	34	60	3	No color	7

(a) Materials of less than 40 titre shall be deemed greases and shall be priced only on the basis of the maximum prices set forth above for greases; and materials of more than 39.9 titre shall be deemed tallows and shall be priced only on the basis of the maximum prices set forth above for tallows.

(b) Each type or grade of tallow or grease must be designated by the name customarily applied to it by the trade prior to August 1, 1942, and must be priced on the basis of the specifications prescribed in section 14.1 for such type or grade.

(c) The usual or normal differentials for grades, or grades with specifications other than those listed above, shall continue to apply. Bleaching qualities of any material, however, do not constitute any better grade, and do not justify any premium.

(d) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(e) When any of the above named tallows or greases are sold in drums, barrels or tierces (1) to a buyer who has obtained a priority rating or priority order for such tallows or greases from the Food Distribution Administration, (2) by a seller who customarily has charged a premium for tallows or greases when sold in drums, barrels or tierces to a person engaged in a business similar to that in which the buyer is engaged, the maximum prices of such tallows or greases shall be the prices set forth above, plus the differentials hereinafter set forth for the type of container in which the tallows or greases are shipped:

Container	*Differentials to be added in cents per pound*
Returnable drums, barrels or tierces	⅜
Non-returnable drums, barrels, or tierces	1

(f) The maximum prices for sales of the above tallows and greases to the Federal Surplus Commodity Corporation, in non-returnable tierces, shall be the prices set forth in section 14.1 above, plus 1¢ per pound.

SEC. 14.2 *Imported tallows and greases.* The maximum prices of imported tallows and greases, with duties and taxes paid, f. o. b. port of entry, shall be the maximum prices set forth above for the nearest domestic grade at the producer's plant.

Article XV—Soapstocks and Fatty Acids

SEC. 15.1 *Maximum prices of raw soapstocks.* The maximum prices of the following raw soapstocks shall be the following prices:

	Cents per lb. delivered in tankcars
Cottonseed foots, basis 50% T. F. A.:	
Midwest and West Coast	3½
East	3⅝
Corn foots, basis 50% T. F. A.:	
Midwest	3⅜
East	3½
Soybean foots, basis 50% T. F. A.:	
Midwest and West Coast	3⅜
East	3½

SEC. 15.2 *Maximum prices of recovered or acidulated soapstocks.* The maximum prices of the following recovered or acidulated soapstocks shall be the following prices:

	Cents per lb. delivered in tankcars
Soybean oil, basis 95% T. F. A.:	
Midwest and West Coast	7
East	7¼
Corn oil, basis 95% T. F. A.:	
Midwest	7
East	7¼
Peanut oil, basis 95% T. F. A.:	
Midwest	8
East	8¼
Acidulated cottonseed foots (black grease) basis 95% T. F. A.:	
Midwest and West Coast	7¼
East	7⅜
Coconut oil, 98% saponifiable	10⅛

SEC. 15.3 *Maximum prices of distilled fatty acids.* The maximum prices of the following distilled fatty acids shall be the following prices:

	Cents per lb. delivered, tank cars	Cents per lb. delivered, carloads, in returnable drums or nonreturnable packages
Tallow:		
East	12	12⅝
Texas and Oklahoma	12½	13⅛
West of Rockies	13	13¾
Cottonseed, single distilled:		
East	11¾	12
Texas and Oklahoma	11¾	12½
West of Rockies	12¼	13
Cottonseed, double distilled:		
East	11¾	12½
Texas and Oklahoma	12¼	13
West of Rockies	12⅝	13½
Coconut, undistilled, #2 grade	13⅜	
Coconut, distilled, #1 grade		15½
Coconut, triple distilled, special light color		16¾

	Cents per lb. f. o. b. producer's plant, tankcars	Cents per lb. f. o. b. producer's plant, carloads, in returnable drums or nonreturnable packages
Soya bean oil, from foots	11	11¾
Soya bean oil, from crude	15¾	16½
Corn oil, from foots	11	11¾
Peanut oil, from foots	11¾	12

(a) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(b) The usual or normal differential for type of container shall continue to apply.

(c) The usual or normal differentials for grade above or below the listed grades shall continue to apply.

(d) The maximum prices of fractionated fatty acids shall be computed in accordance with the provisions of Article II of this Maximum Price Regulation No. 53.

SEC. 15.4 *Maximum prices of split fatty acids*—(a) *Tolling charge for splitting fats and oils.* The maximum toll which may be charged for splitting fats and oils shall be (in addition to the retention of the glycerin for the account of the splitter) 75c. per 100 pounds in tankcar lots for all material testing under 20 F. F. A. and $1.00 per 100 pounds in tankcar lots for all material testing 20 F. F. A. and over. All freight shall be for the account of the owner. The normal premium for less than tankcar lots shall continue to apply.

(b) *Maximum prices for split fatty acids.* The maximum price of split fatty acids, tankcars, f. o. b. seller's plant, shall be the cost, on a tankcar basis, of the raw materials from which the split fatty acids are made, delivered the seller's plant, plus 75c. per 100 pounds for raw materials testing under 20 F. F. A., or plus $1.00 per 100 pounds for raw materials testing 20 F. F. A. and over.

(1) When shipped in less than carload lots, the usual or normal premium for fatty acids so shipped shall continue to apply.

(2) When shipped in containers other than tankcars, the usual or normal differential for fatty acids when shipped in such other type of container shall continue to apply.

SEC. 15.5 *Maximum prices of stearic acid and oleic acid.* The maximum prices of the following stearic acids and oleic acids shall be the following prices:

	Cents per lb. del'd east of Rockies	Cents per lb. del'd Texas and Oklahoma	Cents per lb. del'd west of Rockies
Stearic acid, carloads, in bags:			
Single pressed	15⅜	15⅞	16⅜
Double pressed	15⅞	16⅜	16⅞
Triple pressed	18⅜	19⅛	19⅝
Oleic acid:			
Tankcars	12½	13	13½
Carloads, in returnable drums or barrels	13¼	13¾	14¼
Double distilled oleic acid:			
Carloads, in returnable drums	15⅞	16⅜	16⅞
Carloads, in special drums or barrels (packages included)	16⅜	17⅛	17⅝
Hydrogenated fish oil fatty acid, 62° titre, carloads, in bags	14⅞	15⅜	15⅞

(a) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(b) The usual or normal differential for type of container shall continue to apply.

(c) The usual or normal differentials for grades above or below the listed grades shall continue to apply.

Article XVI—Marine Animal Oils

SEC. 16.1 *Maximum prices.* The maximum prices of the following oils shall be the following prices:

Marine animal oils—tank cars, all duties and taxes paid:

	Cents per pound
Whale oil, crude, No. 1, f. o. b. American ports	11.25
Sperm oil, crude, No. 1, f. o. b. American ports	7.75
Seal oil, No. 1, f. o. b. American ports	8.90
Menhaden, crude, f. o. b. producer's plant, Atlantic coast	8.90
Sardine oil, crude, f. o. b. producer's plant, Pacific coast	8.90
Sardine oil, hydrogenated 52°, f. o. b. producer's plant, Pacific coast	10.90
Light, cold pressed fish oil (Menhaden and Sardine), fair average quality, delivered	12.25
Herring oil, crude, f. o. b. Seattle	8.90

(a) The usual or normal differentials for grades, above or below those listed, shall continue to apply.

(b) The usual or normal differentials for type of container shall continue to apply.

(c) No marine animal oil shall be sold at a premium because of its vitamin content, unless such oil is purchased for use because of its vitamin content and contains more than 75 vitamin D units per gram. If purchased for its vitamin content, it may command the usual and normal premium for such vitamin oil, which it commanded on October 1, or November 26, 1941: *Provided,* That this schedule shall not apply to any vitamin oil for which a maximum price has been or may be established by a Maximum Price Regulation.

Article XVII—Linseed Oil Shortening and Hydrogenated Linseed Margarine Oil

SEC. 17.1 *Temporary exemption for linseed oil shortening and hydrogenated linseed margarine oil*—(a) *Linseed oil shortening.* Sales of shortening produced wholly from linseed oil, or from a blend of fats and oils containing 30% or more linseed oil, made to the Food Distribution Administration prior to the earlier of the following dates:

(1) The effective date on which maximum prices in terms of dollars and cents are fixed for such shortening, or

(2) September 1, 1943, are exempt from the provisions of this Maximum Price Regulation No. 53, and from the provisions of the General Maximum Price Regulation.

(b) *Hydrogenated linseed margarine oil.* Sales of hydrogenated linseed margarine oil made to margarine manufacturers, for use in making linseed oil margarine for sale to the Food Distribution Administration, which sales to margarine manufacturers are made prior to the earlier of the following dates:

(1) The effective date on which maximum prices in terms of dollars and cents are fixed for such hydrogenated linseed margarine oil, or

(2) September 1, 1943, are exempt from the provisions of this Maximum Price Regulation No. 53, and from the provisions of the General Maximum Price Regulation.

Effective date. This regulation shall become effective August 14, 1943.

NOTE: The reporting and recording provisions of this regulation are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day or August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12921; Filed, August 9, 1943; 3:27 p. m.]

PART 1382—HARDWOOD LUMBER

[Rev. MPR 97,[1] Amdt. 7]

SOUTHERN HARDWOOD LUMBER

A statement of the consideratons involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 97—Southern Hardwood Lumber, is amended in the following respect:

Section 1382.113, Appendix B, is deleted in its entirety.

This amendment shall become effective August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12928; Filed, August 9, 1943; 3:24 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Correction to Rent Regulation for Hotels and Rooming Houses[1]]

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, the following correction of the Rent Regulation for Hotels and Rooming Houses is hereby issued.

The reference in section 5 (a) (4) to "a tenant or a class of persons" is corrected to read "a tenant of a class of persons."

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12929; Filed, August 9, 1943; 3:27 p. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445]

DISTILLED SPIRITS AND WINES

By the issuance of this regulation the title of Part 1420 is amended to read as above.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

§ 1420.201 *Distilled spirits and wines.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 445 (Distilled Spirits and Wines), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1420.201 issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 445—DISTILLED SPIRITS AND WINE

ARTICLE I—MAXIMUM PRICES FOR SALES OF IMPORTED DISTILLED SPIRITS AND IMPORTED WINES BY IMPORTERS

Sec.
1.1 Purposes of Article I.
1.2 General rules for figuring importers' maximum prices.
1.3 Meaning of "net cost" used in figuring importers' maximum prices under sections 1.4, 1.5 and 1.6.
1.4 Importers' initial maximum prices for items sold or offered for sale during March 1942.
1.5 Importers' initial maximum prices for items sold or offered for sale between April 1, 1942 and April 30, 1943 but not sold or offered for sale during March 1942.
1.6 Changes in maximum prices for items to which sections 1.4 or 1.5 apply.
1.7 Special pricing methods for items not sold or offered for sale during March 1942 and which cannot be priced under section 1.5, and for certain other commodities.
1.8 Application for authority to establish maximum prices.
1.9 Notice of maximum prices to consumers.
1.10 Other provisions of this regulation applicable to sales of imported distilled spirits or wine by an importer.
1.11 Dates on which this Article shall apply.

ARTICLE II—MAXIMUM PRICES FOR SALES OF BULK DOMESTIC DISTILLED SPIRITS OR WINE BY ANY PERSON, AND FOR SALES OF BULK IMPORTED DISTILLED SPIRITS OR WINE BY PERSONS OTHER THAN THE IMPORTER THEREOF

2.1 Other regulations applicable.

ARTICLE III—MAXIMUM PRICES FOR SALES OF PACKAGED DOMESTIC DISTILLED SPIRITS BY PROCESSORS

3.1 Other regulations applicable.

ARTICLE IV—MAXIMUM PRICES FOR SALES OF PACKAGED DOMESTIC WINE BY PROCESSORS

4.1 Other regulations applicable.

ARTICLE V—MAXIMUM PRICES FOR SALES OF PACKAGED DISTILLED SPIRITS AND PACKAGED WINE BY WHOLESALERS, RETAILERS, MONOPOLY STATES AND PRIMARY DISTRIBUTING AGENTS

5.1 Purposes of Article V.
5.2 General rules for figuring maximum prices.
5.3 Determination of "net cost" used in figuring maximum prices for wholesalers, retailers and monopoly states.
5.4 Maximum prices for wholesalers.
5.5 Maximum prices for retailers.
5.6 Maximum prices for monopoly states.
5.7 Maximum prices for primary distributing agents.
5.8 Notice of maximum prices to consumers.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 142, 3530, 5177, 5479, 8860.

[1] 8 F.R. 7334, 9019, 9021.

Sec.
5.9 Other provisions of this regulation applicable to sales of distilled spirits or wine by a wholesaler, retailer, monopoly state or primary distributing agent.
5.10 Dates on which this Article shall apply.

ARTICLE VI—MAXIMUM PRICES FOR CERTAIN SERVICES RELATING TO THE PRODUCTION OF DOMESTIC DISTILLED SPIRITS AND WINE

6.1 Other regulations applicable.

ARTICLE VII—GENERAL PROVISIONS APPLICABLE TO PERSONS SUBJECT TO THIS REGULATION AND TO MAXIMUM PRICES ESTABLISHED

7.1 Treatment of fractional parts of a cent in figuring maximum prices.
7.2 When a sales tax may be charged in addition to a maximum price.
7.3 When new taxes or increases in existing taxes may be added to a maximum price.
7.4 Use of minimum resale prices under State Fair Trade Laws.
7.5 Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.
7.6 Certain provisions of the General Maximum Price Regulation continued in effect.
7.7 Export sales.
7.8 Compliance with this regulation.
7.9 Current records required.
7.10 Petitions for amendment.
7.11 Adjustable pricing in certain instances.
7.12 Definitions.
7.13 Geographical applicability.

Article I—Maximum Prices for Sales of Imported Distilled Spirits and Imported Wines by Importers

SECTION 1.1 *Purposes of Article I*—(a) *Generally.* Article I establishes maximum prices for sales of imported distilled spirits and wines by importers to any purchaser. Maximum prices for sales of bulk imported distilled spirits and bulk imported wines by persons other than the importer must be established under other applicable regulations of the Office of Price Administration or under Article II (when effective) of this regulation. Except for sales which are specifically exempted by Article V of this regulation, maximum prices for sales of packaged imported distilled spirits and packaged imported wines by persons other than the importer must be established under that Article.

(b) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation, Article I supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before August 14, 1943, with respect to sales of imported distilled spirits and wines by importers, in bulk or in packages, including the applicable provisions of the following:

(1) The General Maximum Price Regulation; [1]

(2) Section 2.12 of Revised Supplementary Regulation No. 14; [2]

(3) Section 2.3 (b) of § 1499.26 of Revised Supplementary Regulation No. 1; [3]

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 8 F.R. 9787, 9880.

[3] 8 F.R. 4978, 6055, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349, 7592, 7600, 7668, 8710, 8754, 9016, 9025, 9218, 9219, 10304.

Provided, That such maximum price regulations, orders and interpretations shall remain in force with respect to a particular sale of imported distilled spirits or wine by an importer until provisions of this Article become applicable thereto pursuant to section 1.11.

SEC. 1.2 *General rules for figuring importers' maximum prices.* An importer must observe the following rules in establishing his maximum prices under this Article:

(a) *Division of items.* He must separately price all items he has imported, in his stock at the close of his business on August 9, 1943, according to the group to which the item belongs as follows:

(1) Items which he sold or offered for sale during March 1942. He must figure his initial maximum prices for such items under section 1.4. His maximum prices for the item are to be refigured under section 1.6 if certain elements of his cost change thereafter.

(2) Items which he sold or offered for sale between April 1, 1942 and April 30, 1943, but which he did not sell or offer for sale during March 1942. He must figure his initial maximum prices for such items under section 1.5. His maximum prices for the item are to be refigured under section 1.6 if certain elements of his cost change thereafter.

(3) Items for which special pricing methods are provided in section 1.7. He must figure his maximum prices for any such item under that section, irrespective of the dates on which he previously sold or offered the item for sale. Maximum prices for such items may not be refigured under section 1.6.

(4) Items for which maximum prices are not provided by sections 1.4, 1.5, or 1.7. He must apply to the Office of Price Administration, Washington, D. C., in accordance with section 1.8, for authority to establish maximum prices for such items. Maximum prices thus established may not be refigured under section 1.6.

(b) *Figuring maximum prices for each item separately.* Each item of imported distilled spirits or wine to be sold or offered for sale by an importer after August 13, 1943, must have a separate maximum price. An "item" is a particular brand name, container size and formula of imported distilled spirits or wine. One item must not be considered the same as another if there is any difference in

(1) Their brand names, or
(2) Their countries of origin, or
(3) The names of their processors, or
(4) Their container sizes (bulk as compared with bottles, quarts as compared with fifths, etc.), or
(5) Their formulae (as defined in section 7.12), or
(6) Requirements of United States labeling laws or regulations applicable to each, or in material information contained on their labels. Age, proof, alcohol content, type designation, vintage and ingredients, as stated on the labels, shall be deemed material information.

(c) *Customer classifications.* (1) A separate maximum price must be established for an importer's sales of each item to each class of his customers in accordance with the section under which the maximum price for the item is established.

(2) Where an importer establishes maximum prices under sections 1.4, 1.5, or 1.6, his customers for sales of the item are to be classified in accordance with his March 1942 customer classification. Where an importer establishes maximum prices under section 1.7, his customers for sales of the item are to be classified only as wholesalers, primary distributing agents, monopoly states, retailers and consumers. Where an importer establishes maximum prices after application to the Office of Price Administration under section 1.8, the maximum prices thus established shall apply only to his sales to the classes of customers stated in the application, or in the order or amendment issued pursuant thereto.

(d) *Discounts, allowances, price differentials and terms of sale.* (1) Customary discounts, allowances and other price differentials in effect during March 1942 in accordance with an importer's March 1942 customer classifications must be applied to his maximum prices established under sections 1.4, 1.5, 1.6 and 1.7: *Provided,* That discounts and allowances based solely on quantity purchases (in dollars or units) need not be maintained: *And, provided further,* That allowances and price differentials in accordance with an importer's March 1942 customer classifications need not be maintained with respect to sales of items for which maximum prices are established under section 1.7.

(2) If an importer makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction in his maximum price established under this Article.

(3) If an importer directly or indirectly requires a customer to make any payment in advance of delivery (whether to the importer or to another person), the importer must reduce his maximum price established under this Article for that sale by an amount equal to interest at the rate of 5 percent per annum on the amount of the advance payment from the date the payment is made to the date on which the item is delivered or the payment is refunded to the customer.

(e) *Exchange rates.* The costs used by an importer in figuring his maximum prices must be actual costs which he pays. Amounts paid in foreign currency must be expressed in terms of United States dollars at the actual rate of exchange paid by the importer.

(f) *F. o. b. and delivered prices.* (1) Where an importer's highest price charged during March 1942 to a customer of a particular class (used under sections 1.4, 1.5, or 1.6 to determine his maximum price) is a delivered price or an f. o. b. particular freight base point price, the maximum price established under those sections shall correspondingly be a delivered price or an f. o. b. particular freight base point price, as the case may be.

(2) Maximum prices provided by section 1.7 for sales of bulk imported distilled spirits and wines are prices f. o. b. port of entry. Maximum prices provided by that section for sales of domestically packaged imported distilled spirits and wines are prices f. o. b. domestic bottling plant.

(g) *Sales and offers to sell.* Where the price for a sale or an offer to sell during a particular period of time is to be used in determining a maximum price under this Article, the price for a sale must be used if a sale was made. An importer may use an offering price only if he made no sale of the item during the particular period.

SEC. 1.3 *Meaning of "net cost" used in figuring importers' maximum prices under sections 1.4, 1.5, and 1.6.* The "net cost" to be used by an importer to figure his maximum prices under sections 1.4, 1.5 and 1.6 is the total of the following elements of cost actually paid by him with respect to a particular purchase of the item to be priced:

(a) *Purchase price.* The foreign vendor's selling price, less all discounts excepting any discount for prompt payment (cash discount),

(1) Including charges for transporting the item to foreign port of embarkation (where shipment to United States port of arrival is made by water), and

(2) Including foreign customs charges and export taxes; but

(3) Excluding any increase in foreign vendor's selling price or charges (1) and (2) which became effective after April 30, 1943.

(b) *Insurance.* Insurance charges for the period during which the item is in transit to the importer's receiving point, including war risk insurance at rates not in excess of applicable rates published by the War Shipping Board.

(c) *Freight.* Ocean freight from foreign port of embarkation to port of arrival in continental United States (where shipment to port of arrival is made by water), or land freight from foreign shipping point to point of arrival in continental United States (where shipment to point of arrival is made by land); inland freight from port or point of arrival to port of entry, and inland freight from port of entry to the importer's customary receiving point for the item (exclusive of charges for hauling, drayage or handling within the metropolitan area of any such port or point). All freight shall be figured at the rate paid.

(d) *Taxes and United States customs duties.* United States excise taxes, United States custom duties, the cost of strip stamps affixed to individual containers and any applicable state or local excise taxes. All taxes and customs duties shall be figured at rates in effect on November 2, 1942.

NOTE: License, income, franchise, receipts, sales, use, or other similar Federal, State or local taxes cannot be included in "net cost".

SEC. 1.4 *Importers' initial maximum prices for items sold or offered for sale during March 1942.*

NOTE: This section does not apply to any item for which special pricing methods are provided under section 1.7.

(a) *Method to be used.* An importer's initial maximum price for sale of an item which he sold or offered for sale during March 1942 shall be the total of the following:

(1) *Net cost.* His net cost (figured according to section 1.3) per unit of sale

(i) For his latest purchase of the item from his foreign supplier before May 1, 1943, or

(ii) If he made no purchase of the item between January 1, 1943 and April 30, 1943 but received a bona fide written or cable quotation between those dates from his foreign supplier, the net cost that would have been applicable to the same unit of sale if he made a purchase of the item on terms evidenced by the latest such quotation.

NOTE: If a quotation is used, net cost shall be figured according to section 1.3 on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received; that the shipment arrived April 30, 1943, and that port or point of arrival and port of entry were those used for the importer's latest actual purchase of the item.

(2) *Mark-up.* The difference between

(i) His net cost (figured according to section 1.3) for his last purchase of the item prior to March 31, 1942 from his foreign supplier out of which he made or offered to make sales during March 1942, and

(ii) The highest price he charged during March 1942 for the unit of sale, or at which he offered to sell that unit to a customer of the particular class, exclusive of any discount for prompt payment (cash discount).

NOTE: For sales of an item he imports, an importer who also sells at wholesale or retail must not use the percentage mark-ups provided in Article V.

(b) *Sales to customers of a class not sold during March 1942.* If an importer sold or offered an item for sale during March 1942 but did not sell or offer to sell it to a customer of a particular class and wishes to make sales of the item to customers of that class, he shall apply to the Office of Price Administration in accordance with section 1.8 for authority to establish an initial maximum price for such sales.

SEC. 1.5 *Importers' initial maximum prices for items sold or offered for sale between April 1, 1942 and April 30, 1943 but not sold or offered for sale during March 1942:*

NOTE: This section does not apply to any item for which special pricing methods are provided under section 1.7.

(a) *Method to be used.* An importer's initial maximum price for sales of an item sold or offered for sale between April 1, 1942 and April 30, 1943, but which he did not sell or offer for sale during March 1942, shall be the total of the following:

(1) *Net cost.* His net cost (figured according to section 1.3) per unit of sale

(i) For his latest purchase of the item from his foreign supplier before May 1, 1943, or

(ii) If he made no purchase of the item between January 1, 1943 and April 30, 1943 but received a bona fide written or cable quotation between those dates from his foreign supplier, the net cost that would have been applicable to the same unit of sale if he had made a purchase of the item on terms evidenced by the last such quotation.

NOTE: If a quotation is used, net cost shall be figured according to section 1.3 on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received; that the shipment arrived April 30, 1943, and that port or point of arrival and port of entry were those used for the importer's last actual purchase of the item.

(2) *Mark-up.* The difference between

(i) His net cost (figured according to section 1.3) for his first purchase of the item from his foreign supplier out of which he made or offered to make sales between April 1, 1942 and April 30, 1943, and

(ii) The highest price he charged during March 1942 for the unit of sale or at which he offered to sell that unit of an item of the same type designation to a customer of the particular class, exclusive of any discount for prompt payment (cash discount).

NOTE: One item shall be considered of the same type designation as another only if both items are within the same classification and subclassification of identity under applicable United States labeling laws and regulations, and only if the following matters as stated on the label thereof are identical: Proof, age, vintage, alcohol content, country of origin and container size.

For sales of an item which he imports an importer who sells at wholesale or retail must not use the percentage mark-ups provided in Article V.

(b) *Items of a type not sold or offered for sale during March 1942 to customers of the particular class.* If an importer did not during March 1942 sell or offer to sell an item of the same type as the item being priced to a customer of the particular class, he shall apply to the Office of Price Administration in accordance with section 1.8 for authority to establish an initial maximum price for sales of the item to customers of that class.

(c) *Report of maximum prices established under section 1.5.* On or before September 13, 1943, each importer shall file with the Office of Price Administration, Beverage Section, Washington, D. C., a report of all the items for which his initial maximum prices are established by section 1.5. The report shall be signed by the importer and shall contain

(1) A description sufficient to identify each item for which maximum prices are so established;

(2) A list of his maximum prices therefor to each class of customers, and

(3) An explanation of how those maximum prices were figured, including a description sufficient to identify the item of the same type used to establish such maximum prices.

SEC. 1.6 *Changes in maximum prices for items to which sections 1.4 or 1.5 apply*—(a) *How long particular maximum prices for such items continue in effect.* An importer's initial maximum prices for items to which sections 1.4 or 1.5 apply, and his refigured maximum

prices for such items shall apply to all his sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with paragraph (d) of this section.

(b) *When an importer must refigure his maximum prices for such items.* An importer who after August 13, 1943 receives from a foreign supplier a purchase of an item for which his initial maximum prices are established under sections 1.4 or 1.5 shall, before making any sales from that purchase, determine his net cost therefor according to section 1.3.

If such net cost per unit of sale differs from the net cost per unit of sale for the latest purchase used in establishing the importer's maximum prices then in effect for the item, the importer may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item: *Provided*, That if the item is packaged imported distilled spirits or wine and the difference is 25 cents per case or less, the importer shall not establish refigured maximum prices.

(c) *How an importer must refigure his maximum prices for such items.* An importer required or permitted by this section to establish refigured maximum prices for an item shall determine such prices under sections 1.4 or 1.5 (according to the section he used to establish his initial maximum prices for the item), substituting however, the net cost (figured according to section 1.3) of his most recent purchase of the item for the net cost of his latest purchase thereof before May 1, 1943.

(d) *When refigured maximum prices become applicable.* His refigured maximum prices determined under this section shall apply to stock on hand (in bond or otherwise) and shall be the importer's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt (in bond or otherwise) of the purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined: *Provided*, That until, on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such purchase, refigured maximum prices shall not apply to any sale which an importer is required by statute, ordinance, or regulation to make at a price posted or listed with a State or other public authority before receipt of such purchase.

SEC. 1.7 *Special pricing methods for items not sold or offered for sale during March 1942 and which cannot be priced under section 1.5, and for certain other commodities.*—(a) *Sales of bulk or packaged imported distilled spirits or wine not sold or offered for sale during March 1942 and which cannot be priced under section 1.5.*

NOTE: Persons other than importers selling bulk imported distilled spirits or wine must establish their maximum prices under other applicable regulations of the Office of Price Administration or under Article II (when effective) of this regulation.

Except as otherwise provided in this section, an importer's maximum price for sales of any bulk or packaged imported distilled spirits or wine not sold or offered for sale during March 1942 and which cannot be priced under section 1.5, shall be a price established after application to the Office of Price Administration pursuant to section 1.8.

(b) *Importers' maximum prices for certain commodities.* An importer's maximum price for sales of any commodity listed below shall be determined according to its base figure as follows:

Item:	*Base figure*
Cuban gin (as defined in section 7.12)	$1.65
Mexican gin (as defined in section 7.12)	1.76

(1) *Imported and sold in bulk by the importer.*

NOTE: Maximum prices for sales of such commodity in bulk by persons other than the importer must be established under other applicable regulations of the Office of Price Administration or under Article II (when effective) of this regulation.

An importer's maximum price for sales of such commodity imported by him in bulk shall be as follows:

(i) *Sales in bond.* Its base figure per original proof gallon f. o. b. port of entry, plus inland freight (if paid by the importer) to transport the particular quantity from port or point of arrival in continental United States to the bonded warehouse where it is at date of sale. "Original proof gallon" shall be determined according to first customs gauge in the United States. Freight shall be figured at the carload rate in effect at the date of shipment from port or point of arrival and shall not include hauling, drayage or handling in the metropolitan area of port or point of arrival or port of entry.

(ii) *Tax paid sales f. o. b. port of entry.* The maximum price provided under (i) above for a sale of the same quantity in bond, plus United States customs duties and United States excise taxes paid thereon by the importer at rates in effect on November 2, 1942. The amount of customs duties shall be determined on original proof gallons according to first customs gauge in the United States. The amount of excise taxes shall be determined on the number of proof gallons according to the regauge on which they are paid.

NOTE: No amount shall be added for license, income, franchise, receipts, sales, use or other similar taxes.

(2) *Imported in bulk, bottled domestically and sold in packages.*

NOTE: Persons other than the importer, bottling such commodity domestically or having it bottled for their account must establish their maximum prices for the packaged item under other applicable regulations of the Office of Price Administration or under Article III (when effective) of this regulation.

An importer's maximum price per case for sales of such commodity imported in bulk, bottled domestically and sold in packages shall be as follows:

(i) *Sales to wholesalers.* The total of the following amounts paid by or for the account of the importer and applicable to the quantity in the case:

(*a*) Its base figure per proof gallon bottled.

(*b*) United States customs duties and United States excise taxes at rates in effect on November 2, 1942.

(*c*) Inland freight from port or point of arrival in continental United States to port of entry nearest the plant where bottling or rectifying is done, and inland freight from port of entry to that plant at the carload rates in effect on the respective dates of shipment. Charges for hauling, drayage, or handling within the metropolitan area of such ports or point, or within the metropolitan area about such plant shall not be included.

(*d*) 2 percent of the total of (*a*), (*b*) and (*c*) above.

(*e*) A charge for bottling and casing as follows:

$1.50 per case of quarts or fifths.
$2.10 per case of pints.
$2.85 per case of half pints.

(*f*) Rectification tax, if any, at the rate paid.

(*g*) $1.00 per proof gallon bottled.

(*h*) The cost of strip stamps affixed to individual containers bottled and cased and applicable state or local excise taxes at rates in effect on November 2, 1942.

NOTE: No amount shall be added for license, income, franchise, receipts, sales, use or other similar Federal, state or local taxes.

(ii) *Sales to monopoly states.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers.

(iii) *Sales to retailers.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers, plus the percentage markup provided by Article V for sales of packaged imported distilled spirits by wholesalers to retailers.

(iv) *Sales to primary distributing agents.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers, subject to any discount, allowance or price differential agreed upon by the particular importer and primary distributing agent.

(v) *Sales to consumers.* The maximum price per case provided in (1) above for sales of the particular container size to wholesalers plus the percentage markup provided by Article V for sales of packaged imported distilled spirits by retailers to consumers.

NOTE: An importer's maximum price for individual containers of such commodity shall be his maximum price per case to the particular class of customers divided by the number of individual containers customarily packed in the case.

SEC. 1.8 *Application for authority to establish maximum prices.*—(a) *Who shall file.* An importer who seeks to sell an item for which maximum prices must be established under section 1.7 (a), or who is required by sections 1.4 or 1.5 to apply for authority to establish an initial maximum price for sales of an item to customers of a particular class, shall make application under this section.

(b) *Prohibition.* An importer required to make application for authority to establish a maximum price for an item shall not sell, offer to sell or deliver the item to any person (if the item is one for which maximum prices must be established under section 1.7 (a)) or to the particular class of customers (if a maximum price for sales of the item to a particular class of customers is sought under section 1.4 or 1.5) until the application is filed and authority granted. However, where an importer is required to make application for authority to establish initial maximum prices under section 1.4 or 1.5 he may, if so permitted by applicable statutes, ordinances or regulations and after making the application, continue to sell, offer to sell or deliver the item to the class of customers for which an initial maximum price is sought for 30 days after the application is made, if the sale, offer to sell, or delivery is made under an agreement with the customer to adjust the price charged to an amount no higher than the maximum price later established under this section. With respect to a particular sale which the importer is required to make at a price posted or listed with a state or other Public Authority, the importer may continue so to sell, offer to sell or deliver the item until the effective date for prices thus posted or listed at the first opportunity after the 34th day (including Sundays and holidays) after the application is made.

(c) *Contents of application.* The application shall be in writing, signed by the importer or his authorized agent and sent to the Office of Price Administration, Beverage Section, Washington, D. C. by registered mail. It shall contain the following:

(1) The importer's name and address and the name and address of the person signing the application.

(2) A description of the item for which authority to establish a maximum price is sought, including (if the item is packaged imported distilled spirits or wine) copies of the approved front label and the back label (if any) of any one individual container size of the item. The description shall also supply the following information if not disclosed by such labels:

(i) The type of item (e. g. whiskey, gin, cordial, wine, etc.)

(ii) The brand name.

(iii) The country of origin.

(iv) The name and address of the processor.

(v) If the item is imported distilled spirits, the formula thereof (as defined in section 7.12), or if the item is imported wine, the type designation thereof (as defined in section 7.12).

(vi) The container sizes to be sold.

(3) The maximum prices the importer proposes to establish for sales of the item to his classes of customers. If the importer has established initial maximum prices under sections 1.4 or 1.5 for sales of the item to certain classes of customers, the application shall also state such maximum prices and the class of customers to which each applies.

(4) The amount of his net cost (as defined in section 1.3) for his latest purchase of the item or if no purchase has been received, an estimate of his net cost (as defined in section 1.3) for the item based upon his last bona fide written or cable quotation from the foreign supplier. Each element of his actual or estimated net cost shall be separately stated.

NOTE: Where increases in the importer's purchase price have become effective after April 30, 1943, the purchase price as of that date and the amount of any subsequent increase therein shall be separately stated.

If a quotation is used, net cost shall be figured according to section 1.3 on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received and arrived the same day at a customary port or point of arrival for shipments from the particular supplier.

(5) Any other pertinent information which the importer desires to submit.

(d) *When and how authority is given or denied.*—(1) *Approval of or objection to application.* If within 30 days (including Sundays and holidays) after receipt of the application by the Office of Price Administration, the importer shall not receive notice of objection to the maximum prices proposed in the application by letter from the Office of Price Administration, he shall be deemed authorized to establish such maximum prices for sales of the item to the particular classes of customers described therein: *Provided*, That if within the 30-day period the Office of Price Administration shall by letter request supplemental information with respect to any matter set forth in the application, that period shall be figured from the date on which the requested supplemental information is received in writing by the Office of Price Administration. The authority so granted may be revoked by the Price Administrator at any time. Upon written request of the importer received by the Office of Price Administration within 30 days (including Sundays and holidays) after the date of a notice of objection given under this paragraph, the Office of Price Administration will issue a formal order denying authority to establish the maximum prices requested in his application.

(2) *By order or amendment.* The Price Administrator may, at any time, by order or by amendment to this Article, establish maximum prices for sales of particular items to one or more classes of customers. The maximum prices established by any such amendment shall supersede all maximum prices previously established by an importer pursuant to authority granted under (1) above.

(3) *Compliance with price posting or listing requirements.* Authority to establish maximum prices granted by the Price Administrator pursuant to application under this section or by order or by amendment to this Article shall not authorize an importer to sell or offer an item for sale until after compliance with provisions of any applicable statute, ordinance or regulation requiring the posting or listing of his prices.

SEC. 1.9 *Notice of maximum prices to consumers.* (a) Each importer who sells or offers imported distilled spirits or wine for sale to consumers shall adopt before August 30, 1943, and thereafter continue to observe one of the following practices with respect to notifying consumers that prices charged are not in excess of maximum prices established under this Article:

(1) *Use of marking on individual containers.* Before delivering an item to a consumer, an importer may mark on the container in plainly visible letters and figures his selling price for the particular brand and container size (exclusive of retail sales taxes), and a statement that the price so marked is his maximum price under this Article or less, and his name and address. The following:

OPA price $_____
(Insert amount)
_____
(name of importer)
_____
(address of importer)

so written or stamped on a label or on a state or local tax stamp affixed to the container shall be compliance with this requirement.

An importer who is the holder of a license or permit bearing a distinguishing number and issued under an applicable statute or ordinance, authorizing him to make sales of distilled spirits or wine to consumers may substitute such license or permit number for the statement of his name and address required hereunder.

(2) *Use of a sales slip or receipt.* At or before delivering any individual container of imported distilled spirits or wine to a consumer, the importer may hand the purchaser a sales slip or receipt setting forth in plainly visible letters and figures:

(i) The brand name, container size and number of individual containers of each item sold to the purchaser, and

(ii) The selling price of each such individual container, or the total selling price for all such containers (exclusive of retail sales taxes), and

(iii) The name and address of the importer and date of sale.

An importer complying with this requirement shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices charged in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(3) *Use of price posting.* An importer may post his maximum price for each item sold or offered for sale to consumers according to one of the following methods:

(i) By displaying a list of the names of each brand of imported distilled spirits or wine offered for sale to consumers, his maximum price therefor and a statement that such maximum price is his OPA ceiling price to consumers or less (exclusive of retail sales taxes). When more than one type, formula or container size of a particular brand is offered for sale each such type, formula or container size and the maximum price thereof shall be separately itemized. Such list may also contain the importer's selling price for each item described therein. The list shall be posted and maintained in a place readily visible to consumers making purchases in the importer's establishment, shall be in letters and figures plainly visible and legible to such consumers and shall be maintained complete and correct. An importer complying with this requirement shall not sell or offer any item for sale to a consumer until the item and his maximum price therefor is so listed.

(ii) Except when prohibited by statute or ordinance, an importer may mark his selling and/or maximum price for each item on the shelf, bin, rack or other holder thereof in letters plainly visible and legible to consumers making purchases in his establishment. An importer complying with this requirement shall so maintain complete and correct markings of his selling and/or maximum prices for all items he offers for sale to consumers and shall not sell or offer any item for sale to a consumer until his selling price therefor is thus marked.

(iii) An importer posting or marking prices in accordance with (i) or (ii) above shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices posted in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(b) The provisions in this section shall not apply to an importer's sales of an unopened case of individual containers or to his prices therefor.

SEC. 1.10 *Other provisions of this regulation applicable to sales of imported distilled spirits or wine by an importer.* The following sections of Article VII of this regulation shall apply to sales of imported distilled spirits or wine by an importer:

SEC. 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*
SEC. 7.2 *When a sales tax may be charged in addition to a maximum price.*
SEC. 7.3 *When new taxes, or increases in existing taxes may be added to a maximum price.*
SEC. 7.4 *Use of minimum resale prices under state Fair Trade laws.*
SEC. 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*
SEC. 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*
SEC. 7.7 *Export sales.*
SEC. 7.8 *Compliance with this regulation.*
SEC. 7.9 *Current records required.*
SEC. 7.10 *Petitions for amendment.*
SEC. 7.11 *Adjustable pricing in certain instances.*
SEC. 7.12 *Definitions.*
SEC. 7.13 *Geographical applicability.*

SEC. 1.11 *Dates on which this Article shall apply.* This Article shall apply to all sales or offers to sell of bulk or packaged imported distilled spirits and wine made by an importer on and after August 30, 1943: *Provided*, That this Article shall not apply to any sale which an importer is required by statute, ordinance or regulation to make at a price posted or listed prior to August 14, 1943, with a state or other Public Authority (if the price so posted or listed is greater or less than that established by this Article for such sale) until on and after the first effective date for prices so posted or listed at the first opportunity after August 19, 1943.

Article II—Maximum Prices for Sales of Bulk Domestic Distilled Spirits of Wine by Any Person, and for Sales of Bulk Imported Distilled Spirits or Wine by Persons Other Than the Importer Thereof

SEC. 2.1 *Other regulations applicable.* Until further provisions of Article II are issued and become effective, maximum prices for sales or offers to sell of bulk domestic distilled spirits or wine by any person are to be determined according to provisions of Maximum Price Regulation No. 193, the General Maximum Price Regulation or Revised Supplementary Regulation No. 14 issued by the Office of Price Administration, as may be applicable. Maximum prices for sales or offers to sell of bulk imported distilled spirits and wine by persons other than the importer thereof are to be determined according to provisions of the General Maximum Price Regulation or Revised Supplementary Regulation No. 14, as may be applicable.

Article III—Maximum Prices for Sales of Packaged Domestic Distilled Spirits by Processors

SEC. 3.1 *Other regulations applicable.* Until further provisions of Article III are issued and become effective, maximum prices for sales of packaged domestic distilled spirits by processors are to be determined according to applicable provisions of Maximum Price Regulation No. 193 or orders thereunder issued by the Office of Price Administration.

Article IV—Maximum Prices for Sales of Packaged Domestic Wine by Processors

SEC. 4.1 *Other regulations applicable.* Until further provisions of Article IV are issued and become effective, maximum prices for sales or offers to sell of packaged domestic wine by processors are to be determined according to provisions of the General Maximum Price Regulation or Revised Supplementary Regulation No. 14 issued by the Office of Price Administration, as may be applicable.

Article V—Maximum Prices for Sales of Packaged Distilled Spirits and Packaged Wine by Wholesalers, Retailers, Monopoly States, and Primary Distributing Agents

SEC. 5.1 *Purposes of Article V*—(a) *Generally.* Article V establishes maximum prices for sales of packaged (but not bulk) distilled spirits and wine by the following persons:

(1) Wholesalers, as defined in section 7.12; (2) Retailers, as defined in section 7.12; (3) Monopoly states, as defined in section 7.12 and (4) Primary distributing agents, as defined in section 7.12.

(b) *Sales to which this Article does not apply.* Article V does not apply to the following sales by those persons:

(1) Sales of items which the seller imports or has imported for his account. Either section 1.4, 1.5 or 1.7 of Article I (as may be applicable) must be used to establish maximum prices for such sales.

(2) Sales of items which the seller processes or has processed for his account. Maximum prices for such sales must be established under other applicable regulations or orders of the Office of Price Administration, or under Articles III or IV (as applicable and when effective) of this regulation.

(3) Sales by an "on-premise licensee" or other person of distilled spirits or wine by the drink or in packages for consumption on the licensed premises. However, this Article applies to sales of packaged distilled spirits or wine made to an "on-premise licensee" by a wholesaler, retailer, monopoly state or primary distributing agent.

(4) Sales of bulk distilled spirits, wine, brandy, neutral spirits, alcohol, grape spirits, high wines, or concentrates (whether or not by warehouse receipt or other evidence of title). Maximum prices for sales of those commodities in bulk must be established under other applicable regulations or orders of the Office of Price Administration or under Article II (when effective) of this regulation.

(c) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation, Article V supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before August 14, 1943, with respect to sales of packaged imported and domestic distilled spirits or wine by any wholesaler, retailer, monopoly state or primary distributing agent, including the applicable provisions of the following:

(1) The General Maximum Price Regulation;

(2) Maximum Price Regulation No. 193, as amended;*

(3) Orders Nos. 1 through 5 inclusive under Maximum Price Regulation No. 193;

*7 F.R. 6006, 8940, 8947, 8948, 10069, 8 F.R. 1632, 2716, 7492, 8540.

(4) Article II of Revised Supplementary Regulation No. 14;

(5) Section 2.3 (b) of § 1499.26 of Revised Supplementary Regulation No. 1;

Provided, That such maximum price regulations, orders and interpretations shall remain in effect with respect to a particular sale of packaged distilled spirits or wine by any such person until provisions of this Article become applicable thereto.

SEC. 5.2 *General rules for figuring maximum prices*—(a) *When maximum prices are to be figured.* Each wholesaler, retailer, monopoly state and primary distributing agent must figure a maximum price for any item to be sold on and after August 14, 1943 as follows:

(1) *Items in stock at the close of business on August 9, 1943.* Initial maximum prices for each item in stock at the close of business on August 9, 1943 must be figured between August 14, 1943 and August 30, 1943 and will apply to all sales, offers to sell and deliveries of the item made on and after August 30, 1943, unless applicability of such prices to certain sales is delayed by provisions of section 5.10 permitting compliance with state price posting or listing requirements and practices. Until the initial maximum prices for such items become applicable, a wholesaler, retailer, monopoly state and primary distributing agent may continue to sell, offer for sale or deliver those items at maximum prices established under regulations and orders of the Office of Price Administration in effect prior to the issuance of this Article.

(2) *Items not in stock at the close of business on August 9, 1943.* Initial maximum prices for each item not in stock at the close of business on August 9, 1943 are to be figured and made applicable before any sale, offer to sell or delivery of the item is made. No wholesaler, retailer, monopoly state or primary distributing agent shall sell, offer for sale or deliver any item not in stock at the close of business on August 9, 1943 until after establishing initial maximum prices for the item in accordance with this Article.

(3) *Refiguring maximum prices.* A wholesaler, retailer, monopoly state or primary distributing agent must refigure a maximum price for an item in accordance with this Article if cost for the item changes after the maximum price has been established.

(b) *Figuring maximum prices for each item separately.* Each item of packaged distilled spirits or wine to be sold or offered for sale by a wholesaler, retailer, monopoly state or primary distributing agent after August 29, 1943 must have a separate maximum price. An "item" is a particular brand name, container size, type designation or formula of distilled spirits or wine. One item must not be considered the same as another if there is any difference in

(1) Their brand names, or

(2) Their countries of origin, or

(3) The names of their processors, or

(4) Their container sizes (quarts as compared with fifths, pints as compared with half-pints etc.), or

(5) Requirements of United States labeling laws or regulations applicable to each, or in material information contained on their labels. Age, proof, alcohol content, type designation, vintage and ingredients, as stated on the labels, shall be deemed material information.

(c) *Customer classifications.* (1) Each wholesaler, retailer and primary distributing agent must establish a separate maximum price for each item to each class of his customers he sells as follows:

(i) *For wholesalers.* Customers are to be classified as retailers, consumers, wholesalers or monopoly states.

(ii) *For retailers.* Customers are to be classified as consumers or retailers.

(iii) *For primary distributing agents.* Customers are to be classified as wholesalers, monopoly states, retailers or consumers.

(2) Industrial users, institutional users and the United States or any agency thereof shall, for sales by wholesalers and primary distributing agents, be classified as retailers. For sales by retailers, they shall be classified as consumers.

(3) Each monopoly state must establish a separate maximum price for its sales of each item according to the types of sale it makes. It must classify a sale to a particular customer in accordance with its March 1942 customary sales classification.

(d) *Discounts, allowances, price differentials and terms of sale.* (1) Customary discounts in effect during March 1942, in accordance with a wholesaler's, retailer's, or primary distributing agent's March 1942 customer classifications, must be applied to his maximum prices established under this Article: *Provided*, That discounts and allowances based solely on quantity purchases (in dollars or units) need not be maintained.

(2) If a wholesaler, retailer or primary distributing agent makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction from his maximum price established under this Article.

(3) If a wholesaler or primary distributing agent directly or indirectly requires a customer to make any payment in advance of delivery (whether to the seller or to another person), he must reduce his maximum price established under this Article for that sale by an amount equal to interest at the rate of 5 percent per annum on the amount of the advance payment from the date the payment is made to the date on which the item is delivered or the advance payment refunded to the customer.

(e) *Wholesaler or retailer acting as a primary distributing agent with respect to certain items only.* A wholesaler or retailer who is a primary distributing agent for certain items shall determine his maximum prices for sales of those items in accordance with provisions of this Article applicable to primary distributing agents. He shall determine his maximum prices for sales of other items under the provisions of this Article applicable to wholesalers or retailers, as may be the case.

(f) *F. o. b. and delivered prices.* (1) Maximum prices established under this Article for a wholesaler, retailer or primary distributing agent are prices f. o. b. the metropolitan area of warehouse or place of business.

(2) Maximum prices established under this Article for monopoly states are prices f. o. b. March 1942 freight base zone.

(3) If a wholesaler, retailer, or primary distributing agent sells an item f. o. b. a point of delivery outside the metropolitan area of his warehouse or place of business, he may add to his maximum price for the item established under this Article, the charges for transporting the item from that metropolitan area to the point of delivery at the rate he actually pays.

SEC. 5.3 *Determination of "net cost" used in figuring maximum prices for wholesalers, retailers and monopoly states*—(a) *What purchases may be used to determine net cost.* Except as otherwise provided in this Article, a "base purchase" to be used by a wholesaler, retailer, or monopoly state to determine net cost of an item must be a purchase by him from a customary type of supplier delivered by a customary means of transportation. No accommodation purchase (whether or not from a customary type of supplier) shall be used as a base purchase in determining net cost of an item. Purchases made on memorandum invoice or purchases of small quantities of an item at exceptional prices to fill a shortage are accommodation purchases. No purchase (whether or not from a customary type of supplier) to fill an order of the United States or any agency thereof shall be used as a base purchase.

NOTE: For a definition of "customary type of supplier" see section 7.12.

(b) *Elements of net cost.* The net cost to be used by a wholesaler, retailer or monopoly state to determine a maximum price is the total of the following elements of cost actually paid by him with respect to a particular base purchase of the item to be priced:

(1) *Purchase price.* The supplier's selling price (not in excess of his maximum price under applicable regulations or orders of the Office of Price Administration).

(i) Excepting any discount for prompt payment (cash discount); but

(ii) Including any amount subtracted from the supplier's maximum price to compensate for discontinuance of a discount for prompt payment.

(2) *Freight.* Transportation charges from the supplier's point of shipment to the wholesaler's, retailer's, or monopoly

state's customary receiving point for the item, at the rate paid. No amount shall be included for

(i) Any transportation charges from point of shipment included in the supplier's selling price; or

(ii) Expense of hauling, drayage or handling within the metropolitan area of the shipping or receiving point: *Provided*, That a monopoly state may include such portion of that expense as it customarily included during March 1942 in determining cost for purposes of mark-up.

(3) *Taxes and United States customs duties*—(i) *For wholesalers and retailers.* United States customs duties and United States state and local excise taxes at rates in effect on November 2, 1942, if not included in the supplier's selling price.

(ii) *For monopoly states.* United States customs duties and United States excise taxes at rates in effect on March 31, 1942, if not included in the supplier's selling price, and any state taxes at rates in effect on March 31, 1942, customarily included during March 1942 in determining cost for applying mark-up.

NOTE: License, income, franchise, receipts, sales, use or other similar Federal, state or local taxes cannot be included in the net cost of a wholesaler, retailer or monopoly state.

SEC. 5.4 *Maximum prices for wholesalers.*

NOTE: A wholesaler who is the processor or primary distributing agent of an item must not use this Section to determine maximum prices for that item unless permitted to do so by provisions of this regulation establishing maximum prices for processors or primary distributing agents.

(a) *Generally.* A wholesaler must establish his maximum prices to each class of customers as follows:

(1) For initial maximum prices—use paragraph (b).

(2) For a refigured maximum price if net cost for the item changed after August 29, 1943—use paragraph (c).

(b) *Initial maximum prices*—(1) *For sales to retailers.* A wholesaler's initial maximum price per case to retailers shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier, except from another wholesaler, multiplied by the percentage mark-up for the item being priced as follows:

(i) 1.15 for distilled spirits.
(ii) 1.25 for wine.
(iii) 1.20 for cordials, liqueurs and specialties.

(2) *For sales to consumers.* A wholesaler's initial maximum price per case to a consumer shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he has made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier, multiplied by the percentage mark-up provided in section 5.5 for sales of the same item by retailers to consumers.

(3) *For sales to a monopoly state.* A wholesaler's initial maximum price per case to a monopoly state shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he has made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier. No mark-up shall be added for such sales.

(4) *For sales to another wholesaler.* A wholesaler's initial maximum price per case to another wholesaler shall be his maximum price per case provided in (1) above for sales of the particular container size to retailers, subject to any discount, allowance or price differential agreed upon. When making such sale the seller shall, at or before delivery of the item, give the buyer a notice in writing stating the seller's maximum price per case for the item to retailers and to consumers. A statement on the invoice substantially as follows shall be deemed compliance with this requirement:

Our ceiling prices per case to retailers for the above items are:

Item:	Maximum Price
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Our ceiling prices per case to consumers for the above items are:

Item:	Maximum Price
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A wholesaler's maximum price per case to any class of customers for an item purchased by him from another wholesaler shall not exceed the higher of

(i) His own maximum price for the item to a customer of the particular class figured according to the applicable provisions of this section, or

(ii) With respect to sales to retailers or consumers, the supplier's maximum price for a sale of the item to a customer of the particular class as stated in such notice.

NOTE: A base purchase made between August 9, 1943 and August 30, 1943 may be used to figure initial maximum prices. A wholesaler is not required to establish a refigured maximum price for an item until he makes a base purchase thereof after August 29, 1943.

(5) *For individual containers.* A wholesaler's initial maximum price for individual containers of an item to any class of customers shall be an amount determined by dividing his initial maximum price per case to a customer of the same class by the number of individual containers customarily packed in the case by his supplier; *Provided*, That, if a retailer has elected to purchase individual containers after a wholesaler has expressly given him the alternative of purchasing a case of the item at the wholesaler's maximum price per case for the particular container size, the wholesaler may add to his maximum price for individual containers to be sold to that retailer one of the following amounts according to the particular container size:

4 cents per container, if the container size is a gallon, half gallon, quart or fifth;
2 cents per container, if the container size is a pint or tenth;
1 cent per container, if the container size is a half-pint.

(c) *Changes in maximum prices*—(1) *How long particular maximum prices continue in effect.* A wholesaler's initial maximum prices and refigured maximum prices for an item shall apply to all his sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof became applicable in accordance with (4) of this paragraph.

(2) *When a wholesaler must refigure his maximum prices.* A wholesaler who after August 29, 1943 receives a base purchase of an item shall figure his net cost therefor according to Section 5.3. If such net cost per case differs from the net cost per case for the base purchase used in establishing the wholesaler's maximum prices then in effect for the item, the wholesaler may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item; *Provided*, That if the difference in net cost is 15 cents per case or less, the wholesaler shall not establish refigured maximum prices.

(3) *How a wholesaler must refigure his maximum prices.* A wholesaler required or permitted by this paragraph to establish refigured maximum prices for an item shall determine such prices under paragraph (b) of this section, substituting however, the net cost for his most recent base purchase for the net cost of his earlier base purchase.

(4) *When refigured maximum prices become applicable.* His refigured maximum prices determined under this paragraph shall apply to stock on hand and shall be the wholesaler's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt of the base purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined: *Provided*, That until on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such base purchase, refigured maximum prices shall not apply to any sale which a wholesaler is required by statute, ordinance or regulation to make at a price posted or listed with a state or other public authority before receipt of the base purchase.

SEC. 5.5 *Maximum prices for retailers.*

NOTE: A retailer who is the processor or primary distributing agent of an item must not use this Section to determine maximum prices for that item unless permitted to do so by provisions of this regulation establishing maximum prices for processors or primary distributing agents.

(a) *Generally.* A retailer must establish his maximum prices to each class of customers as follows:

(1) For initial maximum prices—use paragraph (b).

(2) For a refigured maximum price if net cost for the item changes after August 29, 1943—use paragraph (c).

(b) *Initial maximum prices*—(1) *For sales to consumers.* A retailer's initial maximum price per case to consumers shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier, multiplied by the percentage mark-up for the item being priced as follows:

(i) 1.333 for distilled spirits.
(ii) 1.50 for wine.
(iii) 1.45 for cordials, liqueurs and specialties.

(2) *For sales to another retailer.* A retailer's initial maximum price per case to another retailer shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier. No mark-up shall be added for such sales.

(3) *For individual containers.* A retailer's maximum price to consumers or to another retailer for individual containers of an item shall be an amount determined by dividing his initial maximum price per case to consumers or to another retailer respectively by the number of individual containers customarily packed in the case by his supplier.

NOTE: A base purchase made between August 9, 1943, and August 30, 1943, may be used to figure initial maximum prices. A retailer is not required to establish a refigured maximum price for an item until he makes a base purchase thereof after August 29, 1943.

(c) *Changes in maximum prices*—(1) *How long particular maximum prices continue in effect.* A retailer's initial maximum prices and refigured maximum prices for an item shall apply to all his sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with (4) of this paragraph.

(2) *When a retailer must refigure his maximum prices.* A retailer who after August 29, 1943, receives a base purchase of an item shall figure his net cost therefor according to section 5.3. If such net cost per case differs from the net cost per case for the base purchase used in establishing the retailer's maximum prices then in effect for the item, the retailer may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item: *Provided*, That if the difference in net cost is 15 cents per case or less, the retailer shall not establish refigured maximum prices.

(3) *How a retailer must refigure his maximum prices.* A retailer required or permitted by this paragraph to establish refigured maximum prices for an item shall determine such prices under paragraph (b) of this section, substituting however, the net cost for his most recent base purchase for the net cost of his earlier base purchase.

(4) *When refigured maximum prices become applicable.* His refigured maximum prices determined under this paragraph shall apply to stock on hand and shall be the retailer's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt of the base purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined: *Provided*, That until on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such base purchase, refigured maximum prices shall not apply to any sale which a retailer is required by statute, ordinance or regulation to make at a price posted or listed with a state or other public authority before receipt of the base purchase.

SEC. 5.6 *Maximum prices for monopoly states*—(a) *Generally.* A monopoly state must establish its maximum prices as follows:

(1) For initial maximum prices—use paragraph (b).

(2) For a refigured maximum price if net cost for the item changes after August 29, 1943—use paragraph (c).

(b) *Initial maximum prices.* To figure its initial maximum price per case for an item a monopoly state shall:

(1) Multiply its net cost per case (figured according to section 5.3) for its most recent base purchase of the item (or if it made no base purchase of the item since March 1942, the net cost for its most recent purchase of the item from any supplier) by the highest percentage in use for the item during March, 1942, according to the statute, ordinance or regulation then prescribing its mark-up;

(2) Add to the figure at (1): (i) The applicable increase effective November 1, 1942 in United States excise taxes.

(ii) Any applicable state taxes in effect on November 2, 1942, customarily included in its price during March, 1942, to the extent that the amount thereof is not included in net cost;

(3) The resulting amount shall be the monopoly state's maximum price for sales of the item per case to the class of customers to which, during March 1942, the percentage used under (1) above applied.

(4) Where the monopoly state during March 1942, used its price to the class of customers figured on the percentage applied under (1) above as a base price, and determined its price to other classes of customers by applying a discount to, reducing or increasing that base price by an established method, its maximum prices for sales to those other classes of customers shall be determined by reducing or increasing the resulting amount under (3) in accordance with the same method.

(5) A monopoly state's initial maximum price for individual containers to any class of customers shall be its maximum price per case to a customer of the same class transformed into a price for individual containers in accordance with the method customarily used by the monopoly state during March 1942, to determine its price for individual containers.

(6) A monopoly state's initial maximum prices shall be its maximum prices for all its sales of an item made on and after, but not before, the effective date of its complete or supplementary price list first promulgated after August 29, 1943.

(c) *Changes in maximum prices*—(1) *How long particular maximum prices remain in effect.* A monopoly state's initial maximum prices and refigured maximum prices for an item shall apply to all its sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with (4) of this paragraph.

(2) *When a monopoly state must refigure its maximum prices.* A monopoly state which after August 29, 1943, receives a base purchase of an item shall, or upon acceptance of an official offer of an item, it may determine its net cost therefor according to section 5.3. If such net cost per case differs from the net cost per case of the base purchase used in establishing its maximum prices then in effect for the item, the monopoly state may, if the most recent purchase shows the greater total, and it must, if the most recent offer or purchase shows the lesser total, establish refigured maximum prices for the item; *Provided*, That if the difference in net cost is 15 cents per case or less, the monopoly state shall not establish refigured maximum prices.

(3) *How a monopoly state must refigure its maximum prices.* A monopoly state required or permitted by this paragraph to establish refigured maximum prices for an item shall determine such prices under paragraph (b) of this Section, substituting, however, its net cost for the most recent offer or base purchase for the net cost of its earlier base purchase.

(4) *When refigured maximum prices become applicable.* Its refigured maximum prices determined under this paragraph shall be the monopoly state's maximum prices for sales of the item made on and after, but not before, the effective date of its complete or supplementary price list first promulgated after the 7th day (excluding Sunday and holidays) following receipt of the official offer or the invoice for the particular base purchase to be used.

(d) *Disposition of fractional parts of a cent and rounding prices to an even*

5 cents. (1) In determining its initial or refigured maximum prices under this section a monopoly state shall follow its customary March 1942 practice with reference to disposition of fractional parts of a cent and shall reduce or may increase its maximum price in accordance therewith.

(2) If during March 1942, a monopoly state customarily followed the practice of rounding its prices to a sum divisible by 5, it may continue to follow that practice by reducing or increasing its maximum prices for any item in accordance with its customary March 1942 practice.

SEC. 5.7 *Maximum prices for primary distributing agents.*

NOTE: This section applies only to sales of an item for which the seller acts as a primary distributing agent.

(a) *Generally.* A primary distributing agent must establish maximum prices to each class of customers as follows:

(1) For initial maximum prices—use paragraph (b)

(2) For a refigured maximum price if elements of cost for the item change after August 29, 1943—use paragraph (c).

(b) *Initial maximum prices.* A primary distributing agent's initial maximum price per case for an item shall be as follows:

(1) *Sales to wholesalers and monopoly states.* The total of the following:

(i) *Supplier's charge.* A supplier's charge according to the item being priced as follows:

(a) *Packaged imported distilled spirits and packaged imported wine.* The importer's maximum price per case for a sale of the item to a wholesaler or monopoly state respectively as established under Article I of this Regulation.

(b) *Packaged domestic distilled spirits and packaged domestic wine.* The processor's maximum price per case for a sale of the item to a wholesaler or monopoly state (as may be the case) as established under other applicable regulations or orders of the Office of Price Administration or under Article III or IV (as applicable and when effective) of this Regulation.

(ii) *Freight.* Transportation charges per case from the supplier's point of shipment to the primary distributing agent's customary receiving point for the item at the rate the primary distributing agent paid. No amount shall be included for

(a) Transportation charges on items sold f. o. b. supplier's shipping point and shipped directly to the customer at the customer's expense; or

(b) Any transportation charges from point of shipment included in the supplier's charge; or

(c) Expense of hauling, drayage or handling within the metropolitan area of the shipping or receiving point.

(iii) *Taxes and United States customs duties.* The applicable amount per case of United States customs duties and United States, state or local excise taxes, all at rates in effect on November 2, 1942, if not included in the supplier's charge.

NOTE: License, income, franchise, receipts, sales, use or other similar Federal, state or local taxes cannot be included.

(2) *For sales to retailers.* A primary distributing agent's initial maximum price per case to retailers shall be his initial maximum price per case for sales to wholesalers and monopoly states, established under (1) above, multiplied by the percentage mark-up provided under section 5.4 for a sale of the item by wholesalers to retailers. His initial maximum price to retailers for individual containers shall be an amount figured on the basis of his initial maximum price per case in the manner and subject to the limitations provided under section 5.4 for determining a wholesaler's initial maximum price to retailers for individual containers.

(3) *For sales to consumers.* A primary distributing agent's initial maximum price per case to consumers shall be his initial maximum price per case for sales to wholesalers and monopoly states, established under (1) above, multiplied by the percentage mark-up provided under section 5.5 for a sale of the item by retailers to consumers. His initial maximum price to consumers for individual containers shall be an amount figured on the basis of his initial maximum price per case in the manner provided under section 5.5 for determining a retailer's initial maximum price to consumers for individual containers.

(c) *Changes in maximum prices*—(1) *How long particular maximum prices continue in effect.* A primary distributing agent's initial maximum price and refigured maximum price for an item shall apply to all his sales, offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with (4) of this paragraph.

(2) *When a primary distributing agent must refigure his maximum prices.* A primary distributing agent who after August 29, 1943 receives a purchase of an item for which his initial maximum prices are established under this section shall figure the elements of his cost therefor included in his initial maximum price established under (b) above. If such elements of cost per case differ from the elements of cost per case used in establishing the primary distributing agent's maximum prices then in effect for the item, the primary distributing agent may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item; *Provided,* That if the difference in the total of those elements of cost is 15 cents per case or less the primary distributing agent shall not establish refigured maximum prices.

(3) *How a primary distributing agent must refigure his maximum prices.* A primary distributing agent required or permitted by this paragraph to establish refigured maximum prices for an item shall determine such prices under paragraph (b) of this section, substituting however, the elements of cost for his most recent purchase for the elements of cost of his earlier purchase.

(4) *When refigured maximum prices become applicable.* His refigured maximum prices determined under this paragraph shall apply to his stock on hand and shall be the primary distributing agent's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt of the purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined: *Provided,* That until on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such purchase, refigured maximum prices shall not apply to any sale which a primary distributing agent is required by statute, ordinance or regulation to make at a price posted or listed with a state or other public authority before receipt of the purchase.

SEC. 5.8 *Notice of maximum prices to consumers.* (a) Each wholesaler, retailer or primary distributing agent who sells or offers packaged distilled spirits or wine for sale to consumers shall adopt before August 30, 1943, and thereafter continue to observe one of the following practices with respect to notifying consumers that prices charged are not in excess of maximum prices established under this Article:

(1) *Use of marking on individual containers.* Before delivering an item to a customer, the wholesaler, retailer or primary distributing agent may mark on the container in plainly visible letters and figures his selling price for the particular brand and container size (exclusive of retail sales taxes), and a statement that the price so marked is his maximum price under this Article or less, and his name and address. The following:

OPA price $_____
(Insert amount)
_____
(name of seller)
_____
(address of seller)

so written or stamped on a label or on a state or local tax stamp affixed to the container shall be compliance with this requirement.

A wholesaler, retailer or primary distributing agent who is the holder of a license or permit bearing a distinguishing number and issued under an applicable statute or ordinance, authorizing him to make sales of packaged distilled spirits or wine to consumers may substitute such license or permit number for the statement of his name and address required hereunder.

(2) *Use of a sales slip or receipt.* At or before delivering any individual container of packaged distilled spirits or wine to a consumer, a wholesaler, retailer or primary distributing agent may hand the purchaser a sales slip or receipt setting forth in plainly visible letters and figures:

(i) The brand name, container size and number of individual containers of each item sold to the purchaser, and

(ii) The selling price of each such individual container, or the total selling price for all such containers (exclusive of retail sales taxes), and

(iii) The name and address of the seller and date of sale.

A seller complying with this requirement shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices charged in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(3) *Use of price posting.* A wholesaler, retailer or primary distributing agent may post his maximum price for each item sold or offered for sale to consumers according to one of the following methods:

(i) By displaying a list of the names of each brand of packaged distilled spirits or wine offered for sale to consumers, his maximum price therefore and a statement that such maximum price is his OPA ceiling price to consumers or less (exclusive of retail sales taxes). When more than one type, formula or container size of a particular brand is offered for sale each such type, formula or container size and the maximum price thereof shall be separately itemized. Such list may also contain the particular wholesaler's, retailer's or primary distributing agent's selling price for each item described therein. The list shall be posted and maintained in a place readily visible to consumers making purchases in the seller's establishment, shall be in letters and figures plainly visible and legible to such consumers and shall be maintained complete and correct. A seller complying with this requirement shall not sell or offer any item for sale to a consumer until the item and his maximum price therefor is so listed.

(ii) Except when prohibited by statute or ordinance, a wholesaler, retailer or primary distributing agent may mark his selling and/or maximum price for each item on the shelf, bin, rack or other holder thereof in letters plainly visible and legible to consumers making purchases in his establishment. A seller complying with this requirement shall so maintain complete and correct markings of his selling and/or maximum prices for all items he offers for sale to consumers and shall not sell or offer any item for sale to a consumer until his selling price therefor is thus marked.

(iii) A seller posting or marking prices in accordance with (i) or (ii) above shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices posted in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

Provided, That no additional sign or placard shall be required if the seller posts and maintains a substantially identical sign or placard in accordance with other regulations of the Office of Price Administration.

(b) The provisions in this Section shall not apply to sales of an unopened case of individual packages or to prices therefor, or to sales by monopoly states.

SEC. 5.9 *Other provisions of this regulation applicable to sales of distilled spirits or wine by a wholesaler, retailer, monopoly, state, or primary distributing agent:*

SEC. 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*
SEC. 7.2 *When a sales tax may be charged in addition to a maximum price.*
SEC. 7.3 *When new taxes, or increases in existing taxes may be added to a maximum price.*
SEC. 7.4 *Use of minimum resale prices under State Fair Trade Laws.*
SEC. 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*
SEC. 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*
SEC. 7.7 *Export sales.*
SEC. 7.8 *Compliance with this Regulation.*
SEC. 7.9 *Current records required.*
SEC. 7.10 *Petitions for amendment.*
SEC. 7.11 *Adjustable pricing in certain instances.*
SEC. 7.12 *Definitions.*
SEC. 7.13 *Geographical applicability.*

SEC. 5.10 *Dates on which this Article shall apply.* This Article, except as otherwise provided, shall apply to all sales or offers to sell of packaged imported or domestic distilled spirits or wine made by a wholesaler, retailer, monopoly state, or primary distributing agent on and after August 31, 1943; *Provided,* That this Article shall not apply to any sale which a wholesaler, retailer or primary distributing agent is required by statute, ordinance, or regulation to make at a price posted or listed prior to August 14, 1943, with a state or other public authority (if the price so posted or listed is greater or less than that established by this Article for such sale) until on and after the first effective date for prices so posted and listed at the first opportunity after August 19, 1943.

Article VI—Maximum Prices for Certain Services Relating to the Production of Domestic Distilled Spirits and Wine

SEC. 6.1 *Other regulations applicable.* Until further provisions of Article VI are issued and become effective, maximum prices for services relating to production of domestic distilled spirits and wine are to be determined according to applicable provisions of the General Maximum Price Regulation or Maximum Price Regulation No. 165, as amended.

Article VII—General Provisions Applicable to Persons Subject to This Regulation and to Maximum Prices Established Hereunder

SEC. 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.* Fractional parts of a cent, except as otherwise provided in this Regulation, shall be treated as follows in figuring maximum prices:

(a) Amounts computed in the process of, or as a step in figuring a maximum price (other than the maximum price itself) need not be carried to more than four decimal places (hundredths of a cent). Any further fraction shall be disregarded.

(b) When the charging of the exact maximum price established under this Regulation requires the use of a fractional part of a cent, that maximum price may be increased to the next higher full cent, if the fraction is ½ cent or more, and shall be reduced to the next lower full cent, if the fraction is less than ½ cent.

SEC. 7.2 *When a sales tax may be charged in addition to a maximum price.* (a) Any seller (other than a monopoly state) may charge and collect, in addition to his maximum price for an item or a service established under this Regulation, the amount of any tax upon the sale of the item or the supplying of the service, now or hereafter imposed by any statute of the United States, or any statute or ordinance of any state or subdivision thereof, if:

(1) The statute or ordinance imposing such tax does not prohibit the seller from separately stating and collecting the amount thereof, and he does separately state and collect it; or

(2) The amount of the tax has been separately stated and collected from the seller by a prior vendor, and

(i) The statute or ordinance imposing such tax does not prohibit the seller from separately stating and collecting the amount thereof, and

(ii) He does separately state and collect it.

(b) Any moncpoly state may charge and collect, in addition to its maximum price for an item or service established under this Regulation, the amount of any tax upon the sale of the item now or hereafter imposed by any statute of the United States or of that state.

SEC. 7.3 *When new taxes or increases in existing taxes may be added to a maximum price.* Any seller (including a monopoly state) may charge and collect, in addition to his maximum price for an item or a service established under this Regulation:

(a) *New taxes.* The applicable amount of United States customs duties and United States or state excise taxes first imposed thereon by statute effective after November 2, 1942.

(b) *Increase in tax in effect on November 2, 1942.* The applicable amount of any increase effective after November 2, 1942 in United States customs duties or United States or state excise taxes then imposed thereon.

Provided, That the amount of any such new tax, or increase in tax is paid by the seller to the taxing authorities or to a prior vendor, and *Provided further,* That no seller shall include a mark-up on the amount of any tax he is authorized to charge and collect under this section.

SEC. 7.4 *Use of minimum resale prices under State Fair Trade laws.* A minimum price for resale of an item by another person may be established by contract or otherwise and such minimum price may be posted or listed with a

state or other public authority. However, no such minimum price shall exceed the lowest maximum price for resale of the item established under this Regulation by or for any person to whom the minimum price applies.

SEC. 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.* Any maximum price for an item established under this regulation shall, if the item is being sold to the United States or any agency thereof, be adjusted to the extent of the reduction, elimination or possible refund of any United States, state or local taxes included in figuring that maximum price.

SEC. 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.* (a) The following sections of the General Maximum Price Regulation and amendments to those sections shall apply to all sellers subject to this regulation:

§ 1499.5 *Transfers of business or stock in trade.*
§ 1499.11 *Base period records.*
§ 1499.14 *Sales slips and receipts.*

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall be, and they are applicable to all wholesalers, retailers and primary distributing agents subject to this regulation.

SEC. 7.7 *Export sales.* (a) The maximum price at which a seller may export any commodity to which this regulation applies shall be determined in accordance with the Second Revised Maximum Export Regulation[5] and amendments thereto, or under other applicable regulations issued by the Office of Price Administration.

(b) In determining the maximum price at which a wholesaler or retailer may export a commodity to which this regulation applies, the "price at which the commodity was acquired" shall be deemed to be his net cost therefor figured according to section 5.3.

SEC. 7.8 *Compliance with this regulation*—(a) *No buying or selling above maximum prices.* On and after the effective date of this regulation, regardless of any contract, agreement or other obligation, no person to whom this regulation applies shall sell or supply, and no person in the course of trade or business shall buy or receive, any distilled spirits, wine or service at prices higher than the maximum price applicable to such sale under this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, prices lower than the maximum price may be charged or paid.

(b) *Evasion.* The maximum prices established under this regulation shall not be evaded by direct or indirect methods, whether by finder's fee, brokerage, commission, service, transportation or other charge or discount, premium or other privilege; by tying agreement or trade understanding; by any change in style or manner of packing; or in any other way.

[5] 8 F.R. 4132, 5987, 7662.

(c) *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, and to proceedings for the suspension of licenses.

SEC. 7.9 *Current records required.* Every person selling or supplying any distilled spirits, wine or service for which, upon sale by that person, maximum prices are established under this Regulation shall keep, and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect:

(a) Records of the same kind that he has customarily kept relating to the prices which he charged for such of those commodities or services as he sold or offered for sale after the date on which maximum prices under this Regulation for such sale became applicable.

(b) All bills, invoices, receipts and records used to determine any net cost used for the purpose of applying a markup under this regulation.

(c) His computations showing as precisely as possible the method and figures used to determine his maximum prices for distilled spirits or wine.

SEC. 7.10 *Petitions for amendment.* Any person seeking an amendment to this regulation of general applicability may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[6] issued by the Office of Price Administration.

SEC. 7.11 *Adjustable pricing in certain instances.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending on petition for amendment, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom authority to grant such authorization has been delegated. Such authorization shall be given by order.

SEC. 7.12 *Definitions.*

NOTE: References in definitions to Regulations No. 4 or to Regulations No. 5 are respectively references to Regulations No. 4 (as now or hereafter amended) relating to the Labeling and Advertising of Wine, and to Regulations No. 5 (as now or hereafter amended) Relating to the Labeling and Advertising of Distilled Spirits, issued under the provisions of the Federal Alcohol Administration Act, as amended.

(a) *Definitions of commodities and terms descriptive thereof.* (1) "Distilled Spirits" means: (i) The commodities included in Classes 2 to 7 inclusive of Article II of Regulations No. 5 (whiskey, brandies, rum, cordials and liqueurs and imitations); and

(ii) Prepared cocktails, prepared highballs and other prepared alcoholic beverage items, vodka and bitters; and

(iii) Commodities containing more than 24 percent alcohol by volume but otherwise within the definition of wine: "Distilled Spirits," when used without specific reference to that commodity in packages or in bulk, means both packaged and bulk distilled spirits, and when used without specific reference to that commodity as imported or domestic, means both imported and domestic distilled spirits.

(2) "Imported distilled spirits" means distilled spirits produced outside of and introduced into continental United States.

(3) "Domestic distilled spirits" means distilled spirits produced within continental United States.

(4) Wine means: (i) The commodity defined as such in sections 610 and 617 of the Revenue Act of 1918 as amended; and

(ii) Other commodities not so defined, but made in the manner of wine. "Wine" includes (but is not limited to) sparkling and carbonated wine, wine made from condensed grape must, wine made from the juice of sound, ripe grapes, from berries, fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance only if containing not less than 7 percent and not more than 24 percent alcohol by volume. "Wine" when used without specific reference to that commodity in packages or in bulk, means both packaged and bulk wine, and when used without specific reference to that commodity as imported or domestic, means both imported and domestic wine.

(5) "Imported wine" means wine produced outside of and introduced into continental United States.

(6) "Domestic wine" means wine produced within continental United States.

(7) "Cuban gin" means a commodity included in Class 3 of Article II of Regulations No. 5 and produced in the Republic of Cuba.

(8) "Mexican gin" means a commodity included in Class 3 of Article II of Regulations No. 5 and produced in the Republic of Mexico.

(9) "Cordials and liqueurs" means the commodities included in Class 6 of Article II of Regulations No. 5.

(10) "Specialties" means all beverage distilled spirits except those in Classes 2 to 7 inclusive of Article II of Regulations No. 5.

(11) "Bulk" or "in bulk", when used with reference to distilled spirits means that commodity in containers having a capacity in excess of one wine gallon. "Bulk" or "in bulk" when used with reference to wine, means that commodity in containers having a capacity in excess of 5 wine gallons.

(12) "Packaged" or "in packages" when used with reference to distilled spirits means that commodity in containers having a capacity of one wine gallon or less. "Packaged" or "in packages" when used with reference to wines, means that commodity in containers having a capacity of 5 wine gallons or less.

[6] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

(13) "Bottled domestically" means bottled within continental United States.

(b) *Definitions of persons to whom this Regulation refers.* (1) "Importer" means any person who is the first consignee within continental United States of a commodity being imported for resale, holding an importer's permit issued under the provisions of the Federal Alcohol Administration Act.

(2) "Processor" means any person who:

(i) Produces or blends distilled spirits or wine, including (but not limited to) a distiller, rectifier or vintner; or who

(ii) Bottles under any brand name distilled spirits or wine belonging to him, or who

(iii) Causes distilled spirits or wine to be bottled or blended for his account under his own brand name.

(3) "Wholesaler" means any person (except a monopoly state or primary distributing agent) engaged in the business of buying and selling distilled spirits and or wine without changing the form thereof, to persons other than consumers.

(4) "Open-state wholesaler" means a wholesaler doing business in a state other than a monopoly state.

(5) "Primary distributing agent" means any person (except a monopoly state) engaged in the business of acting as agent for an importer or processor in the sale of an item to wholesalers or monopoly states within a specified territory.

(6) "Retailer" means any person (except wholesaler, monopoly state or a primary distributing agent) engaged in the business of buying and selling distilled spirits and or wine, without changing the form thereof, to consumers.

(7) "On-premise licensee" means a retailer licensed by statute, ordinance or regulation or otherwise authorized to engage in the business of selling distilled spirits and/or wine for consumption on licensed premises.

(8) "Monopoly state" means any one of the following states of the United States, or the appropriate Alcoholic Beverage Board, Department or Commission thereof:

Alabama	Oregon
Idaho	Pennsylvania
Iowa	Utah
Maine	Vermont
Michigan	Virginia
Montana	Washington
New Hampshire	West Virginia
North Carolina	Wyoming
Ohio	

(9) "Consumer" means any person (except an industrial or institutional user or the United States or any agency thereof) purchasing distilled spirits and or wine for consumption and not for resale.

(10) "Industrial user" means any person who

(i) Subjects distilled spirits or wine to a process resulting in the production of a different commodity having a distinctive name, character and use; or

(ii) Who uses distilled spirits or wine as an ingredient or component part of such different commodity; or

(iii) Who uses distilled spirits or wine to place another commodity in a condition for sale or delivery.

(11) "Institutional user" means any hospital, home or other similar institution which uses distilled spirits or wine in connection with its care of the sick, aged or infirm.

(12) "Customary type of supplier" means a person determined as follows:

(i) *For wholesalers.* A wholesaler's customary type of supplier for an item shall be:

(*a*) The importer, processor, or a primary distributing agent thereof;

(*b*) A monopoly state, if the wholesaler is required by statute to make any of his purchases of the item from such monopoly state.

(ii) *For retailers.* A retailer's customary type of supplier for an item shall be:

(*a*) A wholesaler, or the importer, processor or a primary distributing agent thereof;

(*b*) A monopoly state, if the retailer is required by statute to make any purchases of the item from such monopoly state.

(iii) *For monopoly states.* A monopoly state's customary type of supplier for an item shall be:

(*a*) The importer, processor or a primary distributing agent thereof;

(*b*) A wholesaler if, but only if, the item is not customarily sold or offered for sale to the monopoly state by the importer, processor or a primary distributing agent thereof, and all purchases of the item made by the monopoly state during the 12 months immediately preceding the date on which its maximum price is being determined have been made from a wholesaler.

(iv) *For primary distributing agents.* A primary distributing agent's customary type of supplier for an item shall be the importer or processor thereof.

(c) *Definitions of terms used in identification of items.* (1) "United States labeling laws and regulations" means Regulations Nos. 4 or 5 as applicable.

(2) "Label" means label or labels required by United States labelling laws and regulations.

(3) "Container size" means the particular weight or unit in which distilled spirits or wine is sold to a consumer in accordance with regulations of the Federal Alcohol Administration.

(4) "Formula" means:

(i) *For whiskey.* The following matters applicable thereto: proof, age by percentages, whiskey and neutral spirits content by percentages respectively, and type designation in accordance with standards of identity for classes thereof listed in Regulations No. 5.

(ii) *For gin, brandy, rum, cordials and liqueurs, imitations and specialties.* The following matters applicable thereto: proof and type designation in accordance with standards of identity for classes thereof listed in Regulations No. 5. Further, with respect to brandy and rum, a statement of the age thereof when stated on the label, and with respect to cordials, liqueurs and specialties, a statement of the ingredients thereof as submitted to the Bureau of Internal Revenue.

(5) "Type designation" means the type and subtype of wine and distilled spirits as described in classifications thereof in Article II of Regulations Nos. 4 or 5 respectively.

(6) "Age" means the age stated on the label of distilled spirits or wine.

(7) "Vintage" means the year or season in which grapes used in the production of wine were grown.

(8) "Proof" means the proof stated on the label of distilled spirits. Distilled spirits of 100° proof are distilled spirits containing 50% alcohol by volume at a temperature of 60° Fahrenheit.

(9) "Alcohol content" means the percent of alcohol by volume stated on the label of wine, or on the label of distilled spirits not containing a statement of proof.

(10) "Ingredients" means the flavoring and aromatic materials used in the production of gin, vermouth, cordials, liqueurs, flavored brandies, specialties and other alcoholic beverages made by the addition of commodities not inherent in distillation or fermentation thereof, according to the statement thereof submitted to the Bureau of Internal Revenue.

(d) *Definitions of terms used in connection with transportation.* (1) "Port of embarkation" means the place outside continental United States from which distilled spirits or wine to be imported are shipped by water to the United States.

(2) "Port of arrival" or "point of arrival" means the place in continental United States where imported distilled spirits or imported wine first come into custody of United States customs.

(3) "Port of entry" means the place where imported distilled spirits or imported wine are located when released by United States customs officials after payment of customs duties and excise taxes.

(4) "Inland freight", "transportation charges" or "charges for transporting" mean lawful freight charges for movement by common or contract carrier. Such charges shall include any applicable Federal tax on transportation of commodities now or hereafter imposed, and unless otherwise provided, shall be figured at the lowest available rate. Where the seller uses his own vehicle, such charges shall be figured at the lowest rate for transportation over the same distance by common or contract carrier, exclusive of Federal tax.

(5) "Metropolitan area" of a particular place means the territory within the same municipality and the territory adjacent thereto within the same marketing area.

(e) *Definitions of miscellaneous terms.* (1) "Sales in bond" means a sale of distilled spirits or wine located in a United States bonded warehouse, made prior to payment of United States customs duties and excise taxes applicable thereto.

(2) "Sales tax paid" means a sale of distilled spirits or wine for which applicable United States customs duties and excise taxes have been paid.

(3) "Official offer" means an offer by an importer, processor, primary distributing agent or wholesaler to supply an item to a monopoly state, by the terms of which deliveries are to commence within 60 days from date of acceptance.

(4) "Stock on hand" with reference to an item, means the amount thereof to which the person holds title, irrespective of location.

(5) "Strip stamps" means stamps affixed to individual containers of distilled spirits in accordance with section 2803 of the Internal Revenue Code of the United States.

(6) "Gauge" means the weight, proof, number of wine gallons, number of proof gallons, or any one or more thereof, as determined by an official United States customs gauger.

(7) "Regauge" means a gauge made after the first gauge within continental United States.

(8) "OPA price" means the seller's maximum price determined under this regulation for a sale to a purchaser of the particular class, or an amount less than that price.

(f) Unless the context otherwise requires, definitions contained in § 1499.20 (c) (h) (i) (j) (k) (m) (o) (p) (r) and (s) of the General Maximum Price Regulation shall apply to the same or corresponding terms used herein, and the definitions contained in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

SEC. 7.13 *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and to the District of Columbia.

Effective date. This regulation shall become effective August 14, 1943.

NOTE: All reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12916; Filed, August 9, 1943; 3:20 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14[1] to GMPR, Amdt. 14]

SCRAP SILVER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respects:

1. Section 5.4 (b) (2) is amended by adding at the end thereof the following:

The term shall also include scrap produced by suppliers in semi-fabricating operations and sold by such suppliers as silver casting metal.

2. Section 5.5 (d) (5) is amended by adding at the end thereof the following:

The term "scrap silver" does not include scrap produced by suppliers in semi-fabricating operations and sold by such suppliers as silver casting metal.

This amendment shall become effective August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12931; Filed, August 9, 1943; 3:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 598 Under § 1499.3 (b) of GMPR]

LOOSE-WILES BISCUIT CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2136 *Authorization for determination of maximum prices for sales of Marshmallow Sandwich by Loose-Wiles Biscuit Co.* (a) Loose-Wiles Biscuit Co., having its principal place of business at Long Island City, New York, may sell and deliver the commodity known as "Marshmallow Sandwich" at wholesale and any person may buy and receive the said commodity from said Loose-Wiles Biscuit Co. at wholesale at prices not exceeding $2.40 per dozen packages.

(b) The Loose-Wiles Biscuit Co. shall distribute at the time of or before the initial sale to each purchaser of the said commodity from said Loose-Wiles Biscuit Co. a written notice to read as follows:

The Office of Price Administration has authorized us to sell "Marshmallow Sandwich" at a maximum selling price of $2.40 per dozen packages subject to our customary discount and allowances.

Any seller at retail may determine his maximum selling price for the said commodity by adding a 25% margin of profit to his net cost thereof.

You are required to keep this notice for examination upon request by any person.

(c) This Order No. 598 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 598 (§ 1499.2136) shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12923; Filed, August 9, 1943; 3:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 599 Under § 1499.3 (b) of GMPR]

CONFECTIONS, INC.

For the reasons set forth in an opinion issued simultaneously herewith *It is ordered:*

§ 1499.2137 *Authorization of maximum prices governing sales of "Honey Child", a confectionery item, manufactured by Confections, Inc., Chicago, Illinois.* (a) That on and after the 10th day of August 1943, Confections, Inc., of Chicago, Illinois, may sell its 4 ounce cellophane bags of "Honey Child" to wholesalers at the maximum delivered price of $1.44 less 2%—10 days, per shipping case of 24 bags.

(b) That wholesalers of "Honey Child" shall establish a maximum selling price not in excess of $1.80 per 24 bags delivered.

(c) That retailers of "Honey Child" shall establish a maximum selling price not in excess of 10 cents per 4-ounce bag.

(d) That Confections, Inc., shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchaser, a written notice as follows:

The Office of Price Administration has authorized us to sell our 4 ounce cellophane bags of "Honey Child" to wholesalers at a maximum delivered price of $1.44 less 2%—10 days, per shipping case of 24 bags. You are authorized to establish a delivered selling price to retailers not in excess of $1.80 per 24 bags.

(e) That Confections, Inc., for a period of at least ninety days, shall place in or on the smallest retail packing units a written notice as follows:

The Office of Price Administration has authorized us to sell our 4 ounce cellophane bags of "Honey Child" to wholesalers who in turn are authorized to sell this item to retailers at a delivered price not in excess of $1.80 per 24 bags. Retailers are authorized to sell "Honey Child" at a price not in excess of 10 cents per 4 ounce bag.

(f) This order may be amended or revoked at any time by the Office of Price Administration.

(g) This order shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12924; Filed, August 9, 1943; 3:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 90 Under SR 15 to GMPR]

ALLER AND SHARP, INC.

Order No. 90 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3307.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1390 *Adjustment of maximum prices for contract carrier services furnished by Aller and Sharp, Inc.* (a) Aller and Sharp, Inc., 817 West Fifth Avenue, Columbus, Ohio, may sell and deliver contract carrier services on and after April 1, 1943 at rates not to exceed those set forth in the schedule of rates annexed to its application for adjustment and identified as Exhibit "I".

(b) All requests of the application not granted herein are denied.

(c) This Order No. 90 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 90 (§ 1499.1390) shall become effective as of April 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12932; Filed, August 9, 1943; 3:24 p. m.]

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4. In section 20, the base price per pound for Item No. 1 of Schedule No. 53, Scallops (Pectin species) is amended to read ".38" instead of ".45".

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12922; Filed, August 9, 1943; 8:26 p. m.]

PART 1377—WOODEN CONTAINERS

[MPR 424,[1] Amdt. 1]

TIGHT COOPERAGE STOCK AND SAWED TIGHT COOPERAGE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 424 is amended in the following respects:

1. The first paragraph of section 5 (c) is amended to read as follows:

(c) *Sales by dealers or merchants.* In sales by dealers or merchants of their purchased stock the maximum prices for tight staves and/or headings of more than 6,000 pounds shall be the maximum f. o. b. producing factory price contained in the schedule plus a mark-up of 7 percent of the f. o. b. factory price.

2. The portion of section 14 beginning with the phrase, "Persons desiring to sell as warehousemen", and ending with the phrase, "and be specifically licensed" is amended to read as follows:

Any person desiring to sell as a warehouseman, dealer or merchant must file his qualifications with the Lumber Branch, Office of Price Administration, Washington, D. C. and be specifically licensed. Upon filing his qualifications as a warehouseman, dealer or merchant a person may make such sales, subject to refund in event his license is not granted.

This amendment shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12927; Filed, August 9, 1943; 3:26 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364,[1] Amdt. 3]

FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of the amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 364 is amended in the following respects:

1. In section 20, the base prices per pound for Item Nos. 1, 2, 3, and 4 of Schedule No. 43, swordfish (Xiphias gladius), are amended to read ".34½", ".36¾", ".33¾", and ".48" respectively instead of ".45", ".48", ".46", and ".50".

2. In section 20, the base prices per pound for Item Nos. 1, 2, 3, 4, and 5 of Schedule No. 47, whiting (Merluccius bilincaris) are amended to read ".05¼", ".08", ".16¾", ".15¾", and ".15¾" respectively instead of ".04", ".09", ".16", ".17", and ".18".

3. In section 20, Schedule No. 47 is amended by adding Item No. 6 to read as follows:

Sched. No.	Name	Item No.	Style of processing	Size	Base price per pound
Sched. 47..	Whiting (Merluccius bilincaris).....	6	Dressed and Sealed.....	All sizes.....	0.06½

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9187, 9880.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9516.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4640, 5566.

[2] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8676, 8811, 9304, 9458, 10304, 10512.

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the States of Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

Zone 1A shall include the State of Connecticut.

Zone 2 shall include the State of New York and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex and Union Counties in the State of New Jersey.

Zone 3 shall include the States of Delaware and Pennsylvania and that part of the State of New Jersey not included in Zone 2.

Zone 3A shall include the State of Ohio; Brooke, Hancock, Ohio and Marshall Counties in the State of West Virginia; and that part of the State of Indiana not located in Zone 8.

Zone 4 shall include the State of Maryland; Barbour, Berkeley, Braxton, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt, and Wood Counties in the State of West Virginia; Accomac, Arlington, Caroline, Charles City, Clarke, Culpeper, Elizabeth City, Essex, Fairfax, Fauquier, Frederick, Gloucester, Greene, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Madison, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Orange, Page, Prince George, Princess Anne, Prince William, Rappahannock, Richmond, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, and York Counties and the independent cities of Alexandria, Fredericksburg, Hampton, Harrisonburg, Hopewell, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, Suffolk, Williamsburg and Winchester in the State of Virginia; and the District of Columbia.

Zone 5 shall include the State of North Carolina; that part of the State of Virginia not included in Zone 4; that part of the State of West Virginia not included in Zones 3A and 4; Bell, Boyd, Breathitt, Carter, Elliott, Floyd, Greenup, Harlan, Johnson, Knott, Lawrence, Leslie, Letcher, Magoffin, Martin, Perry and Pike Counties in the State of Kentucky; and Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sevier, Sullivan, Unicoi, Union and Washington Counties in the State of Tennessee.

Zone 6 shall include the States of Georgia and South Carolina.

Zone 7 shall include that part of the State of Florida which lies east of the Apalachicola River.

Zone 8 shall include the States of Arkansas, Alabama, Louisiana and Mississippi; that part of the State of Florida which lies west of the Apalachicola River; that part of the State of Kentucky which is not located in Zone 5; that part of the State of Tennessee which is not located in Zone 5; and Benton, Boone, Brown, Carroll, Clark, Clay, Clinton, Crawford, Daviess, Dubois, Floyd, Fountain, Gibson, Greene, Harrison, Hendricks, Jasper, Johnson, Knox, Lake, Lawrence, Marion, Martin, Monroe, Montgomery, Morgan, Newton, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Spencer, Sullivan, Tippecanoe, Vanderburgh, Vermillion, Vigo, Warren, Warrick, Washington and White Counties in the State of Indiana.

Zone 9 shall include all counties in the State of Texas except Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crockett, Crosby, Culberson, Dallam,

Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Kent, King, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Scurry, Sherman, Sterling, Stonewall, Swisher, Terrell, Terry, Upton, Ward, Wheeler, Winkler and Yoakum Counties.

Zone 9A shall include all counties in the State of Oklahoma except Beaver, Cimarron and Texas Counties.

Zone 10 shall include the lower peninsula of the State of Michigan.

Zone 11 shall include the States of Illinois, Missouri and Wisconsin and the upper peninsula of the State of Michigan.

Zone 12 shall include all of the continental United States not included in Zones 1 to 11 inclusive.

(b) "Base rate" as used herein, refers to the lowest published refiners' base rate in effect on the effective date of this Eighth Revised Zoning Order No. 1.

(c) Sugar may be delivered, shipped or transferred as follows:

(1) From Zone 1 to any point in Zone 1A.

(2) From Zone 2 to any point in Zones 1A, 3A, on 10.

(3) From Zone 3 to any point in Zones 3A or 10.

(4) From Zone 8 to any point in Zone 11.

(5) From Zone 9 to any point in Zone 9A.

(6) From Zone 12 to any point in Zones 9A or 11.

(d) (1) Granulated sugar in 5 and 10 pound packages and confectioners' sugar in bulk may be delivered, shipped or transferred from Zone 4 to those parts of the States of Kentucky, West Virginia and Virginia located in Zone 5 and to that part of the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland and to any point in the City of Bristol located in the State of Tennessee; from Zone 6 to any point in that part of the State of Tennessee located in Zone 5 and to that part of the State of North Carolina where the base rate is based on shipments from Savannah, Georgia, and to any point in the City of Bristol located in the State of Virginia.

(2) Confectioners' sugar in bulk may be delivered, shipped or transferred from Zone 6 to any point in Zone 7.

(e) Any carrier who has, prior to the effective date of this Eighth Revised Zoning Order No. 1, accepted sugar for a delivery, shipment or transfer not at that time prohibited by §§ 1407.168 and 1407.281 may complete such delivery, shipment or transfer after the effective date of this Eighth Revised Zoning Order No. 1.

This revised zoning order shall become effective August 9, 1943.

(Pub. Law 421, 77th Cong., Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005; § 1407.168 of Rationing Order No. 3)

Issued this 9th day of August 1943.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 43-12930; Filed, August 9, 1943; 3:26 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Rev. MPR 341]

MAXIMUM PRICES FOR USED COMMERCIAL MOTOR VEHICLES

Maximum Price Regulation No. 341 (Used Commercial Motor Vehicles) is redesignated Revised Maximum Price Regulation No. 341 (Maximum Prices for Used Commercial Motor Vehicles), and is revised and amended to read as follows:

In the judgment of the Price Administrator, prices of used commercial motor vehicles have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended. The Price Administrator has ascertained and given due consideration to the prices of used commercial motor vehicles prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has consulted with and has been advised by representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are and will be generally fair and equitable and will effectuate the purposes of the Act. A statement of the considerations involved in the issuance of this revised regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1360.501 *Maximum prices for used commercial motor vehicles.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 341 (Maximum Prices for Used Commercial Motor Vehicles), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1360.501 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 341—MAXIMUM PRICES FOR USED COMMERCIAL MOTOR VEHICLES

ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

Sec.
1. Applicability of this regulation.
2. Prohibition against dealing in used vehicles at prices above the maximum.
3. Relation to other regulations.
4. Less than maximum prices.

*Copies may be obtained from the Office of Price Administration.

ARTICLE II—MAXIMUM PRICES

Sec.
5. Maximum prices for used vehicles.
6. Computation of "base price".
7. Percentage to be used in multiplying "base price" to obtain maximum price and the method for adjusting the percentage to allow for depreciation.
8. "Warranted" used vehicles.
9. Maximum prices for special cases.

ARTICLE III—MISCELLANEOUS

10. Federal and state taxes.
11. Evasion.
12. Tag to be attached by dealer to vehicle.
13. Certificate of transfer that must be completed for a sale of a used vehicle.
14. Records and reports.
15. Enforcement.
16. Licensing and registration.
17 Petitions for amendment of general applicability.
18 Definitions.

Appendix A: Form of tag to be attached by dealer when offering a used vehicle for sale, as required by section 12.
Appendix B: Form of certificate of transfer to be completed as required by section 13.
Appendix D: Table of freight allowance rates.

Article I—Scope of Regulation and Prohibition

SECTION 1. *Applicability of this regulation*—(a) *To what sales this regulation applies.* This regulation applies to all sales by dealers and other persons of used commercial motor vehicles.

(1) *Definition of used commercial motor vehicle ("used vehicle").* "Used commercial motor vehicle", (called "used vehicle" in this regulation), means any self-propelled vehicle, or a vehicle drawn by it, which was designed for use on the highways for the transportation of property or of more than ten persons and which, irrespective of mileage, has been transferred to a person who has acquired it for use and not for the purpose of resale. It includes vehicles of the following types: complete trucks, truck tractors, truck trailers (full and semi), ambulances, hearses, omnibuses, carryall suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes, cab pickups, and chassis and bodies for all of the foregoing; but does not include passenger automobiles, taxicabs, station wagons, vehicles operated on rails, self-tracklaying vehicles, nor farm and garden tractors designed and used for agricultural purposes.

(b) *Geographical applicability.* This regulation applies to the 48 states of the United States and the District of Columbia, and to the territories and possessions of the United States.

SEC. 2. *Prohibition against dealing in used vehicles at prices above the maximum.* (a) On and after August 16, 1943, regardless of any contract or other obligation, except as provided in paragraphs (b), (c), and (d):

(1) No person shall sell or deliver any used vehicle at a price higher than the maximum price permitted by this regulation; and

(2) No person, in the course of trade or business, shall buy or receive a used vehicle at a price higher than the maximum price permitted by this regulation, but if he, the purchaser, has received from the seller a statement that the price charged does not exceed the maximum price, and he has no knowledge to the contrary, he shall be deemed to have complied with this subparagraph.

(3) No person shall agree, offer, or attempt to do any of the acts prescribed in subparagraphs (1) and (2) of this section.

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any War Procurement Agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, as amended.

(c) Nothing in this regulation shall prevent the fulfilment of any contract for the purchase of a used vehicle whether in the nature of a conditional sales agreement, rental contract providing for purchase, or other arrangement, entered into before April 26, 1943, and under which the used vehicle was delivered prior to April 26, 1943.

(d) Where a promissory note covering payment to a dealer or other seller for a used vehicle is discounted by a bank, finance company, or other person and the latter takes possession of the vehicle after default by the maker of the note, the return of the repossessed used vehicle to the dealer in connection with recovery from him of the unpaid balance of the note does not constitute a sale, purchase, or transfer subject to the regulation. However, the sale of a repossessed used vehicle by such a holder of "used vehicle paper" at public or private sale, except the return of a used vehicle in connection with a contract to repurchase, is subject to the regulation.

SEC. 3. *Relation to other regulations*—(a) *In general.* The transactions, persons, and commodities subject to this regulation shall not be subject to any other regulation issued by the Office of Price Administration in so far as they are affected by this regulation, except as provided in paragraphs (b) and (c).

(b) *Exports.* The provisions of this regulation do not apply to the purchase, sale, or delivery for export from the Continental United States or the District of Columbia of a used vehicle. Such a sale, purchase, or delivery is covered by the Second Revised Maximum Export Price Regulation.[1]

(c) *Imports.* The provisions of this regulation shall not apply to the sale, purchase or delivery of a used vehicle which is not manufactured in, but is imported from any foreign country other than Mexico or the Dominion of Canada into, the continental United States or the District of Columbia. Such a sale, purchase, or delivery is covered by the provisions of the General Maximum Price Regulation[2] and especially its Revised Supplementary Regulation No. 12.

SEC. 4. *Less than maximum prices.* Prices lower than maximum prices established by this regulation may be charged and paid.

[1] 8 F.R. 4132, 5987, 7662.
[2] 8 F. R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6902, 8511, 9025.

Article II—Maximum Prices

SEC. 5. *Maximum prices for used vehicles.* Except for special cases provided for in section 9, to figure the maximum price of a used vehicle, the seller must

(a) Find the "base price" according to section 6; and

(b) Multiply such "base price" by the percentage in section 7 (a) applicable to the model year of the vehicle and the condition in which it is sold ("as is" or "warranted"). Before the percentage applicable to a "warranted" vehicle can be used the vehicle must be in the condition required by section 8 and the warranty stated in that section must be furnished to the purchaser.

SEC. 6. *Computation of "base price".* (a) The "base price" for any used vehicle shall be the sum of

(1) The "value when new" of the vehicle, determined in accordance with paragraph (b) of this section;

(2) A transportation allowance, determined in accordance with paragraph (c) of this section; and

(3) The "value when new" of any extras, determined in accordance with paragraph (d) of this section.

(b) *Method of determining "value when new"*—(1) *When the vehicle is priced as a complete unit.* The "value when new" for a vehicle being priced as a complete unit shall be determined by the first of the following which is applicable:

(i) *Complete vehicle listed in Appendix C.* If the vehicle being priced is listed in Appendix C of superseded Maximum Price Regulation No. 341, which appendix is incorporated herein by reference and called Appendix C, the "value when new" shall be the price there listed for such a vehicle.

(ii) *Only chassis listed in Appendix C.* If the chassis of the vehicle being priced is listed in Appendix C, and if the complete vehicle is not so listed, the "value when new" shall be the price listed in Appendix C for the chassis alone or the chassis with cab, whichever is appropriate, plus the first applicable of the following:

(*a*) The original retail price when new, f. o. b. factory, for the body with which the vehicle being priced is now equipped; or

(*b*) The retail price new, f. o. b. factory, in effect on March 31, 1942, for the same or most comparable body.

(iii) *Neither complete vehicle nor chassis listed in Appendix C.* If neither the complete vehicle nor the chassis being priced is listed in Appendix C, the "value when new" shall be determined as follows:

(*a*) If the vehicle being priced was purchased new as a complete vehicle, the "value when new" shall be the original retail price new of the vehicle, f. o. b. factory; or

(*b*) If the chassis and body were bought separately, the "value when new" of the vehicle shall be the sum of the price of the chassis or chassis with cab and the price of the body, each determined by one of the following methods:

(1) *The chassis or the chassis with cab.* The original retail price new, f. o. b. factory, or if that price is not ascertainable, the retail price new, f. o. b. factory, for the same or most comparable chassis of the same year of manufacture listed in Appendix C.

(2) *The body.* The original retail price new, f. o. b. factory, or if that price is not ascertainable, the retail price new, f. o. b. factory, in effect on March 31, 1942, for the same or most comparable body.

(2) *When the chassis, or chassis with cab, and body are sold or priced separately.* If the chassis, or chassis with cab, and body are sold separately or are priced separately in accordance with section 9 (b), the "value when new" shall be determined as follows:

(i) *The chassis or chassis with cab*—(*a*) *When listed in Appendix C.* When the chassis or chassis with cab is listed in Appendix C, the "value when new" is the price there listed.

(*b*) *When not listed in Appendix C.* When the chassis or chassis with cab is not listed in Appendix C, the "value when new" shall be the original retail price new, f. o. b. factory, or if that price is not ascertainable, the price for the most comparable chassis, or chassis with cab, of the same year of manufacture listed in Appendix C.

(ii) *The body.* The "value when new" of the body shall be the original retail price new, f. o. b. factory, or if that price is not ascertainable, the retail price new, f. o. b. factory in effect on March 31, 1942 for the same or most comparable body.

(c) *Transportation allowance to be included in "base price".* There may be included in the "base price" of a used vehicle, an allowance for transportation determined in accordance with the following subparagraphs:

(1) *Sales within the 48 United States and the District of Columbia.* Upon any sale within the United States and the District of Columbia, the allowance that may be added is the amount based on the rate per hundred weight listed in Appendix D for shipment from the principal place of manufacture of the chassis to the area in which the seller's place of business is located. If applicable rates are not listed in Appendix D, the allowance shall be an amount not to exceed the actual rail freight at carload rates as of March 31, 1942, or at current carload rates, whichever are lower, or $20.00. The carload rates shall be those for a vehicle of the same wheel base, shipping weight (actual or as listed in Appendix C) and over-all size of the vehicle being priced, shipped by the most direct route from the principal place of manufacture of the chassis to the freight station nearest the seller's place of business.

(2) *Sales within a territory or possession of the United States.* Upon any sale occurring in any territory or possession of the United States, the transportation allowance shall be the allowance calculated in accordance with subparagraph (1), from the principal place of manufacture of the chassis to Seattle,

Washington, for sales in the Territory of Alaska; to San Francisco, California, for sales in any other territory or possession in the Pacific Ocean; to New York, New York, for sales in any other territory or possession, plus the costs of shipment in each case from such port to the seller's place of business at rates in effect on October 1, 1941.

(d) *Allowance for extras to be included in "base price"*—(1) *When allowance may be included.* An allowance for extras, in the amount of their "value when new" as determined pursuant to subparagraph (2), may be included in the "base price".

(i) *Upon a sale by a person other than a dealer,* only for extras with which a vehicle is equipped at the time of sale.

(ii) *Upon a sale by a dealer,* only for those extras with which a vehicle was equipped when it was purchased by the dealer and with which it is still equipped at the time of sale. A dealer may make a charge for extras with which the vehicle was not equipped when it was purchased by such dealer only if such extras are added at the purchaser's request, and in that case, the additional charge shall be determined in accordance with paragraph (a) of section 9.

(2) *Method of determining amount of allowance, "value when new", of extras.* The "value when new" of extras shall be the sum of the original retail prices new, or, if such original retail prices new, are not ascertainable, then the current retail prices new in the area in which the vehicle is being sold (not to exceed applicable maximum prices), for the same or most comparable extras. Where an extra has replaced equipment on the used vehicle, the allowance to be included in the "base price" for such an extra shall be limited to its exchange value new.

SEC. 7. *Percentage to be used in multiplying "base price" to obtain maximum price and the method for adjusting percentage to allow for depreciation*—(a) *Table of percentages*—(1) *For a used vehicle or chassis.* For a used vehicle or a used vehicle chassis, the percentage to be used in multiplying the "base price" to obtain the maximum price shall not exceed the percentage stated in the following schedule which is applicable to the model year of the vehicle as determined by the manufacturer and the condition in which the vehicle is sold ("as is" or "warranted").

Model year	Percentages	
	"As is"	"Warranted"
	Percent	*Percent*
1943 and 1942 (sold in 1943)	92	103
1942	85	97
1941	73	86
1940	63	78
1939	58	73
1938	55	70
1937	51	67
1936	46	62
1935	41	58
1934	37	54
1933*	33	50

*1932 and lower model year vehicles take the percentages applicable to 1933.

Where the manufacturer did not designate a model year for the vehicle when it was new, the year including the date when it was delivered new to the first purchaser for use shall be considered as the model year if such date of delivery can be substantiated by the motor or serial number or by the original bill of sale or original invoice. If such information cannot be obtained, the year 1933 shall be considered as the model year.

(2) *For a body of a used vehicle.* For a body of a used vehicle, the percentage to be used in multiplying the "base price" to obtain the maximum price shall not exceed the percentage listed in the schedule in subparagraph (1) which is applicable to the model year and the condition in which the body is sold ("as is" or "warranted"). The model year is the year of the original manufacture of the body or the model year 1933.

(b) *Method for adjusting percentage to allow for depreciation.* On January 1, 1944 the maximum price for a used vehicle shall be reduced to allow for depreciation. This shall be done by adjusting the percentages listed in paragraph (a) (1) to make each of them applicable to the model year one year more recent than the model year it was applicable to before the date of adjustment. For example, the revised schedule on January 1, 1944 shall be:

Model year	Percentages	
	"As is"	"Warranted"
	Percent	*Percent*
1944	92	103
1943 and 1942 (sold in 1943)	85	97
1942	73	86
1941	63	78
1940	58	73
1939	55	70
1938	51	67
1937	46	62
1936	41	58
1935	37	54
1934*	33	50

*1933 and lower model year vehicles take the percentages applicable to 1934.

SEC. 8. *"Warranted" used vehicle.* (a) A "warranted" used vehicle, which includes a chassis or body sold separately, is one in good operating condition with which a dealer furnishes the following warranty:

Dealer's Warranty

The used vehicle described below is hereby warranted to be in good operating condition, and to remain in such condition under normal use and service for a period of 30 days after delivery, or 1000 miles, whichever may first occur.

We agree, if said vehicle is delivered during the above period to our place of business, to make with reasonable promptness any repairs or replacements which may be necessary to its good operating condition in accordance with normal use and service.

This warranty does not extend to tires, tubes, paint, glass, upholstery, or to any repairs or replacements made necessary by misuse, negligence, or accident.

Make of used vehicle_____Model_____
Date of delivery_____Speedometer reading_____
Serial or motor number_____
Total selling price $_____
_____
(Name of dealer making sale)
Per_____
(Name of proper representative thereof, and title)
_____
(Address)

(b) A dealer may extend to the purchaser warranties in addition to those provided in the warranty stated in paragraph (a), but this shall be done in a warranty separate and in addition to the warranty provided in paragraph (a), and the maximum price established by section 5 shall not be increased thereby.

(c) If any dealer shall fail to perform his obligations under the terms of the warranty provided in paragraph (a), he shall be deemed to have violated the provisions of this regulation to the extent that the price charged exceeded the price determined under section 5 for the used vehicle sold "as is".

SEC. 9. *Maximum prices for special cases*—(a) *Maximum price where alterations are made or extras added at purchaser's request or for purpose of attaching a new body to form a complete vehicle.* (1) Where a purchaser from a dealer requests that alterations, as distinct from reconditioning operations, be made in a used vehicle or chassis, or that the vehicle or chassis be equipped with extras, the maximum price applicable to the sale of such vehicle or chassis by the dealer after the requested alterations have been made or the extras have been added shall be the sum of subdivisions (i), (ii), and (iii).

(i) The maximum price for the vehicle or chassis without alterations or such extras, determined in accordance with other provisions of this regulation, and

(ii) Prices for extras (as defined in section 18) not to exceed maximum prices under applicable maximum price regulations.

(iii) Prices for parts, materials, and services supplied in making the alterations, not to exceed their maximum prices under applicable maximum price regulations when supplied by the dealer in the course of an alteration job to a regular customer of the same class of customers.

(2) Where a used chassis is altered, extras added and a new body attached to form a complete vehicle, the dealer's maximum price for such a vehicle shall be the sum of the prices determined for the used chassis in accordance with subdivisions (i), (ii), and (iii) of subparagraph (1) plus the maximum price for the new body under the applicable maximum price regulation.

(b) *Maximum prices for a used vehicle consisting of a chassis and body of different model years.* Where a used vehicle consists of a chassis and body of different model years, the maximum price for both the chassis and the body may be determined separately in accordance with the applicable provisions of this regulation.

(c) *Maximum prices for a used vehicle to which is attached special equipment.* Where there is attached to a used vehicle special equipment such as mixers, cranes, scoops, shovels, welding machines, compressors, and winches with independent power or other equipment, whose use is not dependent on its attachment to the vehicle, this special equipment shall be priced separately in accordance with the maximum price regulation that would be applicable if such equipment were not attached to the vehicle, and the used vehicle shall be priced in accordance with the applicable provisions of this regulation.

(d) *Maximum prices for used vehicles which cannot be priced under other sections of this regulation.* Where a used vehicle cannot be priced under any of the other sections of this regulation because it cannot be identified with any model year, or for any other reason, a maximum price may be established for such a vehicle by the nearest Office of Price Administration regional office, or any district office authorized by a regional office, if the seller furnishes adequate data in writing to that office to indicate the nature of the vehicle, the special circumstances making the other pricing provisions of this regulation inapplicable, the proposed selling price, the costs of the vehicle to the seller, and his proposed margin of profit. The regional or district office to which application is made may approve for such a vehicle a pricing method for establishing a maximum price, or a specified maximum price. If that office does not disapprove the application within thirty days from the date it is received, the proposed price shall be the maximum price. The proposed price may be charged on the mailing of the application and thereafter unless the regional or district office disapproves the application within the thirty-day period, but no payment shall be received until either that office has approved the proposed price or has not disapproved it within the thirty-day period.

Article III—Miscellaneous

SEC. 10. *Federal and state taxes.* There may be added to the maximum price for any used vehicle the amount of any federal, state and municipal tax upon, or incident to, the sale, delivery, processing or use of such vehicle. However, the amount of such tax must be stated separately on the certificate required by section 13. No taxes on the vehicle when new may be added to, or included in, the maximum price.

SEC. 11. *Evasion.* (a) It shall be a violation of this regulation to charge a price above the applicable maximum price in connection with any sale of a used vehicle, either alone or in conjunction with any other consideration even though the price increase appears only indirectly. Specifically, the seller is not permitted to require the purchaser, as a condition of the sale or transfer of the vehicle, to make payment over a period of time; to require him to finance the purchase through any particular lending agency; to require him to purchase any equipment, accessories, repairs, parts, or services so as to increase the total compensation above the maximum price; to require him to purchase any other commodity or service; or to require him to make payment in whole or in part by exchanging or transferring or trading in any other vehicle or other product or commodity, or where there is an exchange, transfer, or trade-in, to require him to accept an allowance for the vehicle, product or commodity, exchanged, transferred, or traded-in, which is below its reasonable value. Furthermore, the seller is prohibited from providing for the purchase of the used vehicle by a lessee under a rental contract at an agreed valuation which together with the amount paid for the rental is higher than the applicable maximum price at the time the rental contract is entered into, and from making the terms and conditions of sale more onerous to purchasers than they customarily have been except to the extent allowed by this regulation.

(b) The Office of Price Administration may upon written request grant written permission to any dealer subject to this regulation to change his credit terms, where such change is necessitated by orders issued by the Federal Reserve System or any other agency of the United States.

SEC. 12. *Tag to be attached by dealer to vehicle.* Every dealer offering a used vehicle for sale shall attach to it in a conspicuous place a label or tag not smaller than 4" x 8" in the form set forth in Appendix A, on which shall be set forth legibly all of the information called for in Appendix A.

SEC. 13. *Certificate of transfer that must be completed for a sale of a used vehicle.* Every person when he sells or purchases a used vehicle shall complete a certificate of transfer, Appendix B, which may be obtained from dealers or from the local war price and rationing board. When the used vehicle has been sold, the seller shall insert the details of the sale on the certificate and both the seller and purchaser shall certify on the certificate that they have complied with the revised regulation and that the selling price was not above the maximum stated on the certificate. The completed certificate shall be delivered to the purchaser who shall turn it into the local war price and rationing board. Any misrepresentation in connection with the certificate shall be subject to the penalties provided by the applicable statutes of the United States. This section shall not be applicable to sales to dealers and shall not be effective until 30 days from the effective date of this revised regulation.

SEC. 14. *Records and reports.* Every person who sells a used vehicle shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect, keep and make available for examination by the Office of Price Administration records customarily kept in connection with the sale of a used vehicle and a copy of each warranty, if any, furnished in accordance with section 8.

SEC. 15. *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 16. *Licensing*—(a) *License required.* A license as a condition of selling is hereby required of every dealer now and hereafter selling any used vehicle for which a maximum price is established by this regulation and of every person now or hereafter making frequent sales of such vehicles as an incident to his regular business. No person whose license is suspended shall sell any used vehicle during this period of suspension.

(b) *License granted.* Every person required to be licensed pursuant to paragraph (a) of this section is, by this section, granted a license as a condition of selling such used vehicle. The provisions of this regulation and any amendments thereto, shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of said license. Such license shall be effective on the effective date of this regulation, or whenever any person becomes subject to the maximum price provisions of the regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, continue in force so long as, and to the extent that, this regulation or any amendment or supplement thereto remains in effect.

SEC. 17. *Petitions for amendment of general applicability.* Any person seeking a modification of any provision of this regulation may file an amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration.

SEC. 18. *Definitions.* (a) "As is" refers to a sale of a used vehicle without a warranty by a dealer and to any sale of a used vehicle by a person other than a dealer.

(b) "Dealer" means a person engaged, in whole or in part, in the business of buying, selling, repairing, and reconditioning used vehicles and who maintains a place of business for the display, sale, repairing, and reconditioning of such vehicles. A person who cannot qualify as a dealer because he does not maintain a place for repairing and reconditioning may be approved in writing as a dealer under this regulation by the nearest Office of Price Administration regional office or any district office authorized by a regional office, if he provides adequate evidence to that office that he has an established working arrangement with a reputable business engaged in the repair and reconditioning of used vehicles.

(c) "Extra" means any accessory or equipment designed for attachment to the used vehicle when new which is not provided for in the price of such a vehicle new. It does not include special equipment such as mixers, cranes, scoops, shovels, welding machines, compressors, and winches with independent power, or other equipment whose use is not dependent on its attachment to the vehicle. It does include such items as oversized

[1] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

or special tires, special springs, special transmissions, special brakes, optional wheel base, body frames, heaters, radios, power-take-off winches, and other power-take-off equipment.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Sale" includes sales, dispositions, exchanges, and other transfers and contracts and offers to do any of the foregoing. It includes conditional sales and sales under rental contracts, lease agreements or other agreements except as excluded by section 2 (c). It also includes transfers by banks, finance companies, or other persons discounting promissory notes following the taking of possession by such persons upon default of the person making such promissory notes except as excluded by section 2 (d). The term "sale" does not refer to the adjustment of losses made in connection with settlements of claims under policies of insurance against fire, theft, collision, other loss of property or other coverage, even though the right of subrogation may be involved. The term "sale", "seller", "selling", "purchase", "purchaser", and "purchasing" shall be construed accordingly.

(f) *"War procurement agency"* includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, and the following subsidiaries of the Reconstruction Finance Corporation, Metals Reserve Corporation, Defense Plant Corporation and Defense Supplies Corporation, or any agency of any of the foregoing.

Appendix A: Form of tag to be attached by dealer when offering a used commercial motor vehicle for sale.[4]

OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

Form No. 694–456

Name of dealer_____
Address _____
Chassis make_____Cab_____Body_____
(Yes or No) (Yes or No)

Chassis model____Year____Base Weight____
Chassis serial No_____Motor No_____
Value when new $_____
(Complete vehicle or chassis only)

Extras: (Oversize and spare tires, springs, etc. itemized below)
(1)_____Value when new $_____
(2)_____Value when new $_____
(3)_____Value when new $_____
(etc.) _____Value when new $_____
Transportation allowance____ $_____
Total base price $_____
Body type_____ Year_____Value when new $_____
(To be filled in only when body and chassis are of different model years or body is sold separately)

The prices computed on this tag are in accordance with the Revised Maximum Price Regulation No. 341 of the Office of Price Administration, a copy of which is available for inspection.

NOT WARRANTED SELLING PRICE SUMMARY

Chassis model year_____% of base price_____% Not warranted price $_____
Body model year_____% of base price _____% not warranted price $_____
Total (not warranted) selling price $_____

WARRANTED SELLING PRICE SUMMARY[5]

Chassis model year_____% of base price_____% warranted price $_____
Body model year_____% of base price_____% warranted price $_____
Total (warranted) selling price $_____

Appendix B: Form of certificate of transfer[6] *to be completed for a sale of a used vehicle.*

OPA Form No. 694–457
Form Approved
Budget Bureau No. 08–R604

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

Certificate of transfer of used commercial motor vehicle under the provisions of Revised Maximum Price Regulation No. 341, Maximum Prices for Used Commercial Motor Vehicles.

INSTRUCTIONS

This certificate is to be filled out by the seller for each sale, except a sale to a dealer. (Only one copy is required.) If chassis and body are priced separately, fill out two forms only, one form for the body and one form for the chassis.

Check (x) below to indicate whether information on form is for:
A. Complete vehicle (Body and Chassis) ( )
B. Body only ( )
C. Chassis only ( )

This certificate is to be signed by the purchaser and the seller when the sale is completed The purchaser must present this certificate to the local War Price and Rationing Board when he applies for gasoline rationing coupons for the purchased vehicle.

Use ink, typewriter, or indelible pencil

1. Make_____
2. Year _____
3. Model_____
4. Body type _____
5. Serial number _____
6. Motor number_____
7. State or territory in which vehicle was last registered_____
Name of seller_____
Address—number and street_____
City and state_____
Name of purchaser_____
Address—number and street_____
City and state_____

Maximum Price of complete vehicle, chassis only or body only

8. Value when new of Item A or B or C $_____
9. Allowance for extras $_____
10. Allowance for special body (not included in Item 8) $_____
11. Transportation allowance $_____
12. Total of 8, 9, 10 and 11 equals base price $_____
13. Percentage (applicable to model year) %_____
14. Maximum price, $_____
15. State or local taxes collected by seller, if any. $_____
16. Actual sale price of vehicle including taxes, if any. $_____
17. If seller is a dealer, is vehicle "warranted" ( ) or not "warranted" ( ) (Check one)

Certification of purchaser and seller: The undersigned hereby certify that they have complied with the requirements of Revised Maximum Price Regulation No. 341, Maximum Prices for Used Commercial Motor Vehicles, in establishing the maximum selling price of the above-described vehicle, and that the "Actual Sale Price of the Vehicle" is not more than the maximum selling price stated above.

Signature of purchaser_____
Date_____
Signature of seller_____
Date_____

[4] The dealer shall be responsible for the reproduction of this tag.

[5] In the case when the vehicle is sold at the (not warranted) price the portion of this tag devoted to the (warranted) price may be removed by the seller.

[6] This form may be reproduced without change.

Appendix D: Table of freight allowance rates for trucks from places of manufacture to States and parts of States nearest specified cities.

PLACE OF MANUFACTURE AND MAKE OF TRUCKS

[Rates in cents per 100 pounds]

States and part of state nearest specified cities	Butler, Pa.	Ardmore, Pa.	Cortland, N. Y.	Flint, Mich.	Chicago, Ill.	Detroit, Mich.	Dearborn, Mich.	Appleton, Wis.	Pontiac, Mich.	Springfield, Ohio	Allentown, Pa.	Lansing, Mich.	Milwaukee, Wis.	Buffalo, N. Y.	South Bend, Ind.	Cleveland, Ohio	Toledo Ohio
	American Bantam, Austin	*Autocar*	*Brockway*	*Chevrolet*	*Diamond T*	*Divco, Dodge, Federal, Hudson, Plymouth, Terraplane*	*Ford*	*Four Wheel Drive*	*General Motors*	*International*	*Mack*	*Reo*	*Sterling*	*Stewart*	*Studebaker*	*Indiana, White*	*Willys*
Alabama																	
Birmingham	187	195	215	186	167	181	181	192	180	161	195	178	175	199	166	179	170
Mobile	224	211	230	220	193	215	215	222	217	195	211	214	201	220	198	213	207
Arizona	455	497	497	434	414	434	434	414	434	434	497	434	414	455	434	455	434
Arkansas																	
Little Rock	200	237	226	195	166	189	189	193	189	174	237	185	177	209	171	190	184
Fort Smith	218	258	244	208	183	206	206	205	206	194	258	200	193	230	189	208	196
California	512	528	528	501	487	501	501	487	501	501	528	501	487	512	501	512	501
Colorado	282	320	304	264	240	264	264	252	264	260	320	261	245	291	248	270	260
Connecticut	108	81	83	121	142	117	117	152	121	127	70	124	142	96	133	109	117
Delaware	89	44	84	124	138	117	117	156	122	114	55	126	144	96	130	103	117
Florida																	
Tallahassee	211	187	213	225	209	218	218	240	223	197	187	223	218	224	209	216	213
Miami	262	240	267	293	283	287	287	319	291	265	240	291	283	276	281	283	281
Georgia																	
Atlanta	195	174	200	186	179	179	179	205	184	158	174	184	187	204	174	177	173
Savannah	187	162	193	217	215	209	209	254	214	192	162	217	226	204	208	204	202
Idaho																	
Boise	512	528	528	501	468	501	501	417	501	501	528	501	468	512	501	512	501
Twin Falls	399	438	418	373	348	376	376	361	376	373	438	376	348	401	356	384	373
Illinois																	
Springfield	111	145	130	94	67	94	94	93	97	86	145	88	78	118	74	99	88
Chicago	99	136	117	77	.....	78	78	72	78	78	136	68	49	103	70	86	74
Indiana																	
Indianapolis	90	127	113	83	67	78	78	94	82	60	127	77	78	99	62	82	71
Fort Wayne	83	122	104	67	62	62	62	91	65	58	122	60	74	89	40	67	52
Gary	99	136	117	77	31	78	78	72	78	78	136	68	40	103	50	86	74
Iowa																	
Sioux City	181	214	196	162	133	162	162	137	162	162	214	156	131	184	144	168	156
Cedar Rapids	137	167	150	115	85	115	115	96	115	114	167	111	86	138	99	122	111
Kansas																	
Kansas City	167	204	188	151	122	151	151	140	151	187	204	147	128	177	130	156	146
Wichita	242	248	232	195	170	195	195	188	195	145	248	192	176	229	179	199	189
Kentucky																	
Ashland	103	141	137	106	95	104	104	133	104	85	141	101	104	120	91	100	95
Louisville	97	131	120	93	82	88	88	105	90	71	131	86	90	105	77	88	82
Louisiana	232	251	233	227	201	223	222	226	226	206	251	221	210	244	206	224	217
Maine																	
Augusta	140	169	169	145	140	143	143	173	145	148	169	147	161	122	133	139	143
Portland	127	97	97	130	149	129	129	161	130	136	97	133	149	111	142	122	129
Maryland																	
Baltimore	83	56	86	119	131	112	112	150	114	104	65	118	137	94	121	95	112
Cumberland	65	77	83	99	113	90	90	133	95	88	77	100	119	86	104	78	90
Massachusetts	118	85	91	123	144	122	122	156	123	131	80	128	144	99	138	114	122
Michigan																	
Detroit	82	115	90	45	78	.....	31	90	35	67	111	50	78	74	62	65	43
Grand Rapids	93	131	104	54	65	63	63	77	60	78	125	45	56	89	54	78	65
Minnesota	163	209	178	141	123	141	141	98	141	151	197	137	109	165	133	157	145
Mississippi:																	
Jackson	206	222	230	202	175	197	197	202	202	180	222	196	184	218	180	200	192
Missouri																	
Kansas City	167	204	188	151	122	151	151	140	151	145	204	147	128	177	130	156	146
St. Louis	117	150	136	104	78	101	101	96	104	90	150	99	88	125	86	109	97
Montana																	
Butte	386	431	403	358	336	360	360	326	360	354	426	352	329	383	344	374	363
Billings	343	387	356	315	292	316	316	281	316	320	379	305	286	345	301	330	316
Nebraska	182	219	201	164	137	164	164	148	164	162	219	161	138	189	147	171	161
Nevada																	
Reno	455	497	497	434	414	434	434	414	434	434	497	434	414	455	434	455	434
Las Vegas	512	528	528	501	487	501	501	487	501	501	528	501	487	512	501	512	501
New Hampshire	123	91	90	123	144	122	122	156	123	131	90	128	144	102	138	114	122
New Jersey	93	44	76	120	139	115	115	152	120	116	48	123	142	94	130	105	115
New Mexico	377	410	396	359	282	360	360	294	360	350	410	350	289	385	332	368	356
New York:																	
Buffalo	67	94	65	77	103	74	74	114	77	88	86	83	103	.....	17	67	82
New York City	97	54	77	121	142	115	115	152	121	120	49	124	142	93	133	109	115
North Carolina:																	
Charlotte	145	137	162	170	178	165	165	206	167	147	137	170	185	165	170	144	158
Winston-Salem	128	120	145	170	159	148	148	187	150	128	120	153	167	148	153	139	139
North Dakota:																	
Bismarck	252	289	264	224	208	224	224	192	224	234	253	220	199	249	217	240	227
Fargo	213	250	217	184	168	184	184	145	184	194	244	181	157	211	177	200	187
Ohio																	
Cleveland	60	100	58	71	86	65	65	109	67	65	100	71	93	67	77	.....	54
Cincinnati	82	119	109	82	82	77	77	103	78	48	119	82	90	93	73	74	68
Oklahoma	227	268	251	202	187	211	211	207	211	202	268	205	195	236	192	215	206
Oregon	512	528	528	501	487	501	501	487	501	501	528	501	487	512	501	512	501
Pennsylvania:																	
Erie	51	95	77	83	97	77	77	118	82	77	93	83	104	46	88	52	71
Philadelphia	88	31	78	119	136	115	115	152	119	112	46	122	141	94	127	100	115
Rhode Island	118	83	89	123	144	122	122	156	123	131	83	128	144	101	138	100	122
South Carolina:																	
Charleston	176	151	180	206	212	199	199	237	204	183	151	206	218	193	206	185	199
Greenville	176	151	180	186	184	179	179	213	184	161	151	186	196	193	179	171	171
South Dakota:																	
Pierre	235	274	250	213	193	213	213	185	213	217	274	209	187	240	199	224	213
Sioux Falls	185	221	190	162	137	162	162	133	162	166	218	156	131	186	148	173	162

PLACE OF MANUFACTURE AND MAKE OF TRUCKS—Continued

[Rates in cents per 100 pounds]

States and part of state nearest specified cities	Butler, Pa.	Ardmore, Pa.	Cortland, N. Y.	Flint, Mich.	Chicago, Ill.	Detroit, Mich.	Dearborn, Mich.	Appleton, Wis.	Pontiac, Mich.	Springfield, Ohio	Allentown, Pa.	Lansing, Mich.	Milwaukee, Wis.	Buffalo, N. Y.	South Bend, Ind.	Cleveland, Ohio	Toledo, Ohio
	American Bantam, Austin	*Autocar*	*Brockway*	*Chevrolet*	*Diamond T*	*Divco, Dodge, Federal, Hudson, Plymouth, Terraplane*	*Ford*	*Four Wheel Drive*	*General Motors*	*International*	*Mack*	*Reo*	*Sterling*	*Stewart*	*Studebaker*	*Indiana, White*	*Willys*
Tennessee:																	
Nashville	151	190	179	150	129	146	146	153	145	127	190	142	138	166	129	143	134
Memphis	170	207	196	167	139	162	162	168	167	145	207	161	148	184	145	165	155
Chattanooga	166	175	194	167	159	161	161	184	165	139	175	165	167	177	147	158	155
Texas:																	
Fort Worth	258	298	284	248	222	246	246	239	246	234	298	240	228	271	228	247	241
San Antonio	298	337	325	292	264	287	287	283	287	273	337	282	272	307	272	288	281
Utah	432	471	471	413	393	413	413	393	413	413	471	413	393	432	413	432	413
Vermont	118	98	86	123	144	122	122	156	123	131	93	128	144	98	138	100	122
Virginia:																	
Norfolk	105	78	105	138	141	130	130	166	136	119	83	139	150	117	139	115	130
Roanoke	105	90	109	116	121	108	108	146	113	110	83	118	129	117	117	103	108
Washington	512	528	528	501	487	501	501	487	501	501	528	501	487	512	501	512	501
West Virginia:																	
Charleston	82	122	112	94	101	88	88	123	93	71	106	94	111	99	94	82	83
Wheeling	43	109	93	83	94	77	77	118	78	68	93	83	104	77	88	60	68
Wisconsin	110	145	121	78	54	83	83	59	82	91	141	73	48	107	68	97	85
Wyoming	283	321	310	263	247	264	264	252	261	261	321	258	246	288	247	270	259

Effective date. This revised regulation shall become effective August 16, 1943.

NOTE: All reporting and record-keeping requirements of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12962; Filed, August 10, 1943; 10:39 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14,[1] to GMPR, Amdt. 15]

SOLDER AND BABBITT METAL CONTAINING SILVER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 5.2 of Revised Supplementary Regulation 14 is amended to read as follows:

SEC. 5.2 *Solder and babbitt metal containing silver*—(a) *Maximum prices.* The seller's maximum price for any tin base, lead base or tin-lead base solder or any babbitt metal containing silver shall be the maximum price for such commodity as determined in accordance with § 1499.2 of the General Maximum Price Regulation, plus 9.634 cents per fine troy ounce of foreign silver contained, or plus 36.125 cents per fine troy ounce of domestic or Treasury silver contained.

(b) *Definitions.* (1) "Domestic silver" means silver mined subsequent to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

(2) "Treasury silver" means silver sold by the United States Treasury Department pursuant to an Act approved July 12, 1943, entitled "An Act To Authorize The Use For War Purposes of Silver Held Or Owned By The United States, (Pub. Law 137, 78th Cong.).

(3) "Foreign silver" means any silver other than domestic or Treasury silver, as defined above.

(4) "Solder containing silver" means any tin base, lead base or tin-lead base solder containing silver in the amount of 6% or less.

(c) *When solder or babbitt metal shall be deemed to contain domestic or Treasury silver.* Solder or babbitt metal shall be deemed to contain domestic or Treasury silver only if the following conditions are met:

(1) The seller must certify to the buyer that the solder or babbitt metal contains domestic or Treasury silver. This certification should be on or attached to the invoice.

(2) The aggregate fine silver content of the solder or babbitt metal sold plus the fine silver content of all other commodities sold by the seller at the higher prices permitted by the Office of Price Administration for commodities containing domestic or Treasury silver must not, at any time, exceed the aggregate quantity of domestic or Treasury silver purchased by the seller and not otherwise disposed of.

(d) *Records.* In every case in which solder or babbitt metal is sold as containing domestic or Treasury silver the buyer shall retain the invoice and certificate, and the seller shall retain copies of these, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

This amendment shall become effective August 10, 1943.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9787, 9880.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12963; Filed, August 10, 1943; 10:38 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-38]

MARION COUNTY COAL MINING CORPORATION, INC.

ORDER DISMISSING PROCEEDING

This proceeding was instituted upon a complaint duly filed on September 18, 1941, with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 10 against code member, Marion County Coal Mining Corporation, Inc., a corporation, operating the Glenridge Mine (Mine Index No. 58), in District 10, located in Marion County, Illinois. The complaint alleged that code member wilfully violated the provisions of the Bituminous Coal Code and the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, and prayed appropriate relief.

Pursuant to appropriate orders, and after due notice to interested persons, this matter came on for hearing before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Centralia, Illinois, on December 12, 1941. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered for code member and for District Board 10. At the conclusion of the hearing, all parties waived the preparation and filing of a Report by the Examiner, and the matter was thereupon submitted to me for my consideration.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943, any order which might be issued requiringing code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot. In these circumstances it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated: August 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12911; Filed, August 9, 1943; 12:07 p. m.]

[Docket No. B-332]

FRANK YASBEZ

MEMORANDUM OPINION AND ORDER TO CEASE AND DESIST

On May 7, 1943, after notice and hearing Charles O. Fowler, a duly designated Examiner of the Division, submitted a Report in which he found that code member, Frank Yasbez, operating Frank's #2 Mine, Mine Index No. 504, in District 17, wilfully violated the Order in General Docket No. 19, dated October 9, 1940, by selling and delivering from December 12, 1941 to March 27, 1942, inclusive, 170 tons of 1½" x ½" slack coal at a delivered price of $2.50 per net ton, whereas no minimum price had been established therefor. He also found that the delivered price at which said coal was sold was less than the effective minimum price for like coal established for other mines in the vicinity.

The Examiner recommended that the code membership of Frank Yasbez be revoked and that he be required to pay a tax in the amount of $208.94, as a condition of reinstatement of his membership in the code pursuant to section 5 (c) of the Act.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report. Although no formal exceptions have been filed, code member by letter reasserts his contention that the coal sold was 1½" x 0 and not 1½" x ½" as the Examiner found. Code member also asserts that he is unable to pay the tax imposed and would be forced as an alternative to close his mine.

The precise size of the coal does not clearly appear from the record. The evidence does establish, as the Examiner found, that code member shipped slightly more than 170 tons of coal, as alleged in the complaint. Irrespective of the exact size of the coal shipped, the record shows that no prices, either temporary or final had been established for coals produced at code member's mine. Accordingly, I agree with the Examiner's conclusions that the coal was sold in violation of the Order of the Director, dated October 9, 1940 in General Docket No. 19. I believe that the violation must be held wilful within the meaning of the Act.

The Examiner recommended the entry of an order revoking code membership. My own reading of the record leads me to believe that an order requiring code member to cease and desist from further violations is more appropriate. It appears that code member and his daughter, Villet, were confused with respect to the requirements of the Division which governed code members' operations. There is a suggestion in the record that code member believed that because some of the coal was of inferior quality, it could be sold even though no prices had been established for it. Although code member acknowledged that he "probably" received a copy of the order in General Docket No. 19, which was shown to have been mailed to him, he did not appear fully to understand its provisions. He also seems to have been under the impression that it was necessary first to have an analysis of coal taken before minimum prices could be established. In view of these facts, the nature of the violation, and the tonnage involved, I believe that the purpose of the Act will be adequately effectuated by the entry of a cease and desist order. Consistent with the above, the Report of the Examiner should be approved and adopted.

Upon the basis of the proposed findings of fact, the proposed conclusions of law and recommendation set forth in the Report, and upon the entire record in this proceeding

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director, except as herein modified.

It is further ordered, That Frank Yasbez, code member, operating Frank's #2 Mine, Mine Index No. 504, in Subdistrict 10 of District 17, his agents, employees, representatives, successors and assigns, and all persons acting or claiming to act on his behalf and interest, cease and desist from violating the Act, the Code, the Order in General Docket No. 19, dated October 9, 1940, or orders, rules and regulations thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a United States Circuit Court of Appeals for enforcement thereof or may otherwise proceed as authorized by the Act.

Dated: August 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-12912; Filed, August 9, 1943; 12:07 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-464, G-352, G-325, G-494]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

ORDER INSTITUTING INVESTIGATION, CONSOLIDATING CERTAIN PROCEEDINGS, AND SETTING A HEARING THEREON

AUGUST 4, 1943.

In the matters of Kansas-Nebraska Natural Gas Company, Inc., G-464; The Fin-Ker Oil & Gas Production Company (of Kansas), G-352; The Tri-County Gas Company (of Kansas), G-325; Kansas Natural Gas Inc., G-494.

It appearing to the Commission that:

(a) Kansas-Nebraska Natural Gas Company, Inc., filed an application on June 11, 1943 (which application was in lieu of and in substitution for an application upon the same subject matter filed by the same corporation on April 13, 1943) seeking a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, for authority to construct and operate certain facilities for the transportation of natural gas in interstate commerce and for the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or other uses, which application was received by the Commission and designated Docket No. G-464;

(b) At a public hearing held on June 22 and 23, 1943, pursuant to order entered in said proceeding, Docket No. G-464, on June 1, 1943, it was developed that Kansas-Nebraska Natural Gas Company, Inc., has heretofore constructed and now operates a certain 500 h. p. compressing station at or near Holcomb, Finney County, Kansas, on a pipe line belonging to The Tri-County Gas Company (of Kansas) running from a point at or near Holcomb, Finney County, Kansas, northwardly to a point at or near Scott City, Scott County, Kansas, at or near which point connection is made between the said line and the "main 8 inch transmission line" of Kansas-Nebraska Natural Gas Company, Inc., and that Kansas-Nebraska Natural Gas Company, Inc., and The Tri-County Gas Company (of Kansas) operate said Holcomb-to-Scott City line jointly for the transportation and sale of natural gas in interstate commerce;

(c) Kansas-Nebraska Natural Gas Company, Inc., has neither sought nor received authorization from this Commission for its operations described in paragraph (b) above;

(d) At the said public hearing, it was impossible to adequately and fully develop the facts, conditions, practices or matters as well as the relations (operating, financial, contractual or other) between and among Kansas-Nebraska Natural Gas Company, Inc., The Tri-County Gas Company (of Kansas), The Fin-Ker Oil & Gas Production Company (of Kansas), and Kansas Natural Gas Inc., and such other, if any there be, companies involved in the operations described in paragraph (b) above;

(e) The Fin-Ker Oil & Gas Production Company (of Kansas), a corporation of the State of Kansas, with its principal office and place of business located at Holcomb, Kansas, on May 8, 1942, filed an application with this Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, with, however, a claim and assertion that it is exempt from any and all provisions of the Natural Gas Act, as amended, which application was received by the Commission and designated Docket No. G-352;

(f) From the May 8, 1942, application of The Fin-Ker Oil & Gas Production

Company (of Kansas), the Company may be a natural-gas company within the meaning of the Natural Gas Act, as amended;

(g) The Tri-County Gas Company (of Kansas), a corporation of the State of Kansas, with its principal office and place of business located at Holcomb, Kansas, on May 8, 1942, filed an application with this Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, with, however, a denial that it is a natural-gas company within the meaning of the Natural Gas Act, as amended, and an assertion that the Company is not subject to the said Act, as amended, which application was received by the Commission and designated Docket No. G–325;

(h) From the May 8, 1942, application of The Tri-County Gas Company (of Kansas) and the operations described in paragraph (b) above the Company may be a natural-gas company within the meaning of the Natural Gas Act, as amended;

(i) Kansas Natural Gas Inc., First National Bank Building, Hays, Kansas, is a party to certain contracts with The Fin-Ker Oil & Gas Production Company (of Kansas), The Tri-County Gas Company (of Kansas), and Kansas-Nebraska Natural Gas Company, Inc., involving purchases and sales in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or other uses, and, therefore, may be a natural-gas company within the meaning of the Natural Gas Act, as amended;

The Commission finds that:

(1) It is necessary and appropriate, in the public interest, to carry out and aid in the enforcement of the provisions of the Natural Gas Act, as amended, that an investigation be instituted by the Commission, as hereinafter provided, into the facts, conditions, practices and matters herein referred to, and to determine:

(i) Whether Kansas-Nebraska Natural Gas Company, Inc., should be required to amend its presently pending application filed June 11, 1943, to include therein its operations and joint operations described in paragraph (b) above;

(ii) The operating, contractual, financial, or other relationships, if any, of, between, and among Kansas-Nebraska Natural Gas Company, Inc., The Fin-Ker Oil & Gas Production Company (of Kansas), The Tri-County Gas Company (of Kansas) and Kansas Natural Gas Inc.;

(iii) Whether The Fin-Ker Oil & Gas Production Company (of Kansas) is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should be granted, pursuant to section 7 thereof, a certificate of public convenience and necessity upon its application heretofore filed on May 8, 1942;

(iv) Whether the Tri-County Gas Company (of Kansas) is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should be granted, pursuant to section 7 thereof, a certificate of public convenience and necessity upon its application heretofore filed on May 8, 1942;

(v) Whether Kansas Natural Gas Inc., is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should be required to obtain a certificate of public convenience and necessity under section 7 thereof;

Wherefore, the Commission orders that:

(A) The record in Kansas-Nebraska Natural Gas Company, Inc., Docket No. G–464, heretofore closed on June 23, 1943, is hereby reopened for the purposes of consolidation with the other and related proceedings herein mentioned, and for the taking of additional evidence and testimony as set out in paragraphs (C), (D), and (H) below, and upon such other matters involved and issues as are presented in the proceeding;

(B) The proceedings and matters in The Tri-County Gas Company (of Kansas), Docket No. G–325; The Fin-Ker Oil & Gas Production Company (of Kansas), Docket No. G–352; Kansas-Nebraska Natural Gas Company, Inc., Docket No. G–464; and a new proceeding instituted as hereinafter provided, Kansas Natural Gas Inc., Docket No. G–494, be and hereby are consolidated for the purposes of investigation and public hearing;

(C) Said public hearing shall be held commencing October 6, 1943, at 9:45 a. m., in U. S. District Court Room, Post Office and Court House Building, Topeka, Kansas, respecting the matters involved and the issues presented in these proceedings;

(D) Kansas-Nebraska Natural Gas Company, Inc., appear at said public hearing and there introduce proper, relevant, and material evidence of its facilities, sales and operations to the extent necessary for a determination by the Commission of whether or not the Commission should require said Company to amend its presently pending application of June 11, 1943, to include therein the operation by the said Company of the Holcomb compressing station and the joint operation by the Company with The Tri-County Gas Company (of Kansas) of the "Holcomb-Scott City" pipe line in the manner more fully described in paragraph (b) above;

(E) The Fin-Ker Oil & Gas Production Company (of Kansas) appear at said public hearing and there introduce proper, relevant, and material evidence of its facilities, sales, and operations to the extent necessary and appropriate for a determination by the Commission of whether or not the Company is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should be granted a certificate of public convenience and necessity upon its May 8, 1942, application;

(F) The Tri-County Gas Company (of Kansas) appear at said public hearing and there introduce proper, relevant, and material evidence of its facilities, sales, and operations to the extent necessary and appropriate for a determination by the Commission of whether or not the Company is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should be granted a certificate of public convenience and necessity upon its May 8, 1942, application;

(G) An investigation be and it hereby is instituted into the aforesaid Kansas Natural Gas Inc., Docket No. G–494, and the said Kansas Natural Gas Inc., shall appear at said public hearing and there introduce proper, relevant and material evidence of its facilities, sales, and operations to the extent necessary and appropriate for a determination by the Commission of whether or not the corporation is a natural-gas company within the meaning of the Natural Gas Act, as amended, and should not be, therefore, required to file an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended;

(H) The showing to be made, as provided in paragraphs (D) to (G), inclusive, above, shall include a showing of the operating, contractual, and financial relationships, if any, of the companies with each other, and with any other company that may be subject to the jurisdiction of the Commission under the Natural Gas Act, as amended;

(I) The hearing shall also be held for the purpose of affording to said companies an opportunity to be heard with respect to all matters hereinabove referred to, and for the purpose of investigating and determining the facts and circumstances surrounding such matters;

(J) Interested State commissions may participate in this proceeding, as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 43–12954; Filed, August 10, 1943; 9:59 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1640]

GERMAN AMERICAN BUND

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the German American Bund is an unincorporated national association organized and doing business within the United States;

2. Finding that the National Socialist Party (National Sozialistische Partei) located in Germany is composed of nationals of Germany and is a national of a designated enemy country (Germany);

3. Finding that the German American Bund since April 10, 1940 was or has been controlled by the National Socialist Party and the German Government;

4. Finding that the German American Bund is controlled by or acts for or on behalf of the National Socialist Party and a designated enemy country (Germany) and is therefore a national of the aforesaid designated enemy country (Germany);

5. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to the German American Bund,

is property of a business enterprise within the United States which is a national of the aforesaid designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F R Doc. 43–12935; Filed, August 10, 1943; 9:41 a. m.]

[Vesting Order 1764]

IWATA TRADING CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the following named persons whose last known addresses are indicated opposite their names are nationals of a designated enemy country (Japan);

Names:	*Last known addresses*
Toshiro Iwata	Japan.
Ryuzo Iwata	Japan.
Toshiko Iwata	Japan.
K. Iwata	Japan.
T. Koreyeda	Japan.
Ichiji Iwata	Japan.

2. Finding that Iwata Trading Company is a corporation organized and doing business under the laws of the State of California and is a business enterprise within the United States;

3. Finding that 2,751 shares of $25 par value common capital stock of Iwata Trading Company are registered in the names of the persons listed below in the number appearing opposite each name:

Names:	*Number of shares*
Toshiro Iwata	2,200
Ryuzo Iwata	50
Toshiko Iwata	50
K. Iwata	300
Ichiji Iwata	98
T. Koreyeda	53
Total	2,751

4. Finding that said 2,751 shares constitute a substantial part (namely, 82.7%) of all of the issued and outstanding capital stock and represent control of Iwata Trading Company;

5. Determining, therefore, that Iwata Trading Company is a national of a designated enemy country (Japan);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 2,751 shares of stock described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12936; Filed, August 10, 1943; 9:41 a. m.]

[Vesting Order 1821]

FISHING NETS OWNED BY GISABURO MATSUNO

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Gisaburo Matsuno, who has been interned as a potentially dangerous alien enemy, is a citizen of Japan, and is, therefore, a national of a designated enemy country (Japan);

2. That Gisaburo Matsuno is the owner of the property described below;

3. That the property described as follows:

Certain fishing nets consisting of one tuna net, one mackerel net, four scoop rings and some odd pieces of nets, stored at the Crescent Storage Company, Terminal Island, San Pedro, California, in the the name of Kiyoshi Matsuno.

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons other than Gisaburo Matsuno, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this Order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12937; Filed, August 10, 1943; 9:42 a. m.]

[Vesting Order 1824]

MOTOSHIGE SHOTEN, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the persons named below, whose last known addresses are set forth opposite their names, are subjects of Japan and are nationals of a designated enemy country (Japan):

Names:	*Last known addresses*
Wasuke Motoshige	Tokyo, Japan.
Yoshiyuke Motoshige	Tokyo, Japan.
Yaeko Motoshige	Tokyo, Japan.
Motoi Motoshige	Tokyo, Japan.
Seizo Yamamoto	Tokyo, Japan.

2. Finding that Motoshige Shoten, Ltd. is a corporation organized and doing business under the laws of the Territory of Hawaii, and is a business enterprise within the United States;

3. Finding that 2,750 shares of $20 par value capital stock of Motoshige Shoten, Ltd. are registered in the names of the persons listed below in the number appearing opposite each name:

Names:	*Number of shares*
Wasuke Motoshige	2,000
Yoshiyuke Motoshige	60
Yaeko Motoshige	65
Motoi Motoshige	125
Seizo Yamamoto	500
Total	2,750

4. Finding that said 2,750 shares constitute a substanital part (namely, 91.67%) of all the issued and outstanding capital stock of Motoshige Shoten, Ltd. and are evidence of control of Motoshige Shoten, Ltd.;

5. Determining, therefore, that Motoshige Shoten, Ltd. is a national of a designated enemy country (Japan);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 2,750 shares of stock described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12938; Filed, August 10, 1943; 9:41 a. m.]

[Vesting Order 1907]

ESTATE OF MAX ADLER

In re: Estate of Max Adler, deceased: File D-28-1751; E. T. sec. 892.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Carl Siebert, 308 North 110th Street, Milwaukee, Wisconsin, Executor, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Herbert Siebert	Berlin-Teger Hampstr. 28, Germany.
Elsie Siebert	Berlin-Teger Hampstr. 28, Germany.
Person or persons, names unknown, heirs, next of kin, devicees, legatees, distributees, personal representatives, administrators, executors, assigns and children of Herbert Siebert and Elsie Siebert.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Herbert Siebert, Elsie Siebert and person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors, assigns and children of Herbert Siebert and Elsie Siebert, and each of them, in and to the estate of Max Adler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12939; Filed, August 10, 1943; 9:36 a. m.]

[Vesting Order 1908]

JOHN F. GOETJEN, WILHELMINA KAHRS VS. META KATHERINA ALPERS

In re: Receivership Proceedings: John F. Goetjen and Wilhelmina Kahrs, plaintiffs vs. Meta Katherina Alpers, defendant; File D-28-4681; E.T. sec. 1300.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property in the process of administration by G. E. Wilson, receiver, acting under the judicial supervision of the District Court of Edwards County, Kansas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Meta Katherina Alpers, or her heirs, executors, administrators, devisees, trustees and assigns, names unknown.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Meta Katherina Alpers, or her heirs, executors, administrators, devisees, trustees and assigns, names unknown, and each of them, in and to the receivership estate in the possession of G. E. Wilson, receiver, in the above entitled receivership proceedings,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, perding further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12940; Filed, August 10, 1943; 9:36 a. m.]

[Vesting Order 1910]

JOHN F. GOETJEN VS. WILHELMINA KAHRS, META KATHERINA ALPERS

In re: Partition Proceedings: John F. Goetjen, plaintiff vs. Wilhelmina Kahrs, and Meta Katherina Alpers, if living, and, if dead, then the unknown heirs, executors, administrators, devisees, trustees and assigns of the said Meta Katherina Alpers, defendants; File D-28-4681; E. T. sec. 1300.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is involved in partition proceedings in the District Court of Edwards County, Kansas, entitled, John F. Goetjen, Plaintiff vs. Wilhelmina Kahrs, and Meta Katherina Alpers, if living, and, if dead, then the unknown heirs, executors, administrators, devisees, trustees and assigns of the said Meta Katherina Alpers, Defendants;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Meta Katherina Alpers, or her heirs, executors, administrators, devisees, trustees and assigns, names unknown.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Meta Katherina Alpers, or her heirs, executors, administrators, devisees, trustees and assigns, names unknown, and each of them in and to the proceeds from the sale of the real property involved in the above partition proceedings,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12941; Filed, August 10, 1943; 9:39 a. m.]

[Vesting Order 1911]

ESTATE OF ALFRED CERUTTI

In re: Estate of Alfred Cerutti, also known as Alfredo Cerutti, incompetent, File F-38-4617; E. T. sec. 509.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Maurice Josephberg, Giuseppe Giavani and Lorenzo Bonfantini as committee of the property of Alfred Cerutti, also known as Alfredo Cerutti, an incompetent person, acting under the judicial supervision of the Supreme Court of the State of New York, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Alfred Cerutti, also known as Alfredo Cerutti.	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Alfred Cerutti, also known as Alfredo Cerutti of any nature whatsoever in the possession of Maurice Josephberg, Giuseppe Giavani and Lorenzo Bonfantini as Committee of the property of Alfred Cerutti, also known as Alfredo Cerutti an incompetent person.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12942; Filed; August 10, 1943; 9:39 a. m.]

[Vesting Order 1912]

ESTATE OF ALBA COLAINTA

In re: Guardianship estate of Alba Colainta, also known as Harba Colainta; File D–38–545; E. T. sec. 5886.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the National Bank of Fayette County, Successor Guardian, acting under the judicial supervision of the Orphans' Court of Fayette County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Alba Colainta, also known as Harba Colainta.	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Alba Colainta, also known as Harba Colainta, of any nature whatsoever in the possession of the National Bank of Fayette County, as Successor Guardian of the estate of Alba Colainta, also known as Harba Colainta,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12943; Filed, August 10, 1943; 9:39 a. m.]

[Vesting Order 1913]

ESTATE OF JOSEPH COLAINTA

In re: Guardianship estate of Joseph Colainta; File D–38–547; E. T. sec. 5888.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the National Bank of Fayette County, Successor Guardian, acting under the judicial supervision of the Orphans' Court of Fayette County, Pennsylvania; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

	Last known address
Joseph Colainta	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Joseph Colainta, of any nature whatsoever in the possession of the National Bank of Fayette County, as Successor Guardian of the estate of Joseph Colainta,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12944; Filed, August 10, 1943; 9:39 a. m.]

[Vesting Order 1914]

ESTATE OF HERMAN CROHN

In re: Estate of Herman Crohn, deceased; File D–28–2153; E. T. sec. 2732.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by National Bank of Commerce in Memphis, Executor, acting under the judicial supervision of the Probate Court of Shelby County, Tennessee;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Dr. Siegfried (Seigfried) Crohn	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Dr. Siegfried (Seigfried) Crohn in and to the Estate of Herman Crohn, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12945; Filed, August 10, 1943; 9:39 a. m.]

[Vesting Order 1915]

ESTATE OF PASQUALE DECORLETO

In re: Estate of Pasquale DeCorleto, deceased, File No. D–38–1694; E. T. sec. 5109.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Vincent Ierardi, as administrator acting under the judicial supervision of the Court of Probate, District of Hartford, State of Connecticut; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals	*Last known address*
Joseph DeCorleto	Italy.
Rose DeCorleto	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Joseph DeCorleto and Rose DeCarleto, and each of them, in and to the estate of Pasquale DeCorleto, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12946; Filed, August 10, 1943; 9:40 a. m.]

[Vesting Order 1916]

ESTATE OF JOHANNA C. DOSCHER

In re: Estate of Johanna C. Doscher, deceased; D–28–2164; E. T. sec. 2801.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ethel S. Jones and F. W. Van Camp, Executors, acting under the judicial supervision of the Superior Court of Moore County, North Carolina,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Agnes Sebeck	Germany.
Hanna Dickman	Germany.
T. Kleen	Germany.
Meta Renken, formerly Folkman.	Germany.
The Public School of Nesse Bx.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Agnes Sebeck, Hanna Dickman, T. Kleen, Meta Renken, formerly Folkman and The Public School of Nesse Bx., and each of them, in and to the Estate of Johanna C. Doscher, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12947; Filed, August 10, 1943; 9:40 a. m.]

[Vesting Order 1917]

ESTATE OF GOTTLOB F. ESTERLE

In re: Estate of Gottlob F. Esterle, deceased; File D–28–3640; E.T. sec. 5920.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Elsie K. Esterle, Executrix, acting under the judicial supervision of the Superior Court of the State of Washington for King County;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enem ycountry, Germany, namely,

National:	*Last known address*
Pauline Ersterle (Esterle)	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Pauline Ersterle (Esterle) in and to the Estate of Gottlob F. Esterle, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12948; Filed, August 10, 1943; 9:40 a. m.]

[Vesting Order 1918]

ESTATE AND TRUST UNDER WILL OF ELIZABETH W. GARRETT

In re: Estate of and Trust under will of Elizabeth W. Garrett, deceased; file D-38-1056; E. T. sec 2844.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Provident Trust Company of Philadelphia, Executor and Trustee, acting under the judicial supervision of Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Irene Calenda Beraud	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Irene Calenda Beraud in and to the estate of Elizabeth W. Garrett, deceased, and in and to the Trust Estate created under the Last Will and Testament of Elizabeth W. Garrett, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12949; Filed, August 10, 1943; 9:40 a. m.]

[Vesting Order 1919]

ESTATE OF FERDINAND GRAWE

In re: Estate of Ferdinand Grawe, deceased; file D-28-3498; E. T. sec. 5606.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry P. Meyers, 6226 West Holbrook Street, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Herman Panzer	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Herman Panzer in and to the estate of Ferdinand Grawe, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12950; Filed, August 10, 1943; 9:40 a. m.]

[Vesting Order 1920]

ESTATE OF FRANCESCO GRIECO

In re: Estate of Francesco Grieco, deceased; File No. D-38-356; E. T. sec. 551.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the Orphans' Court, Allegheny County, Pennsylvania, acting under the judicial supervision of the Orphans' Court, Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely:

Nationals:	*Last known address*
Frances Grieco	Italy.
Josephine Morasco	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frances Grieco and Josephine Morasco, and each of them, in and to the Estate of Francesco Grieco, deceased

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12951; Filed, August 10, 1943; 9:41 a. m.]

[Vesting Order 1921]

ESTATE OF ANNA HOLSKEN

In re: Estate of Anna Holsken, deceased; File D-28-3518; E. T. sec. 5745.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Maria Driever	Kellen Hermann Goering Str. 34, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Maria Driever in the sum of $445.75, which amount was deposited with the Treasurer of Cook County, Illinois, on August 13, 1941, pursuant to order of the court of July 23, 1941, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12952; Filed, August 10, 1943; 9:41 a. m.]

[Vesting Order 1922]

ESTATE OF LOUISE D. KENT

In re: Estate of Louise D. Kent, deceased; File D-38-2720; E. T. sec. 7469.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Hamilton National Bank, Administrator, acting under the judicial supervision of the United States District Court for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Carolyn di Robilant	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Carolyn di Robilant in and to the estate of Louise D. Kent, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12953; Filed, August 10, 1943; 9:41 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under MPR 170]

WILLIAM S. GRAY AND COMPANY, ET AL.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1412.13 (j) of Maximum Price Regulation No. 170, *It is hereby ordered:*

(a) *Maximum prices for sales of anti-freeze consisting of a mixture of 72 parts of 95 percent wood alcohol and 28 parts of 91 percent isopropyl alcohol*—(1) *Sales by William S. Gray and Company and other manufacturers to persons other than retailers.*

Sales in tank cars—$.54 per gallon, delivered,

Sales in drums in carload lots (containers included)—$.65 per gallon, delivered,

Sales in drums in less than carload lots (containers included)—$.68 per gallon, f. o. b. seller's shipping point.

(2) *Sales to retailers by any person.*

Sales in containers over 35 gallons—$.81 per gallon, delivered.

In the case of sales to retailers by sellers other than William S. Gray and Company and other manufacturers, transportation costs in excess of 5 cents per gallon may be charged to the buyer's account. Any such charges shall be separately stated on the invoice which shall be furnished the buyer by the seller.

(3) *Sales at retail.* Delivered, including installation in automobile cooling system where buyer so requests and where anti-freeze was customarily so installed without charge during the six month period ending March 31, 1942 by the seller or, if the seller did not sell anti-freeze during such period, by like sellers.

In quantities of one gallon or more—$1.32 per gallon.

In quantities of less than one gallon—$.33 per quart.

(b) *Containers.* The maximum prices established by this order shall not be increased by any charges for containers. The seller may, however, require the return of containers, but in such case the

maximum prices which may be charged are the maximum prices specifically set forth in this order less $.025 per gallon. The same deduction shall be made in those cases where the buyer furnishes drums. Transportation costs with respect to the return or furnishing of containers shall, in all cases, be borne by the seller.

(c) *Marking and posting*—(1) *By packagers.* Every person who packages anti-freeze consisting of 72 parts of 95 percent wood alcohol and 28 parts of 91 percent isopropyl alcohol in containers shall clearly and conspicuously mark on the outside of such containers or on labels securely affixed thereto the following information:

(i) The statement "A mixture of 72 parts of 95 percent wood alcohol and 28 parts of 91 percent isopropyl alcohol," or the statement "Type G."

(ii) The applicable maximum retail price, designated as follows: "OPA Retail Ceiling Price, $1.32 per gallon or $.33 per quart."

(2) *By retailers.* Every person selling anti-freeze subject to this order shall post the maximum price and the brand in a manner plainly visible to and understandable by the purchasing public.

This order shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 9th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12920; Filed, August 9, 1943; 3:26 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 7, 1943.

Order Number and Name

Revised Supp. Reg. 1, Order 29, Gronik Incorp.
Supp. Order 9, Order 7, Consolidated Edison Co. of New York.
MPR 121, Order 20, Ubbink Fuel & Dock Co.
MPR 177, Order 12, Montgomery Ward & Co.
MPR 188, Order 554, Ludowici-Celadon Co.
MPR 188, Order 560, Charles A. Maish Co.
MPR 188, Order 561, Sherwin-Williams Co.
MPR 382, Order 1, Olean Glass Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12967; Filed, August 10, 1943; 10:38 a. m.]

Regional, State, and District Office Orders.

[Connecticut Order G-1 Under SR 14, Amdt. 1]

FIREWOOD IN CONNECTICUT

Amendment No. 1 to Order No. G-I (Formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

An opinion accompanying this Amendment is issued simultaneously herewith.

Section 6 (c) of Connecticut State Order No. G-1 is amended by the addition to the list of towns included in Zone 1 the following town: New Canaan.

SEC. 5a. *Effective dates of amendments.* (a) Amendment No. 1 shall be effective as of October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

CHESTER BOWLES,
State Director.

[F. R. Doc. 43-12902; Filed, August 9, 1943; 11:27 a. m.]

[Connecticut Order G-1 Under SR 14, Amdt. 2]

FIREWOOD IN CONNECTICUT

Amendment No. 2 to Connecticut State Order No. G-1 (Formerly Price Order No. 1) under Supplementary Regulation 14 to the General Maximum Price Regulation—Firewood.

An opinion accompanies this amendment.

Section 3 is amended by adding subparagraph (d), and section 5 is amended by adding subparagraph (b), to read as follows:

SEC. 3. *Evasion.* * * *

(d) The seller shall furnish to the purchaser at the time of the delivery of firewood a receipt signed by the seller setting forth—1. The kind, size, price and number of cords of firewood sold.

2. A statement that each cord contains 128 cubic feet of compactly piled wood. If, however, such firewood is in lengths of 12", 16" or 24" the statement shall set forth that each such cord contains the quantity of wood sawed from 128 cubic feet of compactly piled wood and that each such cord contains not less than the stated minimum number of cubic feet provided therefor in this order. Where fractional parts of a cord are sold, the fractional contents shall be similarly described, computed and stated.

SEC. 5a. *Effective date of amendment.* * * *

(b) Amendment No. 2 shall become effective the 27th day of January 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

K. B. BARKMAN,
Regional Administrator.

[F. R. Doc. 43-12870; Filed, August 7, 1943; 4:19 p. m.]

[Idaho Order G-4 Under Temp. MPR 28 and 29]

CERTAIN FRESH VEGETABLES IN SOUTHERN IDAHO

Order No. G-4 under Temporary Maximum Price Regulations 28 and 29, as amended—Certain Perishable Fruits and Vegetables. Unprocessed agricultural commodities. Adjustment of fresh cabbage, carrots, lettuce, peas, spinach and tomato prices for Southern Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the State Director of the State of Idaho Office of Price Administration by § 1439.253 (c) of Temporary Maximum Price Regulation 28, as amended, and § 1439.304 (c) of Temporary Maximum Price Regulation 29, as amended, and by General Order No. 32, as amended, and Delegation of Authority by the Regional Administrator of the Seventh Region, dated April 1, 1943, to the State Director of the State of Idaho, *It is hereby ordered:*

(a) The maximum prices of fresh cabbage, carrots, lettuce, peas, spinach and tomatoes sold and delivered at wholesale in southern Idaho, being that portion of Idaho lying south of the southern boundary of Idaho County, as bounded by the Laws of the State of Idaho, shall be from and after the effective date of this order, during the duration of Temporary Maximum Price Regulations 28 and 29 unless sooner modified or adjusted, as follows:

	Wholesale price (Per crate)
(1) Fresh cabbage, 80 pound crates; grade A	$5.68
(2) Fresh carrots, 6 dozen crates (bunches with tops); grade A	4.69
(3) Fresh lettuce, 4 or 5 dozen crates (iced); grade A	6.70
	(Per pound)
(4) Fresh peas, grade A	.20
(5) (a) Fresh spinach, local; grade A	.10
	(Per basket)
(5) (b) Fresh spinach, Out-of-State: 20-23 lb. basket; grade A	2.48
	(Per lug)
(6) Fresh tomatoes, 30 lb. lug; grade A	7.04

(7) All sellers covered by this order shall maintain the customary trade price differentials for all grades lower than Grade A.

(b) A service wholesaler who during March 1942 customarily (1) charged different delivered prices for the same food products because of the areas or zones in which the deliveries were made: and (2) determined his delivered prices for each of these areas or zones by adding to the delivered prices established for retailers situated in same base area or zone, an amount approximately equal to the difference between the average cost of delivery to the retailers in the base area or zone and the average cost of delivery to the retailers in such other areas or zones, may continue to receive such amounts in addition to his maximum prices, but such amounts (hereinafter called zone differentials) must be separately stated on the wholesaler's invoices.

(c) The maximum prices of fresh cabbage, carrots, lettuce, peas, spinach and tomatoes sold and delivered at retail in southern Idaho, being that portion of Idaho lying south of the southern boundary of Idaho County, as bounded by the Laws of the State of Idaho, shall be from and after the effective date of this order, during the duration of Temporary Maximum Price Regulations 28 and 29 unless sooner modified or adjusted, the following percentage markups over net cost according to the classification or retailer in which he falls:

(1)

Commodity	Independent retailer, annual volume (under $250,000)	Chain retailer annual volume (under $250,000)	Any retailer, annual volume (over $250,000)
Fresh cabbage	1.65	1.54	1.50
Fresh carrots	1.39	1.39	1.39
Fresh lettuce	1.39	1.39	1.39
Fresh peas	1.65	1.54	1.50
Fresh spinach	1.39	1.39	1.39
Fresh tomatoes	1.39	1.39	1.39

(2) This order applies only to those sellers at retail covered by Temporary Maximum Price Regulations 28 and 29 divided into classifications as outlined in (c) (1) above.

(3) Net cost shall in all cases be based on the unit of purchase of the retailer's largest single purchase during the preceding week of each grade and variety from his customary supplier. The retailer will find his net cost of the item he is pricing before sale. "Net cost" in this order means the amount the retailer paid for an item delivered at his customary receiving point, less all discounts allowed him except the discount for prompt payment; however, no charge or cost for local unloading or local trucking shall ever be included. "Net cost" shall be based on the retailer's most recent purchase since April 7, 1943, on a customary quantity from a customary supplier and on the customary mode of transportation. The retailer will then multiply his net cost by the percentage figures shown in (c) (1) above, which applies to a retailer of his class for the item being priced.

(4) For the purposes of this order, retailer shall determine his annual gross sales volume by reference to his filed Federal Income Tax return for the taxable year 1941, or in the event such retailer did not file a Federal Income Tax return for the year 1941 or was not in operation during the year 1941, then his annual gross sales volume shall be determined by dividing his total gross sales for the period in operation during 1942, as shown on his records, by the number of weeks in operation during 1942 and multiplying the result by the figure 52.

(5) For the purposes of this order, a retailer shall be considered an independent outlet or member of a chain, as follows:

(i) A retail outlet shall be an independent outlet if it is not a unit of four or more retail outlets under one ownership.

(ii) A retail outlet shall be a member of a chain if it is a unit of four or more retail outlets under one ownership.

(d) All provisions of Temporary Maximum Price Regulations 28 and 29 as amended, remain in full force and effect except as to the prices and specific provisions affecting those prices set out herein.

(e) Each wholesaler of fresh cabbage, carrots, lettuce, peas, spinach and tomatoes, whose maximum prices are affected by this order, shall file with the State Office of the Office of Price Administration, Boise, Idaho, periodic reports showing the prices paid by him to producers of said commodities and the net landed cost of such commodities at Boise, Idaho. Such periodic reports shall be made upon receipt of each new shipment from producers into Boise, Idaho.

(f) This order supersedes General Orders Nos. 1, 2 and 3 heretofore issued and which have been revoked simultaneously herewith.

(g) This order may be revoked, modified or amended by the Price Administrator, Regional Administrator or State Director of the Office of Price Administration, at any time.

This order shall become effective April 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of April 1943.

C. C. ANDERSON,
State Director.

[F. R. Doc. 43-12903; Filed, August 9, 1943; 11:25 a. m.]

[Region VII Order G-5 Under SR 14]

FLUID MILK AND CREAM IN SHERIDAN, WYO.

Order No. G-5 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 5). Order modifying maximum wholesale and retail prices for fluid milk and cream in Sheridan, Wyoming.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administration by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk and cream sold at wholesale and retail in Sheridan, Wyoming.* The maximum price of fluid milk and cream sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows: (a) In Sheridan, Wyoming:

Commodity in bottles	Retail price	Wholesale price
Milk, raw:		
Pint	$0.06	$0.05
Quart	.11	.09
Gallon	.39	.36
Coffee cream:		
½ pints	.11	.09
Quart	.44	.36
Whipping cream:		
½ pints	.17	.15
Quart	.68	.58

(2) Definitions: For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed, and sold in bottles for consumption in fluid form as whole milk.

(ii) "Cream" means a concentrated butterfat to the degree specified taken from milk.

(iii) Sheridan, Wyoming, means all of the area lying within the municipal boundaries of that City and a distance of fifteen miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of October 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12904; Filed, August 9, 1943; 11:28 a. m.]

[Region VII Order G-7 Under SR 14]

FLUID MILK IN LAFAYETTE, COLO.

Order No. G-7 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 7.) Order modifying maximum retail prices for fluid milk in Lafayette, Colorado.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold at retail in Lafayette, Colorado.* The maximum prices for fluid milk sold and delivered at retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In Lafayette, Colorado:

Commodity in bottles	*Retail price (cents)*
Milk, raw:	
Gallons	38
Quarts	12
Pints	7
½ pints	3½

(2) Definitions: For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed and sold in bottles for consumption in fluid form as whole milk.

(ii) "Lafayette, Colorado," means all of the area lying within the municipal boundaries of that city and a distance three miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 FR 7871)

Issued this 26th day of October 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12905; Filed, August 9, 1943; 11:27 a. m.]

[Region VII Order G-9 Under SR 14]

FLUID MILK IN STERLING, COLO.

Order No. G-9 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 9.) Order modifying maximum wholesale and retail prices for fluid milk in Sterling, Colorado.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold at wholesale and retail in Sterling, Colorado.* The maximum prices of fluid milk sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In Sterling, Colorado:

Commodity in bottles	Retail price	Wholesale price
	Cents	*Cents*
Milk, raw:		
Quart	12	10
Pint	7	5
Gallon	43	38

(2) Definitions: For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed and sold in bottles for consumption in fluid form as whole milk.

(ii) "Sterling, Colorado," means all of the area lying within the municipal boundaries of that city and a distance of three miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12906; Filed, August 9, 1943; 11:27 a. m.]

[Region VII Order G-10 Under SR 14]

FLUID MILK IN NORWOOD, COLO.

Order No. G-10 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 10). Order modifying maximum wholesale and retail prices for fluid milk in Norwood, Colorado.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold at wholesale and retail in Norwood, Colorado.* The maximum prices of fluid milk sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In the Norwood, Colorado, area:

Commodity in bottles	Grade	Retail price	Wholesale price
		Cents	*Cents*
Milk, raw: Quart	Approved	11	9

(2) Definitions: For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed and sold in bottles for consumption in fluid form as whole milk.

(ii) "Norwood, Colorado," means all the area lying within the municipal boundaries of that city and a distance of three miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administration or Regional Administrator at any time.

(5) This order becomes effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12907; Filed, August 9, 1943; 11:27 a. m.]

[Region VII Order G-11 Under SR 14]

FLUID MILK IN WINCHESTER, IDAHO

Order No. G-11 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 11.) Order modifying maximum wholesale and retail prices for fluid milk in Winchester, Idaho.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.73 (a) (1) (iv) of the General Maximum Price Regulation, as amended by Amendment No. 34 to Supplementary Regulation No. 14, issued by the Office of Price Administration, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold at wholesale and retail in Winchester, Idaho.* The maximum prices of fluid milk sold and delivered at wholesale and retail in the locality set forth below shall be, from and after the effective date of this order, as follows:

(a) In Winchester, Idaho:

Commodity in bottles	Grade	Retail price	Wholesale price
MILK, RAW			
½ pints	Approved	$0.03	$0.03
Pints	do	.06	.05
Quarts	do	.11	.09
Gallons	do	.36	.33

(2) Definitions: For the purpose of paragraph (a):

(i) "Milk" means cow's milk produced, processed, distributed and sold in bottles for consumption in fluid form as whole milk.

(ii) "Winchester, Idaho," means all of the area lying within the municipal boundaries of that city and a distance of three miles beyond at all boundary points.

(3) The sellers affected by this order shall not change their customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(5) This order becomes effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12908; Filed, August 9, 1943; 11:28 a. m.]

[Region VII Order G-27 Under 18 (c)]

FLUID MILK IN MONTANA

Order No. G-27, issued under § 1499.18 (c) of the General Maximum Price Regulation. Order modifying retail prices for fluid milk sold in half pint containers in the State of Montana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That the maximum prices for fluid milk sold at retail in half pint glass bottles or paper containers, in the State of Montana, as now established by the General Maximum Price Regulation or any individual or general adjustment order heretofore issued by this regional office shall be and the same hereby are modified as set forth below.

(a) *Maximum prices for fluid milk sold in half pint bottles or paper containers at retail by purveyors of meals or beverages in the State of Montana.* The maximum prices for fluid milk sold in glass bottles or paper containers at retail by hotels, restaurants, soda fountains, bars, cafes, caterers or any other purveyor of milk as a beverage any where in the State of Montana shall, from and after the effective date of this order, be as follows:

6 cents per ½ pint of milk.

(b) *Definitions:* For the purpose of this general order: (1) "Milk" means cow's milk produced, processed or raw, distributed and sold at retail in ½ pint glass bottles or paper containers as whole milk and having a butterfat content of not less than 3.25 percent and being of approved grade and used as a beverage on the seller's premises.

(2) Insofar as the same are not contradictory of or inconsistent with any of the terms and provisions of this Order No. G-27, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation shall apply to and are hereby deemed to be a part of this Order No. G-27 to the same extent as if rewritten herein.

(c) *Higher established maximum prices may be maintained.* Any seller subject to this order who has, under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or under Maximum Price Regulation No. 280 or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, or under any individual or general adjustment order heretofore made and promulgated by this regional office established a maximum price for fluid milk sold in half pint bottles or paper containers to be consumed as a beverage on the premises which is higher than the price established by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(d) *Right to amend or revoke.* This general order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(e) *Effective date.* This general order becomes effective at 12:01 a. m. on April 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F R Doc. 43-12899; Filed, August 9, 1943; 11:25 a. m.]

[Region VII Order G-29 Under 18 (c)]

FLUID MILK IN SOUTHERN IDAHO

Order No. G-29, issued under § 1499.18 (c) of the General Maximum Price Regulation. Order modifying retail prices for fluid milk sold in half pint containers in the southern Idaho area of the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that the maximum prices for fluid milk sold at retail in half pint glass bottles or paper containers, in the southern Idaho area of the State of Idaho, as now established by the General Maximum Price Regulation or any individual or general adjustment order heretofore issued by this Regional Office shall be, and the same hereby are, modified as set forth below.

(a) *Maximum prices for fluid milk sold in half pint bottles or paper containers at retail by purveyors of meals or beverages in the southern Idaho area of the State of Idaho.* The maximum prices for fluid milk sold in glass bottles or paper containers at retail by hotels, restaurants, soda fountains, bars, cafes, caterers or any other purveyor of milk as a beverage anywhere in the southern Idaho area of the State of Idaho shall, from and after the effective date of this order, be as follows:

6 cents per ½ pint of milk.

(b) *Definitions:* For the purpose of this general order: (1) "Milk" means cow's milk produced, processed or raw, distributed and sold at retail in ½ pint glass bottles or paper containers as whole milk and having a butterfat content of not less than 3.25 per cent and being of approved grade and used as a beverage on the seller's premises.

(2) "Southern Idaho area" means all that area of the State of Idaho which is contained in and constitutes a part of Region VII.

(3) Insofar as the same are not contradictory of or inconsistent with any of the terms and provisions of this Order No. G-29, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation shall apply to and are hereby deemed to be a part of this Order No. G-29 to the same extent as if rewritten herein.

(c) *Higher established maximum prices may be maintained.* Any seller subject to this order who has, under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or under Maximum Price Regulation No. 280 or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, or under any individual or general adjustment order heretofore made and promulgated by this Regional Office established a maximum price for fluid milk sold in half pint bottles or paper containers to be consumed as a beverage on the premises which is higher than the price established by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(d) *Right to amend or revoke.* This general order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(e) *Effective date.* This general order becomes effective at 12:01 a. m. on April 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-12900; Filed, August 9, 1943; 11:26 a. m.]

[Region VII Order G-35 Under 18 (c)]

IMITATION PRESERVES, JAMS AND JELLIES IN REGION VII

Order No. G-35 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for imitation fruit preserves, jams and jellies in Region VII of the Office of Price Administration.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, the prices for imitation fruit preserves, jams and jellies sold by the manufacturers and packers thereof, or by wholesalers or by retailers anywhere within Region VII of the Office of Price Administration, are hereby modified as set forth below.

(a) *Specific maximum prices for manufacturers and packers.* From and after the effective date of this order the maximum prices to be charged for imitation fruit preserves, jams and jellies sold by the manufacturer or packer thereof to any buyer at any place within Region VII of the Office of Price Administration, shall be as follows:

(1) *Manufacturers' and packers' maximum prices f. o. b. plant for imitation fruit preserves and jams in 15 ounce, 2 pound, 4 pound 8 ounce, and 30 pound kit containers as specified.*

	15 ounces		2 pounds	
	25% fruit, 20% pectin, 55% sugar	30% fruit, 15% pectin, 55% sugar	25% fruit, 20% pectin, 55% sugar	30% fruit, 15% pectin, 55% sugar
	Per doz.	*Per doz.*	*Per doz.*	*Per doz.*
Treefruits, assorted	$1.40	$1.90	$2.60	$3.50
Tree and Berry, assorted	1.45	1.95	2.70	3.60
Berry, assorted	1.55	2.00	2.85	3.80
Strawberry	1.60	2.05	3.00	3.85
Youngberry	1.60	2.05	3.00	3.85
Blackberry	1.60	2.05	3.00	3.85
Peach	1.50	1.95	2.80	3.80
Plum	1.50	1.95	2.80	3.80
Cherry	1.50	1.95	2.90	3.80
Black Raspberry	1.60	2.05	3.00	3.85
Raspberry	.....	.....	.....	3.85
Boysenberry	.....	.....	.....	3.60
Apricot	.....	.....	.....	3.60
Pear	.....	.....	.....	3.60
Pineapple	.....	.....	.....	3.80
Pine-Cot	.....	.....	.....	3.85
Loganberry	.....	.....	.....	

	4 lb. 8 oz. glass		30 lb. kit	
	25% fruit, 20% pectin, 55% sugar	30% fruit, 15% pectin, 55% sugar	25% fruit, 20% pectin, 55% sugar	30% fruit, 15% pectin, 55% sugar
	Per doz.	*Per doz.*	*Each*	*Each*
Treefruits, assorted	$5.65	$7.25	------	------
Tree and Berry, assorted	6.10	7.65	------	------
Berry, assorted	6.45	------	------	------
Strawberry	6.80	8.40	$3.50	$4.50
Blackberry	6.80	8.40	3.30	4.25
Youngberry	6.80	8.40	3.30	4.25
Peach	6.25	7.85	3.30	4.25
Plum	6.25	7.85	3.30	4.25
Cherry	6.25	7.85	3.30	4.25
Black raspberry	6.80	8.40	------	------
Raspberry	6.25	8.40	3.50	4.50
Boysenberry	6.35	7.85	------	------
Apricot	5.75	7.85	------	------
Pear	5.75	------	------	------
Pineapple	6.80	8.40	3.50	4.50
Pine-Cot	6.80	8.40	------	------
Loganberry	6.80	8.40	------	------

(2) *Manufacturers' and packers' maximum prices f. o. b. plant for imitation fruit jellies:*

Jelly 12½% fruit juice. 32½% pectin. 55% sugar:

	Per dozen
10 oz. tumblers, assorted	$1.26
13 oz. tumblers, assorted	1.40

(b) *Wholesalers' maximum prices for imitation fruit preserves, jams and jellies sold to any buyer.* For each item of fruit preserves, jams and jellies listed in paragraphs (1) and (2) as set forth above, the wholesaler's maximum price to any purchaser or to any class of purchasers shall be his "base price" plus his "permitted increase" (all per dozen or other customary wholesale selling unit).

(1) "Base price" means the wholesaler's maximum price as calculated under § 1499.2 of the General Maximum Price Regulation and using every pricing method provided by § 1499.2 of the General Maximum Price Regulation which may be necessary to establish a base price for any item.

(2) "Permitted increase" means the amount which the wholesaler's supplier is required to report to him under this order. Where there is more than one supplier, the wholesaler shall take as his "permitted increase" the amount reported to him by the supplier who, by the time the wholesaler is establishing his maximum price, has delivered to him the largest total amount of that item from the 1942 pack.

(c) *Retailers' maximum prices for imitation fruit preserves, jams and jellies sold to any purchaser or any class of purchasers.* For each item of imitation fruit preserves, jams and jellies listed in paragraphs (1) and (2) above, the retailer's maximum price to any purchaser or any class of purchasers shall be his "base price" plus his "permitted increase" per item.

(1) "Base price" means the retailer's maximum price as calculated under § 1499.2 of the General Maximum Price Regulation, using for that purpose every pricing method provided by said § 1499.2 of the General Maximum Price Regulation which may be necessary to establish a base price for each item.

(2) "Permitted increase" means the amount which the retailer's supplier is required to report to him by the terms and provisions of this Order No. G–35. Where there is more than one supplier, the retailer shall take as his permitted increase the amount reported to him by the supplier who, by the time the retailer is establishing his maximum price, had delivered to him the largest total amount of that item from the 1942 pack.

(d) *Information which manufacturers and packers must give their customers.* (1) In the case of any item of imitation fruit preserves, jams and jellies which is being sold by a manufacturer or packer thereof to a wholesaler or retailer for the first time after the effective date of this order, the manufacturer or packer shall send the wholesaler or retailer (before or at the time of delivery) a written statement which lists for each item included in the sale:

(i) The maximum price of the manufacturer or packer as established under the General Maximum Price Regulation called the "base price."

(ii) The specific maximum price established for the manufacturer or packer by this general order called the "maximum price," and

(iii) The amount of the difference between such "base price" and such "maximum price" called the "manufacturer's or packer's permitted increase." When calculating the "wholesaler's or packer's permitted increase" the packer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler or retailer customarily quotes prices for the item.

(e) *Notice from wholesalers to their retail customers.* (1) In the case of any item of imitation fruit preserves, jams and jellies which is being sold by a wholesaler to a retailer for the first time after the wholesaler's maximum price for it has been established under this order, the wholesaler shall calculate the retailer's "permitted increase" for the item by reducing such "permitted increase" to the units in which the commodity is usually sold at retail. When making this calculation the wholesaler shall adjust fractions of ½ cent or more to the next lower cent. Except for the proper insertion, the notice of retailer's "permitted increase" shall read as follows:

(i) Notice of retailer's permitted increases. Your new OPA ceiling price for the different items covered by our invoice of (here insert date of invoice) is your ceiling price as established under General Maximum Price Regulation plus the amount set opposite each retail container item as follows: (Here list one of each of the different container items and state the amount of the permitted increase opposite the same.) OPA requires you to keep this information for examination.

(f) *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

(g) *Customary allowances and discounts.* The maximum prices established by this general order for packers, wholesalers and retailers shall be reduced to reflect their respective customary allowances, discounts and other price differentials.

(h) *Transfers of business or stock in trade.* If the business, assets or stock in trade of any packer, wholesaler or retailer are sold or otherwise transferred on or after the effective date of this order and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this order.

(i) *Evasion.* The price limitations set forth in this order shall not be evaded whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to imitation fruit preserves, jams and jellies alone or in connection with any other commodity, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise in any manner whatsoever.

(j) *Enforcement.* Any person violating a provision of this order is subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(k) *Records and reports.* Every manufacturer or packer, and every wholesaler or retailer who makes sales of any imitation fruit preserves, jams and jellies covered by this order, shall safely keep and preserve for examination by any duly authorized representative of the Office of Price Administration, for a period of two years from and after the effective date of this order, all his existing records relating to the price adjustments made by this order, and shall also safely keep and preserve for the same period and for like inspection all records of the sort customarily made by him in his regular course of business from and after the effective date of this order which relate to the prices charged by him for items of imitation fruit preserves, jams or jellies sold after the effective date of this order; and each manufacturer or packer shall within 30 days after the effective date of this order file with this Regional Office of the Office of Price Administration at Denver, Colorado, a statement that he has established for himself the maximum prices specified in this order as his maximum prices for each kind, flavor, brand and container type or size of imitation fruit preserves, jams or jellies which he manufactures and sells. Wholesalers and retailers are not required to file any such statement or to do more than safely keep their pricing and sales records available for inspection as hereinabove specified.

(l) *Applicability.* The provisions of this Order No. G–35 shall be applicable only to that area of the United States contained within Region VII of the Office of Price Administration.

(m) *Applicability of the General Maximum Price Regulation.* Unless contradictory of or inconsistent with the terms and provisions of this Order No. G–35, all of the terms and provisions of the General Maximum Price Regulation, and particularly the definitions set forth in § 1499.20 thereof, shall apply to and be deemed to be a part of this Order No. G–35 to the same extent and with like force and effect as if re-written herein.

(n) *Definitions:* For the purpose of this general order:

(1) "Person" includes an individual, corporation, partnership, association, any other organization, group of persons, local successors or representatives of any of the foregoing, and includes the United States, any of its agencies, any other government or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Manufacturer or packer" means a person who preserves and packs one or more of the products defined in subparagraphs (5) and (6), infra, as imitation fruit preserves, jams and jellies. A manufacturer or packer of any kind of imitation fruit preserves, jams and jellies covered by this order shall be a manufacturer or packer when selling any other kind covered by this general order whether manufactured and packed by him or not unless he sells that other kind as a wholesaler or retailer.

(3) "Wholesaler" means any person who purchases imitation fruit preserves, jams and jellies for resale and, without substantially changing their form, resells the same to a purchaser who is not a retailer as defined herein.

(4) "Retailer" means any person who purchases imitation fruit preserves, jams and jellies and who, without substantially changing their form, resells the same to an ultimate consumer other than an industrial, institutional, commercial or military agency user.

(5) "Imitation fruit preserves and jams" means any viscous or semi-solid food substance obtained by concentrating a mixture of fruit, pectin and sugar in which the fruit ingredient is not less than 25% or more than 44%, and the pectin ingredient is not more than 20% or less than 1%, and the sugar ingredient is 55%, all ingredients being measured by weight.

(6) "Imitation fruit jellies" means any viscous or semi-solid food substance obtained by concentrating a mixture of fruit juice or juices, pectin and sugar, in which the fruit juice or juices ingredient is not less than 12½% or more than 44%, and the pectin ingredient is not more than 32½% or less than 1%, and the sugar content is 55%, all ingredients being measured by weight.

(7) "Item" means any kind, style or type of pack, flavor, grade, brand, container type and size.

(o) *Established transportation allowance or differential must be maintained.* Manufacturers or packers and wholesalers of imitation fruit preserves, jams, and jellies who have, prior to the effective date of this order, customarily sold in any area or marketing zone at delivered prices which were the same as their f. o. b. plant or place of business prices and thereby absorbed the cost of transportation on such delivered sales, or who made delivered sales in any such area or marketing zone upon which said sales they customarily absorbed part of the cost of transportation, shall continue to make delivered sales in such area or marketing zone and absorb all or such part of the transportation cost incident thereto as they customarily heretofore did.

(p) *Right to revoke or amend.* This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(q) *Effective date.* This order shall become effective as of 12:01 a. m. on April 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-12901; Filed, August 9, 1943; 11:25 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER NO. 51

The following orders under General Order 51 were filed with the Division of the Federal Register on August 7, 1943.

REGION I

New Hampshire Order No. 5, Filed 12:08 p. m.
Springfield Order No. 3, Amendment No. 2, Filed 12:13 p. m.

REGION II

Binghamton Order No. 5, Amendment No. 2, Filed 12:11 p. m.
Syracuse Order No. 1, Amendment No. 1, Filed 12:08 p. m.
Syracuse Order No. 1, Amendment No. 2, Filed 12:11 p. m.
Albany Order No. 4, Amendment No. 3, Filed 12:10 p. m.
Albany Order No. 5, Amendment No. 3, Filed 12:10 p. m.
Albany Order No. 6, Amendment No. 3, Filed 12:10 p. m.
Albany Order No. 7, Amendment No. 2, Filed 12:09 p. m.
Albany Order No. 8, Amendment No. 2, Filed 12:09 p. m.
Albany Order No. 9, Filed 12:09 p. m.
Trenton Order No. 3, Amendment No. 4, Filed 11:55 a. m.
Trenton Order No. 5, Amendment No. 1, Filed 11:55 a. m.
Trenton Order No. 6, Amendment No. 1, Filed 11:56 a. m.
Trenton Order No. 4, Amendment No. 2, Filed 11:55 a. m.

REGION III

Detroit Order No. 5, Amendment No. 3, Filed 11:54 a. m.
Columbus Order No. 7, Filed 11:59 a. m.
Lexington Order No. 6, Amendment No. 1, Filed 11:57 p. m.
Cincinnati Order No. 4, Amendment No. 1, Filed 12:12 p. m.
Cincinnati Order No. 3, Amendment No. 5, Filed 12:12 p. m.
Cincinnati Order No. 5, Amendment No. 1, Filed 12:12 p. m.
Iron Mountain Order No. 18, Filed 11:53 a. m.

REGION IV

Atlanta Order No. 3, Rev., 5 and 6, Amendment 2, Filed 12:13 p. m.
Atlanta Order No. 7, Filed 12:13 p. m.
Atlanta Order No. 8, Filed 12:12 p. m.

REGION V

Dallas Order No. 5 Filed 11:53 a. m.
San Antonio Order No. 4, Amendment No. 1, Filed 11:56 a. m.

REGION VI

Twin Cities Order No. 5, Filed 12:11 p. m.
Sioux Falls Order No. 3, Amendment No. 4, Filed 12:11 p. m.
Springfield Order No. 12, Filed 12:08 p. m.
Bismarck Order No. 3, Filed 12:07 p. m.
Bismarck Order No. 2, Filed 12:13 p. m.
Bismarck Order No. 4, Filed 12:13 p. m.
Bismarck Order No. 5, Filed 12:07 p. m.

REGION VIII

Phoenix Order No. 4, Amendment No. 2, Filed 11:59 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12966; Filed, August 10, 1943; 10:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

LARSON, HONOHAN & CO. (NOT INC.)

ORDER REVOKING REGISTRATION, EXPELLING FROM MEMBERSHIP IN REGISTERED SECURITIES ASSOCIATION, AND DENYING EFFECTIVENESS OF WITHDRAWAL REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of August, A .D., 1943.

In the matter of Herbert L. Honohan, doing business as Larson, Honohan & Co. (Not Inc.), 141 West Jackson Boulevard, Chicago, Illinois.

Herbert L. Honohan, doing business as Larson, Honohan & Co. (Not Inc.), registered as a broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934, having filed a notice of withdrawal from registration and having stated that he had ceased to do business as a broker-dealer;

The Commission having by order instituted proceedings pursuant to sections 15 (b) and 15A of the Securities Exchange Act of 1934 to determine whether the registration of the respondent should be revoked; whether or not said respondent should be suspended or expelled from the National Association of Securities Dealers, Inc., a registered securities association; whether the notice of withdrawal from registration filed by said respondent should be permitted to become effective, and, if so, whether it is necessary in the public interest and for the protection of investors to impose terms and conditions thereon;

Hearings having been held after appropriate notice, and the Commission having this day filed its findings and opinion;

It is ordered, on the basis of said findings and opinion, that the registration of

Herbert L. Honohan & Co. (Not Inc.), be Larson, Honohan & Co. (Not Inc.), be and it hereby is revoked; that the said Herbert L. Honohan, doing business as Larson, Honohan & Co. (Not Inc.), be and he hereby is expelled from membership in the National Association of Securities Dealers, Inc., a registered securities association; and that the notice filed by the said Herbert L. Honohan, doing business as Larson, Honohan & Co. (Not Inc.), of withdrawal from registration and that he has ceased to do business as a broker-dealer be and it hereby is denied effectiveness.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12955; Filed, August 10, 1943; 9:59 a. m.]

[File No. 70-767]

MILWAUKEE LIGHT, HEAT AND TRACTION COMPANY AND THE NORTH AMERICAN COMPANY

NOTICE REGARDING FILING OF JOINT APPLICATION OR DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of August, 1943.

Notice is hereby given that a joint application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company, and its wholly-owned non-utility subsidiary, Milwaukee Light, Heat & Traction Company.

Notice is further given that an interested party may, not later than August 24, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said joint declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Pursuant to a plan of liquidation, Milwaukee Light, Heat & Traction Company proposes to distribute its total assets on the date of such distribution after payment of all existing indebtedness, including accrued taxes or provision therefor, to its sole stockholder, The North American Company.

On receipt of such dividend The North American Company will cancel certificates representing 3,995 shares of the 4,000 shares of the capital stock of Milwaukee Light, Heat & Traction Company now outstanding and held by it, deliver such cancelled certificates to Milwaukee Light, Heat & Traction Company, and transfer the remaining 5 shares to The Milwaukee Electric Railway & Transport Company, an indirect subsidiary of The North American Company and a direct subsidiary of Wisconsin Electric Power Company, in exchange for $1.

On completion of the above transactions, Milwaukee Light, Heat & Traction Company will have no assets and will remain wholly inactive unless and until its future use should become necessary for the performance of segregated or divisional operations of The Milwaukee Electric Railway & Transport Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12956; Filed, August 10, 1943; 9:59 a. m.]

WAR FOOD ADMINISTRATION.

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY REGARDING SLAUGHTER PERMITS AND QUOTAS

Pursuant to the power vested in the Director of Food Distribution, the document entitled "Delegation of Authority Regarding Slaughter Permits and Quotas" appearing in the issue of Wednesday, July 14, 1943 (8 F.R. 9039), is amended by deleting the words "Regional Administrators" wherever such words appear in the document and inserting, in lieu thereof, the words "Regional Directors".

Done at Washington, D. C., this 10th day of August 1943.

ROY F. HENDRICKSON, *Director of Food Distribution.*

[F. R. Doc. 43-12975; Filed, August 10, 1943; 11:13 a. m.]

DESIGNATION OF REGIONAL AREAS

Pursuant to the power vested in the Director of Food Distribution, the document entitled "Designation of Regional Areas" appearing in the issue of Wednesday, July 7, 1943 (8 F.R. 9315), is amended by deleting the words "Regional Administrator" wherever such words appear in the document and inserting, in lieu thereof, the words "Regional Director".

Done at Washington, D. C., this 10th day of August 1943.

ROY F. HENDRICKSON, *Director of Food Distribution.*

[F. R. Doc. 43-12974; Filed, August 10, 1943; 11:13 a. m.]

Reference

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 8 NUMBER 159

Washington, Thursday, August 12, 1943

Regulations

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration, Packers and Stockyards[1]

PART 203—AUTHORIZATION FOR INSPECTION OF LIVESTOCK

SOUTH DAKOTA STOCK GROWERS ASSOCIATION

By virtue of the authority vested in the War Food Administrator by the Packers and Stockyards Act, 1921, as amended, (7 U.S.C. 1940 ed. 181 et seq.), and Public Law 615, 77th Cong., Ch. 421, 2nd Sess., approved June 19, 1942, *It is ordered*, That § 203.7, Chapter II, Title 9, Code of Federal Regulations, be amended to read as follows:

§ 203.7 *South Dakota Stock Growers Association.* Upon a written request filed pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended, and Public Law 615, 77th Cong., Ch. 421, 2nd Sess., approved June 19, 1942, the South Dakota Stock Growers Association, duly organized under the laws of the State of South Dakota, is hereby authorized, with respect to livestock originating in or shipped to market from the State of South Dakota, to charge and collect reasonable and nondiscriminatory fees, approved by the War Food Administrator, to be paid by the owners of the livestock inspected, for the inspection of brands, marks, and other identifying characteristics of livestock sold or offered for sale at those markets at which the said South Dakota Stock Growers Association may register as a market agency, such inspection to be made to determine the ownership of the livestock. Such charges as are authorized to be made shall be collected by the market agency or other person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and paid by it to the said South Dakota Stock Growers Association. Such inspection, charges, and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and such regulations as may be promulgated pursuant thereto.

(7 U.S.C. 181 et seq; 56 Stat. 372; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 10th day of August 1943.

THOMAS J. FLAVIN, *Assistant to the War Food Administrator.*

[F. R. Doc. 43-13050; Filed, August 11, 1943; 11:15 a. m.]

[1] This chapter formerly designated as Food Distribution Administration.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

ENLISTED MEN ABSENT WITHOUT LEAVE, DESERTERS AND ESCAPED MILITARY PRISONERS

Section 36.31 is amended and §§ 36.33, 36.34, and 36.35 are redesignated §§ 36.32, 36.33, and 36.34 respectively and are amended as follows:

The regulations contained herein are also contained in AR 35-2620, 30 June 1943, the particular paragraphs being shown in brackets at the end of sections.

AUTHORITY: §§ 36.31 to 36.34 issued under authority contained in 47 Stat. 1575; 10 U.S.C. 1431.

§ 36.31 *Definitions*—(a) *Absent without leave.* The status of a person subject to military law who fails to repair at the fixed time to the properly appointed place of duty or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave.

(b) *Absentee.* One who is absent without leave.

(c) *Deserter.* A person who has deserted from a lawful enlistment, call, or draft, in or to the Army of the United States; whose trial is not barred by the

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
Addis, Joe, & Son	11217
Black Diamond Coal Mining Co	11222
Canon National Coal Co	11219
Cedar Grove Collieries, Inc	11215
D & W Coal Co	11219
Davis, R. Glenn	11217
District Board 13	11220
Dunn, L. F	11216
Dunning, Frank, Inc	11218
Forks Coal Mining Co	11222
Howard Coal and Coke Co	11223
Hudson Coal Co	11218
Kanawha & New River Barge & Rail Coal Mines, Inc	11221
Kelley's Creek Colliery Co	11220
King Coal Co	11220
Logan Clay Products Co	11215
Market Street Coal Co	11223
Massey, Hal	11220
Moore, W. G., and Son	11215
Moschetti Coal Co	11221
Nixon, R. A	11217
Pittsburg & Midway Coal Mining Co	11222
Riverton Coal Co	11219
Santarelli, Tony	11222
Truax-Traer Coal Co	11216
Winifrede Collieries (2 documents)	11216
Wyatt Coal Co	11217
CIVIL AERONAUTICS ADMINISTRATOR:	
Dayton Municipal Airport, Vandalia, Ohio; waiver of weather requirement for certain test flights	11225
CIVIL AERONAUTICS BOARD:	
American Airlines, Inc.; permission to pilot aircraft into and out of Army Base Airport, Palm Springs, Calif	11201
Hearings, etc.:	
Braniff Airways, Inc	11225
National Airlines, Inc	11225
Pan American Airways, Inc	11225
GENERAL LAND OFFICE:	
Lands withdrawn:	
Nevada	11224
Wyoming	11223

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
GRAZING SERVICE:	
Wage recommendations for construction work:	
California and Nevada	11224
Utah	11224
INTERSTATE COMMERCE COMMISSION:	
Common carriers by railroad; icing of vegetables	11227
Icing of potatoes:	
Baltimore and Ohio Railroad Co	11227
Norfolk and Western Railway Co. (2 documents)	11227
Pennsylvania Railroad Co. (2 documents)	11226
Pennsylvania Railroad Co., et al.; rerouting of freight traffic	11226
NATIONAL WAR LABOR BOARD:	
Alaska; incorporation into Region XII	11201
OFFICE OF ECONOMIC WARFARE:	
Petroleum Reserves Corporation, amendment to charter	11201
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	11227
Logs and bolts (MPR 348, Am. 7)	11214
Oregon and Washington; salmon handling, loading, unloading, etc., services (Rev. SR 14, Am. 17)	11215
Regional, state and district office orders:	
Carriers other than common; Steamboat Springs area, Colo	11232
Fluid milk:	
Dallas, Tex., region	11233
Idaho, certain areas (2 documents)	11228
Idaho, Southern area	11230
Montana	11228
New Mexico (2 documents)	11228, 11230
Milk trucking services; Southern Utah area	11229
Sugar beet molasses; San Luis Valley, Colo	11232
WAR DEPARTMENT:	
Claims against the U. S.; enlisted men absent without leave, deserters and escaped military prisoners	11199
WAR FOOD ADMINISTRATION:	
South Dakota Stock Growers Assn.; authorization for inspection of livestock	11199
WAR PRODUCTION BOARD:	
Anti-freeze (L–51)	11212
Brilhart, C. A., Hardware Co., consent order	11233
Chlorinated hydrocarbon refrigerants (M–28)	11205
Farm machinery and equipment; exports (L–257–a)	11209
Food dehydrators, domestic (L–308)	11213
Preference ratings, uniform method of application and extension (PR 3)	11202
Rationing in Hawaii; delegation of authority to OPA (Supp. Directive I–V)	11201
Suspension orders:	
Grandpop Bottling Co	11209
MacGregor, C. M	11208

CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Regional, state and district office orders—Continued.	
Fluid milk—Continued.	
Idaho, Southern area	11230
Montana	11228
New Mexico (2 documents)	11228, 11230
Milk trucking services; Southern Utah area	11229
Sugar beet molasses; San Luis Valley, Colo	11232
WAR DEPARTMENT:	
Claims against the U. S.; enlisted men absent without leave, deserters and escaped military prisoners	11199
WAR FOOD ADMINISTRATION:	
South Dakota Stock Growers Assn.; authorization for inspection of livestock	11199
WAR PRODUCTION BOARD:	
Anti-freeze (L–51)	11212
Brilhart, C. A., Hardware Co., consent order	11233
Chlorinated hydrocarbon refrigerants (M–28)	11205
Farm machinery and equipment; exports (L–257–a)	11209
Food dehydrators, domestic (L–308)	11213
Preference ratings, uniform method of application and extension (PR 3)	11202
Rationing in Hawaii; delegation of authority to OPA (Supp. Directive I–V)	11201
Suspension orders:	
Grandpop Bottling Co	11209
MacGregor, C. M	11208

thirty-ninth Article of War; who has not been acquitted or convicted of such desertion, or pardoned; who has not been discharged from the enlistment, call, or draft from which he deserted; and who has not been dishonorably discharged from a subsequent enlistment, call, or draft.

(d) *Involuntary absence.* Absence without leave or desertion by a person who has been entrapped, induced, or in any manner caused to absent himself or desert by act or procurement of superior military authority.

(e) *Military prisoner.* A garrison prisoner, whether detained, arraigned, or sentenced; or a general prisoner. See §§ 12.1, 12.2, 12.3.

(f) *Military post.* A military post, camp, or station at which facilities exist for the reception and custody of prisoners. It excludes troops in campaign, maneuvers or on the march, unless the commanding officer of such troops thinks proper to receive an absentee, deserter, or escaped military prisoner. It also excludes recruiting offices.

(g) *United States.* The continental United States exclusive of Alaska and the Canal Zone. [Par. 2]

§ 36.32 *Payment for arrest and delivery of enlisted men absent without leave, deserters, and escaped military prisoners*—(a) *Services for which payment will be made*—(1) *Arrest.* Fifteen dollars will be paid to the civil officer or other person arresting:

(i) An enlisted man absent without leave when the arrest and detention is authorized by a military officer,

(ii) A deserter (other than a Philippine Scout), or

(iii) An escaped military prisoner other than one who was a Philippine Scout immediately before becoming a prisoner), and turning him over to a guard sent for him. For the same services with respect to a deserter from the Philippine Scouts or an escaped military prisoner who immediately before becoming such was a Philippine Scout, $10 will be paid.

(2) *Arrest and delivery.* Twenty-five dollars will be paid to the civil officer or other person arresting and delivering—

(i) An enlisted man absent without leave when the arrest and detention is authorized by a military officer.

(ii) A deserter (other than a Philippine Scout), or

(iii) An escaped military prisoner (other than one who was a Philippine Scout immediately before becoming a prisoner) at a military post. For the same services with respect to a deserter from the Philippine Scouts or an escaped military prisoner who immediately before becoming such was a Philippine Scout, $15 will be paid.

(b) *To whom paid.* The payment mentioned in paragraph (a) (1) or (2) of this section, as the case may be, will be made to the person or persons actually making the arrest of an enlisted man absent without leave, a deserter, or an escaped military prisoner and the turnover or delivery of the person arrested. If two or more persons join in performing these services payment may be made to them jointly. Payment will be made whether the enlisted man absent without leave, deserter, or escaped military prisoner surrenders or is apprehended. Payment will not be made merely for information leading to an arrest, or for an arrest not followed by the return of the person arrested to military control.

(c) *By whom paid.* The payments mentioned in paragraph (a) of this section will be made by disbursing officers of the Finance Department, and will be in full satisfaction of all expenses of, arresting, keeping, and delivering the enlisted man absent without leave, deserter, or escaped military prisoner. [Par. 3]

§ 36.33 *Surrender on advice of attorney.* When a deserter or an escaped military prisoner surrenders himself to military authorities upon advice of his attorney, the attorney is not entitled to reward offered for apprehension of such deserter or escaped military prisoner, his claim for such reward being incompatible with his duty to his client. See 27 Comp. Dec. 482. [Par. 4]

§ 36.34 *Detective agencies.* (a) The act of 3 March 1893 (27 Stat. 591; 5 U.S.C. 53; M.L. 1939, sec. 643), provides:

That hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia.

(b) A detective agency could not legally be employed to apprehend and deliver a deserter or an escaped military prisoner so as to obligate the Government to pay therefor, but information having come to the agency that a certain person was a deserter or an escaped military prisoner, the reimbursement of the actual expenses not exceeding $25 incurred in delivering him from the place found into the hands of the Army officers at the nearest post is not considered an "employment" within the prohibition of the act of 3 March 1893. See MS. Comp. Gen., AD 7112, 21 October 1922. [Par. 5]

(47 Stat. 1575; 10 U.S.C. 1431)

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–12995; Filed, August 11, 1943; 9:37 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial 282]

ARMY AIR BASE, PALM SPRINGS, CALIF.

OPERATIONS OF AMERICAN AIR LINES, INC.

Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to scheduled operations of American Airlines, Inc. at the Army Air Base, Palm Springs, California.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of August 1943.

The following special civil air regulation is made and promulgated to become effective August 6, 1943:

Notwithstanding § 40.2611 (b) of the Civil Air Regulations, any first pilot listed in the American Airlines Airman Operations Specifications on August 10, 1943 who is qualified as competent to operate an aircraft in scheduled air transportation between Phoenix, Arizona, and Los Angeles, California, on August 10, 1943, may pilot aircraft in scheduled transportation for said carrier into and out of the Army Base Airport, Palm Springs, California, upon furnishing evidence to the Administrator showing that the pilot is thoroughly familiar with the form and condition of the airport and with the location and nature of any obstructions in the vicinity.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43–12994; Filed, August 11, 1943; 9:50 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[General Order 23]

PART 803—GENERAL ORDERS

ALASKA

General Order No. 23, adopted by the National War Labor Board on December 18, 1942, is hereby revoked. In its place the following order is adopted:

§ 803.23 *General Order No. 23.* (a) The Territory of Alaska is hereby made a part of Region XII of the National War Labor Board. Approval of voluntary applications for wage and salary adjustments and dispute cases arising within the Territory of Alaska shall be processed as hereinafter provided.

(b) The Territorial Representative of the Wage and Hour and Public Contracts Division of the United States Department of Labor shall receive all requests for rulings and applications for approval of voluntary wage and salary adjustments insofar as such matters are within the jurisdiction of the National War Labor Board.

(c) There is hereby created within the Territory of Alaska a Branch Office of the Regional War Labor Board for Region XII.

(d) There shall be appointed a Wage Stabilization Director within the Territory of Alaska, who shall exercise the same authority within the territory as that exercised by the Wage Stabilization Director in Region XII.

(e) There shall be appointed a Regional Attorney and Disputes Director within the Territory of Alaska, who shall exercise the same authority within the territory as that exercised by the Regional Attorney and Disputes Director in Region XII. As Disputes Director, he shall have authority to set up tripartite panels for hearings on dispute cases, the recommendations of the panels to be sent to the Twelfth Regional Board for approval or disapproval.

(f) Any ruling of the Regional War Labor Board, Region XII, shall be final, subject to the National War Labor Board's ultimate power to review rulings on its own initiative. No action of the National War Labor Board with respect to rulings of said Regional War Labor Board shall be retroactive.

(g) Disputes arising in the Territory of Alaska shall, unless otherwise directed by the National War Labor Board, be referred to the Regional War Labor Board for Region XII.

(h) Jurisdiction and Procedure for Regional War Labor Boards shall be applicable to the Branch Office of the Regional War Labor Board for Region XII, except that owing to difficulties of communication and transportation, time limitations may be relaxed in case of necessity.

(E.O. 9250, 7 F.R. 7871)

Adopted May 14, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43–12999; Filed, August 11, 1943; 9:37 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII[1]—Office of Economic Warfare

PETROLEUM RESERVE CORPORATION

AMENDMENT TO CHARTER

By virtue of the authority vested in me by Executive Order No. 9361, of July 15, 1943 (8 F.R. 9861), Articles Seventh, Ninth and Tenth of the Charter of Petroleum Reserves Corporation (8 F.R. 9044)[1] are hereby amended to read as follows:

Seventh, that the Corporation shall have existence until dissolved by the Director of the Office of Economic Warfare (established by Executive Order No. 9361, of July 15, 1943), or by Act of Congress.

Ninth, that the affairs and business of the Corporation shall be managed by a Board of Directors who shall be appointed by the Director of the Office of Economic Warfare.

Tenth, that this Charter may be amended at any time by the Director of the Office of Economic Warfare, and that the By-Laws may be amended by the Board of Directors at any meeting of the Board.

In witness whereof, the Director of the Office of Economic Warfare has caused this amendment to be issued and adopted this 9th day of August 1943.

LEO T. CROWLEY,
Director,
Office of Economic Warfare.

[F. R. Doc. 43–13002; Filed, August 10, 1943; 10:24 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supp. Directive 1–V]

§ 903.41 *Supplementary Directive No. 1–V—Delegation of authority to the Office of Price Administration with reference to rationing in Hawaii.* (a) In order to permit the efficient rationing of material in the Territory of Hawaii, the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1) is hereby extended to include the exercise of rationing control over the sale, transfer, distribution and use of any material located in the Territory of Hawaii, the rationing of which has been requested by the Regional Director of Region 10 of the War Production Board or by any employee of the War Production Board designated by him for that purpose (hereinafter collectively referred to as "the Regional Director").

(b) The rationing of a material shall be deemed to have been requested by the Regional Director when, and only when, he has made a request in writing, addressed to the Honolulu Office of the Office of Price Administration, and has received back from the Office of Price Administration a copy of the request bearing a notation that the request is acceptable, signed by a duly authorized official of the Office of Price Administration. This paragraph does not apply to any rationing action taken in the Territory of Hawaii by the Office of Price Administration prior to August 23, at the written or oral request of the Regional Director, and any such action is hereby approved and ratified.

(c) The authority of the Office of Price Administration under this Supplementary Directive shall not include the

[1] Formerly in Title 13, Chapter I.

following unless the rationing request of the Regional Director expressly so states:

(1) The power to impose restrictions which do more than control (i) the sale, transfer or other disposition of a material by persons who sell it at retail, (ii) the sale, transfer or other disposition of a material to ultimate consumers and (iii) the use of a material by ultimate consumers.

(2) The exercise of rationing control over any material delivered to or for the account of the Army, Navy, Maritime Commission or the War Shipping Administration, or to or for the account of governmental agencies or other persons to the extent that they acquire the material for export to and consumption or use in any foreign country.

(d) The authority of the Office of Price Administration under this Supplementary Directive shall include the following, unless the rationing request of the Regional Director states otherwise:

(1) The power to regulate or prohibit the sale, transfer, delivery or other disposition of the material to, or its acquisition or use by, any person in the Territory of Hawaii who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(2) The authority to require records and reports and to make audits of the accounts and inspection of the facilities of any person in the Territory of Hawaii involved directly or indirectly in the sale, transfer, delivery or other disposition of the material.

(e) This supplementary directive does not restrict or modify the authority of the Regional Director under War Production Board Regulation No. 2 (§ 903.-01), nor the authority of the Office of Price Administration under Directive No. 1 (§ 903.1) or any directive supplementary thereto.

Issued this 11th day of August 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-13052; Filed, August 11, 1943; 11:11 a. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 3, as Amended August 10, 1943]

UNIFORM METHOD OF APPLICATION AND EXTENSION OF PREFERENCE RATINGS

§ 944.23 *Priorities Regulation 3*—(a) *Definitions.* For the purposes of this regulation:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under the authority of the War Production Board, of the right to use such rating.

(4) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the War Production Board, and includes the initial issuance by any governmental agency, under authority of the War Production Board, of a preference rating certificate rating a delivery or the use of facilities directly to or for such agency.

(5) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(b) *General provisions.* (1) Any person may apply a preference rating assigned to him by any regulation, preference rating certificate or preference rating order issued to him in his name or as one of a class and, subject to the provisions of this regulation, any person may extend any rating which has been applied or extended to deliveries to be made by him.

(2) A preference rating may be applied by a person to whom it is assigned only to the specific quantities and kinds of material authorized (or to the minimum required amounts of material when no specific quantities are authorized) or to the particular use of facilities specified.

(3) No person shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers for delivery of material to which he has applied or extended a rating, in such manner that the amount of the material ordered exceeds the amount to which he is authorized to apply or extend the rating, even though he intends to cancel or reduce his purchase orders to the authorized amount prior to completion of delivery.

(c) *Application or extension of ratings for the use of facilities only or for repairs.* Ratings may be applied or extended to get the use of facilities only or repairs only, in the following cases:

(1) A rating which has been specifically assigned by the War Production Board to permit a named person to obtain the use of specified facilities only may be applied only by the person named and only to obtain the use of the specified facilities.

(2) When a person is authorized to apply or extend a rating to obtain material which he will deliver (or which will be physically incorporated in material to be produced or delivered) he may apply or extend the same rating to obtain the processing by a concern regularly engaged in such business of the material to be produced or delivered or of material which will be physically incorporated therein regardless of the fact that the material to be so processed may be the property of the customer for whom the processing is to be done.

NOTE: Paragraph (c) (3) redesignated (c) (4) and amended; last two sentences of paragraph (c) (2) revoked August 10, 1943.

(3) A blanket MRO rating may be applied by the person to whom it is assigned to get his plant, machinery or equipment repaired even if the repair job does not involve the delivery of repair parts or materials. A blanket MRO rating means a rating assigned by CMP Regulation 5 or 5A, orders in the "P" series or by any other War Production Board regulation, order, form or certificate which assigns a rating for maintenance, repair or operating supplies without specifying the kind and quantity of the material to which the rating may be applied. Where the quantity of material is specified in terms of dollar value only, the rating is a blanket MRO rating. A rating assigned on a PD-1A or PD-3A Certificate, or any other rating assigned to the delivery of specific repair parts or materials, may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph, "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. It does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc. A rating for repairs, as distinct from the delivery of repair parts or materials, may be applied only to a person who is regularly engaged in the business of making repairs with his own tools and equipment.

(4) A person to whom a rating has been applied or extended to get the use of his facilities only or for a repair job only, where no delivery of material is involved, may not extend the rating for any purpose.

(d) *Extension of ratings for material.* The following provisions of this paragraph (d) shall be applicable to all *extensions* of preference ratings originally applied by any person to obtain deliveries of material, notwithstanding any inconsistent provisions of the preference rating certificate or preference rating order assigning the rating. No preference rating may be extended to the delivery of any material except:

(1) Material which will itself be delivered by the person extending the rating on a delivery bearing the rating which is being extended, or which will be physically incorporated into material to be so delivered, including the portion of such material normally eonsumed or converted into scrap or byproducts in the course of processing; or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can

be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design or substitutions of less scarce materials, which in any case do not substantially alter the purpose for which the same is to be used.

A person may not extend a rating to any materials in excess of the quantities specified in this paragraph (d), nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance, repair or operating supplies.

(e) *CMP Regulation 3 and Priorities Regulation 11.* Nothing contained in paragraphs (b) or (d) above shall be deemed to enlarge or limit or to alter in any way any of the provisions or restrictions contained in CMP Regulation 3 (§ 3175.3) or Priorities Regulation 11 (§ 944.32).

(f) *Restrictions upon application and extension of ratings.* The following provisions are designed to eliminate or limit the use of preference ratings with respect to certain materials and products as to which such use is inappropriate because of adequate supply, specialized needs or other particular factors:

(1) *Items as to which preference ratings have no effect: List A.* Any item on List A attached to this regulation may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) *Items to Which Blanket MRO Ratings Do Not Apply—List B.* Blanket MRO ratings may not be applied to get any item on List B. See paragraph (c) (3) for definition of blanket MRO ratings. No person shall give any effect to any rating applied to his deliveries of any item on List B if he knows or has reason to believe that it is a blanket MRO rating. Ratings which are not blanket MRO ratings may, however, be used to get items on List B. Any blanket MRO rating applied to an order for any item on List B which was not delivered before the date the item was added to the list shall be deemed void.

(3) *Illustration.* A manufacturer of a product listed on Schedule II of CMP Regulation 5 is assigned a rating of AA-2 for operating supplies. He may not use the rating to buy wooden shelving for his own use since it is on List B. A contractor has received an order bearing a rating of AA-3 to install wooden shelving in an Army camp. He may extend that rating to obtain the wooden shelving from the manufacturer since in this case the shelving is production material as to him and not operating supplies. If, however, wooden shelving were on List A instead of List B, neither rating could be used.

(4) [Revoked August 10, 1943.]

(g) *Method of application or extension.* (1) Any person authorized to apply or extend preference ratings may do so:

(i) On a written contract or order by endorsing on or attaching to it a certification in substantially the form prescribed by CMP Regulation No. 7 (Section 3175.7), or substantially as follows, if preferred:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar.

_____
(Name of Purchaser and PRP Certificate No. if Purchaser is a PRP Unit)

_____
(Address)

By _____
(Signature and Title of Duly Authorized Officer)

_____
(Date)

The certification which is used shall be signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for that purpose.

(ii) On a purchase order placed by telegraph, by including in the telegram the following abbreviated certification: "Ratings certified". The requirements for manual signature or authorization under Priorities Regulation No. 7 (§ 944.27) will be satisfied in such case if the copy of the outgoing telegram retained by the person placing the order is signed or authorized in the manner provided in that regulation.

(iii) On a purchase order placed by telephone and requiring shipment within seven days, by stating to the supplier at the time of placing the order the substance of either certification authorized in subdivision (i) of this paragraph (g) (1): provided, however, in such case, that the person making the statement is an official duly authorized to make such certification, and the person making the statement furnishes to the supplier within fifteen days after placing the purchase order confirmation in writing describing the material ordered and bearing a certification of such preference rating substantially in one of the forms authorized by subdivision (i) of this paragraph (g) (1). No preference rating received by telephone shall be extended by the supplier to replace in inventory any material delivered, until receipt by the supplier of the written confirmation herein required. On or before the twentieth day of each month, any supplier who has received in the prior month a preference rating applied or extended by telephone shall notify the War Production Board, Compliance Division, of any case in which a purchaser has failed to furnish to him the written certification when due.

(iv) The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying or extending a rating must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply or extend such rating, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. In addition thereto, each person applying or extending a rating shall execute and file with the War Production Board all reports and questionnaires required by the applicable preference rating certificate or preference rating order and such other reports and questionnaires as said Board shall from time to time request.

(2) Such certification may be used in lieu of any other form of certification required by the terms of any regulation, preference rating order or preference rating certificate (including, without limitation, the instructions accompanying Forms PD-1A, PD-3A and PD-25A) as a means of applying or extending a preference rating and in lieu of furnishing any copy of any preference rating order required thereby; except that the provisions of Priorities Regulation No. 9 (§ 944.30) with respect to the method of applying (but not extending) preference ratings covering certain types of exports must be complied with when ratings are applied pursuant to that regulation.

(3) Notwithstanding the requirements of any applicable preference rating order or certificate,

(i) A person may defer extending any rating for a period of not more than three months after he becomes entitled to extend the same;

(ii) Ratings of the same grade assigned by different preference rating certificates or orders may be combined and extended to a single delivery; and

(iii) Ratings of different grades, whether assigned by the same or different preference rating certificates or orders, may be extended to deliveries under a single purchase order provided the amount of each material to which a particular grade of rating is extended is shown either as a separate item, or on a percentage basis where the material involved is of such type and in such quantities that the supplier can readily determine, from percentage figures alone, the exact effect of the extension of the rating on his production and delivery schedule. To the extent necessary to avoid production or delivery of material in quantities smaller than the minimum commercially practicable, items to which ratings of different grades might be extended may be combined and the rating of the lowest grade extended to the total production or delivery.

(4) In addition to complying with the foregoing requirements of this paragraph (g), any person applying or extending a preference rating shall include on his

purchase order or contract such information (except designation of the number or serial number of the preference rating certificate assigning the rating) as may be required by the terms of any applicable order of the War Production Board and which the person placing the purchase order is able to furnish.

NOTE: Paragraph (g) (4) amended August 10, 1943.

(h) *Applicability of other restrictions.* Except as expressly otherwise provided in paragraphs (d) and (g) of this regulation, the application or extension of any rating shall be subject to any applicable restrictions contained in any order of the War Production Board assigning the preference rating in question or regulating transactions in the material or the use of the facilities involved, including, without limitation, restrictions as to the kind and amount of material to which preference ratings may be applied or extended, requirements of countersignature or other written approval of particular transactions, and restrictions on the use of material or facilities.

(i) *Effect on existing certificates and orders.* All existing forms of preference rating certificates issued by or under authority of the Office of Production Management or the War Production Board are continued in full force and effect, and additional certificates on such forms may continue to be issued by the persons now or hereafter authorized to issue the same until such authority is revoked or amended, subject to the provisions of this all existing orders of the Office of Production Board. All certificates and all existing orders of the Office of Production Management or the War Production Board are to be deemed amended by this regulation only where and to the extent that the provisions of this regulation indicate that it is to control.

Issued this 10th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to preference ratings of any kind:

1. Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry, as petroleum industry is defined in Preference Rating Order P-98-b:
   a. Anti oxidants (gum inhibitors) for motor fuels.
   b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.
   c. Chemical additives and compound bases for hypoid gear oils.
   d. Synthetic catalysts for oil cracking operation
   e. Synthetic catalysts for cumene and codimer manufacture.
   f. Synthetic catalysts for petroleum isomerization operations.
   g. Synthetic catalysts for petroleum sweetening operations
2. Communications services.
3. Dental burs.
4. Dental units and dental chairs.
5. Electric energy.
6. [Revoked.]
7. Gas, manufactured.
8. Gas, natural.
9. Petroleum—restricted products as defined in Order M-291.
10. Steam heating, central.
11. Sterilizer equipment, as defined in Order L-266.
12. Track-laying Tractor Repair Parts (See Limitation Order L-53-b).
13. Ice.
[1] 14. Tobaccos.
[1] 15. Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible, and including their by-products and residues (whether resulting from refining, distillation, saponification, pressing or settling).
[1] 16. Sulfated, sulfonated, and sulfurized fats and oils.
[1] 17. Tall oil.
[1] 18. Wool grease.
[1] 19. Soap (other than metallic).
[1] 20. Fatty acids.
[1] 21. Glycerine.

LIST B

NOTE: Items 13 (c), 21 amended August 10, 1943.

Preference ratings assigned to the delivery of maintenance, repair and operating supplies may not be used to obtain the following items:

1. Anti-freeze, all types.
2. Automotive maintenance equipment as defined in Limitation Order L-270.
3. Automotive replacement batteries as defined in Limitation Order L-180.
4. Automotive replacement parts as defined in Limitation Order L-158.
5. Cellophane and cellulose acetate film less than three one thousandths (0.003) of one inch thick, or cellulose caps or bands of any gauge.
6. Chinaware.
7. Clocks and watches.
8. Construction machinery costing in excess of $100.00.
9. Containers, fabricated, other than shipping reels and skids (in knock-down or set-up forms whether assembled or unassembled) required for packaging products to be shipped or delivered, including but not limited to:
   a. Cans, as defined in Order M-81.
   b. Closures for glass containers.
   c. Corrugated and solid fibre sheets not constituting "shipping containers" or "parts" as defined in Order P-140
   d. Fibre cans, fibre tubes (except shell containers), fibre bottles, and fibre mailing cases.
   e. Folding and set-up boxes (paperboard).
   f. Glass containers.
   g. Grocers and variety bags.
   h. Gummed stay and sealing tape, paper and cloth.
   i. Ice cream cans (paperboard), and parafin cartons and pails.
   j. Paper and paperboard bottle caps, closures and hoods.
   k. Paper cups and paper food containers.
   l. Paper milk containers.
   m. Paper shipping sacks.
   n. Specialty bags and envelopes, including bags partly or wholly made of transparent films.
   o. Textile bags.
10. Cutlery, as defined in any order of the L-140 series.
11. Enameled ware, as defined by Limitation Order L-30-b.
12. Filing Cabinets, wooden.
13. Fire protective equipment, including
   a. Couplings, playpipes and allied fittings;
   b. Fire hose, hose dryers, racks and reels;
   c. [Revoked.]
   d. Fire pumps;
   e. Fire sprinkler systems;
   f. Foam generators;
   g. Indicator posts;
   h. Lightning rod systems;
   i. Piped extinguishing systems;
   j. Portable fire extinguishers;
   k. Stirrup pumps;
   l. Water spray nozzles.
14. Frying pans.
15. Furniture for use in offices, factories or industrial establishments.
16. Galvanized ware governed by Limitation Order L-30-a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout measures).
17. Glass tableware.
18. Glass tumblers.
19. Kitchen ware, heavy duty:
   a. Bakery utensils;
   b. Butcher blocks;
   c. Butcher benches;
   d. Canopies or hoods;
   e. Carriers, food;
   f. Carriers, tray;
   g. Coffee mills and grinders;
   h. Counters, cafeteria, lunch and serving;
   i. Cutters, meat, bone and fish;
   j. Counter protectors;
   l. Dispensers, milk and cream;
   k. Cutters, french fry;
   m. Dough dividers;
   n. Dough troughs;
   o. Display racks;
   p. Knife sharpeners and grinders;
   q. Pans, cold;
   r. Potato mashers;
   s. Potato and vegetable parers or peelers;
   t. Racks, bread (bakery);
   u. Racks, pans (bakery);
   v. Racks, dump (bakery);
   w. Sandwich units;
   x. Slicers, meat and bread;
   y. Toaster stands;
   z. Trucks, food;
   aa. Tables, cooks, chef, salad and work;
   bb. Tables, soiled and clean dish;
   cc. Tables, bakers;
   dd. Tray stands;
   ee. Urn stands.
20. Kitchen household and miscellaneous articles governed by Limitation Order L-30-d.
21. Laboratory instruments and equipment (except ratings assigned by Preference Rating Orders P-43, P-89 and P-98-b and ratings assigned pursuant to Orders P-56, P-58 and P-73).
22. Lockers, wooden, for offices and factories.
23. Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment), including,
   a. Anaesthesia and oxygen equipment and accessories;
   b. Atomizers;
   c. Clinical thermometers;
   d. Crutches;
   e. Dental consumable supplies;
   f. Dental equipment and appliances;
   g. Diagnostic instruments and apparatus;
   h. Electric light bulbs for diagnostic instruments;
   i. Hearing aids;
   j. Hospital and medical rubber drug sundries;
   k. Hospital enamelware and stainless steel ware;
   l. Hypodermic needles and syringes;
   m. Operating and examining room furniture;
   n. Operating and examining room lights;
   o. Ophthalmic goods;
   p. Orthopedic appliances including splints, belts and trusses;
   q. Physical therapy equipment and supplies;
   r. Sterilizers;
   s. Surgical dressings;
   t. Suture needles;
   u. Sutures;
   v. X-ray equipment and supplies.
24. Medical, surgical and dental instruments.
25. Medicinal preparations, including vitamins.
26. Photographic film, sensitized, as controlled by Order L-233.
27. Pails and tubs, wooden, including wooden mop pails.
28. Printing and publishing:
   a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;
   b. Processed printing plates;
   c. Type metal, stereotyping metal and electrotype backing-metal;
   d. Printing paper, paperboard and binders' board;
   e. Book cloth;
   f. Blankbook and loose-leaf binders, metal parts and units;
   g. Mechanical bindings.
29. Signal and alarm equipment, including
   a. Central Station, proprietary, auxiliary and automatic fire alarms;
   b. Watchman's time recording burglar, bank vault, holdup and intrusion systems.
30. Cast iron ware, as defined by Limitation Order L-30-c.
32. Wooden shelving.
33. Any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:
   a. Air raid warnings or detection of the presence of enemy aircraft; or
   b. Blackouts or dimouts; or
   c. The protection of civilians, either individually or collectively, against enemy action or attack.
34. Flatware
35. Fuel
36. Pens, Fountain
37. Pencils, Mechanical
38. Pencils, Wood Cased
39. Pen Nibs, Steel
40. Pen Holders
41. Adhesive tape backed with cellophane or similar transparent material derived from cellulose.
42. Cellulose caps or bands of any gauge.
43. Safety pins.

NOTE: List C revoked August 10, 1943.

INTERPRETATION 2

The restrictions on the use of ratings for the items on Lists A and B which were added to the regulation by the amendment of June 4, 1943, apply to orders for such items which had been placed before June 4 but were not yet filled.

Paragraph (f) provides that no person shall give effect to any rating the use of which is restricted by that paragraph, in filling an order. It follows, therefore, that (1) all outstanding ratings on unfilled orders for items on List A are cancelled; and (2) all outstanding ratings assigned for maintenance, repair or operating supplies which have been applied on unfilled orders for items on List B are cancelled. [Issued June 12, 1943, amended August 10, 1943.]

[F. R. Doc. 43-12990; Filed, August 10, 1943; 11:45 a. m.]

PART 970—CHLORINATED HYDROCAREON REFRIGERANTS

[Conservation Order M-28, as Amended August 7, 1943 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chlorinated hydrocarbon refrigerants for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

[1] Subject to FD Reg. No. 1 of the War Food Administration. Any rating purporting to be applied or extended on or after June 30, 1943 to any such item is void. However, delivery before July 20, 1943, under any rated orders placed before June 30, 1943 is expressly permitted.

[1] This document is a restatement of Amendment 1 to M-28, as amended July 10, 1943, which appeared in the FEDERAL REGISTER of August 10, 1943, page 11025, and reflects the order in its completed form as of August 7, 1943.

§ 970.1 *Conservation Order M-28*—(a) *Definitions.* For the purpose of this order:

(1) "Chlorinated hydrocarbon refrigerants" means trichloromono-fluoromethane, dichlorodifluoromethane, dichloromonofluoromethane, trichlorotrifluoroethane, and dichlorotetrafluoroethane.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(3) "Producer" means any person engaged in the production of chlorinated hydrocarbon refrigerants.

(4) "Contract agent" means any person engaged in the business of accepting orders for chlorinated hydrocarbon refrigerants on behalf of and as agent for a producer.

(5) "Supplier" means any person engaged in the business of distributing chlorinated hydrocarbon refrigerants to persons using the same for installation in a refrigerating or air conditioning "system". The term shall include an equipment manufacturer to the extent that he engages in the sale of such refrigerants to distributors or dealers handling "systems". "System" means any "system" as defined in General Limitation Order L-38.

(6) "Equipment manufacturer" means any person who uses chlorinated hydrocarbon refrigerants for charging new refrigerating or air conditioning systems manufactured by him.

(7) "Insecticide manufacturer" means any person who uses chlorinated hydrocarbon refrigerants in the production of insecticides.

(8) "User" means any person who installs chlorinated hydrocarbon refrigerants in a refrigerating or air conditioning system, other than an equipment manufacturer.

(9) "Comfort cooling system" means any air conditioning system of a type described on List A, made a part of this order.

(b) *Classification of uses of chlorinated hydrocarbon refrigerants.* The uses of chlorinated hydrocarbon refrigerants are hereby classified as follows:

Class I: Army, for use in new or existing refrigeration and air conditioning systems.

Class II: Navy, for use in new or existing refrigeration and air conditioning systems.

Class III: (a) Maritime Commission or War Shipping Administration, for charging new refrigeration or air conditioning systems at factories of equipment manufacturers.

(b) Maritime Commission or War Shipping Administration, for charging new refrigeration or air conditioning systems in the field.

(c) Maritime Commission or War Shipping Administration, for maintenance and repair of systems already installed.

Class IV: (a) For maintenance of industrial, wholesale, retail, and household refrigeration systems used for the processing, storage, and dispensing of food and food products; but excluding systems referred to on List A or List B.

(b) For maintenance of industrial refrigeration and air conditioning systems used for processing of products other than food.

(c) For maintenance of all other refrigeration and air conditioning systems not included under (a) or (b) above, and not on List A or List B. This class includes sealed railroad cars.

Class V: Charging new refrigeration and air conditioning systems in the field except those systems owned and operated by the Army, Navy, Maritime Commission and War Shipping Administration, and excluding comfort cooling systems.

Class VI: Charging new equipment by an equipment manufacturer, exclusive of comfort cooling systems. This class does not include charging systems for Army, Navy, Maritime Commission and War Shipping Administration.

Class VII: Maintenance and repair of comfort cooling systems and maintenance and repair of refrigeration equipment used solely for storing or dispensing carbonated or malt beverages. This class does not include systems owned and operated by Army, Navy, Maritime Commission or War Shipping Administration.

Class VIII: Inventory—Surplus refrigerants in excess of one month's anticipated requirements.

(c) *Certification of orders by users, and deliveries thereunder*—(1) *Orders must be certified.* On and after July 15, 1943, no user shall place an order with a supplier or any other person, and no supplier or other person shall accept such an order, for any chlorinated hydrocarbon refrigerants unless such order (or vendor's delivery receipt) is accompanied by a certificate endorsed thereon, or attached to it, showing the uses for which the refrigerants are required, and in substantially the following form:

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he has no empty or surplus cylinders, and that, to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required during the next thirty days for use for the following classified purposes, as described in Conservation Order M-28:

Classification	*Quantity required*
(Here list classifications included in the purchase order)	(Here list quantity, in pounds, ordered for each classification)

Such certificate shall in every case be signed by the user or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board, as well as to the supplier, that the facts stated therein are true. No supplier shall make any delivery under such an order if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after July 15, 1943, no supplier shall deliver any chlorinated hydrocarbon refrigerants except pursuant to an order accompanied by such a certificate as provided for above.

(2) *Deliveries to be subject to restriction.* If and whenever any use shall be prohibited, as provided in (g) below, no user shall install or use any chlorinated hydrocarbon refrigerants for such a use, regardless of the purpose for which it was acquired.

(d) *Certification of orders by suppliers; records; deliveries by suppliers* (1) *Orders must be certified.* On or before July 15, 1943 and on or before the 10th day of each calendar month thereafter, each supplier who wishes to secure delivery of chlorinated hydrocarbon refrigerants through any contract agent during the next calendar month, shall place his order for such refrigerants with the contract agent. No supplier shall place such an order with a contract agent, and no contract agent shall accept such an order unless it is accompanied by a certificate endorsed thereon or attached thereto showing the uses for which the refrigerants are acquired, and the supplier's deliveries during the preceding month, in substantially the following form (except that deliveries made prior to July 15, 1943, may be estimated).

The undersigned purchaser hereby certifies to the seller and to the War Production Board that to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required during the next calendar month for deliveries by him for the following classified purposes, as described in Conservation Order M-28; and that he made deliveries during the preceding month of ---------- as shown below:

Classification	Quantities required	Deliveries in preceding month
(Here list classifications included in purchase order)	(Here list quantity, in pounds, ordered for each classification)	(Here show quantities delivered in preceding month for each classification)

Such certificate shall in every case be signed by the supplier or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board as well as to the contract agent, that the facts stated therein are true. No contract agent shall approve or request any such delivery if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after August 1, 1943, no contract agent shall approve or request delivery of any chlorinated hydrocarbon refrigerants to any supplier except pursuant to an order placed, and accompanied by such a certificate, as provided for above.

(2) *Records must be kept.* Each supplier shall keep records showing the quantities of chlorinated hydrocarbon refrigerants delivered by him during each month for the various uses as classified in paragraph (b) above and the quantities of such refrigerants allocated to him each month for deliveries in each of such classifications.

(3) *Deliveries by suppliers after August 7, 1943, for uses in (b) and (c) of Class IV.* Chlorinated hydrocarbon refrigerants will not be allocated for the uses described in parts (b) and (c) of Class IV by regular monthly deliveries to suppliers. In the event a system operated for any of such uses becomes inoperative for lack of refrigerant, a separate application for refrigerants must be made by the owner of the system, directly to the War Production Board, General Industrial Equipment Division, by letter, telegram, or other communication, stating (i) whether the system is used for air conditioning or refrigeration, (ii) its size or capacity by horsepower or tons of refrigeration, (iii) the minimum operating charge necessary to restore the system to operation, (iv) why conversion to another type of refrigerant is not practicable, (v) the functional use of the system in the plant, and (vi) the end product being processed by its use. If the application is granted, the Board will issue a specific direction to the producer authorizing and directing delivery of a specified quantity to be made to the owner of the particular system for the use specified. No user, supplier, or other person shall deliver any chlorinated hydrocarbon refrigerant to the owner of such a system unless and until the Board has specifically directed such delivery to be made. This paragraph (d) (3) shall be followed, as long as it remains in effect, notwithstanding any other provisions of this order. However, suppliers will continue to place their orders for refrigerants, for uses described in Class IV in parts (a), (b) and (c) (listing (a), (b) and (c) separately), in accordance with paragraph (d).

(4) *Deliveries by suppliers during August 1943 and subsequent months.* (i) During the month of August, 1943, and each succeeding calendar month, no supplier shall deliver for any use a greater quantity of refrigerants than is allocated to him during such month for that use, except as provided in (ii) below. A supplier shall rely upon the notification given him, by the contract agent with whom his order was placed, as to the quantities allocated the supplier for each of such uses during each calendar month, unless he knows or has reason to believe that such notification is incorrect, incomplete or false.

(ii) If a supplier has exhausted the quantity allocated him for classifications I, II, III, or IV during any calendar month, he may use his supply in classification VIII for the classification exhausted. If classifications IV and VIII become exhausted, he may then draw upon the supply allocated for classifications V or VI.

(iii) No supplier shall deliver during any month any such refrigerants allocated to him for delivery to or for use by the Army, Navy, Maritime Commission, or War Shipping Administration (Classes I, II and III) for use by any other person during that month; and no supplier shall deliver to or for use by any of such agencies any refrigerants which were allocated to him for civilian uses (Classes IV, V, and VI) during that month.

(iv) Any chlorinated hydrocarbon refrigerants allocated for classifications I through VII during any month and not delivered by the supplier during the month shall be transferred by him to classification VIII (Inventory), at the end of such month. If notice of his allocations for the following month has not been received by the first day of the month, the amount transferred to Class VIII (Inventory) from any classification may continue to be used for such classification; provided that the amount so used is restored to Class VIII, by deduction from the new allocation for that classification, as soon as notice of the new allocation for such month is received.

(e) *Certification of orders by contract agents, equipment manufacturers, and insecticide manufacturers*—(1) *By contract agents.* On or before the 20th day of each calendar month, commencing with the month of July, 1943, each contract agent who transmits orders for chlorinated hydrocarbon refrigerants from suppliers to a producer, for delivery during the next calendar month, shall place a written request for shipments, covering all of such orders, with the producer. No contract agent shall place such orders with a producer, and no producer shall accept such orders unless accompanied by the request with a certificate endorsed thereon, or attached thereto, showing the uses for which the refrigerants are ordered, and deliveries made during the preceding month by suppliers placing orders through the agent, and in substantially the following form (except that deliveries prior to July 15, 1943 may be estimated):

The undersigned contract agent hereby certifies to the producer and to the War Production Board that he has received orders for shipment of the quantities of chlorinated hydrocarbon refrigerants covered by this request for shipments, for the following classified purposes as described in Conservation Order M-28; and that deliveries during the preceding month of ---------- were made as shown below:

Classification	Quantities requested	Deliveries in preceding month
(Here list classifications included in all purchase orders)	(Here list aggregate quantity in pounds ordered for each classification by suppliers)	(Here show aggregate quantities delivered in preceding month for each classification, as shown by suppliers' certificates)

Such certificate shall in every case be signed by the contract agent or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board as well as to the producer, that the facts stated therein are true. No producer shall make any such shipment or delivery if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

(2) *By equipment and insecticide manufacturers.* On or before the 20th day of each calendar month, commencing with the month of July, 1943, each equipment manufacturer or insecticide manufacturer who wishes to secure delivery of chlorinated hydrocarbon refrigerants from a producer during the next calendar month shall place his order for such refrigerants with the producer. No such manufacturer shall place such an order with a producer, and no producer shall accept such an order unless it is accompanied by a certificate endorsed thereon or attached thereto, showing the uses for which the refrigerants are acquired, and the quantities used during the preceding month, in substantially the following form:

The undersigned purchaser hereby certifies to the seller and to the War Production Board that, to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required by him during the month of ---------- for the following purposes, according to the classifications described in Conservation Order M-28 (or for the production of insecticide for the Army or for the Navy); and that he used such refrigerants during the preceding month of ---------- as shown below:

Proposed use	Quantities required	Used in preceding month
(Here show whether proposed use is for insecticide, or for classifications under M-28, or for each.)	(Here list quantity, in pounds, ordered for each use, or classification.)	(Here show quantities used in preceding month for each.)

Such certificate shall in every case be signed by the equipment or insecticide manufacturer or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board, as well as the seller, that the facts stated therein are true. No producer shall make any delivery under such an order if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after August 1, 1943, no producer shall deliver any chlorinated hydrocarbon refrigerants to any equipment manufacturer or insecticide manufacturer except pursuant to an order placed, and accompanied by such a certificate, as provided for above.

(f) *Shipments by producers*—(1) *Statement of requested shipments.* On or before the 25th day of each calendar month, commencing with the month of July 1943, each producer shall file with the War Production Board a statement showing: the orders for chlorinated hydrocarbon refrigerants which have been transmitted to him by contract agents, or which have been placed with him by equipment and insecticide manufacturers, for delivery during the next calendar month, and the uses for which the refrigerants are ordered, as indicated by the certificates accompanying the orders; the quantity of such refrigerants which will be available for delivery by him, during such month; and his deliveries of such refrigerants to the suppliers and equipment and insecticide manufacturers, during the preceding calendar month (except that deliveries to suppliers prior to August 1, 1943, need not be shown by classifications).

(2) *Deliveries by producers.* On and after July 10, 1943, no producer shall deliver any chlorinated hydrocarbon refrigerants to any person, or for any use, except in accordance with specific directions from the War Production Board. Such directions will be issued primarily to insure the meeting of defense requirements, and of the more essential needs if and whenever all cannot be met. Such directions may specify the aggregate quantities of such refrigerants which shall be delivered by the producer during any calendar month (or other period) for any of the classifications of uses established by this order or for other requirements (including Lend-Lease, and the production of insecticide, separately, for Army and Navy use), or the pro ration of the available supply among all or any part of the various classifications and other requirements, or establish a reserve or emergency stock to be held by the producer. Such directions may also direct the producer to make such adjustments in his deliveries as may appear reasonable and appropriate to equalize the inventories held by suppliers, so as to more nearly assure all suppliers of a minimum working inventory whenever practicable. Directions issued under this order to a producer and directing deliveries to be made by him for specified uses or in specified quantities shall be deemed allocations of the refrigerants for the purposes specified and, subject to the provisions of this order, no producer, supplier, equipment manufacturer or insecticide manufacturer shall make or receive delivery for any other purpose.

(g) *Prohibited uses (List B), emergency cases.* (1) No user, supplier, contract agent, or producer shall deliver or cause to be delivered to the owner of any system, any chlorinated hydrocarbon refrigerants for use in, or for resale for use in any system of the types described on List B, made a part of this order. Such list may be changed from time to time (from month to month, or otherwise) by amendments to this order, as the War Production Board may consider necessary to assure sufficient supplies of such refrigerants in all areas and for the uses which are deemed most essential to the national defense.

(2) An authorization for an exemption from the terms of paragraph (g) (1) above may be allowed by the War Production Board when an air conditioning system must be operated (i) to avoid intolerable conditions in sealed or substantially airtight rooms or enclosures used for essential purposes, or (ii) to protect the life or health of a person under care of a licensed physician. An exemption from the requirement of paragraph (d) that a supplier's order must be placed by the 10th of the month preceding that in which delivery is required, may be allowed when the supplier demonstrates that, due to causes beyond his control, it will be impossible for a delivery in classifications I, II, III or IV to be met by him or any other supplier or user unless an exemption is allowed. Application for such an authorization may be made by or on behalf of the person affected by such restriction, by letter or telegram or other communication addressed to the General Industrial Equipment Division, War Production Board, stating facts sufficient to enable the Board to determine the necessity for such authorization. If granted, the authorization may be by letter or telegram, and shall be transmitted by the applicant to the person who will supply such refrigerants, and shall be deemed an authorization to any user or supplier to furnish or install the minimum operating charge necessary to maintain such system in adequate operation.

(h) *Notification of customers.* Any producer, contract agent, supplier, or person who is prohibited from or restricted in making deliveries of any chlorinated hydrocarbon refrigerants by the provisions of this order, and any producer who is prohibited from or restricted in making any such deliveries by any directions issued hereunder and received by him from the War Production Board, shall as soon as practicable notify each of his regular customers of the requirements of this order or of such directions; but the failure to give such notice shall not excuse any customer from the obligation of complying with any requirement of this order, or of any such directions applicable to such customer and of which he has notice.

(i) *Effect of preference ratings.* The provisions of this order shall be followed by every producer, contract agent, supplier, user, equipment manufacturer, insecticide manufacturer, and any other person buying, selling or delivering chlorinated hydrocarbon refrigerants, without any regard to any preference ratings which have been assigned or which may hereafter be assigned to particular contracts or orders.

(j) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Monthly reports.* Each person (including a producer, contract agent, supplier, equipment manufacturer, insecticide manufacturer, user; or owner of refrigerating or air conditioning systems) who has in his possession on the 15th day of any calendar month in excess of 500 pounds of any type of chlorinated hydrocarbon refrigerants, and any person who sold in excess of 2000 pounds of any type of such refrigerants during the preceding calendar month, shall file with the War Production Board, on or before the 20th day of each month, commencing with the month of

July 1943, a report on Form WPB–3054 prepared in accordance with the instructions for such form.

(3) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(4) *Appeals.* Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref: M–28.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A: "Comfort cooling system" means any system, of any size, operated or installed for the purpose of lowering the temperature and/or humidity of air in any building, room or other enclosure used as, or located in any of the following:

Amusement parks.
Animal hospitals.
Auditoriums.
Ballrooms, dancing studios and dance halls.
Bank and loan associations.
Bars, cocktail lounges, and beer parlors.
Bowling alleys.
Concert halls.
Funeral parlors.
Golf clubs, country clubs, and athletic clubs.
Hotels and apartment houses.
Moving picture houses.
Night clubs.
Office buildings and offices, public or private.
Railway, streetcar and bus stations and terminals.
Residential buildings and dwellings of all kinds.
Restaurants, cafeterias, and other places selling meats, food or beverages.
Schools.
Service establishments, such as laundries, cleaners and dyers, tailor shops, barber shops, "beauty" parlors, automobile sales and service shops, and repair shops of all kinds.
Skating rinks.
Stores, selling any kind of products, material or merchandise, at retail or wholesale (excluding manufacturing establishments).

The term "comfort cooling system" shall not include (i) any such system used to air condition a building, room or other enclosure used chiefly for purposes not listed above, or (ii) any system designed, necessary and used, in substantial part for the refrigeration and storage or processing of food, ice, or other materials or products requiring refrigeration, temperature control, or freedom from dust or other impurities, or (iii) such part of a system as may be necessary and used for the circulation of air, or necessary and used for raising the temperature of air during cold weather to a degree which is comfortable or tolerable for persons (comfort heating).

LIST B: Systems for which chlorinated hydrocarbon refrigerants shall not be delivered.

Systems:	*Effective date*
Comfort cooling systems	June 5, 1943
Skating rink systems	June 5, 1943
Refrigeration systems solely for storing or dispensing carbonated or malt beverages	July 10, 1943

(INTERPRETATION 1)

a. *Reports of inventories.* The reporting requirement of paragraph (j) (2) of Order M–28 [§ 970.1] must be complied with regardless of whether the chlorinated hydrocarbon refrigerants are being held by the owner for his own use or for resale.

The paragraph requires every person (including the owner of a refrigerating or air conditioning system) who has in his possession, on the 15th day of any calendar month (commencing with the month of July), more than 500 pounds of any type of chlorinated hydrocarbon refrigerants, or who sold more than 2,000 pounds of such a refrigerant during the preceding calendar month, to file a report on Form WPB–3054 with the War Production Board on or before the 20th day of the month.

Each "person", as defined in the order, must report the aggregate quantities in his possession (including stocks of less than 500 pounds located at various places) if the total is more than 500 pounds.

The report must include all amounts not actually being used in refrigerating or air conditioning systems. Thus the owner or operator of a system who has more than 500 pounds in his possession must report his entire supply except for the minimum operating charge actually installed in his system. Any additional amount which he may have must be reported, whether kept in cylinders, a storage receiver or other form of container. However, if a minimum operating charge is being temporarily held in a container while the system in which it had been installed is being repaired, it should not be reported.

An equipment manufacturer who has more than 500 pounds in his possession on the 15th day of any calendar month must report his entire supply except what has been actually installed as an operating or holding charge in accordance with his regular manufacturing practice.

b. *Charging of equipment manufacturers.* Paragraph (g) provides that no user, supplier, contract agent, or producer shall deliver, or cause to be delivered, to the owner of any system any chlorinated hydrocarbon refrigerants for use in, or for resale for use in any system of the types described on List B.

This restriction is intended to prevent charging any system of the types included on List B with chlorinated hydrocarbon refrigerants except for a person who was operating a system and had the necessary refrigerants in his possession on the effective date specified in List B. Therefore, a manufacturer may not charge any such system with chlorinated hydrocarbon refrigerants before delivery, and he may not deliver the refrigerant separately to be used in charging the system. However, he is not restricted from delivering systems which had already been charged with such a refrigerant on the effective date specified on List B. (Issued July 29, 1943.)

[F. R. Doc. 43–13053; Filed, August 11, 1943; 11:10 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–389]

C. M. MAC GREGOR

C. M. MacGregor is a contractor and builder with offices at Albany, California. On October 3, 1942, he filed form PD–105 for authorization to begin construction of six single family houses and on October 26, 1942, he filed form PD–105 for authorization to construct one six family apartment building. No authorization was ever received on any of the above construction. Despite this fact, C. M. MacGregor began and completed all the requested construction and, in addition, two four family apartment buildings. Each single family house was erected at a cost of $3,685.00. The six family apartment house was erected at an approximate cost of $17,364.00 and the two four family apartment buildings were erected at an approximate cost of $11,482.00 each. Inasmuch as respondent was regularly engaged in the construction and sale of houses and had continuous contact with the FHA, the aforesaid acts constituted wilful violations of Conservation Order L–41.

These violations of Conservation Order L–41 have diverted scarce materials and labor to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.389 *Suspension Order No. S–389.* (a) Deliveries of material to C. M. MacGregor, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned or applied or extended to such deliveries to C. M. MacGregor, his successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board except with the written approval of the Regional Director of the San Francisco Regional Office of the War Production Board. Authority is hereby delegated to said Regional Director to pass upon applications of the respondent for exceptions to this order.

(b) No allocation shall be made to C. M. MacGregor, his successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, without the written approval of the Regional Director of the San Francisco Regional Office of the War Production Board.

(c) C. M. MacGregor, his successors and assigns, are hereby prohibited from ordering, purchasing, accepting delivery of, withdrawing from inventory or in any other manner securing or using material or construction plant in order to begin construction or to continue construction as defined in Conservation Order L–41 unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve C. M. MacGregor from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 11, 1943 and shall expire on November 11, 1943, at which date it shall have no further force nor effect.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13054; Filed, August 11, 1943; 11:11 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–396]

GRANDPOP BOTTLING COMPANY

Walter L. Gross, I. N. Jarson, Nell R. Gross, and Esther H. Jarson are partners engaged in the business of manufacturing and selling malt and non-alcoholic beverages under the name of Grandpop Bottling Company, at 810 West 5th Street, Cincinnati, Ohio. They manufacture and use closures to bottle their products, but manufactured none in 1941, and consequently they have no quota as defined by Conservation Order M–104. In 1942, they therefore were limited to the use of non-restricted materials in the manufacture of closures. Respondents were aware of Conservation Order M–104, and its application to their business. Nevertheless, between July 21, 1942, and August 5, 1942, respondents accepted delivery of 70,340 pounds of restricted metal from Edwards Manufacturing Co. for the purpose of manufacturing it into closures and did manufacture a part of it into closures in violation of Conservation Order M–104. After August 3, 1942, the respondents purchased approximately 50,000 pounds of restricted metal from Ben Meyers for the purpose of manufacturing it into closures, and they commenced the manufacture, or completed the manufacture of 48,000 pounds of this restricted metal in violation of Conservation Order M–104. These violations of Conservation Order M–104 must be deemed wilful; they have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.396 *Suspension Order S–396.* (a) Walter L. Gross, I. N. Jarson, Nell R. Gross, and Esther H. Jarson, as partners or individually, doing business under the name of Grandpop Bottling Company or otherwise, their and its successors or assigns, shall not process in any way the 70,340 pounds of metal, more or less, purchased by them from Edwards Manufacturing Company between July 21, 1942, and August 5, 1942, nor the 50,000 pounds of metal, more or less, purchased by them after August 3, 1942, from Ben Meyers, except as to so much of said metals as on April 23, 1943, had been cut into strips, unless hereafter specifically authorized in writing by the War Production Board.

(b) Between August 11, 1943, and November 30, 1943, Walter L. Gross, I. N. Jarson, Nell R. Gross, and Esther H. Jarson, as partners or individually, doing business under the name of Grandpop Bottling Company or otherwise, their and its successors or assigns, shall deduct 4,636,800 closures from any quota which may be allowed them, as defined under Conservation Order M–104, or in the absence of such quota, their use and manufacture of closures for said period of time shall be 4,636,800 less than the total number used or manufactured by them during the corresponding period of 1942, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Walter L. Gross, I. N. Jarson, Nell R. Gross, and Esther H. Jarson, as partners or individually, doing business under the name of Grandpop Bottling Company or otherwise, their and its successor or assigns, of any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 11, 1943, and shall expire on November 30, 1943.

Issued this 4th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13055; Filed, August 11, 1943; 11:11 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L–257–a as Amended August 11, 1943]

EXPORTS

§ 1029.16 *Limitation Order L–257–a*—(a) *Applicability of Order L–257.* This order supplements Limitation Order L–257, and, except as herein otherwise provided, all provisions of that order, as amended from time to time, shall be applicable to producers for export under this order L–257–a.

(b) *Additional definitions.* The definitions set forth in Order L–257, unless the context hereof otherwise requires, shall apply for the purpose of this order, and also the following:

(1) "Base shipment" means one-half the net shipping weight of the total quantity (as reported on Form PD–388) of farm machinery and equipment and repair parts in the aggregate exported by a producer during the calendar years 1940 and 1941 combined to any country or group of countries (except Canada) listed on any Schedule attached hereto.

(2) "Lend-lease order" means any order for farm machinery and equipment (and also non-farm machinery and equipment) or repair parts placed by any agency of the United States Government in response to a requisition filed pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-lease Act).

(c) *Restrictions on production for export*—(1) *O. E. W. and Lend-lease countries.* During the period July 1, 1943, to June 30, 1944, inclusive, no producer shall manufacture for shipment, or ship:

(i) To any group of foreign countries listed on Schedules X–1, X–3, X–4, X–5, X–6, or X–7, attached hereto, a quantity by weight of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in the aggregate in excess of the designated percentage (listed respectively on each such schedule) of his base shipments to all countries within the particular group;

(ii) To any foreign country listed on Schedule X–8, attached hereto, a quantity by weight of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in the aggregate in excess of that quantity obtained by multiplying the quota percentage designated for such country by his base shipments to that country.

(2) *Canada.* During the period July 1, 1943, to June 30, 1944, inclusive, no producer shall manufacture for shipment to Canada:

(i) A quantity in units of any item of farm machinery and equipment (excluding attachments) listed in Schedule X–10 in excess of that quantity obtained by multiplying the applicable quota percentage for such item by one-half the quantity thereof shipped by him to Canada during the calendar years 1940 and 1941 combined;

(ii) A quantity by weight of repair parts or of any item of attachments in excess of that quantity obtained by multiplying the applicable quota percentage designated in said Schedule X–10 for repair parts, and for each item of attachments, by one-half the net shipping weight thereof respectively shipped by him to Canada during the calendar years 1940 and 1941 combined.

(3) *General restrictions.* During the period July 1, 1943, to June 30, 1944, inclusive, no producer shall manufacture for shipment, or ship:

(i) To any foreign country listed on Schedules X–2, or X–9 (or not listed on any schedule), any farm machinery and equipment (or non-farm machinery and equipment) or repair parts, except upon specific authorization pursuant to paragraph (c) (4);

(ii) To any foreign country, including Canada, any item of farm machinery

and equipment requiring rubber tires, except upon specific authorization in writing of the War Production Board;

(iii) To any foreign country, including Canada, any item of farm machinery and equipment or repair parts except to the extent listed on production schedules which have been approved pursuant to the provisions of paragraph (e) of this order.

(4) *Adjustments in quotas.* The War Production Board, may, by specific written directions or authorizations issued to any producer or class of producers, increase or decrease any quotas or authorized use of materials as established pursuant to this order; and may transfer any portions of such quotas between producers, taking into consideration the amount and weight of materials to be used, the need for particular items at the time required in particular countries, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be appropriate.

(d) *Exceptions*—(1) *Uncompleted L–170 production.* During the period July 1, 1943, to June 30, 1944, inclusive, any producer may manufacture for shipment and/or ship, in addition to any export quotas established by paragraph (c), any item of farm machinery and equipment or repair parts, (i) which is within his authorized export quota under Order L–170 (including all amendments, appeals and specific authorizations), and (ii) which is covered by an export license issued by the Office of Economic Warfare or by a Lend-lease order, dated prior to October 1, 1943, whether or not such item is completely manufactured by that date. However, items for Canada within L–170 quotas may be manufactured and shipped up to June 30, 1944, without reference to (ii) above.

(2) *Bracketed items for Canada.* Wherever, in Schedule X–10, two or more items are bracketed together, the producer may distribute his total quota (in *units*) for that bracket among all the items in that bracket, as set forth for domestic items in paragraph (d) (2) of Order L–257.

(3) *Attachments for Canada.* Instead of conforming to the respective quota percentages for attachments as indicated in Schedule X–10, any producer may manufacture up to 75% of one-half the total weight of attachments shipped by him to Canada in 1940 and 1941, under the terms set forth for domestic attachments in paragraph (d) (3) of Order L–257.

(e) *Production schedules.* (1) Each producer shall schedule his production and shipments for export of each item of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in accordance with such production and delivery schedules as are approved, prescribed or modified for him pursuant to paragraph (e) of Limitation Order L–257. All provisions of that paragraph shall be applicable, unless otherwise indicated, to such schedules for export.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington 25, D. C., Ref.: L–257–a.

Issued this 11th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXPORT SCHEDULES ATTACHED TO ORDER L–257–a

NOTE: Third introductory paragraph; Schedule X–1, heading; Schedule X–2, heading; Schedule X–3, quota percentage, amended, and Schedule X–10 amended in its entirety August 11, 1943.

Quotas for countries listed on Schedules X–1, X–3, X–4, X–5, X–6, X–7 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments of farm machinery and equipment and repair parts to *all* the countries in the particular group.

Quotas for countries listed on Schedule X–8 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments to *each* such country.

NOTE: Quota percentages are *not* established for countries listed in Schedules X–2 and X–9 below. Quotas for these countries, and for special projects in any country, will be allocated specifically from time to time under paragraph (c) (4).

O. E. W. COUNTRIES

Schedule X–1—Quota Percentage 45%

Argentina
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
El Salvador
Guatemala
Haiti
Honduras
Mexico
Nicaragua
Panama
Paraguay
Peru
Uruguay
Venezuela

Schedule X–2—Other O. E. W. Countries

Azores
Belgian Congo
British Oceania
Canary Islands
Cape Verde Islands
Curacao (N. W. Indies)
Eire
French Guiana
French Oceania
French West Africa
French West Indies
Greenland
Liberia
Madagascar
Miquelon and St. Pierre
Mozambique
Newfoundland and Labrador
Portugal
Portuguese Guinea and Angola
Rio de Oro and Spanish Guinea
Spain
Spanish Morocco
Surinam (Dutch Guiana)
Sweden
Switzerland
Tangier

LEND-LEASE COUNTRIES

Schedule X–3—Quota Percentage 87%

United Kingdom:
Great Britain
North Ireland
Scotland
Wales

Schedule X–4—Quota Percentage 580%

French North Africa:
Algeria
French Morocco
Tunisia

Schedule X–5—Quota Percentage 479%

Other French Africa:
French Equatorial Africa
French Somaliland
Cameroons (French)

Schedule X–6—Quota Percentage 151%

British West Indies:
Bahamas
Barbados
Bermuda
Jamaica
Leeward Islands
Trinidad and Tobago
Windward Islands

Schedule X–7—Quota Percentage 37%

British West Africa:
Cameroons (British)
Gambia
Gold Coast
Nigeria
Sierra Leone

Schedule X–8

Countries:	Quota percentages
Australia	399%
British East Africa	167%
British Honduras	70%
British Guiana	200%
Egypt and Sudan	380%
Iceland	922%
India	55%
Iran	53%
Iraq (Mesopotamia)	469%
New Zealand	232%
Palestine	415%
North & South Rhodesia	132%
Turkey	43%
Union of South Africa	121%

Schedule X–9

Other Lend-lease Countries

Aden
Arabia Peninsula States
British Somaliland
Ceylon
China (Free)
Cyprus
Italian Somaliland
Ethiopia
Falkland Islands
Denmark
Gibraltar
Malta and Gozo
Mauritius and Dependencies
State of Bahrein
St. Helena and Dependencies
Syria
U. S. S. R.

CANADA

Schedule X–10

Quotas for the following items of farm machinery and equipment (excluding attachments) are expressed as a percentage of one-half the number of *units* of each item shipped to Canada during the combined calendar years 1940 and 1941; where applicable, the item numbers correspond to those in Schedule A of Order L–257. Bracketed items may be handled as indicated in paragraph (d) (2).

The quota base for each item of attachments, and for repair parts, is one-half the net shipping *weight* of the 1940 and 1941 shipments thereof. Note option to lump all attachments as provided in paragraph (d) (3).

Items not listed are not to be manufactured for shipment to Canada.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

Division 1: Planters (Horse and Tractor Drawn)

Item		Quota Percentage
4	Two row corn planters	81
6	Three row and over corn planters	81

Division 2: Planters (Tractor Mounted)

10	Two row corn planters	81
12	Three row and over corn planters	81

Division 3: Potato Planters (Horse or Tractor Drawn)

14	One row	125
14a	Two row and larger	125

Division 4: Transplanters

(1)	Horse or tractor drawn	77
16	Hand, wheel type	77

Division 7: Beet Drills

(1)	Horse or tractor drawn	69

Division 8: Grain Drills

(1)	Fertilizer drills, horse or tractor drawn	75
(1)	Plain drills, horse or tractor drawn	75
(1)	Press drills, horse or tractor drawn	32

Division 10: Garden Planters

30	Hand planters, wheel type	100

Division 12: Lime Spreaders (Sowers)

33	Wheeled type, horse or tractor drawn	70

Division 13: Manure Spreaders

36	Four wheeled, horse or tractor drawn	83
37	Two wheeled, tractor drawn	83

GROUP 2: PLOWS AND LISTERS

Division 1: Moldboard Plows (Horse Drawn)

42	Walking, one horse, steel bottom	0
43	Walking, one horse, chilled bottom	0
44	Walking, two horse, or larger	51
46	Gang, two bottom and larger	26

Division 2: Moldboard Plows (Tractor Drawn or Mounted)

47	One bottom, tractor drawn	57
48	Two bottom, tractor drawn	57
49	Three bottom, tractor drawn	57
50	Four bottom, tractor drawn	57
51	Five bottom, and larger, tractor drawn	57
52	One bottom, tractor mounted	51
53	Two bottom, tractor mounted	51

Division 5: One Way Disc Plows or Tillers

63	Under five feet	72
63a	Five foot and under eight foot	72
63b	Eight foot and over	72

Division 11: Seeding Boxes

(1)	Seeding boxes for one way plows or tillers	92

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

Division 1: Harrows

78	Spike tooth harrow sections, horse or tractor drawn (steel)	63
79	Spring tooth harrow sections, horse or tractor drawn (steel)	65
(1)	Disc harrows, horse or tractor drawn:	
	(1) wide tractor disc harrow	42
	(2) tandem tractor disc harrow	56
	(3) horse disc harrow	51

Division 3: Soil Pulverizers and Packers

(1)	Trailer packers for one way disc, drill and plow	41

GROUP 4: CULTIVATORS AND WEEDERS

Division 1: Cultivators (Horse and tractor drawn)

91	One horse, all types	58
93	Corn cultivators, one row	96
95	Beet cultivators	76
(1)	Field cultivators	65
97	Hand cultivators and weeders	100

Division 2: Cultivators (Tractor Mounted)

98	One row	83
99	Two row, shovel type	83
100	Three or four row, shovel type	83
101	Five row and over	83

Division 4: Weeders

103	Rod weeders, horse or tractor drawn	25

Division 5: Other Cultivators and Weeders

(1)	Tobacco cultivators	50

GROUP 5: SPRAYERS, DUSTERS, AND ORCHARD HEATERS

Division 1: Power Sprayers and Traction Sprayers

(1)	Power sprayers	98
(1)	Traction sprayers	95

Division 2: Hand Sprayers (Capacity one quart & over)

110	Compressed air	84
111	Knapsack self-contained	84
112	Trombone pump type	84
113	Bucket pump type, single cylinder	84
114	Bucket pump type, double cylinder	84
115	Atomizing single action (1 qt. and larger)	84
116	Atomizing continuous (1 qt. and larger)	84

Division 3: Sprayers with Tank, Barrel, Knapsack, etc., (6 gals. or more)

117	Barrel pump sprayer	84
118	Wheelbarrow type	84

Division 4: Spray Pump (Power)

119	Spray pumps, power	100

Division 6: Dusters

123	Hand dusters, rotary type	84

GROUP 6: HARVESTING MACHINERY

Division 1: Combines (Harvesting thrashers)

126	Width of cut, 6 feet and under	110
127	Width of cut, over 6 feet including 10 feet	110
128	Width of cut, over 10 feet	110
(1)	Pickup for combines	125
128a	Swather	147

Division 2: Grain and Rice Binders

129	Grain binder (ground drive)	61
130	Grain binder (power take-off drive)	64

Division 3: Corn Binders

132	Corn binders (row binder) horse or tractor drawn	75

Division 4: Corn Pickers

133	One row, mounted type	128
134	Two row, mounted type	128
135	One row, pull type	128
136	Two row, pull type	128

Division 5: Field Ensilage Harvester (Row type)

137	Field ensilage harvester (40 units to be allotted)	0

Division 6: Potato Diggers

(1)	Horse or tractor	113

Division 8: Beet Lifters

141	Horse or tractor	97

GROUP 7: HAYING MACHINERY

Division 1: Mowers

146	Horse or tractor drawn (ground drive)	77
147	Tractor mounted or semi-mounted (Power take-off drive)	77
(1)	Knife or sickle grinder	71

Division 2: Rakes

148	Sulky, dump	93
149	Side delivery	77
150	Sweep, horse	75

Division 3: Hay Loaders

151	Hay loaders	109

Division 4: Stackers

152	Stackers (Stationary type)	100

Division 5: Hay Balers

(1)	Pick-up hay balers (50 units to be allotted)	0

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Division 1: Stationary Thrashers

158	Thrashers, width of cylinder under 28 inches	32
159	Thrashers, width of cylinder 28 inches or over	32

(1) No applicable item number on Schedule A of Order L–257.

Division 4: Ensilage Cutters (Silo fillers)

Item		Quota Percentage
162	Ensilage cutters (silo fillers)	89

Division 5: Feed Cutter (Hand and Power)

163	Feed Cutters, hand and power	105

Division 6: Corn Shellers

164	Corn shellers, hand	33
165	Power corn shellers (2, 4, 6 and 8 hole)	33
166	Power corn shellers, cylinder (150 bu. and under)	33
167	Power corn shellers, cylinder (over 150 bu.)	33

Division 9: Feed Grinders and Crushers

174	Power Burr type	183
175	Hammer	66
175a	Roughage mills	66
175b	Feed mixer (not concrete mixer)	126

Division 10: Cleaners and Graders (Farm type)

176	Cleaners and graders (corn and grain)	100

Division 11: Potato Sorters and Graders

177	Potato sorters and graders	85

Division 16: Other Machines for Preparing Crops for Market Use

(1)	Roller or crusher type feed cutters	33
(1)	Pulper (feed)	100

GROUP 9: FARM ELEVATORS AND BLOWERS

Division 1: Elevators (portable)

188	Elevators, portable	50

Division 2: Elevators (stationary)

189	Elevators, stationary	0

GROUP 10: TRACTORS

Division 1: Tractors, Wheel Type, by Rated Belt H. P.

192	Special purpose under 30 h. p.	75
193	Special purpose 30 or over h. p.	
194	All purpose under 30 h. p.	
195	All purpose 30 and over h. p.	

Division 2: Garden Tractors

196	Garden tractors including motor tillers (200 units to be allotted)	

GROUP 11: ENGINES

NOTE: Engines and repairs for same are not controlled by this order, but are scheduled by the Automotive Division.

GROUP 12: FARM WAGONS AND TRUCKS (NOT MOTOR)

Division 1: Wagons

205	Wagons, farm, without boxes	90
206	Trucks, farm, without boxes	97

Division 2: Wagon Bodies

207	Wagon and truck boxes, farm	141

[1] No applicable item number on Schedule A of Order L-257.

GROUP 13: DOMESTIC WATER SYSTEMS

Division 1: Deep and Shallow Well System

Item		Quota Percentage
213	Deep well, reciprocal	83
214	Deep well, jet pumps	83
215	250–499 gals. per hour, shallow well	83
216	500 to 3000 gals. per hour, shallow well	83

Division 2: Power Pumps

217	Horizontal type up to and including 50 gals. per min. 100 lb. pressure	83

GROUP 14: FARM PUMPS AND WINDMILLS

Division 1: Pumps, Water

220	Pitcher pumps or cistern pumps	86
221	Hand and windmill pumps	162

Division 2: Windmills

222	Windmill heads	86
223	Windmill towers	35

Division 3: Pump Jacks

224	Pump jacks	160

GROUP 15: IRRIGATION EQUIPMENT

Division 2: Distribution Equipment

(1)	Repairs, sprinklers, valves and gates for truck garden sprinkling equipment, excluding piping and lawn sprinklers: (1,000 pounds to be allotted)	0

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

Division 1: Milking Machines

237	Milking machines (with 2 pails per pump)	185

Division 2: Farm Cream Separators

238	Farm cream separators, capacity 250 lbs. per hour or less	0
239	Farm cream separators, cap. 251–800 lbs. per hour	186
240	Farm cream separators, capacity 801–1500 lbs. per hour	186

Division 3: Farm Milk Coolers

241	Immersion type (200 units to be allotted)	0

Division 4: Farm Butter Making Equipment

243	Butter churns	80

GROUP 17: BARN AND BARNYARD EQUIPMENT

Division 2: Hay Unloading Equipment

254	Hay carriers	103
255	Track for hay carriers	103
256	Hay forks, harpoon and grapple	103
257	Pulleys and fittings	103

Division 4: Livestock Drinking Cups and Watering Bowls

261	Livestock drinking cups	138

Division 5: Hog Troughs

264	Hog troughs	50

Division 8: Other Barn and Barnyard Equipment

270	Hog waterers	50
271	Hog rings (15,000 lbs. to be allotted)	0
272	Bull rings	

GROUP 18: FARM POULTRY EQUIPMENT

Division 1: Incubators

Item		Quota Percentage
274	Incubators, 1000 egg capacity and smaller	105
275	Incubators, over 1000 egg capacity	105

Division 2: Floor Brooders (over 100 chick capacity)

277	Coal	159
279	Wood	
280	Electric	

Division 8: Egg Cleaners and Brushes (hand use only)

(1)	Egg cleaners and brushes (hand use only)	150

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Division 4: Harness Hardware

298	Harness hardware (pounds)	156

Division 6: Electric Fence Controllers

300	Electric fence controllers	200
301	Electric fence accessories (pounds)	200

Division 8: Farm Wood-Sawing Machines

309	Farm wood-sawing machines	89

Division 10: Farm Lighting Plants

311	Wincharger type (battery not included)	25

ATTACHMENTS AND REPAIR PARTS

(1)	Repair parts, in the aggregate (base is one-half the net shipping weight of total 1940–1941 shipments of repairs)	156
(1)	Attachments: Quota percentage for each attachment item is the same as that listed above for the machine or item with which the attachment is used, except that the base is net shipping weight instead of units. However, option may be chosen to lump all attachments as provided in paragraph (d) (3) of Order L-257-a.	

[F. R. Doc. 43-13056; Filed, August 11, 1943; 11:11 a. m.]

PART 1100—ANTI-FREEZE

[Limitation Order L-51 as Amended August 11, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of alcohols as hereinafter defined for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1100.1 *General Limitation Order L-51*—(a) *Definitions.* For the purposes of this order:

(1) "Anti-freeze" means any mixture that is designed and intended for use, without further processing, to depress the freezing point of coolant water in internal combustion engines.

(2) "Alcohols" means ethyl alcohol, methyl alcohol, isopropyl alcohol, diacetone alcohol, and/or ethylene glycol.

(3) "Producer" means any person engaged in the manufacture of anti-freeze from alcohols.

(4) "Distributor" means any person engaged in the resale of anti-freeze manufactured from alcohols.

(5) "Passenger automobile" means any passenger type vehicle, including station wagons and taxicabs, propelled by an internal combustion engine and having a seating capacity of less than eleven (11) persons.

(6) "Commercial vehicle" means any motor vehicle other than a passenger automobile, and in addition includes stationary engines.

(b) *Restrictions on manufacture of anti-freeze.* (1) No producer shall manufacture anti-freeze from alcohols in greater quantities than specifically authorized from time to time hereafter by the War Production Board.

(2) The restrictions on the manufacture of anti-freeze from alcohols set forth in paragraph (b) (1) of this section shall not apply to the manufacture of anti-freeze to be delivered to fill a specific contract or subcontract for:

(i) The Army or Navy of the United States the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development,

(ii) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia, and

(iii) The government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

Quantities of anti-freeze permitted to be manufactured under this subparagraph shall be in addition to quantities permitted under quotas authorized pursuant to paragraph (b) (1) of this section.

(3) Producers may apply to the War Production Board for an authorized anti-freeze quota on Form PD-476.

(c) (1) Except as provided in (c) (2) hereof, no producer or distributor shall deliver anti-freeze, manufactured in whole or in part from ethylene glycol, or containing ethylene glycol, to any person other than a distributor, except by physically placing such anti-freeze in the radiator of a commercial vehicle owned or operated by such person.

(2) Notwithstanding the provisions of paragraph (c) (1) hereof, a producer or distributor may deliver anti-freeze to:

(i) Any of the agencies or governments named in paragraph (b) (2);

(ii) Any passenger automobile manufacturer for use in any new passenger automobile to be delivered to the Army or Navy of the United States; or

(iii) Any person in the territory of Alaska north of North Latitude 61.

(iv) Any person in any of the following states:

Arizona	Montana	Oregon
California	North Dakota	Utah
Colorado	South Dakota	Washington
Idaho	Nevada	Wyoming

(v) The police department of any one of the 48 states or the Department of Justice of the United States, solely for use in pursuit cars.

(vi) Any other person who shall prior to such delivery have filed with such producer or distributor a certificate in substantially the following form:

The undersigned purchaser hereby certifies that the anti-freeze hereby ordered (manufactured from or containing ethylene glycol) will not be used in, or disposed of for use in, any passenger automobile as defined in War Production Board Order L-51.

Name of Purchaser

By ---
Authorized Official Title

Date

Such certificate may be endorsed on or accompany the order for anti-freeze and shall constitute a representation to (but need not be filed with) War Production Board. It shall be signed by the purchaser, if an individual, or if not, then by a duly authorized official, either manually or as provided in Priorities Regulation No. 7. The receipt of such certificate shall not authorize the delivery of anti-freeze by a producer or distributor where he knows or has reason to believe the same to be false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

NOTE: Paragraph (vi), formerly (iii), redesignated August 11, 1943.

(d) *Exemption from general inventory restrictions.* The restrictions on inventories provided by Priorities Regulation No. 1 (§ 944.14) shall not be applicable to anti-freeze manufactured from alcohol; *Provided, however,* That no person shall knowingly make, and no person shall accept, delivery of such anti-freeze if the inventory of the person accepting delivery is or will by virtue of such acceptance become, in excess of the quantity required, whether for own use or resale, for the season April 1, 1943, to March 31, 1944.

(e) *Effect on other orders.* The terms and provisions of this order or of any specific authorization issued hereunder by the War Production Board, establishing an anti-freeze quota, shall control and supersede the terms and provisions of any other order heretofore issued by the War Production Board affecting the manufacture of anti-freeze from any of the alcohols.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production and sales,

(g) *Audit and inspection.* All records required to be kept by this order shall upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* All persons affected by this order shall execute and file with the Chemicals Division, War Production Board, such reports and questionnaires as said Division shall from time to time prescribe.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of anti-freeze conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Reference: L-51. Attention Chemicals Division, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

Issued this 11th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13057; Filed, August 11, 1943; 11:11 a. m.]

PART 3291—CONSUMERS DURABLE GOODS [1]

[General Limitation Order L-308 as Amended August 6, 1943 [2]]

DOMESTIC FOOD DEHYDRATORS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account or for export of iron and steel and other critical materials used in the production of domestic food dehydrators; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.296 [1]. *General Limitation Order L-308*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic food dehydrator" means a self-contained food dehydrating unit

[1] Formerly Part 3283, § 3283.1.

[2] This document is a restatement of Amendment 1 of L-308, which appeared in the FEDERAL REGISTER of August 10, 1943, page 11022, and reflects the order in its completed form as of August 6, 1943.

designed for home use consisting of a cabinet, fan or blower, a thermostat and a source of heat provided by either a heating element, light bulbs or fuel burning device and constructed so that temperature, humidity and air-flow are controlled.

(2) "Manufacturer" means any person engaged in the manufacture, fabrication or assembly of domestic food dehydrators other than for personal use, or experimental purposes, except schools and educational institutions manufacturing domestic food dehydrators for educational purposes.

(3) "Produce" means to process, fabricate, work on or assemble.

(b) *General restrictions.* (1) On or after July 8, 1943, no manufacturer shall produce any domestic food dehydrators except approved domestic food dehydrators as authorized by the War Production Board.

(2) Each manufacturer desiring to produce domestic food dehydrators under this order shall file with the War Production Board a letter of application pursuant to the instructions contained in Form WPB–2853, which form may be obtained from the War Production Board, Consumers Durable Goods Division.

(3) The War Production Board will notify each manufacturer of the individual authorization granted pursuant to this paragraph, by inclusion of such manufacturer's name and the approved number of units on Schedule A attached to this order. Such authorization will constitute approval of the domestic food dehydrator described in the manufacturer's application.

(4) All of the domestic food dehydrators authorized and approved for production under this order must be completed before September 1, 1943.

(c) *Statement of policy.* The production of domestic food dehydrators is directly related to the war time problem of preservation and distribution of food supplies. It is an emergency program which requires the completion of a maximum of 100,000 dehydrators prior to September 1, 1943. In the assignment of production quotas the War Production Board shall take into consideration:

(1) The amount of controlled materials involved in the manufacturer's proposed domestic food dehydrators.

(2) Other critical raw materials or fabricated parts.

(3) The raw materials and fabricated parts obtained from stocks available.

(4) The recommendation of the Office of Production Research and Development as to the performance of the dehydrators.

(5) The recommendation of the Department of Agriculture.

(6) The recommendations of the Smaller War Plants Corporation as to the distress condition of the manufacturer.

(7) The labor and transportation situation in the area where the plant of each applicant is located.

(8) The proposed selling price.

(9) Such other factors the War Production Board shall deem appropriate.

(d) *Inventories.* (1) No manufacturer authorized to produce domestic food dehydrators shall place an order for or accept delivery of any raw materials, semi-processed materials or fabricated parts in excess of the quantities necessary to complete his approved production quota.

(2) No manufacturer shall accumulate for the use and production of domestic food dehydrators under this order, inventories of raw materials, semi-processed materials or finished parts in excess of the minimum necessary to maintain production at the rate permitted.

(e) *Applicability of other orders and regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. In so far as any other order of the War Production Board limits the use of any material in the production of domestic food dehydrators to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeal.* Any appeal from the provisions of this order, or of any schedule issued pursuant thereto, should be made on Form WPB–1477 (formerly PD–500), filed with the War Production Board.

(h) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref: L–308.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

APPROVED PRODUCTION SCHEDULE

	Number of domestic food dehydrators
Albano Co., New York, N. Y.	2,000
Bailey Lumber Co., Bluefield, W. Va.	10,000
Beckett Electric Co. Air-O-Line Div., Dallas, Tex.	2,200
Burdick Baron Co., Dallas, Tex.	5,000
Burt Co., Denver, Colo.	500
Climax Machinery Co., Indianapolis, Ind.	500
H. Conrad Manufacturing Co., Minneapolis, Minn.	3,000
Edwards Cabinet Shop, East Point, Ga.	500

SCHEDULE A—Continued

APPROVED PRODUCTION SCHEDULE—continued

	Number of domestic food dehydrators
Electromaster, Incorporated, Detroit, Mich.	50
Folding Carrier Co., Oklahoma City, Okla.	1,000
General Bronze Corporation, Long Island City, N. Y.	2,500
General Electric Co., Bridgeport, Conn.	18,000
General Fabricators, Inc., Attica, Ind.	6,000
Gunnison Housing Corporation, New Albany, Ind.	5,000
Houston Ready Cut House, Houston, Tex.	10,000
O. W. Ketcham Co., Crum Lynne, Pa.	1,000
Libman Spanjer Corporation, New York, N. Y.	500
Macon Cabinet Works, Inc., Macon, Ga.	200
Metropolitan Device, Brooklyn, N. Y.	7,500
Pierce Phelps, Philadelphia, Pa.	4,500
Refrigeration Corporation of America, New York, N. Y.	3,000
Rome Builders Supply Co., Rome, Ga.	500
Stanford & Inge, Inc., Roanoke, Va.	2,000
A. J. Stephens & Co., Kansas City, Mo.	500
Stewart Warner, Chicago, Ill.	1,000
Tennessee Valley Associates, Nashville, Tenn.	1,000
G. A. Tye & Sons, Americus, Ga.	500

[F. R. Doc. 43–13056; Filed, August 11, 1943; 11:10 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 7]

LOGS AND BOLTS

The statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 9 of the Maximum Price Regulation No. 348 is amended by the inclusion of a new paragraph (g) to read as follows:

(g) *General suspensions.* In any case where areas or types of wood not previously covered are made subject to this regulation, the Lumber Branch may grant temporary suspensions of the ceiling for not to exceed sixty days from the time the new item is included in the regulation, regardless of whether a petition or letters of intent have been filed.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–12988; Filed, August 10, 1943; 4:29 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3670.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 17]

SERVICES RELATED TO SALMON IN ORE. AND WASH.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 8.1 is amended to read as follows:

SEC. 8.1 *Handling, loading, unloading, wharfage, storage and other terminal services performed by terminal operators and wharfingers in the States of Oregon and Washington in connection with the receipt of salmon*—(a) *Maximum prices.* Maximum prices for the services of handling, loading, unloading, wharfage, storage and other terminal services performed by terminal operators and wharfingers in Oregon and Washington shall continue to be determined under § 1499.2 of the General Maximum Price Regulation except that, on and after the effective date of this Amendment, the terminal operators and wharfingers in Oregon and Washington may charge, for terminal services in connection with the handling of salmon, prices not in excess of the rates and charges set forth on 8th Revised Page 21 of Seattle Terminal Tariff No. 2–C, adopted March 30, 1942 and filed with the Washington Department of Public Service.

(b) *Definitions.* The services of handling, loading, unloading and wharfage shall have the meanings thereto ascribed in Seattle Terminal Tariff No. 2–C, referred to above.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–12987; Filed, August 10, 1943; 4:28 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1525–FD]

LOGAN CLAY PRODUCTS CO.

ORDER REVOKING IN PART ORDER CANCELLING HEARING AND DISMISSING APPLICATION

In the matter of the application of the Logan Clay Products Company for a determination of the status of the coal produced at the Logan Clay Products Mine No. 1, Hocking County, Ohio, in District No. 4, pursuant to section 4–A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at The Logan Clay Products Mine No. 1, in Hocking County, Ohio, in District No. 4, having been filed with this Division by The Logan Clay Products Company of Logan, Ohio, pursuant to the second paragraph of section 4–A of the Bituminous Coal Act of 1937, as amended, which requested that an order be issued to the effect that the coal produced at the Logan Clay Products Mine No. 1 comes within the provisions of section 4, Part II (b) of the Bituminous Coal Act of 1937 and that such order be made retroactive and effective as of October 1, 1939; and

An order having been entered July 15, 1943, effective midnight August 23, 1943, dismissing, among others, the application of the Logan Clay Products Company because it appeared that insufficient time remained to permit final action on such application before the Bituminous Coal Act of 1937, as amended, ceases to be in effect 12:01 a. m. August 24, 1943, and on the same day an order having been issued cancelling a hearing heretofore scheduled and dismissing the application;

Now, therefore, it is ordered, That the order in this docket, dated July 15, 1943, cancelling the hearing and dismissing the application be and the same hereby is revoked to the extent that it dismissed the application.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13029; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. B–236]

W. G. MOORE AND SON

REPORT OF EXAMINER

In the matter of W. G. Moore, 3rd and H. S. Moore, individually and as partners doing business under the name and style of W. G. Moore and Son, code members.

This proceeding was instituted upon a complaint duly filed March 18, 1942, with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 1, against code members, alleging wilful violation of their obligations under the code, and praying appropriate relief.

Pursuant to an order of the Director and after notice to interested persons, a hearing herein was held before the undersigned, a duly designated Examiner of the Division at a hearing room thereof, at Altoona, Pennsylvania, on April 29, 1942. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 1 and code members appeared.

As the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943, (except as provided in section 19 thereof); no order revoking code membership or requiring code member to cease and desist from further violations will be effective after that date; as my report if submitted could be acted upon by the Director only after an opportunity had been afforded to the parties to file exceptions; as it would be necessary for the Director to have an opportunity to consider the entire record, and further, as a petition might also be filed for rehearing or reconsideration of the order of the Director, it is extremely unlikely that this case would be finally disposed of prior to the expiration date of the Act. I accordingly recommend that the proceeding be dismissed forthwith.

Respectfully submitted.

Dated: July 31, 1943.

JOSEPH A. HUSTON,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13035; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. 897–FD]

CEDAR GROVE COLLIERIES, INC. AND RICHVEIN COAL CO.

REPORT OF EXAMINER

In the matter of the application of Cedar Grove Collieries, Inc., and the Richvein Coal Company for exemption under the second paragraph of section 4–A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Cedar Grove Collieries, Inc., a code member operating a mine located in Kanawha County, West Virginia, in District 8. Pursuant to section 4–A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company and Belle Alkali Company, both at Belle, West Virginia, and Carbide and Carbon Chemicals Corporation and Westvaco Chlorine Products Company, both at South Charleston, West Virginia from the provisions of section 4 and the first paragraph of section 4–A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469–FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20–30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469–FD, are complex. For the reasons set forth in my Report in Docket No. 469–FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act on August 24, 1943, and that it would serve no useful purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13049; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. B-353]

L. F. DUNN

REPORT OF EXAMINER

On August 4, 1942, the Bituminous Coal Division referred to the Bituminous Coal Producers Board for District No. 17 information relating to possible violations of the Bituminous Coal Act of 1937, by the above named code member. District Board 17 failed to take action thereon and on February 5, 1943, the Division pursuant to the provisions of sections 5 (b) and 6 (a) of the Act, instituted this proceeding.

The notice recites that the Division found it necessary to determine whether code member wilfully violated section 4 II (e) and (f) 2, 4 and 6 of the Act and the Code and Rules 2, 4 and 6 of section XIII of the Marketing Rules and Regulations in the sales of coal to J. M. Fielding and J. H. Rodman.

Pursuant to the above mentioned notice a hearing in this matter was held before the undersigned, a duly designated Examiner of the Division on April 9, 1943, at a hearing room thereof in Durango, Colorado. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 17 did not appear at the hearing. Code member appeared in person.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: July 31, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13043; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. 470-FD]

TRUAX-TRAER COAL CO.

REPORT OF EXAMINER

In the matter of the application of Truax-Traer Coal Company for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Truax-Traer Coal Company, a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company, Carbide and Carbon Chemicals Corporation, and Barium Reduction Corporation, from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act on August 24, 1943, and that it would serve no purpose to discuss the merits of this case. Accordingly, I recommend that the proceedings be dismissed, effective at 12:01 a. m., August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13024; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. 468-FD]

WINIFREDE COLLIERIES

REPORT OF EXAMINER

In the matter of the application of Winifrede Collieries for exemption under the second paragraph of sections 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Winifrede Collieries, a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company and Westvaco Chlorine Products Company, Inc., from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act on August 24, 1943, and that it would serve no purpose to discuss the merits of this case. Accordingly, I recommend that the proceedings be dismissed, effective at 12:01 a. m., August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13023; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. 964-FD]

WINIFREDE COLLIERIES

REPORT OF EXAMINER

In the matter of the application of Winifrede Collieries for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Winifrede Collieries ("Winifrede"), a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company, located at Belle, West Virginia, from the provisions of section 4 and the first paragraph of section 4-A of the act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act August 24, 1943, and that it would serve no useful purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13025; Filed, August 11, 1943; 11:06 a. m.]

[Docket No. 465-FD]

WYATT COAL COMPANY

REPORT OF EXAMINER

In the matter of the application of Wyatt Coal Company for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Wyatt Coal Company, a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and Carbide and Carbon Chemical Corporation, Westvaco Chlorine Products Company, Inc., and Fuel Process Company, from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act on August 24, 1943, and that it would serve no useful purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13022; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. B-369]

R. A. NIXON

REPORT OF EXAMINER

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division on June 4, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District Board No. 11, alleging that code member R. A. Nixon, Monroe Township, Pike County, Indiana, had wilfully violated the provisions of the Act, the Bituminous Coal Code, orders, rules and regulations of the Division; and praying appropriate relief.

Pursuant to an Order of the Director dated February 22, 1943, and after due notice to interested parties, a hearing in this matter was held on March 23, 1942, before the undersigned, Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Evansville, Indiana. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of the General Counsel of the Division and District Board 11. R. A. Nixon appeared in person.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 4, 1943.

JOSEPH A. HUSTON,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13048; Filed, August 11, 1943; 11:05 a. m.]

[Docket No. B-352]

JOE ADDIS AND SON

REPORT OF EXAMINER

In the matter of Joe Addis, Phillip Addis and Lester Meeks, individually and as copartners, doing business under the name and style of Joe Addis & Son, code members.

This proceeding was instituted upon a complaint duly filed December 8, 1942, with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 4, against Joe Addis, Phillip Addis and Lester Meeks, individually and as copartners, doing business under the name and style of Joe Addis & Son, code member producers, operating at different times, mines designated as Mine Index Nos. 2 and 1146, both located in Lawrence County, Ohio, in Subdistrict 7 of District 4. The complaint alleged that code members had wilfully violated the minimum price provisions of the Bituminous Coal Code or rules and regulations thereunder, by selling coal at less than the applicable minimum price established therefor in Schedule No. 1 of the Effective Minimum Prices for District No. 4 for Truck Shipments, and in selling coal for which no minimum prices had been established, in violation of the Order of the Director in General Docket No. 19 dated October 9, 1940. Code members were also charged with violating Orders of the Division Nos. 307, 309, 156, 313 and 14, together with Rule 3 of section V and Rule 7 of section VI of the Marketing Rules and Regulations by failing to maintain proper records and failing to file with the Division reports of all coal sold from and including January 1941 to November 1942. The complaint prayed appropriate relief.

Pursuant to appropriate orders and after due notice to interested persons, a hearing in the matter was held on March 25, 1943, before the undersigned, a duly designated Examiner of the Division, at a hearing room thereof in Catlettsburg, Kentucky. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board No. 4, code members and a representative of the Office of General Counsel of the Division appeared. At the hearing, code members filed an answer admitting the violations, as alleged.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: July 31, 1943.

JOSEPH A. HUSTON,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13042; Filed, August 11, 1943; 11:05 a. m.]

[Docket No. B-365]

R. GLENN DAVIS

REPORT OF EXAMINER

This proceeding was instituted upon a Notice of and Order for Hearing duly issued by the Bituminous Coal Division on February 19, 1943, pursuant to sections 5 (b) and 6 (a) of the Bituminous Coal Act of 1937 and other pertinent provi-

sions of the Act for the purpose of determining whether code member, R. Glenn Davis, had wilfully violated section 4 II (e) of the Act, Part II (e) of the Code and Rule 1 of section III of the Marketing Rules and Regulations. The Notice provided that in the event code member is found to have violated the Act, the Code and the rules and regulations thereunder, an order should be entered revoking the code membership of code member, or directing him to cease and desist from such violations.

Pursuant to order of the Director and after due notice to interested parties, a hearing in this matter was held on April 1, 1943, before the undersigned, D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Price, Utah. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Code member and a representative of the Office of the General Counsel appeared. Castle Valley Fuel Company was permitted to enter an appearance, subject to a subsequent ruling respecting its status as a registered distributor.

As the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will be effective after that date; as my Report if submitted could be acted upon by the Director only after an opportunity had been afforded to the parties to file exceptions; as it would be necessary for the Director to have an opportunity to consider the entire record, and further, as a petition might also be filed for rehearing or reconsideration of the Order of the Director; it is extremely unlikely that this case would be finally disposed of prior to the expiration date of the Act. I accordingly recommend that the proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 4, 1943.

D. C. McCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13046; Filed, August 11, 1943; 11:05 a. m.]

[Docket No. B-367]

FRANK DUNNING, INC.

REPORT OF EXAMINER

This proceeding was instituted by the Bituminous Coal Division, pursuant to the Bituminous Coal Act of 1937, in order to investigate and determine whether Frank Dunning, Inc., a registered distributor, Registration No. 2566, of Cleveland, Ohio, respondent, has violated any provisions of the Act, the Code, and Orders of the Division, including the Marketing Rules and Regulations and the Agreement by Registered Distributor executed by it pursuant to the Rules and Regulations for the Registration of Distributors, and whether respondent's registration as a registered distributor should be suspended or revoked or other appropriate penalty be determined.

In a Notice of and Order for Hearing issued by the Director on February 13, 1943 and served on respondent on February 16, 1943, it was stated that the Division found it necessary to determine whether respondent has violated paragraphs (e) and (f) of the Agreement, Rules 1 and 3 of section V of the Marketing Rules, and Division Orders Nos. 296, 301, 307, and 312, in the failure to file copies of spot orders or written confirmations thereof, and invoices with the Statistical Bureau for District 4; accepted distributors' discounts in transactions in which respondent resold and delivered coal in less than carload lots and in a noncontinuous flow to its vendee in violation of paragraph (d) of the Agreement; accepted distributors' discounts on the sale of coal to or through Dunning Sales Corporation, a retailer, which controlled respondent, for the purpose of unjustly enriching the respondent in violation of paragraph (g) of the Agreement; accepted such discounts where said retailer controlled the respondent, in violation of paragraphs (c) and (d) of the Agreement, Rule 12 of section XIII of the Marketing Rules and Regulations and section 4 II (i) 12 of the Act, and §§ 317.12 (b) (8) and 317.19 (c) of the Distributors' Rules; and in such transactions to or through said retailer the respondent engaged in the sale of coal at retail in violation of § 317.19 (a) of the Distributors' Rules. At the hearing the Notice was amended without objection by respondent to recite that respondent has violated the Act and the Code in sales of coal at prices lower than the applicable effective minimum prices.

Pursuant to the Notice, and an Order of postponement issued on March 6, 1943 and duly served on respondent, a hearing in this matter was held on March 29, 1943, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Cleveland, Ohio. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Respondent appeared and participated in the hearing.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m., August 24, 1943 (except as provided in section 19 thereof), no order revoking or suspending the registration of respondent will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 7, 1943.

JOSEPH A. HUTSON,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13047; Filed, August 11, 1943; 11:05 a. m.]

[Docket No. B-357]

HUDSON COAL COMPANY

REPORT OF EXAMINER

This proceeding was instituted by the Bituminous Coal Division, pursuant to sections 5 (b) and 6 (a) and other pertinent provisions of the Bituminous Coal Act of 1937, to determine whether Hudson Coal Company, a corporation, code member, operating the Sweet Mine, Mine Index No. 23, located in Carbon County, Utah, in District 20, wilfully violated sections 4 II (e) and 4 II (i) (8) of the Act, Parts II (e) and II (i) (8) of the Code, Rule 1 of section X, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, and Orders of the Division Nos. 312 and 313, each dated February 24, 1941, and to determine whether an order should be entered revoking its code membership or directing it to cease and desist from violating the Act, the Code, the orders and the rules and regulations thereunder.

Code member filed an answer on March 22, 1943, denying that it wilfully violated any of the rules and regulations under the Code.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing was held in this matter on March 29, 1943, before the undersigned, a duly designated Examiner of the Division, at a hearing room thereof in Salt Lake City, Utah. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Code member appeared.

On April 17, 1943, code member filed a brief in support of its position.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 4, 1943.

D. C. McCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13045; Filed, August 11, 1943; 11:06 a. m.]

[Docket No. 1766-FD]

D. & W. COAL COMPANY

REPORT OF EXAMINER

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division on May 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 2 against the D. & W. Coal Company, code member, operating the Ray Mine (Mine Index No. 1121), located in Venango County, Pennsylvania, in District 2. The complaint alleged that the D. & W. Coal Company, code member, had wilfully violated the Bituminous Coal Code, the effective minimum prices, the Marketing Rules and Regulations, and the Director's Orders Nos. 14, 156 and 288, and prayed that appropriate relief be granted.

Pursuant to appropriate orders of the Acting Director, and after due notice to interested persons, a hearing in this matter was held before W. A. Cuff, a duly designated Examiner of the Division, at Pittsburgh, Pennsylvania, at which Paul Doyle, on behalf of the D. & W. Coal Company, appeared. The submission of a Report by the Examiner was waived, and the matter was thereupon submitted to the then Acting Director, who issued an Opinion and Order April 4, 1942, revoking and cancelling the code membership of D. & W. Coal Company and each of the partners thereof, Paul Doyle and Samuel Woodall, and directing that, prior to any reinstatement of D. & W. Coal Company and the individual partners thereof, Paul Doyle and Samuel Woodall, to membership in the Code, there should be paid to the United States a tax in the amount of $2,425.64, as provided in section 5 (c) of the Act.

On April 18, 1942, code member filed a motion to reopen the hearing for the purpose of taking additional evidence and for a stay of the provisions of the order dated April 4, 1942, revoking the code membership of D. & W. Coal Company. An affidavit in support of the motion was filed on April 22, 1942.

The motion was granted by Order of the Acting Director, dated April 23, 1942, and accordingly, a hearing on the reopened matter was held on July 16, 1942, before the undersigned W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examination witnesses and otherwise be heard. Code member and a representative of the Office of the General Counsel of the Division appeared.

As the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will be effective after that date; as my Report if submitted could be acted upon by the Director only after an opportunity had been afforded to the parties to file exceptions; as it would be necessary for the Director to have an opportunity to consider the entire record, and further, as a petition might also be filed for rehearing or reconsideration of the Order of the Director, it is extremely unlikely that this case would be finally disposed of prior to the expiration date of the Act. I accordingly recommend that the proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 7, 1943.

W. A. CUFF,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13031; Filed, August 11, 1943; 11:05 a. m.]

[Docket No. B-336]

CANON NATIONAL COAL CO.

ORDER OF DIRECTOR

In the matter of Frank Jermance, Raymond Jermance, Edmond Jermance, Math Grahek, Joe A. Mehle, and Frank A. Boitz, individually and as copartners, doing business under the name and style of Canon National Coal Company.

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 17, against Frank Jermance, Raymond Jermance, Edmond Jermance, Math Grahek, Joe A. Mehle, and Frank A. Boitz, individually and as copartners, doing business under the name and style of Canon National Coal Company, code member, operating the Canon National Mine (Mine Index No. 239), located in Fremont County, Colorado, in subdistrict 3 of district 17. The complaint alleged that code member had wilfully violated the provisions of the Bituminous Coal Code, the Marketing Rules and Regulations promulgated thereunder, and the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, and prayed that appropriate relief be granted.

An answer was field October 30, 1942; code member also filed a brief on February 1, 1943.

Pursuant to appropriate orders and after notice to interested persons, a hearing in this matter was held on November 14, 1942, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Pueblo, Colorado. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 17 and code member appeared.

No report has been filed by said Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a Report of the Trial Examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13041; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. 1167-FD]

RIVERTON COAL COMPANY

REPORT OF EXAMINER

In the matter of the application of Riverton Coal Company for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Riverton Coal Company, a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company, located at Belle, West Virginia, from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my report in "Matter of the Application of the Carbon Fuel Company", Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act August 24, 1943, that it would serve no purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Dated: August 4, 1943.

Respectfully submitted.

D. C. McCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13027; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. B-320]

KING COAL COMPANY

REPORT OF EXAMINER

In the matter of C. H. Cole and Fred J. Girard, individually and as copartners, doing business under the name and style of King Coal Company.

This proceeding was instituted upon a Notice of and Order for Hearing dated February 6, 1943, by the Bituminous Coal Division, pursuant to sections 5 (b) and 6 (a) of the Bituminous Coal Act of 1937, to ascertain whether C. H. Cole and Fred J. Girard, individually and as copartners doing business under the name and style of King Coal Company, code member producers operating the Coal King No. 2 Mine, Mine Index No. 310, in La Plata County, Colorado, in District 17, have wilfully violated the provisions of the Act, and to determine, if wilful violations have occurred, the appropriate penalty to be invoked.

Pursuant to appropriate orders and after due notice to interested persons, a hearing was held on April 10, 1943, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Durango, Colorado. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. C. H. Cole appeared for the code member partnership.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: July 31, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13039; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. 1161-FD]

KELLEY'S CREEK COLLIERY COMPANY

REPORT OF EXAMINER

In the matter of the application of Kelley's Creek Colliery Company for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Kelley's Creek Colliery Company ("Kelley"), a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company, located at Belle, West Virginia, from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company", Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act August 24, 1943, and that it would serve no useful purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13026; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. B-294]

HAL MASSEY

ORDER OF DIRECTOR

This proceeding was instituted upon a complaint duly filed by the Bituminous Coal Producers Board for District No. 8 with the Bituminous Coal Division, on July 1, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Hal Massey, a code member operating a mine designated as Mine Index No. 1532, located in Bell County, Kentucky, in District 8, had wilfully violated the Act, the Bituminous Coal Code, and regulations made thereunder, and praying appropriate relief.

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held on October 23, 1942, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Knoxville, Tennessee. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered on behalf of District Board 8, the Office of the General Counsel of the Division, and code member.

No report has been filed by said Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a report of the Trial Examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F.R. Doc. 43-13037; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. A-1519]

DISTRICT BOARD NO. 13

ORDER REVOKING TEMPORARY RELIEF AND DISMISSING PROCEEDING

In the matter of District Board No. 13 for the establishment of minimum prices for coal sold for domestic stoker use by certain mines in District 13.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by the District Board 13, pursuant to section 4 II (d) of the Bituminous Coal of 1937, requesting the establishment of price classifications and minimum prices for coals produced and shipped for domestic stoker use from Mine Index Nos. 3, 4, 6, 7, 8, 9, 11, 13, 14, 17, 18, 19, 21, 22, 23, 29, 77, 78, and 1306, all located in Subdistrict 1 of District 13.

On March 3, 1943, after notice and hearing, an order was entered amending the Schedule of Effective Minimum Prices for District No. 13 for All Shipments Except Truck by the addition of a price exception, which provided as follows:

When the mines in Subdistrict 1 listed herein specially prepare coals included in Size Group 18, and such coals are sold and applied for stoker use, the prices listed herein for Size Group 18 coals into the respective market areas shall be increased 35 cents per net ton: *Provided*, Such stoker coals shall have a top size not larger than 1½" and a bottom size with a maximum of ½" and a minimum of ⅛": *Provided further*, The actual size of the stoker coal is specified in all notices, lists, reports or other documents.

On April 3, 1943, upon petition of District Board 13, an order was entered temporarily modifying the order, dated March 3, 1943, and providing that the stoker coals referred to in the aforesaid price exception should have a "top size not larger than 1½" and a bottom size not larger than ½"," as requested in the petition. The Director stated in his Memorandum Opinion and Order that increased prices for specially prepared stoker coals would be temporarily established until a more exact definition could be obtained for this special stoker size in order to prevent confusion with the 1½" x ½" chestnut size (Size Groups 10 and 11) and 1½" x 0 wash screenings (Size Group 18) of the price schedule. Accordingly, said order provided that the order of March 3, 1943, would be modified on condition that District Board 13 submit a statement on or before June 30, 1943, setting forth a more exact definition of the special stoker size group, and a clarification of the definitions of Size Groups Nos. 10, 11, 18, and 23 as compared with the definition of the special stoker size group, and the term "domestic stoker" as read in connection with Price Instructions 9 and 10 of the schedule, and further that jurisdiction of this proceeding was reserved to revoke the aforesaid price exception, if such statement was not submitted as directed. On June 21, 1943, District Board 13 submitted a statement purporting to comply with the order of the Director. I have considered this statement in detail and have come to the conclusion that it fails to define more exactly the size of the specially prepared coals for domestic stoker use and that it contains only a reiteration of petitioner's contention for an increase in the prices for specially prepared stoker coals, as set forth in its petition and urged at the hearing herein. Moreover, the statement makes no attempt to clarify the definitions of similar size groups in the price schedule, namely, Size Groups 10, 11, 18 and 23, nor does it attempt to interpret or clarify the term "domestic stoker", when read in connection with Price Instructions 9 and 10 of the schedule, as was also required by the order of the Director.

From the first, temporary relief was granted herein in the light of the exigencies of the situation presented, but with considerable reluctance. It remains my conviction, as I stated in the order of April 3, 1943, that "the establishment of identical size groups differentiated only by the requirement that the coals in some of the size groups must be 'specially prepared' is not in my opinion conducive to a sound price pattern and permits of ready evasion by producers who, because of exigencies of competition or their unwillingness to cooperate in the maintenance of a sound price structure, may be unscrupulous enough to take advantage of such vague limitations in the size group definitions." To establish minimum prices for stoker coals which are essentially the same in size as coals described in other size groups within the schedule would only create confusion, since "special preparation" is the only distinguishing feature between these coals. Moreover, to enable a producer to exercise ultimate discretion in determining whether stoker coals have received sufficient "special preparation" to justify a higher price may only result in denial to other producers of fair competitive opportunities, contrary to the purpose and the policy of the Act.

In addition to the foregoing, the failure of District Board 13 to submit adequate information as to the exact definition of the special stated size group, its comparison with Size Groups 10, 11, 18 and 23 and a clarification of the term "domestic stoker" in connection with Price Instruction 9 and 10 of the schedule, affords no alternative other than to revoke the additional price exception established by the order of March 3, 1943 as modified by the order of April 3, 1943.

It is therefore ordered, That effective as of the date hereof, the order entered herein on March 3, 1943, as modified by order, dated April 3, 1943, providing for the amendment of the Schedule of Effective Minimum Prices for District No. 13 for All Shipment Except Truck by the addition of a price exception, be and the same hereby is revoked;

It is further ordered, That the petition herein is hereby denied and the proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13032; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. B-322]

MOSCHETTI COAL COMPANY

ORDER OF DIRECTOR

In the Matter of Dom. Moschetti, also known as Dominic Moschetti, doing business as Moschetti Coal Company.

On June 1, 1942, the Bituminous Coal Division referred to the Bituminous Coal Producers Board for District No. 17, information relating to possible violations of the Bituminous Coal Act of 1937, by code member. District Board 17 failed to take action thereon and on September 23, 1942 the Division, pursuant to the provisions of section 5 (b) and 6 (a) of the Act, instituted this proceeding.

The Notice recited that the Division finds it necessary to determine whether code member violated sections 4 II (e) and 4 II (i) 8 of the Act, the corresponding sections of the Code; Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations and Orders of the Division Nos. 307 and 312.

Pursuant to the above mentioned Notice, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, on November 10, 1942, at a hearing room thereof in Pueblo, Colorado. All interested persons were afforded an opportunty to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 17 was represented by F. O. Sandstrom, its Secretary-Treasurer. Code member appeared by counsel who filed a brief, after the hearing which I have considered.

No report has been filed by said Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943, (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a Report of the Trial Examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13040; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. 1168-FD]

KANAWHA AND NEW RIVER BARGE AND RAIL COAL MINES, INC.

REPORT OF EXAMINER

In the matter of the application of Kanawha & New River Barge & Rail Coal Mines, Inc. for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Kanawha & New River Barge & Rail Coal Mines, Inc., a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company, located at Belle, West Virginia, from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act August 24, 1943, and that it would serve no useful purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m., August 24, 1943.

Respectfully submitted.

Dated August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13028; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. B-356]

BLACK DIAMOND COAL MINING COMPANY

ORDER CONDITIONALLY RESTORING CODE MEMBERSHIP AND PROVIDING FOR UNCONDITIONAL RESTORATION

In the matter of W. W. Bridges, Receiver, Black Diamond Coal Mining Company.

A complaint, dated December 11, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 15, 1942, by the Bituminous Coal Producers Board for District No. 9, a District Board, complainant, with the Bituminous Coal Division; and

An application for disposition of this proceeding without formal hearing, having been filed with the Division on March 12, 1943; and

An order having been issued herein on June 11, 1943, granting said application, revoking and cancelling the membership of W. W. Bridges, Receiver, Black Diamond Coal Mining Company (the Code Member) in the Bituminous Coal Code (the Code) effective twenty (20) days from the date of said order, and providing for the payment to the United States of a tax in the amount of $2,411.09 as a condition precedent to the restoration of the Code Member to membership in the Code; and

An arrangement having been made by the Code Member with the Collector of Internal Revenue at Louisville, Kentucky for the payment of said tax in installments as follows: $602.77 on June 22, 1943; $602.77 on September 22, 1943; $602.77 on December 22, 1943; and $602.77 on March 22, 1944; and

It appearing that the installment of $602.77 due June 22, 1943 has been paid; and

Application having been made by the Code Member for restoration to membership in the Code;

Now, therefore, it is ordered, That membership of W. W. Bridges, Receiver, Black Diamond Coal Mining Company in the Code be and the same hereby is conditionally restored as of the effective date of revocation thereof.

It is further ordered, That upon full payment of the remaining installments of said tax, as agreed, the restoration to membership in the Code of said W. W. Bridges, Receiver, Black Diamond Coal Mining Company shall become unconditional.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13044; Filed, August 11, 1943; 11:01 a. m.]

[Docket No. B-218]

FORKS COAL MINING COMPANY

REPORT OF EXAMINER

This proceeding was instituted upon a complaint duly filed February 10, 1942, with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 1 against Forks Coal Mining Company, a corporation, code member producer operating the Hughes No. 11 Mine, Mine Index No. 219, located in Cambral County, Pennsylvania. The complaint alleged that code member wilfully violated the provisions of the Act, the Code and the Marketing Rules and Regulations and prayed for appropriate relief.

Code member filed an answer on April 2, 1942.

Pursuant to an Order of the Director dated March 23, 1942, a motion of the District Board to amend the complaint was granted and the Notice of and Order for Hearing previously issued dated February 18, 1942, was likewise amended extending code member's time to file an answer for thirty days. The hearing was postponed from time to time by orders of the Director until, after due notice to interested persons, it was held on April 27 and May 2, 1942, before the undersigned, Joseph A. Huston, a duly designated Examiner of the Division, at the hearing room thereof at Altoona, Pennsylvania. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 1, code member and a representative of the Office of the General Counsel of the Division appeared.

As the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943, (except as provided in section 19 thereof); as no order revoking code membership or requiring code member to cease and desist from further violations will be effective after that date and my report, if submitted, could be acted upon by the Director only after an opportunity had been afforded to the parties to file exceptions; as it would be necessary for the Director to have an opportunity to consider the entire record, and further, as a petition might also be filed for rehearing or reconsideration of the Order of the Director, it is extremely unlikely that this case would be finally disposed of prior to the expiration date of the Act. I accordingly recommend that the proceeding be dismissed forthwith.

Respectfully submitted.

Dated August 4, 1943.

JOSEPH A. HUSTON, *Examiner.*

Recommendation approved and proceeding dismissed.

Dated August 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13034; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. 1670-FD]

PITTSBURG AND MIDWAY COAL MINING COMPANY

ORDER RESTORING CODE MEMBERSHIP

A written complaint having been filed on June 19, 1941 by the Bituminous Coal Producers Board for District No. 15, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation of the Bituminous Coal Code and rules and regulations thereunder by Pittsburg & Midway Coal Mining Company, Pittsburg, Kansas, as a Code Member, and also as a Registered Distributor; and

An order having been issued herein on July 27, 1943, revoking and cancelling the code membership of said Code Member in the Code, and providing for the payment to the United States of a tax in the amount of $2,360.87 as a condition precedent to its restoration to membership in the Code; and

It appearing that said Code Member has paid to the Collector of Internal Revenue at Wichita, Kansas, the said sum of $2,360.87 and filed application for restoration to membership in the Code;

Now, therefore, it is ordered, That membership in the Code of Pittsburg & Midway Coal Mining Company be, and it hereby is, restored as of July 27, 1943.

Dated August 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13030; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. B-315]

TONY SANTARELLI

ORDER OF DIRECTOR

In the matter of Tony Santarelli, code member.

On July 10, 1942, the Bituminous Coal Division referred to the Bituminous Coal Producers Board for District No. 17, information relating to possible violations of the Bituminous Coal Act of 1937 by code member. District Board No. 17 failed to take action thereon and on September 23, 1942, the Division, pursuant to the provisions of sections 5 (b) and 6 (a) of the Act, instituted this proceeding.

The Notice of and Order for Hearing recited that the Division finds it necessary to determine whether code member violated the provisions of the Schedule of Effective Minimum Prices for District 17 for All Shipments, sections 4 II (e) and 4 II (i) 8 of the Act, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations. Code member filed his answer on October 22, 1942.

Pursuant to the Notice, hearings in this matter were held before Charles O. Fowler, a duly designated Examiner of the Division, on November 28, December 2, 3 and 4, 1942, at a hearing room thereof in Pueblo, Colorado. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 17 was represented by F. O. Sandstrom, its Secretary-Treasurer. Code member and a representative of the Office of the General Counsel of the Division appeared. Permission was given to file briefs but none have been received.

No report has been filed by said Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a Report of the Trial Examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated August 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13036; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. B-277]

MARKET STREET COAL COMPANY

ORDER OF DIRECTOR

In the matter of J. H. Cox and R. L. Stulce, individually and as partners doing business under the name and style of Market Street Coal Company.

This proceeding was instituted upon a complaint duly filed June 15, 1942, with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 13, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that code members wilfully violated the provisions of the Act, the Code and Orders of the Division, and praying for appropriate relief.

Pursuant to further Order of the Director dated March 27, 1943, and after due notice to interested persons, a hearing in this matter was held on March 24, 1943, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof at Chattanooga, Tennessee. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 13 was represented by its Secretary-Treasurer, N. E. Cross. Code members appeared by counsel, and an appearance was entered for the Office of the General Counsel of the Division.

No report has been filed by said Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m., August 24, 1943, (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a Report of the Trial Examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated August 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13033; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. B-46]

HOWARD COAL AND COKE COMPANY

ORDER DISMISSING MATTER AND TERMINATING PROCEEDING

In the matter of Howard Coal and Coke Company, Inc., registered distributor, Registration No. 4541.

The above-entitled proceeding was instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937 and section 304.14 (now 317.14) of the Rules and Regulations for the Registration of Distributors, by a Notice of and Order for Hearing, dated October 24, 1941, to determine whether the respondent, Howard Coal and Coke Company, Inc., had violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement.

The aforesaid Notice of and Order for Hearing scheduled a hearing for December 13, 1941, before a duly designated officer of the Bituminous Coal Division, at Room 806, Walker Building, Washington, D. C., and, by appropriate order, said hearing was postponed to a date and place to be thereafter designated.

On January 26, 1942, respondent filed an application for disposition of this proceeding without formal hearing pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division, notice of which was published in the FEDERAL REGISTER on February 12, 1942.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire on August 24, 1943, proceedings not finally decided at that time will become moot. Under these circumstances it seems inadvisable to determine the issues raised. Said hearing, therefore, should be cancelled and this proceeding dismissed.

It is so ordered.

Dated August 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13033; Filed, August 11, 1943; 11:02 a. m.]

General Land Office.

[Public Land Order 155]

WYOMING

RESERVING CERTAIN PUBLIC LANDS IN CONNECTION WITH THE GREYS RIVER ELK WINTER PASTURE AND FEED GROUND

Whereas the act of September 2, 1937, 50 Stat. 917 (U.S.C., title 16, secs. 669-669j), provides for Federal aid to States in wildlife-restoration projects; and

Whereas the State of Wyoming has set up a Federal Aid Wildlife-restoration project and has acquired wildlife control over certain lands in Wyoming, which lands are to be administered by the State of Wyoming through its Game and Fish Commission as the Greys River Elk Winter Pasture and Feed Ground; and

Whereas certain contiguous public lands possess wildlife value and could be administered advantageously in connection with such pasture and feed ground; and

Whereas the act of March 10, 1934, 48 Stat. 401 (U.S.C., title 16, secs. 661-666), provides for cooperation with Federal, State, and other agencies in developing a Nation-wide program of wildlife conservation and rehabilitation;

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Lincoln County, Wyoming, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws and the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use by the Game and Fish Commission of the State of Wyoming in connection with the Greys River Elk Winter Pasture and Feed Ground, under such conditions as may be prescribed by the Secretary of the Interior:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 118 W.,
Sec. 32, NE¼, N½SE¼, and SE¼SE¼.
The areas described aggregate 280 acres.

The reservation made by this order supersedes, as to the above-described lands, the general withdrawal for classification and other purposes made by Ex-

ecutive Order No. 6910 of November 26, 1934, as amended.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 4, 1943.

[F. R. Doc. 43-12996; Filed, August 11, 1943; 9:37 a. m.]

[Public Land Order 156]

NEVADA

ENLARGING THE DESERT GAME RANGE

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described area in Nevada are hereby withdrawn from settlement, location, sale, or entry, and added to and reserved as a part of the Desert Game Range, subject to all the provisions of Executive Order No. 7373 of May 20, 1936, establishing the said game range:

MOUNT DIABLO MERIDIAN

Tps. 17 and 18 S., R. 59 E.
Tps. 17 and 18 S., R. 60 E.
Tps. 17 and 18 S., R. 61 E.
Tps. 17 and 18 S., R. 62 E.

The areas described aggregate 182,791.53 acres, including 181,870.93 acres of public land and 920.60 acres of nonpublic land.

The reservation made by this order shall be subject to the primary jurisdiction of the War Department as to any of the above-described lands which were reserved for the use of that Department by Executive Order No. 8954 of November 27, 1941.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 4, 1943.

[F. R. Doc. 43-12997; Filed, August 11, 1943; 9:38 a. m.]

Grazing Service.

CONSTRUCTION WORK IN NEVADA AND CERTAIN CALIFORNIA AREAS

RECOMMENDATIONS OF GRAZING SERVICE WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior dated June 15, 1943, and entitled "Wage Fixing Procedures, Field Employees, Grazing Service, Department of the Interior," the Grazing Service Wage Board has determined prevailing wage rates for field employees of the Grazing Service who are not allocated to grade under the Classification Act of 1923, as amended, and who are engaged in construction in Region 3 of the Grazing Service. Region 3 is composed of the State of Nevada and certain areas in the State of California. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Grazing Service Wage Board finds that the hourly wage rates listed below are prevailing for construction work in Region 3 and recommends them for your adoption:

Construction job title	Prevailing hourly rate on private work	Recommended basic hourly rate for G/S field employees
Blacksmith	$1.37½	$1.37½
Blacksmith helper	1.00	1.00
Carpenter	1.50	1.50
Compressor operator	1.25	1.25
Concrete finisher	1.50	1.50
Concrete mixer operator	1.25	1.25
Construction laborer	.80	.80
Construction laborer leadman	.90	.90
Electrician	1.50	1.50
Electrician helper	.90	.90
Grader operator (road or blade)	1.25	1.25
Heavy duty mechanic	1.50	1.50
Iron worker, reinforcing	1.37½	1.37½
Iron worker, structural	1.50	1.50
Jackhammer operator	1.00	1.00
Labor foreman	1.25	1.25
Mixed gang foreman	1.62½	1.62½
Apprentice engineer and oiler	1.10	1.10
Painter	1.50	1.50
Pile driver operator	1.60	1.60
Plasterer	1.50	1.50
Plumber	1.50	1.50
Powderman	1.10	1.10
Powderman helper	.90	.90
Rock crusher operator	1.25	1.25
Shovel or dragline operator	1.62½	1.62½
Stone mason	1.50	1.50
Teamster, 2 up	.80	.80
Teamster, 3 up	.85	.85
Teamster, 4 up	.90	.90
Tractor operator (under 50 hp)	1.50	1.50
Tractor operator (50 hp and over)	1.50	1.50
Truck driver	1.00	1.00
Truck driver, special	1.25	1.25
Well driller	1.25	1.25
Well driller helper	.80	.80

It is the understanding of the Wage Board that the Grazing Service employees paid in connection with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

The Wage Board recommends that all field employees of the Grazing Service in Region 3 not allocated to grade and engaged in construction be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The Wage Board further recommends that no person employed by the Grazing Service on or after May 1, 1943, shall receive a reduction in basic wage rate due to promulgation of the recommended rates listed above.

The foregoing recommendations approved and adopted by the Grazing Service Wage Board this 27th day of July 1943.

DUNCAN CAMPBELL,
Chairman.
ARCHIE D. RYAN,
Member.
GUY W. NUMBERS,
Member.

Approved: July 31, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-13000; Filed, August 11, 1943; 9:37 a. m.]

CONSTRUCTION WORK IN UTAH

RECOMMENDATIONS OF GRAZING SERVICE WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior dated June 15, 1943, and entitled "Wage Fixing Procedures, Field Employees, Grazing Service, Department of the Interior," the Grazing Service Wage Board has determined prevailing wage rates for field employees of the Grazing Service who are not allocated to grade under the Classification Act of 1923, as amended, and who are engaged in construction in Region 2 of the Grazing Service. Region 2 is composed of the State of Utah. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Grazing Service Wage Board finds that the hourly wage rates listed below are prevailing for construction work in the State of Utah and recommends them for your adoption:

Construction job title	Prevailing hourly rate on private work	Recommended basic hourly rate for G/S field employees
Blacksmith	$1.25	$1.25
Blacksmith helper	.75	.75
Carpenter	1.25	1.25
Compressor operator	1.25	1.25
Concrete finisher	1.25	1.25
Concrete mixer operator	.75	.75
Construction laborer	.85	.85
Construction laborer leadman	1.50	1.50
Electrician	1.50	1.50
Electrician helper	.75	.75
Grader operator (road or blade)	1.25	1.25
Heavy duty mechanic	1.25	1.25
Iron worker, reinforcing	1.37½	1.37½
Iron worker, structural	1.50	1.50
Jackhammer operator	1.00	1.00
Labor foreman	1.25	1.25
Mixed gang foreman	1.50	1.50
Apprentice engineer & oiler	1.00	1.00
Painter	1.25	1.25
Pile driver operator	1.62½	1.62½
Plasterer	1.50	1.50
Plumber	1.50	1.50
Powderman	1.12½	1.12½
Powderman helper	.75	.75
Rock crusher operator	1.25	1.25
Shovel or dragline operator	1.65	1.65
Stone mason	1.58	1.58
Teamster, 2 up	.75	.75
Teamster, 3 up	.80	.80
Teamster, 4 up	.85	.85
Tractor operator (under 50 hp)	1.37½	1.37½
Tractor operator (50 hp & over)	1.43	1.43
Truck driver	1.00	1.00
Truck driver, special	1.25	1.25
Well driller	1.25	1.25
Well driller helper	.75	.75

It is the understanding of the Wage Board that the Grazing Service employees paid in the connection with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week act, (sec. 23, Act of March 28, 1934; 48 Stat. 522)

The Wage Board recommends that all field employees of the Grazing Service in Region 2 not allocated to grade and engaged in construction be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The Wage Board further recommends that no person employed by the Grazing Service on or after May 1, 1943, shall receive a reduction in basic wage rate due to promulgation of the recommended rates listed above.

The foregoing recommendations approved and adopted by the Grazing Service Wage Board this 27th day of July, 1943.

DUNCAN CAMPBELL,
Chairman.
ARCHIE D. RYAN,
Member.
GUY W. NUMBERS,
Member.

Approved: July 31, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-13001; Filed, August 11, 1943; 9:37 a. m.]

ADMINISTRATOR OF CIVIL AERONAUTICS.

[Order No. 12]

DAYTON, OHIO, MUNICIPAL AIRPORT

TEST FLIGHTS IN BELOW PRESCRIBED MINIMUM WEATHER CONDITIONS

JULY 26, 1943.

It appearing that:

(a) Test flights of aircraft designed for military use are being conducted at Dayton Municipal Airport, Vandalia, Ohio; and

(b) It is necessary to conduct such test flights even when weather conditions are less than the prescribed minimums; and

(c) The Commanding Officer of the Accelerated Service Test Branch at Dayton Municipal Airport, Vandalia, Ohio has indicated that such testing is required in the conduct of the war;

Now, therefore, the Administrator, acting pursuant to the provisions of Special Civil Air Regulation No. 274, designates Dayton Municipal Airport, Vandalia, Ohio as an airport where test flights of military aircraft, in accordance with the provisions of Special Civil Air Regulation No. 274, may be conducted when weather conditions are less than the prescribed minimums.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-12998; Filed, August 11, 1943; 9:38 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 458]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF HEARING RELATING TO AIR MAIL TRANSPORT COMPENSATION

In the matter of the petition of Pacific Alaska Airways, Inc. (now, by merger, Pan American Airways, Inc.) for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned to be held on August 23, 1943, 10 a. m. (eastern war time) in Room 3237, Post Office Department, 12th Street and Pennsylvania Avenue, N. W., Washington, D. C., before Examiner William J. Madden.

Dated Washington, D. C., August 10, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12991; Filed, August 11, 1943; 9:50 a. m.]

[Docket No. 824]

NATIONAL AIRLINES, INC.

NOTICE OF ORAL ARGUMENT RELATING TO AIR-MAIL TRANSPORT COMPENSATION

In the matter of the proceeding relating to the fixing of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over Routes Nos. 31 and 39.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held before the Board on August 16, 1943, 10 a. m. (eastern war time) in room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., August 10, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12992; Filed, August 11, 1943; 9:50 a. m.]

[Docket No. 838]

BRANIFF AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT RELATING TO AIR MAIL TRANSPORT COMPENSATION

In the matter of the proceeding relating to the fixing of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over Routes Nos. 9, 15, and 50.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held before the Board on August 23, 1943, 10 a. m. (eastern war time) in room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated: Washington, D. C., August 10, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TCOMBS, *Secretary.*

[F. R. Doc. 43-12993; Filed, August 11, 1943; 9:50 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Service Order 146]

PENNSYLVANIA RAILROAD CO., ET AL.

ROUTING OF FREIGHT TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of August, A. D. 1943.

It appearing, That due to stoppage of work by employees of the car ferry operating between Mackinaw City and St. Ignace, Michigan, The Pennsylvania Railroad Company, The Michigan Central Railroad Company, The New York Central Railroad Company, and The Duluth, South Shore and Atlantic Railway Company (Edward A. Whitman and Sigurd Ueland, Trustees) are unable to transport the freight traffic offered to them between Mackinaw City and St. Ignace so as properly to serve the public; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people; *It is ordered*, That:

(a) *Routing of freight traffic.* Effective immediately, The Pennsylvania Railroad Company, The Michigan Central Railroad Company, The New York Central Railroad Company, and The Duluth, South Shore and Atlantic Railway Company (Edward A. Whitman and Sigurd Ueland, Trustees) are hereby directed to forward the freight traffic routed over their lines between Mackinaw City and St. Ignace, Michigan, by routes most available to expedite its movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of cars, and that all rules, regulations and practices of said carriers with respect to car service are hereby suspended and superseded insofar as conflicting with the directions hereby made.

(b) *Rates to be applied.* Inasmuch as such disregard of routing is deemed to be due to carriers' disability, the rates applicable to traffic so forwarded shall be the rates which were applicable at the date of shipment over established tariff routes.

(c) *Divisions.* In executing the orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized, they shall not be changed or affected by this order. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That copies of this order and direction be served upon The Pennsylvania Railroad Company, The Michigan Central Railroad Company, The New York Central Railroad Company, and The Duluth South Shore and Atlantic Railway Company (Edward A Whitman and Sigurd Ueland, Trustees), and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-13015; Filed, August 11, 1943; 11:08 a. m.]

[Special Permit 5 Under Service Order 126]

PENNSYLVANIA RAILROAD CO.

ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728, 8 F.R. 8082; 8 F.R. 9033 permission is granted for:

The Pennsylvania Railroad Company to initially ice, but not in excess of 5,000 pounds of ice per car, 5 refrigerator cars containing potatoes originating on The Pennsylvania Railroad Company in New Jersey and consigned to various Army and naval installations in the States of Alabama, Florida, or Georgia.

Initial icing on the above cars shall take place at Potomac Yard, Virginia.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 6th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-13017; Filed, August 11, 1943; 11:08 a. m.]

[Special Permit 6 Under Service Order 126]

PENNSYLVANIA RAILROAD CO.

ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Pennsylvania Railroad Company to initially ice, but not in excess of 5,000 pounds of ice per car, 27 refrigerator cars containing potatoes originating on The Pennsylvania Railroad Company in New Jersey and consigned to various Army and naval installations in the States of Alabama, Florida, or Georgia.

Initial icing on the above cars shall take place at Potomac Yard, Virginia.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 7th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-13018; Filed, August 11, 1943; 11:08 a. m.]

[Special Permit 7 Under Service Order 126]

BALTIMORE AND OHIO RAILROAD CO.

ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Baltimore and Ohio Railroad Company to initially ice, but not in excess of 8,000 pounds of ice per car, 135 refrigerator cars containing potatoes originating at Winchester, Virginia, shipped by the War Foods Administration and consigned to Stokley Bros., Indianapolis and Greenwood, Indiana.

Not more than four cars shall be iced under this permit in any one calendar day.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of August, 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-13019; Filed, August 11, 1943; 11:08 a. m.]

[Special Permit 8 Under Service Order 126]

NORFOLK AND WESTERN RAILWAY CO.

ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Norfolk and Western Railway Company to initially ice not more than 12 refrigerator cars containing potatoes, shipped by the War Foods Administration from Moore-Dorsey Warehouse, Berryville, Virginia, to Bankston and Edwards, Sumter, South Carolina.

Not more than three cars shall be iced under this permit in any one calendar day.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service under per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-13020; Filed, August 11, 1943; 11:09 a. m.]

[Special Permit 9 Under Service Order 126]

NORFOLK AND WESTERN RAILWAY CO.

ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Norfolk and Western Railway Company to initially ice (but not to reice) not to exceed 30 refrigerator cars containing potatoes to be shipped by the War Foods Administration from Roanoke, Virginia, 10 of which cars are consigned to King Pharr, Cullman, Alabama, and 20 are consigned to the Laurel Starch Company, Laurel, Mississippi; also for The Virginian Railway Company to initially ice (but not to reice) not to exceed one refrigerator car containing potatoes to be shipped by the War Foods Administration from Roanoke, Public Warehouse, Roanoke, Virginia, consigned to the Laurel Starch Company, Laurel, Mississippi.

Not more than three cars shall be accepted for movement and iced on any one calendar day.

The bills of lading and waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-13021; Filed, August 11, 1943; 11:09 a. m.]

[Special Permit 50 Under Service Order 133]

COMMON CARRIER BY RAILROAD

ICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Peoria, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona or California.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-13016; Filed, August 11, 1943; 11:08 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 10, 1943.

Order Number and Name

MPR 177, Order 13, Nate J. Fulop Co.

MPR 121, Order 21, Coalmont Coal & Coke Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK, *Head, Editorial and Reference Section.*

[F. R. Doc. 43-13003; Filed, August 11, 1943; 10:38 a. m.]

Regional, State and District Office Orders.

[Region VII Order G–1 Under SR 15]

FLUID MILK IN CERTAIN AREAS OF IDAHO

Order No. G–1 under § 1499.75 (a) (2) (ii) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Formerly Order No. 1). Order modifying maximum wholesale and retail prices for fluid milk in certain areas in the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.75 (a) (2) (ii) of the General Maximum Price Regulation, being Supplementary Regulation No. 15, issued by the Office of Price Administration, *It is hereby ordered:*

(1) The maximum prices of fluid milk sold and delivered at wholesale and retail in Valley, Washington, Payette, Gem, Adams, Canyon, Ada, Elmore, Gooding, Lincoln, Jerome, Twin Falls, Minidoka, Cassia, Power, Oneida, Bonneville, Franklin, Bannock, Bingham, Blain, Madison, Bear Lake, Caribou, and Fremont counties of the State of Idaho, and in the following municipalities of the State of Idaho which are outside of the counties named: Arco, Mackay, Challis, and Salmon, shall be, from and after the effective date of this order, as follows: (a) Grade A milk, when sold and delivered under Municipal Regulation, which by ordinance incorporates therein all of the material and substantial terms and provisions of the police regulation commonly referred to as "Standard Milk Ordinance":

Raw milk in glass bottles or paper containers	Grade	Wholesale price	Retail price
		Cents	*Cents*
Gallons	A by S. M. O.	39	45
½ gallons	A by S. M. O.	20	24
Quarts	A by S. M. O.	11	13
Pints	A by S. M. O.	6	7
½ pints	A by S. M. O.	4	

(b) Grade C milk, when not sold and delivered under municipal regulation, which by ordinance incorporates therein all of the material and substantial terms and provisions of the police regulation commonly referred to as "Standard Milk Ordinance":

Raw milk in glass bottles or paper containers	Grad	Wholesale price	Retail price
		Cents	*Cents*
Gallons	No regulation	35	41
½ gallons	No regulation	18	22
Quarts	No regulation	10	12
Pints	No regulation	5½	6
½ pints	No regulation	3½	

(2) *Definitions.* For the purpose of paragraphs (a) and (b):

(i) "Milk" means cow's milk produced, processed, distributed and sold in bottles or paper containers for consumption in fluid form as whole milk.

(ii) "Valley, Washington, Payette, Gem, Adams, Canyon, Ada, Elmore, Gooding, Lincoln, Jerome, Twin Falls, Minidoka, Cassia, Power, Oneida, Bonneville, Franklin, Bannock, Bingham, Blaine, Madison, Bear Lake, Caribou and Fremont counties of the State of Idaho" mean all of the respective areas lying within the boundaries of the counties named.

(iii) "Arco, Mackay, Challis, and Salmon" means all of the respective areas lying within the corporate limits of those municipalities of the State of Idaho and three miles beyond the corporate limits at all points.

(iv) The abbreviation, "S. M. O." means Standard Milk Ordnance, as adopted by many municipalities throughout the United States.

(3) The sellers affected by this order shall not change their customary allowances, discounts, or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified, or amended by the Price Administrator or the Regional Administrator at any time.

(5) Each and every distributor of fluid milk whose maximum Price is affected by this order shall file with the Regional Office at Denver, Colorado, periodic reports concerning the prices paid by him to producers, as said Regional Office may deem necessary and appropriate and from time to time require.

(6) This order becomes effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–12969; Filed, August 10, 1943; 10:41 a. m.]

[Region VII Order G–1 Under SR 15, Amdt. 1]

FLUID MILK IN CERTAIN AREAS OF IDAHO

Amendment No. 1 to Order No. G–1 under § 1499.75 (a) (2) (ii) of Supplementary Regulation No. 15 to the General Maximum Price Regulation (Formerly Order No. 1). Adjustment of maximum wholesale and retail prices for fluid milk in certain areas in the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That:

1. Paragraph (1) of Order No. G–1 modifying maximum wholesale and retail prices for fluid milk for certain areas in the State of Idaho, issued November 25, 1942, be and the same hereby is amended by adding to the areas therein specified as the area covered by said order all of the counties of Malheur and Harney in the State of Oregon.

2. *Effective date.* This Amendment No. 1 to Order No. G–1 shall become effective at 12: 01 a. m. on May 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of May 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. 43–12970; Filed, August 10, 1943; 10:42 a. m.]

[Region VII Order G–1 Under MPR 280]

FLUID MILK IN MONTANA

Order No. G–1 isued under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for the State of Montana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered:*

(a) *Fluid milk sold at wholesale other than in glass or paper containers in the State of Montana.* The provisions of Maximum Price Regulation No. 280, shall not from and after the effective date of this Order No. G–1 apply to fluid milk sold at wholesale other than in glass or paper containers to stores, restaurants, and institutions in the State of Montana. Maximum prices for such sales in the State of Montana are set in Revised Order No. G–12, issued under § 1499.18 (c) of the General Maximum Price Regulation, by this Regional Office simultaneously herewith, and effective simultaneously herewith.

(b) *Right to amend or revoke.* This Order No. G–1 may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(c) *Effective date.* This Order No. G–1 becomes effective at 12:01 a. m. on March 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of March 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–12968; Filed, August 10, 1943; 10:42 a. m.]

[Region VII Order G–2 Under MPR 280]

FLUID MILK IN NEW MEXICO

Order No. G–2 under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for the State of New Mexico.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered:*

(a) *Fluid milk sold at wholesale other than in glass or paper containers in the State of New Mexico.* The provisions of Maximum Price Regulation No. 280 shall not from and after the effective date of this order No. G–2 apply to fluid milk sold at wholesale other than in glass or paper containers to stores, restaurants and institutions in the State of New Mexico. Maximum prices for such sales in the State of New Mexico are set in Order No. G–36 issued under § 1499.18 (c) of the General Maximum Price Regulation by this Regional Office simultaneously herewith and effective simultaneously herewith.

(b) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(c) *Effective date.* This order shall become effective at 12:01 a. m. on April 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of April 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–12971; Filed, August 10, 1943; 10:43 a. m.]

[Region VII Order G–3 Under SR 15]

MILK IN SOUTHERN UTAH

PART I OF ORDER MODIFYING THE SERVICE CHARGES OF CONTRACT CARRIERS WHO TRUCK MILK IN THE SOUTHERN UTAH AREA

Order No. G–3 issued in three parts under § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation and Revised Procedural Regulation No. 1, and the approval of the Washington Office of the Office of Price Administration, *It is hereby ordered:*

(1) a. That the maximum rates and charges for the contract carriers who operate under milk hauling contracts with the Nelson Ricks Creamery Company and make deliveries to its plants or stations at Spanish Fork, Aurora, Elsinore, Loa and Manti, Utah, over the milk routes severally designated below by number, such number being the number used by said Nelson Ricks Creamery Company for identifying said milk routes in the written description of all milk routes operated by it as heretofore submitted to and filed with the State Price Officer of the Office of Price Administration for the State of Utah at Salt Lake City, Utah, shall be the following specified rates and charges per cwt. of milk hauled:

Route No.:	*Rate per cwt. (cents)*
72	32
75	18
76	33
78	22
79	20
80	17
81	29
82	25
83	26

b. The maximum rates and charges for hauling milk over any other route operated by said Nelson Ricks Creamery Company shall remain as now fixed and determined by the General Maximum Price Regulation and is not changed, modified or in any way affected by this order.

(2) *Definition.* "Southern Utah area" means all of the counties in the State of Utah as follows: Beaver, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, Summit, Tooele, Uintah, San Juan, Utah, Wasatch, Washington, Wayne, Sandy, Draper, West Jordan, Magna and Salt Lake.

(3) Because of the unavoidable delays in the processing of this application, permission is hereby granted to use the rates established hereby for all hauling and transportation done on and after December 1, 1942.

(4) This order is a temporary order and shall ipso facto cease and determine, and be of no force and effect whatsoever from and after 12:01 a. m. of April 1, 1943.

(5) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

PART II OF ORDER MODIFYING THE SERVICE CHARGES OF CONTRACT CARRIERS WHO TRUCK MILK IN THE SOUTHERN UTAH AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation and Revised Procedural Regulation No. 1, and the approval of the Washington Office of the Office of Price Administration, *It is hereby ordered:*

(1) a. That the maximum rates and charges for the contract carriers who operate under milk hauling contracts with Western Creamery Company of Monroe, Utah, over the milk routes severally designated below by number, such number being the number used by said Western Creamery Company for identifying said milk routes in the written description of all milk routes operated by it as heretofore submitted to and filed with the State Price Officer of the Office of Price Administration for the State of Utah at Salt Lake City, Utah, shall be the following specified rates and charges per cwt. of milk hauled.

Route No.:	*Rate per cwt. (cents)*
84	23
85	34
87	27
89	27
90	13

b. The maximum rates and charges for hauling milk over any other route operated by said Western Creamery Company shall remain as now fixed and determined by the General Maximum Price Regulation and is not changed, modified or in any way affected by this order.

(2) *Definition.* "Southern Utah area" means all of the counties in the State of Utah as follows: Beaver, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, Summit, Tooele, Uintah, San Juan, Utah, Wasatch, Washington, Wayne, Sandy, Draper, West Jordan, Magna and Salt Lake.

(3) Because of the unavoidable delays in the processing of this application, permission is hereby granted to use the rates established hereby for all hauling and transportation done on and after December 1, 1942.

(4) This order is a temporary order and shall ipso facto cease and determine, and be of no force and effect whatsoever from and after 12:01 a. m. of April 1, 1943.

(5) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

PART III OF ORDER MODIFYING THE SERVICE CHARGES OF CONTRACT CARRIERS WHO TRUCK MILK IN THE SOUTHERN UTAH AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, § 1499.-75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation and Revised Procedural Regulation No. 1, and the approval of the Washington Office of the Office of Price Administration, *It is hereby ordered:*

(1) a. That the maximum rates and charges for the contract carriers who operate under milk hauling contracts with the Brooklawn Creamery Company, Beaver, Delta and Mt. Pleasant, Utah, over the milk routes severally designated below by number, such number being the number used by said Brooklawn Creamery Company for identifying said milk routes in the written description of all milk routes operated by it as heretofore submitted to and filed with the State Price Officer of the Office of Price Administration for the State of Utah at Salt Lake City, Utah, shall be the following specified rates and charges per cwt. of milk hauled:

Route No.:	*Rate per cwt. (cents)*
95	33
96	34
97	20
98	17
101	11
102	11
103	17
104	21
105	14
106	23
107	15
109	21

b. The maximum rates and charges for hauling milk over any other route

operated by said Brooklawn Creamery Company shall remain as now fixed and determined by the General Maximum Price Regulation and is not changed, modified or in any way affected by this order.

(2) *Definition.* "Southern Utah area" means all of the counties in the State of Utah as follows: Beaver, Carbon, Doggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, Summit, Tooele, Uintah, San Juan, Utah, Wasatch, Washington, Wayne, Sandy, Draper, West Jordan, Magna and Salt Lake.

(3) Because of the unavoidable delays in the processing of this application, permission is hereby granted to use the rates established hereby for all hauling and transportation done on and after December 1, 1942.

(4) This order is a temporary order and shall ipso facto cease and determine, and be of no force and effect whatsoever from and after 12:01 a. m. of April 1, 1943.

(5) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued February 8, 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12957; Filed, August 10, 1943; 10:40 a. m.]

[Region VII Order G-29 Under 18 (c), Amdt. 1]

FLUID MILK IN SOUTHERN IDAHO

Amendment No. 1 to Order No. G-29 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of retail prices for fluid milk sold in half pint containers in the southern Idaho area of the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered,* That:

1. Order No. G-29 issued on April 3, 1943, be and the same hereby is amended by adding to the southern Idaho area as specified in paragraph (2) as being the area covered by said order all of the counties of Malheur and Harney in the State of Oregon.

2. *Effective date.* This Amendment No. 1 to Order No. G-29 shall become effective at 12:01 a. m. on May 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of May 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12958; Filed, August 10, 1943; 10:44 a. m.]

[Region VII Order G-36 Under 18 (c)]

FLUID MILK IN NEW MEXICO

Order No. G-36 under § 1499.18 (c) of the General Maximum Price Regulation. General order modifying wholesale and retail prices for fluid milk in the State of New Mexico.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *All previous adjustment orders revoked and superseded.* The following adjustment orders heretofore promulgated by this Regional Office either for individuals or specified areas in the State of New Mexico; namely, Order No. VII-18 (a)-NM-10, effective December 8, 1942; Order No. VII-73 (a)-8, effective November 4, 1942; Order No. 16, Docket No. VII-73 (a)-16, effective October 31, 1942; Order No. G-2, Docket No. VII-18 (c)-2, effective December 1, 1942, and Amendment No. 1 thereto, effective January 12, 1943; Order No. G-9, Docket No. VII-18 (c)-32, effective January 12, 1943, and Amendment No. 1 thereto, effective January 18, 1943; Order No. G-11, Docket No. VII-18 (c)-38, effective January 30, 1943, and Amendment No. 1 thereto, effective March 15, 1943; Order No. G-14, Docket No. VII-18 (c)-46, effective February 6, 1943; Order No. G-15, Docket No. VII-18 (c)-47, effective February 8, 1943; Order No. G-17, Docket No. VII-18 (c)-51, effective February 15, 1943; Order No. G-18, Docket No. VII-18 (c)-53, effective February 18, 1943; Order No. G-19, Docket No. VII-18 (c)-54, effective February 19, 1943; Order No. G-21, Docket No. VII-18 (c)-23, effective March 16, 1943; Order No. G-22, Docket No. VII-18 (c)-65, effective March 16, 1943, and Order No. G-23, Docket No. VII-18 (c)-66, effective March 15, 1943, shall be, and the same hereby are, revoked and superseded as of the effective date of this Order No. G-36, but without prejudice in any manner whatsoever to the prosecution of or imposition of sanctions against any person who may have violated any one or more of said orders prior to its revocation.

(b) *State of New Mexico divided into seven districts.* For the purpose of this order No. G-36, the State of New Mexico is hereby divided into seven districts to be known as District No. 1, District No. 2, District No. 3, District No. 4, District No. 5, District No. 6 and District No. 7, as hereinafter defined.

(1) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 1 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 1 of the State of New Mexico shall, from and after the effective date of this Order No. G-36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:		
½ pints	Cents 3½	Cents 6
Pints	7	9
Quarts	11	13
Half gallons	21	25
	In any suitable container	In any suitable container
In bulk:		
Gallons	Cents 40	Cents 48
Buttermilk:		
Quarts	10	12
Half gallons	19	23
In bulk:		
Gallons	36	44

(2) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 2 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 2 of the State of New Mexico shall, from and after the effective date of this Order No. G-36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:		
½ pints	Cents 3½	Cents 6
Pints	7	9
Quarts	11½	13½
Half gallons	22	27
	In any suitable container	In any suitable container
In bulk:		
Gallons	Cents 42	Cents 50
	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Buttermilk:		
Quarts	Cents 10½	Cents 12½
Half gallons	20	23
In bulk:		
Gallons	38	46

(3) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 3 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 3 of the State of New Mexico shall, from and after the effective date of this Order No. G-36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:		
½ pints	Cents 4	Cents 6
Pints	7½	9
Quarts	13	15
Half gallons	24	28
	In any suitable container	In any suitable container
In bulk:		
Gallons	Cents 48	Cents 56
Buttermilk		
Quarts	12	14
Half gallons	22	24
In bulk:		
Gallons	44	52

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:		
½ pints	Cents 3¾	Cents 6
Pints	7	9
Quarts	12	14
Half gallons	23	26
	In any suitable container	In any suitable container
In bulk:		
Gallons	Cents 44	Cents 52
Buttermilk:		
Quarts	11	13
Half gallons	21	27
In bulk:		
Gallons	40	48

(4) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 4 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 4 of the State of New Mexico shall, from and after the effective date of this Order No. G-36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:		
½ pints	Cents 3¾	Cents 6
Pints	7	9
Quarts	12½	14½
Half gallons	23	27
	In any suitable container	In any suitable container
In bulk		
Gallons	Cents 46	Cents 54
Buttermilk:		
Quarts	11½	13½
Half gallons	19	23
In bulk:		
Gallons	42	50

(5) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 5 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 5 of the State of New Mexico shall, from and after the effective date of this Order No. G-36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:		
½ pints	Cents 4	Cents 6
Pints	7½	9
Quarts	13	15
Half gallons	24	28
	In any suitable container	In any suitable container
In bulk:		
Gallons	Cents 48	Cents 56
Buttermilk		
Quarts	12	14
Half gallons	22	24
In bulk:		
Gallons	44	52

(6) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 6 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 6 of the State of New Mexico shall, from and after the effective date of this Order No. G-36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:		
½ pints	Cents 4¼	Cents 7
Pints	8	10
Quarts	14	16
Half gallons	26	30
	In any suitable container	In any suitable container
In bulk:		
Gallons	Cents 52	Cents 60
Buttermilk:		
Quarts	13	15
Half gallons	24	28
In bulk:		
Gallons	48	56

(7) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 7 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold at retail in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 7 of the State of New Mexico shall, from and after the effective date of this Order No. G-36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:		
½ pints	Cents 4.5	Cents 7
Pints	8	10
Quarts	15	17
Half gallons	28	32
	In any suitable container	In any suitable container
In bulk:		
Gallons	Cents 56	Cents 64
Buttermilk:		
Quarts	14	16
Half gallons	26	30
In bulk:		
Gallons	52	60

(c) *Fractional price adjustments.* In computing the price for any item of milk or buttermilk, fractions of a cent shall be adjusted upward to the next whole cent if the fraction is ½ cent or more, and shall be adjusted downward to the next whole cent if the fraction is less than ½ cent.

(d) *Higher established maximum prices may be maintained.* Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation, or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that are higher than the prices fixed by this Order No. G-36, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(e) *Customary discounts, allowances and differentials need not be maintained.* From and after the effective date of this Order No. G-36 it shall not be obligatory upon any seller of fluid milk or buttermilk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this Order No. G-36 if he so desires.

(f) *Notice to be given purchaser upon first sale at higher price.* Any person making a first sale of milk or buttermilk in pint or quart containers at retail to any customer at the higher price established for quarts and pints at retail by this Order No. G-36 shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G-36 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. April 15, 1943, the maximum price of milk (or buttermilk) sold in quarts and pints at retail in this area of the State of New Mexico, has been modified to permit sales at -- ¢ per quart, and -- ¢ per pint.

(g) *Monthly reports required by certain sellers.* Sellers and distributors of fluid milk, other than retail stores, who hereafter adjust any price for fluid milk upward upon the authority of this order No. G-36 shall, on or before the 20th day of May and the 20th day of June, A. D. 1943, but not thereafter unless expressly so directed by the Regional Administrator, report to the State office of the Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during the first fifteen days of May and the first fifteen days of June, respectively, and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State office of the Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(h) *Interdistributor sales and purchases from producers are exempt.* This Order No. G-36 does not apply to or in any manner affect sales of milk or buttermilk made by one distributor or wholesaler to another distributor or wholesaler, or to a purchase made from a producer under Maximum Price Regulation No. 329.

(i) *Applicability of the General Maximum Price Regulation.* Insofar as the

same are not contradictory of or inconsistent with any of the provisions of this Order No. G–36, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation and the terms and provisions of said General Maximum Price Regulation shall apply to and are hereby deemed to be a part of this order No. G–36 to the same extent as if rewritten herein.

(j) *Definitions.* For the purpose of this order:

(1) "Milk" means cow's milk produced, processed or raw, and distributed and sold at wholesale in glass bottles or paper containers in quantities of less than one gallon, and in bulk in quantities of one gallon or more, and sold at retail in glass bottles or paper containers or in bulk for human consumption as sweet whole milk and containing not less than 3.25% butterfat content and being of approved grade.

(2) "Buttermilk" means cultured buttermilk produced by inoculating skim milk with lactic acid forming bacteria until a lactic acid content of ½ of 1% or more is obtained.

(3) "Producer" means a farmer or other person or representative who owns, superintends, manages or otherwise controls the operation of a farm or tract of land on which milk is produced.

(4) "District No. 1 of the State of New Mexico" means all of the counties of Harding, Mora, Rio Arriba, San Juan and Taos, in said State.

(5) "District No. 2 of the State of New Mexico" means all of the counties of Curry, De Baca, Roosevelt, in said State.

(6) "District No. 3 of the State of New Mexico" means all of the counties of Colfax, Quay, San Miguel, Torrance, Union and Guadalupe, with the exception of the municipality of Vaughn, in said State.

(7) "District No. 4 of the State of New Mexico" means all of the counties of Bernalillo, Chaves, Eddy, Lea, and that part of Valencia County lying south of a line drawn parallel with U. S. Highway No. 66 and being at all points a distance of 10 miles south of the center line of said highway in the State of New Mexico.

(8) "District No. 5 of the State of New Mexico" means all of the counties of Catron, Dona Ana, Lincoln, Otero, Sandoval, Sierra, and all that part of Valencia County lying north of a line drawn parallel with U. S. Highway No. 66 and being a distance of 10 miles south of the center line of said highway at all points; the municipality of Vaughn in Guadalupe County and all of Socorro County except the municipality of Magdalena in the State of New Mexico.

(9) "District No. 6 of the State of New Mexico" means all of the counties of Hidalgo, Luna, McKinley, Santa Fe, and the municipality of Magdalena in the county of Socorro of the State of New Mexico.

(10) "District No. 7 of the State of New Mexico" means the county of Grant in the State of New Mexico.

(k) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(l) *Effective date.* This order shall become effective as of 12.01 a. m. on April 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of April 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–12959; Filed, August 10, 1943; 10:43 a. m.]

[Region VII Order G–37 Under 18 (c)]

CERTAIN CARRIERS IN STEAMBOAT SPRINGS AREA, COLO.

Order No. G–37 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of maximum prices for certain carriers other than common carriers in the Steamboat Springs area of the State of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, the prices for hauling milk from producers in the Steamboat Springs area of the State of Colorado to Steamboat Springs are hereby modified as set forth below.

(a) *Supplementary Regulation No. 15 is inadequate.* Upon the facts and circumstances disclosed by the investigation of this particular matter the Regional Administrator hereby finds and determines that Supplementary Regulation No. 15 is not adequate to meet the exigencies of the situation, and therefore instead of processing this adjustment under § 1499.75 (a) (3), it is being processed under § 1499.18 (c) of the General Maximum Price Regulation.

(b) *Specific maximum prices.* From and after the effective date of this order the maximum price or rate to be charged by a carrier other than a common carrier for transporting milk from any point of production in the Steamboat Springs area of the State of Colorado, to any place within the municipality of Steamboat Springs, and for transporting milk from any place in Steamboat Springs to a production point in said area, shall be as follows:

(1) For transporting milk in containers from points of production to Steamboat Springs—30¢ per cwt.

(2) For transporting milk in containers from Steamboat Springs to points of production—30¢ per cwt.: *Provided, however,* That empty containers shall be transported from Steamboat Springs to points of production without any further or additional charge whatsoever.

(c) *Definitions.* For the purpose of this order:

(1) "Milk" means cow's milk, sweet or sour, as placed in a container by a producer, and as returned in a container by the purchaser to a producer.

(2) "Steamboat Springs area" means all that area within the counties of Routt and Moffat in the State of Colorado, from which milk as produced on the farm or dairy is transported to Steamboat Springs, Colorado.

(d) *Applicability of other regulations.* Unless contradictory of or inconsistent with the terms and provisions of this Order No. G–37, all of the terms and provisions of the General Maximum Price Regulation, and particularly the definitions set forth in § 1499.20 thereof, shall apply to and be deemed to be a part of this Order No. G–37 to the same extent and with like force and effect as if re-written herein.

(e) *Right to revoke or amend.* This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(f) *Effective date.* This order shall become effective as of 12:01 a. m. on April 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–12960; Filed, August 10, 1943; 10:43 a. m.]

[Region VII Order G–38 Under 18 (c)]

SUGAR BEET MOLASSES IN SAN LUIS VALLEY, COLO.

Order No. G–38 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of maximum prices for sugar beet molasses in the San Luis Valley of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, the prices for sugar beet molasses in the San Luis Valley of the State of Colorado when sold direct to feeders are hereby modified as set forth below:

(a) *Specific maximum prices for sales direct to feeders.* From and after the effective date of this order the maximum prices to be charged for sugar beet molasses sold direct to feeders in the San Luis Valley of the State of Colorado shall be as follows:

(1) For sugar beet molasses when sold and delivered in bulk as unprocessed sugar beet molasses—$34.80 per ton, or $1.74 per cwt. f. o. b. seller's mill or elevator.

(2) For sugar beet molasses when processed by the seller in his mixing plant with grain or other concentrates furnished by the feeder—$36.80 per ton, or $1.84 per cwt. of sugar beet molasses actually used in processing.

(b) *Definitions.* (1) "Sugar beet molasses" means beet sugar final molasses which is obtained by further processing beet sugar molasses obtained in the manufacture of beet sugar.

(2) "Unprocessed sugar beet molasses" means sugar beet molasses unmixed with grain or other animal food concentrate and unchanged from the state in which it exists when produced as a by-product in the manufacture of beet sugar.

(3) "Processed sugar beet molasses" means the sugar beet molasses consumed when mixed with grain or other animal food concentrate furnished by a buyer for that purpose and in accordance with the directions of such buyer.

(4) "San Luis Valley of the State of Colorado" means all of that area contained within the boundaries of the counties of Saguache, Rio Grande, Alamosa, Conejos and Costilla, of the State of Colorado.

(c) *Applicability of other regulations.* Unless contradictory of or inconsistent with the terms and provisions of this Order No. G–38, all of the terms and provisions of the General Maximum Price Regulation, and particularly the definitions set forth in § 1499.20 thereof, shall apply to and be deemed to be a part of this Order No. G–38 to the same extent and with like force and effect as if re-written herein.

(d) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(e) *Effective date.* This order shall become effective as of 12:01 a. m. on May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–12961; Filed, August 10, 1943; 10:42 a. m.]

[Region V Order G–2 Under MPR 329]

FLUID MILK IN DALLAS REGION

Order No. G–2 under Maximum Price Regulation No. 329 (formerly General Order No. 2). Purchases of milk from producers for resale as fluid milk. Modification of prices in Region V.

For the reasons set forth in the opinion issued simultaneously herewith, and under authority vested in the Regional Administrator, Region V, Office of Price Administration, by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) Any purchaser of milk located in Region V, of the Office of Price Administration, whose purchases of milk are regulated by Maximum Price Regulation No. 329, shall, after the effective date of this order, be permitted to determine his maximum prices in either one of the following manners:

(1) Take the maximum price for the particular purchase arrived at in accordance with the provisions of Maximum Price Regulation No. 329.

(2) Take the specific maximum prices provided in this subsection (2) as follows:

(i) Where not less than 50 per cent of the sales of approved fluid milk, in containers of one gallon or less, are made by a purchaser in any one of Areas A, 1A, 1, 2A, 2, or 3, as these areas are defined in Amendment No. 133 to Supplementary Regulation No. 14 of the General Maximum Price Regulation; the maximum price which such purchaser may pay for milk in any transaction regulated by Maximum Price Regulation No. 329 shall be the dollars and cents price per hundred weight, for the appropriate area, found in the following table, 4 per cent butterfat test, delivered to the plant making such purchases.

(ii) Prices herein provided are delivered prices and can be charged only if delivery is accepted by the purchaser at the plant for which the milk is purchased and from which plant 50 percent or more of the total sales of approved fluid milk are made in the area used as a basis for determining the price which the purchaser can pay.

(iii) If delivery is accepted at a point other than such plant, a reduction in price equivalent to the actual cost of transportation from point of delivery to such purchaser's plant must be made.

	Areas A	Areas 1A	Areas 1	Areas 2A	Areas 2	Areas 3
Per cwt.	$3.95	$3.75	$3.55	$3.35	$3.15	$2.95

(iv) Any purchaser of milk electing to use the maximum prices provided by this subsection (2) of section (a) of this order shall adjust such maximum prices for differences in butterfat contents as follows:

(*a*) Where the butterfat test of the milk actually purchased is less than 4 per cent, the maximum prices provided above shall be reduced by 5¢ for each 1/10 of 1 per cent that such butterfat test is less than 4 per cent.

(*b*) Where the butterfat test of the milk actually purchased is more than 4 per cent, the maximum prices provided above shall be increased by 5¢, or the highest differential which the particular purchaser paid the particular producer at any time during the month of January, 1943, whichever is higher, for each 1/10 of 1 per cent that such butterfat test is more than 4 per cent.

(v) No purchaser electing to price under this subsection (2) of section (a) of this order shall participate in any change of customary allowances, discounts, price differentials, or other trade practices applicable to purchases made by him unless such change results in a lower price.

(vi) "Purchaser" when applied to persons selling approved fluid milk from more than one plant shall mean the particular plant for which such milk is purchased.

(b) This order does not apply to any purchases wherein a minimum producer's price is established under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and the maximum prices for such purchases shall be determined in accordance with Maximum Price Regulation No. 329.

(c) Except as specifically provided in this order, and for the types of purchases for which specific provision is made, the provisions of Maximum Price Regulation No. 329 are in no way affected and shall continue to remain in full force and effect.

(d) This order may be revoked, amended, or corrected at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 shall apply to the terms used herein, except that where terms are used in reference to Amendment No. 133 to Supplementary Regulation No. 14 of the General Maximum Price Regulation, the definitions contained in § 1499.73 (a) (1) (vi) (*b*) of the General Maximum Price Regulation shall apply to the terms used herein.

(f) This order shall become effective on the 13th day of March, 1943, and unless sooner revoked, shall terminate upon the termination of Maximum Price Regulation No. 329.

(g) General Order No. I under Maximum Price Regulation No. 329 is hereby revoked and replaced and superseded by the provisions of this Order No. G–2 under Maximum Price Regulation No. 329.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this the 12th day of March, 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 43–12989; Filed, August 10, 1943; 4:28 p. m.]

WAR PRODUCTION BOARD.

C. A. BRILHART HARDWARE CO.

CONSENT ORDER

Charles A. Brilhart, doing business under the name of C. A. Brilhart Hardware Company, located at 236 South Broadway, Scottdale, Pennsylvania, was charged in a letter dated April 13, 1943 from the Regional Compliance Chief of the Cleveland Regional Office of the War Production Board with having sold and/or delivered to ultimate consumers new Metal Plumbing and Heating Equipment in violation of Limitation Order L–79 and Preference Rating Order P–84 and with having transferred Domestic Electric Ranges to ultimate consumers in violation of Limitation Order L–23–b. These violations have been admitted by Charles A. Brilhart and he has consented to the issuance of the below Order.

Wherefore, upon agreement and consent of the Respondent, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner,

It is hereby ordered, That:

(a) Charles A. Brilhart, doing business as C. A. Brilhart Hardware Company or otherwise, his successors or assigns, are hereby prohibited from selling and/or delivering any New Metal Heating Equipment or New Metal Plumbing Equipment, as defined in Limitation Order No. L–79, and from transferring any New Domestic Electric Range, as defined in Limitation Order No. L–23–b, to ultimate consumers, unless hereafter specifically authorized in writing by the Regional Director of the Cleveland Regional Office of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Charles A. Brilhart, doing business as C. A. Brilhart Hardware Company or otherwise, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on issuance and shall expire on October 31, 1943.

Issued this 11th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13051; Filed, August 11, 1943; 11:10 a. m.]

Reference

FEDERAL REGISTER

VOLUME 8 NUMBER 160

Washington, Friday, August 13, 1943

Regulations

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration, Packers and Stockyards [1]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

FARM SAVING STOCKYARDS, INC., SAINT LOUIS, MISSOURI

It has been ascertained that the Farm Saving Stockyards, Inc., Saint Louis, Missouri, posted on July 16, 1941, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by the Mutual Stockyard, and that the name of the yard is now the Mutual Stockyard. Therefore, notice of such facts is given its owners and to the public, and the name of the stockyard changed to the Mutual Stockyard on the list of posted stockyards in 9 CFR 204.1.

(7 U.S.C. 1940 ed. 181 et seq; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 11th day of August 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43-13080; Filed, August 11, 1943; 4:51 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

[1] This chapter formerly designated as Food Distribution Administration.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 19, as Amended August 9, 1943]

FARM SUPPLIES

§ 944.40 *Priorities Regulation No. 19*—(a) *What this regulation does.* This regulation tells how a farmer gets a priority to buy farm supplies from a dealer and how a dealer gets a priority to maintain his stock of farm supplies. The kinds of farm supplies which are covered by this regulation are only those listed in paragraph (j) of this regulation.

(b) *How a farmer gets farm supplies from his dealer.* Whenever a farmer orders farm supplies on the list from a dealer who has them in stock, the dealer must fill the order if the farmer gives him a signed certificate as follows:

I certify to the War Production Board that I am a farmer and that the supplies covered by this order are needed now and will be used for the operation of a farm.

The dealer may sell the supplies to the farmer without a certificate, but the dealer must get a certificate at the time he sells if he wants to use it to get a priority for replacing the supplies in his inventory, as explained in paragraph (d) below. A farmer may also use this certificate at a repair shop to get a priority on the use of its equipment in repairing his farm equipment. A farmer's order supported by a certificate is the same as an order rated AA-5.

(c) *Farmers' certificates must be approved by rationing committees in the case of large purchases.* If a farmer wants to use a certificate to buy more than $25 worth at one time of any item on the list, he must first get his certificate approved in writing by the County Farm Rationing Committee.

(d) *How the dealer gets his stock of farm supplies.* (1) A dealer can use the farmers' certificates which he has received to get priority on his own orders for listed farm supplies. For each dollar's worth of supplies sold against certificates at retail prices, the dealer can

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
ALIEN PROPERTY CUSTODIAN:	
Vesting orders:	
Leitzman, Wm	11262
Mohr, Emil	11262
Mozart Apartments	11262
Niemann, Martha M	11263
Nitz, Bertha	11263
Oschman, Martha	11263
Paoletti, John	11264
Pockwitz, Louis	11264
Reiner, Paula	11264
Richter, Anna Emilie	11265
Riecke, Heinrich Herman	11265
Rosenow, Caroline	11266
Rosetto, Dante	11266
Schmaeling, Rudolph	11266
Silver, Joseph	11267
Stross, Ines	11267
Sullivan, Eugenie H	11268
Takiguchi, Minoru and Makato	11268
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
Alabama Coals, Inc	11257
Associated Producers Coal Co	11253
Blake Mining Co	11255
Buckeye Coal and Coke Co	11254
Burkhardt Consolidated Co	11255
Carbon Fuel Co	11253
Central Cooperative Wholesale	11258
Continental Coal Co	11258
District Board 9	11256
East Kentucky Coal Sales, Inc	11255
Foderaro, John	11256
Foley, James R	11254
Kistler Coal Co	11256
Michael, Homer	11256
Petty, Arthur L., & Lemar Denison	11255
Randall Fuel Co., Inc	11254
Ryan & Benson Fuel Corp	11254
Union Railroad Co	11258
Yento Coal Co	11256
FEDERAL POWER COMMISSION:	
Hearings, etc.:	
Cities Service Gas Co	11260
Ohio Public Service Co	11260
United Gas Pipe Line Co. (2 documents)	11259

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
FEDERAL TRADE COMMISSION:	
Chemicals of the South, et al., hearing	11261
FISHERIES COORDINATOR:	
Alaska; amendment to salmon canning industry regulations	11252
FOOD AND DRUG ADMINISTRATION:	
Sweetened condensed milk; use of corn sirup	11260
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Finished piece goods manufacturers	11269
Bed linens (RPS 89, Am. 11)	11245
Butter, bulk (MPR 289, Am. 20)	11245
Copper, lead and zinc royalties (MPR 356, Am. 1)	11246
Copper sulphate (MPR 354, Am. 4)	11252
Cotton ginning services (MPR 211, Am. 5)	11249
Cotton linters, free (MPR 190)	11248
Cotton linters and hull fibers (RMPR 191)	11248
Customhouse brokers' fees, exceptions (SR 11, Am. 33)	11247
Fruits, miscellaneous (MPR 306, Am. 11)	11247
Hawaii; maximum prices (MPR 373, Am. 10)	11247
Iron and steel scrap (RPS 4)	11251
Minerals, certain nonmetallic (MPR 327, Am. 3)	11247
Regional, state and district office orders:	
Coal; Minneapolis-St. Paul, Minn	11272
Community ceiling prices, list of orders filed (2 documents)	11274

CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Regional, state and district office orders—Continued.	
Fluid milk:	
Brainerd, Minn	11273
Indiana, Kentucky, Michigan, etc	11270
La Cross, Wis	11273
Michigan	11270
West Virginia	11270
Fruit preserves, jams and jellies; Denver, Colo., region	11273
Kid carcasses; Las Animas and Huerfano Counties, Colo	11273
Refrigerators; Cleveland, Ohio, region	11270
Sugar beet molasses; San Luis Valley, Colo	11273
Vegetables; Illinois, Wisconsin, South Dakota, etc	11270
Rubber drug sundries (MPR 300, Am. 10)	11251
Sugar rationing (RO 3, Am. 80)	11252
Syrups, enzymatically-treated (Rev. SR 14, Am. 16)	11247
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
American Metal Mining Co	11278
American Power & Light Co	11279
Engineers Public Service Co., et al	11275
Federal Water and Gas Corp. and Alabama Water Service Co	11274
National Power & Light Co., et al	11275
Niagara Hudson Power Corp., et al	11279
Niagara Share Corp	11277
North American Co., et al	11274
Northern Indiana Public Service Co	11277
Southwestern Public Service Co	11277
Standard Oil Co	11279
United Gas Pipe Line Co	11275
WAGE AND HOUR DIVISION:	
Learner employment certificates; issuance to various industries	11258
WAR FOOD ADMINISTRATION:	
Farm Saving Stockyards, Inc., St. Louis, Mo.; posted stockyard	11235
WAR PRODUCTION BOARD:	
Containers (M-104)	11237
Farm supplies (PR-19)	11235
Istle (M-138)	11244

get a priority on 75 cents' worth of replacement supplies ordered by him at wholesale prices. He does not have to use the certificates to get the same kind of supplies as those he has sold, but can use them to get any kind of farm supplies on the list, except the special items mentioned in paragraph (e) below.

(2) To get the priority, the dealer signs the following statement on the purchase order which he places with his supplier:

I certify, subject to criminal penalties for misrepresentation, that the dollar amount of this order is not more than 75% of the sales price of farm supplies which I have sold under Priorities Regulation No. 19 against farmers' certificates now in my possession, and that I have not used the same certificates as the basis for getting a priority on any other order.

(3) In the special case of a dealer, such as a farmers' cooperative, all of whose sales of listed farm supplies are made at cost or at a mark-up not exceeding 3% of cost, the provisions of paragraph (d) (1) apply except that such a dealer can get priority on replacement supplies on a dollar-for-dollar basis using the following certificate in place of that provided in paragraph (d) (2):

I certify, subject to criminal penalties for misrepresentation, that the dollar amount of this order is not more than the sales price of farm supplies which I have sold at cost or within 3% of cost under Priorities Regulation No. 19 against farmers' certificates now in my possession and that I have not used the same certificates as the basis for getting a priority on any other order.

(4) Each dealer must keep for at least two years all farmers' certificates which he receives, and whenever he uses a certificate as a basis for a priority he must mark the certificate to show which of his own orders he has used it for.

(5) [Paragraph (5) expired July 17, 1943.]

(6) Orders placed by dealers bearing one of the above certifications are rated AA-5, and the suppliers with whom they are placed must fill them accordingly.

(e) *Dealers use different methods in getting certain items.* (1) A dealer may not use the method explained in paragraph (d) above to get the steel or wire mill items which are marked with an asterisk on the list in paragraph (j). He will get his supply of these items on the basis of farmers' certificates under other War Production Board regulations or orders, which his supplier should explain to him.

NOTE: In paragraph (e) (1) the third and fourth sentences revoked August 9, 1943.

(2) The War Production Board may issue orders or regulations making priorities inapplicable to certain items. If any items on the list become subject to these special rules, the dealer's supplier cannot recognize the dealer's certificate as giving him a priority on them. Farmers' certificates can still be used to buy such items from the dealer and the dealer can use the certificates as a basis for a priority for buying other items on the list under paragraph (d) above. For example, Priorities Regulation No. 3 restricts the use of ratings for items on List A of that regulation, but the restrictions of List B (regarding maintenance, repair and operating supplies) do not apply to orders for farm supplies under this regulation.

(f) *Penalty for violations.* Any person who makes a false statement in a certificate to get a priority on farm supplies is guilty of a crime and may be punished by a fine or imprisonment.

(g) *What is meant by "farmer".* As used in this regulation, "farmer" means a person who engages in farming as a business, by raising crops, livestock, bees or poultry. It also includes a custom operator who uses farm supplies in performing services for farmers. It does not include a person who just has a "victory garden" or raises food or other agricultural products entirely for his own use.

(h) *What is meant by "dealer".* "Dealer" means any person engaged in the business of selling farm supplies directly to farmers, including a mail order house.

(i) *Effective date.* This regulation becomes effective June 7, 1943. It does not apply to purchases and sales made before that date.

(j) *What farm supplies are covered.* This regulation covers only the following farm supplies and does not include second hand items:

Agricultural containers, wooden:
- Baskets
- Boxes
- Crates
- Egg cases
- Hampers

Auger bits, solid center, hand operated
Axes
*Barbed wire
Barn door hangers and track
Batteries for the following purposes:
- Flashlights
- Multiple for fence controls
- Telephone
- Ignition

Belts for power transmission
Belt fasteners, metal, for power transmission belts
Belt pulleys
Binder canvas buckles
Bit braces
Blacksmith's pincers
Blacksmith's hoof knives
Blow torches
Blowers, forge, hand operated
Bolts and nuts, including heel and wedge
Brooder thermometers
Brooms, barn type
Brushes for motor repair
Burlap bags
Bush hooks
*BX or non-metallic sheath cable up to 75 ft. in length
Cans, five gallon kerosene and gasoline
Chains of the following kinds:
- Halter and cow tie chains
- Tie out chains
- Harness chains
- Log chains
- Tractor tire chains
- Welded coil under ½"
- Malleable detachable
- Steel detachable
- Repair links

Chlorine disinfectant for dairy utensils
Clevises and swivels
Cold chisels, standard
Corn hooks
Curry combs
Drills of the following kinds:
- Breast drills
- Hand drills
- Post drills
- Carbon steel blacksmith drills
- Carbon steel bit stock drills
- Carbon steel straight shank drills

*Fencing
Files
Forges, portable type, hand operated
Forks, agricultural
Goggles
Grab hooks
Grain scoops
Grease fittings and oil cups
Grease guns, hand operated, including hose and adapter
Grind stones, mounted
Grinders for sharpening tools
Hacksaw blades
Hacksaw frames
Hammers
Hand cultivators, not wheel type
Hand sprayers, under 1 quart
Handles for small tools
Handles for steel goods
Hardware cloth
Harness
Hinges, strap and tee
Hoes
Hog scrapers
Hoof rasps
Hoof snippers
Horsecollars
*Horseshoe nails
Horseshoe tongs
Husking pins and hooks
Knives of the following kinds:
- Boning knives
- Butcher knives, not lighter than .083" in thickness, 6" or 7" in length (two lengths only)
- Corn knives
- Grafting knives
- Hay knives
- Hoof knives
- Skinning knives
- Sticking knives
- Stockmen's knives

Ladders of the following kinds:
- Extension
- Fruit picking or orchard
- Straight taper

Lanterns, liquid fuel
Load binders
Mattocks
Mauls
Meat choppers having a capacity of three pounds per minute or more
Motors, under 1 HP
Motor starters, under 1 HP
*Nails
Oilers, farm machinery
Packing, mechanical
Padlocks
Pails, galvanized
Peavies
Picks
*Pipe of the following kinds:
- Standard black or galvanized merchant pipe 3½" O. D. and under
- Well casing (fabricated by pipe mills)

*Pipe couplings
Pipe fittings, cast or malleable iron
Pliers of the following kinds:
- Fence pliers
- Slip joint pliers

Post hole diggers, hand operated
Potato forks
Potato hooks
*Poultry flooring
*Poultry netting
Pruners, tree
Pulleys, hay fork
Punches of the following kinds:
- Machine punches
- Pin punches

Rakes, hand
Respirators
*Ridge roll and valley tin
Rivets and burrs
*Roofing, corrugated
Rope (1" and under)
Safety set collars
Safety switches
Saws and saw blades
Screw drivers
Scythes
Scythe stones
Shears, pruning
Shovels
Sickle cones
Snaths
Soapless cleaning compounds for dairy utensils
*Staples, fencing and netting
Tin snips
Tubs, galvanized
*Valley tin
Valves, brass, bronze, or iron body gate, globe, angle or check
Valves, relief, for water systems, up to and including 1¼"
V Belt drives
Vises
Wagon wood stock
Washers, lock and wrought
*Weatherproof copper wire, for circuits up to 75 ft. in length
Webbing, harvester
Wedges
Welding rods and electrodes
Well buckets for bored wells
Wheelbarrows, steel, for dairy use only
*Wire bale ties
Wiring material and fixtures, not including bare or insulated conductor wire
Wrenches, all types, with the exception of 22½° angle adjustable wrenches and monkey wrenches.

NOTE: Dealers do not use the method described in paragraph (d) to get from their suppliers the items marked with an asterisk. See paragraph (e) (1). Some items have been taken off the list and the underlined items have been added.

Issued this 9th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13134; Filed, August 12, 1943; 11:26 a. m.]

PART 3270—CONTAINERS[1]

[Conservation Order M-104, as Amended August 9, 1943[2]]

§ 3270.37[1] *Conservation Order M-104.*—(a) *Definitions* (1) "Closure" means any sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(2) "Glass container" means any bottle, jar, or tumbler which is made of glass and which is suitable for packing any product.

(3) "Tinplate" means sheet steel coated with tin, and includes "primes," "seconds," "waste-waste," and all other forms of tinplate except waste.

(4) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes

[1] Formerly Part 1128, § 1128.1.

[2] This document is a restatement of Amendment 1 to M-104 as Amended May 17, 1943, which appeared in the FEDERAL REGISTER of August 11, 1943, page 11127, and reflects the order in its completed form as of August 9, 1943.

"primes" "seconds," "waste-waste," and all other forms of terneplate except waste.

(5) "Blackplate" means any sheet steel, other than tinplate or terneplate, suitable for manufacture into closures, and includes "rejects," "electrolytic waste-waste," and all other forms of blackplate except waste.

(6) "Waste" means:

(i) Used closures made of tinplate, terneplate or blackplate;

(ii) Used cans made of tinplate, terneplate or blackplate;

(iii) Tinplate, terneplate or blackplate discs produced in the ordinary course of manufacturing screw bands for home canning closures;

(iv) Slitter or shear trimmings, or lithographing lay sheets, produced in the ordinary course of manufacturing closures, and purchased or acquired by the closure user before April 10, 1943.

(7) "Pack," unless particularly specified, means the number of closures used for packing a product during the base period specified.

(8) The term "0.50 tinplate" wherever used in this order, includes "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 pounds per base box.

NOTE: Former paragraph (7) revoked; paragraphs (7), (8) redesignated August 9, 1943.

(b) *Restrictions upon manufacture, sale, and delivery of closures.* (1) No person shall sell or deliver any closure made in whole or in part of tinplate, terneplate, blackplate, wire, or waste, except under a purchase order or contract validated by delivery to such person of a purchaser's certificate, manually signed by the purchaser or an authorized official of the purchaser, in substantially the form attached hereto as Exhibit A (if such closure is not a beverage closure [Schedule IV]) or Exhibit B (if such closure is a beverage closure [Schedule IV]). No person shall manufacture, sell or deliver any such closure which he knows or has reason to believe will be used in violation of any provision of this order.

(2) No person shall use any tinplate, terneplate, blackplate, or waste for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium such as another closure or paraffin.

(ii) Double shell or semi-double shell caps.

(iii) Two-piece closures when both pieces are made of metal, except as permitted in paragraph (b) (3).

(3) No person shall use any tinplate, terneplate, blackplate, or wire for the manufacture of any closure of the home canning type, except as, and to the extent permitted in Schedule V attached to this order. No closure manufactured pursuant to Schedule V shall knowingly be sold to any person for packing any product for sale.

NOTE: Paragraph (1), (2), (3) amended August 9, 1943.

(4) No person shall use any tinplate, terneplate, or blackplate, except "rejects" "frozen blackplate" or "electrolytic waste-waste", heavier than 90 pounds per base box, for the manufacture of crown caps.

(5) No person shall use for the manufacture of closures any tinplate with a tin coating in excess of 1.25 pounds per base box; and all persons manufacturing closures shall, to the greatest extent available, use 0.50 tinplate for the manufacture of closures for which tinplate is permitted by the provisions of this order: *Provided, however,* That the provisions of this paragraph (b) (5) shall not apply to tinplate with a tin coating not in excess of 1.25 pounds per base box, which, as of May 17, 1943 is in process at the tin mill, in inventory at the tin mill for the account of a closure manufacturer or in inventory of a closure manufacturer.

(6) No person shall use any wire for the manufacture of paperboard, disc, plug caps, having a diameter of two inches or less, for milk bottles.

NOTE: Paragraph (5), (6) amended August 9, 1943.

(c) *Restrictions upon purchase, acceptance of delivery, and use of closures.* No person shall, during any calendar year (or seasonal year or other period, when specified) purchase, accept delivery of, or use for packing a product, any closure made in whole or in part of tinplate, terneplate, or blackplate, except as, and to the extent permitted in Schedules I, II, III, and IV attached to this order: *Provided, however,* That a jobber or retailer may obtain and sell closures in conformity with the provisions of this order. Blackplate may be used wherever tinplate or terneplate is specified. Closures made of waste shall not be used for packing any product not listed in the schedules attached to this order.

NOTE: Paragraph (c) amended August 9, 1943.

(d) *Exceptions.* (1) Nothing in this order shall prohibit any person who used less than 5,000 closures during the calendar year 1942 from purchasing, accepting delivery of, or using without restriction, an aggregate of 5,000 closures during any subsequent calendar year.

(2) Except for quota restrictions which shall remain fully applicable, the restrictions imposed by this order shall not apply to the purchase, acceptance of delivery, or use of closures for packing any product when such closures, on or before December 23, 1942, were completely manufactured, partially manufactured, or were in the form of tinplate, terneplate, or blackplate, fully lithographed with a person's private design, cut into strips.

(3) No certificate shall be required for the sale or delivery of closures to:

(i) Retailers;

(ii) Persons purchasing closures from retailers.

(4) Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of closures by any of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(i) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(ii) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(iii) American Red Cross, United Service Organizations, or such other non-profit Defense Recreation Committees, engaged in the operation of recreation centers in the forty-eight states of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph (d) (4) by the Office of Defense Health and Welfare Services, OEM.

(iv) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(v) Any person in the Territory of Hawaii: *Provided,* That the exception provided by this paragraph (d) (4) (v) shall be limited to closures used in connection with the packing of products to be consumed in the said Territory.

(e) *Miscellaneous provisions.*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington 25, D. C. Ref: M-104.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 9th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

PURCHASER'S CERTIFICATE (OTHER THAN SCHEDULE IV)

NOTE: First paragraph amended August 9, 1943.

One copy of this certificate is to be delivered to each person from whom purchases are made of closures (other than beverage closures) made in whole or in part of tinplate, terneplate, blackplate, wire, or waste. Such certificate shall cover all purchases, present and future.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-104, as heretofore amended, and that he will not use or sell any closures purchased from _____
Name of seller
_____
Address of seller

pursuant to this or future purchase orders or contracts in violation of the terms of such order.

Date _____

_____
Legal name of purchaser
By _____
Authorized official
_____
Title of official
_____
Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

EXHIBIT B

Purchaser's Certificate (Schedule IV)

Certificate required by Order M-104 to validate *each purchase* of closures for malt or non-alcoholic beverages. Execute in duplicate, one copy to be retained by the purchaser, and one to be filed with the seller.

Inventory

(a) Permitted Inventory (20 percent of number of such closures and cans used for packaging malt or non-alcoholic beverages in 1941.) _____ gross.

(b) Inventory on date of this certification (Exclusive of Closures made from waste) _____ gross.

(c) Permitted delivery as of date of this certification from all sellers. Line (a) minus Line (b) _____ gross.

(d) Requested delivery from _____
Seller
_____ gross.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-104, as heretofore amended, that the foregoing statements of inventory are true and correct, and that he will not use or sell any closures for malt beverages or non-alcoholic beverages received from the seller pursuant to the above-described "requested delivery" in violation of the terms of such order.

Date _____

_____
Legal name of purchaser
By _____
Authorized official
_____
Title of official
_____
Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

SCHEDULE I—FOOD CLOSURES

NOTE: Paragraphs A, D; second column heading of table; items 15, 47, 61, 82, 83 amended; column "Rubber," footnotes (1), (2) revoked; items 27a added August 9, 1943.

A. Any person who used closures from January 1, 1942 to December 31, 1942, for packing a food product not listed in this Schedule I, may use an equal number of closures during any calendar years for packing the products listed in this schedule, in addition to the quotas respectively specified.

B. Wherever the asterisk appears the packing quota relates to the total number of closures and cans used for packing the applicable product.

C. No product packed in a can shall be repacked for sale in a glass container, by the same or a different person, in the same or a different form, except to the extent specifically permitted in this schedule.

D. Split year items such as "1941-2" appearing in the column "Calendar Year Packing Quota" refer to specified seasonal year base periods to be used in computing permitted packs for subsequent seasonal years.

E. Any person packing any product in cans during the calendar year or seasonal year, who, because he converts such pack or part thereof from cans to glass containers, does not use the entire number of cans which he would be permitted under any limited quota specified in Order M-81, may use two closures for each can so not used. Such closures may be used in addition to the quotas established for any products by this Schedule I, but shall be made of the materials respectively specified.

Product	Calendar year packing quota	Closure material indicated by X	
		Tinplate	Blackplate
VEGETABLES AND VEGETABLE PRODUCTS			
1. Asparagus	Unlimited	X	
2. Beans, with or without pork	50% 1941*	X	
3. Beans, fresh, including green, wax, lima, green soybeans, and fresh shelled beans	Unlimited	X	
4. Beets, including pickled beets. No whole beets larger than U. S. Standard ruby (medium) to be packed	Unlimited	X	
5. Carrots, whole carrots not to be packed	Unlimited	X	
6. Carrots and peas (fresh, green)	Unlimited	X	
7. Corn, fresh, sweet cut	Unlimited	X	
8. Mixtures of Vegetables (other than carrots and peas, and succotash) which consist of not less than 90 percent of any combination of vegetables listed in this schedule, (or of any such combination and celery, onions and peppers); provided that the combination by drained weight shall consist of not more that 60 percent of any one vegetable; and, provided further that no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	X	

Product	Calendar year packing quota	Closure material indicated by X	
		Tinplate	Blackplate
VEGETABLES AND VEGETABLE PRODUCTS—continued			
9. Mushrooms	Unlimited	X	
9a. Okra, tomatoes and okra	100% 1941*	X	
10. Peas, fresh green	Unlimited	X	
11. Sweet peppers, including pimientos	60% 1942*	X	
11a. Pumpkin	100% 1941*	X	
12. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, polk and turnip greens.	Unlimited	X	
13. Succotash	Unlimited	X	
14. Tomatoes	Unlimited	X	
15. Tomato catsup and chili sauce, containing not less than 10.7 percent (specific gravity 1.045) by weight, dry tomato solids.	Unlimited	X	
16. Tomato paste, containing not less than 25 percent, by weight, dry tomato solids.	Unlimited	X	
17. Tomato pulp or puree, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids.	Unlimited	X	
18. Tomato sauce, including spaghetti sauce containing not less than 8.7 percent (specific gravity 1.037) by weight, dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight, total dry solids, salt free. In addition to salt, the contents may contain pepper, spice, oils, and other flavoring ingredients.	Unlimited	X	
19. Vegetables, dehydrated	Unlimited		X
20. Vegetable juices, or mixtures thereof, undiluted, except for the addition of sweetening or seasoning.	Unlimited	X	
NOTE.—When required for packing other products, tomato paste, tomato pulp or puree, tomato sauce, and tomato juice may be repacked from reusable cans, 5 gallons or larger.			
FRUITS			
21. Apples, including crabapples, whole apples not to be packed	25% 1941-42*	X	
22. Applesauce, including sauce from crabapples	25% 1941-42*	X	
23. Apricots	Unlimited	X	
24. Blackberries, black raspberries, blueberries, boysenberries, dewberries, elder berries, gooseberries, lozanberries, red raspberries, and young berries.	Unlimited	X	
25. Cherries, red sour pitted and sweet	Unlimited	X	
26. Figs	Unlimited	X	
27. Fruit cocktail, consisting of any combination of fruits listed in this Schedule I, or any such combination and grapes and pineapple: Provided, That the combination by drained weight shall consist of not less than 50 percent fruits listed in this Schedule I and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans to the extent of 7 percent of the fruit cocktail.	Unlimited	X	
27a. Mixed fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 85 percent nor more than 65 percent Diced Peaches, and not less than 35 percent nor more than 45 percent Diced Pears; or a combination of not less than 50 percent nor more than 60 percent Diced Peaches and not less than 30 percent nor more than 40 percent Diced Pears with not less than 6 percent nor more than 10 percent Grapes. Such peaches or pears shall be peeled, pitted, or cored, and diced to a size such that no more than 20 percent of the units will pass through a 3/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than 3/4", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	X	
28. Olives, ripe or green ripe, whole or minced	75% 1941-42*	X	
29. Peaches, clingstone, halves, segments, or slices	Unlimited	X	
30. Peaches, freestone, halves, segments, or slices. Not to be packed in California.	Unlimited	X	
31. Pears. Whole pears, except sickle pears, not to be packed	Unlimited	X	
32. Plums	Unlimited	X	
33. Prunes, fresh Italian	Unlimited	X	
FRUIT PRODUCTS			
34. Fruits, crushed, fountain fruits	100% 1942*		X
35. Fruit butters, conserves, jams, jellies, marmalades, and preserves	Unlimited	X	
36. Fruit juices or mixtures thereof, other than grapefruit juice, undiluted except for the addition of sweetening.	Unlimited	X	
37. Grapefruit juice	100% 1942*	X	
38. Fruit concentrates, liquid, when concentrated on a ratio of 5 or more to 1.	Unlimited	X	
39. Fruit concentrates, dry	Unlimited		X
40. Nectars	100% 1942*	X	
41. Pectin, liquid	Unlimited		X
MEATS AND MEAT PRODUCTS			
42. Beef, dried	Unlimited	X	
43. Beef extract, and beef gravy	Unlimited	X	
44. Chicken, boned, and turkey, boned	Unlimited	X	
45. Corned beef hash	100% 1941*	X	
46. Lamb's tongue, pickled	Unlimited	X	
47. Mince meat, fresh apples only	Unlimited	X	
48. Pig's feet and cutlets, pickled	Unlimited	X	
49. Scrapple (Philadelphia type)	50% 1941*	X	
50. Tamales	100% 1941*	X	

NOTE: When required for the packing of other products, pineapple may be repacked from No. 10 cans. Grape juice, grape pulp, citrus peel and pulp may be repacked from reusable cans 5 gallons or larger. Apricots and peaches, solid pie pack, may be repacked from No. 10 cans or larger.

Product	Calendar year packing quota	Closure material indicated by X	
		Tinplate	Blackplate
MEATS AND MEAT PRODUCTS—continued			
51. Meat Products as follows	Unlimited		
A. Chili con carne, with or without beans (only when packed in accordance with F. D. A. standards).		X	
B. Meat loaf, containing not less than 90 per cent meat, by uncooked weight and no added water. When packed as a chopped product, meat loaf may contain not more than 10 per cent of the following ingredients: cereal, whole milk, eggs, and seasoning.		X	
C. Meat spreads, including ham; tongue, liver, beef, and sandwich spreads. When packed as a spread, the chopped products shall contain not less than 65 per cent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.		X	
D. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 per cent added water, by weight.		X	
E. Sausage in casings, Vienna style, containing no cereal or similar substances and not to exceed 10 per cent added water, by weight.		X	
F. Tongue			
FISH AND SHELLFISH			
52. Clams, soft, hard or razor	Unlimited	X	
53. Clam broth	Unlimited	X	
54. Crabmeat	Unlimited	X	
55. Fish flakes, except dried fish flakes	Unlimited	X	
56. Fish, and shellfish pickled	Unlimited		X
57. Fish pastes, including shellfish paste	Unlimited	X	
58. Lobster, including spiny lobster	Unlimited	X	
59. Oysters	Unlimited	X	
60. Shrimp			
SOUPS			
61. Soups—limited to the following kinds of soup which shall contain not less than the specified percentage, by weight, of dry solids from the products listed in this schedule: Asparagus, pea, spinach and tomato—7 percent; Chicken, chicken gumbo, chicken noodle, gumbo creole, consomme and bouillon—6 percent; Clam or fish chowder, and turtle—8 percent; Scotch broth, vegetable, vegetable-vegetarian, pepper-pot, oxtail, mock turtle, country style chicken, and corn chowder—10 percent; Beef and vegetable beef—12 percent; Bean—23 percent, salt free; Mushroom—18½ percent, salt free.	Unlimited	X	
MILK AND DAIRY PRODUCTS			
62. Cheese spreads, processed	Unlimited	X	
63. Cheese spreads, unprocessed (e. g. limburger)	Unlimited	X	
64. Condensed milk, sweetened as defined by the Federal Security Administration, July 2, 1940, paragraph 18,525 page 2444, Federal Register, and 18,530, page 2445, as amended. Federal Register August 8, 1941, pages 3973 and 3974.	100% 1942*	X	
65. Cultured milk—"Cultured milk" as classified herein refers only to those cultured or fermented milk or skim milk products which develop pressure within the container (glass bottles) due to fermentation which is produced by the addition of certain materials to milk or skim milk such as sugar, yeast, cultures, and the like.	Unlimited		X
66. Fluid milk, with or without flavoring	Unlimited		X
67. Ice cream mix, dry. Notwithstanding the provisions of paragraph (d) (4) of Order M-104, packing quota includes pack required to be set aside by any order of the War Production Board, the Food Distribution Administrator, the Department of Agriculture for purchase by Government agencies.	50% 1942*	X	
68. Malted milk, including chocolate milk, dry	Unlimited		X
SYRUPS AND HONEY			
69. Syrups—blended, bottlers, cane, corn, maple, molasses, sorghum, malt, and fountain syrups.	Unlimited		X
70. Chocolate or cocoa syrups	Unlimited	X	
71. Honey	Unlimited		X
OLIVES, PICKLES, RELISHES, CONDIMENTS & SAUCES			
72. Pickles, piccalilli, and relishes	Unlimited	X	
73. Mustard	Unlimited	X	
74. Green Olives	Unlimited	X	
75. Horseradish	Unlimited	X	
76. Sauces—beefsteak, cooking, soya, tobasco, and worcestershire	Unlimited	X	
EDIBLE OILS AND DRESSINGS			
77. Dressings—Mayonnaise, Russian, salad, and Thousand Island	Unlimited		X
78. French dressing	Unlimited	X	
79. Oil, edible, liquid	Unlimited		X
80. Sandwich spread, other than meat spread	Unlimited		X
81. Tartar sauce	Unlimited		X

Product	Calendar year packing quota	Closure material indicated by X: Tinplate	Closure material indicated by X: Blackplate
MISCELLANEOUS FOODS			
82. Baby foods: Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits (except dried apricots, dried pears, dried peaches, dried or dehydrated apples); vegetables; meats; poultry products; dairy products; sugar; salt or seasoning; yeast or yeast derivatives. Frozen fruits and vegetables may be used. Potatoes and cereals may be used only in combination with other permitted products and only provided the combined potato and cereal content does not exceed 12 percent, by weight of the total product. Pineapple from No. 10 cans and tomato products from 3-gallon reusable cans may be used in packing baby foods.	125% 1942*	X	
Formulas—dry or liquid	125% 1942*		X
83. Cherries, maraschino	100% 1942*	X	
84. Baking powder	100% 1942*		X
85. Dyes, certified colors	75% 1942		X
86. Extracts	Unlimited	X	
87. Malt, dry	Unlimited		X
88. Milk fortifiers	Unlimited		X
89. Nut butters	Unlimited		X
90. Soups, dehydrated	Unlimited		X
91. Spice, and seasoning	100% 1942	X	
92. Vinegars	Unlimited	X	
93. Special food products, for human consumption only, limited to foods other than usual table foods. Quota: No person shall pack any special food product unless he packed the product in substantially the same form in 1942, and unless he obtains prior permission upon application to the War Production Board.	(1)	(1)	(1)

[1] See product column.

SCHEDULE II—DRUG PRODUCTS CLOSURES

NOTE: Paragraph A, column "Rubber" revoked; paragraph B redesignated A; second column of Table, and item 30 amended August 9, 1943.

A. The packing quota relates to the number of closures and cans used for packing the applicable product.

Product, for medicinal or health purposes only	Calendar year packing quota	Closure material indicated by X: Tinplate	Closure material indicated by X: Blackplate
1. Alcohol, rubbing or medicated	Note 1		X
2. Artificial salts	Note 1		X
3. Biological preparations	Unlimited	X	
4. Blood plasma	Unlimited	X	
5. Capsules	Note 1		X
6. Chemicals, dry	Unlimited	X	
7. Chemicals, liquid	Unlimited	X	
8. Citrate of magnesia	Note 1		X
9. Cordials, medicinal	Note 1		X
10. Effervescent salts	Note 1		X
11. Elixirs	Note 1		X
12. Emulsions	Note 1		X
13. Extracts	Note 1		X
14. Flavors	Note 1		X
15. Fluid extracts	Note 1		X
16. Fluid glycerates	Note 1		X
17. Glycerites	Note 1	X	
18. Glycerogelatins	Note 1		X
19. Honeys	Note 1		X
20. Jellies, aqueous	Note 1		X
21. Liniments	Note 1		X
22. Liniments of ammonia	Unlimited	X	
23. Local anesthetic solutions (injectible)	Note 1		X
24. Lotions	Note 1	X	
25. Magmas	Note 1		X
26. Medicinal wines	Note 1		X
27. Oleoresins	Note 1		X
28. Oleates	Note 1	X	
29. Oils, fixed, volatile, or medicated	Unlimited		X
30. Ointments, cerates, petrolatum, pastes (not including hair pomades, hair dressings, and hair straighteners).	Note 1	X	
31. Ointments, ophthalmic	Note 1		X
32. Pills, tablets, troches, lozenges	Note 1		X
33. Powders	Unlimited	X	
34. Prescriptions	Note 1		X
35. Proprietary preparations	Note 1	X	
36. Soaps	Note 1	X	
37. Solutions, aqueous or bulk intravenous	Note 1	X	
38. Solution of ammonia	Note 1	X	
39. Solution of iodine	Note 1	X	
40. Solution of hydrogen peroxide	Unlimited	X	
41. Solutions, parenteral	Note 1	X	
42. Solutions, ophthalmic or nasal	Note 1		X
43. Spirits	Note 1	X	
44. Spirit of ammonia, aromatic	Note 1	X	
45. Spirit of ammonia fortiated	Note 1		

SCHEDULE II—DRUG PRODUCTS CLOSURES—Continued

Product, for medicinal or health purposes only	Calendar year packing quota	Closure material indicated by X: Tinplate	Closure material indicated by X: Blackplate
46. Spirit of ether compound and spirit of ether	Note 1	X	
46a. Sulfonamide preparations	Unlimited		X
47. Suppositories	Note 1		X
48. Syrups	Note 1		X
49. Tinctures	Note 1		X
50. Tincture of iodine	Note 1	X	
51. Vinegars	Note 1	X	
52. Waters	Note 1		X
53. Water, laxative, purgative or medicinal	Note 1		X

NOTE 1.—The total number of closures which may be used for packing all of the products referring to this note is 100 percent of the number of closures and cans a person used for said purpose during 1942. This quota may be used for any one or more of said products.

SCHEDULE III—CHEMICALS, HOUSEHOLD AND INDUSTRIAL SUPPLY CLOSURES

NOTE: Paragraph A, column "Rubber" revoked; paragraph B redesignated A and amended; second column of Table, item 19 amended; item 13a, footnotes (1), (2), (3) added August 9, 1943.

A. The packing quota relates to the number of closures and cans used for packing the applicable product except in the case of cosmetics where the packing quota relates only to the number of closures.

Product	Calendar year packing quota	Closure material indicated by x: Tinplate	Closure material indicated by x: Blackplate
1. Adhesives, glass mucilages, and pastes	100% 1942		x
2. Alcohol	100% 1942		x'
3. Ammonia, household and/or household cleaners	100% 1942	x	
4. Anti-freeze	100% 1942		x
5. Automotive maintenance or repair items, liquid or paste	100% 1942		x
6. Bluings	100% 1942	x	
7. Bleaches	100% 1942	x	
8. Cements	100% 1942		x
9. Chemicals, dry	Unlimited		x
10. Chemicals, liquid	Unlimited	x	
11. Chemicals, reagent	Unlimited	x	
12. Cleaners	100% 1942		x
13. Compounds for grinding, polishing or sealing	100% 1942		x
13a. Cosmetics [1]	During balance of 1943, 35% of 1942, thereafter 65% of 1942 for each calendar year.	(2)	
14. Dressings for industrial purposes	100% 1942		x
15. Dyes	75% 1942	x	
16. Essential oils, distilled or cold pressed	100% 1942	x	
17. Embalming fluid	Unlimited		x
18. Fire extinguisher fluids	100% 1942		x
19. Fungicides, insecticides, disinfectants and livestock or agricultural solutions or sprays.	130% 1942		x
20. Glycerin	100% 1942		x
21. Graphite with liquid	100% 1942		x
21a. Hand protective compounds (industrial protective only, and only when packed in 8 oz. containers or larger).	Unlimited		x
22. Hypochlorite powders	100% 1942	x	
23. Inks	100% 1942	x	
24. Ink eradicators	100% 1942	x	
25. Lighter fluids	100% 1942		x
26. Lye	100% 1942		x
27. Oils, lubricating and machine	100% 1942		x
28. Paints, varnishes, enamels, shellacs, lacquers, lacquer thinners, lacquer stains, paint thinners, varnish removers, turpentine and linseed oil, excluding artist supplies.	100% 1942		x
29. Phenols	Unlimited	x	
30. Photographic supplies	100% 1942	x	
31. Poisons	100% 1942		x
32. Polishes, liquid or paste	Unlimited		x
33. Putty	100% 1942		x
34. Soap—hand, and shaving cream	100% 1942		x
35. Shoe white, liquid or cream	100% 1942		x
36. Solvents	100% 1942		x
37. Waxes	100% 1942		x
38. Wood preservatives and fillers	100% 1942		x

(1) No person packaging cosmetics shall at any time accept or have any supplier set aside for him any quantity of closures which will increase his inventory to more than a 60-day supply. Any person who uses less than $500 worth of closures in a calendar year is exempt from this restriction.

(2) The following material only may be used for closures for cosmetics:

(i) Used closures and cans, and

(ii) Slitter or shear trimmings, lithographing lay sheets and discs, produced as a by-product in the ordinary course of manufacturing cans and closures.

(3) Permission to accept delivery of used cans or of sheets recovered from such cans, must be obtained on Form WPB 2825. Permission to accept delivery of slitter or shear trimmings, lithographic lay sheets and discs, must be obtained under Conservation Order M-325.

SCHEDULE IV—BEVERAGE CLOSURES

NOTE: Paragraph A revoked; second column of table amended; "Wines and distilled spirits XXX," footnotes (4), (5) added August 9, 1943.

Product—Bottling quota	Closure material
Product: Malt beverages, including only beer, ale, porter, near-beer and mixtures thereof. Quota: Any person who produced in 1941 less than 65,000 barrels may use in any calendar month, commencing with December 1, 1942, 100 percent and any person who produced in 1941 over 65,000 barrels may use in any calendar month, commencing with December 1, 1942, 70 percent of the number of closures affixed by him to glass containers during the corresponding month of 1941. In the case of a person who packed all or part of his 1941 production in cans, each such can may be counted as a closure affixed to a glass container. In the case of a person who did not produce any malt beverages in 1941, such beverages bottled by him, shall be considered as having been produced by him, and his authorized usage of closures shall be calculated accordingly.	Tinplate and blackplate allocated for purposes of crown manufacture only, and in inventory of crown manufacturer or bottler on or before December 11, 1942. Also rejects, frozen blackplate and electrolytic waste-waste.
Product: Non-alcoholic beverages, including only carbonated soft drinks; non-carbonated soft drinks; unflavored carbonated waters; unflavored naturally carbonated and still waters; drinks consisting of fruit juices, vegetable juices and combinations thereof, where less than 85 percent by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof and sterilized milk drinks made with powdered milk. Quota: Any person who used in 1941 less than 5,000 gross of closures, may use during any calendar quarter, commencing with October 1, 1942, 100 percent of the number of closures affixed by him to glass containers during the corresponding quarter of 1941. Any person who used in 1941 more than 5,000 and less than 7,000 gross of closures, may use not to exceed 5,000 gross of closures in any twelve-month period, commencing with October 1, 1942; the number used during any calendar quarter to be at the same proportionate rate he affixed closures to glass containers during the corresponding quarter of 1941. Any person who used in 1941 more than 7,000 gross of closures, may use during any calendar quarter, commencing with October 1, 1942, 70 percent of the number of closures affixed by him to glass containers during the corresponding quarter of 1941.	Tinplate and blackplate allocated for purposes of crown manufacture only, and in inventory of crown manufacturer or bottler on or before December 11, 1942. Also rejects, frozen blackplate and electrolytic waste-waste.
Product: Wines and distilled spirits ..... Quota: During balance of 1943—25% of the number of closures used in 1942. For any subsequent year, 50% of the number of closures used in 1942.	Used closures and cans, and slitter or shear trimmings, lithographing lay sheets, and discs, produced as a byproduct in the ordinary course of manufacturing cans and closures.

(1) No person other than a jobber purchasing for resale, shall accept delivery of malt beverage or non-alcoholic beverage closures which would increase his inventory (including closures for use as described in paragraph (d) (4) of this order) beyond 20 percent of the number of such closures and cans which he used in 1941 for packing malt beverages and non-alcoholic beverages.

(2) Closures for waters. Except with regard to items listed in Schedule II, no closures made of tinplate, terneplate, or blackplate shall be affixed to glass containers smaller than 12 fluid ounces, for packing unflavored carbonated natural or mineral waters, unless such glass containers were manufactured on or before June 1, 1942.

(3) All persons who bottle malt beverages or non-alcoholic beverages, shall report upon Form PD-519 to the Containers Division, War Production Board, Washington 25, D. C.

(4) No person packing wines and distilled spirits shall, at any time, accept or have any supplier set aside for him, any quantity of closures which will increase his inventory to more than a 60-day supply. Any person who uses less than $500 worth of closures in a calendar year is exempt from this restriction.

(5) Permission to accept delivery of used cans, or of sheets recovered from such cans, must be obtained on Form WPB 2825. Permission to accept delivery of slitter or shear trimmings, lithographic lay sheets and discs, must be obtained under Conservation Order M-325.

SCHEDULE V—HOME CANNING CLOSURES

NOTE: Items 1, 2; column "Rubber" revoked; items 3 to 9 redesignated 1 to 7; second column heading amended August 9, 1943.

Description of closure	Manufacturer's quota	Closure material indicated by X	
		0.50 Tinplate	Wire bails
1. Top seal metal lids, 70 mm.[1]	Unlimited.....	X	....
2. Bands for 70 mm top seal metal lids.[1]	Unlimited.....	X	....
3. Bands for use with 70 mm glass lids.	Unlimited.....	X	....
4. Lightening type, 70 mm....	Unlimited.....	....	X
5. Top seal metal lids, smaller than 70 mm.	Unlimited.....	X	....
6. One piece metal closures, 70 mm shoulder seal type.[1]	Unlimited.....	X	....
7. One piece metal closures, 70 mm top seal type.[1]	Unlimited.....	X	....

[1] No manufacturer of glass containers shall sell any jars, intended for home canning, which are made with 70 mm screw finish and which are manufactured on or after April 15, 1943, unless 40 percent or more of such jars have glass lids, screw bands and top seal jar rings attached to them.

[F. R. Doc. 43-13135; Filed, August 12, 1943; 11:26 a. m.]

PART 3290—CORDAGE FIBER, CORDAGE YARN, AND CORDAGE

[Conservation Order M-138, as Amended August 12, 1943]

ISTLE

Section 3290.261 *Conservation Order M-138* is hereby amended to read as follows:

§ 3290.261[1] *Conservation Order M-138*—(a) *Definitions.* For the purposes of this order:

(1) "Istle" means any raw istle and spinnable waste istle.

(2) "Raw istle" means unprocessed istle, including the types or grades commonly known as juamave, tula, palma, pita and yucca, and including all so-called selected grades of such istle or any type of crude istle or yucca which has not been hackled, cut or otherwise commercially prepared.

(3) "Spinnable waste istle" means hacklings and combings obtained from the hackling or combing of raw istle in the preparation of brush fiber, but excluding unspinnable waste istle.

(4) "Unspinnable waste istle" means the cuttings and trimmings not over three inches in length obtained in the cutting and trimming of istle for brush manufacture, hacklings or combings polished, dyed, or otherwise made unspinnable, the card waste and other waste obtained in spinning either raw istle or spinnable waste istle, and including used istle bale covering.

(5) "Istle product" means any product processed from raw istle, alone or in combination with other fibers, including but not limited to, dressed or hackled fiber, brush fiber, tow for upholstery or padding, rope form for upholstery or padding, yarn, roving, twine, rope or reinforcing materials, but it shall not mean unspinnable waste istle or istle bale covering when used us a packaging material to cover materials of any kind imported into the United States.

(6) "Processor" means any person who processes istle or any istle product.

(b) *Importation of istle.* The importation of istle and istle products is subject to the provisions of General Imports Order M-63 as amended from time to time.

(c) *Restrictions on processing of istle and istle products.* No person shall put into process any istle or istle product, except as follows:

(1) Juamave and pita istle, suitable for spinning over hard fiber machinery, for incorporation and use in rope, unless the War Production Board, in allocating the fiber, specifically permits other uses.

(2) Any other istle and istle product, for incorporation and use in any of the following products.

(i) Rope.
(ii) Twine.
(iii) Brushes.
(iv) Paper, as reinforcement only.
(v) Plastics.
(vi) Wire rope centers.
(vii) Any product for ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including post exchanges and ship's service stores), the Maritime Commission or War Shipping Administration.
(viii) Any product, for the manufacture of which any istle or istle product is allocated in accordance with paragraph (d).

(d) *Control and allocation.* On and after August 12, 1943, no processor shall make or accept delivery of, or use or process istle, or any istle product, in violation of orders of the War Production Board issued pursuant to this paragraph. The War Production Board may from time to time allocate the supply of istle, and istle products, and specifically direct the time, manner and quantities in which deliveries to or by particular processors shall be made or withheld. It may also direct, permit, or prohibit particular uses of raw istle, or istle products, by any processor, in connection with the allocation of such material to him. Any direction, prohibition or allocation, pursuant to this paragraph, must, to be valid, be in writing and in the name of the War Production Board.

(e) *Restrictions on deliveries.* No person shall accept delivery of, deliver, purchase, or sell any istle, or istle product, for any use not permitted by this order. No person shall sell or deliver any istle or istle product to any person whom he knows or has reason to believe is not entitled to receive the same, or to any person who he has reason to believe will put such material to a use not permitted by this order. Unless he knows or has reason to believe it to be false, any person may rely upon a certificate obtained from his customer indorsed on or attached to the purchase order or delivery receipt in substantially the following form:

This is to certify to you and to the War Production Board that delivery from you of --------- quantity of istle ---------- (indicate whether istle, or istle product) on or about ----------, 1943, is in an amount and for a purpose permitted by WPB Order M-138, with the terms of which I am familiar. Materials referred to in this certificate will be used as permitted by the order.

(Purchaser)

By----------
(Duly authorized official)

A person selling or delivering istle need not require such certificate if he satisfies himself in any other reasonable manner that the facts exist which warrant him in making a delivery under this paragraph.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all the applicable provisions of the regulations of the War Production Board, as amended from time to time.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Reports.* Any person who acquires or puts into process any raw istle shall report on Form WPB-914, formerly PD-469-Part 1, as required on the form. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Persons affected by this order shall file such other reports and questionnaires as may from time to time be required, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M-138.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 12th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13136; Filed, August 12, 1943; 11:26 a. m.]

[1] Formerly Part 1201, § 1201.1.

Chapter XI—Office of Price Administration

PART 1316—COTTON TEXTILES

[RPS 89,[1] Amdt. 11]

BED LINENS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Price Schedule No. 89 is amended in the following respect:

Paragraphs (c) (3) and (e) (3) of § 1316.104 are hereby revoked.

This amendment shall become effective August 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13067; Filed, August 11, 1943; 1:52 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289,[2] Amdt. 20]

BULK BUTTER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 289 is amended in the folowing respects:

1. Section 1351.1520 (a) (2) (viii) is amended to read as follows:

(viii) The maximum price for any particular score or grade of bulk butter delivered at any place in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Utah, Montana, Idaho, and that part of Texas not included in the foregoing subdivision (vii) of this subparagraph shall be the maximum price for that particular score or grade in San Francisco, as stated in Table A above, less transportation charges from that place to San Francisco. Transportation charges shall be the lowest published railroad carlot freight rate per pound, gross weight, from that place to San Francisco, times 1.15.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1375.

[2] 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3327, 4335, 4513, 4337, 4338, 4918, 6440, 7566, 7593, 8276, 8751, 9229, 9380, 10667.

2. Section 1351.1520 (a) (2) (ix) is redesignated § 1351.1520 (a) (2) (xii) and the phrase "in the foregoing subdivisions (1) to (viii) inclusive" contained therein is amended to read as follows: "in the foregoing subdivisions (1) to (xi) inclusive."

3. Section 1351.1520 (a) (2) (ix) is added to read as follows:

(ix) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of New Mexico, in the counties of Carbon, Albany and Laramie in the state of Wyoming, or in the state of Colorado except in the counties of Sedgwick, Phillips, Yuma, Washington, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca shall be as follows:

	Cents per pound
U. S. Grade AA, or U. S. 93 Score	41¾
U. S. Grade A, or U. S. 92 Score	41¼
U. S. Grade B, or U. S. 90 Score	41
U. S. Grade C, or U. S. 89 Score	40½
U. S. Cooking Grade	39¼
No Grade	35¼

4. Section 1351.1520 (a) (2) (x) is added to read as follows:

(x) The maximum price for any particular score or grade of bulk butter delivered at any place in the counties of Uinta, Lincoln, and Sweetwater in the state of Wyoming, shall be as follows:

	Cents per pound
U. S. Grade AA, or U. S. 93 Score	42¼
U. S. Grade A, or U. S. 92 Score	41¾
U. S. Grade B, or U. S. 90 Score	41½
U. S. Grade C, or U. S. 89 Score	41
U. S. Cooking Grade	39¾
No Grade	35¾

5. Section 1351.1520 (a) (2) (xi) is added to read as follows:

(xi) The maximum price for any particular score or grade of bulk butter delivered at any place in the counties of Sedgwick, Phillips, Yuma, Washington, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca in the state of Colorado, and at any place in the state of Wyoming except in the counties of Uinta, Lincoln, Sweetwater, Carbon, Albany, and Laramie, shall be as follows:

	Cents per pound
U. S. Grade AA, or U. S. 93 Score	41¼
U. S. Grade A, or U. S. 92 Score	40¾
U. S. Grade B, or U. S. 90 Score	40½
U. S. Grade C, or U. S. 89 Score	40
U. S. Cooking Grade	38¾
No Grade	34¾

6. Section 1351.1520 (i) is hereby revoked.

This amendment shall become effective August 17, 1943.

(Pub. Laws 421 and 729, 77th Cong., Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13068; Filed, August 11, 1943; 1:47 p. m.]

PART 1369—METAL ORES

[MPR 356[1], Amdt. 1]

ROYALTIES ON COPPER, LEAD AND ZINC

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 356 is amended in the following respects:

1. The following is added at the end of section 1:

This regulation shall not apply to any payment made for work, labor or services even though such payment is stated as a part or percentage of the proceeds from a mining operation. Nor shall it apply to any payment made under any lease, contract or agreement between the principal operator of a mining property and another person, who is mining a part of the same property, if, and for such time as, no separate quotas have been established under the Premium Price Plan for the mining operation carried on pursuant to such lease, contract or agreement.

2. A new section 2a is added as follows:

SEC. 2a. *Provision in special cases for a royalty higher than is provided in section* 2—(a) *Overriding royalties.* When a sublease is given on all or any part of a property or working which was under lease on December 31, 1942, or a lease on such property or working is assigned or released, an overriding royalty may be paid to and received by the party giving such sublease, assignment, or release. Subject to approval, this royalty may be paid in addition to the maximum royalty determined according to the terms of the lease which was in effect on December 31, 1942, and may be similarly paid on the basis of premium or bonus money not in excess of 5¢ per pound of copper and 2¾¢ per pound each of lead and zinc if the leases in effect on December 31, 1942, provided for the payment of royalty on such premium money.

A new overriding royalty need not be submitted for approval if the total royalty to be paid by the sublessee does not exceed the maximum royalty as determined by the lease in effect on the property or working on December 31, 1942. In any case, however, in which the payment of an overriding royalty shall cause the total royalty to exceed that determined by the lease in effect on December 31, 1942, the provision for the payment of such overriding royalty must be approved by the Administrator. Request for approval shall be made within 30 days after the sublease or agreement providing for payment of the overriding royalty has been signed or executed and shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C. The overriding royalty submitted for approval may be approved or disapproved by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. In approving or disapproving an overriding royalty, the Office of Price Administration will take into consideration the level of overriding royalties in effect under similar circumstances in the mining district in which the property is situated as well as the information submitted with the request for approval. Pending such approval or disapproval, overriding royalty calculated according to the terms submitted for approval may be paid and received. Where an overriding royalty is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days any party requests him to do so.

A person making a request for approval of overriding royalty terms should give (1) the name and address of the parties to pay and to receive the overriding royalty (called the sublessee and sublessor), (2) a description of the property as to name and location, (3) the maximum royalty as determined by the lease in effect on December 31, 1942, (4) the base royalty to be paid, (5) the overriding royalty terms submitted for approval, (6) a statement of development work done or improvements made upon the property by the sublessor, (7) a list of the major items of equipment, if any, owned by the sublessor to be used by the sublessee, (8) a statement as to the sublessee's plans for putting the property into production, and (9) any other facts which the person requesting approval considers to be relevant to his request.

(b) *Amendment of leases to provide for minimum royalty.* Where, because of decline in grade or other cause, the royalty payable according to the terms of a lease in effect on December 31, 1942, is extinguished or is reduced in an amount disproportionate to the decline in grade or other change in circumstances, the lessee or lessor may ask the Administrator for permission to pay or to receive a royalty which shall be at the least, or minimum, a certain amount for each ton of ore mined or each pound of metal contained in ores or concentrates. This request shall be in the form of a request for approval of a supplementary provision of an existing lease or agreement, or a modified provision of a new lease or agreement, which provision calls for such a minimum royalty payment; and, when such a provision has been approved, royalty may be paid and received pursuant to it even though such royalty is higher than that which would otherwise be the maximum royalty under section 2.

Requests for approval of a minimum royalty provision shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and permission may be given by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. In approving or disapproving a minimum royalty provision, the Office of Price Administration will consider the reasonableness and fairness to all parties, under the circumstances, of the provision of such a minimum royalty. Where such a provision is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days any party requests him to do so.

A person making a request for approval of a provision for a minimum royalty should give (1) the name and address of the lessee and lessor, (2) a description of the property as to name and location, (3) the royalty terms of the lease in effect on December 31, 1942, (4) the royalty payable according to these terms during the last three months of operation, if available, (5) an estimate of the royalty which would be payable in the future if determined according to the terms of the lease in effect on December 31, 1942, (6) the minimum royalty provision submitted for approval, (7) an estimate as to ore reserves and grade, and (8) any other facts which the person requesting approval considers to be relevant to his request.

3. The following is added at the end of section 3:

No report is required of the royalty provided by the terms of a lease made prior to January 1, 1941, under which no work was done during 1941 and 1942, until work is done under such lease which will give rise to an obligation to pay royalty. However, from the time such work is begun under the lease, or from the date when any extension or amendment of such lease is made, it shall be considered as a new lease and the royalty to be paid under it shall be reported for approval.

If any person proposes, either as lessee or lessor, to enter into a number of leases covering similar properties or workings (not under lease on December 31, 1942) and containing identical royalty terms, he may request approval of such royalty terms in advance. Request for approval of such proposed royalty terms shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C. This letter shall set out the proposed royalty terms and shall identify and give a general description of the properties or workings to which they would apply. In approving or disapproving the proposed royalty terms for such a group of similar properties or workings, the Office of Price Administration will take account of the royalty provisions generally in effect for similar properties in the mining district in which the properties are situated. Requests for advance approval may be granted or denied by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. The denial of advance approval shall not prevent any party from thereafter entering into new leases and requesting approval of the royalties provided therein as is otherwise provided in this section 3.

This amendment shall become effective August 17, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 479, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13069; Filed, August 11, 1943; 1:49 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4253.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 10]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. The table following section 21 (c) (1) is amended by changing the wholesale maximum price of onions from "$3.30 per 50 lb. bag" to "$3.05 per 50 lb. bag", and by dividing the item "potatoes" into two categories to read as follows:

	Wholesale maximum prices	Special institutional maximum prices	Retail maximum prices
			Per lb.
Potatoes, US #1	$4.70 per 100 lbs.	None	$0.07
Potatoes, combination.	$4.45 per 100 lbs.	None	.07

2. The table following section 21 (d) (1) is amended by changing the wholesale maximum prices of grapefruit, all sizes, from "$4.90 per box" to "$4.80 per box"; the wholesale maximum prices of lemons, all sizes, from "$7.85 per box" to "$7.95 per box"; the wholesale maximum prices of oranges, all sizes, from "$6.10 per box" to "$6.15 per box"; the special institutional maximum price of oranges, 1⅙'s, from "$0.48 per doz." to "$0.49 per doz." and the retail maximum price of oranges, 150's, from "$0.65 per. doz." to "$0.66 per doz."

3. Section 44 (e) is amended by changing the price of "men's pants, dungarees" and "Nurses' uniforms (plain cotton)", and by changing the last sentence of the note following the table, all to read as follows:

Men's pants, dungarees	$0.20
Nurses' uniforms (plain cotton)	0.35

No additional charges of any kind whatsoever may be added to the maximum prices listed in this regulation, except that where, during April, 1942, a laundry customarily made an extra charge for doing laundry work in less than the regularly scheduled time, such laundry may make a charge for the same service in addition to the maximum prices set forth above; the amount of such charge shall be determined in the same manner as such charges were determined during April, 1942, although a smaller charge may be made.

This amendment shall become effective as of July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13070; Filed, August 11, 1943; 1:48 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666.

PART 1438—NONMETALLIC MINERALS

[MPR 327,[1] Amdt. 3]

CERTAIN NONMETALLIC MINERALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 327 is amended in the following respects:

1. The headnote of § 1438.2 (b) is amended to read as follows:

(b) *Maximum prices for certain commodities sold by the American Abrasive Company, Kyanite Products Corporation, the Metals Reserve Company, the Minnesota Mining & Manufacturing Company, the Pan-Chemical Company, the Western Feldspar Milling Company, and maximum prices for glass grade kyanite.*

2. Section 1438.2 (b) (7) is amended to read as follows:

(7) Any person may sell or deliver and any person may buy or receive in the course of trade or business glass grade kyanite, 48 to 80 mesh, packed in bags, at a price not in excess of $45 per ton, f. o. b. the seller's railroad shipping point.

This amendment shall become effective August 17, 1943.

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13071; Filed, August 11, 1943; 1:47 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 33]

EXCEPTIONS FOR CUSTOMHOUSE BROKERS' FEES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.46 (b) is amended by the addition thereto of the following subparagraph, which is numbered (129).

§ 1499.46 *Exceptions for certain services.* * * *

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges, or compensation for the following services;

* * * * *

(129) Customhouse brokers—fees and charges of.

This amendment shall become effective August 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13073; Filed, August 11, 1943; 1:49 p. m.]

[1] 8 F.R. 2154, 4645, 6116.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14, Amdt. 16]

ENZYMATICALLY-TREATED SYRUPS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Section 1.22 is added to read as follows:

SEC. 1.22 *Enzymatically-treated syrups manufactured from cereals and converted by the use of malt for use in the domestic malt brewing industry.* (a) Manufacturers' maximum prices to brewers for enzymatically-treated syrups manufactured from cereals and converted by the use of malt shall be $6.45 f. o. b. plant per cwt. for shipments of 15 barrels or more and $6.50 f. o. b. plant per cwt. for shipments less than 15 barrels unless such maximum prices previously established under the General Maximum Price Regulation are higher than the prices specified herein.

(b) All manufacturers increasing their maximum prices under the provisions of this section shall mail or otherwise supply a copy of this section to all purchasers prior to or at the time of the first delivery to such purchasers.

This amendment shall become effective August 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13702; Filed, August 11, 1943; 1:47 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306, Correction to Amdt. 11[1]]

MISCELLANEOUS FRUITS

Amendment No. 11 to Maximum Price Regulation No. 306 is corrected in the following respects:

1. The text of § 1341.583 (c) (1) is corrected to read as follows:

(c) *Red sour cherries.* (1) The maximum prices per dozen containers, f. o. b. factory, shall be as follows:

2. Footnote 1 of the table in § 1341.586 (d) (2) is corrected to read as follows:

[1] Except that for apricots, multiply by 1.045.

This correction shall become effective as of July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13074; Filed, August 11, 1943; 4:28 p. m.]

[1] 8 F.R. 10725.

PART 1359—BATTING, PADDING, WADDING UPHOLSTERY FILLING

[MPR 190,[1] Revocation]

FREE COTTON LINTERS

Maximum Price Regulation No. 190 (§§ 1359.1 and 1359.12, inclusive), Free Cotton Linters, is hereby revoked in accordance with Supplementary Order No. 40.[2]

This order shall become effective August 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13075; Filed, August 11, 1943; 4:28 p. m.]

PART 1419—EXPLOSIVES

[Rev. MPR 191]

COTTON LINTERS AND HULL FIBERS

Maximum Price Regulation 191 is redesignated as Revised Maximum Price Regulation 191 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1419.1 *Maximum prices for cotton linters and hull fibers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Revised Maximum Price Regulation No. 191 (Cotton Linters and Hull Fibers), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: Sec. 1419.1 (issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.).

REVISED MAXIMUM PRICE REGULATION NO. 191—COTTON LINTERS AND HULL FIBERS

CONTENTS

Sec.
1. Prohibition against sales of cotton linters and hull fibers at higher than maximum prices.
2. Less than maximum prices.
3. Adjustable pricing.
4. Relationship of this to other maximum price regulations.
5. Geographical applicability.
6. Records and reports.
7. Evasion.
8. Enforcement and licensing.
9. Definitions.
10. Petitions for amendment.
Appendix A: Maximum prices for chemical cotton linters and hull fibers.
Appendix B: Maximum prices for free cotton linters.

SECTION 1. *Prohibition against sales of cotton linters and hull fibers at higher than maximum prices.* (a) On and after August 17, 1943, regardless of any contract or other obligation:

No person making a sale of cotton linters or hull fibers for which maximum prices are set forth in this regulation shall sell or deliver such cotton linters or hull fibers at prices higher than the maximum prices set forth in this regulation.

No person purchasing cotton linters or hull fibers from a seller for whom maximum prices are set forth in this regulation shall buy or receive such cotton linters or hull fibers in the course of trade or business at prices higher than the maximum prices set forth in this regulation.

No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) Nothing in this revised regulation shall prevent the fulfillment of contracts entered into before August 11, 1943 for the sale of free cotton linters by dealers at prices not exceeding the maximum prices established by Maximum Price Regulation No. 190 prior to August 11, 1943 and where the linters were purchased and paid for by the dealer selling such linters and the title to the linters had passed to him prior to August 17, 1943.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Relationship of this to other maximum price regulations.*—(a) *General Maximum Price Regulation*[1] *and Maximum Price Regulations No. 190*[2] *and No. 191.*[3] The provisions of this regulation supersede the provisions of the General Maximum Price Regulation and Maximum Price Regulations No. 190 and No. 191 with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Exports (Second Revised Maximum Export Price Regulation*[4] *applicable.)* The maximum price at which a person may export cotton linters and hull fibers shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(c) *Imports.* This regulation applies to sales of imported cotton linters and hull fibers and Revised Supplementary Regulation No. 12[5] shall not apply.

SEC. 5. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia.

SEC. 6. *Records and reports.* (a) Every person making sales or purchases of cotton linters or hull fibers after August 16, 1943 for which maximum prices are established by this regulation, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase, showing the date thereof, the name and address of the seller and buyer, the price paid or received, and the quantity and quality of cotton linters or hull fibers sold or purchased.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required by paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, cotton linters or hull fibers, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 8. *Enforcement and licensing.*—(a) *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) *Licensing.* The provisions of Supplementary Order No. 11 (§ 1305.15), licensing distributors of chemicals and drugs, shall be applicable to any dealer selling cotton linters or hull fibers for which maximum prices are established by this regulation. The term "distributor" shall have the meaning given to it by Supplementary Order No. 11 which term includes a "dealer" as defined in this regulation. This order, in brief, provides that a license is necessary for dealers to make sales under this regulation. A license is automatically granted to such sellers. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order No. 11 describe the circumstances under which licenses may be suspended.

SEC. 9. *Definitions.* (a) When used in this regulation the term:

"Cotton linters" means the residual fibers removed by mechanical processes from cottonseed.

"Chemical cotton linters" means domestic or foreign cotton linters allocated to the chemical industry under any War Production Board Order.

"Free cotton linters" means domestic or foreign cotton linters not allocated to the chemical industry under any War Production Board Order.

"Hull fibers" means the short residual fibers removed by mechanical processes from cottonseed hulls.

"Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Producer" means any person who produces cotton linters or hull fibers and includes a person who is not independent of a producer.

"Independent" means not controlling, controlled by, or under common control.

"Dealer" means any person, other than a producer, who offers to sell or sells free cotton linters.

"Consumer" means any person, other than a dealer, who purchases free cotton linters.

"Seller's shipping point" in the case of sales of foreign linters or hull fibers means the port of entry in the United States.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.*

Appendix A: Maximum prices for chemical cotton linters and hull fibers—(a) *Sales by any person of chemical cotton linters and hull fibers produced or imported on or after August 1, 1943*—(1) *Chemical cotton linters.* The maximum price for chemical cotton linters produced or imported on or after August 1, 1943 shall be $.035 per pound, f. o. b. seller's shipping point, based upon an alpha cellulose content of 73 percent. For every one percent or fraction thereof of alpha cellulose content less than 73 percent, a deduction shall be made from such base price at the rate of at least $.0009 per pound. For every one percent or fraction thereof of alpha cellulose content more than 73 percent, the price may be increased at the rate of not more than $.0009 per pound.

(2) *Hull fibers.* The maximum price for hull fibers produced or imported on or after August 1, 1943 shall be $.0285 per pound, f. o. b. seller's shipping point, based upon an alpha cellulose content of 70 percent. For every one percent or fraction thereof of alpha cellulose content less than 70 percent, a deduction shall be made from such base price at the rate of at least $.0009 per pound. For every one percent or fraction thereof of alpha cellulose content more than 70 percent, the price may be increased at the rate of not more than $.0009 per pound.

(b) *Sales by any person of chemical cotton linters and hull fibers produced or imported on or after August 1, 1942 and before August 1, 1943*—(1) *Chemical cotton linters.* The maximum price for cotton linters produced or imported on or after August 1, 1942 and before August 1, 1943 shall be $.0435 per pound, f. o. b. seller's shipping point, based upon an alpha cellulose content of 73 per cent. For every one per cent or fraction thereof of alpha cellulose content less than 73 per cent, a deduction shall be made from such base price at the rate of at least $.0009 per pound. For every one per cent or fraction thereof of alpha cellulose content more than 73 per cent, the price may be increased at the rate of not more than $.0009 per pound.

(2) *Off-grade chemical cotton linters.* The following maximum prices f. o. b. seller's shipping point are established for off-grade chemical cotton linters produced on or after August 1, 1942 and before August 1, 1943, which have been released by the War Production Board under General Preference Order M-12 as unsuited for chemical uses:

	Per lb.
(i) Sales by cottonseed oil mills	$.0323
(ii) Sales by persons other than cottonseed mills	$.0355

(3) *Hull fibers.* The maximum price for hull fibers produced on or after August 1, 1942 and before August 1, 1943 shall be $.037 per pound, f. o. b. seller's shipping point, based upon an alpha cellulose content of 70 per cent. For every one per cent or fraction thereof of alpha cellulose content less than 70 per cent, a deduction shall be made from such base price at the rate of at least $.0009 per pound. For every one per cent or fraction thereof of alpha cellulose content more than 70 per cent, the price may be increased at the rate of not more than $.0009 per pound.

(c) *Sales by the United States or any agency thereof.* The maximum prices for sales of chemical cotton linters and hull fibers by the United States or any agency thereof shall be the applicable maximum prices established by paragraphs (a) or (b) above, increased by $.00055 per pound.

Appendix B: Maximum prices for free cotton linters—(a) *Sales by producers.* The following maximum prices are established for sales of free cotton linters by producers. These prices are f. o. b. seller's shipping point and include all commissions, brokerage fees or other charges. The grades listed below are the official standards of the United States Government for American cotton linters, as described in Service and Regulatory Announcement No. 94 of the United States Department of Agriculture. (7 CFR 28.201-28.211, inclusive.) Prices for linters classified as off-grade because of excess trash or other defects shall be appropriately reduced.

[Cents per pound]

Grade	High	Middle	Low
1	9	8.50	8
2	8	7.50	7
3	7	6.25	5.50
4	5.25	5	4.75
5	4.50	4	3.60
6	3.50	3.30	3.10
7	3	2.75	2.60

(b) *Sales by dealers.* The maximum prices for sales of free cotton linters by dealers shall be 108 per cent of the applicable maximum price established in paragraph (a) above. Actual transportation costs may be added to the maximum prices on such sales except that, in sales to consumers, the total of such transportation costs shall not exceed the costs of transportation from the producer's shipping point directly to the consumer's place of business at the lowest published rates for the size of shipment and type of carrier used.

Effective date. This regulation shall become effective August 17, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13076; Filed, August 11, 1943; 4:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 211,[1] Amdt. 5]

COTTON GINNING SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 211 is amended in the following respects:

1. The title of the regulation is amended to read, "Maximum Price Regulation No. 211—Cotton Ginning Services and Bagging and Ties."

2. § 1499.552 paragraph (c) is revoked; paragraph (b) is redesignated (c); paragraph (a) is amended; and paragraph (b) is added to read as follows:

§ 1499.552 *Maximum prices for cotton ginning services*—(a) *Maximum prices for cotton ginning services which are the same as or substantially similar to those sold by the ginner during the base period.* The maximum price for cotton ginning services which are the

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5943, 8948, 8 F.R. 4930, 6838.

[2] 8 F.R. 4325.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6969, 8511, 9025.

[2] 7 F.R. 5943, 8948; 8 F.R. 4930, 6838.

[3] 7 F.R. 6000.

[4] 8 F.R. 4132, 5987, 7662.

[5] 7 F.R. 10532; 8 F.R. 611, 2035.

[6] 7 F.R. 8961.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6828, 7406, 7322, 7813, 8237, 8943, 8948.

same as or substantially similar to the cotton ginning services sold or supplied by the ginner during the base period shall be:

(1) 110 per cent of the highest dollar-and-cent price[1] charged by the ginner for selling or supplying such services to a purchaser of the same general class during the base period; [2] or

(2) 26¼ cents per hundred weight of seed cotton for ginning picked cotton and 28⅞ cents per hundred weight of seed cotton for ginning bollies or snapped cotton for which prices the ginner shall render such other cotton ginning services (or services substantially similar thereto) as he sold or supplied to purchasers of the same general class during the base period; or

(3) In the event that a ginner is unable to determine his maximum price for ginning in accordance with subparagraph (2), 68¼ cents per hundred weight of lint cotton, gross weight bale, for ginning picked cotton and 75 cents per hundred weight of lint cotton, gross weight bale, for ginning bollies or snapped cotton, for which prices the ginner shall render such other cotton ginning services (or services substantially similar thereto) as he sold or supplied to purchasers of the same general class during the base period.

(b) *Maximum prices for bagging and ties.* (1) Except as set forth in paragraph (b) (2) and (3) of this section the maximum price for bagging and ties shall be 25 cents per pattern more than the actual net cost of bagging and ties delivered to the gin: *Provided*, That no price determined under this paragraph (b) (1) shall exceed $1.85 per pattern.

(2) In the case of a gin which has elected to determine its maximum price for cotton ginning services in accordance with paragraph (a) (1) of this section, the maximum price for bagging and ties shall be the higher of the following:

(i) 105 per cent of the highest dollar-and-cent price charged for bagging and ties to a purchaser of the same class during the base period: *Provided*, That a single base period transaction shall be used in determining the maximum price for both cotton ginning services and bagging and ties; [4] or

(ii) The price determined in accordance with paragraph (b) (1) of this section.

(3) In the case of a gin for which a maximum price for bagging and ties was established prior to August 11, 1943 by an order issued upon an application filed under paragraph (c) of this section, the maximum price for bagging and ties shall be the higher of the following:

(i) The price established by such order; or

(ii) The price determined in accordance with paragraph (b) (1) of this section.

3. Section 1499.553 is revoked.

4. Section 1499.556 is amended by deleting therefrom the words "or adjustment or exception."

5. Section 1499.558 is revoked.

6. Section 1499.564 (a) is amended to read as follows:

(a) Relief may be granted pursuant to the former text of this paragraph (a) where a petition for adjustment was filed on or before November 15, 1942. No petition for adjustment filed thereafter will be granted.

7. Section 1499.565 (a) (4) is amended to read as follows:

(4) "Cotton ginning services" means the supplying by a ginner of ginning and of such services performed incident thereto as hull extracting, cleaning, drying, sterilization, baling, wrapping, tying, weighing, stenciling, and storing.

8. Section 1499.565 (a) (13) is revoked.

9. Section 1499.567 is revoked.

10. In § 1499.568 paragraph (c) is amended and paragraphs (d) through (j) are added to read as follows:

(c) *Rule 3: Contents of application.* Every application filed in accordance with paragraph (c) of § 1499.552 and this § 1499.568 shall set forth the following:

(1) The name and post-office address of the applicant and a description of his business;

(2) The name and post-office address of the person filing the application on behalf of the applicant and the name and post-office address of the person to whom all communications from the Office of Price Administration relating to the application shall be sent;

(3) A clear and concise statement of the reasons why the applicant seeks a maximum price;

(4) A clear and concise statement of all facts in support thereof; and

(5) A statement of the price requested by the applicant.

(d) *Rule 4: Application must be verified.* The application shall be signed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are known by him to be true and correct. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths shall, without charge, administer the oath required by this rule.

(e) *Rule 5: Place for filing applications and number of copies.* An original and four copies of a petition for adjustment shall be filed with the appropriate Regional Office of the Office of Price Administration. A list of the Regional Offices with an enumeration of the states included in each region is set forth in Appendix D, incorporated herein as § 1499.570.

(f) *Rule 6: Investigation of application by Regional Administrator.* On receipt of an application, the Regional Administrator or the appropriate State or District Office, acting under the direction of the Regional Administrator, shall make such investigation of the facts pertaining to the application, hold such conferences and require the filing of such additional information and affidavits as may be necessary to the proper disposition of the application.

(g) *Rule 7: Action by Regional Office.* After due consideration the Regional Administrator may grant or deny, in whole or in part, any application which is properly pending before him. The decision of the Regional Administrator shall be accompanied by a statement of the reasons for his action. In cases of unusual difficulty or importance the Regional Administrator shall refer the petition for decision to the Administrator in Washington, D. C.

(h) *Rule 8: Review by Administrator.* Any applicant whose application has been denied in whole or in part by the Regional Administrator may, within fifteen days after the date on which such order of denial was mailed to him, file with the Regional Office a request for review by the Administrator of the order of denial. Requests for review shall be filed, in duplicate, in the manner set forth in Appendix C, incorporated herein as § 1499.569.

(i) *Rule 9: Action by Administrator.* After due consideration, the Administrator shall grant, or deny, in whole or in part, any request for review which is properly pending before him. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.

(j) *Rule 10: Protest of denial of request.* Any applicant whose request for review is denied in whole or in part by the Administrator may, within sixty days after the issuance of the Administrator's order finally denying such request, file a protest against such order in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

11. Section 1499.569 is amended to read as follows:

§ 1499.569 *Appendix C: Form for request for review of order of Regional Office concerning an application for a maximum price.*

(This request shall be filed in duplicate with appropriate Regional Office of the Office of Price Administration)

----------, an applicant for a maximum price pursuant to § 1499.552 (b) of Maximum Price Regulation No. 211, Cotton Ginning Services and Bagging and Ties, hereby requests the Office of Price Administration, Washington, D. C., to review the order of denial of such application (Docket No. --------) in whole or in part and/or order granting a maximum price entered by the ---------- Regional Office and mailed to the applicant on ----------, 194...

The applicant's objections to such order are as follows (applicant should state briefly and separately number his objections):

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[2] This pricing method shall not be used by a ginner who charged for cotton ginning services during the base period exclusively on a toll basis.

[3] Under this pricing method a ginner who, during the base period, had different charges for bollies or snapped cotton as contrasted to picked cotton should compute a separate maximum price for each kind of cotton.

[4] This means that a ginner shall not select the highest price he charged for ginning in one transaction and the highest price he charged for bagging and ties in another transaction.

This amendment shall become effective the 11th day of August 1943.

(Public Laws 421 and 729, 77th Cong.; Public Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13111; Filed, August 12, 1943; 10:52 a. m.]

PART 1304—IRON AND STEEL SCRAP

[Correction to RPS 4[1] as Amended Feb. 11, 1943]

IRON AND STEEL SCRAP

An item in the list of § 1304.13 (c) (5) is corrected to read as set forth below:

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap.* • • •

(c) • • •

(5) *Switching charge deductions for shipping points within basing points.*

(Switching charge deduction)

Basing point:	Cents per gross ton
• • • • •	•
Harrisburg, Pennsylvania----------	28
• • • • •	•

This correction shall be effective as of February 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13142; Filed, August 12, 1943; 12:00 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 300,[1] Amdt. 10]

MANUFACTURERS' MAXIMUM PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

Maximum Price Regulation 300 is amended in the following respects:

1. Section 1315.1753 (b) is amended by amending the head-note and the text preceding subparagraph (1) thereof to read as follows:

(b) *Maximum prices for all rubber drug sundries except those made in whole or in part of synthetic or substitute rubber.* This paragraph is applicable to all rubber drug sundries covered by this section except those made in whole or in part of synthetic or substitute rubber. The maximum price for a sale by a manufacturer of any rubber drug sundry covered by this paragraph shall be the first applicable of the following prices, less the deduction required by paragraph (d) of this section, wherever applicable, and less all discounts, allowances and other deductions which the manufacturer had in effect to a purchaser of the same class on December 1, 1941:

2. Section 1315.1753 (c) is amended to read as follows:

(c) *Maximum prices for rubber drug sundries made in whole or in part of synthetic or substitute rubber.* This paragraph is applicable to rubber drug sundries covered by this section which are made in whole or in part of synthetic or substitute rubber. The maximum price for the sale by a manufacturer of any rubber drug sundry covered by this paragraph shall be determined as follows:

(1) The manufacturer shall first determine the December 1, 1941, price of the rubber drug sundry to that class of wholesalers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. This price shall be determined in accordance with paragraph (b) of this section. If the manufacturer did not sell that rubber drug sundry to wholesalers during the calendar year 1942, the manufacturer shall first determine the December 1, 1941, price of the rubber drug sundry being priced to that class of retailers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. This price shall be determined in accordance with paragraph (b) of this section.

(2) The manufacturer shall then deduct a differential from the price determined in accordance with subparagraph (1). This differential shall be determined by multiplying the number of pounds of each type of synthetic or substitute rubber required to produce the rubber drug sundry by the difference between the price for the synthetic or substitute rubber in effect on December 1, 1941, and the price for the synthetic or substitute rubber in effect on August 1, 1943. If the manufacturer on December 1, 1941, sold several sizes or styles of rubber drug sundries at the same price to the same class of purchasers, he shall use the same differential for all the sizes or styles that he sold on December 1, 1941, at the same price to the same class of purchasers. This differential shall be calculated by the method set forth in this subparagraph except that in applying that method the manufacturer shall use the procedure he customarily used on December 1, 1941, to arrive at a uniform price for the different sizes or styles. If the manufacturer used no such customary procedure on December 1, 1941, he shall use as the basis for calculating the differential the size or style of which he sold the largest quantity during the period January 1, 1943, to June 30, 1943, inclusive.

(3) The price calculated in the manner just set forth is the manufacturer's maximum price to that class of purchasers for which he must calculate a price under subparagraph (1). The manufacturer shall determine his maximum price for sales of the rubber drug sundry to other classes of purchasers by adjusting this price to reflect the differentials that the manufacturer had in effect to other classes of purchasers on December 1, 1941.

3. Section 1315.1754 (a) is amended to read as follows:

(a) *Applicability of this section*—(1) *Persons.* This section is applicable to all manufacturers of rubber drug sundries, except distributors of rubber drug sundries.

(2) *Commodities.* This section is applicable to all rubber drug sundries, other than victory line, that are not covered by §§ 1315.1753 or 1315.1755c.

4. Section 1315.1754 (b) is amended to read as follows:

(b) *How the manufacturer calculates the maximum price.* The maximum price for the sale of any rubber drug sundry covered by this section shall be determined as follows:

(1) The manufacturer shall first select the rubber drug sundry he must use in determining the maximum price of the rubber drug sundry being priced. The method for selecting this rubber drug sundry is explained in paragraph (c) of this section.

(2) The manufacturer shall then determine his maximum price for the sale of that rubber drug sundry to the class of wholesalers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. This maximum price shall be determined in accordance with § 1315.1753. If the manufacturer did not sell that rubber drug sundry to wholesalers during the calendar year 1942, he shall determine the maximum price for the sale of the rubber drug sundry to that class of retailers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. This price shall be determined in accordance with § 1315.1753.

(3) The manufacturer shall then add to or subtract from the price determined in accordance with subparagraph (2), the amount by which the "factory costs" of the rubber drug sundry being priced are greater or less than the "factory costs" of the rubber drug sundry used as a basis for pricing. "Factory costs" of both rubber drug sundries shall be determined in accordance with paragraph (d) of this section.

(4) The resultant price is the manufacturer's maximum price for the sale of the rubber drug sundry being priced to that class of purchasers for which he must determine a maximum price under subparagraph (2). The manufacturer shall then determine his maximum price for sales of the rubber drug sundry being priced to other classes of purchasers by adjusting this price to reflect the differentials that the manufacturer had in effect to other classes of purchasers on December 1, 1941.

(5) Once the manufacturer has determined his maximum price for a rubber drug sundry under this section, that price is his maximum thereafter so long as the article is not modified sufficiently to result in a change of more than 5 percent in its factory costs. If the article

[1] Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1952, 2431, 7264.

[2] 8 F.R. 9203.

is modified to this extent, its maximum price must be recomputed in accordance with the provisions of this section. Factory costs must be determined in accordance with the provisions of paragraph (d) of this section.

5. Section 1315.1754 (e) (2) is amended by amending the first two sentences thereof to read as follows: "The price of synthetic or substitute rubber used in any rubber drug sundry shall be the price in effect on August 1, 1943. The price of any other materials used in a rubber drug sundry shall be the highest price charged on December 1, 1941, by the manufacturer's supplier, not to exceed the applicable maximum price."

6. Section 1315.1755c (a) (2) is amended to read as follows:

(2) *Maximum prices.* The maximum price of neoprene bulbs and bulb goods covered by this paragraph shall be determined as follows:

(i) The manufacturer shall first determine the maximum price for the sale of natural rubber bulbs or bulb goods of the same type and size to that class of wholesalers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. If the manufacturer did not sell that rubber drug sundry to wholesalers during 1942, he shall determine the maximum price for the sale of natural rubber bulbs or bulb goods of the same type and size to that class of retailers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. The maximum price for the natural rubber bulbs or bulb goods shall be determined in accordance with the applicable provisions of §§ 1315.1753 to 1315.1755b, inclusive.

(ii) The manufacturer shall then add a differential to the price determined in accordance with subdivision (i). That differential shall be $0.05 for ear and ulcer syringes, double-end bulbs and breast pump bulbs, and for bulb goods containing one of the types of bulbs just enumerated. For other neoprene bulbs and bulb goods containing neoprene bulbs, the differential shall be determined by reference to the following table:

Size of bulbs (in ounces):	Price differential
Less than 3	$0.05
3	.06
4	.07
5	.08
6	.09
7	.10
8	.11
9	.13
10	.15

(iii) The price determined in the manner just set forth is the manufacturer's maximum price to that class of purchasers for which he must calculate a maximum price for the natural rubber bulb or bulb goods under subdivision (i). The manufacturer shall determine his maximum price for sales of the neoprene bulb or bulb goods to other classes of purchasers by adjusting this price to reflect the differentials that the manufacturer had in effect to other classes of purchasers on December 1, 1941.

7. Section 1315.1765 (a) is amended to read as follows:

(a) *Victory line rubber drug sundries sold to any person, except a mail order house.* Victory line rubber drug sundries sold to any person, except a mail order house, shall be marked with the maximum retail price thereof set forth in Maximum Price Regulation No. 301. The maximum retail price shall be marked as follows: "Retail Ceiling $---"

8. Section 1315.1772 is amended by inserting the price $.61 opposite the item hospital grade (molded) hot water bottle and under the heading "To mass retail distributors".

9. Section 1315.1772 is amended by inserting the following items under the heading "Combination syringes (molded) equipped with 4'8" regular flow tubing, stopper, shut-off and screw socket":

Item	Maximum prices for sales by manufacturers		
	To wholesalers	To mass retail distributors	To other retailers and ultimate consumers
Hospital grade:			
Group I—2 slip pipes, adult rectal and vaginal	$0.70	$0.77	$0.93
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.75	.83	1.00
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories	.93	1.03	1.25

This amendment shall become effective August 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13143; Filed, August 12, 1943; 12:00 m.]

PART 1335—CHEMICALS

[MPR 354,[1] Amdt. 4]

COPPER SULPHATE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1335.1011 (a) (1) (ii) (*d*) is amended by changing the word "delivered" in the table heading to "f. o. b. works."

This amendment shall become effective August 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13145; Filed, August 12, 1943; 12:00 m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3943, 5809, 6176, 7765.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 80]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respect:

Section 1407.86 (g) is added to read as follows:

(g) A registering unit shall be entitled to the following additional allotments: for the period beginning July 1, 1943, 10 percent of its sugar base for the month of August 1943, and for the period beginning September 1, 1943, 10 percent of its sugar base for the months of September and October. The board shall grant these additional allotments to the registering unit, without further application therefor, at the same time that such registering unit applies for its allotment for the period which commences on September 1, 1943.

This amendment shall become effective August 14, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13141; Filed, August 12, 1943; 12:00 m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1787,[1] Field Administrator's Amdt. 2]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

SALMON CANNING INDUSTRY IN TERRITORY OF ALASKA

Section 401.1 of Order No. 1787, dated March 3, 1943 (8 F.R. 2892), is hereby amended in Schedule A thereof, by the Field Administrator acting pursuant to the authority granted in paragraph (c) of that order as amended July 15, 1943, because in his judgment such amendment is reasonable and advisable to give effect to the purposes of the order, and because the circumstances do not permit of the delay that would otherwise result. In District numbered XI item (1) is altered so that this item reads as follows:

XI. EASTERN DISTRICT

Name of person	Nucleus plant	No. of units
(1) Libby, McNeill & Libby, Taku.	Libby, McNeill & Libby, Taku.	2

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 8811, 9304, 9458, 10304, 10512.

[2] 8 F.R. 2892, 3740, 4795, 6550, 10024, 10942.

Issued this 3d day of August 1943.

RALPH A. FERRANDINI,
Field Administrator.

[F. R. Doc. 43-13108; Filed, August 12, 1943; 10:14 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 469-FD]

CARBON FUEL COMPANY

REPORT OF EXAMINER

In the Matter of the Application of the Carbon Fuel Company for exemption under the second paragraph of Section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed on March 10, 1938, with the National Bituminous Coal Commission, and an amended application filed on January 23, 1940, with the Bituminous Coal Division, successor to the Commission, by the Carbon Fuel Company (hereafter sometimes referred to as Carbon), a code member operating mines located in Kanawha County, West Virginia, in District 8. The application, pursuant to the provisions of the second paragraph of section 4-A of the Bituminous Coal Act of 1937, seeks exemption of certain transactions in coal from the provisions of section 4 and the first paragraph of section 4-A of the Act.[1]

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held on May 20-30, 1940, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room of the Division in Charleston, West Virginia. The matter was jointly heard with eight other applications in accordance with a ruling of the Examiner pursuant to a stipulation entered into by counsel for the Division, for Carbon, and for eight other applicants for exemption on similar grounds.[2]

Interested persons were afforded an opportunity to be present and to participate fully in the hearing. Appearances were entered by all applicants and the Consumers' Counsel Division (herein called Consumers' Counsel), the predecessor of the Bituminous Coal Consumers' Counsel.

In accordance with stipulations entered into between counsel for the Division and for several of the applicants separately, excerpts from the transcript in Docket No. 64-FD were introduced in evidence by the Division as a part of the record in this proceeding, to be of the same effect as depositions taken herein.

On July 3, 1940, Carbon and Winifrede filed a joint brief. On the same date a brief was also filed by Consumers' Counsel.

Having considered the record in this proceeding, I hereby make the following:

NOTE: Here follows proposed findings of fact and conclusions of law.[3]

Recommendation

After the above report was prepared it became apparent that the Bituminous Coal Act of 1937 will terminate August 24, 1943. After this date the minimum price provisions of the Act and the price schedule will become inoperative. An administrative determination that certain coals are or are not entitled to exemption from the general price provisions by reason of such expiry of the Act will, in such circumstances, be fruitless and ineffectual. Although I should normally recommend an order denying the exemptions requested in the application of the Carbon Fuel Company, in view of these considerations I recommend, rather, that the entire proceeding be terminated, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: July 31, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13132; Filed, August 12, 1943; 10:59 a. m.]

[Docket No. D-2 et al.]

ASSOCIATED PRODUCERS' COAL CO. ET AL.

ORDER OF DIRECTOR

In the matter of certain applications for permission to accept sales agents' commissions or distributors' discounts on sales to affiliated organizations. Docket Nos.: D-2, D-3, D-4, D-6, D-7, D-9, D-11, D-12, D-16, D-18, D-20, D-21, D-23, D-24, 1870-FD.

These several proceedings were instituted by applications filed with the Bituminous Coal Division by sales agents or registered distributors seeking permission to accept sales agents' commissions or distributors' discounts, or both, on sales of coal made by the applicants to affiliated companies or business organizations, pursuant to appropriate sections of the marketing rules and regulations or the rules and regulations for the registration of distributors. After appropriate notices, separate hearings were held in those matters before duly-designated examiners, interested parties being afforded an opportunity to participate fully therein.

In Docket No. D-21 involving an application by Walter Bledsoe & Company, the preparation or submission of a report by the examiner was waived by interested parties, and the matter is presently pending before me.

In the following dockets, reports of the examiners have been issued recommending that the applications be granted; so that these matters are likewise pending before me for ultimate disposition:

Docket No.:	Name
D-11	Associated Producers Coal Company.
D-18	Kevil Coal and Supply Company.

In the dockets listed below, no reports have been filed by the examiners:

Docket No.:	Name
D-2	St. George Coal Corporation.
D-3	Akron Coal Company.
D-4	Alabama Fuel and Iron Company.
D-6	St. Bernard Coal Company.
D-7	West Kentucky Coal Company, Inc.
D-9	Sterling Lumber and Investment Company.
D-12	Vanderbilt Coal & Coke Company, Inc.
D-16	Jackson, Hunter & Gould Coal Company.
D-20	Peabody Coal Company.
D-23	New England Coal and Coke Company.
D-24	William C. Atwater & Company, Inc.
1870-FD	Nashville Coal Company, Inc.

The Bituminous Coal Act of 1937, as amended, except as provided in section 19 thereof, will terminate at 12:01 a. m. on August 24, 1943. At that time, the scheme of minimum price regulation established by the Division, as well as the marketing rules and regulations and distributors' rules will become inoperative. Any relief previously granted pursuant to Rule 10 of section II of the marketing rules, §§ 317.12 (b) 8 and 317.19 (c) [formerly §§ 304.12 (b) 8 and 314.19 (c), respectively] of the distributors' rules, or other provisions of these rules and regulations, will be ineffective after that date.

Accordingly, I find that the applications in dockets Nos. D-2, D-3, D-4, D-6, D-7, D-9, D-11, D-12, D-16, D-18, D-20, D-21, D-23, D-24, and 1870-FD, should be dismissed, effective 12:01 a. m. on August 24, 1943.

It is so ordered.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13119; Filed, August 12, 1943; 11:01 a. m.]

[1] Section 4 of the Act, promulgated as the Bituminous Coal Code, is intended to regulate interstate commerce in bituminous coal and is "applicable only to matters and transactions in or directly affecting interstate commerce in bituminous coal."

[2] The matters thus consolidated are as follows:

Docket No. 465-FD	Wyatt Coal Company (hereinafter called Wyatt).
Docket No. 468-FD	Winifrede Collieries (hereinafter called Winifrede).
Docket No. 469-FD	Carbon Fuel Company.
Docket No. 470-FD	Truax-Traer Coal Company (hereinafter called Truax).
Docket No. 897-FD	Cedar Grove Collieries, Inc. (hereinafter called Cedar) and Richvein Coal Company (hereinafter called Richvein).
Docket No. 964-FD	Winifrede Collieries.
Docket No. 1161-FD	Kelley's Creek Colliery Company (hereinafter called Kelly).
Docket No. 1167-FD	Riverton Coal Company (hereinafter called Riverton).
Docket No. 1168-FD	Kanawha & New River Barge & Rail Coal Mines, Inc. (hereinafter called K&NR).

[3] Filed as part of the original document.

[Docket No. 1865-FD]

RANDALL FUEL COMPANY, INC.

MEMORANDUM OPINION AND ORDER OF DIRECTOR

In the matter of the application of Randall Fuel Company, Inc., to receive sales agent's commission and distributor's discounts on coal sold to Randall Brothers, Inc.

On July 17, 1943, after notice and hearing, W. A. Cuff, a duly designated examiner of the Division, submitted a report in which he found that the acceptance or retention of sales agent commissions or distributor discounts by the Randall Fuel Company, Inc., a registered distributor (Registration No. 7554), petitioner, on coal sold or purchased for sale to Randall Brothers, Inc., is not prohibited by Rule 10 of section II of the marketing rules and regulations, by § 317.19 (c) (formerly § 304.19 (c)) of the rules and regulations for the registration of distributors, by applicable provisions of the Act, or by other rules and regulations thereunder. The examiner recommended that an order be entered granting the relief prayed for in the petition herein. Interested persons were afforded an opportunity to file exceptions to the report of the examiner. As of the date hereof, no such exceptions have been filed.

I have considered the entire record in this proceeding and the examiner's report, and I find that the report adequately and accurately reflects the facts disclosed in the record. I believe that the proposed findings of fact and proposed conclusions of law should be approved and adopted as the findings of fact and conclusions of law of the Director.

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That the relief prayed in the petition is granted.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13120; Filed, August 12, 1943; 11:01 a. m.]

[Docket No. 1833-FD]

RYAN & BENSON FUEL CORP.

ORDER OF THE DIRECTOR

In the matter of Ryan & Benson Fuel Corporation, registered distributor, Registration No. 7951, respondent.

This proceeding was instituted by the Bituminous Coal Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and § 304.14 of the rules and regulations for the registration of distributors, in order to investigate and determine whether respondent Ryan & Benson Fuel Corporation, a registered distributor (Registration No. 7951), 2701 Falls Road, Baltimore, Maryland, has violated certain provisions of the Act, the marketing rules and regulations incidental to the sale and distribution of coal, the rules and regulations for the registration of distributors and the agreement by registered distributor.

Pursuant to appropriate orders of the Director and after due notice to interested persons, a hearing in this matter was held on November 17–19, 21, and 24–27, 1941, before Edward J. Hayes, a duly designated examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered by respondent and by the Office of the General Counsel of the Division. No report has been filed by the trial examiner.

In view of the fact that the Bituminous Coal Act, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued suspending or revoking the registration of respondent as a distributor will become inoperative after that date. Proceedings not finally decided at that time will become moot. Accordingly, as it seems inadvisable to determine the issues on the merits, the proceeding should be dismissed forthwith.

It is so ordered.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13121; Filed, August 12, 1943; 11:01 a. m.]

[Docket No. B-347]

BUCKEYE COAL AND COKE COMPANY

EXAMINER'S REPORT

This proceeding was instituted upon a notice of and order for hearing filed pursuant to § 304.14 (now 317.14) of the rules and regulations for the registration of distributors, to determine whether respondent, Buckeye Coal and Coke Company, a registered distributor (Registration No. 1203), of Columbus, Ohio, has violated the provisions of the Act, the Code and orders of the Division, including the marketing rules and regulations, the distributors' rules, and the distributor's agreement dated April 12, 1939 and filed with the Division.

Pursuant to an Order of the Director dated December 11, 1942, and after due notice to interested parties, a hearing in this matter was held on January 18, 1943, before the undersigned W. A. Cuff, a duly designated examiner of the Division, at a hearing room thereof in Columbus, Ohio. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of the General Counsel of the Division and respondent.

On February 26, 1943, respondent filed a "Petition to Reopen Proceedings" praying for a reopening of this proceeding in order to be afforded the opportunity of introducing newly discovered evidence.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m., August 24, 1943 (except as provided in section 19 thereof), no order suspending or revoking the registration of respondent as a distributor will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 9, 1943.

W. A. CUFF,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13118; Filed, August 12, 1943; 10:59 a. m.]

[Docket No. B-84]

JAMES R. FOLEY

ORDER OF DIRECTOR

This proceeding was instituted upon a complaint and amended complaint, duly filed with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 8, against James R. Foley, code member producer, operating the Foley Mine (Mine Index No. 3487), in District 8, Knox County, Kentucky. The complaint as amended alleged that code member had wilfully violated the Code and rules and regulations thereunder, particularly the order of the Director in General Docket No. 19, dated October 9, 1940, and prayed appropriate relief.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing was held in this matter on September 18, 1942, before Edward J. Hayes, a duly designated examiner of the Division, at a hearing room thereof in Middlesboro, Kentucky. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 8 and code member appeared. No report has been filed by the trial examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued revoking code membership or requiring code member to cease and desist from further violations will become inoperative after that date. Proceedings not finally decided at that time will become moot. Accordingly, as it seems inadvisable to determine the issues on the

merits, the proceeding should be dismissed forthwith.

It is so ordered.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13126; Filed, August 12, 1943; 11:01 a. m.]

[Docket No. B-329]

ARTHUR L. PETTY & LEMAR DENISON

ORDER OF DIRECTOR

This proceeding was instituted by the Bituminous Coal Division pursuant to sections 5 (b), 6 (a) and other pertinent provisions of the Bituminous Coal Act of 1937 to investigate and determine whether Arthur L. Petty and LeMar Denison, individually and as copartners, code member producer, operating the Browning Mine, Mine Index No. 125, in Emery County, Utah, in District 20, had wilfully violated the provisions of the Act, the Bituminous Coal Code, and the rules and regulations thereunder, including Order of the Director No. 312, dated February 24, 1941. Appropriate relief was prayed.

Pursuant to appropriate orders, and after due notice to interested persons, a public hearing in this matter was held on November 6, 1942, before Charles O. Fowler, a duly designated examiner of the Division, at a hearing room thereof in Price, Carbon County, Utah. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Both members of code member partnership appeared personally, and an appearance was entered by a representative of the Office of the General Counsel.

No report has been filed by said trial examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued required code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a report of the trial examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F R. Doc. 43-13117; Filed, August 12, 1943; 10:59 a. m.]

[Docket No. B-337]

BLAKE MINING COMPANY

REPORT OF EXAMINER

In the matter of Jasper Blake, Wendell Blake, and George Blake, individually and as copartners, doing business under the name and style of Blake Mining Company.

This proceeding was instituted upon a complaint duly filed October 15, 1942, with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 4, against code members, alleging that they violated certain provisions of the Act, the Code, and orders of the Division, and praying for appropriate relief.

Pursuant to appropriate orders of the Director and after due notice to interested persons, a hearing was held before the undersigned W. A. Cuff, a duly designated examiner of the Division, at a hearing room thereof in Coshocton, Ohio, on January 22, 1943. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 4 and code members appeared.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: July 31, 1943.

W. A. CUFF,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13115; Filed, August 12, 1943; 10:59 a. m.]

[Docket No. B-147]

EAST KENTUCKY COAL SALES, INC.

ORDER OF THE DIRECTOR

This proceeding was instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937 in order to investigate and determine whether or not the East Kentucky Coal Sales, Inc. (hereinafter called East Kentucky), a registered distributor (Registration No. 2612), whose address is 2408 Union Central Building, Cincinnati, Ohio, has violated certain provisions of the rules and regulations for the registration of distributors promulgated pursuant to section 4 II (h) of the Act, and whether or not its registration as a distributor should be revoked or suspended or other appropriate penalties imposed.

Personal service of the order was made on East Kentucky on March 16, 1942. An answer was filed on March 21, 1942. On April 10, 1942, District Board 8 filed a notice of desire to be heard.

Pursuant to a notice of and order for hearing dated March 11, 1942, and an amended Notice dated March 28, 1942, a hearing in this matter was held before Edward J. Hayes, a duly designated examiner of the Division, at a hearing room thereof, in Cincinnati, Ohio, on April 15–18, 1942. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. East Kentucky appeared and actively participated in the hearing. No report has been filed by the Trial Examiner.

In view of the fact that the Bituminous Coal Act, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued suspending or revoking the registration of respondent as a distributor will become inoperative after that date. Proceedings not finally decided at that time will become moot. Accordingly, as it seems inadvisable to determine the issues on the merits, the proceeding should be dismissed forthwith.

It is so ordered.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13116; Filed, August 12, 1943; 10:59 a. m.]

[Docket No. B-345]

BURKHARDT CONSOLIDATED COMPANY

EXAMINER'S REPORT

This proceeding was instituted by a notice of and order for hearing filed pursuant to § 304.14 (now 317.14) of the rules and regulations for the registration of distributors, to determine whether respondent, Burkhardt Consolidated Company, a registered distributor (Registration No. 1265) of Akron, Ohio, has violated any provisions of the Act, the Code and orders of the Division, including the marketing rules and regulations, the rules and regulations for the registration of distributors, and its distributor agreement, dated July 18, 1940, and filed with the Division.

Pursuant to an Order of the Director dated November 23, 1942, and after due notice to interested parties, a hearing in this matter was held on January 12, 1943, before the undersigned W. A. Cuff, a duly designated examiner of the Division at a hearing room thereof in Akron, Ohio. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered by a representative of the Office of the General Counsel of the Division, and by respondent.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will

expire at 12:01 a. m., August 24, 1943 (except as provided in section 19 thereof), no order suspending or revoking the registration of respondent as a distributor will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 9, 1943.

W. A. CUFF,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13114; Filed August 12, 1943; 10:59 a. m.]

[Docket No. B-319]

VENTO COAL COMPANY

MEMORANDUM OPINION AND ORDER DISMISSING PROCEEDING

In the matter of Tony Vento, an individual doing business under the name and style of Vento Coal Company, code member, District No. 17.

On March 5, 1943, after Notice and Hearing, Charles O. Fowler, a duly designated Examiner of the Division submitted a report in which he found that code member wilfully violated sections 4 II (e), (g) and (i) 8 of the Act, the corresponding sections of the Code and the rules and regulations thereunder and recommended that his code membership be revoked and that the tax to be paid by him as a condition precedent to restoration of code membership is $1,624.43.

Opportunity was afforded to all parties to file exceptions to the Examiner's Report. Code member filed exceptions and a brief in support thereof.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. on August 24, 1943 (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership, will become inoperative upon that date. Accordingly, as it is deemed inadvisable to determine the issues on the merits, this proceeding should be dismissed forthwith.

It is so ordered.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13127; Filed, August 12, 1943; 10:59 a. m.]

[Docket No. A-1735]

DISTRICT BOARD NO. 9

ORDER OF DIRECTOR

In the matter of the petition of District Board No. 9 to increase the effective minimum prices for certain mines.

Upon the findings of fact and conclusions of law set forth in the Opinion of the Director filed simultaneously herewith, wherein it appears that request was made for an increase of 30 cents per net ton in the effective minimum price for the coals in Size Groups 1 to 4 inclusive, produced for truck shipment by the Community Mine (Mine Index No. 269) of the Community Coal Company, Peach Orchard Mine (Mine Index No. 276) of the Peach Orchard Coal Company, Jay Kay Mine (Mine Index No. 270) of Joseph Katz, and the Walden Mine (Mine Index No. 911) of the Walden Coal Company, in Henderson County, Kentucky, in District 9, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937;

It is hereby ordered, That effective as of the date hereof, the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments is amended by increasing the minimum prices 30 cents per net ton for the coals in Size Groups 1 to 4 inclusive, produced for truck shipment by the Community Mine (Mine Index No. 269) of the Community Coal Company, Peach Orchard Mine (Mine Index No. 276) of the Peach Orchard Coal Company, Jay Kay Mine (Mine Index No. 270) of Joseph Katz, and the Walden Mine (Mine Index No. 911) of the Walden Coal Company, in Henderson County, Kentucky, in District 9.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13124; Filed, August 12, 1943; 10:57 a. m.]

[Docket No. A-1759]

KISTLER COAL COMPANY

ORDER OF DIRECTOR

In the matter of the petition of the Kistler Coal Company, code member in District No. 14, for revision of certain price classifications and minimum prices for coals produced from the Rock Island Mine.

Upon the findings of fact and conclusions of law set forth in the Opinion of the Director, filed simultaneously herewith, wherein it appears that the price classifications and minimum prices of the coals of the Rock Island Mine (Mine Index No. 203) of the Kistler Coal Company, in Le Flore County, Subdistrict 6 of District 14, in Size Groups 4, 6, 7, 8, 9 and 18, for rail and truck shipment should be revised to equal the price classifications and minimum prices of A-Grade Excelsior mines, such as the Boyd Excelsior, Reeves #1, Sun and Quality Mines (Mine Index Nos. 13, 33, 144 and 89, respectively), and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937.

It is hereby ordered, That effective as of the date hereof, the Schedules of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and for Truck Shipments are amended by revising the price classifications and minimum prices of the coals of the Rock Island Mine (Mine Index No. 203) of the Kistler Coal Company, in Le Flore County, Subdistrict 6 of District 14, for rail and truck shipments as follows:

	Size groups					
	4	6	7	8	9	18
Rail:						
From	J	K	K	K	L	O
To	D	E	E	E	E	J
Truck:						
From	435	435	435	435	410	345
To	475	475	475	475	450	375

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13125; Filed, August 12, 1943; 10:57 a. m.]

[Docket No. B-325]

JOHN FODERARO

MEMORANDUM OPINION AND ORDER DISMISSING PROCEEDING

In the matter of John Foderaro, Code Member, District 17.

On April 29, 1943, after notice and hearing, Charles O. Fowler, a duly designated Examiner of the Division submitted a report in which he found that code member wilfully violated the Act, the Code and Orders of the Division by selling coal below the effective minimum prices and by failing and refusing to file reports of sales of coal with the Statistical Bureau for District 17. The Examiner recommended that code membership of code member be revoked and that the tax to be paid by him as a condition precedent to restoration of code membership is $909.77.

Opportunity was afforded to all parties to file exceptions to the Examiner's report. No exceptions have been filed.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire on August 23, 1943, (except as provided in section 19 thereof), it appears advisable to dismiss this proceeding.

It is so ordered.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13128; Filed, August 12, 1943; 10:57 a. m.]

[Docket No. B-354]

HOMER MICHAEL

ORDER OF DIRECTOR

In the matter of Homer Michael, code member, District No. 1.

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division on December 22, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 1 against Homer Michael, code member, operating the Michael Mine (Mine Index No. 1763) located in Clearfield County, Pennsylvania, in Subdistrict 18 of District 1. The complaint alleged that code member had wilfully violated sections 4 II (e) and (g) of the Act and the corresponding sections of the Code, Orders of the Division Nos. 296, dated September 23, 1940 and 308 dated January 14, 1941, and prayed that appropriate relief be granted.

Pursuant to appropriate orders of the Director dated February 6, 1943 and March 5, 1943, and after notice to interested persons, a hearing in this matter was held on March 18, 1943 before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Altoona, Pennsylvania. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 1, a representative of the General Counsel of the Division, and code member appeared. No report has been filed by the Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued revoking code membership or requiring code member to cease and desist from further violations will become inoperative after that date. Proceedings not finally decided at that time will become moot. Accordingly, as it seems inadvisable to determine the issues on the merits, the proceeding should be dismissed forthwith.

It is so ordered.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13129; Filed, August 12, 1943; 10:57 a. m.]

[Docket Nos. 2-FD, et al.]

ALABAMA COALS, INC., ET AL.

ORDER OF DIRECTOR

In the matter of applications for provisional approval as marketing agencies. Dockets Nos. 2-FD, 3-FD, 4-FD, 5-FD, 7-FD, 52-FD, 361-FD, 362-FD, 497-FD, 498-FD, 504-FD, 603-FD, 619-FD, 662-FD, 821-FD, 896-FD, 1508-FD, 85-ID, and 86-ID.

Upon applications made in proceedings which are continuing in nature, appropriate orders have been issued by the National Bituminous Coal Commission or its successor, the Bituminous Coal Division, pursuant to the provisions of section 12 of the Bituminous Coal Act of 1937, as amended, granting the following applicants provisional approval as marketing agencies: [1]

[1] The orders issued in the 10 dockets first mentioned were issued by the Commission and those in the remaining four dockets by the Division.

Docket No. and Name:	*Date of orders*
2-FD, Alabama Coals, Inc.	September 22, 1937
3-FD, Appalachian Coals, Inc.	September 22, 1937
4-FD, Smokeless Coal Corporation	September 22, 1937
361-FD, Middle States Fuels, Inc.	October 17, 1938
362-FD, Southern Illinois Coals, Inc.	November 29, 1938
497-FD, Fairmont Coals, Inc.	January 5, 1939
498-FD, Western Pennsylvania Coal Corporation	December 21, 1938
504-FD, Kentucky Coal Agency, Inc.	November 29, 1938
603-FD, Arkansas-Oklahoma Smokeless Coals, Inc.	May 1, 1939
619-FD, Southwest Coal Company	June 28, 1939
662-FD, Upper Buchanan Smokeless Coals, Inc.	September 20, 1939
821-FD, Belleville Fuels, Inc.	January 9, 1940
896-FD, Brazil Block Fuels, Inc.	June 10, 1940
1508-FD, Indiana Coals Corporation	May 27, 1941

Subsequent orders have modified some of these original orders in certain respects. In addition, there is now pending, on orders to show cause issued by the Division, in all of the dockets hereinbefore mentioned except Docket No. 1508-FD, the matter of the further modification and amendment of the orders granting the applicants involved provisional approval as marketing agencies by incorporating therein various proposed provisions. In Dockets Nos. 504-FD and 603-FD, respectively, there are also pending petitions of Kentucky Coal Agency, Inc., and Arkansas-Oklahoma Coals, Inc., respectively, for provisional approval of modifications of their marketing agency contracts. In Dockets Nos. 662-FD and 821-FD, respectively, there is pending the question of renewal of the orders granting provisional approval as marketing agencies to Upper Buchanan Smokeless Coals, Inc., and Belleville Fuels, Inc., respectively. After separate notices and hearings in these several matters, the various Examiners issued their Reports in all dockets except Docket No. 603-FD, in which the right to have a Report of the Examiner prepared and submitted was waived by interested parties. The Reports of the Examiners, except in Docket No. 497-FD, recommended that the orders granting the applicants provisional approval as marketing agencies be modified to incorporate various provisions concerning, inter alia, commissions, discounts, prices, contracts, membership, and filing of reports. Exceptions were filed by the Bituminous Coal Consumers' Counsel to each of these Reports except that in Docket No. 497-FD, and, by the respective applicants, to the Reports of the Examiners in the respective dockets except that in Docket No. 504-FD. At the requests of the respective applicants, oral arguments before the Director were held in Dockets Nos. 3-FD, 4-FD, 361-FD, 362-FD, 497-FD, 619-FD, 821-FD and 896 FD. In Docket No. 497-FD, the Examiner recommended that, in view of the fact that the applicant had never functioned as a marketing agency and that there was little likelihood that it would do so in the near future, the order granting Fairmont Coals, Inc., provisional approval as a marketing agency should be modified to provide that the applicant should not commence operations until it should first notify the Division of its intentions to do so and obtain permission from the Division.

In Docket No. 1508-FD an order has been issued by the Director suspending the operation of certain conditions of the order of provisional approval, as amended, until further order of the Director. Therefore, the matters in all of the dockets aforementioned, except Docket No. 1508-FD, are now pending before the Director.

The Bituminous Coal Act of 1937, as amended, will terminate at 12:01 a. m. on August 24, 1943 (except as provided in section 19 thereof). Determination of all of the pending proceedings involving marketing agencies could not be made before the Act expires. It would be inappropriate to issue final orders affecting some agencies while leaving the status of other agencies unaffected. Moreover, the provisions of section 12 of the Act will become inoperative with the Act's expiration, so that it would be futile to continue provisional approval of any marketing agency after that date. To avoid any confusion as to the status of such agencies upon the expiration of the Act, I believe it is advisable to revoke all orders which heretofore granted provisional approval to the agencies, and to dismiss all of the above enumerated proceedings effective 12:01 a. m. on August 24, 1943.

In addition to the proceedings considered hereinbefore, applications for provisional approval have likewise been filed in the following proceedings:

Docket No. and Name:
- 5-FD, J. H. Weaver & Company.
- 7-FD, Iowa Coals, Inc.
- 52-FD, Empire Coal Company.
- 85-ID, Operators Coal Mining Company.
- 86-ID, Bluefield Coal and Coke Company.

In the three dockets first named, after notices, separate hearings were held before three Examiners, one of whom, Charles O. Fowler, was authorized to submit a report in each of the dockets. No report has been filed by this Examiner. The undersigned has given consideration to the records made at the hearings in these dockets. In view of the expiration of the Act on August 24, 1943, any order which might be issued in these proceedings would become inoperative after that date. Proceedings not finally disposed of at that time will become moot. Accordingly, it appears to the undersigned, after a consideration of the record, that it is unnecessary for reports to be filed by the Examiner or for orders to be issued by the Director in these proceedings since it seems inadvisable to determine the issues on the merits. For these reasons, these three proceedings should be dismissed.

After applications were filed with the Commission in Dockets Nos. 85-ID and 86-ID, the applicants were advised that these applications failed to conform to

the Rules of Practice and Procedure and Order No. 6. Operators Coal Mining Company also was advised that if, as investigation indicated, the applicant was sales distributor for only one producer, there was not a "combination" within the terms of section 12 of the Act. The applicants were requested promptly to communicate their decisions as to whether they would pursue thé matters further. Although considerable time has elapsed since then, no replies have been received. These applications should be dismissed.

It is therefore ordered, That, effective midnight August 23, 1943, the orders granting provisional approval to applicants as marketing agencies in Dockets Nos. 2–FD, 3–FD, 4–FD, 361–FD, 362–FD, 497–FD, 498–FD, 504–FD, 603–FD, 619–FD, 662–FD, 821–FD, 896–FD and 1508–FD are revoked, and the proceedings in these dockets are dismissed.

It is further ordered, That, effective midnight August 23, 1943, the applications for provisional approval as marketing agencies in Dockets Nos. 5–FD, 7–FD, 52–FD, 85–ID and 86–ID are dismissed.

Dated: August 11, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–13131; Filed, August 12, 1943; 10:57 a. m.]

[Docket No. D–17]

CONTINENTAL COAL COMPANY

MEMORANDUM OPINION AND ORDER OF DIRECTOR

In the matter of the application of Continental Coal Company for permission to receive and retain sales agents' commissions and distributors' discounts on coal sold to certain retail yards in which it is financially or otherwise interested.

On June 29, 1943, after notice and hearing, Joseph A. Huston, a duly designated Examiner of the Division, submitted a Report in which he found that the acceptance or retention of sales agents' commissions or distributors' discounts by Continental Coal Company, a registered distributor (Registration No. 1812) and sales agent, petitioner herein, on coal sold or purchased for resale to Kellogg Lumber Company or Colonial Fuel Company, is not prohibited by Rule 10 of section II of the Marketing Rules and Regulations, section 317.19 (c) (formerly 304.19 (c)) of the Rules and Regulations for the Registration of Distributors, or by the provisions of the Act or other rules and regulations thereunder. The Examiner recommended that an order be entered granting the relief requested in the petition herein.

An opportunity to file exceptions to the Report of the Examiner was afforded all interested parties, and as of the date hereof, no such exceptions have been filed.

I have considered the entire record in this proceeding and the Examiner's Report and upon the basis thereof I find that the Report adequately and accurately reflects the facts as disclosed by the record. Accordingly, I have concluded that the findings and conclusions therein contained should be approved and adopted as the findings of fact and conclusions of law of the Director.

Upon the basis of the entire record in this proceeding, and pursuant to Rule 10 of section II of the Marketing Rules and Regulations, section 317.19 (c) of the Rules and Regulations for the Registration of Distributors and applicable provisions of the Act,

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director; and

It is further ordered, That the relief prayed for in the petition herein be, and the same hereby is, granted in all respects.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–13130; Filed, August 12, 1943; 10:58 a. m.]

[Docket No. 600–FD]

UNION RAILROAD COMPANY

ORDER OF DIRECTOR

In the matter of the application of Union Railroad Company, for determination of status under section 4 II (1) of the Act.

This proceeding was instituted upon an application of Union Railroad Company (Union), for exemption of certain coal in Patton Township, Allegheny County, Pennsylvania, from the provisions of section 4 of the Bituminous Coal Act of 1937, pursuant to section 4 II (1) thereof, as being consumed by the producer.

Union, lessee of the coal lands, engaged Tri-Boro Supply Company (Tri-Boro), an independent contractor, to mine the coal for the exclusive use of Union for locomotive fuel. After notice and hearing before Examiner Travis Williams, the Examiner issued his report in which he recommended that the application be dismissed. This recommendation was based on his finding that Tri-Boro—not Union—was the producer of the coal and that Tri-Boro disposed of the coal to Union.

Union filed exceptions to the Report of the Examiner and requested oral argument thereon before me. However, the Bituminous Coal Act (except as provided in section 19 thereof) will cease to be in effect at 12:01 a. m., August 24, 1943. Therefore, in view of the approaching elapse of the statute, it is hardly feasible to schedule oral argument. Before this could be done, the filing of appropriate briefs permitted, and the issues raised finally determined, the Act would no longer be in effect. For these reasons, I find it advisable to dismiss the application, effective 12:01 a. m., August 24, 1943.

It is so ordered.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–13122; Filed, August 12, 1943; 10:58 a. m.]

[Docket No. 1504–FD]

CENTRAL COOPERATED WHOLESALE

ORDER DISMISSING PROCEEDING

In the matter of the application of the Central Cooperative Wholesale to be designated as a registered distributor.

This proceeding was instituted upon an application and a supplemental application filed with the Bituminous Coal Division by Central Cooperative Wholesale, pursuant to the order of the Division in General Docket No. 12 and the provisions of the Bituminous Coal Act of 1937, requesting registration as a distributor. Notices of appearance were thereafter filed by District Board 1, Consumers' Counsel Division (now the Bituminous Coal Consumers' Counsel), and the American Coal Distributors Association.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing in this matter was held before W. A. Shipman, a duly designated Examiner of the Division, on January 8 and 28, and March 3 and 22, 1941. On January 8, 1941, the applicant, Consumers' Counsel Division, the American Coal Distributors Association and representatives of the Office of the General Counsel appeared. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

On March 3, 1941 counsel for the applicant requested that the hearing herein be continued pending disposition by the Division of the application of Midland Cooperative Wholesale, Docket No. 1501–FD.

The record discloses that no hearing has been held in this matter and that no further action has been taken in connection therewith.

In view of the determination of the Director in Docket No. 1501–FD [1] and in view also of the expiration of the Bituminous Coal Act on August 24, 1943 at 12:01 a. m., it is deemed appropriate that the proceeding herein be dismissed.

It is therefore ordered, That effective August 24, 1943 at 12:01 a. m., the proceeding herein for the registration of the Central Cooperative Wholesale as a distributor, be and the same hereby is dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–13123; Filed, August 12, 1943; 10:58 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

[1] Affirmed in *Midland Cooperative Wholesale v. Ickes*, 125 F. (2d) 618, (C. C. A. 8th, 1942).

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations, cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Blue Bell-Globe Manufacturing Company, Brenham Avenue and Aldrich Street, Natchez, Mississippi; Cotton shirts and trousers; 10 percent (T); effective August 14, 1943, expiring August 14, 1944.

Clever Maid Uniform Company, 500 S. Peoria Street, Chicago, Illinois; Uniforms and work clothing; 10 learners (T); effective August 10, 1943, expiring August 10, 1944.

Covington Manufacturing Company, 118 Pace Street, Covington, Georgia; Men's sport and work shirts; 10 learners (T); effective August 11, 1943, expiring August 11, 1944.

Fairview Sportswear, Incorporated, Englewood, Tennessee; Pants and shirts; 150 learners (E); effective August 9, 1943, expiring February 9, 1944.

G. & G. Manufacturing Company, 120 Harrison Avenue, Boston, Massachusetts; Children's sportswear; 5 learners (T); effective August 9, 1943, expiring August 9, 1944.

Hickerson & Company, 1014–1018 Laurel Street, Brainerd, Minnesota; Mackinaws and jackets; 10 learners (T); effective August 11, 1943, expiring August 11, 1944.

Norman I. Kehr, Shrewsbury, Pennsylvania; Men's pajamas; 5 learners (T); effective August 10, 1943, expiring August 10, 1944.

Onyx Blouse Company, Lorigo Avenue, Orwigsburg, Pennsylvania; Boys' shirts; 10 learners (T); effective August 18, 1943, expiring August 18, 1944.

Onyx Blouse Company, Incorporated, Valley Street, New Philadelphia, Pennsylvania; Boys' shirts; 10 learners (T); effective August 18, 1943, expiring August 18, 1944.

Onyx Blouse Company, 474 N. Centre Street, Pottsville, Pennsylvania; Boys' and men's polo shirts; 10 learners (T); effective August 18, 1943, expiring August 18, 1944.

A. Ostreicher, 447 Gilligan Street, Wilkes Barre, Pennsylvania; Infants' dresses; 50 learners (E); effective August 9, 1943, expiring February 9, 1944.

Shrage and Pines, 12th & Laurel Streets, Pottsville, Penn., Polo shirts and pajamas; 10 percent (T); effective August 10, 1943, expiring August 10, 1944.

Shawnee Garment Manufacturing Company, 115½ North Bell, Shawnee, Oklahoma; Overalls, pants, shirts, coats, Government trousers; 10 learners (T); effective September 1, 1943, expiring September 1, 1944.

Westboro Underwear Company, 50 Milk Street, Westboro, Massachusetts; Women's woven cotton night gowns and pajamas; 10 learners (T); effective August 18, 1943, expiring August 18, 1944.

Gloves Industry

Aris Gloves, Incorporated, 28 Woodruff Street, Saranac Lake, New York; Knit fabric gloves; 45 learners (E); effective August 9, 1943, expiring February 9, 1944.

Menominee Glove Company, Sheridan Road, Menominee, Michigan; Gloves, mittens and headbands; leather dress gloves; 10 percent (E); effective August 16, 1943, expiring February 8, 1944.

Knitted Wear Industry

Monroe Mills, Monroeville, Alabama; Women's knitted underwear; 5 percent (T); effective August 10, 1943, expiring August 10, 1944.

Commonwealth Hosiery Mills, Randleman, North Carolina; Seamless hosiery; 10 percent (A. T.); effective August 10, 1943, expiring March 8, 1944.

Glenn Hosiery Company, Box 866 High Point, North Carolina; Seamless hosiery; 15 learners (A. T.); effective August 9, 1943, expiring December 9, 1943.

Haltom Hosiery Mill, 918 Millis Street, High Point, North Carolina; Seamless hosiery; 5 learners (T); effective August 21, 1943, expiring August 21, 1944.

Melrose Hosiery Mills, Incorporated, English Street, High Point, North Carolina; Seamless hosiery; 25 learners (A. T.); effective August 9, 1943, expiring March 11, 1944.

Cigars Industry

General Cigar Company, Incorporated, Anthracite Avenue, Kingston, Pennsylvania; Cigars; 10 percent (T); Cigar machine operators and packers for a learning period of 320 hours at 75% of the applicable minimum wage; effective August 13, 1943, expiring August 13, 1944.

Consolidated Cigar Corporation, Railroad & Furnace Streets, Allentown, Pennsylvania; Cigars; 5 learners (E); Cigar machine Operating for a learning period of 320 hours at 75% of the applicable minimum wage; effective August 9, 1943, expiring May 16, 1944.

Textile Industry

Lonsdale Company (Blackstone Mill), Tripp Street, North Smithfield, Rhode Island; Wind resistant and uniform poplins and broadcloth shirtings; 3 percent (T); effective August 18, 1943, expiring August 18, 1944.

Stringer Silk Spinning Mills, Main Street and Mitchell Avenue, Lansdale, Pennsylvania; Glued ribbon made of rayon fibres; 3 learners (T); effective August 25, 1943, expiring August 25, 1944.

Signed at New York, N. Y., this 10th day of August 1943.

MERLE D. VINCENT, *Authorized Representative, of the Administrator.*

[F. R. Doc. 43–13133; Filed, August 12, 1943; 11:18 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G–485]

UNITED GAS PIPE LINE COMPANY

NOTICE OF APPLICATION

AUGUST 9, 1943.

On July 19, 1943, United Gas Pipe Line Company filed with the Federal Power Commission an application seeking authority under section 7 (b) of the Natural Gas Act to remove approximately 8 miles of 12-inch pipe line extending in a southwesterly direction from what is known as the Waskom Area, located in Harrison County, Texas, and Caddo Parish, Louisiana, to United's Latex compressor station. The application states that there are now five lines which traverse the same general route as that of the facilities to be removed; that the line to be removed is no longer useful in transporting gas from the Waskom Area because of the decline in gas available from that source; and that the proposed removal of facilities will not affect service now rendered or which will be required to be rendered in the future. It is further stated that United has need in other parts of its system for the facilities sought to be removed.

Any person desiring to be heard with respect to this matter or to protest thereto should communicate with the Federal Power Commission, 1800 Pennsylvania Avenue, Washington, D. C., on or before August 25, 1943.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 43–13059; Filed, August 11, 1943; 12:33 p. m.]

[Docket No. G–486]

UNITED GAS PIPE LINE COMPANY

NOTICE OF APPLICATION

AUGUST 9, 1943.

On July 19, 1943, United Gas Pipe Line Company, a Delaware Corporation having its principal place of business at Shreveport, Louisiana, filed with the Federal Power Commission an application seeking authority under section 7 (b) of the Natural Gas Act, to remove approximately 30.6 miles of 18-inch pipe line,

extending in a southerly direction from an interconnection with the pipe line of Southern Natural Gas Company at a point near the town of Benton, Mississippi, to a point near Tougoloo College, Madison County, Mississippi. The line proposed to be removed forms the northern part of United Gas Pipe Line Company's transmission line, extending from Benton, Mississippi, to Mobile, Alabama. The applicant states that it has need in other parts of its system for the facilities to be removed.

The applicant states that there are contracts in effect between it and Southern Natural Gas Company for the sale of gas by the respective parties to one another through the facilities proposed to be removed. Applicant believes that it is extremely doubtful if Southern Natural Gas company will ever, in the future, require deliveries of gas through the facilities proposed to be removed as the latter is said to have an ample supply of gas available from other sources. It is further stated that applicant will not require deliveries of gas in the future through the interconnection with Southern Natural Gas Company's lines, except for sale to Mississippi Power and Light Company for resale in the town of Benton, as it has ample supplies of natural gas available for its Jackson district through its Monroe-Jackson-Mobile line. and its Lirette-Mobile line.

If the removal of the facilities is permitted, applicant proposes to furnish service to Benton by the construction of approximately 2,295 feet of 2-inch line from the point of the present interconnection with Southern Natural Gas Company's line to the existing 2-inch tap line serving Benton, and by the purchase of the gas requirements of Benton from Southern Natural Gas Company.

In the event that the Commission denies authorization for the removal of the facilities, applicant requests that the Commission determine a reasonable price to be paid applicant for gas sold to Southern Natural Gas Company, and, in addition, to provide for annual payments to be made by the latter to applicant to provide a reasonable return on the investment on the properties proposed to be removed.

Anyone desiring to be heard with respect to this application or to protest thereto shall communicate with the Federal Power Commission, 1800 Pennsylvania Avenue, Washington (25), D. C., on or before August 25, 1943.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 43-13060; Filed, August 11, 1943; 12:33 p. m.]

[Docket No. G-493]

CITIES SERVICE GAS COMPANY

ORDER FIXING DATE OF HEARING

AUGUST 9, 1943.

Upon consideration of the application filed August 4, 1943, by Cities Service Gas Company, a Delaware corporation having its principal place of business in Bartlesville, Oklahoma, seeking a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(1) A 12-inch loop line, 35.25 miles long, extending from Burbank, Oklahoma, to Tallant, Oklahoma;

(2) A 20-inch pipeline, 11.25 miles long, to loop an existing 18-inch tie-over line immediately south and southeast of Wichita, Kansas;

(3) The reconditioning of 16 miles of 16-inch line south of Wichita;

(4) An 8-inch pipeline 2.2 miles in length to serve the increased fuel requirements of the Socony Oil Refinery at Augusta, Kansas;

(5) The installation of 340 additional horsepower in applicant's existing Saginaw compressor station in Newton County, Missouri;

The Commission orders that:

(A) A public hearing in this proceeding be held commencing on August 25, 1943, at 9:30 a. m. in Room No. 527 in the U. S. Court House, Kansas City, Missouri, respecting the matters involved and the issues presented in this proceeding;

(B) The Trial Examiner designated to preside at this hearing may, in his discretion, consolidate the proceeding in this matter, for the purposes of the hearing only, with the proceeding In the Matter of Cities Service Gas Company, et al., Docket No. G-487, and In the Matter of Cities Service Transportation and Chemical Company, Docket No. G-488;

(C) Interested State commissions may participate in this proceeding as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 43-13061; Filed, August 11, 1943; 12:34 p. m.]

[Docket No. IT-5563]

THE OHIO PUBLIC SERVICE COMPANY

ORDER POSTPONING DATE FOR ORAL ARGUMENT

AUGUST 10, 1943.

It appearing to the Commission that:

(a) By order dated July 27, 1943, the above entitled matter was assigned for oral argument before the Commission sitting en banc, at Washington, D. C., on September 15, 1943.

(b) The full Commission may not be available to hear argument on the date assigned.

The Commission, on its own motion, orders that:

Oral argument before the full Commission sitting en banc, upon the matters involved in the above entitled proceeding, now set for September 15, 1943, at Washington, D. C., be postponed to September 29, 1943, at 9:45 a. m. (e. w. t.) in the Main Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 43-13109; Filed, August 12, 1943; 10:14 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-7-D-1]

SWEETENED CONDENSED MILK: USE OF CORN SIRUP

PROPOSED ORDER

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C. 133-133v (Supp. V, 1939)); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record herein, the following order be made:

FINDINGS OF FACT [1]

1. When sugar in condensed milk products is replaced in whole or in any substantial part with the solids of medium or high conversion corn sirup (see finding 9) the products when first prepared have physical properties similar to those of sweetened condensed milk prepared with sugar alone. However, unless the products are stored at relatively low temperatures (less than 50° F.) they soon become noticeably thicker; this is followed by gradual darkening and further thickening, so that in a few months they are unmarketable. When held below 50° F. these products remain usable after several months storage. Although some thickening and discoloration occurs when sweetened condensed milk prepared with sugar alone is held under ordinary temperatures over long periods of time, such deterioration is much less rapid than when corn sirup is used to replace sugar in whole or in any substantial part. In general, when corn sirup is so used to replace sugar, the rate and extent of deterioration are directly proportional to the degree of replacement of sugar by corn sirup. (R. pp. 30-31, 34-35, 61, 74-78, 99, 109-111, 182, 232, 233-240. 252-260, 289, 481-494, 505-522; O. P. Ex. 7; Govt. Ex. 3)

2. There is no evidence that corn sirup was used in preparing any kind of condensed milk product or condensed skim milk product prior to about February 1939. About March 1939, experiments were begun under a university fellowship established by a manufacturer of corn sirup, to determine whether corn sirup could be used to replace sugar, wholly or in part, in sweetened condensed skim milk. In these experiments high conversion corn sirup (see finding 9) was used, and batches were run with replacement of sugar by 25, 50, 75, and 100 percent corn sirup solids. Most of the work was done with skim milk, but one experimental batch was made with milk. In 1941 and 1942, under another university fellowship established by a different corn sirup manufacturer, small scale experiments, mostly with skim milk, were made, in which about one-third and one-half of the sugar was replaced with medium conversion corn sirup. In 1942 and 1943, somewhat similar experiments were made in the laboratories of the Bureau of Dairy Industry of the United States Department of Agriculture, with milk and various combinations of medium and high conversion corn sirups or dried corn sirups with sugar. All these experiments gave substantially the same results as those described in finding 1. (R. pp. 30-31, 34-35, 61, 74-78, 99, 100-111, 182, 232, 233-240, 252-260, 289, 481-494, 505-522; O. P. Ex. 7; Govt Ex. 3)

3. The results of replacing sugar wholly or partly with corn sirup when milk is used are substantially the same as when skim milk is used. (R. pp. 37-38, 245, 481-494, 505-522)

4. Following publicity given to the results of the first experiments referred to in finding 2, a few manufacturers of milk products began to prepare and sell small amounts of sweetened condensed skim milk in which corn sirups in varying proportions are used along with sugar. These products are purchased by candy makers, bakers, and ice cream manufacturers, who are usually informed of the composition, generally by a statement of the percent by weight of sugar and corn sirup solids in the finished products. When proper allowances are made by the purchaser for the different quantities and characteristics of the sweetening ingredients, these products are acceptable. Occasionally small amounts of condensed products are made from corn sirup, sugar, and milk or a partially skimmed milk, the fat content of which approaches that of low-fat milk. These products, in general, show the same characteristic differences from those sweetened with sugar alone as are shown by the corresponding skim milk products. (R. pp. 37-38, 94-95, 192-196, 303-304. 328, 330, 365-366, 376-378; Govt. Ex. 6)

5. Although experience with the use of corn sirup in condensed milk products has been quite limited, the evidence shows that products suitable for use as ingredients in the manufacture of certain other foods can be made by condensing milk with corn sirup or a mixture of sugar and corn sirup. However, such products, because of their relatively rapid deterioration when unrefrigerated, cannot be satisfactorily marketed for household use, since the usual method of retail distribution of sweetened condensed milk does not involve refrigeration. Sweetened condensed milk for household use has always been prepared with sugar alone. (R. pp. 31, 39-41, 64-65, 195-196, 236, 250, 304, 328, 357, 522-524, 543-545; Govt. Ex. 3)

6. The cost of corn sirup, on the basis of its solids content, and of dried corn sirup, is less than that of sugar, and condensed milk prepared with corn sirup or dried corn sirup can be produced at a cost less than that of sweetened condensed milk, the difference depending on the extent of replacement of sugar. Differing percentages of corn sirup solids and of sugar in condensed milks also result in differing properties and characteristics in such condensed milks and necessitate allowances or adjustments in the formulas of the foods in which such condensed milks are used as ingredients. (R. pp. 69, 229, 338-339, 360-361, 388, 524-526; O. P. Ex. 7, 8; Govt. Ex. 3, 7, 10, 11, 12)

7. The only users of condensed milks containing corn sirup solids so far known are manufacturers of candy, ice cream, and bakery products. Most such articles are prepared in accordance with formulas specifying the quantities of corn sirup solids and sugar to be used. Changes in these quantities cause differences in the properties and characteristics of the finished foods. In order to use in such foods condensed milks containing corn sirup solids and sugar without risk of changing such finished products it is necessary for the users to know the quantities of corn sirup solids and sugar in the condensed milk. Label declaration of the percentages by weight of corn sirup solids and of sugar in such condensed milks furnishes this necessary information. (R. pp. 35, 66, 169, 199-200, 283, 310, 328, 336, 345, 367, 374, 381-385, 387-388, 460-462, 550-554; O. P. Ex. 8; Govt. Ex. 7, 9, 12, 13, 14, 15)

8. Condensed milks in which all or part of the sugar has been replaced with corn sirup solids have not acquired common or usual names. Designations for such products which are accurate and informative and which will differentiate them from sweetened condensed milk and from each other are "corn sirup condensed milk", when corn sirup or dried corn sirup is used alone; and when mixtures of corn sirup or dried corn sirup and sugar are used, such names as "10% corn sirup solids 30% sugar condensed milk", "21% corn sirup solids 21% sugar condensed milk", the percentages stated being the whole numbers nearest the actual percentages. (R. pp. 378, 462-463, 467-468, 478, 551-552, 554-555; O. P. Ex. 1, 8; Govt. Ex. 6, 7, 8, 12, 13)

9. All corn sirups are clarified and concentrated aqueous solutions of the products obtained by the incomplete hydrolysis of cornstarch. Corn sirups are sometimes dried and used in the dried state. At first only the high conversion corn sirup was used in condensed skim milk products but more recent experiments with medium conversion corn sirup show that it is also suitable for such use. No experiments have been made with low conversion corn sirup, and trade opinion indicates that it is unsuitable for such use. The differences between the low, medium, and high conversion sirups are due to differences in the quantity of certain saccharine substances in comparison with the quantity of dextrins. In common commercial practice the degree of conversion is expressed as the percent by weight (in the dry matter) of reducing sugars, calculated as anhydrous dextrose. Corn sirups and dried corn sirup showing on this basis not less than 40 percent reducing sugars, which is about the lower limit for medium conversion corn sirup, are suitable for use in condensed milks. (R. pp. 30, 120, 242, 393-406, 420-440; O. P. Ex. 7; Govt. Ex. 3)

[1] The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made but on consideration of all the evidence of record.

On the basis of the foregoing findings of fact it is concluded that:

(1) It would not promote honesty and fair dealing in the interest of consumers to provide for the use of corn sirup as an ingredient of sweetened condensed milk.

(2) The following regulation fixing and establishing definitions and standards of identity for condensed milks with corn sirup will promote honesty and fair dealing in the interest of consumers:

§ 18.535 *Condensed milks with corn sirup; identity.* (a) Condensed milks with corn sirup are the foods each of which conforms to the definition and standard of identity prescribed for sweetened condensed milk by § 18.530 except that corn sirup or a mixture of corn sirup and sugar is used instead of sugar or a mixture of sugar and dextrose. For the purposes of this section the term "corn sirup" means a clarified and concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of such corn sirup contain not less than 40 percent by weight of reducing sugars, calculated as anhydrous dextrose.

(b) The name of each such food is:

(1) "Corn sirup condensed milk," if corn sirup alone is used; or

(2) "_____% Corn sirup solids _____% sugar condensed milk," if a mixture of corn sirup and sugar is used, the blanks being filled in with the whole numbers nearest the actual percentages of corn sirup solids and sugar in such food.

Filing of Exceptions

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2242, South Building, 14th Street and Independence Avenue, Southwest, Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

[SEAL] WATSON B. MILLER,
Acting Administrator.

AUGUST 10, 1943.

[F. R. Doc. 43-13110; Filed, August 12, 1943; 10:48 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4999]

CHEMICALS OF THE SOUTH, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, August 17, 1943, at ten o'clock in the forenoon of that day (central standard time) in County Court Room, Fourth Floor, County Court House, Nashville, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

A. N. Ross,
Acting Secretary.

[F. R. Doc. 43-13112; Filed, August 12, 1943; 11:01 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1923]

Estate of William Leitzman

In re: Estate of William Leitzman, also known as Wm. Litzman, deceased; File D-28-2465; E. T. sec. 3491.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lottie Mellen Rowett, Administratrix, acting under the judicial supervision of the Probate Court of the County of Elmore, State of Idaho;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

August Leitzman, Germany.
Frank Leitzman, Germany.
Carl Leitzman, Germany.
Fred Leitzman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of August Leitzman, Frank Leitzman, Carl Leitzman, and Fred Leitzman, and each of them, in and to the Estate of William Leitzman, also known as Wm. Litzman, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 43-13081; Filed, August 12, 1943; 9:40 a. m.]

[Vesting Order 1924]

Trust Under Will of Emil Mohr

In re: Trust under the will of Emil Mohr, deceased; File D-28-2514; E. T. sec. 4441.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bank of Sheboygan, 622 North Eighth Street, Sheboygan, Wisconsin, Trustee, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Sheboygan;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elsie Brunow, Germany.
Joachim Wegener, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Elsie Brunow and Joachim Wegener, and each of them, in and to the Trust Estate created under the Last Will and Testament of Emil Mohr, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 43-13082; Filed, August 12, 1943; 9:40 a. m.]

[Vesting Order 1925]

Mozart Apartments Liquidation Trust

In re: Mozart Apartments Liquidation Trust, No. 31483; File D-66-839; E. T. sec. 4858.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Chicago Title and Trust Company, 69 West Washington Street, Chicago, Illinois, Trustee, acting under the judicial supervision of the Circuit Court of Cook County, Illinois, Case No. B-202,876;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Eric T. Hessle, Vienna 111 Beatrice Gasse #7 Germany (Austria).

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Eric T. Hessle in and to the Mozart Apartments Liquidation Trust, No. 31483,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 43-13083; Filed August 12, 1943; 9:40 a. m.]

[Vesting Order 1926]

Estate of Martha M. Niemann

In re: Estate of Martha M. Niemann, deceased; File No. D-28-3579; E. T. sec. 5786.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Bertha Stangohr Kehl, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Bertha Stangohr Kehl in the sum of $736.60, which amount was deposited with the Treasurer of Cook County, Illinois, on December 9, 1942, pursuant to order of the court of December 9, 1942, to the credit of the aforesaid national;

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 43-13084; Filed, August 12, 1943; 9:40 a. m.]

[Vesting Order 1927]

Estate of Bertha Nitz

In re: Estate of Bertha Nitz, deceased; File No. D-28-1769; E. T. sec. 1032.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Karl Nitz, Administrator, acting under the judicial supervision of the Surrogate's Court, Orange County, Goshen, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany,

Nationals and Last Known Address

Emilie Wolf, Germany.
Ida Brendenahl, Germany.
William Frederich August Nitz, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emilie Wolf, Ida Brendenahl and William Frederich August Nitz, and each of them, in and to the Estate of Bertha Nitz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 43-13085; Filed, August 12, 1943; 9:40 a. m.]

[Vesting Order 1928]

Estate of Martha Oschman

In re: Estate of Martha Oschman, deceased; File No. D-28-3564; E. T. sec. 5729),

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Velma Shuman, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Velma Shuman in the sum of $500.00, which amount was deposited with the Treasurer of Cook County, Illinois, on July 11, 1942, pursuant to order of the court of May 29, 1942, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13086; Filed, August 12, 1943; 9:41 a. m.]

[Vesting Order 1929]

ESTATE OF JOHN PAOLETTI

In re: Estate of John Paoletti, deceased; File No. D–38–520; E.T. sec. 5734.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Agostino Paoletti, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Agostino Paoletti in the sum of $503.59, which amount was deposited with the Treasurer of Cook County, Illinois, on January 30, 1942, pursuant to order of the court of January 23, 1942, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13087; Filed, August 12, 1943; 9:41 a. m.]

[Vesting Order 1930]

TRUST UNDER WILL OF LOUIS POCKWITZ

In re: Trust under will of Louis Pockwitz, deceased; File D–28–2348; E. T. sec. 3335.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Bank of America National Trust and Savings Association, Trustee, acting under the judicial supervision of the Superior Court in the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Frieda vom Hofe and her descendants, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frieda vom Hofe and her descendants in and to the Trust Estate created under the Will of Louis Pockwitz, deceased, and by virtue of a decree of the aforesaid court entered on December 24, 1924 in the estate of Louis Pockwitz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13088; Filed, August 12, 1943; 9:41 a. m.]

[Vesting Order 1931]

ESTATE OF PAULA REINER

In re: Estate of Paula Reiner, also known as Paula Moskovitz, Paul Moskowitz, Margaret Reiner and Margaret Paula Moskovitz, deceased; File No. D–34–138; E. T. sec. 5219.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Julius Kahn, Executor, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Miksani Rosenfeld, Hungary.
Anna Rosenfeld, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Miksani Rosenfeld and Anna Rosenfeld, and each of them, in and to the estate of Paula Reiner, also known as Paula Moskovitz, Paula Moskowitz, Margaret Reiner and Margaret Paula Moskovitz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13089; Filed, August 12, 1943; 9:41 a. m.]

[Vesting Order 1932]

ESTATE OF ANNA EMILIE RICHTER

In re: Estate of Anna Emilie Richter, deceased; File No. D–28–3551; E. T. sec. 5719.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johannes Richter, Germany.
Charlotte Richter, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Johannes Richter in the sum of $1,719.94, and Charlotte Richter in the sum of $1,719.95, which amounts were deposited with the Treasurer of Cook County, Illinois, on May 13, 1942, pursuant to order of the court of February 4, 1942, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, expect a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13090; Filed, August 12, 1943; 9:41 a. m.]

[Vesting Order 1933]

ESTATE OF HEINRICH HERMAN RIECKE

In re: Estate of Heinrich Herman Riecke, also known as Henry Riecke, Henry Herman Riecke and Heinrich L. Riecke, deceased; file No. D–28–6670; E. T. sec. 5165.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Herman Otten, Germany.
Johannes also known as Hans Otten, Germany.
Dr. Carl Otten, Germany.
Lissette Louise Wilhelmine, also known as Wilma Nagel, Germany.
Wilhelm Otten, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Herman Otten, Johannes also known as Hans Otten, Dr. Carl Otten, Lissette Louise Wilhelmine also known as Wilma Nagel and Wilhelm Otten, and each of them, in and to the estate of Heinrich Herman Riecke, also known as Henry Riecke, Henry Herman Riecke and Heinrich L. Riecke, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when

it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13091; Filed, August 12, 1943; 9:42 a. m.]

[Vesting Order 1934]

ESTATE OF CAROLINE ROSENOW

In re: Estate of Caroline Rosenow, deceased; File No. D–28–3581; E. T. sec. 5788.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Carry Eggebrecht, Germany.
Wilhelm Eggebrecht, Germany.
Walter Rosenow, Germany.
Ruth Greschke, Germany.
Hans Joachim Rosenow, Germany.
Waltraut Rosenow, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Carry Eggebrecht in the sum of $251.84, Wilhelm Eggebrecht in the sum of $251.84, Walter Rosenow in the sum of $167.89, Ruth Greschke in the sum of $167.89, Hans Joachim Rosenow in the sum of $83.94, and Waltraut Rosenow in the sum of $83.94, which amounts were deposited with the Treasurer of Cook County, Illinois, on December 2, 1942, pursuant to order of the court of October 27, 1942, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13092; Filed, August 12; 1943; 9:42 a. m.]

[Vesting Order 1935]

GUARDIANSHIP OF DANTE ROSSETTO

In re: Guardianship of Dante Rossetto, a minor; File F–38–3828; E. T. sec. 4099.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lehigh Valley Trust Company, 634–636 Hamilton Street, Allentown, Pennsylvania, Guardian, acting under the judicial supervision of the Orphans' Court of Lehigh County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Dante Rossetto, Italy,

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Dante Rossetto in and to the property in the possession of the Lehigh Valley Trust Company, Guardian of Dante Rossetto, a minor,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13093; Filed, August 12, 1943; 9:42 a. m.]

[Vesting Order 1936]

ESTATE OF RUDOLPH SCHMAELING

In re: Estate of Rudolph Schmaeling, deceased; File D–9–100–28–1781; E. T. sec. 944.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John F. Thill, Executor, acting under the judicial supervision of the Surrogate's Court, County of Kings, State of New York;

(2) Such property and interests are payable and deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johanna Schmitt, Germany.
Joseph Schmaeling, Germany.

Rudolph Schmaeling, Germany.
Augusta Kogler, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johanna Schmitt, Joseph Schmaeling, Rudolph Schmaeling and Augusta Kogler, and each of them, in and to the Estate of Rudolph Schmaeling, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13094; Filed, August 12, 1943; 9:42 a. m.]

[Vesting Order 1937]

ESTATE OF JOSEPH SILVER

In re: Estate of Joseph Silver, deceased; File D–38–1191; E. T. sec. 4931.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Omaha National Bank, Omaha, Nebraska, Administrator, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Douglas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Rosa Silveri Filosomi, Rome, Italy.
Luisa Silveri Gabrielli, Rome, Italy.
Sara Silveri Costa, Rome, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to the above designated nationals as follows:

Rosa Silveri Filosomi	$3,330.46
Luisa Silveri Gabrielli	3,330.46
Sara Silveri Costa	3,330.47

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13095; Filed, August 12, 1943; 9:42 a. m.]

[Vesting Order 1938]

ESTATE OF INES STROSS

In re: Estate of Ines Stross, deceased; File D–66–56; E. T. sec. 1033.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Central Hanover Bank & Trust Company of New York, New York, and Emil Goldmark, Executors, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationalists of designated enemy countries, Italy and Germany (Austria), namely,

Nationals and Last Known Address

Max Stross, Italy.
Tina Fenoaltea, Italy.
Bruno Lunel, Italy.
Beatrice Rappaport, Italy.
Adele Bardelli, Italy.
Emilia Castelbolognese, Italy.
Dr. Hans W. Bohuslaw, Germany (Austria).

And determining that—

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Italy and Germany (Austria); and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Max Stross, Tina Fenoaltea, Bruno Lunel, Beatrice Rappaport, Adele Bardelli, Emilia Castelbolognese and Dr. Hans W. Bohuslaw, and each of them, in and to the estate of Ines Stross, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13096; Filed, August 12, 1943; 9:43 a. m.]

[Vesting Order 1939]

TRUST UNDER WILL OF EUGENIE H. SULLIVAN

In re: Trust under the will of Eugenie H. Sullivan, deceased; File D-28-2605; E. T. sec. 5352.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity-Philadelphia Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Adeline Foerg, Germany.
Erna Klenk, Germany.
Frieda Woelflin, Germany.
Adolf Woelflin, Germany.
Jenny Woelflin, Germany.
Helmut Woelflin, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Adeline Foerg, Erna Klenk, Frieda Woelflin, Adolf Woelflin, Jenny Woelflin and Helmut Woelflin and each of them in and to a trust estate created under the will of Eugenie H. Sullivan, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13097; Filed, August 12, 1943; 9:43 a. m.]

[Vesting Order 1940]

ESTATE OF MINORU TAKIGUCHI AND MAKATO TAKIGUCHI

In re: Joint Guardianship Estate of Minoru Takiguchi and Makato Takiguchi, minors; File D-39-11136; E. T. sec. 6449.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described in subparagraphs (a) and (b) are property which is in the process of administration by E. Ray Cowden, guardian, acting under the judicial supervision of the Superior Court of the State of Arizona, in and for the County of Maricopa;

(2) The property and interests described in sub-paragraph (a) are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Minoru Takiguchi, Japan.
Makata Takiguchi, Japan.

(3) The property and interest described in subparagraph (b) are property within the United States owned by nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Minoru Takiguchi, Japan.
Makata Takiguchi, Japan.

And determining that—

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest and claim of any kind or character whatsoever of Minoru Takiguchi and Makato Takiguchi, and each of them in and to the Guardianship Estate in the possession of E. Ray Cowden, guardian, of the above entitled Guardianship Estate.

(b) All that real property, together with all fixtures, improvements and appurtenances thereto, subject to recorded liens and encumbrances and other rights of record, situated in Maricopa County, State of Arizona, and particularly described as follows:

The Southeast Quarter (SE¼) of section Six (6), Township One (1) North, Range One (1) East of the Gila and Salt River Base and Meridian, In Maricopa County, Arizona. Except for rights of way for highways, canals, laterals and ditches.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13098; Filed, August 12, 1943; 9:43 a. m.]

OFFICE OF PRICE ADMINISTRATION

[Order 13 Under MPR 127]

GRANTING EXCEPTION TO PETITIONERS

Order No. 13 under Maximum Price Regulation No. 127—Finished Piece Goods.

Separate petitions listed in paragraph (f) of this Order No. 13 were filed pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Inasmuch as the petitions listed therein were filed pursuant to the same provision and request the same type of relief, the Price Administrator deems it appropriate to consolidate the said petitions for the purpose of their determination.

Consideration has been given to the petitions and an opinion in support of this Order No. 13 has been issued and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Each of the Petitioners named in paragraph (f), below, is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 and may insofar as it purchases finished piece goods and acts as a jobber thereof, charge a markup on such jobbing sales not in excess of that provided for wholesalers and jobbers under § 1400.82 (i) (1) of the said regulation.

(b) The permission granted to the Petitioners is subject to the following conditions:

(1) During the periods between July 1, 1942 and November 30, 1943, December 1, 1943 and June 30, 1944, and each 12 month period thereafter beginning July 1, 1944, the proportion of goods sold at a markup above cost by each of such Petitioners as a jobber, to its total sales of finished piece goods subject to Maximum Price Regulation No. 127 shall not exceed the percentage directly opposite the name of the Petitioner as listed in paragraph (f) below: *Provided*, That if any Petitioner acts as a convertor-jobber for less than any of the periods stated above, the proportion of such jobbing sales to its total sales of finished piece goods, from the beginning of any one period to the time when it ceases to act as a converter-jobber shall not exceed the applicable percentage appearing in paragraph (f).

(2) In the event that at the expiration of any period designated in subparagraph (1) a petitioner has exceeded the percentage of jobbing permitted in paragraph (f), the excess sales upon which a jobber's markup was charged by such petitioner shall be determined in the following manner: (i) Multiply the total dollar volume of sales of finished piece goods during the period by the percentage appearing opposite the petitioner's name in paragraph (f); (ii) Subtract the amount determined pursuant to (i) from the total dollar volume of finished piece goods sold by the petitioner as a jobber; (iii) Those sales of finished piece goods sold by the petitioner as a jobber or any portion of such sales which were last made during that period and which are equal to the difference obtained pursuant to (ii) shall be excess sales in violation of this Order No. 13.

(3) For the purpose of this Order No. 13, sales of jobbed goods by a petitioner at a price not in excess of the established maximum price which a converter of such goods is permitted to charge shall not be considered a sale by such petitioner as a jobber nor shall such sales be included in determining the volume of finished piece goods sold by a converter-jobber.

(4) The restrictions imposed by § 1400.82 (i) (2) (ii) and (i) (2) (iv) of Maximum Price Regulation No. 127 are specifically made applicable to the jobbing sales made by each Petitioner under the permission granted by this Order No. 13.

(5) Said Petitioners may not charge such jobber's markup with respect to finished piece goods purchased from a person controlling, controlled by or under common control with such Petitioner.

(c) All prayers of the petitions not granted herein are denied.

(d) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1400.81 of Maximum Price Regulation No. 127 shall apply to the terms used herein.

(f) The following Petitioners are granted an exception from § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 subject to the provisions contained herein:

Docket No.	Name of petitioner	Address	Percentage of jobbing business permitted in relation to total sales of finished piece goods
			Percent
3127-123	Advance Fabrics Co.	1441 Broadway, New York, N. Y.	5
3127-437	Almar Manufacturing Co, Inc.	1007 Market St., Philadelphia, Pa.	33
3127-125	American Associated Co, Inc.	308 Ivy St., Atlanta, Ga.	7
3127-706	Aristocrat Fabrics, Inc.	469 7th Ave., New York, N. Y.	8
3127-77	Ashland Textile Co. Inc.	256 4th Ave., New York, N. Y.	2
3127-527	Bauer Brothers	233 Chestnut St., Philadelphia, Pa.	96
3127-696	Briell-Rodgers Cotton Goods Company	608 North 21st St., St. Louis, Mo.	70
3127-388	Canton Silk Co. Inc.	469 7th Ave., New York, N. Y.	39
3127-519	Clemente-Lopez & Co.	377 Broadway, New York, N. Y.	25
3127-52	Clairmont Silk Co.	239 W. 39th St., New York, N. Y.	21
3127-685	Clinton Fabrics Co.	239 W. 39th St., New York, N. Y.	11
3127-74	Colorbrite Textiles, Inc.	102 Franklin St., New York, N. Y.	28
3127-701	Colt Fabrics, Inc.	469 7th Ave., New York, N. Y.	18
3127-704	Combier, Chauvin Corp.	58 W. 40th St., New York, N. Y.	34
3127-334	Commerce Textile	469 7th Ave., New York, N. Y.	30
3127-699	Dykeman-Loeb & Co.	12 S. 12th St., Philadelphia, Pa.	1
3127-41	Fibertex Fabrics, Inc.	5 Union Square New York, N. Y.	8
3127-72	Gelfman Brothers	555 8th Ave., New York, N. Y.	67
3127-265	H. P. Greenberg Co.	350 Broadway, New York, N. Y.	83
3127-705	Industrial Silk Co.	217 W. 37th St., New York, N. Y.	10
3127-47	Jerart Products Corp.	53 Sedgewick St., Brooklyn, N. Y.	63
3127-687	Kenville Fabrics	1412 Broadway, New York, N. Y.	8
3127-498	Benjamin M. Knapp	455 Broadway, New York, N. Y.	40
3127-646	Levinsky Silk Co.	469 7th Ave., New York, N. Y.	83
3127-689	Louis Levy & Co.	461 4th Ave., New York, N. Y.	14
3127-688	Mahler Textiles, Inc.	40 Worth St., New York, N. Y.	10
3127-622	Denis-Marcus, Inc.	469 7th Ave., New York, N. Y.	5
3127-240	Martha Mills, Inc.	141 W. 40th St., New York, N. Y.	30
3127-76	Meyrich Textile Co.	302 W. 37th St., New York, N. Y.	97
3127-692	Monakail Bros. Inc.	512 7th Ave., New York, N. Y.	4
3127-684	Nova Fabrics Corp.	501 7th Ave., New York, N. Y.	12
3127-266	The Palmer Brothers Co.	New London, Conn.	26
3127-695	Pavilion Fabrics, Inc.	1412 Broadway, New York, N. Y.	13
3127-113	Powdrell & Alexander, Inc.	Danielson, Conn.	1
3127-187	Premier Textile Corp.	507 Broadway, New York, N. Y.	50
3127-302	Ramo-Fabrics Co., Inc.	469 7th Ave., New York, N. Y.	8
3127-284	Rand Fabrics Corp.	1441 Broadway, New York, N. Y.	75
3127-683	Julius Rosenthal, Inc.	1441 Broadway, New York, N. Y.	6
3127-703	Louis Rozman	241 Church St., New York, N. Y.	82
3127-60	George Saltzman Corp.	366 Broadway, New York, N. Y.	91
3127-45	Shelley Fabrics Co.	1431 Broadway, New York, N. Y.	77
3127-694	Sidmor Fabrics, Inc.	469 7th Ave., New York, N. Y.	32
3127-686	Southern Jobbing House	410 Lombard St., Baltimore, Md.	67
3127-702	A. Steinman Co, Inc.	343 4th Ave., New York, N. Y.	5
3127-698	Wizard Fabrics, Inc.	101 W. 37th St., New York, N. Y.	6
3127-20	Al Klein Silk Co.	499 7th Ave., New York, N. Y.	15
3127-396	Manalwill Silks & Velvets	469 7th Ave., New York, N. Y.	68
3127-714	Moonglow Textile Corp.	450 7th Ave., New York, N. Y.	11
3127-576	Pacific Coast Textile Co.	439 E. 3d St., Los Angeles, Calif.	93
3127-88	Dolly Fabrics, Inc.	171 Madison Ave., New York, N. Y.	44
3127-311	H. Sperber & Son	124 N. 15th St., Philadelphia, Pa.	30
3127-611	Stehli & Co., Inc.	1372 Broadway, New York, N. Y.	6
3127-709	Thomas Textile Service Co.	1926 Arch St., Philadelphia, Pa.	27
3127-85	Universal Textile Corp.	168 South St., Boston, Mass.	63
3127-306	William Degener Co.	215 4th Ave., New York, N. Y.	24
3127-710	Berwyn Fabrics	1410 Broadway, New York, N. Y.	12
3127-707	McCready & Cawley	295 5th Ave., New York, N. Y.	69
3127-715	Rex Textile Co.	377 Broadway, New York, N. Y.	79
3127-712	Valentine Textile Corp.	40 Worth St., New York, N. Y.	2

This Order No. 13 shall become effective August 12, 1943.

(Pub Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13066; Filed, August 11, 1943; 1:48 p. m.]

Regional, State and District Office Orders.

[Region III Order G–19 Under 18(c), Amdt. 2]

HAULERS OF RAW MILK IN IND., KY., MICH., OHIO, AND W. VA.

Amendment No. 2 to Order No. G–19 Under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. III–1499.18 (c)–30). Adjustment of the maximum rates of haulers of raw milk in the States of Indiana, Kentucky, Michigan, Ohio and West Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended, it is hereby ordered that there shall be included after the word "Indiana," wherever the same may appear, the following parenthetical insertion: "(except the County of Lake)".

This Amendment No. 2 shall become effective April 23, 1943.

Issued April 22, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13011; Filed, August 11, 1943; 10:41 a. m.]

[Region III Order G–20 Under 18 (c), Amdt. 3]

FLUID MILK IN MICHIGAN

Amendment No. 3 to Order No. G–20 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. III–1499.18 (c)–29). Adjustment of the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that paragraph B–1 of section VIII be amended to read as set forth below.

VIII. *Definitions.* A. * * *

B. Approved fluid milk and special milk—1. "Approved fluid milk" is defined to mean fluid cows' milk, whether raw or pasteurized, meeting the minimum butterfat content, sanitary and health requirements for fluid milk for human consumption in the particular area wherein it is delivered, including standards set by the army or navy purchasing officer making purchases for the armed forces of the United States.

This Amendment No. 3 shall become effective April 23, 1943.

Issued April 22, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13010; Filed, August 11, 1943; 10:41 a. m.]

[Region III Order G–23 Under 18 (c), Amdt. 1]

FLUID MILK IN WEST VIRGINIA

Amendment No. 1 to Order No. G–23 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. III—1499.18 (c)—35). Adjustment of the maximum prices of fluid whole milk sold at retail and wholesale in the State of West Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That paragraph B–1 of section VIII be amended to read as set forth below.

VIII. *Definitions.* A. * * *

B. Approved fluid milk and special milk—1. "Approved fluid milk" is defined to mean fluid cows' milk, whether raw or pasteurized, meeting the minimum butterfat content, sanitary and health requirements for fluid milk for human consumption in the particular area wherein it is delivered, including standards set by the army or navy purchasing officer making purchases for the armed forces of the United States.

This Amendment No. 1 shall become effective April 23, 1943.

Issued April 22, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13009; Filed, August 11, 1943; 10:40 a. m.]

[Region III Order G–26 Under 18 (c), Amdt. 1]

NON-MECHANICAL REFRIGERATORS IN REGION III

Amendment No. 1 to Order No. G–26 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (Formerly Order No. III–18 (c)–55). General order pertaining to the selling of non-mechanical refrigerators in Region III.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that section VII be amended to read as set forth below.

VII. *Geographical applicability.* This Order applies to all sales pursuant to which the buyer receives physical delivery within the States of Indiana (except the County of Lake), Kentucky, Michigan, Ohio, and West Virginia.

This Amendment No. 1 shall become effective April 23, 1943.

Issued April 22, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13008; Filed August 11, 1943; 10:39 a. m.]

[Region VI Order G–2 Under MPR 376]

CERTAIN FRESH VEGETABLES IN REGION VI

Order No. G–2 under Maximum Price Regulation 376—Certain Fresh Fruits and Vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region VI of the Office of Price Administration by section 4 (c) of Maximum Price Regulation 376, it is hereby ordered that the provisions of Maximum Price Regulation 376 are hereby modified as follows:

(a) *Maximum price for direct carlot receivers.* The maximum prices for persons who receive commodities of the various grades and in the quantities listed in Appendix A (hereinafter referred to as "listed commodities") direct from country shippers shall be as follows:

(1) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots and selling such commodities without warehousing, the prices set forth in Appendix A.

(2) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots at points outside of the Chicago Metropolitan area from country shippers, warehousing such commodities, and selling in less than carload lots to wholesalers and chain store warehouses, the prices for the listed commodities set forth in Appendix A multiplied by 1.08.

(3) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots at points outside of the Chicago Metropolitan area from country shippers and selling to retailers other than chain store warehouses, the prices for the listed commodities set forth in Appendix A multiplied by 1.175.

(4) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots at points within the Chicago Metropolitan area from country shippers, warehousing such commodities, and selling them in less than carload lots from warehouses to wholesalers, retailers, chain store warehouses or any other purchaser, the prices for the listed commodities set forth in Appendix A multiplied by 1.08.

(b) *Maximum prices for sales at wholesale.* The maximum price for a sale of a listed commodity by a wholesaler shall be a price determined before making any sales on Wednesday of each week in whichever of the following ways is applicable:

(1) For retailer owned co-operative wholesaler or cash and carry wholesaler buying from an auction, carlot receiver or commission seller, multiply the "net cost" (as defined in section (d) (5)) by 1.08.

(2) For retailer owned co-operative wholesaler or cash and carry wholesaler buying from another wholesaler (other than an auction, carlot receiver, or commission seller), multiply the "net cost" to the other wholesaler of that lot by 1.17: *Provided*, That in no event shall the price so determined be more than 1.17 times the "net cost" of that lot to the first purchaser thereof from an auction, carlot receiver or commission seller.

(3) For a service wholesaler buying from an auction, carlot receiver or commission seller and selling to a retailer or to commercial, industrial, institutional

or governmental users, multiply the "net cost" by 1.175. As used in this order the term "users" shall not include wholesalers.

(4) For a service wholesaler buying from another wholesaler (other than an auction, carlot receiver, or commission seller) and selling to a retailer or to commercial, industrial, institutional or governmental users, multiply the "net cost" to the other seller of that lot by 1.27: *Provided*, That in no event shall the price so determined be more than 1.27 times the "net cost" of that lot to the first purchaser thereof from an auction, broker, carlot receiver, or commission seller.

To the price as above computed a wholesaler may add the amount of freight, if any, paid by him, and if buying from another wholesaler, the freight, if any, paid by such other wholesaler.

(c) *Invoice information.* Any seller shall state on his invoice the net weight, quantity, and grade of any listed commodity sold. Any wholesaler selling to another wholesaler shall state on his invoice his own net cost and the amount of freight paid by him. No wholesaler shall buy from another wholesaler any listed commodity until he has secured information as to his supplier's net cost and freight.

(d) *Definitions.* As used herein: (1) "A retailer owned co-operative" wholesaler shall mean a non-profit organization or co-operative of which 51% or more of the stock is owned by its retailer customers and which distributes listed commodities at wholesale.

(2) "A cash and carry wholesaler" shall mean a person other than a carlot receiver or commission seller who distributes listed commodities for resale, or to commercial, industrial, institutional, or governmental users and who did not prior to March 15, 1943, customarily deliver to purchasers.

(3) "A service wholesaler" shall mean a person, other than a carlot receiver, commission seller, or retailer owned co-operative, who distributes listed commodities for resale or to commercial, industrial, institutional, or governmental users and who prior to March 15, 1943 customarily delivered to such purchasers.

(4) "Freight" shall mean actual charges made by a common carrier or contract carrier (including icing or refrigeration) and transportation tax. In the event that a listed commodity is transported by other means, freight shall be computed at the lowest available common or contract carrier rate. Freight shall not include any express charges or charges for unloading or local trucking. Where purchases are made by the United States Government or any subdivision thereof at a delivered price, such delivered price may include an amount not to exceed 14¢ a cwt. to compensate shippers for risks during transit.

(5) "Net Cost" of each size and grade of each listed commodity shall be the price excluding freight paid by each wholesaler of the largest single lot of the particular size and grade of the commodity received during the seven-day period prior to each Wednesday: *Provided*, That in no case shall a wholesaler use a net cost higher than the maximum price, whether on a dollars and cents or formula basis, specified in Appendix A multiplied by 1.08. In the event that there shall be no "largest single lot" the wholesaler shall use the average price for the two or more largest lots received during such seven-day period. In the event that a seller shall have received no deliveries during the week prior to any Wednesday, his net cost shall be the net cost established during the previous seven-day period. In the event that no net cost can be arrived at by the foregoing methods, a seller's net cost shall be the price for the lot of the listed commodity being priced, but in no event higher than the maximum price specified in Appendix A multiplied by 1.08. Net cost shall be applied to the actual net weight or quantity purchased and not to the usable quantity contained in any lots, the intention being that losses through shrinkage and spoilage shall be absorbed out of the mark-ups provided and shall not affect the "net cost."

(6) "Formula price" means a price arrived at by multiplying the actual country shipping point price paid any country shipper by 1.035 and adding freight from country shipping point to point of sale; but in no event shall the shipping point price exceed the lawful maximum country shipping point price established by any regional order of the Office of Price Administration. The maximum dollars and cents country shipping point prices for various listed commodities established by certain regional offices are set forth in Appendix B—Maximum Country Shipping Point Prices. Where a country shipping point is located in a state for which no dollars and cents maximum country shipping point price has been established by a regional order, no country shipping point price may be used in computing a "formula price" higher than the lowest dollars and cents maximum country shipping point price for the listed commodity then in effect under any regional order. With respect to lettuce no country shipping point price higher than the lowest maximum country shipping point price listed in Appendix B may be used, irrespective of the location of the actual country shipping point from which shipment is made.

(7) "Warehouse" and "warehousing" refers to the storage of listed commodities in public or private warehouses, including wholesalers' stores. Storage in railroad cars is not "warehousing", and delivery direct from railroad cars in less than carload lots shall not entitle sellers to more than car-lot prices.

(8) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation 376 shall apply to any terms used herein not specifically defined.

(e) *Repacked tomatoes:* Any wholesaler who repacks tomatoes other than hot-house tomatoes, may add to his maximum price established hereunder 2½¢ per pound; and this amount, if not already included in net cost, may be added by any subsequent wholesaler buying repacked tomatoes from the repacker.

(f) *Tying agreements:* No seller shall as a condition of sale of any listed commodity impose upon any buyer the requirement that he purchase any other commodity.

(g) *Geographical applicability:* This order applies to all sales pursuant to which the buyer receives physical delivery within Illinois, Wisconsin, South Dakota, North Dakota, Iowa, Minnesota, Nebraska and within the County of Lake, Indiana, including sales made f. o. b. shipping points outside of said states for delivery within said states. Where sales are made on such f. o. b. basis from shipping points outside the above named states the f. o. b. maximum price shall be the lower of the following amounts:

(1) The maximum price established for sales at such shipping point under any applicable regional order.

(2) Any maximum dollars and cents price established for a listed commodity in Appendix A of this order less freight from shipping point to point of destination.

(h) Relationship to other orders: Revised Regional Order 52 as amended, and Order No. G–1 under Maximum Price Regulation 376 are hereby revoked and replaced by this order. Except as herein specifically modified, the provisions of Maximum Price Regulation 376 shall remain in full force and effect.

(i) Effective date: This order shall become effective May 24, 1943 and shall remain in effect so long as Maximum Price Regulation 376 shall remain in effect or until revoked, amended, modified or superseded.

Issued this 21st day of May, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

APPENDIX A—MAXIMUM PRICES FOR CARLOT RECEIVERS AND COMMISSION SELLERS

"Formula price" means country shipping point price multiplied by 1.035 plus freight. For complete definition see section (d) (6) of the order.

A. *Tomatoes*

Point of origin	Size	Maximum price for 30 lb. lugs
Cuba and Florida	5 x 5	$6.25
Cuba and Florida	5 x 6	6.25
Cuba and Florida	6 x 6	6.25
Cuba and Florida	6 x 7	5.75
Cuba and Florida	In sizes or containers other than those listed, per lb. net weight.	.19
All others	5 x 5	5.60
All others	5 x 6	5.60
All others	6 x 6	5.60
All others	6 x 7	5.10
All others	7 x 7	4.60
All others	In sizes or containers other than those listed, per lb. net weight.	.15
Hothouse—basket, minimum net weight, 8 lbs.		2.30
Hothouse—in other containers, per lb. net weight		.29

Commodity	Container size and quantity	Region IV Atlanta Region	Region V Dallas Region	Region VIII San Francisco Region
Snap Beans	Per bu. hamper minimum net wt. 28 lbs		$5.00	$4.50
	All other containers, per lb. net wt		.179	.16
Green Peas	Per bu. hamper minimum net wt. 28 lbs		4.00	
	All other containers per lb. net wt		.142	

Commodity	Container size and quantity	Region IV Atlanta Region		Region V Dallas Region		Region VIII San Francisco Region
		Group I	Group III	Group I	Group III	
		Fla., Ga., N. C., S. C., Va., Miss., Ala., Tenn.		Ark., Kan., Mo., Okla., Tex., La., except parishes specified in Group II		Ariz., Calif., Nev., Oreg., Wash.
Cabbage	Per 50 lb. bag net wt	$2.55	$2.40	$2.25	$2.40	
	Other containers per lb., net wt	.051	.048	.045	.048	.0454
	Per 100 lbs. net wt. when sold or del'd in 100 lb. bags	4.85	4.55	4.25	4.65	
	Bulk—per ton	87.00	81.00	75.00	81.00	65.00
	½ A crate (45 lb.)			3.90	4.15	3.25
	½ A crate (44 lb.)			2.25	2.40	

[1] Region IV—Atlanta Region, Group II includes the following counties in Mississippi—Adams, Amite, Claiborne, Clark, Covington, Copiah, Davis, Forrest, Franklin, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Newton, Pearl River, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson; in Alabama—Baldwin, Clarke, Conecuh, Escambia, Mobile, Monroe, Washington; in Florida—Escambia, Santa Rosa.

[2] Region V—Dallas Region, Group II includes the following parishes in Louisiana—Vermillion, Arcadia, Evangeline, Avoyelles, Catahoula, Franklin, Madison and all other parishes of Louisiana lying south and east thereof.

[F. R. Doc. 43-13004; Filed, August 11, 1943; 10:38 a. m.]

[Region VI Order G-2 Under MPR 122. Amdt. 1]

COAL IN THE TWIN CITIES, MINN.

Amendment No. 1, to Order G-2, previously issued as Regional Order No. 46 under Maximum Price Regulation 122—Solid Fuels Delivered from Facilities Other Than Production Facilities—Dealers. Adjusted prices for coal in the Twin Cities, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation 122, *It is hereby ordered*, That paragraph 4 be amended to read as set forth below:

4. This order shall be effective from the date hereof until midnight June 30, 1943. It is subject to revocation or amendment by the Price Administrator at any time hereafter either by special order, or by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulations the provisions of which may be contrary hereto.

This amendment to Order No. G-2 shall become effective May 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of May 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13012; Filed, August 11, 1943; 10:41 a. m.]

B. *Snap Beans*

Point of origin:
- Atlanta Region (Ala., Fla., Ga., Miss., N. C., S. C., Tenn., Va.) ..... Formula price.
- Dallas Region (Ark., Kans., La., Mo., Okla., Tex.) ..... Formula price
- All other points—hampers minimum net weight 28 lbs $0.30
- All other points—other containers, per lb., net weight $0.0214

C. *Carrots*

Point of origin:
- Dallas Region (Ark., Kans., La., Mo., Okla., Tex.) ..... Formula price.
- Calif., Ariz., and N. Mex.—4 doz. crate with tops $4.50
- Calif., Ariz., and N. Mex.—6 doz. crate with tops $4.75
- Calif., Ariz., and N. Mex.—8 doz. crate with tops $5.25
- Calif., Ariz., and N. Mex.—½ crates or bushels topped $2.00
- Calif., Ariz., and N. Mex.—In other sizes with tops ..... $0.0534 per bunch
- Calif., Ariz., and N. Mex.—In other sizes topped ..... $0.04 per lb. net wt.
- All other points—4 doz. crate with tops $4.00
- All other points—6 doz. crate with tops $4.25
- All other points—8 doz. crate with tops $4.75
- All other points—½ crates or bushels topped $1.90
- All other points—In other sizes with tops ..... $0.05 per bunch
- All other points—In other sizes topped ..... $0.04 per lb. net wt.

D. *Cabbage*

Point of origin:
- All points ..... Formula price.

E. *Green peas*

Point of origin:
- Atlanta Region (Ala., Fla., Ga., Miss., N. C., S. C., Tenn., Va.) ..... Formula price.
- All other points—bushels or hampers, 28 lbs ..... $4.40.
- All other points—other containers, per lb., net weight $0.1334

F. *Lettuce*

Point of origin:
1. Head Lettuce, iceberg type:
   - Dallas Region (Ark., Kans., La., Mo., Okla., Tex.) ..... Formula price.
   - San Francisco Region (Ariz., Calif., Nev., Oreg., Wash.) ..... Formula price.
   - All others ..... Formula price.
2. Hot house leaf lettuce:
   - All points—basket, minimum net weight, 10 lbs ..... $1.80.
   - All points—other containers, per lb., net weight $0.15

G. *Spinach*

Point of origin:
- Dallas Region (Ark., Kans., La., Mo., Okla., Tex.) ..... Formula price.
- California—crates weighing approximately 75 lbs. heel with an approximate net weight of 60 lbs. ..... $3.60.
- California—other sizes or containers, per lb., net weight ..... $0.10.
- All other points:
  - Bushel or hamper, minimum net weight 20 lbs ..... $1.80.
  - Other containers per lb., net weight $0.09

[1] But no seller shall use a shipping point price higher than the lowest maximum shipper point price listed in Appendix B, Atlanta Region maximum country shipping point prices may not be used even on shipments from the Atlanta Region.

APPENDIX B—MAXIMUM COUNTRY SHIPPING POINT PRICES

Commodity	Container size and quantity	Region V Dallas Region	Region VIII San Francisco Region
		Ark., Kans., La., Mo., Okla., Tex.	Ariz., Calif., Nev., Oreg., Wash.
Iceberg Head Lettuce	4 doz. crate-ice pack	$4.50	$4.50
	5 doz. crate-ice pack	4.50	4.50
	6 doz. crate-ice pack	3.50	3.50
	Dry pack 50# per crate lower.		
	Bushel Hamper, min. net wt. 20 lbs	1.40	
Spinach	LA crates (4 doz. bunches)	3.75	
Carrots	Bunches in bulk or in other containers—per doz	.45	
	Bulk carrots (topped or clipped top) per cwt	3.90	

[1] Minimum weight of bunch carrots shall be 13 lbs. per dozen bunches. Whenever a seller sells carrots in bunches of higher weight, the maximum price shall be reduced in proportion to the reduction in the weight.

[Region VI Order G-5 Under MPR 329]

MILK IN LA CROSSE, WIS.

Order No. G-5 under Maximum Price Regulation No. 329—Purchase of Milk from Producers for Resale as Fluid Milk. Producers' milk prices in La Crosse, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price for milk for human consumption in fluid form which may be paid to producers by distributors, whose establishments are located in La Crosse, Wisconsin, shall be 75¢ per pound of butterfat for 3.8% milk plus 6¢ for each 1/10 of a pound of butterfat in excess of 3.8%.

(b) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(c) This order may be revoked, amended or corrected at any time. This order shall become effective June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of May, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13006; Filed, August 11, 1943; 10:39 a. m.]

[Region VI Order G-6 Under MPR 329]

MILK IN BRAINERD, MINN.

Order No. G-6 under Maximum Price Regulation No. 329—Purchase of Milk From Producers for Resale as Fluid Milk. Producers' milk prices in Brainerd, Minnesota.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price for sales of whole milk for human consumption in fluid form delivered in Brainerd, Minnesota by producers to distributors shall be a price arrived at by the payment of 78¢ for each pound of butterfat contained in such milk.

(b) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation 329 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(c) This order may be revoked, amended or corrected at any time. This order shall become effective June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of May 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13007; Filed, August 11, 1943; 10:39 a. m.]

[Region VII Order G-35 Under 18 (c), Amdt. 1]

IMITATION PRESERVES, JAMS AND JELLIES IN REGION VII

Amendment No. 1 to Order No. G-35 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for imitation fruit preserves, jams and jellies in Region VII of the Office of Price Administration.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, Order No. G-35 is hereby amended as follows:

1. Paragraph (e) (1) *Notice from wholesalers to their retail customers* is hereby amended to read as follows:

(1) In the case of any item of imitation fruit preserves, jams and jellies which is being sold by a wholesaler to a retailer for the first time after the wholesaler's maximum price for it has been established under this Order, the wholesaler shall calculate the retailer's "permitted increase" for the item by reducing such "permitted increase" to the units in which the commodity is usually sold at retail. When making this calculation, the wholesaler shall adjust fractions of ½¢ or more upward to the next cent, and fractions of less than ½¢ downward to the next cent. Except for the proper insertion, the notice of retailer's "permitted increase" shall read as follows:

2. Paragraph (n) (3) "Definitions" is hereby amended to read as follows:

(3) "Wholesaler" means any person who purchases imitation fruit preserves, jams, and jellies for resale and without substantially changing their form, resells the same to a person who is a retailer as defined herein.

3. *Effective date.* This Amendment No. 1 shall become effective retroactively as of 12:01 a. m. on April 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of May 1943.

CLEM W. COLLINS,
Acting Regional Administrator.

[F. R. Doc. 43-13013; Filed, August 11, 1943; 10:41 a. m.]

[Region VII Order G-38 Under 18(c), Amdt. 1]

SUGAR BEET MOLASSES IN SAN LUIS VALLEY, COLO.

Amendment No. 1 to Order No. G-38 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of maximum prices for sugar beet molasses in the San Luis Valley of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, this Amendment No. 1 to Order No. G-38 under § 1499.18 (c) of the General Maximum Price Regulation is issued.

Order No. G-38 under § 1499.18 (c) of the General Maximum Price Regulation is amended in the following respects:

1. Section (b) (1) *Definitions* is amended to read as follows:

(1) "Sugar beet molasses" means molasses obtained as a by-product in the manufacture of beet sugar and beet sugar final molasses which is obtained by further processing such beet sugar molasses.

This amendment shall be effective as of 12:01 a. m. on May 1, 1943, the effective date of said Order No. G-38.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of May 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43-13014; Filed, August 11, 1943; 10:42 a. m.]

[Region VII Order G-39 Under 18 (c)]

KID CARCASSES IN LAS ANIMAS AND HUERFANO COUNTIES, COLO.

Order No. G-39 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for young kid carcasses in Las Animas and Huerfano Counties, Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.8 (c) of the General Maximum Price Regulation, the prices for young kid carcasses at wholesale and retail in Las Animas and Huerfano Counties, Colorado are hereby modified as set forth below:

(a) *Specific maximum prices.* From and after the effective date of this order, the maximum prices to be charged for young kid carcasses sold at wholesale and at retail in Las Animas and Huerfano Counties in the State of Colorado shall be as follows:

(1) Young kid carcasses sold at wholesale 21¢ per pound.

(2) Young kid carcasses sold at retail 25¢ per pound.

(b) *Definitions.* (1) "Sold at wholesale" means sold to a person who buys for resale in substantially the same form.

(2) "Sold at retail" means sold to an ultimate consumer including purveyors of meals and other commercial users.

(3) "Young kid carcass" means the carcass of a kid goat not more than six weeks old, with hide off, feet off at ankle joint, head on, all entrails and viscera removed, and liver put back in carcass.

(c) *Applicability of other regulations.* Except to the extent that the same are

inconsistent or contradictory of the terms and provisions of this regulation, all of the terms and provisions of the General Maximum Price Regulation shall remain in full force and effect and remain applicable to all persons selling young dressed kids either at wholesale or at retail to the same extent and with like force and effect as though rewritten herein.

(d) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(e) *Effective date.* This order shall become effective on May 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681).

Issued this 29th day of May 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13005; Filed, August 11, 1943; 10:38 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on August 9, 1943.

REGION II

Newark Order 3, Amendment 4, Filed 3:29 p. m.
Newark Order 4, Amendment 1, Filed 3:29 p. m.
Newark Order 5, Amendment 1, Filed 3:29 p. m.
Camden Order 4, Amendment 1, Filed 3:30 p. m.

REGION VI

La Crosse Order 8, Filed 3:30 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-13078; Filed, August 11, 1943; 4:28 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on August 10, 1943.

REGION III

Charleston Order 3, Amendment 1, Filed 12:26 p. m.
Charleston Order 4, Amendment 1, Filed 12:26 p. m.
Charleston Order 4, Filed 12:26 p. m.
Charleston Order 5, Filed 12:25 p. m.

REGION VIII

San Francisco Order 4, Filed 12:27 p. m.
San Francisco Order 5, Filed 12:25 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-13077; Filed, August 11, 1943; 4:28 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-770]

THE NORTH AMERICAN COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of August 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company.

Notice is further given that any interested person may, not later than August 24, 1943, at 4:00 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company proposes to pay on October 1, 1943, a dividend to its holders of common stock of record on September 3, 1943. Such dividend will be payable in the common stock of Pacific Gas and Electric Company having a par value of $25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of common stock of The North American Company outstanding. No certificates will be isued for fractions of shares of stock of Pacific Gas and Electric Company, but, in lieu thereof, cash will be paid at the rate of 29 cents for each 1/100th of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price as of August 3, 1943, the date the proposed dividend was declared. The North American Company estimated that to pay the above-mentioned dividend, it will have to distribute not more than 75,000 shares of the 1,930,563 shares of common stock of Pacific Gas and Electric Company owned by it; that the amount of cash to be distributed in lieu of fractional shares of such common stock will not exceed $400,000; and that the payment of this dividend will result in a charge to earned surplus of approximately $2,700,000.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13063; Filed, August 11, 1943; 12:33 p. m.]

[File No. 70-736]

FEDERAL WATER AND GAS CORPORATION AND ALABAMA WATER SERVICE COMPANY

ORDER GRANTING APPLICATION FOR SALE OF PROPERTIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 10th day of August, A.D. 1943.

Federal Water and Gas Corporation, a registered holding company, and its subsidiary, Alabama Water Service Company, having filed an application for approval of the sales of certain water properties owned by Alabama Water Service Company, the proceeds of such sales to be deposited with the trustee under the indenture securing Alabama Water Service Company's First Mortgage Bonds and to be applied to the redemption of the said bonds; and Alabama Water Service Company having proposed the modification of the said indenture in order to simplify the provisions thereof relating to the release of the water properties owned by it and the application of the proceeds of sales of such properties to the redemption of the said bonds; and

A public hearing having been held after appropriate notice; the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the said application be and hereby is granted forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered and recited, That the following sales by Alabama Water Service Company of the properties specified and itemized in this order and in the document herein referred to and incorporated in this order by reference for money, as herein set forth, and the application of the proceeds of sale of said properties to the retirement or cancellation of the First Mortgage Bonds of Alabama Water Service Company are necessary or appropriate to the integration or simplification of the Federal Water and Gas Corporation holding company system, of which Alabama Water Service Company is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

(a) The sale to The Water Works Board of the City of Prichard, Alabama, of the waterworks system of the Company serving the said City of Prichard and territory contiguous thereto in Mobile County, Alabama, for the sum of $500,000 in cash, plus an amount, in cash, to be adjusted as of the date of closing for additions and betterments pursuant to contract between the said Company and the said Board, dated May 24, 1943.

(b) The sale to the Town of Cordova, Alabama, or its nominee, The Water Works Board of the Town of Cordova, of the water distribution systems of the Company serving the Towns of Cordova and Parrish, Walker County, Alabama, together with approximately 20,039 feet of 8" and 6,056 feet of 10" cast iron transmission main connecting the Cordova and Parrish water distribution systems, and parcels of real estate, but excluding therefrom the company's pumping and purification plant and land on which it is situated at Cordova and the Company's 12" cast iron transmission main connecting the same with properties of The Water Works Board of the City of Jasper, Alabama, for the sum of $115,000 in cash, plus an amount, in cash, to be adjusted as of the date of closing for additions and betterments pursuant to contract between the said Company and said Town of Cordova, dated June 2, 1943.

(c) The sale to The Water Board of the City of Jasper, Alabama, of the pumping and purification plant of the Company located in the Town of Cordova, Walker County, Alabama, and the transmission main of the Company connecting said plant with the properties of the said Board for the sum of $75,000 in cash, plus an amount, in cash, to be adjusted as of the date of closing for additions and betterments pursuant to contract between the said Company and said Board, dated May 28, 1943.

(d) The sale to the City of Andalusia, Alabama, or its nominee, The Water Works Board of the City of Andalusia, of the waterworks system of the Company serving the said City of Andalusia and territory contiguous thereto in Covington County, Alabama, excepting therefrom all pumps, compressors, pipes, valves and meters located on the land on which is situated the Company's steam and diesel electric plant and said land for the sum of $150,000 in cash, plus an amount, in cash, to be adjusted as of the date of closing for additions and betterments pursuant to contract between the said Company and said City, dated May 29, 1943.

(e) The sale to The Water Works Board of the City of Attalla, Alabama, of the waterworks system of the Company serving the said City of Attalla and territory contiguous thereto in Etowah County, Alabama, for the sum of $155,000, in cash, plus an amount, in cash, to be adjusted as of the date of closing for additions and betterments pursuant to contract between the said Company and said Board dated May 26, 1943.

The said properties referred to in subdivisions a, b, c, d and e being more completely specified, itemized and described in certain documents entitled "Specification and Itemization of Properties of Alabama Water Service Company to be sold" marked respectively Exhibits H-1, 2, 3, 4 and 5 and filed with the Securities and Exchange Commission on the 5th day of August, 1943 as a part of the record in this proceeding, which said documents are hereby incorporated by reference in this order and made a part hereof, with the same force and effect as if set forth at length herein.

It is further ordered, That the proceeds of each of the sales of the properties so specified and itemized shall be applied to the redemption, retirement or cancellation of First Mortgage Bonds 3¾% Series due 1965 of Alabama Water Service Company issued under indenture dated as of September 1, 1940 between Alabama Water Service Company and Central Hanover Bank and Trust Company as Trustee.

It is further ordered, That the sales of said properties shall be completed within six months from the date of this order and the proceeds of the sale thereof shall be applied to the redemption, retirement or cancellation of the said First Mortgage Bonds of Alabama Water Service Company not later than July 1, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13064; Filed, August 11, 1943; 12:33 p. m.]

[File No. 70-747]

UNITED GAS PIPE LINE COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of August, A. D. 1943.

United Gas Pipe Line Company, a wholly-owned subsidiary of United Gas Corporation, a subsidiary of Electric Power & Light Corporation, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company having filed an application and amendment thereto under sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 seeking the approval of a proposed transaction which may be described as follows:

United Gas Pipe Line Company proposes to acquire from Willmut Gas & Oil Company a natural gas pipe transmission line extending a distance of approximately eighty-four miles from the Jackson gas field in Mississippi to Hattiesburg, Mississippi for the sum of $350,000 payable as follows: $100,000 upon conveyance of the property, $100,000 on January 15, 1944, $50,000 on January 15, 1945, $50,000 on January 15, 1946 and $50,000 on January 15, 1947 without interest, except from the date of maturity; and

A public hearing on said application having been held after appropriate notice; and the Commission having examined the record and having made and filed its findings herein;

It is ordered, That the said application as amended be, and hereby is granted subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13065; Filed, August 11, 1943; 12:33 p. m.]

[File No. 59-4]

ENGINEERS PUBLIC SERVICE COMPANY AND ITS SUBSIDIARY COMPANIES

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of August 1943.

The Commission having by its order of July 23, 1941, entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed that Engineers Public Service Company, a registered holding company, dispose of its interest in and control of Puget Sound Power & Light Company and The Key West Electric Company; and

The Commission having by its order of December 29, 1941, entered pursuant to section 11 (b) (1) of said Act, directed that Engineers Public Service Company dispose of its interest in the securities of The Western Public Service Company, a Delaware corporation, Missouri Service Company and The Northern Kansas Power Company; the time for compliance to commence to run from the date when Engineers Public Service Company should acquire direct ownership of such securities; and such direct ownership having been acquired on January 2, 1942; and

Engineers Public Service Company having filed applications pursuant to section 11 (c) of said Act requesting extensions of time of one year within which to comply with each of said orders; and it appearing that in the case of the Commission's order of July 23, 1941, said one-year period has elapsed:

It is ordered, That Engineers Public Service Company be and hereby is granted until January 2, 1944 within which to comply with said order of December 29, 1941.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13062; Filed, August 11, 1943; 12:33 p. m.]

[File Nos. 54-51, 59-67]

NATIONAL POWER AND LIGHT CO. ET AL.

NOTICE OF FILING AND ORDER RECONVENING HEARING, CONSOLIDATING PROCEEDINGS AND BROADENING SCOPE OF ISSUES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of August, A. D. 1943.

In the matter of National Power & Light Company, File No. 54-51; Carolina

Power & Light Company, National Power & Light Company, and Electric Bond and Share Company, File No. 59–67.

Notice of filing and order reconvening hearing and order consolidating proceedings and broadening scope of issues. (Application No. 4.)

The Commission, by order dated April 10, 1943, having instituted a proceeding under sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935, against Carolina Power & Light Company ("Carolina"), its corporate parent, National Power & Light Company ("National"), a registered holding company, and Electric Bond and Share Company, the corporate parent of National and also a registered holding company (File No. 59–67), and having consolidated said proceeding with a proceeding on an application (designated as "Application No. 3") and amendments thereto filed by National for authority to consummate certain transactions as further steps in compliance with an order of the Commission dated August 23, 1941, issued pursuant to the provisions of section 11 (b) (2) of the Act, directing the dissolution of National (File No. 54–51); and

Hearings having been held and concluded with respect to certain of the issues in said consolidated proceeding, and the Commission having made and issued its findings, opinion and orders with respect thereto, and the hearing as to the remaining issues in said consolidated proceeding having been continued subject to call of the Trial Examiner or the Commission;

Notice is hereby given that an application (designated as "Application No. 4") has been filed with the Commission by National pursuant to the provisions of the Public Utility Holding Company Act of 1935 amending and expanding the proposals contained in said Application No. 3 and seeking authority to consummate certain transactions as further steps in compliance with said order of the Commission dated August 23, 1941, directing the dissolution of National, and that an answer has been filed by Carolina purporting to meet such of the issues raised in said consolidated proceeding as relate to Carolina. All interested persons are referred to said application and answer, which are filed in the office of the Commission, for a statement of the transactions proposed in said application and of the allegations contained in said answer, which are summarized as follows:

National states that it has developed a program to provide cash funds for the retirement of its outstanding $6 preferred stock consisting of 12,000 shares, without the use of proceeds from the sale of its holdings of $7 preferred stock of Carolina as was proposed in its Application No. 3 and, subject to and conditioned upon the approval by the Commission of such program, National proposes the following transactions as further steps to effectuate its dissolution and to meet the issues raised in said consolidated proceeding.

(a) National proposes to surrender to Carolina for cancellation, as a contribution to the capital of Carolina, its holdings of $7 preferred stock of Carolina consisting of 16,806 shares without par value; and, subject to all necessary approvals by stockholders and regulatory authorities, Carolina proposes to reduce its preferred stock capital in the amount of $1,680,600 and to create a capital reserve for adjustments of plant account in the same amount.

(b) Subject to the prior solution of relevant tax problems and all necessary approvals by stockholders and regulatory authorities, Carolina proposed to amend its charter to provide, in substance, that, if at the time of any annual meeting of stockholders for the election of directors dividends payable on the $7 preferred stock or $6 preferred stock shall be in default in an amount equivalent to four full quarter-yearly dividends on all such shares then outstanding, then at such annual meeting of stockholders, and at each annual meeting of stockholders held thereafter, the holders of all shares of the $7 preferred stock and $6 preferred stock, voting as a single class separately from the common stock, shall be entitled to elect the smallest number of directors necessary to constitute a majority of the then authorized number of directors, the remaining directors to be elected by the stockholders without distinction as to class. If and when all dividends then in default on the then outstanding shares of said $7 preferred stock and $6 preferred stock shall be paid or declared and set apart for payment, or there shall be accumulated earnings legally available for the payment in full of such dividends, then the preferred stock shall thereupon be divested of such special right with respect to the election of directors subject, however, to the same provisions for vesting such special voting rights in the $7 preferred stock and $6 preferred stock in case of further like default or defaults in dividends thereon.

(c) National proposes to surrender to Carolina for cancellation, as a contribution to the capital of Carolina, a specified number of shares (the number thereof to be supplied by amendment) of the common stock of Carolina owned by National in order to facilitate the distribution of the common stock of Carolina to the common stockholders of National.

(d) National proposes to transfer to Carolina without consideration its interests in Roanoke River Power Company (a wholly-owned subsidiary of National), consisting of 5 shares of capital stock with a par value of $100 per share and an Income Note dated November 30, 1936 due November 30, 1940, payable to the order of National in the principal amount of $1,575,500 and bearing interest before and after maturity if, as and when earned at the rate of 6% per annum. Carolina proposes to record such acquisition of securities in its investment account at the sum of $1,575,500 and to create a special reserve therefor in the same amount.

(e) Subject to the approval of the Commission, and upon consummation of the transactions hereinabove summarized, National, as a further step in its liquidation, proposes to distribute its holdings of common stock of Carolina pro rata to its own common stockholders.

It appearing appropriate to the Commission that the hearing should be reconvened in said consolidated proceeding with respect to certain of the issues remaining undetermined therein; and it further appearing to the Commission that the proceeding in respect of said Application No. 4 involves questions of law and fact common to the issues remaining undetermined in said consolidated proceeding, and that said proceeding should be joined and heard with the aforesaid consolidated proceeding; and it appearing appropriate to the Commission that the scope of the issues set forth in its Order dated April 10, 1943 should be broadened;

It is ordered, That the proceeding with respect to Application No. 4 filed by National for authority to consummate the transactions hereinabove summarized, be and the same hereby is, consolidated with the aforesaid consolidated proceeding.

It is further ordered, That the hearing in said consolidated proceeding shall be reconvened on August 18, 1943 at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the reconvened hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard at said reconvened hearing or proposing to intervene herein shall file with the Secretary of the Commission on or before August 16, 1943 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the scope of the issues in said consolidated proceeding be broadened and that, in addition to the matters set forth in paragraphs 3 to 6, both inclusive, of ordering clause 5 of said Order dated April 10, 1943, as the matters to be considered at the reconvened hearing, there be added the following matters and questions:

(a) Whether the proposed surrender by National of said 16,806 shares of $7 preferred stock of Carolina, and the proposed acquisition and cancellation of said shares by Carolina are in conformity with the provisions of sections 12 (e) and 12 (f) of the Act and the Rules and Regulations promulgated thereunder.

(b) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the Act and all Rules and Regulations promulgated thereunder.

(c) Whether the proposed transactions constitute steps in compliance with the Order of the Commission dated August 23, 1941, issued pursuant to section 11 (b) (2) of the Act directing the dissolution of National, and whether such transactions are fair and equitable to all classes of security holders affected thereby.

(d) Whether, upon consummation of the proposed transactions, it is appropriate in the public interest to rescind or modify any or all orders of the Commission prohibiting or restricting the declaration or payment by Carolina and the receipt by National of dividends on the common stock of Carolina.

(e) Whether, upon consummation of the proposed transactions, it is appropriate to terminate the proceeding instituted by said Order of the Commission dated April 10, 1943 against Carolina, National and Electric Bond and Share Company (File No. 59–67).

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to Carolina Power & Light Company, National Power & Light Company and Electric Bond and Share Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–13107; Filed August 12, 1943; 10:14 a. m.]

[File No. 70–772]

SOUTHWESTERN PUBLIC SERVICE COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 11th day of August, A. D., 1943.

Notice is hereby given that a declaration has been filed pursuant to the Public Utility Holding Company Act of 1935 by Southwestern Public Service Company, a registered holding company.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Southwestern Public Service Company proposes to sell to Gus B. Walton, an individual of Little Rock, Arkansas, all of the outstanding securities of Arkansas Utilities Company, consisting of $1,000,000 principal amount First Mortgage 4% Bonds, Series A, due June 1, 1971 and 100,000 shares of common stock, par value $5 per share, for a basic consideration of $1,725,000 cash, subject to adjustments for net current assets and certain tax adjustments. The proceeds from the sale are proposed to be used in retirement of the outstanding Serial Notes of Southwestern Public Service Company in accordance with the indenture securing said Serial Notes.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter, and that said declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission.

It is ordered, That a hearing on such matter under the applicable provisions of said Act and Rules of the Commission thereunder be held on August 24, 1943 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed consideration is reasonable.

2. Whether the accounting entries to be made in connection with the proposed sale and the adjustment of accounts incident thereto are in accordance with sound and accepted principles of accounting.

3. The identity of the purchaser, his interest in any other public utility, and whether or not his acquisition of the securities of Arkansas Utilities Company will serve the public interest by tending towards the economic and efficient development of an integrated public utility system, and whether such acquisition will tend towards interlocking relations or concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interest of investors and consumers.

4. Whether it is necessary or appropriate to impose any terms and conditions with respect to the proposed transactions in the public interest, for the protection of investors and consumers, or in order to insure compliance with the standards of the Act.

It is further ordered, That any other person desiring to be heard or otherwise wishing to participate herein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's Rules of Practice on or before August 21, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–13103; Filed, August 12, 1943; 10:13 a. m.]

[File No. 70–751]

NORTHERN INDIANA PUBLIC SERVICE COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of August, 1943.

Northern Indiana Public Service Company, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of Midland Utilities Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof of the issue and sale, in accordance with Rule U-50 promulgated under the Act, of $45,000,000 principal amount of First Mortgage Bonds, Series C, dated August 1, 1943, and maturing August 1, 1973; and

The Commission having by order dated July 26, 1943, granted such application as amended pursuant to section 6 (b) of the Act, subject to the provisions that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental orders as the Commission may enter in view of the facts disclosed thereby; and

Northern Indiana Public Service Company having made such report to the Commission in the form of a further amendment to the application herein, setting forth the action taken to comply with Rule U-50 and specifying the proposals which have been received for the purchase of said bonds pursuant to the invitation for competitive bids, and stating that Northern Indiana Public Service Company has accepted a bid for said bonds from a group of underwriters headed by Halsey, Stuart & Company of 101.719, plus accrued interest from August 1, 1943, to the date of delivery, such bonds to bear interest at the rate of 3⅛%, and that said bonds are to be resold to the public at 102.875, plus accrued interest from August 1, 1943, to the date of delivery, representing a spread to the underwriters of 1.156; and

The Commission having examined the record and finding no basis for imposing terms and conditions with respect to the price, spread and distribution thereof, at which such bonds are to be issued and sold;

It is ordered, That said application, as amended, be and hereby is granted forthwith, subject to the terms and conditions contained in the said order of the Commission in this matter dated July 26, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–13104; Filed, August 12, 1943; 10:14 a. m.]

[File No. 811–142]

NIAGARA SHARE CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of August A. D., 1943.

The Commission having reasonable cause to believe that Niagara Share Corporation, a registered investment company, has been dissolved and its assets distributed to its stockholders;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing be held on August 23, 1943, at 10:00 a. m., Eastern War Time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, to determine whether the Commission shall declare by order, pursuant to section 8 (f) of said Act, that Niagara Share Corporation has ceased to be an investment company; and

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to Niagara Share Corporation and to other any persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-13099; Filed, August 12, 1943; 10:13 a. m.]

[File No. 1-727]

AMERICAN METAL MINING COMPANY

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pa., on the 11th day of August, A. D. 1943.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of American Metal Mining Company assessable common stock, par value 10¢, should be suspended or withdrawn.

I

It appearing to the Commission:

That American Metal Mining Company, a corporation organized under the laws of the State of Utah, is the issuer of Assessable Common Stock, 10¢ Par Value; and

That said American Metal Mining Company registered such security on the Salt Lake Stock Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about May 9, 1935 an application on Form 10, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on July 16, 1935, and remaining in effect to and including the date hereof; and

That pursuant to section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and Rules X-13A-1, X-13A-2, and X-13A-6, promulgated by the Commission thereunder, said American Metal Mining Company filed on or about September 12, 1942 a current report on Form 8-K for the calendar month ended August 31, 1942 and on or about May 4, 1943 said Company filed an annual report on Form 10-K for the fiscal year ended December 31, 1942, both being signed for said Company by Charles S. Woodward as president; and

II

The Commission having ressonable cause to believe:

That said American Metal Mining Company has failed to comply with the provisions of said section 13 (a) and (b), as amended, and Rules X-13A-1, X-13A-2, and X-13A-6, promulgated thereunder in that

(1) The current report filed by said Company on Form 8-K for the calendar month of August 1942 contains in Item 4 thereof false and misleading statements with respect to the sale of its stock between July 1, 1942 and September 5, 1942 to Index Mining Company and to F. O. Taylor, to wit: that "All sales were isolated transactions made to individuals and stockholders of record" and that "It is understood that such stock was bought as an investment, but whether any purchaser acquired the securities with a view to a subsequent distribution is not known"; that these statements were, at the time and in the light of the circumstances under which they were made, false and misleading with respect to material facts, in that:

(a) American Metal Mining Company knew that the sale of said stock to Index Mining Company was part of a plan to distribute the stock of American Metal Mining Company to the stockholders of Index Mining Company through the sale to American Metal Mining Company of the assets of Index Mining Company and the liquidation of the latter company, and that, in fact, such distribution has been made; and

(b) American Metal Mining Company knew that the sale of the stock to F. O. Taylor was made with a view to the distribution of said stock by him and that, in fact, C. S. Woodward, president of American Metal Mining Company, participated with F. O. Taylor in the distribution of said stock; and

(2) the annual report filed by said Company on Form 10-K for the fiscal year ended December 31, 1942 contains in Item 12 thereof false and misleading statements with respect to the sale of the securities referred to above, to wit: that "F. O. Taylor of Townsend, Delaware, a stockholder of record, who obtained an option on, and sold 300,000 shares of the treasury stock of the company, may be an underwriter within the meaning of the act, although the company does not consider him as such for the reason that the stock was bought outright, and paid for upon delivery. There were no underwriter's commissions paid, or involved"; and that the securities sold to F. O. Taylor were not registered under the Securities Act of 1933 for the reason that "the stock sold for cash was an isolated transaction"; and that the securities sold to the Index Mining Company were not registered under the Securities Act of 1933 for the reason that "the stock sold for a consideration of other than cash, consisted of 145,000 shares, given in exchange for Mining property"; that these statements were, at the time and in the light of the circumstances under which they were made, false and misleading with respect to material facts, in that:

(a) American Metal Mining Company knew that the sale of said stock to Index Mining Company was part of a plan to distribute the stock of American Metal Mining Company to the stockholders of Index Mining Company through the sale to American Metal Mining Company of the assets of Index Mining Company and the liquidation of the latter company, and that, in fact, such distribution has been made; and

(b) American Metal Mining Company knew that the sale of the stock to F. O. Taylor was made with a view to the distribution of said stock by him and that, in fact, C. S. Woodward, president of American Metal Mining Company, participated with F. O. Taylor in the distribution of said stock; and

That said American Metal Mining Company has failed to comply with the provisions of said section 13 (a) and (b), as amended, and Rules X-13A-1 and X-13A-2, promulgated thereunder in that said Company has failed to submit with the annual report filed by it on Form 10-K for the fiscal year ended December 31, 1942 financial statements certified by "an independent public or independent certified public accountant or accountants" as required by Item 8 thereof and by the instructions for the use of Form 10-K and the rules and regulations of the Commission supplementary thereto in that J. W. Orton, who certified, as independent public accountant, the financial statements contained in the annual report filed by it on Form 10-K for the fiscal year ended December 31, 1942, was not and is not independent within the meaning of the requirements of said Form 10-K and the instructions and rules and regulations of the Commission supplementary thereto because of the relationship between J. W. Orton and Louise M. Orton, the secretary and treasurer of American Metal Mining Company, i. e., that of husband and wife.

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended:

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether American Metal Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Assessable Common Stock, Par Value 10¢, of said American Metal Mining Company on said Salt Lake Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing Willis E. Monty, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 23rd day of August, 1943, at 10:00 a. m. Eastern War Time, at the Office of the Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia, Pennsylvania, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-13100; Filed, August 12, 1943; 10:13 a. m.]

[File Nos. 54-79 and 59-52]

NIAGARA HUDSON POWER CORPORATION AND BUFFALO, NIAGARA AND EASTERN POWER CORPORATION

ORDER NAMING PARTY TO PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of August 1943.

In the matter of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation, applicants, File No. 54-79; and Niagara Hudson Power Corporation and its subsidiary companies, respondents, File No. 59-52.

The Commission having, on June 23, 1943, issued its Notice of and Order for Hearing on the application by Niagara Hudson Power Corporation, a subsidiary of The United Corporation, a registered holding company, and Buffalo, Niagara and Eastern Power Corporation, a subsidiary of Niagara Hudson Power Corporation, for approval of a "Plan of Reorganization of the Niagara Hudson System" under section 11 (e) of the Public Utility Holding Company Act of 1935; and

The United Corporation, which owns 23.18% of the outstanding voting securities of Niagara Hudson Power Corporation, having requested that it be made a party to the proceeding in respect of said Plan; and

It appearing that the acquisition of securities by The United Corporation under the proposed Plan is subject to the provisions of sections 9 and 10 of said Act; and

It further appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that The United Corporation be a party to the proceeding in respect of said Plan;

It is ordered, That The United Corporation be, and hereby is, made a party to said proceeding.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-13101; Filed, August 12, 1943; 10:13 a. m.]

[File No. 31-130]

STANDARD OIL COMPANY, NEW JERSEY

ORDER EXTENDING EFFECTIVE DATE OF ORDER DENYING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of August, A. D. 1943.

In the matter of Standard Oil Company (Incorporated in New Jersey), File No. 31-130.

The Commission on February 5, 1942 having issued its Findings, Opinion and Order denying the application of Standard Oil Company (incorporated in New Jersey) pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, for an exemption from any provision or provisions of said Act, but having "in view of the peculiar problems present by reason of applicant's interests in its other business . . . and in view of applicant's expressed willingness to cooperate in the solution of the problems arising from its public utility business" suspended the operation of said order for a period of six months until August 4, 1942, which has by subsequent orders been extended from time to time to August 12, 1943; and

Standard Oil Company having caused Consolidated Natural Gas (1) to be organized and to file on July 31, 1942, pursuant to section 5 (a) of the Act, a notification of registration as a person purposing to become a holding company; and (2) to file applications and declarations regarding the proposed acquisition from Standard Oil Company of all the voting securities of certain natural gas utility companies, concerning which hearings have been held and the record substantially completed; and

Standard Oil Company having informed the Commission that it contemplates distributing, pro rata, among its stockholders all of the shares of Consolidated Natural Gas Company (excluding fractions) which it will receive in exchange for shares of its present subsidiaries to be acquired by Consolidated Natural Gas Company in the event such acquisition is approved; and

In that connection, Standard Oil having indicated its desire to register pursuant to section 5 of the Act and to file a plan pursuant to section 11 (e) of said Act, which plan "it is hoped may be combined with the said plan heretofore filed by Consolidated so that the two may be approved in a single order . . . and consummated as a combined plan . . . prior to January 1, 1944"; and

Standard Oil Company having requested that the effective date of the Commission's Order dated February 5, 1942 be further extended until February 1, 1944 as applied to its application pursuant to section 3 (a) (3) of the Act for exemption from all the provisions of the Act, other than sections 4, 5, and 11, and in that connection, having withdrawn any objections which it may have to the Commission's Findings and Opinion, as amended, and any order or orders entered thereon, insofar as is applicable to sections 4, 5, and 11 and having consented to said order being made immediately applicable to said sections 4, 5, and 11 but having reserved any right it may have to request a rehearing or seek judicial review of said Findings and Opinion, as amended, and any orders entered thereon, as applicable to all provisions of the Act other than sections 4, 5, and 11;

Now, therefore, it is ordered, That the effective date of the Commission's Order of February 5, 1942 (as extended to August 12, 1943) denying the application of Standard Oil Company, pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, be, and hereby is, extended to February 1, 1944 as applied to all provisions of the Act, other than sections 4, 5, and 11 thereof: *Provided, however*, That this order is without prejudice to any and all rights which Standard Oil Company may have now to request a rehearing or seek judicial review of this Commission's Findings and Opinion, as amended, and of any order or orders entered thereon other than in respect of sections 4, 5, and 11 of the Act, and that neither this Order, nor the filing by Standard Oil Company of a notification of registration pursuant thereto shall be deemed to terminate as applied to sections of the Act other than sections 4, 5, and 11, the temporary exemption available to Standard upon the filing of said application for exemption as provided in section 3 (c) of the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-13102; Filed, August 12, 1943; 10:13 a. m.]

[File No. 70-618]

AMERICAN POWER AND LIGHT COMPANY

ORDER GRANTING APPLICATION FOR MODIFICATION AND EXTENSION OF ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of August, A. D., 1943.

The Commission having on February 22, 1943 entered an order pursuant to sections 10 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder permitting American Power & Light Company ("American"), a registered holding company and a subsidiary of Electric Bond and Share Company, likewise a registered holding company, to expend, over a period of four months, not in excess of $10,000,000, in cash, to acquire by open market purchases part of its outstanding Gold Debenture Bonds, 6% Series, due 2016, and its assumed Southwestern Power & Light Company 6% Gold Debenture Bonds, Series A, due 2022, at prices of not less

than 95% nor more than 100% of principal amount, said maximum having been fixed in American's application and declaration and said minimum having been fixed by a condition in said order;

American, at July 6, 1943, having been unable to expend more than $2,176,727 in the purchase of said debenture bonds and having filed an application for a modification and extension of said order of February 22, 1943, so as to permit it over a period of four months to employ the unexpended portion of said $10,000,000 in purchasing said debentures at prices not in excess of 106% of principal amount, and the Commission having, pending disposition of the issues herein, granted an extension of said order of February 22, 1943, without modification;

A public hearing on said application having been held after appropriate notice; and, the Commission having examined the record and having made and filed its findings herein;

It is ordered, That said application be, and hereby is, granted; *Provided, however*, That said order of February 22, 1943, except as herein modified, and conditions numbered (2), (3), and (6) to said order remain in full force and effect;

It is further ordered, That conditions numbered (1), (4), (5), and (7) to said order of February 22, 1943 be, and hereby are, modified to read as follows:

(1) That at least ten days before purchases are commenced under said order of February 22, 1943, as herein modified, American shall advise by letter each known holder of its debentures fully with respect to its modified purchase program, the form of such letter to be submitted to the staff of the Public Utilities Division prior to release;

(4) That American shall furnish to the Commission promptly at the end of each week, a schedule showing for each day covered by such schedule the principal amount of debentures of each class purchased on the New York Curb Exchange and the price at which purchased, and with respect to purchases other than on the New York Curb Exchange, the identity of the seller, the amount purchased, and the price paid;

(5) That no purchases shall be made after the expiration of four months from the date of this order, subject, however, to the right of American to apply for an extension or extensions of such period;

(7) That the Commission reserves jurisdiction in its discretion to rescind or further modify its order of February 22, 1943, as herein modified, upon motion of American or on its own motion after notice to American prior to the expiration of such four months extended period or any further extension thereof; any such rescission or modification to be applicable only to such portion of the $10,000,000 as shall not have been previously expended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-13105; Filed, August 12, 1943; 10:14 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 23—THE FEDERAL LAND BANK OF COLUMBIA

FEES

Section 23.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 23.1 *Loan application fees.* The following fees shall be charged in connection with loan applications:

(a) *Appraisal fee.* An appraisal fee of $10 is payable at the time the application is filed. If the amount of the closed loan exceeds $5,000, an additional fee of $1 for each $1,000 or fraction thereof above $5,000 will be collected from the loan proceeds.

(b) *Non-resident applicants.* If the applicant does not reside within the Third Farm Credit District a fee of $7.50 in addition to the regular appraisal fee will be charged to cover the cost of securing a separate appraisal report from the district of his residence.

(c) *Reappraisal fee.* If a reappraisal is required because of delay for which the Bank is not responsible, or is made at the applicant's request, the regular appraisal fee will be charged for the reappraisal.

(d) *Return of fee.* If the application is withdrawn or cancelled before appraisal by the Bank, the appraisal fee will be refunded to the applicant. If the application is withdrawn or cancelled after appraisal by the Bank, the appraisal fee will not be refunded to the applicant.

(e) *Loans on naval stores farms.* The regular appraisal fee will apply to this type of application. If preliminary appraisal and review are made, none of the fee will be refunded. If it is determined by the Bank and the applicant, after preliminary appraisal and contact with the applicant, that the application is to be handled to a definite conclusion, a fee of 5¢ per acre for timber cruise will be charged, to be paid prior to the making of the cruise. If the cost of the cruise is less than the timber cruise fee previously collected, the difference will be refunded to the applicant.

(Sec. 13 "Ninth," 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth," 723 (e), 1016 (e) and Sup.; 6 CFR 19.322 and 19.326) [Res. Bd. Dir. July 21, 1943]

[SEAL] THE FEDERAL LAND BANK OF COLUMBIA,
By JULIAN H. SCARBOROUGH,
President.

Confirmed:

C. M. EARLE, Jr.
Secretary.

[F. R. Doc. 43-13167; Filed, August 12, 1943; 5:10 p. m.]

The President

[Findings Under War Labor Disputes Act]

THE WHITE HOUSE,
Washington, August 10, 1943.

MY DEAR MADAM SECRETARY: You are hereby authorized and directed to exercise the power vested in the President to make findings under section 2 (b) (3) of the War Labor Disputes Act (Pub. Law 89, 78th Cong.). You are further authorized to secure from all departments and agencies of the Government such information as may be necessary in the exercise of this power.

Notice of all findings issued under this directive shall be given by publication in the FEDERAL REGISTER. Such additional notice may be given as you deem desirable.

Sincerely yours,

FRANKLIN D ROOSEVELT

THE HONORABLE,
THE SECRETARY OF LABOR.

[F. R. Doc. 43-13240; Filed, August 13, 1943; 11:43 a. m.]

FEDERAL REGISTER

VOLUME 8 NUMBER 161

Washington, Saturday, August 14, 1943

CONTENTS

THE PRESIDENT

LETTER: Page
Findings under War Labor Disputes Act; authorization of Secretary of Labor to exercise power 11281

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Vesting orders:
Bevilacqua, John 11312
Gronemann, Ida 11304
Gussmann, Gustav A 11305
Latvian Shipping Co., et al. (2 documents) 11304
LaBell, Jennie 11305
Lennig, Frederick 11306
Lovy, Adele 11312
Mayer, Frieda 11306
McBride, Patrick 11306
Michalski, Johanna 11313
Nolde, Anna L 11307
Norden, Adolph E 11307
North Point Consolidated Irrigation Co 11315
Obermeyer, Johann 11308
Perrone, Reverend Angelo 11308
Perry, Dominico 11313
Purviance, Hugh Y 11313
Rauh, George F 11308
Reichenbach, Henry 11309
Rumpen, Herman 11309
Santomenna, Domenick 11309
Sartorius, Otto 11310
Schlens, Gustav A., et al 11314
Schmidt, Henry W 11314
Shawl, Charles 11310
Steffen, Julius 11311
Takahashi, Shun T 11314
Townsley, Henry P 11315
Wilbur, Franklyn F 11311
Witt, Margaretha 11311
BITUMINOUS COAL DIVISION:
District 2, minimum price schedule amended 11284
Hearings, etc.:
American Rolling Mill Co 11300
Bethlehem Steel Co. and Industrial Collieries Corp 11300
District Board 11 11300
Ford Motor Co., et al 11299
Hanna, M. A., Co 11300

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
FEDERAL COMMUNICATIONS COMMISSION:	
Carlson, Charles C., (WJBW), hearing	11302
Main transmitter; requirements for ship service, amended	11299
FARM CREDIT ADMINISTRATION:	
Federal Land Bank fees:	
Columbia	11281
Saint Paul	11282
FEDERAL POWER COMMISSION:	
United Gas Pipe Line Co., application notice (2 documents)	11303
FEDERAL TRADE COMMISSION:	
Electrovita Sales Co. of Ohio, cease and desist order	11283
GRAZING SERVICE:	
Colorado construction work; wage recommendations	11301
LABOR DEPARTMENT:	
Thompson-Starrett Co., Inc., finding of the Secretary	11302
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list (2 documents)	11315
Beef, veal, lamb and mutton cuts (MPR 355, Am. 9)	11297
Beef and veal carcasses and cuts (RMPR 169, Am. 25)	11298
Kosher (MPR 394, Am. 3)	11297
Fats and oils (MPR 53, Am. 3)	11296
Food and drink sold for immediate consumption; designated Southern states (Restaurant MPR 4–1, Am. 3)	11295
Food products, certain packed (MPR 306, Am. 14)	11296
Lamb and mutton carcasses and cuts (RMPR 239, Am. 9)	11296
Metal products, certain mixed (GMPR Order 443, Am. 1)	11295
OFFICE OF PRICE ADMINISTRATION—Continued.	
Nonferrous mill products (GMPR Order 325, Am. 1)	11294
Paperboard sold east of the Rocky Mts. (RPS 32, Am. 6)	11291
Regional, state and district office orders:	
Community ceiling prices, list of orders filed	11321
Fluid milk:	
Adams, Wis	11320
Alliance, Nebr	11318
Freeport, Ill	11319
Hartford, Wis	11319
Hillsboro, Ill	11320
Kaukauna, Kimberly and Littlechute, Wis	11319
Ogallala, Nebr	11317
Port Washington, Wis	11318
Hauling and rental of power units; Wisconsin	11320
Malt beverages; Oklahoma City district	11315
Power laundries; Wayne County, Mich. (2 documents)	11316, 11317
Rubber drug sundries (MPR 301, Am. 8)	11291
Sugar rationing:	
(RO 3, Am. 77)	11291
(RO 3, Am. 78)	11292
(RO 3, Am. 79)	11292
PUBLIC HEALTH SERVICE:	
Shaving brushes, bacteriological examination of importations	11299
SECURITIES AND EXCHANGE COMMISSION:	
Community Gas and Power Co., et al., hearing	11321
VETERANS ADMINISTRATION:	
Adjudication of claims; Women's Army Corps service requirements	11299
WAR DEPARTMENT:	
Medical and dental attendance; accounts for consultation	11283
Women's Army Auxiliary Corps; enlistment	11283
WAR PRODUCTION BOARD:	
Controlled materials plan:	
Reduction of quantity ordered (CMP 1, Int. 12)	11290
Safety equipment (CMP 5, Direction 11)	11290
Heat exchangers (L–172)	11288
Iron and steel (M–21–b–2, Direction 1)	11285
Priorities system, operation (PR 3, Int. 4)	11285
Stop construction order	11323
Suspension orders:	
Chaplow, B. A., Lumber Co	11286
Fingerhut Co	11288
Manning, Bowman & Co	11286
National Radio Shop	11287
Peffer's Furniture Store	11287
Plymouth Machine and Burner Corp	11287
Southwest Mfg. Co	11286
Western Wrecking and Salvage Co	11286

[FCA 329]

PART 27—THE FEDERAL LAND BANK OF SAINT PAUL

FEES

Section 27.10 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 27.10 *Fees for subordination of mortgages and contracts, grants of and consents to easements, partial releases of mortgage security, partial conveyances of contract security, substitution of security and division of loans, Federal Land Bank and/or Land Bank Commissioner and/or Federal Farm Mortgage Corporation mortgages and land contracts.* The following fees and charges shall be paid to The Federal Land Bank of Saint Paul in connection with Federal Land Bank and/or Land Bank Commissioner and/or Federal Farm Mortgage Corporation mortgages and land contracts:

(a) Where an appraisal by a Land Bank appraiser is necessary, a fee of ten dollars ($10.00) shall be paid in connection with each application for subordination of mortgages and contracts, partial releases of mortgage security, partial conveyances of contract security and grants of and consents to easements.

(b) Where an appraisal by a Land Bank appraiser is necessary, a fee of ten dollars ($10.00) shall be paid for each appraisal made in connection with an application for substitution of security.

(c) Where an appraisal by a Land Bank appraiser is necessary in connection with an application for division of a Federal Land Bank and/or Land Bank Commissioner loan, only one fee of Five dollars ($5.00) shall be paid, regardless of the number of parts into which it or they may be divided.

(d) Where new loans are made involving a part of the security underlying an existing loan, partial releases necessitated thereby shall be made without fees.

Section 27.11 is hereby added to read as follows:

§ 27.11 *Fees for release of personal liability in connection with Federal Land Bank and Land Bank Commissioner loans.* Where an appraisal by a Land Bank appraiser is necessary, a fee of ten dollars ($10.00) shall be paid in connection with an application for release of personal liability upon transfer of title to the mortgaged property. (Sec. 13, "Ninth", 39 Stat. 372, sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.322, 19.326) [Res. Bd. Dir., June 23, 1943]

(Sec. 13 "Ninth, 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.322, 19.326) [Res. Bd. Dir., June 23, 1943]

[SEAL] THE FEDERAL LAND BANK OF SAINT PAUL,
By P. N. JOHNSON,
Vice President.

Confirmed:
D. S. GRAY,
Vice President.

[F. R. Doc. 43–13168; Filed, August 12, 1943; 5:10 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 77—MEDICAL AND DENTAL ATTENDANCE

ACCOUNTS FOR CONSULTATION

Section 77.3 (e) is amended as follows:

§ 77.3 *Civilian medical attendance for military patients at public expense* • • •

(e) *Consultation.* Accounts for consultation will not be allowed except in extraordinary cases, and then only upon the express approval of The Surgeon General or his authorized representative. (R.S. 161; 5 U.S.C. 22) [Par. 3e, AR 40–505, 1 September 1942, as amended by C 5, 22 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–13243; Filed, August 13, 1943; 11:48 a. m.]

PART 79b—WOMEN'S ARMY AUXILIARY CORPS

ENLISTMENT OF WOMEN IN ARMY OF UNITED STATES

Section 79b.17 is added as follows:

§ 79b.17 *Enlistment in the Women's Army Corps, Army of the United States*—(a) *Authority.* Public Law 110, 78th Congress, approved 1 July 1943, created, as a component of the Army of the United States, the Women's Army Corps, and provided for the expiration of the act of 14 May 1942, which authorized the establishment of the Women's Army Auxiliary Corps, on 30 September 1943.

(b) *Applicability of existing WAAC regulations.* Existing WAAC regulations will apply to WAAC personnel until such time as Army Regulations are promulgated. (§§ 79b.1–79b.16)

(c) *Eligibility requirements*—(1) *Age and citizenship.* An applicant must be a citizen of the United States and must have attained her twentieth but not her fiftieth birthday.

(2) *Physical and mental.* An applicant must be of excellent character and capable of passing the prescribed mental alertness test and physical examination.

(3) *Dependents.* (i) Any person with a child or children under the age of 14 years, legally or in fact dependent upon such person for care, custody, control, or support, is not eligible for enlistment.

(ii) Any person who is responsible for the financial support of any other person, unless such support can be met entirely by means other than derived from the applicant's pay as a member of the WAC, is not eligible for enlistment.

(4) *Doctors and nurses.* Doctors of medicine and registered nurses are not eligible for enlistment in the WAC.

(5) *Agricultural occupation.* A woman engaged in an agricultural occupation will not be accepted for enlistment in the WAC.

(d) *Enlistment procedure.* Enlistment in the WAC will be accomplished in the following order, when practicable:

(1) *Application for enlistment.* (i) The Application for Enlistment and any approved informational literature applicable and available will be furnished to all prospective applicants.

(ii) A WAC officer or enlisted woman will be available at the recruiting station at all times during duty hours to supply information to prospective applicants.

(iii) The completed Application for Enlistment may be filed by mail or in person at any United States Army recruiting station. Application should have attached, when practicable, satisfactory proof of birth date and citizenship.

(2) *Proof of birth date and citizenship.* (i) Satisfactory proof of date and place of birth should be established by one of the following: birth certificate or photostatic copy thereof; bona-fide school, institutional or baptismal records showing birth date of applicant; affidavit of physician or midwife attending birth of applicant; affidavit of parent or parents; affidavit of relative or responsible party in those cases where no reasonable doubt of age or place of birth exists.

(ii) In cases of naturalized citizens, final naturalization papers must be presented. In those instances where an applicant became naturalized while a minor through the naturalization of parent or parents, authenticated copies of the parents' final papers will be considered proof of citizenship.

(3) *Mental alertness and education.* Minimum qualifications for enlistment will be at least 2 years of secondary education (i. e., 2 years of high school or similar accredited school) and a score of not less than 70 on the Mental Alertness Test. A score of not less than 80 on the Mental Alertness Test will be accepted in lieu of 2 years of secondary education.

(4) *Physical examination.* (i) Applicant will be given a final type physical examination in accordance with the standards currently prescribed by the War Department. Until such time as new regulations are promulgated, criteria applicable to the WAAC will govern (See § 79b.8.) Physical examination must be completed.

(ii) Waivers for minor physical defects may be granted by the commanding generals of service commands where the interest of the Government or the military service is not compromised, provided the defects will not interfere with satisfactory performance of duty and are not of a nature likely to be aggravated by military service.

(5) *Statement of release from employment.* Statement of release from applicants employed in war industries or who are Federal employees should have been presented during processing of applicants. If not previously presented, it is mandatory that such a release be presented *before* Oath of Enlistment is administered.

(e) *Conflicting regulations.* All regulations and instructions previously issued which are in conflict herewith are rescinded. (Public Law 110, 78th Congress, 1 July 1943) [A. S. F. Memorandum No. S635–6–43, 30 July 1943, and W.D. Memorandum No. W635–14–43, 30 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–13242; Filed, August 13, 1943; 11:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4858]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ELECTROVITA SALES COMPANY OF OHIO

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Elsaco Mineralized Water" or artificial mineral water, or any other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said product, which advertisements represent, directly or through inference, (1) that the use of respondent's product has any beneficial effect other than a tendency to decrease acidity in the stomach; (2) that respondent's product will neutralize any acid condition of the blood stream or rid the body of an acid condition; (3) that respondent's product has any beneficial effect in activating the kidneys other than that obtained from the ingestion of an equal amount of ordinary drinking water; (4) that respondent's product has any special properties which are effective in dissolving waste material in the kidneys or in removing toxic matter from the system; (5) that respondent's product will supply mineral deficiencies or supply essential mineral salts needed by the body to keep the body chemistry in balance; (6) that respondent's product will purify the blood, remove nerve irritation, rebuild body tissue or cell life, or absorb poisons that may be in the system; (7) that respondent's product acts as an oxidizing agent or that it will be effective in the burning up of any waste materials which might cause irritation of the vital organs, such as the heart, liver, gall bladder, or kidneys; (8) that respondent's product has any therapeutic value whatsoever in the treatment of asthma, kidney or bladder trouble, Bright's disease, boils, jaundice, female disorders, liver or gall bladder trouble, varicose veins, colitis, arthritis, diabetes, prostatitis, hot flashes, headaches, chills, rheumatism, constipation, high blood pressure, influenza, run-down condition, piles, epilepsy, neuritis, stomach ulcers, anemia, dermatitis, heart trouble, and many other ailments and conditions, as specified in order; or (9) that respondent's preparation has any significant therapeutic value in the treatment of any disease or disorder of the human system; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec 45b) [Cease and desist order, The Electrovita Sales Company of Ohio, Docket 4858, August 3, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of August, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of and in opposition

to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, and briefs in support of and in opposition to the complaint; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, The Electrovita Sales Company of Ohio, a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of its artificial mineral water, designated "Elsaco Mineralized Water," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly,

1. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

a. That the use of respondent's product has any beneficial effect other than a tendency to decrease acidity in the stomach.

b. That respondent's product will neutralize any acid condition of the blood stream or rid the body of an acid condition.

c. That respondent's product has any beneficial effect in activating the kidneys other than that obtained from the ingestion of an equal amount of ordinary drinking water.

d. That respondent's product has any special properties which are effective in dissolving waste material in the kidneys or in removing toxic matter from the system.

e. That respondent's product will supply mineral deficiencies or supply essential mineral salts needed by the body to keep the body chemistry in balance.

f. That respondent's product will purify the blood, remove nerve irritation, rebuild body tissue or cell life, or absorb poisons that may be in the system.

g. That respondent's product acts as an oxidizing agent or that it will be effective in the burning up of any waste materials which might cause irritation of the vital organs, such as the heart, liver, gall bladder, or kidneys.

h. That respondent's product has any therapeutic value whatsoever in the treatment of asthma, kidney or bladder trouble, Bright's disease, boils, jaundice, female disorders, liver or gall bladder trouble, varicose veins, colitis, arthritis, diabetes, prostatitis, hot flashes, headaches, chills, rheumatism, constipation, high blood pressure, influenza, run-down condition, piles, epilepsy, neuritis, stomach ulcers, anemia, dermatitis, heart trouble, iritis, sinusitis, multiglandular conditions, amenorrhea, digestive disturbances, nervousness, gas on stomach, intestinal troubles, kidney stones, impetigo, rheumatic fever, meningitis, facial neuralgia, eczema, toxemia, goiter, cataracts, indurative myocarditis, muscular dystrophy, paralysis, nervous exhaustion, underweight, fevers, ovarian trouble, cirrhosis of the liver, tuberculosis of the skin, pleurisy, leakage of the heart, low blood pressure, appendicitis, gastric acidity, tic douloureux, gangrenous infection, streptococcic infection, dropsy, tumors, or palsy.

i. That respondent's preparation has any significant therapeutic value in the treatment of any disease or disorder of the human system.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's product, which advertisement contains any of the representations prohibited in paragraph 1 hereof and the respective subdivisions thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-13214; Filed, August 13, 1943; 10:58 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1895]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

MEMORANDUM OPINION AND ORDER

Memorandum opinion and order of the director in the matter of the petition of District Board No. 2, for increases in the minimum prices heretofore established for the coals produced by Grippo Coal Company at its Grippo Mine, Mine Index No. 851.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on March 4, 1943, by District Board 2, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting increases in the minimum prices of the coals produced by the Grippo Mine (Mine Index No. 851) of the Grippo Coal Company, located in Center Township, Butler County, Pennsylvania, in District 2. On March 30, 1943, Bituminous Coal Consumers' Counsel filed a petition of intervention.

Pursuant to appropriate orders,[1] and after due notice to interested persons, a hearing in this matter was held on April 6, 1943, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner, Consumers' Counsel, and the Office of the General Counsel of the Division appeared by representatives. All parties waived the filing of a report by the Examiner and the matter was thereupon submitted to me.

The Grippo Mine (Mine Index No. 851) is a deep mine, operating in the Kittanning Seam in Butler County, approximately 3 miles distant from the City of Butler and 2/10ths of a mile distant from Pennsylvania Route 38, an improved state highway. At present it has a daily production of approximately 125 tons in 3/8" slack, 3/8" x 1 1/4" stoker, 1 1/4" x 2" nut, 2" x 4" egg and 4" lump sizes and practically all of its coal moves by truck to the City of Butler, primarily for domestic use, and also for commercial uses in the resultant sizes. The petition requests that the minimum prices established for the coals of the Grippo Mine should be increased in Size Groups 2 to 11, inclusive, for truck shipment, as follows:

	Size group									
	2	3	4	5	6	7	8	9	10	11
Price	330	320	310	300	290	270	260	230	220	[1]210

[1] No request is made for revision in the price of Size Group 1; in Size Groups 2 to 11, inclusive, the foregoing prices include the increases granted by Order of the Director in General Docket No. 21, effective October 1, 1942.

T. J. Ward, a member of the Price and Classification Committee of District Board 2 and the only witness at the hearing, testified that the purpose of the District Board's petition was to restore the minimum prices for the Grippo Mine, established in General Docket No. 15, which were 10 cents higher in all size groups except Size Group 1 and Size Groups 7 and 8, the prices of which were 5 cents higher than the minimum prices for truck shipment, subsequently established in Docket No. A-552.[2] He explained that the minimum prices established for the coals of the Grippo Mine in General Docket No. 15 were the same as the prices for comparable coals of such competitive mines in Butler County as the Wigton Mine (Mine Index No. 952) of the Bisco Coal Co., the Zenith #1 Mine (Mine Index No. 249) of the Zenith Coal Co., the McCormick Mine (Mine Index No. 887) of the McCormick Coal Co., the Cosco #1 and #2 Mines (Mine Index Nos. 41 and 42) of the Cosco Gas Coal Co., and the Oneida #3 Mine (Mine Index No. 2195) of the Ivywood Coal Co., all of which operate in the same Kittanning Seam, are located approximately the same distance from the main market area, and produce mine run coal which is prepared and loaded by hand in the same manner as the coal of the Grippo Mine. He further testified that the minimum prices for coals of the Grippo Mine were reduced in Docket No. A-552 upon the code member's request and after inspection of the mine and investigation of the marketing conditions in the Butler area by the District Board, for the reason that its coal had to be trucked to the state highway over a dirt road which often was impassable during the months in which this coal was hauled from the mine, and also because in the development of the mine, the code member had extended entries to the right and the left of the main headings into the outcrop and the coal, which was mined at the time of the advancement of the headings, being near the outcrop, was slightly more friable and not of the quality of the coal produced after further development of the mine. On the basis of these facts, the District Board proposed a reduction in the minimum prices for all sizes of coal produced by the Grippo Mine for truck shipment, so as to create a fair competitive price relationship with other coals produced by competitive mines in the Butler area.[3] The record further discloses that, upon complaint of producers in the Butler area, it was ascertained by the District Board that the conditions which required the adjustment made in Docket A-552 no longer existed. The witness Ward proceeded to explain that as a result of a fire which occurred in the summer of 1941, the equipment used as a tipple at the Grippo Mine to dump its mine run coal, was destroyed and a new tipple with a capacity of approximately 200 tons was constructed and a modern shaker screen and picking table were installed. He asserted that the coal presently produced has improved in quality, since it is now mined under the hill of the mine and is of the same character as that produced from the main headings, that this coal is now hard, of firm structure and presents a good appearance, and that, in addition, the road leading from the main highway to the mine has been rebuilt and maintained in a very good condition. He added that since the time of the foregoing improvements, the coal of the Grippo Mine has sold, size for size, at prices identical with those of competing mines. In his opinion, the methods of preparation and the conditions surrounding the production and marketing of the coal of the Grippo Mine are now similar to those of competing mines; Grippo Mine Coal is comparable to, and enjoys the same consumer acceptance as the coals of competing Butler County mines; and now attracts truckers as readily as the coals of these competing mines, because of the present location of the mine and the present condition of the highway leading to it. Particularly because of the improvement in the quality of the coal and in the condition of the road leading to the mine, and, to some extent, because of the installation of the new tipple and preparation facilities, the District Board proposed to revise the minimum prices of the Grippo Mine in order to maintain fair and equitable competitive opportunities for the producers who serve the market in the Butler area. Finally, it should also be noted, as the witness further testified, that the code member conceded that the conditions obtaining at the time of its request for a reduction in minimum prices had improved and that its coal should be priced the same as the coals of the competitive Butler County mines.

In the circumstances here presented, I am persuaded that the coal of the Grippo Mine has improved in quality and that the conditions surrounding the production and marketing of this coal are presently similar to those affecting the coals of competitive Butler County Mines. In order to reflect the relative value of this coal as nearly as possible and to preserve existing fair competitive opportunities among the producers in the Butler area, I find that the minimum prices of the coal of the Grippo Mine should be increased as requested in the petition. I find further that such revision in minimum prices complies with the standards set forth in sections 4 II (a) and (b) of the Act and is necessary to effectuate the purposes thereof.

For the foregoing reasons, upon the basis of the entire record in this proceeding, and pursuant to section 4 II (d) and other provisions of the Act,

It is hereby ordered, That § 322.23 (*General prices*) is amended by revising the effective minimum prices of the coal produced by the Grippo Mine (Mine Index No. 851) of the Grippo Coal Company, in Center Township, Butler County, Pennsylvania, in District 2, for truck shipment, as follows:

	Size group									
	1	2	3	4	5	6	7	8	9	10	11
Price	345	330	320	310	300	290	270	260	230	220	210

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13113; Filed, August 12, 1943; 10:58 a. m.]

[1] The order of the Director, dated March 13, 1943, denied temporary relief and scheduled the hearing herein for April 13, 1943. On March 23, 1943, the Director entered an order granting petitioner's request to advance the date of hearing to April 6, 1943.

[2] These prices were:

	Size Group										
	1	2	3	4	5	6	7	8	9	10	11
General Docket No. 15	325	310	300	290	280	270	250	240	210	200	190
Docket No. A-552	325	300	290	280	270	260	245	235	200	190	180
Present Prices (including the increases granted in General Docket No. 21)	345	320	310	300	290	280	265	255	220	210	200

[3] The price classifications of the Grippo Mine for rail shipment, however, were not revised and these are identical with the price classifications of the Butler County mines, referred to above.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 4 of Priorities Regulation 3]

The following Interpretation 4 is issued with respect to Priorities Regulation 3.

A great many orders of the War Production Board permit the delivery of materials pursuant to preference ratings assigned by a P-19-h Order, or by an order in the P-19 series. Forms CMPL-224 and CMPL-127 are generally used in place of orders in the P-19 series. It is expressly stated on Form CMPL-224:

"This authorization is issued in lieu of preference rating order of the P-19 series. Any reference in any order of the War Production Board to said preference rating orders shall constitute a reference to this authorization."

It is set forth in CMPL-127:

"This authorization is issued in lieu of Preference Rating Order P-19-h or P-55. Any reference in any order of the War Production Board to said Preference Rating Order P-19-h or P-55 shall constitute a reference to this authorization."

Consequently, it is proper for any person to deliver material or equipment pursuant to a rating assigned by Forms CMPL-224 or CMPL-127, if he is permitted under existing orders of the War Production Board to deliver said material pursuant to a rating assigned by a P-19-h order or an order in the P-19 series.

Issued this 13th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13215; Filed, August 13, 1943; 11:12 a. m.]

PART 962—IRON AND STEEL

[Direction 1 to General Preference Order M-21-b-2]

ADDITIONAL ALLOWANCE OF CERTAIN MERCHANT TRADE PRODUCTS FOR WAREHOUSES LOCATED IN CERTAIN WESTERN STATES

The following Direction 1 is issued pursuant to General Preference Order M-21-b-2.

Before and during the base period established by General Preference Order M-21-b-2, a severe drought affecting a large area in certain western states curtailed the normal purchases of steel products by warehouses located in the area. As a result, the base tonnages available under General Preference Order M-21-b-2 limit warehouse purchases of certain merchant trade products to a level which is inadequate to meet the usual requirements of the area. A more normal crop growing season now exists, and in order to enable warehouses in the area to purchase steel products in proportion to their present needs the following direction is issued pursuant to General Preference Order M-21-b-2 (§ 962.11).

(a) *Warehouses and product groups covered by this direction.* This direction applies only to warehouses located in Kansas, Montana, Nebraska, North Dakota, South Dakota, and

Wyoming, and only to the following merchant trade product groups:

23. Nails (cut and wire), and fence and netting staples.
25. Wire, drawn.
26. Wire bale ties.
27. Wire (barbed and twisted), wire fence (woven or welded) and netting.
28. Fence posts.

(b) *Additional allowance.* Prior to October 1, 1943, orders for delivery to stock during the period August 1–December 31, 1943, may be placed by a warehouse with a producer up to 100% of the warehouse's base tonnage with that producer, regardless of the amount of material received before August 1, 1943. However, orders for product groups 23 and 25 placed pursuant to a warehouse load directive for delivery in the last half of 1943 shall be considered part of this additional allowance, and not in addition thereto.

(c) *Identification of purchase orders.* Each purchase order placed pursuant to paragraph (b) shall be endorsed as follows and, when so endorsed, shall be an authorized controlled material order;

"This order is placed pursuant to the authority contained in Direction 1 to General Preference Order M–21–b–2.

Name of warehouse

Address

Signature of Authorized Official

Date

(d) *Stock replacement.* Warehouse orders representing stock replacement of material sold on authorized controlled material orders, and accompanied by Form WPB–2444 (CMP–11), may be placed in addition to the amount authorized in paragraph (b). These replacement orders must be placed in the manner described in paragraphs (d) (2) and (e) (2) of General Preference Order M–21–b–2.

Issued this 13th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13216; Filed, August 13, 1943; 11:12 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–60, Revocation]

MANNING, BOWMAN & CO.

Manning, Bowman & Company has appealed from the provisions of Suspension Order No. S–60, issued June 29, 1942. After a review of the case it has been determined by the Chief Compliance Commissioner that Suspension Order No. S–60 should be revoked.

In view of the foregoing, *It is hereby ordered*, That § 1010.60 Suspension Order No. S–60, issued June 29, 1942, be revoked.

Issued this 13th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R Doc. 43–13217; Filed, August 13, 1943; 11:13 a. m.]

PART 1010—SUSPENSION ORDERS

[Amdt. 1 to S–358]

B. A. CHAPLOW LUMBER CO.

B. A. Chaplow Lumber Company of Detroit, Michigan, has appealed from the provisions of Suspension Order S–358 issued July 8, 1943. After a review of the case, it has been determined that the respondent wilfully violated Conservation Order M–208 and Priorities Regulation No. 1 and No. 3. However, the respondent has shown that its business will be jeopardized and that undue hardship will result unless this Suspension Order is relaxed. It has therefore been determined that the respondent should be permitted to purchase and sell lumber to fill orders bearing preference ratings of AA–3 or higher.

In view of the foregoing facts; *It is hereby ordered*, That paragraph (f) of § 1010.358, Suspension Order S–358, issued July 8, 1943, be amended to read as follows:

(f) The provisions of this order shall not be applicable to lumber which is actually in transit to the respondent on the effective date of this order, nor which is received, used or required for use in filling orders bearing preference ratings of AA–3 or higher.

Issued this 13th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13218; Filed, August 13, 1943; 11:13 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–378]

SOUTHWEST MANUFACTURING CO.

Frank J. Turner, 1214 West Madison Street, Phoenix, Arizona, operates a general sheet metal shop and manufactures and sells evaporative coolers, under the name of Southwest Manufacturing Company. General Limitation Order L–38 restricting the production or sale of "refrigerating and air-conditioning equipment" became effective May 15, 1942. Between July 24 and September 4, 1942, respondent produced and sold sixty-seven evaporative coolers being "refrigerating and air-conditioning equipment" as defined in General Limitation Order L–38 and in violation of that Order, and having a value of $13,501.34. Respondent admits that he received actual notice of this Order on June 10, 1942. After June 10, 1942, the respondent produced approximately two hundred evaporative coolers, being said "refrigerating and air-conditioning equipment", having a value of about $5,000, in violation of General Limitation Order L–38. These coolers were produced for private accounts and not for military purposes. Because of actual knowledge of the Order on June 10, 1942, and because of respondent's familiarity with the mechanical refrigerator business, these violations of the order must be deemed wilful.

These wilful violations of General Limitation Order L–38 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts: *It is hereby ordered*, That:

§ 1010.378 *Suspension Order S–378.* (a) Frank J. Turner, doing business as Southwest Manufacturing Company, or otherwise, his and its successors and assigns, shall not produce, manufacture, process, sell, transfer, or otherwise dispose of any evaporative coolers, evaporative cooler parts, or any "system" or "parts" as defined in General Limitation Order L–38 as amended, unless hereafter specifically authorized in writing by the Regional Director of the San Francisco Regional Office of the War Production Board. Authority is hereby delegated to said Regional Director to pass upon applications by the respondent to engage in such activities.

(b) Deliveries of material to Frank J. Turner, doing business as Southwest Manufacturing Company, or under any other name, his or its successors or assigns shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, or any other orders or regulations of the War Production Board unless hereafter specifically authorized in writing by the War Production Board.

(c) No allocation or allotment of materials for production, the supply or distribution of which is governed by any order or regulation of the War Production Board shall be made to Frank J. Turner, doing business as Southwest Manufacturing Company or under any other name, his or its successors or assigns, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve Frank J. Turner, doing business as Southwest Manufacturing Company, or otherwise, his or its successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 13, 1943, and shall expire on December 13, 1943.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13219; Filed, August 13, 1943; 11:13 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–397]

WESTERN WRECKING AND SALVAGE CO.

Morris Shapiro, doing business as Western Wrecking and Salvage Company, operates a scrap metal business at 112 Natividad Street, Salinas, California. Between October 6, 1942, and March 30, 1943, he violated Supplementary Order M–9–b by accepting deliveries of about 18,000 pounds of copper and copper base alloy scrap, without having sold or otherwise disposed of similar scrap, during the sixty days preceding each delivery to him, in an amount at least equal in weight to his scrap inventory on the dates of such deliveries, exclusive of such deliveries. During this time, Mr. Shapiro was acquainted with the provisions of Supplementary Order M–9–b, and these violations were therefore wilful. The effect of these acts has been to retard the flow of scrap copper and copper base alloy to uses in the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.397 *Suspension Order No. S–397.* (a) Morris Shapiro, doing business as Western Wrecking and Salvage Company, or otherwise, his successors or assigns, shall not order, purchase or accept delivery of any copper, copper base alloy or scrap, as those terms are defined in Supplementary Order M–9–b, until his total inventory of all such materials has been reduced to not more than 3000 pounds and so found by the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Morris Shapiro, his successors, or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 13, 1943.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13220; Filed, August 13, 1943; 11:13 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–398]

NATIONAL RADIO SHOP

Leo Galenson doing business as National Radio Shop at 8626 South Broadway, Los Angeles, California is engaged in the business of selling new metal plumbing equipment. Between September 23, 1942, and January 6, 1943, he sold to ultimate consumers thirteen items of new metal plumbing equipment having an approximate total value of $1800 dollars. In connection with these sales, it is doubtful whether the respondent obtained the required certifications from his customers as he should have done, but there is no doubt that he failed to keep them on file, and this failure itself was a violation of Limitation Order L–79. On December 30, 1942, respondent sold new metal plumbing equipment having a value of approximately $160, and used an improper form of certification in violation of Limitation Order L–79. In addition, respondent was grossly negligent in handling his certificates and records. Respondent knew of Limitation Order L–79 and his actions must be deemed wilful violations of that order; he has diverted scarce materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing facts; *It is hereby ordered*, That:

§ 1010.398 *Suspension Order S–398.* (a) Delivery of materials to Leo Galenson, doing business as National Radio Shop, or otherwise, his or its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Leo Galenson, doing business as National Radio Shop, or otherwise, his or its successors or assigns, from any restrictions, prohibitions, or provision contained in any other Order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 13, 1943, and shall expire on November 13, 1943.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13221; Filed, August 13, 1943; 11:13 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–399]

PLYMOUTH MACHINE AND BURNER CORP.

Plymouth Machine & Burner Corporation is engaged in the business of machining and manufacturing parts at 10 Water Street, Plymouth, Massachusetts. On February 3, 1943, the respondent extended an AA–1 rating accompanied by a certificate in the form provided by Priorities Regulation No. 3 for the purpose of obtaining three lathes. Actual delivery on this order was not completed, but delivery was completed on a subsequent telephone order which improperly purported to extend an authorization of the War Production Board which was never in fact given. The original application of the preference rating AA–1 was improper and was made in violation of Priorities Regulation No. 3. The officers of the respondent in charge of its business knew Priorities Regulation No. 3 or from their business experience should have known the Regulation, and the actions of respondent must be deemed wilful violations of Priorities Regulation No. 3; they have hampered and impeded the war effort of the United States. In view of the foregoing facts: *It is hereby ordered*, That:

§ 1010.399 *Suspension Order S–399.* (a) Plymouth Machine & Burner Corporation, its successors and assigns, shall not order, purchase, or receive any machine tools, unless hereafter authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Plymouth Machine & Burner Corporation, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 13, 1943, and shall expire on December 13, 1943.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13222; Filed, August 13, 1943; 11:13 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–400]

PEFFER'S FURNITURE STORE

E. F. Peffer, Stockton, California, does business in that city under the trade name of Peffer's Furniture Store. Between May 23, 1942, and January 19, 1943, he violated Limitation Order L–79 by selling and delivering 144 oil and gas heaters, defined as new metal heating equipment in said Order, to ultimate consumers who did not furnish him with preference rated orders or written certifications. At the time of such sales E. F. Peffer was familiar with the provisions of Limitation Order L–79, and these violations were wilful.

These violations of Limitation Order L–79 have hampered and impeded the war effort of the United States by distributing scarce materials in a manner unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.400 *Suspension Order No. S–400.* (a) During the term of this order, E. F. Peffer, individually, or doing business as Peffer's Furniture Store, or otherwise, his successors and assigns, shall not purchase, accept delivery of, order, sell, deliver, or otherwise deal in, new metal heating equipment as defined in Limitation Order L–79.

(b) Nothing contained in this order shall be deemed to relieve E. F. Peffer, individually or doing business as Peffer's Furniture Store, or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 13, 1943, and will expire on October 13, 1943.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13223; Filed, August 13, 1943; 11:12 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-401]

FINGERHUT CO.

Joseph Fingerhut, trading as Fingerhut Company at 5 East Lake Street, Minneapolis, Minnesota, operates a retail electric equipment store. Between August 13, 1942, and October 15, 1942, he violated Supplementary General Limitation Order L-5-d by transferring three domestic mechanical refrigerators, on the authority of Certificates of Transfer issued to specifically named persons, to persons other than those so named. At the time of these transactions Joseph Fingerhut was familiar with the provisions of Supplementary General Limitation Order L-5-d, and with the language of the aforesaid Certificates of Transfer, and these violations were wilful.

These violations of Supplementary General Limitation Order L-5-d have hampered and impeded the war effort of the United States by distributing scarce material and products contrary to specific directions of the War Production Board. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.401 *Suspension Order S-401.* (a) Deliveries of material or equipment to Joseph Fingerhut, individually, or trading as Fingerhut Company, or otherwise, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be applied, assigned or extended to such deliveries by any preference rating orders, preference rating certificates, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Joseph Fingerhut, individually, or trading as Fingerhut Company, or otherwise, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions of this order.

(c) This order shall take effect on August 13, 1943, and shall expire on November 13, 1943.

Issued this 6th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13224; Filed, August 13, 1943; 11:12 a. m.]

PART 3020—HEAT EXCHANGERS

[General Limitation Order L-172, as Amended August 13, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the production of heat exchangers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3020.1 *General Limitation Order L-172*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, and includes the Army and Navy of the United States, the Maritime Commission, the War Shipping Administration, the Office of Lend-Lease Administration and the Office of Economic Warfare.

(2) "Manufacturer" means any person who constructs, manufactures or assembles critical heat exchangers to the extent that he is engaged in such construction, manufacture or assembly; and shall include sales and distribution outlets and agencies controlled by such person. The term shall also include any person who purchases or otherwise acquires materials for manufacture or assembly into critical heat exchangers by his subcontractor, and resale by such person.

(3) "Critical heat exchanger" means any new equipment or apparatus consisting of an assembly, bundle or nest of one or more bare or finned tubes (metallic or non-metallic) or metal plates, and including any shell or pressure vessel to contain the same, designed for the transfer or exchange of heat between two or more fluids (liquids, gases or vapors), except the following:

(i) Any equipment or apparatus which is direct-fired or installed within a flue gas passage;

(ii) Any equipment or apparatus which permits direct contact involving physical mixing of the fluids (other than direct contact boiler feed water heaters);

(iii) Any steam surface condenser designed to condense exhaust steam from a prime mover to maintain a minimum exhaust pressure;

(iv) Any heat exchanger for use on aircraft;

(v) Any radiator-type cooler;

(vi) Unit heaters, convectors, unit ventilators, unit coolers and blast coils, if such items are for space heating or cooling or industrial space heating or drying;

(vii) Any indirect water heater commonly referred to as a storage water heater, submerged water heater, side arm water heater, "below-the-water-line" heater, or any water heater designed to supply hot water for a hot water space heating system for buildings or ships;

NOTE: Following paragraphs (viii) and (ix), formerly (viii) (e) and (viii) (g) respectively, and paragraphs (x) and (xi), formerly (viii) and (ix) respectively, redesignated August 13, 1943.

(viii) Heat exchangers having parts which come in direct contact with food or food products;

(ix) Any heat exchanger of non-metallic construction for use in a chemical experimental laboratory;

(x) Any of the following types of new heat exchanger equipment when manufactured and delivered by the manufacturer thereof as a necessary integral part of, and together with, other equipment (not heat exchanger) also manufactured by him, or for replacement in equipment so manufactured and delivered:

(a) Compressor intercoolers and aftercoolers; or

(b) Lubricating oil coolers for turbines or electric generators or motors; or

(c) An air or hydrogen cooler for an electric generator or motor; or

(d) Auxiliary air removal equipment for steam surface condensers for use with a prime mover, as described under subparagraph (3) (iii) above; or

(e) Rectifier or transformer oil coolers;

(xi) Heat exchangers designed for use as part of a refrigerating or air conditioning "system" as defined in General Limitation Order L-38 when fabricated by a manufacturer who currently produces such "systems".

(4) "Group I critical heat exchanger" means any of the following critical heat exchangers:

(i) An assembly, bundle or nest of one or more bare or finned tubes (metallic or non-metallic) installed in, or designed for installation in a shell or pressure vessel, except those for use on shipboard, and also excluding those which are designed for use in a refrigerating or air conditioning "system" as defined in Order L-38; or

(ii) An assembly, bundle or nest of metal plates of any size contained in a shell or pressure vessel for any use other than on shipboard; or

(iii) One or more tube bundles designed for replacement in any new or used equipment or apparatus described in (i) above; or

(iv) Any shell or pressure vessel designed for replacement in any new or used equipment or apparatus described in (i) above.

(5) "Group II critical heat exchanger" means any critical heat exchanger which is not a Group I critical heat exchanger. Thus, the term "Group II critical heat exchanger" includes equipment of the type described in paragraph (a) (4) when designed for shipboard use. It also includes so-called "open sections" of either the atmospheric or submerged type; direct contact boiler feed water heaters; heat exchangers designed for use as part of a refrigerating or air conditioning "system" as defined in Order L-38, when fabricated by a manufacturer who does not currently produce such systems; air or hydrogen coolers for electric generators or motors when not manufactured and delivered by the manufacturer thereof as a necessary integral part of, and together with, other equipment (not heat exchanger) also manufactured by him, or for replacement in equipment not so manufactured and delivered. It also includes any tube bundle, or any shell or pressure vessel, designed for replacement in any critical heat exchanger which is not a Group I critical heat exchanger.

(6) "Delays beyond control" includes only those unavoidable delays, such as result from plant breakdowns, or changes in production or deliveries required by directions, directives or orders referred to in paragraph (e) below, against which the manufacturer's production or delivery schedules are not protected by the provisions of this order.

(b) *Operations reports.* On or before the 10th day of July, 1943, and the 10th day of each succeeding calendar month, each manufacturer shall file a report on Form WPB-3000 (or PD-900), prepared in accordance with instructions WPB-3000.08 for the form.

(c) *Delivery schedules*—(1) *Monthly reports.* On or before the 10th day of July, 1943, and the 10th day of each succeeding calendar month, each manufacturer shall file a report on Form WPB-1474 (or PD-615B), prepared in accordance with the instructions accompanying such form.

(If and whenever General Scheduling Order M-293 requires or permits the filing of any other form in place of Form WPB-1474, such other form may be used and filed to the extent permitted or required by Order M-293, in place of Form WPB-1474, and in that case any reference in this order to Form WPB-1474 shall also apply to such other form, or to any comparable part of such other form.)

(2) *Required delivery schedule.* Such Form WPB-1474 as filed each month shall show in column 17 the required delivery dates (months of shipment) as specified by the War Production Board (or if such Board has not specified a delivery date for any order, then the delivery date required by the purchaser) for all unfilled orders for Group I or Group II critical heat exchangers previously accepted and reported by the manufacturer, and for each new order for Group I or Group II critical heat exchangers which the manufacturer has accepted subsequent to the filing of his corresponding report for the preceding month. The schedule of deliveries as thus filed shall be deemed a "frozen schedule", within the meaning of Priorities Regulation No. 18, and the dates thus shown in the required delivery schedule on each monthly report shall continue to be shown unchanged on subsequent monthly reports, unless the War Production Board shall subsequently specify a different required delivery date, in which event any new date thus specified shall thereafter constitute the required delivery date and be reported as such. The manufacturer shall deliver critical heat exchangers only in accordance with his required delivery schedule, except for the accelerated deliveries resulting from the permissible increased production permitted in paragraph (c) (5) below, and except that a purchaser may change the point of destination to which any exchanger ordered by him is to be shipped. (An order for any heat exchanger not now within the definition of a "critical heat exchanger", but which was authorized on Form PD-615 or PD-615A, before July 9, 1943, shall be considered as an order for a critical heat exchanger, and be reported as a part of such schedule, until otherwise directed by the War Production Board).

(3) *Anticipated shipments.* Such Form WPB-1474 as filed each month shall also show in column 18 the proposed shipping dates (months of delivery) which the manufacturer believes he can meet, for all orders shown on his required delivery schedule reported in column 17 on said form. Such proposed dates shall coincide with the required dates as shown in column 17, or reflect any cancellations, or any permissible increased production and deliveries as provided for under paragraph (c) (5) below. The dates thus reported shall continue to be shown unchanged on subsequent monthly reports until the respective deliveries have been completed. If at any time, due to delays beyond control, the manufacturer no longer believes he can meet any proposed shipping date previously reported by him, he shall immediately notify the War Production Board, by letter or telegram, explaining the reasons for the anticipated delay (or further delay) and the extent of interruption of his proposed delivery schedule which he expects to result (or which has resulted) therefrom; and in filing his next monthly report on Form WPB-1474 he shall show in column 18 the changed date which he believes he can meet, postponed only to the extent required by delays beyond control. He shall also show any proposed accelerated deliveries which will result from any permissible increased production which he proposes to undertake in accordance with paragraph (c) (5) below.

(4) *Production for meeting required delivery schedules.* Each manufacturer shall carry on his production in such manner as may be necessary to assure deliveries in accordance with his required delivery schedule. Unless specifically directed to do so in accordance with paragraph (e) below, he shall not at any time accept any additional orders for critical heat exchangers or for any other products, regardless of any accompanying preference rating or allotment number or symbol, unless he knows or has reasonable cause to believe that, subject to delays beyond control, he can fill such additional orders in accordance with their terms (as authorized), without causing delay in his delivery of any order included in his required delivery schedule.

(5) *Permissible increased production rate.* Any manufacturer may carry on his production of critical heat exchangers at a rate sufficient to enable him to make shipment of any order during the calendar month preceding that in which shipment is required, and may accelerate his deliveries accordingly, but only if he can do so without causing delay in his delivery of any previously or subsequently accepted orders for critical heat exchangers, or orders for other products rated AA-5 or higher or included in a "frozen schedule" as defined in Priorities Regulation No. 18.

(d) *Placing and acceptance of orders for critical heat exchangers*—(1) *Group I exchangers.* (i) No person shall place an order with a manufacturer, and no manufacturer shall commence production or accept an order, for any Group I critical heat exchanger unless accompanied by a specific authorization by the War Production Board on Form WPB-1475 (or PD-615) or on Form PD-615A. Applications for such authorization may be made to the War Production Board by the person seeking to place an order, on Form WPB-1475 in quadruplicate. Such person shall designate his proposed supplier, and the calendar month in which delivery is required, which in no case shall be earlier than is essential for his purposes. No order will be authorized if it fails to specify the month in which delivery is required.

(ii) Any order so authorized shall be accepted by the manufacturer specified in the authorization; except that the manufacturer need not accept such order if it does not meet his regularly established prices and terms of sale or payment: *Provided, however,* That the manufacturer shall not accept such order if he knows or has reasonable cause to believe that he will be unable to make delivery during the calendar month required and without causing delay in his delivery of any previously accepted orders for critical heat exchangers, or orders for other products rated AA-1 or higher or included in a "frozen schedule" as defined in Priorities Regulation No. 18. Any manufacturer who rejects any order, as herein required, shall return the same with the accompanying authorization to the purchaser with a brief explanation in writing of the reasons why it is rejected, and shall furnish the War Production Board with a duplicate copy of such explanation. If the acceptance and filling of such an order would terminate or interrupt a production or delivery schedule so as to cause substantial loss in the manufacturer's production of any other product not referred to above, he shall accept such order, but shall immediately notify the War Production Board of the circumstances and need not terminate or interrupt said schedule until 30 days after acceptance of such order.

(If and whenever General Scheduling Order M-293 requires or permits the filing of any other form in place of Form WPB-1475, then such other form may be used and filed to the extent permitted or required by Order M-293, in place of Form WPB-1475; and in such event, any reference in this order to Form WPB-1475 shall apply also to such other form.)

(2) *Group II exchangers.* (i) No person shall place an order with a manufacturer, and no manufacturer shall accept an order, for any Group II critical heat exchanger unless such order bears a preference rating of AA-5 or higher. Each prospective purchaser shall request delivery during a designated calendar month, which in no case shall be earlier than is essential for his purposes. No manufacturer shall accept any order which fails to specify the month in which delivery is required.

(ii) Any order for a Group II critical heat exchanger bearing a preference rating of AA-5 or higher shall be accepted by the manufacturer with whom it is placed, as required by Priorities Regulation No. 1: *Provided, however,* That the

manufacturer shall not accept such an order (unless it is rated AAA) if he knows or has reasonable cause to believe that he will be unable to make delivery during the calendar month required and without causing delay in his delivery of any previously accepted orders for critical heat exchangers. (If rated AAA, the lower rated Group II orders which the manufacturer has not already reported on his required delivery schedule, will be displaced in accordance with Priorities Regulation No. 1). Any person whose order for a Group II critical heat exchanger is rejected and who is unable to find another manufacturer who is in a position to accept his order, may apply to the War Production Board on Form WPB-1475 (or PD-615), explaining therein why such application is made, and an authorization therefor may be issued pursuant to paragraph (d) (1), which shall have the same force and effect as an authorization for a Group I critical heat exchanger.

(3) *Shifting of orders from one manufacturer to another.* If any person (including a manufacturer) desires to have any Group I or Group II critical heat exchanger produced by any person other than the manufacturer who has accepted an order therefor, the order shall not be placed with another person, either by direct contract or through a sub-contract, unless the person desiring to make such change has notified the War Production Board of the reasons therefor and such Board has specifically authorized in writing the production and delivery of such exchanger by the person not previously authorized to deliver the same.

(e) *Other allocation and scheduling action.* With respect to any Group I or Group II critical heat exchangers, the War Production Board may, notwithstanding any order, preference rating, directive, rule or regulation of the War Production Board (except Priorities Regulation No. 18):

(1) Direct the return or cancellation of any order on the books of a manufacturer; or

(2) Direct changes in the delivery or production schedule of a manufacturer; or

(3) Cancel orders placed with one manufacturer and authorize them to be placed with another manufacturer; or

(4) Revoke any authorization to place an order granted by it pursuant to this order; or

(5) Take such other action, as it deems necessary, with respect to the placing of orders for, or production or delivery of Group I and Group II critical heat exchangers.

Any direction, directive or order issued by the War Production Board pursuant to this paragraph (e) will be in the form of a written instrument addressed to a specific manufacturer by such Board, and stating, in accordance with Priorities Regulation No. 18, that it is an amendment of a schedule frozen under Order L-172, and shall be followed, in accordance with the provisions of this order and such regulation, by the manufacturer to whom it is directed.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(3) *Reports.* The reporting requirements in paragraph (b), (c) (1), (c) (3), (d) (1) (ii) and (d) (3) above have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) *Appeals.* Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref.: L-172.

Issued this 13th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13225; Filed, August 13, 1943; 11:12 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 12 of CMP Regulation 1]

REDUCTION OF QUANTITY ORDERED DOES NOT CONSTITUTE PLACING OF NEW ORDER

The following Interpretation 12 is issued with respect to CMP Regulation 1.

(a) The reduction in the quantity of a controlled material covered by an authorized controlled material order does not constitute the placing of a new order. In other words, the order for the reduced quantity will retain its position in the mill schedule and will be treated just as though it were for the reduced quantity when the order was originally placed.

(b) If the quantity ordered is reduced below a minimum mill quantity, the producer may at that time reject the order and remove it from his schedule, as provided in paragraph (t) (2) (i) of CMP Regulation No. 1 (§ 3175.1), but he must not discriminate between customers in such cases.

Issued this 13th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13227; Filed, August 13, 1943; 11:12 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 11 to CMP Regulation 5]

SAFETY EQUIPMENT PURCHASED BY EMPLOYEES

The following direction is issued pursuant to CMP Regulation 5.

(a) CMP Regulation No. 5 (§ 3175.5) permits an employer to buy safety equipment for his employees only where the equipment will belong to the employer and will be checked out to the employee. The employer may not resell the safety equipment to the employee, and since the employee is not in business, he is not permitted to use a preference rating under the regulation. This direction is issued to provide a way for employees themselves to get safety equipment on their employer's ratings using the same procedure by which they may get hand tools under Direction No. 9 to CMP Regulation No. 5.

(b) The employee of any person producing any product or conducting any business listed on Schedule I or Schedule II of CMP Regulation No. 5 may use the preference rating assigned by the regulation to his employer to purchase safety equipment which he requires for use exclusively in his employer's business and which his employer requires him to furnish. The procedure which he should follow is the same as that used under Direction No. 9 to CMP Regulation No. 5 in purchasing hand tools.

(c) The rating will be valid only if the employee gives the seller of the safety equipment the certificate provided for in Direction No. 9 to CMP Regulation No. 5, changing the words "hand tool" and "tool" to "item of safety equipment", or the following certificate, which may also be used to buy hand tools, instead of the certificate in Direction No. 9, filled out and signed by his employer and then signed by himself:

"Preference rating ------ MRO. The following item ---------- (only one tool or item of safety equipment may be placed on each certificate; specify type and size of tool, or give item of safety equipment) is required by the undersigned employee for use only in the undersigned employer's business, and the undersigned employer requires the employee to furnish the item. The undersigned employee further certifies that he does not own or possess any similar item which will serve the same purpose.

(specify rating)

Name and Address of employer

Authorized signature

Signature of employee

Position"

(d) The supplier who sells the safety equipment must keep the certificate for two years. He may extend the rating in the manner provided in Priorities Regulation No. 3.

(e) The cost of safety equipment bought by an employee by use of the preference rating must be included by the employer in computing the quantity restrictions of paragraph (f) of the regulation, but the employer may not include the cost of safety equipment bought by employees during the base period for the purpose of computing his quota under paragraph (f) of the regulation.

(f) The term "safety equipment" as used in this direction means the following items when they are specifically designed and used to furnish protection against specific occupational hazards (other than weather):

(1) Asbestos clothing,

(2) Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves,

(3) Metal mesh gloves, aprons and sleeves,

(4) Other safety leather gloves or mittens, but only if steel stitched or steel reinforced,

(5) Plastic and fibre safety helmets,

(6) Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives,

(7) Safety industrial leather clothing other than shoes, gloves or mittens,

(8) Safety industrial rubber gloves and hoods and linemens' rubber gloves and sleeves,

(9) Gas mas. s and canisters,

(10) Respirators,

(11) Face and eye shields,

(12) Welding helmets and shields,

(13) Goggles,

(14) Foot and shin guards (not including safety shoes),

(15) Safety belts and harnesses, and

(16) Protective creams.

(g) The following example is given to show how an employee may use his employer's rating to purchase safety equipment. Suppose that a shipyard requires certain employees to have a welding shield. The employee himself is not entitled to use a preference rating assigned by the regulation because he is not in business. The employee finds that he cannot buy the welding shield without a preference rating. Shipyards are in Schedule I of CMP Regulation No. 5 and consequently may use preference rating AA-1. Under this direction the employer may fill out the certification, putting down the preference rating "AA-1" and listing the item "welding shield." The proper official of the employer signs the certificate and gives it to the employee. The employee then signs the certificate and gives it to the seller of the welding shield.

Issued this 13th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13226; Filed, August 13, 1943; 11:12 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 301,[1] Amdt. 8]

RETAIL AND WHOLESALE PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 1315.1796 is amended by inserting the price, $1.30, opposite hospital grade (molded) hot water bottles under the heading, "Maximum price for sales at retail."

2. Section 1315.1796 is amended by adding the following items under the heading, "Combination syringes (molded), equipped with 4'8" regular flow tube, stopper, shut-off and screw socket:"

Item	Maximum price for sales at wholesale	Maximum price for sales at retail
Group I—2 slip pipes, adult rectal and vaginal	$0.93	$1.65
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	1.00	1.75
Group III—3 screw pipes, infant rectal, adult rectal and balloon vaginal plus screw pipe connection and rapid flow accessories	1.25	2.20

This amendment shall become effective August 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13144; Filed, August 12, 1943; 12:01 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9212.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RPS 32,[1] Amdt. 6]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 32 is amended in the following respects:

1. Paragraphs (a), (b) and (c) of § 1347.62 are amended to read as follows:

(a) *Liners—0.016*

	Price per M square feet
0.016—42 lb. Fourdrinier Kraft—100 lb. Test	$1.32
0.016—47 lb. Fourdrinier Kraft—105 lb. Test	1.48
0.016—50 lb. Fourdrinier Kraft—110 lb. Test	1.58
0.016—52 lb. Fourdrinier Kraft—110 lb. Test	1.64
0.016—52–58 lb. Cylinder Kraft—100 lb. Test	1.82
0.016—56 lb. Fourdrinier Kraft—115 lb. Test	1.90
0.016—56–68 lb. Jute—100 lb. Test	1.92

(b) *Liners heavier than 0.016*

0.023—Jute (See Paragraph G).	
0.023—72 lb. Fourdrinier Kraft—135 lb. Test	2.27
0.030—96–110 lb. Jute—135 lb. Test	3.30
0.030—90 lb. Fourdrinier Kraft—140 lb. Test	2.84
0.030—90–104 lb. Cylinder Kraft—135 lb. Test	2.88
0.030—90–106 lb. Cylinder Kraft—150 lb. Test	3.00
0.030—90–106 lb. Cylinder Kraft—170 lb. Test	3.12

(c) *Liners lighter than 0.016*

0.009—32 lb. Fourdrinier Kraft—75 lb. Test	$1.09
0.012—33 lb. Fourdrinier Kraft—75 lb. Test	1.04
0.012—48–52 lb. Jute	1.63
0.014—38 lb. Fourdrinier Kraft—85 lb. Test	1.20
0.014—43 lb. Fourdrinier Kraft—100 lb. Test	1.35

2. Paragraph (j) is added to § 1347.62 which reads as follows:

(j) A maximum variation of 5% is allowed in the specified basis weights of Fourdrinier Kraft Linerboards specifically listed in this Section.

This amendment shall become effective August 18, 1943.

(Pub. Laws 421 and 729, 77th Cong., Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4781)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13146; Filed, August 12, 1943; 12:01 p. m.]

[1] 8 F.R. 1264, 2000, 2132, 2740, 3182, 8949, 3524, 4187, 5838.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 77]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.86c is added to read as follows:

§ 1407.86c *Increased allotments for certain bakery and other cereal products.* (a) A registering unit may apply to the board for an increase in its allotment for the period beginning September 1, 1943, for the production (for human consumption) of each of the following two classes of products:

(1) Bread or other bakery products containing sugar and flour (including flour and meal of any kind) in a ratio of not more than 10 pounds of sugar for each 100 pounds of flour.

(2) Other cereal products containing sugar and processed grain in a ratio of not more than 10 pounds of sugar for each 100 pounds of processed grain; batters and mixes containing sugar and flour (including flour and meal of any kind) in a ratio of not more than 10 pounds of sugar for each 100 pounds of flour.

(b) Application shall be made by the registering unit on OPA Form R-315 and shall show separately for each class of products:

(1) The amount of the increase requested for each class of products;

[1] 8 F.R. 5908, 5946, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 9211, 9304, 9458, 10304, 10512.

(2) The higher of the two following percentages:

(i) The percentage of all sugar used by it during 1941 which it used in the production of such class of products; or

(ii) The percentage of all sugar used by it during May and June 1943 which it used in the production of such class of products

(The application shall also show the figures from which the percentage was computed.):

(3) The total of all its sugar bases for the months of August, September, and October 1943; and

(4) A statement that it has the facilities to produce an additional quantity of the products in such class.

If the board finds that the facts stated in the application are true, it shall grant the application. The increase in allotment granted to the registering unit for each class of products must not exceed 20 per cent of the percentage figure shown in (2) times the total of all its sugar bases for the months of August, September, and October 1943.

(c) A registering unit may use an increase in allotment provided by this section only in the production of the class of products for which it was granted. Moreover, it must, out of the rest of its allotment for September and October 1943 (not counting increases provided by §§ 1407.86d and 1407.86e of this order), use an amount at least equal to the percentage referred to in paragraph (b) (2) times that allotment, only in the production of that class of products.

2. Section 1407.86d is added to read as follows:

§ 1407.86d *Increased allotments for jams, jellies, preserves, and fruit butters.* (a) A registering unit may apply to the board for an increase in allotment for the period beginning September 1, 1943, for the production of jams, jellies, preserves, and fruit butters.

(b) Application shall be made by the registering unit on OPA Form R–315 and shall show:

(1) The amount of the increase requested;

(2) The total amount of its sugar bases for the months of August, September, and October 1943 as shown on OPA Form R–310, Schedule I, line h; and

(3) A statement that it has the facilities and has or is able to obtain the ingredients (other than sugar) to produce an additional quantity of such products.

If the board finds that the facts stated in the application are true, it shall grant the application. The increase in allotment granted to the registering unit must not exceed 40 per cent of the total amount of its sugar bases for the months of August, September, and October 1943 as shown on OPA Form R–310, Schedule I, line h.

(c) A registering unit may use an increase in allotment provided by this section only in the production of jams, jellies, preserves, or fruit butters. Moreover, it must use at least its full allotment for jams, jellies, preserves, and fruit butters for September and October 1943, only in the production of those products.

3. 1407.86e is added to read as follows:

§ 1407.86e *Increased allotments for drugs and medicines.* (a) A registering unit may apply to the board for an increase in allotment for the period beginning September 1, 1943, for the production of drugs and medicines.

(b) Application shall be made by the registering unit on OPA Form R–315 and shall show:

(1) The amount of the increase requested;

(2) The percentage of all sugar used by it during 1941 which it used in the production of drugs and medicines. (The application shall also show the figures from which the percentage was computed);

(3) The total of all its sugar bases for the months of August, September, and October 1943; and

(4) A statement that it has the facilities and has or is able to obtain the ingredients (other than sugar) to produce an additional quantity of such products.

If the board finds that the facts stated in the application are true, it shall grant the application. The increase in allotment granted to the registering unit must not exceed 20 per cent of the percentage figure shown in (2) times the total of all its sugar bases for the months of August, September, and October 1943.

(c) A registering unit may use an increase in allotment provided by this section only in the production of drugs or medicine. Moreover, it must, out of the rest of its allotment for September and October 1943 (not counting increases provided by §§ 1407.86c and 1407.86d of this order), use an amount at least equal to the percentage referred to in paragraph (b) (2) times that allotment, only in the production of drugs or medicines.

4. Section 1407.92 (a) is amended by adding at the end thereof the following:

"(Exceptions to this paragraph are set forth in §§ 1407.86c (c), 1407.86d (c), and 1407.86e (c) of this order.)"

This amendment shall become effective August 14, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 662, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13138; Filed, August 12, 1943; 12:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 78]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.87 (f) is added to read as follows:

(f) If a registering unit has obtained a provisional allowance for the canning of a fruit it shall be entitled to an additional thereto in an amount which will give to the registering unit a total maximum allowance per unit of that fruit not in excess of the average number of pounds of sugar it used per unit of all grades of such fruit (converted into 24/2½'s) during 1941. However, this paragraph does not apply to packing seasons ended prior to July 21, 1943.

2. Section 1407.89 (a) is amended by deleting the second sentence thereof.

3. Section 1407.241, Schedule A: Table II, is amended to read as follows:

TABLE II—CANNED FRUITS AND FRUIT JUICES

Product	Size of unit	Maximum sugar allowance per unit in pounds for packing seasons ending prior to July 21, 1943	Maximum sugar allowance per unit in pounds for packing seasons not ending prior to July 21, 1943
Each fruit	24/2½'s	90 percent of average quantity of sugar used per unit of all grades (converted into 24/2½'s) during 1941.	100 percent of average quantity of sugar used per unit of all grades (converted into 24/2½'s) during 1941.
Each fruit juice	Gallon	90 percent of average quantity of sugar used per unit of all grades during 1941.	90 percent of average quantity of sugar used per unit of all grades during 1941.

This amendment shall become effective August 14, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13139; Filed, August 12, 1943; 12:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 79]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.86a (d) is amended by changing the period at the end of the first sentence to a comma and by adding to the first sentence the following: "and for the full increase in allotment for the periods commencing July 1, and September 1, 1943, at any time before September 6, 1943."

2. Section 1407.244 is amended to read as follows:

§ 1407.244 *Schedule D—Counties which have had a substantial increase in population and the percentage for each such county.*

State and county	Percentage: For the period commencing July 1, 1943	Percentage: For periods commencing on or after September 1, 1943
Alabama:		
Baldwin	20	20
Barbour	10	None
Calhoun	30	30
Chilton	40	None
Colbert	15	10
Dale	70	70
De Kalb	15	None
Elmore	20	None
Etowah	20	20
Jefferson	10	10
Lauderdale	10	None
Madison	10	10
Mobile	70	70
Montgomery	20	10
Russell	15	15
Shelby	10	None
Talladega	30	20
Arizona:		
Apache	20	None
Cochise	40	40
Coconino	20	None
Gila	20	20
Greenlee	80	80
Maricopa	20	20
Mohave	15	15
Navajo	10	10
Pima	30	30
Pinal	50	50
Yuma	60	60
Arkansas:		
Baxter	10	10
Desha	10	10
Jefferson	15	15
Lincoln	15	15
Miller	15	None
Pulaski	20	20
Sebastian	30	15
White	30	None
California:		
Alameda	20	20
Contra Costa	80	80
Inyo	50	50
Kern	10	10
Los Angeles	10	10
Marin	20	20
Monterey	20	20
Napa	15	15
Orange	20	20
Riverside	50	50
Sacramento	10	10
San Bernardino	20	20
San Diego	40	40
San Francisco	10	10
San Joaquin	10	10
San Luis Obispo	40	40
San Mateo	20	20
Santa Barbara	20	20
Shasta	10	None
Solano	100	100
Sutter	30	10
Ventura	10	10
Yuba	40	40
Colorado:		
Arapahoe	15	10
Denver	10	10
Eagle	90	40
El Paso	30	30
Jefferson	10	10
Otero	10	10
Prowers	15	15
Pueblo	10	10
Connecticut: Hartford	10	None
Delaware: Sussex	10	None
District of Columbia	20	20
Florida:		
Bay	90	90
Bradford	120	120
Brevard	20	20
Broward	30	30
Clay	30	30
Dade	20	20
Duval	30	30
Escambia	20	20
Franklin	140	140
Gulf	10	10
Hamilton	10	None
Highlands	90	90
Hillsborough	20	20
Indian River	15	15
Lee	40	40
Leon	20	15
Martin	40	40
Monroe	60	60
Okaloosa	50	50
Orange	20	20
Palm Beach	15	15
Pinellas	30	20
St. Lucie	20	20
Sarasota	30	30
Volusia	10	None
Georgia:		
Berrien	30	None
Bibb	40	40
Camden	10	10
Catoosa	30	30
Chatham	20	20
Chattahoochee	10	10
Chattooga	10	None
Clarke	15	15
Cobb	10	None
Columbia	15	15
Decatur	10	10
Dougherty	15	15
Fulton	20	20
Glynn	50	50
Houston	20	10
Liberty	100	100
Lowndes	10	10
McIntosh	10	10
Muscogee	50	50
Newton	10	10
Peach	10	None
Richmond	20	20
Stephens	30	20
Troup	10	None
Whitfield	10	10
Idaho:		
Adams	40	None
Bannock	15	15
Bonneville	30	None
Clark	30	None
Elmore	90	60
Jerome	20	20
Kootenai	30	20
Valley	10	None
Illinois:		
Champaign	10	10
Du Page	10	10
Fulton	50	None
Hardin	10	None
Lake	10	10
Lee	10	None
Madison	10	10
Rock Island	10	None
St. Clair	10	10
Winnebago	10	10
Indiana:		
Bartholomew	60	40
Clark	30	30
Floyd	15	15
Johnson	10	10
Lake	10	10
La Porte	10	None
Marion	10	10
Porter	10	10
Scott	10	10
Starke	20	20
Tippecanoe	10	10
Vanderburgh	10	10
Iowa:		
Clayton	15	15
Des Moines	20	20
Kansas:		
Douglas	30	30
Finney	20	20
Geary	50	20
Johnson	30	30
Labette	15	None
Riley	10	10
Saline	50	50
Sedgwick	40	30
Seward	30	20
Wyandotte	10	10
Kentucky:		
Christian	20	20
Hardin	30	30
Henderson	10	None
Jefferson	15	15
Madison	10	10
Union	70	40
Louisiana:		
Beauregard	20	20
Calcasieu	30	30
East Baton Rouge	30	30
Jefferson	20	20
La Salle	20	15
Orleans	15	15
Ouachita	10	10
Rapides	40	30
St. Mary	10	10
Vernon	90	80
Maine:		
Cumberland	15	15
York	10	10
Maryland:		
Anne Arundel	10	10
Baltimore City	15	15
Baltimore	20	20
Calvert	15	15
Cecil	20	15
Charles	20	20
Harford	30	30
Howard	10	10
Montgomery	30	30
Prince Georges	20	20
St. Marys	20	20
Massachusetts:		
Barnstable	30	30
Nantucket	20	20
Michigan:		
Calhoun	15	15
Chippewa	15	15
Macomb	30	30
Midland	10	None
Muskegon	10	10
Oakland	10	None
Ottawa	10	None
Washtenaw	20	20
Wayne	10	10
Mississippi:		
Amite	20	20
Forrest	70	70
Grenada	60	60
Harrison	50	50
Hinds	10	10
Jackson	60	60
Lowndes	10	None
Wilkinson	40	40
Missouri:		
Boone	10	None
Clay	10	10
Jackson	10	10
Newton	50	30
Phelps	20	20
Pulaski	80	50
St. Charles	10	None
St. Louis	15	15
St. Louis City	10	10
Montana:		
Cascade	15	None
Stillwater	20	20
Treasure	20	None
Nebraska:		
Adams	20	15
Box Butte	30	30
Deuel	30	None
Hall	10	10
Hooker	10	10
Lincoln	10	10
McPherson	15	None
Nevada:		
Clark	160	160
Lander	10	None
Mineral	230	230
Nye	40	40
Washoe	10	10
New Hampshire: Rockingham	10	10
New Jersey:		
Burlington	10	10
Gloucester	10	None
Middlesex	10	None
Monmouth	10	10
New Mexico:		
Bernalillo	30	30
Chaves	20	20
Curry	30	30
De Baca	20	20
Eddy	15	15
Grant	10	10
Hidalgo	30	None
Luna	50	50
McKinley	30	30

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6687, 6961, 7351, 7380, 8010, 8184, 8678, 8811, 9304, 9458, 10304, 10512.

State and county	Percentage	
	For the period commencing July 1, 1943	For periods commencing on or after September 1, 1943
New Mexico—Continued.		
Otero	20	20
New York:		
Nassau	10	10
Seneca	20	20
Tompkins	15	15
North Carolina:		
Cabarrus	10	10
Cleveland	20	None
Craven	15	15
Cumberland	40	40
Durham	20	20
Graham	70	70
Hoke	10	10
Hyde	10	None
Moore	15	15
New Hanover	60	60
Onslow	100	100
Orange	10	None
Pasquotank	20	20
Richmond	20	15
Robeson	15	15
Union	15	None
Wayne	10	None
North Dakota: Mercer	10	None
Ohio:		
Franklin	10	10
Greene	20	20
Hamilton	10	10
Lake	10	10
Marion	10	None
Montgomery	15	15
Ottawa	10	10
Portage	10	10
Summit	10	10
Trumbull	10	10
Wood	30	30
Oklahoma:		
Cleveland	20	20
Comanche	70	70
Mayes	30	30
Muskogee	40	30
Oklahoma	15	15
Pittsburg	20	20
Tulsa	50	50
Oregon:		
Benton	50	40
Clatsop	30	30
Deschutes	30	10
Jackson	60	50
Linn	40	20
Multnomah	40	40
Tillamook	15	15
Umatilla	15	15
Pennsylvania:		
Beaver	10	None
Cambria	10	None
Delaware	10	10
Lebanon	10	10
Mercer	20	20
Rhode Island:		
Kent	15	15
Newport	40	40
Washington	30	30
South Carolina:		
Aiken	15	15
Beaufort	10	10
Charleston	40	40
Dorchester	10	10
Greenville	10	10
Richland	30	30
Spartanburg	10	10
South Dakota:		
Fall River	10	10
Minnehaha	10	10
Tennessee:		
Blount	15	15
Coffee	30	30
Davidson	30	15
Hamilton	10	None
Henry	15	15
Jefferson	15	None
Johnson	10	10
Loudon	10	10
Montgomery	60	30
Polk	50	50
Shelby	10	10
Sullivan	20	20
Unicoi	10	None
Texas:		
Bastrop	70	70
Bell	50	50
Bexar	30	30
Bowie	40	30
Brazoria	60	60
Brazos	20	20
Browster	20	20
Brown	60	60
Callahan	10	10
Childress	20	20
Cochran	30	30
Comal	10	10
Cooke	70	70
Coryell	50	30
Dallam	30	30
Dallas	15	11
Deaf Smith	20	None
Denton	15	55
Dimmit	15	15
El Paso	20	20
Galveston	30	30
Gregg	10	10
Hall	15	None
Hansford	10	None
Harris	15	15
Hays	15	15
Hidalgo	10	10
Hockley	30	10
Howard	40	40
Hutchinson	20	20
Jackson	10	None
Jefferson	30	30
Kinney	60	60
Kleberg	20	20
Lamar	20	15
Lampasas	10	10
Lubbock	20	20
McLennan	15	15
Marion	15	None
Matagorda	40	40
Maverick	20	20
Medina	20	20
Midland	40	40
Moore	100	100
Nolan	50	50
Nueces	40	30
Oldham	15	10
Orange	120	120
Palo Pinto	60	60
Pecos	10	None
Potter	20	20
Randall	10	10
Reeves	30	30
Tarrant	20	20
Taylor	60	60
Terry	40	None
Tom Green	20	20
Travis	15	None
Val Verde	20	20
Victoria	20	20
Ward	30	30
Webb	15	15
Wichita	10	10
Zapata	10	None
Utah:		
Carbon	10	10
Davis	60	50
Millard	20	20
Salt Lake	20	20
Tooele	60	60
Utah	10	10
Weber	30	30
Vermont: Addison	10	None
Virginia:		
Arlington	40	40
Dinwiddie	40	40
Elizabeth City	30	30
Fairfax	40	40
Giles	10	10
Henry	10	10
James City	60	15
King George	20	20
Montgomery	60	50
Norfolk	100	100
Nottoway	90	60
Prince George	10	None
Prince William	30	30
Princess Anne	50	50
Pulaski	20	20
Rockbridge	15	None
Spotsylvania	20	None
Tazewell	10	None
Warwick	150	150
York	50	50
Independent cities:		
Alexandria	50	50
Bristol	50	50
Buena Vista	30	30
Charlottesville	10	10
Danville	80	80
Fredericksburg	30	30
Hampton	20	20
Hopewell	20	20
Martinsville	10	10
Newport News	80	80
Norfolk	40	40
Petersburg	20	10
Portsmouth	30	20
Radford	60	40
Richmond	20	20
South Norfolk	30	20
Suffolk	20	20
Williamsburg	60	50
Washington:		
Clark	70	70
Franklin	20	20
King	20	20
Kitsap	100	100
Mason	15	10
Pierce	20	20
Spokane	15	15
Thurston	15	15
West Virginia:		
Clay	15	15
Gilmer	10	None
Kanawha	10	10
Monongalia	10	None
Wisconsin:		
Dane	10	10
Door	10	10
Manitowoc	15	None
Monroe	40	40
Sauk	15	10
Wyoming:		
Laramie	20	20
Park	20	20

Percentages for periods commencing before July 1, 1943, shall remain unchanged.

This amendment shall become effective August 14, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13140; Filed, August 12, 1943; 12:02 p. m.]

PART 1409—COMMODITIES AND SERVICES

[Order 325 Under § 1499.3 (b) of GMPR, Amdt. 1]

NONFERROUS MILL PRODUCTS: DOMESTIC OR TREASURY SILVER

Amendment No. 1 to Order No. 325 under § 1499.3 (b) of the General Maximum Price Regulation. Maximum prices for nonferrous mill products.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Order No. 325 under § 1499.3 (b) of the General Maximum Price Regulation is amended in the following respects:

1. A new paragraph (h) is added to read as follows:

(h) *Commodities containing silver.* (1) No commodity priced under this order shall be sold at a price higher than would be arrived at by using the cost of foreign silver unless the following conditions are met:

(i) The seller must certify to the buyer that the commodity contains domestic or Treasury silver. This certification should be on or attached to the invoice.

(ii) The aggregate fine silver content of the commodity sold plus the fine silver content of all other commodities sold by the seller at the higher prices permitted by the Office of Price Administration for commodities containing domestic or Treasury silver must not, at any time, exceed the aggregate quantity of domestic or Treasury silver purchased by the seller and not otherwise disposed of.

(2) *Definitions.* (i) "Domestic silver" means silver mined subsequent to July 1, 1939, from natural deposits in the United States of any place subject to the jurisdiction thereof.

(ii) "Treasury silver" means silver sold by the United States Treasury Department pursuant to an Act approved July 12, 1943, entitled "An Act To Authorize The Use For War Purposes of Silver Held Or Owned By The United States," (Pub. Law 137, 78th Cong.).

(iii) "Foreign silver" means any silver other than domestic or Treasury silver, as defined above.

(3) *Records.* In every case in which a commodity priced under this order is sold as containing domestic or Treasury silver the buyer shall retain the invoice and certification, and the seller shall retain a copy of these, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12965; Filed, August 10, 1943; 10:40 a. m.]

PART 1409—COMMODITIES AND SERVICES

[Order 443 Under § 1499.3 (b) of GMPR Amdt. 1]

MIXED METAL PRODUCTS: DOMESTIC AND TREASURY SILVER

Amendment No. 1 to Order No. 443 under § 1499.3 (b) of the General Maximum Price Regulation. Maximum prices for certain mixed metal products.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Order No. 443 under § 1499.3 (b) of the General Maximum Price Regulation is amended in the following respects:

1. Paragraph (b) (1) is amended to read as follows:

(1) Whenever a manufacturer of a commodity listed in paragraph (a) is unable to determine his maximum price for that commodity in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, he shall compute his maximum price by adding to the current "cost of metals" contained in the commodity to be priced the amount by which his maximum price for his most comparable product, on a sale in the same quantity classification and to the same class of purchaser, exceeds the "cost of metals" contained therein.

2. Subparagraphs (5), (6) and (7) are added to paragraph (d) to read as follows:

(5) "Domestic silver" means silver mined subsequent to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

(6) "Treasury silver" means silver sold by the United States Treasury Department pursuant to an Act approved July 12, 1943, entitled "An Act to Authorize The Use For War Purposes of Silver Held Or Owned By The United States". (Pub. Law 137, 78th Cong.)

(7) "Foreign silver" means any silver other than domestic or Treasury silver, as defined above.

3. A new paragraph (e) is added to read as follows:

(e) *Commodities containing silver.* (1) No commodity priced under this order shall be sold at a price higher than would be arrived at by using the cost of foreign silver unless the following conditions are met:

(i) The seller must certify to the buyer that the commodity contains domestic or Treasury silver. This certification should be on or attached to the invoice.

(ii) The aggregate fine silver content of the commodity sold plus the fine silver content of all other commodities sold by the seller at the higher prices permitted by the Office of Price Administration for commodities containing domestic or Treasury silver must not, at any time, exceed the aggregate quantity of domestic or Treasury silver purchased by the seller and not otherwise disposed of.

(2) *Records.* In every case in which a commodity priced under this Order is sold as containing domestic or Treasury silver the buyer shall retain the invoice and certificate, and the seller shall retain copies of these, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12964; Filed, August 10, 1943; 10:39 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 4-1, Amdt. 3]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

For the reasons set forth in the statement of considerations issued simultaneously herewith, and under the authority vested in the Regional Price Administrator of Region IV by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, section (e), *It is hereby ordered*, That section 16 (e) of Restaurant Maximum Price Regulation No. 4-1 be amended to read as set forth below, and that two new sections to be known respectively as section 20 and section 21, to read as set forth below, be added:

SEC. 16. *Definitions and explanations.* * * *

(e) "Eating or drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold except those places which are specifically exempted in section 17 and in section 21 hereof.

* * * * * * *

SEC. 20. *Adjustments.* The Office of Price Administration may adjust the maximum prices for any eating establishment when it is demonstrated that:

(a) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(b) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(c) By reason of such discontinuance, the same meals or food items will either be unavailable or will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

(a) Your name and address.

(b) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period, and such other information that may be useful in classifying your establishment. (In counting the number of persons served, any one who was served more than once is to be counted separately for each occasion he was served.)

(c) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(d) The names and addresses of the three nearest eating places of the same type as yours.

(e) A list showing your present and requested, adjusted maximum prices.

(f) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the Regional Office or by any district office that has been authorized to do so by order of the Regional Office.

*Copies may be obtained from the Office of Price Administration.

*Copies may be obtained from the Office of Price Administration.

SEC. 21. *Seasonal eating and drinking places*—(a) *Exempt places.* If you are the proprietor of a seasonal eating or drinking place that:

(1) Was not open during the base period from April 4 to 10, 1943,

(2) Receives 90 percent or more of its total annual revenue during four calendar months of the year;

(3) Is located in an area for which no maximum rent regulation has been issued,

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order 50, and you are still subject to the provisions of section 18 of this Regulation. Pursuant to this latter section the administrator will by special order establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) *Non-exempt places.* If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a), you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2 and 3.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 8.

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for a price to the OPA District Office for the area in which your place is located. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(i) Your name and address.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season.

(iv) The date when you plan to commence operations.

(v) The names and addresses of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

This amendment to Restaurant Maximum Price Regulation No. 4–1 shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

NOTE.—The reporting and record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this July 22, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43–12869; Filed, August 7, 1943; 4:19 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[1] Amdt. 14]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new § 1341.562b, is added to read as follows:

§ 1341.562b *Position of brokers.* In accordance with existing trade custom, every broker taking part in a sale in which the seller is a processor shall be considered as the agent of the seller and not the agent of the buyer. In each case, the amount paid by the buyer to the broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker.

This amendent shall become effective on August 12, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13161; Filed, August 12, 1943; 4:34 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 3]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 11.9 is added to read as follows:

SEC. 11.9 *Denatured edible lard.* Where (a) denatured edible lard is sold for use in making an inedible product, and (b) where such lard is delivered by the seller on or before the 31st day of October 1943, the maximum price of such denatured edible lard shall be the same as the maximum price set forth above for similar edible lard that is not denatured.

This amendment shall become effective August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13162; Filed, August 12, 1943; 4:34 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1114, 1313, 2921, 3732, 3853, 4179, 4633, 4840, 6617, 10304, 10558, 10725, 10824.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 239,[1] Amdt. 9]

LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1364.167 is amended to read as follows:

§ 1364.167 *Duty to maintain grades and to determine maximum prices and to invoice accordingly.* No person shall sell, offer to sell, ship, deliver or break and no person in the course of trade or business shall buy or receive any lamb or mutton carcass or cut unless it has been graded in accordance with the provisions of this section; and no person shall sell, offer for sale, or deliver and no person in the course of trade or business shall buy or receive any lamb or mutton carcass or cut at a price higher than that established for the grade in which such carcass or cut has been classified.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, it shall be the duty of each person to have all lambs, including yearlings, and all sheep slaughtered by or for him, or sold by him, classified by an official grader of the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc.", as modified to the extent set forth in Appendix B of § 1364.527 of Revised Maximum Price Regulation No. 169, and as required by § 4002.3 of OES Regulation 1.[2] Each carcass and each wholesale cut derived therefrom shall be classified into one of the grades set out below.

Lamb:
Choice or better or AA
Good or A
Commercial or B
Utility or C
Cull or C
Yearling:
Choice or better or A
Good or B
Commercial or C
Utility or C
Cull or C
Mutton:
Choice or better or S
Good or S
Commercial or M
Utility or R
Cull or R

The "Specifications for Official U. S. Standards for Grades of Lamb Carcasses, Yearling Mutton Carcasses" set forth in Appendix J hereof, and incorporated herein as Section 1364.185, determine the proper classifications of each carcass, except that no mutton buck may be graded higher than commercial.

(b) In any instance where any person is unable to procure the services of an official grader within 24 hours after he has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) incorporated by reference, as modified, in paragraph (a) hereof, such person shall not be required to have the lamb or sheep slaughtered by, or for him, or sold by him, graded by an official grader of the U. S. Dept. of Agriculture for so long a period as the U. S. Dept. of Agriculture certifies in writing that it is unable to provide him with the services of an official grader. During such period, such lamb or mutton carcasses shall be graded by such person in accordance with the requirements of paragraph (a) of this section.

(c) If the slaughterer is a farm slaughterer or if he is primarily the resident operator of a farm engaging only casually, and not as a business, in slaughtering sheep or lamb as a service for others, he shall not be required to have the lamb or sheep slaughtered by him graded by an official grader of the U. S. Dept. of Agriculture. Such lamb or mutton as is sold by such slaughterer, or is slaughtered by him as a service for sale by others, shall be graded by him in accordance with the requirements of paragraph (a) of this section.

(d) Whenever any person having a financial interest in any lamb or mutton carcass which has been graded by an official grader pursuant to paragraph (a) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading by making an application for appeal in the manner provided in Reg. No. 5 (Appeal grading) incorporated by reference, as modified, in paragraph (a) hereof, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C., of such appeal.

(e) Each invoice, sales slip or other memorandum of sale covering sales of lamb or mutton carcasses, wholesale cuts or hotel supply cuts, shall show the grade and age classification of each lamb or mutton carcass or cut sold.

This amendment shall become effective as of July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13164; Filed, August 12, 1943; 4:35 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 355,[1] Amdt. 9]

RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB AND MUTTON CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4423, 4922, 6214, 6428, 7199, 7827, 8185, 8945, 9366.

[1] 7 F. R. 10688, 8 F.R. 3589, 4786, 7679, 8677, 9066, 10444.

[2] 8 F.R. 10989.

Maximum Price Regulation No. 355 is amended in the following respects:

1. Section 6 is amended to read as follows:

SEC. 6. *Grades*—(a) (1) *Beef, veal, lamb and mutton must be graded.* All carcasses and wholesale cuts of beef, veal, lamb and mutton must be graded. The grades are these:

Beef, veal and lamb grades

Choice or AA
Good or A
Commercial or B
Utility or C
Cutter and Canner or D

Mutton grades

Good or S
Commercial or M
Utility or R

(2) If you slaughter the animal yourself, you must have it graded before you break the carcass. You must follow the rules for grading which are in Revised Maximum Price Regulation No. 169, § 1364.411, for beef and veal, and Revised Maximum Price Regulation No. 239, § 1364.167 for lamb and mutton, and the requirements contained in § 4002.4 of OES Regulation 1.[1] These rules may be obtained from your local Office of Price Administration office.

(3) You must not put different grades of meat together in your showcase.

(b) Variety meats and edible by-products. You must not put either different types of variety meats or edible by-products, or variety meats or edible by-products coming from different kinds of animals together in your showcase.

2. Section 8 is amended to read as follows:

SEC. 8. *Post your ceiling prices.* Not later than June 21, 1943, you must post at your store your "Official O. P. A. List of Retail Meat Prices." You may use an exact copy of the OPA List as long as the printing is just as legible and at least as large. Put it on or at the counter of the meat department in your store in one or more places where your customers can easily see and read it. You must have at least one of each list posted for each 20 feet of meat counter space. You must get your official copies of the price lists for posting or copying from your war price and rationing board or from your district OPA office. If you display any cut of beef, veal, lamb or mutton, or any variety meat or edible by-product, as in your show case, you must put on it your selling price for that cut.

This amendment shall become effective as of July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13165; Filed, August 12, 1943; 4:35 p. m.]

[1] 8 F.R. 10989.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 394,[1] Amdt. 3]

RETAIL CEILING PRICES FOR KOSHER BEEF, VEAL, LAMB AND MUTTON CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 394 is amended in the following respects:

1. Section 6 is amended to read as follows:

SEC. 6. *Grades*—(a) (1) *Kosher beef, veal, lamb and mutton must be graded.* All wholesale cuts of kosher beef, veal, lamb and mutton must be graded. The grades are as follows:

Beef, veal and lamb grades

Choice or AA
Good or A
Commercial or B
Utility or C
Cutter and canner or D

Mutton grades

Good or S
Commercial or M
Utility or R

(2) If you slaughter the animal yourself you must have it graded before you break the carcass. You must follow the rules for grading which are contained in Revised Maximum Price Regulation No. 169 § 1364.411, for beef and veal, and Revised Maximum Price Regulation No. 239, § 1364.167, for lamb and mutton, and the requirements contained in § 4002.4 of OES Regulation 1.[2] These rules may be obtained from your local Office of Price Administration Office.

(3) You must not put different grades of meat together in your showcase.

(b) *Kosher variety meats and edible by-products.* You must not put either different types of kosher variety meats or edible by-products, or kosher variety meats or edible by-products, coming from different kinds of animals together in your showcase.

2. Section 8 is amended to read as follows:

SEC. 8. *Post your ceiling prices.* Not later than June 15, 1943, you must post at your store your "O.P.A. List of Retail Ceiling Prices for Kosher Meat". You may use an exact copy of the O.P.A. List as long as the printing is just as legible and at least as large. Put it on, or near the counter of the meat department in your store in one or more places where your customers can easily see and read it. You must have at least one list posted for each 20 feet of meat counter space. You must get your official copies of the price list for posting or copying from your war price and rationing board or from your district O.P.A. office. If you display any cut of kosher beef, veal, lamb or mutton, as in your show case you must put on it your selling price for that cut.

[1] 8 F.R. 6364, 6548, 6618, 7200, 7692.

[2] 8 F.R. 10989.

This amendment shall become effective as of July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13163; Filed, August 12, 1943; 4:34 p. m.]

PART 1464—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,[1] Amdt. 25]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this Amendment No. 25 to Revised Maximum Price Regulation No. 169 has been issued simultaneously herewith and filed with the Division of the Federal Register.[*]

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.401 (d) is amended to read as follows:

(d) *Maximum prices for slaughtering services.* Any person who slaughters cattle or calves as a service for the purchaser of such cattle or calves shall remit to such purchaser an amount sufficient to make the cost of the dressed beef or veal carcass or of the wholesale cuts derived therefrom to such purchaser, equal to or less than the costs which would be incurred by the purchaser, if he purchased the carcass or cuts from the slaughterer at the slaughterer's maximum price therefor: *Provided*, That this requirement shall not apply in cases where the purchaser does not acquire the carcasses or cuts for resale in any form: *Provided further*, That this requirement shall not apply with respect to the slaughter of cattle or calves for a purchaser who resells the meat derived therefrom other than at retail in those cases where the following circumstances exist and the slaughterer and purchaser have filed with the appropriate district, State, or regional office of the Office of Price Administration, evidence based upon regular business records showing that:

(1) The slaughterer during the period January, 1941, to March, 1942, inclusive, (i) did not sell any beef or veal carcasses or wholesale cuts and (ii) regularly slaughtered cattle or calves for such purchaser on a continuing contractual basis; and (2) during such period the purchaser (i) did not himself slaughter cattle or calves and (ii) procured at least 75 percent of the beef or veal sold by him from cattle or calves slaughtered for him by such slaughterer: *Provided, further*, That, on or after March 25, 1943, this requirement shall not apply in cases where the cattle or calves slaughtered are certified to be club cattle or calves within the meaning of this Revised Maximum Price Regulation No. 169, as amended, and the supervisor, club agent, agricultural county agent, or vocational agricultural project teacher as the case may be, has filed a sworn certificate to the effect with the appropriate district, State, or regional office of the Office of Price Administration or any duly authorized representative thereof. Carcasses derived therefrom must be graded in accordance with the grade specifications contained in this Revised Maximum Price Regulation No. 169.

To enable the slaughterer to determine the amount to be remitted to the purchaser, it shall be the duty of such purchaser to advise the slaughterer of the amount paid for the cattle or calves slaughtered.

2. The headnote and introductory paragraph of Section 1364.411 is amended to read as follows:

§ 1364.411 *Duty to maintain grades.* No person shall sell, offer to sell, deliver or break any beef carcass or veal carcass, unless each such carcass has been graded in accordance with the provisions of this section. No custom slaughterer shall ship or deliver any beef carcass or wholesale cut, or veal carcass or wholesale cut unless each such carcass or wholesale cut has been graded in accordance with the provisions of this section. Each person shall maintain uniform grades, as specified in paragraph (a) of this section and shall determine his maximum prices upon the basis of such uniform grades rather than upon the basis of his own grades, as provided in paragraph (b) of this section.

3. Section 1364.411 (c) is amended to read as follows:

(c) *Duty to identify product by sex marks.* The sex identification shall be stamped on all bull and stag carcasses and wholesale cuts. The grade and prescribed sex identification of each beef carcass and wholesale cut, and veal carcass and wholesale cut must appear on the seller's invoice.

(1) The appropriate grade for each uniform grade shall be as follows:

Beef grade

Choice or AA.
Good or A.
Commercial or B.
Utility or C.
Canner, Cutter } or D.

Veal grade

Choice or AA.
Good or A.
Commercial or B.
Utility or C.
Cull or D.

(2) (i) No person shall sell, offer to sell, deliver or break any beef or veal carcass irrespective of grade unless such carcass has been examined and graded by an official grader of the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc.", as modified to the extent set forth in Appendix B hereof, and as required by Section 4002.2 of OES Regulation 1.[2] However, in any instance where any person is unable to procure the services of an official grader within 24 hours after such person has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) contained in § 1364.527 hereof, then the provisions of this subparagraph shall not apply, for so long a period as the Food Distribution Administration of the United States Department of Agriculture certifies in writing that it is unable to provide such person with the services of an official grader. During such period such beef and veal carcasses shall be graded by the seller in the manner provided in paragraphs (a), (b), (c) (1) and (c) (2) of this § 1364.411.

(ii) If the slaughterer is a farm slaughterer or if he is primarily the resident operator of a farm engaging only casually, and not as a business, in slaughtering cattle or calves as a service for others, he shall not be required to have the cattle or calves slaughtered by him graded by an official grader of the United States Department of Agriculture. Such beef or veal as is sold by such slaughterer, or is slaughtered by him as a service for sale by others, shall be graded by him in accordance with the requirements of paragraphs (a), (b), (c) (1), and (c) (2) of this § 1364.411. "Farm slaughterer" as used in this paragraph (c) (2) (ii) means a person chiefly engaged in producing agricultural products as the resident operator of a farm who did not deliver meat in 1941 of a live weight of more than 10,000 pounds and whose current slaughter is not in excess of that permitted such slaughterers under Food Distribution Order No. 27[3] or any superseding order.

(3) Whenever any person having a financial interest in any beef or veal carcass which has been graded by an official grader pursuant to paragraph (c) (3) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading by making an application for appeal grading in the manner provided in Regulation No. 5 (appeal grading) contained in § 1364.527 hereof, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C. of such appeal.

4. The last paragraph of § 1364.452 (d) (2) is amended to read as follows:

The applicable zone price of each beef carcass or beef wholesale cut which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced carcass or corresponding wholesale cut.

5. The last paragraph of § 1364.452 (d) (3) is amended to read as follows:

The applicable zone price of each kosher beef wholesale cut which has not been graded or stamped by sex marks (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest priced corresponding kosher wholesale cut.

6. The last 2 paragraphs of § 1364.467 (d) (2) are amended to read as follows:

The applicable zone price of each veal carcass or veal wholesale cut which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced carcass or corresponding wholesale cut.

The applicable zone price of each kosher veal foresaddle or forequarter which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced kosher wholesale cut.

This amendment shall become effective as of July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13166; Filed, August 12, 1943; 4:35 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

WOMEN'S ARMY CORPS

PART 2—ADJUDICATION: VETERANS' CLAIMS

§ 2.1001 *Persons included in the Acts in addition to commissioned officers and enlisted men.* * * *

(p) *Commissioned officers and enlisted personnel of the Women's Army Corps.* On and after July 1, 1943, commissioned officers and enlisted personnel of the Women's Army Corps, from the date of commission or enlistment, shall be entitled to the same rights, privileges and benefits as members of the Officers' Reserve Corps or enlisted men of the United States Army, respectively. (August 17, 1943) [Pub. Law 110, 78th Cong.]

PART 4—ADJUDICATION: VETERANS' CLAIMS, CENTRAL OFFICE SECTION

Persons included, in addition to officers and enlisted men, other than those mentioned in the Act of July 14, 1862 and other controlling laws.

§ 4.2006 *Public No. 2, 73d Congress.* * * *

(i) *Commissioned officers and enlisted personnel of the Women's Army Corps.* On and after July 1, 1943, commissioned officers and enlisted personnel of the Women's Army Corps, from the date of commission or enlistment, shall be entitled to the same rights, privileges and benefits as members of the Officers' Reserve Corps or enlisted men of the United States Army, respectively. (August 17, 1943) [Pub. Law 110, 78th Cong.]

FRANK T. HINES,
Administrator.

[F. R. Doc. 43-13160; Filed, August 12, 1943; 4:18 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—United States Public Health Service

PART 11—FOREIGN QUARANTINE

[U. S. Quarantine Regulations Amdt. 21]

BACTERIOLOGICAL EXAMINATION OF IMPORTATIONS OF SHAVING BRUSHES

Pursuant to the authority contained in section 3 of the Act of February 15, 1893, 27 Stat. 450 (U.S.C. title 42, sec. 92), paragraph 127 of the quarantine regulations of the United States (42 CFR 11.232) is hereby amended to read as follows:

§ 11.232 *Special measures against anthrax: sterilization of hair or bristles before being made into shaving or lather brushes.* Such hair or bristles before being made into shaving or lather brushes shall be sterilized by the following method: By exposure to steam under pressure at a minimum temperature of 118° C. for 70 minutes or at a minimum temperature of 120° C. for 60 minutes, except that badger hair may be sterilized by boiling in water at a temperature of 100° C. for 3 hours. Sterilized hair and bristles shall be stored apart from unsterilized hair or bristles in clean containers labeled with the method of sterilization and the name and location of establishment in which sterilized. Mixing machines, equipment, and fixtures used in the handling or processing of sterilized hair or bristles shall not be used for the handling or processing of hair or bristles which have not been sterilized. All shaving or lather brushes shall be marked permanently with the name of the manufacturer or with an identifying mark.

[SEAL] PAUL V. MCNUTT,
Federal Security Administrator.

JULY 28, 1943.

[F. R. Doc. 43-13175; Filed, August 13, 1943; 10:33 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—RULES GOVERNING SHIP SERVICE

MAIN TRANSMITTER REQUIREMENTS

The Commission on August 10, 1943, effective immediately, amended § 8.142 *Requirements of a main transmitter*, as follows:

(d) A main transmitter shall be equipped with suitable indicating instruments of approved accuracy to measure (1) the current in the antenna circuit, (2) the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto, and (3) the anode current of the radio frequency oscillator or amplifier which supplies power to the antenna circuit, or in lieu thereof, the anode current of such oscillator or amplifier plus the anode current of any other radio or audio frequency oscillator(s) or amplifier(s) normally employed as part of the transmitter.

(Sec. 4 (i), 48 Stat. 1068, 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-13174; Filed, August 13, 1943; 10:16 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. C-4, 58-FD, et al.]

FORD MOTOR COMPANY, ET AL.

ORDER OF DIRECTOR

In the matter of application for determination of status of certain coals and their exemption from the provisions of section 4 of the Bituminous Coal Act of 1937. Dockets Nos.: C-4, C-7, C-8, C-10, C-13, C-16, C-17, C-18, C-22, 58-FD, 59-FD, 477-FD, 490-FD, 597-FD, 599-FD, 1227-FD, 1560-FD, 1613-FD and 1877-FD.

These several proceedings were instituted by applications of various consumers and/or producers of bituminous coal seeking determination of the statuses of the coals produced at certain mines. The applications alleged exemption of the coals from the provisions of section 4 of the Bituminous Coal Act of 1937, under section 4 II (1) of the Act on the ground that they are both produced and consumed by the applicants, and/or under section 4-A of the Act on the ground that the transactions in these coals are in intrastate commerce and do not directly affect interstate commerce in coal, and/or under other provisions of the Act.[1]

Determinations have been made by the Director, in a number of these dockets, that the applicants are entitled to interim exemption of the coals involved pending final determination of the issues on the merits, or until the occurrence of some other contingency specified.

In Dockets Nos. C-16 and C-18, no hearings have been held on the applications of the Public Service Company of Indiana, Inc.

In the following proceedings, after appropriate notices, separate hearings have been held before duly-designated Examiners, interested parties being afforded an opportunity to participate fully therein; but no Examiners' Reports nor Director's orders have been issued:

Docket No. and Name

C-7, Ford Motor Company.
C-22, Semet-Solvay Corporation.
477-FD, Consolidated Indiana Coal Company and Trustees of the Estate of the Chicago, Rock Island, and Pacific Railway Company.
597-FD, Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, Trustees of the Estate of the Chicago, Rock Island, and Pacific Railway Company.

In the following proceedings, separate hearings have been held after notices

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[*] Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4097, 4786, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066, 9300, 10362, 9995, 10363, 10671.

[2] F.R. 10989.

[3] 8 F.R. 2785.

[1] See also § 2.1001.

[1] In Docket No. 599-FD, the existence of a contract prior to June 16, 1933, within the provisions of section 4 II (e) was also alleged. The Director found that such an issue was not appropriate in an exemption proceeding under section 4-A.

given, and Reports of the Examiners have been issued finding that the applicants were not both the producers and the consumers and/or that the transactions involved were in interstate commerce or directly affected interstate commerce, and that, therefore, the applications should be denied:

Docket No. and Name

C–4, C–10, Public Service Company of Indiana and its successor, Public Service Company of Indiana, Inc.
58–FD, Youngstown Mines Corporation.
59–FD, Buckeye Coal Company.
490–FD, 1560–FD, 1227–FD, 1613–FD, 1877–FD: Public Service Company of Indiana and its successor, Public Service Company of Indiana, Inc.

In a number of these proceedings, exceptions were filed to the Reports of the Examiners and oral arguments thereon before the Director were requested.

In the following proceedings, after notices and hearings, the Examiners issued Reports in which they found that the applicants were both producers and consumers of the coal involved and, accordingly, entitled to exemption under section 4 II(1) of the Act; but none were found entitled to exemption under section 4–A of the Act as not being engaged in interstate commerce or commerce directly affecting interstate commerce:

Docket No. and Name

C–8, New York Central Railroad Company.
C–13, Colorado Fuel and Iron Corporation.
C–17, Public Service Company of Indiana, Inc.

Applications in Docket No. 599–FD were by Clearfield Bituminous Coal Corporation and New York Central Railroad Company. After notice, hearing, and filing of a Report by the Examiner, the Director issued an order denying the application of the Clearfield Bituminous Coal Corporation and dismissing the application filed by New York Central Railroad Company, on the ground that neither applicant was both a producer and consumer of the coal involved and that the transactions in the coal in question were in interstate commerce or directly affected interstate commerce. Before this order became effective, however, it was amended by an order suspending its effective date until further order, to enable the Director to determine whether the subsequent application filed by the New York Central Railroad Company in Docket No. C–8, referred to herein supra, was filed in good faith.

The Bituminous Coal Act of 1937, as amended, will terminate, except as provided in section 19 thereof, at 12:01 a. m. on August 24, 1943. At that time the scheme of price regulation established under the provisions of section 4 of the Act will become ineffective. Any relief which might be granted pursuant to section 4 II (1) or section 4–A, or other provisions of the Act, would be ineffective after that date. The above-enumerated proceedings all involve substantial questions of fact and would demand a careful weighing of the evidence if the issues were decided on the merits. In view of the approaching elapse of the statute, questions raised might become moot before reports could be submitted by the examiners where none have been issued, opportunities for filing exceptions accorded the parties, and the cases submitted to the Director for his consideration. The issues might likewise become moot before oral arguments could be held in the several cases where they were requested in exceptions to Reports issued by the Examiners. In those cases where Reports of the Examiners have been issued and no exceptions nor requests for oral argument have been filed, any orders of the Director on the merits which might be issued before the expiration of the Act would be subject to petitions for rehearing or reconsideration, and those proceedings might be prolonged until after the Act ceases to be in effect. Moreover, any order which might be issued before the expiration of the Act would become inoperative after the Act expires. For these reasons, I deem it unnecessary and inadvisable for any Examiner to file reports and for me to make findings of fact on the evidence and to consider the various issues on the merits.

Accordingly, I find that any interim exemptions now in effect should be terminated and the applications should be dismissed in Docket Nos. C–4, C–7, C–8, C–10, C–13, C–16, C–17, C–18, C–22, 58FD, 59FD, 477–FD, 490–FD, 597–FD, 599–FD, 1227–FD, 1560–FD, 1613–FD, and 1877–FD, effective 12:01 a. m. on August 24, 1943.

It is so ordered.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13209; Filed, August 13, 1943; 10:51 a. m.]

[Docket No. C–19]

BETHLEHEM STEEL CO. AND INDUSTRIAL COLLIERIES CORP.

MEMORANDUM OPINION AND ORDER OF DIRECTOR

In the matter of the acceptances of the Bituminous Coal Code submitted by Bethlehem Steel Company and Industrial Collieries Corporation with respect to certain mines in districts 1, 2, and 3.

On July 30, 1942, the Bethlehem Steel Company submitted to the Division, an acceptance of the Bituminous Coal Code in which it represented itself as the producer of coals from various mines located in Districts 1, 2, and 3 in the States of Pennsylvania and West Virginia. On the same day Industrial Collieries Corporation submitted to the Division an acceptance of the Bituminous Coal Code in which it represented that Bethlehem Steel Company is the operator of the same enumerated mines but stated that Industrial Collieries Corporation also had the right to mine coal from these mines for its own account.

By appropriate notice the Division scheduled a hearing to determine whether either or both of the above-named companies are producers within the meaning of the Bituminous Coal Act of 1937. After notification to interested persons, a hearing was held October 20, 1942, before Travis Williams, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. No report has as yet been submitted by the Examiner.

The Bituminous Coal Act of 1937 expires at 12:01 a. m., August 24, 1943. For this reason it appears appropriate to dismiss this proceeding forthwith.

It is so ordered.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13210; Filed, August 13, 1943; 10:51 a. m.]

[Docket No. A–1212]

DISTRICT BOARD NO. 11

ORDER DISMISSING PROCEEDINGS

In the matter of the petition of District Board No. 11 for revision of the schedule of minimum prices applicable to coals shipped from District No. 9 and District No. 11 to Charlestown and Speed, Indiana, market area No. 31, for a recoordination of the delivered price relationships of such coals at said destinations, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

On July 20, 1942, after notice and hearing Charles O. Fowler, a duly designated Examiner of the Division, issued his report in which he recommended that the relief requested in the petition be granted by increasing the minimum f. o. b. mine prices of District 9 coals for delivery at Speed, Charlestown, and Watson, Indiana, in District 11, so as to effect the same delivered price differentials at these destinations between coals produced in Districts 9 and 11 as exist between the same coals in Market Area 29.[1] Thereafter exceptions were filed thereto by District Board 9 and by Bituminous Coal Consumers' Counsel, and on October 12, 1942, an order was entered reopening the hearing herein. On December 9, 1942, after due notice to interested persons, the reopened hearing was held before Examiner Charles O. Fowler. A supplemental report covering the evidence adduced at the reopened hearing has not been filed by the Examiner.

In view of the expiration of the Bituminous Coal Act of 1937 on August 24, 1943, at 12:01 a. m., the minimum price schedules established by the Division pursuant thereto would cease to be operative, and an order in connection therewith would be ineffective on the date and time aforesaid. In view thereof, it would also appear that it is unnecessary and inadvisable that a report of the Examiner be filed and an order of the Director determining the issues on the merits be issued.

It should be noted that District Board 11 in this proceeding is seeking increases in the minimum prices of coals produced in District 9 for shipment to certain destinations in a market area located in District 11, so as to effect fair and equitable delivered minimum price differentials between the coals produced in the two districts. It does not request increases in the minimum prices of coals produced in District 11. Although a favorable determination of the relief requested might result in a corresponding increase in the maximum prices of some coals produced in District 9 for movement to the destinations involved, the question of increases in maximum prices for the coals produced in either District 9 or District 11 was not under consideration or otherwise adverted to in this proceeding. Moreover, it is not within the authority of the Bituminous Coal Division under section 4 II (d) of the Act to assume jurisdiction of proceedings instituted for the primary purpose of effecting revision or adjustment of the maximum prices established by the Office of Price Administration. In view thereof, and in view of the expiration of the Act as aforesaid, it follows that no reason is presented for a determination of the issues herein on the merits, and it is deemed appropriate that the proceedings herein be dismissed.

[1] Temporary relief pending final disposition of the proceeding herein has not been granted.

It is, therefore, ordered, That effective August 24, 1943 at 12:01 a. m., this proceeding is dismissed.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13211; Filed, August 13, 1943; 10:51 a. m.]

[Docket No. 601–FD]

AMERICAN ROLLING MILL COMPANY

ORDER EXTENDING TIME FOR FILING EXCEPTIONS

In the matter of the application of American Rolling Mill Company, for exemption pursuant to section 4–A of the Bituminous Coal Act of 1937.

On July 14, 1943, the Trial Examiner made his report in the above-entitled matter containing proposed findings of fact, proposed conclusions of law, and recommendations;

The applicant herein, American Rolling Mill Company, requested an extension of time in which to proceed further;

The Director finding that a reasonable showing of necessity therefor has been made and that the requested extension is not unreasonable;

It is ordered, That the time for filing exceptions to said Report of the Trial Examiner and brief be, and it hereby is extended to August 12, 1943.

It is further ordered, That the time for the filing of reply briefs in the above-entitled matter be, and it hereby is, extended to August 18, 1943.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13212; Filed, August 13, 1943; 10:51 a. m.]

[Docket No. 1857–FD]

M. A. HANNA COMPANY

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of the application of the M. A. Hanna Company for permission to accept and retain distributors' discounts on coal purchased and resold by it to M. A. Hanna Coal and Dock Company and M. H. Hussey Corporation.

On June 29, 1943, after notice and hearing, Joseph A. Huston, a duly designated Examiner of the Division, submitted a Report in which he found that the acceptance or retention of distributors' discounts by The M. A. Hanna Company, a registered distributor, (Registration No. 3962), petitioner, on coal purchased for resale to, and resold by, M. A. Hanna Coal and Dock Company and M. H. Hussey Corporation, in not less than cargo or railroad carload lots, or the equivalent thereof, without physically handling the same and not otherwise inconsistent with the Rules and Regulations for the Registration of Distributors, is not prohibited by section 317.19 (c) (formerly 304.19 (c)) of said Distributors' Rules, by the provisions of the Act or by other rules and regulations thereunder, but that the acceptance or retention of distributors' discounts by The M. A. Hanna Company or coal purchased for resale to, and resold by, M. A. Hanna Coal and Dock Company and M. H. Hussey Corporation, in less than cargo or railroad carload lots, or the equivalent thereof, physically handling the same or otherwise inconsistent with the Rules and Regulations for the Registration of Distributors, is prohibited by section 317.19 (c) of said Distributors' Rules, by the provisions of the Act and by other rules and regulations thereunder. The Examiner recommended that an order be entered granting relief in part and otherwise denying relief, in accordance with the proposed findings of fact and conclusions of law contained in said Report. An opportunity to file exceptions to the Report of the Examiner was afforded all interested parties, and as of the date hereof, no such exceptions have been filed.

I have considered the entire record in this proceeding, the brief filed by petitioner and the Examiner's Report, and upon the basis thereof I find that the Report adequately and accurately reflects the facts as disclosed by the record. Accordingly, I have concluded that the findings and conclusions therein contained should be approved and adopted as the findings of fact and conclusions of law of the Director.

Upon the basis of the entire record in this proceeding, and pursuant to section 317.19 (c) of the Rules and Regulations for the Registration of Distributors, and applicable provisions of the Act,

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That the relief prayed for in the petition herein be and the same hereby is granted except as hereinabove provided, and in such respect the same is hereby denied.

Dated August 11, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13213; Filed, August 13, 1943; 10:51 a. m.]

DEPARTMENT OF THE INTERIOR.

Grazing Service.

WAGE RATES FOR CONSTRUCTION IN COLORADO

RECOMMENDATIONS OF GRAZING SERVICE WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 15, 1943, and entitled "Wage Fixing Procedures, Field Employees, Grazing Service, Department of the Interior," the Grazing Service Wage Board has determined prevailing wage rates for field employees of the Grazing Service who are not allocated to grade under the Classification Act of 1923, as amended, and who are engaged in construction in Region 8 of the Grazing Service. Region 8 is composed of the State of Colorado. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Grazing Service Wage Board finds that the hourly wage rates listed below are prevailing for construction work in the State of Colorado and recommends them for your adoption:

Construction job title	Prevailing hourly rate on private work	Recommended basic hourly rate for G/S field employees
Blacksmith	$1.25	$1.25
Blacksmith helper	.80	.80
Carpenter	1.25	1.25
Compressor operator	1.25	1.25
Concrete finisher	1.25	1.25
Concrete mixer operator	1.25	1.25
Construction laborer	.70	.70
Construction laborer leadman	.80	.80
Electrician	1.50	1.50
Electrician helper	.80	.80
Grader operator (road or blade)	1.00	1.00
Heavy duty mechanic	1.43	1.43
Iron worker, reinforcing	1.50	1.50
Iron worker, structural	1.50	1.50
Jackhammer operator	.90	.90
Labor foreman	1.20	1.20
Mixed gang foreman	1.50	1.50
Apprentice engineer and oiler	1.00	1.00
Painter	1.25	1.25
Pile driver operator	1.50	1.50
Plasterer	1.50	1.50
Plumber	1.50	1.50
Powderman	1.00	1.00
Powderman helper	.80	.80
Rock crusher operator	1.25	1.25
Shovel or dragline operator	1.50	1.50
Stone mason	1.50	1.50
Teamster, 2 up	.70	.70
Teamster, 3 up	.75	.75
Teamster, 4 up	.80	.80
Tractor operator (under 50 hp.)	1.00	1.00
Tractor operator (50 hp. and over)	1.43	1.43
Truck driver (under 2½ tons)	.75	.75
Truck driver (2½ to 5 tons)	.90	.90
Truck driver (5 tons and over)	1.00	1.00
Truck driver, special	1.25	1.25
Well driller	1.25	1.25
Well driller helper	.90	.90

It is the understanding of the Wage Board that the Grazing Service employees paid in connection with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

The Wage Board recommends that all field employees of the Grazing Service in Region 8 not allocated to grade and

engaged in construction be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The Wage Board further recommends that no person employed by the Grazing Service on or after May 1, 1943, shall receive a reduction in basic wage rate due to promulgation of the recommended rates listed above.

The foregoing recommendations approved and adopted by the Grazing Service Wage Board this 28th day of July 1943.

DUNCAN CAMPBELL,
Chairman.
ARCHIE D. RYAN,
Member.
GUY W. NUMBERS,
Member.

Approved: August 4, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-13169; Filed, August 13, 1943; 9:42 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[No. WLD-1]

THOMPSON-STARRETT COMPANY, INC.

FINDING OF THE SECRETARY

Whereas the Thompson-Starrett Company of New York, New York, is engaged in constructing apartment homes for certified war workers in Arlington and Fairfax Counties, Virginia, pursuant to a contract entered into on February 16, 1942 by the company and the Defense Homes Corporation of the National Housing Agency.

Now, therefore, pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. Law 89, 78th Congress, First Session) and the Directive of the President, dated August 10, 1943, published in the FEDERAL REGISTER on August 14, 1943,[1]

I find that the construction of apartment homes for certified war workers in Arlington and Fairfax Counties by the Thompson-Starrett Company, Inc., New York, New York, pursuant to a contract with the Defense Homes Corporation of the National Housing Agency was contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 13th day of August 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-13241; Filed, August 13, 1943; 11:44 a. m.]

[1] *Supra.*

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6529]

CHARLES C. CARLSON (WJBW)

NOTICE OF HEARING

In re application of Charles C. Carlson (WJBW), dated August 14, 1942, for renewal of license, class of service, broadcast; class of station, broadcast; location, New Orleans, Louisiana; operating assignment specified: Frequency, 1,230 kc; Power, 250 watts; Hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether on or about February 9, 1940:

(a) The operating log was properly kept, or whether entries were made prior to the time shown thereon (§ 3.90 F.C.C. Rules and Regulations).

(b) Operating log contained entries showing times of the beginning and ending of the programs, as required by § 3.404, formerly § 3.90.

(c) Program log contained proper entries as to station identification, as required by § 3.404, formerly § 3.90.

(d) Program log contained proper entries showing the time at which records and transcriptions were announced as such, as required by § 3.404, formerly § 3.90.

2. To determine whether suitable facilities were provided for the operator's welfare and comfort from February 9, 1940 to December 15, 1942, inclusive, as required by § 3.46 of the Rules and section 12 (d) (2) of the Standards of Good Engineering Practice.

3. To determine whether on September 18, 1940, a fence was installed around the base of the antenna tower as required by § 3.46 and section 12–B (3) (d) of the Standards of Good Engineering Practice.

4. To determine whether on April 12, 1941 at 4:33 a. m. and 4:36 a. m. the operating frequency of the station was maintained within 50 cycles of the assigned frequency, as required by § 3.59 of the Rules.

5. To determine whether on May 23, 1941, June 4, 1941 and January 2, 1942, the transmitter proper and associated transmitting equipment were designed, constructed, maintained and operated in accordance with the provisions of section 3.46 and section 12–A (5) of the Standards of Good Engineering Practice issued pursuant thereto, particularly as to excessive carrier shift.

6. To determine whether on May 23, 1941, June 4, 1941, November 12, 1941, December 4, 1941, January 2, 1942, February 15, 1942, and May 21, 1942, the transmitter proper and associated transmitting equipment were designed, constructed, maintained and operated in accordance with the provisions of § 3.46 and section 12 of the Standards of Good Engineering Practice issued pursuant thereto, particularly as to audio frequency distortion.

7. To determine whether on May 23, 1941:

(a) The operating percentage of modulation was maintained as high as possible consistent with good quality of transmission and good broadcast practice as required by § 3.55 (a) and (c) of the Rules.'

(b) The licensee, on the above date or on any other date, moved his main studio without notifying the Commission, as required by § 3.31 of the Rules.

(c) The operating power of the station was maintained within the prescribed limits of the licensed power in accordance with § 3.57 of the Rules.

(d) The program log contained proper entries showing that records and transcriptions were properly announced as such.

8. To determine whether on June 4, 1941:

(a) Station was using direct method of power determination in accordance with § 3.51 of the Rules.

(b) The operating logs of the station truly and accurately reflect the operating conditions of the station.

9. To determine whether on December 4, 1941:

(a) The transmitter proper and the associated transmitting equipment were designed, constructed, maintained and operated in accordance with provisions in Section 3.46 and section 12 of the Standards of Good Engineering Practice, particularly as to asymmetrical modulation.

(b) The operating percentage of modulation of the station was maintained as high as possible consistent with good quality of transmission and good broadcast practice as required by § 3.55 (c) of the Rules.

(c) The transmitter proper and the associated transmitting equipment were designed, constructed, maintained and operated in accordance with provisions of § 3.46, section 12–B (3) (d) of the Standards of Good Engineering Practice, particularly as to a fence around the base of tower connected to 110 volt alternating current.

(d) To determine whether the log entries are complete for the period of November 1, 1941 through December 3, 1941, particularly with reference to announcers signing on and off duty; as to the beginning and ending of programs; as to the times transcriptions and records were announced as such and as to station identification as provided by § 3.404 of the Rules.

(e) The transmitter proper and the associated transmitting equipment were designed, constructed, maintained and operated in accordance with provisions of § 3.46, section 12–C of the Standards of Good Engineering Practice, particularly as to the manner in which the transmitter monitor speaker was connected to the source of power and also the manner in which the transmitter and studio audio transformers were wired into the circuits.

10. To determine whether on January 2, 1942:

(a) The operating power of the station was maintained within the prescribed limits of § 3.57 of the Rules.

(b) Modulation monitor installed at the station was in satisfactory operating condition, as required by § 3.55 of the Rules.

11. To determine whether:

(a) The licensee complied with the provisions of § 3.404 of the Commission's Rules between the dates of December 11 and December 15, 1941, with respect to the manner of keeping and making entries on the program log.

(b) The licensee on December 14, 1941 and December 15, 1941 failed to make proper announcement of the station's identification, as required by § 3.406.

12. To determine whether on January 14, 1942, the transmitter proper and the associated transmitting equipment were designed, constructed, maintained and operated in accordance with provisions of § 3.46, F.C.C. Rules and section 12–F (2) of the Standards of Good Engineering Practice, particularly with reference to spurious emissions between 9:00 p. m. and 10:00 p. m.

13. To determine whether on May 8, 1942, licensee failed to announce, at 30-minute intervals that records were being used from 5:00 to 6:30 p. m., c. w. t., as required by § 3.407 of the Rules.

14. To determine whether on May 29, 1942:

(a) Correct entries were made in the operating log, particularly with reference to antenna current and entries showing the times of the beginning and ending of programs, as required by §§ 3.404 (b) (4) (ii) and 3.404 (b) (2) of the Rules.

(b) The program log contains proper entries showing that mechanical reproductions had been announced as such, as required by § 3.404 (a) (2) of the Rules.

(c) The person having charge of the program log signed "on" and "off" duty as required by § 2.55.

(d) Studio announcer failed to announce the programs as recorded but entered in log that this had been done.

15. To determine whether on August 8, 1942 to August 14, 1942, inclusive, the transmitter proper and associated transmitting equipment were designed, constructed, maintained and operated in accordance with provisions of § 3.46, F.C.C. Rules and section 12–F (2) of the Standards of Good Engineering Practice, particularly with reference to the radiation of spurious emission.

16. To determine whether on December 15, 1942:

(a) The station's operating power was being maintained within the limits required by § 3.57 and Order No. 107.

(b) The correct log entry was made at 3:00 p. m. of the antenna current as required by § 3.404 (b) (4) (ii).

(c) The operating percentage of modulation was maintained as high as possible consistent with a good quality of transmission and good broadcast practice, as required by § 3.55 (c) of the Rules.

17. To determine whether on February 15, 1943, the antenna was illuminated in accordance with the specifications attached to the license as required by § 3.45 (d).

18. To determine whether on March 19, 1943, proper entries were made in the program log: (a) To show the time when a mechanical recording was announced as such and (b) indicate the nature of the programs broadcast as required by § 3.404 of the Rules.

19. To determine whether Station WJBW was operated at any time during the period from 12:00 midnight to 6:00 a. m., February 10, 1943, without obtaining authority from the Third Fighter Command, as required by the Order of the Southern Defense Command.

20. To determine whether Station WJBW complied with the orders of the Third Fighter Command to report receipt of unscheduled radio silence test signals transmitted by the key broadcast station, particularly on the following dates: March 18, May 11, May 30, June 19 and June 29, 1943.

21. To determine the qualifications of the applicant to continue the operation of Station WJBW.

22. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Charles C. Carlson, Radio Station WJBW, 3617 Bruxelles Street, New Orleans, Louisiana.

Dated at Washington, D. C., August 10, 1943.

By the Commission,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-13173; Filed, August 13, 1943; 10:16 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-491]

UNITED GAS PIPE LINE COMPANY

NOTICE OF APPLICATION

AUGUST 12, 1943.

On August 3, 1943, United Gas Pipe Line Company, a Delaware corporation having its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed with the Federal Power Commission an application for a certificate of public convenience and necessity authorizing the construction and operation of a 4½" O. D. natural-gas pipe line extension of approximately 2.5 miles from the South Houma Field in Terrebonne Parish, Louisiana, running in a northwesterly direction and connecting with Applicant's proposed DeLarge extension at a point about ten miles northeast of the DeLarge Field in Terrebonne Parish, Louisiana. The application states that construction of the proposed South Houma extension will make available more gas for New Orleans where the National war program has made necessary increased demands for natural gas from its system.

Any person desiring to be heard with respect to this matter or to protest thereto should, on or before September 1, 1943, communicate with the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 43-13171; Filed, August 13, 1943; 9:42 a. m.]

[Docket No. G-492]

UNITED GAS PIPE LINE COMPANY

NOTICE OF APPLICATION

AUGUST 12, 1943.

On August 3, 1943, United Gas Pipe Line Company, a Delaware corporation, having its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed with the Federal Power Commission an application for permission and approval to remove and relocate certain natural-gas pipe-line facilities in Baton Rouge-New Orleans area, Louisiana, under section 7 (b) of the Natural Gas Act. The Applicant states that in order to meet the increased demand for natural gas in the New Orleans area mentioned, it is necessary to increase its pipe-line delivery capacity.

Applicant proposes to remove three segments aggregating approximately 108,000 feet of its 16" loops of the Baton Rouge-New Orleans line and to construct loops in its Lake Long-St. Rose line from a point located at Mile Post 18.86 from Long Field on the Godchaux Canal, La Fourche Parish, Louisiana, thence parallel with and in the present right-of-way of the said Lake Long-St. Rose line to the west header of the Mississippi River crossing, and from the east header of said crossing to point of connection of Lake Long-St. Rose line with Baton Rouge-New Orleans line near St. Rose, St. Charles Parish, Louisiana, a distance of approximately 18 miles, and to construct an additional 12" line crossing the Mississippi River between the abovementioned headers, a distance of 0.6 of a mile.

The Applicant further states that after giving effect to the proposed removal, it will have remaining a capacity for transportation of gas to be received by it from Interstate Natural Gas Company, Inc., of 84,000 Mcf per day, which it estimates will be ample for future requirements, although it is 13,000 Mcf per day less than the present maximum capacity of its Baton Rouge-New Orleans line to transport gas south from Baton Rouge.

Anyone desiring to be heard with respect to this application or to protest thereto should, on or before September 1, 1943, communicate with the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 43-13172; Filed, August 13, 1943; 9:42 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1941]

LATVIAN SHIPPING CO., MARTIN OSIS, KARLIS AIGARS

In re: Latvijas Kugniecibas Sabiedriba (Latvian Shipping Company) and Martin Osis, libelants, against S. S. Ciltvaira, her tackle, apparel, furniture, etc., and Daniel F. Young, Inc., respondents; Admiralty No. 122–195. And Latvijas Kugniecibas Sabiedriba (Latvian Shipping Company) and Karlis Aigars, libelants, against S. S. Abgara, her tackle, apparel, furniture, etc., and Augusts Peteris Galdins, respondents, Admiralty No. 122–40; File No. F–65–71; E. T. sec. 704.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Charles Recht and Joseph G Kearns, trustees, acting under the judicial supervision of the United States District Court, Southern District of New York;

(2) Karlis Jansons and Janis Zalcmanis are persons acting or purporting to act directly or indirectly for the benefit of or on behalf of a national of a designated enemy country, Germany, who is a person within such designated enemy country, Germany, and such persons are therefore nationals of a designated enemy country, Germany;

(3) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany; namely,

Nationals:	*Last known address*
Karlis Jansons	Riga, Latvia.
Janis Zalcmanis	Riga, Latvia.
Georg Freimanis	Germany.
"Jane" Freimanis, true first name unknown, the widow of Janis Freimanis, deceased.	Germany.
Heirs, legatees, devisees, distributees, names unknown, entitled to receive the assets of the estate of Janis Freimanis, who died a resident of Germany.	Germany.

And determining that—

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany;

(5) The national interest of the United States requires that Karlis Jansons and Janis Zalcmanis be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $258,398.76 together with any and all additions of interest and principal thereto subject to the deductions of any attorneys' fees and trustees' fees, commissions and expenses as may be payable pursuant to an order of the court exercising jurisdiction over said sum which is in the possession of Joseph G. Kearns and Charles Recht as trustees for the Latvian Steamship "Ciltvaira".

The sum of $578,826.75 together with any and all additions of interest and principal thereto subject to the deductions of any attorneys' fees and trustees' fees, commissions and expenses as may be payable pursuant to an order of the court exercising jurisdiction over said sum which is in the possession of Joseph G. Kearns and Charles Recht as trustees for the Latvian Steamship "Abgara".

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13176; Filed, August 13, 1943; 10:28 a. m.]

[Vesting Order 1942]

LATVIJAS KUGNIECIBAS SABIEDRIBA

In re: Latvijas Kugniecibas Sabiedriba, libelant, vs. steamship *Regent*, her tackle, apparel and furniture and Anders Svarrer, respondents Admiralty #16052, File No. F–9–100–65–71; E. T., sec. 704.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Proper Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Charles Recht and Joseph G. Kearns, Trustees, acting under the judicial supervision of the United States District Court, Eastern District of New York.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely:

Nationals:	*Last known address*
Georg Freimanis	Germany.
"Jane" Freimanis, true first name unknown, the widow of Janis Freimanis, deceased.	Germany.
The heirs, legatees, devisees, distributees, names unknown, entitled to receive the assets of the estate of Janis Freimanis, who died a resident of Germany.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $333,703.93 together with any and all additions of interest and principal thereto subject to the deductions of any attorney's fees, trustees' fees, commissions and expenses as may be payable pursuant to an order of the court exercising jurisdiction over said sum which is in the possession of Joseph G. Kearns and Charles Recht as trustees for the Latvian Steamship "Regent",

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13177; Filed, August 13, 1943; 10:28 a. m.]

[Vesting Order 1943]

TRUST UNDER WILL OF IDA GRONEMANN

In re: Trust under will of Ida Gronemann, deceased; File No. D–9–100–28–2601; E. T. sec. 3951.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Charles E. Thorn, of New York, New York, Substituted Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Wilhelm Weiss	Germany.
Emma Mutz	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Wilhelm Weiss and Emma Mutz, and each of them, in and to trust created under the last will and testament of Ida Gronemann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13178; Filed, August 13, 1943; 10:28 a. m.]

[Vesting Order 1944]

ESTATE OF GUSTAV A. GUSSMANN

In re: Estate of Gustav A. Gussmann, also known as Gustav Adolf Gussman, deceased; File F–28–51; E. T. sec. 2278.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are the property which is in the process of administration by Laura E. Wasserott, Administratrix, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Italy, namely

Nationals:	*Last known address*
Julie Grieb	Germany.
Marta Grieb	Germany.
Wilhelm Weeber (Webber)	Germany.
Walter Gussmann	Germany.
Mrs. Marie Weeber (Webber)	Germany.
Dr. Otto Grieb	Germany.
Otto Gussmann	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Julie Grieb, Marta Grieb, Wilhelm Weeber (Webber), Walter Gussmann, Mrs. Marie Weeber (Webber), Dr. Otto Grieb and Otto Gussmann and each of them in and to the Estate of Gustav A. Gussmann, also known as Gustav Adolf Gussmann, deceased,

to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13179; Filed, August 13, 1943; 10:28 a. m.]

[Vesting Order 1945]

TRUST UNDER WILL OF JENNIE LEBELL

In re: Trusts under the will of Jennie LeBell, deceased; file No. D–66–592; E. T. sec. 4630.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the President and Directors of the Manhattan Company, as Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Oscar Hatschek	Germany.
Leo Hatschek	Germany.
Betty Beer	Germany.
Horst Hatschek	Germany.
Rudolph Hatschek	Germany.
Kurt Hatschek	Germany.
Camillo Hatschek	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Oscar Hatschek, Leo Hatschek, Betty Beer, Horst Hatschek, Rudolph Hatschek, Kurt Hatschek and Camillo Hatschek, and each of them, in and to trusts created under the will of Jennie LeBell, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be

paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13180; Filed, August 13, 1943; 10:29 a. m.]

[Vesting Order 1946]

TRUST UNDER WILL OF FLEDERICK LENNIG

In re: Trust under the will of Frederick Lennig, deceased; File D–28–2462; E. T. sec. 3546.

Under the authority of the Trading with the Enemy Act, as amended and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Pennsylvania Company for Insurances on Lives and Granting Annuities, Trustee, acting under the judicial supervision of the Orphans Court, Philadelphia County, Philadelphia, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Emma L. Von Glaubitz	Germany.
Agnes Von Glaubitz Krembs	Germany.
Maria Ilsa Von Glaubitz	Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emma L. Von Glaubitz, Agnes Von Glaubitz Krembs and Maria Ilsa Von Glaubitz and each of them, in and to a trust created under the will of Frederick Lennig, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13181; Filed, August 13, 1943; 10:29 a. m.]

[Vesting Order 1947]

ESTATE OF FRIEDA MAYER

In re: Estate of Frieda Mayer, deceased; File No. D–28–3595; E. T. sec. 5845.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Erika Steinmann	Germany.
Ernst Mayer	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Erika Steinmann in the sum of $129.43, and Ernst Mayer in the sum of $129.43, which amounts were deposited with the Treasurer of Cook County, Illinois, on October 2, 1941, pursuant to order of the court of October 2, 1941, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13182; Filed, August 13, 1943; 10:29 a. m.]

[Vesting Order 1948]

TRUST UNDER WILL OF PATRICK MCBRIDE

In re: Trust under the will of Patrick McBride, deceased; File D–66–477; E. T. sec. 3424.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity-Philadelphia Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
James W. McBride	Italy.
Jessie McBride Amici-Grossi and issue.	Italy.
Eliza McBride Kelton and her issue.	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of James W. McBride, Jessie McBride Amici-Grossi and her issue and Eliza McBride Kelton and her issue, and each of them, in and to the Trust Estate created under the Will of Patrick McBride, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13183; Filed, August 13, 1943; 10:29 a. m.]

[Vesting Order 1949]

ESTATE OF ANNA L. NOLDE

In re: (a) Trust created by order of the Orphans' Court of Berks County, Pennsylvania, in the estate of Anna L. Nolde, Settlor.

(b) Trust under Deed of Trust dated May 19, 1928, executed by Anna L. Nolde, for the use and benefit of Caroline Pipgras, et al.; File D–28–2320; E. T. sec. 3119.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Reading Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of Berks County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Juergen Georg Pipgras (Piepgras).	Germany.
Caroline Pipgras (Piepgras)	Germany.
Frieda Kohlert	Germany.
Marie Carstensen	Germany.
Louise Vagt Hasse	Germany.
Person or persons, names unknown, the child or children and issue of any deceased child or children of Frieda Kohlert, Marie Carstensen and Louise Vagt Hasse.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest and claim of any kind or character whatsoever of Juergen Georg Pipgras (Piepgras) in and to the trust estate created by order of the Orphans' Court of Berks County, Pennsylvania, in the estate of Anna L. Nodle, Settlor.

(b) All right, title, interest and claim of any kind or character whatsoever of Juergen Georg Pipgras (Piepgras), Caroline Pipgras (Piepgras), Frieda Kohlert, Marie Carstensen, Louise Vagt Hasse, and person or persons, names unknown, the child or children and issue of any deceased child or children of Frieda Kohlert, Marie Carstensen and Louise Vagt Hasse, in and to the trust estate created by Deed of Trust dated May 19, 1928, executed by Anna L. Nolde, for the use and benefit of Caroline Pipgras, et al,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13184; Filed, August 13, 1943; 10:30 a. m.]

[Vesting Order 1950]

TRUST UNDER WILL OF ADOLPH E. NORDEN

In re: Trust under Will of Adolph E. Norden, deceased; File No. D–28–1678; E. T. sec. 567.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York, Depositary, acting under the judicial supervision of the Surrogate's Court, County of New York, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Cornelia Pauline Hohne Dette	Germany.
Adolph Heinze Hohne	Germany.
Irene Johanna Hohne	Germany.
Erwin Karl Albrecht Sandreczki	Germany.
Ingrid Pauline Sandreczki	Germany.
Siegrid Cornelia Sandreczki	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Cornelia Pauline Hohne Dette, Adolph Heinze Hohne, Irene Johanna Hohne, Erwin Karl Albrecht Sandreczki, Ingrid Pauline Sandreczki and Siegrid Cornelia Sandreczki, and each of them, in and to the trust created under the Last Will and Testament of Adolph E. Norden, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13185; Filed, August 13, 1943; 10:30 a. m.]

[Vesting Order 1951]

ESTATE OF JOHANN OBERMEYER

In re: Guardianship of estate of Johann Wetzel Washington Otto Obermeyer, a minor; File No. F-28-9063; E. T. sec. 4986.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The National City Bank of New York, Guardian, acting under the judicial supervision of the Surrogate's Court of New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

	Last known address
National:	
Johann Wetzel Washington Otto Obermeyer.	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Johann Wetzel Washington Otto Obermeyer of any nature whatsoever in the possession of The National City Bank of New York, as Guardian of the Estate of Johann Wetzel Washington Otto Obermeyer,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13186; Filed, August 13, 1943; 10:30 a. m.]

[Vesting Order 1952]

TRUST UNDER WILL OF REVEREND ANGELO PERRONE

In re: Trust under the will of Reverend Angelo Perrone, deceased; File D-38-1154; E. T. sec. 3891.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Scranton Lackawanna Trust Company, Substituted Trustee, acting under the judicial supervision of the Orphans, Court of Lackawanna County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

	Last known address
National:	
Guiseppe Perrone	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Guiseppe Perrone in and to the Trust Estate created under the Will of Reverend Angelo Perrone, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13187; Filed, August 13, 1943; 10:30 a. m.]

[Vesting Order 1953]

ESTATE OF GEORGE F. RAUH

In re: Estate of George F. Rauh, deceased; File No. D-28-1511; E. T. sec. 575.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of Superior Court No. 2, Allen County, Fort Wayne, Indiana, as depositary, acting under the judicial supervision of Superior Court No. 2 of the State of Indiana, in and for the County of Allen; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

	Last known address
Nationals:	
William Rauh	Germany.
Nikol Koestner	Germany.
Herman Koestner	Germany.
Emma Maehringer	Germany.
Jakob Schlegel	Germany.
Anna Schlegel	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to William Rauh in the sum of $976.25, Nikol Koestner in the sum of $333.33, Herman Koestner in the sum of $333.33, Emma Maehringer in the sum of $333.34, Jakob Schlegel in the sum of $473.40 and Anna Schlegel in the sum of $500.00,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13188; Filed, August 13, 1943; 10:30 a. m.]

[Vesting Order 1954]

TRUST UNDER WILL OF HENRY REICHENBACH

In re: Trust under the will of Henry Reichenbach, deceased; File D-28-3493; E. T. sec. 5574.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William H. Orr of Brooklyn, New York, Gessinne Reichenbach of Westfield, New Jersey and Harry C. Landwehr of New York, New York, Co-Executors and Trustees, acting under the judicial supervision of the Union County Orphans' Court of Union County, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

	Last known address
Nationals:	
Henry Kopke	Germany.
The husband of Henny Kopke, whose name is unknown.	Germany.
Walter Bade	Germany.
Helma Bade	Germany.
Alwine Steudel	Germany.
The issue of Alwine Steudel, whose names are unknown.	Germany.
Gretchen Wege	Germany.
Frieda Wallachs	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Henny Kopke, the husband of Henny Kopke, whose name is unknown, Walter Bade, Helma Bade, Alwine Steudel, the issue of Alwine Steudel, whose names are unknown, Gretchen Wege and Frieda Wallachs, and each of them, in and to the Trust estate created under the Last Will and Testament of Henry Reichenbach, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13189; Filed, Aug. 13, 1943; 10:31 a. m.]

[Vesting Order 1955]

TRUST UNDER WILL OF HERMAN RUMPEN

In re: Trust under will of Herman Rumpen, deceased: File D-28-2475; E. T. sec. 3696.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Chase National Bank of the City of New York, as Successor Trustee, acting under the judicial supervision of the Bergen County Orphans' Court, of Bergen County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

	Last known address
National:	
Caroline Rumpen	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Caroline Rumpen in and to the Trust Estate created under the Last Will and Testament of Herman Rumpen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13190; Filed, August 13, 1943; 10:31 a. m.]

[Vesting Order 1956]

ESTATE OF DOMENICK SANTOMENNA

In re: Estate of Domenick Santomenna, also known as Domenick A. Santomenna, Domenico Santomenna, Dominick A. Santomenna and Dominick Santomenna; File No. D-38-540; E. T. sec. 5871.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James F. Egan, as Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Lelio Santomenna	San Fele, Province of Luciana, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Lelio Santomenna in and to the Estate of Domenick Santomenna, also known as Domenick A. Santomenna, Domenico Santomenna, Dominick A. Santomenna and Dominick Santomenna, Deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13191; Filed, August 13, 1943; 10:36 a. m.]

[Vesting Order 1957]

TRUST UNDER WILL OF OTTO SARTORIUS

In re: Trust under the will of Otto Sartorius, deceased; File F–28–5918; E. T. sec. 5099.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Chase National Bank of the City of New York and Herman U. Sartorius, co-trustees, acting under the judicial supervision of Orphans Court, Monroe County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Hedwig Grief	Germany.
Clara Grief	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hedwig Grief and Clara Grief, and each of them, in and to the Trust Estate created under the Will of Otto Sartorius, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13192; Filed, August 13, 1943; 10:36 a. m.]

[Vesting Order 1958]

ESTATE OF CHARLES SHAWL

In re: Estate of Charles Shawl, also known as C. Shawl, deceased; File D–28–3770; E. T. sec. 3455.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Crocker First National Bank of San Francisco, Executor and Trustee, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Jeanetta Rosenstrauch	Germany.
Cerline Sawady	Germany.
Elfriede Klein Levy	Germany.
Gustav Sawady	Germany.
Alfred Sawady	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Jeanetta Rosenstrauch, Cerline Sawady, Elfriede Klein Levy, Gustav Sawady, Alfred Sawady, and each of them in and to the Estate of Charles Shawl, also known as C. Shawl, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13193; Filed, August 13, 1943; 10:36 a. m.]

[Vesting Order 1959]

ESTATE OF JULIUS STEFFEN

In re: Estate of Julius Steffen, deceased; File D–28–3436; E. T. sec. 5466.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Rosa Steffen (also known as Rose A. Steffen), 2509 West Grant Street, Milwaukee, Wisconsin, Executrix, acting under the judicial supervision of the County Court of Milwaukee County, State of Wisconsin;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Reinhold Steffen	Hafelberg, Province of Brandenburg, Germany.
Person or persons, names unknown, the legal heirs of Reinhold Steffen.	Germany.
Margaretta Wittenhagen.	Stettin, Province of Pommern, Germany.
Person or persons, names unknown, the legal heirs of Margaretta Wittenhagen.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Reinhold Steffen, person or persons, names unknown, the legal heirs of Reinhold Steffen, Margaretta Wittenhagen, and person or persons, names unknown, the legal heirs of Margaretta Wittenhagen, and each of them, in and to the estate of Julius Steffen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13194; Filed, August 13, 1943; 10:36 a. m.]

[Vesting Order 1960]

TRUST UNDER WILL OF FRANKLYN F. WILBUR

In re: Trust under will of Franklyn F. Wilbur, deceased; File No. D–66–537; E. T. sec. 3667.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bank of New York, Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Marie W. Turini, her children and their issue and the next of kin of any deceased child of Marie W. Turini whose names are unknown.	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Marie W. Turini, her children and their issue and the next of kin of any deceased child of Marie W. Turini whose names are unknown, and each of them, in and to the trust estate created under the will of Franklyn F. Wilbur, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13195; Filed, August 13, 1943; 10:36 a. m.]

[Vesting Order 1961]

ESTATE OF MARGARETHA WITT

In re: Estate of Margaretha Witt, deceased; File D–28–3674; E. T. sec. 6022.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by August C. Wichmann, and George Schuenhoff, executors, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Gretchen Mewes	Germany.
Johanna Roenke	Germany.
Anna Schuhmacher	Germany.
Christine Roenke	Germany.
Christian Martens	Germany.
Maria Wienberg	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Gretchen Mewes, Johanna, Roenke, Anna Schuhmacher, Christine Roenke, Christian Martens and Maria Wienberg, and each of them, in and to the Estate of Margaretha Witt, deceased,

to be held, used, administered liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13190; Filed, August 13, 1943; 10:37 a. m.]

[Vesting Order 1967]

ESTATE OF JOHN BEVILACQUA

In re: Estate of John Bevilacqua, also known as John Bevilaqua, deceased; File D-38–651; E. T. sec. 6526.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by A. H. Winkel, Administrator, acting under the judicial supervision of the Superior Court of the State of Washington in and for the County of Snohomish;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Mario Traverso (nee Bevilacqua) and her heirs and devisees, names unknown.	Italy.
Giovanni Traverso and his heirs and devisees, names unknown	Italy.
The heirs and devisees, names unknown, of John Bevilacqua, also known as John Bevilaqua, deceased.	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order, or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Maria Traverso (nee Bevilacqua) and her heirs and devisees, names unknown, Giovanni Traverso and his heirs and devisees, names unknown, and the heirs and devisees, names unknown of John Bevilacqua, also known as John Bevilaqua, deceased, and each of them in and to the estate of John Bevilacqua, also known as John Bevilaqua, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13197; Filed, August 13, 1943; 10:37 a. m.]

[Vesting Order 1968]

ESTATE OF ADELE LOVY

In re: Estate of Adele Lovy, deceased; File No. D–34–58; E. T. sec. 314.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Max Kohn, Administrator, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Anna Kohn	Budapest, Hungary.
Henrik Kelleti	Budapest, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Kohn and Henrik Kelleti, and each of them in and to the Estate of Adele Lovy, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13198; Filed, August 13, 1943; 10:38 a. m.]

[Vesting Order 1969]

In re: Estate of Johanna Michalski, deceased; File D–9–100–28–2092; E. T. sec. 2403.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by William Vogelsang and Rev. John F. Pfluger, executors of the estate of Johanna Michalski, deceased, acting under the judicial supervision of the Surrogate's Court, Erie County, New York.

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Marie Rahmel	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Rahmel in and to the Estate of Johanna Michalski, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Propery Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy county, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13199; Filed August 13, 1943; 10:38 a. m.]

[Vesting Order 1970]

ESTATE OF DOMINICO PERRY

In re: Estate of Dominico Perry, deceased; File D–38–462; E. T. sec. 843.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Frank Rizzuto, Administrator, acting under the judicial supervision of the Superior Court in the State of Washington, County of Spokane;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Carmela Perri	Italy.
Rosina Perri	Italy.
Palma Rose Perri	Italy.
Filomena Perri	Italy.
Santo Perri	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Carmela Perri, Rosina Perri, Palma Rose Perri, Filomena Perri and Santo Perri and each of them in and to the Estate of Dominico Perry, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13200; Filed August 13, 1943; 10:38 a. m.]

[Vesting Order 1971]

TRUST UNDER WILL OF HUGH Y. PURVIANCE

In re: Trust u/w Hugh Y. Purviance, deceased, entitled Frances Susan King, et al. vs. Frances H. King, et al.; Petition of the Fidelity Trust Company, Substituted Trustee, and Frances H. King vs. Elizabeth P. King, Katharine King, Hugh P. King, and Virginia M. King, his wife. File F–66–99; E. T. sec. 3630.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity Trust Company, Substituted Trustee, acting under the judicial supervision of the Circuit Court No. 2 of Baltimore City, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Elizabeth P. King	Rome, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Elizabeth P. King in and to the Trust created under the will of Hugh Y. Purviance, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an

appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13201; Filed, August 13, 1943; 10:38 a. m.]

[Vesting Order 1972]

GUSTAV A. SCHLENS, ET AL.

In re: Gustav A. Schlens, et al., Executors vs. Catherine Wilkens, et al., "Marriage Settlement"; File D–28–2402; E. T. sec. 4316.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore, Maryland, Substituted Trustee, acting under the judicial supervision of the Circuit Court for Baltimore County, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Christian Wilkens	Germany.
Alice Wilkens Von Buchwaldt	Germany.
Hans-Henning Von Bose	France.
Irene Renate Alice Von Ribbeck	France.

And determining that—

(3) Hans-Henning Von Bose and Irene Renate Alice Von Ribbeck, citizens or subjects of a designated enemy country, Germany, and within an enemy occupied country, France, are nationals of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Christian Wilkens, Alice Wilkens Von Buchwaldt, Hans-Henning Von Bose and Irene Renate Alice Von Ribbeck, and each of them, in and to the trust estate created by Order of the Circuit Court of Baltimore County, Maryland, pursuant to the terms of a marriage settlement agreement dated August 5, 1872 between William and Catherine Wilkens,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13202; Filed, August 13, 1943; 10:38 a. m.]

[Vesting Order 1973]

TRUST UNDER WILL OF HENRY W. SCHMIDT

In re: Trust under the Will of Henry W. Schmidt, deceased; File No. D–28–1737; E. T. sec. 766.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the City Bank Farmers Trust Company, 22 William Street, New York, N. Y., Trustee, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Florence D. Uhde and her lineal descendants.	Germany.
Anna Elisa Uhde	Germany.
Herman Uhde	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Elisa Uhde, Herman Uhde, and Florence D. Uhde and her lineal descendants, and each of them, in and to the Trusts created under the Last Will and Testament of Henry W. Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13203; Filed, August 13, 1943; 10:38 a. m.]

[Vesting Order 1974]

ESTATE OF SHUN T. TAKAHASHI

In re: Estate of Shun T. Takahashi, deceased; File D–39–1416; E. T. sec. 54.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of a demonstration by James Jorgensen, Jr., Public Administrator, Kalispell, Montana, Administrator, acting under the judicial supervision of the District Court of the Eleventh Judicial District of the State of Montana, in and for the County of Flathead;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals:	*Last known address*
Shokichi Takahashi	Japan
Minomatsu Takahashi	Japan

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Shokichi Takahashi and Minomatsu Takahashi, and each of them, in and to the estate of Shun T. Takahashi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13204; Filed, August 13, 1943; 10:39 a. m.]

[Vesting Order 1975]

TRUST UNDER WILL OF HENRY P. TOWNSLEY

In re: Trust under Will of Henry P. Townsley, deceased; File No. D–38–1664; E. T. sec. 4557.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Archibald R. Watson, Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Enrico VonEles	Messina, Sicily, Italy.
Elvira VonEles	Messina, Sicily, Italy.
Elena VonEles Servadio Cortesi.	Messina, Sicily, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever, of Enrico VonEles, Elvira VonEles and Elena VonEles Servadio Cortesi, and each of them, in and to the trust created under the Will of Henry P. Townsley, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13205; Filed, August 13, 1943; 10:39 a. m.]

[Vesting Order 279, Amdt.]

STOCK OF NORTH POINT CONSOLIDATED IRRIGATION COMPANY

Correction

In F.R. Doc. 43–12585 appearing on page 10833 of the issue for Wednesday, August 4, 1943, the heading, which reads "Stock of North Point Consolidated Engineering Company," should read "Stock of North Point Consolidated Irrigation Company."

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 11, 1943.

Order Number and Name

RMPR 135, Order 8, Westminster Fertilizer Co. et al.
MPR 188, Order 572, William H. Reinholz.
MPR 188, Order 573, Travelers Bag Co. Inc.
MPR 134, Order 10, Freeborn Equipment Co.
MPR 134, Order 11, Townsco Equipment Co.
MPR 114, Order 4, Corr., Rayonier Incorp.
MPR 127, Order 13, Advance Fabrics Co. et al.
Supp. Order 9, Order 8, Ballard Fish & Oyster Co., Inc.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–13158; Filed, August 12, 1943; 2:59 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register August 12, 1943.

Order Number and Name

MPR 136, Order 84, Nationale Jet Co.
MPR 136, Order 85, Raytheon Mfg. Co.
MPR 157, Order 30, Atlanta Woolen Mills.
MPR 188, Order 575, American Mattress Co.
MPR 188, Order 357, Am. 1, B. F. Jay & Co.
RPS, 43, Order 4, Lacquer Chemicals, Inc.
MPR 214, Order 33, Gwathmey Mfg. Co.
MPR 246, Order 12, C. S. Bell Co.
Supp. Order 9, Order 9, Sierra Talc Co.
2d Rev. Max. Export Price Reg., Order 7, Hokar Products Corp.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–13232; Filed, August 13, 1943; 11:23 a. m.]

Regional, District and State Office Orders.

[Oklahoma City Order G–1 Under Gen. Order 50, Amdt. 2]

DOMESTIC MALT BEVERAGES IN OKLAHOMA CITY DISTRICT

Order No. G–1, Amendment No. 2 Under General Order No. 50. Filing of prices by restaurants and similar establishments; Delegation of authority to fix maximum prices.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Oklahoma City, Oklahoma, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Ad-

ministrator of the Office of Price Administration, and Region V Delegation Order dated April 13, 1943, *It is hereby ordered*, That section 9 (a) (1) be amended as set forth below:

SEC. 9. *Maximum "dollars and cents" prices.* (a) The maximum "dollars and cents" prices which may be charged for the beverage items subject to this order, are:

(1) In bottles:

Brand or trade name	Maximum price per bottle	
	12 oz.	32 oz.
	Cents	*Cents*
Barbarossa Domestic Malt Beverage (Beer)	16	36
Blatz Domestic Malt Beverage (Beer)	16	36
Budweiser Domestic Malt Beverage (Beer)	16	36
Canadian Ace Domestic Malt Beverage (Beer)	16	36
Coors Domestic Malt Beverage (Beer)	16	36
Country Club Domestic Malt Beverage (Beer)	16	36
Grain Belt Domestic Malt Beverage (Beer)	16	36
Hamm's Preferred Domestic Malt Beverage (Beer)	16	36
Kingsbury Pale Domestic Malt Beverage (Beer)	16	36
Millers-High Life Domestic Malt Beverage (Beer)	16	36
Muehlebach Domestic Malt Beverage (Beer)	16	36
Old Style Lager Domestic Malt Beverage (Beer)	16	36
Pabst Blue Ribbon Domestic Malt Beverage (Beer)	16	36
Pilsner Club Domestic Malt Beverage (Beer)	16	36
Pom-Roy Domestic Malt Beverage (Beer)	16	36
Schlitz Domestic Malt Beverage (Beer)	16	36
Zollers-Topping Domestic Malt Beverage (Beer)	16	36
Red Top Ale Domestic Malt Beverage (Ale)	16	36
A B C Domestic Malt Beverage (Beer)	11	26
Alpen Brau Domestic Malt Beverage (Beer)	11	26
Berlin Domestic Malt Beverage (Beer)	11	26
Blue Bonnet Domestic Malt Beverage Beer	11	26
Bohemian Style Domestic Malt Beverage (Beer)	11	26
Embassy Club Domestic Malt Beverage (Beer)	11	26
Falstaff Domestic Malt Beverage (Beer)	11	26
Gold Seal Domestic Malt Beverage (Beer)	11	26
Grand Prize Domestic Malt Beverage (Beer)	11	26
Griesedieck Domestic Malt Beverage (Beer)	11	26
Haas Domestic Malt Beverage (Beer)	11	26
High Brau Domestic Malt Beverage (Beer)	11	26
Jax Domestic Malt Beverage (Beer)	11	26
Keller Domestic Malt Beverage (Beer)	11	26
Lang Domestic Malt Beverage (Beer)	11	26
Lone Star Domestic Malt Beverage (Beer)	11	26
Mellow Brew Domestic Malt Beverage (Beer)	11	26
Millers-Export Domestic Malt Beverage (Beer)	11	26
Mountain Top Domestic Malt Beverage (Beer)	11	26
Muskegon Domestic Malt Beverage (Beer)	11	26
Old Gold Domestic Malt Beverage (Beer)	11	26
Old King Domestic Malt Beverage (Beer)	11	26
Pearl Domestic Malt Beverage (Beer)	11	26
Pioneer Domestic Malt Beverage (Beer)	11	26
Polo Domestic Malt Beverage (Beer)	11	26
Prima Domestic Malt Beverage (Beer)	11	26
Progress Domestic Malt Beverage (Beer)	11	26
Roebuck Domestic Malt Beverage (Beer)	11	26
Schoot's Highland Domestic Malt Beverage (Beer)	11	26
Shiner Domestic Malt Beverage (Beer)	11	26
Silver Cream Domestic Malt Beverage (Beer)	11	26
Silver Fox Domestic Malt Beverage (Beer)	11	26
Southern Select Domestic Malt Beverage (Beer)	11	26
Stag Domestic Malt Beverage (Beer)	11	26
State Domestic Malt Beverage (Beer)	11	26
Stern Brau Domestic Malt Beverage (Beer)	11	26
Topaz Domestic Malt Beverage (Beer)	11	26
White Seal Domestic Malt Beverage (Beer)	11	26
Zollers-Blackhawk Domestic Malt Beverage (Beer)	11	26
Zollers-Pilsener Domestic Malt Beverage (Beer)	11	26

This amendment to Order No. G–1 under General Order No. 50 shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Oklahoma City, Oklahoma, this 3d day of August 1943.

REX A. HAYES,
District Director.

[F. R. Doc. 43–13079; Filed, August 11, 1943; 4:29 p. m.]

[Region III Order G–5 Under MPR 165]

POWER LAUNDRIES IN WAYNE COUNTY, MICH.

Order No. G–5 under Maximum Price Regulation No. 165, as amended—Services. Power laundries in Wayne County, Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by section 114 (d) of Maximum Price Regulation No. 165, as amended, *It is hereby ordered:*

(a) The maximum prices established by Maximum Price Regulation No. 165, as amended, for family laundry services at retail supplied by power laundries situated in Wayne County, Michigan, are modified so that the maximum prices shall be the prices set forth in Appendix A.

(b) The maximum price of a family laundry service which does not conform exactly to the description of one of the family services listed in Appendix A shall be that of the listed service, all of whose specifications are met by the unlisted service. Thus, where an unlisted service offers more elements of laundry service than a particular listed service, but does not meet the specifications of a higher-priced listed service, its maximum price shall be that of the lower-priced listed service.

(c) The maximum prices for family laundry services other than those for which maximum prices are established by this order rendered by power laundries situated in Wayne County, Michigan, shall be governed by Maximum Price Regulation No. 165, as amended, or any other applicable price regulation.

(d) Power laundries situated in Wayne County, Michigan, shall continue to accept as wearing apparel and flatwork those articles which have customarily been accepted as such, but may charge for all others at list price. In the services numbered 4 and 5, starch must be supplied where necessary for proper finishing of wearing apparel (including shirts) unless the customer requests no starch. Handkerchiefs are to be priced and treated as wearing apparel.

(e) All power laundries shall continue to offer such discounts to cash-and-carry customers as were allowed in March 1942.

(f) Within thirty days after the issuance of this order, each laundry in Wayne County, Michigan, offering family laundry services at retail shall post in its own establishment in a place and manner so that it is plainly visible to the purchasing public a placard or poster containing the description of family laundry services and the specific ceiling prices approved for that laundry, and also a similar description, with prices as authorized, of any other family laundry service offered. Also, within thirty days after the issuance of this order, each such laundry shall furnish to each customer a statement containing in full such information as is required to be posted. Thereafter each new customer shall receive a copy of the same statement or an equivalent statement.

(g) A power laundry may not refuse to supply any lower-priced laundry service which it supplied in March 1942, if it supplies or offers to supply any higher-priced service which includes the same or substantially the same processes (with or without additional processes) as the low-priced service; except that a laundry may substitute for any service supplied in March 1942 the service listed in Appendix A of this order which most closely resembles it in specifications and price.

(h) No additional charges of any kind may be added to the maximum prices established by this order.

(i) Lower prices for each of the services covered by this order may be charged, offered, demanded, or paid.

(j) As used in this order, the terms:

(1) "Family laundry services" means all laundry services except those supplied on a commercial or institutional basis.

(2) "Power laundries" means all establishments offering laundry services for sale, except such laundries as do not use power machinery to wash laundry.

(k) *Appendix A: Maximum prices for family laundry services.*

TABLE 1

Services	Maximum prices
Service No. 1: Damp wash, in which all laundry is washed and returned damp.	X Level: 20 lbs. for $1.00, plus 5¢ for each additional lb. If requested, each shirt finished for 12¢ extra. Y Level: 20 lbs. for $1.12, plus 5½¢ for each additional lb. If requested, each shirt finished for 13¢ extra. Z Level: 20 lbs. for $1.24, plus 6¢ for each additional lb. If requested, each shirt finished for 13¢ extra. Z* see below.
Service No. 2: Damp and flat, in which the wearing apparel is washed and returned damp and the flatwork washed and returned finished, ready for use.	X Level: 20 lbs. for $1.55, plus 7¢ for each additional lb. If requested, each shirt finished for 12¢ extra. Y Level: 20 lbs. for $1.65, plus 7½¢ for each additional lb. If requested, each shirt finished for 12¢ extra. Z Level: 20 lbs. for $1.75 plus 8¢ for each additional lb. If requested, each shirt finished for 12¢ extra. Z* see below.
Service No. 3: Rough Dry, in which the wearing apparel, if any, is washed and returned dry, and the flawork is washed and returned finished, ready for use.	X Level: 20 lbs. for $1.70, plus 8¢ for each additional lb. If requested, each shirt finished for 12¢ extra. Y Level: 20 lbs. for $1.85, plus 9¢ for each additional lb. If requested, each shirt finished for 12¢ extra. Z Level: 20 lbs. for $2.00, plus 10¢ for each additional lb. If requested, each shirt finished for 12¢ extra. Z* see below.
Service No. 4: Family Finish in which both wearing apparel and flatwork are washed and returned finished, ready for use.	X Level: Flatwork 10¢ per lb. Wearing apparel 30¢ per lb. Minimum charge $2.00. Y Level: Flatwork 10¢ per lb. Wearing apparel 35¢ per lb. Minimum charge $2.00. Z Level: Flatwork 10¢ per lb. Wearing apparel 40¢ per lb. Minimum charge $2.00.
Service No. 5: List Price, in which wearing apparel, flatwork and specialties are washed and returned finished, ready for use.	X Level: Shirts, regular ..... $0.18 Shirts, work ..... .18 Collars ..... .05 Undershirts, cotton ..... .10 Undershirts, wool ..... .15 Underdrawers, cotton ..... .10 Underdrawers, wool ..... .15 Union suits, cotton ..... .20 Union suits, wool ..... .25 Nightshirts ..... .20 Pajama suits, cotton ..... .25 Pajama suits, silk ..... .30 Handkerchiefs ..... .03 Socks, pair ..... .07 Work pants ..... .35 Overall jumper ..... .25 Overall pants ..... .25 Overall combination ..... .35 Civilian uniforms ..... .40 Sheets ..... .12 Pillow slips ..... .06 Kitchen towels ..... .04 Hand towels ..... .06 Bath towels ..... .06 Wash cloths ..... .03 X* See below.

Z* By the designation Z*, certain laundries, as indicated in Table 2 below, are given a maximum price of 15¢ for finishing shirts in Services 1, 2, and 3.

X* By the designation X*, certain laundries, as indicated in Table 2 below, are given a maximum price of 4¢ for the finishing of shirts in Service No. 5.

In Service No. 5 (finished list service), there may be imposed a minimum charge of 75¢ for cash-and-carry customers and a minimum charge of $1.00 for delivery customers.

TABLE 2

In accordance with the prices set forth in Table 1 above, the established maximum prices for power laundries in Wayne County, Michigan, shall be as follows:

PRICES FOR SERVICES AS SET FORTH IN TABLE 1 ABOVE

Laundry and address	No. 1	No. 2	No. 3	No. 4	No. 5
Acme Quality Laundry Co., 431 E. Elizabeth	Y	Y	X	X	X
American Laundry Co., 3508 Canfil	X	X	X	X	X
Banner Laundering Co., 2233 Brooklyn	Y	X	Y	X	X
Belle Isle Laundry, 2127 E. Fort	X	X	Z	X	X
Bonal Laundry, 4620 15th	X	Y	Z	X	X
Colonial Laundry Co., 617 Hendrie	Z*	Z*	Z*	Z	X*
Dispatch-Hudson Laundry Co., 43 Cortland	X	X	X	X	X
Duncan Laundry Co., 4630 Crane	X	X	X	X	X
Durable Laundry & Cleaners, 8885 Livernois	X	Z	Z	Y	X
East End Laundry, 2859 Hillger	X	X	X	X	X
Federal Laundry, 658 W. Elizabeth	Y	Y	Z	X	X
Fenwick Laundry Co., 531 E. Forest	Z	Z	Z	X	X*
Fine Arts Laundry Co., 5435 McGraw	Z*	Z*	Z*	Z	X*
Grand Laundry, 1250 W. Lafayette	Z*	Z*	Z*	Z	X*
High Grade Laundry Co., 3731 Wabash	X	X	X	X	X
Hoyt Steam Laundry, 631 Bagley	X	X	X	X	X
Ideal Family Laundry, 654 Meldrum	X	X	Y	X	X
Kuhn's Snow White Laundry, 16046 Woodward	X	X	Y	Z	X
La Measure Bros. Inc., 1450 21st	X	Z	Z	Z	X*
Modern Laundry Co., 3705 E. Jefferson	X	X	Z	Z	X*
Monarch Laundry, 3431 Woodward	X	X	Z	Y	X*
National Laundry Co., 555 Farnsworth	X	X	Z	Y	X
New Method Laundry, 4043 Moran	Y	Y	Y	X	X
Nu-Parker Laundry Co., 2950 Parker	X	X	Y	Y	X
Palace Model Laundry & Cleaning Co., 711 E. Jefferson	Z	Z	X	Y	X*
Paris Laundry, Inc., 558 E. Warren	Z*	Z*	Z*	Z	X*
Pilgrim Laundry & Dry Cleaning Co., 6200 Peter Smith	Y	Y	Z	X	X
Pioneer Laundry & Cleaning Co., 4255 McGraw	X	Y	Z	X	X
Puritan Laundry Co., 12023 Woodward	Z	Y	Z	X	X
Quality Laundry Co., 12000 Loverdale	Z	Z	Y	X	X
Royal Laundry, 3748 E. Fort	Y	Y	Y	X	X
Sani-Wash Laundry Co., 4001 6th	Y	Z	X	Y	X
Sanitary Laundry Co., 5170 Vermont	X	X	X	Y	X
Splendid Laundry, 10515 Harper	X	X	Z	X	X
Sunshine Family Laundry, 1221 Terminal	Z	X	Y	X	X
Troy Laundry, 4127 Grand River	X	X	Z	X	X
U. S. Laundry Co., 2624 Elmwood	Y	Z	Z	Y	X
Wash-Rite Laundry, 6837 Chase Road	Z	X	Y	X	X
Wayne Laundry, 12641 Woodrow Wilson	Y	X	X	X	X
Weller Laundry Co., 567 Beacon	X	X	Z	Y	X*
White Eagle Laundry Co., 2925 Evaline	Z	X	Z	X	X

(l) This order may be revoked, amended, or corrected at any time.

(m) This order shall become effective May 24, 1943. Issued this 22d day of May 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13157; Filed, August 12, 1943; 2:59 p. m.]

[Region III Order G–5 Under MPR 165. Amdt. 1]

POWER LAUNDRIES IN WAYNE COUNTY, MICH.

Amendment No. 1 to Order No. G–5 under Maximum Price Regulation No. 165, as amended—Services. Power laundries in Wayne County, Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by Section 114 (d) of Maximum Price Regulation No. 165, as amended, and by Revised General Order No. 32, *It is hereby ordered*, That paragraph (m) be amended into two separate paragraphs to read as set forth below:

(m) Any laundry subject to the provisions of this order shall put the prices contained in this order into effect on or before July 1, 1943. Until such prices are put into effect, the maximum prices which may be charged shall be those determined under the provisions of Maximum Price Regulation No. 165, as amended. No laundry is obliged to avail itself of the provisions of this Order prior to July 1, 1943, but if it is used by a laundry for any purpose it must be used by such laundry in all circumstances herein covered. Any laundry subject to the provisions of this order may charge less than the maximum prices herein set forth.

This order shall become effective May 28, 1943.

This amendment to Order No. G–5 under Maximum Price Regulation No. 165, as amended, shall become effective May 28, 1943.

Issued this 27th day of May 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13147; Filed, August 12, 1943; 3:01 p. m.]

[Region VI Order G-65 Under 18 (c)]

MILK IN OGALLALA, NEBR.

Order No. G-65 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Ogallala, Nebraska.

For reasons set forth in an accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Ogallala, Nebraska area are hereby established as follows:

	Wholesale	Retail
Regular standard butterfat content milk:	*Cents*	*Cents*
Gallon	39	48
Quart	10	12
Pint	5½	
½ pint	3	

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Ogallala, Nebraska area shall mean:

i. All sales made within the city limits of Ogallala, Nebraska and all sales at or from an establishment located in Ogallala, Nebraska; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Ogallala, Nebraska.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13148; Filed, August 12, 1943; 3:01 p. m.]

[Region VI Order G-66 Unde 18 (c) and MPR 329]

MILK IN ALLIANCE, NEBR.

Order No. G-66 under § 1499.18 (c) of the General Maximum Price Regulation and under Maximum Price Regulation No. 329—Purchase of Milk From Producers for Resale as Fluid Milk. Adjustment of fluid milk prices for Alliance, Nebraska.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration § 1499.18 (c) of the General Maximum Price Regulation, and § 1351.-408 of Maximum Price Regulation No. 329, *It is ordered:*

(a) *Maximum producer prices.* The maximum price for milk sold for human consumption in fluid form which may be paid to producers by distributors whose establishments are located in Alliance, Nebraska shall be $2.70 per cwt. for 3.5 percent milk, plus 4¢ for each 1/10 of a pound of butterfat in excess of 3.5 percent and less 4¢ for each 1/10 of a pound of butterfat below 3.5 percent.

(b) *Maximum distributor prices.* The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Alliance, Nebraska, area shall be:

	Wholesale	Retail
Regular standard milk:	*Cents*	*Cents*
Gallons	38	44
Quarts	10	12
Pints	6	7
½ pints	3	4
Buttermilk:		
Gallons	38	44
Quarts	10	12
Pints	6	7
½ pints	3	4
Skim milk:		
Gallons	12	14

(c) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Alliance, Nebraska, area shall mean:

i. All sales made within the city limits of Alliance, Nebraska, and all sales at or from an establishment located in Alliance, Nebraska.

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Alliance, Nebraska.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed, and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

4. Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation and § 1351.404 of Maximum Price Regulation No. 329, as the case may be, and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) This order may be revoked, amended or corrected at any time. This order shall become effective June 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of June 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13149; Filed, August 12, 1943; 3:01 p. m.]

[Region VI Order G-67 Under 18(c) and MPR 329]

MILK IN PORT WASHINGTON, WIS.

Order No. G-67 under § 1499.18 (c) of the General Maximum Price Regulation and under Maximum Price Regulation No. 329—Purchase of Milk From Producers For Resale as Fluid Milk. Adjustment of fluid milk prices for Port Washington, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, and § 1351.408 of Maximum Price Regulation No. 329, *It is ordered:*

(a) *Maximum producer prices.* The maximum price for milk sold for human consumption in fluid form which may be paid to producers by distributors whose establishments are located in Port Washington, Wisconsin shall be $3.00 per cwt. for 4 per cent milk, plus 4¢ for each 1/10 of a pound of butterfat in excess of 4 per cent and less 4¢ for each 1/10 of a pound of butterfat below 4 per cent.

(b) *Maximum distributor prices.* The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Port Washington, Wisconsin area shall be:

	Wholesale	Retail
Regular milk and chocolate milk:		
Gallon	$0.40	$0.44
½ gallon	.21	.23
Quart	.11	.12
Pint	.06	.07
½ pint	.03	.04

(c) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Port Washington, Wisconsin area shall mean:

i. All sales made within the city limits of Port Washington, Wisconsin and all sales at or from an establishment located in Port Washington, Wisconsin.

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Port Washington, Wisconsin.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed, and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

4. Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation and § 1351.404 of Maximum Price Regulation No. 329, as the case may be, and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) This order may be revoked, amended or corrected at any time. This order shall become effective June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of June 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13150; Filed, August 12, 1943; 3:02 p. m.]

[Region VI Order G-68 Under 18 (c) and MPR 329]

MILK IN FREEPORT, ILL.

Order No. G-68 under § 1499.18 (c) of the General Maximum Price Regulation and under Maximum Price Regulation No. 329—Purchase of Milk From Producers for Resale as Fluid Milk. Adjustment of fluid milk prices for Freeport, Illinois.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, and § 1351.-408 of Maximum Price Regulation No. 329, *It is ordered:*

(a) *Maximum producer prices.* The maximum price for milk sold for human consumption in fluid form which may be paid to producers by distributors whose establishments are located in Freeport, Illinois shall be $2.85 per cwt. for 3.5 percent milk, plus 4¢ for each 1/10 of a pound of butterfat in excess of 3.5 percent and less 4¢ for each 1/10 of a pound of butterfat below 3.5 percent.

(b) *Maximum distributor prices.* 1. The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Freeport, Illinois area shall be:

	Wholesale	Retail
Regular and homogenized milk:		
Gallons	$0.46	$0.50
Quarts	.11½	.13½
½ pints	.03½	
½ quarts		.05
Guernsey milk and Jersey milk:		
Quarts	.13	.15
Chocolate and Vitamin D milk:		
Quarts	.12	.14
½ pints	.03½	
½ quarts		.05
Skim milk		
Gallons	.16	
Quarts	.05	.06
Butter milk:		
Quarts	.09	.11
Gallons	.30	

2. Where the maximum price set forth above is expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(1) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Freeport, Illinois area shall mean:

i. All sales made within the city limits of Freeport, Illinois, and all sales at or from an establishment located in Freeport, Illinois.

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Freeport, Illinois.

2. Milk shall mean cow's milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed, and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

4. Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation and § 1351.404 of Maximum Price Regulation No. 329, as the case may be, and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) This order may be revoked, amended or corrected at any time. This order shall become effective June 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of June 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13151; Filed, August 12, 1943; 3:02 p. m.]

[Region VI Order 69 Under 18 (c)]

MILK IN HARTFORD, WIS.

Order No. G-69 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Hartford, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Hartford, Wisconsin area are hereby established as follows:

	Wholesale	Retail
Regular standard milk:		
Gallon	$0.40	$0.44
Quart	.10½	.12
Pint	.06	.07
½ pint	.03	.04

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Hartford, Wisconsin area shall mean:

i. All sales made within the city limits of Hartford, Wisconsin and all sales at or from an establishment located in Hartford, Wisconsin; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Hartford, Wisconsin.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

4. Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation and § 1351.404 of Maximum Price Regulation No. 329, as the case may be, and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time. This order shall become effective June 15th, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of June 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13152; Filed, August 12, 1943; 3:03 p. m.]

[Region VI, Order G-71, Under 18 c)]

MILK IN KAUKAUNA, KIMBERLY, AND LITTLECHUTE, WIS.

Order No. G-71 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Kaukauna, Kimberly and Littlechute, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Kaukauna, Kimberly and Littlechute, Wisconsin area are hereby established as follows:

	Wholesale	Retail
Regular, homogenized and chocolate milk:		
Gallon	$0.40	$0.44
½ gallon	.21	.23
Quart	.10½	.12
Pint	.06	.07
½ pint	.03	.01

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Kaukauna, Kimberly and Littlechute, Wisconsin area shall mean:

i. All sales made within the city limits of Kaukauna, Kimberly and Littlechute, Wisconsin and all sales at or from an establishment located in Kaukauna, Kimberly and Littlechute, Wisconsin; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Kaukauna, Kimberly and Littlechute, Wisconsin.

2. Milk shall mean cow's milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time. This order shall become effective June 15th, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13153; Filed, August 12, 1943; 3:03 p. m.]

[Region VI Order G-72 Under 18 (c)]

MILK IN HILLSBORO, ILL.

Order No. G-72 under § 1499.18 (c) of the General Maximum Price Regulation, Adjustment of fluid milk prices for Hillsboro, Illinois.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Hillsboro, Illinois area are hereby established as follows:

	Wholesale	Retail
Gallons	$0.38	$0.44
Quarts	.10	.12
Pints	.05½	.06½
½ pints	.03	.05

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Hillsboro, Illinois area shall mean:

i. All sales made within the city limits of Hillsboro, Illinois and all sales at or from an establishment located in Hillsboro, Illinois; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Hillsboro, Illinois.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time. This order shall become effective June 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13154; Filed, August 12, 1943; 3:04 p. m.]

[Region VI Order G-73 Under 18 (c) and MPR 329]

MILK IN ADAMS, WIS.

Order No. G-73 under § 1499.18 (c) of the General Maximum Price Regulation and under Maximum Price Regulation No. 329—Purchase of Milk from Producers for Resale as Fluid Milk. Adjustment of fluid milk prices for Adams, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, and § 1351.-408 of Maximum Price Regulation No. 329, *It is ordered:*

(a) *Maximum producer prices.* The maximum price for milk sold for human consumption in fluid form which may be paid to producers by distributors whose establishments are located in Adams, Wisconsin shall be $2.75 per cwt. for 3.6 percent milk, plus 5¢ for each 1/10 of a pound of butterfat in excess of 3.6 percent and less 5¢ for each 1/10 of a pound of butterfat below 3.6 percent.

(b) *Maximum distributor prices.* 1. The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Adams, Wisconsin area shall be:

	Wholesale	Retail
Regular milk:		
Gallon	$0.36	$0.44
Quart	.09½	.11½
Pint	.05	.06
½ pint	.04	.05

2. Where the maximum price set forth above is expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(c) *Definitions.* For the purposes of this order:

1. Sales and deliveries with the Adams, Wisconsin area shall mean:

i. All sales made within the city limits of Adams, Wisconsin, and all sales at or from an establishment located in Adams, Wisconsin.

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Adams, Wisconsin.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed, and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

4. Unless the contex otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation and § 1351.404 of Maximum Price Regulation No. 329, as the case may be, and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) This order may be revoked, amended or corrected at any time. This order shall become effective June 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13155; Filed, August 12, 1943; 3:04 p. m.]

[Region VI Order G-74 Under 18 (c), 75 (a), and MPR 165]

VEGETABLE HAULING AND RENTAL OF POWER UNITS IN WISCONSIN

Order No. G-74 under §§ 1499.18 (c) and 1499.75 (a) (3) of the General Maximum Price Regulation and under § 1499.114 (d) of Maximum Price Regulation No. 165—Services. Adjusted Maximum prices for vegetable hauling and rental of power units in Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region VI of the Office of Price Administration by §§ 1499.18 (c) and 1499.75 (a) (3) of the General Maximum Price Regulation, and under § 1499.114 (d) of Maximum Price Regulation No. 165—Services, *It is hereby ordered:*

(a) *What this order does.* This order allows a permitted increase in the established maximum prices for the hauling of "listed vegetables" from growing fields to vineries, canneries and other processing plants, and from vineries to canneries and other processing plants. The order also allows increases in the established maximum price for rental of "power units" used by vineries. The "established" maximum price for sellers who did not furnish the same or similar hauling or rental services in the past is determined by reference to the price of the most closely competitive seller, in accordance with the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 165—Services.

(b) *Permitted increases for hauling services.* The following additions may be made to the established maximum prices for hauling or rental services covered by this order:

(1) Any hauler who has a maximum price established on a truck-man-hour basis may add 30¢ per truck-man-hour to his maximum price.

(2) Any hauler whose maximum price is established on some basis other than a truck-man-hour basis may add to his established maximum price a sum equal to 25% thereof. The hauler shall calculate his charges on the unit (such as per cwt., per ton, per mile, per load, per hour, or any other basis) actually used by him in establishing his maximum price. All calculations of the unit charge shall be carried to the nearest one-tenth of a cent.

(3) The maximum price for the rental of any power unit to any canner or processor of listed vegetables shall be the established maximum price plus a sum equal to 15% thereof.

(c) *Definitions.* As used in this order:

(1) "Listed vegetables" include the following vegetables and no others: Peas, carrots, corn, lima beans, tomatoes, beets, cabbage, snap beans, asparagus.

(2) "Truck-man-hour basis" refers to the practice of making a charge by the hour for the use of a vehicle in combination with the services of one man under an agreement or understanding whereby the lessor assumes the expense of operation and maintenance.

(3) "Hauling or rental services" include any transportation services and any leasing of transportation equipment, whether in combination with the services of a driver or otherwise. Services furnished by any person as an employee are not included.

(4) "Power unit" means any engine or motor used at vineries to furnish power in connection with the operations of a vinery.

(d) *Geographical applicability.* This order applies to hauling or rental services used in any transportation of listed vegetables from fields and vineries in Wisconsin and any transportation to vineries and processing plants located in Wisconsin. This order applies to all rental of "power units" to a vinery located in Wisconsin.

(e) *Revocability.* This order may be amended, corrected or revoked at any time.

(f) *Effective date.* This order shall become effective June 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13156; Filed, August 12, 1943; 3:05 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on August 10, 1943.

REGION II

Camden Order 3, Amendment 4, Filed 4:37 p. m.
Camden Order 5, Amendment 1, Filed 4:37 p. m.
Rochester Order 2—Revocation—Filed 4:36 p. m.
Rochester Revised Order 3, Filed 4:36 p. m.
Rochester Revised Order 4, Filed 4:37 p. m.
New York Order 4, Amendment 5, Filed 4:38 p. m.
Binghamton Order 6, Amendment 2, Filed 4:39 p. m.
District of Columbia Order 4, Amendment 2, Filed 4:41 p. m.
District of Columbia Order 5, Filed 4:42 p. m.

REGION III

Charleston Order 5, Amendment 1, Filed 4:35 p. m.
Charleston Order 5, Amendment 2, Filed 4:35 p. m.
Charleston Order 6, Filed 4:35 p. m.
Charleston Order 6, Amendment 1, Filed 4:34 p. m.
Charleston Order 6, Amendment 2, Filed 4:34 p. m.

Charleston Order 7, Filed 4:34 p. m.
Charleston Order 7—Revoking—Filed 4:40 p. m.
Charleston Order 8, Filed 4:33 p. m.
Charleston Order 8, Amendment 1, Filed 4:33 p. m.
Charleston Order 8, Amendment 2, Filed 4:39 p. m.
Charleston Order 9, Filed 4:38 p. m.
Charleston Order 10, Filed 4:41 p. m.
Charleston Order 11, Filed 4:41 p. m.
Charleston Order 12, Filed 4:40 p. m.
Charleston Order 13, Filed 4:40 p. m.
Detroit Order 5, Amendment 4, Filed 4:39 p. m.

REGION IV

South Carolina Order 6, Filed 4:40 p. m.

REGION V

St. Louis Order 4, Amendment 1, Filed 4:37 p. m.

REGION VI

Duluth-Superior Order 5, Filed 4:39 p. m.
La Crosse Order 3—Revocation—Filed 4:37 p. m.

REGION VIII

San Francisco Order 5, Amendment 1, Filed 4:39 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-13159; Filed, August 12, 1943; 2:59 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-68 and 59-55]

COMMUNITY GAS AND POWER COMPANY AND AMERICAN GAS AND POWER COMPANY

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING, AND ORDER CONSOLIDATING SUCH PROCEEDING WITH PENDING PROCEEDING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of August, A. D. 1943.

In the matter of Community Gas and Power Company and American Gas and Power Company, File No. 54-68; Community Gas and Power Company, American Gas and Power Company, and the subsidiary companies thereof, respondents, File No. 59-55.

I

Notice is hereby given that Community Gas and Power Company, a registered holding company, and American Gas and Power Company, a registered holding company and a subsidiary company of Community Gas and Power Company, have filed an amended plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of effecting compliance with section 11 (b) of the Act.

All interested persons are referred to said amended plan, on file in the office of this Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

(1) The charter of American Gas and Power Company ("American") will be amended so as to change its authorized capital stock to 23,000 shares of preferred stock, par value $100 per share, and 600,000 shares of common stock, par value $7 per share. The preferred and common stocks of American shall have the preferences and rights presently possessed by the first preferred stock and common stock of Minneapolis Gas Light Company ("Minneapolis"), a Delaware corporation all of whose common stock is presently held by American, except that

(a) Whenever and as often as dividends payable on any series of preferred stock shall be accrued and unpaid in an amount equivalent to or exceeding four quarterly dividends, the preferred stock voting as a class shall be entitled to elect the smallest number of directors necessary to constitute a majority of the board of directors, and

(b) The common stock shall have preemptive rights to subscribe to any issues of common stock or securities convertible into common stock as such common stock or securities are sold or offered for cash.

(2) American will issue shares of its common stock which will be exchanged on the following bases:

(a) 47 shares of common stock for each $1,000 principal amount of secured debentures, 6% series, of American outstanding, together with all accrued and unpaid interest thereon ($500 debentures to receive 23½ shares);

(b) 46 shares of common stock for each $1,000 principal amount of secured debentures, 5% series, of American outstanding, together with all accrued and unpaid interest thereon ($500 debentures to receive 23 shares);

(c) One-fourth of a share of common stock for each share of American's common stock now outstanding.

American will issue its preferred stock in exchange for preferred stock of Minneapolis as hereinafter described.

No interest shall accrue or be payable upon the secured debentures of American subsequent to the fixed and conditional interest payable August 1, 1943.

Non-interest bearing, non-dividend bearing and non-voting scrip (exchangeable in round amounts for full shares and to become void unless so exchanged on or before December 31, 1945) shall be initially issued in lieu of fractional shares of common stock.

Scrip certificates representing fractional shares and warrants to purchase shares of common stock of American presently outstanding shall be void and of no further effect. Holders of secured debentures and of preferred and common stock of American not presented or surrendered pursuant to the 1935 Plan of Reorganization of American shall be entitled to receive shares of common stock of American (but no fractional interest therein) on the same basis as though such securities had been presented or surrendered under said 1935 Plan and the holders thereof had received the amended or new securities to which they were entitled under that Plan.

The following tabulation shows the principal amount of secured debentures and number of shares of common stock of American outstanding at April 30,

1943, together with the number of shares of common stock to be distributed in exchange therefor pursuant to the plan:

	Principal amount or number of shares outstanding at April 30, 1943	Number of shares of common stock to be issued in exchange
Secured debentures (6% series)	$4,213,500	198,034.5 sh.
Secured debentures (5% series)	$6,114,500	281,267 sh.
Common stock	189,637.5 sh.	47,409.375 sh.
		526,710.875 sh.

(3) The trustee under the debenture agreement of American and supplements thereto shall release and deliver to American all the securities and cash held in pledge thereunder, and shall execute and deliver to American an instrument of satisfaction and discharge of said agreement and all supplements thereto. Secured debentures held by American in its treasury shall be surrendered to the Trustee and cancelled.

(4) No vote or consent by security holders of American will be requested or obtained in connection with the transactions outlined above, except that the amendment to the charter of American, as proposed in the plan, will require a majority vote of American's common stockholders pursuant to section 26 of the Delaware Corporation Law.

(5) The 8,562½ shares of common stock of American to be received by Community Gas and Power Company ("Community") under the amended plan will be sold by Community for cash in the over-the-counter market and the proceeds, together with Community's other funds (after payment of its liabilities and expenses), will be distributed pro rata to Community's Class A and Class B common stockholders of record as of a date to be fixed by Community's Board of Directors, provided that the right to receive distribution in kind of said shares of common stock of American shall be given to Community's stockholders, but only to the extent that distribution can be made of full shares. No vote or consent by Community's stockholders shall be requested or obtained.

(6) American will make every reasonable effort to sell to non-affiliated interests all its holdings in Birmingham Gas Company ("Birmingham"), Savannah Gas Company ("Savannah"), St. Augustine Gas Company ("St. Augustine"), Bangor Gas Company ("Bangor"), and Lowell Gas Light Company ("Lowell"), and perhaps, along with Lowell, in American Utilities Associates ("Associates"), a subsidiary of American, holding common stock of Lowell, when, as and if reasonable offers are obtained, and subject to authorization by the Commission. The proceeds of sale of said holdings shall be paid by American to Minneapolis and to Jacksonville Gas Corporation, ratably in accordance with the amounts due (including accrued interest) on the certificates of indebtedness of American held by said corporations at the time of each such payment, and, after said certificates of indebtedness shall have been paid in full, the remaining proceeds of sale shall be contributed by American to Minneapolis. At April 30, 1942, the certificates of indebtedness of American (including accrued interest) held by Minneapolis amounted to $1,615,123 and those held by Jacksonville Gas Corporation amounted to $71,887.

Minneapolis shall apply the moneys received by it from American, together with other funds available for the purpose, to the retirement of its outstanding participation units and first mortgage bonds by purchase or redemption, to the end that said participation units (aggregating $1,205,133 at April 30, 1943) may be eliminated and said bonds (principal amount outstanding at April 30, 1943, $11,772,000) may be reduced to $9,000,000 principal amount, provided that said participation units shall be retired on or before December 31, 1944, whether or not Minneapolis shall have received any moneys from American. In the event that any of said holdings shall be sold by American prior to consummation of the provisions summarized in paragraphs 1, 2 and 3 above, the proceeds thereof shall be deposited with the Trustee under the Debenture Agreement of American and paid over to American pursuant to paragraph 3 hereof. Associates will be continued in existence until Lowell shall be sold, after which Associates will be dissolved and liquidated and its assets (subject to payment of its liabilities and expenses) transferred to American in satisfaction of the notes and indebtedness of Associates held by American.

(7) Upon completion of the sales and payments provided in paragraph 6 above:

(a) Minneapolis will, subject to the consent of the City of Minneapolis, transfer, assign and convey all its property, franchises and assets to American. American will assume all the indebtedness and liabilities of Minneapolis, including its first mortgage bonds, will qualify to do business in Minnesota, and will change its name to Minneapolis Gas Light Company. Such change of name will require a majority vote by the holders of the then outstanding common stock of American pursuant to section 26 of the Delaware Corporation Law. No vote or consent by Minneapolis' security holders shall be requested or obtained in connection with these transactions.

(b) Subject to the consent of the City of Minneapolis to an appropriate amendment of Minneapolis' franchise, American will issue shares of its authorized preferred stock as follows:

(i) 1 share of preferred stock, $6 Series, for each outstanding share of first preferred stock, $6 Series of Minneapolis (5,841 shares outstanding at April 30, 1943);

(ii) 1 share of preferred stock, $5.50 Series, for each outstanding share of first preferred stock, $5.50 Series, of Minneapolis (8,254 shares outstanding at April 30, 1943);

(iii) 1 share of preferred stock, $5.10 Series, for each outstanding share of first preferred stock, $5.10 Series, of Minneapolis (4,024 shares outstanding at April 30, 1943).

(iv) 1 share of preferred stock, $5.00 Series, for each outstanding share of first preferred stock, $5.00 Series, of Minneapolis (4,448 shares outstanding at April 30, 1943).

(c) First mortgage bonds and first preferred stock held by Minneapolis in its treasury shall be cancelled and retired.

(d) American shall enter into a supplemental indenture with the Trustee under the first mortgage indenture of Minneapolis, whereby American shall assume and agree to pay the principal of and interest on the first mortgage bonds issued thereunder, shall agree to fulfill the covenants and conditions of said indenture, and further shall covenant and agree:

(i) To create a sinking fund for the bonds in an amount equal to $100,000 per year, payable either in cash to be applied to the purchase or redemption of bonds or by certification of property additions upon the basis mentioned in clause (iii) below;

(ii) To change the date from and after which property additions may be used as the basis for authentication of bonds or withdrawal of cash to the date of said supplemental indenture to be entered into;

(iii) To change the basis upon which bonds may be authenticated or cash withdrawn against certification of property additions from 70% to 60%.

(e) Minneapolis will be dissolved pursuant to section 39 of the Delaware Corporation Law and its common stock (together with the option to purchase additional shares thereof held by American) will be cancelled.

(f) Public Utilities Management Corporation shall be dissolved pursuant to section 105 of the New York Stock Corporation Law and all its assets (subject to payment of its liabilities and expenses) shall be transferred to American.

8. Community and American request that this Commission approve the Plan in accordance with section 11 (e) of the Act and apply to a court in accordance with the provisions of section 18 (f) of the Act to enforce and carry out the terms and provisions of the Plan. Community and American request that, in order that they may have the benefit of applicable provisions of the Internal Revenue Code, this Commission approve the Plan as necessary or appropriate to effectuate the provisions of section 11 (b) of the Act and specify and itemize the issues, transfers and exchanges of securities and the conveyances called for by the Plan.

Community and American reserve all their constitutional and legal rights and the right to amend, modify and alter the Plan from time to time as may be desirable or appropriate.

II

By Notice of Filing and Order for Hearing dated September 24, 1942, this Commission instituted proceedings against Community, American and their subsidiary companies under sections 11 (b) (1), 11 (b) (2), 12 (c), 12 (f), 13, 15 and 20 (a) of the Act.

During the pendency of said proceedings, Community and American submitted a plan under section 11 (e) of the Act (which plan has now been amended as set forth above), and Alfred MacArthur, Donald H. Carter, H. R. Baxter, H. W. Volk and Robert L. MacPhail, acting as a Committee for the secured debentures of American, which Committee had been granted leave to be heard in said proceedings, filed with the Commission a petition for leave to file modifications to the plan theretofore filed by Community and American.

Certain of the issues in said proceedings instituted by our order of September 24, 1942, were determined, and jurisdiction was reserved as to the remaining issues, by Order of this Commission dated July 2, 1943, on the basis of Findings and Opinion entered the same day.

In said Order dated July 2, 1943, this Commission ordered, among other things, that American dispose, or cause the disposition of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by Birmingham, Savannah, Jacksonville Gas Company, St. Augustine, Bangor, Lowell, and Associates; that the corporate existence of Community and Associates be terminated and that Community and Associates be liquidated and dissolved; and that American change its present capital structure, consisting of secured debentures, indebtedness owed to subsidiary companies and common stock, into a capital structure consisting of one class of stock, namely common stock.

In and by said Order dated July 2, 1943, jurisdiction was reserved to this Commission to consider all other issues raised in the Notice of Filing and Order for Hearing of September 24, 1942, not then decided, including among others, questions relating to the disposition of the proceeds of any sales consummated pursuant to section 11 (b) (1) of said Act, the corporate structure of Minneapolis under sections 11 (b) (2), 12 (c) and 12 (f) of said Act, accounts under sections 15 (a), 15 (f) and 20 (a) of said Act, and the continued existence of American under section 11 (b) (2) of said Act.

III

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said amended plan, and that said amended plan should not be approved except pursuant to further order of this Commission;

It further appearing to the Commission that some of the evidence in the pending proceedings under sections 11 (b) (1), 11 (b) (2), 12 (c), 12 (f), 13, 15 and 20 (a) (File No. 59-55) is also relevant to the issues presented by said amended plan, and that proceedings in respect of said amended plan and said proceedings instituted by this Commission involve common questions of law and fact and should be consolidated; it is

Ordered, That such proceedings be and the same are hereby consolidated.

Further ordered, That a hearing on such matters under the applicable provisions of the Act and Rules of this Commission thereunder be held on September 20, 1943 at 10:00 a. m., e. w. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

Further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Further ordered, That without limiting the scope of the issues presented in the consolidated proceedings, particular attention will be directed at the hearings to the following matters and questions:

(1) Whether the amended plan, as submitted or as hereafter modified, is necessary to effectuate the provision of section 11 (b) of the Act and is fair and equitable to the persons to be affected thereby.

(2) Whether consummation of the amended plan, as submitted or as hereafter modified, would constitute compliance with the Order of this Commission dated July 2, 1943. (File No. 59-55).

(3) Whether the proposed allocation of the common stock to be issued by American, among holders of the 6% debentures, 5% debentures, and presently outstanding common stock of American, is fair and equitable to each class of security holders.

(4) Whether the proposed application of the proceeds of sales by American of its holdings in Birmingham, Savannah, St. Augustine, Bangor and Lowell is fair and equitable to the creditors and security holders of American.

(5) Whether the proposed securities to be issued by American will be reasonably adapted to its security structure and earning power, and whether State laws applicable thereto will have been complied with.

(6) Whether, in the event that the Commission shall approve such plan as filed or as modified, the Commission shall approve such plan for purposes of section 11 (d) of the Act (as well as section 11 (e)) so as to permit the Commission of its own motion and irrespective of request therefor on the part of Community or American, to apply to a court for the enforcement of such plan pursuant to section 11 (d);

(7) Whether, in the event that the Commission shall not approve such plan as filed or as modified, the Commission shall itself propose and approve a plan for purposes of section 11 (d) or shall approve for purposes of section 11 (d) any plan that may be proposed by any person having a bona fide interest in the reorganization of Community or American;

(8) What fees and expenses are proposed to be paid in connection with the consummation of the amended plan, and whether such proposed fees and expenses are reasonable in amount.

(9) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and the Rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

Further ordered, That notice of said hearing is hereby given to Community Gas and Power Company, American Gas and Power Company and their subsidiary companies and to all interested persons; said notice to be given to Community Gas and Power Company and American Gas and Power Company by registered mail, and to all other persons by publication of this Notice and Order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935. It is requested that any person desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before September 13, 1943 an appropriate request or application to be heard, as provided by Rule XVII of the Commission's Rules of Practice.

Further ordered, That jurisdiction be and hereby is reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to said amended plan and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13170; Filed, August 13, 1943; 9:42 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS

The War Production Board has issued certain Revocation Orders revoking Special Directions dated December 8, 1942, issued in connection with certain synthetic rubber facilities construction projects to which Urgency Numbers listed below were assigned. For the effect of such Revocation Order the Builder and Suppliers affected shall refer to the specific Order issued to the Builder:

Urgency rating No.	Builders' serial No.	Name and address of builder	Plancor No.	Location of project
20	3278A	Dow Chemical Company, Midland, Michigan		Midland, Mich.
60	874A	B. F. Goodrich Company, Akron, Ohio	128	Louisville, Ky.
63	8836	U. S. Rubber Company, 1230 Sixth Avenue, New York, New York.	980	Institute, W. Va.
64	28536	Goodyear Tire & Rubber Co., Akron, Ohio	877	Baytown, Tex.

Issued this 12th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13137; Filed, August 12, 1943; 11:26 a. m.]

Interference

AUG 18 '43

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 8 NUMBER 162

Washington, Tuesday, August 17, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 523, Supp. 2]

PART 319—FOREIGN PLANT QUARANTINE NOTICES

QUANTITY LIMITS FOR PLANTS IMPORTED FOR PROPAGATION PURPOSES SUSPENDED

Under present-day conditions little opportunity is afforded permittees to import the yearly quantity limits of plants authorized in B. E. P. Q. 523 Supplement No. 1, effective January 16, 1943. In view of this situation the yearly quantity limits are temporarily suspended, effective August 25, 1943, until further notice.

Chapter III, Title 7, Code of Federal Regulations, § 319.37–14a (*Administrative instructions; limitations on special-permit plant material entered for propagation under § 319.37–14*) [P. Q. C. A. 278, revised, July 14, 1931] as amended May 11, 1942, and January 16, 1943, by B.E.P.Q. 523 and Supplement No. 1, is hereby amended further, effective August 25, 1943, by suspending temporarily and until further notice the quantity limits specified in § 319.37–14a as amended.

(7 CFR § 319.37–14; sec. 7, 37 Stat. 317; 7 U.S.C. 160)

Done at Washington, D. C., this 9th day of August 1943.

P. N. ANNAND,
Chief.

[F. R. Doc. 43–13364; Filed, August 16, 1943; 11:17 a. m.]

Chapter XI—War Food Administration

[FDO 75–2]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Pursuant to the provisions of Food Distribution Order No. 75 (8 F.R. 11119), and to effectuate the purposes thereof, *It is hereby ordered*, As follows:

§ 1410.18 *Beef required to be set aside*—(a) *Quantity; storage; packaging.* Every Class 1 slaughterer shall set aside, reserve, and hold for delivery to the Army, Navy, Marine Corps and Coast Guard of the United States, War Shipping Administration, and contract schools and ship operators as defined in Food Distribution Regulation 2 (8 F.R. 7523) and subject to the provisions thereof, 45 percent of the conversion weight of each week's production of beef obtained from the slaughter of steers and heifers, the carcasses of which meet Army specifications for carcass beef or frozen boneless beef. Such beef shall be stored in such a manner as to maintain the quality thereof, and shall be prepared and packaged in accordance with Army specifications.

(b) *Existing contracts.* The provisions of this order shall not be construed as reducing the amount of meat which any Class I slaughterer is required to offer or to deliver under any existing contract with the agencies named in (a) hereof, or with the Food Distribution Administration (including, but not restricted to the Federal Surplus Commodity Corporation), the United States Maritime Commission or the Veterans' Administration; but any meat required to be delivered after the effective date of this order to such agencies pursuant to pre-existing contracts other than those entered into with the Food Distribution Administration, the United States Maritime Commission or the Veterans' Administration after June 11, 1943, may be used as a credit against the amount of meat required to be set aside and reserved pursuant to the provisions of this order.

(c) *Conversion weight.* For the purposes of this order conversion weights shall be computed in accordance with the provisions of (p) of Director Food Distribution Order No. 75–1 (*supra*).

This order shall become effective at 12:01 a. m., e. w. t., August 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 75, 8 F.R. 11119)

Issued this 12th day of August 1943.

ROY F. HENDRICKSON,
Director, Food Distribution.

[F. R. Doc. 43–13255; Filed, August 13, 1943; 4:14 p. m.]

CONTENTS

REGULATIONS AND NOTICES

	Page
ALIEN PROPERTY CUSTODIAN:	
Sobernheim, Walter, (y Magnus), and N. V. Handel-Maatschappij "Waldorf"; hearing	11398
Vesting orders:	
Accumulatoren-Fabrik, A. G., and Electric Storage and Battery Co.	11402
I. G. Farbenindustrie, A. G.; interest in:	
Aluminum Co. of America	11400
Du Pont de Nemours, E. I., & Co. (3 documents)	11399, 11400, 11401
Koppers Construction Co.	11400
Rohm & Haas Co.	11398
Martienssen, Oscar, and Schlumberger Well Surveying Corp.	11399
Mueller, Georg, and Original Laminated Patentbarrel Co., Inc.	11401
Pia, Ernest	11398
Richter, Bernhard, and American Air Filter Co., Inc.	11402
Werth, R. E.	11397
Zimmermann, Herminc	11397
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
District 1 and District Board 1	11393
District Board 1	11394
District 7	11393
District Board 12	11393
District 22	11394
Flat Creek Coal Co.	11392
Luzerne-Graham Mining Corp.	11394
Registered distributors; determination of status as bona fide coal merchants	11392
Whittington, A. E., Coal Mining Co., et al	11391
Minimum price schedules amended:	
District 2	11341
District 3	11342
District 8	11344
District 15	11344
COAL MINES ADMINISTRATION:	
Coal mines under government control, financial responsibility for operations	11344

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
COAST GUARD:	
Miscellaneous amendments; approval of equipment	11388
Wooden lifeboats, prohibition on tank vessels	11388
ENTOMOLOGY AND PLANT QUARANTINE BUREAU:	
Importation for propagation purposes, quantity limits suspended	11325
FEDERAL HOME LOAN BANK ADMINISTRATION:	
Operations of the banks; securities held in trust or as collateral	11334
FEDERAL POWER COMMISSION:	
Otter Tail Power Co., notice of application	11396
FEDERAL SAVINGS AND LOAN SYSTEM:	
Bonus plans; authorization of amendments to Charter K	11334
INDIAN AFFAIRS BUREAU:	
Deceased Indians of the Five Civilized Tribes; determination of heirs and probate of estates	11335
INTERNAL REVENUE BUREAU:	
Income tax; stock dividends	11337
INTERSTATE COMMERCE COMMISSION:	
Car service:	
Icing of fruits and vegetables from Western states	11390
Refrigeration service restrictions, use of top or body ice, etc	11389
Common carriers by railroad; icing of fresh or green vegetables	11397
Ferry operations, Mackinaw City-St. Ignace, Mich., order rerouting freight traffic, vacated	11396
Railroad safety-appliance standards; application for running boards on box and other house cars	11390
NAVY DEPARTMENT:	
Maternity and infant care for service-connected wives and infants	11391
Naval Reserve; custody of records	11388
OFFICE OF DEFENSE TRANSPORTATION:	
Coordinated operations:	
Byers Transportation Co., Inc. and Donovan Motor Freight Service; Missouri-Kansas	11403
Flathead Transportation Co. and Northern Pacific Transport Co.; Missoula-Kalispell, Mont	11402
Motor equipment conservation; mileage reduction for passenger carriers (Gen. Order ODT 39)	11391
OFFICE OF PRICE ADMINISTRATION:	
Abrasive products, coated and bonded (MPR 316, Am. 1)	11385
Adjustment orders filed, list	11405
Adjustments, exceptions, etc.:	
Caloric Gas Stove Works	11404
General Carbon Co	11379
Standard Brands, Inc	11386
Bacon, sliced (RMPR 148, Am. 10)	11380
Bicycle rationing (Rev. RO 7, Am. 10)	11382
Coal tar (MPR 447)	11383
Containers, fruit and vegetable (MPR 434, Am. 1)	11382
Doors, "general manager type", grain (GMPR Order 2)	11405
Eggs and egg products (MPR 333, Am. 12)	11381
Foods, processed:	
(RO 13, Am. 5)	11383
(RO 13, Am. 16 to Rev. Supplement 1)	11387
Fuel oil rationing (RO 11, Am. 74)	11380
Furnaces, cast iron, coal fired, warm-air (MPR 188, Am. 9 to Order A-1)	11404
Hinges and butt hinges (MPR 413)	11375
Ice boxes, new (MPR 399, Am. 2)	11386
Industrial materials, special sales (RMPR 204)	11376
Lumber:	
Softwood (RMPR 215, Am. 2)	11385
Western pine, etc. (MPR 94, Am. 2)	11405
Newsprint paper (RMPR 130, Am. 4)	11382
Petroleum, crude, and petroleum and natural gas (MPR 436)	11369
Petroleum and petroleum products (RPS 88, Am. 122)	11374
Pine tar and pine tar oil (MPR 446)	11375
Barrels, potato; Aroostook County, Maine	11410
Bowling; Lake County, Ill	11407
Coal; Minneapolis-St. Paul, Minn	11408
Crates and boxes, vegetable and fruit; Denver, Colo., area	11414
Firewood:	
Humboldt County, Calif	11403
Maine	11410
New Hampshire	11403
Fruits and vegetables; Colorado and Wyoming	11412
Linoleum cement and paste; Salt Lake City-Ogden, Utah, area	11414
Milk:	
Centralia, Ill	11407
Cleveland, Ohio	11406
Grand Rapids, Minn	11407
Indiana (except Lake County), Kentucky, Michigan, etc	11411
Ohio	11415
Quad Cities area	11415
Milk trucking:	
Cache Valley area, Utah	11407
Southern Utah area	11407
Power laundries; Wayne County, Mich. (2 documents)	11406, 11414
Vegetables; Chicago, Ill., region	11406
Sugar rationing (RO 3, Am. 76)	11382
PETROLEUM ADMINISTRATION FOR WAR:	
Additive containing lubricants, refining and distribution	11387
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Electric Bond and Share Co	11417
North American Co., et al	11416
Tri-City Utilities Co., et al	11418
United Corp	11419
United Gas Corp. and Middle West Corp	11417
SELECTIVE SERVICE SYSTEM:	
Classification; Class II-A and II-B men necessary in support of the war effort, etc	11346
WAGE AND HOUR DIVISION:	
Learner employment certificates, issuance to various industries	11395
Sorgo syrup processing, exemption from maximum hours provisions	11395
WAR DEPARTMENT:	
Designation of danger zones:	
Region south of Petit Bois Island, Miss	11388
Waters of Choctawahatchee Bay and Gulf of Mexico	11387
Eastern military area; establishment of prohibited and restricted zones	11333
WAR FOOD ADMINISTRATION:	
Beef required to be set aside (FDO 75-2)	11325

(Continued on next page)

CONTENTS—Continued

	page
WAR FOOD ADMINISTRATION—Con.	
Falmouth Stockyards, Falmouth, Ky.; posted stockyard	11333
Livestock and meats; slaughter and delivery (FDO 75-1)	11327
Rainbow Meat Market, Philadelphia, Pa.; suspension order	11332
Requisitioning of property; delegation of authority (2 documents)	11419
Tobacco (FDO 4, Am. 2)	11331
Flue-cured, 1943 crop (FDO 4-3)	11331
WAR MANPOWER COMMISSION:	
Critical occupations, list	11420
Employment stabilization programs	11338
Essential activities, list	11421
Non-deferable activities and occupations	11340
Workers, transfer at increased rates of pay	11337
WAR PRODUCTION BOARD:	
Alcohol, capryl (M-167)	11347
Alcohols, higher aliphatic (M-344)	11354
Bags (M-107)	11360
Construction machinery and equipment (L-192, Int. 1)	11360
Controlled materials plan:	
Allotment procedure (CMP 1, Int. 13)	11361
Mill stocks of steel (CMP 1, Direction 15)	11361
Cooking appliances and heating stoves, domestic (L-23-c)	11353
Cotton textiles:	
Agricultural and food processing uses (M-218)	11361
Distribution (M-317)	11364
Enameled ware (L-30-b)	11368
Industrial cloth or tape (M-134, Sch. I)	11361
Inventories, consumers' goods (L-219, Int. 2)	11348
Laminated phenolic products (M-134, Sch. III)	11361
Microfilm records (PR 1, Int. 6)	11346
Oil country tubular goods (L-211, Sch. 9)	11347
Paper and paperboard, conservation (M-241-a)	11350
Plywood, softwood (L-150)	11350
Priorities system, operation:	
(PR 2)	11347
(PR 3, Int. 5)	11355
(PR 4)	11347
Shipping drums, steel (L-197)	11348
Stop construction orders:	
Cancellations:	
Newton project, Utah	11420
Nicolaus Bridge, Sutter County, Calif	11420
Yakima-Roza project, Wash	11420
Colorado-Big Thompson project, Colo., amendment	11420
Various projects	11420
Suspension orders:	
Congdon, Charles A	11359
Fashion Shop	11360
Ferguson Furniture Co., Inc	11360
Scott-Kelly Furniture Co	11347
Undlin Store Fixture Co	11347
Textile, clothing, leather, etc. (M-328)	11366
WAR PRODUCTION BOARD—Con.	
Valves and valve parts (L-252)	11361
Warehouses and dealers:	
Merchant trade products (M-21-b-2)	11357
Steel, general (M-21-b-1)	11356

[FDO 75-1]

PART 1410—LIVESTOCK AND MEATS

REGULATIONS AFFECTING SLAUGHTERERS

Pursuant to the provisions of Food Distribution Order No. 75 (8 F.R. 11119), and to effectuate the purposes thereof, *It is hereby ordered*, As follows:

§ 1410.17 *Regulations affecting slaughterers*—(a) *Definitions.* When used in this order:

(1) The term "meat" means the carcasses of livestock, including beef, veal, lamb, mutton, or pork derived therefrom, and any processed or unprocessed edible part, cut, or trimming, regardless of how prepared or packaged; excluding, however, scrapple, souse, and other similar products, offal, oils, lards, rendering fats, raw leaf, casings, by-products not ordinarily used for human consumption, and skins of swine when prepared for use in leather, glue, and gelatin.

(2) The term "governmental agency" means (i) the Army, Navy, Marine Corps or Coast Guard of the United States (excluding for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, sales commissaries, and similar organizations); (ii) the Food Distribution Administration, War Food Administration (including but not restricted to the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; (v) contract schools and ship operators, as defined in Food Distribution Regulations 2 (8 F.R. 7523), when purchasing meat in accordance with the provisions of Food Distribution Regulation 2; (vi) any hospital, asylum, orphanage, prison, or similar institution, which is operated by any Federal, State, or local government or agency thereof, which took delivery of meat in the year 1941 under contracts awarded on the basis of competitive bids; and (vii) any other person designated by the Director.

(3) The term "Class 2A slaughterer" means a Class 2 slaughterer whose quota bases total, on a conversion weight basis, 2,000,000 pounds or more for a calendar year.

(4) The term "Class 2B slaughterer" means a Class 2 slaughterer whose quota bases total, on a conversion weight basis, less than 2,000,000 pounds for a calendar year.

(5) The term "authorized purchaser" means:

(i) Any person who is under contract to sell or deliver, to a governmental agency, meat or products prepared in whole or in part therefrom; or

(ii) Any person who has delivered, to a governmental agency, meat or products prepared in whole or in part therefrom, and has not replaced the meat so delivered, or contained in the products so delivered, by a purchase without charge against quota under the provisions of (i) hereof; or

(iii) Any person who is authorized by the Director to purchase meat.

(6) The term "slaughter" means the killing of livestock, or causing livestock to be killed for the production of meat for human consumption.

(7) The term "deliver" means to transfer physical possession of meat. The transfer of meat by a slaughterer to a unit or department of his establishment for use in the preparation or manufacture of any product other than meat, the use of meat for such purpose without any such transfer, or the transfer or shipment of meat to any branch house of a slaughterer, shall constitute a delivery. The placing of meat in a public warehouse solely for the purpose of storage shall not be deemed a delivery, but the withdrawal of such meat from such warehouse by any person other than such slaughterer shall be deemed a delivery.

(8) The term "conversion weight" means the dressed weight equivalent of the meat derived from the slaughter of livestock, determined as prescribed in (p) hereof.

(9) The term "dressed carcass" means a carcass dressed in accordance with normal trade custom and in the following state:

(i) In the case of beef, with the kidney knob in;

(ii) In the case of veal, with the hide on or off;

(iii) In the case of pork, with the leaf fat and kidney out, the jowls on, and the head off;

(iv) In the case of lamb and mutton, with pluck out.

(10) The term "veal" means meat derived from calves, the dressed carcasses of which have the veal or calf characteristics defined by the United States Department of Agriculture (A. M. A. Reg. 114, Official United States Standards for Grades of Veal and Calf Carcasses 1940), and weigh with the hide off not more than 275 pounds.

(11) The term "cutter and canner grades of beef" means meat conforming to the specifications for cutter and canner grades of steer, heifer, and cow carcass beef set forth in Service Regulatory Announcement No. 99, Official United States Standards for Grades of Carcass Beef, United States Department of Agriculture, Agricultural Marketing Administration, Reprinted with Amendments March 1942.

(12) The term "minimum sanitary facilities" means a structure that is reasonably fly and rodent proof with ample light and ventilation, which has concrete or comparably sanitary floors with adequate drainage system, is provided with clean water and which, together with all equipment, is in a clean and orderly condition. Such structure must be a reasonable distance from stables, barnyard, hog lot, refuse heap, privy, or other source of fly breeding or contamination.

(13) The term "adequate facilities" means:

(i) Equipment in good order for the proper skinning and dressing of animals, and the rendering of fat or tallow; and

(ii) Storage or other equipment for retaining or preserving edible or inedible by-products to insure against spoilage.

(14) Any term not specifically defined herein shall have the meaning ascribed thereto in Food Distribution Order No. 75.

(b) *Limitations on slaughter and delivery.* (1) Except as otherwise provided herein:

(i) No Class 1 or Class 2A slaughterer shall, during any quota period, deliver or offer to deliver more meat of any type than his quota for such period.

(ii) No Class 2B slaughterer shall, during any quota period, slaughter more livestock of each type than his quota for such period, except that such slaughterer may, without a quota, slaughter for home consumption livestock which he has raised on his premises.

(iii) No Class 3 slaughterer shall, during any quota period, slaughter more livestock of each type than his quota for such period, except that such slaughterer may, without a quota, slaughter livestock for home consumption or for consumption on his premises, by his resident or seasonal employees.

(2) The delivery of meat by any Class 1 or Class 2A slaughterer, or the slaughter of livestock by any Class 2B or Class 3 slaughterer, in excess of such slaughterer's quota for any quota period, shall be charged against such slaughterer's quota for the subsequent quota period, and in addition thereto shall subject such slaughterer to such other actions, penalties, or proceedings as may be prescribed by law or imposed pursuant to this order.

(3) Any Class 1 or Class 2A slaughterer who, during any quota period, does not deliver his entire quota for such period, may carry over an amount of such unused quota, not to exceed 5 percent of his entire quota for such period, to the next succeeding quota period, and his authorized deliveries for such succeeding period shall be increased in that amount.

(c) *Quota periods.* There are hereby established the following quota periods:

(1) For Class 1 and Class 2A slaughterers:

(i) Quota Period 4: July 1, 1943, to September 30, 1943, inclusive: *Provided, however,* That any Class 1 slaughterer who, on August 14, 1943, had a quota period computed on a monthly basis, shall remain on such basis until October 1, 1943.

(ii) Each subsequent calendar quarter shall constitute a quota period and shall be consecutively numbered.

(2) For Class 2B slaughterers: Each calendar or accounting month shall constitute a quota period.

(3) For Class 3 slaughterers: Each calendar quarter shall constitute a quota period.

(d) *Corresponding base period.* The term "corresponding base period" means that month or calendar quarter of 1941 which corresponds with a given month or calendar quarter of a quota period.

(e) *Substituted quota and base periods.* If the accounting periods used by a Class 1 or Class 2A slaughterer during 1941 do not coincide with the quota periods and corresponding base periods established by this order, he may substitute his accounting periods for such quota and corresponding base periods, *Provided,* That:

(1) The accounting periods so substituted for quota periods contain the same number of calendar days as the accounting periods so substituted for corresponding base periods, and

(2) The accounting periods so substituted shall end on Saturday or Sunday, and shall begin and end within seven (7) days of the beginning and end of the corresponding base periods established by this order.

(f) *Quota bases.* There are hereby established quota bases for each type of meat or livestock as follows:

(1) *For Class 1 and Class 2A slaughterers.* The quota base in effect on August 14, 1943, as established for such slaughterer under any Food Distribution Order. Any quota base so established on a live weight basis shall be recalculated on a conversion weight basis. Any quota base established for a Class 1 slaughterer upon a monthly basis shall remain upon such basis until October 1, 1943.

(2) *For Class 2B slaughterers.* The quota base in effect on August 14, 1943, as established for such slaughterer under any Food Distribution Order: *Provided, however,* That such quota bases shall be calculated separately for each type of livestock.

(3) *For Class 3 slaughterers.* (i) The number of head of each type of livestock or, at the option of such slaughterer, the total live weight of livestock owned by him at the time of slaughter in the corresponding base period; or

(ii) Any other quota base in effect on August 14, 1943, as established in connection with a permit issued to such slaughterer under any food distribution order.

(4) For any person who receives a license or permit under the provisions of (i) of Food Distribution Order No. 75: Such base as shall be established for him by the Director.

The Director, upon application, may fix for any slaughterer a quota base for a quota period for any type of meat not delivered or any type of livestock not slaughtered during the corresponding base period.

The quota base of any person who is reclassified pursuant to the provisions of Food Distribution Order No. 75, shall be recalculated from a monthly to a quarterly basis, or vice versa, as the case may require.

(g) *Computation of quotas.* (1) The quota of any Class 1 or Class 2A slaughterer for each type of meat for any quota period shall be the conversion weight obtained by multiplying the quota base for such type of meat by the applicable percentage as specified in (h) hereof, and by adjusting the result by deductions or additions as required or authorized by (b) (2) and (3) hereof, and by any adjustments, exemptions, or authorizations granted by the Director.

(2) The quota of any Class 2B or Class 3 slaughterer for each type of livestock for any quota period shall be calculated by multiplying the quota base for such type of livestock by the applicable percentage as specified in (h) hereof, and by adjusting the result by deductions as required in (b) (2) hereof, and by any adjustments, exemptions, or authorizations granted by the Director.

(h) *Quota percentages established.*

Class 1 and Class 2A Slaughterers

(1) The following percentages shall be used by Class 1 and Class 2A slaughterers in computing quotas:

Type of meat:	Percentage
Beef	65
Veal	65
Lamb and mutton	80
Pork	85

(2) No Class 1 slaughterer shall deliver, during any quota period, to persons other than governmental agencies or authorized purchasers, more than 30 percent of the total conversion weight of cutter and canner grades of beef delivered by him during such period.

(3) No Class 2A slaughterer shall, during any quota period, deliver cutter and canner grades of beef in excess of 30 percent of such slaughterer's beef quota for such period.

(4) No Class 1 or Class 2A slaughterer shall deliver, during any monthly accounting period within any quota period, more meat of any type than the percentage of his quotas set forth below:

Accounting periods in quota period:	Percentage
Calendar month	37
Four-week accounting period	34
Five-week accounting period	42

Provided, however, That any Class 1 or Class 2A slaughterer may deliver, during the month of August 1943, in addition to his quota and in addition to the percentage thereof allowed to be delivered in August under this paragraph (h) (4), an amount of pork equivalent to 2 percent of such slaughterer's pork quota base for Quota Period 4; and *Provided, further,* That any Class 1 or Class 2A slaughterer located in the States of California, Oregon, or Washington may, during Quota Period 4 and prior to September 1, 1943, deliver, in addition to his quota, and in addition to the monthly percentages thereof allowed to be delivered, an amount of lamb and mutton equivalent to 14 percent of such slaughterer's lamb and mutton quota base for Quota Period 4.

Class 2B Slaughterers

(5) The following percentages shall be used by Class 2B slaughterers in computing quotas:

Type of meat:	Percentage
Beef	85
Veal	85
Lamb and mutton	90
Pork	90

Provided, however, That for the month of August 1943, the quota percentages shall be those in effect on August 14, 1943, as established for such slaughterers under any Food Distribution Order.

Class 3 Slaughterers

(6) The following percentages shall be used by Class 3 slaughterers in computing quotas:

Type of meat:	Percentage
Beef	100
Veal	100
Lamb and mutton	100
Pork	100

(i) *Slaughter or delivery without charge against quotas.* (1) Any Class 1 or Class 2 slaughterer may deliver meat without charge against his quota to any governmental agency, *Provided,* That if such delivery is not covered by a written contract, he obtains a certificate in accordance with the provisions of (k) hereof.

(2) Any Class 1 or Class 2A slaughterer may deliver meat without charge against his quota to any authorized purchaser, any other Class 1 or Class 2A slaughterer, or any owner of livestock which has been custom slaughtered, *Provided,* That he obtains a certificate in accordance with the provisions of (k) hereof.

(3) Any Class 2B or Class 3 slaughterer may custom slaughter livestock without charge against his quota: *Provided,* That he obtains a certificate in accordance with the provisions of (k) hereof.

(j) *Custom slaughter; Certificate required.* No person shall custom slaughter any livestock or deliver any meat derived therefrom unless he obtains a certificate from the owner of such livestock pursuant to the provisions of (k) hereof.

(k) *Certificates.* Certificates executed under (i) or (j) hereof shall be submitted to the deliverer within 10 days after delivery, shall be signed by the person or agency receiving delivery, or by an authorized representative, shall acknowledge receipt of the meat, and shall contain the following:

(1) The name and address of the person or agency to whom delivery is made, the date or dates of delivery, and the total weight of each type of meat. If the deliverer is a Class 1 or Class 2A slaughterer, he shall include a description of the meat enabling conversion in accordance with the provisions of (p) hereof;

(2) If delivery is to an authorized purchaser as defined in (a) (5) (i) hereof, a statement by him that the meat so delivered, or an equivalent amount of meat of the same type and grade, will be or has been used in the fulfillment of a contract with a governmental agency and that such contract was entered into prior to the date of delivery to the authorized purchaser and unfulfilled at such date;

(3) If delivery is to an authorized purchaser as defined in (a) (5) (ii) hereof, a statement by him that he has delivered meat, or products containing meat, to a governmental agency and has not replaced such meat by a purchase without charge against quota under the provisions of (i) hereof;

(4) If delivery is to an authorized purchaser as defined in (a) (5) (iii) hereof, a reference by date or number, or both, to the Director's designation of such person as an authorized purchaser, together with a statement by him that the meat so delivered, or an equivalent amount of meat of the same type and grade, will be used for the purpose authorized by such designation;

(5) If delivery is to any other Class 1 or Class 2A slaughterer, a statement by such slaughterer that such meat will be charged against his quota;

(6) If delivery is to an owner of livestock which has been custom slaughtered, the license or permit number of the owner, together with a statement by him acknowledging ownership, at the time of slaughter, of such livestock, and a statement that the meat derived therefrom will be charged against his quota unless it is redelivered without charge against such owner's quota. If such owner is a person entitled to have livestock slaughtered without a license or permit, he shall state the basis upon which he is so entitled, and include a statement that the meat is for home consumption in lieu of the license or permit number requirement and in lieu of a statement that the meat will be charged against his quota. The person who custom slaughters shall endorse upon such certificate the number of head and the dressed or live weight of each type of livestock slaughtered and the date or dates of slaughter.

All certificates shall be retained by the slaughterer or person who custom slaughters for delivery to the Director upon request. All statements contained in or accompanying such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false. Any slaughterer or person who fails to obtain such certificate or to produce the same upon request by the Director shall, in addition to all other penalties provided for violations of this order, have charged against his quota the amount of meat so delivered.

(l) *Delivery through intermediate persons.* Any person, other than a Class 1 or Class 2 slaughterer, who delivers meat to a governmental agency pursuant to a contract between himself and such agency for the delivery of such meat, may execute and sign a certificate which shall contain the contract number of the contract with such governmental agency, together with the information specified under (k) (1) hereof. Any such person who, in the absence of a written contract, makes deliveries of meat to a governmental agency, may obtain the applicable certification in accordance with the provisions of (k) hereof. Certificates so executed or obtained may be passed through one or more persons to a Class 1 or Class 2A slaughterer who may, in exchange for such certificate, and without charge against quota, deliver to the holder thereof an amount of meat of the same type and grade equivalent on a conversion weight basis to the meat described in such certificate.

(m) *Sanitary and conservation facilities.* (1) No slaughterer shall deliver for human consumption, or offer for delivery for human consumption, any meat or meat product which is diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(2) No Class 2 slaughterer and no person who custom slaughters livestock, except in those cases where custom slaughtering is done on a farm for a farmer, shall slaughter livestock in the absence of minimum sanitary facilities and adequate facilities for the conservation and preservation of all edible and principal inedible by-products. Compliance with sanitary requirements for State, county, or city inspection may be considered as compliance with this requirement.

(n) *Slaughterers owning retail establishments.* In the case of a slaughterer who owns five or more establishments selling meat principally at retail, his operations in connection with such retail establishments shall not be considered as part of his operations for the purposes of this order.

(o) *Markings required on meat.* (1) Every Class 2 and Class 3 slaughterer shall, prior to delivery, mark a number upon each accessible wholesale cut of meat, whether in the entire carcass or detached therefrom. Such mark shall be made in a plain and conspicuous manner one or more times as hereinafter directed. (This requirement shall not apply to meat transferred by a Class 2 slaughterer to a unit or department of such slaughterer for use in the preparation, manufacture, or production of any product or commodity other than meat.) In the case of veal carcasses delivered with the skin on, marks shall be placed on the hind shanks and brisket. Marks may be made with a pencil approved for Kosher marking or with a stamp or stencil and marking fluid conforming to the approved formula for violet branding fluid, which is as follows:

	Ounces
Water	3.5
Grain alcohol—95%	2.5
Cane sugar	1.0
Methyl violet	.1

(The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.)

(2) Where such slaughterer's establishment has been assigned an establishment number by a State, county, or city inspecting authority, or by the Food Distribution Administration, he may use the number so assigned.

(3) Where such slaughterer's establishment has no establishment number assigned by an inspecting authority or by the Food Distribution Administration, a number will be assigned to his establishment upon application by him to the Director. Marks made with numbers so assigned shall be in letters at least ¼ inch in height and width.

(4) Any Class 3 slaughterer who delivers meat directly to an individual or household by whom the meat is to be consumed may comply with the requirements of this paragraph (o) by attaching to such meat a tag bearing his permit number.

(p) *Conversion weight factors.* (1) The conversion weight of swine slaughtered during a period shall be determined exclusively by computing the average live purchase weight of all swine slaughtered (less condemnations) and multiplying the total live purchase weight of such swine by the conversion factor set forth below for the weight range within which the average live purchase weight falls: *Provided*, That, if the average live purchase weight of swine slaughtered during any quota period is within 30 pounds of the average live purchase weight of swine slaughtered during the corresponding base period, the conversion weight factor used shall be the factor applicable to the weight range which includes the average live purchase weight of swine slaughtered during the corresponding base period:

Weight range:	Conversion factor
200 lbs. and under	.55
201-240 lbs	.57
241-300 lbs	.59
301 lbs., and over	.61

(2) For the purpose of computing the conversion weight of all livestock slaughtered, except swine, and for the purpose of computing deliveries of meat, the conversion weight of carcasses, and of cuts and trimmings of meat derived therefrom, and of meat products produced therefrom, shall be determined by multiplying the weight thereof by the appropriate conversion factor set forth below:

Type of Meat and Description of Product	Conversion factor (multiplier)
BEEF	
Dressed carcasses and cuts, not boned, fresh (chilled) or frozen	1.00
Boned beef and trimmings, fresh (chilled) or frozen	1.41
Cured other than dried—not boned	.95
Cured other than dried—boned	1.34
Dried (including smoked)	2.20
VEAL	
Dressed carcasses hide off, and cuts, not boned, fresh (chilled) or frozen	1.00
Dressed carcasses hide on, fresh (chilled) or frozen	.90
Boned, fresh (chilled) or frozen	1.41
LAMB AND MUTTON	
Dressed carcasses pluck out, and cuts, not boned, fresh (chilled) or frozen	1.00
Dressed carcasses pluck in, fresh (chilled) or frozen	.90
Boned, fresh (chilled) or frozen	1.41
Telescoped carcass lambs (shanks off)	1.03
Telescoped carcass sheep (shanks off, kidney out)	1.05
PORK	
Dressed carcasses (with cutting fats on), fresh (chilled) or frozen	.83

	Not boned	Boned
Cuts:		
Fresh (chilled)	1.00	1.15
Wiltshire sides, fresh or cured	1.00	
Cured	1.00	1.10
Smoked	1.10	1.20
Cooked	1.20	1.45
Pork loins		1.33
Fatted, skinless hams and shoulders		1.45
Trimmings:		
Fresh (chilled) or frozen		1.00

Type of Meat and Description of Product—Continued	Conversion factor (multiplier)
CANNED MEATS	
Chopped ham	1.28
Luncheon meat	1.35
Corned pork	2.22
Tushonka	1.80
Issue bacon	1.18
Sliced bacon	1.25
Dehydrated pork (10% maximum moisture content)	4.75
Dehydrated beef (10% maximum moisture content)	5.00

The term "boned" describes cuts from which 50 percent or more of the bone, by weight, has been removed by the process of boning, and the term "not boned" describes cuts from which none or less than 50 percent of the bone, by weight, has been removed, and primal cuts which contain no bone.

(3) The conversion weight of meat of any type used in the preparation of sausage, or in the preparation of canned meat or any other meat product not specified above, shall be computed by determining, on the basis of the manufacturing formula, the net weight of meat of such type used in the processing thereof, and multiplying such net weight by the applicable conversion factor set forth above for such type of meat. The net weight of meat which is cooked and used in the preparation of canned meat not specified above shall be the weight thereof before cooking.

(q) *Licenses, permits, quotas, quota bases; suspension, revocation, revision, and adjustment by the Director.* The Director may, in accordance with the procedure applicable in such cases and if he deems it necessary to assure efficient distribution of meat for essential war and civilian needs:

(1) Establish, revise, or adjust quotas or quota bases for any individual slaughterer or for any class or group of slaughterers, at any time, within any area, and with respect to any type or grade of meat; or

(2) In addition to the penalties provided in (u) hereof, suspend or revoke the license or permit of any slaughterer, or of any person who custom slaughters, and revise, adjust, suspend or revoke the quota or quota base of any slaughterer for any of the following causes:

(i) A determination by the Director that a license, permit, quota or quota base has been erroneously issued or granted, or is based upon false or erroneous information;

(ii) A determination by the Director that slaughtering has been conducted in the absence of minimum sanitary facilities or adequate facilities for the conservation and preservation of all edible and principal inedible by-products;

(iii) The revocation of such person's slaughtering permit or license by a state or political subdivision thereof for violation of any health or sanitary law, ordinance, or regulation of such state or political subdivision;

(iv) The issuance, by the Office of Price Administration or by any court of competent jurisdiction, of an order prohibiting such person from delivering meat.

(r) *Records and reports.* (1) Every Class 1 and Class 2A slaughterer shall submit a report showing deliveries made during each monthly accounting period, and every Class 2B slaughterer, except those whose quota bases are established upon a head basis and total, for a calendar year, less than 50 head of cattle and less than 300 head of livestock, shall submit a report covering each month's operations. Such report shall be sent within 10 days after the end of each monthly accounting period and shall contain the information required by and be in accordance with forms prescribed by the Director.

(2) Every Class 2B and Class 3 slaughterer shall keep an accurate record of the number of each type of livestock slaughtered and the total weight of all meat delivered during each quota period.

(3) The license number or permit number of every slaughterer shall appear on all reports required to be submitted to the Director under this order.

(4) Every slaughterer shall, for a period of two years, or for such other period of time as the Director may require, retain a record of all information which he is required to keep or report under this order, together with all data necessary to support such information.

(s) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(t) *Contracts.* The provisions of this order shall be observed without regard to contracts heretofore or hereafter made, or any rights accrued or payments made thereunder.

(u) *Violations.* In accordance with the procedure established for that purpose, the Director may, by suspension order, prohibit any person who violates any provision of this order from receiving, making deliveries of, or using meat or meat products or any other material subject to priority or allocation control by the War Food Administration, and may recommend that any such person be prohibited from receiving, making deliveries of, or using material subject to the priority or allocation control of other governmental agencies. Upon a determination by the Director that any slaughterer, or any person who custom slaughters, has violated any provision of this order, the Director may suspend or revoke the license or permit of such person. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(v) *Petition for relief from hardship.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may apply in writing to the Director for relief, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(w) *Territorial scope.* The provisions of this order shall apply to operations conducted within the 48 States and the District of Columbia.

(x) *Communication.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Regional Director, Food Distribution Administration, for the region in which the communicant is located.

(y) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 75, 8 F.R. 11119)

Issued this 12th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13254; Filed, August 13, 1943; 4:14 p. m.]

[FDO 4, Amdt. 2]

PART 1450—TOBACCO

RESTRICTIONS ON THE SALE, DELIVERY, PURCHASE, ACCEPTANCE, USE, AND PROCESSING OF TOBACCO.

Food Distribution Order No. 4, issued by the Secretary of Agriculture on January 7, 1943 (8 F.R. 335), as amended, is hereby further amended to read as follows:

§ 1450.1 *Restrictions on the sale, delivery, purchase, acceptance, use, and processing of tobacco*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means an individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "tobacco" means the green or cured plants, or any part thereof, of the species *Nicotiana tabacum* and *Nicotiana rustica*.

(b) *Restrictions.* (1) The Director may, if he deems it necessary or desirable to effectuate the purposes of this order, restrict the sale, purchase, delivery, acceptance, use, or processing of any type or types of tobacco by any person.

(2) No person shall sell, deliver, purchase, accept, use or process tobacco in violation of any order issued by the Director pursuant hereto.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of tobacco of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in tobacco.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using tobacco or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the War Food Administrator, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D.C., Ref. FD-4.

(i) *Territorial extent.* This order shall apply only to the forty-eight States of the United States and the District of Columbia.

(j) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 14, 1943. With respect to violations, rights accrued, or liabilities incurred, prior to the effective time of this amendment, Food Distribution Order No. 4, as heretofore amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violations, rights, or liabilities.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334; 8 F.R. 5423)

Issued this 13th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13266; Filed, August 14, 1943; 11:16 a. m.]

[FDO 4-3]

PART 1450—TOBACCO

RESTRICTIONS ON 1943 CROP FLUE-CURED TOBACCO

Pursuant to the authority vested in me by Food Distribution Order 4, issued by the Secretary of Agriculture on January 7, 1943, as amended (8 F.R. 335 and *supra*), *It is hereby ordered*, As follows:

§ 1450.3 *Restrictions on 1943 crop flue-cured tobacco*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "flue-cured tobacco" means tobacco of Type 11, 12, 13, or 14, as defined in the Official Standard Grades for Flue-cured Tobacco, promulgated by the Secretary of Agriculture (7 CFR 29.151 et seq.), pursuant to the Tobacco Inspection Act (7 U.S.C. 1940 ed. 511 et seq.).

(2) The term "manufacturer" means any person who processes tobacco into a product for consumer use which is subject to taxation under the Internal Revenue Code (26 U.S.C. 1940 ed. 2000-2040).

(3) The term "dealer" means any person, other than a manufacturer, who buys tobacco for resale in redried condition and packed in containers.

(4) The term "speculator" means any person who purchases tobacco at auction or otherwise for resale at auction in unpackaged and in undried condition.

(5) The term "warehouseman" means any person who operates a warehouse for the sale of tobacco at auction.

(6) The term "warehouse" means any building or structure in which tobacco is sold at auction.

(7) The term "farm scrap" means any loose, tangled, untied, and unstemmed tobacco salvaged as a by-product in harvesting, stripping, classing, and tying on the farm and consisting chiefly of barn and strip-house floor sweepings and very inferior quality leaves not sold at auction by growers.

(8) The term "auction scrap" means any loose, untied, and unstemmed tobacco consisting entirely of floor sweepings, loose and tangled leaves, or portions of leaves which accumulated from unavoidable droppings or breakage in careful handling of tobacco on auction warehouse floors and which consists exclusively of such tobacco salvaged as a by-product of auction marketing.

(b) *Restrictions.* (1) No manufacturer shall, directly or indirectly, purchase or accept delivery of a total quan-

tity of 1943 crop flue-cured tobacco which is in excess of the quantity allocated to such manufacturer by the Director. Each manufacturer's allocation shall be expressed as a percentage of the 1943 crop, sold or to be sold, and may be granted to any such manufacturer upon the basis of information heretofore or hereafter submitted by him to the Director. The allocation percentage of each manufacturer shall include farm scrap and auction scrap and shall be determined by dividing the total quantity of flue-cured tobacco used by such person as a manufacturer during the period from July 1, 1942, to June 30, 1943, inclusive, by the total usings of such tobacco by all manufacturers during such period and multiplying the quotient by the factor .58.

(2) No manufacturer shall purchase on auction markets a total quantity of 1943 crop flue-cured tobacco which is in excess of that quantity allocated to him by the Director for purchase at auction, which quantity shall be determined by the percentage which his purchases at auction bore to his total purchases from the crops of flue-cured tobacco of the years 1939, 1940, 1941, and 1942.

(3) No dealer shall, directly or indirectly, purchase for his own account, or cause to be purchased for his account, on auction markets or from producers, a total quantity of 1943 crop flue-cured tobacco which is in excess of that quantity allocated to him by the Director. Each dealer's allocation which shall be exclusive of farm scrap and auction scrap, shall be expressed as a percentage of the 1943 crop, sold or to be sold, and may be granted upon the basis of information heretofore or hereafter submitted by such dealer to the Director. The allocation percentage of each dealer shall be determined by dividing the average purchases of such dealer from the 1939, 1940, 1941, and 1942 crops of flue-cured tobacco by the average of all purchases of all dealers during the same period, and multiplying the quotient by the factor .175: *Provided*, That purchases by a dealer of flue-cured tobacco of the 1939, 1940, 1941, and 1942 crops resold at auction by such dealer, or for his account, shall not be included in the computation of the allocation of such dealer.

(4) No warehouseman shall purchase for his own account, or sell, or cause to be sold, to speculators, or to any other person, for resale at auction, 1943 crop flue-cured tobacco in a quantity which shall exceed 10 percent of the net amount of tobacco sold by him for producers during the 1943 season.

(5) No person owning or operating a tobacco redrying plant shall redry or pack 1943 crop flue-cured tobacco owned by any person other than a dealer or manufacturer to whom an allocation has been granted.

(6) For the purposes of this order, buying orders shall be charged to the quota of the manufacturer or dealer for whom such buying order was executed.

(7) For the purposes of this order, tobacco bought at auction on contract for future delivery shall be considered as acquired for the dealer's own account.

(8) The poundage figures used in computing allocations pursuant hereto shall be reduced to an undried (green weight) basis. Tobacco in the steam-dried condition and in unstemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.12. Tobacco in the steam-dried condition and in stemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.44.

(9) The restrictions of this order shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of 1943 crop flue-cured tobacco made prior to the effective time hereof, and purchases or sales of 1943 crop flue-cured tobacco, made prior to the effective time hereof, shall be charged to the respective quotas in accordance with the provisions hereof, as if such sales were made after the effective time of this order.

(c) *Modification and amendment.* Any allocation made pursuant hereto may be modified, amended, or supplemented from time to time by notice or letter, issued by the Director, to any person to whom such allocation has been made.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., Aug. 14, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 4, 8 F.R. 335 and *supra*)

Issued this 13th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13267; Filed, August 14, 1943; 11:17 a. m.]

[Suspension Order Docket No. FDA-NE-10]

PART 1590—SUSPENSION ORDERS

RAINBOW MEAT MARKET

Charles Cornaglia and Andrew Cornaglia, individually and as co-partners doing business under the trade name of Rainbow Meat Market, 1077 South Ninth Street, Philadelphia, Pennsylvania (hereinafter referred to as "respondents"), were duly served with a Statement of Charges and Procedure, informing them that they were charged with a violation of Food Distribution Order 27 (8 F.R. 2785), issued by the Secretary of Agriculture on March 5, 1943, as amended. The respondents did not file an answer, but did request a hearing. Pursuant to this request, a hearing was held at Philadelphia, Pennsylvania, on May 24, 1943, before a duly authorized presiding officer. The respondents appeared at the hearing by Charles Cornaglia, one of the co-partners of the Rainbow Meat Market, and by counsel. A representative of the War Food Administration also appeared at the hearing. It was stipulated at the hearing that Charles Cornaglia and Andrew Cornaglia, brothers, individually and as co-partners, operated the Rainbow Meat Market, and that the proceedings herein should be directed against them in such capacities. Data and information pertaining to the violation alleged in the Statement of Charges were presented on behalf of the interested parties. The War Food Administrator, acting under authority conferred upon him by Executive Order No. 9322 (8 F.R. 3807), as amended by Executive Order No. 9334 (8 F.R. 5423), and having considered all the data and information pertaining to the alleged violation by respondents of the provisions of the said food distribution order, hereby determines, That:

(a) The respondents, individuals and as co-partners doing business under the trade name of Rainbow Meat Market at 1077 South Ninth Street, Philadelphia, Pennsylvania, are subject to the said food distribution order.

(b) Pursuant to the provisions of the said food distribution order, there was issued to respondents a permit authorizing the slaughter of livestock for the delivery of meat, in accordance with the provisions of the said order. The quota of calves, hogs, and sheep or lambs, respectively, that respondents were entitled to slaughter for delivery of meat during April 1943, was 122 calves, 30 hogs, and 50 sheep or lambs.

(c) Respondents, as alleged in the Statement of Charges, have violated the said food distribution order in that during the period from April 1 to April 30, 1943, respondents slaughtered calves, hogs, and sheep or lambs for delivery of meat in excess of their quota for the said month.

Because of the great scarcity of meat, including meat products, in the channels of distribution for the fulfillment of the requirements of the United States for defense, for private account, and for export, and because of the importance of having meat, including meat products, distributed in a manner to assure an adequate supply and efficient distribution thereof for war and essential civilian needs, the aforesaid violation by respondents has impeded the war effort and has, therefore, been contrary to public interest. It also appears that further violations by respondents are likely unless appropriate action is taken.

It is therefore ordered, That:

§ 1590.3 *Suspension order against Charles Cornaglia and Andrew Cornaglia, individually and as co-partners doing business under the trade name of Rainbow Meat Market.* (a) Permit No. PL-33, heretofore issued to respondents pursuant to Food Distribution Order 27 (8 F.R. 2785), issued by the Secretary of Agriculture on March 5, 1943, as amended, is hereby suspended.

(b) Respondents, their agents, successors, or assigns shall not, in any manner, directly or indirectly, (1) slaughter livestock, or cause livestock to be slaughtered, for delivery of meat; or (2) receive or accept delivery of meat for the purpose of resale or redelivery thereof to others.

(c) No person shall, in any manner, directly or indirectly, (1) transfer to respondents, their agents, successors, or assigns any livestock for the purpose of having said livestock slaughtered by the respondents, their agents, successors, or assigns for the delivery of meat; or (2) transfer or deliver to respondents, their agents, successors, or assigns any meat for the purpose of sale or disposition by or through respondents, their agents, successors, or assigns.

(d) Nothing contained in this order shall be deemed to relieve respondents, their agents, successors, or assigns from any restriction, prohibition, or provision contained in any order or regulation of the War Food Administrator, except insofar as the same may be inconsistent with the provisions hereof.

(e) Any terms used in this order that are defined in Food Distribution Order 27 (8 F.R. 2785), issued by the Secretary of Agriculture on March 5, 1943, as amended, shall have the same meaning therein given to them unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(f) This order shall become effective 12:01 a. m., e. w. t., Aug. 23, 1943, and, unless sooner terminated, shall expire 12:01 a. m., e. w. t., Oct. 23, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 13th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13268; Filed, August 14, 1943; 11:17 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration, Packers and Stockyards [1]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

FALMOUTH STOCKYARDS, FALMOUTH, KY.

It has been ascertained that the Pendleton County Cooperative Stockyards, Falmouth, Kentucky, posted February 26, 1931, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by Tom Crotty, J. D. Whittaker and Clarence Doan, partners doing business as Falmouth Stockyards, and that the name of the yard is now the Falmouth Stockyards. Therefore, notice of such facts is given its owners and to the public, and the name of the stockyard changed to the Falmouth Stockyards on the list of posted stockyards in 9 CFR 204.1.

(7 U.S.C. 1940, ed. 181 et seq; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 14th day of August 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43-13269; Filed, August 14, 1943; 11:17 a. m.]

[1] This chapter formerly designated as Food Distribution Administration.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation 5]

PART 105—ESTABLISHMENT OF MILITARY AREAS

PROHIBITED AND RESTRICTED ZONES, EASTERN MILITARY AREA

AUGUST 9, 1943.

Headquarters Eastern Defense Command and First Army, Governors Island, New York.

To: The people within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida east of the Apalachicola River, and the District of Columbia.

Whereas, the Eastern Military Area was prescribed by Public Proclamation No. 1, this Headquarters, dated May 16, 1942, (7 F.R. 3830) under authority contained in Executive Order of the President, No. 9066, dated February 19, 1942; and

Whereas, the present situation requires as a matter of military necessity that restrictions be imposed and Prohibited and restricted zones designated, in addition to restrictions already imposed and zones already designated by public proclamations of this Headquarters;

Now, therefore, I, Hugh A. Drum, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Eastern Defense Command and First Army, charged with the defense of the Eastern Seaboard, *do hereby declare, order and proclaim*, That:

§ 105.5 *Additional restrictions; prohibited and restricted zones designated: Eastern Military Area.* (a) Within the Eastern Military Area there are hereby designated Prohibited Zones A-1504 to A-1651, A-2526 to A-2841, A-3695 to A-3771, A-4157 to A-4168, and A-5021 to A-5033, all numbers inclusive. The location and extent of said prohibited zones shall be described and defined by the posting of appropriate signs at the entrances to and exits from such zones, along the outside boundaries thereof, and at such other places therein as shall give full and complete notice of the area included. Effective from the date of this proclamation, the restrictions governing the right of any person to enter, remain in, or leave said Zones are the restrictions already prescribed by paragraphs 9 d, e, f, and g of Public Proclamation No. 2, (§ 105.2 (i) (4), (5), (6), (7)), as applicable to the prohibited zones therein designated.

(b) (1) Within the Eastern Military Area, there are hereby designated Restricted Zones B-72 to B-74, B-1000 to B-1010, B-2117 to B-2259, B-3010 to B-3219, B-4010 to B-4014, and B-5016 to B-5024, all numbers inclusive. The location and extent of Restricted Zones B-72 to B-74, inclusive, are more particularly described and defined in Exhibit No. 1,[1] hereto attached, and are shown on the maps marked Exhibits Nos. 4 to 6, inclusive, hereto attached. The location and extent of Restricted Zones B-1000 to B-1010, B-2117 to B-2259, B-3010 to B-3219, B-4010 to B-4014, and B-5016 to B-5024, all numbers inclusive, shall be described and defined in the manner provided in paragraph (a) hereof for the description and definition of the prohibited zones therein designated.

(2) Included in the restricted zones designated by this proclamation are Army and Navy installations, industrial plants and facilities, highway bridges and tunnels, railroad facilities, water supply facilities, communications facilities, power facilities, harbor facilities, warehouses, airports, and other facilities essential to the war effort.

(3) Effective from the date of this proclamation, the restrictions governing the right of any person to enter, remain in, or leave Restricted Zones B-1000 to B-1010, B-2117 to B-2259, B-3010 to B-3219, B-4010 to B-4014, and B-5016 to B-5024, all numbers inclusive, are the restrictions already prescribed by paragraphs 9 e (4), (5), (7), (9), (11), 9 f, 9 h, 9 i, 9 j, 9 k, 9 l and 9 m of Public Proclamation No. 2, (paragraphs (i) (5) (iv) (v) (vii) (ix) (xi), (i) (6), (i) (8), (i) (9), (i) (10), (i) (11), (i) (12) and (i) (13) of § 105.2), as applicable to certain zones therein designated.[2]

(c) Effective from the date of this proclamation, the right of any person to enter, remain in, or leave the Eastern Military Area, or any part or zone thereof, shall be subject to the following restrictions, which said restrictions are hereby promulgated. These restrictions are in addition to other restrictions imposed by this and previous proclamations.

(1) No person not in the armed forces of the United States engaged in the performance of his official duties shall, without authorization by competent military authority, use or operate any camera while engaged in any flight in any aircraft.

[1] Exhibits mentioned herein were filed as part of the original document.

[2] A tabulation of these restrictions also appears as Exhibit No. 4 to Public Proclamation No. 3 this Headquarters, December 21, 1942. (§ 105.3, 7 F.R. 11107)

(2) No person not in the armed forces of the United States engaged in the performance of his official duties shall, without authorization by competent military authority, make any photograph, photographic negative, sketch or other representation of any area heretofore designated or which may hereafter be designated by the Commanding General, Eastern Defense Command and First Army, as a prohibited or restricted zone, or any part or portion thereof, or any object within any such area.

(3) No person in control of lighting shall fail or neglect to regulate and control such lighting in accordance with the terms of restrictions imposed by proclamations and orders issued by the Commanding General, Eastern Defense Command and First Army, and of regulations issued by the commanding generals of service commands and the Commanding General of the Military District of Washington, pursuant to orders of the Commanding General, Eastern Defense Command and First Army. Persons in control of lighting are those persons heretofore so designated in paragraph 10 of Air Raid Protection Regulations No. 1 (8 F.R. 2724, 2727, 2731, 2734, 2737), issued by the commanding generals of service commands and the Commanding General of the Military District of Washington, under date of January 27, 1943, pursuant to orders of the Commanding General, Eastern Defense Command and First Army.

(4) No person who heretofore or hereafter has been or is prohibited from entering or remaining in the Eastern Military Area by any Military Commander of any military area designated pursuant to Executive Order of the President No. 9066, dated February 19, 1942, shall enter, remain in or be found in the Eastern Military Area, or any part or zone thereof.

(d) Current military necessity requiring such action, the location and extent of certain prohibited zones designated by Public Proclamation No. 2 (§ 105.2) of this Headquarters, September 7, 1942, are hereby changed. As so changed, the location and extent of these prohibited zones are more particularly described and defined in Exhibit No. 2,[1] hereto attached, and shall also be described and defined in the manner provided in paragraph (a) hereof for the description and definition of the prohibited zones therein designated. As so changed, the location and extent of certain other prohibited zones designated by public proclamations of this Headquarters shall be described and defined in the manner provided in paragraph (a) hereof for the description and definition of the prohibited zones therein designated.

(e) Current military necessity requiring such action, the location and extent of certain restricted zones designated by public proclamations of this Headquarters are hereby changed. As so changed, the location and extent of Restricted Zones B–20, B–26, B–28, B–37, B–41, B–45, B–59, B–60, B–61, B–63 and B–64 are more particularly described and defined in Exhibit No. 3,[1] hereto attached, and are shown on the maps marked Exhibits Nos. 7 to 14,[1] inclusive, hereto attached. As so changed, the location and extent of certain other restricted zones designated by public proclamations of this Headquarters shall be described and defined in the manner provided in paragraph (a) hereof for the description and definition of the prohibited zones therein designated.

(f) Any person who violates any restriction or order issued or adopted by the Commanding General, Eastern Defense Command and First Army, pursuant to the authority cited in the preamble of this proclamation, applicable to the whole or any part of the Eastern Military Area, is subject to immediate exclusion from the Eastern Military Area, or any part or zone thereof, and to the penalties provided by Title 18, section 97A, United States Code. In addition, if two or more persons conspire to violate this section and one or more do any act to effect the object of such conspiracy, each of the parties will be subject to the penalties provided by Title 18, Section 88, United States Code. In the case of an alien enemy, such person will, in addition, be subject to immediate apprehension and internment.

(g) A copy of this proclamation shall be displayed for public inspection at every Selective Service Local Board; at every Post Office; at every Court House; and at every Town Hall within the Eastern Military Area. It shall be the duty of every person found within the Eastern Military Area to familiarize himself with the terms of every proclamation, announcement, or restriction issued by this Headquarters.

[SEAL] H. A. DRUM,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–13251; Filed, August 13, 1943; 2:22 p. m.]

[1] Exhibits mentioned herein were filed as part of the original document.

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

[Bulletin 30]

PART 4—OPERATIONS OF THE BANKS

SECURITIES HELD IN TRUST OR AS COLLATERAL

AUGUST 13, 1943.

Section 4.8 of the Rules and Regulations for the Federal Home Loan Bank System is hereby amended by removing the period at the end of said section, substituting a semicolon, and adding the following matter:

Provided, however, That this regulation shall not apply to bonds and negotiable securities held in custody pursuant to the plan for the handling of security transactions of member institutions approved August 13, 1943.

(Sec. 10 of F.H.L.B.A., 47 Stat. 731; 12 U.S.C. 1430; sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1437; E.O. 9070, 7 F.R. 1529.

This amendment is deemed to be of an emergency character within the meaning of § 8.3, paragraph (b) of the Rules and Regulations for the Federal Home Loan Bank System.

This bulletin shall become effective August 13, 1943.

[SEAL] JAMES TWOHY,
Governor.
HAROLD LEE,
General Counsel.
JOHN M. HAGER,
Executive Assistant to the Commissioner.

[F. R. Doc. 43–13245; Filed, August 13, 1943; 1:27 p. m.]

Chapter II—Federal Savings and Loan System

[Bulletin 29]

PART 202—INCORPORATION, CONVERSION, AND ORGANIZATION

CHARTER K RELATING TO BONUS PLANS

AUGUST 11, 1943.

Section 202.9 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended, effective August 13, 1943, by adding the following new paragraph at the end thereof:

(d) *Amendments to charter.* The provisions hereof shall be deemed to be the approval by the Federal Home Loan Bank Administration of the proposal by the board of directors of any Federal association operating under Charter K of any one or more of the following amendments to said Federal association's Charter: *Provided,* Such Federal association follows the requirements of section 16 of its Charter in adopting any such amendments:

1. Amendment to paragraph (a) of section 10 adding the following additional language at the end thereof:

Provided, however, That if a member who has agreed to make regular monthly share payments under this paragraph shall apply for the repurchase of his account in part or in full, or shall fail to meet any of the other terms of his bonus agreement after such share account has reached at least 50, but less than 100, times the agreed monthly payment upon his share account in accordance with the terms hereof, such member shall be entitled to receive, in addition to the repurchase value of his share account, a bonus equivalent to 50 per cent of the amount of the "reserve for bonus" which is at the time of such repurchase, properly allocable to his share account. Any holder of a share account who entered into a short-term bonus agreement prior to the adoption of the preceding sentence and who is complying with the terms of his agreement shall be entitled to the partial bonus therein authorized.

2. Amendment to the first subparagraph of paragraph (b) of section 10 adding the following additional language at the end thereof:

Provided, however, That if a member who has agreed to make regular monthly share payments under this paragraph shall apply for the repurchase of his account in part or in full, or shall fail to meet any of the other terms of his bonus agreement after such share account has reached (a) at least 50, but less than 100, times the agreed monthly payment upon his share account in accordance with the terms hereof, such member shall be entitled to receive, in addition to the repurchase value of his share account, a bonus equivalent to 25 per cent of the amount of the "reserve for bonus" which is, at the time of such repurchase, properly allocable to his share account; (b) at least 100, but less than 150, times the agreed monthly payment, 50 per cent of such amount; and (c) at least 150, but less than 200, times the agreed monthly payment, 75 percent of such amount. Any holder of a share account who entered into a long-term bonus agreement prior to the adoption of the preceding sentence and who is complying with the terms of his agreement shall be entitled to the partial bonus therein authorized.

(Sec. 5 (a), (c), 48 Stat. 132, Sec. 18, 49 Stat. 297; 12 U.S.C. 1464 (a), (c) and Sup.; E.O. 9070, 7 F.R. 1529)

This amendment is deemed to be of a minor and procedural character within the meaning of § 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

[SEAL] JAMES TWOHY,
Governor.
HAROLD LEE,
General Counsel.
JOHN M. HAGER,
Executive Assistant to the Commissioner.

[F. R. Doc. 43–13244; Filed, August 13, 1943; 1:27 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

PART 82—DETERMINATION OF HEIRS AND PROBATE OF ESTATES OF DECEASED INDIANS OF THE FIVE CIVILIZED TRIBES

Sec.
82.0 Definitions.
82.1 Inventory.
82.2 Notice of hearing.
82.3 Examination of records.
82.4 Personal service on interested parties.
82.5 Proof of service.
82.6 Full notice must be given.
82.7 Minors represented at hearing.
82.8 Attorneys.
82.9 Qualifications and procedure.
82.10 Objections must be noted.
82.11 Attorneys, arguments and briefs.
82.12 Attendance of witnesses.
82.13 Distinterested witnesses in minor's estate.
82.14 Hearing and testimony.
82.15 Limit number of witnesses.
82.16 Witnesses' fee.
82.17 Contents of record.
82.18 Supplemental hearings.
82.19 Rehearings.
82.20 Limitations on rehearing petitions.
82.21 Reopenings.
82.22 Procedure.
82.23 Notice to creditors of estate.
82.24 Filing of claims.
82.25 Statute of limitations.
82.26 Affidavit to claims.
82.27 Appearance at hearings.
82.28 Claims, when allowed.
82.29 Attorney fees.
82.30 Wills.
82.31 Rights of executors and administrators.
82.32 Probate fees.

AUTHORITY: §§ 82.0 to 82.32, inclusive, issued under 56 Stat. 1080; 25 U.S.C. 375a.

§ 82.0 *Definitions.* (a) "Secretary", means Secretary of the Interior.

(b) "Commissioner", means Commissioner of Indian Affairs, Department of the Interior.

(c) "Superintendent", means Superintendent for the Five Civilized Tribes, Oklahoma.

(d) The term "Examiner" means any employee upon whom authority has been conferred by the Secretary or Commissioner to conduct hearings in accordance with these regulations.

(e) "Agency", shall refer to the Five Civilized Tribes Agency, Muskogee, Oklahoma,

(f) "Department" shall mean Department of the Interior.

Commissioner. The function of determining heirs and probating estates in conformity with the provisions of these regulations shall be performed by the Commissioner, with the right of appeal to the Secretary within 60 days from the date of notice of the Commissioner's decision.

§ 82.1 *Inventory.* As soon as possible after the death of a restricted Indian, the Superintendent shall cause to be prepared an inventory showing in detail the description and value of the restricted estate of such deceased Indian.

When the inventory discloses that such restricted estate consists only of funds or securities under the control of the Department not to exceed an aggregate value of $2,500, the Superintendent shall furnish a certified copy of said inventory to the Examiner, together with information as to the date of death and place of residence of said decedent.

§ 82.2 *Notice of hearing.* As soon as possible after the receipt of the inventory provided for in § 82.1 of this part, the Examiner shall post for twenty days in five or more conspicuous places in the vicinity of the place of hearing, notice of the time and place of the hearing when testimony will be taken to determine the heirs of the deceased Indian (naming him), and call on all persons interested to attend the hearing.

§ 82.3 *Examination of records.* Prior to the hearing the Examiner shall carefully inspect the allotment records, census cards, annuity rolls and any other records on file at the agency and obtain all other information which may enable him to make a list of the apparent heirs of the deceased Indian, but only in contested cases or in cases involving material conflict between the records and the evidence shall it be necessary for the Examiner to prepare and forward with his report exact copies of such records.

§ 82.4 *Personal service on interested parties.* A written notice of the proposed hearing giving full information as to the estate, names of alleged claimants, time and place of hearing shall be served either personally or by mail on each claimant or presumptive heir. Such notices must be sent at least ten (10) days prior to the date of the hearing.

§ 82.05 *Proof of service.* A copy of each notice to a claimant or presumptive heir endorsed by the person serving the same on the party to whom addressed that a copy of the within notice was delivered to him personally at the place named and on the day stated or an affidavit or copy of the notice endorsed by the claimant or presumptive heir that service was accepted on the day and at the place stated; or a certificate by the person mailing the notice that a copy of said notice was mailed to the interested party at his last known post office address, postage prepaid, or a registry receipt card, must be filed with the record of every case.

§ 82.6 *Full notice must be given.* Unless a full twenty-day (20) notice has been given, no hearing shall be held except by special permission of the Commissioner: *Provided, however,* That in cases involving no contest the parties in interest may appear before the Examiner and waive their right to said twenty-day (20) notice, and the Examiner, in that event, is authorized to proceed with the taking of testimony; the same to be withheld until the time of hearing, when it shall be read aloud to permit any interested persons present to offer any objections thereto. In case no objections are offered at the hearing the Examiner will proceed to hear the case in the usual manner.

§ 82.7 *Minors represented at hearing.* Minors and persons non compos mentis, in interest must be represented at the hearing by a guardian ad litem, appointed by the Examiner.

§ 82.8 *Attorneys.* Parties interested in any probate case before an Examiner may appear by attorney. Such attorney must meet the requirements of the Department for admission to practice.

§ 82.9 *Qualifications and procedure.* Attorneys who appear before the Examiner, the Commissioner or the Secretary, must submit a power of attorney from their respective clients, indicating specifically the powers delegated.

In presenting their cases, attorneys appearing in probate matters will be required to adhere to the rules of evidence of the state in which the evidence is taken.

§ 82.10 *Objections must be noted.* Whenever objections shall be made by an attorney to a question or answer, the objections shall be noted on the record by the Examiner.

§ 82.11 *Attorneys, arguments and briefs.* Attorneys may appear before the Commissioner or the Secretary and submit written arguments or briefs on behalf of their clients. Written arguments or briefs must be filed within thirty (30) days following the conclusion of the hearing and copies must be served on opposing counsel or litigants. The latter will then be allowed not to exceed thirty (30) days in which to file a reply brief. Upon proper showing an extension may be allowed.

§ 82.12 *Attendance of witnesses.* Present at the hearing must be at least two disinterested witnesses, who are acquainted with, and have direct knowledge of the family history of decedent. By personal investigation prior to the hearings the Examiner should thoroughly acquaint himself with records and as far as practicable with the kind and

value of the testimony which should be taken so that only material witnesses shall be summoned.

§ 82.13 *Disinterested witnesses in minor's estate.* In case the decedent is a minor, unmarried and without issue and the heirs are members of the immediate family of the decedent, the Examiner may, in his discretion, dispense with the presence of disinterested witnesses, provided the testimony of the interested witnesses is corroborated by the records of the Department and in such instance the Examiner shall include in the record his certificate to such effect, together with specific reference to the records or cases furnishing such corroboration.

§ 82.14 *Hearing and testimony.* The Examiner shall have full responsibility for the conduct of the hearing. The witnesses shall be examined on oath; their testimony shall be reduced to writing and signed at the end thereof. Any claimant may cross-examine a witness. If, in addition to oral testimony, affidavits or depositions are introduced, they must be read, and any opposing claimant may require the presence of the affiant, if practicable, either at that or a subsequent hearing, and opportunity shall be given for cross-examination or for having counter interrogatories answered. All statements, testimony and affidavits at the hearing must be made a part of the record.

§ 82.15 *Limit number of witnesses.* When the evidence is clear, in uncontested cases, the Examiner may, in his discretion, limit the number of witnesses who are formally examined. When the case is established beyond doubt and to the satisfaction of the Examiner, he may limit further testimony by securing a statement from additional witnesses present, that the testimony as given is fully understood by them and that the same is true.

§ 82.16 *Witnesses' fees.* Witnesses are expected to testify without compensation, but when necessary expenses must be paid by the party calling them. If the Examiner is satisfied that material evidence from disinterested persons should be procured, any expense thereof will be paid by the Superintendent from the funds of the party calling such witness. When interested parties are unable to obtain disinterested witnesses for lack of funds the Examiner may, in his discretion, allow the sum of $2.00 each to pay not to exceed two disinterested witnesses, and the Superintendent is authorized to pay said sums from the instant estate, immediately, if funds are available. On determination of the heirs or final action on the will, said sums will be charged against the person or persons in whose behalf said witnesses were called, unless such persons do not participate in the estate, in which event the charge will be made against the instant estate.

§ 82.17 *Contents of record.* The record must contain: (a) copy of public notices of hearing and notice to creditor claimants; (b) copy of notice to heir or heirs; (c) proof of service of notice; (d) testimony taken at hearing; (e) affidavits and depositions produced at hearing; (f) certified copies of marriage records and decrees of divorce, if filed; (g) all papers and memoranda of the hearing; (h) names of all persons in interest at the hearing; (i) statements of reasons for absence of interested parties, if obtainable; (j) certified copy of inventory; (k) the record must also be accompanied by a proper order for the signature of the Commissioner; (l) a duplicate record of the case shall be made and kept in the agency files to which there shall be attached a copy of the approved order or finding of the Commissioner; (m) in all cases in which the heirs of a decedent are to be determined, the Examiner shall include in his report, in the Summary of Report on Heirs, the citations to the sections of the laws under which the determination is made; (n) in reports on testacy cases, the original will executed by decedent, together with supporting affidavits and statements.

§ 82.18 *Supplemental hearings.* Supplemental hearings should be held on heirship cases returned by the Commissioner for further evidence on material questions of fact, upon such notice as will give parties in interest opportunity to appear; in no case shall such notice be less than five (5) days. This shall also apply to supplemental hearings held by the Examiner prior to the submission of the case to the Commissioner. This section does not apply to cases returned for clerical corrections or for additional data, which can be supplied from the records of the agency.

§ 82.19 *Rehearings.* Any aggrieved person claiming an interest in the trust or restricted property of an Indian, who has received notice of the hearing or who was present at the hearing, may file a petition for rehearing within sixty (60) days from the date of notice on him of the determination of heirs or action on a will. A petition so filed shall act as a supersedeas until otherwise directed by the Commissioner. Distribution of the estate may be made by the Superintendent after sixty (60) days have elapsed from the date of notice of the determination of heirs or action on the will unless a petition for rehearing is received within such period by the Superintendent or unless otherwise directed by the Commissioner.

Any such petition for rehearing must be under oath and must state concisely and specifically the grounds upon which it is based and must be accompanied by the sworn statements of at least two disinterested persons having knowledge of the facts. It should be addressed to the Commissioner and submitted through the Superintendent..

If proper grounds are not shown the rehearing will be denied by the Commissioner. If the petition for rehearing is found to have merit the petitioner may be required to serve a copy of his petition, together with all argument on the adverse party within fifteen (15) days. The adverse party will be allowed thirty (30) days thereafter in which to file his answer.

Thereafter the case will be again considered and appropriate action taken, which may consist either in adhering to the former decision or modifying or vacating same, or the making of any further or other order deemed warranted. Interested parties may, within sixty (60) days after the date of notice of the Commissioner's decision under this section file an appeal from that decision with the Secretary.

§ 82.20 *Limitations on rehearing petitions.* No decision of the Commissioner will be reconsidered on the petition of any person who had notice of the hearing or who was present at such hearing and received notice of the Commissioner's decision, unless such petition is filed within the sixty (60) day period mentioned in § 82.19 of this part.

§ 82.21 *Reopenings.* Petitions for reopening a determination of heirs or action on a will, will not be considered when three (3) years or longer have elapsed since the decision of the Commissioner. Within that period, but not thereafter, any person claiming an interest in the estate who had no notice of the original proceeding may petition for reopening of the case. Any such petition must be in writing addressed to the Commissioner and submitted through the Superintendent. All grounds for reopening must be set forth fully. If based on alleged errors of fact all such allegations must be under oath and must be accompanied by affidavits, or other supporting evidence. If proper grounds are not shown the petition may be denied by the Commissioner. If the petition appears to have merit the Commissioner shall cause service to be had on the adverse parties of all papers filed by the petitioner and an opportunity shall be afforded the adverse parties to answer the petition filed within thirty (30) days after notice from the Commissioner. Thereafter, all papers filed shall be submitted to the Commissioner for action either denying or granting a reopening with the right of an appeal to the Secretary within sixty (60) days after the date of notice of the Commissioner's decision.

§ 82.22 *Procedure.* After a reopening has been granted the matter will be referred by the Commissioner to the Superintendent for further proceedings as in an original case.

§ 82.23 *Notice to creditors of estate.* The notice mentioned in § 82.4 of this part shall also be directed "To all persons having claims or accounts against decedent" and when any such claims have been filed with the Superintendent prior to the date of hearing by the Examiner, and the claimant may be known, service of such notice of hearing shall be made upon such claimant by mail or otherwise in the discretion of the Examiner.

§ 82.24 *Filing of claims.* Persons having claims against the estates of deceased Indians may file same with the Superintendent at any time after the death of the decedent and up to the time of hearing by the Examiner. Except for very cogent reasons no claim will be given consideration if filed after the date of such hearing.

§ 82.25 *Statute of limitations.* Claims against estates of deceased Indians that are barred by the state statute of limitations will not be allowed in any case.

§ 82.26 *Affidavit to claims.* All claims against the estates of deceased Indians must be filed in triplicate and must be itemized and all dates given. Such claims must be supported by affidavit of the claimant or someone in his behalf, that the amount is justly due from the decedent; that all payments credited thereon were in fact made; and that there are no offsets to the same to the knowledge of the affiant.

§ 82.27 *Appearance at hearings.* Any person who has filed a claim against the estate of a deceased Indian must present himself for examination thereon if so directed by the Examiner either at the hearing or at a supplemental hearing for this purpose.

§ 82.28 *Claims, when allowed.* The following types of claims against the estates of deceased restricted Indians may be allowed: (1) those based on a debt contracted by the decedent and authorized during his lifetime by the Superintendent; (2) those for last illness or funeral expenses in reasonable amounts, but in no event will funeral expenses be allowed in excess of $100.00 unless previously authorized by the Superintendent; (3) those of exceptional merit which are not otherwise barred and which have been approved by the Superintendent or other officer in charge.

§ 82.29 *Attorney fees.* Any attorney claiming a fee against an Indian or an Indian estate for services rendered as such in any probate proceedings shall be entitled to such compensation as his services are reasonably worth, the amount thereof to be fixed by the Commissioner.

§ 82.30 *Wills.* In the event of the death of a restricted Indian leaving a will disposing of his restricted estate consisting only of funds or securities under the control of the Department not exceeding an aggregate value of $2,500, a hearing shall be held after notice in accordance with applicable provisions of this part covering similar property of an Indian who died intestate. The Examiner shall inquire fully into the mental competency of the Indian; the circumstances attending the execution of the will; the influences which induced its execution; and the names of those entitled to share in the estate under the applicable law of descent. When the distribution proposed by the will is contrary to the applicable laws of descent, and the estate is disposed of in whole or in part to a person or persons who would not otherwise inherit, the best available evidence should be obtained as to the reasons for such action. Should the will be approved by the Commissioner, an order will be issued to that effect to the Superintendent and distribution of the estate shall be effected after the period prescribed in § 82.19 has elapsed, in accordance with the terms of the will and the Commissioner's order. Should the will be disapproved, the order of the Commissioner will so state and the heirs shall be determined and the estate distributed as in the case of other intestate property dealt with in this part. An appeal may be taken to the Secretary within sixty (60) days from the date of notice of approval or disapproval of the will.

§ 82.31 *Rights of executors and administrators.* Executors or administrators shall not be recognized in any proceedings conducted under the regulations of this part.

§ 82.32 *Probate fees.* Prior to distribution of the estate to the individuals found entitled thereto, the Superintendent will collect out of the funds or other property involved and pay into the Treasury of the United States a fee of $20.00 in those cases where the value of the estate is $250.00 or more but does not exceed $1,000.00; a fee of $25.00 where the value of the estate is more than $1,000.00 but less than $2,000.00; and a fee of $30.00 where the value of the estate is $2,000.00 or more.

(Pub. Law 833, 77th Cong.; 25 U.S.C.)

Dated: August 29, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 43-13363; Filed, August 16, 1943; 9:32 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5290]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

STOCK DIVIDENDS

Section 19.115–7 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], as amended by Treasury Decision 5020, approved November 15, 1940, is further amended by inserting at the end of such section the following new sentence:

§ 19.115–7 *Stock dividends.* • • • A distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock which would not otherwise be treated as a dividend shall not be so treated merely because such distribution was made out of treasury stock or consisted of rights to acquire treasury stock.

(Secs. 62 and 115 (f) of the Internal Revenue Code (53 Stat. 32, 47; 26 U.S.C., 1940 ed., 62, 115 (f)))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: August 13, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-13265; Filed, August 14, 1943; 10:33 a. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Regulation 4]

PART 904—TRANSFER OF WORKERS AT INCREASED RATES OF PAY

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9328, dated April 8, 1943, Part 904, §§ 904.1 to 904.9, inclusive, effective April 18, 1943, entitled Regulation No. 4—Restricting Transfers of Workers (8 F.R. 5136) is hereby revoked, effective August 16, 1943 (except to the extent otherwise provided herein), and the following regulation prescribed in lieu thereof:

Sec.
904.1 General.
904.2 Collective bargaining agreements.
904.3 Exclusions.
904.4 Definitions.
904.5 Penalties.
904.6 Saving clause.
904.7 Effective date.

AUTHORITY: §§ 904.1 to 904.7, inclusive, issued under E.O. 9328, 8 F.R. 4681.

§ 904.1 *General.* The employment by any employer of a new employee or the acceptance of employment by a new employee at a wage or salary rate higher than that received by such new employee in his last employment is prohibited if the employment is in violation of the provisions of an employment stabilization program approved by the War Manpower Commission.

§ 904.2 *Collective bargaining agreements.* Nothing in this regulation shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

§ 904.3 *Exclusions.* No provision of this regulation shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; and such work shall not constitute "last employment" for the purposes of § 904.1;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a state, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such state, county, or municipal government, or any political subdivision or agency, or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with this regulation;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

§ 904.4 *Definitions.* As used in this regulation:

(a) "Agriculture" means those farm activities carried on by farm owners or

tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, the District of Columbia, and any foreign government.

(c) "New employee" means any individual who has not been in the employ of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

§ 904.5 *Penalties.* The violation of this regulation is subject to the penal provisions of the Act of October 2, 1942 (Pub. No. 729, 77th Cong.). The provisions of § 4001.10 of the regulations of the Economic Stabilization Director issued October 27, 1942, apply to any wages or salaries determined by the War Manpower Commission to have been paid in violation of this regulation.

§ 904.6 *Saving clause.* All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to August 16, 1943, under War Manpower Commission Regulation 4, effective April 18, 1943 (8 F.R. 5136), may be prosecuted and punished in the same manner and with the same effect as if said regulation had not been revoked.

§ 904.7 *Effective date.* Sections 904.1 to 904.6, inclusive, shall be effective August 16, 1943.

PAUL V. MCNUTT,
Chairman.

AUGUST 13, 1943.

Approved: August 13, 1943.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 43-13320; Filed, August 14, 1943; 3.39 p. m.]

[Regulation 7]

PART 907—GOVERNING EMPLOYMENT STABILIZATION PROGRAMS

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, and War Manpower Commission Regulation No. 4, as amended effective August 16, 1943, I hereby prescribe the following regulation governing War Manpower Commission employment stabilization programs:

Sec.
907.1 General policy.
907.2 Control of hiring and solicitation of workers.
907.3 Establishment and approval of programs.
907.4 Minimum standards in general.
907.5 Optional provisions.
907.6 Definitions.
907.7 Revocation of previous policies.
907.8 Effective date.

AUTHORITY: §§ 907.1 to 907.8, inclusive, issued under E.O. 9139, 7 F.R. 2919; E.O. 9279, 7 F.R. 10177; Part 904 (Reg. No. 4) 8 F.R.

§ 907.1 *General policy*—(a) *Objectives.* The purpose of an employment stabilization program is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

(1) The elimination of wasteful labor turnover in essential activities.

(2) The reduction of unnecessary labor migration.

(3) The direction of the flow of scarce labor where most needed in the war program.

(4) The maximum utilization of manpower resources.

(b) *Authority and responsibilities of management-labor committees.* The several Regional and Area Management-Labor War Manpower Committees are hereby authorized to consider questions of policy, standards, and safeguards, in connection with the establishment and the administration of employment stabilization programs, and to make recommendations to their respective Manpower Directors.

(c) *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this regulation and with the objectives of employment stabilization programs, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

(d) *Special authorization to designated government agencies.* The Chairman of the War Manpower Commission may authorize designated government agencies to perform some or all of the functions of the United States Employment Service under this regulation in accordance with such conditions and procedures as he may prescribe.

§ 907.2 *Control of hiring and solicitation of workers*—(a) *After establishment of employment stabilization program.* All hiring and solicitation of workers in, or for work in, any locality for which a War Manpower Commission employment stabilization program has been established shall be conducted in accordance with such program.

(b) *Pending establishment of employment stabilization program.* All hiring and solicitation of workers in, or for work in, a locality for which no War Manpower Commission employment stabilization program has been established shall, pending the establishment of such a program, be conducted in accordance with paragraphs (a) to (l), inclusive, of § 907.4 of this regulation which paragraphs shall be considered an employment stabilization program for this purpose.

§ 907.3 *Establishment and approval of programs* — (a) *General.* Employment stabilization programs shall be formulated by Area or Regional Manpower Directors after consultation with their Management-Labor War Manpower Committees, but shall not become or continue operative except as provided in this section.

(b) *Area programs.* Area employment stabilization programs may be established for any War Manpower Commission administrative area designated by a Regional Manpower Director for employment stabilization purposes.

(c) *Other programs.* Employment stabilization programs shall be established not later than October 15, 1943, for all portions of states or regions for which no area employment stabilization program has been established.

(d) *New programs.* Employment stabilization programs which are not in effect prior to the effective date of this regulation, shall be submitted to the Regional Manpower Director for his approval. No such program shall become operative until approved by the Regional Manpower Director.

(e) *Existing programs.* All employment stabilization programs in effect on the effective date of this regulation shall be promptly amended by the appropriate Manpower Director, after consultation with his Management-Labor War Manpower Committee, so as to include therein the provisions set forth in § 907.4 of this regulation, and otherwise to conform to this regulation. The program thus amended shall be submitted to the Regional Manpower Director for his approval. Any existing programs not so amended and approved by October 15, 1943, shall cease to have operative effect on and after such date.

(f) *Termination of industry programs.* No War Manpower Commission industry employment stabilization program shall be established after the effective date of this regulation. No such existing program shall continue in effect on or after October 15, 1943, unless specifically approved by the Chairman of the War Manpower Commission.

(g) *Approval.* The Regional Manpower Directors are authorized to approve any employment stabilization program which includes the provisions set forth in § 907.4 of this regulation, and otherwise conforms to the provisions of this regulation.

§ 907.4 *Minimum standards in general.* Except as provided in § 907.5 (a) (5), every employment stabilization program approved after the effective date of this regulation shall contain the following provisions:

(a) *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by state or federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(f) *Exclusions.* No provision of the employment stabilization program shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by a foreign, state, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, state, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under the employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to the program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under the employment stabilization program, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation.* Nothing contained in the program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

§ 907.5 *Optional provisions.* Regional and Area Manpower Directors, after consultation with their Management-Labor War Manpower Committees, may include in employment stabilization programs provisions such as the following designed to meet special manpower needs in the localities affected, but, except as authorized in § 907.5 (a) (5), no such provision shall conflict with § 907.4 of this regulation or with any state or federal law:

(a) Subject to standards and instructions approved by the Chairman of the War Manpower Commission, provision for adding to § 907.4 (e) of this regulation the following categories of individuals who must be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(1) Individuals for work in specified categories of occupations in activities in which manpower shortages threaten critically needed production, or

(2) Individuals for work in specified shortage occupations (in addition to critical occupations), or

(3) Individuals whose statements of availability indicate that they were most recently employed in such occupations, or

(4) Individuals who can be readily identified as able to meet specifications required for work in such occupations or activities; a program containing such a provision may apply only to a labor market area which, on the date of the approval of the program, was classified by the War Manpower Commission as a "Group I," or "Group II," area, or

(5) All individuals. A program containing such a provision may apply only to a labor market area which, on the date of the approval of the program, was classified by the War Manpower Commission as a "Group I," or "Group II," area. Such a program, may, notwithstanding anything to the contrary in this regulation, include necessary modifications of § 907.4.

(b) Provisions designed to protect individuals from loss of seniority or other reemployment rights.

(c) Provisions designed to require or promote more effective utilization of their manpower by employers.

(d) Provisions designed further to control advertising or other solicitation of individuals.

(e) Provisions designed to afford individuals a greater measure of protection against arbitrary discharge.

(f) Provisions designed to facilitate the employment of individuals during vacation, probationary, off-season, or other short periods in work other than that in which they have customarily engaged, and to facilitate the return of such persons to their customary employment.

(g) Provisions governing the release of individuals by employers by whom they were hired or solicited in violation of an employment stabilization program and other provisions pertaining to the enforcement of a program.

(h) Provisions designed to minimize loss of working time of applicants for statement of availability or referral.

(i) Provisions designed to permit the hiring of an individual by, or of an individual whose last regular employment was with, a small establishment without regard to the requirements of the program, except that no establishment regularly employing more than eight employees shall be treated as a small establishment for the purpose of this paragraph.

§ 907.6 *Definitions.* As used in this regulation:

(a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) "Employment stabilization program" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

§ 907.7 *Revocation of previous policies.* The War Manpower Commission Policy to Prevent Pirating of War Workers, dated July 16, 1942, appearing at 7 F.R. 5500, and Part 907, §§ 907.1 to 907.21, inclusive, War Manpower Commission Policies for Employment Stabilization Programs Which Include the Exercise of Hiring Controls in Areas of Manpower Shortage, effective February 1, 1943, appearing at 8 F.R. 7227 (as amended, June 20, 1943, 8 F.R. 9182), are hereby revoked, effective August 16, 1943, together with all instructions and procedures previously issued by the War Manpower Commission relating to the formulation and content of employment stabilization programs.

§ 907.8 *Effective date.* This regulation shall become effective August 16, 1943.

PAUL V. MCNUTT,
Chairman.

AUGUST 13, 1943.

[F. R. Doc. 43-13321; Filed, August 14, 1943; 3:29 p. m.]

PART 908—NON-DEFERRABLE ACTIVITIES AND OCCUPATIONS

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9279 (7 F.R. 10177), §§ 908.21 and 908.22 of Part 908 (8 F.R. 7229), Non-Deferrable Activities and Occupations, are hereby amended, effective August 16, 1943, to read as follows:

§ 908.21 *Activities.* The following activities, including all occupations therein, are designated as non-deferrable for the purposes of § 908.1:

(a) Manufacturing of the following products:

Alcoholic beverages
Amusement machines and equipment, such as juke boxes, slot machines, games of chance, and pin-ball machines (does not include athletic and sport equipment).
Art goods—stamped and otherwise, artists' materials, decorative materials
Book gilding, bronzing and edging
Costume jewelry
Costumes: lodge, masquerade, theatrical, academic caps and gowns
Curtains, draperies, and bedspreads
Cut, beveled, and etched glass
Cutware
Decorative feathers, plumes, and artificial flowers
Fancy fabrics such as brocades, chiffons, damasks, laces and lace goods, velvet, etc.
Frames, mirror and picture
Furniture: garden, beach, porch, toy
Games and toys
Greeting, souvenir, visiting, and picture post cards
Jewelers' fixings and materials
Jewelry
Jewelry cases
Lapidary work (nonindustrial)
Merchandizing display equipment such as cabinets and showcases (excluding refrigerated display equipment)
Mosaic glass
Musical instruments, except for the armed forces
Novelties, manufactured from materials of any kind, such as fancy boxes and containers, souvenirs, figures, models, carvings, ornamental shoe buckles, albums, costume novelties, etc.
Ornamental gold and silver leaf and foil (nonindustrial)
Pleating, stitching, tucking, and embroidery
Signs and advertising displays
Silverware and plated ware (nonindustrial)
Smoking accessories, such as cigarette and cigar holders, boxes, cases, lighters; smoking stands and tobacco jars
Soft drinks
Stained, leaded, ornamented, and decorative glass
Trimming and art needlework

(b) Services:

Amusement arcades
Amusement ticket agencies
Automobile-rental service
Clubs: social, fraternal, business and political
Dance, music, theatrical and art studios and schools
Gambling
Interior decorating
Night clubs
Parking lots
Photographic studios
Pool and billiard halls
Race tracks and courses
Travel agencies
Turkish baths, massage parlors, clothing rental, porter service, and social-escort services

(c) Wholesale and retail trade:

Antiques
Artists' supplies
Beer, wines, and liquors
Candy, confectionery, and nuts
Custom furriers
Florists
Games and toys
Jewelry
Musical instruments
Novelties
Pet shops
Soft drinks
Tobacco

(d) In addition to the activities and occupations set forth above, the status of idleness is to be treated as a non-deferrable activity.

§ 908.22 *Occupations.* The following occupations, regardless of the activity in which they may be found, are designated as non-deferrable for the purposes of § 908.1:

Advance advertising agent
Amusement device operator
Bar boy
Bar cashier
Barker
Bartender
Bath house attendant
Beauty operator
Bell-boy
Billposter
Book and periodical agent
Booking agent
Bootblack
Bus boy
Butler
Caller, station
Canvasser
Car hop, curb services
Car polisher
Car washer
Caterer, social
Charman and cleaner
Cosmetician
Custom furrier
Dancing teacher
Desk clerk: hotel, apartment, club, etc.
Dishwasher
Doorman and starter
Elevator operator (passenger and freight—excluding industrial freight elevators used in connection with warehousnig and production)
Elevator starter (passenger and freight)
Errand boy (including messenger and office boy)
Floorwalker
Fortuneteller (including astrologer, clairvoyant, medium, mind reader, palmist, etc.)
Gardener
Greenskeeper
Groundkeeper
Guide, sightseeing
Guide, hunting and fishing
Hair dresser
Houseman
Lavatory attendant
Literary and actor agent
Managing agent (theatrical and film)
Marker (in wholesale and retail trade)
Model
Newsboy
Night club manager and employees
Porter (other than in railroad-train service)
Private chauffeur
Receptionist
Sales clerk
Sign painter
Sign writer
Soda dispenser
Taxidermist
Ticket taker
Usher
Valet
Waiter (other than in railroad-train service)
Window trimmer and display man

PAUL V. MCNUTT,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13322; Filed, August 14, 1943; 3:39 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-425]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

MEMORANDUM OPINION AND ORDER

Memorandum opinion and order of the Director in the matter of the petition of Bituminous Coal Producers Board for District No. 2, for the revision of effective classifications and minimum prices for the coals of certain mines of District No. 2, in Size Groups 14, 15 and 16, for shipment in all market areas, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed November 28, 1940, with the Bituminous Coal Division by District Board 2, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a revision in the price classifications and minimum prices for rail shipment, of the coals in Size Groups 14, 15, and 16, inclusive, produced by certain mines in District 2 for byproduct use.

Pursuant to appropriate order, and after due notice to interested persons, a hearing in this matter was held on January 24, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.[1] Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 2 and the Office of the General Counsel of the Division appeared by representatives. All parties waived the preparation and filing of a report by the Examiner, and the matter was thereupon submitted to me.

District Board 2, by its petition, requests that the price classifications for by-product use of the coals produced by certain mines in Subdistrict 9 (Youghiogheny-Westmoreland) of District 2, viz., Mine Index Nos. 80, 35, 170, 66, 49, 63, 62, 166, 212, 5, 50, 95, 1, 14, 64, 65, 132 and 135, in Size Group 14 and Mine Index No. 275 in Size Groups 14 15 and 16, should be revised to equal the price classifications of comparable and competitive coals in the lump, double-screened and mine run sizes produced in District 2. It is alleged that the coals of the above-named mines in the lump and double-screened sizes are superior in quality to the coals in the mine run size and that these coals in the lump and double-screened sizes have more value for by-product use than the coals in the mine run size.

Francis Y. Casey, Vice-Chairman of District Board 2 and a member of its Marketing and Classification Committee, testified that when District Board 2 first proposed classifications for coals produced in the Youghiogheny-Westmoreland district, the District Board classified by-product coals on the basis of the sizes that were normally and ordinarily shipped for this use. Some code members were shipping lump and double-screened coal and others, mine run for by-product use, and on the basis of the size shipped, the District Board proposed price classifications, which were thereafter established by the Division. Since that time the District Board has ascertained that the mines involved herein, which were assigned classifications on the basis of the mine run size, were shipping lump and double-screened coals for by-product use. According to the witness, the coals in the Youghiogheny-Westmoreland district generally decrease in quality as their size is reduced and in turn, improve as their size increases, and these coals in the lump and double-screened size show marked improvement in analysis and quality over the mine run coals. In view of this situation, the District Board was impelled in fairness to code members shipping coal for by-product use to propose reclassification of Size Group 14 coals produced by the mines here involved in order to give appropriate effect to the better grade of coal which would be shipped by these mines in this size group for by-product use.

There is one exception to the District Board proposal. The Wallace Mine (Mine Index No. 275), of The Youghiogheny & Ohio Coal Company, it was ascertained by the District Board subsequent to the commencement of the operation of this mine, produces in the mine run and minus resultant sizes a grade of coal inferior in quality to that of base mines in the district. This mine was classified, prior to the commencement of its operations, upon the basis of the classifications of standard coals produced in the Youghiogheny-Westmoreland subdistrict. The witness Casey stated that this mine is a rail mine and that its coal runs higher in moisture. For this reason the District Board's petition requested price classifications in Size Groups 15 and 16 lower than those originally proposed and subsequently established by the Division for this mine.

In the opinion of the witness Casey, the proposed reclassification will reflect more adequately the relative market value of the various by-product coals produced in the Youghiogheny-Westmoreland subdistrict of District 2 and will maintain for the producers of this coal their fair competitive opportunities. Moreover, it appears from the record that since the granting of the temporary relief on December 31, 1941, no complaint has been made by District 2 producers.

I find, therefore, that the price classifications and minimum prices of the coals[2] in Size Group 14 of Mine Index Nos. 80, 35, 170, 66, 49, 63, 62, 166, 212, 5, 50, 95, 1, 14, 64, 65, 132, and 135, and in Size Groups 14, 15 and 16 of Mine Index No. 275, all of which mines are in Subdistrict 9 (Youghiogheny-Westmoreland) of District 2, should be revised as requested in the petition, in order that their market value may be reflected and their fair competitive opportunities preserved as nearly as possible with relation to comparable and competitive coals produced in District 2 for by-product use. I find further that such reclassification complies with the standards set forth in sections 4 II (a) and (b) of the Act, and is necessary to effectuate the purposes thereof.

For the foregoing reasons, upon the basis of the entire record in this proceeding, and pursuant to section 4 II (d) and other provisions of the Act.

It is hereby ordered, That effective as of the date hereof, § 322.7 (*Alphabetical list of code members*) is amended by revising the price classifications of the mines, herein below set forth, as follows:

[1] Pursuant to due notice to District Board 2, the Consumers' Counsel Division (now Bituminous Coal Consumers' Counsel) and the Statistical Bureaus for Districts 1, 2, 3, 7, 8 and 9, an informal conference was held on December 13, 1940, in Washington, D. C., at which District Boards 1 and 2 and a representative of the Office of the General Counsel of the Division appeared. On December 31, 1940, the Director granted temporary relief as requested in the petition upon the showing of necessity therefor made at this conference.

Mine index No.	Code member	Mine name	Sub-dist. No.	Size group Nos.		
				14	15	16
80	W. J. Rainey, Inc.[1]	Gibson	9	B	------	------
35	Republic Steel Corp.[1]	Clyde #3 (Raw)	9	B	------	------
170	Hillman Coal & Coke Co.[1]	Ontario	9	C	------	------
66	Hillman Coal & Coke Co.[1]	Fayette	9	C	------	------
49	Pittsburg Coal Co	Crescent #1	9	C	------	------
63	Pittsburg Coal Co	Eureka	9	C	------	------
62	Pittsburg Coal Co	Euclid	9	C	------	------
166	Pittsburg Coal Co	Ocean	9	C	------	------
212	Pittsburg Coal Co	Somers	9	C	------	------
5	Pittsburg Coal Co	Arnold	9	C	------	------
50	Republic Steel Corp	Crescent #2	9	C	------	------
95	Westmoreland Coal Co	Hutchinson (Raw)	9	C	------	------
1	Westmoreland Coal Co	Adams	9	D	------	------
14	Westmoreland Coal Co	Biddle	9	D	------	------
64	Westmoreland Coal Co	Export #1	9	D	------	------
65	Westmoreland Coal Co	Export #2	9	D	------	------
132	Westmoreland Coal Co	McCullough	9	D	------	------
135	Westmoreland Coal Co	Magee (Raw)	9	C	------	------
275	The Youghiogheny & Ohio Coal Co	Wallace	9	C	E	E

[1] At the time of the filing of the petition, Mine Index Nos. 80, 35, 170 and 66 were operated by Hillman Coal & Coke Co., W. J. Rainey, Inc., Ontario Gas Coal Co., and Lowbar Gas Coal Co., respectively, and according to the Schedule of Effective Minimum Prices for District No. 2 for All Shipments Except Truck, are now operated by the above-named code members.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13206; Filed, August 13, 1943; 10:52 a. m.]

[Docket No. A-721 Part II]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

MEMORANDUM OPINION AND ORDER

Memorandum opinion and order of the director in the matter of the petition of District Board 3 for the establishment of price classifications and minimum prices for the coals of Mine Index No. 1193 of District No. 3, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on March 3, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 3, petitioner. The original petition, designated Docket A-721, requested the establishment of price classifications and minimum prices for the coals of certain mines in District 3, not theretofore classified and priced, including the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb, in Nicholas County, West Virginia, in District 3.

On March 25, 1941, an order was entered in Docket No. A-721 (6 F.R. 1887) granting temporary and conditionally final relief as requested in the petition for the mines involved, including the Duffey Mine, and providing further that applications to stay, terminate, or modify the temporary relief, or pleadings in opposition to the final relief requested in the original petition may be filed within forty-five (45) days from the date thereof and that such relief shall become permanent sixty (60) days from the date thereof, unless otherwise ordered.

On May 8, 1941 Eugene L. Campbell, and other code members operating truck mines in District 3, herein referred to as interveners,[1] filed a joint petition of intervention[2] in Docket No. A-721 objecting to the temporary prices assigned the Duffey Mine in Size Groups 2, 5 and 7 and requesting that these prices be increased 10 cents, 20 cents, and 20 cents[3] per net ton f. o. b. the mine, respectively.

Thereafter, on September 6, 1941 an order was entered (6 F.R. 4641) severing that portion of Docket No. A-721 relating to the Duffey Mine, designating the same Docket No. A-721, Part II, reopening the proceeding herein, directing that a hearing be held with respect to the revision of the minimum prices granted the Duffey Mine by the order, dated March 25, 1941, and continuing these prices in effect, pending further proceedings herein.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing in this matter was first held on November 7, 1941, before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in Clarksburg, West Virginia.[4] District Board 3 and the interveners appeared, and at the conclusion of the hearing waived the preparation and filing of a report by the Examiner. On December 27, 1941, an order was entered (6 F.R. 6808) granting the petition of the interveners for an increase in the prices of the Duffey Mine in Size Groups 2, 5 and 7.

On January 10, 1942, District Board 3 filed a petition to reconsider and modify, or in the alternative, to vacate the order dated December 27, 1941, and to reopen the hearing for the purpose of taking additional evidence, together with a motion to stay the effect and operation of said order. On January 24, 1942, the interveners filed a "Protest" in opposition to the petition and motion of District Board 3. On February 19, 1942, an order was entered (7 F. R. 1136) vacating and setting aside the order, dated December 27, 1941, re-establishing temporarily, pending final disposition of this proceeding, the minimum prices granted by the order dated March 25, 1941, and directing that the hearing be reopened for the purpose of taking additional evidence.

Pursuant to appropriate orders, and after due notice to all interested persons, the reopened hearing was held on April 16, 1942, before D. C. McCurtain, a duly designated examiner of the Division at a hearing room thereof in Clarksburg, West Virginia. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 3 and the Office of the General Counsel of the Division appeared by representatives. The preparation and filing of the Examiner's report were waived, and the record was thereupon submitted to me for consideration.

On December 27, 1941, an order was entered herein granting the request of the interveners to increase the price of the Duffey Mine in Size Groups 2, 5 and 7. Upon petition of District Board 3, the proceedings herein were reopened for the purpose of adducing additional evidence by order, dated February 19, 1942. The opinion upon which this order is based makes evident that the findings and conclusions therein contained turned in part at least, upon the insufficiency of the evidence offered by District Board 3, the lack of knowledge of its witness and his personal unfamiliarity with all the facts and circumstances pertinent to the production and marketing of coal by the Duffey Mine and the mines of the interveners. As was also indicated in the order of February 19, 1942, the evidence adduced in the first hearing with respect to the impairment of the coordination in prices of the mines operating in the No. 5 Block Seam, including the Duffey Mine, and the competitive mines, including those of the interveners, appeared insufficient and unsatisfactory. This conclusion is confirmed by the testimony of Daniel T. Buckley, Chairman of District Board 3, adduced at the reopened hearing, who, it was asserted, had been unable to testify in the first hearing with the result that no competent testimony was offered on the issue of price coordination. In view thereof, I believe that the evidence adduced at the reopened hearing, considered in the light of the evidence offered at the original hearing, affords a more adequate and complete presentation of the pertinent facts, upon the basis of which a final disposition of the issue presented herewith may be made.

The evidence disclosed that the coal produced at the truck mines in Nicholas County are usually marketed locally in that county for domestic use, predominantly in the mine run size. The principal markets are the towns of Summerville and Richwood. The Duffey Mine, a truck mine operating in the No. 5 Block seam in Nicholas County, West Virginia, and the mines of the interveners, which are also truck mines operating in Nicholas County, in such seams, however, as the Peerless, Coalburg, Eagle and Sewell seams, are located from one-half to 12 miles of each other, and their coals move over the same or similar highways.

The sole issue involved in this proceeding is whether the temporary minimum prices heretofore established in Size Groups 2, 5 and 7, for the coals of the Duffey Mine should be increased to the level of the prices applicable to the coals produced by the mines of the interveners, or whether minimum prices for the Duffey Mine should be maintained at their present level on a parity with the other mines operating in the No. 5 Block Seam in Nicholas County. It is the contention of the interveners that in view of the nature of the market in Nicholas County, truck coals which move into this area are sold on a price rather than a quality basis and accordingly, should be assigned equal prices in order to preserve the fair competitive opportunities of the producers thereof. District Board 3 urges, however, that the classifications and prices originally proposed by it and presently effective in the form of temporary relief, properly relate the Duffey coals with analogous and comparable coals produced by competitive mines operating in the No. 5 Block seam.

The testimony of the witness Campbell at the first hearing indicates that domestic coals are sold in Nicholas County on a price basis with little relation to seam designation, quality, and similar factors, customarily essential to an effective establishment or revision of minimum prices, and that on this account, the establishment of lower prices for the Duffey Mine would afford it an unfair advantage over competitive mines in this area. It appears from the record, however, that the witness was unable to give any specific instance in which his own mine, the Campbell Mine (Mine Index No. 537) for example, had lost any customers to the Duffey Mine by reason of the Duffey Mine's lower minimum prices, which were in effect between March 25, 1941, the date of the order granting such minimum prices, and November 7, 1941, the date of the first hearing herein. Moreover, it appears that sales from the Campbell Mine for the first 10 months of 1941 approximately equalled sales for the first 10 months of 1940, and the total production for 1941 probably exceeded that of 1940. It should be noted also that no evidence was introduced as to the production of the mines of any of the other interveners and that no showing was made as to any losses which such mines might have suffered as a result of competition with the Duffey Mine. The record further discloses that the mines of the interveners have competed with two other truck mines in the No. 5 Block seam, i. e., the Catlette Mine (Mine Index No. 207) of R. C. Catlette and the Young Mine (Mine Index No. 962) of Young & Sons, for which the same lower minimum prices as those requested for the Duffey Mine have been established, and that no petition has ever been filed to equalize the prices of these mines with those applicable to the mines of the interveners.

The witness, Buckley, who as above stated, found it impossible to attend the first hearing at Clarksburg, West Virginia, where it was rescheduled at the request of the interveners who had failed to appear at a previously scheduled hearing in Washington, D. C., presented a detailed explanation of the coordination of the prices of the Duffey Mine with those of other No. 5 Block seam mines and also with other competitive Nicholas County mines, including the mines of the interveners. He testified that the No. 5 Block seam coals are less acceptable for domestic use than the coals produced from the Sewell, Coalburg and similar seams because these coals burn with a much heavier smoke and have a higher ash content. The inferiority of the No. 5 Block seam coals has always been recognized, the witness asserted, and these coals have always been priced lower than the better grade coals in District 3. He pointed out that with the increasing demand for coal, the practice has grown in District 3, for truck mines to build ramps on railroads and to truck coal to these ramps for railroad shipment, and that this practice affects the interstate movement of District 3 coal and makes it necessary for the coordination of these coals with coals of other districts. It was his opinion that an increase in the minimum prices of the coals of the Duffey Mine in excess of the prices applicable to other No. 5 Block seam mines would not only be unfair to the Duffey Mine, but would destroy coordination of these coals for both intra- and inter-district movement.

With respect to the interveners' contention that the truck coals in Nicholas County are sold on a price basis, the witness Buckley maintained that f. o. b. mine prices as such, have little or no significance for consumers who necessarily purchase on a delivered price basis and who consider such other factors as transportation, volatility and burning characteristics in their evaluation of the coal purchased. Since the Duffey Mine operates its own trucks, whereas the mines of interveners sell to independent truckers at the tipple, he was of the opinion that the claimed price advantages of the Duffey Mine were probably due to such factors and not solely due to its lower f. o. b. mine prices, as the interveners contend.

From my consideration of the entire record, I have come to the conclusion that it would be unjust and inequitable to increase the prices of the Size Group 2, 5 and 7 coals of the Duffey Mine without simultaneously increasing the prices for similarly sized coals produced by the other mines operating in the No. 5 Block seam in Nicholas County. I find no evidence in the record to warrant any such increase, nor has any request for such an increase been made. I am not persuaded that the production of the interveners has been curtailed or that the marketing of their coal has been adversely affected in their competition with the coals of the Duffey Mine. Incidentally, it may be noted that there is also no evidence as to transportation costs from the Duffey Mine or from the mines of the interveners to local markets, whereby it might be ascertained whether the claimed advantages of the Duffey Mine are not in fact due to lower transportation costs. On the other hand, the evidence is clear that coals produced from the No. 5 Block seam are inferior in quality to the coals of the Peerless, Coalburg, Sewell, and Eagle seams in Nicholas County, in which the interveners operate, that the No. 5 Block seam coals have always been priced lower, and that an increase in their prices would unduly disrupt the price coordination of these coals with each other and with the coals produced in other districts.

Accordingly, I find that the temporary prices presently effective for the coals of the Duffey Mine in Size Groups 2, 5 and 7[5] reflect their relative market value, properly relate these coals with comparable, competing coals, and preserve fair competitive opportunities. I find further that such minimum prices comply with the standard set forth in section 4 II (a) and (b) of the Act, are necessary to effectuate the purposes thereof, and should be permanently established.[6]

For the foregoing reasons, upon the basis of the entire record in this proceeding, and pursuant to section 4 II (d) and other provisions of the Act;

It is hereby ordered, That effective as of the date hereof, § 323.23 (*General prices*) is amended by establishing the following minimum prices for the coals of the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb, in Nicholas County, West Virginia, in District 3:

	Size groups						
	1	2	3	4	5	6	7
Price	$2.68	$2.58	$2.58	$2.23	$2.23	$2.03	$1.93

It is further ordered, That the petition of intervention of Eugene L. Campbell and others, should be denied in all respects.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13207; Filed, August 13, 1943; 10:52 a. m.]

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[1] Unnecessary confusion was encountered in the hearing herein with respect to the designation of these parties and the burden of proof in this proceeding. Under the Rules of Practice and Procedure before the Division, these parties are interveners and their burden of proof requires the introduction of evidence with respect to their contention, just as the burden of proof upon petitioner requires evidence in support of its petition.

[2] The interveners are Eugene L. Campbell, H. Baker, R. C. Catlette, B. H. Wiseman, J. A. Neal, Lee Matheny, and Odell & Perkins. On March 19, 1941, the interveners filed an amended petition.

[3] In their petition, the interveners requested an increase of 40 cents per ton in Size Group 7, but at the hearing amended their request to an increase of 20 cents in this Size Group.

[4] The hearing was originally scheduled for October 2, 1941 at Washington, D. C. at which the interveners failed to appear and was accordingly closed, subject to further order of the Director. On October 23, 1941, an order was entered rescheduling the hearing for the time and place, referred to in the text.

[5] No objection has been made to the temporary prices established for the Duffey Mine in Size Groups 1, 3, 4 and 6, which are presently the same as the prices for other No. 5 Block seam mines. These prices shall also be made permanent.

[6] These minimum prices shall also be increased 20 cents per net ton in each size group to give effect to the Order of the Director, dated August 28, 1942, in General Docket No. 21.

[Docket No. A-1557]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF DIRECTOR

Order of the Director in the matter of the petition of District Board No. 8 for a change of price classifications and minimum prices, for rail and truck shipment, for the coals of certain mines in District No. 8, and to remove all of Leslie County, Kentucky, from District No. 6, Southern Appalachian, and add it to Subdistrict No. 3, Hazard, in District No. 8.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that request was made for revision of seam and subdistrict designations and the applicable price classifications and effective minimum prices for certan mines in Putnam and Kanawha Counties, West Virginia, and Leslie County, Kentucky and for the removal of Leslie County from Subdistrict 6 (Southern Appalachian) to Subdistrict 3 (Hazard) in District No. 8, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937;

It is hereby ordered, That effective as of the date hereof, § 328.11 (*Alphabetical list of code members*) and § 328.34 (*General prices for high volatile coals*) are amended by revising the seam designations, price classifications and minimum prices for the mines in Kanawha and Putnam Counties, West Virginia, and the seam designations for the mines in Leslie County, Kentucky, in accordance with the seam designations, price classifications and minimum prices set forth in Supplements R and T, respectively, annexed hereto and made part hereof.

It is further ordered, That the subdistrict designation of Leslie County as Subdistrict 3 (Hazard) in place of Subdistrict 6 (Southern Appalachian) is denied.

It is further ordered, That the petition herein be, and it hereby is granted to the extent set forth herein and in all other respects denied.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13208; Filed, August 13, 1943; 10:51 a. m.]

[Docket Nos. A-58, A-179, A-492, A-163, A-245, A-368, A-676, A-797, A-919, A-1075, A-1104, A-1309-II, A-1337-II, A-1376-II, A-1457, A-1621-II, A-2013-II]

PART 335—MINIMUM PRICE SCHEDULE DISTRICT NO. 15

ORDER DISMISSING PROCEEDINGS

Order dismissing proceedings in the matter of the petitions of Corrigan Coal Co., et al., code members in District No. 15, and District Board No. 15, for revision of the effective minimum prices for the coals for shipment by truck of certain mines in District No. 15, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by code members in District 15 and by District Board 15, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for revision of effective minimum prices for the coals produced by mines in Adair and Putnam Counties, Missouri, for truck shipment. Orders granting temporary relief have been issued in each of the above-designated dockets. In Docket Nos. A-163, A-245 and A-368, heretofore consolidated by order, dated December 7, 1940, temporary relief was made final, after notice and hearing, by order, dated March 13, 1941 (6 F. R. 1588). In Docket Nos. A-676, A-797, A-919, A-1075 and A-1104, orders were entered granting temporary relief and conditionally providing for final relief (6 F. R. 1592, 2767, 3349, 5873, 6044). In Docket Nos. A-1309-II, A-1337-II, A-1376-II, A-1457, A-1621-II and A-2013-II, orders were entered granting temporary relief pending final disposition of the proceedings in Docket Nos. A-58, A-179 and A-492. Hearings have been held in Docket Nos. 163, A-245 and A-368, as aforesaid, and also in Docket Nos. A-58, A-179 and A-492. No hearings have been held in the remainder of the above-designated dockets. On September 10, 1942, after notice and hearing, a Report of the Examiner was issued in Docket Nos. A-58, A-179 and A-492. No exceptions thereto have been filed.

As above indicated, different forms of temporary or final relief have been granted in various of the above-designated dockets. Since the relief requested in each of said dockets involves the effective minimum prices of various mines in Adair and Putnam Counties, Missouri, and issues related thereto, it appears necessary that similar disposition should be made herein of each of said dockets. In view of the expiration of the Bituminous Coal Act of 1937 on August 24, 1943, 12:01 a. m., it is deemed appropriate that the relief heretofore granted in each of said dockets, either temporary, conditionally final, or final, as the case may be, should be vacated or terminated and the proceedings in connection therewith dismissed.

It is, therefore, ordered, That effective August 24, 1943 at 12:01 a. m., the final relief heretofore granted in Docket Nos. A-163, A-245 and A-368 is hereby vacated.

It is further ordered, That effective as of the date and time aforesaid, the temporary and conditionally final relief heretofore granted in Docket Nos. A-676, A-797, A-919, A-1075 and A-1104 is hereby vacated and terminated.

It is further ordered, That effective as of the date and time aforesaid, the temporary relief heretofore granted in Docket Nos. A-58, A-179, A-492, A-1309-II, A-1337-II, A-1376-II, A-1457, A-1621-II and A-2013-II is hereby terminated.

It is further ordered, That effective as of the date and time aforesaid, the proceedings in each of the dockets, hereinabove designated, are hereby dismissed.[1]

Dated: August 14, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13362; Filed, August 16, 1943; 10:48 a. m.]

Chapter VIII—Coal Mines Administration

PART 801—REGULATIONS FOR THE OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

FINANCIAL RESPONSIBILITY FOR OPERATIONS

The "Regulations for the Operation of Coal Mines under Government Control" issued by the Secretary of the Interior on May 19, 1943, as amended (8 F.R. 6655, 10712) are further amended as follows:

1. Paragraph (a) of § 801.22 is amended by deleting the last sentence thereof.

2. There is hereby added two new sections designated §§ 801.25 and 801.26 to read, respectively, as follows:

§ 801.25 *Interim procedure for confirmation of financial responsibility by mining company*—(a) *Execution and delivery of instrument of agreement and certification.* Any mining company, by a duly authorized officer or agent, may execute and deliver to the Administrator an instrument of agreement and certification (in the form to be prescribed by the Administrator) confirming (as hereinafter provided) the sole financial responsibility of the mining company for its operations. Such mining company may, however, as hereinafter set forth, reserve to itself the right to assert claims for liability against the Government with respect to damage allegedly resulting from any specific direction or order of the Coal Mines Administration. The operating manager for the coal mines of any mining company for which such instrument of agreement and certification is in effect shall not be subject to the requirements as to financial transactions and current accountings set forth in § 801.26. The instruments of agreement and certification may be terminated by the mining company at any time upon ten days' written notice, as hereinafter provided.

By said instrument of agreement and certification (subject to reservation of rights to assert claims for damage allegedly resulting from any specific directions or orders as provided in paragraph (c) of this section) the mining company shall:

(1) Agree and confirm as its understanding that the operations of the coal mines of the mining company, and all acts and omissions of the operating manager, from the date of the beginning of Government possession and control to the effective date of termination of the instrument, have been and will continue

[1] Docket Nos. A-1267-II, A-1559-II, A-1889-II and A-1914-II, which also concern the revision of effective minimum prices of certain mines in Adair and Putnam Counties, Missouri, were dismissed by Order of the Director, dated July 24, 1943, (8 F.R. 10514).

to be for the financial account of the mining company and not for the account of the United States; and

(2) Adopt and ratify all acts and omissions of the operating manager in the operation of the coal mines of the mining company during such period, and agree that the Government and its officials shall not be subject to any claims by the mining company or others by reason of the possession and control of the coal mines of the mining company during such period; and

(3) Certify that during such period the mining company will not make any disposition of its funds or incur any indebtedness which will impair the working capital of the company so as thereby to jeopardize maintenance of the maximum possible production of coal at its coal mines.

(b) *Effect of such instrument.* Subject to the reservation of rights as provided in paragraph (c) of this section, the execution and delivery of such an instrument of agreement and certification to the Administrator shall be deemed to constitute a waiver by the Government of all rights which it may have to an accounting with respect to all operations from the beginning of the period of Government possession and control to the effective date of termination of such instrument, and a discharge of the operating manager from any liability to the Government with respect to all actions taken by him as such during that period.

(c) *Reservation of right to assert against the government claims for damage alleged to result from specific directions or orders.* A mining company which has executed and delivered such an instrument of agreement and certification may, nevertheless, reserve to itself the right to assert a claim for damage alleged to have been suffered, or threatened to be suffered, by it as the direct result of a specific direction or order of the Administrator, as hereinafter provided:

(1) As to any specific direction or order which has been issued prior to the date of issuance of these amended regulations, such reservation of right may be made by the mining company's transmitting to the Administrator, together with its executed instrument of agreement and certification, a writing, signed by a duly authorized officer or agent which shall:

(i) Specify the particular direction or order of the Administrator which the mining company asserts directly resulted in damage to the mining company,

(ii) Specify the particular action taken pursuant to such direction or order, which action would not have been taken except for such direction or order and which action, it is claimed, resulted in damage to the mining company, and

(iii) Specify the nature of the damage asserted to have been so caused and the amount thereof,

Upon such transmission to the Administrator of such written specifications, the mining company shall be deemed to have reserved all rights to assert a claim for damage alleged to have been suffered or threatened during the period of Government possession and control as the direct result of compliance with the specified direction or order, and the Government shall be deemed to have reserved all rights to assert by way of offset against any such claim of liability the benefits resulting to the mining company from Government possession and control, and to assert any other defense against such claim.

Failure by the mining company to transmit to the Administrator such a writing, together with its executed instrument of agreement and certification (unless upon request the Administrator shall extend the time for the transmission of the writing for good cause shown) shall be deemed to constitute acquiescence by the mining company that the consequences of all specific directions and orders issued by the Administrator prior to the date of the issuance of these amended regulations shall be covered by clauses i and ii of the instrument of agreement and certification.

(2) As to any specific direction or order which may be issued subsequent to the date of issuance of these amended regulations, such reservation of right may be made by the mining company's filing a timely protest with the Administrator, as follows:

If, upon the issuance by the Administrator of a specific direction or order to an operating manager for the coal mines of a mining company, the mining company desires to reserve the right to assert a claim for damage alleged to be threatened to be suffered by it as the direct result of compliance with such specific direction or order, then the mining company shall protest such direction or order to the Administrator (as hereinafter provided), and in such written protest shall:

(i) Specify the particular direction or order of the Administrator which the mining company asserts will directly result in damage to the mining company if complied with,

(ii) Specify the action which, it is asserted, is required by such direction or order to be taken, which action would not be taken except for such direction or order, and which action, it is claimed, will result in damage to the mining company.

(iii) Specify the nature of the damage which the mining company asserts will be suffered by it as the result of compliance with such direction or order, and an estimate of the amount of such asserted threatened damage, and

(iv) Protest the specified direction or order.

Such protest shall be dispatched as aforesaid to the Administrator, Department of the Interior, Washington, D. C., by registered mail or telegram within five days of the receipt by the operating manager of the direction or order protested.

Upon the dispatch of such a protest as above provided, the effectiveness of the direction or order, as it applies to the operating manager for the coal mines of the protesting mining company, shall be suspended pending further directions of the Administrator. If thereafter the Administrator, in writing, confirms the effectiveness of the protested direction or order as it applies to such operating manager, such operating manager shall forthwith carry into effect the protested direction or order, with any modifications made by the Administrator in his confirmation thereof.

Thereupon the mining company shall be deemed to have reserved all rights to assert a claim for damage alleged to have been suffered by it during the remainder of the period of Government possession and control as the direct result of compliance with such protested direction or order, and the Government shall be deemed to have reserved all rights to assert by way of offset against any such claim of liability the benefits resulting to the mining company from Government possession and control, and to assert any other defense against such claim.

In all other respects the provisions of the instrument of agreement and certification shall continue in full force and effect and the operating manager for the coal mines of the protesting mining company shall continue not to be subject to the requirements as to financial transactions and current accountings set forth in § 801.26. The operating manager, however, shall furnish to the Administrator, on his request, such pertinent information and data relating to the effect of compliance with the protested specific direction or order as the Administrator may request.

Failure by the mining company to file such a protest within the five days mentioned (unless upon request the Administrator shall extend the time for the filing of the protest for good cause shown) shall be deemed to constitute acquiescence by the mining company that the consequences of the said specific direction or order shall be covered by clauses i. and ii. of the instrument of agreement and certification.

In the event that the Administrator shall expressly require that a specific direction or order issued by him shall be complied with prior to the lapse of the five-day interval for transmitting a protest as above provided, then the operating manager shall comply forthwith with said specific direction or order and the mining company may effect a reservation of right by transmitting, within ten days following the issuance of such express requirement, a writing in accordance with the specifications contained in subparagraph (1) above.

(d) *Termination of effectiveness of instrument of agreement and certification.* Any mining company having executed an instrument of agreement and certification, as above provided, may terminate the effectiveness thereof as to all future acts performed by, or omissions of, the operating manager in the operation of the properties of the mining company, by transmitting written notice of such termination, by telegram or registered mail, to the Administrator, Department of the Interior, Washington, D. C., such termination to become effective ten days after the receipt of such notice by the Administrator.

In the event of such termination, the Administrator may assume that the min-

ing company claims or reserves the right to claim that all operations from that date forward during the remainder of the period of Government possession and control of the mining property are for the account of the Government and accordingly that the operating manager for the United States and the mining company are accountable to the Government for their custodianship and disposition of proceeds from operations accrued during the balance of such period of Government possession and control.

Upon and after the effective date of termination of the instrument of agreement and certification, as herein provided, the operating manager for the coal mines of the mining company terminating such instrument shall be subject to the requirements as to financial transactions and current accountings set forth in § 801.26.

(e) *Non-acquiescence in claim of liability, and non-waiver of right to claim liability except as specifically waived.* None of the provisions of this section or of § 801.26 and no action that shall be taken pursuant to any of them, shall be deemed to constitute acquiescence by the Administrator in any claim that operations during the period of Government possession and control are for the financial account of the Government, or acquiescence in any other claim that the Government or any of its officials are subject to any liability to the mining company or any other person or persons with respect to any such action, or otherwise. None of the provisions of this section or of § 801.26, nor any action taken pursuant to any of them, shall be deemed to constitute a waiver by the mining company of any right which it may have to assert a claim against the United States except as specifically waived by the execution and delivery of an instrument of agreement and certification (subject to reservation of right to assert claims for damage alleged to result from specific directions or orders, as hereinabove provided).

(f) *Inapplicability of certain provisions of § 801.40 to mining companies executing an instrument of agreement and certification remaining effective at termination of government possession and control.* Where an instrument of agreement and certification has been executed and delivered by a mining company and remains in effect on the date Government possession and control of its properties is terminated by the Administrator pursuant to § 801.40 of these regulations, the company will be deemed to have satisfactorily complied with the requirements of that section for the execution and delivery of Instrument No. 1 or Instrument No. 2 therein described, as the case may be.

(g) *Furnishing of information and compliance.* Nothing in this section or in § 801.26 shall be deemed or construed to impair in any way the right of the Administrator from time to time to direct and require the furnishing of information pertinent to the operations of any mining company during the period of Government possession and control, having regard to the purposes of such possession and control as set forth in § 801.4 of these regulations, or the right of the Administrator to enforce compliance with orders or directions issued by him. Nor is anything in this section or in § 801.26 to be deemed to limit in any way the right of the Administrator at any time to exercise his lawful authority to any degree or to any extent as circumstances arise which, in his opinion, necessitate the exercise of such authority in order to effectuate the purposes of Government possession and control as set forth in § 801.4 of these regulations.

§ 801.26 *Requirements as to financial transactions and current accountings.* The operating manager for the coal mines of any mining company for which an instrument of agreement and certification as provided in § 801.25 is not in effect shall not make major disbursements of an extraordinary nature or dividend payments and shall not incur indebtedness other than in the course of normal business unless:

(a) At least ten days prior to the making of such disbursement or payment or the incurring of such indebtedness, the operating manager shall have filed with the Administrator a notice of intention to make such disbursement or payment or to incur such indebtedness, specifying in detail the amount and nature of and the necessity for the proposed disbursement, payment, or indebtedness, and the effect thereof upon the preservation by the mining company of a working capital sufficient to enable it to maintain maximum possible production; and

(b) The Administrator shall have advised the operating manager that he has no objection thereto.

The Administrator may at any time request or direct such operating manager to take whatever steps may be appropriate with respect to full and periodic accountings of the operation of the coal mines; inventories of all real and personal property, franchises, rights, facilities, funds and other assets used in connection with the operation of the coal mines of the mining company and the distribution and sale of its products; the withdrawal of private management from further participation in the operation of the coal mines; and other pertinent matters. Upon the Administrator's request or direction, such operating manager shall furnish to him such data and information as he may request or direct pertaining to the period of operation under Government possession and control and a fair evaluation of the results thereof; the data requested may include such information for current periods as is specified in § 801.40 for the entire period of Government possession and control. The Administrator may require that financial statements be certified by an independent certified public accountant. Accountants and other agents of the Government shall be given reasonable access to all books, papers and inventories of the mining company.

Dated: August 13, 1943.

HAROLD L. ICKES,
Coal Mines Administrator.

[F. R. Doc. 43-13334; Filed, August 16, 1943; 9:31 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 168, 2d Ed.]

PART 622—CLASSIFICATION

CLASS II–A AND II–B MEN NECESSARY IN WAR PRODUCTION OR SUPPORT OF WAR EFFORT

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 622.21 (6 F.R. 6607) to read as follows:

§ 622.21 *Class II–A: Necessary man in support of war effort.* (a) In Class II–A shall be placed any registrant who is found to be a "necessary man" in support of the war effort.

2. Amend paragraph (a) of § 622.22 (6 F.R. 6607) to read as follows:

§ 622.22 *Class II–B: Necessary man in war production.* (a) In Class II–B shall be placed any registrant who is found to be a "necessary man" in war production.

3. Amend paragraph (a) § 622.23 (7 F.R. 652, 4270) to read as follows:

§ 622.23 *General rules for classification in Class II–A and Class II–B.* (a) On the local board is placed the primary responsibility of deciding which men should be given occupational deferments.

4. Amend § 622.24 (6 F.R. 6607) to read as follows:

§ 622.24 *"Necessary man" defined.* A registrant shall be considered a "necessary man" in war production or in support of the war effort, including training and preparation therefor, only when all of these conditions exist: (1) He is, or but for a seasonal or temporary interruption would be, engaged in war production or in support of the war effort; (2) his removal would cause a serious loss of effectiveness thergin; and (3) he cannot be replaced.

5. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 3, 1943.

[F. R. Doc. 43-13333; Filed August 16, 1943; 8:54 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 6 of Priorities Reg. 1]

MICROFILM RECORDS

The following Interpretation 6 is issued with respect to Priorities Regulation 1.

Records required to be kept by § 944.15 of Priorities Regulation No. 1 or by any other order or regulation of the War Production Board may be kept in the form of microfilm or other photographic copies instead of the originals.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13286; Filed, August 14, 1943; 11:46 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Revocation of Priorities Reg. 2]

Section 944.22 Priorities Regulation 2 is hereby revoked. Paragraph (b) of § 944.22 is superseded by paragraph (e) of Amendment # 1 to WPB Regulation No. 1 as amended March 24, 1943.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13289; Filed, August 14, 1943; 11:46 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Revocation of Priorities Reg. 4]

Section 944.24 Priorities Regulation No. 4 is hereby revoked. This section is superseded by paragraph (e) of Amendment No. 1 to WPB Regulation No. 1 as amended March 24, 1943.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13290; Filed, August 14, 1943; 11:44 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-369]

SCOTT-KELLY FURNITURE CO.

Scott-Kelly Furniture Company, a corporation, located at 92 N. Main Street, Memphis, Tennessee, is engaged in the retail furniture business. Subsequent to August 18, 1942, said corporation sold and delivered new metal heating equipment, as defined in Limitation Order L–79, on orders which bore no preference ratings, or concerning which signed statements from the purchasers, as required by said order, had not been furnished. At the time of these sales the Scott-Kelly Furniture Company, through its officers, had knowledge of the provisions of Limitation Order L–79, and said sales constituted wilful violations of that order.

These violations of Limitation Order L–79 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.369 *Suspension Order No. S–369.* (a) Scott-Kelly Furniture Company, its successors or assigns, shall not, directly or indirectly, purchase, accept deliveries of, sell, deliver, or otherwise deal in, new metal heating equipment, as defined in Limitation Order L–79, either as complete units or in the form of parts, except as specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Scott-Kelly Furniture Company, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 14, 1943, and shall expire on December 14, 1943.

Issued this 7th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13291; Filed, August 14, 1943; 11:45 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-402]

UNDLIN STORE FIXTURE CO.

Ragnar Undlin, doing business as Undlin Store Fixture Company, in San Francisco, California, is a general contractor and a manufacturer and installer of store fixtures. On or about December 7, 1942, he violated Conservation Order L–41, by commencing construction work on a saloon located at 1718 Fillmore Street, San Francisco, California, at an estimated cost in excess of $2,000, without authorization of the War Production Board. The nature of Mr. Undlin's business was such as to require him to become acquainted with the provisions of Conservation Order L–41, and his failure to comply with that order must be considered wilful.

This violation of Conservation Order L–41 has hampered and impeded the war effort of the United States by diverting materials to uses unauthorized by the War Production Board. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.402 *Suspension Order No. S–402.* (a) Deliveries of material to Ragnar Undlin, individually, or doing business as Undlin Store Fixture Company, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to any such deliveries by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the War Production Board except as specifically authorized in writing by the War Production Board.

(b) No allocation to Ragnar Undlin, individually, or doing business as Undlin Store Fixture Company, his successors or assigns, shall be made of any material, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Ragnar Undlin, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the terms hereof.

(d) This order shall take effect on August 14, 1943, and shall expire on November 14, 1943.

Issued this 7th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13292; Filed, August 14, 1943; 11:45 a. m.]

PART 1268—CAPRYL ALCOHOL

[Revocation of Allocation Order M–167]

Section 1268.1 *Allocation Order M–167* is hereby revoked, effective September 1, 1943. Capryl alcohol is one of the higher aliphatic alcohols subject to Allocation Order M–344, and applications and certificates with respect to use and delivery of capryl alcohol to be made on and after September 1, 1943 shall be filed in accordance with the provisions of Allocation Order M–344.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13293; Filed, August 14, 1943; 11:46 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 9, as Amended August 14, 1943, to Limitation Order L–211]

OIL COUNTRY TUBULAR GOODS

§ 3102.10 *Schedule 9 to Limitation Order L–211*—(a) *Purpose and scope.* This schedule prescribes certain standards for the manufacture of oil country tubular goods, as herein defined. The schedule does not relate to use; oil country tubular goods made in accordance with this schedule may be used for any purpose, and other types of tubular material may be used in oil and gas wells, in each case subject to any restrictions contained in other orders of the War Production Board or the Petroleum Administration for War.

(b) *Definition.* "Oil country tubular goods" means oil well casing, tubing and drill pipe.

(c) *Restrictions on sizes and specifications.* No person shall produce, fabricate or deliver oil country tubular goods except as set forth in American Petroleum Institute Specification for Casing, Drill Pipe and Tubing, API Standard No. 5–A, dated May 1942, and Supplement No. 1 thereto, dated December 1942, or in List 1 attached hereto. However the use of Bessemer or open-hearth steel in the manufacture of casing and tubing shall be optional with the manufacturer and no purchaser may specify the type of steel to be used on his order.

(d) *Acceptance of delivery.* No person shall accept delivery of any oil country tubular goods which he knows or has reason to believe were produced, fabricated or delivered in violation of the provisions of paragraph (c).

(e) *Exceptions.* (1) The provisions of paragraphs (c) and (d) shall not apply to any oil country tubular goods:

(i) The production, fabrication, delivery or acceptance of which is specifically authorized in writing by the War Production Board, or

(ii) For which an order was entered prior to April 30, 1943, provided shipment of the entire order is made on or before June 30, 1943, or

(iii) Oil well casing produced by electric fusion welding.

(2) The provisions of paragraph (c) shall not prohibit:

(i) Waiver by the purchaser of any of the inspection or test requirements of the specifications prescribed in paragraph (c), or

(ii) Delivery or acceptance of any oil country tubular goods which because of errors in manufacture do not conform to the requirements of paragraph (c), providing such requirements are waived by the purchaser or procuring agency, or

(iii) The production, fabrication, delivery, or acceptance of lap-weld tubing or lap-weld casing with V type thread, or

(iv) The production, fabrication, delivery, or acceptance of any oil country tubular goods having thread dimensions or types of joints other than those prescribed in paragraph (c), provided the purchaser endorses on the purchase order a statement signed by an authorized official, either manually or as provided in Priorities Regulation No. 7, substantially as follows:

> The special threads or special types of joints specified in this order are necessary to the successful installation and operation of the pipe covered by said order, and none of the standard thread dimensions or types of joints specified in Schedule 9 to Limitation Order L–211 issued by the War Production Board, will meet the service requirements to which said pipe is to be applied.
>
> | Name of Purchaser | Signature of Authorized Official | Title |
> |---|---|---|

Such statement shall constitute a representation to the seller and to the War Production Board, and may be relied on by the seller unless he knows or has reason to believe it to be false.

(f) *Records.* Each person owning or possessing oil country tubular goods excepted by the provisions of paragraph (e) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1

NOTE: Heading and table "Seamless Casing, Grade J–55" amended August 14, 1943.

ADDITIONAL PERMITTED SIZES OF CASING AND TUBING

Seamless Casing, Grade J–55

Size, outside diameter, inches	Wall thickness, inches	Nominal weight per foot, pounds
6⅝	.264	24.00

Lap-Weld Casing

Size outside diameter, inches	Wall thickness, inches	Nominal weight per foot, pounds
6⅛	.304	17.00
6⅝	.185	13.00
7	.272	20.00
8⅝	.304	28.00
10¾	.307	35.75

Standard Lap-Weld Tubing (Non-Upset)

Size nominal	Outside diameter, inches	Wall thickness, inches	Nominal weight per foot, pounds
2	2.375	.167	4.00
3	3.500	.216	7.70
4	4.500	.237	11.00

The above sizes apply only to short thread casing and to standard non-upset tubing. In all respects other than outside diameter, wall thickness, weight per foot, and threading practice, such casing and tubing shall conform to the requirements of American Petroleum Institute Specification for Casing, Drill Pipe and Tubing, API Standard No. 5–A, dated May 1942, and Supplement No. 1 thereto, dated December 1942.

[F. R. Doc. 43–13294; Filed, August 14, 1943; 11:46 a. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Interpretation 2 of Limitation Order L–219]

The following interpretation is issued with respect to Limitation Order L–219.

1. *When the "sales trend ratio" and the "sales projection ratio" must be used.* Beginning with the fourth quarterly period of his 1943 inventory year every controlled merchant must use the sales trend ratio and the sales projection ratio in computing his normal inventory, as prescribed in Appendix A attached to Order L–219.

2. *Segregation of footwear by merchants whose receipts are restricted.*

Question: Suppose the receipts of a controlled merchant who sells footwear are restricted during his second quarter which began May 1, 1943. In making his computations of receipts during June and July of 1943, may he exclude the footwear he received during those months?

Answer: No. Paragraph (i) (2) of the order permits a merchant to exclude footwear from his computations only if he does so consistently in his base period and current calculations. The merchant in question could not exclude footwear from his base period or other calculations in computing his normal inventory for the second quarter beginning May 1, or in calculating his allowable receipts for that quarter, since the order only permits exclusion of footwear on or after June 1. Hence, he may not exclude from his computations footwear which he received during June and July of 1943. However, he may exclude footwear in all his computations for the third quarter of 1943 since he can then do so consistently. For the same reasons, a merchant whose receipts are restricted during his second quarter which began April 1, 1943, may not exclude from his computations footwear he received during June 1943.

3. *Renumbering of Forms PD–689 and PD–690 to be Forms WPB–1620 and WPB–1621, respectively.* The reference in paragraph (a) (9) of Order L–219 to Forms PD–689 and PD–690 means, respectively, Forms WPB–1620 and WPB–1621, which are the new numbers which have been assigned to those forms.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13295; Filed, August 14, 1943; 11:46 a. m.]

PART 3270—CONTAINERS

[Limitation Order L–197, as Amended August 14, 1943]

STEEL SHIPPING DRUMS

§ 3270.15 *Limitation Order L–197*—(a) *Definitions.* For the purposes of this order:

(1) "Drum" means any single walled cylindrical or bilged container with a capacity of 110 gallons or less (including but not limited to buckets, kits and pails) constructed wholly of steel. The term shall not be deemed to refer to cans, or high and low pressure gas steel cylinders, or to any container not susceptible of commercial use in the transportation and storage of commodities.

(2) "Used drum" means a drum which has been partially, or wholly filled with any product or commodity, for storage or shipping purposes, in the course of business.

(3) "New drum" means any drum which is not a used drum.

(4) "Naval stores products" means those materials which are directly derived from the oleo-resinous secretions of various species of coniferous trees; the term includes resins and liquid terpens, both crude and refined, special materials derived from these, and such related products as tall oil and pine tars.

(b) *Restrictions on use.* (1) No person shall use any drum, new or used, for packing any product which he had not packed in drums prior to September 14, 1942.

(2) No person shall pack in a drum any product listed without an asterisk in Schedule A.

(3) No person shall pack in a new drum any product listed with a single asterisk in Schedule A.

(4) Before October 1, 1943, no person shall pack in a new drum any product listed with a double asterisk in Schedule A. On and after that date, no person shall pack any product listed with a double asterisk in Schedule A in a new drum unless such drum has a capacity of not less than 2 nor more than 6 gallons and is constructed of 28 gauge steel or lighter, and then only provided that he does not, in any quarter, pack in drums of such capacity a greater proportion of his total pack of a product than he packed in drums of such capacity in the corresponding quarter of 1941.

(5) Nothing in this order shall prevent the purchase of ends or other parts or accessories for drums. The affixing of ends or other parts to used drums shall not cause them to be regarded as new drums.

(6) No person shall sell or deliver any empty drum which has been used for packing an edible product, and which is capable of being reused for the same purpose, if he knows or has reason to believe that it will be used for packing inedible products.

(7) No person shall sell or deliver any empty drum which has been used for packing naval stores products, and which is capable of being reused for the same purpose, if he knows or has reason to believe that it will be used for packing anything other than naval stores products.

(c) *General exceptions.* (1) Nothing in this order shall apply to the use of drums for storage purposes by any person having less than 5 drums in use for all purposes.

(2) The restrictions on use specified in paragraph (b) of this order shall not apply to:

(i) Drums which are used for the sale and delivery of commodities to (*a*) the Army or Navy of the United States, (*b*) the Maritime Commission, (*c*) the Panama Canal, (*d*) the War Shipping Administration, (*e*) any agency of the United States Government, for the account of any foreign country, under the provisions of the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the U. S. (Lend-Lease Act)," (*f*) Any point outside of the forty-eight states of the United States and the District of Columbia, in accordance with a license from the Office of Economic Warfare,

(ii) Drums which are used for the sale or delivery of commodities which are to be physically incorporated into ships, guns, tanks, military vehicles, aircraft, ammunition, armament, weapons, gunsighting devices and radio and sound equipment;

(iii) Drums which are used for the sale or delivery of commodities which are to be used for maintenance, repair or operating supplies for ships.

(3) The provisions of this order shall not apply:

(i) To drums constructed wholly of heavier than 14 gauge steel;

(ii) To used drums constructed wholly of lighter than 23 gauge steel having a capacity of 25 gallons or more.

(d) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD–717, in triplicate.

(4) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C. Ref: L–197.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Item 129 amended August 14, 1943.

1. Acid succinic
2. Alcohol, specially denatured (except anhydrous grades and the following formulas: #13A, #19, #20, #32, and #42)
3. Aluminum sulphate
4. Ammonia alum
5. Ammonium bicarbonate
6. Ammonium chloride
7. Ammonium nitrate, dry
8. **Asphalt, including mineral filled, cutbacks, emulsions and road oils
9. Balsam Copaiba
10. Bath salts
11. Bird seed
12. Boiler compounds, dry
13. *Boiler feed water treatment material, liquid
14. Borax
15. Boric acid
16. Calcimine
17. Calcium carbonate
18. Calcium chloride
19. Calcium hydroxide
20. Calcium oxide
21. Casein paints, dry
22. **Caulking compounds
23. Cement paint, dry
24. Charcoal
25. Citric acid
26. Colors, inorganic, dry
27. *Compounds, solid and semi-solid with a melting point of 65° F. or above, used in cooking, including mixtures of lard and hydrogenated oils, but not limited to these mixtures
28. Copper oxide
29. Copper sulphate, basic
30. Dairy products
31. Di ammonium phosphate.
32. Di calcium phosphate
33. **Disinfectants, liquid
34. Di sodium phosphate
35. **Dry lead oxide
36. Fatty acids, (having a melting point of higher than 42° C)
37. *Floor wax
38. **Floor sealers
39. Flour
40. Food products, cold pack and frozen
41. *Formaldehyde
42. Fruit juices
43. Fruits—brine
44. Fruits and peels, glace
45. **Fuse powder, black sporting powder, "A" blasting powder, and all other potassium nitrate black powder
46. Gelatin
47. **Glazing material or putty
48. Glue, dry (animal and vegetable)
49. *Greases, animal and vegetable
50. **Greases, petroleum, solid and semi-solid (with ASTM penetration of 300 and less)
51. Hexamethylenetetramine
52. *Hydrogenated oils with a melting point of 65° F. or above, including but not limited to shortening
53. Indigo paste
54. *Inorganic salts, aqueous solutions
55. **Insecticides, liquid, including fly spray and livestock dip and spray (except nicotine sulphate, arsenical cattle dips and grain fumigants)
56. Jelly, jam and preserves
57. Kraut
58. *Lanolin and wool grease
59. *Lard
60. **Lead oxides in paste
61. Lime
62. *Lime sulphur solution
63. Linseed oil meal
64. Lithopone
65. Magnesium chloride, $6H_2O$
66. Magnesium oxide
67. Marmalade
68. Meats
69. Molasses
70. Mono calcium phosphate
71. Mono ammonium phosphate
72. Mono sodium phosphate
73. *Oils, animal, fish, marine animal, vegetable (except for fish livers, vitamin oils derived from fish or fish livers or grain)
74. Oil, crude, petroleum
75. *Oils, steam cylinder, both compounded and uncompounded
76. Olives
77. Paints, dry powder, including but not limited to those bound with glue, soya protein casein and cement
78. **Paints, oil, oil or resin emulsion or oleoresinous type including but not limited to white lead in oil, colors in oil and oil stain
79. Paints, paste, water type, except resin or oil emulsion type (the vehicle of this type of product shall contain at least 5% water)
80. Paradichlorobenzene
81. Paraffin wax (except microcrystalline)
82. *Paste cutting compounds
83. *Paste drawing compounds
84. *Paste grinding compounds
85. Paste, wall paper
86. Patching plaster
87. Pectin
88. *Petrolatum
89. Pickles
90. *Pine tar
91. **Pitch or tar, including mineral filled, cut backs, emulsions and road oils
92. Potash alum
93. Potassium bicarbonate
94. Potassium carbonate
95. **Printing inks (except aniline or spirit inks and rotogravure inks)
96. *Rust preventative
97. Sand
98. Scouring cakes and powder
99. Shellac

100. **Shock absorber fluid
101. Silicate of soda, dry ortho silicate, meta silicate, sesqui, or mixtures thereof
102. *Silicate of soda, liquid
103. Soda alum
104. Soap, dry
105. *Soaps, liquid or paste
106. *Soaps, metallic
107. Soda ash
108. Sodium acid pyro phosphate
109. Sodium aluminate
110. Sodium bisulfate
111. Sodium bicarbonate
112. Sodium chloride
113. Sodium hexameta phosphate
114. *Sodium lactate
115. Sodium metaborate
116. Sodium nitrate
117. Sodium nitrite
118. Sodium perborate
119. Sodium sesquicarbonate
120. Sodium tetra phosphate
121. Sodium tetra pyro phosphate
122. Starches, dry
123. Sweeping compounds
124. Syrup, corn
125. *Syrup, mixed and unmixed (except corn syrup)
126. *Tallow
127. Tri calcium phosphate
128. Tri sodium phosphate
129. *Turpentine
130. **Varnish and varnish stains, except liquid water-soluble phenolic resins
131. *Vat dyes, paste
132. Vegetables—brine
133. Vinegar
134. Water
135. Wax, except ficor wax
136. **Wood preservatives
137. Zeolite

[F. R. Doc. 43-13296; Filed, Auugst 14, 1943; 11:45 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS [1]

[Limitation Order L-150 as Amended August 14, 1943]

SOFTWOOD PLYWOOD SCHEDULING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of softwood plywood for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3285.1 [1] *Limitation Order L-150*—(a) *Definitions.* For the purposes of this order:

(1) "Softwood plywood" shall mean any built-up board of laminated veneers of any species of softwood united with a bonding agent, produced in the states of Washington, Oregon or California.

(2) "Producer" shall mean any manufacturer of softwood plywood to the extent that such manufacturer produces softwood plywood in the states of Washington, Oregon or California.

(3) "Distributor" means any wholesaler, jobber, retailer or other person who in the regular course of his business sells softwood plywood.

(b) *Deliveries of softwood plywood.* (1) On or before June 15, 1943, and on or before the 15th day of each succeeding calendar month, every producer shall file, in quadruplicate, a report on Form WPB-2531 showing his production and delivery schedule for softwood plywood for the calendar month immediately following such filing.

(2) On and after July 1, 1943, each producer shall deliver softwood plywood only in accordance with the schedule filed pursuant to paragraph (b) (1), as the same may be changed by the War Production Board.

(c) *Placing and acceptance of orders for softwood plywood.* (1) On and after July 1, 1943, no person shall place an order with a producer, and no producer shall accept an order, for any softwood plywood unless accompanied by a specific authorization of the War Production Board. Such authorization may specify the manufacturer with whom the order may be placed. *Applications for* authorization shall be made to the War Production Board on Form WPB-2532 by the person who will use the softwood plywood or by a distributor who purchases it for inventory. On or before July 10, 1943, and on or before the 10th day of each succeeding calendar month, any person who desires to place an order for softwood plywood shall file, in quintuplicate, an application on Form WPB-2532.

(2) Any order so authorized shall be accepted by the producer with whom it is so placed, providing it meets his regularly established prices and terms. Delivery shall be made in accordance with the terms of such order as authorized notwithstanding any preference rating which other orders may bear or any directive, order or regulation of the War Production Board, unless specific exception to this order is made therein.

(3) If it becomes impossible for any producer to maintain production and delivery of softwood plywood in accordance with any schedule approved by the War Production Board he shall notify the War Production Board by letter in triplicate, and unless otherwise directed by the War Production Board he shall postpone production and delivery only to the extent required by the circumstances causing his failure to maintain production and delivery as reported to the War Production Board.

(d) *Other allocation and scheduling action.* With respect to softwood plywood, the War Production Board may, notwithstanding any order, preference rating, directive, rule or regulation of the War Production Board:

(1) Direct the return or cancellation of any order on the books of a producer;

(2) Direct changes in the delivery or production schedule of a producer;

(3) Allocate orders placed with one producer to another producer;

(4) Revoke any authorization to place an order granted by it pursuant to this order; or

(5) Take such other action as it deems necessary with respect to the placing of orders for, or the production or delivery of, softwood plywood.

(e) *Application of other orders and regulations.* This order does not relieve any person from complying with the provisions of any other order, directive, rule or regulation of the War Production Board, except as specifically provided in this order.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications.* All reports and forms required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the Lumber and Lumber Products Division, War Production Board, Washington 25, D. C., Ref.: L-150.

(h) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Intra-company deliveries.* The prohibitions and restrictions contained in this order shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single business enterprise to another branch, division or section of the same or any other business enterprise under common ownership or control; and each such affiliate, subsidiary, branch, division or section shall for the purposes of this order be deemed a separate person.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[1] Formerly Part 1276, Section 1276.1.

INTERPRETATION 1

Paragraph (c) (2) of Limitation Order L-150 [§ 1276.1] provides that any order authorized pursuant to its provisions shall be accepted by the producer with whom it is placed, "providing it meets his regularly established prices and terms."

This condition applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels. (Issued July 31, 1943.)

[F. R. Doc. 43-13298; Filed, August 14, 1943; 11:45 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M-241-a as amended August 14, 1943]

CONSERVATION OF PAPER AND PAPERBOARD

§ 3281.64 *General Conservation Order M-241-a*—(a) *Definitions.* For the purpose of this order:

(1) A "converted product" means any article or type of converted paper resulting from the processing of pulp, paper, or paperboard which alters the original form or characteristics of the pulp, paper, or paperboard. The term includes all articles on any of the lists to this order, but shall not include:

(i) Paper or paperboard manufactured in the first instance by a paper or paperboard mill.

(ii) A "newspaper" as defined in General Limitation Order L-240.

(iii) "Wall paper" as defined in General Limitation Order L-177.

(iv) A "box" as defined in General Limitation Order L-239.

(v) A "magazine" as defined in General Limitation Order L-244.

(vi) A "book" as defined in General Limitation Order L-245.

(vii) A "greeting card" as defined in General Limitation Order L-289.

(viii) A "book match" as defined in General Limitation Order L-263.

(ix) A "paper shipping sack" as defined in General Limitation Order L-279.

(x) Fibre shipping containers, cans, drums, tubs and barrels.

(xi) Cups, pails and nested food containers.

(xii) A "display" as defined in General Limitation Order L-294.

(xiii) Grocery, variety and notion bags.

(xiv) Wrapping paper, including wrapping tissue, converted into sheets or into rolls having a diameter of 12" or less.

(2) A "converter" is any person who, regardless of the identity or nature of his business, manufactures or assembles any converted product.

(b) *Unrestricted consumption of pulp, paper and paperboard in the manufacture of certain converted products.* Any converter may consume any quantity of pulp, paper and paperboard in the manufacture and assembly of any converted product shown on List A of this order.

(c) *Restriction on consumption of pulp, paper and paperboard in the manufacture of certain named converted products.* (1) No converter shall consume in the manufacture or assembly of any converted product on List B, List C or List D of this order any quantity, in tons, of pulp, paper and paperboard greater than the quantity ascertained:

(i) For the two months period from August 1, 1943 to October 1, 1943, by applying two thirds of the percentage figure for each such converted product, as shown in paragraph (c) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture or assembly of such product during the third calendar quarter of 1942;

(ii) For the final quarter of 1943, and for each calendar quarter thereafter, by applying the entire percentage figure for each such converted product, as shown in paragraph (c) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture or assembly of such product during the corresponding calendar quarter of 1942.

(2) The following percentage figures shall be used for the calculations described in the preceding paragraph (c) (1):

	Percent
(i) List B products	110
(ii) List C products	100
(iii) List D products	80

(3) From and after August 1, 1943 no converter shall put into process any quantity of pulp, paper or paperboard for the manufacture or assembly of any converted product named on List E of this order, except that pulp, paper and paperboard in the converter's possession or in transit to the converter on August 1, 1943, expressly acquired for the manufacture of any converted product named on List E of this order, may be put into process provided all manufacturing or assembling operations are completed by October 31, 1943, at which time all production activities in connection with converted products named on List E shall cease.

(d) *Restrictions on consumption of pulp, paper and paperboard in the manufacture of converted products not specifically listed.* (1) No converter shall during the period from August 1, 1943 to October 1, 1943 consume in the manufacture or assembly of any converted product not named on List A, List B, List C, List D or List E of this order, any quantity, in tons, of pulp, paper and paperboard greater than 33⅓ percent of the tonnage consumed in the manufacture or assembly of such converted product during the first six months of 1943.

(2) No converter shall during the final calendar quarter of 1943, or during any calendar quarter thereafter consume in the manufacture or assembly of any converted product not named on List A, List B, List C, List D or List E of this order, any quantity, in tons, of pulp, paper and paperboard greater than 70 percent of the tonnage consumed in the manufacture or assembly of such converted product during the corresponding calendar quarter of 1942.

(3) In the instance of any converted products not named on any of the lists of this order, the following processes and operations shall not be considered as processing:

(i) Cutting or trimming to a different size, when such cutting or trimming is performed as part of any established finishing room procedure and provided the paper or paperboard so processed is not intended for a use which serves to defeat the purpose of this order. (Example: The cutting of plain paper to a given size for use as a tray cover, the manufacture of which is curtailed by this order).

(ii) Punching or corner cutting.

(iii) Packaging if such is the only form changing operation.

(iv) Super-calendering.

(v) Laminating.

(vi) Coating, friction calendering, flint glazing, plating and embossing.

(vii) Collating and binding.

(viii) Printing, when such contributes to the functional value of the product to such a degree that the product would be incapable of performing the use intended if not printed. (Examples: advertising streamers, posters, menus, programs, timetables, sheet music, patterns, decalcomania transfers, checks).

(e) *Alternate method of calculating quotas.* As an alternate method of calculating quarterly quotas for any converted product, any person may, after the filing of a notice in writing with the War Production Board, elect to apply the percentages established by paragraphs (c) and (d) (2) of this order to one fourth of his total yearly consumption of pulp, paper and paperboard in such product during 1942. When such election has been made and the required notice in writing has been given to the War Production Board, the method of determining quotas may not thereafter be changed.

(f) *Converter's responsibility in determining coverage of this order.* It shall be the duty of each converter to determine in the first instance which of his products are included among the converted products referred to in this order. In case of doubt he may apply to the War Production Board in writing describing the product in question, for a specific ruling determining whether or not the same is so included. The War Production Board may of its own motion in any case, by telegram or letter, issue a specific ruling determining whether or not a particular product of a particular converter is so included.

(g) *Inventory restrictions.* No person shall knowingly deliver to any converter, and no converter shall accept delivery of, any quantity of pulp, paper or paperboard for the manufacture or assembly of any converted product included in this order if the inventory in the hands of the converter intended for such converted product, is, or will by virtue of such acceptance become, either in excess of two car loads or if in excess of two car loads greater than 45 days' supply, on the basis of either the converter's average rate of consumption for such converted product for the preceding quarter or his average rate of consumption for such converted product as projected for the then current quarter.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Pulp and Paper Division, Washington 25, D. C. Ref: M-241-a.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—UNRESTRICTED PRODUCTION

NOTE: "Wrapping paper x x x" deleted from List A August 14, 1943.

Abrasive papers
Adding machine and business machine rolls
Air force emergency packs
Army ration containers
Automotive oil cartridges
Balloons (direct military only)
Binder twines
Blankets
Blueprints and direct line papers
Bomb fins
Bomb rings
Bombs
Building and wall boards
Cable insulation
Calender rolls (for paper and other finishing machinery)
Camouflage paper
Caps for glass bottles and jars
Carbon paper
Case, carton, roll and bundle strapping
Charts, rolls and tape for communication and recording instruments and machines
Cigarette paper books
Clock backs and cases
Clothing
Condensers—component parts thereof
Control knobs and dials
Cores and core plugs
Crepe cellulose wadding
Dental mouth wadding
Diaper linings
Diaphragms—pump and carburetor
Dust and dirt covers and seals for motors, journals, etc.
Dust masks
Egg case fillers and flats
Embalming, surgical and obstetrical sheets
Faces for gauges, clocks and weighing equipment.
Fibre conduit and fittings
Filters
Flare spacers
Friction pulleys and wheels
Fuses and component parts thereof
Garbage and utility cans
Gas detection armbands and similar products
Gas mask canisters and mask parts
Gas protection capes, tarpaulins & similar products
Gaskets
Gears
Grenades and grenade containers
Gummed sealing and corrugated tape
Gummed stay tape
Gun & rifle protection sleeves
Helmets and helmet accessories
Hospital wadding
Instrument panels
Impervious papers, including waxed, for direct war use but limited to those grades covered by specifications issued by the U. S. Army, the U. S. Navy, the U. S. Marine Corps, or the Federal Standard Stock Catalog.
Jettison tanks
Lens tissue
Lithomat and photomat paper
Milk bottles, milk bottle hoods and milk bottle caps
Mimeograph stencils
Nuts and screws
Paper base plastics
Parachutes and parachute spreaders
Photographic and photo copying papers
Plant protectors
Poultry incubators, brooders and feeders
Prepared tracing
Printing plates
Ration bags
Roofing and building papers (treated)
Sanitary napkins
Shell containers
Shoes and component parts thereof
Surgical bandages
Surgical masks and caps
Tabulating cards
Tags, commercial and industrial only, unprinted
Targets
Telephones, component parts of
Toilet seat covers
Tote boxes
Valves
Vegetable parchment
Veneer tape
V-mail blanks
Waterproof and moistureproof packaging papers (asphalt and resin impregnated and laminated)

LIST B—PRODUCTS PERMITTED AT 110% OF 1942

Artificial leather
Buttons
Concrete forms
Envelopes—all styles except expansion type
Fillers, looseleaf (except accounting)
Household waxed paper, all styles
Insulation board
Jacquard cards
Masking tape
Optical measuring instruments
Paper stationery and papeteries
Sales tax tokens
Shingles
Tablets, pads, and notebooks
Textile cones, tubes and spools
Toilet tissue, other than facial type of two ply or more
Waxed paper, all types and grades other than household packages, excluding waxed paper wrappings for direct war uses as provided in List A.

LIST C—PRODUCTS PERMITTED AT 100% OF 1942

Cake boards
Cases for flashlights and batteries and component parts thereof
Collar supports and circles
Dental pinafores
Dishes and plates
Facial tissue
File dividers and indexes
File cabinets
Forks and spoons
Fruit and vegetable wrappers for apples, pears, peaches and tomatoes in the instance of original shipments
Gummed flat paper
Hat and cap visors
Headrest rolls
Light shades and reflectors
Lunch boxes
Napkins
Oiled stencil board
Permanent wave pads
Photo mailers
Photo mounts
Shirt bands, limited to 2" wide or less
Stereotype mats
Straws (soda and drinking)
Towels
Twisted products limited to rope, open mesh bags and twine, other than binders twine
Tympan paper
Window shades

LIST D—PRODUCTS PERMITTED AT 80% OF 1942

Adhesive transparent tape
Architect filing tubes
Barbers neck bands
Bibs
Cake circles
Carpets and rugs
Chair seats
Cloth lined paper products
Expanding envelopes or pockets
File fasteners
Fly paper
Fly ribbons
Folders (file)
Games and toys of all types
Garment hangers
Luggage
Mailing tubes
Music and player piano rolls
Phonograph record albums
Platters
Ribbon blocks and cores
Ribbons
Seat covers
Slippers
Snap, button, hook and eye and zipper cards
Soap wraps, including all component parts thereof except wax paper
Tea ball bags and similar containers
Textile boards, excluding shirt boards
Toilet tissue, facial type of two or more ply
Twisted products, other than bags, rope, strapping, and twine
Venetian blinds
Vertical file pockets.

LIST E—ARTICLES AND CLASSES OF ARTICLES IN THE MANUFACTURE OF WHICH PULP, PAPER OR PAPERBOARD MAY NOT BE USED

Aprons
Ash trays
Bakers' decorative specialties, such as:
(a) Pie collars and rings
(b) Cake circles
(c) Cake laces
(d) Casserole collars
Bird cage specialties, such as:
(a) Bird cage bottoms
(b) Bird cage covers and hoods
(c) Bird cage food holders
Bouquet holders for displays, corsages, etc.
Chop holders
Collar and necktie bags and envelopes
Combs
Dusters and dusting paper
Finger bowl liners
Handkerchief and hosiery bands
Handkerchief, hosiery and utility cases
Hanger protectors
Novelties—holiday, party, advertising and decoration, such as:
(a) Garlands
(b) Serpentines
(c) Horns
(d) Hats
(e) Table decorations and place cards
(f) Streamers, including those for window display and decoration
(g) Flower pot covers
(h) Costumes
(i) Artificial flowers and flower specialties
(j) Confetti
(k) Festoons
(l) Fireworks (except such items manufactured pursuant to duly authenticated orders from the Armed Forces)
(m) Bouquets
(n) Skewers
Punch boards, pullboards and similar articles
Shirt protectors and envelopes
Shirt bands (wider than 2")
Shirt boards
Shirt displayers
Window drapes

[F. R. Doc. 43-13297; Filed, August 14, 1943; 11:46 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Supplementary General Limitation Order L-23-c as Amended August 14, 1943]

DOMESTIC COOKING APPLIANCES AND DOMESTIC HEATING STOVES

§ 3288.66 *Supplementary General Limitation Order No. L-23-c*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic cooking appliances" means gas ranges, cook stoves, and hot plates for household use; coal and wood ranges and cook stoves (including laundry stoves except water jacketed and permanently built-in coil types) for household use; fuel oil ranges, cook stoves, table stoves and hot plates for household use; combination ranges (including dual oven types, ranges with built-in kitchen heaters, and bungalow types) except electrical, for household use; camp and trailer stoves for cooking purposes; fuel oil conversion range burners; and drum and portable ovens.

(2) "Domestic heating stoves" means any above the floor devices (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts, and includes, but is not limited to, circulating, radiant and portable heaters and trailer and caboose stoves. Domestic heating stoves shall not include floor or wall furnaces.

(3) "New domestic cooking appliances and domestic heating stoves" means any such appliances or stoves which have never been used by an ultimate consumer.

(4) "Accessories" means aprons, thermostats, high closets, high shelves, clocks, broiler pans other than iron or steel, storage compartments, thermometers, and any other instruments, attachments, or appurtenances (except top-burner lighters) for domestic cooking appliances not essential to any of the following three major cooking operations: top burner cooking, oven baking and oven broiling.

(5) "Steel coal or wood range or cook stove" means a coal or wood range or cook stove in which the total weight of steel is 20% or more of the total weight of metal of the unit.

(6) "Fuel oil" means any liquid petroleum product commonly known as fuel oil including Numbers 1, 2, 3, 4, 5, and 6, Bunker C, Diesel oil, kerosene, range oil, gas oil or any other liquid petroleum product used for the same purposes as the above designated grades.

(7) "Base period" means the 12 months period from July 1, 1940 to June 30, 1941.

(8) "Factory sales value" means the aggregate value of shipments of domestic cooking appliances and domestic heating stoves.

(9) "Class A producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was $2,000,000 or more.

(10) "Class B producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are not located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(11) "Class C producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are not located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(12) "Producer" means any person who during the base period manufactured, fabricated or assembled any domestic cooking appliances or domestic heating stoves.

(b) *General restrictions.* (1) No person except a producer shall manufacture, fabricate or assemble any domestic cooking appliances or any domestic heating stoves.

(2) No person shall manufacture, fabricate or assemble any domestic cooking appliance or domestic heating stove except from materials in inventory on July 29, 1943, or the acquisition and use of which is specifically authorized from time to time by the War Production Board under the Controlled Materials Plan or otherwise. In authorizing the manufacture of domestic cooking appliances and domestic heating stoves the War Production Board will, in general, authorize Class C producers to produce the types they normally fabricate up to 100% of their base period unit production before authorizing the manufacture of any of the same types by Class A and Class B producers; *Provided, however,* That during the period from July 1, 1943 to June 30, 1944 the total number of units of each type authorized for production by all producers will not exceed the percentages of total unit production specified in Schedule A attached.

(3) No producer shall manufacture, fabricate or assemble any domestic cooking appliances (other than combination ranges) or domestic heating stoves, except in those fuel types which he manufactured, fabricated or assembled during the base period; but this provision shall not apply to such appliances or stoves manufactured, fabricated or assembled for delivery to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration of the United States, or for use in a building or project authorized under Preference Rating Order P-55-b or rated under Preference Rating Order P-55 or any Order in the P-19 series.

(4) No producer shall manufacture, fabricate, or assemble any domestic cooking appliances, except those listed in Schedule B attached, and then only in accordance with the maximum weights, numbers of models or sizes and description of types set forth in such table; and no person shall manufacture, fabricate or assemble any accessories or incorporate them into any domestic cooking appliances.

(5) No person shall manufacture, fabricate or assemble any domestic heating stoves except those listed in Schedule B attached, and then only in accordance with the numbers of models and BTU capacities set forth therein.

(6) No producer shall

(i) Use any iron or steel in the production of cover tops or lids to cover the cooking surfaces of domestic cooking appliances when not in use; or

(ii) Produce or assemble any domestic cooking appliances equipped with such cover tops or lids containing any iron or steel; or

(iii) Use any "bright work", "bright finish", metal finish, or trim containing copper, nickel, chrome, or aluminum or other alloy in the production of domestic cooking appliances or domestic heating stoves; or

(iv) Use any alloy steel in the production of domestic cooking appliances or domestic heating stoves except for valves.

(7) No producer shall substitute steel for cast iron in the manufacture, fabrication of assembly of any model of domestic cooking appliance or domestic heating stove which he manufactured, fabricated or assembled prior to July 29, 1943.

(8) No producer shall manufacture, fabricate or assemble any steel coal or wood range or cook stove who did not manufacture, fabricate or assemble such ranges or stoves during the period July 1, 1940 to July 29, 1943.

(c) *Exceptions.* (1) Nothing in paragraph (b) (4) or (b) (5) shall restrict the manufacture, fabrication or assembly of trailer or caboose stoves.

(2) Domestic cooking appliances or domestic heating stoves which do not conform to the provisions of paragraph (b) (4) or (b) (5) may be manufactured, fabricated or assembled to specifications for the account of or for delivery to the Army, Navy, Maritime Commission or War Shipping Administration of the United States, or to specifications for use in a building or project authorized under Preference Rating Order P-55-b or rated under Preference Rating Order P-55, or any Order in the P-19 series: *Provided,* That a prior request be made to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., by letter, and approved in writing.

(3) Notwithstanding any restrictions in this order, concerning use of metals, accessories, weight per unit, numbers of models, or sizes or types, until October 27, 1943, any producer may manufacture, fabricate or assemble any domestic cooking appliance or any domestic heating stove provided that he has in his inventory, on July 29, 1943, fabricated iron or steel parts of any such appliance or stove which total at least 50% of the total weight of iron and steel which such appliance or stove would contain when completely assembled.

(d) *Sales restricted to rationed or rated transactions.* On and after September 1, 1943 no person may sell or deliver a new domestic cooking appliance or a new domestic heating stove unless the transaction either (1) is rated A-10 or better or (2) is made pursuant to a rationing order of the Office of Price Administration.

(e) *Repair parts.* Nothing in this order shall prohibit or restrict the manu-

facture or shipment of repair parts for domestic cooking appliances or domestic heating stoves.

(f) *Reports.* Each producer shall execute and file with the War Production Board, such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Applicability of priorities regulations.* All persons and transactions affected by this order are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Applicability of other orders.* Insofar as any other orders heretofore or hereafter issued by the War Production Board limit the use of any material in the production of domestic cooking appliances or domestic heating stoves to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (formerly PD–500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Communications.* All communications concerning this order, except appeals, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref.: L–23–c.

(k) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

	Percentage of total unit production by all producers in the base period (July 1, 1940 to June 30, 1941)
Domestic cooking appliances:	
1. Gas ranges and cook stoves	40
2. Combination, bungalow and kitchen heater ranges	40
3. Coal and wood ranges and cook stoves	100
4. Fuel oil ranges and cook stoves	40
5. Coal and wood laundry stoves	100
6. Gas hot plates	75
7. Portable and drum ovens	75
Domestic heating stoves:	
1. Gas fired heaters	75
2. Oil fired heaters	40
3. Coal and wood heaters	100

SCHEDULE B

Note: Schedule B amended August 14, 1943.

Appliance	Maximum weight of iron and steel permitted in finished product (pounds)	Maximum number of models or sizes permitted	Types
1. Gas ranges	100	2	One to have 3 top burners, broiler optional. One to have 4 top burners with broiler and bake oven.
2. Gas hot plates	15 iron (no steel permitted)	3	1-1 burner, 1-2 burner, 1-3 burner.
3. Coal or wood ranges and cook stoves.	Average unit weight of any producer's production in any calendar quarter not to exceed 85% of such average unit weight during the base period.	8	2 steel ranges or cook stoves. 3 cast iron ranges. 3 cast iron cook stoves (At least one steel range or cook stove one cast iron range and one cast iron cook stove manufactured by any producer shall be the lightest of each in his line).
4. Gas and coal or wood combination ranges.	Lightest in producer's line from July 1, 1940 to July 29, 1943.	1	
5. Bungalow or kitchen heater range (gas and coal or wood).	350	1	
6. Fuel oil ranges	90	2	1-3 top burner range with bake oven. 1-2 top burner range with bake oven
7. Fuel oil stoves	45	2	1-2 burner stove. 1-3 burner stove.
8. Fuel oil table stoves	18	3	1-1 burner stove. 1-2 burner stove. 1-3 burner stove.
9. Laundry stoves		6	4-2 hole stoves. 2-4 hole stoves. (1-2 hole stove and 1-4 hole stove manufactured by any producer shall be the lightest of each in his line.
10. Portable ovens		2	1 single oven. 1 double oven.
11. Drum ovens		1	

Stoves	Number of models or sizes permitted	Maximum of models or sizes permitted in BTU capacities per hour
1. Gas Radiant	10	2—12,000 or less input. 2—12,001 to 20,000 input. 2—20,001 to 30,000 input. 2—30,001 to 45,000 input. 2—over 45,000 input.
2. Gas circulating	6	2—30,000 or less input. 2—30,001 to 50,000 input. 2—over 50,000 input.
3. Fuel oil portable (bail type)	2	2—30,000 or less output.
4. Fuel oil circulating	10	
5. Cast iron or steel coal and/or wood	6	
6. Sheet steel wood stoves		

[F. R. Doc. 43–13300; Filed, August 14, 1943; 11:45 a. m.]

PART 3299—HIGHER ALIPHATIC ALCOHOLS

[Allocation Order M–344]

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of higher aliphatic alcohols for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3299.1 *Allocation Order M–344*—(a) *Definitions.*

(1) "Higher aliphatic alcohol" means any one of the following:

(i) Capryl alcohol (known also as "methyl hexyl carbinol" and "2-octanol").

(ii) Octanol (2-ethyl hexanol).

(iii) Normal octanol (normal octyl alcohol).

(iv) Normal decanol (normal decyl alcohol).

(v) Lauryl alcohol (any mixture of normal aliphatic alcohols containing more than 50% normal dodecanol).

(vi) Mixed higher aliphatic alcohols (any mixture of higher aliphatic alcohols containing less than 50% dodecanol and more than 80% of normal octanol, normal decanol, and lauryl alcohol, combined).

(2) "Producer" means any person who produces or refines higher aliphatic alcohol.

(3) "Distributor" means any person who buys higher aliphatic alcohol for resale as such.

(b) *Restrictions on producers and distributors.* On and after September 1, 1943, no producer or distributor shall use or deliver higher aliphatic alcohol, except as specifically authorized in writing by War Production Board, upon application pursuant to Appendix A. Exception is made in the next paragraph for toll deliveries, and small order deliveries are covered by paragraph (f).

(c) *Toll arrangements.* In the case of any toll arrangement where raw materials are converted into higher aliphatic alcohol by another person for the owner of the materials, the owner shall be considered the producer, and the higher aliphatic alcohol may be delivered to him without restriction.

(d) *Customers to file use certificates with purchase orders.* (1) Each person ordering higher aliphatic alcohol from a producer or distributor for delivery on or after September 1, 1943, shall furnish a use certificate pursuant to Appendix B with his purchase order, unless he is ordering a small quantity as provided in paragraph (e).

(2) Each person furnishing a use certificate shall use or dispose of the higher aliphatic alcohol delivered on the purchase order, and products made therefrom, only as specified in the certificate or as otherwise specifically directed by War Production Board. However, any person may re-deliver higher aliphatic alcohol to any producer or distributor without specific authorization.

(e) *When use certificate is not required.* Any person may order the following quantities of each higher aliphatic alcohol for delivery in the aggregate by all producers and suppliers during any calendar month, without filing a use certificate:

70 pounds of capryl alcohol
370 pounds of octanol (2-ethyl hexanol)
50 pounds of normal octanol
50 pounds of normal decanol
360 pounds of lauryl alcohol
50 pounds of mixed higher aliphatic alcohols

(f) *Instructions to producers and distributors for filling uncertified small orders.* A producer or distributor may deliver an aggregate quantity of each higher aliphatic alcohol on uncertified small orders only under the following conditions:

(1) If specifically authorized, upon application pursuant to Appendix B, to deliver the aggregate quantity on uncertified small orders; or

(2) In the case of a distributor, if he acquired the higher aliphatic alcohol upon certification that it was required to fill small orders, or if he acquired it himself on an uncertified small order.

(g) *Producers and distributors to notify customers of denial of applications.* Each producer and distributor shall notify each customer as soon as possible of denial, in whole or in part, by the War Production Board of any item or items on a certified purchase order placed by the customer.

(h) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of higher aliphatic alcohol; or

(2) Production of higher aliphatic alcohol; or

(3) Preparation and filing of forms and certificates required by Appendices A and B.

(i) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Supplier's intra-company delivery exemption.* The restrictions of this order with respect to deliveries by suppliers shall apply only to deliveries to other persons, notwithstanding the provisions of Section 944.12 (intra-company deliveries) of Priorities Regulation No. 1, as amended.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Reference M–344.

Issued this 14th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

INSTRUCTIONS TO PRODUCERS AND DISTRIBUTORS FOR FILING APPLICATIONS TO DELIVER OR USE HIGHER ALIPHATIC ALCOHOL

Each producer or distributor seeking authorization to deliver or use higher aliphatic alcohol may file application on Form WPB–2947 (formerly PD–602),[1] in the manner prescribed therein, subject to the following instructions for the purpose of the order:

Form WPB–2947 (formerly PD–602). Copies of Form WPB–2947 (formerly PD–602) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to use or deliver is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M–344.

Number of sets. A separate set of applications shall be filed for each higher aliphatic alcohol, but a consolidated application may be filed for all plants and warehouses.

Heading. Under name of material, specify higher aliphatic alcohol; under War Production Board order number, specify M–344; specify as grade the particular higher aliphatic alcohol; specify pounds as unit of measure; and otherwise fill in as indicated.

Table I. First, in Column 1, list customers who have filed use certificates with the applicant, and in Column 1a enter each primary product and end use stated in each certificate; second, specify in Column 1 "Aggregate uncertified small orders, paragraph (e)," and leave Column 1a blank; third, the applicant may specify in Column 1 his own name, and in Column 1a the products and end uses for which he requests authorization to use the higher aliphatic alcohol. Fill in other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock.

Table II. Fill in as indicated. In Columns 10 and 13 enter only those stocks not authorized for use or delivery on the dates specified.

APPENDIX B

INSTRUCTIONS FOR FILING CERTIFICATES OF USE WITH PURCHASE ORDERS FOR HIGHER ALIPHATIC ALCOHOL

(1) Each person ordering more than the quantity of any higher aliphatic alcohol specified in paragraph (e) for delivery in the aggregate in any calendar month by all producers and distributors, shall furnish with each purchase order a use certificate in substantially the following form:

(Description of primary product and end use for each higher aliphatic alcohol ordered—see instructions in paragraph (2) below)

The undersigned hereby certifies to the seller and to the War Production Board that the higher aliphatic alcohol covered by the accompanying purchase order will be used only as specified.

(Name of purchaser) (Address)

By (Signature and title of duly authorized officer) (Date)

(2) The primary product and end use description in the above certificate may be specified as follows, for each higher aliphatic alcohol ordered:

(Primary product)
- Chemical Manufacturer (describe product)
- Anti-foam
- Oil additive
- Solvent (describe use)
- Detergent
- Wetting agent
- Other (specify)
- Export as such
- Resale on further authorization
- Resale on uncertified small orders

(End use)
- Industrial (describe product)
- Civilian consumer goods (specify product)
- Export (if Lend-Lease, specify contract number; if other export, specify license number and consignee)
- Military (specify branch of Service and contract and specification number)

(3) In the event that two or more end uses are involved in a single purchase order, the amount of higher aliphatic alcohol required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the producer or distributor to advise his customers, by purchase order number and item number, as to the action taken on his application for authorization to make delivery.

(4) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act), provided such purchase order specifies the Lend-Lease contract or requisition number, shall contitute a use certificate for the purpose of this order.

[F. R. Doc. 43–13299; Filed, August 14, 1943; 11:46 a. m.]

[1] Approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 5 to Priorities Reg. 3]

The following Interpretation 5 is issued with respect to Priorities Regulation 3.

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (f) relate only to the items which appear on the lists. When any other order of the War Production Board restricts the use of preference ratings to obtain any product, or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23). This rule specifically applies to the items which were on List C before the amendment of August 10, 1943.

(b) *"Masking" tape.* Blanket MRO ratings may be used to get industrial pressure sensitive adhesive tape, (paper and cloth), also called "masking" tape. This type of tape is not included in item 9.h.: "Gummed stay and sealing tape, paper and cloth".

This interpretation is not applicable to adhesive tape backed with cellophane or similar transparent materials derived from cellulose (item 41 of List B) which may not be obtained with blanket MRO ratings.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13366; Filed, August 16, 1943; 11:20 a. m.]

PART 962—IRON AND STEEL

[General Preference Order M-21-b-1 as Amended August 16, 1943]

GENERAL STEEL WAREHOUSES AND DEALERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 962.10 *General Preference Order M-21-b-1*—(a) *Purpose and scope.* This order tells how, under the Controlled Materials Plan, a distributor obtains deliveries of general steel products from producers and from other persons for stock or for delivery direct to a distributor's customers. The method by which a distributor obtains deliveries of merchant trade products is set forth in General Preference Order M-21-b-2. Deliveries of steel from stock by distributors to persons not purchasing for resale are governed by CMP Regulation No. 4. Deliveries by distributors to other distributors are governed by this order and not by CMP Regulation No. 4.

(b) *Definitions.* For the purposes of this order:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I to CMP Regulation No. 1.

(2) "Alloy steel" means alloy steel as defined in Order M-21-a.

(3) "Carbon steel" means any steel (including wrought iron) other than alloy steel.

(4) "General steel product" means any of the steel products listed in Schedule A hereto.

(5) "Product group" means any of the 17 numbered groups of general steel products listed in Schedule A hereto.

(6) "Type" means (i) carbon steel, or (ii) stainless steel, or (iii) other alloy steel.

(7) "Base tonnage" of a warehouse for any product group and type means the tonnage of such product group and type delivered by such warehouse from stock during the first calendar quarter of 1941, or such other tonnage as may be specifically established by the War Production Board.

(8) "Distributor" means any person (including a warehouse, jobber, dealer, or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(9) "Warehouse" means a distributor who receives physical delivery of general steel products from a producer for sale or resale in the form received, and who was engaged on August 9, 1941, in the business of distributing steel from stock. If a warehouse maintains a stock at more than one location, each location shall be deemed a separate warehouse.

(10) "Dealer" means a distributor (other than a warehouse) who receives physical delivery of general steel products from persons other than producers for sale or resale in the form received, and who was engaged on August 9, 1941 in the business of distributing steel from stock. The term does not include any distributor who is primarily a scrap dealer. For the purposes of this definition a distributor shall be considered primarily a scrap dealer if the tonnage of all scrap purchased for stock by him in 1940 equalled or exceeded the tonnage of steel purchased for stock by him in that year.

(11) "Delivery" includes deliveries received on consignment.

(c) *Restrictions on placing orders with producers, or other warehouses, for shipment to warehouse stock*—(1) *Product groups and types to be ordered.* No warehouse shall order or accept delivery to warehouse stock of general steel products (except tool bits and drill rod) in any product group and type except those which have been certified to such warehouse on Form PD-83-b or PDL-2228 by the War Production Board. A warehouse handling no general steel product except tool bits or drill rod may order such materials from a producer even though it has not been certified on such forms. A producer shall not deliver general steel products (except tool bits and drill rod) to any warehouse stock unless such warehouse shall first have filed with such producer a copy of its PD-83-b or PDL-2228 certificate, or in any product group and type except those certified on such certificate.

(2) *Quantity restrictions on prime quality material.* No warehouse which, during 1940, purchased more than 25 per cent of its tonnage of any product group in a grade now invoiced as less than prime quality may order for delivery to warehouse stock during any calendar quarter, prime quality steel products (requiring scheduled rollings) of the same product group in an amount greater than 37½ per cent of the total tonnage of such prime quality material purchased from all producers during 1940.

(3) *Quantity restrictions on product groups.* No warehouse having a total base tonnage of more than 100 tons for any type of steel shall order steel in any one product group in such type for delivery to warehouse stock in any calendar quarter in excess of 150% of its base tonnage for such product group and type. No warehouse having a total base tonnage of 100 tons or less for any type of steel shall order steel in such type for delivery to warehouse stock in any calendar quarter in excess of 150% of its total base tonnage for such type.

(4) *Stock replacement.* No. warehouse shall place with a producer or another distributor orders for delivery to warehouse stock after June 30, 1943 (as to carbon general steel products) or after July 31, 1943 (as to stainless or other alloy general steel products) except to replace general steel products of the same type delivered from warehouse stock during the previous 90 days to warehouses and dealers as permitted by this order or to consumers as permitted by CMP Regulation No. 4, plus scrap accumulated in the course of warehouse operations and actually sold during such period and reported to the War Production Board on Form PD-83. Within the limits of paragraph (c) (3) deliveries of any product may be used to support an order for the same or any other product of the same type (carbon, stainless, or other alloy). Every order for stock must be accompanied by Form CMP-11 duly completed and signed. Deliveries from one warehouse to another are also subject to the restrictions of paragraph (c) (2) of CMP Regulation No. 4. All deliveries of steel requested on Form CMP-11 must be made to the location from which the steel being replaced was shipped.

(5) *Time for specifying delivery.* Orders for general steel products placed with producers for delivery to warehouse stock, and accompanied by Form CMP-11, shall specify delivery not earlier than the time authorized for the placement of authorized controlled material orders for the product in question as set forth in Schedule III of CMP Regulation No. 1, "Time for Placing Authorized Controlled Material Orders." A producer, however, may deliver such orders at any time, provided such delivery does not interfere with deliveries on other authorized controlled material orders designating shipment for the same or an earlier month, and provided that such delivery will not violate production directives then in force. Orders for delivery to warehouse stock accompanied by Form CMP-11 placed with producers for material not requiring scheduled rollings (such as rejects, wasters, waste wasters, off-heats and top cuts), or placed with other warehouses, may specify delivery at any time.

(6) *Status of warehouse orders.* Each order placed by a warehouse with a producer pursuant to paragraphs (c) (4) and (c) (5) shall be deemed an authorized controlled material order. Each order placed by a warehouse with another warehouse pursuant to paragraphs (c) (4) and (c) (5) may, but need not, be accepted by such other warehouse. If accepted it shall be deemed an authorized controlled material order.

(d) *Warehouse purchases from idle or excess inventories.* A warehouse may order for delivery to its stock, without limitation as to quantity, from idle or excess inventories pursuant to Priorities Regulation No. 13 general steel products in any product group and type which has been certified to such warehouse on Form PD-83-b or PDL-2228. Each purchase order for such material shall be endorsed in substantially the following form, and when so endorsed shall be deemed to be an authorized controlled material order:

The undersigned certifies to the seller and to the War Production Board that this order is placed pursuant to paragraph (d) of Order M-21-b-1, and is an authorized controlled material order.

---------- By ----------

---------- ----------
Name of warehouse — Authorized official

---------- ----------
Address — Date

(e) *Warehouse purchases for direct shipment to customer.* A warehouse receiving an authorized controlled material order from a customer and wishing to arrange for shipment direct to such customer by the producer or other supplier shall specify delivery to a point other than its warehouse, and shall copy on its own purchase order the endorsement made to it by its customer (including the customer's name) in accordance with CMP Regulation No. 1 or other applicable regulation or order. A purchase order specifying direct shipment and so endorsed shall be deemed an authorized controlled material order.

(f) *Earmarked warehouse stocks.* To the extent agreed upon by the Steel Division and any claimant agency, an earmarked stock of general steel products may be established in any warehouse. Deliveries to such stock and withdrawals therefrom shall be made only in accordance with the specific directions which shall be issued at the time such stock is established.

(g) *Purchases by dealers.* Purchase orders for general steel products may be placed by a dealer with persons other than producers to replace in the dealer's stock steel of the same type delivered by him during the 90 days preceding the placing of such purchase order, provided the steel to be replaced was delivered pursuant to CMP Regulation No. 4. No delivery can be used more than once to support such a replacement order. Each such replacement order must carry an endorsement in substantially the following form:

The undersigned hereby certifies to the seller and to the War Production Board that the material covered by this order is to replace in stock general steel products of the same type and weight delivered by the undersigned within the 90 days preceding the date of this order and in accordance with CMP Regulation No. 4. This constitutes an authorized controlled material order.

---------- By ----------
Name of dealer — Authorized official

---------- ----------
Address — Date

Any order so endorsed shall be deemed an authorized controlled material order.

(h) *Reports.* Each warehouse shall file with the Bureau of the Census, Washington, 25 D. C., on or before the 10th day of each month a report in duplicate on Form PD-83 Revised, or on such other form as may be prescribed. A warehouse having a total base tonnage of all general steel products amounting to 150 tons or less shall file such report only on or before the tenth day of April, July, October, and January for the preceding calendar quarter.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provision appealed from and stating fully the grounds for the appeal. In emergency cases, appeal may be made by telegraph.

(j) *Communications to War Production Board.* All appeals or other communications concerning this order shall be addressed to Warehouse Branch, Steel Division, War Production Board, Washington, 25 D. C., Reference M-21-b-1.

(k) *Violations.* Any warehouse, dealer, or other person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Special instructions.* The War Production Board may from time to time issue special instructions to warehouses or dealers with respect to making, withholding, accepting or refusing deliveries.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—GENERAL STEEL PRODUCTS

NOTE: Item 17 of Schedule A amended August 16, 1943.

	Types of steel included		
	Carbon	Stainless	Other alloy
1. Ingots, blooms, billets, slabs, tube rounds, die blocks, sheet and tin bars	x	x	x
2. Structural shapes and piling	x	----	x
3. Plates (universal and sheared) including skelp	x	x	x
4. Rails and track accessories	x	----	x
5. Hot rolled bars—except concrete reinforcing bars but including wrought iron bars	x	x	x
6. Cold finished bars	x	x	x
7. Tool steel, including drill rod and tool bits	•		
8. Mechanical tubing	x	----	x
9. Pressure tubing	x	x	x
10. Wire rods (for wire drawing only)	x	x	x
11. Sheets and strip, hot rolled	x	x	x
12. Sheets and strip, cold reduced	x	x	x
13. Tin mill black plate	x	----	----
14. Sheets and strip, all other (except tin plate, short ternes, and galvanized)	x	----	----
15. Wheels and axles (including steel tires and rims)	x	----	x
16. Castings (rough castings only)	x	x	x
17. Concrete reinforcing bars (unfabricated) [1]	x	----	----

[1] Effective October 1, 1943. Until October 1, 1943, item 17 should read: "17. Welded or woven concrete (reinforcing mesh and concrete reinforcing bars unfabricated)."

[F. R. Doc. 43-13367; Filed, August 16, 1943; 11:18 a. m.]

PART 962—IRON AND STEEL

[General Preference Order M-21-b-2, as Amended August 16, 1943]

MERCHANT TRADE PRODUCTS · WAREHOUSES AND DEALERS

Section 962.11—General Preference Order M-21-b-2, is amended to read as follows, effective October 1, 1943. Prior to that date, General Preference Order M-21-b-2, as amended June 15, 1943, shall govern.

§ 962.11 *General Preference Order M-21-b-2*—(a) *Purpose and scope.* This order tells how, under the Controlled Materials Plan, a distributor obtains deliveries of merchant trade products from producers and from other persons for stock or for delivery direct to a distributor's customers. The method by which a distributor obtains deliveries of general steel products is set forth in General Preference Order M-21-b-1. Deliveries of steel from stock by distributors to persons not purchasing for resale are governed by CMP Regulation No. 4. Deliveries of merchant trade products by distributors to other distributors are governed by this order and not by CMP Regulation No. 4.

(b) *Definitions.* For the purpose of this order:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule 1 to CMP Regulation No. 1.

(2) "Merchant trade products" means any of the steel products listed in Schedule I hereto.

(3) "Product group" means any of the 11 numbered groups of merchant trade products listed in Schedule I hereto.

(4) "Base period" means

(i) With respect to merchant trade products in product groups 20-23, inclusive, of Schedule I, the calendar year 1940.

(ii) With respect to merchant trade products in product groups 24-30, inclusive, of Schedule I, the 12 months ending June 30, 1941.

(5) "Base tonnage" of a warehouse for any product group means the tonnage of such product group delivered by producers to the stock of such warehouse during the base period, or such other tonnage as may be specifically established by the War Production Board.

(6) "Distributor" means any person (including a warehouse, jobber, dealer, or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(7) "Warehouse" means a distributor who receives physical delivery of merchant trade products from a producer for sale or resale in the form received, and who was engaged during the base period in the business of distributing

merchant trade products from stock. If a warehouse maintains a stock at more than one location, each location shall be deemed a separate warehouse.

(8) "Dealer" means a distributor (other than a warehouse) who receives physical delivery of merchant trade products from persons other than producers for sale or resale in the form received.

(9) "Delivery" includes deliveries received on consignment.

(10) "Minimum carload" means a carload weighing not less than 40,000 pounds.

(c) *Restrictions on placing orders by warehouses with producers and other warehouses for shipment to warehouse stock*—(1) *Product groups to be ordered.* No warehouse shall order or accept delivery to warehouse stock of merchant trade products in any product group except those for which it has a base tonnage pursuant to this order.

(2) *Producers from which Merchant Trade Products may be ordered.* A warehouse shall not order any product in product groups 24, 27, 28 and 29 from any producer for shipment to warehouse stock (and a producer shall not deliver such products to a warehouse) unless the warehouse has a base tonnage for that product group with that producer. A warchouse may place orders for any other merchant trade product for which it has a base tonnage with any producer, but if it wishes to take advantage of the mill tonnage reserved for it as explained in paragraph (d) of this order, it must place orders up to the amount of the reserved tonnage only with its base period supplier. By the use of Form WPB–2889 (PD–83–e) a warehouse can shift its total base tonnage for any product group from one producer to another.

(3) *Stock replacements.* The following rules must be observed by all warehouses when ordering merchant trade products from a producer or another warehouse:

(i) Every order placed with a producer or another warehouse for shipment after September 30, 1943 to warehouse stock must be accompanied by Form WPB–2444 (CMP–11) duly completed and signed.

(ii) For the purpose of Form WPB–2444 (CMP–11) merchant trade products previously delivered from stock in one or more product groups may be accumulated by a warehouse to support an order for any one or more merchant trade product groups for which it has a base tonnage. All deliveries from stock made pursuant to CMP Regulation No. 4 plus deliveries to the stock of other warehouses and dealers made pursuant to this Order, and not previously replaced, may be used to support a form WPB–2444 (CMP–11).

(iii) Form WPB–2444 (CMP–11) may be used only to replace merchant trade products delivered from warehouse stock during the 12 months preceding the date of order placement, but in no event may be used to replace deliveries made before April 1, 1943. No warehouse may use any deliveries from stock to support a stock replacement order more than once. If any deliveries from stock made after March 31, 1943, have been replaced before October 1, 1943, by the use of Form PD–83–g or Form WPB–2444 (CMP–11), such deliveries may not be used to support any order accompanied by Form WPB–2444 (CMP–11).

(iv) Warehouse orders accompanied by Form WPB–2444 (CMP–11) may be placed with any producer (except in the case of the products mentioned in paragraph (c) (2) above) and may be for less than 40,000 lbs. To the extent possible, the tonnage covered by the order should be included with other material to permit the shipment of a minimum carload.

(v) A warehouse may place purchase orders with producers or other warehouses for any merchant trade product group for which it has a base tonnage without limit as to quantity provided each order is accompanied by Form WPB–2444 (CMP–11) properly supported by a record of previous deliveries of merchant trade products from stock.

(vi) All deliveries of steel requested on Form WPB–2444 (CMP–11) must be made only to the location from which the steel being replaced was shipped.

(4) *Time for specifying delivery.* Orders for merchant trade products placed with producers for delivery to warehouse stock, and accompanied by Form WPB–2444 (CMP–11), must specify delivery not earlier than the time shown in Schedule II of this order. A producer may waive this requirement as long as he does not discriminate between his customers in doing so. Also, a producer may, with the customer's approval, make delivery before the date specified in the customer's order, provided such delivery does not interfere with deliveries on other authorized controlled material orders requiring shipment in the same or an earlier month, and provided that such deliveries will not violate production directives then in force. Orders for delivery to warehouse stock accompanied by Form WPB–2444 (CMP–11) placed with producers for material not requiring scheduled rollings (such as rejects, wasters, waste wasters, wire shorts, etc.), or placed with other warehouses, may specify delivery at any time.

(5) *Status of warehouse orders for delivery to stock.* Each order placed by a warehouse with a producer as provided in this paragraph (c) shall be deemed an authorized controlled material order. Orders placed with other warehouses may, but need not, be accepted. Any part of the order which is accepted shall be deemed an authorized controlled material order.

(d) *Warehouse load directives.* Most producers of merchant trade products operate under a warehouse load directive which instructs them to reserve each calendar quarter a part of their production of certain merchant trade product groups to fill authorized controlled material orders submitted by warehouses for which they have a base tonnage. Each warehouse, however, in order to take advantage of the tonnage reserved for it during a calendar quarter, must submit its order or orders, accompanied by Form WPB–2444 (CMP–11), to the producer then holding its base tonnage, not later than the expiration date stated in the warehouse load directive. A producer may fill warehouse orders received after that time but may not reserve any space for them. Producers must consider the first orders for any product group received from any warehouse for delivery in a particular calendar quarter as applicable to the tonnage of such product group reserved for that warehouse during that quarter. In addition to the tonnage of any product group reserved for any warehouse with the producer presently holding its base tonnage, a warehouse may place orders for that product group, accompanied by Form WPB–2444 (CMP–11), with the same or any other producer, subject to the limitations of paragraph (c).

(e) *Purchases from idle or excess inventories.* A distributor may order for delivery to its stock, without limitation as to quantity, from idle or excess inventories pursuant to Priorities Regulation No. 13, merchant trade products in any product group which it handled during the base period. Each purchase order for such material shall be endorsed in substantially the following form, and when so endorsed shall be deemed to be an authorized controlled material order:

The undersigned certifies to the seller and to the War Production Board that this order is placed pursuant to paragraph (e) of Order M–21–b–2, and is an authorized controlled material order.

---------- By----------
Name of distributor Authorized official

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Address Date

(f) *Warehouse purchases for direct shipment.* A purchase order placed by a warehouse specifying direct shipment to one of its customers complying with the following conditions shall be deemed an authorized controlled material order:

(1) *Orders for direct shipment to a consumer.* A warehouse receiving an authorized controlled material order from a consumer and wishing to arrange for shipment direct to the consumer by the producer or other supplier must specify delivery to a point other than its warehouse, and shall copy on its own purchase order the endorsement made to it by its customer (including the customer's name) in accordance with CMP Regulation No. 1 or other applicable regulation or order.

(2) *Orders for direct shipment to another warehouse.* A warehouse receiving a stock order from another warehouse (but not a dealer) and wishing to arrange for shipment direct to the warehouse by a producer shall specify delivery direct to its warehouse customer and shall accompany its own purchase order to the producer with a copy of Form WPB–2444 (CMP–11) duly filled out and signed by its warehouse customer in the manner provided for in paragraph (c) of this order.

(3) *Rejection of orders for direct shipment.* A producer may reject an authorized controlled material order received from a warehouse calling for direct shipment, but if open space exists must notify the warehouse in writing, with a copy of the notification being mailed direct to the warehouse customer, that it is prepared to fill the order direct

from the customer or through another person.

(4) *Special instruction with respect to wire rope and strand.* When ordering wire rope and strand for direct shipment to a warehouse customer, a warehouse may specify delivery of the order to its own warehouse, providing the material is labeled for the account of the customer, and provided that immediate delivery of the order is made to the warehouse customer upon receipt of the material at the warehouse.

(g) *Earmarked warehouse stocks.* To the extent agreed upon by the Steel Division and any claimant agency, an earmarked stock of one or more merchant trade products may be established in any warehouse. Deliveries to such stock and withdrawals therefrom shall be made only in accordance with the specific directions which shall be issued at the time such stock is established.

(h) *Restrictions on placing orders by dealers.* Dealers may purchase merchant trade products for stock only as follows:

(1) On or after October 1, 1943, a dealer may order for stock all merchant trade products sold since April 1, 1943, in accordance with CMP Regulation No. 4, provided that such material sold has not already been replaced or ordered for stock replacement. Dealers' orders for stock replacement may be placed with wholesale distributors or with any person other than a producer. A dealer does not have to reorder the same merchant trade product he has sold, but can order an equivalent tonnage of the same or any other merchant trade product. No dealer shall use any delivery from stock to support a stock replacement order more than once.

(2) It is not necessary for a dealer to extend individually the allotment numbers, CMP symbols, farmers certificates or other valid certificates received from his customers in order to establish an authorized controlled material order with his supplier. To establish such an order the dealer must sign the following statement on the purchase order which he places with his supplier:

The undersigned hereby certifies to the seller and to the War Production Board, subject to criminal penalties for misrepresentation, that the material covered by this order is to replace in stock merchant trade products of the same weight delivered by me from stock in accordance with CMP Regulation No. 4, after March 31, 1943, and not previously ordered for replacement. This constitutes an authorized controlled material order.

---------- By----------
Name of Dealer Authorized Official

---------- ----------
Address Date

Any order so endorsed shall be considered an authorized controlled material order.

(i) *Reports.* Each warehouse whose base tonnage of any one of the groups of merchant trade products listed below exceeds the tonnage shown shall file with the Bureau of the Census, Washington, D. C., a quarterly report in duplicate on Form WPB–2892 (PD–83–1).

	Tons
Pipe (product groups 20–21)	240
Tin and Terne plates (product group 22)	240
Galvanized, lead coated, or painted sheets and strip, including roofing and siding, valley, ridge roll, and flashing (product group 23)	240
Wire products (product groups 24–30)	240

Each warehouse and dealer who is not required to file such report shall maintain for a period of not less than 2 years a record of its shipments from stock, receipts into stock, and inventory of each merchant trade product group on hand at the end of its fiscal year. Such record shall be available for inspection at any time by any duly authorized representative of the War Production Board.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provision appealed from and stating fully the grounds for the appeal. In emergency cases, appeal may be made by telegraph.

(k) *Communications to War Production Board.* All appeals or other communications concerning this order shall be addressed to the Warehouse Branch, Steel Division, War Production Board, Washington 25, D. C., Reference: M–21–b–2.

(l) *Violations.* Any warehouse, dealer, or other person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Special instructions.* The War Production Board may from time to time issue instructions to warehouses or dealers with respect to making, withholding, accepting or refusing deliveries.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I

MERCHANT TRADE PRODUCTS

Product groups	Types of steel included: Carbon	Stainless	Other alloy
20. Standard and line pipe and water well tubular products (includes steel and wrought iron pipe), and couplings	x	----	----
21. Oil country casing, tubing and drill pipe, and couplings	x	----	x
22. Tin plate and terne plate (short ternes)	x	----	----
23. [1] Galvanized, lead coated, or painted sheets and strip (including galvanized flat sheets purchased for the manufacture of roofing and siding), formed roofing and siding (painted, black, galvanized or lead coated), valley, ridge roll, and flashing	x	----	----
24. Wire rope and strand	x	----	----
25. Nails (cut and wire), fence and netting staples	x	----	----
26. Wire, drawn	x	x	x
27. Wire bale ties	x	----	----
28. Wire (barbed and twisted), wire fence (woven or welded) and netting	x	----	----
29. Fence posts	x	----	----
30. Welded wire concrete reinforcing fabric	x	----	----

[1] Substitution of black sheets (21 gauge and lighter) may be made for galvanized flat sheets of the same gauge.

SCHEDULE II

TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS FOR MERCHANT TRADE PRODUCTS

Product	*No. of days in advance of first day of month in which shipment is required*
Pipe	30
Sheets and strip, galvanized	45
Tin mill products	30
Wire and wire products:	
Manufacturing wires:	
Low carbon (0.39 carbon and lower)	
.0475" and heavier	45
Under .0475"	60
High carbon (0.40 carbon and higher)	
.0475" and heavier	45
Under .0475" to .021"	60
Under .021"	75
Wire rope and strand:	
5/8" dia. and over	75
9/16" dia. and over	105
Welded wire concrete reinforcing fabric	45
All others	30

[F. R. Doc. 43–13368; Filed, August 16, 1943; 11:19 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–393]

CHARLES A. CONGDON

Charles A. Congdon, of Burlington, Vermont, is a building contractor carrying on a business of substantial size. About the middle of December, 1942, he contracted to reconstruct a building known as the Warner Block in Burlington, which had been recently damaged by fire, at an estimated cost of $12,784.00, and he later undertook and completed the work at an actual cost of $10,019.00. Mr. Congdon knew from information obtained in local papers and trade journals of the existence of Limitation Order L–41, but made no effort to familiarize himself with the actual terms of the Order, and in the present case acted on the erroneous and unjustifiable belief that the work done was to be classified as repairs, and hence not subject to the restrictions imposed by the Order. When the building was about 90% completed he was informed by a representative of the War Production Board that the work was being done in violation, despite which he completed the work. This violation of Limitation Order L–41 has been deemed wilful.

In February, 1943, Barney Magram and Rose Glass, co-partners, doing business under the name of the Fashion Shop in Burlington, consulted Mr. Congdon with reference to remodeling the premises at 81–83 Church Street. The building was designed for occupancy by not more than five establishments so that under Order L–41 the limitation of $200.00 for construction not specifically authorized was applicable. Mr. Congdon knew of that provision, assumed that the building was designed for occupancy by more than five establishments, and without any attempt to ascertain whether his belief was correct, advised Mr. Magram that permitted construction must be limited to $1000. Thereafter, on or about February 24, 1943, Mr. Congdon began construction at a cost, as defined in Order L–41, of about $1000, in violation

of that order. This violation has been deemed wilful. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.393 *Suspension Order No. S–393.* (a) Deliveries of material to Charles A. Congdon, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating orders, preference rating certificates, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Charles A. Congdon, his successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Charles A. Congdon, his successors and assigns, are hereby prohibited from ordering, purchasing, accepting delivery of, withdrawing from inventory or in any other manner securing or using material or construction plant in order to begin construction or to continue construction as defined in Conservation Order L–41 unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve Charles Congdon, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(e) These prohibitions shall take effect on August 16, 1943 and shall expire on September 30, 1943, at which date it shall have no further force or effect.

Issued this 9th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13369; Filed, August 16, 1943; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–394]

FASHION SHOP

Barney Magram and Rose Glass are co-partners in a retail business conducted under the name of Fashion Shop, in Burlington, Vermont. This firm in January, 1943, leased premises at 81–83 Church Street, Burlington, Vermont. This was a building designed for occupancy by only five establishments, and, under Limitation Order L–41, construction, the estimated cost of which did not exceed $200., could be begun without any specific authorization being necessary from the War Production Board. Acting for the partnership, Mr. Magram proceeded to plan for remodeling the newly leased premises in the course of which he received erroneous advices from Charles A. Congdon, a building contractor, that construction could be begun if the costs thereof did not exceed $1000. Thereafter, on or about February 24, 1943, construction was begun at Mr. Magram's direction. However, besides employing Mr. Congdon to do the principal construction work at a cost estimated at $1000., Mr. Magram at the same time proceeded to have other construction work done by other contractors, the total estimated cost of all construction being thereby far in excess of $1000. This beginning and proceeding with construction, therefore, has been deemed a wilful violation of Limitation Order L–41. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.394 *Suspension Order No. S–394.* (a) Neither Barney Magram and Rose Glass individually or doing business as Fashion Shop or otherwise, their or its successors or assigns, nor any other person, shall order, purchase, accept delivery of, withdraw from inventory, or in any manner secure or use material or construction plant in order to continue or complete construction of the remodeling of the premises at 81–83 Church Street, Burlington, Vermont, now occupied by them, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Barney Magram or Rose Glass, their successors or assigns, from any restrictions, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 16, 1943.

Issued this 9th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13370; Filed, August 16, 1943; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–404]

FERGUSON FURNITURE CO., INC.

Ferguson Furniture Company, Inc., 202 N. Farish Street, Jackson, Mississippi, is a corporation engaged in the retail sale of general household and furniture goods and wearing apparel. From September 19, 1942 to December 13, 1942, the Company made numerous sales of heaters, stoves and cooking equipment using gas or oil as fuel to ultimate consumers who were not entitled to purchase them under the provisions of Limitation Order L–79. Although the Company knew there was this War Production Board Order which applied to metal plumbing and heating equipment, it failed to ascertain whether the restrictions thereof governed its sales of such items. These violations of Limitation Order L–79 were the result, therefore, of such gross negligence on the Company's part as to be deemed wilful, and the diversion of critical materials resulting therefrom has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.404 *Suspension Order No. S–404.* (a) Ferguson Furniture Company, Inc., its successors and assigns, shall not purchase, sell, deliver or otherwise deal in new metal heating equipment and new metal cooking and baking equipment, as those terms are defined in Limitation Order L–79, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Ferguson Furniture Company, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect August 16, 1943, and shall expire on November 16, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 11th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13371; Filed, August 16, 1943; 11:20 a. m.]

PART 1124—COTTON TEXTILES FOR USE FOR BAGS

[Revocation of General Preference Order M–107]

Section 1124.1 (General Preference Order M–107) is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said General Preference Order M–107.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13377; Filed, August 16, 1943; 11:19 a. m.]

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Interpretation 1 to Limitation Order L–192]

The following Interpretation 1 is issued with respect to Limitation Order L–192.

Under paragraph (j) (1) (ii) of Limitation Order L–192 (§ 1157.10) all persons, except producers, dealers, distributors, and war agencies, are required to obtain specific authorization from the War Production Board on Form PD–556 in order to purchase construction equipment repair parts for stock or inventory in excess of the quantity required for the repair of impending breakdown or for maintenance of equipment in sound working condition on the current job.

The exemption in favor of dealers and distributors, however, does not apply to dealers or distributors located outside the United States. Paragraph (c) (9), as amended, defines dealers and distributors to include only those dealers and distributors located within the forty-eight states of the United States and the District of Columbia. It follows, therefore, that any dealer or distributor located outside the United States must obtain specific authorization on Form PD–556 in order to get a stock of repair parts from a person in the United States.

This restriction applies separately to each branch office or warehouse located outside the United States, even if the main office is located in the United States. For example, a dealer located in Seattle may purchase repair parts for his Seattle stock without specific authorization; however, his Canadian or Alaskan branch cannot get repair parts either from a factory in the United States or from the Seattle office without getting specific authorization on Form PD–556.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13378; Filed, August 16, 1943; 11:18 a. m.]

PART 1190—COTTON TEXTILES FOR ESSENTIAL INDUSTRIAL AND SURGICAL PRODUCTS

[Revocation of Schedule I of General Preference Order M–134]

INDUSTRIAL CLOTH OR TAPE

Section 1190.2 (Schedule I, "Industrial Cloth or Tape," of General Preference Order M–134) is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Schedule I of General Preference Order M–134.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13379; Filed, August 16, 1943; 11:19 a. m.]

PART 1190—COTTON TEXTILES FOR ESSENTIAL INDUSTRIAL AND SURGICAL PRODUCTS

[Revocation of Schedule III of General Preference Order M–134]

LAMINATED PHENOLIC PRODUCTS

Section 1190.4 (Schedule III, "Laminated Phenolic Products," of General Preference Order M–134) is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Schedule III of General Preference Order M–134.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13380; Filed, August 16, 1943; 11:19 a. m.]

PART 3064—COTTON TEXTILES FOR AGRICULTURAL AND FOOD PROCESSING USES

[Revocation of General Preference Order M–218]

Section 3064.1 (General Preference Order M–218) is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said General Preference Order M–218.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13381; Filed, August 16, 1943; 11:19 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 15 as Amended August 16, 1943 to CMP Reg. 1]

MILL STOCKS OF STEEL

The following Direction 15 is issued pursuant to CMP Regulation 1.

A producer of controlled materials who on January 1, 1943, maintained a mill stock of steel products at any location may continue to maintain a mill stock at such location, provided title to such stock has not been transferred to a consumer of steel or a warehouse, and provided further the quantity of any steel product maintained in such stock does not exceed the average inventory of such product maintained in such stock between January 1 and May 1, 1943. A shipment made by a producer from mill stock may be replaced from mill rollings provided such replacement is made of the product shipped. The production of steel products for mill stocks shall be within the limits of the current production directives covering the production of such products.

NOTE: Second sentence amended August 16, 1943.

The foregoing does not apply to producer-owned stocks of steel products held on consignment by a distributor (as defined in CMP Regulation No. 4). Such stocks are subject to the rules governing warehouses and dealers set forth in CMP Regulation No. 4 and in General Preference Orders M–21–b–1 and M–21–b–2.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13382; Filed, August 16, 1943; 11:20 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 13 to CMP Reg. 1]

ALLOTMENT PROCEDURE DETERMINES CLASSIFICATION OF PRODUCT IN CERTAIN CASES

The following Interpretation 13 is issued with respect to CMP Regulation 1.

(a) When the B product allotment procedure is followed in making allotments for the manufacture of a Class A product, all of the provisions of CMP regulations governing B products apply. A good example of this is Class A repair parts which are handled on the B product basis. Under paragraph (p) of CMP–1 (§ 3175.1), an order for a Class A product, once accepted, cannot be displaced by an order received at a later time even though the later order bears a higher preference rating. However, if the product is a Class A repair part which is handled on a Class B basis, this provision does not apply. Paragraph (g) (3) provides that no consumer may make an allotment for the production of Class B products. In the case of a Class A repair part which is handled on a Class B basis, this provision does apply.

(b) On the other hand, when the A product allotment procedure is followed for making allotments for the manufacture of a Class B product, all of the provisions of CMP regulations governing A products apply. In such a case, the provision of paragraph (p) mentioned above does apply, and the provision of paragraph (g) (3) does not apply.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13372; Filed, August 16, 1943; 11:19 a. m.]

PART 3176—VALVES AND VALVE PARTS

[Limitation Order L–252, as Amended August 16, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage of steel, copper, and other critical materials used in the manufacture of valves and valve parts, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3176.1 *Limitation Order L–252*—(a) *Definitions.* Wherever used in this order:

(1) "Producer" means any person who manufactures valves and valve parts.

(2) "Valves" means gate, globe, angle, cross, lift check, angle check, or swing check valves (including variations of those types, such as the valves generally referred to as quick opening, blow off, hose end, Y-type and hydraulic), except drilling through and flow line valves for oil production service. This definition does not include valves of the types generally referred to as "specialties".

(3) "Valve parts" means parts for valves as defined above.

(4) "Put into process" means to process, machine, or fabricate or in any other manner alter any material by physical or chemical means.

(b) *Limitations.* Except as specifically authorized by the War Production Board, no producer shall after May 1, 1943, put into process or cause to be put into process, any material to be incorporated into valves or valve parts, except for the manufacture of valves and valve parts which conform to the specifications contained in the Appendix attached to and a part of this order, or for the manufacture of:

(1) Valves

(i) The bodies or bonnets of which were cast or forged before May 1, 1943;

(ii) Ordered for use as part of the equipment of aircraft or watercraft other than pleasure craft; or

(iii) For the conduction of liquid or gas having chemical or physical prop-

erties which render the use of valves described in the Appendix dangerous or impractical; and

(2) Valve parts for repair of valves which are completed on May 1, 1943, or which are produced thereafter in accordance with the provisions of paragraph (b) (1) of this order.

(c) *Restricted deliveries.* Except as specifically authorized by the War Production Board:

(1) No producer shall sell or make delivery of any valves or valve parts manufactured in violation of the terms of this order, and

(2) No person shall knowingly purchase or accept delivery of any valve or valve part produced in violation of this order.

(d) *Order superseded.* The provisions of this order supersede the provisions of Schedule No. 1 of Limitation Order L–42.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of all applicable priorities regulations.

(f) *Records.* Each producer shall retain in his files for a period of two years records showing his inventory and production of all valves, including those for the manufacture of which material was put into process subsequent to May 1, 1943. These records shall be kept readily available and open to inspection by duly authorized representatives of the War Production Board.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Shipbuilding Division, War Production Board, Washington, 25 D. C., Ref.: L–252.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX

NOTE: Part 2, paragraphs 2 (f), (g); part 3, paragraph 2 (b) amended August 16, 1943.

Specifications for Valves and Valve Parts

The following specifications govern the manufacture of valves and valve parts. These specifications do not purport to contain any recommendations regarding the most efficient or safe use of any valve or valve parts covered herein.

Certain of the terms used in this appendix (including the terms valves and valve parts) are defined in the body of this order, L–252. In addition, certain exceptions are made, and certain obligations imposed upon producers and others. You should, therefore, be thoroughly familiar with the body of the order before reading this appendix.

PART 1

Iron Gate, Globe, Angle, Cross, and Check Valves and Valve Parts

1. *Standard size schedule: Iron valves.* (a) Valves shall be manufactured only in the pressure classes listed in Table 1 and in the particular sizes, specified in Table 2, which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1

[All size ranges are inclusive]

Primary [1] pressure classifications in pounds per square inch		Gates (inches)			Globe and angle (inches)		Lift check (inches)		Swing check (inches)		
Steam	Water	Screwed	Flanged	Hub	Screwed	Flanged	Screwed	Flanged	Screwed	Flanged	Hub
25	50	.....	4 to 72	4 to 72	.....	.....	.....	.....	.....	.....	.....
	100	.....	4 to 72	4 to 72	.....	.....	.....	.....	.....	.....	.....
125	150 to 200	2 to 6	2 to 72	2 to 72	2 to 4	2 to 10	2 to 4	3 to 6	2 to 6	2 to 24	4 to 24
150 [3]	250	[2] ¼ to 3	[2] 1 to 3	.....	[2] ¼ to 3	[2] 1 to 3	[2] ¾ to 3	.....	[2] ¼ to 3	.....	.....
250	500	2 to 4	2 to 24	.....	2 to 4	2 to 6	.....	.....	2 to 4	2 to 12	.....
300 [3]	.....	[2] ½ to 3	[2] 1 to 3	.....	[2] ¼ to 3	[2] 1 to 3	.....	.....	[2] ¼ to 3	.....	.....
	800	2 to 6	3 to 12	.....	.....	.....	.....	.....	.....	3 to 12	.....

[1] The primary pressure classification designates a class of valves and does not necessarily mean that all sizes in a given class carry the primary pressure classification. American Standards Association standards and manufacturers practice frequently reduce the pressure ratings as size increases, and may not always rate valves for both steam and water.

[2] In sizes 3" and smaller the 120# and 200# primary pressure classification valves are included as substitutes for brass valves. Flanged valves may be rated in accordance with the American Flange Standard used.

NOTE: Other valve end connections in common use on the date of issuance of this order, including among others, the types known as Victaulic, Dresser and Universal, may be manufactured, but only in accordance with the specifications listed in Table 1.. For the purposes of this order, "common use" means use by at least ten companies.

(b) Detail of permitted sizes (see 1 (a) above):

TABLE 2

(Sizes in inches)

¼	4	24
⅜	5	30
½	6	36
¾	8	42
1	10	48
1¼	12	54
1½	14	60
2	16	66
2½	18	72
3	20	

2. *General requirements for iron valves.* (a) End flanges shall conform to American Standards Association standards for corresponding pressure classes, except that for 150# and 200# valves when made of malleable iron as substitutes for brass valves, flanges conforming to Manufacturers Standardization Society of the Valve and Fitting Industry Bronze Flange Standard SP–2 may be used. Flanges may be furnished to the American Gas Association flange standard for low pressure gas service.

(b) Face to face of flanged valves, size 4" and larger, shall comply with American Petroleum Institute standard #5–G–1 and American Standards Association standard B–16.10 for the pressure classes and types which these standards cover.

(c) Valves for 150# primary steam rating and lower shall have manufacturer's standard seating materials, comprising any of the following:

Non-metallic disc.
Iron or carbon steel.
Brass or bronze.
Nickel alloy.

(d) Valves for 250# primary steam rating and higher shall have manufacturer's standard seating materials, comprising any of the following:

Non-metallic disc.
Iron or carbon steel.
Brass or bronze.
Chrome iron.

(e) Bonnet bolts or studs shall be carbon steel.

(f) Nuts for bonnet bolting shall be carbon steel.

(g) Handwheels shall be of ferrous metal, either cast or otherwise fabricated, or of suitable non-metallic material.

(h) All extension stems, couplings and gear housings shall be of ferrous metal

(i) Spot facing or back facing on iron valve flanges is prohibited except when necessary to prevent scrapping otherwise usable products.

3. *Iron gate valves.* (a) Stems for outside screw and yoke valves shall be, at manufacturers' option, either of carbon steel, or of brass or bronze made from secondary metal, i. e., copper base alloy to which refined copper or refined tin is not added in the production of the castings for the stems.

(b) Discs for solid wedge gates 4" and larger and for split wedge or double disc gates 5" and larger, shall be all iron or iron with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class. Discs for non-rising stem valves may be provided with brass or bronze bushing for stem thread.

(c) Bonnet bushing for backseating shall not be provided in outside screw and yoke valves.

(d) Packing gland flange bolts or studs shall be carbon steel.

(e) Nuts for packing gland flange bolts or studs shall be carbon steel.

(f) For valve 4" and larger, the packing gland, if flange and follower or nose are one piece, shall be of iron or iron brass bushed; or if made of two pieces, the flange shall be iron and the follower or nose may be brass

4. *Iron globe, angle, and cross valves.* (a) "Plug" type discs shall not be used for primary pressure 125# classification; but no manufacturer shall make more than one design of metal to metal seat in this class.

(b) Discs for valves 4" and larger shall be all iron or iron with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class.

(c) Stems for outside screw and yoke valves shall be, at manufacturers' option, either of carbon steel, or of brass or bronze made from secondary metal, i. e., copper base alloy to which refined copper or refined tin is not added in the production of the castings for the stems.

(d) Bonnet bushing for back seating shall not be provided.

(e) Packing gland flange bolts or studs shall be carbon steel.

(f) Nuts for packing gland flange bolts or studs shall be carbon steel.

(g) For valves 4" and larger, the packing gland, if flange and follower or nose are one piece, shall be of iron or iron brass bushed; or if made of two pieces, the flange shall be iron and the follower or nose may be brass.

(h) Cross valves shall not be manufactured.

5. *Iron check valves.* (a) Discs for valves 4" and larger shall be either all iron, or iron or steel with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class.

(b) Nuts for attaching swing check disc to hinge or arm shall be carbon steel, or malleable iron.

(c) The hinge or arm for valves 2" and larger shall be of ferrous metal and may be bronzed bushed.

PART 2

Brass or bronze gate, globe, angle, cross, and check valves and valve parts

1. *Standard size schedule: Brass or bronze valves.* (a) Valves shall be manufactured only in the pressure classes listed in Table 1, and in the particular sizes specified in Table 2, which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1

[All size ranges are inclusive]

Primary pressure classifications in lbs. per sq. in. [1]	Sizes [2] screwed end (inches)	Sizes flanged end (inches)	Sizes solder end (inches)
100 Steam	¼ to 2	.....	¾ to 2
125 Steam	⅛ to 2	.....	¼ to 2
150 Steam	⅛ to 2	1 to 2	¼ to 2
200 Steam	⅛ to 2	[3] 1 to 2	¼ to 2
300 Steam	¼ to 2	1 to 2	¼ to 2
Hydraulic 1000 & Higher	⅜ to 2	.....	¼ to 1½

[1] The primary steam rating in no way regulates the pressure at which these valves should be rated for other fluids, but restricts the classes to those mentioned.

[2] Only globe and angle valves may be made in the ⅛" size.

[3] These valves are rated 100#.

(b) Detail of permitted sizes (see 1 (a) above):

TABLE 2

(Sizes in inches)

⅛	½	1¼
¼	¾	1½
⅜	1	2

2. *General requirements for brass or bronze valves.* (a) Check valves shall be horizontal lift and vertical lift or swing check types only. Angle type prohibited.

(b) Spot facing on end connecting flanges is prohibited.

(c) 150# primary pressure classification and lower shall have integral seats.

(d) 150# primary pressure classification and lower shall have brass, bronze, or non-metallic disc only, and plug type discs shall not be used in globe and angle valves.

(e) 200# primary pressure classification and higher shall have manufacturer's standard seating materials comprising any of the following:

Non-metallic disc.
Brass or bronze.
Chrome iron.
Nickel alloy.

(f) Union bonnet rings and union rings for valve ends shall be brass, bronze, malleable iron or steel, at manufacturer's option.

(g) Stuffing box packing nuts shall be brass, bronze, malleable iron or steel, at manufacturer's option.

(h) Handwheels and valve handles shall be ferrous metal, either cast or otherwise fabricated; or suitable non-metallic material.

(i) End flanges shall conform to:

1. Manufacturers Standardization Society of the Valve and Fittings Industry, Standard Practice 150#–SP–2.

2. Manufacturers Standardization Society of the Valve and Fittings Industry, Standard Practice 300#–SP–2.

(Depending upon rated pressure of the valve.)

(j) Use Manufacturers Standardization Society of the Valve and Fittings Industry, SP–20 grade A or American Society for Testing Materials B–62 or EA–B62 brass or bronze for all valve pressure castings in valves in primary pressure classifications of 125#, 150# and 200#. Use Manufacturers Standardization Society of the Valve and Fittings Industry, SP–20 grade B or American Society for Testing Materials B–61 brass or bronze for all valve pressure castings in valves in primary classifications of 300# or higher. Bonnets 200# and higher pressure classification may be made of a "cast bearing bronze."

(k) Cross valves shall not be manufactured.

PART 3

Steel Gate, Globe, Angle, Cross, and Check Valves and Valve Parts

NOTE: These limitations do not apply for primary ratings higher than 1500#. Moreover, these limitations do not apply for valves for temperatures exceeding 1000 degrees F. or below minus 50 degrees F. Furthermore, these limitations do not apply to drilling through or flow line valves for oil production service.

The term "stainless" is used in this Part 3 of this appendix to describe any of the iron base alloys such as 12% chrome, or 18–8 chrome nickel whose primary characteristics are resistance to corrosive attack, or elevated temperature, or both.

1. *Standard size schedule: Steel valves.* (a) Valves shall be manufactured only in the pressure classes listed in Table 1, and in the particular sizes specified in Table 2 which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1

[All size ranges are inclusive]

Primary pressure classification in Pbs. per sq. in.	Gate (inches)			Globe and angle (inches)			Horizontal and angle check (inches)			Swing check (inches)		
	Screwed	Flanged	Welded	Screwed	Flanged	Welded	Screwed	Flanged	Welded	Screwed	Flanged	Welded
150	2 to 4	2 to 24	.....	2 to 4	2 to 8	.....	.....	.....	.....	2 to 4	2 to 8	.....
300	2 to 4	2 to 24	.....	2 to 4	2 to 12	.....	.....	2 to 8	.....	2 to 4	2 to 12	.....
600	¼ to 2	½ to 24	¼ to 24	⅛ to 2	½ to 14	⅛ to 14	¼ to 2	½ to 14	¼ to 14	½ to 2	1¼ to 14	1¼ to 14
900	.....	3 to 18	3 to 18	.....	3 to 14	3 to 14	.....	3 to 14	3 to 14	.....	3 to 14	3 to 14
1500	¼ to 2	1½ to 14	¼ to 14	¼ to 2	1½ to 14	¼ to 14	¼ to 2	1½ to 14	¼ to 14	.....	3 to 14	3 to 14

(b) Detail of permitted sizes.

TABLE 2

(Sizes in inches)

⅛	2	10
¼	2½	12
⅜	3.	14
½	4	16
¾	5	18
1	6	20
1¼	8	24
1½		

2. *General requirements for steel valves.* (a) Valves covered by items 3, 4, and 5, which follow, shall be in accordance with American Petroleum Institute standard 600A for gate valves, and with American Standards Association B16e for all types, except as modified by the specifications set forth in this part 3 of this appendix.

(b) Face to face of flange end valves shall comply with American Petroleum Institute standard 5–G–1 and American Standards Association B16.10 for the types covered by these standards except as modified by the specifications contained in paragraph 4 of part 3 of this appendix.

NOTE: Paragraph (2) (b) of appendix, part 3, amended August 16, 1943.

(c) Discs of valves 5" and larger shall be made of the same material as the valve body, with seating material laid on or attached.

(d) Handwheels 24" diameter and smaller shall be malleable iron, or fabricated steel.

(e) Raised contact faces on flanges shall be serrated (concentric or spiral) or smooth at manufacturer's option.

(f) Cross valves shall not be manufactured.

3. *150 lb. Pressure class: Steel valves.* (a) End flange faces shall have American Standards Association 1/16" raised face.

(b) Bodies and bonnets shall be carbon steel.

(c) Seating materials shall be any of the following:

Carbon steel.
Brass or bronze.
12% chrome iron.

(d) Bonnet bushing for back seating shall not be provided, but backseating shall be included.

(e) Stems shall be carbon steel, brass or bronze.

(f) Bonnet bolting shall be either carbon steel or manganese steels of the SAE 1300 Series.

(g) Bonnet bolt nuts shall be semi-finished carbon steel.

(h) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(i) Bonnet gaskets shall be asbestos composition sheet.

4. *300 lb. Pressure class: Steel valves.* (a) End flange faces shall be American Standards Association 1/16" raised face, or American Petroleum Institute octagonal ring joint groove providing the groove is cut in the basic flange thickness.

(b) Bodies and bonnets shall be carbon steel, except when required to resist extreme corrosion or temperature conditions they may be 4% to 6% chrome, ½% molybdenum.

(c) The seating materials shall be any of the following:

Same material as body.
Brass or bronze.
12% chrome iron.
Nickel copper alloy.
Hard facing.

(d) Stems shall be any of the following:

Brass or bronze.
12% chrome iron.

(e) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(f) Bonnet bolting shall conform to the following limitations:

1. For temperature up to and including 850 degrees F., National Emergency 9400 series steels or SAE 4140 steel.

2. For temperatures over 850 degrees F., Grade B14 steel per American Society for Testing Materials specification A193.

(g) Bonnet bolt nuts shall be semi-finished carbon steel.

5. *600 lb., 900 lb. & 1500 lb. Pressure classes: Steel valves.* (For 600 lb. and 1500 lb. general purpose valves, see paragraph 6)

(a) End flange faces shall be either American Standards Association octagonal ring joint groove or American Petroleum Institute octagonal ring joint groove, or ¼" American Standards Association large male face.

(b) Bodies and bonnets shall be carbon or carbon molybdenum steel, except when required to resist extreme corrosion or temperature conditions, in which case they may be 4% to 6% chrome, ½% molybdenum, or stainless if so specified. (See definition for "stainless" in note under heading of Part 3.)

(c) The seating materials shall be of any of the following:

Same material as body.
Stainless (See definition in note under heading of Part 3).
Nickel copper alloy.
Hard facing.

(d) Stems shall be the following:

Stainless (See definition in note under heading of Part 3).

(e) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(f) Bonnet bolting shall conform to the following limitations:

1. For temperature up to and including 850 degrees F., National Emergency 9400 series steels or SAE 4140 steel.

2. For temperature over 850 degrees F., Grade B14 steel per American Society for Testing Materials specification A193.

(g) Bonnet bolt nuts shall be semi-finished carbon steel.

6. *General purpose steel valves: 600 lb. & 1500 lb.—2¼ and smaller.* (a) End connections shall be:

1. Flanged American Standards Association standard with ¼" large male face.
2. Screwed end.
3. Socket welding end.

The 600 lb. class flanged end valves may be made with 150-lb. American Standards Association steel flange diameter, drilling, and/or facing.

(b) Bodies and bonnets shall be carbon or carbon molybdenum steel, except when required to resist extreme corrosion or temperature conditions, in which case they may be 4% to 6% chrome, ½% molybdenum, or stainless if so specified. (See definition for "stainless" in note under heading of Part 3.)

(c) Seating materials shall be any of the following:

Same material as body.
Brass or bronze.
Stainless. (See definition in note under heading of Part 3.)
Nickel copper alloy.
Hard facing.

[F. R. Doc. 43-13373; Filed, August 16, 1943; 11:18 a. m.]

PART 3290—COTTON TEXTILE DISTRIBUTION

[General Conservation Order M-317]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of cotton textiles for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.115 *General Conservation Order M-317*—(a) *Definitions.* For the purpose of this order:

(1) "Woven cotton textiles" means woven fabrics made wholly or partially of cotton or cotton waste, either grey, bleached, dyed or printed, and cotton bed sheets, pillow cases, blankets, towels and face cloths, including rejects and seconds. The term does not include fabrics containing both cotton and wool made on spindles or looms normally engaged in the manufacture of woolen or worsted products, or cotton duck as defined in order M-91.

(2) "Producer" means any manufacturer who makes cotton textiles.

(3) "Processor" means any person engaged in the business of manufacturing or having manufactured for his account any product in which cotton textiles are incorporated.

(4) "Intermediate processor" means any person engaged in the business of bleaching, dyeing or otherwise finishing cotton textiles and selling or using them for his own account in the bleached, or otherwise finished state.

(5) "Merchant" means any person engaged in the business of purchasing cotton textiles for his own use in agriculture, food processing or manufacturing, or for resale to a processor or intermediate processor in the form in which purchased.

(6) Trade terms used in this order shall have their usual trade significance unless otherwise specified.

(b) *Compulsory use of ratings assigned in schedule A.* No processor, intermediate processor or merchant shall purchase or accept delivery of the particular woven cotton textiles designated in Schedule A for any purpose for which a rating is assigned to him in the schedule, unless he has applied or extended that rating or a rating specifically assigned on form WPB-2842. He may not purchase the particular woven cotton textile for the specified purpose with any other rating which he may have (whether higher or lower) nor may he purchase it without a rating. Through the operation of this paragraph, all manufacturers of products listed in Column II of Schedule A will be treated alike for the requirements specified in the schedule. The rules of this paragraph do not change the rating on the finished product. For all purposes except to acquire woven cotton textiles, the rating on the finished product controls (such as to determine the sequence of deliveries of the finished product).

For example, even though a manufacturer (processor) who is given a rating of AA-3 in Schedule A to obtain twills to make coated abrasive products, holds an order for coated abrasive products rated AA-1, he must use the AA-3 rating given by this schedule to obtain the twills and may not use the AA-1 rating for this purpose. The AA-1 rating, however, remains applicable to the finished coated abrasive product for all other purposes.

(c) *Other valid preference ratings for woven cotton textiles.* (This paragraph states conditions which must be met to make ratings for cotton textiles valid in cases not covered by paragraph (b). However, even though a rating is not valid for cotton textiles, this does not prevent anyone from filling an order if he can do so without disregarding valid ratings on other orders for cotton textiles or disregarding paragraph (b) or other directions of the War Production Board.)

In any case in which it is not necessary to use the rating assigned in Schedule A or on form WPB-2842, no other preference rating heretofore or hereafter assigned, applied or extended for the delivery of any woven cotton textiles shall be valid and no person shall knowingly give any effect to any other rating unless:

(1) The rating has been assigned on some form or letter issued by or under the authority of the War Production Board to a named applicant specifically describing the item and specifying the yardage, type and construction of woven cotton textiles which may be obtained by the rating; or

(2) The rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain woven cotton textiles for direct or ultimate delivery to, or for incorporation into any material for ultimate delivery to, the Army or Navy of the United States (including Post Exchanges and Ship's Service Stores), the Maritime Commission or the War Shipping Administration; or

(3) The rating has been assigned by Order P-131 (Officer's Uniforms), Order M-166 (Flags), Order M-298 (Blankets), Order M-207 (Cotton Textiles for Work Apparel), Schedule II of Order M-134 (Surgical Dressings) or Order M-148 (Exports under License Issued by the Office of Economic Warfare); or

(4) The rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain woven cotton textiles actually required as, or required for incorporation in, a functioning part of industrial machinery. (For example, a rating assigned under the Controlled Materials Plan to a manufacturer of paper making machinery may be used by him to obtain dryer felts for the machinery.)

(d) *How ratings for woven cotton textiles are to be applied or extended.* (1) Preference ratings which are assigned by a schedule of this order or which are specifically permitted to be used by this order shall be applied or extended as provided in Priorities Regulation 3. Any person applying or extending a rating assigned by Schedule A or on form WPB-2842 or which can be used under paragraph (c) (1), (c) (2) or (c) (4) shall place upon the purchase order a notation substantially as follows:

This rating has been assigned by (or can be used under) M-317.

However, the Army or Navy of the United States, the Maritime Commission and the War Shipping Administration shall not be required to place this notation on their direct purchase orders.

If the rating is assigned by an order listed in subparagraph (c) (3), the person applying or extending the rating shall place upon the purchase order a notation substantially as follows:

This rating has been assigned by Order No. —— (insert number of order in subparagraph (c) (3) assigning the rating).

If, however, the order assigning the rating prescribes a specific certification, the notation prescribed by this paragraph shall not be necessary.

(2) *Restriction on use of rating to get fiber or yarn.* Even though a rating may be valid for woven cotton textiles under the provisions of this order, no person shall apply or extend that rating to get fiber, yarn or other material unless it is to be used or delivered on an order for the Army or Navy of the United States, the Maritime Commission or the War Shipping Administration, as provided in paragraph (c) (2).

(e) *Allocation.* The War Production Board may allocate and direct deliveries of cotton textiles pursuant to application on form WPB-2842.

(f) *Inventory restrictions.* No processor, intermediate processor or merchant shall accept delivery of any cotton textiles if his aggregate inventory (including cotton textiles in transit or in process of conversion) is, or by accepting the delivery will be more than, a practical minimum working inventory. In no event shall the inventory (other than that part in transit or in process of conversion) be more than his requirements for sixty days.

(g) *Vertical organizations.* Any person whose business includes any two of the following: producer, processor, intermediate processor or merchant shall be deemed a separate person in each of these capacities for the purpose of:

(1) Using the ratings assigned by this order. For example, a textile bag manufacturer (processor) has an AA-3 rating to obtain osnaburgs to make his bags. However, he produces osnaburgs himself both for his own use and for sale to others and is therefore a producer. He may treat his own requirements for osnaburgs as though they were on purchase orders bearing an AA-3 rating.

(2) Applying the inventory restrictions of paragraph (f) of this order. For example, a converter of bandage cloth who is also a manufacturer of surgical dressings is entitled to a minimum working inventory as to each of his operations, provided that his total working inventory for his combined operations is not excessive.

(h) *Limitations upon accepting rated contracts calling for forward delivery.* No person shall be required to accept any rated order for cotton textiles calling for delivery more than 90 days after the receipt of the order except from the Army or Navy of the United States, the Maritime Commission or the War Shipping Administration.

(i) *Further restrictions.* (1) The assignment or authorization of preference ratings under this order shall not constitute authorization for the delivery, receipt, manufacture or use of any materials in violation of the provisions of any conservation, limitation or other order or regulation heretofore or hereafter issued by the War Production Board.

(2) No person shall sell, deliver, accept delivery or use cotton textiles acquired by use of a preference rating assigned or authorized by this order or for a purpose other than that for which the preference rating was assigned or authorized.

(j) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(k) *Records.* Each person applying ratings must maintain at his regular place of business all documents, including purchase or manufacturing orders, preference rating orders and certificates, upon which he relies as entitling him to apply or extend such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(l) *Reports.* All producers, processors, intermediate processors or merchants affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time request, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a materia. fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(o) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M-317.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

(a) Preference rating AA-3 hereby is assigned to the respective processors, intermediate processors and merchants specified in Column I to obtain deliveries of the particular woven cotton textiles specified in Column II for incorporation into a product or for a use specified in Column III.

(Column references apply only within each of the numbered groups of this Schedule. Ratings assigned within the numbered groups may be used to obtain any of the woven cotton textiles listed in Column II for such group.)

Group number	Column I	Column II	Column III
1	Processor	Osnaburgs Class A sheetings. Class B sheetings. Drills. Jeans. Coarse yarn leno fabrics. Special bag fabrics. Print cloth, except 39" 80 x 80 4.00 yd. and pro rata widths thereof.	Textile bags as defined in Conservation Order M-221, and including paper-lined bags and spiral tube shipping containers.
2	Processor	Class A sheeting. Class C sheeting. Print cloth, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Mitten flannel. Soft filled sheeting.	Buffing wheels or buffs.
3	Processor Intermediate processor.	Class C sheetings. Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Drills. Twills. Jeans.	Coated abrasive products.

Group number	Column I	Column II	Column III
4	Processor	Tobacco cloth. Print cloth, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Special sheetings not listed in Column IV of Limitation Order L-99.	Asbestos and fibre class pipe covering.
5	Processor. Intermediate processor.	Drills. Twills. Sateens. Denims. Chambrays. Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Tobacco cloths.	Safety equipment specifically designed and used to furnish protection against specific occupational hazards (other than weather), as defined and limited in Limitation Order L-114.
6	Processor. Intermediate processor.	Class A sheetings. Class B sheetings. Class C sheetings. Osnaburgs. Drills. Twills. Jeans. Sateens. Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths thereof.	Rubber footwear as defined and limited in Rubber Order R-1, Schedule A, Code 66.
7	Processor. Intermediate processor.	Print cloths. Class C sheetings. Drills. Twills. Sateens.	Rubber gloves as defined and limited in Rubber Order R-1, Schedule A, Code 71.
8	Processor. Intermediate processor.	Class A sheetings. Class C sheetings. Osnaburgs. Drills. Twills. Jeans. Sateens. Print cloths, except 39" 80 x 80 4.00 yd. Window shade cloth.	Rubber hose and tubing, (including mine and shiphold ventilating tubing), rubber packing and gaskets, and other mechanical rubber products, as defined and limited in Rubber Order R-1, Schedule A, Code Nos. 62, 63, 64 and 73 respectively. Tire retreading, recapping and repairing materials thereof.
9	Processor. Intermediate processor.	Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths. Class C sheetings.	
10	Processor. Intermediate processor.	Osnaburgs. Class C sheetings. Print cloths. Carded lawns. Industrial tubings.	*Non-selvage tape for industrial use.* Varnished cambric tape. Friction tape. Cable wrapping tape. Insulating tape. Corrugated box stay tape. Pressure sensitive tape. Laminated phenolic products.
11	Processor. Intermediate processor.	Drills. Twills. Class A sheetings. Class B sheetings. Class C sheetings. Print cloths. Carded lawns. Combed lawns.	
12	Merchant.	Class B sheetings. Jeans. Twills. Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Soft filled sheetings. Canton flannels. Tobacco cloths.	Filter and wrapping cloths used in the manufacture of chemicals and chemical products.
13	Processor. Intermediate processor. Merchant.	Class A sheetings. Class B sheetings. Class C sheetings. Bed sheetings. Print cloth, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Osnaburgs. Leno fabrics. Tobacco cloth. Twills. Drills. Flannels.	*Agricultural and food processing uses.* Farm equipment: Horse collar pads. Back bands. Fly nets. Dairy products equipment. Crop cultivation and harvesting fabrics. Meat packers supplies. Glass cloth for poultry raising and other farm uses. Filter cloths required in the production of sugar and vegetable oils. Membrane waterproofing (asphalt saturated fabric). Waterproof wrapping materials (non-oxidizing cloths, impregnated and laminated fabrics) used for domestic or export shipments of military supplies. Tracing cloths. Maps for military or military training use.
14	Processor.	Osnaburg.	
15	Processor. Intermediate processor.	Class C sheetings. Print cloth, except 39" 80 x 80 4.00 yd. and pro rata widths thereof. Tobacco cloths.	
16	Processor. Intermediate processor.	Combed lawns. Bed sheetings. Class B sheetings. Class C sheetings. Window shade cloth. Print cloths, except 39" 80 x 80 4.00 yd. and pro rata widths thereof.	
17	Processor. Merchant.	Sateens. Drills. Twills.	Dust arrestors used in manufacturing plants.
18	Processor. Intermediate processor.	Combed lawns.	Typewriter ribbons.

[F. R. Doc. 43-13374; Filed, August 16, 1943; 11:19 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER[1]

[Conservation Order M-328, as Amended August 16, 1943]

PROVISIONS APPLICABLE TO TEXTILE, CLOTHING, LEATHER AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118[1] *Conservation Order M-328*—(a) *Restrictions on preference ratings for textiles, clothing, leather, etc.* (This paragraph states conditions which must be met to make ratings for items on Schedule A valid. However, even though a rating is not valid for the items, this does not prevent anyone from filing a purchase order if he can do so without disregarding valid ratings on other purchase orders or disregarding other orders or directions of the War Production Board.)

No person shall apply, extend or give any effect to any preference rating heretofore or hereafter assigned, applied, or extended to the delivery of any item on Schedule A unless:

(1) The rating has been assigned by a preference rating form or letter issued by or under the authority of the War Production Board to a named applicant and the form or letter specifically describes the item and specifies the quantity, description and type which may be obtained by the rating. No rating assigned by any L, M, P or other order or by any regulation (such as CMP-5 or CMP-5A) shall be valid for any item on Schedule A, except as permitted by paragraphs (a) (2), (a) (3) or (a) (4). For example, the rating for any fabric to comply with this subparagraph must be assigned on a War Production Board form or letter naming the person to whom the rating is assigned and stating the yardage, type and construction of the fabric for which the rating is assigned, or

(2) the rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain the item for direct or ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including Post Exchanges and Ship's Service Stores), the Maritime Commission or War Shipping Administration; or

(3) the rating has been assigned by or pursuant to the particular order specified after the item on Schedule A.

[1] Formerly Part 3266, § 3266.1.

(4) the material to be delivered is actually required as, or is required for incorporation in, a functioning part of industrial machinery and is one of the following numbered items on Schedule A: 1, 4, 5, 6, 7, 11, 15, 17, 19.

(b) *Notation on purchase orders bearing a preference rating.* (1) Any person applying or extending a preference rating which is permitted by paragraph (a) (1), (a) (2) or (a) (4) shall place upon the purchase order a notation substantially as follows:

This rating can be used under Order No. M-328.

However, the Army or Navy of the United States, the Maritime Commission and the War Shipping Administration shall not be required to place this notation on their direct purchase orders.

If the rating is assigned by any order listed on Schedule A, the person applying or extending the same shall place upon the purchase order a notation substantially as follows:

This rating has been assigned by Order No. ------ (insert number of order on Schedule A assigning the rating).

If, however, the purchase order contains the specific identifying certification prescribed by an order on Schedule A or by M-148, the notation prescribed by this paragraph shall not be necessary.

(2) *Restriction on extension of ratings.* Notwithstanding the provisions of Priorities Regulation 3, no rating specifically permitted to be used by paragraphs (a) (1), (a) (3) or (a) (4) to obtain any item on Schedule A shall be extended for the delivery of any other item on Schedule A for physical incorporation into the item. For example, a rating for fabric may not be extended to obtain yarn unless to fill an Army, Navy, Maritime Commission or War Shipping Administration order as permitted by subparagraph (a) (2).

(c) *Specific directives.* The War Production Board may issue specific directions to individual producers or processors of items listed in Schedule A, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no producer or processor shall produce, fabricate, process, deliver or accept delivery contrary to directions.

(d) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that items listed in Schedule A not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filing of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of the items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(e) *Rejects, over-runs and seconds*—(1) *Definitions.* "Rejects" means anything made to fill a rated order but rejected by the person ordering it because of defects, failure to deliver on time, or for any other reason. The term also is used to include seconds, over-runs or by-products. A "Second" is anything made to fill a rated order but not actually offered or tendered to the purchaser because of defects, or for any other reason. An "Over-run" is anything made to fill a rated order but not delivered because in excess of the quantity actually needed to fill the order. A "By-product" is anything produced entirely or partly from a reject.

(2) *No one may purposely make a reject.* No manufacturer shall make any product on Schedule A in such a way that he knows or should know that he will probably produce a reject. This paragraph does not prohibit the production of seconds, over-runs or by-products to the extent that they are unavoidable in the manufacturer's operations.

(3) *Restrictions on the disposition of rejects.* No manufacturer may sell or deliver a reject and no one may accept delivery of a reject from a manufacturer except as permitted by this order or Schedule B, C, D or E.

Rejected hides, skins and leather and products made primarily therefrom may be disposed of as authorized under General Conservation Order M-310.

Any item listed on Schedule A but not listed on Schedules B, C, D or E, or covered as to disposition of rejects by M-310 or by any direction issued pursuant to this order, may be disposed of without regard to the limitations of § 944.11 of Priorities Regulation 1.

(4) *How to get needed permission to dispose of a reject.* Any manufacturer who under the terms of this order needs specific permission to dispose of a reject may apply by letter to the War Production Board stating the number of the contract, the amount of material to be produced under it, the kinds of such material, a detailed statement of quantities and kinds of rejects, a copy of the rejection, and a statement of the efforts he has made to dispose of the rejects to the buyer. If the War Production Board decides he ought to be allowed to dispose of the reject, it will give him specific instructions.

(5) *Effect of specific instructions on disposition.* The War Production Board may issue specific instructions in writing to anyone respecting the use and disposition of rejects or material obtained with priorities assistance, but not used for the purpose for which the priorities assistance was given. These instructions may relate to rejects not yet manufactured on the date of their issuance. They must be obeyed even if they conflict with other provisions of this order.

(6) *Reports.* Manufacturers of textile, clothing and leather products shall report their rejects at such times and in such manner as the War Production Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(7) *Records.* All persons affected by this order shall keep for at least two (2) years records showing the quantities and kinds of rejects produced by them and the disposition thereof.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref: M-328.

NOTE: Paragraph (f), formerly (c), redesignated August 16, 1943.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Schedule A amended in its entirety August 16, 1943.

1. Animal bristles and hair.
2. Closures, apparel and all others which are restricted by L–68.
3. Clothing, footwear, hats, gloves and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics, except the following types when specifically designed and used to furnish protection against specific occupational hazards (other than weather):
   a. Asbestos clothing.
   b. Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
   c. Metal mesh gloves, aprons and sleeves.
   d. Other safety leather gloves or mittens, but only if steel stitched or steel reinforced.
   e. Plastic and fibre safety helmets.
   f. Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.
   g. Safety industrial leather clothing other than gloves or mittens.
   h. Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.
4. Combinations of cotton, wool or synthetic yarn.
5. Combination of cotton, wool, or synthetic woven, felted, knitted or braided fabrics. M–166, M–298, P–131.
6. Cotton Yarn. L–282.
7. Cotton woven, knitted or braided fabric. Schedule II of M–134, M–166, M–207, M–298, M–317, P–116, P–131.
8. Dyestuffs.
9. Eyelets, metal. P–131.
10. Findings, shoe (metal) except shoe wire.
11. Hides, skins, furs and leather and products made primarily therefrom (subject to additional restrictions of M–310).
12. Manila, Agave, Istle, Hemp (Cannabis Sativa), Sunn Hemp, Raffia, Coir, Flax, Jute, other cordage fibers, and products made primarily therefrom, except brushes and brooms. M–84, P–56, P–73, P–98–b.
13. Sponges.
14. Synthetic yarn.
15. Synthetic woven, knitted or braided fabric. M–166, P–131.
16. Tacks, cut steel and wire.
17. Textile fibers (animal or vegetable) and products made primarily from textile fibers or textiles, not including fabrics which have been coated. M–85, M–317.
18. Wool and wool yarn.
19. Wool woven, knitted, felted or braided fabric. P–131.

NOTE: Schedules B, C, D, E added August 16, 1943.

SCHEDULE B

REJECTS WHICH MAY BE DELIVERED ONLY ON SPECIFIC AUTHORIZATION OF THE WAR PRODUCTION BOARD

1. Equipage: Military luggage and sleeping bags.
2. Silk and nylon yarn, silk and nylon woven, knitted and braided fabrics.

SCHEDULE C

REJECTS WHICH MAY BE DELIVERED ONLY TO FILL RATED ORDERS

(At present no items are listed on Schedule C. Such items may be added later.)

SCHEDULE D

REJECTS WHICH MAY BE DELIVERED ONLY FOR THE SPECIFIED END USES STATED BELOW

1. Reject wool yarn, wool fabrics, and wool felts, and those containing over 25% wool fiber by weight, may be delivered for use in the manufacture of clothing, blankets, and for industrial uses.
2. The following cotton textile rejects may be delivered only as follows:
   a. 8.5 oz. herringbone twill, for men's, women's and boys' work clothing, and foundation garments only.
   b. 8.2 oz. twill, Types I, II, III, IV, and V, for clothing and foundation garments only.
   c. 30" 2.50 drill and pro-rata widths, for mattress or pillow tickings, pocketings or clothing only.
   d. 39" 80 x 30 4.00 yd. print cloth for clothing and foundation garments only.
   e. 6 oz. combed twill for clothing only.
   f. 7.5 oz. combed navy twill for men's, women's and boys' work clothing and foundation garments only.
   g. 5 oz. wind resistant poplin for clothing only.
   h. 9 oz. sateen for clothing only.

SCHEDULE E

REJECTS WHICH MAY BE DELIVERED ONLY TO THE ARMY OR NAVY OF THE UNITED STATES

(At present no items are listed on Schedule E. Such items may be added later.)

[F. R. Doc. 43–13375; Filed, August 16, 1943; 11:18 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Supplementary General Limitation Order L–30–b, as Amended August 16, 1943]

ENAMELED WARE

§ 3291.155[1] *Supplementary Limitation Order L–30–b*—(a) *Definitions.* For the purposes of this order:

(1) "Enameled ware" means any of the following articles when made of vitreous-enameled iron or steel:

(i) Utensils used primarily in the preparation, cooking, serving, or storage of foods or beverages, whether for household, institutional, commercial, governmental or any other use;

(ii) Pails, buckets and tubs (including infants' bath tubs);

(iii) Commodes, chambers, chamber covers, combinets and inserts for step-on cans;

(iv) Dish pans and sink strainers;

(v) Canteens for storing or carrying water or other liquids, except when produced pursuant to a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States; and

(vi) Baby bottle sterilizers.

(2) "Hospital ware" means any wash basin made of vitreous-enameled iron or steel, and any article made of vitreous-enameled iron or steel designed primarily for hospital or sick room use, including but not limited to, sponge basins, pus basins, solution basins, bed pans, irrigators, dressing jars, instrument trays, instrument sterilizers (without heating elements or stands), urinals, catheter trays, feeding cups and douche pans, but excluding any article included in subparagraph (1) of this paragraph (a).

(3) The terms "Enameled ware" and "Hospital ware" do not include furniture, electrical or gas appliances or power-driven equipment.

(4) "Manufacturer" means any person who produces or assembles any enameled ware or hospital ware.

(5) "Iron and steel used" means the aggregate weight of iron and steel when first put into production by a manufacturer, whether in the form of raw materials or as purchased parts.

(6) "Base period" means the twelve months ending June 30, 1941.

(b) *General restrictions.* (1) Except as provided in subparagraphs (2) and (3) of paragraph (b), on and after October 29, 1942, no manufacturer shall process, fabricate, work on or assemble any enameled ware except the articles listed in the following table, and then only within the permissible sizes and other limitations set forth in this table. When a manufacturer is permitted by this table to make more than one size of any article, each size he manufactures shall fall within a different one of the size ranges specified, except that if only one size range is specified he may manufacture the permitted number of sizes anywhere within the single range specified.

Articles	Number of sizes permitted each manufacturer	Sizes
Coffee boilers*.....	1	9½ to 12 quart capacity.
Double boilers*.....	2	1½ to 2½ quart and 6½ to 8 quart capacity.
Dish pans.....	1	9 to 15 quart capacity.
Steamtable insets*.....	3	To fit openings of 6½", 8½" and 10½" in diameter.
Kettles*.....	1	14 to 20 quart capacity.
Ladles.....	1	Manufacturer's choice.
Water pails*.....	1	10 to 12½ quart capacity.
Steamtable pans.....	2	Manufacturer's choice, to fit rectangular openings only.
Percolators (with or without baskets)*.	1	6 to 9 cup capacity.
Baine Marie pots.....	2	2 to 2½ quart and 4 to 4½ quart capacity.
Sauce pots*.....	2	3½ to 8½ quart capacity.
Stock pots*.....	3	15 to 36 quart capacity.
Sauce pans.....	1	1¾ to 2½ quart capacity.
Roasters (single wall)*.	1	15" to 19" in length.

*Metal covers may be made for these articles but not for any others in this table.

[1] Formerly Part 1052, § 1052.3.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), a manufacturer may produce any article of enameled ware from iron or steel which, on October 24, 1942, had been blanked to size and shape for an article of enameled ware by him or by any other person: *Provided*, That such article is completed on or before December 31, 1942, except for the production and attaching of handles, bails, spouts and ears, the welding together of fabricated parts and the application of a vitreous-enameled or other coating which may be done thereafter.

(3) The restrictions contained in paragraph (b) (1) shall not apply to any article of enameled ware which is produced:

(i) Pursuant to a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration for use in the field or on shipboard: *Provided*, That the specifications for such purchase order, contract or subcontract specifically provide for an article which may not be produced within the limitations of paragraph (b) (1); or

(ii) Pursuant to written authorization of the War Production Board in fulfillment of a specific purchase order or contract for export. Application for such authorization should be filed on Form PD–556, which may be obtained from the nearest Regional or District office of the War Production Board and shall be submitted in quadruplicate according to the following instructions:

Answer all applicable questions on the Form, except columns (b) and (c) of section II and questions 4, 6 and 7 of section III.

(*a*) Under I, state name, address and business of person for whom applicant desires to produce enameled ware:

(*b*) Under III (1) (b), state general location, country or territory where items are to be used;

(*c*) Under III (3), state what the effect will be on the particular export program involved if the items are not received on or before the delivery dates stated;

(*d*) Under III (5), state complete reasons why enameled ware produced within the limitations of paragraph (b) (1) will not be suitable.

(4) [Revoked May 3, 1943]

(5) [Revoked May 3, 1943]

(6) During the period of three months beginning January 1, 1943, and during each succeeding period of three months until otherwise ordered by the War Production Board, no manufacturer shall (i) use more iron and steel:

(*a*) In his aggregate production of enameled ware (other than water pails and roasters) than three times 75% of his average monthly use of iron and steel in his aggregate production of enameled ware (other than pails, buckets, and tubs and roasters) during the base period,

(*b*) In his production of enameled ware water pails than three times 125% of his average monthly use of iron and steel in the production of enameled ware pails, buckets and tubs during the base period, or

(*c*) In his aggregate production of hospital ware than three times 200% of his average monthly use of iron and steel in the production of hospital ware during the base period, or

(ii) Produce more enameled ware roasters than three times 15% of the average monthly number of enameled ware roasters produced by him during the base period.

(7) The restrictions contained in paragraph (b) (1) shall not apply to enamelled ware produced for experimental use in a scientific laboratory in connection with the development of enamelled ware standards.

(c) *Applicability of other orders.* On and after November 1, 1942, the provisions of this order shall supersede the provisions of Limitation Order L–30 in respect to enameled ware, and hospital ware, but nothing in this order shall be deemed in any way to affect the provisions of the said Order L–30 in respect to any other products. In so far as any other order restricts the use of materials in the production of enameled ware or hospital ware to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Appeals.* Any appeal from this order should be made on Form PD–500 and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(f) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of enameled ware or hospital ware inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of enameled ware and hospital ware at the rates permitted by this order.

(g) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* Each manufacturer shall file, on or before the fifteenth day of each calendar month, a report on Form PD–655.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington 25, D. C., Ref: L–30–b.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13376; Filed, August 16, 1943; 11:18 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 436]

CRUDE PETROLEUM, AND PETROLEUM AND NATURAL GAS

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1340.165 *Maximum prices for crude petroleum, and petroleum and natural gas.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order Nos. 9250 and 9328 Maximum Price Regulation No. 436 (Crude petroleum, and Petroleum and Natural Gas), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1340.165 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 436—CRUDE PETROLEUM, AND PETROLEUM AND NATURAL GAS

ARTICLE I—GENERAL PROVISIONS

Sec.

1. Prohibition against sales of petroleum, and petroleum and natural gas at prices above the maximum.
2. To what transactions and persons this regulation is applicable.
3. Evasion.
4. Transfers of business or stock in trade.
5. Licensing.
6. Petitions for amendment and applications for adjustment.
7. Definitions.

ARTICLE II—MAXIMUM PRICES FOR CRUDE PETROLEUM

8. Specific prices.
9. Formula for determining maximum prices.

*Copies may be obtained from the Office of Price Administration.

ARTICLE III—PETROLEUM AND NATURAL GAS

Sec.
10. Wet gas.
11. Dry gas.
12. Applications, petitions, records and reports.

Article I—General Provisions

SECTION 1. *Sales of petroleum, and petroleum and natural gas at higher than maximum prices prohibited.* (a) On and after August 19, 1943, regardless of any contract or obligation no person shall sell or deliver and no person shall buy or receive in the course of trade or business any crude petroleum, or petroleum or natural gas covered by this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *To what transactions and persons this regulation is applicable.* (a) This regulation covers all sales and deliveries of crude petroleum, and petroleum and natural gas, either by producers, sellers, refiners, or by any other persons, except that nothing in this price regulation shall be construed to authorize the regulation of a rate that is exempt from control by the Office of Price Administration under the Emergency Price Control Act of 1942.

SEC. 3. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of crude petroleum alone or in conjunction with any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding or by a change in the quality of a product, or otherwise.

SEC. 4. *Transfers of business or stock in trade.* (a) If the business, assets or stock in trade of any seller or any person as defined in section 7 (a) are sold or otherwise transferred after October 15, 1941, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records and make reports shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the records and reports provisions of this regulation and amendments thereto.

SEC. 5. *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.* (a) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation [1] are applicable to every person subject to this regulation selling at wholesale or retail any petroleum covered by this Regulation. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to person selling at wholesale on May 11, 1942, and as to persons selling at retail on May 18, 1942.

SEC. 6. *Petitions for amendment and applications for adjustment.*—(a) *Petitions for amendment.* Any person seeking an amendment of any provision of this Regulation may file a petition for amendment with the Petroleum Branch, Office of Price Administration, Washington, D. C., in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

NOTE: Procedural Regulation No. 6 (7 F.R. 5067, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Supplementary Order No. 9 (7 F.R. 5444) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those on scrap, waste, and salvage materials.

NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petition for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.

(b) *Applications for adjustment.* (1) Any corporation subject to the provisions of this regulation all of whose securities are owned by another corporation, or which owns all of the securities of another corporation or all of whose securities and all of those of another corporation are owned directly or indirectly by a third corporation may file an application for adjustment to a maximum price established under Article II or III for the sale of crude petroleum, or petroleum or natural gas to such other corporation.

(2) Such application for adjustment shall be accompanied by a statement under oath setting forth, (i) the percentage of shares or units of any issues of securities of the subsidiary corporation or corporations held beneficially or of record by any person or persons and the names and post office addresses of such person or persons, (ii) the hardship or inequity which would result to the petitioner from failure to grant the petition.

(3) An application for adjustment under this paragraph shall be filed with the Petroleum Branch, Office of Price Administration, Washington, D. C. in the manner provided for applications for adjustment under Revised Procedural Regulation No. 1

SEC. 7. *Definitions.* (a) When used in this regulation the term "person" includes any individual, corporation, partnership, association, or any other organized group of persons, their legal successors and representatives.

(b) "Pool" means any underground accumulation of crude petroleum or associated hydro carbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(c) "Contract" means an agreement, the existence of which is established by written evidence.

(d) "Producers" means royalty owners or other sellers of crude petroleum.

(e) "Receiving tank" means the tank of the producer of crude petroleum, sometimes called stock tank or shipping tank, in which the oil from one or more wells is first gauged or measured for sale, delivery or storage.

(f) "Seller of the same class" means a seller (1) performing the same function, (2) of similar type, (3) dealing in the same type of commodity, and (4) selling to the same class of purchaser.

(g) "A seller's most closely competitive seller of the same class" shall be a seller of the same class who: (1) is selling the same commodity, (2) is closely competitive in the sale of such commodity and (3) is located nearest to the seller.

(h) "Wet gas" means any natural or petroleum gas, and refinery gas, which is sold to be processed for the extraction of vapors and liquids, from which operation some residue gas results.

(i) "Dry gas" means any natural or petroleum gas, and refinery gas, sold for consumption either directly as fuel or to be consumed in the production of any other commodity or for use in gas lift, pressure maintenance or repressuring operations, and includes such gas when delivered directly from wells, and the residue gas resulting from extraction operations.

Article II—Maximum Prices for Crude Petroleum

NOTE: *How to determine maximum prices.* To determine the maximum price for crude petroleum, first examine section 8 to see whether a specific price has been established for the particular field. If no price has been established for the particular field, then the formula in section 9 shall be used to determine the maximum price.

SEC. 8. *Specific prices.* The following specific prices shall be the maximum prices for the items named at the points enumerated below. If a contract was in effect on October 1, 1941 for the purchase of crude petroleum at the receiving tank at a price in excess of the highest posted price as of October 1, 1941 for the given pool applicable to such production or for the purchase of crude petroleum at a point other than at the receiving tank at a price in excess of such posted price, and if a specific maximum price has been established for crude petroleum produced at such pool under section 8 then the maximum price at the receiving tank or at such other point for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the same production, shall be the sum of the contract price and the difference between the specific price as set out in this section 8 and the highest posted price as of October 1, 1941.

Illustration: A contract for the purchase of crude petroleum was in effect on October 1, 1941 at 25¢ per barrel above the posted price, which posted price was $1.00 per barrel, and a specific price for the pool is established at $1.10 per barrel. The maximum price will be the sum of the contract price and the difference between the specific price and the posted price. The difference between the specific price ($1.10) and the posted price ($1.00) is .10, therefore the maximum price would be 10¢ plus the contract price ($1.25) or $1.35.

Where contracts of the type described above were in effect on October 1, 1941, duly authenticated copies of such contracts shall be filed by the purchaser with the Petroleum Branch of the Office of Price Administration at Washington, D. C. within thirty days after August 19, 1943, unless copies of said contracts have heretofore been filed with the Office of Price Administration.

(a) *Arkansas*—(1) *McKamie, Dorcheat, Macedonia and Big Creek pools.* The maximum price at the receiving tank for sour distillate produced in the McKamie pool, Lafayette County, Arkansas, and in the Dorcheat pool, the Macedonia pool and Big Creek pool, Columbia County, Arkansas, shall be $1.25 per barrel.

(b) *California*—(1) *Ventura Avenue field.* Effective February 2, 1942, the maximum price at the receiving tank for royalty crude petroleum produced in the Ventura Avenue Oil Field on all sales made to Shell Oil Company, Inc., lessee, and its successors and assigns by the persons entitled from time to time to share in the royalty interests reserved under oil leases known as the Taylor, Edison and Gosnell leases, shall be as follows:

A. P. I. gravity:	*Prices per barrel*
26–26.9	$1.075
27–27.9	1.11
28–28.9	1.14
29–29.9	1.1675
30–30.9	1.195

Maximum prices for crude petroleum of gravities higher or lower than those set forth above shall be the prices for such gravities established as of October 1, 1941 between Tidewater Associated Oil Company and certain of its lessors in the Ventura Avenue Oil Field.

(2) *Various designated fields.* The maximum prices at the receiving tank for crude petroleum of the gravities specified in the table below and produced in the fields designated therein shall be as follows:

[Dollars per 42-gallon barrel]

A. P. I. gravity	(Fields—See key below)																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
8–8.9			.71																	
9–9.9			.72																	
10–10.9			.75																	
11–11.9		.92	.77	.92																
12–12.9		.94	.79	.94			.94													
13–13.9		.96	.81	.96			.96												.91	
14–14.9	.96	.96	.83	.98	.96	.95	.98		.98	.96	1.01		.97	.95	.95	.95	.95		.93	
15–15.9	.98	.98	.85	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.96	.97	.93	.96	1.01
16–16.9	.98	.98	.85	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.96	.97	.93	.96	1.01
17–17.9	.98	.98	.85	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.96	.97	.93	.96	1.01
18–18.9	.98	.98	---	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.96	.97	.93	.96	1.01
19–19.9	.98	.98	---	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.96	.97	.93	.96	1.01
20–20.9	.98	.98	---	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.96	.97	.93	.96	1.01
21–21.9	.98	.98	---	.98	.98	.95	.98	.94	.98	1.00	1.01	.89	.97	.97	.97	.96	.97	.93	.96	1.01
22–22.9	.98	.98	---	.98	.98	.95	.98	.94	.98	1.00	1.01	.91	.97	.97	.97	.96	.97	---	---	---
23–23.9	.98	---	---	.98	.98	.95	.98	.94	---	---	1.01	.95	.97	---	.97	---	---	---	---	---
24–24.9	.98	---	---	.98	---	.95	.98	---	---	---	---	.99	.97	---	---	---	---	---	---	---
25–25.9	.98	---	---	.98	---	.95	.98	---	---	---	---	1.02	---	---	---	---	---	---	---	---
26–26.9	.98	---	---	---	---	.95	.98	---	---	---	---	1.05	---	---	---	---	---	---	---	---
27–27.9	---	---	---	---	---	---	.98	---	---	---	---	---	---	---	---	---	---	---	---	---
28–28.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
29–29.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
30–30.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Maximum prices for gravities above those specified in the table shall be determined under other provisions of this regulation.

Key to fields:
1. Edison, Mountain View.
2. Midway, Lake View Area, Elk Hills, Buena Vista Hills.
3. Los Flores, Casmalia, Oxnard, Cat Canyon, Santa Maria Valley, Gato Ridge.
4. Round Mountain, McKittrick, Newhall, Coffee Canyon, Mt. Poso, Poso, Kern River, Kern Front, Fruitvale.
5. Belridge, Lost Hills.
6. Capitan, South Mountain, Santa Paula, Wheeler Ridge.
7. Coalinga.
8. Venice, Playa Del Ray.
9. Orcutt.
10. Huntington Beach.
11. Inglewood.
12. Aliso Canyon.
13. Montebello.
14. Olinda, Brea Canon.
15. Torrance.
16. Richfield.
17. La Habra, Whittier, East Coyote.
18. Signal Hill.
19. Wilmington.
20. El Segundo.

(3) *Price based on posted price of one of fields designated in (2) above.* If crude petroleum produced at a pool which had no posted price was on the last delivery prior to March 26, 1943 sold to a particular purchaser on the basis of the posted price for another pool and at such price, the seller's maximum price for the crude petroleum produced at the former pool shall be the same as the posted price of the latter pool as shown in the table above for the same gravity crude oil.

Any purchaser who pays for crude petroleum on the basis of this provision shall within 30 days from the effective date of this regulation, report the following information to the Office of Price Administration, Petroleum Branch, Washington, D. C.

(i) Copy of posted price bulletin of field on which purchase price is based, and the date effective.

(ii) The total production of the pool for the month of March, 1943.

(iii) The total amount purchased from the pool during March, 1943.

(4) *Other fields than listed in (2) above.* The maximum price at the receiving tank for crude petroleum produced in fields in California other than those named in Article II, section 8, (b) (2) shall be the sum of the maximum price as determined by other provisions of this Regulation and the amount designated below:

A. P. I. gravity:	*Increase per barrel*
Below 15	$0.25
15–15.9	.25
16–16.9	.22
17–17.9	.19
18–18.9	.16
19–19.9	.13
20–20.9	.10
21–21.9	.07
22–22.9	.04
23–23.9	.01

Provided, however, That the maximum price for a particular gravity crude shall not be less than that for a lower gravity crude from the same seller's receiving tank in the same pool.

(c) *Illinois*—(1) *Plymouth Pool.* The maximum price at the receiving tank for crude petroleum produced in the Plymouth Pool, McDonough County, Illinois shall be $1.15 per barrel.

(d) *Kentucky*—(1) *Uniontown Field.* The maximum price at the receiving tank for crude petroleum produced in the Uniontown field, Union County, Kentucky shall be $1.37 per barrel.

(2) *Various designated areas.* The maximum prices at the receiving tank for crude oil produced in the areas, in the State of Kentucky, designated below shall be:

Area:	*Prices per 42 gallon barrel*
Big Sandy River (Somerset crude)	$1.43
Sebree Field, Webster County	1.37
Belton Field, Muhlenberg County	1.37
Spottsville, Henderson County	1.37
Owensboro Area	1.37
Bowling Green Area	1.17
Butler County	1.32

Maximum prices established herein may be charged any purchaser who agreed on or prior to June 1, 1943 to pay a price determined in accordance with the disposition of the petition filed with the Office of Price Administration.

(e) *Louisiana*—(1) *Caddo Pool.* The maximum price at the well for crude petroleum of 40° A. P. I. gravity and above, produced in the Caddo Pool in Louisiana shall be $1.20 per barrel with the customary differentials for lower gravity crudes.

(2) *Olla, South Olla and Little Creek Pools.* The maximum price at the re-

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

ceiving tank for crude petroleum of 40° A. P. I. gravity and above, produced in the Olla, South Olla, and Little Creek Pools, LaSalle Parish, Louisiana, shall be $1.35 per barrel, with the customary differentials for lower gravity crudes.

(3) *Ritchie Field.* The maximum price at the well for crude petroleum of 40° A. P. I. gravity and above, produced in any pool in Ritchie Field, Acadia Parish, Louisiana shall be $1.48 per barrel with the customary differentials for lower gravity crudes.

(4) *University Field.* The maximum prices at the well for crude petroleum of 40° A. P. I. gravity and above, produced in any pool in University Field, East Baton Rouge Parish, Louisiana, shall be $1.48 per barrel with the customary differentials for lower gravity crudes.

(5) *Villa Platte Field.* The maximum price at the receiving tank for crude petroleum produced in the Ville Platte field, Evangeline Parish, Louisiana, shall be $1.30 per barrel.

(f) *Michigan* — (1) *South Bangor Pool.* The maximum price at the receiving tank for crude petroleum produced in the South Bangor Pool, Bangor Township, Van Buren County, Michigan, shall be $1.27 per barrel.

(g) *Mississippi*—(1) *Tinsley Field.* The maximum price at the receiving tank for crude petroleum of 40° A. P. I. gravity and above produced in the Tinsley field, Yazoo County, Mississippi, shall be $1.18 per barrel with the customary differentials for lower gravity crudes.

(h) *New Mexico*—(1) *Loco Hills Area.* The maximum price at the well for crude petroleum of 40° A. P. I. gravity and above, produced in the Loco Hills Area of Eddy County, New Mexico shall be $1.12 per barrel with the customary differentials for lower gravity crudes.

(i) *Ohio*—(1) *Lima Oil Field in Northwestern Ohio and Northeastern Indiana.* The maximum price for crude petroleum produced in the Lima Oil Feld, located in Northwestern Ohio and Northeastern Indiana, shall be $1.50 a barrel at the receiving tank: *Provided,* That where the price paid for crude petroleum from a particular receiving tank in the Lima Oil Field as of October 1, 1941 exceeded $1.50 per barrel, the maximum price at the same receiving tank shall be the price so paid or $1.60 a barrel, whichever is the lower.

(j) *Oklahoma*—(1) *Tussy Field in Garvin County and Healdton and Oscar Pools.* The maximum price at the well for crude petroleum of 40° A. P. I. gravity and above, produced in Carter County, in that portion of the Tussy Field located in Garvin County, and in the Healdton and Oscar Pools in Oklahoma shall be $1.25 per barrel with the customary differentials for lower gravity crudes.

(k) *Pennsylvania grade area*—(1) *Various designated areas.*

Grade of crude petroleum:	*Maximum price per barrel*
Pennsylvania Bradford	$3.00
Southwest Pennsylvania	2.65
Eureka	2.59
Southeastern Ohio	2.55
Oil City-Titusville:	
Group A (including Cochran, Franklin, Hamilton, and Doolittle Districts)	2.93
Group B (Titusville District)	2.92
Group C (including Turkey and Tidiout)	2.91
Group D (including Bear Creek and Porkey Districts)	2.90
Group E (including Eldeneau, Bowl Creek, Rough Run, Carbon, Ditner, Bredin, McJunkin, Jameson, Kennerdall, Emlenton, Tiona, Lacy, and Kinzua Districts)	2.88

(2) *Commissions prohibited except as provided herein.* The price limitations set forth above shall prohibit the addition of commissions above said maximum prices except that persons who buy Pennsylvania grade crude petroleum for resale under contracts and who had contracts in existence on August 23, 1941 which provide that the price on resale shall be the "posted price" plus a specified commission may receive the maximum price plus said commission specified in the contracts: *Provided,* That (i) said contracts were entered into in writing prior to August 14, 1941; (ii) said contracts are binding and valid in character; (iii) certified copies of each such contract were filed with the Office of Price Administration within ten (10) days after August 23, 1941; and (iv) no such contracts have been extended or amended without the approval of this office. Persons who buy for resale and wish to enter into contracts, or wish to extend or amend contracts, providing for prices on resale higher than the maximum prices listed above, may make application to this office for permission to receive such higher prices.

(l) *Texas*—(1) *East Texas.* Effective February 2, 1942, the maximum price for East Texas crude petroleum sold by the Houston Oil Company of Texas delivered into tank No. 11, Peterson Tank Farm, Isaac Ruddle Survey, Rusk County, Texas, shall be $1.30 per barrel.

(2) *North and North Central Texas, and Red River bed in Tillman County, Oklahoma.* The maximum price at the receiving tank for crude petroleum of 40° A. P. I. gravity and above, produced in Archer, Baylor, Brown, Callahan, Clay, Coleman, Comanche, Cooke, Eastland, Erath, Fisher, Foard, Haskell, Jack, Jones, Montague, Palo Pinto, Shackelford, Stephens, Taylor, Throckmorton, Wichita, Wilbarger, and Young Counties, Texas, and in the bed of the Red River in Tillman County, Oklahoma, shall be $1.25 per barrel with the customary differentials for lower gravity crudes.

(3) *Panhandle area.* The maximum price at the receiving tank for crude petroleum of 40° A. P. I. gravity and above produced in Carson, Gray, Hutchinson, Moore, and Wheeler Counties, Texas shall be $1.22 per barrel, with the customary differentials for lower gravities.

(4) *Partlow lease.* Effective February 2, 1942, the maximum price at the receiving tank for crude distillate of 50° gravity and above produced from the Partlow lease, Hardin field, Liberty County, Texas, shall be $1.53 per barrel.

(5) *Pettus field.* The maximum price at the well for crude distillate produced in the Pettus field, Bee County, Texas, shall be $1.50 per barrel.

(6) *Rincon field.* The maximum price at the receiving tank for crude petroleum of 40° A. P. I. gravity and above produced in the Rincon field, Starr County, Texas, shall be $1.45 per barrel, with the customary differentials for lower gravity crudes.

(7) *Shields field.* Effective December 1, 1942, the maximum price at the receiving tank for crude petroleum of 40° A. P. I. gravity and above produced in the Shields field, Nueces County, Texas, shall be $1.35 per barrel, with the customary differentials for lower gravity crudes.

(8) *Talco and Sulphur Bluff fields.* The maximum price at the receiving tank for crude petroleum produced in the Talco and Sulphur Bluff fields in Franklin, Titus and Hopkins Counties, Texas shall be as follows:

A. P. I. Gravity:	*Dollars per 42-gallon barrel*
Below 20	$0.80
20–20.9	0.82
21–21.9	0.84
22–22.9	0.86
23–23.9	0.88
24–24.9	0.90
25 and above	0.92

(9) *Woodsboro Field.* The maximum price at the receiving tank for crude petroleum produced in the Woodsboro Field, Refugio County, Texas and sold by owners of royalty interests shall be $1.35 flat per barrel.

(m) *Wyoming*—(1) *Various designated fields.* The maximum prices at the receiving tank for black oils produced in the fields designated below shall be:

Field:	*Price per barrel*
Black Mountain	$0.55
Byron	.70
Circle Ridge	.65
Dallas and Derby	.55
Frannie, light	.85
Frannie, heavy	.62
Garland	.60
Grass Creek, heavy	.65
Hamilton Dome	.60
Hudson (Lander)	.725
Maverick Springs	.6625
Notches	.75
Oregon Basin	.65
Pilot Butte	.80
South Casper Creek	.65
Poison Spider	.65
Spindletop	.65

Field:	*Price per barrel*
Shoshone	.65
Salt Creek, Tensleep	.8285
Sheep Creek	.65
Elk Basin (Tensleep Crude)	.90

SEC. 9. *Formula for determining maximum prices.* (a) The maximum price at the receiving tank for crude petroleum from any given pool shall be the posted purchase price as of October 1, 1941 for such pool.

(b) Where on October 1, 1941, there was for any given pool no posted purchase price, or more than one posted purchase price, the maximum price for a particular producer at the receiving tank for crude petroleum from such pool shall be the price paid for crude petroleum at any receiving tank of the same producer as of October 1, 1941 unless this price is below the highest of the posted purchase prices, if any, and in that case, the maximum price shall be the highest posted purchase price: *Provided, however,* That a price paid pursuant to a contract in effect on October 1, 1941 and entered into prior to that date, shall not be considered in determining the maximum price for crude petroleum unless the contract price reflected current market conditions on or about October 1, 1941.

(c) Where a contract was in effect on October 1, 1941 for the purchase of crude petroleum at the receiving tank at a price in excess of the highest posted purchase price for the given pool applicable to such production such contract price shall be the maximum price at the receiving tank for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the same production.

(d) Where the maximum price for any sale of crude petroleum at the receiving tank cannot be determined under (a) through (c) above, the seller or purchaser shall set a tentative price for the crude petroleum at the particular receiving tank or tanks which shall be in line with the maximum prices for comparable crude petroleum in the same general area. Within ten days after setting such a tentative price the seller or purchaser shall file with the Petroleum Branch of the Office of Price Administration, Washington, D. C., a written request for approval of such tentative price. The person filing such request shall file in connection therewith a statement setting forth:

(1) Such tentative price.

(2) An explanation as to why it is impossible to determine his maximum price under paragraph (a), (b) or (c) of this section 9.

(3) A description of the available transportation facilities, and a description of the gravity, characteristics and source of the crude petroleum in question.

Such tentative price shall be the maximum price for crude petroleum produced from the same pool until a substitute maximum price is set in writing by the Petroleum Branch of the Office of Price Administration, Washington, D. C. If a seller and purchaser have agreed upon a price for the sale of crude petroleum subject to the approval of the Office of Price Administration, a maximum price determined in accordance with this paragraph (d) shall be effective retroactively to February 2, 1942 or the date of the agreement whichever is later.

(e) The maximum price for crude petroleum sold at a point other than the receiving tank shall be at no greater differential at such point over the maximum price for such crude at the receiving tank than the highest differential that existed on October 1, 1941, between the price at the receiving tank and the price at such point: *Provided, however,* That such a differential established pursuant to a contract in effect on October 1, 1941 and entered into prior to that date shall not be considered in determining the maximum price at that point unless the differential reflected current market conditions on or about October 1, 1941.

(f) Where a maximum price at a point other than at the receiving tank cannot be determined under paragraph (e) above, the seller shall establish a tentative differential for a sale of crude petroleum at such point. Within ten days after setting such tentative differential the seller shall file with the Petroleum Branch of the Office of Price Administration in Washington, D. C. a written request for approval of such tentative differential accompanied by a statement setting forth:

(1) Such tentative differential,

(2) An explanation as to why it is impossible to determine his maximum price at the particular point under paragraph (e) of this regulation,

(3) The location of the source of the crude petroleum in question and of the particular delivery point, and

(4) An itemized statement of the costs involved in transporting the crude petroleum from the receiving tank to the particular delivery point and of any other items comprising the tentative differential.

Such tentative differential shall be the seller's maximum differential for the particular sale and for all subsequent sales of crude petroleum from the same receiving tank delivered at that point unless it is disapproved in writing or a substitute maximum differential is set in writing by the Office of Price Administration. If a seller and purchaser have agreed upon a price for a sale of crude petroleum at a point other than at the receiving tank subject to the approval of the Office of Price Administration, a maximum differential determined in accordance with this paragraph (f) shall be effective retroactively to February 2, 1942 or the date of the agreement, whichever is later.

Article III—Petroleum and Natural Gas

SEC. 10. *Wet gas.* (a) A seller's maximum price at any particular time for wet gas produced from any given field shall be the highest price that could be charged at that time under the terms and conditions of any contract which was in effect on May 1, 1942 between the seller and the purchaser for the sale of wet gas produced from such field.

(b) If a seller had no contract in effect with a particular purchaser on May 1, 1942, for wet gas produced from any given field, then such seller's maximum price to such purchaser at any given field shall be the highest price that could be charged at that time under the terms and conditions of any contract which was in effect on May 1, 1942, between such seller and a purchaser of the same class for the sale of wet gas produced from such field.

(c) Where a maximum price for wet gas cannot be determined under (a) or (b), or where a maximum price has been determined under (a) or (b) and the purchaser wishes to extract, condense and save additional products from the wet gas not contemplated by the contract nor by any contract between a seller and a purchaser of the same class in the given field, a tentative maximum price may be set. The purchaser shall make a request in writing to the Petroleum Branch of the Office of Price Administration in Washington, D. C. for approval of such tentative maximum price within 15 days after it has been set by him. In connection with his request, the purchaser shall file with the said Office a statement setting forth (1) an explanation as to why it is impossible for the seller to establish a maximum price under paragraphs (a) or (b) of this section 10, (2) the tentative maximum price, and an explanation of the method used in arriving at such price, (3) the maximum prices for sellers and purchasers of the same class at the two nearest fields to the one in question, if known, and (4) if a written contract has been entered into, an authenticated copy thereof. The tentative maximum price shall be the maximum price for the production from the field to purchasers of the same class unless the tentative price is disapproved by the Office of Price Administration within 15 days from the date it is filed as provided above. Ordinarily a tentative price set under this paragraph (c) will not be approved unless such tentative price is in line with the maximum prices for sellers and purchasers of the same class at the nearest fields to the one in question. A tentative price which has been approved as a maximum price hereunder, may subsequently be changed by order of the Price Administrator.

SEC. 11. *Dry gas.* (a) Where a contract for the sale of dry gas was in effect on May 1, 1942, the seller's maximum price to the same purchaser for deliveries of dry gas produced from the same source or sources as the dry gas covered by the contract shall not exceed the price that could be charged for such deliveries under the terms of the contract that was in effect on May 1, 1942: *Provided, however,* That where under the terms of any contract in effect on May 1, 1942 between a seller and a purchaser, the price for dry gas was adjustable to the price of fuel oil, the seller's

maximum price to such purchaser shall be computed by regarding the maximum price of fuel oil on May 1, 1942 as the price of such fuel oil.

(b) Where a seller had contracts in effect on May 1, 1942 for the sale of dry gas but did not then have a contract with a particular purchaser for dry gas produced from the same source or sources as the dry gas covered by those contracts, the seller's maximum price to that purchaser for deliveries of dry gas shall not exceed the highest price that could be charged for such deliveries under (a) to a purchaser of the same class. If the seller had no contracts in effect on May 1, 1942 with purchasers of the same class, then, his maximum price shall be determined under (c) below.

(c) Where a seller cannot determine his maximum price under (a) or (b) above, then his maximum price for deliveries of dry gas shall be the highest maximum price of his most closely competitive seller of the same class to a purchaser of the same class as determined under (a).

(d) Notwithstanding the provisions of other paragraphs of this section 11, a seller's maximum price for deliveries of dry gas to a particular purchaser shall be either the maximum price established under paragraphs (a), (b) or (c) of this section 11 or a price agreed upon between the seller and the purchaser and reported in writing to the Petroleum Branch of the Office of Price Administration, Washington, D. C., by such seller within 10 days of the date of the agreement, which price must be in line with the level of maximum prices for dry gas generally prevailing in the general producing area, or if there is only one producer of dry gas in one general producing area, a price in line with the level of maximum prices prevailing in the nearest producing area in which similar conditions obtain. Once the seller has determined his maximum price for deliveries of dry gas to a particular purchaser under this paragraph (d) that price is his maximum price to that purchaser thereafter.

The seller may not accept payment for deliveries of dry gas subject to a maximum price determined under paragraph (d) until fifteen days have elapsed after mailing the report of such maximum price. Within the fifteen day period, the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment at any time upon written order of the Office of Price Administration.

In connection with the report required in paragraph (d) and concurrently therewith the following information shall be submitted to the Petroleum Branch of the Office of Price Administration.

By the Seller. (1) The seller's present maximum price for dry gas established by this regulation and the maximum price agreed upon accompanied both by a statement as to the point (such as the well-head, the pipe line or pipe line terminus) at which delivery to the purchaser is made, and by copies of the contract (if any) on the basis of which the present maximum price is established and of the proposed renewal thereof, or of the new contract for the sale of dry gas contemplated by the parties.

(2) Names and addresses of the purchasers of the seller's production.

By the Purchaser. (3) The disposition made of the gas purchased from the seller by each purchaser thereof.

(4) Maximum prices of dry gas established for other sellers in the particular producing area or, if the seller is the only producer in the particular area, in the nearest producing areas in which similar conditions obtain. Maximum prices should be stated for each class of purchasers together with a description of each class. Estimated percentage of total volume moving at each price should be stated and the nature of the facilities used in making delivery to each purchaser should be described.

(5) A statement in writing signed by the purchaser or purchasers that they will absorb any increase in the cost of dry gas resulting from the reported price and that they do not intend prior to the expiration of the Emergency Price Control Act of 1942, as amended, to rely upon such cost increase as a basis of application for increase in their resale prices or in the prices of other commodities or services sold or supplied by them.

The information required to be submitted by either the purchaser or the seller may be filed either with the report or separately. Information required of either the seller or the purchaser, if filed separately, will, upon request, be treated as confidential.

(e) Where a seller is unable to determine his maximum price for dry gas under (a), (b) or (c) above, a tentative maximum price may be set, and the seller shall comply with the requirements of filing as provided in section 10, paragraph (c), and the tentative maximum price shall be subject to disapproval and change as therein provided.

SEC. 12. *Applications, petitions, records and reports.*

Applications for adjustment—section 6 (b) and section 8 (k) (2).

Contracts for the purchase of crude petroleum to be filed with the Office of Price Administration—section 8 and section 8 (k) (2).

Obligation to keep record and reports after sale, or transfer of the business—section 4 (a).

Petitions for amendment—section 6.

Report by purchasers of crude petroleum of a price based on posted prices of another field—section 8 (b) (3).

Request for approval of tentative maximum price for crude petroleum at the receiving tank—section 9 (d).

Request for approval of tentative differential for sale of crude petroleum at a point other than the receiving tank—section 9 (f).

Request for approval of a price agreed upon for dry gas between purchaser and seller—section 11 (d).

Request for approval of tentative maximum price for dry gas section 11 (d).

Request for approval of tentative maximum price for wet gas—section 10 (c).

Effective date. This Regulation No. 436 shall become effective August 19, 1943.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13247; Filed, August 13, 1943; 1:58 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 122]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 88 is amended in the following respects:

1. In § 1340.151 the words "petroleum and" in the heading are deleted; the comma after the word "sell" in the phrase "offer to sell" is deleted and the word "or" is inserted in lieu thereof; the phrase "or transfer petroleum or" is deleted; the comma after the word "buy" in the phrase, "and no person shall buy," is deleted, and the word "or" is inserted in lieu thereof; and the phrase, "or accept delivery of crude petroleum" is deleted, and in lieu thereof the words "petroleum products" are inserted.

2. In § 1340.153 the phrase, "or a purchase, sale, delivery or transfer of crude petroleum," is deleted.

3. Sections 1340.154 (a), (b) and (f) are revoked.

4. In the first sentence of § 1340.155a the words, "petroleum or" following the words "selling at wholesale or retail any" are deleted.

5. In § 1340.156 (b) (1) the words, "petroleum and" following the words "file a petition for exception from § 1340.159 for sales of" are deleted.

6. Section 1340.156 (c) is revoked.

7. Sections 1340.157 (c), (g), (s), (v) and (w) are revoked.

8. In the first unnumbered paragraph of § 1340.159 the words, "on all domestic, export and import transactions, sales, transfers, exchanges or purchases of crude petroleum and," are deleted; the comma after the words "exchanges of petroleum products" is deleted; and the words, "involving contract, bid or spot sales of crude petroleum at the well, the gathering point, tank or terminal, and of petroleum products", are deleted.

9. In the second unnumbered paragraph of § 1340.159 the words, "petroleum or" in the phrase, "no seller of petroleum or petroleum products shall reduce his discounts," are deleted.

10. In the third unnumbered paragraph of § 1340.159 the words, "petroleum and," following the words, "the maximum prices for" are deleted; the letter "s" in the word "paragraphs" is deleted; and the words "(a) and" are deleted.

11. Section 1340.159 (a) is revoked.

12. In §1340.159 (c) the letter "s" in the word "paragraphs" is deleted, and the words "(a) and" are deleted.

13. Section 1340.159 (c) (1) is revoked.

14. Section 1340.159 (d) is revoked.

15. In § 1340.163, the words, "petroleum and/or" following the words "continues to deal in the same or similar," are deleted.

This amendment shall become effective August 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13246; Filed, August 13, 1943; 1:57 p. m.]

PART 1346—BUILDING MATERIALS

[Correction to MPR 413 [1]]

HINGES AND BUTT HINGES

Section 20 is corrected in the following respects:

1. Asterisks are inserted under the column headed "Frantz Manufacturing Company" in the following tables as indicated:

a. Table 29 opposite items 2243 and CP-2243.

b. Table 33 opposite item WS-1823-CP.

c. Table 36 opposite item S-745½PC.

d. Table 59 opposite item SC-300J.

e. Table 60 opposite item SC-400J.

f. Table 64 opposite item SC514-J.

g. Table 71 opposite item 704.

h. Table 74 opposite items SC526J, SC526 Galv., SC2526, SC527 Galv., SC536, SC536J, WS1350 and WS3501/4.

2. In Table 71 under the column headed "List prices for various sizes in inches (per dozen without screws)," the first item under the subcolumn headed "8" is corrected to read $5.26 instead of $3.26.

This correction shall be effective as of July 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13248; Filed, August 13, 1943; 1:57 p. m.]

PART 1385—NAVAL STORES

[MPR 446]

PINE TAR AND PINE TAR OIL

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1385.52 *Maximum prices for pine tar and pine tar oil.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 446 (Pine Tar and Pine Tar Oil), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1385.52 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 446—PINE TAR AND PINE TAR OIL

CONTENTS

Sec.
1. Prohibition against sales of pine tar or pine tar oil at higher than maximum prices.
2. Less than maximum prices.
3. Adjustable pricing.
4. Relationship of this to other maximum price regulations.
5. Geographical applicability.
6. Records and reports.
7. Evasion.
8. Enforcement.
9. Definitions.
10. Petitions for Amendment.

Appendix A: Maximum prices for pine tar or pine tar oil.

SECTION 1. *Prohibition against sales of pine tar or pine tar oil at higher than maximum prices.* On and after August 19, 1943, regardless of any contract or other obligation:

No person making a sale of pine tar or pine tar oil for which maximum prices are set forth in this regulation shall sell or deliver such pine tar or pine tar oil at prices higher than the maximum prices set forth in this regulation.

No person purchasing pine tar or pine tar oil from a seller for whom maximum prices are set forth in this regulation shall buy or receive such pine tar or pine tar oil in the course of trade or business at prices higher than the maximum prices set forth in this regulation.

No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Relationship of this regulation to other maximum price regulations—*(a) *General Maximum Price Regulation.*[1] The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Exports.* (*Second Revised Maximum Export Price Regulation*[2] *applicable.*) The maximum price at which a person may export pine tar or pine tar oil shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(c) *Imports* (*Revised Supplementary Regulation No. 12*[3] *applicable.* The provisions of this regulation do not apply to purchases, sales, or deliveries of pine tar or pine tar oil which originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported pine tar or pine tar oil are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.

SEC. 5. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia.

SEC. 6. *Records and reports.* (a) Every person making sales or purchases of pine tar or pine tar oil after August 18, 1943 for which maximum prices are established by this regulation, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase, showing the date thereof, the name and address of the seller and the buyer, the price paid or received, and the quantity of pine tar or pine tar oil sold or purchased.

(b) In addition, every producer making sales to dealers of pine tar or pine tar oil after August 18, 1943 for which maximum prices are established by this regulation, shall file with the Office of Price Administration, Chemicals and Drugs Price Branch, Washington, D. C., a schedule of customary discounts allowed during March 1942 on sales of pine tar or pine tar oil to dealers, or if no customary discounts were allowed during March 1942, a schedule of customary discounts allowed during the first month prior to March 1942 in which he did allow such discounts. If the producer has never sold pine tar or pine tar oil to dealers, he shall report prior to delivery to a dealer the name of his most closely competitive seller who is a producer whose discounts he is required to use under paragraph (a) (3) of Appendix A.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required by paragraphs (a) and (b) of

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718.

[1] 8 F.R. 8948, 9774.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 8 F.R. 4132, 5987, 7662.

[3] 7 F.R. 10532; 8 F.R. 611, 2035.

this section as the Office of Price Administration may from time to time require.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, the sale of pine tar or pine tar oil, alone or in connection with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium, or other privilege, or by tying-agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 8. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 9. *Definitions.* (a) When used in this regulation, the term:

"Dealer" means a person who purchases pine tar or pine tar oil from a producer and then resells it in substantially the same form.

"Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of the foregoing.

"Pine tar" means a thick brown to black liquid consisting of a mixture of hydrocarbons and their derivatives obtained by the destructive distillation of pine wood.

"Pine tar oil" means a thick brown to black liquid consisting of a mixture of hydrocarbons and their derivatives obtained by the destructive distillation of pine wood, but whose viscosity is lower than pine tar.

"Producer" means any person who produces pine tar or pine tar oil, and includes an agent of a producer.

"Zone A" means that part of the continental United States east of the eastern boundary of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; except the cities of Gadsden, Alabama; Memphis, Tennessee; and Natchez, Mississippi.

"Zone B" means the cities of Gadsden, Alabama; Memphis, Tennessee; and Natchez, Mississippi.

"Zone C" means that part of the continental United States west of the eastern boundary of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; except the cities of Los Angeles, and San Francisco, California; and Seattle, Washington.

"Zone D" means the cities of Los Angeles, and San Francisco, California; and Seattle, Washington.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 10. *Petitions for amendment.* Any persons seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

Appendix A: Maximum prices for pine tar or pine tar oil.—(a) *Sales by producers.* The maximum price per gallon for a sale of pine tar or pine tar oil by a producer, except a sale of pine tar or pine tar oil to Defense Supplies Corporation by any of the producers listed in Order No. 30[5] under § 1499.29 of the General Maximum Price Regulation, issued June 29, 1943 and effective June 30, 1943, shall be as follows:

(1) In tank cars:

Zone A	24¼¢, delivered.
Zone B	22¼¢, delivered.
Zone C	19¾¢, f. o. b. producer's plant.
Zone D	26⅜¢, delivered.

(2) *Container differentials.*

For all sales in drums or barrels the following differentials may be added to the prices set forth in subparagraph (1):

Carload, drums	Add 5¾¢ per gallon (Drums extra).
Less than carload, drums	Add 7¼¢ per gallon (Drums extra).
Carload, in containers other than drums.	Add 8¾¢ per gallon (Container included).
Less than carload, in containers other than drums.	Add 10¼¢ per gallon (Container included).

(3) *To dealers.* A sale by a producer to a dealer for resale shall be made at the maximum prices established in subparagraphs (1) and (2) above less any customary discount allowed by that producer to the same class of dealer during March 1942, or if there were no sales to dealers in March 1942, any customary discount allowed during the first month prior to March 1942 in which there were such sales. If the producer has never sold pine tar or pine tar oil to dealers, he shall apply the discounts on such sales of his most closely competitive seller who is a producer.

(b) *Credit.* The maximum prices set forth in this regulation shall not be increased by any charges for credit.

(c) *Containers.* A seller may require a reasonable deposit to insure the return of drums, but such deposit must be refunded to the buyer upon return of the drums in good condition within a reasonable time. Transportation costs with respect to the return of empty drums to the seller shall in all cases be borne by the seller.

Effective date. This regulation shall become eqective August 19, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13249; Filed, August 13, 1943; 1:57 p. m.]

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.
[5] 8 F.R. 9026.

PART 1499—COMMODITIES AND SERVICES

[Rev. MPR 204]

SPECIAL SALES OF INDUSTRIAL MATERIALS

Maximum Price Regulation 204 is redesignated Revised Maximum Price Regulation 204 and is revised and amended to read as set forth herein.

In the judgment of the Price Administrator it is necessary and proper to establish in a separate regulation maximum prices for special sales of industrial materials which, because of their occasional and nonrepetitive character, in many cases cannot be satisfactorily priced under the provisions of specific price regulations or under the General Maximum Price Regulation.[1]

In the judgment of the Price Administrator, the maximum prices established by this Revised Maximum Price Regulation 204 (herein referred to as "this regulation") are, and will be, generally fair and equitable and in conformity with the level of prices established by the regulations heretofore adopted by the Office of Price Administration, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1499.501 *Maximum prices for special sales of industrial materials.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 204 (Special Sales of Industrial Materials) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1499.501 issued under Pub. Laws 421 and 729, 77th Cong., and E.O. 9250, 7 F.R. 7871.

REVISED MAXIMUM PRICE REGULATION 204—SPECIAL SALES OF INDUSTRIAL MATERIALS

ARTICLE I—COVERAGE

Sec.
1. Purpose of this regulation.
2. Definition of "special sale" and "industrial material".
3. Coverage of this regulation.
4. Relation to other regulations.
5. Geographical application.

ARTICLE II—MAXIMUM PRICES

6. Industrial material which is in the same, or substantially the same, form in which the seller originally purchased it.
7. Industrial material which has been fabricated, processed or otherwise altered, or alloyed, mixed or otherwise combined so that it is no longer in substantially the same form in which the seller originally purchased it.
8. Cost of packing and loading.
9. Commissions, fees and similar charges.
10. Sales for export.
11. Price changes based on purchases under this regulation.

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025
[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

ARTICLE III—DEFINITIONS

Sec.
12. Meaning of "f. o. b. present location".
13. Meaning of "present", "price regulation" and "person".
14. Meaning of "original supplier" and "actual delivered cost".
15. Meaning of other terms.

ARTICLE IV—PROHIBITIONS AND ENFORCEMENT

16. Prohibited sales and deliveries.
17. Prohibited evasive practices.
18. Less than maximum prices.
19 Enforcement.

ARTICLE V—MISCELLANEOUS

20. Records and reports.
21. Adjustable pricing.
22. Federal and state taxes.
23. Special provisions for certain sales and deliveries.
24. Applications for adjustment and petitions for amendment.

Article I—Coverage

SECTION 1. *Purpose of this regulation.* The purpose of this regulation is to provide uniform rules for determining the maximum prices applicable to special sales of industrial materials. These sales usually, but not necessarily, are governed by Priorities Regulation No. 13 or Directive No. 16 issued by the War Production Board and involve materials which have become excess or idle by reason of War Production Board orders or cancellation or completion of contracts.

SEC. 2. *Definition of "special sale" and "industrial material".* (a) "Special sale" means any sale, lease or barter (other than sales excepted under section 4 hereof) of a commodity by a person who does not normally sell the commodity in the same form in the ordinary and regular course of business. It also includes deliveries or transfers pursuant to such a sale, lease or barter. A sale of a commodity which was originally purchased for export but which is sold domestically by a person who does not normally sell such commodities domestically shall be deemed to be a special sale.

(b) "Industrial material" means any commodity or unassembled part or product except the following:

(1) Scrap, i. e., the waste or by-product of any kind of fabricating or manufacturing operation.

(2) Commodities which are being rationed at the retail level by O. P. A. or any other government agency.

(3) Foodstuffs, medicines or other commodities for human or animal consumption.

(4) Tools, machinery, assembled equipment, or other assembled products.

(5) Finished consumers' goods which are in the form in which they are normally sold at retail and which do not require in order to be used to be further processed or made part of, or affixed to, a building, structure or assembly.

(6) Used supplies or equipment not acquired or produced by the present holder for the purpose of sale.

SEC. 3. *Coverage of this regulation.* Except for section 23 (a) this regulation applies only to special sales of industrial materials; other sales or deliveries of industrial materials and all sales or deliveries of other commodities are not affected by this regulation.

SEC. 4. *Relation to other regulations.* This regulation establishes maximum prices for all special sales of industrial materials except sales covered by MPR 174—Freight Car Material Sold by Car Builders,[4] sales covered by SO 10—Judicial sales,[5] sales covered by SO 32—Netherlands Purchasing Commission,[6] sales covered by SO 43—Maximum prices for certain sales of certain surplus stocks,[7] and sales covered by SO 48—Accommodation Sales of Industrial Materials.[8] This regulation, therefore, supersedes all price regulations except those above mentioned as to all special sales of industrial materials. No other price regulations whether issued before or after this regulation apply to special sales of industrial materials unless this regulation is expressly amended to except such other price regulation from the provisions of this regulation.

SEC. 5. *Geographical application.* The provisions of this regulation shall apply only in the forty-eight States of the United States and in the District of Columbia.

Article II—Maximum Prices

SEC. 6. *Industrial material which is in the same, or substantially the same, form in which the seller originally purchased it.*—(a) *Sales to a producer, warehouseman, distributor or jobber.* On a special sale to a producer who normally produces the same or similar material for sale or to a warehouseman, distributor or jobber there shall be no maximum price.

(b) *Sale to any other person.* On a special sale to any other person

(1) The maximum price f. o. b. present location shall be:

(i) The maximum price which his original supplier would be allowed to charge by existing price regulations if he were to sell the material in its present form to the present seller at the present time plus any transportation charges (including trucking or cartage from railroad siding to present location), brokerage fees, or other charges actually paid by the present seller to third persons (not his own employees) in purchasing the material and transporting it to its present location. However, the amount added for such charges or fees may not exceed any limitation imposed thereon by any price regulation applying to them.

(ii) Whenever the quantity of material being sold is equal to or smaller than the amount which the present seller most recently purchased from his original supplier, "the maximum price which the original supplier would be allowed to charge" shall be figured on the basis of the quantity of material so purchased and not the quantity presently being sold.

(iii) Whenever the quantity of material sold is larger than the quantity which the present seller most recently purchased from his original supplier "the maximum price which the original supplier would be allowed to charge" shall be figured on the basis of the quantity sold.

(2) If the maximum price cannot be figured under the preceding subparagraph (1), the maximum price f. o. b. present location shall be the actual delivered cost of the material to the present seller. "Actual delivered cost" is defined in section 14 (b).

SEC. 7. *Industrial material which has been fabricated, processed or otherwise altered, or alloyed, mixed or otherwise combined so that it is no longer in substantially the same form in which the present seller originally purchased it.*—(a) *Sale to a person who normally purchases material in such form.* On a special sale to a person who regularly purchases material in substantially its present form for use in further manufacturing or processing operations or for resale in such form, or on a special sale to a person who would otherwise have manufactured or processed the material into substantially its present form in the course of his operations:

(1) The maximum price shall be the dollars and cents price which the present seller would have been allowed to charge by any price regulation which would have applied to such sale if this regulation had not been issued, or

(2) If no dollars and cents price established by any price regulation would have applied to such sale, the maximum price f. o. b. present location shall be the sum of the following:

(i) Actual delivered cost of the material to the seller.

(ii) Direct labor costs in putting the material into its present form, plus the net cost including transportation charges to the seller of any manufacturing or processing operation performed by an independent contractor.

(iii) The same percentage markup over (i) and (ii) above which was obtained by the seller during the last previous months production of the completed product or products into which the materials would originally have gone.

(b) *Sales to any other persons.* On a special sale to any other person, the material shall be considered as scrap, waste or salvage and

(1) The maximum price shall be the dollars and cents price which the present seller would have been allowed to charge by any price regulation which would have applied to such a sale of the material as scrap, waste, or salvage if this regulation had not been issued, or

(2) If no dollars and cents price established by any price regulation would have applied to such a sale, the maximum price f. o. b. present location of the material shall be 80% of the actual delivered cost of the material to the seller. However, this subparagraph (2) applies only on a special sale to an industrial consumer or an agency of the United States; on a special sale of such material to any other person there shall be no maximum price.

(c) *Meaning of "dollar and cents maximum price".* The term "dollar and cents maximum price" means any price fixed by, or determinable under, any

[4] 7 F.R. 5061, 8739, 8948, 8 F.R. 155, 9021.
[5] 7 F.R. 5481, 10448.
[6] 7 F.R. 10377.
[7] 8 F.R. 5173.
[8] 8 F.R. 6355.

price regulation, except a maximum price

(1) Which is arrived at by the use of a formula requiring the seller to take into account certain or all of his production costs and mark-ups, or

(2) Which is determined by reference to the price at which the seller or some other person sold or offered the material for sale during a given period of time. However, a maximum price established by reference to a published price list shall be considered to be a "dollar and cents maximum price". The term includes all discounts, allowances, or premiums for quantity, quality, shape, form, class of purchaser, or promptness of payment required or permitted by such price regulation. In computing what delivery charges, if any, the seller may add to the maximum price thus established, the provisions required or permitted by such price regulation shall be followed.

SEC. 8. *Cost of packing and loading.* Except as hereinafter set forth in this Section, whenever maximum prices are established by this regulation on an f. o. b. present location basis, they include the cost of packing the material and loading it on the first conveyance that is to transport the material to the buyer. If the material is sold "where is" or "as is, where is", the maximum price must be reduced by an amount fairly reflecting the cost to the buyer of loading or of packing and loading the material for shipment to the buyer. However, if a seller pursuant to an allocation or direction of the War Production Board ships material in different quantities than originally delivered to him and such shipment in different quantities requires an increase in the cost of packages and packing over the cost of packages and packing in the quantity originally delivered to him, the seller may add to the maximum prices otherwise established by this regulation on an f. o. b. present location basis the exact cost of packages used plus the difference in cost between his cost of packing the new packages and the cost, if any, of his packing the materials in the quantity originally delivered to him.

SEC. 9. *Commissions, fees and similar charges.* No commission, fees, brokerage or similar charges may be paid by the buyer to the seller or to a third person (not his own employee) in addition to the maximum price established by this regulation.

SEC. 10. *Sales for export.* The maximum price at which a person may export industrial material, pursuant to a special sale, shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation[*] issued by the Office of Price Administration.

SEC. 11. *Price changes based on purchases under this regulation.* No petition or application for amendment, adjustment, exception, or other relief will be granted by the Price Administrator to the extent that such petition or application is based directly or indirectly upon the purchase or receipt of industrial materials pursuant to this regulation at a price higher than the maximum price which such person could legally have paid if he had purchased the material at the same time from his regular sources of supply.

Article III—Definitions

SEC. 12. *Meaning of "f. o. b. present location".* The term "f. o. b. present location" means that the material must be packed for shipment and loaded on the first conveyance that is to transport the material to the buyer. Thus, if the seller has a railroad siding and the material is to be transported to the buyer by rail, the phrase means f. o. b. railroad cars. If the material is to reach the buyer by truck, the phrase means f. o. b. truck. However, if the seller has no railroad siding and the material is to reach the buyer by rail after having been shipped to a freight terminal by truck, the phrase means f. o. b. truck.

SEC. 13. *Meaning of "present", "price regulation" and "person".* (a) The term "present" means at the time of the special sale or the contract for the special sale. "Presently" shall be similarly interpreted.

(b) The term "price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, or a maximum price regulation heretofore or hereafter issued, or an amendment to, or order under, any such schedule or regulation, whether such amendment or order is heretofore or hereafter issued.

(c) The term "person" includes an individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof or any other government or any of its political subdivisions or any agency of the foregoing.

SEC. 14. *Meaning of "original supplier" and "actual delivered cost".* (a) The term "original supplier" means the person from whom the seller originally purchased or acquired the material. However, if the seller originally purchased or acquired the material from more than one supplier and if the seller cannot identify which part of the material was purchased or acquired from each supplier, the last person from whom any part of the material was purchased or acquired shall be considered as the original supplier for all such material.

(b) The term "actual delivered cost" means the net price per unit actually paid by the seller for the material after deducting all discounts allowed to the seller and adding all transportation and delivery charges actually paid by the seller. It does not include any storage, handling, or other charges paid or incurred after the material was received at the seller's plant or warehouse. If the material was originally purchased at more than one price and if the seller cannot identify which portion of the material was purchased at each price, the actual delivered cost shall be the delivered cost paid for the last portion of the material received since January 1, 1940 in the quantity, grade and specification being sold, or if no such quantity, grade and specification was received then the nearest quantity, grade and specification received within such period, unless the seller maintains an average delivered cost valuation upon his inventory of such material, in which case that average delivered cost shall be considered as the actual delivered cost. If no material has been received since January 1, 1940 and the seller has not maintained an average delivered cost valuation upon his inventory of such materials, then the actual delivered cost shall be the delivered cost paid for the last portion of such material.

SEC. 15. *Meaning of other terms.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

Article IV—Prohibitions and Enforcement

SEC. 16. *Prohibited sales and deliveries.* On and after the effective date of this regulation, regardless of any contract or other obligation:

(a) No person shall make a special sale of, or deliver pursuant to a special sale, any industrial material at a price higher than the maximum price permitted by this regulation.

(b) No person in the course of trade or business shall buy at a special sale, or receive pursuant to a special sale, any industrial material at a price higher than the maximum price permitted by this regulation. However, the buyer will be considered to have complied with this paragraph if he receives from the seller a written statement that, to the best of the seller's knowledge, information, and belief, the prices charged do not exceed the maximum prices established by this regulation, and if, in such case, the buyer has no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation; and

(c) No person shall agree, offer, solicit or attempt to do any of the acts prohibited by this section.

SEC. 17. *Prohibited evasive practices.* Any practice or device, which is an attempt to obtain or has the effect of obtaining a price higher than the maximum without actually charging a higher price as such, is prohibited and is as much in violation of this regulation as an outright excessive price.

SEC. 18. *Less than maximum prices.* Lower prices than those provided in this regulation may be charged, demanded, paid or offered.

SEC. 19. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) No war procurement agency or any contracting or paying officer thereof shall be subject to any liability, civil or criminal, imposed by this regulation or the Emergency Price Control Act of 1942, as amended. "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department; the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Corporation, Metals Reserve Company, Defense Plant Corporation and Defense Supplies Corporation; the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941; or an agency of any of the foregoing.

Article V—Miscellaneous

SEC. 20. *Records and reports.* (a) On and after the effective date of this regulation every person making special sales of industrial materials shall keep available for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942, as amended, continues in effect:

(1) Complete and accurate records of each said sale showing:

(i) A description of the material,

(ii) The quantity sold,

(iii) When, at what price, and to whom the material was sold, and

(iv) How the selling price was arrived at.

(2) All available records showing when, at what price and from whom the material was purchased, and what transportation charges, brokerage fees or other charges the present seller paid to third persons (not the present seller's own employees).

(b) *Other records and reports.* Persons subject to this regulation shall keep such other records and submit such other reports, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as the Office of Price Administration may from time to time require or permit, either in addition to or in substitution for records and reports required by this regulation.

SEC. 21. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 22. *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of industrial material imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for special sales of industrial material and in preparing the records of such seller with respect thereto:

(a) If, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this regulation.

(b) In all other cases the seller may not collect the amount of such tax in addition to the maximum price.

SEC. 23. *Special provisions for certain sales and deliveries.* (a) Whenever the War Production Board or any other government department or agency has announced a program for the purchase of idle, frozen or surplus inventories of industrial materials, and an order has been issued under this section identifying such program and establishing maximum prices for such purchases, the maximum prices thus established shall supersede the maximum prices established by this regulation, or any other price regulation which would have applied to such sales or deliveries unless otherwise hereafter specifically provided in that price regulation.

(b) Notwithstanding the provisions of sections 6 and 7 of this regulation, the maximum price f. o. b. point of shipment applicable to special sales of industrial materials by one public utility producer, as defined in W. P. B. Utilities Order U–1, to another public utility producer, in accordance with W. P. B. Utilities Order U–1, shall be the book cost of such industrial material to the present seller thereof. "Book cost" means average net price actually paid by the present seller (after deducting all discounts or other deductions of which the present seller was beneficiary and adding any transportation or delivery charges actually paid by the present seller) plus purchasing, warehousing and related accounting costs attributable to the material and actually incurred by the present seller but not to exceed 10% of the average net price.

(c) Nothing in this regulation or in any other price regulation, unless otherwise hereafter specifically provided in that price regulation, shall apply to special sales of industrial materials by one Rural Electrification Administration financed cooperative to another Rural Electrification Administration financed cooperative with the approval of the Rural Electrification Administration.

SEC. 24. *Applications for adjustment and petitions for amendment.*—(a) *Applications for adjustment.* Any person seeking relief from a maximum price established by this Regulation may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Revised Procedural Regulation No. 1, shall set forth the facts relating to the hardship to which such maximum price subjects the applicant, together with a statement of the reasons why he believes that the granting of relief in his case will not defeat or impair the policy of the Emergency Price Control Act of 1942, as amended, Executive Orders 9250 and 9328 and of this regulation to eliminate the danger of inflation and shall establish that the prospective purchaser is able and willing to absorb such increase in price.

(b) *Petitions for amendment.* Any person seeking a modification of any provision of this Regulation (other than an adjustment provided by paragraph (a) of this section) may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

Effective date. This regulation shall become effective August 19, 1943.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–13250; Filed, August 13, 1943; 1:59 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 18 Under § 1499.18 (c) of GMPR, Amdt. 1]

GENERAL CARBON COMPANY

Amendment No. 1 to Order No. 18 Under § 1499.18 (c), as Amended, of the General Maximum Price Regulation; Docket No. GF3–3252.

For the reasons set forth in an opinion issued simultaneously herewith, § 1499.1518 (e) is amended to read as follows:

(e) This Order No. 18 may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective August 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 13th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13259; Filed, August 13, 1943; 4:51 p. m.]

[*] 8 F.R. 4132, 5987, 7662.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 148,[1] Amdt. 10]

SLICED BACON

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1364.35, Schedule I (h), Item 26 is amended to read as follows:

Canned pork items	Size of can	Price (dollars per 100 pounds)
• •	• •	• •
26. Sliced bacon (F. D. A. specifications)	1¼ lbs	$30.00
	7 lbs	29.75
Sliced bacon (C. Q. D. tentative specifications)	1½ lbs	32.75
	7 lbs	32.50

This amendment shall become effective August 13, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8609, 9005, 8948, 8 F.R. 544, 2922, 3367, 4785, 7322, 7671, 7826, 8376, 8677, 10571, 10732.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 74]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

[1] 7 F.R. 8480, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1316, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2871, 2720, 2887, 3106, 3521, 3628, 3733, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6960, 7588, 6137, 9059, 9214, 9458, 9382, 10082, 10089, 10304, 10435.

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5281(a) is amended by inserting the phrase "and in Areas A and B according to Table ID (instead of Tables IA and IB) in § 1394.5851 (a) (4)" after the phrase "in § 1394.5851 (a) (3)".

2. Section 1394.5282 (a) is amended by adding after the period at the end of the paragraph the sentence "In Areas A and B, and designated subcolumn of Table ID shall be used to determine the range."

3. Section 1394.5289 (a) (3) is added to read as follows:

(3) In Areas A and B, the gallonage value of any coupons or delivery receipts issued to the applicant as an advance ration for heat or hot water, or both, pursuant to § 1394.5311.

4. Section 1394.5291 is revoked.

5. Section 1394.5311 (a) is amended by substituting the phrase "may, prior to September 1, 1943, receive" for the phrase "may receive."

6. Section 1394.5851 (a) (4) is added to read as follows:

(4) Table ID—Percentage adjustment to obtain normal consumption and maximum and minimum rations by heated floor area and by subzones, in Washington, Oregon, and Idaho:

Sub-zones (By state and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Floor area (in sq. ft.)	(3) Central heating equipment, Maximum	(4) Central heating equipment, Minimum	(5) Space heaters, Maximum	(6) Space heaters, Minimum	(7) House trailers, Maximum
			Maximum and minimum rations				
			Gallons	*Gallons*	*Gallons*	*Gallons*	*Gal. per sq. ft.*
23A *Washington:* Asotin	95	100–149	226	174	226	174	3.214
Idaho: Boise		150–199	317	243	317	243	3.214
23B *Oregon:* Wallowa	97	200–249	406	312	406	312	3.214
Idaho: Lewis		250–299	497	381	497	381	3.214
		300–349	575	441	575	441	3.214
23C *Washington:* Douglas, Ferry, Lincoln, Pend Oreille, Stevens	100	350–399	641	491	641	491	3.214
		400–449	719	551	719	551	3.214
Idaho: Shoshone		450–499	804	616	804	616	3.214
					Gal. per sq. ft.	*Gal. per sq. ft.*	
23D *Idaho:* Bonner, Boundary	104	500–549	832	638	1.607	1.233	3.214
		550–599	864	662	1.607	1.233	3.214
		600–649	904	694	1.607	1.233	3.214
		650–699	932	730	1.607	1.233	3.214
		700–749	1,004	771	1.607	1.233	3.214
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		750 and over	1.339	1.027	1.607	1.233	3.214
			Gallons	*Gallons*	*Gallons*	*Gallons*	
24A *Oregon:* Deshutes	90	100–149	216	166	216	166	3.000
		150–199	302	232	302	232	3.000
24B *Oregon:* Baker, Harney, Lake	97	200–249	389	299	389	299	3.000
Idaho: Idaho, Kootena		250–299	475	365	475	365	3.000
		300–349	550	422	550	422	3.000
24C *Idaho:* Latah, Washington	100	350–399	612	470	612	470	3.000
		400–449	675	517	675	517	3.000
		450–499	737	565	737	565	3.000
		500–524	788	604	788	604	3.000
					Gal. per sq. ft.	*Gal. per sq. ft.*	
		525–549	788	604	1.500	1.151	3.000
		550–599	826	634	1.500	1.151	3.000
		600–649	865	663	1.500	1.151	3.000
		650–699	904	694	1.500	1.151	3.000
		700–749	951	729	1.500	1.151	3.000
		750–799	1,000	767	1.500	1.151	
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		800 and over	1.250	.959	1.500	1.151	3.000
			Gallons	*Gallons*	*Gallons*	*Gallons*	
25A *Oregon:* Crook, Wheeler	90	100–149	205	157	205	157	2.786
		150–199	286	220	286	220	2.786
25B *Washington:* Spokane	95	200–249	369	283	369	283	2.786
Oregon: Jefferson		250–299	450	346	450	346	2.786
		300–349	521	399	521	399	2.786
25C *Oregon:* Klamath, Malheur	97	350–399	581	445	581	445	2.786
Idaho: Elmore		400–449	641	491	641	491	2.786
		450–499	712	546	712	546	2.786

Sub-zones (By state and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Floor area (in sq. ft.)	(3) Central heating equipment, Maximum	(4) Central heating equipment, Minimum	(5) Space heaters, Maximum	(6) Space heaters, Minimum	(7) House trailers, Maximum
			Maximum and minimum rations				
			Gallons	*Gallons*	*Gallons*	*Gallons*	*Gal. per sq. ft.*
26D *Washington:* Adams, Chelan, Kittitas, Klickitat, Okanogan, Whitman	100	500–549	766	588	766	588	2.786
					Gal. per sq. ft.	*Gal. per sq. ft.*	
		550–599	784	602	1.393	1.068	2.786
Oregon: Gilliam, Sherman		600–649	821	629	1.393	1.068	2.786
Idaho: Benewah		650–699	858	658	1.393	1.068	2.786
		700–749	894	686	1.393	1.068	2.786
26E *Washington:* Skamania	104	750–799	908	720	1.393	1.068	2.786
		800–849	987	757	1.393	1.068	2.786
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		850 and over	1.161	.890	1.393	1.068	2.786
			Gallons	*Gallons*	*Gallons*	*Gallons*	
26A *Oregon:* Morrow	90	100–149	194	148	194	148	2.572
		150–199	271	207	271	207	2.572
26B *Idaho:* Payette	95	200–249	347	267	347	267	2.572
		250–299	424	326	424	326	2.572
26C *Oregon:* Grant, Union	97	300–349	492	378	492	378	2.572
Idaho: Canyon, Clearwater, Owyhee		350–399	548	420	548	420	2.572
		400–449	603	463	603	463	2.572
		450–499	659	505	659	505	2.572
26D *Washington:* Grant	100	500–549	704	540	704	540	2.572
		550–574	739	567	739	567	2.572
					Gal. per sq. ft.	*Gal. per sq. ft.*	
26E *Washington:* Clallam, San Juan, Whatcom	110	575–599	739	567	1.286	.986	2.572
		600–649	774	594	1.286	.986	2.572
		650–699	808	620	1.286	.986	2.572
		700–749	843	647	1.286	.986	2.572
		750–799	877	673	1.286	.986	2.572
		800–849	919	705	1.286	.986	2.572
		850–899	964	740	1.286	.986	2.572
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		900 and over	1.071	.822	1.286	.986	2.572
			Gallons	*Gallons*	*Gallons*	*Gallons*	
27A *Oregon:* Umatilla	90	100–149	181	139	181	139	2.358
Idaho: Ada		150–199	254	194	254	194	2.358
		200–249	325	249	325	249	2.358
27B *Washington:* Columbia, Garfield	95	250–299	397	305	397	305	2.358
Idaho: Gem		300–349	460	352	460	352	2.358
		350–399	512	392	512	392	2.358
27C *Washington:* Benton, Franklin, Yakima	100	400–499	565	433	565	433	2.358
		450–499	617	473	617	473	2.358
		500–549	665	511	665	511	2.358
27D *Oregon:* Hood River, Wasco	104	550–569	707	542	707	542	2.358
					Gal. per sq. ft.	*Gal. per sq. ft.*	
27E *Washington:* Grays Harbor, Island, Jefferson, Mason, Pacific, Skagit, Snohomish, Thurston	110	600–649	730	560	1.179	.904	2.358
		650–699	756	580	1.179	.904	2.358
		700–749	788	604	1.179	.904	2.358
		750–799	819	629	1.179	.904	2.358
		800–849	852	654	1.179	.904	2.358
		850–899	891	683	1.179	.904	2.358
		900–949	933	716	1.179	.904	2.358
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		950 and over	.982	.753	1.179	.904	2.358
			Gallons	*Gallons*	*Gallons*	*Gallons*	
28A *Washington:* Walla Walla	95	100–149	173	133	173	133	2.142
Idaho: Nez Perce		150–199	243	187	243	187	2.142
		200–249	312	240	312	240	2.142
28B *Washington:* Clark	104	250–299	383	293	383	293	2.142
Oregon: Benton, Clackamas, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill.		300–349	441	339	441	339	2.142
		350–399	490	376	490	376	2.142
		400–449	539	413	539	413	2.142
		450–499	587	451	587	451	2.142
		500–549	626	480	626	480	2.142
		550–599	660	506	660	506	2.142
		600–649	696	534	696	534	2.142
					Gal. per sq. ft.	*Gal. per sq. ft.*	
28C *Washington:* Cowlitz, King, Kitsap, Lewis, Pierce, Wahkiakum	110	650–699	715	549	1.071	.822	2.142
Oregon: Clatsop, Columbia.		700–749	738	566	1.071	.822	2.142
		750–799	766	588	1.071	.822	2.142
		800–849	795	609	1.071	.822	2.142
		850–899	823	631	1.071	.822	2.142
		900–949	857	657	1.071	.822	2.142
		950–999	893	685	1.071	.822	2.142
			Gal. per sq. ft.	*Gal. per sq. ft.*			
		1,000 and over	.893	.685	1.071	.822	2.142

This amendment shall become effective on August 18, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 13th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13258; Filed, August 13, 1943; 4:50 p. m.]

PART 1429—POULTRY AND EGGS

[MPR 333,[1] Amdt. 12]

EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9027, 9300, 9879.

Section 1429.67 (i) is amended to read as follows:

(i) *Written statements to be furnished on delivery.* At the time of the delivery or acceptance of shell eggs sold to any buyer, except an ultimate consumer, the seller shall furnish to the buyer a written statement setting forth the name and address of the buyer and seller; the date of delivery or acceptance; the quantities, grades, sizes or weights, of the eggs sold; and the prices charged and received.

This amendment shall become effective August 13, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13256; Filed, August 13, 1943; 4:50 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Rev. MPR 130,[1] Amdt. 4]

NEWSPRINT PAPER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1347.283 (a) (2) is amended to read as follows:

(2) The maximum price for shipments to destinations in Zone 4, exclusive of conversion charges, super standard differential and merchants' mark-ups as set forth in paragraphs (b), (c) and (d) of this section respectively, shall be $59.00, hereinafter referred to as the "base price."

This amendment shall become effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13313; Filed, August 14, 1943; 3:12 p. m.]

PART 1377—WOODEN CONTAINERS

[MPR 434,[2] Amdt. 1]

USED FRUIT AND VEGETABLE CONTAINERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 434 is amended in the following respects:

1. Section 3 (b) is amended to read as follows:

(b) *Transactions covered.* This regulation covers all sales and purchases of used fruit and vegetable containers made within the continental limits of the United States; except that sales to members by "farmers' cooperatives", as herein defined, and sales made in the states of Arizona, Utah, Nevada, California, Oregon and Washington are specifically exempt from the coverage of the regulation.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9251, 10255; 8 F.R. 1586, 2670, 7766.
[2] 8 F.R. 10088.

2. The third sentence in section 13 is amended to read as follows:

Dealers must make application for a license to the Lumber Branch, Office of Price Administration, Washington, D. C., within 30 days from the issuance of this regulation or within 30 days from entering business. After filing an application for a license a person may sell as a dealer pending action by the Office of Price Administration.

This amendment shall become effective August 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13314; Filed, August 14, 1943; 3:10 p. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[Rev. RO 7,[1] Amdt. 10]

NEW ADULT BICYCLE RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 7 is amended in the following respects:

1. Section 1391.11 (b) is amended to read as follows:

(b) A certificate which has not been used by the person to whom it was issued for the acquisition of a new adult bicycle within thirty days from date of issuance, or within any additional time allowed by the board under § 1391.12 (a), shall become null and void.

2. Section 1391.12 (a) is amended to read as follows:

(a) The person to whom a ration certificate has been issued may use it for the purposes specified thereon within thirty days from the date on the certificate, or within any additional time allowed by the board, but not thereafter. The allowance of any additional time shall be noted on the face of the certificate.

3. Section 1391.13 (a) is amended to read as follows:

(a) A certificate which has not been used by the person to whom it was issued within thirty days after issuance, or within any additional time allowed by the board, shall be surrendered to the board which issued it or to the Office of Price Administration, if issued by it.

4. Section 1391.27 is amended to read as follows:

§ 1391.27 *Records and report of inventory*—(a) *Records to be kept by dealers and distributors.* A dealer or distributor making or accepting a transfer of any new adult bicycle shall keep, and preserve for two years, in a serially numbered or original bound book, a record of such transfer which shall include the name and address of the transferor and transferee, the number of new adult bicycles transferred and their make, model and serial numbers, the date of the transfer and the serial numbers of the certificates, authorizations, or WPB orders pursuant to which the transfer is made.

(b) *Report of inventory by dealers and distributors.* Every dealer and distributor shall, as of the close of business on August 22, 1943, take an inventory for each of his places of business of all new adult bicycles owned, possessed or controlled by him and keep a record thereof. Every dealer and distributor shall report such inventory on OPA Form R-707, and shall furnish such further information as is requested thereon, for each of his places of business. OPA Form R-707 shall be filed on or before August 31, 1943, with the Central Inventory Unit, Office of Price Administration, Empire State Building, New York, New York. The provisions of this paragraph shall not apply to dealers and distributors in the territories and possessions of the United States, other than the District of Columbia.

This amendment shall become effective August 14, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong.; WPB Dir. 1, Supp. Dir. 1G, 7 F.R. 562, 3546)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13315; Filed, August 14, 1943; 3:11 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 76]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.184a (a) is amended to read as follows:

(a) Sugar may be delivered to and accepted by Army Exchanges, Post Exchanges of the Marine Corps, Ships' Service Departments Ashore of the Navy and Coast Guard, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for checks equal in weight value to the sugar delivered. Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and similar designated activities are authorized to open accounts, but may not open exempt accounts of the type described in General Ration Order 3B. Certificates to be deposited by Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and similar designated activities to establish ration credits shall be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Marine Corps, the Coast Guard, and the Training Organization of the War Shipping Administration. (The issuance of certificates to establish ration credits for Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration and similar designated activities for the delivery of sugar for institutional use is governed by General Ration Order 5.

2. Section 1407.184a (b) is amended to read as follows:

(b) Ration credits may be transferred by check without the delivery of sugar between accounts maintained for Army Exchanges, between accounts maintained for Post Exchanges of the Marine Corps, between accounts maintained for Ships' Service Departments Ashore of the Navy, between accounts maintained for Ships' Service Departments Ashore of the Coast Guard, and between accounts maintained for commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration.

This amendment shall become effective August 19, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005.)

Issued this 14th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13317; Filed, August 14, 1943; 3:10 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 51]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respect:

Appendix A is amended by adding the following, between "cereals" and "chocolate syrup": "Chile con carne."

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 8811, 9304, 9458, 10304, 10512.

[1] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7267, 7268, 7380, 7353, 7490, 7589, 8357, 8705, 9024, 9012, 9216, 9305, 9459, 10511.

This amendment shall become effective August 19, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 14th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13316; Filed, August 14, 1943; 3:12 p. m.]

PART 1416—COAL TAR PRODUCTS

[MPR 447]

COAL TAR

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1416.1 *Maximum prices for coal tar.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 447 (Coal Tar), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1416.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.

MAXIMUM PRICE REGULATION NO. 447—COAL TAR

CONTENTS

Sec.
1. Prohibition against dealing in coal tar at higher than maximum prices.
2. Less than maximum prices.
3. Adjustable pricing.
4. Applicability of other price regulations.
5. Geographical applicability.
6. Records and reports.
7. Evasion.
8. Enforcement.
9. Definitions.
10. Applications for adjustment.
11. Petitions for amendment.
Appendix A: Maximum prices for coal tar.

SECTION 1. *Prohibition against dealing in coal tar at higher than maximum prices.* On and after August 20, 1943, regardless of any contract or other obligation:

No producer shall sell or deliver coal tar in quantities of 50 gallons or more at a price higher than the maximum price established by this regulation;

No person shall buy or receive coal tar from producers in quantities of 50 gallons or more in the course of trade or business at a price higher than the maximum price so established; and

No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, offered or paid.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Applicability of other price regulations* — (a) *General Maximum Price Regulation.*[1] The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Imports (Revised Supplementary Regulation No. 12[2] applicable.)* The provisions of this regulation do not apply to purchases, sales, or deliveries of coal tar which originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such coal tar are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.

(c) *Exports (Second Revised Maximum Export Price Regulation[3] applicable).* The maximum prices at which a producer may export coal tar shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

SEC. 5. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia.

SEC. 6. *Records and reports.* (a) Every person making a sale or purchase of coal tar after August 19, 1943, for which maximum prices are established by this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, accurate records of each such sale or purchase showing: the date thereof, the name and address of the buyer or seller, the quantity sold or purchased, and the price charged.

(b) Persons affected by this regulation shall submit such other reports to the Office of Price Administration as it may from time to time require.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, coal tar, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.
[2] 7 F.R. 10532; 8 F.R. 611, 2035.
[3] 8 F.R. 4132, 5987, 7662.

trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 8. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 9. *Definitions.* (a) When used in this regulation the term: "Bulk sales" does not include sales in drums or other containers. The term includes, but is not limited to, sales in tank trucks, tank cars, barges, and via pipeline.

"Coal tar" means tar obtained as a by-product of the destructive distillation of bituminous coal or lignite, such as occurs in making coke or gas, to which nothing has been added, and from which nothing has been removed by processing or distillation except excess water content.

"Gallon" means a United States gallon of 231 cubic inches. In determining the number of gallons of coal tar sold, the quantity shall be computed on the basis of the quantity of coal tar which would be present at a temperature of 60 degrees Fahrenheit.

"Producer" means a person who produces coal tar, and includes any agent of such producer.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 10. *Applications for adjustment*—(a) *When available.* The Office of Price Administration may adjust any maximum price established by this regulation in the case of any seller who shows that such maximum price causes him substantial hardship, and that his production is essential for the prosecution of the war.

(b) *Form of application.* A seller may file an application for adjustment under this section in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

(c) *The maximum extent of adjustments.* Price adjustments under this section will in no event exceed the higher of the following:

(1) A maximum price for coal tar which will permit coal tar to return its proportionate share of the average profits obtained by the applicant during the base period from all coking operations.

(2) A maximum price for coal tar which will permit coal tar to return its proportionate share of a sum which would represent a profit of 8 percent on sales of all coking products.

SEC. 11 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

Appendix A: Maximum prices for coal tar. Maximum prices for coal tar, in quantities of 50 gallons or more, set forth in this section are per gallon of coal tar, f. o. b. producer's plant. If a carrier other than a pipeline is used, such prices are loaded on the carrier used.

(a) *Maximum prices for bulk sales by specified producers:*

Alabama By-Products Corporation	$0.0575
The American Rolling Mill Co	.0525
American Steel and Wire Co.	
Cleveland plant	.05
Duluth plant	.06
Bethlehem Steel Company	
Bethlehem plant	.06
Johnstown plant	.06
Lackawanna plant	.06
Sparrows Point plant	.06
Steelton plant	.06
Blackstone Valley Gas and Electric Company	.0425
The Brooklyn Union Gas Company	.06
Carnegie-Illinois Steel Corporation	
Gary plant	.055
Joliet plant	.055
Central Illinois Electric and Gas Co.	.0525
Central New York Power Corporation	
Syracuse plant	.0525
Utica plant	.0558
Watertown plant	.045
Citizens Gas and Coke Utility	.0425
The Colorado Fuel and Iron Corporation	.073
Columbia Steel Company	.055
The Connecticut Coke Company	.049
Consolidated Edison Company of New York, Inc	.0575
Consumers Power Co.	
Flint plant	.0425
Jackson plant	.0425
DeBardeleben Coal Corporation	.0575
Diamond Alkali Company	.0718
Domestic Coke Corporation	.0525
Donner-Hanna Coke Corporation	.065
E. I. du Pont de Nemours & Company	
Belle plant	.045
Morgantown plant	.0575
Eastern Gas and Fuel Associates	.0521
Fall River Gas Works Company	.0425
Ford Motor Company	.05125
Great Lakes Steel Corporation	.0525
Hudson Valley Fuel Corporation	.0575
Indiana Gas & Chemical Corporation	.055
Inland Steel Company	.05
Interlake Iron Corporation	
Duluth plant	.0575
Erie plant	.0475
Toledo plant	.055
Jones and Laughlin Steel Corporation	
Cleveland plant	.04875
The Laclede Gas Light Company	.065
Lynn Gas and Electric Company	.05
Malden and Melrose Gas Light Company	.0525
Midwest Radiant Corporation	
Millstadt plant	.08
West Frankfort plant	.08
Milwaukee Solvay Coke Company	.055
North Shore Gas Company	.05
The Peoples Gas Light and Coke Company	.05
Philadelphia Coke Company	.0478
Philadelphia Electric Company	.06
Providence Gas Company	.0475
Public Service Electric and Gas Company	.055
Rainey-Wood Coke Co	.0489
Republic Steel Corporation	
Canton plant	.06
Cleveland plant	.05645
Gadsden plant	.06
Massillon plant	.06
Thomas plant	.0542
Warren plant	.06
Youngstown plant	.06
Rochester Gas and Electric Corporation	.057
Senet-Solvay Company	
Ashland plant	$0.05
Detroit plant	.0525
Ensley plant	.0575
Buffalo plant	.0525
Ironton plant	.05
Sloss-Sheffield Steel & Iron Company	.0575
Tennessee Coal, Iron and Railroad Co	.0575
Tennessee Products Corporation	.055
Weirton Steel Company	.06
Wheeling Steel Corporation, E. Steubenville plant	.0521
Wisconsin Gas & Electric Company	.0475
Wisconsin Public Service Corporation	.0425
Wisconsin Steel Division (Intern. Harvester Co.)	.055
Woodward Iron Company	.0625
Wyandotte Chemicals Corporation	.0525
The Youngstown Sheet and Tube Company	
Briar Hill plant (Campbell)	.065
Indiana Harbor plant	.055
South Chicago plant	.0576
Youngstown plant	.065

(b) *Sales in drums and other containers.* The maximum prices for sales in drums or other containers by a producer listed in paragraph (a) shall be the maximum prices specified in paragraph (a) for such producer plus the differentials for sales in drums or other containers established for sales by such seller under the General Maximum Price Regulation.

(c) *Discounts and allowances to purchasers of different classes.* The maximum prices listed in paragraph (a) shall be subject to such customary discounts and allowances for sales to purchasers of different classes as were established for sales by the seller under the General Maximum Price Regulation.

(d) The maximum price for the sale of coal tar produced in a plant not listed in paragraph (a), shall be a maximum price specifically approved by the Office of Price Administration upon application by the seller.

The application for authorization of a maximum price under this paragraph filed by a seller for a plant which did not produce and sell coal tar prior to August 20, 1943, shall include the name and address of the seller; the location of the plant; the date upon which production of coal tar is expected to begin and the estimated volume of production.

The application for authorization of a maximum price under this paragraph filed by a seller for a plant from which coal tar was produced and sold prior to August 20, 1943, shall include the name and address of the seller, the location of the plant; and the price or prices charged since October 1941 or the date when production of coal tar first began, whichever is later.

(e) The maximum prices established by paragraphs (a), (b), (c) and (d) apply to good clean coal tar in which the water content has been reduced to a maximum of two percent by volume. If coal tar containing more than two percent water content by volume is shipped, the seller shall deduct the amount of such excess water content from the quantity of coal tar for which the maximum price is charged. In the event that coal tar containing more than five percent water content by volume is shipped, the seller shall also pay the proportionate amount of transportation expense for the excess water over two percent.

Example No. 1. Assume a seller shipped 1,000 gallons of coal tar containing five percent water content by volume at his maximum price. 1,000 gallons of coal tar containing two percent water content would include 20 gallons of water, whereas the same quantity of coal tar containing five percent water content would include 50 gallons of water. Accordingly, the seller must deduct the amount of the excess water content (50 gallons minus 20 gallons or 30 gallons) and charge the maximum price for 970 gallons of coal tar instead of 1,000.

Example No. 2. Assume a seller shipped 1,000 gallons of coal tar containing six percent water content by volume at his maximum price. 1,000 gallons of coal tar containing two percent water content would include 20 gallons of water, whereas the same quantity of coal tar containing six percent water content would include 60 gallons of water. Accordingly, the seller must deduct the amount of the excess water content (60 gallons minus 20 gallons or 40 gallons) and charge the maximum price for 960 gallons of coal tar instead of 1,000. In addition, the seller would be required to pay the proportionate amount of transportation expense for the excess 40 gallons of water.

Effective date. This regulation shall become effective August 20, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13318; Filed, August 14, 1943; 3:11 p. m.]

PART 1425—LUMBER DISTRIBUTION

[Rev. MPR 215,[1] Amdt. 2]

DISTRIBUTION YARD SALES OF SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 215 is amended in the following respects:

1. Section 2 (a) is amended to read as follows:

SEC. 2. *Summary of the regulation.* (a) The general plan of this regulation divides lumber yards into two groups: wholesale and retail.

Wholesale distribution yards have one fixed mark-up for all their sales, regardless of quantity or purchaser: $5 and 10%.

As to retail yards, the plan is to extend specific mark-ups to them for all sales as soon as they can be worked out. So far, the only specific mark-up which applies to all retail yards in the country is the mark-up of $5 and 10% for "wholesale-type" sales, that is, sales to five large-scale classes of buyers in quantities of 5,000 feet or more. An optional pricing provision permits the application of a similar mark-up to all other sales in the common grades. Specific mark-ups are established herein for the North Central, North Atlantic, Great Plains, South Central, California, Texas, Louisiana, Mountain States, Florida and Southern areas as set forth in section 6, paragraphs (b) and (c). Outside of these particular areas, except in the case of "wholesale-type" sales and sales made under the optional pricing provision, the General Maximum Price Regulation continues to apply.

2. Section 6 (a) is amended to read as follows:

SEC. 6. *Maximum prices for retail yards: All other sales (other than "wholesale-type")*—(a) *General.* All sales out of retail yard stock other than the "wholesale-type" and the "optional pricing type" (where the optional pricing provision has been adopted) are subject to the General Maximum Price Regulation, except in the North Central, North Atlantic, Great Plains, South Central, California, Louisiana, Texas, Mountain States, Florida and Southern areas.

3. To section 6 (b), subparagraphs (9) and (10) are added to read as follows:

(9) The Florida Area consists of the State of Florida.

(10) The Southern area consists of Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

4. The head-note of section 6 (c) is amended to read as follows:

(c) *Mark-ups for North Atlantic, North Central, Great Plains, South Central, California, Texas, Mountain States, Louisiana, Florida and Southern Areas.*

5. In section 6 (c) (4), subdivision (vi) is redesignated (viii), and subdivision (vi) and (vii) are added, to read as follows:

(vi) In Florida Area, all quantities:

All items, 30%

(vii) In Southern Area, all quantities:

"Lower bracket" items, 25%
"Upper bracket" items, 35%

6. Section 6 (e) is amended to read as follows:

(e) *Delivery in North Atlantic, North Central, Florida, and Southern Areas.* The mark-ups for sales (other than "wholesale-type") in the North Atlantic, North Central, Florida, and Southern Areas include delivery within a radius of 25 miles. For deliveries more than 25 miles an addition of 10¢ per M'BM may be made for each mile beyond the first 25, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required; but it is a violation of this regulation for a yard unreasonably to refuse to make delivery when requested to do so, or unreasonably to insist that the buyer pick up the lumber at the yard.

This amendment shall become effective August 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13319; Filed, August 14, 1943; 3:12 p. m.]

PART 1438—NONMETALLIC MINERALS

[MPR 316,[1] Amdt. 1]

COATED AND BONDED ABRASIVE PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 316 is amended in the following respects:

1. Section 1438.51a is added to read as follows:

§ 1438.51a *Maximum prices for bonded abrasive wheel stubs.* No person may sell or deliver and no person may buy or receive abrasive wheel stubs in the course of trade or business at prices in excess of the following prices per short ton for single shipments:

[F. o. b. point of shipment]

Type of bonding	Minimum railroad carload or 20,000 lb. minimum truckload	5,000 lbs. to 20,000 lbs.	Less than 5,000 lbs.
Resinoid	$20.00	$17.00	$10.00
Vitrified	18.00	15.00	8.00
Mixed	18.00	15.00	8.00

The quantity making up a minimum railroad carload shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

Abrasive wheel stubs may be sold, offered for sale, delivered, or transferred at prices delivered, buyer's receiving point. In such cases the maximum delivered price shall not exceed the f. o. b. point of shipment price plus whichever of the following charges is applicable.

(a) When transportation to the buyer's receiving point is by public (common or contract) carrier, the actual transportation charge incurred;

(b) When transportation to the buyer's receiving point is by vehicle owned or controlled by the seller or is by private carrier not owned or controlled by the buyer, an amount equal to the lowest transportation charge that would have been incurred had the material been shipped by railroad.

2. Section 1438.52 is amended to read as follows:

§ 1438.52 *Less than maximum prices.* Lower prices than those set forth in §§ 1438.51 and 1438.51a may be charged, demanded, paid or offered.

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[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8705.

[1] 8 F.R. 1741.

3. Section 1438.53 is amended to read as follows:

§ 1438.53 *Packaging and transportation practices.* A seller of coated or bonded abrasive products may not change the packaging and transportation charges and practices which he had in effect during March, 1942, if such change would result in higher prices to his customers.

4. Section 1438.54 is amended to read as follows:

§ 1438.54 *Export sales.* Export sales of coated and bonded abrasive products and of abrasive wheel stubs shall be subject to the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

5. Section 1438.56 is amended to read as follows:

§ 1438.56 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

6. Section 1438.57 is amended to read as follows:

§ 1438.57 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 316 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to coated or bonded abrasive products or bonded abrasive wheel stubs alone or in conjunction with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

7. Section 1438.58 is amended to read as follows:

§ 1438.58 *Records and reports.* (a) Every person making sales or deliveries of coated or bonded abrasive products, and every person making purchases or accepting delivery of coated or bonded abrasive products in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, purchase, or delivery showing the date thereof, the name of the purchaser or seller, the quantity and kind of coated or bonded abrasive products sold, purchased, or delivered, and the price received or paid therefor, and each such seller shall keep a record of all discounts, differentials, and allowances which the seller had in effect during March, 1942, with a proper identification of each such discount, differential and allowance.

(b) Every person making sales or deliveries of abrasive wheel stubs to reclaimers of abrasive grain and every person making purchases or accepting delivery of abrasive wheel stubs in the course of trade or business shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of every such sale, purchase or delivery, showing the date thereof, the name of the purchaser or seller, the quantity and kind of abrasive wheel stubs sold, purchased or delivered, and the price received or paid therefor.

(c) On or before February 11, 1943, every producer of coated or bonded abrasive products shall file with the Office of Price Administration, Washington, D. C., a copy of his current price lists and discount schedules, or other statements setting forth his current selling prices for all classes of buyers, indicating in each instance his maximum price, unless such producer has already filed such information with that Office. The reports required under this paragraph (c) refer only to domestic transactions. Reports with respect to export prices are governed by the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(d) Persons subject to this regulation shall submit such other reports to the Office of Price Administration and keep such other records as the Office of Price Administration may from time to time require.

8. Subparagraph (9) is added to § 1438.63 (a) to read as follows:

(9) "Abrasive wheel stubs" means all resinoid and vitrified bonded abrasive wheel stubs with a grit size of 60 or coarser, when the abrasive grain is silicon carbide or aluminum oxide, and is used in this regulation to describe abrasive wheels which have been discarded by the owner thereof because of being worn out, cracked, broken or otherwise unfit for use.

This amendment shall become effective August 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13311; Filed, August 14, 1943; 3:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 397 Under § 1499.3 (b) of GMPR, Amdt. 2]

STANDARD BRANDS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, § 1499.1884 is amended in the following respects:

1. The last line of the table in paragraph (a) is amended by changing the figure "7.20" to "7.17," the figure ".60" to ".5925," and the figure ".80" to ".79."

2. Paragraph (d) is amended by changing the figure "80¢" in the last line of the table to "79¢."

This amendment shall not apply to sales by resellers of packages which the manufacturer has marked "Ceiling price—80¢."

This amendment shall become effective August 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13312; Filed, August 14, 1943; 3:10 p. m.]

PART 1444—ICE BOXES

[MPR 399,[1] Amdt. 2]

NEW ICE BOXES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 399 is amended in the following respects:

1. Section 14, Table A, "Retail Ceiling Prices in Each State for Sales of Ice Boxes by Ice Companies and Retail Establishments Controlled by Ice Companies," is amended by adding ceiling prices for a new model ice box as set forth below.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price
Durasteel Co....	Dura-Cold.	D-751	75#	$56.50

State:	Price
Alabama	$56.50
Arizona	57.00
Arkansas	56.50
California	57.00
Colorado	56.75
Connecticut	56.50
Delaware	56.50
District of Columbia	56.50
Florida	56.50
Georgia	57.00
Idaho	56.50
Illinois	56.50
Indiana	56.50
Iowa	56.50
Kansas	56.50

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4932, 5739.

[2] 8 F.R. 7448, 9062.

State:	Price
Kentucky	$56.50
Louisiana	57.00
Maine	56.75
Maryland	56.50
Massachusetts	56.50
Michigan	56.50
Minnesota	56.50
Mississippi	56.50
Missouri	56.50
Montana	58.00
Nebraska	56.50
Nevada	57.00
New Hampshire	56.50
New Jersey	56.50
New Mexico	57.00
New York	56.50
North Carolina	56.50
North Dakota	56.75
Ohio	56.50
Oklahoma	56.50
Oregon	57.00
Pennsylvania	56.50
Rhode Island	56.50
South Carolina	56.50
South Dakota	56.75
Tennessee	56.50
Texas	56.75
Utah	57.00
Vermont	56.50
Virginia	56.50
Washington	57.00
West Virginia	56.50
Wisconsin	56.50
Wyoming	57.00

2. Section 16, Table C, "Ceiling Prices in Each State for All Other Sales of Ice Boxes at Retail," is amended by adding ceiling prices for a new model ice box as set forth below.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price
Durasteel Co....	Dura-Cold.	D-751	75#	$63.25

State:	Price
Alabama	$64.25
Arizona	65.25
Arkansas	64.25
California	65.25
Colorado	64.75
Connecticut	64.50
Delaware	64.50
D. C.	64.50
Florida	64.50
Georgia	64.25
Idaho	65.25
Illinois	63.75
Indiana	64.00
Iowa	63.75
Kansas	64.25
Kentucky	64.00
Louisiana	65.00
Maine	64.75
Maryland	64.50
Massachusetts	64.75
Michigan	64.25
Minnesota	64.50
Mississippi	64.25
Missouri	63.75
Montana	66.25
Nebraska	64.25
Nevada	65.25
New Hampshire	64.75
New Jersey	64.50
New Mexico	65.25
New York	64.50
North Carolina	64.25
North Dakota	65.00
Ohio	64.00
Oklahoma	64.50
Oregon	65.25
Pennsylvania	64.50
Rhode Island	64.75
South Carolina	64.50
South Dakota	64.75
Tennessee	64.00
Texas	65.00
Utah	65.25
Vermont	64.75
Virginia	64.50
Washington	65.25
W. Virginia	64.25
Wisconsin	64.00
Wyoming	65.25

This amendment becomes effective on the 20th day of August 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13329; Filed, August 14, 1943; 4:32 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 16 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (b) (3) is added to read as follows:

(3) For the third allotment period of 1943:

(i) Canned and bottled processed foods, and dry beans, peas, and lentils—7;

(ii) Dried and dehydrated fruits—0;

(iii) Dried and dehydrated soups and soup mixtures—0;

(iv) Frozen processed foods (packed in containers of ten pounds or less)—7;

(v) Frozen processed foods (packed in containers of over ten pounds)—7.

This amendment shall become effective at 12:01 a. m., August 16, 1943.

(Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; and WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13328; Filed, August 14, 1943; 4:31 p. m.]

Chapter XIII—Petroleum Administration for War

[Recommendation 40, Amdt. 2]

PART 1504—PROCESSING AND REFINING

REFINING AND DISTRIBUTION OF AUTOMOTIVE LUBRICANTS CONTAINING ADDITIVES

Section 1504.45 is hereby amended to read as follows:

§ 1504.45 *Extreme pressure lubricants.* With respect to lubricating oils and greases manufactured subsequent to April 6, 1942, for civilian use, manufacturers and distributors thereof shall reduce the use of critical additive materials required for extreme pressure lubricants to whatever extent possible and practicable but by not less than 25% of the amount of each such material used by each such manufacturer and distributor during the calendar year 1941, adjusted upward or downward as the case may be in the direct proportion that current civilian sales volume bears to civilian sales volume in the calendar year 1941, by substitution of a straight mineral oil type lubricant for use in passenger car transmissions, or by any other means.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of August 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-13365; Filed, August 16, 1943; 11:22 a. m.]

[1] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

AERIAL GUNNERY RANGES IN CHOCTAWHATCHEE BAY AND GULF OF MEXICO

Pursuant to the provisions of section 7 of the River and Harbor Act approved August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), the following regulations are hereby prescribed to govern the use and navigation of waters of Choctawhatchee Bay, Florida, and the Gulf of Mexico in the vicinity of Choctawhatchee Bay, comprising aerial gunnery target ranges of the Air Forces Proving Ground Command, Eglin Field, Florida.

§ 204.89a *Waters of Choctawhatchee Bay and the Gulf of Mexico; aerial gunnery target ranges*—(a) *The danger zone.* The aerial gunnery target ranges are described as follows:

GULF OF MEXICO

Area No. 1. West boundary—Long. 86°41' 00" W. North boundary—A line parallel to and one statute mile off shore. East boundary—Long. 86°32'00" W. South boundary—A line parallel to and ten statute miles off shore.

Area No. 2. West boundary—Long. 86°29'00" W. North boundary—A line parallel to and one statue mile off shore. East boundary—A straight line extending from the intersection of the north boundary and Lat. 30°07'00 N. to the intersection of the south boundary and Lat. 30°00'45" N. South boundary—A line parallel to and ten statute miles off shore.

CHOCTAWHATCHEE BAY

Area No. 3. West boundary—Long. 86°25'-30" W. North boundary—Shore line. East boundary—Long. 86°17'30" W. South boundary—A straight line extending from the intersection of the east boundary and Lat. 30°27'30" N. to the intersection of the west boundary and Lat. 30°26'00" N.

Area No. 4. Beginning at Long. 86°30'00" W., Lat. 30°28'30" N., thence to Long. 86°-21'30" W., Lat. 30°25'30" N., thence to Long. 86°23'00" W., Lat. 30°23'30" N., thence to Long. 86°25'00" W., Lat. 30°24'00" N., thence to the point of beginning.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated as Area No. 3 at any time.

(2) Area No. 4 may be used by watercraft except during periods when firing is conducted. During these periods, firing will be controlled by observation posts, and watercraft will be warned by patrol boats.

(3) During periods of firing, traverse of Areas Nos. 1, 2 and 4 shall not be denied to regular cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In the case of the presence of any such vessel in the danger area, the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and not delay its progress.

(4) These regulations shall be enforced by the Commanding Officer, Air Forces Proving Ground Command, Eglin Field, Florida, and such agencies as he may designate. (40 Stat. 266; 33 U. S. C. 1) [Regs. 9 August 1943, (CE 7195 (Mexico, Gulf of)—SPEKH)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-13335; Filed, August 16, 1943; 9:31 a. m.]

PART 204—DANGER ZONE REGULATIONS

AERIAL GUNNERY RANGE SOUTH OF PETIT BOIS ISLAND, MISS.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), the aerial gunnery range south of Horn and Petit Bois Islands, defined in § 204.91[1] of Part 204—Danger Zone Regulations, is hereby redefined, the title and regulations being amended as follows:

§ 204.91 *Waters of Gulf of Mexico and Mississippi Sound; aerial gunnery ranges south of Horn, Petit Bois and Deer Islands, Miss.*—(a) *The danger zones*—(1) *South of Petit Bois Island.* The aerial gunnery range is bounded as follows:

West boundary—Longitude 88°32'30".
North boundary—Latitude 30°11'00".
East boundary—Longitude 88°18'00".
South boundary—Latitude 29°54'00".

* * * * *

(b) *The regulations.* * * *

(6) These regulations shall be enforced by the Commanding General, Third Air Force, Tampa, Florida, and such agencies as he may designate. (40 Stat. 266; 33 U. S. C. 1) [Regs. 12 May 1941 (E. D. 7195 (Mexico, Gulf of)—9/8) as amended by Regs. 9 August 1943 (CE 684 (Gulfport Airfield, Miss.)—SPEKH)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-13262; Filed, August 14, 1943; 9:45 a. m.]

[1] 6 F.R. 2992, 6855.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 6—NAVAL RESERVE

CUSTODY OF RECORDS

Section 6.1809 (b), (d), is amended to read as follows, and a new paragraph (i) is added:

§ 6.1809 *Custody of records.* * * *

(b) When a reservist who is not on active duty changes his official residence from one district to another, his service and health records and all other papers shall be forwarded to the Commandant of the district to which he has transferred, together with a report of his address in that district.

* * * * *

(d) When a Naval Reserve officer enters upon active duty or training duty, his health record shall accompany him. The file jackets of Naval Reserve officers ordered to active duty during war or national emergency shall be handled in accordance with paragraph (i) of this section. When an enlisted man enters upon active duty or training duty his service record and health record shall be forwarded to the ship or station where duty is to be performed. When an officer or enlisted man is transferred while on active duty or training duty, the above record or records shall be forwarded to the ship or station to which transferred. Upon release from active duty status the records shall be returned to the commanding officer of the organization to which attached, or if not attached to an organization, to the Commandant of the naval district in which he has his official residence. Upon discharge, desertion, or death, the records shall be returned to the Commandant of the naval district on whose rolls the reservist is carried. The Commandant shall forward the service record in the case of an enlisted man to the Bureau of Naval Personnel and the health record of an officer or enlisted man to the Bureau of Medicine and Surgery. The Bureau of Naval Personnel is authorized to direct other disposition of records in special cases as deemed desirable.

* * * * *

(i) During war or national emergency the records of all Naval Reserve officers shall be handled as follows:

(1) When ordered to active duty the health record shall accompany the officer.

(2) The file jacket shall remain dormant in the custody of the Commandant or activity having cognizance of the file jacket at the time the officer is ordered to active duty.

(3) Upon returning to an inactive status, the officer concerned shall notify the Commandant or activity having cognizance of his file jacket, of his address and when appropriate, request a transfer of the file jacket to the district or activity to which assigned. [Manual Circular Letter No. 19-43, July 15, 1943]

(52 Stat. 1175, 54 Stat. 162, 55 Stat. 3, 56 Stat. 266, 730, 739; 34 U.S.C. 853, 854e, Supp. 855o, 857-857g, 853c, 853e, 855d)

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43-13304; Filed, August 14, 1943; 1:10 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

USE OF WOODEN LIFEBOATS ON TANK VESSELS

By virtue of the authority vested in me by R.S. 4405, 4417a (46 U.S.C. 375, 391a), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), I find that an emergency exists and the following amendments to the Tank Vessel regulations are necessary in the conduct of the war:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

Part 33 is amended by the addition of a new section 33.2-8 reading as follows:

Requirements for Lifeboats, Life Rafts, and Buoyant Apparatus

§ 33.2-8 *Wooden lifeboats prohibited on tank vessels—TB/ALL.* Lifeboats installed on tank vessels after 1 September, 1943, shall be constructed of metal.

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

Part 37 is amended by the addition of a new section 37.3-12 reading as follows:

Construction of Wooden Lifeboats

§ 37.3-12 *Installation of wooden lifeboats prohibited on tank vessels after 1 September, 1943—TB/ALL.* Wooden lifeboats constructed in accordance with §§ 37.3-1 to 37.3-11 shall not be installed on tank vessels after 1 September, 1943. Lifeboats installed on tank vessels after 1 September, 1943, shall be constructed of metal in accordance with sections 37.2-1 to 37.2-19, inclusive.

L. T. CHALKER,
Acting Commandant.

AUGUST 12, 1943.

[F. R. Doc. 43-13264; Filed, August 14, 1943; 9:29 a. m.]

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4418, 4426, 4427, 4481, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 392, 404, 405, 474, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter F—Marine Engineering

PART 51—MATERIALS

Section 51.11a-1 (b) is amended by changing the first sentence to read as follows:

§ 51.11a-1 *Scope.* * * *

(b) *Galvanized pipe.* When pipe ordered under these specifications is to be galvanized, the tension, flattening, and bend tests shall be made on the base material before galvanizing.

PART 52—CONSTRUCTION

Section 52.15-3 *Computations*[1] is deleted.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 151—MARINE ENGINEERING MATERIALS; REGULATIONS DURING EMERGENCY

Part 151 is amended by the addition of the following new §§ 151.3 to 151.12, inclusive, reading as follows:

§ 151.3 *Marine boiler steel plate.* Steel plate manufactured according to the specifications of A. S. T. M. Designation A 204-42, grades A, B, and C, shall be considered as satisfying the requirements for steel plates of grades E, F, and G, respectively, specified in §§ 51.2-1 to 51.2-10, inclusive, of this chapter.

§ 151.4 *Lap-welded and seamless steel and lap-welded iron boiler tubes.* Material manufactured according to the specifications of A. S. T. M. Designation A 83-42 and A. S. T. M. Emergency Alternate Provision EA-A83 shall be considered as satisfying the requirements of §§ 51.9-1 to 51.9-16, inclusive, of this chapter.

§ 151.5 *Electric-resistance-welded steel and open-hearth iron boiler and superheater tubes.* Material manufactured according to the specifications of A. S. T. M. Designation A 178-40 and A 226-40 together with A. S. T. M. Emergency Alternate Provisions EA-A178 and EA-A226, respectively, shall be considered as satisfying the requirements of §§ 51.9a-1 to 51.9a-18, inclusive, of this chapter.

§ 151.6 *Seamless steel boiler tubes for high-pressure service; medium-carbon seamless steel boiler and superheater tubes; carbon-molybdenum alloy-steel boiler and superheater tubes.* (a) Material manufactured according to the specification of A. S. T. M. Designation A 192-40 and A. S. T. M. Emergency Alternate Provision EA-A192 shall be considered as satisfying the requirements for seamless steel boiler tubes for high pressure service as set forth in §§ 51.10-1 to 51.10-18, inclusive, of this chapter.

(b) Material manufactured according to the specifications of A. S. T. M. Designation A 209-42 and A. S. T. M. Emergency Alternate Provision EA-A209 shall be considered as satisfying the requirements for carbon-molybdenum alloy-steel boiler and superheater tubes as set forth in §§ 51.10-1 to 51.10-18, inclusive, of this chapter.

§ 151.7 *Steel pipe.* (a) Material manufactured according to the specifications of A. S. T. M. Designation A 106-42 T shall be considered as satisfying the requirements for lap-welded, grade A, and grade B steel pipe as set forth in §§ 51.11-1 to 51.11-9, inclusive, of this chapter: *Provided,* That grade A seamless steel pipe manufactured by the acid-bessemer process shall be limited in use to pressures of not over 350 p. s. i. and/or temperatures not exceeding 450° F., and to installations where the pipe will not be bent, coiled, flanged, or otherwise worked: *Provided further,* That grade B seamless steel pipe made by the acid-bessemer process shall be limited to the same uses as grade A acid-bessemer pipe except that it may be used for higher pressures and temperatures for such purposes as superheater drains, etc., in sizes of not over 2" nominal pipe size.

(b) Material manufactured according to the requirements of A. S. T. M. Designation A 206-42 T shall be considered as satisfying the requirements for carbon-molybdenum grade P 1 pipe, as set forth in §§ 51.11-1 to 51.11-9, inclusive, of this chapter.

§ 151.8 *Seamless brass pipe.* Material manufactured according to the specifications of A. S. T. M. Designation B 43-42 shall be considered as satisfying the requirements for seamless brass pipe, as set forth in §§ 51.13-1 to 51.13-14, inclusive, of this chapter.

§ 151.9 *Steel castings.* Material manufactured according to the specifications of A. S. T. M. Designation A 157-42, Type C 1 shall be considered as satisfying the requirements for carbon-molybdenum alloy-steel castings, grade C 1, as set forth in §§ 51.17-1 to 51.17-12, inclusive, of this chapter.

§ 151.10 *Gray iron castings for valves, flanges, and pipe fittings.* Material manufactured according to the specifications of A. S. T. M. Designation A 126-42 shall be considered as satisfying the requirements for iron castings, as set forth in §§ 51.18-1 to 51.18-10, inclusive, of this chapter.

§ 151.11 *Bronze castings.* Material manufactured according to the specifications of A. S. T. M. Designation B 61-42 shall be considered as satisfying the requirements for grade B bronze, as set forth in §§ 51.20-1 to 51.20-10, inclusive, of this chapter.

§ 151.12 *Steel plates (flange and firebox quality).* Material manufactured in accordance with the specifications of A. S. T. M. Designation A 70-42 shall be considered as satisfying the requirements for steel plates, as set forth in §§ 51.21-1 to 51.21-13, inclusive, of this chapter.

[1] This is to correct the section heading which appeared at 8 F.R. 7776 as *"Main and auxiliary stop valves."*

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

LIFEBOATS

18' x 6' x 2.4' oar-propelled metallic lifeboat (155 Cu. Ft.) (Dwgs. Nos. 1812, dated 20 April, 1943, and 1812-B, dated 22 April, 1943), manufactured by Lane Lifeboat & Davit Corp., Flushing, N. Y.

24' x 8' x 3'6" motor-propelled metallic lifeboat (453 Cu. Ft. Gross) (Dwg. No. G-303, dated 11 January, 1943, Rev. 12 February, 1943), manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.

24' x 8' x 3'6" oar-propelled metallic lifeboat (403.2 Cu. Ft.) (Dwg. No. 553, dated 31 August, 1942), manufactured by Boatcraft Company, Brooklyn, N. Y.

LIFE FLOATS

20-person elliptical solid balsa wood life float (Construction Dwg. No. E-25-22243, dated 10 February, 1943, and alternate strap attachment Dwg. No. SM-22343, dated 1 February, 1943), manufactured by General Equipment Corp., Long Island City, N. Y.

20-person rectangular balsa wood life float, Model RSWW, (Dwg. dated 28 June, 1943), manufactured by Savage Boat Works, Los Angeles, Calif.

LIFE RAFT

20-person, 131 square-foot, reversible life raft (Dwg. No. MV-24, dated 24 May, 1943), manufactured by The Williams & Wells Company, New York, N. Y.

LIFEBOAT SKATE

Standard lifeboat skate (Dwg. No. STD. #196, dated 30 October, 1942), manufactured by The Maryland Drydock Company, Baltimore, Md.

L. T. CHALKER,
Acting Commandant.

AUGUST 12, 1943.

[F. R. Doc. 43-13263; Filed, August 14, 1943; 9:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 133, Amdt. 3]

PART 95—CAR SERVICE

RESTRICTION IN REFRIGERATION SERVICE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1943.

At the request of the Office of Defense Transportation and upon further consideration of the provisions of Service Order No. 133 (8 F.R. 8554) of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941-42), and it appearing that an acute shortage of ice is affecting both the intrastate and interstate movement of perishables in refrigerator cars originating at points in western states; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That Service Order No. 133 (8 F.R. 8554) of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941-42), be, and it is hereby, further amended to read as follows:

§ 95.313 *Restriction on refrigeration service*—(a) (1) *Refrigeration of vegetables using top or body ice.* Any common carrier by railroad subject to the Interstate Commerce Act may accept for transportation and move a refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, using top or body ice only under the following conditions:

(i) Refrigerator cars equipped with collapsible bunkers shall not be used unless the bunkers are collapsed.

(ii) Refrigerator cars *not* equipped with collapsible bunkers may be initially bunker iced, providing initial top or body ice used does not exceed 15,000 pounds.

(2) *Retop or rebody icing prohibited.* After the first or initial top or body icing, no common carrier by railroad subject to the Interstate Commerce Act shall retop or rebody ice any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at any point or points in the States of Arizona, California, Colorado, or Utah, at any point or points west of the western border of the States of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee.

(i) The provisions of paragraph (a) (2) of this section prohibiting retop or rebody icing shall also apply to shipments originating on or prior to the effective date of this order.

(3) *Bunker icing in California.* For carriers' convenience shipments originating in the Salinas-Watsonville District of California may be initially bunker iced at Roseville, California, where bunker ice is permissible under paragraph (a) (1) subparagraph (ii). The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(4) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(b) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17)).

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-13384; Filed, August 16, 1943; 11:30 a. m.]

[Service Order 147]

PART 95—CAR SERVICE

ICING OF CERTAIN FRUITS AND VEGETABLES FROM CERTAIN WESTERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of August, A. D. 1943.

It appearing, That an acute shortage of ice is affecting both the intrastate and interstate movement of perishables in refrigerator cars originating at points in Arizona, California, Colorado, New Mexico or Utah; in the opinion of the Commission an emergency exists requiring immediate action;

It is ordered, That:

§ 95.317 *Icing restrictions on fruits and vegetables from western States*—(a) *Fresh or green fruits, melons, or vegetables.* Notwithstanding the provisions of any outstanding service order, or permits issued thereunder, no common carrier by railroad subject to the Interstate Commerce Act shall initially ice or reice, or allow or permit reicing with more than enough ice to bring ice to three-fourths of the refrigerator car bunker capacity, at any point or points in the United States, a refrigerator car or cars loaded with fresh or green fruits, melons, or vegetables, originating at any point or points in Arizona, California, Colorado, New Mexico, or Utah.

(b) *Citrus fruits.* No common carrier by railroad subject to the Interstate Commerce Act shall initially ice a refrigerator car or cars loaded with citrus fruits, originating at any point or points in Arizona, California, Colorado, New Mexico or Utah until after the car or cars are loaded and tendered to the carrier for transportation.

(c) *Application.* The provisions of paragraph (a) of this section with respect to reicing shall also apply to shipments originating on or prior to the effective date of this order.

(d) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(f) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-13301; Filed, August 14, 1943; 11:56 a. m.]

[No. 21997]

PART 131—UNITED STATES SAFETY-APPLIANCE STANDARDS (RAILROAD)

APPLICATION OF RUNNING BOARDS ON BOX AND OTHER HOUSE CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of June, A. D. 1943.

G. W. Laughlin, Assistant Grand Chief Engineer, Brotherhood of Locomotive Engineers, et al. *v.* Aberdeen & Rockfish Railroad Company, et al.

It appearing, that by order entered in the above-entitled proceeding on December 17, 1932, it was provided:

That the provisions of order of March 13, 1911, (§ 131.1 (c) of Title 49, Code of Federal Regulations), that running boards on box and other house cars shall be made of wood, were modified to the extent of permitting any carrier to equip for purposes of investigation and tests a sufficient number of its box or other house cars with running boards made of material other than wood which it is believed may provide the same or a greater degree of safety than is provided by running boards made of wood, and to use the cars so equipped until the further order of the Commission.

It is ordered, That effective January 1, 1944, said order of December 17, 1932 (§ 131.1 (c) (4), C. F. R.), insofar as it authorizes the equipping of box or other house cars with running boards of material other than wood for purposes of investigation and test, be, and it is hereby, vacated and set aside, and,

It is further ordered, That said order and the Commission's order of June 11, 1932, insofar as they permit the use of cars equipped prior to January 1, 1944, with running boards of material other than wood shall remain in full force and effect until further order of the Commission.

It is further ordered, That the provisions of said order of March 13, 1911, with respect to running boards and manner of application to box and other house cars, (being the last three unnumbered paragraphs of § 131.1 (c) (4), CFR), be, and they are hereby, modified to read as follows, effective January 1, 1944:

§ 131.1 *Box and other house cars.*

* * *

(c) *Running boards.* * * *

(4) *Manner of application* * * *

Running boards shall be made of wood and securely fastened to car; *Provided, however,* That when approved by the Commission running boards made of material other than wood, which provide the same or a greater degree of safety than running boards made of wood, may be used. (Sec. 4, 27 Stat. 531, secs. 2, 3, 36 Stat. 298; 45 U.S.C. 4, 11, 12).

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-13302; Filed, August 14, 1943; 11:56 a. m.]

Chapter II—Office of Defense Transportation

[Revocation of General Order ODT 39]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART AA—REDUCTION OF MILEAGE; CARRIERS OF PASSENGERS

Pursuant to Executive Orders 8989, 9156, and 9294, General Order ODT 39 (8 F.R. 7117) be, and it is hereby, revoked effective August 16, 1943.

(E.O. 8989, 9156, 9294; 6 F.R. 6725, 7 F.R. 3349, 8 F.R. 221)

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN, *Director, Office of Defense Transportation.*

[F. R. Doc. 43-13272; Filed, August 14, 1943; 11:40 a. m.]

Notices

NAVY DEPARTMENT.

MATERNITY AND INFANT CARE FOR WIVES AND INFANTS OF MEN IN MILITARY SERVICE

1. An appropriation of $4,400,000 has been made available to the Department of Labor for grants to States, including Alaska, Hawaii, Puerto Rico, and the District of Columbia, to continue the plan established by the Children's Bureau of that Department, to provide medical, nursing, and hospital maternity and infant care for wives and infants of enlisted men in the armed forces of the United States of the fourth, fifth, sixth, or seventh grades during the fiscal year 1944.

2. Under this plan the wife of any enlisted man of the Navy, Coast Guard, or Marine Corps in the four lowest pay grades, including those deceased or missing in action, irrespective of her legal residence and financial status, and providing the State in which she is presently located has a plan approved by the Children's Bureau of the Department of Labor, is eligible to make application for and receive medical and hospital maternity services. The child (or children), under 1 year of age, of an enlisted man in the above categories is likewise eligible for medical, surgical, and hospital care under this plan provided application is completed and signed by the wife or guardian. These services are available, however, only when similar services are not otherwise provided by the Navy or from facilities provided by or through official State or local health agencies.

3. Application forms for this care are available from State and local health and welfare agencies, American Red Cross chapters, prenatal clinics, and other community agencies, and from local physicians participating in the program. Requests for information concerning the program in any State should be addressed to the director of maternal and child health in care of the State health department.

4. The application form is to be completed and signed by the wife or guardian and by the attending physician (private or clinic physician) prior to receiving hospitalization and forwarded by the physician or clinic to the State director of maternal and child health or to a deputy authorized by him to receive such applications. Funds under this appropriation cannot be used in part payment for more expensive hospital accommodations contracted for by either the enlisted man or his wife.

5. The service number of the enlisted man (husband) must be entered on the application. In order that authorization for care under this program may be expedited, personnel whose dependents are authorized to receive such care should inform their wives of their service numbers. The service number must be verified by the attending physician from the applicant's family allowance award notice, which is mailed to dependents prior to receiving their first family allowance check, or from a letter from her husband. In exceptional cases when this is not possible the State agency must verify the husband's service number through other sources.

6. Applications will be approved and authorization for care given only when the medical or hospital care is provided by doctors of medicine and by hospitals meeting the standards established by the State health agencies.

7. Commandants and commanding officers are directed to give this information wide publicity.

JAMES FORRESTAL, *Acting Secretary of the Navy.*

[F. R. Doc. 43-13385; Filed, August 16, 1943; 11:39 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

A. E. WHITTINGTON COAL MINING CO., ET AL.

ORDER OF THE DIRECTOR

In the matter of the dismissal of various compliance proceedings.

The following proceedings, instituted on complaints or notices alleging various wilful violations of the Bituminous Coal Act of 1937, or rules and regulations issued thereunder, are presently pending either before me for my determination [1] or before designated Examiners of the Division:

Docket No.:	Name
B-52	A. E. Whittington Coal Mining Company.
B-61	C. Leroy Holbein, d/b/a Holbein Coal Company.
B-62	J. E. Dickinson and S. E. Tigert, d/b/a Dickinson Fuel Company, Registered Distributors, Reg. No. 2323.
B-88	Frank C. McCombie, d/b/a McCombie Coal Mining Company.
B-126	Material Service Corporation, Registered Distributor, Reg. No. 6031; and Consumers Corporation of Illinois, Registered Distributor, Reg. No. 1811.
B-163	C. W. Helfrich, d/b/a State Coal Company, Registered Distributor, Reg. No. 8651.
B-168	R. W. Duncan.
B-169	Loyal T. Henderson.
B-170	C. F. Miller, Fred Miller and Warren Miller, d/b/a C. F., Fred and Warren Miller.
B-171	F. J. Adams.
B-172	O. E. Houser.
B-173	John and Charles Priester.
B-174	Frank W. Albert.
B-176	C. O. Shick.
B-177	Charles and Terry Reddinger.
B-179	C. H. Gathers.
B-181	M. L. Shumaker and Charles Shumaker.
B-184	Ernest Moore & Son.
B-192	Ira P. Foster.
B-194	Scott L. Rearick.
B-201	Irvin Shaffer, Dean Shaffer and Ray Miller Shaffer, d/b/a, I. Shaffer & Sons.
B-202	H. R. Kirkbride.
B-203	Raymond Billotte.
B-223	Sinaiko Bros. Coal and Oil Co., Registered Distributor, Reg. No. 8430.
B-225	C. C. Wilson.
B-226	Pacific Coal Company.
B-234	Ralph Gogel.
B-235	C. L. Pence and E. H. Pence, d/b/a Pence Coal Company.
B-241	Castle Coal Company.
B-243	Louis Fabec.
B-246	G. C. Hickey and Clyde Hickey, d/b/a G. C. Hickey Coal Company.
B-247	Owen M. Bowling, d/b/a O. M. Bowling Coal Company, Registered Distributor, Reg. No. 0973.
B-266	E. D. Rafferty.
B-290	William Arbaugh.
B-314	Lindsay H. Putman.

[1] In some of these proceedings the submission of a report by the presiding Examiner has been waived. In others, the Examiner has submitted a report. Where no report has been submitted, it appears advisable to dispense with the report due to the approaching expiration of the Act.

Docket No.:	Name
B-321	E. W. Meggison and E. E. Bowen, d/b/a Baldy Coal Company.
B-323	Guillermo Bowman.
B-327	Tony Digiacomo and Pasquale Digiacomo.
B-330	Willis E. Davis.
B-333	Ira H. Bisel.
B-334	Joe Sonchar and Victor Sonchar, d/b/a Sonchar Brothers.
B-338	Clyde Rush and Grover Backus, d/b/a Rush & Bachus.
1714-FD	Thomas Redding.

The Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m., August 24, 1943 (except as provided in Section 19 thereof). For this reason, it appears appropriate to dismiss all of the above-enumerated proceedings. Such dismissal should be effective forthwith.

It is so ordered.

Dated: August 14, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13359; Filed, August 16, 1943; 10:48 a. m.]

[Docket No. B-375]

FLAT CREEK COAL COMPANY

ORDER GRANTING APPLICATION, ETC.

Order granting application for disposition of compliance proceeding without formal hearing, terminating code membership, providing for payment of tax for restoration of code membership, and directing code member to cease and desist.

A complaint, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the Act), was duly filed with the Bituminous Coal Division (the Division), on March 8, 1943, by District Board No. 9, alleging that the Flat Creek Coal Company, a Code Member (the Code Member), wilfully violated the Bituminous Coal Code (the Code) or rules and regulations thereunder, as more fully set forth in the complaint.

Said complaint was duly served on the Code Member on March 6, 1943, and the matter noticed for hearing at Madisonville, Kentucky, on July 13, 1943, which hearing was subsequently cancelled.

Application of the code member for disposition of this proceeding without formal hearing pursuant to § 301.132 of the rules of practice and procedure was duly filed with the Division on June 24, 1943, and amended July 7, 1943.

Notice of filing of said application, as amended, was duly published in the FEDERAL REGISTER on July 26, 1943, which notice set forth in detail the violations alleged in the complaint, the code member's admissions with respect thereto, and its consent to the entry of a cease and desist order, an order revoking its code membership, and the imposition of a tax in the amount of $33.38 as a condition precedent to restoration of code membership.

Said notice provided that interested parties desiring to do so might, within fifteen (15) days from the date of publication of said notice, file recommendations or requests for informal conferences with respect to said application, as amended, and no such recommendations or requests have been filed with the Division.

Now, therefore, pursuant to the authority vested in the Division by the Act, and upon said application filed pursuant to § 301.132 of the rules of practice and procedure before the Division for disposition of this proceeding without formal hearing, and upon evidence in possession of the Division:

It is hereby found that:

1. The Flat Creek Coal Company is a corporation, duly organized and existing under the laws of the State of Kentucky, having its principal place of business in Providence, Kentucky, and operates the Flat Creek Mine (Mine Index No. 30) located in Hopkins County, Kentucky, in District No. 9.

2. The code membership of the Flat Creek Coal Company became effective on June 21, 1937.

3. Code member sold to William H. Chandler, Jr., Coals, a registered distributor of Memphis, Tennessee, for resale and delivery by rail to Tri-State Compress Company, Memphis, Tennessee, on or about November 2, 1940, approximately 50.35 net tons of 3" x 1¼" (Size Group No. 6) coal, which was substituted on an order for 2" x 1¼" coal without approval thereof by the Director and without any application for such approval having been filed, at $1.60 per net ton, whereas, the minimum price therefor was $1.70 per net ton as set forth in the Schedule of Effective Minimum Prices for District No. 9 for all Shipments Except Truck.

4. Code member intentionally misrepresented the size of coal referred to in paragraph 3 above and also the sizes of 22,637.42 tons of coal sold to various purchasers during the period October 12, 1940 to December 11, 1941, inclusive, by showing on the invoices therefor, sizes other than those actually sold and shipped.

5. The amount of tax that should be imposed pursuant to Section 5 (b) and 5 (c) of the Act as a condition to restoration of membership in the Code should be limited to the 50.35 tons of coal referred to in paragraph 3 hereinabove and the amount of tax which should be imposed is $33.38 which is 39 percent of the total minimum price of such coal f. o. b. the mine.

Now, therefore, upon the basis of the foregoing findings and the said admissions and consent filed by the Code Member, pursuant to said § 301.132 of the Rules of Practice and Procedure, *It is ordered*, That the aforesaid application be and it hereby is granted.

It is further ordered, That pursuant to section 5 (b) of the Act, the Code Membership of the Flat Creek Coal Company be, and the same hereby is, revoked and cancelled effective ten (10) days from the date hereof.

It is further ordered, That prior to the restoration of said Flat Creek Coal Company to membership in the Code, there shall be paid to the United States a tax in the amount of $33.38.

It is further ordered, That upon any restoration to membership in the Code, the Flat Creek Coal Company, its successors, assigns, and all other persons in privity with it, cease and desist from further violations of the Bituminous Coal Code and regulations made thereunder, and notice is hereby given that upon failure to comply with any of the terms or provisions of this order, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof or this matter may be reopened by the Director and such action taken and orders entered as may be necessary and proper under the circumstances.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13360; Filed, August 16, 1943; 10:49 a. m.]

[Docket No. D-15]

CERTAIN REGISTERED DISTRIBUTORS

ORDER DISMISSING PROCEEDING

In the matter of proceedings to determine if certain registered distributors are bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the rules and regulations for the registration of distributors; and for the revocation of the registration of distributors who are not so engaged.

This proceeding was instituted by the Bituminous Coal Division upon an Order to Show Cause, dated February 18, 1942, requiring the registered distributors named in Exhibit A attached thereto, to file with the Division a verified answer on or before April 1, 1942, showing why registration certificates should not be revoked on the ground that such distributors were not bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 (now § 317.13) of the Rules and Regulations for the Registration of Distributors. By Order of the Director, dated October 2, 1942, the proceeding was dismissed as to 149 registered distributors named in Exhibit A annexed thereto, whose answers contained sufficient data with respect to their qualifications as distributors. Said order also cancelled and revoked the certificates of registration of 132 distributors, named in Exhibit B annexed thereto, who failed to file answers.[1] As to the remaining 77 registered distributors, listed in Exhibit C and D annexed to said order, whose answers were considered doubtful or otherwise insufficient, a hearing was held pursuant to appropriate order, on December 7, 1942, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. No Report of the Examiner has as yet been filed.[2]

[1] Of this number, 3 registered distributors, viz, Consolidated Terminal Corporation (Registration No. 1799), Liberty Fuel & Ice Company (Registration No. 5564), and Montour & Northwestern Coal Company (Registration No. 6549), have since petitioned for reinstatement and have filed answers.

The Bituminous Coal Act of 1937 expires, pursuant to applicable provisions thereof, as extended by Act of Congress, approved May 21, 1943, on August 24, 1943, at 12:01 a. m. The Marketing Rules and Regulations and the Rules and Regulations for the Registration of Distributors, promulgated by the Division pursuant to the provisions of the Act, also become inoperative on the date and at the time aforesaid. In view thereof, it is deemed appropriate that this proceeding be dismissed for all purposes as of the date of the expiration of the Act.

It is, therefore, ordered, That, effective August 24, 1943, at 12:01 a. m., the proceeding in Docket No. D-15 is dismissed.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13361; Filed, August 16, 1943; 10:49 a. m.]

[Docket Nos. A-130, A-1538 and A-1589, A-1870, A-1938, A-1969]

DISTRICT 1 AND DISTRICT BOARD 1

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of certain code members in District No. 1 and District Board No. 1, for the establishment or revision of price classifications and minimum prices of certain mines in District No. 1.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by the following code members in District No. 1 and by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for establishment or revision of the price classifications and effective minimum prices of certain mines in District No. 1:

Retail Coal Producers Association of Johnstown—Docket No. A-130.

John P. Prushnok—Docket Nos. A-1538 and A-1589.[1]

District Board 1—Docket No. A-1870.

Harold Will Coal Company—Docket No. A-1938.

Roys Smithing Coal Company—Docket No. A-1969.

Orders granting temporary relief were issued in Dockets Nos. A-1938 and A-1969 (8 F.R. 5495, 6552). No such orders were issued in the remainder of the above-designated dockets. Pursuant to appropriate orders, and after due notice to interested persons, hearings were held in each of the above-designated dockets before duly designated Examiners of the Division. The preparation and filing of Reports of the Examiners were waived in Dockets Nos. A-130, A-1938 and A-1969, but not in Docket Nos. A-1538 and A-1589, and A-1870, in which no such reports have as yet been filed.[2]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943, at 12:01 a. m. The schedules of effective minimum prices, the price exceptions and instructions therein contained, and the Marketing Rules and Regulations, established by the Division pursuant to the provisions of the Act, cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in the respective dockets referred to above and to dismiss the proceedings in all of the above-designated dockets.

It is, therefore, ordered, That effective August 24, 1943, at 12:01 a. m. the temporary relief heretofore granted in Dockets Nos. A-1938 and A-1969 is hereby terminated;

It is further ordered, That effective as of the date and time aforesaid, the proceedings in Dockets Nos. A-130, A-1538 and A-1589, A-1870, A-1938 and A-1969 are hereby dismissed.

Dated: August 13, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13353; Filed, August 16, 1943; 10:48 a. m.]

[Docket No. A-1385]

DISTRICT BOARD 12

ORDER DISMISSING PROCEEDING

In the matter of the petition of District Board No. 12, for an increase of three cents per ton in the minimum prices for all coals produced in District No. 12.

This proceeding was instituted upon a petition duly filed with the Bituminous Coal Division on March 30, 1942, by District Board 12, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting an increase of three cents per ton in the minimum prices of coal shipped by rail to correspond with an equivalent increase in freight rates ordered by the Iowa State Commerce Commission,[1] and the establishment of a price exception in the price schedules for District 12 to provide for the automatic increase or decrease in delivered prices in accordance with corresponding increases or decreases in freight rates. On April 27, 1942, temporary relief was granted (7 F.R. 3135), increasing the minimum prices of coal for rail shipment in District No. 12, as requested in the petition.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing was held on August 21, 1942, before a duly designated Examiner of the Division. Interested persons were afforded an opportunity to appear, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner, Bituminous Coal Consumers' Counsel and the Office of the General Counsel of the Division appeared. All parties waived the preparation and filing of a report by the Examiner.

The Bituminous Coal Act of 1937, as amended, expires on August 24, 1943, at 12:01 a. m. The price schedules established by the Division and the price instructions and exceptions therein contained will cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate that the proceeding herein be dismissed, effective 12:01 a. m. on August 24, 1943.

It is so ordered.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13354; Filed, August 16, 1943; 10:49 a. m.]

[Dockets Nos. A-1572, A-1641, A-1706, A-1707, A-1708]

CODE MEMBERS IN DISTRICT NO. 7

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of certain code members in District No. 7, for the establishment or revision of the price classifications and minimum prices of certain mines in District No. 7.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by the following code members in District No. 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for establishment or revision of the price classification and effective minimum prices of certain mines in District No. 7:

Ontario Gas Coal Corporation—Docket No. A-1572.

Carter Coal Company—Docket No. A-1641.

Lillybrook Coal Company—Docket No. A-1706.

C. H. Mead Coal Company—Docket No. A-1707.

Leccony Smokeless Fuel Company—Docket No. A-1708.[1]

An order granting temporary relief was issued only in Docket No. A-1572. No such orders were issued in the remainder of the above-designated dockets. Pursuant to appropriate orders, and

[1] Dockets Nos. A-1706, A-1707 and A-1708 were consolidated by order, dated November 7, 1942.

[1] Dockets Nos. A-1538 and A-1589 were consolidated by order dated September 16, 1942. (7 F.R. 7370).

[2] In view of the expiration of the Act, as above indicated, the lack of time within which to prepare and file an Examiner's Report, to afford interested persons an opportunity to file exception thereto, and to issue an order of the Director adopting or modifying said report, or otherwise disposing of the proceeding herein, as required by the Rules of Practice and Procedure before the Division, the Report of the Examiner in this proceeding is hereby dispensed with.

[1] On May 1, 1943, the Iowa State Commerce Commission entered an order, effective May 15, 1943, suspending the aforesaid freight rate increase. In view thereof, an order was entered herein, on May 13, 1943 (8 F.R. 6382), effective thirty days thereafter revoking the temporary relief granted by order, dated April 27, 1942: *And providing further*, That pleadings in opposition thereto or application to stay, terminate or modify said order may be filed within 25 days from the date of the entry thereof. No such pleadings or application have been filed with the Division.

[2] In view of the expiration of the Act, the lack of time within which to prepare and file Examiners' Reports, to afford interested parties an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such reports or otherwise disposing of the proceedings, the preparation and filing of Examiners' Reports in Dockets Nos. A-1538, A-1589 and A-1870 are hereby dispensed with.

after due notice to interested persons, hearings were held in each of the above-designated dockets before duly designated Examiners of the Division. The preparation and filing of Reports of the Examiners were not waived in any of said proceedings. No such reports have as yet been filed.[1]

The Bituminous Coal Act of 1937, as amended by the Act of Congress, approved May 21, 1943, expires August 24, 1943, at 12:01 a. m. The schedules of effective minimum prices established by the Division and the price exceptions and instructions therein contained will cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in Docket No. A-1572 and to dismiss the proceedings in all of the above-designated dockets.

It is, therefore, ordered, That, effective August 24, 1943, at 12:01 a. m., the temporary relief heretofore granted in Docket No. A-1572 is hereby terminated;

It is further ordered, That, effective as of the date and time aforesaid, the proceedings in Docket Nos. A-1572, A-1641, A-1706, A-1707 and A-1708 are hereby dismissed.

Dated: August 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13355; Filed, August 16, 1943; 10:49 a. m.]

[Docket No. A-1742]

LUZERNE-GRAHAM MINING CORP.

ORDER DISMISSING PROCEEDING

In the matter of the petition of Luzerne-Graham Mining Corporation, a code member in District No. 9, to amend Rule 1 (J) of section VII of the marketing rules and regulations.

This proceeding was instituted by a petition filed with the Bituminous Coal Division on November 16, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Luzerne-Graham Mining Corporation, a code member in District 9, for amendment of Rule 1 (J) of section VII of the Marketing Rules and Regulations by eliminating "reconsignments, diversions, and/or demurrage charges" from transportation charges, as defined by said section. On December 17, 1942, the Director entered an Order denying temporary relief. (7 F.R. 10624).

Pursuant to an appropriate order, and after due notice to interested persons, a hearing in this matter was held on January 14, 1943, before a duly designated Examiner of the Division. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The preparation and filing of a report of the Examiner were not waived. No such report has as yet been filed.[1]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943, at 12:01 a. m. The schedules of effective minimum prices and the Marketing Rules and Regulations established by the Division pursuant to the provisions of the Act, will cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate that the proceeding herein be dismissed.

It is, therefore, ordered, That, effective August 24, 1943, at 12:01 a. m., the proceeding herein is hereby dismissed.

Dated: August 14, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13356; Filed, August 16, 1943; 10:48 a. m.]

[Docket No. A-1864]

DISTRICT BOARD 22

ORDER DISMISSING PROCEEDING

In the matter of the petition of District Board 22, for revision of the price classifications and minimum prices for coals produced from certain mines in District 22 and sold for railroad fuel use.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, on February 22, 1943, by District Board 22, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the price classifications and minimum prices for "Railroad Locomotive Fuel" for the coals of the Klein No. 2 Mine (Mine Index No. 8) of the Republic Coal Company, and the Giffen Mine (Mine Index No. 6) of the Cottonwood Coal Company, located in Subdistricts 1 and 7, respectively, in District 22, be made applicable to the coals of such mines when sold to railroads for all uses. By order of the Director, dated March 6, 1943, temporary relief was granted pending final disposition of this matter, (8 F.R. 2946).

Pursuant to appropriate order, and after due notice to interested persons, a hearing was held on March 24, 1943, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof, in Denver, Colorado. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner and a representative of the Office of the General Counsel of the Division appeared. At the conclusion of the hearing, interested persons waived the preparation and filing of the Report by the Examiner.

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943, at 12:01 a. m. The price schedules established by the Division pursuant to the provisions of the Act, and the price instructions and exceptions therein contained, also cease to be effective as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted herein and to dismiss this proceeding for all purposes.

It is, therefore, ordered, That effective August 24, 1943, at 12:01 a. m., the temporary relief heretofore granted in this proceeding by order dated March 6, 1943, is hereby terminated;

It is further ordered, That effective as of the date and time aforesaid, the proceeding in Docket No. A-1884 is hereby dismissed.

Dated: August 13, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13357; Filed, August 16, 1943; 10:49 a. m.]

[Docket No. A-1921, Part II]

DISTRICT BOARD 1

ORDER TERMINATING TEMPORARY RELIEF AND DISMISSING PROCEEDINGS

In the matter of the petition of District Board No. 1 for permission to mix coals of certain mines in District No. 1.

The original petition in the above-entitled matter filed with the Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 prayed for the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 1, and for permission to mix coals of certain other mines also located in District No. 1. It appearing, however, that no final determination should be made with respect to the request for permission to mix coals produced at certain mines for the reason that insufficient facts were presented upon which to base a final determination, the request of petitioner to mix said coals was granted only temporarily and the matter was scheduled for hearing on July 1, 1943. On application of petitioner the hearing was adjourned subject to the further order of the Director. No further proceedings were had or taken with respect to said docket.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will cease to be in effect as of 12:01 a. m. August 24, 1943, and insufficient time remains prior to that date within which to hold a hearing and to take action necessary to a complete determination of the matter, it is deemed appropriate to terminate the temporary relief heretofore granted and to dismiss said proceedings.

Now, therefore, it is ordered, That effective 12:01 a. m. August 24, 1943 the temporary relief heretofore granted in Docket A-1921 Part II be and the same hereby is, terminated and the proceedings in said docket be, and the same hereby are dismissed as of 12:01 a. m. August 24, 1943.

Dated: August 13, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13358; Filed, August 16, 1943; 10:48 a. m.]

[1] In view of the expiration of the Act, the lack of time within which to prepare and file Examiners' Reports, to afford interested parties an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such reports, or otherwise disposing of the proceedings, as required by the Rules of Practice and Procedure before the Division, the preparation and filing of Examiners' Reports in the above-designated dockets are hereby dispensed with.

DEPARTMENT OF LABOR.

Wage and Hour Division.

SORGO SYRUP PROCESSING

REVIEW OF EXEMPTION FROM MAXIMUM HOURS PROVISIONS

Notice of opportunity to petition for review of the determination denying in part and granting in part the applications for the exemption of the processing of sorgo into sorgo syrup from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

Whereas upon consideration of an application filed by the American Sugar Cane League of the U. S. A., Inc., for the exemption of the processing of sorgo into sorgo syrup in Louisiana from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder, a preliminary determination was made that a prima facie case had been shown for amendment of the exemption granted under section 7 (b) (3) of the Act to that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, to include in the exemption granted to this branch of the industry the processing of sorgo into sorgo syrup; and

Whereas within fifteen days following the publication of this preliminary determination the Administrator received an objection and request for hearing, and also received an application from the Waconia Sorghum Company, Cedar Rapids, Iowa, for the exemption of the processing of sorgo into sorgo syrup outside of Louisiana as an industry of a seasonal nature; and

Whereas, pursuant to sections 526.5 and 526.6 of the regulations, the Administrator of the Wage and Hour Division thereupon gave notice of a public hearing to be held at the National Offices of the Wage and Hour Division, 165 West 46 Street, New York, New York, on August 28, 1942, before Mr. Nathan Rubinstein, a duly authorized representative of the Administrator, who was authorized to receive evidence and hear arguments for the purpose of determining:

Whether the processing of sorgo into sorgo syrup in Louisiana is an integral part of the cane sugar processing and milling branch of the cane sugar industry in Louisiana, and if so, whether the combined raw sugar processing and sorgo processing operations in Louisiana constitute an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the regulations; and

Whether the processing of sorgo into sorgo syrup in the United States as a whole or in any one or more of the states constitutes an industry or a separable branch of an industry and is of a seasonal nature within the meaning of the Act and the regulations.

and

Whereas following such hearing the said representative of the Administrator duly made his findings of fact and determined as follows:

1. The pattern of sorgo processing operations in the cane sugar mills in Louisiana is not sufficiently established to warrant a finding that these operations constitute a separable branch of the sorgo processing industry or that they are an integral part of the sugar cane processing and milling branch of the cane sugar industry.

2. Sorgo is harvested in the State of Iowa during a period of not more than 8 weeks annually beginning about the last week in August, and is available for processing into sorgo syrup only during the harvesting season and for a few days thereafter.

3. The processing of sorgo into sorgo syrup in Iowa is carried on during an annually recurring period of not more than 8 weeks, after which the operations cease for the remainder of the year, except for maintenance, repair, clerical, and sales work.

4. The processing of sorgo into sorgo syrup in the State of Iowa is a separable branch of the sorgo processing industry, and is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526 of the regulations, as amended. This determination is made without prejudice to the right to sorgo processors outside of Iowa to obtain the exemption under supplemental determinations, upon presentation of facts warranting such action.

5. For purposes of this determination the term "processing of sorgo into sorgo syrup" includes the receiving, handling, unloading and weighing of sorgo at the processing establishment; the preparation of the sorgo for grinding by removing the leaves and seed heads; the extraction of the juice from the sorgo; the processing of the juice into sorgo syrup; and the following operations when performed at or near the sorgo processing plant by employees of the processor during the period of seasonal operations; packing the syrup into containers and labeling the packages; the removal, handling and conveying of the packages of sorgo syrup to trucks or other means of transportation in the vicinity of the plant; the removal, conveying, burning, packing, baling, piling and storing in bags or in baled form of bagasse resulting from the processing of sorgo into sorgo syrup; and any operations necessary or incident to the foregoing. The term "processing of sorgo into sorgo syrup" does not include operations performed on syrups other than sorgo, or the blending or mixing of such other syrups with sorgo syrup.

The application for the exemption of the processing of sorgo into sorgo syrup in Iowa is granted.

The application of the American Sugar Cane League of the United States of America, Inc. is denied without prejudice.

Whereas said findings and determinations were duly filed with the Administrator on August 11, 1943 at the National Offices of the Wage and Hour Division, 165 West 46 Street, New York, New York, and are available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations notice is hereby given that any person aggrieved by the said determination may within fifteen days after the date this notice appears in the FEDERAL REGISTER file a petition with the Administrator at the National Offices of the Wage and Hour Division requesting that he review the action of the said representative upon the record of the hearing. Such petition shall set forth the grounds upon which the request for review is based. If no petition for review is received within fifteen days, the Administrator will make a determination based on the findings of the presiding officer.

Signed at New York, New York this 12th day of August 1943.

L. METCALFE WALLING, *Administrator.*

[F. R. Doc. 43-13387; Filed, August 16, 1943; 12:08 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations July 20, 1942 (F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1040 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable Determination and Order or Regulations cited above. The applicable Determination and Order or Regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Apparel Industry

Pullman Wholesale Tailors, Incorporated, 130–132 S. West Temple St., Salt Lake City, Utah; Government uniforms and work clothing; 9 learners (E); effective August 16, 1943, expiring February 15, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

Coronet Manufacturing Company, Bristol, Virginia; Ladies' cotton dresses; 15 learners (E); effective August 16, 1943, expiring February 15, 1944.

Economy Blouse Company, 94 Sawyer Street, New Bedford, Massachusetts; Boys' shirts and blouses; 5 percent (T); effective August 12, 1943, expiring August 11, 1944.

Simon Fisher, White Horse Pike, Berlin, New Jersey; Ladies' and children's gowns, pajamas and slips; 3 learners (T); effective August 25, 1943, expiring August 25, 1944.

Jack Goldson Company, 2013 West Garvey Avenue, E. Monte, California; Women's robes, dresses, slack suits and blouses; 5 learners (T); effective August 16, 1943, expiring August 15, 1944.

Goldstein & Levin, 232 Levergood Street, Johnstown, Pennsylvania; Cotton and rayon washable house dresses, nurses' cotton seersucker jackets and uniforms; 10 percent (A. T.); effective August 13, 1943, expiring February 12, 1944.

Meadow Avenue Shirt Company, Meadow Avenue, Cambridge, Maryland; Army and Navy shirts and pajamas; 15 learners (A. T.); effective August 12, 1943, expiring February 12, 1944. (This cert. replaces the one issued effective Dec. 21, 1942, and expiring Dec. 21, 1943).

Medaryville Garment Company, Medaryville Indiana; Cotton textiles, children's overalls; 10 learners (A. T.); effective August 9, 1943, expiring February 9, 1944.

Mount Airy Pants Company, Mount Airy, Maryland; Cotton work pants; 10 percent (T); effective August 16, 1943, expiring August 15, 1944.

Hosiery Industry

Douglasville Hosiery Mill, Douglasville, Georgia; Seamless hosiery; 6 learners (E); effective August 12, 1943, expiring February 11, 1944.

McPar Hosiery Mill, Incorporated, 110 W. Henderson Street, Marion, North Carolina; Seamless hosiery; 10 learners (A. T.); effective August 16, 1943, expiring January 11, 1944.

Knitted Wear Industry

Pottsville Mills, Incorporated, 480 Peacock Street, Pottsville, Pennsylvania; Ladies' and men's sweaters and mufflers; 25 learners (A. T.); effective August 11, 1943, expiring February 11, 1944. (This certificate replaces the one previously issued effective March 29, 1943 and terminating November 29, 1943.)

Textile Industry

Gastonia Combed Yarn Corporation, Dunn Plant, East Fifth Avenue, Gastonia, North Carolina; Cotton yarns; 3 percent (T); effective August 18, 1943, expiring August 17, 1944.

Gastonia Thread Corporation, 201 East Fifth Avenue, Gastonia, North Carolina; Cotton threadyarns; 3 learners (T); effective August 16, 1943, expiring August 15, 1944.

Gastonia Combed Yarn Corporation, Armstrong Plant, S. Marietta Street, Gastonia, North Carolina; Knitting and weaving single cotton yarns; 3 percent (T); effective August 18, 1943, expiring August 17, 1944.

Gastonia Combed Yarn Corporation, Clara Plant, S. Oakland Street, Gastonia, North Carolina; Cotton yarns; 8 percent (T); effective August 18, 1943, expiring August 17, 1944.

Indiana Cotton Mills, Washington Street, Cannelston, Indiana; Sheetings, drill and duck; 3 percent (T); effective August 18, 1943, expiring August 17, 1944.

Cigar Industry

The S. Frieder & Sons Co. of Pennsylvania, Third and Spruce Streets, Philadelphia, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours at 75% of the applicable minimum wage; effective August 20, 1943, expiring August 19, 1944.

The S. Frieder & Sons Company of Pennsylvania, Third and Spruce Streets, Philadelphia, Pennsylvania; Cigars; 25 learners (E); Cigar Machine Operating for a learning period of 320 hours at 75% of the applicable minimum wage; effective August 20, 1943, expiring December 19, 1943.

General Cigar Company, Incorporated, Water and Russell Streets, South River, New Jersey; Cigars; 10 percent (T); Cigar Machine Operating and Cigar Packing for a learning period of 320 hours, Stripping Machine Operating for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 14, 1943, expiring August 13, 1944.

General Cigar Company, Incorporated, 715 North 4th Street, Allentown, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operating and Cigar Packing for a learning period of 320 hours, Stripping Machine Operating and Hand Stripping for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 14, 1943, expiring August 13, 1944.

General Cigar Company, Incorporated, Johnstone and Neville Streets, Perth Amboy, New Jersey; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours, Stripping Machine Operating for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 13, 1943, expiring August 13, 1944.

General Cigar Company, Incorporated, 217 Somerset Street, New Brunswick, New Jersey; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours, Stripping Machine Operating for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 13, 1943, expiring August 12, 1944.

General Cigar Company, Incorporated, 154 W. Church Street, Nanticoke, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours, Cigar Packing for a learning period of 240 hours, Stripping Machine Operating and Hand Stripping for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 13, 1943, expiring August 12, 1944. (This certificate replaces the one previously issued, effective January 28, 1943 and expiring January 27, 1944.)

John H. Swisher & Son, Incorporated, Valdosta, Georgia; Cigars; 150 learners (E); Cigar Machine Operators and Cigar Packers for a learning period of 320 hours, Stripping Machine Operators for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 16, 1943, expiring February 15, 1944.

Signed at New York, N. Y., this 14th day of August 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43–13386; Filed, August 16, 1943; 12:08 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT—5847]

OTTER TAIL POWER COMPANY

NOTICE OF APPLICATION

AUGUST 13, 1943.

Notice is hereby given that on August 12, 1943, an application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Otter Tail Power Company, Docket No. IT-5847, a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the acquisition by it of certain facilities of Central Electric and Telephone Company, a corporation organized under the laws of the State of Delaware, with its principal business office in Sioux Falls, South Dakota.

The application states that the facilities of Central Electric & Telephone Company to be acquired by Otter Tail Power Company are all of the electric facilities of the former located in the State of North Dakota and gas facilities located in the City of Jamestown, North Dakota, and are to be acquired for a consideration of $400,000 in addition to certain adjustments upon consummation of this transaction. Otter Tail Power Company proposes to borrow from local banks not exceeding $25,000, and to borrow from First National Bank of Minneapolis, Minneapolis, Minnesota, such additional amounts not exceeding $375,000 to pay the cost of acquisition of the facilities of Central Electric & Telephone Company; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of September, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 43–13338; Filed, August 16, 1943; 9:33 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Service Order 146–A]

CAR FERRY BETWEEN MACKINAW CITY AND ST. IGNACE, MICH.

ORDER VACATING TRAFFIC REROUTING ORDER

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of August, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 146 (8 F.R. 11226) of August 10, 1943, and good cause appearing therefor:

It is ordered, That Service Order No. 146 permitting the rerouting of freight traffic due to stoppage of work by employees of the car ferry operating between Mackinaw City and St. Ignace, Michigan, is hereby vacated and set aside.

It is further ordered, That this order shall become effective immediately; that copies of this order and direction be served upon The Pennsylvania Railroad Company, The Michigan Central Railroad Company, The New York Central Railroad Company, and The Duluth, South Shore and Atlantic Railway Company (Edward A. Whitman and P. L. Solether, Trustees), and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43–13303, Filed, August 14, 1943; 11:56 a. m.]

[Special Permit 51 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

ICING OF FRESH OR GREEN VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728–29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at St. Louis, Missouri, or East St. Louis, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona or California.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 13th day of August, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43–13383; Filed, August 16, 1943; 11:30 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1976]

ESTATE OF R. E. WERTH

In re: Estate of R. E. Werth, deceased; File D–28–2623; E. T. sec. 4078.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by E. F. Dickinson, Administrator, acting under the judicial supervision of the District Court of the Eleventh Judicial District of the State of Montana, in and for the County of Flathead;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

	Last known address
Nationals:	
August Karl Werth and his surviving child or children.	Poland.
Wilhelm Ed Werth and his surviving child or children.	Poland.
Emil Eduard Ebert and his surviving child or children.	Germany.
Friedrich Wilh. Ebert and his surviving child or children.	Germany.
Ida Bertha Joerss and her surviving child or children.	Germany.
Hedwig El. Mohrmann and her surviving child or children.	Germany.
Marie Sophie Heinrich and her surviving child or children.	Poland.
Martha Vetter	Poland.
Hildegard Hoppe	Poland.
Hermann Werth	Poland.
Edwin Werth	Poland.
Adeline Hed. Kunkel	Germany.
Wilhelm Emil Werth	Germany.
Walter Karl Werth	Germany.
Else Werth	Germany.
Irmgard Luedtke	Germany.
Helmut Luedtke	Germany.
Heinz Luedtke	Germany.

And determining that—

(3) August Karl Werth and his surviving child or children, Wilhelm Ed Werth and his surviving child or children, Marie Sophie Heinrich and her surviving child or children, Martha Vetter, Hildegard Hoppe, Hermann Werth and Edwin Werth, citizens or subjects of a designated enemy country, Germany, and within an enemy occupied area, Poland, are nationals of a designated enemy country, Germany.

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of August Karl Werth and his surviving child or children, Wilhelm Ed Werth and his surviving child or children, Emil Eduard Ebert and his surviving child or children, Ida Bertha Joerss and her surviving child or children, Hedwig El. Mohrmann and her surviving child or children, Marie Sophie Heinrich and her surviving child or children, Martha Vetter, Hildegard Hoppe, Hermann Werth, Edwin Werth, Adeline Hed. Kunkel, Wilhelm Emil Werth, Walter Karl Werth, Else Werth, Irmgard Luedtke, Helmut Luedtke and Heinz Luedtke, and each of them, in and to the estate of R. E. Werth, deceased

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13306; Filed, August 14, 1943; 1:24 p. m.]

[Vesting Order 1977]

ESTATE OF HERMINE ZIMMERMANN

In re: Estate of Hermine Zimmermann, deceased; File No. D–28–1821; E.T. sec. 1303.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louis H. Hartlieb and Ethel Schwinck Hartlieb, Executors, acting under the judicial supervision of the Surrogate Court of Nassau County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Emma Werner	Germany.
Fritz Werner	Germany.
Emil Zimmermann	Germany.
Emmie Packler	Germany.
Willy Hippe	Germany.
Marie Hippe	Germany.
The issue of Willy Hippe and Marie Hippe, whose names are unknown.	Germany.
Louise Hippe	Germany.
The children of August Hippe, whose names are unknown.	Germany.
Emma Stein	Germany.
Clara Knautz	Germany.
Elly Gornott	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emma Werner, Fritz Werner, Emil Zimmermann, Emmie Packler, Willy Hippe, Marie Hippe, the issue of Willy Hippe and Marie Hippe, whose names are unknown, Louise Hippe, the children of August Hippe, whose names are unknown, Emma Stein, Clara Knautz, and Elly Gornott, and each of them, in and to the Estate of Hermine Zimmermann, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of said Executive Order.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13307; Filed, August 14, 1943; 1:24 p. m.]

[Amendment of Vesting Order 1859]

TRUST UNDER WILL OF ERNEST PIA

In re: Trust under will of Ernest Pia, deceased; File No. F–38–1327; E. T. sec. 5408.

Whereas, through clerical error, the following language was used in paragraph 1, page 2, of Vesting Order Number 1859:

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Now, therefore, Vesting Order Number 1859 is hereby amended as follows and not otherwise by deleting said paragraph and inserting in lieu thereof, the following paragraph:

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property, or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

All other provisions of such Vesting Order Number 1859 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: August 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13305; Filed, August 14, 1943; 1:24 p. m.]

WALTER SOBERNHEIM (Y MAGNUS): N. V. HANDEL-MAATSCHAPPIJ "WALDORF"

ORDER FOR AND NOTICE OF HEARING

Whereas, on December 12, 1942, the Alien Property Custodian issued Vesting Order No. 435 (7 F.R. 10403) vesting certain securities theretofore held by The Chase National Bank as custodian for N. V. Handel-Maatschappij "Waldorf"; and

Whereas Walter Sobernheim (y Magnus), pursuant to General Order No. 4 heretofore issued by the Alien Property Custodian (7 F.R. 5539), has filed Notice of Claim No. 240, which appears to assert that claimant has the right to ownership and possession of certain securities vested by the said vesting order:

Now, therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian (7 F.R. 2290), that a hearing on the claim be held before the Vested Property Claims Committee on September 2, 1943, at 10 a. m. Eastern War Time, in Room 411, National Press Building NW., Washington, D. C., to continue thereafter at such times and places as the Committee may determine. *It is further ordered,* That this notice of hearing be served by registered mail upon the said claimant and upon the person designated in paragraph 2 of the said Notice of Claim, and be published in the FEDERAL REGISTER.

Any person desiring to be heard either in support of or in opposition to the claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW. (25), Washington, D. C., on or before August 28, 1943.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting order are available for public inspection at the above address.

[SEAL] VESTED PROPERTY CLAIMS COMMITTEE,
JOHN C. FITZGERALD,
Chairman.
CHARLES O. HARDY
MICHAEL F. KRESKY

[F. R. Doc. 43–13308; Filed, August 14, 1943; 2:12 p. m.]

[Vesting Order 1873]

I. G. FARBENINDUSTRIE A. G. AND ROHM AND HAAS CO.

Re: Interest of I. G. Farbenindustrie Aktiengesellschaft in a contract dated October 31, 1938 between it and Rohm & Haas Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft.

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated October 31, 1938 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Rohm & Haas Company, which agreement relates, among other things, to certain United States Letters Patent, including Patent No. 2,075,018,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13340; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1874]

I. G. FARBENINDUSTRIE A. G. AND E. I. DU PONT DE NEMOURS & CO.

Re: Interest of I. G. Farbenindustrie Aktiengesellschaft, a German corporation, in an agreement with E. I. Du Pont de Nemours & Company, a Delaware corporation, dated June 28, 1935, said contract relating to Patents Nos. 2,036,410 and 2,110,833.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. That the property described in subparagraph 3 hereof is the property of I. G. Farbenindustrie Aktiengesellschaft.

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated June 28, 1935 (including all modifications thereof and supplements thereto, if any) by and between said I. G. Farbenindustrie Aktiengesellschaft and E. I. Du Pont de Nemours & Company, which agreement relates, among other things, to United States Letter Patent Nos. 2,036,410 and 2,110,833,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13341; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1875]

OSCAR MARTIENSSEN AND SCHLUMBERGER WELL SURVEYING CORP.

Re: Interests of Oscar Martienssen in an agreement with Schlumberger Well Surveying Corporation relating to United States Patent No. 2,018,080.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No' 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Oscar Martienssen is a resident of Germany and is therefore a national of a foreign country (Germany).

2. That the property identified in subparagraph 3 hereof is property of said Oscar Martienssen.

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interest and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Oscar Martienssen by virtue of an agreement between him and Schlumberger Well Surveying Corporation, dated April 9, 1936 (including all modifications thereof and supplements thereto, if any) which agreement relates, among other things, to United States Letters Patent No. 2,018,080,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13342; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1877]

I. G. FARBENINDUSTRIE A. G. AND E. I. DU PONT DE NEMOURS & CO.

Re: Interest of I. G. Farbenindustrie Aktiengesellschaft in an agreement with E. I. Du Pont de Nemours & Company, which agreement relates, among other things, to United States Letters Patent Nos. 1,608,700 and 1,922,492.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. That the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated May 16, 1933 and April 12, 1933 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and E. I. Du Pont de Nemours & Company, which agreement relates, among other things, to Patents Nos. 1,608,700 and 1,922,492,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13344; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1878]

I. G. FARBENINDUSTRIE A. G. AND KOPPERS CONSTRUCTION CO.

Re: Interest of I. G. Farbenindustrie A. G. in a contract between it and The Koppers Construction Company relating to United States Patent No. 1,826,369.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie A. G. is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie A. G.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie A. G. by virtue of an agreement dated June 19, 1935 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie A. G. and The Koppers Construction Company, which agreement relates, among other things, to United States Letters Patent No. 1,826,369,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part nor shall it be deemed to indicate that compensation will not be paid in lieu thereof if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed file with the Alien Property Custodian on Form APC–1 a notice of claim together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095 as amended.

Executed at Washington, D. C., on 23 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13345; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1879]

I. G. FARBENINDUSTRIE A. G., AND ALUMINUM CO. OF AMERICA

Re: Interest of I. G. Farbenindustrie Aktiengesellschaft in a contract dated June 30, 1938 between it and Aluminum Company of America.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. Finding that the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft.

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated June 30, 1938 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Aluminum Company of America, which agreement relates, among other things, to Patent No. 2,157,150,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13346; Filed, August 16, 1943; 10:44 a. m.]

[Vesting Order 1880]

I. G. FARBENINDUSTRIE A. G. AND E. I. DU PONT DE NEMOURS & CO.

In re: Interest of I. G. Farbenindustrie Aktiengesellschaft, a German corporation, in a contract with E. I. Du Pont de Nemours & Company, a Delaware corporation, dated June 28, 1935, said contract relating to Patents Nos. 2,042,747 and 2,069,547.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany).

2. That the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated June 28, 1935 (including all modifications thereof and supplements thereto, if any) by and between said I. G. Farbenindustrie Aktiengesellschaft and E. I. Du Pont de Nemours & Company, which agreement relates, among other things, to United States Letters Patent Nos. 2,042,747 and 2,069,547,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13347; Filed; August 16, 1943; 10:44 a. m.]

[Vesting Order 1881]

GEORG MUELLER, M. GEORG MUELLER AND ORIGINAL LAMINATED PATENTBARREL CO., INC.

In re: Interests of Georg Mueller and M. Georg Mueller in agreements with Original Laminated Patentbarrel Co., Inc., relating to patent number 1,981,659 and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Georg Mueller is a citizen and resident of Germany and is therefore a national of a foreign country (Germany).

2. That M. Georg Mueller is a company organized under the laws of and having its principal place of business in Germany and is therefore a national of a foreign country (Germany).

3. That the property described in subparagraph 5a hereof is property of Georg Mueller.

4. That the property described in subparagraph 5b hereof is property of M. Georg Mueller.

5. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Georg Mueller by virtue of an agreement dated July 10, 1939 (including all modifications thereof and supplements thereto, if any) by and between Georg Mueller and Original Laminated Patentbarrel Co., Inc., which agreement relates, among other things, to Patent No. 1,981,659;

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in M. Georg Mueller by virtue of an agreement dated July 10, 1939 (including all modifications thereof, and supplements thereto, if any) by and between M. Georg Mueller and Original Laminated Patentbarrel Co., Inc., which agreement relates, among other things, to Patent No. 1,978,811,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein con-

tained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13348; Filed, August 16, 1943; 10:44 a. m.]

[Vesting Order 1883]

BERNHARD RICHTER AND AMERICAN AIR FILTER CO., INC.

In re: Interest of Bernhard Richter in a contract between him and the American Air Filter Co. Inc., relating to United States Letters Patent No. 1,836,131.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Bernhard Richter is a resident of Germany and is therefore a national of a foreign country (Germany).

2. That the property described in subparagraph 3 hereof is property of Bernhard Richter.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Bernhard Richter by virtue of an agreement dated July 5, 1934 (as of August 1, 1934) (including all modifications thereof and supplements thereto, if any) by and between the said Bernhard Richter and the American Air Filter Co. Inc., which agreement relates, among other things, to United States Letters Patent No. 1,836,131,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13350; Filed, August 16, 1943; 10:44 a. m.]

[Vesting Order 1906]

ACCUMULATOREN-FABRIK A. G. AND ELECTRIC STORAGE BATTERY CO.

In re: Interest of Accumulatoren-Fabrik Aktiengesellschaft in a contract between it and The Electric Storage Battery Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Accumulatoren-Fabrik Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Accumulatoren-Fabrik Aktiengesellschaft;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Accumulatoren-Fabrik Aktiengesellschaft by virtue of an agreement dated December 27, 1895 (including all modifications thereof and supplements thereto, if any) by and between Accumulatoren-Fabrik Aktiengesellschaft and The Electric Storage Battery Company, which agreement relates, among other things, to United States Letters Patent No. 1,663,696,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13352; Filed, August 16, 1943; 10:44 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-13A]

FLATHEAD TRANSPORTATION CO. AND NORTHERN PACIFIC TRANSPORT CO.

COORDINATED OPERATIONS BETWEEN MISSOULA AND KALISPELL, MONTANA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Flathead Transportation Company, Missoula, Montana, and Northern Pacific Transport Company, Billings, Montana, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between Missoula and Kalispell, Montana, and intermediate points, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

[1] Filed as part of the original document.

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, Supplementary Order ODT 3, Revised-13 (8 F.R. 1047), shall be superseded, and, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-13A" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective August 18, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Supplementary Order ODT 3, Revised-13 is hereby revoked as of the effective date of this Supplementary Order ODT 3, Revised-13A.

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-13270; Filed, August 14, 1943; 11:40 a. m.]

[Supplementary Order ODT 3, Revised-51]

BYERS TRANSPORTATION COMPANY, INC., AND DONOVAN MOTOR FREIGHT SERVICE

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI AND KANSAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Byers Transportation Company, Inc., Kansas City, Missouri, and Edward M. Donovan and Ben J. Donovan, a partnership, doing business as Donovan Motor Freight Service, Leavenworth, Kansas, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between points in Missouri and Kansas, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrange-

[1] Filed as part of the original document.

ments made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-51" and, unless otherwise directed, should be addresesd to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

8. This order shall become effective August 18, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-13271; Filed, August 14, 1943; 11:40 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order A-1 Under MPR 188, Amdt. 9]

SALES OF CAST IRON COAL FIRED WARM-AIR FURNACES

MODIFICATION OF MAXIMUM PRICES

Amendment No. 9 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (10) is added to read as follows:

(10) *Modification of maximum prices of cast iron coal fired warm-air furnaces*—(i) *Scope of this amendment.* The maximum prices established by this amendment shall apply to sales of cast iron coal fired warm-air furnaces.

"Cast iron coal fired warm-air furnaces" means any direct coal fired central plant, warm-air heating unit made of cast iron which is designed for the purpose of heating the interior of any structure; commonly known as a gravity or forced warm-air furnace, for use with or without air distribution pipes. The term "cast iron warm-air furnaces" does not include space heaters, domestic heating stoves, or floor furnaces (whether portable or fixed).

(ii) *Maximum prices for manufacturers.* (*a*) On and after August 4, 1943, regardless of any contract, agreement, lease or other obligation, no manufacturer of cast iron coal fired warm-air furnaces shall sell and deliver cast iron coal fired warm-air furnaces and no person shall buy and receive cast iron coal fired warm-air furnaces in the course of trade or business at prices higher than the lowest published list price for each type and size of cast iron coal fired warm-air furnaces in effect on August 4, 1943, plus 9 percent of such lowest published list price.

(*b*) The maximum prices fixed under (*a*) shall be subject to at least the same extension of cash, quantity and other discounts, the same absorption of transportation charges and the same rendition of services as the manufacturer extended, absorbed, or rendered or would have extended, absorbed, or rendered on comparable sales to purchasers of the same class during March 1942.

(iii) *Notification to purchasers by manufacturers.* All manufacturers selling cast iron coal fired warm-air furnaces under the authority of this subparagraph (10) shall send the following notice to every purchaser of cast iron coal fired warm-air furnaces at the time of billing:

Amendment No. 9 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188 granted us on increases of the maximum prices of cast iron coal fired warm-air furnaces equal to 9 percent of our lowest established list price in effect on August 4, 1943, for each type and size of cast iron coal fired warm-air furnace. The prices charged you for cast iron coal fired warm-air furnaces are not higher than the maximum prices which we are permitted to charge you under the provisions of that amendment. The amendment further provides that any person purchasing cast iron coal fired warm-air furnaces for resale in substantially the same form may increase his presently established maximum price by the actual increase in cost to him resulting from the 9 percent increase.

This notice is given to you at the express direction of the Office of Price Administration.

(iv) Every manufacturer selling cast iron coal fired warm-air furnaces under the authority of this subparagraph (10) shall forward to the Office of Price Administration, Building Materials Branch, Washington, D. C., within 15 days after the effective date of this amendment, unless previously submitted, catalogues, price books and discount sheets relative to cast iron coal fired warm-air furnaces. Copies of all such catalogues, price books, and discount sheets issued at any time subsequent to the effective date of this amendment shall be forwarded to the Office of Price Administration, Building Materials Branch, Washington, D. C., at least 5 days prior to the issuance thereof.

(v) *Maximum prices for persons other than manufacturers.* (*a*) On and after August 4, 1943, any person who purchases cast iron coal fired warm-air furnaces for resale may increase his presently established maximum price for each type and size of cast iron coal fired warm-air furnace purchased under the authority of this subparagraph (10) by an amount equal to his actual increase in cost resulting from the 9 percent increase permitted under subdivision (ii).

(*b*) The maximum prices fixed under Subdivision (*a*) shall be subject to at least the same extension of cash, quantity and other discounts, the same absorption of transportation charges and the same rendition of services which the seller extended, absorbed, or rendered or would have extended, absorbed, or rendered on comparable sales to purchasers of the same class during March 1942.

(vi) *Definitions generally.* Unless the context requires otherwise, the definitions set forth in § 1499.163 of Maximum Price Regulation No. 188 or § 1499.20 of the General Maximum Price Regulation, whichever is applicable, shall apply to the terms used herein.

This Amendment No. 9 shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13252; Filed, August 3, 1943; 11:58 a. m.]

[Order 108 Under RPS 64]

CALORIC GAS STOVE WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 108 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On April 15, 1943, Caloric Gas Stove Works, Trenton Ave. and Tioga Street, Philadelphia, Pennsylvania, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of the maximum price for sales of a new model heating stove designated in the application as Model 20A-CE Conservator.

Due consideration has been given to the application and an opinion issued simultaneously herewith has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered:*

(a) (1) This order fixes ceiling prices for sales by Caloric Gas Stove Works to dealers of the Model No. 20A-CE Conservator Coal Heating Stove. It also fixes retail ceiling prices for sales of the stove by dealers to consumers. The retail ceiling price differs, depending on the zone in which the sale is made.

(2) The ceiling price for sales of the stove by Caloric Gas Stove Works to dealers, if the shipping terms are f. o. b. factory, is $34.50.

(3) The ceiling price for sales of the stove by Caloric Gas Stove Works to dealers if the terms include delivery to the dealer from a warehouse where the stoves have been stored, varies with the

zone in which the dealer is located. The ceiling price is shown in the table below.

Zone 1 includes the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, North Carolina, South Carolina, Virginia, West Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin.

Zone 2 includes the states of Georgia, Florida, Alabama, Mississippi, Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas.

Zone 3 includes the states of Texas, Oklahoma, Colorado, Utah, Wyoming, Montana.

Zone 4 includes the states of Washington, Oregon, California, Idaho, Nevada, Arizona, New Mexico.

Zone:	*Ceiling price*
1	$38.97
2	39.98
3	41.93
4	43.39

(4) These prices are subject to such additional allowances and terms as prevailed on January 5, 1942, with respect to Model 4036–IV coal heating stove, sold by the Caloric Gas Stove Works.

(5) Before delivering any Model 20A–CE Conservator Coal Heating Stove, the Caloric Gas Stove Works shall attach securely to each stove a tag or label which plainly states the retail ceiling price for sales in the zone to which the stove is to be shipped. For example, if the stove is to be shipped to zone 1, the tag or label should contain the words "Retail Ceiling Price $59.95".

(6) The ceiling price for sales at retail of the 20A–CE Conservator Coal Heating Stove is as follows:

Zone:	*Retail ceiling price*
1	$59.95
2	61.50
3	64.50
4	66.75

The zones referred to are the zones specified in paragraph (3) above. A sale at retail is any sale to a consumer.

(b) This Order No. 108 may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 7, 1943.

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–13253; Filed, August 6, 1943; 3:23 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 13, 1943.

Order Number and Name
MPR 127, Order 14, Wellington Sears.
MPR 188, Order 576, Bristol Rug Mills and Vernon Rug Mills, Co.
MPR 188, Order 577, Brillo Mfg. Co.
MPR 327, Order 10, Am 1, United Feldspar & Minerals Corp.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head Editorial and Reference Section.

[F. R. Doc. 43–13287; Filed, August 14, 1943; 11:51 a. m.]

[Order 2 Under § 1499.19a of GMPR]

"GENERAL MANAGER TYPE" GRAIN DOORS

ADJUSTABLE PRICING

Petitions have been filed for the adjustment of prices for "General Manager Type" grain doors established by Article VI, § 6.10 of Revised SR 14 to the General Maximum Price Regulation, due to the increased costs of lumber imposed upon manufacturers by Amendment 3 to Revised Maximum Price Regulation No. 19 and Amendment 2 to Revised Maximum Price Regulation No. 222. Due to the fact that the 10 percent increase established by Amendment 2 to Revised Maximum Price Regulation No. 222 is temporary, pending item by item revision of the regulation, it is not practicable to establish specific adjusted prices for grain doors manufactured from lumber controlled by that regulation until these grade price determinations are made. It has been shown that authorization to use adjustable pricing, pending action on the petition, is necessary to promote production and distribution of grain doors and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328 and in accordance with § 1499.19 (a) of the General Maximum Price Regulation, *It is ordered:*

(a) Producers subject to Article VI, § 6.10 of Revised SR 14 to the General Maximum Price Regulation, may sell and deliver and any person may buy and receive "General Manager Type" grain doors at prices not over the prevailing ceiling at the time of delivery but by agreement subject to adjustment upward in accordanc with action, if any, taken by the Office of Price Administration after delivery and prior to October 15, 1943.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for "General Manager Type" grain doors higher than those now prevailing, or upon denial of the petitions. It may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 14, 1943.

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13325; Filed, August 14, 1943; 4:31 p. m.]

[Order 2 Under MPR 94]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

ORDER AUTHORIZING ADJUSTABLE PRICING

Petitions have been filed by producers of Western pine lumber in Arizona and New Mexico for amendment of Maximum Price Regulation No. 94 to include those two states within the geographical scope of § 1381.524 (1). It has been shown that authorization to use adjustable pricing, pending action on the petitions, is necessary to promote the production of Western pine and associated species of lumber and that such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328 and in accordance with § 1381.506 (e) of Maximum Price Regulation No. 94: *It is hereby ordered,* That:

(a) Producers may sell and deliver, and any person may buy and receive lumber produced in Arizona and New Mexico of the species and in the grades and sizes set forth in § 1381.524 (a) (1) and (2), at prices not over the prevailing ceiling at time of delivery but by agreement subject to being adjusted upward in accordance with action, if any, taken by the Office of Price Administration after delivery and prior to September 15, 1943.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for lumber described in paragraph (a) higher than the maximum prices therefor now prevailing, or upon denial of the petitions. It may be revoked or amended by the Price Administrator at any time.

(c) This order shall be effective August 14, 1943.

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13326; Filed, August 14, 1943; 4:31 p. m.]

Regional, State and District Office Orders.

[Region III Order G–5 Under MPR 329]

MILK IN CLEVELAND, OHIO

Order No. G–5 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 (c) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) Any milk distributor authorized by the Department of Public Health and Welfare, Division of Health, Subdivision of the Food and Drug Administration of the City of Cleveland, Ohio, to buy and sell "Class 1" milk as defined by said Food and Drug Administration, may pay each producer for such "Class 1" milk, in addition to his maximum producer price as established under Maximum Price Regulation No. 329, either (1) the bonuses he paid such producer for "Class 1" milk delivered during January, 1943 or (2) the following bonuses:

	Bonus (cents per cwt.)
1. For milk with an average monthly bacteriolcgical count of 25,000 bacteria or less per cc	20
2. For milk with an average monthly bacteriological count of 25,000 to 50,000 bacteria per cc	15

(b) No distributor shall pay such bonuses for "Class 1" milk to a greater number of "Class 1" licensed producers than were selling or delivering such "Class 1" milk to that distributor on May 1, 1943.

(c) The provisions of paragraph (e) of Order No. G–3 under Maximum Price Regulation No. 329 permitting certain bonus payments are superseded, insofar as "Class 1" milk purchased by milk distributors authorized by the Department of Public Health and Welfare of the City of Cleveland, Ohio, to buy and sell "Class 1" milk, is concerned, by the provisions of this order.

(d) Each distributor increasing his price to producers for "Class 1" milk pursuant to the provisions of this order shall, within five (5) days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(e) *Definitions.* (1) "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper or other containers.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operation of a farm on which "milk" is produced. For the purposes of this order farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing, or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Class 1" milk is defined to mean that milk produced by holders of "Class 1" permits issued by the Department of Public Health and Welfare, Division of Health, Subdivision of Food and Drug Administration of the City of Cleveland, Ohio, as distinguished from the ordinary utilization meaning "Class 1" milk.

This order may be modified, amended, or revoked at any time.

This order shall become effective as of May 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued June 15, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13237; Filed, August 13, 1943; 11:23 a. m.]

[Region III Order G–5 Under MPR 165, Amdt. 2]

POWER LAUNDRIES IN WAYNE COUNTY, MICH.

Amendment No. 2 to Order No. G–5 under Maximum Price Regulation No. 165, as Amended. Services. Power laundries in Wayne County, Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, and by Revised General Order No. 32, it is hereby ordered that Appendix A, Table 2 of Order No. G–5 under Maximum Price Regulation No. 165, be amended in the following respect:

The designation "X" under Column No. 3 for the Palace Model Laundry and Cleaning Company, 711 East Jefferson Street, is hereby amended to read "Y".

This order may be amended, modified or revoked at any time by the Office of Price Administration.

This amendment shall become effective June 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued June 2, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13238; Filed, August 13, 1943; 11:23 a. m.

[Region VI Order G–2 Under MPR 376, Amdt. 1]

LETTUCE IN REGION VI

Amendment No. 1 to Order No. G–2 under Maximum Price Regulation 376—Certain Fresh Fruits and Vegetables. Adjusted maximum prices of certain fresh vegetables in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region VI of the Office of Price Administration by section 4 (c) of Maximum Price Regulation 376, it is hereby ordered that paragraph F of Appendix A and the first undesignated listing of commodities in Appendix B be amended as set forth below:

APPENDIX A—MAXIMUM PRICES FOR CARLOT RECEIVERS AND COMMISSION SELLERS

"Formula price" means country shipping point price multiplied by 1.035, plus freight. For complete definition see paragraph (d) (6) of the order.

* * * * * *

F. *Lettuce—Point of origin.* 1. Head lettuce, iceberg type: Dallas region (Ark., Kan., La., Mo., Okla., Tex.), formula price.

San Francisco region (Ariz., Calif., Nev., Oreg., Wash.), formula price.

State of Idaho, formula price.

All others, formula price; but no seller shall use a shipping point price higher than the lowest maximum shipper point price listed in Appendix B. Atlanta Region maximum prices may not be used even on shipments from the Atlanta Region.

* * * * * *

APPENDIX B—MAXIMUM COUNTRY SHIPPING POINT PRICES

Commodity and container size and quantity	Region V Dallas region: Ark., Kans., La., Mo., Okla., Tex.	Region VIII San Francisco region: Ariz., Calif., Nev., Oreg., Wash.	State of Idaho
Iceberg head lettuce:			
4 doz. crate—ice pack	$4.50	$4.50	$4.90
5 doz. crate—ice pack	4.50	4.50	4.90
6 doz. crate—ice pack	3.50	3.50	3.90
(Dry pack 50¢ per crate lower.)			

This amendment to Order No. G–2 shall become effective June 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–13234; Filed, August 13, 1943; 11:24 a. m.]

[Region VI Order G–2, Amdt. 2]

COAL IN THE TWIN CITIES, MINNESOTA

Amendment No. 2 Order G–2, previously issued as Regional Order No. 46 under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Production Facilities—Dealers. Adjusted prices for coal in the Twin Cities, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation 122, it is hereby ordered that paragraph 4, as amended, be amended to read as set forth below:

4. This order shall be effective from the date hereof until revoked or superseded at any time hereafter either by

special order or by any maximum price regulation hereafter issued inconsistent with the terms thereof.

This Amendment No. 2 to Order No. G-2 shall become effective June 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13235; Filed, August 13, 1943; 11:27 a. m.]

[Region VI Order G-6 Under MPR 165]

BOWLING IN LAKE COUNTY, ILL.

Order No. G-6 under Maximum Price Regulation No. 165, as amended,—Services. Bowling prices in Lake County, Illinois, except the townships of Deerfield and West Deerfield.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 114 (d) of Maximum Price Regulation No. 165—Services, *It is hereby ordered:*

a. *What this order covers.* This order establishes maximum prices for games of ten pin bowling in bowling alleys located in Lake County, Illinois, except the townships of Deerfield and West Deerfield.

b. *The maximum prices established.* The maximum price for any ten pin bowling game shall be 25¢ per game.

c. *Lower prices.* Lower prices than those provided in this order may be charged and paid.

d. *Posting of maximum prices.* Instead of the posting provisions contained in § 1499.654 (e) of Supplementary Service Order No. 4 to Maximum Price Regulation No. 165, each bowling alley shall exhibit a poster in a manner plainly visible to the patrons of the establishment, in substantially the following form:

OPA has set a maximum price for bowling in Lake County except the Townships of Deerfield and West Deerfield at 25¢ per game.

Applicant shall keep a copy of this order available for inspection by bowling patrons.

This order may be amended, corrected or revoked at any time.

This order shall become effective June 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13228; Filed, August 13, 1943; 11:25 a. m.]

[Region VI Order G-7 Under MPR 329]

MILK IN GRAND RAPIDS, MINN.

Order No. G-7 under Maximum Price Regulation No. 329—Purchase of Milk From Producers for Resale as Fluid Milk. Producers' milk prices in Grand Rapids, Minnesota.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price for whole milk sold for human consumption in fluid form which may be paid to producers by distributors whose establishments are located in Grand Rapids, Minnesota shall be 70¢ for each pound of butterfat contained in such milk.

(b) Unless the context otherwise requires, the definitions set forth in § 1354.404 of Maximum Price Regulation 329 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(c) This order may be revoked, amended or corrected at any time. This order shall become effective June 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13229; Filed, August 13, 1943; 11:24 a. m.]

[Region VI Order G-8 Under MPR 329]

MILK IN CENTRALIA, ILL.

Order No. G-8 under Maximum Price Regulation No. 329—Purchase of Milk from Producers for Resale as Fluid Milk. Producers' milk prices in Centralia, Illinois.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be $2.75 per cwt. for 3.5 per cent milk plus 5¢ for each 1/10 of a pound of butterfat in excess of 3.5 per cent, and less 5¢ for each 1/10 of a pound of butterfat below 3.5 per cent.

(b) This order shall apply to all purchasers of milk by distributors selling 50 per cent or more of their total volume of milk within Centralia, Illinois.

(c) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation 329 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13230; Filed, August 13, 1943; 11:24 a. m.]

[Region VII Order G-3 Under SR 15, Amdt. 1]

MILK TRUCKERS IN SOUTHERN UTAH

Order No. G-3 issued in three parts under § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation—Amendment No. 1. Service charges of contract carriers who truck milk in the Southern Utah area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered,* That the above described order be amended in the following respects:

Part I is amended by deleting therefrom paragraph (4) and substituting therefor a new paragraph (4), as follows:

(4) This order is hereby revived as of 12:01 a. m. on April 1, 1943, and shall continue in full force and effect thereafter.

Part II is amended by deleting therefrom paragraph (4) and substituting therefor a new paragraph (4), as follows:

(4) This order is hereby revived as of 12:01 a. m. on April 1, 1943, and shall continue in full force and effect thereafter.

Part III is amended by deleting therefrom paragraph (4) and substituting therefor a new paragraph (4), as follows:

(4) This order is hereby revived as of 12:01 a. m. on April 1, 1943, and shall continue in full force and effect thereafter.

This amendment shall become effective June 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 9328, 7 F.R. 7871, 8 F.R. 461)

Issued this 9th day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13236; Filed, August 13, 1943; 11:25 a. m.]

[Region VII Order G-40 Under 18 (c) of GMPR]

CONTRACT MILK HAULERS IN CACHE VALLEY AREA, UTAH

Order No. G-40 under § 1499.18 (c) of the General Maximum Price Regulation. Service charges of contract carriers who truck milk in the Cache Valley area of the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *Former order revoked.* Order No. 2 issued in four parts under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation under date of February 8, 1943, is hereby revoked and rescinded as of the effective date of this order, but without prejudice to the prosecution of, or the

imposition of sanctions against any person who may have violated said order prior to its revocation.

(b) *Permission granted processors and haulers to adjust service rates by agreement.* From and after the effective date of this order, it shall be permissible for Morning Milk Company of Wellsville, Utah, Sego Milk Products Company of Richmond, Utah, Borden Company of Morgan, Utah, and Cache Valley Association Cheese Plant of Amalga, Utah, to negotiate separately with their several contract milk haulers, milk hauling contracts at rates to be mutually agreed upon by and between each of said processors separately and its respective milk haulers: *Provided, however,* That no such negotiated or agreed milk haulers' rate shall exceed the maximum price for such contract carrier service as established under the General Maximum Price Regulation prior to December 1, 1942, by more than 16⅔ percent: *And provided further,* That any and all such increases in milk haulers rates shall be absorbed by each of said processors, respectively, as to its contract milk haulers, and no part of any such increase shall be in any manner added to the present maximum prices established for said processors on the products which they process, manufacture and sell.

(c) *Definitions.* (1) "Cache Valley area" means all of that area within the State of Utah included within the geographical boundaries of Box Elder, Rich, Cache, Davis, Morgan and Weber Counties, and the Counties of Oneida and Franklin in the State of Idaho.

(d) *Applicability of other regulations.* Except to the extent that the same are inconsistent with or contradictory to the terms and provisions of this order, all the terms and provisions of the General Maximum Price Regulation shall remain in full force and effect and be applicable to the subject hereof with like force and effect as though re-written herein.

(e) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(f) *Effective date.* This order shall become effective retroactively as of January 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, F.R. 4681)

Issued this 9th day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13231; Filed, August 13, 1943; 11:25 a. m.]

[Region VIII Order G-1 Under SR 15, Amdt. 1]

FIREWOOD IN NORTHERN CALIFORNIA

Amendment No. 1 to Order No. G-1 under § 1499.75 (a) (1) of Supplementary Regulation 15 to the General Maximum Price Regulation (formerly Northern California State Office Price Order No. 1).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that Order No. G-1 under § 1499.75 (a) (1) of Supplementary Regulation 15 to the General Maximum Price Regulation (formerly Northern California State Office Price Order No. 1), which said order was issued on November 21, 1942 by the State Director of the Northern California Office pursuant to the authority then conferred by § 1499.75 (a) (1) of Supplementary Regulation 15, now superseded by § 1499.18 (c) of the General Maximum Price Regulation, be amended as set forth below:

A. Paragraph 4 of the said order No. G-1 is amended to read as follows:

4. *Maximum prices for sales of firewood in Humboldt County.* (a) The maximum price of mill wood sold at retail in cords of 128 cubic feet delivered to the curb of the consumer shall be the price set forth in Appendix A of this order. The prices set out in Appendix A are prices delivered to the curb of the consumer.

(1) In the event the seller does not deliver, but sells f. o. b. his yard, the seller shall deduct from said maximum price an amount equal to the differential between the delivered price and the f. o. b. price which said seller had established in March 1942 for f. o. b. sales as compared with delivered sales.

(2) In the event any seller had no such established differential in March 1942, the amount of deduction shall be an amount equal to the cost to the customer of having the firewood delivered by the most usual and reasonable method.

(3) In the event that the seller had a higher established price under the General Maximum Price Regulation than the prices set out in Appendix A, the seller may use such higher price.

(b) The maximum price of mixed pine and redwood mill wood sold in carload lots shall be $26.60 per carload f. o. b. Samoa, Humboldt County.

(c) In the event that mixed pine and redwood mill wood is sold in carload lots at places in said Humboldt County other than Samoa, the maximum price for such carload lots at the place of sale shall be the price of $26.60 per carload f. o. b. Samoa plus the rail transportation charges on such carload from Samoa to the place of sale.

(d) The maximum price for all other types of firewood shall be the sum of the following items:

(1) The highest net price (after adjustment for all applicable customary charges, discounts, quantity differentials and other allowances) established for the seller under the General Maximum Price Regulation to a purchaser of the same class, and

(2) An amount equal to 20% of said highest net price.

B. The said order No. G-1 is further amended by adding at the end thereof an Appendix to be known as Appendix A as follows:

APPENDIX A—RETAIL MAXIMUM PRICES OF MILLWOOD

[Delivered to the curb of consumer]

Kind of wood	*Price per cord of 128 cubic feet*
Green pine	$5.20 loose bulk measure.
Green redwood	$3.50 loose bulk measure.
Green mixed pine and redwood.	$4.80 loose bulk measure.
Air-dry pine	$6.20 loose bulk measure.
Air-dry redwood	$6.00 loose bulk measure.
Air-dry mixed pine and redwood.	$6.10 loose bulk measure.
Kiln-dry redwood	$5.50 loose bulk measure.
Kiln-dry pine	$6.60 loose bulk measure.
Green cedar	$5.50 loose bulk measure.
Air or kiln dry cedar	$6.00 loose bulk measure.
Heater blocks (all kinds)	$5.00 loose bulk measure.
Edgings and slabs (all kinds).	$3.00 loose bulk measure.
Six foot stickers (kiln-dry pine and redwood).	$6.00 tiered in tight.
Two and four foot stickers (pine and redwood trimmings).	$6.00 tiered in tight.

FRACTIONAL CORD MAXIMUM PRICES

[Delivered to the curb of consumer]

1. Where any of the above kinds of wood is sold in a fraction of a cord of 128 cubic feet, the maximum price for such fraction shall be the proportionate fraction of the above price for the full cord of the kind of wood being sold.

2. Where millwood is sold by the sack, the maximum price for all kinds of wood above specified shall be 55¢ per sack. Minimum size of the sack shall be 22 inches by 36 inches. A deposit of ten cents may be required on the sack.

This Amendment No. 1 shall become effective upon its issuance.

(Pub. Laws 729 and 421, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued: June 2, 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13233; Filed, August 13, 1943; 11:26 a. m.]

[Region I Order G-1 Under SR 14, Amdt 2 (N. H.)]

FIREWOOD IN NEW HAMPSHIRE

Amendment No. 2 to Order No. G-1 under Supplementary Regulation 14 to the General Maximum Price Regulation (New Hampshire) (formerly New Hampshire State Office Price Order No. 1)—Firewood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, it is hereby ordered that section Fa and section G, Appendix A, be amended, to read as set forth below:

* * * * *

Fa. *Effective dates of amendments.* (1) Amendment No. 1 to New Hampshire Price Order No. 1 shall become effective December 17, 1942.

(2) Amendment No. 2 to New Hampshire Price Order No. 1 shall become effective July 1, 1943, at 12:01 a. m.

G. *Appendix A: Maximum prices for firewood.* The maximum prices for firewood sold or delivered in the State of New Hampshire shall be as follows: *Provided,* That, for the sale of fitted wood, the seller may add at the rate of one dollar per cord or at the rate of 60 cents per load to the prices established below for wood delivered: *And further provided,* That the maximum price for a three-quarters, or 60 cubic feet, load shall be three-quarters of the maximum price for the full load of 80 cubic feet.

The classifications of firewood listed herein in Appendix A may be mixed but the maximum price of the mixture shall be the same as the maximum price of the lowest classification therein.

APPENDIX A—TABLE 1—MAXIMUM PRICES FOR FIREWOOD IN MANCHESTER AND NASHUA, NEW HAMPSHIRE

	In the woods pr. cd.	At roadside pr. cd.	At mill pr. cd.	At retail yard pr. cd.	Delivered at buyers' premises, grounds only							
					Per cd.	½ cd.	⅓ cd.	¼ cd.	Load, 80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft	$8	$10	----------	$12	$14	$7	----------	$3.75	----------	----------	----------	----------
Hardwood cordwood 12", 16", 24"	----------	12	----------	16	18	9	$6.25	5.00	[1] $9.50	[1] $5.25	[1] $3.00	[2] [3] $0.25
Softwood cordwood—4 ft	4	6	----------	7	8	4	----------	2.50	----------	----------	----------	----------
Softwood cordwood 12", 16", 24"	----------	8	----------	9	10	5	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[2] [3] .20
Hardwood slabwood—4 ft	----------	----------	$6	8	10	5	----------	3.00	----------	----------	----------	----------
Hardwood slabwood 12", 16", 24"	----------	----------	----------	10	12	6	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[2] [3] .25
Softwood slabwood—4 ft	----------	----------	2	4	6	3	----------	2.00	----------	----------	----------	----------
Softwood slabwood 12", 16", 24"	----------	----------	----------	----------	8	4	----------	2.50	[1] 4.50	[1] 2.50	[1] 1.50	[2] [3] .20
Hardwood waste	----------	----------	[4] 5	----------	----------	----------	----------	----------	6.50	3.50	2.00	[2] .25
Softwood waste	----------	----------	[4] 1	----------	----------	----------	----------	----------	4.00	2.25	1.25	[2] .20
Softwood blocks	----------	----------	[4] 2	----------	----------	----------	----------	----------	4.50	[4] 2.50	1.50	[2] .20
Bundled edgings	----------	----------	2.50	----------	4	----------	----------	----------	----------	----------	----------	----------

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less. [4] Prices per load.

APPENDIX A—TABLE 1-A—MAXIMUM PRICES FOR FIREWOOD IN PORTSMOUTH, NEW HAMPSHIRE

	In the woods pr. cd.	At roadside pr. cd.	At mill pr. cd.	At retail yard pr. cd.	Delivered at buyers' premises, grounds only							
					Per cd.	½ cd.	⅓ cd.	¼ cd.	Load, 80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft	$8	$10	----------	$14	$16	$8	----------	$4.25	----------	----------	----------	----------
Hardwood cordwood 12", 16", 24"	----------	12	----------	16	18	9	$6.25	5.00	[1] $9.50	[1] $5.25	[1] $3.00	[2] [3] $0.25
Softwood cordwood—4 ft	4	6	----------	7	8	4	----------	2.50	----------	----------	----------	----------
Softwood cordwood 12", 16", 24"	----------	8	----------	9	10	5	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[2] [3] .20
Hardwood slabwood—4 ft	----------	----------	$6.00	----------	10	5	----------	3.00	----------	----------	----------	----------
Hardwood slabwood 12", 16", 24"	----------	----------	----------	10	12	6	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[2] [3] .25
Softwood slabwood—4 ft	----------	----------	2.00	4	6	3	----------	2.00	----------	----------	----------	----------
Softwood slabwood 12", 16", 24"	----------	----------	----------	----------	8	4	----------	2.50	[1] 4.50	[1] 2.50	[1] 1.50	[2] [3] .20
Hardwood waste	----------	----------	[4] 5.00	----------	----------	----------	----------	----------	6.50	3.50	2.00	[2] .25
Softwood waste	----------	----------	[4] 1.00	----------	----------	----------	----------	----------	4.00	2.25	1.25	[2] .20
Softwood blocks	----------	----------	[4] 2.00	----------	----------	----------	----------	----------	4.50	2.50	1.50	[2] .20
Bundled edgings	----------	----------	2.50	----------	4	----------	----------	----------	----------	----------	----------	----------

[1] Load prices shall not apply for firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less.
[4] Prices per load.

APPENDIX A—TABLE 1-B—MAXIMUM PRICES FOR FIREWOOD IN BERLIN AND GORHAM, NEW HAMPSHIRE

	In the woods pr. cd.	At roadside pr. cd.	At mill pr. cd.	At retail yard pr. cd.	Delivered at buyers' premises, grounds only							
					Per cd.	½ cd.	⅓ cd.	¼ cd.	Load, 80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft	$8	$10	----------	$14.50	$16.50	$8.25	----------	$4.25	----------	----------	----------	----------
Hardwood cordwood 12", 16", 24"	----------	12	----------	16.50	18.50	9.25	$6.25	5.00	[1] $9.50	[1] $5.25	[1] $3.00	$ [2] [3] .25
Softwood cordwood—4 ft	4	6	----------	7.00	8.00	4.00	----------	2.50	----------	----------	----------	----------
Softwood cordwood 12", 16", 24"	----------	8	----------	9.00	10.00	5.00	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[2] [3] .20
Hardwood slabwood—4 ft	----------	----------	$6.00	8.00	10.00	5.00	----------	3.00	----------	----------	----------	----------
Hardwood slabwood 12", 16", 24"	----------	----------	----------	10.00	12.00	6.00	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[2] [3] .25
Softwood slabwood—4 ft	----------	----------	2.00	4.00	6.00	3.00	----------	2.00	----------	----------	----------	----------
Softwood slabwood 12", 16", 24"	----------	----------	----------	----------	8.00	4.00	----------	2.50	[1] 4.50	[1] 2.50	[1] 1.50	[2] [3] .20
Hardwood waste	----------	----------	[4] 5.00	----------	----------	----------	----------	----------	6.50	3.50	2.00	[2] .25
Softwood waste	----------	----------	[4] 1.00	----------	----------	----------	----------	----------	4.00	2.25	1.25	[2] .20
Softwood blocks	----------	----------	[4] 2.00	----------	----------	----------	----------	----------	4.50	2.50	1.50	[2] .20
Bundled edgings	----------	----------	2.50	----------	4.00	----------	----------	----------	----------	----------	----------	----------

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less.
[4] Prices per load.

APPENDIX A—TABLE 2—MAXIMUM PRICES FOR FIREWOOD FOR ALL OTHER NEW HAMPSHIRE COMMUNITIES NOT LISTED IN TABLE 1, 1-A, AND 1-B OF APPENDIX A

	In the woods pr. cd.	At roadside pr. cd.	At mill pr. cd.	At retail yard pr. cd.	Delivered at buyers' premises, grounds only							
					Per cd.	½ cd.	¼ cd.	¼ cd.	Load 80 cu. ft.	½ load	¾ load	Bushel basket
Hardwood cordwood—4 ft	$8	$10		$12	$14	$7		$3.75				
Hardwood cordwood 12", 16", 24"		12		14	16	8	$5.50	4.50	[1] $8.50	[1] $4.75	[1] $2.50	[1] [2] $0.25
Softwood cordwood—4 ft	4	6		7	8	4		2.50				
Softwood cordwood 12", 16", 24"		8		9	10	5	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[1] [2] .20
Hardwood slabwood—4 ft			$6.00	8	10	5		3.00				
Hardwood slabwood 12", 16", 24"				10	12	6	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[1] [2] .25
Softwood slabwood—4 ft			2.00	4	6	3		2.00				
Softwood slabwood 12", 16", 24"					8	4		2.50	[1] 4.50	[1] 2.50	[1] 1.50	[1] [2] .20
Hardwood waste			[4] 5.00						6.50	3.50	2.00	[2] .25
Softwood waste			[4] 1.00						4.00	2.25	1.25	[2] .20
Softwood blocks			[4] 2.00						4.50	2.50	1.50	[2] .20
Bundled edgings			[4] 2.50		4							

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less.
[4] Prices per load.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of June 1943.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13278; Filed, August 14, 1943; 11:53 a. m.]

[Region I Order G-25 Under 18 (c), Amdt. 1]

POTATO BARRELS IN AROOSTOOK COUNTY, MAINE

Amendment No. 1 to Order No. G-25 under section 18 (c) of the General Maximum Price Regulation. New stave potato barrels sold and delivered in Aroostook County, Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, it is hereby ordered that the title, preamble, and paragraphs (a) to (j), inclusive, be amended, that the line "This order shall become effective May 24, 1943, at 12:01 a. m." be designated as paragraph (k), and that paragraph (l) be added, to read as set forth below:

Order No. G-25, as amended, under section 18 (c) of the General Maximum Price Regulation. New stave and veneer potato barrels sold and delivered in Aroostook County, Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, it is hereby ordered:

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for new stave and veneer potato barrels, as defined in paragraph (b) hereof, manufactured, sold and delivered in Aroostook County, Maine, are modified so that the maximum prices for such barrels shall be as follows:

	Each
Stave potato barrel, nailed	$1.35
Stave potato barrel, unnailed	1.20
Stave tongue and groove potato barrel, nailed	1.40
Stave tongue and groove potato barrel, unnailed	1.25
Veneer potato barrel, nailed	1.35

(b) As used in this order, the following terms shall have the following meanings:

(1) "Stave potato barrel, nailed" shall mean a potato barrel without tongue and groove staves which satisfies all the specifications listed under Specifications I, II, III and IV in Appendix A hereof.

(2) "Stave potato barrel, unnailed" shall mean a potato barrel without tongue and groove staves which satisfies all the specifications listed under Specifications I, II, and V in Appendix A hereof.

(3) "Stave tongue and groove potato barrel, nailed" shall mean a tongue and groove stave potato barrel which satisfies all the specifications listed under Specifications I, II, III and IV in Appendix A hereof.

(4) "Stave tongue and groove potato barrel, unnailed" shall mean a tongue and groove stave potato barrel which satisfies all the specifications listed under Specifications I, II and V in Appendix A hereof.

(5) "Veneer potato barrel, nailed" shall mean a potato barrel made of hardwood plywood, properly hooped and nailed, which satisfies all the specifications listed under Specifications I and III in Appendix A hereof.

(c) No seller who delivered, or offered for delivery in March, 1942, barrels covered hereby shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery of such barrels than such seller required purchasers of the same class to pay during March, 1942, on deliveries of such barrels. Subject to the foregoing, the maximum prices established by this order shall, in the case of a sale by a manufacturer, be f. o. b. point of manufacture, and, in the case of a sale by a seller other than a manufacturer, f. o. b. seller's place of business from which the sale is made.

(d) This order applies to all sales pursuant to which the buyer receives physical delivery within Aroostook County, Maine.

(e) The maximum prices for stave and veneer potato barrels, other than those for which maximum prices are established by this order, shall be governed by the General Maximum Price Regulation or other applicable price regulation.

(f) Sellers of new stave and veneer potato barrels for which maximum prices are established by this order, shall continue to offer their customary allowances, discounts or other price differentials which were in effect during March 1942.

(g) No additional charges of any kind may be added to the maximum prices established by this order.

(h) Lower prices for new stave and veneer potato barrels covered by this order may be charged, offered, demanded, or paid.

(i) This order may be revoked, amended, or corrected at any time.

(j) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to the terms used herein.

(k) This order shall become effective May 24, 1943, at 12:01 a. m.

(l) Amendments to Region I Order No. G-25 shall become effective as follows:

(1) Amendment No. 1 shall become effective as of June 28th, 1943, at 12:01 a. m.

Issued this 22d day of June 1943.

K. B. BACKMAN,
Regional Administrator.

APPENDIX A—SPECIFICATIONS

I

1. Heads or bottoms:
a. Condition: must be sound, well made, and reasonably free from knots and rot.
b. Dimensions: not less than ¾" thick.
2. Each barrel must have a capacity of 12 pecks.

II

1. Staves:
a. Number: not less than 14 nor more than 17 per barrel.
b. Dimensions: not less than ⅝" in thickness, not more than 4 per barrel under 2" in width.
c. Knots: no knots in bulge covering over ½ width of stave. Bulge shall be considered to be the portion of the stave between the central hoops.
d. Wood: cedar, spruce or material of equivalent serviceability.
2. Hoops:
a. Number: not less than 6 per barrel.
b. Wood: ash or elm.
c. Condition: must be without splits after barrel is completely coopered.

III

1. Cleats, cants or blocks:
a. Dimensions: not less than ½" thick boards or segments of boards 1½" wide at widest point.
b. Condition: must be sound and reasonably free of bark, rot and knots.

IV

1. "Nailed barrel" shall:
a. Have each hoop nailed to each stave with at least 2 nails, with the exception that 1 nail will be sufficient through each hoop when a stave is less than 2" in width.
b. Have at least ten (10 1¼" ±14 gauge barrel nails driven through staves straight into head (or bottom).
c. Be reinforced with cants, cleats, or blocks, well fitted to entire circumference of chine, and each such cant, cleat, or block, shall be firmly nailed to head (or bottom) and staves, with at least 3 large nails.
d. Have all exposed nail ends thoroughly clinched.

V

1. "Unnailed barrel" shall:
a. Be completely and firmly assembled.
b. Contain at least 4 nails in each hoop, with at least one nail through all, or nearly all, staves.
c. Contain at least 6 large nails in head (or bottom).

F. R. Doc. 43-13286; Filed, August 14, 1943; 11:52 a. m.]

[Region I Order G-1 Under SR 14, Amdt. 2 (Maine)]

FIREWOOD IN MAINE

Amendment No. 2 to Order No. G-1 under Supplementary Regulation 14 to the General Maximum Price Regulation (Maine) (Formerly Maine State Office Price Order No. 1)—Firewood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation: *It is hereby ordered*, That section C (8) be amended, that subsection (b) be added to section D, that a subdivision designated as "Maximum Prices for Firewood in Zone D" be added to Table I of section E Appendix A, that subdivisions designated as "Zone A" and "Zone C" in Table II of said Appendix A be amended, and that a subdivision designated as "Zone D" be added to said Table II, to read as set forth below:

C. * * *

(8) "Zone A", "Zone B", "Zone C", and "Zone D" shall comprise the towns, or parts thereof, set forth respectively in Table II of Appendix A.

D. * * *

(b) Amendment No. 2 shall become effective June 17, 1943, at 12:01 a. m.

APPENDIX A—TABLE 1

	At roadside available for trucking per cord	Delivered at buyers' premises, grounds only					
		Per cord	Per ½ cord	Per ¼ cord	Per cord or per load	Per ½ cord or per ½ load	Per ¼ cord or per ¼ load
Maximum prices for firewood in zone D:							
Hardwood cordwood 4'		$15	$7.50	$4.00			
Hardwood cordwood 24"		19	9.50	5.25			
Hardwood cordwood 12" or 16"					$19	$9.50	$5.25

APPENDIX A—TABLE II

Zone A. The following cities, towns, townships, and plantations in the State of Maine shall comprise Zone A (by counties): Androscoggin: Lewiston, Auburn. Aroostook: Presque Isle, Fort Fairfield, Caribou, Limestone, Houlton, Littleton, Mars Hill, Easton. Cumberland: Portland, South Portland, Cape Elizabeth, Falmouth, Harpswell, Freeport, Yarmouth, Westbrook, Cumberland, Brunswick, Scarborough. Franklin: None. Hancock: Bar Harbor, Mt. Desert, S. W. Harbor, Tremont, Swan's Island, Long Island Place, Cranberry Isles, Deer Isle, Stonington. Kennebec: Augusta, Hallowell, Gardiner, Randolph, Farmingdale, Winslow, Waterville, Oakland. Knox: Rockland, Rockport, Camden, Thomaston, South Thomaston, St. George, Cushing, Friendship, Warren, Owl's Head, Matinicus Isle, Isle Au Haut. Lincoln: Waldoboro, Nobleborough, Damariscotto, Bremen, Bristol, South Bristol, Boothbay, Boothbay Harbor, Southport, Westport, Newcastle, Edgecomb, Wiscasset, Monhegan Island. Oxford: None. Penobscot: Bangor, Veazie, Brewer, Orrington, Hampden. Piscataquis: None. Sagadahoc: Arrowsic, Georgetown, Phippsburg, West Bath, Bath, Woolwich, Topsham. Somerset: Fairfield. Waldo: Islesborough. Washington: None. York: Saco, Biddeford, Kittery, Eliot, York, Old Orchard Beach.

* * * * * *

Zone C. All cities, towns, townships and plantations in the State of Maine not specifically set forth in Zone A, Zone B and Zone D shall comprise Zone C.

Zone D. The towns of North Haven and Vinalhaven in Knox County.

Issued this 16th day of June 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

RICHARD H. FIELD,
Acting Regional Administrator.

[F. R. Doc. 43-13277; Filed, August 14, 1943; 11:54 a. m.]

[Region III Order G-3 Under MPR 329, Amdt. 1]

FLUID MILK IN REGION III

Amendment No. 1 to Order No. G-3 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by §1351.408 of Maximum Price Regulation No. 329, as amended, *It is hereby ordered*, That paragraphs (a), (b) and (c) be amended to read as set forth below:

(a) Any milk distributor in the States of Indiana (except the County of Lake), Kentucky, Michigan, Ohio and West Virginia who is permitted under the provisions of any orders issued by the Regional Administrator of Region III to increase in identical amounts his retail and wholesale quart prices of approved fluid milk, may increase the price he was paying producers for "milk" immediately prior to the effective date of such order of the Regional Administrator an amount not in excess of 23¢ per cwt. (or the equivalent thereof if purchased on any other basis than per cwt.) for each ½¢ increase he is permitted by such order in his retail and wholesale quart price.

(b) Any milk distributor in the States of Indiana (except the County of Lake), Kentucky, Michigan, Ohio and West Virginia who is permitted under the provisions of any orders issued by the Regional Administrator of Region III to increase in unequal amounts his retail and wholesale quart prices of approved fluid milk (or who is permitted to increase his retail or wholesale quart price alone) may increase the price he was paying producers for "milk" immediately prior to the effective date of such order of the Regional Administrator an amount not in excess of 23¢ per cwt. (or the equivalent thereof if purchased on any other basis than per cwt.) for each ½¢ average increase he is permitted by such order in his retail and wholesale quart prices. The average increase herein mentioned shall be weighted on the basis of the percentages of approved fluid milk sold at wholesale and retail respectively.

(c) Any milk distributor in the States of Indiana (except the County of Lake), Kentucky, Michigan, Ohio and West Virginia who is not permitted under the provisions of any orders issued by the Regional Administrator of Region III to increase his retail and wholesale quart price of approved fluid milk, but who is permitted to increase the retail or wholesale price of approved fluid milk sold in other than quart containers, shall apply to the Cleveland Regional Office of the Office of Price Administration for a determination of the amount by which he may increase the price he was paying producers for "milk" immediately prior to the effective date of such order of the Regional Administrator. Also, any milk distributor in the States of Indiana (except the County of Lake), Kentucky,

Michigan, Ohio and West Virginia, who sells and delivers approved fluid milk in more than one County of any of said States or in more than one of said States, whose retail or wholesale prices are increased in unequal amounts in said Counties or States shall apply to the Cleveland Regional Office of the Office of Price Administration for a determination of the amount by which he may increase the price he was paying producers for "milk" immediately prior to the effective date of such order of the Regional Administrator. He shall submit, in either case, full information as to his maximum retail and wholesale prices and prices paid to producers both prior and subsequent to the effective date of the order of the Regional Administrator adjusting his maximum retail and wholesale prices of approved fluid milk. He shall also submit the corresponding prices of his most closely competitive seller and a full statement of the reasons why he is unable to determine the amount by which he may increase the price he was paying producers.

This Amendment No. 1 shall become effective July 1, 1943.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 30th day of June 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-13283; Filed, August 14, 1943; 11:51 a. m.]

[Region VII Rev. Order G-1 Under MPR 376]

FRESH FRUITS AND VEGETABLES IN COLO. AND WYO.

Revised Order No. G-1 under Maximum Price Regulation No. 376. Adjustment of maximum prices for certain fresh fruits and vegetables when sold otherwise than at retail in the States of Colorado and Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, and for the reasons set forth in an opinion issued simultaneously herewith, Order No. G-1 is redesignated Revised Order No. G-1 and is amended to read as follows:

(a) *Commodities covered.* This revised order covers each kind, variety and type of the following fresh vegetables when grown in or brought into the State of Colorado:

(1) Tomatoes.
(2) Snap beans.
(3) Carrots.
(4) Cabbage.
(5) Green peas.
(6) Lettuce.
(7) Spinach.
(8) Colorado mountain spinach.

The fresh vegetables listed above are referred to in this revised order as the "listed commodities".

(b) *Geographical applicability.* The provisions of this revised order are limited in their geographical application to the states of Colorado and Wyoming.

(c) *Transactions covered.* (1) In Colorado this revised order applies to all sales except those expressly exempted by paragraph (e) hereof.

(2) In Wyoming this revised order applies only to sales when the "listed commodities" were grown in Colorado, or if not grown there were brought into the State of Colorado and there resold in less than carlots or less than trucklots to a primary distributor or an intermediate seller who resells the same in Wyoming.

(d) *Applicability of Maximum Price Regulation No. 376 and other regulations.* Except insofar as the same are inconsistent with or contradictory of the terms and provisions of this Revised Order No. G-1, all of the terms and provisions of Maximum Price Reguluation No. 376 shall be applicable hereto with like force and effect as though re-written herein. The maximum prices for the "listed commodities" heretofore established by Order No. G-1 under § 1439.253a (c) of Temporary Maximum Price Regulation No. 28, and Order No. G-2 under § 1439.253a (c) of Temporary Maximum Price Regulation No. 28 and § 1439.304 (c) of Temporary Maximum Price Regulation No. 29, are hereby modified in accordance with the provisions of this revised order.

(e) *Exempt sales.* The provisions of this revised order shall not apply to the following: (1) Sales and deliveries at retail which shall continue to be priced under Maximum Price Regulation No. 268, except sales at retail by a grower or by a wayside market stand, which are covered by this revised order.

(2) Deliveries to the United States or any agency thereof under contract entered into prior to February 18, 1943 (as to tomatoes, snap beans, carrots, cabbage, and green peas), and February 20, 1943 (as to lettuce and spinach).

(3) Sales and deliveries by a farmer of any listed commodity grown on his farm to a country shipper. This regulation shall apply to any sales and deliveries by a farmer directly to intermediate sellers, retailers, and commercial, industrial and institutional users, except sales and deliveries to processors, such as but not limited to, canners, packers, manufacturers or dehydrators.

(f) *Prohibition against sales above maximum prices.* On and after the effective date of this revised order, regardless of any contract or other obligation, no person shall sell or deliver and no person in the course of trade or business shall buy or receive any of the "listed commodities" at prices higher than the maximum prices established by this revised order and no person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices than the maximum price may be charged and paid.

(g) *Definitions.* When used in this revised order, the term:

(1) "Person" shall include individuals, corporations, partnerships, associations, or any legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other Government or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Grower" means a person who produces one or more of the "listed commodities".

(3) "Country shipper" means any person, including a grower, who makes sales and deliveries from his farm or a country shipping point to any other person and which sales are governed by the maximum prices set forth in paragraph (p) hereof.

(4) "Carlot or trucklot distributor" means any person, including a grower, who sells the "listed commodities" in the original straight or mixed carload lot, or in the original straight or mixed truckload lot, at a terminal market or other wholesale receiving point.

(5) "Primary distributor" means a person who maintains an established place of business at a terminal or wholesale market and there receives the "listed commodities" in straight or mixed carlots, or straight or mixed trucklots, and breaks the shipment and resells in smaller lots without materially changing the form, to intermediate sellers or to retailers. A truck or a truck stand shall not be deemed to be an "established place of business" within the meaning of this revised order; but a stall in a public market shall be deemed to be such a place of business.

(6) "Intermediate seller" means any person (other than a country shipper or retailer) who purchases from a primary distributor any one or more of the "listed commodities" in less than carlots or trucklots for the purpose of reselling and who takes title and makes sales to any person who is not an ultimate consumer. The term "ultimate consumer" shall not include industrial, commercial, or institutional users (including procurement agencies of the United States or of any State).

(7) "Retailer" means a person who makes sales to ultimate consumers.

(8) "Sales and deliveries at retail" mean sales by retailers. Sales to industrial, commercial, or institutional users (including procurement agencies of the United States or of any State) shall not be construed to be sales at retail.

(9) "Country shipping point" means the first place in or near the producing area where any one or more of the "listed commodities" is made ready for shipment to any person.

(10) "Cost of transportation" means freight by common, contract or private carrier not to exceed the lowest common or contract carrier rate for available transportation over a distance of 50 miles or more, and includes charges incurred for pre-cooling, initial icing, and other protective services.

(11) Unless the context otherwise requires, the definitions set forth in section 13 of Maximum Price Regulation No. 376 shall apply to other terms used herein.

(h) *Maximum prices for Colorado country shippers.* Maximum prices for all sales made at a country shipping point in Colorado shall be the prices specified in the tables set forth in paragraph (p) hereof.

(i) *Maximum prices for carlot or trucklot distributors.* If any person pur-

chases or receives any one or more of the "listed commodities" in straight or mixed carlots, or in straight or mixed trucklots and resells the same in straight or mixed carlots, or straight or mixed trucklots, without breaking, unloading and re-assembling the shipment at a terminal market or other wholesale receiving point in Colorado, the maximum price shall be the maximum price at the country shipping point at which the "listed commodities" were first assembled, plus the cost of transportation from the country shipping point to the terminal market or other wholesale receiving point plus a brokerage charge, if actually incurred, not to exceed the broker's maximum service charge as established under § 1499.101 (c) (17) of Maximum Price Regulation No. 165 and duly filed with the proper War Price and Rationing Board.

(j) *Classes of primary distributors and intermediate sellers.* For the purposes of this revised order, primary distributors and intermediate sellers shall be divided into the following classes:

CLASS I. *Retailer-owned cooperative seller.* A retailer-owned cooperative primary distributor or intermediate seller is either a non-profit organization or a corporation 51% or more of the stock of which is owned by its retailer customers and which purchases and resells the "listed commodities" without materially changing their form.

CLASS II. *Cash-and-carry seller.* A cash-and-carry seller is a seller not in Class I who customarily buys and resells the "listed commodities" to intermediate sellers, retail stores, or to commercial, industrial or institutional users without materially changing their form and who does not customarily deliver or extend credit to customers.

CLASS III. *Service seller.* A service seller is a seller not in Class I who customarily purchases and resells the "listed commodities" to chain stores, independent retail stores or to commercial, industrial or institutional users without materially changing their form and who customarily delivers and extends credit to customers.

(k) *Maximum prices for primary distributors.* (1) A primary distributor's "base price" shall be the country shipping point price when the "listed commodities" are grown in Colorado, plus cost of transportation, plus a brokerage charge, if actually incurred, not to exceed the broker's maximum service charge as established under § 1499.101 (c) (17) of Maximum Price Regulation No. 165 and duly filed with the proper War Price and Rationing Board; and when the "listed commodities" are grown outside of Colorado the "base price" of a primary distributor whose place of business is in Colorado shall be the net cost to him delivered at his customary receiving point when purchased from a customary supplier in straight or mixed carlots or in straight or mixed trucklots, not, however, to exceed the maximum price of his supplier plus cost of transportation, and plus a brokerage charge as hereinabove specified in this paragraph.

(2) The maximum price for any one of the "listed commodities", when sold by a Class I or Class II primary distributor, shall be such primary distributor's "base price" multiplied by 1.095; and the maximum price for any one of the "listed commodities", when sold by a Class III primary distributor, shall be such primary distributor's "base price" multiplied by 1.175.

(l) *Maximum prices for intermediate sellers.* (1) An intermediate seller's "base price" for any one of the "listed commodities" when purchased from a primary distributor, shall be the "base price" of his supplier. In all such transactions it shall be the duty of the seller to furnish the buyer a statement either upon the face of the invoice or by separate instrument, showing the seller's "base price" and how it was arrived at.

(2) The maximum price for any one of the "listed commodities" when sold by a Class I or Class II intermediate seller shall be such intermediate seller's "base price" multiplied by 1.20 plus cost of transportation and the maximum price for any one of the "listed commodities" when sold by a Class III intermediate seller shall be such intermediate seller's "base price" multiplied by 1.29: *Provided, however,* That an intermediate seller who purchases from another intermediate seller shall have for his maximum price the maximum price of the intermediate seller from whom he purchased.

(3) Every sale of a "listed commodity" by one intermediate seller to another intermediate seller shall be accompanied by a notification in writing, signed by the seller and delivered to the buyer, showing the seller's maximum price for such "listed commodity."

(m) *Repacked tomatoes.* Any primary distributor or intermediate seller, of whatever class, who repacks tomatoes, other than hothouse tomatoes, may add to his "base price" 50¢ per crate for repacked tomatoes: *Provided, however,* That only one such repack allowance is permitted for the content of any one shipment of tomatoes or any part thereof.

(n) *Maximum prices for sales at retail by a grower at a wayside market stand.* The maximum prices for a grower at a wayside market stand on sales to an ultimate consumer shall be the Colorado country shipping point price multiplied by 1.40.

(o) *What specified markups include.* The maximum markups provided herein for primary distributors and intermediate sellers include all commissions and brokerage charges, if any, and all other items of cost involved in making local deliveries within a seller's customary free delivery zone. Any primary distributor or intermediate seller delivering the "listed commodities" to institutions or retail stores outside his free delivery zone may charge different delivered prices in such other areas or zones in which deliveries are made as follows:

(1) He first determines his delivered price for each area or zone by adding to his prices established by this revised order an amount not exceeding the average cost of delivery to the institutions or retailers in the area or zone.

(2) In determining the average cost of delivery to the retailers in the area or zone, no rate shall be used which is in excess of the lowest common or contract carrier rate for available transportation.

(3) If such a delivery charge is made, the amount thereof shall be included as part of the maximum price established by this revised order. Before using such area or zone differential, the primary distributor or intermediate seller shall report it in writing to the nearest Regional or State Office of the Office of Price Administration having jurisdiction over the seller.

(p) *Maximum prices at country shipping point in Colorado.*

TABLE I—LETTUCE

(1) In crates of 4's and 5's, ice pack, for distance shipment	$4.50
(2) In crates of 4's and 5's, dry pack, for distance shipment	4.00
(3) In crates of 3's, selected heads, sold by farmer to wholesaler, retailer, and/or commercial, industrial or institutional user	2.25
(4) In crates of 6 dozen heads, ice pack for distance shipment	4.00
(5) In crates of 6 dozen heads, dry pack for distance shipment	3.50

TABLE II—GREEN PEAS

Per pound in hampers or bags	.10

TABLE III—SPINACH

(1) All varieties other than "Colorado Mountain" spinach in bushel containers minimum weight 20 pounds	1.40
(2) Colorado mountain spinach, in bushel containers, minimum weight 20 pounds	1.80
(3) Colorado Mountain spinach, 25-pound crate	2.25

(The above prices include icing and all other preparation for shipment)

TABLE IV—CABBAGE

	June 25 to July 20, 1943	July 21 to Sept. 10, 1943	Sept. 10 to Nov. 1, 1943
(1) LA crates (Minimum weight 85 lbs)	$4.95	$4.10	$3.68
(2) 50-pound sack	2.85	2.35	2.10
(3) 100-pound sack	5.60	4.60	4.10
(4) Bulk or in any other type of container....per pound	.05	.04	.035

TABLE V—CARROTS

(1) LA crates of 5 dozen bunches	$2.75
(2) LA crates of 6 dozen bunches	3.20
(3) Bunches in bulk—per dozen bunches	.45
(4) Bulk (topped or clipped) per pound	.03½

TABLE VI—SNAP BEANS

(1) Bushel Baskets (minimum weight 30 lbs., prepared for shipment)	$3.90
(2) Bulk or other type of container—per pound	.12

(q) *Right to revoke or amend.* This revised order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(r) *Effective date.* This revised order shall become effective at 12:01 a. m. on July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13282; Filed, August 14, 1943; 11:52 a. m.]

[Region VII Order G-41 Under 18 (c)]

FRUIT AND VEGETABLE CRATES AND BOXES IN DENVER, COLO., AREA

Order No. G-41 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for fruit and vegetable crates and boxes sold by manufacturers in the Denver, Colorado, Area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith *It is hereby ordered:*

(a) *Maximum prices to be charged by manufacturers.* From and after the effective date of this order the maximum prices to be charged by manufacturers of fruit and vegetable crates and boxes in the Denver, Colorado, area shall be $77.50 per thousand board feet of lumber used in the manufacture of such fruit and vegetable crates and boxes apportioned to each crate or box; and the maximum price of each such crate or box, or for any given number of such crates or boxes, shall be the sum that bears the same ratio to said sum of $77.50 as the material consumed in the manufacture of such crate or box, or any particular number of such crates or boxes bears to one thousand board feet of lumber.

(b) *Definitions.* (1) "Fruit and vegetable crates and boxes" mean any assembled or unassembled box or crate or similar container made principally of wood in the form of lumber, plywood, shook or veneer, and used for packaging perishable fruits and vegetables.

(2) "Denver area" means all of the area contained within the municipal boundaries of the City and County of Denver and a distance of ten miles beyond at all points.

(c) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(d) *Effective date.* This order shall become effective as of May 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.: E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13279; Filed, August 14, 1943; 11:53 a. m.]

[Region VII Order G-42 Under 18 (c)]

LINOLEUM CEMENT AND PASTE IN SALT LAKE CITY-OGDEN, UTAH, AREA

Order No. G-42 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for linoleum cement and paste.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulations, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *Specific maximum prices in the Salt Lake City-Ogden, Utah, area.* From and after the effective date of this order the maximum prices to be charged for linoleum cement and paste when sold and delivered within the Salt Lake City-Ogden, Utah, area, by any seller to any buyer in 5 gallon containers shall be 52½¢ per gallon.

(b) *Higher established maximum prices may be maintained.* If any seller in said Salt Lake City-Ogden area now has a higher maximum price for the commodity in question established under the General Maximum Price Regulation, he may continue to use the same and such higher established maximum price shall continue to be his maximum price for the commodity in question regardless of anything contained in this order.

(c) *Customary discounts and allowances must be maintained.* Any person selling linoleum cement and paste at the maximum price established by this order shall maintain and continue to give all trade discounts, allowances and differentials which have heretofore been customarily given or extended by him.

(d) "The Salt Lake City-Ogden area" means all of that area in the State of Utah contained within the geographical boundaries of the counties of Salt Lake, Davis, Utah and Weber.

(e) *Applicability of other regulations.* Except to the extent that the same are inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of the General Maximum Price Regulation shall remain in full force and effect and continue applicable to all persons selling linoleum cement and paste within said Salt Lake City-Ogden area to the same extent and with like force and effect as though rewritten herein.

(f) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This order shall become effective as of July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 24th day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13280; Filed, August 14 1943; 11:52 a. m.]

[Region III Order G-5 Under MPR 165, Amdt. 3]

LAUNDRIES IN WAYNE COUNTY, MICHIGAN

Amendment No. 3 to Order No. G-5 under Maximum Price Regulation No. 165, as amended. Services. Power Laundries in Wayne County, Michigan.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, and by Revised General Order No. 32, *It is hereby ordered,* That Order No. G-5 under Maximum Price Regulation No. 165 be amended as follows:

Amendment No. 2 to Order No. G-5 under Maximum Price Regulation No. 165 is hereby revoked.

Appendix A, Table 2, of Order No. G-5 under Maximum Price Regulation No. 165 is revised to read as set forth below:

TABLE 2

In accordance with the prices set forth in Table 1 above, the established maximum prices for power laundries in Wayne County, Michigan, shall be as follows:

PRICES FOR SERVICES AS SET FORTH IN TABLE 1 ABOVE

Laundry and address	No. 1	No. 2	No. 3	No. 4	No. 5
Acme Quality Laundry Co., 431 E. Elizabeth	Y	Y	X	X	X
American Laundry Co., 3508 Canfit	X	X	Z	Z	X
Bagley Laundry Co., 2838 Bagley Ave	Y	Z	X	Z	X
Banner Laundering Co., 2233 Brooklyn	Y	X	Y	X	X
Belle Isle Laundry, 2127 E. Fort	X	X	Z	X	X
Boud Laundry, 4620 15th	Y	Y	Z*	Z	X
Colonial Laundry Co., 617 Hendrie	Z*	Z*	Z*	Y	X
Dispatch Hudson Laundry Co., 43 Cortland	Y	Y	Y	Y	X
Duncan Laundry Co., 4650 Crane	X	X	X	X	X
Durable Laundry & Cleaners, 8885 Livernois	Y	Z	Z	Y	X
East End Laundry, 2859 Hilger	X	X	X	X	X
Federal Laundry, 688 W. Elizabeth	Y	Y	Z	X	X
Fenwick Laundry Co., 531 E. Forest	Z	Z	Z	Z	X*
Fine Arts Laundry Co., 5435 McGraw	Z*	Z*	Z*	Z	X*
Grand Laundry, 1250 W. Lafayette	Z*	Y	Y	Z	X
High Grade Laundry Co., 3731 Wabash	X	X	X	X	X
Hoyt Steam Laundry, 631 Bagley	X	X	X	X	X
Ideal Family Laundry, 654 Meldrum	X	X	Y	X	X
Kuhn's Snow White Laundry, 16046 Woodward	Z	X	Z*	Z	X*
La Measure Bros. Inc., 1450 21st	X	Z*	Z*	Z	X*
Modern Laundry Co., 3705 E. Jefferson	X	X	Z	Y	X*
Monarch Laundry, 3431 Woodward	X	X	Z	Y	X
National Laundry Co., 855 Farnsworth	Y	Y	Y	X	X
New Method Laundry, 4643 Moran	X	X	Z	X	X
Northville Laundry, 331 North Center St., Northville, Michigan	X	X	Y	X	X
Nu-Parker Laundry Co., 2950 Parker	Y	Z	Z	Y	X*
Palace Model Laundry & Cleaning Co., 711 E. Jefferson	Z*	Z*	Z*	Z	X*
Paris Laundry, Inc., 588 E. Warren	Z*	X	Z*	X	X
Perfection Laundry Plymouth, Michigan	Y	Y	Y	X	X
Pilgrim Laundry & Dry Cleaning Co., 6300 Peter Smith	X	Y	Z	X	X
Pioneer Laundry & Cleaning Co., 4255 McGraw	Z	Y	Z	Y	X
Puritan Laundry Co., 12023 Woodward	Z	Z	Y	X	X
Quality Laundry Co., 12000 Cloverdale	Z	Y	Y	X	X
Royal Laundry, 3748 E. Fort	X	X	X	X	X
Sanders Cleaning Co., 2601 Puritan	Y	Z	Z	Y	X
Sani-Wash Laundry Co., 4001 6th	X	X	X		X
Sanitary Laundry Co., 5170 Vermont					

TABLE 2—Continued

Laundry and address	No. 1	No. 2	No. 3	No. 4	No. 5
Splendid Laundry, 10515 Harper	X	X	Z	X	X
Senate Laundry, 2540 Grand River Ave	X	X	Y	X	X
Sunshine Family Laundry, 1221 Terminal	Z	Y	Y	X	X
Troy Laundry, 4127 Grand River	X	X	Z	X	X
U. S. Laundry Co., 2624 Elmwood	Y	Z	Z*	Y	X
Wash-Rite Laundry, 6837 Chase Road	Z	Z	Z	X	X
Wayne Laundry, 12641 Woodrow Wilson	Y	X	Z	X	X
Weller Laundry Co., 567 Beacon	X	X	Z	Y	X*
White Eagle Laundry Co., 2925 Falline	Z	Y	Z	X	X
White Tower Laundry & Cleaners, Inc., 13100 Kercheval	X	X	X	X	X
Wyandotte Laundry & Dry Cleaners, 2546 1st St., Wyandotte, Mich.	X	X	X	X	X

This order may be amended, modified or revoked at any time by the Office of Price Administration.

This amendment shall become effective July 1, 1943.

Issued June 26, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-13284; Filed, August 14, 1943; 11:54 a. m.]

[Region III, Order G-25 Under 18 (c), Amdt. 1]

MILK IN OHIO

Amendment No. 1 to Order No. G-25 under § 1499.18 (c) of the General Maximum Price Regulation. General order adjusting the maximum prices of approved fluid milk and special milk in the State of Ohio.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, Order No. G-25 under § 1499.18 (c) of the General Maximum Price Regulation is hereby amended in the following respects:

(a) The County of Clark is deleted from the Schedule of Counties listed in paragraph III of Schedule A.

(b) The County of Darke is deleted from the Schedule of Counties listed in paragraph IV of Schedule A.

(c) Paragraph II of Schedule A is amended to read as follows:

Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the Counties of Ashtabula, Clark, Mahoning and Trumbull; and in the Townships of Butler, Center, Elk Run, Fairfield, Franklin, Hanover, Knox, Madison, Middleton, Salem, Perry, Unit, Washington, Wayne, and West in the County of Columbiana; the Townships of Auburn, Burton, Claridon, Hambden, Huntsburg, Middlefield, Montville, Newbury, Parkman, Thompson and Troy in the County of Geauga; the Townships of Leroy, Perry and Madison in the County of Lake; the Townships of Deerfield and Palmyra in the County of Portage, all in the State of Ohio.

(d) A new paragraph V is added to section A to read as set forth below:

Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the County of Darke in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof.	48 cents per gallon.
Retail	Glass or paper	One-half gallon	26 cents per one-half gallon.
Retail	Glass or paper	One quart	13½ cents per quart.
Retail	Glass or paper	One pint	7½ cents per pint.
Retail	Glass or paper	One-half pint	5 cents per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof.	45 cents per gallon.
Wholesale	Glass or paper	One-half gallon	23½ cents per one-half gallon.
Wholesale	Glass or paper	One quart	11½ cents per quart.
Wholesale	Glass or paper	One pint	6¼ cents per pint.
Wholesale	Glass or paper	One-half pint	3¼ cents per one-half pint.

This Amendment No. 1 shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 30th day of June 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-13285; Filed, August 14, 1943; 11:51 a. m.]

[Region VI Order G-75 Under 18 (c)]

MILK IN QUAD CITY AREAS

Order No. G-75 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for the Quad Cities Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Quad Cities Area, as hereinafter defined, are hereby established as follows:

	Wholesale	Retail
	Cents	*Cents*
Standard milk:		
Gallon	44	52
Quart	12	14
Pint	7	8
½ pint	3½	6
½ quart	4½	
Chocolate, homogenized vitamin D, and Guernsey milk:		
Gallon	47	53
Quart	13	15
Pint	7	8
½ pint	3½	6
½ quart	4½	
Buttermilk:		
Gallon	25	30
Quart	7	9
Pint	5	6
½ pint	3	
½ quart	3½	
Skim milk:		
Gallon	15	20
Quart	6	7

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries shall mean:

i. All sales and deliveries made within the city limits of Rock Island, Moline, and East Moline, Illinois and Davenport, Rockingham and Bettendorf, Iowa, and all sales by sellers located in Rock Island, Moline, and East Moline, Illinois, and Daveuport, Rockingham and Bettendorf, Iowa.

ii. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Rock Island, Moline and East Moline, Illinois and Davenport, Rockingham and Bettendorf, Iowa.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13281; Filed, August 14, 1943; 11:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-82, 70-769, 59-10]

THE NORTH AMERICAN COMPANY, ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of August, 1943.

In the matter of The North American Company, File No. 54-82; and The North American Company, File No. 70-769; and The North American Company and its subsidiary companies, respondents, File No. 59-10.

Notice of filing and order for hearing under sections 6, 7 and 11 (e); notice of filing of application by the North American Company for extension of time pursuant to section 11 (c) and order for hearing; and order consolidating such hearings.

I

The Commission, by an order dated April 14, 1942, entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (the Act), having directed, among other things, that The North American Company (North American), a registered holding company, divest itself, with minor exceptions, of all its assets other than securities of one integrated public utility system, namely, that of Union Electric Company of Missouri;

Notice is hereby given, That North American has filed with this Commission applications and declarations, designated as a plan, pursuant to section 11 (e) of the Act, and a declaration pursuant to sections 6 and 7 of the Act.

Notice is further given that North American has filed with this Commission an application under section 11 (c) for extension of time to comply with the said order of April 14, 1942.

The applications and declarations filed pursuant to sections 6, 7 and 11 (e) propose certain transactions designed to effect compliance with the provisions of section 11 (b) of the Act. All interested persons are referred to said documents, which are on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

A. Coincident, or substantially coincident, with the consummation of the plan but irrespective of the approval or consummation thereof, North American proposes to borrow from The Chase National Bank of the City of New York and certain other banks, in accordance with the terms of a Bank Loan Agreement, dated August 3, 1943, the sum of $34,881,500 payable in quarterly instalments aggregating $1,500,000 each quarter during the first four years and $2,720,375 each quarter during the fifth year, with interest at the rate of 2% per annum. The proceeds of such loan are to be applied to the redemption of the outstanding debentures of North American, consisting of $19,400,000 principal amount of 3½% debentures, Series due 1949 (callable at 102¼%) and $14,750,000 principal amount of 3¾% debentures, Series due 1954 (callable at 102%). Such redemption will be effected as soon as the required notice to the debenture holders can be given after receipt of an appropriate order by the Commission. The proceeds of the loan will cover principal and redemption premium on these debentures. Accrued interest on the debentures to the redemption date will be paid from treasury funds of North American. Other details with respect to the Bank Loan Agreement are set forth hereinafter.

B. North American also proposes a plan of reorganization, the purpose of which is stated to be the divestment by North American of the major part of its utility investments and to provide for its subsequent dissolution. The present application will be supplemented hereafter by such additional applications as may be necessary to carry out the plan, the principal features of which are described hereinafter:

1. The initial step, after the plan is declared effective, will be the organization by North American of a liquidating company to which will be transferred all of North American's investments other than its investments in Pacific Gas and Electric Company and in four principal utility subsidiaries, namely, Union Electric Company of Missouri, The Cleveland Electric Illuminating Company, Wisconsin Electric Power Company and Washington Railway and Electric Company.

2. Thereafter for a period of sixty days each common stockholder of North American will be given an opportunity to surrender his stock and to withdraw the proportionate share of the company's assets upon payment in cash of the proportionate share of the cost of retiring the bank loan and preferred stock of the company allocable to his shares of stock. As of the date of filing, the amount of debt and preferred stock allocable to each share was $11.67.

3. After the sixty-day period, the balance of North American's assets will be divided among four regional holding companies to be organized for the purpose (North American will be one of the companies), each of which will hold the investment in one of the four last named principal utility subsidiaries and a proportionate amount of the stock of the Liquidating Company. Part of the stock of Pacific Gas and Electric Company will be used to pay dividends in kind on North American's common stock during the pendency of the plan at the same rate as the dividend paid July 1, 1943, and the balance, upon consummation of the plan, will be divided between two of the regional companies. Each of the regional companies will assume a proportionate part of the bank loan and will issue preferred stock with the same dividend rate to replace North American's presently outstanding preferred stock. The common stocks of the regional companies will be distributed to the common stockholders of North American remaining after the expiration of the sixty-day withdrawal period, referred to in paragraph 2 above, on the basis of ¼ share of the common stock of each regional company for each share of North American common stock.

4. Each of the regional companies will thereafter retire its indebtedness and preferred stocks in accordance with the retirement program as set forth in the plan, distribute its remaining assets among its common stockholders, and dissolve. All retirements of preferred stocks of North American and of the regional companies will be at par and accrued dividends. Throughout the existence of the regional companies the common stockholders thereof will be accorded the privilege of withdrawing proportionate shares of each company's assets by paying in cash their proportionate share of the cost of retiring the bank loan and preferred stock outstanding at the particular time in a manner similar to that provided for North American stockholders during the initial sixty-day withdrawal period referred to in paragraph 2 above.

5. No fractional shares of the underlying stocks will be issued to stockholders exercising the withdrawal privilege either during the sixty-day period or in connection with the regional companies. The stockholders will be given the option of buying fractions to complete full shares or of selling fractions to which they are entitled, at a price to be fixed as more fully described in the plan. Fractional scrip will be issued in connection with the exchange of North American common stock for the common stock of the regional companies. This scrip will be transferable but will have no rights as stock unless combined with other scrip so as to receive full shares.

6. The plan will become effective upon declaration by the Board of Directors of North American and will be binding upon all security holders of North American and all rights of such holders other than those accorded under the plan shall cease and become void.

7. Upon the plan being declared effective, North American will enter into a group annuity contract with an insurance company for the benefit of all employees of North American (except the present Chairman of the Board and the present President and employees with less than one year's service). The estimated cost of such contract, in the amount of $333,000, is included in a reserve of $1,250,000 (which it is proposed will be set aside out of the assets to be transferred to the liquidating company) intended to provide for the reorganization expenses involved in carrying the plan into effect.

8. If the Commission should approve the plan North American may, but does not obligate itself to, request the Commission to apply to a United States District Court pursuant to section 11 (e) of the Act to enforce and carry out the terms and provisions of the plan. Submission of the plan to the security holders of North American for their approval or rejection is not contemplated.

II

The Commission being required by the provisions of section 11 (e) of said Act before approving any plan thereunder to find after notice and opportunity for hearing that such plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan; it, therefore, appearing appropriate to the Commission, in the public interest and in the interest of investors and consumers, that notice be given and a hearing be held upon said Plan to afford all interested persons an opportunity to be heard with respect thereto; and

It appearing appropriate in view of the provisions of section 11 (d) regarding court enforcement of the Commission's order of April 14, 1942, to provide an opportunity for hearing as to whether the Commission should approve any plan of reorganization of North American which may be proposed at such hearing by the Commission in the first instance or by any person having a bona fide interest in the reorganization; and

It appearing appropriate that notice be given and a hearing held for the purpose of determining what action is necessary and appropriate under section 11 (c) and for the purpose of ascertaining what action should be taken on all phases of the proposed plan both as it pertains to the reorganization of North American and to the proposed bank loan; and the common issues of fact and law arising in connection with said proposed plan and bank loan and the application under section 11 (c) making it appropriate that the hearings on said matters be consolidated;

It is hereby ordered, (a) That a hearing be held on the proposed plan filed pursuant to section 11 (e) of the Act for the reorganization of The North American Company; (b) that a hearing be held on the declaration filed by The North American Company pursuant to sections 6 and 7 of the act with respect to the proposed bank loan; (c) that a hearing be held on the application by The North American Company under section 11 (c) for an extension of time to comply with the Commission's order of April 14, 1942; (d) that a hearing be held under the provision of section 11 (d) respecting court enforcement of the Commission's order of April 14, 1942, to determine whether the Commission should approve any plan for the reorganization of The North American Company, which may be submitted either by the Commission in the first instance or by any person having a bona fide interest in such reorganization; and (e) that the hearings ordered as aforesaid be consolidated, subject to a reservation of jurisdiction to separate the matters so consolidated either for hearing or disposition, in whole or in part.

It is further ordered, That the consolidated hearing be held on the 31st day of August, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this order by registered mail to The North American Company and that notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That The North American Company shall give notice of this hearing to all its stockholders, both common and preferred (in so far as the identity of such security holders is known or available to North American), by mailing to each of said persons a copy of this notice and order for hearing at his last-known address at least 10 days prior to the date of this hearing.

It is further ordered, That any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission on or before the 28th day of August, 1943, a written statement relative thereto; any person proposing to intervene shall file with the Secretary of the Commission on or before such date his application therefor, as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said plan, or any other plan which may be filed in the first instance by the Commission or by any duly qualified person, by the application and by the declaration particular attention will be directed at said hearing to the following matters and questions:

1. Whether the plan as proposed or as modified is necessary to effectuate the provisions of section 11 (b) of the Act and is fair and equitable to the persons affected thereby;

2. Whether the proposed action is in conformity with the requirements of the Commission's order of April 14, 1942;

3. Whether the accounting entries proposed to be recorded in connection with the plan are appropriate and in accordance with sound accounting principles and practice;

4. Whether, in the event that the Commission shall approve such plan as filed or as modified, the Commission shall approve such plan for purposes of section 11 (d) of the Act (as well as section 11 (e)) so as to permit the Commission of its own motion and irrespective of request therefor on the part of North American, to apply to a court for the enforcement of such plan pursuant to section 11 (d);

5. Whether, in the event that the Commission shall not approve such plan as filed or as modified, the Commission shall itself propose and approve a plan for purposes of section 11 (d) or shall approve for purposes of section 11 (d) any plan that may be proposed by any person having a bona fide interest in the reorganization of The North American Company;

6. Whether the fees and expenses to be paid in connection with the consummation of the proposed plan are for necessary services and are reasonable in amount;

7. Whether the proposed bank loan by North American complies with all of the requirements of the applicable provisions of the Act and Rules thereunder;

8. Whether the acquisition by the regional companies of their respective portions of the assets of North American; whether the assumption by the regional companies of their respective portions of the proposed bank loan; and whether the issuance of preferred stock by the regional companies in place of the outstanding preferred stock of North American comply with all the requirements of the applicable provisions of the act and rules thereunder;

9. Whether The North American Company has exercised due diligence in its efforts to comply with the Commission's order of April 14, 1942, and whether an extension of time for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers;

10. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and the rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with these proceedings other filings or matters pertaining to said plan or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-13106; Filed, August 12, 1943; 10:14 a. m.]

[File No. 70-475]

ELECTRIC BOND AND SHARE COMPANY

ORDER MODIFYING ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of August, A. D. 1943.

The Commission having on July 2, 1943 issued its Findings, Opinion and order permitting the declaration herein to become effective subject to certain conditions; and

It appearing that the first condition in said order did not provide, in accordance with the said Findings and Opinion, for the acquisition of preferred stock by the declarant otherwise than on the New York Curb Exchange; and

It further appearing that said order should have so provided and should now be modified so to provide nunc pro tunc;

It is hereby ordered, That the said order of July 2, 1943 be, and the same hereby is, modified so as to read as follows:

(1) All purchases shall be effected on the New York Curb Exchange except that the Company may purchase large blocks of stock otherwise than on said Exchange provided that notice of intention to effect each such purchase together with a statement of the identity of the seller, the price proposed to be paid and any fees or commissions to be incurred in connection therewith shall have been given to the Commission and the Company shall not have been informed by the Commission that it intends to issue an order to show cause why such purchase should not be consummated. The Company shall not solicit or cause to be solicited the sale of any shares to the Company either on or off the Exchange.

It is further ordered, That the said modification be deemed to have been effective as of the date of the original issuance of said order of July 2, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-13310; Filed, August 14, 1943; 2:18 p. m.]

[File Nos. 70-768 and 59-5]

UNITED GAS CORP. AND MIDDLE WEST CORP. AND ITS SUBSIDIARY COMPANIES

NOTICE OF FILING AND ORDER RECONVENING HEARING AND DIRECTING CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of August, A. D., 1943.

Notice is hereby given that applications and amendments thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Gas Corporation ("United"), a subsidiary of Electric Power & Light Corporation, a registered holding company which in turn is a subsidiary of Electric Bond and Share Company, also a holding company, and Southwestern Gas & Electric Company ("Southwestern"), a subsidiary of Central and South West Utilities Company ("Central"), a registered holding company which in turn is a subsidiary of the Middle West Corporation, also a registered holding company, and that a declaration has been filed by Central. All interested persons are referred to said documents which are on file in the office of the Commission for a statement of the transactions therein proposed which are summarized as follows:

(1) Southwestern proposes to sell and United proposes to buy and acquire all the property and assets, real and personal, (except cash, cash items and securities), used or useful in the manufacture, distribution and sale of gas (manufactured and natural), and the business incident thereto owned by Southwestern, being in and between the cities of Biloxi, Handsboro, Gulf Port, Long Beach, Pass Christian, and Mississippi City in the State of Mississippi for the sum of $812,500 subject to certain adjustments plus an additional amount for accounts receivable, merchandise, supplies and appliances.

(2) Southwestern proposes to apply $812,500 of the proceeds of the said sale to the payment at maturity or the prepayment of $812,500 in principal amount of certain of its outstanding unsecured notes dated March 31, 1939, bearing interest at 2½% per annum and maturing semiannually in installments of $225,000 on November 1, 1943 and on the first days of May and November 1944 and 1945.

(3) Southwestern requests that the Commission enter an order in the proceeding entitled "In the Matter of The Middle West Corporation and its Subsidiary Companies, File No. 59–5", approving the sale and acquisition described above and that such order conform to the requirements of sections 371 (b), and 371 (f) of the Internal Revenue Code.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that the applications as amended of United and Southwestern shall not be granted and the declaration of Central shall not be permitted to become effective except pursuant to further order of this Commission; and

It further appearing to the Commission that the foregoing matters under File Nos. 70–768 and 59–5 are related and involve common questions of law and fact; that evidence offered in respect of each of said matters will have a bearing on the other matters, and that substantial savings in time, effort and expense will result if the hearings on these matters are consolidated so that they may be heard as one matter, and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is ordered, That the hearing "In the Matter of the Middle West Corporation and its Subsidiary Companies, File No. 59–5" with respect to the issues hereinafter stated be reconvened and consolidated with the hearings on the other matters herein above set forth, the Commission reserving the right, if at any time it may appear conducive to an orderly and economical disposition of any of said matters to order a separate hearing concerning such matter, and to close the record with respect to any of the matters prior to the closing of the record on any other matter.

It is further ordered, That a hearing on such matters be held on the 19th day of August 1943, at 10: 30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing so ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act, and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene shall file with the Secretary of the Commission, on or before August 17, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That particular attention will be directed at the hearing to the following questions and matters:

(1) Whether the proposed price is reasonable and bears a fair relation to the sums invested in or the earning capacity of the assets to be transferred.

(2) Whether the proposed acquisition will serve the public interest by tending toward the economical and efficient development of an integrated public utility system and will not be detrimental to the carrying out of the provisions of section 11 of the Act.

(3) Whether the proposed accounting treatment on the books of United and Southwestern is proper.

(4) What, if any, terms and conditions with respect to such proposed sale and acquisition of assets and retirement of securities should be prescribed in the public interest or for the protection of investors or consumers.

(5) Generally, whether the proposed transaction complies in all respects with the applicable provisions of the Act and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–13309; Filed, August 14, 1943; 2:18 p. m.]

[File No. 70–764]

TRI-CITY UTILITIES COMPANY, ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa , on the 14th day of August, 1943.

In the matter of Tri-City Utilities Company, Associated Electric Company, Owensboro Gas Company, and K-T Electric and Water Company.

Associated Electric Company, a registered holding company, and its wholly owned subsidiaries, Tri-City Utilities Company, Owensboro Gas Company, and K–T Electric and Water Company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 9, 10 and 12 thereof, and the applicable rules promulgated thereunder, regarding the transfer of certain assets and liabilities from Tri-City Utilities Company to the other applicants-declarants in consideration for the surrender of common stock, in connection with which K–T Electric and Water Company and Owensboro Gas Company are to issue and deliver common stock to Associated Electric Company; said transactions being preliminary to the conveyance to the City of Frankfort, Kentucky, by Associated Electric Company of all the securities of Tri-City Utilities Company that remain outstanding after the transfers herein proposed; and said application-declaration being further concerned with a proposed accounting reorganization of Owensboro Gas Company; and

A public hearing with respect to said application-declaration having been held after appropriate notice, the applicants-declarants having requested a severance of all other matters from the matters regarding the proposed accounting reorganization of Owensboro Gas Company and having requested that the Commission proceed to pass upon such transactions as early as possible so as to expedite the conveyance to the City of Frankfort; and the Commission having considered the record of the proceedings in this matter and having made and filed its Findings and Opinion herein:

It is hereby ordered, That the following transactions proposed in the application-declaration filed in these proceedings are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

1. The conveyance by Tri-City Utilities Company of properties to Owensboro Gas Company and K–T Electric and Water Company.

(a) A specification and itemization of the properties to be transferred by Tri-City Utilities Company to Owensboro Gas Company is set forth in Article I of the Agreement dated July 19, 1943, by and between Tri-City Utilities Company, Owensboro Gas Company, K–T Electric and Water Company, and Associated Electric Company which was filed as Exhibit I to the application-declaration filed by the applicants-declarants with this Commission under File No. 7–764, said Article I incorporated herein by reference.

(b) A specification and itemization of the property to be transferred by Tri-City Utilities Company to K–T Electric and Water Company is set forth in Article II of the Agreement dated July 19, 1943, by and between Tri-City Utilities Company, Owensboro Gas Company, K–T Electric and Water Company, and Associated Electric Company, which was filed as Exhibit I to the application-declaration filed with this Commission under File No. 70–764, said Article II being incorporated herein by reference.

2. The sale and transfer by Tri-City Utilities Company to Associated Electric Company of the securities specified and itemized in the application-declaration filed in these proceedings.

(a) A specification and itemization of the securities to be transferred by Tri-City Utilities Company to Associated Electric Company is set forth in Exhibit B of the Agreement dated July 19, 1943, by and between Tri-City Utilities Company, Owensboro Gas Company, K–T Electric and Water Company, and Associated Electric Company, which was filed as Exhibit I to the application-declaration filed with this Commission under File No. 70–764, said Exhibit B being incorporated herein by reference.

3. The issue and sale by Owensboro Gas Company and K–T Electric and Water Company to Associated Electric Company of common stocks.

(a) A specification and itemization of said common stock to be sold by Owensboro Gas Company and K–T Electric and Water Company is set forth in Articles I and II of the Agreement dated July 19, 1943, as amended by the Agreement dated July 27, 1943, by and between Tri-City Utilities Company, Owensboro Gas Company, K–T Electric and Water Company and Associated Electric Company, which was filed as Exhibit I (as amended by Exhibit I (1)) to the application-declaration filed with this Commission under File No. 70–764, said Articles I and II (as amended) being incorporated herein by reference.

4. The sale and transfer by Associated Electric Company to the City of Frankfort, Kentucky, of the common stock of Tri-City Utilities Company.

(a) A specification and itemization of the common stock of Tri-City Utilities Company to be transferred by Associated Electric Company to the City of Frankfort, Kentucky, is set forth in the Agreement dated June 4, 1943, by and between Associated Electric Company and the City of Frankfort, Kentucky, which was filed as Exhibit G to the application-declaration filed with this Commission under File No. 70–764, said Exhibit G being incorporated herein by reference.

It is further ordered, That, pursuant to the applicable provisions of said Act, the aforesaid application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U–24 of the General Rules and Regulations, and subject to the following additional conditions:

1. That jurisdiction is hereby reserved over all accounting entries with respect to the above transactions on the books of Associated Electric Company, K-T Electric and Water Company, and Owensboro Gas Company;

2. That jurisdiction is hereby reserved with respect to the proposed accounting reorganization of Owensboro Gas Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–13337; Filed, August 16, 1943; 9:31 a. m.]

[File Nos. 54–33, 59–23]

THE UNITED CORPORATION

ORDER DISAPPROVING PLAN AND DIRECTING ACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of August, A. D. 1943.

The United Corporation, a registered holding company, having filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935; and

The Commission having issued its Notice of and Order for Hearing instituting proceedings with respect to The United Corporation under section 11 (b) (1) and 11 (b) (2) of said Act, and having ordered such proceedings consolidated for hearing with the proceeding in respect of the application under section 11 (e); and

The Commission having by subsequent order directed that evidence be received "first, in connection with the specific issues raised under sections 11 (e) and 11 (b) (2)"; and

A hearing having been held after appropriate notice and the record having been completed with respect to the issues under sections 11 (e) and 11 (b) (2), the Commission being fully advised, and having this day issued and filed its findings and opinion herein;

On the basis of said findings and opinion, and pursuant to sections 11 (e) and 11 (b) (2) of said Act, *It is hereby ordered*, That the plan filed by The United Corporation under section 11 (e) of said Act be, and hereby is, disapproved; and

It is further ordered, That The United Corporation shall change its present capitalization to one class of stock, namely, common stock; and

It is further ordered, That The United Corporation take such action, in a manner consistent with the provisions of the Act, as will cause it to cease to be a holding company; and

It is further ordered, That The United Corporation shall proceed with due diligence to comply with the preceding paragraphs of this order in an appropriate manner, in compliance with the applicable provisions of said Act and the rules, regulations and orders promulgated thereunder;

And it is further ordered, That jurisdiction be, and the same hereby is, reserved to enter such further order or orders as may be necessary or appropriate for the purpose of ensuring that the provisions of this order are effectuated in a manner consistent with the provisions of said Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–13336; Filed, August 16, 1943; 9:31 a. m.]

WAR FOOD ADMINISTRATION.

DELEGATION OF AUTHORITY

REQUISITIONING OF PROPERTY

By virtue of the authority vested in the War Food Administrator by Executive Order 9280 (7 F.R. 10179) of December 5, 1942, and Executive Order 9322 (8 F.R. 3807) of March 26, 1943, as amended by Executive Order 9334 (8 F.R. 5423) of April 19, 1943, I, Marvin Jones, War Food Administrator, hereby delegate to the Director of Food Distribution authority to requisition property pursuant to the Act of October 10, 1940, as amended, and the Act of October 16, 1941, as amended, and authority to exercise all the powers exercisable by the Requisitioning Authority and the War Food Administrator under War Food Regulation 1 (8 F.R. 8046) and the powers derived from Executive Order 8942, as amended, and vested in me by Executive Order 9334 and by the Regulations under the Requisitioning Act issued by the War Production Board on July 24, 1942 (7 F.R. 5746), as amended, except that the Director of Food Distribution shall not have the power or authority to requisition and dispose of idle farm machinery, such power and authority having heretofore been delegated to the USDA War Board Chairman on May 28, 1943 (8 F.R. 7120). The Director of Food Distribution is authorized to delegate any and all of the functions, responsibilities, powers, authorities, or discretions hereby conferred upon him to such persons within the War Food Administration as he may designate or appoint.

The delegation of authority with respect to requisitioning of property to Jesse W. Tapp, Associate War Food Administrator, issued June 10, 1943 (8 F.R. 8087), is hereby revoked. All actions taken by Jesse W. Tapp under and by virtue of said delegation of authority, including, but not limited to, redelegation of his authority to persons within the War Food Administration, are hereby ratified and confirmed and shall remain in full force and effect until modified or revoked.

Issued this 12th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–13260; Filed, August 13, 1943; 4:55 p. m.]

DELEGATION OF AUTHORITY

REQUISITIONING OF PROPERTY

By virtue of the authority vested in me by delegation of authority from the

War Food Administrator dated August 12, 1943 (*supra*), I hereby delegate to Ralph W. Olmstead, Deputy Director of Food Distribution, the authority to requisition property pursuant to the Act of October 10, 1940, as amended, and the Act of October 16, 1941, as amended, and the authority to exercise all the powers exercisable by the Requisitioning Authority and the War Food Administrator under the War Food Regulation No. 1 (8 F.R. 8046) and the powers derived from Executive Order 8942, as amended, and vested in the War Food Administrator by Executive Order 9334, and by the Regulations under the Requisitioning Acts issued by the War Production Board on July 24, 1943 (7 F.R. 5746), except that Ralph W. Olmstead, Deputy Director of Food Distribution, shall not have the power or authority to requisition and dispose of idle farm machinery, such power and authority having heretofore been delegated by the War Food Administrator to the State USDA War Board Chairmen on May 28, 1943 (8 F.R. 7120): *Provided*, That he is not authorized to approve or disapprove proposals under § 1598.3 of War Food Regulation No. 1, to submit proposals to the Chairman of the War Production Board under § 902.2 of the Regulations under the Requisitioning Acts issued by the War Production Board, or to make the determinations required by law prerequisite to the requisitioning of property. Ralph W. Olmstead, Deputy Director of Food Distribution, is authorized to delegate any and all of the responsibilities, powers, authorities, or discretions hereby conferred upon him to such persons within the War Food Administration as he may designate or appoint.

The delegation of authority with respect to the requisitioning of property to Ralph W. Olmstead, Deputy Director of Food Distribution, issued June 11, 1943 (8 F.R. 8087), is hereby revoked. All actions taken by Ralph W. Olmstead under and by virtue of said delegation of authority, including but not limited to redelegation of his authority to persons within the War Food Administration, are hereby ratified and confirmed and shall remain in full force and effect until modified or revoked.

Issued this 12th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13261; Filed, August 13, 1943; 4:55 p. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS

The War Production Board has issued certain Revocation Orders revoking Special Directions dated December 8, 1942, issued in connection with certain high octane gasoline facilities construction projects to which Urgency Numbers listed below were assigned. For the effect of such Revocation Order the Builder and Suppliers affected shall refer to the specific Order to the Builder:

Urgency rating No.	Builder's serial No.	Name and address of builder	Plancor No.	Location of project
17 (d)	20809	Mid-Continent Petroleum Corporation, Tulsa, Oklahoma	-------	Tulsa, Okla.
17 (m)	27160	Wood River Oil Refining Co., Inc., Wichita, Kansas	-------	Wood River, Ill.
30	29437	Standard Oil Co. of La., Baton Rouge, La.	-------	Baton Rouge, La.
46	43394	Eastern States Petroleum Co., 1212 Second National Bank, Houston, Texas.	1534	Houston, Tex.

Issued this 13th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13239; Filed, August 13, 1943; 11:12 a. m.]

NICOLAUS BRIDGE PROJECT, CALIF.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: California Department of Public Works, 401 Public Works Building, Sacramento, Calif. Project: Nicolaus Bridge across Feather River, Sutter County, California.

The stop construction order issued July 12, 1943 and amended July 26, 1943, is hereby cancelled.

Issued August 14, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13274; Filed, August 14, 1943; 11:44 a. m.]

NEWTON PROJECT, UTAH

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Dept. of Interior, Bureau of Reclamation, Washington, D. C. Project: Newton Project, Utah.

The stop construction order issued December 12, 1942, is hereby cancelled.

Issued August 14, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13275; Filed, August 14, 1943; 11:44 a. m.]

YAKIMA-ROZA PROJECT, WASH.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Dept. of Interior, Bureau of Reclamation, Washington, D. C. Project: Yakima-Roza Project, Washington.

The stop construction order issued December 12, 1942, is hereby cancelled.

Issued August 14, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13276; Filed, August 14, 1943; 11:44 a. m.]

[Serial No. 982-A]

COLORADO-BIG THOMPSON PROJECT, COLO.

AMENDMENT TO REVOCATION OF PREFERENCE RATING

Builder: Bureau of Reclamation, Washington, D. C. Project: Colorado-Big Thompson Project, Colorado.

The revocation of preference rating issued on October 27, 1942 with respect to the above serially numbered project is hereby amended by striking paragraph 3 thereof and by substituting the following:

3. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except further permitted construction being construction necessary to complete the following work:

1. To permit the construction of the North Fork Diversion Dam.
2. The completion of the drilling and lining of the Alva B. Adams Tunnel.
3. The construction of a wood stave siphon conduit to carry approximately 90,000 acre feet of water annually from the east portal of the tunnel to the Colorado-Big Thompson River.

Issued August 14, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13273; Filed, August 14, 1943; 11:44 a. m.]

WAR MANPOWER COMMISSION.

[General Order 10]

LIST OF CRITICAL OCCUPATIONS

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, I hereby designate the following occupations as critical occupations and as included in and constituting the list of critical occupations.

PART I—PRODUCTION AND SERVICES OCCUPATIONS

Aircraft-engine mechanic, all around
Aircraft-engine tester, all around
Aircraft-instrument mechanic, all around
Aircraft mechanic, all around
Airplane navigator
Airplane pilot, commercial
Airship mechanic, all around
Ballistician
Bessemer converter blower
Blacksmith, all around
Blast furnace blower
Blaster, mining
Boatbuilder, steel or wood, all around
Boilermaker, all around
Boring-mill operator, all around
Bricklayer, refractory brick
Cabinetmaker, all around
Cable splicer, telephone, telegraph or submarine cable
Cable transmitter and receiver
Cam-lay-out man
Car inspector, railroad transportation
Catalytic-converter engineer, synthetic rubber
Cementer, oil well
Chainmaker, all around

Chamberman, acid
Coke burner
Computer, electric, gravity or seismic
Conductor, railroad transportation
Continuous-still engineer, synthetic rubber
Converter operator, nonferrous smelting & refining
Coppersmith, marine, all around
Coremaker, all around
Cutting machine runner, mining
Diamond driller, mining
Die maker, all around
Die setter
Die sinker
Diesel mechanic, all around
Dispatcher, radio communications, telegraph, or submarine cable
Diver
Driller, fine diamond dies
Driller, oil well, cable or rotary
Electrical tester, power equipment
Electrician, aircraft, marine, power house, or submarine cable, all around
Electrician, installation and maintenance, all around
Engineer, chief, first, second, or third assistant, ship
Engineer, locomotive, railroad transportation
Engineer, turbine or Diesel
Engineering draftsman, design
Finisher, fine diamond dies
First helper, open-hearth or electric furnace
Flight dispatcher
Foremen: Included under this designation are only those individuals who are (1) utilizing in their supervisory jobs the knowledge and skills of one or more of the occupations included in the list of critical occupations, and (2) those who supervise directly or through subordinate foremen and supervisors production, technical, or scientific work in essential activities, although the occupations of the workers supervised may not be listed. The second category includes only individuals who must be in jobs requiring an extensive knowledge of the production, technical or scientific work they are supervising, the exercise of independent judgment and responsibility for the products made or services rendered, and a training period of two or more years. In some plants, the supervisory personnel may be designated by other than supervisory titles, and where they meet the requirements outlined above they are included.
Form builder, aircraft
Glass blower, scientific laboratory apparatus
Heater, steel mill, all around
Heat treater, all around
Hoisting engineer, mining
Inspector: Included under this designation are only those workers who are qualified to perform in one or more of the critical occupations appearing in this list, and who utilize the knowledge and skill of such occupations in inspecting work in order to insure uniformity and accuracy of products or services.
Installer, telephone or telegraph equipment
Instructor: Included under this designation are only those workers who are qualified to perform in one or more of the critical occupations listed and because of their aptitude and experience have been assigned as instructors in training programs either in-plant or vocational.
Instrument maker and repairer, electrical, mechanical, or scientific
Jewel bearing maker, all around
Jointer, submarine cable
Lay-out man, boilermaking, foundry, machinery, or shipbuilding
Lead burner, all around
Lineman, power, telegraph or telephone, all around
Load dispatcher, power or gas
Locomotive engine repairman
Loftsman, aircraft or shipbuilding
Loom fixer
Machine driller, mining
Machine tool-set-up man
Machinist, all around
Machinist, marine, all around
Mate, first, second or third
Mechanician, communications equipment: This title includes individuals who maintain and repair telephone and telegraph equipment and circuits; technical broadcast equipment; radiotelephone and radiotelegraph equipment; or submarine cable apparatus.
Miller, grain products, all around
Millwright
Miner, underground, all around: Included under this title are only those individuals whose job assignment requires them to perform the duties involved in driving underground openings including drilling, blasting, timbering. Due to standardizations of mining methods these functions may be performed by separate individuals whose occupational titles also appear in this list because the jobs meet the criterion of critical occupations. Since the term "Miner" is generally used in the industry to identify underground workers, it should be clearly understood that it does not cover such workers as muckers, trammers, and helpers.
Molder, bench or floor, all around
Model maker, all around
Observer, seismic
Oil well gun perforator
Oil well treater, acidising
Optical mechanic, all around
Paper making machine engineer
Patternmaker, metal or wood
Pipe fitter, marine
Powershovel engineer, mining
Precision lens grinder, all around
Pulpit operator, steel mill
Pumper, refinery, in charge
Purification engineer, synthetic rubber
Radio communications technician
Radio telegrapher
Radiophoto technician
Reactor engineer, synthetic rubber
Receiver tester, radio or radar
Refrigerator equipment repairman, gas or electric, all around
Refrigerator engineer
Sheetmetal worker, marine, all around
Shipfitter, all around
Shipwright, all around
Ship rigger, all around
Ship captain
Ship pilot
Signal maintainer
Still operator, chemical, all around
Stillman, petroleum processing
Superintendent, see Foreman
Supervisor, see Foreman
Switchboard operator, power
Tanner, all around
Testing and regulating technician, telegraph or telephone
Timberman, mining, all around
Tool designer
Tool maker
Train dispatcher
Transmission engineer
Tugboat captain
Tugboat engineer
Wood seasoner, kiln
X-ray equipment serviceman

PART II—PROFESSIONAL AND SCIENTIFIC OCCUPATIONS [1]

Accountant: Included under this title are Certified Public Accountants and those who have comparable training, experience, or responsibilities.
Agronomist
Anatomist
Architect, naval
Astronomer
Bacteriologist
Chemist
Engineer, professional or technical: This title covers persons who are actually engaged as engineers in the operating, research, or teaching phases of these professions, who are qualified either by having met the educational requirements or because of long experience. In addition, this title is intended to include those individuals who may specialize in certain phases of the professions listed below, such as Mechanical Engineers who specialize in the automotive, heating or refrigerating engineering field but whose special designations have not been mentioned.

Aeronautical	Marine
Agricultural	Mechanical
Ceramic	Metallurgical
Chemical	Mining
Civil	Petroleum
Communications	Radio
Electrical	Safety

Entomologist
Forester
Geologist
Geophysicist
Horticulturist
Mathematician (including cryptanalyst)
Metallurgist
Meteorologist
Nematologist
Oceanographer
Parasitologist
Pathologist, medical
Pharmacologist
Physicist
Physiologist, medical
Plant physiologist or pathologist
Seismologist

PAUL V. MCNUTT,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13323; Filed, August 14, 1943; 3:39 p. m.]

[1] The titles appearing in this critical list of professional and scientific occupations are also intended to cover those persons who are engaged in full-time teaching of these professions. In addition, these titles are also intended to cover persons engaged in full-time inspecting duties which require the utilization of the knowledge of the critical occupations.

[General Order 11]

LIST OF ESSENTIAL ACTIVITIES

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, I hereby designate the following activities as essential activities and as included in and constituting the List of Essential Activities.

1. *Production of aircraft and parts.* The production, maintenance and repair of aircraft; gliders; parachutes; dirigibles; balloons; aircraft engines; aircraft parts; pontoons; propellers; and similar products.

2. *Production of ships, boats and parts.* The production, maintenance and repair of ships, boats, ship and boat parts and equipment.

3. *Production of ordnance and accessories.* The production, maintenance and repair of firearms, guns, howitzers, mortars; gun turrets and mounts; tanks; sighting and fire-control equipment; torpedo tubes; and similar products.

4. *Production of ammunition.* The production of bombs, mines, torpedoes, grenades, chemical warfare projectiles, explosives, fuses, pyrotechnics, as well as products such as glycerin which go into the manufacture of ammunition.

5. *Agriculture and commercial fishing*—(a) *Agriculture.* Livestock and livestock products, including beef cattle, dairy cattle, hogs, poultry, sheep and goats; fiber, oil crops, and potatoes, including castor beans, American-Egyptian, Sea Island and Upland cotton,

flaxseed and soybeans, hemp, peanuts, Irish potatoes and sweet potatoes; field crops, including barley, dry field peas, oats, rye, wheat, alfalfa hay, alfalfa hay seed, cover crop seed, broomcorn, corn for grain and silage, dry edible beans, green peas for processing, rice, sweet corn, hybrid seed corn, grain sorghum, tame hay and seed, wild or native hay; pineapples; tree fruits, small fruits and berries; medicinal, insecticide and rubber plants; vegetables for fresh consumption and processing; vegetable plants and seeds; other food and special crops, including honey, tree nuts, sugar cane for sugar and syrup, sugar beets, sugar beet seed, sorghum and sorgo syrup, and tobacco.

(b) *Agricultural services and commercial fishing.* Agricultural, horticultural, and animal husbandry services such as: commercial poultry hatcheries, seed processing, animal breeding, crop disease protection services, initial processing services such as ginning, compressing, threshing, cleaning, shelling and curing, irrigation services, farm repair and maintenance services, farm product assembly services, all of which are performed on a substantially year round basis to essential activities related to essential crops and livestock enterprises indicated in local Board Release No. 175; grist milling (custom); ice harvesting; commercial fishing.

6. *Processing of food.* Meat-packing and slaughtering (including poultry); production of dairy products; eggs; fish and nuts; fruits and vegetables and their juices; soups; flour and other grain mill products; prepared feeds for animals and fowls; starch, cereals, rice; bread and other bakery products; sugar; leavening compounds; corn syrup; fats and oils; ice. Includes dried, preserved dehydrated, frozen, canned, and other special-processed foods.

7. *Forestry, logging and lumbering.* Timber tracts and logging camps, cutting of pulpwood, sawmills, veneer, cooperage-stock planing, and plywood mills, raising of tung oil trees; fire prevention, pest control; forest nurseries and reforestation services; gathering of gums and barks for the manufacture of naval stores and medicinal purposes.

8. *Construction.* Highway and street construction; marine construction; construction of approved industrial plants, houses, hospitals, and military projects; repair of such facilities; and services necessary to complete such construction.

9. *Coal mining.* The mining of anthracite, bituminous, and semianthracite coal; lignite, and peat, and the operation of breakers or preparation plants. Includes also removing overburden and other such activities preparatory to coal mining operations.

10. *Metal mining.* The mining of iron, copper, tin, lead, zinc, aluminum, mercury, manganese, chromium, molybdenum, tungsten, vanadium and similar ores, and the dressing of such ores. Includes also removing overburden, sinking shafts, and other such activities preparatory to metal-mining operations.

11. *Nonmetallic mining and processing and quarrying.* The mining, processing, or quarrying of salt, gypsum, phosphate rock, sulphur, potash, asbestos, graphite pyrites, graphite, borates and other salines, fluorspar, mica, talc, abrasive sands, calcite, and similar essential products.

12. *Smelting, refining and rolling of metal: scrap salvage.* Primary and secondary smelting and refining, alloying, rolling, and drawing of iron, steel, copper, lead, zinc, magnesium, aluminum, brass, bronze, nickel, tin, cadmium, ferro-alloys, and any other metals used in the production of war materials; and scrap salvage.

13. *Production of metal shapes and forgings.* The manufacture of castings, die castings, forgings, wire, nails, chains, anchors, axles, pipe, springs, screws, bolts, tubing, stampings, pressings, structural shapes, and machined parts.

14. *Finishing of metal products.* Enameling, japanning, lacquering, painting, plating, galvanizing, aluminum coating, polishing, rustproofing of metal products; sherardizing, retinning of cans and utensils.

15. *Production of industrial and agricultural equipment.* Power boilers, wiring devices and supplies; agricultural implements; electric lamps; storage and primary batteries; pumps, compressors, and pumping equipment; recording, controlling and measuring instruments and meters; conveyors, industrial cars and trucks; blowers, exhaust and ventilating fans; mechanical power-transmission equipment such as clutches, drives and shafts; mechanical stokers; tools, files, and saws; plumbers' supplies; professional and scientific instruments, photographic apparatus, and optical instruments; and all equipment necessary to operate plants producing essential commodities.

16. *Production of machinery.* Engines and turbines; metal-working machinery and equipment; electrical generating, distribution and industrial apparatus for electric public utility, manufacturing, mining, transportation and construction use, for use in manufactured products or in service industries; construction, mining, agricultural, oil field, smelting and refining machinery, as well as all machinery necessary to produce, equip and maintain aircraft, ships, ordnance, and other military equipment.

17. *Production of chemicals and allied products and essential derivatives thereof.* Glycerin, turpentine, rosin and other naval stores; wood tars, oils, acids, and alcohols; plasticizers; lubricating oils and greases; animal and vegetable oils; fertilizers; tanning materials; chemical pulp; salt; synthetic rubber; coal-tar products; plastics; compressed and liquefied gases refined sulphur; acids; caustic and other sodas; alcohols; electrochemical and electrometallurgical products such as carbide, sodium and potassium metals and high-percentage ferro-alloys; drugs and medicines; insecticides and related chemical compounds; synthetic textile fibers; grease and tallow. (Explosives, flares, and other fireworks, generally classified as chemical products, are included with ammunition.) Paints and protective coatings for military, naval, and marine materials, ships and equipment, for agricultural and industrial material and equipment, for container linings and electrical insulation; protective coatings for textiles; distillation of gums and saps.

18. *Production of rubber products.* All rubber products.

19. *Production of leather products.* The production of shoe and belting leather; industrial belting for transmission of power; saddlery, harness, and accessories; military and rationed boots and shoes; gloves for military and industrial use; leather garments.

20. *Production of textiles.* Production of textiles including the processing, manufacturing, bleaching, dyeing, printing, and other finishing of textile cordage, fabrics (excluding fancy fabrics such as brocades, chiffons, damasks, laces, velvet, etc.), fibers, nets, rope, twine, yarns, made of or using any of the following materials: Animal hair (other than wool) such as bristles, alpaca, etc.; asbestos, cotton, fibrous glass, flax, hemp, henequen, jute, kapok, manila, nylon, rayon, rubber, silk, sisal, shearlings, waste (processed), wool, other synthetic filaments or fibers.

21. *Production of apparel.* Apparel for the armed forces; work clothing; snowshoes.

22. *Production of stone, clay and glass products.* Scientific and industrial glass products; sand-lime, fire-brick and other heat-resisting clay products; chemical lime; abrasive wheels, stones, paper, cloth and related products; asbestos products including steam and other packing, pipe and boiler covering; crucibles and retorts; gypsum board; mineral wool (for insulation); porcelain electrical supplies; as well as parts of military apparatus.

23. *Production of petroleum, natural-gas and petroleum and coal products.* Drilling, rig-building, and maintenance service operations, and petroleum refining. Includes also production of tar and pitch, coal gas and coke.

24. *Production of finished lumber products.* Cork products such as life preservers; storage battery boxes; insulating material; cars; matches; crutches; wood preservation activities; buildings, portable and prefabricated; wood base hardboard. Includes also wooden parts of aircraft, ships, and other military equipment.

25. *Production of transportation equipment.* The production of motor vehicles such as trucks, ambulances, fire engines, busses, and military motorized units; essential parts and accessories of such motor vehicles; motorcycles, bicycles, and parts; locomotives and parts; railroad and street cars, and equipment.

26. *Transportation services.* Air transportation; line-haul railroad; switching and terminal; railway and air express; freight forwarding; rail inspection; maintenance and repair of railroad equipment, buildings, right-of-way, and rolling stock; local transit, rapid transit, interurban electric railway, and over-the-road bus; offshore and intercoastal water-transportation, including shore service such as stevedoring and harbor operations; pipeline transportation; transportation services on the inland waterways, Great Lakes, harbors, bays, sounds, and waters connected with the seas, including shore service such as stevedoring; trucking; warehousing; dry, open and cold storage of essential perishable commodities.

27. *Production of pulp, paper and materials for packing and shipping products*—(a) *Production of the following pulp, paper, paperboard, and converted products.* Pulp (made from pulpwood and other substances); the following types of paper stock and paperboard: absorbent for impregnation, asphalt laminating, blueprint, box board, butcher papers, untreated and treated, cable and electrical insulation, carbonizing, chart and map (Government), condenser tissue, container board, drafting, filter, fruit and vegetable wrapping tissue, gasket, glassine, grease-proof, gumming, mandrel winding stock, pattern tissue, photographic and other sensitized, rope and jute, safety base stock, sanitary (sanitary napkin stock, toweling stock, napkin stock, toilet tissue stock, hospital wadding stock), shipping sacks stock, tabulating card stock, tracing, twisting and spinning, vegetable parchment, waxing, wet machine board, wrapping (machine finished and machine glazed); the following converted products from paper and paperboard: ammunition and shell cases, carbon, envelopes used for shipping and preserving essential products, fiber drums, gummed paper tape, hospital wadding, laminated waterproof and heavy crepe, liquid tight containers and closures, mandrel wound, mesh cloth and fabrics, napkins, paperboard boxes and shipping containers, sanitary napkins, shipping sacks, toilet tissue, towels, twine, waxed, waxed laminated and resin impregnated papers for food, munitions, and industrial wrapping.

(b) *Production of other materials for shipping and preserving essential products.* Bagging, jute, meat; bags, textile (except laundry bags); barrels, metal; baskets (Climax, fruit, vegetable); box shooks; boxes (metal, wooden); cable, fiber; cans; cases, packing; containers (glass, metal, wood; caps and closures for such containers); cooperage; cooperage stock (staves, heading, and hoops); cordage; crates; drums (shipping); excelsior; gummed cloth tape; rope; tin cans.

28. *Production of communication equipment.* Radios and radio equipment; radar; telephone, telegraph, cable television, signalling apparatus; electrical sound equipment; vinylite transcriptions; telautograph.

29. *Communication services.* Magazines of general circulation which are devoted primarily to the dissemination of public information; newspapers and news syndicates; military, naval, and technical charts and maps, instructional and technical manuals, and training literature; production of motion pictures (including technical and vocational training films for the Army, Navy, and war production industries); motion picture film processing; news reels; development of sensitized film; protective signal systems which supplement fire and police protection to military, public and private industrial and commercial establishments; radio broadcasting; radio communications (radiotelephone and radiotelegraph); cable service (land or submarine); telegraph; telephone; television.

30. *Heating, power, water supply and illuminating services.* Electric light and power, water and gas utilities; steam-heating services; sewage systems; tree trimming for power and communication lines; water-well drilling.

31. *Repair services.* Repair of: vehicles, such as bicycles, motorcycles, automobiles, busses, trucks; tires; typewriters and business machines; elevators; shoe repairing; sewing machines; radios; refrigerators; clocks and watches; harnesses; tools; stoves; pneumatic tube systems; power laundry equipment; electric appliances and motors, engines, heating equipment; scientific, commercial and industrial weighing machines; farm and other industrial and scientific equipment; welding service; roofing, and electric, gas, and plumbing and heating installations in domestic, commercial, and industrial buildings; building alteration, maintenance and repair; blacksmithing; armature rewinding; locksmithing. It is intended that consideration be given only to individuals qualified to render all-around repair services on the types of equipment specified herein as required for the minimum essential needs of the community.

32. *Health and welfare services.* Offices of physicians, surgeons, dentists, oculists, osteopaths, podiatrists, and veterinarians; medical, dental and optical laboratories; pharmaceutical services; hospitals; nursing services; institutional care; mortuary services; auxiliary civilian welfare services to the armed forces; welfare services to civilians; church activities; accident- and fire-preventive services; structural pest control services.

33. *Educational services.* Public and private industrial and agricultural vocational training; elementary, secondary, and preparatory schools; junior colleges, colleges, universities, and professional schools, educational and scientific research agencies; United States Maritime Service Training Program; Civil Aeronautics Administration Civilian Pilot Training Program; armed forces contract flying, ground, and factory aviation schools; and the production of technical and vocational training films.

34. *Governmental services.* Federal; other than Federal; cobelligerent. (Federal Reserve Banks and their branches but does not include services rendered by member banks.)

35. *Technical, scientific, and management services.* The supplying of technical, scientific and management services to establishments engaged in war production; union-management negotiation services; and the publication of technical and scientific books and journals.

PAUL V. MCNUTT,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13324; Filed, August 14, 1943; 3:39 p. m.]

AUG 19 '43

FEDERAL REGISTER

VOLUME 8 NUMBER 163

Washington, Wednesday, August 18, 1943

The President

EXECUTIVE ORDER 9369

PROVIDING FOR THE LIQUIDATION OF THE AFFAIRS OF THE OFFICE OF THE BITUMINOUS COAL CONSUMERS' COUNSEL

By virtue of the authority vested in me as President of the United States, I hereby order as follows:

1. The Secretary of the Interior is designated as liquidating agent for the Office of the Bituminous Coal Consumers' Counsel. In this capacity, he is authorized and directed to take custody of the records and files of said Office, to preserve such records, and to make them available for use by Government agencies in aiding the effective prosecution of the war. He is further authorized and directed to approve and certify any vouchers which may be properly presented for obligations incurred by said Office prior to its statutory expiration, and to do all other things which may be necessary or proper to provide for the orderly liquidation of the affairs of said Office.

2. So much of the office equipment and other property of said Office as the Secretary of the Interior may consider necessary for the proper discharge of the functions herein vested in him shall be transferred to the Secretary.

3. This Order shall become effective at the close of business on August 23, 1943.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 16, 1943.

[F. R. Doc. 43-13413; Filed, August 16, 1943; 3:29 p. m.]

Regulations

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amendment 90]

PART 802—GENERAL LICENSES

PHOTOGRAPHIC FILM: GENERAL LICENSE "GPF"

Section 802.12 *Photographic film* is hereby amended to read as follows:

§ 802.12 *General license "GPF".* A general license designated "GPF" is hereby granted authorizing the exportation of developed photographic film, plates, paper or prints to all destinations to which the Office of Exports has assigned general license numbers in § 802.2 (a) of this subchapter: *Provided,* That the exportation is made in accordance with the requirements of the United States Office of Censorship.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938)

Dated: August 14, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-13388; Filed, August 16, 1943; 2:11 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

[Supplementary Order M-221-a]

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 3270—CONTAINERS

TEXTILE BAGS QUOTAS

§ 3270.24 *Supplementary Order M-221-a—(a) Special bag quota for certain users.* Paragraph (o) of Conservation Order M-221 prohibits bag users from accepting more than their quota of new burlap bags for packing various products, including seeds and grains. A user's quota for seeds and grains is 70% of the number of new burlap bags he accepted during 1941 for that purpose. That quota percentage is hereby raised to 100% for any farmer-user who requires new burlap bags for packing 1943 crops of seeds and grains in the follow-

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page

Bituminous Coal Consumers' Counsel; liquidation of affairs ... 11425

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Vesting orders:
Finckh, Dr., G. m. b. H. ... 11449
Friedmann, Alex ... 11450
Koller, Karl ... 11449
Schubert & Salzer Maschinenfabrik ... 11450

FEDERAL POWER COMMISSION:
Montana-Dakota Utilities Co., notice of application ... 11449

INTERSTATE COMMERCE COMMISSION:
Oranges, restrictions on shipments from Arizona and California ... 11448

OFFICE OF ECONOMIC WARFARE:
Photographic film, general license "GPF" ... 11425

OFFICE OF PRICE ADMINISTRATION:
Adjustment orders filed, lists (2 documents) ... 11451
Adjustments, exceptions, etc. McCormick and Co., Inc. ... 11445
Anti-freeze (MPR 170, Am. 6) ... 11437
Beef and veal (RMPR 169, Am. 26) ... 11445
Charcoal (MPR 431, Am. 1) ... 11444
Clams, canned (MPR 448) ... 11435
Cotton goods, fine (MPR 11, Am. 9) ... 11434
Farm equipment, manufacturers' and wholesale prices (MPR 246, Am. 9) ... 11435
Food and drink sold for immediate consumption:
Atlanta Region ... 11443
West Virginia ... 11440
Fruits, frozen (RO 13, Am. 18 to Rev. Supp. 1) ... 11447
Gasoline; mileage rationing:
(RO 5C, Am. 71) ... 11429
(RO 5C, Am. 8 to Supp. 1) ... 11447
Hawaii; prices (MPR 373, Am. 11) ... 11437
Paper products (MPR 349, Am. 3) ... 11434

(Continued on next page)

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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Potato chips:
(MPR 262, Am. 10) ---------- 11447
(MPR 457) ---------- 11445
Puerto Rico; southern yellow pine and Douglas fir lumber (RMPR 183, Am. 2) ---------- 11437
Regional, State and district office orders:
Charcoals manufactured by George Oravetz & Son, Inc ---------- 11456
Community ceiling prices, list of orders filed ---------- 11451
Firewood; northern Calif ---- 11460
Fruits and vegetables:
California ---------- 11456
Colorado and Wyoming --- 11460
Ice, Ocean Springs-Biloxi-Gulfport-Long Beach area, Miss ---------- 11461
Irons, electric, sold by Radio Sales and Service Co., Schenectady, N. Y ---------- 11459
Laundry services, commercial; Boston and Cambridge ---------- 11458
Milk:
Arizona (4 documents) ---- 11452, 11453, 11455, 11456
Bloomington, Normal and Clinton, Ill ---------- 11452
Ely, Nev ---------- 11460
Freeport, Ill ---------- 11459
Morrison, Ill ---------- 11459
New Athens, Ill ---------- 11459
Oregon and Washington --- 11457
Reno, Nev ---------- 11460
Twin Cities area, Minn ---- 11451
Salt, animal feeding; Denver region ---------- 11452

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Shoes (RO 17, Am. 31) ---------- 11445
Storage of property for War Department (Rev. SR 11, Am. 34) ---------- 11434
Tobacco, flue-cured (MPR 441, Am. 1) ---------- 11428
Virgin Islands; prices (MPR 395, Am. 3) ---------- 11438
VETERANS' ADMINISTRATION:
Adjudication: claims; effective date of awards ---------- 11448
Regulations:
Accrued apportioned awards 11448
Definitions of term "child" 11448
WAR FOOD ADMINISTRATION:
Requisitioning of property, delegation of authority ---------- 11461
WAR PRODUCTION BOARD:
Galvanized ware and non-metal coated metal articles (L-30-a) ---------- 11426
Newspapers (L-240, Int. 2) ---- 11426
Suspension order, stay of execution:
Deisroth, W. H., Co., Inc ---- 11426
Textile bags quotas (M-221-a) 11425

ing states only: California, Idaho, Montana, Oregon, Washington.

(b) *Alternative special quota.* Any farmer-user entitled to the 100% quota may use, instead, a quota figured as follows:

(1) Divide the number of bushels of seeds and grains he expects to harvest this year by the number he harvested in 1941.

(2) Multiply the resulting figure by the number of bags he accepted during 1941 for packing small seeds and grains. The figure then resulting is the number of bags his quota allows.

(c) *Dealers' use of PR 19 ratings.* Notwithstanding Priorities Regulation No. 19, until further notice no dealer in the states listed in paragraph (a) above shall use any farmers' certificates as a basis for getting priority on burlap bags if the certificates were received by him after August 1943.

Issued this 16th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13414; Filed, August 16, 1943; 4:20 p. m.]

PART 1010—SUSPENSION ORDER

[Stay of Execution of Suspension Order S-385]

W. H. DEISROTH CO., INC.

W. H. Deisroth Company, Inc., has made application for stay of Suspension Order No. S-385 and has filed an appeal. It has presented evidence tending to show that substantial and irreparable harm will be done to it if a stay is not granted pending determination of its appeal. Based upon this evidence submitted by W. H. Deisroth Company, Inc., the Chief Compliance Commissioner has directed that Suspension Order S-385 shall be stayed pending final determination of the appeal, but no later than September 10, 1943.

Issued this 17th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13427; Filed, August 17, 1943; 10:38 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Interpretation 2 to General Limitation Order L-240]

NEWSPAPERS

The following Interpretation 2 is issued with respect to General Limitation Order L-240.

Paragraph (d) (1) of Order L-240 (§ 3133.6) restricts the tonnage of print paper which a publisher may accept in any month. If this amount works out to a whole number of carloads plus a fraction of another carload, a publisher may carry the fraction over into the next month. Thus, if a publisher's quarterly quota of print paper would fill 25½ freight cars, he would be permitted to accept 8½ carloads per month. However, if he accepts only 8 carloads in the first month he may accept 9 in the next month.

Issued this 17th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13425; Filed, August 17, 1943; 10:38 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Supplementary Limitation Order L-30-a, as Amended August 17, 1943]

GALVANIZED WARE AND NON-METAL COATED METAL ARTICLES

§ 3291.150[1] *Supplementary Limitation Order L-30-a*—(a) *Definitions.* For the purposes of this order:

(1) "Restricted" when applied to any products or articles, means made of iron or steel which is zinc-coated or has a plain, japanned, painted, lithographed or lacquered finish.

(2) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(3) "Garbage, rubbish and ash receptacles" or "garbage cans and pails" do not include:

(i) Cans which are both specifically designed for, and of a type customarily used for, the disposal of oily waste or film scrap; or

(ii) Cans produced in fulfillment of preferred orders, provided such cans are constructed in accordance with United States Army Specifications Nos. 29-91 (dated October 18, 1939) or 29-91A (dated March 3, 1942), Federal Specification No. RR-C-81 (as amended May, 1936), Emergency Alternate Federal Specification No. E-RR-C-81 (dated April 30, 1941), or Bureau of Ships Specification No. 42C23 (INT) (dated June 1, 1942).

(4) "Pails," "buckets" or "tubs" do not include:

(i) Any pails, buckets or tubs designed expressly for use as packing or shipping containers;

(ii) Any buckets produced in fulfillment of preferred orders, provided such buckets are constructed in accordance with Federal Specification No. RR-B-771a (dated March 3, 1939) or Emergency Alternate Federal Specification No. E-RR-B-771a (dated December 11, 1941); or

(iii) Any buckets designed for use in bored wells.

(5) "Storage cans for petroleum products" means cans, with a capacity of 1 to 5 gallons, inclusive, designed for the storage of oil, gasoline or kerosene, except the following:

(i) Cans commonly known as safety cans, used for the storage of inflammable liquids;

(ii) Cans used as operating supplies by railroads, common carriers, or mines (as covered in Order P-56): *Provided,* That all such cans are sold in fulfillment of purchase orders from railroads, common carriers or mines;

(iii) Cans designed for use on tank trucks for petroleum distribution operations; and

(iv) Drums (as defined in Order M-255) produced in fulfillment of a purchase order accompanied by an authorization of the War Production Board issued under paragraph (c) of Order M-255.

(6) "Manufacturer" means any person who produces or assembles any restricted product or article, or any part for such product or article.

(7) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(8) "Base period" means the twelve months ending June 30, 1941.

(b) *Restrictions on miscellaneous articles.* Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any of the following restricted articles:

(1) Watering pots,
(2) Radiator and tractor filling cans (other than blitz cans),
(3) Foot baths,
(4) Liquid and dry measures (other than oil measures with flexible spouts), except in fulfillment of preferred orders,
(5) Dippers, except in fulfillment of preferred orders,
(6) Ash sifters,
(7) Coal hods and scuttles,
(8) Utility baskets.

(c) *Restrictions on garbage, rubbish and ash receptacles.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted garbage, rubbish or ash receptacles except garbage cans and pails as permitted in Schedule A attached to this order.

(2) Except in fulfillment of preferred orders, during the period of three months beginning April 1, 1943, and during each succeeding period of three months, no manufacturer shall put into process more iron and steel, by weight, in the production of restricted garbage and ash cans and pails permitted under Schedule A, than three times 75 percent of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted garbage, rubbish and ash receptacles.

(d) *Restrictions on pails, buckets and tubs.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted pails, buckets or tubs (other than fire buckets) except pails and buckets and wash tubs as permitted under Schedule A.

(2) On and after January 1, 1943, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted fire bucket.

(3) Except in fulfillment of preferred orders and orders placed by the Rubber Development Corporation, U. S. Commercial Corporation and Defense Supplies Corporation, and except as provided in paragraph (d) (4), during the period of three months beginning January 1, 1943 and during each succeeding period of three months no manufacturer shall put into process more iron and steel, by weight, in the production of:

(i) Restricted pails and buckets permitted under Schedule A than three times 16⅔% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted pails and buckets (other than fire buckets and wringer buckets); or

(ii) Restricted washtubs permitted under Schedule A than three times 16⅔% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted washtubs.

(4) A manufacturer may increase the percentages prescribed in paragraph (d) (3) from 16⅔% to not more than 50%, to the extent that he puts into process iron or steel which he has identified as falling within one or more of the following classes:

(i) Iron and steel in his inventory on March 22, 1943;

(ii) Iron and steel obtained by him pursuant to a special sale, as defined in Priorities Regulation No. 13, and in accordance with the terms of that regulation;

(iii) Top cuts of steel (being that portion of steel in ingot normally discarded as not meeting special quality requirements of the customer's order for which it was melted);

(iv) Bessemer processed steel;

(v) Sheet mill seconds, rejects and wasters, 28-gauge and heavier;

(vi) Tin mill black plate rejects, 29 and 30-gauge;

(vii) Iron and steel obtained by him from a warehouse (as defined in Conservation Order M-21-b).

(e) *Restrictions on wash boilers and fire shovels.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any:

(i) Restricted wash boiler except as permitted in Schedule A; or

(ii) Restricted fire shovel more than 22 inches in length.

(2) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, no manufacturer shall put into process more iron and steel, by weight, in the production of:

(i) Restricted wash boilers permitted under Schedule A than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him in the base period in the production of wash boilers (whether restricted or not), or

(ii) Restricted fire shovels, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted fire shovels.

(f) *Restrictions on funnels, refrigerator pans and storage cans for petroleum products.* (1) Except as provided in paragraph (g), no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of:

(i) Any restricted funnels, except:
(*a*) In fulfillment of preferred orders or
(*b*) As permitted in Schedule A;
(ii) Any restricted refrigerator pans; or
(iii) Any restricted storage cans for petroleum products except:
(a) In fulfillment of preferred orders, or
(b) Storage cans for petroleum products permitted in Schedule A.

(2) Except in fulfillment of preferred orders, no manufacturer shall put into process in the production of restricted funnels permitted under Schedule A:

(i) Any material other than iron or steel which he has identified as falling within one or more of the classes of iron and steel enumerated in subparagraphs (i) to (vii) of paragraph (d) (4); or
(ii) More iron and steel of such classes, by weight,
(*a*) During the period from March 22, 1943 to March 31, 1943, inclusive, than 50% of the average monthly amount of all iron and steel, by weight, put into process by him during the base period in the production of restricted funnels, or
(*b*) During the period of three months beginning April 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of all iron and steel, by weight, put into process by him during the base period in the production of restricted funnels.

(3) Except in fulfillment of preferred orders, no manufacturer shall put into

[1] Formerly Part 1052, § 1052.2.

process in the production of restricted storage cans for petroleum products permitted under Schedule A, more iron and steel

(i) During the period from May 25, 1943 to June 30, 1943, inclusive, than two times 50 percent of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted storage cans for petroleum products; or

(ii) During the period of three months beginning July 1, 1943, and during each succeeding period of three months, than three times 50 percent of the average monthly amount of iron and steel by weight, put into process by him during the base period in the production of restricted storage cans for petroleum products.

(g) *Exceptions.* (1) Notwithstanding the provisions of paragraphs (b), (c) (1), (d) (1), (e) (1) and (f) (1), a manufacturer may apply a zinc or other coating and may attach bails, handles, spouts or ears to any restricted article which was otherwise completed on or before December 7, 1942.

(2) Beginning July 1, 1943, a manufacturer may put into process in the production of a restricted article during any calendar quarter (in addition to his quota for such quarter) any unused balance of iron or steel from his previous quarter's quota for such article, provided that such unused balance was in the manufacturer's inventory prior to the quarter in which the manufacturer will put it into process.

(h) *Applicability of other orders.* The provisions of this order shall supersede the provisions of Limitation Order L–30 in respect to restricted articles covered by this order, but nothing in this order shall be deemed in any way to affect the provisions of said Order L–30 and other orders in respect to any other articles or products. In so far as any other order restricts the use of any material in the production of any restricted articles to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Appeals.* Any appeal from this Order should be made on Form PD–500 and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(k) *Avoidance of excessive inventories.* No manufacturer shall accumulate, for use in the manufacture of restricted articles covered by this order, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of such restricted articles as permitted by this order.

(l) *Records.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(m) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Reports.* Each manufacturer shall file with the War Production Board, on or before the twenty-fifth day of each calendar month, a report on Form PD–655 showing all shipments of restricted articles covered by this Order made during the preceding calendar month, together with a statement of stocks of such articles on hand at the beginning and end of such month.

(o) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref.: L–30–a.

Issued this 17th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Under paragraphs (c) (1), (d) (1), (e) (1) and (f) (1) of Limitation Order L–30–a, except as provided in paragraph (g) of that Order, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in certain restricted articles unless such restricted articles fall within the permissible sizes and other limitations set forth in this Schedule. When a manufacturer is permitted by this schedule to make more than one size of any restricted article, each size he manufactures shall fall within a different one of the size ranges specified.

Articles	Number of sizes permitted each manufacturer	Size (actual capacity or dimensions)	Gauges
Garbage and ash cans and pails (covers must not be zinc coated).	4	5–7 gallons	26–31 gauge.
		9–11 gallons	26–31 gauge.
		20 gallons [1]	26–31 gauge.
		27 gallons [1]	22–24 gauge.
Pails and buckets (other than fire buckets and wringer buckets).	2	10 quarts [1]	28 gauge and lighter.
		14 quarts [1]	28 gauge and heavier.
Wash tubs (without stands or legs)	1	14 gallons [1]	28 gauge and lighter.
Wash boilers	1	11 to 14½ gallons	28 gauge and lighter
Funnels (with or without wire strainers)	Unlimited	10" to 15" in diameter of bowl by 9½" to 12½" deep.	22–30 gauge.
Storage cans for petroleum products	1	5 gallons [1]	28 gauge and lighter

[1] The capacity or dimensions of these sizes may vary 10% from the figure stated.

INTERPRETATION 1

Paragraph (b) (4) of Order L–30–a, as amended February 11, 1943, refers to "liquid and dry measures (other than oil measures with flexible spouts) . . ." Oil measures which contain spouts of rigid construction but contain hinges which permit the spouts to be raised, lowered, or otherwise moved, are to be considered "measures with flexible spouts" pursuant to paragraph (b) (4) of L–30–a. (Issued March 11, 1943.)

[F. R. Doc. 43–13426; Filed, August 17, 1943; 10:38 a. m.]

Chapter XI—Office of Price Administration

PART 1358—TOBACCOS

[MPR 441,[1] Amdt. 1]

FLUE CURED TOBACCO; 1943 CROP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 441 is amended in the following respects:

1. In section 2 a sentence is added to the first paragraph, to read as follows: The weighted average purchase price paid by any buyer for untied flue cured tobacco of the 1943 crop purchased after August 14, 1943, shall not exceed $38.00 per cwt.

2. In section 2 a sentence is added to the second paragraph to read as follows: However, amounts paid for the purchase of untied tobacco must be so used.

3. In the note in section 2, after the words "$41.00 per cwt. for loose leaf tobacco" the following words are inserted: "or $38.00 per cwt. for untied tobacco, * * *".

4. Section 7 is amended to read as follows:

SEC. 7. *Reports.* On or before January 2, 1944 every buyer of flue-cured tobacco of the 1943 crop shall file with the Office of Price Administration, Washington, D. C., a statement separately showing the following:

(a) The total amount in pounds of loose leaf flue cured tobacco of the 1943 crop purchased by him (not including untied tobacco purchased by him between 1943 and the close of the market) and the total amount paid therefore.

(b) The total amount in pounds of untied loose leaf flue-cured tobacco of the 1943 crop purchased by him between August 14, 1943 and the close of the market, and the total amount paid therefore.

(c) The total amount in pounds of farm scrap flue-cured tobacco of the 1943 crop purchased by him, and the total amount paid therefore.

This amendment shall become effective August 14, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law. 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

Approved:

MARVIN JONES,
Administrator.

[F. R. Doc. 43–13330; Filed, August 14, 1943; 4:32 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 71]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7551 (a) (58) is added to read as follows:

(58) "Area A" means the States of Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

2. Section 1394.7551 (a) (59) is added to read as follows:

(59) "Area B" means the States of Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Nebraska, New Mexico, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin, the portion of the State of Florida which lies west of the counties of Gadsden, Liberty and Franklin, the portion of the State of West Virginia which lies west of the counties of Grant and Pendleton, the portions of the State of Georgia which lie within the corporate limits of the Cities of Rossville and West Point, the portions of the State of Pennsylvania which lie within the corporate limits of the Cities of Farrell, Sharon, Sharpsville and Wheatland, and the portions of the State of Virginia which lie within the corporate limits of the Cities of Bluefield and Bristol.

3. Section 1394.7601 (b) is revoked.

4. Section 1394.7602 (e) is amended to read as follows:

(e) Notwithstanding any other provision of this section, no Board in Area A may issue a supplemental, fleet, or official ration, or a ration pursuant to the provisions of § 1394.7757 or § 1394.7758, for any vehicle normally garaged or stationed outside of Area A, no Board in Area B may issue such a ration for any vehicle normally garaged or stationed outside Area B and no Board in the gasoline shortage area may issue such a ration for any vehicle normally garaged or stationed outside the gasoline shortage area.

5. Section 1394.7604 (a) is revoked.

6. Section 1394.7651 is amended by deleting the words "during the period from November 22, 1942, or the date of issuance of the ration, whichever is later, to July 21, 1943 (to November 21, 1943 with respect to passenger automobiles in the gasoline shortage area), inclusive".

7. In § 1394.7652 the last sentence is amended to read as follows:

Coupons in basic Class D books issued for use after July 21, 1943 shall be valid for transfer of gasoline to a consumer at any time before July 22, 1944, in Area A and at any time before November 12, 1944, in Area B and in the gasoline shortage area.

8. Section 1394.7653 (a) is amended to read as follows:

(a) Application for a basic ration book may be made to a Board on Form OPA R–534. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

9. Section 1394.7653 (d) is amended to read as follows:

(d) Pursuant to such application, the Board shall issue a basic ration. Before issuing a Class A or basic Class D ration book the Board shall remove coupons from the book according to the following formula:

(1) From a Class A book issued outside the gasoline shortage area: All expired coupons and one currently valid coupon for each full eight days which have elapsed in the "valid period" during which such book is issued;

(2) From a Class A book issued in the gasoline shortage area: All expired coupons and one currently valid coupon for each full sixteen days which have elapsed in the "valid period" during which such book is issued;

(3) From a basic Class D book issued after August 16, 1943 in Area A, one coupon for each full eight days which have elapsed between July 21, 1943 and the date of issuance;

(4) From a basic Class D book issued after August 16, 1943 in Area B or in the gasoline shortage area, one coupon for each full ten days which have elapsed between July 21, 1943 and the date of issuance.

10. Section 1394.7653 (e) is amended by deleting the words "by a registrar or a Board" in the first sentence.

11. Section 1394.7653 (g) is revoked.

12. Section 1394.7701 (c) is amended to read as follows:

(c) In Area A applicants for supplemental rations are deemed to have available 150 miles per month of occupational driving by using the basic ration to which they are entitled. In Area B such applicants are deemed to have available sixty miles per month of such driving. In the gasoline shortage area such applicants are deemed to have available sixty miles per month of such driving in respect to motorcycles and are deemed to have no such mileage available in respect to passenger automobiles. Supplemental rations may be issued to provide only occupational mileage allowed by the Board in excess of any occupational mileage deemed available in the basic ration. However, no deduction for any such mileage deemed available in the basic ration shall be made by the applicant in stating his required occupational mileage or by the Board in allowing occupational mileage, since an appropriate deduction is automatically made when the Board applies the tables set forth in § 1394.7705 pursuant to which supplemental rations are issued.

12a. Section 1394.7701 (d) is revoked.

13. In § 1394.7704 (b) the proviso at the end of the third sentence is amended to read as follows:

Provided, That except in accordance with the provisions of § 1394.7707, no Board in Area A may allow an average of more than 470 miles per month, no Board in Area B may allow an average of more than 480 miles per month, and no Board in the gasoline shortage area may allow an average of more than 360 miles per month, for any occupational mileage other than preferred mileage as defined in § 1394.7706.

14. In § 1394.7704 (d) the first sentence is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2238, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6646, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062, 9202, 9304, 9334, 9219, 9787, 9457, 10082, 10364, 10365, 10511.

The Board shall deduct from the mileage it allows for a passenger automobile in Area A in accordance with paragraph (b) above, 150 miles per month (in Area B, sixty miles per month) for each additional passenger automobile (other than a fleet passenger automobile) owned by the applicant or by any person living in his household and related to him by blood, marriage, or adoption, if the Board finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the Supplemental ration is sought.

15. The text of § 1394.7705 (a) (1) preceding subdivision (i) is amended to read:

In the case of a passenger automobile for which application for a supplemental ration is made in Area A, the Board shall issue:

16. Section 1394.7705 (a) (3) is amended by adding a new subparagraph (3) as set forth below and redesignating the present subparagraph (3) as subparagraph (4):

(3) In the case of a passenger automobile for which application for a supplemental ration is made in Area B, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 480 miles per month or less: one or two Class B books containing the number of coupons specified in Table IB for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7704 or § 1394.7707 exceeds 480 miles per month: one or more Class C books containing the number of coupons specified in Table IIB for the mileage allowed. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

17. In § 1394.7705 (a) (4), [the former § 1394.7705 (a) (3)], the text preceding Table I is amended as set forth below: the headnote immediately following the words "Table I" in Table I is amended to read "Determination of Amount of Supplemental Ration in Area A", the headnote immediately following the words "Table IA" in Table IA is amended to read "Determination of Amount of Supplemental, Official or Fleet Rations in Gasoline Shortage Area", the headnote immediately following the words "Table II" in Table II is amended to read "Determination of Amount of Supplemental Ration in Area A", the headnote immediately following the words "Table IIA" in Table IIA is amended to read "Determination of Amount of Supplemental, Official or Fleet Ration in Gasoline Shortage Area"; and Table IB, Table IIB and Table IC are added as set forth below:

(4) In the case of a motorcycle, the Board shall issue:

(i) In respect to a motorcycle for which application for a supplemental ration is made in Area A: One or more Class D books (to be marked "supplemental") containing the number of coupons specified in Table I or in Table II to provide the mileage allowed by the Board. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

(ii) In respect to a motorcycle for which application for a supplemental ration is made in Area B or in the gasoline shortage area: One or more Class D books (to be marked "supplemental") containing the number of coupons specified in Table IC to provide the mileage allowed by the Board. The Board shall note the date of issuance on such books as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

* * * * *

TABLE IB—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION IN AREA B

For passenger automobiles which are entitled to Basic rations, and for which more than 60 miles but not more than 480 miles per month are allowed.

[For motorcycles, use Table IC]

Miles per month:	"B" coupons for 3 months
Up to 60	0
61–75	1
76–90	2
91–105	3
106–120	4
121–135	5
136–150	6
151–165	7
166–180	8
181–195	9
196–210	10
211–225	11
226–240	12
241–255	13
256–270	14
271–285	15
286–300	16
301–315	17
316–330	18
331–345	19
346–360	20
361–375	21
376–390	22
391–405	23
406–420	24
421–435	25
436–450	26
451–465	27
466–480	28

TABLE IC—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION FOR MOTORCYCLES IN THE GASOLINE SHORTAGE AREA AND AREA B

To be used only for motorcycles entitled to Basic rations, and for which more than 60 miles per month are allowed. Allowed mileage in excess of 480 miles per month in Area B (360 miles in the gasoline shortage area) must be preferred mileage, or mileage allowed under § 1394.7707.

Miles per month:	"D" coupons for 3 months
Up to 60	0
61–80	1
81–100	2
101–120	3
121–140	4
141–160	5
161–180	6
181–200	7
201–220	8
221–240	9
241–260	10
261–280	11
281–300	12
301–320	13
321–340	14
341–360	15
361–380	16
381–400	17
401–420	18
421–440	19
441–460	20
461–480	21
481–500	22
501–520	23
521–540	24
541–560	25
561–580	26
581–600	27
601–620	28
621–640	29
641–660	30
661–680	31
681–700	32
701–720	33
721–740	34
741–760	35
761–780	36
781–800	37
801–820	38
821–840	39
841–860	40
861–880	41
881–900	42
901–920	43
921–940	44
941–960	45
961–980	46
981–1000	47
1001–1020	48
1021–1040	49
1041–1060	50

NOTE: In the event the allowed mileage exceeds 1,060 miles, one additional coupon shall be allowed for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,060 miles. Additional books may be issued if necessary to provide additional coupons.

TABLE IIB—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION IN AREA B

For passenger automobiles which are entitled to basic rations and for which more than 480 miles per month are allowed.

[For motorcycles, use Table IC]

Miles per month:	"C" coupons for 3 months
481–495	29
496–510	30
511–525	31
526–540	32
541–555	33
556–570	34
571–585	35
586–600	36
601–615	37
616–630	38
631–645	39
646–660	40
661–675	41
676–690	42
691–705	43
706–720	44
721–735	45
736–750	46
751–765	47
766–780	48
781–795	49
796–810	50

Miles per month—Con.	"C" coupons for 3 months
811–825	51
826–840	52
841–855	53
856–870	54
871–885	55
886–900	56
901–915	57
916–930	58
931–945	59
946–960	60
961–975	61
976–990	62
991–1005	63
1006–1020	64
1021–1035	65
1036–1050	66
1051–1065	67
1066–1080	68
1081–1095	69
1096–1110	70

NOTE: In the event the allowed mileage exceeds 1,110 miles, one additional coupon shall be allowed for each 15 miles, or fraction thereof, of allowed mileage in excess of 1,110 miles. Additional books may be issued if necessary to provide additional coupons.

18. Section 1394.7705 (e) is revoked.

19. Section 1394.7706 (w) (2) is amended to read as follows:

(2) No mileage may be allowed under this paragraph in Area B or in the gasoline shortage area.

20. Section 1394.7707 (a) is amended to read as follows:

(a) In any case where the applicant or person entitled to the use of a vehicle requires mileage under any of the circumstances described in subparagraphs (1), (2) and (3) of this paragraph, and the driving to be performed in such circumstances is not preferred mileage, the Board, upon approval of the State Director, may allow such mileage, to the extent required for such driving. If any mileage is allowed pursuant to this section, no mileage shall be allowed for driving in the course of work, unless the driving in the course of work consists of preferred mileage:

(1) Where application is made in Area A, and the applicant or person entitled to the use of the vehicle requires more than 470 miles per month for driving between home and a fixed place or places of work, or between fixed places of work, in connection with any occupation he may have.

(2) Where application is made in Area B and such person requires more than 480 miles per month for driving between home and a fixed place or places of work, or between fixed places of work, in connection with his principal occupation.

(3) Where application is made in the gasoline shortage area and such person requires more than 360 miles per month for driving between home and a fixed place or places of work, or between fixed places of work, in connection with his principal occupation.

21. Section 1394.7754 (b) is amended to read as follows:

(b) Subject to the provisions of paragraph (a) of this section, the Board shall allow the total average occupational mileage per month determined by it to be required for driving within the continental United States, during the three-month period specified in § 1394.7753 and shall issue a ration in accordance with the provisions of § 1394.7755 to provide such mileage. However, no Board may allow an average mileage for any one vehicle or an average mileage per vehicle for any group of vehicles in excess of the maximum set forth below, unless the mileage in excess of any such maximum is defined as preferred mileage under the provisions of § 1394.7706, except paragraph (w) of §1394.7706.

(1) If the Board is in Area A the maximum average mileage is 720 miles per month.

(2) If the Board is in Area B the maximum average mileage is 480 miles per month.

(3) If the Board is in the gasoline shortage area the maximum average mileage is 360 miles per month.

22. In § 1394.7755 (a) (1) the text preceding subdivision (i) is amended to read as follows:

In the case of passenger automobiles for which application for Official or Fleet rations is made in Area A, the Board shall issue:

23. Section 1394.7755 (a) (3) is amended by re-designating the present subparagraph (3) as subparagraph (4) and a new subparagraph (3) is added to read as follows:

(3) In the case of passenger automobiles for which application for official or fleet rations is made in Area B, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 480 miles per month or less: One or two Class B books containing the number of coupons specified in Table IIIB for the mileage allowed. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

(ii) In the event the mileage allowed by the Board pursuant to § 1394.7754 (b) exceeds 480 miles per month: One or more Class C books containing the number of coupons specified in Table IVB for the mileage allowed. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

24. In § 1394.7755 (a) (4) (the former § 1394.7755 (a) (3)) the text preceding Table III is amended as set forth below: the headnote immediately following the words "Table III" in Table III is amended to read "Determination of Amount of Official or Fleet Ration in Area A", the headnote and text including the parenthetical phrase immediately following the words "Table IV" in Table IV and preceding the numerical tables are amended to read "Determination of Amount of Official or Fleet Ration in Area A. For passenger automobiles and motorcycles with an allowed mileage of more than 470 miles per month.";

and Table IIIB, Table IIIC and Table IVB are added as set forth below:

(4) In the case of a motorcycle, the Board shall issue:

(i) In the case of motorcycles for which application for official or fleet rations is made in Area A: One or more Class D books (to be marked "fleet" if issued for use with a fleet motorcycle and "official" if issued for use with an official motorcycle) containing the number of coupons specified in Table III or Table IV to provide the mileage allowed by the Board. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

(iii) In the case of motorcycles for which application for official or fleet rations is made in Area B or in the gasoline shortage area: One or more Class D books (to be marked "fleet" if issued for use with a fleet motorcycle and "official" if issued for use with an official motorcycle) containing the number of coupons specified in Table IIIC to provide the mileage allowed by the Board. The Board shall note on such books the date of issuance as the date on which they become valid, and an earliest renewal date three months from the date of issuance.

TABLE IIIB—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION IN AREA B

For passenger automobiles with an allowed mileage of not more than 480 miles per month.

To be used for official or fleet passenger automobiles and other specified passenger automobiles not entitled to Basic rations.

[For motorcycles, use Table IIIC.]

Miles per month:	"B" coupons for 3 months
1–15	1
16–30	2
31–45	3
46–60	4
61–75	5
76–90	6
91–105	7
106–120	8
121–135	9
136–150	10
151–165	11
166–180	12
181–195	13
196–210	14
211–225	15
226–240	16
241–255	17
256–270	18
271–285	19
286–300	20
301–315	21
316–330	22
331–345	23
346–360	24
361–375	25
376–390	26
391–405	27
406–420	28
421–435	29
436–450	30
451–465	31
466–480	32

TABLE IIIC—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION FOR MOTORCYCLES IN THE GASOLINE SHORTAGE AREA AND AREA B

For motorcycles not entitled to basic rations.

All allowed mileage in excess of 480 miles per month in Area B (360 miles in the gasoline shortage area) must be preferred mileage or mileage allowed under § 1394.7707.

Miles per month:	*"D" coupons for 3 months*
Up to 20	1
21-40	2
41-60	3
61-80	4
81-100	5
101-120	6
121-140	7
141-160	8
161-180	9
181-200	10
201-220	11
221-240	12
241-260	13
261-280	14
281-300	15
301-320	16
321-340	17
341-360	18
361-380	19
381-400	20
401-420	21
421-440	22
441-460	23
461-480	24
481-500	25
501-520	26
521-540	27
541-560	28
561-580	29
581-600	30
601-620	31
621-640	32
641-660	33
661-680	34
681-700	35
701-720	36
721-740	37
741-760	38
761-780	39
781-800	40
801-820	41
821-840	42
841-860	43
861-880	44
881-900	45
901-920	46
921-940	47
941-960	48
961-980	49
981-1000	50
1001-1020	51
1021-1040	52
1041-1060	53

NOTE: In the event the allowed mileage exceeds 1,060 miles, one additonal coupon shall be allowed for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,060 miles. Additional books may be issued if necessary to provide additional coupons.

TABLE IVB—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION IN AREA B

For passenger automobiles with an allowed mileage of more than 480 miles.

To be used for official or fleet passenger automobiles and other specified passenger automobiles not entitled to Basic rations.

[For motorcycles, use Table IIIC]

Miles per month:	*"C" coupons for 3 months*
481-495	33
496-510	34
511-525	35
525-540	36
541-555	37
556-570	38
571-585	39
586-600	40
601-615	41
616-630	42
631-645	43
646-660	44
661-675	45
676-690	46
691-705	47
706-720	48
721-735	49
736-750	50
751-765	51
766-780	52
781-795	53
796-810	54
811-825	55
826-840	56
841-855	57
856-870	58
871-885	59
886-900	60
901-915	61
916-930	62
931-945	63
946-960	64
961-975	65
976-990	66
991-1005	67
1006-1020	68
1021-1035	69
1036-1050	70
1051-1065	71
1066-1080	72
1081-1095	73
1096-1110	74
1111-1125	75

NOTE: In the event the allowed mileage exceeds 1,125 miles, one additional coupon shall be issued for each 15 miles, or fraction thereof, of allowed mileage in excess of 1,125 miles. Additional books may be issued if necessary to provide additional coupons.

25. Section 1394.7755 (e) is revoked.

26. Section 1394.8051 (e) and (f) are revoked.

27. Section 1394.8052 (a) is amended to read as follows:

(a) Any person who finds that a ration currently held by him fails to meet his requirements may apply for a further ration of the same class (except a basic ration) prior to the end of the period for which his current ration was issued, if his current ration is insufficient for any of the following reasons:

(1) A change in occupation or in the location of place of business or residence, or other change in circumstances, or a seasonal variation in the amount of occupational mileage needed, or a miscalculation of needs.

(2) An extension of the period of validity of a basic ration, or a reduction in the unit value of Class A, B or C coupons, by reason of which the holder of the ration cannot perform the driving essential to carry on his occupation, or, in the case of a Special ration, he cannot perform the purpose for which it was issued.

28. In § 1394.8052 (b) the text preceding subparagraph (1) is amended to read as follows:

(b) Application for a further ration shall be made in the same manner as the application for the current ration, and the applicant shall append to the application a statement showing:

29. Section 1394.8052 (c) is amended to read as follows:

(c) If the Board determines that, for one or more of the reasons specified in paragraph (a) of this section, more mileage is needed, or in the case of a non-highway ration, more gasoline is required than that stated in the application on the basis of which the current ration was issued, it may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.8054. The Board may grant a further ration to compensate for mileage lost by reason of a reduction in the unit value of Class A, B or C coupons or of the extension of the period of validity of Class A coupons or basic Class D coupons only if it finds that the applicant still requires the mileage lost by reason of such reduction.

30. Section 1394.8053 (b) (1) is amended to read as follows:

(1) A supplemental ration based on an allowed mileage in excess of 470 miles per month in Area A, 480 miles per month in Area B, or 360 miles per month in the gasoline shortage area;

31. Section 1394.8112 is revoked and a new § 1394.8112 is added to read as follows:

§ 1394.8112 *Exchange of bulk coupons.* Every consumer who has in his possession or control any valid bulk coupons which were issued to him as a ration (except one gallon bulk coupons issued as a special ration for furlough travel on Form OPA R-554A) and which have an expiration date or an earliest renewal date after September 1, 1943, shall surrender such coupons to the Board having jurisdiction to renew or reissue such ration. If such a ration is surrendered before its expiration date or earliest renewal date, the Board shall issue to the consumer in exchange for such coupons gasoline deposit certificate (if the consumer is eligible therefor) or valid coupons of any appropriate class having the same expiration date or earliest renewal date as the coupons surrendered and having a gallonage value to be determined as follows:

(1) In exchange for such bulk coupons which were issued as a transport ration for use with a vehicle for which a Certificate of War Necessity is required the Board shall issue Class T-1 or T-2 book coupons or gasoline deposit certificates (if the consumer is eligible therefor) equal in gallonage value to the coupons so surrendered.

(2) In exchange for such bulk coupons issued as a ration other than a ration described in the preceding subparagraph, the Board shall review the application on the basis of which such ration was issued, and issue coupons or gasoline deposit certificates (if the consumer is eligible therefor) having a gallonage value only sufficient to provide for the established mileage or gallonage needs of the consumer until the expiration date or earliest renewal date of the sur-

rendered ration, but not in excess of the gallonage value of the coupons surrendered.

32. Section 1394.8116 is added to read as follows:

§ 1394.8116 *Surrender of Class B and C rations issued as part of Forms OPA R–527, R–527A, R–528 or R–528A.* Every ration holder who has in his possession or control any Class B or C books which were issued to him as a ration on Form OPA R–587, Form OPA R–527A, Form OPA R–528 or Form OPA R–528A and which have an earliest renewal date or expiration date after September 1, 1943 shall surrender such books and coupons to the Board having jurisdiction to reissue or renew such ration. If such a ration is surrendered before its earliest renewal date or expiration date, the Board upon accepting the surrender of the ration book shall issue to the ration holder a new ration book of the same class containing the same number of coupons as are contained in the surrendered book and bearing the same earliest renewal or expiration date as the surrendered ration book.

33. Section 1394.8153 (a) (6) is added to read as follows:

(6) Notwithstanding any other provisions contained in this section, no transfer may be made on or after September 1, 1943, in exchange for Class B or C coupons issued on Form OPA R–527, Form OPA R–527A, Form OPA R–528 or Form OPA R–528A.

34. Section 1394.8153 (c) (4) is revoked.

35. Section 1394.8153 (c) (5) is added to read as follows:

(5) On and after September 1, 1943, no transfer may be made in exchange for any 100 gallon bulk coupon.

36. In § 1394.8206b (a) subparagraphs (8), (9) and (10) are added as set forth below:

(a) Every distributor shall deposit in his account all gasoline coupons or other evidences (including checks) received by him, except as provided in paragraph (c) hereof: *Provided,* That a distributor shall not deposit:

* * * * *

(8) After September 11, 1943, any exchange certificate.

(9) After September 11, 1943, any 100 gallon bulk coupon.

(10) After September 11, 1943, any Class B or C coupon issued on Form OPA R–527, Form OPA R–527A, Form OPA R–528 or Form OPA R–528A (coupons which do not bear the printed words "Mileage Ration").

37. Section 1394.8214 is revoked.

38. Section 1394.8215 (r) is added to read as follows:

(r) (1) Immediately upon the last closing of business before August 15, 1943 each dealer who has in his possession or control Class A–7, B or C coupons which he acquired before August 16, 1943, in exchange for lawful transfers of gasoline made in Area B when such coupons had a unit value of four gallons of gasoline per coupon shall attach such coupons to gummed sheets (Form OPA R–120) to which no other coupons are attached. He shall summarize such coupons at a value of four gallons per coupon on a summary form (Form OPA R–541) on which no other coupons are listed. On or before August 21, 1943, each dealer shall surrender such coupons and summary either to a distributor in exchange for a transfer of gasoline, or to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to the dealer, in exchange for such coupons, inventory coupons equal in gallonage value to the coupons so surrendered. From August 16, 1943 to August 21, 1943, inclusive, each distributor shall transfer gasoline at a rate of four gallons for each such coupon so remitted by a dealer. After August 21, 1943 no distributor shall accept from a dealer any such coupons so remitted, nor shall he make any transfer of gasoline in exchange for such coupons so remitted, except upon a basis of three gallons of gasoline per coupon.

(2) Until August 28, 1943, a distributor may deposit in a ration bank account at a four gallon value any Class A, B or C coupon which he acquired in exchange for a lawful transfer of gasoline made in Area B to a consumer before August 16, 1943, or to a dealer before August 22, 1943, at a rate of four gallons per coupon. After August 28, 1943, every Class A, B or C coupon deposited by a distributor shall be deposited at a value of three gallons, unless the coupon was first received by the distributor or by a dealer from a consumer at another value, in exchange for a transfer of gasoline lawfully made outside of Area B.

39. Section 1394.8215 (s) is added to read as follows:

(s) Every distributor who has in his possession or control any exchange certificate (Form OPA R–548) shall, on or before September 11, 1943, deposit such exchange certificate in a ration bank account maintained by him for the place of business at which such exchange certificate was received. After September 11, 1943, no exchange certificate shall be valid for any purpose:

40. Section 1394.8215 (t) is added to read as follows:

(t) (1) Immediately upon the close of business on August 31, 1943, each dealer who has in his possession or control 100 gallon bulk coupons issued on Form OPA R–553A (100 gallon bulk coupons bearing the printed word "gasoline") or Class B or C coupons issued on Form OPA R–527, R–527A, R–528 or R–528A which he acquired before September 1, 1943, in exchange for lawful transfers of gasoline shall attach such coupons to gummed sheets (Form OPA R–120) to which no other coupons are attached. He shall summarize such coupons on a summary form (Form OPA R–541) on which no other coupons are listed. Such form shall be executed in triplicate. The dealer shall place the original copy of the Form OPA R–541 and the coupons and gummed sheets in an envelope and seal them within the envelope. He shall also set forth on the outside of the envelope his name, the address of his place of business where the coupons were received and a summary of the coupons contained in the envelope. Not later than September 2, 1943, the dealer shall transmit one copy of the Form OPA R–541 to the Board having jurisdiction over the area where his place of business is located. The third copy of the Form OPA R–541 shall be retained at the dealer's place of business for a period of one year. Each dealer shall, before September 7, 1943, surrender such coupons enclosed in the sealed envelope either to a distributor in exchange for a transfer of gasoline or to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to the dealer, in exchange for such coupons, inventory coupons equal in gallonage value to the coupons so surrendered. No dealer shall transfer any 100 gallon bulk coupons or any Class B or C coupons issued on Form OPA R–527, R–527A, R–528 or R–528A which were received by him after August 31, 1943.

(2) After September 6, 1943, no distributor shall accept from any dealer or distributor any 100 gallon bulk coupons issued on Form OPA R–553A (100 gallon bulk coupons bearing the printed word "gasoline") or any Class B or C coupons issued on Form OPA R–527, R–527A, R–528, or R–528A, nor shall a distributor make any transfers of gasoline in exchange for such coupons. On or before September 11, 1943, each distributor shall deposit in appropriate ration bank accounts maintained by him any such coupons received by him in exchange for a lawful transfer of gasoline made on or before September 7, 1943.

(3) After September 11, 1943 no 100 gallon bulk coupons nor any Class B or C coupons issued on Form OPA R–527, R–527A, R–528 or R–528A shall be valid for any purpose except as provided in § 1394.8112 or § 1394.8116.

41. Section 1394.8353 (e) is revoked.

This amendment shall become effective 12:01 A. M. August 16, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13331; Filed, August 14, 1943; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 34]

STORAGE OF PROPERTY FOR WAR DEPARTMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.* Paragraph (a) (2) of § 1499.46 is amended to read as set forth below:

§ 1499.46 *Exceptions for certain services.* (a) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a), shall not apply to the following services during the period specified.

* * * * *

(2) From April 10, 1943, to October 15, 1943, inclusive, to the storage of property and services incidental thereto (other than cold storage and other than tank storage of liquid commodities) for the War Department.

This amendment shall become effective as of August 15, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 7 F.R. 4681)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13327; Filed, August 14, 1943; 4:31 p. m.]

PART 1316—COTTON TEXTILES

[MPR 11,[1] Amdt. 9]

FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 11 is amended in the following respects:

1. Section 1316.4 (d) Table I reference numbers AA14 and AA15 under Combed Broadcloth are added to read. as follows:

AA14 37" 164 x 84 3.90	23.75
AA15 37" 120 x 60 3.90 (ply yarn)	33.44

2. Section 1316.4 (d) Table I reference numbers AB14, AB38, AB40, AB41, and AB42 are amended by deleting the parenthetical phrase: "(Berkley cambric)".

3. Section 1316.4 (d) Table I reference number AB30 is amended by deleting the word "cambric".

4. Section 1316.4 (d) Table I reference numbers AS1, AS2, AS3, and AS4 are amended by adding after the numerals "4.00", "3.61", "3.35", and "2.77", respectively, the following parenthetical phrase: "(American Pima)".

5. Section 1316.4 (d) Table I reference number AS5 is amended by adding after the numerals "3.44", the following parenthetical phrase: "(Peeler)".

6. Section 1316.4 (d) Table I reference number AS6 is amended to read as follows:

AS6 39½" 80 x 86 3.55 (American Pima)	42.50

7. Section 1316.4 (d) Table I reference number AT1 is amended by adding after the numerals "4.00" the following parenthetical phrase: "(American Pima)".

8. Section 1316.4 (d) Table I reference numbers AT2 and AT3 under Aeroplane Merc. Ply Yarns are added to read as follows:

AT2 42" 80 x 84 3.48 (American Pima)	52.85
AT3 61" 80 x 86 2.20 (American Pima)	75.37

9. Section 1316.4 (d) Table I reference numbers AU1 and AU2 are amended by adding after the numerals "4.35" and "3.85", respectively, the following parenthetical phrase: "(American Pima)".

10. Section 1316.4 (d) Table I reference numbers AX2, AY1, AY3, AY4 and AY5 are amended by deleting the word "full" in each.

11. Section 1316.4 (d) Table I reference number AY6 is amended by deleting the word "semi".

12. Section 1316.4 (d) Table I reference numbers BE1 and BE2 are amended by adding after the numerals "1.93" and "1.66", respectively, the following parenthetical phrase: "(Combed cotton and spun rayon ply warp)".

13. Section 1316.4 (d) Table I reference number AH21 under Marquisettes is added to read as follows:

AH21 34½" 44 x 23/25.19 11.75 Figured (Rayon filling)	8.27

14. Section 1316.4 (d) Table I is amended by adding the titles "Shoe lining" and "Brassiere fabrics" and reference numbers BU1, BV1, BV2, BV3, BV4, BV5, BV6, BV7, BV8, BV9, BV10, BV11, BV12, BV13 and BV14, to read as follows:

Shoe lining:	
BU1 40" 104 x 50 2.17 (Ply Warp)	35.00
Brassiere fabric:	
BV1 37" 136 x 64 2.90	27.50
BV2 40½" 136 x 64 2.65	30.10
BV3 37" 154 x 76 3.23	27.05
BV4 40½" 154 x 76 2.95	29.65
BV5 37" 144 x 84 2.85	28.35
BV6 40½" 144 x 84 2.60	31.05
BV7 37" 186 x 92 3.28	28.15
BV8 40½" 186 x 92 3.00	30.75
BV9 37" 136 x 68 2.80	30.55
BV10 40½" 136 x 68 2.56	33.40
BV11 37" 136 x 72 3.73	23.25
BV12 40½" 136 x 72 3.45	25.00
BV13 37" 154 x 72 4.05	23.10
BV14 40½" 154 x 72 3.75	24.95

This amendment shall become effective the 21st day of August 1943.

(Public Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13395; Filed, August 16, 1943; 2:37 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 349, Amdt. 3]

DISTRIBUTORS' MAXIMUM PRICES FOR CERTAIN COARSE PAPER PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 349 is amended in the following respects:

1. Section 1 (c) is amended to read as follows:

(c) The maximum distributors' prices set forth in this regulation shall be applied to all sales of the following coarse paper products: (The pricing unit is set forth beside each product).

Commodities:	*Pricing unit*
1. Adding machine paper	100 rolls.
2. Bags—all kinds (except those covered by Maximum Price Regulation No. 182	M.
3. Beaming paper	Cwt.
4. Blasting paper	Cwt.
5. Bowl liners	M.
6. Boxes:	
Folding, set-up, corrugated, solid fibre	M.
7. Butter chips	M.
8. Cake circles	M.
9. Cartridge manila paper	Cwt.
10. Chopholders	M.
11. Cones and cores—paper and paperboard	M.
12. Corrugated paper and paperboard	Roll 100 sheets.
13. Crepe paper	Dozen packages.
14. Souffle cups [1]	M.
15. Baking cups [1]	M.
16. Cutter box rolls	Case or carton.
17. Doilies	Gross
18. Egg cartons	M.
19. Egg case fillers and flats	M.
20. Egg trays	M.
21. Facial tissues	Case or carton.
22. Flat drinking cups	Case.

[1] When sold in resale packages, the pricing unit may be case or carton or gross.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 361, 2206, 4628, 4725, 5477, 8065, 8615, 8937, 10900.

Commodities—Continued.	*Pricing unit*
23. Food dishes or trays [1]	M.
24. Forks [1]	M.
25. Gummed paper tape—all kinds, excluding cellophane, cellulose acetate and masking tape	Bundle.
26. Milk bottles	Case.
27. Napkins [1]	Case.
28. Pails:	
Oyster	M.
Food	M.
Ice cream	M.
29. Paper skewers	M.
30. Paperboard clothes hangers	M.
31. Paperboard:	
Tube and can stock	Cwt.
Single manila lined chip	Cwt.
Bleached manila lined chip	Cwt.
Semi bending and creasing chip	Cwt.
Full bending chip	Cwt.
Solid bleached	Cwt.
Bleached lined solid manila	Cwt.
Double bleached lined solid manila	Cwt.
Solid manila	Cwt.
Solid woodpulp	Cwt.
32. Pattern papers—all kinds	Cwt.
33. Plates [1]	M.
34. Cash register rolls	Case.
35. Round paper cans (other than liquid tight cylindrical containers which are covered by Maximum Price Regulation No. 359)	M.
36. Shelf paper	Dozen.
37. Shirtboards	M.
38. Shredded papers	Cwt.
39. Spinning papers	Cwt.
40. Spoons [1]	M.
41. Straws [1] drinking and soda	Case.
42. Table cloths	Roll.
43. Teletype rolls	100 rolls.
44. Toilet seat covers	Carton.
45. Tray covers	M.
46. Tubes—paper and paperboard	M.
47. Twisting papers	Cwt.
48. Twisting tissues	Ream.
49. Wrapping, packaging, waterproofing and insulating papers regardless of fibre content, finish or treatment including, but not limited to the following grades	Cwt.
(i) Miscellaneous waxed sulphite and sulphate grades covered by Appendix G of Maximum Price Regulation No. 307	Cwt., ream or carton.
(ii) Sulphite	Cwt.
(iii) Sulphate	Cwt.
(iv) Groundwood (including newsprint used for wrapping and packaging purposes only)	Cwt.
(v) Parchment:	
Rolls	Cwt.
Sheets	M
(vi) Treated butchers	Cwt.
(vii) Colored and decorated	Cwt.
(viii) Drug bond	Cwt.
(ix) Bogus wrapping	Cwt.
(x) Tissue: [1]	
Rolls	Cwt.
Sheets	Ream
(xi) Greaseproof and glassine	Cwt.
Wall pockets	M
Interfolded	M
(xii) Grades used for agricultural packaging, protection end processing (such as protection plant covers, treated tray papers, treated crate liners) are excluded from this regulation.	
(xiii) Made-to-order special design printed and/or embossed papers made exclusively for a particular consumer and customarily ordered in quantities of not less than five tons are excluded from this regulation.	

[1] When sold in resale packages, the pricing unit may be case or carton or gross.

NOTE: As used above "M" means thousand and "Cwt." means hundredweight and case means a carton or a bundle.

2. In section 13 (a) (10), the figure "51%" is amended to read "35%."

3. Section 13 (a) (13) is amended to read as follows:

(13) "Converting" means changing the form before reselling any of the commodities listed in section 1 (c) of this regulation by cutting, wrapping, punching, slitting, rewinding or sheeting.

4. In section 13 (a) (15), a sentence is added to read as follows:

(15) * * * The distributor shall continue to amalgamate sales in the same manner as was his practice in March 1942.

This amendment shall become effective August 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13396; Filed, August 16, 1943; 2:37 p. m.]

PART 1361—FARM EQUIPMENT

[MPR 246,[1] Amdt. 9]

MANUFACTURERS' AND WHOLESALE PRICES FOR FARM EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1361.57a (a) is amended to read as follows:

(a) The maximum price, f. o. b. factory, for sales of corn cribbing made with standard red fence lath (½" x 1½" 48") shall be $8.75 per 100 lineal feet.

This amendment shall become effective August 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13397; Filed, August 16, 1943; 2:38 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 448]

CANNED CLAMS

In the judgment of the Price Administrator, it is necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, that maximum prices be established for sales by canners of canned clams.

Pursuant to the above authority, the Price Administrator has established prices in this regulation that are generally fair and equitable and will effectuate the purposes of the Act, and will promote equitable distribution of canned clams through normal trade channels.

The maximum prices established herein are not below the average prices of canned clams in the year 1941.

Determination of prices established herein has been made after consulting and advising with representative members of the industry which will be affected by the regulation.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8597, 9039, 8948, 8 F.R. 235, 544, 6045, 6425, 7767.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1364.18 *Maximum canners' prices for canned clams.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 448 (Canned Clams), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1364.18 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 448—CANNED CLAMS

ARTICLE I—MAXIMUM CANNERS' PRICES, PROHIBITION AND SCOPE OF REGULATION

Sec.

1. Maximum canners' prices for canned clams.
2. Sales of canned clams at higher than maximum prices prohibited.
3. Where the regulation applies.
4. Sales to which this regulation does not apply.
5. Relation to other regulations.

ARTICLE II—RECORD KEEPING AND ENFORCEMENT

6. Records and reports.
7. Indirect price increases.
8. Enforcement.

ARTICLE III—MISCELLANEOUS PROVISIONS

9. Petitions for amendment.
10. Adjustable pricing.
11. Definitions.

Article I—Maximum Canners' Prices, Prohibition and Scope of Regulation

SECTION 1. *Maximum canners' prices for canned clams.* (a) The prices set forth below are maximum prices per dozen cans soft clams f. o. b. the shipping point nearest the cannery. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts and differentials to purchasers of different classes.

	Per dozen cans
No. 1 Picnic	$2.00
No. 1 tall	3.10
No. 2	3.75

(b) For container sizes of soft clams not listed in paragraph (a) the price shall be a price determined by the Office of Price Administration to be in line with the prices listed in paragraph (a). Such determination shall be made upon written request, addressed to the Office of Price Administration, Washington, D. C., and accompanied by sworn statements showing costs and usual differentials.

(c) With the first delivery after August 20, 1943 of any item of canned soft clams, in any case where a maximum price is determined pursuant to this regulation, the canner determining his maximum price shall supply each wholesaler and retailer who purchases from him with the following written notice:

Notice to Wholesalers and Retailers

Our OPA ceiling price for (describe item) has been changed under the provisions of Maximum Price Regulation No. 448. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, and if we are your customary type of supplier, you must refigure your ceiling price for the item in accordance with the applicable pricing provisions of those regulations (see section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you on and after August 21, 1943.

For a period of 90 days after August 21, 1943, and with the first shipment after the 90 day period to each person who has not made a purchase within that time, the canner shall include in each case or carton containing the item the written notice set forth before.

SEC. 2. *Sales of canned clams at higher than maximum prices prohibited.* (a) On or after August 21, 1943, regardless of any contract, agreement, or other obligation, no canner shall sell or deliver any canned clams and no person in the course of trade or business shall buy or receive any canned clams at prices higher than the maximum prices established by this regulation, and no person shall agree, offer, solicit, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 3. *Where the regulation applies.* The provisions of this regulation shall apply to the forty-eight states of the United States and the District of Columbia.

SEC. 4. *Sales to which this regulation does not apply.* The provisions of this regulation shall not be applicable to sales or deliveries of canned clams to a purchaser if prior to August 1943, such canned clams have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser.

SEC. 5. *Relation to other regulations.* (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation [1] with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) The maximum price at which a person may export canned clams shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation [2] issued by the Office of Price Administration.

Article II—Record Keeping and Enforcement

SEC. 6. *Records and reports.* (a) Every person making a sale subject to this regulation and every person in the course of trade or business making a purchase of canned clams subject to this regulation, or otherwise dealing therein, after August 20, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and kind of canned clams.

(b) Such person shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 7. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall indirectly charge or receive for canned clams a price higher than the maximum price permitted by this regulation. No person shall as a condition of selling any canned clams require a purchaser to buy any other product.

SEC. 8. *Enforcement.* On and after August 21, 1943, any person violating any provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

Article III—Miscellaneous Provisions

SEC. 9. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 [3] issued by the Office of Price Administration.

SEC. 10. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 11. *Definitions.* When used in this maximum price regulation the term:

(1) "Canner" means a person who preserves clams by processing and hermetically sealing in containers.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3096, 3894, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 8 F.R. 4132, 5987, 7662.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

(2) "Clams" means various bivalve mollusks, especially certain edible kinds, that have equal valves and normally live partially or wholly buried in the sand or mud.

(3) "No. 1 Picnic" means a can (211 x 400) packed to a net drained weight of 5 ozs. of clams.

(4) "No. 1 Tall" means a can (301 x 411) packed to a net drained weight of 8 ozs. of clams.

(5) "No. 2" means a can (307 x 409) packed to a net drained weight of 10 ozs. of clams, and is also known as No. 2 Regular.

(6) "Person" includes any individual, corporation, partnership, association, or other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, or other government, or any of its political subdivisions, and any agency of the foregoing: *Provided,* That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

(7) "Price per dozen" means the price for 12 cans of clams packed for shipment in the usual container.

(8) "Soft clams" means clams of the genus Mya arenaria, also known as soft-shell clams, sand clams, nannynose, and maninose, wherever the same are caught.

(9) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

Effective date. This regulation shall become effective August 21, 1943.

NOTE: The reporting and recording provisions of this regulation are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13398; Filed, August 16, 1943; 2:38 p. m.]

PART 1412—SOLVENTS

[MPR 170,[1] Amdt. 6]

ANTI-FREEZE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 170 is amended in the following respects:

1. Section 1412.6 (a) (1) (ii) is amended to read as set forth below:

(ii) The strength of the anti-freeze contained therein. Such strength may be designated as follows: "Three gallon(s) of this anti-freeze added to one gallon of water will reduce the freezing point of the mixture to 10 degrees below zero Fahrenheit." Or, as an alternative, it may be designated by a complete anti-freeze protection table from which the above information may be obtained: *Provided,* That where any anti-freeze is packaged which when added to water in the proportion of ¾ of a gallon or less of such anti-freeze to one gallon of water reduces the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit or lower, the terms "standard," "standard strength," or "full strength" may be used instead of the above statement or protection table.

2. Section 1412.6 (b) is amended by deleting the words "strength (standard or substandard)."

3. Section 1412.13 (i) (3) is added to read as set forth below:

(3) Any seller other than a manufacturer or retailer, who, prior to May 22, 1943, had purchased, at the maximum prices established for sales of Type N anti-freeze, anti-freeze containing less than 95 per cent by volume of wood distilled methyl alcohol, may sell such anti-freeze at the maximum prices established for sales of Type N anti-freeze, until and including September 30, 1943. Any seller at retail who purchases such anti-freeze prior to September 30, 1943, at the maximum prices for sales of Type N anti-freeze, may resell such anti-freeze at the maximum prices established for sales of Type N anti-freeze until and including December 15, 1943.

This amendment shall become effective August 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13399; Filed, August 16, 1943; 2:36 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 2]

PUERTO RICO: SOUTHERN YELLOW PINE AND DOUGLAS FIR LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 183 is amended in the following respect:

1. Section 48 is added to read as follows:

SEC. 48. *Maximum prices for Southern Yellow Pine and Douglas Fir lumber on sales to ultimate consumers.* (a) The maximum prices for Southern Yellow Pine and Douglas Fir lumber sold to an ultimate consumer shall be computed by adding to the "direct cost to the importer" (defined in section 17 (a) (4)) a markup of $12.50 per thousand board feet of such lumber and the actual transportation costs from the pier to the point at which the ultimate consumer receives delivery. For the purposes of this section the term: "ultimate consumer" includes the United States Government and the Insular Government or the agencies or instrumentalities of either, contractors or builders, or any person who purchases lumber for use rather than for resale as lumber.

(1) Regardless of the number of dealers or distributors handling the lumber the total amount of markups may not exceed $12.50 for each thousand board feet.

(2) The transportation cost may not exceed the customary carrier charge for a similar shipment, whether such transportation be accomplished by a common or contract carrier or by a dealer, distributor or seller.

(b) Within five days after receipt in Puerto Rico of a shipment of Southern Yellow Pine and/or Douglas Fir lumber for sale, the importer shall file with the Office of Price Administration for the Territory of Puerto Rico, San Juan, a statement setting forth in detail the direct cost to the importer, including the price the importer paid, all discounts allowed, all costs of shipment, customs and entry fees, and war risk insurance cost.

(c) Every person selling Southern Yellow Pine or Douglas Fir Lumber shall accompany each sale of such lumber with an invoice on which shall be stated his name and address, the name of the person from whom the lumber was purchased, the date of such purchase, a description of the lumber, and a detailed calculation of the price charged as follows: the "direct cost to the importer" as reported to the Office of Price Administration pursuant to paragraph (b) above, the local transportation charges which have accrued, the charge for transportation to the purchaser, and the markup which has been added.

(d) The maximum price established in section 48 (a) is a gross price to which may be added no additional charges for breakage, warehousing, handling, or any other services or incidents of sale than those specifically authorized by this amendment.

This amendment shall become effective as of August 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13400; Filed, August 16, 1943; 2:39 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 11]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4763, 5717, 8948; 8 F.R. 1232, 1813, 6951, 8070.

[1] 8 F.R. 4122.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666.

Maximum Price Regulation 373 is amended in the following respects:

1. Section 14, Table I is amended by deleting the column "Maximum price at wholesale (for sales in all Islands except Oahu)" and by changing the headnote "Maximum price at retail (for sales in all Islands in the Territory)" to read "Maximum price at retail (for sales in all Islands except Oahu)".

2. Section 15, Table II is amended by deleting the column "Maximum price at wholesale (for sales in all Islands except Oahu)" and by changing the headnote "Maximum price at retail (for sales in all Islands in the Territory)" to read "Maximum price at retail (for sales in all Islands except Oahu)".

3. Section 21 (e) (6) (i) is amended by deleting the words "Island grown produce covered by this paragraph (e)" and inserting the words "any of the commodities covered by this section 21".

This amendment shall become effective as follows:

(a) As to section 14, April 26, 1943.

(b) As to section 15, June 10, 1943.

(c) As to section 21 (e) (6) (i), June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13391; Filed, August 16, 1943; 2:38 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 3]

MAXIMUM PRICES IN THE VIRGIN ISLANDS OF THE UNITED STATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 395 is amended in the following respects:

1. Section 12 (a) (5) is added to read as follows:

(5) "Landed cost" means the price the importer paid, which in no event may exceed the maximum price established by any applicable price regulation or order, less discounts allowed to the importer, plus all costs of shipment actually incurred by the importer: *Provided*, That in computing the costs of shipment incurred by the importer, war risk insurance costs shall not exceed the amount represented by the charge for war risk insurance by the War Shipping Administration on an identical shipment: *And further provided*, That for commodities imported by the Food Distribution Administration the landed cost shall be the Food Distribution Administration price.

2. Section 14 (e) is added to read as follows:

(e) The Director of the Office of Price Administration for the Virgin Islands of the United States may by order revise the maximum prices for shell eggs whenever in his judgment such action is deemed necessary to effectuate the purpose of the Emergency Price Control Act of 1942, as amended.

3. Section 15 is added to read as follows:

SEC. 15. *Price for divisible and indivisible units.* (a) The maximum price for a quantity of a commodity which constitutes a fractional or multiple part of a unit in terms of which a commodity is priced in this regulation, shall be proportionately computed unless hereinafter otherwise provided.

(b) Where several sizes or weights of the same commodity are priced in this regulation, the maximum price for any other quantity of that commodity shall be computed proportionately on the basis of the size priced in the regulation which is closest to the size for which the price is sought.

4. Section 16 is added to read as follows:

SEC. 16. *Maximum retail prices for certain grain and grain products sold or delivered in the Virgin Islands of the United States.*

TABLE III—MAXIMUM RETAIL PRICES FOR CERTAIN GRAIN AND GRAIN PRODUCTS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Wheat flour, bulk, soft	1 lb	$0.06	$0.06	$0.06
2. Wheat flour, bulk, soft	2 lbs	.11	.11	.12
3. Wheat flour, bulk, hard	1 lb	.05	.05	.06
4. Wheat flour, bulk, hard	2 lbs	.10	.10	.11
5. Rice, all types	1 lb	.08	.08	.09
6. Corn meal, imported	1 lb	.05	.05	.05

5. Section 17 is added to read as follows:

SEC. 17. *Maximum retail prices for certain dairy products sold or delivered in the Virgin Islands of the United States.*

TABLE IV—MAXIMUM RETAIL PRICES FOR CERTAIN DAIRY PRODUCTS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Evaporated milk	14½ oz. can	$0.11	$0.11	$0.12

(a) Notwithstanding the provisions of section 15 of this regulation, the maximum prices for cans of evaporated milk differing in size from the ones priced in this section shall continue to be governed by Maximum Price Regulation 201.[2]

6. Section 18 is added to read as follows:

SEC. 18. *Maximum retail prices for butter imported into the Virgin Islands of the United States.* (a) The maximum retail prices for imported butter sold or delivered in the Virgin Islands of the United States shall be the sum of the following:

(1) The landed cost,

(2) A markup of 12¢ per pound,

(3) Local trucking charges,

(4) If sold in the islands of St. Thomas or St. John, the applicable trade tax imposed by the municipality.

(b) Imported butter means butter imported from outside of the Virgin Islands of the United States.

(c) Any importer of butter, except the Food Distribution Administration, shall file a statement of the landed cost of the butter with the Office of Price Administration in the Virgin Islands of the United States within three days after offering such commodity for sale.

7. Section 19 is added to read as follows:

SEC. 19. *Maximum retail prices for certain edible fats and oils sold or delivered in the Virgin Islands of the United States.*

TABLE V—MAXIMUM RETAIL PRICES FOR CERTAIN EDIBLE FATS AND OILS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Lard pork fat rendered	1 lb	$0.21	$0.21	$0.23
2. Pure refined lard in tierces	1 lb	.21	.21	.23
3. Pure refined lard in cases of 50 lb	1 lb	.21	.21	.23
4. Pure refined lard in 34 lbs. to 37 lbs. a tin	1 lb	.22	.22	.23
5. Lard, refined, hydrogenated prints	1 lb	.24	.24	.25
6. Oleomargarine, colored domestic, type B	1 lb	.25	.25	.26
7. Vegetable oil, hydrogenated (shortening)	1 lb	.23	.23	.25
8. Vegetable oil, not hydrogenated	1 lb			

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6621, 8873.

[2] 7 F.R. 6269, 6744, 8947, 10231, 10790, 8 F.R. 1860.

9. Section 21 is added to read as follows:

SEC. 21. *Maximum retail prices for certain dried fruit and vegetable products sold or delivered in the Virgin Islands of the United States.*

TABLE VIII—MAXIMUM RETAIL PRICES FOR CERTAIN DRIED FRUIT AND VEGETABLE PRODUCTS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Imported dried beans and imported dried peas including garbanzos (Chick peas), all grades	1 lb	$0.08	$0.08	$0.09
2. Imported onions	1 lb	.09	.09	.10
3. Garlic (except string garlic)	1 lb	.12	.12	.13

10. Section 22 is added to read as follows:

SEC. 22. *Maximum retail prices for certain meat and meat products sold or delivered in the Virgin Islands of the United States.*

TABLE IX—MAXIMUM RETAIL PRICES FOR CERTAIN MEATS OR MEAT PRODUCTS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Frozen pork loin, semi-boneless	1 lb	$0.50	$0.50	$0.53
2. Frozen pork loin (bone-in)	1 lb	.42	.42	.44
3. Smoked commercial bacon	1 lb	.46	.46	.49
4. Smoked picnic ham	1 lb	.41	.41	.44
5. Sausage, bulk, fresh	1 lb	.60	.60	.64
6. Sausage, Gotebors	1 lb	.60	.60	.64
7. Sausage, Farmer style	1 lb	.60	.60	.64
8. Sausage, holstein	1 lb	.60	.60	.64
9. Sausage, mortadella	1 lb	.60	.60	.64
10. Tongue, hard (chilled), dressed but not eviscerated, Grade B, old and young:				
A. Hens, 8 to 14 lbs	1 lb	.56	.56	.58
B. Toms, 16 to 20 lbs	1 lb	.54	.54	.56
C. Toms, 20 or more lbs	1 lb	.53	.53	.55
11. Pork, pickled heads and tails	1 lb	.21	.21	.23
12. Pork, canned luncheon meat	12 oz. tins	.16	.16	.17
13. Pork, canned luncheon meat	12 oz. tins	.40	.40	.42
14. Bacon, canned sliced	24 oz. tin	.77	.77	.74
15. Beef, pickled or jerked	1 lb	.30	.30	.33
16. Pork, spareribs, cured	1 lb	.18	.18	.19
17. Pork, pickled feet, dry salted	1 lb	.10	.10	.11
18. Pigs' feet, pickled, (in vinegar) salted	1 lb	.10	.10	.11
19. Pork, clear plates, pickled	1 lb	.19	.19	.21
20. Pork, fatbacks, pickled	1 lb	.19	.19	.21
21. Pork, jowl butts, pickled	1 lb	.19	.19	.21

TABLE X—MAXIMUM RETAIL PRICES FOR CANNED VIENNA SAUSAGE

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Vienna Sausage, whole, canned	4 oz	$0.14	$0.14	$0.15
2. Vienna Sausage, whole, canned	21 oz	.81	.82	.85
3. Vienna Sausage, ends, canned	4 oz	.09	.09	.09
4. Vienna Sausage, ends, canned	5 lbs	1.67	1.66	1.70
5. Vienna Sausage, ends, canned	20 oz	.27	.27	.29

TABLE VI—MAXIMUM RETAIL PRICES FOR SOYA BEAN OIL AND COTTONSEED OIL

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Soya bean oil	One-half gallon (64 fluid oz.)	$0.96	$0.96	$1.00
	One quart (32 oz.)	.48	.48	.50
	Four-fifths qt. (25.6 oz.)	.38	.38	.40
	One pint (16 oz.)	.24	.24	.25
	Half of four-fifths quart (12.8 oz.)	.19	.19	.20
	12 fluid oz.	.18	.18	.19
	11 fluid oz.	.17	.17	.18
	10 fluid oz.	.16	.16	.17
	9 fluid oz.	.14	.14	.15
	8 fluid oz.	.12	.12	.13
	7 fluid oz.	.11	.11	.12
	6 fluid oz.	.09	.09	.10
	5 fluid oz.	.08	.08	.08
	4 fluid oz.	.06	.06	.06
	3 fluid oz.	.05	.05	.05
	2 fluid oz.	.03	.03	.03
	1 fluid oz.	.02	.02	.02
2. Cottonseed oil	One-half gallon (64 fluid oz.)	1.00	1.00	1.04
	One quart (32 oz.)	.50	.50	.54
	Four-fifths quart (25.6 oz.)	.40	.40	.43
	One pint (16 oz.)	.25	.25	.27
	Half of four-fifths quart (12.8 oz.)	.20	.20	.22
	12 fluid ounces	.19	.19	.20
	11 fluid oz.	.17	.17	.19
	10 fluid oz.	.16	.16	.17
	9 fluid oz.	.14	.14	.15
	8 fluid oz.	.13	.13	.14
	7 fluid oz.	.11	.11	.12
	6 fluid oz.	.09	.09	.10
	5 fluid oz.	.08	.08	.09
	4 fluid oz.	.06	.06	.07
	3 fluid oz.	.05	.05	.05
	2 fluid oz.	.03	.03	.03
	1 fluid oz.	.02	.02	.02

NOTE: The seller is allowed to add to the prices specified in Table VI a charge of $0.01 for each bottle he furnishes the purchaser without receiving a similar bottle in return.

8. Section 20 is added to read as follows:

SEC. 20. *Maximum retail prices for certain canned fish products sold or delivered in the Virgin Islands of the United States.*

TABLE VII—MAXIMUM RETAIL PRICES FOR CERTAIN CANNED FISH AND FISH PRODUCTS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Pilchards, natural	8 oz	$0.08	$0.08	$0.09
2. Pilchards, natural	1 lb	.12	.12	.13
3. Pilchards, natural	5 oz	.07	.07	.08
4. Pilchards, tomato	5 oz	.07	.07	.08
5. Pilchards, tomato	8 oz	.08	.08	.09
6. Pilchards, tomato	15 oz	.15	.15	.16
7. Pilchards, tomato	1 lb	.13	.13	.14
8. Salmon, chum	1 lb	.24	.24	.26
9. Salmon, pink	1 lb	.25	.25	.27
10. Salmon, chinook	1 lb	.38	.38	.40
11. Canned Mackerel	1 lb	.17	.17	.18
12. Sardines, Maine Tomato	9 oz	.13	.13	.14
	12 oz	.16	.16	.17
13. Sardines, Maine Tomato	(2⅝ oz	.12	.12	.13

14. Section 26 is added to read as follows:

SEC. 26. *Maximum retail prices for codfish, dry salted haddock, dry salted pollock and dry salted white fish sold or delivered in the Virgin Islands of the United States.*

TABLE XIV—MAXIMUM RETAIL PRICES FOR CERTAIN FISH PRODUCTS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Haddock, dry salted	1 lb	$0.18	$0.18	$0.19
2. Pollock, dry salted	1 lb	.18	.18	.19
3. White fish flucks, dry salted	1 lb	.18	.18	.19
4. Codfish	1 lb	.18	.18	.19

15. Section 27 is added to read as follows:

SEC. 27. *Maximum retail prices for boxed wooden matches sold or delivered in the Virgin Islands of the United States.*

TABLE XV—MAXIMUM RETAIL PRICES FOR MATCHES

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
All types of boxed wooden safety matches	Per box	$0.01	$0.01	$0.01

This amendment shall become effective August 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13390; Filed, August 16, 1943; 2:36 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-7]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN WEST VIRGINIA

In the judgment of the Regional Price Administrator of Region III, the prices of food and beverages sold for immediate consumption in the State of West Virginia have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Regional Administrator of Region III, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as possible, the Regional Administrator of Region III gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (F.R. 7565), 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Regional Price Administrator of Region III hereby issues this Restaurant Maximum Price Regulation No. 3-7, establishing as maximum prices for food and drink sold for immediate consumption in the State of West Virginia the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.207 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the

*Copies may be obtained from the Office of Price Administration.

11. Section 23 is added to read as follows:

SEC. 23. *Maximum retail prices for certain types of laundry and toilet soaps sold or delivered in the Virgin Islands of the United States.*

TABLE XI—MAXIMUM RETAIL PRICES FOR CERTAIN TYPES OF LAUNDRY AND TOILET SOAPS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Soap, laundry, blue splash	1 lb	$0.10	$0.10	$0.11
2. Soap, laundry, blue motlle	1 lb	.10	.10	.11
3. Soap, laundry, blue streak	1 lb	.10	.10	.11
4. Soap, toilet, Victory brand ("Victoria")	3½ oz. bar	.06	.06	.07
	2 3/4 oz. bars	.12	.12	.13

12. Section 24 is added to read as follows:

SEC. 24. *Maximum retail prices for all types of imported animal and poultry feed sold or delivered in the Virgin Islands of the United States.* (a) The maximum retail price for all types of imported animal and poultry feed shall be the sum of the following:

(1) The landed cost,

(2) The appropriate markup as indicated in Table XII below,

(3) If sold in the island of St. Thomas or the Island of St. John, the applicable trade tax imposed by the Municipality.

TABLE XII—MAXIMUM MARKUPS FOR SPECIFIED COMMODITIES

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Whole corn, cracked corn, laying mash, mixed poultry feed, scratch grain, broiler feed, and chick starter and grower	100# bag	$0.66	$0.66	$0.86
2. Other animal and poultry feed except those specified in the immediately preceding item	100# bag	.36	.36	.56
3. All types of animal and poultry feed	1 lb	.0125	.0125	.015

(b) Any importer of imported animal and poultry feed except the Food Distribution Administration shall file a statement of the landed cost of the animal and poultry feed with the Office of Price Administration in the Virgin Islands of the United States within three days after offering such commodity for sale.

(c) When used in this section 24 the term:

(1) "Imported animal and poultry feed" means animal and poultry feeds imported from outside the Virgin Islands of the United States.

(2) "Animal and poultry feeds" includes but is not limited to such animal and poultry feeds as whole and cracked corn, linseed meal, peanut meal, cottonseed meal, dairy feeds of all types, dairy ration, calf meal, citrus pulp, hog feed, laying mash, scratch grain, mixed poultry feed, broiler feed, red and white oats, wheat bran and whole wheat and wheat feed processed for non-human consumption.

13. Section 25 is added to read as follows:

SEC. 25. *Maximum retail prices for certain cheeses sold or delivered in the Virgin Islands of the United States.*

TABLE XIII—MAXIMUM RETAIL PRICES FOR CERTAIN TYPES OF CHEESE

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Natural American Cheddar	1 lb	$0.38	$0.38	$0.41
2. Processed cheddars, loaves eighths 2 lbs. and over	Per lb	.42	.42	.45

NOTE: The maximum prices for all types, grades or varieties of cheeses, other than those listed above shall be established in accordance with the requirements of Maximum Price Regulation No. 280.

Regional Administrator of Region III by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328 and General Order No. 50 issued by the Office of Price Administration, Restaurant Maximum Price Regulation No. 3-7 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1448.207 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

RESTAURANT MAXIMUM PRICE REGULATION NO. 3-7—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

Sec.
1. Sales at higher than ceiling prices prohibited.
2. How you figure ceiling prices for food items and meals you did not sell in the seven-day period.
3. Classes of food items and meals.
4. No ceiling prices to be higher than the highest price during the base period.
5. Prohibition against discontinuing meals at certain prices.
6. Evasion.
7. Rules for new proprietors and seasonal establishments.
8. Taxes.
9. Records.
10. Posting.
11. Operation of several places.
12. Relation to other maximum price regulations.
13. Geographical application.
14. Definitions and explanations.
15. Enforcement.
16. Exemptions.
17. Provision for amendments and adjustments.
18. Licensing.
19. Revocation.

SECTION 1. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the highest price at which you offered the same food item or meal in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. You must not offer or sell any other food item or meal at a price higher than the ceiling price which you figure according to the directions in the next section (section 2). You may, of course, sell at lower than ceiling prices.

SEC. 2. *How you figure ceiling prices for food items and meals you did not sell in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period as follows:

(a) If you served the same food item or meal within thirty days prior to April 4, 1943, you shall take as your ceiling price the last price at which you offered the same food item or meal during said thirty-day period.

(b) If you did not sell or offer to sell the food item or meal either during the seven-day period, or the thirty-day period, then you choose from the food items or meals for which a ceiling price has already been fixed, the food item or meal which is most similar to the food item or meal you are pricing and then proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed, except as may be expressly provided herein.

SEC. 3. *Classes of food items and meals.* See definition of "food item" and "meal" contained in section 14.

(a) The classes of food items are as follows:

Breakfast Items

(1) Fruits and fruit juices.
(2) Cereals.
(3) Egg and combination egg dishes served at breakfast.
(4) Breads, rolls, toast, etc., served at breakfast.
(5) All other breakfast dishes.

Other Items

(6) Appetizers and cocktails.
(7) Soups.
(8) Beef.
(9) Pork.
(10) Lamb, mutton.
(11) Veal.
(12) Poultry.
(13) Fish and shellfish.
(14) Miscellaneous and variety meats including liver, kidneys, and made dishes such as stews, casseroles, etc.
(15) Egg and cheese dishes which might be served as a main dish or entree in a meal.
(16) All other dishes which might be served as a main dish or entree in a meal, such as spaghetti, vegetable plate, baked beans, chop suey, etc.
(17) Potatoes.
(18) All other vegetables.
(19) Bread and butter.
(20) Salads (except as served as main course in a meal).
(21) Cakes, cookies, pies, pastries and other baked goods.
(22) Ice cream and all fountain items.
(22a) Seasonal dessert specialties, such as watermelons, cantaloupes, and berries.
(23) All other deserts, including fruits, puddings, cheese, etc.
(24) Hot sandwiches including hamburgers and frankfurters.
(25) Cold sandwiches.
(26) All other food items.

Beverages

(27) Non-alcoholic beverages.
(28) Beer and other malt beverages.
(29) Wines.
(30) Other alcoholic beverages.

(b) *The classes of meals.* For the purposes of this regulation there shall be ten classes of meals; namely, breakfast, lunch, tea, dinner, and supper during the week days, and breakfast, lunch, tea, dinner and supper on Sundays.

(c) *Legal holidays.* Your ceiling prices for food items or meals served on those days designated legal holidays by Federal law or by the law of the State in which the establishment is located may be the same as your Sunday ceiling prices for such establishment.

SEC. 4. *No ceiling price to be higher than the highest price in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal which you did not offer in the seven-day period than the highest price at which you offered a food item or meal under the same class during the seven-day period, except that, if, during the thirty-day period immediately prior to April 4, 1943, you served a food item or meal at a price higher than the highest price charged for food items or meals in the same class during the seven-day base period, then you may continue to sell that same food item or meal at the higher price. In any such case, your records, as set forth in section 9 (b) herein, must include the menu or information showing the previous offering of such food item or meal at the higher price. The restriction of this section shall not apply to seasonal dessert specialties as specified in section 3, paragraph (a), Class (22a).

Example 1. If you figured an "in line" price for a week day at $1.25, and your highest price in the week day dinner class is $1.00, your ceiling price for the new dinner is $1.00.

Example 2. If during the seven-day period your highest price for soup was 15 cents, you may not offer any soup at a price higher than 15 cents.

Example 3. If during the seven-day period your highest price for a week day dinner was $1.25, in general, that is the highest price you may charge for any week day dinner. If, however, you served a chicken dinner at $1.50 on any week day within 30 days prior to April 4, 1943, then you may continue to serve the same chicken dinner at $1.50 even though that is a higher price than any price charged for the same class dinner during the seven day period. But you may not add a new meal not served during the 30-day period, at a price in excess of $1.25. Observe the requirement that a supporting menu (or price list) be made available to justify such exception.

SEC. 5. *Prohibition against discontinuing meals at certain prices.* You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless:

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the seven-day period, and unless

(b) You continue to offer on week days at least as many different meals at or below the lowest price charged by you for meals of the same class on any week day that you select in the seven-day period, as you did on that day.

(c) You continue to offer on Sundays and legal holidays at least as many different meals at or below the lowest price charged by you for meals of the same class on Sunday, April 4, 1943, as you did on that day.

Example: Thus you may select any week day in the seven-day period as the base day for week-day meals.

If you select Friday, April 9, 1943, to determine the lowest price and the number of week day meals offered at that price, and if on that day you offered six week day dinners, of which two were priced at 85¢, and one each at 90¢, $1.00, $1.10, $1.15 you must continue to offer at least two week day dinners at 85¢.

SEC. 6. *Evasion.* (a) You must not evade the provisions of this regulation by any scheme or device, including:

(1) Deteriorating quality or reducing quantity without making appropriate reductions in price;

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking, or other special charges, or making such charges when they were not in effect in the seven-day period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals, except that you may refuse to sell coffee unless a customer also purchases another food item;

(5) Refusing to sell combinations of food items as meals if such meals were offered in the seven-day period and the items making up the combination are being offered separately.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of those things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal;

(2) You may limit your customers to one pat of butter per meal;

(3) You may reduce the quantity or eliminate altogether, ketchup, chili sauce, and any other condiment which is rationed;

(4) You may reduce the amount of sugar served with each cup of coffee or tea, to, but not less than, one teaspoonful.

(c) You must not, however, make the curtailment authorized in the foregoing sub-paragraphs and furnish these items at an additional charge. For example, if during the seven-day period you furnished ketchup, you may not discontinue furnishing this item free and at the same time offer to furnish it for an additional charge.

SEC. 7. *Rules for new proprietors.* (a) If you acquire another's business and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If you operate a concession in conjunction with a public event and were not in operation during the base period, you shall establish your prices in line with a similar type of eating and drinking place operating during the time of the base period. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the prices of food and drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 9 and the posting requirements of section 10 immediately upon the opening of your place.

(c) *Seasonal eating and drinking establishments.* If you are the proprietor of a seasonal eating and drinking establishment you must figure your ceiling prices as follows:

(1) If your establishment was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3, and 4, of this regulation.

(2) If your establishment was not in operation during the base period from April 4 to April 10, but another establishment of the same type and within reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the provisions of section 7, paragraphs (a) and (b) herein.

(3) If you cannot price under paragraphs (1) or (2) herein, and your establishment is not yet in operation, you shall apply for approval of maximum prices to the Office of Price Administration District Office for the area in which your establishment is located. Your application must be filed at least 10 days prior to the date on which you plan to commence operations and must include the following information:

(i) Your name and address and the name and address of your establishment.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the present or coming season, differentiating between week day and Sunday and holiday prices.

(iv) The date on which you plan to commence operations.

(v) The names of two establishments similar to yours in your vicinity.

You may then charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. The Office of Price Administration may, at any time, after proper investigation and hearing, establish or re-establish such maximum prices for your business as it deems proper and equitable.

(4) If your establishment is already in operation and you cannot price under paragraphs (1) or (2) herein, you shall, within 10 days of the effective date of this order, file application with the Office of Price Administration District Office for the area in which your establishment is located for approval of the prices which you are presently charging. Such application shall include the same information as set forth for applications under paragraph (3) herein. Such listed prices shall be your maximum prices, but shall be subject to modification or adjustment at any time by the Office of Price Administration.

SEC. 8. *Taxes.* If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or in the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 9. *Records.* You must observe all the record keeping requirements of General Order No. 50. This order requires among other things that you do the following:

(a) *Customary records.* You must preserve all your existing records relating to your prices, costs, and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(b) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must prepare in duplicate and make available for such examination a list of the highest prices you charged in the seven-day period.

(c) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals.

SEC. 10. *Posting.* (a) If you made menus available to customers in the seven-day period April 4 to April 10, inclusive, you shall continue to make them available. All menus shall include prices for meals and food items offered.

(b) Within one week after the effective date of this order:

(1) Your menus must contain in clear and legible printing or writing, the following statement:

All prices listed are at or below our ceiling prices, which, by OPA regulation, are the highest prices we charged for the same item or meal from April 4 to April 10, 1943. Our records of prices for such period are available for your inspection.

(c) If you did not use menus during the April 4–10 period, you may either (1) institute the use of menus, abiding by the foregoing requirements, or (2) you must post a price list including prices for all meals and food items offered, near the cashier's desk, if any, or in such other location of your establishment that it may be easily seen and read by customers at the time of purchase. Such price list shall conform to the requirements of paragraph (b) above.

SEC. 11. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 12. *Relation to other maximum price regulations.* The provisions of this regulation shall not apply to any sale for which a maximum price is established by any other regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration.

SEC. 13. *Geographical application.* The provisions of this order shall be applicable to all eating and drinking places (as hereinafter defined in section (14) (e)) located in the State of West Virginia.

SEC. 14. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association, or any organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political sub-divisions, and any agency of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Eating and drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section (16) hereof. It shall include by way of example, but not by way of limitation, such movable places where food is dispensed as field kitchens, lunch wagons, "Hot Dog" carts, etc.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 15. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 16. *Exemptions.* Sales by the following eating or drinking places are specifically exempted from the provisions of this regulation:

(a) Eating and drinking places located on church, temple or synagogue premises and operated in connection with special church, temple, or synagogue, Sunday School or other religious occasions.

(b) Railroad dining cars.

(c) Hospitals, except for food items and meals served to persons other than the patients, when a separate charge is made for such food items and meals.

(d) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder or individual), which sells food items or meals on a non-profit or cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to students, faculty members and employees of such institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or Department of the Navy shall be considered students.

SEC. 17. *Provisions for amendments and adjustments*—(a) *Amendments.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive orders 9250 and 9328.

(b) *Adjustments.* The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your Office of Price Administration District Office an application in duplicate. The application should contain the following information:

(1) Your name and address.

(2) A description of your eating establishment, including the type of service rendered, such as cafeteria, table service, etc; classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty day period (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); and such other information that may be useful in classifying your establishment.

(3) The reason why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and requested adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the Regional Administrator or by any District Director who has been authorized to do so by order of the Regional Administrator.

SEC. 18. *Licensing.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Restaurant Maximum Price Regulation No. 3–7.

SEC. 19. *Revocation.* This regulation may be modified, amended, corrected, or revoked at any time by the Office of Price Administration.

Effective date. This regulation shall be effective August 5, 1943.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of July 1943.

CLIFFORD J. HAUSER,
Acting Regional Administrator.

[F. R. Doc. 43–13392; Filed, August 16, 1943; 2:39 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 4–1, Amdt. 4]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN ATLANTA REGION

For the reasons set forth in the statement of considerations* issued simultaneously herewith and under the

*Copies may be obtained from the Office of Price Administration.

authority vested in the Regional Price Administrator of Region IV by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, section (e), *It is hereby ordered*, That section 20 be amended to read as set forth below and that sections 16 (e) and 21 be reissued as set forth below:

SEC. 16. *Definitions and explanations.* * * *

(e) "Eating or drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold except those places which are specifically exempted in section 17 and in section 21 hereof.

SEC. 20. *Adjustments.* The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(a) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(b) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(c) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA district office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period, and such other information that may be useful in classifying your establishment. (In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served.)

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present and requested, adjusted maximum prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by any district office that has been authorized to do so by order of the regional office.

SEC. 21. *Seasonal eating and drinking places*—(a) *Exempt places.* If you are the proprietor of a seasonal eating or drinking place that

(1) Was not open during the base period from April 4 to 10, 1943,

(2) Receives 90 per cent or more of its total annual revenue during four calendar months of the year,

(3) Is located in an area for which no maximum rent regulation has been issued,

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order No. 50, and you are still subject to the provisions of section 18 of this regulation. Pursuant to this latter section the administrator will by special order establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) *Non-exempt places.* If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a), you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2 and 3.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 8.

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for a price to the OPA district office for the area in which your place is located. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(i) Your name and address.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season.

(iv) The date when you plan to commence operations.

(v) The names and addresses of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

This amendment to Restaurant Maximum Price Regulation No. 4–1 shall become effective the 2d day of August 1943.

NOTE: The reporting and record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of July 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-13393; Filed, August 16, 1943; 2:39 p. m.]

PART 1449—CHARCOAL

[MPR 431,[1] Amdt. 1]

CHARCOAL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 431 is amended in the following respects:

1. Section 9 (a) is amended by adding immediately following the definition of "'Granulated' or 'Ground charcoal'" a new definition as follows:

"Pine wood charcoal" means charcoal produced from pine wood in the states of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

2. A new Appendix B is added to read as follows:

Appendix B: Maximum prices for pine wood charcoal—(a) *Sales by producers.* The maximum price for a sale by a producer of pine wood charcoal shall be $15.00 per ton, f. o. b. producer's plant.

(b) *Sales by dealers.* The maximum price for a sale by a dealer of pine wood charcoal shall be the dealer's maximum price for a sale of pine wood charcoal established by the General Maximum Price Regulation including any order issued thereunder, or the maximum price computed pursuant to the first applicable method set forth below, whichever is higher.

(1) The dealer's maximum price for a sale of pine wood charcoal established by the General Maximum Price Regulation plus any increase in the price which he is required to pay to the producer from whom he purchases charcoal under the provisions of paragraph (a) of this appendix over the highest price paid by him to that producer for such pine wood charcoal during March 1942, or, if no purchases were made by him during March 1942 from such producer, during the last calendar month of 1942 prior thereto during which such purchases were made by him.

(2) Where a dealer is unable to determine his maximum price for pine wood charcoal under subparagraph (1) of this paragraph (b), the maximum price established by this regulation for a sale of such pine wood charcoal by his most closely competitive seller.

(c) *Containers.* The maximum price established by paragraph (a) of this appendix does not include any charges for containers. If pine wood charcoal is sold in containers, a reasonable charge for such containers may be added to the maximum price. This charge may not exceed the cost of such containers or the applicable maximum price established therefor, whichever is lower.

This amendment shall become effective August 21, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9628.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13394; Filed, August 16, 1943; 2:37 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,[1] Amdt. 26]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Paragraph (c) is added to § 1364.406 to read as follows:

(c) Any transaction, device or arrangement whereby a person who sells, transfers, or delivers beef or veal to a retail establishment not wholly owned and operated by such person receives for the beef or veal a greater realization than he would be entitled to receive under this regulation for the sale of such beef or veal to a retailer is a violation of this regulation and is prohibited.

2. Section 1364.405 (d) is amended by changing the date "July 20, 1943" to "August 20, 1943".

3. The introductory paragraph to § 1364.407 (e) (2) is amended to read as follows:

(e) (2) On or before June 15, 1943, (or August 14, 1943, with respect to subparagraph (iii) hereof), each selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) of section 452 or paragraph (n) of section 467 shall file with the nearest district or state office of the Office of Price Administration a statement showing:

This amendment shall become effective August 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13420; Filed, August 17, 1943; 9:15 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[2] Amdt. 31]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 1.2 is amended by deleting the last sentence and substituting instead the following sentence: However, when a consumer orders shoes by mail and he or his agent does not personally select or receive the shoes at his supplier's place of business, the consumer may tear out the stamp and send it by mail with his order.

2. Section 1.12 is amended by designating the material in the section as pargraph (a) and adding paragraph (b) to read as follows:

(b) Any consumer who has inadvertently detached a shoe stamp from his War Ration Book or who did so without knowing this action rendered the stamp void for over-the-counter transfers, may surrender it to the Board during the time it is valid for shoes and the Board may issue him a special shoe stamp in exchange.

3. Section 2.7(c) is added to read as follows:

(c) *Sign prohibiting acceptance of loose stamps must be displayed.* On and after September 1, 1943, every establishment selling shoes at retail in over-the-counter transactions must keep a notice posted in a conspicuous manner at each place where shoes are sold directly to consumers, containing substantially the following statement: "Rationing regulations prohibit this store from accepting loose war ration stamps for shoes selected or delivered at the store."

4. Section 3.9a is added to read as follows:

SEC. 3.9a *Other prohibitions in General Ration Order 8.* (a) General Ration Order 8 contains provisions, applicable to this and all other ration orders, which prohibit, among other matters:

(1) Making false or misleading statements in a ration document or to the Office of Price Administration;

(2) Altering, defacing, mutilating, or destroying a ration document;

(3) Forging or counterfeiting a ration document;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or multilated ration document;

(5) Wrongfully withholding a ration document;

(6) Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(7) Transferring a rationed commodity at an illegal price;

(8) Bribing, hindering, or interfering with rationing officials;

(9) Attempting to do any act in violation of a ration order, directly or indirectly, or to aid or encourage another to do so.

This amendment shall become effective August 16, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supplementary Directive 1–T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13421; Filed, August 17, 1943; 9:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 601 Under § 1499.3 (b) of GMPR]

MCCORMICK AND COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2138 *Authorization of maximum prices for sales of "McCormick's Rubbed Sage, California and Spanish, not Salvia Officinalis", by McCormick and Company, Inc., Baltimore, Maryland.* (a) McCormick and Company, Inc., may sell and deliver "McCormick's Rubbed Sage, California and Spanish, not Salvia Officinalis", packaged in ⅝ ounce packages at the following delivered prices:

	Per gross	Per doz.
Sales and delivery from the Baltimore warehouse	$8.04	$.67
Sales and delivery from the San Francisco warehouse	8.64	.72

(b) The above prices are before discounts. McCormick and Company, Inc. shall reduce these prices by applying to them the same discounts and allowances which is customarily applied on similar sales of 1 ounce tins of McCormick's Ground Ginger.

(c) This Order No. 601 may be revoked or amended by the Administrator at any time.

(d) This order shall become effective August 17, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13423; Filed, August 17, 1943; 9:13 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 457]

POTATO CHIPS

This regulation is issued in order to establish prices for potato chips at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

§ 1341.604 *Maximum prices for potato chips.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 457 (Potato Chips), which is amended hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1341.604 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4097, 4786, 4844, 5170, 5478, 5634, 6038, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066, 9300, 10362, 9995, 10363, 10671.

[2] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3883, 4129, 3943, 4716, 5589, 5678, 5679, 5567, 5756, 6046, 6687, 7189, 7261, 8061, 8357, 8601, 9062, 9423, 9884, 10269, 10762.

MAXIMUM PRICE REGULATION 457—MAXIMUM PRICES FOR POTATO CHIPS

Sec.
1. Explanation of the regulation.
2. Maximum prices.
3. Price labeling requirement.
4. Geographical applicability.
5. Adjustable pricing.
6. Compliance with the regulation.
7. General amendments.

SECTION 1. *Explanation of the regulation.* This regulation is issued for the purpose of establishing flat dollars and cents maximum prices for all sales of potato chips. Prices, which are in effect from August 26, 1943 vary according to who the buyer is in the particular sale.

In each case, transportation costs to the point where the individual buyer has customarily taken receipt of the goods are included. Thus, maximum prices do not vary by locality or according to the distance between seller and buyer.

SEC. 2. *Maximum prices*—(a) *List of maximum prices for certain sizes.* The maximum delivered prices which sellers may charge for potato chips packed in specified sizes are as follows:

Size of package:	*Maximum price*
¾ ounce:	
Persons selling to consumers.	5¢ per package.
Persons selling to retailers.	45¢ per dozen.
Persons selling to wholesalers.	35¢ per dozen.
Persons selling to primary distributors.	35¢ per dozen.
1¾ ounces:	
Persons selling to consumers.	10¢ per package.
Persons selling to retailers.	90¢ per dozen.
Persons selling to wholesalers.	70¢ per dozen.
Persons selling to primary distributors.	70¢ per dozen.
2¾ ounces:	
Persons selling to consumers.	15¢ per package.
Persons selling to retailers.	$1.35 per dozen.
Persons selling to wholesalers.	1.05 per dozen.
Persons selling to primary distributors.	1.05 per dozen.
4 ounces:	
Persons selling to consumers.	20¢ per package.
Persons selling to retailers.	$1.80 per dozen.
Persons selling to wholesalers.	1.40 per dozen.
Persons selling to primary distributors.	1.40 per dozen.
5¼ ounces:	
Persons selling to consumers.	25¢ per package.
Persons selling to retailers.	$2.25 per dozen.
Persons selling to wholesalers.	1.75 per dozen.
Persons selling to primary distributors.	1.75 per dozen.
6¾ ounces:	
Persons selling to consumers.	30¢ per package.
Persons selling to retailers.	$2.70 per dozen.
Persons selling to wholesalers.	2.10 per dozen.
Persons selling to primary distributors.	2.10 per dozen.
1 pound:	
Persons selling to consumers.	62¢ per pound.
Persons selling to retailers.	$5.64 per dozen.
Persons selling to wholesalers.	4.56 per dozen.
Persons selling to primary distributors.	4.56 per dozen.
Bulk quantities (size larger than one pound):	
Persons selling to consumers.	60¢ per pound.

Size of package:	*Maximum prices*
Bulk quantities (size larger than one pound):	
Persons selling to retailers.	45¢ per pound.
Persons selling to wholesalers.	36¢ per pound.
Persons selling to primary distributors.	36¢ per pound.

(b) *Maximum prices for other package sizes.* The price of a package size not named in paragraph (a), shall be determined as follows:

MAXIMUM SELLING PRICES FOR PACKAGE WEIGHTS NOT SPECIFIED IN PARAGRAPH (a)

	For sales to wholesalers and primary jobbers, reduce maximum price*		For sales to retailers, reduce maximum price*		For sales to consumers, reduce maximum price*	
For package weights....	12	Cents per doz. packages for each one-quarter ounce.	15	Cents per doz. packages for each one-quarter ounce in package weight.	2	Cents per package for each one-quarter ounce in package weight.
For package weights less than 1¾ oz. but not less than 1 ounce.	9	Cents per doz. packages for each one-quarter ounce.	11	Cents per doz. packages for each one-quarter ounce in package weight.	1½	Cents per package for each one-quarter ounce in package weight.
For package weights less than 2¾ oz. but not less than 2 ounces.	9	Cents per doz. packages for each one-quarter ounce.	11	Cents per doz. packages for each one-quarter ounce in package weight.	1½	Cents per package for each one-quarter ounce in package weight.
For package weights less than 4 oz. but not less than 3 ounces.	7	Cents per doz. packages for each one-quarter ounce.	9	Cents per doz. packages for each one-quarter ounce in package weight.	1	Cent per package for each one-quarter ounce in package weight.
For package weights less than 5¼ oz. but not less than 4¼ ounces.	7	Cents per doz. packages for each one-quarter ounce.	9	Cents per doz. packages for each one-quarter ounce in package weight.	1	Cent per package for each one-quarter ounce in package weight.
For package weights less than 6¾ oz. but not less than 5½ ounces.	7	Cents per doz. packages for each one-quarter ounce.	7½	Cents per doz. packages for each one-quarter ounce in package weight.	1	Cent per package for each one-quarter ounce in package weight.
For package weights less than 16 oz. but not less than 7 ounces.	6½	Cents per doz. packages for each one-quarter ounce.	8	Cents per doz. packages for each one-quarter ounce in package weight.	⅜	Cent per package for each one-quarter ounce in package weight.

*The maximum price referred to is the maximum price for the first-named weight in the appropriate square of the left-hand column.

(c) *Meaning of "delivered".* "Delivered" means delivered to the place where the particular buyer has customarily received the goods. In other words, the prices named include all transportation to that point. Any amount the buyer himself pays to get the goods to that point must be subtracted from the maximum price named. Any amount the seller pays to move the goods beyond that point may be added to the maximum price. In cases where the seller is dealing with the buyer for the first time after August 26, 1943, "delivered" means delivered to the buyer's place of business.

(d) *Meaning of "consumer".* "Consumer" means the person other than an institutional or commercial user, who buys the potato chips being priced for eating purposes.

(e) *Meaning of "retailer".* "Retailer" means the person who bought the potato chips being priced and is reselling them to a consumer. The term also includes institutional and commercial users.

(f) *Meaning of "wholesaler".* "Wholesaler" means the person who bought the potato chips being priced and is reselling them to a retailer or an institutional or commercial user.

(g) *Meaning of "primary distributor".* "Primary distributor" means the person who bought the potato chips being priced and is reselling them to a wholesaler.

(h) *Meaning of "package size" and "bulk".* "Package size" means the weight named on the label and not actual fill. "Bulk" means potato chips packed loose in containers holding more than one pound.

(i) *Meaning of "potato chips".* "Potato chips" shall mean the commodity customarily known and sold by this designation and shall also include "shoestring style", "french fried," and "julienne" packed in other than hermetically sealed metal containers.

SEC. 3. *Price labeling requirement.* Any person who packs potato chips in individual retail packages shall state in a conspicuous place on each package (or label attached to it) the price named for sales of that size package to consumers.

SEC. 4. *Geographical applicability.* This regulation applies only to the forty-eight states of the United States and to the District of Columbia.

SEC. 5. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward

in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 6. *Compliance with the regulation*—(a) *No selling or buying above maximum prices.* Regardless of any contract or obligation, no person shall sell or deliver potato chips, or buy or receive them in the course of trade, on and after August 26, 1943, at prices higher than the maximum prices established by this regulation. However, prices *lower* than maximum prices may be charged and paid. Package weights higher than named may also be sold and delivered at the price named for the lower weight package.

(b) *Evasion.* Nor shall any person evade a maximum price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying-agreement or other trade understanding; by any change of product; by a business practice relating to labeling or packaging; or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, and enforcement acts, license suspension provisions, and suits for treble damages provided by the Emergency Price Control Act of 1942, and amendments.

SEC. 7. *General amendments.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1,[1] and amendments, issued by the Office of Price Administration.

This regulation shall become effective August 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13418; Filed, August 17, 1943; 9:13 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,[2] Amdt. 10]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES: POTATO CHIPS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The phrase "potato chips" is hereby deleted from § 1351.969.

This amendment shall become effective August 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13419; Filed, August 17, 1943; 9:13 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 8 to Supp. 1]

MILEAGE RATIONING: GASOLINE REGULATIONS

Supplement 1 to Ration Order 5C is amended in the following respects:

1. Section 1394.8401 (a) (1) (i) is amended to read as follows:

(i) Four (4) gallons of gasoline, with respect to Class A, B and C book coupons in Area A.

Three (3) gallons of gasoline with respect to Class A, B and C book coupons in Area B and in the gasoline shortage area, except that within the Restricted Area Class B and C book coupons shall have a value of two and one-half (2½) gallons of gasoline.

2. Section 1394.8402 (a) (1) (iv) is added to read as follows:

(iv) "Area A" means the States of Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

3. Section 1394.8402 (a) (1) (v) is added to read as follows:

(v) "Area B" means the States of Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Nebraska, New Mexico, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin, the portion of the State of Florida which lies west of the counties of Gadsden, Liberty and Franklin, the portion of the State of West Virginia which lies west of the counties of Grant and Pendleton, the portions of the State of Georgia which lie within the corporate limits of the Cities of Rossville and West Point, the portions of the State of Pennsylvania which lie within the corporate limits of the Cities of Farrell, Sharon, Sharpsville and Wheatland, and the portions of the State of Virginia which lie within the corporate limits of the Cities of Bluefield and Bristol.

This amendment shall become effective 12:01 a. m. August 16, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 14th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13332; Filed, August 14, 1943; 5:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 18 to Rev. Supp. 1]

PROCESSED FOODS: FROZEN FRUITS

The point values of frozen fruits and berries in the Official Table of Point Values (No. 6) referred to in paragraph (a) of § 1407.1102 are amended to read as follows:

POINT VALUES

Weight	Over 0 including 8 oz.	Over 8 oz. including 12 oz.	Over 12 oz. including 16 oz.	Over 16 oz. including 23 oz.	Over 23 oz. including 31 oz.	Over 31 oz. including 10 lb. (per pound)	Over 10 lb. including 100 lb. (per pound)	Over 100 lb. (per pound)
Frozen:								
Fruits, berries, and juices:								
Strawberries or peaches	5	6	9	12	15	6	*12	*12
Apples, apricots, blackberries, boysenberries, cherries, currants, dewberries, gooseberries, grapes, loganberries, olympicberries, plums, prunes, or youngberries	5	6	9	12	15	6	*12	*12
All other fruits or berries not specifically listed	5	6	9	12	15	6	*12	*12
All fruit juices	1	2	2	3	4	2	2	2

This amendment shall become effective at 12:01 a. m., August 16, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251.)

Issued this 16th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13422; Filed, August 17, 1943; 9:14 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

[2] 7 F.R. 9244, 10844; 8 F.R. 262, 273, 437, 973, 2285, 9201, 10568.

[1] 7 F.R. 9135, 9787, 101047, 10016, 10110, 10338, 10706, 10786 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616,, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8990, 9065, 9202, 9304, 9334, 9219, 9457, 9531.

[1] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9024, 9012, 9216, 9305, 9459, 9629, 10511, 10665.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration.

PART 2—ADJUDICATION: VETERANS' CLAIMS

EFFECTIVE DATE OF AWARDS

Veterans Administration Instruction No. 1; Sections 16 and 17, Public No. 144, 78th Congress (Act of July 13, 1943).

For the purposes of sections 16 and 17, Public No. 144, 78th Congress, the following instructions are issued.

1. Section 16, Public No. 144, 78th Congress, provides as follows:

> This Act shall be effective from the date it is approved and necessary adjustments in awards shall be made effective unless otherwise provided herein, the first of the calendar month following adjudicative action, or the first of the calendar month following date of receipt of claim, whichever is the earlier. In all other cases benefits authorized by virtue of this Act shall be effective from date of receipt of claim therefor under this Act and subject to the provisions that death compensation or death pension shall be effective as of the day following the date of death of the veteran if claim is filed within one year after the death of the veteran: *Provided*, That in no event shall payments authorized by this Act be made for any period prior to the date of enactment of this Act.

Section 17, Public No. 144, 78th Congress, provides as follows:

> Notwithstanding any other provision of law, pension payable for disability shall be payable from date of discharge if claim therefor is filed within one year from discharge.

2. Accordingly, except as otherwise provided in Public No. 144, 78th Congress, the effective date of an award of monetary benefits authorized solely by reason of the provisions of Public No. 144, 78th Congress, shall be as follows:

Original or increased awards of disability pension, compensation, or retirement benefits shall be effective as of the first day of the calendar month following date of approval of the award, or as of the first day of the calendar month following date of receipt of claim, whichever is the earlier, but in no event prior to July 13, 1943, the date of approval of Public No. 144, 78th Congress: *Provided, however*, That when an initial claim for disability pension is filed on or after July 13, 1943, and within one year from date of discharge from service the effective date of the award of disability pension shall be the date following the date of discharge, the date the evidence shows entitlement, or July 13, 1943, whichever is the later: *Provided, further*, That where the claim was in a pending status as of July 13, 1943, the effective date of an original or increased award shall be the date of the approval of Public No. 144, 78th Congress, July 13, 1943. No general review is authorized for the purpose of applying the provisions of Public No. 144, 78th Congress.

(Pub. Law 144, 78th Cong.)

[SEAL] FRANK T. HINES, *Administrator.*

AUGUST 12, 1943.

[F. R. Doc. 43-13415; Filed, August 16, 1943; 4:05 p. m.]

PART 35—VETERANS' REGULATIONS

ACCRUED APPORTIONED AWARDS

Veterans Administration Instruction No. 1; Section 12, Public No. 144, 78th Congress (Act of July 13, 1943).

For the purposes of all laws administered by the Veterans Administration pertaining to pension, compensation, or retirement pay, the following instructions are issued.

1. Section 12 amends paragraph V of § 35.021 to read in part as follows:

(V) Pension, compensation, or retirement pay authorized under laws administered by the Veterans Administration, to which a person was entitled prior to the date of his death, and not paid during his lifetime, and due and unpaid for a period not to exceed one year prior to death under existing ratings or decisions, or those based on evidence in the file at date of death, shall, upon the death of such person, be paid as hereinafter set forth:

(a) Upon the death of a person receiving an apportioned share of the veterans' pension, compensation, or retirement pay, all or any part of such unpaid amount, to the veteran or to any other dependent or dependents as may be determined by the Administrator of Veterans' Affairs.

2. Upon the death of a person receiving an apportioned share of a veterans' pension, compensation, or retirement pay the accrued amount due the apportionee at the time of death will be awarded to the veteran, except where the evidence of record indicates this would work a hardship upon other dependents, in which event the complete case file will be forwarded by the adjudication officer or chief, claims division, with appropriate recommendation as to the exact disposition of the apportioned share through the director, veterans' claims service, to the assistant administrator in charge of compensation, pension and vocational rehabilitation, who will determine the person or persons to whom the accrued apportioned share will be paid.

(Pub. Law 144, 78th Cong.)

[SEAL] FRANK T. HINES, *Administrator.*

AUGUST 12, 1943.

[F. R. Doc. 43-13417; Filed, August 16, 1943; 4:05 p. m.]

PART 35—VETERANS' REGULATIONS

DEFINITION OF TERM "CHILD"

Veterans' Administration Instruction No. 1; section 1, Public No. 144, 78th Congress (Act of July 13, 1943).

For the purpose of making effective the provisions of Section 1, Public No. 144, 78th Congress, the following instruction is hereby issued:

1. It is provided by section 1, Public No. 144, 78th Congress, that the administrative, definitive and regulatory provisions of Public Law Numbered 2, 73d Congress, March 20, 1933, and Veterans' Regulations, as now or hereafter amended, shall be applicable to benefits provided under Public Law Numbered 141, 73d Congress, March 28, 1934, as amended; Public Law Numbered 484, 73d Congress, June 28, 1934, as amended; and under laws reenacted by Public Law Numbered 269, 74th Congress, August 13, 1935, as amended: *Provided*, That where solely as a result of the definition of the term "child" in paragraph VI of § 35.10 as amended by this Act, the child or children of a deceased veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection would be entitled to benefits under the general pension law or service pension Acts reenacted by Public Law Numbered 269, 74th Congress, August 13, 1935, the rates of service pension applicable to such child or children shall be those provided in Public Law Numbered 484, 73d Congress, as now or hereafter amended.

Section 7, Public No. 144, 78th Congress, amends paragraph VI of § 35.10 issued under Public Law Numbered 2, 73d Congress, March 20, 1933, and the instruction issued under that section defining the term "child" will be for application under the laws enumerated in section 1.

(Pub. Law 144, 78th Cong.)

[SEAL] FRANK T. HINES, *Administrator.*

AUGUST 12, 1943.

[F. R. Doc. 43-13416; Filed, August 16, 1943; 4:05 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 148]

PART 95—CAR SERVICE

SHIPMENTS OF ORANGES FROM ARIZONA OR CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of August, A. D. 1943.

It appearing, that the Secretary of Agriculture on October 3, 1942, issued Marketing Order No. 66, regulating the handling of oranges grown in the State of California or the State of Arizona (7 F.R. 8576), pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1940 Ed. 601 et. seq.), which provides "that no person shall ship such oranges during any week unless such person has an allotment issued pursuant thereto"; and the Director of Food Distribution, War Food Administration, acting pursuant to such order issues weekly regulations fixing the total quantity of such oranges which may be shipped during each week; that the Director of the Office of Defense Transportation has requested this Commission to take such action as it deems necessary; in the opinion of the Commission an emergency exists requiring immediate action; *It is ordered*, That:

§ 95.26 *Restrictions on shipments of oranges from Arizona or California.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall accept or move oranges from Arizona or California to interstate or Canadian points in carloads, or less than carloads, except upon presentation of a permit to the carrier based upon allotments from the Director of the Food Distribution Administration, as provided for in Marketing Order No. 66 (7 F.R. 8576). (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17).)

It is further ordered, That this order shall become effective at 12:01 a. m., Pacific War Time, August 15, 1943; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-13439; Filed, August 17, 1943; 11:03 a. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket No. IT-5844]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

AUGUST 12, 1943.

Notice is hereby given that on August 5, 1943, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and carrying on electric and gas utilities business in the States of Montana, North Dakota, and South Dakota, and a gas utility business in the State of Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of 19,512.9 shares of 5% Series Preferred Stock of $100 par value per share, by an amendment to the Certificate of Incorporation of the Company, the effect of which, the application states, will be to reclassify the outstanding 17,739 shares of 6% Series Preferred Stock into 19,512.9 shares of 5% Series Preferred Stock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 31st day of August, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 43-13389; Filed, August 16, 1943; 2:14 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1872]

DR. FINCKH, G. M. B. H.

Re: Patents and interests in a contract relating thereto Dr. Finckh, G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Dr. Finckh, o. H. Ges. is a firm organized under the laws of and having its principal place of business in Germany and therefore is a national of a foreign country (Germany).

2. That Dr. Finckh, o. H. Ges. was formerly Dr. Finckh, G. m. b. H., also known as Dr. Finckh Apparate-Gesellschaft m. b. H., a firm organized under the laws of and having its principal place of business in Germany and therefore is a national of a foreign country (Germany).

3. That the patents, patent application and other property identified in subparagraph 4 hereof, are property of Dr. Finckh, G. m. b. H. or Dr. Finckh, o. H. Ges.

4. That the property described as follows:

(a) The patent application identified as follows:

Serial number	Date of filing	Inventor	Title
134,525	4/2/37	Ernst Raub	Chromium plating aluminum.

(b) All interests and rights (including all royalties and other monies payable or held with respect to auch interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in, Dr. Finckh, G.m.b.H. by virtue of an agreement dated November 1, 1932 (including all modifications thereof and supplements thereto, if any) by and between Dr. Finckh, G.m.b.H. and Gemex Company, relating among other things, to Patent No. 1,995,225, dated March 19, 1935, inventor, Ernst Raub, for Methods of Preventing Tarnishing of Metal Articles,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY, *Alien Property Custodian.*

[F. R. Doc. 43-13339; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1876]

KARL KOLLER

Re: Interest of Karl Koller in certain United States patents and in contracts between him and Semet-Solvay Engineering Corporation and The Smith Gas Engineering Company pertaining thereto.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Karl Koller is a citizen and resident of Hungary and is therefore a national of a foreign country (Hungary).

2. That the property described in subparagraph 3 hereof is the property of Karl Koller.

3. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent number	Date of issue	Inventor	Title
1,697,920	1/8/29	Karl Koller, Hungary	Process of making producer gas from coking coals.
1,728,684	9/17/29	Karl Koller, Hungary	Pressure gas producer.
1,899,157	2/28/33	Karl Koller, Hungary	Pressure gas producer.
1,899,158	2/28/33	Karl Koller, Hungary	Pressure gas producer.
2,192,011	2/27/40	Karl Koller, Hungary	Apparatus for preventing condensation in gas mains
2,200,066	5/7/40	Karl Koller, Hungary	Gas producer of the rotary grate type.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Karl Koller by virtue of an agreement dated November 19, 1937 (including all modifications thereof and supplements thereto, if any) by and between Karl Koller and The Semet-Solvay Engineering Corporation, which agreement relates, among other things, to United States Letters Patent No. 2,192,011.

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Karl Koller by virtue of an agreement dated April 21, 1928 (including all modifications thereof and supplements thereto, if any) by and between Karl Koller and The Smith Gas Engineering Company, which agreement relates, among other things, to United States Letters Patent Nos. 1,697,920 and 1,728,684,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13343; Filed, August 16, 1943; 10:43 a. m.]

[Vesting Order 1882]

SCHUBERT AND SALZER MASCHINENFABRIK

Re: Patents of Schubert & Salzer Maschinenfabrik.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Schubert & Salzer Maschinenfabrik, A. G. is a corporation organized under the laws of and having its principal place of business in Germany and therefore is a national of a foreign country (Germany).

2. That the property described in subparagraph 3 hereof is property of Schubert & Salzer Maschinenfabrik, A. G.

3. That the property described as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or Government for past infringement thereof in and to the following patents:

Patent number	Date of issue	Inventor	Title
1,801,156	4/14/31	Woldemar Heinitz	Flat knitting machine.
1,825,746	10/6/31	Fritz Lassig	Knitting machine.
2,038,735	4/28/36	Woldemar Heinitz	Flat knitting machine.
2,067,842	1/12/37	Woldemar Heinitz	Attachment on flat knitting machines, holding down the fabrics.
2,127,771	8/23/38	Woldemar Heinitz	Thread guide break.

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13349; Filed, August 16, 1943; 10:44 a. m.]

[Vesting Order 1903]

ALEX. FRIEDMANN

In re: United States Letters Patent No. 1,783,646 owned by the firm Alex. Friedmann of Austria and the interest of the firm Alex. Friedmann in an agreement dated March 31, 1937 between the firm Alex. Friedmann and the Nathan Manufacturing Company, relating, among other things, to United States Letters Patent No. 1,722,136.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the firm Alex. Friedmann is organized under the laws of Austria and is therefore a national of a foreign country (Austria).

2. That the property described in subparagraph 3 hereof is property of the firm Alex. Friedmann.

3. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent number	Date	Inventor	Title
1,783,646	12/2/30	O. Hajek	Stop valve.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the firm Alex. Friedmann by virtue of an agreement dated March 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between the firm Alex. Friedmann and the Nathan Manufacturing Company, which agreement relates, among other things, to United States Letters Patent No. 1,722,136,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Austria);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13351; Filed, August 16, 1943; 10:44 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 14, 1943.

Order number and name

MPR 163, Order 18, Security Mills, Inc.
MPR 225, Order 13, George H. Ellis Co.
RPS 64, Order 104, Am. 1, L. A. Althoff Corp.
RMPR 125, Order 44, William A. Hardy & Sons Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–13403; Filed, August 16, 1943; 2:47 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 16, 1943.

Order number and name

MPR 125, Order 43, Midwest Brass Foundry.
MPR 136, Order 86, Draper Mfg. Co.
MPR 136, Order 87, Raytheon Production Corp.
MPR 136, Order 90, Marshall Car Wheel & Foundry Co.
MPR 193, Order 5, Am. 1, Ben Burk, Inc.
MPR 208, Order 4, Revised, I. C. Isaacs & Co., Inc.
MPR 220, Order 3, National Stamp Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–13428; Filed, August 17, 1943; 11:07 a. m.]

Regional, State and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER NO. 51

The following orders under General Order No. 51 were filed with the Division of the Federal Register on August 13, 1943.

REGION I

Worcester Order No. 4, Am. 1, Filed 2:11 p. m.

REGION III

Grand Rapids Order No. 3, Am. 3, Filed 2:12 p. m.
Grand Rapids Order No. 4, Am. 3, Filed 2:11 p. m.
Grand Rapids Order No. 5, Am. 3, Filed 2:11 p. m.
Lexington Order No. 8, Am. 1, Filed 2:04 p. m.
Lexington Order No. 10, Filed 2:09 p. m.

REGION IV

Raleigh N. C. Order no. 6, Filed 2:09 p. m.
Nashville Order No. 6, Filed 2:05 p. m.

REGION V

Houston Order No. 2, Am. 1, Filed 2:06 p. m.
Houston Order No. 5, Am. 2, Filed 2:06 p. m.
Houston Order No. 6, Am. 1, Filed 2:06 p. m.

REGION VI

Correction to Rockford Order No. 4, Filed 2:09 p. m.
Correction to Rockford Order No. 3, Filed 2:09 p. m.
Rockford Order No. 3, Am. 3, Filed 2:10 p. m.
Rockford Order No. 4, Am. 1, Filed 2:05 p. m.
Sioux City Order No. 4, Filed 2:07 p. m.
Sioux City Order No. 8, Filed 2:03 p. m.
La Crosse Order No. 7, Am. 1, Filed 2:08 p. m.
La Crosse Order No. 8, Am. 1, Filed 2:08 p. m.
Springfield Order No. 13, Filed 2:10 p. m.
North Platte Order No. 4, Filed 2:03 p. m.
North Platte Order No. 5, Filed 2:07 p. m.

REGION VII

New Mexico Order No. 5, Am. 3, Filed 2:07 p. m.
New Mexico Order No. 6, Am. 3, Filed 2:08 p. m.
New Mexico Order No. 8, Am. 1, Filed 2:03 p. m.
Denver Order No. 9, Am. 1, Filed 2:11 p. m.

REGION VIII

Seattle Order No. 3, Am. 9, Filed 2:05 p. m.
Seattle Order No. 4, Am. 9, Filed 2:04 p. m.
Seattle Order No. 8, Am. 6, Filed 2:04 p. m.
Seattle Order No. 12, Filed 2:12 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–13404; Filed, August 16, 1943; 2:47 p. m.]

[Region VI Order G–9 Under MPR 329]

MILK IN THE TWIN CITIES AREA

Order No. G–9 Under Maximum Price Regulation No. 329—Purchase of Milk From Producers for Resale as Fluid Milk. Adjustment of Producers' Milk Prices in the Twin Cities Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum prices which distributors may pay to producers for milk having a butterfat content of 3.5% sold for human consumption in fluid form shall be the following amounts for the portions of the year set forth:

	Per cwt.
January through June	$3.05
July	3.18
August	3.18
September	3.25
October	3.25
November	3.18
December	3.12

(b) The maximum differential for the sale of milk with a butterfat content above 3.5% and the minimum differential for milk having a butterfat content below 3.5% shall be 5½¢ for each 1/10 of a pound of butterfat.

(c) This order shall apply to all sales in which physical delivery is made within the counties of Hennepin and Ramsey; that portion of the County of Anoka lying south of the northern boundaries of the Townships of Ramsey, Crow, Ham Lake, and Columbus; that portion of the County of Washington lying north of the southern boundaries of the Townships of Lincoln, Grant and Stillwater; that portion of the County of Dakota lying west of the Mississippi River and of the western boundaries of the Townships of Mininger, Vermillion, Hampton, and Randolph; and that portion of the County of Rice included within the City of Northfield, all within the State of Minnesota.

(d) This order shall supersede Revised Order No. G–4 under Maximum Price Regulation No. 329 issued May 6, 1943.

This order shall become effective as of July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2nd day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13411; Filed, August 16, 1943; 2:45 p. m.]

[Region VI Order G-76 Under 18 (c)]

MILK IN BLOOMINGTON, NORMAL, AND CLINTON, ILL.

Order No. G-76 under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for Bloomington, Normal, and Clinton, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered:*

(a) *Maximum prices.* 1. Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Bloomington, Normal, and Clinton, Illinois area are hereby established as follows:

	Wholesale	Retail
BLOOMINGTON AND NORMAL, ILL.		
Regular and homogenized milk:	*Cents*	*Cents*
Bulk, per gallon	30	----------
Gallon	40	44
Quart	10½	12½
½ pint	2¾	5
Chocolate milk:		
Quart	11½	13½
½ pint	2¾	5
Buttermilk:		
Quart	10½	12½
½ pint	2¾	5
CLINTON, ILL.		
Regular and homogenized milk:		
Bulk, per gallon	30	----------
Quart	10	12
½ pint	2¾	5

2. Where the maximum prices set forth above are expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions.* For the purposes of this order:

1. "Sales and deliveries within the Bloomington, Normal, and Clinton, Illinois area" shall mean:

i. All sales made within the city limits of Bloomington, Normal, or Clinton, Illinois, and all sales at or from an establishment located in Bloomington, Normal, or Clinton, Illinois; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Bloomington, Normal, or Clinton, Illinois.

2. "Milk" shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. "Sales at wholesale" shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hopitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 3250, 7 F.R. 7871)

Issued this 1st day of July, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13401; Filed, August 16, 1943; 2:46 p. m.]

[Region VII Order G-33 Under 18 (c), Amdt. 1]

ANIMAL FEEDING SALT IN REGION VII

Order No. G-33 under § 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 1. Adjustment of prices for animal feeding salt in the Seventh Region.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

1. Paragraph (a)—"Specific Maximum Prices"—of Order No. G-33 under § 1499.18 (c) of the General Maximum Price Regulation, is hereby amended by adding thereto a subparagraph (4) to read as follows:

(4) Any seller who has an established price under the General Maximum Price Regulation which is higher than a specific maximum price fixed by this Order No. G-33 may continue to sell at such higher price and his maximum price shall continue to be controlled by the General Maximum Price Regulation and shall not be subject to this Order No. G-33.

2. *Effective date.* This amendment shall become effective on June 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 21st day of June 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13408; Filed, August 16, 1943; 2:44 p. m.]

[Region VIII Order G-1 Under SR 14]

MILK IN CERTAIN ARIZONA COUNTIES

Order G-1 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 1.) Fluid milk prices at wholesale and retail in certain counties in the State of Arizona.

For the reasons set forth in a Statement of Reasons issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, the General Maximum Price Regulation, and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk and cream sold at retail other than sales to the armed forces in certain specified counties in the State of Arizona.* (a) The maximum price of fluid milk and cream sold and delivered at retail, other than sales to the armed forces of the United States, in the counties in the State of Arizona set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Locality	Grade	Butterfat	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(a) Pima and Santa Cruz Counties.	A milk	3.6-3.8	Out of store or to the home.	Quart	Glass or paper	14
	A milk	3.5-3.8	Out of store	½ Gal.	Glass or paper	25
	A milk	3.5-3.8	To the home	½ Gal.	Glass or paper	26
(b) Maricopa County	A milk	3.9-4.0	To the home	Quart	Glass or paper	14
	A milk	3.6-3.8	Out of store	Quart	Glass or paper	13
	A milk	3.5-3.8	Out of store and to the home.	½ Gal.	Glass or paper	23
	A milk	3.9-4.0	To the home	½ Gal.	Glass or paper	26
	A milk	Standard	To the home	Pint	Glass or paper	8
	A milk	Standard	Out of store	Pint	Glass or paper	7
	A milk	Standard	Sales in restaurants	½ pint	Glass or paper	5
	Cream	20%	To the home	½ pint	Glass or paper	18
	Cream	20%	Out of store	½ pint	Glass or paper	17
	Cream	20%	To the home	Quart	Glass or paper	34
	Cream	30%	Out of store or to the home.	½ pint	Glass or paper	22
	Cream	30%	To the home	Quart	Glass or paper	78
(c) Pinal County	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	14
	Milk	Standard	Out of store or to the home.	Pint	Glass or paper	8
	Milk	Standard	Out of store or to the home and in restaurants.	½ pint	Glass or paper	5
(d) Mohave, Coconino, Apache, and Navajo.	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	16
	Milk	Standard	Out of store or to the home.	Pint	Glass or paper	9

Locality	Grade	Butterfat	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(e) Cochise County	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	15
	Milk	Standard	Out of store or to the home.	Pint	Glass or paper	8
	Milk	Standard	Out of store or to the home and in restaurants.	½ pint	Glass or paper	5
(f) Yavapai County	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	15
	Milk	Standard	Out of store or to the home.	Pint	Glass or paper	8
(g) Greenlee County	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	16
	Milk	Standard	Out of store or to the home.	Pint	Glass or paper	9
	Milk	Standard	Sales in restaurants	½ pint	Glass or paper	6
(h) Graham County	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	14
	Milk	Standard	Out of store or to the home.	Pint	Glass or paper	8
	Milk	Standard	Out of store or to the home and in restaurants.	½ pint	Glass or paper	5

(b) The maximum prices for special grades of milk (e. g. Guernsey, Homogenized, Vitamin D, etc.) not listed in paragraph (a) of this section shall be the maximum price determined under the schedule set forth in paragraph (a) of this section for the most nearly similar grade of milk sold in the same type of container, plus or minus the differential in cents, which the seller maintained in March, 1942, between the prices for such grade of milk and the special grade of milk to be priced under this section.

(2) *Maximum prices for fluid milk and cream sold at wholesale in certain specified counties in the State of Arizona.* (a) The maximum price of fluid milk and cream sold and delivered at wholesale, in the counties in the State of Arizona set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule, set forth below, whichever is higher.

Locality	Grade	Butterfat	Container Size	Type of container	Adjusted maximum price (cents)
(a) Pima and Santa Cruz Counties.	A milk	3.6–3.8	Quart	Glass or paper	12
	A milk	3.5–3.8	½ gal	Glass or paper	22
(b) Maricopa County	A milk	3.6–3.8	Quart	Glass or paper	11
	A milk	3.5–3.8	½ gal	Glass or paper	20
	A milk	Standard	Pint	Glass or paper	6
	A milk	Standard	½ pint	Glass or paper	3½
	Cream	20%	½ pint	Glass or paper	15
	Cream	20%	Quart	Glass or paper	44
	Cream	36%	½ pint	Glass or paper	20
	Cream	36%	Quart	Glass or paper	68
(c) Pinal County	Milk	Standard	Quart	Glass or paper	12
	Milk	Standard	Pint	Glass or paper	6
	Milk	Standard	½ pint	Glass or paper	3
(d) Mohave, Coconino, Apache, Navajo Counties.	Milk	Standard	Quart	Glass or paper	14
	Milk	Standard	Pint	Glass or paper	8
(e) Cochise County	Milk	Standard	Quart	Glass or paper	13
	Milk	Standard	Pint	Glass or paper	7
	Milk	Standard	½ pint	Glass or paper	3½
(f) Yavapai County	Milk	Standard	Quart	Glass or paper	13
	Milk	Standard	Pint	Glass or paper	7
(g) Greenlee County	Milk	Standard	Quart	Glass or paper	14
	Milk	Standard	Pint	Glass or paper	8
	Milk	Standard	½ pint	Glass or paper	4
(h) Graham County	Milk	Standard	Quart	Glass or paper	12
	Milk	Standard	Pint	Glass or paper	7
	Milk	Standard	½ pint	Glass or paper	3½

(b) The maximum prices for special grades of milk (e. g. Guernsey, Homogenized, Vitamin D, etc.) not listed in paragraph (a) of this section shall be the maximum price determined under the schedule set forth in paragraph (a) of this section for the most nearly similar grade of milk sold in the same type of container, plus or minus the differential in cents, which the seller maintained in March, 1942, between the prices for such grade of milk and the special grade of milk to be priced under this section.

(3) *Maximum prices for fluid milk sold to the Armed Forces of the United States in the State of Arizona.* (a) The maximum price of fluid milk in quart containers sold or delivered to the Armed Forces of the United States in Pima, Santa Cruz, Cochise, Yavapai, Greenlee and Graham Counties, State of Arizona, shall be the adjusted maximum prices listed in the schedule set forth in section (2) for such grade of fluid milk in quart containers sold at wholesale, increased by one-half cent per quart.

(b) The maximum price of fluid milk in quart containers sold or delivered to the Armed Forces of the United States in the Counties of the State of Arizona not listed in subparagraph (a) of this section shall be the seller's maximum wholesale price for such grade of fluid milk in quart containers determined in accordance with § 1499.2, General Provisions, of the General Maximum Price Regulation, increased by one-half cent.

(4) Sellers of fluid milk and cream affected by this order shall not change their customary allowances, discounts, or other price differentials unless such change results in a lower price.

(5) *Definitions.* For purposes of this order (a):

(1) "Milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(2) "Cream" means separated whole milk produced, processed, distributed and sold for consumption in fluid form as cream.

(3) The term "Grade A" milk means milk conforming to standards prescribed in the United States Public Health "Grade A" Milk Ordinance, published by the United States Public Health Service.

(4) "Standard" milk means milk of the butterfat content which the seller normally supplied as his standard grade in March, 1942.

(5) "Sale at wholesale" means a sale of fluid milk or cream in bottles or paper containers to any person, including an industrial or commercial user, other than the ultimate consumer.

(6) "Sale at retail" means a sale or selling of fluid milk or cream to an ultimate consumer other than an industrial or commercial user.

(6) This order shall have no applicability to sales or deliveries of fluid milk in any city which, according to the Sixteenth Census of the United States 1940, has a population of 100,000 or more persons or in any city in the State of Arizona in which a minimum producer price for milk has been established pursuant to any marketing agreement or order made or issued under provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

(7) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(8) This order No. G–1 may be revoked or amended by the Office of Price Administration at any time.

(9) This order No. G–1 shall become effective October 5th, 1942.

Issued this 5th day of October, 1942.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–13407; Filed, August 16, 1943; 2:42 p. m.]

[Region VIII Order G–1 Under SR 14, Amdt. 1]

MILK IN CERTAIN ARIZONA COUNTIES

Amendment No. 1 to Order No. G–1 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order No. 1.) Fluid milk prices at wholesale and retail in certain counties in the State of Arizona.

For the reasons set forth in a Statement of Reasons issued simultaneously herewith, and pursuant to and under the authority vested in the Regional Admin-

istrator by the Emergency Price Control Act of 1942, the General Maximum Price Regulation, and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, and in accordance with authority reserved by Paragraph (8) of Order No. G–1 issued pursuant to said § 1499.73 (a) (1) (iv) to amend said Order No. G–1 at any time, the said Order No. G–1 is hereby amended in the following particulars:

(1) Paragraph (1) (a) (a) of said Order No. G–1 is amended by adding to the list of adjusted maximum prices for the retail sale of fluid milk in Pima and Santa Cruz Counties two additional items, as follows:

Locality	Grade	Butterfat	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
Pima and Santa Cruz Counties.	A milk	Standard	Out of store and to the home.	Pint	Glass or paper	8
	A milk	Standard	Sales in restaurants	½ pt.	Glass or paper	5

(2) Paragraph (1) (a) of said Order No. G–1 is further amended by adding at the end thereof three new subdivisions, designated respectively (i), (j), and (k), as follows:

Locality	Grade	Butterfat	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(i) Gila County and the cities and towns of Superior, Ray, and Sonora in Pinal County, Gila Bend in Maricopa County, and Ajo in Pima County.	A milk	Standard	Out of store and to the home.	Gallon	Glass or paper	56
	A milk	Standard	To the home	½ gallon	Glass or paper	30
	A milk	Standard	Out of store	½ gallon	Glass or paper	29
	A milk	Standard	To the home	Quart	Glass or paper	16
	A milk	Standard	Out of store	Quart	Glass or paper	15
	A milk	Standard	Out of store and to the home.	Pint	Glass or paper	8
	A milk	Standard	Sales in restaurants	½ pint	Glass or paper	5
(j) The city of Parker, in Yuma County.	A milk	Standard	Out of store and to the home.	Quart	Glass or paper	17
(k) The town of Wickenburg, in Maricopa County.	A milk	Standard	Out of store and to the home.	Gallon	Glass or paper	59
	A milk	Standard	To the home	Quart	Glass or paper	15
	A milk	Standard	Out of store	Quart	Glass or paper	14
	A milk	Standard	Out of store and to the home.	Pint	Glass or paper	8

(3) Paragraph (2) (a) (a) of said Order No. G–1 is amended by adding to the list of adjusted maximum prices for the wholesale sale of fluid milk in Pima and Santa Cruz Counties two additional items, as follows:

Locality	Grade	Butterfat	Container size	Type of container	Adjusted maximum price (cents)
Pima and Santa Cruz Counties.	A milk	Standard	Pint	Glass or paper	6½
	A milk	Standard	½ pint	Glass or paper	3½

(4) Paragraph (2) (a) (c) of said Order No. G–1 is amended so that the second and third items thereof as amended shall read as follows:

Locality	Grade	Butterfat	Container size	Type of container	Adjusted maximum price (cents)
Pinal County	Milk	Standard	Pint	Glass or paper	6½
	Milk	Standard	½ Pint	Glass or paper	3½

(5) Paragraph (2) (a) (c) of said Order No. G–1 is amended so that the third item thereof as amended shall read as follows:

Locality	Grade	Butterfat	Container size	Type of container	Adjusted maximum price (cents)
Cochise County	Milk	Standard	½ Pint	Glass or paper	3½

(6) Paragraph (2) (a) of said Order No. G–1 is further amended by adding at the end thereof three new subdivisions, designated respectively (i), (j), and (k), as follows:

Locality	Grade	Butterfat	Container size	Type of container	Adjusted maximum price (cents)
(i) Gila County and the cities and towns of Superior, Ray, and Sonora in Pinal County, Gila Bend in Maricopa County, and Ajo in Pima County.	A milk	Standard	Gallon	Glass or paper	52
	A milk	Standard	½ gal.	Glass or paper	26
	A milk	Standard	Quart	Glass or paper	13
	A milk	Standard	Pint	Glass or paper	7
	A milk	Standard	½ pint	Glass or paper	3¾
(j) The city of Parker, in Yuma County.	A milk	Standard	Quart	Glass or paper	15
(k) The town of Wickenburg, in Maricopa County.	A milk	Standard	Gallon	Glass or paper	45
	A milk	Standard	Quart	Glass or paper	12
	A milk	Standard	Pint	Glass or paper	6½
	A milk	Standard	½ pint	Glass or paper	3¾

(7) Whenever, in said Order No. G–1 as amended by this Amendment No. 1, adjusted maximum prices are specified for any city or town, the prices so specified shall be applicable to sales and deliveries within such city or town, and within a radius of twelve miles from the city limits if such city or town is an incorporated municipality, and within a radius of twelve miles from the center of such city or town if it is not an incorporated municipality. Outside of the territory hereinabove described by this paragraph, the adjusted maximum prices specified for the county in which the sale or delivery takes place shall prevail.

(8) Said Order No. G–1 as amended by this Amendment No. 1 may be further amended or revoked by the Office of Price Administration at any time.

(9) This Amendment No. 1 shall become effective upon its issuance.

Issued November 10th, 1942.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–13405; Filed, August 16, 1943; 2:41 p. m.]

[Region VIII Order G–1 Under SR 14, Amdt. 2]

MILK IN CERTAIN ARIZONA COUNTIES

Amendment No. 2 to Order No. G–1 under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. Fluid milk prices at wholesale and retail in certain counties in the State of Arizona.

For the reasons set forth in a Statement of Reasons issued simultaneously herewith, and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, the General Maximum Price Regulation, § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, and section 18 (c), as amended, of the General Maximum Price Regulation, and in accordance with authority reserved by paragraph (8) of Order No. G–1 issued pursuant to said § 1499.73 (a) (1) (iv) to amend said Order No. G–1 at any time, the said Order No. G–1, as amended by Amendment No. 1 thereto, is hereby further amended in the following particulars:

(1) Paragraph (1) (a) (a) of said Order No. G–1, as amended is further amended by striking the words "Pima and Santa Cruz Counties" from the column designating the locality and substituting therefor the words "Pima County", and paragraphs (1) (a) (d) and (1) (a) (e) of said Order are amended to read respectively as follows:

Locality	Grade	Butterfat	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(d) Mohave, Coconino, Apache, and Navajo Counties, and the town of Ashfork in Yavapai County.	Milk	Standard	Out of store and to home.	Gallon	Glass or paper	58
	Milk	Standard	Out of store and to home.	½-gal.	Glass or paper	30
	Milk	Standard	Out of store and to home.	Quart	Glass or paper	16
	Milk	Standard	Out of store and to home.	Pint	Glass or paper	9
	Milk	Standard	Sales to restaurants	½-pint	Glass or paper	6
(e) Cochise County	Milk	Standard	Out of store and to home.	Gallon	Glass or paper	58
	Milk	Standard	Out of store and to home.	½-gal.	Glass or paper	30
	Milk	Standard	Out of store and to home.	Quart	Glass or paper	16
	Milk	Standard	Out of store and to home.	Pint	Glass or paper	9
	Milk	Standard	Sales to restaurants	½-pint	Glass or paper	6

(2) Paragraph (1) (a) of said Order No. G–1, as amended is further amended by adding at the end thereof three new subdivisions, designated (l), (m) and (n), respectively, as follows:

Locality	Grade	Butterfat	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(l) Santa Cruz County	Milk	Standard	Out of store and to home.	Gallon	Glass or paper	54
	Milk	Standard	Out of store and to home.	½-gal.	Glass or paper	28
	Milk	Standard	Out of store and to home.	Quart	Glass or paper	15
	Milk	Standard	Out of store and to home.	Pint	Glass or paper	8
	Milk	Standard	Sales to restaurants	½-pint	Glass or paper	5
(m) The town of Mayer in Yavapai County.	Milk	Standard	Out of store and to home.	Quart	Glass or paper	17
(n) The towns of Oatman, Peach Springs, Chloride and Topock in Mohave County.	Milk	Standard	Out of store and to home.	Quart	Glass or paper	18

(3) Paragraph (2) (a) (a) of said Order No. G–1 as amended is further amended by striking the words "Pima and Santa Cruz Counties" from the column designating the locality and substituting therefor the words "Pima County".

(4) Paragraphs (2) (a) (d) and (2) (a) (e) of said Order No. G–1 as amended are further amended to read, respectively, as follows:

Locality	Grade	Butterfat	Container size	Type of container	Adjusted maximum price (cents)
(d) Mohave, Coconino, Apache, and Navajo Counties, and the town of Ashfork in Yavapai County.	Milk	Standard	Gallon	Glass or paper	52
	Milk	Standard	½-Gal.	Glass or paper	27
	Milk	Standard	Quart	Glass or paper	14
	Milk	Standard	Pint	Glass or paper	7½
	Milk	Standard	½-Pint	Glass or paper	4
(e) Cochise County	Milk	Standard	Gallon	Glass or paper	52
	Milk	Standard	½-Gal.	Glass or paper	27
	Milk	Standard	Quart	Glass or paper	14
	Milk	Standard	Pint	Glass or paper	7½
	Milk	Standard	½-Pint	Glass or paper	4

(5) Paragraph (2) (a) of said Order No. G–1 as amended is further amended by adding at the end thereof a new subdivision designated (l) as follows:

Locality	Grade	Butterfat	Container size	Type of container	Adjusted maximum price (cents)
(l) Santa Cruz County	Milk	Standard	Gallon	Glass or paper	50
	Milk	Standard	½-Gal.	Glass or paper	25
	Milk	Standard	Quart	Glass or paper	13
	Milk	Standard	Pint	Glass or paper	7
	Milk	Standard	½-Pint	Glass or paper	3¾

(6) Said Order No. G-1 as amended by Amendment No. 1 and by this Amendment No. 2 may be further amended or revoked by the Office of Price Administration at any time.

(7) This Amendment No. 2 shall become effective upon its issuance.

Issued this 30th day of December 1942.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-13406; Filed, August 16, 1943; 2:42 p. m.]

[Region VIII Order G-1 Under SR 14, Amdt. 3]

MILK IN CERTAIN ARIZONA COUNTIES

Amendment No. 3 to Order No. G-1 as amended under § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation and under section 18 (c), as amended, of the General Maximum Price Regulation. Fluid milk prices at wholesale and retail in certain counties in the State of Arizona.

For the reasons set forth in a Statement of Reasons issued simultaneously herewith, and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, the General Maximum Price Regulation and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, and section 18 (c), as amended, of the General Maximum Price Regulation, and in accordance with authority reserved by paragraph (8) of Order No. G-1 issued pursuant to said § 1499.73 (a) (1) (iv) to further amend said Order No. G-1, as amended, said Order No. G-1 is hereby further amended in the following particulars:

(1) Paragraph (1) (a) (d) of said Order No. G-1, as amended, is amended by striking the words, "Mohave, Coconino, Apache and Navajo Counties, and the Town of Ashfork in Yavapai County" from the column designating the locality and substituting therefor the words, "Apache and Navajo Counties and those parts of Mohave and Coconino Counties lying south of the Colorado River, and the Towns of Seligman and Ashfork in Yavapai County."

(2) Paragraph (1) (a) (n) of said Order No. G-1, as amended, is further amended by striking the words, "The Towns of Oatman, Peach Springs, Chloride and Topock in Mohave County" from the column designating locality and substituting therefor the words, "The Towns of Oatman, Peach Springs, Chloride and Topock in Mohave County and Sells in Pima County."

(3) Paragraph (1) (a) of said Order No. G-1, as amended, is further amended by adding at the end thereof a new subdivision designated (o) as follows:

(o) Locality	Grade	Butterfat	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
Patagonia in Santa Cruz County.	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	16

(4) Paragraph (2) (a) (d) of said Order No. G-1, as amended, is further amended by striking the words, "Mohave, Coconino, Apache and Navajo Counties and the Towns of Ashfork in Yavapai County" and substituting therefor the words, "Apache and Navajo Counties and those parts of Mohave and Coconino Counties lying south of the Colorado River, and the Towns of Seligman and Ashfork in Yavapai County."

(5) Said Order No. G-1 as amended by Amendment No. 1 and by Amendment No. 2 and by this Amendment No. 3 may be further amended or revoked by the Office of Price Administration at any time.

(6) This Amendment No. 3 shall become effective upon its issuance.

Issued this 5th day of March 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-13402; Filed, August 16, 1943; 2:47 p. m.]

[Region VIII Order G-23 Under 18 (c)]

TRANSPORTATION OF CERTAIN FRUITS AND VEGETABLES IN CERTAIN PARTS OF CALIFORNIA

Order No. G-23 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjusted maximum prices for the transportation of certain fruits and vegetables by motor carriers other than common carriers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum prices which may be charged by any carrier other than a common carrier for the service of transporting by motor truck any of the fruits and vegetables listed in paragraph (b) when the point of origin and the point of destination are within the area described in paragraph (c), including the service of returning empty boxes to the point of origin, and including loading and unloading, shall be the rate specified in Appendix A attached hereto for the applicable distance between point of origin and point of destination and for the applicable minimum weight of fruit or vegetables carried in the truck.

(b) This order shall apply to the hauling of peaches, pears and tomatoes.

(c) This order shall apply in the State of California, except the counties of Imperial, San Diego, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara and San Luis Obispo.

(d) In determining the distance between any two points for purposes of this order, the constructive highway mileages set forth in Distance Table No. 3 issued by the Railroad Commission of the State of California on December 27, 1938 in connection with its Decision No. 31605, as said table has been amended and supplemented up to the date of this order, shall be used.

(e) This order may be amended, revoked or corrected at any time.

This order shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.: E.O. 9250, 7 F.R. 7871)

Issued this 29th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

APPENDIX A

Adjusted maximum prices in cents per hundred pounds

Miles		Minimum weight		
Over	But not over	10,000 pounds	18,000 pounds	30,000 pounds
0	5	8.0	7.5	7.0
5	10	9.0	8.5	8.0
10	15	10.0	9.5	9.0
15	20	10.5	10.0	9.5
20	25	11.5	10.5	10.0
25	30	12.5	11.5	11.0
30	35	13.5	12.0	11.5
35	40	14.5	13.0	12.0
40	45	15.5	14.0	13.0
45	50	16.5	15.0	14.0
50	60	18.0	16.0	15.0
60	70	19.0	17.0	16.0
70	80	20.0	18.0	17.0
80	90	21.5	19.0	18.0
90	100	22.5	20.5	19.0
100	110	23.5	21.5	20.0
110	120	25.5	22.5	21.0
120	130	26.5	23.5	22.0
130	140	27.5	24.5	23.0
140	150	28.5	25.5	24.0
150	160	29.5	26.5	25.0
160	170	30.5	27.5	26.0
170	180	32.0	29.0	27.0
180	190	33.0	30.0	28.0
190	200	34.0	31.0	29.0
200	220	35.5	32.5	30.5
220	240	37.5	34.0	32.0
240	260	39.0	35.5	33.5
260	280	40.5	37.0	35.0
280	300	42.5	39.0	36.5
300	325	45.0	41.0	38.5
325	350	48.0	44.0	40.5

[F. R. Doc. 43-13412; Filed, August 16, 1943; 2:46 p. m.]

[Region VIII Order G-24 Under 18 (c)]

CHARCOALS MANUFACTURED BY GEORGE ORAVETZ & SON, INC.

Order No. G-24 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Resale of certain charcoals manufactured by George Oravetz & Son, Inc.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum prices for the sale by any person located in the Eighth Region of the Office of Price Administration other than the producer, of the following kinds of fir charcoal produced by George Oravetz & Son, Inc., Auburn, Washington, shall be the maximum price for the particular sale as established by the General Maximum Price Regulation, plus the appropriate one of the following amounts:

(1) Fir wood charcoal ground to poultry sizes 35/100ths of a cent per pound.

(2) Fir wood lump charcoal 70/100ths of a cent per pound.

(b) The adjusted maximum prices established in paragraph (a) shall be subject to all discounts and other allowances granted by the seller during March 1942.

(c) Each seller whose maximum prices are adjusted by this order shall furnish each of his purchasers of charcoal for resale with the following notice on or before the date of his first sale of each type of charcoal to such purchaser after the effective date of the order:

The Office of Price Administration has authorized by Order No. G-24 an increase in our maximum price for the sale of Oravetz fir wood charcoal ground to poultry sizes of 35/100ths of a cent per pound (or 70/100ths for lump). The Office of Price Administration has also authorized you to increase your maximum price by the same amounts.

(d) This order may be amended, revoked, or corrected by the Office of Price Administration at any time.

(e) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

FRANK E. MARSH,
Regional Administrator.

JUNE 30, 1943.

[F. R. Doc. 43-13410; Filed, August 16, 1943; 2:44 p. m.]

[Region VIII Order G-25 Under 18 (c)]

MILK IN OREGON AND CERTAIN PARTS OF WASHINGTON

Order No. G-25 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Fluid milk prices at wholesale and retail in the State of Oregon and certain portions of the State of Washington.

For the reasons set forth in an opinion issued simultaneouly herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum price for sales of fluid milk at wholesale and retail in glass or paper containers other than sales to the Armed Forces and to Federal, State, County, and Municipal institutions, in the localities set forth below shall be the seller's previous maximum price, as determined under section 2 of the General Maximum Price Regulation, or the applicable adjusted price specified in the schedule set forth below, whichever is higher:

The Cities of Pendleton and Portland in the State of Oregon:

Quantity	Wholesale price	Retail price
Quart container	$0.12	$0.14
Pint container	.065	.08
Half-pint container	.035	.05

The Counties of Clatsop, Columbia, Tillamook, Benton, Polk, Yamhill, Washington, Multnomah (except City of Portland), Clackamas, Marion, Linn, Lane (east of coast range), Deschutes, Jefferson, Crook, Wasco, Hood River, Douglas (east of coast range), Jackson, Josephine, Klamath in the State of Oregon and the City of Vancouver in the State of Washington:

Quantity	Wholesale price	Retail price
Quart container	$0.1175	$0.135
Pint container	.06	.08
Half-pint container	.035	.05

The Counties of Lincoln, Coos, Douglas (west of coast range), Lane (west of coast range), the City of La Grande, the Counties of Lake and Curry in the State of Oregon and the Counties of Wahkiakum, Cowlitz, Klickitat, Clark, Skamania (except the City of Vancouver) in the State of Washington:

Quantity	Wholesale price	Retail price
Quart container	$0.11	$0.13
Pint container	.06	.08
Half-pint container	.035	.05

The County of Union (except City of La Grande), the County of Umatilla (except City of Pendleton) in the State of Oregon:

Quantity	Wholesale price	Retail price
Quart container	$0.1075	$0.125
Pint container	.06	.08
Half-pint container	.035	.05

The Counties of Baker, Gilliam, Grant, Sherman, Wallowa and Wheeler in the State of Oregon:

Quantity	Wholesale price	Retail price
Quart container	$0.10	$0.12
Pint container	.06	.08
Half-pint container	.03	.05

(b) The adjusted maximum price under this order for any seller of fluid milk in gallon glass containers affected by this order shall be determined by determining the differential in cents between the seller's maximum price prior to this order for fluid milk in gallon glass containers and his maximum price prior to this order for fluid milk in quart glass containers sold at wholesale or at retail, as the case may be, in the particular locality, and applying the same differential in cents to the seller's adjusted maximum price under this order for such sales of fluid milk in quart glass containers.

(c) The adjusted maximum prices hereinabove specified are for fluid milk in glass containers. The adjusted maximum price under this order for any seller of fluid milk in paper or fibre containers affected by this order shall be determined by determining the differential in cents between the seller's maximum price prior to this order for such fluid milk in paper or fibre containers and his maximum price prior to this order for fluid milk in glass containers of the corresponding size in the particular locality, and applying the same differential in cents to the seller's adjusted maximum price under this order for such fluid milk in glass containers.

(d) The adjusted maximum price under this order for any seller of skim milk, plain buttermilk or Bulgarian buttermilk affected by this order shall be determined by determining the differential in cents between the seller's maximum price prior to this order for such item and his maximum price prior to this order for fluid milk in the particular locality and in the same container size, and applying the same differential in cents to the seller's adjusted maximum price under this order for such milk.

(e) *Maximum price for fluid milk sold to the armed forces of the United States and to Federal, State, County and Municipal Institutions.* (1) The adjusted maximum delivered price for sales of fluid milk in glass or paper containers by sellers whose places of business are in the localities enumerated above, to the armed forces of the United States and to Federal, State, County, and Municipal institutions, shall be an adjusted maximum price equal to the adjusted maximum price hereinabove specified for sales at wholesale in the locality of the seller's place of business.

(2) The adjusted maximum delivered price for sales of milk in bulk by sellers whose places of business are in the localities enumerated above to the Armed Forces of the United States and to Federal, State, County, and Municipal institutions shall be equal to the maximum price for sales of milk in bulk at wholesale.

(f) No seller affected by this order shall change his customary allowances or discounts unless such change results in a lower price.

(g) In the case of single unit sales, any adjusted maximum price resulting in a fraction of a cent must be reduced to the next lower even cost if the fraction is less than one-half cent and may be increased to the next higher even cent if the fraction is one-half cent or more. In the case of multiple unit sales, the fractional unit price, if any, shall be multiplied by the number of units, and, if the result contains a fractional cent, it shall be similarly adjusted. Home deliveries shall be considered multiple unit sales unless separate collections are made for single units delivered.

(h) *Definitions.* For purposes of this order:

(1) "Milk" means cows' milk produced, processed, distributed and sold for consumption in fluid form as whole milk, having a milk-fat content of not less than 3.8% except that where a lower minimum milk fat content is prescribed by legal authority, then the term "milk" shall include milk of a milk fat content of not less than such legal minimum. The

term "milk" shall also include chocolate milk.

(2) "Sale at wholesale" means a sale of fluid milk in bottles or paper containers to any person, including an industrial or commercial user, other than an ultimate consumer. College dormitories, fraternities and sororities shall be considered commercial users.

(3) "Sale at retail" means a sale of fluid milk to an ultimate consumer other than an industrial or commercial user.

(4) Where the name of any city or town named in this order is also a sales area as defined by the Oregon Milk Control Board prior to June 1, 1943, the name of such city or town, shall for the purposes of this order, include the area within the boundaries of such sales area as defined by said order. The name of any county, city or town includes the area within a radius of three miles from the city limits if said city or town is incorporated and within a radius of three miles from the center of said city or town if it is not incorporated.

(i) This order shall supersede any previous order issued under § 1499.18 (c) of the General Maximum Price Regulation adjusting maximum prices of milk in any of the counties or areas specified in Section (a) of this order.

This order shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13409; Filed, August 16, 1943; 2:44 p. m.]

[Region I Order G-5 Under MPR 165]

COMMERCIAL LAUNDRY SERVICE IN BOSTON AND CAMBRIDGE, MASS.

Order No. G-5 under Maximum Price Regulation No. 165, as amended. Commercial laundry service in the Cities of Boston and Cambridge, Massachusetts. (Formerly General Order No. 5.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 114 (d) of Maximum Price Regulation No. 165, as amended: *It is hereby ordered,* That Region I Order No. G-5 under Maximum Price Regulation No. 165, as amended, "Commercial Laundry Service in the Cities of Boston and Cambridge, Massachusetts", (formerly General Order No. 5) be amended, to read as set forth below:

Order No. G-5, as amended, under Maximum Price Regulation No. 165, as amended. Commercial laundry service and inter-laundry service supplied by power laundries in the Cities of Boston and Cambridge, Massachusetts.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 114 (d) of Maximum Price Regulation No. 165, as amended: *It is hereby ordered:*

(a) The maximum prices established by Maximum Price Regulation No. 165, as amended, for commercial laundry services supplied by power laundries situated in the cities of Boston or Cambridge, Massachusetts, are modified so that the maximum prices shall be the prices set forth in paragraph (n), Appendix A.

(b) The maximum prices for commercial laundry services, other than those for which maximum prices are established by this order, supplied by power laundries situated in the cities of Boston or Cambridge, shall be governed by Maximum Price Regulation No. 165, as amended, or other applicable price regulation.

(c) The maximum prices for inter-laundry sales of laundry services supplied by a power laundry situated in said cities of Boston or Cambridge are modified so that they shall be the maximum prices established by such laundry under Maximum Price Regulation No. 165, plus 15%.

(d) With respect to commercial laundry services on items listed in paragraph (n), Appendix A, but not with respect to other services, power laundries may discontinue customary allowances, discounts or other price differentials, except that quantity discounts as set forth in Appendix A shall be offered.

(e) With respect to inter-laundry services and services other than commercial laundry services on items listed in paragraph (n), Appendix A, power laundries shall continue to offer customary allowances, discounts or other price differentials in effect during March 1942.

(f) Within thirty days after the issuance of this order, power laundries located in the cities of Boston or Cambridge who offer commercial laundry services on items listed in paragraph (n), Appendix A, shall furnish to each customer a statement of the maximum prices of such services offered, together with a description of each. In this statement, the description of the listed services and their maximum prices shall be exactly as set forth in Appendix A. Thereafter, each new customer shall be furnished a similar statement.

(g) No additional charges of any kind may be added to the maximum prices established by this order.

(h) Lower prices for any of the services covered by this order may be charged, offered, demanded or paid.

(i) As used in this order, the term:

(1) "Commercial laundry services" means laundry services supplied in bulk to any governmental, industrial, commercial or institutional purchaser: *Provided, however,* That "commercial laundry services" shall not include "inter-laundry services."

(2) "Inter-laundry services" means laundry services on items listed in paragraph (n), Appendix A, supplied in bulk to others selling laundry or linen supply services.

(3) "Power laundries" means all establishments offering laundry services for sale, except such laundries as do not use power machinery to wash laundry.

(j) Unless the context otherwise requires, the definitions set forth in § 1499.116 of Maximum Price Regulation No. 165, as amended, shall apply to the terms used herein.

(k) This order may be revoked, amended, or corrected at any time.

(l) This order shall become effective March 22, 1943, at 12:01 a. m.

(m) *Effective dates of amendments.* (1) Amendment 1 shall become effective April 29, 1943, at 12:01 a. m.

(2) Order No. G-5, as amended, shall become effective July 10, 1943, at 12:01 a. m.

(n) *Appendix A: Maximum prices for commercial laundry services.*

1 cent each:
- Face cloths
- Napkins
- Barber towels
- Dusters

1½ cents each:
- Face towels
- Dish towels
- Glass towels
- Kitchen towels
- Pantry towels
- Side towels
- Hand towels
- Tray cloths
- Diapers

2 cents each:
- Hospital binders
- Hospital pot holders
- Hospital ether bags
- Hospital cleaning cloths
- Pillow cases
- Bath towels

2½ cents each:
- Hospital hot water bag covers
- Bath mats
- Work gloves, each
- Bed pan covers

3 cents each:
- Table tops
- Roller towels
- Hospital masks

4 cents each:
- Table cloths—regular
- Men's aprons

4½ cents each:
- Sheets
- Hospital screen fillings

5 cents each:
- Doilies
- Bureau covers
- Caps (tumble dried)
- Head cloths (tumble dried)
- Hospital precaution bags
- Hospital stockings, each
- Hospital slings
- Hospital johnnies

7 cents each:
- Hospital pajama tops
- Hospital pajama pants

10 cents each:
- Table pads
- Bed pads
- Plain bed spreads
- Bath rugs
- Heavy bags
- Mattress covers
- Hospital gowns
- Work blouses (tumble dried)
- Coats (tumble dried)
- Shirts (tumble dried)
- Tea aprons
- Caps (starched and finished)
- Head cloths (starched and finished)
- Cotton bathing suits

15 cents each:
- Shower curtains
- Overalls (tumble dried)
- Women's plain wrappers (tumble dried)
- Wool bathing suits

20 cents each:
- Single cotton blankets
- Nurses' bibs (starched and finished)
- Coats (starched and finished)
- Pants (starched and finished)
- Blouses (starched and finished)
- Work shirts (starched and finished)
- Women's uniforms (tumble dried)

25 cents each:
- Banquet cloths
- Bath robes
- Coveralls (tumble dried)
- Overalls (starched and finished)
- Women's plain wrappers (starched and finished)

35 cents each:
- Double cotton blankets

40 cents each:
- Women's and Men's uniforms (starched and finished)
- Coveralls (starched and finished)

Unless otherwise indicated, the above items shall be washed and machine-ironed.

Power laundries shall offer at least the following quantity discounts on commercial laundry services, computed on the basis of the customer's weekly purchase volume:

Weekly purchases	Discounts	
	For purchasers receiving delivery of service at point at least 25 miles from Boston City Hall, measured in straight line	For purchasers receiving delivery of service at point less than 25 miles from Boston City Hall, measured in straight line
	Percent	*Percent*
$50, but less than $200	5	5
$200, but less than $400	5	10
$400 or over	5	15

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13432; Filed, August 17, 1943; 11:07 a. m.]

[Region II Order G-1 Under 3 (b) (2)]

ELECTRIC IRONS SOLD BY RADIO SALES AND SERVICE CO.

Order No. G-1 under section 3 (b) (2) of the General Maximum Price Regulation.

Radio Sales and Service Company, of 417 Smith Street, Schenectady, New York, hereinafter called the applicant, has filed an application under section 3 (b) (2) of the General Maximum Price Regulation for specific authorization to determine maximum prices on the sale of 9,000 electric irons purchased from the General Electric Company, and rebuilt by the applicant.

Due consideration has been given to the application, and the attached opinion in support of this order has been issued simultaneously herewith. For the reasons set forth in the opinion and under the authority vested in the Regional Administrator by section 3 (b) of the General Maximum Price Regulation: *It is hereby ordered,* That:

(a) On and after the effective date of this order, the maximum price at which applicant or any other seller may sell any one of the 9,000 rebuilt irons to resellers, is $3.36, f. o. b. point of shipment.

(b) The maximum price at which the applicant or any other seller may sell any one of the 9,000 rebuilt irons at retail is $5.60.

(c) All sellers at retail shall apply to the maximum price of $5.60 all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March 1942 on sales of electric irons or on sales of the most nearly comparable commodity if the retailer did not sell electric irons in March 1942.

(d) Prior to offering any iron described in this order for sale to any purchaser, applicant shall apply to each such iron a tag which shall contain the name and address of the applicant, a statement guaranteeing the iron against mechanical defects for the period of one year from date of sale, and the words "Ceiling Price—$5.60".

(e) The applicant shall apply to each purchaser for resale before or at the time of its first delivery of the irons to such purchaser a written statement as follows:

The OPA has authorized us to charge you $3.36 each, f. o. b. point of shipment. Your maximum price for sales at retail is $5.60. OPA requires that you keep this notice for examination.

(f) Unless the context otherwise requires, the definitions set forth in section 20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This order may be revoked, amended or corrected at any time.

(h) This order shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-13429; Filed, August 17, 1943; 11:07 a. m.]

[Region VI Order G-28 Under 18 (c), Amdt. 1]

MILK IN NEW ATHENS, ILL.

Amendment No. 1 to Order No. G-28 (formerly Regional Order No. 32) under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for New Athens, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That paragraph 2 be amended by adding a subparagraph (d) reading as follows:

(d) Notwithstanding the provisions of Order No. G-45, as amended, or any other order issued by the Regional Administrator, the maximum prices herein provided shall be the only prices applicable to sales of milk delivered within the above area.

This amendment to Order No. G-28 shall become effective July 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13438; Filed, August 17, 1943; 11:08 a. m.]

[Region VI Order G-68, Under 18 (c) and Under MPR 329, Amdt. 1]

FLUID MILK IN FREEPORT, ILLINOIS

Amendment No. 1 to Order No. G-68 under § 1499.18 (c) of the General Maximum Price Regulation and under Maximum Price Regulation No. 329—Purchase of Milk From Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and by § 1351.408 of Maximum Price Regulation No. 329, *It is ordered,* That paragraph (a) be amended to read as follows:

(a) *Maximum producer prices.* The maximum price for milk sold for consumption in fluid form which may be paid to producers by distributors whose establishments are located in Freeport, Illinois, shall be $2.85 per cwt. for 3.5 per cent milk, plus 5¢ for each 1/10 of a pound of butterfat in excess of 3.5 per cent and less 5¢ for each 1/10 of a pound of butterfat below 3.5 per cent.

* * * * * *

This amendment to Order No. G-68 shall be effective as of July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13436; Filed, August 17, 1943; 11:10 a. m.]

[Region VI Order G-78 Under 18 (c)]

FLUID MILK IN MORRISON, ILLINOIS

Order No. G-78 under §1499.18 (c) of General Maximum Price Regulation. Adjustment of fluid milk prices for Morrison, Illinois.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices.* 1. Maximum prices for sale and delivery of fluid milk in bottles and paper containers at whole-

sale and retail in the Morrison, Illinois area are hereby established as follows:

	Wholesale	Retail
Regular and homogenized standard milk:		
Quarts	10	12
Pints	5½	6½
Half pints	3	
Buttermilk:		
Quarts	8	10
Skim milk:		
Gallon		10

2. Where the maximum prices set forth above are expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions.* For the purposes of this order:

1. "Sales and deliveries within the Morrison, Illinois area" shall mean:

i. All sales made within the city limits of Morrison, Illinois and all sales at or from an establishment located in Morrison, Illinois; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Morrison, Illinois.

2. "Milk" shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. "Sales at wholesale" shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulations shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13437; Filed, August 17, 1943; 11:08 a. m.]

[Region VII Rev. Order G-1 Under MPR 376, Amdt. 1]

GREEN PEAS IN COLORADO AND WYOMING

Revised Order No. G-1 under Maximum Price Regulation No. 376, Amendment No. 1. Adjustment of maximum prices for certain fresh fruits and vegetables when sold otherwise than at retail in the States of Colorado and Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, and for the reasons set forth in an opinion issued simultaneously herewith, Revised Order No. G-1 is hereby amended to read as follows:

1. Paragraph (p) Table II, Green Peas, is amended to read:

TABLE II—GREEN PEAS

In bushel hampers or tubs fully packed and having a minimum net content weight of 28 pounds	$3.00
In bulk or in any other container, per pound	.10

2. *Effective date.* This amendment shall become effective on July 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.)

Issued this 14th day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13430; Filed, August 17, 1943; 11:09 a. m.]

[Region VIII Order G-4 Under SR 15, Amdt. 1]

FIREWOOD IN NORTHERN CALIFORNIA

Amendment No. 1 to Order No. G-4 Under § 1499.75 (A) (1) of Supplementary Regulation No. 15 (Formerly Northern California Price Order No. 4)—Firewood.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered,* That Order No. G-4 Under § 1499.75 (a) (1) of Supplementary Regulation No. 15 (formerly Northern California Price Order No. 4) be amended in the following particulars:

(a) The price per cord for pine in the table headed II in Appendix B, is changed to read "$8.40".

(b) The delivered price per sack for mill waste (mill ends and slabs) in the table headed III in Appendix B, is changed to read "$.35".

(c) The price per cord for pine in the table headed I in Appendix E, is changed to read "$8.40".

(d) The delivered price per sack for mill waste (mill ends and slab wood) in the table headed III in Appendix E, is changed to read "$.35".

This Amendment No. 1 shall become effective July 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13431; Filed, August 17, 1943; 11:08 a. m.]

[Region VIII Order G-13 Under MPR 329]

FLUID MILK IN RENO, NEVADA

Order No. G-13 under Maximum Price Regulation No. 329—Purchases of Milk From Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329: *It is hereby ordered:*

(a) The maximum price at which any person located in the city of Reno in the state of Nevada may purchase fluid milk from any producer whose dairy is located within a radius of twenty miles from the city limits of Reno, Nevada shall be as follows:

(1) For purchases of milk f. o. b. the producer's dairy, the maximum price shall be as follows:

Bacteria count (per c. c.):	Maximum price (per lb. milk fat)
Under 10,000	$0.93
10,000 and less than 20,000	.92
20,000 and less than 30,000	.91
30,000 and over	.90

(2) For purchases of milk f. o. b. the purchaser's plant, the maximum price shall be the prices set forth above plus an allowance for transporting milk from the producer's dairy to the purchaser's plant computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the purchaser, the transportation allowance shall not be greater than the amount which the purchaser allowed to the same producer for the same transportation service in June, 1943.

(iii) If the maximum transportation allowance cannot be computed under the foregoing subdivisions, the transportation allowance shall not be greater than $0.02 per gallon.

(c) *Definitions:* (1) All terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329 unless the context clearly requires otherwise.

(d) This order may be revoked, amended, or corrected by the Office of Price Administration at any time.

(e) This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13434; Filed, August 17, 1943; 11:09 a. m.]

[Region VIII Order G-14 Under MPR 329]

FLUID MILK IN ELY, NEVADA

Order No. G-14 under Maximum Price Regulation No. 329—Purchases of Milk From Producers for Resale of Fuild Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329: *It is hereby ordered:*

(a) The adjusted maximum price for purchases of milk from producers by any person located in Ely in the county of White Pine in the state of Nevada shall be as follows:

(1) For purchases of milk delivered to the purchaser's plant the adjusted maximum price shall be $.86 per pound milk fat.

(2) For purchases of milk f. o. b. producer's dairy the adjusted maximum price shall be $.86 per pound milk fat minus a transportation allowance computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the seller, the transportation allowance shall not be less than $.04 per pound milk fat.

(b) *Definitions.* (1) "Purchaser's plant" means a building where milk purchased from producers is collected and cooled by a purchaser by mechanical refrigeration prior to delivery to another plant or to wholesalers, retailers, or ultimate consumers.

(2) "Producer's dairy" means such point as the producer has customarily placed milk to be picked up by purchasers such as platform or other pick up point at or near his dairy.

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 79th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of July, 1943.

LEO F. GENTNER,
Actg. Regional Administrator.

[F. R. Doc. 43-13435; Filed, August 17, 1943; 11:09 a. m.]

[Mississippi Order G-1 Under MPR 154]

ICE IN OCEAN SPRINGS-BILOXI-GULFPORT-LONG BEACH AREA, MISS.

Order No. G-1 issued under Maximum Price Regulation 154—Ice.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Mississippi District Office of Price Administration by § 1398.8 (e) (f) (g) of Maximum Price Regulation 154, and by Regional Delegation Order No. 4, issued by Region IV, of the Office of Price Administration, dated April 15, 1943; *It is hereby ordered:*

(a) Regardless of any contract, agreement, or other obligation, no person shall sell or deliver ice in the "Ocean Springs-Biloxi-Gulfport-Long Beach Area" of Jackson and Harrison Counties, Mississippi, at a price higher than the maximum prices permitted by this order. Neither shall any person agree, offer, solicit, or attempt to sell any ice within the above named area at prices higher than those permitted under this order. The price limitations of this order shall not be evaded by direct or indirect methods, by means of, or in connection with, any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to ice, alone or in conjunction with any commodities, or by way of, or in connection with, any commission, service, transportation, or other charge or discount, premium, or privilege, tying agreement, trade understanding, or any change in any business or trade practice. Lower prices may be charged, demanded, or offered.

(1) The maximum prices for ice established in the "Ocean Springs-Biloxi-Gulfport-Long Beach Area," under this order are, as follows, except within the corporate limits of Long Beach:

PLATFORM PRICES

Domestic users:	
100 lbs	40¢
50 lbs	20¢
25 lbs	10¢
12½ lbs	5¢

Commercial users and Governmental agencies (including the Armed Forces, Post Exchanges and similar establishments):

	Cwt.
300 lbs. or less	35¢
Over 300 lbs. through 2,000 lbs	30¢
Over 2,000 lbs	25¢
Ice dealers, peddlers and other ice plants	27½¢

DELIVERED PRICES

Domestic users:	
100 lbs	45¢
50 lbs	23¢
25 lbs	12¢
12½ lbs	6¢

Commercial users and Governmental agencies (including the Armed Forces, Post Exchanges and similar establishments):

	Cwt.
300 lbs. or less	40¢
Over 300 lbs. through 2,000 lbs	35¢
Over 2,000 lbs	30¢
Ice dealers, peddlers, and other ice plants	27½¢

OTHER SALES

	Cwt.
Sales to hot boxes	35¢
Resale from hot boxes:	
100 lbs	45¢
50 lbs	23¢
25 lbs	12¢
12½ lbs	6¢

SALES IN LONG BEACH

The maximum prices for delivered sales by peddlers and dealers inside the corporate limits of Long Beach, Mississippi, are, as follows:

Domestic users:	
100 lbs	50¢
50 lbs	25¢
25 lbs	13¢
12½ lbs	7¢
Commercial users:	
100 lbs	45¢
50 lbs	25¢
25 lbs	13¢
12½ lbs	7¢

(b) Except as otherwise provided herein all transactions subject to this order shall remain subject to all provisions of Maximum Price Regulation 154, together with all amendments, supplementary regulations and orders which have been heretofore or may be hereafter issued and all definitions set forth in such regulations or orders shall be applicable herein unless otherwise provided.

(c) All persons delivering ice within the area covered by this order shall post in a completely visible manner on the sides of all delivery trucks used for the delivery of ice a list of delivered ice prices as set forth in this order. Such posting shall be done in letters at least one inch in height. It is further required that all persons selling ice within the area covered by this order shall post all prices set forth in this order (except those prices affecting sales within the corporate limits of Long Beach, Mississippi) in a place on or near any ice sales platform operated by such seller. Such posting shall be completely visible to the purchasing public and shall be in letters at least one inch in height.

(d) The ice prices set by this order shall be the maximum prices governing all sales in the "Ocean Springs-Biloxi-Gulfport-Long Beach Area" of Jackson and Harrison Counties, Mississippi. "The Ocean Springs-Biloxi-Gulport-Long Beach Area" is defined as,

(1) All that part of Harrison County, Mississippi, except that portion lying within a radius of five miles of the corporate limits of Pass Christian, Mississippi, and

(2) All that part of Jackson County, Mississippi, lying west of the Pascagoula River and of the west fork thereof, except any portion thereof lying within a radius of six miles of the corporate limits of the City of Pascagoula, Mississippi.

(e) All orders previously issued under § 1398.8 (e) (f) (g) of Maximum Price Regulation 154 affecting any sales of ice within the "Ocean Springs-Biloxi-Gulfport-Long Beach Area" are hereby revoked.

(f) This order may be revoked, amended, or corrected at any time.

(g) This order shall become effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Congress: E.O. 9250, 7 F.R. 7871)

Issued this the 13th day of July, 1943.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 43-13433; Filed, August 17, 1943; 11:08 a. m.]

WAR FOOD ADMINISTRATION.

DELEGATION OF AUTHORITY

REQUISITIONING OF PROPERTY

By virtue of the authority vested in me by delegation of authority from the Director of Food Distribution dated August 12, 1943 (8 F.R. 11419), I hereby delegate to Otie M. Reed, Assistant Deputy Director of Food Distribution, all of the authority and power vested in me with respect to the requisitioning of property.

Issued this 16th day of August 1943.

RALPH W. OLMSTEAD,
Deputy Director of Food Distribution.

[F. R. Doc. 43-13440; Filed, August 17, 1943; 11:11 a. m.]

FEDERAL REGISTER

VOLUME 8 NUMBER 164

Washington, Thursday, August 19, 1943

The President

EXECUTIVE ORDER 9370

AUTHORIZING THE ECONOMIC STABILIZATION DIRECTOR TO TAKE CERTAIN ACTION IN CONNECTION WITH THE ENFORCEMENT OF DIRECTIVES OF THE NATIONAL WAR LABOR BOARD

By virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered:

In order to effectuate compliance with directive orders of the National War Labor Board in cases in which the Board reports to the Director of Economic Stabilization that its orders have not been complied with, the Director is authorized and directed, in furtherance of the effective prosecution of the war, to issue such directives as he may deem necessary:

(a) To other departments or agencies of the Government directing the taking of appropriate action relating to withholding or withdrawing from a non-complying employer any priorities, benefits or privileges extended, or contracts entered into, by executive action of the Government, until the National War Labor Board has reported that compliance has been effectuated;

(b) To any Government agency operating a plant, mine or facility, possession of which has been taken by the President under section 3 of the War Labor Disputes Act, directing such agency to apply to the National War Labor Board, under section 5 of said act, for an order withholding or withdrawing from a non-complying labor union any benefits, privileges or rights accruing to it under the terms or conditions of employment in effect (whether by agreement between the parties or by order of the National War Labor Board, or both) when possession was taken, until such time as the non-complying labor union has demonstrated to the satisfaction of the National War Labor Board its willingness and capacity to comply; but, when the check-off is denied, dues received from the check-off shall be held in escrow for the benefit of the union to be delivered to it upon compliance by it.

(c) To the War Manpower Commission, in the case of non-complying individuals, directing the entry of appropriate orders relating to the modification or cancellation of draft deferments or employment privileges, or both.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 16, 1943.

[F. R. Doc. 43-13448; Filed, August 17, 1943; 5:03 p. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

APPOINTMENT; EXTENT OF REGULATIONS

Effective April 7, 1943 § 18.5 *Appointment* (7 F.R. 7725, 8007; 8 F.R. 4375), and § 18.11 *Extent of regulations*, are amended as follows:

§ 18.5 *Appointment* • • •

(e) *Positions which become subject to the war service regulations.* The following classes of employees may be given war service appointments without prior approval of the Commission:

(1) Any person holding a position in a public or private enterprise which is taken over by the Federal Government and who thereby becomes an employee of the Government;

(2) Any Federal employee holding a position which is excepted from the Civil Service Act and Rules and the War Service Regulations when his position is made subject to the Civil Service Act and Rules or the War Service Regulations.

All war service appointments made under this section shall be reported immediately to the Commission.

No person given a war service appointment under this section shall acquire eligibility for a classified civil service status until six months after the end of the present war. At the expiration of six

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page
National War Labor Board directives, enforcement by Economic Stabilization Director ---------- 11463

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Vesting orders:
Canciamilla, Mariano---------- 11493
Central Mining & Securities Corp---------- 11493
German American Vocational League, Inc---------- 11494
Stohandl, Wilhelmina---------- 11494
Tatsumi Engineering Co., Ltd---------- 11493
BITUMINOUS COAL DIVISION:
Hearings, etc.:
Arkansas Coal Co---------- 11490
District Board 2 and Northwestern Fuel Co---------- 11491
District 4---------- 11488
District 10---------- 11488
District 11---------- 11488
District 20---------- 11490
Emerald Coal and Coke Co---- 11489
Gerard and Rumple---------- 11489
CIVIL SERVICE COMMISSION:
War service regulations, positions subject to---------- 11463
COAST GUARD:
Approval of equipment; lifeboats, davits and life preservers---------- 11487
Security of ports and control of vessels in certain navigable waters; miscellaneous amendments---------- 11483
FARM CREDIT ASSOCIATION:
National farm loan associations; procedure for consolidation---------- 11464
IMMIGRATION AND NATURALIZATION SERVICE:
Primary inspection and detention; revalidation of resident aliens' border crossing identification cards---------- 11466

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
INDIAN AFFAIRS BUREAU:	
Deceased Indians of the Five Civilized Tribes; determination of heirs and probate of estates (Corr.)	11467
INTERSTATE COMMERCE COMMISSION:	
Car Service:	
Icing restrictions on Western potatoes	11487
Jury—Daingerfield, Tex., shipment of sand and gravel	11487
Icing of potatoes:	
Chesapeake and Ohio Railway Co	11491
Long Island R. R. Co. and Pennsylvania R. R. Co	11491
Union Pacific R. R. Co., et al	11492
Icing of vegetables:	
Any common carriers by railroad	11492
Atchison, Topeka and Santa Fe Railway Co	11492
LABOR DEPARTMENT:	
O'Connell and Sweeny Co., finding as to contracts in prosecution of war effort	11491
NATIONAL WAR LABOR BOARD:	
Anthracite and bituminous coal mines; authorization of Secretary of the Interior to designate eight-hour work day	11492
OFFICE OF ECONOMIC WARFARE:	
General licenses:	
Country groups, change in effective date	11467
Puerto Rico, exportation of sugar-mill machinery	11468
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	11495
Aluminum sulphate (Rev. SR 14, Am. 18)	1479

CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Fertilizer, mixed, superphosphate and potash (RMPR 135, Am. 5)	11481
Food rationing; institutional users:	
(Gen. RO 5, Am. 33)	11480
(Gen. RO 5, Am. 34)	11479
Furniture, household (MPR 188, Order 590)	11495
Lumber:	
Aromatic red cedar (MPR 454)	11482
Redwood and millwork (MPR 253, Am. 5)	11479
Processed foods:	
(RO 13, Am. 52)	11483
(RO 13, Am. 15 to Rev. Supp. 1)	11483
Ration orders; uniform appeal procedure (Procedural Reg. 9, Am. 9)	11480
Tires, retreaded and recapped rubber (RPS 66)	11472
Tires, tubes, recapping and camelback:	
(RO 1A, Am. 45)	11480
(RO 1A, Am. 46)	11481
SECURITIES AND EXCHANGE COMMISSION:	
Idaho Power Co. and Electric Power & Light Corp., applications granted	11495
SOCIAL SECURITY BOARD:	
Old-age and survivors insurance; time of filing applications for benefits	11467
WAR DEPARTMENT:	
Anti-aircraft firing area, Gulfport, Miss.; designation as danger zone	11483
Assistance to relatives and others in connection with deceased personnel; disposition of effects	11466
Prescribed service uniform; Pharmacy Corps arm insignia	11467
WAR FOOD ADMINISTRATION:	
Turkeys (FDO 71, Am. 1)	11465
Wool fat (FDO 76)	11465
WAR PRODUCTION BOARD:	
Calcium metal (M–303)	11472
Fluorescent lighting fixtures (L–78)	11469
Sun glasses (L–238)	11471
Tin plate, terne plate and tin mill blackplate (M–21–e)	11468

months after the war, such person may be recommended for a classified civil service status in accordance with section 6 of Civil Service Rule II (§ 2.6 of this chapter) provided his position becomes a permanent position in the classified civil service and he is still the incumbent thereof.

§ 18.11 *Extent of regulations*—(a) *Regulations superseded.* The foregoing regulations shall supersede Civil Service Rules III, V, VI, VII, VIII, IX, X (5 CFR Parts 3, 5, 6, 7, 8, 9, 10), and all provisions of joint regulations inconsistent with these regulations, for all positions except (unless otherwise specifically provided in these regulations):

(1) Positions in the field service of the postal establishment;

(2) Positions other than those filled by civilian employees of the forces in the Police and the Fire Department of the municipal government of the District of Columbia;

(3) Positions of policeman in the U. S. Park Police force of the Interior Department.

Civil Service Rule II, section 6 (§ 2.6 of this chapter), is suspended as to appointments made under § 18.5 (e) of this chapter.

(E.O. No. 9063 dated February 16, 1942, 7 F.R. 1075.)

By the Commission.

[SEAL] H. B. MITCHELL, *President.*

AUGUST 14, 1943.

[F. R. Doc. 43–13486; Filed, August 18, 1943; 11:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

PROCEDURE FOR CONSOLIDATING ASSOCIATIONS

Section 11.348 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 11.348 *Action by directors.* The board of directors of each association to be consolidated shall take appropriate action to authorize the execution of a consolidation agreement and articles of association for the consolidated association. The board may designate one or more of its members to serve with representatives of each of the boards of the other associations involved as an organization committee for the formation of the consolidated association. Each board of directors, or the representatives of each association on the organization committee pursuant to authority by the association board of directors, shall execute on behalf of such associations the agreement of consolidation and articles of association on forms prescribed by the Commissioner and shall appoint not less than five or more than seven qualified persons to serve as directors for the consolidated association, who will constitute the board of directors for the period intervening from the date of organization to the date fixed in the bylaws for the first annual meeting of stockholders or until their successors are elected and have qualified.

(Sec. 6, 47 Stat. 14, sec. 29, 39 Stat. 381; 12 U.S.C. 665, 965)

Title 6, Code of Federal Regulations, is amended by adding the following new section:

§ 11.351 *Legal reserve requirement.* The legal reserve requirement for the consolidated association at the time of completion of the consolidation shall be the total of the unimpaired legal reserves of the constituent associations.

(Sec. 6, 47 Stat. 14, secs. 24, 29, 39 Stat. 379, 381; 12 U.S.C. 665, 911, 965)

W. E. RHEA, *Land Bank Commissioner.*

[F. R. Doc. 43–13441; Filed, August 17, 1943; 3:25 p. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 71, Amdt. 1]

PART 1414—POULTRY

TURKEYS

Food Distribution Order No. 71 issued by the War Food Administrator July 31, 1943 (8 F.R. 10703), § 1414.1, is amended as follows:

1. By adding to (a) thereof the following:

(5) The term "storage" means storage space equipped with refrigeration facilities.

(6) The term "canned turkey" means turkeys which have been cooked, the meat separated from the carcass and placed in hermetically sealed containers and sterilized by heat.

2. By adding to (b) thereof the following:

(5) Each person owning turkeys which are in storage on or after August 21, 1943, shall set aside and hold such turkeys for delivery to a governmental agency: *Provided,* That the Director may release from the quantity of turkeys so set aside any turkeys which are to be used in the production of canned turkey.

Effective date. This amendment shall become effective at 12:01 a. m., e. w. t., August 21, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 2807; E.O. 9334, 8 F.R. 5423)

Issued this 17th day of August 1943.

GROVER B. HILL, *Acting War Food Administrator.*

[F. R. Doc. 43–13482; Filed, August 18, 1943; 11:29 a. m.]

[FDO 76]

PART 1460—FATS AND OILS

CONSERVATION AND DISTRIBUTION OF WOOL FAT

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of wool fat for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.28 *Delivery, acceptance of delivery, use, consumption, processing, refining, and compounding of wool fat restricted*—(a) *Definitions.* (1) "Wool fat" means that fat or grease extracted from wool by whatever means, including all types, grades, and kinds recovered. The term also includes Adeps Lanae U.S.P. Lanolin; Technical Lanolin; Neutral Wool Fat (grease); Neutral Degras of all grades and types; common or crude Degras and common or crude wool grease; and wool waxes, alcohols, or other derivatives of wool fat.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) "Producer" means any person engaged in the recovery of wool fat.

(4) "Refiner" means any person engaged in the refining of wool fat.

(5) "Distributor" means any person who has purchased or hereafter purchases wool fat for the purpose of resale.

(6) "Consumer" means any person who processes, uses, consumes, or compounds wool fat.

(7) "Refining" means the purification of wool fat by any process.

(8) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery, acceptance of delivery, use, consumption, processing, refining, and compounding of wool fat.* No person shall deliver, accept delivery of, use, consume, process, refine, or compound wool fat, except as specifically authorized or directed by the Director or as provided in (c) hereof.

(c) *Exceptions.* (1) Notwithstanding the provisions of (b) hereof, specific authorization of the Director shall not be required with respect to:

(i) The delivery of wool fat by a retail pharmacist or druggist to a consumer and the acceptance of delivery, use, consumption, processing, or compounding of such wool fat by the consumer to whom delivery is made.

(ii) The delivery by a refiner or distributor to any person of not more than 10 pounds of wool fat during any calendar month and the acceptance of delivery, use, consumption, compounding, processing, resale, or delivery of such wool fat by the person to whom delivery is made.

(iii) The delivery of wool fat by a refiner or distributor to a consumer and the acceptance of delivery, use, consumption, processing, or compounding of such wool fat for the purpose of manufacturing cosmetics by the consumer to whom delivery is made.

(2) No refiner or distributor shall make deliveries during any calendar month pursuant to (c) (1) (ii) or (iii) hereof unless, upon application, he has received a specific authorization from the Director to so deliver, in the aggregate, a specified maximum quantity of wool fat. The total amount of wool fat so delivered by a refiner or distributor in any calendar month shall not exceed the maximum quantity authorized by the Director. Applications for authorizations to make deliveries in any calendar month pursuant to (c) (1) (ii) and (iii) hereof shall specify the maximum quantity requested for delivery pursuant to each of said paragraphs.

(3) No person shall accept delivery of wool fat in any calendar month pursuant to (c) (1) (ii) hereof from more than one supplier and no consumer shall accept delivery of wool fat in any calendar month pursuant to (c) (1 (iii) hereof from more than one supplier.

(4) No refiner or distributor shall deliver and no person shall accept delivery of wool fat pursuant to (c) (1) (ii) hereof unless prior to delivery the deliveree shall furnish the refiner or distributor a certificate in the following form:

The undersigned hereby certifies to the War Food Administration, United States Department of Agriculture, and to _____ (supplier) that upon the delivery to him of _____ pounds of wool fat in _____ 194__, by _____ (month) said supplier, in connection with which this certificate is furnished, the undersigned will not accept delivery of wool fat from any other refiner or distributor during said month pursuant to the provisions of paragraph (c) (1) (ii) of FDO No. 76.

_____ Deliveree

By _____ Authorized Official

_____ Date

_____ Title

Such certificate shall be properly filled out and duly executed by the deliveree or by someone authorized to act in his behalf.

(5) No refiner or distributor shall deliver and no consumer shall accept delivery of wool fat pursuant to (c) (1) (iii) hereof unless prior to delivery the consumer shall furnish the refiner or distributor a certificate in the following form:

The undersigned hereby certifies to the War Food Administration, United States Department of Agriculture, and to _____ (supplier) that upon the delivery to him of _____ pounds of wool fat in _____ 194__, by _____ (month) said supplier, in connection with which this certificate is furnished, the undersigned will not accept delivery of wool fat from any other refiner or distributor during said month pursuant to the provisions of paragraph (c) (1) (iii) of FDO No. 76, and that said wool fat will be used, consumed, or compounded by the undersigned in the manufacture of cosmetics.

_____ Deliveree

By _____ Authorized Official

_____ Date

_____ Title

Such certificate shall be properly filled out and duly executed by the deliveree or by someone authorized to act in his behalf.

(d) *Applications for delivery, acceptance of delivery, use, consumption, processing, refining, and compounding.* The Director will issue authorizations or directives with respect to delivery, acceptance of delivery, use, consumption, processing, refining, and compounding of wool fat in each calendar month, insofar as is practicable, prior to the commencement of such month. Every person requiring an authorization to accept delivery of, use, consume, process, refine, or compound wool fat during any calendar month, including any person asking authorization to accept delivery of wool fat for resale, or to accept delivery of, or use wool fat for making deliveries pur-

suant to paragraphs (c) (1) (ii) and (iii) hereof, shall file an application therefor on or before the tenth day of the month preceding the month for which such authorization is sought except that applications for September 1943 may be filed on or before August 25, 1943. Such application shall be made on Forms FDA–477 and FDA–478, or such other forms as the Director may prescribe, and such forms shall be forwarded to the Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref: FD 76. In each case where the application for authorization to accept delivery of, use, consume, process, refine, or compound is granted, one copy of Form FDA–478, or such other forms as may be prescribed by the Director, signed by the Director, will be returned to the applicant and will constitute an authorization to accept delivery of, use, consume, process, refine, or compound, and one copy of Form FDA–477, or such other form as may be prescribed by the Director, signed by the Director, will be forwarded to the supplier and will constitute his authorization to make delivery.

(e) *Effective period of authorization.* The Director may prescribe in each authorization issued pursuant to this order, the period of time in which such authorization will be effective and no person shall take any action pursuant to, or in reliance on, an authorization which has expired.

(f) *Inventories.* Wool fat authorized or directed by the Director to be used for a specific purpose during a specific period shall revert to inventories where and to the extent that such wool fat is not used during the specific period for the specific purpose designated in the authorization or directive. Wool fat which the Director has authorized or directed to be delivered, accepted, or used for the purpose of building up inventories, or which has reverted to inventories under the terms of this order, shall not be delivered, accepted, used, consumed, processed, refined, or compounded, except as the Director may further authorize or direct.

(g) *Reports by producers.* Each producer of wool fat shall fill out and file, on or before August 25, 1943, and within fifteen days after the end of each calendar month hereafter, beginning with August 1943, with the Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref: FDO 76, one copy of Form FDA–476, with respect to his actual and estimated production, deliveries, and stocks of wool fat.

(h) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(i) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in wool fat.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of wool fat of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Reference FDO 76.

Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(l) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using wool fat, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FDO 76.

(n) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, the District of Columbia, and the Territory of Alaska.

(o) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., September 1, 1943, except that the provisions of paragraphs (d) and (g) shall become effective on the date of issuance.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 17th day of August 1943.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 43–13483; Filed, August 18, 1943; 11:29 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C–32, Supp. 2]

PART 110—PRIMARY INSPECTION AND DETENTION

REVALIDATION OF RESIDENT ALIENS' BORDER CROSSING IDENTIFICATION CARDS

AUGUST 9, 1943.

Pursuant to the authority contained in sections 30 and 37 (a) of the Act of June 28, 1940 (54 Stat. 673, 675; 8 U.S.C. 451, 458); § 90.1 of Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735), and all other authority conferred by law, § 110.57 of Title 8, Chapter I, Code of Federal Regulations, is hereby amended by deleting from the third sentence the words "where use of the card is authorized".

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43–13442; Filed, August 17, 1943; 4:46 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 11—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

DISPOSITION OF EFFECTS OF DECEASED PERSONNEL

Section 11.4a is added as follows:

§ 11.4a *Disposition of effects of deceased personnel.* (a) The provisions of § 11.4, are suspended during the period of the present emergency so far as they apply to military and civilian personnel subject to military law (as defined in the second Article of War) dying outside the limits of the States of the United States and the District of Columbia, when the widow or legal representative of such deceased person is not present. The effects of all such persons will be disposed of as indicated in this § 11.4a.

(b) In those commands where the situation will permit, all Government issue property other than clothing necessary for burial will be withdrawn from the personal effects and turned over to the appropriate supply officer. The remaining effects will be immediately delivered to the summary court officer designated under Article of War 112 by the commanding officer. He will collect all monies due the decedent locally, including monies on deposit in local banks standing to the credit of the deceased, and pay the undisputed local creditors of the decedent, so far as any monies belonging to the deceased and which may have come into the possession of the summary court under Article of War 112 will permit, taking receipt therefor for file with the court's final report of the transaction to the War Department. Local debts owed by the decedent will be paid only to the extent that monies belonging to the decedent are available. No property belonging to the decedent will be sold.

(c) If any monies remain, the summary court officer will exchange such sums with his local finance officer for a Treasury check drawn in United States dollars and will forward such check by air mail (or other expeditious means of transmission) to the Effects Quartermaster, Army Effects Bureau, Kansas City Quartermaster Depot, Kansas City, Missouri. All further action under Article of War 112 will be taken by the Effects Quartermaster.

(d) The personal effects will be securely packed in a suitable container, with the original list of effects inclosed, and shipped to the Effects Quartermaster, Army Effects Bureau, Kansas City Quartermaster Depot, Kansas City, Missouri.

(e) In those commands where the situation will not permit the action prescribed above to be taken by the summary court, the effects will be safely secured by the commanding officer of the place or command where the death occurred, or by an officer designated by him, securely packed, and sent to the Effects Quartermaster, Army Effects Bureau, Kansas City Quartermaster Depot, Kansas City, Missouri.

(f) All action in determining the distributee to receive personal effects and any money, whether found among such effects or collected under Article of War 112, will be taken by the Effects Quartermaster.

(41 Stat. 809, 46 Stat. 1203; 10 U.S.C. 1584, 1584a) [W. D. Memorandum No. W600–61–43, 28 July 1943]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–13451; Filed, August 18, 1943; 10:05 a. m.]

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

INSIGNIA FOR PHARMACY CORPS

Section 79.24 (b) (2) (xv) (*j*) is added as follows:

§ 79.24 *Insignia for collar and lapel of coat.* * * *

(b) *Other officers, Army nurses, and warrant officers.* * * *

(2) *Insignia of arm, service and bureau.* * * *

(xv) *Medical Department.* Device 1 inch in height, letter ⅜ inch in height, except as noted.

* * * * *

(*j*) *Pharmacy Corps.* A caduceus with the letter "P" superimposed thereon. (R.S. 1296; 10 U.S.C. 1391) [Par. 24*b* AR 600–35, 10 November 1941, as amended by C 27, 2 August 1943]

J. A. ULIO,
Major General.
The Adjutant General.

[F. R. Doc. 43–13452; Filed, August 18, 1943; 10:06 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Board, Federal Security Agency

[Regulations 3,[1] Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE[2]

TIME OF FILING APPLICATIONS FOR BENEFITS

Effective April 1, 1943, this regulation amends Regulations No. 3[1] (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.), by amending § 403.701 of Regulations No. 3, as amended, as follows:

1. Paragraph (f) of § 403.701 *Filing of applications and other forms* is amended by changing the second paragraph thereof to read as follows:

An application is considered to have been filed as of the date the application is received at an office of the Bureau or by an employee of the Board authorized to receive it, or, if the application is transmitted by mail and the fixing of the date of receipt as the date of filing would result in a loss or impairment of benefit rights, as of the date appearing on the postmark (when available and legible) or the date of mailing (when no postmark is available and legible): *Provided,* That an application for benefits beginning with a month other than the month in which the application is filed shall, for the purpose of determining whether the conditions of eligibility have been satisfied, be deemed to have been filed in such other month.

2. Paragraph (f) of § 403.701 is further amended by adding thereto a new example designated as Example 3, to follow immediately after Example 2 and to read as follows:

Example 3. A mails an application for primary insurance benefits which is postmarked June 29, and is received at an office of the Bureau on July 1. If July 1 were fixed as the filing date the amount of A's benefit would be decreased from $28.55 to $27.80. The filing date is, therefore, considered to be June 29. Whether or not A worked for wages of more than $14.99 in June and whether his benefit would thus be subject to a deduction (see § 403.503 (a)) is immaterial, since in either event he would lose a month's benefit if July 1 were considered as the filing date.

If A's benefits would be exactly the same whether June 29 or July 1 were fixed as the filing date, and he would be eligible to receive a benefit for June, the filing date would be considered as June 29. However, if he would be eligible to receive a benefit for June but was paid in the quarter ending June 30 an amount of wages which would increase the amount of his benefit if included in the computation, the determination of which filing date is advantageous will be in accordance with the preference expressed by the claimant.

(Sec. 205 (a), 53 Stat. 1368; sec. 1102, 49 Stat. 647; 42 U.S.C. sec. 405 (a), 1302)

* * * * *

In pursuance of §§ 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this eleventh day of August 1943.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

Approved: August 16, 1943.

WATSON B. MILLER,
Acting Federal
Security Administrator.

[F. R. Doc. 43–13454; Filed, August 18, 1943; 10:33 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

PART 82—DETERMINATION OF HEIRS AND PROBATE OF ESTATES OF DECEASED INDIANS OF THE FIVE CIVILIZED TRIBES

In F.R. Document 43–13363 appearing on page 11335 of the issue for Tuesday, August 17, 1943, the issuance date should read August 9 instead of August 29.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amendment 91]

PART 802—GENERAL LICENSES

GENERAL LICENSE COUNTRY GROUPS

In paragraph (a) of § 802.3 *General license country groups* the effective date of Amendment No. 82, published August 3, 1943, 8 F.R. 10714, is hereby changed from August 15, 1943, to October 1, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R.

[1] 5 F.R. 1849.

[2] Under title II of the Social Security Act, as amended, effective January 1, 1940.

[3] For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 403.1, Title 20, Code of Federal Regulations, 1940 Supp.)

8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938)

Dated: August 16, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-13455; Filed, August 18, 1943; 10:46 a. m.]

[Amendment 92]

PART 802—GENERAL LICENSES

EXPORTATION OF SUGAR-MILL MACHINERY FROM PUERTO RICO

The numbering of the section set forth in Amendment No. 86, published August 4, 1943, 8 F.R. 10812, is hereby changed from § 802.15 to § 802.22.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

Dated: August 18, 1943.

[F. R. Doc. 43-13456; Filed, August 18, 1943; 10:46 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 962—IRON AND STEEL

[Supplementary Order M-21-e, as Amended August 18, 1943]

TIN PLATE, TERNE PLATE AND TIN MILL BLACK PLATE

§ 962.6 *Supplementary Order M-21-e*—(a) *Definitions.* For the purposes of this order:

(1) "Tin plate" means steel sheets coated with tin (including primes, seconds, and waste-waste) and includes:

(i) "Electrolytic tin plate," in which the tin coating is applied by electrolytic deposition.

(ii) "Hot dipped tin plate," in which the tin coating is applied by immersion in molten tin.

(2) "Terne plate" means steel sheets coated with terne metal (including primes, seconds, and waste-waste) and includes:

(i) "Short ternes," meaning steel sheets coated with terne metal on tin mill coating machines, and

(ii) "Long ternes," meaning steel sheets coated with terne metal on sheet mill coating machines.

(3) "Terne metal" means the lead-tin alloy used as the coating for terne plate.

(4) "Process" means cut, draw, stamp, spin, or otherwise shape.

(5) "Put into process" means the first change by a manufacturer in the form of material from that form in which the tin plate or terne plate is received by him.

(b) *Restrictions on use of tin plate and terne plate.* Except to the extent specified in Schedule A or with specific authorization in writing by the War Production Board:

(1) No person shall use tin plate, or terne plate in the production of any item or part thereof.

(2) No person shall use hot dipped tin plate with a pot yield exceeding 1.25 pounds per base box.

(3) No person shall use electrolytic tin plate with a tin coating in excess of .50 pound per base box.

(4) No person shall use short ternes with a terne coating in excess of 1.30 pounds per base box.

(5) No person shall use long ternes with a terne coating in excess of 4 pounds per base box.

(c) *Restrictions on use of terne metal.* Unless specifically authorized in writing by the War Production Board,

(1) No person shall use terne metal except in the production of terne plate.

(2) No person shall use terne metal containing over 15% tin in tin mill coating machines.

(3) No person shall use terne metal containing over 10% tin in sheet mill coating machines.

(d) *Restrictions on production, sale, and delivery of tin plate and terne plate.* No person shall produce, sell, or deliver tin plate or terne plate to or for the account of any person if he knows or has reason to believe that such material will be used in violation of the terms of this order or any other or further order or direction of the War Production Board.

(e) *Exceptions.* (1) the provisions of paragraph (b) shall not apply to the materials listed in Schedule B, except that no person shall use such materials in the production of any items, or parts thereof, other than those items in the production of which iron or steel is permitted by other existing or future orders of the War Production Board.

(2) The provisions of paragraphs (b), (c) and (d) shall not apply in the case of articles to be purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to be physically incorporated into products to be so purchased to the extent that the use of tin plate or terne plate is required by the specifications (including performance specifications) of the Army or Navy of the United States, United States Maritime Commission or the War Shipping Administration, applicable to the contract, subcontract or purchase order.

(f) *Restrictions on tin consumption.* During the first calendar quarter of 1942 and during each calendar quarter thereafter, no person shall use tin in the production of tin plate or terne plate in excess of the quota assigned to such person by the War Production Board.

(g) *Special directions.* The War Production Board may from time to time issue special directions as to production, sale, delivery, and use of tin plate, terne plate and tin mill black plate, which may include directions as to the tin or lead content of tin plate and terne plate.

(h) *Purchasers' reports.* Each person who purchases tin plate, short ternes or tin mill black plate, except wholesale dealers, shall file with the War Production Board monthly reports on Form PD 614.

(i) *Producers' reports.* Each person who produces tin plate, short ternes or tin mill black plate shall file with the War Production Board monthly reports on Form PD 612, and revisions of his production schedule as necessary on Form PD-767.

(j) *Applicability of other orders.* Insofar as any other order of the War Production Board may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of such order shall be observed.

(k) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington, D. C. (25) Ref.: M-21-e.

Issued this 18th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Items 10a and 18a added August 18, 1943.

Permitted uses	Permitted materials	Maximum permitted coating of tin or of terne metal
1. Cans	As specifically authorized by or pursuant to Conservation Order M-81, as amended.	
2. Closures	As specifically authorized by or pursuant to Conservation Order M-104, as amended.	
3. Baking pans for institutions and commercial bakers	Hot dipped tin plate	1.25 lbs. per base box.
	Electrolytic tin plate	0.50 lbs. per base box.
	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
4. Carbide non-explosive emergency lights	Hot dipped tin plate	1.25 lbs. per base box.
	Electrolytic tin plate	0.50 lbs. per base box.
	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
5. Chaplets, skimgates and tin forms for foundry use	Hot dipped tin plate	11 lbs. per base box.
	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
6. Cheese vats	Hot dipped tin plate	1.25 lbs. per base box.
	Electrolytic tin plate	0.50 lbs. per base box.
	Hot dipped tin plate	3.30 lbs. per base box (2A charcoal).
7. Component parts for: Internal combustion engines including cooling systems, fuel systems, and lubricating systems—but only where less essential material is impractical because of corrosion or solderability.	Electrolytic tin plate	0.50 lbs. per base box.
8. Current collectors which are integral parts of signal cells.	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
9. Dairy ware and equipment, including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
	Hot dipped tin plate	3.30 lbs. per base box (2A charcoal).
10. Electrical equipment parts requiring solderable coatings.	Electrolytic tin plate	0.50 lbs. per base box.
	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
10a. Dusters, hand, for disinfectant and pest control: Parts requiring solderable coatings.	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
11. Gas mask canisters	Hot dipped tin plate	11 lbs. per base box.
12. Gas meters	Hot dipped tin plate	11 lbs. per base box.
	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
13. Heat exchangers	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
14. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate	11 lbs. per base box.
15. Maple syrup evaporators	Hot dipped tin plate	11 lbs. per base box.
	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
16. Oil lanterns	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
17. Roofing—but only for repair purposes	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
18. Safety cans for inflammable liquids	Electrolytic tin plate	0.50 lbs. per base box.
18a. Sprayers, hand, for disinfectant and pest control: Bodies, pumps, and siphon tubes.	Hot dipped tin plate	1.25 lbs. per base box.
	Electrolytic tin plate	0.50 lbs. per base box.
19. Textile spinning cylinders, card screens, spools and bobbins.	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
20. Torpedoes for oil and gas well shooting	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
21. Vaporizing liquid fire extinguishers	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
22. Wick holders for oil stoves—but only for replacement	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.

SCHEDULE B

1. Hot dipped tin plate waste-waste outside the gauge range from 80 to 107 lbs. per base box.

2. Electrolytic tin plate waste-waste.

3. Short terne waste-waste outside the gauge range from 80 to 107 lbs. per base box.

4. Furnace pipe and fitting materials which were in inventory on May 16, 1942, but only for sale or delivery on orders for maintenance and repairs regardless of rating or for sale or delivery on orders for defense housing to the extent specified in the Defense Housing Critical List.

5. Materials in inventory (other than materials referred to in item 4 of Schedule B above) which were put into process, painted, lacquered, lithographed or enameled on or before May 16, 1942.

6. Materials outside the gauge range from 75 to 112 lbs. per base box which were in inventory on May 16, 1942.

7. Black plates or sheet steel coated with lead recovered from secondary sources and containing not more than 2½% residual tin.

[F. R. Doc. 43-13478; Filed, August 18, 1943; 11:13 a. m.]

PART 1153—FLUORESCENT LIGHTING FIXTURES

[Limitation Order L-78, as Amended August 18, 1943]

§ 1153.1 *General Limitation Order L-78*—(a) *Definitions.* For the purposes of this order:

(1) "Fluorescent lighting fixture" means any equipment employing, or used in connection with an electric light source (but excluding an incandescent light source) in which (i) visible light for illuminating purposes is produced by the passage of electric current through vaporized mercury, or (ii) visible light, for illuminating purposes is produced due to the effects of ultra-violet radiation on substances exposed to such radiation, including, but not limited to the following: (*a*) a hot cathode fluorescent lighting fixture, (*b*) a cold cathode fluorescent lighting fixture, (*c*) a rectified fluorescent lighting fixture, (*d*) a Cooper-Hewitt type fixture, (*e*) a Mercury type fixture, and (*f*) a portable fluorescent lighting fixture known as a mechanic's lamp, and any other portable fluorescent lighting fixture designed for use in conjunction with any industrial machine, tool, assembly bench or other similar factory equipment.

"Fluorescent lighting fixture" does not include any tube, bulb, or replaceable fluorescent starter, or portable lamp, commonly known as bed lamps, floor lamps, wall lamps, table lamps and desk lamps.

(2) "Industrial fluorescent lighting fixture" means a fluorescent lighting fixture which fixture is designed and constructed to illuminate an area of a factory, workshop or similar plant in which area manufacturing, assembling or other industrial functions are performed. For the purpose of this order an office or a drafting room is not an area in which manufacturing, assembling or other industrial functions are performed.

(3) "Non-industrial fluorescent lighting fixture" means any fluorescent lighting fixture other than an industrial fluorescent lighting fixture.

(4) "Maintenance" means the minimum upkeep necessary to the continued and safe operation of any fluorescent lighting fixture.

(5) "Repair" means the restoration of any fluorescent lighting fixture to a sound working condition after wear and tear, damage, destruction or failure of any part has made it unfit or unsafe for service.

(6) "Put in process" means the act by which a person first changes the form of material from that form in which it was received by him.

(7) "Reflector" means that part of a fluorescent lighting fixture which redirects the light emitted from the tube, bulb, tubes or bulbs in such fixture in a desired direction. Reflector does not include a wiring channel, wireway, raceway, or any locknuts, screws, bolts, washers or other devices for the purpose of connecting a reflector to such channel, wireway or raceway.

(8) "Top-housing" means a wiring channel, wireway or raceway specifically designed and constructed to support or hold any of the following component parts of a fluorescent lighting fixture, the ballast, the transformer, sockets, or reflector.

(b) *Restrictions*—(1) *Manufacture.* Notwithstanding any contract or agreement to the contrary, no person shall manufacture or assemble any fluorescent lighting fixture or any component part of any fluorescent lighting fixture, except:

(i) A fluorescent lighting fixture, other than a rectified fluorescent lighting fixture, or any component part of any fluorescent lighting fixture manufactured or assembled from:

(*a*) Materials which were acquired by him pursuant to orders or contracts bearing a preference rating of A-1-j or better, or bearing any preference rating assigned under the Production Requirements Plan, or Controlled Materials Plan provided that copper, copper base alloy or copper products shall be used in accordance with the limitations established by General Conservation Order

M–9–c; and provided further, that until the 1st day of December, 1943 a non-industrial fluorescent lighting fixture may only be manufactured or assembled from such materials upon written authorization from the War Production Board after application made by letter in duplicate; or

(*b*) Materials which have been put in process to manufacture fluorescent lighting fixtures and which materials were in his possession on April 20, 1942, pursuant to orders placed by him on or before April 2, 1942, provided that copper, copper base alloy or copper products shall be used in accordance with the limitations established by General Conservation Order M–9–c.

(c) Component parts of a fluorescent lighting fixture acquired by him from a person having possession of such component parts on April 20, 1942, pursuant to an order placed by such person having such physical possession on or before April 2, 1942.

(ii) Any component part of a rectified fluorescent lighting fixture, provided that such part is used for purposes of maintenance and repair and that copper, copper base alloy or copper products used in the manufacture or assembly of such component part shall be in accordance with the limitations established by General Conservation Order M–9–c.

(2) *Manufacture of reflectors for industrial fluorescent lighting fixtures.* No person shall manufacture or assemble for an industrial fluorescent lighting fixture a reflector containing any metal except:

(i) For use with a portable fluorescent lighting fixture of the type set forth in paragraph (a) (1) (ii) (*f*), or

(ii) For use with a fluorescent lighting fixture designed and constructed for the operation of a 400 watt or a 3,000 watt mercury vapor tube, bulb, tubes or bulbs, or

(iii) For use with a fluorescent lighting fixture employing a hot or cold cathode tube, bulb, tubes or bulbs, provided such fixture is specifically designed and constructed for use in hazardous locations as defined in paragraphs 5005 and 5006 of Article 500 of the National Electrical Code, 1940 Edition; or

(iv) To fill a specific purchase order or contract of the Navy of the United States for such reflector to be used on board a ship.

(3) On and after the 9th day of February 1943, no person, without specific authorization of the War Production Board, after application made by letter in duplicate, shall put in process any metal to close the end of a reflector or to be used in a shield, louver or baffle of a fluorescent lighting fixture except in the minimum amount required to join, attach or fasten such end, shield, louver or baffle to such fixture. The provisions of this paragraph shall not apply or control the manufacture or assembly of a fluorescent lighting fixture employing a hot or cold cathode tube, bulb, tubes or bulbs, provided such fixture is specifically designed and constructed for use on board ships or in hazardous locations as defined in paragraphs 5005 and 5006 of Article 500 of the National Electrical Code, 1940 Edition, or the manufacture or assembly of a flourescent lighting fixture designed and constructed for the operation of a 400 watt or a 3000 watt mercury vapor tube, bulb, tubes or bulbs, or the manufacture or assembly of a portable fluorescent lighting fixture of the type set forth in paragraph (a) (1) (ii) (*f*) of this order.

(4) On and after the 4th day of May 1943, no person shall put in process any ferrous metal for the manufacture of a fluorescent lighting fixture employing a hot cathode tube, bulb, tubes or bulbs, which fixture, exclusive of ballast, hanging or suspension devices, contains:

(i) More than three (3) pounds of ferrous metal and which fixture is designed and constructed for two or three 40 watt hot cathode tubes or bulbs; or

(ii) More than four (4) pounds of ferrous metal and which fixture is designed and constructed for two 100 watt hot cathode tubes or bulbs; or

(iii) More than three and one-half (3½) pounds of ferrous metal for each four linear feet of fluorescent lighting fixture (including top-housing) designed and constructed for two or three continuous parallel rows of 40 watt hot cathode tubes or bulbs; or

(iv) More than four and one-half (4½) pounds of ferrous metal for each five linear feet of fluorescent lighting fixture (including top-housing) designed and constructed for two parallel continuous rows of 100 watt hot cathode tubes or bulbs; or

NOTE: Paragraph (b) (5) redesignated; former paragraphs (b) (5) (i) (a), (b) (5) (ii) (*f*), (*h*) redesignated and amended; paragraph (b) (5) (ii) (j) revoked; paragraphs (b) (5), (6), added August 18, 1943.

(v) More than six (6) pounds of ferrous metal if the fixture is designed and constructed for four (4) 40 watt hot cathode tubes or bulbs in parallel arrangement.

(5) The provisions of paragraph (b) (4) of this order shall not apply to or control the manufacture or assembly of:

(i) A portable fluorescent lighting fixture as set forth in paragraph (a) (1) (ii) (*f*) of this order; or

(ii) A fluorescent lighting fixture employing a hot or cold cathode tube, bulb, tubes or bulbs, provided such fixture is specifically designed and constructed for use in hazardous locations as defined in paragraphs 5005 and 5006 of the National Electrical Code, 1940 Edition; or

(iii) A fluorescent lighting fixture to be used on board a ship which fixture is manufactured or assembled to fill a specific purchase order or contract of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(6) On and after the 8th day of September 1943, no person shall put in process without specific written authorization from the War Production Board after application made by letter in duplicate, any ferrous metal for the manufacture of a fluorescent lighting fixture designed and constructed for:

(i) One hot cathode tube or bulb rated 30 watts or higher; or

(ii) Four or more hot cathode tubes or bulbs of any wattage arranged in parallel except as specified in subparagraph (b) (4) (v) of this order; or

(iii) A continuous row of single hot cathode tubes or bulbs of any wattage; or

(iv) Two or more hot cathode tubes or bulbs of any wattage arranged in parallel continuous rows except as specified in subparagraphs (b) (4) (iii) and (b) (4) (iv) of this order.

NOTE: Paragraph (7), formerly (5), redesignated August 18, 1943.

(7) *Sale and delivery.* Notwithstanding any contract or agreement to the contrary, no person shall sell or deliver any new fluorescent lighting fixture (that is any fluorescent lighting fixture which has never been used by an ultimate consumer) or any new component part of any fluorescent lighting fixture, except that:

(i) A person who regularly in the course of his business sells fluorescent lighting fixtures or component parts of fluorescent lighting fixtures, may sell and deliver:

(*a*) Prior to the 1st day of September 1943 any such fixture or component part to a manufacturer or assembler of fluorescent lighting fixtures, or to any other person who regularly in the course of his business sells fluorescent lighting fixtures or component parts thereof, but only for resale of such fixture, component part or component parts assembled by such other person into a fluorescent lighting fixture; or

(*b*) Any such fixture to any of the following governmental departments or agencies or to any person buying for the account of such departments or agencies: Maritime Commission, Navy Department, War Department, Metals Reserve Company, War Shipping Administration or any corporation organized under Section 5 (d) of the Reconstruction Finance Corporation Act as amended;

(ii) And any person may:

(*a*) Sell and deliver, pursuant to an order or contract bearing a preference rating of B–2 or better, a fluorescent lighting fixture, providing such fixture was manufactured on or before June 1, 1942, or was manufactured or assembled in accordance with the provisions of paragraph (b) (1) (i) (*b*) and/or (*c*) of this order.

(*b*) Sell and deliver a fluorescent lighting fixture manufactured or assembled subsequent to June 1, 1942, pursuant to an order or contract bearing a preference rating of A–1–j or better;

(*c*) Sell and deliver any component part of any fluorescent lighting fixture, pursuant to an order or contract bearing

a preference rating of A–1–j or better, or bearing any preference rating assigned under the Production Requirements Plan.

(*d*) Sell and deliver a hot cathode fluorescent lighting fixture designed and constructed for the operation of a tube, bulb, tubes or bulbs, no individual tube or bulb to have a rated wattage in excess of 30 watts, which fixture is manufactured or assembled in accordance with the provisions of paragraph (b) (1) (i) (*b*) and/or (*c*) of this order.

(*e*) Sell and deliver a cold cathode fluorescent lighting fixture which fixture is manufactured or assembled in accordance with the provisions of paragraph (b) (1) (i) (*b*) and/or (b) (1) (i) (*c*) of this order.

(*f*) Sell and deliver any component part of any fluorescent lighting fixture: *Provided*, That such person is engaged in the business of the manufacture and assembly of fluorescent lighting fixtures, and that the person purchasing or receiving such component part is also engaged in the same business, and any such sale and delivery shall be deemed to be permitted under the provisions of Priorities Regulation No. 13;

(*g*) Sell and deliver any component part of any fluorescent lighting fixture which is sold or delivered for the purposes of maintenance or repair;

(*h*) Deliver a fluorescent lighting fixture or any component part of any fluorescent lighting fixture to be used solely for purposes of demonstration or test of such fluorescent lighting fixture or component part thereof; and a person having title to a fluorescent lighting fixture or component part thereof may deliver such fluorescent lighting fixture or component part thereof from one branch, division or section of a single enterprise to another branch, division, or section of such enterprise.

(*j*) [Revoked August 18, 1943].

(c) *Avoidance of excessive inventories.* No person shall accumulate an inventory of any material (whether raw, semi-processed or processed) for manufacture into any fluorescent lighting fixture in excess of the minimum amount of such material necessary to maintain production of fluorescent lighting fixtures to the extent permitted by this order.

(d) *Records:* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(i) *Applicability of priorities regulations.* This order as amended and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(j) *Applicability of other orders.* Insofar as any other order issued by the War Production Board, or to be issued by it hereafter, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(k) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Branch, Washington 25, D. C., Ref: L–78.

(l) The provisions of this order calling for application by letter in duplicate (paragraphs (b) (1) (i) (*a*), (b) (3) and (b) (6)) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13479; Filed, August 18, 1943; 11:13 a. m.]

PART 3161—SUN GLASSES

[General Limitation Order L–238 as Amended August 18, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of materials entering into the production of sun glasses and sun glasses cases; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3161.1 *General Limitation Order L–238*—(a) *Definitions.* For the purposes of this order:

(1) "Sun glasses" means spectacles or goggles designed primarily to protect the wearer's eyes from sun-glare and other harmful or discomforting rays of the sun.

(2) "Sun glasses case" means a case or container designed for carrying sun glasses when not being worn.

(3) "Aviation sun glasses" means sun glasses designed for use in aircraft by pilots, observers and other aircraft personnel.

(4) "Thermoplastics" means thermoplastics as defined in General Preference Order M–154.

(b) *Restrictions on the use of metals.* Except as provided in paragraph (c) of this order, no person shall incorporate any metal in the manufacture of sun glasses or any part thereof or sun glass cases or any part thereof.

(c) *Exceptions to paragraph* (b). (1) The provisions of paragraph (b) of this order shall not apply to the manufacture of sun glasses or sun glasses cases which are manufactured:

(i) From parts which were finished and ready for assembly on April 23, 1943, provided that such manufacture is completed on or before May 23, 1943; or

(ii) From metal to the extent permitted by Appendix A, attached to this order.

(2) The provisions of paragraph (b) of this order shall not apply to the manufacture of aviation sun glasses which are manufactured pursuant to a contract or purchase order for delivery to or for the account of (i) the Army or Navy of the United States, or (ii) any agency of the United States Government for delivery to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided that the specifications of such contract or purchase order specify aviation sun glasses which cannot be manufactured within the limitations of paragraph (b) and (c) (1) of this order. Notwithstanding the provisions of Priorities Regulation 17, the foregoing provisions of this paragraph (c) (2) shall not apply to any contract or purchase order for delivery to or for the account of any United States Army or Marine Corps Post Exchange or any United States Navy Ship's Service Department. Aviation sun glasses which are manufactured in accordance with the foregoing provisions of this paragraph (c) (2) shall be sold or delivered only to the Army or Navy of the United States (not including United States Army or Marine Corps Post Exchanges or United States Navy Ship's Service Departments), or the appropriate agency of the United States Government for Lend-Lease purposes.

(d) *Restrictions on the use of thermoplastics in sun glasses.* (1) No person shall incorporate any thermoplastics in the manufacture of sun glasses except to the extent permitted by Appendix A, attached to this order.

(2) Except as provided in subparagraph (3) of this paragraph (d), during the period beginning May 25, 1943, and ending June 30, 1943, no person shall use more thermoplastics in the manufacture of sun glasses than 90 per cent of the amount he used for such purpose during the corresponding period of 1942, and during each calendar quarter after June 30, 1943, no person shall use more thermoplastics in the manufacture of sun glasses than 90 per cent of the amount he used for such purpose during the corresponding calendar quarter of 1942.

(3) Any quantity of thermoplastics required to fill purchase orders or contracts of the Army or Navy of the United States, or of any agency of the United States Government for Lend-Lease purposes, shall not be charged against the quota permitted by subparagraph (2) of this paragraph (d). Notwithstanding the provisions of Priorities Regulation 17, the foregoing provisions of this subparagraph (3) shall not apply to any contract or purchase order for delivery to or for the account of any United States Army or Marine Corps Post Exchange or any United States Navy Ship's Service Department, with the exception that 25 per cent of the quantity of thermoplastics required to fill contracts or purchase orders for delivery to or for the account of any such Post Exchange or Ship's Service Department shall not be charged against the quota permitted by subparagraph (2) of this paragraph (d).

(e) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(f) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref: L–238.

Issued this 18th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Pursuant to the provisions of paragraph (b) and paragraphs (c) (1) (ii) and (d) (1) of this order, a person may incorporate the following materials in the manufacture of sun glasses to the extent indicated:

(1) Steel for:

(i) Core wire in plastic temples, provided that such core wire is manufactured (a) from wire which was in his inventory on April 23, 1943, or (b) from wire obtained by him pursuant to a special sale, as defined in Priorities Regulation No. 13, and in accordance with the terms of that regulation;

(ii) Spring clips in slip-over type sun glasses;

(iii) Hinges, hinge pins, and rivets; and

(iv) Snaps for sun glasses cases.

(2) Brass for barrel-hinges, hinge pins, rivets, and screws to fill orders bearing preference ratings of AA–5 or higher.

(3) Copper (strike), zinc, silver, gold and palladium for electroplating.

(4) Thermoplastics in any part.

[F. R. Doc. 43–13480, Filed, August 18, 1943; 11:13 a. m.]

PART 3225—CALCIUM METAL

[Suspension of General Preference Order M–303]

The requirements of § 3225.1 (General Preference Order M–303) are hereby suspended until further notice.

Issued this 18th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13481; Filed, August 18, 1943; 11:13 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 66,[1] as Amended, Incl. Amdt. 5]

RETREADED AND RECAPPED RUBBER TIRES AND THE RETREADING AND RECAPPING OF RUBBER TIRES

Section 1315.1215, Tables I, II, IIA, III amended by Amendment 5, effective August 23, 1943, so that Revised Price Regulation No. 66 shall read as follows:

On January 10, 1942, Price Schedule No. 66[2] was issued establishing maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses. Price Schedule No. 66, by order issued February 17, 1942,[3] was re-issued under Section 206 of the Emergency Price Control Act of 1942 as Revised Price Schedule No. 66.[4]

This Revised Price Schedule No. 66, as amended, establishes maximum prices for retreaded and recapped tires and for the retreading and recapping of tires. In establishing these maximum prices the Price Administrator has ascertained and given due consideration to the prices prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this schedule.

In the judgment of the Price Administrator, the maximum prices established by this Revised Price Schedule No. 66, as amended, are and will be generally fair and equitable and will effectuate the purposes of the Act. A statement of the considerations[5] involved in the issuance of this Amendment, has been issued simultaneously herewith and filed with the Division of the Federal Register.

[1] 7 F.R. 8803, 8948; 8 F.R. 3174, 7381, 8860, 8843.
[2] 7 F.R. 252, 727.
[3] 7 F.R. 1201.
[4] 7 F.R. 1333, 1837, 1836, 2132, 7364.

CONTENTS

Sec.	
1315.1201	Maximum prices for retreaded and recapped rubber tires and the retreading and recapping of rubber tires.
1315.1202	Transactions not covered by this schedule.
1315.1203	Less than maximum prices.
1315.1203a	Adjustable pricing.
1315.1204	Evasion.
1315.1205	Minimum quality specifications.
1315.1206	Posting of prices.
1315.1207	Sales slips.
1315.1208	Records and reports.
1315.1208a	Filing statment of maximum prices.
1315.1209	Enforcement.
1315.1210	Licensing: applicability of the registration and licensing provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 165, as amended.
1315.1211	Export sales.
1315.1212	Petitions for amendment.
1315.1213	Definitions.
1315.1214	Effective date of Revised Price Schedule 66, as amended.
1315.1215	Appendix A: Maximum prices for retreaded and recapped rubber tires and the retreading and recapping of rubber tires.
1315.1216	Appendix B: Minimum quality specifications.

AUTHORITY: § 1315.1201 to 1315.1216, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1315.1201 *Maximum prices for retreaded and recapped rubber tires and the retreading and recapping of rubber tires.* On and after November 3, 1942, regardless of any contract, agreement, lease, or other obligation: (a) no person shall sell or deliver any retreaded or recapped tire, and no person shall buy or receive any such tire in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1215; and (b) no person shall retread or recap any tire, and no person shall buy or receive the retreading or recapping of any tire in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That nothing in this Revised Price Schedule No. 66, as amended, shall prevent the fulfillment of contracts entered into before November 3, 1942, for the sale of retreaded or recapped tires or for retreading or recapping tires at prices not exceeding the maximum prices established by Revised Price Schedule No. 66, prior to the effective date of this Revised Price Schedule No. 66, as amended, November 3, 1942.

[5] Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

§ 1315.1202 *Transactions not covered by this schedule*—(a) *Leasing or renting.* The maximum price for any supplying of tire mileage shall be determined according to Maximum Price Regulation No. 414 [8]—Tire Mileage, as now or hereafter amended. The maximum price for any other leasing or renting of retreaded or recapped tires shall be determined according to Maximum Price Regulation No. 165, as Amended [7]—Services, as now or hereafter amended.

(b) *Termination sales under tire mileage contracts.* The maximum price for any termination sale or transfer of retreaded or recapped tires under a tire mileage contract shall be determined according to Maximum Price Regulation No. 414—Tire Mileage, as now or hereafter amended.

[§ 1315.1202 as amended by Amendment 3, 8 F.R. 8860, effective 7–2–43]

§ 1315.1203 *Less than maximum prices.* Lower prices than those set forth in § 1315.1215, Appendix A, may be charged, demanded, paid or offered.

§ 1315.1203a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

[§ 1315.1203a added by Amendment 4, 8 F.R. 8843, effective 7–2–43]

§ 1315.1204 *Evasion.* (a) The price limitations set forth in this Revised Price Schedule No. 66, as amended, shall not be evaded whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any retreaded or recapped tire, alone or in conjunction with any other commodity, or in connection with the retreading or recapping of any tire, or by way of commission, service, transportation or other charge, or by tying agreement or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Increasing the charges for the extension of credit or for the demounting or mounting of a tire on a vehicle or rim, or for any other service over those in effect on January 9, 1942;

(2) Making any charges for the extension of credit or for the demounting or mounting of a tire on a vehicle or rim, or for any other service, if the seller had no special and separate charges in effect for such service on January 9, 1942;

(3) Making the terms and conditions of sale more onerous to purchasers than those available or in effect on January 9, 1942;

(4) Making any charges for repairs to the tire carcass in connection with the sale of a retreaded or recapped tire where the purchaser has not furnished the tire carcass to be retreaded or recapped.

(c) The purchaser shall always have the option of paying at the time of the purchase the full cash price for any retreaded or recapped tire or for retreading or recapping any tire. When a purchaser has a tire retreaded or recapped he shall have the option of bringing it to the seller's place of business without having it demounted from a vehicle or rim by the seller or having any other service performed, and of receiving delivery of any retreaded or recapped tire at the seller's place of business without having it mounted on a vehicle or rim or having any other service performed.

(d) Notwithstanding any other provisions of this section, when the seller has made necessary repairs to a tire carcass furnished by the purchaser for retreading or recapping, the seller, providing he bills it separately, may add to the maximum retreading or recapping price established by this Revised Price Schedule No. 66, as amended, an amount equal to the charges prevailing in the locality of the seller on January 9, 1942 for such repairs as were actually made to the tire carcass.

§ 1315.1205 *Minimum quality specifications.* (a) In order to be entitled to the maximum prices set forth in Appendix A (§ 1315.1215), retreaded or recapped tires and the retreading or recapping of tires must comply with all the minimum quality specifications set forth in Appendix B (§ 1315.1216).

(b) Maximum prices for retreaded or recapped tires and for the retreading or recapping of tires, when the tires or the retreading or recapping do not comply with all the minimum quality specifications set forth in Appendix B (§ 1315.-1216), shall be the scrap rubber value of the tire at prices prevailing in the locality of the seller at the time of the sale.

§ 1315.1206 *Posting of prices.* (a) Every person engaged in the business of retreading or recapping tires shall keep posted in a conspicuous place in each establishment at which such retreading or recapping is contracted for, a statement setting forth the maximum prices which he is permitted to charge under Revised Price Schedule No. 66, as amended, for retreading or recapping such tires. For this purpose it shall be permissible to use a copy of the lists of maximum prices printed in Appendix A (§ 1315.1215).

(b) Every person engaged in the business of selling retreaded or recapped tires shall mark or post maximum prices for such tires in accordance with one of the following subparagraphs:

(1) Such seller shall keep posted in a conspicuous place in each establishment at which such tires are offered for sale, a statement setting forth the maximum prices which he is permitted to charge under Revised Price Schedule No. 66, as amended, for such retreaded or recapped tires. For this purpose it shall be permissible to use a copy of the lists of maximum prices printed in Appendix A (§ 1315.1215).

(2) Or such seller shall mark or post the maximum prices of such retreaded or recapped tires in accordance with the provisions of § 1499.13 (a) of the General Maximum Price Regulation.[8]

(c) If, on January 9, 1942, the seller had special and separate charges in effect for the extension of credit or for the demounting or mounting of a tire on a vehicle or rim, or for any other service, in connection with the sale of retreaded or recapped tires or the retreading or recapping of tires, and if he desires to continue such charges after November 3, 1942, such seller shall keep posted in a conspicuous place in each establishment at which such tires are offered for sale, or at which such retreading or recapping is contracted for, a statement listing the prices in effect on January 9, 1942, for such extra service.

§ 1315.1207 *Sales slips.* Every person engaged in the business of retreading or recapping tires or of selling retreaded or recapped tires shall furnish the purchaser with a written statement reciting: (a) the size of each tire sold, retreaded or recapped; (b) the price per unit; (c) the type of tread applied, specifying whether it is passenger-car, conventional truck and bus, stop-start, ground-grip, road grader, earth mover, rock service, farm tractor, rice and cane special service, or motorcycle; (d) the grade of camelback used; (e) the amount of any charges made by the seller for repairs to the customer's tire carcass and the nature and extent of such repairs, in cases where the tire carcass was furnished by the purchaser and such a charge is permissible.

§ 1315.1208 *Records and reports.* (a) Every person engaged in the business of retreading or recapping tires or of selling retreaded or recapped tires shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of every sale of such tires or of every retreading or recapping operation performed, including: (1) the date thereof; (2) the name and address of the purchaser; (3) the quantity and size of tires sold, retreaded or recapped; (4) the price per unit; (5) the type of tread applied specifying whether it is passenger-car, conventional truck and bus, stop-start, ground-grip, road grader, earth mover,

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[7] 7 F.R. 8854.

[8] 7 F.R. 6428, 6966, 8329, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

[8] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991.

rock service, farm tractor, rice and cane-special service, or motorcycle; (6) the grade of camelback used; and (7) the amount of any charges made by the seller for repairs to the customer's tire carcass and the nature and extent of such repairs, in cases where the tire carcass was furnished by the purchaser and such a charge is permissible.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required by this section, as the Office of Price Administration may from time to time require or permit.

§ 1315.1208a *Filing statement of maximum prices.* The provisions of § 1499.13 (b) of the General Maximum Price Regulation requiring the filing of certain statements of maximum prices with the appropriate War Price and Rationing Board of the Office of Price Administration shall not apply to any sale or delivery of retreaded or recapped tires for which a maximum price is established by this Revised Price Schedule No. 66, as amended.

§ 1315.1209 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 66, as amended, are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 66, as amended, or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1315.1210 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 165, as amended.* (a) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at wholesale or retail any retreaded or recapped tire for which a maximum price is established by Revised Price Schedule No. 66, as amended. When used in this paragraph (a) the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

(b) The registration and licensing provisions of §§ 1499.111 and 1499.112 of Maximum Price Regulation No. 165, as amended, are applicable to every person selling the service of retreading or recapping any tire for which service a maximum price is established by Revised Price Schedule No. 66, as amended.

§ 1315.1211 *Export sales.* The maximum prices at which a person may export retreaded or recapped tires shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [9] issued by the Office of Price Administration.

§ 1315.1212 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Price Schedule No. 66, as amended, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[10]

[§ 1315.1212 as amended by Supplementary Order 26, 7 F.R. 8948, effective 11-4-42]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1315.1213 *Definitions.* (a) When used in this Revised Price Schedule No. 66, as amended, the term:

(1) "Camelback" means the uncured rubber compound applied to the worn tire to make the new tread in the process of recapping or retreading;

(2) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(3) "Purchaser" means a person who buys or offers to buy a retreaded or recapped tire, or who has any tire retreaded or recapped;

(4) "Recapping" means the process of tread renewal where the worn tread of the tire is buffed off the top surface of the tire and rubber is applied to the tread surface only, or the process of tread renewal where in addition to buffing off the worn tread the shoulders of the tire also are buffed below the shoulder design and rubber is applied to both the tread surface and tire shoulders;

(5) "Retreading" means the process of reconditioning a tire by removing all the original tread rubber from the worn tire down to the fabric and applying rubber to the tread surface and side walls;

(6) "Retreaded or recapped tire" means any rubber tire which has been retreaded or recapped and used less than 1,000 miles thereafter;

(7) "Rubber" means all forms and types of rubber, including synthetic and reclaimed rubber and any other rubber-like substance used as a rubber substitute;

(8) "Seller" means a person who sells or offers to sell a retreaded or recapped tire, or who retreads or recaps or offers to retread or recap any tire;

(9) "Service" does not include repairs to a tire carcass;

(10) "Tire carcass" means the rubber tire to which rubber is applied in a retreading or recapping operation, regardless of what thickness of tread such tire may have before such operation.

(11) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, wholesaler, jobber, retailer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

[Paragraph (11) added by Amendment 1, 8 F.R. 3174, effective 3-18-43]

(b) Unless the context otherwise requires, the definitions set forth in section 382 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.1214 *Effective date of Revised Price Schedule No. 66, as amended.* This Revised Price Schedule No. 66, as Amended (§§ 1315.1201 to 1315.1216, inclusive) shall become effective November 3, 1942.

[Issued October 28, 1942]

§ 1315.1215 *Appendix A: Maximum prices for retreaded and recapped rubber tires and the retreading and recapping of rubber tires*—(a) *To purchasers for use*—(1) *Retreading and recapping (tire carcass furnished by purchaser).* The maximum price for retreading or recapping a tire for a purchaser who is not in the business of selling retreading or recapping service is the price set forth for retreading or recapping such tire in the following tables.

(2) *Retreaded and recapped tires (tire carcass not furnished by purchaser).* The maximum price for a retreaded or recapped tire to a purchaser who is not in the business of selling such tires is the sum of the maximum price for retreading or recapping such tire plus the price set forth in the extreme right hand column of the table as the amount to be added when the tire carcass is not furnished by the purchaser.

(b) *To purchasers for resale.* (1) The maximum price for retreading or recapping a tire for a purchaser who is in the business of selling retreading or recapping service shall be determined by deducting the following discount from the maximum price fixed by paragraph (a) (1), and the maximum price for any sale or delivery of a retreaded or recapped tire to a purchaser who is in the business of selling such tires shall be determined by deducting the following discount from the maximum price fixed by paragraph (a) (2):

(i) 20% of the maximum price set forth in the appropriate table for retreading or recapping, exclusive of the amount set forth to be added for furnishing the tire carcass, is the discount to be deducted if the seller did not have a greater percentage discount in effect to a purchaser of the same class on December 1, 1942, for the same type of retreading or recapping or for the same type of retreaded or recapped tires.

(ii) If on December 1, 1942, the seller had in effect to a purchaser of the same class for the same type of retreading or recapping or for the same type of retreaded or recapped tires, a percentage discount greater than 20%, the discount to be deducted shall also be a percentage of the maximum price set forth in the appropriate table for retreading or recapping, exclusive of the amount set forth to be added for furnishing the tire carcass. That percentage shall be the percentage discount which the seller had in effect to a purchaser of the same class on December 1, 1942, for that type of retreading or recapping or for that type of retreaded or recapped tires: *Provided,* That in no case shall the discount required to be deducted by this paragraph be greater than 35%.

(iii) "Type", when used in subdivision (i) or (ii), refers to the types of tread for which separate categories are established in Tables I to IV.

(2) Notwithstanding any other provision of this schedule, the maximum prices to purchasers for resale fixed by this paragraph (b) shall be f. o. b. the seller's place of business.

[Paragraphs (a) and (b) as amended by Amendment 1, 8 F.R. 3174, effective 3-18-43]

[9] Second Revision; 8 F.R. 4132, 7662, 9998.
[10] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

TABLE I—PASSENGER-CAR TYPE OF TREAD,[1] INCLUDING STUDDED GROUND-GRIP[2]

Tire size[3]	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser: When applying grade C[4] camelback	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser: When applying grade F[4] camelback or any rubber other than grade C[4] camelback	Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
3.75-18	$4.35	$4.25	$2.75
4.25-12	4.30	4.20	2.75
4.40-21	4.55	4.45	2.75
4.50-20	4.60	4.50	2.75
4.50-21	5.00	4.85	2.75
4.75-19	5.10	4.95	3.20
4.75-20	5.25	5.10	3.20
5.00-16	5.20	5.00	3.20
5.00-17	5.40	5.20	3.20
5.00-19	5.80	5.60	3.20
5.00-20	6.00	5.80	3.20
5.00-21	6.20	6.00	3.20
5.25-17	5.75	5.60	3.20
5.25-18	6.10	5.90	3.20
5.25-19	6.15	5.95	3.20
5.25-20	6.45	6.25	3.20
5.25-21	6.60	6.40	3.20
5.50-16	6.20	6.00	3.20
5.50-17	6.30	6.10	3.20
5.50-18	6.85	6.65	3.20
5.50-19	7.05	6.85	3.20
5.50-20	7.15	6.95	3.20
6.00-16	6.70	6.50	3.50
6.00-17	7.60	7.35	3.50
6.00-18	8.15	7.90	3.50
6.00-19	8.45	8.30	3.50
6.00-20	8.55	8.45	3.50
6.00-21	9.05	8.75	3.50
6.25-16	7.40	7.15	4.00
6.50-15	7.70	7.45	4.00
6.50-16	7.80	7.55	4.00
6.50-17	9.05	8.75	4.00
6.50-18	9.20	8.90	4.00
6.50-19	9.30	9.00	4.00
6.50-20	$9.35	$9.10	$4.00
7.00-15	9.10	8.80	4.55
7.00-16	9.30	9.00	4.55
7.00-17	10.30	9.95	4.55
7.00-18	10.40	10.05	4.55
7.00-19	10.55	10.25	4.55
7.00-20	10.75	10.45	4.55
7.00-21	11.35	11.00	4.55
7.50-14	10.05	9.75	5.25
7.50-15	10.30	9.95	5.25
7.50-16	10.45	10.10	5.25
7.50-17	10.85	10.55	5.25
7.50-18	10.95	10.65	5.25
7.50-19	11.20	10.90	5.25
8.25-15	12.90	12.50	6.55
8.25-16	13.90	13.50	6.55

[1] Passenger-car type of tread includes any tread of a type generally recognized as designed primarily for use on passenger automobiles.
[2] Studded ground-grip type of tread is a passenger-car type of tread and includes any such tread designed for traction through mud, snow, sand, or soft ground.
[3] For combination size tires, the maximum price are the prices shown in the table for the larger of the combined sizes.
[4] Grades C and F camelback mean camelback which complies with the specifications issued by the War Production Board for Grades C and F camelback, respectively.

[Footnote 4 amended by Amendment 5, effective 8-23-43.]

TABLE II—TRUCK AND BUS TYPES OF TREAD, WHEN APPLYING GRADE C[1] CAMELBACK OR WHEN APPLYING GRADE A[1] CAMELBACK TO ROCK SERVICE TREAD

Tire size[1]	Stop-start tire size[1] No.	Ply	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser: Conventional truck and bus[4]	Stop-start[2]	Ground-grip[3]	Road grader[1]	Earth mover[1]	Rock service[3]	Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
5.25-5.50-17	11	6	$5.90	$7.45	$8.25	------	------	------	$4.50
6.00-16	10	6	6.80	7.60	8.40	------	------	------	4.50
6.00-17	------	6	7.75	------	8.85	------	------	------	4.50
6.00-20	------	6	8.60	------	10.85	$10.00	------	------	4.50
6.00-20 (30 x 5)	------	8	8.60	------	10.85	10.00	------	------	6.00
6.25-16	------	6	7.60	------	8.65	------	------	------	4.75
6.50-16	13	6	7.90	8.40	9.40	------	------	------	4.75
6.50-17	------	6	9.15	------	10.25	------	------	------	4.75
6.50-20	------	6	10.15	------	13.80	12.70	------	------	4.75
6.50-20 (32 x 6)	17	8	10.15	14.65	13.80	12.70	------	------	6.00
7.00-15	------	6	9.20	------	9.85	------	------	------	5.00
7.00-16	15	6	9.40	10.00	11.45	------	------	------	5.00
7.00-17	------	6	10.35	------	11.95	------	------	------	5.00
7.00-17	------	8	10.35	------	11.95	------	------	------	6.00
7.00-18	------	8	10.55	------	12.60	------	------	------	6.00
7.00-20	19	8	11.25	17.20	17.60	20.95	------	$22.45	6.00
7.00-20 (32 x 6)	------	10	11.25	------	17.60	20.95	------	22.45	8.40
7.00-24 (36 x 6)	------	10	11.75	------	18.90	25.15	------	------	7.75
7.50-15	16	6	10.35	11.50	10.75	------	------	------	6.00
7.50-15	------	10	10.35	------	10.75	------	------	------	7.75
7.50-16	------	6	10.60	------	15.40	------	------	------	5.50
7.50-16	18	8	10.60	13.30	15.40	------	------	------	6.50
7.50-17	------	8	10.90	------	16.95	------	------	------	6.50
7.50-17	20	10	10.90	16.95	16.95	------	------	------	6.50
7.50-18	------	8	11.80	------	15.25	------	------	------	6.50
7.50-18	------	10	11.80	------	15.25	------	------	------	8.00
7.50-20	22	8	13.25	21.70	19.75	------	$17.60	29.55	7.20

See footnotes at end of table.

TABLE II—TRUCK AND BUS TYPES OF TREAD, WHEN APPLYING GRADE C [1] CAMELBACK OR WHEN APPLYING GRADE A [1] CAMELBACK TO ROCK SERVICE TREAD—Continued

Tire size [2]	Stop-start tire size [3] No.	Ply	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser						Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
			Conventional truck and bus [4]	Stop-start [5]	Ground-grip [6]	Road grader [7]	Earth mover [8]	Rock service [9]	
7.50-20 (34 x 7)		10	$13.25		19.75		$17.00	$29.85	$9.60
7.50-20 (34 x 7)		12	13.25		19.75		17.00	29.85	10.20
7.50-24 (38 x 7)		10	14.00		21.05	$27.55			8.00
8.25-15		10	15.55		22.85				9.00
8.25-18	26	10	17.20	$24.10	24.75				10.80
8.25-20	28	10	17.80	27.65	26.45	28.85	21.25	31.90	10.80
8.25-20		12	17.80		26.45	28.85	21.25	31.90	10.80
8.25-22		10	18.70		28.15				10.80
8.25-24		10	19.70		29.90	31.05			10.80
9.00-13		6	13.55						6.50
9.00-15		12	19.45		22.10				12.00
9.00-18		10	20.95		28.70				12.00
9.00-20	34	10	21.45	33.75	31.55		28.80	38.00	12.00
9.00-20 (36 x 8)		12	21.45		31.55		28.80	38.00	12.00
9.00-22		10	22.05		32.95				12.00
9.00-24		10	22.55		34.50	32.90		41.50	12.00
9.00-24 (40 x 8)		12	22.55		34.50	32.90		41.50	12.00
10.00-15		12	20.80		30.90				13.20
10.00-18 (9.75 x 18)		12	23.30		37.70				13.20
10.00-20 (9.75 x 20)	40	12	23.75	41.70	40.00		35.65	48.10	13.20
10.00-20 (38 x 9)		14	23.75		40.00		35.65	48.10	13.20
10.00-22 (9.75 x 22)	42	12	24.20	43.90	41.65				13.20
10.00-24 (42 x 9)	45	14	24.85	44.25	43.35	34.75		52.10	14.40
11.00-18		12			44.25				14.40
11.00-20 (10.50 x 20)	48	12	25.80	46.75	47.05		40.65	56.45	14.40
11.00-20		14	25.80		47.05		40.65	56.45	14.40
11.00-22 (10.50-22)	50	12	27.50	49.45	49.40				14.40
11.00-24 (10.50-24)	52	12	28.75	51.50	51.55	35.75		62.05	14.40
12.00-20 (11.25-20)		14	35.85		61.55		48.70	74.05	16.80
12.00-20 (44 x 10)		16	35.85		61.55		48.70		16.80
12.00-22 (11.25-22)		14	37.30		63.70				16.80
12.00-24 (11.25-24)		14	38.70		65.95	37.95		79.30	16.80
12.00-24 (44 x 10)		16	38.70		65.95	37.95		79.30	18.00
13.00-20 (12.75-20)		16	48.60		71.55	39.55	56.10		18.00
13.00-24(12.75-24)		8				42.85			9.00
13.00-24(12.75-24)		16	53.30		76.15			91.90	18.00
14.00-20 (13.50-20)		16	57.00		95.00	59.75	63.60		19.20
14.00-20		18	57.00		95.00	59.75	63.60		20.20
14.00-20		20	57.00		95.00	59.75	63.60		21.40
14.00-24 (13.50-24)		16	62.55		99.75			119.85	19.20
16.00-20		16			164.95		132.90		22.00
16.00-20		18			164.95		132.90		24.80
16.00-24		16			177.20		145.20	245.15	30.00
16.00-24		18			177.20		145.20	245.15	33.00
18.00-24		12			205.25		168.25	276.00	42.00
18.00-24		16			205.25		168.25	276.00	50.00
18.00-24		20			205.25		168.25	276.00	55.00
18.00-40		20			454.00				55.00
21.00-24		16			319.80		318.70	350.35	72.50
21.00-24		20			352.15				93.50
24.00-32		24			809.25		798.90		137.50
24.00-32		36			1,000.90				192.50
30.00-40		28			1,586.05				220.00
30.00-40		34			1,929.50				330.00
36.00-40		34			2,477.25				440.00

[1] Grades C and A camelback mean camelback which complies with the specifications issued by the War Production Board for Grades C and A camelback, respectively.

[2] For any tire size where no maximum price is listed in this table under the particular heading for Ground-Grip, Road Grader, Earth Mover or Rock Service types of tread, the maximum price is that set forth for such size under the heading for Conventional Truck and Bus type of tread.

[3] Maximum prices set forth for stop-start type of tread apply only when such treads are applied to tires of a stop-start size listed in this column or of a size generally recognized as equivalent to one of such stop-start sizes. When a stop-start type of tread is applied to such an equivalent size of tire, the maximum price shall be that set forth for the appropriate stop-start size.

[4] Conventional truck and bus type of tread include any tread of a type generally recognized as designed primarily for ordinary "on the road" use on trucks or busses.

[5] Stop-start type of tread must have at least $13/32$ inches tread design depth at the center circumference of the tire and must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least $2/32$ inches deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Stop-start type of tread includes any such extra heavy tread of a type generally recognized as designed primarily for city commercial use on trucks or busses.

[6] Ground-grip type of tread must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least $3/32$ inches deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Ground-grip type of tread includes any such tread of a deep-cut, cleated type generally recognized as designed primarily for use on trucks for traction through mud, snow, sand, or soft ground.

[7] Road grader type of tread includes any tread of a type generally recognized as designed primarily for "off the pavement" use on the power driven wheels of highway maintenance and road construction machinery for traction through mud, snow, sand or soft earth.

[8] Earth mover type of tread includes any tread of a type generally recognized as designed primarily for providing flotation in soft earth for "off the road" use on earth moving vehicles.

[9] Rock service type of tread includes any extra heavy tread of a type generally recognized as designed primarily for heavy duty service on rocks or gravel in such work as earth hauling, quarrying, logging and road building.

[Table II heading amended, footnote 1 added, and former footnotes 1 through 8 redesignated 2 through 9 by Amendment 2, 8 F.R. 7381, effective 6-7-43; table and footnote 1 amended by Amendment 5, effective 8-23-43.]

TABLE IIA—TRUCK AND BUS TYPES OF TREAD, WHEN APPLYING GRADE A[1] CAMELBACK to SIZE 8.25–20 OR LARGER

Tire size [2]	Stop-start tire size [3] No.	Ply	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser					Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
			Conventional truck and bus [4]	Stop-start [3]	Ground grip [6]	Road grader [7]	Earth mover [8]	
8.25–20	28	10	$18.65	$28.15	$27.60	$30.40	$22.25	$10.80
8.25–20		12	18.65		27.60	30.40	22.25	10.80
8.25–22		10	19.60		29.40			10.80
8.25–24		10	20.65		31.20	32.70		10.80
9.00–13		6	14.20					6.50
9.00–15		12	20.40		23.05			12.00
9.00–18		10	21.95		29.95			12.00
9.00–20	34	10	22.50	34.35	32.95		29.95	12.00
9.00–20 (36 x 8)		12	22.50		32.95		29.95	12.00
9.00–22		10	23.15		34.35			12.00
9.00–24		10	23.65		36.00	34.65		12.00
9.00–24 (40 x 8)		12	23.65		36.00	34.65		12.00
10.00–15		12	21.80		32.25			13.20
10.00–18 (9.75–18)		12	24.45		39.35			13.20
10.00–20 (9.75–20)	40	12	24.90	42.45	41.75		37.35	13.20
10.00–20 (38 x 9)		14	24.90		41.75		37.35	13.20
10.00–22 (9.75–22)	42	12	25.40	44.70	43.45			13.20
10.00–24 (42 x 9)	45	14	26.05	45.05	45.25	36.60		14.40
11.00–18		12			46.20			14.40
11.00–20 (10.50–20)	48	12	27.05	47.60	49.10		42.55	14.40
11.00–20		14	27.05		49.10		42.55	14.40
11.00–22 (10.50–22)	50	12	28.85	50.35	51.55			14.40
11.00–24 (10.50–24)	52	12	30.15	52.45	53.80	37.65		14.40
12.00–20 (11.25–20)		14	37.60		64.25		51.00	16.80
12.00–20 (44 x 10)		16	37.60		64.25		51.00	16.80
12.00–22 (11.25–22)		14	39.10		66.80			16.80
12.00–24 (11.25–24)		14	40.60		68.80	40.00		16.80
12.00–24 (44 x 10)		16	40.60		68.80	40.00		18.00
13.00–20 (12.75–20)		16	51.00		74.65	41.70	58.75	18.00
13.00–24 (12.75–24)		8				45.15		9.00
13.00–24 (12.75–24)		16	55.90		79.45			18.00
14.00–20 (13.50–20)		16	59.80		99.15		66.60	19.20
14.00–20		18	59.80		99.15		66.60	20.20
14.00–20		20	59.80		99.15		66.60	21.40
14.00–24 (13.50–24)		16	65.60		104.10	62.95		19.20
16.00–20		16			172.10		139.15	22.00
16.00–20		18			172.10		139.15	24.80
16.00–24		16			184.90		152.05	30.00
16.00–24		18			184.90		152.05	33.00
18.00–24		12			214.20		176.15	42.00
18.00–24		16			214.20		176.15	50.00
18.00–24		20			214.20		176.15	55.00
18.00–40		20			473.75			55.00
21.00–24		16			333.70		333.70	72.50
21.00–24		20			367.45			93.50
24.00–32		24			844.50		844.50	137.50
24.00–32		36			1,044.40			192.50
30.00–40		28			1,055.00			220.00
30.00–40		34			2,013.40			330.00
36.00–40		34			2,584.95			440.00

[1] Grade A camelback means camelback which complies with the specifications issued by the War Production Board for Grade A camelback.

[2] For any tire size where no maximum price is listed in this table under the particular heading for ground-grip, road grader or earth mover types of tread, the maximum price is that set forth for such size under the heading for conventional truck and bus type of tread.

[3] Maximum prices set forth for stop-start type of tread apply only when such treads are applied to tires of a stop-start size listed in this column or of a size generally recognized as equivalent to one of such stop-start sizes. When a stop-start type of tread is applied to such an equivalent size of tire, the maximum price shall be that set forth for the appropriate stop-start size.

[4] Conventional truck and bus type of tread includes any tread of a type generally recognized as designed primarily for ordinary "on the road" use on trucks or busses.

[5] Stop-start type of tread must have at least 1 3/32 inch tread design depth at the center circumference of the tire and must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least 3/32 inch deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Stop-start type of tread includes any such extra heavy tread of a type generally recognized as designed primarily for city commercial use on trucks or busses.

[6] Ground-grip type of tread must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least 3/32 inch deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Ground-grip type of tread includes any such tread of a deep-cut, cleated type generally recognized as designed primarily for use on trucks for tractions through mud, snow, sand or soft ground.

[7] Road grader type of tread includes any tread of a type generally recognized as designed primarily for "off the pavement" use on the power driven wheels of highway maintenance and road construction machinery for traction through mud, snow, sand or soft earth.

[8] Earth mover type of tread includes any tread of a type generally recognized as designed primarily for providing flotation in soft earth for "off the road" use on earth moving vehicles.

[Table II A added by Amendment 2, 8 F.R. 7381, effective 6–7–43; table and footnote 1 amended by Amendment 5, effective 8–23–43]

TABLE III—FARM TRACTOR[1] AND RICE AND CANE SPECIAL SERVICE[2] TYPES OF TREAD

Tire size	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser.		Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
	When applying Grade C [3] camelback	When applying Grade F [3] camelback or any rubber other than Grade C [3] camelback	
Fronts:			
4.00–9	$4.25	$4.15	$2.75
4.00–15	4.60	4.45	2.75
4.00–19	4.85	4.70	2.75
4.75–15	5.70	5.55	3.20
5.00–15	6.00	5.85	3.20
5.25–21	6.70	6.50	3.20
5.50–16	6.65	6.45	3.20
6.00–9	10.15	9.90	3.50
6.00–12	7.50	7.30	3.50
6.00–16	7.60	7.40	3.50
6.00–20	8.25	8.05	3.50
6.25–16	7.90	7.70	4.00
6.50–16	8.65	8.40	4.00
7.50–10	11.15	10.85	5.25
7.50–16	9.65	9.40	5.25
7.50–18	10.35	10.05	5.25
7.50–20	11.50	11.20	5.25
9.00–10	14.25	13.90	6.55
Backs:			
6.00–22	8.20	7.75	4.00
7–32	15.20	14.35	4.00
6.50–32	16.65	15.75	4.50
6.50–40	20.85	19.70	4.50
7–36	18.35	17.35	4.50
7–40	19.20	18.15	4.50
7–44	20.80	19.65	4.50
7.00–22	12.05	11.40	5.00
7.00–24, 8–24	15.20	14.35	5.00
8–32	19.85	18.75	5.00
8–36	23.10	21.85	5.00
8–38	23.20	21.95	5.00
7.00–40, 8–40	24.55	23.20	5.00
7.50–22	12.55	11.85	6.50
7.50–24, 9–24	17.35	16.40	6.50
9–28	22.10	20.90	8.00
9–32	26.95	25.50	8.00
7.50–36, 9–36	29.75	28.10	8.00
9–38	31.90	30.15	8.00
7.50–40, 9–40	33.85	32.00	8.00
8.25–24, 10–24	23.95	22.65	9.45
10–26	24.85	23.50	9.45
10–28	25.85	24.45	9.45
8.25–36, 10–36	31.15	29.45	9.45
10–38	34.15	32.30	9.45
9.00–24, 11–24	28.75	27.20	10.00
11–26	28.95	27.35	10.00
9.00–28, 11–28	30.90	29.20	10.00
9.00–36, 11–36	32.00	30.25	10.00
11–38	32.55	30.75	10.00
9.00–40, 11–40	33.10	31.30	10.00
12–24	30.60	28.90	10.00
12–26	31.70	29.95	10.00
12–30	33.35	31.55	10.00
10.00–36, 12–36	40.25	38.05	11.00
12–38	41.95	39.65	11.00
10.00–40, 12–40	43.30	40.95	11.00
10.00–44	45.95	43.45	11.00
11.25–24, 13–24	35.70	33.75	12.20
11.25–28, 13–28	39.00	36.85	12.65
13–30	40.30	38.10	12.65
11.25–36, 13–36	44.10	41.70	13.20
11.25–40, 13–40	49.35	46.65	13.75
12.75–24, 14–24	43.25	40.90	14.30
12.75–28, 14–28	47.85	45.25	14.85
14–30	50.25	47.50	14.85
12.75–32, 14–32	52.65	49.75	15.40
13.50–24, 15–24	48.30	45.65	15.40
13.50–28, 15–28	53.65	50.70	15.95
13.50–32, 15–32	58.00	54.80	16.50

[1] Farm tractor type of tread includes any tread of a type generally recognized as designed primarily for use on farm tractors.

[2] Rice and cane special service type of tread includes any deep-cut, high cleated tread of a type generally recognized as designed primarily for use in muck and water.

[3] Grades C and F camelback mean camelback which complies with the specifications issued by the War Production Board for Grades C and F camelback, respectively.

[Table III amended by Amendment 2, 8 F.R. 7381, effective 6–7–43 and Amendment 5, effective 8/23/43.]

TABLE IV—MOTORCYCLE TYPE OF TREAD[1]

Tire size	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser	Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
4.00–18	$4.70	$2.75
4.00–19	4.80	2.75
4.50–18	5.10	2.75
4.50–19	5.30	2.75
5.00–16	5.75	3.30

[1] Motorcycle type of tread includes any tread of a type generally recognized as designed primarily for use on motorcycles.

§ 1315.1216 *Appendix B: Minimum quality specifications*—(a) *Retreading and recapping (tire carcass furnished by purchaser).* In order to be entitled to the maximum prices set forth in Appendix A (§ 1315.1215), retreading of recapping must comply with all the following minimum quality specifications, when the tire carcass is furnished by the purchaser:

(1) Tire casing must be uniformly buffed.

(2) Tire casing and all materials must be moisture free and free of dirt.

(3) Camelback must be applied to completely cemented and dried surface.

(4) Camelback must be stitched down thoroughly.

(5) Curing must be in full circle molds or steam kettle in accordance with instructions of the manufacturer of the camelback used.

(6) Finished tire tread must adhere uniformly, must be a circle without bulges or sunken areas, and must be completely filled out and free of porosity and imperfections.

(b) *Retreaded and recapped tires (tire carcass not furnished by purchaser).* In order to be entitled to the maximum prices set forth in Appendix A (§ 1315.1215), when the tire carcass is not furnished by the purchaser, retreaded or recapped tires must comply with all the minimum quality specifications set forth in paragraph. (a) of this section for retreading or recapping, the tire carcass used must have been a treadable tire as defined in subparagraph (1), and if such tire carcass is not sound as defined in subparagraph (1), it must be repaired in compliance with the minimum quality specifications for repairs set forth in subparagraph (2).

(1) *Treadable tire.* "Treadable tire" means a rubber tire or tire casing which is sound or which, if not sound, warrants repair and retreading or recapping in accordance with recognized commercial practice, and which can reasonably be expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload). "Sound" as applied to a tire means a tire which has not been damaged to the extent that it is in need of repair in accordance with recognized commercial practice and which can reasonably be expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload). Specifically, a treadable tire must meet at least the following conditions.

(i) The cord body: (*a*) Must not be worn through more than one body ply for a total length of more than four inches on four-ply tires;

(*b*) Must not be worn through more than two plies for a total length of more than four inches on tires of six plies or more;

(*c*) Must not have or show evidence of having had more than two injuries requiring sectional or reinforcement repairs, each not exceeding one-third the cross-sectional diameter of the tire, except that, in the case of a truck tire, it may have an injury not exceeding one-half the cross-sectional diameter of the tire, if that is the only injury to the cord body. Example—Breaks in 600/16 (6 inch) tires must not be more than two inches long: 900/20 (9 inch) tires not more than three inches long, unless there is only one break, in which case it must not be more than four and one-half inches long;

(*d*) Must not have more than three radial cracks of more than one inch in length extending to the cord body;

(*e*) Must not have separation between plies;

(*f*) Must not have been damaged to the extent that cords are pulled loose beyond the first inside ply;

(*g*) Must not have injuries below any point where the top of the rim flange makes contact with the tire;

(*h*) Must not have or exhibit circumferential or flex breaks on the inside ply;

(*i*) Bead area must be sound with no broken wires.

(ii) The tread and sidewall must not be weather checked or cracked to the extent that the tire has more than two radial cracks which extend through the cord body.

(2) *Repairs.* A repair must be a vulcanized spot repair, or vulcanized reinforcement or vulcanized sectional repair which can be accomplished in accordance with recognized commercial practice and which can be reasonably expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload) so that the tire when repaired will be in a safe condition for service.

(i) "Vulcanized spot repair" means a repair which in accordance with recognized commercial practice should be applied to such tire damage as: surface blisters, cuts, and other injuries which can be satisfactorily repaired without fabric reinforcement; small injuries to not more than one ply in a four-ply tire; small injuries to not more than two plies in a six-ply tire; small injuries to not more than one-fourth of the total plies in heavier tires. Specifically, such repair must meet at least the following conditions:

(*a*) Loose portions of tread and sidewall rubber must be removed.

(*b*) Surfaces must be skived, roughened, cemented.

(*c*) Tire casing and repair materials must be moisture free.

(*d*) Rubber must be applied after cement is dry.

(*e*) Curing must be in accordance with instructions of the manufacturer of the repair materials used.

(ii) "Vulcanized reinforcement repair" means a repair requiring fabric reinforcement which in accordance with recognized commercial practice should be applied to such tire damage as worn tread spots or other injuries which involve ply damage exceeding that to which a vulcanized spot repair should be applied but where at least two of the plies are sound and uninjured. "Vulcanized sectional repair" means a repair requiring fabric reinforcement which in accordance with recognized commercial practice should be applied to such tire damage as breaks or cuts through the entire tire casing, nail holes enlarged by prolonged neglect, or other injuries which do not leave two of the plies sound and uninjured and thus involve ply damage exceeding that to which a vulcanized reinforcement repair should be applied. For a reinforcement repair, the patch may be lighter than for a sectional repair, but in no case may a patch lighter than two plies be used. Specifically, such repairs must meet at least the following conditions:

(*a*) Injured rubber and fabric must be removed.

(*b*) Area around injury must be skived at an angle to give maximum bonding surface and stress resistance (usually 45 degrees).

(*c*) Tire casing and repair materials must be moisture free.

(*d*) Surface must be buffed, cemented, and allowed to dry, then cemented again and allowed to dry again.

(*e*) Skived portion of the inner casing must be filled with cushion gum level with the inner band ply.

(*f*) Ready-built patch or built-in cord fabric must be applied in accordance with manufacturer's instructions regarding number of plies, size of patch, ply direction, and application.

(*g*) Tread portion of skive must be lined with skim coating of cushion gum or tie gum and filled with tread gum slightly above level of the tread.

(*h*) Curing must be in accordance with instructions of the manufacturer of the repair materials used. Proper pressure must be maintained during cure.

(*i*) Repaired portions must present smooth surfaces inside and out; tread, buttress, and sidewall designs must be restored to match those on the rest of the tire; and exterior contour must be maintained.

(*j*) Finished repair must be free of porosity and other imperfections.

[NOTE: Under the provisions of Supplementary Order No. 44 (8 F.R. 5305) Revised Price Schedule No. 66, as amended, is adopted and affirmed to be applicable to the Territory of Hawaii.]

Issued this 17th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13444; Filed, August 18, 1943; 9:13 a. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 253,[1] Amdt. 5]

REDWOOD LUMBER AND MILLWORK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 253 is amended by deleting paragraph (b) of Section 1381.405 and by renumbering paragraph (c) as (b).

This amendment shall become effective August 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13445; Filed, August 18, 1943; 9:13 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR,[2] Amdt. 18]

ALUMINUM SULPHATE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.10 is added to read as follows:

SEC. 4.10 *"War grade" iron-free aluminum sulphate*—(a) *Maximum prices*—(1) *Sales by manufacturer.* A manufacturer of "war grade" iron-free aluminum sulphate who has complied with the reporting requirements of subdivision (i) below may add to his maximum prices per 100 pounds for such commodity as established under § 1499.2 an amount equal to the amount by which his average total cost per 100 pounds for producing such commodity during the months of March, April, and May 1943 exceeds his average net sales realization per 100 pounds of the iron-free aluminum sulphate delivered during March 1942; *Provided*, That such addition may in no case exceed 50¢ per 100 pounds.

(i) *Report.* The provision of this subparagraph (1) shall apply only to sales by a manufacturer of "war grade" iron-free aluminum sulphate who prior to September 13, 1943 has filed with the Office of Price Administration in Washington, D. C. a statement showing:

(*a*) His maximum prices for sales of iron-free aluminum sulphate as established under § 1499.2.

(*b*) The amount he has added under the provisions of this subparagraph (1) to the maximum prices referred to in subdivision (i) (*a*).

(c) Full details of the calculation used to arrive at the addition referred to in subdivision (i) (b), including a full explanation of the basis of allocation of all costs not directly attributable to the manufacture of "war grade" iron-free aluminum sulphate.

(*d*) His maximum prices per 100 pounds for "war grade" iron-free aluminum sulphate after application of the addition referred to in subdivision (i) (b).

(b) A reseller of "war grade" iron-free aluminum sulphate may add to the maximum prices determined under § 1499.2 for such commodity an amount per 100 pounds not in excess of the amount per 100 pounds added by his supplier under the provisions of this section to such supplier's maximum price for such commodity.

(c) *Notification.* Any seller of "war grade" iron-free aluminum sulphate who increases his maximum prices therefor under the provisions of this section shall, with or prior to the first delivery to a purchaser of such commodity after such increase, furnish the purchaser the following notice:

The Office of Price Administration has given us permission to increase our maximum price for "war grade" iron-free aluminum sulphate (specify quantity and container) from $_____ to $_____ per 100 pounds. You are permitted to increase your maximum price for sales of this commodity by the same amount. If you do so, you are required to furnish each customer with or prior to the first delivery after such increase a written notice similar to this one.

(d) *Definitions.* As used in this section the term:

(1) "'War grade' iron-free aluminum sulphate" means aluminum sulphate containing less than .008 percent of iron by weight and produced from bauxite which is not "restricted bauxite" as that term is defined by General Preference Order M–1–h issued by the War Production Board on July 7, 1942.

(2) "Average total cost per 100 pounds" means the total cost for the period specified divided by the number of hundreds of pounds of "war grade" iron-free aluminum sulphate produced during such period.

(3) "Total cost" means all costs assignable to the production of "war grade" iron-free aluminum sulphate during the period specified less a credit equal to the net sales value of any by-product or joint product produced during such period after subtracting all costs directly attributable to additional processing, packaging, or delivery of such by-product or joint product. Such costs include direct labor, material, fuel, power, and container costs, together with reasonable allocations of indirect labor, supplies, depreciation of plant and equipment actually used in manufacture, maintenance and repairs, and similar items commonly associated with factory operations, plus reasonable allocations of insurance, property taxes, general administrative and selling expenses and similar items, but do not include idle plant expenses, profits, income and excess profit taxes, or war reserves or other reserves for contingencies.

(4) "Average net sales realization per 100 pounds" means the total net sales revenue received by the manufacturer from deliveries of iron-free aluminum sulphate during the period specified, after allowance of all discounts and after payment of all transportation charges incurred by him, divided by the total number of hundreds of pounds delivered during such period.

This amendment shall become effective August 23, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13446; Filed, August 18, 1943; 9:14 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 34]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. Section 11.5 (b) is amended to read as follows:

(b) An institutional user who has received a supplemental allotment of a rationed food during the third or a subsequent allotment period shall, when he applies for the allotments for the second allotment period following the one for which he received the supplemental allotment, report the number of persons served, and in the case of a Group III user, his dollar revenue, for the period for which he received the supplemental allotment. (For example, if he received a supplemental allotment during the third (July-August) allotment period he shall report such information when he applies for allotments for the fifth (November-December) allotment period.) The Board shall then compute an allotment in the same way it computes allotments pursuant to section 6.3 or section 7.3, whichever is applicable, using the figures for the allotment period in question as if they were the figures for the first two of the three calendar months preceding that period. If the result so obtained is less than the sum of the original and supplemental allotment received for the period, the difference shall be deducted from the allotments for which he is applying.

This amendment shall become effective August 16, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[1] 8 F.R. 10002.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9230, 10848; 8 F.R. 1139, 4136, 4720, 7197, 1169.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1–E, 1–M, and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively.)

Issued this 17th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13443; Filed, August 18, 1943; 9:13 a. m.]

PART 1300—PROCEDURE

[Procedural Reg. 9,[1] Amdt. 9]

UNIFORM APPEAL PROCEDURE UNDER RATION ORDERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1300.611 (d) is amended to read as follows:

(d) *Region IV.* Alabama: Montgomery, Birmingham; Florida: Jacksonville, Tampa; Georgia: Atlanta, Savannah; Mississippi: Jackson; North Carolina: Raleigh, Charlotte; South Carolina: Columbia; Tennessee: Knoxville, Nashville, Memphis; Virginia: Norfolk, Richmond, Roanoke.

This amendment shall become effective August 23, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280; 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 18th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–13487; Filed, August 18, 1943; 12:02 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[2] Amdt. 33]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. The title of Article IX is amended to read as follows:

Article IX—Issuance of Certificates and Ration Coupons.

2. A new section 9.5 is added to read as follows:

SEC. 9.5. *Issuance of ration coupons.* (a) Wherever in General Ration Order No. 5 a Board, district office or the Washington Office of the Office of Price Administration is authorized to issue certificates for processed foods or foods covered by Ration Order 16, it shall issue "ration coupons" instead to institutional users who are not entitled to have ration bank accounts pursuant to section 16.2. (Ration coupons may not be issued to an institutional user who is entitled to have an account, even if he does not actually have one.)

3. A new section 9.6 is added to read as follows:

SEC. 9.6. *Use of ration coupons.* (a) Wherever in this order an institutional user is required to surrender, deposit, issue or receive stamps, certificates or ration checks for processed foods or foods covered by Ration Order 16, ration coupons may be used or accepted instead. (However, ration coupons may not be used for an institutional user establishment which has a ration bank account. Any coupons received by that establishment must be deposited in its account.

4. Section 16.2 is amended to read as follows:

SEC. 16.2. *Who may open accounts.* (a) A Group II or III institutional user who served 3,000 or more persons in December 1942, or in any month from March 1943 on, may open and keep an account for any rationed food. (Other institutional users may not.) Only one ration bank account may be opened for all the foods covered by Ration Order No. 16. The opening of an account for one rationed food does not require him to open an account for any other rationed food.

(b) If the establishments of a Group II or III institutional user are separately registered, he may open separate accounts for any one or more of his establishments at which he served 3,000 or more persons. He may not use the same account for more than one establishment.

(c) Any Group II institutional user who is eligible to open a ration bank account and who has combined his establishments in one registration, may open one account for all his Group II establishments, or a separate account for each or for any combination of them. Any Group III institutional user who is eligible to open a ration bank account and whose establishments are registered together has the same privilege for his Group III establishments. No account may be opened for, or serve, establishments in more than one Group. If an account is opened pursuant to this paragraph for any establishment in Group II or Group III, all other establishments in the same group must also have an account or accounts.

5. A new section 16.4 is added to read as follows:

SEC. 16.4. *Closing of certain accounts.* (a) An institutional user who has an account but who, under the provisions of section 16.2, as amended, is not eligible to have an account shall promptly inform his bank in writing of this fact, and he shall reduce the balance in his account to zero on or before November 1, 1943.

6. Section 22.1 is amended by inserting between the definitions of "Ration check" and "Ration credits", the following:

"Ration coupons" means coupons, in denominations of 1, 5, 20, 100 and 1000, so designated in Ration Orders No. 13 or 16.

This amendment shall become effective August 18, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws, 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13488; Filed, August 18, 1943; 12:01 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO1A,[1] Amdt. 45]

TIRES, TUBES, RECAPPING AND CAMELBACKS

A rationale to this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.302 (g) is added to read as follows:

(g) Tires or new tubes being imported into the United States for the personal use of the importer. The local board serving the area in which the port of entry into the United States is located, and the local board normally having jurisdiction over the vehicle upon which the tires or new tubes are to be used shall have concurrent jurisdiction.

2. Section 1315.807 (g) is amended to read as follows:

(g) *Importation of tires or new tubes.* Tires or new tubes may not be imported into this country for the personal use of the importer and if held in Customs may not be released for such personal use, unless the importer holds the Part D of OPA Form R–2, revised, issued by a War Price and Rationing Board.

(1) Application for this certificate must be made on OPA Form R–1, revised, to the local War Price and Rationing Board nearest the desired port of entry into the United States, or to the local board normally having jurisdiction over the vehicle on which the tires or new tubes are to be used. In addition to the application on Form R–1, revised, the applicant must also furnish the board to which application is made an affidavit containing the following information:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8796, 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 8381.

[2] 8 F.R. 10002.

[1] 7 F.R. 9160, 9392, 9724.

(i) The serial number (brand name, if no serial number) of each tire and the size of each tire or new tube to be imported.

(ii) The total number of miles that the tires or new tubes to be imported have been driven. (A tube driven 1,000 miles or over is no longer a new tube).

(2) If the applicant establishes, in accordance with the provisions of this order, eligibility and need for the number and particular type and grade of tires or new tubes which he wishes to import, the board will issue the Part D of OPA Form R–2, revised, for the number, type and grade of tires or new tubes to be imported indicating thereon the serial number of each tire and the size of each tire or new tube.

(3) The presentation of the Part D of OPA Form R–2, revised, to the United States Customs officials shall be the authorization, insofar as the regulations of the Office of Price Administration are concerned, for the importation into the United States of the tires or new tubes described on such certificate. The Part D should be retained by the importer.

(4) If the applicant is unable to obtain an authorization to import tires or new tubes held in Customs he may dispose of such tires or new tubes as follows:

(i) To any dealer or manufacturer of tires and tubes located in the United States, upon written authorization of the District Director having jurisdiction over the area in which the dealer or manufacturer is located. Application for such authorization must be made in accordance with the provisions of § 1315.804 (e) (3) of Ration Order No. 1A.

(ii) To the Defense Supplies Corporation.

(iii) To any person located outside the continental limits of the United States.

(5) Authorization of the Office of Price Administration is not necessary to import tires or new tubes in the following cases:

(i) Any person who makes a sworn statement to the United States Customs officials that his vehicle has been outside the continental United States continuously since December 1, 1942, or since the date of its purchase, may import tires or new tubes which are mounted on such vehicle.

(ii) Any person who has had his own tires recapped while outside the continental United States.

(iii) Any person may import used tubes (tubes which have been driven 1,000 miles or more) without restriction since used tubes are no longer subject to rationing control.

(iv) Any diplomatic representative of a foreign Government may import tires or new tubes for his own personal use, or for the use of members of his staff.

(v) Any commercial representative of a foreign Government may import tires or new tubes for use in his official business.

(vi) Any person may import tires or new tubes from the Dominion of Canada: *Provided*, That such tires or new tubes were manufactured in the continental United States, Canada or the British Isles.

This amendment shall become effective August 23, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942; W.P.B. Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 18th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–13489; Filed, August 18, 1943; 12:03 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 46]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale to this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (38) is amended to read as follows:

(38) "Used," as applied to tires and tubes, means any tire or tube which has been used 1,000 miles or more, or any recapped tire.

2. Section 1315.514 is added to read as follows:

§ 1315.514 *Eligibility for recapping service for tires held for resale.* The District Director for the area in which a dealer is located may, upon written application by the dealer, issue certificates for recapping service for truck-type tires held by him for resale provided such tires have been examined and approved for recapping by an OPA Tire Examiner. The dealer shall state in his application the sizes and serial numbers of the tires to be recapped.

3. Section 1315.603 (a) is amended by substituting a colon for the period at the end of the first sentence thereof and adding the following clause after the colon:

Provided, however, That if application for a certificate for a tire is made for a passenger automobile for which a Tire Inspection Record is required under § 1315.701, all the tires mounted on such passenger automobile shall be inspected and their condition certified by an authorized inspector.

4. Section 1315.607 (b) (3) is added to read as follows:

(3) A District Director may issue to a dealer certificates on OPA Form R–2 (Revised) for recapping service for truck-type tires held for resale.

5. Section 1315.704 (a) is amended by deleting the phrase "or remove a tire from" and the commas preceding and following it.

6. Section 1315.804 (k) is added to read as follows:

(k) *Transfer of used truck tires.* (1) A manufacturer may, upon written authorization of the District Director for the area in which the transferee is located, transfer used truck-type tires to a dealer. Application for such authorization shall be made in writing by the transferor.

(2) A dealer receiving tires under the provisions of this Section shall, within ten days of the receipt of the tires, notify his OPA District office of the number of such tires he has designated as scrap. He shall not dispose of any tires so designated for a period of thirty days from the date of the notification unless such tires have been inspected by an OPA Tire Examiner.

7. Section 1315.807 (d) is amended by deleting the phrase "Regional Office" and inserting the phrase "District Office" in lieu thereof.

This amendment shall become effective August 18, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13490; Filed, August 18, 1943; 12:03 p. m.]

PART 1367—FERTILIZER

[Rev. MPR 135,[1] Amdt. 5]

MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 135 is amended in the following respects:

1. Section 1367.41 (c) is amended to read as follows:

(c) *Imports.* The provisions of this regulation apply to the purchases, sales and deliveries of the mixed fertilizer, superphosphate and potash named in this regulation originating outside of and imported into continental United States.

This amendment shall become effective August 24, 1943.

(Pub. Laws 421 and 729, 77th Cong. and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13491; Filed, August 18, 1943; 12:02 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9752, 10079, 10085, 10264, 10430, 10733.

[1] 7 F.R. 11075; 8 F.R. 1459, 3621, 8540, 10572.

PART 1381—SOFTWOOD LUMBER

[MPR 454]

AROMATIC RED CEDAR LUMBER

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1381.102 *Maximum prices for aromatic red cedar lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 454 (Aromatic Red Cedar Lumber) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1381.102 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION NO. 454—AROMATIC RED CEDAR LUMBER

CONTENTS

Sec.
1. Prices higher than ceiling prohibited.
2. What products, transactions, and persons are covered.
3. Maximum f. o. b. mill prices.
4. Additions.
5. Delivered prices.
6. Grades, services, or extras not listed.
7. Adjustable pricing.
8. Petitions for adjustment or amendment.
9. Prohibited practices.
10. Records.
11. Enforcement.

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after August 24, 1943, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business, any aromatic red cedar lumber for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *What products, transactions, and persons are covered.* This regulation covers all direct-mill sales of aromatic red cedar lumber (Juniperus virginiana) graded under the effective grading Rules of the National Hardwood Lumber Association issued January 1943. The regulation applies regardless of the kind of mill or plant in which the lumber is produced, and regardless of whether the particular item is specifically priced in the price tables or not. Any person who makes a sale of this kind, for himself or others, is subject to this regulation.

SEC. 3. *Maximum f. o. b. mill prices.* The maximum prices for aromatic red cedar lumber, rough, f. o. b. mill, per one thousand feet [1] shall be as follows:

Thickness (inches)	Widths (inches)	Lengths (feet)	No. 1 common and better	
5/8	Standard	Standard	$54	
3/4	Standard	Standard	60	
1	Standard	Standard	67	$33.50
1¼	Standard	Standard	72	36.00
1½	Standard	Standard	72	36.00
2	Standard	Standard	77	38.50
Any	7, 8, 10, 11 or 12	5 feet and longer	100	

SEC. 4. *Additions.* (a) When ordered by the customer and furnished by the seller, the following indicated additions may be made to the maximum prices in the preceding section:

(1) Non-standard specifications:

4" and wider, 3' and longer	$3.00
5" and wider, 3' and longer	10.00

(2) Kiln drying to a moisture content not exceeding 10 percent at the time the lumber leaves kiln.

	Thickness (inches)					
	5/8	3/4	1	1¼	1½	2
Price	$8.00	$8.00	$10.00	$12.00	$12.00	$14.00

(3) Mill working:

	Less than 1", 1" and 1¼" thick	1½" and thicker
Resawing 1 line	$3.00	$2.50
Resawing 2 lines	5.50	4.50
Surfacing 1 or 2 sides	2.50	2.25
Surfacing 2 sides and resawing	5.00	4.25
Resawing and resurfacing 1 or 2 sides	5.50	4.75
Surfacing 3 or 4 sides, or 1 side and edge	4.00	3.50

(b) *Small quantities.* The following additions per thousand feet may be made when the purchaser (or purchasers in the case of a pool car) orders an item consisting of one species, thickness, and grade, in the following quantities:

Quantity ordered:	Addition per M'
3000 to 4000 feet	$1.00
2000 to 2999 feet	2.00
1000 to 1999 feet	2.50
999 or less feet	3.00

SEC. 5. *Delivered prices.* The general rule is that the maximum delivered price shall be a price not higher than the f. o. b. mill maximum price plus the actual transportation charges paid or incurred by the seller in making shipment directly from the mill to the point of delivery required by the purchaser. However, it is permissible to quote delivered prices based on the rail rate times an estimated weight of 3300 pounds per 1000 feet board measure, or equivalent in other measure.

SEC. 6. *Grades, services, or extras not listed.* (a) If a seller wishes to sell a grade or item which is not specifically priced in the price tables, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables, in October 1941, from the seller's own records, or if that is impossible, from experience of the trade. If no established price differential which can be used for comparison existed, a detailed analysis of the calculation of the requested price should be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but the final payment may not be made until the price has been approved. Action on the request may be by letter or telegram.

SEC. 7. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 8. *Petitions for adjustment or amendment*—(a) *Government contracts.* (1) The term "Government contract" is here used to include any contract with the United States or any of

*Copies may be obtained from the Office of Price Administration.

[1] "Feet" means board feet of lumber except that with reference to lumber in thicknesses of 5/8" and 3/4" "feet" means surface feet.

its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States". The term also includes any sub-contract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract", who believes that the maximum prices established by this regulation impede or threaten to impede production of aromatic red cedar lumber essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6,[2] as amended, by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

SEC. 9. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

SEC. 10. *Records.* All sellers and all buyers of aromatic red cedar for direct-mill shipment must retain a copy of the invoice covering each transaction or maintain records in other forms containing a complete description of the lumber, name and address of the other party to the transaction, date of sale, and the price paid, including any special addition for extra service, working, or specification. These records must be retained for two years, for inspection by the Office of Price Administration.

SEC. 11. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

Effective date. This regulation shall become effective August 24, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13492; Filed, August 18, 1943; 11:58 a. m.]

[2] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174.
[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 15 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (e) (4) is amended to read as follows:

(4) Stamps lettered R, S and T may be used from August 1 to September 20, 1943, inclusive.

This amendment shall become effective August 23, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 18th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13493; Filed, August 18, 1943; 12:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[2] Amdt. 52]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 11.2 (c) (3) of Ration Order 13 is revoked and the present subparagraph (4) is redesignated (3).

This amendment shall become effective August 23, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 18th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13494; Filed, August 18, 1943; 12:02 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

ANTI-AIRCRAFT FIRING AREA, GULFPORT, MISS.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of waters of the Gulf of Mexico, south of Ship Island, comprising a surface and anti-aircraft firing area of the Armed Guard Training Station, Gulfport, Mississippi.

§ 204.91a-2 *Waters of Gulf of Mexico, south of Ship Island; Armed Guard Training Station, Gulfport, Miss.*—(a) *The danger zone.* The area extends from one mile east to two miles west of Ship Island, and from three miles south of Ship Island to two miles north of the Chandeleur Islands, and is bounded as follows:

West boundary—Longitude 89°00' W.
North boundary—Latitude 30°10' N.
East boundary—Longitude 88°50' W.
South boundary—Latitude 30°05' N.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area during its use for firing practice, except as provided in subparagraph (3) below. Firing will ordinarily take place between sun-up and sun-down daily.

(2) Prior to and during the conduct of each firing practice the firing vessel will fly a red flag at the foretruck.

(3) These regulations shall not deny access or egress from harbors contiguous to the danger zone or to Ship Island Pass by regular cargo-carrying vessels, nor shall they deny traverse of portions of the danger area by regular cargo-carrying vessels proceeding in established steamer lanes. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and not delay its progress.

(4) Advance notice shall be given of the date on which the first firing practice will begin. At intervals of not more than three months thereafter, notice will be sent out that firing practice is continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners."

(5) These regulations will be enforced by the Commanding Officer, Armed Guard Training Station, Gulfport, Mississippi, and such agencies as he may designate.

(40 Stat. 892; 33 U.S.C. 3) [Regs. 7 August 1943 (CE 800.2121 (Mississippi Sound, Miss.)—SPEKH)]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-13453; Filed, August 18, 1943; 10:05 a. m.]

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 1, Title II of the Espionage Act

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203, 10085, 10089, 10728.

[2] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7267, 7268, 7380, 7353, 7490, 7589, 8357, 8276, 8705, 9024, 9012, 9216, 9305, 9459, 10511, 10665.

approved June 15, 1917, 40 Stat. 220, as amended by the Act of November 15, 1941, 55 Stat. 763 (U. S. C. Title 50, Sec. 191, 191a), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the navigable waters of the United States, are hereby amended as follows:

SUBPART A

Amend § 6.3 to read as follows:

§ 6.3 *Authority of District Coast Guard Officer.* (a) At ports or places where no captains of the port have been designated or at ports or places where they have been designated and such officers are absent from duty for any cause, these rules and regulations may be enforced by any other officer designated by a District Coast Guard Officer.

(b) Wherever the term "District Coast Guard Officer" is used in the regulations contained in this part or in any license issued thereunder, it shall be deemed to include the Commanding Officer, Coast Guard Forces, Potomac River Naval Command.

* * * * *

SUBPART C

Amend § 6.3–72 (a) to read as follows:

§ 6.3–72 *Hempstead Harbor, Long Island Sound, New York*—(a) *The anchorage area.* Vessels may anchor in Hempstead Harbor to the west of a line bearing 316½° and extending from Matinicock Point to east end of Parsonage Point, a distance of 1,000 yards; to the south of a line bearing 59° ranging on a line from Sands Point Light to a point intersecting the eastern limits 1,000 yards from Matinicock Point, to the east of a line bearing 316° ranging from Hempstead Harbor breakwater light to Edgewater Point breakwater light.

* * * * *

Delete §§ 6.5–9 and 6.5–10 and substitute in lieu thereof the following:

§ 6.5–9 *Patuxent River, Maryland; prohibited area*—(a) *The area.* From a line extending from shore to shore approximately 1,000 yards west of Broome Island Light (longitude 76°34′) to a line extending from shore to shore approximately 400 yards east of Drum Point Lighthouse (longitude 76°25′).

(b) *The regulations.* No vessel or craft of any description whatsoever, commercial or pleasure, whether self-propelled or not, may enter or operate within the prohibited area described in this section excepting upon the prior permission of, and subject to the conditions prescribed by the Captain of the Port or his duly authorized representative.

§ 6.5–10 *U. S. Naval Air Station, Patuxent River, Maryland; restricted and prohibited areas*—(a) *The areas*—(1) *Machine gun range.* The waters on the western shore of Chesapeake Bay south of Cedar Point, Maryland, within an area bounded as follows: On the north, a line 107° (true), a distance 1.5 miles, from the Armament Test Hangar at U. S. Naval Air Station; on the east, a line 147° (true) from Drum Point Light; on the south, a line 057° (true), a distance 2 miles from Point No Point; and on the west, the shore line of Chesapeake Bay between Point No Point and the Armament Test Hangar.

(2) *Aerial gunnery range.* The waters of Chesapeake Bay south of a line between Cedar Point, Maryland, and the southern tip of Barren Island; west of a line between the southern tip of Barren Island and Shanks Island, Virginia; north of a line between Shanks Island and Smith Point Light, Virginia, and east of a line between Smith Point Light and Point Lookout and the shore line of Chesapeake Bay between Point Lookout and Cedar Point.

(3) *Seaplane landing area.* The waters of Chesapeake Bay within the area of the aerial gunnery range described in paragraph (2) of this section bounded as follows: A line bearing 090° (true) for a distance of 2 miles, from Cedar Point Lighthouse, thence 180° (true) for a distance of 3 miles, thence 270° (true) until the intersection with the shore line, thence northeasterly to the Cedar Point Lighthouse following the contour of the shore.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the Machine Gun Range or Seaplane Landing Area at any time. No vessel or other craft shall enter or remain in the Aerial Gunnery Range during its use for firing practice except as provided in paragraph (b) (5).

(2) Advance notice shall be given of the date on which the first firing practice is conducted and such notice shall be published in the "Notice to Mariners". The range will be in use throughout the year and no further notice is contemplated that firing is continuing.

(3) Prior to the conduct of firing practice the area will be patrolled by Navy aircraft to insure that no watercraft are within the danger area, and any watercraft in the vicinity will be warned by means of signals that firing practice is to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(4) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall remain outside the area until the conclusion of firing practice.

(5) Through navigation of commercial craft proceeding on established steamer lanes will be permitted traverse of the Aerial Gunnery Range at all times. Such vessels shall proceed on their normal course and shall not delay their progress.

(6) These regulations shall be enforced by the Commandant Potomac River Naval Command, and such agencies as he may designate, and by the Captain of the Port.

* * * * *

Add the following sections to Subpart C:

§ 6.5–16 *The Potomac River and its tributaries, south of Great Falls, Virginia*—(a) *The restricted area.* (1) In the Potomac River 1,000 yards below the Pennsylvania Railroad Bridge, Washington, D. C., to 350 yards above Francis Scott Key Bridge, Washington, D. C.

(2) In the Potomac River between 1,000 yards below and above the Baltimore and Ohio Temporary Railroad Bridge, Alexandria, Virginia.

(3) In the Potomac River between 1,000 yards below and above the Potomac River Bridge at Morgantown, Maryland.

(4) In the Anacostia River from South Capital Street, Washington, D. C., to 1,000 yards above the Benning Bridge, Washington, D. C.

(b) *The regulations.* The following restrictions apply between the hours of sunset and sunrise, to the indicated classes of vessels entering the above restricted areas:

(1) Commercial vessels of regularly established lines, operating on regular schedules, and vessels with licensed pilots on board and on duty, may move through these restricted areas without stopping: *Provided,* That they are well lighted; blow one long blast of a whistle before entering such area; and keep a good lookout for the Coast Guard patrol boat on duty to the end that the approach of such boat will be readily discovered and any communication from it may be received. During a blackout such of these vessels as may be authorized by the blackout regulations to continue under way, may pass through the restricted areas: *Provided,* That they carry only running lights, sound the whistle as required above, and proceed through such areas slowly and with special caution.

(2) All other vessels, except vessels of the Army and Navy, shall stay outside of the restricted areas until authorized to enter by the commanding officer of the Coast Guard patrol boat guarding the area, and will indicate their presence and their desire to pass through the area to such Coast Guard patrol boat on duty, by flashing a light into the restricted area or by blowing a long blast of the whistle, or, if possible, both: *Provided,* That during a blackout they shall not pass through the restricted area.

(3) These regulations in no manner limit or otherwise affect existing rules or regulations governing the movement of vessels in other restricted areas in the waters of the Potomac River and its tributaries, or during a blackout.

* * * * *

Amend Subpart C by substituting § 6.5–33 in lieu of § 6.6–1.

Add the following sections to Subpart C:

§ 6.5–35 *Albemarle Sound, near Edenton, N. C.: restricted seaplane operating area*—(a) *The area.* The restricted area comprises a portion of Albemarle Sound between the bridge of the Norfolk Southern Railroad on its line from Mackeys to Edenton, North Carolina, and the State Highway bridge on North Carolina Route 32, and includes the waters within three sections, described as follows:

Section 1. An area 1,000 feet wide, bounded by lines 500 feet on each side of the line connecting the centers of the drawspans of the two bridges.

Section 2. The area between the north shore line and the north shore line of Section 1.

Section 3. The area between the south line of Section 1 and a line 5,000 feet north of the south shore line.

(b) *The regulations.* (1) Sailing vessels or any water craft propelled by mechanical power may enter Section 1 for through passage without restrictions except when the signals enumerated in paragraph (3) below are given.

(2) Sailing vessels or any water craft propelled by mechanical power will keep clear of sections 2 and 3 at all times after notices have been given as provided in paragraph (4) below.

(3) Whenever scheduled operations at the seaplane base make it necessary to restrict the passage of vessels through Section 1, the Commanding Officer shall notify the bridge tenders at both bridges to give vessels approaching the section from either direction the required signal indicating that the draw cannot be opened: *Provided,* That vessels seeking through transit shall not be delayed more than one hour.

(4) One week in advance of the date when the area is to be used as a seaplane operating base, the Commanding Officer will warn the public of such contemplated use through the public press and the United States Coast Guard.

(5) These regulations will be enforced by the Captain of the Port and by the Commanding Officer of the Marine Corps Air Station near Edenton, North Carolina, or such responsible agents as he may designate.

§ 6.6–24 *Waters of the Atlantic Ocean: U. S. Naval Air Station, Jacksonville, Florida: Aerial Bombing and Gunnery Range, at the mouth of Nassau Sound, Florida*—(a) *The danger zone.* An area at the mouth of Nassau Sound, Florida, and 7.0 nautical miles north of the entrance to St. Johns River, Florida, bounded by a circle having a radius of one nautical mile from the center, the center being located at north latitude 30°30′ and west longitude 81°25′45″ on an unnamed island in the mouth of Nassau Sound. The military operations which will be carried on in the area consist of firing at a target from weapons mounted in airplanes flying at varying altitudes, and the dropping of practice aerial bombs from airplanes on points within the area. The target cluster will be located on the unnamed island at the center of the danger area, and there will be no additional marking of the area.

(b) *The regulations.* (1) The danger area is open to navigation except when bombing or gunnery practice is being conducted, when no vessel or other craft shall enter or remain within the area except as provided in paragraph (b) (4).

(2) Bombing and gunnery practice will take place in the area at frequent and irregular intervals throughout the year, regardless of season, and advance notice will be given of the date on which the first practice shall begin. At intervals of not more than three months thereafter, notice will be given that practice is continuing. Such notices will appear in the local newspapers and in "Notice to Mariners."

(3) Prior to the conduct of each practice, the area will be patrolled by Naval aircraft which will warn vessels to leave the area by "zooming" a safe distance to the side. Upon receiving this signal, any watercraft within the danger zone shall leave it immediately and no craft shall enter the area until practice has ceased.

(4) These regulations shall not deny access to or egress from harbors contiguous to the danger area by regular cargo-carrying vessels, nor shall they deny traverse of portions of the danger area by regular cargo-carrying vessels proceeding in established steamer lanes. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery and bombing practice shall cause the cessation or postponement of such operations until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(5) These regulations will be enforced by the Captain of the Port and by the Commandant, United States Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

§ 6.7–18 *Waters of Lake Woodruff, Florida: U. S. Naval Air Station, Jacksonville, Florida; aerial practice bombing area*—(a) *The danger zone.* The danger zone is located in the center of Lake Woodruff, Florida, 4.5 miles southwest of DeLeon Springs, in a circle having a diameter of one mile, with its center at north latitude 29°05′45″ and west longitude 81°25′00″. The military operations to be carried on in the area will consist of the dropping of practice aerial bombs on a low-level bombing target located at the center of the area.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated during its use for target practice.

(2) Bombing practice will be conducted within the area during all daylight hours every day until further notice, and may be conducted any night from sunset until four hours after sunset.

(3) Prior to the commencement of daylight operations, the danger area will be patrolled by Naval aircraft which will warn navigation to leave it by "zooming" a safe distance to the side. Conspicuous warning signals will also be placed at all outside entrances to Lake Woodruff. Upon receiving these signals any watercraft within the danger zone shall immediately leave it, and no craft shall enter the area until practice has ceased. Bombing practice will not be commenced until all craft have left the area.

(4) During night operations the same precautions will be taken for the safety of surface craft as in daytime operations, with the addition of Very's pistol signals to insure positive control. A red Very's pistol signal will indicate cease bombing and a green Very's pistol signal will indicate area is clear for bombing.

(5) These regulations shall be enforced by the Captain of the Port and by the Chief of Naval Air Operational Training Command, United States Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

* * * * *

Add the following subparagraph to § 6.8–25 (a):

(3) That portion of Lake Borgne inclosed by an arc described with Shell Beach, Louisiana (latitude and longitude as above), as a center and radius of 23,000 yards between a line bearing 350° true and a line bearing 28° true.

* * * * *

Add the following section to Subpart C:

§ 6.8–38 *Waters of Laguna Madre and Corpus Christi Bay, Texas; Gunnery and Bombing Range, Naval Air Training Center, Corpus Christi, Texas*—(a) *The danger zone.* (1) The gunnery and bombing range hereinafter referred to in toto as the "Restricted Area" includes all of the waters of the portion of Laguna Madre, Texas, lying north of latitude 27°20′ north and a connecting portion of the south side of Corpus Christi Bay. The restricted area is bounded as follows: (See U. S. C. & G. S. Chart No. 1286.) All azimuths are referred to true north.

(2) Beginning at a point on the south shore of Corpus Christi Bay, at the "North Gate" of the Naval Air Station, in approximate latitude 27°42′20″ north, longitude 97°17′15″ west, thence 19°19′, 4,000 yards to a beacon in Corpus Christi Bay in latitude 27°44′12″ north, longitude 97°16′31″ west; thence 111°22′, 11,286 yards to a beacon located on the west shore of Mustang Island in latitude 27°42′10″ north, longitude 97°10′40″ west; thence generally southerly along the westerly shore line of Mustang Island and Padre Island to latitude 27°20′ north; thence west to a point on the west shore of Laguna Madre in latitude 27°20′ north; thence generally northerly along the west shore line to Laguna Madre to Flower Bluff Point; thence westerly along the south shore of Corpus Christi Bay to the point of origin.

(b) *The regulations.* (1) On days and nights when firing is scheduled, the following signals will be displayed; during daylight hours large red flags will be displayed from elevated positions in a prominent location in the immediate vicinity of each firing point from which firing is to be conducted; when night firing is scheduled, red lights will be displayed in lieu of the flags. Advance notice of any night firing will also be published in the Corpus Christi newspaper at least three days prior to the commencement of night firing in the area.

(2) No person, vessel, or craft of any type shall enter or remain in the restricted area at any time, day or night except as provided in subparagraphs (b) (3), (4), (5), (6), and (7) below.

(3) Clearance for watercraft operating in the restricted area on set schedules and on prescribed routes may be granted upon written application to the Commandant, Naval Air Training Center, Corpus Christi, Texas.

(4) Changes in schedules and routes may be made upon written application to the Commandant.

(5) Off schedule operation of craft or operation over unprescribed routes may, in cases of necessity, be authorized upon special application in each case. These applications shall also be in writing to the Commandant except as noted below.

(6) Commercial fishermen and personnel of oil companies holding leases within the restricted area will not be required to operate on set schedules or over prescribed routes but, in order to enter the restricted area either day or night, they must have proper identification and have the approval of the Commandant, Naval Air Training Center, Corpus Christi, Texas.

(7) Every practicable effort will be made by Naval activities, aerial, ground or water, which are operating in the area to remain clear of any navigation authorized by these regulations, but all navigation of private craft shall be conducted at the operator's or owner's risk. Further, it shall be the responsibility of the operators of any craft permitted to enter the area, to remain clear of the bombing targets, the machine gun, and rifle ranges when such areas are in use.

(8) These regulations will be enforced by the Captain of the Port and by the Commandant, Naval Air Training Center, Corpus Christi, Texas, through the use of such equipment and personnel as may be properly designated by him for the purpose.

* * * * *

Amend § 6.3–20, paragraph (d) to read as follows:

(d) *Explosive anchorage.* The portion of Anchorage 20–A and 20–B located eastward of a line bearing 204.5° true from the east end of the east landing pier on Bedloe's Island through Bayonne Terminal Lighted Buoy "1", Robbins Reef Lighted Gong Buoy "27", and Coast Guard Depot North Dock Light; and south of a line bearing 130° T ranging from the tank on the Central Railroad Pier, Jersey City, New Jersey, to the northwest corner of Pier 39, Red Hook, Brooklyn, New York, is designated as an explosive anchorage. The Captain of the Port may authorize the use of this explosive anchorage by vessels loading or discharging explosives and when laden with explosives when he finds that the interests of commerce and national war effort will be promoted thereby and that the interest of safety will not be prejudiced thereby. No vessel shall occupy this anchorage without a permit from the Captain of the Port.

(1) No vessel shall anchor between Ellis Island and the piers of the Central Railroad of New Jersey, or in the dredged channel approaches to this space, or the piers and wharves of the railroad, or in the dredged channel approaches to the National Docks at Black Tom Island, to Bedloe's Island, to the Greenville, Claremont and Bayonne Terminals, or in the New Jersey Pierhead Channel, or near the entrances to said channels so as to obstruct the approaches or interfere in any way with the free navigation of the same. The portion of Anchorage No. 20–A, north of National Docks at Black Tom Island, and the portion of Anchorage No. 20–B which are east of a line ranging 204.5° true and tangent to the east end of the east landing pier of Bedloe's Island through Bayonne Terminal Lighted Buoy "1", Robbins Reef Lighted Gong Buoy "27" and Coast Guard Depot North Dock Light, are set aside as temporary anchorages for vessels arriving in and leaving port. No vessel shall occupy these anchorages for a longer period than 72 hours unless a permit is obtained from the Captain of the Port for that purpose.

Amend § 6.3–20, paragraph (g) to read as follows:

(g) *Anchorage No. 21–B.* That portion of Anchorage No. 21 south of Anchorage No. 21–A as described above, and west and south of Anchorage No. 21–C described below. This anchorage shall be used by steamers: those deep-laden to use the western side and southern end of the anchorage ground, and light-draft to use the eastern side, excluding the fairway described below. All that portion of Anchorage 21–B, as described herein, south of the Long Island Railroad carfloat channel is designated as an explosive anchorage. The Captain of the Port may authorize the use of this explosive anchorage by vessels loading or discharging explosives and when laden with explosives when he finds that the interests of commerce and national war effort will be promoted thereby and that the interest of safety will not be prejudiced thereby. No vessel shall occupy this anchorage without a permit from the Captain of the Port.

* * * * *

Add the following section to Subpart C:

§ 6.7–5 *Restricted and Danger Zones in vicinity of Fort Pierce, Florida*—(a) *The areas*—(1) *Zone 1.* Beginning at a point in latitude 27°37'04", longitude 80°19'45"; thence southerly to latitude 27°26'30", longitude 80°16'42"; thence westerly to latitude 27°28'16", longitude 80°18'00"; thence northerly to latitude 27°36'18", longitude 80°21'15"; thence easterly to point of beginning.

(2) *Zone 2.* Beginning at a point in latitude 27°33'36", longitude 80°11'24"; thence southerly to latitude 27°32'36", longitude 80°10'56"; thence westerly to latitude 27°30'45", longitude 80°16'00"; thence northerly to latitude 27°31'48", longitude 80°16'23"; thence easterly to point of beginning.

(3) (All latitudes north and longitudes west.)

(b) *The regulations.* (1) The above described areas are reserved for military training purposes and are hereby closed to all civilians and to all private vessels, unless prior permission in writing has been received from the Captain of the Port of Fort Pierce, Florida, or other competent military authority.

* * * * *

Amend § 6.9–55 (b) (1) by adding the following sub-division:

(vi) *Chillicothe, Illinois.* The restricted area extends from bank to bank, 1,000 feet above and below the Atchison, Topeka & Santa Fe Railroad Bridge, Mile 182, Illinois River.

* * * * *

Amend § 6.9–55 (b) (3) by deleting subdivision (xiii) thereof and by substituting a new sub-division (xiii) as follows:

(xiii) *Dashields Dam.* The restricted area includes all waters from the sailing line to the right bank from Dashields Lock and Dam, mile 13.3 to Ambridge Aliquippa Bridge, mile 16.8.

* * * * *

Amend § 6.9–55 (b) (4) by deleting subdivision (vii) and by amending subdivision (vi) to read as follows:

(vi) *Keokuk, Iowa.* The restricted area includes all waters of the Mississippi River from mile 361.3 to mile 365.1 from bank to bank.

Amend § 6.9–55 (b) (4) by deleting the existing subdivisions (xix) and (xx) and by adding the following subdivisions:

(xix) *Inver Grove, Minnesota.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago, Rock Island, Illinois & Pacific Railway and Highway Bridge, mile 830.3, Upper Mississippi River.

(xx) *Hastings, Minnesota.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago, Milwaukee, St. Paul & Pacific Railroad Bridge, mile 813.7, Upper Mississippi River.

(xxi) *La Crosse, Wisconsin.* The restricted area extends from bank to bank, in both East and West Channel, 1,000 feet above and below the Chicago, Milwaukee, St. Paul & Pacific Railway Bridge, mile 699.8, Upper Mississippi River.

(xxii) *Sabula, Iowa.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago, Milwaukee, St. Paul and Pacific Railroad Bridge, mile 535, Upper Mississippi River.

(xxiii) *Clinton, Iowa.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago & Northwestern Railroad Bridge, mile 518, Upper Mississippi River.

(xxiv) *Burlington, Iowa.* The restricted area includes all waters of the Mississippi River from mile 402.9 to mile 404.4 from bank to bank.

* * * * *

Amend § 6.9–55 (b) (5) (i) and (b) (5) (vi) to read as follows:

(i) *Omaha, Nebraska.* The restricted area extends from bank to bank 1,000 feet above and below the Union Pacific Railroad Bridge, mile 631.4, Missouri River.

(vi) *Blair, Nebraska.* The restricted area extends, bank to bank, from mile 670.3 to 1,000 feet above the Chicago & Northwestern Railroad Bridge; mile 670.5, Missouri River.

Amend § 6.9–55 (b) (5) by adding the following sub-divisions:

(vii) *Rulo, Nebraska.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago, Burlington & Quincy Railroad Bridge, mile 514.4 Missouri River.

(viii) *Sibley, Missouri.* The restricted area extends from bank to bank, 1,000 feet above and below the Atchison, Topeka, & Santa Fe Railway Bridge, mile 340, Missouri River.

(ix) *West Alton, Missouri.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago,

Burlington & Quincy Railroad Bridge, mile 8.2, Missouri River.

* * * * *

Amend § 6.9–55 (b) (6) by adding the following sub-division:

(ii) *West Nashville, Tennessee.* The restricted area includes all waters from bank to bank of the Cumberland River, from mile 182.5 upstream to mile 185.3.

* * * * *

Amend § 6.9–55 (b) (7) (ii) to read as follows:

(ii) *Decatur, Alabama.* The restricted area extends from bank to bank, 1,000 feet above and below the Southern Railway Bridge at mile 304.4, Tennessee River.

Amend § 6.9–55 (b) (7) by adding the following subdivision:

(iii) *Fort Loudoun Dam.* The restricted area extends from bank to bank 1,400 feet below and 1,000 feet above the Fort Loudon Dam, mile 602.3 Tennessee River.

Amend § 6.9–55 (b) by adding the following sub-divisions:

(9) *French Broad River*—(i) *Douglas Dam.* The restricted area extends bank to bank, French Broad River, 250 feet below and 650 feet above the Douglas Dam.

(10) *Hiwassee River*—(i) *Apalachia Dam.* The restricted area extends bank to bank, Hiwassee River, 1,000 feet above and 1,000 feet below the Apalachia Dam.

* * * * *

Add the following sub-paragraph to § 6.9–56 (b):

(3) No vessel of 100 gross tons or over shall pass or attempt to pass another vessel or vessels moving in the same or opposite direction at any place in the channels connecting Lake Huron and Lake Erie in such a position that more than two (2) vessels will be abreast when passing: *Provided,* That, in that portion of the St. Clair River between Lake Huron Cut Lighted Buoy 2 and Port Huron Traffic Lighted Buoy and in the South Channel. St. Clair Flats between Harsen's Island Range Front Light 17 and St. Clair Flats Range Front Light 1, no such vessel shall pass or attempt to pass another vessel moving in the same direction.

* * * * *

Add the following section to Subpart C:

§ 6.13–15 *Emergency explosives anchorage: Columbia River, Vancouver, Oregon*—(a) *The area.* The following area is established as an emergency anchorage for explosive-laden vessels; Beginning at a point designated as Willimette River Light (latitude 45°39'15", longitude 122°45'41"); thence bearing 60° (true) to the Washington shore of the Columbia River; thence in a southeasterly direction bearing 150° (true) a distance of 1,500 feet; thence in a southwesterly direction bearing 240° (true) and parallel to the 60° (true) course above described to the Oregon shore of the Columbia River; thence in a northerly direction to the point of beginning.

NOTE: This area does not constitute a new explosive anchorage for loading explosives, but is intended solely for use in the event of imminent air raid, fire, or other catastrophe wherein those vessels which may be explosive-laden could proceed to a safe anchorage.

* * * * *

JAMES FORRESTAL,
Acting Secretary of the Navy.

Approved: August 16, 1943.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 43–13449; Filed, August 18, 1943; 10:05 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4481, 4482, 4488, 4491, as amended (46 U.S.C. 375, 391a, 474, 475, 481, 489), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

LIFEBOAT

26' x 9' x 3'8", oar-propelled metallic lifeboat (513 Cu. Ft.) (Dwg. No. 1456–D, dated 22 June, 1943), manufactured by the Welin Davit & Boat Corporation, Perth Amboy, N. J.

DAVIT

Welin boom-type sheath screw davit, Type "A" (General Arrangement Dwg. No. 1996, dated 28 May, 1941, Rev. 11 September, 1941) (For a maximum working load of 4250 pounds per arm), manufactured by Welin Davit and Boat Corporation, Perth Amboy, N. J.

LIFE PRESERVER

Model No. 100 adult kapok life preserver (Navy Standard Type with body strap) (Navy Department Bureau of Ships Dwgs. No. 83927, Alt. "H", No. 83928, Alt. "G", and Bureau of Ships Ad Interim Specifications 23P12 (INT), dated 1 December, 1942), approval No. B–191, manufactured by Chesapeake Appliance Corporation, Baltimore, Md.

L. T. CHALKER,
Acting Commandant.

AUGUST 17, 1943.

[F. R. Doc. 43–13450; Filed, August 18, 1943; 10:05 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 142, Amdt. 1]

PART 95—CAR SERVICE

SAND AND GRAVEL SHIPMENTS BETWEEN JURY AND DAINGERFIELD, TEXAS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of August, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 142 (8 F.R. 10910) of August 3, 1943, and it appearing that shipments of sand and gravel in carloads originating at Jury, Texas (billing point Texarkana, Texas), and destined to Daingerfield, Texas, for use by the Austin Bridge Company over intrastate and interstate routes are being weighed on railroad track scales, thus impeding the use, control, supply, movement, and distribution of cars; in the opinion of the Commission an emergency exists requiring immediate action to avoid a shortage of equipment and congestion of traffic;

It is ordered, That Service Order No. 142 (8 F.R. 10910) of August 3, 1943, be, and it is hereby, amended by adding the following paragraph (c) to § 95.24:

(c) *Application.* The provisions of this order shall apply to intrastate commerce as well as to interstate commerce carried by every common carrier by railroad subject to the Interstate Commerce Act. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., August 18, 1943, and that a copy of this order and direction shall be served upon the Texas Railroad Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43–13466; Filed, August 18, 1943; 11:02 a. m.]

[Service Order 145, Amdt. 1]

PART 95—CAR SERVICE

ICING RESTRICTIONS ON WESTERN POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of August, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 145 (8 F.R. 11089–90) of August 7, 1943, and it appearing that an acute shortage of ice is affecting both the intrastate and interstate movement of perishables in refrigerator cars originating in certain western states; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That Service Order No. 145 (8 F.R. 11089–90) of August 7, 1943, be, and it is hereby, amended by adding the following subdivision (i) to paragraph (a) (2) of § 95.316, Western Potatoes:

(i) After any initial icing performed by the Union Pacific Railroad Company, this carrier shall not allow or permit any reicing at any point or points on its railroad.

And, by adding the following subdivisions (i), (ii), and (iii) to paragraph (b) of § 95.316:

(i) A refrigerator car or cars loaded with potatoes originating at any point or points in the State of Nebraska on the Union Pacific Railroad Company shall not be initially iced until after the car or cars are loaded and tendered to that carrier for transportation and shall only then be initially iced, as provided for in paragraph (b) of this section, at either Council Bluffs, Iowa, or Kansas City, Kansas.

(ii) A refrigerator car or cars loaded with potatoes originating at any point or points in the State of Colorado shall only be initially iced, as provided for in paragraph (b) of this section, at either Denver, Colorado, or North Platte, Nebraska.

(iii) After any initial icing performed by the Union Pacific Railroad Company, this carrier shall not allow or permit any reicing at any point or points on its railroad.

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-13465; Filed, August 18, 1943; 11:02 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Dockets Nos. A-498, A-780, A-1362, A-1450, A-1578]

DISTRICT BOARD 10 AND CERTAIN CODE MEMBERS IN DISTRICT 10

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of District Board 10 and certain code members in District No. 10 for the establishment or revision of the price classifications and minimum prices of certain mines in District No. 10.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by District Board 10 and the following code members in District No. 10 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for establishment or revision of the price classifications and effective minimum prices of certain mines in District No. 10:

District Board 10	A-1450
District Board 10	A-1578
Plumlee Coals	A-498
Delta Coal Mining Co., et al	A-780
Delta Coal Mining Co	A-1362

Orders granting temporary relief were issued in Dockets Nos. A-498, A-1450 and A-1578 (6 F.R. 759, 7 F.R. 5573, 6620). No such orders were issued in the remainder of the above-designated dockets. Pursuant to appropriate orders, and after due notice to interested persons, hearings were held in each of the above-designated dockets before duly designated Examiners of the Division. The submission of a report of the Examiner was waived in Docket Nos. A-498, A-1450 and A-1578, but not in Docket Nos. A-780 and A-1362. In Docket No. A-780, the Report of the Examiner was issued on September 28, 1942. No report was filed in Docket No. A-1362.[1]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943 expires on August 24, 1943 at 12:01 a. m. The schedules of effective minimum prices established by the Division and the price exceptions and instructions therein contained, will cease to operative as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in Dockets Nos. A-498, A-1450 and A-1578 and to dismiss the proceedings in all of the above designated dockets.

It is, therefore, ordered, That effective August 24, 1943 at 12:01 a. m. the temporary relief heretofore granted in Dockets Nos. A-498, A-1450 and A-1578, is hereby terminated;

It is further ordered, That effective as of date and time aforesaid, the proceedings in Docket Nos. A-498, A-780, A-1362, A-1450, and A-1578, is hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13457; Filed, August 18, 1943; 10:53 a. m.]

[Dockets Nos. A-1, A-78, A-388, A-725, A-941, A-1744]

CERTAIN CODE MEMBERS IN DISTRICT 11

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of certain code members in District No. 11 for the establishment or revision of the price classifications and minimum prices of certain mines in District No. 11.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by District Board No. 11, except docket No. A-78, which was filed by the Tecumseh Coal Corp., pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for establishment or revision of the price classifications and effective minimum prices of certain mines in District No. 11.

Orders granting temporary relief were issued in Docket Nos. A-1, A-78, A-388, A-795, and A-941, (5 F.R. 4053, 4248, 4273, 4348, 4648, 4780, 4826, 4869, 5135, 5177, 5178, 6 F.R. 1103, 2487, 7 F.R. 9983). No temporary relief was granted in Docket No. A-1744. Pursuant to appropriate orders, and after due notice to interested persons, hearings were held in each of the above-designated dockets before duly designated Examiners of the Division. The preparation and filing of Reports of the Examiners were not waived in any of the above-designated dockets. In Docket Nos. A-725 and A-941, Reports of the Examiners were issued and orders of the Director were entered adopting and approving such reports as modified. In Docket No. A-725, a motion was made by District Board 11 for reconsideration and rehearing on June 29, 1942, which has not yet been disposed of. In Docket No. A-941, pursuant to order, dated November 18, 1942, a further hearing was held, for which no Report of the Examiner has as yet been filed. Nor have Examiners' Reports been filed in Docket Nos. A-1, A-388, and A-1744.[1]

The Bituminous Coal Act of 1937 as amended by Act of Congress, approved May 21, 1943 expires on August 24, 1943 at 12:01 a. m. The schedules of effective minimum prices established by the Division and the price exceptions and instructions therein contained will cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in Docket Nos. A-1, A-78, A-388, A-725, and A-941 and to dismiss the proceedings pending in all of the above-designated dockets.

It is, therefore, ordered, That effective August 24, 1943, at 12:01 a. m., the temporary relief heretofore granted in Docket Nos. A-1, A-78, A-388, A-725, and A-941 is hereby terminated;

It is further ordered, That, effective as of the date and time aforesaid, the proceedings in Docket Nos. A-1, A-78, A-388, A-725, A-941 and A-1744 are hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13458; Filed, August 18, 1943; 10:53 a. m.]

[Dockets Nos. A-367, A-488, A-520, A-1508, A-1836, Part II]

DISTRICT BOARD 4 AND CERTAIN CODE MEMBERS IN DISTRICT 4

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of certain code members in District No. 4 and District Board No. 4 for the establishment or revision of price classifications and minimum prices of certain mines in District No. 4.

[1] In view of the expiration of the Act, the lack of time within which to prepare and file an Examiner's Report, to afford interested parties an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such report or otherwise disposing of the proceedings, as required by the Rules of Practice and Procedure before the Division, the preparation and filing of an Examiner's Report in Docket No. A-1362 are hereby dispensed with.

[1] In view of the expiration of the Act, the lack of time within which to prepare and file Examiners' Reports, to afford interested parties an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such reports or otherwise disposing of the proceedings, as required by the Rules of Practice and Procedure before the Division, the preparation and filing of Examiners' Reports in the above-designated dockets are hereby dispensed with.

The following proceedings were instituted upon petitions filed with the Bituminous Coal Division by the following code members in District No. 4 and by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for the establishment or revision of price classifications and effective minimum prices of certain mines in District No. 4:

Wheeling Township Coal Mining Company—Docket No. A–367.
Industrial Coal and Iron Company et al.—Docket No. A–488.
Wheeling Township Coal Mining Company—Docket No. A–520.[1]
District Board No. 4—Docket No. A–1508.
District Board No. 4—Docket No. A–1836—Part II.

Orders granting temporary relief were issued in Dockets Nos. A–367, A–520 and A–1508 (5 F.R. 5067, 6 F.R. 636, 8 F.R. 378), but not in Docket Nos. A–1836—Part II and 488.

Pursuant to appropriate orders, and after due notice to interested persons hearings were held in each of the above-designated dockets before duly designated Examiners of the Division. In Dockets Nos. A–367, A–488 and A–520, a Report of the Examiner was issued on August 6, 1941. The submission of a Report of the Examiner was waived in Docket No. A–1836—Part II, but not in Docket No. A–1508, in which no report has as yet been filed.[2]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943 at 12:01 a. m. The schedules of effective minimum prices established by the Division, and the price exceptions and instructions therein contained, will cease to be operative, as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in the respective dockets referred to above and to dismiss the proceedings in all of the above-designated dockets.

It is, therefore, ordered, That, effective August 24, 1943 at 12:01 a. m. the temporary relief heretofore granted in Dockets Nos. A–367, A–520 and A–1508 is hereby terminated;

It is further ordered, That, effective as of date and time aforesaid, the proceedings in Dockets Nos. A–367, A–488, A–520, A–1508 and A–1836—Part II, are hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13462; Filed, August 18, 1943; 10:53 a. m.]

[1] Dockets Nos. A–367, A–488 and A–520 were consolidated by order, dated January 25, 1941 (6 F.R. 635).

[2] In view of the expiration of the Act, the lack of time within which to prepare and file an Examiner's Report, to afford interested persons an opportunity to file exceptions thereto, and to issue an order adopting or modifying such report, or otherwise disposing of the proceedings herein, as required by the Rules of Practice and Procedure before the Division, the Report of the Examiner in Docket No. A–1508 is hereby dispensed with.

[Docket No. B–195]

GERARD AND RUMPLE

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of Frank Gerard and Heston Rumple, individually and as copartners doing business under the name and style of Gerard and Rumple.

This proceeding was instituted upon a complaint duly filed on February 2, 1942, by Bituminous Coal Producers Board for District No. 11 with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Frank Gerard and Heston Rumple, individually and as copartners, doing business under the name and style of Gerard and Rumple, code members, operating the Gerard Mine, Mine Index No. 904, in District 11, wilfully violated the provisions of the Act and the Code, and praying appropriate relief.

On March 16, 1942, after an order extended the time for filing, code member Frank Gerard filed an answer. Code member Heston Rumple filed a separate informal answer on March 14, 1942.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing in this matter was held on April 20, 1942, before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room at Terre Haute, Indiana. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered by District Board 11 and by code member Frank Gerard. Because the other partner, Heston Rumple did not appear, the presiding Examiner, in his discretion, continued the hearing. When the hearing was resumed, Examiner Dermody was unavailable and by appropriate order of the Director, Charles S. Mitchell, a duly designated Examiner of the Division, was substituted to preside at the hearing. After due notice to interested persons, the hearing resumed before Examiner Mitchell at a hearing room in Terre Haute, Indiana, July 29, 1942. District Board 11 and code member Gerard again appeared. No subpoena was served on code member Rumple, due to inability to determine his whereabouts. He was not present at the hearing. The hearing was again continued but on March 23, 1943, by order of the Director, the hearing was closed and the Examiner was directed to submit a report. No report has as yet been submitted.

In view of the fact that the Bitiuminous Coal Act of 1937, as amended, will expire on August 23, 1943 (except as provided in section 19 thereof), it seems appropriate to dismiss the proceeding.

It is therefore ordered, That the proceeding herein be dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13463; Filed, August 18, 1943; 10:53 a. m.]

[Docket C–6]

EMERALD COAL AND COKE COMPANY

REPORT OF THE EXAMINER

In the matter of the application of Emerald Coal and Coke Company for approval of a contract for the sale of coal, pursuant to Rule 5 of section VI of the Marketing Rules and Regulations.

This proceeding was instituted upon an application duly filed with the Bituminous Coal Division on February 20, 1942, by the Emerald Coal and Coke Company (Emerald), a code member producer owning and operating the Emerald Mine, Mine Index No. 60, located in District No. 2, Greene County, Pennsylvania, seeking approval, pursuant to the provisions of Rule 5 of section VI of the Marketing Rules and Regulations of a contract between Applicant and Pittsburgh Coke & Iron Company, dated Jan. uary 10, 1942, by the terms of which Applicant undertakes to furnish that company with at least eighty per cent (80%) of its high volatile coal requirements at its byproduct coke plant on Neville Island, Alleghany County, Pennsylvania, as now constructed for a period of approximately twenty (20) years.

Petitions of intervention were filed by District Boards 1, 2, 3 and 6; Ontario Gas Coal Company, a code member in District No. 2; Lowber Gas Coal Company, a code member in District No. 2 and an Emerald stockholder; Julian Kennedy, Jr., Joseph W. Kennedy, Louise Kennedy, Katherine W. Kennedy, O'Donnell Iselin and Columbus O'Donnell Iselin II, Trustees under Deed of Trust, dated April 26, 1932 given by Columbus O'Donnell Iselin, Louise M. Iselin, and Ernest Iselin, Jr., Executors of the Estate of Adrian Iselin, deceased, Columbus O'Donnell Iselin, O'Donnell Iselin and Ernest Iselin, Liquidating Partner of A. Iselin and Company, and the Adlin Corporation, all stockholders in Emerald; and by the Bituminous Coal Consumers' Counsel.

Pursuant to appropriate orders, and after due notice to interested parties, a hearing in this matter was held before the undersigned, Charles O. Fowler, a duly designated Trial Examiner of the Division, on January 12–15, 18–23, 25–27, 1943, at a hearing room thereof in Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. All interveners including the Consumers' Counsel, appeared in opposition to the application, with the exception of District Board No. 2, and District Boards Nos. 1, 3 and 6, which did not actively participate in the hearing.

The record in this case is an extensive one and the issues involved are very intricate and complex, requiring findings as to many questions of fact and legal determinations. Both the Applicant and the Pittsburgh Coke & Iron Company are part of a large group of corporations owned and operated by what is described in the record as the "Hillman Interests," the Hillman Coal and Coke Company being a large corporation with varied interests, and having substantial control

of both the Applicant and the Pittsburgh Coke & Iron Company. The entire record, which comprises some 1,500 pages of transcript and 78 exhibits, some of which are very complex, and portions of a record in a court of chancery in the State of Delaware, and opinion of said court, present, inter alia, an issue covering the scope and construction of Rule 5, section VI of the Marketing Rules and Regulations with respect to the right of Applicant, as part of a large group of interrelated corporations, to enter into a contract for a period of approximately twenty years that requires the delivery to the consumer, an affiliated group, of practically its entire production. This not only makes it necessary to weigh the evidence with respect to the various interests of the several witnesses in the two companies, the parent company, and the other affiliated companies, but to determine many other issues that are presented, some of which involve extensive comparisons with records of the Division.

In this connection, it should be pointed out that applicant, through one of its witnesses, took the position that the Director of the Division, by a letter dated January 6, 1943 had approved the contract under consideration, and that the hearing was therefore a mere formality to comply with Rule V of section VI, supra, but an examination of said letter, which was placed in evidence, and a consideration of the circumstances leading up to the writing thereof show clearly that the Director did not approve said contract and fully explained that if said contract was entered into it would have to be submitted to the Division for approval. By the terms of the Act and the Rules and Regulations thereunder such a contract does not become valid until it is approved by the Director of the Division. Whether it becomes valid upon the expiration of the Act without further acts of the parties thereto, is a question of law which need not here be decided.

I am fully convinced and am of opinion that the application of Emerald for approval of said contract should be denied, but in view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m., August 24, 1943, and my report containing detailed findings of fact and conclusions of law, if submitted could be acted upon by the Director only after an opportunity had been afforded the parties to file exceptions; as it would be necessary for the Director to have an opportunity to consider the entire record, and further, as a petition might also be filed for rehearing or reconsideration of the order of the Director, it is obvious that this case could not be finally disposed of prior to the expiration of the Act. I accordingly recommend that the proceeding be dismissed in its present status, so that it may be opened and exhaustively considered if the Congress should, in subsequent legislation, see fit to save proceedings pending before the Division on August 23, 1943.

Respectively submitted.

Dated: August 16, 1943.

CHARLES O. FOWLER,
Trial Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13464; Filed, August 18, 1943; 10:53 a. m.]

[Docket No. A-1639]

ARKANSAS COAL COMPANY

ORDER DISMISSING PROCEEDING

In the matter of the petition of Arkansas Coal Company for the establishment of additional price classifications and minimum prices for the coals of its Arkansas Coal Co. Mine (Mine Index No. 593) and for a change in the subdistrict number for this mine.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on September 14, 1942, by the Arkansas Coal Company pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of additional price classifications and minimum prices for the coals produced by petitioner at its Arkansas Coal Co. Mine (Mine Index No. 593), Johnson County, Arkansas, in District 14, for all shipments except truck and for truck shipments.

On September 26, 1942 an order was entered temporarily establishing the price classifications and the minimum prices requested by the petition, revising the subdistrict designation from subdistrict 1 to subdistrict 2 and conditionally providing for final relief sixty (60) days from the date thereof unless otherwise ordered (7 F.R. 8173). On October 5, 1942, District Board 14 filed with the Division an "Intervention and Response" denying the allegations of the petition, and praying that the requested revision in price classifications, minimum prices and subdistrict designations should not be granted. On October 22, 1942, a Notice of the Order for Hearing issued herein, continuing the temporary relief heretofore granted pending final disposition of this proceeding, terminating the conditionally final relief, and directing a hearing herein (7 F.R. 8584).

Pursuant to the aforesaid order, and after due notice to interested persons, a hearing in this matter was held before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Fort Smith, Arkansas, on November 16, 1942. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Petitioner, District Board 14, and a representative of the Office of the General Counsel appeared. All parties waived the preparation and filing of a report by the Examiner.

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943 at 12:01 a. m. The price classifications and minimum prices established by the Division pursuant to the provisions of the Act, also become inoperative as of the date and time aforesaid. In view thereof, it is deemed appropriate that the temporary relief heretofore granted by order, dated September 26, 1942 be terminated and the proceeding herein dismissed as of the date of the expiration of the Act.

It is therefore ordered, That effective on August 24, 1943 at 12:01 a. m. the temporary relief heretofore granted in this proceeding is hereby terminated.

It is further ordered, That effective as of the date and time aforesaid, the proceeding in Docket No. A-1639 is hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13461; Filed, August 18, 1943; 10:54 a. m.]

[Dockets Nos. A-411, A-1815, A-1821]

CERTAIN CODE MEMBERS IN DISTRICT 20

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of certain code members in District No. 20 for the establishment or revision of the price classifications and minimum prices of certain mines in District No. 20.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by the following code members in District No. 20 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for establishment or revision of the price classifications and effective minimum prices of certain mines in District No. 20:

Independent Coal & Coke Company, et al.—Docket No. A-411.

Day's Mutual Coal Company, et al.—Docket No. A-1815.[1]

Standard Coal Company, Incorporated—Docket No. A-1821.[1]

Orders granting temporary relief were issued in each of the above-enumerated dockets, (5 F.R. 5297, 8 F.R. 1761). Pursuant to appropriate orders and after due notice to interested persons, hearings were held before duly designated Examiners of the Division. The preparation and filing of the Report of the Examiner were waived in Docket No. A-411 but not in Docket Nos. A-1815 and A-1821, in which such report has not as yet been filed.[2]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943 at 12:01 a. m. The schedules of effective minimum prices, established by the Division pursuant to the provisions of the Act, and the price exceptions and instructions therein contained cease to be effective as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in each of the above-designated dockets and to dismiss the proceedings therein.

It is, therefore, ordered, That effective August 24, 1943 at 12:01 a. m. the temporary relief heretofore granted in Docket Nos. A-411, A-1815 and A-1821 is hereby terminated;

It is further ordered, That effective as of date and time aforesaid, the proceedings in Dockets Nos. A-411, A-1815 and A-1821 are hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13460; Filed, August 18, 1943; 10:54 a. m.]

[1] Docket Nos. A-1815 and A-1821 were consolidated by order, dated February 6, 1943, (8 F.R. 1761).

[2] In view of the expiration of the Act, as above indicated, the lack of time within which to prepare and file Examiner's Reports, to afford interested parties an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such report or otherwise disposing of the proceedings, the preparation and filing of an Examiner's Report in Docket Nos. A-1815 and A-1821 are hereby dispensed with.

[Dockets Nos. A-1218, A-1660, A-1897]

DISTRICT BOARD 2 AND NORTHWESTERN FUEL COMPANY

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of District Board No. 2 and Northwestern Fuel Co. for amendment of the marketing rules and regulations and the price exceptions in the schedule of effective minimum prices for District No. 2 for all shipments except truck.

In Dockets Nos. A-1660 and A-1897 proceedings were instituted upon petitions filed with the Bituminous Coal Division by District Board No. 2, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition in Docket No. A-1660 requests amendment of Rule 1 (J) of section VII of the Marketing Rules and Regulations. The petition in Docket No. A-1897 requests establishment of an additional price exception with respect to loading points, in the Schedule of Effective Minimum Prices for District No. 2 for All Shipments Except Truck. In Docket No. A-1218, a petition for revision of minimum prices was filed by Northwestern Fuel Co. Temporary relief was granted only in Docket No. A-1218 (7 F.R. 259).

Pursuant to appropriate orders, and after due notice to interested persons, hearings were held in the above designated dockets before duly designated Examiners of the Division. The submission of a Report of the Examiner was waived in Docket No. A-1897, but not in Dockets Nos. A-1218 and A-1660 in which no Examiner's Reports have as yet been filed.[1]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943, at 12:01 a. m. The price schedules established by the Division, the price exemptions and instructions therein contained, and the Marketing Rules and Regulations promulgated by the Division pursuant to applicable provisions of the Act, cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate that the temporary relief heretofore granted in Docket No. A-1218 be terminated and the proceedings in each of the above designated dockets dismissed.

It is therefore ordered, That effective on August 24, 1943 at 12:01 a. m., the temporary relief heretofore granted in Docket No. A-1218 is hereby terminated.

It is further ordered, That, effective as of the date and time aforesaid, the proceedings in Dockets Nos. A-1218, A-1660 and A-1897 are hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13459; Filed, August 18, 1943; 10:54 a. m.]

[1] In view of the expiration of the Act, the lack of time within which to prepare and file a Report of the Examiner, to afford interested persons an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such Report, or otherwise disposing of the proceedings, as required by the Rules of Practice and Procedure before the Division, Reports of the Examiner in Dockets Nos. A-1218 and A-1660 are hereby dispensed with.

DEPARTMENT OF LABOR.

Office of the Secretary.

[Finding No. WLD-2]

O'CONNELL AND SWEENEY CO., CINCINNATI, OHIO

FINDING AS TO CONTRACTS IN PROSECUTION OF WAR EFFORT

Whereas the O'Connell and Sweeney Company, Cincinnati, Ohio, is engaged in the digging, grading, and construction of roads in Mason, Ohio, in connection with the construction of a radio station owned by the Defense Plant Corporation, as lessor, to be operated by The Crosley Corporation, Cincinnati, Ohio, as lessee, pursuant to a contract entered into between O'Connell and Sweeney Company and The Crosley Corporation on July 21, 1943 and approved by the Defense Plant Corporation on August 4, 1943; and

Whereas, O'Connell and Sweeney Company is engaged in digging, grading, and construction of roads in Lockland, Ohio, in connection with the construction by Frank Messer and Sons, general contractors, Cincinnati, Ohio, of a manufacturing plant owned by the Defense Plant Corporation, as lessor, for operation by the Wright Aeronautical Corporation, Cincinnati, Ohio, as lessee, pursuant to a contract entered into between O'Connell and Sweeney Company and Frank Messer and Sons on July 3, 1942 and approved by the Defense Plant Corporation on July 10, 1942;

Now, therefore, pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. Law 89, 78th Cong., 1st Sess.) and the directive of the President dated August 10, 1943, published in the FEDERAL REGISTER on August 14, 1943,

I find that the digging, grading, and construction of roads by O'Connell and Sweeney Company of Cincinnati, Ohio, pursuant to the above-mentioned contracts, in connection with the construction of the plants owned by the Defense Plant Corporation at Mason and Lockland, Ohio, to be operated by The Crosley Corporation and Wright Aeronautical Corporation, were contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 18th day of August 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-13485; Filed, August 18, 1943; 11:53 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 10 Under Service Order 126]

LONG ISLAND RAIL ROAD CO., AND PENNSYLVANIA RAILROAD CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Long Island Rail Road Company to accept for transportation and The Pennsylvania Railroad Company to initially ice at Greenville, New Jersey, and reice once at Potomac Yard, Virginia, FGE 34326 containing potatoes, shipped by Young & Company, Riverhead, Long Island, consigned to the Quartermaster of the United States Army, Port of Embarkation, Charleston, South Carolina.

The waybill, shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13468; Filed, August 18, 1943; 11:02 a. m.]

[Special Permit 11 Under Service Order 126]

CHESAPEAKE AND OHIO RAILWAY CO.

ICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Chesapeake and Ohio Railway Company to initially ice (but not to reice) not more than 24 refrigerator cars containing potatoes shipped by the War Foods Administration from the Inland Service Company, Charlottesville, Virginia, to the Good Canning Company, Fort Smith, Arkansas.

Not more than three cars per day may be initially iced under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13469; Filed, August 18, 1943; 11:02 a. m.]

[Special Permit 53 Under Service Order 133]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

REICING OF MIXED VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

The Atchison, Topeka and Santa Fe Railway Company to retop or rebody ice BREX 74434 containing mixed vegetables shipped by Hartner Produce Co., Denver, Colorado, consigned to the Quartermaster Market Center, Houston, Texas.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13471; Filed, August 18, 1943; 11:03 a. m.]

[Special Permit 1 Under Service Order 145]

UNION PACIFIC RAILROAD CO., ET AL.

REFRIGERATION OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, permission is granted for:

The Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, and the Illinois Central Railroad Company to accord standard refrigeration to WFE 67479, FGE 32075, WFE 49577, PFE 38273 (or 98273), SFRD 33494, PFE 25570, PFE 61482, PFE 74412, SFRD 35270, and SFRD 22706 containing potatoes from Payette, Idaho, consigned to the Quartermaster of the United States Army, at New Orleans, Louisiana.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13467; Filed, August 18, 1943; 11:02 a. m.]

[Special Permit 52 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF FRESH OR GREEN VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Decatur, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at any point or points in the States of Arizona, California, Colorado, or Utah.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13470; Filed, August 18, 1943; 11:03 a. m.]

NATIONAL WAR LABOR BOARD.

ANTHRACITE AND BITUMINOUS COAL MINES

ORDER OF AUTHORIZATION

AUGUST 16, 1943.

Whereas section 5 of the War Labor Disputes Act provides that the Government agency operating a plant, mine or facility under that Act "may apply to the National War Labor Board for a change in wages or other terms or conditions of employment in such plant, mine or facility. Upon receipt of any such application, and after such hearings and investigations as it deems necessary, such Board may order any changes in such wages, or other terms and conditions, which it deems to be fair and reasonable and not in conflict with any Act of Congress or any Executive Order issued thereunder. Any such order of the Board shall, upon approval by the President, be complied with by the Government agency operating such plant, mine or facility;" and

Whereas the Secretary of the Interior applied to the National War Labor Board by letter of August 13, 1943 for the issuance of an order under which the eight-hour work day, with appropriate overtime provisions, may be substituted for the present seven-hour day at those bituminous and anthracite mines in the possession of the Government at which the Secretary of the Interior determines that the institution of such an eight-hour day, permitting a forty-eight-hour work week, is feasible and necessary; and

Whereas the facts necessary for a proper determination of this application have been ascertained during the course of previous hearings and investigations before this Board, and the Board therefore deems that no further hearings and investgiations are necessary; and

Whereas the changes in the existing terms and conditions of employment required by the application are deemed by the Board to be fair and reasonable and not in conflict with any Act of Congress or any Executive Order issued thereunder;

Now, therefore, by virtue of and pursuant to the powers vested in it by Executive Order 9017 of January 12, 1942 (7 F.R. 237) the Executive Orders and Regulations issued under the Act of Congress of October 2, 1942 and the War Labor Board hereby makes the following order of authorization:

(1) Subject to the provisions of paragraph (2) hereof, the existing terms and conditions of employment in the bituminous and anthracite mines in the possession of the Government are hereby changed by providing that the Secretary of the Interior may afford the mine workers in such mines in his possession as the Secretary may designate an opportunity to work eight hours a day, instead of the present seven-hour day, with payment at the rate of time and one-half for the additional hour of work on any day, when the eight hours a day are worked in conjunction with a forty-eight hour work-week.

(2) This order shall become effective only upon approval by the President pursuant to section 5 of the War Labor Disputes Act.

WILLIAM H. DAVIS.
GEORGE W. TAYLOR.
FRANK P. GRAHAM.
WAYNE L. MORSE.
GEORGE K. BATT.
FREDERICK S. FALES.
ALMON E. ROTH.
CYRUS CHING.
ROBERT J. WATT.
LOUIS A. LOPEZ.
CARL SHIPLEY.
JOHN BROPHY.

Approved: August 16, 1943.

FRANKLIN D ROOSEVELT

[F. R. Doc. 43-13484; Filed, August 17, 1943; 5:03 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1446]

REAL PROPERTY OF MARIANO CANCIAMILLA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Mariano Canciamilla is a resident of Italy, whose last known address was No. 17 Via Calcagno, Provincia Palermo Trabia, Italy, and is a national of a designated enemy country (Italy);

2. Finding that said Mariano Canciamilla is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All right, title, interest and estate, both legal and equitable of Mariano Canciamilla in and to the real properties situated in Sacramento, California, particularly described in Exhibits A and B attached hereto and by reference made a part hereof, together with all fixtures, improvements and appurtenances thereto, and all claims of Mariano Canciamilla for rents, refunds, benefits or other payments arising from the ownership of such properties,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All the real property, situated, lying and being in the City of Sacramento, County of Sacramento and State of California, known, designated and described as:

The south one-quarter (¼) of lot number four (4) in the block or square bounded in and by "S" and "T" and Fifth (5th) and Sixth (6th) Streets, as the same is shown upon the official map or plan of said City; also the north one-quarter (¼) of lot number five (5) in the block or square bounded in and by "S" and "T" and Fifth and Sixth Streets, as same is shown upon the official map or plan of said City of Sacramento,

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

EXHIBIT B

All the real property situated, lying and being in the City of Sacramento, County of Sacramento, and State of California, known, designated and described as follows, to-wit:

The North one-half (½) of the East one-half (½) of Lot Number One (1) and the West one-half (½) of Lot Number Two (2), in the Block bounded by "P" and "Q" and Seventh (7th) and Eighth (8th) Streets of said City, according to the official map or plan thereof,

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining.

[F. R. Doc. 43-13472; Filed, August 18, 1943; 11:08 a. m.]

[Vesting Order 1762]

TATSUMI ENGINEERING COMPANY, LTD.

Re: An oil pump owned by Tatsumi Engineering Company, Ltd., Tokyo, Japan.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Tatsumi Engineering Company, Ltd. is a joint stock company organized under the laws of Japan, with its principal place of business at Tokyo, Japan, and is a national of a designated enemy country (Japan);

2. Finding that Tatsumi Engineering Company, Ltd. is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

One oil pump No. 51813, size 10x7x12", owned by Tatsumi Engineering Company, Ltd. and presently stored in the warehouse of National Transit Pump & Machine Co., Oil City, Pennsylvania, in the name of E. B. Badger & Sons Co., forwarding agent for Tatsumi Engineering Company, Ltd.,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

Having made all determinations and taken all action, after appropriate consultation and certification; required by said Executive Order or Act or otherwise; and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim, arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13473; Filed, August 18, 1943; 11:08 a. m.]

[Vesting Order 1763]

CENTRAL MINING & SECURITIES CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation:

1. Finding that Aron Hirsch & Sohn, whose principal place of business is Halberstadt, Germany, is a business firm organized under the laws of Germany and is a national of a designated enemy country (Germany);

2. Finding that Central Mining & Securities Corporation is a corporation organized under the laws of and doing business in the State of New York and is a business enterprise within the United States;

3. Finding that 75 shares of no par value common capital stock of Central Mining & Securities Corporation are registered in the name of William F. Keyes and are beneficially owned by Aron Hirsch & Sohn;

4. Finding that said 75 shares of common stock constitute all of the issued and outstanding capital stock of Central Mining & Securities Corporation and represent ownership and control thereof;

5. Determining, therefore, that Central Mining & Securities Corporation is a national of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and deeming it necessary in the national interest;

Hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" nd "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13474; Filed, August 18, 1943; 11:08 a. m.]

[Vesting Order 1765]

GERMAN AMERICAN VOCATIONAL LEAGUE, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that German American Vocational League, Inc. is a membership corporation organized and doing business under the laws of the State of New York, and is a business enterprise within the United States;

2. Finding that German American Vocational League, Inc. is a social and trade union organization, affiliated with Deutsches Arbeit Front (the German Labor Front), Berlin, Germany, and was found to be a national of a designated enemy country (Germany) in Vesting Order No. 626, dated January 6, 1943;

3. Determining that German American Vocational League, Inc. is controlled by or acting for or on behalf of a designated enemy country (Germany) or a person within such country, and is a national of a designated enemy country (Germany);

4. Finding that German American Vocational League, Inc. is the owner of the property described in subparagraph 5 hereof;

5. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to German American Vocational League, Inc. and the interests therein of any and all of the members of German American Vocational League, Inc.,

is property of a business enterprise within the United States which is a national of a designated enemy country (Germany);

6. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim, arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13475; Filed, August 18, 1943; 11:08 a. m.]

[Vesting Order 1887]

WILHELMINA STOHANDL

Re: Interest in real property owned by Wilhelmina Stohandl, also known as Wilhelmina Schwertner Stohandl.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended and pursuant to law, the undersigned, after investigation, finding:

That the last known address of Wilhelmina Stohandl, also known as Wilhelmina Schwertner Stohandl, is 14 Strasse Avram Jancu, Lugoj, Rumania, and that she is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That Wilhelmina Stohandl, also known as Wilhelmina Schwertner Stohandl, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

The undivided one-fourth interest, identified as the interest of Wilhelmina Schwertner Stohandl, in real property situated in New York, New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such one-fourth interest,

is property within the United States owned or controlled by a national of a designated enemy country (Rumania);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of

record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 28, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that lot and parcel of land situated in the City of New York, County of New York, State of New York, beginning at a point on the northerly side of 21st Street distant 150 feet westerly from the corner formed by the intersection of the northerly side of 21st Street with the westerly side of 10th Avenue; running thence westerly along the northerly side of 21st Street 125 feet; running thence northerly parallel with 10th Avenue 98 feet 9 inches; thence easterly parallel with 21st Street 50 feet; thence northerly and parellel with 10th Avenue 98 feet 9 inches more or less, to the southerly side of 22nd Street; thence easterly along the southerly side of 22nd Street 75 feet; thence southerly parallel with 10th Avenue 197 feet 6 inches more or less, to the northerly side of 21st Street at the point or place of beginning. Said premises being known by the street numbers 510, 512, and 514 West 22nd Street, and 511, 513, 515, 517, and 519 West 21st Street, be the said several dimensions more or less.

[F. R. Doc. 43–13476; Filed, August 18, 1943; 11:08 a. m.]

OFFICE OF PRICE ADMINISTRATION.

HOUSEHOLD FURNITURE

[Order 590 Under MPR 188]

MODIFICATION OF MAXIMUM PRICES

Order No. 590 under § 1499.159 (b) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register,* and in accordance with § 1499.159 (b) of Maximum Price Regulation No. 188; *It is hereby ordered:*

(a) The provisions of § 1499.155 of Maximum Price Regulation No. 188 as applied to furniture subject thereto are modified by this order as hereinafter provided.

(b) The maximum price of any article of household furniture differing from any article for which a maximum price has already been established, only by reason of minor changes in materials, design, or construction which do not reduce cost of materials or prevent its offering fairly equivalent serviceability shall be the maximum price of the article already priced.

(c) Notwithstanding the provisions of paragraph (b) above, the maximum price of any article of household furniture differing from any article for which a maximum price has already been established only by reason of the minor changes in material, design or construction listed in paragraph (d) below which reduce cost of materials but which do not prevent the article from offering fairly equivalent serviceability shall be the maximum price of the article already priced.

(d) Changes of a minor nature in material, design or construction referred to in paragraph (c) above are limited to the following:

(1) Simplification but not omission of incidental ornamental turnings, carvings, moldings, etc.

(2) Substitution of gimp for ornamental nails on upholstered furniture.

(3) Substitution for metal or plastic drawer pulls.

(4) Change in materials used in finishing if substantially the same durability and effect are maintained.

(5) Simplification or elimination of inner-drawer partitions, and other minor parts, which are conveniences but not necessary to total function.

(6) Elimination of "water-fall" features and substitution of flat tops or flat members.

(7) Substitutions in joinery methods calculated to save essential hardware where construction is not weakened.

(8) Change of face veneers within maximum range of 10% of cost per foot in either direction.

(9) Substitution of solid-filling for metal springs in dining chairs and open-arm pull-up chairs.

(10) Slight reduction in weight of bedpost stock.

(e) If an article of household furniture differs by virtue of more than three changes listed in paragraph (d) above from articles, the maximum prices of which have already been set, its maximum price may not be established under paragraph (c) above.

(f) The maximum price of an article of household furniture may not be established under paragraph (c) above if the application of that paragraph conflicts with the manufacturer's established practice of granting price differentials for alternative features.

(g) This order may be amended or revoked by the Price Administrator at any time.

This Order No. 590 shall become effective August 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13447; Filed, August 18, 1943; 9:14 a. m.]

*Copies may be obtained from the Office of Price Administration.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 17, 1943.

Order Number and Name

MPR 125, Order 44, William A. Hardy & Sons Co.

MPR 136, Order 88, General Electric Co.

Commodity Practices, Reg. No. 1, Order 2, Colgate-Palmolive-Peet Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial & Reference Section.

[F. R. Doc. 43–13505; Filed, August 18, 1943; 11:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70–753 and 70–752]

IDAHO POWER COMPANY AND ELECTRIC POWER AND LIGHT CORPORATION

APPLICATION GRANTED

In the matters of Idaho Power Company and Electric Power & Light Corporation, File No. 70–753; and Electric Power & Light Corporation, File No. 70–752.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of August A. D., 1943.

Appearances: A. C. Inman of Boise, Idaho, and Reid & Priest of New York City by James L. Boone, for Idaho Power Company.

Wright, Gordon, Zachry, Parlin & Cahill of New York City by Wallace P. Zachry and Daniel James for Electric Power & Light Corporation.

Charles H. Kinnane and Sidney Willner for the Public Utilities Division.

Electric Power & Light Corporation ("Electric"), a registered holding company and a subsidiary of Electric Bond and Share Company, likewise a registered holding company, and Idaho Power Company ("Idaho"), an electric utility subsidiary company of Electric, have filed joint declarations and applications (File No. 70–753) and amendments thereto concerning, among other things, a pro-

posed capital contribution by Electric to Idaho and various related transactions, as set forth below. Electric has filed a separate declaration and application (File No. 70–752) and amendments thereto, proposing to sell the common stock of Idaho and use the proceeds to purchase part of Electric's outstanding debentures.

After appropriate notice and issue of an order consolidating the hearings on said joint and separate declarations and applications, a public hearing was held. On July 29, 1943 we issued an order granting subject to certain reservations of jurisdiction, an application by Electric for exemption of said proposed sale from the competitive bidding requirements of Rule U-50 (Holding Company Act Release No. 4458). We have now considered the record in regard to the proposals made in the joint filing and we make the following findings in regard thereto:

In order to comply with substantially identical orders of the Federal Power Commission, the Public Utilities Commissioner of Oregon and the Public Utilities Commission of Idaho dated respectively, May 18, 1943, May 28, 1943, and June 4, 1943, with respect to the reclassification of Idaho's electric plant in accordance with the uniform system of accounts, Idaho proposes to dispose of the amount of $9,562,632.88 established in Account 107, Electric Plant Adjustments, by charging $2,520,440.52 to earned surplus and $693,616.69 to other specified accounts, and to dispose of the unclassified balance of $6,348,575.67 in Account 107 representing a write-up of Idaho's plant account at organization which was credited to the common stock account, by charging $6,267,000 thereof to the capital surplus to be created by Electric's capital contribution described below, and $81,575.67 to earned surplus. Idaho will dispose of the amount of $1,905,410.26 established in Account 100.5, Electric Plant Acquisition Adjustments, through equal annual charges of $127,027.35 as income deductions over a period of fifteen years beginning with the year 1943, and will make certain other minor adjustments necessary to comply with the aforementioned orders.[1]

In order to assist Idaho to comply with said orders, Electric, as holder of all of the 150,000 outstanding shares of the common stock, $100 par value, of Idaho and 2,670 shares of the $100 par value preferred stock (7%) of Idaho (the rest of which is publicly held) proposes to surrender 60,000 of such common shares and all of the 2,670 preferred shares to Idaho as a capital contribution. Idaho proposes to acquire all the shares which will be so contributed and to cancel them, thereby reducing its capital stock liability by $6,267,000, which amount Idaho will credit to capital surplus. The carrying value of Electric's investment in Idaho will remain unchanged by the capital contribution which will be recorded by a memorandum entry on the books of Electric.

[1] Pursuant to said orders, another item of $706,165.83 in Account 100.5 was permitted to be transferred to Account 100.6, Electric Plant in Process of Reclassification, pending final determination as to appropriate classification thereof.

Idaho proposes further to amend its certificate of organization so as to eliminate its authority to issue second preferred stock, of which 10,000 shares are presently authorized but none are issued or outstanding, and to restate the classes and amounts of its authorized capital stock.

As an aid to Electric in effecting its proposed sale of the Idaho common stock, Idaho also proposes to amend its by-laws so that the 90,000 shares of its $100 par value common stock, each having one vote, which will remain outstanding after the capital contribution is made, will be changed into 450,000 shares of $20 par value common stock each having one vote.[2]

Set forth below is a condensed balance sheet per books of Idaho as of May 31, 1943, together with adjustments and a pro forma balance sheet giving effect to the proposed transactions affecting Idaho.

	Per books	Adjustments	Pro forma
ASSETS			
Plant, property and equipment	[1] $47,263,459	$(9,739,059)	[1] $37,524,400
Investment and fund accounts	130,147	155,637	285,784
Cash	1,626,806		1,626,806
Temporary cash investments	250,000		250,000
Accounts receivable	425,122		425,122
Other current and accrued assets	259,167		259,167
Unamortized debt discount and expense	591,778		591,778
Other deferred debits	23,728		23,728
Capital stock expense		322,501	322,501
Consignments (contra)	9,026		9,026
Total	50,579,233	(9,260,921)	41,318,312
LIABILITIES			
1st Mortgage Bonds 3¾%, due 1967	18,000,000		18,000,000
Taxes accrued	1,988,329		1,988,329
Interest accrued	112,500		112,500
Other current and accrued liabilities	295,938		295,938
Deferred credits	74,543		74,543
Property retirement reserve	5,015,714	(383,494)	4,632,220
Other reserves	39,900		39,900
Contributions in aid of construction	177,452		177,452
Consignments (contra)	9,026		9,026
Preferred stock (7%), $100 par	3,480,000	(267,000)	3,213,000
$6 preferred stock, no par	2,845,700		2,845,700
Common stock, $100 par [2]	15,000,000	(6,000,000)	9,000,000
Earned surplus	3,540,131	(2,610,427)	929,703
Total	50,579,233	(9,260,921)	41,318,312

[1] The pro forma plant account includes $1,905,410.26 in Account 100.5 which Idaho will dispose of through equal annual charges of $127,027.35 as income deductions over a period of 15 years beginning with the year 1943. Another item of $706,165.83 is in process of reclassification pending determination as to appropriate classification thereof.
[2] $20 par value after proposed transactions.
( ) Indicates red figures.

The capitalization, including surplus, of Idaho as of May 31, 1943, per books, as adjusted, and pro forma is set forth below:

	Per books (as adjusted)[1]		Pro forma	
	Amount	Percent	Amount	Percent
Long term debt:				
First mortgage bonds 3¾% series due 1967	$18,000,000	53.0	$18,000,000	53.0
Preferred stock:				
Preferred (7%) $100 par, 34,800 shares [2]	3,480,000	10.2	3,213,000	9.4
$6 Preferred, no par, 28,457 shares	2,845,700	8.4	2,845,700	8.4
Total preferred stock	6,325,700	18.6	6,058,700	17.8
Common stock and surplus:				
Common stock, $100 par, 150,000 shares [3]	15,000,000	44.1	9,000,000	26.5
Earned surplus	3,540,131	10.4	929,703	2.7
Total common stock and surplus	18,540,131	54.5	9,929,703	29.2
Less plant adjustments [1]	(8,877,427)	(26.1)		
Adjusted common stock and surplus	9,662,703	28.4	9,929,703	29.2
Total capitalization	33,988,403	100.0	33,988,403	100.0

( ) Indicates red figures.
[1] Adjustment is made to the capitalization per books to eliminate from common stock and surplus the amount of plant adjustments to be charged to surplus in the proposed transactions.
[2] 32,130 shares, $100 par value, after proposed transactions.
[3] 450,000 shares, $20 par value, after proposed transactions.

By amendment to its by-laws Idaho proposes to adjust the voting power of its preferred stock by increase thereof from one to five votes a share to counterbalance the increase in the voting power of the common stock as a class. Idaho proposes also to provide by addition to its by-laws that whenever dividends payable on the preferred stock of Idaho shall be accumulated and unpaid in an amount equivalent to four quarterly dividends, the holders of such stock, voting for such purpose as a single class, shall be entitled thereafter at each succeeding annual meeting of the stockholders to elect

[2] In connection with such change, certificates for said 450,000 new shares of $20 par value common stock would be exchanged for the certificates for the 90,000 shares of $100 par value common stock.

the smallest number of directors necessary to constitute a majority of the board of directors until all such accumulated and unpaid dividends shall have been eliminated, provided that if and when profits available for dividends are in excess of such unpaid dividends, the payment thereof shall not be unreasonably withheld. The by-laws are also to be amended to provide that no mortgage of the fixed assets of Idaho shall be made without the approval of holders of the majority of such shares of common stock and also holders of the majority of such shares of preferred stock as are present at a meeting of the stockholders, at which a quorum is present, subject to the proviso that such approval shall not be required in connection with anything required or permitted to be done under the company's existing bond indenture. The by-laws would also be amended so as to require a ⅔ vote of the holders of the outstanding preferred stock voting as a class for that purpose to change said contingent voting rights, and to change said restriction on mortgaging the fixed assets of the company.

Idaho proposes also that the so-called "migratory provisions" of its by-laws be eliminated entirely and that various minor amendments be made in order to conform the by-laws to the changes already described. In connection with approval of the above transactions Idaho proposes to solicit proxies from its stockholders, the form of said proxy and the accompanying statement having been filed in this proceeding.

It was stated that the Public Utilities Commission of Oregon has jurisdiction in connection with the decrease in the par value of, and the increase in the number of shares of, Idaho's common stock, and it was stated that application was made to said Commissioner on July 1, 1943 for an order approving such changes.

The provisions of section 6 (a), 7, 9 (a), 10, 11 (b), 12 (c), 12 (d), 12 (e) and 12 (f) of the Act and Rules U-42, U-43, U-45 and U-62 thereunder, are applicable to the transactions proposed in the above described filing. We have examined the proposed transactions in the light of these provisions and find that they are satisfied.

It is therefore ordered, That pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, the said (File No. 70–753) applications and declarations as amended, be, and they hereby are granted an permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations, and subject to the further condition that the decrease of the par value and increase in the number of shares of the common stock of Idaho be approved by the Public Utilities Commissioner of Oregon, and subject to the further condition that all exhibits relating to said transactions be submitted in final form, jurisdiction being reserved with respect to the final form and terms of such exhibits.

It is further ordered, That jurisdiction, be, and it hereby is, reserved expressly to pass upon all other matters, not heretofore determined, which are involved in these consolidated proceedings, in so far as they arise under the said separate application and declaration of Electric in said File No. 70–752 proceedings and our order previously entered therein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13424; Filed, August 17, 1943; 9:26 a. m.]

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TITLE

Chapter

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PURCHASE, SAL

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FEDERAL REGISTER

VOLUME 8 NUMBER 165

Washington, Friday, August 20, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter XII—Commodity Credit Corporation

[Order 4, Amdt. 1]

PART 1600—OILSEEDS

PURCHASE, SALE AND USE OF PEANUTS OF 1943 CROP

Commodity Credit Corporation Order 4 (8 F.R. 7887), issued by the War Food Administrator on June 10, 1943, is hereby amended to read as follows:

§ 1600.4 *Purchase, sale and use of peanuts restricted*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, including the States of the United States, their political subdivisions and agencies.

(2) "Corporation" means the Commodity Credit Corporation.

(3) "Farmers' stock peanuts" means picked or threshed peanuts in the shell which have been produced in the calendar year 1943 in the continental United States and which have not been cleaned, shelled, crushed, or otherwise changed from their natural state after picking or threshing.

(4) "Producer" means a person who grows, harvests, or threshes peanuts in the continental United States for purposes of sale.

(5) "Bona fide farmer" means a person who, as determined by the County Committee for the county in which he resides, is engaged in or presently and in good faith expects to engage in the planting or cultivation of peanuts.

(6) "County Committee" means the group of persons, or any one thereof acting for such group, elected within any county to assist in the administration of the agricultural conservation program in such county.

(7) "Handler" means a person, other than a designated agency, who has entered into a contract with the Corporation to purchase, sell, or deliver peanuts for the account of the Corporation.

(8) "Designated agency" means a cooperative association of producers which has entered into a contract with the Corporation to purchase, sell, or deliver peanuts for the account of the Corporation.

(9) "Crush" means to press, expel, or extract oil from farmers' stock peanuts.

(10) "Clean and shell" means to remove the dirt, stems, or other foreign material from the shells of farmers' stock peanuts, or to remove the shells therefrom, other than in connection with the crushing of such peanuts. "Cleaning and shelling" shall be construed accordingly.

(11) "Purchase" includes contracts to purchase.

(12) "Sell" and "sale" include contracts to deliver.

(13) "Deliver" and "delivery" include contracts to deliver.

(b) *Restrictions on purchases, sales, and deliveries of farmers' stock peanuts.* No person shall sell or deliver farmers' stock peanuts, and no person shall purchase or accept delivery of farmers' stock peanuts, except as provided in paragraph (c) hereof or as specifically authorized by the President of the Corporation in order to assure a proper distribution and use of peanuts for defense, for private account, and for export.

(c) *Permissible purchases, sales, and deliveries of farmers' stock peanuts.* The following purchases, sales, and deliveries of farmers' stock peanuts are not restricted:

(1) Purchases or acceptances of deliveries by, and sales or deliveries to, the Corporation, or a handler or designated agency purchasing for the account of the Corporation pursuant to the terms of a handler's or designated agency's contract with the Corporation.

(2) Sales or deliveries by, and purchases or acceptances of deliveries from, the Corporation, or a handler or designated agency selling for the account of the Corporation pursuant to the terms of a handler's or designated agency's contract with the Corporation.

(d) *Limitation on aggregate sales and deliveries of farmers' stock peanuts for cleaning and shelling.* Notwithstanding any other provision of this order, the aggregate quantity of farmers' stock peanuts sold or delivered for cleaning and

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
ALIEN PROPERTY CUSTODIAN:	
Notices of claim arising as a result of vesting orders, extension of time for filing	11501
Vesting orders:	
Enemy nationals	11543
Overhage, Carl	11544
BITUMINOUS COAL DIVISION:	
Transfer of records to Solid Fuels Administration for War	11542
CIVIL AERONAUTICS BOARD:	
Continental Airlines, Inc., et al., hearing	11542
COMMODITY CREDIT CORPORATION:	
1943 peanut crop; purchase, sale and use	11499
FISH AND WILDLIFE SERVICE:	
Lower Klamath National Wildlife Refuge, Calif. and Oreg.; hunting areas	11542
INTERIOR DEPARTMENT (*see also* component agencies):	
Bituminous Coal Division, transfer of records to Solid Fuels Administration for War	11542
INTERSTATE COMMERCE COMMISSION:	
Icing of peaches, Denver and Rio Grande Western R. R. Co	11543
Icing of potatoes, Pennsylvania R. R. Co	11543
OFFICE OF DEFENSE TRANSPORTATION:	
Advance Express Co., et al., coordinated operations at Eau Claire, Wis	11544
Tin plate and tin cans, transportation to U. S. ports (Gen. Permit ODT 16–2)	11542
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	11544
Adjustments, exceptions, etc.:	
Amarillo Hardware Co	11514
Fairmont Aluminum Co	11515
Alfalfa meal (MPR 456)	11539
Cabbage seed (MPR 455)	11538
Fats and oils:	
(MPR 53, Am. 1)	11508
(MPR 53, Am. 2)	11508

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Foods, processed (RO 13, Am. 54)	11513
Lumber:	
Douglas fir, etc. (RMPR 26, Am. 2)	11508
Logs, West Coast (RMPR 161, Am. 7)	11509
Meat, fats, fish and cheeses (RO 16, Am. 55)	11513
Paper, paper products, etc.:	
Book paper (MPR 451)	11529
Groundwood specialty papers (MPR 449)	11515
Writing papers (MPR 450)	11522
Regional, state and district office orders:	
Cleaning and pressing services, Waco, Tex	11545
Firewood, Brainbridge Island, Wash	11547
Fluid milk:	
Chelan County, Wash	11547
Chicago, Ill., region; milk through vending machines	11546
New Mexico	11546
Washington (3 documents)	11547
Ice, New Orleans, La	11544
Laundry bundles, Denver, Colo	11546
Malt beverages, Fort Worth, Tex., district	11548
Shoe rationing (RO 17, Am. 32)	11515
War Ration Book No. 3 (Gen. RO 12, Am. 1)	11514
RECLAMATION BUREAU:	
Arid lands; release of lien in water right certificate or patent	11541
RURAL ELECTRIFICATION ADMINISTRATION:	
Allocation of funds for loans	11542
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Associated Electric Co., et al	11552
Associated Gas and Electric Co	11553
Cities Service Power & Light Co., et al	11550
Industrial Gas Corp	11550
Middle West Corp., et al	11551
Southwestern Public Service Co	11553
Trans-Oceanic Air Lines, Inc	11549
United Light and Railways Co., et al	11548
Utilities Employees Securities Co., et al	11552
San Francisco Stock Exchange and New York Curb Exchange; special offering plans declared effective	11554
SELECTIVE SERVICE SYSTEM:	
Inventory report form prescribed	11501
WAGE AND HOUR DIVISION:	
Wholesaling, warehousing and other distribution industries; committee appointment	11542
WAR FOOD ADMINISTRATION:	
New York metropolitan marketing area; handling of milk	11555
WAR PRODUCTION BOARD:	
Alcohol, ethyl (M-30)	11501
Baby carriages (L-152, Sch. II)	11506
Box-veneer (M-343)	11505
Scales, balances and weights (L-190)	11504
Steel axles and forgings (L-211, Sch. 5)	11506
Suspension and consent orders:	
Petersen, William	11555
WAR SHIPPING ADMINISTRATION:	
Vessel "Resolute"; notice of requisitioning	11555

shelling by or under authorization of the Corporation shall not exceed 700,000 tons, unless otherwise specifically authorized by the War Food Administrator.

(e) *Restrictions on crushing, cleaning and shelling of farmers' stock peanuts.* No person shall crush, clean or shell farmers' stock peanuts except in such quantities as may be specifically authorized by the President of the Corporation in order to assure a proper distribution and use of peanuts for defense, for private account, and for export: *Provided,* That any producer may clean or shell farmers' stock peanuts produced by him in a quantity not in excess of two tons.

(f) *Restrictions on sales and deliveries of peanuts for planting.* No person shall sell or deliver peanuts for planting except upon the following conditions:

(1) Such sales or deliveries shall be made only to bona fide farmers.

(2) Such sales or deliveries shall not exceed the quantity of peanuts which, as determined and certified in writing by the County Committee, are needed by the bona fide farmer for planting his peanut acreage goal, as determined by the County Committee.

(3) Each such sale or delivery of peanuts shall be accompanied by the delivery, from the bona fide farmer to the person from whom he purchases or accepts delivery, of the County Committee's certificate referred to in (2) hereof.

(g) *Restrictions on purchases or acceptance of deliveries of peanuts for planting.* No person shall purchase or accept delivery of peanuts for planting if the sale or delivery thereof to him would be in violation of paragraph (f) hereof.

(h) *Audits and inspections.* The President of the Corporation shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of peanuts of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(i) *Records and reports.* The President of the Corporation shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the President of the Corporation, setting forth in such petition all pertinent facts and the nature of the relief sought. The President of the Corporation may thereupon take such action as he deems appropriate, which action shall be final.

(k) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using peanuts, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(l) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the President of the Corporation. The President of the Corporation is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the President of the Corporation, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. CCC-4.

(n) *Territorial scope.* The provisions of this order shall apply within the forty-eight States and the District of Columbia.

(o) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 19th, 1943.

(E.O. 9230, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 18th day of August, 1943.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 43-13559; Filed, August 19, 1943; 11:35 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

[General Order 21 as Amended]

PART 503—GENERAL ORDERS

EXTENSION OF TIME FOR FILING NOTICES OF CLAIM ARISING AS RESULT OF VESTING ORDERS

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, determining that it is in the national interest to extend the time for filing notices of claim arising as a result of vesting orders as hereinafter set forth, and that adherence to a period of limitation expiring prior to January 1, 1944 may cause undue hardship or inequity to claimants, hereby amends General Order No. 21 to read as follows:

§ 503.21 *General Order No. 21.* (a) Without limitation by reason of any provision as to a specified claim period in any vesting order heretofore issued, any person, except a national of a designated enemy country, asserting any claim arising as a result of a vesting order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, at any time up to and including January 1, 1944, or within such further time as may be provided in any such order or on application or otherwise.

(b) The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

(40 Stat. 411, 50 U.S.C. App.; 55 Stat. 839, 50 U.S.C. App. (Supp. 1942); E.O. 9193)

Executed at Washington, D. C., on August 17, 1943.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13535; Filed, August 19, 1943; 10:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 200]

INVENTORY REPORT

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 111, entitled "Inventory Report," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 18, 1943.

[F. R. Doc. 43-13514; Filed, August 18, 1943; 2:44 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat 236 and 56 Stat. 176.

PART 971—ETHYL ALCOHOL

[Allocation Order M-30, as Amended August 19, 1943]

Section 971.1 *General Preference Order M-30* is hereby amended to read:

§ 971.1 *Allocation Order M-30*—(a) *Definitions.* (1) "Ethyl alcohol" means the product of that name, from whatever source derived. The term includes mixtures of ethyl alcohol and denaturants, including the product known as "proprietary solvent." The term does not include ethyl alcohol produced for beverage purposes.

(2) "Producer" means any person engaged in the production of ethyl alcohol and includes any importer and any person who has ethyl alcohol produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases ethyl alcohol for purposes of resale.

(4) "Supplier" means a producer or distributor.

(b) *General restrictions on deliveries and use.* (1) No person shall accept delivery of ethyl alcohol from a supplier except in accordance with the procedure established by paragraph (c) or except upon specific written authorization of the War Production Board issued on application made pursuant to paragraph (d).

(2) No supplier shall deliver any ethyl alcohol except against a certificate furnished him under paragraph (c) or except upon specific written authorization of the War Production Board issued on application made by the supplier under paragraph (d).

(3) No supplier shall use any ethyl alcohol except upon specific written authorization of the War Production Board issued on application made by him under paragraph (d).

(c) *Acceptance of certain deliveries of 3500 gallons or less per quarter.* Any person may without specific written authorization of War Production Board accept delivery in any calendar quarter from all sources of not more than 3500 gallons of ethyl alcohol, subject to two conditions. The first condition is that he shall have furnished to each supplier from whom he obtains delivery a certificate substantially in the form set forth in Appendix C. The second condition is that the aggregate amount received (in no case in excess of 3500 gallons) must be within the following additional quantity limitations:

(1) Where the purpose for which delivery is requested is the manufacture of any of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 100% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Adhesives.
Agricultural poisons.
Brake fluids.
Cutting oils.
Drugs and pharmaceuticals (not including rubbing alcohol, or products specifically listed in paragraphs (c) (3) or (c) (4)).
Embalming fluids.
Food products (except candy glazes, pectin and vinegar).
Laboratory and experimental.
Photographic materials (including photo engraving).
All other products not classified in paragraphs (c) (2) to (c) (6) inclusive.

(2) Where the purpose is the manufacture of any of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 50% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Candy glazes.
Cleaning and polishing preparations (including shoe and floor polishes).
Deodorant sprays (non-body).
Tooth cleaning preparations.
Witch hazel.
All toiletries and cosmetics including but not limited to:
Bay rum.
Body deodorants.
Face and hand creams and lotions.
Hair and scalp preparations.
Perfume and perfume materials, tinctures and fixatives.
Shampoos.
Toilet soaps (including shaving cream).
Toilet waters.

For the purposes of this paragraph (c) (2) all toiletry and cosmetic uses of ethyl alcohol shall be considered as a whole, and the use during the base period of

[1] Form filed as part of the original document.

ethyl alcohol in the manufacture of a particular toiletry or cosmetic product may be used to support the acceptance of delivery for use in the manufacture of a different toiletry or cosmetic product. For example, ethyl alcohol used in the manufacture of toilet waters during the base period would support the receipt of ethyl alcohol for the manufacture of after-shave lotions containing ethyl alcohol.

(3) Where the purpose is the manufacture of one of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 60% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Antiseptics for oral uses (including Antiseptic Solution N. F.).
Mouth washes.

(4) Where the purpose is the manufacture of any of the following products, there shall be no further limitation on the quantity received (beyond the requirement that only 3500 gallons may be accepted in a calendar quarter):

Acetaldehyde.
Acetic acid (except vinegar for food use).
Basic medicinal chemicals not in compounded form.
Biological preparations.
Butadiene.
Diethylamine.
Dyes and intermediates (manufacture of).
Ethers.
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Ethylene dibromide.
Ethylene gas.
Ethylene oxide.
Explosives (military and industrial).
Flotation reagents.
Fulminate of mercury.
Glycols.
Hydrosulfites.
Natural shellac (dissolving).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as a diluent)
Pectin.
Plastics and synthetic resins (manufacture of).
Styrene.
Xanthates.

(5) Where the purpose is the manufacture of one of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 110% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Flavoring extracts.
Vinegar.

(6) Where the purpose is the manufacture of any rubbing alcohol compound or preparation, the quantity received in any calendar quarter shall not (withqut specific written authorization) exceed 15% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941.

(7) Where the purpose is not the manufacture of other products but resale as ethyl alcohol, specific written authorization of War Production Board shall in every case be obtained, whatever the quantity, except as provided in (c) (8).

(8) Specific written authorization of War Production Board shall not be required for, and no limitation based on past use shall be applicable to, the acceptance of delivery by any person in any calendar quarter from all sources of not more than 162 gallons for any purpose other than the manufacture of rubbing alcohol compound or preparation.

(d) *Acceptance of deliveries (and use by suppliers) upon specific authorization.* Each person seeking specific authorization to accept delivery of ethyl alcohol during any calendar quarter, whether for his own consumption or resale (and each supplier requiring authorization to use ethyl alcohol in any calendar quarter) shall file application therefor on or before the 5th day of the last month of the preceding quarter. The application will be made on Form WPB–2945 (formerly PD–600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A to this order. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(e) *Certain deliveries by suppliers of 3,500 gallons or less per quarter.* (1) A supplier may without specific authorization of the War Production Board deliver to any person who has filed with him a certificate substantially in the form set forth in Appendix C, the quantity of ethyl alcohol (in no case more than 3,500 gallons in any calendar quarter) which such person is entitled to receive under one of the paragraphs (c) (1) to (c) (8) inclusive.

(2) A supplier may without such certificate and without authorization deliver not more than 162 gallons in any calendar quarter to any hospital or scientific institution holding a permit issued by the Bureau of Internal Revenue permitting it to acquire undenatured alcohol tax free.

(3) A supplier must not deliver ethyl alcohol where he knows or has reason to believe that the certificate is false, but in the absence of such knowledge or reason to believe he may rely upon it.

(4) If War Production Board issues written directions to suppliers reducing the quantities of ethyl alcohol which may be delivered pursuant to paragraph (e) (1), suppliers will rateably reduce all orders for ethyl alcohol from customers wishing it for the same class of use.

(f) *Deliveries by suppliers upon specific authorization.* Each supplier requiring specific authorization to deliver ethyl alcohol during any calendar quarter shall file application on or before the 15th day of the last month of the preceding quarter. The application will be made on Form WPB 2947 (formerly PD–602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix B. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(g) *Special authorizations and directions.* (1) Authorizations and directions with respect to delivery to be made or accepted in each calendar quarter (and with respect to use by suppliers in each calendar quarter) will generally be issued by War Production Board prior to the beginning of such quarter, but War Production Board may at any time in its discretion and notwithstanding the provisions of paragraphs (c) (1) to (c) (8) inclusive issue directions to any person with respect to:

(i) Use, delivery or acceptance of delivery of ethyl alcohol.

(ii) Production of ethyl alcohol, including raw materials which may be used.

(2) War Production Board may issue to suppliers and other persons, other and different instructions with respect to the preparation or filing of Form WPB 2947 (formerly PD–602) and Form WPB 2945 (formerly PD–600).

(h) *Special restrictions—rubbing alcohol, anti-freeze, beverage use.* (1) No person shall deliver ethyl alcohol or any compound or preparation containing ethyl alcohol for use as rubbing alcohol or for the manufacture of any rubbing alcohol compound or preparation; provided that this restriction shall not prevent deliveries to:

(i) A hospital or scientific institution holding a permit issued by the Bureau of Internal Revenue permitting it to receive undenatured alcohol tax free.

(ii) Licensed physicians, dentists and veterinarians.

(iii) The holders of written prescriptions or orders of licensed physicians, dentists and veterinarians.

(iv) A wholesale or retail druggist, for resale in accordance with this paragraph (h) (1) only.

(v) A manufacturer of any rubbing alcohol compound or preparation or a packager or bottler of any such compound or preparation (in amounts not exceeding the amounts permitted by paragraph (c) (6) hereof), for resale in accordance with this paragraph (h) (1) only.

(2) The restrictions of this order shall govern delivery of ethyl alcohol to and acceptance of delivery of ethyl alcohol by any person for use in the manufacture of anti-freeze preparations, provided that:

(i) Any person may deliver or accept delivery of completed anti-freeze preparations containing ethyl alcohol without specific authorizations under this order; and

(ii) Nothing contained in this order shall be construed to permit the manufacture, delivery or acceptance of delivery of any anti-freeze preparation in violation of § 1100.1, Limitation Order L–51, as from time to time amended.

(3) No person shall deliver or accept delivery of ethyl alcohol or any compound or preparation containing ethyl alcohol for use, whether in its then form or after rectification or other treatment, for beverage purposes.

(i) *Special provisions—inventories, unfilled orders.* (1) Ethyl alcohol allocated for inventory shall not be used except as specifically authorized or directed in writing by War Production Board.

(2) Ethyl alcohol allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is for any reason not filled, revert to inventory as though originally allocated therefor.

(j) *Transactions outside the United States.* This order does not apply to deliveries of ethyl alcohol which are both made and received outside of the forty-eight states and the District of Columbia, or to the use of ethyl alcohol outside such states and District, but the import of ethyl alcohol shall be subject to all the provisions hereof.

(k) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Forms.* Forms WPB 2945 and WPB 2947, provided for in paragraphs (d) and (f) have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C.; Ref: M–30.

This amendment shall take effect October 1, 1943, except that the provisions with respect to applications for authority to deliver, accept delivery and use ethyl alcohol in the period beginning October 1, 1943, shall take effect at once. Order M–30, as amended July 15, 1943, shall continue in effect until so superseded.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD–600)

(1) *Obtaining forms.* Form WPB 2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and four copies. File the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–30, file one copy with each supplier with whom an order is placed, and retain the final copy for your files.

(3) *Information at top of page.* In the heading, under "Name of chemical," specify "Ethyl alcohol"; under "WPB Order No.," specify "M–30"; under "Indicate unit of measure," specify "Wine gallons." In space following heading "Name of supplier with whom this order is placed," state name of usual supplier and also specify his shipping point, if known.

(4) In headings at top of Tables I, III, and IV, substitute "quarter" for "month" and specify particular quarter and year; for example, "third quarter, 1943."

(5) *Proof.* In columns 1, 11 and 19, specify proof, whether pure or denatured, and if denatured, the formula number.

(6) *Primary product.* In column 3, applicant will specify his primary product in terms of the following:

Acetaldehyde.
Acetic acid (except vinegar for food use).
Adhesives.
Agricultural poisons.
Antiseptics for oral uses.
Basic medicinal chemicals not in compounded form.
Biological preparations.
Brake fluids.
Butadiene.
Candy glazes.
Cleaning and polishing preparations (specify).
Cutting oils.
Deodorant sprays (non-body).
Diethylamine.
Drugs and pharmaceuticals (other than rubbing alcohol and other products elsewhere in this paragraph specifically listed).
Dyes and intermediates (manufacture of).
Embalming fluids.
Ethers.
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Ethylene dibromide.
Ethylene gas.
Ethylene oxide.
Explosives (specify whether military or industrial).
Flavoring extracts.
Flotation reagents.
Food products (except candy glazes, pectin and vinegar).
Fulminate of mercury.
Glycols.
Hydrosulfites.
Natural shellac (dissolving).
Laboratory and experimental.
Mouth washes (other than antiseptics).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as a diluent).
Pectin.
Photographic materials (including photo engraving).
Synthetic plastics and synthetic resins (manufacture of).
Rubbing alcohol compounds.
Styrene.
Toiletries and cosmetics (specify).
Tooth cleaning preparations.
Vinegar.
Witch hazel.
Xanthates.
Other products (specify).
Resale (as ethyl alcohol).
Inventory (as ethyl alcohol).

(7) *Product end use.* In column 4, applicant will specify ultimate use of the product which he manufactures. (Where, for example, applicant's primary product called for in column 3 is "ethylene glycol," the ultimate use of product might be "aircraft coolant.") Applicant must also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease or commercial customer. Where Form WPB 2945 is application for ethyl alcohol for resale or inventory (in each case as ethyl alcohol), leave column 4 blank. If primary product called for in column 3 is under allocation pursuant to War Production Board order, indicate in column 4 "WPB allocation order number."

(8) In column 10 (Remarks) specify quantity of ethyl alcohol used by you in the manufacture of each primary product shown in column 3 in that calendar quarter of the 12-month period ended June 30, 1941, which corresponds to the quarter for which delivery is requested.

(9) *Tables II, III and IV.* Fill out completely Tables II, III and IV, except that Table IV need not be filled out for primary products under allocation. In Table II, substitute word "quarter" for "month" throughout.

APPENDIX B—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB 2947 (FORMERLY PD–602)

(1) *Obtaining forms.* Form WPB 2947 (formerly PD–602) may be obtained at local field offices of War Production Board.

(2) *Number of copies.* Prepare an original and three copies, file the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–30, retaining the third copy for your files.

(3) *Information at top of form.* In heading under "Name of Material," specify "Ethyl alcohol"; leave grade blank; under "WPB Order No.," specify "M–30"; under "Indicate unit of measure," specify "Wine gallons."

(4) In heading "This schedule is for deliveries to be made during the month/quarter ending _____, 194__," strike out word "month" and insert the quarter and year to which the application relates.

(5) *Listing of customers.* In column 1 list the name of each customer from whom you have received a Form WPB 2945 (formerly PD–600) respecting a delivery in the applicable quarter. Do not list names of customers who have not filed with you Form PD–600. If it is necessary to use more than one sheet to list the customers, number each sheet in order and show on the last sheet total orders for customers whose Form WPB 2945 shows that they propose to accept more than 3,500 gallons in the calendar quarter and the total orders from customers whose Form WPB 2945 shows that they propose to receive not more than 3,500 gallons.

(6) *Primary product and end use.* It is not necessary to show primary product or end use with respect to a customer who files Form WPB 2945 (formerly PD–600). Instead, in column 1–a, opposite the name of each such customer, enter "WPB 2945."

(7) *Other orders to be lumped according to use.* In column 1, the supplier need not list names of customers to whom he proposes to make delivery in the applicable quarter, pursuant to paragraph (e) (1) of this order, but will instead show the total quantity of ethyl alcohol for which he has received orders for delivery in such quarter under each of the paragraphs (c) (1), (c) (2), (c) (3), (c) (4), (c) (5), (c) (6) and (c) (8). To do so, he will list in columns 1 and 1–a, for example, "Total quantity ordered for delivery under paragraph (c) (1)," and will list in column 4 the total quantity represented by the orders placed pursuant to such paragraph.

(8) *Proof.* In column 7 (remarks), specify proof, whether pure or denatured, and if denatured, the formula number with respect to all ethyl alcohol for which customer has filed WPB 2945. Do not show this information respecting orders for which WPB 2945 has not been filed and which are lumped under (7) above.

(9) *Use by producers.* Each producer who has filed application on Form WPB 2945 specifying himself as his supplier shall list his own name as customer on Form WPB 2947.

(10) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, columns 9 to 16, inclusive. Distributors will fill out only columns 10, 12 and 13.

APPENDIX C—CUSTOMER'S CERTIFICATE ON CERTAIN DELIVERIES OF 3500 GALLONS OR LESS (SEE PARAGRAPHS (C) (1) TO (C) (8), INCLUSIVE, AND (E) (1))

The undersigned hereby certifies to the War Production Board and to his supplier:

A. That the ---------- gallons of ethyl alcohol hereby ordered for delivery in the ---------- calendar quarter 194— [insert "fourth, 1943," "first, 1944," etc.] will be used for a class of use within paragraphs (c) (1), (c) (2), (c) (3), (c) (4), (c (5), (c) (6) [strike out inapplicable paragraph numbers]; that the quantity used by the undersigned in such class of use in the corresponding quarter of the 12-month period ended June 30, 1941, was ---------- gallons; and that the amount ordered does not, taken together with all other ethyl alcohol delivered or ordered for delivery in such quarter, exceed ----------% of the quantity used in such class of use in the corresponding quarter;

Or

B. That the ethyl alcohol hereby ordered for delivery in the ---------- calendar quarter [insert "fourth, 1943," "first, 1944," etc.] does not, taken together with all other ethyl alcohol delivered or ordered for delivery in such quarter, exceed 162 gallons, and will not be used for the manufacture of rubbing alcohol compound or preparation.

[Fill out A or B but not both.]

---------- ----------
Date Name of Purchaser

By ---------- ----------
Duly Authorized Official Title

INSTRUCTIONS FOR CUSTOMER'S CERTIFICATE

(1) Prepare one copy for each supplier with whom an order is placed and one copy for your files. Wherever possible file certificate with supplier not later than the 5th day of the last month of the quarter preceding the quarter in which you wish to receive delivery. The certificate may be endorsed on the purchase order or be a separate paper. Do not file a copy with War Production Board.

(2) The certificate shall be signed by the purchaser, or an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

[F. R. Doc. 43-13530; Filed, August 19, 1943; 10:43 a. m.]

PART 3051—SCALES, BALANCES, AND WEIGHTS

[Limitation Order L–190, as Amended August 19, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the materials used in the manufacture of scales, balances, and weights for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3051.1 *Limitation Order L–190*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Scales" means devices used for weighing persons, materials, objects or substances, or for grading, classifying, counting or evaluating materials, objects or substances in terms of weight, or the measuring of forces expressed in terms of weight. The term includes scales, balances, attachments, and weights.

(3) "Weights" means objects of established weight used in connection with the operation of scales and necessary to the operation or testing thereof.

(4) "Scales for household use" includes all scales commonly used for household purposes except dietetic scales graduated in the metric system for personal use by a person whose diet is regulated by a licensed physician and baby weighing or nursery scales.

(5) "New" scales are all scales other than those which have been used, or sold, rented or lent for the purpose of being used; except that scales which have been used solely for demonstration, trial loans or emergency repair loans are "new" scales.

(6) "Emergency repair loan" means the temporary leasing or lending of a scale to replace a similar scale while the latter is being repaired.

(7) "Class One scales" means commercial scales for use in retail trade, spring type scales equipped with postal charts and having a retail list price of five dollars or less, and scales for household use, including bathroom scales and kitchen scales.

(8) "Class Two scales" means person weighing scales for clinical use and baby weighing or nursery scales.

(9) "Class Three scales" means mailing and parcel post scales, except spring type scales equipped with postal charts and having a retail list price of $5.00 or less.

(10) "Class Four scales" means all scales other than those in Class One, Class Two, Class Three, Class Five, or Class Six.

(11) "Class Five scales" means egg grading scales, milk scales, cotton beam scales, cotton spring scales, and grain sampling, grading, and testing scales.

(12) "Class Six scales" means dietetic scales, graduated in the metric system, for personal use by a person whose diet is regulated by a licensed physician.

(b) *Restrictions on production.* (1) No person shall fabricate parts for new Class One scales or assemble new Class One scales.

(2) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Two scales in excess of one-fourth of the total number of such scales billed by him to customers during the calendar year of 1941.

(3) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Three scales in excess of one-fourth of the total number of such scales billed by him to customers during the calendar year of 1941.

(4) No person engaged in the manufacture of scales shall increase his inventory of new scales in Class Four if that inventory following such increase will exceed one-twelfth of the total number of such scales billed by him to customers during the calendar year of 1941.

(5) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Five scales in excess of the total number of such scales billed by him to customers during the calendar year of 1941.

(6) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Six scales in excess of the total number of such scales billed by him to customers during the calendar year of 1941.

(c) *Restrictions on transfer.* (1) No person shall sell any new Class Three, Class Four or Class Five scales to fill any order for such scales in an amount of $50.00 or more, except orders to which the purchaser has applied or extended a preference rating issued on Form WPB–2581 (Form PD–857), or to which the purchaser has applied or extended a rating of A–9 or higher prior to May 13, 1943. Any person placing such an order amounting to $50.00 or more after May 13, 1943, shall certify, in substantially the following form, that the preference rating applied or extended was issued on Form WPB–2581, (Form PD–857).

The undersigned purchaser represents to the seller and to the War Production Board that the rating of ---------- applied or extended to this purchase order was issued on Form WPB–2581 (Form PD–857).

The person receiving this certification shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false.

(2) No person shall rent or lend any new Class Three, Class Four or Class Five scales to fill any order for such scales in any amount, except orders to which the person placing the order has applied or extended a rating issued on Form WPB–2581 (Form PD–857), or to which the purchaser has applied or extended a rating of A–9 or higher prior to May 13, 1943. Any person placing such an order after May 13, 1943, shall certify that the rating was issued on Form WPB–2581 (Form PD–857) in the manner provided in paragraph (c) (1) of this order, and the person receiving the certification shall be entitled to rely thereon unless he knows or has reason to believe it to be false.

(3) No person shall sell any new Class Three scales to fill any order for such scales in an amount over $5.00 and less than $50.00, except orders rated A–9 or higher.

(4) No person shall sell any new Class Four or Class Five scales to fill any order for such scales in an amount over $5.00 and less than $50.00, placed by a person intending to use such scales on a farm, except orders for which purchase certificates have been issued by a County Farm Rationing Committee, or orders to which a rating of A–9 or higher was

applied or extended prior to May 13, 1943.

NOTE: Paragraph (5) amended; new paragraph (6) added; former paragraphs (6), (7) redesignated (7), (8) August 19, 1943.

(5) No person shall sell any new Class Four or Class Five scales to fill any order for such scales in an amount over $5.00 and less than $50.00, placed by a person intending to use such scales elsewhere than on a farm, except orders rated A-9 or higher.

(6) No person shall sell a new Class Four or Class Five scale having a retail list price of more than $5.00 to a person intending to resell it, except to fill orders rated A-9 or higher. Scales having a retail list price of $5.00 or less may be sold without ratings to persons buying them in amounts less than $50.00 for resale.

(7) No person shall sell any new Class Two or Class Six scales to any person acquiring such scales for personal or family use except to fill the prescription of a licensed physician.

(8) The restrictions of paragraphs (c) (1) to (c) (6), inclusive, of this order shall not apply to an emergency repair loan of new scales when no used scales are available for such use, or to the selling, renting or lending of any scales which are sold or delivered as "laboratory equipment" in accordance with the provisions of Limitation Order L-144, as amended.

(d) *Repair and maintenance parts.* (1) No person shall produce any repair or maintenance parts for scales for household use except parts to be used for rebuilding used commercial scales into baby weighing scales.

(2) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person shall fabricate a quantity of parts for repair and maintenance of scales which contains, when finished, a total weight of metals greater than 150% of the total weight of metals in the parts (exclusive of those for scales for household use) used or sold by him for repair and maintenance of scales during the calendar year of 1941.

(e) *Restrictions on types, sizes and materials.* (1) So far as any other order of the War Production Board may have the effect of limiting or curtailing the use of any material in any scales or parts thereof to an extent greater than herein provided, the limitations of such order shall be observed.

(2) No manufacturer shall assemble scales equipped with poises, weighbeams, pans, scoops or commodity receivers of copper or copper base alloys. This restriction does not apply to type bars, to scales sensitive to a weight of one centigram or less, or to racks, pinions and rollers for registering poises.

(3) After a period of sixty days following October 10, 1942, no manufacturer may fabricate weights of copper or copper base alloys if such weights are of denominations of 20 grams (metric) or ½ ounce (avoirdupois) and over. This restriction does not apply to weights of classes A, B, M, S, and S2 as defined and recognized by the National Bureau of Standards.

(4) The War Production Board may from time to time issue schedules establishing simplified practices with respect to the types, sizes, forms, materials and specifications or other qualifications for scales. After the effective date of any such schedule no scales shall be fabricated, or assembled, except such as conforms to the issued schedule and except as specifically permitted by such schedule.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, CMP Regulation No. 5, or CMP Regulation No. 5A, persons applying or extending a rating issued on Form WPB-2581 (Form PD-857) for scales shall certify that fact as required by paragraph (c) of this order, in addition to making any certifications required by said regulations.

(g) *Records.* All persons to whom this order applies shall keep, and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

(j) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(l) *Communications.* All reports to be filed hereunder, or communications concerning this order should be addressed to: War Production Board, Service Equipment Division, Service Machinery Section, Washington 25, D. C. Ref: L-190.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

Paragraph (a) (7) of § 3051.1, *Limitation Order L-190*, defines "Class One scales" to include "commercial scales for use in retail trade." The phrase "commercial scales for use in retail trade" means only cylinder-type scales, fan-type scales, hanging scales and even-balance scales of the kinds, sizes and models commonly used in making sales of merchandise direct to ultimate consumers.
Issued April 29, 1943.

[F. R. Doc. 43-13531; Filed, August 19, 1943; 10:43 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-343]

BOX-VENEER

The fulfillmeut of requirements for the defense of the United States has created a shortage in the supply of box-veneer for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3270.4 *Conservation Order M-343.*

Definitions

(a) *Definitions.* For the purposes of this order:

(1) "Veneer" means single-thickness lumber made by the rotary cutting of logs.

(2) "Box-veneer" means veneer made for use, in single thickness, in the manufacture of wooden shipping containers.

(3) "Aircraft-veneer" means veneer made for use in the manufacture of aircraft.

(4) "Marine-veneer" means veneer made for use in the manufacture of boats or ships.

(5) "Producer" means any person who operates a plant in which, at any time since January 1, 1942, box-veneer has been made for sale to box-manufacturers.

(6) "Box-manufacturer" means any person who manufactures wooden shipping containers made in whole or in part from box-veneer.

Quota and Sale Restrictions

(b) *Quota restriction.* This order does not restrict the amount of box-veneer, aircraft-veneer, or marine-veneer which a producer may make. However, during any quota period, no producer shall make veneer of any type other than those three types unless, during that period, he makes enough box-veneer to fill his box-veneer quota. Quota periods and amounts are set out in paragraph (d) below.

(c) *Sale restriction.* No producer shall sell to any one except box-manufacturers the box-veneer produced to fill his quota.

(d) *Quota periods and amounts.* Every producer shall determine how many square feet of box-veneer were made in his plant during each of the following 2 periods: the first 6 months of 1942 and the first 6 months of 1943. The larger of those two amounts is his "base quantity". For the 1½-month quota period August 16–September 30, 1943, his box-veneer quota shall be 25% of his base quantity. For each 3-month quota period thereafter (October–December, January–March, etc.), his box-veneer quota shall be 50% of his base quantity.

(The 25% and 50% quotas represent 1½ and 3 month periods. However, they are applied to a 6-month base quantity. Therefore, in effect, they represent 100% of the 6-month rate of operation.)

Miscellaneous Provisions

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(f) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: M–343.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13533; Filed, August 19, 1943; 10:43 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Schedule II As Amended August 19, 1943 to Limitation Order L–152]

BABY CARRIAGES

Section 3291.287[1] *Schedule II to Limitation Order L–152* is hereby amended to read as follows:

§ 3291.287 *Schedule II to Limitation Order L–152.* Pursuant to paragraph (b) (3) of Limitation Order L–152, the following production quotas for carriages are hereby established for the period from July 1, 1943 to September 30, 1943, inclusive. Each manufacturer named is authorized to produce during that period the number of carriages set forth opposite his name.

[1] Formerly Part 1282, § 1282.3.

Name	Number of carriages			
	Group I		Group II	Group III
	Maximum steel 6 pounds	Maximum steel 9 pounds		
Adler Mfg. Co., Louisville, Ky.				26,000
Aga Toy Co., New York, N. Y.				3,000
Allied Cabinet Corp., Chicago, Ill.				15,000
Amman-Goertz Co., New York, N. Y.				500
Atlas Baby Carriage Co., New York, N. Y.	3,500			
B. & W. Mfg. Co., Cleveland, Ohio				5,000
Baby Jeep Co., Winston-Salem, N. C.	10,000			
Beiger Showcase & Fixture Co., Los Angeles, Calif.				20,000
Bilt-Rite Baby Carriage Co., Brooklyn, N. Y.		6,000	120	
Louis F. Brantz Co., Philadelphia, Pa.				25,000
Collier-Keyworth Co., Gardner, Mass.		8,500		
George Cooper Mfg. Co., New York, N. Y.	6,000			5,000
Custom-Bilt Mfg. Co., Gardner, Mass.	2,400			
Garton Toy Co., Sheybogan, Wis.				15,000
Hartman Mfg. Co., St. Louis, Mo.		4,500		
C. H. Hartshorn Co., Gardner, Mass.		4,500		2,500
Hedstrom-Union Co., Gardner, Mass.		21,000	300	4,300
Heywood-Wakefield Co., Gardner, Mass.	32,000			
Kaywood Corp., Benton Harbor, Mich.				5,500
Kroll Bros., Chicago, Ill.		15,000		
Kunitholm Mfg. Co., Gardner, Mass.		23,000		15,000
Leader Baby Carriage Co., New York, N. Y.		1,000		
Mahr-Bufton Co., Minneapolis, Minn.	8,000			
Packard Mfg. Co., St. Louis, Mo.	20,000			
Parkholme Display Co., Chicago, Ill.				5,000
Pearl Mfg. Co., New York, N. Y.		1,000		
Perfection Mfg. Co., St. Louis, Mo.		7,500	200	10,000
L. B. Ramsdell Co., Gardner, Mass.	1,000			
Rex Baby Carriage Co., New York, N. Y.		1,000		
Rockford Showcase Co., Rockford, Ill.				7,500
S. & E. Mfg. Co., Fitchburg, Mass.				3,500
Shuler Radiant Co., Cleveland, Ohio				60,000
O. W. Siebert Co., Gardner, Mass.	36,000			
South Bend Toy Co., South Bend, Ind.	5,000			
Stanley Chair Co., Cheltenham, Pa.				7,500
Storkline Furniture Corp., Chicago, Ill.	16,000			
Tam-Tot Mart, Washington, D. C.				500
Frank F. Taylor Co., Cincinnati, Ohio				78,000
Thayer Co., Gardner, Mass.		25,000	400	20,000
Valley City Furniture Co., Grand Rapids, Mich.				15,000
Wear-Ever Carriage Co., New York, N. Y.		4,000		
The Welsh Co., St. Louis, Mo.		66,000		
F. A. Whitney Co., Leominster, Mass.	15,000	8,602	500	4,000

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13534; Filed, August 19, 1943; 10:43 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 5 to Limitation Order L–211 as Amended Aug. 19, 1943]

STEEL AXLES AND FORGINGS (RAILROAD AND TRANSIT SERVICES)

§ 3102.6 *Schedule 5 to Limitation Order L–211*—(a) *Definitions.* For the purposes of this schedule:

(1) "Axles" means rolled or forged steel axles for locomotives, tenders, and freight and passenger cars for railroad and rail transit service.

(2) "Forgings" means steel forgings (other than axles, wheels, or tires) for locomotives, tenders, freight and passenger cars for railroad and rail transit service.

(3) "Annealed" as used in any of the specifications in Lists 1 or 2, means heated to obtain the desired internal structure and cooled, evenly and slowly, either in air or in the furnace at the option of the manufacturer.

(b) *Restrictions on sizes and shapes.* No person shall produce, fabricate, or deliver:

(1) Freight car axles, except in the sizes and dimensions conforming to the AAR Standard Axles adopted 1929, as set forth in section D of the Association of American Railroads, Mechanical Division, Manual of Standard and Recommended Practice.

(2) Railroad passenger car and tender friction bearing axles, except in the sizes and dimensions conforming to the AAR New Passenger Car Axles, Standard adopted 1940, as set forth in section D of the Association of American Railroads, Mechanical Division, Manual of Standard and Recommended Practice or in AAR Specification E–M–101–42.

(3) Transit car axles with machine off-set dust guards, except in designs having off-set dimensions greater than ¼ inch.

(c) *Restrictions on specifications.* (1) No person shall produce, fabricate, or deliver axles except to a specification set forth in List 1 of this schedule.

(2) No person shall produce, fabricate, or deliver forgings except to a specification set forth in List 2 of this schedule.

(d) *Acceptance of delivery.* No person shall accept delivery of axles or forgings which he knows or has reason to believe were produced, fabricated, or delivered in violation of the provisions of paragraphs (b) or (c).

(e) *Exceptions.* (1) The provisions of paragraphs (b), (c), and (d) shall not apply to steel axles and forgings:

(i) The production, fabrication, delivery, or acceptance of which is specifically permitted in writing by the War Production Board.

(ii) Which have been produced or fabricated before February 25, 1943.

(iii) Which before such date have been processed in such manner and to such extent that processing to conform to such provisions would be impracticable.

(2) The provisions of paragraphs (c) and (d) shall not prohibit:

(i) Waiver by the purchaser or procuring agency of any of the inspection and test requirements of the specifications prescribed in paragraph (c).

(ii) Delivery or acceptance of axles and forgings which because of errors in manufacture do not conform to the requirements of paragraph (c) providing such requirements are waived by the purchaser or procuring agency.

(3) The provisions of paragraphs (b) and (c) shall not apply to machining operations performed in the purchasers' shops.

(4) The provisions of paragraph (b) (2) shall not prevent the production, fabrication, delivery, or acceptance of railroad passenger car and tender friction bearing axles in other sizes and dimensions for repairs or replacements to railroad passenger cars and tenders built prior to February 25, 1943, provided the purchaser endorses on the purchase order a statement signed by an authorized official, either manually or as provided in Priorities Regulation No. 7, substantially as follows:

As permitted by Schedule 5 to Limitation Order L–211, the axles covered by this order are to be used for repairs or replacements to railroad passenger cars or tenders built prior to February 25, 1943.

Name of Purchaser	Signature of Authorized Official
Title	

Such statement shall constitute a representation to the seller and to the War Production Board, and may be relied on by the seller unless he knows or has reason to believe it to be false.

(f) *Records.* Each person owning or possessing axles and forgings excepted by the provisions of paragraph (e) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

No 165——2

NOTE: Lists 1 and 2 amended August 19, 1943.

LIST 1

AXLES

Service, Condition and Minimum Tensile Strength	Specification Designation and Grade	Specification Title
TRANSIT SERVICE		
Annealed: 80,000 psi	ASTM-A236–42, Class D	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a adopted May 8, 1943.
Quenched and Tempered: 90,000; 85,000; 82,500 psi	ASTM-A236–42, Class G	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a adopted May 8, 1943.
RAILROAD FREIGHT CAR SERVICE		
As Forged (Nominal diameter 6½ inches or less): No Specified Tensile Strength	AAR-E-M-101–42, Grade A	Axles, Carbon Steel, For Cars and Locomotive Tenders, adopted August 19, 1942.
No Specified Tensile Strength	ASTM-A21–36	Carbon-Steel Axles for Cars and Tenders, as amended by Emergency Alternate Provision EA-A21 adopted October 5, 1942.
Normalized and Tempered (Nominal diameter over 6½ inches): 88,000 psi	AAR-E-M-101–42, Grade C	Axles, Carbon Steel, For Cars and Locomotive Tenders, adopted August 19, 1942.
RAILROAD PASSENGER CAR, TENDER AND SIMILAR SERVICE		
As Forged: No Specified Tensile Strength	AAR-E-M-101–42, Grade A	Axles, Carbon Steel for Cars and Locomotive Tenders, adopted August 19, 1942.
Normalized and Tempered: 88,000 psi	AAR-E-M-101–42, Grade C	Axles, Carbon Steel, For Cars and Locomotive Tenders, adopted August 19, 1942.
85,000; 83,000 psi	ASTM-A236–42, Class E	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
LOCOMOTIVE SERVICE		
Normalized and Tempered: 88,000; 86,000; 84,000 psi	AAR-E-M-104–42, Class A	Normalized and Tempered Steel Forgings, adopted April 16, 1942.
88,000; 86,000; 84,000 psi	ASTM-A236–42, Class F	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
Quenched and Tempered: 90,000; 85,000; 82,500 psi	ASTM-A236–42, Class G	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
115,000; 105,000; 100,000 psi	ASTM-A236–42, Class H	
Alloy Steel, Normalized and Tempered: 80,000 psi	ASTM-A238–42, Class A	Alloy-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A238, adopted October 5, 1942.
90,000; 88,000 psi	ASTM-A238–42, Class B	
95,000; 93,000; 91,000 psi	ASTM-A238–42, Class C	
Alloy Steel, Normalized, Quenched, and Tempered: 95,000; 90,000; 85,000 psi	ASTM-A238–42, Class D	Alloy-steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A238, adopted October 5, 1942.
105,000; 100,000; 95,000 psi	ASTM-A238–42, Class E	
125,000; 115,000; 110,000 psi	ASTM-A238–42, Class F	

LIST 2

FORGINGS OTHER THAN AXLES, WHEELS, OR TIRES

Condition and Minimum Tensile Strength	Specification Designation and Grade	Specification Title
As Forged: No Specified Tensile Strength	AAR-E-M-102–42, Grade 1-2	Forgings, Carbon Steel, Annealed and Unannealed, adopted August 19, 1942.
No Specified Tensile Strength	ASTM-A236–42, Class A	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
Annealed: 80,000 psi	AAR-E-M-102–42, Grade 3	Forgings, Carbon Steel, Annealed and Unannealed, adopted August 19, 1942.
80,000 psi	ASTM-A236–42, Class D	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
Normalized and Tempered: 88,000; 86,000; 84,000 psi	AAR-E-M-104–42, Class A	Normalized and Tempered Steel Forgings, adopted April 16, 1942.
88,000; 86,000; 84,000 psi	ASTM-A236–42, Class F	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.

LIST 2—Continued

FORGINGS OTHER THAN AXLES, WHEELS, OR TIRES—continued

Condition and Minimum Tensile Strength	Specification Designation and Grade	Specification Title
Quenched and Tempered:		
90,000; 85,000; 82,500 psi	ASTM-A236-42, Class G	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
115,000; 105,000; 100,000 psi	ASTM-A236-42, Class H	
130,000; 115,000; 110,000 psi	ASTM-A236-42 Class I	
Alloy Steel, Normalized and Tempered:		
80,000 psi	ASTM-A238-42, Class A	Alloy-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A238, adopted October 5, 1942.
90,000; 88,000 psi	ASTM-A238-42, Class B	
95,000; 93,000; 91,000 psi	ASTM-A238-42, Class C	
Alloy Steel, Normalized, Quenched, and Tempered:		
95,000; 90,000; 85,000 psi	ASTM-A238-42, Class D	Alloy-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A238, adopted October 5, 1942.
105,000; 100,000; 95,000 psi	ASTM-A238-42, Class E	
125,000; 115,000; 110,000 psi	ASTM-A238-42, Class F	

NOTE.—Lists 1 and 2-AAR=Association of American Railroads, Manual of Standard and Recommended Practice:
ASTM=American Society for Testing Materials Standard Specifications.

[F. R. Doc. 43-13532; Filed, August 19, 1943; 10:43 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 1]

FATS AND OILS: SOAPSTOCKS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 15.1 is amended to read as follows:

SEC. 15.1 *Maximum prices of raw soapstocks.* The maximum prices of the following raw soapstocks, delivered in tank cars or tank wagons, shall be the following prices:

RAW SOAPSTOCKS—BASIS 50% T. F. A.

[Cents per pound]

	New York	Chicago & Cincinnati	Los Angeles & San Francisco
Cottonseed foots	3.625	3.50	3.50
Corn foots	3.50	3.375	3.375
Soybean foots	3.50	3.375	3.375
Peanut foots	3.875	3.75	3.75

(a) Where any of the above soapstocks are delivered to other destinations, the maximum price shall be the price set forth above for the city nearest the point to which the soapstock is delivered, plus or minus the usual or normal differential that prevailed prior to price control between the point to which the soapstock is delivered and the nearest city named in the above schedule.

(b) The usual or normal differentials for grade, above or below the listed grades, shall continue to apply.

2. Section 15.2 is amended to read as follows:

SEC. 15.2 *Maximum prices of recovered or acidulated soapstocks.* The maximum prices of the following recovered or acidulated soapstocks, delivered in tank cars or tank wagons, shall be the following prices:

RAW OR ACIDULATED SOAPSTOCKS

[Cents per pound]

	New York	Chicago & Cincinnati	Los Angeles & San Francisco
Acidulated cottonseed foots (black grease), basis 95% T. F. A.	7.375	7.25	7.25
Corn oil, basis 95% T. F. A.	7.25	7.00	7.00
Soybean oil, basis 95% T. F. A.	7.25	7.00	7.00
Peanut oil, basis 95% T. F. A.	8.00	7.75	7.75
Coconut oil, 95% saponifiable	10.125	10.125	10.125

(a) Where any of the above soapstocks are delivered to other destinations, the maximum price shall be the price set forth above for the city nearest the point to which the soapstock is delivered, plus or minus the usual or normal differential that prevailed prior to price control between the point to which the soapstock is delivered and the nearest city named in the above schedule.

(b) The usual or normal differentials for grade, above or below the listed grades, shall continue to apply.

(c) The usual or normal differential for type of container shall continue to apply.

This amendment shall become effective August 24, 1943.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13516; Filed, August 18, 1943; 4:16 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 2]

FATS AND OILS: LARD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 11.8 (o) is amended to read as follows:

(o) *Community of sale.* (1) Except as otherwise provided in sections 11.8 (o) (2) and 11.8 (o) (3), "community of sale" means that point at which the purchaser from the processor resells the lard so purchased, regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place.

(2) Where the purchaser of the lard is the owner of four or more retail stores at which the lard ultimately will be resold by him, and has the lard delivered by the seller to a warehouse for storage until he (the purchaser) reships it to his retail stores for resale, or to another warehouse for storage and subsequent reshipment to his retail stores for resale, and is unable to determine, at the time the lard is delivered by the seller to such warehouse, the particular retail stores from which the lard will be resold by him, then, in such case, and only in such case, "community of sale" means the place where the warehouse to which the lard is delivered by the seller is located.

(3) Where lard is sold for use in the manufacture of an inedible product, then in such case, and only in such case, "community of sale" is the place where is located the buyer's plant in which the lard is used in the manufacture of such inedible product.

This amendment shall become effective August 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13517; Filed, August 18, 1943; 4:17 p. m.]

PART 1381—SOFTWOOD LUMBER[1]

[Rev. MPR 26, Amdt. 2]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 26 is amended in the following respects:

1. In section 7 (d), the word "three" is deleted, subparagraph (2) is deleted, and subparagraph (3) is renumbered "(2)".

2. Section 9 is amended by substituting the phrase "price F. A. S. vessel for lumber to be exported when", in lieu of the phrase "export prices for lumber".

3. In section 16, paragraph (b) (1) is amended by substituting the word "September" in lieu of "August", and in paragraph (d) the last complete sentence is amended to read—"It is permissible to quote with specified higher grades as developed, but when the lumber is shipped, the quantities falling in each grade must be tallied separately on a board foot basis, separately identified by grade, and separately invoiced at prices not in excess of ceiling prices for the respective grades".

4. In section 23, Table 1, the sub-title is amended to read "No. 1 green, rough or surfaced A. L. S."

5. Section 23, Table 1, footnote 3 is amended by deleting the period after "width and grade" and adding the phrase "for 5/8" shims and deduct $9.00 per MBM for 1/2" shims".

6. Section 23, Table 1, footnotes 4 and 5 are renumbered 5 and 6, respectively, and footnote 4 is added to read as follows:

4. Barge planking and decking, paragraph 285: add $10.00 per MBM to the select merchantable price.

7. Section 23, Table 1, footnote 6 is deleted.

8. Section 23, Table 1, footnote 14 is amended by inserting a period after "6/4 boards"; by deleting the phrase "but not on rough boards."; and by adding a paragraph to read as follows:

Rough boards. The Portland, Oregon, office of the Office of Price Administration may upon application grant permission to make additions of $2.50 per MBM in the case of Select Merchantable, No. 1, and No. 2, or $1.00 per MBM on No. 3, on a sale of rough boards if the following conditions are met:

(1) The War Production Board certifies that the mill producing the rough boards is operating in compliance with WPB Circular No. 21;

(2) The sale is on allocation by the Central Procurement Agency; and

(3) The Central Procurement Agency certifies that rough boards are required and that surfaced boards cannot be used for the purposes contemplated under the allocation.

9. Section 23, Table 2, footnote 1, the figure "$20.00" is amended to read $15.00.

10. Section 23, Table 2, footnote 13 (a) is added to read as follows:

13 (a) Barge framing, paragraph 284, same price as Select structural. Barge planking and decking, paragraph 285, add $10.00 per MBM to the price of Select structural in the same size.

11. Section 23, Table 2, footnote 14 is amended to read as follows:

14 Omitting length in R/L loading: omitting 6', or 6' and 8', or 6' and 8' and 10', add to the R/L price of same size and grade $0.50 per MBM. Omitting 12' and shorter use specified length price.

12. Section 23, Table 2, footnote 23 is amended to read as follows:

23. For S1S, S1E, S2S, S2E, S1S1E, S2S1E, or S1S2E A. L. S. add $1.00 per M'MBM. Addition limited to orders specifying one grade only.

13. Section 23, Table 3, footnote 4A is added to read as follows:

4A. No. 4 Rough or surfaced, dry or green, AW-AL $14.50 per MBM. Use green weights.

14. Section 23, Table 3, footnote 5 is amended by inserting immediately after the first colon the phrase "(Applies to all grades)", and by inserting immediately after the second colon the phrase "(Applies to No. 1 and lower grades)".

15. Section 23, Table 3, in footnote 21 the figure "$20.00" is amended to read "$10.00".

16. Section 23, Table 3, in footnote 23, the phrase "the No. 1 of the same size" is amended to read "the price of No. 2 of the same size".

17. Section 23, Table 4, footnote 4 is amended by inserting immediately after the first colon the phrase "(Applies to all grades)", and by inserting immediately after the second colon the phrase "(Applies to No. 1 and lower grades)".

18. Section 23, Table 4, in footnote 12, the phrase "larger than 16 x 16" is amended to read "if thicker than 16" or wider than 20" ".

19. Section 23, Table 10, in footnote 9, a period is inserted after the figure "$3.00" and the words "per M" are deleted.

20. Section 23, Table 11, in footnote 6, the phrase "odd lengths:" is amended to read "odd lengths under 40':"

21. Section 23, Table 11, footnote 23 is deleted.

22. Section 23, Table 12, in footnote 1, the phrase "6" thickness" is amended to read "5" and 6" thickness", and the figure "$3.00" is corrected to read "30.00".

23. Section 23, Table 12, in footnote 4, the items "5' and shorter" and "7' and shorter" are deleted, and in the first column of figures the figures "$0.50" and "1.00" are deleted and the figures "2.00", "3.00", and "4.00" are amended to read "1.00", "1.50", and "2.00", respectively.

24. Section 23, Table 12, footnote 23 is deleted.

25. Section 23, Table 13, in the subheading of the table, the figure "925" is corrected to read "295".

26. Section 23, Table 16, in the vertical column headed "Widths", in each of the items "Odd and Fr. Widths 3 1/4" to 5 3/4" ", the figure "3 1/4" " is amended to read "3"", and in each of the items "Odd and Fr. Widths 3" to 5 3/4"" the figure "3" " is amended to read "3 1/4" ".

27. Section 23, Table 16, footnote 5 is is amended to read as follows:

5. Surfacing S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E, or S4S, add $2.00 per M.

28. Section 23, Table 16, footnote 9 is amended to read as follows:

9. Sizes thicker than listed use 12" price.

29. Section 23, Table 26, in the subheading of the table, the word "Green" is amended to read "Dry".

30. In Section 24 paragraphs (a) and (b) are amended to read as follows:

(a) For boards and lath: Same as Douglas fir prices.

(b) For all other items, unless specifically provided for: deduct $1.00 per MBM from maximum price for corresponding item in Douglas fir (section 23).

31. Section 25, Note 1 is amended to read as follows:

1. Additions for special provisions permitted by this Section 25 may be made only when the special provisions are not included in the desired grade and are specifically requested by the buyer. When additions are made for paragraphs 300, 301, 302, 303, and 305, the mill must furnish and attach to the original invoice, with copy retained in each seller's files, an official certificate of grade by the W. C. L. A., P. L. I. B., or any agency approved by the Portland office of the Office of Price Administration. This rule applies regardless of quantity, except that orders for less than 10,000 board feet for truck shipment direct to the job may be covered by mill certificate only.

When the buyer specifies inspection by his own or any other agency (which agency must have been approved by the Portland office), the purchaser may pay the cost of inspection without adjustment of the seller's price provided the purchaser shows that he has customarily borne the cost of inspection since October 1, 1941.

32. Section 25, Note III, in the parenthetical expression, the figure "288" is deleted.

33. In section 25, the sub-caption "*Heartwood* (specified in no grade lower than #1)" is amended to read "Heartwood (when specified in grades of No. 1 and better, 3" and thicker)".

34. Section 25, Note XI, in footnote 2, the phrase "comparable sizes" is amended to read "larger and smaller sizes".

35. In section 25, Note XVIII is amended to read as follows:

XVIII. For bundling: Add $1.00 per M to Tables 1 and 2 only.

36. Article VII—Tables of Estimated Weights—in the table covering "Fir corn cribbing and beveled well curbing", the column heading "Weight per M'BM dry lbs. green or S2E" is amended by substituting the word "rough" in lieu of "green".

37. In Article VII, the table heading "Fir factory lumber" is amended to read "Fir factory and box lumber".

38. Article VII, in the table covering "Fir pickets", the column heading "Green per M pieces" is amended to read "Dry per M pieces".

39. Article VII, in the table covering "Fir boards and shiplap", the last item is amended and two items are added, to read as follows:

1" S1S or S2S	$2\frac{5}{32}$"	2,300	2,600
5/4" S1S or S2S	$1\frac{13}{16}$"	2,500	2,800
6/4" S1S or S2S	$1\frac{5}{16}$"	2,600	2,900

40. Article VII, in the table covering "Fir—Dimension, flank and small timbers", the column headings "CM and S1S or S2S dry" and "Standard green" are deleted, and a new heading as for a double column is inserted to read as follows:

CM & S1S OR S2S STANDARD

Dry	*Green*
------	------
------	------
(1900)	(2150)

This amendment shall become effective August 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13518; Filed, August 18, 1943; 4:15 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 161,[1] Amdt. 7]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amend-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7570, 9519.

[1] 8 F.R. 1117, 2992, 5678, 6619, 9381, 10660.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 161 is amended in the following respects:

1. The preamble to Revised Maximum Price Regulation No. 161 is amended by the addition of the following sentence:

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

2. Section 1381.153, paragraph (c), is amended to read as follows:

(c) *Scaling expense.* The entire cost of scaling and grading is included in the maximum prices and may not be added to those prices; except that by agreement between the buyer and seller, the buyer may pay one half of the scaling fee above the ceiling price. The maximum prices for scaling fees in the area covered by this regulation are set forth in § 1499.666, paragraph (c) of Supplementary Services Regulation No. 16 [2] to Maximum Price Regulation No. 165.

3. Section 1381.154, Table A is amended to read as follows:

A. DOUGLAS FIR

	Puget Sound district	Willapa Bay-Grays harbor district	Columbia River district	Southern Oregon-Tillamook district
Ponton logs	$45.00	$45.00	$45.00	$43.00
No. 1 Peeler	40.00	40.00	38.50	36.50
No. 2 Peeler	35.00	33.00	32.50	30.50
No. 3 Peeler	27.00	25.00	25.00	23.00
No. 1 sawmill log	31.00	29.00	29.00	27.00
No. 2 sawmill log old growth yellow fir	23.00	23.00	23.00	21.00
No. 2 sawmill log, all other types, including second growth	22.00	22.00	22.00	20.00
No. 3 sawmill log 'old growth yellow fir	18.00	18.00	18.00	16.00
No. 3 sawmill log, all other types, including second growth	17.00	17.00	17.00	15.00
Camp-run, ungraded	17.00	17.00	17.00	15.00

4. Section 1381.154. Table B, is amended to read as follows:

(B) WESTERN RED CEDAR

	Puget Sound district	Willapa Bay-Grays harbor district	Columbia River district	Southern Oregon-Tillamook district
Lumber Grade	$36.00	$33.00	$33.00	$31.00
Shingle Grade	21.00	21.00	21.00	19.00
Camp Run (ungraded)	21.00	21.00	21.00	19.00

5. Section 1381.155 is amended by the addition of a new paragraph (d) as follows:

(d) *Cull logs.* Any logs not specifically priced in the above tables shall be "culled out", and the maximum price at which they may be sold or purchased shall be $1.00 per thousand feet, log scale.

6. Section 1381.154, Table H is deleted and a new Table H added as follows:

(H) WOOD LOGS

	Puget Sound district	Willapa Bay-Grays harbor district	Columbia River district	Southern Oregon-Tillamook district
No. 1 Douglas Fir wood log	$16.00	$16.00	$16.00	$14.00
No. 2 Douglas Fir wood log	11.00	11.00	11.00	9.00
Wood logs, all other species	4.00	4.00	4.00	3.00

7. Section 1381.155, paragraph (c), is amended to read as follows:

(c) *Short lengths.* For blocks of peeler logs in lengths of less than 16 feet, which otherwise meet the requirements of the standard peeler grades, deduct $5.00 per 1,000 feet, log scale, from the maximum prices in the price tables of § 1381.154 above.

8. Section 1381.157a is revoked.

9. Section 1381.158 is amended to read as follows:

§ 1381.158 *Grading and scaling.* (a) On and after August 24, 1943, no one may buy or sell West Coast logs unless the logs have been graded and scaled in accordance with the following requirements:

(1) All West Coast logs must be graded and scaled in accordance with the rules set forth in Appendix A, and must be so designated on the scaling certificate.

(2) No person may grade or scale logs in any transaction if he is an employee of either the buyer or seller or if he has any financial interest in the transaction other than his fee as a scaler. In any case where the application of this rule will result in hardship to any buyer or seller, the buyer and seller may join in an application to the Lumber Branch, Office of Price Administration, Washington, D. C., for permission to have their logs graded and scaled by an employee or other designated person not otherwise eligible under the terms of this paragraph. The Lumber Branch is authorized to make such designation by letter or telegram.

(3) All west coast logs must be graded and scaled by grading and scaling bureaus or individual graders and scalers approved by order of the Office of Price Administration. Any authorizations previously issued by the Portland, Oregon, District Office of the Office of Price Administration are cancelled 30 days from the date specified in the preceding paragraph (a).

(4) Any person desiring to be approved as a scaler and grader by the Office of Price Administration shall file application with the Lumber Branch, Office of Price Administration, Washington, D. C.

10. Appendix A is added as follows:

Appendix A—Grading and scaling rules. All west coast logs must be graded and scaled in accordance with the following rules:

(a) *Grading rules.* The following rules set forth the *minimum* requirements for each grade. In grading logs the scale shall not be deducted in content in order to raise the grade; this means that if a log has a defect which is not permissible in a given grade, it may not be placed in that grade by merely deducting the defect from the scale. Logs may be designated as "camp run" where the entire production cut from a particular operation is sold without any prior selection (except wood logs or cull logs) either at the spar-tree, booming and rafting point, or elsewhere. If any graded logs such as peelers, have been segregated from the raft or particular lot of logs, the entire lot must be sold on grade.

DOUGLAS FIR PONTON LOGS

Douglas Fir ponton logs shall be of No. 1 and No. 2 peeler and No. 1 sawmill types which in the judgment of a certified scaler will develop 50 percent of their net scaled contents in deep cuttings of close, dense, clear material.

The ponton log will include yellow fir and old-growth red fir logs, provided that they meet the following requirements:

(1) Ponton logs shall have a minimum diameter of 30 inches inside the bark at the top or scaling end, and a minimum length of 16 feet.

(2) The slope of grain shall not exceed 1 inch in 15 inches as determined by measurements in a space of 6 lineal feet equidistant from each end of the log.

(3) The rate of growth shall be not less than 8 annual rings per inch in the clear portion of the log at the scaling end. In addition, there shall be an average of one-third or more summerwood with a distinct contrast in color between summerwood and springwood.

(4) Ponton logs shall not include light weight (high floating) overmature logs of soft, brashy or corky wood, and shall be free of pitch streaks and numerous pitch pockets.

NOTE: This grade description applies only on logs of the above qualifications which are actually allocated by the Western Log and Lumber Administrator of the War Production Board.

DOUGLAS FIR AND SPRUCE SAWMILL LOGS

No. 1 Douglas Fir and spruce sawmill logs. No. 1 Douglas fir and spruce sawmill logs shall be logs which are suitable for the manufacture of lumber in the grades of No. 2 Clear and Better or B and Better to an amount of not less than 50 percent of the scaled contents, and shall not be less than 16 feet in gross length (after allowance for trim) and shall not be less than 30 inches in gross diameter inside the bark at the small end.

No. 1 logs shall be old growth logs and shall contain not less than eight annual rings to the inch in any part of the outer portion of the log equal to one-half of the scale contents, ring count and measurement to be taken at the top end of the log, and shall be straight grained to the extent of a variation for a space of 6 lineal feet equidistant from each end of the log of not more than 1 inch per foot in logs to and including 35 inches in diameter, 1½ inches per foot in logs 36 inches to 50 inches in diameter, 2 inches per foot in logs 51 inches to 60 inches in diameter, 2½ inches per foot in logs 61 inches and over.

Rings, rot, or any other defects that are deducted in the scale are permitted in a No. 1 log providing their size and location do not prevent the log producing the required amount of No. 2 Clear and Better or B and Better lumber. Visible pitch-pockets, rings and knots must be located so that they do not prevent the production of the required amount of No. 2 Clear and Better or B and Better lumber.

No. 2 Douglas Fir and spruce sawmill logs. No. 2 Douglas fir and spruce sawmill logs shall not be less than 12 feet in length and not less than 16 inches in diameter if Spruce, or not less than 12 inches in diameter if Douglas fir, below the grade of a No. 1 log but which will be suitable in grade:

(a) For the manufacture of lumber in the grades of at least 65 percent No. 1 Common or Better lumber, or

(b) For the manufacture of lumber in the grades of 25 percent No. 2 Clear and Better or B and Better or an equivalent value in combination of grades.

No. 3 Douglas Fir sawmill logs. No. 3 Douglas fir sawmill logs shall be not less than 12 feet in length, having defects which prevent their grading No. 2, but which are suitable for the manufacture of not less than 50 percent of the net scaled contents of the No. 2 Common and Better grades of lumber. Logs in this class shall be scaled down to and including an 8 inch diameter.

Logs having excessive slope of grain and/or logs having an excessive number of visible pitch-pockets shall be included in this grade.

No. 3 Spruce sawmill logs. No. 3 Spruce sawmill logs shall be not less than 12 feet in length, having defects which prevent their grading as No. 2 logs, but which are suitable principally for the manufacture of lumber grades of No. 2 and No. 3 common or box cutting, minimum diameter—10 inches.

Logs having excessive slope of grain and/or logs having an excessive number of visible pitch-pockets shall be included in this grade.

No. 1 Douglas Fir wood log. No. 1 Fir wood logs shall meet all the qualifications of a No. 1 sawmill log except that such logs may contain solid stain or worm holes.

No. 2 Douglas Fir wood logs. No. 2 Fir wood logs shall be such logs that do not meet the requirements of the above grades, but which have a net scale merchantable content after deductions for defects of at least 33⅓ percent of the gross scale.

DOUGLAS FIR PEELER LOGS

No. 1 Douglas Fir peeler logs. No. 1 Douglas fir peeler logs shall be of Old Growth Fir and meeting the qualifications of a No. 1 sawmill log and must be suitable for the manufacture of clear, uniform colored veneer or plywood stock to an amount of not less than 50 percent of the scaled content, selected for rotary cutting, and which do not contain defects that will prevent their being held and turned in a lathe. No. 1 peeler logs shall be at least 90 percent surface clear.

No. 2 Douglas Fir peeler logs. No. 2 Douglas fir peeler logs shall be good quality No. 2 Douglas fir sawmill logs suitable for the manufacture of clear uniform colored veneer or plywood stock to an amount of not less than 35 percent of the scaled content, selected for rotary cutting which do not contain defects that will prevent their being held or turned in a lathe. Slope of grain shall not exceed three inches per lineal foot.

No. 2 peeler logs shall be at least 30 inches in gross diameter inside the bark at the small end and 16 feet or more in length.

No 2 peeler logs shall contain not less than eight annual growth rings to the inch in the outer portion of the log, equal to 50 percent of the scaled content; all ring count and measurement shall be taken at the top end of the log.

Visible pitch-pockets which do not prevent the production of the required amount of clear face stock are permitted in No. 2 Douglas fir peeler logs. A short piece of ring, not to exceed one-half of a full ring, is permitted in each end of the log, provided that any heart check or spangles are confined to the heart portion of the log.

No. 3 Douglas Fir peeler logs. No. 3 Douglas fir peeler logs shall be good quality No. 2 sawmill logs suitable for the manufacture of veneer or plywood stock to be used for center core, cross core and backs, and shall not contain defects that will prevent them being held and turned in a lathe. Minimum length 16 feet, and minimum diameter 24 inches.

Douglas Fir peeler blocks. When scaling peeler blocks under 16 feet in length the same scaling and grading rules shall be used as when determining the grade and content of a peeler log, but they shall be graded as No. 1, No. 2, or No. 3 peeler blocks.

AIRCRAFT GRADES-NOBLE FIR AND HEMLOCK

Aircraft grade-noble fir. Aircraft grade noble fir means a log which is selected from a suitable for peeling, No. 1, or No. 2 grade of noble fir log, and which:

(a) Is not less than 26 inches top diameter and not less than 16 feet long;

(b) Is straight grained so that the majority of the clear lumber can be produced with a slope of grain not greater than one in fifteen;

(c) If defects for which a scale deduction is made are present, such defects are permitted provided the size and location thereof will not prevent the entire log from producing 50 percent No. 2 clear and better or B and better lumber;

(d) Has reasonably uniform annual rings, not fewer than eight to the inch and within the clear portion of the log; and

(e) Is free of deep bark seams or other serious defects within the clear portion of the log.

Aircraft grade-hemlock. Aircraft grade hemlock log means a log which is selected from a suitable for peeling or No. 1 or 2 grade of hemlock log and which:

(a) Is medium to light in weight;

(b) Is not less than 26 inches top diameter and not less than 12 feet long;

(c) Is of straight-grain so that the majority of the clear lumber can be produced with a slope of grain not greater than one in fifteen;

(d) Is free of deep bark seams or other serious defects within the clear portion of the log;

(e) Has reasonably uniform annual rings, not fewer than eight to the inch within the clear portion of the log;

(f) Is of a character which will produce at least 50 percent No. 2 clear and better, or B and better clear lumber.

HEMLOCK LOGS

Peeler grade Hemlock. Peeler grade hemlock logs shall be suitable for rotary cutting and shall be capable of producing not less than 50 percent No. 2 clear and better lumber, of uniform quality, and not less than 16 feet in length and 24 inches in diameter.

No. 1 Hemlock. No. 1 hemlock logs shall be logs of good uniform quality not less than 16 feet in length and 24 inches in diameter. No. 1 logs must be capable of producing not less than 35 percent of the gross content No. 2 Clear and Better lumber.

No. 2 Hemlock. No. 2 hemlock logs shall be logs not less than 12 feet in length and not less than 14 inches in diameter. Logs in this grade must produce not less than 65 percent of the gross contents in No. 1 common lumber.

No. 3 Hemlock. No. 3 hemlock logs shall be logs not less than 12 feet in length and not less than 8 inches in diameter, having defects which prevent them grading No. 2 grade, but which are suitable for the manufacture of not less than 50 percent of the gross contents in the common grades of lumber.

OTHER SPECIES

The foregoing grading rules for peeler and sawmill hemlock shall apply to White Fir, Silver Fir, Noble Fir, and other allied species; with the exception of Aircraft Noble Fir grade.

CEDAR LOGS

Lumber Grade. Lumber Grade Cedar logs shall be such logs 16 feet and over in gross length, 28 inches and over in diameter which are suitable for the manufacture of No. 2 Clear and Better lumber to an amount of not less than 50 percent of the scaled contents. Slabs or parts of large logs, the greater part of which is suitable for the production of one inch No. 2 Clear and Better lumber, can be put into this grade down to and including pieces 14 inches thick provided that the scale content of each slab or part is more than 700 board feet.

Shingle Grade. Shingle grade cedar logs shall be such logs or parts of logs that do not meet the requirements of the Lumber Cedar log grades, but will produce No. 2 twelve inch clear or better shingles or common cedar lumber. For shingle cedar logs having less than 50% of clear cuttings, 24 inches between knots lengthwise of log and less than 10 inches crosswise of log on any quadrant, a reduction in scale shall be made of one inch in diameter for each quadrant so affected if the knots are two inches or less in diameter, and a reduction in scale of two inches in diameter for each quadrant so affected if knots are larger than two inches in diameter.

Any logs having knots over two inches in diameter on more than one quadrant but not on the full two quadrants shall be cut three inches in diameter.

WOOD LOGS—ALL SPECIES

Wood logs, except No. 1 Douglas Fir Wood logs, shall be logs which do not meet requirements of the above grades but which have a net scale merchantable content after deductions for defects of at least 33⅓ percent of the gross scale. Any logs failing to meet the minimum requirements for a wood log must be culled out.

LONG LOG SCALING AND GRADING

All species—excepting cedar. Long logs are defined as being logs which are 42 feet and over in length.

All long logs, whatever the species, should be scaled to grade, the grade requirement being the same as for short logs. The scale on these logs should be made by using the top diameter for the top log only; second, third and fourth logs should be scaled by adding to the top diameter an allowance of 1 inch for taper in each 10 feet of length.

Logs from 42 to 80 feet inclusive in length shall be scaled as two logs of as nearly equal length in even feet as possible and in case the two logs are not exactly even length in even feet, the longer of the two shall carry the smaller diameter.

Logs from 82 feet to 120 feet inclusive shall be scaled in the same manner except that they shall be scaled as three logs.

Logs in excess of 120 feet shall be scaled in the same manner except that they shall be scaled as four or more logs, it being the intent of having the maximum length of any one log 40 feet.

The scaling or grading of any segment of a long log shall be based entirely on the merits of the segment under consideration.

*Copies may be obtained from the Office of Price Administration.

[2] 8 F.R. 8750, 9386, 10433, 10670.

GENERAL RULES—PEELER LOGS

Slope of grain:
All grades: As defined in rule.
Pitch-pockets and hard pitch:
No. 1 peeler: Will allow some well-scattered pitch-pockets and/or hard pitch streaks, if in the judgment of the scaler, the number and character will not prevent the recovery of the required amount of No. 2 Clear or B Clear and/or Better.
No. 2 peeler: Permitted to an extent that they do not prevent the production of the required amount of clear face stock.
Core: Will allow to an amount not quite sufficient to justify de-grading to a No. 3 sawmill log.
Burls or knot clusters:
All grades: Permissible if so located that standard peeler blocks can be obtained on either side of defect.
Pitch rings:
All grades: Permissible if parts of rings are so located that the required peelable content can be obtained with a minimum of waste at the lathe. Complete rings allowable if located in sap area or within the heart area of the log.
Breaks:
All grades: Permissible if the defect can be eliminated by a normal deduction of up to ⅓ of the log length.
Heart checks, cross checks, crow's foot, or flaky heart:
All grades: Permissible if not in conjunction with pitch-rings or breaks to a degree that makes the resulting peeler blocks unsuitable for turning.
Sound stain:
All grades: Permissible if veneer stock of the quality and amount required for that specific grade is obtainable from the log in question.
Heart off center:
All grades: Shall be a determining factor in grading peelable logs only when, in the judgment of the scaler, the heart off-center, in conjunction with other defects, renders the log impracticable for peeling.

GENERAL RULES—OTHER LOGS

Log diameters. Log diameters shall be measured inside the bark at the small end of the log with the scale stick held in the vertical position except in cases in which damage to the log, or knots, burls, depressions, etc., prevent taking a correct diameter measurement. In the latter cases, the diameter is to be taken in as nearly a vertical position as possible. The actual scale shall be in accordance with either the Spaulding Log Rule or the Revised Scribener Decimal C Log Rule.

Log lengths. To allow for trimming, the actual minimum lengths of each log shall exceed the stated length as follows:

	Inch trim
40 feet and under	8
42 feet to 50 feet	10
52 feet to 60 feet	12
62 feet to 70 feet	14
72 feet to 80 feet	16
82 feet to 90 feet	18
90 feet and over	20

Length measurement to be taken on the short side of the log.

For example, to meet a minimum length requirement of 16 feet, the log must measure not less than 16 feet 8 inches.

(b) *Scaling rules or instructions to scalers.* (1) The scaler must exercise independent judgment in fulfilling his duties. Neither the buyer nor seller may be present when the scaling is done.

(2) The log scaler's duties shall include a careful study of the natural defects of the different logs produced by the districts in which he works. A scaler shall also note carefully any other defect, such as breaks or damage caused in the process of felling, bucking, or any other part of the logging operation. The ability to judge what a log will produce in the finished product, as to grade, also requires a general knowledge of the manufacture of lumber.

(3) Scalers shall spend sufficient time at the mills to compare their scaling with the results obtained in manufacturing the logs. For the purpose of identification, logs to be observed shall be marked in accordance with the scale bill before they are sawed.

(4) Each log shall be scaled individually upon its own merits. After careful examination of any log, if no waste or defect is found, such log shall be scaled at its full diameter inside the bark, and full length with necessary trim. When waste or defect is found in any log, a deduction in scale shall be made which will completely eliminate the waste.

(5) All deductions shall be made in inches in diameter and feet in length. When required original scale records shall show full and net measurements in diameter and length, and designate the type of defect by specified symbols. In grading logs the scale shall not be deducted in content in order to raise the grade. When scaling bleached logs, or logs covered with dirt, the spud on the scaling stick shall be used to chop into the end of the log to uncover any hidden defect. In measuring the diameter of a log, any fraction over the inch is to be dropped.

(6) A reduction in length shall be made for defects such as end brooming, breakage, crook, stump shake, dry rot, sweep, split, stump rot, pitch spangle, conk or other advanced decay.

(7) Reduction in diameter shall be made for defects, such as sap rot, cat face, roughness, season checks, pitch rings and heart checks.

(8) Any logs so rough that the side cut will not produce No. 2 Common or Better lumber shall have deduction in scale of a sufficient amount to eliminate the No. 3 Common lumber in squaring up the log. This rule is to be applied *only* to extremely rough logs, especially knotty tops, and does not imply deductions on sound tight knotted logs.

(9) Logs with sap rot, sap stain and surface weather checks shall show the gross and net diameters. The net diameter shall be taken inside the defects, and the log graded on the quality of the net volume scaled.

(10) Broken ends and bucking breaks shall be allowed for in the scale by measuring only such part of the log as is free from break, in even feet in length. Care must be taken to see that the scaled part of the log represents the actual part of the log suitable for the production of lumber. Deduction for broken logs shall be sufficient for the waste involved. Deduction for splits in falling which show in the butt, or large end, shall be made as follows:

In large logs, and in logs containing excessive taper, straight splits through the heart shall be eliminated by reductions from diameter in the same manner as for heart checks. Reductions for badly split, or stump shot ends, are made by reductions in length of sufficient amount to eliminate the waste.

(11) Logs containing grub worms shall have the portion containing such defect eliminated from the scale, and the remaining portion shall be graded according to the class of lumber it will produce.

(12) A pitch ring in a log causes a loss in the amount of lumber produced according to its location. A general rule to be used as a basis for deductions for pitch rings is as follows:

A deduction of 1 inch from the diameter for each half ring or less visible in one end of the log only, and a deduction of 2 inches when visible in both ends. A deduction of 2 inches for a complete ring visible in one end of the log only, and a deduction of 4 inches when visible in both ends. The exceptions to this basic rule are as follows:

(i) A log containing a pitch ring 3 inches or less from the perimeter shall be scaled by taking the diameter inside the ring.

(ii) A deduction of 1 inch shall be made for a pitch ring located in the heart of the log, when in one end only, and a deduction of 2 inches when the ring extends through the log. Inner one-third the diameter of the log is to be considered as the heart area.

(iii) An open pitch ring located in the clear portion of the log where it causes the maximum amount of waste may, in the judgment of the scaler, receive an additional deduction of 1 inch when visible in one end only, and an additional deduction of 2 inches when such defect extends through the log.

(13) One inch is deducted for an open check in one end, or a straight close check showing in both ends. Two inches for cross checks, or double checks showing in one end, four inches if showing in both ends. Heart checks are often an indication of flaky heart. Deduction shall be made for waste caused thereby. For spangles, a cut in length shall be made in proportion to the amount of the log actually affected.

(14) In any No. 1 log where the maximum twist allowable prevails, the log shall be otherwise free from any other grade defects.

Rescales or check scales. If either the buyer or seller is dissatisfied with the scale or grade of any logs which have been scaled or graded, either party may call for a rescale. If the original scale was made by an Authorized Bureau, the request for rescale shall be made to that Bureau which shall notify in writing both the buyer and the seller of such request and the approximate date of such rescale which shall be made by the Chief Scaler of the Bureau. If the original scale was made by a person other than a Bureau scaler, the buyer and seller shall select another authorized scaler to perform the rescale; if they cannot agree on the selection of the rescaler, they may request the district office of the Office of Price Administration at Portland, Oregon, to select one from the authorized list. In either instance, the rescale shall be made without representation from either the buyer or seller and the rescale shall be the final scale and grade for the particular lot of logs.

The cost of the rescale shall be determined by agreement between the buyer and seller in accordance with past custom. If an Authorized Bureau is involved in the rescale, the cost shall be borne in accordance with the usual practice of that Bureau.

11. Section 1381.159 is amended by the addition of a new paragraph (d) as follows:

(d) *Specific practices.* The following are among the specific practices prohibited:

(1) A buyer or seller attempting to influence in any way the judgment of the scaler.

This amendment shall become effective August 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13519; Filed, August 18, 1943; 4:16 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 55]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 1.3 (c) is amended by adding the words "or ration coupons" after the words "(OPA Form R–1201)" in the first sentence and by adding the words "or ration coupon" after the word "certificate" in the third sentence.

2. Section 9.2 (e) is amended to read as follows:

(e) *Industrial users.* Every "industrial user" who has, or has assigned to him, a quarterly period use of 2,000 pounds or more of foods covered by this order during any quarterly period from January 1, 1942 on, may open an account. If he has more than one "industrial user establishment" and they are registered together, he may open an account if the combined use at all those establishments is 2,000 pounds or more during any quarterly period. If he opens an account, he must either open one account for all, or a separate account for each or for any group of them, and all must have an account. If they are registered separately, he may open accounts only for those establishments which have a quarterly period use of 2,000 pounds or more. He may open separate accounts for any one or more of those establishments without opening accounts for the others. However, he may not use the same account for more than one establishment. No other industrial user may open an account. Any industrial user who has opened a ration bank account and who is not entitled to have it under this Section, as amended, must close that account on or before November 1, 1943.

3. Section 9.4 (b) is amended by adding the following: "Ration coupons may be deposited at any time."

4. Section 10.4 (1) is added to read as follows:

(1) *Ration coupons.* A ration coupon may be accepted from a consumer at any time.

5. Section 10.5 (e) (4) is added to read as follows:

(4) *Ration coupons.* A ration coupon may be accepted at any time.

6. The title of Article XVI is amended to read as follows:

Article XVI—Issuance and Use of Certificates and Ration Coupons

7. Section 16.8 is added to read as follows:

SEC. 16.8 *How ration coupons are issued*—(a) *General.* Whenever a local Board, district or State office, or the Washington Office of the Office of Price Administration, or any other person, is authorized to issue one or more certificates to any person, it shall, unless otherwise directed by the Office of Price Administration, issue ration coupons instead, if he is not entitled to have a ration bank account. (Ration coupons may not be issued to a person who is entitled to have an account, even though he does not actually have one.)

(b) *How ration coupons are issued and used.* Ration coupons are coupons designated "ration coupons" which are issued in denominations of 1, 5, 20, 100 and 1,000 points by the Office of Price Administration. Red ration coupons may be used for the acquisition of all foods covered by this order. They need not be endorsed, and are good at any time. In all other respects they may be used in the same way as stamps, certificates and ration checks. However, a person who does not have and is not required to have a ration bank account may use ration coupons to give change to any person other than a consumer, but he may use for this purpose only ration coupons having denominations of 1, 5, or 20 points. (This does not affect the rule that a person who has or is required to have a ration bank account may give up or return points only in the form of a check. The only exception to that rule is in the use of one point stamps to give change to consumers.)

(c) *Ration coupons are the property of the Office of Price Administration and may be revoked.* (1) All ration coupons are the property of the Office of Price Administration, whether or not they have been issued.

(2) The Office of Price Administration may suspend, cancel, or revoke any ration coupon if it finds it in the public interest to do so.

8. Footnote 1a to section 9.3 (a) is amended by inserting the words "or ration coupons" after the words "(on OPA Form R–1201)".

This amendment shall become effective August 18, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13522; Filed, August 18, 1943; 4:15 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 54]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. The title of section 1.3 is amended by inserting the words "or ration coupons," after the word "certificates".

2. Section 1.3 (c) is amended by inserting the words "or ration coupons" after the words "(OPA Form R–1201)" in the first sentence and after the word "certificate" in the second sentence.

3. Section 8.2 (d) is amended to read as follows:

(d) *Industrial users.* Every "industrial user" who has, or has assigned to him a base period use of 2,000 pounds or more of foods listed in his registration on Form R–1308 during any base period from January 1, 1942 on, may open an account. If he has more than one "industrial user establishment", he may open an account if the combined use of those foods at all those establishments is 2,000 pounds or more during any base period. If he has more than one industrial user establishment and opens an account, he may open one account for all, or a separate account for each or for any group of them, but all must have an account. No other industrial user may open an account. Any industrial user who has opened a ration bank account and who is not entitled to have it under this Section, as amended, must close that account on or before November 1, 1943.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6446, 6614, 6620, 6687, 6960, 6961, 7115, 7268, 7281, 7455, 7492, 8357, 8540, 8614, 8841, 8869, 9014, 9025, 9217, 9305, 9886, 10085, 10432, 10511, 10665, 10763.

[1] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6848, 7353, 7490, 7589, 8357, 8705, 9012, 9024, 9116, 9305, 9459, 10511, 10665.

4. Section 8.4 (b) is amended by adding the following "Ration coupons may be deposited at any time."

5. Section 9.4 (i) is added to read as follows:

(i) *Ration coupons.* A ration coupon may be accepted from a consumer at any time.

6. Section 9.5 (d) (4) is added to read as follows:

(4) *Ration coupons.* A ration coupon may be accepted at any time.

7. The title of Article XV is amended to read as follows:

Article XV—Issuance and Use of Certificates and Ration Coupons.

8. Section 15.8 is added to read as follows:

SEC. 15.8 *How ration coupons are issued*—(a) *General.* Whenever a local Board, district or State office, or the Washington Office of the Office of Price Administration, or any other person, is authorized to issue one or more certificates to any person, it shall, unless otherwise directed by the Office of Price Administration, issue ration coupons instead, if he is not entitled to have a ration bank account. (Ration coupons may not be issued to a person who is entitled to have an account, even though he does not actually have one.)

(b) *How ration coupons are issued and used.* Ration coupons are coupons designated "ration coupons" which are issued in denominations of 1, 5, 20, 100 and 1,000 points by the Office of Price Administration. Blue ration coupons may be used for the acquisition of all processed foods. They need not be endorsed, and are good at any time. In all other respects they may be used in the same way as stamps, certificates and ration checks. However, a person who does not have and is not required to have a ration bank account may use ration coupons to give change to any person other than a consumer, but he may use for this purpose only ration coupons having denominations of 1, 5, or 20 points. (This does not affect the rule that a person who has or is required to have a ration bank account may give up or return points only in the form of a check.)

(c) *Ration coupons are the property of the Office of Price Administration and may be revoked.* (1) All ration coupons are the property of the Office of Price Administration, whether or not they have been issued.

(2) The Office of Price Administration may suspend, cancel, or revoke any ration coupon if it finds it in the public interest to do so.

9. Footnote 3 to Section 8.3 (a) is amended by inserting the words "or ration coupons" after the words "(Form OPA R-1201)".

This amendment shall become effective August 18, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13521; Filed, August 18, 1943; 4:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 22 Under § 1499.18 (c) of GMPR]

AMARILLO HARDWARE CO.

Order No. 22 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; Docket No. V-1499.18 (c)-158.1.

On March 29, 1943 Amarillo Hardware Company, Amarillo, Texas, filed an application for adjustment pursuant to § 1499.18 (c) of the General Maximum Price Regulation. Due consideration has been given to the application, and an opinion in support of this Order No. 22 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered*, That said application be, and it hereby is, denied.

This Order No. 22 shall become effective August 19, 1943.

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13523, Filed, August 18, 1943; 4:16 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 12,[1] Amdt. 1]

WAR RATION BOOK NO. 3

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 12 is amended in the following respects:

1. A new section 6a is added which reads as follows:

SEC. 6a *War Ration Book No. 3 to members of the armed forces.* (a) On and after August 15, 1943, War Ration Book No. 3 may be issued to any member of the armed forces of the United States or of the United Nations who is not in one of the following classes:

(1) Subsisted or authorized to be subsisted in kind; or

(2) A member of a mess where the rationed foods used are acquired by the use of ration checks issued by the Army, Navy, Marine Corps or Coast Guard, or by an officer authorized to issue such checks; or

(3) Although not subsisted in kind and not a member of such a mess, eats at least 14 meals a week at a mess of that type.

(b) The application must be made on OPA Form R-129A and must be filled out and signed by the applicant. The application, if made on or before August 31, 1943, must be mailed to the address stated on the form.

(c) On and after September 1, 1943, a member of the armed forces of the United States or of the United Nations who is eligible to receive War Ration Book No. 3 may apply for War Ration Book No. 3 to a Board, and the book is to be issued to him in accordance with the provisions of sections 4 and 5.

(d) Any person issuing War Ration Book No. 3 to an eligible member of the armed forces of the United States or of the United Nations, shall remove "aeroplane" stamps Nos. 1 through 4 before issuing the book.

2. Section 8 (c) (1) is amended to read as follows:

(1) He leaves the United States for a period of more than thirty days. This provision does not apply to members of the Merchant Marine who leave the United States temporarily while on voyages. (A War Ration Book No. 3 issued to a member of the Merchant Marine may, however, be used to acquire rationed foods only for consumption at a common table with him when he is in the United States.) The stamps in his War Ration Book No. 3 which are designated for the acquisition of any rationed food and which expire while he is out of the United States for a thirty day period or more shall be surrendered to the local Board for cancellation.

3. Section 8 (c) (2) is amended to read as follows:

(2) He becomes a member of the armed forces of the United States and will receive or be authorized to receive subsistence in kind, or becomes a member of a mess where the rationed foods used are acquired by the use of ration checks issued by the Army, Navy, Marine Corps or Coast Guard, or by an officer authorized to issue such checks or, although not subsisted in kind and not a member of such a mess, eats at least 14 meals a week at a mess of that type.

4. Section 8 (d) is amended to read as follows:

(d) Any person who has surrendered his War Ration Book No. 3 to a Board, pursuant to paragraph (c) of this section, may apply for reissuance of the book in accordance with the procedure prescribed by section 4, if his status changes so that the conditions which required the surrender of the book no longer exist.

5. A new section 11 is added to read as follows:

SEC. 11. *Definitions.* (a) When used in this order:

(1) "Members of the Merchant Marine" means all masters, officers and

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7453.

crew members employed aboard vessels flying the flag of the United States or of a United Nation.

This amendment shall become effective August 18, 1943.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13515; Filed, August 18, 1943; 4:18 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 32]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 2.11 (a) (4) is added to read as follows:

(4) Shoes shipped from the factory after August 15, 1943, made wholly of materials other than leather (which may, however, use leather as top lifts) and the sole of which is of one of the following constructions:

(i) A sole made principally of wood, rope, fabric, or fiber, in which reclaimed rubber is used in an amount not exceeding 15 percent by volume;

(ii) A sole made wholly of low grade friction scrap (friction scrap of a quality which is not being purchased by the Rubber Reserve Corporation at the time the sole is made) and bound together by compression and vulcanization.

2. The definition of "house slippers" in section 3.13 is amended to read as follows: "House slippers" means any footwear constructed exclusively for indoor or house wear other than athletic, sport, or gymnasium use. However, the term does not include footwear made with any cattle hide leather in the upper, or with grain leather outsoles (other than heads, bellies, shins, and shanks of five iron or less), or with any rubber in the outsoles (other than reclaimed rubber in an amount not more than 15 percent by volume), if such footwear was shipped from the factory in the United States after August 31, 1943, or imported into the United States after August 31, 1943.

3. The definition of "shoes" in section 3.13 is amended to read as follows:

"Shoes" means any footwear made in whole or in part of leather or which contain any rubber in the sole, except: Burial slippers; house slippers; ballet slippers; evening slippers made in the United States, or imported before July 7, 1943, which at the time of manufacture were made with uppers of gold or silver leather or imitation leather with gold or silver finish; baseball, track and football shoes; men's and women's knee-height riding boots made in the United States, or imported before July 7, 1943 (including boots without lacing and with lacing only over the instep but not including full lace boots, or jodhpur or cowboy boots); infant footwear of size 4 or smaller; overshoes; and waterproof and snow or water repellent rubber footwear. (For the purpose of this order, footwear is deemed not to be made in whole or in part of leather if leather is used only as hinges, tabs, heel inserts, or other nonskid or soundproofing features covering not more than 25 percent of the area of the bottom of the sole; and the term "leather" does not include leather dust derived directly from a permitted manufacturing process or from a waste product resulting from such a manufacturing process. Furthermore, footwear is deemed not to contain rubber in the sole where rubber is used only as a cement or adhesive to the extent necessary to attach a sole or platform to each other or to the upper.)

This amendment shall become effective August 18, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13520; Filed, August 18, 1943; 4:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 7 Under SR 15 to GMPR]

FAIRMONT ALUMINUM COMPANY

Order No. 7 under § 1499.75 (a) (4) of Supplementary Regulation No. 15 to the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1607 *Adjustment of maximum prices for aluminum sheet and aluminum strip.* (a) On and after August 2, 1943, the Fairmont Aluminum Company of Fairmont, West Virginia, may sell and deliver aluminum sheet and aluminum strip, of any composition, produced in its plant at Fairmont, West Virginia, and any person may buy and receive such aluminum sheet and aluminum strip from Fairmont Aluminum Company at the maximum prices for such sheet or strip, as determined under § 1499.2 of the General Maximum Price Regulation, plus one-half cent per pound. These maximum prices shall be f. o. b. producer's plant at Fairmont, West Virginia, with a freight allowance equivalent to actual transportation charges not to exceed the carload rate of freight on orders for quantities of 500 pounds or over, where destination is east of the Mississippi River, and a freight allowance equivalent to actual transportation charges not to exceed the carload rate of freight to St. Louis, Missouri, on orders for quantities of 500 pounds or over where destination is west of the Mississippi River.

(b) This order may be revoked or amended by the Administrator at any time.

This order shall become effective as of August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13555; Filed, August 19, 1943; 11:19 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 449]

GROUNDWOOD SPECIALTY PAPERS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for groundwood specialty papers by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Orders No. 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

§ 1347.1007 *Maximum prices for groundwood specialty papers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 449 (Groundwood Specialty Papers), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.1007 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4781.

MAXIMUM PRICE REGULATION NO. 449—GROUNDWOOD SPECIALTY PAPERS

CONTENTS

Sec.
1. Prohibition against dealing in groundwood specialty paper at prices above the maximum.
2. Less than maximum prices.
3. Geographical applicability.
4. To what transactions, commodities and persons this regulation applies, and the relation to other regulations.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3851, 4129, 3948, 4716, 5589, 5678, 5679, 5756, 6046, 6687, 7198, 7261, 8060, 8357, 8601, 9062, 9422, 9567, 9834, 10269, 10762.

Sec.
5. Federal and state taxes.
6. Export sales.
7. Imports.
8. Evasion.
9. Enforcement.
10. Records and reports.
11. Grade identification requirements.
12. Petitions for amendment.
13. Adjustable pricing.
14. General definitions.
15. Grade specifications.

Appendix A: Maximum prices for sales of groundwood specialty papers.

SECTION 1. *Prohibition against dealing in groundwood specialty papers at prices above the maximum.* On and after August 25, 1943, regardless of any contract or other obligation:

(a) No manufacturer shall sell or deliver any groundwood specialty papers at higher prices than those set forth in Appendix A of this regulation.

(b) No person shall buy or receive groundwood specialty papers from a manufacturer in the course of trade or business at prices higher than those set forth in Appendix A of this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and to the District of Columbia.

SEC. 4. *To what transactions, commodities and persons this regulation applies and the relation to other regulations.* (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation[1] with respect to sales and deliveries for which maximum prices are established by this regulation. The maximum prices established by this regulation apply only to sales by manufacturers.

(b) "Manufacturer" means any person who manufactures any groundwood specialty papers and includes an agent and a person affiliated with a manufacturer through community of ownership, who distributes or sells such manufacturer's groundwood specialty papers excluding, however, any person who comes within the definition of a merchant set forth in section 14 of this regulation.

(c) For the purposes of this regulation any sale by a manufacturer through a merchant to a specific purchaser or any sale by a manufacturer to a merchant for resale to a specific purchaser shall be considered as a sale by the manufacturer to that purchaser where the following conditions are present:

(1) Where the manufacturer is directly involved in the determination of the final price to the purchaser, and

(2) Where the merchant's sole compensation for service rendered is in the form of a selling discount, commission or fee.

(d) The term "Groundwood Specialty Papers" as used in this regulation refers to those kinds, types, and grades of uncoated papers which are generally used for the transmitting of a message or design, as distinguished from wrapping, toilet, blotting or towel papers, and which

(1) Contain 26% or more of groundwood fiber in their furnish, and

(2) Are produced on a Fourdrinier paper machine, and

(3) Weigh no less than 19 pounds and no more than 120 pounds in basis weight 24x36/500.

Notwithstanding anything to the contrary in this regulation, the following shall not be considered groundwood specialty papers:

Paperboard grades for which maximum prices are established by Revised Price Schedule No. 32;[2]

Writing Papers and Certain Other Fine Papers for which maximum prices are established by Maximum Price Regulation No. 450, including No. 3 coverpaper, and colored construction and school papers;

Newsprint paper, for which maximum prices are established by Revised Maximum Price Regulation No. 130;[3]

Book papers, for which maximum prices are established by Maximum Price Regulation No. 451;

Commodities for which maximum prices are established by Maximum Price Regulation No. 129,[4] including envelope manilla paper.

SEC. 5. *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing or use of groundwood specialty papers imposed by any statute of the United States or statute or ordinance of any state or any subdivision thereof, shall be treated as follows in determining the manufacturer's maximum price for such groundwood specialty papers and in preparing the records of such manufacturer with respect thereto:

If, at the time the manufacturer determines his maximum price the statute or ordinance imposing such tax does not prohibit the manufacturer from stating and collecting the tax separately from the purchase price, and the manufacturer does state it separately, the manufacturer may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the manufacturer by the vendor from whom he purchased, and in such case the manufacturer shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 449.

SEC. 6. *Export sales.* The maximum price at which a person may export groundwood specialty papers or may sell groundwood specialty papers for export shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[5] issued by the Office of Price Administration.

SEC. 7. *Imports.* No person importing groundwood specialty papers shall pay a total price for such paper including United States customs duties, paid directly or indirectly by him, which exceeds the maximum price applicable to a domestic sale established under this regulation.

SEC. 8. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, delivery, purchase, or receipt of or relating to groundwood specialty papers, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited if used as a means of evading the price limitations imposed by this regulation: modifying, discontinuing or altering any customary trade practice of the seller, or deteriorating the quality or changing the identity of any grade.

SEC. 9. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of license as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Records and reports.* (a) Every person making sales or purchases of groundwood specialty papers subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is effective, an accurate record of each such sale or purchase. Such record may be in the form of the invoice or a copy thereof furnished in connection with each such sale or purchase.

(b) Persons required by paragraph (a) of this section to keep records shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) With respect to each sale of groundwood specialty papers to a merchant the manufacturer shall furnish the merchant with sufficient information to enable the latter to comply with the invoicing and record-keeping requirements of Maximum Price Regulation No. 400—Merchants' Prices for Fine Papers and Certain Paperboards,[6] or of any other regulation applicable to sales of groundwood specialty papers by that merchant.

SEC. 11. *Grade identification requirements.* In connection with any sale or offer for sale of a groundwood specialty paper the manufacturer shall clearly state the grade name which has been specified or approved under this regulation for that paper upon all relevant documents, including quotations, price lists, invoices and package lists. In addition to that specified or approved grade name, the manufacturer may list the private or brand name. In connection with any sale or offer for sale of a job lot or seconds, the statement shall also include

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025.

[2] 7 F.R. 1264, 2000, 2132, 2740, 3182, 8948; 8 F.R. 3524, 4187, 5838.

[3] 7 F.R. 9251, 10255; 8 F.R. 1586, 2670, 7766.

[4] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 6943, 7974, 8938, 8948, 9131, 9724, 10152, 19812; 8 F.R. 1389, 2237, 4635.

[5] 8 F.R. 4132, 5987, 7662.

[6] 8 F.R. 7556.

the fact that the paper being sold or offered for sale is a job lot or seconds.

SEC. 12. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[7]

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 14. *General definitions.* (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association or any other organized group of persons or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" has the meaning stated in Section 4 above.

(3) "Merchant" means any person who buys and resells any of the groundwood specialty papers listed in the appendices of this regulation, except (i) retailers and (ii) manufacturers buying groundwood specialty papers from another manufacturer and reselling them. "Merchant" also includes a manufacturer selling groundwood specialty papers of his own manufacture, and a person affiliated with such manufacturer through community of ownership if, and only if, the Office of Price Administration shall find that he operates as a bona fide merchant. Any such manufacturer or affiliate claiming to operate as a merchant shall file an application for a ruling in the manner specified in section 16 (b) of Maximum Price Regulation No. 400.—Merchants' Sales of Fine Papers and Certain Paperboards, or in any other regulation applicable to sales of groundwood specialty papers by the merchant.

(4) "Groundwood specialty papers" has the meaning stated in section 4 above.

(5) "Retailer" means any person, the major portion of whose sales are to ultimate consumers other than commercial, industrial, or institutional users, or government agencies.

[7] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

(6) "Highest price charged" during a specified period means the highest price which the manufacturer charged for a delivery of a grade of groundwood specialty papers during that period, or, if the manufacturer made no such delivery, his highest offering price for delivery during that period.

(7) "Delivered". Groundwood specialty papers shall be deemed to have been "delivered" during any specified period if during such period they were received by the purchaser or by any carrier, including a carrier owned or controlled by the manufacturer, for shipment to the purchaser.

(8) "Offering price" means the price quoted in the manufacturer's price list, or, if he had no such price list the price which he regularly quoted in any other manner.

(9) "Pacific Zone" includes the states of Montana, Idaho, Utah, New Mexico, Nevada, Arizona, California, Washington and Oregon.

(10) "Basis weight" refers to the weight in pounds per 500 sheets of paper in the conventional size used for reference in that grade, except that in the case of hanging paper "basis weight" means the weight in pounds per 480 sheets of size 24 by 36 inches. For example, 25 x 38–50/500 means that 500 sheets of size 25 x 38 inches weigh 50 pounds.

(11) "Fiber furnish" refers to the percentage of each of the different types of fiber contained in a particular grade of paper averaged for one uninterrupted run of the grade, expressed with reference to the total fiber content which shall be 100 per cent.

(12) "Groundwood fiber" means unbleached groundwood fiber unless bleached groundwood fiber is expressly specified. "News quality groundwood fiber" and "specially groundwood fiber" shall have the meanings which have been generally ascribed to the terms by the industry. The former is relatively "free" and the latter relatively "slow" by reason of the fact that the latter is ground on a more finely grained pulpstone. Specialty groundwood fiber is generally brighter and made from more carefully selected and cleaned logs. It is also generally screened to minimize shives and foreign matter.

(13) "Brightness" is relative brightness of any white English finish paper as measured by the standard brightness tester approved by the Technical Association of the Pulp and Paper Industry.

(14) "Filler" means any one of several types of fine mineral or non-fibrous material used with the furnish to impart smoothness and opacity to the finished paper. The percentage of filler shall be determined by comparing the ash weight after burning with the weight of the paper, using the standard method approved by the Technical Association of the Pulp and Paper Industry. Paper shall be deemed to contain no filler if it contains less than 4% filler by the above ash test.

(15) "Caliper" means the thickness of one sheet of paper measured in units of one-thousandth of an inch. "Caliper ratio" is the caliper of a sheet of paper divided by its weight in basis 24 x 36/500.

(16) "Bulking paper" means paper specially made to conform to requirements of uniform thickness of a given basis weight under specified pressure resulting in a specified thickness of a specified number of pages. Such paper is made "to bulk."

(17) "Sizing" means the surface moisture resistant characteristic imparted to a paper during its manufacture. "Hard sized" means highly sized, "slack sized" means slightly sized, and "waterleaf" means without sizing.

(18) "Standard finishes" include all finishes recognized in the industry as not carrying a differential. Typical of these are antique, eggshell, machine, or English finishes. "Special finishes" include those finishes recognized in the industry as generally carrying a differential. Typical special finishes include supercalendered, laid, embossed and oatmeal.

(19) "Rolls" refers to rolls in the standard sizes customarily sold without differential by each particular manufacturer of the grade involved.

(20) "Cut sizes of sheets" include all sizes less than 336 square inches. All other size sheets shall be considered standard size.

(21) "Colors" refers to the colors, including black, set forth in the standard color book entitled "Standard Color Nomenclature System and Manual," published by the Groundwood Paper Manufacturers' Association; "white" shall not be considered a color.

(22) "Minimum acceptable trim" means the minimum width in inches of saleable paper of a particular grade which a manufacturer has customarily produced on a particular paper machine, without extra charge.

(23) "Grade" means one particular quality within a kind of groundwood specialty papers, such grade having the essential properties peculiar to such kind of paper and its uses and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of these common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a normal within-grade difference in ash content, in sizing, in the finish, in the basis weight, or in the dyes used in the paper shall not be considered as resulting in a different grade, unless the definition of a particular grade specifies that such differences result in a different grade.

(24) "Item" means a quantity of paper all of which is of the same grain, basis weight, finish, color, grade, and, in the case of sheets, of the same length and width, and, in the case of rolls, of the same diameter.

(25) "Regular billing weight" means, when applied to sales in sheets, the net billing weight computed from the nominal weight; and when applied to sales in rolls, the gross weight exclusive of any returnable cores. Returnable cores may be charged by each manufacturer on the standard unit basis which he has cus-

tomarily charged for such cores but this core charge is to be credited to the purchaser when the cores are returned, freight paid, to the mill from which they were shipped.

(b) Unless the text otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 15. *Grade specifications.* In determining whether a particular groundwood specialty paper is to be classified under one of the grades below, and, if it is, under which one, the following rules shall apply: Manufacturer shall consider the specifications stated below. If the paper being priced meets the specifications of any grade, and of the appropriate group description, it may be considered as belonging to that grade. A paper made by any manufacturer at a particular mill and which does not meet the furnish specifications for a particular grade may nevertheless be considered as belonging to that grade: *Provided,* The paper being priced is of a quality which has been generally recognized in the industry as being equivalent in quality to paper which conforms with such specifications, and is in all respects equally satisfactory in appearance and use to paper which conforms with such specifications: *And provided further,* That the manufacturer within 30 days after the first sale of that grade pursuant to this pricing procedure files with the Office of Price Administration in Washington, D. C., a sample thereof together with a statement of its specifications and its price history. If a paper is generally recognized as being a grade superior to all of the grades listed under the particular group in section 15 to which the grade belongs, its maximum price may be determined by procedure under paragraph (b) of Appendix A instead of under paragraph (a) of Appendix A.

(a) *Groundwood book papers.* The grades in this group are generally intended for printing purposes and embody the characteristics required for letterpress printing unless the paper is ordered and made for use in other printing processes.

"A–1 Printing" contains not less than 25% bleached chemical fiber, balance unbleached chemical fiber or specialty groundwood fiber. Filler not less than 7½%. Average brightness not less than 65.0.

"A–2 Printing" contains not less than 15% bleached chemical fiber, balance unbleached chemical fiber and specialty groundwood fiber. Filler not less than 7½%. Average brightness not less than 63.0.

"B–Printing" contains not less than 20% chemical fiber, balance specialty groundwood fiber. Filler not less than 7½%. Average brightness not less than 60.0. "B–Printing" includes the quality known as "M. F. Roto."

"B–Publication" contains specialty groundwood fiber and unbleached chemical fiber.

"Novel" contains news quality groundwood fiber and unbleached chemical fiber. At least 4 point caliper, contains no filler and is suitable for use as text paper in "pulp" magazines.

"Supercalendered rotogravure" contains not less than 25% chemical fiber, balance specialty groundwood fiber. Supercalendered to a high glossy finish on both sides. Sold in rolls only, and specially spliced for rotogravure printing. Basis weight not less than 35 lbs. (25 x 38/500).

(b) *Lightweight groundwood printing papers.* This group is generally intended for printing purposes only, and embodies the general characteristics required for high speed web-fed letterpress printing, unless ordered and made for printing by other processes. It shall be sold in basis weight 28 pounds—24 x 36/500 or less.

"Lightweight directory" in 28 pounds basis weight contains not less than 25%, and in 22½ pounds basis weight not less than 30% of chemical fiber, the minimum percentage of chemical fiber varying proportionately in other basis weights. Balance of furnish is groundwood specialty fiber.

"Lightweight catalogue" has the same fiber furnish specifications as lightweight directory. It has the high finish required for pictorial reproduction, and contains a sufficient quantity of special filler having a high refractory index to produce generally acceptable opacity despite its high finish and light basis weight.

(c) *General use papers.*

"No. 1 groundwood poster" has the same fiber furnish specifications as B–Printing. Contains no filler. Slightly lower in finish than B–Printing. It is made in six or more standard medium colors, or tints, or light colors other than No. 2 Groundwood Poster standard colors. It is not made in white.

"No. 2 groundwood poster" contains specialty groundwood fiber and chemical fiber. Made in the five light colors, pink, jade, mandarin, sulphur, and gold, in the medium color azure, and in white. Medium printing finish.

"No. 1 railroad manilla" has the same fiber furnish specifications as B–Printing. Contains no filler. Sized for pen and ink writing. Made in sulphur and cream colors only, and not made in white. Basis weight at least 13 lbs. (17 x 22/500).

"No. 2 railroad manilla" contains specialty groundwood fiber and chemical fiber. Contains no filler. Sized for pen and ink writing. Made in the colors canary, india, and in white. Basis weight at least 13 lbs. (17 x 22/500).

"Type III mimeograph paper" notwithstanding anything to the contrary in the first two paragraphs of this section, must conform with the specifications for this grade contained in Emergency Alternate Federal Specifications UUP 388–A, as amended to July 21, 1943, or subsequent amendments or changes thereto.

"B groundwood mimeograph paper" contains not less than 20% chemical fiber, balance groundwood fiber. Contains no filler. Sized for pen and ink writing. Suitable for mimeograph reproduction.

"A groundwood drawing paper" contains not less than 15% bleached chemical fiber, balance specialty groundwood fiber or unbleached chemical fiber. Contains no filler. Hard sized for water color painting, with a low finish suitable for drawing. Made in white only.

"B groundwood drawing paper" contains not less than 20% chemical fiber, balance specialty groundwood fiber. Contains no filler. Hard sized for water color painting with a low finish suitable for drawing. Made in white, and the colors cream, gray, pearl and smoke.

(d) *Special end use converting grades of paper.* These grades are generally designed for and ultimately sold only to paper converters for a use which is described by the grade name.

"Groundwood carbonizing" contains specialty groundwood fiber and chemical fiber. Is free of pin holes, and sufficiently dense to retain a carbon and wax solution on one surface without penetration through to the other surface. Fibers are "fine" and specially treated for maximum resistance to oil penetration.

"Groundwood lining" contains not less than 20% chemical fiber, balance specialty groundwood fiber. Weight basis 32 pounds (24 x 36/500). Suitable for adhesion.

"Groundwood coating" contains not less than 25% chemical fiber, balance specialty groundwood fiber. Specially formed and sized to be suitable for coating with a liquid mixture of clay, adhesive and colors, and when dry, for calendering or polishing to a high sheen.

"Canary pencil tablet" contains news quality groundwood fiber and chemical fiber. Contains no filler. Canary color only. When sold for tablet purposes it conforms to the specific caliper per four sheets specified by purchaser.

"White pencil tablet" is identical with canary pencil tablet except that it is made in white only. Commonly made in tablet roll sizes.

(e) *Groundwood hanging papers.* These grades are specially produced solely for conversion to wallpaper, and are in each instance suitable for that use including sizing to resist moisture as required for the processing and the pasting operations.

"A–1 groundwood hanging" contains not less than 25% bleached chemical fiber, balance specialty groundwood fiber. Filler conforms to purchaser's specifications. Has a smooth finish for engraving.

"A–2 groundwood hanging" contains not less than 15% bleached chemical fiber and not less than 10% unbleached chemical fiber. Contains no filler and is either ordinary or extra strength as required for purchaser's embossing operations.

"No. 2 hanging" contains groundwood and chemical fibers. No filler unless specified.

(f) *General converting grades.* These grades are generally made to specifications, for a great variety of end uses. They differ from other grades in that the manufacturer is generally required to meet exact within-grade specifications. The end uses for these grades include but are not limited to sales books, tablet paper other than pencil tablet, waybills, business machine rolls and foil backing but do not include those uses indicated by other grade names listed herein. Although these four grades are made to specifications so that the same grade frequently varies as between customers of the same manufacturer, the following qualifications must be complied with. All of these are hard sized if so ordered, and conform with strength or other physical tests appropriate to the indicated use.

"A–1 groundwood converting" contains not less than 50% chemical fiber, balance specialty groundwood fiber. The percentage of the chemical fiber which must be bleached shall depend upon the specifications or end use requirements of the purchaser.

"A–2 groundwood converting" contains not less than 30% chemical fiber, balance specialty groundwood fiber. The percentage of the chemical fiber which must be bleached shall depend upon the specifications or end use requirements of the purchaser.

"B–1 groundwood converting" contains not less than 50% chemical fiber, balance specialty groundwood fiber.

"B–2 groundwood converting" contains not less than 30% chemical fiber, balance specialty groundwood fiber.

Appendix A: Maximum prices for sales of groundwood specialty papers by manufacturers. The maximum price for sales of groundwood specialty paper by a manufacturer is the maximum base price, as provided below, plus or minus any applicable differentials, charges, discounts, allowances, or other pricing elements, as provided below.

The maximum base price shall be the price set forth in paragraph (a) of this Appendix in all cases where the paper being priced falls under one of the grades listed in that paragraph (a). The rules to be followed in determining whether a groundwood specialty paper falls under one of those listed grades, and, if so, under which one, are stated in section 15 above. The maximum base price for a groundwood specialty paper which does not fall under one of these grades is to be determined under paragraph (b) of this Appendix. Differentials, charges, discounts, allowances, and other pricing elements are provided for in paragraph (c).

The "base" prices for groundwood specialty papers, as listed under paragraph (a) or as determined under paragraph (b) below, are the prices per hundred pounds of regular billing weight for one item of standard colors, standard finish, and standard basis weight packed in standard rolls, sold in quantities of 40,000 pounds or more f. o. b. mill, with lowest available carload rate of freight allowed to destination, except insofar as the amount of freight allowance may be limited under paragraph (c) (1).

(a) *Maximum base prices for listed grades:*

GROUNDWOOD BOOK PAPERS

Grade	Minimum standard basis weight	Code for light weight differential see paragraph (c) (2)	Maximum base price
A-1 Printing	40 lbs.–25 x 38/500	ALD	$4.85
A-1 Printing supercalendered	45 lbs.–25 x 38/500	BLD	5.10
A-2 Printing	40 lbs.–25 x 38/500	ALD	4.60
A-2 Printing supercalendered	45 lbs.–25 x 38/500	BLD	4.85
B Printing	32 lbs.–24 x 36/500	CLD	4.35
B Printing supercalendered	36 lbs.–24 x 36/500	BLD	4.60
B Publication	32 lbs.–24 x 36/500	None	4.00
Novel	32 lbs.–24 x 36/500	None	3.30
Supercalendered rotogravure	30 lbs.–25 x 38/500	ELD	4.325

LIGHTWEIGHT GROUNDWOOD PRINTING PAPERS

Lt. Wt. Directory	28 lbs.–24x36/500	FLD	$4.45
Lt. Wt. Directory supercalendered	28 lbs.–24x36/500	FLD	4.70
Lt. Wt. Catalog	28 lbs.–24x36/500	FLD	4.70
Lt. Wt. Catalog supercalendered	28 lbs.–24x36/500	FLD	4.95

GENERAL USE PAPERS

#1 Groundwood poster	32 lbs.–24x36/500	CLD	$4.75
#2 Groundwood poster	32 lbs.–24x36/500	CLD	4.25
#1 Railroad manilla	14 lbs.–17 x 22/500	GLD	4.75
#2 Railroad manilla	14 lbs.–17 x 22/500	GLD	4.25
Type III mimeograph paper	18 lbs.–17 x 22/500	None	5.25
B Groundwood mimeograph paper	16 lbs.–17 x 22/500	None	4.50
A Groundwood drawing	36 lbs.–24 x 36/500	None	4.75
B Groundwood drawing	36 lbs.–24 x 36/500	None	4.25

SPECIAL END USE GROUNDWOOD CONVERTING PAPERS

Groundwood carbonizing	35 lbs.–24 x 36/500	JLD	$5.00
Groundwood lining	32 lbs.–24 x 36/500	None	4.75
Groundwood coating	20 lbs.–20x24/500	KLD	4.75
Canary pencil tablet	32 lbs.–24x36/500	HLD	3.95
White pencil tablet	32 lbs.–24 x 36/500	HLD	3.40

GROUNDWOOD HANGING PAPERS

A-1 Groundwood hanging	38 lbs.–24 x 36/480	None	$5.00
A-2 Groundwood hanging	38 lbs.–24 x 36/480	None	4.50
#2 Groundwood hanging	38 lbs.–24 x 36/480	None	4.00

GENERAL CONVERTING GRADES OF GROUNDWOOD PAPERS

A-1 Groundwood converting	16 lbs.–17x22/500	LLD	$5.75
A-2 Groundwood converting	16 lbs.–17x22/500	LLD	5.50
B-1 Groundwood converting	16 lbs.–17x22/500	LLD	5.25
B-2 Groundwood converting	32 lbs.–24x36/500	ILD	4.75

(b) *Maximum base prices for unlisted grades.* The maximum base price for groundwood specialty papers not listed in paragraph (a) above shall be determined under subparagraph (1) of this paragraph (b) in all instances where that unlisted grade was delivered or offered for delivery by the manufacturer during the period October 1, 1941 through March 31, 1942. If that unlisted grade was not delivered or offered for delivery by the manufacturer during that period, the maximum base price shall be determined under subparagraph (2) of this paragraph (b).

Under subparagraph (1) below the manufacturer is required to determine the highest "base" price charged by him during the period October 1, 1941 through March 31, 1942. This determination is made by taking the highest actual price charged during that period and adjusting that price downward or upward, as the case may be, in accordance with the differentials, charges, discounts, allowances and other pricing elements applied by the manufacturer in computing that highest actual price.

(1) The maximum base price for an unlisted grade which was delivered or offered for delivery by the manufacturer during the period October 1, 1941 through March 31, 1942 shall be determined as follows:

The manufacturer shall take the highest base price charged by him for that grade during that period, and shall ascertain the difference between that base price and the highest base price charged by him during the same period for that one of the following listed grades which is most closely related to the grade being priced: A–1 groundwood printing, A–2 groundwood printing, B groundwood printing, lightweight groundwood printing papers, general use papers, B groundwood carbonizing paper, B groundwood lining paper, groundwood hanging papers and general converting grades of groundwood papers. That difference shall then be added to, or as the case may be, subtracted from the maximum base price listed under paragraph (a) for the grade with which the comparison was made. The resulting amount shall be the maximum base price for the unlisted grade being priced under this paragraph.

If during the period October 1, 1941 through March 31, 1942 the manufacturer delivered or offered for delivery one or more unlisted grades, but in that period did not deal in any of the grades listed in paragraph (b) (1) above, his maximum base price for any such unlisted grade shall be the highest base price charged by him for that grade during that period.

(2) The maximum base price for an unlisted grade of groundwood specialty paper which was not delivered or offered for delivery by the manufacturer during the period October 1, 1941 through March 31, 1942 shall be a price in line with the maximum base price established by this

regulation for the nearest related grade. "The nearest related grade" shall be that grade listed in paragraph (a) which the manufacturer is producing currently for the same general use or uses as the unlisted grade being priced, and at a total cost which is closest to the total cost of such unlisted grade. If the manufacturer does not deal in any of the grades listed in paragraph (a), his "nearest related grade" shall be that grade for which he has already established a maximum base price under paragraph (b) (1), which he is producing currently for the same general use or uses as the unlisted grade being produced and at a total cost which is closest to the total cost of such unlisted grade.

A price shall be "in line" only if the difference between that price and the price for the nearest related grade is not in excess of the dollars and cents difference between the total cost of that grade and the total cost of the nearest related listed grade.

Total cost in these cases shall be computed on the basis of costs prevailing at the time when such in line price is being determined, and in accordance with the manufacturer's usual method of determining total cost during March 1942.

(3) A maximum price determined by a manufacturer under paragraph (b) (1) or (b) (2) must be reported to and confirmed by the Office of Price Administration. If this confirmation is not obtained prior to the time of making the sale, the manufacturer must agree to refund to the purchaser any amount paid in excess of the confirmed maximum price. Confirmation of a maximum price determined under paragraph (b) (1) or (b) (2) above, shall be obtained as follows:

Manufacturer must submit to the Office of Price Administration, Washington, D. C. a statement setting forth all of the relevant facts including the following:

(i) Description of the grade being priced;

(ii) (*a*) For grades priced under (b) (1) above: A full statement explaining the steps taken by manufacturer in arriving at the price for which he requests confirmation, and his calculations in connection therewith;

(*b*) For grades priced under (b) (2) above: Completed Form Q–52 (forms available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.) which covers cost and price data on that grade and on the related grade with which the price comparison was made;

(iii) A sample sheet of the grade, folded 8½" by 11", together with a full statement of all specifications.

Where a maximum price as proposed is not disapproved by the Office of Price Administration within 20 days after the above material has been filed it shall be considered confirmed. Confirmation need be obtained only once with respect to each grade involved.

(4) Any maximum price which cannot otherwise be determined under this Appendix A shall be determined by the Office of Price Administration in Washington, D. C. by order upon receipt of an application from the manufacturer setting forth a description of the grade and the reasons why it cannot be priced under any other provision of this Appendix A and including a completed Form Q–52 with respect to the costs of such grade. (Copies of Form Q–52 are available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.)

(c) *Differentials, charges, allowances, discounts, and other pricing elements.* Wherever a maximum charge is stated in dollars and cents under the following sub-paragraphs, it shall apply per hundred pounds, unless otherwise specified.

(1) *Freight allowances and zone differential.* Manufacturer shall allow the lowest available carload rate of freight up to 40¢ per hundred pounds, but may add no zone differential: *Provided, however,* That upon deliveries in the Pacific zone any manufacturer located in that zone shall allow the entire carload rate of freight and may add 60¢ zone differential.

(2) *Light weight differentials.* Following each grade of groundwood specialty paper listed in paragraph (a) of this Appendix, will be found either the word "none" or a three letter coded reference. The word "none" indicates that no amount may be added for sales of lighter than standard weights of the grade involved. The code references are explained below. The percentage light weight differentials stated below shall, in each instance, be applied to the maximum base price, except that such percentage may be applied to the sum of that base price and any applicable sheeting differentials, and, in the case of catalog paper, to the sum of that base price and any applicable differential for sheeting and for supercalendered quality and for roto quality.

Light weight differentials for any grade which is priced under paragraph (b) of this Appendix A shall be the customary light weight differentials of the manufacturer during the period October 1, 1941 through March 31, 1942. If manufacturer had no customary light weight differentials applicable to such grade during that period, he shall so advise the Office of Price Administration, Washington, D. C., at the time of reporting upon that grade under paragraph (b) (3). Upon such notification, the Office of Price Administration, Washington, D. C., will determine the allowable light weight differentials for that grade, and will in writing inform manufacturer of that determination. The allowable light weight differentials in these instances shall be arrived at by the Office of Price Administration upon the basis of customary industry differentials, wherever such differentials exist; in those cases where there are no such customary differentials, the allowable light weight differentials shall be arrived at by the Office of Price Administration upon the basis of the average difference in production costs of the weights involved.

Code:

ALD Add 1% to selling price for each pound of basis weight or fraction thereof below 40 lbs. down to and including 35 lbs. (25 x 38/500).
Add 2% to selling price for each pound of basis weight or fraction thereof below 35 lbs. down to and including 31 lbs. (25 x 38/500).

BLD Add 1% to selling price for each pound of basis weight or fraction thereof below 45 lbs. down to and including 40 lbs. (25 x 38/500).
Add 2% to selling price for each pound of basis weight or fraction thereof below 40 lbs. down to and including 35 lbs. (25 x 38/500).
Add 3% to selling price for each pound of basis weight or fraction thereof down to and including 31 lbs. (25 x 38/500).

CLD Add 2% to selling price for each pound of basis weight or fraction thereof below 32 lbs. down to and including 30 lbs. (24 x 36/500).

DLD Add 2% to selling price for each pound of basis weight or fraction thereof below 36 lbs. down to and including 32 lbs. (24 x 36/500).

ELD Add 10% to selling price for any basis weight less than 39 lbs. (25 x 38/500).

FLD Add 3% to selling price for each pound of basis weight or fraction thereof below 28 lbs. down to and including 25 lbs. (24 x 36/500).
Add 4% to selling price for each pound of basis weight or fraction thereof below 25 lbs. down to and including 22 lbs. (24 x 36/500).
Add 6% to selling price for each pound of basis weight or fraction thereof below 22 lbs. down to and including 19 lbs. (24 x 36/500).

GLD Add 6% to selling price for any basis weight less than 14 lbs. (17 x 22/500).

HLD Add 3% to selling price for each pound of basis weight or fraction thereof below 32 lbs. down to and including 30 lbs. (24 x 36/500).

ILD Add 2% to selling price for each pound of basis weight or fraction thereof below 32 lbs. down to and including 30 lbs. (24 x 36/500).
Add 3% to selling price for each pound of basis weight or fraction thereof below 30 lbs. down to and including 26 lbs. (24 x 36/500).
Add 4% to selling price for each pound of basis weight or fraction thereof below 26 lbs. down to and including 22 lbs. (24 x 36/500).
Add 6% to selling price for each pound of basis weight or fraction thereof below 22 lbs. down to and including 19 lbs. (24 x 36/500).

JLD Add 2% to selling price for each pound of basis weight or fraction thereof below 35 lbs. down to and including 30 lbs. (24 x 36/500).
Add 3% to selling price for each pound of basis weight or fraction thereof below 30 lbs. down to and including 25 lbs. (24 x 36/500).
Add 4% to selling price for each pound of basis weight or fraction thereof below 25 lbs. down to and including 22 lbs. (24 x 36/500).
Add 6% to selling price for each pound of basis weight or fraction thereof below 22 lbs. down to and including 19 lbs. (24 x 36/500).

KLD Add $.25 per hundred pounds for 17 lbs. up to but not including 20 lbs. (20 x 24/500).

LLD Add 5% to selling price for each pound of basis weight or fraction thereof below 16 lbs. down to and including 14 lbs. (17 x 22/500).

Code:

LLD—Continued.
Add 6% to selling price for each pound of basis weight or fraction thereof below 14 lbs. down to and including 12 lbs. (17 x 22/500).
Add 10% to selling price for each pound of basis weight or fraction thereof below 12 lbs. down to and including 10 lbs. (17 x 22/500).
Add 18% to selling price for each pound of basis weight or fraction thereof below 10 lbs. (17 x 22/500).

(3) *Sheeting and standard packing of sheets.* The maximum differential, over the price of standard rolls, for sheeting and packaging shall be as follows:

(i) Sheeted to size 336 square inches in area or greater, 500 sheet ream marked, and packed in bundles with cardboard stiffener top and bottom, add $.40.

To the above differential may be added $.25 for packing these sizes ream banded or ream sealed.

(ii) Sheeted to size less than 336 square inches in area, down to and including 84 square inches in area, either ream marked, ream banded or ream sealed, and packed in bundles with cardboard stiffener top and bottom, add $.90.

(iii) Sheeted to size less than 84 square inches in area, down to and including 42 square inches in area, ream marked, ream banded or ream sealed, and packed in bundles with cardboard stiffener top and bottom, add $1.15.

(iv) Sheeted to size less than 42 square inches in area, ream marked, ream banded or ream sealed, and packed in bundles with cardboard stiffener top and bottom, add $1.40.

(v) For quire folding any size of sheet there may be added $.25 to other sheeting charges.

(vi) For fractional-ream wrapping of 50 to 100 sheets there may be added $.50 for sheets 336 square inches in area or larger, or $1.00 for smaller size sheets, to the differential provided for wrapping full reams.

(vii) For packing sheeted sizes on skids there may be added $.10 to the appropriate sheeting differential.

(viii) For packing sheeted sizes in wooden cases of approximately 500 pounds gross weight, or in cardboard cartons of approximately 125 pounds gross weight, or protected by skeleton or solid board frames, there may be added $.25 to the appropriate sheeting differential.

(ix) For sheeting operations performed by persons other than the manufacturer, for the account of the manufacturer, reference is here made to (4) (ii) below.

(4) *Special packing.* (i) For packing sheets in special manner other than as described in (3) above, or for special packing of rolls, the manufacturer may add to the applicable maximum differential determined under subparagraph (3) above, an amount equal to the difference between the current delivered cost to the manufacturer of the materials used in such special packing and the current delivered cost to the manufacturer of the materials used in the corresponding standard packing provided for under subparagraph (3).

(ii) When any sheeting or special packing operations are performed for the manufacturer by another person, the manufacturer may charge the purchaser of the paper upon which such operations have been performed the actual amount paid by the manufacturer for such operations, providing that this amount does not exceed the maximum price applicable to the supplying of such services under the maximum price regulation covering such services, and providing further that manufacturer, in connection with each such sale, informs purchaser that such sheeting or special packing operations were performed for manufacturer by another person.

(5) *Trimming.* For trimming one or two sides there may be added $.10. For trimming three or four sides there may be added $.15.

(6) *Watermarking, waterlining or laid marking.* Where any of these three operations are performed there may be added $.25 for each such operation.

(7) *Supercalendering.* There may be added $.25 where this operation is performed on a grade not already defined as being supercalendered.

(8) *Colors.* Appropriate color differentials may be added to those grades for which such colors are not standard, according to the shade and depth of such special colors, as follows:

Tint colors	$0.25
Light colors	.50
Medium colors	.75
Deep colors	2.00
Special deep colors: Black	2.00
Purpurine	3.50
Scarlet and Blue	4.00
Red	5.00

The above color classifications and shades shall be determined according to the color book entitled Standard Color Nomenclature System and Manual, prepared by the Groundwood Paper Manufacturers' Association, a copy of which is on file with the Office of Price Administration, Washington, D. C.

(9) *Sizing.* For hard sizing which exceeds the degree ordinarly supplied in any grade or for waterleaf sizing there may be added $0.25.

(10) *Special labels.* For special labels prepared to the order of any purchaser there may be added no more than the actual cost to manufacturer of the special labels furnished.

(11) *Quantity differentials.* Upon orders specifying less than 40,000 pounds of one item for shipment at one time to one consignee there may be added the following quantity differentials:

(i) 10,000 pounds to 39,999 pounds	$0.10
(ii) 5,000 pounds to 9,999 pounds	.25
(iii) 2,500 pounds to 4,999 pounds	.50
(iv) Less than 2,000 pounds	.75

(*a*) *Exceptions.* (*1*) Within the meaning of this subparagraph, sheets of either railroad manilla, poster, drawing or mimeo shall all be considered the same item as any other sheets of the same grade, regardless of their size, grain, finish, color or basis weight.

(2) When 10,000 pounds or more of one item of either railroad manilla, poster, drawing, pencil tablet, mimeo, carbonizing, or of any of the four general converting grades, or of any of the groundwood book paper grades, are ordered for shipment at one time to one destination and the shipment is part of either an annual contract or a spot order for more than 100 tons of such grade, no quantity differential may be added.

(3) When combinations of items of 10,000 pounds or more each of Coating, or of any of the three Hanging grades, or of Lining, amounting to 40,000 pounds or more are ordered for shipment at one time to one destination no quantity differential may be added.

(12) *Trim loss differential.* The trim loss differential upon sales of less than minimum acceptable trim shall be $.035 per hundred pounds per inch of trim loss.

(13) *Roto catalog differential.* When catalog paper is ordered and made suitable for rotogravure printing, there may be added $.15.

(14) *Other differentials.* For the operations listed below, manufacturer may add the differentials charged by him during the period October 1, 1941 through March 31, 1942 for such operations, or, if he did not perform the particular operation during that period, the amount which he would have charged during that period.

Rolls other than standard as defined herein.
Weights heavier than 80 pounds 24 x 36/500.
Special quantities of special filler having a high refractory index.
Paper made "to bulk".
Special finishes (other than Supercalendered) such at Oatmeal, Cheviot, or Embossed.
Special treatments such as plasticizing, special odors, wet strength.
Punching, perforating or ruling.

(15) *Discounts.* Cash discounts shall be no less favorable to purchasers than they were during the period October 1, 1941 through March 31, 1942.

(16) No differentials or charges other than those specifically provided for in this regulation may be added to any maximum price.

NOTE: The record-keeping and reporting requirements of this regulation have been ap-

proved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This Maximum Price Regulation No. 449 shall become effective August 25, 1943.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13543; Filed, August 19, 1943; 11:30 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 450]

WRITING PAPER AND CERTAIN OTHER FINE PAPERS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for writing paper and certain other fine papers by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

§ 1347.1008 *Maximum prices for writing paper and certain other fine papers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 450 (Writing Paper and Certain Other Fine Papers), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.1008 issued under Pub. Law 421, 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4781.

MAXIMUM PRICE REGULATION NO. 450—WRITING PAPER AND CERTAIN OTHER FINE PAPERS

CONTENTS

Sec.
1. Prohibition against dealing in writing papers and certain other fine papers at prices above the maximum price.
2. Less than maximum prices.
3. Geographical applicability.
4. To what transactions, commodities and persons this regulation applies, and the relation to other regulations.
5. Federal and State taxes.
6. Export sales.
7. Imports.
8. Evasion.
9. Enforcement.
10. Records and reports.
11. Petitions for amendment.
12. Petitions for adjustment.
13. Adjustable pricing.
14. Definitions.
15. Introductory pricing provisions.
16. Sales to the United States Government or any agency thereof.
Appendix A: Maximum prices for sales of rag content writing papers.
Appendix B: Maximum prices for sales of chemical wood pulp writing papers.
Appendix C: Maximum prices for sales of unclassified grades of writing paper and of certain other fine papers.
Appendix D: Maximum prices for certain types of direct sales.

*Copies may be obtained from the Office of Price Administration.

SECTION 1. *Prohibition against dealing in writing papers and certain other fine papers at prices above the maximum.* On or after August 25, 1943, regardless of any contract or other obligation:

(a) No manufacturer shall sell or deliver any writing paper and certain other fine papers at higher prices than those set forth in this regulation.

(b) No person shall buy or receive writing papers and certain other fine papers from a manufacturer in the course of trade or business at prices higher than those set forth in this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and to the District of Columbia.

SEC. 4. *To what transactions, commodities and persons this regulation applies and the relation to other regulations.* (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation[1] with respect to sales and deliveries for which maximum prices are established by this regulation. The maximum prices established by this regulation apply only to sales by manufacturers.

(b) "Manufacturer" means any person who manufactures any of the papers covered by this regulation and includes an agent and a person affiliated with a manufacturer through community of ownership, who distributes or sells such manufacturer's papers covered by this regulation excluding, however, any person who comes within the definition of a merchant set forth in Section 14 of this regulation.

(c) For the purposes of this regulation any sale by a manufacturer through a merchant to a specific purchaser or any sale by a manufacturer to a merchant for resale to a specific purchaser shall be considered as a sale by the manufacturer to that purchaser where the following conditions are present:

(1) Where the manufacturer is directly involved in the determination of the final price to the purchaser, and

(2) Where the merchant's sole compensation for service rendered is in the form of a selling discount, commission or fee.

(d) The terms "writing paper" and "certain other fine papers" as used in this regulation refer to those kinds, types and grades of paper recognized by the trade as writing paper grades and the other fine papers listed below. Without limitation the following papers are included in these categories:

Rag content:
- Rag content bond papers
- Rag content ledger papers
- Rag content onionskin and manifold papers
- Rag content weddings and papeteries
- Rag content index
- Rag content and "no rag" blueprint and negative base stock
- Rag content cover papers

Chemical wood pulp papers:
- Chemical wood pulp bond papers
- Chemical wood pulp ledger
- Chemical wood pulp onionskin and manifold papers
- Chemical wood pulp wedding and papeteries
- Chemical wood pulp index bristol
- Chemical wood pulp cover papers
- Chemical wood pulp mimeograph paper
- Chemical wood pulp opaque circular paper

Unclassified grades:
- Bible paper (above A grade book)
- Braille paper
- Calendar roll
- Carbonizing paper (above A grade book)
- Chart paper
- Cigarette paper
- Colored construction and school paper
- Condenser paper
- Currency paper
- Drawing paper (above A grade book)
- Duplicating impression and master sheet
- Facing and lining paper
- Felt finished paper
- Gelatin and spirit processes
- Greeting card tissue
- Manuscript cover
- Map paper
- Meter paper
- Photographic base paper
- Rag news
- Safety paper base stock
- Saturation paper (Rag, Cotton, and or High Alpha Cellulose Content)
- Stencil and lens tissue

Unclassified grades—Continued.
- Text paper (above A grade book)
- Tracing paper

SEC. 5. *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing or use of any paper covered by this regulation imposed by any statute of the United States or statute or ordinance of any State or any subdivision thereof, shall be treated as follows in determining the manufacturer's maximum price for such paper and in preparing the records of such manufacturer with respect thereto:

If, at the time the manufacturer determines his maximum price the statute or ordinance imposing such tax does not prohibit the manufacturer from stating and collecting the tax separately from the purchase price, and the manufacturer does state it separately, the manufacturer may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the manufacturer by the vendor from whom he purchased, and in such case the manufacturer shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 450.

SEC. 6. *Export sales.* The maximum price at which a person may export or may sell for export the papers covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration.

SEC. 7. *Imports.* No person importing writing paper or certain other fine papers shall pay a total price for such papers including United States custom duties, paid directly or indirectly by him, which exceeds the maximum price applicable to a domestic sale established under this regulation.

SEC. 8. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, delivery, purchase, or receipt of or relating to the papers covered by this regulation, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited if used as a means of evading the price limitations imposed by this regulation: modifying, discontinuing or altering any customary trade practice of the seller, or deteriorating the quality or changing the identity of any grade.

SEC. 9 *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of license as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Records and reports.* (a) Every person making sales or purchases of any of the papers subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is effective an accurate record of each such sale or purchase. Such record may be in the form of the invoice or a copy thereof furnished in connection with each such sale or purchase.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require, or permit, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) With respect to each sale to a merchant of paper covered by this regulation, the manufacturer shall furnish the merchant with sufficient information to enable the latter to comply with the invoicing and record-keeping requirements of Maximum Price Regulation No. 400[3] or of any other regulation applicable to sales of papers covered by this regulation by that merchant.

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

SEC. 12. *Petitions for adjustment*—(a) *When adjustments may be granted.* The Office of Price Administration may adjust the maximum price established under Appendix C or under Appendix D of this regulation for any grade of paper covered by this regulation in any case in which it finds that the seller is unable to maintain his production of that grade at that price and that either:

(1) Continuance of the seller's production of that grade will force his customers to resort to higher priced sources of supply, and that no adequate substitute for that grade is available to his customers at a price equal to or lower than the adjusted maximum price which he requests.

(2) Loss of the seller's production of that grade is required to meet a military or essential civilian need, or

(b) *Amount of relief.* The relief granted under this section shall be limited to the amount necessary to insure the maintenance of the manufacturer's production, provided, however, that where an application is filed under paragraph (a) (2) above, the seller's maximum price will not be raised above the general level of prices prevailing for alternative sources of supply of the grade or an adequate substitute therefor.

(c) *Form of application.* Before filing an application for adjustment under the provisions of paragraph (a), it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 14. *Definitions.* (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of the foregoing.

(2) "Manufacturer" has the meaning stated in section 4 above.

(3) "Writing paper and certain other fine papers" has the meaning stated in section 4 above.

(4) "Merchant" means any person who buys and resells any of the writing papers and certain other fine papers listed in the Appendices to this regulation, except

(i) Retailers, and

(ii) Manufacturers buying writing papers and certain other fine papers from another manufacturer and reselling them.

"Merchant" also includes a manufacturer selling papers referred to in this regulation of his own manufacture, and a person affiliated with such manufacturer through any community of ownership if, and only if, the Office of Price Administration shall find that he operates as a bona fide merchant. Any such manufacturer or affiliate claiming to operate as a merchant shall file an application for a ruling in the manner

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025.

[2] 8 F.R. 4132, 5987, 7662.

[3] 8 F.R. 7556.

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

specified in section 16 (b) of Maximum Price Regulation No. 400.

(5) "Direct sales" include all sales not made to or through a merchant.

(6) "Highest price charged" during a specified period means the highest price which the manufacturer charged for a delivery of a grade of paper referred to in this regulation during that period, or, if the manufacturer made no such delivery, his highest offering price for delivery during that period.

(7) "Delivered." Papers referred to in this regulation shall be deemed to have been "delivered" during any specified period if during such period they were received by the purchaser or by any carrier, including a carrier owned or controlled by the manufacturer, for shipment to the purchaser.

(8) "Offering price" means the price quoted in the manufacturer's price list, or, if he had no such price list, the price which he regularly quoted in any other manner.

(9) Substance means the weight in pounds for 500 sheets of paper size 17x22 inches.

(10) "Retailer" means any person, the major portion of whose sales are to ultimate consumers other than industrial, commercial or institutional users or government agencies.

(11) "Job lots" and "seconds" means substandard qualities of writing paper resulting from faulty manufacture or overruns customarily unacceptable to a buyer, which occur during a bona fide attempt to manufacture writing papers of acceptable quality and quantity.

(b) Unless the text otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 15. *Introductory pricing provisions.* This section states certain general pricing provisions which the manufacturer must consider along with the appropriate specific pricing provisions of Appendices A, B, C or D in order to determine the maximum prices that he may charge for the papers covered by this regulation. Appendix A contains specific pricing provisions concerning rag content writing papers, Appendix B concerns chemical woodpulp writing papers, and Appendix C concerns unclassified grades of writing papers and certain other fine papers. Appendix D governs certain types of direct sales.

The first step in determining the maximum price applicable to the sale of any such paper is to arrive at the maximum base price. To this maximum base price there may be added or shall be subtracted, as the case may be, all applicable differentials, charges, discounts, allowances, and other pricing elements that customarily enter into a manufacturer's calculations of his selling price. The price arrived at after the addition or subtraction of these pricing elements is the permissible maximum price.

In Appendices A and B are listed certain grades of writing paper for which specific dollar and cent maximum base prices are stated. Also listed in these Appendices are certain "related grades," maximum base prices for which shall be computed in accordance with the method set forth in paragraph (b) of this section 15. Differentials, charges, discounts, allowances, and other pricing elements shall be determined by referring to this section 15 and to the pricing provisions contained in the paragraph of Appendix A, B, C or D under which the maximum base price of the paper being priced has been determined. The provisions of this section 15 shall apply except where inconsistent with the pricing provisions of that paragraph, in which case the latter provisions shall apply.

(a) *Identification of grades.* It shall be the duty of each person who manufactures any paper covered by this regulation to determine in the first instance, but subject to review and official classification by the Administrator at any time thereafter, under which of the grades listed in this regulation each of such papers manufactured by him belongs. There shall be taken into account in any review and reclassification by the Administrator the designation by which the manufacturer heretofore identified the paper in question, the common designation in the paper trade of similar papers selling within the same general price range, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper grade under which to classify a particular kind of paper, or whether this regulation applies to a particular kind of paper, he may apply to the Administrator in writing for an official classification of such paper, submitting the following with his application:

(1) Representative samples;

(2) Description of special processes of manufacture;

(3) Price range of sales;

(4) Brand and grade name of or sample of closest type of paper with which it competes.

The Administrator may make such an official classification whether or not such an application has been submitted. Any official classification may be made either by letter or telegram. After an official classification has been thus transmitted to a manufacturer it remains subject to review and reclassification by letter or telegram, but no reclassification may operate retroactively.

On or before October 1, 1943, each manufacturer shall file with the Office of Price Administration in Washington, D. C. a statement of the mill brand name under which he sells any grade, and of the grade classification established by this regulation under which he proposes to price each such writing paper. With respect to grades under Appendices A and B first produced by the manufacturer after September 1, 1943, this material shall be filed within 30 days after the first sale of each such new grade. Material which is already on file with the Office of Price Administration need not be filed again.

(b) *Related grades.* (1) Following each listing of grades for which specific dollar and cent maximum base prices have been established are cited certain papers designated "related grades." "Related grades" include not only those cited as such, but also all other grades which have been considered by the industry to be related to the listed grades. The maximum base price for any such related grade shall be determined as follows:

The manufacturer shall determine the highest base price charged by him during the period October 1, 1941 to March 31, 1942 for the related grade and shall ascertain the difference between that price and the highest base price charged by him during the same period for that grade listed in connection with such related grade for which a dollar and cent maximum base price is provided and which is closest in price to the related grade. The difference between the highest base price charged for the related grade and the maximum base price for the listed grade shall be added to or subtracted from, as the case may be, the maximum base price stated in this regulation for the listed grade. The total shall constitute the maximum base price for the related grade being priced. To that maximum base price there shall be applied the same differentials, charges, discounts, allowances and other pricing elements as are applicable to the listed grade.

(2) In those cases where a manufacturer is unable to price a related grade under subparagraph (1) of this paragraph (b), he shall price it under Appendix C.

(c) *Jobs and seconds.* "Job lots" and "seconds" shall be priced by each manufacturer in accordance with his practice during the period October 1, 1941, through March 31, 1942. The invoice covering any sale of job lots or seconds shall state that the paper is a "job lot" or "seconds."

(d) *Pricing point and freight allowance.* All maximum prices listed in Appendices A and B are, unless otherwise specified, f. o. b. mill, lowest available carload rate of freight allowed to destination or to buyer's home city, whichever rate is lower; except that in those cases where it was the customary practice for the particular manufacturer during the period October 1, 1941 to March 31, 1942 to omit such allowance for shipments under 250 pounds he may continue to do so.

(e) *Zone differentials.* Except where otherwise specified, the following differentials may be added for delivery in zones other than Zone 1.

	Base Price
Zone 1	
Zone 2	$.20 per cwt.
Zone 3	.40 per cwt.
Zone 4	.80 per cwt.

(f) *Zones.*

"Zone 1" includes the following states and cities:

Connecticut	New Jersey
Delaware	New York
District of Columbia	North Carolina
Illinois	Ohio
Indiana	Pennsylvania
Iowa	Rhode Island
Kentucky	Tennessee
Maine	Vermont
Maryland	Virginia
Massachusetts	West Virginia
Michigan	Wisconsin
Minnesota	Omaha, Nebraska
Missouri	Sioux Falls, S. D.
New Hampshire	

"Zone 2" includes the following states:

Alabama	North Dakota
Arkansas	Oklahoma
Florida	South Carolina
Georgia	Nebraska (excluding Omaha)
Kansas	South Dakota (excluding Sioux Falls).
Louisiana	
Mississippi	

"Zone 3" includes the following states:

Colorado	Wyoming
Texas	

"Zone 4" includes the following states:

Arizona	New Mexico
California	Oregon
Idaho	Utah
Montana	Washington
Nevada	

(g) *Titanium dioxide, zinc oxide, or their equivalent.* If titanium dioxide, zinc oxide, or their equivalent are used in the manufacture of writing paper in sufficient quantity so that the percentage of such material retained in the paper can be shown by laboratory analysis to amount to 1% or more of titanium dioxide, or, as the case may be, of material which has the effect equal to 1% of titanium dioxide, there may be added $1.00 per cwt. for substance weights 11 pounds and heavier. For substance weights under 11 pounds 25¢ per ream 17x22–500 may be added.

(h) *Other differentials, charges, discounts and allowances.* Wherever not specifically provided for in this Section 15 or in the Appendices, differentials, charges, discounts, allowances, and other pricing elements shall be applied in accordance with manufacturer's customary practices during the period October 1, 1941 through March 31, 1942.

SEC. 16. *Sales to the United States Government or any agency thereof.* The maximum price for sales to the U. S. Government or any agency thereof shall be the maximum price for the sale of that paper by a manufacturer as listed in this Regulation, less a discount of 3%, except that the maximum price for sales of the following Special government grades shall be as listed below less a discount of 3%.

	Per cwt.
100% Rag Bond	$25.00
25% Rag Mimeograph	10.50
Chemical Woodpulp Manifold	10.25

Appendix A: Maximum prices for rag content writing papers—(a) *Rag content bond papers and related grades.* The following maximum base prices are for substance 20 and heavier, for white, wove or laid, ream-sealed, trimmed or untrimmed, packed in standard cartons, standard cases, bundles or on skids (minimum 2,500 lbs. net), in quantities equivalent to four cartons or more of one grade.

(1) *Base prices.*

Grade	Maximum base price per cwt. Zone 1 20 lbs. or heavier	16 lbs.
Extra 100% Rag Bond	$34.00	$34.00
100% Rag Bond	28.00	28.00
75% Rag Bond	20.00	20.00
50% Rag Bond	16.00	17.25
25% Rag Bond	14.00	15.00

Related grades include but are not limited to: Rag parchment, diploma, writings, certificate paper, policy paper, easy-erasing bonds.

(2) *Differentials*—(i) *Substance weights.*

Substance weights 11 lbs. up to 16 lbs. may be charged for at the price per ream of substance weight 16 lbs.

(ii) *Quantity.*

1–4 cartons (or equivalent of one grade, no item less than 1 carton	+$1.00 per cwt.
Broken cartons	+ .50 per carton
Broken package	+25% on package price

(iii) *Colors.*

Regular colors	+$ .75 per cwt.

(iv) *Finish.*

Linen	+$3.00 per cwt.
Ripple	+ 3.00 per cwt.
Sheet plating	+ 3.00 per cwt.

(v) *Cutting to small sizes:*

The following differentials include wrapping, banding or divider marking in 500 sheet reams.

84 to 336 sq. in	+$.50 per cwt.
42 to 84 sq. in	+.75 per cwt.
Less than 42 sq. in	+1.00 per cwt.

(b) *Rag content ledger papers and related grades.* The following maximum base prices above are for white, wove, ream-sealed, trimmed or untrimmed paper packed in standard cartons, standard cases, bundles or on skids minimum (2,500 lbs. net) in quantities equivalent to four cartons or more of one grade.

(1) *Base prices.*

Grades:	Maximum base prices per cwt., Zone 1
Extra 100% Ledger	$35.00
100% Rag Ledger	29.00
85% Rag Ledger	26.00
75% Rag Ledger	21.00
50% Rag Ledger	17.00
25% Rag Ledger	15.00

Related grades include but are not limited to: Looseleaf ledger paper, machine posting ledger paper, hinged ledger paper.

(2) *Differentials*—(i) *Quantity.*

Orders for 1 to 4 cartons or equivalent) of one grade, no item less than 1 carton	+$1.00 per cwt.
Broken cartons	+.50 per carton.
Broken package	+25% on package price.

(ii) *Colors.*

Regular colors	+$. 75 per cwt.

(c) *Rag content onionskin and manifold papers and related grades.* The following maximum base prices are for a ream (500 sheets) size 17' x 22", in basis weights of 7 lbs. to 9 lbs. inclusive for white, wove or laid, ream-sealed, trimmed or untrimmed paper, packed in cartons or cases.

(1) *Base prices.*

Grade:	Maximum Base Price Per Ream
100% Rag Onionskin and/or Manifold	$3.50
75% Rag Onionskin and/or Manifold	2.70
25% Rag Onionskin and/or Manifold	2.30

Related grades include but are not limited to: 50% Rag Manifold.

(2) *Exception to general rule on freight absorption and zone differentials.* The general rule as stated in section 15 (d) and (e) is modified as follows: Maximum prices are f. o. b. mill with lowest available carload rate of freight allowed to buyer's home city on a sale of two cartons or more. No freight allowance is required on shipments of less than two cartons. Zone differentials are not permitted.

(3) *Differentials*—(i) *Quantity.*

Broken package	+ 25% on package price

(ii) *Colors.*

Regular colors for size 17 x 22—500 sheets	+$.10 per ream

Color differentials for other sizes are figured proportionately to the nearest 5¢ per ream.

(iii) *Finish.*

No differential shall be applied to regular finishes such as dull, glazed or cockle.

(iv) *Sizes.*

For sizes other than 17 x 22 maximum prices are computed to the nearest 5¢ per ream in proportion to the price for 17 x 22—500 sheets. Cut sizes are computed to the nearest 1¢ per cut ream.

(v) *Cutting to small sizes.*

Cutting to smaller sizes than 16 x 21 or 336 sq. in. (including wrapping, banding and sealing in reams or packages).

500 sheets of final cut size	+$.03
1000 sheets of final cut size	+.06

(d) *Rag content weddings and related grades:*

The following maximum base prices are for white plater vellum wove, trimmed, ream-sealed paper packed standard cartons, standard cases, framed bundles or on skids (not less than 2,500 lbs. net) in quantities equivalent to four cartons of one grade.

(1) *Base prices.*

Grade:	Maximum Base Price Per Cwt. Zone 1
Extra 100% Rag Wedding	$35.00
100% Rag Wedding	30.00
75% Rag Wedding	25.00
50% Rag Wedding	20.00
25% Rag Wedding	16.00

Related grades include but are not limited to: Wedding bristols, pasted vellums and papeteries.

(2) *Differentials.*
(i) *Quantity*

1 to 4 cartons (or equivalent) of one grade no item less than 1 carton	+$1.00 per cwt.
10,000 lbs. or over of one grade	— .25 per cwt.
10,000 lbs. or over of one item	— .50 per cwt.

(ii) *Packing*

Ream marked or unsealed	— .25 per cwt.
On skids (2500 lbs. net or more	— .15 per cwt.
Untrimmed	— .15 per cwt.

(iii) *Colors*

Regular colors	+$1.00 per cwt.

(iv) *Finishes*

Plater Plate	+$1.00 per cwt.

(v) *Pasting*

Pasting 2 or 3 ply	+$3.00 per cwt.
Pasting any ply in excess of 3	+$5.00 per cwt.

(e) *Rag content index and related grades*

The following maximum base prices are for white, trimmed or untrimmed paper sealed in 100 sheet packages, if in sizes no larger than 25½ x 30½, and not heavier than 440 lbs. per 1,000 sheets, packed in cartons, cases or on skids (minimum 2,500 lbs. net or more) in quantities equivalent to four cartons or more.

(1) *Base prices.*

Grade:	*Maximum Base Prices Per Cwt. Zone 1*
Extra 100% Rag Index	$34.00
100% Rag Index	28.00
75% Rag Index	22.50
50% Rag Index	16.50
25% Rag Index	14.00

Related grades include but are not limited to: Converting rag index, special rag bristol.

(2) *Differentials.*
(i) *Quantity*

1 to 4 cartons or equivalent of one grade, no item less than one carton	+$1.00 per cwt.

(ii) *Colors*

Regular colors	+ .75 per cwt.

(f) *Rag content and "no rag" blueprint, rag negative paper base stock and related grades*

The following maximum prices apply to standard wrapped rolls.

(1) *Maximum Prices*

Grade:	*Maximum Prices Per Cwt. Zone 1*
Negative Sub. 14 (Any Quantity)	$34.50

	Carload	Less than Carload
100% Rag Blue Print:		
Sub. 17	$23.00	$23.50
Sub. 20½	22.00	22.50
Sub. 24	22.00	22.50
50% Rag Blue Print:		
Sub. 17	$16.50	$17.50	$18.50
Sub. 20½	15.50	16.50	17.50
25% Rag Blue Print:		
Sub. 17	14.50	15.50	16.50
Sub. 20½	13.50	14.50	15.50
No Rag:		
Sub. 17	13.00	14.00	15.00
Sub. 20½	12.00	13.00	14.00

Related grades include but are not limited to: Direct line, brown print, blue line, Van Dyke.

(g) *Rag content cover papers and related grades.*

Rag content Cover Papers and Related Grades include those specialty cover papers which are used primarily for instruction books, reference books, manuals, proposal covers, catalog covers, price lists, menus and specialties. Not included are coated, printed or decorated covers which are commonly made by converters and for which maximum prices are established by Maximum Price Regulation No. 129.[5]

The following maximum base price applies to white, or regular colors, paper packed in standard cartons or standard cases, in quantities equivalent to four cartons to 5,000 lbs.

(1) *Base prices.*

Grade:	*Maximum base prices per cwt., Zone 1*
25% rag cover, machine finish or antique, plain edge	$12.50

Related grades include but are not limited to: other Rag content cover papers.

(2) *Differentials.*
(i) *Quantity*

Broken cartons	+$.50 per Unit
1 to 4 cartons assorted, no less than 1 carton of an item	+5%
5,000 lbs. to 10,000 lbs., one item	—3%
10,000 lbs. to 36,000 lbs., one item	—5%
36,000 lbs. or over, one item	—7½%

(ii) *Packing*

Jumbo rolls not less than 11 inches wide, and 20 in. in diameter allowance	—$.50 per cwt.

(iii) *Colors*

For Black	+2¢ per lb.
For Red and Scarlet	+3½¢ per lb.

(iv) *Finish*

All fancy finishes, 4 cartons up	+2¢ per lb.
Fancy finishes, less than 4 cartons	+2½¢ per lb.

(v) *Cutting to small sizes*

One way cutting for first cut	+25 per cwt.
For each additional cut	+10¢ per cwt.
Two way cutting down to 84 sq. in	+50¢ per cwt.
Cutting between 84 and 42 sq. in	+$1.00 per cwt.
Cutting under 42 sq. in	+ 2.00 per cwt.

[5] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974, 8938, 8948, 9131, 9724, 10152, 10812; 8 F.R. 1389, 2237, 4635.

(vi) *Pasting*

Deckle edge, 2 or 3 ply	+3¢ per lb.
Plain edge, 2 or 3 ply	+2¢ per lb.
Plain edge, excess of 3 ply	+4¢ per lb.

Appendix B: Maximum Prices for Chemical Wood Pulp Writing Papers

(a) *Chemical wood pulp bond papers and related grades.* The following maximum base prices are for white, wove, machine finish, ream-sealed, trimmed or untrimmed paper packed in standard cartons, standard cases, (except unwatermarked bond) bundles or on skids (minimum 2,500 lbs. net) in quantities of 1 carton or more, substance 20 lbs. or heavier. In the case of air dried bond, the base price applies to four cartons or more of an item.

(1) *Base prices.*

Grade	Maximum Base Prices Per Cwt. Zone 1 20 lbs. & Heavier	16 lbs.
Air dried Bond (Watermarked)	$12.75	$13.70
#1 Bond (M. F.) Watermarked	9.00	9.70
#2 Bond (M. F.) Watermarked	8.25	8.85
Plain Bond (M. F.) Unwatermarked	7.60	8.20

Related grades include but are not limited to: Register bond, fan form and salesbook bond, writings, addressograph, special colored or special watermarked bonds, special purpose bonds.

(2) *Differentials.*

(i) *Substance weights.* Substance weights 11 lbs. up to 16 lbs. may be charged for at the price per ream of substance weight 16 lbs. In computing the price in rolls for such intermediate weights, the cwt. price shall be multiplied by 16, and divided by the substance ordered, figured to the nearest cent per cwt.

(ii) *Quantity*

1–4 cartons (or equivalent) of air dried bond, no item less than one carton	+$1.00 per cwt.

(iii) *Packing*

Plain bond packed in cases	+.25 per cwt.

(iv) *Colors*

Regular colors	+.75 per cwt.

(v) *Finish*

Linen, ripple and other special finishes	+$3.00 per cwt.
Sheet plating	+3.00 per cwt.

(vi) *Cutting to small sizes.* The following differentials include wrapping, banding or divider marking in 500 sheet reams.

84 to 336 sq. in	+.50 per cwt.
42 to 84 sq. in	+.75 per cwt.
Less than 42 sq. in	+1.00 per cwt.

(b) *Chemical woodpulp ledger papers and related grades.* The following maximum base prices are for white, wove, machine finish, ream-sealed, trimmed or untrimmed paper packed in standard cartons, standard cases (except unwatermarked ledger), bundles or on skids (minimum 2,500 lbs.) in quantities of 1 carton or more.

(1) *Base prices.*

Grade:	*Maximum Base Price Per Cwt. Zone 1*
#1 Ledger (M. F.) Watermarked	$10.00
#2 Ledger (M. F.) Watermarked	9.25
Plain Ledger (M. F.) Unwatermarked	8.60

Related grades include but are not limited to: Looseleaf machine posting ledgers and special chemical woodpulp ledgers.

(2) *Differentials.*
(i) *Packing*

Plain ledger packed in cases	+$.25 per cwt.

(ii) *Colors*

Regular colors	+.75 per cwt.

(c) *Chemical woodpulp onionskin and manifold papers and related grades.* The following maximum base prices are for white wove, or laid paper, trimmed, ream-sealed and packed either in cartons or cases or on skids, for size 17 x 22. For other sizes, the maximum prices shall be figured proportionately by size to the nearest cent per 1,000 sheets.

(1) *Base prices.*

Grade	Maximum base price per M sheets: Basis weight 7 to 9 lbs. (17x22–500)	Basis weight 10 lbs. (17x22–500)
No. 1 Watermarked	$2.60	$2.80
No. 2 Watermarked	2.40	2.60
No. 2 Unwatermarked	2.30	2.50
Plain Unwatermarked	2.10	2.30

Related grades include but are not limited to: manifold tissues.

(2) *Exception to general rule on freight absorption and zone differentials.* The general rule as stated in Section 15 (d) and (e) is modified as follows: On orders for less than 250 lbs., maximum prices are f. o. b. mill, with no freight allowance required. On orders for 250 lbs. or more, maximum prices are f. o. b. mill with lowest available carload rate of freight allowed to buyer's home city, except that the manufacturer is not required to make such allowances at any rate in excess of $1.00 per cwt. Zone differentials are not permitted.

(3) *Differentials.*
(i) *Quantity*

Broken carton or bundle	+$.50 per carton or bundle

(ii) *Packing*

Unsealed paper, ream-marked	—.04 per 1,000 sheets
For jumbo rolls	—.01 per lb.

(iii) *Colors*

Regular colors for size 17 x 22	+.20 per 1,000 sheets
Color differentials for other sizes are figured proportionately.	

(iv) *Finish*

For size 17 x 22, glazed	+.30 per 1,000 sheets
For size 17 x 22, cockle	+1.00 per 1,000 sheets
Finish differentials for other sizes are figured proportionately.	

(v) *Cutting and Sealing*

Cutting to size smaller than 16 x 21 or 336 sq. in., including sealing in 500 or 1,000 sheet packages (final cut size)	+.06 per 1,000 sheets
Same, boxed	+.10 per box

(d) *Chemical wood pulp papeteries, weddings and related grades.* The following maximum base prices are for white, wove, machine vellum paper, trimmed, ream-sealed, packed in standard cartons in quantities equivalent to 4 cartons to 2,000 lbs.

(1) *Base prices.*

Grade:	*Maximum Base Price Per Cwt. Zone 1 20 lbs. & heavier*
No. 1 Papeterie or Wedding	$11.50
No. 2 Papeterie or Wedding	10.15
No. 3 Papeterie or Wedding	9.20

Related grades include but are not limited to: Pasted vellums, converting vellums, deckle-edge variations, and specialties in the same finish category.

(2) *Differentials.*
(i) *Quantity*

1 to 4 cartons or equivalent, one grade	+$.25 per cwt.
4 cartons to 2,000 lbs	Base Price
2,000 to 5,000 lbs	—$.25 per cwt.
5,000 lbs. and over, one item	—.50 per cwt.

(ii) *Packing.*

In unframed bundles or on skids, 2,500 lbs. net or more	—.15 per cwt.
Untrimmed paper	—.15 per cwt.
Unsealed paper	—.25 per cwt.
Cases	+.25 per cwt.

(iii) *Colors*

Regular colors	+.75 per cwt.
Granite and heavy colors	+1.00 per cwt.

(iv) *Finish*

All finish differentials below are additional charges per cwt., for secondary finishes in substance 24 and heavier.

Finish	1 carton to 1,999 lbs.	2,000 lbs. to 4,999 lbs.	5,000 lbs. to 9,999 lbs.	10,000 lbs. and over
Plater finishes:				
Vellum	$2.50	$2.00	$1.50	$1.25
Ripple	2.50	2.00	1.50	1.25
Section linen	2.50	2.00	1.50	1.25
Plate	3.50	3.00	2.50	2.00
Medium plate	3.50	3.00	2.50	2.00
Lawn	3.50	3.00	2.50	2.00
Fancy	3.50	3.00	2.50	2.00
Bunch plating	2.50	2.00	1.50	1.25
Sheridan Press Sheets	4.00	4.00	4.00	4.00
Sheet Calendar Finishes:				
Vellum	2.00	1.50	1.00	0.75
Plate	2.50	2.00	1.50	1.25
Roll Finishes:				
Supercalendering Once Through	0.50	0.50	0.50	0.50
Twice Through	1.00	1.00	1.00	1.00
Rotary Ripple U Linen Finishes	2.50	2.00	1.50	1.25
Roll Embossing (once through)	2.50	2.00	1.50	1.25
Roll Embossing (both sides)	3.75	3.00	2.25	1.88

(e) *Chemical wood pulp index bristol and related grades.* The following maximum base price applies to trimmed white paper packed in standard cartons, standard cases or framed bundles in quantities equivalent to 4 cartons to 9,999 lbs.

(1) *Base prices.*

Grade:	*Maximum Base Price Per Cwt., Zone 1*
No. 1 Index Bristol	$10.50
No. 2 Index Bristol	9.50
No. 3 Index Bristol	8.50

Related grades include but are not limited to: Mill bristol, printing bristol, postcard except uncoated for Federal Government, greeting card bristol, jewelry card bristol, lampshade bristol, listing card bristol, menu card bristol, photogelatin bristol, stiffener bristol, check bristol, folding bristol.

(2) *Differentials.*
(i) *Quantity*

1 carton or bundle to less than 4 cartons or bundles	+$.25 per cwt.
4 cartons or bundles to 9,999 lbs	Base Price
10,000 lbs. to 19,999 lbs	—2%
20,000 lbs. to 35,999 lbs	—3%
36,000 lbs. or over	—4%

(ii) *Special sizes*

127 to 336 sq. in	+$.50 per cwt.
64 to 127 sq. in	+1.00 per cwt.
Sizes 336 sq. in. or less in orders under 2,000 lbs	+1.00 per cwt. additional
Wrapping or banding sizes 336 sq. in. or less	+.50 per cwt. additional

(iii) *Packing*

Rolls	
10 in. or more in width and 24 in. or more in diameter	
Under 2,000 lbs. (one item)	+1.00 per cwt.
2,000 to 10,000 lbs. (one grade)	Base Price
10,000 to 36,000 lbs. (one grade)	—.25 per cwt.
36,000 up (one grade)	—.40 per cwt.
Narrow rolls	
10"–6" width—Roll price	+.50 per cwt.
6"–2" width—Roll price	+.75 per cwt.
Small diameter rolls	
24"–17" diameter Roll price	+.25 per cwt.
17"–12" diameter Roll price	+.50 per cwt.
Unframed bundles, 5,000 lbs. or more	—.15 per cwt.
Skids, 3,000 lbs. or more	—.15 per cwt.
Odd skids, under 3,000 lbs. net, in conjunction with a full one (3,000 lbs. net or more)	—.15 per cwt.

(iv) *Colors*

Regular colors	+.75 per cwt.

(f) *Chemical wood pulp cover paper and related grades*

Chemical Wood Pulp Cover Papers and related grades include those specialty cover papers which are used primarily for instruction books, reference books, manuals, proposal covers, catalogue covers, price lists, menus and specialties. Not included are coated, printed or decorated covers which are commonly made by converters and for which maximum

prices are established by Maximum Price Regulation No. 129.

The following maximum base prices are for white and regular colors, antique or machine finish, trimmed or untrimmed, sealed or unsealed in quantities equivalent to 4 cartons to 5,000 lbs. packed in standard cartons, standard cases or on skids.

(1) *Base prices.*

Grade:	*Maximum Base Price Per Cwt. Zone 1*
No. 1 Cover Plain Edge	$10.50
No. 2 Cover Plain Edge	9.50
No. 3 Cover, 25% Groundwood Plain Edge	8.00

Related grades include but are not limited to: Sized and Supercalendered Covers, and all fancy finish covers made by paper manufacturers. Related grades do not include coated, printed or decorated covers which are commonly made by converters, the maximum prices of which are governed by Maximum Price Regulation No. 129.

(2) *Exception to general rule on freight absorption and zone differentials.* The general rule as stated in Section 15 (d) and (e) applies on shipments to a distributor's home city. On shipments to other than a distributor's home city, maximum prices are f. o. b. mill, with no freight allowance required and with zone differentials permitted.

(3) *Differentials.*

(i) *Quantity*

1 to 4 cartons assorted, no less than 1 carton on an item	+5%
5,000 to 9,999 lbs (one item)	−3%
10,000 to 35,999 lbs (one item)	−5%
36,000 lbs. and over (one item)	−7½%

(ii) *Packing*

Jumbo rolls not less than 11" wide, 20" diameter	−$0.50 per cwt.

(iii) *Colors*

For black	+ .02 per lb.
For red or scarlet, #1 Cover	+ .03½ per lb.
For red, #2 and #3 Cover	+ .02¾ per lb.

(iv) *Cutting to small sizes*

One way cutting for first cut	+ .25 per cwt.
For each additional cut	+ .10 per cwt.
Two way cutting down to 84 sq. in	+ .50 per cwt.
From 83 to 42 sq. in	+ 1.00 per cwt.
Under 42 sq. in	+ 2.00 per cwt.

(v) *Pasting*

Deckle edge, 2 or 3 ply	+ .03 per lb.
Plain edge, 2 or 3 ply	+ .02 per lb.
Plain edge, in excess of 3 ply	+ .04 per lb.

(g) *Chemical wood pulp mimeo and related grades.* The following maximum base prices are for white, wove, machine finish, ream-sealed, trimmed or untrimmed paper packed in standard cartons, standard cases, except plain unwatermarked mimeo, bundles or on skids (minimum 2,500 lbs. net) in quantities of one carton or more of one grade.

(1) *Base prices.*

Grade:	*Maximum Base Price Per Cwt. Zone 1*
#1 Mimeo Watermarked	$9.00
#2 Mimeo Unwatermarked	8.25
Plain Mimeo Unwatermarked	7.60

Related grades include but are not limited to: Spirit and gelatin duplicator, multilith and other duplicating papers

(2) *Differentials.*

(i) *Packing differentials*

Plain unwatermarked mimeo packed in cases	+$.25 per cwt.

(ii) *Colors*

Regular colors	+ .75 per cwt.

(h) *Chemical wood pulp opaque circular paper and related grades.* The following maximum base price is for white, English or vellum finish paper, trimmed four sides, ream-marked or ream-sealed (in standard sizes) standard cartons or standard cases, in quantities equivalent to four cases to 5,000 lbs. of one grade.

(1) *Base prices.*

Grade:	*Maximum Base Price Per Cwt. Zone 1 16 lbs.*
Opaque Circular	$10.15

(2) *Differentials.* (i) *Substance weights.* Substance weights below 16 lbs. may be charged for at the price per ream of substance weight 16 lbs.

(ii) *Quantity*

1 carton to less than 4 cartons, assorted, no item less than one carton	+$.50 per cwt.
4 cartons to less than 16 cartons, assorted, no item less than one carton	+.25 per cwt.
5,000 lbs. to 9,999 lbs., one item	−.25 per cwt.
10,000 lbs. to 35,999 lbs., one item	−.40 per cwt.
36,000 lbs. and over, one item	−.50 per cwt.
Orders for less than carton quantities whether ordered with or without full carton, service charge for each item	+.50 per cwt.

(iii) *Packing*

Skid packing, minimum 2,500 lbs. net	−.10 per cwt.

(iv) *Sealing*

Sealing other than standard sizes	+.25 per cwt.

Appendix C—Unclassified Grades

Grades of writing paper and of certain other fine papers which are not covered by Appendices A or B are denominated "unclassified" grades. Maximum prices for such unclassified grades shall be determined in accordance with the provisions of this Appendix C. Without limitation, unclassified grades include the following:

Bible Paper (above A Grade Book)
Braille Paper
Calendar Roll
Carbonizing (above A Grade Book)
Chart Paper
Cigarette Paper
Colored Construction & School Paper
Condenser Tissue
Drawing Paper (above A Grade Book)
Duplicating Impression and Master Sheet
Facing and Lining Paper
Gelatin and Spirit Process Duplicating Paper
Greeting Card Tissue
Manuscript Cover
Map Paper
Meter Paper
Photographic Base Paper
Rag News
Safety Paper Base Stock
Saturation Paper (Rag, Cotton, and/or High Alpha Cellulose Content)
Stencil and Lens
Text Paper (above A Grade Book)
Tracing Paper

The maximum base price for any unclassified grade of writing paper shall be determined under Paragraph (a) of this Appendix C in all instances where the manufacturer delivered or offered for delivery the same or a similar grade during the period October 1, 1941 through March 31, 1942. If the manufacturer did not deliver or offer for delivery the same or a similar grade during that period, the maximum base price shall be determined under Paragraph (b) of this Appendix C.

"Similar Grade" means a grade that is considered by the manufacturer to be in the same general category, which has the same general characteristics, is capable of the same general uses, is made by the same process and machine operations in the same range of basis weights, and is customarily or normally sold in the same price range.

The "maximum base price" is arrived at by taking the highest price charged and adjusting that price downward or upward, as the case may be, in accordance with the differentials, charges, discounts, allowances and other pricing elements that entered into the manufacturer's calculations of his selling price for such grade during the period October 1, 1941, through March 31, 1942.

(a) The maximum price for an unclassified grade of paper which the manufacturer delivered or offered for delivery during the period October 1, 1941, to March 31, 1942, shall be determined as follows: The manufacturer shall determine the highest base price charged by him during that period for the same or a similar grade. To the maximum base price thus determined there shall be added or subtracted, as the case may be, any applicable differentials, discounts, charges, allowances, or other pricing elements as set forth in Section 15 of this regulation. The price arrived at after the addition or subtraction of these pricing elements is the permissible maximum price.

(b) The maximum base price for an unclassified grade of paper which was not delivered or offered for delivery by the manufacturer during the period October 1, 1941, through March 31, 1942, shall be a price "in line" with the maximum price established by this regulation for the most comparable grade of paper. The "most comparable grade" of paper shall wherever possible be one of the grades listed in Appendix A or B, if the manufacturer deals in any of those grades. If he does not, it shall wherever possible be a grade for which he has determined a maximum price under paragraph (a) of this Appendix C. The "most comparable grade" of paper be one which is manufactured for the same general use or uses as the grade being priced, and which the manufacturer is currently producing at a total

cost which is closer to the total cost of the grade being priced than is the total cost of any other grade listed under Appendix A or B, or, as the case may be, of any grade for which a maximum price has been determined under paragraph (a) of this Appendix C.

A price shall be "in line" only if the difference between that price and the price for the most comparable grade of writing paper is not in excess of the dollar and cent difference between the total cost of that grade and the total cost of the most comparable grade. Total cost in such case shall be computed on the basis of costs prevailing at the time when such in line price is being determined and in accordance with the manufacturer's method of determining total costs during March 1942.

To the maximum "in line" base price thus determined for such unclassified grade there shall be applied the differentials, charges, discounts, allowances, and other pricing elements as set forth in section 15 of this regulation, wherever applicable. The price after the addition or subtraction of any such applicable pricing elements shall be the maximum price.

A maximum price determined by a seller under this paragraph (b) must be reported to and confirmed by the Office of Price Administration. If this confirmation is not obtained prior to the time of making the sale, the seller must agree to refund to the purchaser any amount paid in excess of the confirmed maximum price. Confirmation of a maximum price determined under this paragraph (b) shall be obtained as follows: The seller must submit to the Office of Price Administration in Washington, D. C., a statement setting forth all of the relevant facts including the following:

(i) Description of the grade being priced;

(ii) Completed Form Q–52 (forms available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.) which covers cost and price data on that grade and on the most comparable grade with which the price comparison was made;

(iii) A sample sheet of each grade.

When the maximum price as proposed is not disapproved by the Office of Price Administration within 20 days after the above material is filed, it shall be considered confirmed. Confirmation need be obtained only once with respect to each grade involved.

Appendix D—Maximum Prices for Certain Types of Direct Sales

(a) Notwithstanding anything contained in the Appendices A, B, or C, any manufacturer who in making direct sales of any of the papers covered by this regulation performs services not generally performed by manufacturers and who has consequently customarily charged higher prices upon such sales than upon sales to merchants, may determine his maximum price for such sales under paragraph (b) below, *providing* he has filed with the Office of Price Administration in Washington, D. C., Code 695, on or before September 15, 1943, a statement explaining to what extent he performs such services and explaining his system of mark-ups with respect to such direct sales. If manufacturer has rendered such services and charged such higher prices only in particular areas or upon certain types of direct sales or to certain types of direct purchasers, he shall set forth these customary practices in reasonable detail. Any information already on file with the Office of Price Administration may be incorporated into the statement by reference. After filing this statement manufacturer may determine his maximum price under paragraph (b) of this Appendix D for all direct sales covered by the statement, unless and until he is advised by the Office of Price Administration in writing that all or part of such sales must be priced under Appendices A, B, or C.

(b) The maximum price for direct sales by a manufacturer who has complied with the requirements of paragraph (a) of this Appendix D shall be determined as follows: The manufacturer shall determine the highest base price charged by him during the period October 1, 1941 through March 31, 1942, upon a sale of the same or a similar grade to the same purchaser or to a purchaser to whom manufacturer would customarily sell at the same price. The term "similar grade" has the meaning stated in Appendix C. The "maximum base price" is arrived at by taking the highest price charged and adjusting that price upward or downward, as the case may be, in accordance with the differentials, charges, discounts, allowances and other pricing elements that entered into the manufacturer's calculation of his selling price upon such direct sales during the period October 1, 1941 through March 31, 1942.

To the maximum base price thus determined there shall be added or subtracted, as the case may be, any applicable differentials, discounts, charges, allowances, or other pricing elements as set forth in Section 15 of this regulation. The price arrived at after the addition or subtraction of these pricing elements is the permissible maximum price for such direct sales.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This Maximum Price Regulation No. 450 shall become effective August 25, 1943.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13541; Filed, August 19, 1943; 11:28 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 451]

BOOK PAPER

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for book paper by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1347.1003 *Maximum prices for book paper.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 451 (Book Paper), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: 1347.1003 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4781.

MAXIMUM PRICE REGULATION NO. 451—BOOK PAPER

CONTENTS

Sec.
1. Prohibition against dealing in book paper at prices above the maximum.
2. Less than maximum prices.
3. Geographical applicability.
4. To what transactions, commodities and persons this regulation applies, and the relation to other regulations.
5. Federal and state taxes.
6. Export sales.
7. Imports.
8. Evasion.
9. Enforcement.
10. Records and reports.
11. Petitions for amendment.
12. Petitions for adjustment.
13. Adjustable pricing.
14. Definitions.

Appendix A: Maximum prices for spot sales of book paper by manufacturers to merchants, and for all sales of book paper by manufacturers to the U. S. Government or any agency thereof.

Appendix B: Maximum prices for all sales of book paper by manufacturers which cannot be priced under Appendix A.

SECTION 1. *Prohibition against dealing in book paper at prices above the maximum.* On and after August 25, 1943, re-

*Copies may be obtained from the Office of Price Administration.

gardless of any contract or other obligation:

(a) No manufacturer shall sell or deliver any book paper at higher prices than those set forth in Appendices A and B of this regulation;

(b) No person shall buy or receive book paper from a manufacturer in the course of trade or business at prices higher than those set forth in Appendices A and B of this regulation;

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

SEC. 3. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

SEC. 4. *To what transactions, commodities and persons this regulation applies and the relation to other regulations.* (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation [1] with respect to sales and deliveries for which maximum prices are established by this regulation. The maximum prices established by this regulation apply only to sales by manufacturers.

(b) "Manufacturer" means any person who manufactures any of the papers covered by this regulation and includes an agent and a person affiliated with a manufacturer through community of ownership who distributes or sells the papers manufactured by such manufacturer, excluding, however, any person who comes within the definition of a merchant set forth in section 14 of this regulation.

(c) For the purposes of this regulation any sale by a manufacturer through a merchant to a specific purchaser or any sale by a manufacturer to a merchant for resale to a specific purchaser shall be considered as a sale by the manufacturer to that purchaser where the following conditions are present:

(1) Where the manufacturer is directly involved in the determination of the final price to the purchaser, and

(2) Where the merchant's sole compensation for service rendered is in the form of a selling discount, commission or fee.

(d) The term "book paper" as used in this regulation refers to those kinds, types and grades of coated and uncoated paper manufactured and distributed primarily, but not exclusively, for use in printing, publishing, and converting, and generally recognized in the paper trade as "book paper." Without limitation the following papers are included in the category of book paper and shall continue to be so regarded notwithstanding changes from customary practice as to furnish for as long a period as such changes are made necessary by shortages and/or allocations of pulp or other raw materials, except that no uncoated paper, whether or not listed herein, shall be considered book paper if it contains 26% or more of virgin groundwood pulp and/or side run news unless during the period October 1, 1941 through March 31, 1942 such paper contained 26% or more of virgin groundwood pulp and/or side run news and was sold by the manufacturer as book paper:

Adding machine
M. F., E. F. and Super book and litho
Antique, Eggshell book
Band stock
Bible (A grade book or lower)
Box covering
Body stock for coated paper
Bulking
Carbonizing (A grade book or lower)
Cash register
Coated bond
Coated book, glossy and dull
Coated label and litho
Coated cover, plain
Coated calendar stock under 8 point or not over basis 25 x 38—150/500
Machine coated papers
Coated envelope grades
Other clay coated papers (not bristols or boards), if not covered by any other regulation
Commercial wood envelope (book grades)
Decalcomania
Drawing (A grade book or lower)
End leaf
Facing
Gumming
Hanging
Lining
Music
Poster
Rag book
Ribbon
Soap wrapper (book grades)
Tablet
Uncoated offset
Uncoated playing card stock
Uncoated post card for Federal Government

SEC. 5. *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing or use of book paper imposed by any statute of the United States or statute or ordinance of any state or any subdivision thereof, shall be treated as follows in determining the manufacturer's maximum price for such book paper and in preparing the records of such manufacturer with respect thereto:

If, at the time the manufacturer determines his maximum price the statute or ordinance imposing such tax does not prohibit the manufacturer from stating and collecting the tax separately from the purchase price, and the manufacturer does state it separately, the manufacturer may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the manufacturer by the vendor from whom he purchased, and in such case the manufacturer shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 451.

SEC. 6. *Export sales.* The maximum price at which a manufacturer may export book paper or may sell book paper for export shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation [2] issued by the Office of Price Administration.

SEC. 7. *Imports.* No person importing book paper shall pay a total price for such paper including United States customs duties, paid directly or indirectly by him, which exceeds the maximum price applicable to a domestic sale established under this regulation.

SEC. 8. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, delivery, purchase, or receipt of or relating to book paper, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited if used as a means of evading the price limitations imposed by this regulation: modifying, discontinuing or altering any customary trade practice of the seller, or deteriorating the quality or changing the identity of any grade.

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of license as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Records and reports.* (a) Every person making sales or purchases of book paper subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is effective an accurate record of each such sale or purchase. Such record may be in the form of the invoice of a copy thereof furnished in connection with each such sale or purchase.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require, or permit, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) With respect to each sale of book paper to a merchant the manufacturer shall furnish the merchant with sufficient information to enable the latter to comply with the invoicing and record-keeping requirements of Maximum Price Regulation No. 400 [3] or of any other regulation applicable to sales of book paper by that merchant.

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

Reference is made at this point to paragraph (f) of Appendix B of this regulation which contains a provision concerning the filing of a petition by a purchaser of book paper from a manufacturer.

SEC. 12. *Petitions for adjustment*—(a) *When adjustments may be granted.* The Office of Price Administration may adjust the maximum price established under paragraph (b) of Appendix A or under Appendix B of this regulation for any grade of book paper in any case in which it finds that the seller is unable to maintain his production of that grade at that price and that either:

(1) Continuance of the seller's production of that grade is required to meet a military or essential civilian need, or

(2) Loss of the seller's production of that grade will force his customers to resort to higher priced sources of supply, and that no adequate substitute for that grade is available to his customers at a price equal to or lower than the adjusted maximum price which he requests.

(b) *Amount of relief.* The relief granted under this section shall be limited to the amount necessary to insure the maintenance of the manufacturer's production: *Provided, however,* That where an application is filed under paragraph (a) (2) above, the seller's maximum price will not be raised above the general level of prices prevailing for alternative sources of supply of the grade or an adequate substitute therefor.

(c) *Form of application.* Before filing an application for adjustment under the provisions of paragraph (a), it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

Reference is made at this point to paragraph (f) of Appendix B of this regulation which contains a provision concerning the filing of a petition by a purchaser of book paper from a manufacturer.

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 14. *Definitions.* (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association or any other organized group of persons or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" has the meaning stated in Section 4 above.

(3) "Book paper" has the meaning stated in Section 4 above.

(4) "Merchant" means any person who buys and resells book paper, except (i) retailers and (ii) manufacturers buying book paper from another manufacturer and reselling it.

"Merchant" also includes a manufacturer selling book paper of his own manufacture, and a person affiliated with such manufacturer through community of ownership if, and only if, the Office of Price Administration shall find that he operates as a bona fide merchant. Any such manufacturer or affiliate claiming to operate as a merchant shall file an application for a ruling in the manner specified in section 16 (b) of Maximum Price Regulation No. 400.

(5) "Retailer" means any person, the major portion of whose sales are to ultimate consumers other than industrial, commercial or institutional users or government agencies.

(6) "Highest price charged" during a particular period means the highest price which the manufacturer charged for a delivery of a grade of book paper during that period, or if the manufacturer made no such delivery his highest offering price for delivery during that period.

(7) "Delivered." Book paper shall be deemed to have been "delivered" during any specified period if during such period it was received by the purchaser or by any carrier, including a carrier owned or controlled by the manufacturer, for shipment to the purchaser.

(8) "Offering price" means the price quoted in the manufacturer's price list, or, if he had no such price list, the price which he regularly quoted in any other manner.

(9) "Grade" means one particular quality within a kind of book paper, such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper and/or coating shall not be considered as resulting in a different grade. Where there are such differences, the differentials and charges provided for in Appendices A and B of this regulation may, of course, be applied in appropriate cases.

(10) "Item" means a quantity of paper all of which is of the same size, grain, basis weight, finish, color and grade.

(11) "Job lots" and "seconds" mean substandard qualities of book paper resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona fide attempt to manufacture book paper of acceptable quality and quantity.

(12) "Machine coated paper" means a paper that is formed, dried and coated in one continuous operation on the paper machine, the coating consisting chiefly of mineral pigments and adhesive applied to one or both sides of the paper after it has passed the press section of the paper machine: *Provided,* That the amount of such coating shall be at least 2½ pounds of the total ream basis weight (25 x 38—500) if applied to one side only, or at least 5 pounds if applied to both sides.

(13) "Spot sales" are those sales which involve one shipment or multiple shipments in close sequence against one order over a period of less than ninety consecutive days, as distinguished from contract sales which involve multiple shipments over a longer period.

(14) *Zones.*

"Zone 1" includes the following states and cities:

Connecticut.	New Jersey.
Delaware.	New York.
District of Columbia.	North Carolina.
Illinois.	Ohio.
Indiana.	Pennsylvania.
Iowa.	Rhode Island.
Kentucky.	Tennessee.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	West Virginia.
Michigan.	Wisconsin.
Minnesota.	Omaha, Nebraska.
Missouri.	Sioux Falls, S. D.
New Hampshire.	

"Zone 2" includes the following states:

Alabama.	Louisiana.
Arkansas.	Mississippi.
Florida.	North Dakota.
Georgia.	Oklahoma.
Kansas.	South Carolina.
Nebraska (excluding Omaha).	
South Dakota (excluding Sioux Falls).	

"Zone 3" includes the following states:

Colorado. Texas. Wyoming.

"Zone 4" includes the following states:

Arizona.	New Mexico.
California.	Oregon.
Idaho.	Utah.
Montana.	Washington.
Nevada.	

(15) "Side run news" means newsprint paper less than 16" wide but otherwise corresponding to the definition of "standard newsprint paper" as contained in Revised Maximum Price Regulation No. 130.[5]

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 8 F.R. 4132, 5987, 7662.

[3] 8 F.R. 7556.

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

[5] 7 F.R. 9251, 10255; 8 F.R. 1566, 2670, 7766.

(b) Unless the text otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Appendix A: Maximum prices for spot sales of book paper by manufacturers to merchants, and for all sales of book paper by manufacturers to the U. S. Government or any agency thereof. The maximum base price for spot sales of book paper by a manufacturer to a merchant shall be the price set forth in paragraph (a) of this Appendix A in all cases where the book paper being priced falls under one of the grades listed in that paragraph (a). The maximum base price for spot sales by a manufacturer to a merchant of book paper which does not fall under one of those grades is to be determined under paragraph (b) of this Appendix A. To any maximum base price thus determined under paragraphs (a) or (b) there shall be applied the differentials, charges, discounts, allowances, and other pricing elements provided for in paragraph (d) of this Appendix A, wherever those pricing elements are applicable. The price after the addition or subtraction of any such applicable pricing elements shall be the maximum price. The maximum price for all sales of book paper by a manufacturer to the U. S. Government or any agency thereof is to be determined under paragraph (c) of this Appendix A.

In determining whether a particular book paper falls under one of the grades listed in paragraph (a) the manufacturer is to check the examples of each grade enumerated after the list of maximum prices. If the book paper in question is listed by brand name in paragraph (a) as an example of a particular grade, it is to be considered to be that grade. A book paper shall be considered to be a particular listed grade even though it is not expressly included in paragraph (a) as an example of that grade, if it has heretofore been sold and distributed by the manufacturer and recognized and accepted in the trade as that grade; a manufacturer who identifies a book paper with one of the listed grades in this manner shall so advise the Office of Price Administration in Washington, D. C. in writing, unless such notification has previously been made.

(a) *Maximum prices for listed grades.* The maximum base prices established herein for the grades listed below are the maximum base prices for paper packed for domestic use with customary markers in ordinary wooden cases, cartons or in bundles with solid or skeleton board frames, for shipment to points in zone 1, and are f. o. b. mill, lowest available carload rate of freight allowed to destination point, except that no manufacturer shall be required to make any freight allowance to a merchant on shipments of less than 5,000 pounds to points other than the merchant's home city.

	Maximum base price per cwt. 4 cases or equivalent
Uncoated grades:	
A Grade E.F. (M.F.) Book, White.	$8.25 Untrimmed.
B Grade E.F. (M.F.) Book, White.	7.80 Untrimmed.
C Grade E.F. (M.F.) Book, White.	7.55 Untrimmed.
D Grade E.F. (M.F.) Book, White.	7.30 Untrimmed.
E Grade E.F. (M.F.) Book, White.	7.05 Untrimmed.
#2 Uncoated Offset, White.	8.45 Trimmed 4 sides.
Coated grades:	
#1 Glossy Coated, White.	11.90 Trimmed 4 sides.
#2 Glossy Coated, White.	10.85 Trimmed 4 sides.
#3 Glossy Coated, White.	$10.15 Trimmed 4 sides.
#4 Glossy Coated, White.	9.80 Trimmed 4 sides.
#5 Glossy Coated, White.	9.30 Trimmed 4 sides.
C2S Offset, White-	10.40 Trimmed 4 sides.
C1S Litho, Varnish Quality, White.	10.05 Trimmed 4 sides.
C1S Litho Non-Varnish Quality, White.	9.80 Trimmed 4 sides.

The following are examples of the above-listed grades by recognized brand names:

Company	*Brand name*
A Grade E. F. (M. F.) book, white:	
Allied Paper Mills	Superba.
American Writing Paper Corporation	Eagle-A American E. F. Book.
	Union W/M M. F. Book.
The D. M. Bare Paper Company	Chaucer.
Bergstrom Paper Company	Ibsen.
Bryant Paper Company	Brypaco.
The Champion Paper & Fibre Company	Wedgwood E. F.
	Garamond E. F.
The Chillicothe Paper Company	Logan.
Crocker, Burbank Papers, Inc	Hermes Book.
Curtis Paper Company	Curtis Tints.
	Nonantum E. F.
Dill & Collins, Inc	Flat White.
Everett Pulp and Paper Co	Art Book.
Fitchburg Paper Company	Hillecurt.
P. H. Glatfelter Company	Monoplane.
W. C. Hamilton & Sons	Hamilton Bright White E. F.
International Paper Company	Ticonderoga Book.
The Jessup & Moore Paper Co	Jesmore.
The Mead Corporation	Imperial M. F. and E. F.
The Michigan Paper Company	Velvopaque.
The Northwest Paper Company	Klo-Kay E. F. Book.
Oxford Paper Company	Oxford Carfax E. F.
Oxford Miami Paper Company	Oxford Miami Carfax E. F.
The Sorg Paper Company	Sorg's A Grade E. F. White.
S. D. Warren Company	Warren's Cumberland E. F.
West Virginia Pulp and Paper Company	Clear Spring.
B Grade E. F. (M. F.) book, white:	
Allied Paper Mills	Climax.
The D. M. Bare Paper Company	Ruskin.
Bergstrom Paper Company	Thor.
Bryant Paper Company	De Soto.
	British Opaque.
The Champion Paper & Fibre Company	Lexicon E. F.
The Chillicothe Paper Company	Opacitone.
Columbian Paper Company	Blue Ridge E. F.
Crocker, Burbank Papers, Inc	Crobank E. F.
Curtis Paper Company	Delaware E. F.
Everett Pulp and Paper Co	Everett English Finish.
	Nautilus E. F.
	Publication E. F.
Fitchburg Paper Company	Hillcrest.
	Tempora.
P. H. Glatfelter Company	Spring Grove.
W. C. Hamilton & Sons	Hamilton Windsor E. F. White.
International Paper Company	Champlain Book.
	Cataract Book.
The Jessup & Moore Paper Co	Kenmore.
	Kentone.
The Mead Corporation	Standard M. F.
The Michigan Paper Company	Wolverine E. F.
New York & Pennsylvania Co., Inc	Clarion E. F.
	Nypen E. F.
The Northwest Paper Company	Mountie E. F. Book.
	Nationwide E. F. Book.
Oxford Paper Company	Oxford E. F.

Company	*Brand name*
#2 Uncoated offset, white:	
Allied Paper Mills	Dependable.
American Writing Paper Corporation	Eagle-A Albion Offset.
The Beckett Paper Company	Beckett Offset.
Bryant Paper Company	De Soto Offset.
The Champion Paper and Fibre Company	Wedgwood Offset.
The Chillicothe Paper Company	Adena Halftone Offset.
Crocker, Burbank Papers, Inc	Crobank Offset.
Eastern Corporation	Atlantic Offset.
Everett Pulp and Paper Co	Seaplane.
French Paper Company	Performance Offset.
P. H. Glatfelter Company	Spring Grove Offset.
W. C. Hamilton & Sons	Hamilton Montgomery Offset.
Hawthorne Paper Company	Wisdom Offset.
	Hawthorne Offset.
Hopper Paper Company	Hopper Offset.
	Britewell Offset.
	Display Offset.
The Howard Allied Paper Mills	Maxwell Offset.
International Paper Company	International Offset.
	Ticonderoga Offset.
	Lexington Offset.
The Mead Corporation	Moistrite Offset.
Monadnock Paper Mills	Monadnock Offset.
Newton Falls Paper Mill	St. Lawrence Weatherproof #2 Offset.
	St. Lawrence #2 Offset.
New York & Pennsylvania Co., Inc	Clarion Offset.
The Northwest Paper Company	North Star Offset.
Oxford Paper Company	Aquaset.
Oxford Miami Paper Company	Wescar.
Peninsular Paper Company	Patrician Offset.
The Sorg Paper Company	Equator Offset.
Standard Paper Manufacturing Co	Standard Offset.
Tileston & Hollingsworth Co	Fairmount Offset.
S. D. Warren Company	Warren's Cumberland Offset.
Watervliet Paper Company	Cascade.
Wausau Paper Mills Company	Brokaw Offset.
West Virginia Pulp and Paper Company	Inspiration Offset.
	Clear Spring Offset.
Geo. A. Whiting Paper Company	Pacemaker Offset.
#1 Glossy Coated, white:	
Allied Paper Mills	Durable Folder.
	University Enamel.
Bryant Paper Company	Bryfold.
	Imperial.
The Martin Cantine Company	Ashokan.
The Champion Paper and Fibre Company	Satin Proof E. B.
Crocker, Burbank Papers, Inc	Art Gloss.
Dill & Collins, Inc	Black & White Coated Book.
Kalamazoo Paper Company	Superprint.
	Superfold.
The Miami Valley Coated Paper Co	Velvurofold.
The Michigan Paper Company	Leatherette.
Oxford Paper Company	Polar Superfine.
Rex Paper Company	Rexfold.
	Rexaristo.
S. D. Warren Company	Warren's Lustro Gloss.
Watervliet Paper Company	Royal.
West Virginia Pulp and Paper Company	Pinnacle.
#2 Glossy coated, white:	
Allied Paper Mills	Velour Folding.
The Appleton Coated Paper Co	White Woodbine Folding Enamel.
B Grade E. F. (M. F.) book, white—Continued.	
Oxford Miami Paper Company	Oxford Miami E. F.
The Sorg Paper Company	Sorg's B Grade E. F. White.
Tileston & Hollingsworth Company	Dorchester Plate.
	Sumner Plate.
S. D. Warren Company	Warren's New England E. F.
Watervliet Paper Company	B Grade.
West Virginia Pulp and Paper Company	Inspiration E. F.
	Westraco.
	Marva.
C Grade E. F. (M. F.) book, white:	
Allied Paper Mills	Standard.
The D. M. Bare Paper Company	Tennyson.
Bergstrom Paper Company	Asgard.
Bryant Paper Company	Brytone E. F.
The Champion Paper and Fibre Company	Ohio E. F.
Champion-International Company	Wenham
Crocker, Burbank Papers, Inc	Ashby E. F.
Everett Pulp and Paper Co	Anchor E. F.
Fitchburg Paper Company	Zenith.
P. H. Glatfelter Company	Pennsylvania.
International Paper Company	Montcalm Book.
The Jessup & Moore Paper Co	Cecil.
Kalamazoo Paper Company	Coronet E. F.
The Michigan Paper Company	Hawkeye.
New York & Pennsylvania Co., Inc	L. H. English Finish.
The Northwest Paper Company	Northland E. F. Book.
Oxford Paper Company	Oxford Swift River.
Oxford Miami Paper Company	Oxford Miami Onico E. F.
The Sorg Paper Company	Sorg's C Grade E. F. White.
Tileston & Hollingsworth Company	City E. F.
S. D. Warren Company	Warren's #25 M. F.
D Grade E. F. (M. F.) book, white:	
Allied Paper Mills	National.
The D. M. Bare Paper Company	Whittier.
Bergstrom Paper Company	Thrall.
Bryant Paper Company	Sunbeam.
The Champion Paper and Fibre Company	Format E. F.
Champion-International Company	Derry.
Columbian Paper Company	Rockbridge E. F.
Crocker, Burbank Papers, Inc	Townsend E. F.
Everett Pulp and Paper Co	Binnacle E. F.
Fitchburg Paper Company	Fitchco.
P. H. Glatfelter Company	Old Forge.
International Paper Company	Saratoga Book.
The Jessup & Moore Paper Co	Delta.
Kalamazoo Paper Company	Western E. F.
The Michigan Paper Company	MPC.
The Northwest Paper Company	Ranger E. F. Book.
Oxford Miami Paper Company	Oxford Miami Moraine E. F.
The Sorg Paper Company	Sorg's D Grade E. F. White.
Watervliet Paper Company	D Grade.
E Grade E. F. (M. F.) book, white:	
Allied Paper Mills	E.
Bryant Paper Company	Bryanteer.
The Champion Paper and Fibre Company	#28.
Everett Pulp and Paper Co	Ensign E. F. Book, White.
Inland Empire Paper Company	Inland Book.
Kalamazoo Paper Company	Kapaco E. F.
The Michigan Paper Company	Test.
The Northwest Paper Company	Timberland.

Company	Brand name
#5 Glossy coated, white—Continued.	
Kalamazoo Paper Company	Kapaco Enamel.
The Miami Valley Coated Paper Co	Publication.
The Michigan Paper Company	#5.
C2S Offset, white:	
Allied Paper Mills	Corona Offset Enamel.
The Appleton Coated Paper Co	Empress Offset Enamel.
Bryant Paper Company	Milham Offset Enamel.
The Martin Cantine Company	Zenagloss.
The Champion Paper & Fibre Company	Wedgwood Coated Offset.
Champion-International Company	Prospect A.
Crocker, Burbank Papers, Inc	Tenor Coated Offset.
Kalamazoo Paper Company	Extrafold Offset Enamel.
The Miami Valley Coated Paper Co	Paratex.
The Michigan Paper Company	Wolverine C2S Offset Enamel.
Oxford Paper Company	White Seal C2S Offset.
Rex Paper Company	Rex Coated Offset.
S. D. Warren Company	Warren's Offset Enamel.
Watervliet Paper Company	Glosette.
West Virginia Pulp and Paper Company	Inspiration C2S Offset White.
C1S Litho, varnish quality, white:	
Allied Paper Mills	Monarch Gloss Ink and Varnish Litho.
The Appleton Coated Paper Co	White C1S Varnish and High Gloss Ink Litho.
Bryant Paper Company	Sunray Varnishing C1S Litho.
The Martin Cantine Company	Litho Gloss.
The Champion Paper & Fibre Company	Varnish or Gloss Ink Litho.
	All Purpose Litho.
Champion-International Company	Prospect B.
Crocker, Burbank Papers, Inc	Special Litho C1S.
Kalamazoo Paper Company	Western C1S.
McLaurin-Jones Company	#4 Varnishing Litho.
The Mead Corporation	Glacier C1S Varnish Quality.
The Miami Valley Coated Paper Co	Miamitone Varnished.
The Michigan Paper Company	Michigan Varnishing Litho.
Oxford Paper Company	Rumford C1S, Gloss Ink & Varnishing.
Rex Paper Company	Rexvar C1S.
S. D. Warren Company	Warren's Overprint-Multi-Service Label C1S.
Watervliet Paper Company	Gloss Ink.
West Virginia Pulp and Paper Company	Ideal.
C1S Litho, non-varnish quality, white:	
Allied Paper Mills	Monarch Non-Varnish Litho.
The Appleton Coated Paper Co	White Appleton Litho Label.
Bryant Paper Company	Sunray C1S Litho.
The Martin Cantine Company	Chatskill Litho.
The Champion Paper & Fibre Company	Lithoprint.
Champion-International Company	Prospect C.
Crocker, Burbank Papers, Inc	DeJonge Litho C1S.
Kalamazoo Paper Company	Kapaco C1S.
The Mead Corporation	Glacier C1S Non Varnish Quality.
The Miami Valley Coated Paper Co	Miamitone Litho Non-Varnish Quality.
The Michigan Paper Company	Michigan C1S Litho.
Oxford Paper Company	Rumford Litho C1S.
Rex Paper Company	Rexlitho C1S.
S. D. Warren Company	Warren's Litho Coated Label C1S.
Watervliet Paper Company	Service.
West Virginia Pulp and Paper Company	Piedmont Litho, Non-Varnish Quality.
#2 Glossy coated, white—Continued.	
Bryant Paper Company	Pliable.
The Martin Cantine Company	MC Folding.
The Champion Paper and Fibre Company	Satin Refold E. B.
Champion-International Company	Magnolia.
Crocker, Burbank Papers, Inc	Decofold.
Dill & Collins, Inc	Printflex Folding Enamel.
Kalamazoo Paper Company	Extrafold Enamel.
The Miami Valley Coated Paper Co	Miami Folding.
The Michigan Paper Company	Willowfold.
Oxford Paper Company	Mainefold.
Rex Paper Company	Rexcell.
S. D. Warren Company	Warren's Cumberland Gloss.
Watervliet Paper Company	Foldette.
West Virginia Pulp and Paper Company	Blendfold.
#3 Glossy coated, white:	
Allied Paper Mills	Corona Enamel.
The Appleton Coated Paper Co	White Appleton Enamel.
Bryant Paper Company	Milham Coated.
The Martin Cantine Company	Zena.
The Champion Paper & Fibre Company	Hamilton E. B.
Champion-International Company	Essex.
Crocker, Burbank Papers, Inc	Tenor Gloss.
Dill & Collins, Inc	Richfold.
	Richgloss.
Kalamazoo Paper Company	Westfold.
The Miami Valley Coated Paper Co	Rayon.
The Michigan Paper Company	Wolverine Enamel.
Oxford Paper Company	White Seal Coated.
Rex Paper Company	Rexfine.
S. D. Warren Company	Warren's New England Gloss.
Watervliet Paper Company	Viking.
West Virginia Pulp and Paper Company	Sterling.
#4 Glossy coated, white:	
Allied Paper Mills	Porcelain Enamel.
The Appleton Coated Paper Co	White Wisconsin Enamel.
Bryant Paper Company	Sunray.
The Martin Cantine Company	Catskill.
The Champion Paper & Fibre Company	Falcon E. B.
Champion-International Company	Prospect.
Crocker, Burbank Papers, Inc	Pilgrim Gloss.
Dill & Collins, Inc	Quaker.
Kalamazoo Paper Company	Western Enamel.
The Mead Corporation	Chatham.
The Miami Valley Coated Paper Co	Miamitone Coated.
The Michigan Paper Company	White Oak.
Oxford Paper Company	Rumford Enamel.
Rex Paper Company	Rex Colortype.
S. D. Warren Company	Warren's Westbrook Gloss.
Watervliet Paper Company	Advertisers.
West Virginia Pulp and Paper Company	Piedmont Coated.
#5 Glossy coated, white:	
Allied Paper Mills	Victory.
Bryant Paper Company	Brycoat.
Champion-International Company	Clifton.
The Champion Paper & Fibre Company	#5 E. B.

(b) *Maximum prices for unlisted grades.* The maximum base price for spot sales by a manufacturer to a merchant of a grade of book paper not listed under paragraph (a) above shall be determined under subparagraph (1) of this paragraph (b) in all instances where that unlisted grade was delivered or offered for delivery by the manufacturer to any merchant during the period October 1, 1941 through March 31, 1942. If that unlisted grade of book paper was not delivered or offered for delivery by the manufacturer to any merchant during that period, the maximum base price shall be determined under subparagraph (2) of this paragraph (b).

Under subparagraph (1) below, the manufacturer is required to determine the "highest base price" charged by him during the period October 1, 1941 through March 31, 1942. The "highest base price" is arrived at by taking the highest actual price charged and adjusting that price upward or downward, as the case may be, in accordance with the differentials, charges, discounts, allowances, and other pricing elements applied by the manufacturer in computing that actual price at the time of that sale. The base price thus arrived at is to be comparable with the base price for grades listed in paragraph (a) with respect to quantity, finish, packing, transportation, zone differentials, and all other conditions of production or sale generally recognized in the industry as requiring additions to or subtractions from such a base price.

(1) The maximum base price for an unlisted grade which was delivered or offered for delivery by the manufacturer to any merchant during the period October 1, 1941 through March 31, 1942 shall be determined as follows: the manufacturer shall determine the highest base price charged by him for such grade during that period, and shall ascertain the difference between that base price and the highest base price charged by him during the same period for the grade listed under paragraph (a) which during that period was closest in price to the unlisted grade. That difference shall then be added to or subtracted from, as the case may be, the maximum base price listed under paragraph (a) for the grade with which the price comparison was made. The resulting amount shall be the maximum base price for the unlisted grade being priced under this paragraph.

If during the period October 1, 1941 through March 31, 1942 the manufacturer delivered or offered for delivery to any merchant one or more unlisted grades, but in that period did not deal in any of the grades listed in paragraph (a), his maximum base price for any such unlisted grade shall be the highest base price charged by him for that grade during that period. With respect to sales of any grade for which a price is determined in this manner the manufacturer may at his option substitute for the system of quantity differentials provided for in subparagraph (d) (2) of this Appendix A the system of quantity differentials customarily employed by him during the period October 1, 1941 through March 31, 1942. This optional method shall also apply with respect to sales of any grade priced under subparagraph (b) (2) below by comparison with a grade for which a price is determined in this manner.

Except as otherwise provided in the paragraph immediately above, there shall be applied to any maximum base price established under this paragraph (b) (1) the differentials, charges, discounts, allowances, and other pricing elements provided for in paragraph (d) of this Appendix A, wherever applicable. The price after the addition or subtraction of any such pricing elements applicable to the particular sale shall be the maximum price for that sale.

On or before October 1, 1943 every manufacturer of book paper shall file with the Office of Price Administration in Washington, D. C., the following information with respect to each grade of book paper which he is selling or may sell for which the maximum base price must be determined under this paragraph (b) (1): grade name, maximum base price, and a statement of the method followed by the manufacturer in determining the maximum base price.

(2) The maximum base price for an unlisted grade of book paper which was not delivered or offered for delivery by the manufacturer to any merchant during the period October 1, 1941 through March 31, 1942 shall be a price in line with the maximum base price established by this regulation for the nearest related grade. "The nearest related grade" shall be that grade of paper listed in paragraph (a) which is of the same general type as the unlisted grade being priced and which the manufacturer is producing currently for the same general use or uses at a total cost which is closest to the total cost of such unlisted grade. If the manufacturer does not deal in any of the grades listed in paragraph (a) his "nearest related grade" shall be that grade of paper of the same general type for which he has already established a maximum base price under paragraph (b) (1) and which he is producing currently for the same general use or uses as the unlisted grade being priced at a total cost which is closest to the total cost of such unlisted grade.

A price for any such unlisted grade shall be "in line" only if the difference between that price and the price for the nearest related grade is not in excess of the dollars and cents difference between the total cost of that grade and the total cost of the nearest related grade.

Total cost in these cases shall be computed on the basis of costs prevailing at the time when such in line price is being determined and in accordance with the manufacturer's usual method of determining total costs during March 1942.

To any maximum in line base price thus determined for an unlisted grade there shall be applied the differentials, charges, discounts, allowances, and other pricing elements provided for in paragraph (d) of this Appendix A, wherever applicable. The price after the addition or subtraction of any such pricing elements applicable to the particular sale shall be the maximum price for that sale.

A maximum price determined by a seller under this paragraph (b) (2) must be reported to and confirmed by the Office of Price Administration. If this confirmation is not obtained prior to the time of making the sale the seller must agree to refund to the purchaser any amount paid in excess of the confirmed maximum price. Confirmation of a maximum price determined under this paragraph (b) (2) shall be obtained as follows: the seller must submit to the Office of Price Administration in Washington, D. C., a statement setting forth all of the relevant facts including the following:

(i) Description of the grade being priced;

(ii) Completed Form Q–52 (forms available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.) which covers cost and price data on that grade and on the related grade with which the price comparison was made;

(iii) A sample sheet of each grade.

When a maximum price as proposed is not disapproved by the Office of Price Administration within 20 days after the above material is filed, it shall be considered confirmed. Confirmation need be obtained only once with respect to each grade involved.

(3) Any maximum price which cannot otherwise be determined under this Appendix A shall be determined by the Office of Price Administration in Washington, D. C. by order upon receipt of an application from the manufacturer setting forth a description of the grade and the reasons why it cannot be priced under any other provision of this Appendix A, and including a completed Form Q–52 with respect to the costs of such grade. (Copies of Form Q–52 are available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.)

(c) *Maximum prices for sales by a manufacturer to the U. S. Government or any agency thereof.* The maximum price for the sale of book paper by a manufacturer to the U. S. Government or any agency thereof shall be the maximum price for the sale of that paper by the manufacturer to a merchant, determined under paragraph (a) or paragraph (b) of this Appendix A, less a discount of 3%. With respect to such sales, manufacturer should refer to Section 4 of this regulation in which there are set forth certain conditions under which a sale by a manufacturer to or through a merchant to a specific purchaser is considered to be a sale by that manufacturer to that purchaser.

(d) *Differentials, charges, discounts, allowances.* The following differentials, charges, discounts, allowances, and other pricing elements, if applicable, may be added to and shall be subtracted from (as

the case may be) the maximum base prices provided for the grades listed in paragraph (a) of this Appendix A. Wherever applicable, they shall also be applied in the same way to the maximum base prices determined under paragraph (b) of this Appendix A.

(1) *Shipments to points in zones 1, 2, 3 and 4.*

Zone 1	Base price.
Zone 2	Base price plus 20¢ cwt.
Zone 3	Base price plus 40¢ cwt.
Zone 4	Base price plus 80¢ cwt.

(2) *Differentials for quantities of one grade.*

1 case (or equivalent) to less than 4 cases—one item	Base price plus 25¢ cwt.
4 cases (or equivalent) to 4,999 lbs—one item or assorted case lot items.	Base price.
5,000 lbs. to 9,999 lbs.—one item	Base price minus 25¢ cwt.
10,000 lbs. to 35,999 lbs.—one item	Base price minus 40¢ cwt.
36,000 lbs. or more—one item	Base price minus 50¢ cwt

(3) *Manufacturing differentials.*

Supercalendering	plus 25¢ cwt.
Antique or eggshell finish	plus 25¢ cwt.
High bulk	plus 40¢ cwt.
Extra high bulk	plus 65¢ cwt.
Extra beater sizing	plus 25¢ cwt.
Tub or surface sizing	plus 50¢ cwt.
Laid	plus 25¢ cwt.
Watermarked laid	plus 50¢ cwt.
Watermarked wove	plus 50¢ cwt.

(4) *Lightweight differentials.* The percentage upcharges for light weights set forth herein shall apply to all sales for which prices are determined under this Appendix A.

The selling price to which these percentage charges may be applied is the price, including freight if allowed, for the quantity of paper involved, in the particular form of packing in which it is to be shipped, after the application of all dollars and cents charges having to do with the actual manufacture of the paper before it leaves the end of the paper or coating machine or supercalenders, such as heavy weight, special or felt finishes made on the paper machine, special sizing, laid marking, watermarking, colors, etc. but before extra charges applying after the paper has left the end of the machine such as embossing, plating, trimming, ream sealing or banding, etc.

Percentages of the selling price may be added for each pound or fraction thereof below the minimum basic weight as follows:

(i) *Machine finished paper (including Antique).* The minimum basic weight without extra charge for Machine Finished paper shall be 25 x 38—45 pounds—500 sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 45 pounds down to and including 35 pounds.

Add 2% of the selling price for each pound or fraction thereof below 35 pounds down to and including 30 pounds, plus the additional charge for 35 pounds.

Add 3% of the selling price for each pound or fraction thereof below 30 pounds down to and including 25 pounds, plus the additional charge for 30 pounds.

Example: Assuming paper at $10.00 per cwt.
- Basis 45 lbs.... $10.00 per cwt.
- Basis 35 lbs.... $11.50 per cwt. ($10.00 per cwt. plus 15%—1½% per lb. from 45 lb. to 35 lb. basis weight)
- Basis 30 lbs.... $12.50 per cwt. ($10.00 per cwt. plus 25%—1½% per lb. from 45 lb. to 35 lb., 2% per lb. from 35 lb. to 30 lb., and 3% per lb. from 30 lb. to 25 lb basis weight)

(ii) *Supercalendered paper.* The minimum basic weight without extra charge for Supercalendered paper shall be 25x 38—50 pounds—500 sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 50 pounds down to and including 40 pounds.

Add 2% of the selling price for each pound or fraction thereof below 40 pounds down to and including 35 pounds, plus the additional charge for 40 pounds.

Add 3% of the selling price for each pound or fraction thereof below 35 pounds down to and including 30 pounds, plus the additional charge for 35 pounds.

Example: Assuming paper at $10.00 per cwt.
- Basis 50 lbs.... $10.00 per cwt.
- Basis 40 lbs.... $11.50 per cwt. ($10.00 per cwt. plus 15%—1½% per lb. from 50 lb. to 40 lb. basis weight)
- Basis 35 lbs.... $12.50 per cwt. ($10.00 per cwt. plus 25%—1½% per lb. from 50 lb. to 40 lb. and 2% per lb. from 40 lb. to 35 lb. basis weight)
- Basis 30 lbs.... $14.00 per cwt. ($10.00 per cwt. plus 40%—1½% per lb. from 50 lb. to 40 lb., 2% per lb. from 40 lb. to 35 lb., and 3% per lb. from 35 lb. to 30 lb. basis weight)

(iii) *Coated 2 sides paper.* The minimum basic weight without extra charge for Coated 2 Sides Book paper shall be 25 x 38—70 pounds—500 sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 70 pounds down to and including 45 pounds.

Add 2% of the selling price for each pound or fraction thereof below 45 pounds down to and including 35 pounds, plus the additional charge for 45 pounds.

Example: Assuming paper at $10.00 per cwt.
- Basis 70 lbs.... $10.00 per cwt.
- Basis 45 lbs.... $13.75 per cwt. ($10.00 per cwt. plus 37½%—1½% per lb. from 70 lb. to 45 lb. basis weight)
- Basis 35 lbs.... $15.75 per cwt. ($10.00 per cwt. plus 57½%—1½% per lb. from 70 lb. to 45 lb. and 2% per lb. from 45 lb. to 35 lb. basis weight)

(iv) *Coated 1 Side Paper.* The minimum basic weight without extra charge for Coated 1 Side Book or Label paper shall be 25 x 38—60 pounds—500 sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 60 pounds down to and including 40 pounds.

Add 2% of the selling price for each pound or fraction thereof below 40 pounds down to and including 35 pounds, plus the additional charge for 40 pounds.

Example: Assuming paper at $10.00 per cwt.
- Basis 60 lbs.... $10.00 per cwt.
- Basis 40 lbs.... $13.00 per cwt. ($10.00 per cwt. plus 30%—1½% per lb. from 60 lb. to 40 lb. basis weight)
- Basis 35 lbs.... $14.00 per cwt. ($10.00 per cwt. plus 40%—1½% per lb. from 60 lb. to 40 lb. and 2% per lb. from 40 lb. to 35 lb. basis weight)

(v) *Machine Coated Book Paper.* The minimum basic weight without extra charge for Machine Coated Book paper shall be 25 x 38—55 pounds—500 sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 55 pounds down to and including 45 pounds.

Add 2% of the selling price for each pound or fraction thereof below 45 pounds down to and including 40 pounds, plus the additional charge for 45 pounds.

Add 3% of the selling price for each pound or fraction thereof below 40 pounds down to and including 35 pounds, plus the additional charge for 40 pounds.

Example: Assuming paper at $10.00 per cwt.
- Basis 55 lbs.... $10.00 per cwt.
- Basis 45 lbs.... $11.50 per cwt. ($10.00 per cwt. plus 15%—1½% per lb. from 55 lb. to 45 lb. basis weight)
- Basis 40 lbs.... $12.50 per cwt. ($10.00 per cwt. plus 25%—1½% per lb. from 55 lb. to 45 lb. and 2% per lb. from 45 lb. to 40 lb. basis weight)
- Basis 35 lbs.... $14.00 per cwt. ($10.00 per cwt. plus 40%—1½% per lb. from 55 lb. to 45 lb., 2% per lb. from 45 lb. to 40 lb., and 3% per lb. from 40 lb. to 35 lb. basis weight)

(vi) *Offset paper.* The minimum basic weight without extra charge for Offset paper shall be 25 x 38—50 pounds—500

sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 50 pounds down to and including 40 pounds.

Example: Assuming paper at $10.00 per cwt.
Basis 50 lbs____ $10.00 per cwt.
Basis 40 lbs____ $11.50 per cwt. ($10.00 per cwt. plus 15%—1½% per lb. from 50 lb. to 40 lb. basis weight)

(5) Any other differentials or special charges and any discounts or allowances or other pricing elements not specifically provided for in this paragraph (d) shall be applied by each manufacturer in accordance with his practice during the period October 1, 1941 through March 31, 1942.

(6) *Job lots and seconds.* "Job lots" and "seconds" shall be priced by each manufacturer in accordance with his practice during the period October 1, 1941 through March 31, 1942. The invoice covering any sale of jobs or seconds shall state that the paper is a "job lot" or "seconds."

Appendix B: Maximum prices for all sales of book paper by manufacturers which cannot be priced under Appendix A. The maximum price for all sales of book paper except spot sales to merchants and except spot or contract sales to the U. S. Government or any agency thereof shall be determined under paragraph (a) of this Appendix B in all cases where during the period October 1, 1941 through March 31, 1942 the manufacturer delivered or offered for delivery the same or a similar grade to any person. The maximum price for all such sales of grades not delivered or offered for delivery during that period shall be determined under paragraphs (b) or (c) of this Appendix B.

"Similar grade" means a grade that is considered by the manufacturer to be in the same category, which has substantially the same characteristics, is capable of the same uses, is made by the same processes and machine operations in the same range of basis weights, and is customarily or normally sold in the same price range.

(a) In those cases in which the manufacturer delivered or offered for delivery during the period October 1, 1941 through March 31, 1942 the same or a similar grade in a like quantity to a purchaser in the same line of business, the maximum price shall be the highest price charged upon any such sale during that period. In those cases in which the manufacturer delivered or offered for delivery during the period October 1, 1941 through March 31, 1942 the same or a similar grade in an unlike quantity or to a purchaser in a different line of business, the maximum price shall be the highest price charged for the same or similar grade during that period for any quantity and to any purchaser, adjusted upward or downward, as the case may be, in accordance with the manufacturer's usual system of differentials and charges with respect to sales in varying quantities or to purchasers in different lines of business.

A quantity shall be deemed to be a "like quantity" with another if both fall within one of the following brackets:

250 tons or less.
251 tons through 1000 tons.
1001 tons through 5000 tons.
5001 tons or more.

In determining the quantity of a particular sale under a continuing contract or like agreement, the manufacturer shall not consider the amount of any individual delivery, but rather the total of such deliveries reasonably to be expected under that contract or agreement for the life thereof, but not over a period of more than one year.

A purchaser shall be "in the same line of business" as another purchaser in any case in which the industry generally so classifies purchasers in accordance with the nature of their business or the use which they make of the paper purchased. For example, purchasers within any one of the following groups would be considered purchasers in the same line of business as any other person within the same group: book publishers, magazine publishers, printers, and label manufacturers.

To any maximum price established under this paragraph (a) there shall be applied the manufacturer's usual differentials and charges wherever varying conditions of sale with respect to finish, packing, color, zone, etc. warrant the application of such differentials and charges, except that lightweight differentials shall be determined in accordance with paragraph (d) below.

(b) The maximum price for a grade of book paper which was not delivered or offered for delivery by the manufacturer during the period October 1, 1941 through March 31, 1942 shall be a price in line with the maximum price determined under paragraph (a) of this Appendix B for the nearest related grade of book paper. "The nearest related grade" shall be that grade of paper delivered or offered for delivery by the manufacturer during the period October 1, 1941 through March 31, 1942 which is of the same general type as the grade being priced, is manufactured for the same general use or uses, and for which current total cost is closest to the total cost of the grade being priced.

A price for any such grade shall be "in line" only if the difference between that price and the price for the nearest related grade is not in excess of the dollar and cent difference between the total cost of that grade and the total cost of the nearest related grade. Prices for and costs of both grades shall be on the same basis as to quantity, finishing, packing, and other conditions of manufacture or sale, and shall be computed on the basis of costs prevailing at the time when such "in line" price is being determined in accordance with the manufacturer's usual method of determining total costs during March 1942.

To the maximum "in line" price thus determined for such grade there shall be applied the manufacturer's usual differentials and charges, wherever those differentials and charges are applicable, except that light weight differentials shall be determined in accordance with paragraph (d) below.

A maximum price determined by a seller under this paragraph (b) must be reported to and confirmed by the Office of Price Administration. If this confirmation is not obtained prior to the time of making the sale, the seller must agree to refund to the purchaser any amount paid in excess of the confirmed maximum price. Confirmation of a maximum price determined under this paragraph (b) shall be obtained as follows: the seller must submit to the Office of Price Administration in Washington, D. C. a statement setting forth all of the relevant facts including the following:

(i) Description of the grade being priced;

(ii) Completed Form Q–52 (forms available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.) which covers cost and price data on that grade and on the related grade with which the price comparison was made;

(iii) A sample sheet of each grade.

When a maximum price as proposed is not disapproved by the Office of Price Administration within 20 days after the above material is filed, it shall be considered confirmed. Confirmation need be obtained only once with respect to each grade involved.

(c) Any maximum price which cannot otherwise be determined under this Appendix B shall be determined by the Office of Price Administration in Washington, D. C., by order upon receipt of an application from the manufacturer setting forth a description of the grade and the reasons why it cannot be priced under any other provision of this Appendix B, and including a completed Form Q–52 with respect to the costs of such grade. (Copies of Form Q–52 available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.)

(d) *Lightweight differentials.* The upcharges for light weights provided for in paragraph (d) of Appendix A of this regulation shall apply to all sales for which prices are determined under this Appendix B, except that such upcharges shall apply to sales of book paper for use in a periodical publication only on the downward changes in basis weights which shall have occurred since March 1942.

Example: Assuming paper at $10.00 per cwt. supplied for a periodical publication.
Basis weight of paper for publication, March 1942—25 x 38—43/500
Basis weight of paper for identical publication since reduced to 25 x 38—41
Price for 41 lb. paper—$10.30 ($10.00 per cwt. plus 3%—1½% per lb. from 43 lb. to 41 lb. basis weight)

(e) *Notification.* (1) On or before October 1, 1943 each manufacturer of book paper shall file with the Office of

Price Administration in Washington, D. C., the maximum prices he has determined under paragraph (a) of this Appendix B for his sales of each grade sold by him to purchasers in each line of business and in each tonnage category specified in that paragraph (a) in which he deals. This information shall thereafter be filed within 30 days after each sale for which a maximum price has not already been reported.

(2) In all cases in which the application by a manufacturer of the provisions of paragraph (a) of this Appendix B results in a price to an individual purchaser higher than the price at which sales of the same or a similar grade in a like quantity were made to that purchaser during the period October 1, 1941 through March 31, 1942, (unless such increase is justified by the application of the lightweight differentials permitted under paragraph (d) above or by the application of generally recognized differentials or charges resulting from actual changes in the paper purchased) the manufacturer shall file with the Office of Price Administration in Washington, D. C., a statement of the relevant facts on which such price change was based.

(f) *Provisions relating to purchasers.* (1) In all cases in which subsequent to the issuance of this regulation the price paid by any purchaser is increased over the highest price paid by that purchaser to the person who supplied him the paper in question during the period October 1, 1941 through March 31, 1942 (unless such increase is justified by the application of the lightweight differentials permitted under paragraph (d) above or by the application of generally recognized differentials or charges resulting from actual changes in the paper purchased) the purchaser shall file with the Office of Price Administration in Washington, D. C. a statement showing the name of the supplier or suppliers involved and the price increase effected.

(2) Any purchaser who is able to show that the price charged him for the same book paper has increased subsequent to March 31, 1942, and that he is unable to absorb such increased costs without suffering substantial hardship, may petition the Office of Price Administration to lower that price by order. No such petition may be granted until the book paper manufacturer involved has been given full opportunity to show why it should not be granted. Such petition shall be filed in accordance with the provisions of Revised Procedural Regulation No. 1.

Effective date. This Maximum Price Regulation No. 451 shall become effective August 25, 1943.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13542; Filed, August 19, 1943; 11:29 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 455]

CABBAGE SEED

In the judgment of the Price Administrator, the prices of cabbage seed have risen and are threatening to rise further to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942 as amended, and are thereby causing undue increases in prices.

The Administrator has considered all pertinent provisions of the Emergency Price Control Act of 1942, as amended, and has complied with all requirements thereof.

The maximum prices established by this Maximum Price Regulation No. 455 are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1439.5 *Maximum prices for cabbage seed.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and with the concurrence of the Food Administrator, Maximum Price Regulation No. 455, Cabbage Seed, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.5 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 455—CABBAGE SEED

CONTENTS

Sec.
1. Prohibition against sales at higher than maximum prices.
2. Less than maximum prices.
3. Applicability.
4. Definitions.
5. Maximum prices for the sale or delivery of cabbage seed.
6. Export sales.
7. Adjustable pricing.
8. Evasion.
9. Petitions for amendment.
10. Enforcement.
11. Records and reports.

SECTION 1. *Prohibition against sales above the maximum price.* While this regulation is in effect, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell, offer for sale or deliver any cabbage seed subject to this regulation at prices higher than the maximum price specified in this Maximum Price Regulation No. 455, and no person in the course of trade shall buy, solicit, or receive any such cabbage seed at a price higher than the maximum prices specified in this Maximum Price Regulation No. 455, and no person shall agree, solicit or attempt to do any of the foregoing.

*Copies may be obtained from the Office of Price Administration.

SEC. 2. *Less than maximum prices.* Lower prices than those provided for in this Maximum Price Regulation No. 455 may be charged, demanded, paid or offered.

SEC. 3. *Applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, of domestic and imported cabbage seed.

SEC. 4. *Definitions.* (a) As used in this regulation the following terms shall have the following meanings:

(1) "Person" includes any individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of the foregoing; and the United States or any other government or any political subdivision or agency of any of the foregoing.

(2) "Cabbage seed" (brassica capitata) is the seed used to grow cabbage.

(3) "Farmer-grower" is a person who handles the field operations of planting, cultivating and harvesting cabbage seed on his own account.

(4) "Commercial-grower" is a person who performs the field operations of planting, cultivating and harvesting a crop of cabbage seed or who contracts with a farmer, whom he supplies with stock seed, to perform said field operations for him; and who cleans, purifies, tests in a laboratory, sacks and labels cabbage seed pursuant to all applicable state or federal seed laws.

(5) "Jobber or wholesaler" is a person who sells cabbage seed owned by him from out of a warehouse in which he has stored the same to commercial-growers, retailers, plant growers and produce growers, and processors such as canners, freezers and dehydrators.

(6) "Retailer" is a person who sells cabbage seed owned by him to a market gardener, home gardener, farmer-grower, or any other planter not specifically named in this regulation.

(7) "Plant grower" is a person who grows and sells small plants to be used for planting to yield a crop of cabbage.

(8) "Produce grower" is a person who grows cabbage and sells the same in terminal markets.

(9) "Market gardener" is a person who grows cabbage and sells the same in nearby markets.

(10) "Home gardener" is a person who grows cabbage for his own use.

(11) "Billing charge" means a charge or entry as a part of the bookkeeping system of debits and credits made between different departments, branches or units of an affiliated group of concerns or organizations for services rendered or commodities delivered by one to another.

(12) "Each class of sales or deliveries" means all of the sales or deliveries of cabbage seed by each seller during the base period to one of the following groups or classes of buyers or recipients: farmer-growers, commercial growers, jobbers or wholesalers, retailers, plant growers and produce growers, market gardeners and home gardeners, processors as aforesaid, and any other planters not hereinbefore specifically mentioned.

(13) "Transportation charges" shall be computed at:

(i) The lowest common carrier rate including the 3 per cent transportation tax provided for in Section 620 of the Revenue Act of 1942, as amended, for the billing or shipment in question; or (ii) if there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not exceeding any maximum prices established therefor.

SEC. 5. *Maximum prices for the sale or delivery of cabbage seed.* (a) Each seller's maximum price and billing charge for all sales or deliveries of cabbage seed shall be his highest price or billing charge charged on and for each class of sales or deliveries of each variety of cabbage seed of the 1943 crop during the period between February 15 and May 16, 1943.

However, in determining "his highest price or billing charge" the seller shall not commingle f. o. b. selling prices and billing charges with delivered selling prices and billing charges. If for a given class of sales or deliveries during said base period he had both, then his highest price or billing charge f. o. b. his established place of business shall be his maximum price and billing charge f. o. b. his established place of business hereunder; and his highest price or billing charge delivered to a given point (or area including all territory within which he had a uniform delivered price or billing charge during said base period) shall be his maximum price and billing charge delivered to that point or area hereunder. If under the foregoing provision a seller has no maximum delivered price or billing charge for any particular point or area he may determine the same by adding to his maximum price or billing charge f. o. b. his established place of business (determined as herein provided) the actual delivery cost as to each subsequent transaction; or he may take all or a representative list of prospective deliveries in a designated area and average his actual cost of such deliveries in said area and that figure added to his maximum f. o. b. price and billing charge shall be his uniform maximum delivered price and billing charge for that area. If under the foregoing provisions a seller had no maximum price or billing charge f. o. b. his established place of business, he may determine the same by taking his maximum price and billing charge delivered to a given point or area and deducting therefrom the actual delivery costs from his established place of business to or within that point or area and the figure obtained shall be his maximum price and billing charge f. o. b. his established place of business.

(b) If under the foregoing provision, a seller has no maximum price or billing charge for a given class of sales or deliveries, his maximum price and billing charge for such class of sales and deliveries shall be the maximum price or billing charge of his closest competitor for such class of sales and deliveries.

(c) If under the foregoing provisions a seller has a maximum price and billing charge for a given class of sales and deliveries for one or more, but not for all varieties of cabbage seed, he shall determine his maximum price and billing charge for those varieties for which he has no such price or billing charge, by taking his maximum price and billing charge for that class of sales and deliveries for the most similar variety and add thereto or subtract therefrom the discount or premium, as the case may be, normal to his own business, or, if none, normal to the trade for the variety in question in relation to said most similar variety on which he has a maximum price and billing charge; and the resultant figure shall be his maximum price and billing charge for the variety in question.

(d) If any retailer cannot determine a maximum price for any cabbage seed under the foregoing provisions, he shall take as his maximum price for the 1943 crop his highest price for each class of sales or deliveries of each variety of cabbage seed of the 1942 crop, between February 15 and May 16, 1943. In the event the highest price he paid for a particular variety of the 1943 crop (not exceeding any maximum price thereof) exceeds the highest price he paid for the same variety of the 1942 crop, he shall add the difference between such highest prices to the highest price at which he sold said same variety of the 1942 crop during the above mentioned base period and the result shall be his maximum price for said particular variety of the 1943 crop. If a retailer cannot determine a maximum price under the foregoing provisions of this paragraph he shall apply paragraphs (b) and (c) of this section as if said paragraphs (b) and (c) succeeded this paragraph (d).

(e) If a retailer still cannot determine a maximum price, for any cabbage seed, he shall apply to the Seeds and Rice Section of the Office of Price Administration, Washington, D. C., for the establishment of such a price.

SEC. 6. *Export sales.* The maximum price for export sales of cabbage seed, unprocessed or processed, shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

SEC. 7. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 8. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any cabbage seed, unprocessed or processed, alone or in conjunction with any other commodity, or by way of commission, service, additional transportation, or other charge, discount, premium or other privilege, or by tying agreement, or other trade understanding, misgrading or otherwise.

SEC. 9. *Petitions for amendment.* Persons seeking an amendment of any provision of this regulation may do so in accordance with Revised Procedural Regulation No. 1.[2]

SEC. 10. *Enforcement.* Persons violating any provisions of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 11. *Records and reports.* Every person selling cabbage seed shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged for sales or deliveries of cabbage seed during the period between February 15 and May 15, 1943 and prepare and maintain for examination by any person during ordinary business hours a statement showing his then existing maximum prices for cabbage seed. Any person selling cabbage seed who did not make any sales or deliveries during the base period, shall preserve for examination by the Office of Price Administration all his records of the methods used in establishing his maximum price.

This regulation shall become effective August 25, 1943.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES,
Food Administrator.

[F. R. Doc. 43-13540; Filed, August 19, 1943; 11:27 a. m.]

[1] 8 F.R. 4132, 5987, 2662.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 456]

ALFALFA MEAL

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and comply with all the provisions and will effectuate the purposes of

the Emergency Price Control Act of 1942, as amended, and of E. O. 9250 and E. O. 9328.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1351.366 *Maximum prices for alfalfa meal.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Maximum Price Regulation 456 (Alfalfa Meal) which is annexed, hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.366 issued under Pub. Laws 421 and 729, 77th Cong. and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 456—ALFALFA MEAL

ARTICLE I—SCOPE OF THIS REGULATION

Sec.
1. Applicability.
2. Effect of maximum prices.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

3. Definitions.
4. Maximum prices for sales of domestic alfalfa meal by processors.
5. Maximum prices for sales of domestic alfalfa meal by jobbers.
6. Maximum prices for sales of domestic alfalfa meal by wholesalers.
7. Maximum prices for sales of domestic alfalfa meal by retailers.
8. Maximum prices for sales of domestic alfalfa meal by any other person.
9. Increases for sacks.
10. Maximum prices for sales of imported alfalfa meal.
11. Maximum prices for export sales.

ARTICLE III—MISCELLANEOUS PROVISIONS

12. Adjustable pricing.
13. Evasion.
14. Records and reports.
15. Enforcement.
16. Protests and petitions for amendment.

Article I—Scope of This Regulation

SECTION 1. *Applicability.* (a) Except as provided in paragraph (b) of this section, this regulation shall govern all sales whether for immediate or future delivery, of domestic or imported alfalfa meal within the forty-eight states and the District of Columbia of the United States.

(b) This regulation shall have no application to those sales or deliveries of domestic and imported alfalfa meal within the area known as Region VIII as now or hereafter established by the Office of Price Administration which sales and deliveries shall be and remain subject to Order now or hereafter issued by the Office of Price Administration Regional Administrator of said Region VIII under § 1499.18 (c) as amended of the General Maximum Price Regulation.

SEC. 2. *Effect of maximum prices.* (a) While this regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any alfalfa meal at prices above the maximum prices established by this regulation; nor shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this regulation may be charged and paid.

Article II—Definitions, Maximum Prices and Terms of Sale

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

"Processor" is a person who produces alfalfa meal from alfalfa hay.

"Chopped alfalfa" is the entire alfalfa hay, chopped or cut and not ground finely enough to become a meal. It must not contain an admixture of alfalfa straw or other foreign material.

"Alfalfa meal" is the product obtained from the grinding of the entire alfalfa hay, without the addition of any alfalfa stems, alfalfa straw or foreign material, or the abstraction of leaves. It must be reasonably free from other crop plants and weeds, and must not contain more than 33 per cent of crude fibre.

"Alfalfa leaf meal" is the ground product consisting chiefly of leafy materials separated from alfalfa hay or meal. It must be reasonably free from other crop plants and weeds and must not contain more than 18 per cent of crude fibre.

"Alfalfa stem meal" is the ground product remaining after the separation of the leafy material from alfalfa hay or meal. It must be reasonably free from other crop plants and weeds.

"Dehydrated" means artificially dried.

"Jobber" is a person who buys alfalfa meal and resells the same except to a feeder without unloading into a warehouse.

"Wholesaler" is a person who buys alfalfa meal, unloads it into a warehouse and resells the same to a retailer or a person who processes the same further. It includes a processor who transports and unloads the aforesaid products into a warehouse operated as a place of business separate from the production plant and thereafter sells the same to the persons above mentioned.

"Retailer" is a person who buys alfalfa meal and resells the same to a feeder. It includes a processor where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

"Feeder" is a person who feeds any alfalfa meal to animals or poultry.

"Carload lot" means a lot of alfalfa meal of 60,000 pounds or more.

"Less than carload lot" means a quantity less than 60,000 pounds.

"Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3% tax provided for in Section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including the 3% tax, if any) not exceeding any maximum price established therefor.

SEC. 4. *Maximum prices for sales of domestic alfalfa meal by processors.* (a) The maximum price for the sale and delivery of alfalfa meal in carload lots bulk, per ton, by a processor at production plant shall be the basic price set forth below for each type or variety less the transporation charges at the lowest domestic carload flat all rail rate from production plant to Boston, Massachusetts: *Provided,* That said transportation charges so to be deducted shall never exceed $13.50 per ton.

(b) Dehydrated alfalfa meal.

	Basic price per ton
Alfalfa leaf meal	$64.70
Alfalfa meal	
20% or over of protein	62.70
17% up to 20% of protein	59.70
15% up to 17% of protein	56.70
Less than 15% of protein	52.70
Alfalfa stem meal	42.70

(c) Sun cured alfalfa meal.

No. 1 or choice alfalfa leaf meal	$56.70
Standard alfalfa leaf meal	52.70
No. 1—Fine ground	44.70
No. 1—Medium	42.70
No. 1—¼ in. screen	43.20
No. 1—⅛ in. screen	43.70
No. 1—Alfalfa stem meal	39.70
No. 1—Chopped alfalfa	52.70

The foregoing basic prices for each such kind of sun-cured alfalfa meal shall be reduced by $2.00 per ton for No. 2 and by $4.00 per ton for sample grade meal.

(d) The foregoing maximum prices shall be increased for sales of alfalfa meal, bulk, in a less than carload lot by a processor at production plant at the rate of $1.00 per ton.

(e) The foregoing maximum prices shall be increased for sales of alfalfa meal, bulk, by a processor delivered at any other point by the transportation charges actually incurred by him from production plant to his buyer's receiving point, except that where shipment is made in carload lots by railroad, the flat carload rail rate, plus tax, may be used to determine the maximum delivered price.

SEC. 5. *Maximum prices for sales of domestic alfalfa meal by jobbers.* The maximum price for the sale of domestic alfalfa meal by a jobber shall be:

(a) 50 cents per ton (maximum markup) for all sales in carload lots; and

(b) $1.00 per ton (maximum markup) for sales in less than carload lots or pool car lots, over the maximum price which he could lawfully have paid a processor for the quantity or quality of the commodity as purchased by him and which he is reselling plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 6. *Maximum prices for sales of domestic alfalfa meal by wholesalers.* The maximum price for the sale of domestic alfalfa meal shall be $2.50 per ton (maximum markup) for sales of alfalfa meal, over the maximum price which he could lawfully have paid the processor or jobber for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 7. *Maximum prices for sales of domestic alfalfa meal by retailers.* The maximum price for sales of domestic alfalfa meal by a retailer shall be $7.00 per ton (maximum markup) over the maximum price which he could lawfully have paid the processor, jobber, or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 8. *Maximum prices for sales of domestic alfalfa meal by any other person.* (a) The maximum prices for the sale of any alfalfa meal by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which the person from whom he purchased could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this regulation, sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided,* That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 9. *Increase for sacks.* When any seller has bulk domestic or imported alfalfa meal and desires to sell the same sacked the foregoing maximum prices where determined on a bulk basis shall be increased at the following rates per ton:

(a) In seller's sacks, the reasonable market value of the sacks used, not exceeding any maximum price thereon at the time of the sale or delivery: *Provided,* That if the sacks were purchased from the buyer by the seller the seller shall not charge more than the price he paid for such sacks.

(b) In buyer's new or recleaned sacks $0.50.

(c) In buyer's sacks of any other kind $1.00.

SEC. 10. *Maximum prices for sales of imported alfalfa meal.* (a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported alfalfa meal shall be the maximum price for a like sale by a processor of a like quantity and quality of the domestic product produced at that domestic production plant located nearest the port of entry.

(b) Jobbers, wholesalers and retailers making sales (within the 48 states and the District of Columbia of the United States) of any such imported products shall add their respective permitted markups as provided as to domestic products over the basic maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 11. *Maximum prices for export sales.* The maximum price for export sales of alfalfa meal shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

Article III—Miscellaneous Provisions

SEC. 12. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodity covered by this regulation alone or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 14. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of alfalfa meal after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.[2]

SEC. 15. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 20. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.[3]

Effective date. This regulation shall become effective August 25, 1943.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13544; Filed, August 19, 1943; 11:31 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

RELEASE OF LIEN IN WATER RIGHT CERTIFICATE OR PATENT

Section 230.71 of part 230, also paragraph 72, General Reclamation Circular, May 18, 1916 (45 L. D. 403) on which the section is based, is hereby amended to read as follows:

§ 230.71 *When lien in water right certificate or patent will be released.* The Commissioner or the General Supervisor of Operations and Maintenance of the Bureau of Reclamation will, upon the full payment of all construction or building and betterment charges by any water user, issue certificate of the full payment of such charges releasing the lien therefor reserved in the final water right certificate or patent under the Act of August 9, 1912 (37 Stat. 265; 43 U.S.C. 541-546); (paragraph 72 Reg. May 18, 1916, 45 L. D. 403).

H. W. BASHORE,
Acting Commissioner.

Approved: August 3, 1943.

MICHAEL W. STRAUS,
First Assistant Secretary.

[F. R. Doc. 43-13525; Filed, August 19, 1943; 9:52 a. m.]

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*Copies may be obtained from the Office of Price Administrator.

[1] 8 F.R. 4132, 7662, 5987.

[2] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 16–2]

PART 522—DIRECTION OF TRAFFIC MOVEMENT EXCEPTIONS, SUSPENSIONS, AND PERMITS

FREIGHT SHIPMENTS OF TIN PLATE AND TIN CANS VIA PORTS IN THE UNITED STATES

In accordance with the provisions of paragraph (a), § 502.48 of General Order ODT 16, It is hereby authorized, that:

§ 522.654 *Transportation of tin plate and tin cans to United States ports.* Any carrier may accept for transportation and transport, without observing the permit requirements of General Order ODT 16:

(a) Export freight, overseas freight or commercial freight consisting of tin plate billed to a port in the United States, when such freight is not to be exported in the form it is shipped to such port and the bill of lading or other shipping document contains a shipper's certification as follows: "Material not to be exported in present form."

(b) Export freight, overseas freight, or commercial freight consisting of tin cans to be loaded aboard a floating cannery at a port in the United States when the bill of lading or other shipping document contains a shipper's certification as follows: "For loading aboard a floating cannery."

(E.O. 8989, 6 F.R. 6725; Gen. Order ODT 16, 7 F.R. 5194)

This General Permit ODT 16–2 shall become effective August 18, 1943.

Issued at Washington, D. C., this 18th day of August 1943.

V. V. BOATNER,
Director,
Division of Railway Transport.
H. F. MCCARTHY,
Director,
Division of Traffic Movement.

[F. R. Doc. 43–13513; Filed, August 18, 1943; 1:36 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

LOWER KLAMATH NATIONAL WILDLIFE REFUGE, CALIFORNIA AND OREGON

Under authority of section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by the act of April 15, 1924, 43 Stat. 98, and in extension of § 12.9 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284) the following is hereby ordered:

Section 21.573, *Lower Klamath National Wildlife Refuge, California and Oregon, hunting,* is amended by adding to paragraph (a) *Areas open to hunting,* the following:

(3) Impoundment Units 4 and 9, comprising all or parts of the following subdivisions: sections 14, 23, 24, 25, 26, 35, and 36, T. 48 N., R. 2 E.; sections 4, 5, 8, and 9, T. 47 N., R. 3 E.; and sections 29, 30, 31 and 32, T. 48 N., R. 3 E., Mount Diablo Meridian, and designated by suitable posting by the officer in charge of the refuge.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

AUGUST 10, 1943.

[F. R. Doc. 43–13526; Filed, August 19, 1943; 9:52 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

TRANSFERRING OF RECORDS OF THE BITUMINOUS COAL DIVISION TO SOLID FUELS ADMINISTRATION FOR WAR

The Bituminous Coal Act of 1937, as amended, will expire 12:01 a. m., August 24, 1943. Until such expiration, the records of the Bituminous Coal Division will be required for the administration of the Bituminous Coal Act of 1937. These records are likewise required and will continue to be required after August 24, 1943, by the Solid Fuels Administration for War for the purpose of effectuating Executive Order No. 9332 of April 19, 1943 (8 F.R. 5355).

Accordingly, I order, That:

All records of the Bituminous Coal Division of the Department of the Interior, both in its Washington and field offices, are hereby transferred to the Solid Fuels Administration for War, Department of the Interior. This order shall become effective 12:01 a. m., August 24, 1943.

Issued this 17th day of August 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43–13537; Filed, August 19, 1943; 9:52 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 771]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 12, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kentucky 4003C3 Jackson	$54,000
Kentucky 4054C3 Wayne	40,000
Minnesota 4089A3 Pine*	30,000
Nebraska 4076E2 Southern Nebraska District Public	20,000
South Carolina 4026B2 Darlington	15,000
South Carolina 4037A4 Lexington	15,000
Project designation—Con.	*Amount*
Texas 4069C4 Erath	20,000
Texas 4077B3 Johnson	5,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 43–13561; Filed, August 19, 1943; 11:35 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 210]

WHOLESALING, WAREHOUSING AND OTHER DISTRIBUTION INDUSTRIES

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Bjorne Halling of Washington, D. C., from Industry Committee No. 63 for the Wholesaling, Warehousing, and Other Distribution Industries, and do appoint in his stead James Moore of Washington, D. C., as representative for the Employees on such Committee.

Signed at New York, New York, this 16th day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43–13556; Filed, August 19, 1943; 11:36 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 2–401–B–2, 2–401–B–3, 193, 199, 206, 390, 504, 508, 509, 906 and 924]

CONTINENTAL AIRLINES, INC., ET AL.

NOTICE OF FURTHER HEARING

In the matter of the applications of Continental Airlines, Inc., Braniff Airways, Inc., Essair, Inc., Transcontinental & Western Air, Inc., and American Airlines, Inc., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and the petition of Fort Stockton, Tex., Alpine, Tex., and Brownwood, Tex.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, insofar as it relates to temporary air transportation service between El Paso and San Antonio, Texas, that further hearing is assigned for September 2, 1943, 10 a. m. (eastern war time) in Conference Room C, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., August 18, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43–13527; Filed, August 19, 1943; 10:10 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 1 Under Service Order 147]

DENVER AND RIO GRANDE WESTERN RAILROAD CO.

INITIAL ICING OF PEACHES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.317, 8 F.R. 11390) of Service Order No. 147 of August 13, 1943, permission is granted for:

The Denver and Rio Grande Western Railroad Company (Wilson McCarthy and Henry Swan, Trustees) to initially ice to capacity a refrigerator car or cars at Grand Junction, Colorado, for peach loading at points east of Grand Junction.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43–13557; Filed, August 19, 1943; 11:39 a. m.]

[Special Permit 12 Under Service Order 126]

PENNSYLVANIA RAILROAD CO.

INITIAL ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Pennsylvania Railroad Company to initially ice, but not in excess of 7,500 pounds of ice per car, WFE 61566, WFE 67847, FGE 34782, FGE 21460, and FGE 33238 containing potatoes originating on The Pennsylvania Railroad Company in New Jersey and consigned to various Army and naval installations in the States of Alabama, Florida, or Georgia.

Initial icing on the above cars shall take place at Potomac Yard, Virginia.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43–13558; Filed, August 19, 1943; 11:39 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1909]

TRADE-MARKS OF CERTAIN ENEMY NATIONALS

Re: Trade-marks of enemy nationals involved in contested proceedings before the United States Patent Office.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That each of the corporations, partnerships, associations and other business organizations to which reference is made in the column headed "Owner" in Parts I and II of Exhibit A attached hereto and made a part hereof has its principal place of business in the country represented by the code number set forth after its respective name in said Exhibit A under the heading "RES" in accordance with the following:

28 represents Germany.
38 represents Italy.
39 represents Japan.

and is, therefore, a national of such foreign country or countries respectively;

2. That the property described in subparagraph 3 hereof is property of the persons whose names appear in the column headed "Owner" opposite the respective numbers thereof in said Exhibit A;

3. That the property described as follows:

(a) The trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Part I of Exhibit A attached hereto and made a part hereof, the titles to which stand of record in the names of persons as stated in connection with each registration listed in said Exhibit A, and the registrations thereof, together with

(i) The respective good will of the business in the United States and all its possessions to which the trade-marks are appurtenant,

(ii) Any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery, and other equipment),

(iii) Any interest of any nature whatsoever in, and any rights and claims of every character and description to, said business, good will and trade-marks and,

(iv) All accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of nationals of foreign countries (Germany, Italy and Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

PART I

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively.

Reg. No.	Date	Owner	Res.
78,895	7/19/10 (renewed)	Kosaburo Nakayama	39
225,705	3/22/27	Salvatore Apicella & C.	38
245,084	8/7/28	A. Robert Wieland	28
289,995	12/22/31	Atsumori Tamenaga	39
308,448	12/5/33	Societa Italiana Pirelli	38
316,882	9/4/34	Hans Vogt	28
342,995	2/9/37	I. G. Farbenindustrie Aktiengesellschaft.	28
382,630	11/5/40	Zembel Miwa	39

PART II

Trade-marks and applications for registration thereof which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the applicants indicated respectively.

App. No.	App. Date	Owner	Res.
335,406	3/1/33	Jos. Wagner Bierbrauerei zum Augustiner.	28
335,407	3/1/33	Jos. Wagner Bierbrauerei zum Augustiner.	28
434,090	7/17/40	Union Gesellschaft fur Metall-Industrie, Sills, van de Loo & Co.	28

[F. R. Doc. 43-13477; Filed, August 18, 1943; 11:09 a. m.]

[Vesting Order 1886]

REAL PROPERTY OF CARL OVERHAGE

Re: Real property owned by Carl Overhage, also known as Carl A. Overhage, and Gertrud Overhage, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Carl Overhage, also known as Carl A. Overhage, and Gertrud Overhage, his wife, is 36 Hohenzollernallee, Gera, Thuringen, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Carl Overhage, also known as Carl A. Overhage, and Gertrud Overhage, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

Real property situated in Santa Barbara County, Santa Barbara, California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons other than Carl Overhage, also known as Carl A. Overhage, or Gertrud Overhage, his wife, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 28, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot or parcel of land situate in the County of Santa Barbara, State of California, and bounded and particularly described as follows, to-wit:

That portion of the westerly portion of the so-called Hope Ranch, according to the map thereof recorded in Book 16 at page 143 of Record of Surveys, in the office of the County Recorder of said county, described as follows:

Commencing at Station 28+33.10 in the center line of Las Plamas Drive, from which a concrete monument set at Station 28+16.42 on said center line, as shown on Sheet No. 1 of that certain map of Santa Barbara Estates Subdivision of Hope Ranch Park filed in the office of the County Recorder of Santa Barbara County on June 20, 1924, in Map Book 15, at pages 51 to 56, inclusive, bears North 17°29' East, a distance of 16.67 feet; thence along the center line of a private road known as Presada Road, North 70°58' West 618.99 feet to a ¾ inch iron pipe; thence leaving said private road and along the center line of a private road known as North Hierbe Drive, North 8°02' East 84.41 feet to a point which is the beginning of a curve to the right, said curve having a radius of 947.06 feet and a delta of 8°04'06", and whose long chord bears North 12°04'03" East 133.25 feet; thence along the arc of said curve to the end thereof and the true point of beginning of the tract of land herein described; thence North 53°58' West 108.09 feet to a point; thence North 82°36' West 107.63 feet to a 4 x 4 stake; thence North 19°02' East 123.58 feet to the center line of a 40 foot private road, said point being the beginning of a curve to the right having a radius of 696.58 feet and a delta of 8°10'32", and whose long chord bears North 81°56'44" East 99.60 feet; thence along the arc of said curve to the end thereof; thence North 86°02' East 73.69 feet to a point, said point being the beginning of a curve to the right having a radius of 41.96 feet and a delta of 120°; thence along the arc of said curve to the end thereof and a point in the center line of North Hierba Drive; thence southerly along the center line of said North Hierba Drive, along a curve having a radius of 947.06 feet, whose central angle is 9°55'54" and the long chord of which bears South 21°04'03" East 163.96 feet; thence along the arc of said curve to the point of beginning.

[F. R. Doc. 43-13536; Filed, August 19, 1943; 10:52 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-15, Revocation]

ADVANCE EXPRESS CO., ET AL.

COORDINATED OPERATION AT EAU CLAIRE, WIS.

Charles Hildenbrand and Elias Hildenbrand, doing business as Advance Express Co., et al.

Upon consideration of an application for revocation of Supplementary Order ODT 3, Revised-15 (8 F.R. 2067), filed with the Office of Defense Transportation, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised-15 be, and it is hereby, revoked, effective August 23, 1943.

Issued at Washington, D. C., this 19th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-13528; Filed, August 19, 1943; 10:22 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following order was filed with the Division of the Federal Register on August 18, 1943.

Order Number and Name

MPR 136, Order 89, Reid Brothers Co., Inc.

Copies of this order may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-13538; Filed, August 19, 1943; 11:31 a. m.]

Regional, State and District Office Orders.

[Region V Order G-1 Under MPR 154, as Amended]

ICE IN METROPOLITAN NEW ORLEANS AREA

Order No. G-1 under Maximum Price Regulation Number 154, as amended—

Ice. Prices for ice in the New Orleans, Louisiana, metropolitan area, including the parishes of Orleans, Plaquemines, St. Bernard and Jefferson.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Regional Administrator, Region V, Office of Price Administration, by § 1393.8 paragraph (e) of Maximum Price Regulation No. 154, *It is hereby ordered:*

(a) That maximum prices for ice sold in the parishes of Orleans, Plaquemines, St. Bernard and Jefferson, which Parishes make up the New Orleans metropolitan area, shall be as follows:

(1) Delivered prices:
Sales at retail—50¢ per cwt.
Sales at wholesale—40¢ per cwt.
Sales in quantities of 500 pounds or more, one delivery—35¢ per cwt.

(2) Dock prices:
Sales to peddlers—$4.50 per ton.
Off the dock sales in quantities of less than 500 pounds to purchasers other than peddlers—40¢ per cwt.
Off the dock sales of 500 pounds or more to purchasers other than peddlers—30¢ per cwt.

(3) An additional 5¢ per cwt. for sizing or crushing ice, when such services are actually supplied by the seller, may be added to any of the above prices.

(4) Prices established by this order are on the basis of sales of units of 100 pounds or a unit of a ton of ice. In cases of sales of ice involving a part of a unit the maximum price shall be the proportional part of the appropriate unit price. If such proportionate unit price results in a dollars and cents price containing a fractional cent, the seller shall adjust the price up or down to the nearest cent; and in such an adjustment a half cent or more may be adjusted upward to the nearest cent.

(5) Car icing prices and carlot sales prices remain as established under Maximum Price Regulation No. 154.

(b) This order is subject to revocation or amendment by the Price Administrator at any time hereafter either by special order or by any price regulation issued hereafter, or by any amendment or supplement hereafter issued as to any price regulation the provisions of which may be contrary hereto.

(c) Except as specifically provided in this order, and for the types of purchases for which specific provision is made, the provisions of Maximum Price Regulation No. 154 are in no way affected and shall continue to remain in full force and effect.

This order shall become effective on the 12th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 43-13496; Filed, August 18, 1943; 11:56 a. m.]

[Region V Order G-1 Under MPR 165, as Amended]

CLEANING AND PRESSING SERVICES AT WACO, TEXAS

Order No. G-1 under Maximum Price Regulation No. 165, as amended—Services. Maximum prices for sellers of cleaning and pressing services to the Veterans' Hospital at Waco, Texas.

For the reasons set forth in the Opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region V of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, *It is hereby ordered:*

(a) The maximum prices that may be charged or received by sellers to the Veterans Hospital at Waco, Texas, for cleaning and pressing and related services supplied to the Veterans Hospital under a contract of substantially the same form and content as was in effect during the period from January 1, 1943, to June 30, 1943, shall be established as follows:

(1) The seller's maximum prices established under Maximum Price Regulation No. 165, as amended, for retail customers for the same or similar services specified in such contract with the Veterans Administration, or prices listed in Table 1, paragraph (a) (2), whichever are lower.

TABLE 1

(2) Dry Cleaning and Pressing:	Unit price
Suit: Coat, vest and 2 pairs trousers, suit	$.90
Suit: Coat, vest and 1 pair trousers, suit	.60
Suit: Coat and 2 pairs trousers, suit	.90
Suit: Coat and 1 pair trousers, suit	.60
Odd coat, each	.30
Odd vest, each	.10
Odd trousers, pair	.30
Overcoat, each	.75
Topcoat, each	.65
Topcoat, reversible, each	.65
Bathrobe, each	.60
Belt, cloth, each	.10
Blazer, each	.10
Cap, cloth, each	.10
Jacket, leather, each	1.00
Jacket, suede, each	1.00
Jacket, wool, each	.30
Mackinaw, each	.30
Necktie, each	.10
Scarf or Muffler, silk or wool, each	.15
Shirt, wool, or flannel, each	.30
Shirt, sport, cotton, rayon, or silk, each	.30
Slack suit, summer, 2 piece, suit	.60
Sweater, light weight, each	.30
heavy weight, each	.50

NOTE: Suits will consist of matched or unmatched garments.

Pressing only

[To include all necessary spotting of garments]

Coat, each	.20
Vest, each	.05
Trousers, pair	.20
Overcoat, each	.30
Topcoat, each	.30

Cleaning and blocking

Hat: felt, each	1.00
Hat: straw, each	1.00
Hat, Panama, each	1.00
Replace sweat band, furnish and sew on, each	.40
Replace hat band, furnish and sew on, each	.40

Repairing all garments

[Necessary material to be furnished by contractor]

Resew seam rips, over 6 inches, each	.35
Repair cloth rips or tears by cross-stitching over a piece of material, 3 inches or less, each	.50

TABLE 1—Continued

Repairing all garments—Continued

	Unit price
Same as above, over 3 inches, each	$0.75
Repair cloth rips or tears, by insert, 3 inches or less, each	.50
Same as above, over 3 inches, each	.75
Furnish and install double arm shield or sweat pad, to lap over both the sleeve and coat lining (both sleeves), each	.75
Replace pocket, each	.45
Bind edges of pocket, each	.20
Repair single cuff of coat or trousers requiring the use of extra materials, each	.35
Repair buttonholes by buttonhole stitching, each	.15
Renew or replace missing belt loops, each	.20
Patching of holes or badly worn areas not over 6 inches in diameter as required, patching material to match garment as nearly as possible (other than linings and pockets), each	.60
Patching of holes or badly worn areas not over 6 inches in diameter in linings and pockets as required, patching material to match as nearly as possible, each	.40
Install double seat in trousers, each	1.00
Replace collar on overcoat, each	1.00

Replacing lining in suit coats

[Lining material to be a good grade of Celanese or Rayon]

Full lining, each	4.00
Half lining, each	3.00
Quarter lining, each	2.00
Single sleeve lining only, each	.75

Replacing lining in overcoats or topcoats

[Lining material to be a good grade of material]

Full line, each	4.50
Half lining, each	3.00
Quarter lining, each	2.00
Single sleeve lining only, each	.75

Miscellaneous linings

Replace lining in vest with suitable material, each	1.75
Replace back in vest with a good grade of material, each	1.00
Replace lining in waist band of trousers with suitable material, each	1.00
Shorten or lentghen both sleeves of suit coats, overcoats, or topcoats, pair	.75
Shorten or lengthen both legs of trousers, pair	.45
Shorten or lengthen suit coats, overcoats, or topcoats, each	1.50
Take up or let out waist band of trousers, each	.35
Take up or let out vest, each	.35
Replace or install zipper 9 inches to 15 inches long, each	1.00
Replace or install zipper 16 inches to 24 inches long, each	1.40
Remove zipper on trousers and replace with buttons, each	1.75
Furnish and sew leather pads on elbows of sweater, each	1.25
Return overcoat or topcoat in moth-proof bag, each bag to be labeled with patient's name, Ward, and "C" number. (Mothproof bag to be furnished by contractor), each	.25

Dycing

Dye overcoat, color as specified and replace buttons to match, each	4.00
Dye topcoat, color as specified and replace buttons to match, each	4.00

(b) Sellers who have not determined and established maximum prices for retail services for any of the cleaning and pressing or related services required un-

der the contract with the Veterans' Administration must take the prices set forth in Table 1, paragraph (a) (2).

(c) Prices established by this order shall be applicable only to sellers of cleaning and pressing and related services to the Veterans' Hospital at Waco, Texas, and the prices herein established may not be used by any sellers to establish the prices under § 1499.102 of Maximum Price Regulation No. 165, as amended.

(d) Prices lower than those established in this order may be charged and received by sellers of cleaning and pressing and related services to the Veterans' Hospital at Waco, Texas.

Issued this 3d day of July, 1943, at Dallas, Texas.

Effective the 8th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 43-13495; Filed, August 18, 1943; 11:58 a. m.]

[Region VI Order G-77 Under 18 (c)]

MILK THROUGH VENDING MACHINES IN COOK COUNTY, ILLINOIS

Order No. G-77 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for one third quarts of milk through vending machines.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum price for milk in containers of ⅓ quart sold through vending machines shall be 10¢.

(b) The minimum discount, rental, license fee or other charge payable by any seller of milk covered by this order to any person supplying a location for such vending machines or his designee, shall be 2¢ per ⅓ quart bottle. No sales shall be made at prices higher than those provided by the General Maximum Price Regulation unless such minimum charge of 2¢ shall be paid. Whenever possible such charge shall be made payable to an employees' fund, organization benefit plan or other group representing as nearly as may be practicable, actual or potential buyers of milk.

(c) This order shall apply to all sales by vending machines located in Cook County, Illinois.

(d) Within 60 days after the installation of any vending machine used for the sale of milk covered by this order, the supplier of milk for such vending machine shall file with the Administrator such duplicate copies of the Record of the Office of Price Administration

than 3.2%, including Homogenized Vitamin D, Chocolate milk and buttermilk.

(f) This order may be amended, corrected or revoked at any time.

This order shall become effective July 12, 1943.

Issued this 7th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13504; Filed, August 18, 1943; 11:59 a. m.]

[Region VII Order G-4 Under MPR 165, as Amended]

LAUNDRY IN DENVER, COLORADO

Order No. G-4 under Maximum Price Regulation No. 165, as amended—services. Adjustment establishing prices for minimum laundry bundles in Denver, Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *The applicants and service involved.* The applicants, Capital Laundry, Cascade Laundry, City Elite Laundry, Crescent Laundry, Denver Sanitary Laundry, Denver Wet Wash Laundry, Family Laundry, De Luxe Laundry, Ideal Laundry, Lantz Laundry, Sunshine Laundry, Silver State Laundry, Westminster Laundry, all of Denver, Colorado, heretofore brought to the attention of the Regional Administrator the matter of a serious labor shortage now existing in the laundry service, which said service is under § 1499.101 (c) (36) of Maximum Price Regulation No. 165, as amended. The Regional Office, in collaboration with the Denver District Office, has completed an investigation and upon consideration of all the facts and circumstances the Regional Administrator hereby promulgates this order.

(b) *Action taken.* From and after the effective date of this order all laundries within the corporate limits of the City and County of Denver, State of Colorado, are hereby permitted to charge as and for their maximum prices for servicing minimum laundry bundles as specified the amounts set forth below:

(1) For Rough Dry service a maximum charge for a bundle of 12 lb. or less (the price to be the same for weights over 12 lb. and to be computed proportionately) equal to the sum arrived therefor with a proportionate charge of 5¢ for every fraction of 1 lb. in excess of 12 lb.

(2) For Dry Wash service a maximum charge for a bundle of 12 lb. or less 42.5¢ (the price to be the same for weights over 12 lb. and to be computed proportionately) equal to the sum arrived therefor with a proportionate charge of 5¢ for every fraction of 1 lb. in excess of 12 lb.

(3) For Damp Wash service a maximum charge for a bundle of 12 lb. or less 30¢ (the price to be the same for weights over 12 lb. and to be computed proportionately) equal to the sum arrived therefor with a proportionate charge of 5¢ for every fraction of 1 lb. in excess of 12 lb.

(4) For Family Finish service a maximum charge for a bundle of 12 lb. or less 42.5¢ (the price to be the same for weights over 12 lb. and to be computed proportionately) equal to the sum arrived therefor with a proportionate charge of 5¢ for every fraction of 1 lb. in excess of 12 lb.

(5) For Straight Finish service the maximum prices shall be the seller's prices for straight finish as shown by his price list for straight finish service on file with the appropriate War Price and Rationing Board, with a minimum charge of 50¢ per bundle.

(c) *Definitions.* (1) "Rough Dry" means all handkerchiefs and flat work ironed ready to use, and all shirts either finished or unfinished at the customer's option.

(2) "Dry wash" means flat work ironed ready to use, and all shirts finished or unfinished at customer's option, and nothing else finished.

(3) "Damp wash" means no flat work ironed and shirts finished or unfinished at the customer's option.

(4) "Family finish" means everything finished ready to use or wear with no extra or minimum charge for shirts.

(5) "Straight finish" means every piece finished and ready to use or wear and charged for by the piece at the prices for piece work as shown on the seller's price list on file with the appropriate War Price and Rationing Board, with a minimum charge of 50¢ per bundle.

(d) *Applicability of other regulations.* Except to the extent that the same are inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Maximum Price Regulation No. 165, as Amended, shall continue to apply to all persons furnishing and selling laundering services within the corporate limits of the City and County of Denver, State of Colorado, with like force and effect as though re-written herein.

(e) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(f) *Effective date.* This order shall become effective July 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 3d day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13497; Filed, August 18, 1943; 12:00 m.]

[Region VII Order G-36 Under [illegible] Amdt. 1]

FLUID MILK IN STATE OF NEW [illegible]

Order No. G-36 under § 1499.[illegible] of the General Maximum Price Regulation, Amendment No. 1. General [illegible] Prices commonly and [illegible] made in the State of New [illegible]

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith,

1. Paragraph (j) (9) of Order No. G-36 is hereby amended to read as follows:

(9) "District No. 6 of the State of New Mexico" means all of the counties of Hidalgo, Luna, McKinley, Santa Fe, and that part of Rio Arriba contained within a strip ten miles in width and immediately adjacent to the northern boundary line of Santa Fe County, including all of the town of Espanola, and the municipality of Magdalena in the county of Socorro.

3. *Effective date.* This amendment shall become effective on July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this [illegible] day of July 1943.

[illegible],
Regional Administrator.

[F. R. Doc. [illegible]; Filed, August 18, 1943; 12:00 p. m.]

all of Rio Arriba County except a strip ten miles in width and immediately adjacent to the northern boundary line of Santa Fe County, including all of the town of Espanola.

2. Paragraph (j) (9) of Order No. G-36 is hereby amended to read as follows:

(9) "District No. 6 of the State of New Mexico" means all of the counties of Hidalgo, Luna, McKinley, Santa Fe, and that part of Rio Arriba contained within a strip ten miles in width and immediately adjacent to the northern boundary line of Santa Fe County, including all of the town of Espanola, and the municipality of Magdalena in the county of Socorro.

3. *Effective date.* This amendment shall become effective on July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. D. Doc. 43-13503; Filed, August 18, 1943; 12:00 p. m.]

[Region VIII Order G-3 Under 18 (c), Amdt. 20]

FLUID MILK IN WASHINGTON STATE

Amendment No. 20 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

1. Section (1) as amended is hereby further amended by striking out the schedule of prices under the heading "The Towns of Moses Lake, Soap Lake, and Ephrata in Grant County" and substituting in place and stead thereof the following:

[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

[illegible]

[Region VIII Order G-3 Under 18 (c), Amdt. 21]

FLUID MILK IN WASHINGTON STATE

Amendment No. 21 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Paragraph (1) of Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price ulation as amended) as amended, is hereby further amended by striking out the heading "the city of Wenatchee" and by substituting in place and stead thereof the heading "Chelan County". This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13500; Filed, August 18, 1943; 12:01 p. m.]

[Region VIII, Order G-3 Under 18 (c), Amdt. 22]

FLUID MILK IN WASHINGTON STATE

Amendment No. 22 to order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13501; Filed, August 18, 1943; 12:01 p. m.]

[Region VIII Order G-26 Under 18 (c)]

FIREWOOD ON BAINBRIDGE ISLAND, WASH.

Order No. G-26 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Sales of firewood on Bainbridge Island, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices for sales and deliveries of fir firewood old growth or second growth, green or dry, cut to a length of 24 inches or less, on Bainbridge Island, Kitsap County, Washington, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such Regulation or to any Supplementary Regulation thereto, are hereby adjusted so that the maximum price therefor shall be $13.50 per cord delivered to the premises of the buyer.

(b) This order may be revoked, amended, or corrected at any time.

(c) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13502; Filed, August 18, 1943; 12:01 p. m.]

[Region VIII Order G-5 Under MPR 329, Amdt. 1]

MILK IN CHELAN COUNTY, WASH.

Amendment No. 1 to Order No. G-5 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

Pursuant to the purposes set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.[illegible] of Maximum Price Regulation No. 329, as amended, and [illegible] evidence, That Order No. G-5 under [illegible]

der the contract with the Veterans' Administration must take the prices set forth in Table 1, paragraph (a) (2).

(c) Prices established by this order shall be applicable only to sellers of cleaning and pressing and related services to the Veterans' Hospital at Waco, Texas, and the prices herein established may not be used by any sellers to establish the prices under § 1499.102 of Maximum Price Regulation No. 165, as amended.

(d) Prices lower than those established in this order may be charged and received by sellers of cleaning and pressing and related services to the Veterans' Hospital at Waco, Texas.

Issued this 3d day of July, 1943, at Dallas, Texas.

Effective the 8th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 43-13495; Filed, August 18, 1943; 11:58 a. m.]

[Region VI Order G-77 Under 18 (c)]

MILK THROUGH VENDING MACHINES IN COOK COUNTY, ILLINOIS

Order No. G-77 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for one third quarts of milk through vending machines.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum price for milk in containers of ⅓ quart sold through vending machines shall be 10¢.

(b) The minimum discount, rental, license fee or other charge payable by any seller of milk covered by this order to any person supplying a location for such vending machines or his designee, shall be 2¢ per ⅓ quart bottle. No sales shall be made at prices higher than those provided by the General Maximum Price Regulation unless such minimum charge of 2¢ shall be paid. Whenever possible such charge shall be made payable to an employees' fund, organization, benefit plan or other group representing as nearly as may be practicable, actual or potential buyers of milk.

(c) This order shall apply to all sales by vending machines located in Cook County, Illinois.

(d) Within 60 days after the installation of any vending machine used for the sale of milk covered by this order, the supplier of milk for such vending machine shall file with the Adjustment and Review Section of the Regional Office of the Office of Price Administration a report stating the person, fund or organization to which payments are being made of the 2¢ per bottle discount provided by section (b).

(e) For the purposes of this order the term "milk" shall include all types of milk having a butterfat content not less than 3.2%, including Homogenized Vitamin D, Chocolate milk and buttermilk.

(f) This order may be amended, corrected or revoked at any time.

This order shall become effective July 12, 1943.

Issued this 7th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13504; Filed, August 18, 1943; 11:59 a. m.]

[Region VII Order G-4 Under MPR 165, as Amended]

LAUNDRY IN DENVER, COLORADO

Order No. G-4 under Maximum Price Regulation No. 165, as amended—services. Adjustment establishing prices for minimum laundry bundles in Denver, Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *The applicants and scrvice involved.* The applicants, Capital Laundry, Cascade Laundry, City Elite Laundry, Crescent Laundry, Denver Sanitary Laundry, Denver Wet Wash Laundry, Family Laundry, De Luxe Laundry, Ideal Laundry, Lantz Laundry, Sunshine Laundry, Silver State Laundry, Westminster Laundry, all of Denver, Colorado, heretofore brought to the attention of the Regional Administrator the matter of a serious labor shortage now existing in the laundry service, which said service is under § 1499.101 (c) (36) of Maximum Price Regulation No. 165, as amended. The Regional Office, in collaboration with the Denver District Office, has completed an investigation and upon consideration of all the facts and circumstances the Regional Administrator hereby promulgates this order.

(b) *Action taken.* From and after the effective date of this order all laundries within the corporate limits of the City and County of Denver, State of Colorado, are hereby permitted to charge as and for their maximum prices for servicing minimum laundry bundles as specified the amounts set forth below:

(1) For Rough Dry service a minimum charge for a bundle of 12 lb. or less—98¢ plus 7¢ per lb. for all weight over 12 lb., and 1¢ for each handkerchief ironed, and 8¢ for each shirt finished, with a minimum charge of 24¢ for shirts finished.

(2) For Dry Wash service a minimum charge for a bundle of 17 lb. or less—$1.28 plus 7¢ per lb. for all weight over 17 lb., and 8¢ for each shirt finished, with a minimum charge of 24¢ for shirts finished.

(3) For Damp Wash service a minimum charge for a bundle of 16 lb. or less—73¢ plus 4¢ per lb. for all weight over 16 lb. and 8¢ for each shirt finished, with a minimum charge of 24¢ for shirts finished.

(4) For Family Finish service a minimum charge of $2.80 per bundle figured on the basis of 7¢ per lb. plus 23¢ additional for each lb. of wearing apparel including shirts, with all excess over the minimum figured at the same rates per lb.

(5) For Straight Finish service the maximum prices shall be the seller's prices for straight finish as shown by his price list for straight finish service on file with the appropriate War Price and Rationing Board, with a minimum charge of 50¢ per bundle

(c) *Definitions.* (1) "Rough Dry" means all handkerchiefs and flat work ironed ready to use, and all shirts either finished or unfinished at the customer's option.

(2) "Dry wash" means flat work ironed ready to use, and all shirts finished or unfinished at customer's option, and nothing else finished.

(3) "Damp wash" means no flat work ironed and shirts finished or unfinished at the customer's option.

(4) "Family finish" means everything finished ready to use or wear with no extra or minimum charge for shirts.

(5) "Straight finish" means every piece finished and ready to use or wear and charged for by the piece at the prices for piece work as shown on the seller's price list on file with the appropriate War Price and Rationing Board, with a minimum charge of 50¢ per bundle.

(d) *Applicability of other regulations.* Except to the extent that the same are inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Maximum Price Regulation No. 165, as Amended, shall continue to apply to all persons furnishing and selling laundering services within the corporate limits of the City and County of Denver, State of Colorado, with like force and effect as though re-written herein.

(e) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(f) *Effective date.* This order shall become effective July 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.)

Issued this 3d day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13497; Filed, August 18, 1943, 12:00 m.]

[Region VII Order G-36 Under 18 (c), Amdt. 1]

FLUID MILK IN STATE OF NEW MEXICO

Order No. G-36 under § 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 1. General order modifying wholesale and retail prices for fluid milk in the State of New Mexico.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

1. Paragraph (j) (4) of Order No. G-36 is hereby amended to read as follows:

(4) "District No. 1 of the State of New Mexico" means all of the counties of Harding, Mora, San Juan and Taos, and all of Rio Arriba County except a strip ten miles in width and immediately adjacent to the northern boundary line of Santa Fe County, including all of the town of Espanola.

2. Paragraph (j) (9) of Order No. G-36 is hereby amended to read as follows:

(9) "District No. 6 of the State of New Mexico" means all of the counties of Hidalgo, Luna, McKinley, Santa Fe, and that part of Rio Arriba contained within a strip ten miles in width and immediately adjacent to the northern boundary line of Santa Fe County, including all of the town of Espanola, and the municipality of Magdalena in the county of Socorro.

3. *Effective date.* This amendment shall become effective on July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F D Doc. 43-13503; Filed, August 18, 1943; 12:00 p. m.]

[Region VIII Order G-3 Under 18 (c), Amdt. 20]

FLUID MILK IN WASHINGTON STATE

Amendment No. 20 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by striking out the schedule of prices under the heading "The Towns of Moses Lake, Soap Lake, and Ephrata in Grant County" and substituting in place and stead thereof the following:

[Not less than 3.6% Milk Fat]

Quantity	Wholesale price	Retail price
Quart container	$0.11	$0.13
Half-pint container	.035	.05

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F R Doc. 43-13499; Filed, August 18, 1943; 12:00 p. m.]

[Region VIII Order G-3 Under 18 (c), Amdt. 21]

FLUID MILK IN WASHINGTON STATE

Amendment No. 21 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Paragraph (1) of Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price ulation as amended) as amended, is hereby further amended by striking out the heading "the city of Wenatchee" and by substituting in place and stead thereof the heading "Chelan County". This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13500; Filed, August 18, 1943; 12:01 p. m.]

[Region VIII, Order G-3 Under 18 (c), Amdt. 22]

FLUID MILK IN WASHINGTON STATE

Amendment No. 22 to order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by adding at the end thereof the following:

TOWNS OF PALOUSE AND GARFIELD
[Not less than 3.8% Milk Fat]

Quantity	Wholesale price	Retail price
Quart container	$0.11	$0.13
Half-pint container	.035	

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13501; Filed, August 18, 1943; 12:01 p. m.]

[Region VIII Order G-26 Under 18 (c)]

FIREWOOD ON BAINBRIDGE ISLAND, WASH.

Order No. G-26 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Sales of firewood on Bainbridge Island, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices for sales and deliveries of fir firewood old growth or second growth, green or dry, cut to a length of 24 inches or less, on Bainbridge Island, Kitsap County, Washington, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such Regulation or to any Supplementary Regulation thereto, are hereby adjusted so that the maximum price therefor shall be $13.50 per cord delivered to the premises of the buyer.

(b) This order may be revoked, amended, or corrected at any time.

(c) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13502; Filed, August 18, 1943; 12:01 p. m.]

[Region VIII Order G-5 Under MPR 329, Amdt. 1]

MILK IN CHELAN COUNTY, WASH.

Amendment No. 1 to Order No. G-5 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329: *It is hereby ordered*, That Order No. G-5 under Maximum Price Regulation No. 329 be amended as set forth below:

(a) Paragraph (a) is amended by striking out the words "the city of Wenatchee" and substituting the words "Chelan County".

This amendment to Order No. G-5 shall become effective upon issuance.

(Pub. Laws 729 and 421, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13498; Filed, August 18, 1943; 12:00 p. m.]

[Fort Worth Order G-1 Under Gen. Order 50, Amdt. 2]

DOMESTIC MALT BEVERAGES IN FT. WORTH, TEXAS, AREA

Order No. G-1, Amendment No. 2 under General Order No. 50—Filing of prices by restaurants and similar establishments: Delegation of authority to fix maximum prices. Prices of domestic malt beverages.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Fort Worth, Texas, District Office of Region V of the Office of Price Administration by General Order No. 50, and Region V Delegation Order dated April 13, 1943, *It is hereby ordered*, That section 9 of Order No. G-1 be amended to read as follows:

SEC. 9. *Maximum "dollars-and-cents" prices.* (a) The maximum "dollars-and-cents" prices which may be charged for the beverage items subject to this order are:

(1) *In bottles.*

Brand or trade name	Maximum price per bottle		
	12 oz.	24 oz.	32 oz.
	Cents	*Cents*	*Cents*
Pabst Ale	20		
Budweiser	18		39
Blatz Pilsner	18		39
Canadian Ace	18		39
Hamm's Preferred	18		
Kingsbury Pale	18		39
Muehlebach Pilsner	18		39
Pabst Blue Ribbon	18		39
Pilsner Club	18	33	39
Schlitz	18		39
Schoot's Highland	18		
Silver Cream	18	33	39
A B C	13		
Berlin	13		29
Blue Bonnet	13		29
Embassy Club	13		
Falstaff	13		29
Grand Prize	13		29
Haas	13		29
High Brau	13		
Jax	13		29
Jefferson	13		29
Koller	13		
Lang	13		
Lone Star	13		
Mellow Brew	13	23	29
Mountain Top	13		
Muskegon	13		
Old Gold	13		29
Pearl	13		29
Pioneer	13	23	
Polo	13	23	
Pom Roy			29
Prima	13	23	29
Roebuck	13		
Shiner	13		
Silver Fox	13		29
Southern Select	13		29
Topaz	13		
White Seal	13		

(2) *On draught.* Any or all brands of domestic malt beverages (beer or ale) sold on draught by any "Eating or drinking place" to which this order applies, may be sold at a price not in excess of one cent for each fluid ounce, exclusive of foam; *Provided, however,* That "Michelob" brand beer may be sold for one and one-half cents per fluid ounce, exclusive of foam.

(3) *Non-labeled bottles.* Any domestic malt beverage item (beer or ale) offered for sale or sold in bottles by any "Eating or drinking place" subject to this order, which does not have the manufacturer's label affixed thereto, or the trade name or brand stamped, printed, or engraved or appearing in raised letters on the cap or bottle as proper identification, shall not be offered for sale or sold at a price higher than the lowest maximum price fixed herein for the size of bottle of domestic malt beverage (beer or ale) offered for sale or sold.

This Amendment No. 2 to Restaurant Order G-1 shall become effective at 12:01 a. m., August 11, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Fort Worth, Texas, this 9th day of August 1943.

MARK MCGEE,
District Director.

[F. R. Doc. 43-13524; Filed, August 18, 1943; 4:17 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-717, 70-704]

UNITED LIGHT AND RAILWAYS COMPANY ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of August 1943.

In the matter of the United Light and Railways Company, Continental Gas & Electric Corporation, Iowa-Nebraska Light and Power Company, Iowa Power and Light Company and Des Moines Electric Light Company, File No. 70-717; Illinois Iowa Power Company; File No. 70-704.

The Commission having, by order dated April 14, 1942, directed, among other things, that Illinois Iowa Power Company ("Illinois Iowa Power"), a registered public-utility holding company, sever its relationship with Des Moines Electric Light Company ("Des Moines Electric"), a registered holding company, and Iowa Power and Light Company ("Iowa Power"), a public utility subsidiary of Des Moines Electric, in an appropriate manner not in contravention of the applicable provisions of the Act or the Rules, Regulations and Orders promulgated thereunder;

The above-named companies and The United Light and Railways Company ("Railways"), a registered holding company and a subsidiary of The United Light and Power Company, also a registered holding company, Continental Gas & Electric Corporation ("Continental"), a registered holding company and a subsidiary of The United Light and Railways Company, and Iowa-Nebraska Light and Power Company ("Iowa-Nebraska Light"), a subsidiary of Continental, having filed with this Commission applications and declarations, and certain amendments thereto, pursuant to sections 6, 7, 9, 10, 11 and 12 of the Act and Rules U-42, U-43, U-44, U-45, U-46 and U-50, and any other applicable sections of the Act or Rules thereunder, with respect to various proposed transactions, all as more particularly described in said applications and declarations, designed to accomplish, among other things, the disposition of all interest, direct and indirect, of Illinois Iowa Power in Iowa Power and Des Moines Electric, and the direct or indirect acquisition of such interest by Continental;

The Commission having found that the sale of the securities of Des Moines Electric and Iowa Power owned by Illinois Iowa Power is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and Illinois Iowa Power having requested that the order of the Commission approving the sale of its investment in Des Moines Electric and Iowa Power conform with the requirements of sections 371 and 1808 of the Internal Revenue Code, as amended to date, and contain the findings therein specified;

The Commission having issued a Notice of Filing and Order for Hearing on said applications and declarations and a public hearing having been held thereon in which all security holders of the applicants-declarants, and other interested persons, were given opportunity to be heard; and requests for findings and briefs having been filed by some of the applicants-declarants and waived by others, and oral argument having been waived by all applicants-declarants; and

The Commission having considered the record of the proceedings and having entered its Findings and Opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declarations, as amended, to become effective and to approve the applications, as amended, subject to the conditions hereinafter enumerated;

It is hereby ordered, That, subject to the terms and conditions prescribed in Rule U-24 and to the terms and conditions hereinafter specified, the aforesaid declarations, as amended, be and hereby are permitted to become effective and the aforesaid applications, as amended, be and hereby are granted forthwith; and without limiting the generality of the foregoing, the following specific transactions are authorized and approved:

(1) The surrender by Des Moines Electric to Iowa Power, and the acquisition by Iowa Power, of 20,000 shares of the common stock of Iowa Power and the credit by Iowa Power of $200,000 to its paid-in surplus.

(2) The transfer by Des Moines Electric of 230,000 shares of common stock of Iowa Power to Illinois Iowa Power in partial liquidation of Des Moines Electric and the acquisition of such stock by Illinois Iowa Power.

(3) The purchase by Continental from Illinois Iowa Power, and the sale by that company to Continental, of 335,000 shares of common stock of Des Moines Electric and 230,000 shares of common stock of Iowa Power upon the terms and conditions set forth in the agreement entered into between Continental and Illinois Iowa Power as of March 1, 1943.

(4) The transfer by Continental to Iowa Power, and the acquisition by Iowa Power, of 335,000 shares of common stock of Des Moines Electric in exchange for 237,500 additional shares of common stock to be issued by Iowa Power; the issuance of such additional shares of common stock by Iowa Power and the acquisition thereof by Continental; and the credit by Iowa Power of $2,486,685 to its paid-in surplus account in connection with said transactions.

(5) The sale by Illinois Iowa Power to Iowa Power, and the purchase by Iowa Power, of $1,750,000 principal amount of General Refunding Mortgage Bonds of Des Moines Electric, $3,000,000 of open account indebtedness owing by Des Moines Electric to Illinois Iowa Power and 2,600 shares of 7% Cumulative Preferred Stock of Iowa Power, for $5,010,000 in cash plus the amount of accrued interest and dividends thereon at the date the transactions are consummated.

(6) The complete liquidation and dissolution of Des Moines Electric, involving (a) the transfer by Des Moines Electric of all its property and assets to Iowa Power, (b) the surrender by Iowa Power to Des Moines Electric for cancellation of all securities and indebtedness of Des Moines Electric at the time owned by Iowa Power, and (c) the assumption by Iowa Power of all other liabilities and obligations of Des Moines Electric.

(7) The acquisition by Iowa Power from Iowa-Nebraska Light, and the transfer by Iowa-Nebraska Light to Iowa Power, of all properties of Iowa-Nebraska Light located in the State of Iowa, together with the current assets appertaining to the operations of such properties, all upon the terms and conditions outlined in Division 6 of Form U-1 filed herein by Railways, et al., which include (a) the assumption by Iowa Power of all liabilities of Iowa-Nebraska Light appertaining to its Iowa properties and business, (b) the payment by Iowa Power to Iowa-Nebraska Light of approximately $1,000,000 in cash, and (c) the issuance by Iowa Power to Iowa-Nebraska Light of 462,500 shares of common stock of Iowa Power.

(8) The partial liquidation of Iowa-Nebraska Light involving (a) the transfer by Iowa-Nebraska Light to Continental, as a partial liquidating dividend, of $1,500,000 in cash, 462,500 shares of common stock of Iowa Power, and all the outstanding securities of Maryville Electric owned by Iowa-Nebraska Light (4,000 shares of common stock and $340,000 of open account indebtedness); (b) the surrender by Continental to Iowa-Nebraska Light for cancellation, and the acquisition by Iowa-Nebraska Light, 68,650 shares of common stock of Iowa-Nebraska Light; (c) the transfer by Continental to Iowa-Nebraska Light, as a credit to paid-in surplus, of 10,758 shares (par value $1,075,800) of the common stock of Iowa-Nebraska Light; and (d) the write-off of Iowa-Nebraska Light's earned surplus deficit against such paid-in surplus.

(9) The issuance by Iowa Power of $17,000,000 principal amount of 3¼% First Mortgage Bonds under an indenture of Mortgage and Deed of Trust and Supplemental Indenture substantially in the form appearing as Exhibits J and K to Form U-1 filed by Railways, et al. and the sale of such bonds to underwriters selected by competitive bidding upon the terms and conditions set forth in the Registration Statement of Iowa Power filed under the Securities Act of 1933 as such registration statement shall become effective; *Provided, however*, That the authorization referred to in this paragraph shall not become effective unless and until the Commission by supplemental order shall approve the underwriters' spread and the price at which such bonds are to be sold.

(10) The issuance by Iowa Power of $2,500,000 principal amount of promissory notes maturing in ten equal annual installments on August 1, 1944 to August 1, 1953, inclusive, and bearing interest at the rate of 2⅜% for the first five maturities and 2¾% for the last five maturities, and the sale of such notes to commercial banks and insurance companies upon substantially the terms and conditions set forth in the form of Loan Agreement appearing as Exhibit L to Form U-1 filed herein by Railways, et al.

(11) The application by Iowa Power of the proceeds to be received from the sale of the bonds and notes referred to in paragraphs 10 and 11 hereof for the purposes set forth in Division 8 of Form U-1 filed herein by Railways, et al., which will include the redemption by Iowa Power on or before January 1, 1944, of 10,133 shares of its 7% Cumulative Preferred Stock at 105% of the par value thereof plus accrued dividends, which redemption is hereby approved;

It is further ordered, That the accounting entries submitted by the applicants-declarants to reflect the foregoing transactions are approved: *Provided, however*, That jurisdiction is reserved over the accounting entries to be made to record the partial liquidation of Iowa-Nebraska Light as proposed and our approval of said partial liquidation is subject to the condition that if the remaining properties of Iowa-Nebraska Light, located in Nebraska; are not disposed of by December 1, 1943 the entries to be reflected in the year-end statements of Continental shall be submitted to us for approval;

It is further ordered, That Iowa Power, which may temporarily become a holding company pending consummation of the foregoing transactions, is hereby exempted from all provisions of the Act and Rules of the Commission thereunder applicable to holding companies, including the provisions of the Act providing for the registration of holding companies;

It is further ordered, That, in accordance with the request of applicants-declarants, the ten-day period for inviting bids with respect to the bonds of Iowa Power, as provided by Rule U-50 (b), be shortened to a period of not less than six days.

It is further ordered, That the foregoing authorizations are subject to the following additional terms and conditions:

1. Jurisdiction is reserved to determine in the pending section 11 (b) (1) proceeding (a) whether properties of the Railways system in Kansas and Missouri and those in Illinois and Iowa may ultimately be retained in combination, either as part of the same integrated system or otherwise, (b) whether the system's electric properties in Fort Dodge and Mason City, Iowa are retainable, and (c) whether the gas properties and non-utility assets now owned by the system and those to be acquired in conjunction with the electric facilities of Des Moines Electric and Iowa Power are permanently retainable in the system.

2. Jurisdiction is reserved to pass upon the facts disclosed by the report with respect to the results of competitive bidding as required by Rule U-50 (c), to pass upon the sale price of the bonds of Iowa Power and the spread thereon, and to issue a supplemental order with respect thereto.

3. Jurisdiction is reserved with respect to the use of the proceeds received by Illinois Iowa Power from the sale of its interest in Des Moines Electric and Iowa Power.

4. Jurisdiction is reserved with respect to the reasonableness and the allocation of fees and expenses paid or incurred by the applicants-declarants in connection with the foregoing transactions except as to the fees and expenses, in the aggregate amount of $164,220, referred to specifically and passed upon in our Findings and Opinion herein.

It is further ordered, That the sale by Illinois Iowa Power of the securities and indebtedness of Des Moines Electric, consisting of 335,000 shares of common stock $1,750,000 principal amount of General Refunding Mortgage Bonds and $3,000,000 of open account indebtedness owing to Illinois Iowa Power, and of the securities of Iowa Power, consisting of 230,000 shares of common stock and 2,600 shares of 7% Cumulative Preferred Stock, are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935. This paragraph is included at the request of Illinois Iowa Power in view of sections 371 and 1808 of the Internal Revenue Code, as amended.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13510; Filed, August 18, 1943; 12:37 p. m.]

[File No. 812-330]

TRANS-OCEANIC AIR LINES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on 17th day of August A. D. 1943.

An application having been filed by Trans-Oceanic Air Lines, Incorporated, pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting the applicant from the provisions of all sections of said Act and the Rules and Regulations promulgated by the Commission thereunder, excepting sections 13, 15, 17 (in part), 18, 19, 20 (b), 36 and 37 thereof, and the Rules and Regulations promulgated by the Commission under those sections respectively;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on September 7, 1943, at ten o'clock, a. m., eastern war time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That William W. Swift, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13512; Filed, August 18, 1943; 12:37 a. m.]

[File No. 70-762]

INDUSTRIAL GAS CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of August, A. D. 1943.

Industrial Gas Corporation, a wholly owned non-utility subsidiary of National Gas & Electric Corporation, a registered holding company, having filed an application seeking authority, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, to issue and sell notes to banks, which notes (together with all other outstanding notes and drafts of a maturity of nine months or less, exclusive of days of grace, as to which such company is primarily or secondarily liable) may aggregate up to 15% of the principal amount and par value of the other securities of such company then outstanding; said authority to extend until June 30, 1944 and the proceeds from such issuance and sale of notes to be utilized to finance purchases of materials and supplies in connection with an expanded drilling program of such company;

Said application having been filed on July 17, 1943 and notice of filing having been given in the form and manner prescribed in Rule U-23 under said Act and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 6 (b) are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application forthwith;

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application be, and hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13511; Filed, August 18, 1943; 12:38 p. m.]

[File No. 59-7]

CITIES SERVICE POWER AND LIGHT COMPANY ET AL.

ORDER REQUIRING DIVESTITURE BY HOLDING COMPANIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of August, A. D. 1943.

Order requiring divestiture by holding companies and subsidiaries in holding company system of companies and properties owned or operated thereby.

The Commission having on March 4, 1940, by notice and order for hearing duly served, instituted proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 against Cities Service Power & Light Company and its subsidiary companies; Cities Service Power & Light Company and its subsidiary companies having answered such notice and order, and hearings having been held, requests for findings of fact and briefs in support thereof having been filed and exchanged, oral argument having been heard; and the Commission having duly considered the matter, being fully advised in the premises and having this day issued its findings and opinion herein, and having determined that Cities Service Power & Light Company should be limited in its operations to those of the single integrated electric utility system of The Toledo Edison Company, The Ohio Public Service Company, and The Alliance Public Service Company, having determined that section 11 (b) (1) does not permit the retention of any additional integrated public-utility system together with the single integrated system operated by the said companies, and having determined that Cities Service Power & Light Company may retain, as reasonably incidental or economically necessary or appropriate to the said system the steam heating properties of The Toledo Edison Company,

It is ordered, That Cities Service Power & Light Company shall sever its relationship with the companies named hereafter by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said Act or the Rules and Regulations promulgated thereunder, of its direct and indirect ownership, control, and holding of securities issued and properties owned, controlled, or operated by the following companies:

Federal Light & Traction Co.
Olympic Public Service Co.
Spokane Gas and Fuel Co.
East Tennessee Light and Power Co.
Danbury & Bethel Gas and Electric Light Co.
Knoxville Gas Co.
Durham Public Service Co.
Citizens Gas Fuel Co.
Community Traction Co.
The Maumee Valley Transportation Co.
The Lakeshore Coach Co.
Stark Transit Co., Inc.
The Electric Building Co.
Toledo and Indiana Realty Co.
Benton County Utilities Corporation.
City Light and Traction Co.
The Doniphan County Light & Power Co.
The Empire District Electric Co.
Lawrence County Water, Light & Cold Storage Co.
St. Joseph Railway, Light, Heat & Power Co.
Springfield Gas and Electric Co.
Albuquerque Gas and Electric Co.
Arvada Electric Co.
Cheyenne Lt. Fuel and Power Co.
Deming Ice and Electric Co.
Las Vegas Light and Power Co., The.
New Mexico Power Co.
Public Service Co. of Colorado.
Rawlins Electric Co.
Sheridan County Electric Co.
The Trinidad Elec. Trans. Ry. and Gas Co.
The Tucson Gas, Elec. Lt. & Power Co.
The United Hydro Electric Co.
Stonewall Electric Co.
Colorado-Wyoming Gas Co.
East Boulder Ditch Co.
Hillcrest Ditch and Reservoir Co., The.
Green and Clear Lakes Co.
Tuscon Rapid Transit Co.
Federal Realty Co.
Eastern Colorado Power & Irrigation Co.
Colorado Interstate Gas Co.

and that Cities Service Power & Light Company shall cease to own, operate, or have any interest, direct or indirect, in the following:

The electric railroad properties of The Ohio Public Service Co.

The bus properties of The Alliance Public Service Co.

The hot water heating properties of The Toledo Edison Co.

and any other security, operation, or interest, direct or indirect, not found by the Commission in its findings and opinion herein to be retainable by Cities Service Power & Light Company.

The Commission desiring to afford to Cities Service Power & Light Company an opportunity to indicate its preference for limitation to any other single integrated public-utility system within its control, and such other utility and non-utility operations as may properly be attendant thereto, as set forth in the opinion of the Commission this day issued.

It is ordered, That, notwithstanding the provisions of Rule XII (d) of the Commission's Rules of Practice, Cities Service Power & Light Company may, within fifteen days of the date of this order, petition for leave to indicate a desire to be limited otherwise than in-

dicated herein and on the basis of a single system and retainable attendant operations as set forth in the opinion of the Commission herein; and the Commission retains jurisdiction to consider the said request and to make such amendment or modifications hereof and such other and further orders as may be necessary in the premises; and

The Commission having determined, on the basis of the record before it, to reserve jurisdiction as to retainability of the gas operations of The Toledo Edison Company in combination with the single integrated electric utility system herein designated as retainable by Cities Service Power & Light Company, jurisdiction is herein retained to reopen the record in these proceedings for such further evidence as may be introduced respecting compliance of the said gas operations with section 2 (a) (29 (B) of the Public Utility Holding Company Act of 1935 and the retainability thereof as herein indicated pursuant to section 11 (b) (1) of the said Act.

2. The Commission having determined that Federal Light & Traction Company should be limited in its operations to the single integrated electric utility system comprised of the electric utility properties of Albuquerque Gas and Electric Company, New Mexico Power Company, The Trinidad Electric Transmission Railway and Gas Company, and The Las Vegas Light and Power Company; having determined that section 11 (b) (1) does not permit the retention of any additional integrated public-utility system together with such integrated system, and having determined that Federal Light & Traction Company may retain, as reasonably incidental or economically necessary or appropriate, the properties of Stonewall Electric Company adjacent to such integrated system, and that portion of the water service properties of New Mexico Power Company necessary to supply generating facilities.

It is ordered, That Federal Light & Traction Company shall sever its relationships with the companies named hereafter by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said Act or the Rules and Regulations promulgated thereunder, or its direct and indirect ownership, control, and holding of securities issued and properties owned, controlled, or operated by the following companies:

Olympic Public Service Co.
Springfield Gas and Electric Co.
Rawlins Electric Co.
Sheridan County Electric Co.
Tucson Rapid Transit Co.
Federal Realty Co.

and that Federal Light & Traction Company shall cease to own, operate or have any interest, direct or indirect, in the following:

The properties of Stonewall Electric Company adjacent to properties of Sheridan County Electric Company and The Tucson Gas, Electric Light and Power Company.

The water properties of New Mexico Power Company (excepting that portion necessary to supply generating facilities).

and any other security, operation or interest, direct or indirect, not found by the Commission in its findings and opinion herein to be retainable by Federal Light & Traction Company.

Jurisdiction with respect to the issues affecting Deming Ice and Electric Company and The Tucson Gas, Electric Light & Power Company is retained.

The Commission desiring to afford to Federal Light & Traction Company an opportunity to indicate its preference for limitation to any other single integrated public-utility system within its control, and such other utility and non-utility operations as may properly be attendant thereto, as set forth in the opinion of the Commission this day issued,

It is ordered, That, notwithstanding the provisions of Rule XII (d) of the Commission's Rules of Practice, Federal Light & Traction Company may, within fifteen days of the date of this order, petition for leave to indicate a desire to be limited otherwise than indicated herein and on the basis of a single system and retainable attendant operations as set forth in the opinion of the Commission herein; and the Commission retains jurisdiction to consider the said request and to make such amendments or modifications hereof and such other and further orders as may be necessary in the premises; and

The Commission having determined, on the basis of the record before it, to reserve jurisdiction as to retainability of the gas operations of The Trinidad Electric Transmission Railway and Gas Company and Albuquerque Gas & Electric Company in combination with the single integrated electric utility system herein designated as retainable by Federal Light & Traction Company, jurisdiction is herein retained to reopen the record in these proceedings for such further evidence as may be introduced respecting compliance of the said gas operations with section 2 (a) (29) (B) of the Public Utility Holding Company Act of 1935 and the retainability thereof pursuant to section 11 (b) (1) of the said Act.

At such time as evidence concerning the above-mentioned gas operations is introduced Federal Light & Traction Company may also introduce evidence concerning the relation of the steam operations of The Trinidad Electric Transmission Railway and Gas Company to the gas operations of that company.

3. The Commission reserves jurisdiction to examine, at such later time as it shall deem proper, the relations of Electric Advisers, Inc. and Federal Advisers, Inc. to the utility properties of Cities Service Power and Light Company and Federal Light & Traction Company, and to make such further orders with relation to such companies as the Commission may deem necessary.

4. The Commission having herein ordered the disposition of miscellaneous investments of Cities Service Power & Light Company and Federal Light & Traction Company, but desiring nevertheless that notwithstanding the provisions of Rule XII (d) of the Commission's Rules of Practice the respondents shall have further opportunity to introduce evidence relevant to the retainability of said miscellaneous investments, the respondents may, within fifteen days of the date of this order, petition for an opportunity to present further evidence as to the retainability of said miscellaneous investments.

5. If appropriate action is not taken respecting any matter herein left open for any specific period, this order, at the expiration of said period, shall become final in respect of such matters so left open.

It is provided, with respect to the findings, opinion and order herein, in their entirety, and with respect to the entry, publication, and service thereof that they shall be without prejudice to the right of the Commission to enter such other and further appropriate orders from time to time as the Commission may deem necessary to secure compliance by the respondents with the provisions of the Act and the pertinent rules and regulations thereunder and to carry out the provisions of this order; and

It is further provided, That jurisdiction is reserved to the Commission, notwithstanding this order, or its entry, publication, and service, to conduct such investigations, hearings, or other proceedings involving any or all of the respondents herein and to make such orders as it shall deem necessary or appropriate under section 11 (b) (2) or any other provision of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13507; Filed, August 18, 1943; 12:38 p. m.]

[File Nos. 46-205 and 59-18]

THE MIDDLE WEST CORPORATION, ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of August 1943.

In the matter of the Middle West Corporation, Central and South West Utilities Company and American Public Service Company, respondents. File Nos. 46-205 and 59-18.

The Commission having, by its order dated June 4, 1942, entered pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, directed that within one year the corporate existence of either Central and South West Utilities Company or American Public Service Company be terminated, and that the capitalization of said companies be changed to a single capitalization in a single corporation consisting of one class of stock, namely, common stock; and

The respondents, The Middle West Corporation, Central and South West Utilities Company and American Public Service Company having filed a joint application pursuant to section 11 (c) of said Act requesting an extension of time within which to comply with said order of June 4, 1942; and

The Commission having found that said respondents have been unable, in the exercise of due diligence, to comply

with said order within the initial statutory period of one year from the date of its entry, and that an extension of time is necessary and appropriate in the public interest and for the protection of investors; and that under the circumstances an extension should be granted for a period of one year.

It is hereby ordered, That said respondents be and they are hereby granted an additional period of one year dating from June 4, 1943 within which to comply with the said order of June 4, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13506; Filed, August 18, 1943; 12:37 p. m.]

[File Nos. 70-740, 70-741, 70-743, 70-746]

UTILITIES EMPLOYEES SECURITIES COMPANY ET AL.

ORDER APPROVING PLAN AND APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of August, A. D. 1943.

In the matter of Utilities Employees Securities Company, File No. 70-740; Stanley Clarke, trustee of Associated Gas and Electric Company, Dennis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, General Gas & Electric Corporation, and Associated Utilities Corporation, File No. 70-741; New England Gas and Electric Association, File No. 70-743; Noel T. Dowling, James V. Gilloon, Jr., and Joseph A. Shields, trustees under pension trust agreement dated December 14, 1937, as amended, File No. 70-746.

Joint applications and declarations having been filed under sections 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935 by the following: Utilities Employees Securities Company; Stanley Clarke, as trustee of Associated Gas and Electric Company; Denis J. Driscoll and Willard L. Thorp as trustees of Associated Gas and Electric Corporation; Associated Utilities Corporation; New England Gas and Electric Association; General Gas & Electric Corporation; and Noel T. Dowling, James V. Gilloon, Jr., and Joseph A. Shields as trustees under the Pension Trust Agreement dated December 14, 1937, as amended;

Hearings on said applications having been held after appropriate notice, and the Commission being fully advised and having this day issued its findings and opinion herein; and

It appearing that the transactions proposed in said applications constitute in the aggregate a voluntary plan for the liquidation of Utilities Employees Securities Company, to which the provisions of section 11 (e) of said Act are applicable;

On the basis of said findings and opinion, and pursuant to the foregoing provisions of said Act: *It is hereby ordered,* Subject to the terms and conditions enumerated below:

(a) That said plan of liquidation be and it hereby is approved; and

(b) That said applications and declarations be and they hereby are approved and permitted to become effective, respectively.

The terms and conditions upon which this order is made are as follows:

(1) In the event Noel T. Dowling becomes unavailable as Welfare Trustee and a successor must be appointed, the name of any proposed successor and a statement of his qualifications shall be submitted to the Commission. If the Commission shall have issued an order for hearing thereon before the close of business on the tenth day following such submission, the proposed appointment shall not take effect except pursuant to further order of the Commission.

(2) Utilities Employees Securities Company shall mail to each of its bondholders who is an employee of the Associated system, or who was such an employee at any time subsequent to January 1, 1940, appropriate notice regarding the rights of employee bondholders to file and assert claims against Associated Gas and Electric Company, Debtor, in respect of the latter's guarantee of interest on said bonds.

(3) The Commission reserves jurisdiction to approve or disapprove any claims that may be asserted for fees or expenses in connection with the liquidation and dissolution of Utilities Employees Securities Company, exclusive of compensation and expenses of the Welfare Trustee for which provision has been made in the plan herein approved.

(4) The Commission reserves jurisdiction to approve or disapprove the terms of the Welfare Trust Agreement before the same shall become effective pursuant to the plan herein approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13509; Filed, August 18, 1943; 12:37 p. m.]

[File Nos. 70-549, 70-551, 70-563, 70-602, 70-604]

ASSOCIATED ELECTRIC COMPANY ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of August 1943.

In the matter of Associated Electric Company, Pennsylvania Electric Company, Keystone Public Service Company, NY PA NJ Utilities Company, and Bradford Electric Company, File Nos. 70-549, 70-551, 70-563, 70-602, 70-604.

Associated Electric Company, a registered holding company, its subsidiary, Pennsylvania Electric Company, NY PA NJ Utilities Company, a registered holding company, and its subsidiaries, Keystone Public Service Company and Bradford Electric Company, having filed applications-declarations, as amended, pursuant to sections 6 (b), 9 (a), 10, 12 (b), 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 and the relevant Rules and Regulations promulgated thereunder, concerning proposals that:

(a) Associated Electric Company acquire from NY PA NJ Utilities Company all the outstanding 115,000 shares, $1 par value, common stock, and 1,572 shares, no par value, $2.80 cumulative preferred stock, of Keystone Public Service Company. In consideration therefor, Associated Electric Company will deliver to NY PA NJ Utilities Company $1,832,500 principal amount of The Metropolitan Edison Corporation Secured Consolidated Refunding Gold Bonds, 6% Series, due 1961, which have been assumed by NY PA NJ. Adjustment will be made at closing date, in cash, for accrued interest on The Metropolitan Edison Corporation Secured Consolidated Refunding Gold Bonds, 6% Series, due 1961, and for accrued dividends on the Keystone Public Service Company preferred stock. In addition, Associated Electric Company will deliver either The Metropolitan Edison Corporation Secured Consolidated Refunding Gold Bonds, 6% Series, due 1961, or The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981 (assumed by NY PA NJ Utilities Company) to NY PA NJ Utilities Company, at 95% of their face value in an amount equal to the undistributed net earnings of Keystone Public Service Company from March 1, 1942, to date of closing.

(b) Associated Electric Company donate to Keystone Public Service Company, as a capital contribution, for the purpose of cancellation, the 1,572 shares of preferred stock of Keystone Public Service Company. Thereupon, Keystone Public Service Company will call for redemption, at the redemption price of $52.50, the remaining 10,367 shares of its preferred stock outstanding in the hands of the public.

(c) Pennsylvania Electric Company acquire all assets of Keystone Public Service Company (including its investment portfolio and its investment in its subsidiary, Citizens Transit Company), and assume all its liabilities (including liability for the call of the preferred shares of Keystone Public Service Company), in consideration of the issue to Keystone Public Service Company of 20,898 shares of the $20 par value common stock of Pennsylvania Electric Company.

(d) Pennsylvania Electric Company issue and sell, at private sale to the Pennsylvania Company for Insurance on Lives and Granting Annuities, a 2½%, 5-year, serial note in the principal amount of $500,000, the proceeds to be used, along with other funds, to redeem the publicly held preferred stock of Keystone Public Service Company.

(e) Keystone Public Service Company transfer to Associated Electric Company the 20,898 shares of common stock of Pennsylvania Electric Company received by it, and in return, Keystone Public Service Company obtain the 115,000 shares of its common stock from Associated Electric Company. Keystone Public Service Company will then dissolve.

(f) Pennsylvania Electric Company acquire from Associated Electric Company (1) $875,500 principal amount of NY PA NJ Utilities Company 5% Debentures, due 1952, and (2) $28,500 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981. In return, Pennsylvania Electric Company will transfer to Associated Electric Company 38,562 shares of the $20 par value common stock of Pennsylvania Electric Company. Adjustments will be made, in cash, for accrued interest on the bonds to date of closing.

(g) Pennsylvania Electric Company transfer to NY PA NJ Utilities Company, for cancellation, $1,731,500 principal amount of NY PA NJ Utilities Company, 5% Debentures, due 1952, and $28,500 principal amount of the Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981. In return, Pennsylvania Electric Company will receive all the outstanding common stock of Bradford Electric Company owned by NY PA NJ Utilities Company. Adjustments will be made in cash for accrued interest on the bonds to date of closing, and for the undistributed earnings of Bradford Electric Company from May 5, 1942, to date of closing.

(h) Pennsylvania Electric Company and Bradford Electric Company enter into an agreement with The Equitable Life Assurance Society of the United States, wherein the obligation for payment of the unsecured 4% note, due September 1, 1949, in the principal amount of $550,000 owed by Bradford Electric Company to The Equitable Life Assurance Society of the United States be assumed by Pennsylvania Electric Company.

(i) Pennsylvania Electric Company acquire all the assets and assume all the liabilities of Bradford Electric Company and, in return, Bradford Electric Company will receive all its common stock from Pennsylvania Electric Company. Bradford Electric Company will then dissolve.

The Commission having issued Notices of Filing and Orders for Hearing in respect to the proposed transactions, and the various proceedings having been consolidated, and hearings having been held in such consolidated proceedings in which all security holders of the applicants-declarants, and other interested persons, were given opportunity to be heard; and requests for findings, briefs, and oral argument having been waived; and

The Commission having considered the record of the proceedings and having entered its Findings and Opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declarations, as amended, to become effective and to approve the applications, as amended;

It is hereby ordered, That the aforesaid declarations, as amended, be and hereby are permitted to become effective and the aforesaid applications, as amended, be and hereby are granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be and is hereby reserved to pass upon the accounting entries to be made by Associated Electric Company and NY PA NJ Utilities Company in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13508; Filed, August 18, 1943; 12:37 p. m.]

[File No. 70-772]

SOUTHWESTERN PUBLIC SERVICE COMPANY ET AL.

NOTICE OF FILING AND ORDER FOR HEARING AND ORDER CONSOLIDATING HEARINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 17th day of August, A. D. 1943.

In the matters of Southwestern Public Service Company, File No. 70-772, and Gus B. Walton, File No. 70-772.

Notice is hereby given that on August 10, 1943 Gus B. Walton, as an individual, filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a) (2) and 10 thereof.

All interested parties are referred to said document, which is on file in the office of this Commission, for a complete statement of the transactions therein proposed, which are summarized as follows:

Gus B. Walton proposes to purchase from Southwestern Public Service Company, a registered holding company, all of the outstanding securities of Arkansas Utilities Company, consisting of $1,000,000 principal amount First Mortgage 4% Bonds, Series A, due June 1, 1971 and 100,000 shares of common stock, par value $5 per share, for a basic consideration of $1,725,000 cash, subject to adjustments for net current assets and certain tax adjustments.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application, and that said application shall not be granted except pursuant to further order of the Commission;

It further appearing to the Commission that on August 7, 1943, the said Southwestern Public Service Company filed a declaration with this Commission proposing to sell to the said Gus B. Walton all of the said outstanding securities of Arkansas Utilities Company;

It further appearing to the Commission that under date of August 11, 1943, the Commission gave notice of the filing of said declaration of said Southwestern Public Service Company, and ordered that a hearing be held thereon on August 24, 1943 at 10:00 o'clock a. m., e. w. t. in the offices of the Securities and Exchange Commission at Philadelphia, Pennsylvania; and

It further appearing to the Commission that the proceedings upon the application and declaration of the said Gus B. Walton and of the Southwestern Public Service Company involve common questions of law and fact and should be consolidated and heard together;

It is ordered, That the proceedings upon the said application and declaration of said Gus B. Walton and of Southwestern Public Service Company be and they are hereby consolidated for the purpose of hearing and that the said consolidated hearing be held on August 24, 1943 at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On the day hereinabove indicated for such consolidated hearing, the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such consolidated hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That at said hearing without limiting the scope of the issues presented by said application and declaration, particular attention shall be directed to the issues specified in the Notice of Filing and Order for Hearing under date of August 11, 1943 in regard to the declaration of Southwestern Public Service Company.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before August 21, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Southwestern Public Service Company and to Gus B. Walton by registered mail; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13564; Filed, August 19, 1943; 11:37 a. m.]

[File No. 70-771]

ASSOCIATED GAS AND ELECTRIC COMPANY ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 18th day of August 1943.

In the matter of Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation.

Notice is hereby given that an application and declaration has been jointly filed by Stanley Clarke, Trustee of Associated Gas and Electric Company, a registered holding company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company; and

All interested persons are referred to the said application-declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The applicants-declarants have entered into agreements to compromise their claims and those of their direct and indirect subsidiaries and affiliates against (a) John I. Mange, individually and as Trustee, and others, all referred to as the "Mange Group", and (b) Marguriete C. Burroughs, individually and as administratrix of the Estate of Frederick S. Burroughs, deceased. As part of such agreements:

(1) The "Mange Group" will deliver to applicants-declarants the following securities of applicants-declarants and certain of their subsidiaries and affiliates:

$17,000 p. a. Associated Gas and Electric Company 5% sinking fund income debentures due 1983,
$450 p. a. Associated Gas and Electric Company 4% and 4½% Associated Gas and Electric Company interest bearing scrip due September 1, 1942 and June 15, 1947,
29 shs. Associated Gas and Electric Company Class A stock,
$4,250 p. a. Associated General Utilities Company income debentures,
17 shs. Associated General Utilities Company voting trust certificates for common stock,
$2,500 p. a. Broad River Power Company 5% Bonds due 1954, with $300 matured coupons,
$1,000 p. a. Florida Public Service Company 4% Bonds due 1955, with $100 matured coupons,
1 sh. Beneficial Interest in Associated Gas and Electric properties;

(2) Marguerite C. Burroughs, individually and as administratrix of the Estate of Frederick S. Burroughs, deceased, will deliver to applicants-declarants the following securities of applicants-declarants and certain of their subsidiaries and affiliates:

$6,130 p. a. Utilities Employees Securities Company 6% income notes due 1981,
$10,000 p. a. Associated Electric Company 4½% gold bonds due 1953,
$10,000 p. a. Associated General Utilities Company 4% income debentures due 1961,
1,034 shs. Associated General Utilities Company voting trust certificates for common stock.

The foregoing securities of Associated Gas and Electric Company and certain subsidiaries and affiliate companies will be delivered to applicants-declarants. After payment therefrom of the expenses of investigation, negotiation, settlement, and distribution, applicants-declarants will, with the approval of the United States District Court for the Southern District of New York, having jurisdiction over the reorganization proceedings of Associated Gas and Electric Company and Associated Gas and Electric Corporation, and such regulatory bodies as have jurisdiction with respect thereto, allocate and distribute said securities and other assets to or among the Trustee of Associated Gas and Electric Company and the Trustees of Associated Gas and Electric Corporation, and their subsidiaries and affiliates, in such proportions as may be determined by agreement, arbitration, judicial proceedings, or other appropriate method. The proposed transaction which is the subject matter of this application-declaration is the initial delivery to applicants-declarants of the securities referred to. Neither the subsequent determination of the persons for whose account, including their own, applicants-declarants will hold said securities, nor the eventual distribution thereof to such persons as may ultimately be determined to be entitled thereto, constitutes any part of the proposed transaction.

Applicants-declarants have designated sections 9 and 12 (c) of the Act, and Rules U-42 and U-100 of the General Rules and Regulations promulgated thereunder, as possibly being applicable to the said transactions.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter, and that said application-declaration shall not be granted or become effective except pursuant to further order of this Commission;

It is hereby ordered, That a hearing on such matters, under the applicable provisions of the said Act and the rules of the Commission thereunder be held on August 31, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed acquisition of securities complies with the requirements of the applicable provisions of section 10 of the Public Utility Holding Company Act of 1935, and more especially with the provisions of subsection 10 (c) (2).

2. What, if any, terms and conditions should be prescribed in the public interest or for the protection of investors.

3. Whether in any respect the proposed transactions are detrimental to the public interest or to the interests of investors or consumers or will tend to circumvent any provisions of the Act or any rules, regulations or orders thereunder.

4. Whether the proposed transactions are appropriate and in the ordinary course of applicants'-declarants' business within the meaning of section 9 (c) (3) of the Act, and whether, pursuant to the provisions of Rule U-100 (a), an exemption from any of the applicable rules and regulations promulgated under the Act is appropriate and not detrimental to the public interest or the interest of investors or consumers.

5. Whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935 generally, together with the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-13563; Filed, August 19, 1943; 11:37 a. m.]

SAN FRANCISCO STOCK EXCHANGE AND NEW YORK CURB EXCHANGE

SPECIAL OFFERING PLANS DECLARED EFFECTIVE

The Securities and Exchange Commission having heretofore declared effective for an indefinite period special offering plans of the San Francisco Stock Exchange and the New York Curb Exchange; and the San Francisco Stock Exchange, on July 28, 1943, and the New York Curb Exchange, on August 7, 1943, having filed amended plans for such special offerings; and

The Securities and Exchange Commission having given due consideration to the special offering plans, as amended, of the San Francisco Stock Exchange and the New York Curb Exchange, and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, and § 240.10B-2 [Rule X-10B-2] thereunder, hereby declares the respective special offering plans of the San Francisco Stock Exchange and the New York Curb Exchange, as modified by the aforesaid amendments, to be effective, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of either of said plans by sending at least ten days' written notice to the exchange whose plan is being suspended or terminated.

Effective August 18, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-13562; Filed, August 19, 1943; 11:45 a. m.]

WAR FOOD ADMINISTRATION.

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE EXCEPTIONS

Notice of report and opportunity to file written exceptions with respect to a proposed amendment to Order No. 27, as amended, and to tentatively approved marketing agreement, as amended, regulating the handling of milk in the New York Metropolitan Marketing Area, prepared by the Director of Food Distribution.

Pursuant to § 900.12 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, notice is hereby given of the filing with the hearing clerk in the Office of the Solicitor, Department of Agriculture, of the report of the Director of Food Distribution, with respect to proposed amendments to the order, as amended, and marketing agreement, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Office of the Solicitor, in Room 1331 South Building, United States Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

The proceeding was initiated, following receipt of written petitions filed by the Metropolitan Cooperative Milk Producers' Bargaining Agency and other milk producer cooperatives, by the issuance, over the signature of the Assistant to the Secretary of Agriculture, on March 8, 1943, of a notice of hearing. A similar notice of hearing was also issued for the Commissioner of Agriculture and Markets of the State of New York by Kenneth F. Fee, Director of the Division of Milk Control. Accordingly, the hearing was held at the Hotel St. George in Brooklyn, New York, beginning on March 16 and continuing through March 18. The time for filing briefs was set at the closing of the hearing to expire March 26, 1943.

The hearing was confined to the development of two major issues, plus a proposal to transfer from § 927.7 of the order to § 927.2, under duties of the market administrator, a provision concerning determination by the market administrator as to what constitutes a plant and its equipment. The first of these major issues constituted the proposal of petitioners for a hearing to amend § 927.4 of the orders to provide for relocating differentials, a provision which would have the effect of restoring diversion payments, provision for which was formerly made in the order and limited, by amendment, effective April 1, 1942, to Classes III and IV-B milk, and finally terminated, effective November 16, 1942, by an order of the Secretary of Agriculture.

The second issue in this proceeding was a proposal of the Dairy and Poultry Branch, Food Distribution Administration, to amend the price formula for Class IV-B milk (principally Cheddar cheese).

The issues considered at the hearing, other than the matter of diversion payments or relocation differentials, have been disposed of by the issuance, effective May 16, 1943, of an order amending Order No. 27, as amended.

On the matter of diversion payments, or relocating differentials, it is concluded that such a provision, whether it be a provision for diversion payments as previously contained in the order and previously found not to effectuate the purposes of the Agricultural Marketing Agreement Act of 1937, as amended, or for relocating differentials as proposed in this proceeding, or any other provision embodying the same principle and essential features, is not necessary and would not tend to effectuate the purposes of the act and, therefore, should not again be included in the order.

This report filed at Washington, D. C., this 18th day of August 1943.

ROY F. HENDRICKSON, *Director of Food Distribution.*

[F. R. Doc. 43-13560; Filed, August 19, 1943; 11:35 a. m.]

WAR PRODUCTION BOARD.

WILLIAM PETERSEN

CONSENT ORDER

William Petersen is engaged in the plumbing and heating equipment business in Sidney, Montana. From September 19, 1942, to May 19, 1943, he sold and delivered to numerous customers new plumbing and heating equipment, not as emergency repairs, having an aggregate value of $1174.50, for which no preference ratings were applied or extended. From October 26, 1942 to February 9, 1943, he sold and delivered new plumbing and heating equipment, not as emergency repairs, having an aggregate value of $263.50, for the purchase of which the purchasers erroneously applied A-10 ratings under Preference Rating Order P-84. These acts constituted violations of Limitation Order L-79. From September 1, 1942, to May 20, 1943, he extended A-10 preference ratings with Preference Rating Order P-84 certifications to his supplier on numerous orders for the purchase of new plumbing and heating equipment which orders were not supported by his customers' ratings and were not for emergency repairs. These acts constituted misrepresentations by him to the War Production Board and violations of § 944.18 of Priorities Regulation No. 1. He was familiar with the orders and regulations above-mentioned, or, by reason of his business activities, and the receipt of frequent bulletins from his supplier, should have been familiar with them. William Petersen admits each of the above statements and consents that this suspension order shall be issued.

Wherefore, upon the agreement and consent of the Respondent, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commission,

It is hereby ordered, That:

(a) William Petersen, his successors or assigns, shall not directly or indirectly, buy, order, receive, or accept delivery of any metal plumbing equipment or metal heating equipment, as the same are defined by General Limitation Order L-79 as amended, except as specifically authorized in writing by the War Production Board.

(b) Deliveries of material to William Petersen, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) No allocation or allotment shall be made to William Petersen, his successors or assigns, of any material or product, the supply or distribution of which is governed by any Order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve William Petersen, his successors or assigns, from any prohibition, restriction, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 26, 1943, and shall expire on October 26, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13529; Filed, August 19, 1943; 10:43 a. m.]

WAR SHIPPING ADMINISTRATION.

VESSEL "RESOLUTE"

NOTICE OF DETERMINATION

Notice of determination of War Shipping Administrator with respect to the vessel Resolute pursuant to section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Congress, 1st session).

Notice is given that pursuant to section 3 (b) of Public Law 17, 78th Congress, the following determination has been made:

Whereas on October 17, 1942, title to the vessel Resolute (including all spare parts appertaining thereto, whether aboard or ashore) was requisitioned, pur-

suant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943 (Public Law 17—78th Congress, 1st Session), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner.

Whereas just compensation for the said vessel has not been paid or deposited with the Treasurer of the United States; and

Whereas, the ownership of the said vessels, their spare parts and appurtenances, is not required by the United States; and

Whereas by mutual agreement between the Administrator, War Shipping Administration, and Providence Steamboat Company, Providence Steamboat Company has consented to the determination by the Administrator that the use rather than the title of the said vessel, its spare parts and appurtenances, shall be deemed to have been requisitioned as of the date of the original taking thereof, namely, October 17, 1942;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above quoted provision of law, do determine that the ownership of said vessel, its spare parts and appurtenances, is not required by the United States, and that the requisition on October 17, 1942, of the abovementioned vessel, its spare parts and appurtenances, shall, from and after the date of publication hereof in the FEDERAL REGISTER, be deemed to have been, for all purposes, a requisition of the use rather than of the title of said vessel, its spare parts and appurtenances, as of the date of the original taking, namely, October 17, 1942.

Dated: August 18, 1943.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 43-13539; Filed, August 19, 1943; 11:18 a. m.]

AUG 23 '43

FEDERAL REGISTER

VOLUME 8 NUMBER 166

Washington, Saturday, August 21, 1943

Regulations

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 636—MINIMUM WAGE RATE IN THE METAL, PLASTICS, MACHINERY, INSTRUMENT, AND ALLIED INDUSTRIES

RECOMMENDATION OF INDUSTRY COMMITTEE

Whereas on January 27, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 173, appointed Industry Committee No. 53 for the Metal, Plastics, Machinery, Instrument, and Allied Industries, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Metal, Plastics, Machinery, Instrument, and Allied Industries in accordance with section 8 of the Act; and

Whereas the Committee included twelve disinterested persons representing the public, a like number of persons representing employers in the Metal, Plastics, Machinery, Instrument, and Allied Industries, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Metal, Plastics, Machinery, Instrument, and Allied Industries are carried on; and

Whereas, on February 19, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Metal, Plastics, Machinery, Instrument, and Allied Industries; and

Whereas, after notice duly published in the FEDERAL REGISTER on February 26, 1943, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on March 16, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Metal, Plastics, Machinery, Instrument, and Allied Industries, as defined by Administrative Order No. 173, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 53 for a Minimum Wage Rate in the Metal, Plastics, Machinery, Instrument, and Allied Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

Now, therefore, it is ordered, That:

§ 636.1 *Approval of recommendation of Industry Committee No. 53.* The Committee's recommendation is hereby approved.

§ 636.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Metal, Plastics, Machinery, Instrument, and Allied Industries.

§ 636.3 *Posting of notices.* Every employer employing any employees so en-

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
ALIEN PROPERTY CUSTODIAN:	
Vesting orders:	
Desebrock, Hanna	11594
Vivian, Maria, Guido, Vittorio and Anza	11593
INTERIOR DEPARTMENT (*see also* COMPONENT AGENCIES):	
Coal mines; termination of government possession and control	11592
Operating managers of government controlled coal mines, termination of appointment	11592
INTERSTATE COMMERCE COMMISSION:	
Icing permits:	
Any common carrier by railroad (4 documents)	11593
Union Pacific Railroad Co., et al	11592
OFFICE OF DEFENSE TRANSPORTATION:	
Coordinated operations and joint action plans:	
Atlantic Coast Freight Lines, Inc., et al	11594
Cook and Fulmer and Northern Pacific Transport Co., Butte-Drummond, Mont.	11595
Florists, Ithaça, N. Y.	11596
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	11596
Automotive parts:	
(MPR 452)	11572
(MPR 453)	11582
Flour from wheat, semolina and farina (MPR 296, Am. 7)	11563
Fluid milk and cream (MPR 280, Am. 33)	11589
Foods, processed (RO 13, Am. 53)	11563
Fruits and vegetables, fresh (MPR 426, Am. 4)	11589
Hops (RMPR 279)	11586
Meat, fats, fish and cheeses (RO 16, Am. 54)	11563
Pan bread (Rev. SR 14, Am. 19)	11572
Papers, fine, and paperboards (MPR 400, Am. 1)	11563
Precious stones and mountings (Rev. SR 1, Am. 23)	11572

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Regional, state and district office orders:
Bituminous coal:
Jackson area, Wyo. (2 documents) 11598
Uintah County, Utah 11601
Clearing and weeding services, Los Angeles, Calif 11602
Firewood, Yakima County, Wash 11599
Flaxseed transportation services, California 11599
Fluid milk:
Cedarburg, Wis 11601
La Crosse, Wis 11600
Mascoutah, Ill 11600
Massachusetts (2 documents) 11597
Neenah and Menasha, Wis 11600
Peoria, Ill., area 11599
Vermont 11597
West Bend and Barton, Wis 11598
Food packing and drying services, West Coast region 11601
Hardwood-cordwood and firewood, Massachusetts (2 documents) 11597, 11599
Tomatoes, Boise, Idaho, district 11602
Umbrella frames, New England 11596
Stock millwork, adjustable pricing (MPR 293, Order 1) 11596
Stoves, rationing:
(RO 9) 11564
(RO 9A) 11564
(RO 9A, Supplement 1) 11586

PUBLIC CONTRACTS DIVISION: Page
Minimum wage rates:
Cotton garment, knitting, knitwear and woven underwear and rainwear industries 11591
Metal, plastics, machinery, instrument, etc., industries 11557
RECLAMATION BUREAU:
Sun River project, Mont., restoration of lands 11592
SMALLER WAR PLANTS CORPORATION:
Walnut Gunstocks, Inc., recommendation of formation of War Production Association 11602
TREASURY DEPARTMENT:
Foreign funds control:
General License 12, revocation 11559
Safe deposit boxes leased to nationals of blocked countries, restrictions on access 11559
WAGE AND HOUR DIVISION:
Wholesaling, warehousing and other distribution industries, committee appointment, etc 11592
WAR FOOD ADMINISTRATION:
Canned vegetables and fruits and canned vegetable and fruit juices (FDO 22–4, Am. 1) 11590
Cincinnati, Ohio, marketing area; handling of milk 11602
WAR PRODUCTION BOARD:
Approval of ODT orders:
Butte-Drummond, Mont., coordination of operations (Certificate 112) 11604
Eastern cities, over-the-road service (Certificate 113) 11604
Ithaca, N. Y., transportation and delivery of flowers (Certificate 111) 11604
Knitted outerwear (L–310) 11560
Petroleum Administration for War; delegation of authority (Directive 30) 11559
Stop construction orders cancelled:
Blackfeet project, Mont 11604
Bonny Lane Road project, Shoshone, Nev 11604
Fort Peck Project, Mont 11604
Pyramid Lake Project, Nev 11604
Wind River project, Wyo 11604
Suspension order:
Forman Furniture Co 11560
Walnut Gunstocks, Inc., approval of plan for formation of War Production Association (Certificate 110) 11603

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gaged in commerce or in the production of goods for commerce in the Metal, Plastics, Machinery, Instrument, and Allied Industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United State Department of Labor.

§ 636.4 *Definition of the Metal, Plastics, Machinery, Instrument, and Allied Industries.* For the purposes of this order the term "Metal, Plastics, Machinery, Instrument, and Allied Industries" means:

The production of metals and the manufacture of any product or part made of metal or plastics; and the manufacture from any material of machinery, instruments, tools, electrical goods, transportation equipment, and ordnance: *Provided, however,* The definition shall not include:

1. The mining or milling of metalliferous ores.

2. The production of any basic material other than metal.

3. The further processing of any basic material other than metal or plastics: *provided, however,* That such processing when performed by an establishment producing from such material a product of this industry or subassembly of such product shall be included within this definition.

4. Any product, the manufacture of which is covered by the definition of an industry for which the Administrator has already issued a wage order or appointed an industry committee.

§ 636.5 *Scope of the definition.* The definition of the Metal, Plastics, Machinery, Instrument, and Allied Industries covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale: *And provided, further,* That where an employee covered by this definition is employed during the same work-week at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer, in accordance with applicable regulations of the Wage and Hour Division.

§ 636.6 *Effective date.* This wage order shall become effective September 13, 1943.

Signed at New York, New York, this 12th day of August 1943.

(Secs. 636.1 to 636.6, inclusive, issued under Sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208)

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43–13599; Filed, August 20, 1943; 11:16 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Officers, Department of the Treasury

[General License 12,[1] Revocation]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO.

FOREIGN FUNDS CONTROL

AUGUST 20, 1943.

Revocation of General License No. 12 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 12 is hereby revoked.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong., 55 Stat. 838, E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-13590; Filed, August 20, 1943; 10:18 a. m.]

[General Ruling 16]

APPENDIX A—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

SAFE DEPOSIT BOXES OF NATIONALS OF BLOCKED COUNTRIES

AUGUST 20, 1943.

General Ruling No. 16 under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Regulations relating to safe deposit boxes leased to nationals of blocked countries or containing property in which nationals of blocked countries have an interest.

(1) Except as hereinafter authorized or as specifically licensed or authorized by the Secretary of the Treasury, no person shall be granted access to any safe deposit box within the United States leased to any blocked country or national thereof or containing any property in which any blocked country or national thereof has any interest or which there is reasonable cause to believe contains property in which any blocked country or national thereof has an interest.

(2) (a) Access to any safe deposit box leased to a blocked country or national thereof or containing property in which any blocked country or national thereof has an interest, and the deposit therein or removal therefrom of any property, is hereby authorized provided all the following conditions are complied with:

(i) Access shall be permitted only in the presence of an authorized representative of the lessor of such box;

(ii) In the event that any property in which any blocked country or national thereof has any interest is to be removed from such box, access shall be permitted only in the presence of an authorized representative of a banking institution within the United States, which may be the lessor of such box, which (subject to any applicable rules, regulations, and orders of the Office of the Alien Property Custodian) shall receive such property into its custody immediately upon removal from such box and which shall hold the same in a blocked account under an appropriate designation indicating the interests therein of blocked countries or nationals thereof;

(iii) In the event that there is to be removed from any such box any property in which a designated enemy country or a national of a designated enemy country has an interest, access shall not be permitted except in the presence of, or with the consent of, a duly authorized agent or representative of the Office of the Alien Property Custodian;

(iv) Access to any safe deposit box leased to a designated enemy country or a national of a designated enemy country shall not be permitted except in the presence of, or with the consent of, a duly authorized agent or representative of the Office of the Alien Property Custodian.

The above conditions (i) through (iv) shall not apply to access granted to a representative of the Office of the Alien Property Custodian pursuant to any rule, regulation or order of such Office.

(b) The lessee or other person granted access to any safe deposit box under this general ruling (except an agent or representative of the Office of the Alien Property Custodian) shall furnish to the lessor a certificate in triplicate that he has filed or will promptly file a report on Form TFR-300 with respect to such box, if leased to a national of a foreign country, and with respect to all property contained in the box to which access is had in which any foreign country or national thereof has an interest. The lessor shall deliver two copies of such certificate to the Federal Reserve Bank of the District in which the box is located. The certificate is required only on the first access to the box and need not be furnished if a certificate had been filed pursuant to General License No. 12 prior to the revocation thereof. In case a report on Form TFR-300 has not been made before August 20, 1943, a report is hereby required to be filed on Series L in accordance with the provisions of Public Circular No. 4C, excluding Section II-D thereof, which shall be inapplicable, but any reports required under Public Circular No. 4 and not already rendered, shall also be filed. When no other date is applicable the effective date of reporting for Series L shall be the date of access. If none of the entries specified by section IV-5-(c) is applicable, the phrase "General Ruling No. 16, access to box on _____, 194__" shall be entered in Part A.

(3) As used in this general ruling, the term "designated enemy country" and the term "national of a designated enemy country" shall have the meaning prescribed in Executive Order No. 9193 of July 6, 1942.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong., 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-13591; Filed, August 20, 1943; 10:18 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 30]

REGULATION OF PETROLEUM INDUSTRY AND USE OF PETROLEUM AND ITS PRODUCTS DELEGATED TO PETROLEUM ADMINISTRATION FOR WAR

The following directive is issued in order to facilitate the exercise by the Petroleum Administrator for War of the powers delegated to him by Executive Order No. 9276 of December 2, 1942.

§ 903.42 *Directive 30.* (a) In addition to the authority delegated to the Petroleum Administrator for War by Executive Order 9276, the Petroleum Administrator for War or any official of the Petroleum Administration for War duly authorized by him may, subject to the direction of the Chairman of the War Production Board, exercise the powers and authority delegated to the undersigned under Executive Order 9125 of April 7, 1942 to:

(1) Take any action which limits, controls, or prescribes standards for the receipt, use, or delivery of any material by persons in the "petroleum industry" as defined in Executive Order 9276; or

[1] 5 F.R. 1840; 6 F.R. 3349.

(2) Take any action which limits, controls, or prescribes standards for the receipt, use, or delivery of petroleum or petroleum products by any person; or

(3) Take any action which limits, controls or prescribes standards for the receipt, use, or acceptance of delivery by any person of the following materials or products: dispensing pumps for motor fuel and gasoline; barrel and drum pumps; hand and pressure lubricating equipment; storage tanks, containers, and cylinders used for the storage of petroleum; or housing, piping, valves and regulators used in the storage or dispensing of liquefied petroleum gas; or

(4) Receive, formulate and authorize any plans and programs for, and issue instructions and recommendations with respect to, foreign movements of blending agents used in the manufacture of petroleum products.

(b) Action taken under paragraph (a) above shall not in any way limit the applicability or effect of any order or regulation issued by the War Production Board or by the Office of Price Administration, but shall be in addition to the same.

(c) All action heretofore taken by the Petroleum Administrator for War, or any official of the Petroleum Administration for War duly authorized by him, pursuant to the statements of authority in orders M–68, M–68–c, L–56 or L–70 of the War Production Board, which might have legally been taken under this directive if then in force, are ratified and confirmed.

Issued this 18th day of August 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–13579; Filed, August 19, 1943; 4:41 p. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–403]

FORMAN FURNITURE CO.

Forman Furniture Company is a corporation engaged in the retail furniture business at 5217 Broadway Avenue, Cleveland, Ohio. Among other merchandise, it sells stoves, heaters and other domestic mechanical equipment. Between July 1, 1942, and December 29, 1942, Forman Furniture Company made numerous sales and deliveries of new metal heating equipment and new metal plumbing equipment to ultimate consumers in violation of Limitation Order L–79. In certain instances, the company, through its employees, attempted to cover up its failure to sell and deliver the plumbing and heating equipment in accord with the order by obtaining for its files L–79 certifications falsely purporting to be signed by the respective customers. Since the company's responsible officials knew of Limitation Order L–79, these actions must be deemed to constitute wilful violations of the order.

These violations of Limitation Order L–79 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.403 *Suspension Order S–403.* (a) Forman Furniture Company, its successors and assigns, shall not, directly or indirectly, buy, accept delivery of, receive, sell, deliver, or transfer any new metal cooking stoves, or new "metal heating equipment", as said term is defined in Limitation Order L–79, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing in this order shall be deemed to relieve Forman Furniture Company, its successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 20, 1943, and shall expire on December 20, 1943.

Issued this 13th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13614; Filed, August 20, 1943; 11:27 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L–310]

KNITTED OUTERWEAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of yarns in worsted, woolen, cotton, rayon, and other materials for defense, for private account and export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.316 *General Limitation Order L–310*—(a) *Definitions.* For the purpose of this order:

(1) "Knitted outerwear" means the following machine knitted wearing apparel: sweaters, bathing trunks and suits, gloves, mittens, headwear and mufflers.

(2) "Producer" means a person engaged in the business of making yarn owned by him into knitted outerwear either on his machines or on machines operated for his account.

(3) "Style" means a distinctive model of a garment or combination of materials in a garment. A type of garment to which it has been customary to assign an individual identifying number during production shall be considered a separate style. Variations in color or size may be disregarded.

(4) All trade terms shall have their usual and customary meanings unless otherwise expressly defined.

(b) *Restrictions on production.* No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make knitted outerwear contrary to the requirements of Schedules A, B, C, D, E, F and G of this order.

(c) *Exceptions.* (1) The restrictions of this order do not apply to manufacture of any knitted outerwear for the account of the Army, or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(2) The restrictions of this order do not apply to the use of any material which on August 20, 1943, was in the inventory of the producer or on order and which with his existing machines, or machines operated for his account, he cannot make into knitted outerwear in accordance with this order.

(d) *Reports.* Producers and all other persons who, after August 20, 1943, have put any yarn into knitting or caused any yarn to be put into knitting to make knitted outerwear, shall report for the calendar month of September, 1943, their yarn consumption, their machine activity and their garment production by filing form WPB–3156 with the War Production Board on or before the 10th day of October, 1943. Reports shall also be filed on or before the 10th day of November, 1943, and of each succeeding month for the preceding calendar month pursuant to the instructions as revised from time to time. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications to War Production Board.* Any reports required to be filed hereunder, and all communications

concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: L–310.

(h) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that knitted outerwear not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of knitted outerwear, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department, or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 20th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—MEN'S, BOYS' AND JUNIOR BOYS' SWEATERS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make men's, boys' or junior boys' sweaters except as follows:

(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.

(b) Models shall be basically one or more of the following:

(1) Model A—Pullover sweater, ribtail-crew, vee or ringneck.

(2) Model B—Pullover sweater, open bottom, hemmed or selvedge—vee or ringneck.

(3) Model C—Pullover sweater, "Johnny collar", ribbed bottom.

(4) Model D—Coat style sweater, "Johnny collar," ribbed bottom.

(5) Model E—Coat style sweater, vee neck, open bottom, hemmed, selvedged or ribbed.

(6) Model F—Coat style sweater, notch collar, open sleeve—in men's sizes only.

(7) Model G—Coat style sweater, shawl collar, shaker type—(4-gauge or coarser)—in men's and boys' sizes only.

(8) Model H—Jersey, navy type collar—in men's sizes only.

(c) Sizes shall range as follows:

(1) Men's—34 and above.

(2) Boys'—28 to 38, inclusive.

(3) Junior boys'—6 years to 12 years, inclusive.

(d) Weights shall not exceed those currently used except where the increase results from a necessary change in the basic fibres.

(e) Overall lengths shall not exceed the measurements set forth below opposite the respective models and sizes:

(1) In men's sizes—Models A, B and C—size 42—26 inches.

(2) In men's sizes—Models D, E and G—size 42—27 inches.

(3) In men's sizes—Model F—size 42—30 inches.

(4) In boys' sizes—Models A, B, C, D, E and G—size 38—24 inches.

(5) In junior boys' sizes—Models A, B, C, D and E—size 12—19 inches.

(f) The following models and features shall be eliminated:

(1) Double-breasted sweaters.

(2) Reversible sweaters.

(3) Buttons or tabs attached to sleeves.

(4) Extra or spare buttons attached.

(5) Hand-sewn ribbons or strengthening tapes sewed in neck or shoulders.

(6) Basted pocket openings.

(7) Applique or insert decorations.

(8) Bibs, mufflers or accessories attached.

(g) Other restrictions shall be as follows:

(1) No style shall be produced in excess of five color arrangements in any single season. Model H shall be produced in navy blue only.

(2) Number of pockets shall not exceed two except that Models A and H shall have no pockets.

(3) Pockets shall be patch or insert, and plain with no flaps, pleats, bellows, tucks or tabs.

(4) Areas of pockets shall not exceed the areas set forth below opposite the respective sizes and models:

(i) In men's sizes—All models except Model F—42 square inches.

(ii) In men's sizes—Model F—64 square inches.

(iii) In boys' sizes—All models—39 square inches.

(iv) In junior boys' sizes—All models—24 square inches.

(5) Backs shall be plain with no yokes, biswing action backs, belts, decorative effects or any imitation thereof except those created in the knitting process.

(6) Sample swatches may not exceed twelve square inches in area, and may be manufactured only for distribution to the trade.

(7) Rib cuffs and skirt hems on Models A, B and C (other than on shakers, four-gauge and coarser, in men's and boys' sizes) shall not exceed the following lengths:

(i) In men's sizes, 5 inches.

(ii) In boys' sizes, 4½ inches.

(iii) In junior boys' sizes, 4 inches.

(8) Cuffs and skirt hems on Models A, B and C, shakers, four-gauge and coarser, in men's and boys' sizes shall not exceed the following lengths:

(i) In men's sizes, 6 inches.

(ii) In boys' sizes, 5 inches.

(9) Buttons and buttonholes shall be limited to six of each on Models D, E, F and G in men's sizes up to size 46; to five of each on Models D, E and G in boys' sizes; and to four of each on Models D and E in junior boys' sizes.

(h) *Exceptions.* The limitations on the number of styles, models, color arrangements and applique decorations shall not apply to the production, on special order, of "Award", "Class" or "Athletic Group" sweaters.

SCHEDULE B—LADIES' AND MISSES' SWEATERS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make ladies' or misses' sweaters except as follows:

(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.

(b) Models shall be basically one or more of the following:

(1) Model A—Pullover, known as regulation pullover.

(2) Model B—Pullover, known as "boxy".

(3) Model C—Cardigan, known as "boxy".

(4) Model D—Cardigan, known as "shorty" regulation.

(5) Model E—Cardigan, matron.

(6) Model F—Coat style, vee neck, utility.

(7) Model G—Coat style, notch collar, utility.

(c) Sizes shall range as follows:

(1) Ladies', in Models A, B, C and D—34 to 40, inclusive.

(2) Ladies', in Model E—38 to 46, inclusive.

(3) Ladies', in Models F and G—38 to 52, inclusive.

(4) Misses', in all models—10 years to 16 years, inclusive, or the equivalent thereof.

(d) Weights shall not exceed those currently used except where the increase results from a necessary change in the basic fibres.

(e) Overall lengths shall not exceed the measurements set forth below opposite the respective models and sizes:

(1) Models A and D—size 38, or size 16—20 inches.

(2) Models B and C—size 38, or size 16—22½ inches.

(3) Model E—size 42—24 inches.

(4) Models F and G—size 42—25 inches.

(f) The following models and features shall be eliminated:

(1) Fly-front, double-breasted or reversible models.

(2) Turned-back cuffs.

(3) Decorative effects, such as embroidery, applique, sequins, spangles or extra stitching which do not add to the serviceability of the garment.

(4) Pleating, pinching, tucking or smocking.

(5) Belts or sashes, either separate or attached.
(6) Sleeves which are raglan, puffed, balloon, dolman, bell, leg-o-mutton or otherwise exaggerated.
(7) Fringes, tassels or pompons.
(8) Linings which are complete, half or yoke.
(9) Shoulder pads.
(10) Front yoke, back yoke or swing back, except when knitted in as integral parts of the garment.
(11) Hand-sewn buttons or button holes.
(12) Twin sets.
(13) Fagoting or embroidery, either hand or machine.
(14) Saddle-shoulder construction.
(g) Other restrictions shall be as follows:
(1) No style shall be produced in excess of six color arrangements in any single season.
(2) Number of pockets shall not exceed two except that Models A, B, C and D shall have no pockets.
(3) Pockets shall be patch or insert and plain, with no flaps, pleats, bellows, tucks or tabs.
(4) Sleeves, if any, on Models A and C shall be either ¼ length or full length, and on Models B, D and E shall be full length.

SCHEDULE C—JUNIOR GIRLS', CHILDREN'S AND INFANTS' SWEATERS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make junior girls', children's or infants' sweaters except as follows:
(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.
(b) Models shall be basically one or more of the following:
(1) Model A—Pullover.
(2) Model B—Cardigan.
(3) Model C—Open sacque.
(4) Model D—Button sacque.
(c) Sizes shall range as follows:
(1) Junior girls', in Models A and B—6 to 12 years, inclusive.
(2) Children's, in Models A and B—3 to 6 years, inclusive.
(3) Infants', in Models A and B—0 to 3 years, inclusive.
(4) All Models C and D shall not exceed 9 inches by 12 inches.
(d) Weights shall not exceed those currently used except where the increase results from a necessary change in the basic fibres.
(e) The following features shall be eliminated:
(1) Twin sets.
(2) Overlapping collars on sizes 8 years and above.
(3) Hand embroidery, applique or decorative effects in sizes 3 to 12 years, inclusive.
(f) Other restrictions shall be as follows:
(1) No style shall be produced in excess of 6 color arrangements in any single season.
(2) The number of pockets shall not exceed one on Models A and B in infants' sizes 0 to 3 years, inclusive, and shall not exceed two on Models A and B in children's and junior girls' sizes 3 to 12 years, inclusive.

SCHEDULE D—MEN'S, BOYS' AND JUNIOR BOYS' KNIT BATHING SUIT-TRUNKS AND BATHING SUITS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make men's, boys' or junior boys' bathing suit-trunks or bathing suits except as follows:
(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.
(b) Models shall be basically one or more of the following:
(1) Model A—Bathing suit—standard regulation skirted.
(2) Model B — Bathing trunk — standard regulation.
(3) Model C — Bathing shirt — standard with cut-out armhole and neck.
(c) Sizes shall range as follows:
(1) Men's, in Models A and C—chest 34 to 46, inclusive.
(2) Boys', in Models A and C—chest 28 to 36, inclusive.
(3) Junior boys', in Model A—6 to 12 years, inclusive.
(4) Men's, in Model B—waist 28 to 40, inclusive.
(5) Boys', in Model B—waist 26 to 32, inclusive.
(6) Junior boys', in Model B—waist 20 to 26, inclusive.
(d) The following features shall be eliminated:
(1) Side stripes on Model B.
(2) Fly-fronts or imitations thereof on Model B.
(3) Combination of both belt loops and drawstrings on Model B.
(e) Other restrictions shall be as follows:
(1) No style shall be produced in excess of four color arrangements in any single season.
(2) Number of belt loops on Model B shall not exceed six.
(3) Number of pockets on Models A and B shall not exceed one.
(4) Waist hems on Model B shall not exceed three inches.
(5) Leg hems on Models A and B shall not exceed one inch.

SCHEDULE E—LADIES', MISSES', JUNIOR GIRLS' AND CHILDREN'S BATHING SUITS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make ladies', misses, junior girls' or children's bathing suits except as follows:
(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.
(b) Sizes shall range as follows:
(1) Ladies'—34 to 46, inclusive.
(2) Misses'—10 to 16 years, inclusive.
(3) Junior Girls'—6 to 12 years, inclusive.
(4) Children's—3 to 6 years, inclusive.
(c) The following features shall be eliminated:
(1) Puffing, tucking or shirring, except that shirring in the brassiere unit for fit purposes shall be permitted.
(2) Buttons, eyelets or lacing for purely ornamental purposes.
(3) Sashes.
(4) Gores in skirt.
(5) Scalloping from self material.
(6) Embroidery and side stripes on bathing suits in junior girls' sizes.
(7) Pockets, belt or loops on bathing suits or trunks in junior girls' sizes, and belts or loops on all one-piece bathing suits.
(8) Attached ornaments, except appliques as allowed in this schedule.
(9) Combination of both appliques and other trimmings.
(d) Other restrictions shall be as follows:
(1) Bathing suits in junior girls' and children's sizes shall be produced only in the Maillot model or trunk model.
(2) Number of colors, whether or not the colors are used in combination, for each style shall not exceed six in ladies' and misses' sizes, and shall not exceed four in junior girls' and children's sizes, in any single season. The number of colors in any combination of colors shall not exceed two.
(3) Number of appliques shall not exceed three on bathing suits in ladies' and misses' sizes, and shall not exceed two on bathing suits in junior girls' sizes, not including trade emblems.
(4) Each applique, except trade emblems, shall be made from one piece of fabric.
(5) Skirt flare shall not exceed 54 inches in circumference on size 34, with a two-inch grading for each other size.

SCHEDULE F—KNITTED HEADWEAR AND MUFFLERS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make headwear or mufflers except as follows:
(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.
(b) Hand embroidery shall be eliminated
(c) Other restrictions shall be as follows:
(1) No style shall be produced in excess of six color arrangements in any single season.
(2) The finished weight of knitted headwear or mufflers shall not exceed three and one-half pounds per dozen.
(3) The finished length of knitted mufflers shall not exceed 52 inches.

SCHEDULE G—KNITTED GLOVES AND MITTENS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make gloves or mittens except as follows:
(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 30%, of the number of styles used in the calendar year 1941 or 16 styles, whichever is greater.
(b) The following features shall be eliminated:
(1) Embellishments.
(2) Adorning stitches.
(c) No style shall be produced in excess of six color arrangements in any single season.

[F. R. Doc. 43-13615; Filed, August 20, 1943; 11:27 a. m.]

Chapter XI—Office of Price Administration

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 400,[1] Amdt. 1]

FINE PAPERS AND CERTAIN PAPERBOARDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 400 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Prohibition against dealing in fine papers and certain paperboards at prices above the maximum prices—*(a) *Sales covered by the regulation.* On and after July 5, 1943, in the area covered by this regulation, regardless of any contract, agreement, lease or other obligation, no merchant shall sell, deliver or transfer any of the fine papers or paperboards covered by this regulation, and no person shall buy or receive any such fine papers or paperboards from any merchant at prices higher than the maximum prices set forth in this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. If the seller and buyer are not both located in the area covered by this regulation, then the location of the buyer and not that of the seller determines whether the transaction is subject to this regulation.

(b) *Sales not covered by the regulation.* (1) The provisions of this section shall not be applicable to sales or deliveries of fine papers or paperboards, if prior to July 5, 1943, they had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the buyer.

(2) The provisions of this section shall not be applicable to sales or deliveries by a merchant of fine papers in cases where the manufacturer of the paper sells it through a merchant to a specific purchaser, or sells it to a merchant for resale to a specific purchaser if the following conditions are present:

(i) The manufacturer is directly involved in the determination of the final price to the purchaser, and

(ii) The merchant's sole compensation for the service rendered is in the form of a selling discount, commission or fee.

Such sales are considered sales by the manufacturer and are subject to the appropriate regulation governing manufacturers' sales. This exception, however, does not apply to sales of paperboard.

2. Section 17 (c) is amended to read as follows:

(c) *Job lots and seconds.* On a sale of job lots or second qualities the merchant shall specify on his invoice or on the wrapping of the paper that it consists of such quality.

This amendment shall become effective August 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13565; Filed, August 19, 1943; 3:04 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 296,[1] Amdt. 7]

FLOUR FROM WHEAT, SEMOLINA AND FARINA SOLD BY MILLERS AND BLENDERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.1666 Appendix A (III) (c) (i) and (ii) are amended to read as follows:

(c) At destinations in all states except those mentioned in paragraphs (a) and (b) hereof, the maximum prices shall be determined as follows:

(i) For flour milled in the states of Washington, Oregon, Idaho (north of the southern boundary of Idaho County), Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin and Iowa, the maximum prices shall be $7.61 per barrel for bakery cake flour, $6.36 per barrel for other soft wheat bakery flour with an ash content of .41% or less and $5.96 per barrel for other soft wheat bakery flour with an ash content greater than .41%, plus the charge at the lowest flat domestic carload rail rate from Spokane, Washington, to the destination.

(ii) For flour milled in the states of California, Nevada, Utah, Idaho (south of the southern boundary of Idaho County), Colorado, Arizona and New Mexico, the maximum prices shall be $7.85 per barrel for bakery cake flour, $6.60 per barrel for other soft wheat bakery flour with an ash content of .41% or less and $6.20 per barrel for other soft wheat bakery flour with an ash content greater than .41% plus the charge at the lowest flat domestic carload rail rate from Ogden, Utah, to the destination.

This amendment shall become effective August 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 7328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13566; Filed, August 19, 1943; 3:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 53]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. The fourth sentence of section 9.5 (c) (3) is amended to read as follows:

If the transferor does not get the points within the time required by this subparagraph, he must immediately notify the district (or state) office for the place where his establishment is located, of the default.

2. A new sentence is added at the end of section 9.5 (c) (3) to read as follows:

If the District Manager (or State Director) is satisfied that the transferee is in default, he may take any steps which he deems reasonably necessary to inform the transferee's present and prospective suppliers of the default so that they will know that his right to acquire processed foods is restricted as provided in this subparagraph. When the transferee is no longer in default, the District Manager (or State Director) shall so inform all persons whom he informed of the default.

This amendment shall become effective August 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13567; Filed, August 19, 1943; 3:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 54]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The fourth sentence of section 10.5 (d) (3) is amended to read as follows:

If the transferor does not get the points within the time required by this

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7556.

[1] 8 F.R. 158, 612, 2598, 3703, 7567, 7599, 8544, 9159, 10362, 10758.

[1] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4764, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7267, 7268, 7380, 7353, 7490, 7589, 8357, 8705, 9024, 9012, 9216, 9305, 9459, 10511, 10665.

[2] 8 F.R. 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7288, 7381, 7281, 7589, 7455, 7491, 8357, 8540, 8614, 8844, 8869, 9014, 9025, 9217, 9305, 9886, 10085, 10432, 10511, 10665, 10763.

subparagraph, he must immediately notify the district (or State) office for the place where his establishment is located, of the default.

2. A new sentence is added at the end of section 10.5 (d) (3) to read as follows:

If the District Manager (or State Director) is satisfied that the transferee is in default, he may take any steps which he deems reasonably necessary to inform the transferee's present and prospective suppliers of the default so that they will know that his right to acquire foods covered by this order is restricted as provided in this subparagraph. When the transferee is no longer in default, the District Manager (or State Director) shall so inform all persons whom he informed of the default.

This amendment shall become effective August 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13572; Filed, August 19, 1943; 3:00 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[Revocation of RO 9 [1]]

HEATING STOVES

A rationale accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 9 (§§ 1432.1 to 1432.67, inclusive) is hereby revoked, subject to the provisions of section 5.1 of General Ration Order No. 8.

This order of revocation shall become effective at 12:01 a. m. on August 24, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–S, 7 F.R. 10668; E.O. 9125, 7 F.R. 2719)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13573; Filed, August 19, 1943; 3:00 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A]

STOVES

The War Production Board has determined that the curtailment of the production of stoves as an aid to conservation of scarce materials and manpower also requires, in the interests of the war effort, broadening of the stove rationing program to effect a fair distribution of the limited supply available for civilian use. To accomplish the purpose, Ration Order No. 9, which has been in effect since December 19, 1942, is supplanted by a new Ration Order 9A, effective August 24, 1943.

Ration Order 9A expands the scope of the program heretofore in effect with respect to the area in which stoves are rationed, the types of stoves rationed, and the control of distribution at trade levels. Whereas under Ration Order No. 9 only new domestic heating stoves were rationed, and were rationed only in the states where fuel oil is rationed, the new order covers nearly all types of new domestic cooking stoves as well as of heating stoves, and applies to all forty-eight (48) states and the District of Columbia. And whereas under Ration Order No. 9 control over the distribution of stoves was confined to persons who sold to consumers, the present order extends distribution control to all levels, from manufacturers through distributors and dealers to consumers.

The eligibility standards which consumers had to meet to be entitled to a stove certificate under Ration Order No. 9 have been carried over, without substantial change, into the new order. However, the need for conserving certain types of fuels, such as oil or gas, in areas where those fuels are scarce as compared with other fuels, is reflected in certain additional restrictions upon eligibility, applicable in the areas where those fuels are relatively scarce. In addition, a system of quotas is instituted under the new program in order to balance supply and distribution. Equitable distribution of the available supply will also be promoted by adoption of the "flow-back" system through all levels of the trade, a control procedure which in other rationing programs has proved instrumental in directing supply to areas of demand and thereby preventing accumulation of stocks urgently needed by dealers and distributors in other localities.

The Army, Navy and other exempt agencies will continue to obtain their stoves under the priority order system of the War Production Board. Similarly, persons who need stoves for export and those who need them in projects authorized by that Board will continue to follow the procedure now used. Stoves obtained by these users will not be charged to civilian supply quotas.

§ 1432.68 *Rationing of stoves.* Under the authority vested in the Price Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; and by Directive No. 1, and Supplementary Directive No. 1–S of the War Production Board, issued on January 24, 1942, and May 8, 1943, respectively, Ration Order 9A, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1432.68 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1–S, 8 F.R. 6018.

RATION ORDER 9A—STOVES

ARTICLE I—INTRODUCTION

Sec.
1.1 Stoves covered by this order.
1.2 Stoves are classified according to type.
1.3 How stoves are rationed.

ARTICLE II—CONSUMERS

2.1 Who is a consumer.
2.2 Consumer may not order a stove without a certificate.
2.3 Heating stoves—eligibility requirements.
2.4 Cooking stoves—eligibility requirements.
2.5 Combination heating and cooking stoves—eligibility requirements.
2.6 How application is made for certificate.
2.7 How boards issued certificates.
2.8 Any consumer may acquire stoves for experimental or technological purposes.

ARTICLE III—DEALERS AND DISTRIBUTORS

3.1 Explanation of the terms dealer establishment, distributor establishment, dealer, and distributor.
3.2 Dealers and distributors must register.
3.3 A dealer or distributor may not acquire stoves if he does not register.
3.4 Office of Price Administration to return original registration.
3.5 Dealers and distributors must report their inventories.
3.6 Dealers and distributors must report their sales.
3.7 A dealer or distributor establishment is given an allowable inventory.
3.8 Application may be made for adjustments.
3.9 Dealers and distributors may get certificates to replace destroyed, lost or stolen stoves.
3.10 Distributors and dealers must keep records.

ARTICLE IV—MANUFACTURERS

4.1 Explanation of the terms manufacturing establishment and manufacturer.
4.2 Manufacturers must file reports.
4.3 Manufacturer must send in certificates with his monthly report.
4.4 Manufacturers must keep records.

ARTICLE V—ISSUANCE AND USE OF CERTIFICATES

5.1 How certificates are issued.
5.2 Certificates are the property of the Office of Price Administration and may be revoked.
5.3 Endorsement of certificates.
5.4 Combining and splitting up certificates.
5.5 How to replace lost, stolen, destroyed, damaged or mutilated certificates.
5.6 Names of persons who have been granted certificates may be posted.

ARTICLE VI—SALES AND TRANSFERS OF STOVES

6.1 Only dealers, distributors and manufacturers may transfer stoves.
6.2 Stoves may be transferred only for certificates.
6.3 When certificates must be surrendered.
6.4 Dealers, distributors and manufacturers must acknowledge orders; if unable to deliver must return certificates.
6.5 Dealers, distributors and manufacturers may not discriminate in sale of stoves.
6.6 Transfers to or for exempt agency, export or project authorized by government agency are not restricted.

ARTICLE VII—PERMITTED TRANSFERS WITHOUT CERTIFICATES

7.1 Stoves in transit to dealers, distributors and manufacturers on August 31, 1943, or to consumers on August 23, 1943.

*Copies may be secured from the Office of Price Administration.

[1] 7 F.R. 10720; 8 F.R. 1318, 2433, 2722, 2941, 8003, 3716, 10668.

Sec.
7.2 Stoves may be moved to establishment in whose inventory they are included.
7.3 Stoves may be stored and returned.
7.4 Stolen or lost stoves may be returned.
7.5 Stoves may be exchanged for other stoves.
7.6 Security interests in stoves may be created and released.
7.7 Stoves may be transferred for liquidation, by operation of law, or in judicial proceedings.
7.8 Stoves may be acquired by insurers or for salvage.
7.9 Transfer of damaged stoves without certificates.
7.10 Stoves may be transferred in connection with transfer of a business.

ARTICLE VIII—RECORDS, REPORTS AND INSPECTIONS

8.1 Records must be kept for two years.
8.2 Records may be inspected by Office of Price Administration.
8.3 Places where stoves are kept may be inspected.
8.4 Records and reports are confidential.
8.5 Office of Price Administration may require applicants to give information.

ARTICLE IX—SALE OF BUSINESS AND OPENING OR CLOSING OF BUSINESS

9.1 Transfer of a continuing business.
9.2 Movement of an establishment from one place to another place by the same person.
9.3 New business.
9.4 Closing of business.
9.5 Acquisition of a business by will or by operation of law.

ARTICLE X—MISCELLANEOUS RULES AND PROHIBITIONS

10.1 Additional prohibitions.
10.2 Certificates may not be taken by legal process or acquired by will.
10.3 Office of Price Administration must be notified of legal proceedings.

ARTICLE XI—SUSPENSION ORDERS

11.1 Office of Price Administration may issue suspension orders.

ARTICLE XII—APPEALS

12.1 Persons directly affected by action taken under this order may appeal.

ARTICLE XIII—DEFINITIONS

13.1 Definitions.

Article I—Introduction [1]

SECTION 1.1 *Stoves covered by this order.* (a) This order covers "new" heating, cooking, and combination heating and cooking "stoves" designed for use in the household, for installation on or above the floor, and for the use of coal, wood, oil, kerosene, gasoline or gas as a fuel. It also covers conversion burners used in converting heating or cooking stoves to the use of oil. The order does not cover any equipment which has been used more than 60 days, nor does it apply to electric, charcoal or alcohol stoves, gas hot plates, gas laundry stoves, furnaces, waterheaters, laundry stoves having built-in water jackets or coils, or wood-burning sheet metal stoves which are not equipped with grates or cast iron base or linings, or equipment designed for commercial, industrial, agricultural or institutional use.

SEC. 1.2 *Stoves are classified according to type.* (a) There are seven "types" of equipment covered by this order: heating stoves of three fuel types: (1) coal or wood heating stoves, (2) oil heating stoves (including those using kerosene or gasoline as a fuel), (3) gas heating stoves; cooking stoves of the same three fuel types: (4) coal or wood cooking stoves, (5) oil cooking stoves (including those using kerosene or gasoline as a fuel), (6) gas cooking stoves; and (7) conversion burners. Whenever the word "stove" is used in this order, without referring to any particular type, all seven types are being referred to.

SEC. 1.3 *How stoves are rationed.* (a) Stoves are rationed among eligible "consumers" through the issuance by "boards" of "certificates" on OPA Form R–901. (The eligibility requirements are given in sections 2.3 to 2.5, inclusive, and in section 2.8). A certificate may be used to buy or "acquire" only the type of stove shown on its face. "Persons" who sell stoves replenish their stocks with the types of stoves they have sold by presenting to the persons who supply them, certificates which they get from their customers.

(b) The total number of certificates which a board may issue to consumers is limited by quotas set for that board during periods fixed by the Office of Price Administration. The "Washington Office" may allocate or direct the allocation of quotas and reserve quotas for each type of stove covered by this order for such areas and such periods of time as it may determine, and it may at any time adjust, readjust or revoke such quotas and alter or otherwise change such areas or periods of time.

(c) This order is not intended to limit or restrict the quantity of stoves obtainable by the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration or Maritime Commission of the United States (called exempt agencies in this order); or by agencies of the United States or other persons to the extent to which they acquire stoves for export to and consumption or use in any foreign country or territory or possession of the United States (other than the District of Columbia); or, by agencies of the United States or other persons to the extent to which they acquire stoves for installation in a project when such installation has been specifically authorized by the War Production Board by the issuance of an order in the series designated P–19, P–55 or P–110 by that board. Transfers to or for exempt agencies or to or for persons acquiring stoves for export or for installation in a project authorized by the War Production Board, and the replenishment of stoves transferred to or for such persons by dealers and distributors, are made under applicable priority orders of other agencies of the United States.

Article II—Consumers

SEC. 2.1 *Who is a consumer.* (a) Any "person" who needs or has "acquired" a "new stove" for any use is a "consumer". However, an exempt agency or a person acquiring a stove for export or for installation in a project authorized by the War Production Board is not a consumer within the meaning of this order.

SEC. 2.2 *Consumer may not order a stove without a certificate.* (a) No consumer may buy or acquire a new stove unless he gives up to the seller or transferor a "certificate" for that "type" of stove at or before the time he orders it.

SEC. 2.3 *Heating stoves—eligibility requirements*—(a) *Where the consumer has no equipment available.* Any consumer who needs a stove to heat essential living or working space and who has no equipment for that purpose may be given a certificate for any of the following types of stoves:

(1) A coal or wood heating stove;

(2) An oil heating stove or a conversion burner (i) for use outside the "emergency oil shortage area", or (ii) for use inside that area if a coal or wood stove cannot be obtained or is not adequate for the purpose. (The emergency oil shortage area is that area described in Ration Order No. 11 as the limitation area, other than the States of Georgia, Oregon, Washington, and the parts of Florida and Idaho covered by that order); or,

(3) A gas heating stove if the War Production Board does not prohibit the delivery of a gas stove or gas for its operation.

(b) *Where the consumer has equipment which is worn out or damaged.* Any consumer who needs a stove to heat essential living or working space and who has available for that purpose only equipment which is worn out or damaged and cannot be repaired within a reasonable time or at a reasonable cost may be given a certificate for any of the following types of stoves for replacement of the worn out or damaged equipment:

(1) A coal or wood heating stove;

(2) An oil heating stove or a conversion burner (i) for use outside the emergency oil shortage area, or (ii) for use inside that area to replace oil heating equipment; or to replace heating equipment other than oil heating equipment if a coal or wood stove cannot be obtained or is not adequate for the purposes; or,

(3) A gas heating stove (i) to replace any heating equipment if the War Production Board does not prohibit the delivery of a gas stove or gas for its operation, or (ii) to replace a gas heating stove of the same or greater heating capacity if the War Production Board limits the delivery of gas or the replacement of gas heating stoves in that manner.

SEC. 2.4 *Cooking stoves—eligibility requirements.* (a) Any consumer who needs a stove for cooking and who has no equipment for that purpose, or who has only equipment which is worn out or damaged and cannot be repaired within a reasonable time or at a reasonable cost, may be given a certificate for any type of cooking stove. (Eligibility for a combination heating and cooking stove is covered in the next section.)

SEC. 2.5 *Combination heating and cooking stoves—eligibility requirements.*

[1] Words which are specially defined in this order are shown in quotation marks the first time they appear in each article. Definitions are given in section 13.1 (a) of this order.

(a) Any consumer who wishes to have a combination heating and cooking stove must show that he is eligible for both a cooking stove and a heating stove burning the kind of fuel used in the heating part of the combination stove.

SEC. 2.6 *How application is made for certificate.* (a) A consumer may apply for a certificate on OPA Form R–900. The application must be made by the consumer himself or by someone acting for him, and may be made in person or by mail. The application may be made only to the "board" serving the area where the stove is to be used. Separate applications must be made for each type of stove for which a certificate is sought.

SEC. 2.7 *How boards issue certificates.* (a) The board may issue a certificate to the applicant on OPA Form R–901 for the number of stoves to which he is entitled, if it finds

(1) That the applicant is eligible for the certificate applied for;

(2) That he has not without good cause in the sixty day period before the date of his application sold or otherwise transferred a stove which is adequate for the purpose for which the application is made;

(3) That the stove is required for use in the area served by the board; and,

(4) That the quota for that board will not be exceeded by the issuance of the certificate.

The board must issue a separate certificate for each type of stove, and must indicate on the face of each certificate at the time it is issued, in addition to the other information required by the form, the type of stove which may be acquired. However, no board may issue a certificate for a gas heating or cooking stove if it has reason to believe that gas service will not be available for its operation.

SEC. 2.8 *Any consumer may acquire stoves for experimental or technological purposes.* (a) Any consumer who needs a stove for experimental or scientific purposes or for use in connection with a technological process may apply for a certificate on OPA Form R–900. The application may be made by mail or in person and must be made in writing to the board serving the area where the stove is to be used, showing:

(1) The name and address of the applicant;

(2) The type of stove needed; and,

(3) The reason it is needed.

(b) If the board finds that the stove for which the application is made is needed for experimental or scientific purposes or for use in connection with a technological process, it may issue a certificate on OPA Form R–901 to the applicant for the type of stove applied for, if the quota for that type will not be exceeded by the issuance of the certificate.

Article III—Dealers and Distributors

SEC. 3.1 *Explanation of the terms dealer establishment, distributor establishment, dealer, and distributor.* (a) Any place where a "person" regularly buys and sells "stoves covered by this order" is a "dealer establishment" if the sales or other "transfers" from there are made primarily to "consumers". Such a place is a "distributor establishment" if the sales or other transfers from there are made primarily to persons other than consumers or primarily to supply one's own establishments. However, if a place is used by a person to keep stoves just to supply his own establishments, that place is a distributor establishment only if it supplies:

(1) At least two of his distributor establishments, or

(2) At least three of his dealer establishments.

(b) Any person who has a dealer establishment is called a "dealer" and any person who has a distributor establishment is called a "distributor."

SEC. 3.2 *Dealers and distributors must register*—(a) *General.* Every dealer and every distributor must register with the "board" serving the area where the establishment is located by filing three (3) copies of OPA Form R–902 at any time between September 1, 1943 and September 3, 1943, inclusive. Each copy must be completed and signed by the person registering or his authorized agent.

(b) *Dealers and distributors must give information called for.* The dealer or distributor must give all information called for by OPA Form R–902.

(c) *Each establishment must be registered separately.* If a dealer or distributor has more than one establishment he must file separate registration forms for each.

(d) *Filing by mail.* Where a registration form is filed by mail, it is considered filed on time if the envelope in which it is enclosed is postmarked on or before September 3, 1943.

(e) *Dealers and distributors who do not register on time.* A dealer or distributor who has failed to register within the time fixed by this section may apply to his board for permission to file his registration form, explaining in writing the reasons why he did not register on time. The board shall send the written explanation to the "district office", and may attach its recommendation. If the district office is satisfied that the failure to register on time was for good cause, it may grant permission to the applicant to file his registration form, and may impose any conditions it finds proper.

SEC. 3.3 *A dealer or distributor may not acquire stoves if he does not register.* (a) No dealer or distributor may "acquire" any stove after September 3, 1943, unless he has registered in the manner required by this order.

SEC. 3.4 *Office of Price Administration to return original registration.* (a) After a dealer or distributor has registered, his original registration form as approved by the board will be mailed to him.

SEC. 3.5 *Dealers and distributors must report their inventories.* (a) As a part of his registration on OPA Form R–902, a dealer or distributor must report, by number and "types", the actual and certificate inventory of stoves covered by this order at the close of business on August 31, 1943 (or at the time of registration, if application for registration is made after September 3, 1943). The total of those two figures for each type of stove is called his "registered inventory" for that type of stove.

(1) In computing registered inventory, cooking stoves using coal and oil are treated as oil cooking stoves, and those using coal and gas, or oil and gas, are treated as gas cooking stoves; combination heating and cooking stoves using coal and oil are treated as oil cooking stoves; combination heating and cooking stoves using coal and gas, or oil and gas, are treated as gas cooking stoves; and combination heating and cooking stoves using one type of fuel are treated as cooking stoves using that type of fuel. Conversion burners need not be included in registered inventory.

(b) A dealer's or distributor's actual inventory consists of all stoves, by type, covered by this order (including stoves on consignment) that are physically located at his establishment or which he holds at another place for his establishment, or in transit to either of these places. However, the following items are not part of his inventory:

(1) Stoves at his establishment kept for a person other than a customer or transferee, or obtained on the basis of a priority order of an agency of the United States and held for delivery to the person covered by that order, or held there as security for a loan to someone else (or a similar transaction), or in transit to it for any of those purposes; or,

(2) Stoves included in the inventory of one of his other establishments. If he has stoves at or in transit to any place other than an establishment as defined in this order, he must include them in the inventory of one or more of his establishments (but may divide them among such establishments as he chooses), and must report the place where they are kept.

(c) A dealer's or distributor's certificate inventory consists of the number of stoves of each type which he has transferred and which are represented by "certificates" received by him before September 1, 1943. He must also include in his certificate inventory stoves which he transferred before September 1, 1943, to a person covered by a priority order of an agency of the United States and which he is entitled to replenish under that order.

SEC. 3.6 *Dealers and distributors must report their sales.* (a) A dealer or distributor, also as a part of his registration on OPA Form R–902, must report the number of stoves of each type sold by the business in either 1941 or 1942, whichever is larger.

(1) In computing his report of sales, cooking stoves using coal and oil are treated as oil cooking stoves, and those using coal and gas, or oil and gas, are treated as gas cooking stoves; combination heating and cooking stoves using coal and oil are treated as oil cooking stoves; combination heating and cooking stoves using coal and gas, or oil and gas, are treated as gas cooking stoves; and combination heating and cooking stoves using but one type of fuel are treated as cooking stoves using that type of fuel.

(2) However, he may not include in the report any sales of conversion burners, or exchanges of stoves, or transfers from one to another of his establishments.

SEC. 3.7 *A dealer or distributor establishment is given an allowable inventory*—(a) *General.* Every dealer or distributor is entitled to an operating inventory, called an "allowable inventory", for each establishment if stocks of stoves were kept at the establishment (or its predecessor) during either 1941 or 1942. The allowable inventory will cover each type of stove transferred in either year. If a business was started on or after January 1, 1943 (but before July 1, 1943) and stocks of stoves were kept, the establishment is entitled to an allowable inventory covering each type of stove which was transferred. The allowable inventory is based upon the sales of stoves, by type, covered by this order and is stated in terms of the number of stoves, by type. If a dealer or distributor is not entitled to any allowable inventory for a particular type or types of stove, he may apply for relief under section 3.8.

(b) *Amount of allowable inventory.* The board shall fix as the allowable inventory of an establishment which was in business during 1941 and 1942, or all of 1942, the allowable inventory figure shown in Table I in the supplement to this order, by applying the amount of sales of stoves, by type, shown on the registration form, to that table. The allowable inventory of an establishment opened during 1942 or the first six months of 1943 will be determined by the district office; in such case the board may, when it sends a copy of the applicant's registration form to the district office, attach its recommendation for the amount of the allowable inventory that should be authorized. The allowable inventory of an establishment opened after June 30, 1943, is covered by section 9.3.

(1) Exchanges of stoves and transfers from one establishment to another establishment of the same person must not be included in the computation.

(c) *If allowable inventory exceeds registered inventory, board issues certificates for difference.* If a dealer's or distributor's registered inventory of any type of stove is less than his allowable inventory for that type, he is entitled to receive a certificate on OPA Form R–901 for the number of stoves of that type needed to make up the difference between his registered inventory and his allowable inventory for that type of stove. The certificate will be issued by the board with which he is registered.

(d) *If registered inventory exceeds allowable inventory, difference is owed by dealer or distributor.* If a dealer's or distributor's registered inventory of any type of stove is greater than his allowable inventory for that type, the difference is excess inventory. Except for good cause, he must give up to the board certificates equal to his excess inventory and may not, until he has done so, use any certificate to acquire that type of stove. However, upon certification by the War Production Board, the board shall increase the allowable inventory of a distributor who sells to persons covered by priority orders of an agency of the United States, in the amount of the excess of his registered inventory over his allowable inventory as computed under this section, or in the amount of any part of such excess specified by the War Production Board in its certification.

(e) *What a dealer or distributor must do if his allowable inventory is changed.* Whenever the Office of Price Administration in the supplement to this order decreases a dealer's or distributor's allowable inventory for any type of stove, the dealer or distributor must bring or mail his registration form for correction to the board with which he is registered. The amount of the decrease in his inventory is then treated as excess inventory and he must give up certificates to the board as required by paragraph (d) of this section. If his allowable inventory is increased, he may bring his registration form to his board for correction and receive inventory certificates for the difference, as explained in paragraph (c) of this section.

SEC. 3.8 *Application may be made for adjustments.* (a) Any dealer or distributor who needs an adjustment in his allowble inventory or any other relief, may apply to the board with which he is registered. The application must be in writing and he must state all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the board requests.

(b) A board may not act upon an application under this section. It must send the application, together with all other information received, to the district office. It may attach its recommendation for the action that should be taken. The district office shall send the file to the "Washington Office" for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 3.9 *Dealers and distributors may get certificates to replace destroyed, lost or stolen stoves.* (a) Any dealer or distributor who had stoves covered by this order which, after August 31, 1943, were destroyed, lost, stolen or taken by operation of law, may apply for certificates to replace them. The application must be made to the board with which his establishment is registered. The application must be in writing and must show:

(1) The applicant's name and address;

(2) A list of the stoves, by type, which he wishes to replace; and,

(3) The manner in which the loss was caused.

He must also give any other information the board may request.

(b) If the board is satisfied that the stoves were destroyed, lost, stolen, or taken by operation of law after August 31, 1943, it shall issue a certificate to him for the number of stoves of each type to be replaced in his establishment. However, a board may not issue any certificate for replacement of stoves if the dealer or distributor does not continue the establishment.

(c) If the applicant gets back any of the stoves covered by the application, he must give back to the board for cancellation either the certificates he received from the board or certificates received from consumers, for the number and type of stoves he recovered.

SEC. 3.10 *Distributors and dealers must keep records.* (a) Every dealer and distributor must keep at his principal place of business a copy of his registration on OPA Form R–902 and of any work sheets used by him in taking inventory for registration.

(b) In addition he must keep a record of his acquisitions and transfers of stoves, by type, whether or not he was required to surrender or obtain certificates for them, including invoices received from persons from whom he acquired stoves and duplicates of sales slips showing transfers made by him, and he must also keep a record of all orders for stoves which he places with manufacturers, dealers or distributors.

Article IV—Manufacturers

SEC. 4.1 *Explanation of the terms manufacturing establishment and manufacturer.* (a) Any place where a "person" makes or assembles any "stoves covered by this order" for sale or "transfer" is a "manufacturing establishment". Any person who has a manufacturing establishment is called a "manufacturer".

SEC. 4.2 *Manufacturers must file reports*—(a) *General.* Every manufacturer must file a separate monthly report for each of his manufacturing establishments, on a form to be designated jointly by the Office of Price Administration and the War Production Board. The form must be filled out and submitted in the manner designated on it.

SEC. 4.3 *Manufacturer must send in certificates with his monthly report.* (a) A manufacturer is required to send with his monthly report certificates equal in number and types to those he received for stoves he transferred for certificates during the month covered by the report. However, he may use certificates received in any month to get back stoves that he transferred if they are returned to him, or to acquire stoves from another person who holds them for transfer.

A manufacturer should not give up at the time he files his report, certificates he received for which he made no transfers.

SEC. 4.4 *Manufacturers must keep records.* (a) Every manufacturer must keep a record, by types of stoves, showing production, acquisition, and sales. He must also keep a record of acquisitions and transfers for which he was not required to surrender or obtain certificates.

Article V—Issuance and Use of Certificates

SEC. 5.1 *How certificates are issued*—(a) *By whom issued.* "Certificates" are issued on OPA Form R–901 by the "Washington Office", a "district office", a "board", or any other "person" authorized by the Office of Price Administration to issue them. Certificates may be issued only to the persons and for the purposes permitted by this order.

(b) *Number and type of stoves must be designated on certificate.* The certificate must show on its face the number of "stoves" and "type" which may be

"acquired" with it, the name of the person for whom it is issued, and must be signed by the appropriate official of the Office of Price Administration. (Where a certificate is issued for a combination stove, it must so state.) In addition, if the certificate is issued to a "consumer", it must show the place where the stove is to be used and, if for a gas heating stove, the heating capacity of the stove.

(c) A certificate which is not filled out in the way required by this section is not good for the acquisition of any stove covered by this order and may not be used or accepted for that purpose.

SEC. 5.2 *Certificates are the property of the Office of Price Administration and may be revoked.* (a) All certificates are the property of the Office of Price Administration, whether or not they have been issued.

(b) The Office of Price Administration may suspend, cancel, or revoke any certificate issued if it finds it in the public interest to do so.

SEC. 5.3 *Endorsement of certificates.* (a) A certificate cannot be used until it is signed on the back by the person in whose name it is issued, or by a person authorized to sign for him.

(b) Any "dealer", "distributor", or "manufacturer" must sign his name on the back of a certificate before it can be used by him to acquire stoves.

SEC. 5.4 *Combining and splitting up certificates.* (a) A board may issue one certificate for two or more certificates, or it may issue two or more certificates for a certificate. The certificates issued must be for the same number and type of stoves designated on the certificates surrendered to the board for exchange. The board shall issue the new certificate in the manner required by section 5.1, and it shall retain in its files the certificates surrendered.

SEC. 5.5 *How to replace lost, stolen, destroyed, damaged or multilated certificates.* (a) Any person who has lost a certificate, or whose certificate was stolen or destroyed, or who has a certificate that is damaged or multilated so that it is unfit for use, may apply to the board serving the area where his establishment is located (or, if he has no establishment, where he lives) for its replacement. The application must be in writing and must state:

(1) The applicant's name and address;

(2) A description (to the extent possible) of each certificate sought to be replaced, showing the date of its issuance, the person by whom it was issued, the number and type of stoves designated on its face, and the name of the person to whom it was issued and the place where the stove was to be used;

(3) How the certificate was lost, stolen, destroyed, damaged, or multilated; and,

(4) The efforts made to find or recover the certificate sought to be replaced, if it has been lost or stolen.

In case of an application for replacement of a damaged or multilated certificate, the certificate sought to be replaced must be submitted at the time the application is made.

(b) The board, if it finds that the certificate for which replacement is sought, has been lost, stolen or destroyed, or that it is damaged or multilated so that it is unfit for use, may, in its discretion, issue a certificate on OPA Form R–901 to the applicant for the same number and type of stoves.

(c) Whenever a lost, stolen or destroyed certificate which has been replaced under this section is found or recovered, it must be immediately submitted to a board, and it may not be used for any purpose.

SEC. 5.6 *Names of persons who have been granted certificates may be posted.* (a) A board may post at its office the name and address of any consumer to whom it has issued a certificate under this order.

Article VI—Sales and Transfers of Stoves

SEC. 6.1 *Only dealers, distributors and manufacturers may transfer stoves.* (a) Except in certain special cases provided in this order, only "dealers", "distributors", and "manufacturers" may sell or otherwise "transfer" "stoves covered by this order".[2]

SEC. 6.2 *Stoves may be transferred only for certificates.* (a) Stoves covered by this order may be transferred and "acquired" only if the transferee gives up to the seller or transferor "certificates" for the number and "type" of stoves transferred. The certificates must be surrendered at the time stated in the next section. They must be endorsed on the back by the "person" to whom issued and by each person who later uses them to acquire stoves, or by someone authorized to sign for him. (A combination stove may be transferred and acquired if the certificate surrendered is for a combination stove.)

(1) In any case in which the War Production Board limits the installation of a gas heating stove to replace another gas heating stove, only a gas stove having a heating capacity equal to or less than the heating capacity stated on the certificate may be transferred to a "consumer".

SEC. 6.3 *When certificates must be surrendered*—(a) *Consumer contracts; trade contracts made on or after September 1, 1943.* Beginning August 24, 1943, a consumer, and beginning September 1, 1943, a dealer, distributor, or manufacturer, must give up a certificate to the transferor of a stove at the time the offer is made or the order is placed for that stove, and the transferor may not accept the offer or order unless it is accompanied by a certificate. The setting aside or ear-marking of a stove, directly or indirectly, is an acceptance of an offer or order within the meaning of this paragraph.

NOTE: A consumer may sell or transfer a stove to another consumer, in which case he must turn over the certificate he obtains to the issuing "board" within ten (10) days after the transfer has been made.

[2] For convenience, the dealer, distributor, or manufacturer who makes the transfer is sometimes called "the transferor", and the person who acquires the stove is sometimes referred to as "the transferee".

(b) *Trade contracts made before September 1, 1943.* (1) Beginning September 16, 1943, no dealer, distributor, or manufacturer may acquire a stove covered by this order, and no person may transfer a stove to him, under a contract, agreement or other arrangement entered into between them before September 1, 1943, unless a certificate was given up by the transferee to the transferor before September 16, 1943.

(2) If a dealer acquires a stove before September 16, 1943, under a contract, agreement or other arrangement entered into before September 1, 1943, he need not give up, and the transferor need not obtain, the certificate for that stove until September 30, 1943. If a distributor or manufacturer acquires a stove before September 16, 1943, under a contract, agreement or other arrangement entered into before September 1, 1943, he need not give up and the transferor need not obtain, the certificate for that stove until October 7, 1943.

(c) *Transfers between establishments.* If a stove is transferred between establishments operated by the same person, the certificate must be surrendered at or before the time the transfer is made.

SEC. 6.4 *Dealers, distributors and manufacturers must acknowledge orders; if unable to deliver must return certificates.* (a) Beginning September 1, 1943, every offer made or order given by a dealer, distributor, or manufacturer to buy or otherwise acquire stoves covered by this order must be acknowledged in writing by the person to whom it is made within three days of the date it is received. The acknowledgment must also state the date delivery is expected to be made.

(b) If the offer or order to acquire stoves contains a requested delivery date which the transferor cannot meet, he must return the certificates, or, when requested, send them to any person designated by the person making the offer. If no delivery date is specified the transferor may hold the certificate for a reasonable time and, if the order is not filled, must then send the certificate back unless otherwise directed by the person making the offer.

SEC. 6.5 *Dealers, distributors and manufacturers may not discriminate in sale of stoves.* (a) No dealer, distributor, or manufacturer may discriminate in the transfer of stoves covered by this order among consumers, dealers, or distributors entitled to acquire stoves in exchange for certificates.

SEC. 6.6 *Transfers to or for exempt agency, export or project authorized by government agency are not restricted.* (a) Nothing in this article is intended to limit or restrict transfers to or for exempt agencies or to or for persons acquiring stoves for export or for installation in a project authorized by the War Production Board, or the replenishment of stoves transferred to or for such persons by dealers or distributors.

Article VII—Permitted Transfers Without Certificates

SEC. 7.1 *Stoves in transit to dealers, distributors and manufacturers on August 31, 1943, or to consumers on August 23, 1943.* (a) No "certificate" need be surrendered for a delivery of a "stove covered by this order" to, or an "acquisition" of a stove by, a "dealer", "distributor", or "manufacturer" if that stove was in transit to him on August 31, 1943. No certificate need be surrendered for a delivery of a stove to, or an acquisition of a stove by, a "consumer" if that stove was in transit to him on August 23, 1943.

SEC. 7.2 *Stoves may be moved to establishment in whose inventory they are included.* (a) No certificate need be surrendered for a "transfer" of stoves to the establishment in the inventory of which they were included immediately before the transfer.

SEC. 7.3 *Stoves may be stored and returned.* (a) No certificate need be surrendered for a transfer of stoves for storage purposes only, or for the transfer of such stoves back to the "person" who stored them.

SEC. 7.4 *Stolen or lost stoves may be returned.* (a) No certificate need be surrendered for a return of stolen or lost stoves to the person from whom they were stolen or who lost them.

SEC. 7.5 *Stoves may be exchanged for other stoves.* (a) Any person may exchange a stove for another stove of the same "type" with any person, without surrendering a certificate. (This rule applies, of course, only to exchanges of "new" stoves; it applies even if there is a money payment to make up any difference in the money value of the stoves exchanged.) Although a consumer may exchange a gas heating stove for any other gas heating stove, he may not exchange it for one of greater heating capacity than that for which he is eligible in any case where the use of such stove (or the delivery of gas for it) is limited by the War Production Board.

SEC. 7.6 *Security interests in stoves may be created and released.* (a) No certificate need be surrendered for a transfer of stoves, or of any interest in them, for security purposes only. (For example, if stoves are pledged or mortgaged, the person with whom they are pledged or mortgaged need not give up certificates.)

(b) No certificate need be surrendered for a release of a security interest in those stoves, or for a return of those stoves to the person who originally transferred them for security purposes. (For example, a person who pledged stoves may get them back without giving up certificates.)

SEC. 7.7 *Stoves may be transferred for liquidation, by operation of law, or in judicial proceedings*—(a) *General.* No certificate need be surrendered by a person who acquires stoves for liquidation only. Also, no certificate need be surrendered for a transfer of such stoves by operation of law. (For example, stoves may be taken over by a creditor, receiver or trustee, under a court order without giving up certificates. If such stoves are assigned for the benefit of creditors, the person to whom they are assigned need not give up certificates to the person making the assignment. Also, a person need not give up certificates when he inherits stoves or acquires them by will.)

(b) *How transferee may dispose of stoves.* A person who acquires stoves in the way described in the last paragraph, must, within five (5) days after acquiring them, report to the "district office" serving the place where his principal business office is located (or to the district office serving the area where he lives, if he has no business office):

(1) The quantity of each type of stove acquired;

(2) The name and address of the person from whom they were acquired; and,

(3) The way in which and the date when they were acquired.

He may not use any of the stoves which he acquires unless he surrenders to the district office certificates for the types of stoves to be used. He may, however, sell or transfer them in the same way that a dealer or distributor is permitted to sell or transfer stoves, in which case he must within thirty (30) days surrender to the district office the certificates obtained for the stoves sold or transferred. However, if a person acquires stoves in connection with the acquisition by operation of law of a going business which is to be continued, the provisions of section 9.5 shall apply instead of the provisions of this paragraph.

(c) *Consumer inheritance.* A consumer who acquires a stove covered by this order from another consumer by inheritance or will, may use it without surrendering a certificate.

SEC. 7.8 *Stoves may be acquired by insurers or for salvage*—(a) *Acquisition of damaged stoves.* Stoves which have been damaged may be transferred to, and acquired by, the following persons, without the surrender of certificates:

(1) A person who has paid or is liable for a claim for the damage done to the stoves, and who is entitled to reimburse himself by taking them over; or,

(2) A person principally engaged in the business of adjusting losses or of reconditioning or selling damaged articles.

(b) *Disposal of the stoves.* The person acquiring the stoves must, within five (5) days after acquiring them, report to the district office serving the area where his principal business office is located (or to the district office serving the area where he lives, if he has no business office):

(1) The quantity of each type of stove acquired;

(2) The name and address of the person from whom they were acquired; and,

(3) The way in which and the date when they were acquired.

If he cannot ascertain the quantity and types of stoves within that period he must describe the approximate number of stoves, by types, and must give detailed information as soon as he can. He may dispose of the stoves which are capable of use as stoves after being repaired only by a sale or a transfer in the same way that a dealer or distributor is permitted to sell or transfer stoves, in which case he must within thirty (30) days surrender to the district office the certificates obtained for the stoves sold or transferred. If he cannot dispose of them all, he must report to the district office the quantity (by type) not salable.

SEC. 7.9 *Transfer of damaged stoves without certificates.* (a) Any person who has stoves which are damaged and cannot be sold in exchange for certificates may apply to the board serving the area where his establishment is located (or, if he has no establishment, where his principal business office is located) for permission to dispose of such stoves without obtaining certificates. The application must be in writing and must state:

(1) The applicant's name and address;

(2) The number and type of stoves damaged;

(3) The reason the stoves are in damaged condition, and the nature of the damage; and,

(4) The reasons why the stoves cannot be sold in exchange for certificates.

(b) If the board finds that the stoves have been damaged by accidental means and cannot be sold in exchange for certificates it may grant permission, in writing, to the applicant to dispose of the stoves described in the application without the obtaining of certificates. The board shall send to the district office for its files, a copy of the written permission granted.

SEC. 7.10 *Stoves may be transferred in connection with transfer of a business.* (a) No certificates need be surrendered for a sale or transfer of stoves which are in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who buys or acquires such stoves may not use them, but may hold them only for transfer. (The procedure which must be followed, when an establishment is transferred for continued operation, is covered in Article IX.)

(b) No certificate need be surrendered for the transfer of a stove in connection with a transfer of premises on which the stove is located.

Article VIII—Records, Reports and Inspections

SEC. 8.1 *Records must be kept for two years.* (a) Every "person" must hold, for at least two years, all records which this order requires him to keep.

SEC. 8.2 *Records may be inspected by Office of Price Administration.* (a) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at any time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

SEC. 8.3 *Places where stoves are kept may be inspected.* (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where a "dealer", "distributor", or "manufac-

turer" makes or keeps "stoves covered by this order".

SEC. 8.4 *Records and reports are confidential.* (a) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 8.5 *Office of Price Administration may require applicants to give information.* (a) The "Washington Office", a "board", a "district office" or a regional administrator may require any person who files an application or an appeal under this order to appear in person, to bring witnesses and to supply any information needed for deciding his case.

Article IX—Sale of Business and Opening or Closing of Business

SEC. 9.1 *Transfer of a continuing business.* (a) When any "person" sells or "transfers" to any other person his "dealer establishment" or "distributor establishment" for continued operation by the person who "acquires" it, the person transferring the business shall give to the person acquiring it his registration form and all "certificates" that he has at the time the business is sold. (The certificates must be signed by the person transferring the business.)

(b) Within five (5) days after the transfer, the person acquiring the business must file an application on OPA Form R–902 for registration as a "dealer" or "distributor". At the time of the filing, he must, if his "registered inventory" equals the "allowable inventory" for each type of stove of the business being acquired, endorse the registration form of the person transferring the business and surrender it to the board. However, if the registered inventory does not equal the allowable inventory for each type of stove, the person acquiring the business should not endorse the registration form, but should report the discrepancy to the board in writing. (Section 3.5 explains how registered inventory is figured.)

SEC. 9.2 *Movement of an establishment from one place to another place by the same person.* (a) A person who wishes to move his dealer or distributor establishment to another place must treat his moving as the closing of an establishment and the opening of a new establishment unless he applies for and is granted permission to continue his operations at the new place. The application must be made to the board with which his establishment is registered and must, in addition to showing the new address, state, in writing, whether:

(1) The business, including the inventory of stoves, will be moved to the new place;

(2) He will continue to serve, from the new place, the same general class of customers and the same area served by the establishment at its present place; and,

(3) The business will continue to be operated in substantially the same manner as it is operated at the present place.

(b) The application will be sent by the board to the "district office", together with any recommendation the board may wish to make. If the district office is satisfied that the conditions described in paragraph (a) will be met, it shall grant permission to the applicant to continue operations at the new place of business.

SEC. 9.3 *New business.* (a) A person who opens a dealer or distributor establishment after July 1, 1943, must file an application on OPA Form R–902 for registration as a dealer or distributor with the board serving the area where the establishment is or will be located, in the same way that dealers and distributors register under Article III. He must give all information called for by the form. In addition, the applicant must show, in writing:

(1) The proposed name and address of the establishment; and,

(2) The type and size of business he expects to have.

(b) The board must send a copy of the application, together with the applicant's statement and any other information it has received, to the district office. It may attach its recommendation as to the action that should be taken upon the application and the amount, if any, of allowable inventory that should be authorized. The district office shall send the file to the "Washington Office" which will refer it to the War Production Board. If the War Production Board approves the application, the Washington Office (or the district office, if the Washington Office so directs) will determine the allowable inventory. The original registration form as approved by the board will then be mailed to the applicant.

SEC. 9.4 *Closing of business.* (a) Any dealer or distributor who closes an establishment must notify the board with which the establishment is registered. The notice must be in writing and must be given to the board within five (5) days after the business is closed. It must show:

(1) The name and address of the establishment; and,

(2) The number of stoves, by type, represented by certificates he had at that time.

(b) At the time the notice is given he must deliver to the board his registration form and account to it for the number of stoves of each type which his allowable inventory permits him to have. If he has any certificates he must turn them over to the board; if he has stoves of any type covered by this order which have not been disposed of at the time he files his notice, he must account for them by turning over to the board certificates which he obtains when they are transferred.

SEC. 9.5 *Acquisition of a business by will or by operation of law.* (a) Any person who acquires a dealer or distributor establishment by operation of law must within twenty (20) days of itss acquisition register the establishment. Registration shall be made in the manner required by Article III, except that only the actual inventory shall be taken as of the date of registration (since certificates are not transferred by operation of law). Accordingly, the board shall issue certificates to him in the amount, if any, by which the allowable inventory of his predecessor for any type of stove exceeds the actual inventory for that type.

(b) A dealer or distributor (or his representative) whose establishment is transferred by operation of law, must turn over to the board with which the establishment is registered the registration form and certificates received for stoves which have been transferred. He must also account to the board for certificates which he has accepted for stoves not yet transferred.

Article X—Miscellaneous Rules and Prohibitions

SEC. 10.1 *Additional prohibitions.* (a) No "person" may use a "certificate" unless he has received it in a way permitted by this order.

(b) No person may "transfer", "acquire", use or possess "stoves covered by this order", except in a way permitted by this order or by an applicable order of an agency of the United States.

(c) No person may give or otherwise transfer, or obtain or otherwise acquire, or use a certificate except in a way permitted by this order.

(d) No person may transfer any stove for a certificate, if he knows or has reason to believe that it is not valid or that the person tendering it is not entitled to use it.

(e) No person may have a certificate in his possession except the person (or agent of the person) who issues it, or to whom it was issued, or by whom it was acquired in a way permitted by this order.

(f) No person may counterfeit, forge, deface, or mutilate any certificate. A counterfeited, forged, defaced or mutilated certificate is not valid for transfer, and no person may acquire, possess or use such certificate.

(g) No person may alter or destroy any certificate, nor use any altered certificate, except where permitted by this or any other order of the Office of Price Administration.

(h) No person may transfer a stove in violation of any applicable order of an agency of the United States.

(i) No person may offer, solicit, attempt or agree to do, or assist in doing, any act in violation of this order.

(j) Paragraphs (b), (c), (e), (f), (g), and (h) of this section do not apply to public officials who do any of those acts in the performance of public duties, or to persons complying with orders or directions of such officials.

(k) No person may in any registration, report, application, or other statement or record made pursuant to or required by this order, make any untrue statement of fact, or omit to state any fact which is required to be stated or which is necessary to make a statement not misleading.

(l) No person may, after demand, withhold a certificate from a person who is entitled to have it.

SEC. 10.2 *Certificates may not be taken by legal process or acquired by will.* (a) No certificate, or any interest in it, may be taken or seized by judicial process or any court order. However, a person who is entitled to possession of a certificate may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No certificate, or interest in it, may be transferred or acquired by operation of law.

SEC. 10.3 *Office of Price Administration must be notified of legal proceedings.* (a) Any person who has a certificate must notify the "district office" of the Office of Price Administration immediately after the beginning of legal proceeding involving that certificate.

Article XI—Suspension Orders

SEC. 11.1 *Office of Price Administration may issue suspension orders.* (a) Any "person" who violates this order may, by administrative suspension order, be prohibited from receiving, delivering, selling or using any "stoves covered by this order" or other rationed product or facility for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest. Proceedings for suspension orders shall be begun and carried on as provided in Procedural Regulation No. 4.

Article XII—Appeals

SEC. 12.1 *Persons directly affected by action taken under this order may appeal.* (a) Any "person" directly affected by the action of a "board", "district office", or regional administrator, on any application or other matter may appeal from that action in the way permitted by Procedural Regulation No. 9 of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under section 3.8 or 9.3.

Article XIII—Definitions

SEC. 13.1 *Definitions.* (a) When used in this Ration Order:

(1) "Acquire" means to accept a "transfer" or to get possession or title in any other way.

(2) "Allowable inventory" means the operating inventory of a "dealer" or "distributor", stated in the number of "stoves" by specific "types" assigned to him by the Office of Price Administration after he registers.

(3) "Board" means a war price and rationing board established by the Office of Price Administration.

(4) "Certificate" means a certificate on Form OPA R–901.

(5) "Consumer" means any "person" (other than an exempt agency, or a person acquiring a stove for export or for installation in a project authorized by the War Production Board) who needs or has acquired a "new" stove for any use. It also includes any person who uses a new stove which he holds for sale or other transfer.

(6) "Dealer" means any person who has a "dealer establishment".

(7) "Dealer establishment" means any place where a person regularly buys and sells stoves covered by this order if the sales or other transfers from that place are made primarily to consumers.

(8) "Distributor" means any person who has a "distributor establishment".

(9) "Distributor establishment" means any place where a person regularly buys and sells stoves covered by this order if the sales or other transfers from that place are made primarily to persons other than consumers, or primarily to supply one's own establishments. However, if a place is used by a person to keep stoves covered by this order just to supply his own establishments, that place is a distributor establishment only if it supplies:

(i) At least two of his distributor establishments; or,

(ii) At least three of his dealer establishments.

(10) "District office" means a district office established by the Office of Price Administration.

(11) "Emergency oil shortage area" means that area described in Ration Order No. 11 as the limitation area, other than the states of Georgia, Oregon, Washington, and the parts of Florida and Idaho covered by that order.

(12) "Manufacturer" means any person who has a "manufacturing establishment".

(13) "Manufacturing establishment" means a place where a person makes or assembles any of the types of stoves covered by this order for sale or transfer.

(14) "New", as applied to stoves, means any stove which has not been sold or transferred to a consumer or any stove which has been transferred to a consumer but which has been in use for not more than sixty (60) days.

(15) "Person" means any individual, partnership, corporation, association, business trust, or any government, agency of a government, or any other organized group or enterprise.

(16) "Registered inventory" means the total of the number of stoves of a type that a dealer or distributor has as inventory for his establishment at the close of business on August 31, 1943, (wherever the stoves are located, including stoves in transit to him for that establishment but excluding stoves held for delivery to a person under a priority order of an agency of the United States), and the number of stoves of the same type which were transferred from his establishment and are represented by certificates on OPA Form R–901 or by a right of replenishment under a priority order of an agency of the United States, which he has at the close of business on that date. If registration is made after September 3, 1943, registered inventory shall be figured as of the date of registration.

(17) "Stove" or "stove covered by this order" means any "new" heating stove or equipment designed for household use and for installation on or above the floor and for heating adjacent space without the use of connecting pipes or ducts, or any new cooking stove or equipment designed for household cooking use, of the following "types":

(i) A coal or wood heating stove designed to use coal or wood as a fuel;

(ii) An oil heating stove designed to use oil, kerosene or gasoline as a fuel;

(iii) A gas heating stove designed to use natural, manufactured or liquefied petroleum gas (including bottled gas) as a fuel;

(iv) A coal or wood cooking stove designed to use coal or wood as a fuel;

(v) An oil cooking stove designed to use oil, kerosene or gasoline as a fuel;

(vi) A gas cooking stove designed to use natural, manufactured or liquefied petroleum gas (including bottled gas) as a fuel; and,

(vii) A conversion burner, which is a unit designed for the conversion of heating or cooking stoves from the use of a fuel other than oil to the use of oil as a fuel.

The term includes a combination heating and cooking stove, a radiant heater, a sheet-metal stove with grates or with a cast-iron base or lining, and a portable oil stove. It does not include a water heater, a coal or wood laundry stove having a built-in water jacket or coil, a wick lamp cooking stove, a gas hot-plate, a gas laundry stove, or a gasoline camp stove.

(18) "Transfer" means to sell, give, exchange, lease, lend, deliver, consign, supply or furnish. It includes any transfer of possession, or of title by operation of law or otherwise, however accomplished, any movement of goods by a person from one to another of his establishments, and the use by any person of any stove which he acquired for sale or transfer. Delivery to a carrier for shipment or by a carrier in the course of or in completion of shipment is not regarded as a transfer to or by the carrier. However, if a stove was delivered to a consumer before August 24, 1943, or to any other person before September 1, 1943, the transfer to such person of title to the stove after that date is not regarded as a transfer within the meaning of this order.

(19) "Type", as applied to a stove, means any of the seven types of "stoves" defined in paragraph (17).

(20) "Washington Office" means the national headquarters of the Office of Price Administration in Washington, D. C.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular and words in the masculine gender shall include the feminine and neuter.

Effective date. This ration order shall become effective at 12:01 a. m. on August 24, 1943.

NOTE.—All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13574; Filed, August 19, 1943; 3:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1,[1] Amdt. 23]

PRECIOUS STONES AND THEIR MOUNTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Paragraph (f) of section 2.12 of Revised Supplementary Regulation No. 1 is amended to read as follows:

(f) *Precious stones and mountings into which precious stones are set.* The term "precious stones" means any ruby, sapphire, emerald, natural pearl or any diamond (other than an industrial diamond) or any semi-precious stone after sale by the cutter, when the cutter has received more than $100 for the sale of the stone. Synthetic stones and cultured pearls shall not be deemed "precious stones."

This amendment shall become effective on the 25th day of August 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13568; Filed, August 19, 1943; 3:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 19]

PAN BREAD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1.19 is amended to read as follows:

1. The headnote of section 1.19 is revised and amended to read as follows:

SEC. 1.19. *Maximum prices for sales of pan bread in specified areas; discontinuance of discounts and premiums permissible in connection with sales of any variety of bread or rolls.*

2. Section 1.19 (a) is amended to read as follows:

(a) *Maximum prices.* The maximum price for sales of pan bread in the areas described below shall be the maximum price determined in accordance with the provisions of § 1499.2 and other applicable sections of the General Maximum Price Regulation, or the maximum prices specified below:

Areas	Net weight per loaf	Sales at wholesale	Sales at retail	Sales at retail by chain store private label
		Cents	*Cents*	*Cents*
In the state of Utah, in Fargo, North Dakota, and Moorhead, Minnesota.	16 to 18 oz.	7½	8½	7½
	19 to 22 oz.	9	11	9
	24 to 27 oz.	10	12	10
In the District of Columbia.	15 to 17 oz.	7	8	7
	31 to 33 oz.	14		
In Dallas, Tex.	23 to 25 oz.	9	11	9
In Santa Barbara County, Calif.	23 to 25 oz.	9	11	9

3. Section 1.19 (d) is added to read as follows:

(d) *Discontinuance of discounts permissible.* Henceforth, it shall be permissible for any seller of any variety of bread or rolls to discontinue at any time hereafter any discount to retail outlets from his standard wholesale list price previously given by him in connection with his sales of said variety of bread or rolls except as otherwise prohibited by state law.

This amendment shall become effective August 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13569; Filed, August 19, 1943; 3:04 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 452]

MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable, will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and are necessary to adjust the provisions of the General Maximum Price Regulation[1] and Maximum Price Regulation No. 136,[2] as amended, to the particular circumstances of manufacturers of automotive parts. So far as practicable the Price Administrator has consulted with and has been advised by representative members of the industry which will be affected by this regulation. A statement of the considerations involved in its issuance has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1360.1 *Maximum prices for automotive parts.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation 452 (Manufacturers' Maximum Prices for Automotive Parts), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1360.1 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 452—MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

Sec.
1. To what transactions, persons, commodities, and geographical area this regulation applies.
2. Relation of this regulation to other regulations.
3. Prohibition against dealing in parts at prices above the maximum.
4. Less than maximum prices.

ARTICLE II—MAXIMUM PRICES

5. Division of sales into those at list prices, and those at non-list prices for the purpose of establishing maximum prices.
6. Maximum prices for sales of new and rebuilt parts at list prices.
7. Maximum prices for sales of new and rebuilt parts at non-list prices.
8. Maximum prices for sales of new and rebuilt parts which cannot be priced under section 6 or 7.

ARTICLE III—METHODS FOR ESTABLISHING AND REPORTING MAXIMUM PRICES

9. Procedure for establishing new maximum list prices.
10. Notice to purchasers of maximum resale list prices.
11. Procedure for obtaining exemption from requirement of establishing new maximum list prices.
12. Procedure for establishing new maximum non-list prices.
13. Procedure for determining costs to be used by manufacturer in determining new maximum list or new maximum non-list prices.
14. Procedure for establishing maximum non-list prices for parts which cannot be priced under section 6 or 7.

ARTICLE IV—MISCELLANEOUS

15. Federal and State taxes.
16. Applications for adjustment and petitions for amendment.
17. Transfer of business or stock in trade
18. Records and reports.
19. Evasion.
20. Enforcement.
21. Definitions.
Appendices A, B, and C.

Article I—Scope of Regulation and Prohibition

SECTION 1. *To what transactions, persons, commodities, and geographical area this regulation applies*—(a) *Transactions.* This regulation covers all sales by manufacturers of new and rebuilt automotive parts.

(b) *Persons.* This regulation applies to all persons who are manufacturers of and also sell the automotive parts subject to this regulation, and to all persons who purchase such parts from manufacturers in the course of trade or business.

(1) *Manufacturer.* "Manufacturer" as used in this regulation means a regular producer of new automotive parts (as defined in Section 21), a rebuilder of used automotive parts, or any person who sells parts under his own trade name.

(c) *Commodities.* This regulation covers all new and rebuilt automotive parts.

(1) *Automotive parts.* "Automotive parts" (called parts in this regulation) for the purpose of this regulation mean all engine parts, body parts, chassis parts, motors, electrical equipment and wheels, and all other component parts and subassemblies, of automobiles, trucks, busses, trailers, semi-trailers, and motorcycles and also include all accessories and optional, extra and special equipment designed for use on, or with, motor vehicles, and unfinished parts and accessories and components thereof, when in such form as to permit their use only as automotive parts, but do not mean any service or maintenance accessories such as anti-freeze, body polish, tools, etc., or tires, tubes, storage batteries, glass, or any parts, subassemblies or accessories specially designed for use in vehicles built primarily for military purposes, although parts, subassemblies or accessories originally designed for use in private or commercial motor vehicles but which are used both in military and private or commercial motor vehicles are considered as automotive parts. Illustrative lists of parts covered by this regulation and parts not covered by this regulation are attached as Appendices A and B.

(d) *Geographical area.* This regulation applies to the 48 states of the United States and the District of Columbia, but not to the territories and possessions of the United States.

SEC. 2. *Relation of this regulation to other regulations*—(a) *In general.* The transactions, persons, and commodities subject to this Maximum Price Regulation No. 452, on and after its effective date, shall not be subject to the General Maximum Price Regulation or Maximum Price Regulation No. 136, as amended, or any other regulation issued by the Office of Price Administration insofar as this Maximum Price Regulation No. 452 affects such transactions, persons, or commodities except as provided in paragraphs (b) and (c).

(b) *Sales for export.* The maximum price for sales for export of parts shall be determined in accordance with the provisions of the Second Revised Export Price Regulation.[3]

(c) *Imports.* The provisions of this regulation do not apply to the sale, purchase or delivery of a part which is not manufactured in, but is imported into, the continental United States or the District of Columbia. Such a sale, purchase, or delivery is governed by the provisions of the General Maximum Price Regulation and especially Revised Supplementary Regulation No. 12.

(d) *Mechanical rubber goods.* This regulation shall not apply to mechanical rubber goods when both produced and sold by manufacturers of mechanical rubber goods as defined in section 1315.31 of Maximum Price Regulation No. 149—Mechanical Rubber Goods.

SEC. 3. *Prohibition against dealing in parts at prices above the maximum.* On and after September 2, 1943, regardless of any contract or other obligation,

(a) No manufacturer shall sell or deliver a part at a price higher than the maximum price permitted by this regulation;

(b) No person in the course of trade or business shall buy or receive a part from a manufacturer at a price higher than the maximum price permitted by this regulation, but if he, the purchaser, has received from the manufacturer a statement that the price charged is not in excess of the maximum price and he has no knowledge to the contrary, he shall be deemed to have complied with this paragraph (b);

(c) No person shall agree, offer, or attempt to do any of the acts prohibited in paragraphs (a) and (b) of this section.

(d) Nothing in this regulation shall prevent the fulfillment of contracts entered into before September 2, 1943, for the sale of parts by manufacturers at prices not exceeding the maximum prices established by Maximum Price Regulation No. 136, as amended, prior to September 2, 1943.

SEC. 4. *Less than maximum prices.* Nothing in this regulation prevents the charging or paying of prices lower than the maximum prices established by this regulation.

Article II—Maximum Prices

SEC. 5. *Division of sales into those at list prices and those at non-list prices for the purpose of establishing maximum prices.* This regulation divides sales into two kinds:

(a) *Sales of parts at list prices*—(1) *List price.* "List price" as used in this regulation means the price which may be derived from a price list or price sheet issued to the trade by a manufacturer for his sale of a part, or a price which may be quoted by the manufacturer under a method of quoting prices without further cost estimates from information he has available describing the types of parts and the method of calculation of prices. When a list price is named in this regulation as the maximum price to a purchaser, it means the price adjusted for all applicable extra charges, discounts, or allowances for sales to a purchaser of the same class.

(b) *Sales of parts at non-list prices*—(1) *Non-list price.* "Non-list price" as used in this regulation means any price or price basis other than a list price at which a manufacturer sells a part to any class of purchaser.

SEC. 6. *Maximum prices for sales of new and rebuilt parts at list prices*—(a) *Determination of maximum price in accordance with previous price list.* This section sets maximum prices for sales by a manufacturer who

(1) Had a list price for the part being priced in effect on March 31, 1942;

(2) Placed a list price authorized by the Office of Price Administration in effect subsequent to March 31, 1942; or

(3) Has established a list price in accordance with paragraph (b) of this section.

The maximum price which such a manufacturer may charge for a part is the most recent of the list prices described in (1), (2), and (3).

(b) *Conditions requiring and permitting establishment of new list prices*—(1) *When new list prices must be established.* (i) A new list price must be established in accordance with Section 9 when a specification change or material substitution made in a part for which a list price is the maximum price reduces the factory costs of such a part by 10% or more. The new list price must be established within three months from the date the specification change or material substitution is made.

(ii) A new list price must be established in accordance with Section 9 for a part for which a new list price has previously been established pursuant to this paragraph (b) whenever factory costs for a part fall below the estimated factory costs upon which the previous new list price was based by 10% or more as a result of any or all of the following causes:

(*a*) Inaccuracy in the estimate of labor hours or material quantities;

(*b*) Inaccuracy in the estimate of charges for subcontracted services, and

(*c*) Performance by the manufacturer of work previously done by a subcontractor.

The new list price must be established within three months from the date upon which the conditions requiring the new list price first existed.

(iii) A new list price must be established when there is offered for sale a part for which a list price was not in effect between March 31, 1942, and the time of offering it for sale, but for which a list price was in effect and withdrawn during the period January 1, 1932, to March 31, 1942. The new list price shall be established within thirty days from the date the part is offered for sale either in accordance with section 9 or by adopting a price no higher than the highest list price in effect during the period January 1, 1932, to March 31, 1942, as the new list price.

(iv) A manufacturer may be exempted from the necessity of establishing a new list price as required by this subparagraph (1) when the part is produced by a special run to fill a small non-recurrent order or there is some other reason why the special run is not likely to be repeated. In lieu of establishing a new list price he may be authorized to use a list price previously in effect and withdrawn or a new non-list price determined in accordance with section 12. The procedure to be followed in requesting this exemption is stated in section 11.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4978, 6055, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349, 7592, 7600, 7668, 8710, 8754, 9025, 9218, 9016, 9219, 10304.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4774, 4978, 4848, 6047, 6962, 8511, 9025.

[2] 7 F.R. 5047.

[3] 8 F.R. 4132, 5987, 7662.

(2) *When new list prices may be established.* A new list price may be established in accordance with section 9 when:

(i) The factory costs of a part, for which a list price is the maximum price, has been increased by 10% or more as a result of a specification change or a material substitution; or

(ii) Factory costs of a part, for which a list price is the maximum price, are higher than the estimated factory costs upon which the previous new list price was based by 10% or more as a result of any or all of the following causes:

(*a*) Inaccuracy in the estimate of labor hours or material quantities;

(*b*) Inaccuracy in the estimate of charges for subcontracted services; and

(*c*) Performance by the manufacturer of work previously done by a subcontractor.

(iii) The part had no list price in effect on March 31, 1942, and no authorized list price (as defined in section 21) in effect subsequent to that date but its manufacturer had such a list price for other parts. In such a case, the manufacturer may establish a list price for the part for which there was no list price.

(c) *List prices to be furnished to Office of Price Administration.* The manufacturer shall furnish to the Office of Price Administration, Washington, D. C., to the extent it has not already done so, catalogs, price lists, and discount sheets, containing list prices which are established as maximum prices by this section. A rebuilder of used parts shall furnish these data to the nearest regional office of the Office of Price Administration.

SEC. 7. *Maximum prices for sales of new and rebuilt parts at non-list prices*—(a) *In general.* The maximum price a manufacturer may charge for the sale of a part for which he cannot establish a maximum price in accordance with section 6 or for which he has not established a maximum price in accordance with that section although permitted, but not required, to do so, shall be the non-list price determined in accordance with section 12. That price shall be his maximum price for all future sales until changed in accordance with paragraph (b) or (c).

(b) *When a new non-list must be established.* (1) A new non-list price must be established in accordance with section 12 when a specification change or a material substitution made in a part for which a non-list price is the maximum price reduces the factory costs of such a part by 10% or more. The new non-list price must be established within three months from the date the specification change or material substitution is made.

(2) A new non-list price must be established in accordance with section 12 for a part for which a new non-list price has previously been established whenever factory costs for the part fall below the estimated factory costs upon which the new non-list price was based by 10% or more as a result of any or all of the following causes:

(i) Inaccuracy in the estimate of labor hours or material quantities;

(ii) Inaccuracy in the estimate of charges for subcontracted services; and

(iii) Performance by the manufacturer of work previously done by a subcontractor.

(c) *When a new non-list price may be established.* A new non-list price may be established in accordance with section 12 when:

(1) The factory costs of a part, for which a non-list price is the maximum price, has been increased by 10% or more as a result of a specification change or a material substitution; or

(2) Factory costs of a part, for which a non-list price is the maximum price, are higher than the estimated factory costs upon which the previous new non-list price was based by 10% or more as a result of any or all of the following causes:

(i) Inaccuracy in the estimate of labor hours or material quantities;

(ii) Inaccuracy in the estimate of charges for subcontracted services; and

(iii) Performance by the manufacturer of work previously done by a subcontractor.

SEC. 8. *Maximum prices for sales of new and rebuilt parts which cannot be priced under section 6 or 7.* Where a manufacturer cannot establish a maximum price for a part in accordance with section 6 or 7 because he is producing it in a new or converted plant or because he was not engaged as a manufacturer as defined in this regulation during a period which permits him to establish a price under section 6 or 7, or for any other reason, he shall determine the maximum price for such part in accordance with section 14.

Article III—Methods for Establishing and Reporting Maximum Prices

SEC. 9. *Procedure for establishing new list prices*—(a) *Determining a new list price.* A new list price for a part shall be a price not in excess of the sum of the manufacturer's costs for the part determined in accordance with section 13, plus the following:

(1) A percentage markup not in excess of the percentage markup he included in the price for the same part on March 31, 1942; or

(2) Where he did not sell or offer for sale the same part on March 31, 1942, a percentage markup not in excess of the percentage markup he included in the price on March 31, 1942, for the similar part (as defined in Section 21) most nearly like it; or

(3) Where he did not sell or offer for sale the same or a similar part on March 31, 1942, a percentage markup not in excess of the percentage markup he included on March 31, 1942, in the price for the part of the same type having the closest total costs to the part being priced. Examples of types for the purpose of this paragraph are engine parts, carburetor parts, electrical parts, etc.

To this price the manufacturer must apply the same differentials, discounts, allowances, rebates, and deductions which he had in effect on March 31, 1942, or which he applied to a list price he placed in effect subsequent to March 31, 1942, with Office of Price Administration approval, for the same class of purchaser.

(b) *Determining of applicable resale list prices.* If the manufacturer had a suggested resale list price for a part in effect on or after March 31, 1942, any new list prices established in accordance with this section shall include applicable suggested resale list prices.

(c) *Notice to Office of Price Administration of new list prices.* After a manufacturer has determined a new list price in accordance with paragraph (a) above for one or more parts, he shall file a report with the Office of Price Administration, Washington, D. C., except where it is a new list price for a rebuilt part, he shall file it with the nearest regional office of the Office of Price Administration. This report shall be signed by him, or a responsible official, and contain the following information for each part:

(1) Description of the part and its number or other designation.

(2) The new list prices and the previous list prices, if any, for each class of purchaser.

(3) The newly determined unit costs and the unit costs included in the previous list prices, if available.

(4) If not previously filed, all the other factors used in determining new list prices such as markup, discounts, differentials, freight and other allowances and other price determining factors.

(5) A statement that the new list prices were determined in accordance with section 9 (a) and that the unit costs included in such prices were determined in accordance with section 13.

(d) *Action by the Office of Price Administration.* The new list prices set forth in reports filed in accordance with paragraph (c) shall become maximum prices if approved by the Office of Price Administration, or if not disapproved by that agency within thirty days after the receipt of the reports. If the Office of Price Administration shall later determine that such prices were not computed in accordance with the requirements of sections 6, 9, and 13, they may at that time be disapproved, but such disapproval shall not be retroactive as to any deliveries completed prior to the date of the disapproval. If any price is disapproved because in some respect it is not determined in accordance with these sections, the manufacturer shall recompute the new list price in accordance with these sections and the suggestions contained in the notice of disapproval, and report the revised list price in accordance with paragraph (c) above.

(e) *When the new list prices may be charged.* Upon the mailing of the reports in accordance with paragraph (c) above, the new list prices contained in such reports may be charged but no payment may be accepted until these prices either are approved in writing by the Office of Price Administration, or when the new list prices are neither approved nor disapproved, until thirty days have elapsed from the date the reports are received by the Office of Price Administration. When the new list prices are approved in writing or are not disapproved within the thirty day period,

payment at the new list prices for deliveries prior to the approval or to the end of the thirty day period, as well as for all deliveries thereafter, may be accepted.

SEC. 10. *Notice to purchasers of maximum resale list prices*—(a) *Furnishing of suggested resale price lists.* A manufacturer whose maximum prices are the list prices which he had in effect on March 31, 1942, and who had suggested resale list prices in effect on that date shall furnish to his customers, to the extent that they do not already have the same, copies of the catalogs, price lists, and discount sheets in which are contained his resale list prices. A manufacturer whose maximum prices are list prices placed in effect after March 31, 1942, with the authorization of the Office of Price Administration, or list prices established in accordance with Section 9, and who also placed suggested resale list prices in effect at the time of establishing his own selling prices, shall furnish to his customers, to the extent that they do not already have the same, copies of the catalogs, price lists, and discount sheets in which are contained his resale list prices. A manufacturer need not furnish to a certain class of customers material that does not concern that class. Resale price lists of the type described in this paragraph are called "approved resale price lists" in paragraphs (b) and (c).

(b) *Statements to be furnished to a customer by a manufacturer having a suggested resale price list in effect.* A manufacturer having in effect an approved resale price list (of a type described in paragraph (a)) shall furnish to all customers a copy of the following statement, signed by him or a responsible official:

> The suggested resale prices, discounts and allowances in our catalog(s), price list(s), and discount sheet(s) in effect on -------- are established as maximum resale prices in accordance with Maximum Price Regulation No. 453 (Wholesalers' and Retailers' Maximum Resale Prices for Automotive Parts) and with the Office of Price Administration approval. Higher prices may not be charged.

A sample copy of the statement issued by the manufacturer should be forwarded to the Office of Price Administration, Washington, D. C. A rebuilder of used parts, however, should furnish the sample copy to the nearest regional office of the Office of Price Administration.

(c) *Notice on invoices.* On all invoices for parts named in an approved resale price list (of a type described in paragraph (a)), the manufacturer shall state:

> Maximum resale prices for the parts named in this invoice are the prices named in our resale price list.

(d) *When notice shall be given to customers.* Manufacturers shall act as required in paragraphs (a), (b), and (c) as soon as practicable, but not later than September 2, 1943 with regard to price lists in effect before the effective date of this regulation. Such action shall not be taken regarding a list price established after the effective date of the regulation until the new list price has been approved in writing or thirty days have elapsed from the date the report regarding it is received by the Office of Price Administration when the report is neither approved nor disapproved in writing.

SEC. 11. *Procedure for obtaining exemption from requirement of establishing new maximum list prices.* The manufacturer who seeks an exemption from the requirements of establishing a new list price as required by section 6 (b) should request this exemption from the Office of Price Administration, Washington, D. C., with the exception that a rebuilder of used parts should make this request to the nearest regional office of the Office of Price Administration. In his request he should include a showing that the order for the part is small and nonrecurrent or other reasons why neither the order nor the special run is likely to be repeated. He shall also include in his request his list price or a non-list price computed in accordance with section 12. Upon the mailing of his request, he may charge his previously established list price or non-list price, but he must not accept payment until he is either notified in writing that his request has been approved or thirty days have elapsed from the date the request is received by the Office of Price Administration without any notification of disapproval. If the request is approved, or is not disapproved, within the thirty day period, the manufacturer may then accept payment at the proposed price for deliveries made prior to approval or the end of the thirty day period and for all deliveries made thereafter. If the request is disapproved the manufacturer shall establish a new list price in accordance with section 9.

SEC. 12. *Procedure for establishing new maximum non-list prices*—(a) *Determining new non-list prices.* A new non-list price shall be a price not in excess of the manufacturer's cost for the part determined in accordance with section 13, plus the following:

(1) A percentage markup not in excess of the percentage markup he included in the price for the part on March 31, 1942; or

(2) Where he did not sell or offer for sale the same part on March 31, 1942, a percentage markup not in excess of the percentage markup he included in the price for the similar part (as defined in section 21) most nearly like it; or

(3) Where he did not sell or offer for sale the same or a similar part on March 31, 1942, a percentage markup not in excess of the percentage markup he included in the price for the part of the same type having the closest total costs to the part being priced. Examples of types for the purpose of this paragraph are engine parts, carburetor parts, electrical parts, etc.

To this price the manufacturer must apply the same differentials, discounts, allowances, rebates, and deductions which he had in effect on March 31, 1942, or which he applied to a list price he placed in effect subsequent to March 31, 1942, with Office of Price Administration approval, for the same class of purchaser.

(b) *Notifying Office of Price Administration when price computed under paragraph (a) is higher than price previously charged subsequent to March 31, 1942.* If the non-list price of any part determined under paragraph (a) is higher than the price previously charged subsequent to March 31, 1942, the manufacturer shall file with the Office of Price Administration, Washington, D. C., or in the case of a rebuilder of used parts with the nearest regional office of the Office of Price Administration, within ten days after making any sale or delivery at such an increased price a report containing the following:

(1) A description of the part, its number or other identification.

(2) The price on its sale prior to its sale at the increased price.

(3) The new non-list price.

(4) A statement that the new non-list price was determined in accordance with paragraph (a) above, and section 13.

(5) An explanation of the price increase.

When a price is reported to the Office of Price Administration in accordance with this paragraph, the manufacturer is not required to report subsequent sales or deliveries at the same or a lower non-list price.

SEC. 13. *Procedure for determining costs to be used by manufacturer in determining new maximum list or new maximum non-list prices.* When costs must be determined by a manufacturer in connection with a price determining method which must be followed in determining list or non-list prices in accordance with the provisions of this regulation, except where the determining of costs for the manufacturing of a part in a new or converted plant requires the procedure stated in section 14, the following cost determing method shall be followed:

(a) *Determination of costs when manufacturer is a producer.* When the manufacturer is a producer he shall use the same cost determining method he used on March 31, 1942.

(1) To the extent that the cost determining method includes or is based on direct labor costs, the producer shall use labor rates in effect on March 31, 1942.

(i) "Labor rates in effect on March 31, 1942" are the labor rates prevailing on that date in the producer's plant for each classification of labor. If the producer employs labor of a particular classification not employed in such plant on March 31, 1942, he shall apply the rate prevailing on that date for such classification in the locality in which the manufacturing is to be performed. If labor of such classification was not employed on March 31, 1942, in such locality, the producer shall apply the rate prevailing on that date for the nearest skill in the nearest comparable locality, as accurately as he is able to determine the same by reasonably diligent inquiry.

(ii) The permitted labor cost to be used in the pricing formula provided in this paragraph (a) is to be determined by applying to the clock hours of each classification of labor estimated to be required on the basis of previous production experience, or, where an estimate is not used, to the clock hours actually re-

quired, the hourly rate for such classification in effect on March 31, 1942. If on March 31, 1942, an average rate was used, an average rate may be applied if the labor rates and the method of computing the average in effect on March 31, 1942, are used. If individuals have been or are promoted from one classification to another because of increased efficiency, the higher rates may be used.

(iii) The amount of overtime (estimated, if necessary) required to be used in excess of that provided for in the overhead or machine hour rate may be added to the cost of labor. In no event shall any markup, overhead, or profit be applied to that part of the labor cost which is in excess of the straight-time cost, except that no adjustment of the overhead or the machine hour rates in effect on March 31, 1942, shall be required.

(2) To the extent that the cost determining method includes or is based on prices paid for materials, the manufacturer shall use the prices which the manufacturer's supplier had in effect to him or his class of purchaser on March 31, 1942, or if the supplier did not have a price in effect on that date for a certain commodity, the price he first had in effect after that date. However, if the Office of Price Administration has established a lower maximum price for the sale of that material to the manufacturer, such lower price shall govern. The manufacturer's supplier shall be

(i) His March 31, 1942, supplier of the material; or

(ii) Lacking a March 31, 1942, supplier of the material, his most recent supplier of the material. If neither of these exists, it shall be his proposed supplier.

For the purposes of this subparagraph (2), if the manufacturer shall receive a written statement from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, and if the manufacturer shall have no cause to doubt the accuracy of the statement, the price as stated by the seller shall be deemed not to be in excess of the maximum price established by the Office of Price Administration for that material. The price the manufacturer shall use for material composed in whole or in part of silver shall be the current price not to exceed the applicable maximum price. The term "material prices" includes the prices for raw materials or products which have been processed or fabricated to any degree. However, costs for automotive parts defined in section 1 (c) (1) shall be the applicable prices established by this regulation.

(3) To the extent that the cost determining method includes or is based on prices paid for subcontracted services, whether machinery services or otherwise, or perishable tools, dies, molds, patterns, or work-holding devices, the manufacturer shall use the actual prices paid or the prices to be paid, which are estimated by his supplier if he has no reason to believe that these prices exceed the applicable maximum prices. If a price estimated by a supplier is not available, the manufacturer shall use his own estimate of the price to be paid which he has no reason to believe exceeds the applicable maximum price.

(4) To the extent that the cost determining method includes freight rates paid, the producer shall use freight rates in effect on March 31, 1942, or current actual freight rates, whichever are lower, for the mode of transportation actually used.

(b) *Determination of costs when manufacturer is not a producer.* When the manufacturer is not a producer of the part he sells, he shall determine his costs by dividing the amount of the invoiced charges, including freight-in, for the units of the part he purchased during the three months preceding the date he determines his costs by the number of units of the part he purchased during the same three months' period and which are included on the same invoices. The result obtained from this division shall be the costs to be included in the pricing method of either section 9 or section 12 by the manufacturer who does not produce the part he sells. If the manufacturer did not make any purchase or a representative number of purchases during the three months immediately preceding the date these costs are determined, he shall use the invoiced charges to him, including freight-in, for the three months' period closest to the date he determines these costs in which he made a representative number of purchases.

(c) *Determination of costs when manufacturer produces some of the units and purchases the remainder of the units of the part he sells.* When the manufacturer produces some of the units and purchases the remainder of the units of a part he sells, he shall determine his costs by:

(1) Determining his costs for the units he produces in accordance with paragraph (a) and by determining his costs for the units he purchases in accordance with paragraph (b).

(2) Multiplying each of these costs by the respective percentage which the units produced and the units purchased each constituted of the total units produced and purchased during the three months' period preceding the date he determines his costs or during the three months' period closest to the date he determines these costs in which he purchased and produced a representative number of units.

(3) Adding together the result of each of the multiplications required by subparagraph (2) to obtain a total which shall be the costs to be included in the pricing method of either section 9 or 12 by the manufacturer who produces some and purchases the remainder of the units of a part he sells.

SEC. 14. *Procedure for establishing maximum non-list prices for parts which cannot be priced under section 6 or 7.* If the manufacturer is not able to establish a maximum price in accordance with section 6 or 7 because he produces the part in a new or converted plant or because he was not engaged as a manufacturer as defined in section 21 of this regulation during a period on or after March 31, 1942, which would enable him to establish a maximum price in accordance with section 6 or 7, or for any other reason, he shall establish a maximum non-list price in accordance with the following:

(a) *Price determining method*—(1) *Where the manufacturer is a producer.* Where the manufacturer is a producer he shall establish a price determining method and rates for use therein (labor rates, machine hour rates, overhead rates, and profit rates, etc.) for the determination of a non-list price for such part conforming so far as possible to the provisions of section 12 and section 13. The overhead rate so established shall be a reasonable rate with respect to the operations to be performed, and shall, so far as possible, be based on costs for items of overhead in effect on March 31, 1942. In the case of a newly constructed plant, however, the manufacturer may use as a base date for all purposes the date upon which price quotations were first made or upon which production was started in the plant, whichever is earlier, and shall use labor rates for each classification of labor prevailing on that date in the locality of the plant determined in accordance with section 13 (a) (1), with the above base date substituted for the March 31, 1942, date used therein.

(2) *Where the manufacturer is not a producer.* Where the manufacturer is not a producer he shall establish a price by determining costs for the part in accordance with section 13 (b), and adding to such costs a markup as comparable as possible to the markup he would have added if he were able to establish a price in accordance with section 9 or 12, taking into consideration discounts and allowances to be applied for different classes of purchasers.

(b) *Notifying the Office of Price Administration*—(1) *Where the manufacturer is a producer.* Where the manufacturer is a producer he shall file a report with the Office of Price Administration, Washington, D. C., except that a rebuilder of used parts shall file it with the nearest regional office, containing:

(i) The price determining method and rates used in establishing prices as provided in paragraph (a);

(ii) A description of the parts for which the prices are determined;

(iii) A representative sample of prices determined in accordance with the pricing method;

(iv) An explanation of the circumstances necessitating pricing under this section;

(v) Relevant data bearing on the price determining method and rates to be used, including evidence that such method and rates were calculated as provided in paragraph (a);

(vi) A statement of whether or not quantity production has been achieved or is anticipated;

(vii) A brief description of the newly constructed or converted plant, if any; and

(viii) Any other data which the Office of Price Administration may in writing require.

(2) *Where the manufacturer is not a producer.* Where the manufacturer is not a producer he shall file a report with

the Office of Price Administration, Washington, D. C., containing:

(i) A description of the part for which a price is being established;

(ii) An explanation of the circumstances necessitating pricing under this section;

(iii) The costs for the part determined in accordance with section 13 (b);

(iv) The amount of the markup to be added to the costs, together with a percentage breakdown of the expenses and profit provided for;

(v) The discounts and allowances to be applied to the price for each class of purchaser; and

(vi) Any other data which the Office of Price Administration may in writing require.

(c) *Action by the Office of Price Administration.* (1) Prices reported or calculated in accordance with the price determining method so reported may be quoted or charged for thirty days prior to filing such report and may be quoted or charged thereafter until the Office of Price Administration disapproves such prices or requires a new filing under paragraph (b). No payment may be received, however, until the price or price determining method is either approved in writing by the Office of Price Administration or thirty days have elapsed from the date the report of the price or price determining method is received by the Office of Price Administration without any notice of disapproval. If the Office of Price Administration approves the prices, or the pricing method and the prices which result from its use, or fails to disapprove them within thirty days after receiving such report, the maximum non-list prices for the parts involved shall be the prices reported, or the prices calculated in accordance with the price determining method reported, until new prices or a new pricing method is proposed and reported either upon the initiative of the manufacturer or as required by the Office of Price Administration. The prices previously filed shall not be regarded as fixed prices, but may be modified pursuant to the new prices or the new price determining method submitted.

(2) The Office of Price Administration may disapprove the prices, or price determining method reported and the prices resulting from its use, in writing within the thirty day period, and upon such disapproval the manufacturer shall file new prices or a revised pricing method in accordance with the suggestions and directions contained in such disapproval, and the provisions of this section shall apply in all respects to such revised method or prices.

(d) *Refiling of prices or price determining method.* No later than six months after the last filing, in accordance with this section, of prices or a price determining method which was not disapproved by the Office of Price Administration, the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., except that a rebuilder of used parts shall file this report with the nearest regional office, containing:

(1) A comparison of his total actual direct and indirect costs for the period under review, with the estimates on which the prices or price determining method being used was based; and

(2) So far as available for each of the representative items for which prices were previously charged, the current price being charged and a comparison of the actual direct and indirect unit costs with the estimates on which the price previously charged was based.

(e) *Revision of prices or price determining method.* The manufacturer may at any time file, and the Office of Price Administration may at any time require the filing of, revised prices or a revised pricing method, together with a representative sample of prices determined in accordance with such method. The provisions of paragraph (c) are applicable to such filing.

Article IV—Miscellaneous

Sec. 15. *Federal and State taxes.* (a) Any tax levied by any statute of the United States or statute or ordinance of any state or subdivision thereof which the manufacturer on March 31, 1942, added to the price paid by the purchaser shall not be included in the maximum price but may be collected by the manufacturer in addition to the maximum price if such tax is stated separately from the purchase price, except that such tax need not be stated separately if it is measured by the manufacturer's cost of the part.

(b) Any tax upon the sale or delivery of a part and any compensating use tax upon a part levied by any statute of the United States or statute or ordinance of any state or subdivision thereof and becoming effective on or after March 31, 1942, may also be collected by the manufacturer making such taxable sale or delivery in addition to the maximum price if such tax is stated separately from the purchase price, unless the manufacturer had increased his price on or before March 31, 1942, to reflect such new or increased tax, except that such tax need not be stated separately if it is measured by the manufacturer's cost of the part.

(c) (1) Any separately stated tax paid by a manufacturer on a part purchased for resale may be collected by such manufacturer in addition to the maximum price upon the resale of such part unless the price in effect on March 31, 1942, reflected the amount of such tax.

(2) Any tax paid by a manufacturer upon the purchase of a component of a part which can be delivered separately from the principal assembly of the complete part may also be collected by the manufacturer upon the sale of the part as well as upon the sale of the component separately, if such tax is stated separately from the purchase price, unless the manufacturer's price for the component or the part in effect on March 31, 1942, reflected the amount of such tax.

(d) A tax on transportation of parts imposed by section 620 of the Internal Revenue Act of 1942, for the purpose of determining the applicable maximum price, shall be treated as a cost of transportation. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

Sec. 16. *Applications for adjustment and petitions for amendment*—(a) *Application for adjustment*—(1) *Application by a manufacturer of a part*—(i) *Who may receive adjustment.* The manufacturer's maximum price for a part established by this regulation may be adjusted only in the case of an essential maufacturer of an essential part. An essential part is one which contributes to the successful prosecution of the war. An essential manufacturer is one whose output or supply of a part cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into, or proposes to enter into, a war contract (as defined in section 21), or a subcontract thereunder, is an essential manufacturer of an essential part.

(ii) *When adjustment may be granted.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential manufacturer of an essential part upon the basis of information submitted by the manufacturer or of other information. It may make that adjustment whenever it finds that the maximum price of a part is at such a level that (taking into account the cost thereof, the profits position of the manufacturer, and the nature of the business) production or supply of the part is impeded or threatened and the adjustment would not cause an increase in the cost of living.

(iii) *Factors which may be considered.* (*a*) The following factors are relevant to the consideration whether production or supply of the commodity is impeded or threatened;

(*1*) Whether, and by what amount, the maximum price is below or above the total unit costs (as defined in section 21) of the part less selling and administrative expenses properly allocable to the internal management of the business, and above or below the total unit costs of the part.

(2) Whether, and by what amount, the manufacturer's over-all profits (as defined in section 21), before income and excess profits taxes, are greater or less than his average over-all profits during the normal base period (as defined in section 21), increased by 7% of the additional capital investment contributed entirely by the manufacturer, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(*3*) Whether the proposed price is higher than the price prevailing in the industry.

(*4*) Whether the manufacturer's sales of the part represent only a very small part of his total sales.

(*5*) Whether the manufacturer previously sold the part below the total unit costs of the part.

(*b*) The following factors are relevant to a consideration of whether the adjustment would cause an increase in the cost of living:

(*1*) Whether the part is of a type sold to civilian consumers other than industrial consumers.

(2) If such is the case, whether the increase allowed by adjustment would be absorbed prior to sale to a non-industrial consumer.

(3) Whether, if the applicant did not produce or supply the part, the output would be replaced by the same or a substitute commodity at prices equal to or higher than the proposed adjusted maximum price.

(iv) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A manufacturer who believes that the conditions for an adjustment set forth in subparagraph (1) would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Application for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28, which requires, among other things, that an application for adjustment in such case be filed within fifteen days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within fifteen days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(v) *Prices for deliveries made pending disposition of the application.* A manufacturer who has filed an application under this subparagraph (1) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the manufacturer wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A manufacturer who wishes to enter into such an arrangement must specifically state to the buyer the following:

(*a*) The maximum price for the part;

(*b*) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration;

(c) The fact that the specific price quoted by the manufacturer is subject to the approval of the Office of Price Administration.

(2) *Application by a manufacturer based upon an appropriate decrease of other prices*—(i) *Who may receive an adjustment under this paragraph.* Adjustments under this paragraph will be granted only in the case of an essential producer or supplier of an essential part. The meaning of these terms is explained in subparagraph (1) (i) of this section.

(ii) *When adjustment may be granted.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the manufacturer agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this subparagraph (2)) makes a reduction in the selling price of other commodities which will equal or exceed the total dollar amount of the adjustment granted under this subparagraph.

(iii) *What an application under this subparagraph must show.* An application for price adjustment under this subparagraph shall contain information indicating that the applicant is an essential manufacturer of an essential part and that if the proposed adjustment is granted, the gross dollar amount of sales of the parts affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities affected.

(3) *Application by a manufacturer under a combination of both paragraphs (a) and (b).* A manufacturer who desires to apply for an adjustment under subparagraph (2) may, at the time he applies under that subparagraph, also apply under subparagraph (1), if the facts of his case entitle him to do so. In such case, the office considering his application will give the adjustment available under subparagraph (1) before applying subparagraph (2).

(4) *How the manufacturer proceeds in applying for an adjustment.* An application for an adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1[4] and shall be on Form OPA 694:478 set out in Appendix C. Copies of this form and of the instructions for completing it may be obtained from any district or regional office of the Office of Price Administration. Where application is made for an adjustment in the maximum price for a rebuilt part, the application shall be filed with the nearest regional office. That regional office shall give appropriate consideration to and grant or deny such application. All other applications for adjustment shall be filed with, and acted upon by, the Office of Price Administration, Washington, D. C.

(5) *Nonapplication of Supplementary Order No. 9.* This paragraph (a) supersedes Supplementary Order No. 9 (§ 1305.12), insofar as commodities covered by this regulation are concerned. Accordingly, applications for adjustment of a maximum price established by this regulation may not be filed under Procedural Regulation No. 6.

(b) *Petition for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1. There shall be filed with such petition and incorporated therein all relevant data showing the need for the proposed amendment and its conformity to the policy of this regulation and of the Emergency Price Control Act of 1942, as amended, to control inflation.

SEC. 17. *Transfer of business or stock in trade.* If the business assets or stock in trade of any business are sold or otherwise transferred after March 31, 1942, and the transferee carries on the business, or continues to deal in the same type of parts in the same competitive area and in an establishment separate from any establishment which he may previously have owned or operated, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this regulation if no transfer had taken place, and his obligation to keep records sufficient to verify these maximum prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records or transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 18. *Records and reports*—(a) *Records.* Persons subject to this regulation shall keep available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect;

(1) Records of all sales of parts made after the effective date of this regulation and of the prices charged.

(2) Records of labor rates and overhead rates in effect on March 31, 1942;

(3) Records of all data showing the calculation of maximum prices in accordance with the provisions of this regulation.

(b) *Summary of data to be furnished by manufacturer to Office of Price Administration, and to customers*—(1) *To Office of Price Administration.* (i) Catalogs and discount sheets, and price lists containing resale list prices which are established as maximum prices. (Required by section 6.)

(ii) Report of new maximum list price determined in accordance with section 9. (Required by section 9 (c).)

(iii) Informal application for exemption from necessity of establishing a new maximum list price. (Required by section 11.)

(iv) Report of new maximum non-list price determined in accordance with section 12 which is higher than the most recent price charged subsequent to March 31, 1942. (Required by section 12 (b).)

(v) Report of maximum price or price determining method established for a part under section 14. (Required by section 14 (b).)

(vi) Report on price or price determining method established under section 14, which must be filed six months after the date the established price or price determining method was filed in accordance with section 14 (b). (Required by section 14 (d).)

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

(2) *To customers.* (i) Catalogs and price lists, and discount sheets which include suggested resale prices established as maximum prices under Maximum Price Regulation No. 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts). (Required by section 10 (a).)

(ii) A statement informing customers that suggested resale prices included on manufacturer's price lists are their maximum prices, where such resale prices are established as maximum prices under Maximum Price Regulation No. 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts). (Required by section 10 (b).)

(iii) Notice on invoices when manufacturer's catalogs and price lists contain suggested resale prices established as maximum prices under Maximum Price Regulation No. 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts). (Required by section 10 (c).)

SEC. 19. *Evasion.* (a) It shall be a violation of this regulation to evade the price limitations of this regulation by direct or indirect means, by reducing the period of guaranty or warranty or performance; by reducing discounts, freight allowances, exchange values, or other concessions to any purchaser; by changing discount or customary price differentials among classes of purchasers; by eliminating or reducing exchange credits; or in any other manner.

(b) The Office of Price Administration may, upon request, grant written permission to any person subject to this regulation to change his credit terms in effect on March 31, 1942, where such change is necessitated by orders issued by the Board of Governors of the Federal Reserve System or any agency of the United States.

SEC. 20. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages or suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 21. *Definitions.* (a) "New part" is a part which has not been previously used. The term includes unfinished parts not specifically excluded by section 1 (c) (1) and when sold by a manufacturer who is a regular producer of parts as defined in paragraph (g).

(b) "Normal base period" means the period 1936–1939. If the applicant for an adjustment under section 16 (a) shall demonstrate to the satisfaction of the Office of Price Administration either (1) that his entire industry was operating during the greater part of such period at an unusually depressed level or (2) that because of unusual conditions prevailing during that period, the manufacturer's business was operating during that period at an unusually depressed level in comparison to other businesses in the industry, and in addition that some other period prior to January 1, 1941, represents a proper normal base period, such other period may be considered. The mere fact that the rate of production or distribution has increased since 1936–1939 will not be deemed evidence that production or distribution during that period was at an unusually depressed level. If the manufacturer was not in business prior to January 1, 1941, he shall state that fact in his application.

(c) "Over-all profits" mean net profit resulting from the operation of all divisions of the manufacturer, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, over-all profits mean the consolidated net profit of the parent corporation and the wholly owned subsidiary, as well as the net profit of the subsidiary, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(d) "Person" includes: an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

(e) "Purchaser of the same class" refers to the practice adopted by the manufacturer in setting different prices for a part sold to different purchasers or kinds of purchasers (for example, governmental agency, public institution, dealer, service station, other individual wholesaler or retailer, mail order house), or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(f) "Rebuilt part", which includes a reconditioned part, is a part which has been previously used and in which all defective, worn, or missing components needing replacement or repair for satisfactory operation have been replaced or repaired, and is guaranteed to be rebuilt or equivalent to rebuilt and to render satisfactory service.

(g) "Regular producer of parts". A manufacturer shall be considered a regular producer of parts when he represents himself in the trade as a producer of parts through the issuance of catalogs, price lists, or other advertising matter, circulated generally in the trade and in which such part is designated by name and by the producer's part number, and he owns the patterns, dies, molds, or other special tools used for the production of such part, and he customarily produces such parts for, and sells such parts from, stock. A seller who believes that he is a regular producer of parts, but who does not meet the above requirements may nevertheless be considered a regular producer of parts if he is recognized in the trade as a supplier of parts and applies to the Office of Price Administration for, and receives from that agency, a determination that he is a regular producer of parts or receives from that agency, without application, such a determination.

(h) "Similar part". One part shall be deemed "similar" to another part, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarities of such commodities, differences merely in style or design which do not affect use or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account.

(j) "Subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(k) "Total unit costs" mean:

(1) *When the manufacturer produces all the units of the part he sells,* the direct unit cost of labor, materials, and subcontracted services plus a proportion of factory overhead, administrative, selling and other expenses, based on actual operating experience, properly allocable to the production of the part, but does not include provisions for income or excess profit taxes. The allocation of factory overhead, administrative and other expenses must be made without reference to temporary fluctuations of production.

(2) *When the manufacturer purchases all the units of the part he sells,* the weighted average of his supplier's invoiced net prices, freight in and freight out, other direct costs, and selling and administrative expenses normally applicable to the handling of the commodity which are properly allocable to the manufacturer's total cost of doing business, exclusive of any provisions for income or excess profit taxes.

(3) *When the manufacturer produces some of the units and purchases the remainder of the units of the part he sells,* the result obtained by adding together the amounts derived from the multiplication of total unit costs determined under subparagraph (1) for the units produced and the total unit costs determined under subparagraph (2) for the units purchased by the respective percentage each of these groups constituted of the total units sold by the manufacturer during the three months' period immediately preceding the date these direct costs are determined or during a preceding three months' period closest to that date in which a representative number of units were both produced and purchased.

(l) "Used part" is a part which has been previously used but which is not a rebuilt part as defined in paragraph (f).

(m) "War contract" means any contract with the United States, or any agency thereof, or with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of a machine or part purchased (1) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (2) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (3) for use in the production or manufacture of any commodity described in (1) or (2).

APPENDIX A—AUTOMOTIVE PARTS AND SUBASSEMBLIES COVERED BY THIS REGULATION

1. Chassis parts and actuating mechanism, including frame, torque members and other parts used to promote rigidity or strength, including chassis converters and trailer running gears.

2. Springs, standard helper and auxiliary, including parts thereof and all attaching parts.

3. Shock absorbers and parts thereof, including attaching parts.

4. Axles.

(a) Front axle, conventional and front wheel drive, and all parts thereof, including bearings, housing, actuating mechanism and spring seats, connecting and attaching parts.

(b) Rear axle, conventional, auxiliary and conversion, and all parts thereof, including bearings, actuating mechanism, spring seats, connecting and attaching parts.

5. Wheels and associated parts and parts thereof, and attaching parts, including rims, hubs, hub caps, drums, lugs, and bearings. Also wheel trim sets, discs and shields.

6. Steering mechanism, housing and parts thereof, including steering wheel with connecting and attaching parts, king pins and king pin bushings, shims, and attaching parts, steering bearings, and steering balls, stabilizing equipment.

7. Internal combustion engines and parts thereof, including actuating mechanism, cylinder head, attaching and connecting parts, cylinder block, pistons and parts thereof, connecting rods and attaching parts thereof, cylinder sleeves (wet and dry), timing gears, timing chain, distributor, including shaft gears, bushings and their connecting and attaching parts, tappets, plungers, valves, valve parts and their actuating mechanism, air pumps, fan and parts thereof, crank case and enclosed parts, crankshaft bearings, oil level indicator, fly wheel with connecting parts, shims and gaskets.

8. Fuel system and parts thereof, including the actuating mechanism, gas tank, auxiliary gas tank, vacuum tank and parts thereof, air filter, carburetor and parts thereof. Also fuel pipes, check valves, manifolds and pressure pumps.

9. Motor exhaust systems, extensions and parts thereof, including manifold exhaust pipe, muffler and parts and connecting parts thereof.

10. Ignition system and parts thereof (except batteries), including ignition switch, generator and parts thereof, with connecting and attaching parts thereof, distributors and parts thereof, including connecting and attaching parts, spark plugs and parts thereof, ignition wiring harness, ignition coil, relay or cut-out, fuses, automatic spark control systems.

11. Temperature control system and parts thereof, including hose connections, radiator, radiator covers, screens, shutters, fronts and guards and parts thereof with their connecting and attaching parts, radiator grills, circulating pumps and parts thereof, thermostat and parts thereof.

12. Clutch mechanism and parts thereof, including clutch cover, bearings, facings, shafts, and pedals.

13. Transmission, standard auxiliary, overdrive and fourth speed, with the actuating mechanism thereof, including housing, fluid and vacuumatic transmissions with the parts thereof, bearings, gears, shift levers, speedometer drive.

14. Differential, standard and auxiliary with the actuating mechanism and parts thereof, including pinion and ring gears, and housings.

15. Drive shaft with the connecting actuating parts thereof, including bushings and universal joints.

16. Brake system, all types with actuating mechanism and parts thereof, including foot and hand brake levers, brake shoes, toggle joinings, pull rods, shafts, equalizers, springs, cylinders, tubes, tanks, and reserve tanks for fluid.

17. Lubrication system and parts thereof, including oil pumps and parts thereof, including connecting and attaching parts, filler and level plugs, grease cups, oil cleaners, individual fittings and parts thereof, central shot system and parts thereof.

18. Bolts, nuts, screws and rivets as defined in Maximum Price Regulation 147 either when specially packaged and sold as automotive parts by manufacturers of automotive parts or sold as replacement parts by manufacturers of motor vehicles or of assemblies designed for use only as automotive parts or accessories.

19. Hood, fenders, running boards, cowling and connecting and attaching parts thereof, including dual wheel fenders and fender splash guards.

20. Starting system and parts thereof, actuating mechanism, including starter, motor starter, wiring harness, switches, starting pedal rods, with the connecting and attaching parts.

21. Signal devices and parts thereof, including the actuating mechanism, buttons, and switches, horns, and buzzers, including connecting and attaching parts and wire harness, directional signals.

22. Lighting system and parts thereof, including switches and wire harness, lamps and posts, including auxiliary lighting equipment (except bulbs), resistance coils and parts thereof. Also beam headlights, fog, spot, trunk, fender, step, and running or identification lighting equipment.

23. Electrical gauges and control equipment and parts thereof, including gasoline gauges, heat indicator, ammeter and other miscellaneous electrical gauges.

24. Mechanical equipment gauges, hydraulic or otherwise, including the instrument panel and with its connecting and attaching parts, gas tank gauges, water temperature gauges, oil circulation gauges, oil pressure indicator and other miscellaneous gauges.

25. Control equipment and parts thereof, including acceleration mechanism, choker rods, governors and parts thereof, windshield wiper control and attaching parts, carburetor heat control, speedometers and parts thereof.

26. Bumpers and bumper stops, guards, wings, and their connecting and attaching parts.

27. Bodies, cabs and component parts thereof, bodies designed exclusively for commercial vehicles and busses, including the attaching parts, but excepting glass and upholstery.

28. Rear view mirrors.

29. Body fittings and attachments, including wind lace or weather strip, cowl boards, sun visors, floor boards, foot rails, body hardware.

30. Miscellaneous auxiliaries, including running board plates, running board molding, spare tire locks, license plate frames, cigar lighter, etc.

31. Tourist trailer parts including trailer legs, hitches, coupling devices and running gears.

32. Parts for commercial motor vehicle trailers, tractors, including third axle attachments and auxiliary wheel units.

33. Portable power units including power take-offs, truck cranes, winches, transmission derricks, truck hoists, and compressors auto driven.

34. Reground crankshafts, rebored cylinders, repaired and rebuilt generators and starters and motors; relined brake shoes; overhauled and reconditioned carburetors, rebabbitted connecting rods, realigned main bearings, trued brake drums, rebuilt clutches, resurfaced cylinder heads, and refaced valves.

35. Motorcycle drive chains.

36. Motorcycle dispatch, tow, traffic, side, and service cars and their parts, accessories and subassemblies.

APPENDIX B—AUTOMOTIVE PARTS, SUBASSEMBLIES, AND ACCESSORIES EXCLUDED FROM THIS REGULATION

1. Batteries and battery separators.

2. Electric light bulbs, flares, flashlights.

3. Glass.

4. Goggles, riding belts, saddle bags and splashers, leg shields and windshields for motorcycles.

5. Rugs, carpets, fabrics, leather and mohair upholstery.

6. Bicycle accessories and parts.

7. Hoists, winches, derricks, and cranes not classified as automotive power units or auto driven.

8. Tire or car theft alarms including truck burglar alarms.

9. Luggage and baggage racks, roof rails, and coat rails.

10. Radios, radio aerials and controls.

11. Tires, tubes, tire covers and tire repair material including patches.

12. Automotive fabrics including cloth, fibre or leather seat covers.

13. Signs or insignia attachments including decalcomanias.

14. Clocks, mileage clocks and movement recorders other than speedometers.

15. Automotive mechanical and electrical testing and maintenance equipment and supplies including but not limited to:

Garage equipment.
Small tools.
Expendable tools.
Tire gauges.
Chemical compounds.
Air pumps—hand or mechanical.
Lubricants and greases.
Brake fluids.
Anti-freeze solutions.
Rags.
Polishes.
Waxes.

16. Castings, forgings or blanks before machining, threading or stamping operations have progressed to the point where they can be identified as automotive parts.

17. Farm machine equipment or parts and subassemblies especially designed or manufactured for farm equipment.

18. Road building equipment or parts and subassemblies especially designed or manufactured for road building equipment.

19. Marine engines or parts thereof when such engines or parts are especially designed for marine engines.

20. The following types of accessories:

Shades.
Screens.
Valances.
De-gassers.
Vents.
Ventilators.
Traction sanders.
Automatic doors.
Tarpaulins.
Fare boxes.
Fire hose.
Registering machines.
Fire extinguishers.
Skid chains, adjusters and links.
Sun visors and shields.
Cigarette lighters and ash receivers.
Hat holders.
Tissue dispensers.
Auto umbrellas.
Refrigeration and air conditioning equipment.
Rubber horn bulbs, floor mats and topping.
Air cushions, mattresses, pillows, and bed conversions.

21. Bolts, nuts, screws and rivets as defined in Maximum Price Regulation 147 except those included in Item 18 of Appendix A.

22. Rubber and rubber products not listed on automotive parts, accessories or subassemblies price lists.

APPENDIX C—FORM FOR APPLICATION FOR ADJUSTMENT OF MANUFACTURER'S MAXIMUM PRICES FOR AUTOMOTIVE PARTS

Form OPA 694:478

Form Approved
Budget Bureau No. 08–R616

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

Application for Adjustment of Maximum Prices for Automotive Parts Under Maximum Price Regulation No. 452.

Company name _____
Address _____
(Street) (City) (State)

The following facts are furnished to the Office of Price Adminstration in support of this Application:

SCHEDULE A

1. General description of the company's business.

2. Designate and describe part(s) for which price increase is required.

3. Present the following information for each part listed in Item 2 above.

(a) Dollar volume of unfilled orders, $_____

(b) Unit volume of unfilled orders. Indicate unit used) _____

(c) Degree of completion of production or supply on unfilled orders _____%.

(d) Anticipated dollar volume of new orders for the next: 3 months, $_____; 6 months, $_____; 12 months, $_____.

NOTE: If more than one part is being reported, present the required information on another sheet.

4. Present evidence that the company is an essential manufacturer of an essential automotive part.

(a) For each part designated in Item 2 above, fill in the following if you have entered into, or propose to enter into, a war contract or subcontract for the sale of that part:

(1) Identification of contract _____
(2) Name of purchaser _____
(3) Address of purchaser _____
(Street)
_____
(City) (State)

NOTE: If more than one part is being reported, present the required information on another sheet.

(b) Present any other information which demonstrates that the manufacturer is an essential manufacturer of an essential part.

(NOTE: The terms "war contract", "subcontract", "essential manufacturer" and "essential part" are defined in Sections 16 and 21 of this regulation).

5. Are similar parts produced or supplied by competing manufacturers in your region? _____
(Yes or no)

If yes, give names and addresses of competitors, and their prices for such parts.

SCHEDULE B

Important. If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated financial data should be submitted for the parent corporation and the wholly owned subsidiary as well as financial statements for the subsidiary.

1. *Financial data 1941–1943.*

Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses and officers' salaries and bonuses, and the number of officers.)

2. *Financial data 1936–1940.*

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936–1940, or fill in the following condensed table.

	1936	1937	1938	1939	1940
Net sales					
Cost of goods sold					
Gross profit					
Administrative expenses					
Selling expenses					
Net operating profit					
Other income less other expenses					
Net profit before income taxes					
Debt (except current) at end of year					
Net worth at end of year					
Total assets					

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? _____ If no, state exceptions.
(Yes or no)

SCHEDULE C

UNIT PRICE AND COST INFORMATION

Designation of part: _____

NOTE: If more than one part is involved, prepare and file separate reports on this schedule for each part that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. *Price data:*

(a) *Net realized price:*

	Ceiling date price March 31, 1942	Current price	Requested price
1. (List) (Non-list) price			
2. Less: Dealers' commissions			
3. Less: Trade discounts			
4. Net realized price			
5. Net realized price at maximum discount and/or commissions			

(b) *Analysis of sales of the above designated part:*

Sales for _____ month period
(number of months)
ending _____ 1943.
(month and day)

	Percentage amount of commissions or discounts	Dollar value of sales
Sales subject to commission of (1)	%—	$—
Sales subject to commission of (2)	%—	—
Sales not subject to commission	XXXXXXXXX	—
Sales subject to discount of (1)	%—	$—
Sales subject to discount of (2)	%—	—
Sales subject to discount of (3)	%—	—
Sales subject to discount of (4)	%—	—
Sales subject to discount of (5)	%—	—
Sales not subject to discount	XXXXXXXXX	—
Total sales of above designated product	XXXXXXXXX	$—

(c) *Total sales for the above designated part only:*

	1940	1941	1942	Months ending 1943
Total unit volume of sales				
Total dollar volume of sales (net)	$—	$—	$—	$—

(d) *Is the price currently charged for the part the same as the maximum price filed with OPA?* _____
(Yes or no)

(If answer is "No", state date when increased price was first charged.) Date: _____ 194__
(Month)

(e) *Indicate whether the current maximum price is a list ( ) or non-list ( ) price.* (Check one.)

Price used since _____ 194__.
(Month)

(f) *State on a separate sheet the reasons for the need of the requested price increase.*

2. *Unit cost data:*

(a) *For parts produced:*

	Ceiling date costs Mar. 31, 1942	Costs December 1942	Current date costs 1943
(1) Direct material	$—	$—	$—
(2) Direct labor	—	—	—
(3) Factory overhead	—	—	—
(4) Selling expense (do not include discounts and commissions deducted under Price Data above)	—	—	—
(5) Administrative expense	—	—	—
(6) Freight out, if any	—	—	—
(7) Installation expense, if any	—	—	—
(8) Other expense, specify	—	—	—
(9) Total cost per unit	—	—	—

(10) What method is used in allocating factory overhead?

(i) Standard ( ), Actual ( ), Other ( ). (Check one.)

(ii) Direct labor cost ( ); Direct labor hours ( ); Machine hours ( ); Other ( ).

(Explain separately if "other" or combination.)

(b) *For parts purchased for resale.*

	Ceiling date costs Mar. 31, 1942	Costs December 1942	Current date costs 1943
(1) Price paid for parts	$—	$—	$—
(2) Selling expense (do not include discounts deducted under Price Data above)	—	—	—
(3) Administrative expense	—	—	—
(4) Freight out, if any	—	—	—
(5) Other expense, specify	—	—	—
(6) Total cost per unit	—	—	—

Affidavit

STATE OF _____
County of _____ ss.

_____
(Applicant)
By _____
_____
(Title)

The undersigned _____ being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Ad-

justment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct,

---

(Signature)

Subscribed and sworn to before me this ---- day of ---------- 1943.

(Officer administering oath)

Instructions for the Form—Instructions for the use of Adjustment Application Form for Automotive Parts. In preparing this application, please consider that the form is intended to cover the cases of all persons who are manufacturers as defined in Section 1 (b) (1) of Maximum Price Regulation No. 452. Therefore, you will find that some of the questions do not apply to your case. Moreover, you may find that some point that is important in your case is not covered in the form. Adapt the form if this can be done, or state the information on a separate sheet if that will be clearer. If any difficulty is experienced in completing this form it may be taken to the nearest OPA district accountant who will give his assistance in its preparation.

Schedule C entitled "Unit Price and Cost Information" is subject to the following explanation:

1. *Price data*—(a) (1) (*List*) (*Non-list*) *price.* Please indicate whether the price is a list price or a non-list price by crossing out the term that does not apply.

2. *Dealers' commissions.* Where all dealers receive the same commission, use the full commission rate even if some sales are not subject to any commission. If several different rates affect the part covered by the application, use the rate that applies to the largest amount of sales.

3. *Trade discounts.* Deduct trade discounts at the average rate of discounts prevailing in your company for the part covered by this application.

(b) *Period to be covered.* Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.

2. *Unit cost data*—(a) (1) *In general.* A manufacturer who produces all the parts he sells should use Form (*a*). A manufacturer who purchases all the parts he sells should use Form (*b*). A manufacturer who produces some and purchases the remainder of the parts he sells should use both Forms (*a*) and (*b*) and should indicate under Form (*a*) or (*b*) what percentage group of parts constituted of the total number of parts sold during the period for which the data are submitted. (2) Only actual costs for materials should be included in unit cost data.

(b) *Form* (*a*). For Form (*a*) the following should be noted: State separately any charges added to costs of materials.

Where standard costs are used, adjust costs for over- or under-absorption during the period to which the costs apply.

The cost data for the ceiling date may be recomputed if the part covered by the application was not manufactured on or about that date. In the recomputation apply the wage rates prevailing in your plant on the ceiling date and material cost of the same date.

Under Items (6), (7) and (8) include only costs borne by the manufacturer and not billed separately to the buyer.

Effective date. This regulation shall become effective September 2, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13577; Filed, August 19, 1943; 4:26 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 453]

WHOLESALERS' AND RETAILERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

In the judgment of the Price Administrator the maximum prices established by this regulation will be generally fair and equitable, will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and are necessary to adjust the provisions of the General Maximum Price Regulation[1] to the particular circumstances of wholesale and retail sellers of automotive parts. So far as practicable the Price Administrator has consulted with and has been advised by representative members of the industry which will be affected by this regulation. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1360.2 *Wholesalers' and retailers' maximum prices for automotive parts.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1360.2 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 453—WHOLESALERS' AND RETAILERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

Sec.

1. To what transactions, persons, commodities, and geographical area this regulation applies.
2. Relation of this regulation to other regulations.
3. Prohibition against dealing in parts at prices above the maximum.
4. Less than maximum prices.

ARTICLE II—MAXIMUM PRICES

5. Maximum prices for sales at wholesale and retail of new or rebuilt parts having resale list prices which the supplier has stated to be the maximum prices for resellers.
6. Maximum prices for sales at wholesale and at retail of all used parts and of new and rebuilt parts which do not have resale list prices which the supplier has stated to be the maximum prices for resellers.
7. Maximum prices for sales at wholesale and retail of parts priced under Section 6 the manufacturer's maximum prices for which are increased after September 1, 1943, in accordance with Maximum Price Regulation No. 452.

ARTICLE III—MISCELLANEOUS

8. Federal and State taxes.
9. Telephone, telegraph, and express or parcel post charges.
10. Sales slips and receipts.
11. Petitions for amendment.
12. Transfer of business or stock in trade.
13. Records.
14. Evasion.
15. Licensing.
16. Enforcement.
17. Definitions.

Appendices A and B

Article I—Scope of Regulation and Prohibition

SECTION 1. *To what transactions, persons, commodities and geographical area this regulation applies*—(a) *Transactions.* This regulation applies to all sales by wholesalers and retailers of new, rebuilt and used automotive parts made in the 48 states of the United States or the District of Columbia.

(b) *Persons.* The regulation applies to all persons who sell at wholesale or retail the automotive parts subject to the regulation and to all persons who purchase such parts in the course of trade or business.

(c) *Commodities.* The regulation covers all new, rebuilt and used automotive parts.

(1) *Automotive parts.* Automotive parts as used in the regulation mean all engine parts, body parts, chassis parts, motors, electrical equipment and wheels, and all other component parts and subassemblies, of automobiles, trucks, busses, trailers, semi-trailers and motorcycles, and all accessories and optional, extra and special equipment designed for use on, or with, such motor vehicles, when in such form as to permit their use only as automotive parts, but do not mean any service or maintenance accessories such as anti-freeze, body polish, tools, etc., or tires, tubes, storage batteries, glass, or any parts, subassemblies or accessories specially designed for use in vehicles built primarily for military purposes, although parts, subassemblies or accessories originally designed for use in private or commercial motor vehicles but which are used both in military and private or commercial motor vehicles are considered as automotive parts. Illustrative lists of automotive parts covered by the regulation and parts not covered by the regulation are attached as Appendices A and B.

(d) *Geographical area.* The regulation applies to the 48 states of the United States and the District of Columbia, but not to the territories and possessions of the United States.

SEC. 2. *Relation of this regulation to other regulations*—(a) *In general.* The transactions, persons, and commodities subject to this Maximum Price Regulation No. 453 on and after its effective date shall not be subject to the General Maximum Price Regulation or any other regulation issued by the Office of Price Administration in so far as this Maximum Price Regulation No. 453 affects such transactions, persons and commodities.

(b) *Sales of parts in connection with a service.* The maximum prices for sales of parts in connection with a service, such as automobile repair work, shall be determined in accordance with Maximum Price Regulation No. 165—Services.

(c) *Sales for export.* The maximum prices for sales for export of parts shall be determined in accordance with the provisions of the Second Revised Maximum Price Regulation.[1]

(d) *Imports.* The provisions of this regulation do not apply to the sale, purchase or delivery of a part which is not manufactured in, but is imported into, the continental United States or the District of Columbia. Such a sale, purchase or delivery is governed by the provisions of the General Maximum Price Regulation and especially Revised Supplementary Regulation No. 12.

SEC. 3. *Prohibition against dealing in parts at prices above the maximum.* On and after September 2, 1943, regardless of any contract or other obligation,

(a) No wholesaler or retailer shall sell or deliver any part at a price higher than the maximum price permitted by the regulation;

(b) No person in the course of trade or business shall buy or receive any part from a wholesaler or retailer at a price higher than the maximum price permitted by the regulation, but if he, the purchaser, has received from the wholesaler or retailer a written statement that the price charged is not in excess of the maximum price, and has no knowledge to the contrary, he shall be deemed to have complied with this paragraph;

(c) No person shall agree, offer, or attempt to do any of the acts prohibited in paragraphs (a) and (b) of this section.

SEC. 4. *Less than maximum prices.* Nothing in this regulation prevents the charging or paying of prices lower than those established by this regulation.

Article II—Maximum Prices

SEC. 5. *Maximum prices for sales at wholesale and retail of new or rebuilt parts having resale list prices which the supplier has stated to be the maximum prices for resellers*—(a) *Maximum prices for sales at wholesale.* Manufacturers of parts are told in Maximum Price Regulation No. 452—Manufacturers' Maximum Prices for Automotive Parts, under what conditions they must furnish copies of their suggested resale price lists to their customers. When manufacturers must do so, they are required to notify their customers that their resale list prices are maximum prices for wholesalers and retailers and that higher prices must not be charged. Resale list prices for new or rebuilt parts stated in a written notice from a manufacturer to a wholesaler to be the maximum prices for sales by the wholesaler of parts supplied by that manufacturer are the maximum prices which that wholesaler may charge for such parts.

(b) *Notice by wholesalers to retailers or other wholesalers of maximum retail prices and maximum prices for wholesalers purchasing from other wholesalers* After a wholesaler has received written notice from a manufacturer that the manufacturer's resale list prices for new or rebuilt parts are the maximum prices for resale, the wholesaler shall state the manufacturer's resale list prices for sales at retail on all invoices to retailers for any such parts, together with the statement that such prices are the retailer's maximum prices for such parts. As to sales of such parts to other wholesalers, a wholesaler shall state on the invoice both the maximum price for sales by wholesalers to retailers and for sales by retailers. A wholesaler who has purchased parts from another wholesaler and who has been notified on his invoice as to what is the maximum price for sales at retail shall notify retailers to whom he sells such parts that such price is their maximum selling price. His own maximum selling price for a sale to a retailer is the price stated to be his maximum price in the invoice to him. His maximum selling price if he should sell to another wholesaler is the manufacturer's resale list price for such a sale.

(c) *Maximum prices for sales at retail.* Resale list prices for new or rebuilt parts stated in writing by a manufacturer or wholesaler to be the maximum prices for sales by a retailer of parts supplied by the manufacturer or wholesaler, are the maximum prices which that retailer may charge for such parts.

(d) *Distinction between new and rebuilt parts.* A resale list price to be used as the maximum price under this section must be applicable to the particular part being priced. For example, to be used as the maximum price for a rebuilt part, the resale list price must be a resale list price suggested for a rebuilt part and may not be a price suggested for the part only if new.

SEC. 6. *Maximum prices for sales at wholesale and at retail of all used parts and of new and rebuilt parts which do not have resale list prices which the supplier has stated to be the maximum prices for resellers.* Maximum prices for sales at wholesale and at retail of all used parts and of new and rebuilt parts which do not have resale list prices which the supplier has stated to be the maximum prices for resellers, shall be established in accordance with the first applicable of the following paragraphs:

(a) *Parts sold or offered for sale by the wholesaler or retailer during March, 1942.* The maximum price a wholesaler or retailer may charge for a part sold or offered for sale during March, 1942, but for which he cannot determine his maximum selling price under Section 5, shall be the highest price he charged for such a part during March, 1942.

(1) *Highest price charged during March, 1942 shall be:* (i) Highest price charged by a wholesaler or retailer during March, 1942 shall be the highest price at which he sold the part during that month to a purchaser of the same class; or

(ii) If he did not sell the part during March, 1942 to the same class of purchaser, his highest offering price for the same part during that month to a purchaser of the same class; or

(iii) If he did not sell or offer to sell the part to a purchaser of the same class during March, 1942, the highest price charged by him during March, 1942 to a purchaser of a different class adjusted to reflect his customary differential between the two classes of purchasers.

(b) *Parts not sold or offered for sale by the wholesaler or retailer during March, 1942.* The maximum price a wholesaler or retailer may charge for a part which he did not sell or offer for sale during March, 1942 and which cannot be priced under section 5, shall be a price determined by adding to the net invoice cost, (not to exceed the applicable manufacturer's maximum price of such a part), the percentage mark-up the wholesaler or retailer added during March, 1942 to the net invoice cost of the part of the same type, the invoice cost of which is nearest to the invoice cost of the part being priced. Examples of types for the purpose of this regulation are engine parts, carburetor parts, electrical parts, etc.

(c) *Maximum prices for parts for which maximum prices cannot be otherwise determined.* The maximum price for a part for which a maximum price cannot be determined either under section 5 or paragraph (a) or (b) of this section shall be a price determined by the wholesaler or retailer after specific authorization from the Office of Price Administration. A wholesaler or retailer who seeks an authorization to determine a maximum price under the provisions of this section shall file with the Office of Price Administration, Washington, D. C., an application setting forth (a) a description of the part or parts for which a maximum price is sought; (b) a statement of the reasons why such a part or parts cannot be priced under section 5 or paragraph (a) or (b) of this section; and (c) any other facts which the wholesaler or retailer wishes to submit in support of the application. The wholesaler or retailer shall also submit such additional pertinent information as the Office of Price Administration may require. Such authorization will be given in the form of an order prescribing a method of determining the maximum price.

SEC. 7. *Maximum prices for sales at wholesale and retail of parts priced under section 6 the manufacturer's maximum prices for which are increased or decreased after September 1, 1943 in accordance with Maximum Price Regulation No. 452.* The maximum price for the sale by a wholesaler or retailer of a part priced under section 6, the manufacturer's maximum price for which is increased or decreased after September 1, 1943 in accordance with Maximum Price Regulation No. 452—Manufacturers' Maximum Prices for Automotive Parts, shall be determined as follows:

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[1] 8 F.R. 4132, 5987, 7662.

The wholesaler or retailer shall multiply his previous maximum price for the sale of the part to a purchaser of the same class by a percentage to be determined by dividing the present price for the part in effect to him from his supplier by the price in effect to him prior to the increase or decrease in the manufacturer's maximum price.

Article III—Miscellaneous

SEC. 8. *Federal and State Taxes.* Any tax upon, or incident to, the sale, delivery, transportation or use of a part imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the wholesaler's or retailer's maximum price for the part and in preparing his records with respect thereto:

(a) *A tax in effect on March 31, 1942.* (1) If the wholesaler or retailer paid such tax, or if the tax was paid by any of his suppliers, even though the amount thereof was separately stated and collected from the wholesaler or retailer, but the wholesaler or retailer did not customarily state and collect separately during March, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his supplier, the wholesaler or retailer may not collect such amount in addition to his maximum price.

(2) If, at the time the wholesaler or retailer determines his maximum price, the statute or ordinance imposing such tax does not prohibit him from stating and collecting the tax separately from his selling price and he did state it separately during March, 1942, he may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any of his suppliers and separately stated and collected from him by the supplier from whom he purchased the part, but the dealer shall not include such amount in the maximum price.

(b) *A tax placed in effect after March 31, 1942.* As to a tax or an increase in a tax placed in effect after March 31, 1942, if the statute or ordinance imposing such tax or increase does not prohibit the wholesaler or retailer from stating or collecting the tax separately from his selling price and he separately states the tax, he may collect, in addition to his maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any of his prior suppliers and separately stated and collected from him by the supplier from whom he purchased.

(c) A tax on the transportation of parts imposed by section 620 of the Internal Revenue Act of 1942 shall, for purposes of determining the applicable maximum price, be treated as a cost of transportation. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

SEC. 9. *Telephone, telegraph, and express or parcel post charges.* There may be added to the maximum price established by this regulation, the cost of any long-distance telephone calls, or telegrams, or express or parcel post charges where such expenses have been incurred at the request of the purchaser in order to expedite a particular order, but the amount of these extra expenses shall be separately stated to the purchaser.

SEC. 10. *Sales slips and receipts.* Any wholesaler or retailer who has customarily given purchasers sales slips, receipts, or similar evidence of purchases shall continue to do so. Upon request from a purchaser, a wholesaler or retailer, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the wholesaler or retailer, a description of each automotive part sold and the price received for each part.

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1.* There shall be filed with such petition all relevant data showing the need for the amendment and that it would conform to the policy of this regulation and to the Emergency Price Control Act of 1942, as amended, to control inflation.

SEC. 12. *Transfer of business or stock in trade.* If the business assets or stock in trade of any business are sold or otherwise transferred after September 1, 1943, and the transferee carries on the business or continues to deal in the same type of parts, in the same competitive area and in an establishment separate from any establishment which he may previously have owned or operated, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this regulation if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 13. *Records.* Every wholesaler or retailer who sells a part subject to the maximum prices established by this regulation shall preserve for examination, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, the following records:

(a) *Base period records.* (1) The wholesaler or retailer shall preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for the parts he delivered or supplied on March 31, 1942, and his offering prices for delivery or supply of such parts on that date.

(2) The wholesaler or retailer shall prepare, if he has not already done so, and thereafter shall keep for examination by any person during ordinary business hours, a statement showing:

(i) The highest price which he charged for the parts he delivered or supplied on March 31, 1942 and his offering prices for delivery or supply of such parts on that date, together with an appropriate description or identification of each part.

(ii) All his customary allowances, discounts, and other price differentials.

(b) *Current records*—(1) *Notifications of maximum prices.* Wholesalers and retailers shall keep all notifications of the maximum prices of parts which may be charged by them.

(2) *Customary records.* The wholesaler or retailer who sells a part subject to this regulation shall keep, and make available for examination by the Office of Price Administration, records of the same kind as he has customarily kept, relating to the prices which he charged for the parts he sells after the effective date of this regulation; and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices for such parts.

SEC. 14. *Evasion.* The price limitations set forth in this regulation shall not be evaded (a) by reducing the period of any guaranty or warranty of performance; (b) by reducing discounts, exchange values, or other concessions to any purchaser; (c) except in those cases in which it was customary to sell them only in connection with a service, by refusing to sell parts separately; (d) by requiring the purchaser to buy other commodities or to perform any act as a condition of the sale of the part; (e) by requiring the purchaser to bear any greater proportion of transportation costs than he bore on March 31, 1942, or, when applicable, which are permissible in connection with any resale list price established as a maximum price in accordance with this regulation; or (f) by effecting any other hidden or indirect price increase above the applicable maximum price.

SEC. 15. *Licensing*—(a) *License required.* A license as a condition of selling is hereby required of every wholesaler or retailer now or hereafter selling any part for which a maximum price is established by this regulation. No person whose license is suspended shall sell any part during the period of suspension.

(b) *License granted.* Every person required to be licensed pursuant to paragraph (a) of this section is, by this section, granted a license as a condition of selling any part. The provisions of this regulation, and any amendments thereto, shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of said license. Such license shall be effective on September 2, 1943, the effective date of this regulation, or whenever any person becomes subject to the provisions of the regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, continue in force so long as, and to the extent that, this regulation or any amendment or supplement thereto remains in effect.

SEC. 16. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the

* 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

Emergency Price Control Act of 1942, as amended.

SEC. 17. *Definitions.* When used in this regulation the term:

(a) "Manufacturer" means a regular producer of new automotive parts, as defined in section 21 of Maximum Price Regulation No. 452, a rebuilder of used automotive parts, or any person who sells automotive parts under his own trade name.

(b) "New part" means a part which has not been previously used.

(c) "Person" means an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its subdivisions; or any agency of any of the foregoing.

(d) "Rebuilt part" means a part which has been previously used, in which all defective, worn or missing components needing replacement or repair for satisfactory operation have been replaced or repaired, and which is guaranteed by an automotive part rebuilder to be rebuilt or equivalent to rebuilt and to render satisfactory service.

(e) "Resale list price" means the price suggested by the manufacturer of an automotive part in a price list or price sheet issued to the trade as the price to be charged by the person reselling it. Adjustment must be made for all applicable extra charges, discounts or allowances for sales to a purchaser of the same class in figuring the list price.

(f) "Sale at retail" means any sale to a purchaser for use and not for resale, and includes sales made by garages when to a purchaser for use. For the purposes of this regulation each store of a chain store organization or each sales outlet of any other retail organization shall be regarded as a separate seller, except that notice to the organization under section 5 will be considered notice to each sales outlet.

(g) "Sale at wholesale" means any sale other than a sale at retail and other than a sale made by the manufacturer of the part. For the purposes of this regulation each sales outlet of any wholesale organization shall be regarded as a separate seller, except that notice to the organization under section 5 will be considered notice to each sales outlet.

(h) "Used part" means a part which has been previously used but which is not a rebuilt part as defined in paragraph (d) above.

APPENDIX A—AUTOMOTIVE PARTS AND SUBASSEMBLIES COVERED BY THIS REGULATION

1. Chassis parts and actuating mechanism, including frame, torque members and other parts used to promote rigidity or strength, including chassis convertors and trailer running gears.

2. Springs, standard helper and auxiliary, including parts thereof and all attaching parts.

3. Shock absorbers and parts thereof, including attaching parts.

4. Axles.

(a) Front axle, conventional and front wheel drive, and all parts thereof, including bearings, housing, actuating mechanism and spring seats, connecting and attaching parts.

(b) Rear axle, conventional, auxiliary and conversion, and all parts thereof, including bearings, actuating mechanism, spring seats, connecting and attaching parts.

5. Wheels and associated parts and parts thereof, and attaching parts, including rims, hubs, hub caps, drums, lugs, and bearings. Also wheel trim sets, discs and shields.

6. Steering mechanism, housing and parts thereof, including steering wheel with connecting and attaching parts, king pins and king pin bushings, shims, and attaching parts, steering bearings, and steering balls, stabilizing equipment.

7. Internal combustion engines and parts thereof, including actuating mechanism, cylinder head, attaching and connecting parts, cylinder block, pistons and parts thereof, connecting rods and attaching parts thereof, cylinder sleeves (wet and dry), timing gears, timing chain, distributor, including shaft gears, bushings and their connecting and attaching parts, tappets, plungers, valves, valve parts and their actuating mechanism, air pumps, fan and parts thereof, crank case and enclosed parts, crankshaft bearings, oil level indicator, fly wheel with connecting parts, shims and gaskets.

8. Fuel system and parts thereof, including the actuating mechanism, gas tank, auxiliary gas tank, vacuum tank and parts thereof, air filter, carburetor and parts thereof. Also fuel pipes, check valves, manifolds and pressure pumps.

9. Motor exhaust systems, extensions and parts thereof, including manifold exhaust pipe, muffler and parts and connecting parts thereof.

10. Ignition system and parts thereof (except batteries), including ignition switch, generator and parts thereof, with connecting and attaching parts thereof, distributors and parts thereof, including connecting and attaching parts, spark plugs and parts thereof, ignition wiring harness, ignition coil, relay or cut-out, fuses, automatic spark control systems.

11. Temperature control system and parts thereof, including hose connections, radiator, radiator covers, screens, shutters, fronts and guards and parts thereof with their connecting and attaching parts, radiator grills, circulating pumps and parts thereof, thermostat and parts thereof.

12. Clutch mechanism and parts thereof, including clutch cover, bearings, facings, shafts, and pedals.

13. Transmission, standard auxiliary, overdrive and fourth speed, with the actuating mechanism thereof, including housing, fluid and vacuumatic transmissions with the parts thereof, bearings, gears, shift levers, speedometer drive.

14. Differential, standard and auxiliary with the actuating mechanism and parts thereof, including pinion and ring gears, and housings.

15. Drive shaft with the connecting actuating parts thereof, including bushings and universal joints.

16. Brake system, all types with actuating mechanism and parts thereof, including foot and hand brake levers, brake shoes, toggle joinings, pull rods, shafts, equalizers, springs, cylinders, tubes, tanks, and reserve tanks for fluid.

17. Lubrication system and parts thereof, including oil pumps and parts thereof, including connecting and attaching parts, filler and level plugs, grease cups, oil cleaners, individual fittings and parts thereof, central shot system and parts thereof.

18. Bolts, nuts, screws and rivets as defined in Maximum Price Regulation 147 either when specially packaged and sold as automotive parts by manufacturers of automotive parts or sold as replacement parts by manufacturers of motor vehicles or of assemblies designed for use only as automotive parts or accessories.

19. Hood, fenders, running boards, cowling and connecting and attaching parts thereof, including dual wheel fenders and fender splash guards.

20. Starting system and parts thereof, actuating mechanism, including starter, motor starter, wiring harness, switches, starting pedal rods, with the connecting and attaching parts.

21. Signal devices and parts thereof, including the actuating mechanism, buttons, and switches, horns, and buzzers, including connecting and attaching parts and wire harness, directional signals.

22. Lighting system and parts thereof, including switches and wire harness, lamps and posts, including auxiliary lighting equipment (except bulbs), resistance coils and parts thereof. Also beam headlights, fog, spot, trunk, fender, step and running or identification lighting equipment.

23. Electrical gauges and control equipment and parts thereof, including gasoline gauges, heat indicator, ammeter and other miscellaneous electrical gauges.

24. Mechanical equipment gauges, hydraulic or otherwise, including the instrument panel and with its connecting and attaching parts, gas tank gauges, water temperature gauges, oil circulation gauges, oil pressure indicator and other miscellaneous gauges.

25. Control equipment and parts thereof, including acceleration mechanism, choker rods, governors and parts thereof, windshield wiper control and attaching parts, carburetor heat control, speedometers and parts thereof.

26. Bumpers and bumper stops, guards, wings, and their connecting and attaching parts.

27. Bodies, cabs and component parts thereof, bodies designed exclusively for commercial vehicles and busses, including the attaching parts, but excepting glass and upholstery.

28. Rear view mirrors.

29. Body fittings and attachments, including wind lace or weather strip, cowl boards, sun visors, floor boards, foot rails, body hardware.

30. Miscellaneous auxiliaries, including running board plates, running board molding, spare tire locks, license plate frames, cigar lighter, etc.

31. Tourist trailer parts including trailer legs, hitches, coupling devices and running gears.

32. Parts for commercial motor vehicle trailers, tractors, including third axle attachments and auxiliary wheel units.

33. Portable power units including power take-offs, truck cranes, winches, transmission derricks, truck hoists, and compressors auto driven.

34. Reground crankshafts, rebored cylinders, repaired and rebuilt generators and starters and motors; relined brake shoes; overhauled and reconditioned carburetors, rebabbitted connecting rods, realigned main bearings, trued brake drums, rebuilt clutches, resurfaced cylinder heads, and refaced valves.

35. Motorcycle drive chains.

36. Motorcycle dispatch, tow, traffic, side, and service cars and their parts, accessories and subassemblies.

APPENDIX B—AUTOMOTIVE PARTS, SUBASSEMBLIES, AND ACCESSORIES EXCLUDED FROM THIS REGULATION

1. Batteries and battery separators.
2. Electric light bulbs, flares, flashlights.
3. Glass.
4. Goggles, riding belts, saddle bags and splashers, leg shields and windshields for motorcycles.
5. Rugs, carpets, fabrics, leather and mohair upholstery.
6. Bicycle accessories and parts.
7. Hoists, winches, derricks, and cranes not classified as automotive power units or auto driven.
8. Tire or car theft alarms including truck burglar alarms.

9. Luggage and baggage racks, roof rails, and coat rails.
10. Radios, radio aerials and controls.
11. Tires, tubes, tire covers and tire repair material including patches.
12. Automotive fabrics including cloth, fibre or leather seat covers.
13. Signs or insignia attachments including decalcomanias.
14. Automotive mechanical and electrical testing and maintenance equipment and supplies including but not limited to:
Garage equipment.
Small tools.
Expendable tools.
Tire gauges.
Chemical compounds.
Air pumps—hand or mechanical.
Lubricants and greases.
Brake fluids.
Anti-freeze solutions.
Rags.
Polishes.
Waxes.
15. Clocks, mileage clocks and movement recorders other than speedometers.
16. Castings, forgings or blanks before machining, threading or stamping operations have progressed to the point where they can be identified as automotive parts.
17. Farm machine equipment or parts and subassemblies especially designed or manufactured for farm equipment.
18. Road building equipment or parts and subassemblies especially designed or manufactured for road building equipment.
19. Marine engines or parts thereof when such engines or parts are especially designed for marine engines.
20. The following types of accessories:
Shades.
Screens.
Valances.
De-gassers.
Vents.
Ventilators.
Traction sanders.
Automatic doors.
Tarpaulins.
Fare boxes.
Fire hose.
Registering machines.
Fire extinguishers.
Skid chains, adjusters and links.
Sun visors and shields.
Cigarette lighters and ash receivers.
Hat holders.
Tissue dispensers.
Auto umbrellas.
Refrigeration and air conditioning equipment.
Rubber horn bulbs, floor mats and topping.
Air cushions, mattresses, pillows, and bed conversions.
21. Bolts, nuts, screws and rivets as defined in Maximum Price Regulation 147 except those included in Item 18 of Appendix A.
22. Rubber and rubber products not listed on automotive parts, accessories or subassemblies price lists.

Effective date. This regulation shall become effective September 2, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13576; Filed, August 19, 1943; 4:26 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A, Supp. 1]

STOVES

§ 1432.69 *Supplement to Ration Order 9A.* The following supplement to Ration Order 9A, which is annexed to and made a part of § 1432.68, is hereby issued:

(a) *Table I.* The table, referred to in section 3.7 (b) of Ration Order 9A, which is to be used in determining allowable inventories for dealers and distributors, is as follows:

Allowable inventory (to be assigned on basis of figures in applicable sales column)	Reported sales (1941 or 1942)							Allowable inventory (to be assigned on basis of figures in applicable sales column)
	Heating stoves of following types				Cooking stoves of following types			
	Coal or wood	Oil (in emergency oil shortage area)	Oil (other than in emergency oil shortage area)	Gas	Coal or wood	Oil	Gas	
1	1-2	1-14	1-7	1-7	1-4	1-7	1-14	1
2	3-8	15-44	8-22	8-22	5-14	8-22	15-44	2
3	9-16	45-82	23-41	23-41	15-27	23-41	45-82	3
4	17-24	83-127	42-63	42-63	28-42	42-63	83-127	4
5	25-32	128-164	64-82	64-82	43-54	64-82	128-164	5
6	33-38	165-194	83-97	83-97	55-64	83-97	165-194	6
7	39-44	195-224	98-112	98-112	65-74	98-112	195-224	7
8	45-50	225-254	113-127	113-127	75-84	113-127	225-254	8
9	51-56	255-284	128-142	128-142	85-94	128-142	255-284	9
10	57-62	285-314	143-157	143-157	95-104	143-157	285-314	10
11	63-68	315-344	158-172	158-172	105-114	158-172	315-344	11
12	69-74	345-374	173-187	173-187	115-124	173-187	345-374	12
13	75-80	375-404	188-202	188-202	125-134	188-202	375-404	13
14	81-86	405-434	203-217	203-217	135-144	203-217	405-434	14
15	87-92	435-464	218-232	218-232	145-154	218-232	435-464	15
16	93-98	465-494	233-247	233-247	155-161	233-247	465-494	16
17	99-104	495-524	248-262	248-262	165-174	248-262	495-524	17
18	105-110	525-554	263-277	263-277	175-184	263-277	525-554	18
19	111-116	555-584	278-292	278-292	185-194	278-292	555-584	19
20	117-122	585-614	293-307	293-307	195-204	293-307	585-614	20
21	123-128	615-644	308-322	308-322	205-214	308-322	615-644	21
22	129-134	645-674	323-337	323-337	215-224	323-337	645-674	22
23	135-140	675-704	338-352	338-352	225-234	338-352	675-704	23
24	141-146	705-734	353-367	353-367	235-244	353-367	705-734	24
25	147-152	735-764	368-382	368-382	245-254	368-382	735-764	25
26	153-158	765-794	383-397	383-397	255-264	383-397	765-794	26
27	159-164	795-824	398-412	398-412	265-274	398-412	795-824	27
28	165-170	825-854	413-427	413-427	275-284	413-427	825-854	28
29	171-176	855-884	428-442	428-442	285-294	428-442	855-884	29
30	177-182	885-914	443-457	443-457	295-304	443-457	885-914	30
31	183-188	915-944	458-472	458-472	305-314	458-472	915-944	31
32	189-194	945-974	473-487	473-487	315-324	473-487	945-974	32
33	195-200	975-1004	488-502	488-502	325-334	488-502	975-1004	33
34	201-206	1005-1034	503-517	503-517	335-344	503-517	1005-1034	34
35	207-212	1035-1064	518-532	518-532	345-354	518-532	1035-1064	35
36	213-218	1065-1094	533-547	533-547	355-364	533-547	1065-1094	36
37	219-224	1095-1124	548-562	548-562	365-374	548-562	1095-1124	37
38	225-230	1125-1154	563-577	563-577	375-384	563-577	1125-1154	38
39	231-236	1155-1184	578-592	578-592	385-394	578-592	1155-1184	39
40	237-242	1185-1214	593-607	593-607	395-404	593-607	1185-1214	40
41	243-248	1215-1244	608-622	608-622	405-414	608-622	1215-1244	41
42	249-254	1245-1274	623-637	623-637	415-424	623-637	1245-1274	42
43	255-260	1275-1304	638-652	638-652	425-434	638-652	1275-1304	43
44	261-266	1305-1334	653-667	653-667	435-444	653-667	1305-1334	44
45	267-272	1335-1364	668-682	668-682	445-454	668-682	1335-1364	45
46	273-278	1365-1394	683-697	683-697	455-464	683-697	1365-1394	46
47	279-284	1395-1424	698-712	698-712	465-474	698-712	1395-1424	47
48	285-290	1425-1454	713-727	713-727	475-484	713-727	1425-1454	48
49	291-296	1455-1484	728-742	728-742	485-494	728-742	1455-1484	49
50	297-302	1485-1514	743-757	743-757	495-504	743-757	1485-1514	50
(*)	If over 302 divide sales by 6	If over 1514 divide sales by 30	If over 757 divide sales by 15	If over 757 divide sales by 15	If over 504 divide sales by 10	If over 757 divide sales by 15	If over 1514 divide sales by 30	(*)

*If fraction amounts to ½ or more, it is to be counted as one stove.

This supplement shall become effective at 12:01 a. m. on August 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1-S, 8 F.R. 6018)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13580; Filed, August 19, 1943; 3:02 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 279]

HOPS

Maximum Price Regulation No. 279 is redesignated Revised Maximum Price Regulation No. 279 and is revised and amended as follows:

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

§ 1351.1451 *Maximum prices for hops.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 279 (Hops), which is annexed hereto and made a part hereof is hereby issued.

*Copies may be obtained from the Office of Price Administration.

AUTHORITY: § 1351.1451 issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 279—HOPS

ARTICLE I—EXPLANATION OF THE REGULATION

Sec.
1. Purpose of the regulation.
2. Definitions.

ARTICLE II—PRICES AND PRICING METHODS

3. Maximum prices for baled hops.
4. Maximum prices for packaged hops.
5. Inability to fix maximum prices.
6. Discounts, allowances and commissions.
7. Exempt sales.
8. Export sales.
9. Adjustable pricing.

ARTICLE III—GENERAL PROVISIONS

10. Incorporation of the provisions of the General Maximum Price Regulation.
11. Records.
12. Compliance with the regulation.
13. Geographical applicability.
14. Petitions for amendment.

Article I. Explanation of the Regulation

SECTION 1. *Purpose of the regulation.* The purpose of this regulation is to establish maximum prices for sales of all varieties of Pacific Coast hops. This regulation does not apply to sales of hop oils, hop concentrates and other hop derivatives. The maximum prices for sales of those commodities are governed by the General Maximum Price Regulation. Sales of lupulin remain exempt from price control, and sales of New York State hops and packaged hops by sellers at retail other than packers are exempted from the provisions of this regulation.

SEC. 2. *Definitions.* When used in this Revised Maximum Price Regulation No. 279 the terms:

(a) "Hops" shall mean the dried cones (strobiles) of the cultivated varieties of hop plants (humulus lupulus).

(1) "Baled hops" shall mean hops compressed in bales containing more than 150 pounds dry weight of such hops.

(2) "Packaged hops" shall mean hops packed in containers holding not more than one pound dry weight of such hops.

(3) "Pacific Coast hops" shall mean hops produced in the States of California, Idaho, Oregon and Washington.

(4) "New York State hops" shall mean hops produced in the State of New York.

(5) "Grower" shall mean a person who produces hops on a farm or ranch (excluding grower dealers and grower cooperatives).

(b) "Dealer" shall mean a person whose business customarily includes the purchase of hops from growers for resale to the brewing trade generally and to brewers supply dealers, and who customarily maintains a permanent sales office and sales personnel for sales of hops to the brewing trade generally. The term shall not include the brewers supply dealer, but shall include the following:

(1) "Grower cooperative" which shall mean a non-profit organization acting on behalf of its grower members and selling hops produced by such members to brewers supply dealers or to the brewing trade generally; and

(2) "Grower dealer" which shall mean a person whose business includes the production of hops on farms and ranches and the purchase of hops from other growers; whose total annual sales of hops customarily include at least 35 percent (in pounds dry weight) of hops purchased from other growers; who customarily sells at least 50 percent (in pounds dry weight) of his total annual sales directly to brewers; and who customarily maintains a permanent sales office and sales personnel for sales of hops to the brewing trade generally.

(c) "Brewers supply dealer" shall mean a person who customarily resells hops to brewers; who prior to December 5, 1942 customarily and regularly engaged in the business of selling hops, diverse equipment, supplies or services to brewers; and whose annual sales of hops to brewers do not exceed 10 percent of his total annual sales of all commodities and services to brewers.

(d) "Packer" shall mean a person who packs hops in packages containing not more than one pound dry weight of such hops and shall include sellers of packaged hops which are packaged by a person to whom the seller supplies the hops for packaging.

Article II. Prices and pricing methods

SEC. 3. *Maximum prices for baled hops*—(a) *The maximum prices for sales of Pacific Coast baled seeded and seedless hops grown prior to the 1942 crop shall be as follows:*

(1) *Growers' maximum prices.* The grower's maximum price for sales of such hops shall be 43 cents per pound, f. o. b. grower's farm, warehouse or place of business.

(2) *Dealers' maximum prices.* The dealer's maximum price for sales of such hops shall be 51 cents per pound, f. o. b. Pacific Coast shipping point.

(3) *Brewers supply dealers' maximum prices.* The brewers supply dealer's maximum price for sales of such hops shall be 58 cents per pound, f. o. b. brewers supply dealer's local warehouse or place of business.

(4) *Brewers' maximum prices.* The brewer's maximum price for sales of such hops, f. o. b. his platform or warehouse, shall be his supplier's maximum price for the particular quantity of such hops to be priced hereunder, plus the amount of applicable transportation charges paid by the brewer.

(b) *Maximum prices for Pacific Coast baled and packaged hops of the 1942 crop.* (1) The maximum prices for sales by dealers, brewers supply dealers and brewers of Pacific Coast baled, regular seeded and seedless hops (to be priced separately) of the 1942 crop; and for sales by sellers (other than sellers at retail who are not packers) of Pacific Coast packaged hops of the 1942 crop; shall be the highest price charged for such hops respectively by the particular dealer, brewers supply dealer, brewer and seller during the five days preceding December 5, 1942, f. o. b. his warehouse or place of business.

(2) "Highest price charged during the five day period" specified in (1) shall mean the highest price which the seller charged for a sale or delivery during the five day base period to a purchaser of the same class; or if the seller made no such sale or delivery during the five day base period his highest offering price for delivery during that period to a purchaser of the same class; or if the seller made no sale or delivery or had no offering price during the five day base period to a purchaser of the same class, the highest price charged during the base period to a purchaser of the same class by his most closely competitive seller.

(c) *Maximum prices for Pacific Coast baled hops of the 1943 crop*—(1) *Growers' maximum prices.* The grower's maximum prices for sales of Pacific Coast baled hops of the 1943 crop, f. o. b. grower's farm, warehouse or place of business, shall be the maximum price set forth below:

	Per pound
Seedless hops (not more than 3% of seeds by weight)	$0.74
Semi-seedless hops (more than 3% of seeds by weight but not more than 6% of seeds by weight)	.69
Seeded hops (more than 6% of seeds by weight)	.64

(2) *Dealers' maximum prices.* The dealer's maximum prices for sales of Pacific Coast baled hops of the 1943 crop, f. o. b. Pacific Coast shipping point, shall be the grower's maximum price in accordance with paragraph (1) for the particular quantity of hops to be priced hereunder, plus the amount of 9 cents per pound.

(3) *Brewers supply dealers' maximum prices.* The brewers supply dealer's maximum prices for sales of Pacific Coast baled hops of the 1943 crop, f. o. b. his local warehouse or place of business shall be:

(i) The grower's maximum price in accordance with subparagraph (1) for the particular quantity of hops to be priced hereunder, plus the amount of 9 cents per pound for such hops purchased by the brewers supply dealer from a grower, or

(ii) The dealer's maximum price in accordance with subparagraph (2) for the particular quantity of hops to be priced hereunder, plus the amount of 5 cents per pound for such hops purchased by the brewers supply dealer from a dealer.

(iii) The brewers supply dealer may add to the amounts determined at (i) or (ii) as the case may be, the applicable amount of transportation costs, not including local hauling and unloading charges, paid by the brewers sup-

ply dealer with respect to the particular quantity of hops to be priced hereunder.

(4) *Brewers' maximum prices.* The brewer's maximum price for sales of Pacific Coast baled hops of the 1943 crop, f. o. b. his platform or warehouse, shall be his supplier's maximum price for the particular quantity of such hops to be priced hereunder, plus the applicable amount of transportation charges paid by the brewer.

SEC. 4. *Maximum prices for packaged hops.* The seller's (other than sellers at retail who are not packers) maximum prices for sales of Pacific Coast packaged hops (except such hops of the 1942 crop), f. o. b. packing plant or seller's place of business, shall be the dealer's maximum price in accordance with the applicable provisions of section 3 for the particular crop year and type of hops to be priced hereunder, plus the amount of 8 cents per pound and the applicable amount of transportation charges paid by the seller with respect to the particular quantity of hops to be priced hereunder.

SEC. 5. *Inability to fix maximum prices.* If the seller's maximum price cannot be determined under the provisions of this regulation he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall set forth a statement of the facts which make it impossible for him to determine his maximum price under any of the provisions of this regulation. Until a maximum price is authorized by the Office of Price Administration, the applicant may not sell or deliver except under an agreement in each case to adjust the selling price to a figure no higher than the maximum price which is later established under this section.

SEC. 6. *Discounts, allowances and commissions*—(a) *Discounts and allowances.* Customary discounts, allowances or other price differentials shall be maintained by every seller subject to this regulation, but the prices subject to such discount, allowance or other price differential shall not exceed the maximum prices established by this regulation: *Provided*, That the seller shall not be required to maintain a discount for prompt payment which results in an allowance of more than $.0075 per pound from his maximum prices established under section 3 (c) (2) or (3) or under section 4.

(b) *Brokers' and buying agents' commissions.* In the event that a seller of hops shall employ a broker or buying agent to sell or purchase hops respectively on his behalf, such seller may not add the broker's or buying agent's commissions to his maximum prices established under this regulation. In no case may any person charge or receive a broker's commission on hops sold for his own account, or a buying agent's commission on the purchase of hops owned by himself.

SEC. 7. *Exempt sales.* This regulation shall not apply to:

(a) Sales of New York State hops.

(b) Sales of Pacific Coast baled hops of the 1942 crop by growers.

(c) Sales of Pacific Coast packaged hops by sellers at retail other than packers.

SEC. 8. *Export sales.* The maximum prices at which any seller may export any hops subject to this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation, as amended,[1] or other applicable regulations hereafter issued by the Office of Price Administration.

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization shall be given by order.

Article III. General Provisions

SEC. 10. *Incorporation of the provisions of the General Maximum Price Regulation.* Unless the context indicates otherwise the definitions set forth in the General Maximum Price Regulation[2] issued by the Office of Price Administration shall be applicable to like or similar terms used in this regulation.

SEC. 11. *Records.* Every seller, other than a grower who produces and sells less than 1000 pounds of hops (dry weight) annually, shall keep a record of every sale of hops subject to this regulation for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, showing the date of sale, the quantity sold, whether f. o. b. or delivered, the maximum prices and the name and address of the purchaser. Records shall be available for examination by the Office of Price Administration at any reasonable time and upon request every such seller shall submit said records to the Office of Price Administration or keep additional records as the Office of Price Administration may from time to time direct.[3]

SEC. 12. *Compliance with the regulation*—(a) *No buying or selling above maximum prices.* On and after the effective date of this regulation, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell or deliver any hops as specified in this regulation, and no person in the course of trade or business shall buy or receive any such hops, at prices higher than the maximum prices established under this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, prices lower than the maximum price may be charged or paid.

(b) *Evasion.* The maximum prices established under this regulation shall not be evaded whether by direct or indirect methods, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying agreement or other trade understanding; by any change of style of packing; by business practices relating to tare or packing, or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 13. *Geographical applicability.* The provisions of this regulation shall apply to the forty-eight States of the United States and the District of Columbia.

SEC. 14. *Petitions for amendment.* Persons seeking modification of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[4] issued by the Office of Price Administration.

This regulation shall become effective August 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

Approved: August 18, 1943.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 43-13571; Filed, August 19, 1943; 2:54 p. m.]

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[1] 8 F.R. 4132, 5987, 7662.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[3] All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amdt. 33]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS: FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 280 is amended in the following respects:

1. Section 1351.807 (a) is amended to read as follows:

(a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Maximum Price Regulation 280 for fluid milk sold at wholesale, other than in glass or paper containers to stores, hotels, restaurants and institutions, in the case of any seller or group of sellers and may adjust any price so established for shell eggs sold at wholesale or retail in the case of any seller or group of sellers where it appears:

2. Section 1351.816 (a) (4) is amended to read as follows:

(4) (i) "Fluid milk" means raw or pasteurized liquid cows' milk resold for human consumption in fluid form.

(ii) "Fluid cream" means raw or pasteurized cream (derived from liquid cows' milk) resold for human consumption in fluid form.

3. Section 1351.816 (a) (11) is added to read as follows:

(11) "Handler" means any person who, on his own behalf or on behalf of others, purchases fluid milk from producers, associations of producers, or other handlers, and who sells such fluid milk at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants and institutions.

(i) A "producer" is also a handler with respect to that fluid milk purchased by him from other producers, associations of producers, or other handlers, which fluid milk is sold by him at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants and institutions.

(ii) A "farmers' cooperative" is also a handler with respect to that fluid milk processed for it by operators of milk receiving or processing plants, and with respect to that fluid milk handled in physical facilities for receiving, processing or distributing fluid milk which are owned or leased by the cooperative, which fluid milk is sold by it at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants, and institutions.

4. Section 1351.816 (a) (12) is added to read as follows:

(12) "Producer" means a farmer or other person or representative who owns, superintends, manages, or otherwise controls the operation of a farm on which fluid milk is produced. Farmers' cooperatives are producers with regard to all sales of fluid milk by them, except with respect to that fluid milk processed for them by operators of milk-receiving or processing plants and that fluid milk handled in physical facilities for receiving, processing or distributing fluid milk which are owned or leased by the cooperative.

5. Section 1351.817a is added to read as follows:

§ 1351.817a *Establishment of maximum prices for the sale or delivery by, and purchase from handlers of fluid milk*—(a) *Delegation of authority to Regional Offices.* (1) Notwithstanding any of the provisions of §§ 1351.801 and 1351.803 hereof, and subject to the limitations contained in subparagraph (2) of this paragraph (a), each Regional administrator is authorized

(i) To establish and adjust maximum prices for the sale or delivery by, and purchase from handlers of fluild milk resold for human consumption as fluid milk within the region of the Regional Administrator, and

(ii) To act upon requests made under paragraph (b) of this section and upon applications made under paragraph (c) of this section.

(2) The powers delegated to each Regional Administrator of the Office of Price Administration in subparagraph (1) of this paragraph (a) are subject to the following limitations:

(i) No Regional Administrator may establish or adjust a maximum price for the sale or delivery by, and purchase from handlers of fluid milk, which will conflict with the terms or provisions of any marketing agreement, license or order issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, establishing minimum prices for producers' sales of fluid milk.

(b) *Requests for establishment of maximum prices.* (1) Any handler or purchaser of fluid milk from a handler may communicate with the Regional Office of the Office of Price Administration within whose region the fluid milk is resold for human consumption as fluid milk, and request that the Regional Administrator establish maximum prices for the sale or delivery by, and purchase from handlers of fluid milk at all or any number of places within the said region.

(c) *Applications for adjustment of maximum prices.* (1) Any person seeking an adjustment of a maximum price for the sale or delivery by, and purchase from handlers of fluid milk, established by a Regional Administrator pursuant to this section, may file an application for adjustment in accordance with Revised Procedural Regulation No. 1 where:

(i) The handler can not be reasonably expected to supply fluid milk on the basis of his maximum prices established pursuant to the provisions of this regulation, and

(ii) The adjustment will not tend to create in any locality a need for increases in prices established for fluid milk sold at retail or wholesale pursuant to the General Maximum Price Regulation, Supplementary Regulation 14A to the General Maximum Price Regulation, and Maximum Price Regulation No. 280, or any supplementary or adjustment order issued pursuant to the provisions thereof, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

This amendment shall become effective August 19, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13578; Filed, August 19, 1943; 4:27 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 4]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 426 is amended in the following respects:

1. Appendix D entitled "Maximum Prices for Table Grapes" is added to Article III, section 15, to read as set forth below:

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*Copies may be obtained from the Office of Price Administration.

[1] F.R. 5165, 7566, 6357, 7196, 7599, 7670, 8065, 8189, 9521, 9386, 9883, 10513.

[1] 8 F.R. 9546, 9568, 9727, 10571, 10673.

MAXIMUM PRICES FOR TABLE GRAPES [1]

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices f. o. b. Shipping point for shipments out of California [2]	Basing Point	Maximum prices at any wholesale receiving point for carlot or trucklot sales [4]	Maximum prices for less than carlot or less than trucklot sales to any person except ultimate consumers [5]
1	Grapes in lug boxes with a minimum net weight of 28 lbs. sold in the U. S. except in California.	Lug box	August 1–October 31	$2.05	Bakersfield, Calif.	$2.20 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 56 cents.
2	do	do	November 1–December 31.	2.80	Bakersfield, Calif.	$2.45 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 56 cents.
3	do	do	January 1–End of season.	2.60	Bakersfield, Calif.	$2.75 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 56 cents.
4	Grapes in any container except lug boxes with a minimum net weight of 28 lbs. sold in the U. S. except California.	Pound	August 1–October 31	.0725	do	Maximum price above (Item 1) divided by 28.	Maximum price for carlot or trucklot sales (Col. 7) plus 2¢ per lb.
5	do	do	November 1–December 31.	.0825	do	Maximum price above (Item 2) divided by 28.	Maximum price for carlot or trucklot sales (Col 7) plus 2¢ per lb.
6	do	do	January 1–End of season.	.0925	do	Maximum price above (Item 3) divided by 28.	Maximum price for carlot or trucklot sales (Col. 7) plus 2¢ per lb.
7	Grapes in any container sold in the state of California for resale and consumption in California.	Pound	August 1–October 31	None	None	8.0 cents per pound	10.0 cents per pound.
8	do	do	November 1–December 31.	None	None	9.0 cents per pound	11.0 cents per pound.
9	do	do	January 1–End of season.	None	None	10.0 cents per pound	12.0 cents per pound.

[1] If a grower makes a sale to an ultimate consumer, the maximum price for such sale shall be the ceiling price established under Col. 7 above for the particular market where such a sale is being made by the grower, multiplied by 1.40.

NOTE: The maximum prices at wholesale receiving points established in this appendix are intended to operate on the same basis as those set forth in Appendix A of this section for sales of lettuce. The examples and explanations of the operation of the regulation with respect to establishing prices at wholesale receiving points, set forth in Appendix A apply to the maximum prices for grapes.

[2] Includes all varieties except the following: Concords, Alicante, Aramon, Barberone, Burger, Burgundy, Carignane, Chiante, Cinsaut, Gregano, Grenache, Juice Malagas, Malvoisie, Mataro, Mission, Muscat, Petite Bouschet, Petite Sirah, Valdepena, Zinfandel.

[3] Maximum price f. o. b. shipping point applies only to sales for shipment out of California. Sales for resale and consumption in California are not subject to control at f. o. b. shipping point.

[4] Basing point price is to be used in determining the maximum price delivered at any wholesale receiving point for carlot or trucklot sales. Difference between maximum price f. o. b. shipping point and basing point price in the allowance for protective services and risk in transit. Maximum prices f. o. b. shipping point for shipment out of California are those listed in Col. 5. Maximum prices delivered at any wholesale receiving point for carlot or trucklot sales are determined by adding freight to the basing point prices listed in Col. 7.

[5] Col. 8 does not apply to sales made l. c. l. at California shipping points for shipment out of California (See Col 5).

The f. o. b. shipping point prices in Column 5 of this amendment shall become effective August 19, 1943. All other prices and provisions of this amendment shall become effective August 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13575; Filed, August 19, 1943; 2:54 p. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 22-4, Amdt. 1]

PART 1425—CANNED AND PROCESSED FOODS

CANNED VEGETABLES, CANNED FRUIT, AND CANNED VEGETABLE AND FRUIT JUICES REQUIRED TO BE SET ASIDE

Director Food Distribution Order 22-4, § 1425.6, issued by the Director of Food Distribution, War Food Administration, on May 18, 1943 (8 F.R. 6573), is amended by deleting Table 1 attached thereto and inserting in lieu thereof Table 1 attached hereto.

The provisions hereof shall be effective as of 12:01 a. m., e. w. t., August 11, 1943. With respect to violations of said Food Distribution Order 22-4, rights accrued, or liabilities incurred prior to the effective time hereof, said Food Distribution Order 22-4 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. 22, 8 F.R. 2243)

Issued this 19th day of August 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

TABLE 1—CANNED FRUITS, VEGETABLES, AND FRUIT AND VEGETABLE JUICES

A	B	C	D	E	F	G	H	I
	Percentage of base pack				Grade preferences			
Product	Specific reserve	Contingency reserve	Total (cols. B & C)	Type, style variety (sequence does not deuote preference)	First	Second	Third	Can size (sequence denotes preference)
Apples	42	8	50	Heavy pack	Standard	Fancy		10.
Apricots	50	7	57	Halved, unpeeled	Choice	Standard (fancy not desired).	Pie or water pack	10-2-½.
					Water pack	(2)		10.
Berries [1]	29	4	33		Water pack	(2)		10.
Blueberries	42	5	47		Standard			10-2.
Cherries, RSP	34	5	39	Water pack	Choice	Fancy		10.
Figs	75	11	86	Kadota	Choice	Fancy		10-2-½.
Fruit cocktail	30	10	40		Choice	Choice	Broken	2.
Grapefruit	19		19	Segments	Fancy	Standard		10-3 cyl. 2.
Grapefruit juice	58		58	Sweetened, or unsweetened	Fancy	Standard		10-3 cyl.-2.
Orange juice (Florida)	45		45	Sweetened, or unsweetened	Fancy			

[1] Blackberries, boysenberries, loganberries, youngberries only. Percentage applies to combined pack of these four varieties.
[2] Syrup pack not desired.

TABLE 1—CANNED FRUITS, VEGETABLES, AND FRUIT AND VEGETABLE JUICES—Continued

A	B	C	D	E	F	G	H	I
Product	Percentage of base pack			Type, style variety (sequence does not denote preference)	Grade preferences			Can size (sequence denotes preference)
	Specific reserve	Contingency reserve	Total (cols. B & C)		First	Second	Third	
Orange juice (States other than Florida).	21	.....	21	Sweetened, or unsweetened	Fancy	Standard	.....	10-3 cyl.-2.
Orange and grapefruit juice blended.	100	.....	100	Sweetened, unsweetened (50% orange) (50% grapefruit).	Fancy	Standard	.....	10-3 cyl.-2.
Peaches	41	6	47	Yellow clingstone halved or sliced. Freestone yellow—halved or sliced.	Choice Choice	Top Std.[3] Fancy	....	10-2-½. 10-2-½.
Pears	53	7	60	Bartlett, halved	Choice	Top Std.[3]	Fancy:	10-2-½.
Pineapple	44	6	50	Sliced, crushed, chunks, tidbits, (except cocktail tidbits).	Fancy	Choice	.....	10-2-½.
Pineapple juice	22	3	25		Fancy			
Asparagus	32	6	38	All green or culturally bleached	Fancy cut	Fancy spear	.....	10-3 cyl.-2.
Beans, lima	21	7	28	Fresh	Extra standard	Top standard [3]	Fancy	10-2.
Beans, snap	21	4	25	Green, wax-cut	Extra standard	Top standard [3]	Fancy	10-2.
Beets	20	6	26	Cut, quartered, diced, sliced	Fancy	Top standard [4]	.....	10-2-½-2.
Carrots	49	9	58	Diced	Fancy	Top standard [4]	.....	10-2-½-2.
Corn, sweet [5]	15	5	20	White, yellow-cream style, whole kernel.	Fancy or Extra Std.	Top standard [3]	.....	10-2-½-2.
Peas	20	3	23	Alaska—3,4, sieve; sweet—3 sieve and larger, ungraded.	Extra standard	Top standard [3]	Fancy	10-2.
Pumpkin or squash	11	4	15		Fancy	Top standard [4]	.....	2-½.
Spinach	35	6	41		Fancy	Top standard [4]	.....	10-2-½.
Tomatoes	24	4	28		Extra standard	Top standard [3]	Fancy	10-2-½-2.
Tomato catsup	47	9	56		Fancy 29-33% solids.	Fancy 33% solids or over.	Fancy 25-29% solids.	10-3 cyl.-2-½;14 oz glass or larger.
Tomato juice	36	7	43		Fancy			
Tomato puree	17	4	21	Heavy (minimum specific gravity—1.045).	Fancy	.....	.....	10-3 cyl.-2.
Tomato paste	26	4	30		Fancy	.....	.....	10.
								10-2-½-2.

[3] Top standard means 70-74 inclusive as defined in terms of U. S. grades.
[4] Top standard means 80-84 inclusive as defined in terms of U. S. grades.
[5] Full inside enamel cans required. Number 10 cans to be used for whole kernel only.

[F. R. Doc. 43-13597; Filed, August 20, 1943; 11:14 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATION [1]

COTTON GARMENT AND ALLIED INDUSTRIES, KNITTING, KNITWEAR, AND WOVEN UNDERWEAR INDUSTRY AND RAINWEAR INDUSTRY

Whereas, the prevailing minimum wage determinations for the Cotton Garment and Allied Industries, issued by me on June 20, 1942, for the Knitting, Knitwear, and Woven Underwear Industry, issued by me on March 30, 1943, and for the Rainwear Industry, issued by me on November 4, 1942, provide that learners may be employed at subminimum rates in accordance with the applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which were in effect on the respective dates of issuance of said minimum wage determinations; and

Whereas, on June 12, 1943, the Administrator of the Wage and Hour Division issued Administrative Order No. 198, effective June 28, 1943, (I) amending the learner regulations of the Wage and Hour Division applicable to the employment of learners in the Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry, to conform to the following provisions, to be effective for the duration of the war emergency:

1. Special learner certificates may be issued upon individual applications of employers provided that it is satisfactorily shown that:

(a) Experienced labor is not available in the locality from which the employer customarily draws his labor supply;

(b) Learners are available for employment at the established subminimum learner wage rate;

(c) The issuance of a certificate will not tend to impair working or wage standards established for experienced workers in the industry;

(d) The issuance of such certificates will not create unfair competitive labor cost advantages;

(e) The number of learners applied for will not tend to impair the statutory minimum wage rate in such plant;

(f) The applicant's piece work or hourly wage rates yield average earnings to experienced workers substantially above the minimum wage rate.

2. The subminimum wage rate which may be provided in special learner certificates shall be not less than 35 cents per hour.

3. Authorization to employ a number or percentage of learners for labor turnover in excess of that provided in industry learner regulations, issued pursuant to §522.4 of the regulations of the Administrator of the Wage and Hour Division and presently in effect, may be granted to the extent of the actual need of an individual applicant, when that need is due to an abnormal labor turnover resulting from the war emergency,

and (II) amending, as of June 28, 1943, certificates presently in effect in the aforesaid divisions of the Apparel Industry to conform to paragraph 2; and

Whereas it appears advisable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to adopt the above amendments for the purposes of the afore-mentioned prevailing minimum wage determinations, insofar as said learner regulations of the Administrator of the Wage and Hour Division are presently applicable to said minimum wage determinations,

Now, therefore, upon consideration of all the facts and circumstances, I hereby determine that learners may be employed at subminimum rates in the Cotton Garment and Allied Industries, Knitting, Knitwear, and Woven Underwear Industry, and Rainwear Industry, only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, as amended on June 28, 1943, which I hereby adopt for the purposes of this determination.

This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after September 13, 1943, except that learners may be employed at subminimum rates, in accordance with the amended regulations of the Administrator of the Wage and Hour Division, on or after September 13, 1943, in the performance of contracts, bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

Dated: July 30, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-13601; Filed, August 20, 1943; 11:16 a. m.]

[1] Affects tabulation in § 202.2.

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

SUN RIVER PROJECT

REVOCATION OF CERTAIN LAND WITHDRAWAL

JULY 1, 1943.

The SECRETARY OF THE INTERIOR.

Sir: From recent investigations in connection with the Sun River Project, the withdrawal of the hereinafter described lands, withdrawn in the first and second forms prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by departmental orders of October 17, 1903 and February 27, 1911, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked: *Provided*, That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands hereinafter listed.

SUN RIVER PROJECT, MONTANA
MONTANA PRINCIPAL MERIDIAN

T. 23 N., R. 1 W.,
Sec. 34, E½SE¼;
Sec. 35, NW¼SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: August 4, 1943.

Fred W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

OSCAR L. CHAPMAN,
Assistant Secretary.

AUGUST 9, 1943.

[F. R. Doc. 43-13581; Filed, August 20, 1943; 9:43 a. m.]

Office of the Secretary.

[Order No. 1856]

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

AUGUST 18, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator, Instrument No. 1, as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of operating manager:	*Name of mining company*
F. N. Barnes	Barnes Coal & Mining Co.
Chas G. Gressang	Elk River Coal and Lumber Co.
C. C. Fay	Rail & Lake Coal Co.
Jos. Sheban	Sheban Mining Co.
H. Shuff	Shuff Coal Co.

[F. D. Doc. 43-13582; Filed, August 20, 1943; 9:56 a. m.]

[Order No. 1857]

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

AUGUST 18, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the war effort, and that it is practicable to terminate the possession and control of such mines.

Accordingly, I order and direct that possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; and *Provided further*, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of mining company:	*Address*
The Barnes Coal and Mining Co.	Box 277, Coshocton, Ohio.
Elk River Coal and Lumber Co.	150 East Broad St., Columbus, Ohio.
Rail and Lake Coal Co.	1306 Public Square Bldg., Cleveland, Ohio.
Sheban Mining Co.	North Lima, Ohio.
Shuff Coal Co.	Oneonta, Ala.

[F. R. Doc. 43-13583; Filed, August 20, 1943; 9:56 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 211]

WHOLESALING, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRIES

RESIGNATION AND APPOINTMENT TO INDUSTRY COMMITTEE

Acceptance of resignation from and appointment to Industry Committee No. 63 for the Wholesaling, Warehousing, and Other Distribution Industries.

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Boris Shishkin of Seminary, Virginia, from Industry Committee No. 63 for the Wholesaling, Warehousing, and Other Distribution Industries, and do appoint in his stead Marten Estey of Washington, D. C., as representative for the employees on such Committee.

Signed at New York, New York, this 18th day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-13600; Filed, August 20, 1943; 11:16 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 2 Under Service Order 145]

UNION PACIFIC RAILROAD CO., ET AL.

REFRIGERATION OF POTATOES

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, as amended (8 F.R. 11487), permission is granted for:

The Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, and the Illinois Central Railroad Company to accord standard refrigeration to PFE 14771, WRX 9590, PFE 29558, PFE 93003, and PFE 20803 containing potatoes from Fayette, Idaho, consigned to the Quartermaster of the United States Army, at New Orleans, Louisiana.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13602; Filed, August 20, 1943; 11:24 a. m.]

[Special Permit 49, Amended Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF FRESH OR GREEN VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Chicago, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona, California, Colorado, or Utah.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13603; Filed, August 20, 1943; 11:24 a. m.]

[Special Permit 50, Amended Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF FRESH OR GREEN VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Chicago, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona, California, Colorado, or Utah.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13604; Filed, August 20, 1943; 11:24 a. m.]

[Special Permit 51, Amended, Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF FRESH OR GREEN VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at St. Louis, Missouri, or East St. Louis, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona, California, Colorado, or Utah, when destined to points on or east of the western border of the States of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13605; Filed, August 20, 1943; 11:24 a. m.]

[Special Permit 52, Corrected, Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF FRESH OR GREEN VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Decatur, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at any point or points in the States of Arizona, California, Colorado, or Utah, when destined to points on or east of the western border of the States of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13606; Filed, August 20, 1943; 11:24 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1823]

MARIA VIVAN, ET AL.

Re: Interest in compensation claim owned by Maria Vivan, Guido Vivan, Vittorio Vivan, and Anza Vivan.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Maria Vivan, Guido Vivan, Vittorio Vivan, and Anza Vivan is Pasiano Di Pordenone, Provincia di Udine, Italy, and that they are residents of Italy and nationals of a designated enemy country (Italy);

2. That Maria Vivan, Guido Vivan, Vittorio Vivan and Anza Vivan are the owners of the property described below;

3. That the property described as follows:

All right, title, interest, and claim of Maria Vivan, Guido Vivan, Vittorio Vivan, and Anza Vivan, in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan, under the common law and any Federal or State statutes, including but not limited to those arising under the Workman's Compensation Law of the State of Michigan, and any and all claims against the Waterway Construction Company, Detroit, Michigan, and any and all claims arising out of Workman's Compensation Policy No. 10508, issued by the Associated Indemnity Company, San Francisco, California, to the Waterway Construction Company, Detroit, Michigan, including but not limited to all rights of compensation, indemnity, proceeds, judgments, and, specifically, the right to file, prosecute, enforce and collect such claims, including but not limited to the right to file a claim with the Industrial Accident Board of the Department of Labor, State of Michigan, and the right to prosecute, enforce and collect such claim,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13594; Filed, August 20, 1943; 10:39 a. m.]

[Vesting Order 1982]

HANNA DESEBROCK

Re: Real property situated in Travis County, Texas, and a bank account owned by Hanna Desebrock.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Hanna Desebrock is a resident of Germany, whose last known address is Mittleweg 120, Hamburg, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Hanna Desebrock is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. Real property situated in Travis County, Texas, particularly described as Lots Seven (7), Eight (8), and Nine (9) of Block Eighteen (18), Christian and Fellman Addition in the City of Austin, Texas, together with all the fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Hanna Desebrock and of every other national of a designated enemy country in and to the contract of sale entered into between Hanna Desebrock, by Frederick G. von Rosenberg, Agent, as seller, and Grace K. Knelle Prinzing, as purchaser, dated March 3, 1941, and the contract of sale entered into between Hanna Desebrock by Frederick G. von Rosenberg, Agent, as seller, and Nell H. Wilson, as purchaser, dated March 3, 1941, wherein in consideration of certain payments made by the purchaser, the seller agreed to convey title to the real estate hereafter described, and all right, title, interest and estate both legal and equitable, of Hanna Desebrock, and of every other national of a designated enemy country in and to the real property situated in Travis County, particularly described as Lots Eight (8) and Nine (9), Block Nineteen (19), Christian and Fellman Addition, in the City of Austin, Texas, together with all the fixtures, improvements and appurtenances thereto, and any and all claims of Hanna Desebrock and of every other national of a designated enemy country for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. All right, title, interest and claim of any name or nature whatsoever of Hanna Desebrock, and of every other national of a designated enemy country, in and to any and all obligations contingent or otherwise and whether or not matured owing to her by American National Bank, Austin, Texas, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations and including particularly the account in said bank which is due and owing to and held for Hanna Desebrock in the name of Mrs. Hanna Desebrock, by Frederick G. von Rosenberg, Agent, is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3–c is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraphs 3–a and 3–b) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington. D. C., on August 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13596; Filed, August 20, 1943; 10:39 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Rev.–50]

ATLANTIC COAST FREIGHT LINES, INC., ET AL.

COORDINATED OPERATIONS IN OVER-THE-ROAD AND COLLECTION AND DELIVERY SERVICE

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Atlantic Coast Freight Lines, Inc. and W. T. Cowan, Inc., of Baltimore, Maryland, and B. & E. Transportation Co., Inc., of New York City, New York, common carriers, pursuant to General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and General Order ODT 6A (8 F.R. 8757), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose, by the plan, to coordinate their operations as common carriers of property by motor vehicle by utilizing the equipment and facilities, wherever consistent with the operations and schedules, of each other; by diverting shipments to each other for transportation between common points, which transportation by the diverting carrier would require the operation of a partially laden vehicle in over-the-road service; and by diverting shipments to each other, the transportation of which is required in collection and delivery service, over duplicate routes in the Cities of Baltimore, Maryland, New York City, New York, Philadelphia, Pennsylvania, Trenton and Newark, New Jersey, and Washington, D. C., and immediate environs thereof, in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the carriers are directed to put the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carrier's possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–50" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

8. This order shall become effective August 18, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–13584; Filed, August 20, 1943; 10:15 a. m.]

[1] Filed as part of the original document.

[Supplementary Order ODT 3, Rev.–52]

COOK AND FULMER AND NORTHERN PACIFIC TRANSPORT COMPANY

COORDINATED OPERATIONS BETWEEN BUTTE AND DRUMMOND, MONTANA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Bruce Cook and Harry W. Fulmer, doing business as Cook and Fulmer, Billings, Montana, and Northern Pacific Transport Company, Billings, Montana, to facilitate compliance with the requirements of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between Butte and Drummond, Montana, and intermediate and off-route points, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–52" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective August 18, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–13585; Filed, August 20, 1943; 10:15 a. m.]

PRIVATE CARRIERS OF PROPERTY BY MOTOR VEHICLE

RECOMMENDATION OF JOINT ACTION PLAN BY ITHACA, NEW YORK, FLORISTS

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), I. Altschuler, doing business as Bool's Flowerdale, W. C. Lockwood, doing business as Lockwood Gardens—Florists, R. H. Lounsbery, doing business as Lounsbery Flowers, and Harold A. Pratt, doing business as Pratt's Flower Shop, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in Ithaca, New York.

The four participants, comprising all of the florists of Ithaca and its immediate environs, plan to eliminate wasteful operations in the transportation and delivery of flowers and related articles by pooling the use of their trucks. Each of the participants will make one delivery of his own merchandise in each week, and in connection therewith will deliver merchandise for the other three participants: *Provided,* That the delivering participant will not make any deliveries forbidden or prohibited by any general or other order of the Office of Defense Transportation applicable to the transportation performed by the participants. In order that the delivering participant will be partly compensated in proportion to the number of packages being delivered, the other three participants will pay for such deliveries at the rate of 10¢ per package. Only those packages having a minimum retail value of $1.50 and which comply with the size and weight requirements of General Permit ODT 17–25 will be offered for delivery. No additional retail truck-deliveries or call backs will be made; the trucks of each of the four participants will be used for retail delivery only on one day in each week. The participants waive the privilege provided in General Permit ODT 17–25 of making a second delivery to hospitals during any one week. It is estimated that effectuation of the plan will result in a savings of approximately 1,700 truck miles per month. Joint selling activities are not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–13586; Filed, August 20, 1943; 10:15 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order No. 1 Under MPR 293]

STOCK MILLWORK

ADJUSTABLE PRICING

Revision of Maximum Price Regulation No. 293, Stock Millwork, is now pending. It has been shown that authorization to use adjustable pricing, pending action on the petition, is necessary to promote production and distribution of the commodities involved and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328 and in accordance with § 1413.58 (c), *It is ordered:*

(a) Persons subject to Maximum Price Regulation No. 293 may sell and deliver or buy and receive stock millwork at prices adjustable to those established by Revised Maximum Price Regulation No. 293 when issued by the Office of Price Administration.

(b) This order shall be automatically revoked upon the issuance of Revised Maximum Price Regulation No. 293.

This order shall become effective August 19, 1943.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13570; Filed, August 19, 1943; 3:03 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 19, 1943.

Order Number and Name

RMPR 122, Order 48, DeBardeleben Coal Co.
MPR 136, Order 91, Naumer Electric Co.
MPR 149, Order 5, Brunswick-Balke-Collender Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial & Reference Section.

[F. R. Doc. 43–13616; Filed, August 20, 1943; 11:32 a. m.]

Regional, State, and District Office Orders

[Region I Order G–1 Under 3 (c)]

USED UMBRELLA FRAMES IN NEW ENGLAND

Order No. G–1 under § 1499.3 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §1499.3 (c) of the General Maximum Price Regulation and by General Order No. 32, *It is hereby ordered,* That:

(a) Whenever a person selling or offering to sell at wholesale or retail used umbrella frames is unable to determine the maximum price for such frames under § 1499.2 or §1499.3 (a) of the General Maximum Price Regulation, the maximum price at which any such person may sell or deliver such frames shall not exceed an amount equal to the applicable price for such frames as set forth in the following table, on a net f. o. b. seller's location basis:

USED UMBRELLA FRAMES

Number of ribs:	*Maximum price for frame*
16	25 cents.
7, 8 or 10	19 cents.

(b) As used in this order, "used umbrella frame" means a used umbrella frame the ribs of which are neither bent nor broken, provided that a frame which includes an undamaged cover shall not be considered a "used umbrella frame." The mere fact, however, that a frame includes a handle or a damaged cover, or both, shall not prevent such frame from being a "used umbrella frame."

(c) This order applies to all wholesale and retail sales made by sellers located in New England of used umbrella frames, except sales exempted under the provisions of Supplementary Regulation No. 1 to the General Maximum Price Regulation.

(d) In all particulars not specifically covered or excepted by this order sellers shall remain subject to the provisions of the General Maximum Price Regulation.

(e) This order is subject to revocation or amendment by the Office of Price Ad-

ministration at any time, either by special order, or by any Price Regulation issued hereafter, or by any supplement or amendment hereafter issued to any Price Regulation, the provisions of which may be contrary hereto.

(f) This order shall become effective July 13, 1943, at 12:01 a. m.

Issued this 12th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13545; Filed, August 19, 1943; 11:23 a. m.]

[Region I Order G-12 Under 18 (c), Correction]

FLUID MILK IN MASSACHUSETTS

Correction to Order No. G-12, as amended, under section 18 (c) of the General Maximum Price Regulation. Special sales of fluid milk in Massachusetts (formerly Price Order 12, as amended).

The maximum price set forth in the third column of the schedule in section (2) in the line which reads as follows:

Schools	Contractors	Price
139	H. P. Hood & Sons	0.02225

is corrected so that such line shall read as follows:

Schools	Contractors	Price
139	H. P. Hood & Sons	0.0225

This correction shall become effective as of February 1, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13548; Filed August 19, 1943; 11:24 a. m.].

[Region I Order G-14 Under 18 (c), Amdt. 3]

FIREWOOD IN MASSACHUSETTS

Amendment No. 3 to Order No. G-14 under section 18 (c) of the General Maximum Price Regulation. Hardwood-cordwood and firewood in Massachusetts (formerly General Order No. 14).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, that subdivision (vi) be added to paragraph (a) (2), that paragraph (a) (4) be amended, and that subparagraph (3) of paragraph (g) be added, to read as set forth below:

(a) * * *

(2) * * *

(vi) "Carrying" or "carry" means the service performed by the seller, at the buyer's request, of placing wood in baskets and carrying it from the delivery vehicle to a point on the buyer's premises designated by the buyer.

* * * * *

(4) *Service charges.* (i) A service charge may be added by the seller if, at the buyer's request, the seller shall carry the wood into the buyer's house or into any of his covered outbuildings, or to any other point on the buyer's premises designated by the buyer, as follows: A charge of $2.50 per full cord or "cut-up" cord; $1.50 per half cord or "cut-up" cord; $1.00 per quarter cord or "cut-up" cord; and $.75 per eighth cord or "cut-up" cord.

(ii) A service charge, in addition to the charge specified in subdivision (i) hereof, may be added by the seller if, at the buyer's request, the seller shall neatly stack or pile the wood at a spot on the buyer's premises designated by the buyer, as follows: A charge of $1.50 per full cord or "cut-up" cord; $1.00 per half cord or "cut-up" cord; and $.50 per quarter cord or "cut-up" cord.

(iii) No carrying charge may be added to the maximum price for sales and deliveries of quantities of less than one-eighth cord or "cut-up" cord, and no stacking or piling charge may be added to the maximum price for sales and deliveries of less than one-quarter cord or "cut-up" cord.

* * * * *

(g) * * *

(3) Amendment No. 3 shall become effective July 8, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13549; Filed, August 19, 1943; 11:23 a. m.]

[Region I Order G-16 Under 18 (c), MPR 280, MPR 329, Amdt. 6]

FLUID MILK IN MASSACHUSETTS

Amendment No. 6 to Order G-16 under section 18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the Commonwealth of Massachusetts (formerly General Order 16).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, by § 1351.807 of Maximum Price Regulation No. 280, and by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That subparagraph (7) of paragraph (b) be amended, and that subparagraph (6) of paragraph (i) be added, to read as set forth below:

(b) * * *

(7) All other customary deposit charges and price differentials for special milk, including but not limited to Grade A milk, flavored milk, trade marked milk, and milk of specially high butterfat content, or for milk distributed in special types of glass bottles, which any seller (or purchaser from a producer) had in effect during the base period, may be added to the maximum prices for standard milk as fixed in this order. The base period to be used for computing all such differentials shall be:

(i) For sales of fluid milk subject to the General Maximum Price Regulation, March, 1942.

(ii) For sales of fluid milk subject to Maximum Price Regulation 280, the period September 28, 1942, to October 2, 1942, inclusive.

(iii) For purchases of fluid milk from producers subject to maximum Price Regulation 329, January, 1943.

* * * * *

(i) * * *

(6) Amendment No. 6 shall become effective July 14, 1943, at 12:01 a. m.

Issued this 13th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13550; Filed, August 19, 1943; 11:22 a. m.]

[Region I Order G-22 Under 18 (c), MPR 280, and MPR 329, Amdt. 3]

FLUID MILK IN VERMONT

Amendment 3 to Region I Order Number G-22 under § 1499.18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation No. 280: "Prices for Specific Food Products", and § 1351.408 of Maximum Price Regulation No. 329: "Purchases of Milk from Producers for Resale as Fluid Milk". Fluid Milk in the State of Vermont.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation 280 and by § 1351.408 of Maximum Price Regulation 329: *It is hereby ordered*, That section (a) (8) be amended and that subsection (3) be added to section (f), to read as set forth below:

(a) * * *

(8) The maximum prices fixed in this order for standard milk shall be applicable whether the milk is pasteurized or raw, except that where pasteurized milk is delivered by a seller in a market other than the one in which its principal place of business is located, its maximum price for such milk shall be the maximum price for such milk in the market in which its principal place of business is located if such price is higher than that in the market in which it delivered the milk. Any purchaser which resells such pasteurized milk may increase its maximum price therefor by the exact amount of the increase in the cost of such milk to it effected by this subsection (8).

* * * * *

(f) • • •

(3) Amendment 3 shall become effective July 14, 1943, at 12:01 a. m.

Issued this 13th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13551; Filed, August 19, 1943; 11:24 a. m.]

[Region VI Order G-84 Under 18 (c)]

MILK IN WEST BEND AND BARTON, WISC.

Order No. G-84 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for West Bend and Barton, Wisconsin.

For reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered:*

(a) *Maximum Prices:* 1. Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the West Bend and Barton, Wisconsin, area are hereby established as follows:

	Wholesale	Retail
	Cents	*Cents*
Regular standard milk:		
Gallons	35	39
Quarts	10	12
Pints	5½	6½
Half pints	4	5
Guernsey Grade A milk:		
Quarts	12	14
Pints	6½	7½
Chocolate milk:		
Quarts	11	13
Pints	6	7
Half pints	4	5
Buttermilk:		
Quarts	8	10
Pints	5	6
Half pints	4	5

2. Where the maximum prices set forth above are expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions:* For the purposes of this order:

1. Sales and deliveries within the West Bend and Barton, Wisconsin area shall mean:

i. All sales and deliveries made within the city limits of West Bend and Barton, Wisconsin and within an area of two miles of the city limits thereof; and

ii. All sales and deliveries by any seller at or from an establishment the greater part of whose dollar volume of sales of fluid milk to buyers other than army camps and other institutional users is made to purchasers within the cities' areas defined in (i) above; and

iii. All sales and deliveries of fluid milk by any seller at retail at or from an establishment outside the area defined in (i) above and obtaining the major portion of its supply of milk from sellers at wholesale falling within subdivision (ii), above.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13554; Filed, August 19, 1943; 11:22 a. m.]

[Region VII Order G-6 Under Rev. MPR 122]

BITUMINOUS COAL IN JACKSON AREA OF WYOMING

Order No. G-6 under Revised Maximum Price Regulation No. 122. Specific maximum prices for bituminous coal sold and delivered by dealers in the Jackson Area of the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.259 (1) of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *Action taken.* From and after the effective date hereof the maximum prices of dealers and sellers of bituminous coal of the kind and sizes as specified in the Jackson area of the State of Wyoming shall be as set forth below.

(b) *Specific maximum prices established by this order.* Prices for bituminous coal produced in Sub-District 2 of District 19 when sold and delivered by any person in the Jackson area shall be as follows:

(1) Treated stoker slack coal, size 1⅝" and under—$8.00 per ton.

(2) Nut coal, size 3" x 1½"—$9.75 per ton.

(3) Lump coal, size 3" and over—$10.25 per ton.

(c) *Definitions.* (1) "Jackson area" means all of the area lying within the corporate limits of the municipality of Jackson, Wyoming, and extending a distance of 3 miles beyond at all points.

(2) *"Free delivery zone" means all* that part of the Jackson area in which the seller customarily delivered coal without extra charge during the period of December, 1941.

(3) "Delivery charge" means the sum which a seller customarily charged during the period of December, 1941, for making delivery beyond his free delivery zone.

(d) *Free deliveries and delivery charges.* (1) A dealer or seller shall not make any charge for delivering bituminous coal to any buyer within the Jackson area if during the period of December, 1941, he customarily made such delivery without extra charge.

(2) A dealer or seller shall not charge more for making delivery of bituminous coal at any place in the Jackson area than he customarily charged for making such delivery during the month of December, 1941.

(e) *Price adjustment to cover authorized increase in supplier's maximum price.* Any dealer or seller may add to the maximum prices hereby established for the kind and sizes of coal specified any increased cost which he may hereafter be required to pay his supplier for such bituminous coal over the present maximum prices of his supplier f. o. b. mine or producing facility: *Provided, however,* That within ten days after any seller subject to this order has adjusted upward his maximum price for bituminous coal upon the ground that an authorized mine cost increase has occurred, he shall report to the Denver Regional Office of the Office of Price Administration the new price so determined, together with a full and complete statement as to the manner in which he computed same and a written statement by his supplier certifying over his signature that such increase in mine cost has actually occurred.

(f) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This order shall become effective on July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13546; Filed, August 19, 1943; 11:21 a. m.]

[Region VII Order G-6 Under Rev. MPR 122, Amdt. 1]

BITUMINOUS COAL IN JACKSON AREA OF WYOMING

Order No. G-6 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Specific maximum prices for bituminous coal sold and delivered by dealers in the Jackson Area of the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.259 (1) of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, this Order No. G-6 is hereby amended as follows:

1. Paragraph (e) of this order is hereby revoked.

2. This amendment shall become effective as of July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E. O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13547; Filed, August 19, 1943; 11:21 a. m.]

[Region VIII Order G–27 Under 18 (c)]

FLAXSEED TRANSPORT BETWEEN CERTAIN POINTS IN CALIFORNIA

Order No. G–27 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjusted maximum prices for the transportation of flaxseed by motor carriers other than common carriers between certain points in California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation: *It is hereby ordered:*

(a) The adjusted maximum price which may be charged by any carrier other than a common carrier for the service of transporting flaxseed by motor truck from any roadside point in Imperial County, California, to the plant of any processor in the Counties of Los Angeles and Orange, California, is established to be $4.75 per ton.

(b) This order may be amended, revoked, or corrected at any time.

(c) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43–13552; Filed, August 19, 1943; 11:20 a. m.]

[Region VIII Order G–28 Under 18 (c)]

FIREWOOD IN YAKIMA COUNTY, WASH.

Order No. G–28 under section 18 (c) of the General Maximum Price Regulation. Certain firewood in Yakima County, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 18 (c) as Amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices for certain sales and deliveries of specified kinds of firewood in Yakima County, Washington, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby modified so that the maximum prices therefor shall be the prices set forth in paragraphs (b) and (c).

(b) The maximum price for the sale of the specified kinds of firewood cut to 24" or less shall be:

1. For sales delivered to the premises of the consumer in the city of Yakima or in the area within five miles of the corporate limits thereof,

(i) Fir forest wood, old or second growth, green or dry $14.25 per cord
(ii) Apple wood, green or dry $15.00 per cord

2. For sales by a dealer, f. o. b. dealer's yard or place of business in the city of Yakima or in an area within five miles of the corporate limits thereof,

(i) Fir forest wood, old or second growth, green or dry $12.50 per cord
(ii) Apple wood, green or dry $13.00 per cord

3. For sales to a dealer, delivered to the dealer's yard or place of business in the city of Yakima or in the area within five miles of the corporate limits thereof,

(i) Fir forest wood, old or second growth, green or dry $11.00 per cord
(ii) Apple wood, green or dry $11.00 per cord

4. For sales to any person delivered on the ground in the woods within Yakima County, Washington,

(i) Fir forest wood, old or second growth, green or dry $8.25 per cord
(ii) Apple wood, green or dry $9.00 per cord

(c) The maximum prices established in paragraph (b) 4 are applicable only to firewood produced from standing or fallen trees or logs and sold in the near vicinity of the point of production.

(d) No seller shall evade any of the provisions of this Order No. G–28 by changing the customary allowances, discounts, or other price differentials.

(e) This order may be revoked, amended, or corrected at any time.

This order shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of July, 1943.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13553; Filed August 19, 1943; 11:19 a. m.]

[Region I Order G–14 Under 18 (c), Corr. to Amdt. 3]

FIREWOOD IN MASSACHUSETTS

Correction of Amendment No. 3 to Order G–14 under section 18 (c) of the General Maximum Price Regulation. Hardwood-cordwood and firewood in Massachusetts (formerly General Order No. 14).

The reference to subdivision (vi) of paragraph (a) (2), wherever it appears in Amendment No. 3, is corrected to refer to subdivision (vii) of paragraph (a) (2).

This correction shall become effective as of July 8, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43–13625; Filed, August 20, 1943; 11:34 a. m.]

[Region VI Order G–10 Under MPR 329]

MILK IN PEORIA, ILLINOIS AREA

Order G–10 under Maximum Price Regulation No. 329. Purchase of milk from producers for resale as fluid milk. Adjustment of producers' milk prices in the Peoria, Illinois area.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) *What this order does.* This order establishes maximum prices which Peoria distributors may pay to producers for graded milk. Paragraph (b) of the order provides a basic maximum price which may be paid to any producer by any Peoria distributor. Paragraph (c) provides a premium price which may be paid only to certain producers. Paragraph (d) sets forth the producers to whom the premium price may be paid. No purchases of milk may be made at prices higher than the maximum prices established by this order. Lower prices may be paid.

(b) *Basic maximum price.* Any Peoria distributor may pay to any producer for graded milk a price of $2.85 per cwt.

(c) *Premium price.* In addition to the basic maximum price, a premium or premiums may be paid to certain producers by Peoria distributors who during January 1943 paid such premiums. The payment of such premiums shall, however, in no event make the total price higher than $3.05 per cwt.

(d) *To whom premiums may be paid.* No distributor may pay any premium which will bring the total price above the basic price of $2.85 per cwt. to any producer except:

1. A producer who during the period from May 15, 1943 to July 15, 1943 regularly sold and delivered graded milk to the distributor paying such premiums; and

2. A farmer who prior to the payment of any such premium produced no graded milk.

(e) *Transportation costs.* The maximum prices herein established are prices f. o. b. bottling plant or customary receiving station. No part of any cost of transportation from farm to bottling plant or customary receiving station may be borne by the buyer if the effect thereof will be to increase the total price beyond the maximum prices herein established.

(f) *Adjustments for varying butterfat content.* The prices provided in this order refer to milk having a butterfat content of 3.5%. To these prices may be added 5¢ for each one-tenth of a pound of butterfat in excess of 3.5%; and from these prices must be deducted a minimum of 5¢ for each one-tenth of a pound of butterfat below 3.5%.

(g) *Definitions.* As used in this order:

(1) "Producer" shall mean any farmer or other person including any association of producers, selling graded milk to distributors.

(2) "Graded milk" shall mean milk produced under sanitary conditions meeting all requirements of the City of Peoria or the requirements of the U. S. Army for type 2 no. II milk, sold for human consumption.

(3) "Premium" means any monies paid as an inducement to a producer for the purpose of increasing the total graded milk production or the butterfat content of graded milk. It does not include any monies paid for color.

(4) "Peoria distributors" means distributors of milk for consumption in fluid form whose bottling establishments

are located within Peoria or Tazewell counties, Illinois.

(5) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 302 of the Emergency Price Control Act of 1942 as amended, shall be applicable to the terms used herein.

(h) This order may be amended, corrected or revoked at any time. This order shall be effective as of July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13626; Filed, August 20, 1943; 11:34 a. m.]

[Region VI Order G-80 Under 18 (c) and MPR 329]

FLUID MILK IN LA CROSSE, WISCONSIN

Order No. G-80 under § 1499.18 (c) of the General Maximum Price Regulation and Under Maximum Price Regulation No. 329—Purchase of Milk From Producers for Resale as Fluid Milk. Adjustment of fluid milk prices for La Crosse, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, and by § 1351.408 of Maximum Price Regulation No. 329, *It is ordered:*

(a) *Revocation of previous order.* Order No. G-5, as amended, issued under Maximum Price Regulation No. 329, is hereby revoked and superseded by this Order No. G-80.

(b) *Maximum producer prices.* The maximum price for milk sold for human consumption in fluid form which may be paid to producers by distributors selling milk in La Crosse, Wisconsin, shall be $2.90 per cwt. for 3.5 percent milk plus 5¢ for each 1/10 of a pound of butterfat in excess of 3.5 percent and less 5¢ for each 1/10 of a pound of butterfat below 3.5 per cent.

(c) *Maximum distributor prices.* The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the La Crosse, Wisconsin area shall be:

	Wholesale	Retail
	Cents	*Cents*
Guernsey milk:		
Quarts	11	14
Standard milk and homogenized milk:		
Gallons	44	
Quarts	11	13
Pints	6	7
½ pints	3¼	5
Vitamin "D" milk:		
Quarts	12	13
Buttermilk:		
Gallons	12	15
½ Gallons	6	8
Quarts	4	5
Skim milk:		
Gallons	18	23
½ Gallons	10	12
Quarts	5	7

(d) *Definitions* For the purposes of this order:

(1) Sales and deliveries within the La Crosse, Wisconsin area shall mean:

(i) All sales made within the city limits of La Crosse, Wisconsin and all sales at or from an establishment located in La Crosse, Wisconsin; and

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within La Crosse, Wisconsin.

(2) Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, bottled, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purposes of this Order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(e) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(f) This order may be revoked, amended or corrected at any time. This order shall become effective July 21st, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July 1943.

R. S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13617; Filed, August 20, 1943; 11:32 a. m.]

[Region VI Order G-81 Under 18(c)]

FLUID MILK IN MASCOUTAH, ILLINOIS

Order No. G-81 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Mascoutah, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18(c) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Maximum prices.* (1) Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Mascoutah, Illinois area, as hereinafter defined, are hereby established as follows:

Regular milk	Wholesale	Retail
	Cents	*Cents*
Gallon	39	44
Quart	11	13
Pint		6½
½ Pint	3	5

(2) Where the maximum prices set forth above are expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple sales unless separate collections are made for single units delivered.

(b) *Definitions:* For the purposes of this order:

(1) Sales and deliveries shall mean:

(i) All sales and deliveries made within the city limits of Mascoutah, Illinois and all sales by sellers located in Mascoutah, Illinois; and

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Mascoutah, Illinois; and

(iii) Notwithstanding the provisions of any other order issued by the Regional Administrator, the maximum prices herein provided shall be the only prices applicable to sales of milk delivered within the above area.

(2) Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July, 1943.

R. S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13618; Filed, August 20, 1943; 11:33 a. m.]

[Region VI Order G-82 under 18 (c) and Under MPR 280]

FLUID MILK IN NEENAH AND MENASHA, WISCONSIN

Order No. G-82 under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280, Adjustment of fluid milk prices for Neenah and Menasha, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered:*

(a) *Maximum prices:* 1. Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Neenah and Menasha, Wisconsin area are hereby established as follows:

	Wholesale	Retail
	Cents	*Cents*
Regular milk:		
Bulk—gallon	40	
Gallon		48
Half-gallon	20	25
Quart	10½	12½
Pint	6	7
Half-pint	3	4
Chocolate milk:		
Quart	12	14
Pint	7	8
Half-pint	4	5
Buttermilk:		
Bulk—gallon	15	
Gallon	28	10
Quart	8	
Pint	5	

2. Where the maximum prices set forth above are expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions.* For the purposes of this order:

(1) Sales and deliveries within the Neenah and Menasha, Wisconsin area shall mean:

(i) All sales made within the city limits of Neenah and Menasha, Wisconsin, and all sales at or from an establishment located in Neenah and Menasha, Wisconsin; and

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Neenah and Menasha, Wisconsin.

(2) "Milk" shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July 1943.

R. S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13619; Filed, August 20, 1943; 11:33 a. m.]

[Region VI Order G-83 Under 18(c)]

FLUID MILK IN CEDARBURG, WISCONSIN

Order No. G-83 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Cedarburg, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18(c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices.* (1) Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Cedarburg, Wisconsin area, as hereinafter defined, are hereby established as follows:

	Wholesale	Retail
	Cents	*Cents*
Regular milk:		
Gallons	38	42
Quarts	11	12
Pints		6½
Half-pints	3	
Chocolate milk:		
Quarts	11	12
12 ounces	4⅓	5⅓
Half-pints	3	
Buttermilk: Quarts		5

(2) Where the maximum prices set forth above are expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions.* For the purposes of this order:

(1) Sales and deliveries shall mean:

(i) All sales and deliveries made within the city limits of Cedarburg, Wisconsin, and all sales by sellers located in Cedarburg, Wisconsin.

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Cedarburg, Wisconsin.

(2) Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13620; Filed, August 20, 1943; 11:32 a. m.]

[Region VII Rev. Order G-1 Under MPR 122]

BITUMINOUS COAL IN UINTAH COUNTY, UTAH

Revised Order No. G-1 under Maximum Price Regulation No. 122. Revised order modifying prices for certain bituminous coal sold in Uintah County, Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.257 (b) of Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, Order No. G-1 is redesignated Revised Order No. G-1 as above set forth and is amended to read as follows:

(a) *What this order does.* This order adjusts maximum prices for sales of bituminous coal produced in Subdistrict 17 of District 17 as defined in the Bituminous Coal Act of 1937, as amended, when delivered in Uintah County, Utah, by persons subject to Maximum Price Regulation No. 122 by reflecting in such adjustment the increased mine costs to the sellers in question since Order No. G-1 was issued on November 28, 1942.

(b) *Specific maximum prices.* The maximum prices for bituminous coal as described in paragraph (a) hereof when sold and delivered in Uintah County, Utah, by persons subject to Maximum Price Regulation No. 122 shall be, subject to the exceptions stated below, as follows:

(1) 6" Bituminous lump coal, $6.35.
(2) 1½x6" Bituminous nut, $5.85.
(3) 1½x0" Bituminous slack (oil), $4.85.
(4) 1½x0" Bituminous slack (raw), $4.60.

(c) *Exceptions.* (1) These prices shall not apply to sales of bituminous coal delivered to the purchaser from a mine or preparation plant in a truck or wagon owned by, or subject to the control of the producer of the bituminous coal, or of a distributor thereof, such sales being made subject to Maximum Price Regulation No. 120.

(2) Any seller who has established maximum prices under Maximum Price Regulation No. 122 that are higher than the prices fixed by this order, may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(d) *Customary discounts and allowances must be maintained.* Sellers affected by this revised order shall not change their customary allowances, discounts or other established price differentials unless such change results in a lower price.

(e) *Right to revoke or amend.* This revised order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(f) *Effective date.* This revised order shall become effective retroactively as of July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13622; Filed, August 20, 1943; 11:34 a. m.]

[Region VIII Order G-4 Under MPR 165, Amdt. 1]

FOOD PACKING AND DRYING IN WEST COAST REGION

Amendment No. 1 to Order No. G-4 under Maximum Price Regulation No. 165 as amended—Services.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, *It is hereby ordered,* That Order No. G-4 under Maximum Price Regulation No. 165 as amended be amended in the following particulars:

The portion of paragraph (a) which precedes subparagraph (1) thereof is amended to read as follows:

(a) The adusted maximum price for the service of cleaning seed and for the service or services of packing, drying and dehydrating fruits (except citrus fruit and except apples and pears grown in the State of Washington), vegetables, or rice, including related services, but not including canning, sold and supplied by any person located in Region VIII, shall be the sum of the following:

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13623; Filed, August 20, 1943; 11:34 a. m.]

[Region VIII Order G-5 Under MPR 165]

CLEARING AND WEEDING SERVICE IN LOS ANGELES, CALIF.

Order No. G-5 under Maximum Price Regulation No. 165 as amended—Services.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, *It is hereby ordered:*

(a) The maximum price which any person may charge the City of Los Angeles, California, for the service supplied to the City of Los Angeles of clearing lots and unoccupied land of weeds by the use of farm equipment as hereinafter described, supplied and operated by the seller of the service, shall be the applicant's existing maximum price as established under Maximum Price Regulation No. 165 as amended, or the applicable adjusted maximum price set forth below, whichever is higher:

Adjusted maximum prices per hour	
Crawler type tractors with equipment for Plowing or discing, including equipment for transporting tractor from lot to lot:	
Rated 15 H. P. or less	$3.00
Rated more than 15 H. P. but not more than 25 H. P.	4.50
Rated more than 25 H. P.	5.00
Pneumatic-tired tractors with equipment for plowing or discing	3.35
Pneumatic-tired tractors with equipment for mowing	3.50

(b) This order may be revoked, amended or corrected at any time.

(c) This order shall become effective upon its issuance and shall apply to services rendered on or after April 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13624; Filed, August 20, 1943; 11:34 a. m.]

[Boise Order G-1 Under 4 (c) of MPR 376 and Delegation Order 10, Amdt. 1]

TOMATOES IN BOISE, IDAHO DISTRICT

Order No. G-1 under section 4 (c) of Maximum Price Regulation 376 and Region VII Delegation Order No. 10, Amendment No. 1. Adjustment of maximum prices for "Certain Fresh Fruits and Vegetables, When Sold Otherwise Than at Retail" in the Boise, Idaho District.

Pursuant to the Emergency Price Control Act of 1942, as amended, and section 4 (c) of Maximum Price Regulation 376, and to the authority delegated to the District Manager of the Boise District Office by Region VII Delegation Order No. 10 and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered*, That the above described order be amended in the following respects:

Section K (2) (1) is added to read as follows:

(i) To the maximum price computed under section K (1) and (2) for "tomatoes", one of the "listed commodities" covered by Order G-1 of the Boise District Office, an addition of 75¢ for a 28-30 pound lug, box or crate, and 50¢ for a 20 pound minimum lug, box or crate, may be added by a primary distributor of any class who warehouses, stores, ripens, repacks and resells to intermediate wholesalers or retailers from his warehouse, any "tomatoes" grown outside the Boise Idaho District. The resulting figure shall constitute a new "net cost" for such primary distributor, and the base price for all subsequent intermediate sellers and retailers.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Congress; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of July 1943.

C. C. ANDERSON,
District Manager.

[F. R. Doc. 43-13621; Filed, August 20, 1943; 11:33 a. m.]

SMALLER WAR PLANTS CORPORATION.

WALNUT GUNSTOCKS, INC.

RECOMMENDATION OF FORMATION OF WAR PRODUCTION ASSOCIATION

Walnut Gunstocks, Inc., 539 Postal Station Building, Indianapolis, Indiana, is a War Production Association comprising the five companies listed in Appendix I,[1] which have saw mill and wood working facilities. The purpose of this Association is to combine the facilities and skills of the member companies for the manufacture of articles, equipment, supplies and materials for war and essential civilian requirements, and more particularly walnut gun stocks, hand guard blanks and aircraft veneers. The activities of the Association will relate solely to war and essential civilian work, and will terminate within six months after the end of the war.

In my opinion the formation and operation of Walnut Gunstocks, Inc., is appropriate to the fulfillment of the purposes of Public Law 603, 77th Congress, approved June 11, 1942 (56 Stat. 351) and Executive Order No. 8891 of September 4, 1941. I have therefore approved the Plan of Organization, Procedure and Objectives of Walnut Gunstocks, Inc., and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. 351) that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said Plan is requisite to the prosecution of the war (See Certificate 110, *infra*).

Issued at Washington, D. C., this 9th day of August 1943.

J. A. R. MOSELEY,
Acting Chairman.

APPENDIX I

Amos-Thompson Corp., Edinburg, Indiana.
Chester B. Stem, Inc., New Albany, Indiana.
Frank Purcell Walnut Lumber Company, Kansas City, Kansas.
Midwest Walnut Company, Council Bluffs, Iowa.
Pierson-Hollowell Co., Inc., Indianapolis, Indiana.

[F. R. Doc. 43-13593; Filed, August 20, 1943; 10:16 a. m.]

WAR FOOD ADMINISTRATION.

[Docket No. AO 166-A1]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING

Proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, 1941 Supp., 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815), notice is hereby given of a hearing to be held at the Netherland-Plaza Hotel, Cincinnati, Ohio, beginning at 10 a. m., e. w. t., August 25, 1943, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. These amendments have not received the approval of the War Food Administrator.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the amendments or any modification thereof, which are hereinafter set forth. The amendments which have been proposed are set forth below:

AMENDMENTS PROPOSED BY THE COOPERATIVE PURE MILK ASSOCIATION AND THE CINCINNATI SALES ASSOCIATION

1. Delete § 965.7 (a) (1) and (2) and substitute therefor the following:

(1) *Class I milk*, $4.35.

(2) *Class II milk*, $3.50: *Provided*, That in no event shall the Class II price be less than twenty-five cents ($.25) higher than the Class III price as provided in (a) (3) of this section.

2. Add as § 965.10 (c) the following:

(c) *Cooperative payments.* Any cooperative association of producers may apply to the Secretary for a determination of its qualifications to receive payments pursuant to this paragraph by reason of its having and exercising full authority in the sale of the milk of its members; arranging for and supplying, in a manner commensurate with the marketing capacity of the several types of cooperative associations designated in this paragraph, in times of short supply, Class I milk to the marketing area; securing utilization of milk, in times of long supply, in a manner to assure the greatest possible returns to all producers; having its entire activities under the control of its members; and complying with all provisions of this order applicable to it.

After the Secretary has determined any cooperative to be qualified to receive payments pursuant to this paragraph, such cooperative shall, from time to time, as requested by the market administrator, make reports to the market administrator with respect to services rendered to the market and the use of the sums received under this paragraph. Whenever the market administrator has reason to believe that any cooperative qualified by the Secretary is failing to perform the obligations covered by the payments under this paragraph, he shall suspend and hold in reserve such payments, notifying the Secretary and the cooperative of his action and the reasons therefor. Such suspended payments shall be held in reserve until the Secretary has, after hearing, disqualified such cooperative or ruled upon the performance of the cooperative and either ordered the suspended payments to be paid to the cooperative in whole or in part or disqualified the cooperative, in which event the balance of payments held in reserve shall be returned to the producer-settlement fund.

The market administrator shall make the payments authorized by this paragraph, or issue credit therefor, out of the producer-settlement fund on or before the 25th day of each month, subject to verification of the reports upon which such payment is based. Such payments shall be made to each cooperative association of producers under the following conditions and at the following rates:

1. One half of one cent per hundredweight of milk received from producers at any handler's plant which was caused to be delivered from its members by such association and on which such handler has made the reports and payments required by this order;

2. Three cents per hundredweight of milk received from producers at plants operated by such association and, if, in addition to the other qualifications, such association has been determined by the Secretary to have sufficient plant capacity to receive all the milk of producers who are members and to be willing and able to receive milk from producers not members, three cents per hundredweight of milk received from producers which was caused by it to be delivered to any other complying handler and which is reported and collected for by such association.

AMENDMENTS PROPOSED BY THE CINCINNATI SALES ASSOCIATION

1. Delete "(b), (c) and" from § 965.7 (a).

2. Delete § 965.7 (b) *Price of Class I Milk Disposed of Outside the Marketing Area.*

3. Delete § 965.7 (c) *Price of Class I Milk Disposed of for Relief Distribution.*

AMENDMENTS PROPOSED BY THE COOPERATIVE PURE MILK ASSOCIATION

1. Delete § 965.8 (a) and substitute therefor the following:

(a) *Computation of uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from producers, as follows:

(1) Add together the values of milk as computed in § 965.7 (e) for handlers who made the payments to the producer-settlement fund as required by § 965.9 (b);

(2) Subtract the amounts computed pursuant to § 965.10 (a) (2);

(3) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: multiply the hundredweight of such milk by the variance of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter sold at wholesale in the Chicago market during the delivery period, as reported by the United States Department of Agriculture, was more than 40 cents; or by 40 cents if such average price of butter was more than 30 cents but not more than 40 cents; or by 30 cents if such average price of butter was 30 cents or less;

(4) Add the cash balance in the producer-settlement fund;

(5) Divide by the total hundredweight of milk of producers represented in the sum computed pursuant to (1) of this paragraph; and

(6) Subtract from the figure obtained in (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such delivery period for milk of producers which contains 3.5 percent of butterfat.

2. Delete § 965.10 (a) and substitute therefor the following:

(a) *Calculation of payments for each producer.* For each delivery period, the market administrator shall calculate the payment due each producer from whom milk was received during such delivery period by a handler who paid into the producer-settlement fund in accordance with § 965.9 as follows:

(1) Multiply the hundredweight of milk received from each producer by the uniform price computed in accordance with § 965.8 (a): *Provided*, That if the milk of such producer was of a weighted average butterfat content other than 3.5 percent, there shall be added or subtracted for each one-tenth of 1 percent variance above or below 3.5 percent, 5 cents if the average price of butter described in § 965.8 (a) (3) was more than 40 cents; 4 cents if such average price of butter was more than 30 cents but not more than 40 cents; or 3 cents if such average price of butter was 30 cents or less.

(2) Subtract in each case, the amount of the payment made pursuant to § 965.9 (a), and the charges and the deductions, if any, which are made pursuant to § 965.9 (b).

AMENDMENTS PROPOSED BY DAIRY AND POULTRY BRANCH, FOOD DISTRIBUTION ADMINISTRATION

1. Delete § 965.3 (a) (1) and substitute therefor the following:

(1) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers or perform the duties, pursuant to the act, of the War Food Administrator.

2. Review the definition of the marketing area (§ 965.3 (a) (2)) in the light of price proposal affecting § 965.7 (b).

3. Delete the proviso in § 965.3 (a) (4) and all references to new producers wherever such references appear in any section.

4. Amend the Class I, Class II, and Class III prices to the extent necessary to prevent the diversion of Cincinnati milk supplies to other fluid milk markets or to manufacturing milk plants.

5. Following the words "United States Department of Agriculture" in § 965.7 and § 965.8 add: "or such other agency as hereafter may be authorized to perform this price-reporting function."

6. Delete the word "Secretary" and substitute therefor "War Food Administrator" wherever the former appears in any section.

7. Delete § 965.14 and substitute therefor the following:

§ 965.14 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Copies of this notice of hearing, of the tentatively approved marketing agreement, as amended, and the order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

Dated August 20, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13598; Filed, August 20, 1943; 11:14 a. m.]

WAR PRODUCTION BOARD.

[Certificate 110]

WALNUT GUNSTOCKS, INC.

APPROVAL OF PLAN FOR FORMATION OF WAR PRODUCTION ASSOCIATION

The ATTORNEY GENERAL: I submit herewith a recommendation of the Acting

[1] Filed as part of the original document.

Chairman of Smaller War Plants Corporation concerning the plan of organization, procedure and objectives of Walnut Gunstocks, Inc., Indianapolis, Indiana, a war production association organized for the purpose of manufacturing articles, equipment, supplies and materials for war and essential civilian requirements.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the plan referred to in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13592; Filed, August 20, 1943; 10:16 a. m.]

[Certificate 111]

TRANSPORTATION AND DELIVERY OF FLOWERS IN ITHACA, N. Y.

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL: I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Bool's Flowerdale and others named therein with respect to the transportation and delivery of flowers and related articles by motor vehicle in Ithaca, New York.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST, 14, 1943.

[F. R. Doc. 43-13587; Filed, August 20, 1943; 10:16 a. m.]

[Certificate 112]

COORDINATION OF OPERATIONS BETWEEN BUTTE AND DRUMMOND, MONT.

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL: I submit herewith Supplementary Order ODT 3, Revised-52, issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of certain common carriers of property by motor vehicle between Butte and Drummond, Montana.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised-52, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13588; Filed, August 20, 1943; 10:16 a. m.]

[Certificate 113]

OVER-THE-ROAD SERVICE IN DESIGNATED EASTERN CITIES

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL: I submit herewith Supplementary Order ODT 3, Revised-50, issued by the Director of the Office of Defense Transportation with respect to coordination of operations by three common carriers of property by motor vehicle in over-the-road service between common points and in collection and delivery service over duplicate routes in the cities of Baltimore, New York, Philadelphia, Trenton, Newark and Washington, and environs thereof.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised-50, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13589; Filed, August 20, 1943; 10:15 a. m.]

BLACKFEET PROJECT, MONT.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Department of the Interior, Office of Indian Affairs, Washington, D. C. Project: Blackfeet Project, Montana.

The stop construction order issued December 16, 1942, and amended April 2, 1943, is hereby cancelled.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13612; Filed, August 20, 1943; 11:27 a. m.]

FORT PECK PROJECT, MONT.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Department of the Interior, Office of Indian Affairs, Washington, D. C. Project: Fort Peck Project, Montana.

The stop construction order issued December 16, 1942, is hereby cancelled.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13609; Filed, August 20, 1943; 11:27 a. m.]

BONNY LANE ROAD PROJECT, NEV.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Department of the Interior, Office of Indian Affairs, Washington, D. C. Project: Bonny Lane Road, Shoshone, Nevada.

The stop construction order issued November 19, 1942 is hereby cancelled.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13611; Filed, August 20, 1943; 11:27 a. m.]

WIND RIVER PROJECT, WYO.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Department of the Interior, Office of Indian Affairs, Washington, D. C. Project: Wind River Project, Wyoming.

The stop construction order issued December 16, 1942, is hereby cancelled.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13610; Filed, August 20, 1943; 11:27 a. m.]

PYRAMID LAKE PROJECT

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Department of the Interior, Office of Indian Affairs, Washington, D. C. Project: Pyramid Lake Project, Nevada.

The stop construction order issued December 16, 1942, is hereby cancelled.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13613; Filed, August 20, 1943; 11:27 a. m.]

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[1] *Supra.*

Reference

FEDERAL REGISTER

VOLUME 8 NUMBER 167

Washington, Tuesday, August 24, 1943

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

REDESIGNATION OF CHAPTERS

Pursuant to the authority vested in me as War Food Administrator, *It is hereby ordered*, That:

The titles of Chapters II and III of Title 6, Agricultural Credit, Code of Federal Regulations, be, and the same hereby are, redesignated as "War Food Administration (Commodity Credit)" and "War Food Administration (Farm Security)", respectively.

The titles of Chapters I, IV, VI, VII, VIII, IX, X, XI and XII of Title 7, Agriculture, Code of Federal Regulations, be, and the same hereby are, redesignated as "War Food Administration (Standards, Inspections, Marketing Practices)", "War Food Administration (Crop Insurance)" "War Food Administration (Soil Conservation)", "War Food Administration (Agricultural Adjustment)" "War Food Administration (Sugar Determinations)", "War Food Administration (Marketing Agreements and Orders)", "War Food Administration (Production Orders)", "War Food Administration (Distribution Orders)", and "War Food Administration (Commodity Credit Orders)", respectively.

The title of Chapter II of Title 9, Animals and Animal Products, Code of Federal Regulations, be, and the same hereby is, redesignated as "War Food Administration (Packers and Stockyards)".

The title of Chapter I of Title 17, Commodity and Securities Exchanges, Code of Federal Regulations, be, and the same hereby is, redesignated as "War Food Administration (Commodity Exchanges)".

The title of Chapter IX of Title 29, Labor, Code of Federal Regulations, be, and the same hereby is, redesignated as "War Food Administration (Agricultural Labor)".

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done in Washington, D. C., this 20th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13660; Filed, August 21, 1943; 11:05 a. m.]

Chapter III—Farm Security Administration

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

TITLE 7—AGRICULTURE

Chapter I—War Food Administration

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

Chapter IV—Federal Crop Insurance Corporation

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

Chapter VI—Soil Conservation Service

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

Chapter VII—Agricultural Adjustment Agency

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP-1943-17]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

FARM PRODUCTION PRACTICE ALLOWANCE IN PENNSYLVANIA

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9332,

(Continued on p. 11607)

CONTENTS

REGULATIONS AND NOTICES

	Page
AGRICULTURAL ADJUSTMENT AGENCY:	
Burley tobacco, acreage allotments for old farms	11607
Conservation program; farm production practice allowances in Pennsylvania	11605
Redesignation of chapter heading	11605
AGRICULTURAL LABOR:	
Redesignation of chapter heading	11652
ALIEN PROPERTY CUSTODIAN:	
Vesting orders:	
Borchers, Anna	11701
Krienke, August	11701
Mueller, Hildegarde	11700
Royal Saxon Co., Inc	11699
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
American Rolling Mill Co	11694
City of Cincinnati, Ohio	11694
District 8	11693
Districts 1-20, 22 and 23	11693
Institutional Purchasing Co. of the Catholic Charities of the Archdiocese of Cincinnati	11693
COMMODITY CREDIT CORPORATION:	
Redesignation of chapter headings (2 notes)	11605, 11608
COMMODITY EXCHANGE ADMINISTRATION:	
Redesignation of chapter heading	11650
FARM SECURITY ADMINISTRATION:	
Redesignation of chapter heading	11605
FEDERAL CROP INSURANCE CORPORATION:	
Redesignation of chapter heading	11605
FEDERAL TRADE COMMISSION:	
Hearings, etc.:	
Associated Merchandising Corp., et al	11696
Bernard Engineering Co., et al	11699
FISH AND WILDLIFE SERVICE:	
Alaskan game regulations amended	11692

(Continued on p. 11606)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
FOOD DISTRIBUTION ADMINISTRATION: Redesignation of chapter heading	11608
GENERAL LAND OFFICE: Lake Washington State Game Refuge, N. Dak., lands withdrawn	11694
Oil and gas leases, offer of lands for lease	11692
INTERNAL REVENUE BUREAU: Income tax: extension of time to members of the Armed Forces for filing declarations and payment	11650
NATIONAL LABOR RELATIONS BOARD: Procedure for investigation and certification of representatives, run-off elections	11651
NATIONAL WAR LABOR BOARD: Wage and salary adjustments for designated and civilian employees, delegation of authority to War Department	11651
Wage and salary rate increases, approval	11651
OFFICE OF DEFENSE TRANSPORTATION: Chicago Wholesale Liquor Assn., joint action plan	11701
Livestock, transportation by commercial motor vehicle	11702
OFFICE OF ECONOMIC WARFARE: General licenses, shipments not exceeding a specified value	11655
OFFICE OF PRICE ADMINISTRATION: Adjustment orders filed, lists (2 documents)	11703
Adjustments, exceptions, etc.: Mashkin Freight Lines, Inc. (Corr.)	11676
Alcohol, butyl, and esters thereof (MPR 37, Am. 8)	11686
Bituminous coal: Deliveries from mine or preparation plant (MPR 120, Am. 59)	11689
Sales for direct use as bunker fuel (MPR 189, Am. 16)	11690
Coffee (Gen. RO 5, Am. 32)	11676
Cottonseed oil meal, cake and hulls (MPR 444, Corr.)	11672
Fish and seafood: (MPR 418, Am. 5)	11687
(MPR 439, Am. 2)	11686
Foods rationed, etc., replacement (Gen. RO 11, Am. 3)	11671
Fruit cocktail and mixed fruit canners (MPR 306, Order 3)	11703
Fruits and vegetables, fresh (MPR 426, Am. 5)	11691
Fuel oil reserves, inventory reserves (RO 11, Am. 75)	11687
Hides, kips and calfskins (RPS 9, Am. 3)	11676
Import prices (Maximum Import Price Reg.)	11681
Lumber: Aircraft and No. 1 sheet stock veneer (RMPR 338)	11672
Southern hardwood (RMPR 97, Am. 8)	11690
Meats, fats, fish and cheeses (RO 16, Am. 13 to Supp. 1)	11688
Onions (RMPR 271, Am. 6)	11672
Poultry (RMPR 269, Am. 13)	11691
Rationing banking; depositors (Rev. Gen. RO 3A)	11669
Regional, state and district office orders: Bituminous coal, Seattle, Wash., area (Corr.)	11708
Eggs: California and Nevada	11707
Louisiana	11705
Fluid milk: Cuyahoga, Wayne and Summit Counties, Ohio (Corr.)	11704
Dallas, Tex., region	11706
Del Norte County, Calif.	11707
McCracken County, Ky.	11703
Pekin, Ill.	11706
Vanderburgh County, Ind.	11704
Ice, Cheney area, Washington	11707
Services: Handling of fresh tuna fish, Washington, Oregon and California	11708
Hauling of cucumber and cauliflower, Wisconsin	11707
Solid fuels, Raleigh, N. C.	11704
Ration books or coupon sheets, replacement (Procedural Reg. 12, Am. 2)	11688
Rubber: Boots and work shoes, men's (RO 6A, Am. 3)	11688
Heels (MPR 200, Am. 12)	11687
Solid fuels (RMPR 122, Am. 11)	11690
Tobacco, burley (MPR 283, Corr. to Am. 4)	11672
PETROLEUM ADMINISTRATION FOR WAR: Petroleum supply (PAO 7)	11691
SECURITIES AND EXCHANGE COMMISSION: Hearings, etc.: Atlantic Securities Co. of Boston	11708
New England Public Service Co	11709
North Continent Utilities Corp., et al.	11708
SOIL CONSERVATION SERVICE: Redesignation of chapter heading	11695
SOLID FUELS ADMINISTRATION FOR WAR: Distribution of bituminous coal	11652
Ex-dock shipments of coal from Great Lakes docks to Pacific Northwest	11652
VETERANS' ADMINISTRATION: Definitions of the terms "child", "parent", "father" and "mother"	11691
WAGE AND HOUR DIVISION: Learner employment certificates, issuance to various industries (2 documents)	11695, 11696
Logging, lumber and timber, etc., industries committee appointment	11695
WAR DEPARTMENT: Procurement; termination of contracts at convenience of Government	11690
WAR FOOD ADMINISTRATION: 1944 Hawaiian sugar cane wage rates and prices, hearing	11710
Farm machinery and equipment, new (FPO 3, Am. 5)	11607
Filing of shipment reports: Bartlett and Beurre hardy pears grown in California, Oregon or Washington (FDO 65-2)	11607
Elberta peaches grown in Oregon or Washington (FDO 74-2)	11607
Internal combustion engines, delegation of authority for assigning preference ratings to farmers	11710
Redesignation of chapter headings (5 notes)	11605, 11607
Silver Crown Ice Cream Products Corp., suspension order	11608
WAR PRODUCTION BOARD: Approval of ODT orders: Chicago, Ill., transportation and delivery of alcoholic beverages (Certificate 114)	11711
Livestock, transportation by commercial motor vehicle (Certificate 115)	11711
Construction (P-55-b)	11661
Controlled materials plan: Aircraft aluminum extrusions (CMP Reg. 2, Inventory Direction 11)	11665
Leased equipment (CMP Reg. 5, Am. 3)	11665
Quarterly identification (CMP Reg. 1, Int. 14)	11665
Cutlery (L-140-a)	11665
Fire protective, signal and alarm equipment (L-39)	11661

(Continued on next page)

CONTENTS—Continued

	Page
WAR PRODUCTION BOARD—Con. Office machinery (L-54-c)	11657
Pigs' and hogs' bristles (M-51-a)	11661
Plumbing and heating emergency repairs: (L-79)	11659
(P-84)	11655
Priorities system, operation (PR-5)	11660
Steel products, national emergency specifications (L-211, Int. 1)	11664
Stop construction orders, various projects (3 documents)	11710, 11711
Suspension orders: Richter Metalcraft Corp.	11661
Schaefer Iron and Metal Co.	11655
Tungsten (M-29-b)	11660

as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.405 (e), (3) is amended by adding the following new subdivision (iii):

§ 701.405 *Production practice goals, allowances, practices and rates of payment.* * * *

(e) *Farm production practice allowance* * * *

(3) *Farms in the Northeast region.* * * *

(iii) In Pennsylvania the allowance shall be increased by the cost of liming material furnished as conservation material after July 24 and after the allowance computed under subdivision (i) above has been earned.

Done at Washington, D. C., this 21st day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13677; Filed, August 21, 1943; 3:42 p. m.]

[Tobacco 703 (Burley) Part I, Supp. 4]

PART 724—BURLEY TOBACCO

ACREAGE ALLOTMENTS FOR OLD FARMS

Part I, Procedure for the Determination of Acreage Allotments and Normal Yields for 1943, is amended to read as follows:

§ 724.515 *Determination of acreage allotments for old farms.* Notwithstanding the provisions of § 724.512 (b) the 1943 tobacco acreage allotment for an old farm shall be the 1942 allotment (corrected if found to be in error) increased by the larger of 10 percent of the 1942 allotment or one-tenth acre, except that the 1943 allotment for any farm having a 1942 allotment shall not be less than five-tenths acre. For any farm for which the 1942 allotment was reduced because of violation of the 1941-42 marketing quota regulations, the 1942 allotment as determined before such reduction was made shall be used in determining the 1943 allotment. The allotment so determined under this section shall be subject to the adjustments provided for in §§ 724.516, 724.517 and 724.518. No acreage allotted to the farm in 1942 from the State pools, except the acreage allotted to a farm, the owner of which was dispossessed of another farm by the acquisition thereof by a federal agency for national defense purposes, shall be used in determining the 1943 allotment. This provision shall not be construed to prohibit determining an allotment for 1943 under the provisions of § 724.518 (a).

(52 Stat. 38, 47; 54 Stat. 392; 53 Stat. 1261; 56 Stat. 51; 7 U.S.C. 1940 ed. 1301 (b) 1313; 52 Stat. 66; 7 U.S.C. 1940 ed. 1375 (a), 371 (b) & (c); E.O. 9322, as amended by E.O. 9334; Pub. Law 43, 78th Cong., approved April 29, 1943)

Issued at Washington, D. C. as of the 21st day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13678; Filed, August 21, 1943; 3:42 p. m.]

Chapter VIII—War Food Administration

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

Chapter IX—War Food Administration

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

Chapter X—War Food Administration

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

Chapter X—War Food Administration (Production Orders)

[Amdt. 5 to FPO 3 as Amended May 6, 1943]

PART 1202—FARM MACHINERY AND EQUIPMENT

ENGINES

Schedule I of Food Production Order 3, as amended (8 F.R. 5963, 7299, 7625, 8045, 8915, 9100, 9101), is amended by deleting from Part B thereof the following:

ENGINES

War Production Board No.	
	Engines (one or more but under 5 h. p.):
199	Air cooled.
200	Water cooled.
	Engines (five or more but under 10 h. p.):
201	Air cooled.
202	Water cooled.

Issued this 23d day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13701; Filed, August 23, 1943; 11:20 a. m.]

Chapter XI—War Food Administration

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

Chapter XI—War Food Administration (Distribution Orders)

[FDO 65-2]

PART 1405—FRUITS AND VEGETABLES

SHIPMENTS OF BARTLETT AND BEURRE HARDY PEARS GROWN IN CALIFORNIA, OREGON, OR WASHINGTON

Pursuant to the authority vested in me by Food Distribution Order No. 65, issued by the Acting War Food Administrator on July 19, 1943, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942; Executive Order No. 9322, dated March 26, 1943; and Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders; *It is hereby ordered*, As follows:

§ 1405.23 *Reports in connection with shipments of Bartlett and Beurre Hardy pears*—(a) *Definitions.* Each term defined in Food Distribution Order No. 65, issued by the Acting War Food Administrator on July 19, 1943, shall, when used herein, have the same meaning as set forth for such term in said Food Distribution Order No. 65.

(b) *Reports.* (1) Each person who ships pears from region 1 shall report to the regional Program Manager in Sacramento, California, on or before August 31, 1943, the total quantity of pears shipped by the respective shipper from region 1, for fresh consumption, during the season beginning on April 1, 1942. Each person who ships pears from region 2 shall report to the regional Program Manager in Medford, Oregon, on or before August 31, 1943, the total quantity of pears shipped by the respective shipper from region 2, for fresh consumption, during the season beginning on April 1, 1942.

(2) Each person who ships pears from region 1 shall report to the regional Program Manager in Sacramento, California, on or before August 31, 1943, the total quantity of pears shipped by the respective shipper from region 1, for fresh consumption, during the period beginning on April 1, 1943, and ending on August 21, 1943. Each person who ships pears from region 2 shall report to the regional Program Manager in Medford, Oregon, on or before August 31, 1943, the total quantity of pears shipped from region 2, for fresh consumption, during the period beginning on April 1, 1943, and ending on August 21, 1943.

(3) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 24, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 65, 8 F.R. 9905)

Issued this 23d day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13730; Filed, August 23, 1943; 11:56 a. m.]

[FDO 74-2]

PART 1405—FRUITS AND VEGETABLES

SHIPMENTS OF ELBERTA PEACHES GROWN IN OREGON OR WASHINGTON

Pursuant to the authority vested in me by Food Distribution Order No. 74, issued by the War Food Administrator on August 6, 1943, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942; Executive Order No. 9322, dated March 26, 1943;

and Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders: *It is hereby ordered*, As follows:

§ 1405.24 *Reports in connection with shipments of Elberta peaches*—(a) *Definitions.* Each term defined in Food Distribution Order No. 74, issued by the War Food Administrator on August 6, 1943, shall, when used herein, have the same meaning as set forth for such term in said Food Distribution Order No. 74.

(b) *Reports.* (1) Each shipper shall report to the Director on or before August 31, 1943, the total quantity of peaches shipped by the respective shipper during the calendar year of 1942.

(2) Each shipper shall report to the Director on or before August 31 1943, the total quantity of peaches shipped by the respective shipper during the period beginning on January 1, 1943, and ending on August 21, 1943.

(3) The reports required by the provisions hereof shall be addressed in accordance with the provisions of § 1405.18 (h) of Food Distributior Order No. 74.

(4) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 24, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 74, 8 F.R. 10969)

Issued this 23d day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13729; Filed, August 23, 1943; 11:56 a. m.]

[Suspension Order Docket No. FDA-NE-65]

PART 1590—SUSPENSION ORDERS

SILVER CROWN ICE CREAM PRODUCTS CORPORATION

The Silver Crown Ice Cream Products Corporation, a corporation organized and existing under the laws of the State of New York, with principal office and place of business at 1122 Southern Boulevard, Bronx, New York, New York (hereinafter referred to as "respondent"), was duly served with a Statement of Charges and Procedure, in which it was alleged that respondent had violated Food Distribution Order 8 (8 F.R. 953), issued by the Secretary of Agriculture on January 19, 1943, and Director Food Distribution Order 8-1 (8 F.R. 1330), issued by the Director of Food Distribution on February 1, 1943, by utilizing, in the allocation periods of February and March 1943, respectively, more milk solids in the production of ice cream than 65 per centum of the total milk solids utilized by it in the production of ice cream during the base periods comprising the months of February and March 1942, respectively. Respondent filed an answer in which it admitted the commission of the violations alleged in the Statement of Charges and in which it set forth certain alleged extenuating circumstances. Respondent also requested a hearing. The secretary of respondent, who is also an agent and an owner of approximately 50 percent of the stock of respondent, executed a sworn statement admitting the probable utilization of milk solids in violation of the said food distribution orders, as alleged in the Statement of Charges. Pursuant to the request made on behalf of respondent, a hearing was held in New York, New York, on June 21, 1943, and on June 28, 1943, before a duly authorized presiding officer. Respondent appeared at the hearing and was represented by counsel. A representative of the War Food Administration also appeared at the hearing. Data and information pertaining to the violations alleged in the Statement of Charges were presented on behalf of the interested parties. The aforesaid secretary of respondent testified at the hearing that the milk solids utilized by respondent in the production of ice cream in February and March 1942 were approximately 1087 pounds and 2840 pounds, respectively, and that the milk solids utilized by respondent in the production of ice cream in February and March 1943 were approximately 1534 pounds and 6142 pounds, respectively.

Upon the basis of the admissions contained in the answer, the sworn statement executed by the agent of respondent, and the data and information pertaining to the alleged violations by respondent adduced at the hearing, the War Food Administrator, acting under authority conferred upon him by Executive Order 9322 (8 F.R. 3807), as amended by Executive Order 9334 (8 F.R. 5423), hereby determines that:

(a) Respondent is a corporation organized and existing under the laws of the State of New York, engaged in the business of processing frozen dairy foods and mix at a plant located at 1122 Southern Boulevard, Bronx, New York, New York, and is subject to all of the terms and provisions of the said food distribution orders.

(b) Respondent violated the said food distribution orders in that, during the allocation period of February 1943, it utilized approximately 1534 pounds of milk solids in the production of ice cream, which constituted approximately 827 pounds, or 217 per centum, in excess of the milk solids respondent was entitled to utilize during such allocation period.

(c) Respondent violated the said food distribution orders in that, during the allocation period of March 1943, it utilized approximately 6142 pounds of milk solids in the production of ice cream, which constituted approximately 4296 pounds, or 333 per centum, in excess of the milk solids respondent was entitled to utilize during such allocation period.

Because of the great scarcity of dairy products, including milk solids and frozen dairy foods and mix, in the channels of distribution for the fulfillment of the requirements of the United States for defense, for private account, and for export, and because of the importance of having dairy products, including milk solids and frozen dairy foods and mix, distributed in a manner to assure an adequate supply and efficient distribution thereof for war and essential civilian needs, the aforesaid violations by respondent have impeded the war effort and have, therefore, been contrary to public interest. It also appears that further violations by respondent are likely unless appropriate action is taken.

It is therefore ordered, That:

§ 1590.4 *Suspension order against the Silver Crown Ice Cream Products Corporation.* (a) Respondent, its agents, successors, or assigns shall not, in any manner, directly or indirectly, (1) utilize milk solids in the production of frozen dairy foods or mix; (2) accept delivery of milk solids or frozen dairy foods or mix from any person; or (3) process or deliver milk solids or frozen dairy foods or mix to any person.

(b) No person shall, in any manner, directly or indirectly, deliver to respondent, its agents, successors, or assigns, or accept delivery from respondent, its agents, successors, or assigns of any milk solids or frozen dairy foods or mix.

(c) Nothing contained in this order shall be deemed to relieve respondent, its agents, successors, or assigns from any restriction, prohibition, or provision contained in any order or regulation of the War Food Administrator, except insofar as the same may be inconsistent with the provisions hereof.

(d) The term "person", as used in this order, means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(e) Any terms used in this order which are defined in Food Distribution Order 8 (8 F.R. 953), issued by the Secretary of Agriculture on January 19, 1943, and made effective on February 1, 1943, shall have the meaning therein given to them, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(f) This order shall become effective 12:01 a. m., e. w. t., September 1, 1943, and unless sooner terminated, shall expire 11:59 p. m., e. w. t., September 30, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 21st day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13679; Filed, August 21, 1943; 3:42 p. m.]

Chapter XII—Commodity Credit Corporation

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Food Distribution Administration

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

[Procurement Regulation 15]

PART 88—TERMINATION OF CONTRACTS

TERMINATION FOR CONVENIENCE OF GOVERNMENT

The following regulations governing the termination of contracts for the convenience of the Government are hereby prescribed.

The regulations in this part are also contained in Procurement Regulation No. 15, as added to the War Department Procurement Regulations dated 5 September 1942 by Supplement No. 22, 14 August 1943.

Some of the cross references contained herein will be inaccurate until changes in Supplement No. 21, 13 August 1943, are published.

In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

POLICY AS TO TERMINATION OF CONTRACTS AND SUPERVISION OF TERMINATION OF CONTRACTS FOR THE CONVENIENCE OF THE GOVERNMENT

INTRODUCTION AND DISCUSSION OF POLICY

Sec.
88.15–100 Scope of regulation.
88.15–101 Necessity for terminations.
88.15–102 Decision as to contracts to be terminated.
88.15–103 Factors governing revision of existing supply contracts.
88.15–104 Legal basis for terminations.
88.15–105 Contract provisions relating to termination for convenience of the Government.
88.15–106 Policy as to termination procedures.
88.15–107 Amendments of contracts to insert standard termination provisions.
88.15–108 Importance of uniform procedures.
88.15–109 War Department Termination Accounting Manual for Fixed Price Supply Contracts.
88.15–110 Importance of understanding by contractors of principles applicable to termination.
88.15–111 Method of discussion in this regulation.

DEFINITIONS

88.15–150 Definitions.

ORGANIZATION AND RESPONSIBILITY FOR TERMINATIONS

88.15–200 Policy and staff supervision of terminations.
88.15–201 Policy with respect to terminations.
88.15–202 Staff supervision.
88.15–203 Policy of decentralization.
88.15–204 Legal authority to terminate.
88.15–205 Negotiation of settlement of terminated contract.
88.15–206 Redelegation of authority.
88.15–207 Procedures.
88.15–208 Authority to vary procedures.
88.15–209 Deviations from prescribed contract articles relating to termination.
88.15–220 Provision for review of termination settlement agreements.
88.15–221 Personnel and services in termination offices.
88.15–222 Review and records.

PROCEDURES RELATING TO TERMINATION OF LUMP SUM SUPPLY CONTRACTS

ACTION TO BE TAKEN PRIOR TO SERVICE OF TERMINATION NOTICE

Sec.
88.15–300 Introductory.
88.15–301 Direction to terminate.
88.15–302 Consideration of factors affecting particular terminations.
88.15–303 Possibility of avoiding termination charges.
88.15–304 Study of proposed termination by Government personnel prior to giving termination notice.
88.15–305 Field office study.
88.15–308 Determination of scope of proposed termination.
88.15–310 Amendments to insert provisions for negotiated settlement.
88.15–311 Settlement of contracts containing no termination article.
88.15–312 Conference with contractor prior to notice of termination.
88.15–313 Preparation of termination notice.
88.15–314 Preparations for furnishing contractor with detailed instructions.
88.15–315 Suspensions of performance undesirable.
88.15–316 Terminations at the end of hostilities.
88.15–317 Terminations where there have been defaults.

SERVICE OF TERMINATION NOTICE AND ACTION CONNECTED THEREWITH

88.15–320 Service of termination notice.
88.15–321 Responsibilities of the contractor on receipt of termination notice.
88.15–322 Initial conference with the contractor at the time of the service of the termination notice.
88.15–323 Time schedule.
88.15–324 Notification to War Manpower Commission, contractor and affected employees required in connection with termination of contracts and cutbacks of production.
88.15–325 Termination of subcontracts.

PROPERTY DISPOSITION

88.15–350 Sale of property.
88.15–351 Inventory.
88.15–352 Rights of contractor where disposition or retention of property is at a loss to the contractor or a subcontractor.
88.15–353 Where contractor or subcontractor is willing to forego reimbursement for the cost of any property.
88.15–354 Return of property by contractor to his vendors and suppliers.
88.15–355 Retention of property by prime contractor at less than cost.
88.15–356 Sales by contractor; when made.
88.15–357 Sales record.
88.15–358 Sale price.
88.15–359 Grants of discretionary power to prime contractor.
88.15–360 Ascertainment of value.
88.15–361 Channels of disposition.
88.15–362 Applicability of regulations of other agencies relating to disposition of property.
88.15–363 Accounting of property disposed of by prime contractor.
88.15–364 Credit risks on sales.
88.15–365 Disposition of property by subcontractor.
88.15–366 Approval of contracting officer.
88.15–367 Transfer of property to the Government.
88.15–368 Protection of property; mitigation of damages.
88.15–369 Accounting for property transfer.
88.15–370 Sales of Government-owned facilities.
88.15–375 Government-furnished equipment and property.
88.15–376 Property to which the Government has security title by virtue of provisions of contract article governing partial payment.

PREPARATION AND REVIEW OF CONTRACTORS' AND SUBCONTRACTORS' ACCOUNTING STATEMENTS AND PROPOSALS FOR SETTLEMENT: ACCOUNTING GUIDES TO A NEGOTIATED SETTLEMENT

88.15–400 Summary of action to be taken with respect to presentation of contractor's statements and proposals for settlement.
88.15–401 Negotiated settlement compared with a formula settlement.
88.15–402 The contractor's statement and proposal for settlement.
88.15–403 Content of statement and proposal.
88.15–404 Form and content of statement of contractors' own charges using inventory basis.
88.15–405 Form and content of statement of contractors' own costs using total cost basis.
88.15–406 Statements required under both bases.
88.15–409 Form of certificate to be used by prime contractor when presenting statement.
88.15–410 Applicability of forms and comments to subcontractors.
88.15–411 Documentary requirements in support of contractor's statement.
88.15–420 Accounting review of the contractor's and subcontractors' statements.
88.15–421 The Termination Accounting Manual.
88.15–422 Function of the contracting officer in reviewing statements and proposals of contractors.
88.15–423 Accounting personnel and function in connection with termination settlements.
88.15–424 Nature of accounting review.
88.15–425 Coordination of study of contractor's costs and auditing in certain cases with renegotiation and other termination proceedings.
88.15–430 Statements and proposals of subcontractors.
88.15–431 Responsibility of contractor to review.
88.15–432 Standards of scrutiny of subcontractor's statements.
88.15–433 Office review of the subcontractor's proposed settlement by contractor's accounting personnel.
88.15–434 Report of contractor's accounting personnel.
88.15–435 Appropriate extent of examination beyond and office review.
88.15–436 Responsibility of subcontractors.
88.15–437 Investigation by contracting officer and Government accounting personnel of subcontractor's claim.
88.15–438 Definition of costs (subcontractors).
88.15–439 Subcontractors' inventories.
88.15–440 Form of certificate of subcontractors' charges on termination.
88.15–441 General basis of settlement.
88.15–442 Contract provisions.
88.15–443 Standard termination article (§ 81.324); provisions for reimbursement of the contractor.

Sec.
88.15–444 The contract article: limitations on reimbursement.
88.15–445 Accounting guides for use in connection with negotiating settlement.
88.15–446 Alternative methods of calculating the contractor's own costs applicable to uncompleted portion of the contract for purposes of an accounting guide.
88.15–447 Treatment of disposal credits.
88.15–448 Claims of subcontractors.
88.15–449 Determination of profit in connection with negotiated settlement.
88.15–450 Contract formula profit computation.
88.15–451 Indicated profit rate computation.
88.15–452 Effect on calculations when a loss on the entire contract is indicated.
88.15–453 Total cost method of computation illustrated where profit is indicated.
88.15–454 Total cost method of computation illustrated where no profit is indicated.
88.15–455 Limitation on amount of settlement.
88.15–480 Necessity for determining costs.
88.15–481 The definition of costs, general principles.
88.15–482 Indirect expenses.
88.15–483 Depreciation.
88.15–484 Engineering and development and special tooling.
88.15–485 Obsolescence—conditions on allowance.
88.15–486 Obsolescence and certain other costs—limitation.
88.15–487 Advertising.
88.15–488 Experimental and research expense.
88.15–489 Excise taxes.
88.15–490 Common items.
88.15–491 Settlement expenses.
88.15–492 Mitigation of losses.
88.15–493 Interest.
88.15–494 Reserved.
88.15–495 Excluded costs.
88.15–496 Allocation of starting load costs.

INTERIM FINANCING OF TERMINATIONS

88.15–500 War Department policy.
88.15–501 Partial payments to prime contractors.
88.15–502 Partial payments for the benefit of subcontractors.
88.15–503 Advance payments.
88.15–504 Liaison with advance payments and loan or contracting financing section of the technical service.
88.15–505 Consent of surety or guarantor to partial payments; rights of assignees.
88.15–506 Partial payments where contractor has Govefnment financing.

NEGOTIATION OF SETTLEMENTS

88.15–530 General.
88.15–531 Authority of the contracting officer.
88.15–532 General criteria and guides for the contracting officer.
88.15–533 Preparation for negotiation conferences with contractor.
88.15–534 Negotiation conferences and personnel.
88.15–535 Where prime contractor cannot settle with one or more subcontractors.
88.15–536 Review of termination settlements by settlement advisory section and settlement review committee.
88.15–537 Supplemental agreement.
88.15–550 Relation of termination to statutory renegotiation.
88.15–551 Exemption from statutory renegotiation on terminated lump sum contracts.
88.15–552 Settlement in connection with other termination settlements affecting the same contractor.
88.15–560 Where settlement by negotiation proves impossible: Formula settlement.
88.15–561 Disputes.

LUMP SUM CONSTRUCTION CONTRACTS

88.15–600 Introductory.
88.15–601 Variances in provisions of lump sum construction and lump sum supply termination articles.
88.15–602 Consideration of certain principles peculiarly applicable to termination of lump sum construction contracts.
88.15–603 Clause providing for sale of Government property by contractor.
88.15–604 Notice of termination and request for negotiated settlement.
88.15–605 Suspension procedure.

COST-PLUS-A-FIXED-FEE CONTRACTS

GENERAL

88.15–650 Distinction between termination articles of cost-plus-a-fixed-fee contracts and lump sum contracts.
88.15–651 Steps in the termination of cost-plus-a-fixed-fee contracts.
88.15–652 Authority to terminate cost-plus-a-fixed-fee contracts.
88.15–653 Form of notice of termination.
88.15–654 Payments of costs duly determined.
88.15–655 Final settlement agreement.
88.15–656 Release provisions of terminated contract; anticipated litigation.
88.15–657 Alternative procedures.
88.15–658 Exemption from renegotiation on terminated cost-plus-a-fixed-fee contracts.

COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACTS

88.15–659 Introductory.
88.15–660 Certain provisions not applicable to cost-plus-a-fixed-fee construction contracts.
88.15–661 Notice of termination of entire contract.
88.15–662 Partial termination notice.
88.15–663 Termination for the fault of the contractor.
88.15–664 Stop orders.
88.15–665 Assignment of subcontracts to the Government.
88.15–666 Reimbursable and non-reimbursable expenditures.
88.15–667 Service of notice of termination.

TERMINATION OF PRELIMINARY CONTRACTUAL INSTRUMENTS

88.15–700 Notices of award.
88.15–701 Letters of intent and letter orders.
88.15–702 Procedure on termination of letter orders and letter of intent under standard termination provisions.

REPORTS

88.15–800 Monthly termination status report.
88.15–801 Specific information required on status report.
88.15–802 Report to Contract Termination Branch Headquarters, Army Service Forces.

FORMS

TERMINATION ARTICLES

88.15–901 Lump sum supply contract.
88.15–902 Lump sum construction contract.
88.15–903 Cost-plus-a-fixed-fee supply contract (form sometimes used by Ordnance Department).
88.15–904 Cost-plus-a-fixed-fee construction contract.
88.15–905 Army Air Forces—Cost-plus-a-fixed-fee supply contract.

NOTICE OF TERMINATION

88.15–911 Telegraphic notice (preliminary notice).
88.15–912 Letter notice to subcontractor or supplier.
88.15–914 Cost-plus-a-fixed-fee supply contracts.
88.15–915 Cost-plus-a-fixed-fee construction termination and assignment forms.

PARTIAL PAYMENTS

88.15–921 Supplemental agreement to make payment in trust for subcontractor.

SUPPLEMENTAL AGREEMENTS TO INSERT CURRENT TERMINATION ARTICLE IN CONTRACTS

88.15–926 Lump sum contracts; supplemental agreement for use where contract contains no provision for the termination for the convenience of the Government or contains a termination article which does not provide for a negotiated settlement of the amount due in respect of the uncompleted portion of the contract.

FINAL SETTLEMENT AGREEMENTS

88.15–931 Settlement agreement for use where a lump sum supply contract contains a provision for termination for the convenience of the Government substantially in the form contained in § 81.324 and permits settlement by negotiation of amount due with respect to uncompleted portion of the contract.
88.15–932 Settlement agreement for use where a lump sum construction contract contains a provision for termination for the convenience of the Government substantially in the form contained in § 81.324 (a).
88.15–933 Supplemental agreement for use where a lump sum supply or construction contract contains no article for termination for convenience of the Government and the contractor will not agree to amend the same by inserting the article contained in § 88.324, or where any such contracts do not contain termination for the convenience of the Government articles and a negotiated settlement can be effected.
88.15–934 Cost-plus-a-fixed-fee supply contracts.

INSTRUCTIONS TO CONTRACTORS AND SUBCONTRACTORS

Sec.
88.15–936 Lump sum contractors.
88.15–937 Lump sum subcontractors under cost-plus-a-fixed-fee prime contracts.

INVENTORY FORMS

88.15–941 Inventory form used pursuant to § 88.15–351.
88.15–946 Form of order requesting delivery of and transfer of title to property to the Government.
88.15–947 Form of approval for sale, return or retention of materials.

AUTHORITY: §§ 88.15–100 to 88.15–947 issued under sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601–622.

POLICY AS TO TERMINATION OF CONTRACTS AND SUPERVISION OF TERMINATION SETTLEMENTS

INTRODUCTION

§ 88.15–100 *Scope of regulation.* The regulations in this part set forth procedure with respect to the termination of contracts, in whole or in part, for the convenience of the Government. They do not cover:

(a) Terminations for default of the contractor either by virtue (1) of rights and powers which the Government may have at common law, or (2) of the right reserved in many Government contracts, usually under an article entitled "Delays-Damages" (see *e. g.* §§ 81.352, 81.1302 (i); see also § 81.379 *et seq.*).

(b) Adjustments under contract articles permitting changes in specifications, quantities, supplies or work to be furnished, delivery instructions, delivery schedules and similar matters (see for example §§ 81.329a, 81.351 (c), 81.1301 (b), 81.1302 (c), 81.1303 (a) (5)).

(c) Adjustment under articles providing for the redetermination, renegotiation or escalation of prices under contracts (see PR 12 (§§ 81.1200–81.1292)).

§ 88.15–101 *Necessity for terminations.* The necessity for the termination of War Department contracts arises from changes in the supply requirements of the armed forces. These changes in requirements normally occur because of strategic changes, development of new projects, invention of new items of war matériel, reallocation of scarce raw materials and other similar factors arising under the changing circumstances of modern war. The changes in military requirements are reflected in the Army Supply Program and the termination or curtailment of outstanding contracts takes place in accordance with the adjustments in the Army Supply Program.

§ 88.15–102 *Decision as to contracts to be terminated.* Although the decision to revise the Army or lend-lease requirements for particular items or classes of items will normally be made by adjustment of general programs, the decision as to the particular contracts to be terminated, curtailed or rescheduled (to carry out such revisions) will ordinarily be made by the chief of the technical service in charge of the procurement of each item in question or by appropriate officers or agencies designated by him to made the decision. In making determinations as to contracts to be terminated or curtailed, the factors listed in § 88.15–103 will be taken into account and considered by the appropriate officer or agency.

§ 88.15–103 *Factors governing revision of existing supply contracts.* (a) A cutback or revision of requirements growing out of changes in the Army Supply Program will normally relate to supplies being produced under several contracts. In each instance, in deciding which contracts to terminate and whether to terminate the whole of certain contracts or to make partial terminations of the contracts held by several concerns, consideration will be given, to the factors comprehended by the broad headings below:

(1) Minimum use of material (see paragraph (b)).

(2) Minimum man-hours (see paragraph (b)).

(3) Status of facilities (see paragraph (c)).

(4) Labor supply areas (see § 81.223 (c) *et seq.*).

(5) Flexibility for revisions—shift operations one form of flexibility (see paragraph (d)).

(6) Extent of subcontracting (see § 81.223 (f) *et seq.*).

(7) Strategic considerations.

(8) Comparative costs of contracts affected.

(9) Engineering background of plants involved.

(10) Possibility and desirability of a horizontal adjustment of all contracts for a particular product.

(11) Probable effect on manufacturers and subcontractors involved.

(12) Possible use of each facility for other war work.

(13) Effect of revision on transportation—minimum use of transportation and cross-haul.

(b) Where adjustments in any program are indicated, particular weight should be given to continuing in operation those facilities employing the minimum amount of material and the minimum number of man-hours to complete like components and like end-products. These considerations alone should not control; each of the other items enumerated should be taken into account, so that the final result reflects evaluation of all factors enumerated.

(c) Where existing facilities are adequate to care for the program projected, consideration should be given to immediate cancellation of incomplete facilities, including machine tools, jigs and fixtures. In individual cases, it may be sound procedure to plan on completing specific facilities even though existing facilities are in balance with current estimates of requirements.

(d) In cutting back facilities, with the background of changing requirements growing out of demands of war, and in the interest of flexibility, consideration should be given in each instance to the desirability of partial multiple shift operations in all or certain plants, in contrast with full shift operations in some plants, to avoid possible resultant abandonment of facilities which would not be otherwise used to good advantage in the war effort.

(e) In cutting back facilities, firms which employ 100 wage-earners or less shall be given preferred consideration, if reasonably efficient in their operations.

§ 88.15–104 *Legal basis for terminations.*[1] The authority to terminate contracts for the convenience of the Government is based upon the general authority and power of the War Department to make contracts and to amend them in the interest of the Government.[1] The right to terminate a contract for the convenience of the Government by unilateral action of the Government ordinarily is reserved in the original contract or inserted therein by supplemental agreement (see § 88.15–107). However, even in the absence of a termination article, a contract may be terminated for the benefit of the Government (see discussion § 88.15–311).

§ 88.15–105 *Contract provisions relating to termination for the convenience of the Government.* (a) During the period of the present war and the defense period immediately prior to the war, the right to terminate contracts in accordance with a termination article has generally been reserved by contract, at least in larger contracts (see *e. g.* §§ 81.324 and 81.350).

(b) The forms of the termination articles included in contracts have changed from time to time. In considering what rights the Government has with respect to the termination of any contract, the termination article in the particular contract should be examined with care. In the interest of obtaining uniformity in termination procedures and of facilitating the settlement and completion of terminated contracts, it has been the policy and practice of the War Department to permit amendments of outstanding contracts to include the latest form of appropriate approved termination article (see § 81.324 (b), (c) as in effect prior to 4 June 1943 and §§ 81.373 and 81.373a as in effect on that date). This liberal policy of amendment is continued by this regulation (PR 15) as stated in § 88.15–107.

(c) Standard forms of termination articles are set forth in the following sections of Procurement Regulations: § 81.324 (Lump Sum Supply Contracts), § 81.324 (a) (Lump Sum Construction Contracts), § 81.1307 (f) (Letter Order for Supplies—no price stated), § 81.1308 (f) (Letter Order for Supplies—price stated), § 81.1309 (f) (Letter Order for Cost-Plus-A-Fixed-Fee Construction), and § 81.1310 (f) (Letter Order for Lump Sum Construction).

[1] The authority to make and amend contracts *by negotiation*, including, of course, all reasonable and appropriate contract provisions, is granted by Public Law 703, 76th Congress, (54 Stat. 712) continued in effect by Public Law 580, 77th Congress (56 Stat. 314), and by the First War Powers Act, 1941, Title II (55 Stat. 839).

§ 88.15–106 *Policy as to termination procedures.* The termination articles presently in use in War Department contracts are designed to permit, on equitable terms, consistently with the protection of the Government's interest, and within a wide range of discretion, the partial or total termination by the Government, for any reason whatsoever, of the contractor's right to proceed with the performance of such contracts. To carry out this general policy of all termination articles, the following major principles must be applied:

(a) *Cessation of work and saving of expenses.* All work related to the contract, whether performed by the prime contractor or by a subcontractor or supplier is to be stopped promptly, except where the contracting officer has determined that in the interest of the Government, some work in process should be completed. This is to prevent (1) further running up of expense to the Government, and (2) waste of labor and materials (see § 88.15–321 *et seq.*).

(b) *Disposition of property.* So far as permitted by the terminated contract, property acquired for the performance of the contract is to be disposed of with reasonable dispatch, as advantageously as is reasonably possible and in a manner which makes such property available for other productive use at the earliest possible moment (see § 88.15–350). Property not disposed of is to be transferred to the Government.

(c) *Payments to contractor.* The contractor is to receive fair and reasonable compensation for the work performed and for the supplies and articles furnished under the terminated contracts, consistently with the provisions of the applicable contract article relating to termination.

(d) *Promptness of payment.* Amounts owing to contractors, by reason of termination are to be paid promptly and without administrative delay.

(e) *Accounting investigation.* Intelligent reviews are to be made of the requests of contractors for payments in connection with termination to verify their accuracy and propriety (see § 88.15–420 *et. seq.*). To avoid delays and because of shortages of accounting personnel, detailed auditing will be reduced to a minimum consistent with the protection of the Government's interests.

(f) *Partial payments.* Full use must be made of the provisions of termination articles relating to partial payments, so that all amounts, which are clearly due to prime contractors and, through them, to their subcontractors and suppliers, will be paid at the earliest possible moment (see § 88.15–500 *et seq.*)

(g) *Liquidation of advance payments and guaranteed loans.* Advance payments and guaranteed loans (which are existing or potential charges against the funds allocated to terminated or curtailed contracts) will be liquidated in an orderly manner; affording, so far as reasonably possible, protection to the contractor's financial structure so that the contractor and financing institutions cooperating in the financing of War Department procurement will be protected to the extent compatible with the Government's interest and that a multiplicity of calls by financing institutions upon the War Department to take up guarantees of loans will be avoided (see § 88.15–506 (a)).

(h) *Settlements with subcontractors.* Prime contractors must be pressed to effect prompt, fair and reasonable settlements of their outstanding commitments to subcontractors and suppliers and pass on to them a reasonable share of partial payments on account of terminations (see §§ 88.15–325, 88.15–500 *et seq.*, 88.15–654).

(i) *Partial terminations.* Where contractors are directed to reduce production by partial terminations, equitable adjustments of costs will be made consistently with the applicable contract articles or with an appropriate and equitable supplemental agreement (see § 81.306 (c) and following paragraphs) in the event that the change causes an increase in the contractor's costs.

§ 88.15–107 *Amendments of contracts to insert standard termination provisions.* In order to facilitate prompt settlement of contracts and to encourage uniformity of procedure, amendments of contracts to insert standard termination articles currently in use will be encouraged. The chiefs of the technical services are authorized to make such amendments in accordance with paragraphs (a) to (c) of this section.

(a) *Lump sum contracts.* The chief of any technical service, (see §§ 88.15–150 (a), 88.15–206) without approval of higher authority, may amend any lump sum contract, even after the giving of notice of termination, to insert therein the standard termination articles set forth in § 81.324 (lump sum supply contracts) and § 81.324 (a) (lump sum construction contracts), whichever is appropriate in the particular case. Such amendments will take place wherever possible prior to giving formal notice of termination.

(b) *Letters of intent, letter contracts and letter orders.* (1) The standard termination provisions for inclusion in letter orders (see § 81.303a) are referred to in § 88.15–105 (c). As to letters of intent, provisions conforming as nearly as may be to the provisions for letter orders referred to in § 88.15–105 (c) shall be regarded for purposes of this regulation (PR 15) as standard termination provisions. As used in this regulation and in §§ 81.303a and 81.303a (a) of procurement regulations, the term "letter order" includes instruments of the type hitherto sometimes referred to as letter contracts or letter purchase orders.

(2) The chiefs of the several technical services, in their discretion and without the approval of higher authority, are hereby authorized by supplemental agreement to amend any letter of intent or letter order to include therein the substance of the appropriate standard termination provisions, other than those provisions which permit an allowance of profit (except that the unit price may be paid for completed articles if the terminated instrument specifies a unit price). Wherever possible, such amendments will be made prior to the giving of notice of termination. However, the chiefs of the several technical services are authorized to make such amendments even after the giving of a termination notice where, through inadvertence or other circumstances an earlier amendment has been neglected or could not be obtained.

(3) Amendment, of any type other than that authorized in subparagraph (2) of this paragraph (and other than the executnon of a definitive contract), of the termination provisions of a letter of intent or letter order, whether effected before or after the giving of a notice of termination, will be made only with the approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(4) Amendments pursuant to this paragraph should not be utilized to delay in any manner whatsoever the execution of a definitive contract (see § 81.303a).

(c) *Standard termination articles and provisions furnish expeditious method of termination settlement.* The provisions of the articles set forth in §§ 81.324 and 81.324 (a) (with respect to lump sum contracts) and the standard termination provisions for letters of intent, and letter orders (with respect to such letters of intent and letter orders) provide expeditious methods of settlement of the amounts due by reason of the termination of contracts, letters of intent and letter orders, as the case may be, for the convenience of the Government. Their use (1) will reduce expense, expenditure of time, auditing difficulties and administrative inconvenience both for the Government and for the contractor, and (2) help to eliminate the obstacles to procurement which arise from the apprehension, frequently expressed by contractors, that there will be long delays in the making of settlements in the event of the termination of contractual instruments for the convenience of the Government (including any such terminations which may take place as the result of the conclusion of hostilities). Use of such standard articles and provisions will also assist materially in enabling contractors affected by terminations to undertake other war work or other productive enterprise at an early date, in a manner consistent with the public interest. Accordingly, pursuant to the First War Powers Act, 1941, and Executive Order No. 9001, authority is delegated to the chiefs of the several technical services to make amendments consistently with the provisions of paragraphs (a) and (b) of this section. It is determined that the making of such amendments will facilitate the prosecution of the war. The chiefs of the technical services will be liberal in permitting and agreeing to such amendments. Each such amendment will recite that it is made pursuant to the First War Powers Act, 1941, and Executive Order No. 9001.

§ 88.15–108 *Importance of uniform procedures.* Uniformity of procedures will facilitate the prompt settlement of contracts. If the contractors, many of whom deal with more than one technical service, can use substantially the same methods in terminating contracts with each service, they will be able to set up their own internal arrangements for this work on a more efficient basis. Uniformity will also make possible the concentration of procurement and auditing personnel in any part of the War Department where termination work may be heavy at any given time, with assurance that similar methods will be in force throughout the department. It is, of course, important, as a matter of common justice and sound public relations, that contractors receive equal and uniform treatment and that procedures and policies be equitably and evenly applied. For this reason, these regulations have been developed on a basis which, so far as practicable, is generally consistent with the termination procedures outlined in contract articles employed by other procurement agencies. The chiefs of the technical services will take steps to see that termination methods are employed in their respective services which carry out the policy of uniformity stated in this section (see § 88.15–207).

§ 88.15–109 *War Department Termination Accounting Manual for fixed price supply contracts.* The Office of the Fiscal Director, Headquarters, Army Service Forces, has prepared and published a Termination Accounting Manual for Fixed Price Supply Contracts (herein called the Termination Accounting Manual and usually cited as "T. A. M.") prescribed for use by accounting personnel of all agencies of the War Department in connection with the accounting review or examination of settlements proposed by contractors and subcontractors for negotiation in connection with the termination of lump sum supply contracts. It is also applicable to accounting reviews of settlements proposed in connection with the termination of fixed price supply subcontracts under cost-plus-a-fixed-fee prime supply contracts. The Termination Accounting Manual (see T. A. M. introduction and paragraphs 1101 and 1103) is not directed to Contracting Officers (although they should be familiar with it) but is designed to give to Government accounting personnel accounting and auditing instructions consistent with procurement regulations applicable to the subject of terminations. In the event of revisions in procurement regulations, it is planned that appropriate revisions will be made in the Termination Audit Manual. In all matters covered by this regulation (PR 15) provisions of this regulation are controlling and will be followed by contracting officers. The reports and procedures set forth in the Termination Accounting Manual will not limit or affect the ultimate legal authority of the contracting officer to effect negotiated settlements in connection with terminations.

§ 88.15–110 *Importance of understanding by contractors of principles applicable to termination.* It is important that war contractors, subcontractors and suppliers be familiar with the procedures and principles applicable to terminations for the convenience of the Government. To assist in this understanding, copies of this regulation (PR 15) and of the Termination Accounting Manual for Lump Sum Supply Contracts (see § 88.15–109) may be made available to such contractors, subcontractors and suppliers. Contracting officers will take all necessary steps to see that contractors are assisted in familiarizing themselves with the procedures outlined in this regulation. It is particularly important that these contractors, subcontractors and suppliers understand:

(a) The significance of the termination articles in their respective contracts.

(b) The necessity of keeping accounting and other records in such manner and in such detail, and of maintaining such adequate cost accounting systems, as will enable them to produce the cost and other figures necessary to prove their rights under the termination articles in the event of termination.

§ 88.15–111 *Method of discussion in this regulation.* All terminations for the convenience of the Government, under any type of contract, involve the same general problems (see §§ 88.15–106 and 88.15–300 (a). In this regulation (PR 15) these problems are first discussed in detail as they arise in the settlement of lump sum supply contracts (§ 88.15–300 and following sections) terminated under the standard form of termination article for such contracts (§ 81.324). The variations from the procedures under lump sum supply contract terminations necessary with respect to terminations of other types of contracts are then discussed as follows:

(a) Lump sum construction contracts, § 88.15–600 *et seq.*

(b) Cost-plus-a-fixed-fee contracts, § 88.15–650 *et seq.*

(c) Letters of intent and other temporary contractual instruments, § 88.15–700 *et seq.*

DEFINITIONS

§ 88.15–150 *Definitions.* The following terms as used in this regulation (PR 15) shall have the following meanings.

(a) The term "Chief of a technical service" includes the chief of any one of the technical services of the Army Service Forces, the Commanding General, Army Air Forces, and the Commanding General of any Service Command (see §§ 81.108 (d) and (e), 88.15–206 and 88.15–220).

(b) "Common item" means raw materials, parts and other supplies (whether partially or completely processed) which are normally usable not only in connection with the terminated contract but also on or in connection with other work being performed by a contractor or subcontractor.

(c) "Continued portion of contract" means that portion of a terminated contract not already completed which, in accordance with a notice of termination, the contractor must continue to perform.

(d) "Contracting officer" means the officer or employee who signs a contract on behalf of the Government and includes a duly appointed successor or authorized representative of such a contracting officer, all as set out in § 81.302 (c). The term shall have the same breadth of meaning as in paragraph (c) of § 81.302.

(e) The term "contractor" means the holder of a prime contract with the United States.

(f) "Other work" means all work being handled by a particular contractor or subcontractor other than that related to the particular terminated contract or subcontract under discussion and includes both other Government and non-Government business.

(g) "Subcontract" includes any purchase order or agreement to perform all or any part of the work or to make or furnish any article required for the performance of another contract or subcontract. The term "article" includes any material, part, assembly, machinery, equipment or other personal property.

(h) The term "subcontractor" means the holder of a subcontract.

(i) "Termination" means the discontinuance by the Government for its convenience of a contractor's right to proceed with the performance of the whole or any part of a contract with the United States. The term does not include a situation where a reduction in quantities is made and wholly compensatory increased unit prices are granted for the balance of the contract through an appropriate adjustment (see T.A.M. 1117.1).

(j) "Uncompleted portion of the contract", when the term is used with respect to a terminated lump-sum supply contract, means that portion of the contract which does not relate either (1) to completed supplies called for by the contract or (2) to any continued portion (see § 88.15–150 (c)) of the contract.

ORGANIZATION AND RESPONSIBILITY FOR TERMINATIONS

§ 88.15–200 *Policy and staff supervision of terminations.* (See following sections.)

§ 88.15–201 *Policy with respect to terminations.* The duty of coordinating policy with respect to terminations has been placed by the Under Secretary of War in the Chief, Contract Termination Branch, Purchases Division, Headquarters, Army Service Forces, reporting to the Director, Purchases Division, (and through him to the Director of Matériel) in matters relating to the Army Service Forces, and to the Special Representative of the Under Secretary of War (§ 81.107 (g)) in matters relating to the Army Air Forces.

§ 88.15–202 *Staff supervision.* Staff supervision of terminations in the Army Service Forces is assigned to the Director of Matériel who will coordinate the activities of all headquarters staff divisions relating to this subject through the Contract Termination Branch, Purchases Division. With respect to the Army Air Forces, staff supervision of terminations is vested in the Commanding General, Army Air Forces who acts with respect to such matters through the Assistant Chief of Staff for Air; Matériel, Maintenance and Distribution.

§ 88.15–203 *Policy of decentralization.* It is the policy of the War Department

to decentralize to the chiefs of the several technical services administration of contract terminations as fully as possible. The extent to which they in turn will decentralize such administration is left to each chief of a technical service (see § 88.15–150 (a)) for his determination subject to the provisions of this regulation (PR 15) as from time to time in force.

§ 88.15–204 *Legal authority to terminate.* Authority to terminate any War Department contract, under his administration, consistently with the provisions of this regulation (PR 15) is delegated to the chief of each technical service, regardless of the amount of such contract, and without the approval of higher authority. Such power may be exercised even though the contract expressly states that the approval of the Secretary of War is required for such termination.

§ 88.15–205 *Negotiation of settlement of terminated contract.* The authority to terminate contracts granted by § 88.15–204 includes the authority:

(a) To enter into supplemental agreements relating to the terminated contracts consistently with this regulating (PR 15) and with other applicable regulations and

(b) To make agreements settling the whole or any part of the amount due on any terminated contract when and to the extent that such agreements are authorized by the terminated contract itself or are otherwise authorized by this regulation (PR 15).

§ 88.15–206 *Redelegation of authority.* The chief of each technical service may redelegate any authority, power, or discretion granted to him by this regulation (PR 15) with or without power of redelegation, except where action is explicitly required to be by the chief of the technical service himself or by the settlement review committee designated by him (see §§ 88.15–220, 88.15–311 (d) and 88.15–535). Except as otherwise provided in the preceding sentence, references in this regulation (PR 15) to the chief of any technical service shall be deemed to include any duly authorized representative.

§ 88.15–207 *Procedures.* The chief of each technical service, subject to the policy declared in § 88.15–108, may prescribe procedures for his service consistent with the principles declared in this regulation and in other procurement regulations, to expedite the settlement of the amounts due to prime contractors and subcontractors by reason of the termination of contracts, to provide for efficient supervision of partial payments on account of amounts due in connection with terminations, to secure the prompt filing of settlement proposals, inventories and other documents by prime contractors, both in their own behalf and in behalf of subcontractors, and to insure that disposal of property in connection with terminations proceeds rapidly, efficiently and in a manner consistent with the best interests of the Government.

§ 88.15–208 *Authority to vary procedures.* The chief of each technical service, consistently with the general policy of this regulation (PR 15) and with the policy stated in § 88.15–106, may authorize variations from the procedures herein prescribed in any case or class of cases, unless in his opinion such variation involves a matter of policy which should be considered and passed upon by higher authority. In determining whether a matter of policy should be considered and passed upon by higher authority, consideration shall be given by the chief of the technical service to the following factors:

(a) Whether there is involved a conflict with a policy theretofore approved by higher authority;

(b) Whether there is involved a decision on an important question of policy which has not theretofore been passed upon by higher authority;

(c) Whether there is involved a decision on any matter in which uniformity among the several technical services is especially desirable;

(d) Whether there is involved a decision on an important or doubtful question of law, cost interpretation, accounting practice or fiscal policy;

(e) Where deviation from the procedures herein prescribed will tend to set a precedent which may be undesirable in other cases.

In any case where a substantial deviation from the general policies prescribed in this regulation (PR 15) is involved, such deviation may be made only with the approval of the Director, Purchases Division, Headquarters, Army Service Forces, who will obtain any appropriate concurrences of other Headquarters staff divisions, where in his judgment such concurrences are desirable.

§ 88.15–209 *Deviations from prescribed contract articles relating to termination.* No deviations from the form of a prescribed contract article relating to termination (see §§ 81.324, 81.324 (a), and 81.350) will be made without the approval of the Director, Purchases Division, Headquarters, Army Service Forces, or the Chief Counsel or Chief, Legal Branch, of that Division.

§ 88.15–220 *Provisions for review of termination settlement agreements.* (a) The chief of each technical service will designate for the assistance of each contracting officer engaged in the termination of contracts, a group of three or more responsible officers or civilian employees of the War Department to serve as a settlement advisory section. Such section need not be assigned to the same office or station as such contracting officer but may perform advisory duties for contracting officers at one or more separate offices or stations. The duties of such section may be placed with the members of a board or section already in existence or already charged with other duties. The contracting officer himself will not be a member of such advisory section or appoint any such member. Each proposed settlement agreement (in connection with a termination for the convenience of the the Government) involving the payment of more than $5,000 (excluding amounts payable for completed items or work at the contract price and before deduction of disposal credits, see § 88.15–447) will be examined by such advisory section prior to the execution of the settlement agreement by the contracting officer (see § 88.15–536). The settlement advisory section will submit to the contracting officer a written recommendation with respect to each such proposed settlement. The functions of the settlement advisory section shall be advisory only, except to the extent that the chief of the technical service concerned may prescribe otherwise. In the event that the contracting officer does not accept the advice of a majority of the settlement advisory section he should preserve a written memorandum of his reasons for not doing so.

(b) Except as provided in paragraph (e), the chief of each technical service will designate in his own office a settlement review committee consisting of at least three responsible officers or civilian employees of the War Department, (1) to review the policies and practices in such technical service with respect to the termination of contracts, (2) to act in behalf of the chief of the technical service in carrying out such functions with respect to expediting and reviewing settlements of terminated contracts as the chief of the technical service may prescribe, and (3) to conduct the reviews mentioned in paragraph (c) of this section.

One member of such committee shall be designated as chairman and shall exercise administrative direction over the action of the committee. In reviewing settlements the committee shall act by a majority vote.

(c) Each settlement agreement or partial payment on account of a termination settlement involving in any instance the payment of more than $1,000,000 (excluding amounts payable for completed supplies or work at the contract price and before deduction of disposal credits) will be reported (after the review by the appropriate settlement advisory section required by paragraph (a) above) to the settlement review committee of the technical service prior to the execution of the settlement agreement or the making of the payment in question, together with an adequate statement of the basis upon which such settlement or partial payment is proposed. The settlement review committee will review such proposed settlement or partial payment and will promptly notify the contracting officer in charge of the terminated contract, in writing, whether or not further examination of the facts of the particular proposed settlement or partial payment is desired by the committee. If no such further examination is desired the contracting officer may proceed forthwith to execute such settlement agreement or to make such partial payment. He shall not execute any such agreement or make any such partial payment prior to receipt of such notice. No settlement agreement need be submitted for the review of the settlement review committee unless and until it has been executed by the contractor. However, to the extent that the chief of each technical service may permit, any settlement review committee may be asked by a contracting officer for advice with respect to any proposed settlement agreement or payment. In addition to the reviews required by this § 88.15–220 the chief of each technical service may require such further reviews by the settlement review committee of proposed settlement agreements or payments, as he in his discretion may deem advisable. He also may require, to such extent as he deems proper, that termination settlement agreements be submitted to such settlement review committee for examination after they have been executed and carried out so that the committee may take appropriate steps to call to the attention of the contracting officer variations from established policies with respect to termination settlements with a view to the preservation of uniformity of administration thereafter. No settlement of which a majority of the settlement review committee express disapproval in writing shall be executed by the contracting officer without the express written approval of the chief of the technical service acting personally.

(d) A copy (1) of each settlement agreement providing for a payment in excess of $5,000,000 (excluding payments for completed items or work of the contract price and before deduction of disposal credits) and, (2) of an adequate statement of the basis upon which such settlement was made will be furnished, after the same has been executed, to the Director, Purchases Division, Headquarters, Army Service Forces.

(e) The Commanding General, Army Air Forces, instead of establishing such settlement review group in his own office may establish one or more such groups in any appropriate office or agency under his command, in such manner as he deems appropriate to carry out the purposes of this § 88.15–220.

§ 88.15–221 *Personnel and services in termination offices.* The chief of each technical service should provide, so far as possible, in each contracting office, district office, or area office which is given final authority with respect to termination settlements, adequate and competent technical, legal, accounting and other personnel to protect the interests of the Government.

§ 88.15–222 *Review and records.* The chief of each technical service will make periodic checks of the progress of terminations and the settlement thereof, to insure that no unreasonable delays occur. He will require that adequate records of the progress of terminations and of all significant actions relating to termination be maintained (see § 88.15–800).

Procedures Relating to Termination of Lump Sum Supply Contracts

§ 88.15–300 *Introductory.* The discussion in §§ 88.15–300 to 88.15–561 relates primarily to the termination of lump sum supply contracts. However, the procedures herein discussed are in many instances equally applicable to lump sum construction contracts and to cost-plus-a-fixed-fee contracts (to the extent indicated in the discussion of those types of contract) (see §§ 88.15–600 *et seq.*, and 88.15–650 *et seq.*). In some instances, particularly in the termination of contracts for standard supplies and ordinary commercial articles, the procedures outlined in this section may be in part unnecessary. In such instances, in accordance with the policies set out in § 88.15–208 the chiefs of the several technical services are authorized to modify such procedures appropriately by general regulation or to permit deviations to specific cases. Each such general regulation will be reported in writing to the Contract Termination Branch, Purchases Division, Headquarters, Army Service Forces.

(a) The discussion in §§ 88.15–300 to 88.15–561 deals with the principal termination problems in the order in which they normally occur chronologically in the course of a termination settlement. In general the principal subjects of discussion are:

(1) Action to be taken prior to service of a termination notice.

(2) The service of a notice of termination and action related thereto.

(3) Obtaining an inventory of the property acquired for the terminated contracts and its disposition.

(4) Obtaining cost statements and proposals for settlements from contractors and subcontractors, and reviewing them.

(5) Interim financing and partial payments.

(6) Negotiation of settlement.

Action to be Taken Prior to Service of Termination Notice

§ 88.15–301 *Direction to terminate.* Termination in whole or in part of any contractual instruments, including lump sum supply contracts, will be effected only upon prior authorization of the chief of the technical service involved (see § 88.15–206).

§ 88.15–302 *Consideration of factors affecting particular terminations.* Before a particular contract is terminated, reasonable consideration of the factors mentioned in § 88.15–103 *et seq.*, so far as relevant, should be given by the appropriate echelon of the technical service.

§ 88.15–303 *Possibility of avoiding termination charges.* In many instances it will be possible, by careful study of a general program of curtailment of production, to terminate contracts in a manner which will wholly eliminate or greatly reduce termination charges of contractors. This study should be conducted rapidly and should not delay termination, once it has been decided to terminate a particular contract. However, by pursuing a policy, in appropriate cases, of reporting the availability of the facilities of the contractor to other technical services and to the appropriate industry divisions of the War Production Board, all possibilities of placing new contracts with the contractor can be developed. Where such new contracts are placed with the contractor, frequently, the loss to the contractor and the expense to the Government arising from termination may be avoided in whole or in part. In general, in connection with terminations, effort will be made to avoid financial hardship to contractors and to preserve the potential productive ability of such contractors and subcontractors as going concerns even though in the light of immediate production needs, their facilities are not needed.

§ 88.15–304 *Study of proposed termination by Government personnel prior to giving termination notice.* Prior to exercising the Government's right to terminate any type of contract for the convenience of the Government, it is important that preliminary study be given to make certain that the notice of termination orders discontinuance or changes in the future performance by the contractor only to the extent which is in the best interests of the Government. In any case, careful planning prior to issuing the termination notice will greatly simplify later work in connection with the termination settlement, will avoid confusion and expense to the contractor and to the Government and will tend to expedite settlement.

§ 88.15–305 *Field office study.* In some cases a complete analysis of the effect of a particular proposed termination cannot be made in the office of the chief of the technical service concerned. In such cases, it is important that the situation be appraised in the field establishment in charge of the administration of the particular contract. In proper cases, the field establishment should not hesitate to ask reconsideration of the proposed termination where such action is considered unwise.

§ 88.15–306 *Determination of scope of proposed termination.* (a) It is important that the requirements for subassemblies and maintenance parts as well as completed end products be carefully reviewed before termination of any particular contract takes place. An effort should be made to anticipate (within the limits of the Army Supply Program) the reasonable prospective needs of the War Department (including requirements of spare parts for units in service or to be completed) for specific items included in the end product covered by a contract about to be terminated and to permit the completion of those parts or items. Similar consideration should be given to such needs in determining how to dispose of work in process or parts on hand (see § 88.15–361).

(b) In determining the point at which a contract is to be terminated, consideration will be given to the actual status of production of end products and components, so as to avoid, as far as possible, uneconomical waste of useful materials. In some instances it may be wiser to permit some further processing to get a useable end product or component, rather than to halt production immediately at a stage when work in process is useful only for junk. In general, however, once the decision to terminate a contract has been made, no further work on an end item or part should be permitted unless there is a reasonably ascertainable use for it, or opportunity to dispose of, the item or part, if completed. Any other course involves a waste of material and labor. In the absence of specific instructions from the chief of the technical service to

the contrary, decision on this question will be made by the contracting officer in accordance with his sound judgment in the light of the factors mentioned above, as to how the War Department procurement program will best be served.

(c) Government inspectors, plant agents, expediters and others who have been concerned in the plants of the contractors and subcontractors with the administration of the terminated contract will ordinarily be in possession of first hand information as to the status of production under the contract, production methods, and other details. These readily available sources of information should be utilized by the contracting officer in obtaining information as to the contract.

§ 88.15–310 *Amendments to insert provisions for negotiated settlement.* (a) Whenever it is proposed or contemplated that a lump sum supply contract which contains a termination article be wholly or partially terminated, the contract will be scrutinized by the contracting officer to determine whether it contains the standard termination article for use in lump sum supply contracts (§ 81.324), which provides for a negotiated settlement of the amount due with respect to the uncompleted portion of the terminated contract and certain other important provisions not in earlier forms of the termination article.[1]

(b) Where the termination article does not conform to § 81.324, the contracting officer, prior to serving the notice of termination, will attempt to amend such contract to include the standard article by supplemental agreement. The assent of all sureties and guarantors, if any, to each such supplemental agreement should be obtained. A form of appropriate supplemental agreement is set out in § 88.15–926. Such amendments are permitted at the times and under the conditions set forth in § 88.15–107. However, emphasis is placed upon the fact that such amendments wherever reasonably possible should be completed prior to the giving of a formal notice of termination.

(c) If such an amendment can be effected, termination will take place pursuant to the standard termination article.

(d) If no such amendment can be effected, settlement will be made pursuant to the termination article in fact in the contract.

(e) If at any stage of the settlement procedure, the contracting officer and the contractor reach an agreement as to a negotiated settlement of the amount payable on account of a contract which does not then contain a standard termination article, an amendment may then be made to embody the standard termination article in the contract by supplemental agreement. Thereafter and by separate supplemental agreement the settlement which has been reached may be concluded.

§ 88.15–311 *Settlement of contracts containing no termination article.* (a) Contracts containing no termination article may be terminated and finally settled by supplemental agreement where such termination is to the interest of the Government.

(b) Usually it will be desirable to provide for stopping work on such contracts well in advance of making a settlement. In such cases the contracting officer will attempt to amend the contract by supplemental agreement with the contractor so as to include in the contract the standard termination article for use in the type of contract involved (*e. g.* § 81.324). Once the amendment to include such an article is made, any termination may proceed in accordance with its provisions.

(c) If the contractor will not agree to include a standard termination article in the contract by amendment, the chief of any technical service, without the approval of higher authority, may make an agreement for the discontinuance of performance and settlement of such a contract, or provide for its settlement by reason of such termination, in such form as he may deem for the best interests of the Government.

(d) If no satisfactory agreement for the termination of such a contract can be made, the chief of the technical service concerned, acting personally or through the settlement review committee designated pursuant to § 88.15–220 (b), may authorize the contracting officer to order the contractor to discontinue further performance. Where speed is essential such authority may be granted by teletype or telegraph. The contractor may thereafter present his claim, if any, for damages arising out of this order, to the General Accounting Office or to the courts for settlement. Where such action is taken special care will be taken to record and preserve the circumstances and reasons leading to such action, together with a statement of the grounds on which it was determined that such action was in the interests of the Government. It is not consistent with War Department policy for the Government to commit breaches of contract and such action will be taken only in unusual cases and where all other reasonable efforts to prevent the incurring of unnecessary expense for the Government have been exhausted. In any such case, even after the issuance of the order to stop performance, if the contractor is willing to agree to terminate the contract and to make a reasonable settlement thereof, such a settlement agreement (subject to the provisions of § 81.308g may be made in the manner permitted by paragraph (c) of this section.

§ 88.15–312 *Conference with contractor prior to notice of termination.* In some cases the complexity of the proposed termination or other factors may make desirable a conference with the contractor prior to the service of the notice of termination. Whether such a conference will be held is solely in the discretion of the contracting officer. In such a conference, if held, the following points should be discussed:

(a) Appropriate effective date of termination notice;

(b) Work in process which may advantageously be completed;

(c) Status of performance of prime contract, subcontracts and unfilled purchase orders, with a view to determining which, if any, subcontracts and purchase orders appropriately should be retained and completed;

(d) Financial problems of the contractor and subcontractors which may arise in connection with the termination;

(e) Problems of labor relations and unemployment which may be created (see §§ 88.15–104, 88.15–324, *et seq.*)

(f) Procedures to be followed by the contractor upon the effective date of the termination.

The effective date of the termination will be determined in the light of the considerations mentioned in § 88.15–306 (b).

As a matter of sound public relations the necessity for the termination should be explained as fully as possible.

In deciding whether to hold such a conference the following considerations should be taken into account:

(1) Whether such a conference is necessary to obtain information needed in the preparation of the termination notice or required in deciding the extent of a partial termination;

(2) The risk that the contractor may take action prior to the effective date of termination, which may unnecessarily increase the termination charges to the Government.

(3) The possibility that, because of the importance of the particular contract to the contractor, or for other similar reasons, such a conference (i) will enable the contractor to arrange his affairs in advance of formal termination, or (ii) is otherwise expedient as a matter of sound public relations.

§ 88.15–313 *Preparation of termination notice.* The termination notice for a lump sum supply contract containing a standard termination article (§ 81.324) will be in substantially the form set out in § 88.15–912 (a).[1] In any case or class of cases in which the chief of the technical service concerned shall determine that any portion of the form of notice in § 88.15–912 (a) is unnecessary or inappropriate, such portion may be varied or omitted. There shall be included in any such notice a statement of:

(a) The effective date of the termination notice which should not be earlier than the date of delivery of the notice to the address of the contractor;

(b) The performance to be discontinued;

(c) In the event of a partial termination, any portions of the contract which are to be continued, unless this clearly appears from the statement required by paragraph (b) of this section;

(d) Any subcontracts or purchase orders which are not to be cancelled;

(e) Any special directions as to the protection of Government property in the custody of the contractor;

(f) Any limitations upon the authority of the contractor to retain property acquired for the contract for the cost of which he is willing to refrain from seeking reimbursement (see §§ 88.15–353 to 88.15–354).

(g) Any directions, which then can be given, with respect to the sale or retention by the contractor or the transfer to the Government of property acquired for the contract. (Instructions for transfer of title to the Government should be given only in rare instances where it is known that the Government for some special reason wishes to acquire such property.)[2]

§ 88.15–314 *Preparations for furnishing contractor with detailed instructions.* So far as practicable, preparations should be made in advance of the service of the termination notice, for furnishing to the contractor detailed instructions as to the course of action to be followed by him immediately upon receipt of the termination notice. A form of standard instructions to contractors is set out in §88.15–936. A copy of these instructions in every case should be furnished to the contractor with the termination notice, modified or supplemented to the extent deemed necessary by the contracting officer in any particular case. The language of the form of instructions set out in §88.15–936 is based upon a study of various forms hitherto in use. In the interest of uniformity of procedure, that language should not be varied except for substantial reasons arising in particular cases.

§ 88.15–315 *Suspensions of performance undesirable.* (a) Contracting officers will avoid suspending performance of contracts by contractors while attempting to decide whether to terminate a particular contract. Although, occasionally it may be justifiable to request a contractor to suspend performance because of a possible termination, experience has shown that this course results in confusion to the contractor, increased costs to the Government, and disorganization of the contractor's working forces and operations. In any case where this course is pursued the following policies are suggested:

(1) The nature of the suspension should be discussed with the contractor and the terms upon which the suspension is to be made should be determined and reduced to writing. The contractor is entitled to written instructions from the contracting officer and the contracting officer should have the agreement of the contractor to the terms of the suspension.

(2) The suspension should be limited in time. Delay in effecting a decision as to termination should not occur.

(3) The contracting officer should not request a suspension unless he is sure that the resulting cost to the Government will be materially less than either (i) allowing performance of the contract to continue, or (ii) effecting immediate termination.

(b) A suspension should not be continued beyond a very limited period unless the contractor is offered an appropriate supplemental agreement formally modifying the delivery schedule in the contract and providing for the payment of any additional costs caused by the suspension. In any event, whether the contract is reinstated or terminated, the reasonable costs of the contractor caused by the suspension should be paid either pursuant to an appropriate supplemental agreement or as a part of the termination settlement.

(c) In some instances, while working out with the contractor appropriate preliminary arrangements for a termination which has definitely been decided upon, a short suspension may be arranged by letter, conference or telegram (see form set out in § 88.15–911). The method should not be pursued except where it is certain that the contract will be terminated in whole or in part in the manner stated in the notice of suspension and is designed merely to afford an opportunity to make appropriate arrangements with the contractor prior to giving formal notice of termination (see *e. g.* §§ 88.15–310, 88.15–312).

§ 88.15–316 *Terminations at the end of hostilities.* In November, 1942, special provisions were included in paragraph (1) in each of the standard termination articles for lump sum contracts (§ 81.324) dealing with the problem of terminations taking place at the end of the present hostilities. A substantial number of contractors had expressed fear that, at the end of the war because the supplies or work called for by their contracts were no longer necessary, the Government would take occasion to terminate the contracts for trivial or purely technical defaults rather than under the equitable provisions of the contract articles governing termination for the convenience of the Government. It was determined (a) that war procurement would be assisted by relieving the fears of contractors as to this point at once, and (b) that the Government, in equity and good conscience, should not at the end of the war take advantage of purely technical defaults to reduce its liability to contractors, in any cases where such defaults would not have caused termination for default during the war. Accordingly, the contract article was revised to provide that termination of lump sum contracts, as a part of the general termination of war contracts at the time of the cessation of the present hostilities, would take place under the article set forth in § 81.324, as provided in paragraph (1) of those articles, even if the contract could then be terminated under any contract article relating to "Delays-Damages" (see *e. g.* § 81.352 and Art. 9 in § 81.1302) by reason of the default of the contractor, unless the contracting officer should find that such defaults had been (1) gross or willful, and (2) had caused substantial damage to the Government. The second sentence of paragraph (1) does not in any way affect or relate to the termination of contracts during the war or, indeed, any terminations except those which may take place as a part of the general termination of contracts at or about the end of the present war.

§ 88.15–317 *Terminations where there have been defaults.* The regulations with respect to terminations for default are set forth in §§ 81.379 and 81.380. Attention is directed to the authority given by § 81.379 to terminate a contract, in such instances, under any contract article providing for termination for the convenience of the Government, when the defaults of the contractor have not been gross or willful and have not caused substantial injury to the Government, if the contracting officer shall find that the use of that termination article will facilitate the prosecution of the war.

SERVICE OF TERMINATION NOTICE AND ACTION CONNECTED THEREWITH

§ 88.15–320 *Service of termination notice.* In all instances, the termination notice (see §§ 88.15–313, 88.15–911 to 88.15–912) should be served in written form, preferably by delivery by hand, registered mail or telegram. Where the notice of termination is sent by telegram, a letter of confirmation should be transmitted. Appropriate record of the fact of service should be made. Copies of the notice of termination should be sent to any assignee guarantor or surety of the contractor with respect to the terminated contract. The obligation of the contractor to continue performance (except

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[1] This contract article, as from time to time revised, originally appeared as Article 14 of Supply Contract Form No. 1 (approved Sept. 1941). Since July 1, 1942, it has appeared at all times in § 81.324. It was revised late in 1942, principally as follows:

(1) A provision explicitly permitting a *negotiated* settlement of the amount due with respect to the *uncompleted* portion of the contract by reason of the termination was inserted (see par. (c) of the termination article).

(2) Sales of property, title to which the Government might require to be transferred to it upon the termination, were expressly permitted. This involved the addition of the last two sentences of paragraph (a) of the termination article as presently printed in (§ 81.324).

(3) A *negotiated* settlement of the amount due (a) for protecting Government property after the date of the termination and (b) for other settlement expenses was expressly permitted by an amendment of paragraph (e) of the termination article.

(4) Partial payments on account of amounts due under the termination article were permitted by the addition of paragraph (i).

(5) Termination under the provisions of the termination article (rather than for default) was made mandatory in the case of certain terminations at the end of hostilities. This provision is now found in paragraph (i) of the article and is discussed in § 88.15–316.

At the same time similar changes were made in the standard termination article for lump sum construction contracts (§ 81.324 (a)).

[1] The same form of notice with modifications noted in § 88.15–912 (a) is appropriate for use in terminating lump sum construction contracts which contain a contract article substantially in the form set out in § 81.324 (a).

[2] Ordinarily no delivery or transfer to the Government of title to contractor-owned property will be made (A) until reasonable efforts have been made to dispose of the property advantageously (see § 88.15–350 *et seq.*), or (B) until specific written directions for such delivery or transfer are issued by the contracting officer (see § 88.15–367).

the performance required in connection with the termination article of the contract and by the termination notice) terminates on the effective date of the termination notice (as stated specifically in the notice), except as otherwise directed by the contracting officer. The contract, however, remains executory and subject to amendment (see § 81.308f) until the obligations of the parties under the termination article have been carried out. The instructions in the termination notice may be rescinded, modified or revised if the contractor consents to such modification or revision or unless the contractor in reliance upon such instructions has materially changed his position in a manner for which compensation cannot reasonably be given by termination charges.

§ 88.15–321 *Responsibilities of the contractor on receipt of termination notice.* The contractor upon receipt of the termination notice should do the following things which are required by the standard termination article (§ 81.324) or which the contracting officer is empowered by that article to require:

(a) He must complete the continued portion of the contract (see § 88.15–150 (c)).

(b) In this connection he should bring promptly to the attention of the contracting officer any requests for equitable adjustment in the terms and prices governing the performance of any part of the contract which has not been terminated and which is to be continued, together with any evidence showing changes in the probable cost of such performance (as distinguished from costs to be taken into account in the termination settlement).

(c) The contractor must discontinue the making of subcontracts and take all necessary steps to terminate work as promptly as practicable on and after the effective date of the termination notice. This requires action by the contractor within a reasonable time. Work done after a reasonable period has elapsed will not be the basis for any compensation or reimbursement of costs in connection with the termination settlement. The contractor should call to the attention of the contracting officer at once any special circumstances making either necessary or desirable a continuance of the work or some phases of it in order to utilize effectively materials or work in process.

(d) Except as provided in the termination notice, the contractor must take steps to terminate, with or without the consent of the subcontractors, all his unperformed or partially performed subcontracts. Such subcontracts must be terminated promptly on and after the effective date of the termination notice, or, if the termination notice so provides, subsequently at such times as the contracting officer may direct. The contractor must take steps to settle such subcontracts and commitments (see further discussion of the subject, § 88.15–325). Subcontractors in turn should be required to pass along the same requirements to their immediate subcontractors and suppliers.

(e) The contractor must use reasonable care, and in addition, take such action as may be directed or approved by the contracting officer, to protect and preserve property in its possession in which the Government has, or may acquire, an interest, and to reduce or prevent loss or damage to the Government.

(f) The contractor should take such action as may be directed by the contracting officer to secure to the Government, by assignment or otherwise, the benefits of any of the contractor's rights under subcontracts.

(g) The contractor should promptly notify the contracting officer, in writing, of any legal proceedings against the contractor, based upon any subcontract or commitment related to the terminated contract, that are pending on the effective date of the termination notice or that may be brought at any time thereafter. The contracting officer should give notice (through channels) of all such litigation, with his recommendation thereon, to the Litigation Division, Office of the Judge Advocate General, so that office may consider the desirability of assuming control of any such case and defending against the claims by suitable arrangement with the contractor (see A. R. 410–5).

(h) The contractor should develop and present to the contracting officer a program for the disposition of property acquired or produced for the purposes of the terminated contract, not only by the contractor itself but by the various tiers of subcontractors, and shall issue instructions through and to his immediate subcontractors as to the methods of carrying out such a program.

(i) The contractor must proceed to prepare his inventory of property allocable to the contract, his statement of costs and his proposal for settlement of the amounts due by reason of the termination. He should take steps to obtain similar statements and proposals from his subcontractors and suppliers (see discussion in § 88.15–430 *et seq.*; see form of instructions for contractors in § 88.15–936).

§ 88.15–322 *Initial conference with the contractor at the time of the service of the termination notice.*[1] (a) In the case of each termination of a substantial contract, at the time of service of the termination notice, or as promptly as possible thereafter, a conference should be held with the contractor to develop a program for rapid settlement of the termination. At this conference, the contractor should be given explicit instructions as to the action to be taken by him. He will be requested to state whether he will submit any statement of charges based upon the termination. If he proposes to do so, or is uncertain as to the course he is to follow, he should be furnished with appropriate forms to enable him to prepare his cost statements and proposal for settlement of the amount, if any, due to him by reason of the termination.[1] All groups in the office of the contracting officer interested in the termination proceedings should be represented. Preferably at or before this time some one person should be designated by the contracting officer as his principal representative in connection with the particular termination, but it should be made wholly clear to the contractor that such representative is not authorized to conclude a supplemental agreement making settlement of the amount, if any, due by reason of the termination. The contracting officer's representative should be given authority, either general or limited,

(1) To approve dispositions of property,

(2) To approve settlements with subcontractors up to some stated amount,

(3) To pass upon the miscellaneous minor questions which inevitably arise in connection with a termination settlement.

It is good practice, although not always necessary, to have a statement of the scope of the authority of the contracting officer's principal representative reduced to writing. In appropriate cases, to avoid misunderstandings, a copy should be furnished to the contractor.

(b) At this conference, if no conference prior to termination has been held, the various matters mentioned in § 88.15–312 should be covered thoroughly. In addition the contracting officer's representative should be certain that the contractor understands fully his obligations as outlined in § 88.15–321. Particular emphasis should be placed on the following matters:

(1) Termination of subcontracts and purchase orders.

(2) Obtaining cost statements, inventories and settlement proposals from subcontractors and the methods of review thereof to be employed by the prime contractor.

(3) A program for the disposition of property acquired for the terminated contract

(i) By the prime contractor;

(ii) By or for his subcontractors.

(4) The responsibilities to the War Manpower Commission and to employees mention in § 88.15–324.

In some cases, the contracting officer may wish to examine the physical inventory at once and to check it against book inventory.

§ 88.15–323 *Time schedule.* It will assist the orderly progress of the termination settlement if at the initial conference a time schedule is worked out for the specific steps immediately required for the settlement.

(a) Directions to stop work should ordinarily have been given before the conference.

(b) Subcontracts and purchase orders, so far as to be terminated, should be terminated at once, if that has not already been done.

[1] The furnishing of advice (*in the ordinary routine of operations*) on the *procedures and methods* to be employed by the contractor and subcontractors in connection with the termination and its settlement and in determining and presenting statements of termination charges is a part of the official duty of Government personnel performing functions in connection with termination settlements and is not regarded as in any way in conflict with Criminal Code, section 1°9; 18 U. S. Code 198.

(c) A complete list of subcontracts and outstanding purchase orders should be prepared by the contractor promptly. When this has been furnished it should be checked with the contractor to see that all subcontractors and suppliers listed have been notified to file with the prime contractor their inventories, statements of costs and proposals for settlement.

(d) A schedule for furnishing the prime contractor's inventory, statement of costs and proposal for settlement should be set.

(e) Schedules should also be laid out for the furnishing of similar papers by subcontractors.

As rapidly as inventories and cost statements are received, time schedules for subsequent action can be arranged.

§ 88.15–324 *Notification to War Manpower Commission, contractor and affected employees required in connection with termination of contracts and cutbacks of production* (a) (1) When production is to be substantially decreased by termination the procedure set forth in § 88.15–324 will be carried out. This procedure is designed to avoid impairment of labor morale, to insure continuous employment of workers in essential jobs and to avoid any mistaken public impression that decreases are due to poor allocation of materials, inefficient management of the facility itself or unsatisfactory work by the employees displaced.

(2) The procedure will be applicable only after final decision to decrease production in a given facility has been reached and in the absence of a reasonable certainty that the decrease will not result in release of any significant number of workers. Knowledge that workers will not be released may be based on information (i) that some other contracting agency will use the facility and its labor, (ii) that general conditions in the industry or in the individual plant indicating immediate reconversion to essential civilian production, or (iii) that other similar factors are present. However, application of the procedure § 88.15–324 will not be withheld because of vague or indefinite possibility that labor may not be released as a result of the decrease in production.

(b) *Responsibiilty of technical service.* The technical service involved will take the following action. The chief of each technical service will give instructions as to the officer or agency to be responsible therefor.

(1) Notice of the decrease will be given to director of the regional office of the War Manpower Commission in whose area the plant is located. If the office making the notification has knowledge of subcontractors and suppliers who will be substantially affected, notification concerning these employers should also be transmitted to the appropriate War Manpower Commission regional offices.

(2) Notice of the decrease will be given to the Industrial Personnel Division, Headquarters, Army Service Forces.

(3) The management of the contractor will be notified of the decrease and the reasons therefor. If the notification is first made orally, it should be confirmed by letter. The management should be asked to give appropriate notice to the workers affected and their union representatives, if any. Management should also be asked to inform such of their subcontractors or suppliers as may be substantially affected by the cutback.

(4) The headquarters office of the chief of the technical service will prepare official statements to the press announcing the curtailment and the reasons for it. These statements will be cleared with the Bureau of Public Relations, Office of the Secretary of War. After the Bureau's approval has been obtained, they will be transmitted to the appropriate field procurement office for release in the locality in which the facility is located. They should also be released in communities in which are located the plants of important subcontracts or suppliers who will release substantial numbers of workers as a result of the decrease in production. The use of newspaper publicity is normally desirable only when a large lay off results or adverse community reaction to the change is anticipated.

(5) So far as practicable, necessary controls will be established and operated to insure that management carries out its responsibilities.

(6) Information will be transmitted to the director of regional office of the War Manpower Commission, where such information is available, concerning where, in the opinion of the technical service, the displaced workers may be reemployed with advantage to the war production program.

(c) *Responsibilities of management.* The management of the affected facility is responsible for so much of the following action as may be appropriate in the particular case.

(1) Appropriate notification to workers individually or as a group using written or verbal methods as indicated by the individual situation.

(2) Notification to subcontractors and suppliers with a request that they in turn inform such of their employees as may be released because of the change.

(3) Cooperation with the War Manpower Commission in determining the workers to be released and in placing them elsewhere. Management should also give the War Manpower Commission the names of such of its subcontractors and suppliers who, it is believed, will be substantially affected.

(d) *Temporary curtailments.* When a temporary curtailment of production occurs due to changes in specifications, changeover to production of a different product or to other factors, the technical service involved will notify the contractor of the change and the reasons therefor. Every effort will be made to give the contractor such information as will permit exact determination of the date on which employment operations will be resumed. Management will be asked to transmit this information in appropriate manner to the workers affected and to take steps to avoid disintegration of the contractor's labor force pending resumption of full operations. However, it is not desirable that the temporarily displaced workers be idle during the interim. Therefore, management should solicit the aid of the War Manpower Commission in finding temporary local employment for the workers involved.

(e) *Government installations.* The procedures described in this section apply to War Department installations at which civilians are employed as well as to privately operated plants producing for the War Department. Therefore, when substantial changes in volume of activity resulting in increased or decreased demands for labor occur at a War Department installation, the commanding officer of such installation will carry out the responsibilities both of the technical service and of management as described in paragraphs (b) to (d) of this section.

(f) *Classified information.* In transmitting information to the War Manpower Commission and to management for presentation to displaced workers, the technical service is responsible for assuring that classified information is not revealed in notifications, explanations, meetings, press releases, or otherwise, except as authorized in paragraph 15a, AR 380–5.

§ 88.325 *Termination of subcontracts*—(a) *Duty to terminate.* Paragraph (a) of the standard termination article (§81.324) for lump sum supply contracts[1] requires that the prime contractor "cancel all existing orders chargeable to this contract, and terminate all subcontracts chargeable to this contract," except as directed otherwise by the contracting officer. This obligation of the contractor should be performed immediately upon receipt of the notice of termination. Settling with the subcontractors and suppliers then becomes an obligation and responsibility of the contractor, subject to the approval of settlements by the contracting officer.

(b) *Rights of subcontractors.* (1) Under the standard termination article (§ 81.324) for use in lump sum supply contracts,[2] subcontractors and suppliers

[1] A similar provision is found in paragraph (b) (2) of the standard termination article (§ 81.324) for lump sum construction contracts.

[2] (1) Subcontractors under lump sum construction contracts also have no direct rights against the Government in the event of termination under the standard termination article (§ 81.324) for use in lump sum construction contracts.

(2) The standard termination article § 81.324 (a) for use in lump sum construction contracts similarly requires such approval of settlements of *all* subcontracts and purchase orders. The prime contractor is entitled to be reimbursed the cost of these settlements made with the approval of the contracting officer. The right to reimbursement is not limited to subcontracts and commitments made with respect to the *uncompleted* portion in the case of a lump sum construction contract. In the case of a lump sum supply contract, however, the obligation to reimburse the prime contractor for settlements of subcontracts and purchase orders is limited to those commitments and liabilities only which were made with respect to the *uncompleted* portion of the contract. This is because the cost of subcontracts and other commitments related to *completed* articles must be met by the prime contractor who receives the contract unit price with respect to such completed items in accordance with paragraph (b) of the termination article (§ 81.324).

have no direct rights against the Government upon the termination of a prime contract for the convenience of the Government. The rights of such subcontractors and suppliers are against the prime contractor or intermediate subcontractor who is directly obligated to them on the subcontract or purchase order which they hold. The extent of these rights will generally depend upon the terms of the subcontract or purchase order in question.

(2) Paragraph (d) (2) of the standard termination article (§ 81.324) for lump sum supply contracts [2] requires the contracting officer's approval of any settlements of commitments and liabilities of the prime contractor to subcontractors or suppliers (so far as related to the uncompleted portion of the contract) as a condition of reimbursing the prime contractor in a settlement by formula (see § 81.15–400 (c)) for the cost of such settlements. Except to the extent that any such settlement involves payment for completed articles at the unit price named in the subcontract, prime contractors should obtain the approval of the contracting officer for each such settlement (even if it is expected that the prime contractor's settlement with the government is to be made on a negotiated basis). This is particularly important in view of the possibility that the parties may be unable to reach an agreement for a negotiated settlement, so that a formula settlement will be necessary.

(3) The contracting officer in his discretion may authorize the prime contractor to make settlements of subcontracts within some stated figure, where the contracting officer has confidence that such authority will be exercised fairly and reasonably. The contracting officer ordinarily should not require that settlements made by subcontractors with second tier and more remote subcontractors and suppliers be submitted for his prior approval, although he may do so and he may give such approval in any proper case when it is requested. Such settlements should usually be approved after they have been made unless in particular instances the settlements appear to have been made in bad faith. The contracting officer in requiring and granting approval of settlements of subcontracts, particularly those made with second tier and more remote subcontractors, should act reasonably, without unnecessary formality and with recognition of the fact that, as a practical matter, it is impossible for him to attempt to scrutinize such settlements in detail, except in cases where he has cause to doubt the good faith or reliability of the contractor (or other person claiming through him) making the settlement.

(c) *Action to be taken by prime contractor with respect to settlement of subcontracts.* The prime contractor to carry out his functions in connection with the settlement of subcontracts must arrange to see:

(1) That his subcontractors and suppliers stop work. (A form of suggested notice to them is set out in § 88.15–912 (b)).

[2] See footnote on p. 11619.

(2) That they are requested to state promptly whether there will be any termination charges (as a result of the termination of their subcontracts), and if so that they are directed to file, and file seasonably, inventories, statements of cost and proposals for settlement. (Forms of these documents are set out in §§ 88.15–404, 88.15–405, and 88.15–936.)

(3) That they are advised of the basis upon which they may obtain partial payments (see § 88.15–502 *et seq.*).

(4) That they arrange a proper program of disposal of property acquired for the performance of their subcontracts (see § 88.15–350 *et seq.*).

(5) That the statements of subcontractors are adequately reviewed (see § 88.15–430 *et seq.*).

(6) That a proper settlement of each subcontract and purchase order is negotiated with all possible speed (see paragraph (a) of this section) and promptly presented to the contracting officer for approval.

PROPERTY DISPOSITION

§ 88.15–350 *Sale of property*—(a) *Contract provision.* Paragraph (a) of the standard termination article for lump sum supply contracts (§ 81.324) provides [1] as follows:

> If and as the contracting officer so directs or authorizes, the contractor shall sell at a price approved by the contracting officer, or retain at a price mutually agreeable, any such supplies, partially completed supplies, work in process, materials, fabricated parts or other things. The proceeds of such sale or the agreed price shall be paid or credited to the Government in such manner as the contracting Officer may direct so as to reduce the amount payable by the Government under this Article.

(b) The policy as to the disposition of contractor-owned property pursuant to the provision quoted in paragraph (a) of this section has been stated by the Under Secretary of War as follows:

JUNE 30, 1943.

MEMORANDUM FOR:

The Commanding General, Army Air Forces.

The Commanding General, Army Service Forces.

SUBJECT:

Disposition of Contractor-Owned Property on Termination of Contracts for the Convenience of the Government.

1. At the present time a substantial number of war contracts have been terminated for the convenience of the Government because of necessary changes in the procurement program. Contractors and sub-contractors have acquired for the performance of these contracts considerable quantities of raw materials, parts and supplies. In addition they have considerable quantities of work in process.

2. These inventories of materials, parts, supplies and work in process must be utilized promptly in war production in the most efficient manner possible. Much of this material is critically needed by other war manufacturers and producers and it is the duty of War Department procurement officers to see that the material is made available at the earliest possible moment for use in essential war work. This usually can best be accomplished by disposing of these inventories promptly, either through the same industrial organization which acquired or produced them or through other recognized industrial channels for the particular type of material in question.

3. The standard form of contract article for termination of contracts for the convenience of the Government now used by the War Department provides broad and ample authority for any Contracting Officer to authorize or direct the contractor to sell or retain, at a price approved by the Contracting Officer, any supplies, partially completed supplies, work in process, or material acquired or manufactured by the contractor in the performance of the contract and further provides that the proceeds of such sale or agreed price shall be paid or credited to the Government in such manner as the Contracting Officer directs so as to reduce the amount payable to the contractor by the Government by reason of the termination. The prompt and courageous exercise to the fullest extent possible of this authority given to Contracting Officers to dispose of this contractor-owned property in accordance with the principles of sound business judgment will achieve the objective of returning the property to use in war production. Such action is essential also to the expeditious settlement of termination claims. It will in a very real sense facilitate the prosecution of the war.

4. Frequently this material must be sold at a substantial amount below its cost. In many instances, work in process must and should be sold as scrap for scrap prices. It is inevitable that losses will take place. Rarely will delay in disposing of such property help the war effort or result in any substantial savings to the Government. Under present circumstances, no materials should be hoarded merely in the vague hope that at some future date the property may have a future use or a greater value.

5. You will order your contracting officers to pursue a vigorous policy of disposing of such property, promptly and intelligently. They will be supported in the exercise of their honest judgment in carrying out these instructions.

6. The same policy must be applied to obsolete or unneeded machinery and equipment. Where it has no suitable use in production it should be disposed of promptly so that the scarce and critical materials out of which it is made can be used in the manufacture of new and vitally needed instruments of production.[1]

ROBERT P. PATTERSON,
Under Secretary of War.

[1] A similar provision is found in paragraph (b) (3) of the standard termination article (§ 81.324) for use in lump sum construction contracts. In general the provisions of this section are applicable to the termination of lump sum construction contracts except where property has become affixed to and a part of the real estate upon which the construction is being conducted. (See paragraph (d) of § 88.15–651.)

[1] The cost of machinery and equipment owned by the contractor will ordinarily be taken into account in connection with the termination settlement only consistently with §§ 88.15–484, 88.15–485 and 88.15–486. Where such cost is properly to be taken into account and charged to the terminated contract, such property may be sold (a) prior to the transfer of title to the Government and the sale price credited to the Government as provided in paragraph (a) of § 81.352 and other provisions of §§ 88.15–350—88.15–376, or (b) *after* transfer of title to the Government, pursuant to PR 7 (§§ 83.701–83.781). No such sale should be approved by the contracting officer until he has determined that the cost of such property is properly to be taken into account in connection with the termination settlement in accordance with the principles of this regulation (PR 15).

(c) *Approval of the contracting officer.* Pursuant to the provision quoted in paragraph (a) the contractor (1) may be authorized or directed by the contracting officer to make reasonable efforts to sell property to which he has title at prices approved by the contracting officer, or (2) may be permitted to retain such property to which he has title with the approval of the contracting officer at a price mutually agreeable. In each instance the prior approval or subsequent ratification of the contracting officer must be obtained except as provided in § 88.15–354.

(d) *Protection of rights of assignee.* (1) If the amounts payable under the contract have been assigned by the contractor, the contracting officer should take appropriate steps in each case to see that the proceeds of any sale or retention of property are dealt with in a manner to protect the proper interests of the assignee. If the amounts of property to be sold are to be substantial, or if a series of sales is likely, normally the written consent of the assignee should be obtained to the method of disposition proposed.

(2) The assignee of a contract which contains, prior to the assignment, the standard termination article (§ 81.324) in substantially its present form, takes his assignment subject to the provisions of paragraph (a) of such article (quoted in paragraph (a) of this section) but even in such cases contracting officer should make reasonable efforts to protect the proper interests of the assignee.

§ 88.15–351 *Inventory.* Obtaining an inventory of property on hand is the first step in proceeding to dispose of property acquired or produced in the performance of a terminated contract. The procedures relating to taking and recording a physical inventory of materials, supplies, and other property applicable to the contract as of the date of termination will be consistent with those recommended by the Termination Accounting Manual, paragraphs 2201 *et seq.* A form of suggested inventory is set out in §88.15–941. This form may be altered to meet the needs of particular contracts.

(a) *Basis of pricing inventory.* Even where the "total cost" method (see § 88.15–446) is used by the contractor in presenting his proposed settlement, it is desirable that the inventory be priced (as hereinafter provided in this paragraph and in T.A.M. 2202.2), so far as this can be done with reasonable accuracy. Such pricing of the inventory will assist the contracting officer in passing upon the propriety of disposal prices. In those cases where the inventory is priced the contractor's procedures for pricing should be in accordance with policies consistently followed in the past. Any acceptable pricing basis may be used, such as first-in, first-out, average cost, or last-in, first-out, as long as it has been consistently followed. Care should be taken that cash discounts, trade discounts, special rebates and similar price reductions have been reflected in the inventory pricing either in the detail prices or as a total deduction.

(b) *Inventory should include bids for contractors' or subcontractors' property which they are willing to retain.* Usually the most effective method of making property available to other essential war work is to have the contractor take it over and use it himself or dispose of it (see § 88.15–361). Accordingly, the prime contractor and each subcontractor or supplier in filing his inventory shall include therein the items which they respectively are willing to retain together with a statement by items or groups of items of their bids or offers therefor. Contractors and subcontractors should be requested, if they are not willing to make an offer for any property listed in the inventory, to recommend the best method of disposing of such property. This procedure will afford the contracting officer a reasonable basis for ascertaining what possibility there is of disposing of the property. For this reason the filing of an inventory should not be delayed until the filing of the contractor's statement and proposal for settlement.

(c) *Partial inventories.* Contractors should be encouraged to submit partial inventories, preferably by classification or location, where they have an offer for the property so listed. Partial inventories should also be encouraged covering those articles in which the contractor and the trade have no particular interest and which will probably have to be disposed of through other channels. The prompt submission of partial inventories will enable the contracting officer to approve disposition when bids or offers by the contractor or others are included. It should be pointed out to contractors that cooperative action in this respect will expedite the removal of unneeded property from their plants.

(d) *Copies.* Three copies of the detailed inventory, in addition to those required by the contractor for his own use, should be supplied for Government purposes.

§ 88.15–352 *Rights of contractor where disposition or retention of property is at a loss to the contractor or a subcontractor.* (a) Where the sale or retention of property (properly allocable to the uncompleted portion of a terminated contract) at a price less than its cost is approved in advance or ratified by the contracting officer, the contractor will be allowed in the termination settlement the cost of the item and the proceeds of the sale or the agreed value will be credited to the Government as the contracting officer may direct.

(b) Similar treatment will be accorded to subcontractors.

§ 88.15–353 *Where contractor or subcontractor is willing to forego reimbursement for the cost of any property.* Frequently as to certain property (*e. g.* standard materials and parts) the contractor will be willing to retain or take over property at cost and agree not to include such property in any request for reimbursement. Unless in rare instances where the contracting officer wants the specific property transferred to the Government (as, for example, because it is a critical material or because it has risen sharply in value) it will be normal procedure for the contracting officer to notify the contractor, at the time of serving the termination notice or by subsequent written instructions (see par. 7a of suggested instructions to contractor, § 88.15–936), that, without further authority of the contracting officer, the contractor may retain any property to which he has title if he agrees to make no request for reimbursement. The contracting officer should direct the contractor similarly to advise subcontractors and suppliers.

§ 88.15–354 *Return of property by contractor to his vendors and suppliers.* (a) The contracting officer may authorize in advance the return of property by a contractor to his suppliers in appropriate cases (see 2d sentence § 88.15–353) where no cost to the Government is involved other than reasonable transportation charges for such property. The contracting officer in addition, in appropriate cases, may include in such authority the incurring of reasonable packing and handling charges.

(b) The contracting officer will ordinarily authorize the return of property by a contractor to his suppliers, even if a loss to the Government is involved, unless he in his discretion determines that the discount is unfeasonable or that uneconomical or unreasonable transportation is involved.

§ 88.15–355 *Retention of property by prime contractor at less than cost.* The fixing of a value to a contractor for property which he will agree to retain should take into consideration, to the extent deemed relevant in the particular case, the same factors that are considered in the matter of sales (see § 88.15–358) by the prime contractor except that there is the additional factor of the utility to the contractor of the property in his own manufacturing operations. All retentions by a prime contractor at less than cost must be approved by the contracting officer pursuant to paragraph (c) of § 88.15–350.

§ 88.15–356 *Sales by contractor; when made.* Such sales will ordinarily be made after the taking of a physical inventory (see Termination Accounting Manual, pars. 2301 *et seq.*, 3201 *et seq.*) pursuant to the provisions of paragraph (i) of § 88.15–321. However, as set forth in paragraph (c) of § 88.15–351 (regarding the submission of partial inventories), a list of any property available for sale should be presented by the contractor at any time, when an offer for particular property is available.

§ 88.15–357 *Sales records.* The contractor's records shall clearly show all sales with specific detailed identification of the items sold and the individual sales prices. The contractor's procedures shall also provide for the separate invoicing of sales and the crediting of these amounts in the proposed settlement (see Termination Accounting Manual, pars. 2301 *et seq.*, 3501 *et seq.*).

§ 88.15–358 *Sale price.* In determining whether a price is fair and reasonable, the contracting officer should ordinarily consider all pertinent factors, including such of the following as he deems relevant in the particular case:

(a) Nature of property.
(1) Standard parts.
(2) Raw materials.
(3) Scarcity items.
(4) Work in process; frequently valuable only as scrap.
(5) Tools, jigs, dies, etc.
(6) Scrap.
(b) General market prices and conditions.
(1) Quotations on raw materials.
(2) Inquiries and informal bids.
(3) Trade practices and customs and channels as to disposition of similar property.
(4) Handling charges, commission or profit allowance.
(5) Volume of similar property offered at the time.
(c) Location of property and cost of transporting and handling.
(d) Utility of the property to the Government if the property is not sold or retained by the contractor.
(e) Cost of storage and transportation to Government if the property is not sold or retained.
(f) Necessity for speed in disposing of property as a step in settling the terminated contract promptly.

§ 88.15–359 *Grants of discretionary power to prime contractor.* (a) The factor of time is frequently one of the most important elements in determining whether a prospective sale will or will not be made by a contractor or a subcontractor. It is therefore essential to eliminate insofar as possible, the necessity for the contracting officer's approval of each prospective sale. To accomplish this in appropriate cases and with proper safeguards to prevent abuse, a contracting officer may, in his discretion, authorize a contractor, in advance, to dispose of property at stated discounts off cost for specific classes of property involved in a particular contract. A contracting officer may also authorize a contractor, within such limits as the contracting officer may prescribe, to permit any of his subcontractors or suppliers to retain or dispose of property in their possession, acquired or manufactured for the work under the contract, as similar discounts.

(b) Where a range of discretion is granted to a prime contractor as to the sale of property in his possession, or as to the sale or retention of property by subcontractors, frequent periodic reports by the contractor to the contracting officer of the exercise of this discretion should be required (see §§ 88.15–300 to 88.15–561).

§ 88.15–360 *Ascertainment of value.* (a) If property is of a type which has no reasonably immediate utility to the Government and can be sold in good faith at a public sale or otherwise consistently with generally recognized trade or commercial practices for the type of property involved, a sale should normally be approved. The contracting officer must be realistic about values and should recognize that inevitably much work in process, despite its cost, has scrap value only.

(b) When sale of property for scrap is authorized or when property is sold at prices not greater than ceiling prices for scrap, the contracting officer will direct that the property be identified as scrap and that a warranty be obtained from the purchaser that the property will in fact be used as scrap. Such a warranty may be in substantially the following form:

> The purchaser represents and warrants to the seller that the property covered by this purchase was offered as scrap, purchased by him as scrap, and that he will sell and ship it as scrap either "as is" or after further preparation only in conformity with all applicable Regulations and Orders of the Office of Price Administration and the War Production Board.

The contracting officer may, but need not, require the contractor to furnish him a certified copy of such warranty.

(c) In determining whether to approve a sale, the contracting officer should give consideration to the present worth of the property under all the circumstances, rather than to its cost. He is not expected to use wasteful or unreasonable efforts in endeavoring to dispose of property. The contracting officer will be supported in the exercise of honest judgment and in most cases that judgment should be to sell and sell immediately.

(d) Although such action ordinarily should not be necessary, where the contracting officer is in substantial doubt as to the propriety of the price offered for particular property, he may, in his discretion, request that an informal estimate or appraisal be made of such property by Government personnel or ask for an expression of opinion by such personnel as to the reasonableness of a proposed disposition. The chiefs of the several technical services will each take steps to see that personnel able to assist in such informal valuation work are made available promptly upon request by contracting officers of their own or other technical services. Such valuation work, when requested, should be made with a minimum of formality and paper work and should not be permitted unreasonably to delay settlements or disposition of property. It should be designed to obtain merely a rough indication of the amounts which probably can be realized for such property under the circumstances.

§ 88.15–361 *Channels of disposition.* (a) The contracting officer, so far as is practicable, should avail himself of all possible channels in assisting the contractor to dispose of property.

(b) Where it is known that particular property is appropriate for use by the technical service which made the contract or that there is some definite need for such property by some other service or by any other department of the Government, the contracting officer may make such reasonable inquiry (by telephone or otherwise) as he may deem proper in an attempt to utilize such property. In appropriate cases, he should consider the usefulness of such property for components and spare parts for units already in service or to be completed.

(c) The contracting officer will not unreasonably delay approval of proposed sales or retentions of contractor-owned property merely to make inquiry of other War Department or Government agencies as to whether they can find use for it. Such inquiries, unless made informally, invariably take more time than is expected and tend unduly to impede other productive work by the contractor and to delay termination settlements. The contracting officer may find it advisable to have the contractor assign one or more of the contractor's employees to assist the contracting officer in arranging for disposition of material by the contractor. Such employees will remain in the employ of the contractor but a reasonable charge for their services and expenses may be allowed as an item of cost in the settlement agreement.

(d) After it is clear that reasonable disposition of property through the contractor will not be possible, the contracting officer in appropriate cases may find it advisable upon receipt of the inventory from the contractor to transmit a copy of the same to the redistribution and salvage officers of the technical services in appropriate cases (and to the Redistribution Branch of the War Production Board) for the purpose of ascertaining whether any of the technical services can suggest or have any use for the property. He may request these officers and agencies to study the disposal of particular property and to make inquiries as to possible outlets for it even in advance of receipt of the detailed inventories, where he has knowledge of the general character of the property available for sale.

§ 88.15–362 *Applicability of regulations of other agencies relating to disposition of property.* Sales or other disposition of property will be made in accordance with the rules and regulations of the War Production Board, Office of Price Administration, the Aircraft Resources Control Office of the Aircraft Production Board and any other Governmental agency having jurisdiction thereof. Responsibility for compliance therewith shall rest with the contractor. Contracting officers and their staffs will assist in every reasonable manner in obtaining necessary clearances.

§ 88.15–363 *Accounting of property disposed of by prime contractor.* The contractor's accounting procedures should comply with the standards outlined in the Termination Accounting Manual. The Government accounting personnel in reviewing disposals or retentions of property by the contractor should establish, within the limits of the accounting review directed by the contracting officer in the particular case, the accuracy with which the dispositions of property approved by the contracting officer have been reflected in the settlement proposed by the contractor (see § 88.15–357). However, it is not the responsibility of the accounting personnel to pass upon the fairness of the prices at which such property has been disposed of nor to question the judgment of the contracting officer in authorizing such disposal. The results of their review should be included in any report prepared for the guidance of the contracting officer in connection with the proposed settlement. (See T. A. M.,

paragraphs 2301 *et seq.*, 3201, 3501 *et seq.*).

§ 88.15–364 *Credit risks on sales.* Sales will ordinarily be made for cash. No contractor or subcontractors shall be obligated to sell except for cash, and credit will be extended by any contractor or subcontractor at his own risk.

§ 88.15–365 *Disposition of property by subcontractor.* The sale or disposition of property related to the terminated contract which is in the hands of subcontractors or suppliers will be dealt with in accordance with any applicable provisions of the subcontract or purchase order in question and with substantially the same procedures, prescribed in § 88.15–350 and following sections, for the disposition of property in the hands of prime contractors. Except as provided in § 88.15–359, all disposal or retentions of property by subcontractors involving a loss which will become a part of termination charges to be borne by the Government should be submitted to the prime contractor for necessary approval or should be made consistently with a program approved by the prime contractor acting pursuant to authority granted by the contracting officer.

§ 88.15–366 *Approval of contracting officer.* Normally both the prime contractor and any subcontractor or supplier will desire to have the contracting officer's approval of the sale or retention by such subcontractor or supplier of property, acquired in connection with the performance of a terminated contract. Such sales or retentions will enter as credits into the settlement of the termination charges of such subcontractors or suppliers and in obtaining reimbursement of these charges, prime contractors will need to obtain the approval of the contracting officer (see paragraph (b) of § 88.15–325). Accordingly such approval should be obtained currently as the prime contractor authorizes each sale or retention of property, unless he is acting within the range of a prior grant of authority pursuant to § 88.15–359. The contracting officer in granting or withholding such approval must as a practical matter rely on the prime contractor's judgment and should grant approval in all cases where a proposed sale or retention recommended by the prime contractor is consistent with usual business practice.

§ 88.15–367 *Transfer of property to the Government.* Title to property in the possession of contractors and subcontractors in connection with a terminated contract will not be transferred to the Government until specific written directions for such transfer are issued by the contracting officer. If there is any property on hand after every reasonable effort to dispose of the same has been exhausted in accordance with the procedures outlined in §§ 88.15–350 to 88.15–366 the contracting officer will direct the contractor to transfer to the Government title to such remaining property at such time or times, and by delivery or in such other manner, as the contracting officer may direct. The contractor shall make delivery at the point or points and in the manner specified by the contracting officer. The contractor shall bear transportation charges on completed items to the f. o. b. point, if any, specified in paragraph (a) of the standard termination article for lump-sum supply contracts (§ 81.324). For form of order requesting delivery, see § 88.15–946.

§ 88.15–368 *Protection of property; mitigation of damages.* (a) In accordance with general principles of contract law and consistently with the provisions of paragraph (e) of the standard termination article for use in lump-sum supply contracts (§ 81.324), the contractor should use reasonable care, and in addition, take such action as may be directed or approved by the contracting officer, to protect and preserve property in its possession in which the Government has, or may acquire, an interest, and to reduce or prevent loss or damage to such property. The contractor should not be required to retain in his plant for an unreasonable time the property acquired for a terminated contract. The contracting officer, upon request of the contractor and after the expiration of a reasonable time after the filing of a complete inventory, should authorize the contractor to remove property from his plant and to store it at the expense of the Government. Title need not be transferred to the Government, even if the property is thus stored, unless the contracting officer directs such transfer.

(b) Promptness in deciding the disposition of property will tend to reduce expense to the Government by eliminating storage expense and charges, local property taxes and other similar expense which the contracting officer fairly should approve as post-termination expense (see paragraph (d) of § 88.15–443) where the contractor, for the benefit of the Government, is asked temporarily to retain title to or custody of property acquired by the contractor for the terminated contract.

§ 88.15–369 *Accounting for property transfer.* All items directed by the contracting officer to be transferred to the Government shall be taken up by the accountable property officer. If disposed of thereafter, the sale shall be handled in accordance with the provisions of PR 7. (§ 83.700 *et seq.*)

§ 88.15–370 *Sales of Government-owned facilities.* When any supply contract is terminated, the contracting officer will ascertain whether or not the contractor is in possession of any Government-financed facilities acquired under any Emergency Plant Facilities contract, Special Facilities contract, Defense Plant Corporation lease agreement, facilities article set forth in § 81.332, or other contract, lease or article providing for facilities to be financed by the Government, and will determine or recommend to higher authority whether or not such possession by the contractor should be terminated. Generally, disposition of such facilities will be in accordance with the terms of the termination provisions in the facilities contract, lease or article, as the case may be. Subject to such provisions, disposition of such facilities (other than real estate, see paragraph (a) (4) of § 88.15–651) will follow the procedure set forth in Procurement Regulation 7 (§ 83.700 *et seq.*). When the standard Government-owned facilities article, (§ 81.322) is included in a supply contract, the contracting officer should ascertain whether the contractor has been given written approval to use such facilities for any additional work for which the Government has contracted. The last sentence in paragraph (b) of the standard Government-owned facilities article prescribed in § 81.322 of Procurement Regulations, reads as follows:

> The government hereby grants to the contractor the right to use, without the payment of rental therefor, such facilities in connection with the work herein contracted for and subject to written approval of the contracting officer, for any additional work for which the government may contract.

If such prior written approval has been given, the contracting officer would be without authority to direct the disposition of such facilities.

§ 88.15–375 *Government-furnished equipment and property.* Sale to a contractor of Government-furnished equipment and property which is in his plant in connection with a terminated contract may be made in accordance with section II of Procurement Regulation 7 (§ 83.720 *et seq.*). Reasonable effort should be made to do this where the property is not needed by the Government.

§ 88.15–376 *Property to which the Government has security title by virtue of provisions of contract article governing partial payment.* (a) Subparagraph (b) of the partial payment articles set forth in §§ 81.330 and 81.331 of procurement regulations, reads as follows:

> (b) The title to all property upon which any partial payment is made prior to the completion of this contract shall vest in the Government in its then condition forthwith upon the making of any such partial payment or payments: *Provided*, That nothing herein shall deprive the Contractor of any further partial or final payments due or to become due hereunder; nor relieve the Contractor or the Government of any of their respective rights or obligations under this contract.

Unless the partial payment article in the contract (§§ 81.330 or 81.331) has been amended by adding thereto subparagraph (d) mentioned below in paragraph (b) of this section, disposition of property to which the Government has taken title pursuant to the partial payment article, will be in the manner prescribed in Procurement Regulation 7 (§§ 83.701–83.781).

(b) Under contracts containing the substance[1] of such subparagraph (d), disposition of personal property to which the Government has taken title, for security pursuant to the partial payment article, will be disposed of in the same manner as contractor-owned property (Cf. Opinion of the Judge Advocate General, May 14, 1943, SPJGC 1943/6630; cf. par. 15–651.6). To facilitate the disposition of property, contracts containing a partial payment article may be amended by adding the substance of new subparagraph (d) to such article (see § 81.331a). Care will be taken in exercising authority under such subparagraph (d) to protect the interests of assignees of amounts payable under the contract.

PREPARATION AND REVIEW OF CONTRACTORS' AND SUBCONTRACTORS' ACCOUNTING STATEMENTS AND PROPOSALS FOR SETTLEMENT: ACCOUNTING GUIDES TO A NEGOTIATED SETTLEMENT

§ 88.15–400 *Summary of action to be taken with respect to presentation of contractor's statements and proposals for settlement.* The following principal steps will be taken to bring about the settlement and payment of amounts, if any, due to the contractor and his subcontractors and suppliers in connection with the termination settlement:

(a) The contractor will file (see § 88.15–402) with the contracting officer an accounting statement relating to the amount due to the contractor by reason of the termination which shall constitute a proposal for a negotiated settlement of the amount due with respect to the uncompleted portion of the contract.

(b) The various subcontractors will file with the prime contractor similar statements and proposals for settlement. The statements and proposals will relate solely to the uncompleted portion of the contract[2] except where the total cost method is used to arrive at the costs applicable to the uncompleted portion of the contract.

(c) The contractor will review, through his own accounting personnel, the statements presented by his subcontractors and negotiate settlements with them respectively, subject, however, to the approval of the contracting officer (see § 88.15–430). He will present the subcontractors' accounting statements and proposals for settlement, either separately or as a group, to the contracting officer for approval in connection with his own settlement, with his recommendation and certificate (see § 88.15–440).

(d) The contracting officer will refer the contractor's statements and proposals for settlement to the Government accounting personnel, who are assisting him, for review (§§ 88.15–420, 88.15–424 *et seq.*) to the extent deemed appropriate in the particular case by the Contracting Officer. The Government accounting personnel will also review the statements and proposals of the subcontractors, either as a group, or individually as they are presented (see § 88.15–431).

(e) The Government accounting personnel will prepare a report (see § 88.15–424 (d)) containing their comments and recommendations and computations made on the bases hereinafter mentioned of the indicated equitable negotiated settlement of the amount due on the uncompleted portion[3] of the contract. This report and the recommendations and computations made in it will *not* bind or control the discretion of the contracting officer in negotiating such a settlement.

§ 88.15–401 *Negotiated settlement compared with a formula settlement.* The preparation of accounting data and proposal for settlement are designed to facilitate the negotiation of a settlement of the amount due on the uncompleted portion[3] of the terminated contract. Such a negotiated settlement is authorized by paragraph (c) of the standard termination article used in lump sum supply contracts (§ 81.324). If such a settlement cannot be negotiated between the contracting officer and the contractor, then, under the termination article, settlement will be made in accordance with the formula contained in paragraph (d) of the article (§ 81.324). A negotiated settlement can be made more expeditiously than a formula settlement and results in more prompt payment of the amounts owing to contractors and subcontractors. The method of settlement by negotiation, therefore, is to be regarded as the primary and more satisfactory method of settlement. Settlement by formula will be a secondary method and will be resorted to only where a negotiated settlement proves to be impossible. If a settlement by negotiation is not made, the contractor's accounting statement will serve as a basis for determining what further investigation is necessary to permit of settlement by formula.

§ 88.15–402 *The contractor's statement and proposal for settlement.* The contractor's statement of costs and other accounting data showing the amounts owing to him by reason of the termination will be substantially in the forms set out in §§ 88.15–404 and 88.15–405, and will be prepared in accordance with the principles set out in this regulation (PR 15) and the Termination Accounting Manual. The contractor's statement and proposal, together with the schedules in support of it, constitutes the basic representation of the contractor. In submitting any such statement to the Government, the contractor represents that the facts stated are true and he is subject to penalties for any false certification. (See 18 U.S.C. 80.) All costs claimed to have been incurred by the contractor should be supported by data sufficiently specific to permit satisfactory review or examination (see T. A. M. 2101.2). It will frequently expedite the preparation of the contractor's statement if the contractor's representatives will confer with the contracting officer or his accounting personnel before undertaking accounting work in connection with this statement and makes sure that they understand.

§ 88.15–403 *Content of statement and proposal*—(a) *General.* The contractors' proposal for a negotiated settlement should consist of three basic types of statements (see T. A. M. 2102) covering the following classes of charges:

(1) The costs incurred directly by the contractor with related profit, if any.

(2) The charges of his subcontractors.

(3) The costs incurred by the contractor subsequent to the date of termination.

(b) *Statements of costs; alternative bases.* The statement of the costs incurred directly by the contractor may be prepared on either the inventory basis or the total cost basis (see § 88.15–446 and T. A. M. 2102) depending upon which method is applicable in the circumstances. An outline of the factors to be considered in determining the method to be used is set forth in § 88.15–446. Other statements to be submitted as a part of the proposed settlement are the same for either the inventory or the total cost basis.

(c) *Statements of subcontractors.* The settlement of the charges of subcontractors and suppliers arising out of the termination of the prime contract may be unavoidably delayed. For this and other reasons, it is desirable that the statements covering these settlements be submitted by the contractor separately. They may be submitted at appropriate intervals depending upon how quickly the statements and information necessary for the settlements with particular subcontractors and suppliers are received, and the basis for a settlement with them negotiated by the contractor (see T. A. M. 2102.3).

(d) *Post-termination costs.* It is also desirable that the statement of costs incurred by the contractor subsequent to the date of termination be submitted separately (see T.A.M. 2102.4).

§ 88.15–404 *Form and content of statement of contractors' own charges using inventory basis.* When the contractor's statement is prepared on the inventory basis (see § 88.15–446), it should be in substantially the following form (see T. A. M. 2103) set out in this section.

[1] Subparagraph (d) of the contract article set forth in Procurement Regulations §§ 81.330 and 81.331 was authorized by amendments to those regulations in August 1943. It permits the disposition of personal property to which the Government has a security title by reason of the usual partial payments articles frequently found in supply contracts.

[2] In the case of a lump sum construction contract containing the standard termination article (§ 81.324) these statements will relate to the whole contract.

[3] In the case of a lump sum construction contract containing the standard termination article (§ 81.324) this negotiated settlement will relate to the whole contract.

Statement of _____
(name of contractor)
Contract No. _____
Effective Date of Termination _____
Date of Statement _____

Statement of costs incurred on uncompleted work as of date of termination (exclusive of subcontractors' claims for uncompleted work and exclusive of costs incurred subsequent to date of termination).

1. Raw materials on hand[1]	$
2. Purchased parts[1]	
3. Work in process[1]	
4. Tools, dies, jigs and fixtures not amortized[2]	$
5. Administrative expenses[2]	
6. Other costs (submit detail)	
7.	
8.	
9. Total	$
10. Contractor's profit for work done prior to termination, if any[4]	$
11.	
12. Total amount (exclusive of subcontractors' claims and exclusive of costs incurred after date of termination)	$

[1] Schedules listing the individual inventory items should be submitted. The information shown should include (a) location of items, (b) quantities, (c) descriptions, (d) unit costs, (e) weights, (f) disposal prices. The inventories should be priced and summarized by material, labor and burden.

[2] The schedules should show the total cost and the unamortized balance in addition to the information in Footnote 1.

[3] Schedules showing the method of computation should be included.

[4] Data should be submitted as to the profit which it is estimated would have been earned if the contract had been completed.

Schedules of completed units should be attached. Schedules should show date, number and amount of each invoice for items billed. Any invoice representing items still on hand should be so designated.

§ 88.15–405 *Form and content of statement of contractors' own costs using total cost basis.* When the contractor's statement of his own costs is prepared on the total cost basis (see § 88.15–446), it should be in substantially (see T. A. M. 2104) the form set out in paragraph (a) of this section.

(a) *Suggested form of Statement (Total cost basis).*

Statement of _____
(name of contractor)
Contract No. _____

Statement of total costs incurred on contract to date of termination (exclusive of subcontractors' claims for uncompleted work and exclusive of costs incurred subsequent to date of termination)[1]

Direct charges:

1. Direct materials	$
2. Direct labor	
3. Other direct charges	
4.	

Prorated charges:

5. Indirect factory expenses	
6. Administrative expenses	
7. Other prorated expenses	
8.	
9. Total cost	$
10. Contractors' profit for work done prior to termination, if any[2]	
11.	
12. Total	$
13. Deduct total units completed at contract price[2]	
14. Total amount (exclusive of subcontractor claims and exclusive of costs incurred after date of termination)	$

[1] All items listed in this statement should be supported by such schedules as will show in reasonable detail the source and description of the charges.

[2] Add estimate of profit or deduct estimate of loss. Data should be submitted as to the profit which it is estimated would have been earned if the contract had been completed.

[2] This amount should be detailed as to date, number and amount of each invoice for items billed. Any invoice representing items still on hand should be so designated. If there is an indicated case, the costs of the completed units will be deducted instead of the contract price (see T. A. M. par. 1207).

(b) *Inventories to accompany statement on total cost basis.* Procedures in respect to physical inventories are set forth in the Termination Accounting Manual, Part II, Chapter 2, par. 2201 *et seq.* (see § 88.15–440 *et seq.*). The exact form of the inventory schedules will depend on the particular circumstances.[1] The schedules should be prepared in triplicate and be classified as follows:

Raw materials.
Purchased parts.
Work in process.

The information shown should include:

Location of items.
Quantities.
Description of items.
Weights.
Disposal prices.

Where practicable, the cost price of each item in the inventory should be shown.

§ 88.15–406 *Statements required under both bases*—(a) *Subcontractor charges.* The responsibility of the prime contractor and the procedures for handling subcontractors' charges are outlined in § 88.15–431 *et seq.* (see T. A. M. 2401 *et seq.*). Schedules should be submitted supported, wherever practicable, by copies of purchase orders or subcontracts, subcontractors' statements and certificates as required by §§ 88.15–410 and 88.15–440. Such schedules (see T. A. M. 2105.2) should show:

Date of subcontract or purchase order.
Purchase order number.
Name of subcontractor.
Description of items covered by subcontracts and prices thereof.
Total amount of subcontract.
Payments already made.
Amount of charges.

(b) *Transcript of advance payment account, if any, as reflected by books.* The contractor should include a schedule (see T. A. M. 2105.1) showing a transcript of the advance payment account, if any, as reflected by his books. Statements as to existing "V" or other Government or Government-guaranteed loans should also be included as well as information regarding any assignment made of rights to amounts due under the contract.

(c) *Post-termination charges.* Schedules (see T. A. M. 2105.3) should be submitted showing costs incurred after termination in reasonable detail and dates of approval of various items by the contracting officer.

§ 88.15–409 *Form of certificate to be used by prime contractor when presenting statement.* Each statement and proposal for settlement presented by a prime contractor as to his own charges (exclusive of sub-contractor's charges) will be accompanied by a certificate containing the following statement:

The undersigned certifies that, to the best of its knowledge and belief, the foregoing statement, prepared for submission to contracting officers acting in behalf of the United States of America as the basis for a settlement with the undersigned under a contract with the United States, is true and correct, as itemized in the above summary and attached supporting schedules and explanations, has been prepared from the books of account and records of the undersigned in accordance with recognized accounting practices, includes (so far as costs are involved) only those costs necessary for the performance of said contract and the charges as stated are fair and reasonable.

Signed and acknowledged before me this ____ day of _____, 194__.

_____
(Contractor)

By _____
(President, Vice President, Treasurer, or Assistant Treasurer)

By _____
(Chief Accounting Officer)

_____
(Notary Public)

§ 88.15–410 *Applicability of forms and comments to subcontractors.* The forms and comments set forth in §§ 88.15–402 to 88.15–406 are generally applicable to subcontractors (§ 88.15–325) when preparing their statements of accounting information and proposals for settlement for presentation to the prime contractor or to an intermediate subcontractor. The form of certificate in § 88.15–410 should be slightly modified, however, to be as follows:

The undersigned certifies that, to the best of its knowledge and belief, the foregoing statement with respect to a subcontract or purchase order with (*Contractor*), prepared for submission to said _____ and to Contracting Officers acting in behalf of the United States of America, is true and correct, as itemized in the above summary and attached supporting schedules and explanations, has been prepared from the books of account and records of the undersigned in accordance with recognized accounting practices, includes (so far as costs are involved) only those costs necessary for the performance of said subcontract or purchase order,

[1] An appropriate form of inventory for use in many cases is set out in § 88.15–941.

and the charges as stated are fair and reasonable. The undersigned makes this certificate with full knowledge that the foregoing statement will be used as a basis for a settlement with the undersigned and that the amount of such settlement may be included in a claim for reimbursement under a contract with the United States.

Signed and acknowledged
before me this ____ day of ----------, 194--

(Subcontractor)

By ---
(President, Vice President, Treasurer, or Assistant Treasurer)

By ---
(Chief Accounting Officer)

(Notary Public)

§ 88.15–411 *Documentary requirements in support of contractor's statement.* War Department requirements as to documentary evidence (see T. A. M. 1105) such as are in force with respect to cost-plus-a-fixed-fee contracts are not applicable to negotiated termination settlements of lump sum supply contracts (see § 81.324 (c)). In the case of settlements by negotiation, no such documentary evidence is to be submitted to the disbursing officer. Contractors and subcontractors, however, are held to the standards of good commercial practice as to possession and maintenance of records and should be cautioned to preserve all pertinent records and supporting papers so that the Government can make such inspection of them as it deems necessary. It should be remembered that when a lump sum supply contract is completed the contractor is not ordinarily required to prove his costs under the contract, except possibly in connection with renegotiation proceedings, and even these are usually conducted on an "over-all" basis for each contractor. Accordingly, in those cases where a lump sum supply contract is terminated, for the convenience of the Government, the contractor should not be required to state his costs in unreasonable detail. There is no justification for obliging a contractor to maintain an otherwise unnecessarily elaborate cost accounting system merely because of the possibility that his lump sum contracts may be terminated for the convenience of the Government.

§ 88.15–420 *Accounting review of the contractor's and subcontractors' statements.* Accounting reviews will be made in accordance with the provisions of §§ 88.15–421 and 88.15–454.

§ 88.15–421 *The Termination Accounting Manual.* The Termination Accounting Manual is designed (see § 88.15–109) for the assistance of contractors and accounting personnel in reviewing the statements and proposals of contractors and subcontractors.

(a) *Matters included in Termination Accounting Manual.* The Termination Accounting Manual contains certain of the provisions set forth in this regulation (PR 15) as necessary background for the instructions given to the Government accounting personnel. For the convenience of Government personnel engaged in and conducting termination settlements, there have been set out in this regulation certain material also found in the Termination Accounting Manual.

(b) *Termination Accounting Manual not applicable to formula settlements.* The Termination Accounting Manual (T. A. M. par. 1113) does not prescribe audit procedures for settlements made through the use of the formula set forth in paragraph (d) of the termination article (§ 81.324), as contrasted with settlements made on the negotiated basis pursuant to paragraph (c) of the termination article. The audit procedures for each formula settlement will be determined by the chief of the technical service concerned consistently with this regulation (PR 15) and with accounting policies prescribed by the Office of the Fiscal Director, Headquarters, Army Service Forces. Prompt written notice will be given to the Contract Termination Branch, Purchases Division, Headquarters, Army Service Forces (through the chief of the technical service), of any settlement which is to be made on a formula basis, so that any special accounting or other instructions, necessary in the particular case may be issued.

(c) *Examination of subcontractors' claims.* The Termination Accounting Manual (see T. A. M., par. 1114) is prescribed as a guide in making an accounting examination of claims of subcontractors when such examinations are to be made by Government accounting personnel. It is also suitable for use by contractors in the examination by them of subcontractors' charges.

(d) *Termination Accounting Manual not applicable to sections of contract already on a cost basis.* Some fixed-price supply contracts provide that certain facilities shall be furnished on a cost basis. Since reimbursement has been made for these facilities on a cost basis to the extent completed, the Termination Accounting Manual is, therefore, not applicable to such portions of the contract (see T. A. M. 1115). The audit procedures in connection with costs of facilities contracts are set forth in the Manual for Administrative Audit of Cost-Plus-a-Fixed-Fee Supply Contracts.

§ 88.15–422 *Function of the contracting officer in reviewing statements and proposals of contractors.* The contracting officer has the responsibility for passing upon the contractor's proposal and arriving at an agreement with the contractor. In carrying out these functions, the contracting officer must decide the extent to which he requires independent review and verification of the contractor's statement by personnel qualified to deal with accounting matters (see T. A. M. 1104). In this connection, the accounting personnel operate to assist the contracting officer in an advisory capacity when such technical assistance is requested by him. Contracting officers will pursue a policy of reducing auditing to a minimum consistent with protecting the interests of the Government. Whenever possible, reliance should be placed on intelligent reviews of contractors' data rather than on detailed audits. In those cases where audits do appear to be necessary, it is also expected that they will be carried out in accordance with the principles of selective auditing (see T. A. M. 1106).

§ 88.15–423 *Accounting personnel and function in connection with termination settlements.* In connection with termination settlements, Government accounting and auditing personnel will make those investigations, reviews and audits which are directed or requested by the contracting officer (see T. A. M. 1104) to determine that the settlement proposed is in accordance with the termination provisions of the particular contract, and that it is substantiated by the contractor's records and other supporting evidence.

§ 88.15–424 *Nature of accounting review.* The nature of the accounting examination to be required in each particular case will be determined by the contracting officer or by his duly authorized representative charged with that responsibility. In determining what type of review is necessary to protect the Government's interest, the contracting officer, or his appropriate representative, will have in mind the different types of review contemplated by paragraphs (a) and (b) of this section and, after consultation with the accounting personnel (which usually should take place after the office review, see paragraph (a) of this section) will give instructions as to what further examination, if any, is to be required in the particular case. The contracting officer will be warranted in relying upon the advice of the accounting personnel as to the extent of any such further examination required in any particular instance.

(a) *Office review by accounting personnel.* In every instance, in order to protect the Government's interest adequately, at least an office review will be made by qualified accounting personnel of each statement and settlement proposal submitted by a contractor in connection with a lump sum supply contract termination (see T. A. M. 1107).

(b) *Scope of office review.* In making the office review (T. A. M. 1107.1 *et seq.*) of the contractor's statement, the following matters should be given special attention:

(1) Does each item appear to be of a type that is proper in the light of the definition of cost set forth in § 88.15–409 *et seq.*?

(2) Does each item appear reasonable in amount in relation to other items in the statement?

(3) Does each item appear reasonable in amount in relation to the stage of completion?

(4) Do the quantities of material and work in process on hand appear reasonable in relation to the quantitative requirements of the uncompleted portion of the contract?

(5) Does each rate of overhead, if overhead is included, appear reasonable?

(6) Do the materials and items appear to be of a "common" nature (see § 88.15–150 (b)) and if such is the case has the

portion thereof included in the statement been properly determined?

(7) Does the statement appear to have been prepared in accordance with recognized accounting practices?

The office review will include a verification of the mathematical accuracy of the contractor's statement and supporting schedules and a check of the accuracy of information submitted in connection with (i) outstanding "V" loans and advance payments and (ii) schedules of completed units.

(c) *Appropriate extent of examination beyond an office review.* (1) It is the contracting officers' responsibility (see T. A. M. 1108) to determine what further examination will be made of the contractor's proposed settlement beyond the office review. In making this decision, the following factors should be considered among others:

(i) The amount and complexity of the proposed settlement.

(ii) The conclusions of the accounting personnel as a result of the office review.

(iii) Available reports of independent public accountants.

(iv) Any information available from War Department personnel having contacts with the operations under the contract.

(v) The status of renegotiation proceedings (see §§ 88.15–500 and 81.1204 (i)).

(2) The contracting officer after such consultation with accounting personnel as he may deem appropriate, will then determine what further examination, if any, is to be made. The following further steps are illustrative of the types of additional investigation which may prove to be appropriate:

(i) The contractor may be requested to submit additional data or explanations.

(ii) Governmental accounting personnel may be instructed to visit the contractor's plant to discuss the statement and to make any necessary reference to the accounting records.

(iii) An audit by qualified accounting personnel may be requested in accordance with the procedures outlined in this Regulation and with the Termination Accounting Manual (T. A. M. par. 3101 *et seq.*).

(3) While it is the contracting officer's responsibility to decide whether or not an audit is to be made, the procedures by which such examinations are actually carried out are dependent upon the judgment and technical knowledge of the accounting personnel.

(d) *Accounting report to contracting officer.* Written evidence of the reviews of the accounting personnel, whether office reviews or more extensive examinations, will be submitted in an appropriate manner (see T. A. M. 1109, 4201 *et seq.*; see §§ 88.15–434; 88.15–532) to the contracting officer. The accountant's report should comment in reasonable detail upon the basis of the determination of the rate or rates of profits used in the computations. The report should also call to the attention of the contracting officer any special factors relating to the allowance of profit which should be given study in connection with the settlement negotiations and should suggest any qualifications of the results of the accounting computations which may occur to the accounting personnel as deserving consideration by the contracting officer. The following information should also be shown in the report in adequate detail:

(1) The summary of costs included in the accountant's report should be such as will disclose adequately by major classifications the nature of the work done;

(2) Relatively large costs arising from unprocessed standard raw materials may represent no substantial work and therefore should be separately shown;

(3) Costs of an unusual nature and important in an amount should be shown separately.

The accounting report and computations may be considered by the contracting officer together with all other appropriate information and criteria in determining the amount of a proper settlement. He will give it such weight and qualify the results of its computations to such extent as he may consider necessary or reasonable under all the circumstances.

(e) *Expediting partial payments.* Paragraph (i) of the termination article (§ 81.324) provides that "the Government shall promptly make partial payments to the contractor". It is the duty of accounting personnel to facilitate such partial payments in every proper manner. For example, in appropriate cases, a brief preliminary office review may suffice as a basis for the authorization of partial payment by the contracting officer.

§ 88.15–425 *Coordination of study of contractor's costs and auditing in certain cases with renegotiation and other termination proceedings.* All Government study of the contractor's costs and accounting work in connection with the performance of the terminated contract should be coordinated to avoid duplication of effort (see T. A. M. 1110, 1111).

(a) Auditing and accounting in connection with renegotiation and termination should be combined so far as possible (see § 88.15–550, T. A. M. 1110).

(b) Where more than one contract is being terminated the auditing should be consolidated (T. A. M. 1111).

(c) Full use should be made of accounting reports in connection with other termination settlements with the same contractor (T. A. M. 1116).

§ 88.15–430 *Statements and proposals of subcontractors.*

§ 88.15–431 *Responsibility of contractor to review.* It is the primary responsibility of the contractor (T. A. M. 2401 *et seq.*) to review or examine in an appropriate manner all statements of charges by subcontractors arising out of the termination. The problem faced by the contractor in passing upon the propriety of statements and proposals by subcontractors is similar to the problem faced by the Government auditor with respect to the statement and proposal for settlement of the prime contractor. A review or examination to some extent of each subcontractor's claim is necessary.

§ 88.15–432 *Standards of scrutiny of subcontractor's statements.* The prime contractor in this respect should be held to the standard scrutiny that a business man would employ in the conduct of his own affairs but should not be required to warrant the accuracy of the facts presented by subcontractors. A certification by the contractor that, upon the basis of his review or examination, he is of the opinion that the proposed settlement is fair, just and reasonable will suffice (see § 88.15–440).

§ 88.15–433 *Office review of the subcontractor's proposed settlement by contractor's accounting personnel.* As a minimum, an office review will be made by qualified accounting personnel in the employ of the contractor (see T. A. M. 2402) of each statement submitted by a subcontractor in connection with a fixed-price contract termination. In making the office review of the statement, the contractor should give special attention to the matters listed in paragraph (b) of § 88.15–424.

§ 88.15–434 *Report of contractor's accounting personnel.* The contractor's accounting personnel will furnish suitable written evidence of the conclusions of the office review and a copy of this review should be made available to the contracting officer or to Government accounting personnel on request.

§ 88.15–435 *Appropriate extent of examination beyond an office review.* (a) It is the contractor's responsibility in the first instance to determine what further examination (see T. A. M. 2403), if any, should be made of the subcontractor's proposed settlement beyond the office review. In making this decision, the following should be considered:

(1) The amount and complexity of the proposed settlement.

(2) The findings as a result of the office review.

(3) Available reports of independent public accountants.

(4) Any information available from personnel having contacts with the operations under the subcontract.

(b) The contractor will then make the determination as to the further examination, if any, which is to be made. The following are illustrative of further steps which may be taken if such action is deemed necessary.

(1) The subcontractor may be requested to submit additional data or explanations in writing.

(2) Accounting personnel of the contractor may be instructed to visit the subcontractor's plant to discuss the statement and in some cases to make incidental reference to the accounting records.

(3) An audit may be made by qualified accounting personnel in accordance with the procedures outlined in Part III of the Termination Accounting Manual (see T. A. M. 3101 *et seq.*).

§ 88.15–436 *Responsibility of subcontractors.* It is the responsibility of subcontractors in each case to prepare their

statements and proposals accurately in accordance with the terms of their respective subcontracts or purchase orders when they are presenting such statements to contractors or to intermediate subcontractors (see T. A. M. 2404). While an individual subcontractor does not make a certification of fact directly to the Government, the contractor shall advise all subcontractors that the statement of charges submitted by them may be subject to an audit by Government auditors and that an inspection of the supplies and materials covered by the purchase order or subcontract may be made by a Government inspector. The subcontractor is thus put on notice that his statement and proposal will be used by the contractor in compiling the latter's proposed settlement either directly with the Government or through another contractor (see § 88.15–410).

§ 88.15–437 *Investigation by contracting officer and Government accounting personnel of subcontractor's claim.* Although in the first instance it is the contractor's responsibility to make an office review of each subcontractor's claim and such examination as may be necessary (see §§ 88.15–431 to 88.15–436), the Government reserves fully the right to make such additional investigations as it may deem proper. As a practical matter, the Government must rely in a great majority of instances upon the review made by prime contractors, and the contracting officer and the accounting personnel will be warranted in doing so, in the case of contractors in which they have confidence and in the absence of circumstances coming to their attention pointing to the necessity of special investigation of particular subcontractors' claims, or showing incompetent or inadequate review by the prime contractor (see T. A. M. par. 3704 *et seq.*). Prime contractors should call to the attention of the Government any special circumstances relating to the propriety of subcontractor's claims. They, of course, should refrain from approving such claims and from executing the certificate set out in § 88.15–409 unless honestly convinced that the subcontractor's claim is made in good faith and on a basis which the prime contractor would regard as appropriate for a settlement, if reimbursement by the Government were not involved. The contracting officer and the Government accounting personnel should establish such programs of (a) examining subcontractor's claims and (b) appraising the character of the review given to such claims by the prime contractor, as may be necessary to protect the interests of the Government.

§ 88.15–438 *Definition of costs.* The definition of costs set out in § 88.15–480 *et seq.* is applicable to subcontractors' claims in connection with the compilation of costs, subject to any specific terms of the subcontract.

§ 88.15–439 *Subcontractors' inventories.* The contractors should satisfy themselves that the subcontractors have taken physical inventories of materials pertaining to the terminated contracts in substantially the manner outlined in the Termination Accounting Manual (par. 2201 *et seq.*).

§ 88.15–440 *Form of certificate of subcontractors' charges on termination.* The following form will be used by contractors in certifying termination charges of both immediate and remote subcontractors involved in the termination:

The undersigned hereby certifies that it has examined, or caused to be examined, to an extent which it considers adequate in the circumstances, the attached statement of ---------- (hereinafter called the "Supplier"), with schedules thereto attached, of charges resulting from the cancellation or partial cancellation of the following orders placed with said Supplier by the undersigned in connection with the performance of Contract No. ----------:

Contractor ----------
Purchase Order Number -------- *Date* ----------
General Description of Items Ordered ---------- *Quantity Ordered* -------- *Cancelled* ----------

In the opinion of the undersigned, the settlement in the amount of $---------- is fair and reasonable, is proposed in good faith and is not more favorable to the Supplier than one which the undersigned would make if reimbursement by the Government were not involved.

The undersigned shall not be deemed to have made any representations with respect to said charges or the settlement thereof except as expressed in this certificate; the Government's sole recourse shall be against the Supplier, unless it be shown that the undersigned has been guilty of fraud in connection with the settlement of said charges.

It is agreed that, upon payment to the undersigned of an amount taking into account the sum paid the Supplier under said settlement, the Government shall be subrogated, insofar as the Government's interests are involved, to any rights or causes of action of the undersigned against the Supplier arising out of or in connection with said settlement.

Dated: ----------

(Name of Contractor)

By----------
(President, Vice President, Treasurer, or Assistant Treasurer)

By----------
(Chief Accounting Officer)

Signed and acknowledged before me this ---------- day of ----------, 19--.

(Notary Public)

§ 88.15–441 *General basis of settlement.* (See following sections).

§ 88.15–442 *Contract provisions.* In determining what constitutes a proper negotiated settlement of the amount due on the uncompleted portion of a lump sum supply contract,[1] the contracting officer must, of course, be wholly familiar with the contract provisions under which he is acting. Accounting personnel in preparing accounting guides for the contracting officer's assistance in negotiating such a settlement will also have these provisions in mind.

[1] In the case of a lump sum construction contract containing a standard termination article (§ 81.324 (a)) the settlement, of course, will be of the amount due with respect to the whole contract.

§ 88.15–443 *Standard termination article (§ 81.324); provisions for reimbursement of the contractor.* The standard termination article for use in lump sum supply contracts (§ 81.324) provides for reimbursement of the contractor upon the basis set forth in paragraphs (a) to (d) of this section.

(a) *Payments for completed supplies.* Under paragraph (b) of the standard termination article, the contractor is to receive payment of the contract unit price of all supplies called for by the contract, completed and delivered in accordance with the contract and for which payment has not been made. The contracting officer will also allow the contractor the contract unit price for all such completed supplies which are disposed of at his direction pursuant to subparagraph (a) of the standard termination article. The payment of the unit price for completed articles is not subject to negotiation. It does not enter into a negotiated settlement of the amount due with respect to the uncompleted portion of the contract, except to the extent that it may be taken into account (as a deduction) in computing an accounting guide to such a settlement on the total cost basis (see §§ 88.15–446, 88.15–453). The contractor is entitled to payment of the unit price for completed articles, subject only to any credits, offsets or deductions which the Government may have in connection with the contract or under the termination article (see § 88.15–444) and to statutory renegotiation.

(b) *Uncompleted portion of the contract; negotiated settlement.* The contractor is entitled to receive under paragraph (c) of the standard termination article (§ 81.324) "such sum as the contracting officer and the contractor may agree by supplemental agreement is reasonably necessary to compensate the contractor for its costs, expenditures, liabilities, commitments, and work in respect to the uncompleted portion of the contract so far as terminated by the notice" of termination. The contracting officer shall include in such negotiated sum such allowance, if any, for profit (see § 88.15–449 *et seq.*) with respect to work already done on such uncompleted portion of the contract as he deems reasonable under all the circumstances. The payment under paragraph (c) is to be made in addition to and without duplication of the payments provided in paragraph (b) of the termination article or of payments made prior to giving notice of the termination of the contract.

(c) *Uncompleted portion of the contract; formula settlement.* Under paragraph (d) of the standard termination article (§ 81.324), if the contracting officer and the contractor cannot agree upon a settlement of the amount due with respect to the uncompleted portion of the contract within 90 days from the effective date of the termination notice (or within such extended period as may be agreed upon between them) the Government, without duplication of any payment made pursuant to paragraph (b) of the termination article or prior to giving notice of the termination of the contract, shall compensate the contractor for the uncompleted portion of the contract in accordance with the formula set out in paragraph (d). This payment is in lieu of a negotiated settlement under paragraph (c) of the termination article. It should be clearly understood that the formula method of computing the amount due with respect to the uncompleted portion of the contract is not binding or controlling upon the contracting officer when making a negotiated settlement pursuant to paragraph (c) of the termination article (§ 81.324). However, he may regard it as providing general principles and standards by which he may be assisted in his negotiations (see § 88.15–450).

(d) *Expenses of settlement and post-termination expenses.* Under paragraph (e) of the standard termination article (§ 81.324), the contractor is to be paid such sum as the contracting officer and he may agree upon for the post-termination expenditures and settlement costs incurred with the approval of the contracting officer as stated in paragraph (e). If the parties are unable to agree as to the amount so to be paid, the contracting officer will make a formal determination, on the basis of the evidence before him, of the amount of such expenditures and costs and will notify the contractor of his determination in writing in accordance with the "disputes" article (§ 81.326) of the contract. The contractor may, if he wishes, appeal from this determination in accordance with the "disputes" article.

§ 88.15–444 *The Contract Article; limitations on reimbursement.* There are certain limitations on reimbursement of the contractor which should be taken into account in connection with negotiating a settlement and in preparing an accounting guide for assistance in such negotiation. These are referred to in paragraphs (a) to (c) of this section.

(a) *Maximum payment.* Under paragraph (g) of the termination article (§81.324) the payments to be made under the article, when added to "the sum of all amounts previously paid under the terminated contract, shall not exceed the total contract price," adjusted as provided in paragraph (g), in the event that the contract contains an article providing for price adjustment or an escalator clause.

(b) *Supplies undeliverable because of destruction or damage.* Paragraph (d) of the termination article (§ 81.324) provides that the contractor shall not be given any reimbursement for costs or any allowance for profit on account of "supplies and other things which are undeliverable because of destruction or damage, whether or not because of the fault of the contractor". This provision is strictly applicable only to formula settlements. It should, however, be given consideration in connection with negotiated settlements. The provision is not applicable to the extent that the Government, by express provisions of the terminated contract, has assumed specific risks of loss, destruction or damage of or to such supplies or other things.

(c) *Miscellaneous offsets.* Paragraph (f) of the termination article (§ 81.324) provides that:

The obligation of the Government to make any of the payments required by this Article shall be subject to any unsettled claim for labor or material and to any claim which the Government may have against the Contractor under or in connection with this contract, and payments under this Article shall be subject to reasonable deductions by the Contracting Officer on account of defects in the materials or workmanship of completed or partially completed supplies delivered hereunder.

§ 88.15–445 *Accounting guides for use in connection with negotiating settlement.* In negotiating a settlement, the contracting officer should have as a guide an accounting memorandum, prepared by Government accounting personnel, containing the available accounting data as to the costs incurred by the contractor with respect to the uncompleted portion of the contract and computations based upon such data and other available information as to the rate of profit which it is expected the contractor would have earned if he had been permitted to complete the contract. This accounting memorandum will ordinarily be prepared upon one or the other of the bases set forth below in § 88.15–446. This memorandum will not limit the contracting officer in arriving at what he considers to be a proper settlement, but should be given weight by him in connection with other relevant and available criteria and considerations.

§ 88.15–446 *Alternative methods of calculating the contractor's own costs applicable to uncompleted portion of the contract for purposes of an accounting guide*—(a) *Inventory method.* Costs applicable to the uncompleted portion of the contract may be determined by pricing the inventory in detail. The profit allowance, if any, is then added. This method is hereinafter referred to as the inventory method. It is especially practicable when the inventory consists largely of purchased materials and parts on which little or no work has been performed. The method is also acceptable when there is a substantial amount of work in process and thoroughly dependable unit cost information is available to price such work in process accurately (see T. A. M. 1202.1).

(b) *Total cost method.* In the absence of such unit cost information and particularly when the contract is terminated in the early stages of performance, there may arise serious problems in determining a fair basis for the detailed pricing of the inventory. An alternative method of computing the contractor's own costs applicable to the uncompleted portion of the contract may be utilized to meet these problems. The costs incurred on the entire contract to date of termination are summarized and a profit allowance, if any, applicable to these costs is added. Deduction is then made for all payments previously made or to be made by the Government for completed units. This method is hereinafter referred to as the total cost method. It is particularly useful when it is difficult to segregate costs between the completed and uncompleted portions of the contract. Inasmuch as this method of computation of an accounting guide for the assistance of the contracting officer involves the use of an estimated rate of profit, its accuracy is in part dependent upon the accuracy and fairness of such estimate (see T. A. M. 1202.2).

(c) The results obtained, under either method, furnish on the basis of available accounting data an indication of an equitable settlement exclusive of subcontractors' claims, disposal credits, costs incurred after date of termination (see § 88.15–443 (d)), and miscellaneous offsets and deductions (paragraphs (b) and (c), § 88.15–444).

(d) The chief of a technical service may require, in any instance where adequate cost accounting data are available, that a contractor's statement of charges be prepared on the inventory basis (see § 88.15–404).

§ 88.15–447 *Treatment of disposal credits.* The term "costs" as used in § 88.15–446 refers to costs on a gross basis; *i. e.*, before credits to the Government arising out of disposal of property by the contractor (see par. (a) of termination article (§ 81.324) and § 88.15–350 *et seq.*) Disposal credits may arise either from the retention of items by the contractor at prices mutually agreed upon or from the sale of property to others with the approval of the contracting officer. The total amount of such credits, thus determined, will be deducted from the amount of the proposed settlement of the contractor as otherwise computed.

§ 88.15–448 *Claims of subcontractors.* The costs arising out of the settlement of claims of subcontractors with respect to the uncompleted portion of the contract as of the effective date of the termination notice, and as properly approved by the contracting officer, will be added to the portion of any proposed settlement covering the contractor's own costs. However, in negotiating a settlement, and in determining a proper profit allowance, appropriate consideration may be given by the contracting officer to the extent of the actual work done by the contractor in arranging and supervising a program of subcontracting.

§ 88.15–449 *Determination of profit in connection with negotiated settlement.* Paragraph (c) of the standard termination article (§ 81.324) provides that the contracting officer shall include in a negotiated settlement such allowance for profit with respect to the uncompleted portion of the contract as is reasonable under all the circumstances. The contracting officer is not tied down to any particular method of computing this profit allowance. He must exercise a sound judgment in determining a method appropriate for use in each particular case. As guides for his assistance in negotiation, the principles and computations mentioned in §§ 88.15–450 and 88.15–451 may be taken into account. However, in such negotiations the con-

tracting officer should agree only to such allowance for profit as is fair in the light of (a) work actually done by the contractor and (b) materials actually obtained or furnished. It is not intended that the contractor shall be allowed any profit with respect to work which has not been done.

The extent to which profit on the uncompleted portion of the contract will be permitted should depend principally on the contracting officer's estimate, under all the circumstances in each instance, of the extent to which the contractor has completed his work on the uncompleted portion of the contract. For determining this the contracting officer should consider the following factors among others:

(a) The total work required of the contractor and the extent to which this has been completed.

(b) The difficulty of the work which has been done and of that which remains to be done.

(c) The extent to which engineering work, production scheduling, planning, technical study and supervision, and other services involving special skill and knowledge, have been performed by the contractor. (Such work is frequently properly applicable to work or units not completed as well as to completed units.)

(d) The extent to which costs already incurred involve only the purchase of raw materials and standard parts and supplies.

(e) The extent to which the work of arranging and supervising a program of subcontracting has already been done by the contractor and its importance in the performance of the contract.

Even if the formula method (see § 88.15–450) of computing a profit is not employed, these factors should be given consideration and appropriate weight in reviewing and testing the fairness of the accounting guides and profit computations prepared by the accounting personnel (see §§ 88.15–445; 88.15–451).

§ 88.15–450 *Contract formula profit computation.* A computation of profit may be made in general along the lines of the formula which would be applicable, pursuant to paragraph (d) (3) of the termination article (§ 81.324), in the event that it should prove impossible to negotiate a settlement of the amount due with respect to the uncompleted portion [1] of the contract. The formula method is computed in three steps:

(a) The contracting officer estimates the profit which the contractor would have "realized on the uncompleted portion of the contract if the contract had been completed and labor and material costs prevailing at the date of termination had remained in effect".

(b) He then "estimates from a consideration of all relevant factors, the percentage of completion of the uncompleted portion of the contract".

(c) He multiplies "the anticipated profit determined under (a) by the percentage determined under (b). The result is the amount to be paid to the Contractor as a proportionate share of profit, if any, "upon the uncompleted portion of the contract."

For example, if it is estimated (1) that the total profit on the uncompleted portion of the contract, if completed, would have been $100,000, and (2) that the portion of the contract not represented by completed articles is half complete—under the formula the contractor would be allowed $50,000.

It is to be emphasized that the use of this formula for the computation of profit is not required where a settlement is effected by negotiation. Even if the Contracting Officer uses the formula method he is not bound to apply it in any rigid manner (see § 88.15–443 (c)) for the formula method for computing a profit, in effect, is only a statement of fair, general principles for the guidance of the contracting officer. Its use involves the exercise of sound administrative judgment in the light of all relevant criteria.

§ 88.15–451 *Indicated profit rate computation.* In many cases an approximation of the rate of profit which would be allowed by a formula settlement may be obtained by applying an appropriate rate of profit to all costs of the uncompleted portion of the contract or different rates of profit to the several classes of costs (see T. A. M. 1206 *et seq.*).

(a) *Indicated rate; how computed.* Where a single rate of profit is to be applied to all or some of the contractor's costs, the rate may be, and should not exceed, the rate of profit which, it is indicated, would have been earned under the contract if the contract had run to completion. If different rates are to be applied to the several classifications of the contractor's costs, the weighted average of these rates should not exceed the indicated rate. The indicated rate should be determined in the light of the following factors:

(1) The contractor's accounting data as to the costs of performance of the contract prior to the effective date of the termination notice.

(2) The contractor's data as to the costs which would probably have been incurred necessarily in completing performance of the contract, if the contract had run to completion.

In computing the indicated rate there may be taken into consideration nonrecurring preparatory costs and other "starting load" costs incurred in the early periods of the contract but which are properly applicable to the entire contract (see § 88.15–496). Where the contract is terminated at an early stage there frequently will be inadequate data available to indicate what rate of profit would have been earned if the contract had been completed. In such cases, a rate of profit should be employed which is reasonable in the light of the contractor's cost analyses furnished at the time of placing the contract, the available financial data as to the contractor's general operations (obtained through prior renegotiation proceedings or otherwise), information obtained as to the profit experience of other contractors of equal efficiency engaged in comparable work and other similar criteria.

(b) *Application of indicated rate to costs.* The amount of profit may be computed by applying one rate so determined to all the appropriate costs or different rates to various classes of costs. In selecting the rate or rates of profit to be so applied, consideration should be given to the nature of the work and services of the contractor involved in the costs to which the rate or rates of profit are applied. For example, if certain of the contractor's costs represent only purchase of raw materials and standard parts, a lower rate of profit (representing only a handling profit or charge for services in purchasing such materials and parts) may be applied to such costs than to costs which represent materials partly manufactured by processes requiring substantial engineering, tooling, technical skill and supervision. On the other hand, there may be employed an average rate, determined on the basis of an appraisal of all the work done and services rendered by the contractor and reasonable in the light of the available data as to the contractor's indicated rate of profit.

The rate or rates of profit will be applied to the appropriate inventory costs when the inventory method is used. When the total cost method is used, the rate or rates of profit so determined will usually be applied to total costs on the contract, inasmuch as the payments for completed units (which include an allowance for profit) are to be deducted from total costs under the total cost method of computation. Under either the inventory or total cost method, the contracting officer, in his sound judgment and discretion, should exclude from the costs to which the rate of profit is applied the costs of any items with respect to which the contracting officer is of the opinion that the contractor has performed no substantial service, or he may make such other modifications of the results of the application of the profit rate as in his judgment (1) are necessary to protect the Government's interests or to be fair to the contractor under all the circumstances and (2) to compute a reasonable profit with respect to the work actually done on the uncompleted portion of the contract (see § 88.15–449).

§ 88.15–452 *Effect on calculations when a loss on the entire contract is indicated.* (a) According to the provisions of the formula contained in paragraph (d) of the termination article (§ 81.324) the contractor is to receive reimbursement on the basis of his costs applicable to the uncompleted portion of the contract regardless of an indicated loss applicable thereto. If in connection with a negotiated settlement it is desired to apply the same principle, it may be done, although, of course, the formula is not controlling when a negotiated settlement is made (see § 88.15–443 (c)). Under the inventory method no deduction is necessary for an indicated loss because the method of settlement does not deal with the costs applicable to the completed units.

(b) Under the total cost method, however, it is necessary to adjust the amount deducted for payments for the completed units to reflect the fact that the indicated cost of these units exceeds the contract price. Thus, if a 6% loss on cost were indicated, the contract price of the completed units would represent 94% of the indicated cost. By dividing those contract prices by 94%, the indicated cost can then be determined. The deduction of the higher amount will then leave in the indicated equitable settlement only the costs applicable to the uncompleted portion of the contract. (See illustration § 88.15–454.)

§ 88.15–453 *Total cost method of computation illustrated where profit is indicated.* The total cost method of computing a guide for use by the contracting officer in reaching a negotiated settlement may be illustrated as follows:[1]

Add:		
1. Total contract costs incurred (excluding claims of subcontractors)	$1,000,000	
2. Rate of profit applicable (not in excess of indicated contract rate as determined from available data) in relation to such contract costs. For an example, this is taken at the rate of 8% (of costs[1]) which is illustrative only, inasmuch as the rate of reasonable profit will vary depending upon the facts of the particular case	80,000	
		$1,080,000
Deduct:		
3. Payments already made for completed and delivered units	600,000	
4. Payments to be made for completed units not delivered	50,000	
		650,000
5. Indicated equitable settlement for uncompleted portion of the contract before deductions for disposal credits and excluding subcontractor's charges and other adjustments		430,000

NOTE: In the foregoing example, it has been assumed that it is not necessary in the particular case to exclude from the cost base, to which the agreed percentage of profit is applied, any items of cost on the ground that they do not represent substantial work by the contractor. (See § 88.15–451 (b).) If the contract costs include any allowance for special obsolescence (see § 88.15–485), a deduction should be made from the cost base for the purpose of computing the allowance for profit. Also the example does not take into account all of the adjustments referred to in § 88.15–444 (c).

[1] In the example given above a rate of 8% of costs is equal to a rate of 7.4% of the total of costs plus profit.

§ 88.15–454 *Total cost method of computation illustrated where no profit is indicated.* Assume an indicated loss of 6 per cent on the cost of the entire contract:

Payments made and to be made for completed portion—94%—	$650,000
Indicated cost of completed portion (A)—100%—	691,489
Total contract costs incurred to date of termination	1,000,000
Indicated cost of completed portion (A)	691,489
Indicated equitable settlement for uncompleted portion before deduction for disposal credits and excluding subcontractors' charges	308,511
Total payments to the contractor plus the indicated amount of the settlement would then be:	
Payments made and to be made for completed portion	650,000
Indicated equitable settlement for uncompleted portion (before deductions for disposal credits and excluding subcontractors' charges)	308,511
	[1] 958,511

[1] Also before certain adjustments referred to in paragraph (c) of § 88.15–444.

§ 88.15–455 *Limitation on amount of settlement.* The amount of the negotiated settlement must not, when added to payments previously made or to be made, exceed the limit described in paragraph (g) of the termination article (§ 81.324; see § 88.15–444 (a)).

§ 88.15–480 *Necessity for determining costs.* In connection with termination settlements, it will frequently be necessary to determine the costs of the whole contract or some part thereof. Examples of this are:

(a) Paragraphs (c) and (d) of the termination article (§ 81.324) require the computation of the costs of the uncompleted portion of the contract (see paragraphs (b) and (c) of § 88.15–443).

(b) Paragraph (e) of the termination article (§ 81.324) may require the ascertainment of the costs of settlement and post-termination action approved by the contracting officer (see paragraph (d) of § 88.15–443).

(c) The total cost method of computing a guide to a negotiated settlement (see § 81.446 (b)) requires a determination of the costs of the whole contract up to the effective date of the termination notice.

The definitions set forth in the succeeding §§ 88.15–481 to 88.15–496, inclusive, provide guides for determining what items and types of costs shall be taken into account in determining the costs of the whole or any part of a terminated lump sum contract, or of any costs incurred in connection with a termination settlement of such a contract.

§ 88.15–481 *The definition of costs, general principles.* In making any accounting review (see § 88.15–424 *et seq.*), or in the preparation of accounting reports for the information and guidance of the contracting officer, the definition of costs outlined in § 88.15–481 to 88.15–496, inclusive, will be utilized. This definition is intended to include those costs incurred which are necessary for the performance of the contract, are reasonable in amount, are properly allocable to the contract or the portion thereof under consideration, and are stated in accordance with recognized accounting practices. The failure specifically to enumerate any element of cost is not intended to exclude any element of cost fairly to be included in accordance with the general principles stated in this section. The contracting officer has the sole authority to negotiate a settlement in an amount reasonably necessary to compensate the contractor for his work in respect to the uncompleted portion of the contract (insofar as it is terminated) and the definition of costs contained herein does not limit his range of action in such negotiations.

§ 88.15–482 *Indirect expenses.* For the purpose of the termination article, costs may include, in addition to those directly chargeable to the contract, a proper proportion of indirect expenses or overhead.

§ 88.15–483 *Depreciation.* So far as found by the contracting officer properly to be allocated to the contract, there may be included as an element of cost, in accordance with recognized accounting practices, a reasonable allowance for depreciation at appropriate rates based on wear and tear of machinery and equipment and similar facilities, including obsolescence due to such progress in the arts and other such factors as are ordinarily given consideration in determining such depreciation rates. In respect of facilities covered by necessity certificates issued pursuant to section 124 of the Internal Revenue Code, the rate of amortization allowed under that section shall not be controlling and is not relevant for the purpose of computing rates of depreciation or obsolescence.

§ 88.15–484 *Engineering and development and special tooling.* Costs of engineering and development and of special tooling designed, purchased or produced by the contractor (including but not limited to costs of special tooling of the type of jigs, dies, fixtures, patterns and similar items) may be included to the extent that the contracting officer finds that such costs, in accordance with recognized accounting practices, are properly allocable to the contract.

§ 88.15–485 *Obsolescence; conditions on allowance.* If the contractor has claimed reimbursement for the whole or any part of the cost of any machinery, equipment or other facility in excess of the allowance for depreciation as defined in § 88.15–483 above, because of the loss of useful value occurring during the performance of the contract or arising from the termination of the contract for the convenience of the Government, such claims, determined in accordance with recognized accounting practices, may be included to the extent that the contracting officer finds that such facility was acquired for the performance of the contract, or the contract and other contracts, and the loss of useful value has in fact clearly occurred and is properly allocable to the terminated contract and provided that the contractor agrees to

[1] In the case of a lump sum construction contract containing the standard termination article (§ 81.324 (a)), the profit formula for use in a formula settlement is found in paragraph (d) (3) of that article.

protect and does protect the interest of the Government in such cases by transfer of title to the Government, by standby agreement or any other manner judged to be appropriate by the contracting officer (cf. § 81.1007 *et seq.*).

§ 88.15–486 *Obsolescence and certain other costs; limitation.* In no event shall the aggregate of the amounts allowed under §§ 88.15–484 and 88.15–485 be greater than the contract price payable, if the contract had been completed, less the amount of all costs which the contracting officer estimates would have been required to perform the contract completely, excluding from costs any allowance under §§ 88.15–484 and 88.15–485.

§ 88.15–487 *Advertising.* Advertising expense will not be allowed as a direct charge but a proper proportion of institutional advertising expense may be included.

§ 88.15–488 *Experimental and research expense.* A proper proportion of experimental and research expenses may be allowed as determined in accordance with recognized accounting practice.

§ 88.15–489 *Excise taxes.* A proper portion of franchise taxes and excise taxes, including the Federal capital stock tax, but not the declared value excess profits tax, may be included where appropriate as determined in accordance with recognized accounting practice.

§ 88.15–490 *Common items.* The cost of "common items" (raw materials or work in process) (see § 88.15–150 (b)) may be allowed to the extent that the quantities of such items have been properly allocated between the work under the contract and other work.

§ 88.15–491 *Settlement expenses.* Accounting, legal, clerical and other expenses necessary in connection with the discontinuance and termination of the contract and subcontracts thereto, other than in connection with litigation of claims against or asserted by the Government, may be included.

§ 88.15–492 *Mitigation of losses.* Costs incurred with the approval of the contracting officer in mitigating losses resulting from termination and for the protection, removal, storage, transportation, sale and disposal of property which the contractor acquired or produced for the purposes of the contract may be included.

§ 88.15–493 *Interest.* In those cases where the settlement proposed by the contractor does not provide for any allowance for profit, there may be included interest paid on borrowings, such as "V" loans, Government advances and other loans to the extent that such borrowings were used and were necessary for the performance of the contract (or the portion thereof under consideration) and can be definitely related thereto. In no case shall the interest expense allocated to cost of other work be less than the interest expense which can be definitely related to such other work.

§ 88.15–495 *Excluded costs.* Without affecting the generality of the foregoing in other respects, amounts representing the following should not be included as elements of cost:

(a) Any costs attributable to supplies and other things which are undeliverable because of destruction or damage whether or not because of the fault of the contractor, except to the extent that the Government has assumed, by express provisions of the contract, specific risks of loss, destruction or damage of or to such supplies or other things. This paragraph shall not be construed as depriving the contractor of a reasonable allowance on his costs for normal spoilage in manufacture.

(b) Losses on other contracts, or from sales or exchanges of capital assets (except as provided in §§ 88.15–484 to 88.15–486); legal and accounting fees in connection with reorganization, anti-trust litigation and prosecution of federal income tax claims or other claims against the Government (except as provided in § 88.15–491); losses on investments; provisions for contingencies; federal income and excess profits taxes, and fines and penalties arising from failure to perform Government contracts.

(c) The expense of conversion of the contractor's facilities to uses other than the performance of the contract.

(d) Expenses found by the contracting officer to be due to the negligence or willful failure of the contractor to discontinue with reasonable promptness the incurring of expenses after the effective date of the termination notice.

(e) Costs found by the contracting officer to have been incurred in respect to facilities, materials or services purchased or work done in excess of the reasonable quantitative requirements of the contract after fair allowance for spoilage in manufacturing.

§ 88.15–496 *Allocation of starting load costs.* "Starting load costs" on supply contracts, in appropriate cases are properly to be spread, in accordance with recognized accounting practices, over the contract as a whole and allocated in part to the uncompleted portion of the contract. (See §§ 81.324 (a) (2) and 88.15–451 (a),

"Starting load costs" are non-recurring although the benefits of the expenditure are spread throughout the life of the contract. The mere fact that a non-recurring cost has been incurred during the period in which completed articles were produced does not mean that the whole amount of that cost must be absorbed in the cost of such completed articles. Only a proper portion of such costs allocated in accordance with recognized accounting practices, need be attributed to the cost of such completed articles. The remainder may be allocated over the uncompleted portion of the contract and such portion of that remainder may be regarded as a cost on termination. The foregoing also applies, within reasonable limits as determined by the contracting officer, to an initial high rate of rejects or of machine breakdowns and similar factors of expense and delay in the early stages of a contract, non-recurring in nature, where such factors, in the opinion of the contracting officer, are reasonably due to the contractor's unfamiliarity with the work, the complexity of the work, or other factors warranting such allocation over the whole contract.

INTERIM FINANCING OF TERMINATIONS

§ 88.15–500 *War Department policy.* Subject to the provisions of §§ 88.15–504 to 88.506 (b) (relating to the protection of the Government's interest in advance payments and guaranteed loans made prior to giving notice of termination) chiefs of technical services will pursue a vigorous policy:

(a) Of making prompt partial payments to contractors on account of amounts owing to them in connection with termination settlements, not only on account of work which prime contractors themselves have done, but to enable them to make payments on account of their commitments to subcontractors, and

(b) Of making proper use of available advance payment balances to alleviate financial hardship attendant upon termination, pending the final determination of termination charges.

Many war contractors and subcontractors are greatly overextended and are doing a volume of business wholly out of proportion to their working capital. They may suffer acute financial embarrassment if they do not receive very promptly a substantial part of the amounts owing to them on terminated contracts. Such interim financing is essential in order to provide ready working capital for such contractors and subcontractors quickly so that they will be enabled immediately to carry on or convert to other war work or, in the event of post-war termination, to undertake other productive work. The importance of making every reasonable effort to effect partial payments at the earliest possible date cannot be overemphasized.

§ 88.15–501 *Partial payments to prime contractors*—(a) *Authority.* The making of partial payments on account of the amounts due to the contractor in the event of termination, either total or partial, is authorized by paragraph (i) of the standard termination article (§ 81.324) for use in lump sum supply contracts.[1] Such payments may be made, therefore, wherever a contract originally contains this article or is amended to contain it and should be made promptly wherever circumstances warrant such action.

(b) *Criteria.* Partial payments are authorized to be made wherever the contractor and the contracting officer agree that:

(1) At least the amount of the proposed partial payment is clearly due in connection with the termination, and

(2) Such amount is payable without prejudice to the determination of any of the other items involved in the determination.

[1] A similar provision is found in the standard termination article for use in lump sum construction contracts. The provisions of §§ 88.15–500 to 88.15–506 are applicable to the termination of lump sum construction contracts containing the standard termination article (§ 81.324 (a)).

Subject to the provisions of §§ 88.15–504 to 88.15–506 (b), partial payment in the agreed amount may be made as soon as these two determinations have been made.

(c) *Basis for determination.* Contracting officers are authorized to make determinations as to the amounts of partial payments to be made on the basis of such evidence as they deem proper in the circumstances. Ordinarily, it can be ascertained fairly promptly and without any exhaustive audit that the contractor will be entitled to receive at least some minimum amout on the terminated contract. This amount, or some substantial part of it, should be paid to the contractor on account as promptly as possible. Such payment will be warranted upon (1) the presentation of accounting information, as to the whole or any part of the terminated contract supported by reasonable schedules, certified by the contractor, showing that at least some stated amount is owing to him in connection with the termination, and (2) upon written determination by the contracting officer after a limited accounting review that the amount to be paid is less than the amount due to the contractor by reason of the termination. Ordinarily, in making such limited review the contracting officer should rely on the certifications of independent public accountants, where such certified statements are available, with respect to accounting information submitted by the contractor, and should act promptly upon the basis of other types of financial data which he deems reliable. Usually, in connection with the making of partial payments, it should not be necessary for the contracting officer to require that accounting data be certified by independent public accountants.

(d) *Conditions which may be imposed in connection with partial payments.* (1) Contracting officers in making partial payments on the basis of a partial statement of termination charges and request for partial payment submitted by the contractor, may require that any or all of the following conditions be met by the contractor:

(i) The submission of a partial statement of costs and termination charges certified as correct by at least two duly authorized officers of the contractor (one of which should be the chief accounting officer), in the case of a corporation; and by at least two members in the case of a partnership.

(ii) A statement by the contractor that the payment requested has not been assigned, or if it has been assigned, that the assignee has consented in writing to the making of the payment. Direct payment to an assignee may be made, if otherwise authorized.

(iii) Statement by or in behalf of the contractor that all statements of fact and representations made in the request for payment, the partial statement of charges and the schedules in support thereof are true and correct and that they are made subject to the penalties provided in section 35A of the United States Criminal Code as amended April 4, 1938, 50 Stat. 197, (18 U.S.C. 80).

(2) The extent to which the contracting officer will require these conditions to be met in any case is left to his discretion subject to such regulations or instructions as the chief of the technical service may issue.

§ 88.15–502. *Partial payments for the benefit of subcontractors*—(a) *Direct payments not authorized.* Except with the written consent of the prime contractor, contracting officers are not authorized to make partial payments directly to subcontractors, vendors or suppliers whose subcontracts or purchase orders have been terminated or cancelled as a result of the termination of a prime contract with the War Department.[1] This is based on the following reasons (see § 88.15–325 (b)):

(1) There is no direct contractual relationship between the Government and the subcontractor.

(2) There is no assurance that counterclaims and set-offs by the prime contractor (or by intermediate subcontractors) against the subcontractor in question will have been taken into account by the contracting officer in making partial payment.

(3) There is no assurance that the amounts of such partial payments will be taken into account in determining the amount due the prime contractor.

(4) The administrative difficulties involved in attempting to deal directly with subcontrators will tend to delay the settlement of terminated contracts.

(b) *Partial payments through prime contractor.* (1) Such partial payments for the benefit of subcontractors can be made through the prime contractor and should be so made as promptly as is practicable. Where it is desired to do this the contracting officer may make a partial payment to the prime contractor based upon the contracting officer's approval of the settlement of the whole or some part of the amount due from the prime contractor to the subcontractor in connection with the uncompleted portion of the terminated contract.[2]

(2) Ordinarily partial payments to the prime contractor (intended to put him in funds or to reimburse him for partial payments to a subcontractor) will be made simply as payments on account to the prime contractor. In some cases, however, it may be desired to make such a payment in trust for the subcontractor or for the benefit of a specific second tier or more remote subcontractor or supplier. To accomplish this, an agreement supplemental to the prime contract, in substantially the form set forth in § 88.15–921, may be entered into among the following parties: the Government, the prime contractor, the subcontractor who is to receive the partial payment, and any intermediate subcontractors. Under this form of agreement,

(i) All of the parties will agree that the payment (which may be for all or part of the subcontractor's termination charges), may be made;

(ii) That it is within the amount clearly owing on account of the termination of the prime contract, to the subcontractor who is to receive the payment, and to the prime contractor and each intermediate subcontractor, if any;

(iii) The parties will warrant that no set-offs or counterclaims are outstanding against the subcontractor who is to receive the payment;

(iv) All the parties will give releases for the benefit of the Government, to the extent of the payment made, and will agree not to seek further reimbursement of this amount by reason of the termination. The payment is then made to the prime contractor but on account of, and in trust for, the subcontractor who is ultimately to receive it. It should be noted that the use of this arrangement continues the policy of creating no direct obligation on the part of the Government to any subcontractor.

The contracting officer makes payment only to the prime contractor, who presents the subcontractor's request for the partial payment and passes the payment on to the subcontractor when it is made.

(3) Contracting officers are also authorized to make such partial payments (intended for particular subcontractors) through prime contractors for the benefit of subcontractors by means of any other less formal arrangement which, in their opinion, will adequately protect the interests of the Government, especially with respect to any set-offs or counterclaims which may exist against the subcontractor who is ultimately to receive the partial payment (or against any intermediate subcontractor) and which might affect the amount owing to the person receiving. Such protection may, in some cases, be secured through the use of appropriate language in the invoice or voucher submitted by the contractor for such partial payment.

(c) *Determination of amount of payment.* The provisions of § 88.15–501 (c) will be applied in determining the amount of a partial payment for the benefit of a subcontractor. However, the prime contractor, in accordance with the provisions of § 88.15–451 *et seq.*, will make his own review of the subcontractor's statement of termination charges, which may be a partial statement of such charges, and that statement may be checked to such extent by Government accounting personnel as the contracting officer may deem appropriate. The contracting officer may give consideration and appropriate weight to reviews made by the prime contractor and the prime contractor's recommendation. He should place suitable reliance also upon any relevant reports which may be available, prepared by independent public accountants.

(d) *Conditions on partial payments for the benefit of subcontractors.* In connection with any partial payment to a prime contractor for the benefit of any subcontractor or supplier, the contracting officer may impose such conditions, of the type mentioned in § 88.15–501 (d),

[1] Some cost-plus-a-fixed-fee contracts, however, expressly authorize such payments. The text does not apply to such contracts.

[2] This would be with respect to any part of the terminated contract in the case of a lump sum construction contract containing the standard termination article for use in such contracts (§ 81.324 (a)).

upon the prime contractor or upon any subcontractor receiving the payment as he may, in his discretion, consider proper.

§ 88.15–503 *Advance payments.* Advance payments previously authorized in connection with the performance of a terminated contract may also be utilized to finance terminations, either total or partial, provided that the contracting officer determines that such advances, in addition to those previously made, will be less in amount than the estimated termination charges. The release of such advance payments from special bank accounts is authorized since liquidation of the amount due on termination is within the purposes of the contract. This method may be used in addition to, or in substitution for, partial payments, subject to the provisions of §§ 88.15–504 to 88.15–506 (b).

§ 88.15–504 *Liaison with advance payments and loan or contract financing section of the technical service.* The Advance Payments and Loan Section, the Contract Financing Section, or the District Financial Officer of the office of the contracting officer concerned (or any other section or officer discharging responsibilities with respect to the financing of contracts by advance payments, guaranteed loans or other methods) will be notified promptly by the contracting officer that a contract has been or is about to be terminated, either in whole or in part, so that consideration may be given to the effect of such termination on the financing program, if any, previously worked out in connection with the terminated contract and any other contracts held by the contractor. In the case of guaranteed loans or direct Government loans, such financing sections or officers will furnish the necessary information with respect to the termination to the Liaison Officer of the Advance Payments Loan Branch stationed in the appropriate Federal Reserve District. Thereafter the closest liaison will be maintained by the contracting officer with such persons during the progress of the termination settlement.

§ 88.15–505 *Consent of surety or guarantor to partial payments; rights of assignees.* Where a contractor who has received Government financing (in the form of an advance payment or a guaranteed loan) requires partial payments in connection with the settlement on the termination of his contract, proper notice thereof will be given to, and consents obtained from, any surety or guarantor on the instruments previously offered as security for such Government financing. Where assignments of amounts due under the contract have been made, partial payments can be made only consistently with the assignment.

§ 88.15–506 *Partial payments where contractor has Government financing—(a) Government financing by advance payments.* Ordinarily, the Government's principal security for an advance payment is the contract itself. Advances are liquidated by *pro rata* liquidating deductions from payments made by the Government for goods delivered and accepted. When a contract is terminated in whole or in part, the number of units to be delivered is decreased and the security for the advances is diluted accordingly. In effect, termination costs are substituted as security for the eliminated contractual units. Partial payments on account of a termination settlement without a commensurate deduction of a *pro rata* portion of outstanding advances diminishes the security. Advance payments, therefore, should ordinarily be liquidated from amounts paid in settlement of a termination.

(b) *Government financing by guaranteed loan.* Compliance with § 88.15–504 will ordinarily provide sufficient protection to the Government where guaranteed loans are involved. The contracting officer will thus be apprised of any outstanding V-Loan to the contractor and of any recommendation with respect thereto which the Liaison Officer in the Federal Reserve District may have and the Liaison Officer will be apprised of the termination. Frequently, such early notification may enable the bank, which has made the loan, to obtain or call for an assignment of the contract where such assignment has not previously been made. Such action may prevent a call on the War Department to participate in the loan to the extent of its guarantee agreement.

NEGOTIATION OF SETTLEMENTS

§ 88.15–530 *General.* The negotiation of a settlement of the amount to be paid to a contractor with respect to the uncompleted portion of a terminated lump sum supply contract[1] is primarily a problem calling for the exercise of sound business judgment by the contracting officer and the members of his staff participating in such negotiation. The negotiation should be carried on in the light of available accounting and other relevant data and as a business negotiation to be completed speedily and equitably.

§ 88.15–531 *Authority of the contracting officer.* The contracting officer, in determining a proper settlement under the standard termination article for use in lump sum contracts (§81.324) providing for a negotiated settlement of the uncompleted portion of the contract[1] is given a very wide range of discretion and may act upon such evidence as is satisfactory to him under all the circumstances, with a view to reaching a fair adjustment expeditiously and with a minimum of technicality. He may allow the contractor by way of settlement such amount as will, in his judgment, give to the contractor fair, full and reasonable compensation for the contractor's costs, expenditures, liabilities and commitments incurred in connection with the uncompleted portion of the contract, together with such reasonable allowance for profit on the uncompleted portion of the contract as the contracting officer deems just and equitable and as affording to the contractor, under all the circumstances, such profit as the contractor has actually earned by work in fact done on the uncompleted portion of the contract (see § 88.15–449).

§ 88.15–532 *General criteria and guides for the contracting officer.* The negotiated settlement gives the contracting officer maximum flexibility in working out with the contractor a fair settlement of the amount due on the uncompleted portion of the contract under the standard termination article (§ 81.324) for use in lump sum supply contracts.[1] To arrive at such a fair settlement, however, the contracting officer will make use of all relevant and available guides as to what constitutes an equitable amount to be paid to the contractor. The principal accounting guides are discussed in § 88.15–445 and following sections. It is to be emphasized that none of such guides and no report of the accounting personnel (see §§ 88.15–434 and 88.15–451 (c)) shall be regarded as controlling any such settlement but merely as providing assistance to the contracting officer in connection with the determination of the appropriate amount of such a settlement.

§ 88.15–533 *Preparation for negotiation conferences with contractor.* In preparing for negotiation conferences with representatives of the contractor, the contracting officer or his representatives, and any appropriate members of his staff who will participate in such conferences,

(a) Should familiarize themselves completely with all available information concerning the particular termination;

(b) Should consider, as fully as possible, and in advance, all accounting, legal and other problems which are likely to arise in the course of the negotiation, and

(c) Should have determined what steps should be taken to coordinate the termination settlement with statutory renegotiation with the contractor (see §§ 81.551 to 81.551 (b)).

Such preparatory work will facilitate the progress of the negotiation and will enable the contracting officer and his staff promptly to pass upon the contentions of the contractor in connection with the settlement.

§ 88.15–534 *Negotiation conferences and personnel.* The negotiation conferences with the contractor should be attended by such representatives of the contracting officer as may be concerned with the subject matter of the particular conference. Such representatives should include, where necessary, a negotiator and legal, accounting, technical and property disposition advisers. So far as possible, personnel in each of these categories should be assigned to specialize in work on terminations so that an experienced and trained staff will be available to assist the contracting officer. Such personnel should therefore be chosen with extreme care. The negotiator (see §§ 88.15–322) will normally be

[1] In negotiating a settlement of a lump sum construction contract under the standard termination article for use in such contracts § 81.324 (a), the settlement, of course, relates to the whole contract rather than to the uncompleted portion only, as in the case of a lump sum supply contract (see § 81.324).

the representative of the contracting officer with respect to each negotiation as a whole, so that his recommendations will undoubtedly carry special weight in the ultimate settlement. The extent of the contracting officer's personal participation in such negotiation conferences is a matter for his own discretion, in the light of the complexity of the termination, the problems to be discussed at a particular conference and similar factors.

§ 88.15–535 *Where prime contractor cannot settle with one or more subcontractors.* Where the prime contractor is unable to effect a settlement, which the contracting officer will approve, with one or more subcontractors, the settlement agreement between the Government and the prime contractor may exclude the amounts due to such subcontractors from the negotiated settlement, leaving to later determination the question of the payment to be made to the prime contractor with respect to such subcontracts. In appropriate cases, with the written approval of the chief of the technical service, acting personally or through the settlement review committee, the Government in the settlement agreement with the prime contractor may assume and agree to pay the obligation of the prime contractor with respect to such subcontracts, so far as related to the uncompleted portion of the terminated prime contract, and subject to the proviso that the total payments under the terminated prime contract shall not in any event exceed the maximum limit set by paragraph (g) of the termination article (§ 81.324 and § 88.15–444 (a)). In the event of such an assumption of the prime contractor's obligation, the settlement agreement shall include suitable provisions requiring the contractor (a) to give prompt notice to the contracting officer of the commencement of any litigation with respect to the obligation, and (b) to permit the Government to assume the defense of such litigation as a condition of the Government's liability (see § 88.15–321 (g)). Similar arrangements may be made where a subcontractor cannot make settlement with one or more second tier or more remote subcontractors.

§ 88.15–536 *Review of termination settlements by settlement advisory section and settlement review committee.* Pursuant to § 88.15–537, each final termination settlement will be embodied in a supplemental agreement to the contract being terminated. Prior to the execution of such supplemental agreement by the contracting officer, each agreement for a payment over $5,000 will be submitted for review and recommendation to the appropriate settlement advisory section and, if necessary, to the settlement review committee of the technical service, all as provided in § 88.15–220.

§ 88.15–537 *Supplemental agreement.* When the contracting officer and the contractor reach an agreement as to the total amount payable to the contractor in connection with the termination of a contract, subject to the provisions of §§ 88.15–220 and 88.15–536, the contracting officer and the contractor shall proceed to enter into a supplemental agreement for the final termination of the contract. Such supplemental agreement shall be substantially in the form set forth in § 88.15–931, and will (a) recite that it is made pursuant to the First War Powers Act, 1941, and Executive Order No. 9001, and (b) be entered into consistently with any applicable requirements of §§ 81.301 to 81.308g, inclusive, of procurement regulations. Any such final settlement agreement pursuant to this authority will ordinarily constitute an amendment made for adequate consideration. Accordingly, in the absence of unusual provisions in the particular supplemental agreement, no approval by the Director, Purchases Division, Headquarters, Army Service Forces, of any such settlement agreement is required by § 81.308a of procurement regulations. Approval by the Director, Purchases Division is not required merely because the amount of the settlement exceeds $5,000,000 or any other amount. The consent to such agreement of any assignee of the amounts payable under the contract should be obtained.

(a) *General provisions.* In the case of a lump sum supply contract containing a termination article substantially in the form set forth in § 81.324 of procurement regulations [1] such agreement shall provide for the payment to the contractor, subject to any deductions set forth in § 88.15–537 (b), of the sum of:

(1) The agreed amount on account of the uncompleted portion of the contract; and

(2) All as more fully provided in the contract, (i) the contract price, to the extent unpaid, of all supplies (including spare parts, drawings, information and other things) which have been completed and delivered, or work performed, in accordance with the provisions of the contract and title to which has been transferred to the Government; (ii) the agreed amount for, or reimbursement of, expenditures made and costs incurred by the contractor subsequent to the receipt of the termination notice for the protection of Government property; and for such other expenses and costs as may be necessary in the settlement of the contract. (see § 88.15–443 (d)).

(b) *Deductions and reservations.* The settlement agreement should take into account the following

(1) *Renegotiation.* It should be specifically stated whether and to what extent the terminated contract and the settlement agreement is to be exempted from subsequent renegotiation (see § 88.15–551 *et seq.* and § 81.1204 (i)).

(2) *Deductions for damaged property and defects.* A reasonable deduction should be made for damaged property (see § 88.15–444 (b)), defects of materials and workmanship (§ 88–444 (c)) in property title to which is to be transferred to the Government, or which has been sold at the direction of the contracting officer in connection with the termination settlement, to the extent that this factor has not otherwise been taken into account adequately in connection with the negotiation.

(3) *Deductions for Government claims in connection with the contract.* The agreement should cover any set-offs and counter-claims which the Government may have in connection with the contract (see § 88.15–444 (c)).

(4) *Disposal credits.* The agreement or the settlement itself should take into account credit to the Government for the sales price or agreed price of any property sold or retained by the contractor at the discretion of the contracting officer in connection with the termination settlement (see § 88.15–350 *et seq.*).

(5) *Provisions to protect subcontractors and suppliers.* In the discretion of the contracting officer, the amount of the settlement may cover or may be made subject to deduction to meet the unsettled claims asserted by any person for labor, supplies, or materials. The agreement may make such provision, for direct payments to the claimants, escrow payments or otherwise, as the contracting officer may deem proper, to ensure the payment of such claims (see § 88.15–444 (c)).

(6) *Reserved rights.* Rights of the Government and of the contractor, which are to be reserved and are not to be affected by the settlement agreement should be specified to the extent reserved, as for example:

(i) Rights under contract provisions relating to inventions, patent rights, patent infringements, licenses and reproduction rights;

(ii) The right of the Government to effect an adjustment of patent royalties under the provisions of Public Law 768, 77th Congress, and

(iii) The rights of either party under options, covenants not to compete, covenants of indemnity, and facilities agreements.

(7) *Maximum limit.* The agreement shall not provide for payment in excess of the maximum limit on compensation stipulated in the applicable termination article (see § 88.15–444 (a)).

(8) *Offsets and credits for payments previously made.* All offsets mentioned in § 88.15–444 (c) and all advance, progress, partial and other payments previously made will be taken into account appropriately.

§ 88.15–550 *Relation of termination to statutory renegotiation.* (a) Termination procedures should be closely coordinated in all respects with statutory renegotiation, because:

(1) Terminations directly affect renegotiation proceedings for the fiscal period in which the settlement is made, and

(2) In some cases, the revenue and costs of a contract (later terminated) for a fiscal period closed prior to the termination settlement may have been taken

[1] The settlement agreement for use in connection with lump sum construction contracts containing a standard termination article (§ 81.324 (a)) is mentioned in §§ 88.15–601 and 88.15–602 and a form of such agreement is set out in § 88.15–932.

into account previously in a completed over-all renegotiation for such fiscal period in a manner which should be given consideration in the termination settlement, and

(3) The several chiefs of technical services have been given authority to exempt from statutory renegotiation termination settlements and the contracts and contractual instruments which have been terminated (§ 81.1204 (i)).

(4) Contracting officers and accounting personnel will take full advantage of accounting and cost information in the possession of the Price Adjustment Board or section charged with renegotiation dealings with a contractor whose contract has been terminated and will keep that board or section fully informed as to the information developed in connection with the termination settlement.

§ 88.15–551 *Exemption from statutory renegotiation on terminated lump sum contracts.* In the case of terminated lump sum contracts the procedures outlined in paragraphs (a) and (b) of this section, will be followed in reconciling negotiated settlements of the whole or any part of the amounts due in connection with the terminations of such part of the amounts due in connection with the terminations of such contracts with the statutory renegotiation with the contractor concerned for the fiscal periods during which the terminated contract was in process of performance or settlement.

(a) *Where the termination settlement precedes over-all statutory renegotiation.* Whenever a lump sum contract has been terminated for the convenience of the Government and costs have been incurred in connection therewith during a fiscal period or periods which will later be subject to over-all statutory renegotiation, the contracting officer will take the following action in connection with the termination settlement:

(1) The contracting officer in the exercise of the authority granted by § 81.1204 (i) will determine in his discretion whether or not to exempt payments made on the termination settlement from statutory renegotiation. Ordinarily he will not do this unless the contractor requests that it be done.

(2) If the settlement payments are to be exempted from statutory renegotiation, the contracting officer will then determine all the revenue and costs from the terminated contract for such fiscal period and furnish such figures to the Price Adjustment section to which the contractor is assigned for statutory renegotiation. That Price Adjustment section will then exclude such revenue and costs of the terminated contract, in the amount as determined by the contracting officer, from consideration on over-all statutory renegotiation.

(3) If the contracting officer in his discretion decides not to exempt the terminated contract from statutory renegotiation, he will advise the appropriate Price Adjustment section of his action. He will also furnish it with any information gathered in connection with the termination settlement, which may be of assistance in connection with renegotiation. In such case, any payments made to the contractor in connection with the termination settlement will be taken into account in the statuory renegotiation for the fiscal period in which such payment is made.

(b) *Where the termination settlement has not been effected when statutory renegotiation takes place.* Whenever one or more of the lump sum contracts to be taken into account in an over-all statutory renegotiation of a contractor has been terminated for the convenience of the Government but no termination settlement has been made by the time that statutory renegotiation takes place, the following action will be taken:

(1) The Price Adjustment section in charge of the statutory renegotiation with the particular contractor and the contracting officer or his representative will confer informally and arrange for a proper coordination of the renegotiation proceedings with the termination proceedings.

(2) Upon the determination of the amounts due to the contractor as a result of the settlement of such terminated contract or contracts, the contracting officer, subject to the terms and conditions contained in § 81.1204 (i) will either grant or withhold exemption from statutory renegotiation of the payments made upon the termination settlement. The contracting officer will notify the appropriate Price Adjustment section of his action with respect to such exemption. He shall also certify to such section, in reasonable detail, the amount of payments made or to be made in connection with the termination settlement.

(3) If such exemption is not granted, the Price Adjustment section shall take into account the amount of such termination settlement in the statutory renegotiation with the contractor covering the fiscal period in which such termination settlement and payments were actually made, except to the extent that the estimated amount of such payments has already been taken into account in connection with renegotiation proceedings. (See subparagraph (1) of this paragraph (b)).

(c) *Standards to be applied in making settlements which are to be from statutory renegotiation.* Where exemption from statutory renegotiation is granted pursuant to § 81.1204 (i), consideration in making termination settlements will be given to the principles set forth by the War Department Price Adustment Board with respect to the determination of excessive profits, so far as those principles are applicable in any particular case.

§ 88.15–552 *Settlement in connection with other termination settlements affecting the same contractor.* Settlement of the amount due by reason of the termination or partial termination of a particular contract in the discretion of the contracting officer, and with the approval of the contractor, may be made in connection with similar settlements of amounts due under other terminated contracts with the same contractor. Where such action is taken, accounting work should be consolidated to the greatest practicable extent. The several settlement agreements, or a single over-all settlement agreement covering the contracts in question, should apportion the total amount of the settlement to the several contracts on some reasonably satisfactory basis (see T. A. M. 1111). In such cases precise allocation of costs to particular contracts will serve no useful purpose, will not decrease termination charges and will merely increase administrative work.

§ 88.15–560 *Where settlement by negotiation proves impossible; formula settlement.* Where settlement by negotiation of the amount due with respect to the uncompleted portion [1] of the contract proves to be impossible, settlement will be made by formula. This will usually require additional accounting examination of the prime contractor's costs. Such additional examination will be made in compliance with § 88.15–421 (b). Settlements with subcontractors made with the approval of the contracting officer, prior to the breakdown of negotiations, need not be reexamined but the settlement cost may be reimbursed to the contractor under paragraph (d) (2) of the termination article as part of a formula settlement.

§ 88.15–561 *Disputes.* Questions of fact relating to termination settlements are subject to determination by the contracting officer subject to appeal by the contractor under the usual disputes article (§ 81.326) and in accordance with its provisions. However, the contracting officer in his absolute discretion may refuse to agree to make a negotiated settlement of the whole or any part of the amount due upon a terminated lump sum contract, and his action in so refusing is not subject to appeal under the disputes article.

Lump Sum Construction Contracts

§ 88.15–600 *Introductory.* The policies and procedures set forth in §§ 88.15–300 to 88.15–599 shall in general be considered as guides for, and applicable to, the termination of lump sum construction contracts. In some instances the strict application of those policies and procedures will not be possible because the lump sum construction contract termination article § 81.324 (a) varies in some respects from the lump sum supply contract termination article § 81.324. The outstanding variations are indicated in § 88.15–601.

§ 88.15–601 *Variances in provisions of lump sum construction and lump sum supply termination articles.* Some of the outstanding differences in provisions of these articles are as follows:

(a) The lump sum supply termination article § 81.324 is operative only as to the uncompleted portion of the contract while the lump sum construction termination article § 81.324 (a) is operative as to all the work covered by the contract.

[1] The amount due with respect to the whole contract may be settled by negotiation in the case of a lump sum construction contract containing the standard termination article (§ 81.324 (a)).

(b) In determining what constitutes a proper negotiated settlement under a lump sum contract the entire contract must be considered and not merely the uncompleted portion of the contract.

(c) The lump sum supply termination article specifically provides for delivery to the Government, f. o. b. a stated point, such property acquired in connection with the contract as the contracting officer may direct, while the lump sum construction termination article contemplates delivery of such property at the project site.

(d) Even though the lump sum construction contract has been let on a unit price basis the provisions of paragraph (a) above are applicable.

§ 88.15–602 *Consideration of certain principles peculiarly applicable to termination of lump sum construction contracts.* (a) The policy set forth in § 81.15–311 (b) should be adhered to in terminating lump sum construction contracts.

(b) The instructions contained in the last sentence of § 81.15–325 (b) should be observed.

(c) As is true in connection with the terminations of lump sum supply contracts it is not intended in negotiating the termination of lump sum construction contracts that the contractor is to be allowed any prospective profit on work not done. (§ 88.15–499)

(d) In all lump sum construction contracts there is a "mobilization cost" which bears many resemblances to the "starting load costs" of lump sum supply contractors. (§ 88.15–496)

(e) The principles expressed in § 88.15–315 are pertinent to military lump sum construction contracts but not applicable to River and Harbor and Flood Control lump sum construction contracts.

§ 88.15–603 *Clause providing for sale of Government property by contractor.* When the lump sum construction termination article is altered to make provision for sale of Government-owned property by the contractor, the clause set forth in § 88.15–376 (b) should be altered by adding the following sentence to the end thereof: "The provisions of this paragraph (d) shall not be considered as operative as to any property which has been attached to and is a part of real estate."

§ 88.15–604 *Notice of termination and request for negotiated settlement.* When the contract contains or has been amended to contain an article substantially in the form set forth in § 81.324 (a), the notice of termination and request for a negotiated settlement shall be in conformity with § 88.15–912 (a) of this regulation.

§ 88.15–605 *Suspension procedure.* If after consideration of all factors it is deemed advisable to suspend work under a contract without terminating the contract in its entirety, a supplemental agreement shall be negotiated to compensate the contractor for all completed work plus an equitable amount representing the expense of demobilizing contractor's plant and organization. Such supplemental agreement shall also provide for a redetermination of the contract price applicable to the remainder of the work to be performed under the contract; the redetermination to be made at the time resumption of work is requested by the Government. A supplemental agreement of this type shall also contain the standard article providing for termination for the convenience of the Government (§ 81.324 (a)), if the contract does not already contain such an article substantially in the form currently prescribed, so that, if the Government later deems it advisable to complete the project or work through another contractor, or abandon the work entirely, the contract may be terminated in accordance with its terms. The supplemental agreement shall also provide that, in case of disagreement between the contracting officer and the contractor as to the contract price applicable to the remainder of the work at the time the Government desires resumption of the work, the contract shall be terminated in accordance with the termination for the convenience of the Government article incorporated therein by such supplemental agreement. This procedure will be particularly pertinent to lump sum construction contracts for civil work. Supplemental agreements effecting a suspension of the performance of contracts as contemplated in this paragraph shall be executed subject to the approval of the Chief of Engineers.

Cost-Plus-a-Fixed-Fee Contracts

General

§ 88.15–650 *Distinction between termination articles of cost-plus-a-fixed-fee contracts and lump sum contracts.* (a) The termination of cost-plus-a-fixed-fee contracts presents a number of problems different from those presented by the termination of lump sum contracts. The differences rest upon the nature of a cost-plus-a-fixed-fee contract as one under which the Government obligates itself to reimburse the contractor for all of stated categories of costs incurred by him and to pay him a fixed fee in lieu of; and usually smaller than, a normal profit upon a lump sum contract; and the special provisions of the termination articles usually found in such contracts. Since the termination articles are for use in contracts being carried out on a cost basis, they provide primarily for:

(1) Discontinuance of the contractor's performance,

(2) Transfer to the Government (or other appropriate disposition) of property in the hands of the contractor which has been acquired for the contract,

(3) Payment of the contractor's costs so far as not already paid, and

(4) Adjustment of the fixed fee in the light of the reduced amount of work.

Many of the articles also provide for the assumption of the contractor's liabilities and commitments related to the contract.

(b) The discussion in §§ 88.15–650 and 88.15–651 relates primarily to the termination of cost-plus-a-fixed-fee supply contracts. However, the procedures herein discussed are in many instances equally applicable to cost-plus-a-fixed-fee construction contracts (see § 88.15–659 *et seq.*).

§ 88.15–651 *Steps in the termination of cost-plus-a-fixed-fee contracts.* Termination of each cost-plus-a-fixed-fee contract will be made in accordance with the provisions of the termination article in such contract. However, the following general steps listed in the following paragraph will be applicable to any termination of a cost-plus-a-fixed-fee contract:

(a) *Issuance of a notice of termination and action directed therein.* The contracting officer will issue a notice of termination (see §§ 88.15–914 and 88.15–915) to the contractor ordering the contractor to stop all work and the making of all commitments and directing him to issue similar orders to all subcontractors, vendors and suppliers, and to request them to furnish statements of charges on account of such termination. Provision may be made for ordering the continuation of some of the work, in the discretion of the contracting officer. With respect to the issuance of a notice of termination, the following provisions of this regulation (PR 15) relating to the termination of lump sum supply contracts are also applicable to the termination of cost-plus-a-fixed-fee contracts.

(1) *Preparatory steps,* §§ 88.15–301 to 88.15–306, 88.15–312, 88.15–313, 88.15–315.

(2) *Service of termination notice and action connected therewith,* §§ 88.15–320 and 88.15–321 except paragraph (b) and so much of paragraph (i) as relates to the preparation of a proposal by the contractor himself for a settlement by negotiation. (He should, of course, obtain a statement of charges and a proposal for settlement from each of his subcontractors and suppliers despite the fact that the Government may have agreed to assume his commitments to such subcontractors and suppliers.)

(3) *Initial conference,* §§ 88.15–322 and 88.15–323, except so much as relates to preparation of a proposal by the contractor himself for a settlement by negotiation.

The attention of the contractor should be directed particularly to the necessity of prompt performance of the applicable obligations listed in § 88.15–321.

(b) *Termination and settlement of subcontracts.* Subcontracts and purchase orders of the prime contractor will be (1) assumed by the Government and settled by the contracting officer or (2) settled by the contractor, depending on the terms of the termination article in the terminated prime contract. In any event, however, the prime contractor will take steps forthwith upon receipt of the termination notice to terminate subcontracts and purchase orders in compliance with such notice, to obtain inventories, accounting data and cost statements and proposals for a negotiated settlement of any lump sum subcontracts and purchase orders. (See

§ 88.15–325 (c).) In the case of cost-plus-a-fixed-fee subcontracts, in lieu of proposals for a negotiated settlement, the prime contractor will obtain the accounting data and vouchers necessary to permit final determination and payment of the reimbursable costs under such subcontract and to make any necessary adjustment of the fixed fee thereunder.

(c) *Settlement of subcontracts and purchase orders; where Government is to assume obligations of prime contractors.* (1) Numerous cost-plus-a-fixed-fee contracts now in effect contain a provision for termination of the convenience of the Government substantially in the form set forth in § 81.350. Under such a provision the contractor is not bound by his contract with the Government to do more in connection with the termination of his obligations and commitments than to obtain from his subcontractors, vendors and suppliers their statements of amounts due on account of termination or cancellation of their subcontracts, purchase orders or other obligations or commitments. It is the responsibility of the contracting officer to see that settlement is made with each of such subcontractors, vendors and suppliers on account of such termination or cancellation, obtaining all practicable cooperation from the prime contractor. In determining the amount of the adjustment to be made in the fixed fee of a contractor, whose cost-plus-a-fixed-fee contract has been terminated for the convenience of the Government pursuant to an article like that set out in § 81.350 (see especially subparagraph (2)) or in § 88.15–905 (see especially paragraph (b) (4) of such article), the extent of the work and cooperation of the contractor in this regard may be given consideration. Ordinarily, assignments to the Government of subcontract rights will not be made by the contractor unless the contracting officer is of the opinion that some pecuniary or administrative advantage to the Government will result from such assignment and specifically directs that it be made.

(2) Such settlements of lump sum subcontracts will be made in accordance with the provisions of § 88.15–325 (c) and other paragraphs of this regulation (PR 15) relating to the settlement of lump sum supply contracts, in so far as such provisions are applicable.

(d) *Settlement of subcontracts by prime contractor.* (1) Under another form of termination article (hitherto principally used by the Ordnance Department)[1] settlement of the amounts due subcontractors, vendors and suppliers on account of termination are made by the prime cost-plus-a-fixed-fee contractor. It provides that the contract may be terminated at any time for the convenience of the Government and that thereafter the contractor shall settle his lump sum and cost-plus-a-fixed-fee subcontracts, and all other obligations and commitments. In the absence of such provisions, the contractor is to negotiate a settlement. Each settlement of lump sum subcontracts and purchase orders is to be made expressly subject to the approval of the contracting officer. Such settlements will be made pursuant to the provisions of this regulation (PR 15) relating to the settlement of lump sum subcontracts under lump sum contracts, so far as such provisions are applicable. If the contractor's efforts to make a settlement fail, then only does the Government assume the obligation. The Government is also liable for the amount of any final judgment against the contractor on account of any terminated subcontract, obligation, commitment or claim. Express provision is made for reimbursement to the contractor of the costs incurred by him in negotiating such settlements, and for consideration of such services in connection with the payment of the fixed fee in connection with such contract.[1]

(2) It is the general policy of the War Department to encourage, to the greatest extent possible, the settlement by the prime contractor of all obligations arising out of the termination of subcontracts, purchase orders or other commitments as the result of the termination of a cost-plus-a-fixed-fee contract, as such settlement tends to expedite payments to subcontractors.

(e) *Settlement of cost-plus-a-fixed-fee subcontracts, purchase orders and other obligations of the prime contractors.* Whether or not such obligations of the prime contractor are assumed by the Government, settlement of cost-plus-a-fixed-fee subcontracts, purchase orders and other commitments of a prime contractor under a terminated cost-plus-a-fixed-fee prime contract will not be made by negotiation but will be effected in accordance with the terms of the instrument containing such cost-plus-a-fixed-fee obligation. Ordinarily this will require audit and payment of the unreimbursed costs of such obligation consistently with the applicable instructions set forth in the appropriate War Department manual for administrative audit of cost-plus-a-fixed-fee contracts.[2]

(f) *Disposition of property.* (1) Government property in the hands of the prime contractor will normally be disposed of pursuant to the provisions of Procurement Regulation 7, especially §§ 83.720 to 83.733. Many cost-plus-a-fixed-fee contracts contain the provision set forth in § 81.363, relating to the disposition of Government-owned property placed in the care, custody or possession of the contractor in connection with the terminated contract. Under contracts containing this provision, sale of Government property pursuant to the terms of the provisions is expressly authorized by § 83.727. Attention is invited to the fact that this provision may be inserted by amendment in any cost-plus-a-fixed-fee contract heretofore or hereafter executed when it is determined by the chief of the technical service concerned that such an amendment will facilitate the prosecution of the war or is necessary to carry out the purposes in section I of the Act of July 2, 1940 (Pub. Law 703, 76th Cong., 54 Stat., 712; see opinion of the Judge Advocate General dated May 14, 1943, SPJGC 1943/6630).

(2) Property in the hands of subcontractors, if title thereto has passed to the Government, may be disposed of consistently with the foregoing subparagraph (1). Property in the hands of subcontractors, title to which has not passed to the Government, but with respect to which a termination charge will be presented, may be disposed of with the approval of the contracting officer subject to the provisions of this regulation (PR 15) relating to the disposition of contractor-owned property in connection with the termination of lump sum supply contracts (see § 88.15–350 *et seq.*, especially § 88.15–365 *et seq.*).

(3) In the unlikely event that there should be any property acquired by the prime contractor in connection with the performance of a terminated cost-plus-a-fixed-fee contract, title to which has not passed to the Government, such property may be disposed of consistently with the provisions of this regulation (PR 15) governing the disposition of property in connection with lump sum contracts (see § 88.15–350 *et seq.*).

(4) Property which has finally and inseparably become a part of Government real estate will be disposed of in accordance with the provisions of law relating to disposition of such real estate and with any applicable provisions of the terminated contract or any related contract, as to options to purchase, disposition of property and similar matters.

(g) *Audit of costs incurred by the prime contractor.* Unlike the situation which exists with respect to a lump sum contract, machinery already exists, in the case of every cost-plus-a-fixed-fee contract, for the audit of the costs incurred by the prime contractor. Therefore, the unreimbursed costs, incurred both prior to the effective date of the termination notice and in connection with the termination, will be presented for reimbursement by the prime contractor under a terminated cost-plus-a-fixed-fee contract, in accordance with the terms of his contract, and will be audited by the appropriate auditing personnel at the direction of the contracting officer in accordance with such terms and in accordance with the applicable instructions set forth in the appropriate War Department manual for administrative audit of cost-plus-a-fixed-fee contracts (see § 88.15–651 (e)). Similar audit will be made in the case of cost-plus-a-fixed-fee subcontracts and purchase orders. In reviewing settlements of lump sum subcontracts and purchase orders arrived at by the contractor, the contracting officer and accounting personnel will be guided, in so far as applicable, by the provisions of this regulation (PR 15), and by the Termination Accounting Manual, relating to the review of settlements with subcontractors made by fixed price prime contractors.

(h) *Determination of costs.* In effecting settlement of terminated cost-plus-a-fixed-fee contracts, the provisions of the particular contract governing reimbursable costs will determine what costs are properly allowable. Some cost-plus-a-fixed-fee contracts embody Treasury Decision 5000 in their definition of costs. It should be recognized that the definition of costs contained in Treasury Decision 5000 is, in some material respects, different from the definition contained in this regulation (PR 15, § 88.15–480 *et seq.*).

(i) *Payments and adjustments of fixed fee.* The amount of the prime contractor's fixed fee due and unpaid to the effective date of the termination notice will be computed, adjusted and paid in accordance with the terms of the terminated contracts.

§ 88.15–652 *Authority to terminate cost - plus - a - fixed-fee contracts.* The chiefs of the technical services may prescribe rules and regulations, consistent with the provisions of this regulation (PR 15), governing the authorization of the termination of cost-plus-a-fixed-fee contracts under their respective jurisdictions.

§ 88.15–653 *Form of notice of termination.* Whenever the complete termination of a cost-plus-a-fixed-fee supply contract has been authorized by proper authority, such termination will be effected by a notice substantially in the form set out in § 88.15–914 (a) or § 88.15–914 (b), whichever is appropriate (see as to construction contracts § 88.15–661).

§ 88.15–654 *Payments of costs duly determined.* Pending the final determination of the total amount due the contractor on account of termination, the contracting officer is authorized to make partial payment on account thereof against approved reimbursement vouchers or vouchers for the payment of approved portions of the fixed fee. Full utilization will also be made of available advance payment balances for the same purposes, consistently with the principles outlined in § 88.15–503 to § 88.15–506 (a), so far as applicable.

§ 88.15–655 *Final settlement agreement.* Upon the determination of the total amount due the contractor as reimbursement for all costs incurred in accordance with the terms of the contract, and of the total amount due the contractor as payment of the fixed fee in accordance with the terms of the contract, and concurrently with the final payment of cost reimbursement and of the fixed fee, the contracting officer and the contractor will execute a final settlement agreement,[1] in the form of a supplemental agreement to the contract (see § 88.15–933*f*). Such supplemental agreement will set forth the amount of such final payment of cost reimbursement and of the fixed fee, will state the terms of any adjustment of the fixed fee, will state that all Government property under the contract and theretofore undisposed of has been delivered to the Government, will list such property or will incorporate a list thereof by reference, will embody a general release by the contractor and the Government of all claims against each other, and will state in detail all the exceptions to said release (see, for list of such possible deductions, exceptions and reservations, § 88.15–537 (b)). The contracting officer will determine whether there will be any negotiated adjustment of the fixed fee which makes desirable coordination of the settlement agreement with statutory renegotiation (see § 88.15–658).

§ 88.15–656 *Release provisions of terminated contract; anticipated litigation.* The release provisions of the particular terminated cost-plus-a-fixed-fee contract should be followed in framing the releases to be inserted in the settlement agreement. Where there is substantial risk of later litigation (*e. g.* actions under the Wages and Hours Act, State taxes) affecting reimbursable costs under the terminated contract, such items may be expressly excepted from the releases if the contract provision with respect to releases (either as originally set forth in the contract or as inserted by amendment) authorizes such exceptions.

§ 88.15–657 *Alternative procedures.* Subject to the provisions of §§ 88.15–106, 88.15–108, 88.15–220 and 88.15–207 to 88.15–209, chiefs of the technical services may authorize the adoption of other procedures, consistent with this regulation (PR 15), for the termination of particular cost-plus-a-fixed-fee contracts the provisions of which render compliance with any or all of the foregoing procedures inappropriate or inexpedient.

§ 88.15–658 *Exemption from renegotiation on terminated cost-plus-a-fixed-fee contracts.* (a) The cost-plus-a-fee contracts of the contractor are segregated by the appropriate Price Adjustment section from the other war business of the contractor for separate consideration in connection with statutory renegotiation on the over-all basis (see section J-PAB-9, Joint Statement of the Departments Concerned with Renegotiation March 31, 1943). Ordinarily the only source of potentially excessive profits from a cost-plus-a-fixed-fee contract is the fixed fee. The problem of the Price Adjustment section in connection with renegotiation is to determine whether this fixed fee results in excessive profits in the light of all relevant factors (*e. g.*, complexity of work, efficiency of performance, extent and nature of disallowed costs, comparison of actual costs with estimated costs, extent of Government assistance, etc.).

(b) In connection with the termination of a cost-plus-a-fixed-fee contract, adjustment of the fixed fee to reflect the reduced amount of work required of the contractor by reason of the termination is usually necessary under the termination articles used in such contracts (see, for example, paragraph 3e of the Termination Article set out in § 81.350). This adjustment may appropriately be made by a negotiated agreement in some cases. Where such adjustment is in fact made by a negotiated settlement, the chief of any technical service is authorized by § 81.1204 (i) to exempt the terminated contract and the settlement agreement from further statutory renegotiation, or to authorize the contracting officer to do so. Where such adjustment is not made by a negotiated settlement, the provisions of § 81.1204 (i) do not authorize any exemption of the adjustment from statutory renegotiation.

(c) In making such an adjustment of the fixed fee, if the adjustment precedes the statutory renegotiation with the contractor for the period in which such adjustment is made, the contracting officer, if so authorized by the chief of the technical service (see § 81.1204 (i)), will determine whether or not to exempt the adjustment payments from statutory renegotiation. He will then notify the appropriate Price Adjustment section of his decision and of the amount of the adjustment payments, so that such amount may be taken into account or excluded from consideration in connection with subsequent statutory renegotiation for such fiscal period, consistently with the action of the contracting officer in connection with such exemption.

(d) Where statutory renegotiation for the fiscal period in which such adjustment is made has already taken place at the time of such adjustment, the contracting officer will ascertain whether the appropriate Price Adjustment section has taken into account in connection with over-all statutory renegotiation any amounts estimated as to be paid in connection with such adjustment. In making such adjustment the contracting officer will give such consideration, as may be appropriate under the circumstances, to any such estimates of the Price Adjustment section.

(e) The contracting officer will then proceed to determine or to negotiate an adjustment of the fixed fee, giving such weight as he deems proper to the factors taken into account by Price Adjustment sections in renegotiating fixed fees under cost-plus-a-fixed-fee contracts. If the contracting officer is so authorized by the chief of the technical service (see § 81.1204 (i)) he may in his discretion exempt the terminated contract and any negotiated agreement by which the adjustment is made from further statutory renegotiation, if he finds that the settlement agreement will prevent the realization of excessive profits from the performance of the terminated contract and from the adjustment agreement. If he does not grant such exemption he will notify the appropriate Price Adjustment section so that that section may reopen the renegotiation proceedings already held if it deems it appropriate to do so or if it is possible to do so. Any necessity for such action, however, should be

[1] The nature of this article is such that it has not been regarded as appropriate for use in connection with cost-plus-a-fixed-fee construction contracts.

[1] The form of termination article referred to in this paragraph has not yet been authorized for general use by procurement regulations.

[2] (a) *Cost-plus-a-fixed-fee supply contracts.* See "Manual for Administrative Audit of Cost-Plus-A-Fixed-Fee Supply Contracts", 14 August 1942.

(b) *Cost-plus-a-fixed-fee construction contracts.* See "War Department Corps of Engineers—Manual for Administrative Audit of Cost-Plus-A-Fixed-Fee Construction Contracts" 29 August 1942.

[1] No such final settlement agreement need be entered into where, as in the case of a cost-plus-a-fixed-fee construction contract, the problems incident to the termination are relatively simple and the terms of the termination article are self-operating.

avoided, if possible, by consultation between the Price Adjustment section and the contracting officer before the adjustment of the fixed fee is agreed upon.

COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACTS

§ 88.15–659 *Introductory.* The discussion in these §§ 88.15–659 to 88.15–667 relates exclusively to the termination of cost-plus-a-fixed-fee construction contracts. The term "cost-plus-a-fixed-fee construction contracts" as used in these §§ 88.15–659 to 88.15–667, unless it is specifically indicated otherwise, shall be deemed to be applicable to cost-plus-a-fixed-fee construction, architect engineer, and architect-engineer-manager contracts. Except as hereinafter indicated in these §§ 88.15–659 to 88.15–667, the provisions of §§ 88.15–650 to 88.15–658, inclusive shall be considered as generally applicable to cost-plus-a-fixed-fee construction contracts.

§ 88.15–660 *Certain provisions not applicable to cost-plus-a-fixed-fee construction contracts.* The provisions of §§ 88.15–313 and 88.15–321 referred to in § 88.15–651 (a) will not be considered as applicable to cost-plus-a-fixed-fee construction contracts. The forms of notices hereinafter prescribed in these §§ 88.15–659 to 88.15–667 adequately suggest the steps which should be taken by contracting officers in advance of serving the termination notice.

§ 88.15–661 *Notice of termination of entire contract.* In the event it is determined that the entire contract is to be terminated, notice thereof shall be given to the contractor in the form set out in § 88.15–915 (a). The termination for convenience articles (§ 81.350; see also Article VI, W. D. Contract Form No. 3, § 81.1303 (f), Article III-L, W. D. Contract Form No. 4, § 81.1304 (s); Article XVI, W. D. Contract Form No. 12, § 81.-1312), provide that unless the notice of termination directs otherwise, the contractor shall, among other things, proceed to cancel all existing orders and terminate all subcontracts. In many instances, it may not be desirable for the contractor to cancel all unperformed purchase orders and terminate all unperformed subcontracts, the performance of which by vendors or subcontractors is necessary to the completion of the project, even though the prime contract is terminated. If such purchase orders and subcontracts are terminated, advantage thereof cannot be taken. Therefore, care should be exercised in listing of those purchase orders and subcontracts as required under paragraph 3 of the form (§ 88.15–915 (a)), which the contracting officer thinks should be performed as well as all those which he thinks further investigation might reveal should be fully performed. Purchase orders and subcontracts which have been fully performed by vendors and subcontractors should not be listed.

§ 88.15–662 *Partial termination notice.* Where it is deemed desirable merely to terminate a portion of a contract for the convenience of the Government, the form set out in § 88.15–915 (b), shall be used. It will ordinarily be impracticable for the contracting officer to list all purchase orders and subcontracts which are pertinent only to that portion of the work which is not to be terminated. Therefore, paragraph 3 of the form to be used does not provide for listing of any purchase orders and subcontracts. Consequently, the portion of the contract which is not to be terminated should be described with particularity under paragraph 2 of the form. A notice of partial termination should not be issued under a termination for the convenience of the Government article in any case where it would be appropriate to issue a change order under the change article to eliminate work. Furthermore, the notice for partial termination should not be used where the project is nearing completion and only a minor amount of work remains uncompleted.

§ 88.15–663 *Termination for the fault of the contractor.* Where a cost-plus-a-fixed-fee construction contract is terminated for the default of the contractor, the form set out in § 88.15–915 (c) shall be used.

§ 88.15–664 *Stop orders.* Stop orders shall not be used to effect termination of cost-plus-a-fixed-fee construction contracts or in anticipation of such termination, since their use is incompatible with the notices of termination prescribed by these regulations and with the termination for the convenience of the Government article. Their proper use in connection with cost-plus-a-fixed-fee construction contracts is limited to effecting a temporary cessation of work during the course of the performance of the contract.

§ 88.15–665 *Assignment of subcontracts to the Government.* The form set out in § 88.15–915 (b), shall be used in all cases where it has been determined that an assignment to the Government of an instrument is to be made. It does not follow that all unperformed purchase orders, subcontracts, and other commitments should be assigned to the Government merely because they are unperformed at the time a contract is terminated. The contracting officer should require an assignment only in cases where there is a pecuniary or an administrative advantage to be obtained. In all cases of an assignment, the vendor or subcontractor should be notified thereof by letter.

§ 88.15–666 *Reimbursable and non-reimbursable expenditures.* All articles used in cost-plus-a-fixed-fee construction contracts, which provide for termination for the convenience of the Government, stipulate that the contractor shall not be entitled to reimbursement for expenditures made after the date of termination, except for expenditures to protect Government property and for accounting services in settling the contract as are required or approved by the Contracting Officer. Those articles also provide that, if the contract is terminated due to fault of the contractor, no additional payments on account of the fee will be made. In the case of those contracts which are terminated for the convenience of the Government, the final voucher shall show that the contractor has been paid only that portion of the prescribed fee which the physical work actually completed bears to the entire physical work under contract less fee payments previously made. In order that the record may be complete, a finding of fact with regard to the portion of the contract work actually completed by the contractor shall be made and filed in the records of the contracting officer.

§ 88.15–667 *Service of notice of termination.* In the event a contractor refuses to acknowledge receipt of a notice of termination, the service thereof upon the contractor by leaving a copy with the contractor or by mailing the same to the contractor by registered mail, return receipt requested, has the same legal effect. If the notice is delivered in person, a memorandum to that effect should be made and filed in the records of the contracting officer.

TERMINATION OF PRELIMINARY CONTRACTUAL INSTRUMENTS

§ 88.15–700 *Notices of award.* As used in this paragraph the term "notices of award" refers to a binding contractual instrument based on an offer by the contractor and signed by a contracting officer. Although such a notice of award will ordinarily not contain an article providing for termination for the convenience of the Government, such a notice of award may be terminated and settled in the same manner as provided in this regulation (PR 15) for a formal definitive contract, which contains no termination article (§ 88.15–311), making due allowance for the difference between such an instrument and a formal definitive contract.

§ 88.15–701 *Letters of intent and letter orders*—(a) *Letters of intent and letter orders which contain standard termination provisions.* Letters of intent and letter orders which contain or have been amended to contain the standard termination provisions for inclusion in such instruments (see § 88.15–107 (b)) will be terminated in accordance with such provisions.

(b) *Where instrument does not contain standard termination provisions.* Where a letter order or letter of intent does not contain such standard termination provisions, and it is desired to terminate such an instrument, the contracting officer will make every reasonable effort to include the appropriate standard termination provisions (other than those which provide an allowance of profit) by amendment of such instrument in accordance with § 88.15-107 (b). If such amendment is effected, termination will be effected in accordance therewith. If no such amendment can be effected, then such instrument will be terminated (1) in accordance with any provisions for termination for the convenience of the Government, or any applicable provisions for termination in the absence of agreement upon a definitive contract, contained in such instrument, or (2) if the contract contains no such

termination provisions, in accordance with the provisions of § 88.15–311.

§ 88.15–702 *Procedure on termination of letter orders and letter of intent under standard termination provisions.* In general, the procedure in terminating letter orders and letters of intent containing standard termination provisions will be similar to that provided in this regulation (PR 15) for definitive contracts of the type contemplated by the particular letter order or letter of intent being terminated. Due allowance for the differences between such instrument and definitive contracts will be made and the procedures set out in this regulation need be used only so far as reasonably applicable to such temporary instruments. The chief of each technical service may prescribe instructions not inconsistent with this regulation (PR 15) regarding termination of such instruments.

REPORTS

§ 88.15–800 *Monthly termination status report.* Each procurement office (except those reporting to the Commanding General of a Service Command) will prepare a monthly termination status report with respect to all termination proceedings completed during the month and those still in process. If no terminations have been completed or are in process, a negative report will be made. This status report will contain adequate information under each of the specific headings listed in § 88.15–801, and such other information as the chief of the technical service may prescribe, and will be filed in triplicate with the settlement review committee of the chief of the technical service on or before the 10th of the month following the month for which the report is due.

§ 88.15–801 *Specific information required on status report.* The monthly termination status report will list the following information as to each termination completed or to process:

(a) Contract or other identifying number.
(b) Name of contractor.
(c) Type of items or item called for by the terminated contract and affected by the termination.
(d) Indication whether partial or complete termination.
(e) Date of termination directive.
(f) Date of termination notice to contractor.
(g) Total contract price.
(h) Contract price of items cancelled.
(i) Date and amount of prime contractor's proposal for settlement.
(j) Number of subcontractor's proposals submitted and number and amount of approved proposals.
(k) Partial payments made (cumulative),
(1) to prime contractor with respect to own termination charges;
(2) for the benefit of subcontractors.
(l) Status of uncompleted transactions at the end of each month, including estimate of percentage of inventory disposed of, with an explanation of failure to complete any settlement pending for more than four months.
(m) Date and amount of final settlement (if completed):
(1) gross amount exclusive of subcontractor's charges;
(2) amount of subcontractor's charges;
(3) disposal credits (Property sold or retained by contractor);
(4) amount allowed (cost to contractor) for material and equipment taken over by Government in final settlement.
(n) General remarks about termination, including, but only if practicable, a rough estimate (revised monthly on the basis of available data) of the probable gross payments of termination charges, including subcontractor's charges but before property disposal credits.

§ 88.15–802 *Report to Contract Termination Branch, Purchases Division Headquarters, Army Service Forces.* A copy of each monthly status report filed with him, together with a tabulation of the information contained in all such reports from the technical service for the month in question, will be filed by the chief of each technical service with the Chief, Contract Termination Branch Purchases Division Headquarters, Army Service Forces, on or before the 15th of the month following that for which the report is made.

FORMS

TERMINATION ARTICLES

§ 88.15–901 *Lump sum supply contract.* This article appears in procurement regulations, § 81.324. It will be reprinted in this paragraph later.

§ 88.15–902 *Lump sum construction contract.* This article appears in § 81.-324 (a). It will be reprinted in this section later.

§ 88.15–903 *Cost-plus-a-fixed-fee supply contract.* (Form sometimes used by Ordnance Department.) The following article is now in use by the Ordnance Department.

ARTICLE ___ *Termination by Government.* (1) The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor. Such termination shall be effective in the manner and upon the date specified in said notice and shall be without prejudice to any claims which the Government may have against the contractor or which the Contractor may have against the Government. Upon receipt of such notice, the Contractor shall, unless the notice directs otherwise, immediately discontinue all work and the placing of all orders for materials, facilities, and supplies in connection with performance of this contract and shall proceed to cancel promptly all existing orders and terminate all subcontracts insofar as such orders and subcontracts are chargeable to this contract.

(2) If this contract is terminated for the fault of the Contractor, the Contracting Officer may enter upon the premises for the purpose of completing the work contemplated by this contract, take possession of any or all materials, tools, machinery, equipment and appliances, and exercise all options, privileges, and rights, and may complete or employ any other person or persons to complete said work.

(3) Upon the termination of this contract, full and complete settlement of all claims of the Contractor arising out of this contract shall be made as follows:

(a) The Government shall assume and become liable for all obligations, commitments, and claims that the Contractor may have theretofore in good faith undertaken or incurred in connection with said work and the cost of which would be reimbursable in accordance with the provisions of this contract; and the Contractor shall, as a condition of receiving the payments mentioned in this Title, execute and deliver all such papers and take all steps as the Contracting Officer may require for the purpose of fully vesting in the Government the rights and benefits of the Contractor under such obligations or commitments.

(b) The Government shall reimburse the Contractor for all expenditures made in accordance with Title IV and not previously reimbursed.

(c) The Government shall reimburse the Contractor for such further expenditures, made after the date of termination, for the protection of Government property and for accounting services in connection with the settlement of this contract as are required or approved by the Contracting Officer.

(d) If the contract is terminated for the convenience of the Government, the Contractor will be paid all fees which have accrued at the date of termination, less fee payments previously made. If the contract is terminated due to fault of the Contractor, no additional payment on account of the fixed-fees will be made.

(e) The obligation of the Government to make any of the payments required by this Title shall be subject to any unsettled claims in connection with this contract which the Government may have against the Contractor.

(4) Prior to final settlement the Contractor shall furnish a release as required in section 4 of Article IV–B of Title IV hereof.

§ 88.15–904 *Cost-plus-a-fixed-fee construction contract.* This article is found in § 81.350. It will be reprinted in this paragraph later.

§ 88.15–905 *Army Air Forces; cost-plus-a-fixed-fee supply contract.* The following article is now in use by the Army Air Forces:

ARTICLE __ *Termination of contract by Government.* (1) Should the contractor at any time refuse, neglect or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor. Such termination shall be effective in the manner and upon the date specified in said notice and shall be without prejudice to any claims which the Government may have against the Contractor. Upon receipt of such notice the Contractor shall, unless the notice directs otherwise, immediately discontinue all work and the placing of all orders for materials, facilities and supplies in connection with performance of this contract and shall proceed to cancel promptly all existing orders and terminate work under all subcontracts insofar as such orders and/or work are chargeable to this contract.

(2) Upon the termination of this contract as hereinbefore provided, full and complete settlement of all claims of the Contractor arising out of this contract shall be made as follows:

(a) The Government shall assume and become liable for all obligations, commitments and claims that the Contractor may have theretofore in good faith undertaken or incurred in connection with said work and in accordance with the provisions of this contract, and the Contractor shall, as a condition to receiving the payments mentioned in this Article, execute and deliver all such papers and take all such steps as the Contracting Officer may require for the purpose of fully vesting in the Government the rights and benefits of the Contractor under such obligations or commitments.

(b) The Government shall reimburse the Contractor for all expenditures made in accordance with Article 3 and not previously reimbursed.

(c) The Government shall reimburse the Contractor for such further expenditures after the date of termination for the protection of Government property and for accounting services in connection with the settlement of this contract as the Contracting Officer may approve.

(d) If the contract is terminated for the convenience of the Government the Contractor shall be paid a percentage of the fee set forth in Article 3, equivalent to the percentage of completion of the contract, less payments previously made.

(e) If the contract is terminated for the fault of the Contractor, the Contractor shall be paid a percentage of the fee set forth in Article 3, equivalent to the percentage of completion of the contract, less ten percent (10%) of such amount and less payments previously made.

(f) The obligation of the Government to make any of the payments required by this Article shall be subject to any unsettled claims for labor or material or any claim the Government may have against the Contractor.

(g) Upon the making of said payments all obligations of the Government to make further payments or to carry out other undertakings hereunder shall cease forthwith and forever, except that all rights and obligations of the respective parties under the Articles, if any, of this contract applicable to Patent Infringements and Reproduction Rights shall remain in full force and effect.

NOTICE OF TERMINATION

§ 88.15–911 *Telegraphic notice (preliminary notice).* (a) Substantially the following form will be used where it is desired to notify the contractor of the termination of a contract by telegram or teletype:

XYZ Corporation
New York, New York

Pursuant to Article _____ of your Contract No. _____ the Government hereby terminates that contract (or "cancels items _____ of article _____ of that contract.") Request you stop all work and making of all commitments in connection therewith and advise all subcontractors and suppliers by telegraph to do likewise. Letter and instructions follow.

JOHN DOE,
Lieut. Col., A. C.,
Contracting Officer.

(b) In those cases where it is desired to effect a temporary suspension of a contract which is to be terminated prior to giving formal notice of termination, the following form of telegram may be employed (see paragraph (c) of § 88.15–315).

XYZ Corporation
New York, New York

Due to changed requirements Government desires to cancel *item* [1] _____ of contract No. _____ pending formal action for cancellation of said *item* _____ of *said* contract, it is requested that all work by your company and subcontractors with respect thereto be stopped and no further commitments made or obligations incurred on account thereof. Request you contact _____ for any information in connection therewith. Letter follows. End.
Prepaid

[1] Omit italicized words where whole contract is to be terminated.

§ 88.15–912 *Lump sum supply or construction contracts*—(a) *Letter notice to prime contractor.* Substantially the following form of notice of termination will be used in all cases where a lump sum contract is being terminated for the convenience of the Government:

XYZ Corporation
New York, New York
Gentlemen:

1. The necessity and convenience of the Government require that your Contract No. _____ be terminated, such termination to be effective at _____ o'clock _____ M on _____, 194__, and that steps be taken immediately upon such effective date of this notice to agree with you upon a settlement, if any is necessary, that will properly and justly compensate you for the *uncompleted portion* of the contract.[1] Accordingly,[2] that contract is hereby terminated, (or items _____ of Article _____ of that contract are hereby canceled), pursuant to Article _____ of that contract.

2 You are hereby instructed immediately upon such effective date of this notice (1) to stop all work and the placing of any subcontracts or purchase orders in connection with that contract; and (2) to terminate all existing subcontracts and purchase orders and to cause all work in connection therewith to be stopped at once. A form of termination notice to subcontractors, marked "Exhibit 1", is inclosed for use in this connection. The instructions in (1) and (2) do not apply to the following:

(Here list exceptions.)

3. You are also instructed to take the following action with respect to Government property now in your custody:

(Here list instructions.)

4. You are requested to submit, as promptly as possible, the following data, to serve as a basis for a settlement of the amount due you by reason of this termination:—

(a) A statement of your costs and a proposal for a negotiated settlement (of the amount payable for the uncompleted portion of the contract), in the form and certified as stated in the inclosed "Instructions to Contractors."

(b) An inventory prepared in accordance with the inclosed "Instructions to Contractors." Upon receipt of such inventory the undersigned will inform you, in writing, as to the disposition to be made of it. You are requested to include in your inventory a statement of your best bid for any of the items there listed, either by items or by groups of items. For any items as to which you make no bid, you are requested to obtain the best available offers.[3] The following items are to be delivered to the Government at once, f. o. b. _____; and are to be omitted from your inventory:—

(Here list items, if any.)

Partial inventories should be submitted as soon as possible with respect to articles for which you make bids or for which you may receive offers approved by you.

(c) A statement of costs and a proposal for a negotiated settlement from each of your subcontractors and suppliers in the form and certified by them and by you as stated in the inclosed "Instructions to Contractors." Such statements and proposals may be presented separately. No such statement need be obtained from subcontractors or suppliers who will make no request for payment of any termination charges. Please note that you are required to review each of these statements in accordance with the Instructions, and to state your recommendation, based upon your negotiations with the subcontractor or supplier concerned, as to the amount properly payable thereon. All settlements with subcontractors and suppliers should be submitted for approval by the Contracting Officer.

5. All accounting and other records pertinent to the determination of the amount of the settlement should be carefully preserved by you and your subcontractors and suppliers. They may be audited by the Government.

6. Upon receipt of the foregoing data the undersigned will arrange a conference with you for the purpose of negotiating the settlement.

7. The instructions contained in this notice may be modified from time to time, except as to those instructions with respect to which you have previously taken substantial action in reliance thereon.

8. Please acknowledge receipt of this notice by signing the original and one copy and returning them to this office not later than _____, 1943. The other copy is for your files.

JOHN DOE,
Major, A. C.
Contracting Officer.

Accepted: _____, 1943
(contractor)

(b) *Letter notice to subcontractor or supplier.* Substantially the following form will accompany the notice set forth in § 88.15–912 as Exhibit 1 thereto:

ABC Company
Detroit, Michigan
Gentlemen:

1. Our contract No. _____ with the War Department has just been terminated. We there find it necessary to terminate our Order No. _____ with you, effective at once, since we will have no further use for the articles under that order. Pursuant to the directions of the contracting officer on that contract, you are hereby instructed immediately (1) to stop all work and the placing of any subcontracts or purchase orders in connection with that Order No. _____; and (2) to terminate all existing subcontracts or purchase orders and to cause all work in connection therewith t be stopped at once. The instructions in (1) and (2) do not apply to the following:

(Here, list items, if any)

2. No charge on account of this termination will be allowed you to the extent that they are found by us or by the contracting officer to have resulted from your failure effectively to take the foregoing action within a time found by us or by the contracting officer to be reasonable under all the circumstances.

3. You are also instructed to take the following action with respect to Government property in your custody:

(Here list action to be taken.)

4 You are requested to submit, as soon as possible, the following data, to serve as a basis for the negotiation of a settlement of the amount due you by reason of this termination:

a. A statement of your costs and a proposal for a negotiated settlement, prepared and certified in accordance with the attached form.[1]

b. An inventory of articles on hand, produced or acquired in connection with our order, and prepared in accordance with the attached form.[1]

5. Upon receipt of such inventory you will be informed as to the disposition to be made of it. You are requested to include in your inventory a statement of your best bid for any of the items listed in your inventory which you are willing to retain. Such bid may be made by items or groups of items. For any items listed for which you make no bid, you are requested immediately to obtain the best available offers and to include them in the inventory. Partial inventories of any items which you wish to retain, or of which you recommend the sale, may be furnished at any time. The following items are to be delivered to us, f. o. b. _____, and are to be omitted from your inventory:

(Here list items. Omit preceding sentence if not applicable.)

6. You are requested to omit from your inventory:

a. Articles which can be used by you or sold to others, without charge to us.

b. Articles which can be returned to your suppliers for full credit less freight charges. [In this event you may include the reasonable freight charges in your statement of costs arising out of the termination.]

7. In view of the fact that our order was issued to you in connection with our work on a Government contract now terminated, and that the amount due you because of the termination of our order will be a cost to us to be reimbursed by the Government, you are advised that your statement of costs may be subject to Government audit and the articles listed in your inventory may be subject to Government inspection. All accounting and other records pertinent to the determination of the amount of the settlement due you should be carefully preserved by you. These documents will be of importance in connection with our negotiations, both with you and with the Government.

8. In order to relieve you, to the greatest extent possible, of financial inconvenience caused by this termination of our order, partial payments on account of the amounts owing to you by reason of this termination will be made to you as rapidly as you make it possible to do so. Subject to the approval of the contracting officer, a partial payment will be made to you whenever we are in agreement that at least the amount of the proposed partial payment is clearly owing to you. You may request a partial payment at any time, but your request should be supported by sufficient accounting data for us and the contracting officer to find that at least the amount requested is due you on account of this termination.

9. Please acknowledge receipt of this notice by signing the original and _____ copies and returning them to this office. The other copy is for your files.

Very truly yours,
(Contractor)

Accepted: _____, 1943.
(Subcontractor)

§ 88.15–914 *Cost - plus - a - fixed - fee supply contracts*—(a) *Letter of notice to prime contractor who will not negotiate settlements with subcontractors or suppliers.* (1) Whenever the complete termination of a cost-plus-a-fixed-fee supply contract has been authorized such termination will be effected by a notice substantially in the following form:

XYZ Corporation
New York, New York
Gentlemen:

The necessity and convenience of the Government require that your contract No. _____ be terminated at once. Pursuant to the provisions of Article _____ of that contract, that contract is hereby terminated. Effective at once, you will (1) stop all work and the placing of any subcontracts and purchase orders in connection therewith, and (2) terminate all existing subcontracts and purchase orders and cause all work thereunder to cease. The instructions contained in (1) and (2) do not apply to the following:

(Here list exceptions.)

Subject to customary approval or ratification by the contracting officer, you are authorized and requested to pay all invoices, charges, salaries, wages and other obligations actually incurred by you in connection with this contract and due on or before the effective date of this notice.

You are requested to advise all lump sum suppliers and subcontractors to submit to you, as promptly as possible, a statement of the charges that will be involved in the cancellation and termination of their orders or subcontracts. Such charges shall be computed in accordance with the termination provisions, if any, contained in said orders or subcontracts, and shall be prepared as set forth in the inclosed "Instructions to Subcontractors." (A form of "Instructions to Subcontractors" similar to that contained in § 88.15–936 is being prepared). All such suppliers and subcontractors should be advised that they may be required to support such statement of charges with appropriate and pertinent accounting and other records; that the statement of charges may be subject to an audit by Government auditors; and that an inspection of the supplies and materials covered by the purchase order or subcontract will be made by a Government inspector. Suppliers and subcontractors should be directed to preserve all relevant records and papers.

You will be reimbursed for the cost of all services rendered by you in connection with this termination of contract No. _____, in accordance with the provisions of the contract applicable to reimbursement of costs.

(2) In the event of partial termination the first paragraph of the foregoing notice will be omitted and in lieu thereof the following paragraph will be used:

Pursuant to Article __ of Contract No. _____ entitled "Changes" you are directed to omit work covered by the contract as follows: (Here insert a statement of the work to be omitted, and following that the remainder of the notice set forth above).

(b) *Letter to prime contractor who will negotiate settlements with subcontractors and suppliers.* [Reserved.]

(c) *Letter notice to lump sum subcontractors or suppliers.* Substantially the form set out in paragraph (b) of § 88.15–912 will be used.

§ 88.15–915 *Cost-plus-a-fixed-fee construction termination and assignment forms.* The forms prescribed in paragraphs (a), (b), and (c) of this section shall be used in connection with the termination of cost-plus-a-fixed-fee construction contracts, as defined in § 88.15–659. The form prescribed in paragraph (d) of this section shall be used in connection with assignments to the Government of subcontracts and other obligations and commitments under such contracts:

(a) *Complete termination form.* Substantially the form herein prescribed will be used for complete termination of cost-plus-a-fixed-fee construction contracts for the convenience of the Government:

NOTICE OF TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

Terminating cost-plus-a-fixed-fee contract No. W _____ dated _____ between the United States of America and _____ for _____ services at _____ with any or all amendments thereto.
Name of Contractor
Address

_____
(Place)

_____
(Date)

Gentlemen:

1. Pursuant to the provisions of Article ___, of the above described contract, you are notified that said contract is hereby terminated for the convenience of the Government as of 11:59 p. m. this date.

(If it is desired to terminate the contract as of a future date, the phrase "as of 11:59 p. m. the _____ day of _____, 194___" should be substituted for the phrase "as of 11:59 p. m. this date.")

2. You shall immediately discontinue all work and the placing of all orders for materials, facilities, and supplies, in connection with the performance of said contract.

(If a future date of termination is provided for under paragraph 1, above, the phrase "on the date specified in paragraph 1, above," should be added at the end of the sentence.

3. You shall immediately proceed to cancel all existing orders and commitments and terminate all subcontracts which are chargeable to said contract, except the following:

(If a future date of termination is provided for in paragraph 1, above, the phrase "on the date specified in paragraph 1, above," should be inserted preceding the comma. Care should be exercised to list all unperformed purchase orders, commitments and subcontracts except those that the Contracting Officer knows should not be performed.)

4. You are requested to advise all vendors and subcontractors to submit to you, as promptly as possible, a statement of the charges that will be involved in the cancellation and termination of their orders or subcontracts. Such charges shall be set forth substantially under the following headings:

(1) Amount of total contract price previously paid.
(2) Direct labor.
(3) Direct materials.
(4) Indirect expense.[1]
(5) Administrative expenses.[1]
(6) Subcontractors' claims.
(7) Credits for refunds on insurance, etc.
(8) Engineering and similar expenses.[1]
(9) Other items of claim in detail.

Vendors or subcontractors whose classifications of accounts are similar to the above may follow their own classification. All such vendors and subcontractors should be advised that they may be required to support such statement of charges with appropriate and pertinent accounting and other records; that the statement of charges may be subject to an audit by Government auditors; and that an inspection of the supplies and materials covered by the purchase order or subcontract may be made by a Government inspector. Vendors and subcontractors should be directed to preserve all relevant records and papers.

5. No reimbursement will be made for obligations incurred under said contract subsequent to the date indicated in paragraph 1 of this Notice, except for expenditures made pursuant to the directions contained in this Notice and for the protection of Government

[1] Items 4, 5, and 8 to be omitted unless applicable in the particular instance.

[1] The words "for the uncompleted portion of the contract" will be omitted in the case of a lump sum construction contract.

[2] If the telegraphic notice set forth in PR 15–911 has previously been sent, insert here the words "and confirming the undersigned's telegram to you dated _____"

[3] Omit remainder of paragraph where inapplicable, and in the case of lump sum construction contracts it should be provided that the items are to be delivered at the site of the work rather than f. o. b. a stated point.

[1] These forms should be prepared by the contractor substantially in accordance with the forms furnished for his own use.

property and accounting services in connection with the settlement of this contract as are required or approved by the Contracting Officer.

6. It is requested that you promptly acknowledge receipt of this Notice on the original and a copy thereof and that they be returned to the Contracting Officer. The second copy is for your files.

(Contracting Officer)

Receipt is acknowledged of the above Notice as of ---------- day of ----------, 194---

---
(Contractor)

By: ----------

(b) *Partial termination form.* The form prescribed herein will be used for partial termination of cost-plus-a-fixed-fee construction contracts for the convenience of the Government:

NOTICE OF PARTIAL TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

Terminating portion of cost-plus-a-fixed-fee contract No. W ------ dated ---------- between the United States of America and ---------- for ---------- services at ---------- with any or all amendments thereto.

Name of Contractor
Address

(Place)

(Date)

Gentlemen:

1. Pursuant to the provisions of Article ------, of the above described contract, you are notified that said contract is hereby partially terminated for the convenience of the Government as of 11:59 p. m. this date.

(If it is desired to partially terminate the contract as of a future date, the phrase "as of 11:59 p. m. the ---------- day of ----------, 194--" should be substituted for the phrase "as of 11:59 p. m. this date.")

2 You shall immediately discontinue all work and the placing of all orders for materials, facilities, and supplies, in connection with the performance of said contract, except that you shall continue all work and the placing of all orders that may be necessary to complete the following portion of the work covered by said contract:

(If a future date of partial termination is provided for under paragraph 1, above, the phrase "on the date specified in paragraph 1, above," should be inserted preceding the comma following the word "contract" in the third line.)

3. You shall immediately proceed to cancel all existing orders and commitments and terminate all subcontracts which are chargeable to said contract, except that all orders, commitments, and subcontracts which are necessary to complete the portion of the work covered by said contract which is to be completed and which is excepted from the operation of this Notice, as fully set forth in paragraph 2, above, shall remain unmolested and uncancelled.

(If a future date of partial termination is provided for in paragraph 1, above, the phrase "on the date specified in paragraph 1, above," should be inserted preceding the comma following the word "contract" in the third line.)

4. You are requested to advise all vendors and subcontractors whose orders or subcontracts are by this Notice required to be cancelled to submit to you, as promptly as possible, a statement of the charges that will be involved in the cancellation and termination of their orders or subcontracts. Such charges shall be set forth substantially under the following headings:

(1) Amount of total contract price previously paid.
(2) Direct labor.
(3) Direct materials.
(4) Indirect expenses.[1]
(5) Administrative expenses.[1]
(6) Subcontractors' claims.
(7) Credits for refunds on insurance, etc.
(8) Engineering and similar expenses.[1]
(9) Other items of claim in detail.

All such vendors or subcontractors whose classifications of accounts are similar to the above may follow their own classification. All such vendors and subcontractors should be advised that they may be required to support such statement of charges with appropriate and pertinent accounting and other records; that the statement of charges may be subject to an audit by Government auditors; and that an inspection of the supplies and materials covered by the purchase order or subcontract may be made by a Government inspector. All such vendors and subcontractors should be directed to preserve all relevant records and papers.

5. No reimbursement will be made for obligations incurred under said contract in connection with the work hereby terminated subsequent to the date indicated in paragraph 1 of this Notice, except for expenditures made pursuant to the directions contained in this Notice and for the protection of Government property and accounting services in connection with the settlement of the terminated portion of this contract as are required or approved by the Contracting Officer.

3. It is requested that you promptly acknowledge receipt of this Notice on the original and a copy thereof and that they be returned to the Contracting Officer. The second copy is for your files.

(Contracting Officer)

Receipt is acknowledged of the above Notice as of ---------- day of ----------, 194----.

(Contractor)

By: ----------

(c) *Termination for default form.* The form prescribed herein will be used to effect termination of cost-plus-a-fixed-fee construction contracts for default of the contractor:

NOTICE OF TERMINATION FOR THE FAULT OF THE CONTRACTOR

Terminating cost-plus-a-fixed-fee contract No. W------ dated ---------- between the United States of America and ---------- for ---------- services at ---------- with any or all amendments thereto.

Name of Contractor ----------
Address ----------

(Place)

(Date)

Gentlemen:

1. Pursuant to the provisions of Article ------, of the above described contract, you are notified that said contract is hereby terminated for your fault as of 11:59 p. m. this date.

(If it is desired to terminate the contract as of a future date, the phrase "as of 11:59 p. m. the ------ day of ----------, 194----," should be substituted for the phrase "as of 11:59 p. m. this date.").

2. You shall immediately discontinue all work and the placing of all orders for materials, facilities, and supplies, in connection with the performance of said contract.

(If a future date of termination is provided for under paragraph 1, above, the phrase "on the date specified in paragraph 1, above." should be added at the end of the sentence.)

3. [1] You are directed that all materials, tools, machinery, equipment and appliances which may be owned by you or which are in your possession, for use in connection with the work under said contract, shall be permitted to remain on the site of the work and all options, privileges, and rights, as well as all orders, commitments, and subcontracts, which you have acquired or entered into in connection with the work under said contract, shall remain unmolested and uncancelled until a determination is made as to whether they are to be used by or transferred to the Government in connection with the completion of the work under said contract by the Government or by others.

4. No reimbursement will be made for obligations incurred under said contract subsequent to the date indicated in paragraph 1 of this Notice, except for expenditures made pursuant to the directions contained in this Notice and for the protection of Government property and accounting services in connection with the settlement of this contract as are required or approved by the Contracting Officer.

5. It is requested that you promptly acknowledge receipt of this Notice on the original and a copy thereof and that they be returned to the Contracting Officer. The second copy is for your files.

(Contracting Officer)

Receipt is acknowledged of the above Notice as of the -------- day of ----------, 194----.

(Contractor)

By ----------

(d) *Assignment form.* The form prescribed herein shall be used to effect assignments to the Government of subcontracts under cost-plus-a-fixed-fee construction contracts:

ASSIGNMENT TO GOVERNMENT

Under Cost-Plus-a-Fixed-Fee Contract No W ------ eng ----------, dated ---------- between the United States of America and ---------- for ---------- services at ---------- with any or all amendments thereto.

Whereas, under Article ------ of the contract above described, the Contractor is obligated in the event of termination of such contract to execute and deliver all such papers and take all such steps as the Contracting Officer may require for the purpose of fully vesting in the United States of America, the rights and benefits of the Contractor under such obligations or commitments; and

Whereas, it has been determined by the Contracting Officer that an assignment shall be made by the Contractor to the United States of America of the instrument hereinafter described:

Now, therefore, the Contractor does hereby assign, transfer, and set over to the United States of America as of the date hereof, all of his right, title, and interest in and to the following:

---

[1] Items 4, 5, and 8 to be omitted unless applicable in the particular instance.

[1] This paragraph is not applicable to W. D Contract Form No. 4, since there is no provision therein for taking over such materials, tools, etc. Therefore, paragraph 3 of the form set out in paragraph (a) of § 88.15-915 should be substituted.

Title and Identification No. of Instrument:
Name and Address of Vendor or Subcontractor:
Amount:
Date:

In witness whereof, The Contractor has executed this Assignment this _____ day of _____, 194____.

CONTRACTOR,

_____

By _____

Accepted:
UNITED STATES OF AMERICA
By _____
Contracting Officer

PARTIAL PAYMENTS

§ 88.15–921 *Supplemental agreement to make payment in trust for subcontractor.* Where, pursuant to paragraph (b) of § 88.15–502, it is desired to make a partial payment to a lump sum prime contractor, but on account of and in trust for a specific subcontractor, the following form of supplemental agreement will be used:

NOTE: The footnotes to this supplemental agreement refer to modifications which should be made only where it is desired to make merely a partial payment to the Subcontractor on account of the termination of his subcontract and to leave the balance of his claim for later determination.

Whereas, under date of _____, a contract numbered W_____ ord_____ was entered into between the United States of America, hereinafter referred to as the Government, and (*Insert here name of prime contractor*), a corporation organized and existing under the laws of the State of _____, hereinafter referred to as the Contractor, and

Whereas, notice of termination of said contract has been given pursuant to Article _____ thereof, and

Whereas, said Article provides that the Contracting Officer and the Contractor, by supplemental agreement, after negotiation, may agree on the sum reasonably necessary to compensate the Contractor for certain of his costs, expenditures, liabilities, commitments and work, including reimbursement to the Contractor on account of settlements of certain of its commitments to its subcontractors and persons claiming through them, and

Whereas, said Article further provides that the Government shall promptly make partial payments to the Contractor on account of amounts clearly due by reason of termination under said Article and on account of settlements of obligations or commitments of the Contractor (subject to such conditions as the Contracting Officer may require), and

Whereas, (*Insert here name of subcontractor to whom partial payment is to be made*) is a subcontractor (*hereinafter called "said Subcontractor"*) under said contract, through (*Intermediary*) and (*Intermediary*), under an agreement (*hereinafter called said Subcontract*) between said (*Insert name of said Subcontractor*) and (*Insert name of last intermediary*), and

Whereas, the Contractor hereby represents to the United States that at least the sum of $_____ is clearly and justly due to the Contractor by reason of the termination of said Contract W _____ ord_____ and the parties hereto, other than the United States, hereby represent to the United States, and the Contracting Officer has been determined, that[1] the sum of $_____ is justly due to (*Insert here name of said Subcontractor*) on account of said Subcontract and by reason of its termination, the amount of which liability to said Subcontractor is an obligation or commitment of the Contractor (or is included in the obligations or commitments of the Contractor), and that said sum may properly be paid to (*Insert here name of said Subcontractor*) without prejudice to the determination of[2] any other items arising in connection with said termination of the Contract W_____ ord_____ or in connection with the termination of any subcontract hereunder other than said Subcontract with (*Insert here name of said Subcontractor*), and

Whereas, the Government desires to provide for a partial payment to the Contractor on account of its obligations or commitments within the meaning or said Article _____ of Contract W _____ ord _____[3] on condition (a) that such partial payment shall be for the benefit of (*Insert here name of said Subcontractor*) and (b) that all persons interested in such partial payment shall give their written consent to such payment and execute appropriate release as hereinafter provided:

Now, therefore, this Supplemental Agreement is entered into this _____ day of _____, and the parties hereto agree as follows:

1. Upon the execution of this Supplemental Agreement by all the parties hereto, and upon the Contractor's submission of a proper voucher therefor, the Government will pay to the Contractor said sum of $_____ for the account of, and in trust for (*Insert here name of said Subcontractor*), and thereupon the Contractor agrees that it will pay said sum of $_____ directly to (*Insert name of said Subcontractor*).

2. [4] In consideration of such payment the parties hereto release each other of any claim against each other which is based upon said Subcontract or arises out of the termination or cancellation of said Subcontract. The parties hereto agree to eliminate any such claim based upon such Subcontract[5] from their claims in connection with or arising out of said termination of Contract W _____ ord _____ and consent to the making of the payment provided for in paragraph 1 hereof.

3. The parties hereto, other than the United States of America, warrant that there are no outstanding set-offs against (*Insert here name of said Subcontractor*) in connection with said Subcontract or against any party hereto, through whom said (*Insert here name of said Subcontractor*) makes claim, which would reduce the amount payable[6] to said (*Insert here name of said Subcontractor*) on account of such Subcontract.

In witness whereof, the parties hereto have executed this Supplemental Agreement as of the day and year first above written.

THE UNITED STATES OF AMERICA
By_____
(Contracting Officer)
_____
(Contractor)
_____

SUPPLEMENTAL AGREEMENTS TO INSERT CURRENT TERMINATION ARTICLE IN CONTRACTS

§ 88.15–926 *Lump sum contracts; supplemental agreement for use where contract contains no provision for the termination for the convenience of the Government or contains a termination article which does not provide for a negotiated settlement of the amount due in respect of the uncompleted portion of the contract.*

This supplemental agreement entered into this _____ day of _____, 194___, by the United States of America, hereinafter called "the Government" represented by _____ executing this
(authorized officer)
contract and _____ hereinafter called "the Contractor",

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. W_____ under date of _____, 194___, as amended and supplemented by _____, dated _____, 194___; and

Whereas, it is desirable to amend said contract so that termination thereof for the convenience of the Government and a settlement of the rights of the parties by reason of any such termination may be effected expeditiously, without undue expense, and with a minimum of administrative delay and inconvenience, and

Whereas, pursuant to the First War Powers Act and Executive Order No. 9001, issued pursuant thereto, the Secretary of War acting through his duly delegated officer, has authorized the amendment of existing War Department contracts so as to make adequate provision for termination for the convenience of the Government and for the negotiation of settlements in connection therewith and has found that such amendment will facilitate the prosecution of the war.

Now, therefore, the parties do agree to amend the aforesaid contract and the same is hereby amended by

(Here make such change in the contract as may be necessary to the end that it will contain provisions for termination at the convenience of the Government substantially the same as those set forth in § 81.324 in the case of a lump sum supply contract or, in the case of a lump sum construction contract, as § 81.324 (a) of these procurement regulations.)

FINAL SETTLEMENT AGREEMENTS

§ 88.15–931 *Settlement agreement for use where a lump sum supply contract contains a provision for termination for the convenience of the Government substantially in the form contained in* § 81.324 *and permits settlement by negotiation of amount due with respect to uncompleted portion of the contract.*

This supplemental agreement, entered into pursuant to the First War Powers Act and Executive Order No. 9001 this _____ day of _____, 194___, by the United States of America, hereinafter called "the Government" represented by_____
(authorized officer)

---

[1] The words "not less than" should be inserted at this point.

[2] Insert at this point the words "the aggregate amount which may be due on account of the termination of said Subcontract or of".

[3] Insert at this point the words "and as a partial payment on account of the amount due by reason of the termination of said Subcontract".

[4] Insert at this point in place of the first sentence of paragraph 2 the following sentence "In consideration of such payment said Subcontractor and the parties hereto, other than the United States, agree that, to the extent of such payment, they severally do release the United States and each of the other parties hereto against whom they severally have claim based upon said Subcontract or the termination thereof, retaining any such claim based upon said Subcontract only to the extent that such claim may be found by the Contracting Officer under Contract W _____ ord _____ to exceed such payment.

[5] Insert at this point the words ", to the extent of such payment,".

[6] Substitute for the word "payable" the words "hereby authorized to be paid".

executing this contract and ---------- hereinafter called "the Contractor",

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. W-----, under date of ----------, 194---, as amended and supplemented by ----------, dated ----------, 194---; and

Whereas, said contract provides for termination of such contract at the convenience of the Government and for the determination by negotiation of the amount payable on account of the uncompleted portion of the contract and of certain other items; and

Whereas, it is to the advantage of the parties to arrange this negotiated settlement and the interests of the Government are being fully protected thereby; and

Whereas, the Government and Contractor after negotiations have arrived at an agreement as to the sum payable on account of such uncompleted portion of the contract and for other items; and

Whereas, in the light of such agreement, the additional amount payable to the Contractor upon termination pursuant to the provisions of the contract has been found by the Government and the Contractor to be the sum of $------(x)------, which sum the Contractor is willing to and does accept in full and complete settlement except as may be otherwise set forth hereinafter of all liabilities and obligations of the Government under the aforesaid contract;

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE 1. The Contractor shall furnish and deliver, or has previously furnished and delivered, to the Government at the places and times hereinafter stated the following materials and items:

(Insert description of all items including completed and partially completed supplies, spare parts, work in process, materials, fabricated parts, plans, drawings, information and other things which the Contractor is to deliver to the Government.)

ART. 2. Upon delivery of all the materials and items specified in Article 1 above in accordance with the terms of Article 1, the Government, upon presentation by the Contractor of properly certified invoices or vouchers, will pay to the Contractor in addition to the sum of $------(a)------ previously paid to the Contractor for its work and services hereunder, the sum of $------(x)------ for all its costs, expenditures, liabilities, commitments and work done pursuant to the contract.

Said sum of $------(x)------ is made up as follows:

a. Payment in full for completed supplies (including spare parts, drawings, information and other articles and items) called for by the contract, at the contract price therefor, so far as not previously paid: $------(u)------

b. Payment in full compensation to the Contractor for the uncompleted portion of the contract, including without limitation a reasonable allowance for profit for work actually done: $------(v)------

c. Payment in full for all expenditures made and costs incurred after the termination notice for the protection of Government property and for such other expenditures and costs as were necessary in connection with the settlement of the contract: $------(y)------

ART. 3. The Contractor agrees to accept the said additional sum of $------(x)------ in full and complete settlement of all its rights and of all obligations and liabilities of the Government under this aforesaid contract and agrees to release, and does hereby release, the Government from all further liability and obligation under said contract (except as may be otherwise set forth hereinafter) provided that said additional payment is made in accordance with Article 2 hereof.

ART. 4. Upon payment of the additional sum specified in Article 2 hereof, the contract shall terminate and all rights and liabilities of the parties thereto and all obligations of the Government to make further payments or to carry out other undertakings thereunder shall cease forthwith and forever, except: (Omit any of the following which are not applicable.)

(1) All rights of the Government to the recovery of excessive profits pursuant to Sec. 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Pub. No. 528, 77th Congress) as amended by Sec. 801 of the Revenue Act of 1942 (Pub. No. 753, 77th Congress) on account of payments made to the Contractor hereunder.[1]

(2) All rights and liabilities of the parties hereto under the articles, if any, in the contract applicable to inventions, patent rights, patent infringements, patent licenses and reproduction rights; and under the articles, if any, in the contract applicable to options (except options to continue or increase the work under the contract), covenants not to compete, covenants of indemnity, and agreements with respect to the future care and disposition by the Contractor of Government-owned facilities remaining in his custody.

(3) All rights of the Government to effect an adustment of patent royalties under the provisions of Pub. No. 768, 77th Congress.

(4) All rights and liabilities of the respective parties under the articles, if any, of said contract concerning defects which may hereafter appear in any materials or supplies furnished to the Government by the Contractor pursuant to said contract or this supplemental agreement. (Here add additional excepted matters, if any.)

In witness whereof—

§ 88.15–932 *Settlement agreement for use where a lump sum construction contract contains a provision for termination for the convenience of the Government substantially in the form contained in § 81.324* (a).

This supplemental agreement, entered into pursuant to the First War Powers Act and Executive Order No. 9001, this ---------- day of ----------, 194---, by the United States of America, hereinafter called "The Government" represented by ---------- (authorized officer) executing this contract and ---------- hereinafter called "the Contractor".

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. W------ under date of ----------, 194---, as amended and supplemented by ----------, date ----------, 194---; and

Whereas, it has been determined that it is in the best interest of the Government to terminate the aforesaid contract; and

Whereas, said contract provides for termination of such contract at the convenience of the Government and for the determination by negotiation of the amount payable on account of the contract; and

Whereas, it is to the advantage of the parties to arrange this negotiated settlement and the interests of the Government are being fully protected thereby; and

Whereas, the Government and Contractor after negotiations have arrived at an agreement as to the sum payable on account of such contract; and

Whereas, in the light of such agreement, the amount payable to the Contractor upon termination pursuant to the provisions of the contract has been found by the Government and the Contractor to be the additional sum of $ ------ (x) ------, which sum the Contractor is willing to and does accept in full and complete settlement except as may be otherwise set forth hereinafter of all liabilities and obligations of the Government under the aforesaid contract,

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE 1. The Contractor shall furnish and deliver or has previously furnished and delivered, to the Government at the places and times hereinafter stated the following materials, supplies, equipment, machinery and machine tools and items:

(Insert description of all items including all materials, supplies, work in process, facilities, equipment, machinery, tools, plans, drawings, information and other things which the Contractor is to deliver to the Government.)

ART. 2. Upon delivery of all the items specified in Article 1 above in accordance with the terms of Article 1, the Government, upon presentation by the Contractor of properly certified invoices or vouchers, will pay to the Contractor in addition to the sum of $ -------- (a) -------- previously paid to the Contractor for its work and services hereunder, the sum of $ -------- (x) -------- for all its costs, expenditures, liabilities, commitments and work done pursuant to the contract, a total sum of $ ---------- (a) --------- plus ---------(x)----------

Said sum of $---------(a)--------- plus --------(x)-------- is made up as follows:

a. Payment in full compensation to the Contractor on account of the settlement of this contract, including without limitation, a reasonable allowance for profit for work actually done: $---------(y)----------

b. Payment in full for expenditures made and costs incurred after the termination notice for the protection of Government property and for such other expenditures and costs as were necessary in connection with the settlement of the contract: $------(z)------

ART. 3. [Note:—Article 3 and subsequent articles of this form are the same as those similarly numbered found in § 88.15-931 hereof.]

§ 88.15–933 *Supplemental agreement for use where a lump sum supply or construction contract contains no article for termination for convenience of the Government and the contractor will not agree to amend the same by inserting the article contained in § 81.324, or where any such contracts do not contain termination for the convenience of the Government articles and a negotiated settlement can be effected.*

SUPPLEMENTAL AGREEMENT

This supplemental agreement entered into this ------- day of ----------, 194--, by and between the United States of America, hereinafter called "the Government", represented by the Contracting Officer executing this agreement, and ---------- hereinafter called "the Contractor".

Witnesseth that:

Whereas, On the ------ day of ----------, 194---, the parties hereto entered into Contract No. -------- for ----------

Whereas, The Government desires to terminate said contract for the convenience of the Government and to settle the rights of the parties by reason of such termination;

Whereas, This contract is entered into pursuant to the First War Powers Act, 1941 and Executive Order No. 9001, and

Whereas, It has been determined that the execution of this agreement will facilitate the prosecution of the war:

Now, therefore, The parties do mutually agree as follows:

ARTICLE 1. The Contractor shall furnish and deliver to the Government at the places and times hereinafter stated the following materials, supplies, equipment, machinery, tools, and items:

ART. 2. Upon delivery of all the property specified in Article I above in accordance with the terms of Article 1, the Government upon presentation by the Contractor of properly certified invoices or vouchers will pay to the Contractor in addition to the sum of $---------- previously paid to the Contractor for its work and services hereunder, the sum of $----------.

ART. 3. The Contractor agrees to accept the said sum of $---------- in full and complete settlement of all its rights and of all obligations and liabilities of the Government under this aforesaid contract and agrees to release, and does hereby release, the Government from all further liability and obligation under said contract (except as may be otherwise set forth hereinafter) provided that said additional payment is made in accordance with Article 2 hereof.

ART. 4. Upon payment of the additional sum specified in Article 2 hereof, the contract shall terminate and all rights and liabilities of the parties thereto and all obligations of the Government to make further payments or to carry out other undertakings thereunder shall cease forthwith and forever, except:

(1) All rights, and liabilities of the respective parties under the articles, if any, of this contract, applicable to patent infringement and patent license rights which shall continue in full force and effect.

(2) All rights of the Government to effect an adjustment of patent royalties under the provisions of Public Law No. 768, 77th Congress.

(3) All rights and liabilities of the respective parties under the articles, if any, of said contract, concerning defects which may hereafter appear in any supplies and materials furnished the Government pursuant to said contract or of this supplemental agreement which rights and liabilities shall continue in full force and effect.

(4) All rights of the Government to the recovery of excessive profits pursuant to Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public Law 528, 77th Cong.) as amended by Section 801 of the Revenue Act of 1942 (Public Law 753, 77th Cong.).

In witness whereof, The parties hereto have executed this agreement as of the day and year first above written.

THE UNITED STATES OF AMERICA

Witnesses:

---------- By----------

---------- ----------

(Official title)

(Contractor)

(Address)

(Obtain approval and consent of surety if required)

§ 88.15–934 *Cost-plus-a-fixed-fee supply contracts.* Substantially the following form will be used, pursuant to § 88.15–655, for a final settlement agreement in connection with the termination of a cost-plus-a-fixed-fee contract:

This supplemental agreement, entered into this ------- day of ----------, 194---- by the United States of America hereinafter called "the Government" represented by ---------- executing this contract and ----------, hereinafter called "the Contractor",

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. W ------ under date of ----------, 194----, as amended and supplemented by ----------, dated ----------, 194----; and

Whereas, it has been determined that it is in the best interest of the Government to terminate the aforesaid contract; and

Whereas, said contract provides for termination at the convenience of the Government; and

Whereas, it has been determined that there is due the Contractor the sum of $---------- (a) ---------- as reimbursement for all costs incurred in accordance with the terms of the contract, and the sum of $ ---------- (b) ---------- as payment of the fixed fee in accordance with the terms of the contract, and

Whereas, the Contractor is willing to and does accept such amounts in full and complete settlement of all liabilities and obligations of the Government under said contract, except as may be otherwise set forth hereinafter;

ARTICLE 1. The Contractor shall furnish and deliver, or has previously furnished and delivered, at the places and times stated the Government-owned materials, supplies, equipment, machinery, tools and other articles listed in Schedule A, attached hereto and made a part hereof.[1]

ART. 2. Upon the delivery of all of such articles, and upon the presentation by the Contractor of properly certified invoices or vouchers, the Government will pay to the Contractor the sum of $------(a)------ as reimbursement for all costs incurred by the Contractor in accordance with the terms of the contract and not previously reimbursed.

ART. 3. The Government will also, at the same time, and upon the submission by the Contractor of a properly certified invoice or voucher, pay to the Contractor the sum of $------(b)------ as payment in full of the remainder of the fixed fee due to the Contractor under said contract as terminated.

ART. 4. Upon payment of the sums specified in Articles 2 and 3 said contract shall terminate and all rights and liabilities of the parties thereto, and all obligations of the Government to make further payments or to carry out other undertakings thereunder shall cease forthwith and forever, except: (Omit any of the following which are not applicable.)

(1) All rights of the Government to the recovery of excessive profits pursuant to Sec. 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Pub. No. 528, 77th Congress) as amended by Section 801 of the Revenue Act of 1942 (Pub. No. 753, 77th Congress) on account of payments made to the Contractor hereunder.[2]

(2) All rights and liabilities of the parties hereto under the articles, if any, in the contract applicable to inventions, patent rights, patent infringements, patent licenses and reproduction rights; and under the articles, if any, in the contract applicable to options (except options to continue or increase the work under the contract), covenants not to compete, covenants of indemnity, and agreements with respect to the future care and disposition by the Contractor of Government-owned facilities remaining in his custody.

(3) All rights of the Government to effect an adjustment of patent royalties under the provisions of Pub. No. 768, 77th Congress.

(4) All rights and liabilities of the respective parties under the articles, if any, of said contract concerning defects which may hereafter appear in any materials or supplies furnished to the Government by the Contractor pursuant to said contract or this supplemental agreement. (Here add additional excepted matters, if any.)

In witness whereof—

INSTRUCTIONS TO CONTRACTORS AND SUBCONTRACTORS

§ 88.15–936 *Lump sum contractors.* The following form of Instructions to Contractors will accompany each Notice of Termination in connection with the termination of a lump sum supply contract (see §88.15–912 (a)).

INSTRUCTIONS TO CONTRACTORS IN REGARD TO TERMINATION OF LUMP SUM SUPPLY CONTRACTS

SECTION 1—INTRODUCTION

1. *Necessity for termination.* The constant change in the requirements of our armed forces makes it necessary to terminate certain contracts from time to time. Your contract is among these so that its termination is in no sense to be taken as an indication that the War Department is in any way dissatisfied with your performance.

2. *Termination procedure policy.* It is the intention of the War Department to make a proper adjustment with you in accordance with customary commercial practice and the termination article in your contract. However, since public funds are involved, you must submit adequate accounting data to support your request for an adjustment based on the termination. This must be done before payment can be made. When this accounting data is received, the War Department will cooperate with you in arriving at a speedy and equitable negotiated settlement. To assist in effecting termination settlements, the War Department has prepared Procurement Regulation No. 15 and the Termination Accounting Manual for Fixed-Price Supply Contracts. These documents govern the termination of contracts for the convenience of the Government. A copy of the Accounting Manual is inclosed. A copy of the Procurement Regulation, which is primarily designed for the guidance of Government contracting personnel, may be obtained by application to the Contracting Officer. These instructions, however, summarize the action which you must take.

3. *Necessity for prompt action* To expedite payment to you, it is imperative that you take action immediately to supply the Statement of Costs, Inventories and other information (see Exhibit 1) requested in these instructions. Inventories should be prepared immediately. The Statement of Costs may be prepared either on the "inventory" basis shown in Exhibit 1, Schedule F, or on the "total cost" basis shown in Exhibit 1, Schedule G. (See Termination Accounting Manual, paragraphs 2102.3 and 2102.4.) If prepared on the "total cost" basis, the statement will nevertheless be supported by adequate inventories and other schedules. The inventory method is preferred where the necessary cost information is reasonably available. There is *no* occasion for delaying the submission of this statement, pending the disposition of items of inventory, submission of statements of subcontractors' termination charges for approval, or determination of your own charges incurred after termination. It will expedite audit if you submit this statement at the earliest possible moment. It is believed that such information can be furnished within 30 days after receipt of the Notice of Termination. If any parts of your proposal for a negotiated settlement can be presented separately and in advance of the completion of the proposal, this should be done. It is essential that this be done when you request a partial payment, since partial payment will be made on the basis of such partial proposals.

[1] If the settlement is to be exempted from renegotiation (see § 81.1204 (i)) this paragraph (1) should be omitted entirely.

[1] If such a schedule has previously been prepared for some other purpose it may be incorporated herein by reference.

[2] If the settlement is to be exempted from renegotiation (see § 81.1204 (i)) this paragraph (1) should be omitted entirely.

SECTION 2—NOTICE OF TERMINATION

4. *Cessation of work and notification to suppliers.* Immediately upon receipt of the Notice of Termination (with which these instructions are sent), you should take the following steps:

a. On the effective date of the Notice, stop all the work or that portion of the work which the Notice of Termination requires you to stop, and make no further commitments in connection with the contract (or the portion of the contract which the Notice discontinues). However, if, for any reason, you believe it inexpedient to stop any portion of the work as required in the Notice of Termination, you should communicate this information to the Contracting Officer immediately and obtain his instructions. This should be done promptly, by telephone or personal conference, and you should request written confirmation of any variations from instructions given by the Termination Notice.

b. Notify all subcontractors and suppliers that your contract has been terminated and order them to stop all or a part of their work in compliance with the Notice of Termination. Also order them to make no further commitments in connection with their subcontracts. In general, you are in the same position as to your subcontractors as is the Government in relation to you. You should request them to furnish to you promptly inventories and cost statements (see Annexed Exhibits) so as to speed up settlement of their termination charges as much as possible.

c. Notify the Contracting Officer of any pending legal proceedings, or legal proceedings subsequently brought, with respect to any subcontracts or purchase orders related to the terminated contract.

SECTION 3—INVENTORIES

5. *Inventory of materials on hand.* Immediately after stopping work, you should arrange to take an inventory of finished items, material in process, tools and raw materials applicable to the terminated contract, reporting the results in substantially the forms set forth as Schedules A to E of Exhibit 1 attached hereto. Separate statements are to be prepared for *Government-owned* property in your possession. Inventory should include all material (for which costs are to be charged) applicable to the terminated contract and *owned by your company* even if located in plants of your subcontractors; however, in special cases, it may be advisable to have separate inventories. Immediately upon completion of the inventory copies should be submitted to the Contracting Officer.

6. *Necessity for promptness in submission of inventories.* It is expected that these inventories can be prepared and submitted before the remainder of your Statement of Costs. Prompt submission will enable this office to advise you as to the disposition of inventory, and will therefore expedite the entire settlement. The contracting officer may request you to furnish preliminary or partial inventories. You may file partial inventories without such request when such action will assist in (a) the retention or disposal of property by you, or (b) supporting a partial payment requested by you.

7. *Policy of War Department concerning inventory.* It is the policy of the War Department, so far as possible, to dispose of inventories through normal commercial channels. Disposal will ordinarily be handled in one of the following ways:

a. *Materials which can be used by your company or sold to others and as to which you will seek no reimbursement from the Government.* Except as otherwise explicitly directed by the Contracting Officer in the Notice of Termination or in other written communication, you are authorized, without further approval of the Contracting Officer but subject to subparagraph c of this paragraph 7 and to existing regulations of the War Production Board or of other Government Agencies to retain or sell all materials, title to which has not passed to the United States.

b. *Materials which can be returned to suppliers for full credit.* These items should be noted in the "Recommended Disposal" column as "Returned to Vendor at Cost." No approval from this office is required for this action subject to the same limitations as paragraph 7*a*, if the amount, of which you will request reimbursement from the Government, will not exceed the freight charges for shipment to you and return to suppliers, plus reasonable packing and handling charges.

c. *Items which can be used by your company or sold to others but not at cost.* It is necessary that the Contracting Officer approve in writing your retention or sale of material at less than cost. (Note to Contracting Officer: In proper cases this provision may be liberalized. See Procurement Regulation 15-359.) Therefore, when you intend to request the Government to reimburse you for the difference between cost and the receipts from disposal, you must obtain such approval in writing from the Contracting Officer, sending him the following information:

(1) Complete description of material for sale.

(2) Cost of the material as shown in your inventory.

(3) Proposed selling price or price at which you agree to retain it.

(4) Brief statement as to why the material cannot be sold at full value.

d. *Partial inventories.* Authority to retain or dispose of portions of your inventory may be obtained by submitting a partial inventory covering such items. You are urged to submit partial inventories promptly of all items which you are willing to retain or of which you recommend for sale. Such items must be scheduled in detail on the inventory forms as provided in following paragraphs. Show your recommendations in the column "Recommended Disposal" on the inventory schedules.

8. *Organization for inventory taking.* Your inventories should be taken in accordance with the instructions contained in Part II, Chapter 2 of the Termination Accounting Manual.

SECTION 4—PRESENTATION OF STATEMENT OF COSTS

9. *Statement of costs of uncompleted portion of the contract.* As soon as possible after the receipt of the Notice of Termination, you should prepare and submit to the Contracting Officer a statement of *your own* costs with respect to the uncompleted portion of the contract to the date of termination, in general, in one of the two forms as set forth in Exhibit 1. You will note that these schedules are exclusive of subcontractor's claims and costs incurred by you after termination. Please note that this Statement of Costs is to be certified. (See Exhibit 1, Schedule F or G). All records and papers pertinent to and in support of the statement of your costs should be preserved.

10. *Determination of amount of settlement*—a. *Completed items.* All articles completed in accordance with the contract, for which you have not previously been paid, are to be charged at the contract unit price.

b. As to *uncompleted items*, settlement will take into account all reasonable material, burden and labor costs properly applicable to such partially completed items in accordance with recognized accounting practice. The basis upon which you should prepare your statements of costs of uncompleted items is set forth in the Termination Accounting Manual, especially pars. 2101 *et seq.*

c. Indirect charges and administrative expenses properly applicable to the contract when computed and distributed in accordance with recognized accounting practice are normally allowable as termination charges. More specific information on this subject is set forth in Part I, Chapter 3 of the Termination Accounting Manual.

SECTION 5—SUBCONTRACTORS AND VENDORS

11. *Notification of subcontractors and vendors.* No costs will be allowed to you in connection with the settlement which arise from failure on your part effectively to notify subcontractors and vendors of the termination of their subcontracts or purchase orders, within a time which is found by the Contracting Officer to be reasonable under the circumatances.

12. *Statements and other papers to be obtained from subcontractors.* The same type of statements covering inventories and expenses applicable to the termination should be required from your subcontractors and suppliers which the Government requires from you. The extent to which these reports are detailed will of course depend upon the complexity of the subcontract.

13. *Disposal of inventories.* The subcontractor is authorized to retain, return or sell inventory subject to the same restrictions placed upon your company by the provisions of Paragraph 7 unless the Contracting Officer hereafter gives you written permission to approve such dispositions within limits stated by him. (Note to Contracting Officer: See Procurement Regulation No. 15-359 for possible liberalization of these provisions and proper cases and exceptions). Requests for the retention or disposal of items which will directly or indirectly enter into your termination charges against the Government must be submitted to this office for approval.

14 *Statement of costs.* In any case where the subcontractor will request payment of termination charges, the subcontractor should furnish a certified Statement of Costs to you in one of the same general forms which the Government requires you to file in your own behalf. After your review, as described in Paragraph 15, the subcontractor's claim should be promptly submitted to this office for approval.

15. *Review of subcontractor's statements.* It is your primary responsibility to review or examine in an appropriate manner all statements and proposals for settlement of charges arising out of the termination submitted to you by your subcontractors and suppliers. The problem faced by you in passing upon the propriety of these proposals is similar to the problem faced by the Government with respect to your statement and proposal. A review or examination by you of each subcontractor's Cost Statement and proposal for settlement is necessary. In this respect, you should make an examination, reasonable under all the circumstances, and you will be held to the standard of scrutiny that a prudent business man would ordinarily employ in the conduct of his own affairs. You will not be required to warrant the accuracy of the facts presented by the subcontractors. A certification that, on the basis of a review or examination which you believe to be adequate, you are of the opinion that the proposed settlement is fair and reasonable and would be made by you if reimbursement by the Government were not involved will suffice. (See Exhibit 2—Schedules E and F for form of certificates by you and your subcontractors.)

SECTION 6—PARTIAL PAYMENTS

16. In order to relieve you, to the greatest extent possible, of financial inconvenience caused by the termination of your contract, it is the policy of the Government to make partial payments to you on account of the amounts owing to you or, through you, to your subcontractors or suppliers by reason of this termination, as rapidly as you make it possible to do so. (See Paragraph 3.)

You may request a partial payment at any time after receipt by you of the Notice of Termination. Your request should be supported with sufficient data for the Contracting Officer to find that at least the amount requested is clearly due and owing to you on account of the termination and that there are no offsets to or assignments of the amounts owing to you. A partial payment may be made to you whenever you and the Contracting Officer are in agreement that at least the amount of the proposed partial payment is due and owing to you in connection with the termination. A partial payment will also be made to you whenever you and the Contracting Officer are in agreement that the proposed partial payment is necessary to enable you to make payments to your subcontractor or suppliers in amounts which you and the Contracting Officer agree are clearly owing to them.

SECTION 7—EXPENSES SUBSEQUENT TO TERMINATION

17. *Approval of expenditures.* You should obtain the Contracting Officer's approval of all costs incurred by you after the effective date of the Notice of Termination.

a. For the protection of Government property.

b. Other expenditures in connection with the terminated contracts. (See Paragraph *e* of the Termination Article in your contract)

You must take adequate precaution to protect property in your possession to which the Government has or may have an interest.

SECTION 8—NEGOTIATION OF SETTLEMENT

18. After all suppliers' and subcontractors' settlements have been approved and inventories have been disposed of to the greatest extent possible, you will find it advisable to submit a summary of your Statement of Costs and proposal for negotiated settlement and of all accompanying schedules (if these have previously been submitted separately at different times). A proposed form for this summary is illustrated in Exhibit 2. Even if all your Statements are submitted together, (See Paragraph 9) this form provides a convenient summary for the use of the Contracting Officer. This statement will be a recapitulation of your entire proposal for settlement, and as such will include your settlements with subcontractors, as approved, and expenses incurred subsequent to termination with the approval of the Contracting Officer. After submission of this report, a representative of the Contracting Officer will arrange for final negotiation with you of a settlement of your proposal.

SECTION 9—FURTHER INFOAMATION

19. Whenever the termination article in your contract requires the approval of the Contracting Officer, you should, for your records, obtain written confirmation of any such approval or any instructions or rulings given orally.

20. The negotiator actively in charge of the settlement of your contract is:

(Name of Negotiator in Charge)

(Address)

(Telephone) (Extension)

The negotiator is *not* authorized to agree finally to a settlement with you, but will endeavor to obtain answers to any inquiries you may have and will advise you as to procedure.

(a) *Exhibits.* There are set forth in paragraphs (b) and (c) of this section exhibits to the form of instructions to contractors contained in this section.

(b) *Exhibit 1.*

SCHEDULE A—RAW MATERIALS

Line #	Location	Quantity	Part or Dwg. No.	Complete description	Purchased from	Cost unit total	Recommended disposal [1]

SCHEDULE B—PURCHASED PARTS

Line #	Location	Quantity	Part or Dwg. No.	Complete description	Purchased from	Cost unit total	Recommended disposal [1]

SCHEDULE C—WORK IN PROCESS

Line #	Location	Quantity	Part or Dwg. No.	Complete description	Burden	Cost		Recommended disposal [1]
						Direct labor	Direct material	

SCHEDULE D—TOOLS, DIES, JIGS AND FIXTURES

Line #	Location	Quantity	Complete description	Purchased from	Cost		Unamortized balance	Recommended disposal [1]
					Unit	Total		

[1] Each item for which the recommended disposal will involve a loss, for which you will expect reimbursement from the Government, must be supported in accordance with paragraph 7*c* of instructions. Please note in this column the price at which you will be willing to retain each item or group of items, as to which no other disposal is recommended.

SCHEDULE E—COMPLETED ITEMS

Number of units called for by Contract ------ ------
Unit price ------ $------
Total Contract price ------ $------
Completed to date:
Number of units ------ ------ $------
Deliveries accepted and paid. Number of units ------ ------ $------
Deliveries unpaid.[2] Number of units ------ ------ ------
Balance subject to inspection and billing per inventory. Number of units ------ ------ $------

[2] Deliveries unpaid must be supported by listings of invoices.

SCHEDULE F

(This schedule is the form set out in § 88.15–404 and is not reproduced here.)

SCHEDULE G

(This schedule is the form set out in § 88.15–405 and is not reproduced here.)

(c) *Exhibit 2.*

SCHEDULE A

[Note to Contractor: This schedule provides a useful summary of your proposal for settlement and its accompanying schedules. See paragraph 18 of Instructions.]

STATEMENT OF COSTS AND PROPOSALS FOR NEGOTIATED SETTLEMENT

Statement of ---------- Contract No. -------
Effective Date of Termination ----------
Date of Settlement ----------

Inventory on hand (Schedule B)	$------
Loss on Disposal of Inventory (Schedule B)	------
Indirect Factory Expense (Note 1)	------
General and Administrative Expense (Note 1)	------
Other Costs (excluding expenses subsequent to termination (Note 1))	------
Expenses Subsequent to Termination (Note 1)	------
Total Contractors Cost	$------
Proposed Profit Allowance (Note 2)	------
Approved Subcontractors' Claims Paid (Note 3)	------
Total Reimbursement Requested	------
Less Advance and Partial Payments (Note 3)	------
Total Reimbursement Due	------

NOTE 1—Schedules showing detail and method of computations must be included.

NOTE 2—Schedule showing method of computation must be included.

NOTE 3—Schedule of payments must be included.

SCHEDULE B—SUMMARY OF INVENTORY DISPOSAL

	Inventory at termination	Inventory on hand [1]	Inventory disposed of	Disposal proceeds	Loss on disposal
Raw Materials					
Purchased Parts					
Work in Process					
Tools, dies, jigs and fixtures					
Total					

[1] Detailed in Schedule C.

SCHEDULE C

RAW MATERIALS ON HAND

Line #[2]	Location	Quantity	Part or Dwg. No.	Complete description	Purchased from	Cost unit total[1]	Estimated weight

PURCHASED PARTS ON HAND

Line #[2]	Location	Quantity	Part or Dwg. No.	Complete description	Purchased from	Cost unit total[1]	Estimated weight

WORK IN PROCESS ON HAND

Line #[2]	Location	Quantity	Part or Dwg. No.	Complete description	Burden	Cost[1]			Estimated weight
						Direct labor	Direct material	Total	

TOOLS, DIES, JIGS AND FIXTURES NOT AMORTIZED ON HAND

Line #[2]	Location	Quantity	Complete description	Purchased from	Cost		Unamortized balance	Estimated weight
					Unit	Total		

[1] Line numbers referred to are as originally listed in Schedules A, B, C, and D of Exhibit 1.
[2] Total Cost or unamortized balances as listed in Schedules A, B, C, and D of Exhibit 1.

SCHEDULE D

(This schedule is the form set out in § 88.15-409 and is not reproduced here.)

SCHEDULE E

(This schedule is the form set out in § 88.15-440 and is not reproduced here.)

SCHEDULE F

(This schedule is the form set out in § 88.15-410 and is not reproduced here.)

§ 88.15-937 *Lump sum subcontractors under cost-plus-a-fixed-fee prime contracts.* (A form of instructions similar to the one in § 88.15-936 is being prepared).

INVENTORY FORMS

§ 88.15-941 *Inventory form.* The following inventory form will be used pursuant to § 88.15-351:

(See form annexed as Exhibit 1, Schedule A and following to Instructions in paragraph (b) of § 88.15-936.

§ 88.15-946 *Form of order requesting delivery of and transfer of title to property to the Government.* Substantially the following form may be used (see § 88.15-367) to authorize or direct the delivery of property, and the transfer of title thereto, to the Government:

XYZ Corporation
New York, New York
Gentlemen:

Pursuant to paragraph (a) of Article ----- (Termination for the Convenience of the Government) of Contract No. -------, you are hereby authorized and directed *to transfer to the Government title to the property hereinafter mentioned and*[1] to make delivery of the property hereinafter mentioned F. O. B. ---------- on or before ------ 194-- consigned to ------ (address) ------:

Material	Your Inventory Page and Item

You will notify the undersigned on making shipment in accordance with this instruction.

JOHN DOE,
Major, A. C.
Contracting Officer.

§ 88.15-947 *Form of approval for sale, return or retention of materials.* The following form may be used to authorize and, with appropriate modifications, to ratify the sale, return or retention of materials or other items, pursuant to § 88.15-350 (c).

XYZ Corporation
New York, New York
Gentlemen:

Pursuant to paragraph (a) of Article ---- ("Termination for the convenience of the Government") of Contract No. ----------,

you are hereby authorized to { sell to ----------. / return to----------. / retain for your own use

at the prices indicated therefor, the following materials or items, originally procured by you in connection with your work under said contract:

Material	Unit Price	Total Price

Grand Total

The above grand total will be applied in reduction of the amount ultimately agreed upon as due you on account of the termination of said contract.

JOHN DOE,
Major, A.C.,
Contracting Officer.

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-13627; Filed, August 20, 1943; 11:46 a. m.]

[1] Italicized words may be omitted if title has already been delivered to the Government.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Administration

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra.*

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5291]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

EXTENSION OF TIME TO ARMED FORCES FOR FILING DECLARATIONS AND PAYING TAX

Any taxpayer who is a member of the military or naval forces of the United States in active service on September 15, 1943, is hereby granted an extension of time for such period as may be necessary but not beyond March 15, 1944, within which to file the declaration of estimated tax required by section 58 of the Internal Revenue Code, as amended, and to pay such estimated tax or any installment thereof otherwise required to be paid before March 15, 1944. If under the terms of the extension herein granted the time for filing a declaration of estimated tax is extended beyond the close of the taxpayer's taxable year and the taxpayer makes his income tax return and pays the tax for such taxable year on or before March 15, 1944, no declaration of estimated tax need be filed for such year. As used herein the term "member of the military or naval forces of the United States" includes any individual in the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, the Women's Army Corps, the Navy Nurse Corps, Female, the Women's Reserve branch of the Naval Reserve, the Women's Reserve branch of the Coast Guard Reserve, and the Women's Reserve branch of the Marine Corps Reserve (Marine Corps Women's Reserve), and any commissioned officer of the Coast and Geodetic Survey or of the Public Health Service.

(Sec. 58 (e) of the Internal Revenue Code, added by section 5 of the Current Tax Payment Act of 1943 (Pub. Law 68, 78th Cong.), approved June 9, 1943, and section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: August 21, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-13680; Filed, August 21, 1943; 4:01 p. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

PART 203—PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

RUN-OFF ELECTIONS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations—Series 2—as amended (General Rules and Regulations) which it finds necessary to carry out the provisions of said Act. Said amendments to the Rules and Regulations—Series 2—as amended, shall become effective upon the signature of the original amendments by the members of the Board, and upon the publication thereof in the FEDERAL REGISTER.

Sections 203.11 and 203.12, National Labor Relations Board Rules and Regulations—Series 2—as amended, are hereby amended in the following manner:

1. By the insertion of a new section to be known hereafter as § 203.11, to read as follows:

§ 203.11 *Run-off elections.* (a) The agent designated pursuant to the provisions of § 203.10 to conduct the election, shall conduct a run-off election, without further order of the Board, when the results in the election are inconclusive because no choice on the ballot in the election received a majority of the valid ballots cast and when no objections are filed as provided in § 203.10, *Provided,* That a written request by any representative entitled to appear on the run-off ballot pursuant to this section is submitted to him within ten days after the date of the election. Only one run-off election shall be held pursuant to this section.

(b) Employees who were eligible to vote in the election and who are employed in an eligible category on the date of the run-off election shall be eligible to vote in a run-off election.

(c) The ballot in the run-off election shall provide for a selection between the two choices that received the largest and the second largest number of valid votes cast in the election, except as provided in this paragraph.

(1) In the event the number of votes cast for "neither" in an inconclusive election in which the ballot provided for a choice among two representatives and "neither" is less than the number cast for one representative, but more than or equal to the number cast for the other representative, or if the votes are equally divided among the three choices, the run-off ballot shall provide for a choice between the two representatives.

(2) In the event the number of votes cast for "none" in an inconclusive election, in which the ballot provided for a choice among three or more representatives and "none," is equal to the number cast for the representative with the largest number of votes, or is less than the number cast for the representative with the largest number of votes but more than or the same as the number cast for the representative with the second largest number of votes as among representatives, or is the same as the number cast for each of the two highest representatives, the run-off ballot shall provide for a choice between the two representatives.

(3) In the event the number of votes cast for "none" in an inconclusive election, in which the ballot provided for a choice among three or more representatives and "none," is less than the number cast for the representative with the largest number of votes and more than the number cast for any other representative but an equal number of votes is cast for each of two or more such other representatives, the run-off ballot shall provide for a choice among the three or more representatives: *Provided, however,* That in the event such run-off election is inconclusive no further run-off shall be conducted.

(4) No representative shall be accorded a place on the run-off ballot unless that representative received at least twenty percent of the valid votes cast in the election.

(d) Upon the conclusion of the run-off election, the agent who conducted the run-off election, the parties, and the Board shall proceed pursuant to § 203.10 of this Article, insofar as applicable.

2. By changing the number of the present § 203.11 (7 F.R. 8348) to § 203.12.

(Sec. 6 (a), 49 Stat. 452; 29 U.S.C., Sup. IV, 156)

Signed at Washington, D. C., this 23d day of August 1943.

GERARD D. REILLY,
Member.
JOHN M. HOUSTON,
Member.

[F. R. Doc. 43-13731; Filed, August 23, 1943; 11:41 a. m.]

Chapter VI—National War Labor Board

[General Order 7]

PART 803—GENERAL ORDERS

APPROVAL OF INCREASES IN WAGE AND SALARY RATES

General Order No. 7 is hereby amended to read as follows:

§ 803.7 *General Order No. 7.* Since Title VI, section 1 of Executive Order No. 9250, dated October 3, 1942, states that "nothing in this order shall be construed as affecting the present operation of the Fair Labor Standards Act," and since statutes and orders of the duly constituted authorities of the several states fixing minimum rates for certain types of workers carry out the true purposes and intent of the Fair Labor Standards Act, and are designed and intended to eliminate substandards of living within the meaning of section 2 of Title II of Executive Order No. 9250, the National War Labor Board hereby approves increases in wage and salary rates made in compliance with such statutes or orders: *Provided, however,* That if any changes in such statutes or orders are made or promulgated after April 8, 1943, increases directed thereby which would result in a wage or salary rate in excess of 50¢ per hour, may not be made without the approval of the Board.

Adopted August 2, 1943.

(E.O. 9250, 7 F.R. 7871)

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-13696; Filed, August 23, 1943; 10:11 a. m.]

[General Order 14]

PART 803—GENERAL ORDERS

Authorization to War Department to Pass on Wage and Salary Adjustments for Designated and Civilian Employees.

General Order No. 14, adopted by the National War Labor Board on November 24, 1942, is hereby amended to read as follows:

§ 803.14 *General Order No. 14.* (a) The National War Labor Board hereby delegates to the Secretary of War, to be exercised on his behalf by the Wage Administration Section within the Industrial Personnel Division, Headquarters, Army Service Forces (hereinafter referred to as the "War Department Agency"), the power to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering civilian employees within the continental limits of the United States, employed by

(1) The War Department,

(2) The Army Exchange Service, and

(3) Government-owned, privately operated facilities of the War Department.

all in accordance with the further provisions of this order.

(b) There shall be a standing tripartite Appeals Committee, to consist of two representatives to be appointed by the War Department Agency and two representatives each of industry and labor to be appointed by the National War Labor Board. The Committee may have such assistants as the Board may designate. The Board hereby delegates to the Appeals Committee the power to pass upon appeals from rulings by the War Department Agency under category A (3) above, and to perform such other duties as are hereinafter prescribed.

(c) In the performance of their respective duties the War Department Agency and the Appeals Committee shall comply with the terms of Executive Order No. 9250, dated October 3, 1942, Executive Order No. 9328, dated April 8, 1943 (8 F.R. 4681) the Supplementary Directive of May 12, 1943 (8 F.R. 6490), and all general orders and policies of the National War Labor Board announced thereunder.

Any wage or salary adjustment approved by the Agency "which may increase production costs above the level prevailing in comparable plants or establishments" shall become effective only if also approved by the Director of Economic Stabilization. Notice to this effect shall be contained in all rulings and orders issued by the War Department Agency in wage cases.

Applications for approval of voluntary wage adjustments within the jurisdiction of the War Department Agency shall state whether or not the adjustment if granted may increase production costs above the level prevailing in comparable plants or establishments. If the answer is in the affirmative, the War Department Agency shall send to the War Labor Board for processing to the Office of the Director of Economic Stabilization a copy of the application and a copy of its ruling at the time of issuance thereof, for approval as mentioned above.

The War Department Agency, without making an initial ruling thereon, may refer to the Board for decision by the Board any case which in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(d) The War Department Agency and the Appeals Committee shall transmit to the Wage Stabilization Division of the National War Labor Board copies of their respective rulings and rules of procedure as they are issued. In administering the provisions of this order the Agency shall also transmit monthly reports of its rulings to the Wage Stabilization Director of the National War Labor Board, and such additional data as said Division or the Board may from time to time deem necessary.

(e) Any ruling by the War Department Agency hereunder shall be final, subject:

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) In cases under category A (3) above, to the right of any aggrieved party, within a period of fourteen days after the issuance of the ruling, to file an appeal with the Appeals Committee.

(f) Any ruling by the Appeals Committee hereunder shall be final, subject:

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) To the right of any aggrieved party, including the War Department, within a period of fourteen days after the issuance of the ruling, to petition the National War Labor Board for leave to appeal to the Board. The burden shall be upon the petitioner in such cases to show why the Board should be called upon to act.

(g) Any ruling by the War Department Agency hereunder shall be deemed to be the Act of the National War Labor Board unless and until reversed or modified by the Appeals Committee or by the Board.

(h) The term "government-owned, privately-operated facilities of the War Department" shall include for the purposes of this order only those facilities (1) in which the War Department has contractural responsibility for the approval of pay roll costs, and (2) which are designated in lists furnished from time to time, to the Board by the War Department Agency. The Board may at any time, upon at least seven days' notice to the War Department Agency, strike from the list any facility if the Board believes that the policies of Executive Order No. 9017, Executive Order No. 9250, Executive Order 9328 or the Supplementary Directive of May 12, 1943 will be furthered by the Board's acting directly upon the wage and salary adjustments of such facility.

(i) Where disputes about wages and salaries arise between the private operators of said facilities and their employees, the following procedure shall be followed. The dispute shall first be referred for negotiation to the U. S. Conciliation Service. If an agreement is reached, that portion of the agreement pertaining to wages shall be submitted to the War Department Agency for approval. If no agreement is reached, the dispute shall be referred for decision to the appropriate Regional Board, subject to the regular rules of procedure of the National War Labor Board. At the same time, the War Department Agency shall be notified of the dispute and the nature of the case. On its own initiative the Agency may request the Regional Board for any further information concerning the case. When a decision has been reached by the Regional Board, copies of the Board's decision shall be sent to the War Department Agency and the Wage Stabilization Director of the National War Labor Board at the same time that copies are sent to the parties in the dispute. Within the fourteen-day period allowed for filing a petition for review, the War Department Agency may request a review of the case according to the rules of procedure, as amended, of the National War Labor Board.

(E.O. 9250, 7 F.R. 7871)

Adopted August 17, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-13697; Filed, August 23, 1943; 10:11 a. m.]

Chapter IX—Agricultural Labor

NOTE: For document redesignating chapter see Title 6, Chapter II, *supra*.

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Regulation 3]

PART 602—GENERAL ORDERS AND DIRECTIVES

RESTRICTION OF EX-DOCK SHIPMENTS OF COAL FROM GREAT LAKES DOCKS TO PACIFIC NORTHWEST

The increase in fuel requirements in the States of Washington, Oregon, Idaho, Montana and Wyoming has heretofore prompted large and unusual shipments of coal to these States from docks located on Lake Superior and the west bank of Lake Michigan, including docks at Green Bay. It now appears that it will be difficult to supply the coal requirements of the purchasers who have normally obtained coal from these lake docks. It therefore appears necessary to restrict ex-dock shipments of coal from such lake docks so that there may be available an adequate supply on these docks to meet current and future requirements of consumers served by such docks.

Accordingly, since there are other sources of supply available to consumers in the Pacific Northwest, and in order to effectuate the purposes of Executive Order No. 9332, and by virtue of the authority vested by that order, the following regulation is issued by the Solid Fuels Administrator for War:

Sec.
602.31 Definitions.
602.32 Restrictions on the ex-lake dock distribution of coal.
602.33 Damages for breach of contract.
602.34 Violations.
602.35 Applications for modification and exception; inquiries and communications.
602.36 Action under other regulations.

AUTHORITY: §§ 602.31 to 602.36, inclusive, issued under section 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 55 Stat. 176; E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719.

§ 602.31 *Definitions.* For purposes of this regulation:

(a) "Bituminous coal" means all bituminous and sub-bituminous coal having calorific value in British thermal units of more than seven thousand six hundred per pound and having a natural moisture content in place in the mine of less than 30 per centum.

(b) "Anthracite" means that coal generally referred to as Pennsylvania anthracite and which is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna, and Wayne.

(c) "Person" means any person, partnership, association, business, trust, corporation, government corporation or agency, or organized group of persons.

(d) "Ex-lake dock distribution of coal" means the distribution of bituminous or anthracite coal which has been loaded at docks on Lake Superior or the west bank of Lake Michigan, including docks at Green Bay, for movement from such docks after previous delivery via the Great Lakes.

(e) "Coal in transit" means any bituminous or anthracite coal which (1) has been actually loaded in railroad cars and (2) as to which shipping instructions have actually been received by the originating rail carrier.

§ 602.32 *Restrictions on the ex-lake dock distribution of coal.* (a) All persons are prohibited from selling, offering for sale, or otherwise arranging for the ex-lake dock distribution of coal by any method of transportation to any destination not located in the States of Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, and South Dakota or located in the Provinces of Ontario or Manitoba in the Dominion of Canada.

(b) The restrictions on distribution provided by this regulation shall not apply to the distribution of coal in transit prior to the effective date of this regulation.

§ 602.33 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this regulation.

§ 602.34 *Violations.* Any person who violates any provision of this regulation or who, by any statement or omission, wilfully falsifies any record which he is required to keep, or who otherwise wilfully certifies false or misleading information to the Solid Fuels Administrator for War, and any person who obtains a delivery or distribution of ex-dock bituminous or anthracite coal in violation of the provisions of this regulation by means of a wilful, false, or misleading statement, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administrator for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. sec. 80), or under the Second War Powers Act (Public No. 507, 77th Cong., March 27, 1942).

§ 602.35 *Applications for modification and exception; inquiries and communications.* (a) Any applications for modification of or exception from any provision of this regulation shall be filed in triplicate with the Washington Office of the Solid Fuels Administration for War. The application shall set forth, in detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such modification or exception.

(b) All complaints, inquiries, and communications with reference to this regulation shall be addressed to the Solid Fuels Administration for War, Department of the Interior, Washington, D. C.

§ 602.36 *Action under other regulations.* Nothing contained in this regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1 (8 F.R. 5832) or under any other regulation which may hereafter be promulgated by him.

This regulation shall take effect at 12:01 a. m. August 24, 1943, subject to such further directives or regulations as may hereafter be issued by the Solid Fuels Administrator for War.

Issued this 20th day of August 1943.

[SEAL] H. A. GRAY,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 43-13649; Filed, August 21, 1943; 10:00 a. m.]

[Regulation 4]

PART 602—GENERAL ORDERS AND DIRECTIVES

DISTRIBUTION OF BITUMINOUS COAL

The marked increase in fuel requirements incident to the wartime economy of the Nation together with transportation difficulties and shortages in manpower and equipment are tending to result in the inequitable distribution of bituminous coal in many areas. More particularly, it now appears necessary, in furtherance of the war program and pending further detailed study, to require producers of bituminous coal (a) to supply the full amount of their commitments to purchasers using such coal, or reselling such coal for use, in the manufacture of coke, for smithing purposes, for the manufacture of gas, as a raw material in the manufacture of chemicals, and for foundry, malleable, or metallurgical purposes; (b) thereafter, to supply the full amount of their commitments to ship bituminous coal for lake movement during the balance of the current season of navigation; and (c) to distribute the balance of their available coal equitably among other purchasers. Accordingly, in order to effectuate the purposes of Executive Order No. 9332, and by virtue of the authority vested by that order, the following regulation is issued by the Solid Fuels Administrator for War:

Sec.
602.41 Definitions.
602.42 Commitments on shipments for metallurgical and other specified special purposes.
602.43 Commitments on lake shipments.
602.44 Commitments on all other shipments.
602.45 Voluntary efforts to level purchasers' stocks.
602.46 Governmental action implementing voluntary efforts to level purchasers' stocks.
602.47 Producers to notify lake forwarders and other purchasers concerning shipments.
602.48 Lake forwarders and purchasers required to notify Solid Fuels Administrator for War of additional requirements.
602.49 Solid Fuels Administration for War to report the deficiency on lake commitments to Advisory Boards.
602.50 Reports of Advisory Boards concerning deficiencies in commitments for lake shipments.
602.51 Supplemental governmental action.
602.52 Limitation upon applicability of this regulation.
602.53 Prohibited practices.
602.54 Damages for breach of contract.
602.55 Violations.
602.56 Application for modification and exception—Inquiries and communications.
602.57 Action under other regulations.
602.58 Directives under Solid Fuels Administration for War Regulation No. 1.

AUTHORITY: §§ 602.41 to 602.58, inclusive, issued under section 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 55 Stat. 176; E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719.

§ 602.41 *Definitions.* For purposes of this regulation:

(a) "Bituminous coal" means all bituminous and subbituminous coal having calorific value in British thermal units of more than seven thousand six hundred per pound and having a natural moisture content in place in the mine of less than 30 per centum.

(b) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or organized group of persons.

(c) "Producer" means any person engaged in the business of mining or preparing bituminous coal in Districts 1, 2, 3, 4, 6, 7, and 8, as described in the Annex to the Bituminous Coal Act of 1937 (or the sales agent of any such person).

(d) "Order" means any request for the purchase of bituminous coal or any requisition or other arrangement designed to secure such coal from the mine, central washery, or preparation plant of any producer, commercial or captive, for delivery or use any place within the continental United States or any of its territories or possessions or within the Dominion of Canada.

(e) "Purchaser" means any person who places an order for bituminous coal within the meaning of paragraph (d) of this section.

(f) "Commitment" means any contract, agreement, or arrangement by a producer to furnish a purchaser with a specified quantity of bituminous coal under specified terms and conditions but shall not be affected by any contractual provision or any condition of the agreement or arrangement providing for reduction in the volume of shipments to be made because of reduction in the volume of coal produced.

(g) "Coal in transit" means any bituminous coal (1) which has been actually loaded in railroad cars and (2) in respect to which shipping instructions have actually been received by the originating rail carrier.

(h) "Lake forwarder" means any person who transships or arranges for the transshipment of coal via the Great Lakes.

§ 602.42 *Commitments on shipments for metallurgical and other specified special purposes.* Producers shall forthwith arrange their distribution schedules so that they ship or make adequate provision for shipping each month the tonnage of bituminous coal required to meet in full their monthly commitments to all purchasers using such coal, or reselling such coal for use, in the manufacture of coke, for smithing purposes, in the manufacture of gas, as a raw ma-

terial in the manufacture of chemicals, or for foundry, malleable, or other metallurgical purposes. Producers are prohibited from shipping bituminous coal to any purchaser unless and until they have first shipped or made adequate provision for shipping the tonnage necessary to fulfil commitments pursuant to this section.

§ 602.43 *Commitments on lake shipments.* Producers shall forthwith arrange their distribution schedules so that, subject to compliance with § 602.42 of this regulation, they ship or make adequate provision for shipping, in accordance so far as practicable with shipping instructions received from lake forwarders or purchasers, the balance of their available tonnage of bituminous coal to the extent required to meet in full on or before November 15, 1943, all of their commitments to ship bituminous coal, during the current season of lake navigation (1943), to lake forwarders and purchasers who receive such coal via lake. Producers are prohibited, except as provided in § 602.42 of this regulation, from shipping bituminous coal to any purchaser unless and until they have first shipped or made adequate provision for shipping the tonnage necessary to fulfil commitments pursuant to this section.

§ 602.44 *Commitments on all other shipments.* Producers shall forthwith arrange their distribution schedules so that, after compliance with §§ 602.42 and 602.43 of this regulation, the balance of their available tonnage of bituminous coal, if insufficient to meet all other commitments in full, is prorated on a uniform percentage basis among all other purchasers to whom they have commitments except (a) to the extent that such purchasers agree to receive less than such pro rata share or (b) to the extent otherwise provided by amendments to this regulation or by directives issued pursuant to §§ 602.51 and 602.58 of this regulation.

§ 602.45 *Voluntary efforts to level purchasers' stocks.* Producers and purchasers shall endeavor to agree to reduce pro rata shipments pursuant to § 602.44 of this regulation to those purchasers having on hand more than a reasonable number of days' supply of coal.

§ 602.46 *Governmental action implementing voluntary efforts to level purchasers' stocks.* From time to time the Solid Fuels Administrator for War may implement this regulation so as to specify a reasonable number of days' supply of coal for various classes of purchasers and may when necessary or advisable prohibit or restrict shipments of coal to certain classes of purchasers.

§ 602.47 *Producer to notify lake forwarders and other purchasers concerning commitments.* Each producer shall forthwith notify by telegram each lake forwarder and each purchaser to whom the producer has a commitment governed by § 602.43 of this regulation concerning:

(a) The total tonnage of bituminous coal under commitment to be shipped to such lake forwarder or purchaser during the current season of lake navigation (1943).

(b) The total tonnage of bituminous coal actually shipped to such lake forwarder or purchaser subsequent to April 15, 1943, and prior to the effective date of this regulation; and

(c) The tonnage of bituminous coal which will be shipped pursuant to § 602.43 of this regulation to such lake forwarder or purchaser from the effective date of this regulation to November 15, 1943.

§ 602.48 *Lake forwarders and purchasers required to notify Solid Fuels Administrator for War of additional requirements.* Immediately upon receipt of the telegram referred to in § 602.47 of this regulation from each producer committed to ship bituminous coal to a lake forwarder or purchaser, and in the event that a lake forwarder or purchaser receiving coal via lake is notified by telegrams that the sum of the commitments concerning which he has been notified is less than his requirements to and including May 15, 1944, and is also less than the amount of coal he is authorized to receive by General Order ODT No. 9A (8 F.R. 6381), such lake forwarder or purchaser shall notify by telegram the Solid Fuels Administrator for War in Washington, D. C. concerning the following:

(a) The extent to which the tonnages, sizes and classes of bituminous coal, covered by commitments and which producers have advised will be shipped on or before November 15, 1943, are less than his requirements to and including May 15, 1944, and less than the amount of coal he is authorized to receive by General Order ODT No. 9A;

(b) The sources of supply from whom he had anticipated that he would receive bituminous coal (in addition to that which is covered by commitments and which producers have advised will be shipped on or before November 15, 1943) including the names of producers, sales agents, lake forwarders or other intermediaries; and

(c) What efforts he has made to obtain such additional coal.

§ 602.49 *Solid Fuels Administration for War to report the deficiency on lake commitments to Advisory Boards.* On receiving communications in respect to the deficiency in lake commitments and anticipated lake shipments, pursuant to § 602.48 of this regulation, the Solid Fuels Administrator for War will forthwith ascertain the districts which should be called upon to supply such deficiency in whole or in part and shall report to the Advisory Boards for Districts 1 to 4, inclusive, and Districts 6 to 8, inclusive, the amount of such tonnage which they shall endeavor to arrange to supply in the manner hereinafter provided. Such reports to the Advisory Boards will so far as practicable indicate the sizes and classes of coal to be shipped and the persons to whom such coal is to be shipped.

§ 602.50 *Reports of Advisory Boards concerning deficiencies in commitments for lake shipments.* On receiving the report of the deficiency of lake commitments and anticipated lake shipments pursuant to § 602.49 of this regulation, each Advisory Board shall, under the supervision and direction of the Solid Fuels Administrator for War, ascertain from the producers within its district which of them can and will supply such additional requirements. In making such survey each Advisory Board shall endeavor to distribute the burden equitably among the various producers within its district, taking into account, so far as practicable, contract obligations, the available stocks of purchasers and the continued effective operation of the mines. Upon completion of its survey each Advisory Board shall forthwith report to the Solid Fuels Administrator for War the additional commitments which specified producers in its district are prepared to undertake and fulfill in order to supply the deficiency in lake tonnage.

§ 602.51 *Supplemental governmental action.* Upon receiving the report of each Advisory Board pursuant to § 602.50 of this regulation the Solid Fuels Administrator for War shall forthwith issue such directives or supplementary regulations as may be appropriate.

§ 602.52 *Limitation upon applicability of this regulation.* The provisions of this regulation shall not apply to coal in transit prior to its effective date.

§ 602.53 *Prohibited practices.* No device, plan or scheme shall be engaged in by any person in order to defeat, impair or evade the provisions of this regulation.

§ 602.54 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this regulation.

§ 602.55 *Violations.* Any person who violates any provision of this regulation or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully certifies false or misleading information to the Solid Fuels Administrator for War, and any person who obtains a delivery of bituminous coal by means of a wilful, false or misleading statement, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administrator for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. sec. 80), or under the Second War Powers Act (Public No. 507, 77th Cong., March 27, 1942).

§ 602.56 *Application for modification and exception—inquiries and communications.* (a) Any applications for modification of or exception from any provision of this regulation shall be filed in triplicate with the Washington Office of the Solid Fuels Administrator for War. The application shall set forth, in detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such modification or exception.

(b) All complaints, inquiries, and communications with reference to this regulation shall be addressed to the Solid Fuels Administration for War, Department of the Interior, Washington, D. C.

§ 602.57 *Action under other regulations.* Nothing contained in this regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1 (8 F.R. 5832) or under any other regulation which may hereafter be promulgated by him.

§ 602.58 *Directives under Solid Fuels Administration for War Regulation No. 1.* Directives heretofore and hereafter issued by the Solid Fuels Administrator for War under Solid Fuels Administration for War Regulation No. 1 shall be complied with notwithstanding the provisions of this regulation.

This regulation shall take effect at 12:01 a. m. on August 23, 1943.

Issued this 21st day of August 1943.

H. A. GRAY,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 43-13647; Filed, August 21, 1943; 9:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amendment 93]

PART 802—GENERAL LICENSES

LICENSE PERMITTING SHIPMENTS NOT EXCEEDING SPECIFIED VALUES

Section 802.10 *General license which permits shipments not exceeding a specified value* is hereby amended in the following particulars:

1. Paragraph (a) is hereby amended in the following particulars:

a. By deleting from the list of commodities set forth therein the following commodities:

Commodity:	*Schedule B No.*
Atabrin	8135.98
Nicotinic acid	8119.98
Plasmochin	2209.98

b. By adding to the list of commodities set forth therein the following commodities:

Commodity:	*Schedule B No.*
After ascorbic acid add—and salts	8119.98
Bismuth metal, salts, and compounds	6649.10, 8135.98 and 8396.30 thru 8396.98
After cacodylic acid add—and salts	8135.98
Hypodermic needles and surgeons' needles	9157.00
Niacin and niacin amide (nicotinic acid and amide)	8119.98
Nikethamide	8135.98
Pamaquine napthoate (plasmochin)	8127.98, 8135.98
Quinacrine hydrochloride (atabrin)	8127.98, 8135.98
Soap	8710.00 thru 8729.00

c. By deleting the asterisk (*) appearing before the following commodities set forth therein:

Ascorbic acid.
Cacodylic acid.
Pyridoxine hydrochloride.
Riboflavin.
Thiamine hydrochloride.

d. And by deleting the words "(except bismuth subgallate)" which appear after the words "Gallic acid".

2 Paragraph (b) is hereby amended by deleting from the list of commodities set forth therein the following commodities:

Atropine.	Homatropine.
Belladonna.	Hyoscine (scopolamine).
Caffein.	Hyoscyamus (henbane).

3. Paragraph (c) is hereby amended by deleting the words "Atrabrin," "Nicotinic acid and amide", and "plasmochin" and substituting therefor the words "Quinacrine hydrochloride", "Niacin and niacin amide", and "Pamaquine naphthoate" respectively.

Shipments of commodities set forth in this amendment which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions. This amendment shall become effective September 1, 1943.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, F.R. 8529; Executive Order No. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

Dated: August 23, 1943.

C. VICTOR BARRY,
Chief of Office, Office of Exports.

[F. R. Doc. 43-13716; Filed, August 23, 1943; 11:45 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F. R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-407]

SCHAEFER IRON AND METAL CO.

Joel Berkowitz is engaged in business at 14401 Schaefer Road, Detroit, Michigan, handling and dealing in metal of various kinds. He uses the assumed name "Schaefer Iron and Metal Company." Subsequent to May 15, 1942 the respondent made deliveries of iron and steel products (exclusive of salvage and scrap), on orders which had no preference ratings. This was a violation of General Preference Order M-21. The respondent failed to keep adequate records of his business transactions and his failure to do so was a violation of Priorities Regulation No. 1.

The respondent admitted being cognizant of the fact that there were governmental restrictions controlling transactions in iron and steel. Hence his careless disregard of them and his conduct as above-described constituted wilful violations of General Preference Order M-21 and Priorities Regulation No. 1, which have hampered and impeded the war effort of the United States. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.407 *Suspension Order No. S-407.* (a) Joel Berkowitz, doing business as Schaefer Iron and Metal Company, or otherwise, his or its successors and assigns, are prohibited from receiving any iron or steel products or scrap, and also from selling or otherwise disposing of any iron or steel products or scrap, except such iron or steel products or scrap which are on hand at the respondent's place of business at 14401 Schaefer Road, Detroit, Michigan, on the effective date of this order.

(b) Nothing contained in this order shall be deemed to relieve Joel Berkowitz, doing business as Schaefer Iron and Metal Company, his or its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 22, 1943 and shall expire on November 22, 1943.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13655; Filed, August 21, 1943; 10:51 a. m.]

PART 1022—PLUMBING AND HEATING EMERGENCY REPAIRS

[Preference Rating Order P-84 as Amended August 21, 1943]

Section 1022.1 *Preference Rating Order No. P-84* is hereby amended to read as follows:

§ 1022.1 *Preference Rating Order No. P-84*—(a) *Definitions.* For the purpose of this order:

(1) "Plumbing equipment" means any fixture, material, device or apparatus, including component parts thereof, used as a unit or included in a system designed for the supply of water for drinking or sanitary purposes, for heating or storage of domestic hot water, or for removal of waste water or water-borne wastes, and the gases therefrom, including water, gas and sewer piping, or designed for the chemical treatment of waste matter. It does not include equipment operated for general use as a public utility, equipment designed for industrial processing, or fire protection systems, or for use in aircraft, railroad vehicles or ships, or equipment using electricity as a fuel.

(2) "Heating equipment" means any material, device or apparatus, including

component parts thereof, used as a unit or included in a system designed for generating, conveying, circulating, distributing, transferring, or controlling heat, and designed for, but not necessarily limited to, heating air spaces or controlling temperature within buildings or other structures, excluding ships. It shall also include electrical heat controls.

It shall not include critical heat exchangers as defined in L–172, fans and blowers as defined in L–280, equipment designed primarily for refrigeration or dehumidification as defined in L–28, steel power boilers of the types defined in L–117, steel boilers designed for locomotive or for marine shipboard use, equipment exterior to a building which is heated by steam or hot water distributed from a central source for general use as a public utility, equipment designed for industrial processing, equipment for generating power, equipment using electricity as a fuel, or equipment designed for heating aircraft or automotive or railroad vehicles, but it shall include trailer and caboose stoves.

(3) "Domestic cooking appliances" means gas ranges, cooking stoves, and hot plates for household use; coal and wood ranges and cooking stoves (including laundry stoves except jacketed and built-in coil types) for household use; kerosene, fuel oil, and gasoline ranges, cooking stoves, table stoves, and hot plates for household use; combination ranges (including kitchen heater and bungalow types), except electric, for household use; camp and trailer stoves for cooking purposes; fuel oil conversion range burners; drum ovens, and portable ovens.

(4) "Commercial cooking and food and plate warming equipment" means equipment using coal, wood, oil, gas or other non-electric fuel, or equipment attached to any steam or hot water system, designed for the heating of kitchen utensils or plates, or for the cooking or baking of food for consumption or sale on the premises in which the equipment is located. It includes, but is not limited to, such items as bakers, broilers, fryers, griddles, grills, hot plates, ovens (except built-in types), ranges, roasters, steamers, toasters, urns and warmers, but does not include appliances for household use.

(5) "Commercial dishwasher" means any device designed for washing dishes, cutlery, glassware and kitchen utensils in establishments where food is prepared for consumption or sale on the premises; provided, that "commercial dishwasher" does not include any dishwasher for domestic or household use.

(6) "Consumer" means any person who purchases for use but not for resale any material, equipment or parts included in the definitions (a) (1) through (a) (5) above.

(7) "Repair item" means any equipment or component part thereof included in the definitions (a) (1) through (a) (5) above, except the equipment shown on Lists A and B; however, it does include component parts of this equipment shown on Lists A and B.

(8) "Conversion part" means any component part, other than a stoker, required to convert oil-burning or gas-burning equipment to solid-fuel burning equipment.

(9) "Seller" means any person who:

(i) Sells repair items and conversion parts to a consumer;

(ii) Has the contract to sell to and/or install repair items and conversion parts for a consumer.

(b) *Restrictions on use of preference ratings.* (1) The ratings assigned by this order are to be used only to obtain materials, equipment or parts needed in replacements of plumbing equipment or heating equipment worn out, damaged beyond repair, or destroyed, or to repair such equipment because of an actual break-down, or for conversion parts. They may not be used to replace useable equipment or to make a substitution which would provide more extensive facilities than are necessary to replace the equipment, part or parts worn out, damaged or destroyed. The ratings assigned may not be applied to obtain any equipment shown on List A contrary to any ration order of the OPA or any equipment on List B.

(2) The preference rating herein assigned shall not be applied by any person to deliveries of repair and maintenance items to which deliveries any other order or regulation (such as CMP Regulation 5 or 5A) has assigned a preference rating, except that CMP Regulation 5 may not be used to obtain plumbing equipment or heating equipment by any business not specified in Schedule I or Schedule II of that Regulation and any such business may obtain plumbing and heating repair items in accordance with the terms of this order.

(c) *Assignment of preference ratings.* (1) A preference rating of AA–5 is hereby assigned to deliveries to a seller of repair items (except steel and wrought iron pipe and steel sheets) and conversion parts.

(2) A preference rating of AA–5 and the symbol MRO is hereby assigned to deliveries to a seller of steel and wrought iron pipe and steel sheets for repairs.

(3) Any sale of a repair item to a seller, the cost of which to him is no more than $5.00 shall not be subject to the provisions of paragraph (d). Any person making such a sale may apply a rating of AA–5 for the replacement of stock sold under these conditions.

(4) All deliveries by a seller to a consumer pursuant to paragraph (d) (1) of this order are hereby rated AA–5.

(5) Any person receiving an order accompanied by a ration certificate for an item of rationed equipment specified on List A may apply a preference rating of AA–5 to obtain equipment to fill the order or to replenish his inventory after the order has been filled. However, this paragraph does not authorize any person to obtain equipment from his supplier without complying with any applicable provisions of Office of Price Administration Ration Order 9A regarding the flow back of ration certificates.

(d) *Method of applying preference ratings.* (1) Before the seller applies the AA–5 preference rating for repair items or conversion parts he shall secure from the consumer a certification in substantially the following form signed manually or as provided in Priorities Regulation No. 7 by the consumer:

I hereby certify that the items included in this purchase are needed by me to replace equipment worn out, damaged beyond repair or destroyed, or to repair such equipment because of an actual breakdown or for conversion purposes. I further certify that the use of the repair items will not provide more extensive facilities than now exist.

Address of installation_____
Consumer's signature_____
Address_____

Such certification shall constitute a representation to the War Production Board as well as to the seller of the facts certified therein.

No person shall make delivery under this order who has reason to believe that the purchaser has furnished a false certification; and no person shall make a false statement in the certification specified above.

Any seller may rely upon the facts furnished in the above mentioned certification and shall not be responsible for any action taken by him under this order in reliance upon inaccurate or untrue statements therein, unless he has reason to believe that such statements are inaccurate or untrue.

(2) The seller shall retain this certificate in his files for a period of two years open to inspection by duly authorized representatives of the War Production Board.

(e) *Salvage.* Metallic parts or equipment which is not coated with a fused or nonmetallic surface replaced by similar parts or equipment obtained by the ratings herein assigned shall be turned in for salvage to any authorized scrap metal dealer by the person making the repair or replacement within thirty days after the completion of the repair or replacement.

(f) *Extension of old ratings.* In the case of ratings assigned or applied under this order prior to its amendment August 21, 1943, deliveries may be re-rated in accordance with the provisions of Priorities Regulation No. 12.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(h) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Communications.* All communications concerning this order shall be addressed as follows: Plumbing and Heating Division, War Production Board, Washington 25, D. C., Ref: P–84.

Issued this 21st day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

RATIONED EQUIPMENT

The following items are subject to rationing by Office of Price Administration. For detailed directions see the local War Rationing Board.

Coal and wood heating stoves.
Oil heating stoves.
Coal and wood cooking stoves.
Oil cooking stoves.
Gas ranges.
Coal and wood ranges.
Kerosene and oil ranges.
Combination ranges.
Kitchen heater ranges.
Bungalow ranges.
Kerosene stoves.
Coal and wood laundry stoves.
Gasoline cook stoves
Gasoline trailer cook stoves.
Gasoline hot plates.
Gas hot plates.
Oil table stoves.
Portable ovens.
Drum ovens.

LIST B

COMMERCIAL COOKING EQUIPMENT AND COMMERCIAL DISHWASHERS

For the following equipment use Form PD–638–A. Mail to the War Production Board, Washington 25, D. C.

Bain Maries.
Bake ovens.
Barbecue machines.
Broilers.
Broiler griddles.
Broiler roasters.
Cake bakers.
Chicken singers.
Chop suey ranges.
Urns.
Confectioners stoves.
Cup warmers.
Deep fat fryers (all types).
Dish warmers.
Egg boilers.
Food warmers.
Grilles.
Griddles.
Hot plates.
Nut blancher ovens.
Hotel ranges.
Restaurant ranges.
Nut roasters.
Oven steamers.
Oyster stoves.
Peanut roasters.
Plate warmers.
Pop corn machines.
French broilers.
Roll warmers.
Rotisseries.
Salamanders.
Sausage warmers.
Short order ranges.
Steam cookers.
Steam jacketed kettles.
Steam tables.
Toasters.
Urn burners.
Vegetable steamers.
Waffle irons.
Warming ovens.
Field ranges.
Marine ranges.
Broiler toaster griddle combinations.
Sterilizer for dishes.
Cereal cookers, steam.
Cabinet type bake ovens.
Roasting ovens.
Section bake ovens.
Commercial dishwashers.
Glasswashers.

AUTOMATIC FUEL BURNING EQUIPMENT

For the following equipment use Form PD–668. Mail to the local Field Office of the War Production Board.

Stokers, Coal ——— Capacity 36 sq. ft. grate area and less.

[F. R. Doc. 43–13656; Filed, August 21, 1943; 10:51 a. m.]

PART 1112—OFFICE MACHINERY

[General Limitation Order L–54–c, as Amended August 21, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials used in the production of office machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1112.4 *General Limitation Order L–54–c—(a) Definitions.* For the purposes of this order:

(1) "Office machinery" means machinery, including attachments thereto, of the type included in Lists I and II attached to this order as they may be amended from time to time.

(2) "New" office machinery means office machinery which has not been delivered to any person acquiring it for use. The term shall not describe any machine which has been delivered for trial, loan, rental or demonstration at any time prior to March 14, 1942. "Used" office machinery means office machinery other than new office machinery.

(3) "Restricted office machinery" means:

(i) Any new office machinery included in List I.

(ii) Any used office machinery included in List I which is in, or which hereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, and the manufacture of which was completed after December 31, 1940, and

(iii) Any used punched card tabulating machinery which is in, or which hereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, regardless of its age.

(4) "Manufacturer" means any person manufacturing new office machinery or sets or parts, to the extent that he is engaged in such manufacture, and shall include majority-owned sales, distribution, and manufacturing subsidiaries.

(5) "Dealer" means any wholesaler, retailer or other distributor of restricted office machinery other than a sales or distribution subsidiary of a manufacturer, and shall include any person, firm or corporation normally receiving restricted office machinery on consignment.

(6) "Delivery" means any physical transfer of restricted office machinery, and includes transfers for trial, loan, rental, demonstration or other use.

(7) "Army", "Navy" and "Maritime Commission" mean the War Department, the Navy Department, and the Maritime Commission, respectively, but shall not include any privately operated plant, shipyard, training school, or other enterprise controlled or financed by the Army, Navy, Maritime Commission, or any other agency of the United States Government, nor any plant or shipyard privately operated on a cost-plus-fixed-fee basis under the control or direction of the Army, Navy, Maritime Commission, or any other agency of the United States Government.

(8) "Lend-Lease purchaser" means any person requesting authorization to receive delivery of restricted office machinery for export to any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(9) "Sets of parts" means parts for office machinery produced at plants in the United States for shipment to foreign countries for assembly into new office machinery of the types included in List I.

(10) "Dollar value" means

(i) With respect to assembled new office machinery, the retail list price of such machinery to customers located in the United States;

(ii) With respect to sets of parts, the retail list price to customers located in the United States of the number of units of assembled machinery into which such sets of parts can be assembled.

(11) "Form WPB–1688" means:

(i) Form PD–688 as revised prior to April 26, 1943, approved by the War Production Board prior to August 11, 1943;

(ii) Form PD–688 as revised April 26, 1943, approved by the War Production Board prior to October 5, 1943;

(iii) Form WPB–1688 (formerly PD–688), approved by the War Production Board.

(12) "Form WPB–2798" means:

(i) Form PD–423 approved by the War Production Board prior to August 11, 1943;

(ii) Form WPB–2798 approved by the War Production Board subsequent to August 11, 1943.

(b) *Restrictions on production*—(1) *List I items.* No manufacturer shall manufacture any of the kinds of new office machinery included in List I or sets of parts therefor in excess of the following limitations, whichever fixes the smaller amount:

(i) No manufacturer shall manufacture any kind of new office machinery included in List I or sets of parts therefor in excess of that quantity sufficient to fill orders approved by the War Production Board on Form WPB–1688 and WPB–2798 certificates and to enable such manufacturer to maintain an inventory of such kind of machinery and sets of parts therefor not to exceed the combined dollar value of such kind of machinery shipped to his customers and of sets of parts therefor exported during the preceding three calendar months, recalculated the first of each month.

(ii) During the nineteen-month period beginning June 1, 1942, and ending December 31, 1943, no manufacturer shall manufacture any kind of new office machinery included in List I or sets of parts therefor of a combined dollar value in excess of a quota computed by multiplying the percentage specified opposite each kind of such machinery included in List I by the total dollar value of such kind of new office machinery billed to customers during the calendar year 1941 plus the dollar value of the sets of parts exported during the calendar year 1941. Any special authorization to produce new office machinery or sets of parts granted by appeal or otherwise between June 1, 1942, and July 12, 1943, shall be included within the limitations of this subdivision (ii) and shall not be in addition thereto.

(2) *Alternate calculation.* The customary practice of some manufacturers has been to lease substantially all of particular kinds of new office machinery, and for that reason they may not be able to calculate the basis of the restrictions imposed by paragraphs (b) (1) (i) and (b) (1) (ii) in terms of dollar value. In that case, they shall use, instead of dollar value, the number of units of such machinery assembled and number of sets of parts exported during the periods provided in such subparagraphs and shall be subject to all of the restrictions imposed by such subparagraphs calculated on such unit basis. For the purposes of this paragraph, the number of sets of parts exported shall mean the number of units of new office machinery into which such sets of parts were ultimately assembled.

(3) *Future quotas.* The quantity of any kind of new machinery on List I which may be manufactured after December 31, 1943, will from time to time be authorized by amendment to this order.

(4) *List II items.* No manufacturer shall fabricate, cause to be fabricated, or contract to purchase, parts for the assembly of any new office machinery included in List II and no manufacturer shall assemble any new office machinery included in List II.

(5) *Repair and service parts.* The restrictions upon the manufacturer of new office machinery contained in this paragraph (b) shall not apply to the manufacture of parts to be used to service or repair any kind of office machinery included in Lists I and II.

(6) *Discontinued new office machinery.* No manufacturer shall fabricate parts for any new office machinery or assemble any new office machinery of any kind which he has elected to deliver free of all restrictions pursuant to paragraph (g) of this order.

(7) *Special authorizations.* Notwithstanding the restrictions of paragraph (b) or paragraph (f) of this order, the War Production Board may from time to time in writing specifically authorize one or more manufacturers to fabricate, to cause to be fabricated, to contract to purchase, to assemble, or to manufacture in any manner, specified quantities of parts or machinery restricted by paragraph (b) or paragraph (f) or both.

(c) *Restrictions on delivery*—(1) *General restrictions.* Regardless of the terms of any contract of sale or purchase, or other commitment, or of any preference rating, or any preference rating order, no manufacturer or dealer shall deliver any restricted office machinery or sets of parts therefor (other than machines which may be delivered free of restrictions pursuant to an election under paragraph (g) of this order) except upon receipt of and pursuant to the terms of Form WPB–2798 (respecting deliveries to the Army, Navy or Maritime Commission or sets of parts for export) or Form WPB–1688 (respecting deliveries to all other persons) approved by the War Production Board.

(2) *Sequence of deliveries.* Except when specifically directed otherwise in writing by the War Production Board, the sequence of deliveries of machines authorized on Forms WPB–2798 and WPB–1688 shall be determined by the delivery dates specified on such forms. If a form specifies a delivery date prior to the date on which it is received by the supplier named therein, the form shall be treated by the supplier as calling for delivery on the day when it was received by him. If a supplier receives two or more forms specifying the same delivery date for identical machines, he shall make delivery of the machines in the order in which the forms were received by him.

(3) *Intracompany deliveries.* Without further authorization, a manufacturer may for the purpose of redelivery, but not for use, deliver restricted office machinery from one branch, division or section of his enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, to another branch, division or section of the same enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, except that he may not deliver to a subsidiary, branch, or other outlet located outside the United States, its territories, and possessions.

(4) *Delivery to dealers and returns to manufacturers.* Without further authorization, dealers may return restricted office machinery to any manufacturer willing to accept the same and manufacturers may accept all such restricted office machinery from dealers. Without further authorization, manufacturers or dealers may deliver restricted office machinery to dealers in the following instances only:

(i) To fill an order approved by the War Production Board on Form WPB–2798 or WPB–1688 already received by such dealer or to replace restricted office machinery delivered by such dealer from his inventory to fill an order approved by the War Production Board on any such form, *Provided*, That such dealer has furnished to the manufacturer or to the other dealer a photostat, or other certified copy, of the approved Form WPB–2798 or WPB–1688, as provided in Priorities Regulation No. 5.

(ii) To store or display such restricted office machinery on the dealer's premises in the United States, its territories and possessions, provided that the restricted office machinery so stored or displayed is in the absolute control and ownership of the manufacturer or delivering dealer and may be removed, transferred or shipped by such manufacturer or delivering dealer at any time in his discretion.

(5) *Deliveries under Utilities Order U–5.* The issuance of an authorization on Form WPB–2798 or on Form WPB–1688 to deliver a time stamp machine, a time recording machine, or collateral equipment shall constitute a preference rating of AA–5 or higher within the meaning of § 4504.1, Utilities Order U–5, for the particular items authorized to be delivered.

(6) *Special authorizations.* Notwithstanding the restrictions of paragraph (c) of this order, the War Production Board may from time to time in writing specifically authorize one or more manufacturers or dealers, or both, to deliver specified quantities of restricted office machinery.

(d) *Special procedures and information.* (1) Private contractors engaged in construction work for the Army, Navy, Maritime Commission or Defense Plant Corporation, and private operators of any plant, shipyard, training school or other enterprise controlled or financed, on a cost-plus-fixed-fee basis or otherwise, by the Army, Navy, Maritime Commission or any other agency of the United States Government shall, when requesting restricted office machinery on Form WPB–1688, furnish a certification by the Government inspector assigned to the project (1) that no Government equipment is available for use in lieu of the equipment requested, (2) that the contractor or operator has no equipment available from any other source for use in lieu of the equipment requested, and (3) that the equipment requested is to be used exclusively by the contractor's or operator's private personnel for the duration of the project on work which the contractor is required to perform under the terms of his contract.

(2) Lend-Lease purchasers shall accompany their applications on Form WPB–1688 with a formal recommendation by the Lend-Lease Administration that such request be granted.

(3) Any person, other than the Army, Navy, Maritime Commission or any Lend-Lease purchaser, wishing to export restricted office machinery from the United States (except to Canada) must first obtain from the Office of Export Control, Office of Economic Warfare, Washington 25, D. C., an export license and a written recommendation of the Office of Economic Warfare that the War Production Board authorize such export. Such person shall thereafter make application to the War Production Board on Form WPB–1688 which application shall be accompanied by such written recommendation of the Office of Economic Warfare. The War Production Board will not consider any application for authority to export unless accompanied by such written recommendation of the Office of Economic Warfare.

(4) Any person (other than the Army, Navy, Maritime Commission or a per-

son under contract with the United States Government to perform work in Canada and wishing to export restricted office machinery for that purpose) wishing to export restricted office machinery or sets of parts to Canada must make application on Form WPB–1688 or WPB–2798, respectively, to the Administrator of the Office Machinery Equipment and Supplies, Wartime Prices and Trade Board, Ottawa, Canada, who will in turn forward to the War Production Board such applications as he may recommend for approval.

(e) *Sets of parts.* (1) No person shall deliver any sets of parts for export from the United States unless the War Production Board has authorized such delivery on Form WPB–2798. Application for authority to export sets of parts shall be made on Form WPB–2798 and shall indicate therein or by accompanying letter the number of units of new office machinery into which such sets of parts can be assembled, the model numbers of such machinery and the retail price of such machinery to customers located in the United States. Nothing in this order shall be construed to authorize any exportation without an export license.

(2) No manufacturer manufacturing and delivering sets of parts for export shall directly or indirectly import any new office machinery of the kind listed in List I, except by permission of the War Production Board in writing.

(f) *Restrictions on types, styles, models, specifications, and use of materials*—(1) *Elimination of models.* The War Production Board may, from time to time, in writing order the cessation of production or delivery of any model, style, or type of office machinery, including attachments or repair parts thereof.

(2) *Issuance of schedules.* The War Production Board may, from time to time, issue schedules establishing simplified practices with respect to the types, sizes, forms, materials, or specifications of office machinery. After the effective date of any such schedule, no new office machinery shall be fabricated or assembled, except such as conforms to the issued schedule and except as specifically permitted by such schedule.

(g) *Election to cease manufacture and to deliver without restrictions.* Any manufacturer who prefers to cease manufacture of any particular kind, model or type of new office machinery and to obtain authorization to deliver his existing stock of such machinery free of the restrictions of this order, rather than to continue manufacture and delivery of such machinery subject to the terms of this order, may at any time prior to August 11, 1943, make application for authorization to make unrestricted delivery. Such application must set forth the kind, model or type of new office machinery to which the application relates, the model or style numbers of such machinery, the applicant's inventory of such machinery as of the date of the application and the total dollar value of such inventory. Such authorization shall extend to the manufacturer to whom it is addressed and to any dealer possessing stocks of such kind, model or type of machine; and such manufacturer shall notify his dealers of any authorization received under this paragraph.

Nothing in this paragraph (g) shall be construed to entitle any applicant to disregard any provisions of this order until specific authorization of the War Production Board in writing is received by such applicant and then only to the extent of, and subject to the conditions contained in, such authorization.

(h) *Bureau of the Budget approval.* Form WPB–2798, Form WPB–1688, and the form of application for authorization to make unrestricted delivery of new office machinery contained in paragraph (g) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref.: L–54–c.

Issued this 21st day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I: Maximum production quotas for the period June 1, 1942, to December 31, 1943:

Description of machinery	*Percent of total 1941 billings*
1. Accounting machines, bookkeeping machines, and billing machines (accounting principle). Also continuous forms handling machines typewriter principle, having carbon paper handling devices constructed as an integral part of the machine, and collateral equipment, except autographic registers	130
2. Adding machines	83
3. Addressing machines, including but not limited to embossing machines for plates, and stencil-cutting machines embodying typewriter principle	163
4. Calculating and computing machines:	
Rotary	141
Others	131
5. Duplicating machines, including but not limited to ink ribbon, gelatin, spirit, stencil and reproducing typewriter principle machines and Multilith and Davidson duplicators:	
Gelatin	185
Offset and relief	201
Spirit	219
Stencil	116
6. Machines and collateral equipment intended for use for dictating purposes	13
7. Microfilm machines designed for office functions	49
8. Office composing machines (changeable type, changeable horizontal and vertical spacing, uniform impression)	232
9. Payroll denominating machines	430
10. Punched card tabulating and accounting machines and collateral equipment	140
11. Time recording machines and collateral equipment, except watchmen's clocks	163
12. Time stamp machines and collateral equipment	122

LIST II

1. Autographic registers.
2. Cash (registering) machines.
3. Change making machines.
4. Check cancelling machines.
5. Check cutting machines.
6. Check dating machines.
7. Check endorsing machines.
8. Check numbering machines.
9. Check protecting machines.
10. Check signing machines.
11. Check sorting machines.
12. Check writing machines.
13. Coin counting machines.
14. Coin sorting machines.
15. Coin wrapping machines.
16. Currency counting machines.
17. Envelope contents folding machines.
18. Envelope handling machines.
19. Envelope mailing machines.
20. Envelope opening machines.
21. Envelope sealing machines.
22. Envelope stuffing machines.
23. Mail room folding machines.
24. Perforating machines (marking and cancelling).
25. Postal permit mailing machines.
26. Post office cancelling machines.
27. Shorthand writing machines.
28. Stamp affixing machines.

[F. R. Doc. 43–13657; Filed, August 21, 1943; 10:51 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT [1]

[General Limitation Order L–79, as Amended August 21, 1943]

METAL PLUMBING AND HEATING EQUIPMENT

Section 3288.31 (General Limitation Order No. L–79) [1] is hereby amended to read as follows:

§ 3288.31 *General Limitation Order No. L–79*—(a) *Definitions.* For the purpose of this order:

(1) "Plumbing equipment" means any fixture, material, device or apparatus, including component parts thereof, used as a unit or included in a system designed for the supply of water for drinking or

sanitary purposes, for heating or storage of domestic hot water, or for the removal of waste water or water-borne wastes, and the gases therefrom, including water, gas and sewer piping, or designed for the chemical treatment of waste matter. It does not include equipment operated for general use as a public utility, equipment designed for industrial processing, or fire protection systems, or for use in aircraft, railroad vehicles or ships, or equipment using electricity as a fuel.

(2) "Heating equipment" means any material, device or apparatus, including component parts thereof, used as a unit or included in a system designed for generating, conveying, circulating, distributing, transferring, or controlling heat, and designed for, but not necessarily limited to, heating air spaces or controlling temperature within building or other structures, excluding ships. It shall also include electrical heat controls.

It shall not include critical heat exchanges as defined in L–172, fans and blowers as defined in L–280, equipment designed primarily for refrigeration or dehumidification as defined in L–38, steel power boilers of the types defined in L–117, steel boilers designed for locomotive or for marine shipboard use, equipment exterior to a building which is heated by steam or hot water distributed from a central source for general use as a public utility, equipment designed for industrial processing, equipment for generating power, equipment using electricity as a fuel, or equipment designed for heating aircraft or automotive or railroad vehicles, but it shall include trailer and caboose stoves.

(3) "Consumer" means any person who purchases for use but not for resale any material, equipment or parts included in the definitions of "plumbing equipment" and "heating equipment" above.

(b) *Plumbing and heating equipment to be delivered only on rated orders.* On and after September 1, 1943 no person shall deliver or accept delivery of plumbing and heating equipment except on an order rated A–10 or higher.

(c) Exceptions. The restrictions of this order shall not apply to the following:

(1) Any unit of non-metallic plumbing equipment or heating equipment including any such unit of non-metallic equipment the construction or assembly of which (into the form as sold by its producer) calls for incorporation of metallic components of the kind needed to permit connection to the unit of water and waste pipes, faucets, valves, fittings, or plumbing trim.

(2) The minimum quantity of metal items or parts needed to install and hold in place any unit of the kind described in subparagraph (c) (1) including, but not limited to, nuts, bolts, screws, clamps, rivets, and other items of joining hardware (excluding chair carriers) provided such use is not prohibited by any other order of the War Production Board. This exception does not include the running of any water, steam, gas, oil or drain pipes to the unit or any metal items or parts needed to connect the unit to an existing piping system.

(3) Any item of plumbing equipment or heating equipment the cost of which to the purchaser is not more than $5.00.

(4) Plumbing equipment or heating equipment to be incorporated in a project for which the consumer has been given authority to begin construction on Form WPB 2032 (formerly PD–443). In such a case, the purchaser's order shall contain the following signed statement, listing the items of equipment to be sold or delivered:

The following equipment ---------- is required for the completion of the erection, construction, remodeling or rehabilitation of a building, structure or project, or additions, extensions or alterations thereof, which have been specifically authorized by the War Production Board on Form WPB 2032.

Dated ----------
Signed ----------

This statement shall constitute a representation to the War Production Board and to the person supplying such equipment that the stated facts are true and that the listed equipment will be used for the purpose stated.

(5) Power-driven coal stokers approved on Form WPB 1612 (formerly PD–668).

(6) Oil burners approved on Form WPB 2727.

(7) Equipment rationed by a certificate issued by a local War Rationing Board.

(8) Plumbing equipment or heating equipment which has previously been used by a consumer.

(9) Steel and wrought iron pipe.

(d) *Applicability of other orders.* Insofar as any other order issued, or to be issued, limits the production, delivery or use of any plumbing equipment or heating equipment to a greater extent than the limits imposed by this order, the restrictions of such other orders shall govern unless otherwise specified therein.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any person affected by this order may appeal from its provisions by filing Form WPB 1477 (formerly PD–500) with a field office of the War Production Board.

(i) *Communications.* All reports to be filed and other communications concerning this order, except appeals, shall be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L–79.

Issued this 21st day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13658; Filed, August 21, 1943; 10:51 a. m.]

PART 923—TUNGSTEN

[Revocation of Conservation Order M–29–b]

Conservation Order M–29–b (§ 923.5) be and it hereby is revoked effective August 23, 1943.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13704; Filed, August 23, 1943; 11:31 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 5, as Amended August 23, 1943]

§ 944.25 *Priorities Regulation No. 5*—(a) *What this regulation does.* This regulation tells what forms, orders or regulations which have been or will be issued by the War Production Board may be reproduced and how they may be reproduced.

(b) *What forms, orders or regulations may be reproduced.* Any person may reproduce any War Production Board form, order or regulation. However, any form or order which falls within any of the following two classes must, when reproduced, bear on its face the words "Specimen Copy" or "Information Copy" in letters not less than one-half inch high or in 36 point caps:

(1) Forms or orders which are designed to be issued by any governmental agency and which have not yet been signed by the governmental agency. An example of this class is Form GA–146, which is a form used by the various Industry Divisions of the War Production Board to authorize the purchase or sale of particular goods. This limitation does not apply to those forms which are both designed to be filed with a governmental agency and later to be issued to the applicant by the governmental agency. The most common example of this class of forms is Form WPB–541 (formerly PD–1A) which is an application for priority assistance and which is later signed by the War Production Board and returned to the applicant as a rating certificate.

(2) Forms bearing a serial number which are designed to be filed with a governmental agency and later to be issued by the agency but which have not yet been signed by the agency. The most common example of this class is Form WPB–542 (formerly PD–3A) which is largely issued by the military procurement agencies.

(c) *How forms, orders and regulations may be reproduced.* The reproduction of forms, orders and regulations may be by any process: photographic, printing, mimeograph, or otherwise, but the following conditions must be observed:

(1) If forms are reproduced for filing with a governmental agency, the copies must be exactly like the officially published forms as to size of paper, format and arrangement of paragraphs or tables on each page. This is necessary for quick handling. The color of paper must be approximately the same as the official copy.

(2) Copies of all orders or forms bearing the signature of any official of the United States Government or any other authorized person must include the signature. This signature must be in type or print, preceded by "(signed)", unless the entire order or certificate is reproduced by photographic process.

(d) *Contrary provisions may be disregarded.* If any order or form contains a statement that it may not be reproduced, the same may be disregarded if the conditions of this regulation are complied with, unless the order or form states specifically that this regulation does not apply.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13705; Filed, August 23, 1943; 11:31 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–366, Amdt. 1]

RICHTER METALCRAFT CORP.

Richter Metalcraft Corp., 160 East 1st Street, Mount Vernon, New York, has appealed from the provisions of Suspension Order S–366, issued July 13, 1943, as corrected July 24, 1943. After a review of the case by the Deputy Chief Compliance Commissioner, it has been determined that Suspension Order S–366 should be modified so as to expire at an earlier date than is now specified.

In view of the foregoing, *It is hereby ordered*, That paragraph (d) of § 1010.–366, issued July 13, 1943 be amended to read as follows:

(d) This order shall take effect on July 20, 1943 and expire on September 20, 1943.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13706; Filed, August 23, 1943; 11:32 a. m.]

PART 1024—PIGS' AND HOGS' BRISTLES

[Revocation of Supplementary Order M–51–a]

§ 1024.2 *Supplementary Order M–51–a* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty, accrued or incurred under said Supplementary Order M–51–a.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13707; Filed, August 23, 1943; 11:31 a. m.]

PART 1073—FIRE PROTECTIVE, SIGNAL AND ALARM EQUIPMENT

[General Limitation Order L–39, August 23, 1943]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of materials entering into the production of fire protective, signal and alarm equipment, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1073.1 *General Limitation Order L–39*—(a) *Definitions.* For the purpose of this order:

(1) "Fire protective equipment" means: sprinkler systems, couplings, playpipes and allied fittings, fire hose, fire hydrants, fire pumps, hose dryers, hose racks, indicator posts, lightning protection systems, piped extinguishing systems, portable fire extinguishers including back pack types, foam generators, stirrup pumps, water spray nozzles, and all other fire protective equipment for preventing or extinguishing fires, excepting self-propelled motorized fire apparatus and auxiliary units including trailer, skid, front mounted and portable apparatus.

(2) "Signal or alarm equipment" means fire, police, and protective alarm and signal systems, including central station, proprietary, auxiliary and automatic fire alarms; watchmen's time recording, burglar, bank vault, hold-up and intrusion systems; and all other instruments and devices to detect, signal or warn against fire or other casualty, except air raid warning devices.

(3) "Dry-pendant sprinkler head" means a sprinkler head for use in a pendant position on a dry pipe system and permanently attached to an extension nipple so as to exclude water from the nipple.

(4) "Incendiary bomb control equipment" means any pump, device, instrument, or material designed for the removal, control or extinguishment of incendiary bombs.

(5) "Stirrup pump" means a manually operated pump used to draw water or other liquid from a separate container to extinguish or control fires.

(6) "Air raid warning device" means any siren, whistle, horn, diaphone, signal or device used or intended for use to warn or signal, civilians in connection with air raids or other war hazards.

(7) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 percent of the weight of all metal in the alloy.

(b) *General restrictions*—(1) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) of this order, no person shall incorporate in any fire protective equipment, signal or alarm equipment, air raid warning device, or parts thereof, any aluminum, bismuth, cadmium, chromium, copper, mercury, monel metal, nickel, tin, stainless steel, zinc, or alloy of any of said metals, asbestos, rubber or synthetic rubber, except to the extent permitted in Appendix A hereof.

NOTE: Paragraph (b) (1) amended August 23, 1943.

(2) *Restrictions on fire hose couplings.* Except as provided in paragraph (c) of this order, no brass fire hose couplings in the possession or control of any coupling manufacturer, fire hose manufacturer or distributor on April 27, 1942, shall be transferred, sold or incorporated in the manufacture or assembly of any fire hose.

(3) *Restrictions on foam extinguishers.* No person shall purchase or accept delivery of any foam extinguisher except for use in the protection of inflammable liquids, and no person shall sell or deliver any foam extinguisher which he knows or has reason to believe will be used in violation of this paragraph (b) (3).

(4) *Restrictions on manufacture of alkali metal (loaded stream) extinguishers.* No person shall in any quarter complete the manufacture of any type of alkali metal salt solution (loaded stream) extinguishers in excess of 25 percent of the total of such type (irrespective of size) manufactured by such person during the twelve month period ending November 30, 1941, except to fill purchase orders or contracts from any agency or government listed in subdivisions (i), (ii), and (iii) of this paragraph (b) (4). In determining the number of extinguishers manufactured during said twelve month base period ending November 30, 1941, extinguishers manufactured to fill contracts or purchase orders from, or for delivery to, any of the following shall be excluded:

(i) The Army or Navy of the United States, United States Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The Government of any of the following countries: the United Kingdom, Canada, and other dominions, Crown Colonies and protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) Any agency of the United States Government for delivery to or for the account of any country listed above or any other country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

NOTE: Paragraphs (b) (5), (6) amended; former paragraphs (b) (7), (8) deleted; new paragraphs (b) (7), (8), (9) added; former

[1] Formerly Part 1154. § 1154.1.

paragraph (b) (9) redesignated (b) (10) and amended; former paragraph (b) (10) redesignated (b) (11) August 23, 1943.

(5) *Restrictions on manufacture of stirrup pumps.* No person shall manufacture any stirrup pump, or part thereof, except to fill purchase orders from the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration, Defense Supplies Corporation, or from any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) *Restrictions on fire sprinkler systems.* (i) No person shall sell, deliver, purchase or accept delivery of any new or used fire sprinkler system, or part thereof, except to fill a purchase order bearing a preference rating of AA–5 or higher. (Where the installation of a fire sprinkler system, or part thereof, involves construction, the terms of Conservation Order L–41 must be complied with.) In the next two subparagraphs, additional restrictions affecting certain special types of sprinkler equipment are set forth.

(ii) No person shall manufacture, sell, deliver, install, purchase or accept delivery of any dry-pendant sprinkler heads, unless he has been specifically authorized to do so in writing by the War Production Board. (The assignment of a preference rating does not constitute specific authorization.)

(iii) No person shall sell, deliver, install, purchase or accept delivery of any equipment designed to control electrically or pneumatically the flow of water into a fire extinguishing system, unless he has been specifically authorized to do so in writing by the War Production Board. As an exception to the foregoing rule, electrically or pneumatically controlled equipment may be installed for the following purposes without obtaining specific authorization in writing by the War Production Board (however, the purchaser must have a preference rating of AA–5 or higher, as required by subparagraph (i) of this paragraph (b) (6)):

(*a*) For the protection of transformers, other oil-filled electrical equipment, or dip tanks, but the equipment installed for these purposes must use spray heads;

(*b*) For the protection of powder rolls in plants manufacturing explosives;

(c) For the protection of modification hangar rooms and hangar rooms of aircraft assembly plants in cases where the highest sprinkler head is 35 feet or more above the floor of the room.

(7) *Restrictions on sale and delivery of signal or alarm equipment and air raid warning devices.* (i) No person shall sell, deliver or install any signal or alarm equipment costing $50 or more, or any air raid warning device costing $25 or more, except to or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration;

(*b*) Any other person who has been specifically authorized by the War Production Board on Form WPB–1319 (formerly PD–556) to receive the specific equipment or device and who has delivered to his supplier a copy of such form signed in the name of the War Production Board.

(ii) Each person seeking authorization under the preceding subparagraph (7) (i) (*b*) to receive any signal or alarm equipment costing $50 or more or any air raid warning device costing $25 or more shall prepare Form WPB–1319 (formerly PD–556) in quintuplicate in the manner prescribed therein, subject to the following instructions:

(*a*) The form should be filed only by the person (owner or tenant) desiring to receive or have installed on his premises the specified equipment or device, and should not be filed by the person (supplier) desiring to make delivery of or to install such equipment or device. However, the owner or tenant may obtain from his supplier any information he needs in filling out the form.

(*b*) In describing the equipment or device for which application is made, give a complete description of the items involved, including the manufacturer's name. Do not fill in columns (b) and (c) of Part II.

(c) Under section (5) of Part III state in detail why the equipment or device applied for is needed at this time. (The application cannot be passed on unless a full statement is made on this subject.)

(*d*) Do not fill in sections (6), (7) and (8) of Part III.

(*e*) Do not fill in Part V.

(iii) In conjunction with the granting of specific authorization to receive signal or alarm equipment or air raid warning devices on Form WPB–1319 (formerly PD–556), the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

(8) *Restriction on the manufacture of signal or alarm equipment.* Except upon specific authorization by the War Production Board, no persons shall manufacture, install, deliver or accept delivery of any smoke, fire, or intrusion detector employing photo-electric principles, except to fill purchase orders from a purchaser listed in paragraph (b) (4) of this order and unless such item is for use on board ship.

(9) *Restriction on the manufacture of air raid warning devices.* No person shall manufacture, sell, purchase, deliver, install or accept delivery of any air raid warning device which requires for its operation a motor in excess of three (3) horse power.

(10) *Restrictions on fire hose.* (i) No person shall sell, deliver, purchase or accept delivery of any new or used cotton rubber-lined fire hose or linen or flax tow fire hose, except pursuant to a purchase order bearing a preference rating of AA–5 or higher. In the next two subparagraphs, additional restrictions affecting certain kinds of fire hose are set forth.

(ii) Except upon specific authorization in writing by the War Production Board, no person shall manufacture, sell or deliver any double or triple jacket cotton rubber-lined fire hose (not including soft suction hose), except to fill purchase orders of:

(*a*) The Army or Navy of the United States, for use on board ship or overseas;

(*b*) The United States Maritime Commission or the War Shipping Administration, for use on board ship;

(c) Any person for use on board ships warranted by the United States Maritime Commission;

(*d*) The Panama Canal; or

(*e*) Any person for use on fire trucks located in plants manufacturing explosives for the Army or Navy of the United States.

(iii) No person shall purchase or accept delivery of any double or triple jacket cotton rubber-lined fire hose if he knows or has reason to believe that the sale or delivery of such hose is prohibited by the terms of subparagraph (ii) of this paragraph (b) (10).

(iv) The provisions of subparagraph (i) of this paragraph (b) (10) shall not apply with respect to purchase orders for any kind of fire hose which had been placed prior to August 23, 1943, and which bear preference ratings of A–9 or higher; nor shall the provisions of subparagraphs (ii) and (iii) of this paragraph (b) (10) apply with respect to purchase orders for double or triple jacket cotton rubber-lined fire hose which had been placed prior to January 20, 1943, and which bear preference ratings of A–9 or higher.

(v) Except upon specific authorization in writing by the War Production

Board, no person shall sell, deliver, purchase or accept delivery of any cotton jackets designed for use as outer jackets of double or triple jacket cotton rubber-lined fire hose.

(11) *Restrictions on manufacture of incendiary bomb control equipment.* Effective thirty days after January 20, 1943, no person shall manufacture any incendiary bomb control equipment, except when and to the extent authorized by the War Production Board pursuant to application on Form PD-740, or to the extent permitted by paragraph (b) (5) of this order.

(c) *Exceptions to paragraphs (b) (1) and (b) not sub (b) (2).* (1) The restrictions of paragraphs (b) (1) and (b) (2) shall not apply to:

(i) Brass fire hose couplings, rings, or hose line fittings, provided that such couplings, rings, or hose line fittings are delivered to or for the account of:

(a) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, and are for use on board ship; or

(b) The Panama Canal; or

(c) Any person for use on board ships warranted by the United States Maritime Commission.

(ii) The restrictions of paragraph (b) (1) shall not apply to:

(a) Carbon dioxide extinguishers manufactured in accordance with specifications of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration; or

(b) Aluminum parts for signal or alarm equipment, if such parts were fabricated before January 23, 1942.

(d) *Representations on orders from government agencies.* Any purchase order or contract from any agency or government named in subparagraphs (i), (ii), or (iii) of paragraph (b) (4) of this order shall constitute a representation that the conditions exist under which such purchase order or contract may be filled within the terms of this order. Said representation may be relied upon by the person with whom the purchase order or contract is placed and by his subcontractors and suppliers.

NOTE: Former paragraphs (e) (f) deleted; subsequent paragraphs redesignated accordingly August 23, 1943.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(h) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-39.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125; 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

NOTE: Paragraph (10) redesignated (10a) and amended; former paragraphs (14) (15) revoked; paragraphs (10b), (14) added August 23, 1943.

In accordance with the provisions of paragraph (b) (1) of this order, the materials named in this Appendix A may be incorporated in the manufacture of fire protective equipment, signal or alarm equipment, and air-raid warning devices, and in component parts thereof, to the extent indicated in this Appendix A:

(1) Aluminum, primary or secondary:

(i) In extinguishers for use in airplanes;

(ii) As foil in electric condensers for fire, police and protective alarm systems, to the extent essential to the efficient functioning of such condensers and when approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories;

(iii) (Secondary aluminum only) in zinc die castings.

(2) Bismuth:

(i) As a component of fusible link alloy;

(ii) Up to five and one-half (5½) per cent in solder.

(3) Cadmium, as a component of fusible link alloy.

(4) Chromium:

(i) For plating of parts of fire, police, and protective alarm systems and sprinkler heads to the extent essential to the efficient functioning of such systems or heads;

(ii) As a component of stainless steel, the use of which is permitted by paragraph (10) hereof.

(5) Copper or copper base alloys (where copper base alloys are permitted, the alloys used shall be of the lowest type and grade that are practical for the particular application) in:

(i) Pumps for vaporizing liquid extinguishers;

(ii) Lock nuts on removable hose connections;

(iii) Bodies, ends, inner chambers, valves and their component parts for vaporizing liquid and loaded stream extinguishers;

(iv) Either collars or caps (but not both) on 2½-gallon foam extinguishers;

(v) Fittings, strainers, syphon tubes and valves for carbon dioxide and gas operated dry powder extinguishers;

(vi) Snap clamps, clamp pins and wire springs for "Jones" type fire hose couplings;

(vii) Latch assemblies for "British" type fire hose couplings to the extent essential to the efficient functioning of the parts;

(viii) Swivels and wires for screw type fire hose couplings;

(ix) Swivels, wires, and rollers for suction hose couplings;

(x) Couplings and rings for (a) potable water purification plants, (b) ¾ inch, 1 inch, and 1¼ inch chemical or booster hose, and (c) 5 inch and 6 inch suction hose; and 1½ inch expansion rings;

(xi) Hose and hydrant adapters;

(xii) Swivels, wires, clappers and seats for Siamese connections;

(xiii) Playpipes made only from drawn, brazed sheet, or cast brass, provided that such playpipes are not more than 15 inches in length and are manufactured for connections not larger than 2½ inches in diameter.

(xiv) Ball and cylinder type shut-off nozzles;

(xv) Nozzle tips for playpipes, and not exceeding 1½" diameter at discharge ends;

(xvi) Portable deluge nozzles, not including tips or handles;

(xvii) The following hydrant fittings to the extent essential to their efficient functioning: valve seats, discs, guides, operating valve stems, stuffing boxes, bushings, rivets, retainer rings, and outlet nipples;

(xviii) The following indicator post and valve fittings to the extent essential to their efficient functioning: Valve stems; seats; discs; packing glands; glands of bonnet openings; extension stem operating washer, nut and target mechanism;

(xix) Parts of portable generators, engines and fixed piped systems to the extent essential to their efficient functioning (The parts referred to herein include generator bodies except bases, shut-off valves except handles, screens, check valves, inner chambers, heads, stopples, closing and other operating mechanisms.);

(xx) Water spray nozzles;

(xxi) Valve seats, discs, stems, guides, and clapper arms;

(xxii) The following parts of automatic sprinkler systems and signal or alarm equipment: Actuating, indicating, and recording units of alarm or signal systems; condenser parts; contacts; diaphragm assemblies; labels of inspection laboratories; links; tubing and fittings; valves not over 2 inches; wire and cables; impellers and rings for fire pumps and for water flow alarms; deflectors on closed sprinkler heads if made of casting, but the alloy shall not contain more than 74 per cent copper; all other parts of closed sprinkler heads, but the alloy for frames shall not contain more than 86 per cent copper and shall be made without the use of primary copper or primary tin, and the alloy for lever arms shall contain no tin and not more than 74 per cent copper.

(xxiii) Impellers, retaining rings and bushings for fire pumps;

(xxiv) Watchmen's time recording systems where required for efficient functioning;

(xxv) The following parts of air raid warning devices: motors up to three horse power, actuating units, wire and cable, control and

reducer valves only to the extent necessary to the efficient functioning thereof.

(xxvi) Name and identification plates of a gauge of .03125 inch or less for fire extinguishers which are to be used in aircraft or on board ship.

(6) [Revoked.]

(7) Mercury, as required in check valves for automatic systems and in gravity tank gauges.

(8) Nickel, in signal or alarm systems as a component of bi-metal thermal discs for thermostats, as plating for protection against corrosion where magnetic properties of nickel are essential, as a component of wire wound resisters, as a component of thermocouple wire and as a component of permanent magnets; and in signal or alarm systems for plating component parts of control mechanisms essential to the efficient functioning of the system, where less critical material as a substitute would not be suitable.

(9) Tin:

(i) As a component of fusible link alloy; and in dry pipe valve seat rings, but not to exceed fifty per cent in weight;

(ii) In copper base alloys the use of which is permitted by paragraph (5) hereof, but only where no tin-free alloy can be used, and only to the extent permitted by General Preference Order M-43;

(iii) Up to ten per cent by weight in metal for coating steel shells for vaporizing liquid extinguishers;

(iv) In solder, provided that the tin content does not exceed that permitted by General Preference Order M-43;

(v) As a component of foil for use in anti-intrusion and anti-sabotage systems, to the extent essential to the efficient functioning of the equipment, provided that the use of tin for this purpose is properly authorized under General Preference Order M-43.

(10a) Stainless steel (non-nickel bearing):

(i) In hinge pins in dry pipe valves of automatic sprinkler systems; in balls for check valves in dry pipe valves and accelerating equipment for automatic sprinkler systems; and in impeller shafts for fire pumps;

(ii) In nozzles and linings for automatic vaporizing liquid sprinkler units approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories;

(iii) In the following parts of signal or alarm systems: cylinders, ratchet pins, and small shafts for signal or alarm mechanisms where the use of any less scarce material is impracticable, mercury check valves, ball bearings, latching parts, and pileup and adjusting screws where the use of any less scarce material is impracticable.

(10b) Stainless steel (nickel bearing) in tour transmitter cylinders where the use of any less critical material is impracticable.

(11) Monel metal:

(i) In balls for check valves in dry pipe valves, accelerating equipment, and water flow alarms for automatic sprinkler systems;

(ii) In helical springs for fire detecting thermostats;

(iii) In vanes and pressure type flexible joints for water flow alarm devices.

(12) Zinc:

(i) In essential parts of alarm and signal systems when a less critical material as a substitute would not be suitable;

(ii) In copper alloys, the use of which is permitted by paragraph (5) hereof;

(iii) In die cast parts;

(iv) For protection against corrosion of iron or steel parts of lightning rods and fittings, extinguishers, pump tanks, fire hose couplings, expansion rings, open head sprinklers, deflectors on sprinkler heads, and as a protective coating for functional parts where ferrous metal has been substituted for copper base alloy.

(v) As sheet to the extent that corrosion-resistant metal is essential to efficient functioning and galvanized steel sheet is not suitable.

(13) Asbestos:

(i) In gaskets for hydrants, fixed or portable foam applicator pipes, and alarm systems.

(ii) As packing for vaporizing liquid extinguishers.

(14) Rubber and synthetic rubber, to the extent permitted by Rubber Order R-1, as amended, or to the extent permitted by any relief granted pursuant to an appeal taken in accordance with the provisions of that order.

[F. R. Doc. 43-13708; Filed, August 23, 1943; 11:32 a. m.]

PART 1075—CONSTRUCTION

[General Preference Order P-55-b, as Amended August 23, 1943]

Name of Owner: ----------
Address: ----------

§ 1075.10 *Preference Rating Order P-55-b: Authorization of housing construction.* Construction of the housing project, hereinafter described, is hereby authorized under Conservation Order L-41, subject to the following conditions and directions:

(a) This authorization is issued in lieu of Preference Rating Order P-55. Any reference in any order of the War Production Board to said Preference Rating Order P-55 shall constitute a reference to this authorization.

(b) *Definitions.* (1) "Owner" means the specific person to whom this order is addressed above.

(2) "Builder" means the owner and any building contractor or subcontractor with whom the owner has placed a contract pursuant to which such contractor or subcontractor has agreed to furnish critical material.

(3) "Accommodations" means either family dwelling units or rooming accommodations.

(4) "Housing project" means the housing project described in the builder's application comprising a maximum of ------- family dwelling units and ------- rooming accommodations.

(5) "Critical material" means any material or product included in the War Housing Critical List, and only such material or products. Copies of this list may be obtained from any field office of the War Production Board.

(6) "Application" means the owner's application on Form PD-105 with material list Form PD-105A, Serial No. -------, dated ----------.

(c) *Restrictions on use of materials.* The builder shall not order or accept delivery of any critical material to be incorporated into the housing project or incorporate any critical material into the housing project other than that specifically set forth and approved in the application, and then only in accordance with the terms of the allotment on Form CMP-H-1.

(d) *Liability of owner.* The owner and any other person who now holds or hereafter acquires any beneficial interest in the housing project or any part thereof, is hereby ordered to comply with all the representations, certifications and promises made by said owner in the application, except where and to the extent such other person is relieved of such responsibility by regulation of the National Housing Agency.

(e) *Applicability of War Production Board regulations.* This order and all transactions affected thereby are subject to the provisions of all regulations of the War Production Board.

(f) This order shall take effect on the issuance of an authorized construction schedule with allotments or preference rating, if any, pursuant to application Form CMP-H-1 filed within — days from the date this order is countersigned, but shall be effective for only those accommodations which are authorized on such construction schedule.

This order shall be ineffective if Form CMP-H-1 is not filed within the above specified period of time. If it is so filed and is duly approved, this order shall be ineffective.

(1) As to any accommodations not included on the authorized construction schedule, and

(2) As to any accommodations included in the authorized construction schedule in excess of the maximum specified in paragraph (b) (4) above.

(g) Serially numbered copies of this order may be issued to named persons in the name of the War Production Board by regional directors and persons designated by them, and shall incorporate all of the provisions hereof except this section (g).

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

An allotment number and preference rating for the purchase of materials as authorized for allotment and priorities assistance on the approved copy of the application returned to the owner will be issued upon presentation of Application Form CMP-H-1, properly filled in, to the office of the National Housing Agency, where application for this order was first made.

[F. R. Doc. 43-13709; Filed, August 23, 1943; 11:31 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Interpretation 1 to Limitation Order L-211]

The following Interpretation 1 is issued with respect to Limitation Order L-211.

The following interpretation to Limitation Order L-211 (§ 3102.1) states the conditions under which so-called customer specifications

may be used in the purchase of products covered by the various schedules to this order.

Limitation Order L–211 and the schedules thereto require producers to manufacture various steel products to certain designated specifications and prohibit the acceptance of such products which the customer knows or has reason to believe were produced in violation thereof.

Many customers have their own private specifications and these are referred to on drawings and on internal records to such an extent that prohibition of their use would be extremely burdensome.

Therefore, a producer may accept an order to a customer's private specification for any steel product for which a specification is prescribed by a schedule to Order L–211: *Provided:*

(1) That such customer specification is in agreement with a definite specification designated in the schedule, and provided the purchaser so states in placing his order, or

(2) That such customer specification specifies only such requirements as the customer is authorized to specify in the schedule, or such directions as are necessary to the contract, which do not violate the provisions of the schedules.

No other customer specification for such products may be accepted except on authorization on appeal in accordance with Limitation Order L–211.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13710; Filed, August 23, 1943; 11:31 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 14 to CMP Reg. 1]

USE OF QUARTERLY IDENTIFICATION

The following Interpretation 14 is issued with respect to CMP Regulation 1.

(a) It is not necessary to show the quarterly identification in rating orders for B components or other production materials, other than controlled materials. For example, "Preference rating AA–1, Allotment number W–1" is sufficient. Where an A product is ordered requiring an allotment, the quarterly identification must, of course, be shown.

(b) The quarterly identification, showing the quarter for which an allotment is valid, must be shown on all authorized controlled material orders, except as described in paragraph (c) below, and on all allotments, immediately following the abbreviated allotment number—for example, W–1–3Q43. The abbreviated allotment number is the same thing as the major program number, that is, the Claimant Agency symbol followed by the first digit of the program number. In the case of an allotment to a prime consumer designated W–1234–567, the abbreviated allotment number is W–1. The quarterly identification is not a part of the allotment number.

(c) It is not necessary to show any quarterly identification on orders for controlled materials where they are being bought under a blanket symbol (such as the MRO symbol assigned by CMP Regulation No. 5) where the use of the symbol is not limited to any particular quarter. This is also true in the case of orders bearing the SO symbol.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13711; Filed, August 23, 1943; 11:31 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Inventory Direction 11 Under CMP Reg. 2]

AIRCRAFT ALUMINUM EXTRUSIONS

The following Inventory Direction 11 is issued pursuant to CMP Regulation 2.

§ 3175.1011 *Inventory Direction No. 11.* Pursuant to paragraph (b) (2) of CMP Regulation 2, *It is hereby ordered,* That:

During the period from August 23, 1943 through December 31, 1943, the provisions of paragraphs (b) (1) and (b) (3) of CMP Regulation 2 shall not apply to the acceptance of deliveries of aluminum extrusions which are required for use in the production of aircraft or components thereof, and in lieu thereof, until December 31, 1943, no user of controlled material shall accept delivery of any item of aluminum extrusions for use in the production of aircraft or components thereof if its inventory of such item is or will by virtue of such acceptance become greater than the quantity of such item it will be required by current practices to put into use during the succeeding 120-day period in order to carry out its authorized operations. After December 31, 1943, this inventory direction shall cease to be of any effect and the provisions of paragraphs (b) (1) and (b) (3) of CMP Regulation 2 shall apply.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13712; Filed, August 23, 1943; 11:31 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Amdt. 3 to CMP Reg. 5, as Amended May 14, 1943]

LEASED EQUIPMENT

Section 3175.5 (CMP Regulation No. 5) is hereby amended as follows:

(1) By adding a new paragraph to paragraph (g–1) as follows:

(3) A person who leases equipment to others which he agrees to keep in good order may use either his own or his customer's rating and symbol to get materials needed to repair and maintain the equipment.

(2) By striking paragraph (o) and List A and inserting instead of paragraph (o) the following:

(o) *Restriction on use of ratings.* The preference rating assigned by this regulation cannot be used to get any of the items shown on List A or B of Priorities Regulation No. 3.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13713; Filed, August 23, 1943; 11:31 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[General Limitation Order L–140–a as Amended Aug. 23, 1943]

CUTLERY

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals used in the production of cutlery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.175 *General Limitation Order L–140–a*—(a) *Definitions.* For the purposes of this order:

(1) "Cutlery" means any professional food processing cutlery, as defined in Schedule A, any professional kitchen cutlery, as defined in Schedule B, any household kitchen cutlery, as defined in Schedule C, any household table cutlery, as defined in Schedule D, any pocket cutlery, as defined in Schedule E, any scissors, shears and trimmers, as defined in Schedule F, any hand hair or fetlock clippers, as defined in Schedule G, any industrial cutlery, as defined in Schedule H, and any hunting or fixed blade sheath knife, any carving sets, any poultry shears, any implement designed or intended for manicuring, for pedicuring or for extracting blackheads, including but not limited to nail files, nail nippers, nail clippers, pushers, picks, cuticle scissors, cuticle pushers, cuticle clippers and cuticle nippers, and any other hand operated, fixed or folding, cutting blade or fork with a handle or handles of any material attached so as to become an integral part of the implement. "Cutlery" shall not include any article of flatware, as defined in Order L–140–b, when issued, or any of the articles subject to Order L–30–d, as amended from time to time, or surgical instruments.

(2) "Manufacturer" means any person engaged in the business of fabricating or assembling any new cutlery from any raw material, purchased parts or previously used or fabricated material, or who performs any hand or mechanical fabricating or assembling operation on an article of cutlery.

(3) "Process" means the first change by a manufacturer in the form of material (whether raw material, semi or fully fabricated material or finished parts) from that form in which it is received by him, or the first assembly by a manufacturer of material which is not changed in form by him. Any manufacturer who did not maintain records during the base period as to his processing of metals in terms of weight, but who maintained records in terms of units of cutlery only, may apply all percentages contained in this order and schedules in terms of units rather than in terms of weight.

(4) "Base period" means the period beginning July 1, 1940 and ending June 30, 1941, inclusive.

(5) Gauges when referred to in this order, are subject to commercial tolerances.

(b) *Restrictions on kinds of cutlery which may be manufactured.* No manufacturer shall process any metal for new cutlery which is not of a type defined in a schedule in this order.

(c) *Restrictions on quantity of cutlery produced.* No manufacturer shall process more metal in the production of any new cutlery than the amount specified for that class of cutlery in the appropriate schedule attached to this order.

(d) *Exceptions for military orders.* In addition to the production permitted

[1] Formerly Part 1257, § 1257.2.

by paragraph (c) above a manufacturer may process sufficient additional amounts of metal to fill purchase orders or contracts for cutlery to be delivered by him to or for the account of

(1) The War Shipping Administration,

(2) The United States Maritime Commission,

(3) The United States Navy (excluding purchase orders placed by or for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specifically authorize on Form WPB–1319 (formerly PD–556), pursuant to an application filed on said Form, the filling of purchase orders for cutlery for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale within but for use outside the 48 United States and the District of Columbia. In completing said form supply all information called for in section I, and information called for in parts (a), (d), (e) and (f) of section II. Omit parts (b) and (c) of section II. In section III supply information called for in parts (1) (a) and (8). Omit information called for in parts (1) (b), (2), (3), (4), (5), (6) and (7) of section III. Form WPB–1319 (formerly PD–556) is to be filed and executed only by the Bureau of Naval Personnel, Navy Department, Washington, D. C., and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified in section I of said form.

(4) The United States Army (excluding purchase orders placed by or for delivery to United States Army post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specifically authorize on Form WPB–1319 (formerly PD–556), pursuant to an application filed on said form, the filing of purchase orders for cutlery for delivery to and use by post exchanges located in areas designated by the United States Army as "staging areas." In completing said form supply all information called for in section I, and information called for in parts (a), (d), (e) and (f) of section II. Omit parts (b) and (c) of section II. In section III supply information called for in parts (1) (a) and (8). Omit information called for in parts (1) (b), (2), (3), (4), (5), (6) and (7) of section III. Form WPB–1319 (formerly PD–556) is to be filed and executed only by the Army Exchange Service of New York, and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified in section I of said form.

(e) *Specifications.* No manufacturer shall process any metal for the production of any new cutlery which does not conform to the specifications contained in the applicable schedules in this order except that these specifications do not apply to orders for household table cutlery, pocket cutlery and hunting or fixed blade sheath knives, or orders for other cutlery accepted by the manufacturer prior to July 1, 1943: *Provided,* That such orders are for the agencies specified above in paragraph (d).

(f) *Metal restrictions.* No manufacturer shall process any metals other than iron, carbon steel, gold and silver in the production of cutlery, except

(1) Lead for rivets and bolsters for paring knives as provided in Schedule B of this order;

(2) Metal for bolsters as provided in Schedule D of this order;

(3) Chromium for plating;

(4) Zinc as provided in Schedule G and H of this order subject to the restrictions contained in the M-11 series, as amended from time to time.

(g) *Hardness of knife blades and sharpening steels.* No manufacturer shall process any steel for the production of:

(1) Knife blades for cutlery which when finished tests less than 45, Rockwell C Scale;

(2) Sharpening steel which when finished tests less than 62, or more than 68, Rockwell C Scale.

(h) *Cutlery for advertising.* No manufacturer shall process metal for the production of any cutlery which is designed or intended for distribution free, or for a nominal consideration, in connection with advertising, sales promotion or similar use.

(i) *Packaging.* No manufacturer shall package cutlery in such a way as to indicate an intent to sell two or more pieces as a set to ultimate consumers.

(j) *Restrictions on distribution.* (1) No manufacturer, wholesaler or jobber shall sell or deliver any item of cutlery manufactured after June 30, 1942 which is intended for distribution free or for a nominal consideration, in connection with advertising, sales promotion or similar use.

(2) Notwithstanding the provisions of applicable regulations of the War Production Board, no manufacturer shall give any force or effect to any preference ratings, no matter how assigned, accompanying orders for cutlery which require the shipment of less than his regular standard package of that item of cutlery.

(k) *Special provision affecting distribution of overruns, rejects and cancellations.* When material for the production of cutlery is obtained with priorities assistance and, because of cancellations of orders or other reasons, can no longer be used for the purpose for which the assistance was given, such material may only be used as allowed in § 944.11, paragraph (b) of Priorities Regulation No. 1. Similarly, when such material has been manufactured into cutlery to fill a specific contract and that cutlery, because of overruns, rejects, cancellations or other reasons, cannot be used for that purpose, it may be used or disposed of only as allowed in that section. One of the ways in which these materials or products may be used or disposed of is outlined in subparagraph (5) of that section, which permits use and disposal in any manner specifically authorized in writing by the War Production Board. Applications for such authorization may be made on Form WPB–1319 (formerly PD–556).

NOTE: Former paragraphs (k) to (q) redesignated (l) to (r).

(l) *Partial revocation of L–140.* On and after July 1, 1943, the restrictions contained in L–140 are hereby superseded and L–140 is hereby revoked in so far as it applies to the production of any cutlery other than silver plated flatware restricted in paragraph (b) (5) of that order.

(m) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the production of cutlery inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production as permitted by this order.

(n) *Reports.* (1) Prior to July 15, 1943, every manufacturer of cutlery shall execute and file in duplicate with the War Production Board, Washington 25, D. C., Ref: L–140–a, a report as to the aggregate amount of all metals processed by that manufacturer during the base period and grouped in accordance with the classes as specified in the definitions contained in the individual schedules attached to this order. Manufacturers who compute their processing of metals in units in accordance with paragraph (a) (3) of this order may file such report in units. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington 25, D. C., Ref.: L–140–a, on or before the 10th day of July, 1943, and on or before the 10th day of each calendar month thereafter, Form WPB–1600 (formerly PD–655).

(o) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time, except as provided in paragraph (j) (2).

(p) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(q) *Appeals.* Any appeal from this order shall be made by filing Form WPB–1477 (formerly PD–500).

(r) *Communications.* All reports to be filed hereunder or communications concerning this order should be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L–140–a.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—PROFESSIONAL FOOD PROCESSING CUTLERY

Definitions. "Professional food processing cutlery" means any hand operated knives, cleavers, splitters, sharpening steels, beef tiers, ham stringers, coring hooks, canning or pitting spoons, and other hand cutlery designed for, but not limited to, use in packing houses, quick-freezing plants, canneries and dehydrating plants for slaughtering, cleaning, dressing, boning and otherwise processing meats, poultry, fish, vegetables, fruits, and other food stuffs; and also hand cutlery designed for, but not limited to, use in butcher shops and provision markets for the further processing of meats and other foods.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon, and does not apply to the grind or finish of the blade or bowl, or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional food processing cutlery except that which conforms to the following specifications.

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Minimum length in inches
Butcher knife. Not lighter than .063" in thickness	1	4	6
Steak knife (Scimitar shape)	1	2	10
Trimming or heading knife	1	1	-------
Ribbing knife	1	1	-------
Boning knife (Straight blade)	2	2	-------
Boning knife (Curved blade)	1	1	-------
Sticking knife	1	1	6
Sticking knife (chicken)	1	1	-------
Sticking knife (turkey)	1	1	-------
Skinning knife	2	1	-------
Fleshing knife (plufeather)	1	1	-------
Sharpening steels	1	3	-------
Fish slitting or gutting knife	1	1	-------
Fish splitting knife	1	1	-------
Fish skinning knife	1	1	-------
Fish filet knife	1	1	-------
Clam knife	1	1	-------
Oyster knife	2	1	-------
Scallop knife	1	1	-------
Sponge or fishermen's sheath knife	1	1	-------
Ham stringer	1	1	-------
Beef tier	1	1	-------
Fruit canning knife (California type)	1	3	-------
Canning knife (California type)	1	1	-------
Tomato knife	1	1	-------
Beef topping knife	1	1	-------
Pitting spoon	3	1	-------
Tomato spoon	1	1	-------
Coring hook	2	1	-------
Cleavers	2	1	-------
Splitters	2	1	-------

No cutlery in this Schedule A, with the exception of patterns with round tangs, shall be finished without at least one rivet or one pin driven through at least one side of the handle and through the tang.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional food processing cutlery more iron and steel in the aggregate than 225% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional food processing cutlery.

SCHEDULE B—PROFESSIONAL KITCHEN CUTLERY

Definitions. "Professional kitchen cutlery" means any hand operated knives, forks, scrapers, turners and spatulas used in the preparation of food, designed for, but not limited to, use in the bakery trade and in kitchens of hotels, restaurants, cafeterias, hospitals, institutions and other public eating places.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length," unless otherwise specified, means the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Length in inches
Butcher knife (not heavier than .072" in thickness, nor lighter than 0.65" in thickness).	1	2	8" Maximum.
Cook's knife (Sabatier shape, no heel, no bolster)	1	2	8" Minimum.
Meat slicer	2	1	10" Minimum.
Utility slicer	2	1	8" Maximum. 5" Minimum.
Paring knife	2	1	3½" Maximum.
Cook's fork (forged blade).	1	1	14" including handle.
Cook's fork (blanked blade, hardened and tempered).	1	1	
Spatula	1	3	8" Minimum.
Baker's scraper (1 weight of blade only).	1	1	
Cake turner (spatula type).	1	1	
Hamburg turner (spatula type).	1	1	

No cutlery in this Schedule B, with the exception of patterns with round tangs, shall be finished without at least one rivet or one pin driven through at least one side of the handle and through the tang.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional kitchen cutlery more iron and steel in the aggregate than 75% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional kitchen cutlery.

Use of lead. Manufacturers may process lead for rivets and bolsters for paring knives.

SCHEDULE C—HOUSEHOLD KITCHEN CUTLERY

Definitions. "Household kitchen cutlery" means hand operated knives and forks used in the preparation and serving of food, and designed for use in home kitchens.

"Pattern" means the outline shape of the blade of a knife or fork. It does not apply to the grind or finish of the blade or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	Length in inches
Slicer	2	1	9" maximum
Cook's fork (blanked blade, hardened and tempered).	1	1	10½" maximum (including handle).

No cutlery in this Schedule C, with the exception of patterns with round tangs, shall be finished without at least one rivet or one pin driven through at least one side of the handle and through the tang.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household kitchen cutlery more iron and steel in the aggregate than 35% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household kitchen cutlery.

SCHEDULE D—HOUSEHOLD TABLE CUTLERY

Definitions. "Household table cutlery" means any knife, fork, spoon or any other cutlery of plated or unplated metal, with handles made of other material than metal, designed for the actual serving and eating of food in the home, other than all metal flatware.

"Pattern" means the outline shape of the blade of a knife or fork or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household table cutlery except that which conforms to the following specifications:

Description of item	Maximum No. of patterns	Maximum No. of lengths per pattern
Table knife	1	1
Dessert fork	1	1
Dessert spoon	1	1
Teaspoon	1	1

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Metal for bolsters. Manufacturers may process lead, carbon steel or bolster metal in accordance with Order M-43, as amended from time to time, in the production of the household table cutlery specified in this schedule, provided that no lead, carbon steel or bolster metal is processed for such cutlery unless necessary to provide a serviceable junction betweeen the blade and handle.

Permissible amount of metal. During the period of three calendar months, beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household table cutlery more iron and steel in the aggregate than 50% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household table cutlery.

NOTE: Paragraph entitled *"Chromium plating"* deleted.

SCHEDULE E—POCKET CUTLERY

Definitions. "Pocket cutlery" means any folding blade knife.

"Pattern" means the outline shape of the skeleton or frame. It does not apply to the shape of, number of or finishes of blades, or to the type of material, finish or color of the handle.

"Length", unless otherwise specified, means the outside measurement of the skeleton or frame of the knife, subject to a tolerance (plus or minus) of 1/16th inch.

"Number of blades per knife" refers only to the number of blades which may be fastened directly or indirectly to each skeleton or frame and does not refer to the shape or finish of the blades. Different styles of blades may be mounted on the same pattern of skeleton or frame. For instance, the specifications state that not more than one blade may be fastened to each skeleton or frame of a pruning, maize or navy knife. The manufacturer may produce as many styles of blades for such pruning, maize or navy knives as he wishes, so long as each completed knife contains only a single blade, irrespective of its style.

Permissible types. No manufacturer shall process metal in the production of pocket cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	No. of blades per knife
General utility knife	1	1	Maximum 4.
Premium stock knife or cattle knife.	3	1	Maximum 3.
Jackknife. No. of weights, 2.	1	3	2 only.
Pruning, maize or navy knife.	1	1	1 only.
Budding or grafting knife.	1	1	1 only.
Electrician's knife	1	1	2 only.
Scout knife	1	1	4 only.
Self opening knife	1	2	1 only.

No item in this List E may be made with a handle less than 3⅜ inches in length nor less than ⅜ of an inch in thickness at the narrowest point.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of pocket cutlery more iron and steel in the aggregate than 60% of the average quarterly amount of iron, steel and other metals in the aggregate processed by that manufacturer during the base period in his production of pocket cutlery.

SCHEDULE F—SCISSORS; SHEARS AND TRIMMERS

Definitions. "Scissors" means any two bladed, hand operated cutting implement having two rings, each of a size sufficient to accommodate not more than one finger or thumb in each ring, designed for use in industrial plants, schools, dressmakers' establishments, department stores, homes, etc., for cutting cloth, paper and miscellaneous materials; including nail scissors, but excluding surgical scissors and barber shears and scissors.

"Shears and trimmers" means any two bladed, hand operated cutting implement having one ring of a size sufficient to accommodate two or more fingers and a second ring which is smaller and barber shears or scissors possessing a protruding finger rest, but not including animal and agricultural shears and trimmers or metal cutting shears or snips.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of scissors more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of scissors.

During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of shears and trimmers more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of shears and trimmers.

SCHEDULE G—HAND HAIR CLIPPERS

Definitions. "Hand hair clippers" means clippers operated by hand, designed for but not limited to use in barber shops, beauty parlors, hospitals or homes for cutting human hair, and including fetlock clippers.

"Length" means the over-all measurement of the article from the tip of the stationary handle to the tip of the cap or head.

"Pattern" means the outline shape of the head, cap and handles, including horns and finger rests of the completed article, without the plates. It does not refer to the finish, color or weight of the article.

Permissible types. No manufacturer shall process metal in the production of any hand hair clippers except those which conform to the following specifications:

General description	Maximum No. of patterns	Maximum No. of lengths
Large heavy duty clippers	1	1
Light weight clippers	1	1
Fetlock clippers	1	1

Permissible amount of metal. During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new large heavy duty hand hair clippers and fetlock clippers more iron, steel and zinc in the aggregate than 45% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new large heavy duty hand hair clippers, and fetlock clippers.

During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new light weight hand hair clippers more iron, steel and zinc in the aggregate than 25% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new light weight hand hair clippers.

Restrictions on distribution. On and after July 1, 1943, no manufacturer shall transfer the physical possession of or title to any new light weight hand hair clipper produced after that date except to or for the account of persons acquiring such light weight hand hair clippers for export to and consumption or use in a foreign country.

NOTE: Paragraph entitled *"Chromium plating"* deleted.

SCHEDULE H—INDUSTRIAL CUTLERY

Definitions. "Industrial cutlery" means hand operated knives or similar articles designed for use primarily in, but not limited to, shoe, rubber, linoleum, electrical and other manufacturing plants; and in the shipbuilding, storage battery, automotive, tire repair, painting, furniture, office supply and other trades; including but not limited to putty knives, scrapers, wallpaper trimmers, paper hangers' knives, casing knives, corner knives, linoleum knives, roofing knives, manual training knives, wood carving knives, pattern makers' knives, stencil knives, rubber knives, shoe knives, cotton sampling knives, broom corn knives, and similar industrial knives; and also adjustable knife blades with detachable handles designed for essential cutting operations.

Permissible amounts of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of industrial cutlery more iron, steel, and zinc in the aggregate than 200% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of industrial cutlery.

[F. R. Doc. 43-13714; Filed, August 23, 1943; 11:32 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Rev. Gen. RO 3A [1]]

RATIONING BANKING; DEPOSITORS

General Ration Order 3A is redesignated Revised General Ration Order 3A and is revised and amended to read as as follows:

Preamble: Billions of ration stamps and coupons are turned in to retail-gasoline, processed foods, meats and fats, ers annually by consumers of sugar, shoes and fuel oil. Retailers must transfer the stamps, or their equivalent, to wholesalers in order to replenish their stocks; wholesalers must repeat this process. Obviously some system of exchanging stamps and coupons for ration evidences of larger denominations is essential, to avoid counting, transporting and storing tremendous bulks of paper at each trade level.

Originally, the approximately 5,500 local boards, largely composed of volunteer personnel, performed this function. The boards had to count the stamps turned in, issue certificates against them, store the stamps and keep records of the transactions. Experience demonstrated that these boards were not staffed or equipped to handle this mechanical, time-consuming task and that it interfered with the performance of their more important administrative duties.

The ration banking plan was devised to relieve the boards of this burden. The commercial banks of the country were prevailed upon to perform this task, being reimbursed by the Government for the actual cost of operating ration bank accounts and the expenses incidental thereto, since they had the necessary bookkeeping machinery and facilities and were best equipped to handle the job.

Several months' experience in the operation of the ration banking system on a national scale has shown the need for a number of changes. The more important of these are provisions permitting checks to be transferred by non-depositors, instead of requiring them to be exchanged at local boards for other ration evidences; permitting depositors, if authorized by the Office of Price Administration, to transfer certificates and other ration evidences which they are now required to deposit; permitting the opening, if authorized by the Office of Price Administration, of more than one account for the same establishment, which was formerly not allowed; and simplifying various banking procedures. Some of these changes have already been put into effect by amendments to General Ration Order 3A. This Revised General Ration Order 3A includes all of them, and constitutes a simpler and more effective arrangement of the provisions of the order.

§ 1305.431 *Revised General Ration Order 3A.* Under the authority vested in the Office of Price Administration and the Price Administrator by Public Laws 421, 507, and 729, 77th Cong., by Executive Order No. 9125, issued by the President on April 7, 1942, this Revised General Ration Order 3A, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1305.431 issued under Pub. Laws 421, 507, and 729, 77th Cong.; Executive Order No. 9125, 7 F.R. 2719; WPB Dir. No. 1, 7 F.R. 562.

REVISED GENERAL RATION ORDER 3A—RATION BANKING; DEPOSITORS

ARTICLE I—INTRODUCTION

Sec.
1.1 General plan of ration banking.
1.2 What orders govern operation of ration banking.
1.3 How accounts are authorized.
1.4 Each person is a separate depositor as to each of his accounts.

ARTICLE II—OPENING ACCOUNTS

2.1 A separate account is required for each rationing program.
2.2 How many accounts are permitted.
2.3 Accounts shall be opened where dollar accounts are carried.
2.4 Signature cards and other papers required.

ARTICLE III—DEPOSITS

3.1 All evidences valid for deposit shall be deposited.
3.2 How deposits are made.
3.3 Errors in deposit slips must be corrected.
3.4 Person who fails to open a required account shall not transfer evidences.

ARTICLE IV—ISSUANCE AND USE OF CHECKS

4.1 Checks may be issued only for purposes authorized by ration orders.
4.2 How checks are issued.
4.3 Post-dated checks are prohibited.
4.4 Overdrafts are prohibited.
4.5 Checks issued to the Office of Price Administration must be made payable to it.
4.6 What checks may be certified.
4.7 Altered or partially destroyed checks may not be used.
4.8 Lost checks must be reported.
4.9 How altered and lost checks are replaced.
4.10 Checks received by non-depositors may be transferred.

ARTICLE V—CLOSING AND TRANSFERRING ACCOUNTS

5.1 How to proceed when ration order requires closing of accounts.
5.2 How to voluntarily close an account.
5.3 Depositor must notify district office when he discontinues use of an account.
5.4 How a depositor proceeds when a bank withdraws from participation in ration banking.
5.5 How accounts may be transferred.

ARTICLE VI—OTHER RIGHTS AND DUTIES OF DEPOSITORS

6.1 Depositor is entitled to bank statements and must report errors.
6.2 Depositor may examine bank records.
6.3 How disputes over balances are settled.
6.4 Depositor must preserve records.

ARTICLE VII—GENERAL PROVISIONS

7.1 When evidences may not be accepted.
7.2 Accounts are under the control of the Office of Price Administration.
7.3 Accounts are not subject to legal process.
7.4 Terms explained.
7.5 Penalties.
7.6 Saving clause.

Article I—Introduction

SECTION 1.1 *General plan of ration banking.* A ration bank account is used in much the same way as an ordinary dollar checking account. The chief difference is that in the case of a dollar account, a depositor may either deposit his money and issue dollar checks to pay his bills, or may transfer the money itself, while in the case of a ration account, a depositor, except in certain instances, must deposit all stamps, coupons, certificates, ration checks and other evidences received by him, and when he wants to transfer or spend his ration credits, must write and issue ration checks drawn on his account.

SEC. 1.2 *What orders govern operation of ration banking.* This order contains the rules applicable to all depositors. General Ration Order 3 governs the ration banking operations of the banks. Other matters, such as who may become depositors, what evidences may be deposited, requisites of deposit, and circumstances under which checks may be used, are determined by the several ration orders. Exempt agencies are also governed by General Ration Order 3B. The banks act as agencies of, and under the direction and supervision of, the Office of Price Administration, and are responsible only to the Office of Price Administration.

SEC. 1.3 *How accounts are authorized.* Various ration orders require certain persons and permit others to have ration bank accounts. Only these persons may become depositors and they may open only the accounts specifically authorized by or under the various ration orders.

SEC. 1.4 *Each person is a separate depositor as to each of his accounts.* Each person who opens more than one account is deemed to be a separate depositor as to each of his accounts. (Thus a person who has a sugar account and a processed foods account is both a sugar depositor and a processed foods depositor. If one person has two establishments and opens a separate sugar account for each, he is a sugar depositor as to each account.)

Article II—Opening Accounts

SEC. 2.1 *A separate account is required for each rationing program.* A person may not use the same account for more than one rationing program, but must open a separate account for each. (For example, he may not use one account for both processed foods and sugar, but must open a processed foods account and a sugar account.)

SEC. 2.2 *How many accounts are permitted.* Not more than one account for any one establishment may be opened for the same rationing program, unless authorized by the Office of Price Administration. Accounts for related activities of an establishment may also be opened, if authorized by the Office of Price Administration.

SEC. 2.3 *Accounts shall be opened where dollar accounts are carried.* Every account opened for any establishment, or for any related activity, or for any group of establishments, must be

[1] 8 F.R. 1130, 1149, 1963, 3520, 4627, 5843.

opened at a bank carrying a dollar checking account for that establishment, or for that activity, or for any establishment of that group, as the case may be, unless otherwise authorized by the Office of Price Administration. If there is no such dollar account, or if, in the case of a ration account the carrying of which is optional with the bank, the bank having the dollar account has elected not to carry such ration accounts, the account may be opened at any bank.

SEC. 2.4 *Signature cards and other papers required.* A person shall open his first account in any bank by signing and delivering to the bank completed signature cards supplied by the bank. He may open any additional account in the same bank by furnishing such additional signature cards as the bank may request. He may change the authorized signatures for an existing account by signed notice to the bank, and by furnishing such signature cards as the bank may request. He shall also, in all cases, furnish such references, proofs of identity and documents showing his authority to execute the signature cards as the bank may request.

Article III—Deposits

SEC. 3.1 *All evidences valid for deposit shall be deposited.* A depositor shall deposit all evidences which are in his possession when he opens his account, or are thereafter accepted by him, in the account carried for the establishment or related activity by or for which the evidences were received, and may not transfer them to any person for any purpose, unless otherwise provided by the Office of Price Administration. However, he shall not deposit in his account any evidence which has not yet become valid or which no longer is valid for deposit.

SEC. 3.2 *How deposits are made.* All ration evidences presented for deposit must be in the form prescribed by the ration order authorizing the account, and accompanied by a deposit slip filled out in duplicate, in the form prescribed by the Office of Price Administration, indicating each item deposited by type and amount, and in the case of a check, by transit number, unless permission to omit the transit number is granted by the regional office of the Office of Price Administration. All evidences must be endorsed by the depositor before being deposited.

SEC. 3.3 *Errors in deposit slips must be corrected.* If a depositor receives from his bank a notice of an error in a deposit slip, he must correct his duplicate copy. He must bring any objection to the attention of the bank within ten (10) days after receipt of the notice.

SEC. 3.4 *Person who fails to open a required account shall not transfer evidences.* A person who is required to open an account but does not do so may not transfer ration evidences to any person for any purpose.

Article IV—Issuance and Use of Checks

SEC. 4.1 *Checks may be issued only for purposes authorized by ration orders.* A check may be issued only by a depositor and only for a purpose permitted and with the effect prescribed by the ration order authorizing the account on which the check is drawn, except as otherwise provided in section 5.4 of this order.

SEC. 4.2 *How checks are issued.* Each check and its stub must be completely filled out before the check may be issued, but a check register, duplicate voucher or any similar record may be used in place of the check stub. Both check and stub or other record must contain the name of the person to whom the check is to be issued, the date on which it is drawn and the amount of credits to be transferred. The check must bear the name of the account and the depositor's authorized signature or signatures.

SEC. 4.3 *Post-dated checks are prohibited.* No person may issue or transfer a check before the date it bears.

SEC. 4.4 *Overdrafts are prohibited.* No check may be issued for an amount larger than the balance in the account on which it is drawn less the amount of outstanding checks drawn on that account.

SEC. 4.5 *Checks issued to the Office of Price Administration must be made payable to it.* A depositor who issues a check to the Office of Price Administration, or any office or board thereof, shall make it payable to the Office of Price Administration.

SEC. 4.6 *What checks may be certified.* All checks payable to the Office of Price Administration shall be certified or confirmed, unless otherwise provided by the Office of Price Administration. No other checks shall be certified or confirmed.

SEC. 4.7 *Altered or partially destroyed checks may not be used.* No check which has been altered, mutilated or partially destroyed, or which contains an erasure, may be issued, transferred or deposited. A person who holds such a check shall return it to the issuer with a request for a new check. If he is unable to locate the issuer, or to obtain a new check from him, he shall deliver the check to the district office, with a statement signed by him of all the circumstances.

SEC. 4.8 *Lost checks must be reported.* A person who loses or unintentionally destroys a check issued or transferred to him, or from whom such a check is stolen, shall notify the issuer in writing of the circumstances of the loss or destruction and request that a new check be issued to him. If he is unable to locate the issuer, or to obtain a new check from him, he shall send to the district office a statement signed by him of all the circumstances.

SEC. 4.9 *How altered and lost checks are replaced.* A depositor to whom an altered, mutilated or partially destroyed check issued by him is returned or who receives a request for the replacement of a lost, destroyed or stolen check issued by him, may issue a new check. If he does so, he must enter on the stub or other record (used in place of the stub) of the original check the fact that it has been lost, stolen, altered, mutilated, partially or completely destroyed, and on the stub or other record of the new check the fact that it replaces the original check. Every depositor shall immediately send his bank a written description of any checks drawn on his account and lost or stolen before deposit, and a description of any checks issued to replace them.

SEC. 4.10 *Checks received by non-depositors may be transferred.* A person who is not a depositor and is not required to be one, to whom a check is properly issued or transferred, may transfer it to any person for any purpose for which other evidences may be transferred under the ration order authorizing the account on which the check is drawn. He must endorse the check before transferring it.

Article V—Closing and Transferring Accounts

SEC. 5.1 *How to proceed when ration order requires closing of accounts.* Whenever a ration order shall require all depositors in a specified class or group to close their accounts, each depositor in that class or group shall promptly inform his bank in writing of the facts which bring him within it. The depositor shall reduce the balance in his account to zero within the time fixed in the ration order for the closing of such accounts. (The bank will close the account as soon as it has been reduced to zero.)

SEC. 5.2 *How to voluntarily close an account.* A depositor may not voluntarily discontinue the use of his account, and continue to deal at the same establishment in the rationed commodity for which the account is carried, without permission from the district office. He may request such permission by a letter to the district office stating the reasons for discontinuing the use of his account. The district office will notify the depositor of its decision, and, if permission is given, will also notify his bank to close the account.

SEC. 5.3 *Depositor must notify district office when he discontinues use of an account.* A depositor shall inform the district office in writing whenever he closes or transfers an establishment for which an account is carried, ceases to deal in a rationed commodity for which an account is carried, transfers his account from one bank to another, or changes the name in which his account is carried.

SEC. 5.4 *How a depositor proceeds when a bank withdraws from participation in ration banking.* Whenever a depositor receives notice from a bank in which he has an account that the bank is withdrawing from ration banking, he shall, within ten (10) days after receipt of such notice, reduce the balance in his account to zero. A depositor who is required to carry a ration bank account, or who is permitted to and desires to do so, shall draw a check payable to himself for the balance in his account less outstanding checks. He shall use such check as his initial deposit in opening a new account. If he is not required to carry an account and does not desire to do so, he shall draw a check payable to the Office of Price Administration for the balance in his account less outstanding checks, and deliver it to a board, and receive in exchange appropriate evidences representing the balance in his account. If a depositor has not reduced the balance in his account to zero within the ten (10) day period, he may write a letter to the district office, stating the reasons for his failure to do so, and if the district office finds that there was good reason for his failure, it may issue appropriate evidences representing the balance in his account. After the expiration of the ten (10) day period, he shall not draw any check against the account.

SEC. 5.5 *How accounts may be transferred.* A depositor desiring to discontinue his account in one bank and transfer it to another may draw a check payable to himself for the balance in his account less outstanding checks, and use such check as the initial deposit in opening his new account, subject to the provisions of sections 2.3 and 5.3 of this order.

Article VI—Other Rights and Duties of Depositors

SEC. 6.1 *Depositor is entitled to bank statements and must report errors.* Each depositor is entitled to receive from his bank at least quarterly a statement of his account and all cancelled checks which were charged against his account during the period covered by the statement, except certified checks and those statements and checks which the bank is required to forward to the Office of Price Administration. He must bring any objection to a statement to the attention of the bank within ten (10) days after the statement has been received by him.

SEC. 6.2 *Depositor may examine bank records.* A depositor may examine the bank records of his account during the regular business hours of the bank.

SEC. 6.3 *How disputes over balances are settled.* A depositor who has brought to the attention of his bank a timely objection to the bank's record of his balance or his account may, within twenty (20) days after making the objection, write a letter stating the facts to the district office. The District Director shall then decide the dispute. An appeal from the decision of the District Director may be made in the manner provided by Procedural Regulation 9 (Uniform Appeals Procedure) for appeals from the action of a State Director. Further appeals may be made as provided in that regulation. If the objection of the depositor is not sustained, the bank's records shall be final.

SEC. 6.4 *Depositor must preserve records.* A depositor must keep for at least two years all copies of deposit slips, notices of errors in deposit slips, statements of account received by him, cancelled checks returned to him, all stubs from which checks have been detached or other record used in place of stubs, returned or unissued checks, and unused and spoiled check forms. All records shall be subject to inspection, removal or other disposition only by the Department of Justice, the Office of Price Administration or any other persons authorized by the Office of Price Administration.

Article VII—General Provisions

SEC. 7.1 *When evidences may not be accepted.* No person may accept any evidence which he knows or has reason to believe is being issued or transferred in violation of this order.

SEC. 7.2 *Accounts are under the control of the Office of Price Administration.* The Office of Price Administration may require the opening, closing, debiting, crediting or other disposition of any account, whether or not the depositor has requested such action.

SEC. 7.3 *Accounts are not subject to legal process.* An account shall not be subject to attachment, garnishment, levy, execution, injunction or similar legal process, except on written authorization from the Office of Price Administration.

SEC. 7.4 *Terms explained.* When used in this order, unless the context requires otherwise:

"Account" means a ration bank account carried by a bank, in which the bank keeps a record of deposits of evidences and of transfers of ration credits.

"Bank" means a bank or bank branch, and any other organization which is authorized by the Office of Price Administration to participate in ration banking as a bank, which participates in ration banking by opening an account in accordance with General Ration Order 3.

"Board" means a war price and rationing board.

"Check" means a ration check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to a named person.

"Depositor" means a person who has a ration bank account. A person shall be deemed a separate depositor as to each of his accounts.

"District Director" means the person holding the office of District Director or District Manager in a district office.

"District office" means the district office of the Office of Price Administration having jurisdiction over the area in which the bank carrying the account for a depositor is located.

"Establishment" has whatever meaning is given to it by the ration order authorizing the account referred to.

"Evidence" means a ration evidence authorizing the transfer, delivery or acquisition of rationed commodities, or the transfer of ration credits, and includes stamps, coupons, certificates, checks, stamp envelopes and other similar instruments issued or authorized by the Office of Price Administration.

"Issue", when used with respect to a check, means the delivery of a check by the issuer to the person to whom the check is made payable.

"Issuer", when used with respect to a check, means the person on whose account the check is drawn.

"Person" means an individual, corporation, partnership, joint-stock company, trust, trustee, unincorporated association, government or governmental agency and any other organized group or enterprise, and shall be deemed to include the authorized agent of any such person.

"Ration credits" means the credits in an account reflecting deposits of ration evidences.

"Ration order" means any ration order issued by authority of the Office of Price Administration.

"Transfer", when used in connection with evidences, means any delivery except to a bank for deposit.

SEC. 7.5 *Penalties.* The prohibitions and penalties provided in General Ration Order 8 are hereby made a part of this order.

SEC. 7.6. *Saving clause.* This revision of General Ration Order 3A shall not have the effect of releasing or extinguishing any penalty or liability incurred under such order before it was revised, and the order as it previously existed shall be treated as still remaining in force for the purpose of allowing or sustaining any proper action or prosecution with respect to such penalty or liability.

Effective date. This Revised General Ration Order 3A shall become effective August 25, 1943.

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13634; Filed, August 20, 1943; 3:12 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 11,[1] Amdt. 3]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The second and third sentences of section 4.1 (b) are deleted.

This amendment shall become effective August 25, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10170; WPB Directive 1, 7 F.R. 562; WPB Supp. Dir. 1–E, 7 F.R. 2965; WPB Supp. Dir. 1–M, 7 F.R. 8234; WPB Supp. Dir. 1–R, 7 F.R. 9684; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13635; Filed, August 20, 1943; 3:12 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9008, 9625, 10419.

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 271,[1] Amdt. 6]

ONIONS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 12 (b) is amended to read as follows:

(b) For all dry onions of any variety imported from any country for sale within the continental limits of the United States the point of entry shall be deemed the country shipping point and the maximum price per 50 pounds, f. o. b. such point of entry, shall be the same as the maximum price, f. o. b. country shipping point, for the most closely similar variety of domestic dry onions produced in the State or locality in which that point of entry is located.

This amendment shall become effective August 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13636; Filed, August 20, 1943; 3:12 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 444]

COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND PELLETS; AND COTTONSEED HULLS AND HULL BRAN

Correction

In F.R. Document 43-12456 appearing on page 10903 of the issue for Thursday, August 5, 1943, the reference in section 5 (a) to "trade prices specified in Schedule A of the Processor Contract" should read "minimum trade prices" instead of "maximum trade prices."

PART 1358—TOBACCOS

[MPR 283, Amdt. 4]

BURLEY (TYPE NO. 31) TOBACCO

Correction

In F.R. Document 43-12758 appearing on page 10988 of the issue for Saturday, August 7, 1943, the heading "Burley Tobacco (1942 Crop): Grade Labeling" should read "Burley (Type No. 31) Tobacco".

PART 1384—HARDWOOD LUMBER PRODUCTS

[Rev. MPR 338]

AIRCRAFT AND NO. 1 SHEET STOCK VENEER

Maximum Price Regulation 338 is redesignated Revised Maximum Price Regulation 338 and is revised and amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7017, 7494, 8075, 9160, 10731.

In the judgment of the Price Administrator the maximum prices established by this revised regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328. A statement of the considerations involved in the issuance of this revised regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1384.151 *Maximum prices for aircraft and No. 1 sheet stock veneer.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328, Revised Maximum Price Regulation No. 338 (Aircraft and No. 1 Sheet Stock Veneer), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1384.151 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 338—AIRCRAFT AND NO. 1 SHEET STOCK VENEER

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.

1. Sales of aircraft and No. 1 sheet stock veneer at higher than maximum prices prohibited.
2. To what transactions, products and persons this regulation applies.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

3. Maximum prices.
4. Additions to maximum prices for transportation, crating, and dry-clipping.
5. What the invoice must contain.
6. Prohibited practices.

ARTICLE III—MISCELLANEOUS

7. Adjustable pricing.
8. Applications for adjustment and petition for amendment.
9. Records and reports.
10. Enforcement and licensing.
11. Relation to other regulations.

ARTICLE IV—APPENDIX

12. Appendix: Classes and maximum prices for aircraft and No. 1 sheet stock veneer.

Article I—Prohibition and Scope of Regulation

SECTION 1. *Sales of aircraft and No. 1 sheet stock veneer at higher than maximum prices prohibited.* (a) Regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive any veneer covered by this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) If veneer covered by this regulation has been received before the effective date of this revised regulation by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to the terms of this regulation.

(c) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *To what transactions, products and persons this regulation applies.*—(a) *Products and transactions covered.* This regulation covers, under the name "aircraft and No. 1 sheet stock grade veneer", any and all domestic sales of rotary cut, half round and sliced yellow poplar, sweet gum, water tupelo, sweet, yellow, Alaska and paper birch, hard maple and basswood veneer which satisfies the Army-Navy specifications (AN-NN-P-511b) or British Standard specifications 5-V-3 and 6-V-3 for aircraft grade veneer and National Hardwood Lumber Association Grading rules for birch and hard maple No. 1 sheet stock grade veneer.

(b) *Persons covered.* Any person who sells or purchases veneer described in paragraph (a) of this section is subject to this regulation.

Article II—Maximum Prices and Terms of Sale

SEC. 3. *Maximum prices.*—(a) *In general.* The maximum prices, f. o. b. mill, for standard specifications of veneer covered by this regulation are set out in the price tables in the Appendix (sec. 12).

(b) *Veneer covered by the regulation but not specifically priced.* Veneer of specifications not listed in the Appendix is nevertheless subject to this regulation. The maximum price for this veneer will be established upon application by the seller to the Lumber Branch, Office of Price Administration, Washington, D. C. The application shall contain a complete description of the specifications, available cost data, and the selling price requested. Deliveries of this veneer may be made, pending approval of a price, at the requested price, subject to adjustment based upon the action of the Office of Price Administration. Approval of a price will be by letter or telegram, and any price not disapproved within 30 days from receipt of the application shall be considered approved until amended or revoked by this Office.

(c) *Sales of more than one class of veneer.* Where two or more classes of veneer are sold together, each class must be invoiced separately, and the price for each class cannot exceed the applicable maximum price.

SEC. 4. *Additions to maximum prices for transportation, crating, and dry clipping.* (a) The seller may add to the maximum f. o. b. mill prices (set out in the appendix) any charge or expense for transportation from the mill paid or incurred by the seller.

(b) The seller may add to the maximum prices the following charges for crating veneer sold for export shipment:

	Per 1000 surface feet
For veneer .032" or thinner	$1.00
For veneer .034" to and including .064"	1.50
For veneer .066" to and including .095"	2.00
For veneer .100" and thicker	2.75

(c) The seller may make an addition of $1.50 per thousand feet to the maximum f. o. b. mill prices of veneer, either rotary cut, half-round or sliced, for dry-clipping to provide parallel edges.

SEC. 5. *What the invoice must contain.* All invoices must contain a sufficiently complete description as to quantity, dimensional specifications and grade of the veneer to show whether the price is proper or not. Any specification or extra which affects the maximum price must be mentioned in the description. The invoice must show separately the origin and destination of the shipment, the amount added for transportation, and any charge made for crating for export or dry-clipping.

SEC. 6. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, changes in discount practices and the like.

Article III—Miscellaneous

SEC. 7. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual-application for adjustment.

SEC. 8. *Applications for adjustment and petitions for amendment.*—(a) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price established in this regulation is impeding or threatens to impede production of veneer which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[1] issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

[1] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174.

SEC. 9. *Records and reports.*—(a) *Records.* All sellers must keep records which will show a complete description as to quantity, dimensional specifications and grade of the items of veneer sold, the name and address of the buyer, the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for all purchases and sales of veneer covered by this regulation. They must be kept for two years, for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

(b) *Reports.* Any reports that the Office of Price Administration has required in the past, or requires from time to time, must be submitted.

SEC. 10. *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses, provided for by the Emergency Price Control Act of 1942.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies. Sales by such agencies are, nevertheless, subject to this regulation.

SEC. 11. *Relation to other regulations.*—(a) *General Maximum Price Regulation.* Sales or deliveries covered by this Revised Maximum Price Regulation No. 338 are not subject to the General Maximum Price Regulation;[3] except that sales, purchases and deliveries of commodities covered by this regulation which originate outside of and are imported into the continental United States are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.

(b) *Second Revised Maximum Export Price Regulation.* The maximum price for export sales of aircraft veneer is governed by the Second Revised Maximum Export Price Regulation.[4]

Article IV—Appendix

SEC. 12. *Appendix: Classes and maximum prices for aircraft and No. 1 Sheet stock grade veneer.*—(a) *Classes of veneer.* The following are the classes of veneer for the purposes of this regulation:

(1) *Sliced.*

Class 1. Flitches 10' to 16' long, inclusive, containing at least one 100% aircraft grade cutting with a minimum length of 7'2" and full width of flitch. This class applies only to gum, poplar and basswood.

Class 2. Flitches of random length 6' to 16' long.

Class 3. Flitches which may be longer than lengths specified by purchaser (from a minimum of 6'2") but which are billed at purchaser's specified length, plus an overlength of 10%. For example: If the order called for 98" length and if 120" length was shipped, the purchaser would be billed for a length of 108" (98" plus 10"). The flitches must have a 100% aircraft grade cutting equal in length to the purchaser's specified length and full width of the flitch. This class applies only to gum, poplar and basswood.

Class 4a. Flitches cut to exact length specified by the purchaser, lengths 5'1¾" or less.

Class 4b. Flitches cut to exact length specified by the purchaser, lengths 5'2" to 8'2", inclusive.

Class 5. Flitches cut to exact lengths specified by purchaser, lengths 8'2¼", 10'2", inclusive.

Class 6. Flitches cut to exact length specified by purchaser, lengths 10'2¼" to 12'2", inclusive.

Class 7. Flitches cut to exact length specified by purchaser, lengths 12'2¼" to 14'2", inclusive.

Class 8. Flitches cut to exact length specified by purchaser, lengths 14'2¼" or longer.

NOTES: 1. For sweet gum, tupelo, poplar and basswood the minimum width shall be 6 inches. However, if the purchaser is willing to take ten percent or less in widths from 4½ to 5¾ inches, the maximum price for veneer in these narrow widths is ten percent less than the ceiling prices set out in the tables.

2. For birch and maple the minimum width shall be 5 inches.

(2) *Rotary cut or half-round.*

Class A. Stock cut to exact lengths up to and including 56" as specified by the purchaser. Widths may be random with minimum widths of 5¼" for birch and maple, and 6" for gum, tupelo, poplar, and basswood, and a maximum width of 38"; or widths may be specified 5", 6½", 9½", 11", 13½", 18" and 26".

Class B. Same specifications as Class "A" except lengths are to be from 56¼" to 74", inclusive, as specified by purchaser.

Class C. Same specifications as Class "A" except lengths are to be from 74¼" to 86", inclusive, as specified by purchaser.

Class D. Same specifications as Class "A" except lengths are to be from 86¼" to 98", inclusive, as specified by purchaser.

Class E. Same specifications as Class "A" except lengths are to be from 98¼" to 110", inclusive, as specified by purchaser.

Class F. Same specifications as Class "A" except lengths are to be 110¼" or longer, as specified by purchaser.

Class AA. Same specifications as Class "A" except that widths shall be 10" or more and include 2 or more equal width part pieces. These part pieces shall measure in total width 1" more for each joint than the specified dimension width.

Class BB. Same specifications as Class "B" except that widths shall be 10" or more and include 2 or more equal width part pieces. These part pieces shall measure in total width 1" more for each joint than the specified dimension width.

Class CC. Same specifications as Class "C" except that widths shall be 10" or more and include 2 or more equal width part pieces. These part pieces shall measure in total width 1" more for each joint than the specified dimension width.

Class DD. Same specifications as Class "D" except that widths shall be 10" or more and include 2 or more equal width part pieces. These part pieces shall measure in total width 1" more for each joint than the specified dimension width.

Class EE. Same specifications as Class "E" except that widths shall be 10" or more and include 2 or more equal width part pieces.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[4] 8 F.R. 4132, 5987, 7662.

These part pieces shall measure in total width 1" more for each joint than the specified dimension width.

Class FF. Same specifications as Class "F" except that widths shall be 10" or more and include 2 or more equal width part pieces. These part pieces shall measure in total width 1" more for each joint than the specified dimension width.

(b) *Maximum prices.* The maximum prices, f. o. b. mill per 1000 surface feet; for aircraft and No. 1 sheet stock grade veneer are shown in the following tables:

TABLE 1—MAXIMUM PRICES FOR SLICED SWEET GUM AND WATER TUPELO AIRCRAFT VENEER PER AN-NN-P-511b PRODUCED AT MILLS LOCATED IN NORTH CAROLINA, TENNESSEE, ARKANSAS AND ALL STATES FARTHER SOUTH

Thickness		Class 1	Class 2	Class 3	Class 4a	Class 4b	Class 5	Class 6	Class 7	Class 8
Decimal	Approximate fraction									
.030 and thinner	1/32	$12.80	$16.00	$16.00	$12.50	$16.65	$17.30	$17.90	$18.55	$19.20
.031, .032	1/32	13.10	16.35	16.35	12.75	17.00	17.70	18.35	19.00	19.65
.034	1/30	13.80	17.25	17.25	13.45	17.95	18.65	19.30	20.00	20.70
.036	1/28	14.30	17.90	17.90	13.95	18.60	19.30	20.00	20.75	21.45
.040	1/26	15.30	19.15	19.15	14.95	19.90	20.65	21.40	22.20	22.95
.042, .043	1/24	15.95	19.95	19.95	15.60	20.75	21.55	22.35	23.15	23.95
.047, .048	1/21	17.30	21.60	21.60	16.25	21.65	22.50	23.35	24.20	25.10
.050	1/20	18.00	22.50	22.50	17.55	23.40	24.30	25.20	26.10	27.00
.056	1/18	19.15	23.95	23.95	18.70	24.90	25.85	26.80	27.75	28.75
.060, .061	1/17	20.00	25.00	25.00	19.50	26.00	27.00	28.00	29.00	30.00
.063, .064	1/16	21.10	26.35	26.35	20.60	27.45	28.50	29.55	30.60	31.65
.066, .067	1/15	21.90	27.40	27.40	21.40	28.50	29.55	30.65	31.75	32.85
.068		22.35	27.95	27.95	21.75	29.00	30.20	31.30	32.40	33.50
.071	1/14	23.20	29.00	29.00	22.65	30.15	31.30	32.50	33.65	34.80
.079, .080		25.80	32.25	32.25	25.15	33.50	34.85	36.10	37.40	38.70
.083	1/12	27.00	33.75	33.75	26.35	35.10	36.45	37.80	39.15	40.50
.086, .088		28.00	35.00	35.00	27.30	36.40	37.75	39.20	40.60	42.00
.094	3/32	29.60	37.00	37.00	28.90	38.50	40.00	41.45	42.90	44.40
.095		30.30	37.85	37.85	29.55	39.40	40.90	42.40	43.95	45.45
.100, .104	1/10	31.90	39.85	39.85	31.15	41.50	43.00	44.65	46.25	47.85
.111	1/9	34.30	42.85	42.85	33.45	44.60	46.30	48.00	49.75	51.45
.125	1/8	37.40	46.75	46.75	36.45	48.60	50.50	52.35	54.25	56.10

TABLE 2—MAXIMUM PRICES FOR SLICED SWEET GUM AND WATER TUPELO AIRCRAFT VENEER PER AN-NN-P-511b PRODUCED AT MILLS LOCATED IN MARYLAND, VIRGINIA, WEST VIRGINIA, KENTUCKY AND ALL PLACES IN ILLINOIS, INDIANA AND OHIO WITHIN TEN MILES OF THE OHIO RIVER

Thickness		Class 1	Class 2	Class 3	Class 4a	Class 4b	Class 5	Class 6	Class 7	Class 8
Decimal	Approximate fraction									
.030 and thinner	1/32	$13.90	$17.35	$17.35	$13.55	$18.05	$18.75	$19.45	$20.15	$20.85
.031, .032	1/32	14.15	17.70	17.70	13.80	18.40	19.10	19.80	20.50	21.20
.034	1/30	14.95	18.70	18.70	14.60	19.45	20.20	20.95	21.65	22.45
.036	1/28	15.50	19.40	19.40	15.15	20.15	20.95	21.70	22.50	23.25
.040	1/26	16.60	20.75	20.75	16.20	21.60	22.40	23.25	24.00	24.90
.042, .043	1/24	17.40	21.75	21.75	16.95	22.60	23.50	24.35	25.25	26.10
.047, .048	1/21	18.75	23.45	23.45	18.30	24.35	25.30	26.25	27.20	28.15
.050	1/20	19.50	24.40	24.40	19.00	25.35	26.35	27.30	28.30	29.25
.056	1/18	20.80	26.00	26.00	20.25	27.00	28.10	29.10	30.15	31.20
.060, .061	1/17	21.70	27.10	27.10	21.20	28.20	29.30	30.40	31.45	32.50
.063, .064	1/16	22.80	28.50	28.50	22.25	29.65	30.80	31.90	33.00	34.20
.066, .067	1/15	23.75	29.70	29.70	23.15	30.85	32.00	33.25	34.45	35.60
.068		24.20	30.25	30.25	23.60	31.45	32.65	33.90	35.10	36.30
.071	1/14	25.10	31.40	31.40	24.50	32.65	33.90	35.15	36.40	37.65
.079, .080		27.90	34.85	34.85	27.20	36.25	37.65	39.00	40.45	41.85
.083	1/12	29.10	36.40	36.40	28.40	37.85	39.30	40.75	42.20	43.65
.086, .088		30.20	37.75	37.75	29.45	39.25	40.75	42.25	43.80	45.25
.094	3/32	32.00	40.00	40.00	31.20	41.60	43.20	44.80	46.40	48.00
.095		32.65	40.80	40.80	31.85	42.45	44.00	45.70	47.35	49.00
.100, .104	1/10	34.30	42.85	42.85	33.45	44.60	46.30	48.00	49.75	51.45
.111	1/9	37.00	46.20	46.20	36.00	48.00	49.90	51.75	53.00	55.40
.125	1/8	40.30	50.40	50.40	39.30	52.40	54.40	56.40	58.45	60.45

TABLE 3—MAXIMUM PRICES FOR SLICED SWEET GUM AND WATER TUPELO AIRCRAFT VENEER PER AN-NN-P-511b PRODUCED AT MILLS LOCATED IN AREAS NOT COVERED BY TABLES 1 AND 2

Thickness		Class 1	Class 2	Class 3	Class 4a	Class 4b	Class 5	Class 6	Class 7	Class 8
Decimal	Approximate fraction									
.030 and thinner	1/32	$14.55	$18.20	$18.20	$14.20	$18.90	$19.65	$20.35	$21.10	$21.85
.031, .032	1/32	14.90	18.60	18.60	14.55	19.40	20.10	20.85	21.60	22.35
.034	1/30	15.70	19.65	19.65	15.30	20.40	21.20	22.00	22.75	23.50
.036	1/28	16.30	20.35	20.35	15.90	21.20	22.00	22.80	23.65	24.45
.040	1/26	17.45	21.80	21.80	17.00	22.70	23.55	24.45	25.30	26.20
.042, .043	1/24	18.15	22.65	22.65	17.70	23.60	24.50	25.40	26.30	27.25
.047, .048	1/21	19.75	24.65	24.65	19.30	25.70	26.65	27.70	28.70	29.75
.050	1/20	20.50	25.65	25.65	20.00	26.65	27.70	28.70	29.75	30.75
.056	1/18	21.90	27.35	27.35	21.40	28.50	29.60	30.65	31.75	32.85
.060, .061	1/17	22.80	28.50	28.50	22.25	29.65	30.80	31.90	33.00	34.20
.063, .064	1/16	24.00	30.00	30.00	23.40	31.20	32.40	33.60	34.80	36.00
.066, .067	1/15	24.95	31.20	31.20	24.35	32.45	33.70	35.00	36.15	37.45
.068		25.50	31.85	31.85	24.85	33.15	34.40	35.70	37.00	38.25
.071	1/14	26.40	33.00	33.00	25.75	34.30	35.65	37.00	38.30	39.60
.079, .080		29.20	36.50	36.50	28.45	37.95	39.40	40.90	42.35	43.80
.083	1/12	30.50	38.20	38.20	29.75	39.65	41.10	42.65	44.25	45.80
.086, .088		31.60	39.60	39.60	30.85	41.10	42.65	44.25	45.90	47.45
.094	3/32	33.50	41.90	41.90	32.65	43.55	45.20	46.90	48.55	50.25
.095		34.20	42.75	42.75	33.40	44.50	46.15	47.90	49.60	51.30
.100, .104	1/10	35.90	44.90	44.90	35.00	46.65	48.50	50.25	52.00	53.85
.111	1/9	38.70	48.40	48.40	37.75	50.30	52.25	54.20	56.10	58.00
.125	1/8	42.25	52.85	52.85	41.20	54.90	57.00	59.15	61.25	63.35

TABLE 4—MAXIMUM PRICES FOR ROTARY CUT AND HALF-ROUND SWEET GUM AND WATER TUPELO AIRCRAFT VENEER PER AN-NN-P-511b PRODUCED AT MILLS LOCATED IN NORTH CAROLINA, TENNESSEE, ARKANSAS AND ALL STATES FARTHER SOUTH

Thickness		Class A	Class B	Class C	Class D	Class E	Class F	Class AA	Class BB	Class CC	Class DD	Class EE	Class FF
Decimal	Approximate fractions												
.030 and thinner	1/32	$11.00	$12.10	$13.20	$14.30	$15.40	$16.50	$11.55	$12.70	$13.85	$15.00	$16.20	$17.35
.031, .032	1/32	11.25	12.40	13.50	14.65	15.75	16.90	11.80	13.00	14.20	15.40	16.65	17.75
.034	1/30	11.75	12.95	14.10	15.25	16.45	17.65	12.35	13.60	14.80	16.00	17.25	18.55
.036	1/28	12.00	13.20	14.40	15.60	16.80	18.00	12.60	13.85	15.10	16.40	17.65	18.90
.040	1/26	12.75	14.00	15.30	16.60	17.85	19.15	13.40	14.75	16.00	17.45	18.75	20.00
.042, .043	1/24	13.10	14.40	16.70	17.00	18.35	19.65	13.75	15.10	16.50	17.85	19.25	20.65
.047, .048	1/21	14.25	15.65	17.10	18.50	19.95	21.40	14.95	16.45	17.95	19.50	20.95	22.50
.050	1/20	14.60	16.05	17.55	19.00	20.45	21.90	15.30	16.85	18.45	19.95	21.50	23.00
.056	1/18	15.40	16.95	18.50	20.05	21.55	23.10	16.20	17.80	19.45	21.00	22.60	24.25
.060, .061	1/17	15.95	17.55	19.15	20.75	22.35	23.95	16.75	18.40	20.10	21.80	23.45	25.15
.063, .064	1/16	16.75	18.45	20.10	21.75	23.45	25.15	17.60	19.40	21.10	22.85	24.65	26.40
.066, .067	1/15	17.45	19.20	20.95	22.70	24.45	26.20	18.30	20.15	22.00	23.85	25.70	27.50
.068		17.90	19.70	21.50	23.30	25.00	26.85	18.80	20.70	22.60	24.45	26.25	28.20
.071	1/14	18.55	20.40	22.25	24.10	26.00	27.80	19.50	21.40	23.35	25.30	27.30	29.20
.079, .080		20.80	22.65	24.70	26.75	28.85	30.90	21.65	23.80	25.95	28.10	30.30	32.45
.083	1/12	21.40	23.55	25.70	27.85	30.00	32.10	22.50	24.70	27.00	29.25	31.50	33.70
.086, .088		22.25	24.45	26.70	28.95	31.15	33.35	23.40	25.65	28.05	30.40	32.75	35.05
.094	3/32	23.70	26.00	28.45	30.80	33.20	35.50	24.90	27.30	29.85	32.35	34.85	37.25
.095		24.15	26.60	29.00	31.40	33.80	36.25	25.35	27.90	30.45	33.00	35.50	38.10
.100, .104	1/10	24.95	27.45	29.95	32.45	34.95	37.40	26.20	28.85	31.45	34.10	36.70	39.25
.111	1/9	27.15	29.85	32.00	35.30	38.00	40.75	28.50	31.35	34.25	37.00	39.90	42.75
.125	1/8	30.15	33.15	36.20	39.20	42.20	45.25	31.65	34.80	38.00	41.15	44.30	47.50

TABLE 5—MAXIMUM PRICES FOR ROTARY CUT AND HALF-ROUND SWEET GUM AND WATER TUPELO AIRCRAFT VENEER PER AN-NN-P-511b PRODUCED AT MILLS LOCATED IN MARYLAND, VIRGINIA, WEST VIRGINIA, KENTUCKY AND ALL PLACES IN ILLINOIS, INDIANA AND OHIO WITHIN TEN MILES OF THE OHIO RIVER

Thickness		Class A	Class B	Class C	Class D	Class E	Class F	Class AA	Class BB	Class CC	Class DD	Class EE	Class FF
Decimal	Approximate fractions												
.030 and thinner	1/32	$12.80	$14.10	$15.35	$16.65	$17.90	$19.20	$13.45	$14.80	$16.10	$17.45	$18.85	$20.20
.031, .032	1/32	13.10	14.40	15.70	17.00	18.35	19.65	13.75	15.10	16.50	17.85	19.25	20.65
.034	1/30	13.80	15.20	16.55	17.90	19.30	20.70	14.50	15.95	17.35	18.80	20.25	21.70
.036	1/28	14.30	15.75	17.15	18.55	20.00	21.45	15.00	16.50	17.95	19.45	20.95	22.50
.040	1/26	15.30	16.85	18.35	19.85	21.40	22.95	16.05	17.65	19.20	20.80	22.40	24.05
.042, .043	1/24	15.95	17.55	19.15	20.75	22.35	23.95	16.75	18.40	20.10	21.80	23.45	25.15
.047, .048	1/21	17.30	19.05	20.75	22.50	24.25	26.00	18.20	20.00	21.80	23.65	25.50	27.35
.050	1/20	18.00	19.80	21.60	23.40	25.25	27.05	18.90	20.80	22.70	24.60	26.50	28.45
.056	1/18	19.15	21.05	22.95	24.85	26.80	28.75	20.10	22.10	24.10	26.10	28.15	30.20
.060, .061	1/17	20.00	22.00	24.00	26.00	28.00	30.05	21.00	23.10	25.20	27.30	29.45	31.60
.063, .064	1/16	21.10	23.20	25.30	27.40	29.55	31.70	22.15	24.35	26.55	28.80	31.05	33.30
.066, .067	1/15	21.90	24.10	26.25	28.45	30.70	32.95	23.00	25.30	27.60	29.90	32.25	34.60
.068		22.35	24.60	26.80	29.05	31.35	33.65	23.50	25.85	28.20	30.55	32.95	35.35
.071	1/14	23.20	25.50	27.80	30.10	32.50	34.85	24.35	26.80	29.20	31.65	34.15	36.65
.079, .080		25.80	28.40	30.95	33.50	36.15	38.80	27.10	29.80	32.50	35.20	37.95	40.70
.083	1/12	27.00	29.70	32.40	35.10	37.85	40.60	28.35	31.15	34.00	36.80	39.70	42.60
.086, .088		28.00	30.80	33.60	36.40	39.25	42.10	29.40	32.30	35.25	38.15	41.15	44.15
.094	3/32	29.60	32.55	35.55	38.50	41.50	44.55	31.10	34.15	37.30	40.40	43.55	46.75
.095		30.30	33.35	36.40	39.40	42.50	45.60	31.80	34.95	38.15	41.30	44.55	47.80
.100, .104	1/10	31.90	35.10	38.30	41.50	44.75	48.00	33.50	36.85	40.20	43.55	46.95	50.40
.111	1/9	34.30	37.75	41.20	44.60	48.10	51.60	36.00	39.60	43.25	46.80	50.45	54.15
.125	1/8	37.40	41.15	44.90	48.60	52.40	56.25	39.25	43.15	47.10	51.00	55.00	59.05

TABLE 7—MAXIMUM PRICES FOR SLICED YELLOW POPLAR AND BASSWOOD AIRCRAFT VENEER PER AN-NN-P-511b

Thickness		Class 1	Class 2	Class 3	Class 4a	Class 4b	Class 5	Class 6	Class 7	Class 8
Decimal	Approximate fraction									
.030 and thinner	1/32	$12.80	$16.00	$16.00	$12.50	$16.65	$17.30	$17.90	$18.55	$19.20
.031, .032	1/32	13.10	16.35	16.35	12.75	17.00	17.70	18.35	19.00	19.65
.034	1/30	13.80	17.25	17.25	13.45	17.95	18.65	19.30	20.00	20.70
.036	1/28	14.30	17.90	17.90	13.95	18.60	19.30	20.00	20.75	21.45
.040	1/26	15.30	19.15	19.15	14.95	19.90	20.65	21.40	22.20	22.95
.042, .043	1/24	15.95	19.95	19.95	15.60	20.75	21.55	22.35	23.15	23.95
.047, .048	1/21	17.30	21.60	21.60	16.25	21.65	22.50	23.35	24.20	25.10
.050	1/20	18.00	22.50	22.50	17.55	23.40	24.30	25.20	26.10	27.00
.056	1/18	19.15	23.95	23.95	18.70	24.90	25.85	26.80	27.75	28.75
.060, .061	1/17	20.00	25.00	25.00	19.50	26.00	27.00	28.00	29.00	30.00
.063, .064	1/16	21.10	26.35	26.35	20.60	27.45	28.50	29.55	30.60	31.65
.066, .067	1/15	21.90	27.40	27.40	21.40	28.50	29.55	30.65	31.75	32.85
.068		22.35	27.95	27.95	21.75	29.00	30.20	31.30	32.40	33.50
.071	1/14	23.20	29.00	29.00	22.65	30.15	31.30	32.50	33.65	34.80
.079, .080		25.80	32.25	32.25	25.15	33.50	34.85	36.10	37.40	38.70
.083	1/12	27.00	33.75	33.75	26.35	35.10	36.45	37.80	39.15	40.50
.086, .088		28.00	35.00	35.00	27.30	36.40	37.75	39.20	40.60	42.00
.094	3/32	29.60	37.00	37.00	28.90	38.50	40.00	41.45	42.90	44.40
.095		30.30	37.85	37.85	29.55	39.40	40.90	42.40	43.95	45.45
.100, .104	1/10	31.90	39.85	39.85	31.15	41.50	43.00	44.65	46.25	47.85
.111	1/9	34.30	42.85	42.85	33.45	44.60	46.30	48.00	49.75	51.45
.125	1/8	37.40	46.75	46.75	36.45	48.60	50.50	52.35	54.25	56.10

TABLE 5—MAXIMUM PRICES FOR ROTARY CUT AND HALF-ROUND SWEET GUM AND WATER TUPELO AIRCRAFT VENEER PER AN-NN-P-511b PRODUCED AT MILLS LOCATED IN MARYLAND, VIRGINIA, WEST VIRGINIA, KENTUCKY AND ALL PLACES IN ILLINOIS, INDIANA AND OHIO WITHIN TEN MILES OF THE OHIO RIVER

Thickness		Class A	Class B	Class C	Class D	Class E	Class F	Class AA	Class BB	Class CC	Class DD	Class EE	Class FF
Decimal	Approximate fraction												
.030 and thinner	1/32	$12.00	$13.20	$14.40	$15.65	$16.80	$18.00	$12.60	$13.85	$15.10	$16.45	$17.65	$18.90
.031, .032	1/32	12.30	13.55	14.75	16.00	17.20	18.45	12.90	14.25	15.50	16.80	18.05	19.35
.034	1/29	12.85	14.15	15.40	16.70	18.00	19.25	13.50	14.85	16.15	17.50	18.90	20.20
.036	1/28	13.15	14.50	15.80	17.10	18.40	19.70	13.80	15.25	16.60	17.95	19.30	20.70
.040	1/25	14.00	15.40	16.80	18.20	19.60	21.00	14.70	16.15	17.65	19.10	20.60	22.00
.042, .043	1/24	14.45	15.90	17.35	18.80	20.25	21.65	15.15	16.70	18.20	19.75	21.25	22.75
.047, .048	1/21	15.60	17.15	18.70	20.30	21.85	23.40	16.40	18.00	19.65	21.30	22.95	24.60
.050	1/20	16.10	17.70	19.30	20.90	22.50	24.15	16.90	18.60	20.25	21.95	23.60	25.35
.056	1/18	17.00	18.70	20.40	22.10	23.80	25.50	17.85	19.65	21.40	23.20	25.00	26.75
.060, .061	1/17	17.55	19.30	21.05	22.85	24.55	26.30	18.40	20.25	22.10	24.00	25.75	27.60
.063, .064	1/16	18.45	20.30	22.15	24.00	25.85	27.70	19.35	21.30	23.25	25.20	27.15	29.10
.066, .067	1/15	19.25	21.15	23.10	25.00	26.95	28.85	20.20	22.20	24.25	26.25	28.30	30.30
.068		19.70	21.65	23.65	25.60	27.60	29.50	20.70	22.75	24.85	26.90	29.00	31.00
.071	1/14	20.40	22.45	24.50	26.50	28.55	30.60	21.40	23.60	25.75	27.85	30.00	32.15
.079, .080	1/13	22.50	24.75	27.00	29.35	31.50	33.75	23.60	26.00	28.35	30.80	33.10	35.45
.083	1/12	23.45	25.80	28.15	30.50	32.85	35.20	24.65	27.10	29.55	32.00	34.50	37.00
.086, .088		24.35	26.80	29.25	31.70	34.15	36.55	25.60	28.15	30.70	33.25	35.85	38.50
.094	3/32	25.95	28.55	31.15	33.75	36.35	38.90	27.25	30.00	32.70	35.45	38.15	40.85
.095		26.40	29.00	31.70	34.35	37.00	39.60	27.75	30.45	33.30	36.00	38.85	41.60
.100, .104	1/10	27.30	30.00	32.75	35.50	38.20	40.95	28.65	31.50	34.40	37.25	40.10	43.00
.111	1/9	29.75	32.75	35.70	38.65	41.65	44.65	31.25	34.40	37.50	40.60	43.75	46.90
.125	1/8	32.95	36.25	39.50	42.85	46.15	49.40	34.60	38.10	41.50	45.00	48.45	51.85

TABLE 6—MAXIMUM PRICES FOR ROTARY CUT AND HALF-ROUND SWEET GUM AND WATER TUPELO AIRCRAFT VENEER PER AN-NN-P-511b PRODUCED AT MILLS LOCATED IN AREAS NOT COVERED BY TABLES 4 AND 5

Thickness		Class A	Class B	Class C	Class D	Class E	Class F	Class AA	Class BB	Class CC	Class DD	Class EE	Class FF
Decimal	Approximate fractions												
.030 and thinner	1/32	$12.70	$14.00	$15.25	$16.50	$17.80	$19.00	$13.35	$14.70	$16.00	$17.35	$18.70	$19.95
.031, 032	1/32	13.00	14.30	15.60	16.90	18.20	19.50	13.65	15.00	16.40	17.75	19.10	20.50
.034	1/29	13.60	14.95	16.30	17.65	19.00	20.40	14.30	15.70	17.10	18.55	19.95	21.40
.036	1/28	13.90	15.30	16.70	18.05	19.45	20.85	14.60	16.10	17.55	18.95	20.45	21.90
.040	1/25	14.80	16.30	17.75	19.25	20.70	22.20	15.55	17.10	18.65	20.20	21.75	23.30
.042, .043	1/24	15.20	16.70	18.25	19.75	21.30	22.80	15.95	17.55	19.15	20.75	22.35	23.95
.047, .048	1/21	16.60	18.25	19.90	21.55	23.25	24.90	17.45	19.15	20.90	22.65	24.40	26.15
.050	1/20	17.05	18.75	20.45	22.15	23.85	25.55	17.90	19.70	21.50	23.25	25.00	26.80
.056	1/18	18.00	19.80	21.60	23.45	25.20	27.00	18.90	20.80	22.70	24.65	26.50	28.35
.060, .061	1/17	18.70	20.55	22.45	24.30	26.20	28.00	19.65	21.60	23.60	25.50	27.50	29.40
.063, .064	1/16	19.60	21.55	23.50	25.45	27.45	29.40	20.60	22.65	24.70	26.75	28.80	30.85
.066, .067	1/15	20.40	22.45	24.50	26.50	28.55	30.60	21.40	23.60	25.75	27.85	30.00	32.15
.068		20.90	23.00	25.10	27.15	29.25	31.35	22.00	24.15	26.35	28.50	30.70	32.90
.071	1/14	21.55	23.70	25.85	28.00	30.15	32.30	22.65	24.90	27.15	29.40	31.65	33.90
.079, .080	1/13	23.90	26.30	28.70	31.10	33.45	35.85	25.10	27.60	30.15	32.65	35.10	37.65
.083	1/12	24.85	27.35	29.80	32.30	34.80	37.25	26.10	28.70	31.30	33.90	36.55	39.10
.086, .088		25.80	28.40	30.95	33.55	36.10	38.60	27.10	29.80	32.50	35.20	37.90	40.60
.094	3/32	27.45	30.20	32.95	35.70	38.40	41.15	28.80	31.70	34.60	37.50	40.30	43.20
.095		27.90	30.70	33.50	36.30	39.00	41.85	29.30	32.25	35.20	38.10	41.00	43.95
.100, .104	1/10	28.85	31.75	34.60	37.50	40.40	43.25	30.30	33.35	36.35	39.40	42.40	45.40
.111	1/9	31.40	34.55	37.70	40.85	43.95	47.10	33.00	36.30	39.60	42.90	46.15	49.40
.125	1/8	34.90	38.40	41.90	45.35	48.85	52.35	36.65	40.30	44.00	47.60	51.30	55.05

TABLE 7—MAXIMUM PRICES FOR SLICED YELLOW POPLAR AND BASSWOOD AIRCRAFT VENEER PER AN-NN-P-511b

Thickness		Class 1	Class 2	Class 3	Class 4a	Class 4b	Class 5	Class 6	Class 7	Class 8
Decimal	Approximate fraction									
.030 and thinner	1/32	$13.90	$17.35	$17.35	$13.55	$18.05	$18.75	$19.45	$20.15	$20.85
.031, .032	1/32	14.15	17.70	17.70	13.80	18.40	19.10	19.80	20.50	21.20
.034	1/29	14.95	18.70	18.70	14.60	19.45	20.20	20.95	21.65	22.45
.036	1/28	15.50	19.40	19.40	15.15	20.15	20.95	21.70	22.50	23.25
.040	1/25	16.60	20.75	20.75	16.20	21.60	22.40	23.25	24.00	24.90
.042, .043	1/24	17.40	21.75	21.75	16.95	22.60	23.50	24.35	25.25	26.10
.047, .048	1/21	18.75	23.45	23.45	18.30	24.35	25.30	26.25	27.20	28.15
.050	1/20	19.50	24.40	24.40	19.00	25.35	26.35	27.30	28.30	29.25
.056	1/18	20.80	26.00	26.00	20.25	27.00	28.10	29.10	30.15	31.20
.060, .061	1/17	21.70	27.10	27.10	21.20	28.20	29.30	30.40	31.45	32.50
.063, .064	1/16	22.80	28.50	28.50	22.25	29.65	30.80	31.90	33.00	34.20
.066, .067	1/15	23.75	29.70	29.70	23.15	30.85	32.00	33.25	34.45	35.60
.068		24.20	30.25	30.25	23.60	31.45	32.65	33.90	35.10	36.30
.071	1/14	25.10	31.40	31.40	24.50	32.65	33.90	35.15	36.40	37.65
.079, .080	1/13	27.90	34.85	34.85	27.20	36.25	37.65	39.00	40.45	41.85
.083	1/12	29.10	36.40	36.40	28.40	37.85	39.30	40.75	42.20	43.65
.086, .088		30.20	37.75	37.75	29.45	39.25	40.75	42.25	43.80	45.25
.094	3/32	32.00	40.00	40.00	31.20	41.60	43.20	44.80	46.40	48.00
.095		32.65	40.80	40.80	31.85	42.45	44.00	45.70	47.35	49.00
.100, .104	1/10	34.30	42.85	42.85	33.45	44.60	46.30	48.00	49.75	51.45
.111	1/9	37.00	46.20	46.20	36.00	48.00	49.90	51.75	53.60	55.40
.125	1/8	40.30	50.40	50.40	39.30	52.40	54.40	56.40	58.45	60.45

TABLE 8—MAXIMUM PRICES FOR ROTARY CUT AND HALF-ROUND YELLOW POPLAR AND BASSWOOD AIRCRAFT VENEER PER AN-NN-P-511b

Thickness		Class A	Class B	Class C	Class D	Class E	Class F	Class AA	Class BB	Class CC	Class DD	Class EE	Class FF
Decimal	Approximate fraction												
.030 and thinner	1/32	$12.00	$13.20	$14.40	$15.65	$16.80	$18.00	$12.60	$13.85	$15.10	$16.45	$17.65	$18.90
.031, .032	1/32	12.30	13.55	14.75	16.00	17.20	18.45	12.90	14.25	15.50	16.80	18.05	19.35
.034	1/29	12.85	14.15	15.40	16.70	18.00	19.25	13.50	14.85	16.15	17.50	18.90	20.20
.036	1/28	13.15	14.50	15.80	17.10	18.40	19.70	13.80	15.25	16.60	17.95	19.30	20.70
.040	1/25	14.00	15.40	16.80	18.20	19.60	21.00	14.70	16.15	17.65	19.10	20.60	22.00
.042, .043	1/24	14.45	15.90	17.35	18.80	20.25	21.65	15.15	16.70	18.20	19.75	21.25	22.75
.047, .048	1/21	15.60	17.15	18.70	20.30	21.85	23.40	16.40	18.00	19.65	21.30	22.95	24.60
.050	1/20	16.10	17.70	19.30	20.90	22.50	24.15	16.90	18.60	20.25	21.95	23.60	25.35
.056	1/18	17.00	18.70	20.40	22.10	23.80	25.50	17.85	19.65	21.40	23.20	25.00	26.75
.060, .061	1/17	17.55	19.30	21.05	22.85	24.55	26.30	18.40	20.25	22.10	24.00	25.75	27.60
.063, .064	1/16	18.45	20.30	22.15	24.00	25.85	27.70	19.35	21.30	23.25	25.20	27.15	29.10
.066, .067	1/15	19.25	21.15	23.10	25.00	26.95	28.85	20.20	22.20	24.25	26.25	28.30	30.30
.068		19.70	21.65	23.65	25.60	27.60	29.50	20.70	22.75	24.85	26.90	29.00	31.00
.071	1/14	20.40	22.45	24.50	26.50	28.55	30.60	21.40	23.60	25.75	27.85	30.00	32.15
.079, .080	1/13	22.50	24.75	27.00	29.35	31.50	33.75	23.60	26.00	28.35	30.80	33.10	35.45
.083	1/12	23.45	25.80	28.15	30.50	32.85	35.20	24.65	27.10	29.55	32.00	34.50	37.00
.086, .088		24.35	26.80	29.25	31.70	34.15	36.55	25.60	28.15	30.70	33.25	35.85	38.50
.094	3/32	25.95	28.55	31.15	33.75	36.35	38.90	27.25	30.00	32.70	35.45	38.15	40.85
.095		26.40	29.00	31.70	34.35	37.00	39.60	27.75	30.45	33.30	36.00	38.85	41.60
.100, 104	1/10	27.30	30.00	32.75	35.50	38.20	40.95	28.65	31.50	34.40	37.25	40.10	43.00
.111	1/9	29.75	32.75	35.70	38.65	41.65	44.65	31.25	34.40	37.50	40.60	43.75	46.90
.125	1/8	32.95	36.25	39.50	42.85	46.15	49.40	34.60	38.10	41.50	45.00	48.45	51.85

TABLE 9—MAXIMUM PRICES FOR PLAIN SLICED SWEET, YELLOW, ALASKA AND PAPER BIRCH AND HARD MAPLE AIRCRAFT VENEER PER AN-NN-P-511b AND AIRSCREW OR PROPELLER, GRADE A AIRCRAFT OR AIRFRAME VENEER PER BRITISH STANDARD SPECIFICATIONS, 5V3, AND 6V3

Thickness		Class 2	Class 4a	Class 4b	Class 5	Class 6	Class 7	Class 8
Decimal	Approximate fraction							
.016 and thinner	1/64	$15.20	$12.00	$16.00	$16.80	$17.60	$18.40	$19.20
.020, .021	1/50	16.15	12.75	17.00	17.85	18.70	19.55	20.40
.022	1/45	16.75	13.25	17.65	18.55	19.40	20.30	21.20
.028	1/36	17.60	13.90	18.50	19.46	20.35	21.30	22.20
.030	1/32	18.15	14.35	19.10	20.05	21.00	22.00	22.90
.031, .032	1/32	18.45	14.55	19.40	20.40	21.35	22.30	23.30
.034	1/30	19.45	15.35	20.45	21.50	22.50	23.50	24.55
.036	1/28	20.00	15.85	21.10	22.15	23.20	24.25	25.30
.040	1/28	20.90	16.50	22.00	23.10	24.20	25.30	26.40
.042, .043	1/24	21.60	17.10	22.75	23.90	25.00	26.15	27.30
.047, .048	1/21	22.90	18.10	24.10	25.30	26.50	27.70	28.90
.050	1/20	23.50	18.55	24.70	25.95	27.20	28.40	29.65
.056	1/18	25.55	20.20	26.90	28.25	29.60	30.95	32.30
.060, .061	1/17	27.10	21.40	28.50	29.95	31.35	32.80	34.20
.063, .064	1/16	27.75	21.90	29.20	30.65	32.15	33.60	35.05
.066, .067, .068	1/16	29.65	23.35	31.10	32.65	34.20	35.75	37.30
.071	1/14	31.85	25.15	33.50	35.20	36.85	38.55	40.20
.079, .080	1/13	36.40	28.75	38.30	40.20	42.15	44.05	45.95
.083	1/12	39.10	30.90	41.15	43.20	45.25	47.30	49.40
.086, .088	3/32	41.00	32.45	43.20	45.35	47.50	49.70	51.85
.094, .095	1/10	45.10	35.60	47.45	49.80	52.20	54.55	56.95
.100, .104	1/9	48.45	38.25	51.00	53.55	56.10	58.65	61.20
.111	1/8	55.00	43.45	57.95	60.85	63.75	66.65	69.55
.125	1/8	63.90	50.45	67.25	70.60	74.00	77.35	80.70

TABLE 10—MAXIMUM PRICES FOR ROTARY CUT SWEET, YELLOW, ALASKA, AND PAPER BIRCH AND HARD MAPLE AIRCRAFT VENEER PER AN-NN-P-511b, AND, AIRSCREW OR PROPELLER, GRADE A AIRCRAFT OR AIRFRAME VENEER PER BRITISH STANDARD SPECIFICATIONS 5V3 AND 6V3

Thickness		Class A	Class B	Class C	Class D	Class E	Class F	Class AA	Class BB	Class CC	Class DD	Class EE	Class FF
Decimal	Approximate fractions												
.016 and thinner	1/64	$11.10	$12.20	$13.30	$14.45	$15.55	$16.65	$11.65	$12.80	$13.95	$15.15	$16.35	$17.50
.020, .021	1/50	11.80	13.00	14.15	15.35	16.50	17.70	12.40	43.65	14.85	16.10	17.35	18.60
.022	1/45	12.25	13.45	14.70	15.90	17.15	18.40	12.85	14.10	15.45	16.70	18.00	19.30
.028	1/36	12.85	14.15	15.40	16.70	18.00	19.25	13.50	14.85	16.15	17.55	18.90	20.20
.030	1/33	13.25	14.60	15.90	17.25	18.55	19.90	13.90	15.35	16.70	18.10	19.50	20.90
.031, .032	1/32	13.45	14.80	16.15	17.50	18.85	20.20	14.10	15.55	16.95	18.40	19.80	21.20
.034	1/30	14.20	15.65	17.05	18.45	19.90	21.30	14.90	16.45	17.90	19.35	20.90	22.35
.036	1/28	14.65	16.10	17.60	19.05	20.50	22.00	15.40	16.90	18.50	20.00	21.55	23.10
.040	1/28	15.30	16.80	18.35	19.90	21.40	22.95	16.05	17.65	19.25	20.90	22.45	24.10
.042, .043	1/24	15.80	17.40	18.95	20.55	22.10	23.70	16.60	18.25	19.90	21.60	23.20	24.90
.047, .048	1/21	16.75	18.40	20.10	21.75	23.45	25.10	17.60	19.30	21.10	22.85	24.60	26.35
.050	1/20	17.15	18.85	20.60	22.30	24.00	25.75	18.00	19.80	21.65	23.40	25.20	27.05
.056	1/18	18.65	20.50	22.40	24.25	26.10	28.00	19.60	21.55	23.50	25.45	27.40	29.40
.060, .061	1/17	19.80	21.80	23.75	25.75	27.70	29.70	20.80	22.90	24.95	27.05	29.10	31.20
.063, .064	1/16	20.30	22.35	24.35	26.40	28.40	30.45	21.30	23.45	25.55	27.70	29.80	31.95
.066, .067, .068	1/16	21.60	23.75	25.90	28.10	30.25	32.40	22.70	24.95	27.20	29.50	31.75	34.00
.071	1/14	23.25	25.60	27.90	30.25	32.55	34.90	24.40	26.90	29.30	31.75	34.20	36.65
.079, .080	1/13	26.60	29.25	31.90	34.60	37.25	39.90	27.95	29.35	33.50	36.30	39.10	41.90
.083	1/12	28.60	31.45	34.30	37.20	40.00	42.90	30.00	33.00	36.00	39.00	42.00	45.00
.086, .088	3/32	30.00	33.00	36.00	39.00	42.00	45.00	31.50	34.65	37.80	40.95	44.10	47.25
.094, .095	1/10	32.95	36.25	39.55	42.85	46.15	49.45	34.60	38.05	41.50	45.00	48.45	51.90
.100, .104	1/9	35.45	39.00	42.55	46.10	49.65	53.20	37.25	40.95	44.70	48.40	52.15	55.85
.111	1/8	40.25	44.25	48.30	52.35	56.35	60.40	42.25	46.45	50.70	54.95	59.15	63.40
.125	1/8	46.70	51.35	56.05	60.70	65.40	70.00	49.00	53.90	58.85	63.75	68.65	73.50

TABLE 11—MAXIMUM PRICES FOR ROTARY CUT SWEET, YELLOW, ALASKA, AND PAPER BIRCH AND HARD MAPLE No. 1 SHEET STOCK PER N. H. L. A. RULES

Thickness		Class A	Class B	Class C	Class D	Class E	Class F
Decimal	Approximate fraction						
.016 and thinner	1/64	$9.25	$10.20	$11.10	$12.05	$12.95	$13.90
.020, .021	1/50	9.85	10.85	11.80	12.80	13.80	14.80
.022	1/45	10.20	11.20	12.25	13.25	14.30	15.30
.028	1/36	10.70	11.75	12.85	13.90	15.00	16.05
.030	1/33	11.05	12.15	13.25	14.35	15.45	16.60
.031, .032	1/32	11.20	12.30	13.45	14.55	15.70	16.80
.034	1/30	11.85	13.05	14.20	15.40	16.60	17.80
.036	1/28	12.20	13.40	14.65	15.85	17.10	18.30
.040	1/28	12.75	14.05	15.30	16.60	17.85	19.15
.042, .043	1/24	13.15	14.45	15.80	17.10	18.40	19.75
.047, .048	1/21	13.95	15.35	16.75	18.15	19.55	20.95
.050	1/20	14.30	15.75	17.15	18.60	20.00	21.45
.056	1/18	15.55	17.10	18.65	20.20	21.75	23.35
.060, .061	1/17	16.50	18.15	19.80	21.45	23.10	24.75
.063, .064	1/16	16.90	18.60	20.30	21.95	23.65	25.35
.066, .067, .068	1/16	18.00	19.80	21.60	23.40	25.20	27.00
.071	1/14	19.35	21.30	23.20	25.15	27.10	29.00
.079, .080	1/13	22.15	24.35	26.60	28.80	31.00	33.25
.083	1/12	23.85	26.25	28.60	31.00	33.40	35.80
.086, .088	3/32	25.00	27.50	30.00	32.50	35.00	37.50
.094, .095	1/10	27.45	30.20	32.95	35.70	38.45	41.20
.100, .104	1/9	29.55	32.50	35.45	38.40	41.35	44.30
.111	1/8	33.55	36.90	40.25	43.60	47.00	50.30
.125	1/8	38.90	42.80	46.70	50.55	54.45	58.35

This revised regulation shall become effective August 26, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13637; Filed, August 20, 1943; 3:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 82 Under SR 15 to GMPR]

MASHKIN FREIGHT LINES, INC.

Correction

In F.R. Document 43-12412 appearing on page 10732 of the issue for Tuesday, August 3, 1943, the issuance date of Tariff MF-ICC No. 4 referred to in § 1499.-1382 (a) should read "June 17, 1942."

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 32]

FOOD RATIONING FOR INSTITUTIONAL USERS: COFFEE

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respect:

Section 22.1 is amended by adding a sentence at the end of the paragraph defining "Rationed food", to read as follows: "However, on and after July 29, 1943, coffee shall not be a rationed food."

This amendment shall become effective August 25, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13640; Filed, August 20, 1943; 4:39 p. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[RPS 9,[2] Amdt. 3]

HIDES, KIPS AND CALFSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10002.

[2] 7 F.R. 1227, 2000, 2132, 5706, 8948; 8 F.R. 2997.

Revised Price Schedule No. 9 is amended in the following respects:

1. Section 1314.4 is amended to read as follows:

§ 1314.4 *Brokers*—(a) *Responsibility of brokers.* A broker is responsible, to the extent of his participation in the transaction, for any violation of this schedule.

(b) *Commissions.* In the event that a seller of hides, kips or calfskins shall employ a broker to sell hides, kips or calfskins on his behalf, or in the event that a buyer shall employ a broker to buy, receive or ship hides, kips or calfskins on his behalf, a brokerage commission of not more than 3% of the purchase price may be charged for such services and added to the applicable maximum price established hereunder. A commission may not be charged to both buyer and seller, nor may it be paid on sales by, or purchases from a tanner. Commissions may not be included as part of the sight draft or other means of payment for the hides, kips or calfskins purchased. A commission shall be payable only if the hides, kips or calfskins are purchased or sold at a price no higher than the applicable maximum price and the commission is not split or divided with the seller, or with an agent or employee of the seller.

In no case may any person charge or receive such a commission or fee on hides, kips or calfskins sold for his own account even though such person may have performed the receiving service or any other service for the buyer; and in no case may any person charge or receive, pay or offer to pay such commission or fee, or any service or other charge, in connection with the purchase, sale, receiving or shipment of hides, kips or calfskins in the green or partially cured state or in connection with the purchase, sale, receiving or shipment of hides, kips or calfskins (except slunks) in lots of less than 20,000 pounds of hides or 5,000 pounds of skins.

2. Section 1314.5a is added to read as follows:

§ 1314.5a *Maximum allowable shrinkage.* Shrinkage is the difference between the invoice net weight and net tared weight at the tannery. The maximum allowable shrinkage on any shipment of hides, kips or calfskins shall be determined from the table set forth in § 1314.-13, Appendix C.

"Net tared weight at the tannery" shall be determined as follows: (a) weigh the shipment at the tannery, (b) weigh 25 representative pieces of each type (i. e. hides, kips or calfskins) which must be free of mud and manure, (c) shake each piece twice on each side, over a barrel or horse, (d) sweep each hide[3] on both sides, (e) weigh each sample lot after tarring. The difference in the weight obtained for each sample lot in steps (b) and (e) shall be applied proportionately to the weight of the entire lot of the given type to obtain the net tared weight of the shipment at the tannery.

3. Section 1314.6a is added to read as follows:

[3] Calf and kipskins are not swept.

§ 1314.6a *Invoices*—(a) *Sellers' invoices.* On and after August 26, 1943, every person who sells hides, kips or calfskins to a tanner, whether or not the sale is made through a broker, shall, within one (1) day from the date of shipment, mail to the tanner or the tanner's agent an invoice or similar document[3] showing: (1) the date of the invoice, (2) the date of sale, (3) the name and address of the tanner, (4) the War Production Board allocation number or numbers against which the sale was made, (5) the mode of transportation and terms of shipment, (6) the destination, (7) the quantity (both number of pieces and pounds, regardless of whether priced by the pound or by the piece) and price of each type, classification and grade[4] of hides, kips or calfskins sold, (8) the tare and other allowances given and (9) the name of the person taking up the hides, kips or calfskins.

(b) *Brokers' invoices.* On and after August 26, 1943, every person who, in connection with a purchase of hides, kips or calfskins by a tanner, has rendered a brokerage service for compensation, shall, within five (5) days from the date of shipment, mail to the tanner an invoice or similar document showing: (1) the date of the invoice, (2) the date of purchase, (3) the name and address of the buyer, (4) the War Production Board allocation number or numbers against which the purchase was made, (5) the mode of transportation and terms of shipment, (6) the destination, (7) the name and address of the seller (or sellers), (8) the quantity (both number of pieces and pounds, regardless of whether priced by the pound or by the piece) and price of each type, classification and grade[4] of hides, kips or calfskins purchased, (9) the tare and other allowances given, (10) the name of the person taking up the hides, kips or calfskins and (11) the commission charged. It is not necessary, however, that a broker submit his own invoice showing the specified data. The requirements of this paragraph will be satisfied by attaching to the invoice for commission a copy of each invoice furnished by the seller.

4. Section 1314.7 is amended to read as follows:

§ 1314.7 *Reports*—(a) *Submission of invoices by sellers.* On and after August 26, 1943, every person who sells hides, kips or calfskins to a tanner, whether or not the sale is made through a broker, shall submit to the Office of Price Administration, Washington, D. C., a copy of each invoice or similar document delivered in connection with each sale.[5] Such copy shall be mailed to the Office of Price Administration, Washington, D. C., contemporaneously with its transmission to the tanner or tanner's agent.

[3] In each case where a tanner who purchases hides, kips or calfskins on memorandum, receives the shipment, he shall prepare the required invoice or similar document and mail a copy thereof to the seller.

[4] Grubby hides or kips must be so identified on the invoice.

[5] Tanners affected by footnote 3 of § 1314.6a shall mail a copy of the invoice to the Office of Price Administration, Washington, D. C. contemporaneously with its transmission to the seller.

(b) *Submission of invoices by brokers.* On and after August 26, 1943, every person who, in connection with a purchase of hides, kips or calfskins by a tanner, has rendered a brokerage service for compensation, shall submit to the Office of Price Administration, Washington, D. C., a copy of each invoice or similar document furnished in connection with each purchase. Such copy shall be mailed to the Office of Price Administration, Washington, D. C. contemporaneously with its transmission to the tanner.

(c) *Statements by tanners.* In the event that the hides, kips or calfskins delivered to the tanner differ in any material respect from the description thereof contained in the invoice or similar document furnished by the seller and/or by the broker, the tanner shall transmit to the Office of Price Administration, Washington, D. C. on the same day the inspection of the hides, kips or calfskins is made, a statement setting forth such difference and identifying the shipment, the seller and the broker, if any.

(d) *Other reports.* Every person making a purchase or sale of hides, kips or calfskins in the course of trade or business, or acting as a broker in connection therewith, shall submit such reports to the Office of Price Administration as it may, from time to time, require.

5. Section 1314.8a is added to read as follows:

§ 1314.8a *Licensing*—(a) *License required.* A license as a condition of selling is hereby required of every seller subject to this schedule now or hereafter selling any hides, kips, calfskins or brokerage services, for which maximum prices are established by this schedule. No person whose license is suspended by proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any commodity or service as to which his license to sell is suspended. The order of suspension entered in such proceedings may suspend the licensee's right to sell all the aforementioned commodities and services.

(b) *License granted.* Every seller subject to this schedule now or hereafter selling any hides, kips, calfskins or brokerage services for which maximum prices are established by this schedule is hereby granted a license as a condition of selling any such hides, kips, calfskins or brokerage services. The provisions of this schedule shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on August 26, 1943, or when any person becomes subject to the maximum price provisions of this schedule and shall, unless suspended as provided by the Emergency Price Control Act of 1942, continue in force so long as and to the extent that the schedule or any amendment or supplement thereto remains in force.

6. Section 1314.10 (j) is amended to read as follows:

(j) The term "shipping point" means the point from which the hides, kips or

calfskins are shipped to the purchaser and shall include the point from which the seller, who has consolidated them into carload lots, ships them to the purchaser; in the case of transportation by rail, it means the point at which they are loaded on the railroad car.

7. Section 1314.11 is amended to read as follows:

§ 1314.11 *Appendix A: Maximum prices for domestic hides.* (a) A slaughterer must elect to make his sales of hides either on the basis provided in paragraph (b) of this section for sales of hides of packer classifications, or on the basis provided in paragraph (c) of this section for sales of hides of other than packer classifications, and having made that election, may not change without written authorization from the Office of Price Administration. Applications for such authorization should be addressed to the Office of Price Administration, Washington, D. C. and should set forth the reasons for requesting permission to make the change.

(b) *Packer classifications*—(1) *Packer classifications sold on a selected basis.*[1]

TABLE I—STANDARD PRESENT TRIM AND DELIVERY, INCLUDING A TARE ALLOWANCE OF NOT LESS THAN 3%

[Price per lb., f. o. b. shipping point]

	No. 1's	No. 2's	No. 3's
Native steers, heavy and light	$0.15½	$0.14½	$0.10
Native steers, extreme light (23 to 48 pounds)	.15½	.14½	.10
Heavy native cows (48 pounds and up)	.15¼	.14¼	.10
Light native cows (less than 53 pounds)	.15¼	.14½	.10
Butt branded steers	.14½	.13½	.10
Texas steers, heavy and light	.14½	.13½	.10
Texas steers, extreme light (23 to 48 pounds)	.15	.14	.10
Colorado steers	.14	.13	.10
Branded cows	.14½	.13½	.10
Native bulls	.12	.11	.08
Branded bulls	.11	.10	.0733

TABLE II—OPTIONAL MAXIMUM PRICES

The maximum prices set forth in Table II may be used in lieu of those set forth in Table I by packers producing standard packer selections, so long as each of the selections for classes and weights set forth below is cured in a separate pack:

STANDARD PRESENT TRIM, TARE ALLOWANCE AND DELIVERY

[Price per lb., f. o. b. shipping point]

	No. 1's	No. 2's	No. 3's
Heavy native steers (58 pounds and up)	$0.15½	$0.14½	$0.10
Light and extreme light native steers (under 58 pounds)	.15½	.14½	.10
Heavy branded steers, butt and side branded (58 pounds and up)	.14½	.13½	.10
Light and extreme light branded steers (under 58 pounds)	.14½	.13½	.10
Heavy native cows (53 or 55 pounds [1] and up)	.15½	.14½	.10
Light native cows (under 53 or 55 pounds [1])	.15¼	.14¼	.10
Branded cows (all weights [2])	.14½	.13½	.10
Native bulls (all weights)	.12	.11	.08
Branded bulls (all weights)	.11	.10	.0733

[1] Optional with the seller.
[2] Or divided into 53 or 55 pounds and up and under 53 or 55 pounds.

[4] Paragraphs (b) and (c) of 1314.11, Appendix A, do not apply to hides originating in the Pacific Coast.

(2) *Hides not meeting established standards.* Packer classifications of hides which fail to meet established standards of trim, tare allowance or delivery shall be sold at a price at least 1¢ per pound less than the applicable maximum price set forth in paragraph (b) (1) of this section.

(3) *Packer classifications sold on an unselected basis.* The maximum prices for packer classifications of hides sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for No. 2's set forth in paragraph (b) (1) above.

(4) *Maximum prices for quantity sales of No. 3's.* The maximum price for No. 3 steer and cow hides sold in lots of at least 20,000 pounds (which may include No. 3 kips), shall be 13¢ per pound.

(c) *Other than packer classifications.*[1] (1)

[Price per lb., f. o. b. shipping point]

	Flat for No. 1's and No. 2's		No. 3's	
	Trimmed	Untrimmed [1]	Trimmed	Untrimmed [1]
Free of brand steers and cows including free of brand bulls up to 58 pounds	$0.15	$0.14	$0.10	$0.09
Branded steers and cows, including branded bulls up to 58 pounds	.14	.13	.10	.09
Free of brand bulls	.11½	.10½	.0766	.07
Branded bulls	.10½	.09½	.07	.0633

[1] The term "untrimmed" as applied to hides, means hides without the standard head and tail trim prevailing on hides of packer classifications, in which the ears, ear butt fat and gristles, ox-lip, snouts and lower lips are trimmed off in the green state before salting and in which the tails are cut off to not more than eight inches in length.

(2) *Maximum prices for quantity sales of No. 3's.* The maximum price for No. 3 steer and cow hides (including bulls up to 58 pounds), whether branded or free of brand, when sold in lots of at least 20,000 pounds (which may include No. 3 kips), shall be 13¢ per pound trimmed and 12¢ per pound untrimmed.

(3) *Tare allowance.* A tare allowance of not less than 2% shall be allowed on all sales of hides of other than packer classifications.

(d) *Pacific Coast hides.* (1)

[Price per lb., f. o. b. shipping point]

	Flat for No. 1's and No. 2's		No. 3's	
	Trimmed	Untrimmed [1]	Trimmed	Untrimmed [1]
Native and branded steers and cows	$0.13½	$0.12½	$0.108	$0.10
Native and branded bulls	.10	.09	.08	.072

[1] See *supra*, footnote 1, Other than packer classifications.

(2) *Tare allowance.* A tare allowance of not less than two pounds per hide shall be allowed on all sales of Pacific Coast hides.

(e) *Hides or skins sold in mixed lots.* When hides, kips or calfskins are sold in lots containing more than one type or grade, the maximum price for the lot shall be the maximum price for that type or grade of hide, kip or calfskin included in the lot which has the lowest maximum price, unless each type and grade is: (1) individually marked or physically separated so as to be easily identifiable, (2) separately priced in the invoice and (3) the quantity thereof is determined by actual inspection.

(f) *Green or partially cured hides.* The maximum prices for green or partially cured hides shall be the maximum prices set forth above: *Provided*, That the maximum prices for green or partially cured hides sold to tanners, or for their account, or to persons who have hides tanned on contract (i. e., others than dealers buying and selling untrimmed hides for their own account) shall be the maximum prices set forth above reduced by 20%.

(g) *Sales of bull hides at retail.* The maximum price for retail sales of bull hides shall be the applicable maximum price set forth in Appendix A hereof plus two cents per pound. The term "retail sales" means sales through a regularly maintained retail establishment to the ultimate consumer: *Provided*, That no tanner or other processor of hides for resale shall be deemed to be an ultimate consumer.

(h) *Grub allowance.* On all hides sold on a selected basis which, but for the presence of grubs, would be selected as No. 1's, a grub allowance of 1¢ per pound shall be made for each hide having five or more grubs or grub holes.

8. Section 1314.12 is amended to read as follows:

§ 1314.12 *Appendix B: Maximum prices for domestic kips and calfskins.* (a) A slaughterer selling under paragraph (b) must elect to make his sales of kips either on a selected basis in accordance with the classifications as set forth in paragraphs (b) (1), (2) and (3) of this section, or on an unselected basis as provided in paragraph (b) (7) of this section, and having made that election may not change without written authorization from the Office of Price Administration. Applications for such authorization should be addressed to the Office of Price Administration, Washington, D. C. and should set forth the reason for requesting permission to make the change.

(b) (1) *Packer calf and kipskins sold on a selected basis.*

No. 1 Selection, standard present trim, tare allowance and delivery

	Price per lb. f. o. b. shipping point
Chicago packer heavy northern (9½–15 lb.)	$0.27
Chicago packer lights (less than 9½ lb.)	.23½
Packer kips No. 1 northern native (15–30 lb.)	.20
Branded kips (30 lb. and down)	.17½
Slunks, regular	[1] 1.10
Slunks, hairless	[1] .55

[1] Each, flat for No. 1's and No. 2's.

Tare allowance for packer calf and kipskins. A tare allowance of not less than one-half pound per skin for packer calf (except slunks) and three-fourths pound per skin for packer kip shall be allowed on all sales of packer calf and kipskins.

(2) *Chicago city calf and kipskins sold on a selected basis.*

No. 1 Selection, Standard Present Trim, Tare Allowance and Delivery

	Price per lb., f. o. b. shipping point
Chicago City (10 to 15 lb.)	$0.23
Chicago City (8 to 10 lb.)	.20½
Chicago City native kips (15 to 30 lb.)	.18
Chicago City branded kips (30 lb. and down)	.17

	Price per skin, f. o. b. shipping point
Chicago City (less than 8 lb.)	$1.43

Tare allowance for Chicago City calf and kipskins. A tare allowance of not less than one-half pound per skin for Chicago city calf (except slunks) and three-fourths pound per skin for Chicago city kip shall be allowed on all sales of Chicago city calf and kipskins.

(3) *New York City packer and collector calf and kipskins sold on a selected basis.*

No. 1 Selection, New York City Trim—Standard Tare Allowance and Delivery

	Price per skin, f. o. b. shipping point
New York packer (3 to 4 lb.)	$1.25
New York packer (4 to 5 lb.)	1.40
New York packer (5 to 7 lb.)	1.80
New York packer (7 to 9 lb.)	2.80
New York packer (9 to 12 lb.)	3.80
New York packer (12 to 17 lb.)	4.20
New York packer (17 lb. or more)	4.60
New York collector (3 to 4 lb.)	1.15
New York collector (4 to 5 lb.)	1.30
New York collector (5 to 7 lb.)	1.65
New York collector (7 to 9 lb.)	2.60
New York collector (9 to 12 lb.)	3.55
New York collector (12 to 17 lb.)	3.95
New York collector (17 lb. or more)	4.35

(4) *Calf and kipskins not meeting established standards.* Calf and kipskins of the classifications set forth above which fail to meet established standards of trim, tare allowance or delivery for the type or grade sold, shall be sold at a price at least 2¢ per pound, or when sold on a per skin basis, at least 20¢ per skin, less than the applicable maximum price set forth above.

(5) *Maximum prices for No. 2's and 3's.* The maximum price for No. 2 calf and kipskins of the classifications set forth above shall be the maximum price for each such classification, reduced by 10%. The maximum price for No. 3 calf and kipskins of the classifications set forth above shall be the maximum price for each such classification, reduced by 33⅓%.

(6) *Maximum prices for skins not New York City trimmed.* The maximum prices for calf and kipskins, other than Pacific Coast skins, which are not New York City trimmed, shall be the maximum prices established by this schedule for Packer Calf and Kipskins, Chicago City Calf and Kipskins, or Country Calf and Kipskins, whichever are applicable.

(7) *Maximum prices for skins sold on an unselected basis.* (i) The maximum prices for calfskins of the classifications set forth above sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum price for No. 2's.

(ii) The maximum prices for kipskins of the classifications set forth above sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for each such classification less 1¢ per pound.

(iii) When the quantity of No. 2's in any lot of skins sold is not determined by actual inspection or is based upon the buyer's or the seller's estimate thereof, the maximum price for the lot shall be the maximum price established by this schedule for skins sold on an unselected basis.

(c) *Country calf and kipskins.* (1)

	Price per lb. f. o. b. shipping point
Country calf (10 lb. and down)	[1] $0.16
Country calf (10 to 15 lb.)	[1] .18
Country kips (15 to 30 lb.)	[1] .16

[1] Flat for No. 1's and No. 2's.

(2) *No. 3 skins.* The maximum prices for No. 3 country calf and kipskins shall be the maximum prices set forth in the table above, reduced by 33⅓%.

(3) *Tare allowance.* A tare allowance of not less than 2% shall be allowed on all sales of country calf and kipskins.

(d) *Pacific Coast calf and kipskins.*[4] (1) The prices set forth below are maximum prices for Pacific Coast calf and kipskins on an unselected basis, i. e., flat for No. 1's and No. 2's. Such prices are for standard delivery with a tare allowance of not less than 2%.

	Price per lb., f. o. b. shipping point
Pacific coast kips (15 to 29 pounds)	$0.19¼
Pacific coast New York City trimmed kips (15 pounds or more)	.21
Pacific coast trimmed calf (6 to 13 pounds)	.26
Pacific coast trimmed calf (13 to 15 pounds)	.23½

	Price per skin, f. o. b. shipping point
Pacific coast calf (less than 6 pounds)	$1.25
Pacific coast slunks, regular	1.00
Pacific coast slunks, hairless	.50

(2) *Calf and kipskins not meeting established standards.* Pacific Coast calf and kipskins which fail to meet established standards of trim, tare allowance or delivery shall be sold at a price at least 1¢ per pound less than the applicable maximum price set forth above.

(3) *No. 3 skins.* The maximum price for No. 3 Pacific Coast calf and kipskins shall be the applicable maximum price set forth above, reduced by 20%.

(e) *Hides or skins sold in mixed lots.* When hides, kips or calfskins are sold in lots containing more than one type or grade, the maximum price for the lot shall be the maximum price for that type or grade of hide, kip or calfskin included in the lot which has the lowest maximum price, unless each type and grade is: (1) individually marked or physically separated so as to be easily identifiable, (2) separately priced in the invoice and (3) the quantity thereof is determined by actual inspection.

(f) *Green or partially cured kips and calfskins.* The maximum prices for green or partially cured kips or calfskins shall be the maximum prices set forth above: *Provided*, That the maximum prices for green or partially cured kips or calfskins sold to tanners, or for their account, or to persons who have kips or calfskins tanned on contract (i. e., others than dealers buying and selling untrimmed kips or calfskins for their own account) shall be the maximum prices set forth above reduced by 15%: *Provided further*, That where the buyer's agent or employee takes off the skin, the applicable maximum price shall be reduced by not less than 20¢ per skin.

(g) *Grub allowance.* For all kips sold on a selected basis which, but for the presence of grubs would be selected as No. 1's, the maximum price of each kip having 5 or more grubs or grub holes shall be the applicable maximum price for No. 2's.

(h) *Maximum gross weights for kips.* In order to be classified as kipskins, the gross weight at the tannery shall not exceed the following:

	Per skin (pounds)
Packer and city kip	30.75
Country	30.6
Pacific Coast kip	29.58

(i) *Charges for concentration.* Any slaughterer operating two or more plants, other than an employer of contract slaughterers, who, pursuant to a specific request made by the War Production Board, assembles skins (including slunks) at a concentration point, which must be one of his own plants and must be approved by the Office of Price Administration, may add to the price set forth in this schedule the freight, based on carload rates, from the other plants to the point of concentration, plus handling charges not in excess of 10¢ per hundredweight, *Provided*, That such lots are kept separate or marked so that they can be identified at the concentration point and each lot is shown as a separate item on the invoice or similar document at the time of shipment from the concentration point.

9. Section 1314.13 is added to read as follows:

[4] The maximum price of any calfskin originating in the Pacific coast, but not Pacific coast trimmed, shall not exceed 80% of the maximum price set forth above for Pacific coast trimmed calf of corresponding weight except that (a) in the case of skins weighing less than six pounds, the maximum price of $1.25 per skin shall apply to both trimmed and untrimmed skins, and (b) New York City trimmed calfskins originating in the Pacific coast weighing 15 pounds or less may be sold by the skin at prices not exceeding the maximum prices established above for New York collector skins.

§ 1314.13 *Appendix C: Table of maximum allowable shrinkage*

Invoice Net Weight	Number of days in transit [1]																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	[illegible]
	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.	[illegible]
999 lbs. and under	1.03	1.14	1.24	1.34	1.45	1.55	1.65	1.76	1.86	1.96	2.07	2.17	2.27	2.38	2.48	2.58	2.69	2.79	2.89	3.00	[illegible]
1,000–1,999	1.04	1.14	1.24	1.35	1.45	1.56	1.66	1.76	1.87	1.97	2.07	2.18	2.28	2.39	2.49	2.59	2.70	2.81	2.92	3.02	[illegible]
2,000–2,999	1.04	1.14	1.24	1.35	1.46	1.56	1.67	1.77	1.87	1.98	2.08	2.19	2.29	2.40	2.50	2.60	2.71	2.81	2.92	3.03	[illegible]
3,000–3,999	1.04	1.15	1.25	1.35	1.46	1.56	1.67	1.77	1.87	1.98	2.09	2.20	2.30	2.41	2.51	2.62	2.72	2.82	2.93	3.03	[illegible]
4,000–4,999	1.05	1.15	1.26	1.36	1.46	1.57	1.67	1.78	1.88	1.99	2.09	2.20	2.31	2.42	2.52	2.63	2.73	2.84	2.94	3.05	[illegible]
5,000–5,999	1.05	1.16	1.26	1.37	1.47	1.58	1.68	1.79	1.89	2.00	2.10	2.21	2.31	2.42	2.52	2.63	2.73	2.84	2.94	3.05	[illegible]
6,000–6,999	1.05	1.16	1.27	1.37	1.48	1.58	1.69	1.79	1.90	2.00	2.11	2.22	2.32	2.43	2.53	2.64	2.74	2.85	2.95	3.06	[illegible]
7,000–7,999	1.06	1.17	1.27	1.38	1.48	1.59	1.69	1.80	1.91	2.01	2.12	2.22	2.33	2.44	2.54	2.65	2.75	2.86	2.97	3.07	[illegible]
8,000–8,999	1.06	1.17	1.27	1.38	1.48	1.59	1.70	1.81	1.91	2.02	2.13	2.23	2.34	2.45	2.55	2.66	2.77	2.87	2.98	3.09	[illegible]
9,000–9,999	1.06	1.17	1.28	1.38	1.49	1.60	1.70	1.81	1.92	2.03	2.14	2.24	2.35	2.45	2.56	2.67	2.78	2.88	2.99	3.10	[illegible]
10,000–10,999	1.07	1.18	1.28	1.39	1.50	1.60	1.71	1.82	1.93	2.04	2.15	2.25	2.36	2.47	2.58	2.68	2.79	2.90	3.00	3.11	[illegible]
11,000–11,999	1.07	1.18	1.29	1.39	1.50	1.61	1.72	1.82	1.93	2.04	2.16	2.26	2.37	2.48	2.59	2.69	2.80	2.91	3.02	3.12	[illegible]
12,000–12,999	1.08	1.19	1.29	1.40	1.51	1.62	1.72	1.83	1.94	2.05	2.16	2.27	2.38	2.49	2.60	2.71	2.81	2.92	3.03	3.14	[illegible]
13,000–13,999	1.08	1.19	1.30	1.41	1.52	1.62	1.73	1.84	1.95	2.06	2.16	2.27	2.39	2.50	2.61	2.72	2.83	2.93	3.04	3.15	[illegible]
14,000–14,999	1.09	1.20	1.30	1.41	1.52	1.63	1.74	1.85	1.96	2.07	2.17	2.28	2.39	2.50	2.61	2.72	2.84	2.95	3.06	3.17	[illegible]
15,000–15,999	1.09	1.20	1.31	1.42	1.53	1.64	1.75	1.86	1.97	2.07	2.18	2.29	2.40	2.51	2.62	2.73	2.84	2.95	3.07	3.18	[illegible]
16,000–16,999	1.10	1.21	1.32	1.43	1.54	1.64	1.75	1.86	1.97	2.08	2.19	2.30	2.41	2.52	2.63	2.74	2.85	2.96	3.07	3.18	[illegible]
17,000–17,999	1.10	1.21	1.32	1.43	1.54	1.65	1.76	1.87	1.98	2.09	2.20	2.31	2.42	2.53	2.64	2.75	2.86	2.97	3.08	3.19	[illegible]
18,000–18,999	1.11	1.22	1.33	1.44	1.55	1.66	1.77	1.88	1.99	2.10	2.21	2.32	2.43	2.54	2.65	2.77	2.88	2.99	3.10	3.21	[illegible]
19,000–19,999	1.11	1.22	1.33	1.44	1.56	1.67	1.78	1.89	2.00	2.11	2.22	2.33	2.44	2.56	2.67	2.78	2.89	3.00	3.11	3.22	[illegible]
20,000–20,999	1.12	1.23	1.34	1.45	1.56	1.67	1.79	1.90	2.01	2.12	2.23	2.34	2.46	2.57	2.68	2.79	2.90	3.01	3.12	3.24	[illegible]
21,000–21,999	1.12	1.23	1.35	1.46	1.57	1.68	1.79	1.91	2.02	2.13	2.24	2.35	2.47	2.58	2.69	2.80	2.91	3.03	3.14	3.25	[illegible]
22,000–22,999	1.12	1.23	1.35	1.46	1.58	1.69	1.80	1.91	2.03	2.14	2.25	2.36	2.48	2.59	2.70	2.82	2.93	3.04	3.15	3.26	[illegible]
23,000–23,999	1.13	1.24	1.36	1.47	1.58	1.70	1.81	1.92	2.04	2.15	2.26	2.37	2.49	2.60	2.71	2.83	2.94	3.05	3.17	3.28	[illegible]
24,000–24,999	1.13	1.24	1.36	1.48	1.59	1.70	1.82	1.93	2.05	2.16	2.27	2.38	2.50	2.61	2.73	2.84	2.95	3.07	3.18	3.30	[illegible]
25,000–25,999	1.14	1.25	1.36	1.48	1.59	1.71	1.82	1.94	2.05	2.17	2.28	2.40	2.51	2.63	2.74	2.85	2.97	3.08	3.20	3.31	[illegible]
26,000–26,999	1.14	1.26	1.37	1.48	1.60	1.71	1.83	1.94	2.06	2.17	2.28	2.40	2.52	2.63	2.75	2.87	2.98	3.10	3.21	3.33	[illegible]
27,000–27,999	1.14	1.26	1.37	1.49	1.61	1.72	1.83	1.95	2.06	2.18	2.29	2.41	2.52	2.64	2.75	2.87	2.98	3.09	3.21	3.33	[illegible]
28,000–28,999	1.15	1.26	1.38	1.49	1.61	1.73	1.84	1.96	2.07	2.19	2.30	2.42	2.53	2.65	2.76	2.88	3.00	3.11	3.23	3.34	[illegible]
29,000–29,999	1.15	1.27	1.38	1.50	1.61	1.73	1.84	1.96	2.08	2.19	2.30	2.43	2.55	2.66	2.78	2.89	3.01	3.12	3.24	3.36	[illegible]
30,000–30,999	1.16	1.27	1.39	1.50	1.62	1.74	1.85	1.97	2.08	2.20	2.31	2.44	2.56	2.67	2.79	2.91	3.02	3.14	3.25	3.37	[illegible]
31,000–31,999	1.16	1.28	1.40	1.51	1.63	1.74	1.86	1.98	2.09	2.21	2.33	2.44	2.56	2.68	2.80	2.92	3.04	3.15	3.27	3.39	[illegible]
32,000–32,999	1.16	1.28	1.40	1.52	1.64	1.75	1.87	1.99	2.10	2.22	2.34	2.45	2.57	2.69	2.80	2.93	3.05	3.17	3.29	3.40	[illegible]
33,000–33,999	1.17	1.29	1.41	1.53	1.64	1.76	1.88	2.00	2.11	2.23	2.35	2.46	2.58	2.70	2.82	2.93	3.05	3.17	3.30	3.42	[illegible]
34,000–34,999	1.17	1.29	1.41	1.53	1.65	1.77	1.89	2.00	2.12	2.24	2.36	2.48	2.59	2.71	2.83	2.95	3.07	3.18	3.30	3.41	[illegible]
35,000–35,999	1.18	1.30	1.42	1.53	1.65	1.77	1.90	2.01	2.13	2.25	2.37	2.49	2.61	2.73	2.84	2.96	3.08	3.20	3.32	3.44	[illegible]
36,000–36,999	1.18	1.30	1.42	1.54	1.66	1.78	1.90	2.02	2.14	2.26	2.38	2.50	2.62	2.74	2.86	2.98	3.10	3.21	3.33	3.45	[illegible]
37,000–37,999	1.19	1.31	1.43	1.55	1.67	1.79	1.91	2.03	2.15	2.27	2.39	2.51	2.63	2.75	2.87	2.99	3.11	3.23	3.35	3.47	[illegible]
38,000–38,999	1.20	1.32	1.44	1.56	1.67	1.79	1.92	2.04	2.16	2.28	2.40	2.52	2.64	2.76	2.88	3.00	3.12	3.25	3.37	3.49	[illegible]
39,000–39,999	1.20	1.32	1.44	1.56	1.68	1.80	1.92	2.05	2.17	2.29	2.42	2.54	2.66	2.78	2.90	3.02	3.14	3.26	3.38	3.50	[illegible]
40,000–40,999	1.21	1.33	1.45	1.57	1.69	1.81	1.93	2.05	2.17	2.29	2.42	2.55	2.67	2.79	2.91	3.03	3.16	3.28	3.40	3.52	[illegible]
41,000–41,999	1.21	1.33	1.46	1.58	1.70	1.82	1.94	2.06	2.18	2.31	2.43	2.55	2.67	2.79	2.91	3.03	3.17	3.29	3.41	3.54	[illegible]
42,000–42,999	1.22	1.34	1.46	1.58	1.71	1.83	1.95	2.07	2.19	2.32	2.44	2.56	2.68	2.80	2.93	3.05	3.19	3.31	3.43	3.55	[illegible]
43,000–43,999	1.22	1.34	1.46	1.59	1.71	1.84	1.96	2.08	2.20	2.33	2.45	2.57	2.70	2.82	2.94	3.06	3.20	3.32	3.44	3.57	[illegible]
44,000–44,999	1.23	1.35	1.47	1.59	1.72	1.84	1.96	2.09	2.21	2.33	2.46	2.59	2.71	2.83	2.96	3.08	3.21	3.33	3.46	3.59	[illegible]
45,000–45,999	1.23	1.35	1.48	1.60	1.72	1.85	1.97	2.09	2.22	2.34	2.46	2.59	2.72	2.85	2.97	3.09	3.22	3.34	3.47	3.59	[illegible]
46,000–46,999	1.24	1.36	1.48	1.61	1.73	1.86	1.98	2.10	2.23	2.35	2.48	2.60	2.72	2.85	2.98	3.11	3.23	3.36	3.48	3.61	[illegible]
47,000–47,999	1.24	1.36	1.49	1.62	1.74	1.87	1.99	2.11	2.24	2.36	2.49	2.61	2.74	2.86	2.99	3.11	3.25	3.37	3.50	3.63	[illegible]
48,000–48,999	1.24	1.37	1.49	1.62	1.74	1.87	2.00	2.13	2.25	2.38	2.50	2.63	2.75	2.88	3.00	3.13	3.25	3.38	3.50	3.63	[illegible]
49,000–49,999	1.25	1.38	1.50	1.63	1.76	1.88	2.01	2.14	2.26	2.39	2.51	2.64	2.76	2.89	3.02	3.14	3.27	3.39	3.52	3.64	[illegible]
50,000–50,999	1.26	1.38	1.51	1.63	1.76	1.89	2.02	2.15	2.27	2.40	2.53	2.65	2.78	2.90	3.03	3.16	3.28	3.40	3.53	3.66	[illegible]
51,000–51,999	1.26	1.39	1.52	1.64	1.77	1.89	2.02	2.16	2.28	2.41	2.54	2.66	2.79	2.92	3.05	3.17	3.30	3.43	3.55	3.68	[illegible]
52,000–52,999	1.27	1.40	1.52	1.65	1.78	1.90	2.03	2.16	2.28	2.41	2.54	2.67	2.80	2.93	3.06	3.19	3.32	3.44	3.57	3.70	[illegible]
53,000–53,999	1.28	1.40	1.53	1.66	1.79	1.91	2.04	2.17	2.30	2.42	2.55	2.68	2.81	2.93	3.06	3.21	3.33	3.46	3.59	3.72	[illegible]
54,000–54,999	1.28	1.41	1.54	1.67	1.79	1.92	2.05	2.18	2.31	2.44	2.56	2.69	2.82	2.95	3.08	3.22	3.35	3.48	3.61	3.74	[illegible]
55,000–55,999	1.29	1.42	1.55	1.68	1.80	1.93	2.06	2.19	2.32	2.45	2.58	2.71	2.84	2.96	3.09	3.24	3.37	3.50	3.63	3.76	[illegible]
56,000–56,999	1.30	1.42	1.55	1.68	1.81	1.94	2.07	2.20	2.33	2.46	2.59	2.72	2.85	2.98	3.11	3.26	3.39	3.52	3.65	3.78	[illegible]
57,000–57,999	1.30	1.43	1.56	1.69	1.82	1.95	2.08	2.21	2.34	2.47	2.60	2.73	2.86	2.99	3.12	3.27	3.40	3.53	3.66	3.80	[illegible]
58,000–58,999	1.31	1.44	1.57	1.70	1.83	1.96	2.09	2.23	2.36	2.49	2.62	2.75	2.88	3.01	3.14	3.29	3.42	3.55	3.68	3.82	[illegible]
59,000–59,999	1.32	1.45	1.58	1.71	1.84	1.97	2.11	2.24	2.37	2.50	2.63	2.76	2.89	3.03	3.16	3.31	3.44	3.57	3.70	3.84	[illegible]
60,000–60,999	1.32	1.45	1.58	1.71	1.84	1.97	2.11	2.24	2.37	2.51	2.65	2.78	2.91	3.04	3.17	3.31	3.44	3.57	3.70	3.84	[illegible]
61,000–61,999	1.33	1.46	1.59	1.72	1.85	1.98	2.12	2.25	2.38	2.51	2.65	2.78	2.92	3.05	3.18	3.32	3.46	3.59	3.72	3.86	[illegible]
62,000–62,999	1.33	1.46	1.60	1.73	1.86	1.99	2.13	2.26	2.39	2.53	2.66	2.79	2.93	3.06	3.19	3.33	3.46	3.59	3.73	3.86	[illegible]
63,000–63,999	1.34	1.47	1.60	1.74	1.87	2.01	2.14	2.27	2.41	2.54	2.67	2.81	2.94	3.07	3.21	3.34	3.48	3.61	3.74	3.88	[illegible]
64,000–64,999	1.34	1.48	1.61	1.75	1.88	2.02	2.15	2.28	2.42	2.55	2.69	2.82	2.96	3.09	3.23	3.38	3.51	3.65	3.78	3.92	[illegible]
65,000–65,999	1.35	1.49	1.62	1.76	1.89	2.03	2.16	2.30	2.43	2.57	2.70	2.84	2.97	3.11	3.26	3.40	3.53	3.67	3.80	3.94	[illegible]
66,000–66,999	1.36	1.49	1.63	1.77	1.90	2.04	2.17	2.31	2.44	2.58	2.72	2.85	2.99	3.12	3.26	3.42	3.55	3.69	3.83	3.96	[illegible]
67,000–67,999	1.36	1.50	1.64	1.78	1.91	2.05	2.19	2.32	2.46	2.60	2.73	2.87	3.01	3.14	3.28	3.43	3.57	3.71	3.85	3.98	[illegible]
68,000–68,999	1.37	1.51	1.65	1.79	1.92	2.06	2.20	2.34	2.47	2.61	2.75	2.88	3.02	3.16	3.30	3.45	3.59	3.73	3.87	4.01	[illegible]
69,000–69,999	1.37	1.52	1.66	1.80	1.93	2.07	2.21	2.35	2.49	2.62	2.76	2.90	3.04	3.18	3.31	3.47	3.61	3.75	3.89	4.03	[illegible]
70,000–70,999	1.38	1.52	1.66	1.81	1.94	2.08	2.22	2.36	2.50	2.64	2.78	2.92	3.06	3.19	3.33	3.47	3.61	3.76	3.91	4.05	[illegible]
71,000–71,999	1.39	1.53	1.67	1.81	1.96	2.09	2.23	2.37	2.51	2.65	2.79	2.93	3.07	3.21	3.35	3.49	3.63	3.77	3.91	4.06	[illegible]
72,000–72,999	1.40	1.54	1.68	1.82	1.96	2.09	2.23	2.37	2.51	2.66	2.80	2.95	3.09	3.23	3.37	3.51	3.65	3.79	3.93	4.07	[illegible]
73,000–73,999	1.40	1.54	1.69	1.83	1.97	2.11	2.25	2.39	2.53	2.67	2.82	2.97	3.11	3.25	3.39	3.53	3.67	3.81	3.95	4.10	[illegible]
74,000–74,999	1.41	1.55	1.69	1.84	1.98	2.12	2.26	2.40	2.54	2.68	2.82	2.98	3.12	3.27	3.41	3.55	3.69	3.84	3.98	4.12	[illegible]
75,000–75,999	1.42	1.56	1.70	1.85	1.99	2.13	2.27	2.41	2.56	2.70	2.84	2.98	3.12	3.27	3.41	3.56	3.71	3.86	4.00	4.14	[illegible]
76,000–76,999	1.43	1.57	1.71	1.86	2.00	2.14	2.29	2.43	2.57	2.71	2.86	3.00	3.14	3.29	3.43	3.57	3.71	3.88	4.02	4.17	[illegible]
77,000–77,999	1.44	1.58	1.72	1.87	2.01	2.16	2.30	2.44	2.59	2.73	2.87	3.02	3.16	3.30	3.45	3.61	3.76	3.90	4.05	4.19	[illegible]
78,000–78,999	1.45	1.59	1.73	1.88	2.02	2.17	2.31	2.46	2.60	2.75	2.89	3.03	3.18	3.32	3.47	3.63	3.78	3.92	4.07	4.22	[illegible]
79,000–79,999	1.45	1.60	1.74	1.89	2.03	2.18	2.33	2.47	2.62	2.76	2.91	3.05	3.20	3.34	3.49	3.63	3.80	3.95	4.09	4.24	[illegible]
80,000–80,999	1.46	1.61	1.75	1.90	2.05	2.19	2.34	2.49	2.63	2.78	2.92	3.07	3.22	3.36	3.51	3.65	3.80	3.95	4.09	4.24	[illegible]
81,000–81,999	1.47	1.62	1.76	1.91	2.06	2.21	2.35	2.50	2.65	2.79	2.94	3.09	3.24	3.38	3.53	3.68	3.82	3.97	4.12	4.26	[illegible]
82,000–82,999	1.48	1.63	1.78	1.92	2.07	2.22	2.37	2.51	2.66	2.81	2.96	3.11	3.25	3.40	3.55	3.70	3.85	4.00	4.14	4.29	[illegible]
83,000–83,999	1.49	1.64	1.79	1.93	2.08	2.23	2.38	2.53	2.68	2.83	2.98	3.12	3.27	3.42	3.57	3.72	3.87	4.02	4.17	4.32	[illegible]
84,000–84,999	1.50	1.65	1.80	1.95	2.10	2.25	2.40	2.54	2.69	2.84	2.99	3.14	3.29	3.44	3.59	3.74	3.89	4.04	4.19	4.34	[illegible]
85,000–85,999	1.51	1.66	1.81	1.96	2.11	2.26	2.41	2.56	2.71	2.86	3.01	3.16	3.31	3.46	3.61	3.77	3.92	4.07	4.22	4.37	[illegible]
86,000–86,999	1.52	1.67	1.82	1.97	2.12	2.27	2.42	2.57	2.73	2.88	3.03	3.18	3.33	3.48	3.64	3.79	3.94	4.09	4.24	4.39	[illegible]
87,000–87,999	1.52	1.68	1.83	1.98	2.13	2.29	2.44	2.59	2.74	2.90	3.05	3.20	3.35	3.51	3.66	3.81	3.96	4.12	4.27	4.42	[illegible]
88,000–88,999	1.53	1.69	1.84	1.99	2.15	2.30	2.45	2.61	2.76	2.91	3.07	3.22	3.37	3.53	3.68	3.83	3.99	4.14	4.29	4.45	[illegible]
89,000–89,999	1.54	1.70	1.85	2.01	2.16	2.31	2.47	2.62	2.78	2.93	3.09	3.24	3.40	3.55	3.70	3.86	4.01	4.17	4.32	4.48	[illegible]
90,000–90,999	1.55	1.71	1.86	2.02	2.17	2.33	2.48	2.64	2.80	2.95	3.11	3.26	3.42	3.57	3.73	3.88	4.04	4.19	4.35	4.50	[illegible]
91,000–91,999	1.56	1.72	1.88	2.03	2.19	2.34	2.50	2.66	2.81	2.97	3.13	3.28	3.44	3.59	3.75	3.91	4.06	4.22	4.38	4.53	[illegible]
92,000–92,999	1.57	1.73	1.89	2.04	2.20	2.36	2.52	2.67	2.83	2.99	3.14	3.30	3.46	3.62	3.77	3.93	4.09	4.25	4.40	4.56	[illegible]
93,000–93,999	1.58	1.74	1.90	2.06	2.22	2.37	2.53	2.69	2.85	3.01	3.16	3.32	3.48	3.64	3.80	3.96	4.11	4.27	4.43	4.59	[illegible]
94,000–94,999	1.58	1.74	1.90	2.07	2.23	2.39	2.55	2.71	2.87	3.03	3.18	3.34	3.50	3.66	3.82	3.98	4.14	4.30	4.46	4.62	[illegible]
95,000–95,999	1.59	1.75	1.91	2.07	2.24	2.40	2.56	2.72	2.88	3.04	3.21	3.37	3.53	3.69	3.85	4.01	4.17	4.33	4.49	4.65	[illegible]
96,000–96,999	1.60	1.76	1.92	2.08	2.24	2.40	2.56	2.72	2.89	3.05	3.23	3.39	3.55	3.71	3.87	4.03	4.19	4.35	4.52	4.68	[illegible]
97,000–97,999	1.61	1.77	1.94	2.10	2.26	2.42	2.58	2.74	2.90	3.06	3.25	3.41	3.57	3.73	3.90	4.06	4.22	4.38	4.55	4.71	[illegible]
98,000–98,999	1.62	1.79	1.95	2.11	2.27	2.44	2.60	2.76	2.92	3.08	3.27	3.43	3.59	3.76	3.92	4.08	4.25	4.41	4.58	4.74	[illegible]
99,000–99,999	1.63	1.80	1.96	2.12	2.29	2.45	2.61	2.78	2.94	3.10	3.27	3.43	3.59	3.78	3.95	4.11	4.28	4.44	4.61	4.77	[illegible]
100,000 lbs. and over	1.64	1.81	1.97	2.14	2.30	2.47	2.63	2.80	2.96	3.15	3.31	3.48	3.64	3.81	3.97	4.14	4.30	4.47	4.64	4.80	[illegible]
	1.66	1.82	1.99	2.15	2.32	2.48	2.65	2.81	2.98	3.15	3.33	3.50	3.67	3.83	4.00	4.17	4.33	4.50	4.67	4.84	[illegible]
	1.67	1.83	2.00	2.17	2.33	2.50	2.67	2.83	3.00	3.17	3.33	3.50	3.67	3.84	4.03	4.19	4.36	4.53	4.70	4.87	[illegible]
	1.68	1.85	2.01	2.18	2.35	2.52	2.68	2.85	3.02	3.19	3.36	3.52	3.69	3.86	4.05	4.22	4.39	4.56	4.73	4.90	[illegible]
	1.69	1.86	2.03	2.20	2.36	2.53	2.70	2.87	3.04	3.21	3.38	3.55	3.72	3.89	4.08	4.25	4.42	4.59	4.76	4.93	[illegible]
	1.70	1.87	2.04	2.21	2.38	2.55	2.72	2.89	3.06	3.23	3.40	3.57	3.74	3.91	4.11	4.28	4.45	4.62	4.79	4.96	[illegible]
	1.71	1.88	2.05	2.23	2.40	2.57	2.74	2.91	3.08	3.25	3.42	3.60	3.77	3.94	4.13	4.31	4.48	4.66	4.83	5.00	[illegible]
	1.72	1.89	2.07	2.24	2.41	2.59	2.76	2.93	3.10	3.28	3.45	3.62	3.79	3.97	4.16	4.34	4.51	4.69	4.86	5.03	[illegible]
	1.74	1.91	2.08	2.26	2.43	2.60	2.78	2.95	3.12	3.30	3.47	3.65	3.82	3.99	4.17	4.37	4.55	4.72	4.90	5.07	[illegible]
	1.75	1.92	2.10	2.27	2.45	2.62	2.80	2.97	3.15	3.32	3.50	3.67	3.85	4.02	4.20	4.40	4.58	4.75	4.93	5.11	[illegible]
	1.76	1.94	2.11	2.29	2.46	2.64	2.82	2.99	3.17	3.35	3.52	3.70	3.87	4.05	4.23						

[1] The number of days in transit is the number of days between the bill of lading date and the date of inspection at the tannery.

This amendment shall become effective August 26, 1943.

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13641; Filed, August 20, 1943; 4:38 p. m.]

PART 1371—IMPORT PRICES

[Maximum Import Price Regulation]

IMPORT PRICES

Revised Supplementary Regulation No. 12, as amended,[1] is redesignated as the Maximum Import Price Regulation and is amended to read as set forth herein. Any reference to Supplementary Regulation No. 12[2]

Washington, D. C., a statement containing the information set forth in paragraph (b) of this section.

The proposed selling price shall be subject to approval or adjustment by the Office of Price Administration.

An importer may accept payment for materials for which a proposed selling price is submitted under this paragraph subject to final settlement in accordance with the price approved by the Office of Price Administration under this paragraph.

(d) An importer who has established a maximum price for imported industrial materials under paragraph (b) or (c) of this section shall adjust that price on sales of future importations of the same or similar materials in accordance with decreases in the total landed costs; and may adjust that price on sales of future importations of the same or similar materials, in accordance with increases in the total landed costs.

(e) In calculating total landed costs under this section: (1) if the importer has purchased from, or placed an order with, any foreign seller for the same or similar materials since March, 1942, and prior to the date of the issuance of this regulation, he may not include any increase in the foreign invoice price occurring after the date of issuance of this regulation; (2) if the importer has not purchased from, or placed an order with, any foreign seller for the same or similar materials since March, 1942, he may not include any increase in the foreign invoice price occurring after his first purchase following the date of issuance of this regulation.

(f) Any importer who sells or delivers imported industrial materials to an intermediate distributor at a higher price established under this section shall include on his invoice to the buyer:

(1) A statement to the effect that the sale or delivery is made at a price established under Section 3 of the Maximum Import Price Regulation issued by the Office of Price Administration; and

(2) If the importer calculated his price under paragraph (a) of this section, a statement of the amount he added to his March, 1942 maximum selling price; or

(3) If the importer's price has been submitted to the Office of Price Administration pursuant to paragraph (b) or (c) of this section, a statement to the effect that the price charged either has been approved or is subject to approval or adjustment by the Office of Price Administration; or

(4) If the importer calculated his price under paragraph (d) of this section, a statement to the effect that his price is based upon a price approved by the Office of Price Administration.

Where the price charged is subject to approval or adjustment, the importer shall immediately notify the intermediate distributor in writing of the price subsequently approved.

(g) Any importer who sells or delivers imported industrial materials to an industrial user at a higher price established under this section shall include the following statement on his invoice:

The prices on this invoice are higher than those permitted under the General Maximum Price Regulation. However, you may not increase your maximum selling price for any article produced with the use of these imported industrial materials unless authorized by the Office of Price Administration.

The importer shall also indicate on the invoice the paragraph of section 3 of the Maximum Import Price Regulation under which each invoiced item has been priced.

If the importer's price has been submitted to the Office of Price Administration pursuant to paragraph (b) or (c) of this section, the importer shall also include on his invoice a statement to the effect that the price charged either has been approved or is subject to approval or adjustment by the Office of Price Administration.

If the importer calculated his price under paragraph (d) of this section, he shall also include a statement in his invoice to the effect that his price is based upon a price approved by the Office of Price Administration.

Where the price charged is subject to approval or adjustment, the importer shall immediately notify his customer in writing of the price subsequently approved.

(h) Within 10 days after the first delivery by an importer to an intermediate distributor or industrial user or within 10 days after the approval or adjustment by the Office of Price Administration of a price submitted pursuant to paragraph (b) or (c) of this section, whichever is later, the importer shall forward to the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C., a report, in duplicate, of the first sale to each intermediate distributor or industrial user made at a price established under this section. These reports shall be made upon Form OPA–SR–12A set out in section 16 of this regulation, or upon a form copied therefrom. Copies of this form may be obtained from the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C.

If the importer's total landed costs should decrease, or if his selling price should be raised by reason of increases in the total landed costs, the importer shall file supplemental reports on this form. These supplemental reports shall be filed in duplicate within 10 days after the first delivery, affected by such change in the total landed costs, to each intermediate distributor or industrial user.

(i) Whenever any importer who sells imported industrial materials directly to industrial users finds that the filing of individual reports required in Paragraph (h) of this section for the first sale would place an undue burden upon him, he may apply in writing to the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C., for permission to file consolidated reports. If such permission is granted, the importer will be instructed what information to include in the consolidated report.

(j) Whenever an importer who sells imported industrial materials to an intermediate distributor finds that Form OPA–SR–12A is not adaptable for the report required in paragraph (h) of this section, he may apply in writing to the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C., for permission to file special reports, indicating in what respect the form is unsuitable. If such permission is granted, the importer will be instructed what information to include in the special report.

SEC. 4. *Sales of imported industrial materials by intermediate distributors to industrial users.* The maximum prices for sales or deliveries of imported industrial materials by an intermediate distributor, other than the United States or any agency thereof to an industrial user shall be determined as follows:

(a) If the intermediate distributor delivered or offered for delivery the same or similar materials during March, 1942, his maximum price shall be his maximum price established under the General Maximum Price Regulation plus the increase in his purchase price over the purchase price of the same or similar materials upon which his maximum price under the General Maximum Price Regulation was based.

However, no intermediate distributor shall establish a price under this paragraph if the importer's invoice states that the price charged by the importer is subject to approval or adjustment by the Office of Price Administration, until the intermediate distributor receives notice from the importer of the price approved by the Office of Price Administration.

(b) If the intermediate distributor did not deliver or offer for delivery the same or similar industrial materials during March, 1942, but has prior to the date of issuance of this regulation established a maximum price for such materials under the General Maximum Price Regulation (exclusive of the higher prices permitted under Revised Supplementary Regulation No. 12) he may sell at a price not in excess of that maximum price or he may, before making any sale, apply to the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C., for a revision of that maximum price by submitting to that Office a statement containing the following information:

(1) A description of the materials.

(2) Whether he delivered or offered for delivery the same or similar imported materials during March, 1942.

(3) His maximum price to industrial users, if any, and the method by which it was established.

(4) His proposed selling price to each class of industrial user.

(5) The price paid or to be paid by him and the terms of purchase.

(6) The processing, if any, to be done by him.

(7) The cost of such processing.

(8) The processing to be done by his customer and the article to be produced as a result of such processing.

(c) If the intermediate distributor had not established a maximum price under the General Maximum Price Regulation (exclusive of the higher price established under Revised Supplementary Regulation No. 12) prior to the date of issuance of this Regulation for the same or similar materials, he shall before making any sale, submit to the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C., a statement containing the information set forth in paragraph (b) of this section.

The proposed selling price shall be subject to approval or adjustment by the Office of Price Administration.

An intermediate distributor may accept payment for materials for which a proposed selling price is submitted under paragraph (b) or (c) of this section subject to final settlement in accordance with the price approved by the Office of Price Administration under this paragraph.

(d) An intermediate distributor who has established a maximum price under paragraphs (b) and (c) of this section shall adjust that price on sales of the same or similar materials purchased thereafter in accordance with decreases in his purchase price and he may adjust that price on sales of the same or similar materials purchased thereafter in accordance with increases in his purchase price.

(e) Each intermediate distributor who sells at the higher price established under this section shall include on his invoice to the industrial user the following statement:

The prices on this invoice are higher than those permitted under the General Maximum Price Regulation. However, you may not increase your maximum selling price for any article produced by you with the use of these materials unless authorized by the Office of Price Administration.

The intermediate distributor shall indicate on the invoice the paragraph of section 4 of the Maximum Import Price Regulation under which the invoiced item has been priced.

If the intermediate distributor's price has been submitted to the Office of Price Administration pursuant to paragraph (b) or (c) of this section, the intermediate distributor shall also include on his invoice a statement to the effect that the price charged either has been approved or is subject to approval or adjustment by the Office of Price Administration.

Where the price charged is subject to approval or adjustment, the intermediate distributor shall immediately notify the industrial user in writing of the price subsequently approved.

(f) Within ten days after the first delivery by an intermediate distributor to an industrial user, or within ten days after approval or adjustment by the Office of Price Administration of a price submitted pursuant to paragraphs (b) or (c) of this section, whichever is later, the intermediate distributor shall forward to the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C., a report, in duplicate, of the first sale to each industrial user made at a price established under this section. These reports shall be made upon Form OPA–SR–12B, set out in section 17 of this regulation, or upon a form copied therefrom. Copies of this form may be obtained from the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C.

If the intermediate distributor's purchase price should decrease, or if his selling price should be raised by reason of increases in his purchase price, he shall file supplemental reports on this form. These supplemental reports shall be filed in duplicate within ten days after the first delivery affected by such change in the intermediate distributor's purchase price.

(g) If an intermediate distributor finds that the filing of individual reports required in paragraph (f) of this section for each sale would place an undue burden upon him, he may apply in writing to the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C., for permission to file consolidated reports. If such permission is granted the intermediate distributor will be instructed as to what information to include in the consolidated report.

SEC. 5. *Applications for adjustment of maximum prices by industrial users.* (a) If the imported industrial materials used by an industrial user in the production of an article have increased in cost to him so substantially since March, 1942 (or, if he made no purchase during March, 1942, since his first purchase thereafter) that he cannot continue to use those materials in the production of that article or to continue to produce the article, he may file an application for adjustment of his maximum price for the article. The application must show:

(1) That the article he produces with the use of the imported industrial materials is subject to this regulation.

(2) A brief description of the article he produces.

(3) That the imported industrial materials represent a substantial portion of the total cost of the component materials of the article he produces. (State the percentage.)

(4) The current cost per unit of the imported industrial materials and the increase in that cost per unit over their cost to him during March, 1942 or if he made no purchase during March, 1942, on his first purchase thereafter. This cost must be supported by a copy of the invoice, if any, for his latest purchase, and the latest price quotation, if any, from his principal supplier.

(5) His total cost of production per unit for the article he produces with the use of the imported industrial materials, indicating the cost of direct labor and materials, including waste, but less the salvage value of that waste, and applicable factory overhead.

NOTE: For the purposes of this paragraph an industrial user may not include the cost of imported industrial materials which he has imported as a part of his materials cost in an amount in excess of the total landed costs permitted under paragraph (e) of section 3.

(6) His annual profit and loss statements for each of the three calendar or fiscal years ending nearest to the date of the application.

(7) His maximum selling price per unit for that article and the terms of sale to each class of purchaser.

(8) His dollars-and-cents markup per unit to each class of purchaser for that article during March, 1942, or if he made no sale during March, 1942, on his first sale thereafter.

(9) His proposed selling price and terms of sale to each class of purchaser.

(10) A statement of the reasons why, if the adjustment is not granted, he cannot continue to use the imported industrial materials in the article he produces or to continue to produce that article.

The Price Administrator may grant an adjustment under this section in an amount not to exceed the additional total cost of the imported industrial materials permitted under this regulation.

The Price Administrator may deny the petition for adjustment if, in his opinion, the granting of it will interfere with the production or distribution, or will endanger the price control, of comparable articles made of domestic materials.

Any application for an adjustment under this paragraph shall be filed in accordance with Subpart B of Revised Procedural Regulation No. 1.[*]

(b) If an industrial user purchases for use as a material, ingredient, or component part of an article he produces, an article which another industrial user has produced with the use of imported industrial materials, (or with the use of an article made of such materials), he may apply for an adjustment in the maximum price of the article he produces by filing an application complying with the provisions of paragraph (a) of this section. However, wherever the term "imported industrial materials" is used in paragraph (a), the applicant for adjustment under this paragraph (b) shall treat the term as referring to the article purchased by him which was produced by another industrial user with the use of imported industrial materials, (or with the use of an article made of such materials).

The Price Administrator may grant an adjustment to such industrial user in an amount not to exceed the difference in the cost of the article he purchased during March, 1942, or if he made no purchase during March, 1942, the cost of his first purchase thereafter, and the cost represented by the current price to him approved by the Office of Price Administration.

The Price Administrator may deny the petition for adjustment if, in his opinion, the granting of it will interfere with the production or distribution, or will endanger the price control of comparable articles made of domestic materials.

Any application for adjustment under this paragraph shall be filed in accordance with Subpart B of Revised Procedural Regulation No. 1.

[*] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

SEC. 6. *Definitions relating to sales of imported industrial materials.* When used in sections 3, 4, and 5 of this regulation, the term:

"Foreign invoice price" means the price charged by the foreign seller minus any charges included in such price for transportation, marine insurance, war risk insurance, export taxes, customs duties, import taxes, or any other expenses from the point of shipment abroad to the point of delivery in the continental United States.

"Imported" means materials transported into the continental United States from any place outside thereof. Materials entered in a foreign trade zone or a customs bonded warehouse shall be considered as "imported."

"Imported industrial materials" means any commodity which is to be subjected to further processing after importation that results in the production of a new and different article having a distinctive name, character, or use, or which is to be used as an ingredient or component part of such an article.

"Importer" means the ultimate consignee in the continental United States of any imported industrial materials which he sells either to an intermediate distributor or an industrial user.

"Industrial user" means any person who, either for his own use or for resale, subjects imported industrial materials to a process that results in the production of a new and different article having a distinctive name, character, or use, or who uses the materials as an ingredient or a component part of such an article. A restaurant, hotel, or other similar establishment where food or beverages are served shall not be considered an "industrial user."

"Intermediate distributor" means any person who in accordance with established trade practice buys or receives imported industrial materials directly from the importer thereof and who sells or delivers such materials to an industrial user.

"Similar" means any imported industrial materials that have the same use as other imported industrial materials; that afford the purchaser fairly equivalent serviceability; and that belong to a type which would ordinarily be sold in the same price line.

"Total landed costs" means the price charged by the foreign seller plus all the costs, charges, and expenses, including any customs duties or import taxes, and purchasing commissions incurred by the importer in transporting the industrial materials from the point of shipment abroad to the point in the continental United States designated by the importer prior to importation for delivery: *Provided*, (1) That the price charged by the foreign seller shall be, for the purposes of determining total landed costs, subject to the limitations of section 3 (e), above; (2) That in computing these costs, war risk insurance costs for industrial materials shipped after the effective date of this regulation shall not exceed the amount of the applicable direct voyage war risk insurance premium which was or would have been charged for such shipment by the War Shipping Administration; (3) That cable charges, banking costs, and other general overhead costs, and charges incurred in storing imported industrial materials in a foreign trade zone, a customs bonded warehouse, or a public warehouse in the continental United States for any period in excess of sixty days shall not be included.

Article III—Domestic Manufactured Goods Made With Imported Industrial Materials

SEC. 7. *Sales of domestic manufactured goods made with imported industrial materials.* The maximum price for sales or deliveries of domestic manufactured goods made in whole or in part with imported industrial materials for which an adjustment in price has been granted by the Office of Price Administration under section 5 of this regulation shall be determined by the "primary wholesaler", "the secondary wholesaler" or "retailer" of such goods as follows:

(a) If, prior to the date of issuance of this regulation, the seller had established a maximum price under the General Maximum Price Regulation for the same or similar "domestic manufactured goods made with imported industrial materials" he shall determine his maximum price for such goods in accordance with paragraph (c) of section 8 of this regulation.

(b) If, prior to the date of issuance of this regulation, the seller had not established a maximum price under the General Maximum Price Regulation for the same or similar domestic manufactured goods made with imported industrial materials he shall proceed in accordance with paragraph (d) of section 8 of this regulation.

(c) Any person who has established a maximum price under paragraph (b) of this section shall adjust that price on future purchases of the same or similar domestic manufactured goods made with imported industrial materials in accordance with decreases in the net cost of the goods to him; and may adjust that price on sales of the same or similar domestic manufactured goods made with imported industrial materials in accordance with increases in their net cost.

(d) A primary or secondary wholesaler who sells or delivers at a price established under this section shall include the following statement on his invoice to his customer:

> The invoiced domestic manufactured goods made with imported industrial materials are sold to you at a price established under section 7 of the Maximum Import Price Regulation. Your own maximum resale price shall be determined under that section.

Article IV—Imported Manufactured Goods

SEC. 8. *Sales of imported manufactured goods.* The maximum price for sales or deliveries of manufactured goods imported after March 31, 1942, by a seller (other than the United States or any agency thereof), whether an importer, a primary or secondary wholesaler or a retailer, shall be determined as follows:

(a) If the importer delivered or offered for delivery during March, 1942 the same or similar "imported manufactured goods" imported by him, or had established a maximum price for those goods under the General Maximum Price Regulation prior to the date of issuance of this Regulation, his maximum price shall be the sum of his current permitted total landed costs for those goods plus the same dollars-and-cents markup, or 75 per cent of the percentage markup included in his highest selling or offering price during March, 1942, or if he made no sale or offer during March, 1942, the same dollars-and-cents markup or 75 per cent of the percentage markup included in the price for his first sale thereafter.

(b) In calculating total landed costs under this section: (1) if the importer had purchased from, or placed an order with, a foreign seller for the same or similar goods prior to April 30, 1943, he may not include any increase in the foreign invoice price occurring after that date; (2) if the importer had not purchased from, or placed an order with, a foreign seller for the same or similar goods prior to April 30, 1943, he may not include any increase in the foreign invoice price occurring after his first purchase after that date.

(c) If the primary wholesaler, secondary wholesaler, or retailer delivered or offered for delivery during March, 1942 the same or similar imported manufactured goods, or had established a maximum price for those goods under the General Maximum Price Regulation prior to the date of issuance of this regulation, his maximum price shall be the sum of his current purchase price for those goods plus the same dollars-and-cents markup, or 75 per cent of the percentage markup, included in his highest selling or offering price during March, 1942, or if he made no sale or offer during March, 1942, the same dollars-and-cents markup or 75 per cent of the percentage markup included in the price for his first sale thereafter.

(d) If the importer, primary or secondary wholesaler, or retailer had not established a maximum price under the General Maximum Price Regulation prior to the date of issuance of this Regulation, for the same or similar imported manufactured goods, he shall, before making any sale, submit to the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C., a statement containing the following information:

(1) A description of the article to be sold.

(2) Whether he established a maximum price under the General Maximum Price Regulation prior to the date of issuance of this regulation.

(3) His classification under the definitions in section 9 of this regulation.

(4) The classification of his customer under that section.

(5) The classification of his supplier under that section.

(6) The current net cost of the article.

(7) His proposed selling price and terms of sale.

(8) The usual percentage markup in the trade during March, 1942 for that kind of article when sold to a purchaser of the same class as his customer.

The proposed selling price shall be subject to approval or adjustment by the Office of Price Administration.

A person who submits a selling price for approval under this paragraph may accept payment for imported manufactured goods subject to final settlement in accordance with the price approved by the Office of Price Administration under this paragraph.

(e) Any person who has established a maximum price for imported manufactured goods under paragraph (d) of this section shall adjust that price on future purchases of the same or similar imported manufactured goods in accordance with decreases in the net cost of the goods to him; and may adjust that price on sales of the same or similar imported manufactured goods, in accordance with increases in their net cost.

(f) Any person, other than a retailer or an importer selling at retail, who sells or delivers imported manufactured goods at a price established under this section shall include the following statement on his invoice to his customer:

> The invoiced imported manufactured goods are sold to you at a price established under Section 8 of the Maximum Import Price Regulation issued by the Office of Price Administration. Your own maximum resale price shall be determined under that section.

SEC. 9. *Definitions relating to sales of imported and domestic manufactured goods.* When used in sections 7 and 8 of this regulation, the term:

"Domestic manufactured goods made with imported industrial materials" means any articles which have been processed or manufactured in the continental United States wholly or in part with the use of imported industrial materials to such an extent that they require no further processing which results in the production of a new and different article having a distinctive name, character, or use.

"Foreign invoice price" means the price charged by the foreign seller minus any charges included in such price for transportation, marine insurance, war risk insurance, export taxes, customs duties, import taxes, or any other expenses from the point of shipment abroad to the point of delivery in the continental United States.

"Imported" means goods transported into the continental United States from any place outside thereof. Goods entered in a foreign trade zone or a customs bonded warehouse shall be considered as "imported."

"Imported manufactured goods" means any imported articles which have been processed or manufactured prior to importation to such an extent that they require no further processing after importation that results in the production of a new and different article having a distinctive name, character, or use, and which are not used as an ingredient or component part of such an article.

Goods which are subjected to a minor process after importation, such as watch movements which are to be cased, napkins or handkerchiefs which are to be hemmed, shall be considered "imported manufactured goods."

"Importer" means any person who is the ultimate consignee in the United States of imported manufactured goods which he sells or delivers to a primary wholesaler, a retailer, or an ultimate consumer.

"Primary wholesaler" means any person who performs a recognized distributive function by purchasing manufactured goods directly from either the importer or the domestic manufacturer thereof, and who sells or delivers them to a secondary wholesaler or a retailer in accordance with established trade practices.

"Retailer" means any person who buys or receives manufactured goods from the importer, the domestic manufacturer, a primary wholesaler, or a secondary wholesaler and who sells them to an ultimate consumer.

"Secondary wholesaler" means any person who performs a recognized distributive function by purchasing manufactured goods from a primary wholesaler and who sells or delivers them to a retailer in accordance with established trade practices.

"Similar" means any imported or domestically manufactured goods that have the same use as other manufactured goods; that afford the purchaser fairly equivalent serviceability; and that belong to a type which would ordinarily be sold in the same price line. In determining the similarity of such commodities, differences in style or design which do not substantially affect use, or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account.

"Total landed costs" means the price charged by the foreign seller plus all costs, charges, and expenses, including any customs duties or import taxes, and purchasing commission incurred by the importer in transporting the goods from the point of shipment abroad to the point in the continental United States designated by the importer prior to importation for delivery: *Provided*, (1) That the price charged by the foreign seller shall be, for the purposes of determining total landed costs, subject to the limitations of section 8 (b), above; (2) That in computing these costs, war risk insurance costs on manufactured goods shipped after the effective date of this regulation shall not exceed the amount of the applicable direct voyage war risk insurance premium which was or would have been charged for such shipment by the War Shipping Administration; (3) That cable charges, banking costs, and other general overhead costs, and charges incurred in storing imported manufactured goods in a foreign trade zone, a customs bonded warehouse, or a public warehouse in the continental United States for any period in excess of sixty days shall not be included.

"Ultimate consumer" means any person who buys manufactured goods for his own use. Any person who buys such goods for use in his business or profession and who does not resell them to any other person shall be considered an ultimate consumer.

Article V—Other Sales of Imported Commodities

SEC. 10. *Other sales of imported commodities.* Any purchase, sale, or delivery of imported commodities not provided for in this regulation shall be subject to the provisions of the General Maximum Price Regulation unless expressly covered by a specific maximum price regulation or by a supplementary regulation to the General Maximum Price Regulation setting out dollars-and-cents prices for imported commodities.

Article VI—General Provisions

SEC. 11. *Less than maximum prices.* Lower prices than those permitted under this regulation may be charged, offered, demanded, or paid.

SEC. 12. *Failure to file reports.* The failure of an importer or an intermediate distributor to file a report of a sale made pursuant to sections 3 and 4, respectively, of this regulation, shall constitute a violation of this regulation and of the Emergency Price Control Act of 1942, as amended.

SEC. 13. *Evasion.* No seller shall evade any of the provisions of this Maximum Import Price Regulation by changing his customary allowances, discounts or other price differentials, or by any other means.

SEC. 14. *Enforcement.* Any person violating any provision of this regulation is subject to the criminal penalties, civil enforcement actions, license suspension provisions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. It shall be a violation to submit to the Price Administrator or to the Office of Export-Import Price Control information required under any provisions of this regulation which is false in any material respect.

SEC. 15. *Definitions incorporated by reference.* Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to any word or term not specifically defined in this regulation.

SEC. 16. *Report to be made by importer of industrial materials.*

Form OPA-SR-12A

Form approved
Budget Bureau
No. 08-R120-42

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

2 copies of
this report
must be filed

REPORT OF SALE OF IMPORTED INDUSTRIAL MATERIALS BY AN IMPORTER TO AN INTERMEDIATE DISTRIBUTOR OR INDUSTRIAL USER

Pursuant to section 3 of the Maximum Import Price Regulation

1. Name of importer (print or type).
2. Address—Number and street.
   City and state.

8. Description of commodity.
4. Date of importation.
5. Date of first delivery to buyer under reported sale.
6. Name of buyer.
7. Address of buyer—Number and street. City and state.
8. Class of buyer:
Intermediate distributor ☐
Industrial user ☐
9. Processing, if any, to be done by importer.
10. Processing, if any, to be done by buyer if an intermediate distributor.
11. Article to be produced by buyer if an industrial user.
12. Total quantity sold.
13. Quantity of first delivery.
14. Price per unit $------ Per (unit).
15. Terms of sale.
16. Total landed costs per unit of commodity sold (use same unit for (a) through (h), as item 14):
(a) Foreign invoice price permitted under section 3 (e)-------- $------
(b) Transportation charge from ---------- to---------- ------
(c) Marine insurance---------- ------
(d) War risk insurance paid---- ------
(e) War risk insurance at War Shipping Administration rate------- $------
(f) Duties and import taxes, if any---------- ------
(g) Other landing expenses (itemize)---------- ------
(h) Total landed costs per unit-- ------
17. Did you deliver or offer for delivery the same commodity in March, 1942?----------Yes ------
No ------
If "No", disregard Items 19 and 21, but indicate here (or on the back of this form) how you determined your maximum price under the General Maximum Price Regulation.
18. Maximum price per unit to which you would have been limited under the General Maximum Price Regulation, if the Maximum Import Price Regulation were not in effect:
$------ Per (unit)------
19. Total landed cost per unit of the same commodity upon which maximum* price under the General Maximum Price Regulation was established (Use same unit for (a) through (g), as in Item 14):
(a) Foreign invoice price-------- $------
(b) Transportation charge from ---------- to---------- ------
(c) Marine insurance---------- ------
(d) War risk insurance paid------ $------
(e) Duties and import taxes paid if any---------- ------
(f) Other landing expenses (itemize)---------- ------
(g) Total landed cost per unit---- ------
20. Difference between Items 14 and 18---------- ------
21. Difference between Items 16 and 19---------- ------
Name of person signing this report (print or type)

Title, Date, Signature.

The signature is not required to be acknowledged before a notary public. Pursuant to section 205 (b) of the Emergency Price Control Act of 1942 it is a criminal offense punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or both, to make any statement or entry in the above report which is false in any material respect.

SEC. 17. *Report to be made by intermediate distributor of industrial materials.*

Form OPA-SR-12B — Form approved Budget Bureau No. 08-R120-42

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

2 copies of this report must be filed

REPORT OF SALE OF IMPORTED INDUSTRIAL MATERIALS BY AN INTERMEDIATE DISTRIBUTOR TO AN INDUSTRIAL USER

Pursuant to section 4 of the Maximum Import Price Regulation

1. Name of intermediate distributor (please print or type).
2. Address—Number and Street. City and State.
3. Description of commodity.
4. Name of importer from whom purchased.
5. Address—Number and Street; City and State.
6. Name of industrial user to whom sold.
7. Address—Number and Street; City and State.
8. Date of first delivery to industrial user under sale reported here.
9. Processing, if any, done by intermediate distributor before sale to industrial user.
10. Article to be produced by industrial user.
11. Total quantity sold.
12. Quantity of first delivery to industrial user.
13. Price per unit to industrial user: $------ Per (Unit).
14. Terms of sale.
15. Maximum price per unit under the General Maximum Price Regulation to which you would have been limited were it not for the Maximum Import Price Regulation:
$------ Per (Unit)------
16. Price per unit paid to importer: $------ Per (Unit)------
17. Amount of increase in total landed costs per unit included on the importer's invoice: $------ Per (Unit)------
18. Difference between Item 13 and Item 15: $------
Name of person signing this report (print or type); Signature.
Title; Date.
This signature is not required to be acknowledged before a Notary Public. Pursuant to section 205 (b) of the Emergency Price Control Act of 1942 it is a criminal offense punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or both, to make any statement or entry in the above report which is false in any material respect.

Effective date. This regulation shall become effective August 23, 1943.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13638; Filed, August 20, 1943; 3:17 p. m.]

PART 1412—SOLVENTS

[MPR 37,[1] Amdt. 8]

BUTYL ALCOHOL AND ESTERS THEREOF

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 37 is amended in the following respects:

1. Section 1412.116 (a) (1) (ii) (c) is added to read as follows:

(c) Where a producer wishes to compute his average cost by a method which conforms substantially to one of the two methods described above but which differs therefrom only in some slight manner, he may do so provided he submits his proposed method of computation to the Office of Price Administration, Washington, D. C., for approval, and agrees that he will continue using that method having once elected it.

2. In § 1412.116 (a) (1) (iv), the word "two" in the last sentence thereof is deleted.

This amendment shall become effective as of July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13646; Filed, August 20, 1943; 4:39 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 439,[2] Amdt. 2]

FRESH FISH AND SEAFOOD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 8 is amended to read as follows:

SEC. 8. *Where this regulation applies.* The provisions of this regulation shall apply to the forty-eight states of the United States and the District of Columbia and, notwithstanding the provisions of Maximum Price Regulation 194, to the Territory of Alaska.

This amendment shall become effective August 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13644; Filed, August 20, 1943; 4:39 p. m.]

* Copies may be obtained from the Office of Price Administration.
[1] 7 F.R. 6657, 7001, 7910, 8941, 8946; 8 F.R. 6046, 8874, 9884, 10672.
[2] 8 F.R. 10267, 10732.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 200,[1] Amdt. 12]

RUBBER HEELS, RUBBER HEELS ATTACHED, AND THE ATTACHING OF RUBBER HEELS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1410 (b) is amended by substituting the date October 5, 1943, for the date August 5, 1943.

This amendment shall become effective August 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13642; Filed, August 20, 1943; 4:38 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[2] Amdt. 5]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 418 is amended in the following respects:

1. A new paragraph (c) is added to section 2 to read as follows:

(c) *Regional adjustments of producers' prices.* Any regional office of the Office of Price Administration may by order modify the maximum price established by Table A for any species and style of dressing wherever, and to the extent that, it determines such modification to be necessary to prevent the avoidance of the prices established by Table A or to prevent disruption of the customary methods of landing and selling fish: *Provided,* That the prices as thus modified shall be in line with the prices established by Table A for the particular species, making allowance for the differences in the method by which, or the place at which, the fish are removed from the vessel or delivered to the buyer. No modification may be issued which would require an increase in the prices established by any other table or by any other regulation. Such modification shall apply to sales at such areas or localities within the jurisdiction of the regional office as it may determine. No order of modification shall be issued until it shall have been submitted to the Office of Price Administration in Washington and approved. If the price is modified for any species which is customarily landed in any other region, the order of modification shall not be submitted to Washington until it has been submitted to the regional office for such other region.

2. Footnote 5 to Table A, section 20, is amended to read as follows:

[5] The maximum prices listed for this species of fish apply when it is delivered ex-vessel Neah Bay, Washington, Fishing Grounds of Juan de Fuca Strait, Puget Sound and all other waters in or adjoining the state of Washington except the Columbia River.

3. Footnote 8 to Table A, section 20, is amended to read as follows:

[8] The maximum prices listed for this species of fish apply only when it is caught in bays, streams and rivers and adjoining waters in Oregon and California other than the Columbia and Sacramento Rivers.

This amendment shall become effective August 20, 1943.

(56 Stat. 23, 765; Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13643; Filed, August 20, 1943; 4:37 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 75]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5402 (c) is amended by adding after the period at the end of the paragraph the sentence, "No deduction, however, shall be made for fuel oil on hand representing inventory reserve established pursuant to § 1394.5405."

2. Section 1394.5405 is added as follows:

§ 1394.5405 *Inventory reserve*—(a) *Who may establish an inventory reserve.* Each consumer who has a ration for a commercial, industrial or governmental purpose provided by §1394.5402 may, upon obtaining approval of the District Director referred to in the next paragraph, establish an inventory reserve if the total capacity of his fuel oil storage facilities for the purpose exceeds one-third of such current ration.

(b) *How approval is obtained.* Application for approval of an inventory reserve shall be made to the OPA District Director serving the area in which the applicant's Board is located. The applicant shall mail or deliver his letter, in triplicate, setting forth the following:
(1) His name and address;
(2) The amount of his current quarterly ration under § 1394.5402 and the purpose for which it was issued;
(3) The location of the fuel oil storage facilities currently held for use by him for the purpose and the total capacity of such facilities on the date of application;
(4) The unfilled storage capacity of such facilities on that date;
(5) The amount of the largest quarterly ration ever issued to him for the same purpose under § 1394.5402; and
(6) The number and address of his Board.

(c) *When application may be granted.* If the District Director is satisfied that the applicant meets the requirements of paragraphs (a) and (b) of this section, and that an adequate supply of fuel oil for inventory reserve purposes is available in the area for the applicant, he may grant the application. If the application is granted, the applicant may establish as his inventory reserve the amount specified in paragraph (b) (4) or (b) (5) of this section, whichever is smaller. However, if the amount specified in paragraph (b) (5) is the smaller sum, the District Director may increase the amount of the inventory reserve up to the amount specified in paragraph (b) (4) but in no event to an amount in excess of twice the current ration.

(d) *Board to issue coupons.* The District Director will forward to the applicant's Board a copy of his determination of the amount of the inventory reserve and of the application. The Board will issue to the applicant coupon sheets or fuel oil deposit certificates equal in gallonage value to the amount of the inventory reserve so determined. Coupon sheets issued as inventory reserve shall expire on June 30, 1944.

(e) *Restricted use of reserve.* No use may be made by the applicant of any part of the inventory reserve which would result in the consumption of more fuel oil for the purpose referred to in paragraph (b) (2) than the amount of the ration issued to him for such purpose. The Board will report to the District Office the name of any applicant to whom an inventory reserve has been granted and who has failed to comply with this paragraph. The Board will not, without specific approval of the District Director, issue to such applicant coupons or fuel oil deposit certificates to replace any part of the inventory reserve so consumed.

(f) *Deduction from further rations.* Whenever, pursuant to § 1394.5551, a further ration for the same purpose as the current ration is granted to the applicant, the Board will deduct from the coupons or fuel oil deposit certificates to be issued the amount by which the gallonage value of the fuel oil on hand and ration credits (or, of his unused coupons,

* Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 1461, 4917, 6842, 8843, 9135, 10980.
[2] 8 F.R. 9366, 10086, 10513, 10939.
[1] 7 F.R. 8480, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1316, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2871, 2720, 2942, 2993, 2887, 3106, 3521, 3628, 3733, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6960, 7588, 6137, 9059, 9219, 9458, 9382, 10082, 10089, 10304, 10435, 11380.

if the applicant is not a depositor) for the purpose exceeds the amount of his inventory reserve allowance.

(g) *Revocation of reserve.* Whenever the District Director deems it to be in the public interest to do so, he may revoke the whole or any part of the amount allowed for inventory reserve. The Board will, in case of revocation, require the surrender of any coupon sheet, or the issuance to it of a ration check, equal in gallonage value to the amount revoked, or deduct the amount from any further ration for the purpose issued to the applicant.

This amendment shall become effective on August 20, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13645; Filed, August 20, 1943; 4:38 p. m.]

PART 1305—ADMINISTRATION

[Procedural Reg. 12,[1] Amdt. 2]

REPLACEMENT OF LOST, STOLEN, DESTROYED, MUTILATED OR WRONGFULLY WITHHELD RATION BOOKS OR COUPON SHEETS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Procedural Regulation 12 is amended in the following respects:

1. A new subparagraph. (1) is added to paragraph (a) of § 1300.954 to read as follows:

(1) If an application is made to replace a lost or stolen war ration book designated for the acquisition of any rationed food and the Board is convinced of the truthfulness of the statements contained in the application, it may waive all waiting periods prescribed in this section where such requirement will result in extreme hardship upon the individual.

2. A new subparagraph (2) is added to paragraph (a) of § 1300.954 to read as follows:

(2) If an application is made to replace a lost or stolen war ration book designated for the acquisition of any rationed food and the Board finds that the question of the loss or theft of such war ration book should be further investigated and if it further finds that extreme hardship will result if the applicant is deprived of the use of the ration book during the period of the investigation, it may issue certificates or other ration evidences with which the applicant can acquire food rationed under Ration Orders 3, 13 and 16 during the period of the investigation (but not to exceed thirty days). The certificates or other ration evidences shall be in such amount as the Board deems sufficient to meet the applicant's minimum needs for that period, but shall not exceed the amount allowed to consumers by the respective ration orders for a similar period. The Board must decide on the application for a replacement of a lost or stolen war ration book designated for the acquisition of rationed foods not later than 30 days after the date of the filing of the application, except that it may withhold the replacement book in accordance with paragraph (b) of this section where it finds negligence. The Board shall note the issuance of the certificates or other ration evidences on the original replacement application. Before the applicant receives a replacement, he must return to the Board any unused certificate or other ration evidence issued to him under this subparagraph.

3. Section 1300.958 is redesignated § 1300.959.

4. A new § 1300.958 is added to read as follows:

§ 1300.958 *Appeal.* Any person directly affected by an adverse decision of a Board may appeal therefrom in accordance with the provisions of Procedural Regulation No. 9.

Effective date. This amendment shall become effective August 26, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093.)

Issued this 21st day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13662; Filed, August 21, 1943; 11:57 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 6A,[1] Amdt. 3]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 6A is amended in the following respects:

1. Paragraphs (a) and (b) of section 1.2 are amended to read as follows:

SEC. 1.2 *Who may get a certificate.* (a) An individual consumer may get a certificate only.

(1) If he is going to use the rubber footwear in work essential to the prosecution of the war, or to the protection of public health or safety, or to the maintenance of mines or, in the case of a certificate for type 4 rubber footwear, if he is going to use the rubber footwear in his occupation, and

(2) If in his work he is necessarily exposed to water, snow, mud, spray, splash, floor heat, danger of burns or chemicals, or other similar conditions, to such an extent that the use of rubber footwear is necessary for his health or safety.

(b) An employer who wants to get a certificate for rubber footwear for the use of his employees may do so if their use meets the requirements of paragraph (a) (1) of this section and if in their work they are exposed to the conditions described in paragraph (a) (2) of this section, if the employer retains title to the rubber footwear.

2. Section 2.2 (c) is added to read as follows:

(c) Whenever any rubber footwear included in an establishment's inventory is released from rationing by the Office of Price Administration, the establishment, before transferring any such rubber footwear without certificates, shall attach to its copy of its inventory form a statement of the number of pairs of each type so released and shall send a copy of the statement to the District Office.

3. Section 3.8 (c) is amended by deleting the last sentence.

4. The definition of "rubber footwear" in section 3.12 (a) is amended by deleting the words "all olive drab, clay or khaki colored above-the-knee boots" and substituting instead the following: "all olive drab, clay or khaki colored boots, all over-the-shoe boots, all light-weight ankle-fitting boots which depend on stretch at the ankle for fitting,".

5. Section 3.13 (a) is amended by deleting the words "worn over a shoe or a slipper and".

6. Section 3.13 (a) (4) is amended by deleting the words "over-the-shoe boots,".

This amendment shall become effective August 26, 1943.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1–N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13663; Filed, August 21, 1943; 11:57 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 13 to Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (f) is amended by deleting the word "red"; by deleting the words "Stamps lettered" and substituting the words "Red stamps lettered"; by adding the following:

X--- August 22, 1943, to October 2, 1943.
Y--- August 29, 1943, to October 2, 1943.
Z--- September 5, 1943, to October 2, 1943.

Brown stamps lettered

A--- September 12, 1943, to October 2, 1943.
B--- September 19, 1943, to October 2, 1943.
C--- September 26, 1943, to October 30, 1943.
D--- October 3, 1943, to October 30, 1943.
E--- October 10, 1943, to October 30, 1943.
F--- October 17, 1943, to October 30, 1943.

This amendment shall become effective August 21, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F. R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 21st day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13664; Filed, August 21, 1943; 11:57 a. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 59]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respects:

1. In § 1340.202 the proviso is deleted.

2. In § 1340.205 (b), a new sentence is added to read as follows:

Statements filed with the Bituminous Coal Division of the Department of the Interior pursuant to this section prior to 12:01 a. m., August 24, 1943, shall be deemed to have been filed with the Office of Price Administration.

3. In § 1340.206 (b), the words after and including the words, "or with the nearest", are deleted.

4. In § 1340.207, paragraphs (a), (c), (d), (f) (2) are deleted; paragraph (b) is redesignated paragraph (a); paragraph (e) is redesignated paragraph (b), and a new sentence is added; paragraph (f) (1) is redesignated (c) (1) and amended; paragraph (f) (3) is redesignated (c) (2) and paragraph (g) is redesignated paragraph (d) to read as follows:

(b) * * * But an application may be granted if filed prior to October 23, 1943 and if based upon hardship resulting from the fact that minimum prices established and in effect as of 12:01 a. m. August 24, 1943 by the Bituminous Coal Division prior to the expiration of the Bituminous Coal Act of 1937, as amended, were higher than the maximum prices established by this regulation.

(c) (1) In petitions filed pursuant to the provisions of this § 1340.207, the petitioner should submit and the Office of Price Administration will consider all relevant cost and realization data and the necessity, in terms of the war effort, for the granting of such adjustment or exception. Where cost of production varies from month to month or does not conform to average cost as indicated by monthly reports filed with the Bituminous Coal Division prior to 12:01 a. m., August 24, 1943, petitioner must indicate which cost is regarded as representative and the reasons therefor, and also the reasons for the fluctuations.

5. Section 1340.208 (a) (3) is amended to read as follows:

(3) "Distributor" means a person who purchases bituminous coal for resale, and resells the same in not less than cargo or railroad carload lots, all as more fully defined in the Bituminous Coal Act of 1937, as amended, and rules and regulations issued thereunder, in effect as of midnight, August 23, 1943, and any person acting as an agent of such distributor in the sale of bituminous coal.

6. Section 1340.208 (a) (4) is amended to read as follows:

(4) "Bituminous coal" means Bituminous coal, as used in the Bituminous Coal Act of 1937, as amended, in effect as of midnight, August 23, 1943 and includes all bituminous, semibituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignite coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place of the mine of 30 per centum or more.

7. Section 1340.208 (a) (5) is amended to read as follows:

(5) "Bituminous Coal Division" means the Bituminous Coal Division, United States Department of the Interior as established pursuant to the Bituminous Coal Act of 1937, as amended, and the President's Second Reorganization Plan of 1939 and as in effect as of midnight, August 23, 1943.

8. Section 1340.208 (a) (6) and (7) is deleted.

9. Section 1340.208 (a) (8) is redesignated § 1340.208 (a) (6) and amended to read as follows:

(6) "District Nos. 1 to 20, inclusive, 22 and 23" mean the geographical bituminous coal producing districts as defined in the Bituminous Coal Act, as amended, and as they have been modified as of midnight, August 23, 1943.

10. Section 1340.208 (a) (9) is redesignated 1340.208 (a) (7).

11. Section 1340.209 is deleted.

12. In § 1340.210 (a) (1), the period at the end is changed to a comma and after the comma the following is added: * * *, in effect midnight, August 23, 1943: *Provided,* That no such shipments shall be made after October 23, 1943 at higher than the maximum price established by this regulation.

13. Section 1340.210 (a) (3) is amended to read as follows:

(3) All designations or definitions of classifications, price groups, size groups, mine index numbers, mine names, freight origin group numbers, subdistricts, seams, market areas, and other terms used in § 1340.212 to 1340.233 (Appendices A to V, inclusive) are, unless otherwise specifically provided, the same designations or definitions of such matters set forth in the schedules of effective minimum prices for the same district, as established by the Bituminous Coal Division and as in effect midnight, August 23, 1943. References to classifications, price groups and size groups in §1340.212 to 1340.233 Appendices A to V, inclusive) are to classifications, price groups and size groups in the schedule of effective minimum prices for the same district in respect to coal shipped all-rail for general commercial use, unless otherwise specifically noted. Thus, special classifications or size groups in the schedule of effective minimum prices for coal moving to a special use or by a particular method of transportation are not applicable, unless otherwise specifically stated.

In addition to references to minimum prices which were in effect on April 1, 1942, and October 1, 1942, wherever a minimum price is a necessary element in the determination of a maximum price established by this Regulation, then such minimum price as established by the Bituminous Coal Division and effective as of Midnight, August 23, 1943, is hereby adopted for such purpose.

14. In § 1340.210 (a) (6) and prior to the second sentence, a new sentence is added to read as follows:

Reports filed before 12:01 a. m. with the Office of Price Administration in Washington, D. C.

15. In § 1340.210 (a) (8) (ii), the second sentence is amended to read as follows:

An original and two copies of such application shall be filed with the Office of Price Administration, Solid Fuels Branch, Washington, D. C.

16. In § 1340.210 (a) (8) (iv), the words in the first sentence from and after, "Bituminous", are deleted and the words, "Solid Fuels Branch, Office of Price Administration, Washington, D. C." are inserted in lieu thereof.

17. In § 1340.210 (a) (9), the last clause, beginning with the word "unless", is deleted.

18. In § 1340.210 (a) (11), a new sentence is added after the first sentence to read as follows:

If such distributor made no sales or deliveries of smithing coal during said period then such distributor may use the weighted average margin realized during

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3171, 8 F.R. 6543.

[1] 8 F.R. 7384, 9458.

[1] 8 F.R. 3591, 3714, 4892, 5408, 5758, 6840, 7264, 7456, 7492, 8869, 9203, 10090, 10728.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5327, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6898, 7777, 7670, 7918, 7942, 8384, 8650, 8748, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1629, 1679, 1747, 1971, 2023, 2030, 2273, 2284, 2501, 2497, 2713, 2873, 2920, 2921, 2997, 3216, 3855, 4258, 4717, 4785, 5477, 6443, 7200, 8504, 9018, 10936.

the next preceding three months period in 1941 in which such sales were made.

19. Section 1340.226 (b) (1) (i) (*a*) is amended to read as follows:

(*a*) Where the minimum price established by the Bituminous Coal Division and in effect as of midnight August 23, 1943 for any shipment of coals to any particular destination or market area or for any particular use, or for movement by any particular method of transportation is higher than the maximum price provided in this section for such a shipment, the particular shipment may be made at not more than such applicable minimum price; which shall be the base minimum price listed in the minimum price schedule promulgated by the Division and in effect at that time without regard to any deductions which are permitted to be made therefrom: *Provided*, That no such shipment shall be made after October 23, 1943 at more than the maximum price established by this regulation.

This amendment shall be effective as of August 21, 1943.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of August 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-13682; Filed, August 21, 1943; 4:17 p. m.]

PART 1340—FUEL

[Rev. MPR 122,[1] Amdt. 11]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 122 is amended in the following respects:

1. In § 1340.252 (a) (2) the last part beginning with the word "except", is deleted.

2. In § 1340.253 the last part, beginning with the word "but", is deleted.

3. In § 1340.254 (b), Rule 4, the item marked "Second" is amended to read as follows:

Second: the name of its producer and its origin and, for bituminous coal, its price classification and group, size group, and mine index number in the minimum price schedules of the Bituminous Coal Division, as in effect midnight August 23, 1943.

4. Section 1340.261 (b) is amended to read as follows:

(b) The minimum price established by the Bituminous Coal Division and in effect midnight August 23, 1943 and applicable to members of its Bituminous Coal Code shall be the maximum price for sales of solid fuels by such members if such minimum is greater than the maximum price otherwise established by this regulation: *Provided*, That no sale of solid fuel shall be made after October 23, 1943, at more than the maximum price established by this regulation.

5. In § 1340.266 (a) (3) (i), after the word, "thereunder", the following is added:

* * * and in effect midnight August 23, 1943.

6. Section 1340.266 (a) (9) is amended to read as follows:

(9) "Bituminous Coal Division" means the Bituminous Coal Division of the United States Department of the Interior, as established pursuant to the Bituminous Coal Act of 1937 as amended, and the President's Second Reorganization Plan of 1939, and in effect midnight August 23, 1943. "District Nos. 1–20 inclusive, 22 and 23," mean the geographical bituminous coal producing districts as defined in the Bituminous Coal Act of 1937, as amended, and as they were modified up to midnight August 23, 1943.

This amendment shall become effective August 21, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of August 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-13681; Filed, August 21, 1943; 4:16 p. m.]

PART 1340—FUEL

[MPR 189,[1] Amdt. 16]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 189 is amended in the following respects:

1. In § 1340.302 the final period is deleted and the following is added:

* * * in effect midnight August 23, 1943: *Provided*, That no such shipments shall be made after October 23, 1943 at more than the maximum price established by this regulation.

2. In § 1340.305, paragraph (d) is redesignated paragraph (e) and a new paragraph (d) is added to read as follows:

(d) Statements filed with the Bituminous Coal Division of the Department of the Interior prior to August 24, 1943, will be considered as having been filed with the Office of Price Administration.

3. In § 1340.306 (b), the last part, beginning with the words "or with the nearest," is deleted.

4. In § 1340.308 (a) (2), after the words, "as amended," the words "and in effect midnight August 23, 1943," are added.

5. Section 1340.308 (a) (7) is amended to read as follows:

(7) "Bituminous Coal Division" means the Bituminous Coal Division United States Department of the Interior, as established pursuant to the Bituminous Coal Act of 1937, as amended, and the President's Second Re-organization Plan of 1939, and as in effect midnight August 23, 1943.

6. Section 1340.308 (a) (8) is amended to read as follows: (8) Reference to a bituminous coal producing district (e. g. "District No. 1") is a reference to the same district as defined in the Bituminous Coal Act of 1937, as amended, as they have been modified and were defined by the Bituminous Coal Division of the Department of the Interior as of midnight August 23, 1943.

7. Section 1340.309 (b) is deleted.

8. In § 1340.310 (a) (3), the last part, beginning with the word "except", is deleted.

9. In § 1340.313 (d), the words, "Bituminous Coal Division, 734 15th Street, N. W.," are deleted and the words "Solid Fuels Branch, Office of Price Administration," are inserted.

This amendment shall be effective as of the 21st day of August 1943.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of August 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-13683; Filed, August 21, 1943; 4:17 p. m.]

PART 1382—HARDWOOD LUMBER

[Rev. MPR 97,[1] Amdt. 8]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1382.101 is amended to read as follows:

§ 1382.101 *Sales of southern hardwood lumber at higher than maximum prices prohibited.* (a) On and after January 7, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any southern hardwood lumber for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things. The maximum f. o. b. mill prices are set forth in Appendix A.

(b) On and after August 21, 1943, the basic mill prices set forth in tables contained in subparagraphs (1) through (31) and (33) and (34) of § 1382.112 (b), and the maximum prices for dunnage contained in § 1382.112 (c), may be increased by $6.00 per 1000 board feet in all items. The prices of the following items may not be increased: Construction boards (§ 1382.112 (b) (32); White oak and red oak—Structural stock or sound square edge (§ 1382.112 (b) (35)); White oak and red oak—Freight car stock, common dimension, mine car lumber (§ 1382.112 (b) (36)); and special grades and items as to which maximum prices for particular mills have been established under any of the special pricing provisions of this regulation or any forerunner thereof.

(c) Prices lower than the maximum prices may, of course, be charged and paid.

This amendment shall become effective August 21, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13684; Filed, August 21, 1943; 4:17 p. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269,[1] Amdt. 13]

POULTRY: TURKEYS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1429.19 (h) (1) (iv) is amended to read as follows:

(iv) *Monthly adjustments in base prices for dressed, drawn, and quick-frozen eviscerated turkey items.* The above prices for dressed, drawn, and quick-frozen eviscerated turkey items shall be in force for the months of November, December, and January. For the remaining months of the year the following additions shall be made to each of the above prices for dressed, drawn, and quick-frozen eviscerated turkey items:

	Cents per pound
February	½
March	1
April	1½
May	2
June	2½
July	3
August	3½
September	3
October	1

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9061, 9299, 10940.

This amendment shall become effective August 21, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of August 1943.

CHESTER BOWLES,
Acting Administrator.

Approved: August 20, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13685; Filed, August 21, 1943; 4:16 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 5]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Paragraph (b) is added to Appendix A in section 15 to read as follows:

(b) Authority is delegated to all regional offices, or such of their district offices as they in turn may authorize, to adjust the maximum price of lettuce upward in sales to United States agencies to account for any increase in costs which is caused by special trimming or cutting to meet the specifications required by such purchasers for overseas shipment.

This amendment shall become effective August 21, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of August 1943.

CHESTER BOWLES,
Acting Administrator.

Approved: August 20, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13686; Filed, August 21, 1943; 4:18 p. m.]

Chapter XIII—Petroleum Administration for War

PART 1545—PETROLEUM SUPPLY

[PAO 7, as Amended June 1, 1943, Revocation]

Section 1545.3 *Petroleum Administrative Order No. 7, as amended June 1, 1943* is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of August 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-13676; Filed, August 21, 1943; 2:21 p. m.]

[1] 8 F.R. 9546, 9568, 9727, 10571, 10673.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 35—VETERANS' REGULATIONS

DEFINITIONS OF THE TERMS "CHILD," "PARENT," "FATHER," AND "MOTHER"

Veterans' Administration Instruction No. 1, sections 7 and 8, Public No. 144, 78th Congress (Act of July 13, 1943).

For the purposes of Public No. 2, 73d Congress, as amended, Public No. 141, 73d Congress, as amended, Public No. 484, 73d Congress, as amended, and the laws reenacted by Public No. 269, 74th Congress, as amended, the following instructions are issued:

1. Section 7, Public No. 144, 78th Congress, amends paragraph (f) of § 35.10 to read as follows:

(f) The term "child" shall mean a person unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen years the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child; a child legally adopted; a stepchild if a member of the man's household; an illegitimate child but as to the father only if acknowledged in writing, signed by him, or if he has been judicially ordered or decreed to contribute to the child's support or has been, prior to his death judicially decreed to be the putative father of such child, or if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of such child: *Provided*, That the payment of pension shall be continued after the eighteenth birthday and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn.

2. Section 8, Public No. 144, 78th Congress, amends paragraph (g) of § 35.10 to read as follows:

(g) The terms "parent", "father", and "mother" include a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than one year: *Provided*, That not more than one father and one mother, as defined, shall be recognized in any case, and preference shall be given to such father or mother who actually exercised parental relationship at the time of or most nearly prior to the date of entry into active service by the person who served.

NOTE: Since section 1, Public No. 144, 78th Congress makes the administrative, defini-

tive, and regulatory provisions of Public Law Numbered 2, 73d Congress, and Veterans Regulations, as now or hereafter amended, applicable to benefits provided under Public Law Numbered 141, 73d Congress, as amended, Public Law Numbered 484, 73d Congress, as amended, and the laws reenacted by Public No. 269, 74th Congress, as amended, paragraphs (f) and (g) are for application under Public No. 2, 73d Congress, as amended, Public No. 141, 73d Congress, as amended, Public No. 484, 73d Congress, as amended, and the laws reenacted by Public No. 269, 74th Congress, as amended, on and after July 13, 1943, the date of the approval of the Act. It is to be noted that the term "child" includes an illegitimate child and prescribes proof to be supplied as to the father. Proof of birth is all that is required as to the mother.

(Pub. Law 144, 78th Cong.)

[SEAL] FRANK T. HINES,
Administrator.

AUGUST 18, 1943.

[F. R. Doc. 43-13650; Filed, August 21, 1943; 9:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular No. 1562]

PART 192—OIL AND GAS LEASES

NOTICE OF LEASE OFFER

The first sentence of § 192.18 of Title 43 of the Code of Federal Regulations is hereby amended to read as follows:

§ 192.18 *Notice of lease offer.* Notice of the offer of lands for lease will be given by publication once a week for 5 consecutive weeks, in accordance with § 106.18, or for such other period as may be deemed advisable, in a newspaper of general circulation to be designated by the Commissioner of the General Land Office in the county in which the lands or deposits are situated, or in such other paper or papers as the Secretary of the Interior may direct. • • •

FRED W. JOHNSON,
Commissioner.

Approved: August 17, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-13689; Filed, August 21, 1943; 4:45 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 91—ALASKA GAME REGULATIONS

GAME AND FUR ANIMALS, GAME AND NONGAME BIRDS, AND GAME FISHES IN ALASKA

Pursuant to the authority and direction contained in section 9 of the Alaska Game Law of January 13, 1925 (43 Stat. 739), as amended July 1, 1943, Pub. No. 106, 78th Congress, I, Oscar L. Chapman, Assistant Secretary of the Interior, upon consultation with and recommendation from the Alaska Game Commission, have determined when, to what extent, and by what means game animals, fur animals, game birds, nongame birds, and game fishes may be taken, possessed, transported, bought, or sold in Alaska, and in accordance with such determinations do hereby adopt the following, effective July 1, 1943, as suitable amendments of regulations (8 F.R. 9841) permitting and governing the taking of such animals, birds, and game fishes in Alaska:

Section 91.5 is amended to read as follows:

§ 91.5 *Continuous close season on all animals and birds in specified areas.* These regulations, including § 91.3, do not permit the taking at any time of any game animal, fur animal, or game or nongame bird, or the nests or eggs of such birds, on any area specified in Appendix A of these regulations except for scientific or propagating purposes, and then only under specific permit issued by the Director, supplemented by such permit as may be required by any other Department or agency having administrative supervision of the particular area; *Provided,* That the collection in a national park or monument of specimens for scientific or propagating purposes shall be done in conformity with the regulations issued by the Secretary for such areas.

Section 91.6 is amended to read as follows:

§ 91.6 *Continuous close season on certain species in specified areas.* These regulations, including § 91.3, do not permit the taking at any time of the game animals, fur animals, game birds, or game fishes specified in Appendix B of these regulations on areas correlated with said animals, birds, or game fishes in said Appendix B, except for scientific or propagating purposes, and then only under specific permit issued by the Director, supplemented by such permit as may be required by any other Department or agency having administrative supervision of the particular area.

Section 91.20 is hereby deleted.

The undesignated center head note "Taking Wild Animals, Birds, and the Nests and Eggs of Birds for Scientific or Propagating Purposes and Animals or Birds for the Protection of Property" preceding § 91.32 is amended to read as follows: "Taking Animals, Game Fishes, Birds, and their Nests and Eggs for Scientific or Propagating Purposes, and Animals or Birds for the Protection of Property."

Section 91.32 is amended to read as follows:

§ 91.32 *Taking game and fur animals, game fishes, game, and nongame birds, and the nests or eggs of birds for scientific or propagating purposes.* (a) The Director may, for areas other than those administered by the National Park Service, prescribe the terms and conditions of and issue permits authorizing the taking, possession, purchase, sale, exchange or exportation of such animals, game fishes, birds, and their nests and eggs for scientific, propagating, educational, or exhibition purposes as he may determine from time to time is consistent with the proper conservation and development of the species.

(b) Any such permit shall be carried by the permittee when taking the aforesaid animals, game fishes, or birds, or their nests or eggs, and shall be exhibited to any wildlife agent or other person requesting to see it.

(c) Applications for all permits should be addressed to the Director, Fish and Wildlife Service, Chicago 54, Illinois, or to the Alaska Game Commission, Juneau, Alaska.

(d) Reports of operations required under the terms of any permit shall be filed on or before the tenth day of January following issuance of the permit with the Alaska Game Commission, Juneau, Alaska, or with the Director, Fish and Wildlife Service, Chicago 54, Illinois.

(e) Any package containing the aforesaid animals, fishes, birds or parts thereof or the nests or eggs of birds transported within or out of the Territory, including those taken on any national park or national monuments, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the names and addresses of the consignor and consignee, the contents, the number of the permit under authority of which it is transported, and that the contents are for scientific, propagating, educational or exhibition purposes, as the case may be.

Section 91.33 is amended to read as follows:

§ 91.33 *License, guide, or other requirements.* Unless specifically provided therein no permit of the Director to take, possess, buy, sell, exchange or transport any game or fur animal or any bird for scientific or propagating purposes shall be deemed to exempt the permittee from compliance with the license, guide, or other requirements of the Alaska Game Law, but no license is required to export such species or specimens for such purposes.

Section 91.35 is amended to read as follows:

§ 91.35 *Certain nongame birds unprotected.* A resident of the Territory without a hunting and trapping license and a nonresident with a hunting license may take crows, hawks, owls, eagles, ravens, magpies, and cormorants and their nests and eggs at any time, in any number, and by any means except by the use of poison, and with the exception of eagles and their nests and eggs which may be transported out of the Territory only for scientific or exhibition purposes of public museums, scientific societies, or zoological parks under a permit issued by the Director, such birds when so taken, or parts thereof, articles manufactured therefrom, and the nests and eggs may, without further license and at any time, be bought, sold, or transported within or out of the Territory. The provisions of this section are not applicable to national parks or national monuments.

Appendix A of said regulations is amended by adding a new paragraph at the end thereof, reading as follows:

(m) Old Kasaan National Monument.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of the Interior to be affixed in the city of Washington, this 14th day of August 1943.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 43-13633; Filed, August 20, 1943; 2:59 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 26]

MARKETING RULES AND REGULATIONS FOR DISTRICTS 1 THROUGH 20, 22 AND 23

MEMORANDUM OPINION AND ORDER DISMISSING PROCEEDING

In the matter of marketing rules and regulations incidental to the sale and distribution of coal by code members, established by the Division for Districts 1–20, inclusive, 22 and 23.

In re: A proposal to review and revise the marketing rules and regulations as established by the Division.

This proceeding was instituted by the Bituminous Coal Division for the purpose of determining the reasonableness of requirements that distributors specify in their contracts, spot orders or written confirmation of spot orders, the name of the code member and the name of the originating mine or mines as provided in Rule 3 of section V and Rule 1 of section VI of the Marketing Rules and Regulations established by the Division.

A hearing in the above-entitled matter was held November 17 and 18, 1942, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and to participate fully at the hearing. As yet no report by the Examiner has been submitted.

The Bituminous Coal Act of 1937, as amended, except as provided in section 19 thereof, will terminate at 12:01 a. m. August 24, 1943. For this reason it appears appropriate to dispense with the Report of the Examiner and to dismiss the proceeding.

Accordingly, *It is ordered,* That this proceeding effective 12:01 a. m. August 24, 1943 is dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13628; Filed, August 20, 1943; 12:41 p. m.]

[Dockets Nos. A-100, A-193, A-274, A-345, A-605, A-845, A-1315, A-1580, A-1597, and A-1849]

CODE MEMBERS IN DISTRICT 8, DISTRICT BOARD 8 AND BITUMINOUS COAL CONSUMERS' COUNSEL

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of code members in District No. 8, District Board No. 8, and Bituminous Coal Consumers' Counsel for revision of the price classifications and effective minimum prices for certain mines in District No. 8.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by the following code members in District No. 8, by District Board No. 8 and by Consumers' Council Division (now Bituminous Coal Consumers' Counsel), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937:

	Docket No.
The Hatfield-Campbell Creek Coal Company	A-100
Dixport Coal Company	A-193
Kanawha & Hocking Coal Company	A-274 [1]
Kelley's Creek Colliery Company	A-345
Consumers' Counsel Division (On behalf of Buka Coal Co.)	A-605
District Board No. 8	A-845
The Eastern Coal Corp	A-1315 [2]
District Board No. 8	A-1580
District Board No. 8	A-1597
District Board No. 8	A-1849

[1] Docket Nos. A-100, A-193, A-274 and A-345 were consolidated by order dated November 18, 1940 (5 F.R. 4571); Docket A-274, upon code member's request, was dismissed as a proceeding under section 4 II (d) of the Act and was continued as an application for exemption under section 4-A of the Act.

[2] Docket No. A-1315 was consolidated with the "Matter of the Application of the Ford Motor Company," Docket No. C-7, by order dated April 3, 1942 (7 F.R. 2648); Docket No. C-7 was dismissed by order, dated August 13, 1943.

The petitions in the above-designated dockets requested establishment or revision of the price classifications and minimum prices of certain mines in District No. 8 or other amendment of the Schedules of Effective Minimum Prices for District No. 8 for All Shipments Except Truck and for Truck Shipments. Orders granting temporary relief were issued in Docket Nos. A-100, A-193, A-274 and A-345 (5 F.R. 4177, 4413, 4614). No such orders have been issued in Docket Nos. A-605, A-845, A-1315, A-1580, A-1597 and A-1849.

Pursuant to appropriate orders and after due notice to interested persons, hearings were held in all of the above-designated dockets before duly designated Examiners of the Division. The preparation and filing of reports of the Examiners were not waived in any of the aforesaid dockets, except in Docket Nos. A-1597 and A-1849, in which no reports have been filed as of the date hereof.[3]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943 expires on August 24, 1943 at 12:01 a. m. The price schedules established by the Division, the price exceptions and instructions therein contained, and the Marketing Rules and Regulations promulgated by the Division pursuant to the provisions of the Act, cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in the respective dockets referred to above, and to dismiss the proceedings in all of the above-designated dockets.

It is therefore ordered, That effective August 24, 1943 at 12:01 a. m. the temporary relief heretofore granted in Docket Nos. A-100, A-193, A-274 and A-345, is hereby terminated.

It is further ordered, That effective as of the date and time aforesaid, the proceedings in Dockets Nos. A-100, A-193, A-274, A-345, A-605, A-845, A-1315, A-1580, A-1597 and A-1849 are hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13629; Filed, August 20, 1943; 12:41 p. m.]

[Docket No. A-995]

INSTITUTIONAL PURCHASING COMPANY

ORDER AMENDING SCHEDULE OF MINIMUM PRICES FOR DISTRICT 8

In the matter of the petition of the Bituminous Coal Consumers' Counsel for free alongside prices on shipments of coal from District No. 8 to the Institutional Purchasing Company, a division of the Catholic Charities of the Archdiocese of Cincinnati, Market Area No. 19, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Upon the findings of fact and conclusions of law set forth in the Opinion of the Director, filed simultaneously herewith, wherein it appears that the Special River Price Instructions and Exceptions, as contained in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck should be amended to permit code members in District 8 to sell coal to the Institutional Purchasing Company of the Catholic Charities of the Archdiocese of Cincinnati at minimum f. o. b. mine prices for f. a. s. deliveries, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937.

It is hereby ordered, That effective as of the date hereof, the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be, and it is amended to include under "Prices for River (Free Alongside Deliveries) and Ex-River Shipments," paragraph 3 (b) the following:

Institutional Purchasing Company of the Catholic Charities of the Archdiocese of Cincinnati (for consumption by the affiliated institutions of Catholic Charities of the Archdiocese of Cincinnati, in Cincinnati and vicinity).

Dated: August 18, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13631; Filed, August 20, 1943; 12:41 p. m.]

[3] In view of the expiration of the Act, the lack of time within which to prepare and file Examiner's Reports, to afford interested persons an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such reports or otherwise disposing of the proceedings, as required by the Rules of Practice and Procedure before the Division, the Examiner's Reports in Docket Nos. A-1597 and 1849 are hereby dispensed with.

[Docket No. A-1239]

RAIL AND RIVER SHIPPERS INTO CINCINNATI, OHIO

MEMORANDUM OPINION AND ORDER DISMISSING PROCEEDING

In the matter of a review of the minimum prices effective for shipment of coals in the City of Cincinnati, Ohio (Market Area 19), pursuant to section 4 II (b) of the Bituminous Coal Act of 1937.

One of the most complex and vexatious minimum price problems with which the Bituminous Coal Diviison has been confronted is the reconciliation of the diverse interests of rail and river shippers of bituminous coal into the Cincinnati, Ohio, area. The problem has been complicated by the existence of competition between so-called integrated operators having retail outlets on the one hand and independent retailers on the other, as well as by the consumers' natural desire to obtain coals at the cheapest possible prices. In an attempt to discover the vast variety of economic factors involved and to secure complete data upon which to predicate an intelligent solution of these problems, the Division instituted this proceeding in which a hearing was begun in January 1942, before Charles S. Mitchell, a duly designated Examiner of the Division. The hearing was protracted, due both to the magnitude of its objectives and to the vigor with which various interested parties asserted their respective positions. The main phase of the hearing lasted until March 16, 1942. The hearing was recessed and subsequently reopened for one day in December 1942. During the course of the proceeding nearly 5,000 pages of testimony and exhibits were placed in the record. On July 15, 1943, the Examiner submitted to me a comprehensive Report in which he proposed revisions and additions to the schedule of effective minimum prices and related price instructions and exceptions applicable to shipments of coal into the Cincinnati area.

Consistent with a careful and complete consideration of the many questions involved and with permitting all interested persons a full opportunity to urge their respective positions before me, it was intended to make a final disposition of this proceeding on the merits before the expiration of the Bituminous Coal Act of 1937 at 12:01 a. m., August 24, 1943. I had so declared my intention in the recent hearing on the extension of the Act before the Ways and Means Committee of the House of Representatives. However, following the Division's customary practice, an opportunity to file exceptions to the Report submitted by the Examiner was afforded all interested parties. Formal exceptions have been filed by Bituminous Coal Producers Board for District No. 7, Institutional Purchasing Company, The Hatfield-Campbell Creek Coal Company, the City of Cincinnati and the Board of Education of the City of Cincinnati, the Solid Fuel Institute, the Galloway Coal Company and the Island Creek Coal Company. District Board 7, on August 3, 1943, filed a motion requesting that the Director schedule a hearing on the proposals contained in the Examiner's Report and on the following day The Hatfield-Campbell Creek Coal Company filed a similar motion and requested in the alternative a stay of all further proceedings.

The exceptions filed by the various parties in some cases make a direct and frontal attack on the basic predicates of the Examiner's Report. Several exceptants have raised substantial constitutional issues and suggest that it would be a deprivation of due process for the Division to enter a final order in the proceeding before the parties were given an adequate opportunity to appraise the Examiner's Report in the light of the entire record and to submit briefs in support of the exceptions which have been filed. The same fundamental and strenuous conflict in the positions of the various affected groups which was evident in the earlier phases of this proceeding persists with renewed vehemence in the papers filed before me. Reluctant as I am to leave the problems presented essentially unresolved, an examination of the exceptions forces me to conclude that it would be inappropriate in the few remaining days of the Division's existence, to attempt a disposition of the merits of the case. Because of the nature of the questions raised, I believe that oral argument on the exceptions would be helpful to the Director, yet it is impossible to schedule such oral argument before the Act expires. Even if an order were entered without oral argument, the parties would have an opportunity to petition for reconsideration or rehearing, either of which requests it would be impossible to grant. In these circumstances I am compelled to find that the proceeding should be dismissed, effective 12:01 a. m., August 24, 1943.

It is so ordered.

Dated: August 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13630; Filed, August 20, 1943; 12:41 p. m.]

[Docket No. 601-FD]

AMERICAN ROLLING MILL COMPANY

MEMORANDUM OPINION AND ORDER DISMISSING PROCEEDINGS

In the matter of the application of the American Rolling Mill Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

On July 14, 1943 Travis Williams, a duly designated Examiner of the Division, submitted his report in this proceeding in which he found that applicant, The American Rolling Mill Company, is a "Producer-Consumer" of that portion of the coal produced at the Nellis Mine (Mine Index No. 346) in Boone County, West Virginia in District 8, which is used by it in the production of coke at its plant in Hamilton, Ohio, for the production of gas and steam at its plant in Middletown, Ohio, and for locomotive and boiler fuel at its plant in Ashland, Kentucky. As to such coal, the Examiner found that applicant was entitled to an exemption pursuant to the provisions of section 4 II (1) of the Bituminous Coal Act of 1937 and recommended the entry of an appropriate order granting such exemption. In addition, the Examiner found that applicant is not the "producer" of the coal at the Marting Mine (Mine Index No. 320) located in Fayette County, West Virginia in District 8 and that, accordingly, applicant was without standing to maintain a petition for exemption for such coal pursuant to section 4 II (1) of the Act. The Examiner recommended that the application for exemption of the coals from the Marting Mine be dismissed.

Subsequent to the submission of the Examiner's Report, applicant availed itself of the opportunity offered interested parties to file exceptions and supporting briefs. In informal conferences and by correspondence applicant indicated its desire to have the questions raised by the Examiner's Report finally determined before the expiration of the Bituminous Coal Act of 1937 at 12:01 a. m., August 24, 1943. Subsequently, however, in a letter dated August 12, 1943, counsel for applicant requested that "no disposition" of the case be made prior to the expiration of the Act. Counsel suggests that if an order were entered confirming the recommendations of the Examiner, applicant would be constrained to take further steps to assert its claim that the coals produced at the Marting Mine are entitled to exemption under section 4 II (1) of the Act.

The Report of the Examiner testifies to a careful consideration by him of the various issues presented in this proceeding and notwithstanding the exceptions submitted by applicant, I should be inclined to adopt his recommendations. However, in view of applicant's specific request that no dispositive order on the merits be entered, in view of the fact that applicant would have the opportunity to request a rehearing or reconsideration so that a final disposition might not be made before the expiration of the Act, and in view of the fact that similar proceedings have been dismissed, it appears appropriate to dismiss the application filed herein.

Accordingly: *It is ordered*, That this proceeding is dismissed, effective 12:01 a. m., August 24, 1943.

Dated: August 18, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13632; Filed, August 20, 1943; 12:41 a. m.]

General Land Office.

[Public Land Order 158]

NORTH DAKOTA

RESERVING CERTAIN PUBLIC LAND IN CONNECTION WITH THE LAKE WASHINGTON STATE GAME REFUGE

Whereas the act of September 2, 1937, 50 Stat. 917 (U.S.C., title 16, secs. 669-

669j), provides for Federal aid to States in wildlife-restoration projects; and

Whereas the State of North Dakota has set up a Federal Aid wildlife-restoration project and is acquiring wildlife control over certain lands in Eddy County, which lands are to be administered by the State of North Dakota through its Game and Fish Department as the Lake Washington State Game Refuge; and

Whereas certain public land within this area possesses wildlife value and could be administered advantageously in connection with the refuge; and

Whereas the act of March 10, 1934, 48 Stat. 401 (U.S.C., title 16, secs. 661–666), provides for cooperation with Federal, State, and other agencies in developing a Nationwide program of wildlife conservation and rehabilitation:

Now, therefore, By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, *It is ordered,* As follows:

Subject to valid existing rights, the following-described public land in Eddy County, North Dakota, is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws and the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use by the Game and Fish Department of the State of North Dakota in connection with the Lake Washington State Game Refuge, under such conditions as may be prescribed by the Secretary of the Interior:

FIFTH PRINCIPAL MERIDIAN

T. 150 N., R. 63 W.,
Sec. 34, Lot 1.
The area described contains 3.68 acres.

The reservation made by this order supersedes, as to the above-described land, the general withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended.

HAROLD L. ICKES,
Secretary of the Interior.

AUGUST 12, 1943.

[F. R. Doc. 43-13688; Filed, August 21, 1943; 4:45 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, Septmber 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Apparel Industry

American Clothing Company, 251 Clifton Avenue, Clifton, New Jersey; Ladies' and men's sack coats; 5 percent (T); effective August 25, 1943, expiring August 24, 1944.

Hansley Mills, Incorporated, 1800 South Main Street, Paris, Kentucky; Men's woven underwear; 10 percent (A. T.); effective August 20, 1943, expiring February 19, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

The H. A. Austin Company, Incorporated, 15 Union Street, Worcester, Massachusetts; Sanitary belts, panties; 10 percent (T); effective September 25, 1943, expiring September 24, 1944.

Carwood Manufacturing Company, Winder, Georgia; Wool serge O. D. trousers, cotton trousers and shirts; 5 percent (A. T.); effective August 17, 1943, expiring February 16, 1944. (This certificate replaces the one previously issued, effective August 6, 1943 and expiring February 6, 1944.)

Comfort Corset Company, 2311 West Street, Union City, New Jersey; Belts and girdles; 4 learners (T); effective August 23, 1943, expiring August 22, 1944.

Fairfield Manufacturing Company, One Franklin Street, New Haven, Connecticut; Men's dress and sport shirts; 10 percent (T); effective September 8, 1943, expiring September 7, 1944.

Lackawanna Pants Manufacturing Company, 300 Brook Street, Scranton, Pennsylvania; Work pants, military trousers, semi-dress trousers; 10 percent (A. T.); effective August 23, 1943, expiring February 22, 1944.

Moena Negligee Company, 1024 Santee Street, Los Angeles, California; Robes; 3 learners (T); effective August 23, 1943, expiring August 22, 1944.

Model Sportwear Company, 212 E. Street, Pen Argyl, Pennsylvania; Ladies' blouses; 10 learners (T); effective August 28, 1943, expiring August 27, 1944.

Opotowsky Brothers, Incorporated, 512 Canal Street, New Orleans, Louisiana; Ladies' cotton, rayon and silk lingerie; 6 learners (T); effective August 16, 1943, expiring August 15, 1944.

Piedmont Shirt Company, 19th Street and 10th Avenue, Tampa, Florida; Military sport shirts and pants, men's slacks; 10 percent (T); effective August 21, 1943, expiring August 20, 1944.

The Rob Roy Company, Ridgely, Maryland; Boys' shirts; 40 learners (E); effective August 21, 1943, expiring February 20, 1944.

Selfast Dress Company, S. W. Cor. 3rd and Vine Streets, Philadelphia, Pennsylvania; Children's cotton dresses; 10 percent (T); effective August 23, 1943, expiring August 22, 1944.

Shawnee Garment Manufacturing Company, 115½ North Bell Street, Shawnee, Oklahoma; Overalls, pants, shirts and Government trousers; 10 learners (A. T.); effective August 23, 1943, expiring February 22, 1944.

South Side Dress Company, 1805 Pittston Avenue, Scranton, Pennsylvania; Dresses; 10 percent (T); effective August 20, 1943, expiring August 19, 1944.

Gloves Industry

Hansen Glove Corporation, Plant #3 Kewaunee, Wisconsin; Ladies' fabric gloves; 16 learners (E); effective August 23, 1943, expiring February 22, 1944.

Morris Manufacturing Company, Main Street, Newbern, Tennessee; Leather and cotton work gloves; 10 learners (A. T.); effective August 23, 1943, expiring February 22, 1944.

The National Mitten Works, 212–216 East Superior Street, Kokomo, Indiana; Work gloves; 5 learners (T); effective August 25, 1943, expiring August 24, 1944.

Saranac Glove Company, 42 Saranac Street, Littleton, New Hampshire; Leather work gloves and mittens, Leather semi-dress gloves and mittens; 5 learners (T); effective August 28, 1943, expiring August 27, 1944.

Stott & Son Corporation, 220 E. 3rd Street, Winona, Minnesota; Cotton work gloves; 3 learners (A. T.); effective August 23, 1943, expiring January 6, 1944.

Hosiery Industry

Busy Bee Hosiery Company, Incorporated, Fairmont and Alton Avenues, Reading, Pennsylvania; Full-fashioned hosiery; 5 percent (T); effective August 23, 1943, expiring August 22, 1944.

Dixie Hosiery Mills, Incorporated, Newport, Tennessee; Seamless hosiery; 5 learners (T); effective August 25, 1943, expiring August 24, 1944.

Holeproof Hosiery Company, Marietta, Georgia; Seamless hosiery; 100 learners (A. T.); effective August 28, 1943, expiring February 22, 1944. (This certificate replaces the one previously issued effective May 24, 1943 and terminating November 24, 1943.)

Miller White Hosiery Mills, Taylorsville, North Carolina; Seamless hosiery; 5 learners (T); effective August 18, 1943, expiring August 17, 1944.

Prim Era Hosiery Mills, Incorporated, Chester, Illinois; Full-fashioned hosiery; 5 percent (T); effective August 18, 1943, expiring August 17, 1944.

Ruby Hosiery Mill, Hickory, North Carolina; Men's cotton mercerized seamless hosiery; 5 learners (T); effective August 23, 1943, expiring August 22, 1944.

Sunshine Hosiery Mills, Incorporated, 215 South Church Street, Murfreesboro, Tennessee; Full-fashioned and seamless hosiery; 5 percent (T); effective August 25, 1943, expiring August 24, 1944.

Knitted Wear Industry

Hollyvogue Knitting Mills, 1209 East 14th Street, Los Angeles, California; Knitted outerwear; 5 learners (T); effective August 23, 1943, expiring August 22, 1944.

Textile Industry

Algodon Manufacturing Company, Bessemer City, North Carolina; Cotton staple; 3 percent (A. T.); effective August 23, 1943, expiring February 22, 1944.

Cross Cotton Mills Company, Marion, North Carolina; Cotton knitting yarn; 3 percent (T); effective August 23, 1943, expiring August 22, 1944.

Opp Cotton Mills, Opp, Alabama; Industrial sheetings for bag cloths for food containers; 3 percent (T); effective September 8, 1943, expiring September 7, 1944.

Pilot Full Fashioned Mills, Incorporated, Valdese, North Carolina; Silk, rayon, nylon yarn; 26 learners (A. T.); effective August 20, 1943, expiring January 22, 1944. (This certificate replaces the one previously issued effective July 22, 1943 and expiring January 22, 1944.)

Small Brothers Manufacturing Company, 37 Hillside Street, Fall River, Massachusetts; Cotton, rayon and nylon braids; 3 percent (T); effective August 23, 1943, expiring August 22, 1944.

Cigar Industry

John H. Swisher & Son, Incorporated, East 16th Street, Jacksonville, Florida; Cigars; 10 percent (T); Cigar Machine Operating and Cigar Packing for a learning period of 320 hours, and Machine Stripping for a learning period of 160 hours at 75% of the applicable minimum wage; effective August 31, 1943, expiring August 30, 1944. (This certificate replaces the one previously issued, effective September 21, 1942 and expiring September 20, 1943.)

Signed at New York, New York, this 21st day of August 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F R. Doc. 43-13699; Filed, August 23, 1943; 11:09 a. m.]

LEARNER EMPLOYMENT CERTIFICATES
ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective August 1, and August 19, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Record & Tribune Company, 203 West Salem Avenue, Indianola, Iowa; Printing and Publishing; 1 learner (T); Printer for a learning period of 480 hours at 30 cents per hour until February 17, 1944.

Peter Paul, Inc., of Arecibo, Puerto Rico, to employ one hundred forty two learners in the Manufactured Cocoanut Industry distributed between the following operations; Shelling and Peeling at 17½ cents an hour for the first 160 hours; 22½ cents an hour for the second 160 hours, and not less than 25 cents an hour for every hour thereafter. For all hours over forty worked in any one work week, one and one-half times the applicable piece rate or the rate established herein, whichever is the higher, shall be paid. This Special Certificate shall become effective on August 1, 1943 and shall remain in effect for a period not exceeding six months thereafter.

Signed at New York, N. Y., this 21st day of August 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-13700; Filed, August 23, 1943; 11:09 a. m.]

[Administrative Order 212]

LOGGING, LUMBER AND TIMBER AND RELATED PRODUCTS INDUSTRIES
ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignations of Josephine Wilkins of Atlanta, Georgia; Abbott Fox of Iron Mountain, Michigan; Maurice A. Hutcheson of Indianapolis, Indiana; and A. W. Muir of Los Angeles, California, from Industry Committee No. 64 for the Logging, Lumber and Timber and Related Products Industries, and do appoint in their stead, respectively, Frank T. de Vyver of Durham, North Carolina, as representative for the Public; Carroll C. Wall of Lexington, North Carolina, as representative for the Employers; and Albert E. Fischer of Indianapolis, Indiana, and Peter Terzick of Seattle, Washington, as representatives for the Employees on such Committee.

Signed at New York, New York, this 20th day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-13698; Filed, August 23, 1943; 11:09 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5027]

ASSOCIATED MERCHANDISING CORPORATION, ET AL.

COMPLAINT AND NOTICE

In the matter of Associated Merchandising Corporation, Abraham & Straus, Inc., L. S. Ayres & Company, Bloomingdale Bros., Inc., The Herzfeld-Phillipson Company, Bullock's, Inc., Burdine's, Inc., The Dayton Company, The Emporium-Capwell Company, Wm. Filene's Sons Company, B. Forman Company, Joseph Horne Company, The J. L. Hudson Company, Hutzler Brothers Co., The F. & R. Lazarus, The Rike-Kumler Company, The John Shillito Company, Stix, Baer & Fuller Company, Strawbridge & Clothier, The Wm. Taylor Son & Co., Thalhimer Brothers, Inc., R. H. White Company.

Complaint

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, have been and are now violating the provisions of subsection (f) of section 2 of the Clayton Act (U. S. C. Title 15, sec. 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Associated Merchandising Corporation, hereinafter referred to and designated as "respondent A. M. C.", is a corporation duly organized and existing under and by virtue of the laws of the State of New York, with its office and principal place of business being located at 1440 Broadway, New York, New York.

Respondent Abraham & Straus, Inc., is a corporation, duly organized and existing under and by virtue of the laws of the State of New York, with its office and principal place of business being located in the City of Brooklyn, New York, where it operates a retail department store under the name of Abraham & Straus, Inc.

Respondent L. S. Ayres & Company is a corporation duly organized and existing under and by virtue of the laws of the State of Indiana, with its office and principal place of business being located in the City of Indianapolis, Indiana, where it operates a retail department store under the name of L. S. Ayres & Company.

Respondent Bloomingdale Bros., Inc., is a corporation duly organized and existing under and by virtue of the laws of the State of New York, with its office and principal place of business being located at Lexington Avenue and 59th Street in the City of New York, New York, where it operates a retail department store under the name of Bloomingdale Bros., Inc.

Respondent The Herzfeld-Phillipson Company is a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, with its office and principal place of business being located in the City of Milwaukee, Wisconsin, where it operates a retail department store under the name of The Boston Store.

Respondent Bullock's, Inc., is a corporation duly organized and existing under and by virtue of the laws of the State of Delaware, with its office and principal place of business being located in the City of Los Angeles, California, where it operates a retail department store under the name of Bullock's, Inc.

Respondent Burdine's, Inc., is a corporation duly organized and existing under and by virtue of the laws of the State of Florida, with its office and principal place of business being located in the City of Miami, Florida, where it operates a retail department store under the name of Burdine's, Inc.

Respondent The Dayton Company is a corporation duly organized and existing under and by virtue of the laws of the State of Minnesota, with its office and principal place of business being located in the City of Minneapolis, Minnesota, where it operates a retail department store under the name of The Dayton Company.

Respondent The Emporium-Capwell Company is a corporation duly organized and existing under and by virtue of the laws of the State of California, with its office and principal place of business being located in the City of San Francisco, California; it operates two retail department stores, one in San Francisco, California, known as the Emporium, and the other in Oakland, California, known as The H. C. Capwell Company.

Respondent Wm. Filene's Sons Company is a corporation duly organized and existing under and by virtue of the laws of the Commonwealth of Massachusetts, with its office and principal place of business being located in the City of Boston, Massachusetts, where it operates a retail department store under the name of Wm. Filene's Sons Company.

Respondent B. Forman Company is a corporation duly organized and existing under and by virtue of the laws of the State of New York, with its office and principal place of business being located in the City of Rochester, New York, where it operates a retail department store under the name of B. Forman Company.

Respondent Joseph Horne Company is a corporation duly organized and existing under and by virtue of the laws of the State of Pennsylvania, with its office and principal place of business being located in the City of Pittsburgh, Pennsylvania, where it operates a retail department store under the name of Joseph Horne Company.

Respondent The J. L. Hudson Company is a corporation duly organized and existing under and by virtue of the laws of the State of Michigan, with its office and principal place of business being located in the City of Detroit, Michigan, where it operates a retail department store under the name of The J. L. Hudson Company.

Respondent Hutzler Brothers Co. is a corporation duly organized and existing under and by virtue of the laws of the State of Maryland, with its office and principal place of business being located in the City of Baltimore, Maryland, where it operates a retail department store under the name of Hutzler Brothers Co.

Respondent The F. & R. Lazarus & Co. is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio, with its office and principal place of business being located in the City of Columbus, Ohio, where it operates a retail department store under the name of The F. & R. Lazarus & Co.

Respondent The Rike-Kumler Company is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio, with its office and principal place of business being located in the City of Dayton, Ohio, where it operates a retail department store under the name of The Rike-Kumler Company.

Respondent The John Shillito Company is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio, with its office and principal place of business being located in the City of Cincinnati, Ohio, where it operates a retail department store under the name of the John Shillito Company.

Respondent Stix, Baer & Fuller Company is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, with its office and principal place of business being located in the City of St. Louis, Missouri, where it operates a retail department store under the name of Stix, Baer & Fuller Company.

Respondent Strawbridge & Clothier is a corporation duly organized and existing under and by virtue of the laws of the State of Pennsylvania, with its office and principal place of business being located in the City of Philadelphia, Pennsylvania, where it operates a retail department store under the name of Strawbridge & Clothier.

Respondent The Wm. Taylor Son & Co., is a corporation duly organized and existing under and by virtue of the laws of the State of Ohio, with its office and principal place of business being located in the City of Cleveland, Ohio, where it operates a retail department store under the name of The Wm. Taylor Son & Co.

Respondent Thalhimer Brothers, Inc., is a corporation duly organized and existing under and by virtue of the laws of the State of Virginia, with its office and principal place of business being located in the City of Richmond, Virginia, where it operates a retail department store under the name of Thalhimer Brothers, Inc.

Respondent R. H. White Company is a corporation duly organized and existing under and by virtue of the laws of the Commonwealth of Massachusetts, with its office and principal place of business being located in the City of Boston, Massachusetts, where it operates a retail department store under the name of R. H. White Company.

PAR. 2. Respondents Abraham & Straus, Inc., L. S. Ayres & Company, Bloomingdale Bros., Inc., The Herzfeld-Phillipson Company, Bullock's Inc., Burdine's, Inc., The Dayton Company, The Emporium-Capwell Company, Wm. Filene's Sons Company, B. Forman Company, Joseph Horne Company, The J. L. Hudson Company, Hutzler Brothers Co., The F. & R. Lazarus & Co., The Rike-Kumler Company, The John Shillito Company, Stix, Baer & Fuller Company, Strawbridge & Clothier, The Wm. Taylor Son & Company, Thalhimer Brothers, Inc., and R. H. White Company, hereinafter referred to collectively as "respondent members", own and operate the various department stores as hereinbefore set forth in Paragraph One. Each of said respondent members is a separate, distinct and independent legal entity, and each one of the department stores which they operate is independent of the stores of all of the other respondent members. The annual volume of sales of the 22 department stores owned and operated by said respondent members (respondent The Emporium-Capwell Company owns and operates two stores: The Emporium at San Francisco, California, and the H. C. Capwell Company at Oakland, California) in 1941 was approximately $425,000,000. The annual volume of sales of the respective stores of respondent members ranges from $2,000,000 to $40,000,000.

PAR. 3. Respondent A. M. C. is an outgrowth of the Retail Research Association, hereinafter referred to as "R. R. A.", which was organized in 1916 by ten of the respondent members, with the avowed or ostensible purpose of enabling the department stores owned by said members to operate more efficiently and to obtain and furnish to said members information as to market conditions and other related subjects.

While the R. R. A. was in its formative stage, several of its directors saw the possibility of expanding it into an organization through which the department stores belonging to the respondent members could buy their goods, wares and merchandise collectively. Therefore, in 1918, nine of the ten respondent members who had organized R. R. A., organized respondent A. M. C.; later the tenth of the respondent members who had organized R. R. A. acquired membership in respondent A. M. C. By 1934, all but two of the respondent members had become affiliated with respondent A. M. C. and these joined in 1938, when they adopted, ratified, approved and began taking part in the activities, practices and planned course of action of respondent A. M. C. and respondent members, which are hereinafter set out. Since 1938, the 21 respondent members, operating the 22 department stores hereinbefore mentioned, have comprised the membership of respondent A. M. C.

Respondent A. M. C. was reorganized and reincorporated under the laws of the State of New York in 1939 with a capital stock of $1,000,000, consisting of 10,000 shares of $100 par value of which 250 are preferred and 9,750 common. The preferred shares, which are divided equally among all of the respondent members, have full voting power while the common shares have no voting power.

Application for membership in respondent A. M. C. can be made only upon invitation by respondent A. M. C. and election is only by unanimous approval of all of the respondent members. In the event that a member desires to with-

draw from respondent A. M. C., it must sell its preferred and common stock to the remaining members of A. M. C. at a price determined by the book value of A. M. C. shares.

Although R. R. A. and respondent A. M. C. are separate corporations, they have identical stockholders, boards of directors, executive committees and officers. They occupy jointly several floors at 1440 Broadway, New York, New York; they also have branch offices in Chicago, Illinois, and Los Angeles, California, and a suboffice in Boston, Massachusetts. Before the war respondent A. M. C. maintained buying offices in various cities in Europe and the Orient.

In 1936 respondent A. M. C. and R. R. A. had 430 persons employed, which number was decreased to 325 in 1942 because of the closing of the foreign offices. The cost of operating respondent A. M. C. and R. R. A. increased from $25,000 per annum in 1936 to $1,500,000 in 1941. A budget is prepared in advance to cover annual cost of operations which are borne by respondent members who contribute weighted amounts based on the volume of their previous year's sales. The estimated cost in volume of sales of each of respondent members is approximately one-third of one percent. However, respondent A. M. C. claims that through its method of purchasing for respondent members' stores, as hereinafter described, respondent members save from six to seven percent per year.

The principals of respondent members' stores meet twice yearly to discuss policy, but no major steps are adopted without the unanimous approval of all of the respondent members; the ultimate control and direction of respondent A. M. C. are in the hands of the respondent members who own equal amounts of the preferred voting stock of said respondent.

PAR. 4. Respondent A. M. C. has eight merchandising divisions, which are conducted by managers, who in turn are under the direct supervision of the Director of respondent A. M. C. Each such division has a staff of recognized market specialists in the particular field of merchandising to which that particular division's activities are directed. The primary responsibility of all of these employees of respondent A. M. C. is to assist the merchandise buyers of the stores of respondent members in purchasing from the manufacturers, producers and suppliers of such merchandise, at the lowest possible prices, the various goods, wares and merchandise resold in said stores of the respondent members.

Respondent A. M. C. has no warehouses and does not sell any goods, wares or merchandise to the trade or consuming public. When goods, wares and merchandise are purchased by respondent members, either directly or through or by means of respondent A. M. C., the same are shipped to their respectve stores directly from the manufacturers, producers and suppliers thereof, many of which are located in various states other than those from which such shipments are made.

Approximately 25 percent of all the goods, wares and merchandise trafficked through the stores of respondent members are brought through, by means of, or with the aid of respondent A. M. C.

PAR. 5. In the course and conduct of their respective businesses, respondent A. M. C. and respondent members, since June 19, 1936, have entered into and carried out, and are still carrying out, an agreed and planned course of action to secure for respondent members, from the manufacturers, producers and suppliers thereof, special allowances or discounts on their purchases of the goods, wares and merchandise, which are resold in the stores of respondent members.

PAR. 6. Pursuant to, and in furtherance of, said agreed and planned course of action, respondent A. M. C. with the knowledge, consent and approval of respondent members, has since June 19, 1936, and is now, knowingly inducing said manufacturers, producers and suppliers to discriminate in price in favor of respondent members by selling them, for resale in their respective department stores throughout the United States, goods, wares and merchandise of like grade and quality, at lower prices, or with higher allowances or discounts, than those accorded by said manufacturers, producers and suppliers to stores not belonging to respondent members, but which are in competition with the stores of respondent members in reselling and attempting to resell such goods, wares and merchandise.

Also, pursuant to, and as a result of, the aforesaid agreed and planned course of action, respondent members have been, since June 19, 1936, and are now, knowingly receiving the benefits of said discriminations.

PAR. 7. Generally, the special allowances or discounts granted by the manufacturers or other sources of supply take the form of rebates on the purchases by respondent members for their respective stores during a specified period, which is usually a year. At the end of such a period, the seller pays this rebate to respondent A. M. C. based on the total purchases of its goods, wares and merchandise by all of the individually owned and operated department stores of respondent members. Respondent A. M. C. then distributes said rebate to the respective stores of respondent members, according to the amount which each said store has purchased from the particular seller during said specified period.

PAR. 8. Pursuant to, and as a part of, the aforesaid agreed and planned course of action, respondent A. M. C., with the consent, approbation and cooperation of respondent members, has been since June 19, 1936, and is now, soliciting and requesting manufacturers, producers and suppliers of various goods, wares and merchandise which are resold in the department stores of respondent members, to grant the aforesaid special allowances or discounts on the purchases of same by respondent members. If the manufacturer, producer or supplier agrees to do this, then, and only then, is he approved, classified and designated by respondent A. M. C. as a "preferred resource".

As an inducement for, and in consideration of, the aforesaid discriminations in price granted by said "preferred resources", respondent A. M. C., in furtherance of the aforesaid common course of action, constantly and continuously requests, pleads with and cajoles respondent members to confine to said preferred resources, all of their purchases of the types of goods, wares and merchandise of which said preferred resources are sources of supply.

Consequently, in furtherance of the aforesaid planned common course of action, respondent members, usually acting directly, but sometimes through and by means of respondent A. M. C., in purchasing, in the course of commerce between and among the several states of the United States, the goods, wares and merchandise to be resold in their respective department stores throughout the United States, have been since June 19, 1936, and are now, where such goods, wares and merchandise of like or similar grade and quality are manufactured, produced or supplied by both "preferred resources" and other sources of supply, generally confining such purchases to the former and withholding them from the latter.

Also, as a further inducement for, and in consideration of the aforesaid discriminations in price granted by the "preferred resources", respondent members, in furtherance of the aforesaid planned common course of action, and with the urging and approval of respondent A. M. C., in reselling goods, wares and merchandise in their respective stores, give preference to those which have been purchased from said preferred resources and do not "push" the resale of comparable goods, wares and merchandise which they have purchased from other sources of supply.

PAR. 9. The manufacturers, producers and suppliers who are thus classified by respondent A. M. C. as "preferred resources" are located in various states of the United States, and, pursuant to and as part of such purchases from them by respondent members, they transport, or cause to be transported, such goods, wares and merchandise to the department stores of respondent members which are located in states other than those from which said shipments originate. In the course and conduct of their respective businesses such "preferred resources" also have sold since June 19, 1936, and are now selling and transporting and having transported in trade and commerce among the several states of the United States, to department stores other than those of respondent members, goods, wares and merchandise of like grade and quality as those which said "preferred resources" sell and transport, in the manner hereinbefore described, to the stores of respondent members.

Said "preferred resources" have maintained since June 19, 1936, and still do maintain, a regular current of trade in the goods, wares and merchandise which they manufacture, produce or supply, in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 10. There are other manufacturers, producers and suppliers of the goods, wares and merchandise, which

are resold in department stores throughout the United States, who are not listed or considered as "preferred resources" by respondent A. M. C., but who nevertheless are in competition with them, except insofar as such competition has been hindered, restricted or prevented by the acts and practices of respondents herein set forth, in seeking to sell, in trade and commerce among the several States of the United States, their goods, wares and merchandise of like grade and quality as those of said preferred resources, to the department stores of respondent members. Said manufacturers, producers and suppliers often are prevented from selling such goods, wares and merchandise to the stores of respondent members because they refuse, although requested to do so by respondent A. M. C., to grant to said respondent members the discriminatory prices herein alleged to have been allowed by such "preferred resources" to respondent members.

PAR. 11. There are department stores not owned and operated by respondent members that purchase from said "preferred resources", in the manner and in the commerce hereinbefore described, goods, wares and merchandise of like grade and quality as those purchased by respondent members for their individual stores, and which are in competition with said stores in reselling and seeking to resell such goods, wares and merchandise. Although such competing stores individually may purchase from a particular "preferred resource" such goods, wares and merchandise in an amount as great as, or in excess of that of a competing store of a respondent member, nevertheless they are not granted by the "preferred resource" any similar price or discount on their purchases.

PAR. 12. The effect of the aforesaid discriminations in price may be substantially to lessen competition in the line of commerce in which the "preferred resources" are engaged, and to injure, destroy or prevent competition with said "preferred resources" in selling goods, wares and merchandise of like grade and quality to respondent members for use or resale by the stores of said members within the United States.

The effect of such discriminations in price also may be substantially to lessen competition in the line of commerce in which are engaged the department stores of respondent members and those of their competitors who do not receive the benefit of the lower prices that said "preferred resources" grant to the stores of respondent members on goods, wares and merchandise of like grade and quality; likewise, the effect may be to injure, destroy or prevent competition between the stores of respondent members who receive the benefits of said discriminatory prices and their competing department stores to whom such benefits are denied.

PAR. 13. The foregoing alleged acts of the respondent A. M. C. and the respondent members, acting pursuant to a planned and agreed common course of action and in concert and cooperation with each other, are in violation of section 2 (f) of said Act of Congress approved June 19, 1936, entitled "An Act to amend section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes', approved October 15, 1914, as amended (U.S.C. Title 15, sec. 13), and for other purposes".

Wherefore, the premises considered the Federal Trade Commission on this 17th day of August, A. D. 1943, issues its complaint against said respondent.

Notice

Notice is hereby given you, Associated Merchandising Corporation, Abraham & Straus, Inc., L. S. Ayres & Company, Bloomingdale Bros., Inc., The Herzfeld-Phillipson Company, Bullock's, Inc., Burdine's, Inc., The Dayton Company, The Emporium-Capwell Company, Wm. Filene's Sons Company, B. Forman Company, Joseph Horne Company, The J. L. Hudson Company, Hutzler Brothers Co., The F. & R. Lazarus & Co., The Rike-Kumler Company, The John Shillito Company, Stix, Baer & Fuller Company, Strawbridge & Clothier, The Wm. Taylor Son & Co., Thalhimer Brothers, Inc., and R. H. White Company, respondents herein, that the 24th day of September, A.D. 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

> In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.
>
> * * * * * *
>
> Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.
>
> If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.
>
> Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 17th day of August, A. D. 1943.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-13661; Filed, August 21, 1943; 11:19 a. m.]

[Docket No. 4979]

BERNARD ENGINEERING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Bernard Engineering Company, a corporation, Lionel Bernard, individually and as an officer of Bernard Engineering Company, a corporation; and William I. Miller, an individual.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., section 41),

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, September 7, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 212, Post Office Building, Camden, New Jersey.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-13715; Filed, August 23, 1943; 11:42 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Supplemental Vesting Order 1992]

ROYAL SAXON COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 596, dated December 30, 1942, that Fritz von Philipp and Royal Saxon Company, Inc., and each of them, are nationals of a designated enemy country (Germany);

2. Finding that of the issued and outstanding capital stock of Royal Saxon Company, Inc., a corporation organized and doing business under the laws of the State of New Jersey, and a business enterprise within the United States, consisting of 100 shares of common, having a par value of $50 each, 3 shares are registered in the names of the persons listed below in the number appearing opposite each name and are beneficially owned by Fritz von Philipp and, together with the 97 shares heretofore vested, are evidence of ownership and control of said business enterprise:

Name and address	*No. of shares*
Alfred H. Posselt, 229 Beechwood Avenue, Bound Brook, New Jersey	1
Alfreda I. Posselt, 229 Beechwood Avenue, Bound Brook, New Jersey	1
Marie Posselt, 229 Beechwood Avenue, Bound Brook, New Jersey	1
Total	3

and determining:

3. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany); and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the 3 shares of the $50 par value common capital stock of Royal Saxon Company, Inc., hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13654; Filed, August 21, 1943; 10:31 a. m.]

[Amendment of Vesting Order 165]

HILDEGARDE MUELLER AND CARMELITA MUELLER

Re: Assets of Graff Building and real property in San Francisco, California owned by Hildegarde Mueller, also known as Hildegarde Mueller Melsheimer, and Carmelita Mueller, also known as Carmelita Mueller Meyerhoff.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Hildegarde Mueller, also known as Hildegarde Mueller Melsheimer, and Carmelita Mueller, also known as Carmelita Mueller Meyerhoff, are respectively, Traben Trarbach ad Mosel, Germany, and Goettlingen, Germany, and they are therefore residents of Germany and nationals of a designated enemy country (Germany);

2. That Hildegarde Mueller, also known as Hildegarde Mueller Melsheimer, and Carmelita Mueller, also known as Carmelita Mueller Meyerhoff, are the owners of the property described below;

3. That the property described as follows:

a. Real property situated in the City of San Francisco, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hercof, together with all hereditaments, fixtures, improvements and appurtenances thereto, which improvements are more particularly referred to as Graff Building, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property, and

b. Real property situated in the City of San Francisco, State of California, particularly described as that portion of 100 Vara Block No. 407,

Beginning at a point on the northwesterly line of Howard Street, distant thereon 375 feet northeasterly from the northeasterly line of Eighth Street; running thence northeasterly along said line of Howard Street 25 feet; thence at a right angle northwesterly 90 feet; thence at a right angle southwesterly 25 feet; thence at a right angle southeasterly 90 feet to the point of beginning;

together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. All right, title, interest and estate of Hildegarde Mueller, also known as Hildegarde Mueller Melsheimer, and Carmelita Mueller, also known as Carmelita Mueller Meyerhoff, in and to Graff Building, the name under which they maintain offices and do business in the City of San Francisco, California, which is a business enterprise within the United States, and all property of any nature whatsoever owned or controlled by, payable or deliverable to, or held on behalf of, or on account of, or owing to, said business enterprise; and

d. All right, title, interest and claim of said business enterprise in and to a certain bank account in the Wells Fargo Bank and Union Trust Company, San Francisco, California, which is due and owing to and held for and in the name of said business enterprise, including but not limited to all security rights in and to any and all collateral for such account or portion thereof, and the right to enforce and collect same,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3–c and 3–d above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a and 3–b above) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it nccessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

That portion of 50 Vara Block No. 120 beginning at a point on the southerly line of Post Street, distant thereon 107 feet and 6 inches westerly from the westerly line of Grant Avenue; running thence westerly along said line of Post Street 34 feet and 4½ inches; thence at a right angle southerly 60 feet;

thence at a right angle easterly 34 feet and 4½ inches; thence at a right angle northerly 60 feet to the point of beginning; and

That portion of 50 Vara Block No. 120 beginning at a point on the northerly line of Maiden Lane, distant thereon 252 feet 1 inch easterly from the easterly line of Stockton Street; running thence easterly along said line of Maiden Lane 22 feet and 11 inches; thence at a right angle northerly 60 feet; thence at a right angle westerly 22 feet and 11 inches; thence at a right angle southerly 60 feet to the point of beginning.

[F. R. Doc. 43-13651; Filed, August 21, 1943; 10:31 a. m.]

[Amendment of Vesting Order 1163]

ESTATE OF AUGUST KRIENKE

In re: Estate of August Krienke, deceased; File No. D-28-1659; E. T. sec. 504.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation finding:

1. That Frederick Krienke, Alvina Krienke and Paulina Maass, and their issue, and each of them, are residents of Germany, and are nationals of a designated enemy country, Germany;

2. That the said Frederick Krienke, Alvina Krienke and Paulina Maass, and their issue, and each of them, are the owners of the real property described in subparagraph 3 hereof;

3. That the property described as follows:

Certain real property, together with all fixtures, improvements and appurtenances thereto, situated in LaSalle County, Illinois and Kossuth County, Iowa, and particularly described as follows:

Parcel I. The Southeast quarter (¼) of section twenty-nine (29) in Township thirty-four (34), North Range one (1) East of the Third (3rd) Principal Meridian, in the Town of Dimmick, LaSalle County, Illinois, excepting fifty (50) acres off the West side thereof.

Parcel II. The East one-half (½) of the South one-half (½) of the Northeast quarter (¼) of section twenty (20) in Township thirty-three (33), North, Range one (1) East of the Third Principal Meridian, in the Town of Peru, LaSalle County, Illinois.

Parcel III. The Northwest quarter (¼) of section twenty-three (23), in Township ninety-five (95), North, Range twenty-eight (28) West of the Fifth (5th) Principal Meridian, Kossuth County, Iowa.

Parcel IV. The South sixty-seven feet (67) of lots one (1) and two (2) and the South sixty-seven (67) feet of the East one-half (½) of lot three (3); the East one-half (½) of lot eight (8), lots nine (9) and ten (10), all in block one hundred ninety (190) in Brewster's Addition to Ninewa, the same being an Addition in and a part of the City of Peru, LaSalle County, Illinois, excepting however from the aforesaid premises the East fifty (50) feet of the South eighty-nine feet (89) of said lot ten (10).

Parcel V. The South fifty-seven (57) feet of lot five (5) and the South fifty-seven (57) feet of the West fifteen (15) feet of lot four (4) all in block one hundred seventy-one (171) in

Brewster's Addition to Ninewa, the same being an Addition in and a part of the City of Peru, LaSalle County, Illinois, excepting and reserving any and all coal and mining rights theretofore conveyed.

Parcel VI. Lots eight (8) and sixteen (16) in Bull's Subdivision of the North Fifty acres (50) of the West one-half (½) of the North West one-quarter (¼) of section No. ten (10) in Township No. thirty-three (33), North Range one (1) East of the Third (3rd) Principal Meridian, LaSalle County, Illinois, excepting the underlying coal and mining rights which have heretofore been conveyed.

is property within the United States owned by nationals of a designated enemy country, Germany;

4. Determining that to the extent that any or all of said nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons and each of them be treated as nationals of the aforesaid enemy country, Germany;

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record, held by or for persons other than Frederick Krienke, Alvina Krienke, and Paulina Maass, and their issue, and each of them, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13652; Filed, August 21, 1943; 10:31 a. m.]

[Amendment of Vesting Order 1231]

ANNA BORCHERS

Re: Real property, mortgage and claims owned by Anna Borchers.

Vesting Order Number 1231 of April 10, 1943 is hereby amended as follows and not otherwise:

By deleting the provision of subsection (b) (ii) of subparagraph 3 thereof, which reads:

Obligations arising from two bank accounts in the National City Bank of New York, designated as the account of Rabe, Keller & Davis, and the account of Rabe, Keller & Davis, Special Account,

and substituting therefor the following:

Obligations arising from a bank account in the National City Bank of New York, designated as the account of Davis and Quat, Special Account.

All other provisions of such Vesting Order Number 1231 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on August 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13653; Filed, August 21, 1943; 10:31 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

CHICAGO WHOLESALE LIQUOR ASSOCIATION

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), National Cordial Co., Inc., and 29 others, members of Chicago Wholesale Liquor Association, listed in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of alcoholic beverages in the Chicago, Illinois, area.

The participants in the plan propose to eliminate wasteful operations in the transportation of alcoholic beverages by limiting and curtailing deliveries and by operating more efficient routes. Philip Blum & Co., Inc., will operate its trucks not more than 6 days a week and the 29 other participants not more than 5 days a week. All participants agree to make not more than one delivery a week to a customer at any one point; to formulate plans of distribution to be made over "circle routes"; substantially to curtail all deliveries to customers located beyond reasonable distances from their premises; to load their trucks to capacity prior to departure on delivery trips; and generally to cooperate in conservation plans promulgated by the Office of Defense Transportation for the maintenance and operation of their motor vehicles. It is estimated that effectuation of the plan will result in savings of 40 percent or approximately 600,000 truck-miles a year.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attain-

ment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 19th day of August 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX A

(Wholesale Liquor Dealers of Chicago, except as noted *)

1. National Cordial Co., Inc.
2. Philip Blum & Co., Inc.
3. Italian Cheese Company.
4. Universal Liquor Co., Inc.
5. Northwestern Liquor Co.
6. Blue Eagle Wine & Liquor Co.
7. Old Gold Dist., Inc.
8. Judge & Dolph Ltd.
9. Union Distributors.
10. Casey & Evans, Inc.
11. McKesson & Robbins, Inc.
12. South Shore Liquors, Not Inc.
13. National Wine & Liquor Co.
14. LaSalle Wine & Liquor Co.
15. Sam Cassel Co.
16. Hol-Mar Co.
17. Mutual Liquor & Tobacco Co.
18. Morand Bros. Bev. Co.
19. Continental Distributing Co., Inc.
20. A. J. Samuel Co.
21. Old Castle Inc., Cicero, Illinois.*
22. Pioneer Atlas Liquor Co.
23. City Wine & Liquor Co.
24. Kusper Bros.
25. Universal Wine & Liquor Co.
26. Peerless Distributing Co., Inc.
27. Triple C Wholesale Liquors Inc.
28. Capitol Wine & Liquor Co.
29. South Side Wholesale Liquor Co.
30. Wells Liquor Co.

[F. R. Doc. 43-13691; Filed, August 23, 1943; 9:47 a. m.]

RECOMMENDATION FOR TRANSPORTATION OF LIVESTOCK BY COMMERCIAL MOTOR VEHICLE

In order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the following plan concerning the transportation of livestock by commercial motor vehicle is promulgated and recommended to the Chairman of the War Production Board for approval under section 12, Public Law 603, 77th Congress (56 Stat. L. 357).

1. *Purpose of recommendation.* The purpose of this recommendation is to enable producers, motor carriers, dealers and processors, who raise, buy, sell, transport, or handle livestock, to cooperate with each other and with the Office of Defense Transportation in the transportation of such livestock by motor truck in such manner as will result in conservation and provident utilization of motor vehicles and as will provide, insofar as possible, for the prompt and continuous movement of livestock by such vehicles.

2. *Area Livestock Industry Transportation Advisory Committee.* The producers, motor carriers, dealers, and processors, who raise, sell, buy, transport, or handle, as the case may be, livestock which is located within the territory of any District Manager of the Division of Motor Transport, Office of Defense Transportation, or any other area approved by the Office of Defense Transportation, may elect or select a committee, to be known as the Area Livestock Industry Transportation Advisory Committee, which shall be truly and equitably representative of such producers, motor carriers, dealers and processors.

3. *Notice of election or selection.* A notice shall be published in a newspaper or newspapers, having a general circulation within such area, fixing a time not less than ten (10) days after such publication, and a place, at which such committee will be elected or selected. The notice shall state that all such producers, motor carriers, dealers and processors are entitled to participate in the election or selection of the committee.

4. *Election of chairman; preparation of statement in writing.* The members of such committee shall elect a chairman. Immediately upon his election, the chairman, or other officer, of such committee shall file a statement in writing with the Office of Defense Transportation at Washington, D. C., which shall contain (1) the name and address of each member of the committee, (2) the class or group which each member of the committee purports to represent, (3) a geographical description of the area within which the committee will act, (4) the method utilized in electing or selecting each member of the committee, including a copy of the notice of such election or selection, together with proof of publication of such notice, (5) the number of persons, by class or group, who participated in such election or selection, (6) the specie(s) of livestock to be transported, and (7) such other information as may be required by the Office of Defense Transportation.

5. *Approval of the Office of Defense Transportation.* No action shall be taken by the committee until the election or selection of the committee has been approved by the Office of Defense Transportation. If, in the opinion of the Office of Defense Transportation, the committee was elected or selected in conformance with the provisions, conditions, and limitations of this Recommendation, as certified under section 12, Public Law 603, 77th Congress (56 Stat. L. 357), the committee will be recognized by the Office of Defense Transportation as exclusively authorized to act within such area in the manner hereinafter described. Notwithstanding such approval, the Office of Defense Transportation may remove, at any time, any person elected or selected as a member of such committee.

6. *Appointment of administrator; functions.* At the time such committee is approved, the Office of Defense Transportation will appoint an administrator, who shall be an employee of the Office of Defense Transportation. The administrator shall, with the advice and assistance of the Area Livestock Industry Transportation Advisory Committee, direct the movement of motor trucks in the transportation of livestock within such area in such manner, and at such time or times, as will conserve and providently utilize such motor trucks and provide, insofar as possible, for the continuous movement of livestock by such trucks.

7. *Function of Area Livestock Industry Transportation Advisory Committee.* The Area Livestock Industry Transportation Advisory Committee, under the supervision and direction of the administrator, shall:

(a) Acquire and record information, from time to time, of the approximate quantity, type, and kind, of livestock located within the area, the point or points to or from which, and the time or times at which, the transportation of such livestock by motor truck will be required;

(b) Maintain records approved by the Office of Defense Transportation concerning motor carriers and the operations of such carriers in the transportation of livestock to or from points within such area;

(c) Make recommendations to the Office of Defense Transportation, from to time, in respect of the issuance, amendment, modification, recall, suspension, cancellation or revocation of a Certificate of War Necessity pertaining to any motor vehicle utilized in the transportation of livestock to or from points within such area;

(d) Appoint a sub-committee, which shall be known as the Local Livestock Industry Transportation Committee, for any territory assigned to such sub-committee within such area. The sub-committee shall be representative of (i) those persons having possession or control of livestock to be transported within such territory, the transportation of which by motor truck will be required, (ii) of motor carriers engaged in the transportation of livestock who serve points within such territory and (iii) of the processors and dealers in livestock, if any, who process or deal in livestock within such territory.

8. *Function of Local Livestock Industry Transportation Committee.* The Local Livestock Industry Transportation Committtee shall perform such duties as may be assigned to it by the administrator and shall advise and assist the administrator in directing the movement of motor trucks in the transportation of livestock to or from points within the territory, or between points therein and other points within the area.

9. *Restrictions and prohibitions.* (a) Except as provided by subparagraph (c) of paragraph 7 of this Recommendation, neither the administrator nor any of such committees shall take any action which will deny any producer, processor, dealer, or handler of livestock the transportation thereof by motor truck at such time or times, or to or from such point or points, as he may designate;

(b) Except as provided by paragraphs 6 and 8, and subparagraph (c) of paragraph 7, of this recommendation, neither the administrator nor any of such committees shall take any action which will deny any motor carrier the right to transport livestock to or from points within the area.

(c) No action shall be taken by the administrator, or by any of such committees, concerning the transportation of livestock by the use of any facility or means other than motor trucks, or which will require any motor carrier to perform any transportation service that is not sanctioned by law or is beyond the carrier's transportation capacity.

10. Any producer, motor carrier, dealer, or processor may complain, in writing, to the administrator in respect of any act performed by him or by any of such committees, or any member thereof. Any such complaint shall be considered and decided by the administrator, with the advice and assistance of the Area Livestock Industry Transportation Advisory Committee. If any such person is not satisfied with the decision of the administrator, he may appeal, in writing, to the Regional Manager, Division of Motor Transport, Office of Defense Transportation, for the region within which such area is located. If the decision of the Regional Manager be adverse, in whole or in part, to such person, he may appeal, in writing, to the Director, Division of Motor Transport, Office of Defense Transportation, Washington, D. C., whose decision shall be final: *Provided*, That the provisions of this paragraph shall not apply to any complaint made by a motor carrier in respect of the issuance, amendment, modification, recall, suspension, cancellation or revocation of a certificate of war necessity and any such complaint, and any proceeding in respect thereof, shall be exclusively governed by, and be in accordance with, the provisions of any applicable order pertaining thereto issued by the Office of Defense Transportation.

11. *Certificate No. 115; limited to action in conformance with recommendation.* Notice is hereby given that Certificate No. 115 issued by the Chairman, War Production Board, under section 12, Public Law 603, 77th Congress (56 Stat. L. 357) applies only in respect of acts performed in accordance with the terms of this recommendation.

12. *Records; inspection.* The administrator, the Area Livestock Industry Transportation Advisory Committee, and the sub-committees, each shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Such records shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

13. *Termination.* This recommendation shall remain in full force and effect until six months after the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation may designate, or until any certificate issued in respect of this recommendation shall have been withdrawn by the Chairman of the War Production Board in the manner provided by section 12, Public Law 603, 77th Congress (56 Stat. L. 357).

Issued at Washington, D. C., this 20th day of August 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-13690; Filed, August 23, 1943; 9:47 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under § 1341.566 of Maximum Price Regulation 306]

CANNERS OF FRUIT COCKTAIL AND MIXED FRUIT

ADJUSTMENT OF MAXIMUM PRICE

Order No. 3 under § 1341.566 of Maximum Price Regulation No. 306—Certain Packed Food Products.

For the reasons given in the accompanying opinion and pursuant to § 1341.566 of Maximum Price Regulation No. 306, *It is ordered:*

That, canners of fruit cocktail and mixed fruit may sell and deliver the same under agreements with buyers in each case to adjust the selling price in accordance with action taken by the Office of Price Administration after delivery thereof.

This order shall become effective August 21, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of August 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-13687; Filed, August 21, 1943; 4:16 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 21, 1943.

Order Number and Name

MPR 39, Order 11, Craftex Mills, Inc.
MPR 120, Order 235, Utah Blue Diamond Coal Co.
MPR 246, Order 13, Celina Mfg. Co.
MPR 246, Order 14, Harriman Mfg. Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-13719; Filed, August 23, 1943; 11:34 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTED ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 20, 1943.

Order Number and Name

RPS 58, Order 3, Azad B. Karabagui.
RPS. 41, Order 21, Hartford Electrical Steel Corp. & Roxbury Casting Co.
RPS 6, Order 47, Kaiser Co. Inc.
RPS 60, Order 7, California & Hawaiian Refining Corp.
MPR 136, Order 92, Tuth Pump Co.
MPR 136, Order 93, Hart-Carter Co.
MPR 244, Order 25, Am 1, Standard Buffalo Foundry.
MPR 347, Order 3, Cleveland Mica Co.
Supp. Order 9, Order 10, U. S. Industrial Chemicals, Inc.
Supp. Reg. 15, Order 91, South Jersey Port Commission.
Rev. Supp. Reg. 1, Order 30, T. D. Baker & Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-13718; Filed, August 23, 1943; 11:34 a. m.]

Regional, State, and District Office Orders.

[Region III Order G-6 Under MPR 329]

FLUID MILK IN MCCRACKEN COUNTY, KY.

Order No. G-6 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 (c) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) Any milk distributor in the County of McCracken in the State of Kentucky may pay producers an amount not in excess of $3.00 per cwt. for "milk" of 4% butterfat content, plus or minus 4½¢ for each 1/10 of 1% butterfat variation over or under 4%.

(b) Each milk distributor increasing his price to producers for "milk" pursuant to the provisions of this order shall, within five days of such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(c) *Definitions.* (1) "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper or other containers.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operations of a farm

on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do not own or lease physical facilities for receiving, processing or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Milk" means liquid cow's milk in a raw, unprocessed state, which is purchased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(d) This order may be modified, amended or revoked at any time.

This order shall be effective as of June 15, 1943.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued July 19, 1943.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 43-13666; Filed, August 21, 1943; 12:00 p. m.]

[Region III Order G-7 Under MPR 329]

FLUID MILK IN VANDERBURGH COUNTY, IND.

Order No. G-7 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 (c) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) Any milk distributor in the County of Vanderburgh in the State of Indiana may pay producers for "milk" an amount not in excess of 85¢ per pound butterfat (or $3.40 per cwt. for milk of 4% butterfat content).

(b) Each milk distributor increasing his price to producers for "milk" pursuant to the provisions of this order shall, within five days of such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(c) *Definitions.* (1) "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper or other containers.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operations of a farm on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Milk" means liquid cow's milk in a raw, unprocessed state, which is purchased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(d) This order may be modified, amended or revoked at any time.

This order shall be effective as of July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued July 19, 1943.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 43-13668; Filed, August 21, 1943; 12:00 p. m.]

[Region III Order G-1 Under MPR 280]

BULK MILK IN CUYAHOGA, WAYNE AND SUMMIT COUNTIES, OHIO

Correction

In F.R. Document 12607 appearing on page 10917 of the issue for Thursday, August 5, 1943, the issuance and effective dates should read "December 16, 1942."

[Region IV Order G-4 Under Rev. MPR 122]

SOLID FUELS IN RALEIGH, N. C.

Order No. G-4 under § 1340.260 of Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers. Maximum prices for solid fuels in the City of Raleigh, in the State of North Carolina.

Pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, *It is ordered:*

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of Raleigh in the State of North Carolina. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point in the City of Raleigh in the State of North Carolina; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(2) This order contains a price schedule applicable to sales of low volatile and high volatile bituminous coal from District Nos. 7 and 8, respectively.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-4 but less than maximum prices may at any time be charged, paid, or offered,

(2) Obtain a higher than maximum price by

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this Order.

(ii) Charging a price higher than the schedule price for a service,

(iii) Making any charge for the extension of credit,

(iv) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(v) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule, sales on a "direct delivery or domestic" basis.*

(1) *Retail sales.* The price schedule sets forth maximum prices for retail sales of specified sizes, kinds and quantities of solid fuels delivered to consumers at any point within the corporate limits of the City of Raleigh in the state of North Carolina.

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT No. 8

Size	Per ton (2000 pounds)	Per ½ ton (1000 pounds)	Per ¼ ton (500 pounds)
Egg	$9.50	$5.00	$2.65
Stoker	9.40	4.95	2.60
Nut and slack	8.65	4.58	2.41

LOW VOLATILE BITUMINOUS COAL FROM DISTRICT No. 7

Size	Per ton (2000 pounds)	Per ½ ton (1000 pounds)	Per ¼ ton (500 pounds)
Lump and egg	$11.40	$5.95	$3.10
Stove	10.75	5.65	2.95
Domestic nut	9.50	5.20	2.75
Domestic pea	9.30	4.90	2.55
Domestic run-of-mine	9.80	5.15	2.70
Domestic straight run-of-mine	8.95	4.75	2.49
Nut and slack	8.70	4.60	2.43

(2) *Sale of coal in sacks.* Dealer may charge not more than 70 cents for 90 lb. bag of any kind of coal listed in the above schedule.

(3) *Maximum authorized service charges and deductions*—(i) *Carry or wheel service or carry up or down stairs service:* If buyer requests such service, the dealer may charge not more than $1.00 per ton for such service.

(ii) *Sacking:* Dealer may charge $1.00 per ton for the service of putting coal in sacks furnished by the purchaser; the dealer may charge $3.00 per ton for the same service if he furnished the sacks.

(iii) *Yard sales:* When buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price of his coal $1.00 per ton.

(iv) *Quantity sales:* When buyer purchases in carloads, the dealer must reduce the domestic price $1.00 per ton; on sales between dealers in any quantity the dealer must reduce the domestic price $1.50 per ton.

(v) *Sales tax:* The State Sales Tax of 3% may be added to the prices shown in Price Schedule 1.

(d) *Ex parte 148 freight rate increase: transportation tax.*—(1) *The freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by Section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order: *Provided,* The dealer states it separately from the price on the statement given to the buyer under paragraph (n) (2). But no part of that tax may be collected in addition to the maximum price on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(g) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke, or rescind this Order, or any provision thereof, at any time.

(i) *Applicability of other regulations.* Every dealer subject to this Order is governed by the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(h) *Records and reports.* Every dealer subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(i) *Posting of maximum prices: sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (n) (2) shall not apply to sales of quantities of less than one-quarter ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Raleigh, North Carolina District Office of the Office of Price Administration.

(k) *Definitions and explanations.* When used in this order No. G-4 the term,

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or of any fuel in quarter ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "Wheel" and "carry up or down stairs" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, sack or stairs or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(8) "High volatile bituminous coal" and "low volatile bituminous coal" refers to coal produced in certain sections of the producing districts specified herein.

(9) "Lump, egg, stove, stoker, domestic nut, domestic pea, nut and slack" sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" and "domestic straight run-of-mine" shall be that size sold as such by the dealer.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(l) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-4 shall become effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 8781; E.O. 9328, 8 F.R. 4681)

Issued August 21, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-13665; Filed, August 21, 1943; 11:58 a. m.]

[Region V Rev. Order G-2 Under MPR 333]

EGGS IN CERTAIN PARISHES OF LOUISIANA

Revised Order No. G-2 under Maximum Price Regulation No. 333 (§ 1429.-63). (Formerly Revised General Order No. 2). Egg and Egg Products. Modification of prices in certain named parishes in the State of Louisiana.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority of § 1429.63 of Maximum Price Regulation No. 333, as amended, *It is hereby ordered:*

(a) That the maximum price for any person selling and delivering Grades A and B of consumer grade shell eggs to:

(1) Any retailer other than a "large retailer"

(2) Any commercial, industrial, institutional or non-Federal Governmental user

shall be as hereinafter set out in Table A, when such purchaser or purchasers are located in any of the parishes of East Baton Rouge, Jefferson, Orleans or Plaquemines in the State of Louisiana:

TABLE A.—WEEKLY PRICES MONDAY THROUGH SUNDAY

1943—Week beginning	June 28	July 5	July 12	July 19	July 26	August 2	August 9	August 16	August 23	August 30	September 6	September 13	September 20	September 27	October 4	October 11	October 18	October 25	November 1	November 8	November 15	November 22	November 29	December 6	December 13	December 20	December 27
Grade A	45	46	47	48	49	50	51	52	52	53	54	55	56	57	58	58	59	59	59	58	57	56	55	53	53	52	51
Grade B	42	42	43	44	44	45	46	46	46	47	47	47	47	48	49	49	49	49	50	50	50	50	50	48	48	48	48

(b) Maximum prices for any person selling and delivering Grades A and B of consumer grade shell eggs to any "large retailer" located in any of the parishes of East Baton Rouge, Jefferson, Orleans or Plaquemines in the State of Louisiana, when delivered at such large retailer's warehouse, shall be the same prices set forth in Table A incorporated in section (a) of this revised order, less 1½ cents per dozen.

(c) Maximum prices for other sizes and grades. The premiums specified in § 1429.67 (g) of Maximum Price Regulation No. 333 for other egg sizes and grades shall be applicable to the prices set out in Table A above, except that any sale made to a "large retailer" at his warehouse shall be 1½ cents per dozen less than the same sale would be to the class of buyers listed in section (a) (1) of this revised order.

(d) Unless the context otherwise requires, the definitions as set forth in Maximum Price Regulation No. 333, as amended, shall apply to all of the terms used herein.

(e) This Revised Order No. G–2 under § 1429.63 of Maximum Price Regulation No. 333, as amended, shall become effective at 12:01 A. M. Monday, July 19, 1943, and shall expire, unless sooner terminated, midnight, December 31, 1943.

(f) This revised general order may be revoked or amended at any time by the Regional Administrator, Region V.

(g) This Revised Order No. G–2 includes all of the provisions of Order No. G–2 originally issued, together with the amendments thereto necessary by reason of Amendment No. 10 to Maximum Price Regulation No. 333, and, therefore, may be considered as superseding Order No. G–2.

Issued this 19th day of July 1943, at Dallas, Texas.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 43–13672; Filed, August 21, 1943; 12:00 p. m.]

[Region V Order G–2 Under MPR 329, Amdt. 1]

FLUID MILK, DALLAS, TEXAS REGION

Amendment No. 1 to Order No. G–2 under Maximum Price Regulation No. 329. (Formerly General Order No. II.) Purchases of milk from producers for resale as fluid milk. Modification of prices in Region V.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region V, Office of Price Administration, by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That Order No. G–2, issued by the Regional Administrator of Region V under Maximum Price Regulation No. 329, be amended in the following respects:

1. The heading of subsection (2) of section (a) is amended to read as follows:

Take the following specific maximum prices provided in this subsection (2) unless you were not purchasing milk from the particular producer during the 90 day period preceding July 12, 1943. If you did not purchase milk from the particular producer during such period, then you must take as a maximum price for the particular purchase the price arrived at in accordance with subsection (1) above or subsection (3) below of this section (a).

2. The following new subsection (3) is added to section (a), and reads as follows:

(3) If you did not purchase milk from the particular producer at any time during the 90 day period preceding July 12, 1943, the maximum price which you may pay such producer shall be determined as follows, unless you elect to use sub-section (1) of this section (a) above:

(i) If any purchaser of milk should purchase milk from a producer who was producing milk for sale during the 90 day period preceding July 12, 1943, but who was not selling such milk to this particular purchaser during this period, the maximum price which such purchaser may pay such producer shall be the established maximum price paid that particular producer by a purchaser of the same or most similar class who purchased milk from that particular producer during the 90 day period preceding July 12, 1943: *Provided*, That such price shall not exceed the price which the purchaser so determining a price would have arrived at under subsection (2) of this section (a): *Provided, further*, That such price shall be adjusted for difference in cost of transportation from the point of production to the point of delivery between the present purchaser and the purchaser who was buying such milk during the 90 day period referred to; and, *Provided, further*, That such price shall be subject to applicable price differentials, allowances, and discounts for grade or quality, type of purchaser, or otherwise.

(ii) If any purchaser of milk shall purchase milk from a producer who was not producing milk for sale at any time during the 90 day period preceding July 12, 1943, the purchaser has the option of determining the maximum price on the purchase from that particular producer under either subsection (1) or (2) of this section (a).

This Amendment No. 1 to Order No. G–2 under Maximum Price Regulation No. 329 shall become effective at 12:01 a. m. on the 18th day of July 1943.

Issued at Dallas, Texas, this the 13th day of July 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 43–13671; Filed, August 21, 1943; 11:58 a. m.]

[Region VI Order G–85 Under 18 (c)]

MILK IN PEKIN, ILLINOIS

Order No. G–85 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Pekin, Illinois.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.13 (c) of the General Maximum Price Regulation, *It is ordered:*

(a) *Revocation of previous order.* Order No. G–35, formerly Regional Order No. 42, issued under § 1499.18 (c) of the General Maximum Price Regulation, is hereby revoked and superseded by this Order No. G–85.

(b) *Maximum prices.* The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Pekin, Illinois area shall be:

	Wholesale	Retail
	Cents	*Cents*
Regular milk:		
Gallon	40	[illegible]
Half gallon	22	25
Half gallon price in purchase of two units or more	[illegible]	23
Quart	11	14
Quart price in purchase of four units or more	[illegible]	13
Pint	7	8
Half pint	3	5
Homogenized vitamin D milk:		
Quart	12½	15
Quart price in purchase of four units or more	[illegible]	14
Pint	[illegible]	8½
Half pint	[illegible]	5
Chocolate milk:		
Quart	11½	14½
Half pint	[illegible]	[illegible]
Buttermilk:		
Gallon	34	40
Half gallon	17	22
Quart	10	12
Skim milk:		
Gallon	16	[illegible]
Quart	[illegible]	7

(c) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Pekin, Illinois area shall mean:

i. All sales made within the city limits of Pekin, Illinois and within an area of five miles from the city limits and all sales at or from an establishment located in Pekin, Illinois; and

ii. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Pekin, Illinois.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, bottled, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(d) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(e) This order may be revoked, amended or corrected at any time.

This order shall become effective July 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–13669; Filed, August 21, 1943; 11:59 a. m.]

[Region VI Order G–86 Under 18 (c) and 75 (a) (3)]

HAULING CUCUMBERS AND CAULIFLOWER IN WISCONSIN

Order No. G–86 under §§ 1499.18 (c) and 1499.75 (a) (3) of the General Maximum Price Regulation. Adjusted maximum prices for hauling cucumbers and cauliflower in Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region VI of the Office of Price Administration by §§ 1499.18 (c) and 1499.75 (a) (3) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *What this order does.* This order allows a permitted increase in the established maximum prices for the hauling of cucumbers and cauliflower from growing fields to receiving stations, salting stations and other processing plants, and from receiving stations to salting stations and other processing plants. The "established" maximum price for sellers who did not furnish the same or similar hauling services in the past is determined by reference to the price of the most closely competitive seller, in accordance with the provisions of the General Maximum Price Regulation.

(b) *Permitted increases for hauling services.* The following additions may be made to the established maximum prices for hauling services covered by this order:

(1) Any hauler who has a maximum price established on a truck-man-hour basis may add 20¢ per truck-man-hour to his maximum price.

(2) Any hauler whose maximum price is established on some basis other than a truck-man-hour basis may add to this established maximum price a sum equal to 15% thereof. The hauler shall calculate his charges on the unit (such as per cwt., per ton, per mile, per load, per hour, or any other basis) actually used by him in establishing his maximum price. All calculations of the unit charge shall be carried to the nearest one-tenth of a cent.

(c) *Definitions.* As used in this order:

(1) "Truck-man-hour basis" refers to the practice of making a charge by the hour for the use of a vehicle in combination with the services of one man under an agreement or understanding whereby the lessor assumes the expense of operation and maintenance.

(2) "Hauling" includes any transportation services and any leasing of transportation equipment, whether in combination with the services of a driver or otherwise. Services furnished by any person as an employee are not included.

(d) *Geographical applicability.* This order applies to hauling of cucumbers and cauliflower from fields and receiving stations in Wisconsin and hauling to receiving stations and processing plants located in Wisconsin.

(e) *Revocability.* This order may be amended, corrected or revoked at any time.

(f) *Effective date.* This order shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–13670; Filed, August 21, 1943; 12:00 p. m.]

[Region VIII Order G–2 Under MPR 333]

EGGS IN DESIGNATED COUNTIES OF NEVADA AND CALIFORNIA

Order No. G–2 under Maximum Price Regulation No. 333, as amended—Eggs and Egg Products.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1429.63 of Maximum Price Regulation No. 333, as amended, *It is hereby ordered:*

(a) The adjusted maximum price for sales of consumer grade shell eggs in the counties of Churchill, Douglas, Elko, Humboldt, Lyon, Ormsby, Pershing, Storey, Washoe, and that portion of the counties of Eureka and Lander situated north of the 40° parallel, in the State of Nevada, and in the counties of Alpine and Lassen, and that portion of the counties of Eldorado, Placer, Nevada and Sierra situated east of the summit of the Sierra Nevada, in the State of California, shall be the maximum price for shell eggs as specified in §§ 1429.67, 1429.68 and 1429.69 of Maximum Price Regulation No. 333, as amended, for the City of San Francisco in the State of California.

(b) The adjusted maximum price for sales of consumer grade shell eggs in the counties of Clark, Esmeralda, Lincoln, Mineral, Nye, White Pine and that portion of the counties of Eureka and Lander situated south of the 40° parallel, in the State of Nevada, shall be the maximum price for shell eggs as specified in §§ 1429.67, 1429.68 and 1429.69 of Maximum Price Regulation No. 333, as amended, for the City of Los Angeles in the State of California.

(c) This order may be revoked, amended or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13673; Filed, August 21, 1943; 11:59 a. m.]

[Region VIII Rev. Order G–2 Under 18 (c), Amdt. 12]

MILK AND CREAM IN DEL NORTE COUNTY, CALIFORNIA

Amendment No. 12 to Revised Order No. G–2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. (Formerly Revised Order No. 3 under section 18 (c), as amended, of the General Maximum Price Regulation.) Adjusted maximum prices of fluid milk and cream at wholesale and retail in certain localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That Revised Order No. G–2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c), as amended, of the General Maximum Price Regulation) be amended as set forth below:

(a) Schedule B as amended is hereby further amended by adding at the end thereof the following:

DEL NORTE COUNTY

[Not less than 3.5% milk fat]

	Wholesale	Retail
Quart, glass or fibre	$0.11	$0.13
Pint	.07	.085
Half-pint	.04	[illegible]

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13674; Filed, August 21, 1943; 11:59 a. m.]

[Region VIII Order G–3 Under MPR 154]

ICE IN CHENEY, WASHINGTON, AREA

Order No. G–3 under Maximum Price Regulation No. 154, as amended—Ice.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1393.8 (c) of Maximum Price Regulation No. 154; *It is hereby ordered:*

(a) The adjusted maximum price for sales of ice at wholesale by ice manufacturers located in Cheney, Washington, shall be as follows:

(1) For sales of ice delivered in Cheney, Washington, the adjusted maximum price shall be $7 per ton.

(2) For sales of ice delivered to the premises of buyers located in the towns of Reardon and Medical Lake, Washington, the adjusted maximum price shall be $9 per ton.

(b) The adjusted maximum price for sales of ice at retail in Reardon and Medical Lake, Washington, shall be as follows:

Quantity unit:	*Adjusted maximum price per pound*
50 pounds or less	$0.01
51 to 99 pounds	.075
100 pounds or more	.006

(c) The adjusted maximum price for sales of ice at retail in Cheney, Washington, shall be $.01 per pound.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13675; Filed, August 21, 1943; 11:58 a. m.]

[Region VIII Order G-6 Under MPR 165]

HANDLING OF TUNA FISH IN WASHINGTON, OREGON, AND CALIFORNIA

Order No. G-6 under Maximum Price Regulation No. 165, as amended—Services.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, *It is hereby ordered:*

(a) The adjusted maximum price for the "services rendered in connection with the handling of fresh tuna fish" in the States of Washington, Oregon, and California shall be as follows:

(1) $22.50 per net ton of 2,000 pounds, plus cost of transportation from dock or other customary receiving point at port of entry to "customary receiving point of canner".

(b) *Definitions.* (1) "Services rendered in connection with the handling of fresh tuna fish" shall mean unloading of boats, receiving on dock or other point of unload, weighing, storage, furnishing of ice and icing, loading on cars, trucks, or other conveyances for shipment to "customary receiving point of 'canner'", and furnishing such other services and facilities as may be necessary to accomplish the foregoing: *Provided,* That if boxes are furnished by the person performing such services, the actual cost of the boxes, not to exceed the maximum price, may be charged in addition to the adjusted maximum price.

(2) "Cost of transportation" shall mean the lowest available common carrier rate, or, if no such rate is available, the actual cost of such transportation, not to exceed the maximum price of the person furnishing such service.

(3) "Customary receiving point of 'canner'" shall mean the canner's place of business or the spur or sidetrack designated by the canner at or near his place of business.

(4) "Canner" shall mean a person who preserves tuna fish by processing and hermetically sealing in metal or other containers.

(c) This order may be revoked, amended, or corrected at any time. This order shall become effective July 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13667; Filed, August 21, 1943; 11:59 p. m.]

[Region VIII Order G-2 Under Rev. MPR 122]

BITUMINOUS COAL IN SEATTLE, WASH., AREA

Correction

In F.R. Document 12716 appearing on page 11011 of the issue for Saturday, August 7, 1943, the figure in the second column of Table IX opposite Size group 21 should be "$8.65."

In Table X the last item under "Size groups" should read:

22 Slack 1¼ x 0"

The figure in the first column of Table X opposite Size group 13 should be "$.65."

In Table XII the figure in the last column should be "$10.15."

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-245]

ATLANTIC SECURITIES COMPANY OF BOSTON

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of August, A. D. 1943.

An application having been filed by The Atlantic Securities Company of Boston pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on August 30, 1943, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13648; Filed, August 21, 1943; 9:57 a. m.]

[File Nos. 54-74 and 59-69]

NORTH CONTINENT UTILITIES CORPORATION AND SUBSIDIARY COMPANIES

NOTICE OF FILING OF APPLICANTS' APPLICATIONS AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 20th day of August, A. D. 1943.

North Continent Utilities Corporation and its subsidiaries having previously filed an application for approval of a plan of liquidation pursuant to section 11 (e) of the Public Utility Holding Company Act, and the Commission having previously instituted proceedings directed to North Continent Utilities Corporation and its subsidiaries pursuant to sections 11 (b) (1) and 11 (b) (2) of the Act, both of which proceedings are now pending before the Commission;

Notice is hereby given that North Continent Utilities Corporation and its subsidiary companies, Highland Utilities Company and Southern Arizona Public Service Company, have filed with this Commission applications and declarations, designated as "Application No. 1" and "Application No. 2" respectively, pursuant to sections 11 (b) (1), 11 (b) (2), and 11 (e) and any other applicable sections of the Act and the rules promulgated thereunder, with respect to certain transactions in connection with North Continent's plan of liquidation.

All interested persons are referred to said applications and declarations, which are on file in the offices of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

Highland Utilities Company proposes to sell to the Empire Electric Association, Inc., a Colorado corporation, its electric transmission and distribution system located in the County of Montezuma, State of Colorado, together with the real estate and other assets pertinent thereto, for a base price of $150,000 in cash, subject to certain adjustments to the date of sale. These properties are known as the "Mesa Verde Division" of Highland, serving the towns of Delores, Cortez, and Mancos.

Southern Arizona Public Service Company proposes to sell to Sulphur Springs Valley Electric Cooperative, Inc., an Arizona corporation, all of its electric generation, transmission and distribution systems, ice and water plants, which are located in the County of Cochise, State of Arizona, together with the real estate and other assets pertinent thereto, for a base purchase price of $155,000 subject to certain adjustments to the date of sale.

The proceeds of these sales, after deducting necessary expenses, will be deposited in the general funds of Highland and Southern Arizona respectively, and, to the extent legally possible, will be made available to its sole stockholder, North Continent. Concurrently, North Continent will, to the extent that such net proceeds are made available to it, deposit such funds with the Trustee under the indenture securing its First Lien Collateral and Refunding Gold Bonds, Series A, 5½%, due January 1, 1948, to be used by the Trustee in making ratable payments upon the unpaid principal of the Bonds, as provided in North Continent's plan.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters and that the applications and declarations of North Continent and its subsidiaries shall not be granted or permitted to become effective except pursuant to further order of this Commission.

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on September 2, 1943 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations and applications shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named applicants and declarants and to all interested parties, said notice to be given to said applicants and declarants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate herein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's Rules of Practice on or before August 28, 1943.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said applications and declarations, particular attention will be directed at the said hearing to the following matters and questions:

(1) Whether the proposed transactions are in compliance with the applicable provisions of the Act;

(2) Whether the considerations to be received in connection with the proposed sales are fair and reasonable;

(3) Whether the accounting entries to be made in connection with the proposed sales and the adjustment of accounts incident thereto are in accord with sound and accepted principles of accounting.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13694; Filed, August 23, 1943; 10:02 a. m.]

[File No. 68-28]

NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER FOR HEARING

In the Matter of Arthur E. Spellissy, Benjamin S. Mechling and James H. Orr, as Committee for holders of preferred stock of New England Public Service Company, File No. 62-28,

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of August, 1943.

Notice is hereby given that a declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935, and particularly section 12 (e) thereof and Rule U-62 promulgated thereunder, by Arthur E. Spellissy, Benjamin S. Mechling and James H. Orr, as a Committee for the holders of Preferred Stock, $6 Dividend Series and Preferred Stock, $7 Dividend Series, of New England Public Service Company, a subsidiary of Northern New England Company, both registered holding companies. All interested persons are referred to said declaration, which is on file in the office of this Commission, for a full statement of the action therein proposed, which may be summarized as follows:

The declarants propose to solicit authorizations from the holders of the Preferred Stock of New England Public Service Company and to represent such stockholders in the pending proceedings before the Commission relating to the plan filed by New England Public Service Company on December 7, 1941 (File No. 95-15) proposing a method of complying with the applicable provisions of the Public Utility Holding Company Act of 1935, particularly section 11 thereof, or any other relevant proceedings.

Said declaration indicates that two members of the Committee, namely Arthur E. Spellissy and Benjamin S. Mechling, own stock of New England Public Service Company. Spellissy owns 2200 shares of Preferred stock, $6 Didivend Series and 1500 shares of Preferred Stock $7 Dividend Series. Mechling owns 2000 shares of Preferred Stock, $6 Dividend Series and 1400 shares of Preferred Stock, $7 Dividend Series. In addition, he owns 100 shares of $6 Preferred Stock of Central Maine Power Company, a subsidiary of New England Public Service Company. The declaration also indicates that declarants have been authorized to represent approximately twenty-one other holders of stock of New England Public Service Company who own 12,410 shares of Preferred Stock, $6 Dividend Series and 3500 shares of Preferred Stock, $7 Dividend Series.

The declaration sets forth specific limitations on members of the Committee and on the companies with which they are connected with respect to their dealings in securities of New England Public Service Company and its subsidiaries with the exception of First Boston Corporation of which James H. Orr is a director. Declarants request that First Boston Corporation be exempted from the conditions imposed by paragraph (g) of Rule U-62.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration, and that said declaration shall not become effective except pursuant to the further order of the Commission.

It is ordered, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules thereunder be held on September 14, 1943 at 10:00 a. m., e. w. t. at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at such time by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings, shall notify the Commission in the manner provided by Rule XVII of the Commission's Rules of Practice, on or before September 11, 1943.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at the hearing to the following matters and questions:

1. The nature of the respective claims or interests of the holders of the Preferred Stock, $6 Dividend Series and Preferred Stock, $7 Dividend Series, and whether there exists a conflict of interest between such respective claims and interests, and whether any such conflict of interest is material with respect to representation by such committee.

2. Whether the statements proposed to be made in the solicitation material, in the light of the circumstances under which such statements are intended to be made, are misleading, or whether any material facts necessary in order to make the statements therein not misleading are omitted therefrom.

3. Whether the requirements of paragraphs (g) and (h) (1) of Rule U-62 as

applied to the proposed solicitation are not necessary or appropriate in the public interest or for the protection of investors or consumers with respect to First Boston Corporation, and whether such company should be exempted from said requirements, and whether the Commission should so order pursuant to Rule U-100.

4. Whether such declaration as filed, or as may be amended, should be permitted to become effective as consistent with the standards of section 12 (e) of the Act and Rule U-62 promulgated thereunder.

5. Whether the public interest or the interest of investors and consumers require the imposition of terms and conditions with respect to such proposed solicitation.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to New England Public Service Company and Northern New England Company and to the declarants and that notice shall be given to all other persons by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13695; Filed, August 23, 1943; 10:08 a. m.]

WAR FOOD ADMINISTRATION.

ASSIGNMENT OF PREFERENCE RATINGS TO FARMERS FOR INTERNAL COMBUSTION ENGINES FOR FARM USE

DELEGATION OF AUTHORITY

Delegation of authority to the Deputy Administrator in charge of the Office of Materials and Facilities of the War Food Administration, the State and County USDA War Boards and the County Farm Rationing Committees to assign preference ratings for internal combustion engines for farm use.

The authority vested in me by War Production Board Directive 28 to assign preference ratings to farmers and to persons operating farm equipment for hire on farms is hereby delegated to the Deputy Administrator in charge of the Office of Materials and Facilities of the War Food Administration, the State and County USDA War Boards and the County Farm Rationing Committees. In exercising such authority, the State and County USDA War Boards and the County Farm Rationing Committees shall operate under procedures and instructions formulated by the Deputy Administrator.

(WPB Directive 28, 8 F.R. 11021)

Issued this 23d day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13702; Filed, August 23, 1943; 11:20 a. m.]

1944 HAWAIIAN SUGARCANE PRICES AND WAGE RATES

NOTICE OF PUBLIC HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937, (Public No. 414, 75th Congress), as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943,

Notice is hereby given that a public hearing will be held at Honolulu, on the Island of Oahu, Territory of Hawaii, on September 15, 1943, at 9:30 a. m., in the Court Room of the United States District Court for the Territory of Hawaii, in the Federal Building at Honolulu.

The purpose of the hearing is to receive evidence likely to be of assistance to the War Food Administrator in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane during the calendar year 1944 on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1944 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under the said act, and (3) to receive evidence likely to be of assistance to the War Food Administrator in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane, and the terms and conditions of contracts between laborers and producers of sugarcane.

Such hearing, after being called to order at the time and place mentioned above, may for convenience be adjourned to such other place in the same city as the presiding officers may designate, and may be continued from day to day within the discretion of the presiding officers.

Joshua Bernhardt, Earle T. MacHardy, and W. Norman King are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Done at Washington, D. C., this 21st day of August, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13703; Filed, August 23, 1943; 11:20 a. m.]

WAR PRODUCTION BOARD.

NOTICES TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-19-e	51-E	Illinois Division of Hwys., Dept. of Public Works & Bldg., Springfield, Ill.	Felter, Ill	8 7 43
P-19-e	115-E	New Jersey State Hwy. Dept., Trenton, N. J.	Westville & Millville, N. J	8 13 43
P-19-e	113-E	New Jersey State Hwy. Dept., Trenton, N. J.	Fairlawn & Morgan, N. J	8 13 43
P-19-e	114-E	New Jersey State Hwy. Dept., Trenton, N. J.	Various locations	8 13 43
P-19-e	405-E	Mississippi State Hwy. Dept., Jackson, Miss.	Gibson-Aberdeen, Miss	8 13 43
P-19-e	266-E	Arkansas State Hwy. Dept., Little Rock, Ark.	Saline River Bridge	8 13 43

[F. R. Doc. 43-13607; Filed, August 20, 1943; 11:27 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-19-h	19958	Shell Pipe Line Corp., 1120 Shoreham Bldg., Washington, D. C.	Deer Park, Tex	8 6 43
P-19-h	78310	School Board of School Dist. #52, Oklahoma City, Okla.	Midwest City, Okla	8/11/43
P-19-e	18518	West Virginia State Road Comm., Charleston, W. Va.	S. R. #2	8 14 43
P-19-e	243-E	New Jersey State Hwy. Dept., Trenton, N. J.	Atlantic City, N. J	8 14 43
P-19-e	294-E	New York State Dept. of Public Works, Div. of Hwys., Albany, N. Y.	Haverstraw, N. Y	8 14 43

[F. R. Doc. 43-13608; Filed, August 20, 1943; 11:27 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain stop construction orders listed in Schedule A below, stopping the construction of the projects affected. For the effect of each such order upon the construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued August 21, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Name and address of the builder	Location of project	Issuance date
Arkansas State Highway Commission, Little Rock, Arkansas.	Between Fort Smith and Hackett, Arkansas.	8-16-43

[F. R. Doc. 43-13659; Filed, August 21, 1943; 10:51 a. m.]

[Certificate 114]

TRANSPORTATION AND DELIVERY OF ALCOHOLIC BEVERAGES IN CHICAGO, ILL.

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL: I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein, members of the Chicago Wholesale Liquor Association, with respect to the transportation and delivery of alcoholic beverages by motor vehicle in the Chicago, Illinois, area.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 19, 1943.

[F. R. Doc. 43-13692; Filed, August 23, 1943; 9:47 a. m.]

[1] *Supra.*

[Certificate 115]

TRANSPORTATION OF LIVESTOCK BY COMMERCIAL MOTOR VEHICLE

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL: I submit herewith a plan formulated by the Office of Defense Transportation entitled "Recommendation for Transportation of Livestock by Commercial Motor Vehicle".[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the plan; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such plan, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 20, 1943.

[F. R. Doc. 43-13693; Filed, August 23, 1943; 9:47 a. m.]

Reference

AUG 26 '43

THE NATIONAL ARCHIVES

FEDERAL REGISTER

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Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 71-1]

PART 1414—POULTRY

TURKEYS

Pursuant to the authority vested in me by Food Distribution Order No. 71 (8 F.R. 10703), issued by the War Food Administrator on August 2, 1943, as amended, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered*, As follows:

§ 1414.2 *Delegation of authority*—(a) *Definitions.* Each term defined or used in Food Distribution Order No. 71, as amended, shall, when used herein, have the same meaning as that which it has in said Food Distribution Order No. 71, as amended.

(b) *Delegation.* In accordance with the provisions of § 1414.1 (g) of Food Distribution Order No. 71, as amended, authority is hereby delegated to the regional directors, Food Distribution Administration, War Food Administration (8 F.R. 9315, 11198), to perform the following acts, subject to the following conditions:

(1) To consider petitions for relief from hardship with respect to turkeys delivered to the Armed Services of the United States and rejected by the Armed Services, and to grant releases with respect to such petitions upon any or all of the following conditions: That such turkeys will be (i) placed in storage; (ii) used for canning purposes; (iii) sold to purchasers who will retain such turkeys in storage or use the turkeys so sold for canning purposes: *Provided*, That no regional director shall grant releases, pursuant hereto, with respect to turkeys subject to Food Distribution Order No. 71, as amended, without first obtaining a certificate from the applicant furnished by the Office of the Quartermaster General of the United States Army showing the grade or condition of such turkeys and the number of pounds of such turkeys to be so released.

(2) To consider petitions for relief from hardship requesting releases from the provisions of Food Distribution Order No. 71, as amended, and to grant releases with respect to such petitions to the extent necessary to permit the sale of live turkeys for breeding purposes: *Provided*, That no regional director shall grant releases pursuant hereto with respect to turkeys subject to Food Distribution Order No. 71, as amended, without first obtaining proof satisfactory to him that such turkeys are to be sold as, and will be used for, breeding purposes.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 23, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 71, 8 F.R. 10703)

Issued this 23d day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13737; Filed, August 23, 1943; 3:11 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter L—Irrigation Projects, Operation and Maintenance

PART 130—ORDER FIXING OPERATION AND MAINTENANCE CHARGES ON THE COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA

BASIC WATER CHARGES

JULY 31, 1943.

This order consisting of §§ 130.6 to 130.8b, inclusive, as amended by the Assistant Secretary of the Interior on February 18, 1943 (8 F.R., 4375) is hereby further amended by modifying § 130.6 to read as follows:

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
ALIEN PROPERTY CUSTODIAN:	
Eenboom, Algund, et al., vesting order	11767
BITUMINOUS COAL DIVISION:	
Hearings, etc.:	
Emerald Coal and Coke Co.	11758
Flat Creek Coal Co.	11758
Pittsburgh & Midway Coal Mining Co.	11758
CIVIL AERONAUTICS BOARD:	
Hearings:	
Northeast Airlines, Inc., et al.	11763
Pan American - Grace Airways, Inc.	11763
FEDERAL COMMUNICATIONS COMMISSION:	
Radio Corp. of America and American Broadcasting System, Inc., hearing	11763
FEDERAL TRADE COMMISSION:	
Columbia River Packers Assn., Inc., hearing	11764
FISH AND WILDLIFE SERVICE:	
National Elk Refuge, Wyo., hunting	11757
Tule Lake National Wildlife Refuge, Calif., designation of game bird shooting area	11756
White River National Wildlife Refuge, Ark., commercial and noncommercial fishing	11757
INDIAN AFFAIRS OFFICE:	
Colorado River Indian Irrigation project, Ariz., basic water charges	11713
INTERIOR DEPARTMENT (*see also* component agencies):	
Bituminous and anthracite coal mines, revocation of orders for taking possession	11758
Coal mines, termination of Government control:	
Alabama Fuel & Iron Co., et al.	11761
Allegheny Pittsburgh Coal Co., et al.	11761
B & R Coal Co., et al.	11760
Clay, Henry, Coal Mining Co., et al. (2 documents)	11759

(Continued on next page)

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CONTENTS—Continued

INTERIOR DEPARTMENT—Continued.
Coal mines, termination of Government control—Con. Page
Colorado and Utah Coal Co., et al 11760
Hook Coal Co., et al 11759
Nash Coal Co., et al 11761
Pittsburg & Midway Coal Mining Co., et al 11760
Forest and range fire fighting employees, wage fixing procedures 11762
INTERSTATE COMMERCE COMMISSION:
Icing permits:
Southern Pacific Co., et al. (10 documents) 11765–11767
LABOR DEPARTMENT:
Letts-Fletcher Co. and Western Grocer, et al., finding of the Secretary 11762
OFFICE OF DEFENSE TRANSPORTATION:
Albina Transfer Co., et al., establishment of Portland, Oreg., registration office 11769
Coordinated operations and joint action plans:
Dairies, Oneonta, N. Y 11768
Red Arrow Freight Lines, Inc. and Central Freight Lines, Inc., Texas 11770
Retail grocers, Topeka, Kans 11768
OFFICE OF ECONOMIC WARFARE:
General programs and policies, statement 11770
OFFICE OF PRICE ADMINISTRATION:
Adjustments, exceptions, etc.:
Aller and Sharp, Inc 11755
Hendrix, Ernest C., Inc 11755
Millis Transportation Co., Inc 11755
Anti-freeze (MPR 170, Corr. to Am. 6) 11755

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Apple syrup, bland (RMPR 233, Am. 5) 11739
Asphalt (MPR 188, Am. 10 to Order A–1) 11771
Bituminous coal (MPR 120, Am. 60) 11755
Cottonseed oil meal, cake and hulls (MPR 444, Am. 1) 11740
Defluorinated phosphate (Rev. SR 14, Am. 20) 11754
Fish and seafood, fresh (MPR 418, Am. 4) 11734
Foods, processed:
(RO 13, Am. 55) 11753
(RO 13, Am. 56) 11753
Fruits and vegetables, fresh (MPR 426, Am. 6) 11756
Fuel oil rationing (RO 11, Am. 76) 11756
Hosiery, women's rayon (RMPR 339) 11741
Linseed oil (MPR 53, Am. 4) 11739
Lumber grading and inspection services (MPR 165, Am. 27) 11754
Meat, fats, fish and cheeses (RO 16, Am. 56) 11754
Oak flooring (MPR 458) 11736
Paper mill felts (Rev. SR 1, Am. 24) 11754
Paste, wallpaper (Rev. SR 1, Am. 25) 11738
Peanut oil meal, cake and hulls (MPR 442, Am. 1) 11739
Ration stamps and coupons, method of surrender and deposit (Gen. RO 7, Am. 4) 11738
Regional, state and district office orders:
Alfalfa hay transportation, California 11773
Berries, Wyoming 11772
Fluid milk:
Diablo and Newhalem, Wash 11773
Pasco County, Fla 11772
Ice:
Coolidge and Florence, Ariz 11773
Mesa, Ariz 11773
Ocean Springs-Biloxi-Gulfport-Long Beach, Miss., area 11772
Worcester, Mass., district area 11771
Power laundries, Wayne County, Mich 11771
Vegetables, Atlanta region 11772
Soybean oil meal, cake, etc. (MPR 443, Am. 1) 11740
Wool and wool tops and yarns (RPS 58, Am. 14) 11738
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Community Power and Light Co., et al 11774
Peoples Light and Power Co., et al 11774
United Gas Improvement Co., et al 11775
SOLID FUELS ADMINISTRATION FOR WAR:
Solid fuels industries, maintenance of records and filing of reports 11714

CONTENTS—Continued

TREASURY DEPARTMENT: Page
National Youth Administration's surplus personal property; loans to non-federal vocational education authorities 11756
Standard contract procedure; approval by Director of Procurement 11756
WAR FOOD ADMINISTRATION:
Turkeys (FDO 71–1) 11713
WAR PRODUCTION BOARD:
Approval of plans:
Oneonta, N. Y. (Certificate 116) 11775
Topeka area, Kans. (Certificate 117) 11775
Beryllium (M–160) 11728
Scrap (M–160–a) 11729
Copper (M–9–b) 11715
Farm machinery and equipment (L–257) 11717
Exports (L–257–a) 11723
Glass container quotas (L–103–b) 11730
Nutgalls and tannic acid U. S. P. (M–204) 11730
Petroleum, production, transportation, etc. (P–98–c) 11727
Utilities materials, electric, gas, etc. (U–1–f) 11732

§ 130.6 *Basic water charges.* Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the annual basic charge against the land to which water can be delivered, under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed until further notice at $4.50 per acre, for the delivery of not to exceed 3 acre-feet of water per acre per annum, except in instances where arrangements may be made with the approval of the superintendent for planting certain alkali tracts to rice with a view to reclaiming the lands. In such instances, water may be delivered at the rate of $2.00 per acre per annum for the delivery of not to exceed 12 acre-feet of water per acre: *Provided*, That water shall not be furnished at this rate for more than two successive seasons.

(38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387)

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43–13780; Filed, August 24, 1943; 9:31 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Order 3]

PART 602—GENERAL ORDERS AND DIRECTIVES

MAINTENANCE OF RECORDS AND FILING OF REPORTS

An order requiring the maintenance of records and the filing of reports and

other necessary information and statistical data by certain persons engaged in solid fuels industries.

In order to effectuate the purposes of Executive Order No. 9332 (8 F.R. 5355) it is necessary that the Solid Fuels Administrator for War obtain data concerning the shipment and distribution of solid fuels other than Pennsylvania anthracite.

Valuable information and data with regard to bituminous coal has heretofore been readily available from invoices, reports and other statistical data required to be filed with the Bituminous Coal Division of the Department of the Interior pursuant to appropriate orders of the Division issued under the Bituminous Coal Act of 1937, as amended. The Bituminous Coal Act ceases to be in effect at 12:01 a. m., August 24, 1943 (except as provided in section 13 of the Revised Statutes). It is essential that part of the information and data formerly filed with the Bituminous Coal Division and additional information and data with regard to coal other than Pennsylvania anthracite be filed with the Solid Fuels Administration for War. Information in regard to the distribution of Pennsylvania anthracite is presently obtainable from other sources.

Now, therefore, pursuant to the provisions of Executive Order No. 9332, (8 F.R. 5355), *It is ordered*, That:

§ 602.61 *Definitions.* (a) "C o a l" means all anthracite, except Pennsylvania anthracite; all bituminous, semi-bituminous and sub-bituminous coal having calorific value in British thermal units of seven thousand six hundred per pound or more and having a natural moisture content in place in the mine of less than 30 per centum and includes lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound or having a natural moisture content in place in the mine of 30 per centum or more.

(b) "Person" m e a n s any person, partnership, association, business, trust, corporation, government corporation or agency, or organized group of persons.

(c) "Producer" means any person engaged in the business of mining coal at a mine producing 50 tons per day or more, or having rail or river shipping facilities regardless of tonnage produced.

(d) "Distributor" means any person who purchases and resells coal in not less than cargo or railroad car lots (or truck load tonnage equivalents of railroad car lots delivered to the same purchaser within five consecutive days) and shall include, without limitation, dock operators, lake and tidewater forwarders, cooperatives, and the operators of central washeries or preparation plants.

(e) The terms "size groups," "consumer use," "market area," and "producing district" shall have the same meaning, in regard to bituminous coal, as established by the various schedules, orders, rules, regulations and practices of the Bituminous Coal Division of the Department of the Interior as of August 23, 1943. The terms, "size groups" and "producing district," when used with reference to other than bituminous coal shall have the meaning established by usage in the applicable industry.

§ 602.62 *Information and reports to be filed.* (a) Every producer and distributor of coal shall maintain appropriate records and shall file on or before the 1st day of each calendar month, commencing November 1, 1943, a report concerning the total tonnage of coal produced or shipped by said producer or distributor during the second preceding calendar month: *Provided, however,* That the report required to be filed November 1, 1943, shall cover the period July, August, September 1943. Such report shall be filed with the Office of the Solid Fuels Administration for War, Washington, D. C., on forms to be prescribed by it, and shall show, to the extent required by said forms, the total tonnage produced, shipped or otherwise disposed of from each mine, dumping pier, dock, central washery or preparation plant by size groups and the consumer use; in the case of railroad fuel and by-product coal, the name of the consumer; the method of movement, the applicable market area and the destination state or port to which shipments were made.

(b) Each person who directs or orders the dumping of coal into vessels for transshipment via lake or tidewater or for vessel or bunker fuel use shall maintain appropriate records and shall file with the Solid Fuels Administration for War, Washington, D. C. on or before the first day of each calendar month, commencing November 1, 1943, a copy of the cargo manifest, consist report or dumping sheet issued to him in regard to each shipment of coal made during the second preceding calendar month, and shall attach to and file with such copy, a statement, which may be a copy of the invoice covering the coal dumped, showing the producing district (where such district is District No. 7 or 8 there shall be an indication as to whether the coal involved was low or high volatile bituminous coal), tonnages by size groups, consumer use, destination of the vessel, and, if the coal involved is for railroad fuel use or is for by-product use, the name of the vendee or purchaser. On November 1, 1943 such persons shall file the information required by this subparagraph (b) in regard to each shipment of coal made during the months of July, August and September 1943, or, in lieu thereof, shall file a summary report of such shipments as may be required by the Solid Fuels Administration for War.

§ 602.63 *Approval of Bureau of the Budget.* The information and reports required to be filed by § 602.62 of this order are subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942 and regulations issued thereunder.

§ 602.64. *Penalties.* (a) Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

(b) Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control or such other action may be taken as is deemed appropriate.

This order shall become effective September 1, 1943.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of August 1943.

H. A. Gray,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 43-13783; Filed, August 24, 1943; 9:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

Authority: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125; 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

Part 933—Copper

[Supplementary Order M-9-b, as Amended August 24, 1943]

§ 933.3 *Supplementary Order M-9-b*—(a) *Definitions.* For the purposes of this supplementary order:

(1) "Scrap" means all copper or copper-base alloy materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason.

(2) "Copper clad steel scrap" means all copper or copper-base alloy clad or coated steel materials or objects in which the cladding or coating amounts to 3% or more by weight and which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason.

(3) "Copper" means copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars or other refined shapes, or copper shot or other forms produced by a refiner.

(4) "Copper base alloy" means any alloy, except one which contains 0.10% or more of metallic beryllium, in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(5) "Alloy ingot" means an alloy ingot or other shape for remelting which has been cast primarily from copper-base alloy or scrap.

(6) "Brass mill scrap" means that scrap which is a waste or by-product of industrial fabrication of products of brass mills.

(7) "Brass mill" means any person who rolls, draws or extrudes castings of

copper or copper-base alloys; it does not include a mill which rerolls, redraws or reextrudes products produced from refinery shapes or castings of copper or copper-base alloys.

(8) "Foundry" means any person casting copper or copper-base alloy shapes or forms suitable for ultimate use without rolling, drawing, extruding, or forging. The process of casting includes the removal of gates, risers and sprues, and sand blasting, tumbling or dipping, but does not include any further machining or processing.

(9) "Scrap dealer" means any person regularly engaged in the business of buying and selling scrap.

(10) "Public utilities" means any person furnishing telephone, telegraph or electric light and power services to the public or city, suburban or inter-city electrically operated public carrier transportation.

(b) *Delivery or acceptance of scrap, copper clad steel scrap or alloy ingots.* Notwithstanding any preference rating, no person shall deliver or accept the delivery of any scrap, copper clad steel scrap or alloy ingots except in accordance with the following directions:

(1) Brass mill scrap shall be delivered only to a scrap dealer or to a brass mill; a scrap dealer who accepts delivery of brass mill scrap shall in turn deliver such scrap only to a brass mill or another scrap dealer.

(2) No. 1 or No. 2 copper scrap shall be delivered only to a scrap dealer, or to a person specifically authorized by the War Production Board to receive deliveries of such quantities of No. 1 or No. 2 copper scrap.

(3) Copper clad steel scrap and unreloadable fired artillery cases, cartridge cases or bullet jackets, which have been manufactured from copper, copper-base alloys or copper clad steel, in excess of ten (10) pounds, shall be delivered only to persons specifically authorized or directed by the War Production Board to receive such deliveries.

(4) Scrap other than that specified in paragraphs (b) (1) through (3) above shall be delivered only to a scrap dealer, or to a person specifically authorized by the War Production Board to receive deliveries of such quantities of scrap.

(5) Alloy ingots shall be delivered only to a person specifically authorized by the War Production Board to receive deliveries of such quantities of alloy ingots.

(6) No person shall accept delivery of alloy ingots, copper clad steel scrap or unreloadable fired artillery cases, cartridge cases or bullet jackets, which have been manufactured from copper, copper-base alloys or copper clad steel, in excess of ten (10) pounds, except as specifically authorized by the War Production Board.

(7) A person other than a brass mill or dealer shall accept a delivery of scrap, other than that specified in paragraph (b) (6) above, only pursuant to a specific authorization of the War Production Board.

(8) A brass mill shall accept no delivery of scrap other than brass mill scrap without the specific authorization of the War Production Board.

(9) A scrap dealer shall accept delivery of scrap only if:

(i) Such scrap is not of a kind or grade specified in paragraph (b) (6) above, and

(ii) Such scrap dealer shall during the preceding 60 days, have sold or otherwise disposed of scrap to an amount at least equal in weight to the scrap inventory of such scrap dealer on the date of acceptance of delivery of scrap (which inventory shall exclude such delivery), and

(iii) Such scrap dealer shall have filed with the Bureau of Mines, College Park, Maryland, by the 10th of each month, Form PD–249, and

(iv) Such scrap dealer shall have supplied such other information as the War Production Board may from time to time require.

(10) No person shall dispose of any material, the delivery of which he accepted as scrap, other than as scrap in the manner provided in this paragraph (b), except with the specific authorization of the War Production Board.

(c) *Melting or processing of scrap, copper clad steel scrap or alloy ingots.* (1) No person other than a brass mill shall melt or process scrap, copper clad steel scrap or alloy ingots, without the specific authorization of the War Production Board.

(2) No brass mill shall melt or process any scrap other than brass mill scrap, without the specific authorization of the War Production Board.

(3) Any person accepting a delivery of scrap, copper clad steel scrap or alloy ingots shall use such scrap, copper clad steel scrap or alloy ingots only for the purposes for which acceptance of such delivery is authorized by the War Production Board.

(d) *Delivery to or acceptance of copper by foundries and makers of alloy ingots.* Notwithstanding any preference rating, no person shall deliver any copper to a foundry or to a maker of alloy ingots, and no foundry or maker of alloy ingots shall accept any such delivery, except as specifically authorized by the War Production Board.

(e) *Authorization*—(1) *Basis of authorization.* Authorization to receive deliveries of, melt or process copper, scrap, copper clad steel scrap, or alloy ingots will be given by the War Production Board to assure the satisfaction of the most essential war requirements.

(2) *Application for authorization.* (i) Any person desiring to obtain an authorization, pursuant to this order, to accept the delivery of, melt or process copper, alloy ingot, scrap or more than ten (10) pounds of unreloadable fired artillery cases, cartridge cases or bullet jackets which have been manufactured from copper or copper base alloys, should make application on Form PD–59, Copper Division, War Production Board, by the 5th of each month.

(ii) Any person applying for an authorization to accept delivery of copper clad steel scrap or more than ten (10) pounds of unreloadable fired artillery cases, cartridge cases or bullet jackets which have been manufactured from copper clad steel must furnish the War Production Board with a letter setting forth the kind and grade of material, the tonnage, the period during which deliveries must be received, and the end use into which products produced out of such material will go.

(3) *Proof of authorization*—(i) *Refined copper.* Any foundry or ingot maker authorized to purchase specified amounts of refined copper under the terms of an allocation certificate must submit the allocation certificate issued to him to his supplier at the time of placing his order. If the order is placed with a dealer, the allocation certificate must be surrendered to the dealer. If the order is placed with a refiner, the allocation certificate must be endorsed by the refiner, specifying the quantity of refined copper which the refiner will deliver.

(ii) *Alloy ingot, scrap or copper clad steel scrap.* Any person authorized to purchase specified amounts of alloy ingot, scrap or copper clad steel scrap may notify his supplier of his right to make a purchase by endorsing on, or attaching to, each contract or purchase order placed by him under the terms of the authorization, a certification in the following form signed by an official duly authorized for such purpose:

Certification: The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to purchase the items shown on this purchase order pursuant to Allocation Certificate, Serial No. ——— for the month of ——— ——— and that receipt of these items, together with all other orders placed by him, will not result in his receiving more alloy ingot, scrap or copper clad steel scrap, than he has been authorized to receive for the month indicated by such purchase order pursuant to said Allocation Certificate.

Name of purchaser	Address
Signature and title of duly authorized official	Date

The person receiving the certification shall be entitled to rely on such certification unless he knows or has reason to believe it to be false. Each person supporting a purchase order by such a certification must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to make such purchases, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(f) *Disposal of scrap or copper clad steel scrap, generated through fabrication or accumulated through obsolescence.* No person shall use, melt, or dispose of any scrap or copper clad steel scrap generated in his plant through fabrication or accumulated in his operations through obsolescence, in any way other than by sale or delivery to a person authorized to accept such delivery, without the specific authorization of the War Production Board. In no event shall any person keep on hand more than thirty days' accumulation of scrap or copper clad steel scrap unless such accumulation aggregates less than one ton. All persons generating scrap or copper clad steel scrap through fabrication or accumulating scrap or copper clad steel scrap through obsolescence, in excess of five hundred pounds in any calendar month, shall report on Form PD–226 on or before the 5th day of the following month, to the War Production Board, Ref: M–9–b, setting forth inventory of scrap and copper clad steel scrap at the beginning of the previous calendar month, accumulations and sales during such month, inventory at the end of such month and such other information as the War Production Board may request from time to time. Nothing herein contained shall prohibit any public utility from using its own operations wire or cable which has become scrap by obsolescence provided the lengths of such wire or cable are in excess of five feet and the quantity of such material so used by such public utility in any calendar month does not exceed five tons or such other amount as the War Production Board may specifically authorize.

(g) *Toll agreement.* No person shall deliver scrap, copper clad steel scrap or alloy ingots and no person shall accept same for converting, remelting or other processing under any existing or future toll agreement, conversion agreement or other form of agreement by which title remains vested in the person delivering the scrap, copper clad steel scrap or alloy ingots or causing the scrap, copper clad steel scrap or alloy ingots to be delivered, or which agreement is contingent upon return of processed material in any quantities, equivalent or otherwise, to the person delivering or causing the scrap, copper clad steel scrap or alloy ingots to be delivered, unless and until such an agreement shall have been approved by the War Production Board. Any person desiring to have such an agreement approved must furnish the War Production Board a letter setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of same, the estimated tonnage involved, the estimated rate of delivery, the length of time such agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the processed material is to be used, and any other pertinent data that would justify such approval.

(h) *Restriction on acceptance of copper-base alloys or castings, including alloy ingots, made therefrom.* No person shall knowingly accept delivery of copper-base alloys or castings, including alloy ingots, made therefrom, which have been obtained by melting and processing scrap or copper clad steel scrap delivered to a melter or processor contrary to the provisions of this order.

(i) *Specific directions.* The War Production Board may from time to time issue specific directions to any person as to the source, destination, amount, or grade of scrap, copper clad steel scrap or alloy ingots to be delivered, acquired or used by such person.

(j) *Reports.* In addition to the reports specified in this order, each ingot maker shall file by the 5th of each month, Form PD–751, Ingot Makers Report of Copper Base Alloy Ingot and each foundry shall file by the 5th of each month, Form PD–(9)–B, Copper Foundries: Monthly Report of Copper Base Alloy Ingot Inventory.

(k) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime, and upon conviction may be punshed by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Addressing of communications.* All applications, statements, or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed Copper Division, War Production Board, Ref: M–9–b, Washington 25, D. C.

Issued this 24th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13807; Filed, August 24, 1943; 11:33 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L–257 as Amended August 24, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials entering into the manufacture of farm machinery and equipment and repair parts therefor, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1029.15 *Limitation Order L–257*—(a) *What this order does.* This order describes the rules governing the manufacture of farm machinery and equipment and repair parts for sale in the continental United States and possessions. (Manufacture for export is covered by Order L–257–a.) To aid manufacturers in planning a continuous production cycle, it is the intention that this will be the basic order from year to year. However, it is expected that a new schedule of quota percentages will be issued as a part of the order each year for the "current quota period" starting July 1 of that year, and this will become the "applicable schedule" for that period. For example, the applicable schedule for the period July 1, 1943 to June 30, 1944, is Schedule A; for the following twelve-month period starting July 1, 1944, the new applicable schedule might be called Schedule B, etc. In order that producers may plan their production and order materials in advance, they may assume that the schedule in effect at any particular time will continue into the next "current quota period", until such time as a new schedule is issued. At present, there is no quota limitation on repair parts.

In addition to quota and other limitations on manufacture, this order also has rules on the filing and approval of production schedules, covering machinery and equipment (both farm and non-farm) and repair parts. Producers affected must stick to their schedules, with certain exceptions, so that the various programs, both farm and non-farm, can be met on time.

(b) *Definitions.* For the purpose of this order (and any orders supplementary hereto, unless otherwise indicated):

(1) "Producer" means any person, other than a supplier, to the extent that he is actively engaged in the current manufacture (in the United States) of farm machinery and equipment or of repair parts for farm machinery and equipment, but does not include any person who did not manufacture any farm machinery and equipment or repair parts in 1940 or 1941.

(2) "Small producer" means any producer whose total net sales (including exports and sales by affiliates) of all products did not exceed $100,000 during the calendar year 1941; and includes any other producer who has been classified by the Smaller War Plants Corporation as a "smaller, distressed producer" and is specifically designated as such for the purpose of this order by the War Production Board, on such terms and conditions as may be proper.

(3) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means.

(4) "Supplier" means any person engaged in the manufacture (for sale to a producer in the United States) of materials, parts, assemblies or subassemblies to be physically incorporated into farm machinery and equipment or repair parts manufactured by such producer, or to be resold by such producer as repair parts.

(5) "Machinery and equipment" means agricultural machinery, mechanical equipment and implements (including all attachments used in conjunction therewith) of the types ordinarily manufactured for farm use, and listed on the applicable schedule attached hereto.

(6) "Farm use" means use for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), or use for any civilian purpose with respect to horseshoes, muleshoes, oxenshoes, and harness hardware.

(7) "Farm machinery and equipment" means machinery and equipment which is manufactured specifically for farm use, including irrigation and drainage equipment (excluding tile), horseshoes, muleshoes, oxenshoes, harness hardware, and water well casing (fabricated by other than pipe mills); but excluding repair parts, and also excluding all of the following: tracklaying type tractors, fencing, poultry netting and wire, wire fencing, bale ties or straps, oil well casing and water pipe, grain bins and corn cribs, water storage tanks, nails (all kinds), and sundry hardware (including hand tools, chains, barn door track, pulleys, scales, and similar items not specified on the applicable schedule).

(8) "Non-farm machinery and equipment" means machinery and equipment,

as defined in paragraph (b) (5) above, which is manufactured pursuant to rated orders for any purpose other than farm use.

(9) "Attachment" for machinery and equipment means a supplementary appliance which may be added to an otherwise complete machine to extend the utility of such machine.

(10) "Repair parts" means all types of replacement parts considered separately or as assemblies which are manufactured for use and used in the repair and maintenance of "farm machinery and equipment" and shall include plow shares and shapes, and water pump cylinders. No item listed on the applicable schedule shall be deemed a repair part.

(11) "Base production" means the weight of a producer's total manufacture in the United States of any item of farm machinery and equipment for sale in the United States during either the calendar year 1940 or 1941, in whichever year such weight was the greater.

(12) "United States" means the forty-eight states, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and all other territories and possessions of the United States.

(13) "Current quota period" means the twelve-month period which starts July 1 of any year and ends June 30 of the following year, as identified on the applicable schedule.

(14) "Applicable schedule" means the particular schedule relating to a current quota period, and fixing manufacturing quotas (for sale in the United States) for each item listed for that period.

(c) *Restrictions on production for domestic farm use*—(1) *Manufacturing quotas.* During any current quota period, no producer shall manufacture, for sale in the United States, more of any item of farm machinery and equipment (by weight) than his quota for that item. This quota is figured by taking the percentage shown for the item on the applicable schedule, and multiplying it by his base production of the item. Exceptions to this general rule are stated in paragraph (d). Special restrictions are set forth in subparagraph (2) below and in paragraph (f).

(2) *Special restrictions.* (i) No person who is not a "producer" has any quota. However he may manufacture farm machinery and equipment and repair parts of an aggregate value up to $2,500 during any current quota period.

(ii) No item which is not provided for in the applicable schedule shall be manufactured as "farm machinery and equipment" for sale in the United States.

(iii) No producer shall manufacture, for sale in the United States, any item of farm machinery and equipment requiring rubber tires, except upon specific authorization in writing of the War Production Board. Application for this authorization may be made on form WPB 3033.

(iv) No producer who is not a "small producer" shall manufacture, for sale in the United States, any item of farm machinery and equipment except to the extent listed on an approved production schedule under paragraph (e).

(3) *Adjustments in quotas.* The War Production Board may, by specific written directions or authorizations issued to any producer or other person affected by this order, increase or decrease any quota or authorized use of materials; and may transfer any portions of quotas between producers, taking into account the amount and weight of materials to be used, the need for particular items at the time required in particular areas, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be proper.

(d) *Exceptions*—(1) *No quota for repair parts.* Producers may manufacture repair parts for sale in the United States without any restrictions as to quota. However, they must comply with paragraph (e) with respect to production schedules.

(2) *Bracketed items.* Wherever, in an applicable Schedule, two or more items are bracketed together, the producer must apply the individual percentages to his base production of each item in the bracket and add up the various weights. This total permissible weight may then be distributed among all or any one or more of the items in that bracket as he chooses (regardless of the individual quota percentages).

(3) *Attachments may be lumped together.* Any producer may choose not to follow the individual quota percentages for items of attachments as indicated on the applicable schedule, and instead manufacture not more than an aggregate of 75% of his total base production of all attachments. This total may be distributed among all or any one or more of the attachments made by him. However, once this choice is made, the producer must stick to it for all attachments to be made during the current quota period.

(4) *Small producers.* Any "small producer" may use the quota percentage "100%" instead of the quota percentage listed on any applicable schedule for any item or items which he makes, but only to the extent that the weight of his total manufacture of all items of farm machinery and equipment during the current quota period does not exceed, in the aggregate, 100% of his base production of these items. In addition, small producers do not have to comply with certain provisions of this order with respect to production schedules or other reports, as stated in subparagraph (c) (2) (iv) and paragraphs (e) and (k). However, this does not relieve them from complying with all CMP Regulations and procedures.

(5) *Production before or after current quota periods*—(i) *Advance planning of production.* Before the beginning of any current quota period, producers may plan their production, order materials and start initial fabrication in accordance with the applicable schedule for the coming period. For this purpose, until such time as a new applicable schedule is issued, it may be assumed that the schedule currently in effect will apply for this next period. In other words, the schedule in effect is always the "applicable schedule" unless and until displaced by a new schedule.

(ii) *Carry-over of uncompleted portions of quotas.* Any portions of quotas for sale in the United States under an applicable schedule (including all amendments, appeals and specific authorizations) which are not completely manufactured by the end of the current quota period, may be carried over and added to the corresponding quotas of the next current quota period but only to the extent that they can be completed by July 31 of this next period. However, uncompleted quotas (domestic, and those under Schedule B-6) under Order L-170 may be carried over as explained above for completion any time before June 30, 1944.

(6) *Substitute materials.* Any person may manufacture for sale in the United States the following items, without regard to the restrictions of this order, if they are made from the substitute materials listed:

Bee hives.
Farm gates.
Feed trucks.
Grit boxes.
Hog troughs.
Laying nests.
Livestock feeders.
Milk stools.
Poultry feeders.
Poultry waterers.

These items are unrestricted only if they are made entirely (except for nails and essential strappings and fastenings, and except for doors in the case of livestock feeders) from any one or more of the following materials:

Glass or other ceramic products.
Plain concrete.
Fibre board.
Wood fibre products.
Plywood (produced with binder or adhesive not restricted by Conservation Order M-85 or any other applicable M or L order).
Gum and other hardwood lumber.
Softwood lumber (subject to the restrictions of Conservation Order M-208 and all other applicable M and L Orders).

Some of the items listed above are also given quotas on the applicable schedule. These quotas apply only to the extent that the items are to be made from iron or steel.

(7) *Substitution for critical materials encouraged.* If the weight of any item of farm machinery and equipment manufactured by a producer has been or will be increased by his substituting for more critical materials any of the materials listed above in subparagraph (d) (6), he may still manufacture in any current quota period the number of units which would have been within his domestic quota before making the substitution. Also, a producer may apply for additional quota for any item in which he can substitute these materials entirely for more critical materials.

(8) *Assignments of quota.* All assignments of quota specifically authorized by appeal under Limitation Order L-170 for the period starting November 1, 1942, or under this Order L-257, are re-authorized for each current quota period. The assignee, in figuring his additional quota, must take the percentage on the applicable schedule for each item transferred and multiply it by the assignor's base production of that item. The assignor's quota is, to that extent, revoked.

(e) *Production schedules*—(1) *AA-2 for purpose of scheduling production.* Producers may schedule their production of items of farm machinery and equipment and repair parts as if the orders for these items bore a rating of AA-2.

(2) *Production schedules must be filed: exemption for "small producers".* With respect to each item of machinery and equipment (both farm and non-farm) and repair parts, each producer must file a production schedule on Form WPB-3053, listing the quantities he plans to have available for shipment (within his quota) to various classes of customers, in accordance with the instructions on the form. This production schedule is deemed approved as filed, unless the producer is notified in writing to the contrary by the War Production Board. "Small producers" do not have to file this form.

(3) *Items on approved schedule to be available for shipment; changes in schedule.* Each producer must have available for shipment each month to each class of customer the quantities of each item and of repair parts as indicated on his approved schedule. However, he may complete (within his approved total) more than his schedule in any month. He may also, if necessary, delay completion of any quantities scheduled for any class of customer for any month up to the last day of the next month. Any other change in an approved schedule must be reported on Form WPB-3181 and the change will be deemed approved as filed, unless the producer is notified in writing to the contrary by the War Production Board.

(4) *Deliveries for farm use protected.* A producer must deliver all quantities of items listed on an approved schedule (WPB-3053 or WPB-3181) for farm use and for export without regard to preference ratings, unless otherwise specifically directed in writing by the War Production Board. Small producers who have not filed Form WPB-3053 may deliver items for farm use and for export without regard to any orders bearing preference ratings of AA-2x or lower.

(f) *Further restrictions*—(1) *Items containing iron and steel.* No person shall manufacture, from iron or steel (excluding screws, nails, rivets, bolts, wire, strapping or small hardware for joining or other similar essential purposes), any of the following items:

Bee hives
Milk stools
Tongues
Silos (except for ladders, chutes and platforms)
Cattle stalls
Stanchions
Stock pens
Marking poles
Thills
Farm gates
Boxes for farm wagons and trucks (not motor trucks)
Farm wagon gears
Farm trucks (not motor trucks);

Provided however, That nothing in this paragraph (f) (1) shall be deemed to prevent the manufacture of:

(i) Cattle stalls, stanchions, stock pens, marking poles, or farm gates from re-rolled rail steel, plus strappings and essential hardware (and plus necessary wire in the case of farm gates), or

(ii) Farm wagon gears or farm trucks from re-rolled rail and axle steel, "top cuts," or Bessemer process steel, plus iron castings and wheels, and plus not more than 100 pounds of open-hearth process steel per item.

(2) *Restrictions on sale for domestic use.* Subject to such directions as may be issued from time to time as to rationing control by the War Food Administrator, no person shall sell any item of new farm machinery and equipment (except poultry equipment, horseshoes, mule-shoes, oxenshoes, and harness hardware) which was manufactured for sale in the United States, and which he knows or has reason to believe will not be used in the hands of the ultimate consumer for farm use, except to fill a contract or purchase order bearing a preference rating of AA-4 or higher.

(g) *Excess inventory.* Any producer may sell to any other producer any material in his inventory which is in excess of his requirements for the items of farm machinery and equipment and repair parts authorized to be manufactured under the provisions of this order. Such sales shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13.

(h) *Conservation of materials.* (1) If any other order of the War Production Board limits the use of critical materials in the manufacture of farm machinery and equipment, non-farm machinery and equipment, or repair parts to a greater extent than this order does, the other order shall govern unless it states otherwise.

(2) The War Production Board may also from time to time issue special orders requiring standardization, simplification, substitution, or other measures to save critical materials in the manufacture of farm machinery and equipment, non-farm machinery and equipment, or repair parts. One order of this kind is L-170-a, restricting the use of copper.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

NOTE: Former paragraph (k) and (l) redesignated (m) and (n).

(k) *Reports.* Each producer who is not a "small producer" must file by the 10th day of each month a report on Form WPB-1768 of his production during the previous month in accordance with the accompanying instructions. The first report must be filed on or before September 10, 1943. In addition, if any serious production trouble or delay develops between dates of filing the above Form WPB-1768, the producer should immediately advise the War Production Board, including the following information where applicable:

(1) The name of any material or component part, the non-delivery of which is, or will be, materially retarding his production.

(2) The name of the manufacturer or supplier with whom the order was placed.

(3) Producer's purchase order number.

(4) Date of the order.

(5) Supplier's order number.

(6) Promised date of delivery.

(l) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board, unless this order states otherwise.

(m) *Order L–170.* Except as otherwise stated in this order, it supersedes Limitation Order L–170 as of July 1, 1943. Supplementary Limitation Order L–170–a shall remain in full force and effect until revoked or modified.

(n) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington 25, D. C. Ref: L–257.

NOTE: The reporting requirements in paragraphs (k), (c) (2) (iii), (e) (2) and (e) (3) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A TO L–257

APPLICABLE SCHEDULE FOR CURRENT QUOTA PERIOD JULY 1, 1943 TO JUNE 30, 1944, INCLUSIVE

Manufacturing Quotas for Items of Farm Machinery and Equipment for Domestic Farm Use

NOTE: Items 272 (k), (l), 292 (i), (j), (k) bracketed; items 50–53, 108–108i rebracketed; Schedule caption, Group 15 caption, Group 15, Division 1 caption amended August 24, 1943.

Producers are not restricted by any quota percentage in the manufacture of repair parts.

Quotas for new machinery and equipment for farm use are expressed as a percentage of the net shipping weight of each item produced during 1940 or 1941, whichever was higher. In accordance with paragraph (d) (2), production of "bracketed items" may be distributed among all or any one or more items included in the particular bracket, so long as the total weight does not exceed that determined by applying the various quota percentages to the items in the particular bracket.

"Small producers" may use the quota percentage of 100% for any item or items they manufacture, so long as their aggregate production of all items does not exceed 100% of their total 1940 or 1941 production, whichever was higher, as provided in paragraph (d) (4).

Quotas for each item of attachments, unless election is made to lump together all attachments pursuant to paragraph (d) (3), are expressed as the same percentage as that listed for the machine with which the particular attachment is used (except engines).

Any item of farm machinery and equipment not provided for in this Schedule A is not to be manufactured for sale in the United States, unless specifically exempted under the order. Moreover, any manufacture of an item in excess of the percentages established in this Schedule A, even though it may be scheduled for production under paragraph (e), is permitted only if specifically authorized pursuant to paragraph (c) (3) or on appeal.

GROUP 1: PLANTING, SEEDING, AND FERTILIZING MACHINERY

Division 1: Planters (Horse and Tractor Drawn)

Item No.		Quota Percent
1	One row, one horse, corn	81
2	One row, one horse, corn and cotton, peanut and bean	64
2a	One horse legume planters for middles (Southern)	64
3	One row, two horse, corn and cotton	75
3a	Vetch	75
4	Two row, corn	77
5	Two row, corn and cotton	100
6	Three row and over, corn	65
7	Three row and over, corn and cotton	100

GROUP 1—Continued

Division 2: Planters (Tractor Mounted)

Item No.		Quota Percent
8	One row, corn	0
9	One row corn and cotton	58
10	Two row, corn	94
11	Two row, corn and cotton	61
12	Three row and over, corn	100
13	Three row and over, corn and cotton	100

Division 3: Potato Planters (Horse and Tractor Drawn)

14	One row	100
14a	Two row and larger	100

Division 4: Transplanters

15	One row, horse or tractor drawn	126
15a	Two row, horse or tractor drawn	126
15b	Two row, tractor mounted	126
15c	Celery, self propelled	126
15d	Onion set, horse or tractor drawn	126
16	Hand, wheel type	112

Division 5: Listers with Planting Attachments (Horse or Tractor Drawn)

17	One row	0
18	Two row	82
19	Three row and over	64

Division 6: Listers with Planting Attachments (Tractor Mounted)

20	One row	78
21	Two row	62
22	Three row and over	100

Division 7: Peet and Pean Drills or Planters

23	Four row, horse or tractor drawn	90
23a	Six row, horse or tractor drawn	90
23b	Four row, tractor mounted	90
23c	Six row, tractor mounted	90

Division 8. Grain Drills

24	One horse, plain or fertilizer, three to seven disc or run	100
25	Fertilizer, 14 run and under, horse or tractor drawn	93
25a	Fertilizer, over 14 run horse or tractor drawn	93
26	Plain, 14 run and under, horse or tractor drawn	73
26a	Plain, over 14 run, horse or tractor drawn	73
26b	Press drill, horse or tractor drawn	73
26c	Plain drill, lister type, horse or tractor drawn	73

Division 9: Broadcast Seeders

27	Wheeled, horse or tractor drawn	52
28	End-gate	68
29	Hand (wheelbarrow and other)	49

Division 10: Garden Planters

30	Hand, wheel type	65
31	Horse or tractor drawn, one row or multiple row (one row is a unit)	78

Division 11: Fertilizer Distributors

32	One row, horse drawn	75
32a	Two row, horse drawn	75
32b	Two row, tractor mounted	75
32c	Broadcast, horse or tractor drawn	75
32d	Hand propelled	72

Division 12: Lime Spreaders (Sowers)

33	Wheeled hopper type sower, horse or tractor drawn	61
34	End-gate type	61
34a	Trailer type	61
35	Truck body type	100

Division 13: Manure Spreaders and Loaders

36	Four wheel, horse or tractor drawn	50
37	Two wheel, tractor drawn	51
37a	Manure loaders	100

Division 14: Other Planting, Seeding and Fertilizing Machinery

38	Limestone pulverizers (farm size, under 14")	49
39	Uni-carrier, chassis or rear tool bar (short and long) for mounting tools, pull type	80
39a	Tool frame, attached or rear tool bar (short and long) for mounting tools on tractor	80
40	Potato cutter	100
40a		80
40b		80
41	Attachments for all items in Group 1 expressed in terms of net shipping weight in pounds	(1)

GROUP 2: PLOWS AND LISTERS

Division 1: Moldboard Plows (Horse Drawn)

42	Walking, one horse, steel bottom	76
43	Walking, one horse, chilled bottom	57
44	Walking, two horse and larger	62
45	Sulky	90
46	Gang, two bottom and larger	90

[1] Percentage quota is the same as that listed for the machine with which the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L–257).

GROUP 2—Continued

Division 2: Moldboard Plows (Tractor Drawn or Mounted)

Item No.		Quota Percent
47	One bottom, tractor drawn	35
47a	One bottom, two-way (one furrow) tractor drawn	35
48	Two bottom, tractor drawn	56
48a	Two bottom, two-way (two furrow) tractor drawn	60
49	Three bottom, tractor drawn	52
50	Four bottom, tractor drawn	34
51	Five bottom and larger, tractor drawn	44
52	One bottom, tractor mounted	14
52a	One bottom, two-way (one furrow) tractor mounted	35
53	Two bottom, tractor mounted	52

Division 3: Disc Plows (Horse Drawn)

54	Single disc, and larger	0

Division 4: Disc Plows (Tractor Drawn)

55	One disc	0
56	Two disc	78
57	Three disc	71
58	One disc—direct connected (one wheel type)	73
59	Two disc—direct connected (one wheel type)	51
59a	Three disc—direct connected (one wheel type)	61
59b	Three disc, tool bar type	61
60	Four disc, tractor drawn	62
61	Five disc, tractor drawn	54
62	Six disc and larger, tractor drawn	54

Division 5: One-way Disc Plows or Tillers

63	Under five feet	58
63a	Five foot and under eight foot	58
63b	Eight foot and over	58

Division 6: Listers (Horse or Tractor Drawn) (Middlebusters Without Planting Attachments)

64	One row, horse or tractor drawn	77
65	Two row, horse or tractor drawn	100
66	Three row and larger, horse or tractor drawn	0

Division 7: Listers (Tractor Mounted) (Middlebusters Without Planting Attachments)

67	One row, tractor mounted	12
68	Two row, tractor mounted	25
69	Three row and larger, tractor mounted	48
69a	Three row ridgers	87

Division 8: Sub-Soil Plows

70	Horse drawn	60
71	Tractor drawn	60
72	Tractor mounted	60

Division 9: Plow Stocks

73	Single or double stocks	65

Division 10: Other Plows and Listers

74	Basin Tiller	10
75	Cane row plows	100
76		60
76a		60

Division 11: Attachments

77	Attachments for all items in Group 2 expressed in terms of net shipping weight in pounds	(1)

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

Division 1: Harrows

78	Spike tooth harrow sections (steel), horse or tractor drawn	0
78a	Spike tooth harrow sections (wood), horse or tractor drawn	0
79	Spring tooth harrow sections (steel), horse or tractor drawn	0
79a	Spring tooth harrow sections (wood), horse or tractor drawn	0
80	Disc harrows, reversible, row disc, horse or tractor drawn	0
80a	Disc harrows, single, six foot and under (horse drawn type)	0
80b	Disc harrows, single over six foot (horse drawn type)	0
80c	Disc harrows, tandem attachment for horse drawn type	0
80d	Disc harrows, single and tandem, six foot and under, tractor drawn	0
80e	Disc harrows, single and tandem, over six foot and under eleven foot, tractor drawn	0
80f	Disc harrows, tandem "heavy duty" "cover crop", "wide disc spacing" tractor drawn	0
80g	Disc harrows, wide disc harrows over ten foot, tractor drawn	0
80h	Disc harrow, offset—tractor drawn	0
80i	Disc harrows, brush and bog, tractor drawn	0
81	Disc harrows, tractor mounted and tool bar type	0
81a	Cane disc harrows, tractor mounted and tool bar type	100

GROUP 3—Continued

Division 2: Smooth Land Rollers

Item No.		Quota Percent
82	Smooth land rollers, not including lawn rollers	61

Division 3: Soil Pulverizers and Packers

83	Soil pulverizers and packers, single	57
83a	Soil pulverizers and packers, double	57

Division 4: Stalk Cutter.

84	Stalk cutters, horse drawn	63
84a	Stalk cutters, tractor drawn	63
84b	Weed cutters (rotary blade type)	63
84c	Cane stubble shavers	85

Division 5: Ridge Busters

85	Ridge busters, horse or tractor drawn	100
86	Ridge busters, tractor mounted	100

Division 6: Other Harrows and Rollers

87	Combination harrow and rollers	91
87a	Seed-bed row rollers	72
88	Field Markers	60
89		60
89a		60

Division 7: Attachments

90	Attachments for all items in Group 3 expressed in terms of net shipping weights in pounds	(1)

GROUP 4: CULTIVATORS AND WEEDERS

Division 1: Cultivators (Horse and Tractor Drawn)

91	One horse (all types), including hillers, disc hoes, shovel plows, little joes, and similar type harrows and rotary harrows	45
92	One row, walking, two horse	79
93	One row, riding, two horse, shovel type	90
93a	One row, riding, two horse, disc type	90
93b	Two row, riding, horse drawn, shovel or disc type	90
94	One row, riding, two horse, listed corn type	79
94a	Two row, horse drawn, listed corn type	79
94b	Two row, tractor drawn, listed corn type	100
94c	Three row, tractor drawn, listed corn type	100
94d	Four row, tractor drawn, listed corn type	100
94e	Five row, tractor drawn, listed corn type	100
95	Beet and bean cultivators, two row, horse drawn	50
95a	Beet and bean cultivators, four row, horse or tractor drawn	50
95b	Two row wing and disc hoes and hillers, potato, horse or tractor drawn	144
95c	Two row wing and disc hoes and hillers, potato, tractor mounted	144
96	Field cultivators, spring tooth type, seven foot and under	70
96a	Field cultivators, spring tooth type, over seven foot	70
96b	Field cultivators, stiff tooth type, seven foot and under	70
96c	Field cultivators, stiff tooth type, over seven foot	70
96d	Chisels and orchard cultivators, tractor drawn	45
97	Hand cultivators, wheel type, including hand plows	74

Division 2: Cultivators (Tractor Mounted)

98	One row	21
99	Two row, shovel type	71
99a	Two row, listed corn type	71
99b	Two row, potato cultivator	100
99c	Two row, disc type	71
100	Three and four row, shovel type	116
101	Narrow row, four and six row (beet, bean, and vegetable cultivators)	94
101a	Combination cultivators and planters, two row, corn and cotton	60
101b	Two row, cane cultivators	100
101c	Three row, cane cultivators	100
101d	Field cultivator, mounted and tool bar type	70
101e	Chiseland orchard cultivators, mounted and tool bar type (See also item 95c)	45

Division 3: Rotary Hoes

102	Rotary hoes, horse or tractor drawn	55

Division 4. Weeders

103	Rod weeders, horse or tractor drawn	60
103a	Rod weeders, tractor mounted and tool bar	60
104	Tooth weeders, one horse, walking	150
104a	Tooth weeders, two horse, riding	150
104b	Tooth weeders, tractor drawn	150
104c	Tooth weeders, tractor mounted	150

GROUP 4—Continued

Division 5: Other Cultivators and Weeders

Item No.		Quota Percent
105	Beet thinners	120
105a	Vegetable weeder and thinner	122
105b	Cyclone weeder	95
106		85
106a		85

Division 6: Attachments

107	Attachments for all items in Group 4 expressed in terms of net shipping weight in pounds	(1)

GROUP 5: SPRAYERS, DUSTERS, AND ORCHARD HEATERS

Division 1: Power Sprayers

108	Market garden type, under six g. p. m.	63
108a	Orchard type, six to ten g. p. m. auxiliary engines	63
108b	Orchard type, six to ten g. p. m. power take-off	63
108c	Orchard type, eleven to twenty g. p. m. auxiliary engines	63
108d	Orchard type, eleven to twenty g. p. m. power take-off	63
108e	Orchard type, over twenty g. p. m. auxiliary engines	63
108f	Orchard type, over twenty g. p. m. power take-off	63
108g	Field or row crop type, six to ten g. p. m. auxiliary engines	63
108h	Field or row crop type, six to ten, g. p. m. power take-off	63
108i	Field or row crop type, eleven to twenty g. p. m. auxiliary engines	63
108j	Field or row crop type, eleven to twenty g. p. m. power take-off	63
108k	Field or row crop type, over twenty g. p. m. auxiliary engines	63
108l	Field or row crop type, over twenty g. p. m. power take-off	63
108m	Field or row crop type, tractor mounted	100
108n	Propeller blast type	100
109	Traction sprayers, under six g. p. m.	100
109a	Traction sprayers, six g. p. m and over	100

Division 2: Hand Sprayers with Tank, Barrel, Knapsack, etc. with Complete Equipment (Capacity 1 qt. or over but less than six gallons)

110	Compressed air	70
111	Knapsack, self-contained	68
112	Trombone pump type	61
113	Bucket, pump type, single cylinder	73
114	Bucket, pump type, double cylinder	70
115	Atomizing, single action (1 qt. and larger capacity)	62
116	Atomizing, continuous (1 qt. and larger capacity)	64

Division 3: Hand Pump Sprayers (Capacity Six Gallons or More)

117	Barrel pump sprayer	87
118	Wheelbarrow sprayer	76

Division 4: Spray Pumps, Power

119	Spray pumps, power	104

Division 5: Weed and Pear Burners

120	Weed and pear burners	60

Division 6: Dusters

121	Power duster, auxiliary engines	128
121a	Power duster, power take-off	128
122	Traction dusters	79
123	Hand dusters, rotary type	74
123a	Hand dusters, plunger type	74

Division 7: Orchard Heaters

124	Orchard heaters	75
124a	Wind frost protection machines	75

Division 8: Attachments

125	Attachments for all items in Group 5 expressed in terms of net shipping weight in pounds	(1)

GROUP 6: HARVESTING MACHINERY

Division 1: Combines (Harvester-Threshers)

126	Width of cut, 6 ft. and under, auxiliary engines	57
126a	Width of cut, 6 ft. and under, power take off	57
127	Width of cut, over 6 ft. including 10 ft.	90
128	Width of cut, over 10 feet	97
128a	Windrowers or swathers	73

GROUP 6—Continued

Division 2: Grain and Rice Binders

Item No.		Quota Percent
129	Grain binders (ground drive)	42
130	Grain binders (power take-off drive)	84
131	Rice binders	88

Division 3: Corn Binders

132	Corn binders, ground drive	70
132a	Corn binders, power take-off	75
132b	Corn harvester, sled and wheel type	75

Division 4: Corn Pickers

133	One row, mounted type	110
134	Two row, mounted type	76
135	One row, pull type	78
136	Two row, pull type	108

Division 5: Field Ensilage Harvesters—Four Type

137	Field Ensilage Harvesters (row type)	100

Division 6: Potato Diggers and Pickers

138	Walking plow type	114
139	One row, ground drive	135
139a	One row, power take off	125
139b	Two row, power take off	125
139c	Potato pickers	135

Division 7: Lean Cutters or Pullers

140	Two row, horse or tractor drawn	85
140a	Four row, horse or tractor drawn	85

Division 8: Sugar Beet and Cane Harvesting Equipment

141	Beet lifters, horse or tractor drawn	27
141a	Beet lifters, tractor mounted	27
141b	Beet harvesters	150
141c	Beet loaders	150
141d	Cane harvesters	85
141e	Cane loaders	150

Division 9: Other Harvesting Equipment

142	Cotton harvesters, stripper type	150
142a	Cotton pickers	150
143	Vegetable pullers and pickers	150
143a	Green pea harvesters	150
143b	Spinach harvesters	150
144	One row soybean harvesters	150
144a	Grass seed harvesters or strippers	80
144b	Flax pullers	100
144c	Hop pickers	67
144d	Peanut diggers	150
144e		90
144f		90

Division 10: Attachments

145	Attachments for all items in Group 6 expressed in terms of net shipping weight in pounds	(1)

GROUP 7: HAYING MACHINERY

Division 1: Mowers

146	Horse or tractor drawn (ground drive)	49
147	Tractor mounted or semi-mounted (power take-off drive)	69

Division 2: Rakes

148	Sulky (dump)	47
149	Side delivery (incl. comb. side rakes and tedders)	84
150	Sweep (horse)	90
150a	Sweep (tractor mounted)	90

Division 3: Hay Loaders

151	Hay loaders	67

Division 4: Stackers

152	Stationary	90
152a	Combination stacker-loaders	146

Division 5: Pick-up hay balers and bale loaders

153	Pick-up hay balers—power take-off	75
153a	Pick-up hay balers—auxiliary engine	75
153b	Field bale loader	150

Division 6: Other Haymo Machinery

154	Field hay choppers and harvesters	150
155		90
156		90

[1] Percentage quota is the same as that used for the machine with which the attachment is used, unless option is chosen as provided for in Paragraph (d) (3) of the Order (L–257)

GROUP 7—Continued

Division 7: Attachments

Item No.		Quota Percent
157	Attachments for all items in Group 7 expressed in terms of net shipping weight in pounds	

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Division 1: Stationary Threshers—Grain, Rice and Alfalfa

158	Threshers, width of cylinder under 28 inches	66
159	Threshers, width of cylinder 28 inches and over	47

Division 2: Stationary Pea and Bean Threshers

160	Stationary pea and bean threshers	132

Division 3: Peanut Pickers

161	Peanut pickers	61

Division 4: Ensilage Cutters—Silo Fillers

162	Ensilage cutters (Silo Fillers)	69

Division 6: Feed Cutters—Hand and Power

163	Feed cutters, hand and power	80

Division 6: Corn Shellers

164	Corn shellers (hand)	43
165	Spring (2, 4, 6 and 8 hole)	0
166	Cylinder (150 bu. and under)	53
167	Cylinder (over 150 bushels)	45

Division 7: Corn Huskers and Shredders

168	Combination corn huskers-shredders	74
169	Corn huskers	41
170	Corn shredders	0

Division 8: Stationary Hay and Straw Balers

171	Horse	76
172	Auxiliary engine	36
172a	Belt driven	36
172b	Power take-off	36
172c	Broom corn balers	79

Division 9: Feed Grinders and Crushers

173	Hand	52
174	Power, burr type	58
175	Hammer type	58
175a	Roughage mills, combination type with cutter head and grinders	58
175b	Feed mixers (not concrete mixers)	58

Division 10. Grain cleaners and Graders

176	Cleaners and graders—farm type (small grain and seed)	63

Division 11: Sorters and Graders

177	Potato sorters and graders	111
177a	Vegetable graders, washers, sackers and conveyors	90
177b	Vegetable toppers	90
177c	Fruit graders, washers, crushers, conveyors	90
177d	Nut hullers, graders, sackers, conveyors	90

Division 12: Maple Syrup Evaporators

178	Complete sets of pans, not including furnaces	69
179	Furnaces	58

Division 13: Cane Syrup Evaporators

180	Complete sets of pans, not including furnaces	95
181	Furnaces	77

Division 14: Cane Mills—Farm Size

182	Cane mills (farm size)	63

Division 15: Cider Mills and Fruit Presses

183	Cider mills and fruit presses	32

Division 16: Other Machines for Preparing Crops for Market or Use

184	Tobacco Curers	40
185	Broom corn de-seeders	80
186		80
186a		80

GROUP 8—Continued

Division 17: Attachments

Item No.		Quota Percent
187	Attachments for all items in Group 8 expressed in terms of net shipping weight in pounds	(1)

GROUP 9: FARM ELEVATORS AND BLOWERS

Division 1: Elevators—Portable

188	Elevators, Portable	100

Division 2: Elevators—Stationary

189	Elevators, stationary	86

Division 3: Blowers—Grain and Forage

190	Blowers (grain)	118
190a	Blowers (forage)	150

Division 4: Attachments

191	Attachments for all items in Group 9 expressed in terms of net shipping weight in pounds	(1)

GROUP 10: TRACTORS

Division 1: Tractors, Wheel Type, by Rated Belt H. P.

192	Special purpose, under 30 H. P.	82
193	Special purpose, 30 and over	44
194	All purpose under 30 H. P.	41
195	All purpose 30 and over	63

Division 2: Garden Tractors

196	Garden tractors (incl. motor tillers)	65

Division 3: Attachments

197	Attachments for all items in Group 10 expressed in net shipping weight in pounds	(1)

GROUP 11: ENGINES (CANCELLED—SCHEDULED BY AUTOMOTIVE DIVISION)

Division 1: Engines Under 1 H. P.

198	Air Cooled	(2)

Division 2: Engines, One or More but Under 5 H. P.

199	Air Cooled	(2)
200	Water Cooled	(2)

Division 3: Engines, Five or More but Under 10 H. P.

201	Air Cooled	(2)
202	Water Cooled	(2)

Diel Engines, Tension 4; or More but Under 20 H. P.

203	Water cooled	(2)

Division 5: Attachments

204	Attachments for all items in Group 11 expressed in terms of net shipping weight in pounds	75

GROUP 12: FARM WAGONS, GEARS AND TRUCKS (NOT MOTOR)

Division 1: Wagons and Trucks

205	Wagon gears (less box) (See par. (f) (1))	55
206	Truck gears (less box). (See par (f) (1))	55
206a	One horse wagon (less box). (See par. (f) (1))	55

Division 2: Wagon Bodies

207	Wagon and truck boxes, farm. (See par. (f) (1))	77

Division 3: Farm Sleighs

208	Sleighs and Bob-Sleds, farm	150

Division 4: Trailers—Farm

209	Trailers, farm	0

Division 5: Other Transporting Equipment Not Motor Trucks

210	Tobacco trucks (see par. (f) (1))	56
210a	Buggies and spring wagons, farm	55
211	Cane wagons and carts	47
211a		50
211b		50

Division 6: Attachments

212	Attachments for all items in Group 12 expressed in terms of net shipping weight in pounds (see par. (f) (1))	(1)

[1] Percentage quota is the same as that listed for the machine with which the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L-257).

[2] Quota percentage not necessary.

GROUP 13: DOMESTIC WATER SYSTEMS

Division 1: Deep and Shallow Well Systems

Item No.		Quota Percent
213	Deep well, reciprocal	55
214	Deep or shallow well, jet type	70
215	Shallow well, 250–499 gals. per hour	66
216	Shallow well, 500 gals. per hour and over	66

Division 2: Power Pumps

217	Horizontal type, up to and incl. 75 gal. p. m. 100 pressure	88

Division 3: Water Well Casing

218	Water well casing (fabricated by other than pipe mills)	100

Division 4: Attachments

219	Attachments for all items in Group 13 expressed in terms of net shipping weight in pounds	(1)

GROUP 14: FARM PUMPS AND WINDMILLS

Division 1: Pumps, water

220	Pitcher pumps	69
221	Hand and windmill pumps	84

Division 2: Windmills

222	Windmill heads	93
223	Windmill towers	89

Division 3: Pump jacks

224	Pump jacks	67

Division 4: Attachments

226	Attachments for all items in Group 14 expressed in terms of net shipping weight in pounds	(1)

GROUP 15: IRRIGATION AND DRAINAGE EQUIPMENT

Division 1: Irrigation and Drainage Pumps

227	Turbine Pumps, 0 to 1,200 G. P. M.	64
228	Turbine Pumps, 1,200 G. P. M. and up, belt driven	135
229	Centrifugal pumps	64
230	Hydraulic rams	80

Division 2: Distribution Equipment

231	Land levelers	45
231a	Blade ditchers and terracers	45
231b	One disc terracers	45
231c	Corrugators	45
231d	Scrapers	45

(Items 231 to 231d are exclusive of power ditchers, draglines, and other self-powered machines.)

232	Portable pipe and extensions, sprinklers (excluding lawn sprinklers), valves and gates, expressed in terms of net shipping weight in pounds	70

Division 3: Other Farm Irrigation Equipment (List each item separately)

233		40
234		40
235		40

Division 4: Attachments

236	Attachments for all items in Group 15, expressed in terms of net shipping weight in pounds	(1)

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

Division 1: Milking Machines

237	Milking machines.....(Complete Outfits)	60

Division 2: Farm Cream Separators

238	Capacity 250 lbs. per hour or less	35
239	Capacity 251 lbs. to 800 lbs. per hour	27
240	Capacity 801 lbs. to 1500 lbs. per hour	23

Division 3. Farm Milk Coolers

241	Immersion type	84
242	Surface or Tubular type	84

GROUP 16—Continued

Division 4: Farm Butter Making Equipment

Item No.		Quota Percent
243	Butter churns	70
244	Butter molds	60

Division 5: Other Dairy Farm Equipment

245	Milk pails	98
246	Milk strainers	98
247	Stirrers	50
248	Cream setter cans	50
248a	Sterilizing tanks	70
248b	Dairy washing tanks	60
248c	Dairy water heaters (excluding boiler-type heaters)	60
248d	Can racks	60
	(List additional items separately)	
248e		50
248f		50
248g		50

Division 6: Attachments

249	Attachments for all items in Group 16, expressed in terms of net shipping weight in pounds	(1)

GROUP 17: BARN AND BARNYARD EQUIPMENT

Division 1: Feed Carriers, Litter Carriers, and Feed Trucks

250	Feed carriers	50
251	Litter carriers	82
252	Track for feed and litter carriers	75
253	Feed trucks (iron and steel)	67

Division 2: Hay Unloading Equipment

254	Hay carriers	90
255	Track for hay carriers	73
256	Hay forks, harpoon and grapple	90

Division 3. Cattle Stalls, Pen Equipment and Stanchions

258	Cattle stalls and fittings (See Par. (f) (1))	50
259	Livestock pens (See Par. (f) (1))	40
260	Cattle stanchions and fittings (See Par. (f) (1))	65

Division 4. Livestock Drinking Cups and Watering Bowl

261	Livestock drinking cups	92
262	Outside livestock watering bowls	80

Division 5. Barnyard Stock Tanks

263	Barnyard stock tanks	65
264	Hog troughs (iron and steel)	56
265	Livestock dipping tanks	50

Division 6: Feeders, Feed Cookers, & Tank Heaters

265a	Livestock feeders (iron and steel)	80
266	Feed cookers	77
267	Tank heaters	90

Division 7: Barn Door Track & Hangers

270	Hog waterers	105
270a	Hog oilers	65
271	Hog rings	110
271a	Hog ringers	85
272a	Cattle dehorning equipment	50
272f	Anti-cow-kickers	45
272h	Hay hoists	60
272i	Bull staffs	100
272j	Bull rings	100

(List additional items separately)

272k		50
272l		50

Division 9: Attachments

273	Attachments for all items in Group 17, expressed in terms of net shipping weight in pounds	(1)

GROUP 18: FARM POULTRY EQUIPMENT

Division 1. Incubators

274	Incubators, 1,000-egg capacity & smaller	51
275	Incubators, over 1,000-egg capacity	75

Division 2: Floor Brooders

276	Oil (over 100 chick capacity)	100
277	Coal (over 100 chick capacity)	100
278	Gas (over 100 chick capacity)	100
279	Wood (over 100 chick capacity)	100
280	Electric (over 100 chick capacity)	100
280a	All types 100 chick capacity and smaller	100

Division 3: Battery Brooders (heated)

281	Three deck and smaller (heated)	30
282	Four deck (heated)	70
283	Five deck (heated)	85

[1] Percentage quota is the same as that listed for the machine with whom the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L-257).

GROUP 18—Continued

Division 4: Growing and Laying Batteries

Item No.		Quota Percent
284	Growing	82
285	Laying	0

Division 5: Poultry Feeders

286	Poultry feeders (iron and steel)	70

Division 6: Poultry Waterers and Water Heaters

287	Poultry waterers (iron and steel)	70
287a	Automatic float valves	75
287b	Fountain heaters	75

Division 7: Laying Nests and Grit Boxes

288	Laying nests (iron and steel)	40
289	Egg baskets	100
289a	Grit boxes (iron and steel)	40

Division 8. Other Farm Poultry Equipment

290	Leg bands	110
290a	Wing bands	110
291	Egg graders	100
292	Egg candlers	100
292a	Poultry punches	50
292b	Roof saddles	100
292c	Draft equalizers	100
292d	Chimney caps	100
292g	Killing cones	50
292h	Fowl catchers	50

(List additional items separately)

292i		50
292j		50
292k		50

Division 9: Attachments

293	Attachments for all items in Group 18, expressed in terms of net shipping weight in pounds	(1)

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Division 1: Beekeepers' Supplies

294	Beekeepers' supplies (except bee hives)	100
295	Bee hives (not limited, except iron and steel—see par. (f) (1)).	

Division 2: Silos

296	Silos (total weight of iron and steel) (see par. (f) (1))	60

Division 3: Horse Shoes—Including Mule and Oxen Shoes

297	Horseshoes (incl. mule and oxen shoes)	107

Division 4: Harness Hardware

298	Harness hardware	100

Division 5: Power Sheep Shearing Machines

299	Power sheep shearing machines	100
299a	Power cattle and horse clippers	50

Division 6: Electric Fence Controllers

300	Electric fence controllers	100
301	Electric fence accessories	120

Division 8. Farm Wood-Sawing Machines

309	Farm wood-sawing machines including self-powered cross-cut and drag 5 H. P. and less	56

Division 9: Farm Gates

310	Farm gates (see par. (f) (1))	25

Division 10. Farm Electric Plants (wind-driven)

311	Farm electric plants (wind-driven electric generating plants only—does not include batteries or towers)	55
311a	Towers for wind-driven electric generating plants. (Engine driven farm lighting plants and batteries transferred to Automotive Division.)	55

Division 11: Attachments

312	Attachments for all items in Group 19, expressed in terms of net shipping weight in pounds	(1)

[F. R. Doc. 43-13808; Filed, August 24, 1943; 11:32 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L-257-a as Amended August 24, 1943]

EXPORTS

§ 1029.16 *Limitation Order L-257-a*—(a) *What this order does.* This order describes the rules governing the manufacture for export of machinery and equipment (both farm and non-farm) and repair parts, and supplements Limitation Order L-257 covering domestic production. All general provisions of the domestic order, such as definitions and rules for production schedules, will apply to producers for export under this order, unless this order indicates otherwise. It is expected that this order L-257-a will be the basic export order from year to year, but that "applicable export schedules" of quotas will be issued for each "current quota period", just as explained in Order L-257 for domestic quotas. It may be assumed that the applicable export schedules in effect at any particular time will continue into the next "current quota period", until such time as new schedules are issued.

(b) *Additional definitions.* The definitions of Order L-257, unless otherwise indicated in this order, shall apply for the purpose of this order, and also the following:

(1) "Base shipment" means one-half the net shipping weight of the total quantity (as reported on Form PD-388) of farm machinery and equipment and repair parts in the aggregate exported by a producer during the calendar years 1940 and 1941 combined to any country or group of countries (except Canada) listed on an applicable export schedule.

(2) "Lend-Lease order" means any order for machinery and equipment (both farm and non-farm) or repair parts placed by any agency of the United States Government in response to a requisition filed pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) "Applicable export schedule" means any schedule which relates to a current quota period and fixes manufacturing quotas for the foreign country or countries listed for that period.

(c) *Restrictions on production for export*—(1) *General export quotas (except Canada).* During any current quota period, no producer shall manufacture for shipment, or ship, to foreign countries more machinery and equipment (both farm and non-farm) and repair parts than his quota for the particular country or countries, as indicated on the applicable export schedule. Where countries are listed on an applicable export schedule as a group with only one quota percentage, the producer's quota for all countries in the group as a whole is the listed percentage of his base shipments to those countries. Where countries are listed individually with separate quota percentages, the producer's quota for each country is the applicable percentage

of his base shipment to that country. Where the quota percentage is 0% for any country or group of countries listed, or where a particular foreign country is not listed at all, shipments can be made only by getting a special quota under paragraph (c) (4). These special quotas will be given only as the need arises.

Each export quota for a country or group of countries (except Canada) is an over-all tonnage, which the producer can divide up among farm machinery and equipment, non-farm machinery and equipment, and repair parts, as he chooses.

Exceptions to these general rules are stated in paragraph (d).

(2) *Canadian quotas.* During any current quota period, no producer shall manufacture for shipment to Canada more of any item of farm machinery and equipment (in units) or attachments and repair parts (by weight) than his quota as indicated on the applicable export schedule. For each item of farm machinery and equipment (excluding attachments) the producer's quota is half the number of that item (in units) shipped by him to Canada during the calendar years 1940 and 1941, multiplied by the percentage shown for the item on the schedule. (Quotas for Canada do not include non-farm machinery and equipment.)

For each item of attachments, the quota is half the net shipping weight of that item shipped by the producer to Canada during the calendar years 1940 and 1941, multiplied by the percentage shown for the item on the schedule. However, the producer may choose to lump all attachments as explained in paragraph (d) (3).

For repair parts, the quota is half his total 1940 and 1941 shipments by weight of all repair parts to Canada, multiplied by the indicated percentage.

Exceptions to these general rules are stated in paragraph (d).

(3) *Special restrictions.* No producer shall manufacture for shipment, or ship to any foreign country (including Canada):

(i) Any item of farm machinery and equipment requiring rubber tires, except upon specific authorization in writing of the War Production Board;

(ii) Any item of farm machinery and equipment or repair parts except to the extent listed on an approved production schedule under paragraph (e).

(4) *Adjustments in quotas.* The War Production Board may, by specific written directions or authorizations issued to any producer or other person affected by this order, increase or decrease any export quota or authorized use of materials; and may transfer any portions of quotas between producers, taking into account the amount and weight of materials to be used, the need for particular items at the time required in particular countries, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be proper.

(d) *Exceptions*—(1) *Production before or after current quota periods*—(i) *Advance planning of production.* Before the beginning of any current quota period, producers may plan their advance production for export as explained for domestic production in subparagraph (d) (5) (i) of Order L–257.

(ii) *Carry-over of uncompleted portions of quotas.* Any portions of export quotas under an applicable export schedule (including all amendments, appeals and specific authorizations) which are not completely manufactured by the end of the current quota period, may be carried over and added to the corresponding quotas of the next current quota period, but only to the extent that the particular items are covered by an export license issued by the Office of Economic Warfare or by a Lend-lease order, dated before July 1 of this next period. However, items for Canada may be carried over to the extent that they can be completed by July 31 of this next period.

(iii) *Uncompleted L–170 quotas.* Uncompleted export quotas under Order L–170 (except Canada) may be carried over as explained in subparagraph (d) (1) (ii) above to the extent that they are covered by an export license or Lend-Lease order dated before October 1, 1943. Uncompleted L–170 quotas for Canada may be completed up to June 30, 1944.

(2) *Bracketed items for Canada.* Wherever, in an applicable export schedule for Canada, two or more items are bracketed together, the producer may distribute his total quota (in units) for that bracket among all the items in that bracket, as set forth for domestic items in paragraph (d) (2) of Order L–257.

(3) *Attachments for Canada.* Any producer may choose not to follow the individual quota percentages for attachment items for Canada as indicated on the applicable export schedule, and instead manufacture up to 75% of half his total 1940 and 1941 shipments of all attachments (by weight) to Canada, under the terms set forth for domestic attachments in paragraph (d) (3) of Order L–257.

(e) *Production schedules.* Each producer who is not a "small producer" must have available for shipment export the quantities of items of machinery and equipment (both farm and non-farm) and repair parts as indicated on his production schedules which have been filed and approved in accordance with paragraph (e) of Order L–257. All provisions of that paragraph apply to production schedules for export, unless otherwise indicated.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington 25, D. C., Ref.: L–257–a.

Issued this 24th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPLICABLE EXPORT SCHEDULES OF ORDER L–257–A FOR CURRENT QUOTA PERIOD JULY 1, 1943 TO JUNE 30, 1944

NOTE: Caption amended August 24, 1943.

Quotas for countries listed on Schedules X–1, X–3, X–4, X–5, X–6, X–7 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments of farm machinery and equipment and repair parts to *all* the countries in the particular group.

Quotas for countries listed on Schedule X–8 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments to *each* such country.

NOTE: Quota percentages are *not* established for countries listed in Schedules X–2 and X–9 below. Quotas for these countries, and for special projects in any country, will be allocated specifically from time to time under paragraph (c) (4).

O. E. W. COUNTRIES

Schedule X–1—Quota Percentage 45%

Argentina	Guatemala
Bolivia	Haiti
Brazil	Honduras
Chile	Mexico
Colombia	Nicaragua
Costa Rica	Panama
Cuba	Paraguay
Dominican Republic	Peru
Ecuador	Uruguay
El Salvador	Venezuela

Schedule X–2—Other O. E. W. Countries Quota Percentage—0%

NOTE: Caption amended August 24, 1943.

NOTE: Item "French West Africa" deleted, August 24, 1943.

Azores	Mozambique
Belgian Congo	Newfoundland and Labrador
British Oceania	Portugal
Canary Islands	Portuguese Guinea and Angola
Cape Verde Islands	Rio de Oro and Spanish Guinea
Curacao (N. W. Indies)	Spain
Eire	Spanish Morocco
French Guiana	Surinam (Dutch Guiana)
French Oceania	Sweden
French West Indies	Switzerland
Greenland	Tangier
Liberia	
Madagascar	
Miquelon and St. Pierre	

LEND-LEASE COUNTRIES

Schedule X–3—Quota Percentage 87%

United Kingdom:
Great Britain
North Ireland
Scotland
Wales

Schedule X–4—Quota Percentage 580%

French North Africa:
Algeria
French Morocco
Tunisia

Schedule X–5—Quota Percentage 479%

Other French Africa:
French Equatorial Africa
French Somaliland
Cameroons (French)

Schedule X–6—Quota Percentage 151%

British West Indies:
Bahamas
Barbados
Bermuda
Jamaica
Leeward Islands
Trinidad and Tobago
Windward Islands

Schedule X–7—Quota Percentage 37%

British West Africa:
Cameroons (British)
Gambia
Gold Coast
Nigeria
Sierra Leone

Schedule X–8

Countries:	Quota percentages
Australia	399%
British East Africa	167%
British Honduras	70%
British Guiana	200%
Egypt and Sudan	380%
Iceland	922%
India	55%
Iran	53%
Iraq (Mesopotamia)	469%
New Zealand	232%
Palestine	415%
North & South Rhodesia	132%
Turkey	43%
Union of South Africa	121%

Schedule X–9—Other Areas Quota Percentage—0%

NOTE: Caption amended August 24, 1943.

Aden
Arabia Peninsula States
Belgium
British Somaliland
Ceylon
China (Free)
Cyprus
Italian Somaliland
Ethiopia
Falkland Islands
French West Africa
France
Greece
Denmark
Gibraltar
Italy
Malta and Gozo
Mauritius and Dependencies
Netherlands
Norway
Poland
State of Bahrein
St Helena and Dependencies
Syria
U. S. S. R.
Yugoslavia

CANADA

Schedule X–10

Quotas for the following items of farm machinery and equipment (excluding attachments) are expressed as a percentage of one-half the number of *units* of each item shipped to Canada during the combined calendar years 1940 and 1941; where applicable, the item numbers correspond to those in Schedule A of Order L–257. Bracketed items may be handled as indicated in paragraph (d) (2).

The quota base for each item of attachments, and for repair parts, is one-half the net shipping *weight* of the 1940 and 1941 shipments thereof. Note option to lump all attachments as provided in paragraph (d) (3).

Items not listed are not to be manufactured for shipment to Canada.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

Division 1: Planters (Horse and Tractor Drawn)

Item		Quota percentages
4	Two row corn planters	81
6	Three row and over corn planters	81

Division 2: Planters (Tractor Mounted)

10	Two row corn planters	81
12	Three row and over corn planters	81

Division 3: Potato Planters (Horse or Tractor Drawn)

14	One row	125
14a	Two row and larger	125

Division 4: Transplanters

[1]	Horse or tractor drawn	77
18	Hand, wheel type	77

Division 7: Beet Drills

[1]	Horse or tractor drawn	69

Division 8: Grain Drills

[1]	Fertilizer drills, horse or tractor drawn	75
[1]	Plain drills, horse or tractor drawn	75
[1]	Press drills, horse or tractor drawn	32

Division 10: Garden Planters

30	Hand planters, wheel type	100

Division 12: Lime Spreaders (Sowers)

33	Wheeled type, horse or tractor drawn	70

Division 13: Manure Spreaders

36	Four wheeled, horse or tractor drawn	83
37	Two wheeled, tractor drawn	83

GROUP 2: PLOWS AND LISTERS

Division 1: Moldboard Plows (Horse Drawn)

42	Walking, one horse, steel bottom	0
43	Walking, one horse, chilled bottom	0
44	Walking, two horse, or larger	51
46	Gang, two bottom and larger	26

Division 2: Moldboard Plows (Tractor Drawn or Mounted)

47	One bottom, tractor drawn	57
48	Two bottom, tractor drawn	57
49	Three bottom, tractor drawn	57
50	Four bottom, tractor drawn	57
51	Five bottom, and larger, tractor drawn	57
52	One bottom, tractor mounted	51
53	Two bottom, tractor mounted	51

Division 5: One Way Disc Plows or Tillers

63	Under five feet	72
63a	Five foot and under eight foot	72
63b	Eight foot and over	72

Division 11: Seeding Boxes

[1]	Seeding boxes for one way plows or tillers	92

[1] No applicable item number on Schedule A of Order L–257.

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

Division 1: Harrows

Item		Quota Percentage
78	Spike tooth harrow sections, horse or tractor drawn (steel)	63
79	Spring tooth harrow sections, horse or tractor drawn (steel)	65
[1]	Disc harrows, horse or tractor drawn:	
	(1) wide tractor disc harrow	42
	(2) tandem tractor disc harrow	56
	(3) horse disc harrow	51

Division 3: Soil Pulverizers and Packers

[1]	Trailer packers for one way disc, drill and plow	41

GROUP 4: CULTIVATORS AND WEEDERS

Division 1: Cultivators (Horse and tractor drawn)

91	One horse, all types	58
93	Corn cultivators, one row	96
95	Beet cultivators	76
[1]	Field cultivators	66
97	Hand cultivators and weeders	100

Division 2: Cultivators (Tractor Mounted)

98	One row	83
99	Two row, shovel type	83
100	Three or four row, shovel type	83
101	Five row and over	83

Division 4: Weeders

103	Rod weeders, horse or tractor drawn	25

Division 5: Other Cultivators and Weeders

[1]	Tobacco cultivators	50

GROUP 5: SPRAYERS, DUSTERS, AND ORCHARD HEATERS

Division 1: Power Sprayers and Traction Sprayers

[1]	Power sprayers	98
[1]	Traction sprayers	95

Division 2: Hand Sprayers (Capacity one quart & over)

110	Compressed air	84
111	Knapsack self-contained	
112	Trombone pump type	
113	Bucket pump type, single cylinder	
114	Bucket pump type, double cylinder	
115	Atomizing single action (1 qt. and larger)	
116	Atomizing continuous (1 qt. and larger)	

Division 3: Sprayers with Tank, Barrel, Knapsack, etc., (6 gals. or more)

117	Barrel pump sprayer	84
118	Wheelbarrow type	

Division 4: Spray Pump (Power)

119	Spray pumps, power	100

Division 6: Dusters

123	Hand dusters, rotary type	84

GROUP 6: HARVESTING MACHINERY

Division 1: Combines (Harvesting thrashers)

126	Width of cut, 6 feet and under	110
127	Width of cut, over 6 feet including 10 feet	110
128	Width of cut, over 10 feet	110
[1]	Pickup for combines	125
128a	Swather	147

GROUP 6: HARVESTING MACHINERY—CON.

Division 2: Grain and Rice Binders

Item		Quota Percentage
129	Grain binder (ground drive)	61
130	Grain binder (power take-off drive)	64

Division 3: Corn Binders

132	Corn binders (row binder) horse or tractor drawn	75

Division 4: Corn Pickers

133	One row, mounted type	128
134	Two row, mounted type	128
135	One row, pull type	128
136	Two row, pull type	128

Division 5: Field Ensilage Harvester (Row type)

137	Field ensilage harvester (40 units to be allotted)	0

Division 6: Potato Diggers

(1)	Horse or tractor	113

Division 8: Beet Lifters

141	Horse or tractor	97

GROUP 7: HAYING MACHINERY

Division 1: Mowers

146	Horse or tractor drawn (ground drive)	77
147	Tractor mounted or semi-mounted (Power take-off drive)	77
(1)	Knife or sickle grinder	71

Division 2: Rakes

148	Sulky, dump	93
149	Side delivery	77
150	Sweep, horse	75

Division 3: Hay Loaders

151	Hay loaders	109

Division 4: Stackers

152	Stackers (Stationary type)	100

Division 5: Hay Balers

(1)	Pick-up hay balers (50 units to be allotted)	0

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Division 1: Stationary Thrashers

158	Thrashers, width of cylinder under 28 inches	32
159	Thrashers, width of cylinder 28 inches or over	32

Division 4: Ensilage Cutters (Silo fillers)

162	Ensilage cutters (silo fillers)	89

Division 5: Feed Cutter (Hand and Power)

163	Feed Cutters, hand and power	105

Division 6: Corn Shellers

164	Corn shellers, hand	33
165	Power corn shellers (2, 4, 6 and 8 hole)	33
166	Power corn shellers, cylinder (150 bu. and under)	33
167	Power corn shellers, cylinder (over 150 bu.)	33

Division 9: Feed Grinders and Crushers

174	Power Burr type	183
175	Hammer	66
175a	Roughage mills	66
175b	Feed mixer (not concrete mixer)	126

[1] No applicable item number on Schedule A of Order L-257.

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE—CON.

Division 10: Cleaners and Graders (Farm type)

Item		Quota Percentage
176	Cleaners and graders (corn and grain)	100

Division 11: Potato Sorters and Graders

177	Potato sorters and graders	85

Division 16: Other Machines for Preparing Crops for Market Use

(1)	Roller or crusher type feed cutters	33
(1)	Pulper (feed)	100

GROUP 9: FARM ELEVATORS AND BLOWERS

Division 1: Elevators (portable)

188	Elevators, portable	50

Division 2: Elevators (stationary)

189	Elevators, stationary	0

GROUP 10: TRACTORS

Division 1: Tractors, Wheel Type, by Rated Belt H. P.

192	Special purpose under 30 h. p.	75
193	Special purpose 30 or over h. p.	
194	All purpose under 30 h. p.	
195	All purpose 30 and over h. p.	

Division 2: Garden Tractors

196	Garden tractors including motor tillers (200 units to be allotted)	

GROUP 11: ENGINES

NOTE: Engines and repairs for same are not controlled by this order, but are scheduled by the Automotive Division.

GROUP 12: FARM WAGONS AND TRUCKS (NOT MOTOR)

Division 1: Wagons

205	Wagons, farm, without boxes	90
206	Trucks, farm, without boxes	97

Division 2: Wagon Bodies

207	Wagon and truck boxes, farm	141

GROUP 13: DOMESTIC WATER SYSTEMS

Division 1: Deep and Shallow Well System

213	Deep well, reciprocal	83
214	Deep well, jet pumps	83
215	250-499 gals. per hour, shallow well	83
216	500 to 3000 gals. per hour, shallow well	83

Division 2: Power Pumps

217	Horizontal type up to and including 50 gals. per min. 100 lb. pressure	83

GROUP 14: FARM PUMPS AND WINDMILLS

Division 1: Pumps, Water

220	Pitcher pumps or cistern pumps	86
221	Hand and windmill pumps	162

Division 2: Windmills

222	Windmill heads	86
223	Windmill towers	35

Division 3: Pump Jacks

224	Pump jacks	160

GROUP 15: IRRIGATION EQUIPMENT

Division 2: Distribution Equipment

Item		Quota Percentage
(1)	Repairs, sprinklers, valves and gates for truck garden sprinkling equipment, excluding piping and lawn sprinklers: (1,000 pounds to be allotted)	0

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

Division 1: Milking Machines

237	Milking machines (with 2 pails per pump)	185

Division 2: Farm Cream Separators

238	Farm cream separators, capacity 250 lbs. per hour or less	0
239	Farm cream separators, cap. 251-800 lbs. per hour	186
240	Farm cream separators, capacity 801-1500 lbs. per hour	186

Division 3: Farm Milk Coolers

241	Immersion type (200 units to be allotted)	0

Division 4: Farm Butter Making Equipment

243	Butter churns	80

GROUP 17: BARN AND BARNYARD EQUIPMENT

Division 2: Hay Unloading Equipment

254	Hay carriers	103
255	Track for hay carriers	103
256	Hay forks, harpoon and grapple	103
257	Pulleys and fittings	103

Division 4: Livestock Drinking Cups and Watering Bowls

261	Livestock drinking cups	138

Division 5: Hog Troughs

264	Hog troughs	50

Division 8: Other Barn and Barnyard Equipment

270	Hog waterers	50
271	Hog rings	0
272	Bull rings	

(15,000 lbs. to be allotted)

GROUP 18: FARM POULTRY EQUIPMENT

Division 1: Incubators

274	Incubators, 1000 egg capacity and smaller	105
275	Incubators, over 1000 egg capacity	105

Division 2: Floor Brooders (over 100 chick capacity)

277	Coal	159
279	Wood	
280	Electric	

Division 8: Egg Cleaners and Brushes (hand use only)

(1)	Egg cleaners and brushes (hand use only)	150

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Division 4: Harness Hardware

298	Harness hardware (pounds)	156

Division 6: Electric Fence Controllers

300	Electric fence controllers	200
301	Electric fence accessories (pounds)	200

GROUP 19: MISCELLANEOUS FARM EQUIPMENT—continued

Division 8: Farm Wood-Sawing Machines

Item		Quota Percentage
309	Farm wood-sawing machines	89

Division 10: Farm Lighting Plants

311	Wincharger type (battery not included)	25

ATTACHMENTS AND REPAIR PARTS

(1)	Repair parts, in the aggregate (base is one-half the net shipping weight of total 1940-1941 shipments of repairs)	156
(1)	Attachments: Quota percentage for each attachment item is the same as that listed above for the machine or item with which the attachment is used, except that the base is net shipping weight instead of units. However, option may be chosen to lump all attachments as provided in paragraph (d) (3) of Order L-257-a.	

[F. R. Doc. 43-13809; Filed, August 24, 1943; 11:33 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-c, as Amended August 24, 1943]

To facilitate sales of idle or excess materials, equipment and facilities by persons engaged in the petroleum industry to other persons engaged in the petroleum industry and to control the acquisition of materials by persons engaged in the petroleum industry, the following order is deemed necessary and appropriate in the public interest and to promote the national war effort:

§ 1041.3 *Preference Rating Order P-98-c*—(a) *Definitions.* (1) "Operator" means any person to the extent that he is engaged in the petroleum industry.

(2) "Surplus material" means with respect to each operator that quantity of any item of material, usable for purposes other than scrap, in the operator's possession or under his control which is determined to be surplus critical material in accordance with Schedule A, B, or C; or which (with respect to any material not identified as critical material) exceeds the quantity required or scheduled for use during the succeeding 90 days.

(3) All other definitions of Preference Rating Order P-98-b shall apply in this order.

(b) *Sales of material between operators.* (1) Notwithstanding the provisions of Priorities Regulation No. 1, as amended from time to time, any operator may sell or transfer to any operator material from the seller's or transferor's stocks or inventories, and any such sale or transfer shall be expressly permitted within the terms of Priorities Regulation No. 13, as amended from time to time.

(2) Notwithstanding the provisions of Priorities Regulation Nos. 1 and 13, as amended from time to time, any operator may sell or transfer to any supplier, for sale or transfer by the supplier to another operator, material from the stocks or inventories of the operator.

(3) Where any material is to be used by an operator outside of the United States, its territories or possessions, no operator may sell, transfer or accept delivery of such material under the provisions of this paragraph (b) unless Form PD-470 is filed with the Petroleum Administration for War prior to any such sale or transfer. For the purposes of this subparagraph Form PD-470 will be treated as an information form only and not as an application.

(c) *Restrictions on acquisition and use of materials.* (1) The provisions of CMP Regulation No. 2 and paragraph (f) of CMP Regulation No. 5 shall not be applicable to the sale, delivery, or transfer of material or the use of implementing documents under the provisions of this order. The following provisions of this paragraph (c) shall apply.

(2) No operator or supplier may deliver to any operator, and no operator may accept delivery of, any material for ultimate use in the United States, its territories or possessions, or the Dominion of Canada, in a quantity which if accepted by the operator would result in surplus material for that operator.

(3) No operator may submit a contract or purchase order, effect a sale or transfer authorized by the provisions of paragraph (b) of this order, or apply or extend priorities assistance to obtain delivery of any material for ultimate use in the United States, its territories or possessions or the Dominion of Canada in a quantity which if accepted by the operator would result in surplus material for that operator.

(4) On and after August 1, 1943, no operator who is required to make a certification of compliance under the provisions of the PAW-Materials Redistribution Program No. 2 may submit a contract or purchase order, effect a sale or transfer authorized by the provisions of paragraph (b) of this order, or apply priorities assistance to obtain delivery of any material unless such certification has been made.

(5) Any operator or supplier may deliver to any operator, and any operator may accept delivery of, material for ultimate use outside of the United States, its territories or possessions, or the Dominion of Canada only where the operator accepting delivery of such material secures priorities assistance in conformity with the provisions of Priorities Regulation No. 9 and Forms PD-311 or PD-311-c, as they may be amended from time to time.

(d) *Participation in Materials Redistribution Program.* Where any material is to be used by an operator in the United States, its territories or possessions, such operator shall file such applications as are required by the PAW-Materials Redistribution Program No. 2 and shall participate in such program to the extent required by its terms and provisions. Any operator required to make a certification of compliance under the provisions of the PAW-Materials Redistribution Program No. 2 may be deprived of priorities assistance where a determination has been made that such operator has surplus material which he has not made available for redistribution in accordance with such program.

(e) *Communications and appeals.* (1) All reports which may be required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed:

(i) By any person located in the United States, its territories or possessions, or elsewhere other than the Dominion of Canada to: Petroleum Administration for War, Interior Building, Washington, D. C., Ref.: P-98-c.

(ii) By any person located in the Dominion of Canada to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref.: P-98-c.

(2) Any person affected by this order or the applicable provisions of Part 1 of the PAW-Materials Redistribution Program No. 2, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may file an appeal with the Petroleum Administration for War, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. Such appeal shall be made by filing a letter in triplicate with the Director of Materials, Petroleum Administration for War, Interior Building, Washington, D. C., Ref.: P-98-c. Action with respect to this order and the PAW-Materials Redistribution Program No. 2 may thereupon be taken as is deemed appropriate.

(f) *Applicability of orders and regulations.* Except as provided in paragraph (c) (1), this order does not authorize acquisition, receipt or use of any material by any person in violation of any inventory, quota or use restrictions imposed by any order or regulation. This order and all transactions affected thereby are subject to the applicable provisions of any regulation issued by the War Production Board, as amended from time to time.

(g) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(h) *Further limitations on use of priorities assistance.* The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

Issued this 24th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule A: Subtract from the total quantity of any item of critical material (of a type

identified on this schedule), that quantity by Item which is required or scheduled for use during the succeeding 90 days.

Critical material:	*Branch of industry used in*
Carbon and alloy steel:	
Tubular goods (oil country):	
Casing	P
Tubing—2" and up	P
Drill pipe	P
Line pipe—2" and up	P, NG, R, T
Wire rope	P
API steel sucker rods	P

SCHEDULE B

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule B: Subtract from the total quantity of any item of critical material (of a type identified on this schedule), one-half of the quantity by item actually installed or put into service (use) in 1942.

	Branch of industry used in
Carbon and alloy steel:	
Condenser tubes	NG, R
Boiler tubes	R
Still tubes	R
Copper:	
Wire (wire mill copper products)	P, NG, R
Pipe and tubing (including tubes)	NG, R
Copper base alloys:	
Pipe and tubing (including tubes)	NG, R
Valves[1] (check, gate, globe, plug, relief, safety):	
Steel 2" and up	P, NG, R, T
Cast iron 12" and up	P, NG, R, T

SCHEDULE C

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule C: Total by item all critical material whether or not installed (of a type identified in this Schedule): (a) which has not been in productive service during the past 90 days and is not required or scheduled for such service during the succeeding 30 days; or (b) which has not been in productive service during the past 180 days.

Critical material:	*Branch of industry used in*
Compressors[2]:	
75 HP or more (including direct driven)	P
200 HP or more (direct driven only)	NG, R
7½ HP or less (complete with storage tank)	M
Control instruments[1][2]:	
Industrial (including regulators and control valves)	NG, R
Electric motors:	
10 HP or more	P, NG, R, T
5 HP or more	M
Electric motor controls:	
10 HP or more	P, NG, R, T
5 HP or more	M
Engines[2]:	
Multi-cylinder Gas and Gasoline 10 HP or more	P, NG, T
Diesel 150 HP or more	P, NG, T
Heat exchangers (including complete shells)	NG, R
Line pipe (oil or gas in place) 4" or over	P
Line pipe (in place), 4" or over	NG, T
Meters[1][2] Petroleum displacement type	M
Pressure vessels and towers, 200 or more cubic feet contents	NG, R
Critical material—Con.	*Branch of industry used in*
Pumps[2][3], Dispensing motor driven meter type	M
Pumps[2][4] (steam or power driven):	
Centrifugal	NG, R, T
Horizontal reciprocating	NG, R, T
Rotary	NG, R, T
Pumps[2][5] (power driven only):	
Centrifugal	M
Rotary	M
Pumping units, Oil well (excluding standard rig front), 10 HP or more	P
Tanks,[3] Steel storage, 65 gallons to 500 bbls.	M
Tanks, Steel storage, 10,000 bbls. or larger	P, NG, R, T
Tanks, Steel storage, 500 bbls. or larger	M

Footnotes

(These footnotes are applicable to any footnoted material, regardless of the schedule in which such material is listed.)

Footnoted material is considered "critical material" for the purposes of this program only where:

(a) In the case of footnote [1], the material is unused, reconditioned or rebuilt.

(b) In the case of footnote [2], the material was sold new to any person (not necessarily to the required participant) at any time since December 31, 1937.

(c) In the case of footnote [3], the material is not actually installed at the time a report under the Program is submitted.

(d) In the case of footnote [4], the material has a new replacement cost (excluding the power unit) of $600 or more.

(e) In the case of footnote [5], the material has a new replacement cost (including the power unit) of $200 or more.

The symbols P, NG, R, T, and M as used in the right-hand column above have the following meanings:

P means Production (oil or gas).
NG means Natural Gasoline Production.
R means Refining.
T means Transportation.
M means marketing.

[F. R. Doc. 43-13810; Filed, August 24, 1943; 11:32 a. m.]

PART 1253—BERYLLIUM

[General Preference Order M-160 as Amended August 24, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of beryllium for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1253.1 *General Preference Order M-160*—(a) *Definitions.* For the purposes of this order:

(1) "Beryllium" means and includes:

(i) Ores and concentrates, including beneficiated or treated forms, containing beryllium, commercially recognized;

(ii) The element beryllium, sometimes known as "glucinum", in commercially pure form;

(iii) Any alloy containing 3% (three per cent) or more by weight of the element beryllium;

(iv) All chemical compounds containing beryllium as an essential and recognizable component;

(v) Any alloy made for resale in whole or in part from scrap or secondary materials containing 0.1% or more of metallic beryllium and commercial beryllium alloys recovered therefrom.

It does not include beryllium scrap which is regulated by Order M-160-a.

(b) *Allocations.* After June 1, 1942, no person shall deliver or accept delivery of beryllium except as specifically authorized by the War Production Board. The War Production Board will from time to time allocate the supply of beryllium and specifically direct the manner and quantities in which deliveries thereof shall be made and accepted; and the War Production Board may also issue specific directions as to the manner and quantities in which beryllium may be processed for particular purposes or end uses. The War Production Board may require any person seeking to place a purchase order for beryllium to place the same with one or more particular suppliers. Such allocations and directions will be made to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(c) *Reports.* (1) Unless otherwise ordered by the War Production Board, no person shall be entitled to receive an allocation of beryllium unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the War Production Board, and with any supplier with whom he may place an order for beryllium, an application on Form PD-496, and in addition shall have filed with the War Production Board a report on Form PD-497.

(2) Any person who, on the first day of June or any month thereafter, has in his possession or under his control any beryllium in excess of ten (10) pounds (beryllium content) shall file with the War Production Board a report on Form PD-497 not later than the 20th day of such month even though he does not desire delivery of beryllium during the next succeeding month.

(3) Failure by any person to file an application pursuant to paragraph (c) (1) may be construed as notice to the War Production Board and to all suppliers of beryllium that such person does not desire an allocation of beryllium for the next succeeding month.

(d) *Exceptions.* (1) Notwithstanding any other provision of this order, any person may, until July 1, 1942, deliver beryllium for the purpose of producing any article which is being produced with the assistance of a preference rating order or certificate issued or extended to the manufacturer which assigns a rating of A-1-c or higher.

(2) Beryllium may be delivered without the specific authorization of the War Production Board to the Metals Reserve Company or to any other Corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended (15 U.S.C., section 606 (b)), or to any duly authorized agent of such corporation.

(e) *Special directions.* The War Production Board may from time to time issue specific directions or prohibitions with respect to the permissible kind or quantity of beryllium in the composition of any material or product, and he may also in his discretion direct the use of any practical substitute in lieu of beryllium in the production of any materials or products.

(f) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(g) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *General Imports Order M-63 unaffected.* Nothing contained in this order shall be construed as altering or modifying in any way the provisions of General Imports Order M-63 applicable to beryllium.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Washington 25, D. C., Reference: M-160.

Issued this 24th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13811; Filed, August 24, 1943; 11:32 a. m.]

PART 1253—BERYLLIUM SCRAP

[Supplementary Order M-160-a]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of beryllium scrap for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1253.2 *Supplementary Order M-160-a*—(a) *Definitions.* For the purposes of this order.

(1) "Beryllium scrap" means all copper or copper base alloy materials or objects which are the waste or by-product of industrial fabrication or which have been discarded on account of obsolescence, failure or other reason, and which contain 0.1% or more of metallic beryllium.

(2) "Producer" means Beryllium Corporation of Pennsylvania, Brush Beryllium Company, Clifton Products, Inc., and any other persons who may be so designated in writing by the War Production Board.

(3) "Approved smelter" means any person whose name appears on Schedule A attached to this order as the same may be amended from time to time.

(4) "Dealer" means any person regularly engaged in the business of buying and selling beryllium scrap.

(b) *Restrictions on use of beryllium scrap.* (1) No person other than a producer or an approved smelter, shall melt, reprocess, smelt or otherwise use beryllium scrap, unless specifically authorized so to do in writing by the War Production Board on application made by letter to the Mica-Graphite Division. Reference: M-160-a; provided, however, that a brass mill may remelt beryllium scrap generated by it and that a foundry may remelt its gates, sprues and risers, if in so doing the brass mill or foundry does not debase or contaminate the material, and if, in applying for permission to acquire beryllium copper or beryllium master alloy, it reduces the requirements on its suppliers by an amount equal to the anticipated recoverable metal. A foundry may also accept a new casting of its own production, which is found to be defective or was spoiled in machining, and recast and reship it to replace the original casting.

(2) The War Production Board may issue directives to approved smelters, producers and others who may be permitted to melt beryllium scrap, which directives may direct the exact alloy or alloys which must be produced therewith and the amount of such alloy or alloys, and may prohibit the production of certain alloys. The War Production Board may also issue directives describing the amount of secondary ingot all fabricators and foundries (either integrated or independent) may be required to blend with primary master alloy in the production of fabricated and cast shapes, and the War Production Board may, by directives, designate certain producers or smelters who shall be the only persons permitted to receive and melt beryllium scrap of certain alloys and to produce certain alloys. Directives with respect to all matters described in this paragraph (b) (2) may contain directions as to the production schedules of the persons to whom they are issued.

(c) *Segregation of beryllium scrap.* (1) Any person who in the course of manufacture generates 100 pounds or more of beryllium scrap in a plant in any month after June, 1943, shall carry out thereafter in any such plant the Beryllium Copper Scrap Segregation Program set forth in Schedule B attached to this order and made a part hereof, unless otherwise directed in writing by the War Production Board.

(2) Any person receiving beryllium scrap shall keep such scrap segregated, prior to using it in the manner permitted by paragraph (b) hereof to at least the same extent as when it was received by him; and if he redelivers such scrap he shall do so segregated at least to the same extent as when it was received by him.

(d) *Contamination of beryllium scrap.* No person shall contaminate beryllium scrap with any other material except that a producer or approved smelter may mix beryllium scrap with other metals in the production of beryllium master alloys or beryllium copper subject to the restrictions contained in any applicable directives and that a brass mill or foundry may mix beryllium scrap with other metals when using beryllium scrap to the extent permitted by the provisions of paragraph (b) (1) hereof.

(e) *Sale and delivery of beryllium scrap.* Except as otherwise specifically authorized in writing by the War Production Board, all persons generating or holding beryllium scrap shall after September 1, 1943, deliver all such scrap at intervals not to exceed 30 days (except that brass mills or foundries may retain for more than 30 days beryllium scrap which they are entitled to use under the provisions of paragraph (b) (1) hereof) in accordance with the following provisions:

(1) *Segregated plant scrap.* Unless the War Production Board has issued a directive in writing to the contrary pursuant to paragraph (e) (4) hereof, beryllium scrap generated in the course of manufacture in a plant subject to the Beryllium Copper Scrap Segregation Program by paragraph (c) (1) hereof and beryllium scrap in such plant consisting of defective or rejected material, shall be segregated in accordance with the program (Schedule B). After segregation, such beryllium scrap shall be shipped directly to any producer or approved smelter provided, however, that where the amount of such scrap of any one type required to be kept separate by the program does not amount to 200 pounds in any month, the scrap of such type may also be shipped directly to any dealer.

(2) *All other scrap.* Unless the War Production Board has issued a directive in writing to the contrary pursuant to paragraph (e) (4) hereof, any person (other than a dealer) who owns or originates any beryllium scrap which he is not required to segregate in accordance with paragraph (c) (1) of this order, shall deliver such scrap to any dealer or approved smelter and shall not use or dispose of such scrap in any other way.

(3) *Dealers operations.* Unless the War Production Board has issued a directive in writing to the contrary pursuant to paragraph (e) (4) hereof, all dealers must deliver any beryllium scrap (whether or not deemed to be usable in "as is" form) to a producer or approved smelter; provided, however, that any dealer may sell any beryllium scrap to another dealer if, in the regular course of business, he does not currently collect sufficient beryllium scrap to make it practicable for him to sell directly to a producer or approved smelter.

(4) *Directives.* The War Production Board may issue directives to a particu-

lar person or to a class of persons directing him or them to deliver beryllium scrap of certain alloys to another specific person or to a class of persons.

(f) *Certification upon sale of segregated scrap.* The generator of beryllium scrap which is segregated as provided in paragraph (c) (1) hereof and the Beryllium Copper Scrap Segregation Program (Schedule B), shall furnish the person to whom he makes delivery of such scrap with a signed document in the form of WPB 3067, or in substantially similar form showing:

(i) The alloy number or the designation "mixed beryllium scrap" when applicable;
(ii) Form of scrap;
(iii) Weight (on a clean and dry basis, moisture content estimated, if necessary); and
(iv) The name and address of the plant where generated.

This document shall bear a notation as to the date of delivery and names and addresses of the parties to the transaction, and, in case of redelivery of such scrap, shall be endorsed and delivered to the person receiving such scrap. Any person delivering scrap segregated as provided in Part I of the Program (Schedule B), shall clearly mark it showing the alloy number or specification, form and source. No mixed beryllium scrap or beryllium scrap other than scrap segregated in accordance with Part I of the Program (Schedule B), shall be designated as "segregated scrap" by any person.

(g) *Tolling prohibited.* No beryllium scrap may be delivered or received pursuant to toll, repurchase or similar arrangement, unless such transaction is specifically authorized in writing by the War Production Board.

(h) *No acquisition or delivery in violation of order.* No person shall hereafter acquire or deliver beryllium scrap or products made therefrom if he has reason to believe such material has been or is to be used in violation of the terms of this or any other order of the War Production Board: *Provided, however,* That any producer or approved smelter may acquire beryllium scrap for any purpose permitted by this order and any directives issued hereunder at any time, irrespective of the right of the person disposing of the same to have acquired or to deliver such scrap.

(i) *Records.* Each person who participates in any transaction involving beryllium scrap shall keep and preserve for at least two years complete and accurate records as to all such transactions, which records shall be subject to inspection by the War Production Board. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Reports.* Any person generating or receiving beryllium scrap in any quarter, or having in his possession beryllium scrap at the end of any calendar quarter, shall file with the Mica-Graphite Division quarterly reports on Form WPB 3066 not later than the 20th day after the end of such calendar quarter, if he is instructed so to do by instructions on Form WPB 3066, or if otherwise specifically directed by War Production Board. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(k) *Addressing of communications.* All applications, statements, reports or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Mica-Graphite Division, Washington 25, D. C., Reference: M–160–a.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 24th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—APPROVED BERYLLIUM SMELTERS

American Brass Company, Waterbury, Connecticut.

Wilbur B. Driver Company, Newark, New Jersey.

Riverside Metal Company, Riverside, New Jersey.

SCHEDULE B—BERYLLIUM COPPER SCRAP SEGREGATION PROGRAM

I. *Segregation of beryllium scrap other than mixed beryllium scrap*—(1) *By alloy content.* Beryllium scrap (other than mixed beryllium scrap as hereinafter defined) of each individual alloy (for example, nickel or cobalt bearing scrap) shall be segregated from beryllium scrap of every other alloy.

NOTE: Scrap from plated or otherwise coated material may not be included with uncoated material of the same alloy specifications.

(2) *By form.* In addition to the above segregation on the basis of alloy content, the scrap of each alloy (other than mixed beryllium scrap as hereinafter defined) shall be segregated into four form types:

(i) "Solids from wrought shapes" generated by shearing, clipping, cutting, blanking or similar processes and also defective or rejected wrought beryllium parts.
(ii) "Casting solids", consisting of defective or rejected casting and gates, sprues, risers or similar foundry scrap.
(iii) "Wrought machinings" generated by machining, drilling, boring, turning, milling or like operations on wrought products or wrought parts.
(iv) "Casting machinings" generated by machining, drilling, boring, turning, milling or like operations on foundry products and parts made therefrom.

In no event shall solids and machinings be combined.

II. *Segregation of mixed beryllium scrap by form*—(1) *Definition.* "Mixed beryllium scrap" shall consist of beryllium scrap in the form of solids or machinings, the alloy content of which cannot be identified, or of grindings, sawings, buffings and other fines and of drosses, skimmings and sweepings.

(2) *Classification.* All mixed beryllium scrap shall be segregated into four classes as follows:

(i) Solids;
(ii) Machinings;
(iii) Sawings;
(iv) Drosses, skimmings, grindings, buffings and sweepings and other fines.

Each of the four classes of mixed beryllium scrap shall be handled separately from each other class of mixed beryllium scrap and from all other beryllium scrap.

III. *General provisions*—(1) *Official responsible for handling beryllium scrap.* Each person operating a plant generating in any month after June, 1943, 100 pounds or more of beryllium scrap, shall appoint a responsible employee to supervise the collection, segregation and handling of all beryllium scrap generated in the plant. The name of such employee shall be forwarded to the Mica-Graphite Division, Washington 25, D. C. No dealer or other person not a regular employee of the plant shall perform any such function except as the War Production Board may specifically authorize in writing.

(2) *Collection and identification.* Segregation shall be effected at the machine where the beryllium scrap is generated. Separate containers for collection and bins for storage shall be provided for each type of beryllium scrap required to be segregated by this program. All containers and bins shall be clearly marked to identify the alloy and the form of scrap for which they are intended, and they shall be kept clean, dry and in good condition, so that their contents shall be protected from contamination and the weather. Each container and bin shall be used only as a receptacle for the alloy and form of scrap for which it is designated and marked.

(3) *Identification of segregated scrap for shipment.* Each unit of segregated scrap shall, upon shipment, be clearly marked or labelled to show the alloy number or the designation "mixed beryllium scrap" where applicable, the form and the source, i. e., the plant where generated.

(4) *Obligation as regards subcontractors.* Each person operating a plant as part of his arrangement with any subcontractor to whom he furnishes beryllium copper, shall impose an obligation upon, and otherwise make every effort to see to it that, such subcontractor institutes and carries out an adequate beryllium copper scrap collection and segregation program in conformance with this schedule and Order M–160–a.

[F. R. Doc. 43–13812; Filed, August 24, 1943; 11:32 a. m.]

PART 3035—NUTGALLS AND TANNIC ACID U. S. P.

[Revocation of General Conservation Order M–204]

Section 3035.1 *General Conservation Order M–204* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M–204.

Issued this 24th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13814; Filed, August 24, 1943; 11:32 a. m.]

PART 3270—CONTAINERS

[Supplementary Order L–103–b as Amended August 24, 1943]

GLASS CONTAINER QUOTAS

§ 3270.36 *Supplementary Order L–103–b*—(a) *Definitions.* For the purposes of this supplementary order:

(1) "Glass container" means any machine made bottle, jar or tumbler which is made of glass and which is suitable for packing any product.

(2) "Commercial user" means any person who uses glass containers for commercially packing any class of listed products in the continental United States (the 48 States and the District of Columbia).

(3) "Class of listed products" means any class of products listed in Schedule I of this order. Food and drug products listed in Schedules I and II of Order M–104 and shortening are not included in Schedule I of this Order, and therefore glass containers for such products are not subject to the restrictions of this order.

(4) "Quota period" means the 4-month period from July 1 through October 31, 1943, inclusive. This is the period during which the restrictions below will operate.

(5) "Base period" means, unless otherwise specified in Schedule I of this order, whichever of the following two periods a commercial user chooses: Base Period A (July 1–October 31, 1942, inclusive), Base Period B (January 1–December 31, 1942, inclusive). The number of empty new glass containers and metal cans accepted during the base period will be used in computing quotas under the restrictions below.

Quota and Related Restrictions

(b) *Quota restriction.* During the quota period (July 1–October 31, 1943), no commercial user shall accept delivery of, have manufactured, or have set aside by suppliers for his account, more empty new glass containers for packing any class of listed products than his quota for that purpose. The amount of the quota shall be computed by applying the appropriate quota percentage (as specified in Schedule I for that class) to the amount of his base quantity. The amount of the base quantity shall be computed in accordance with paragraphs (c) or (d) below:

(c) *Computing base quantity (except for beverages).* A commercial user's base quantitiy for any class of listed products other than beverages (as defined in Schedule I of this order) shall be whichever of the following two amounts he chooses:

(1) *Choice #1.* The number of new glass containers and metal cans accepted by him during Base Period A (July 1–October 31, 1942, unless otherwise specified in Schedule I of this order), for packing that class of products; or

(2) *Choice #2.* One-third of the number of new glass containers and metal cans accepted by him during Base Period B (January 1–December 31, 1942, unless otherwise specified in Schedule I of this order), for packing that class of products.

(d) *Computing base quantity for beverages.* A commercial user's base quantity for beverages (as defined in Schedule I of this order) shall be whichever of the following two amounts he chooses:

(1) *Choice #1.* The number of new returnable glass containers accepted by him during Base Period A (July 1–October 31, 1942) for bottling beverages plus 8% of the number of new non-returnable glass containers and metal cans accepted by him during that period for bottling beverages; or

(2) *Choice #2.* One-third of the number of new returnable glass containers accepted by him during Base Period B (January 1–December 31, 1942) for bottling beverages plus 8% of one-third of the number of new non-returnable glass containers and metal cans accepted by him during that period for bottling beverages.

(e) *Restrictions on July–August acceptances.* During July 1943, no commercial user shall accept delivery of more than 35% of his quota for any class of listed products. During August 1943, no commercial user shall accept delivery of more than the following portion of that quota: 60% of that quota minus the number of containers accepted by him against that quota during July 1943. During September and October 1943, he may accept delivery of whatever portion of that quota he did not accept during July and August 1943. If the amount permitted for acceptance during either July or August 1943 is less than a carload, he may accept up to a carload during such month, provided that amount is within his quota for the class of listed products. This paragraph shall not be construed as in any way increasing the amount of any quota.

Restrictions on Using Larger Sizes

(f) *Maximum capacity increase.* The total capacity of all empty new glass containers accepted by any commercial user during the quota period for packing any class of listed products shall not exceed the following maximum: (1) 140% of the total capacity of the number of empty new glass containers and metal cans accepted by him for that class of listed product during Base Period A or, if he has chosen Base Period B for computing his quota, (2) 140% of the total capacity of one-third of the number of empty new glass containers and metal cans accepted by him for that class of listed product during Base Period B. Capacity shall be computed in terms of gallons or pounds, whichever is the customary measure for the particular class of products.

(g) *Restriction on ½-gal. and 1-gal. sizes.* No commercial user shall accept delivery of more ½-gallon and 1-gallon empty new glass containers for packing any class of listed products than the following maximum: (1) the total number of all ½-gallon and 1-gallon empty new glass containers and metal cans accepted by him for that class of listed product during Base Period A or, if he has chosen Base Period B for computing his quota, (2) one-third of the total of all ½-gallon and 1-gallon empty new glass containers and metal cans accepted by him for that class of listed product during Base Period B. The amount of ½-gallon and 1-gallon glass containers which he may accept is subject to the other restrictions of this order, including those of paragraph (f) above.

Applicability of Order L–103–a

(h) *Applicability of Order L–103–a.* In addition to the restrictions of this order, every commercial user shall comply with the maximum inventory restrictions (60-day supply) of Supplementary Order L–103–a.

Exceptions

(i) *Small-user exception.* The restrictions of this order shall not apply to any commercial user who accepts no more than a total of $1,000 worth (cost price to him) of empty new glass containers for all classes of listed products for the entire quota period.

(j) *Exception for stocks in transit.* The restrictions of this order shall not apply to any empty new glass containers placed in transit to a commercial user before July 1, 1943, even though received by him on or after July 1, 1943. This exception shall not apply to any empty new glass containers set aside for a commercial user before July 1, 1943 by a supplier but not placed in transit to him until on or after that date.

(k) *Assignment of special quota (malt beverages).* A special quota may be assigned by the War Production Board to any malt beverage bottler if the new containers accepted by him during his base period were principally non-returnable bottles, and if the quota computed on the resulting base quantity is inadequate for his operations at a rate consistent with the reductions generally contemplated by the quota restrictions of this order.

(l) *Multiple-unit users.* Any commercial user who uses glass containers at more than one plant may choose to compute and apply a separate quota for each plant (or groups of plants) or a collective quota for all such plants. Any organization which consists of a parent corporation and one or more wholly-owned subsidiary corporations may consider itself as a single commercial user for purposes of this paragraph.

Quota-Exemptions

(m) *Quota-exemptions (except for beverages).* In addition to his quota of glass containers for any class of listed products (other than beverages as defined in Schedule I) and free of the restrictions of paragraphs (e) and (f) above, any commercial user may accept delivery of the number of glass containers used, or actually to be used, during the quota period for delivering that class of listed products to or for any of the following persons:

(1) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for

such Administration or Commission for use thereon).

(2) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(3) American Red Cross, United Service Organizations, or such other non-profit Defense Recreation Committees, engaged in the operation of recreation centers in the forty-eight states of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph by the Office of Defense Health and Welfare Services, OEM.

(4) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(n) *Quota-exemptions for beverages.* In addition to his quota of glass containers for beverages (as defined in Schedule I) and free of the restrictions of paragraphs (e) and (f) above, any commercial user may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the quota period for delivering beverages to or for any of the persons listed under paragraph (m) above:

(1) *Export shipment.* The full amount of glass containers for delivering beverages to or for any such person for shipment to points outside the continental United States.

(2) *Domestic consumption.* 8% of the full amount of glass containers for delivering beverages to or for any such person for use or distribution within the continental United States.

Miscellaneous Provisions

(o) *Restriction on changing choices.* After choosing his base period and the method of computing quotas for multiple-unit organizations, no commercial user shall thereafter change his choice, unless authorized by the War Production Board.

(p) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(q) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref.: L–103–b.

(r) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(s) *Expiration.* This order shall expire at the close of business October 31, 1943, unless previously revoked or extended.

Issued 24th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I—LISTED PRODUCTS AND QUOTA PERCENTAGES

Acceptances of empty new glass containers for packing the classes of products listed in Column 2 below are subject to the quota restrictions of Order L–103–b. The percentage listed in Column 3 below for each class is the quota percentage to be used in computing the quota for that class, as provided for in paragraph (b) of the Order.

(NOTE.—Table amended Aug. 24, 1943.)

Class No. (1)	Class of Product (2)	Quota Percentage (3)
		Percent
I	Chemicals, household and industrial supply (only the items listed in Schedule III of Order M–104, but excluding cosmetics).	80
II	Beverages (malt and non-alcoholic beverages as defined in Schedule IV of Order M–104).	65
III	Coffee	[1]75
IV	Distilled spirits; cordials	65
V	Wines	65
X	All other products (including cosmetics, but not including (*a*) products listed in Schedules I and II of Order M–104 and (*b*) shortening).	65

[1] For coffee, Base Period A shall be the 4-month period from July 1 through October 31, 1941, and Base Period B shall be the 12-month period January 1 through December 31, 1941.

[Interpretation 1 of Order L–103–b]

Paragraph (b) of Order L–103–b (§ 3270.36) prohibits commercial users from accepting delivery, having manufactured, or having set aside by their suppliers for their account more than their quota of empty new glass containers for packing any class of listed products. This does not mean that a commercial user has one quota for acceptances, a second quota for amounts which he may have manufactured, and a third quota for amounts which he may have set aside. It means that the amounts he accepts, and the amounts he has manufactured, and the amounts he has set aside are all chargeable to the same quota.

Issued this 24th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13813; Filed, August 24, 1943; 11:32 a. m.]

Subchapter C—Director, Office of War Utilities

PART 4500—ELECTRIC, GAS, WATER, AND STEAM UTILITIES—MATERIALS

[Supplementary Utilities Order U–1–f]

§ 4500.7 *Supplementary Utilities Order U–1–f*—(a) *Definitions.* For the purposes of this Supplementary Order:

(1) "Domestic consumer" means a prospective consumer who is requesting an extension of service to a building used exclusively for dwelling purposes.

(2) "Industrial consumer" means a prospective consumer who is requesting an extension of service to a building used in whole or in part for the manufacture, processing or assembly of products or materials.

(3) "Commercial consumer" means a prospective consumer not classified in this order as "domestic" or "industrial."

(b) *Permission to build certain extensions.* Notwithstanding the provisions of paragraph (h) (1) of Utilities Order U–1, facilities other than temporary facilities may be built by producers to furnish electric, gas, water and central steam heating service, provided that all of the following conditions are satisfied:

(1) Where construction or remodeling by the consumer is involved, no specific direction, order, certificate or other authorization for construction has been issued by the War Production Board to authorize such construction or remodeling. If such authorization has been issued, the construction of utility facilities is governed by Supplementary Utilities Order U–1–d.

(2) In the case of gas and electric facilities to serve domestic consumers, the dwelling to be served is in a locality listed in Schedule A of this order.

(3) In the case of facilities to serve industrial or commercial consumers:

(i) The cost of utilities facilities, including any part thereof built by or for the consumer does not exceed $1500 in the case of underground construction or $500 in the case of other construction, and

(ii) The consumer is engaged in the manufacture of a product or in the conduct of a business or activity listed in Schedules I or II of CMP Regulation 5, as amended.

(4) Utility facilities can be built within the limits of the Utilities Construction Standards, shown on Schedule B of this order.

(5) The connection does not duplicate an adequate service already installed, or constitute a stand-by service, or an enlargement of a service already installed.

(6) No other producer can render the same service with less use of critical material.

(c) This order does not constitute a release, in the case of gas producers or consumers, from the provisions of Limitation Orders L–31 or L–174.

Issued this 24th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Localities in which extensions of utilities services are permissible under the provisions of this Supplementary Utilities Order U–1–f.

In the case of localities listed below where the United States Department of Commerce, Bureau of the Census, has established a "Metropolitan Area," extension of service pursuant to the provisions of this order, U–1–f, can be made anywhere within such area; localities in which the Bureau of the Census has designated a Metropolitan Area are indicated in the following list by an asterisk. In the remainder of the localities listed below where no Metropolitan Area has been established by the Bureau of the Census, extensions pursuant to the provisions of this supplementary order, U–1–f, may be made anywhere within the city or corporate limits of the locality and at a distance not to exceed ten miles in a straight line from such city or corporate limits.

LOCALITY

Alabama:
*Birmingham
Huntsville
*Mobile
Muscle Shoals
Arizona:
*Phoenix
Tucson
Yuma
Arkansas:
Blytheville
Pine Bluff
Newport
Stuttgart
California:
*Los Angeles
Oxnard
San Bernardino-Riverside
*San Diego
*San Francisco
*San Jose
*Stockton
Colorado:
Colorado Springs
*Denver
Pando
*Pueblo
Connecticut:
*Bridgeport
Bristol
*Hartford
Meriden
New Britain
*New Haven
New London
Stamford
*Waterbury
Delaware:
*Wilmington
District of Columbia:
*Washington
Florida:
*Jacksonville
Key West
Panama City
Pensacola
*Tampa
Georgia:
*Atlanta-Marietta
Brunswick
*Macon-Wellston
*Savannah
Idaho:
Bayview-Coeur d Alene
Mountain Home
Pocatello
Illinois:
*Chicago
*Decatur-Springfield
DeKalb
*Rockford
Indiana:
Anderson
Connersville
*Evansville
*Fort Wayne
Gary-Hammond
*Indianapolis
Richmond-New-castle
*South Bend
Terre Haute
Iowa:
*Des Moines
Kansas:
Eudora
*Kansas City (see Kansas City, Mo.)
Winfield
Kentucky:
Fort Knox
*Louisville
Morganfield
Richmond
Louisiana:
Alexandria
Baton Rouge
*New Orleans
Maine:
Bath-Brunswick
Houlton
*Portland
Presque Isle
Maryland:
Aberdeen
*Baltimore
Edgewood
Elkton
St. Mary's County
Massachusetts:
Camp Edwards
Greenfield
Lynn
Quincy-Hingham
*Worcester
Michigan:
Adrian
Battle Creek
Benton Harbor
*Detroit
*Flint
Jackson
Muskegon
*Saginaw-Bay City
Midland
Minnesota:
*Duluth
Mississippi:
Biloxi
Grenada
Gulfport
Pascagoula
Missouri:
*Kansas City
Warrenton
Montana:
Butte
Columbus
Great Falls
Nebraska:
Alliance
Grand Island
Hastings
Sidney
Wahoo
Nevada:
Las Vegas
New Hampshire:
Claremont
Portsmouth
Somersworth
New Jersey:
Camden
*North Eastern New Jersey Area
New Jersey—Con.
Red Bank-Long Branch
*Trenton
New York:
*Buffalo-Niagara Falls
Elmira
*Schenectady
*Syracuse
*Utica-Rome
North Carolina:
Burlington
Goldsboro
Laurinburg
New Bern
Wilmington
Ohio:
*Cincinnati
*Cleveland
*Dayton
*Hamilton-Middle-town
Lima
Mansfield
Medina
Newark
Port Clinton
Sidney-Piqua-Troy
*Springfield
*Toledo
Oklahoma:
McAlester
*Oklahoma City
*Tulsa
Oregon:
Astoria
Bend
Corvallis
*Portland-Vancouver
Pennsylvania:
*Allentown-Bethle-hem
Beaver County
Chambersburg
Charleroi
Coatesville
Pennsylvania:
*Erie
*Harrisburg
Bristol
*Pittsburgh
*Pottstown-Reading
Chester
Rhode Island:
Newport
*Providence
Quonset Point
South Carolina:
*Charleston
South Dakota:
Provo-Edgemont
Sioux Falls
Tennessee:
Bristol-Kingsport
*Memphis
Texas:
*Amarillo
*Beaumont-Orange-Port Arthur
*Corpus Christi
*Dallas
*Fort Worth
*Galveston-Texas City
*Houston
Texarkana
Utah:
Drager
Ogden
Provo
*Salt Lake City
Tooele
Wendover
Vermont:
Springfield
Windsor
Virginia:
*Newport News
*Norfolk-Portsmouth
Washington:
Bremerton
Everett
*Seattle-Renton
*Spokane
*Tacoma
Wisconsin:
*Madison-Merrimac
*Racine-Kenosha
*Superior (See Duluth, Minn.)
Wyoming:
Casper
Cheyenne
Laramie
Rawlins
Rock Springs

SCHEDULE B

UTILITIES CONSTRUCTION STANDARDS

The material used in extensions permitted by Supplementary Utilities Order U–1–f must conform to this Schedule B, and must not exceed, within the dollar value limits of paragraph (b) (3) (i) of this order, the quantities shown below for each domestic, industrial, or commercial consumer as defined in paragraph (a) of this order.

A. PERMITTED TYPES OF CONDUCTOR AND PIPE

I. *Electric conductor for primary:*

a. Steel, or

b. Any other type of conductor not consisting exclusively of copper, which is available in the producer's inventory in excess of a practical working minimum, or in such excess inventory of another producer, and having a conductivity equal to or less than #6 AWG copper conductor.

II. *Electric conductor for secondary:* No limitation except for domestic extensions. In the case of domestic: any type of conductor having a conductivity equivalent to or less than that of # 6 AWG copper conductor.

III. *Pipe:*

a. Cast iron, for working pressures of 100 pounds or less.

b. Steel, for working pressures of over 100 pounds, or for working pressures of 100 pounds or less provided it is available in the producer's excess inventory or in the excess inventory of another producer.

c. Non-metallic.

B. PERMITTED QUANTITIES OF CONDUCTOR AND PIPE, OTHER THAN NON-METALLIC

I. *Domestic consumers*—a. *For electric extensions:*

(1) For primary lines, up to 900 conductor feet of any conductor permitted by section I above.

(2) For secondary lines and service drops, up to 20 pounds of non-ferrous metal in conductor, less one pound of non-ferrous metal for each 90 conductor feet or fraction thereof of conductor used in the primary extension, *Provided, however,* That up to 45 pounds of copper in conductor may be used in the extension of secondary and service drops, if the service may be rendered from a transformer already installed and in service.

b. *For gas or central steam heating extensions:*

(1) Up to 170 pounds of steel pipe or 1200 pounds of cast iron pipe.

(2) A combination involving not more than 170 pounds of steel pipe and not more than 1200 pounds of cast iron pipe less twice the weight of any steel pipe used.

c. *For water extensions:*

(1) Up to 170 pounds of steel pipe, or 1200 pounds of cast iron pipe, or 600 pounds of lead or lead alloy pipe, or

(2) Either of the following combinations:

(a) not more than 170 pounds of steel pipe and not more than 1200 pounds of cast iron pipe less twice the weight of any steel pipe used.

(b) not more than 600 pounds of lead or lead-alloy pipe and not more than 1200 pounds of cast iron pipe less the weight of any lead or lead alloy pipe used.

II. *Industrial consumers*—The smallest size or quantities of equipment, conductor, or pipe required to furnish electricity, gas, water, or central steam heat at minimum service standards.

III. *Commercial consumers*—a. *For electric extensions:*

(1) For primary lines, up to 900 conductor feet of any conductor permitted by Section I above.

(2) For secondary lines and service drops, up to 40 pounds of non-ferrous metal in conductor, less one pound of non-ferrous metal for each 90 conductor feet or fraction thereof of conductor used in the primary extension: *provided however,* that up to 65 pounds of copper in conductor may be used in the extension of secondary and service drops, if the service may be rendered from a transformer, already installed and in service.

b. *For gas or central steam heat extensions:*

(1) Up to 250 pounds of steel pipe, or 1800 pounds of cast iron pipe, or

(2) A combination of not more than 250 pounds of steel pipe and not more than 1800 pounds of cast iron pipe less twice the weight of any steel pipe used.

c. *For water extensions:*

(1) Up to 250 pounds of steel pipe, or 1800 pounds of cast iron pipe, or 1000 pounds of lead or lead alloy pipe, or

(2) Either of the following combinations:

(a) not more than 250 pounds of steel pipe, and not more than 1800 pounds of cast iron pipe less twice the weight of any steel pipe used, or

(b) not more than 1000 pounds of lead or lead alloy pipe, and 1800 pounds of cast iron pipe less the weight of any lead pipe used.

C. PERMITTED QUANTITIES OF NON-METALLIC PIPE

Non-metallic pipe of a length not greater than that length which would be installed if cast iron pipe were used in accordance with the quantities in the above standards.

[F. R. Doc. 43–13815; Filed, August 24, 1943; 11:32 a. m.]

Chapter XI—Office of Price Administration

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[1] Amdt. 4]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 418 is amended in the following respects:

1. Section 2 (c) is added to read as follows:

(c) *Sales to canners.* The applicable prices in Table A shall apply to sales of fresh fish and seafood to canners by any person.

2. Section 3 (a) (1) is amended to read as follows:

(1) *Maximum prices for sales by a primary fish shipper wholesaler.* Maximum prices for sales by a primary fish shipper wholesaler or agent or other person acting on behalf, or under control of such primary fish shipper wholesaler, are the prices listed in Table B (Article IV, section 20 (b)). These are prices for bulk fish and seafood f. o. b. his established place of doing business. For fish and seafood that are placed in containers the prices shall be the prices set forth in Table B plus the container prices provided in section 19. These prices shall apply to sales by a primary fish shipper wholesaler to wholesalers who are also retailers.

3. Section 13 (c) is added to read as follows:

(c) Every person making a sale of any fresh fish or seafood subject to this regulation shall furnish to the purchaser at the time of delivery a written statement setting forth the date; the name and address of the buyer and seller; the species sold; the quantity, sizes, grades, and styles of dressing of fresh fish and seafood, and the price charged therefor, including a separate statement of the container cost, if any, as provided in section 19, and transportation cost, if any, as provided in section 7.

4. Section 20 is amended by inserting after the words "shall apply to any sale of that species dressed in a style not listed" the words "and for this purpose round is to be considered a style of dressing."

5. In section 20, Table A, Schedule No. 2, the size of Item No. 5 is added to read "Under 1½ #".

6. In section 20, Table A, Schedule No. 7, the size of Item No. 3 is added to read "Under 1½ #".

7. In section 20, Table A, Schedule No. 8, the size of Item No. 3 is added to read "Under 1½ #".

8. In section 20, Table A, Schedule No. 11, the size of Item No. 3 is amended to read "1½ # to 2½ #" instead of "Under 2½ #".

9. In section 20, Table A, the name of Schedule No. 18 is amended by adding "(Chlamys hindsii) (Chlamys hericius)".

10. In section 20, Table A, Schedule No. 24, the size of Item No. 1 is amended to read "All sizes" instead of "6 lb. & over".

11. In section 20, Table A, Schedule No. 24, Item No. 2 is hereby revoked.

12. In section 20, Table A, Schedule No. 27, the size of Item No. 2 is amended to read "Under 14 lbs." instead of "7 to 14 lb".

13. In section 20, Table A is amended by adding the following items to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9366, 10086, 10513, 10939.

TABLE A.—MAXIMUM PRICES FOR PRODUCERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January		February		March		April		May		June	
					Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed
2	Codfish (Gadus callarias)	6	Round	1½# to 2½#	.04	.05	.04	.05	.04	.05	.03	.04	.03	.04	.03	.04
		7	Round	2½# to 10#	.05	.06	.05	.06	.05	.06	.03½	.04½	.03½	.04½	.03½	.04½
		8	Round	10# to 25#	.05½	.06½	.05½	.06½	.05½	.06½	.04	.05	.04	.05	.04	.05
		9	Round	25# up	.05	.06	.05	.06	.05	.06	.03½	.04½	.03½	.04½	.03½	.04½
7	Haddock (Melanogrammus aeglefinus).	4	Round	1½# to 2½#	.05¼	.06¼	.05¼	.06¼	.05¼	.06¼	.03¾	.04¾	.03¾	.04¾	.03¾	.04¾
		5	Round	2½# up	.05¾	.06¾	.05¾	.06¾	.05¾	.06¾	.04¼	.05¼	.04¼	.05¼	.04¼	.05¼
8	Hake (Urophycis species)	4	Round	1½# to 2½#	.03¼	.04¼	.03¼	.04¼	.03¼	.04¼	.02¼	.03¼	.02¼	.03¼	.02¼	.03¼
		5	Round	2½# up	.04¼	.05¼	.04¼	.05¼	.04¼	.05¼	.03¼	.04¼	.03¼	.04¼	.03¼	.04¼
11	Pollock (Pollachius virens)	4	Round	Under 1½#	.03	.04	.03	.04	.03	.04	.02	.03	.02	.03	.02	.03
34a	Salmon, seine caught, Pacific Chinook (King) (Oncorhynchus tschawytscha).[9]	1	Round	All sizes	.10	------	.10	------	.10	------	.10	------	.13	------	.13	------

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					July		August		September		October		November		December	
					Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed
2	Codfish (Gadus callarias)	6	Round	1½# to 2½#	.03	.04	.03	.04	.03	.04	.04	.05	.04	.05	.04	.05
		7	Round	2½# to 10#	.03½	.04½	.03½	.04½	.03½	.04½	.05	.06	.05	.06	.05	.06
		8	Round	10# to 25#	.04	.05	.04	.05	.04	.05	.05½	.06½	.05½	.06½	.05½	.06¼
		9	Round	25# up	.03½	.04½	.03½	.04½	.03½	.04½	.05	.06	.05	.06	.05	.06
7	Haddock (Melanogrammus aeglefinus).	4	Round	1½# to 2½#	.03¾	.04¾	.03¾	.04¾	.03¾	.04¾	.05¼	.06¼	.05¼	.06¼	.05¼	.06¼
		5	Round	2½# up	.04¼	.05¼	.04¼	.05¼	.04¼	.05¼	.05¾	.06¾	.05¾	.06¾	.05¾	.06¾
8	Hake (Urophycis species)	4	Round	1½# to 2½#	.02¼	.03¼	.02¼	.03¼	.02¼	.03¼	.03¼	.04¼	.03¼	.04¼	.03¼	.04¼
		5	Round	2½# up	.03¼	.04¼	.03¼	.04¼	.03¼	.04¼	.04¼	.05¼	.04¼	.05¼	.04¼	.05¼
11	Pollock (Pollachius virens)	4	Round	Under 1½#	.02	.03	.02	.03	.02	.03	.02	.03	.02	.03	.02	.03
34a	Salmon, seine caught, Pacific Chinook (King) (Oncorhynchus tschawytscha).[9]	1	Round	All sizes	.13	------	[10].13 [10].10	------	.10	------	.10	------	.10	------	.10	------

14. Footnote 19 is added to the end of Table A in section 20 to read as follows:

» Aug 1 to Aug. 15 inclusive.

15. Footnote 20 is added to the end of Table A in section 20 to read as follows:

» Aug. 16 to Aug. 31 inclusive.

16. In section 20, Table B, Schedule No. 2, the size of Item No. 6 is amended to read "Under 1½ #" instead of "Under 2½ lbs".

17. In section 20, Table B, Schedule No. 7, the size of Item No. 3 is amended to read "Under 1½ #" instead of "All sizes".

18. In section 20, Table B, Schedule No. 8, the size of Item No. 3 is amended to read "Under 1½ #" instead of "All sizes".

19. In section 20, Table B, Schedule No. 11, the size of Item No. 3 is amended to read "1½ # to 2½ #" instead of "Under 2½ lbs".

20. In section 20, Table B, the name of Schedule No. 18 is amended by adding "(Chlamys hindsii) (Chlamys hericius)".

21. In section 20, Table B, Schedule No. 24, the size of Item No. 1 is amended to read "All sizes" instead of "6 lbs. and over".

22. In section 20, Table B, Schedule No. 24, Item No. 2 is hereby revoked.

23. In section 20, Table B, Schedule No. 24, Item No. 3 is redesignated "2" instead of "3".

24. In section 20, Table B, Schedule No. 33 is amended by adding the designations Schedule Nos. 34 and 34A thereto so that it will read "Schedule Nos. 33, 34 and 34A".

25. In section 20, Table B is amended by changing the prices of Item No. 2, Fillets, of Schedule No. 24 and adding the following items to read as follows:

TABLE B.—MAXIMUM PRICES FOR PRIMARY FISH SHIPPER SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January	February	March	April	May	June	July	August	September	October	November	December
2	Codfish (Gadus callarias)	11	Round	1½# to 2½#	.06	.06	.06	.05	.05	.05	.05	.05	.05	.06	.06	.06
		12	Round	2½# to 10#	.07	.07	.07	.05½	.05½	.05½	.05½	.05½	.05½	.07	.07	.07
		13	Round	10# to 25#	.07½	.07½	.07½	.06	.06	.06	.06	.06	.06	.07½	.07½	.07½
		14	Round	25# up	.07	.07	.07	.05½	.05½	.05½	.05½	.05½	.05½	.07	.07	.07
7	Haddock (Melanogrammus aeglefinus).	6	Round	1½# to 2½#	.07¼	.07¼	.07¼	.05¾	.05¾	.05¾	.05¾	.05¾	.05¾	.07¼	.07¼	.07¼
		7	Round	2½# up	.07¾	.07¾	.07¾	.06¼	.06¼	.06¼	.06¼	.06¼	.06¼	.07¾	.07¾	.07¾
8	Hake (Urophycis species)	5	Round	1½# to 2½#	.05¼	.05¼	.05¼	.04¼	.04¼	.04¼	.04¼	.04¼	.04¼	.05¼	.05¼	.05¼
		6	Round	2½# up	.06¼	.06¼	.06¼	.05¼	.05¼	.05¼	.05¼	.05¼	.05¼	.06¼	.06¼	.06¼
11	Pollock (Pollachius virens)	6	Round	Under 1½#	.05	.05	.05	.04	.04	.04	.04	.04	.04	.04	.04	.04
24	Ling Cod (Pacific Coast) (Ophiodon elongatus).	3	Fillets	All sizes	.26¾	.26¾	.26¾	.26¾	.22	.22	.22	.22	.26¾	.26¾	.26¾	.26¾

26. In section 20, Table C, Schedule No. 2, the size of Item No. 6 is amended to read "Under 1½ #" instead of "Under 2½ lb".

27. In section 20, Table C, Schedule No. 7, the size of Item No. 3 is amended to read "Under 1½ #" instead of "All sizes".

28. In section 20, Table C, Schedule No. 8, the size of Item No. 3 is amended to read "Under 1½ #" instead of "All sizes".

29. In section 20, Table C, Schedule No. 11, the size of Item No. 3 is amended to read "1½ # to 2½ #" instead of "Under 2½ lb".

30. In section 20, Table C, the name of Schedule No. 18 is amended by adding "(Chlamys hindsii) (Chlamys hericius)".

31. In section 20, Table C, Schedule No. 24, the size of Item No. 1 is amended to read "All sizes" instead of "6 lb. and over".

32. In section 20, Table C, Schedule No. 24, Item No. 2 is hereby revoked.

33. In section 20, Table C, Schedule No. 24, Item No. 3 is redesignated "2" instead of "3".

34. In section 20, Table C, Schedule No. 33 is amended by adding the designations Schedule Nos. 34 and 34A thereto so that it will read "Schedule Nos. 33, 34 and 34A".

35. In section 20, Table C is amended by changing the prices of Item No. 2, Fillets, of Schedule No. 24 and adding the following items to read as follows:

TABLE C.—MAXIMUM PRICES FOR RETAILER-OWNED COOPERATIVE SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January	February	March	April	May	June	July	August	September	October	November	December
2	Codfish (Gadus callarias)	11	Round	1½# to 2½#	.07	.07	.07	.06	.06	.06	.06	.06	.06	.07	.07	.07
		12	Round	2½# to 10#	.08	.08	.08	.06½	.06½	.06½	.06½	.06½	.06½	.08	.08	.08
		13	Round	10# to 25#	.08½	.08½	.08½	.07	.07	.07	.07	.07	.07	.08½	.08½	.08½
		14	Round	25# up	.08	.08	.08	.06½	.06½	.06½	.06½	.06½	.06½	.08	.08	.08
7	Haddock (Melanogrammus aeglefinus).	6	Round	1½# to 2½#	.08¼	.08¼	.08¼	.06¾	.06¾	.06¾	.06¾	.06¾	.06¾	.08¼	.08¼	.08¼
		7	Round	2½# up	.08¾	.08¾	.08¾	.07¼	.07¼	.07¼	.07¼	.07¼	.07¼	.08¾	.08¾	.08¾
8	Hake (Urophycis species)	5	Round	1½# to 2½#	.06¼	.06¼	.06¼	.05¼	.05¼	.05¼	.05¼	.05¼	.05¼	.06¼	.06¼	.06¼
		6	Round	2½# up	.07¼	.07¼	.07¼	.06¼	.06¼	.06¼	.06¼	.06¼	.06¼	.07¼	.07¼	.07¼
11	Pollock (Pollachius virens)	6	Round	Under 1½#	.06	.06	.06	.05	.05	.05	.05	.05	.05	.05	.05	.05
24	Ling Cod (Pacific Coast) (Ophiodon elongatus).	3	Fillets	All sizes	.28¾	.28¾	.28¾	.28¾	.24	.24	.24	.24	.28¾	.28¾	.24¾	.28¾

36. In section 20, Table D, Schedule No. 2, the size of Item No. 6 is amended to read "Under 1½ #" instead of "Under 2½ lb".

37. In section 20, Table D, Schedule No. 7, the size of Item No. 3 is amended to read "Under 1½ #" instead of "All sizes".

38. In section 20, Table D, Schedule No. 8, the size of Item No. 3 is amended to read "Under 1½ #" instead of "All sizes".

39. In section 20, Table D, Schedule No. 11, the size of Item No. 3 is amended to read "1½ # to 2½ #" instead of "Under 2½ lb".

40. In section 20, Table D, the name of Schedule No. 18 is amended by adding "(Chlamys hindsii) (Chlamys hericius)".

41. In section 20, Table D, Schedule No. 24, the size of Item No. 1 is amended to read "All sizes" instead of "6 lbs. and over".

42. In section 20, Table D, Schedule No. 24, Item No. 2 is hereby revoked.

43. In section 20, Table D, Schedule No. 24, Item No. 3 is redesignated "2" instead of "3".

44. In section 20, Table D, Schedule No. 33 is amended by adding the designations Schedule Nos. 34 and 34A thereto so that it will read "Schedule Nos. 33, 34 and 34A".

45. In section 20, Table D is amended by changing the prices of Item No. 2, Fillets, of Schedule No. 24 and adding the following items to read as follows:

TABLE D.—MAXIMUM PRICES FOR CASH AND CARRY SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January	February	March	April	May	June	July	August	September	October	November	December
2	Codfish (Gadus callarias)	11	Round	1½# to 2½#	.08	.08	.08	.07	.07	.07	.07	.07	.07	.08	.08	.08
		12	Round	2½# to 10#	.09	.09	.09	.07½	.07½	.07½	.07½	.07½	.07½	.09	.09	.09
		13	Round	10# to 25#	.09½	.09½	.09½	.08	.08	.08	.08	.08	.08	.09½	.09½	.09½
		14	Round	25# up	.09	.09	.09	.07½	.07½	.07½	.07½	.07½	.07½	.09	.09	.09
7	Haddock (Melanogrammus aeglefinus).	6	Round	1¼# to 2½#	.09¼	.09¼	.09¼	.07¾	.07¾	.07¾	.07¾	.07¾	.07¾	.09¼	.09¼	.09¼
		7	Round	2½# up	.09¼	.09¼	.09¼	.08¼	.08¼	.08¼	.08¼	.08¼	.08¼	.09¼	.09¼	.09¼
8	Hake (Urophycis species)	5	Round	1½# to 2½#	.07¼	.07¼	.07¼	.06¼	.06¼	.06¼	.06¼	.06¼	.06¼	.07¼	.07¼	.07¼
		6	Round	2½# up	.08¼	.08¼	.08¼	.07¼	.07¼	.07¼	.07¼	.07¼	.07¼	.08¼	.08¼	.08¼
11	Pollock (Pollachius virens)	6	Round	Under 1½#	.07	.07	.07	.06	.06	.06	.06	.06	.06	.06	.06	.06
24	Ling Cod (Pacific Coast) (Ophiodon elongatus).	3	Fillets	All sizes	.29¼	.29¼	.29¼	.29¼	.25	.25	.25	.25	.29¼	.29¼	.29¼	.29¼

46. In section 20, Table E, Schedule No. 2, the size of Item No. 6 is amended to read "Under 1½ #" instead of "Under 2½ lbs".

47. In section 20, Table E, Schedule No. 7, the size of Item No. 3 is amended to read "Under 1½ #" instead of "All sizes".

48. In section 20, Table E, Schedule No. 8, the size of Item No. 3 is amended to read "Under 1½ #" instead of "All sizes".

49. In section 20, Table E, Schedule No. 11, the size of Item No. 3 is amended to read "1½ # to 2½ #" instead of "Under 2½ lbs".

50. In section 20, Table E, the name of Schedule No. 18 is amended by adding "(Chlamys hindsii) (Chlamys hericius)".

51. In section 20, Table E, Schedule No. 24, the size of Item No. 1 is amended to read "All sizes" instead of "6 lbs. and over".

52. In section 20, Table E, Schedule No. 24, Item No. 2 is hereby revoked.

53. In section 20, Table E, Schedule No. 24, Item No. 3 is redesignated "2" instead of "3".

54. In section 20, Table E, Schedule No. 33 is amended by adding the designations Schedule Nos. 34 and 34A thereto so that it will read "Schedule Nos. 33, 34 and 34A".

55. In section 20, Table E is amended by changing the prices of Item No. 2, Fillets, of Schedule No. 24 and adding the following items to read as follows:

TABLE E—MAXIMUM PRICES FOR SERVICE AND DELIVERY SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price in cents per pound											
					January	February	March	April	May	June	July	August	September	October	November	December
2	Codfish (Gadus callarias)	11	Round	1½# to 2½#	.10½	.10½	.10½	.09½	.09½	.09½	.09½	.09½	.09½	.10½	.10½	.10½
		12	Round	2½# to 10#	.11½	.11½	.11½	.10	.10	.10	.10	.10	.10	.11½	.11½	.11½
		13	Round	10# to 25#	.12	.12	.12	.10½	.10½	.10½	.10½	.10½	.10½	.12	.12	.12
		14	Round	25# up	.11½	.11½	.11½	.10	.10	.10	.10	.10	.10	.11½	.11½	.11½
7	Haddock (Melanogrammus aeglefinus).	6	Round	1¼# to 2½#	.11¾	.11¾	.11¾	.10¼	.10¼	.10¼	.10¼	.10¼	.10¼	.11¾	.11¾	.11¾
		7	Round	2½# up	.12¼	.12¼	.12¼	.10¾	.10¾	.10¾	.10¾	.10¾	.10¾	.12¼	.12¼	.12¼
8	Hake (Urophycis species)	5	Round	1½# to 2½#	.09¾	.09¾	.09¾	.08¾	.08¾	.08¾	.08¾	.08¾	.08¾	.09¾	.09¾	.09¾
		6	Round	2½# up	.10¾	.10¾	.10¾	.09¼	.09¼	.09¼	.09¼	.09¼	.09¼	.10¼	.10¼	.10¼
11	Pollock (Pollachius virens)	6	Round	Under 1½#	.09½	.09½	.09½	.08½	.08½	.08½	.08½	.08½	.08½	.08½	.08½	.08½
24	Ling Cod (Pacific Coast) (Ophiodon elongatus).	3	Fillets	All sizes	.32¼	.32¼	.32¼	.32¼	.27½	.27½	.27½	.27½	.32¼	.32¼	.32¼	.32¼

This amendment shall become effective August 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13734; Filed, August 23, 1943; 12:08 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 458]

OAK FLOORING

In the judgment of the Price Administrator, it is necessary and proper to establish specific maximum prices for the sales of oak flooring. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1382.303 *Maximum prices for oak flooring.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 458 (Oak Flooring) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1382.303 issued under 56 Stat. 23, 765; Public Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 458—OAK FLOORING

ARTICLE I—SCOPE OF THE REGULATION

Sec.
1. Prices higher than ceiling prohibited.
2. What products, transactions, and persons are covered.

*Copies may be obtained from the Office of Price Administration.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

3. Maximum f. o. b. mill prices.
4. Delivered prices.
5. Grades, services, or extras not listed.

ARTICLE III—SPECIFIC DUTIES AND PRIVILEGES AND PROHIBITED PRACTICES

6. Adjustable pricing.
7. Petitions for adjustment or amendment.
8. Prohibited practices.
9. Records.
10. Enforcement.
11. Imports.
12. Relation to other regulations.

ARTICLE IV—PRICE TABLES

Table 1. Maximum prices for standard grades and Victory Grade oak flooring.
Table 2. Maximum prices for prefinished Red and White oak flooring.

Article I—Scope of the Regulation

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after August 28, 1943, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business, any oak flooring for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *What products, transactions, and persons are covered.* This regulation covers all direct-mill sales of standard grades and victory grade of oak flooring, graded as such under the effective Grading Rules of the National Oak Flooring Manufacturers' Association, and also prefinished oak flooring. For the purposes of the regulation, prefinished oak flooring means oak flooring that has been sanded, filled, waxed, and pressure-rubbed to form a finished product ready for immediate use after installation. The regulation applies regardless of the kind of mill or plant in which the flooring is produced, and regardless of whether the particular item is specifically priced in the price tables or not. Any person who makes a sale of this kind, for himself or others, is subject to this regulation.

Article II—Maximum Prices and Terms of Sale

SEC. 3. *Maximum f. o. b. mill prices.* (a) The maximum f. o. b. mill prices for oak flooring are set forth in Article IV.

(b) Less than carload quantities. Where the purchaser's order requires less than carload lot shipments, an addition of $4.00 per M' BM may be made for oak flooring shipped in less than carload lots.

SEC. 4. *Delivered prices.* The general rule is that the maximum delivered price shall be a price not higher than the f. o. b. mill maximum price plus the actual transportation charges paid or incurred by the seller in making shipment directly from the mill to the point of delivery required by the purchaser. However, it is permissible to quote and charge delivered prices based on the rail rate times the estimated weight, evened out to the nearest quarter-dollar per M' BM.

The estimated weights are contained in the following table:

Estimated Weights

Standard Grade and Victory Grade Flooring:	Weight per M' BM (Pounds)
5/8" x 1½"	1,000
5/8" x 2"	1,000
1/2" x 1½"	1,300
1/2" x 2"	1,300
5/16" x 1½"	1,200
5/16" x 2"	1,200
25/32" x 1½"	2,000
25/32" x 2"	2,000
25/32" x 2¼"	2,000
25/32" x 3¼"	2,250
Pre-Finished Flooring:	
25/32" x 3¼"	2,250
1/2" x 2½"	1,500
5/8" x 2"	1,000

SEC. 5. *Grades, services, or extras not listed.* (a) If a seller wishes to sell a grade or item which is not specifically priced in the price tables, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables, in October, 1941, from the seller's own records, or if that is impossible, from experience of the trade. If no established price differential which can be used for comparison existed, a detailed analysis of the calculation of the requested price should be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but the final payment may not be made until the price has been approved. Action on the request may be by letter or telegram.

Article III—Specific Duties and Privileges and Prohibited Practices

SEC. 6. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 7. *Petitions for adjustment or amendment*—(a) *Government contracts.* (1) The term "Government contract" is here used to include any contract with the United States or any of its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States". The term also includes any sub-contract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract", who believes that the maximum prices established by this regulation impede or threaten to impede production of Oak flooring essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6,[1] as amended, by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

SEC. 8. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

SEC. 9. *Records.* All sellers and all buyers of oak flooring for direct-mill shipment must retain a copy of the invoice covering each transaction or maintain records in other form containing a complete description of the flooring, name and address of the other party to the transaction, date of sale, and the price paid, including any special addition for extra service, working, or specification. These records must be retained for two years, for inspection by the Office of Price Administration.

SEC. 10. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 11. *Imports.* The provisions of this regulation do not apply to the purchases, sales or deliveries of the commodities named in this regulation if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the General Maximum Price Regulation, and especially the Maximum Import Price Regulation.

SEC. 12. *Relation to other regulations.* Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation.[3]

[1] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174.
[2] 7 F.R. 8965; 8 F.R. 3313, 3533.
[3] 8 F.R. 3096, 3849, 4347, 4436, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

ARTICLE IV—PRICE TABLES

TABLE 1—MAXIMUM PRICES PER M'BM FOR STANDARD GRADES AND VICTORY GRADE OAK FLOORING

Grade and species	25/32 x 3¼" tongued and grooved E. M.	25/32 x 2¼" tongued and grooved E. M.	25/32 x 2" tongued and grooved E. M.	25/32 x 1½" tongued and grooved E. M.	½ x 2" tongued and grooved E. M.	½ x 1½" tongued and grooved E. M.	¾ x 2" tongued and grooved E. M.	¾ x 1½" tongued and grooved E. M.	5/16 x 2" V. Edge strips or square edge
Clear Quartered White Oak		$92.00	$82.00	$77.00	$84.00	$83.00	$75.00	$72.00	$85.00
Clear Quartered Red Oak		83.00	76.00	71.00	81.00	80.00	70.00	69.00	71.00
Select Quartered White Oak		78.00	73.00	65.00	70.00	68.00	56.00	55.00	66.00
Select Quartered Red Oak		79.00	74.00	66.00	71.00	68.00	58.00	57.00	66.00
Clear Plain White Oak		80.00	73.00	67.00	72.00	69.00	61.00	52.00	70.00
Clear Plain Red Oak		80.00	73.00	67.00	72.00	68.00	61.00	54.00	69.00
Select Plain White Oak		76.00	72.00	63.00	68.00	62.00	51.00	50.00	65.00
Select Plain Red Oak		76.00	70.00	65.00	67.00	63.00	52.00	50.00	65.00
No. 1 Common White Oak		71.00	65.00	56.00	63.00	58.00	47.00	46.00	58.00
No. 1 Common Red Oak		71.00	65.00	57.00	63.00	58.00	47.00	46.00	58.00
No. 2 Common Mixed Oak		54.00	47.00	42.00	43.00	37.00	38.00	35.00	30.00
No. 1 Common and Better Mixed Oak Shorts		60.00	53.00	48.00	50.00	46.00	43.00	39.00	31.00
No. 2 Common Mixed Oak Shorts		42.00		36.00	35.00	30.00	31.00	27.00	
Victory Grade Red or White Oak	$75.00	70.00							

TABLE 2—MAXIMUM PRICES PER M'BM FOR PREFINISHED RED OR WHITE OAK FLOORING

Grades	25/32 x 3¼"	25/32 x 2¼"	25/32 x 2¼"	½ x 2½"	½ x 2"	¾ x 2"
Prime	$97.00			$92.00	$92.00	$82.00
Standard	93.00			88.00	88.00	77.00
Standard and better	95.00	$90.00	$90.00	90.00	90.00	79.50

Notes on Prefinished Red or White Oak Flooring

Prime Grade: Same as Select and Better Strip Oak Flooring and will average approximately 50% each Clear and Selects. Bundles: 2 feet and longer; minimum average: 4½ feet.

Standard Grade: A combination of No. 1 Common and No. 2 Common Strip Oak Flooring and will average approximately 70% No. 1 Common and 30% No. 2 Common. Bundles: 1¼ feet and longer; minimum average 3¼ feet.

Standard and Better Grade: A combination of Prime Grade and Standard Grade, to include the normal percentage of each of these grades developing.

This regulation shall become effective August 28, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13735; Filed, August 23, 1943; 12:09 p. m.]

PART 1410—WOOL

[RPS 58, as Amended,[1] Amdt. 14]

WOOL AND WOOL TOPS AND YARNS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 58 is amended in the following respects:

1. In § 1410.62 (a), the fourth undesignated paragraph preceding the table of prices is amended to read as follows:

All maximum prices are prices per pound, f. o. b. combing plant, in the case of tops combed in the United States, and duty paid prices, ex port of entry or domestic warehouse, in the case of imported tops, and shall include all commissions and other charges except as provided in subparagraph (3) of this paragraph.

2. In § 1410.62 (b) the paragraph preceding the table of prices is amended to read as follows:

(b) *Wool noils.* The prices set forth below are maximum prices for wool noils in cents per pound, ex combing plant, warehouse or carbonizing plant, in the case of noils produced in the United States, and duty paid prices, ex port of entry, domestic warehouse or carbonizing plant, in the case of imported noils. These maximum prices include all commissions and other charges, except as provided in subparagraph (3) of this paragraph (b). Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

3. In § 1410.64 (f), subparagraph (1) is hereby amended to read as follows:

(1) *Woolen sales yarns sold on spinning cops.* The maximum prices for woolen sales yarns sold on spinning cops shall be determined by adding to the actual cost of the raw material used the applicable amount per pound set forth in the table below. In determining raw material costs, only the actual cost of the blended fibers plus a shrinkage allowance of not to exceed 10% may be used.

38¢ per pound for base 2 run or lower.
41¢ per pound for base 2¼ run.
44¢ per pound for base 2½ run.
47¢ per pound for base 2¾ run.
50¢ per pound for base 3 run.
53¢ per pound for base 3¼ run.
56¢ per pound for base 3½ run.
59¢ per pound for base 3¾ run.
62¢ per pound for base 4 run.
65¢ per pound for base 4¼ run.
68¢ per pound for base 4½ run.
71¢ per pound for base 4¾ run.
74¢ per pound for base 5 run.
77¢ per pound for base 5¼ run.
80¢ per pound for base 5½ run.
83¢ per pound for base 5¾ run.
86¢ per pound for base 6 run.

Yarns of runs which fall between the base runs enumerated above shall be priced by adding the amount applicable to the next lower base run.

This amendment shall become effective August 25, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13733; Filed, August 23, 1943; 12:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 25]

WALLPAPER PASTE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 is amended in the following respects:

1. Section 2.3 (p) (3) is amended by adding after "wallpaper paste" the following words: "at least 90 per cent composed of the products of the dry milling industry derived from wheat or corn."

This amendment shall become effective August 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13736; Filed, August 23, 1943; 12:09 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 7,[1] Amdt. 4]

METHOD OF SURRENDER AND DEPOSIT OF RATION STAMPS AND COUPONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 5988.
[1] 8 F.R. 2858, 2997, 4840, 6965.

General Ration Order 7 is amended in the following respects:

1. Section 1.2 (c) is amended to read as follows:

(c) Stamps and coupons may be enclosed in sealed envelopes only during the period in which they are valid for transfer, surrender or deposit by the person enclosing them. Only stamps and coupons of one rationing program and of the same value may be enclosed in any one envelope, except that strips of stamps of one rationing program which stamps all bear the same letter, are attached together and are worth a total of 16 points, and blocks of stamps consisting of two or more such strips, may be enclosed in any one envelope even though the stamps are of different values. However, loose stamps may not be enclosed in the same envelope with strips or blocks of stamps.

2. Section 1.3 (a) is amended to read as follows:

(a) Any person who encloses stamps or coupons in a sealed envelope pursuant to section 1.2 must write on the face of the envelope his business name and address, the rationing program under which the stamps or coupons are used (for example: sugar, processed foods), the number and type of stamps or coupons enclosed, and their individual and total values, except that in case strips or blocks of stamps are enclosed, the word "strip" shall be written in place of the individual value. If special shoe stamps are enclosed he must also write on the face of the envelope the date of expiration for consumer use of the stamp first expiring. He must also sign his name on the face of the envelope. His signature shall constitute a certification as to the truth of the statements written on it.

3. Section 1.7 (b) is amended to read as follows:

(b) No person shall forge or shall, except in accordance with this or any other order of the Office of Price Administration, mutilate, alter or destroy any sealed envelope in which stamps or coupons are enclosed pursuant to this order.

This amendment shall become effective August 27, 1943.

NOTE: All reporting and record-keeping requirements of this General Ration Order, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13746; Filed, August 23, 1943; 4:37 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Rev. MPR 233,[1] Amdt. 5]

DRIED AND CANNED APPLES AND APPLE PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 233 is amended in the following respects:

1. In the Table in paragraph (a) of section 1341.409 the following language is added:

Product	Baume test	Maximum price
Bland apple syrup	40° or better	16¢ per pound.

2. Section 1341.409 (c) (5) is added to read as follows:

(c) (5) "Bland apple syrup" means the product obtained by removing or neutralizing the malic acid from pure apple juice and concentrating after slightly reacidifying, by heating under reduced pressure to the extent that the product meets the minimum test of 40° Baume.

This amendment shall become effective August 28, 1943.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13749; Filed, August 23, 1943; 4:38 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 4]

FATS AND OILS: LINSEED OIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

There is added to the table in section 7.1 (a) the following:

	Color	Acid value	Iodine value	Sapon. value	Spec. gravity	Viscosity	Cents per pound
Spencer Kellogg & Sons Inc. Linseed Oil Replacement Raw, 40%–50% polymerized linseed oil+60%–50% raw linseed oil	8–10	4–8	140–160	190–196	0.940–0.960	N–P	17
Spencer Kellogg & Sons Inc. Linseed Oil Replacement Boiled, 40%–50% polymerized linseed oil+58%–50% raw linseed oil driers	8–12	4–8	140–160	190–196	.940–.960	N–P	17.5

This amendment shall become effective August 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13751; Filed, August 23, 1943; 4:39 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 442,[2] Amdt. 1]

PEANUT OIL MEAL, CAKE, SIZED CAKE, PELLETS AND PEANUT HULLS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 442 is amended in the following respects:

1. Section 7 (a) is amended to read as follows:

(a) The maximum price for the sale or delivery of peanut oil meal, sized cake or pellets by a grinder shall be the maximum price of the processor (from whom the peanut oil cake was obtained) for a like sale of such oil meal, sized cake or pellets, plus an addition at the rate of 50 cents per ton plus actual or reasonable transportation charges, if any, incurred by the seller in respect to the lot sold.

2. Section 21 is added to read as follows:

SEC. 21. *Sales by the Commodity Credit Corporation.* Notwithstanding any other provision of this regulation, any peanut oil meal, cake, sized cake or pellets purchased by the Commodity Credit Corporation from a processor at not more than the maximum prices established in section 5 hereof, or otherwise acquired by such Corporation, may be sold and delivered by such Corporation, acting directly or through such other person as it may designate, at not more than the maximum prices established by section 4 hereof.

This amendment shall become effective August 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13748; Filed, August 23, 1943; 4:38 p. m.]

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 4628, 4632.
[2] 8 F.R. 10736.
[1] 8 F.R. 11150.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 443,[1] Amdt. 1]

SOYBEAN OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 443 is amended in the following respects:

1. Section 4 (a) is amended to read as follows:

(a) The maximum price for the sale and delivery of domestic soybean oil meal and cake, per ton, in carload lots or pool car lots, bulk, 41 percent or more protein, at any point, except within the switching limits of Decatur, Illinois (including production plant), by a processor shall be $45.00 plus transportation charges as follows:

(1) The carload flat rate on soybean oil meal from Decatur, Illinois to all points of destination in the United States, except, the area east of the Illinois-Indiana state line on or north of the Ohio River to Canova, West Virginia, thence on or north of the Norfolk and Western Railway to Roanoke, Virginia, thence on or north of the Virginian Railway from Roanoke, Virginia to Norfolk, Virginia; and

(2) The carload flat rate on grain products from Decatur, Illinois to all points of destination in the area excepted from the above subparagraph (1).

2. Section 5 is amended to read as follows:

SEC. 5. *Maximum prices for sales of domestic soybean oil meal, cake, pea size meal or pellets owned or under contract by a processor on July 31, 1943, or processed from soybeans of the 1942 crop, by a processor.* (a) The maximum price for the sale and delivery of domestic soybean oil meal, cake, pea size meal or pellets which is owned or under contract by a processor on July 31, 1943, or which is produced from soybeans of the 1942 crop, per ton, in carload lots or pool car lots, bulk, 41 percent or more of protein, at any point (including production plant) by a processor shall be:

(1) $2.00 per ton more than the applicable minimum price specified in the Processor Contract—Cotton States, 1942 Soybean Program of the Commodity Credit Corporation, for soybean oil meal, cake, pea size meal or pellets processed at a plant with respect to which the processor executed such Processor Contract with the Commodity Credit Corporation;

(2) $33.50 per ton for soybean oil meal, cake, and pea size meal processed at a plant with respect to which the processor executed the Processor Contract—Pacific Coast States, 1942 Soybean Program of the Commodity Credit Corporation, Decatur, Illinois, basis, plus all rail freight rate from Decatur to the processor's plant, including the 3% federal transportation tax, less $4.00 per ton;

(3) $1.50 per ton more than the maximum price specified in subparagraph (3) of this paragraph (a) for soybean oil pellets;

(4) $1.50 per ton more than the basic prices specified in the Processor Contracts—Form A, Form B, and Form B (Area 5), 1942 Soybean Program of the Commodity Credit Corporation, for such soybean oil meal, cake, pea size meal and pellets as are included in this paragraph and not provided for in subparagraphs (1), (2), and (3).

3. Section 19 is added to read as follows:

SEC. 19. *Sales by the Commodity Credit Corporation.* Notwithstanding any other provision of this regulation, any soybean oil meal, cake, pea size meal or pellets purchased by the Commodity Credit Corporation from a processor at not more than the maximum prices established in section 5 hereof, or otherwise acquired by such Corporation, may be sold and delivered by such Corporation, acting directly or through such other person as it may designate, at not more than the maximum prices established in section 4 hereof.

This amendment shall become effective August 28, 1943.

(Pub. Laws 421 and 729, 77th Cong. and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13747; Filed, August 23, 1943; 4:38 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 444,[1] Amdt. 1]

COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND PELLETS; AND COTTONSEED HULLS AND HULL BRAN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 444 is amended in the following respects:

1. In section 3 the heading of the definition "cottonseed oil meal, cake, sized cake and pellets" is changed to read "cottonseed oil meal, cake (or loose slab cake), sized cake and pellets".

2. In the list of states in section 4 "Arkansas (east of White River) ---- $45.50" is changed to read "Arkansas (counties of Arkansas, Clay, Craighead, Crittenden, Cross, Greene, Jackson, Lawrence, Lee, Mississippi, Monroe, Phillips, Poinsett, Randolph, St. Francis and Woodruff) ---- $45.50".

3. Section 5 is amended to read as follows:

SEC. 5. *Maximum prices for sale of domestic cottonseed oil meal, cake, sized cake or pellets owned or under contract by a processor or produced from cottonseed of the 1942 crop owned or under contract by a processor on July 31, 1943.* (a) The maximum price for the sale and delivery of domestic cottonseed oil meal, cake, sized cake or pellets, which is owned or under contract by a processor or which is produced from cottonseed of the 1942 crop owned or under contract by a processor on July 31, 1943, per ton, in carload lots or pool car lots, bulk, 41 per cent up to 43 per cent of protein at production plant, by a processor shall be $2.00 per ton more than the minimum trade prices specified in Schedule A of the processor contract, 1942 Cottonseed Program, of the Commodity Credit Corporation, except that in the case of sales by processors located in the States of New Mexico, Arizona, and California such maximum price shall be $3.00 per ton, $4.00 per ton, and $5.00 per ton, respectively, more than the minimum trade prices specified in said Schedule A.

(b) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any cottonseed oil meal, cake, sized cake or pellets in a less than carload lot.

(c) The maximum prices established by this section shall be applicable to all processors irrespective of whether or not the above named processor contract is in effect.

4. Section 7 (a) is amended to read as follows:

(a) The maximum price for the sale or delivery of cottonseed oil meal, sized cake or pellets by a grinder shall be the maximum price of the processor (from whom the cottonseed oil cake was obtained) for a like sale of such oil meal, sized cake or pellets, plus an addition at the rate of 50 cents per ton plus actual or reasonable transportation charges, if any, incurred by the seller in respect to the lot sold.

5. Section 21 is added to read as follows:

SEC. 21. *Sales by the Commodity Credit Corporation.* Notwithstanding any other provision of this regulation, any cottonseed oil meal, cake, sized cake or pellets purchased by the Commodity Credit Corporation from a processor at not more than the maximum prices established in section 5 hereof, or otherwise acquired by such Corporation may be sold and delivered by such Corporation, acting directly or through such other person as it may designate, at not more than the maximum prices established in section 4 hereof.

This amendment shall become effective August 28, 1943.

(Pub. Laws 421 and 729, 77th Cong. and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13745; Filed, August 23 1943; 4:37 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10759.

[1] 8 F.R. 10903.

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[Rev. MPR 339]

WOMEN'S RAYON HOSIERY

Maximum Price Regulation 339 is redesignated Revised Maximum Price Regulation 339 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation 339 has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. Such specifications and standards as are used in this regulation have previously been promulgated and their use lawfully required by another Government agency.

§ 1401.101 *Women's rayon hosiery.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation 339 (Women's Rayon Hosiery) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1401.101 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 339—WOMEN'S RAYON HOSIERY

CONTENTS

Sec.
1. Scope of the regulation.
2. Transactions in rayon hosiery which are prohibited by this regulation.
3. Enforcement and penalties.
4. Maximum prices for rayon hosiery.
5. Maximum prices for rayon hosiery by special application.
6. Less than maximum prices may be charged.
7. Information which must be furnished to purchasers.
8. Information which must be furnished in sales other than at retail.
9. Relation between Revised Maximum Price Regulation 339 and the General Maximum Price Regulation.
10. Relation of this regulation to other maximum price regulations.
11. Explanation of terms (definitions).
12. How this regulation may be amended.
13. Geographical applicability of this regulation.
14. Adjustable pricing.
15. Minimum requirements for Grade A hosiery.
16. Appendix A: Standards of inspection.
17. Appendix B: Schedule of maximum prices.

SECTION 1. *Scope of the regulation—*(a) *What retailers should look for particularly in this regulation.* (1) This regulation sets ceiling prices for women's rayon hosiery. It applies only to women's completely finished full-length hosiery the leg of which is made in whole or in part of rayon except that it does not apply to hosiery in which the leg is made of rayon in combination with silk, wool, or nylon.

(2) The regulation divides purchasers of full-fashioned hosiery into three classes as to the ceiling prices which suppliers of rayon hosiery may charge them: Class I purchasers, Class II purchasers and Class III purchasers. Also retail sellers of full-fashioned hosiery are divided into two classes as to the ceiling prices which they themselves may charge: Class I retail outlets and Class II retail outlets. In section 4 (d) the differences between these classes is explained. It is very important that you find out the class in which you belong because your ceiling prices depend on it. After you find in what class you belong, you find your ceiling prices for full-fashioned hosiery by referring to Table (3). Your prices for circular knit hosiery appear in Table (6). These tables will be found in Appendix B at the end of the regulation.

(3) If you want to find your ceiling prices for "full-fashioned", "cut and sewn" and "semi-fashioned" rayon hosiery:

(i) You look at the first part of Table (3), if you are a Class I retail outlet, and

(ii) You look at the second part of Table (3), if you are a Class II retail outlet.

(4) If you want to find your ceiling prices for circular knit rayon hosiery:

(i) You look at the first part of Table (6), if you bought the hosiery from a manufacturer, and

(ii) You look at the second part of Table (6), if you bought the hosiery from a wholesaler.

(5) You will note that in the tables of ceiling prices, different ceiling prices are set for "A" and "B" hosiery. The difference between "A" and "B" is explained in section 15. Also, different ceiling prices are set for "first quality hosiery" and for "substandard hosiery" and for various constructions of hosiery. All rayon hosiery which is sold or delivered to you by your suppliers must be marked to show its particular construction and whether it is irregular, second or third. By reading Appendix A (standards of inspection) you can find the difference between "first quality" and "substandard" hosiery. In section 11 you will see the explanation of the technical terms which appear in the tables of ceiling prices.

(b) *Application of this regulation generally.* (1) The definitions of "sale at retail", "sale at wholesale" and "sales by manufacturers" are set forth in section 4. It is important that these definitions be read very carefully since different ceiling prices are set for each class of seller. For example, if a company considers itself a "wholesaler", but it does not come within the definition of "wholesaler" set out in this regulation, it must observe the maximum prices for sales by manufacturers.

(2) The tables of ceiling prices are given in Appendix B of the regulation. Except for a limited number of special constructions, separate ceiling prices are established for "A" and "B" hosiery. In section 15 minimum requirements for "A" stockings are explained: these are minimum standards of quality and construction. "A" stockings are stockings that meet all of the minimum requirements. Stockings that do not meet the requirements of "A" are called "B".

(3) The tables of prices provide for differentials or premiums at the manufacturing, wholesale and retail levels for special constructions. These include constructions that are more costly, such as outsizes and extra-lengths, as well as constructions which enhance the utility of hosiery as, for example, cotton welts, "non-runs" and cotton feet.

(4) If a seller cannot find his ceiling price for his rayon hosiery in the tables, he must follow the procedure given in section 5. Ceiling prices for misses' hosiery must be established by application in accordance with the provisions of section 5.

(5) In section 7 marking requirements are set forth, which will provide purchasers with information as to ceiling prices for the various classes of sellers for each kind of hosiery. In section 8 provision is made for information which must be furnished to persons other than ultimate consumers.

(6) This regulation does not provide maximum prices for the hosiery which is covered by Maximum Price Regulation 95—Women's Nylon Hosiery,[1] and 274—Women's Silk Hosiery.[2]*

SEC. 2. *Transactions in rayon hosiery which are prohibited by this regulation.* On and after May 15, 1943, regardless of any contract or obligation, no person shall:

(a) Sell or deliver any rayon hosiery at a price higher than the maximum price permitted by this regulation; or

(b) Deliver any rayon hosiery for which a maximum price is not provided in section 17 unless he receives from the Office of Price Administration, Washington, D. C., a specific maximum price therefor, as provided by section 5; or

(c) Require a purchaser to buy or agree to buy any other hosiery or other article, service, package or wrapper in connection with a sale or delivery of rayon hosiery; or

(d) Buy or receive rayon hosiery in the course of trade or business at a price higher than the maximum price permitted by this regulation; or

(e) Offer, attempt, or agree to do any of the acts prohibited by this regulation; or

(f) Do any other act which directly or indirectly increases above the maximum price the consideration paid by the purchaser for the rayon hosiery. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright raising of the maximum price. This applies to the devices making use of commissions, services, transportation arrangements, premiums, discounts, special privileges, tying-agreements, trade understandings and all similar practices.

SEC. 3. *Enforcement and penalties.* Persons violating any provisions of this Revised Maximum Price Regulation 339 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8521, 8948, 9492, 8 F.R. 8502.

[2] 7 F.R. 9951, 10378, 10791, 8 F.R. 8512, 8860.

of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 4. *Maximum prices for rayon hosiery*—(a) *Sales at retail.* The maximum prices for which rayon hosiery may be sold, delivered, or offered for sale at retail are the prices per pair set forth below in Tables (3) and (6) of Appendix B (section 17).

(1) *What is included in the term.* A "sale at retail" is any sale to an ultimate consumer.

(2) *Who is an ultimate consumer.* An "ultimate consumer" is any person (other than an industrial or commercial user) who

(i) Buys rayon hosiery for a purpose other than that of reselling it, and

(ii) Did not sell rayon hosiery in any quantity after January 31, 1942.

(b) *Sales at wholesale.* The maximum prices for which rayon hosiery may be sold, delivered or offered for sale at wholesale are the prices per dozen pairs set forth below in Tables (2) and (5) of Appendix B (section 17). These maximum prices do not apply unless the sale is a "sale at wholesale" as defined in this section. Sales, other than at retail, which do not qualify as "sales at wholesale" must be priced in accordance with the maximum prices set forth in Tables (1) and (4) of Appendix B.

(1) *What is included in the term.* A "sale at wholesale" is a sale of rayon hosiery, in any quantity, by a "wholesaler", who buys the hosiery after it has been knitted and assembled and who sells that "rayon hosiery" to anyone other than an ultimate consumer. A "sale at wholesale" also includes a sale to a commercial or industrial user, made by a person who sells principally at retail.

(2) *Who is a wholesaler.* A "wholesaler" is a seller who:

(i) Is engaged in the business of selling women's hosiery to retailers generally.

(ii) Regularly carries representative stocks of women's hosiery belonging to him in his own place of business,

(iii) Sells at least 10% of his total sales of women's hosiery out of stock (as opposed to "drop shipments"),

(iv) Is not (*a*) a manufacturer, (*b*) an agent, employee, selling agent, or subsidiary of a manufacturer, or (*c*) a broker, and

(v) Was operating a wholesale business under the conditions prescribed in subparagraphs (2) (i) to (2) (iv), both inclusive, during the month of January 1942, or entered the business of selling women's hosiery for resale after January 31, 1942. (In the latter case, in order to qualify as a wholesaler, the seller must within 5 days after first engaging in the business of selling rayon hosiery for resale pursuant to this regulation, send a notice of his making sales at wholesale to the Office of Price Administration, Washington, D. C. This notice should be in writing and must state the seller's name and address, and the date upon which the seller first engaged in the business of making sales at wholesale after the effective date of this regulation).

(3) *Exception for certain affiliated sellers.* Even though an establishment engaged in the business of selling hosiery for resale is so affiliated with the ownership, management or control of a business engaged in sewing, knitting or assembling women's hosiery as to be constituted a "manufacturer" under paragraph (c) (2), a sale by the establishment of hosiery not produced by such an affiliated manufacturer will be considered a "sale at wholesale" provided it is made under all of the following conditions:

(i) The establishment is at the time of the sale and was throughout 1940, maintained as a separate establishment and operated so as to qualify it as a "wholesaler" under the provisions of (i) to (v), inclusive, of subparagraph (b) (2).

(ii) The establishment at the time of the sale and throughout 1940 represented itself as a wholesaler, and was generally known as a wholesaler.

(iii) Less than 50% of the total units of women's full-fashioned hosiery delivered to the establishment during 1940 were composed of hosiery produced by affiliated manufacturers and by manufacturers to whom the establishment supplied or furnished yarn for such hosiery.

(c) *Sales by manufacturers.* The maximum prices for which rayon hosiery may be sold, delivered or offered for sale in any sale by a manufacturer other than at retail, are the prices per dozen pairs set forth in Tables (1) and (4) of Appendix B (section 17).

(1) *What is included in the term.* "Sales by manufacturers" include any sale by a "manufacturer" as defined below. The maximum prices set forth in Tables (1) and (4) of Appendix B apply also to:

(i) All sales (other than sales at retail) which do not qualify as "sales at wholesale" as defined above, and

(ii) Any sale of "rayon hosiery" which (*a*) The seller knit, sewed, or assembled, or

(*b*) Was manufactured from yarn or other materials supplied, purchased, or furnished by the seller.

(2) *Who is a manufacturer.* A manufacturer is any person who, directly or indirectly, owns or operates a business engaged in sewing, knitting or assembling women's hosiery, or whose business is owned, controlled, conducted or managed in any way by a person who owns, or is engaged in a business of sewing, knitting, or assembling hosiery.

(d) *Classes of sellers*—(1) *The general rule.* A seller is any person who sells or offers to sell rayon hosiery. Factories, stores, selling establishments and other selling units owned by the same person or commonly owned are considered to be the same seller.

(2) *Classes of retail sellers of full-fashioned hosiery.* For the purpose of determining the "class" of retail outlet or the "class" of purchaser to which a seller of full-fashioned hosiery belongs, an exception to the general rule is made in the case of a person who operates two or more establishments selling at retail or two or more departments within an establishment selling at retail. In that case, each separate establishment is considered a separate seller. If, however, there are two or more separate departments within the establishment, each department is considered a separate seller. Retail sellers of women's full-fashioned hosiery are classified as follows:

(i) "Class I retail women's hosiery outlet" includes every seller at retail who is a Class I purchaser with the following exceptions:

(*a*) House-to-house sellers, and

(*b*) Retail sellers affiliated with a manufacturer or wholesaler as described in paragraph (e) (1) (ii), *Provided* they conform to all of the following conditions:

(*1*) The retail seller's business was operated as a separate retail selling establishment on January 31, 1942, and would not be a Class I purchaser under the provisions of (e) (1) (iii);

(*2*) No affiliated manufacturer or wholesaler delivered more than 10% of his total annual shipments by dollar volume of women's full-length hosiery in 1940 or 1941 to the retail seller; and

(*3*) After May 31, 1943, the retail seller did not have delivered to him by any affiliated manufacturer or wholesaler (*i*) in any one month, more than 10% of any affiliated manufacturer's or wholesaler's total shipments of rayon hosiery for that month or (*ii*) in any six consecutive months more than 5% of any affiliated manufacturer's total shipments of rayon hosiery for that six months period. Retail sellers who meet all the conditions of this paragraph (*b*) become Class II retail women's hosiery outlets.

(ii) *Class II retail women's hosiery outlet.* Every seller at retail who is (*a*) a "house-to-house" seller, (*b*) a Class II purchaser or (*c*) a Class III purchaser, is a "Class II retail women's hosiery outlet."

(e) *Classes of purchasers of women's full-fashioned hosiery.* (1) "Class I purchaser" means the following persons:

(i) Every "manufacturer" and every "wholesaler" as defined in this section.

(ii) Every retail seller whose business is owned, controlled or operated by a "manufacturer" or "wholesaler" or by a person who owns, controls, or operates the business of a "manufacturer" or "wholesaler."

(iii) Every retail seller whose business was operated under both of the following conditions:

(*a*) *First condition.* The seller, or the central buying organization to which the seller belonged, made total annual sales of women's full-length hosiery exceeding $250,000.00 in any year from 1939 to 1942, inclusive.

(*b*) *Second condition.* The seller, or the central buying organization to which the seller belonged, had an average percentage of initial mark-up on women's full-length hosiery of 34% or less in any year from 1939 to 1942, inclusive. To determine this mark-up percentage, the seller must (*1*) compute the total of the initial retail prices at which *all* purchases of this hosiery were marked during a given year, (2) compute the total of all invoice charges on purchases of the hosiery during the same year (figured after all discount deductions and including all transportation costs) and (3) subtract the total secured in (2) from the total secured in (*1*) and divide

the remainder by the total obtained in (*1*).

(2) "Class II purchaser" means any retail seller who is not a Class I purchaser and who, alone or together with all sellers belonging to the same central buying organization, made total annual sales of women's full-length hosiery exceeding $100,000.00 in any year from 1939 to 1942, inclusive.

(3) "Class III purchaser" means any person who is not a "Class I purchaser" nor a "Class II purchaser." It includes industrial and commercial users.

(4) *Central buying organization.* A retail seller "belonged to a central buying organization" during any year from 1939 to 1942, inclusive, if during that year it was one of a group of sellers under common ownership or control, with a common purchasing office which bought 60% or more of the women's full-length hosiery that was bought by the entire group during that year.

(f) *Drop shipments.* A drop shipment of hosiery, sold at wholesale, is a shipment directly from the manufacturer to the purchaser.

(g) *When taxes may be added to the maximum price.* If a statute or ordinance permits a tax to be separately stated, the seller is permitted to charge or collect, in addition to the price, a tax on the sale or delivery of the hosiery provided he states the tax separately. This applies, however, only to a tax on a particular sale or delivery such as a gross tax or compensating use tax. Taxes on prior sales or deliveries may not be added.

SEC. 5. *Maximum prices for rayon hosiery by special application.* Maximum prices for rayon hosiery not specifically priced in section 17 can be established only by specific authorization from the Office of Price Administration, Washington, D. C. No person is permitted to deliver rayon hosiery for which a maximum price is not provided in section 17 unless he receives specific authorization from the Office of Price Administration.

A seller who wants to secure a specific maximum price for any type of rayon hosiery for which a maximum price is not provided in section 17 must file with the Office of Price Administration in Washington, D. C., an application setting forth a description in detail of the rayon hosiery for which a maximum price is sought, together with a sample thereof. The seller must also submit such additional information as may be required by the Office of Price Administration.

SEC. 6. *Less than maximum prices may be charged.* Lower prices than the maximum prices established by this maximum price regulation may be charged.

SEC. 7. *Information which must be furnished to purchasers.*—(a) *Marking.*—(1) *Information required.* No person may sell, deliver or offer for sale rayon hosiery unless there is firmly affixed to each pair of hosiery a marking which clearly and truthfully states identifying information as to the construction and price of the hosiery as follows:

(i) The word "ceiling" accompanied by the maximum price at retail under this regulation; (if the hosiery is circular knit and sold to a wholesaler the letter "W" must precede the maximum price);

(ii) The name, trade-mark registered in the United States Patent Office, or the Office of Price Administration registration number of the person who first sells the hosiery in a completely finished state; (such sellers can secure registration numbers by writing to the Office of Price Administration, Washington, D. C.);

(iii) The gauge or needle count of the hosiery;

(iv) The word "proportioned" on all proportioned hosiery;

(v) The word "misses" on all misses' hosiery;

(vi) The word "out-size" on all out-size hosiery;

(vii) The words "extra-long" on all hosiery 34" in length or longer;

(viii) The word "irregulars" on all irregulars; the word "seconds" on all seconds; and the word "thirds" on all thirds. This marking of substandard hosiery must be placed on each stocking of the pair.

(2) *Methods of marking.* The hosiery must be marked with a transfer, label, ticket, marker or other device which is firmly affixed to at least one stocking of each pair of hosiery at the time it is delivered to the purchaser. However, inserts may be used by manufacturers until September 1, 1943, and by other sellers until October 1, 1943.

(3) *Description of marking.* Information required by subdivisions (1) (i) and (iii) above must be marked on the welt within an outlined space or block having dimensions no less than ¾" x 1½" in the case of a transfer or no less than ⅜" x ¾" in the case of a label or ticket. No other printing or lettering is permitted within the space or block except that the person who first sells the hosiery in a completely finished state may include his name, brand or registration number and any seller may include the words "Grade A" on all Grade A hosiery and the words "Grade B" on all Grade B hosiery, as those terms are explained in section 15. Two examples are set forth below:

Ceiling 92¢
45 gauge

Ceiling–W–35¢
260 ndls.

Any of the other information required by this paragraph may be placed on the welt provided it does not confuse or obscure the information contained in the space or block or it may be placed upon the foot of the stocking. Where inserts are permitted temporarily, all information may be placed on the insert.

(4) *Which retail price must be marked on hosiery*—(i) *Circular knit hosiery.* (*a*) Hosiery delivered by a manufacturer to a seller at retail must be marked with the appropriate retail ceiling price provided in Table 6 (i).

(*b*) Hosiery delivered to a wholesaler and hosiery delivered by a wholesaler to a seller at retail must be marked with the appropriate retail ceiling price provided in Table 6 (ii).

(ii) *Full-fashioned hosiery.* Hosiery which a manufacturer or wholesaler delivers to, or knows is intended for ultimate delivery to a Class I retail women's hosiery outlet must be marked with the appropriate retail ceiling price provided in Table 3 (i); otherwise, it must be marked with the appropriate retail ceiling price provided in Table 3 (ii).

(b) *Correcting marking.* If a seller receives hosiery which has been previously marked incorrectly or marked with a retail ceiling price which is not appropriate, he must correctly re-mark the hosiery by the use of a transfer, ticket or label firmly attached to the welt of the hosiery. However, a wholesaler selling to a purchaser of a different class from that for which his hosiery is marked, need not re-mark if the purchaser agrees by letter to re-mark the hosiery prior to sale at retail. Before the wholesaler may deliver such hosiery he must mail a copy of his purchaser's letter to the Office of Price Administration, Washington, D. C.

SEC 8. *Information which must be furnished in sales other than at retail*—(a) *Information for marking.* Within 5 days after the receipt of a written request from a purchaser of rayon hosiery by any person who has sold for resale or manufactured the rayon hosiery, such seller or manufacturer shall furnish to the purchaser, all information with respect to the construction and quality of the rayon hosiery which is pertinent to the marking required of the purchaser by this regulation.

(b) *Disclosure of class of purchaser.* Within 10 days after receiving a written request, every person who buys or offers to buy rayon hosiery must truthfully inform the seller in writing of the class of purchaser to which the buyer belongs. If the class of purchaser to which buyer belongs changes after the effective date of this regulation, he must notify all persons from whom he buys of the change of his class within 5 days after such change takes place and before ordering or purchasing any additional rayon hosiery.

SEC. 9. *Relation between Revised Maximum Price Regulation 339 and the General Maximum Price Regulation*[1]—(a) *Provisions of General Maximum Price Regulation incorporated in this regulation.* The General Maximum Price Regulation shall not apply and this regulation shall apply to sales, deliveries and offers to sell rayon hosiery. However, the following sections of the General Maximum Price Regulation are made a part of this regulation and each seller must comply with them:

(1) Current records (§ 1499.12).

(2) Sales slips and receipts (§ 1499.14).

(3) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling rayon hosiery at wholesale or retail.

(b) *Definitions incorporated by reference.* Unless the context otherwise requires, or unless otherwise specifically

[1] 8 F.R., 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

provided herein, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

SEC. 10. *Relation of this regulation to other maximum price regulations.* (a) *Maximum Price Regulation 157.*[4] With respect to sales of women's rayon hosiery, covered by this regulation, this regulation supersedes the provisions of Maximum Price Regulation 157, entitled "Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes".

(b) *Maximum Price Regulation 172.*[5] Contractors' charges for the manufacture of women's rayon hosiery are not subject to this regulation, but are governed by Maximum Price Regulation 172, entitled "Charges of Contractors in Apparel Industry".

SEC. 11. *Explanation of terms (definitions).* (a) "Rayon hosiery" means any women's completely finished full-length hosiery of less than 45 inches in length, the leg of which is made in whole or in part of rayon, except hosiery in which the leg is made of rayon in combination with silk, wool or nylon. The term includes misses' hosiery.

(b) "Substandard quality" hosiery means hosiery not of first quality. This includes (1) irregulars; (2) seconds; and (3) thirds. These terms are defined in section 16—Appendix A—Standards of Inspection.

(c) Grade "A" hosiery is rayon hosiery which meets all of the minimum specifications for Grade A hosiery as explained in section 15. If the hosiery fails to meet any one or more of the minimum requirements as explained in section 15, it is classed as Grade "B" hosiery.

(d) The "gauge" of full-fashioned hosiery is the number of needles per 1½" of the needle bar on which the hosiery is knit, assuming use of the full needle bar except for a tolerance of 4 needles.

(e) The "needle count" of circular knit hosiery is the total number of needles on the knitting cylinder of the machine on which the hosiery is knit.

(f) Full-fashioned out-size hosiery. (1) "14" and 14½" out-size hosiery" is hosiery which

(i) Is knit on 14" or 14½" needle bar respectively, using the full needle bar (with a tolerance of 4 needles);

(ii) Is made with no fashionings or narrowings at the flare;

(iii) Contains the minimum number of courses required for Grade "A" hosiery as defined in section 15;

(iv) Is boarded on out-size forms in accordance with accepted trade practice.

(2) "15" and 16" out-size hosiery" is hosiery which is

(i) Knit on a full 15" or 16" needle bar, respectively (with a tolerance of 4 needles); and

(ii) Is boarded on out-size forms in accordance with accepted trade practice.

(g) "Combination yarn" is plied yarn in which filament rayon is twisted with other fibers.

(h) "Plied yarn" is a yarn in which two or more separate ends of continuous filament rayon yarn are combined by twisting.

(i) "Spun rayon yarn" is yarn spun from rayon staple fiber.

(j) "Blended yarn" is yarn which is spun from mixtures of rayon staple fiber and cotton fiber.

(k) "Full-lace hosiery" is lace hosiery knit with full-lace tackle on a full-fashioned knitting machine.

(l) "Jacquard hosiery" is hosiery knit with full Jacquard tackle on a full-fashioned knitting machine.

(m) "Full-length hosiery" is hosiery designed to be worn with the welt above the knee.

SEC. 12. *How this regulation may be amended.* Any person seeking an amendment which will have general applicability may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[6] issued by the Office of Price Administration.

SEC. 13. *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States and to the District of Columbia, but not to the territories and possessions of the United States.

This regulation does not apply to export sales, which are governed by the Second Revised Maximum Export Price Regulation.[7]

SEC. 14. *Adjustable pricing.* If you wish, you may sell at the maximum price permitted by this regulation subject to an agreement with the buyer to charge a higher price if it becomes the legal maximum price by the time delivery is made. But you must never charge a price which is higher than the maximum price in effect at the time of delivery. Moreover, unless authorized by the Office of Price Administration, you must not deliver at a price which is to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. This authorization will be given only where: (1) a request for a change in the applicable price is pending; (2) authorization is necessary to promote distribution or production; and (3) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Minimum requirements for Grade "A" hosiery.* Grade A hosiery is completely finished continuous filament rayon hosiery, the leg of which is knitted in plain stitch and which meets the minimum requirements contained in Schedules A and B of War Production Board General Limitation Order L-274, as amended July 7, 1943. These specifications, for the pricing purposes of this regulation, do not apply to hosiery, the leg of which is made of combination or spun rayon yarns, nor to non-run, mesh, or cut-and-sewn rayon hosiery. The specifications are minimum in the sense that unless the hosiery meets every one of the requirements of these specifications, it is classed as Grade B. The following hosiery, however, shall be considered Grade A: (a) hosiery permitted to be manufactured by War Production Board with welt, sole, heel or toe reinforced with nylon or with English cotton yarn of a count finer than that permitted under Schedules A and B of War Production Board General Limitation Order L-274, as amended July 7, 1943 if it otherwise meets the specifications of Schedules A and B; (b) proportioned hosiery, manufactured consistently with the provisions of paragraph (c) of Schedule A of the War Production Board order; (c) hosiery placed in production prior to March 8, 1943 which meets all of the specifications of Schedules A and B of the War Production Board order other than the specifications pertaining to picots.

SEC. 16. *Appendix A: Standards of inspection.* Both Grade "A" and Grade "B" rayon hosiery must be classified and marked according to the standards of inspection set forth below.

(a) *Substandard quality.* All hosiery which is not first quality is deemed to be substandard quality. Substandard quality includes:

(1) *Irregulars.* A pair of substandard quality stockings are "irregulars" if one or both stockings contain any imperfections or irregularities in size, color, knit or weave: *Provided,* That neither stocking contains any obvious mends, runs, tears or breaks in the fabric, or any substantial defect, irregularity or imperfection in material, construction or finish;

(2) *Seconds.* A pair of substandard quality stockings are "seconds" if one or both stockings contain any obvious mends, runs, tears or breaks in the fabric or any substantial defect, irregularity or imperfection in material, construction or finish: *Provided,* That neither of the stockings contains (i) welt menders in excess of ½ inch, (ii) leg menders or seamers in excess of ¼ inch or (iii) more than two medium or three small menders; and

(3) *Thirds.* A pair of substandard quality stockings are "thirds" if either stocking contains (i) any of the following defects: (a) welt menders in excess of ½ inch, (b) leg menders or seamers in excess of ¼ inch or (c) more than two medium or three small menders or (ii) any other substantial defect, irregularity or imperfection which makes the hosiery a third, when judged by the seller's standards of inspection on the effective date of this regulation.

(b) *Explanation of table of defects.* The following table is not all-inclusive but it illustrates how hosiery containing any of the defects listed should be classified. Thus hosiery containing any of the defects listed in Column (1) cannot be considered first quality but must be considered irregulars. Similarly hosiery containing any of the defects listed in Column (2) must be considered seconds and not irregulars and hosiery containing any defects listed in Column (3) must be considered thirds.

(c) *Table of defects.* (Reference is to defect in either stocking).

[4] 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948, 8 F.R. 3948, 7507.

[5] 7 F.R. 4882, 6684, 8351, 8948, 10864, 8 F.R. 8063.

[6] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

[7] 8 F.R. 4132, 5987, 7662.

(Column 1) Irregulars	(Column 2) Seconds	(Column 3) Thirds
(1) *Welt defects.* (i) Badly mismatched welts. (2) *Leg defects.* (i) Minor yarn defects, such as slubs, knots, broken filaments, shiners. (ii) Visible rings or shadows. (iii) Visible sinker stripes or needle lines. (iv) Visible picked up pull threads. (v) Uneven stitch construction (vi) Light color contrasts or shadings. (3) *Foot defects.* (i) Heavy dye streaking (ii) Light mismatching at instep.	(1) *Welt defects.* (i) Menders less than ½". (2) *Leg defects.* (i) Menders or seamers less than ¼". (ii) Major yarn defects, such as decided rings, heavy slubs, kinks or large knots. (iii) Fuzzy sinker or needle line marks. (iv) Sharply defined color contrasts or shadings. (3) *Foot defects.* (i) Heavy mismatching at instep. (4) *Over-all defects.* (i) Lengths under 26½". (ii) Menders, limited to three medium or three small menders.	(1) *Welt defects.* (i) Menders in excess of 1½". (2) *Leg defects.* (i) Menders or seamers in excess of ¼". (3) *Over-all defects.* (i) More than two medium or three small menders.

SEC. 17. *Appendix B: Schedules of maximum prices*—(a) *Tables of maximum prices for full-fashioned "cut and sewn" and semi-fashioned hosiery.*

TABLE 1.—SALES BY MANUFACTURERS

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(I) REGULAR CONSTRUCTION

Construction	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. CONTINUOUS FILAMENT								
1. 39 gauge:								
(a) to Class I purchaser	$5.90	$5.40	$5.01	$4.59	$3.94	$3.60	$2.95	$2.70
(b) to Class II purchaser	6.05	5.55	5.14	4.72	4.04	3.70	3.02	2.77
(c) to Class III purchaser	6.15	5.65	5.23	4.80	4.10	3.77	3.07	2.82
2. 42 gauge:								
(a) to Class I purchaser	6.20	5.55	5.27	4.72	4.14	3.70	3.10	2.77
(b) to Class II purchaser	6.35	5.70	5.40	4.84	4.24	3.80	3.17	2.85
(c) to Class III purchaser	6.45	5.80	5.48	4.93	4.30	3.87	3.22	2.90
3. 45 gauge:								
(a) to Class I purchaser	6.70	5.95	5.70	5.06	4.47	3.97	3.35	2.97
(b) to Class II purchaser	6.85	6.10	5.82	5.18	4.57	4.07	3.42	3.05
(c) to Class III purchaser	6.95	6.20	5.91	5.27	4.64	4.14	3.47	3.10
4. 48 gauge:								
(a) to Class I purchaser	7.20	6.45	6.12	5.48	4.80	4.30	3.60	3.22
(b) to Class II purchaser	7.35	6.60	6.25	5.61	4.90	4.40	3.67	3.30
(c) to Class III purchaser	7.45	6.70	6.33	5.69	4.97	4.47	3.72	3.35
5. 51 gauge:								
(a) to Class I purchaser	7.70	6.95	6.54	5.91	5.14	4.64	3.85	3.47
(b) to Class II purchaser	7.85	7.10	6.67	6.03	5.24	4.74	3.92	3.55
(c) to Class III purchaser	7.95	7.20	6.76	6.12	5.30	4.80	3.97	3.60
6. 54 and 57 gauge:								
(a) to Class I purchaser	8.65	7.90	7.35	6.71	5.77	5.27	4.32	3.95
(b) to Class II purchaser	8.85	8.10	7.52	6.88	5.90	5.40	4.42	4.05
(c) to Class III purchaser	9.00	8.25	7.65	7.01	6.00	5.50	4.50	4.12
7. 60 gauge and higher:								
(a) to Class I purchaser	9.65	8.90	8.20	7.56	6.44	5.94	4.82	4.45
(b) to Class II purchaser	9.85	9.10	8.37	7.73	6.57	6.07	4.92	4.55
(c) to Class III pruchaser	10.00	9.25	8.50	7.86	6.67	6.17	5.00	4.62
B. CONTINUOUS FILAMENT (OUTSIZE)								
1. 39 gauge, 14-14½" head:								
(a) to Class I purchaser	6.40	5.65	5.44	4.80	4.27	3.77	3.20	2.82
(b) to Class II purchaser	6.55	5.80	5.57	4.93	4.37	3.87	3.27	2.90
(c) to Class III purchaser	6.65	5.90	5.65	5.01	4.44	3.94	3.32	2.95
15-15½" head:								
(a) to Class I purchaser	6.90	6.15	5.86	5.23	4.60	4.10	3.45	3.07
(b) to Class II purchaser	7.05	6.30	5.99	5.35	4.70	4.20	3.52	3.15
(c) to Class III purchaser	7.15	6.40	6.08	5.44	4.77	4.27	3.57	3.20
16" head or wider:								
(a) to Class I purchaser	7.40	6.65	6.29	5.65	4.94	4.44	3.70	3.32
(b) to Class II purchaser	7.55	6.80	6.42	5.78	5.04	4.54	3.77	3.40
(c) to Class III purchaser	7.65	6.90	6.50	5.86	5.10	4.60	3.82	3.45
2. 42 gauge, 14-14½" head:								
(a) to Class I purchaser	6.70	5.95	5.69	5.06	4.47	3.97	3.35	2.97
(b) to Class II purchaser	6.85	6.10	5.82	5.18	4.57	4.07	3.42	3.05
(c) to Class III purchaser	6.95	6.20	5.91	5.27	4.64	4.14	3.47	3.10
15-15½" head:								
(a) to Class I purchaser	7.20	6.45	6.12	5.48	4.80	4.30	3.60	3.22
(b) to Class II purchaser	7.35	6.60	6.25	5.61	4.90	4.40	3.67	3.30
(c) to Class III purchaser	7.45	6.70	6.33	5.69	4.97	4.47	3.72	3.35
16" head or wider:								
(a) to Class I purchaser	7.70	6.95	6.54	5.91	5.14	4.64	3.85	3.47
(b) to Class II purchaser	7.85	7.10	6.67	6.03	5.24	4.74	3.92	3.55
(c) to Class III purchaser	7.95	7.20	6.76	6.12	5.30	4.80	3.97	3.60
3. 45 gauge and higher, 14-14½" head.								
(a) to Class I purchaser	7.20	6.45	6.12	5.48	4.80	4.30	3.60	3.22
(b) to Class II purchaser	7.35	6.60	6.25	5.61	4.90	4.40	3.67	3.30
(c) to Class III purchaser	7.45	6.70	6.33	5.69	4.97	4.47	3.72	3.35
15-15½" head:								
(a) to Class I purchaser	7.70	6.95	6.54	5.91	5.14	4.64	3.85	3.47
(b) to Class II purchaser	7.85	7.10	6.67	6.03	5.24	4.74	3.92	3.55
(c) to Class III purchaser	7.95	7.20	6.76	6.12	5.30	4.80	3.97	3.60
16" head or wider:								
(a) to Class I purchaser	8.20	7.45	6.97	6.33	5.47	4.97	4.10	3.72
(b) to Class II purchaser	8.35	7.60	7.10	6.46	5.57	5.07	4.17	3.80
(c) to Class III purchaser	8.45	7.70	7.18	6.54	5.64	5.14	4.22	3.85

TABLE 1.—SALES BY MANUFACTURERS—Continued

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(II) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. MESH AND NON-RUN				
1. 42 gauge and lower:				
(a) to Class I purchaser	$8.20	$6.97	$5.47	$4.10
(b) to Class II purchaser	8.35	7.10	5.57	4.17
(c) to Class III purchaser	8.45	7.18	5.64	4.22
2. 45 gauge and higher:				
(a) to Class I purchaser	8.70	7.39	5.80	4.35
(b) to Class II purchaser	8.85	7.52	5.90	4.42
(c) to Class III purchaser	8.95	7.61	5.97	4.47
D. NEEDLE CUT OR DROP NEEDLE STITCH				
1. 39 gauge and lower:				
(a) to Class I purchaser	7.40	6.29	4.94	3.70
(b) to Class II purchaser	7.55	6.42	5.04	3.77
(c) to Class III purchaser	7.65	6.50	5.10	3.82
2. 42 gauge:				
(a) to Class I purchaser	7.70	6.54	5.14	3.85
(b) to Class II purchaser	7.85	6.67	5.24	3.92
(c) to Class III purchaser	7.95	6.76	5.30	3.97
3. 45 and 48 gauge:				
(a) to Class I purchaser	8.10	6.88	5.40	4.05
(b) to Class II purchaser	8.25	7.01	5.50	4.12
(c) to Class III purchaser	8.35	7.10	5.57	4.17
E. FULL LACE AND JACQUARDS				
1. 42 gauge and lower:				
(a) to Class I purchaser	9.20	7.82	6.14	4.60
(b) to Class II purchaser	9.35	7.95	6.24	4.67
(c) to Class III purchaser	9.45	8.03	6.30	4.72
2. 45 and 48 gauge:				
(a) to Class I purchaser	9.70	8.24	6.47	4.85
(b) to Class II purchaser	9.85	8.37	6.57	4.92
(c) to Class III purchaser	9.95	8.46	6.64	4.97
3. 51 gauge and higher:				
(a) to Class I purchaser	10.70	9.09	7.14	5.35
(b) to Class II purchaser	10.85	9.22	7.24	5.42
(c) to Class III purchaser	10.95	9.31	7.30	5.47
F. SPECIAL TYPES				
33 and 36 gauge made of combination yarn:				
(a) to Class I purchaser	5.75	4.89	3.84	2.87
(b) to Class II purchaser	5.90	5.01	3.94	2.95
(c) to Class III purchaser	6.00	5.10	4.00	3.00
G. CUT AND SEWN LACE OR MESH				
(a) to Class I purchaser	7.20	6.12	4.80	3.60
(b) to Class II purchaser	7.35	6.25	4.90	3.67
(c) to Class III purchaser	7.45	6.33	4.97	3.72
H. SEMI-FASHIONED (BURSON TYPE)				
(i) Continuous filament:				
1. Standard:				
(a) to Class I purchaser	4.35	3.70	2.90	2.17
(b) to Class II purchaser	4.50	3.82	3.00	2.25
(c) to Class III purchaser	4.60	3.91	3.07	2.30
2. Outsizes:				
(a) to Class I purchaser	4.90	4.16	3.27	2.45
(b) to Class II purchaser	5.05	4.29	3.37	2.52
(c) to Class III purchaser	5.15	4.38	3.43	2.57
3. Extra outsize:				
(a) to Class I purchaser	5.90	5.01	3.94	2.95
(b) to Class II purchaser	6.05	5.14	4.04	3.02
(c) to Class III purchaser	6.15	5.23	4.10	3.07
(ii) Combination yarn:				
1. Standard:				
(a) to Class I purchaser	4.25	3.61	2.83	2.12
(b) to Class II purchaser	4.40	3.74	2.93	2.20
(c) to Class III purchaser	4.50	3.82	3.00	2.25
2. Outsizes:				
(a) to Class I purchaser	4.60	3.91	3.07	2.30
(b) to Class II purchaser	4.75	4.04	3.17	2.37
(c) to Class III purchaser	4.85	4.12	3.23	2.42
I. MAXIMUM PRICE DIFFERENTIALS FOR SPECIFIC CONSTRUCTIONS (To be added to prices per dozen set forth for constructions A to E both inclusive)				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.50	.42	.33	.25
2. Extra lengths (34 inches minimum)	.75	.64	.50	.37
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.35	.30	.23	.17
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	1.75	1.49	1.17	.87

TABLE 2.—SALES AT WHOLESALE

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(i) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament:								
1. 39 gauge	$6.78	$6.21	$5.77	$5.28	$4.53	$4.14	$3.39	$3.10
2. 42 gauge	7.13	6.38	6.06	5.43	4.76	4.25	3.56	3.18
3. 45 gauge	7.70	6.84	6.55	5.82	5.14	4.56	3.85	3.41
4. 48 gauge	8.28	7.41	7.03	6.30	5.52	4.94	4.14	3.70
5. 51 gauge	8.85	7.99	7.53	6.79	5.91	5.33	4.43	3.99
6. 54 and 57 gauge	9.94	9.08	8.45	7.72	6.63	6.06	4.97	4.54
7. 60 gauge and higher	11.09	10.23	9.43	8.70	7.40	6.83	5.54	5.11
B. Continuous filament (outsize):								
1. 39 gauge:								
14–14½" head	7.36	6.49	6.25	5.52	4.91	4.33	3.68	3.24
15–15½" head	7.93	7.07	6.75	6.01	5.29	4.71	3.97	3.53
16" head or wider	8.51	7.64	7.23	6.49	5.68	5.10	4.25	3.82
2. 42 gauge:								
14–14½" head	7.70	6.84	6.55	5.82	5.14	4.56	3.85	3.41
15–15½" head	8.28	7.41	7.03	6.30	5.52	4.94	4.14	3.70
16" head or wider	8.85	7.99	7.53	6.79	5.91	5.33	4.43	3.99
3. 45 gauge:								
14–14½" head	8.28	7.41	7.03	6.30	5.52	4.94	4.14	3.70
15–15½" head	8.85	7.99	7.53	6.79	5.91	5.33	4.43	3.99
16" head or wider	9.43	8.56	8.01	7.28	6.29	5.71	4.71	4.28

(ii) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. Mesh and non run:				
1. 42 gauge and lower	$9.43	$8.01	$6.29	$4.71
2. 45 gauge and higher	10.00	8.51	6.67	5.00
D. Needle cut or drop needle stitch:				
1. 39 gauge and lower	8.51	7.23	5.68	4.25
2. 42 gauge	8.86	7.52	5.91	4.43
3. 45 and 48 gauge	9.31	7.91	6.21	4.66
E. Full lace and jacquards:				
1. 42 gauge and lower	10.57	8.99	7.06	5.29
2. 45 and 48 gauge	11.15	9.49	7.41	5.57
3. 51 gauge and higher	12.30	10.46	8.21	6.15
F. Special types:				
33 and 36 gauge made of combination yarn	6.61	5.62	4.41	3.30
G. Cut and sewn lace or mesh	8.28	7.03	5.52	4.14
H. Semi-fashioned (Burson type):				
(i) continuous filament:				
1. Standard	5.00	4.25	3.33	2.49
2. Outsize	5.63	4.79	3.76	2.82
3. Extra outsize	6.78	5.77	4.52	3.39
(ii) combination yarn:				
1. Standard	4.88	4.15	3.25	2.44
2. Outsize	5.29	4.49	3.53	2.64
I. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for constructions A to E both inclusive):				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.57	.49	.39	.29
2. Extra lengths (34 inches minimum)	.86	.73	.57	.42
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.49	.34	.26	.18
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	2.01	1.71	1.35	1.00

NOTE: All maximum prices are for sales out of stock; maximum prices for "drop shipments" are the prices set forth above less 3%.

TABLE 3.—SALES AT RETAIL

[Prices are expressed in dollars per pair]

(i) MAXIMUM PRICES FOR CLASS I RETAIL WOMEN'S HOSIERY OUTLETS—(a) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filaments:								
1. 39 gauge	$0.71	$0.65	$0.60	$0.55	$0.47	$0.43	$0.35	$0.32
2. 42 gauge	.75	.67	.63	.57	.50	.44	.37	.33
3. 45 gauge	.81	.72	.69	.61	.54	.48	.40	.36
4. 48 gauge	.86	.77	.74	.66	.58	.52	.43	.39
5. 51 gauge	.93	.84	.79	.71	.62	.56	.46	.42
6. 54 and 57 gauge	1.04	.95	.88	.81	.69	.63	.52	.47
7. 60 gauge and higher	1.16	1.07	.99	.91	.77	.71	.58	.53
B. Continuous filament (outsize):								
1. 39 gauge:								
14–14½" head	.77	.68	.65	.58	.51	.45	.38	.34
15–15½" head	.83	.74	.71	.63	.55	.49	.41	.37
16" head or wider	.89	.80	.76	.68	.59	.53	.44	.40
2. 42 gauge:								
14–14½" head	.81	.72	.69	.61	.54	.48	.40	.36
15–15½" head	.87	.78	.74	.66	.58	.52	.43	.39
16" head or wider	.93	.84	.79	.71	.62	.56	.46	.42
3. 45 gauge:								
14–14½" head	.87	.78	.74	.66	.58	.52	.43	.39
15–15½" head	.93	.84	.79	.71	.62	.56	.46	.42
16" head or wider	.99	.90	.84	.76	.66	.60	.49	.45

(b) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. Mesh and nonrun:				
1. 42 gauge and lower	$0.98	$0.84	$0.66	$0.49
2. 45 gauge and higher	1.04	.89	.70	.52
D. Needle cut or drop needle stitch:				
1. 39 gauge and lower	.89	.76	.60	.45
2. 42 gauge	.93	.79	.62	.46
3. 45 and 48 gauge	.98	.83	.65	.49
E. Full lace and jacquards:				
1. 42 gauge and lower	1.11	.94	.74	.55
2. 45 and 48 gauge	1.16	.99	.78	.58
3. 51 gauge and higher	1.29	1.09	.86	.64
F. Special types:				
33 and 36 gauge made of combination yarn	.69	.59	.46	.35
G. Cut and sewn lace or mesh	.86	.74	.58	.43
H. Semi-fashioned (Burson type):				
(i) Continuous filament:				
1. Standard	.52	.44	.35	.26
2. Outsize	.59	.50	.39	.29
3. Extra outsize	.71	.60	.47	.35
(ii) Combination yarn:				
1. Standard	.51	.44	.34	.26
2. Outsize	.56	.47	.37	.28
I. Maximum price differentials for specific constructions (to be added to prices per pair set forth for constructions A to E both inclusive):				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.07	.06	.05	.04
2. Extra lengths (34 inches minimum)	.10	.08	.07	.05
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.05	.04	.03	.02
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	.22	.19	.15	.11

(ii) MAXIMUM PRICES FOR CLASS II RETAIL WOMEN'S HOSIERY OUTLETS—(a) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament:								
1. 39 gauge	$0.80	$0.74	$0.68	$0.63	$0.54	$0.49	$0.40	$0.37
2. 42 gauge	.84	.76	.72	.64	.56	.50	.42	.38
3. 45 gauge	.92	.80	.78	.69	.61	.54	.45	.40
4. 48 gauge	.98	.88	.83	.75	.65	.58	.49	.44
5. 51 gauge	1.05	.95	.89	.80	.69	.63	.52	.47
6. 54 and 57 gauge	1.18	1.08	1.00	.92	.78	.72	.59	.51
7. 60 gauge and higher	1.31	1.21	1.11	1.03	.87	.81	.65	.60
B. Continuous filament outsize:								
1. 39 gauge:								
14–14½" head	.87	.77	.74	.65	.58	.51	.43	.38
15–15½" head	.94	.84	.80	.71	.63	.56	.47	.42
16" head or wider	1.01	.91	.86	.77	.67	.60	.50	.45
2. 42 gauge:								
14–14½" head	.91	.81	.78	.69	.61	.54	.46	.40
15–15½" head	.98	.88	.83	.75	.65	.59	.49	.44
16" head or wider	1.05	.95	.89	.84	.70	.63	.52	.47
3. 45 gauge:								
14–14½" head	.98	.88	.83	.75	.65	.59	.49	.44
15–15½" head	1.04	.95	.89	.81	.70	.63	.52	.47
16" head or wider	1.11	1.02	.95	.86	.75	.68	.56	.51

TABLE 3.—SALES AT RETAIL—Continued

[Prices are expressed in dollars per pair]

(b) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. Mesh and nonrun:				
1. 42 gauge and lower	$1.11	$0.95	$0.75	$0.56
2. 45 gauge and higher	1.18	1.00	.79	.59
D. Needle cut or drop needle stitch:				
1. 39 gauge and lower	1.01	.86	.68	.51
2. 42 gauge	1.05	.90	.70	.54
3. 45 and 48 gauge	1.11	.94	.74	.55
E. Full lace and jacquards:				
1. 42 gauge and lower	1.25	1.06	.83	.62
2. 45 and 48 gauge	1.32	1.11	.87	.65
3. 51 gauge and higher	1.45	1.23	.96	.72
F. Special types:				
33 and 36 gauge made of combination yarn	.79	.67	.52	.40
G. Cut and sewn lace or mesh	.98	.83	.65	.49
H. Semi-fashioned (Burson type):				
(i) Continuous filament:				
1. Standard	.59	.50	.39	.30
2. Outsize	.67	.57	.44	.33
3. Extra outsize	.80	.68	.54	.40
(ii) Combination yarn:				
1. Standard	.58	.49	.39	.29
2. Outsize	.63	.53	.42	.32
I. Maximum price differentials for specific constructions (to be added to prices per pair set forth for constructions A to E both inclusive):				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.07	.06	.05	.04
2. Extra lengths (34 inches minimum)	.10	.08	.07	.05
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.05	.04	.03	.02
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	.22	.19	.15	.11

(b) *Tables of maximum prices for circular knit hosiery.*

TABLE 4.—SALES OF CIRCULAR KNIT HOSIERY BY MANUFACTURERS

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(i) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$2.00	$1.75	$1.70	$1.49	$1.33	$1.17	$1.00	$0.87
2. 220–240 needle count	2.25	2.00	1.91	1.70	1.50	1.33	1.12	1.00
3. 250 needle count	2.50	2.10	2.13	1.78	1.67	1.40	1.25	1.05
4. 280 needle count	2.60	2.20	2.21	1.87	1.73	1.47	1.30	1.10
5. 300 needle count (producers twist)	2.70	2.30	2.29	1.95	1.80	1.53	1.35	1.15
6. 300 needle count (high twist)	3.10	2.60	2.63	2.21	2.07	1.73	1.55	1.30
7. 320 needle count	3.30	2.80	2.80	2.38	2.20	1.87	1.65	1.40
8. 340 needle count	3.50	2.75	2.97	2.34	2.33	1.83	1.75	1.37
9. 360–380 needle count	4.00	3.25	3.40	2.76	2.67	2.17	2.00	1.62
10. 400 needle count	5.25	4.50	4.46	3.82	3.50	3.00	2.62	2.25

TABLE 4.—SALES OF CIRCULAR KNIT HOSIERY BY MANUFACTURERS—Continued

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(II) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$2.75	$2.34	$1.83	$1.37
2. 220-240 needle count	3.00	2.55	2.00	1.50
3. 260 needle count	3.10	2.64	2.07	1.55
4. 280 needle count	3.20	2.72	2.13	1.60
5. 300 needle count	3.50	2.98	2.33	1.75
6. 320 needle count and higher	3.60	3.06	2.40	1.80
(b) Leg made of rayon plaited with cotton with premium welt:				
1. 200 needle count and lower	2.50	2.12	1.67	1.25
2. 220-240 needle count	2.75	2.34	1.83	1.37
3. 260 needle count	2.85	2.42	1.90	1.42
4. 280 needle count	2.95	2.51	1.97	1.47
5. 300 needle count	3.25	2.76	2.17	1.62
6. 320 needle count and higher	3.35	2.85	2.23	1.67
(c) Leg made of 2 ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	3.25	2.76	2.17	1.62
2. 220-240 needle count	3.50	2.97	2.33	1.75
3. 260 needle count	3.60	3.06	2.40	1.80
4. 280 needle count	3.70	3.14	2.47	1.85
5. 300 needle count	4.00	3.40	2.67	2.00
6. 320 needle count and higher	4.10	3.48	2.73	2.05
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220-240 needle count	4.75	4.04	3.17	2.37
2. 260-280 needle count	5.10	4.33	3.40	2.55
3. 300 needle count and higher	5.50	4.67	3.67	2.75
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	2.50	2.12	1.67	1.25
2 end	3.00	2.55	2.00	1.50
2. 220-240 needle count:				
1 end	2.75	2.34	1.83	1.38
2 end	3.25	2.75	2.17	1.63
3. 260-280 needle count:				
1 end	3.00	2.55	2.00	1.50
2 end	3.50	2.98	2.33	1.75
4. 300-320 needle count:				
1 end	3.50	2.98	2.33	1.75
2 end	4.00	3.40	2.67	2.00
5. 340 needle count:				
1 end	4.00	3.40	2.67	2.00
2 end	4.50	3.82	3.00	2.25
6. 360 needle count and higher:				
1 end	5.00	4.25	3.33	2.50
2 end	5.50	4.67	3.67	2.75
D. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon or combination yarn)	.40	.34	.27	.20
2. Outsizes	.30	.26	.20	.15
3. Plied yarn in leg	.60	.51	.40	.30

TABLE 5.—SALES AT WHOLESALE OF CIRCULAR KNIT HOSIERY

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(I) REGULAR CONSTRUCTION

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$2.35	$2.06	$2.00	$1.75	$1.56	$1.38	$1.18	$1.02
2. 220-240 needle count	2.65	2.35	2.25	2.00	1.76	1.56	1.32	1.18
3. 260 needle count	2.94	2.47	2.51	2.11	1.96	1.65	1.47	1.24
4. 280 needle count	3.06	2.59	2.60	2.20	2.04	1.73	1.53	1.29
5. 300 needle count (producers twist)	3.18	2.71	2.69	2.29	2.12	1.80	1.59	1.35
6. 300 needle count (high twist)	3.65	3.06	3.09	2.60	2.44	2.04	1.82	1.53
7. 320 needle count	3.88	3.29	3.29	2.80	2.59	2.20	1.94	1.65
8. 340 needle count	4.12	3.24	3.49	2.75	2.74	2.15	2.06	1.61
9. 360-380 needle count	4.71	3.82	4.00	3.25	3.14	2.55	2.35	1.91
10. 400 needle count	6.18	5.29	5.25	4.49	4.12	3.53	3.08	2.65

TABLE 5.—SALES AT WHOLESALE OF CIRCULAR KNIT HOSIERY—Continued

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(II) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$3.24	$2.75	$2.15	$1.61
2. 220-240 needle count	3.53	3.00	2.35	1.76
3. 260 needle count	3.65	3.11	2.44	1.82
4. 280 needle count	3.76	3.20	2.51	1.88
5. 300 needle count	4.12	3.51	2.74	2.06
6. 320 needle count and higher	4.24	3.60	2.82	2.12
(b) Leg made of rayon plaited with cotton with premium welt:				
1. 200 needle count and lower	2.94	2.50	1.96	1.47
2. 220-240 needle count	3.24	2.75	2.15	1.61
3. 260 needle count	3.35	2.85	2.24	1.67
4. 280 needle count	3.47	2.95	2.32	1.73
5. 300 needle count	3.82	3.25	2.55	1.91
6. 320 needle count and higher	3.94	3.35	2.62	1.96
(c) Leg made of 2-ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	3.82	3.25	2.55	1.91
2. 220-240 needle count	4.12	3.50	2.74	2.06
3. 260 needle count	4.24	3.60	2.82	2.12
4. 280 needle count	4.35	3.70	2.91	2.18
5. 300 needle count	4.71	4.00	3.14	2.35
6. 320 needle count and higher	4.82	4.10	3.21	2.41
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220-240 needle count	5.59	4.75	3.73	2.79
2. 260-280 needle count	6.00	5.10	4.00	3.00
3. 300 needle count and higher	6.47	5.50	4.32	3.24
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	2.94	2.50	1.96	1.47
2 end	3.53	3.00	2.35	1.76
2. 220-240 needle count:				
1 end	3.24	2.75	2.15	1.62
2 end	3.82	3.25	2.55	1.92
3. 260-280 needle count:				
1 end	3.53	3.00	2.35	1.76
2 end	4.12	3.51	2.74	2.06
4. 300-320 needle count:				
1 end	4.12	3.51	2.74	2.06
2 end	4.71	4.00	3.14	2.35
5. 340 needle count:				
1 end	4.71	4.00	3.14	2.35
2 end	5.29	4.49	3.59	2.65
6. 360 needle count and higher:				
1 end	5.88	5.00	3.92	2.94
2 end	6.47	5.50	4.32	3.24
D. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon, or combination yarn)	.47	.40	.32	.24
2. Outsizes	.35	.31	.24	.18
3. Plied yarn in leg	.71	.60	.47	.35

NOTE: All maximum prices are for sales out of stock; maximum prices for "drop shipments" are the prices set forth above less 5%.

TABLE 6.—SALES AT RETAIL OF CIRCULAR KNIT HOSIERY

[Prices are expressed in dollars per pair]

(I) RETAIL PRICES FOR HOSIERY PURCHASED BY THE RETAIL SELLER FROM A MANUFACTURER—(a) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$0.25	$0.21	$0.21	$0.18	$0.16	$0.14	$0.12	$0.11
2. 220-240 needle count	.28	.25	.24	.21	.18	.17	.14	.12
3. 260 needle count	.30	.26	.26	.22	.20	.17	.15	.13
4. 280 needle count	.32	.27	.27	.23	.21	.18	.16	.13
5. 300 needle count (producers twist)	.33	.28	.28	.24	.22	.19	.17	.14
6. 300 needle count (high twist)	.38	.32	.32	.27	.25	.21	.19	.16
7. 320 needle count	.40	.34	.34	.29	.27	.23	.20	.17
8. 340 needle count	.43	.34	.36	.29	.29	.22	.21	.17
9. 360-380 needle count	.49	.40	.42	.34	.33	.27	.25	.20
10. 400 needle count	.64	.55	.55	.47	.43	.37	.32	.28

TABLE 6.—SALES AT RETAIL OF CIRCULAR KNIT HOSIERY—Continued

[Prices are expressed in dollars per pair]

(b) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$0.34	$0.29	$0.23	$0.17
2. 220–240 needle count	.36	.31	.25	.18
3. 260 needle count	.38	.33	.26	.19
4. 280 needle count	.40	.34	.27	.20
5. 300 needle count	.43	.37	.29	.22
6. 320 needle count and higher	.45	.38	.30	.22
(b) Leg made of rayon plaited with cotton with premium welt:				
1. 200 needle count and lower	.31	.26	.21	.16
2. 220–240 needle count	.34	.29	.23	.17
3. 260 needle count	.35	.30	.24	.18
4. 280 needle count	.37	.31	.25	.18
5. 300 needle count	.40	.34	.27	.20
6. 320 needle count and higher	.42	.35	.28	.21
(c) Leg made of 2 ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	.40	.34	.27	.20
2. 220–240 needle count	.44	.37	.29	.22
3. 260 needle count	.45	.38	.30	.22
4. 280 needle count	.46	.39	.31	.23
5. 300 needle count	.50	.42	.33	.25
6. 320 needle count and higher	.51	.43	.34	.25
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220–240 needle count	.59	.50	.39	.29
2. 260–280 needle count	.63	.54	.42	.32
3. 300 needle count and higher	.68	.58	.46	.34
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	.31	.26	.21	.16
2 end	.37	.32	.25	.19
2. 220–240 needle count:				
1 end	.34	.29	.23	.17
2 end	.41	.33	.27	.20
3. 260–280 needle count:				
1 end	.37	.31	.25	.18
2 end	.43	.37	.29	.22
4. 300–320 needle count:				
1 end	.43	.37	.29	.22
2 end	.50	.42	.33	.25
5. 340 needle count:				
1 end	.50	.42	.33	.25
2 end	.56	.48	.37	.28
6. 360 needle count and higher:				
1 end	.62	.53	.41	.31
2 end	.68	.58	.46	.34
D. Maximum price differentials for specific constructions (to be added to prices per pair set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon or combination yarn)	.05	.04	.03	.02
2. Outsizes	.04	.03	.03	.02
3. Plied yarn in leg	.07	.06	.05	.04

NOTE: The prices in this table are applicable to all sales of hosiery which the seller at retail bought (a) from a manufacturer, as defined in this regulation or (b) in any sale to which manufacturer's ceiling prices were applicable.

(ii) RETAIL PRICES FOR HOSIERY PURCHASED BY THE RETAIL SELLER FROM A WHOLESALER—(a) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$0.26	$0.25	$0.24	$0.21	$0.19	$0.17	$0.14	$0.12
2. 220–240 needle count	.32	.28	.27	.24	.21	.19	.16	.14
3. 260 needle count	.35	.30	.30	.25	.23	.20	.18	.15
4. 280 needle count	.37	.31	.31	.26	.24	.21	.18	.15
5. 300 needle count (producers twist)	.38	.32	.32	.27	.25	.22	.19	.16
6. 300 needle count (high twist)	.44	.37	.37	.31	.29	.24	.22	.18
7. 320 needle count	.47	.39	.39	.34	.31	.26	.23	.20
8. 340 needle count	.49	.39	.42	.33	.33	.26	.25	.19
9. 360–380 needle count	.56	.46	.48	.39	.38	.31	.28	.23
10. 400 needle count	.74	.63	.63	.54	.49	.42	.37	.32

TABLE 6.—SALES AT RETAIL OF CIRCULAR KNIT HOSIERY—Continued

[Prices are expressed in dollars per pair]

(b) SPECIAL CONSTRUCTIONS

Construction	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium Constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$0.39	$0.33	$0.26	$0.19
2. 220–240 needle count	.42	.35	.28	.21
3. 260 needle count	.44	.37	.29	.22
4. 280 needle count	.45	.38	.30	.23
5. 300 needle count	.50	.42	.33	.25
6. 320 needle count and higher	.51	.43	.34	.25
(b) Leg made of rayon plaited with cotton with premium welt:				
1. 200 needle count and lower	.35	.30	.24	.18
2. 220–240 needle count	.39	.33	.26	.19
3. 260 needle count	.40	.34	.27	.20
4. 280 needle count	.42	.35	.28	.21
5. 300 needle count	.46	.39	.31	.23
6. 320 needle count and higher	.47	.40	.31	.24
(c) Leg made of 2 ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	.46	.39	.31	.23
2. 220–240 needle count	.49	.42	.33	.25
3. 260 needle count	.51	.43	.34	.25
4. 280 needle count	.52	.44	.35	.26
5. 300 needle count	.56	.48	.38	.28
6. 320 needle count and higher	.58	.49	.38	.29
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220–240 needle count	.67	.57	.45	.33
2. 260–280 needle count	.72	.61	.48	.36
3. 300 needle count and higher	.78	.66	.52	.39
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	.35	.30	.24	.18
2 end	.42	.36	.28	.21
2. 220–240 needle count:				
1 end	.39	.33	.26	.19
2 end	.46	.39	.30	.23
3. 260–280 needle count:				
1 end	.43	.36	.28	.21
2 end	.50	.42	.33	.25
4. 300–320 needle count:				
1 end	.50	.42	.33	.25
2 end	.57	.48	.38	.28
5. 340 needle count:				
1 end	.57	.48	.38	.28
2 end	.64	.54	.43	.32
6. 360 needle count and higher:				
1 end	.71	.60	.47	.35
2 end	.78	.66	.52	.39
D. Maximum Price differentials for specific constructions (to be added to prices per pair set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon or combination yarn)	.06	.05	.04	.03
2. Outsizes	.04	.04	.03	.02
3. Plied yarn in leg	.09	.07	.06	.04

Effective date. This Revised Maximum Price Regulation No. 339 shall become effective August 23, 1943.

NOTE: The records and reports provisions of this regulation have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13752; Filed, August 23, 1943; 4:43 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 55]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respect:

Section 4.6 (d) is amended to read as follows:

(d) *When a wholesaler is entitled to receive a certificate.* If a wholesaler's maximum allowable inventory for any reporting period is greater, by at least 10%, than his point inventory at the end of the preceding reporting period, he will be issued a "certificate" for the number of points needed to make up the difference. The certificate will be issued by the "Washington Office" after his report has been checked.

This amendment shall become effective August 27, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251.)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13743; Filed, August 23, 1943; 4:36 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 56]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. Section 10.10 (e) is added to read as follows:

(e) *Point-free delivery to home processors.* No points need be given up for a transfer of home processed foods by an authorized customs official to the person who produced them in a way described in Article XXVI, if the person gives his signed statement to the official showing:

(1) His name and address;

(2) The place where the home processed foods were produced;

(3) The amount and kinds of home processed foods being imported;

(4) A statement showing that he produced the home processed foods in a way described in Article XXVI.

The Collector of Customs shall turn over, each month, to the district office for the area in which the point of entry is located, all statements received by him in this way during the preceding month.

2. Section 26.9 is added to read as follows:

SEC. 26.9 *Applicability.* The provisions of this Article apply whether or not the home processed foods are produced within the forty-eight states of the United States and the District of Columbia.

This amendment shall become effective August 27, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729; 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13758; Filed, August 23, 1943; 4:24 p. m.]

[1] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7353, 7490, 7589, 8357, 8705, 9012, 9024, 9216, 9305, 9459, 10511, 10665.

*Copies may be obtained from the Office of Price Administration.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 56]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 3.1 (d) is added to read as follows:

(d) The provisions of this section apply whether or not the foods are produced within the forty-eight states of the United States and the District of Columbia.

2. Section 11.11 (d) is added to read as follows:

(d) No points need be given up for a release or delivery of foods covered by this order by an authorized customs official to the person who produced them in a way described in section 3.1, if the person submits a written statement to the official showing:

(1) His name and address;

(2) The place where the foods were produced;

(3) The amount and kinds of foods being imported;

(4) A statement showing that he produced the foods in a way described in section 3.1.

The Collector of Customs shall turn over, each month, to the district office for the area in which the point of entry is located, all statements received by him in this way during the preceding month.

This amendment shall become effective August 27, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13744; Filed, August 23, 1943; 4:36 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,[2] Amdt. 27]

LUMBER GRADING AND INSPECTION SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.101 (c) (37) is amended to read as follows:

(37) Lumber—drying, milling, processing, and treating, other than treating by pressure process, of, on a custom basis; and inspection, grading, reinspection, certification, and grademarking of, for manufacturers, distributors, or purchasers.

This amendment shall become effective August 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13756; Filed, August 23, 1943; 4:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14, Amdt. 20]

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.7 of Revised Supplementary Regulation 14 is amended to read as follows:

* * * * *

(3) For all other sales and deliveries of defluorinated phosphate by processors, the maximum price shall be the same as for sales and deliveries in 100 pound paper bags plus or minus the difference in cost of packing in other than 100 pound paper bags.

(b) *Sales by jobbers.* The maximum price that a jobber may charge for the sale or delivery of defluorinated phosphate in carload lots shall be 50 cents per ton (maximum markup) and in less than carload lots shall be $1.00 per ton (maximum markup) over the maximum price which he could lawfully have paid a processor for the quantity and quality purchased together with actual or reasonable transportation charges incurred by the seller in respect to the lot sold.

(c) *Sales by wholesalers.* The maximum price that a wholesaler may charge for the sale or delivery of defluorinated phosphate shall be $2.00 per ton (maximum markup) over the maximum price which he could lawfully have paid the processor or jobber from whom he purchased (or if he purchased from any other class of person, over the maximum price which he could lawfully have paid a processor) for the quantity or quality purchased together with actual or reasonable transportation charges incurred by the seller in respect to the lot sold.

(d) *Sales by retailers.* The maximum price that a retailer may charge for the sale or delivery of defluorinated phosphate shall be $5.00 per ton (maximum markup) over the maximum price which he could lawfully have paid to the processor, jobber or wholesaler from whom he purchased (or if he purchased from any other class of persons, over the maximum price which he could lawfully have paid a processor) for the quantity and quality purchased together with actual or reasonable transportation charges incurred by the seller in respect to the lot sold.

(e) *Sales by any other persons.* The maximum price for the sale of defluorinated phosphate by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which his seller could lawfully have charged for a like sale. Notwithstanding any other provision of this regulation, sales between persons of one of the class of sellers hereinbefore specifically provided for shall be permissible: *Provided*, That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

(f) *Geographical applicability.* Section 4.7 shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic defluorinated phosphate whether produced from domestic or imported phosphate.

(g) *Definitions.* (1) "Defluorinated phosphate" shall mean that product obtained by processing phosphate so that the flourine content is reduced below a toxic level.

(2) "Per net ton" shall mean a quantity of at least 2000 pounds.

(3) "Jobber" means a person other than a retailer who buys defluorinated phosphate and resells the same without unloading into a warehouse.

(4) "Wholesaler" means a person who buys defluorinated phosphate and unloads his purchase into a warehouse and resells the same, except at retail.

(5) "Retailer" means a person who buys defluorinated phosphate and resells the same to an ultimate consumer.

(6) "Ultimate consumer" means a person who buys defluorinated phosphate for feeding and not for resale or processing.

(7) "Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3 percent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including said 3 percent tax, if any) not exceeding any maximum price established therefor.

This amendment shall become effective August 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13742; Filed, August 23, 1943; 4:36 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, Amdt. 24]

CERTAIN WASTE MATERIALS: PAPER MILL FELTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 is amended in the following respects:

1. Section 2.12 (a) (2) is amended to read as follows:

(2) "Waste materials" does not include top pickup paper mill felts or jacket felts, used all-wool sanforizing machine blankets, used all-wool Palmer machine blankets, scrap burlap or scrap bagging or bale coverings composed of jute, hemp, istle, sisal or similar fibers, nor cotton mill waste (defined to mean all cotton waste produced in the process of converting raw cotton into yarn and yarn into cloth, except jute bagging removed from cotton bales and except any kind of scrap burlap or bagging), nor fat-bearing and oil-bearing animal waste materials.

2. Section 3.2 (b) (2) is amended to read as follows:

(2) Sales and deliveries of top pickup paper mill felts or jacket felts, used all-wool sanforizing machine blankets, used all-wool Palmer machine blankets, scrap burlap, and scrap bagging or bale coverings composed of jute, hemp, istle, sisal or similar fibers.

This amendment shall become effective August 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13762; Filed, August 23, 1943; 4:41 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 92 Under SR 15 to GMPR]

ERNEST E. HENDRIX, INC.

Order No. 92 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3160.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1392 *Adjustment of maximum prices for contract carrier services furnished by Ernest C. Hendrix, Inc.* (a) Ernest C. Hendrix, Inc., Aberdeen, Maryland, may sell and deliver contract carrier services at rates not to exceed those set forth in Exhibit A attached to the application and further identified as contract No. VAn-17112.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 92 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 92 (§ 1499.1392) shall become effective August 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13760; Filed, August 23, 1943; 4:41 p. m.]

PART 1499—COMMODITIES AND SERVICES

MILLIS TRANSPORTATION CO., INC.

Order No. 93 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-1128.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1393 *Adjustment of maximum prices for contract carrier services by Millis Transportation Company, Inc., of Millis, Massachusetts.* (a) Millis Transportation Company, Inc., of Millis, Massachusetts, may sell and deliver contract carrier services to the Ruberoid Co., at prices not to exceed 6% above the maximum prices established for the same services in March 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 93 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 93 (§ 1499.1393) shall become effective August 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13755; Filed, August 23, 1943; 4:41 p. m.]

PART 1412—SOLVENTS

[MPR 170, Amdt. 6]

ANTI-FREEZE

Correction

In item 1 of F.R. Doc. 43-13399 (8 F.R. 11437), the quoted portion in the first sentence of subdivision (ii) should read as follows:

(ii) * * * "_____ gallon(s) of this anti-freeze added to one gallon of water will reduce the freezing point of the mixture to 10 degrees below zero Fahrenheit."

PART 1499—COMMODITIES AND SERVICES

[Order 90 Under SR 15 to GMPR, Corr.]

ALLER AND SHARP, INC.

Correction to Order No. 90 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, Docket No. GF3-3370.

The reference to Docket No. GF3-3307 in Order No. 90 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation is corrected to read Docket No. GF3-3370.

This correction shall become effective August 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13761; Filed, August 23, 1943; 4:41 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 60]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

1. In § 1340.205, new paragraph (e) is added to read as follows:

(e) Except where previously filed with the Bituminous Coal Division, every producer operating any mine the daily average capacity of which exceeds 50 net tons, shall for such mine file with the Solid Fuels Branch, Office of Price Administration, Washington, D. C., Form B. C. D. Nos. 288 and 350, issued by the Bituminous Coal Division, for each of the months April to July, 1943, inclusive.

This amendment shall be effective August 23, 1943.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER A. BOWLES,
Acting Administrator.

[F. R. Doc. 43-13757; Filed, August 23, 1943; 4:42 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6446, 6614, 6620, 6687, 6840, 6940, 6961, 7115, 7268, 7281, 7455, 7492, 8357, 8540, 8614, 8844, 8869, 9014, 9025, 9217, 9305, 9886, 10085, 10432, 10511, 10665, 10763.

[2] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10921.

*Copies may be obtained from the Office of Price Administration.

No. 168——6

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6898, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1629, 1679, 1747, 1971, 2023, 2030, 2273, 2284, 2501, 2497, 2713, 2873, 2920, 2997, 3216, 3855, 4258, 4717, 4785, 5417, 6443, 7200, 8504, 9018, 10936.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 76]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5001 (a) (9) (iv) is amended to read as follows:

(iv) The equipment furnishes heat or domestic hot water, or both, to premises located in the States of Florida (east of the Apalachicola River), Georgia, Idaho, Oregon or Washington; or, if the premises are located in the remainder of the limitation area, the allowable ration for the operation of such equipment for the entire heating year is less than 10,000 gallons.

2. Section 1394.5001 (a) (9) (v) is revoked.

This amendment shall become effective on August 27, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1–0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13750; Filed, August 23, 1943; 4:38 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[2] Amdt. 8]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 426 is amended in the following respects:

1. In section 15, Appendix B (1) Table 1, the text of the first paragraph is amended by adding a sentence immediately preceding the parenthetical sentence "(See examples for use of following tables)" to read as follows:

Whenever used in this Appendix B the term "institutional users" shall include the United States or any agency thereof.

2. Section 15, Appendix C (e) (4) is amended to read as follows:

(4) *Adjustment provisions.* (See also section 2 of Article 1.) Any regional office or such district office of the Office of Price Administration as may be authorized by the appropriate regional office, may, by order, adjust the maximum prices for raspberries as follows: The upward limit to which prices in Column I may be adjusted is the lower of (a) the average price received by growers for the 1942 crop in the region or district wherein the adjusted price is to be effected as determined by the regional or district office from official United States Department of Agriculture market news sources plus 3 cents per pound or (b) 18 cents per pound plus an amount equal to the freight between the area for which the adjustment is being made and the shipping point, in Oregon, Washington, New York, Pennsylvania, Ohio and Michigan, which is nearest to that area. The prices in Column I so adjusted shall be substituted for the corresponding base figures in Column II and III.

No adjustment upward may be made for raspberries grown or sold in the states of Oregon, Washington, New York, Pennsylvania, Ohio, or Michigan.

This amendment shall be come effective August 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13759; Filed, August 23, 1943; 4:43 p. m.]

PART 38—LOANS TO NON-FEDERAL VOCATIONAL EDUCATION AUTHORITIES OF SURPLUS PERSONAL PROPERTY OF NATIONAL YOUTH ADMINISTRATION

DEFINITIONS

AUGUST 18, 1943.

Paragraph (d) of § 38.1 (8 F.R. 10366) of the regulations contained in this part is amended to read as follows:

§ 38.1 *Definitions.* • • •

(d) The term "vocational education program" means a program which substantially meets the standards established by a plan for vocational education approved by the United States Commissioner of Education under the Smith-Hughes Act[1] or the George-Deen Act[1] or under the regulations governing the education and training of war workers pursuant to Public Law 647, 77th Congress, approved July 2, 1942, or Public Law 135, 78th Congress, approved July 12, 1943.

(Pub. Law 140, 78th Cong.)

[SEAL] A. J. WALSH,
Acting Director of Procurement.

[F. R. Doc. 43–13740; Filed, August 23, 1943; 3:38 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Procurement Division, Department of the Treasury

PART 11—STANDARD CONTRACT PROCEDURE

APPROVAL BY DIRECTOR OF PROCUREMENT

Section 11.103 of the regulations under this part is hereby amended to read as hereinafter provided:

§ 11.103 *Approval by Director of Procurement.* To assure the uniformity of purchase order forms as regards the features standardized by these regulations, all proposed forms shall be submitted to the Director of Procurement for approval prior to printing. The Director of Procurement will review proposed forms as to the standardized features only, and his approval will not extend to any feature left optional under these regulations. Without regard to § 11.3, the Director of Procurement may approve any purchase order form under this section notwithstanding minor deviations from the standardized format which he determines to be necessary to the department or establishment concerned and to effect no substantial impairment, beyond that determined to be necessary, of the purposes of uniformity.

[SEAL] A. J. WALSH,
Acting Director of Procurement.

Approved: August 21, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43–13818; Filed, August 24, 1943; 11:58 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA

Pursuant to section 84 of the Act of March 4, 1909, as amended by the Act of April 15, 1924, 43 Stat. 98; 18 U.S.C. 145, and section 10 of the Migratory Bird Conservation Act, of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, and in extension of § 12.9 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), the following is hereby ordered:

Section 21.913, *Tule Lake National Wildlife Refuge, hunting of certain game birds* (4 F.R. 4333, 5 F.R. 3812), is herewith amended by striking out paragraph

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1316, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2871, 2720, 2942, 2993, 2887, 3106, 3521, 3628, 3733, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6960, 7588, 6137, 9059, 9219, 9458, 9382, 10082, 10089, 10304, 10435, 11380.

[2] 8 F.R. 9546, 9568, 9727, 10571, 10673.

[1] Act of February 23, 1917, 39 Stat. 929, as amended (U.S.C. title 20, secs. 11–15, 16–26).

[2] Act of June 8, 1936, 49 Stat. 1488 (U.S.C. title 20, secs. 15h–15p).

(a) and inserting in lieu thereof the following:

(a) *Shooting area.* That part of the Tule Lake National Wildlife Refuge, designated by suitable posting by the officer in charge of the refuge, lying and being west and south of the following-described line:

Beginning at the point on the north boundary of the refuge common to sections 3 and 4, T. 47 N., R. 4 E.; thence south between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, to the intersection of the dike near the center of the said sections 33 and 34; thence southeast along the said dike in section 34 to the point common to sections 34 and 35; thence south between sections 34 and 35 to the point common to the said sections 34 and 35, T. 47 N., R. 4 E., and sections 2 and 3, T. 46 N., R. 4 E.; thence south, east, and south between sections 2 and 3, 2 and 10, 10 and 11, and 14 and 15, T. 46 N., R. 4 E., Mount Diablo Meridian, to the south boundary line of the refuge.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

AUGUST 17, 1943.

[F R. Doc. 43–13773; Filed, August 24, 1943; 9:30 a. m.]

PART 22—MOUNTAIN REGION NATIONAL WILDLIFE REFUGES

NATIONAL ELK REFUGE, WYOMING

Under authority of section 84 of the Act of March 4, 1909, as amended by the Act of April 15, 1924, 43 Stat. 98, and in extension of § 12.9 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), the following is hereby ordered:

§ 22.271a *National Elk Refuge, Wyoming; hunting of elk.* Elk may be taken during the open season prescribed therefor by the State Game and Fish Commission of Wyoming during the calendar year 1943 on certain lands, hereinafter described, of the United States within the National Elk Refuge, Wyoming, in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), and subject to the following special provisions, conditions, restirctions, and requirements:

(a) *Area open to hunting.* The following-described lands of the United States within the National Elk Refuge shall be open to the hunting of elk:

That part of the refuge east of the refuge fence line running parallel to the Jackson-Moran highway, and north of the township line between Townships 41 and 42 North, the natural boundary of which shall be regarded as Flat Creek east of its junction with the canal, or ditch, in the NE¼ of section 1, T. 41 N., R. 116 W., in its east and west course through the refuge, to its intersection with the east line of section 4, T. 41 N., R. 115 W., sixth principal meridian, Wyoming.

(b) *Compliance with State laws and regulations.* Any person who hunts on the refuge shall be in possession of a valid hunting license issued by the State of Wyoming authorizing him to hunt elk and a permit, if required. Said license and permit shall serve as a Federal permit for hunting elk on the refuge and must be carried on the person of the license while so hunting. The license and permit must be exhibited upon the request of any representative of the Wyoming Game and Fish Commission authorized to enforce the State game laws or of any representative of the Department of the Interior. The licensee must comply in every respect with the State laws and regulations governing the hunting of elk and upon request of any of the aforesaid representatives must exhibit for inspection all game killed by him or in his possession.

(c) *Disorderly conduct; intoxication.* No person who is intoxicated will be permitted to enter or remain upon the refuge for the purpose of hunting hereunder, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(d) *Entry upon refuge.* Persons entering or crossing the refuge for the purpose of hunting, as permitted by the regulations in this section, shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge.

(e) *Forfeiture of privileges.* Failure of any person hunting on the refuge to comply with any of the provisions, conditions, restrictions, or requirements of the regulations in this section or the violation by him of any of the provisions of State or Federal laws or regulations applicable to hunting on the refuge not only will render such person liable to prosecution under the law but also will be sufficient cause for removing him from the refuge and for refusing him further hunting privileges on the refuge.

(f) *State cooperation in management of the herd and the shooting area.* The provisions of the regulations in this section shall be incorporated in and deemed to be a part of any cooperative agreement between the Director of the Fish and Wildlife Service and the Game and Fish Commission of Wyoming for the regulation, management, and operation of the shooting area established hereunder, the details of which shall be mutually agreed upon between said Director and Commission. The Director also may take such additional measures, in cooperation with said Commission or otherwise, as may be necessary to effect proper control of the animals wintering on the refuge and to maintain their numbers within the carrying capacity of the project.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

AUGUST 17, 1943.

[F. R. Doc. 43–13772; Filed, August 24, 1943; 9:29 a. m.]

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

WHITE RIVER NATIONAL WILDLIFE REFUGE, ARKANSAS

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, and in extension of § 12.3 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), the following is hereby ordered:

§ 25.966 *White River National Wildlife Refuge, Arkansas; noncommercial fishing.* Noncommercial fishing is permitted in all the waters of the White River National Wildlife Refuge, Arkansas, from May 16 to October 31, inclusive, of each year, in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), and subject to the following conditions, restrictions, and requirements:

(a) *State fishing laws:* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Arkansas. Fishing under this regulation shall be as defined by State law, except that the use of snag lines, picnic seines, and other similar contrivances is prohibited. Trot or set lines, under the direct supervision of the operator, may be used to take fish for individual, family, or picnic use but not for commercial purposes.

(b) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Arkansas Game and Fish Commission, if such license is required. This license shall serve as a Federal permit for fishing in the waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the Arkansas Game and Fish Commission or of the Fish and Wildlife Service.

(c) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated from time to time by suitable posting by the officer in charge of the refuge.

(d) *Use of boats.* The use of boats, including motorboats, for the purpose of fishing in accordance with this regulation is permitted.

(e) *Camp sites and fires.* Camping on the refuge will be permitted at camp sites designated by the officer in charge, and the lighting of fires on any area of the refuge other than on such designated camp sites is prohibited.

(f) *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl

concentrations and are posted suitably by such officer.

§ 25.966a *White River National Wildlife Refuge, Arkansas; commercial fishing.* Commercial fishing is permitted in all the waters of the White River National Wildlife Refuge, Arkansas, in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), and subject to the following conditions, restrictions, and requirements:

(a) *Period of fishing.* Commercial fishing during the migratory-waterfowl hunting season is prohibited, except that the refuge manager may issue permits allowing commercial fishing during the migratory-waterfowl hunting season in sections of the refuge of 5,000 acres or more in area whenever such sections are inundated by flood waters to a depth of 5 feet or more; provided such fishing shall not interfere with or cause disturbance to waterfowl and wildlife concentrations in such sections.

(b) *State fishing laws.* Any person who fishes commercially within the refuge must comply with the applicable fishing laws and regulations of the State of Arkansas, except that the use of heart and lead nets is not permitted during the period from February 1 to April 30, inclusive. Seining, including picnic seining, is not permitted at any time, and the Director of the Fish and Wildlife Service may further restrict the type of gear that may be used for commercial fishing.

(c) *Fishing licenses and permits.* Any person who fishes commercially within the refuge shall be in possession of a valid commercial fishing license issued by the Arkansas Game and Fish Commission, if such license is required, and a permit issued by the officer in charge of the refuge. The permit shall specify the water or waters in which the permittee may fish and the period or periods during which such fishing may be performed. The officer in charge may limit the number of permits issued for any particular waters during such periods as, in his discretion, such action is necessary for the protection of the fishery resources of the refuge or to prevent disturbance to concentrations of waterfowl using such waters or areas. The license and permit must be carried on the person of the licensee while so fishing and must be exhibited upon the request of any representative of the Arkansas Game and Fish Commission or of the Fish and Wildlife Service.

(d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated from time to time by suitable posting by the officer in charge of the refuge.

(e) *Use of boats.* The use of boats, including motorboats, for the purpose of fishing in accordance with this regulation is permitted.

(f) *Reports.* Each person authorized to fish commercially within the refuge shall submit semiannual reports to the officer in charge thereof correctly stating the kinds of fish and the quantity of each taken.

(g) *Camp sites and fires.* Camping on the refuge will be permitted at camp sites designated by the officer in charge, and the lighting of fires on any area of the refuge other than on such designated camp sites is prohibited.

(h) *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, commercial or other types of fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

The order of the Acting Secretary of Agriculture, dated August 21, 1936 (1 F.R. 1384), permitting fishing within the White River Migratory Waterfowl Refuge, Arkansas, is hereby revoked.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

AUGUST 17, 1943.

[F. R. Doc. 43-13774; Filed, August 24, 1943; 9:31 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-375]

FLAT CREEK COAL COMPANY

ORDER RESTORING CODE MEMBERSHIP

An order having been issued in the above-entitled matter on August 12, 1943, revoking and cancelling the Code Membership of Flat Creek Coal Company, effective ten (10) days from the date thereof, and providing for payment to the United States of a tax in the amount of $33.38 as a condition precedent to its restoration to membership in the Code; and

It appearing that said Code Member has paid to the Collector of Internal Revenue at Louisville, Kentucky, the said sum of $33.38, and has made application for restoration of its Code Membership;

It is therefore ordered, That membership in the Code of Flat Creek Coal Company be, and it hereby is, restored as of the effective date of revocation thereof.

Dated: August 20, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13738; Filed, August 23, 1943; 3:31 p. m.]

[Docket No. C-6]

EMERALD COAL AND COKE CO.

ORDER CORRECTING DATE OF LETTER

In the matter of the application of Emerald Coal and Coke Company for approval of a contract for the sale of coal, pursuant to Rule 5 of section VI of the marketing rules and regulations.

In the report of the examiner submitted to me August 16, 1943, and approved by me August 17, 1943, reference is made in the second from the last paragraph to a letter dated January 6, 1943. This was an inadvertent typographical error, the date of the letter being January 9, 1942.

The examiner who submitted the report has asked that this error be corrected.

It is so ordered.

Dated: August 23, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13781; Filed, August 24, 1943; 9:51 a. m.]

[Docket No. 1670-FD]

PITTSBURG AND MIDWAY COAL MINING CO.

ORDER FOR REINSTATEMENT OF REGISTRATION OF DISTRIBUTORS

The Director having entered an order in the above-entitled matter dated July 27, 1943, suspending the registration of the above named defendant for a period of twenty (20) days effective five (5) days from the date of said order; and

The Pittsburg & Midway Coal Mining Company having duly filed with the Division an affidavit pursuant to the provisions of § 317.15 (formerly § 304.15) of the rules and regulations for the registration of distributors; and

It appearing to the Director that said affidavit complies with the provisions of said § 317.15 (formerly § 304.15) of the rules and regulations for the registration of distributors;

Now, therefore, it is ordered, That the registration of the Pittsburg & Midway Coal Mining Company as a distributor be and it hereby is reinstated, effective August 21, 1943.

Dated: August 23, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13782; Filed, August 24, 1943; 9:51 a. m.]

Office of the Secretary.

[Order 1859]

BITUMINOUS AND ANTHRACITE COAL MINES

REVOCATION OF ORDERS FOR TAKING POSSESSION

AUGUST 21, 1943.

On May 1, 1943, by virtue of the authority vested in him by the President of the United States, the Secretary of the Interior signed Orders Nos. 1809 and 1810 (8 F.R. 5767), taking possession of anthracite and bituminous coal mines in which he found from the available information that a strike or stoppage had occurred or was threatened.

Thereafter, on June 25, the Secretary signed Orders Nos. 1835 and 1836 (8 F.R. 8761), pursuant to which he took possession of a number of additional anthracite and bituminous coal mines. However, no notice of the taking was issued to the mining companies affected by these latter orders, no Operating Managers for the United States were appointed for such mines, and no action taken to implement the orders; and it is unnecessary to take such action or to retain possession of such coal mines.

Accordingly, it is hereby ordered and directed, That Orders Nos. 1835 and 1836 dated June 25, 1943 (8 F.R. 8761), be and they are hereby revoked.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-13775; Filed, August 24, 1943, 9:31 a. m.]

[Order T-1]

HENRY CLAY COAL MINING CO., ET AL

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

AUGUST 19, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the war effort, and that it is practicable to terminate the possession and control of such mines.

Accordingly, I order and direct, That possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and there are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner: *And provided, further*, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name and address of mining company

The Henry Clay Coal Mining Company, Suite 1101, Colonial Building, Philadelphia, Pennsylvania.

Middle River Coal Company, Fulton, Missouri.

Smith & Stokes, Madisonville, Kentucky.

Standard Coal Company, P. O. Box 200, Vincennes, Indiana.

West Kentucky Coal Company, Inc., Earlington, Kentucky.

[F. R. Doc. 43-13763; Filed, August 24, 1943; 9:34 a. m.]

[Order T-2]

HENRY CLAY COAL MINING CO., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

AUGUST 19, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator, Instrument No. 1, as provided in section 10 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712).

Accordingly, I hereby order and direct, That the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Mining Company

A. K. Althouse, The Henry Clay Coal Mining Company, Suite 1101, Colonial Building, Philadelphia, Pennsylvania.

W. N. Jennings, Middle River Coal Company, Fulton, Missouri.

Stanley T. Stokes, Smith & Stokes, Madisonville, Kentucky.

Earl Oliphant, Standard Coal Company, P. O. Box 200, Vincennes, Indiana.

[F. R. Doc. 43-13764; Filed, August 24, 1943; 9:34 a. m.]

[Order T-3]

HOOK COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

AUGUST 19, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the war effort, and that it is practicable to terminate the possession and control of such mines.

Accordingly, I order and direct, That possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; *And provided further*, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name and Address of Mining Company

Hook Coal Company, 366 South Ninth Street, Coshocton, Ohio.

Hume-Sinclair Coal Mining Company, 114 West 11th Street, Kansas City, Missouri.

Huntsville-Sinclair Mining Company, 114 West 11th Street, Kansas City, Missouri.

Pine Hill Mining Company, Inc., Madisonville, Kentucky.

The Seneca Coal and Coke Company, 114 West 11th Street, Kansas City, Missouri.

Sentry Coal Mining Company, 114 West 11th Street, Kansas City, Missouri.

Sooner Coal Mining Company, 114 West 11th Street, Kansas City, Missouri.

Wright Coal Mining Company, Inc., Madisonville, Kentucky.

[F. R. Doc. 43-13765; Filed, August 24, 1943; 9:34 a. m.]

[Order T-4]

B & R COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

AUGUST 19, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that the productive efficiency of each of those mines prevailing prior to the taking of possession by the Government has been restored, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that, in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong., 1st Sess.), the possession and control by the Government of such mines should be terminated.

Accordingly, I order and direct, That possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner: *And provided further,* That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name and Address of Mining Company

B & R Coal Company, Renton, Washington.
Bird Coal Company, 1400 S. Penn Square, Philadelphia, Pa.
Dixport Coal Company, Charleston, West Virginia.
Kaiser Company, Inc., Iron and Steel Division, Oakland, California.
Katherine Coal Mining Company, 1616 Walnut Street, Philadelphia, Pa.
The Saxman Coal & Coke Company, Commonwealth Bldg., Philadelphia, Pa.
Wasson Coal Company, Harrisburg, Illinois.

[F. R. Doc. 43-13766; Filed, August 24, 1943; 9:34 a. m.]

[Order T-5]

COLORADO AND UTAH COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

AUGUST 21, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that the productive efficiency of each of those mines prevailing prior to the taking of possession by the Government has been restored, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that, in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong., 1st Sess.), the possession and control by the Government of such mines should be terminated.

Accordingly, I order and direct, That possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; *And provided further,* That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name and Address of Mining Company

The Colorado & Utah Coal Company, Denver, Colorado.
Island Creek Coal Company, Huntington, W. Va.
Johnstown Coal & Coke Company, Johnstown, Pa.
Marianna Smokeless Coal Company, Huntington, W. Va.
Pond Creek Pocahontas Company, Huntington, W. Va.
Red Jacket Coal Corporation, 115 East Rich St., Columbus 15, Ohio.
The Roundup Coal Mining Company, Roundup, Montana.
Windsor Coal Company, McAlester, Oklahoma.
The United Electric Coal Companies, 307 North Michigan Ave., Chicago, Illinois.

[F. R. Doc. 43-13767; Filed, August 24, 1943; 9:35 a. m.]

[Order T-6]

PITTSBURGH & MIDWAY COAL MINING CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

AUGUST 21, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that the productive efficiency of each of those mines prevailing prior to the taking of possession by the Government has been restored, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that, in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong. 1st Sess.), the possession and control by the Government of such mines should be terminated.

Accordingly, I order and direct, That possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; *And provided further,* That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name and Address of Mining Company

Pittsburg & Midway Coal Mining Company, Dwight Building, Kansas City, Missouri.
New Long Ridge Coal Company, Inc., Pineville, Kentucky.
Consumers Mining Company, Harmarville, Pennsylvania.
Calumet Fuel Company, Salt Lake City, Utah.
Carter Coal Company, Inc., 630 Fifth Avenue, New York, N. Y.
Hatfield Campbell Creek Coal Company, Union Trust Building, Cincinnati, Ohio.
Mt. Olive & Staunton Coal Company, 806 Laclede Gas Bldg., St. Louis, Missouri.

[F. R. Doc. 43-13768; Filed, August 24, 1943; 9:35 a. m.]

[Order T-7]

ALABAMA FUEL & IRON CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

AUGUST 21, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the "war effort," and that it is practicable to terminate the possession and control of such mines.

Accordingly, I order and direct, That possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; *And provided further,* That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name and Address of Mining Company

Alabama Fuel & Iron Company, Birmingham, Alabama.
Carr Coal Company, Caldwell and Graham Building, Wilkinsburg, Pennsylvania.
The Deer Field Coal Company, Caldwell & Graham Building, Wilkinsburg, Pennsylvania.
Eberhart Coal Company, North Industry, Ohio.
Elm Creek Coal Company, Pella, Iowa.
John M. Hirst and Company, 932 Leader Building, Cleveland 14, Ohio.
Knott Coal Corporation, Inc., P. O. Box 356, Lexington, Kentucky.
Nash Coal Company, Raven, Virginia.
Stony River Coal Company, Thomas, West Virginia.
Chloe Creek Coal Company, Pikeville, Kentucky.
Gauraux Brothers Company, Canton, Ohio.
Jones Elkhorn Coal Corp., Pikeville, Kentucky.

[F. R. Doc. 43-13769; Filed, August 24, 1943; 9:35 a. m.]

[Order T-8]

ALLEGHENY PITTSBURGH COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

AUGUST 21, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that the productive efficiency of each of those mines prevailing prior to the taking of possession by the Government has been restored, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that, in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong. 1st Sess.), the possession and control by the Government of such mines should be terminated.

Accordingly, I order and direct, That possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; *And provided further,* That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name and Address of Mining Company

Allegheny Pittsburgh Coal Company, 14 Wood Street, Pittsburgh, Pa.
The Carbon Fuel Company, Charleston, W. Va.
Greensburg-Connellsville Coal and Coke Company, Union Trust Building, Pittsburgh, Pa.
Crawford Mining Company, Crawford, Tennessee.
Union Collieries Company, Oakmont, Pa.
Pennsalt Coal Company, 1000 Widener Building, Philadelphia, Pa.
Rail & River Coal Company, 1150-54 Leader Building, Cleveland, Ohio.
The Logan Clay Products Company, Logan, Ohio.
The Colorado Fuel and Iron Corporation, Denver, Colorado.
Industrial Collieries Corporation, Bethlehem, Pa.
Beatty Coal Company, Latrobe, Pa.
Windsor Power House Coal Company, 14 Wood Street, Pittsburgh, Pa.
Raleigh Coal and Coke Company, Raleigh, W. Va.
The Lorado Coal Mining Company, 33 North High St., Columbus, Ohio.
Boone County Coal Corporation, 1528 Walnut St., Philadelphia, Pa.
Hanna Coal Company, Cleveland, Ohio.
Jefferson Coal Company, Cleveland, Ohio.

[F. R. Doc. 43-13770; Filed, August 24, 1943; 9:35 a. m.]

[Order T-9]

NASH COAL CO., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

AUGUST 21, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Ad-

ministrator, Instrument No. 1, as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712).

Accordingly, I hereby order and direct, That the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Mining Company

Otis B. Nash, Nash Coal Company, Raven, Virginia.

O. W. Thompson, Chloe Elkhorn Coal Company, Pikeville, Kentucky.

Hayes Jones, Jones Elkhorn Coal Company, Pikeville, Kentucky.

[F. R. Doc. 43-13771; Filed, August 24, 1943; 9:35 a. m.]

EMPLOYEES ENGAGED IN FOREST AND RANGE FIRE FIGHTING ACTIVITIES

WAGE FIXING PROCEDURES

For the purpose of determining the prevailing rate of wages to be paid certain classes of field employees of the Department of the Interior and to effectuate wage stabilization among the various bureaus and offices of the Department engaged in forest and range fire fighting activities, the following procedure is established:

I

Wage Board

A Wage Board, composed of three representatives of the Department, is hereby established to determine prevailing wages for similar work in the locality of their employment for field employees of the Department of the Interior who are engaged in forest and range fire fighting (including all related activities), and who are not allocated to grade under the Classification Act of 1923, as amended, and to make recommendations with respect to such wages to the Secretary of the Interior. Jurisdiction over Grazing Service employees engaged in such activities is hereby transferred from the Grazing Service Wage Board to the Wage Board created herein.

II

Procedure To Be Followed by Board

In determining the prevailing wages for the labor classifications being considered by the Board, the Board shall procure evidence of the wages and compensation being paid to and perquisites received by those employed in these labor classifications by local County, State, and Federal fire protection organizations, private industrial employees, and others employing labor in the locality, whether pursuant to union agreements or otherwise. Hearings for the purpose of adducing evidence of wages paid in the locality may be held when, in the judgment of the Board, this is required in order to determine the prevailing rates of wages.

Based on the evidence procured as to prevailing wages and the perquisites of employment in the locality in the classifications under consideration by the Wage Board, the Board shall make its recommendations to the Secretary of the Interior as to the rates of wages to be paid to the Government employees of the classes above specified. The wages recommended, upon approval by the Secretary, shall become effective upon the date approved, unless otherwise directed by the Secretary of the Interior: *Provided,* That the Secretary of the Interior may direct the Board to reconsider any recommendation in whole or in part when, in his judgment, the recommended wage does not accord with the evidence procured as to the prevailing wage in the locality or when there is insufficient evidence to support the wage recommended.

III

Effective Period of Approved Wage Determinations

Any wage rates fixed in the manner above provided shall remain in effect until that rate has been supplanted by a different rate determined by the Wage Board with the approval of the Secretary of the Interior. Unless directed by the Secretary of the Interior to do so at other intervals, the Wage Board shall review wage rates at six-month intervals, beginning with the effective date of the first schedule of wages made in accordance with the procedure herein provided: *Provided,* That the Secretary of the Interior may direct a review at any other time when, in his judgment, this is desirable.

Unless otherwise ordered, the Board shall be composed of these departmental representatives:

Duncan Campbell, who shall act as Chairman of the Board, and Guy W. Numbers and John F. Shanklin, Members of the Board.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 16, 1943.

[F. R. Doc. 43-13776; Filed, August 24, 1943; 9:31 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[Finding No. WLD-3]

LETTS-FLETCHER COMPANY AND WESTERN GROCER MILLS COMPANY, ET AL.

FINDING AS TO CONTRACTS IN PROSECUTION OF WAR EFFORT

In the matter of Letts-Fletcher Company and Western Grocer Mills Company, Marshalltown, Iowa, Western Grocer Company, Dubuque, Iowa, Western Grocer Company and Hoxie Fruit Company, Mason City, Iowa, Western Grocer Company, Oskaloosa, Iowa, Western Grocer Company, Cedar Rapids, Iowa, C. C. Taft Company, Grocers' Wholesale Corp., Inc., Hoxie Fruit Company, Great Atlantic and Pacific Tea Company, D. L. Skinner Company, Winston and Nowell, Ames Wholesale Grocery Company, Western Grocery Company, Central Wholesale Grocery Company, Charles Hewitt & Sons Company, O. B. West Company, Gordon's Wholesale, Dye Produce Company, H. B. Leiserowitz Company, Tone Brothers, Markman Produce Company, Myers-Cox Company, Niles & Jones, and Lumbermen's Reserve Supply Company, Des Moines, Iowa, Western Grocer Company, Carroll, Iowa, Hoxie Fruit Company, Waterloo, Iowa, and Hoxie Fruit Company, Iowa Falls, Iowa.

Whereas Letts-Fletcher Company, Marshalltown, Iowa, C. C. Taft Company, Grocers' Wholesale Coop., Inc., D. L. Skinner Company, Winston and Nowell, Ames Wholesale Grocery Company, Western Grocery Company, Central Wholesale Grocery Company, and Charles Hewitt & Sons Company, all of Des Moines, Iowa, are engaged in the wholesale grocery business; and

Whereas, the Hoxie Fruit Company and the O. B. West Company, both of Des Moines, Iowa, and the Hoxie Fruit Company, Mason City, Iowa, the Hoxie Fruit Company, Waterloo, Iowa, and the Hoxie Fruit Company, Iowa Falls, Iowa, all owned and operated by the Hoxie Fruit Company, Des Moines, Iowa, are engaged in the wholesale fruit and vegetable business; and

Whereas the Great Atlantic and Pacific Tea Company, Des Moines, Iowa, is a retail food establishment engaging in the warehousing and distribution of food products; and

Whereas H. B. Leiserowitz Company and the Dye Produce Company, both of Des Moines, Iowa, are engaged in the wholesale fruit, vegetable and grocery business; and

Whereas Gordon's Wholesale, Des Moines, Iowa, is engaged in the wholesale selling of cigars, cigarettes, tobacco, candy, and grocery sundries; and

Whereas Tone Brothers, Des Moines, Iowa, is engaged in the wholesale selling of coffee, tea, spices, and grocery sundries; and

Whereas Markman Produce Company, Des Moines, Iowa, is engaged in the wholesale selling of potatoes and cabbage; and

Whereas Myers-Cox Company, Des Moines, Iowa, is engaged in the wholesale selling of cigars, cigarettes, and tobacco sundries; and

Whereas Niles & Jones, Des Moines, Iowa, is engaged in the wholesale selling of cigarettes, candy, tobacco and tobacco sundries; and

Whereas the Lumbermen's Reserve Supply Company, Des Moines, Iowa, is engaged in a wholesale building supplies business; and

Whereas the Western Grocer Company, Carroll, Iowa, the Western Grocer Company, Dubuque, Iowa, the Western Grocer Company, Mason City, Iowa, the Western Grocer Company, Oskaloosa, Iowa, and the Western Grocer Company, Cedar Rapids, Iowa, all owned and operated by the Western Grocer Company, Marshalltown, Iowa, are engaged in the wholesale warehousing of groceries:

Now, therefore, pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943 (8 F.R. 11281);

I find that the storing, warehousing, or transportation of fruits, vegetables, groceries, or grocery sundries by Letts-Fletcher Company and Western Grocer Mills Company, Marshalltown, Iowa, Western Grocer Company, Dubuque, Iowa, Western Grocer Company and Hoxie Fruit Company, Mason City, Iowa, Western Grocer Company, Oskaloosa, Iowa, Western Grocer Company, Cedar Rapids, Iowa, C. C. Taft Company Grocers' Wholesale Coop., Inc., Hoxie Fruit Company, Great Atlantic and Pacific Tea Company, D. L. Skinner Company, Winston and Nowell, Ames Wholesale Grocery Company, Western Grocery Company, Central Wholesale Grocery Company, Charles Hewitt & Sons Company, O. B. West Company, Gordon's Wholesale, Dye Produce Company, H. B. Leiserowitz Company, Tone Brothers and Markman Produce Company, all of Des Moines, Iowa, the Western Grocer Company, Carroll, Iowa, Hoxie Fruit Company, Waterloo, Iowa, and Hoxie Fruit Company, Iowa Falls, Iowa, pursuant to any contract, whether oral or written, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act;

I further find that the storing, warehousing, or transportation of cigars, cigarettes, tobacco sundries, and candy, by the Myers-Cox Company and Niles & Jones, both of Des Moines, Iowa, pursuant to any contract with manufacturers of tobacco products for the servicing of post exchanges in Army and State Guard camps in the State of Iowa is contracted for in the prosecution of the war within the meaning of Section 2 (b) (3) of the War Labor Disputes Act;

I further find that the storing, warehousing or transportation of building materials for wholesale distribution by the Lumbermen's Reserve Supply Company, Des Moines, Iowa, pursuant to any contract, whether oral or written, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 24th day of August 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R Doc. 43-13819; Filed, August 24, 1943; 11:54 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 13-401-B-1, 418, 527, 597, 598, 658, 692, 697, 881, 882, 908, 909]

NORTHEAST AIRLINES, INC., ET AL.

NOTICE OF HEARING

In the matter of the applications of Northeast Airlines, Inc., Transcontinental & Western Air, Inc., Colonial Airlines, Inc., American Airlines, Inc., TWA-New England, Inc., Seaboard Airways, Inc., Eastern Air Lines, Inc., and United Air Lines Transport Corporation for certificates and for amendments of certificates of public convenience and necessity under section 401, and for approval of control under section 408 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding that hearing is assigned for September 8, 1943, 10 a. m. (eastern war time) in the Hotel New Yorker, New York City, before Examiner Thomas L. Wrenn.

Dated Washington, D. C., August 23, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-13798; Filed, August 24, 1943; 11:00 a.m.]

[Docket No. 779]

PAN AMERICAN-GRACE AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the alteration, amendment, and modification of the certificate of public convenience and necessity of Pan American-Grace Airways, Inc., under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, to provide for a route terminal in the United States.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned for September 15, 1943, 10 a. m. (eastern war time) in the Hotel New Yorker, New York City, before Examiners Francis W. Brown and Vincent L. Gingerich.

Dated Washington, D. C., August 23, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-13799; Filed, August 24, 1943; 11:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6536; File No. B1-TC-330]

RADIO CORPORATION OF AMERICA AND AMERICAN BROADCASTING SYSTEM, INC.

NOTICE OF HEARING REGARDING TRANSFER

In re application of Radio Corporation of America, (Transferor), Docket No. 6536, and American Broadcasting System, Inc. (Transferee), File No. B1-TC-330, dated August 11, 1943, for consent to the transfer of control of Blue Network Company, Inc., licensee of Stations WJZ, New York, N. Y., WENR, Chicago, Illinois, and KGO, San Francisco, California and 48 relay broadcast stations, *Class of service:* Broadcast. *Class of stations:* Broadcast.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the proposed transferee to control the licensee of standard broadcast stations KGO, WENR, WJZ and 48 relay broadcast stations.

2. To determine the source or sources of all assets of the transferee in the purchase of the stock of the licensee corporation.

3. To determine the original, depreciated and replacement values with detailed supporting data for such values of all technical and other equipment used or useful in connection with the operation of the stations listed in issue 1.

4. To determine the amounts proposed to be paid for each of the stations listed in issue 1.

5. To obtain full information with respect to the proposed acquisition of control, including all understandings, contracts or arrangements relating to the same.

6. To determine what plans, if any, transferee has for the issuance of the remaining 100,000 shares of treasury stock.

7. To determine the manner in which the licensee would be operated under the control of the proposed transferee, including the personnel to be employed.

8. To obtain full information with respect to any changes in operation of the licensee.

9. To obtain full information with respect to any changes in the licensee corporation, its officers, directors, employees or otherwise with respect to the licensee.

10. To obtain the information required by Part II of Commission Form No. 315.

11. To determine whether in view of the facts shown under the foregoing issues a grant of the application would be in the public interest.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The hearing on the above-entitled matter will be held before the Commission en banc in Washington, D. C., on September 10, 1943 at 10:30 o'clock a. m.

The applicants' addresses are as follows: Radio Corporation of America, RCA Frequency Bureau, 30 Rockefeller Plaza, New York, N. Y.; American Broadcasting System, Inc., Room 305, 607 5th Avenue, New York, N. Y.

Dated at Washington, D. C., August 20, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-13800; Filed, August 24, 1943; 11:19 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5033]

COLUMBIA RIVER PACKERS ASSOCIATION, INC.

COMPLAINT AND NOTICE

Complaint

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PAR. 1. Respondent, Columbia River Packers Association, Inc., is a corporation organized and existing under the laws of the State of Oregon, with its principal office and place of business located at Astoria, Oregon.

PAR. 2. The respondent, Columbia River Packers Association, Inc., is now engaged and for many years prior hereto has engaged in the business of packing and canning salmon, shad, shad roe, tuna, tuna flakes and kippered sturgeon (all of which are hereinafter called sea food products) and in the marketing, selling and distribution of such sea food products in its own name and for its own account for resale.

The respondent sells and distributes its sea food products through two separate and distinct methods. First, through legitimate intermediaries who act as its agents in negotiating the sale of its sea food products and for which services such intermediaries customarily are paid, directly or indirectly, as commissions or brokerage two and one-half percent of the net purchase price of the sea food products sold. Second, through the sale of its sea food products directly to buyers who are paid, directly or indirectly on their own purchases of sea food products from the respondent commission or brokerage fees of five percent of the net purchase price of the sea food products so purchased.

The respondent, to distinguish its sea food products from the sea food products sold by competitors and to facilitate sales, utilizes registered and unregistered trade marks and brands for various sea food products it sells, which brands are generally known as packers' or sellers' brands. Representative of respondent's brands are "Bumble Bee", "Kinney's Palm", "Clover Leaf", "White Star", "Holly", "Fishermen's", "Pine Burr", "Magnolia", "Blue Bird", "Violet", "Swiftwater", "Clifton", "Tuxedo", "Sovereign", "Rosebud", "Delmonico", "Gladiolus", "Golden Age", "Reliance", "Pride of Columbia", "Beacon", "Portrait", "Sunset", "Olympic", "Figaro", "Bon Bon", "Esquimaux", "Recruit", "Argonaut", "Harpoon", "Commerce", "West Coast" and "Stonewall Jackson". The respondent also sells its sea food products unlabeled or unbranded, and also under the labels or brands of its buyers, which brands or labels are generally known to the trade as private or buyers' brands. Some of such buyers who incorrectly designate themselves as brokers also utilize registered and unregistered labels and brands, which labels and brands are utilized in selling such respective buyers' merchandise. Such buyers are primarily engaged in the purchase and sale of sea food products in their own name and for their own account.

PAR. 3. The respondent in the course and conduct of its said business, since June 19, 1936, has sold and distributed a substantial portion of its sea food products directly to buyers located in states other than the state in which the respondent is established, and as a result of said sales and the respondent's instructions, such sea food products are shipped and transported across state lines to such buyers who are located in various states of the United States.

PAR. 4. The respondent, since June 19, 1936, in connection with the interstate sale and distribution of sea food products in its own name and for its own account for resale, has sold such sea food products to numerous buyers located in the various states of the United States other than the state where respondent is established, and has been and is now paying or granting or has paid or granted, directly or indirectly, commissions, brokerage or other compensation or allowances or discounts in lieu thereof to numerous buyers of said sea food products sold under its own labels, unlabeled and under buyers' labels.

A representative, but by no means complete, list of buyers who since June 19, 1936, have purchased sea food products unlabeled or under the seller-respondent's labels or under such respective buyers' labels from the respondent for their own account for resale and who have received and accepted and who are now receiving and accepting from said seller-respondent on their respective purchases of sea food products, directly or indirectly, commissions, brokerage fees or allowances and discounts in lieu of brokerage fees, are as follows:

Southgate Brokerage Co., Inc., Norfolk, Virginia;
William H. Stanley, Inc., New York, New York;
Max Rabinovitz, Boston, Massachusetts;
Lincoln-McCallum Company, Minneapolis, Minnesota;
Fischer Brokerage Company, St. Louis, Missouri;
Paul Pankey & Company, Birmingham, Alabama;
P. Duff & Sons, Inc., Pittsburgh, Pennsylvania;
H. E. Runyon Company, Des Moines, Iowa;
Elwood C. Boobar & Company, San Francisco, California;
G. Y. Harry & Company, Portland, Oregon.

PAR. 5. The paying and granting by respondent, directly or indirectly, of commissions, brokerage or other compensation and allowances or discounts in lieu thereof to the buyers of said sea food products, on their own purchases which are resold unlabeled or under either the buyers' or sellers' labels, and the acts and practices of the respondent in promoting sales of sea food products by paying to buyers, directly or indirectly, commissions, brokerage or other compensation and allowances or discounts in lieu thereof, as set forth above, are in violation of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 20th day of August, A. D. 1943, issues its complaint against said respondent.

Notice

Notice is hereby given you, Columbia River Packers Association, Inc., a corporation, respondent herein, that the 24th day of September, A. D. 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 20th day of August, A. D. 1943.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-13806; Filed, August 24, 1943; 11:13 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 31 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING AND REICING OF CARROTS AND CELERY

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or The Alton Railroad Company (Henry A. Gardner, Trustee) to initially ice or reice, with both bunker and top or body ice, PFE 61447 containing carrots from The William H. Gumpert Co., Oxnard, California, to Mark Owen & Company, Chicago, Illinois; The Southern Pacific Company, the Union Pacific Railroad Company, or The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), to initially ice or reice, with both bunker and top or body ice, PFE 45130 containing carrots from The William H. Gumpertz Co., Oxnard, California, to Applebaum-Ernst Co., Chicago, Illinois; The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company, (Frank O. Lowden and Joseph B. Fleming, Trustees), or The Alton Railroad Company (Henry A. Gardner, Trustee) to initially ice or reice, with both bunker and top or body ice, PFE 92850 containing carrots from The William H. Gumpertz Co., Oxnard, California, to Wesco Foods Co., Chicago, Illinois; The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or the Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers), to initially ice or reice, with both bunker and top or body ice, PFE 38926 containing carrots from The William H. Gumpertz Co., Oxnard, California, to Andrews Bros., Detroit, Michigan; The Southern Pacific Company or The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), to initially ice or reice, with both bunker and top or body ice, PFE 36940 containing carrots from The American Fruit Growers, Inc., Oxnard, California, to The American Fruit Growers, Inc., Des Moines, Iowa; The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, the Toledo, Peoria & Western Railroad (Holly Stover, Federal Manager), or The Pennsylvania Railroad Company, to initially ice or reice with both bunker and top or body ice, PFE 15709 containing celery from Fred W. Rush Company, Los Angeles, California, to DeMasse & Manna Company, Pittsburgh, Pennsylvania; also, The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, or The Pennsylvania Railroad Company, to initially ice or reice, with both bunker and top or body ice, GARX 67771 containing celery from Fred W. Rush Company, Los Angeles, California, to the Kroger Grocery & Baking Co., Ft. Wayne, Indiana.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Comission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13788; Filed, August 24, 1943; 10:44 a. m.]

[Special Permit 32 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING AND REICING OF CARROTS AND CELERY

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or the Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers), to initially ice or reice, with both bunker and top or body ice, PFE 17909 containing carrots, shipped by The William H. Gumpertz Co., Oxnard, California, consigned to Andrews Bros., Detroit, Michigan; The Southern Pacific Company, the Texas and New Orleans Railroad Company, the Louisville and Nashville Railroad Company, The Western Railway of Alabama, or the Atlanta and West Point Rail Road Company, to initially ice or reice, with both bunker and top or body ice PFE 41413 containing carrots, shipped for the American Fruit Growers, Inc., by The William H. Gumpertz Co., Oxnard, California, consigned to Colonial Stores, Inc., Atlanta, Georgia; The Southern Pacific Company, the Union Pacific Railroad Company, the Illinois Central Railroad Company, The Michigan Central Railroad Company, The Delaware, Lackawanna and Western Railroad Company, The Delaware and Hudson Railroad Corporation, or the Boston and Maine Railroad, to initially ice or reice, with both bunker and top or body ice, PFE 97587 containing carrots with tops, shipped by the Atlantic Commission Company, Inc., Oxnard, California, consigned to the Atlantic Commission Company, Inc., Springfield, Massachusetts; also, The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, the Toledo, Peoria & Western Railroad (Holly Stover, Federal Manager), or The Pennsylvania Railroad Company, to initially ice or reice, with both bunker and top or body ice, PFE 60199 containing celery, shipped by the Atlantic Commission Company, Inc., Los Angeles, California, consigned to the Atlantic Commission Company, Inc., Pittsburgh, Pennsylvania.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13789; Filed, August 24, 1943; 10:44 a. m.]

[Special Permit 33 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING AND REICING OF CELERY AND CARROTS

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company to initially ice or reice, with both bunker and top or body ice, PFE 90337 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to the American Fruit Growers Inc., San Antonio, Texas; The Southern Pacific Company, The Texas and Pacific Railway Company, the Missouri-Kansas-Texas Railroad Company, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or The Pennsylvania Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 38755 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to the American Fruit Growers Inc., Pittsburgh, Pennsylvania; The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), the Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers), the Indiana Harbor Belt Railroad Company, or the Pere Marquette Railway Company to initially ice or reice, with both bunker and top or body ice, PFE 16300 and PFE 94620 containing carrots, shipped by The William H. Gumpertz Co., Oxnard, California, consigned to Andrews Bros., Detroit, Michigan; The Southern Pacific Company, the Union Pacific Railroad Company, or the Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers), to initially ice or reice, with both bunker and top or body ice, PFE 35339 containing carrots, shipped by the Atlantic Commission Company, Inc., Oxnard, California, consigned to the Atlantic Commission Company, Inc., St. Louis, Missouri; also, The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, the Toledo, Peoria & Western Railroad (Holly Stover, Federal Manager), or The Pennsylvania Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 73354 containing celery, shipped by Fred W. Rush Company, Los Angeles, California, consigned to DeMasse & Manna Co., Pittsburgh, Pennsylvania.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the

terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13790; Filed, August 24, 1943; 10:44 a. m.]

[Special Permit 34 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING OR REICING OF CELERY AND CARROTS

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, the Toledo, Peoria & Western Railroad (Holly Stover, Federal Manager), or The Pennsylvania Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 40302 containing celery, shipped by the Fred W. Rush Company, Los Angeles, California, consigned to DeMasse & Manna Co., Pittsburgh, Pennsylvania; The Southern Pacific Company, the Union Pacific Railroad Company, or the Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers) to initially ice or reice, with both bunker and top or body ice, PFE 73533 containing carrots, shipped by the Atlantic Commission Company, Inc., Oxnard, California, consigned to the Atlantic Commission Company, Inc., St. Louis, Missouri; The Southern Pacific Company, The Texas and Pacific Railway Company, the Missouri-Kansas-Texas Railroad Company, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or The Pennsylvania Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 38755 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, to the American Fruit Growers Inc., Pittsburgh, Pennsylvania; The Southern Pacific Company or The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees) to initially ice or reice, with both bunker and top or body ice, ART 22435 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to the American Fruit Growers Inc., Chicago, Illinois; The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), the Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers), the Indiana Harbor Belt Railroad Company, or the Pere Marquette Railway Company to initially ice or reice, with both bunker and top or body ice, PFE 42267 containing carrots, shipped by The William H. Gumpertz Co., Oxnard, California, consigned to Andrews Bros., Detroit, Michigan; also The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or The Alton Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 60343 containing carrots, shipped by The William H. Gumpertz Co., Oxnard, California, consigned to Wesco Foods Co., Chicago, Illinois.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13791; Filed, August 24, 1943; 10:44 a. m.]

[Special Permit 35 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING AND REICING OF CARROTS AND CELERY

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or The Alton Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 41284 containing carrots, shipped by The William H. Gumpertz Co., Oxnard, California, consigned to Wesco Foods Co., Chicago, Illinois; The Southern Pacific Company, The Chicago Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or The Alton Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 92385 containing carrots, shipped by The William H. Gumpertz Co., Oxnard, California, consigned to Wesco Foods Co., Chicago, Illinois; The Southern Pacific Company, The Texas and Pacific Railway Company, the St. Louis Southwestern Railway Company (Berryman Henwood, Trustee), the St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees), or the Central of Georgia Railway Company (H. D. Pollard and A. B. Lovett, Trustees) to initially ice or reice, with both bunker and top or body ice, PFE 97020 containing carrots, shipped by the Atlantic Commission Company, Inc., Oxnard, California, consigned to Mosovitz, Savannah, Georgia, with partial unloading by Freeman, Dent & Sullivan, Macon, Georgia; The Southern Pacific Company, the Union Pacific Railroad Company, or The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees) to initially ice or reice, with both bunker and top or body ice, PFE 75810 containing carrots, shipped by the Atlantic Commission Company, Inc., Oxnard, California, consigned to the Atlantic Commission Company, Inc., advise Zimel Fruit Co., Rock Island, Illinois; The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, or The Pennsylvania Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 74055 containing celery and carrots mixed, shipped by the Fred W. Rush Company, Los Angeles, California, consigned to the Kroger Grocery & Baking Co., Ft. Wayne, Indiana; The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or the Chicago, Burlington & Quincy Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 32828 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to the American Fruit Growers, Inc., Omaha, Nebraska; also, the Pacific Electric Railway Company or The Atchison, Topeka, and Santa Fe Railway Company to initially ice or reice, with both bunker and top or body ice, PFE 94550 and PFE 24821 containing mixed fruit and vegetables, shipped by Keim Produce Co., Los Angeles, California, consigned to Babbitt Bros., Winslow, Arizona.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13792; Filed August 24, 1943; 10:45 a. m.]

[Special Permit 36 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING OR REICING OF CELERY, CARROTS AND GREEN CORN

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), the Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers), or The Pere Marquette Railway Company to initially ice or reice, with both bunker and top or body ice, PFE 97929 and PFE 60400 containing carrots, shipped by The William H. Gumpertz Co., Oxnard, California, consigned to Andrews Bros., Detroit, Michigan; The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), of the Chicago, Burlington & Quincy Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 14945 and ART 23822 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to the American Fruit Growers, Inc., Omaha, Nebraska; also The Southern Pacific Company or The Atchison, Topeka and Santa Fe Railway Company to initially ice or reice, with both bunker and top or body ice, PFE 61985 containing green corn, shipped by the Wm. Carillo Co. (Sunny Sally Vegetable Growers), Los Angeles, California, consigned to the United States Army, Ono, California.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13793; Filed, August 24, 1943; 10:45 a. m.]

[Special Permit 37 Under Service Order 133]

SOUTHERN PACIFIC CO.

ICING OR REICING OF CARROTS AND CELERY

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), the Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers), the Indiana Harbor Belt Railroad Company, or the Pere Marquette Railway Company to initially ice or reice, with both bunker and top or body ice, Art. 24032 and Art. 21926 containing carrots with tops, shipped by The William H. Gumpertz Co., Oxnard, California, consigned to Andrews Bros., Detroit, Michigan; also, The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or the Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers) to initially ice or reice, with both bunker and top or body ice, PFE 17562 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to the American Fruit Growers Inc., St. Louis, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13794; Filed, August 24, 1943; 10:45 a. m.]

[Special Permit 38 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING AND REICING OF FRESH CORN AND MIXED VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company to initially ice or reice, with both bunker and top or body ice, PFE 98651 containing fresh corn, shipped by the Sunrise Produce Co., Los Angeles, California, consigned to the United States Army, Fort Bliss, Texas; also, The Southern Pacific Company, the Union Pacific Railroad Company, or the Great Northern Railway Company to initially ice or reice, with both bunker and top or body ice, PFE 74818 containing mixed vegetables, shipped by Marshall Anderson, Los Angeles, California, consigned to the Duncan Mongrain Company, Helena, Montana.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13795; Filed, August 24, 1943; 10:45 a. m.]

[Special Permit 39 Under Service Order 133]

SOUTHERN PACIFIC CO.

ICING AND REICING OF CELERY

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company to initially ice or reice, with both bunker and top or body ice, MDT 18274 and PFE 70277 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to the American Fruit Growers Inc., Houston, Texas.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13796; Filed, August 24, 1943; 10:45 a. m.]

[Special Permit 40 Under Service Order 133]

SOUTHERN PACIFIC CO., AND ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

ICING OR REICING OF GREEN CORN

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company or The Atchison, Topeka and Santa Fe Railway Company to initially ice or reice, with both bunker and top or body ice, MDT 19373 containing green corn, shipped by the Sunrise Produce Co., Los Angeles, California, consigned to the United States Army at Ono, California; also, The Southern Pacific Company or The Union Pacific Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 71377 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to the American Fruit Growers Inc., Denver, Colorado.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22nd day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13797; Filed, August 24, 1943; 10:45 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1981]

ALGUND EENBOOM, ET AL.

Re: Real property owned by Algund Eenboom and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the following named persons whose last known addresses appear opposite their names, respectively, are residents of Germany and are nationals of a designated enemy country (Germany);

Names	Last Known Addresses
Algund Eenboom	Nuttermoor, Germany.
Aleida Eenboom	Varel, Germany.
Antze Eenboom Quitzow, also known as Frau Antze Quitzow "Geb" Eenboom	Varel, Germany.
Fekelina Eenboom Ernst Schulte, also known as Frau Fekelina Schulte "Geb" Eenboom "Verw" Ernst	Varel, Germany.

2. Finding that the persons referred to in subparagraph 1 hereof are the owners of the real property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

Real property situated in Walla Walla, Washington, particularly described in Exhibit A, attached hereto and made a part hereof, together with all the fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Re: Real property situated in Walla Walla, Washington, owned by Algund Eenboom and others.

All those lots or parcels of land situated in the County of Walla Walla, State of Washington, more particularly described as follows:

First parcel. Lot numbered Eight (8) in Block Numbered Ten (10) of the Original Town of Walla Walla, Washington, according to the official plat thereof on file and of record in the office of the Auditor of said County and State.

Second parcel. Also, beginning at the Northeast corner of Lot Ten (10) in Block Ten (10) of the Original Town of Walla Walla, Washington, according to the official plat thereof, on file and of record in the office of the Auditor of said County and State; and running thence Southerly along Fourth Street, a distance of 60 feet; thence Westerly at right angles, a distance of 120 feet; thence Northerly at right angles, a distance of 60 feet; thence Easterly at right angles, a distance of 120 feet to the place of beginning.

[F. R. Doc. 43–13595, Filed, August 20, 1943; 10:39 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

DAIRIES OF ONEONTA, NEW YORK

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), Cathedral Farms, Meridale Jersey Farms, Inc., Maple Shade Dairy, South Side Dairy, Oneonta Dairy Co., and Fay Chase, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of dairy products in Oneonta, New York.

The participants in the plan propose to eliminate wasteful operations in the wholesale and retail delivery of dairy products by reducing and curtailing deliveries and by exchanging wholesale customers. Retail deliveries by motor trucks or by horse-drawn vehicles will be made on an every-other-day basis. No retail delivery truck will start on its route earlier than 7:30 a. m. Wholesale customers will be limited to six deliveries a week. Wholesale trucks will not be started on delivery trips unless fully loaded; and delivery routes will be rearranged to conserve the most mileage. The participants will exchange outlying wholesale customers and will suspend service to such customers if located at unreasonable distances from their plants, provided adequate supplies are available from other sources.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.[1]

Issued at Washington, D. C., this 21st day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–13784; Filed, August 24, 1943; 10:24 a. m.]

[1] See Certificate 116, *infra.*

RETAIL GROCERIES OF TOPEKA, KANSAS

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), the retail grocers listed in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of food products in Topeka, Kansas, including North Topeka and those districts known as Oakland and Highland Park.

The participants in the plan, who maintain 73 retail grocery stores, propose to eliminate waste in the operation of their 99 motor vehicles by limiting retail deliveries of food products to Mondays, Wednesdays and Fridays of each week. They estimate that effectuation of the plan will result in savings of 164,000 truck-miles a year.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.[1]

Issued at Washington, D. C., this 21st day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX A

1. Vernon Sanders, Wm. Green & Son Grocery, 813 Kansas Avenue.
2. Whitney Warren, Warren's Grocery, 400 E. 8th Street.
3. Fritz Lenenberger, Gem Grocery, 506 W. 10th Street.
4. Laura Lane, Lane Grocery, 1306 Kansas Avenue.
5. Mrs. Buzard, H. C. Buzard, 1828 Kansas Avenue.
6. J. M. Davis, Davis Food Market, 1935 Kansas Avenue.
7. Major L. Dangerfield, Dangerfield's IGA Store, 1023 West 8th Street.
8. Marvin S. Hutson, Roose & Hutson, 1919 West 6th Street.
9. Bryan Reed, Bryan Reed Grocery, 108 N. Franklin.
10. Emery E. Bailey, Bailey's Grocery, 2408 W. 6th Street.
11. Wm. Hotzel, Hotzel's Market, 3310 W. 6th Street.
12. Preston W. Groat, Preston W. Groat Grocery, 3408 W. 6th Street.
13. Clarence Kinder, Kinder's Market, 1912 West 12th Street.
14. M. V. Brinkman, Stop and Shop Market, 2204 Buchanan Street.
15. Lester L. Haines, Haines Food Market, 1900 Clay Street.
16. Zelby Taylor, Zelby Taylor IGA Store, 2508 W. 16th Street.
17. John C. Schuler, Schuler's Grocery IGA, 2004 W. 10th Street.
18. O. H. Elliott, Harry's Market, 1920 W. 10th Street.
19. R. M. Currie, Barrett's Grocery, 312 W. 2nd Street.
20. Olan Allen, Railway Sales Company, 234 Kansas Avenue.
21. C. H. Shrier, Shrier Grocery, 1150 Washburn Street.
22. Merle Reichert, Warnock's Grocery, 300 E. 2nd Street.
23. Weddle & Weddle, 1726 Seward Avenue.
24. Noe's Grocery, 1814 Seward Avenue.
25. Charles Peyton, Mgr., Fritton Grocery Co. #3, 1100 West 6th Street.
26. F. D. McGrew, McGrew Food Store, 420 West 6th Street.
27. J. H. Richter, Richter Grocery, 624 West 6th Street.
28. Geo. W. Rice, Rice's Food Store, 724 West 4th Street.
29. S. Olson, Olson Grocery, 1010 West 2nd Street.
30. P. A. Weber, P. A. Weber Grocery, 1226 West 1st Street.
31. P. J. Shields, C. J. Shields & Son, 501 Washburn Street.
32. J. W. Waddle, Waddles IGA, 2015 W. 6th Street.
33. H. G. Schlichter, Schlichter's Grocery, 1511 Huntoon Street.
34. Robert S. Murray, Murray's IGA, 1016 W. 17th Street.
35. Freda Moege, Moege Grocery, 2222 Buchanan Street.
36. Ralph W. Moore, Ralph W. Moore Grocery, 1001 Mulvane Street.
37. B. V. Fritton, Fritton Grocery, 1000 E. 4th Street, 1401 Seward Avenue.
38. John Stadler, John P. Stadler Grocery, 603 Twiss Avenue.
39. Mrs. P. J. Melchior, P. J. Melchior Grocery, 508 Sardou Street.
40. L. R. Fix, 2627 Ohio Avenue.
41. S. J. Titus, 27th & Kentucky Avenue.
42. W. J. Mason, W. J. Mason Grocery, 2714 Kentucky Avenue.
43. M. J. Hurwitz, M. J. Hurwitz Grocery, 2703 Indiana Avenue.
44. L. B. Skaggs, Seabrook IGA, 2035 Gage Blvd.
45. T. S. Sanders, Sanders Market, 2616 W. 17th Street.
46. Floyd A. McOwen, McQueen Grocery, 2410 Huntoon Street.
47. W. F. Krieg, W. F. Krieg Grocery, 2613 West 12th Street.
48. Paul Moser, Paul Moser IGA Store, 3107 Huntoon Street.
49. Dora & Oscar Jackson, Jackson Grocery, 1199 Lincoln Avenue.
50. Geo. E. Coats, Coats Grocery Co., 808 West 12th Street.
51. O. R. Boxell, Boxell Grocery, 1417 Kansas Avenue.
52. V. A. Sage, Sage Grocery, 1633 Kansas Avenue.
53. Frank Wilson, Wilson's Grocery, 1601 Tyler Street.
54. E. A. Warring, Warring Bros., 1330 Western Street.
55. H. J. Pollock, Clay Street Market, 1035 Clay Street.
56. Chas. Buechner, Buechner & Son, 1106 Central Street.
57. Harold Warnock, Harold Warnock Grocery, 917 N. Kansas Avenue.
58. John J. Green, John J. Green Grocery, 900 N. Kansas Avenue.
59. Homer B. Wolford, 2017 N. Tyler Street.
60. Nell Brown, Nell Brown Grocery, 1905 W. Central Street.
61. A. L. Stanley, A. L. Stanley Food Store, 504 West 10th Street.
62. W. L. Haines, W. L. Haines Grocery, 809 E. 10th Street.
63. Squire's Grocery, 934 Monroe Street.
64. T. V. Kennedy, T. V. Kennedy Grocery, 400 E. 5th Street.
65. Joseph Haney, Joseph Haney Grocery, 800 E. 8th Street.
66. Harry Shapiro, Shapiro Food Center, 25th & Virginia Avenue.
67. V. C. Lynde, Lynde & Falley Grocery, 1022 W. 6th Street.
68. Glen P. Hinshaw, 526 Washburn Street.
69. Lawson's Market, 1421 Lane Street.
70. Moyer's Grocery, 1240 Clay Street.
71. B. H. Stark, 1300 Boswell Street.
72. Ernest Dibble, Dibble Grocery Co., 1400 Huntoon Street.

[F. R. Doc. 43–13785; Filed, August 24, 1943; 10:24 a. m.]

[1] See Certificate 117, *infra.*

[Supp. Order ODT 3, Rev.–53]

ALBINA TRANSFER COMPANY, ET AL.

REGISTRATION OFFICE AT PORTLAND, OREGON, FOR HOUSEHOLD GOODS MOTOR CARRIERS

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of household goods, filed with the Office of Defense Transportation by the motor carriers of Portland, Oregon, named in the Appendix hereof, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and good cause appearing therefor; *It is hereby ordered,* That:

1. The carriers, and each of them, named in the Appendix hereof (hereinafter collectively called "carriers"), respectively, in the transportation of household goods as common carriers by motor vehicle, shall establish an office (hereinafter referred to as "registration office") at Portland, Oregon, to facilitate the movement of shipments of household goods, in the following manner:

(a) Each carrier shall register with the registration office shipments which the carrier may be unable to transport by reason of the restrictions contained in General Order ODT 3, Revised, as amended;

(b) Each carrier shall register with the registration office all empty or partially loaded equipment for which the carrier has no shipments available;

(c) The manager or employees of the registration office shall advise the carriers as to shipments registered and empty equipment or the unloaded space therein which is available; *Provided,* That nothing herein contained shall be construed to authorize the manager or any employee of the registration office to dispatch equipment, direct traffic, or exercise any supervision or control over the movement of any shipment, or part thereof, in any manner whatsoever;

(d) The manager of the registration office, and each carrier, shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Such records shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation; and

(e) The cost of maintaining the registration office shall be apportioned among the carriers as they shall agree on, or in the event the carriers are unable to agree thereon, shall be apportioned as the Office of Defense Transportation shall determine and direct.

2. Shipments exchanged pursuant to this order shall be exchanged in accordance with the following conditions:

(a) All shipments shall be transported to point of destination on the bill of lading of the carrier with whom the shipper entered into the contract of carriage;

(b) Except as may be otherwise provided by agreement between the interested carriers or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenue derived from transportation of a shipment exchanged, and from storage in transit, packing and unpacking, and other accessorial services pertaining thereto, shall be as determined and directed by the Office of Defense Transportation;

(c) The rates and charges applicable to the transportation, storage in transit, packing and unpacking, and other accessorial services performed in respect of any shipment shall be the lawfully applicable rates and charges of the carrier with whom the shipper entered into the contract of carriage;

(d) The duties and obligations of the originating carrier to the shipper shall not be altered by an exchange made pursuant hereto; and

(e) The carriers shall not exchange shipments with each other except as provided herein.

3. Any common carrier by motor vehicle, duly authorized or permitted to engage in the transportation of household goods, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the functioning of the registration office established pursuant hereto. A copy of every such application shall be served upon the manager of the registration office. Upon receiving such authorization, such carrier shall become subject to this order and shall thereupon be entitled and required to participate in the functioning of the registration office in accordance with all the provisions and conditions of this order, in the same manner and degree as the carriers named in the Appendix hereof.

4. Nothing contained in this order shall be so construed or applied as to relieve any carrier subject hereto from registering with joint information offices and obtaining clearance certificates as provided in General Order ODT 13, as amended (7 F.R. 5066, 5678), or required by any other General Order, or as to relieve any carrier from any other requirements of the Office of Defense Transportation, or from any other regulatory or legal requirement, or as to require or permit any carrier to perform any transportation service not authorized or sanctioned by law, or to render any service beyond its transportation capacity, or to alter its legal liability to any shipper or other carrier.

5. Each carrier subject to this order engaged in interstate transportation

shall file a copy of this order with the Interstate Commerce Commission, and, if engaged in intrastate commerce, shall file a copy hereof with each appropriate State regulatory body having jurisdiction over any operations affected hereby.

6. Contractural arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-53", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

8. This Supplementary Order shall become effective on August 28, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX

1. Joe F. Fisher, doing business as Albina Transfer Company.
2. Bekins Moving & Storage Co.
3. Lee A. Chappell, doing business as Chappell Truck & Transfer Co.
4. John C. Bauer, doing business as East Side Van & Storage Co.
5. J. J. Shearman, doing business as Fulton & Sons Transfer Co.
6. Hunt Transfer Company, Inc.
7. Bert L. Bowlsby and Bruce F. Bowlsby, doing business as Irvington Transfer & Storage Co.
8. Liberty Transfer & Storage Co.
9. Lyon Van and Storage Co., Inc.
10. Richard F. McCabe, doing business as McCabe Moving & Storage Co.
11. C. M. Olsen Transfer & Storage Co.
12. Oregon Transfer Company.
13. Pihl Transfer & Storage Co.
14. Portland Van & Storage Co., Inc.
15. Lena Pihl and Holger M. Pihl, doing business as St. Johns Transfer & Storage Co.
16. Harry B. Gibbs, doing business as Sellwood Transfer Company.
17. H. J. Swartz, doing business as Swartz Transfer and Storage Co.
18. Alice M. Winchell, doing business as Winchell Transfer.

[F. R. Doc. 43-13817; Filed, August 24, 1943; 11:49 a. m.]

[Supp. Order ODT 3, Rev.-54]

RED ARROW FREIGHT LINES, INC.
CENTRAL FREIGHT LINES, INC.

COORDINATED OPERATIONS BETWEEN POINTS IN TEXAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Red Arrow Freight Lines, Inc., Houston, Texas, and Central Freight Lines, Inc., Waco, Texas, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between points in Texas, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient use of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved, and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-54" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

8. This order shall become effective August 28, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-13816; Filed, August 24, 1943; 11:49 a. m.]

[1] Filed as part of original document.

OFFICE OF ECONOMIC WARFARE.

STATEMENT OF GENERAL ECONOMIC PROGRAMS AND POLICIES

Pursuant to the provisions of Executive Order No. 9361,[1] of July 15, 1943, the following general economic programs and policies of the Office of Economic Warfare have been approved by the War Mobilization Committee, by resolution signed by more than a majority of the members of said Committee, at a meeting held on July 29, 1943:

Exports. To control the commercial exportation from the United States and its Territories, dependencies and possessions, of articles, materials, supplies and technical data so as to: (1) prevent the exportation of any articles, materials, supplies or technical data to such destinations, in such amounts or to such consignees as might aid directly or indirectly the enemy; (2) prevent the exportation, except for the purposes set forth in items (4) to (8) herein, of articles, materials or supplies required within the United States, its Territories, dependencies or possessions, for the war production effort and the civilian economy; (3) prevent the exportation of technical data except where necessary to assist in the development of industrial and mechanical techniques employed in furtherance of the war program of the United Nations and where adequate assurance is provided that such data will not be made available to unfriendly interests or where the nature of the data is such that indiscriminate disclosure will not impair the national defense or well being of the country; (4) supply materials needed to maintain and expand the production and procurement abroad of strategic and critical materials required for the war effort and civilian economies of the United Nations; (5) supply materials to allied countries of the kinds and in the amounts necessary to maintain their war and domestic economies; (6) supply materials to friendly countries of the kinds and in the amounts necessary to maintain their domestic economies; (7) insure, within the limitations of shipping availabilities, the priority of movement of goods most essential to the economies of such allied or other friendly countries; (8) control the shipment of goods to European and other neutrals with a view to obtaining from them concessions helpful to the war program of the United Nations and detrimental to the war effort of the enemy countries; and, incident to the foregoing, (9) locate stranded critical and strategic materials, including materials the exportation of which has been denied, and direct such materials in active channels where they will further the war program, either through the medium of voluntary resale or requisitioning and, where requisitioning is necessary, determine the fair and just compensation to be paid the owner; and, in the administration of said programs and policies, so administer its controls, consistent with the war exigencies, as to maintain and strengthen private trade channels and protect the trade position of the United States.

Imports. To provide for the procurement and production of materials and commodities in foreign countries so as to: (1) effectuate with maximum speed the execution of directives of the Chairman of the War Production Board and the War Food Administrator as to quantities, specifications, delivery time schedules, and priorities of materials, and commodities required to be imported for the war production effort and the civilian economy; (2) obtain, through preclusive purchase, materials and commodities, whether or not included in said directives of the War Production Board or the War Food Administrator, which may be vital to the enemy, either for military or civilian needs; (3) at the request of, or in cooperation with, as the case may be, the Department of State, the Lend-Lease Administration, the Army, the Navy or other affected agencies, arrange for the purchase or receipt of commodities for stockpile, stabilization or other approved purposes, and, pursuant to the priority determinations of the War Production Board and in collaboration with the War Shipping Administration, supervise the transportation of said commodities; and in the administration of said programs and policies, so far as consistent with the war exigencies, maintain and strengthen private trade channels, and protect the trade position of the United States.

Economic warfare analysis. To recommend or direct appropriate economic warfare measures, within the limits of prescribed authority, and, for these purposes, to collect, analyze and evaluate economic intelligence in order to: (1) maintain and tighten the blockade of the European continent; (2) injure the enemy and aid the United Nations by means of trade controls designed to secure maximum supplies and to restrict the flow of materials to the enemy; (3) work with other interested agencies in the elimination from Latin America of Axis or other economic interests inimical to the United States; (4) work with other interested agencies in the handling of economic problems in reoccupied or liberated areas; (5) perform technical services and operations necessary to the work of the Office of Economic Warfare abroad, in the fields of industrial engineering, petroleum, air transport, economic intelligence, cartography; and (6) assist the armed services in (a) estimating enemy economic war capabilities; (b) analyzing bombing objectives in terms of industrial importance and susceptibility to damage; (c) assessing economic damage caused by bombing of specific targets and relating such damage to the total enemy productive capacity; and (d) meeting the problems of overseas supply.

A certified copy of the resolution embodying the foregoing was filed with the Secretary of State on August 4, 1943.

Dated: August 23, 1943.

[SEAL] LEO T. CROWLEY,
Director.

[F. R. Doc. 43-13741; Filed, August 23, 1943; 4:16 p. m.]

[1] 8 F.R. 9861.

OFFICE OF PRICE ADMINISTRATION.

[Order A-1 Under MPR 188, Corr. to Amdt. 10]

ASPHALT

MODIFICATION OF MAXIMUM PRICES

Correction to Amendment No. 10 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for specified Building Materials and Consumers' Goods Other Than Apparel.

Subdivision (ix) of subparagraph (11) is corrected in the following respect:

In subdivision (ix) entitled "Adjusted Maximum Prices", under the column headed "F. O. B. shipping point (no freight equalization)" the second item under subcolumn "LCL" is corrected to read ".027" instead of ".27."

This correction shall be effective as of August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13732; Filed, August 23, 1943; 12:09 p. m.]

Regional, State and District Office Orders.

[Region I, Order G-1 Under MPR 154]

ICE IN WORCESTER, MASS.

Order No. G-1 under Maximum Price Regulation No. 154 as amended.

For reasons set forth in an opinion accompanying this order, and pursuant to and under the authority vested in the District Director of the Worcester District Office, Region I, of the Office of Price Administration, under the authority contained in Amendment No. 3 of Maximum Price Regulation No. 154 as amended, *It is hereby ordered:*

(a) For retail delivered sales of natural and manufactured ice, and for platform sales of manufactured ice in the Worcester District Area, the maximum prices established by Maximum Price Regulation No. 154, ICE, are modified, so that the maximum prices for retail delivered sales of natural and manufactured ice and for platform sales of manufactured ice shall be either the maximum prices established by the seller under paragraph (a) or paragraph (b) of § 1393.12, or the respective prices listed in Schedule A for the quantities named, whichever are higher.

SCHEDULE A

Maximum prices for natural and manufactured ice

	Per Cwt.
Retail delivered sales	$0.60
Delivered commercial sales (Less than 300 lbs. initial delivery)	.50
Quantity delivered commercial sales (Over 300 lbs. initial delivery)	.40
Retail cash and carry sales (Less than 300 lbs.)	.40
	Per ton
Wholesale at platform sales (For resale or otherwise 300 lbs. or over)	4.00

Lower prices than those set forth in schedule A may be charged, demanded, paid, or offered.

(1) *Definitions:* For the purposes of this order, the term:

(i) "Retail delivered sales" means a sale of ice delivered to the purchaser (refrigerator or ice container) or at the purchaser's receiving point.

(ii) "Delivered commercial sales" means a sale of less than 300 lbs. initial delivery, of ice delivered to the purchaser (refrigerator or ice container) or at the purchaser's receiving point.

(iii) "Quantity delivered commercial sales" means a sale of ice delivered to the purchaser (refrigerator or ice container) or at the purchaser's receiving point.

(iv) "Retail cash and carry" means a sale of ice of less than 300 lbs. at the seller's platform, storage box, or place of business—in general not for resale.

(v) "Wholesale at platform for resale or otherwise" means a sale of 300 lbs. or over of ice, delivery of which is made to the purchaser at the seller's place of business.

(2) This order is subject to all the provisions of Maximum Price Regulation No. 154, Ice, as amended, which are hereby made a part of this order. Nothing contained, however, in § 1393.12 (e) (Amendment #4) of Maximum Price Regulation No. 154—Ice, as amended, shall be construed as affecting or prohibiting the ceiling prices established by this order.

(3) This order may be revoked, amended or corrected at any time.

This order shall become effective July 22, 1943.

Issued this 21st day of July 1943.

FRED W. MURKLAND,
Acting District Director.

[F. R. Doc. 43-13722; Filed, August 23, 1943; 11:39 a. m.]

[Region III Order G-5 Under MPR 165, Amdt. 4]

POWER LAUNDRIES IN WAYNE COUNTY, MICH.

Amendment No. 4 to Order No. G-5 under Maximum Price Regulation No. 165, as amended—Services power laundries in Wayne County, Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office

of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, *It is hereby ordered*, That paragraph (h) be amended to read as set forth below.

(h) No additional charges of any kind may be added to the maximum prices established by this order; *Provided, however*, That each of the following laundries, notwithstanding the provisions of paragraphs (a), (b), or (c) hereof, may increase its prices as set forth in Table 2 of Appendix A hereof in an amount not in excess of the percentage increases set forth below.

	Permitted increase (percent)
Duncan Laundry Company, 4630 Crane	14
Fenwick Laundry Company, 531 E. Forest	14
Fine Arts Laundry Company, 5435 McGraw	3
Grand Laundry, 1250 W. Lafayette	14
LaMeasure Bros., Inc., 1450 21st Street	6
Modern Laundry Company, 3705 E. Jefferson	3
National Laundry, 555 Farnsworth	3
Quality Laundry, 12000 Cloverdale	6
Royal Laundry, 3748 E. Fort	6
Wash-Rite Laundry, 6837 Chase Road	6

Each invoice or bill shall first be computed without taking into account the above-scheduled permitted increases. The total of such invoice or bill so determined may then be increased by an amount not in excess of the above-scheduled permitted increases.

This Amendment to Order No. G–5 under Maximum Price Regulation No. 165, as amended, shall become effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued July 21, 1943.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 43–13726; Filed, August 23, 1943; 11:40 a. m.]

[Region IV Order G–1 Under Temp. MPR 29, Revocation]

VEGETABLES IN ATLANTA REGIONAL AREA

Revocation of Order No. G–1 under Temporary Maximum Price Regulation No. 29—Modification of prices of certain listed vegetables in the Atlanta Regional Area; (formerly General Order No. 1).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region IV of the Office of Price Administration by Revised General Order No. 32, as amended: *It is hereby ordered*, That Order No. G–1 under Temporary Maximum Price Regulation No. 29, Modification of Prices of Certain Listed Vegetables in the Atlanta Regional Area, issued April 22, 1943, be, and it hereby is, revoked, subject to the provisions of Supplementary Order No. 40, issued April 3, 1943, 8 F.R. 4325.

This order shall become effective July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 20th day of July 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43–13717; Filed, August 23, 1943; 11:38 a. m.]

[Region IV Order G–1 Under MPR 154, Amdt. 1]

ICE IN OCEAN SPRINGS-BILOXI-GULFPORT-LONG BEACH, MISS., AREA

Amendment 1 to Order Number G–1 issued under Maximum Price Regulation 154—Ice.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Mississippi District Office of the Office of Price Administration by § 1398.8 (e) (f) (g) of Maximum Price Regulation 154 and by Regional Delegation Order No. 4 issued by Region IV of the Office of Price Administration dated April 15, 1943: *It is hereby ordered:*

(a) A new subsection is hereby inserted in Order No. G–1, under Maximum Price Regulation 154, issued by the Mississippi District Office of the Office of Price Administration, as follows:

(2) On all sales of crushed ice the seller may add the sum of 5¢ per cwt. to the applicable price as set forth in the previous subsection (1). The foregoing insertion shall bear section Number (a) (2) in the aforesaid Order G–1.

(b) This amendment may be revoked, amended or corrected at any time.

(c) This amendment shall become effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Congress; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of July 1943.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 43–13728; Filed, August 23, 1943; 11:39 a. m.]

[Region IV Order G–20 Under 18 (c), Revocation]

FLUID MILK IN PASCO COUNTY, FLA.

Revocation of General Order No. G–20 Under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Pasco County, Florida.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region IV of the Office of Price Administration by Revised General Order No. G–20 under § 1499.18 (c) of the General Maximum Price Regulation, Adjustment of Fluid Milk Prices for Pasco County, Florida, be, and it hereby is, revoked, subject to the provisions of Supplementary Order No. 40, issued April 3, 1943, 8 F.R. 4325.

This order shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 20th day of July 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43–13721; Filed, August 23, 1943; 11:37 a. m.]

[Region VII Order G–2 Under MPR 426]

FRESH BERRIES IN WYOMING

Order No. G–2 under Maximum Price Regulation No. 426. Adjustment of prices for variety of fresh berries when sold in the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, and section 2 (b) of Maximum Price Regulation No. 426, *It is hereby ordered:*

(a) *Adjusted maximum prices for sales of fresh berries in the State of Wyoming.* Column 3 of paragraph (e) to Appendix C of Article III is hereby modified to read as follows:

	Column 3 Maximum prices for less than carlot or less than trucklot sales to any persons other than ultimate consumers in the State of Wyoming
Red raspberries	18¢ per pound plus cost of transportation plus 4¢ per pint or 5¢ per quart.
Black raspberries	16¢ per pound plus cost of transportation plus 4¢ per pint or 5¢ per quart.
Youngberries	15¢ per pound plus cost of transportation plus 5¢ per quart.
Boysenberries	15¢ per pound plus cost of transportation plus 5¢ per quart.
Loganberries	15¢ per pound plus cost of transportation plus 5¢ per quart.
Blackberries	15¢ per pound plus cost of transportation plus 5¢ per quart.
Gooseberries	11¢ per pound plus cost of transportation plus 5¢ per quart.

(b) *Applicability of other regulations.* Except as the same are inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Maximum Price Regulation No. 426 as amended to date shall remain in full force and effect, be applicable to and continue to govern sales of the variety of fresh berries named herein when sold in the manner and form as specified in paragraph (a) hereof.

(c) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(d) *Effective date.* This order shall become effective as of July 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–13723; Filed, August 23, 1943; 11:35 a. m.]

[Region VIII Order G–3 Under 18 (c), Amdt. 23]

FLUID MILK IN WASHINGTON

Amendment No. 23 to Order No. G–3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered*, That Order No. G–3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by adding at the end thereof the following:

THE TOWNS OF DIABLO AND NEWHALEM

	Wholesale price	*Retail price*
Quart container	$0.11	$0.13

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13724; Filed, August 23, 1943; 11:37 a. m.]

[Region VIII Order G–4 Under MPR 154]

ICE SALES TO PACIFIC FRUIT EXPRESS CO., MESA, ARIZ.

Order No. G–4 under Maximum Price Regulation No. 154. Ice.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1393.8 (e) of Maximum Price Regulation No. 154: *It is hereby ordered:*

(a) The adjusted maximum price for sales of ice to the Pacific Fruit Express Company at Mesa, Arizona shall be as follows:

(1) For sales of ice in tanks of cars at icing platform, the adjusted maximum price shall be $4.25 per ton.

(2) For sales of ice in tanks of cars at points other than platform, the adjusted maximum price shall be $5.00 per ton.

(3) For sales of ice for tank icing purposes in storage rooms of plant, the adjusted maximum price shall be $3.75 per ton.

(4) For sales of opaque ice in carloads, the adjusted maximum price shall be $3.85 per ton.

(5) For sales of clear ice in carloads, the adjusted maximum price shall be $4.00 per ton.

(b) The adjusted maximum prices established for sales of ice as specified in paragraphs (a) (1), (2), (3), (4), and (5) and of all sales of ice to the Pacific Fruit Express at Mesa, Arizona not covered by said paragraph are subject to the following discounts:

Sales per contract year:	*Discount, per ton*
5,000 to 10,000 tons	$0.25
More than 10,000 tons	.50

(c) This order No. G–4 may be revoked, amended, or corrected at any time. This order shall become effective July 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13725; Filed, August 23, 1943; 11:35 a. m.]

[Region VIII Order G–5 Under MPR 154]

ICE IN COOLIDGE AND FLORENCE, ARIZ.

Order No. G–5 under Maximum Price Regulation No. 154. Ice.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1393.8 (c) of Maximum Price Regulation No. 154: *It is hereby ordered:*

(a) The maximum price for sales of ice in the towns of Coolidge and Florence in the state of Arizona shall be the seller's previous maximum price as determined under § 1393.12 of Maximum Price Regulation No. 154 as amended or the adjusted maximum price specified below whichever is higher:

(1) For sales of ice at wholesale the adjusted maximum price shall be $5 per ton at the seller's customary dispensing point.

(2) For sales of ice delivered to the government internment camp at Florence, Arizona the adjusted maximum price shall be $.55 per hundred pounds.

(3) For sales of ice at retail in Coolidge, Arizona the adjusted maximum price shall be as follows:

Quantity	Adjusted maximum price	
	At platform	Delivered
12½ pounds	$0.10	$0.10
25 pounds	.15	.15
50 pounds	.25	.30
100 pounds or over	.45	.55

(b) This order shall terminate September 1, 1943.

(c) This order may be revoked, amended or corrected at any time.

This order shall become effective July 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13727; Filed, August 23, 1943; 11:35 a. m.]

[Region VIII Order G–12 Under 18 (c), Amdt. 1]

HAULING OF ALFALFA HAY IN CERTAIN CALIFORNIA LOCALITIES

Amendment No. 1 to Order No. G–12 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 16 under section 18 (c) of the General Maximum Price Regulation as amended). Maximum prices for the transportation of alfalfa hay by truck in certain localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation: *It is hereby ordered*, That Order No. G–12 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 16 under section 18 (c) of the General Maximum Price Regulation as amended) be amended in the following particulars:

Section (1) is amended by adding at the end thereof a new paragraph designated (c), to read as follows:

(c) The maximum prices which may be charged by any person other than a common carrier for the hauling of alfalfa hay in truck-lots from railroad sidings at Puente, El Monte, Downey, Firestone, and Revera, California, to delivery points as set forth below, including unloading from railroad car, loading on motor truck, transporting to point of delivery, and unloading at point of delivery, shall be the existing maximum price established for such person by the General Maximum Price Regulation, or the adjusted maximum price set forth below, whichever is higher:

(i) From railroad siding to any point not more than 8 miles distant therefrom, $2.00 per ton.

(ii) From railroad siding to any point more than 8 miles distant therefrom, $2.50 per ton.

This amendment shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13720; Filed, August 23, 1943; 11:37 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54–67, 59–64, 70–723]

PEOPLES' LIGHT AND POWER COMPANY, ET AL.

ORDER APPROVING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of August 1943.

In the matter of Peoples Light and Power Company and subsidiary companies, applicants, File No. 54–67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Company, Texas Public Service Farm Company, West Coast Power Company, and Western States Utilities Company, respondents, File No. 59–64; and Consolidated Electric and Gas Company and Peoples Gas Company, File No. 70–723.

Peoples Light and Power Company ("Peoples"), a registered holding company, and two of its subsidiaries, West Coast Power Company ("West Coast") and Texas Public Service Company ("Texas Public"), having filed declarations and applications, pursuant to the Public Utility Holding Company Act of 1935 with respect to the following:

The issuance and sale by West Coast of $600,000 principal amount of a new series of 4% First Mortgage Bonds, due 1963; the declaration of a liquidating dividend of $754,400 by West Coast to Peoples; the contribution of $1,000,000 in cash by Peoples to Texas Public; the acquisition by Texas Public from Consolidated Electric and Gas Company ("Consolidated"), a registerd holding company, of all the outstanding 4,950 shares of common stock of $100 par value of Peoples Gas Company ("Peoples Gas"), a subsidiary of Consolidated, for $1,246,000 in cash, subject to certain adjustments; immediately after such acquisition of common stock, the acquisition by Texas Public of the physical properties and other assets of Peoples Gas, subject to related liabilities, through the liquidation of such company and thereafter the dissolution of such company; and

Consolidated and Peoples Gas having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935 with respect to the following:

The sale by Consolidated to Texas Public of all the outstanding common stock of Peoples Gas, as above mentioned; the use of the proceeds of such sale by Consolidated to acquire in the open market through brokers, and retire, Southern Cities Utilities Company 30-year First Lien and Collateral Trust 5% Gold Bonds, due 1958, assumed by Consolidated; prior to the acquisition by Texas Public of the common stock of Peoples Gas, the redemption and retirement by Peoples Gas, at the request of Texas Public, of all the outstanding First Mortgage Bonds due 1961 in the principal amount of $675,000 with treasury cash and $600,000 in funds borrowed for that purpose from a bank or banks; in connection with such borrowing, the issue and sale by Peoples Gas of a promissory note or notes to such bank or banks in return for moneys loaned.

The aforementioned applications and declarations having been consolidated for the purpose of hearings, and hearings having been held after due notice, and at such hearings the City of Port Arthur having intervened in opposition to the proposed acquisition by Texas Public of the common stock and assets of Peoples Gas; and requested findings of fact having been waived and briefs having been filed and an oral argument having been heard with respect to such acquisition and requested findings of fact, briefs and oral argument having been waived as to the remaining transactions; and the Commission having considered the record and having made and filed its Findings and Opinion herein;

It is hereby ordered and recited, (a) With respect to the sale by Consolidated of 4,950 shares of common stock of $100 par value of Peoples Gas to Texas Public for $1,246,000 in cash, subject to adjustments as of date of closing pursuant to contract between Consolidated and Texas Public dated May 26, 1943, which contract is incorporated in this order by reference, (b) with respect to the use for such purpose of cash deposited under the mortgage of Texas Public as a result of the sale by Texas Public of its water and irrigation properties in Jefferson, Hardin, Liberty and Chambers Counties, Texas, to the Lower Neches Valley Authority for the sum of approximately $3,055,000 in cash; and (c) with respect to the issue and sale by Peoples Gas to a bank or banks of a promissory note or notes in the principal amount of $600,000; that such sale of common stock and such issue and sale of a promissory note or notes are necessary or appropriate to the integration or simplification of Consolidated's holding company system and that such use of cash by Texas Public is necessary or appropriate to the integration or simplification of Peoples' holding company system, and that such sale of common stock, such issue and sale of a promissory note or notes and such use of cash are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

It is further ordered, That the aforesaid declarations be and hereby are permitted to become effective and the aforesaid applications be and hereby are granted forthwith, subject to the terms and conditions in Rule U-24 and to the following additional terms and conditions:

(1) That at least seven days before purchases are commenced Consolidated shall advise by letter each known holder of Southern Cities Bonds fully with respect to its intention to make such purchases and the method to be employed, the form of such letter to be submitted to the staff of the Public Utilities Division of this Commission prior to release;

(2) That Consolidated shall not solicit or cause to be solicited from individual bondholders the sale of any bonds to the company;

(3) That no purchases shall be made directly or indirectly from persons or corporations in any way associated or affiliated with Consolidated; and

(4) That Consolidated shall furnish to the Commission promptly after the last day of each month, a schedule showing for each day covered by such report the number of bonds purchased, the prices at which purchased, and the name of the broker through whom purchased.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–13777; Filed, August 24, 1943; 9:29 a. m.]

[File No. 70–282]

COMMUNITY POWER AND LIGHT COMPANY, ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of August, A. D. 1943.

In the matter of Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company, et al., File No. 70–282.

The Commission having by order dated July 8, 1942, entered pursuant to section 11 of the Public Utility Holding Company Act of 1935, directed, pursuant to section 11 (b) (1) of said Act, that Southwestern Public Service Company, a registered holding company, divest itself of all ownership and all control of certain properties and investments designated in said order and the order having provided that such divestment should be effected within one year from said date, unless such time should be further extended by the Commission; and

Southwestern Public Service Company having filed an application requesting an extension of time for one year within which to comply with the divestment provisions of said order of July 8, 1942; and

The Commission having found that Southwestern Public Service Company has been unable in the exercise of due diligence to comply with the divestment provisions of said order within the initial statutory period of one year from the date thereof, and that the requested extension of time is necessary and appropriate in the public interest and for the protection of investors and consumers:

It is ordered, That Southwestern Public Service Company be and it is hereby granted an additional period of one year from July 8, 1943, within which to comply with said provisions of said order of July 8, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–13778; Filed, August 24, 1943; 9:29 a. m.]

[File Nos. 70–706, 70–707, 70–708, 70–760]

THE UNITED GAS IMPROVEMENT COMPANY, ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of August 1943.

In the matter of the United Gas Improvement Company, File No. 70–706; Pennsylvania Electric Company, Erie County Electric Company, and Associated Electric Company, File No. 70–707; General Gas & Electric Corporation and Virginia Public Service Company, File No. 70–708; Pennsylvania Electric Company, File No. 70–760.

The United Gas Improvement Company (U. G. I.), Erie County Electric Company (Erie), Pennsylvania Electric Company (Penelec), Associated Electric Company (Aclec), Virginia Public Service Company (Virginia), and General Gas & Electric Corporation (Gengas), having filed applications, as amended, and declarations, as amended, under sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder, with respect to the following transactions:

1. Penelec will issue and sell 171,075 shares of its $20 par value common stock to its parent, Aelec, for $3,421,500 in cash. Subsequently, Aelec will donate 152,756 shares of such common stock to Penelec, thereby creating a capital surplus on the books of Penelec out of which a reserve will be created to provide fully for the excess of the purchase price of the assets of Erie over the book value thereof.

2. Erie will reclassify its presently outstanding 39,375 shares of $100 par value common stock, all of which are presently held by U. G. I., into 35,000 shares of $100 par value 5% cumulative preferred stock, and 4,375 shares of $100 par value common stock. The preferred stock will be, by its terms, redeemable at par, at the option of either the issuer or holder, upon thirty days written notice.

3. Gengas will deliver to U. G. I. 121,334 shares (two-thirds of the total outstanding) of $6 par value common stock of Eastern Shore Public Service Company (Del.) (Eastern Shore), in consideration of the payment to it by Penelec of $566,667 in cash, plus adjustment for undistributed earnings applicable to said stock.

4. Virginia will deliver to U. G. I. 60,666 shares (one-third of the total outstanding) of $6 par value common stock of Eastern Shore, in consideration of the payment to it by Penelec of $283,333 in cash, plus adjustment for undistributed earnings applicable to said stock.

5. Penelec will acquire all of the then outstanding 4,375 shares of reclassified common stock of Erie, in consideration of the payment by it to U. G. I. of $2,571,500 in cash, and the delivery to U. G. I. by Gengas and Virginia of all of the common stock of Eastern Shore.

6. Concurrently with or before the acquisition of the Erie common stock by Penelec, U. G. I. will exercise its option to have redeemed the then outstanding 35,000 shares of 5% Cumulative Preferred Stock of Erie.

7. Penelec will acquire the assets and assume all the liabilities (including the liability of $3,500,000 arising from the call of the preferred stock) of Erie, transferring to Erie, in consideration thereof, all of the then outstanding (4,375) shares of its common stock. Erie will then be dissolved.

8. If, after U. G. I. acquires the common stock of Eastern Shore, the outstanding preferred stock of Eastern Shore is called for redemption (as is presently contemplated by U. G. I.) and a sum in excess of the liquidating value of $100 a share for the preferred stock is paid, Penelec will pay in cash to U. G. I. an amount equal to the additional amount paid but not in excess of $215,559.

9. Penelec will issue and sell at competitive sale, pursuant to Rule U-50, 35,000 shares of its cumulative preferred stock. The preferred stock will be identical with its presently outstanding cumulative preferred stock 5.10% Series A, $100 par value, except with respect to dividend rate and redemption rate. The additional preferred stock will have a dividend rate of not over 5.10%, with the price to the company fixed at not less than 102. The proceeds from the sale of the preferred stock will be applied to liquidate the liability resulting from the call of the preferred stock of Erie.

10. Penelec will issue and sell, at competitive sale, pursuant to Rule U-50, $4,000,000 principal amount of its First Mortgage Bonds. Such bonds will be issued under an Indenture supplemental to the Indenture securing its presently outstanding $32,500,000 principal amount of First Mortgage 3¾% Bonds, due January 1, 1972. The proceeds are to be used to refund the presently outstanding First Mortgage 5% Series Bonds, due November 1, 1978, of Keystone Public Service Company, in the same principal amount.

The Delmarva Electric Cooperative, Inc., having been given the right to participate in the proceedings, having moved that the Commission disapprove the proposal for the acquisition by The United Gas Improvement Company of the Common Stock of Eastern Shore Public Service Company (Delaware):

Public hearings having been held upon such matters after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application, as amended, and said declarations, as amended, be and hereby are granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24; and subject to the requirements of Rule U-50 with respect to the issuance of the $4,000,000 principal amount of First Mortgage Bonds and of the 35,000 shares of Cumulative Preferred Stock, by Penelec, and that jurisdiction is reserved over the fees to be paid to Davis Polk Wardwell Sunderland & Kiendl, independent counsel to the prospective purchasers of the said securities;

It is further ordered, That the ten day period for inviting bids, as provided by Rule U-50, be shortened to a period of not less than seven days.

It is further ordered, That the said motion of the Delmarva Electric Cooperative, Inc., be and is hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–13779; Filed, August 24, 1943; 9:29 a. m.]

WAR PRODUCTION BOARD.

[Certificate 116]

TRANSPORTATION AND DELIVERY OF DAIRY PRODUCTS IN ONEONTA, N. Y.

APPROVAL OF JOINT ACTION

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of dairy products in Oneonta, New York.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

AUGUST 21, 1943.

[F. R. Doc. 43–13786; Filed, August 24, 1943; 10:24 a. m.]

[Certificate 117]

TRANSPORTATION AND DELIVERY OF FOOD PRODUCTS IN TOPEKA AREA, KANSAS

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of food products in Topeka, Kansas, including North Topeka and those districts known as Oakland and Highland Park.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

AUGUST 21, 1943.

[F. R. Doc. 43–13787; Filed, August 24, 1943; 10:24 a. m.]

[1] *Supra.*

Reference

FEDERAL REGISTER

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Regulations

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 60-3, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

DEVIATIONS FROM LEFT-HAND CIRCLE RULE AT AIRPORT OR LANDING AREA

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 18th day of August, 1943.

Effective August 18, 1943, § 60.3301 of the Civil Air Regulations is amended by striking the following:

* * * or unless the Board has prescribed, in the interests of safety, a different procedure for the particular airport or landing area.

and inserting in lieu thereof the following:

* * * or unless the Administrator has prescribed a different procedure for the airport or landing area after finding that such procedure is required in the interest of safety.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 43-13847; Filed, August 25, 1943; 9:53 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE AND SALARY SCHEDULES

§ 803.31 *General Order No. 31.* The following regulations supplementary to General Orders 5, 6, and 9 relating to wage and salary schedules and to plans for making individual wage and salary adjustments under such schedules are hereby adopted:

I. *Employers of 30 or fewer employees.* Without regard to the requirements of General Orders 5, 9, or 31 an employer of 30 or fewer employees may, without approval of the National War Labor Board, make individual increases in the wage or salary rates of his employees for particular jobs as a reward for improved quantity and/or quality of work or service, *Provided*, That:

A. The total of such increases to any individual employee (subject to National War Labor Board jurisdiction) shall not exceed 10 cents per straight-time hour during any year (beginning July 1, 1943), and the total amount expended on such increases during any such year shall not exceed an average of 5 cents per straight-time hour for all the employees in the establishment [1] whose wage or salary rates are subject to the jurisdiction of the National War Labor Board.

B. Such increases shall not be made the basis of an application to the National War Labor Board for approval of increases to eliminate intra-plant inequities.

C. Such increases shall not result in the payment to any employee of a rate in excess of the highest rate paid by the employer between July 1, 1942 and June 30, 1943, for jobs of similar skill, duties, and responsibility.

D. Such increases shall not result in any appreciable increase in the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

E. Such increases shall not be made contrary to the terms of any collective bargaining agreement covering any or all of the employees of such employer.

Such employer is not precluded from applying to the National War Labor Board for approval of a schedule of making individual wage or salary adjustments, as provided below for employers of 31 or more employees.

II. *Employers of 31 or more employees.* An employer of 31 or more employees may make individual increases in the wage or salary

[1] The term "establishment" as used throughout this General Order normally means a place of business of an employer. Such place of business may be a physically separate unit or a unit which is customarily distinguished for administrative purposes. An example of a physically separate establishment is a plant or a retail store. An example of an administratively separate establishment is a research laboratory or a general office.

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
ALIEN PROPERTY CUSTODIAN:	
Vesting orders:	
Bluen, Morris J.	11816
Boekelman, Bernardus	11817
Butterfield, Frederick	11817
Colainta, Guido	11818
Colainta, Pauline	11818
Dambach, Wilhelmina	11818
Del Drago, Josephine	11819
Dufft, Edward W	11819
Fedor, Mihal	11819
Fischer, Carl	11820
Girratano, Eugenia	11820
Glogger, Albert A	11820
Hagmann, Maria Anna	11821
Irgoneri, Vincent	11821
Klier, Richard	11821
Korner, Theresia	11822
Nèshoff, Tony	11822
Pardini, Joe	11823
Pfaltz, Henry	11823
Reers, Charles G	11823
Reindler, George	11824
Salber, Karoline	11824
Schneider, Annie	11824
Schneider, Wilhelmine	11825
Steffen, Ernest Jacob	11825
Steinhilber, Karl	11826
Waschke, August	11826
Wassman, Nancy	11826
White, Henry	11827
BITUMINOUS COAL DIVISION:	
Minimum price schedules amended:	
District 8 (2 documents)	11781, 11783
CIVIL AERONAUTICS BOARD:	
Air traffic rules, deviation from left-hand circle rule at airports or landing areas	11777
FEDERAL COMMUNICATIONS COMMISSION:	
Local channel standard broadcast stations, applications for construction permits, etc	11815
FISHERIES COORDINATOR:	
Monterey, San Francisco, Calif., ports, Coordinated Pilchard Production Plan for fishing vessels (2 documents)	11815

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

	Page
GENERAL LAND OFFICE:	
Bombay Hook National Wildlife Refuge, Del., enlargement	11816
Squaw Creek National Wildlife Refuge, Mo., land description	11815
NATIONAL WAR LABOR BOARD:	
Wage and salary schedules	11777
OFFICE OF DEFENSE TRANSPORTATION:	
Traffic movement direction, loading of railway tank cars (ODT 7, Rev.–2, Am. 1)	11815
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	11827
Adjustments, exceptions, etc.:	
Petroleum Transport, Inc	11814
Bituminous coal (MPR 120, Am. 58)	11806
Cheese (MPR 280, Am. 32)	11811
Crabmeat, domestic canned (MPR 247, Am. 1)	11811
Food products, packed (MPR 306, Am. 15)	11806
Foods, processed:	
(RO 13, Am. 57)	11812
(RO 13, Am. 58)	11812
(RO 13, Am. 17 to Rev. Supp. 1)	11812
Fuel oil rationing (RO 11, Corr. to Am. 74)	11814
Glass containers, wide mouth (MPR 382, Am. 3)	11813
Ice boxes (MPR 399, Am. 3)	11813
Imported commodities (Rev. SR 1, Am. 26)	11814
Lumber:	
Southern pine (MPR 19, Am. 4)	11812
Wood products, turned or shaped (MPR 196, Am. 4)	11812
Maximum Import Price Regulation, change in references to certain supplementary regulations (Supp. Order 51)	11806
OFFICE OF PRICE ADMINISTRATION—Continued.	
Maximum price regulations, issuance, adjustment, etc. (Rev. Procedural Reg. 1, Am. 4)	11806
Meat, fats, fish and cheeses:	
(RO 16, Am. 57)	11813
(RO 16, Am. 58)	11813
Papers, gummed (MPR 129, Am. 17)	11807
Ration orders appeal procedure (Procedural Reg. 9, Corr. of Am. 8)	11806
Regional, state, and district office orders:	
Anthracite coal, New Jersey (2 documents)	11827, 11829
Electric irons sold by Radio Sales and Service Co., Schenectady, N. Y	11833
Fluid milk:	
Benton and Franklin County, Wash	11833
Lake County, Calif	11832
Services:	
Laundry services, Los Angeles, Calif., area	11833
Milk transportation, San Francisco, Calif	11833
Vegetables, Chicago, Ill., region	11832
Syrups and molasses (MPR 291, Am. 6)	11811
Tape, gummed Kraft sealing (MPR 459)	11807
SECURITIES AND EXCHANGE COMMISSION:	
Milwaukee Electric Railway and Transport Co. and Wisconsin Electric Power Co., application filed	11833
TREASURY DEPARTMENT:	
U. S. postal money orders, exportation and importation	11784
WAGE AND HOUR DIVISION:	
Bakery, beverage and miscellaneous food industries, committee appointment	11816
WAR FOOD ADMINISTRATION:	
California, salaries and wages in picking of canning tomatoes	11779
New Orleans, La., marketing area, handling of milk	11834
WAR PRODUCTION BOARD:	
Ammunition:	
(L–286)	11800
(L–286–a)	11801
Beds, bed springs, mattresses, etc. (L–49)	11804
Blankets (M–298)	11802
Cement, Portland, haulage conservation (T–1, Sch. 1)	11790
Fire protective signal and alarm equipment (L–39)	11785
Hosiery, used silk (M–182)	11790
Malted grains and malt syrups (M–288)	11800
Officers' uniforms (P–131)	11803
Printing and publishing (L–240, Int. 3)	11790
Rubber processing machinery and equipment (L–143–a)	11788
Suspension orders:	
Marcilliat, Wm. E	11784

rates of his employees under General Orders 5 and 9 without National War Labor Board approval only under a schedule which conforms to the following standards.

In order to have a "schedule" within the meaning of General Orders 5 and 9, an employer must satisfy the following two requirements: He must have (a) *job classification wage or salary rates or rate ranges* and (b) a *plan* for making individual adjustments within and between such wage or salary rates or rate ranges.

A. *Job-classification rates or rate ranges properly in existence do not require approval of the National War Labor Board*—1. A job classification is a category of jobs or positions which are similar in nature and content and in required amount of knowledge, skill, experience, and responsibility. A job classification involves more than a mere descriptive title; the classification must be clearly defined and described. Where jobs differ as to knowledge, skill, experience, and responsibility, there should be different job classifications. (For example, typists, stenographers, and secretaries should each be considered separate job classifications because the respective work differs as to skill, content, and responsibility. These three categories may not be grouped together in one job classification.)

2. A job classification rate exists where an employer pays a single rate rather than a range of rates for a given job classification. Jobs remunerated on a piece-rate basis are normally considered to be in single-rate job classifications.

3. A job classification rate range exists where an employer pays, for a given job classification, a number of rates varying from a clearly designated minimum rate to a clearly designated maximum rate.

a. A mere descriptive job title and a poorly defined or extremely wide rate range is not a job classification rate range.

b. The minimum and maximum rates are not necessarily the lowest and highest rates being paid at a given time for a particular job classification. For special reasons (e. g., lack of experience or superior ability) particular employees may be receiving less than the minimum or more than the maximum rate. Moreover, it may happen at a given time that no employee is receiving the actual minimum or maximum rate for a particular job classification.

4. Job classification rates or rate ranges properly in existence are those (as defined above) which were (a) in existence prior to October 3, 1942; or (b) those resulting from permitted or approved adjustments subsequent to that date; or (c) rates set for new jobs under either the former or the revised General Order No. 6. Improper adjustments of rates for job classifications or for individual employees are not a basis for determining a job classification rate or rate range.

B. *A plan properly in existence does not require approval of the National War Labor Board.* 1. A "plan" is an orderly, definite procedure or a group of procedures for making adjustments, within specified limits, in the wage or salary rates of individual employees (a) within particular job classifications and (b) when they move from one job classification to another.

Such a plan ordinarily includes (a) tests and procedures for determining whether employees are to be given individual rate adjustments; and (b) limits on the number of adjustments, the timing of adjustments, and the average or total amount of money to be granted in the adjustments over a given period of time. (It is not essential that a given plan include *all* the foregoing items.)

2. A "plan properly in existence" is one (as defined above) under which individual rate adjustments are made in conformity with the provisions of (a) a collective bargaining or other bona fide, established agree-

ment which was in effect on June 30, 1943; or (b) written statements, minutes, or memoranda of the employer which were in existence and effect on or before June 30, 1943; or (c) a plan approved by the National War Labor Board or by any of its authorized agents or agencies; or (d) the plan outlined below.

C. *Employers who have no plan properly in existence* (as defined under (a), (b), or (c) of the paragraph immediately above) may adopt the following plan without obtaining approval from the National War Labor Board. Employers who wish to replace properly existent plans with the following plan may also do so without Board approval (but see Section III–A–5 below):

1. *Merit increases or automatic length-of-service increases*—a. *Merit increases* are individual wage or salary rate adjustments made as a reward for improved quantity and or quality of work or service. "Automatic length-of-service increases" are individual adjustments usually made automatically at the end of specified periods of satisfactory service.

b. Both such increases must be made only within job classification rate ranges (as defined above).

c. The total of such increases to any individual employee (subject to National War Labor Board jurisdiction) shall not exceed, during any year (beginning July 1, 1943), 10 cents per straight-time hour or more than two-thirds of the difference between the appropriate minimum and maximum rates, whichever increase is greater; and the total amount expended on such increases during any such year shall not exceed an average of 5 cents per straight-time hour for all the employees in the establishment who are covered by the plan and whose wage or salary rates are subject to National War Labor Board jurisdiction.

2. *Promotions or reclassifications* involve individual adjustments which result from moving an employee into a different job classification. Promotions and reclassifications may be made between jobs which bear single rates as well as between jobs which bear rate ranges. When promoted or reclassified to a higher-rated job, an employee (subject to National War Labor Board jurisdiction) may receive a rate not in excess of 15 percent above his rate on his former job or the minimum rate for the new job, whichever is higher: *Provided, however,* That where an employee has special ability and experience, he may be paid a rate within the appropriate range corresponding to such ability and experience.

3. *Apprentice or trainee programs* involve individual rate adjustments resulting from improvement, over specified periods of time, in the productive abilities of apprentices or trainees who are employed under a bona-fide apprentice or trainee program as defined below. Under these programs, adjustments may be made with respect to jobs which bear single rates as well as with respect to jobs which bear rate ranges. Apprenticeship or trainee programs for a given job classification—with respect to length of apprenticeship or learner period; proportion of number of apprentices or learners to number of experienced workmen; and relation of apprentice or learner wage rate at various periods to the rate paid to experienced workmen—should conform to the standards set forth in a collective bargaining agreement or in the applicable regulations of federal or state agencies. The re-examination or modification of existing apprentice or trainee programs in the interests of greater production for the war effort is not precluded. Any change in existing apprentice or trainee programs, however, requires Board approval unless made in conformity with changes in the applicable regulations of federal or state agencies.

d. *With respect to all schedules,* (1) each job classification must be clearly distinguished and described; and (2) no appreciable increases in the level of production costs may result from individual rate adjustments, nor shall such adjustments furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices; and (3) individual rate adjustments may not be made the basis for an application to the National War Labor Board for approval of wage or salary rate increases to eliminate intra-establishment inequities.

E. *Records.* Any employer who makes individual wage or salary rate adjustments pursuant to a schedule must hereafter keep available for a period of two years, records showing (1) for each job classification, (a) the rate or range of rates and (b) the description; (2) a statement of the plan of making adjustments within the rate ranges and between the rates or rate ranges; (3) the date when the schedule was established; (4) for each employee who received an adjustment, his name, the date hired, the date of and the reason for adjustment, the job classification, and the rate of pay before and after the adjustment. *No particular order or form is prescribed for these records, provided that the information required is readily obtainable.*

III. *Guides for obtaining Board approval where required.* A. All wage or salary rate schedules (as defined) which are not exempt, from the requirement of Board approval (as stated above) must be submitted for approval to the appropriate Regional War Labor Board. In order that the making and the examination of such applications for approval may be facilitated, certain requirements are outlined below.

1. Proposed *rate ranges* (where it is desired to make individual merit or automatic length-of-service increases as well as promotions and reclassifications) should be set forth for each job classification involved.

2. Proposed *single rates* (where it is desired to make promotions or reclassifications but not to make merit increases or automatic length-of-service increases) should be set forth for each job classification involved.

3. Each *job classification* involved should be clearly distinguished and described.

4. So far as *plans* for making individual adjustments between rates or within and between rate ranges (either for existing establishments or for new establishments and departments) are concerned, a proposed plan should contain the following information with respect to one or more of the methods outlined below. The plan so submitted need not necessarily conform to the criteria of the plan set forth above which does not require Board approval.

a. *Merit increases.* The average amount of increase to be given during any year for all employees covered by the plan; and the maximum amount (in cents per hour or in terms of the percentage of the difference between the minimum and maximum rates of the range) of the increase to be given during a given year to any employee.

b. *Automatic length-of-service increases.* The average amount of increase to be given during any year for all employees covered by the plan; and the maximum amount (in cents per hour or in terms of the percentage of the difference between the minimum and maximum rates of the range) of the increase to be given during a given year to any employee.

c. *Promotions or reclassifications.* The rate to be paid upon promotion or reclassification to a higher-rated job, whether the minimum rate called for by the new job or a rate in excess of such minimum; and if a rate in excess of the minimum called for by the new job is to be paid, the criteria that will determine the rate should be described (e. g., special skill and experience, other unusual qualifications, etc.)

d. *Apprentice or trainee systems.* The conformity of the plan with the standards set forth in appropriate collective bargaining agreements or in appropriate regulations of federal or state agencies with respect to the following items: length of apprenticeship or learner period; proportion of number of apprentices or learners to number of experienced workmen in a given job classification; and relation of apprentice or learner rate at various periods to the rate paid experienced workmen.

The plan should also indicate the approximate percentage increase in payroll costs and in production (total) costs.

5. If there is a duly recognized or certified labor organization which is entitled to bargain on wage matters for any or all of the employees included in a proposed schedule or in a proposed change in an existing schedule, approval must be jointly requested, by the employer and such labor organization, of that part of the schedule which directly involves employees represented by such labor organization. Similarly, agreement with such labor organization must be obtained by the employer before he can adopt or change to the plan which does not require Board approval. If an agreement on any point cannot be reached, the parties may jointly submit the issues to the appropriate Regional War Labor Board for determination or may ask the Regional Board to refer the matter to the National War Labor Board for determination. Failing joint submissions, the matter will be treated as a dispute case.

6. Where an application includes more than one establishment, it shall set forth separately a schedule for each establishment or for each group of similar establishments.

7. Companies having establishments in more than one Region may apply for approval of schedules, where approval is necessary, in each of the Regions where the establishments are located or in the Region in which is located the company office at which the schedules are determined. In the latter case, the Regional Board may, if it considers that the application warrants national consideration, refer it to the National War Labor Board.

B. Any employer who wishes to make a change in one or more provisions of his properly existent wage or salary rate schedule (except changes in conformity with the plan which may be adopted without Board approval) may obtain consideration of such proposed change from the appropriate Regional War Labor Board without the necessity of having his entire schedule approved or reapproved.

(E.O. 9250, 7 F.R. 7871)

L. K. GARRISON,
Executive Director.

AUGUST 18, 1943.

[F. R. Doc. 43–13849; Filed, August 24, 1943; 4:54 p. m.]

Chapter IX—War Food Administration (Agricultural Labor)

PART 1103—SALARIES AND WAGES IN PICKING OF CANNING TOMATOES

WORKERS IN CERTAIN CALIFORNIA COUNTIES

Public notice with respect to increases in wages of canning tomato pickers in

Monterey, San Benito, Merced, Stanislaus, Santa Clara, Alameda, San Joaquin, Contra Costa, Sacramento, Solano, Napa, Sonoma, and Yolo Counties, State of California.

Pursuant to the authority contained in the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. Law 729, 77th Cong.); Executive Order 9250 of October 3, 1942 (7 F.R. 7871); the regulations of the Economic Stabilization Director, approved by the President on October 27, 1942 (7 F.R. 8748), as amended November 30, 1942 (7 F.R. 10024); Executive Order 9322 of March 26, 1943 (8 F.R. 3807); and Executive Order 9334 of April 19, 1943 (8 F.R. 5423); and based upon relevant facts submitted to me by The Wage Board for California of the United States Department of Agriculture and by other sources, it is hereby determined that:

Sec.
1103.1 Area, crop and classes of workers.
1103.2 Wage rates.
1103.3 Applications for adjustments.
1103.4 Delegation of authority.
1103.5 Procedure.
1103.6 Effect of unlawful payments.
1103.7 Further delegations of authority by the Administrator.

AUTHORITY: §§ 1103.1 to 1103.7 issued under 56 Stat. 765; 50 U.S.C. App. 961 et seq., E.O. 9250, 9322, 9334, 7 F.R. 7871, 8 F.R. 3807, 5423, Regulations of the Director of Economic Stabilization, §§ 4001.1–4001.16, 7 F.R. 8748, 10024.

§ 1103.1 *Area, crop and classes of workers.* Persons engaged in the picking of canning tomatoes in Monterey, San Benito, Merced, Stanislaus, Santa Clara, Alameda, San Joaquin, Contra Costa, Sacramento, Solano, Napa, Sonoma, and Yolo Counties, State of California, are agricultural workers as defined in § 4001.1 (1) of miscellaneous amendments of November 30, 1942 (7 F.R. 10024), to the regulations of the Economic Stabilization Director, approved by the President on October 27, 1942 (7 F.R. 8748).

§ 1103.2 *Wage rates.* The wages of the tomato pickers in the counties mentioned in section 1 hereof are not substandard and no increases in the wages paid to such tomato pickers in the counties stated shall be made above the maximum wage rates set forth below without the approval of the War Food Administrator under the procedure provided for herein:

Maximum Wage Rates for Picking Canning Tomatoes

(a) Round tomatoes 17 cents per 50 pound field box.
(b) Pear shaped tomatoes 21 cents per 50 pound field box.

§ 1103.3 *Applications for adjustments.* Any appeals for relief from hardships resulting from this determination and any applications for adjustment in such wages shall be filed by the employer or employee with the Wage Board for California of the United States Department of Agriculture, 2288 Fulton Street, Berkeley, California, which Board, after conducting such investigation as may be required and reviewing such applications or appeals, shall have the authority to make such determinations as are consistent with the intent of this order. Each such ruling shall be final, subject only to the War Food Administrator's right of review on his own initiative. Any reversal or modification of such ruling by the War Food Administrator shall take effect from the date of its issuance; *Provided, however,* That if a ruling denying an application for permission to make a wage increase is overruled, the final ruling by the War Food Administrator shall incorporate the effective date of the adjustment.

§ 1103.4 *Delegation of authority.* (a) The Wage Board for California of the United States Department of Agriculture, hereinafter called the Board, is hereby authorized to act on behalf of the War Food Administrator, hereinafter called the Administrator, to conduct hearings, in accordance with the procedure set forth in § 1103.5 for the purpose of making findings of fact and recommendations with respect to alleged violations of §§ 1103.1 to 1103.3, both inclusive.

(b) Three members of the Board shall constitute a quorum for the purpose of conducting such hearings and the chairman of the Board shall act as presiding officer at the hearings, administer oaths and affirmations, and rule on motions, requests, and on the admission and exclusion of evidence.

§ 1103.5 *Procedure*—(a) *Preliminary investigation.* Preliminary investigations of alleged unlawful wage or salary payments shall be made by representatives of the Administrator. Each such report of investigation shall be submitted to the Regional Attorney, United States Department of Agriculture, for consideration. He shall forward the report, with his recommendations, to the Board. If, after consideration of the report and the recommendations, the Board is of the opinion that there is reasonable cause to believe that a violation has occurred, the Board shall request the alleged violator to appear at a hearing before the Board.

(b) *Notice.* Notice of the hearing shall be served on the alleged violator not less than ten (10) days prior to the date of the hearing. Such notice shall set forth (1) the time and place of the hearing, (2) a concise statement of the allegations of fact which constitute a basis for the proceeding, (3) a statement informing the alleged violator that he may be represented by counsel at the hearing and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charge, and (4) a statement informing the alleged violator that failure to appear will not preclude the Board from taking testimony, receiving proof and making findings and recommendations with respect to the charges.

(c) *Conduct of the hearing.* The rules of evidence prevailing in courts of law and equity shall not be controlling. The test of admissibility shall be the reliability, relevancy, and probative force of the evidence offered.

All testimony shall be given under oath and a written transcript of the hearing shall be made.

The presiding officer shall afford reasonable opportunity for cross-examination of the witnesses. At the close of the hearing, the presiding officer may, at his discretion, allow a short period for the presentation of oral argument or for a summary of the facts disclosed at the hearing and, if he deems it advisable, may allow briefs to be filed within a period prescribed by him, not to exceed five (5) days.

(d) *Findings and recommendations.* Upon conclusion of the hearing, if a majority of the Board is satisfied that the charge has been sustained by a preponderance of the evidence, it shall find accordingly. Findings of fact and recommendations shall be prepared, subscribed by the concurring members of the Board and submitted to the Administrator, together with a transcript of the proceedings. A copy of the findings of fact and recommendations shall be served on the alleged violator. After consideration of the findings and recommendations, the Administrator shall determine whether the alleged violator has made salary or wage payments in contravention of §§ 1103.1 to 1103.3, both inclusive. A copy of such determinations shall be served by registered mail on the alleged violator.

(e) *Petition for reconsideration.* Within five (5) days after receipt of a copy of the Administrator's determination, the alleged violator may file with the War Food Administrator, Washington, D. C., a petition for reconsideration of such determination. Such petition may be accompanied by any affidavits or briefs which the alleged violator desires to submit. Within a reasonable time after receiving such a request for reconsideration, the Administrator shall affirm, modify or reverse his original determination, or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. The determination of the Administrator shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings.

(f) *Transmittal of determination to other Government agencies.* If a petition for reconsideration is not filed within the period stated above, or if a petition for reconsideration is filed and the Administrator affirms his original determination, he shall forward his determination to the violator, to the Commissioner of Internal Revenue, and, in appropriate cases, to the Attorney General for consideration of criminal prosecution.

§ 1103.6 *Effect of unlawful payments*—(a) *Amounts disregarded.* In any case where the Administrator determines that a salary or wage payment has been increased in contravention of §§ 1103.1 to 1103.3, both inclusive, the amount of the salary or wage paid or accrued at the increased rate, shall be disregarded by all executive departments and all other agencies of the Government for the purposes of:

(1) Determining costs or expenses of the employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof;

(2) Calculating deductions under the revenue laws of the United States; or

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

(b) *Criminal penalties.* Any person, whether an employer or an employee, who wilfully violates any provision of §§ 1103.1 to 1103.3, both inclusive, shall, upon conviction thereof, be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or to both such fine and imprisonment.

§ 1103.7 *Further delegations of authority by the Administrator.* Any or all functions, powers, or duties reserved to the Administrator by these regulations may be delegated by the Administrator to such other person or persons as he may designate.

(Pub. Law 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; Regulations of the Director of Economic Stabilization, dated Oct. 27, 1942, 7 F.R. 8748, as amended on Nov. 30, 1942, 7 F.R. 10024; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 24th day of August, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–13822; Filed, August 24, 1943; 3:34 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1902]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER IN THE MATTER OF MINIMUM PRICE INCREASES

Order of the Director in the matter of the petition of District Board No. 8, for increases in the minimum prices heretofore established for the coals of certain mines in District No. 8.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that request was made for revision in seam designations, applicable price classifications and minimum prices for the coals of certain mines in Anderson, Morgan, and Scott Counties, Tennessee, and Knox County, Kentucky, in District No. 8, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That effective as the date hereof, § 328.11 (*Alphabetical list of code members*) and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) are amended by revising the seam designations, price classifications and minimum prices for the coals produced by the mines in Anderson, Morgan, and Scott Counties, Tennessee, and Knox County, Kentucky, in accordance with the seam designations, price classifications and minimum prices set forth in Supplements R and T, respectively, hereto with annexed and made a part hereof.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

Price Schedule for District No. 8 and supplements thereto.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.[1] For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	23	24	25	26	27
513	Wallsend Coal Co., c/o Charles B. Tenley.	Knox Blue Gem	Blue Gem	6	Myrick, Ky.	A-J	110	A	A	A	A	A	C	A	A	L	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	C	D	L	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for these size groups.
‡Indicates change in price classification from previous price classification for certain size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes [1]							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
KNOX COUNTY, KY.											
Hale, James E	Cook	1660	Blue Gem	355	335	255	280	245	245	165	160
Jones, W. H	Blue Gem	1670	Blue Gem	355	335	255	280	245	245	165	160
ANDERSON COUNTY, TENN.											
Bailey, G. A	Crow	615	Stray	305	285	245	260	235	235	185	180
Bessemer Coal, Iron & Land Co.	Wind Rock	487	Upper Dean	275	255	245	250	225	235	165	160
Brown, W. C	W. C. Brown	1894	Stray	305	285	245	260	235	235	185	180
Diamond Coal Mining Co., The	Diamond No. 2	164	Big Mary	275	255	245	250	225	235	165	160
Lindsay Coal Co. (R. C. Lindsay)	Blue Gem	978	Blue Gem	355	335	255	280	245	245	165	160
Moore Coal Company	Moore	344	Dean	275	255	245	250	225	235	165	160
Paul, G. C	Blue Gem Coal Co.	1910	Blue Gem	355	335	255	280	245	245	165	160
MORGAN COUNTY, TENN.											
Bunch Bros	Bunch Bros	2035	Hooper [1]	305	285	245	260	235	235	165	160
Carson Bros. (C. E. Carson)	Carson Bros	2037	Hooper [1]	305	285	245	260	235	235	165	160
Carson, Ike	Carson	2038	Hooper [1]	305	285	245	260	235	235	165	160
Duncan, Hayes	Hayes Duncan	2042	Hooper [1]	305	285	245	260	235	235	165	160
Fisher Coal Company	Fisher	596	Poplar Creek	275	255	245	250	225	235	165	160
Jackson, Frank	Frank Jackson No. 1.	2047	Hooper [1]	305	285	245	260	235	235	165	160
Jackson, R. H. & E. Webster.	Blue Gem	2049	Hooper [1]	305	285	245	260	235	235	165	160
Jackson, S. H	Blue Gem	2050	Hooper [1]	305	285	245	260	235	235	165	160
Ward, Chas. (Chas. Ward Mine No. 1).	Chas. Ward No. 1.	738	Hooper	305	285	245	260	235	235	165	160
Ward, Chas	Cold Water No. 1.	2070	Hooper [1]	305	285	245	260	235	235	165	160
Ward, Chas	Cold Water No. 2.	2071	Hooper [1]	305	285	245	260	235	235	165	160
Ward, Chas	Cold Water No. 3.	2072	Hooper	305	285	245	260	235	235	165	160
Wilson, C. H	C. H. Wilson	2079	Hooper [1]	305	285	245	260	235	235	165	160
Winner, Harry	Winner	2883	Hooper [1]	305	285	245	260	235	235	165	160
SCOTT COUNTY, TENN.											
Red Jacket Coal Corporation.	Round Mountain.	67	Glen Mary	275	255	235	230	220	225	175	170
Straight Fork Coal Company.	Straight Fork	452	Upper Dean	275	255	235	230	220	225	175	170

[1] Denotes change in seam designation.
[2] Indicates change in price classification from previous price classification for certain size groups.

[F. R. 43-13739; Filed, August 23, 1943; 3:31 p. m.]

[Docket No. A-1557]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF DIRECTOR

NOTE: The following supplements to Docket A-1557 were not filed as part of the original document printed on page 11344 of the issue for Tuesday, August 17, 1943. Copies of the supplements have subsequently been attached to the original document.

[Docket No. A-1557]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF DIRECTOR

NOTE: The following supplements to Docket A-1557 were not filed as part of the original document printed on page 11344 of the issue for Tuesday, August 17, 1943. Copies of the supplements have subsequently been attached to the original document.

DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdist. No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
3948	Creech, Moss S	Moss S. Creech	Hazard No. 4[1]	6	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
3949	Gayhart, Charles	Charles Gayhart	Hazard No. 4[1]	6	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
547	Graham Bros. (Mrs. Glen Lynch)	Graham No. 1	No. 5 Block 1[1]	4	Queen Shoals, W. Va	B&O	[2]120	Q	Q	P	M	M	K	(†)	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)
2607	Hurley, Jeff	Jeff Hurley	Hazard No. 4	6	Combs, Ky	L&N	[2]100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
2946	Lewis, John H		Hazard No. 4[1]	6	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5184	Morgan, Fred G	Fred G. Morgan	Hazard No. 4[1]	6	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5130	Rader, J. R. (Rader Coal Co.)	Rader	Hazard No. 4[1]	6	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
2186	Smith, M. H. (Smith Coal Co.)	No. 1[3]	Hazard No. 4	6	Combs, Ky	L&N	[2]100	K	K	J	H	G	E	G	D	D	K	N	(†)	(†)	(†)	(†)	C
5127	Smith, M. H. (Smith Coal Co.)	No. 2[3]	Hazard No. 4	6	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	N	(†)	(†)	(†)	(†)	C
543	Snyder & Hanson Coal Co. (H. O. Snyder)	Peacock No. 1	No. 5 Block 1[1]	4	Queen Shoals, W. Va	B&O	[2]120	Q	Q	P	M	M	K	(†)	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)

Mine index No.	Code member	Mine name	High volatile seam	Subdist. No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3948	Creech, Moss S	Moss S. Creech	Hazard No. 4[1]	6	Combs, Ky	L&N	100	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
3949	Gayhart, Charles	Charles Gayhart	Hazard No. 4[1]	6	Combs, Ky	L&N	100	K	K	J	F	K	D	G	L	K	(†)	(†)	(†)	(†)	(†)
547	Graham Bros. (Mrs. Glen Lynch)	Graham No. 1	No. 5 Block 1[1]	4	Queen Shoals, W. Va	B&O	[2]120	Q	Q	O	K	H	H	(†)	(†)	M	(†)	(†)	(†)	(†)	(†)
2607	Hurley, Jeff	Jeff Hurley	Hazard No. 4	6	Combs, Ky	L&N	[2]100	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
2946	Lewis, John H		Hazard No. 4[1]	6	Combs, Ky	L&N	100	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
5184	Morgan, Fred G	Fred G. Morgan	Hazard No. 4[1]	6	Combs, Ky	L&N	100	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
5130	Rader, J. R. (Rader Coal Co.)	Rader	Hazard No. 4[1]	6	Combs, Ky	L&N	100	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
2186	Smith, M. H. (Smith Coal Co.)	No. 1[3]	Hazard No. 4	6	Combs, Ky	L&N	[2]100	K	K	J	F	D	D	G	L	K	N	(†)	(†)	(†)	O
5127	Smith, M. H. (Smith Coal Co.)	No. 2[3]	Hazard No. 4	6	Combs, Ky	L&N	100	K	K	J	F	D	D	G	L	K	N	(†)	(†)	(†)	O
543	Snyder & Hanson Coal Co. (H. O. Snyder)	Peacock No. 1	No. 5 Block 1[1]	4	Queen Shoals, W. Va	B&O	[2]120	Q	Q	O	F	K	H	H	(†)	Q	M	(†)	(†)	(†)	(†)	(†)

[1] Denotes change in seam designation.
[2] Indicates change in price classification from previous price classification for the respective size groups.
[3] Denotes change in mine name.
†Indicates no classification effective for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump 3½" and under	Egg 2" x 3½", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 4—KANAWHA											
KANAWHA COUNTY, W. VA.											
Chapman, W. P.	Chapman No. 1	1401	No. 5 Block [1]	285	265	250	250	225	240	185	180
Dickinson & Co., J. Q., c/o Chas. C. Dickinson.	Georges Creek	3786	Cedar Grove [1]	285	265	245	235	220	235	195	190
Dickinson & Co., J. Q., c/o Chas. C. Dickinson.	Georges Creek No. 2	5042	Cedar Grove [1]	285	265	245	235	220	235	195	190
Graham Bros. (Mrs. Glen Lyneh).	Graham No. 1	547	No. 5 Block [1]	285	265	250	250	225	240	185	180
Granny's Branch Coal Co. (W. A. Pence & James G. Wiseman).	Peacock	1405	No. 5 Block [1]	265	245	230	215	200	220	165	160
Higgenbottom, Charles	Hanson No. 1	1408	No. 5 Block [1]	285	265	250	250	225	240	185	180
Johnson, D. T.	Johnson No. 1-2	3086	No. 5 Block [1]	285	265	250	250	225	240	185	180
Johnson, E. H.	Cooper Creek	3088	No. 5 Block [1]	280	260	240	240	225	230	175	170
Rock, Romie	Rock	5126	No. 5 Block [1]	265	245	230	215	200	220	165	160
Snyder & Hanson Coal Co. (H. O. Snyder).	Pencock No. 1	543	No. 5 Block [1]	265	245	230	215	200	220	165	160
PUTNAM COUNTY, W. VA.											
Fore, J. R.	Big Fore	3110	Pittsburgh No. 8 [1]	265	245	225	215	200	215	145	140
Kuhn, Moses H.	Semon	3772	Pittsburgh No. 8 [1]	265	245	225	215	200	215	145	140
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
LESLIE COUNTY, KY.											
Begley, Brown		5188	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Creech, Moss S.	Moss S. Creech	3948	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Farmer, Carl	Carl Farmer	2981	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Gayhart, Charles	Charles Gayhart	3949	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Hacker, James	James Hacker	2609	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Hensley, Thos.	Thos. Hensley	2957	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Lewis, John H.		3946	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Morgan, Fred G.	Fred G. Morgan	5184	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Morgan, G. C.	G. C. Morgan	3731	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Napier, J. C.	Napier	3555	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Rader, J. R. (Rader Coal Co.).	Rader	5130	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Roberts, A. B.	A. B. Roberts	5049	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Rockhouse Coal Co. (Eliza Hollmers).	Rockhouse Coal Co.	5289	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Smith, M. H. (Smith Coal Co.).	No. 1 [2]	2486	Hazard No. 4 [1]	295	275	240	245	225	230	175	170
Smith, M. H. (Smith Coal Co.).	No. 2 [2]	5427	Hazard No. 4 [1]	295	275	240	245	225	230	175	170

[1] Denotes change in seam designation.
[2] Denotes change in mine name.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[General License 88]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

EXPORTATION AND IMPORTATION OF U. S. POSTAL MONEY ORDERS

AUGUST 25, 1943.

General License No. 88 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

§ 131.88 *General License No. 88*—(a) *Certain transactions authorized notwithstanding General Ruling No. 5A.* A general license is hereby granted, notwithstanding General Ruling No. 5A, authorizing the following transactions:

(1) The exportation of any United States postal money order drawn in favor of a member of the armed forces of the United States or other authorized person and sent through the Army Post Office or other official channels of the United States armed services or carried by a member of the armed forces of the United States or other authorized person departing from the United States;

(2) The importation of any United States postal money order sent by a member of the armed forces of the United States or other authorized person to the United States through the Army Post Office or other official channels of the United States armed services or carried into the United States by a member of the armed forced of the United States or other authorized person;

(3) The importation of any personal check drawn by a member of the armed forces of the United States or other authorized person against an account within the United States in favor of a payee within the United States and sent to the United States through the Army Post Office or other official channels of the United States armed services;

(4) The negotiation, collection or payment of, or any other dealings in or with respect to, any item authorized to be imported by paragraphs 1 (b) and 1 (c) above.

(b) *Transactions not authorized.* This general license shall not be deemed to authorize any transaction (i) by, or on behalf of, or pursuant to the direction of, a national of a blocked country (other than an authorized person), or (ii) involving property in which a national of a blocked country (other than an authorized person) has, at any time on or since the effective date of the order, had any interest.

(c) *Definitions.* As used in this general license, the term "authorized person" shall mean any individual who is with the armed forces of the United States in the course of his service with such forces or who is accompanying such armed forces in the course of his employment by the Government of the United States or any organization acting on its behalf.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-13848; Filed, August 25, 1943; 10:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 178; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-406]

WILLIAM E. MARCILLIAT

William E. Marcilliat of Indianapolis, Indiana, in December, 1942, began construction of a residence on 52nd Street, east of Road 52 in that city. This construction was begun in violation of Conservation Order L-41, in that its estimated cost was in excess of $200.00 and Mr. Marcilliat had not received authorization from the War Production Board to undertake the construction. At the time of commencing construction Mr. Marcilliat was familiar with the provisions of Conservation Order L-41 and this violation was wilful. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.406 *Suspension Order S-406.* (a) Neither William E. Marcilliat nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any manner secure or use material or construction plant in order to continue or complete construction of his residence on 52nd Street, east of Road 52, in Indianapolis, Indiana, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve William E. Marcilliat from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 25, 1943.

Issued this 18th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13882; Filed, August 25, 1943; 11:15 a. m.]

PART 1073—FIRE PROTECTIVE, SIGNAL AND ALARM EQUIPMENT

[General Limitation Order L-39, August 23, 1943] [1]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of materials entering into the production of fire protective, signal and alarm equipment, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1073.1 *General Limitation Order L-39*—(a) *Definitions.* For the purpose of this order:

(1) "Fire protective equipment" means: sprinkler systems, couplings, playpipes and allied fittings, fire hose, fire hydrants, fire pumps, hose dryers, hose racks, indicator posts, lightning protection systems, piped extinguishing systems, portable fire extinguishers including back pack types, foam generators, stirrup pumps, water spray nozzles, and all other fire protective equipment for preventing or extinguishing fires, excepting self-propelled motorized fire apparatus and auxiliary units including trailer, skid, front mounted and portable apparatus.

(2) "Signal or alarm equipment" means fire, police, and protective alarm and signal systems, including central station, proprietary, auxiliary and automatic fire alarms; watchmen's time recording, burglar, bank vault, hold-up and intrusion systems; and all other instruments and devices to detect, signal or warn against fire or other casualty, except air raid warning devices.

(3) "Dry-pendant sprinkler head" means a sprinkler head for use in a pendant position on a dry pipe system and permanently attached to an extension nipple so as to exclude water from the nipple.

(4) "Incendiary bomb control equipment" means any pump, device, instrument, or material designed for the removal, control or extinguishment of incendiary bombs.

(5) "Stirrup pump" means a manually operated pump used to draw water or other liquid from a separate container to extinguish or control fires.

(6) "Air raid warning device" means any siren, whistle, horn, diaphone, signal or device used or intended for use to warn or signal civilians in connection with air raids or other war hazards.

(7) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 percent of the weight of all metal in the alloy.

(b) *General restrictions*—(1) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) of this order, no person shall incorporate in any fire protective equipment, signal or alarm equipment, air raid warning device, or parts thereof, any aluminum, bismuth, cadmium, chromium, copper, mercury, monel metal, nickel, tin, stainless steel, zinc, or alloy of any of said metals, asbestos, rubber or synthetic rubber, except to the extent permitted in Appendix A hereof.

NOTE: Paragraph (b) (1) amended August 23, 1943.

(2) *Restrictions on fire hose couplings.* Except as provided in paragraph (c) of this order, no brass fire hose couplings in the possession or control of any coupling manufacturer, fire hose manufacturer or distributor on April 27, 1942, shall be transferred, sold or incorporated in the manufacture or assembly of any fire hose.

(3) *Restrictions on foam extinguishers.* No person shall purchase or accept delivery of any foam extinguisher except for use in the protection of inflammable liquids, and no person shall sell or deliver any foam extinguisher which he knows or has reason to believe will be used in violation of this paragraph (b) (3).

(4) *Restrictions on manufacture of alkali metal (loaded stream) extinguishers.* No person shall in any quarter complete the manufacture of any type of alkali metal salt solution (loaded stream) extinguishers in excess of 25 percent of the total of such type (irrespective of size) manufactured by such person during the twelve month period ending November 30, 1941, except to fill purchase orders or contracts from any agency or government listed in subdivisions (i), (ii), and (iii) of this paragraph (b) (4). In determining the number of extinguishers manufactured during said twelve month base period ending November 30, 1941, extinguishers manufactured to fill contracts or purchase orders from, or for delivery to, any of the following shall be excluded:

(i) The Army or Navy of the United States, United States Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The Government of any of the following countries: the United Kingdom, Canada, and other dominions, Crown Colonies and protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(iii) Any agency of the United States Government for delivery to or for the account of any country listed above or any other country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

NOTE: Paragraphs (b) (5), (6) amended; former paragraphs (b) (7), (8) deleted; new paragraphs (b) (7), (8), (9) added; former paragraph (b) (9) redesignated (b) (10) and amended; former paragraph (b) (10) redesignated (b) (11) August 23, 1943.

(5) *Restrictions on manufacture of stirrup pumps.* No person shall manufacture any stirrup pump, or part thereof, except to fill purchase orders from the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration, Defense Supplies Corporation, or from any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) *Restrictions on fire sprinkler systems.* (i) No person shall sell, deliver, purchase or accept delivery of any new or used fire sprinkler system, or part thereof, except to fill a purchase order bearing a preference rating of AA-5 or higher. (Where the installation of a fire sprinkler system, or part thereof, involves construction, the terms of Conservation Order L-41 must be complied with.) In the next two subparagraphs, additional restrictions affecting certain special types of sprinkler equipment are set forth.

(ii) No person shall manufacture, sell, deliver, install, purchase or accept delivery of any dry-pendant sprinkler heads, unless he has been specifically authorized to do so in writing by the War

[1] This document is a restatement of General Limitation Order L-39 as of August 23, 1943, which appeared in the FEDERAL REGISTER of August 24, 1943, page 11661, and reflects the order in its completed form as of August 23, 1943.

Production Board. (The assignment of a preference rating does not constitute specific authorization.)

(iii) No person shall sell, deliver, install, purchase or accept delivery of any equipment designed to control electrically or pneumatically the flow of water into a fire extinguishing system, unless he has been specifically authorized to do so in writing by the War Production Board. As an exception to the foregoing rule, electrically or pneumatically controlled equipment may be installed for the following purposes without obtaining specific authorization in writing by the War Production Board (however, the purchaser must have a preference rating of AA–5 or higher, as required by subparagraph (i) of this paragraph (b) (6)):

(*a*) For the protection of transformers, other oil-filled electrical equipment, or dip tanks, but the equipment installed for these purposes must use spray heads;

(*b*) For the protection of powder rolls in plants manufacturing explosives;

(*c*) For the protection of modification hangar rooms and hangar rooms of aircraft assembly plants in cases where the highest sprinkler head is 35 feet or more above the floor of the room.

(7) *Restrictions on sale and delivery of signal or alarm equipment and air raid warning devices.* (i) No person shall sell, deliver or install any signal or alarm equipment costing $50 or more, or any air raid warning device costing $25 or more, except to or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration;

(*b*) Any other person who has been specifically authorized by the War Production Board on Form WPB–1319 (formerly PD–556) to receive the specific equipment or device and who has delivered to his supplier a copy of such form signed in the name of the War Production Board.

(ii) Each person seeking authorization under the preceding subparagraph (7) (i) (*b*) to receive any signal or alarm equipment costing $50 or more or any air raid warning device costing $25 or more shall prepare Form WPB–1319 (formerly PD–556) in quintuplicate in the manner prescribed therein, subject to the following instructions:

(*a*) The form should be filed only by the person (owner or tenant) desiring to receive or have installed on his premises the specified equipment or device, and should not be filed by the person (supplier) desiring to make delivery of or to install such equipment or device. However, the owner or tenant may obtain from his supplier any information he needs in filling out the form.

(*b*) In describing the equipment or device for which application is made, give a complete description of the items involved, including the manufacturer's name. Do not fill in columns (b) and (c) of Part II.

(*c*) Under section (5) of Part III state in detail why the equipment or device applied for is needed at this time. (The application cannot be passed on unless a full statement is made on this subject.)

(*d*) Do not fill in sections (6), (7) and (8) of Part III.

(*e*) Do not fill in Part V.

(iii) In conjunction with the granting of specific authorization to receive signal or alarm equipment or air raid warning devices on Form WPB–1319 (formerly PD–556), the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

(8) *Restriction on the manufacture of signal or alarm equipment.* Except upon specific authorization by the War Production Board, no persons shall manufacture, install, deliver or accept delivery of any smoke, fire, or intrusion detector employing photo-electric principles, except to fill purchase orders from a purchaser listed in paragraph (b) (4) of this order and unless such item is for use on board ship.

(9) *Restriction on the manufacture of air raid warning devices.* No person shall manufacture, sell, purchase, deliver, install or accept delivery of any air raid warning device which requires for its operation a motor in excess of three (3) horse power.

(10) *Restrictions on fire hose.* (i) No person shall sell, deliver, purchase or accept delivery of any new or used cotton rubber-lined fire hose or linen or flax tow fire hose, except pursuant to a purchase order bearing a preference rating of AA–5 or higher. In the next two subparagraphs, additional restrictions affecting certain kinds of fire hose are set forth.

(ii) Except upon specific authorization in writing by the War Production Board, no person shall manufacture, sell or deliver any double or triple jacket cotton rubber-lined fire hose (not including soft suction hose), except to fill purchase orders of:

(*a*) The Army or Navy of the United States, for use on board ship or overseas;

(*b*) The United States Maritime Commission or the War Shipping Administration, for use on board ship;

(*c*) Any person for use on board ships warranted by the United States Maritime Commission;

(*d*) The Panama Canal; or

(*e*) Any person for use on fire trucks located in plants manufacturing explosives for the Army or Navy of the United States.

(iii) No person shall purchase or accept delivery of any double or triple jacket cotton rubber-lined fire hose if he knows or has reason to believe that the sale or delivery of such hose is prohibited by the terms of subparagraph (ii) of this paragraph (b) (10).

(iv) The provisions of subparagraph (i) of this paragraph (b) (10) shall not apply with respect to purchase orders for any kind of fire hose which had been placed prior to August 23, 1943, and which bear preference ratings of A–9 or higher; nor shall the provisions of subparagraphs (ii) and (iii) of this paragraph (b) (10) apply with respect to purchase orders for double or triple jacket cotton rubber-lined fire hose which had been placed prior to January 20, 1943, and which bear preference ratings of A–9 or higher.

(v) Except upon specific authorization in writing by the War Production Board, no person shall sell, deliver, purchase or accept delivery of any cotton jackets designed for use as outer jackets of double or triple jacket cotton rubber-lined fire hose.

(11) *Restrictions on manufacture of incendiary bomb control equipment.* Effective thirty days after January 20, 1943, no person shall manufacture any incendiary bomb control equipment, except when and to the extent authorized by the War Production Board pursuant to application on Form PD–740, or to the extent permitted by paragraph (b) (5) of this order.

(c) *Exceptions to paragraphs* (b) (1) *and* (b) (2). (1) The restrictions of paragraphs (b) (1) and (b) (2) shall not apply to:

(i) Brass fire hose couplings, rings, or hose line fittings, provided that such couplings, rings, or hose line fittings are delivered to or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, and are for use on board ship; or

(*b*) The Panama Canal; or

(*c*) Any person for use on board ships warranted by the United States Maritime Commission.

(ii) The restrictions of paragraph (b) (1) shall not apply to:

(*a*) Carbon dioxide extinguishers manufactured in accordance with specifications of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration; or

(*b*) Aluminum parts for signal or alarm equipment, if such parts were fabricated before January 23, 1942.

(d) *Representations on orders from government agencies.* Any purchase order or contract from any agency or government named in subparagraphs (i), (ii), or (iii) of paragraph (b) (4) of this order shall constitute a representation that the conditions exist under which such purchase order or contract may be filled within the terms of this order. Said representation may be relied upon by the person with whom the purchase order or contract is placed and by his subcontractors and suppliers.

NOTE: Former paragraphs (e) (f) deleted; subsequent paragraphs redesignated accordingly August 23, 1943.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(h) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L–39.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125; 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

NOTE: Paragraph (10) redesignated (10a) and amended; former paragraphs (14) (15) revoked; paragraphs (10b), (14) added August 23, 1943.

In accordance with the provisions of paragraph (b) (1) of this order, the materials named in this Appendix A may be incorporated in the manufacture of fire protective equipment, signal or alarm equipment, and air-raid warning devices, and in component parts thereof, to the extent indicated in this Appendix A:

(1) Aluminum, primary or secondary:

(i) In extinguishers for use in airplanes;

(ii) As foil in electric condensers for fire, police and protective alarm systems, to the extent essential to the efficient functioning of such condensers and when approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories;

(iii) (Secondary aluminum only) in zinc die castings.

(2) Bismuth:

(i) As a component of fusible link alloy;

(ii) Up to five and one-half (5½) per cent in solder.

(3) Cadmium, as a component of fusible link alloy.

(4) Chromium:

(i) For plating of parts of fire, police, and protective alarm systems and sprinkler heads to the extent essential to the efficient functioning of such systems or heads;

(ii) As a component of stainless steel, the use of which is permitted by paragraph (10) hereof.

(5) Copper or copper base alloys (where copper base alloys are permitted, the alloys used shall be of the lowest type and grade that are practical for the particular application) in:

(i) Pumps for vaporizing liquid extinguishers;

(ii) Lock nuts on removable hose connections;

(iii) Bodies, ends, inner chambers, valves and their component parts for vaporizing liquid and loaded stream extinguishers;

(iv) Either collars or caps (but not both) on 2½-gallon foam extinguishers;

(v) Fittings, strainers, syphon tubes and valves for carbon dioxide and gas operated dry powder extinguishers;

(vi) Snap clamps, clamp pins and wire springs for "Jones" type fire hose couplings;

(vii) Latch assemblies for "British" type fire hose couplings to the extent essential to the efficient functioning of the parts;

(viii) Swivels and wires for screw type fire hose couplings;

(ix) Swivels, wires, and rollers for suction hose couplings;

(x) Couplings and rings for (a) potable water purification plants, (b) ¾ inch, 1 inch, and 1¼ inch chemical or booster hose, and (c) 5 inch and 6 inch suction hose; and 1½ inch expansion rings;

(xi) Hose and hydrant adapters;

(xii) Swivels, wires, clappers and seats for Siamese connections;

(xiii) Playpipes made only from drawn, brazed sheet, or cast brass, provided that such playpipes are not more than 15 inches in length and are manufactured for connections not larger than 2½ inches in diameter.

(xiv) Ball and cylinder type shut-off nozzles;

(xv) Nozzle tips for playpipes, and not exceeding 1½" diameter at discharge ends;

(xvi) Portable deluge nozzles, not including tips or handles;

(xvii) The following hydrant fittings to the extent essential to their efficient functioning; valve seats, discs, guides, operating valve stems, stuffing boxes, bushings, rivets, retainer rings, and outlet nipples;

(xviii) The following indicator post and valve fittings to the extent essential to their efficient functioning: Valve stems; seats; discs; packing glands; glands of bonnet openings; extension stem operating washer, nut and target mechanism;

(xix) Parts of portable generators, engines and fixed piped systems to the extent essential to their efficient functioning (The parts referred to herein include generator bodies except bases, shut-off valves except handles, screens, check valves, inner chambers, heads, stopples, closing and other operating mechanisms.);

(xx) Water spray nozzles;

(xxi) Valve seats, discs, stems, guides, and clapper arms;

(xxii) The following parts of automatic sprinkler systems and signal or alarm equipment: Actuating, indicating, and recording units of alarm or signal systems; condenser parts; contacts; diaphragm assemblies; labels of inspection laboratories; links; tubing and fittings; valves not over 2 inches; wire and cables; impellers and rings for fire pumps and for water flow alarms; deflectors on closed sprinkler heads if made of casting, but the alloy shall not contain more than 74 per cent copper; all other parts of closed sprinkler heads, but the alloy for frames shall not contain more than 86 per cent copper and shall be made without the use of primary copper or primary tin, and the alloy for lever arms shall contain no tin and not more than 74 per cent copper.

(xxiii) Impellers, retaining rings and bushings for fire pumps;

(xxiv) Watchmen's time recording systems where required for efficient functioning;

(xxv) The following parts of air raid warning devices: motors up to three horse power, actuating units, wire and cable, control and reducer valves only to the extent necessary to the efficient functioning thereof.

(xxvi) Name and identification plates of a gauge of .03125 inch or less for fire extinguishers which are to be used in aircraft or on board ship.

(6) [Revoked.]

(7) Mercury, as required in check valves for automatic systems and in gravity tank gauges.

(8) Nickel, in signal or alarm systems as a component of bi-metal thermal discs for thermostats, as plating for protection against corrosion where magnetic properties of nickel are essential, as a component of wire wound resisters, as a component of thermocouple wire and as a component of permanent megnets; and in signal or alarm systems for plating component parts of control mechanisms essential to the efficient functioning of the system, where less critical material as a substitute would not be suitable.

(9) Tin:

(i) As a component of fusible link alloy; and in dry pipe valve seat rings, but not to exceed fifty per cent in weight;

(ii) In copper base alloys the use of which is permitted by paragraph (5) hereof, but only where no tin-free alloy can be used, and only to the extent permitted by General Preference Order M–43;

(iii) Up to ten per cent by weight in metal for coating steel shells for vaporizing liquid extinguishers;

(iv) In solder, provided that the tin content does not exceed that permitted by General Preference Order M–43;

(v) As a component of foil for use in anti-intrusion and anti-sabotage systems, to the extent essential to the efficient functioning of the equipment, provided that the use of tin for this purpose is properly authorized under General Preference Order M–43.

(10a) Stainless steel (non-nickel bearing):

(i) In hinge pins in dry pipe valves of automatic sprinkler systems; in balls for check

valves in dry pipe valves and accelerating equipment for automatic sprinkler systems; and in impeller shafts for fire pumps;

(ii) In nozzles and linings for automatic vaporizing liquid sprinkler units approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories;

(iii) In the following parts of signal or alarm systems: cylinders, ratchet pins, and small shafts for signal or alarm mechanisms where the use of any less scarce material is impracticable, mercury check valves, ball bearings, latching parts, and pileup and adjusting screws where the use of any less scarce material is impracticable.

(10b) Stainless steel (nickel bearing) in tour transmitter cylinders where the use of any less critical material is impracticable.

(11) Monel metal:

(i) In balls for check valves in dry pipe valves, accelerating equipment, and water flow alarms for automatic sprinkler systems;

(ii) In helical springs for fire detecting thermostats;

(iii) In vanes and pressure type flexible joints for water flow alarm devices.

(12) Zinc:

(i) In essential parts of alarm and signal systems when a less critical material as a substitute would not be suitable;

(ii) In copper alloys, the use of which is permitted by paragraph (5) hereof;

(iii) In die cast parts;

(iv) For protection against corrosion of iron or steel parts of lightning rods and fittings, extinguishers, pump tanks, fire hose couplings, expansion rings, open head sprinklers, deflectors on sprinkler heads, and as a protective coating for functional parts where ferrous metal has been substituted for copper base alloy.

(v) As sheet to the extent that corrosion-resistant metal is essential to efficient functioning and galvanized steel sheet is not suitable.

(13) Asbestos:

(i) In gaskets for hydrants, fixed or portable foam applicator pipes, and alarm systems.

(ii) As packing for vaporizing liquid extinguishers.

(14) Rubber and synthetic rubber, to the extent permitted by Rubber Order R-1, as amended, or to the extent permitted by any relief granted pursuant to an appeal taken in accordance with the provisions of that order.

[F. R. Doc. 43-13883; Filed, August 25, 1943; 11:15 a. m.]

PART 1260—RUBBER PROCESSING MACHINERY AND EQUIPMENT

[General Limitation Order L-143-a as Amended August 25, 1943]

The fulfillment of requirements of the national defense has created a shortage in the supply of certain critical materials used in the manufacture of rubber processing machinery and equipment for the national defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1260.2 *General Limitation Order L-143-a*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Rubber processing machinery or equipment" means new, used or reconditioned or rebuilt machinery or equipment of the kinds listed in Groups I, II, III, IV and V, of List A, designed for use in the manufacture of products from natural crude rubber, latex, reclaimed rubber, scrap rubber, and all types of synthetic rubber. The term also means and includes any such machinery or equipment (except "plastics molding machinery" and "fixtures" controlled by Allocation Order L-159) for experimental use or for use in the manufacture of products from plastics or rubber substitutes. The term does not mean or include "retreading, recapping and repair equipment," which is subject to the provisions of General Limitation Order L-61.

(3) "New rubber processing machinery or equipment" means rubber processing machinery or equipment which has not been delivered to any person acquiring it for use.

(4) "Used rubber processing machinery or equipment" means rubber processing machinery or equipment which at any time has been delivered to any person acquiring it for use, but does not include reconditioned or rebuilt machinery or equipment.

(5) "Reconditioned or rebuilt rubber processing machinery or equipment" means rubber processing machinery or equipment which has been changed in any way in size or form or otherwise conditioned for resale or reuse.

(6) "Manufacturer" means any person producing, rebuilding or reconditioning rubber processing machinery or equipment whether for his own use or for sale.

(7) "Dealer" means any person regularly engaged in the business of buying or otherwise acquiring new, used or reconditioned or rebuilt rubber processing machinery or equipment for resale.

(8) "Delivery" means any physical delivery of any item of rubber processing machinery or equipment, or parts therefor, to other persons, including but not limited to, any such disposition made at auction sale, sheriff's sale, tax sales, in liquidation of all or part of a business, or in similar transactions. The term also means and includes transfers within a single corporate enterprise or to foreign subsidiaries, requiring the shipment of rubber processing machinery or equipment, or parts therefor, outside the continental limits of the United States. It does not mean or include transfers in the continental United States of any such machinery, equipment or parts within a plant or within a single corporate enterprise (including subsidiaries).

(b) *General restrictions on production, rebuilding and reconditioning, delivery and acquisition*—(1) *Production.* On and after April 9, 1943, no person shall, in any manner, produce or cause to be produced any new rubber processing machinery or equipment or parts therefor or accept delivery of any semi-fabricated or fabricated parts to be incorporated in new rubber processing machinery or equipment or parts therefor; except to fill orders pursuant to authorizations of the War Production Board in accordance with paragraph (d) of this order.

(2) *Reconditioning and rebuilding.* On and after April 9, 1943, no person shall in any way recondition or rebuild any rubber processing machinery or equipment either for his own use or for the use of another person, except:

(i) As permitted by paragraph (c) of this order;

(ii) Pursuant to an authorization by the War Production Board in accordance with paragraph (d) of this order.

(3) *Delivery and acquisition.* No person shall deliver or accept delivery of any rubber processing machinery or equipment, or parts therefor, except:

(i) As permitted by paragraph (c) of this order;

(ii) Pursuant to an authorization by the War Production Board in accordance with paragraph (d) (1) of this order upon application of the person seeking to acquire any such machinery, equipment or parts;

(iii) Pursuant to an authorization issued to a manufacturer or dealer by the War Production Board as provided in paragraph (d) (2) of this order.

NOTE: Former paragraphs (c), (d), (e) and (f) redesignated (d), (e), (f) and (g); paragraph (c) added August 25, 1943.

(c) *Scheduling and shipping directions.* (1) The War Production Board may from time to time request all the manufacturers of a particular item of rubber processing machinery or equipment to file operation reports and schedules of unfilled orders. When so requested, each manufacturer shall file forms WPB-3100 and WPB-3101 in accordance with the instructions accompanying them. Form WPB-3101 will be returned to the manufacturer with shipping directions noted thereon and shall be deemed a "frozen" schedule within the meaning of Priorities Regulation 18 for the number of calendar months designated by the War Production Board.

(2) Each manufacturer must make shipments in accordance with his frozen schedule, notwithstanding any other preference order, directive or regulation of the War Production Board, but subject to Priorities Regulation 18, and must so schedule his production as to meet the shipping dates prescribed in his frozen schedule.

(3) If a manufacturer is unable, for reasons beyond his control, to fulfill his frozen schedule on time, or if he is able to make shipments ahead of schedule, he must in either case make shipments, as far as practicable, in the same sequence as required by the schedule. In any case where the delay or acceleration in shipments will affect dates of shipment by more than 15 days, the manufacturer shall notify the War Production Board of the following facts:

(i) The reason for the delay or acceleration.

(ii) The revised dates on which he expects to make shipments under each purchase order affected.

(4) In the absence of specific shipping directions issued pursuant to this paragraph (c), any manufacturer shall produce rubber processing machinery or equipment, and make shipments thereof in fulfillment of orders authorized pursuant to paragraph (b) of this order, in accordance with applicable preference ratings, allotments, regulations or directions issued by the War Production Board.

(d) *Revocation of General Limitation Order L-143.* Effective April 9, 1943, General Limitation Order L-143 is hereby revoked in its entirety, but until said date, the production, rebuilding, reconditioning, delivery or acquisition of any tire machinery and equipment as defined in General Limitation Order L-143 (or parts therefor), shall be governed by the applicable provisions of General Limitation Order L-143, notwithstanding any inconsistent provision of this order.

(e) *Procedure for securing authorization.* (1) Any person seeking to acquire rubber processing machinery or equipment or parts therefor may make application on Form PD-552 (Revised) addressed to the War Production Board, Office of Rubber Director, and marked Ref. L-143-a, for an authorization on Form PD-552 (Revised) by the War Production Board permitting such acquisition. Preference ratings thereby assigned to deliveries of rubber processing machinery or equipment or parts therefor shall be applied in accordance with the provisions of Priorities Regulation No. 3, as amended from time to time. In addition to furnishing the certification required by said regulation, a person authorized to acquire rubber processing machinery or equipment or parts therefor, shall certify to the person from whom such machinery, equipment or parts are to be acquired, that an authorization on Form PD-552 (Revised) was originally issued to him for the acquisition of the particular rubber processing machinery or equipment or parts therefor specified in any purchase order or contract. Such certification shall be made in substantially the following form signed manually or as provided in Priorities Regulation No. 7:

The undersigned hereby certifies that an authorization on Form PD-552 (Revised) was originally issued to him for the acquisition of the rubber processing machinery or equipment or parts therefor specified in the accompanying purchase order or contract.

(2) Manufacturers or dealers may apply for authorization to deliver orders on their books on March 26, 1943, by filing Form PD-553 (Revised) in accordance with paragraph (f) (6) (iii) of this order.

(3) Any person seeking to recondition or rebuild for his own use or to cause to be reconditioned or rebuilt by any other person any rubber processing machinery or equipment shall make application on Form PD-552 (Revised) addressed to the War Production Board, Office of Rubber Director, and marked Ref. L-143-a, for an authorization on Form PD-552 (Revised) by the War Production Board permitting, the reconditioning or rebuilding to be done by or for the applicant.

(f) *Exemptions.* Notwithstanding the restrictions of paragraph (b) of this order, the following transactions and operations shall be permitted without specific authorization by the War Production Board:

(1) Any person may produce for his own use, or accept delivery of parts for rubber processing machinery or equipment;

(i) For inventory to be used in the repair or maintenance of any rubber processing machinery or equipment: *Provided*, That the cost of parts produced or acquired for any single machine or piece of equipment shall not exceed $1,000 in any four weeks' period;

(ii) To repair an actual breakdown of his rubber processing machinery or equipment when the required parts are not on hand, without limitation as to cost notwithstanding the restrictions of paragraph (e) (1) (i): *Provided*, That Form PD-552 shall be filed for informational purposes within 15 days after the occurrence of the breakdown, if the cost of the required parts exceeds $1,000 for a single machine or piece of equipment.

(2) Deliveries to or acquisitions by dealers, of used rubber processing machinery or equipment (but subsequent dispositions thereof shall be subject to the applicable restrictions of this order).

(3) The production for sale to other persons of repair or maintenance parts by a manufacturer in quantities sufficient for him to maintain a minimum practicable working inventory of such repair or maintenance parts.

(4) The reconditioning or rebuilding of any rubber processing machinery or equipment *except* tire molds, by any person, either for his own use or for the use of another person: *Provided*, That the cost of materials to be incorporated in any single machine or piece of equipment shall not exceed $350.00.

(5) Alterations in tire molds below the tread line.

(6) The delivery and acquisition of rubber processing machinery or equipment, or any part therefor, to be scrapped for its material content.

(g) *Miscellaneous provisions*—(1) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after May 20, 1943. No person shall be held liable for damages or penalties for default, under any contract or order which shall result directly or indirectly from his compliance with the terms of this order.

(2) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable Regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Office of Rubber Director, Washington 25, D. C., Ref.: L-143-a.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Records and reports.* (i) All manufacturers and dealers affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning production, deliveries, and orders for rubber processing machinery and equipment, including applications and authorizations on Form PD-552 (Revised).

(ii) All persons affected by this order shall execute and file with the Office of Rubber Director, War Production Board, such reports and questionnaires as said Office shall from time to time request.

(iii) On or before April 9, 1943, each manufacturer of, and dealer in, rubber processing machinery or equipment shall file on Form PD-553 (Revised) a record of his unfilled orders as of March 26, 1943.

Issued August 25, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

GROUP 1—BASIC RUBBER PROCESSING MACHINERY (INCLUDING LABORATORY SIZES)

Bale cutters	Crackers
Washers	Grinders
Refiners	Tubing machines (extruders)
Mills	Cement mixers
Plasticators	Dispersion mixers
Masticators	Aprons for mixing mills
Banbury mixers	Mill take-off devices
Calenders	
Strainers	
Automatic Mill Mixing Devices	

GROUP II—TIRE AND TUBE MAKING EQUIPMENT

Spreaders
Bias cutters
Slitters
Let-off stands
Bead making machines
Bead covering machines
Bead flippers
Bead winders
Bead cutters
Bead piping machines
Stock servicers & turrets
Festooning machines
Tire building machines
Band & pocket building machines
Tire cores & drums
Bead locaters (or setting rings)
Stitchers
Debaggers and extractors
Vacuum expanders
Mechanical baggers & expanders
Molds, tire & tube
Molds, airbag
Matrices
Curing rings
Curing ring presses
Equalizer plates
Tube mandrels
Tread & tube cutters
Tube splicers
Valve applying machines
Tube testing devices
Vulcanizers, all types
Tire cleaners
Tire balancing machines
Tire inspection machines
Buffers, curing bag
Tire wrapping machines
Cord dipping, saturating and drying equipment

GROUP III—INSULATED WIRE & CABLE MACHINERY

Rubber covering machines
Vulcanizers, all types
Strainers
Extruders (tubing machines)

GROUP IV—MECHANICAL GOODS EQUIPMENT

Belt making machines
V-Belt covering machines
Belt slitters
Belt stretchers
Belt vulcanizing presses
Brushing machines
Coating machines
Cutting machines (all types for rubber products & rubberized fabrics)
Dusting machines
Hose covering machines
Hose making machines
Hose wrapping machines
Lining strippers
Spreaders
Hydraulic presses, vulcanizing, all types
Vulcanizers, all types
Rag rollers
Tubers

GROUP V—DRUG & SURGICAL SUNDRIES & RUBBER FOOTWEAR

Dipping machines
Trimmers
Hydraulic presses, vulcanizing
Presses, dieing out or preforming
Rubber outsole cutting machines
Vulcanizers, all types

[F. R. Doc. 43-13884; Filed, August 25, 1943; 11:15 a. m.]

PART 1292—USED SILK HOSIERY

[Conservation Order M-182, as Amended, Revocation]

Section 1292.1 *Conservation Order M-182* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Conservation Order M-182.

Issued this 25th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13885; Filed, August 25, 1943; 11:16 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Interpretation 3 to Limitation Order L-240]

The following interpretation is issued with respect to Limitation Order L-240.

Paragraph (d) (2) of Order L-240 (§ 3133.6) limits the inventory of print paper which a publisher may carry. As used in this paragraph, "inventory" includes paper on hand, available for use, and in transit. If print paper in inventory is destroyed or damaged to such an extent that it becomes unusable, whether this occurs while the paper is in transit or after it has reached its destination, the publisher may accept delivery of additional paper to replace that which he was unable to use. This will not constitute a violation of pargaraph (d) (2).

Issued this 25th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13890; Filed, August 25, 1943; 11:15 a. m.]

PART 3157—HAULAGE CONSERVATION

[Schedule 1 to General Haulage Conservation Order T-1]

PORTLAND CEMENT

In accordance with paragraph (e) of § 3157.1 *General Haulage Conservation Order T-1, It is hereby ordered that:*

§ 3157.2 *Schedule I to General Haulage Conservation Order T-1*—(a) *Definitions.* For the purpose of this schedule only:

(1) "Portland cement" means any Portland cement (except white Portland cement) which conforms with one or more of the following specifications:

(i) Federal specifications: Emergency Alternate Federal Specification for cement; Portland E-SS-C-191b, dated June 5, 1942;

(ii) Federal specifications: Emergency Alternate Federal Specification for cement; Portland E-SS-C-206a, dated June 5, 1942;

(iii) American Society for Testing Materials specifications: Emergency Alternate Specification for Portland Cement A. S. T. M. Designation EA-C 150-Type I, dated June 6, 1942;

(iv) American Society for Testing Materials specifications: Emergency Alternate Specification for Portland Cement A. S. T. M. Designation EA-C 150-Type II, dated June 6, 1942.

(2) "Controlled delivery" means any delivery (including reconsignment of Portland cement in lots of 20,000 pounds or more, except

(i) Deliveries originating from any point of origin listed for a particular zone in Column I of Appendix A, annexed hereto, to any point in that Zone as specified in Column 2 thereof,

(ii) Deliveries made entirely by water, or

(iii) Deliveries over an aggregate distance of 50 miles or less. No lot of 20,000 pounds or more shall be subdivided for the purpose of evading this definition.

(b) *Controlled deliveries.* (1) On and after September 24, 1943, no person shall originate a controlled delivery of Portland cement, except as specifically directed or authorized in writing by the War Production Board.

(2) Any person seeking authorization to originate a controlled delivery of Portland cement may make application on Form WPB 2188 (PD-782), or, in emergency, by telegram, containing substantially the information called for by such form.

(c) (1) *Controlled deliveries for Army and Navy.* Notwithstanding paragraph (b) of this schedule, any person may originate a controlled delivery of Portland cement to or for the account of the Army or Navy of the United States if he has received from a duly authorized Army or Navy officer a certification in writing in substantially the following form:

The undersigned hereby certifies that it is essential for Portland Cement to be originated by _____ at _____ in the amount of _____ barrels on Contract No. _____ to be delivered at _____ outside of the applicable zone as shown in Schedule 1 to General Haulage Conservation Order T-1. This delivery has been screened in accordance with the existing rules and regulations of the (Army) (Navy) relating to conservation of transportation, and is necessary for the following reasons _____

(Signed) _____
(Title) _____
(Station) _____

Date _____

In case of emergency, deliveries for export may be originated prior to receipt of certification. The duly authorized Army or Navy officer, however, must furnish the above certification within forty-eight hours after the origination.

(2) Any person who has originated a controlled delivery pursuant to a certification received from the Army or the Navy in accordance with paragraph (c) (1) shall report such delivery to the War Production Board on Form WPB 2188 (PD-782) within ten days after such delivery was originated, indicating thereon "This report is being filed pursuant to paragraph (c) (2)".

This order shall become effective September 24, 1943.

The reporting requirement of this paragraph and of paragraph (c) (2) has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—Continued

Zone 8

Column 1 Point of Origin	*Column 2 Deliveries Permitted to:*
Bath, Pa.	Connecticut, Rhode Island, Delaware and New Jersey—all counties.
Brodheadsville, Pa.	Massachusetts, all counties except—Berkshire and Franklin.
Cementon, Pa.	Pennsylvania, the following counties: Tioga, Lycoming, Clinton, Centre, Huntingdon, Fulton, and all counties east thereof.
Coplay, Pa.	New York, the following counties: Steuben, Chemung, Tioga, Broome, Delaware, Sullivan, Orange, Rockland, Westchester, and all counties east and north thereof, including Schoharie, Otsego, Chenango, Cortland, Tompkins, Seneca, Yates, Seneca, Cayuga, Onondaga, Madison, Oneida, Herkimer, Montgomery, Schenectady, the burroughs comprising New York City and all of Long Island.
Egypt, Pa.	Maryland, all counties except Garrett and Allegany.
Evansville, Pa.	District of Columbia.
Fogelsville, Pa.	Virginia, the following counties: Craig, Roanoke, Franklin, Patrick, and all counties east thereof.
Hercules, Pa.	
Martin's Creek, Pa.	
Nazareth, Pa.	
Northampton, Pa.	
Ormrod, Pa.	
Sandts Eddy, Pa.	
Siegfried, Pa.	
Speedwell, Pa.	
West Conshohocken, Pa.	
York, Pa.	

Zone 9

	Connecticut, Rhode Island, New Jersey and Delaware—all counties; District of Columbia.
	Maryland, counties east of Garrett.
	West Virginia, the following counties: Morgan, Berkeley, and Jefferson.
	New York, the following counties: Delaware, Sullivan, Ulster, Dutchess, Orange, Putnam, and Rockland.
	Westchester and all counties east thereof, including the Boroughs comprising New York City and all of Long Island.
	Pennsylvania, the following counties: Tioga, Lycoming, Clinton, Clearfield, Centre, Huntingdon, Bedford and all counties east thereof.
	Virginia, all counties except—Buchanan, Wise, Dickenson, Russell, Lee and Scott.
	North Carolina, the following counties: Ashe, Wilkes, Yadkin, Forsyth, Guilford, Alamance, Orange, Durham, Wake, Johnston, Wilson, Greene, Pitt, Beaufort, Hyde, and all counties north and east thereof.
Reserve, Pa.	Pennsylvania, the following counties: Potter, Lycoming, Union, Snyder, Dauphin, Lebanon, Cumberland, Adams and all counties west thereof.
Neville Island, Pa.	New York, the following counties: Orleans, Genesee, Wyoming, Allegany, Niagara, Erie, Cattaraugus, and Chautauqua.
Universal, Pa.	Maryland, the following counties: Washington, Allegany and Garrett.
Wampum, Pa.	Virginia, the following counties: Clarke, Warren, Page, Frederick, Shenandoah, and Rockingham.
West Winfield, Pa.	West Virginia, the following counties: Cabell, Putnam, Mason, Jackson, Roane, Calhoun, Gilmer, Braxton, Randolph, Pendleton, and all counties north thereof.
	Ohio, the following counties: Butler, Warren, Clinton, Fayette, Ross, Hocking, Athens, and all counties north thereof.

Zone 10

	Maryland and Delaware—all counties.
	District of Columbia.
	Pennsylvania, the following counties: Lancaster, Montour, Centre, Fayette, Dauphin, Lycoming, Cambria, Northumberland, Clinton, Somerset, Union, Snyder, Mifflin, Juniata, Perry, Cumberland, Adams, Franklin, Bedford, Fulton, and Huntingdon, and all counties east thereof.
	North Carolina, the following counties: Stokes, Forsyth, Davie, Rowan, Cabarrus, Mecklenburg, Stanly, Montgomery, Moore, Harnett, Cumberland, Sampson, Pender, Brunswick, and all counties east and north thereof.
	Virginia, all counties except Buchanan, Dickinson, Russell, Wise, Scott, and Lee.
	West Virginia, all counties except Brooke, Hancock, Mason, Cabell, Wayne, Mingo, Logan, Boone, Lincoln, Putnam, and Kanawha.
Martinsburg, W. Va.	
Security, Md.	
Union Bridge, Md.	
Hagerstown, Md.	

Zone 11

	Maryland and Delaware—all counties.
	District of Columbia.
	Pennsylvania, the following counties: Lancaster, Montour, Centre, Fayette, Dauphin, Lycoming, Cambria, Northumberland, Clinton, Somerset, Union, Snyder, Mifflin, Juniata, Perry, Cumberland, Adams, Franklin, Bedford, Fulton, and Huntingdon, and all counties east thereof.
	North Carolina, the following counties: Stokes, Forsyth, Davie, Rowan, Cabarrus, Mecklenburg, Stanly, Montgomery, Moore, Harnett, Cumberland, Sampson, Pender, Brunswick, and all counties east and north thereof.
	Virginia, all counties except Buchanan, Dickinson, Russell, Wise, Scott, and Lee.
	West Virginia, all counties except Brooke, Hancock, Mason, Cabell, Wayne, Mingo, Logan, Boone, Lincoln, Putnam, and Kanawha.

APPENDIX A

With respect to any Zone specified below, deliveries are permitted only from a point of origin listed in Column 1 for that Zone to any point within the Zone as indicated in Column 2.

In Column 2, each state is treated separately. In some cases, particular counties are included or excluded as a group, thereby delimiting the permissible delivery area within that state. In other cases, the permissible delivery area comprises all counties within the periphery of the counties listed together with the state boundary.

Zone 1

Column 1 Point of Origin	*Column 2 Deliveries Permitted to:*
Thorndike, Maine (Rockland, Maine)	Maine, New Hampshire, Vermont, Rhode Island—all counties.
	Massachusetts, all counties except Berkshire, Hampden and Hampshire.
	Connecticut, the following counties: Windham, and New London.

Zone 2

Glens Falls, N. Y.	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut—all counties.
	New York, the following counties: Orleans, Monroe, Ontario, Yates, Schuyler, Chemung, and all counties east thereof.
	Pennsylvania, the following counties: Bradford, Susquehanna, Wayne, Pike, Lackawanna, Wyoming and Luzerne.

Zone 3

Howes Cave, N. Y.	New Hampshire, Connecticut, Vermont, Rhode Island, Massachusetts—all counties.
	Maine, the following counties: Franklin, Kennebec, Waldo, and all counties south and west thereof.
	New York, the following counties: St. Lawrence, Lewis, Oneida, Madison, Onondaga, Cayuga, Seneca, Yates, Steuben, and all counties east thereof.
	New Jersey, the following counties: Hunterdon, Somerset, Middlesex, and all counties north thereof.
	Pennsylvania, the following counties: Tioga, Pike, Bradford, Sullivan, Luzerne, Susquehanna, Wayne, Lackawanna, and Wyoming.

Zone 4

Alson, N. Y.	New Hampshire, Maine, Vermont, Massachusetts, Connecticut, Rhode Island—all counties.
Catskill (Greenport), N. Y.	New York, the following counties: Steuben, Yates, Seneca, Cayuga, Onondaga, Madison, Oneida, Lewis, Herkimer, Hamilton, Franklin, and all counties south and east thereof.
Cementon, N. Y.	
Hudson, N. Y.	

Zone 5

Jamesville, N. Y.	New York, all counties except—Columbia, Greene, Ulster, Sullivan and all counties south thereof.
Portland Point, N. Y.	Pennsylvania, the following counties: Potter, Clinton, Tioga, Lycoming, Bradford, Sullivan, Susquehanna, Wyoming, and Wayne.

Zone 6

Oswego, N. Y.	New York, all counties except—Washington, Rensselaer, Columbia, Greene, Ulster, Sullivan, Delaware, Schoharie, Otsego, Chenango, Broome, Tioga, Tompkins, Cortland, Onondaga, Oswego, Cayuga, Seneca, Yates, Steuben, Allegany, Livingston, Wyoming, Genesee, Orleans, Niagara, Erie, Chautauqua, Cattaraugus, Allegany, and all counties south and west thereof.

Zone 7

Buffalo, N. Y.	New York, the following counties: Broome, Chenango,
Lackawanna, N. Y. (Buffalo)	Otsego, Schoharie, Albany, Saratoga, Warren, Essex, Clinton, and all counties west thereof.
	Pennsylvania, the following counties: Tioga, Potter, Cameron, Clearfield, Cambria, Westmoreland, Allegheny, Butler, Mercer, Crawford, Erie, Warren, McKean, and all counties within the periphery of these counties.
	Ohio, the following counties: Ashtabula and Lake.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 12
Manheim, W. Va	West Virginia, all counties except—Wayne. District of Columbia. Virginia, all counties except: Southampton, Sussex, Surry, Isle of Wight, Nansemond, Norfolk, Princess Anne, Elizabeth City, Northampton and Accomac. North Carolina, the following counties: Stokes, Rockingham, Caswell, Person, Forsyth, Guilford, Alamance, Orange, Durham, Davie, Davidson, Randolph, Chatham, Rowan, Cabarrus, Stanly, Montgomery, Lee, Moore, and Mecklenburg. Pennsylvania, the following counties: McKean, Cameron, Clearfield, Centre, Huntingdon, Franklin, and all counties west thereof. Maryland, the following counties: Baltimore, Anne Arundel, Calvert, St. Marys, City of Baltimore, and all counties west thereof. Ohio, the following counties: Columbiana, Carroll, Jefferson, Harrison, Guernsey, Muskingum, Noble, Belmont, Monroe, Washington, Morgan, Athens and Meigs.
	Zone 13
Norfolk, Va	Virginia, all counties. Delaware, all counties. West Virginia, the following counties: Boone, Fayette, Raleigh, Summers, Monroe, Mercer, McDowell, Wyoming, Mingo and Logan. North Carolina, the following counties: Alleghany, Wilkes, Alexander, Iredell, Mecklenburg, Cabarrus, Stanly, Anson, Richmond, Scotland, Robeson, Columbus, Brunswick, and all counties east thereof. South Carolina, the following counties: Charleston, Berkeley, Georgetown, Williamsburg, Horry, Marion, Dillon, Marlboro, Florence, Darlington and Chesterfield. Maryland, the following counties: Somerset, Worcester, Wicomico, Dorchester, Caroline, Talbot, Queen Annes and Kent. District of Columbia.
	Zone 14
Fordwick, Va	Virginia, all counties except—Accomac and Northampton. District of Columbia. West Virginia, the following counties: Pocahontas, Webster, Braxton, Gilmer, Calhoun, Wirt, Jackson, Mason, Cabell, Lincoln, Mingo, McDowell, Mercer, Monroe, Greenbrier, Summers, Raleigh, Logan, Wyoming, Boone, Putnam, Kawawha, Roane, Clay, Nicholas, and Fayette. North Carolina, all counties except—Haywood, Swain, Graham, Cherokee, Clay, Macon, Jackson, Transylvania, Henderson and Polk. Tennessee, the following counties: Hancock, Hawkins, Greene, Unico, Washington, Sullivan, Carter and Johnson. South Carolina, the following counties: York, Chester, Lancaster, Kershaw, Sumter, Clarendon, Berkeley, Georgetown, Chesterfield, Darlington, Marlboro, Dillon, Florence, Williamsburg, Marion and Horry.
	Zone 15
Clinchfield, Ga	Georgia, all counties except—Dade, Walker, Catoosa, Whitfield, Murray, Gordon, Chattooga, Floyd, Polk, and Paulding. Florida, all counties. South Carolina, all counties except—York, Cherokee, and Spartanburg. Alabama, the following counties: Lee, Macon, Bullock, Pike, Coffee, Covington, Geneva, Houston, Dale, Henry, Barbour, and Russell.
	Zone 16
Rockmart, Ga	South Carolina and Georgia—all counties. North Carolina, the following counties: Cherokee, Clay, Macon, Graham, Swain, Jackson, Transylvania, Haywood, Madison, Buncombe, Henderson, Polk, Rutherford, Cleveland, Gaston, Lincoln, Catawba, Iredell, Davie, Rowan, Cabarrus, Mecklenburg, Union, Stanly, Davidson, Forsyth, Guilford, Randolph, Montgomery, Anson, Richmond, Moore, Chatham, Alamance, Orange, Durham, Lee, Harnett, Hoke, Scotland, and Robeson. Tennessee, the following counties: Cocke, Sevier, Jefferson, Knox, Blount, Loudon, Roane, Rhea, Meigs, McMinn, Monroe, Polk, Bradley, and Hamilton. Alabama, the following counties: DeKalb, Etowah, Calhoun, Talladega, Coosa, Elmore, Montgomery, Crenshaw, Coffee, Geneva, and all counties east thereof. Florida, the following counties: Holmes, Washington, Bay, Gulf, Franklin, Wakulla, Jefferson, Taylor, Lafayette, Gilchrist, Alachua, Putnam, Flagler, and all counties east and north thereof.
	Zone 17
Tampa, Fla	Florida—all counties.
	Zone 18
Painesville, Ohio	Ohio—all counties. New York, the following counties: Monroe, Ontario, Yates, Steuben, and all counties west thereof. Pennsylvania, the following counties: Potter, Cameron, Clearfield, Cambria, Somerset, and all counties west thereof. West Virginia, the following counties: Cabell, Ritchie, Harrison, Ohio, Mason, Pleasants, Wetzel, Hancock, Jackson, Doddridge, Marshall, Taylor, Wood, Tyler, Brooke, Marion, and Monongalia.
	Zone 19
Middle Branch, Ohio	Ohio, all counties except Lawrence. New York, the following counties: Chautauqua, Cattaraugus, Allegany, and Steuben. Pennsylvania, the following counties: Potter, Cameron, Clearfield, Cambria, Somerset, and all counties west thereof. West Virginia, the following counties: Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Marion, Taylor, Harrison, Doddridge, Tyler, Pleasants, Ritchie, Wood, Jackson, Mason, and Cabell.
	Zone 20
East Fultonham, Ohio	Ohio—all counties. West Virginia, the following counties: Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Marion, Taylor, Barbour, Upshur, Lewis, Gilmer, Calhoun, Roane, Kanawha, Putnam, Cabell, Tyler, Doddridge, Harrison, Ritchie, Pleasants, Wood, Wirt, Jackson and Mason. Pennsylvania, the following counties: Bedford, Blair, Clearfield, Cameron, McKean, and all counties west thereof. Indiana, the following counties: Allen, Huntington, Grant, Madison, Hancock, Marion, Rush, Franklin, Ripley, Dearborn, Ohio and all counties east thereof. Kentucky, the following counties: Jefferson, Spencer, Anderson, Woodford, Jessamine, Fayette, Clark, Montgomery, Bath, Rowan, Carter, Boyd, and all counties north thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 21
Ironton, Ohio Superior, Ohio Kenova, W. Va.	Ohio, the following counties: Van Wert, Allen, Hardin, Wyandot, Crawford, Richland, Ashland, Wayne, Stark, Columbiana, and all counties south thereof. Indiana, the following counties: Marion, Hancock, Henry, Rush, Wayne, Fayette, Union, Franklin, Ripley and Dearborn. Kentucky, the following counties: Jefferson, Bullitt, Nelson, Marion, Taylor, Green, Adair, Russell, Clinton and all counties north and east thereof. Tennessee, the following counties: Claiborne, Union, Grainger, Jefferson, Sevier, Blount, Loudon, Monroe, and all counties east thereof. North Carolina, the following counties: Surry, Yadkin, Iredell, Lincoln, Gaston, and all counties west thereof. Virginia, the following counties: Highland, Augusta, Nelson, Appomattox, Campbell, Pittsylvania, and all counties west thereof. West Virginia, the follnwing counties: Hancock, Brooke, Ohio, Marshall, Wetzell, Harrison, Upshur, Randolph, Pocahontas, and all counties south and west thereof.
	Zone 22
Cleveland, Ohio	Ohio, all counties except—Hamilton, Warren, Clermont, Highland, Brown, Adams, Scioto, Jackson, Gallia and Lawrence. West Virginia, the following counties: Wood, Pleasants, Tyler, Wetzel, Marshall, Ohio, Brooke, Hancock. Pennsylvania, the following counties: Washington, Westmoreland, Armstrong, Clarion, Forest, Warren, Erie, Crawford, Mercer, Venango, Lawrence, Butler, Beaver, Allegheny and Greene. New York, the following counties: Chautauqua and Cattaraugus.
	Zone 23
Bay Bridge, Ohio Silica, Ohio Toledo, Ohio	Ohio, all counties except—Ashtabula, Trumbull, Mahoning, Columbiana, Carroll, Jefferson, Harrison, Belmont, Monroe and Washington. Indiana, the following counties: LaPorte, Starke, Pulaski, White, Tippecanoe, Clinton, Hamilton, Marion, Hancock, Rush, Fayette, Union, and all counties east and north thereof. Michigan, the following counties: Iosco, Ogemaw, Roscommon, Missaukee, Wexford, Manistee, and all counties south thereof. Kentucky, the following counties: Greenup, Mason, Lewis, Fleming, Nicholas, Bourbon, Fayette, Woodford, Franklin, Henry, Carroll, Bracken, Robertson, Harrison, Scott, Owen, Gallatin, Grant, Boone, Kenton, Campbell, and Pendleton. West Virginia, the following counties: Jackson, Mason, and Cabell.
	Zone 24
Osborn, Ohio	Ohio, all counties except—Lake, Ashtabula, Geauga, and Trumbull. West Virginia, the following counties: Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Ritchie, Wood, Wirt, Jackson, Mason, Putnam, Kannwha, Fayette, Raleigh, Wyoming, McDowell, Wingo, Logan, Boone, Lincoln, Wayne, and Cabell. Kentucky, the following counties: Meade, Breckenridge, Grayson, Hart, Green, Adair, Russell, Wayne, and all counties east and north thereof. Indiana, the following counties: Clark, Washington, Orange, Lawrence, Greene, Sullivan, and all counties north and east thereof, excluding Lake, Porter and La Porte. Illinois, the following counties: Edgar and Vermilion.
	Zone 25
Evansville, Ind Kosmosdale, Ky. Cincinnati, Ohio.	Kentucky—all counties. Tennessee, all counties except—Lincoln, Moore, Franklin, Marion, Grundy, Sequatchie, Bledsoe, Hamilton, Rhea, Meigs, Bradley, McMinn, Polk, Monroe, Sevier, Cocke, Jefferson, Greene, Grainger, Hamblen, Hancock, Hawkins, Unicoi, Washington, Carter, Sullivan, Johnson, Claiborne, Union, Knox, Loudon and Blount. Ohio, the following counties: Adams, Highland, Fayette, Greene, Montgomery, Preble, Butler, Warren, Clinton, Hamilton, Clermont and Brown. Indiana, the following counties: Jay, Wells, Grant, Howard, Clinton, Tippecanoe, Montgomery, Putnam, Clay, Vigo, and all counties south thereof. Illinois, the following counties: Crawford, Richland Wayne, Jefferson, Hamilton, Saline, White, Edwards, Wabash, and Lawrence.
	Zone 26
Alpena, Mich	Michigan, Upper Peninsula: Marquette, Menominee and all counties east thereof. Lower Peninsula: the counties of Manistee, Wexford, Missaukee, Clare, Gladwin, Arenac, and all counties north thereof.
	Zone 27
Petoskey, Mich	Michigan, all counties except—Gogebic, Ontonagon, Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, and Monroe. Wisconsin, the following counties: Forest, Florence, Marinette, Oconto, Shawano, Waupaca, Winnebago, Fond du Lac, Dodge, Dane, Jefferson, Walworth, Door, Racine, Waukesha, Milwaukee, Ozaukee, Washington, Sheboygan, Manitowoc, Calumet, Outagamie, Brown, Kewaunee and Kenosha. Illinois, the following counties: Lake, Cook, and Will.
	Zone 28
Bay City, Mich Saginaw, Mich.	Michigan, the following counties: Mackinac, Luce, Schoolcraft, Delta, Menominee, Dickinson, Iron and entire lower peninsula. Wisconsin, the following counties: Forest, Oconto, Shawano, Waupaca, Winnebago, Fond du Lac, Dodge, Dane, Jefferson, Walworth and all counties east thereof. Indiana, the following counties: St. Joseph, Elkhart, Lagrange, Steuben, Noble, DeKalb, Whitley and Allen.
	Zone 29
Muskegon, Mich	Michigan, the following counties: Mason, Lake, Osceola, Isabella, Gratiot, Clinton, Ingham, Calhoun, St. Joseph, Oceana, Newaygo, Mecosta, Muskegon, Ottawa, Kent, Montcalm, Ionia, Eaton, Allegan, Barry, Van Buren, Kalamazoo, Berrien and Cass.
	Zone 30
Holland, Mich	Michigan, the following counties: Benzie, Wexford, Osceola, Clare, Gladwin, Midland, Saginaw, Genesee, Livingston, Jackson, Lenawee, Manistee, Mason, Lake, Oceana, Newaygo, Mecosta, Isabella, Muskegon, Montcalm, Gratiot, Ottawa, Kent, Ionia, Clinton, Shiawassee, Allegan, Barry, Eaton, Ingham, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, St. Joseph, Branch and Hillsdale.
	Zone 31
Port Huron, Mich Dearborn, Mich. Detroit, Mich. Wyandotte, Mich. Fordson, Mich.	Michigan, the counties in the lower peninsula except—Alpena, Alcona, Oscoda, Montmorency, Antrim, Charlevoix, Cheboygan, Emmet and Presque Isle. Indiana, the following counties: Lake, Porter, Starke, Pulaski, White, Tippecanoe, Montgomery, Boone, Marion, Johnson, Barthalomew, Decatur, Ripley, Ohio, and all counties north and east thereof. Ohio, the following counties: Butler, Warren, Clinton, Fayette, Pickaway, Hocking, Perry, Morgan, Noble, Muskingum, Coshocton, Holmes, Wayne, Ashland, Huron, Erie and all counties north and west thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 32
Cement City, Mich. Coldwater, Mich. Quincy, Mich.	Michigan, the following counties: Manistee, Wexford, Missaukee, Roscommon, Ogemaw, Iosco, and all counties south thereof. Ohio, the following counties: Cuyahoga, Summit, Wayne, Holmes, Coshocton, Licking, Fairfield, Pickaway, Ross, Highland, Clinton, Warren, Hamilton, and all counties west and north thereof. Indiana, the following counties: Dearborn, Ripley, Jennings, Jackson, Monroe, Owen, Clay, Vigo, and all counties north thereof. Illinois, the following counties: Cook, Du Page, Will, and Kankakee.
	Zone 33
Limedale, Ind.	Indiana, all counties. Illinois, the following counties: Lake, Cook, Kane, Kendall, La Salle, Putnam, Woodford, Peoria, Knox, Fulton, Mason, Cass, Morgan, Scott, Macoupin, Madison, St. Clair, Washington, Perry, Jackson, Williamson, Saline, Gallatin, and all counties east thereof. Ohio, the following counties: Paulding, Putnam, Hancock, Hardin, Marion, Delaware, Franklin, Fairfield, Hocking, Ross, Pike, Scioto, and all counties south and west thereof. Kentucky, the following counties: Henderson, McLean, Ohio, Grayson, Hardin, Larue, Taylor, Casey, Lincoln, Garrard, Madison, Estill, Powell, Menifee, Rowan, Lewis, and all counties north thereof.
	Zone 34
Mitchell, Ind.	Indiana, all counties except Lake and Porter. Ohio, the following counties: Mercer, Auglaize, Shelby, Champaign, Madison, Franklin, Fairfield, Hocking, Vinton, Jackson, Scioto, and all counties south and west thereof. Kentucky, the following counties: Lewis, Carter, Elliott, Morgan, Wolfe, Breathitt, Perry, Letcher, and all counties west thereof. Michigan, the following counties: Van Buren, Kalamazoo, Calhoun, Cass, St. Joseph, and Berrien. Illinois, the following counties: Edgar, Coles, Shelby, Moultrie, Fayette, Bond, Madison, St. Clair, Washington, Perry, Jackson, Williamson, Johnson, Pulask and all counties east thereof.
	Zone 35
Speed, Ind.	Indiana, the following counties: Allen, Whitley, Kosciusko, Marshall, Starke, Jasper, Newton, and all counties south thereof. Ohio, the following counties: Van Wert, Auglaize, Shelby, Champaign, Clark, Greene, Fayette, Adams, Brown, Clinton, Clermont, Hamilton, Butler, Warren, Montgomery, Preble, Darke, Miami, and Mercer. Illinois, the following counties: Iroquois, Champaign, Vermilion, Edgar, Douglas, Coles, Cumberland, Clark, Crawford, Jasper, Effingham, Marion, Clay, Richland, Lawrence, Wabash, Edwards, Wayne, Jefferson, Franklin, Hamilton, White, Gallatin, and Saline. Kentucky—all counties. Tennessee, all counties except—Lincoln, Moore, Franklin, Grundy, Marion, Sequatchie, Hamilton, Bledsoe, Rhea, Meigs, McMinn, Bradley, Polk, Monroe, Sevier, Cocke, Jefferson, Grainger, Hamblen, Greene, Unico, Washington, Carter, Johnson, Sullivan, Hawkins, Claiborne, Union, Knox, Loudon, Blount, and Hancock.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 36
Kingsport, Tenn.	West Virginia, the following counties: Mason, Putnam, Kanawha, Clay, Nicholas, Greenbrier, and all counties south and west thereof. Kentucky, the following counties: Martin, Montgomery, Franklin, Nelson, Russell, Johnson, Bourbon, Shelby, Marion, Wayne, Morgan, Harrison, Spencer, Casey, Menifee, Scott, Bullett, Adair, Pike, Floyd, Magoffin, Wolfe, Powell, Clark, Fayette, Woodford, Anderson, Washington, Boyle, Lincoln, Pulaski, McCreary, Whitley, Bell, Knox, Laurel, Rockcastle, Garrard, Jessamine, Mercer, Madison, Estill, Lee, Breathitt, Knott, Letcher, Harlan, Perry, Leslie, Clay, Owsley and Jackson. Tennessee, the following counties: Scott, Anderson, Knox, Blount, and all counties east thereof. Virginia, the following counties: Rockingham, Greene, Orange, Louisa, Fluvanna, Cumberland, Powhatan, Amelia, Nottoway, Lunenburg, Mecklenburg, and all counties west thereof. North Carolina, the following counties: Warren, Franklin, Nash, Edgecombe, Pitt, Lenoir, Jones, Carteret, and all counties west thereof up to and including Swain, Macon, and Clay, excluding Graham and Cherokee. South Carolina, the following counties: Greenville, Laurens, Newberry, Fairfield, Richland, Sumter, Clarendon, Berkeley, Charleston, and all counties east thereof.
	Zone 37
Knoxville, Tenn.	South Carolina—all counties. North Carolina, the following counties: Stokes, Forsyth, Davidson, Randolph, Alamance, Orange, Durham, Wake, Harnett, Cumberland, Robeson, Columbus, Brunswick, and all counties west thereof. Georgia, the following counties: Floyd, Gordon, Pickens, Cherokee, Fulton, Clayton, Spalding, Lamar, Monroe, Bibb, Twiggs, Bleckley, Dodge, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, Bulloch, Effingham, Chatham, and all counties north and east thereof. Tennessee, the following counties: Montgomery, Robertson, Sumner, Wilson, Rutherford, Bedford, Moore, Lincoln, and all counties east thereof. Kentucky, the following counties: Franklin, Woodford, Jessamine, Garrard, Rockcastle, Pulaski, Wayne, McCreary, Whitley, Laurel, Jackson, Madison, Fayette, Bourbon, Montgomery, Clark, Powell, Estill, Lee, Owsley, Clay, Knox, Bell, Harlan, Leslie, Letcher, Perry, Knott, Breathitt, Wolfe, Magoffin, and Floyd. Virginia, the following counties: Giles, Montgomery, Roanoke, Botetourt, Bedford, Campbell, Franklin, Patrick, and all counties west thereof excluding Craig.
	Zone 38
North Chattanooga, Tenn. Cowan, Tenn. Richard City, Tenn.	South Carolina, Tennessee, and Georgia—all counties. North Carolina, the following counties: Stokes, Guilford, Alamance, Orange, Durham, Wake, Harnett, Cumberland, Robeson, and all counties south and west thereof. Alabama, the following counties: Marion, Walker, Jefferson, Shelby, Talladega, Cleburne, and all counties north thereof. Mississippi, the following counties: Alcorn and Tishomingo.
	Zone 39
Nashville, Tenn.	Tennessee—all counties. North Carolina, the following counties: Madison, Buncombe, Henderson and Polk. South Carolina, the following counties: Greenville, Spartanburg, and Anderson. Georgia, the following counties: Catoosa, Whitfield, Murray, Gorden, Bartow, Floyd, Cobb and Fulton. Alabama, the following counties: Madison, Limestone, Morgan, and Lauderdale. Mississippi, the following counties: Warren, Hinds, Rankin, Scott, Newton, Lauderdale, and all counties north thereof. Kentucky, the following counties: Bell, Knox, Laurel, Rockcastle, Garrard, Jessamine, Woodford, Franklin, Shelby, Jefferson, and all counties south and west, thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 40
Memphis, Tenn.	Tennessee, the following counties: Montgomery, Dickson Hickman, Lewis, Lawrence, and all counties west thereof. Arkansas, the following counties: Boone, Newton, Pope, Conway, Perry, Garland, Hot Spring, Clark, Nevada, Hempstead, Ouachita, Union, and all counties east thereof. Mississippi, the following counties: Lowndes, Oktibbeha, Choctaw, Attala, Leake, Scott, Smith, Covington, Jefferson Davis, Marion, and all counties north and west thereof. Louisiana, the following parishes: Webster, Bienville, Winn, Grant, LaSalle, Catahoula, Concordia, and all parishes east and north thereof.
	Zone 41
Boyles, Ala. No. Birmingham, Ala. Birmingham, Ala. Leeds, Ala. Ragland, Ala. Phoenixville, Ala.	Georgia, Alabama, and Mississippi—all counties. North Carolina, the following county: Macon. South Carolina, the following counties: Newberry, Saluda, Lexington, Richland, Aiken, Barnwell, Allendale, Bamberg, Dorchester, Oconee, Anderson, Abbeville, McCormick, Greenwood, Calhoun, Orangeburg, Edgefield and Laurens. Florida, the following counties: Duval, Nassau, Baker, Union, Columbia, Hamilton, Suwanee, Lafayette, Taylor, Madison, Jefferson and all counties west of Jefferson. Louisiana, the following parishes: Morehouse, Ouachita, Richland, Franklin, Catahoula, Concordia, Pointe Coupee, Iberville, Assumption, Terrebonne, and all parishes east thereof. Arkansas, the following counties: Crittenden, St. Francis, Monroe, Arkansas, Jefferson, Cleveland, Bradley, Ashley, and all counties east thereof. Tennessee, the following counties: Tipton, Lauderdale, Crockett, Gibson, Carrol, Benton, Humphreys, Dickson, Cheatham, Davidson, Rutherford, Cannon, Warren, White, Van Buren, Bledsoe, Rhea, Meigs, McMinn, Monroe, Polk and all counties south thereof.
	Zone 42
Spocari, Ala.	Alabama, Georgia, Mississippi—all counties. North Carolina—Macon county. Florida, the following counties: Duval, Nassau, Baker, Union, Columbia, Hamilton, Suwanee, Lafayette, Taylor, Madison, Jefferson, and all counties west of Jefferson. Arkansas, the following counties: Cross, Crittenden, St. Francis, Lee, Phillips, Monroe, Arkansas, Jefferson, Desha, Lincoln, Cleveland, Dallas, Drew, Bradley, Calhoun, Ouachita, Chicot, Ashley, Union. Louisiana, the following parishes: Union, Lincoln, Jackson, Winn, Grant, Rapides, Evangeline, Acadia, Vermilion and all parishes east thereof. Tennessee, the following counties: Lauderdale, Crockett, Gibson, Carroll, Benton, Humphreys, Dickson, Cheatham, Davidson, Williamson, Marshall, Lincoln and all counties south and west thereof.
	Zone 43
New Orleans, La.	Alabama: Mobile County. Louisiana, all Parishes except Claiborne, Webster, Bossier, Caddo, DeSoto, Sabine and Vernon. Mississippi, the following counties: Claiborne, Jefferson, Adams, Wilkinson, Amite, Franklin, Lincoln, Lawrence, Marion, Walthall, Pike, Pearl River, Hancock, Harrison, Stone, and Jackson.
	Zone 44
Manitowoc, Wis.	Wisconsin—all counties. Michigan—all counties in upper peninsula. Minnesota, the following counties: Carlton, Aitkin, Crow Wing, Southern part of Cass (bounded by Wadena and Crow Wing), Wadena, Otter Tail, Wilkin, Travers, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, Pine, Chisago, Isanti, Sherburne, Benton, Stearns, Pope, Stevens, Big Stone, Swift, Chippewa, Kandiyohi, Meeker, Wright, Hennepin, Anoka, Ramsey, Washington, Dakota, Scott, Carver, McLeod, Renville, Sibley, Nicollet, LeSueur, Rice, Goodhue, Wabasha, and Winona. Illinois, the following counties: Lake and Cook.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 45
Green Bay, Wis.	Wisconsin, the following counties: Ashland, Iron, Vilas, Forest, Florence, Marinette, Oconto, Brown, Door, Kewaunee, Manitowoc, Sheboygan, Ozaukee, Washington, Dodge, Columbia, Adams, Juneau, Jackson, Trempealeau, Eau Claire, Dunn, Barron, Rusk, Price, and all counties within the periphery of these counties and the state line. Michigan, the following counties: Gogebic, Iron, Dickinson, Menominee, Ontonagon, Houghton, Keweenaw, Baraga, Marquette, Alger, Delta, Schoolcraft, Luce, and Mackinac.
	Zone 46
Milwaukee, Wis.	Wisconsin, all counties except—Pierce, St. Croix, Polk, Burnett, and Washburn. Illinois, the following counties: Lake, Cook and Du Page. Michigan, the following counties: Schoolcraft, Alger, and all counties in Upper Peninsula west thereof.
	Zone 47
Chicago, Ill. Buffington, Ind. So. Chicago, Ill.	Illinois, the following counties: Rock Island, Henry, Stark, Peoria, Tazewell, Logan, Macon, Shelby, Effingham, Clay, Wayne, Edwards, Wabash, and all counties north and east thereof. Indiana—all counties. Ohio, the following counties: Williams, Fulton, Lucas, Defiance, Henry, Paulding, Putnam, Hancock, Van Wert, Allen, Hardin, Mercer, Auglaize, Darke, Shelby, Logan, Miami, Champaign, Preble, Montgomery, Butler, Warren, Hamilton, Clermont, and Brown. Michigan, the following counties: Muskegon, Kent, Ionia, Eaton, Ingham, Jackson, Lenawee, and all counties south and west thereof. Wisconsin, the following counties: La Crosse, Monroe, Juneau, Wood, Portage, Shawano, Oconto, Marinette, Brown, Kewaunee, and all counties south thereof. Iowa, the following counties: Howard, Winneshiek, Allamakee, Chickasaw, Fayette, Clayton, Buchanan, Delaware, Dubuque, Linn, Jones, Jackson, Cedar, Clinton, and Scott. Minnesota, the following counties: Fillmore and Houston.
	Zone 48
Dixon, Ill.	Illinois—all counties. Indiana, the following counties: Elkhart, Kosciusko, Wabash, Miami, Cass, Carroll, Clinton, Boone, Marion, Johnson, Morgan, Owen, Greene, Knox, Gibson, Vanberburgh, and all counties west thereof. Iowa, the following counties: Worth, Cerro Gordo, Butler, Grundy, Marshall, Jasper, Marion, Lucas, Appanoose, and all counties east thereof. Minnesota, the following counties: Washington, Ramsey, Hennepin, Scott, Le Sueur, Waseca, Freeborn, and all counties east thereof. Wisconsin, the following counties: St. Croix, Dupn, Eau Claire, Clark, Taylor, Marathon, Portage, Waushara, Green Lake, Fond du Lac, Washington, Ozaukee, and all counties south thereof.
	Zone 49
LaSalle, Ill. Oglesby, Ill.	Illinois—all counties. Indiana, the following counties: Allen, Wells, Grant, Madison, Hancock, Shelby, Johnson, Morgan, Owen, Greene, Knox, Gibson, Vanderburgh, Posey, and all counties west and north thereof. Iowa, the following counties: Winnebago, Hancock, Wright, Hamilton, Hardin, Marshall, Jasper, Marion, Monroe, Appanoose, and all counties east thereof. Minnesota, the following counties: Washington, Ramsey, Hennepin, Scott, Le Sueur, Waseca, Freeborn, and all counties south and east thereof. Michigan, the following counties: Van Buren, Cass, Kalamazoo, St. Joseph and Berrien. Wisconsin, the following counties: St. Croix, Dunn, Eau Claire, Clark, Taylor, Marathon, Portage, Waushara, Green Lake, Fond du Lac, Washington, Ozaukee, and all counties south thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 50
Duluth, Minn	Minnesota, all counties except Fillmore and Houston.
Steelton (Duluth), Minn.	North Dakota—all counties.
	South Dakota, the following counties: Campbell, Walworth, Potter, Sully, Hughes, Hyde, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, and all counties east and north thereof.
	Wisconsin, the following counties: Trempealeau, Jackson, Clark, Marathon, Langlade, Forest, Florence, and all counties north and west thereof.
	Michigan, the following counties: Marquette, Dickinson, Iron, Baraga, Houghton, Ontonagon, and Gogebic.
	Zone 51
Mason City, Iowa	Iowa and North Dakota, all counties
	Illinois, the following counties: Carroll and Jo Daviess.
	Wisconsin, the following counties: Burnett, Washburn, Sawyer, Price, Lincoln, Langlade, Marathon, Portage, Waushara, Green Lake, Columbia, Dane, Rock, and all counties west and south thereof.
	Minnesota, the following counties: Kittson, Marshall, Pennington, Clearwater, Hubbard, Cass, Atkin, Carlton, and all counties south thereof.
	South Dakota, the following counties: McPherson, Edmunds, Faulk, Hand, Jerauld, Brule, Charles Mix, and all counties east thereof.
	Nebraska, the following counties: Knox, Cedar, Dixon, Dakota, Thurston, Wayne, Pierce, Antelope, Boone, Madison, Stanton, Cuming, Burt, Washington, Dodge, Colfax, Platte, Nance, Merrick, Polk, Butler, Saunders, Douglas, Sarpy, Lancaster, Seward, York, Hamilton, Hall, Adams, Clay, Fillmore, and Saline.
	Zone 52
Davenport, Iowa	Iowa, all counties.
Linwood (Davenport), Iowa	Minnesota, the following counties: Big Stone, Stevens, Popse, Stearns, Morrison, Benton, Sherburne, Isanti, Chisago, and all counties south thereof.
	Wisconsin, the following counties: Polk, Barron, Rusk, Taylor, Marathon, Shawano, Outagamie, Winnebago, Fond du Lac, Sheboygan, and all counties south and west thereof.
	Missouri, the following counties: Marion, Shelby, Macon, Adair, Knox, Lewis, Clark, and Scotland.
	Illinois, the following counties: Clark, Cumberland, Effingham, Marion, Fayette, Bond, Madison, St. Clair, and all counties north thereof.
	Zone 53
Des Moines, Iowa	Iowa—all counties.
	Minnesota, the following counties: Clay, Becker, Wadena, Todd, Morrison, Benton, Sherburne, Anoka, Washington, and all counties south thereof.
	North Dakota, the following counties: Grand Forks, Steele, Traill, Stutsman, Barnes, Cass, Logan, LaMoure, Ransom, Richland, McIntosh, Dickey, and Sargent.
	South Dakota, the following counties: Spink, Brown, Beadle, Sanborn, Davison, Hutchinson, Bon Homme, and all counties east thereof.
	Nebraska, the following counties: Knox, Antelope, Boone, Nance, Merrick, Hall, Adams, Clay, Fillmore, Jefferson, and all counties east thereof.
	Missouri, the following counties: Buchanan, De Kalb, Daviess, Grundy, Sullivan, Adair, Scotland, Schuyler, Putnam, Mercer, Harrison, Worth, Gentry, Andrew, Nodaway, Atchison, and Holt.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 54
Louisville, Nebr	Nebraska—all counties.
	Iowa, the following counties: Worth, Cerro Gordo, Franklin, Hardin, Marshall, Tama, Poweshiek, Mahaska, Wapello, Davis, and all counties west thereof.
	Kansas, the following counties: Wallace, Logan, Gove, Trego, Ellis, Russell, Ellsworth, Saline, Dickinson, Geary, Riley, Pottawatomie, Jackson, Atchison, and all counties north thereof.
	Missouri, the following counties: Holt, Andrew, De Kalb, Caldwell, Livingston, Linn, Sullivan, Putnam, Atchison, Nodaway, Worth, Gentry, Daviess, Grundy, Mercer, and Harrison.
	Minnesota, the following counties: Lac Qui Parle, Chippewa, Kandiyohi, Meeker, Wright, Hennepin, Ramsey, Washington, Dakota, Rice, Steel, Freeborn, and all counties south and west thereof.
	South Dakota, the following counties: Fall River, Washington, Washabaugh, Mellette, Tripp, Gregory, Brule, Jerauld, Beadle, Spink, Clark, Codington, Deuel, and all counties south thereof.
	Zone 55
Superior, Nebr	Nebraska—all counties.
	Iowa, the following counties: Monona, Cass, Page, Crawford, Mills, Plymouth, Harrison, Montgomery, Woodbury, Shelby, Fremont, Pottawattamie, Ida, Adams, Taylor, Lyon, Sioux, Osceola, Obrien, Cherokee and Sac.
	Kansas, the following counties: Doniphan, Atchison, Jackson, Shawnee, Osage, Lyon, Chase, Butler, Cowley, and all counties west thereof.
	South Dakota, the following counties: Tripp, Douglas, Minnehaha, Gregory, Hutchinson, Charles Mix, McCook, Turner, Lincoln, Bon Homme, Yankton, Clay and Union.
	Missouri, the following counties: Gentry, Nodaway, Atchison, Holt and Andrew.
	Minnesota, the following counties: Lac Qui Parle, Yellow Medicine, Lincoln, Lyon, Pipestone, Murray, Rock and Nobles.
	Zone 56
Hannibal, Mo	Iowa, the following counties: Ringgold, Union, Clarke, Warren, Polk, Jasper, Marshall, Hardin, Tama, Benton, Buchanan, Delaware, Dubuque, and all counties south and east thereof.
	Illinois, the following counties: Rock Island, Henry, Stark, Peoria, Tazewell, Logan, DeWitt, Piatt, Moultrie, Shelby, Effingham, Jasper, Richland, Lawrence, and all counties west and south thereof.
	Arkansas, the following counties: Randolph, Craighead, Clay, Mississippi, Lawrence, Cross, Greene, and Poinsett.
	Kentucky, the following counties: Union, Webster, Hopkins, Muhlenberg, Todd, and all counties west thereof.
	Tennessee, the following counties: Dyer, Obion, Weakley, Carroll, Decatur, Benton, Humphreys, Dickson, Montgomery, Lake, Henry, Stewart, and Houston.
	Missouri, the following counties: Putnam, Sullivan, Linn, Charlton, Howard, Cooper, Morgan, Miller, Maries, Phelps, Dent, Reynolds, Wayne, Butler, Ripley, and all counties east thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 57
Bonner Springs, Kans.	Kansas, all counties.
Sugar Creek, Mo.	Missouri, the following counties: Schuyler, Adair, Macon, Randolph, Audrain, Callaway, Osage, Maries, Pulaski, Texas, Shannon, Carter, Oregon, and all counties west thereof.
Kansas City, Mo.	
Kansas City, Kans.	Iowa, the following counties: Davis, Wapello, Monroe,

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 59
Chanute, Kans.	Kansas—all counties.
Fredonia, Kans	Missouri, the following counties: Mercer, Sullivan, Linn, Charlton, Randolph, Boone, Cole, Miller, Pulaski, Texas, Shannon, Carter, Oregon, and all counties west thereof.
Independence, Kans.	
Iola, Kans.	Arkansas, the following counties: Fulton, Sharp, Lawrence,
Humboldt, Kans.	

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 57
Bonner Springs, Kans. Sugar Creek, Mo. Kansas City, Mo. Kansas City, Kans.	Kansas, all counties. Missouri, the following counties: Schuyler, Adair, Macon, Randolph, Audrain, Callaway, Osage, Maries, Pulaski, Texas, Shannon, Carter, Oregon, and all counties west thereof. Iowa, the following counties: Davis, Wapello, Monroe, Lucas, Clarke, Madison, Adair, Audubon, Shelby, Harrison, Monona, Woodbury, and all counties south and west thereof. Nebraska, the following counties: Dakota, Dixon, Cedar, Wayne, Stanton, Madison, Boone, Greeley, Valley, Sherman, Buffalo, Phelps, Harlan and all counties east and south thereof. Oklahoma, the following counties: Sequoyah, Muskogee, Okmulgee, Creek, Payne, Noble, Garfield, Major, Woods, and all counties north and east thereof. Arkansas, the following counties: Baxter, Stone, Searcy, Marion, Boone, Newton, Johnson, Madison, Carroll, Benton, Washington, and Crawford.
	Zone 58
St. Louis, Mo. (Alpha, Prospect Hill, and Carondelet, Mo.). E. St. Louis, Ill.	Indiana, the following counties: Vigo, Sullivan, Knox, Daviess, Martin, Gibson, Pike, Dubois, Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry. Illinois, the following counties: Mercer, Henry, Stark, Marshall, Putnam, Woodford, Livingston, Ford, Iroquois, and all counties south thereof. Missouri, the following counties: Nodaway, Gentry, Daviess, Livingston, Charlton, Howard, Cooper, Pettis, Henry, St. Clair, Polk, Greene, Christian, Stone, and all counties east thereof. Arkansas, the following counties: Fulton, Izard, Stone, Van Buren, Conway, Perry, Garland, Saline, Pulaski, Jefferson, Arkansas, and all counties north and east thereof. Tennessee, the following counties: Montgomery, Dickson, Humphreys, Perry, Wayne, and all counties west thereof. Kentucky, the following counties: Meade, Hardin, Grayson, Butler, Warren, Simpson, and all counties west thereof. Mississippi, the following counties: Alcorn, Tippah, Union, LaFayette, Yalobusha, Grenada, Carroll, LeFlore, Humphreys, Washington, and all counties west and north thereof.
	Zone 59
Cape Girardeau, Mo. Marquette, Mo.	Missouri, the following counties: Lincoln, Montgomery, Audrain, Boone, Howard, Cooper, Morgan, Camden, Dallas, Webster, Christian, Taney, and all counties south and east thereof. Illinois, the following counties: Madison, Bond, Fayette, Effingham, Jasper, Crawford, and all counties south thereof. Indiana, the following counties: Knox, Gibson, Pike, Warrick, Spencer, Vanderburgh, and Posey. Kentucky, the following counties: Hancock, Davies, McLean, Muhlenberg, Logan, and all counties west thereof. Tennessee, the following counties: Sumner, Wilson, Rutherford, Bedford, Marshall, Giles, and all counties west thereof. Mississippi, the following counties: Tishomingo, Prentiss, Lee, Pontotoc, Calhoun, Grenada, Alcorn, Tallahatchie, Coahoma, Bolivar, Washington, Tippah, Humphreys, Sharkey, Union, La Fayette, Yalobusha, Quitman, Tunica, Panola, Tate, De Soto, Marshall, and Benton. Arkansas, the following counties: Desha, Drew, Ashley, Bradley, Cleveland, Grant, Hot Spring, Garland, Perry, Conway, Pope, Newton, Boone, and all counties east thereof, excluding Chicot.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 60
Chanute, Kans. Fredonia, Kans. Independence, Kans. Iola, Kans. Humboldt, Kans. Dewey, Okla.	Kansas—all counties. Missouri, the following counties: Mercer, Sullivan, Linn, Charlton, Randolph, Boone, Cole, Miller, Pulaski, Texas, Shannon, Carter, Oregon, and all counties west thereof. Arkansas, the following counties: Fulton, Sharp, Lawrence, Jackson, White, Lonoke, Pulaski, Saline, Hot Springs, Garland, Yell, Scott, Polk, and all counties north and west within the periphery of those counties and the state line. Oklahoma, the following counties: Le Flore, Latimer, Pittsburg, Hughes, Seminole, Pottawatomie, Cleveland, McClain, Grady, Comanche, Kiowa, Greer, Beckham, Roger Mills, Ellis, Beaver, Texas, Cimarron, and all counties north and east thereof. Texas, the following counties: Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, and all counties north thereof. Nebraska, the following counties: Douglas, Sarpy, Cass, Otoe, Nemaha, Richardson, Pawnee, Johnson, Gage, Lancaster, Saline, Jefferson, Thayer, Fillmore, Clay, Nuckolls, Webster, Adams, Hall, Franklin, Harlan, Furnas, Red Willow, Hitchcock, and Dundy.
	Zone 61
Ada, Okla.	Kansas, the following counties: Clark, Comanche, Barber, Harper, and Sumner. Oklahoma, all counties except Cimarron, Texas, Washington, and Nowata. Arkansas, the following counties: Benton, Carroll, Boone, Newton, Madison, Washington, Crawford, Franklin, Johnson, Pope, Conway, Faulkner, Pulaski, Perry, Yell, Logan, Sebastian, and Scott. Missouri, the following counties: Jasper, Lawrence, Greene, Christian, Taney, Stone, Barry, Newton, and McDonald. Texas, the following counties: Gaines, Dawson, Borden, Scurry, Fisher, Jones, Shackelford, Stephens, Palo Pinto, Erath, Hamilton, Bosque, Hill, Navarro, Henderson, Cherokee, Nacogdoches, Shelby and all counties west and north thereof within the periphery of these counties and the state line.
	Zone 62
Okay, Ark.	Arkansas—all counties. Louisiana, the following parishes, Calcasieu, Jefferson Davis, Acadia, Lafayette, Iberia, St. Martin, Iberville, East Baton Rouge, East Feliciana, and all parishes north and west thereof. Mississippi, the following counties: De Soto, Tate, Panola, Tallahatchie, Leflore, Humphreys, Yazoo, Hinds, Copiah, Lincoln, Amite, and all counties west thereof. Oklahoma, the following counties: Adair, Pushmataha, Sequoyah, Choctaw, Haskell, Pittsburg, Latimer, Le Flore, and McCurtain. Tennessee: the following county: Shelby. Texas, the following counties: Red River, Franklin, Wood, Rains, Van Zandt, Henderson, Anderson, Cherokee, Angelina, San Augustine, Sabine, and all counties east thereof.
	Zone 63
Dallas, Tex. Ft. Worth, Tex. (Harrys, Eagle Ford, and North Ft. Worth, Tex.)	Texas, the following counties: Andrews, Ector, Midland, Upton, Reagan, Irion, Schleicher, Menard, Mason, Llano, Burnet, Williamson, Milam, Robertson, Leon, Anderson, Cherokee, Rusk, Panola, and all counties north thereof. Oklahoma, the following counties: Roger Mills, Custer, Blaine, Kingfisher, Logan, Lincoln, Pottawatomie, Seminole, Hughes, McIntosh, Haskell, Le Flore, and all counties south thereof. Arkansas, the following counties: Scott, Yell, Perry, Pulaski, Saline, Hot Spring, Dallas, Calhoun, Bradley, Drew, Ashley, and all counties west and south thereof. Louisiana, the following parishes: De Soto, Natchitoches, Winn, Caldwell, Franklin, Tensas, and all the parishes north thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 64
Waco, Tex	Texas, the following counties: Collingsworth, Gray, Carson, Potter, Randall, Swisher, Castro, Parmer, Bailey, Cochran, Yoakum, Gaines, Andrews, Ector, Crane, Upton, Crockett, Sutton, Edwards, Kerr, Bandera, Medina, Frio, McMullen, Atascosa, Karnes, Bee, Goliad, Victoria, Calhoun, and all other counties south, east, and north, within the periphery of these counties and the state line. Oklahoma, the following counties: McCurtain, Pushmataha, Choctaw, Atoka, Coal, Bryan, Johnston, Marshall, Garvin, Murray, Carter, Stephens, Jefferson, Comanche, Tillman, Jackson, Harman, Cotton, and Love. Arkansas, the following counties: Sevier, Little River, Miller, LaFayette, Hempstead, Howard, Pike, Clark, Nevada, Columbia, Union, Ouachita, Calhoun, Dallas, and Grant. Louisiana, the following parishes: Union, Lincoln, Jackson, Caldwell, Franklin, Catahoula, Avoyelles, St. Landry, St. Martin, Iberia, St. Mary, and all parishes west thereof.
	Zone 65
Houston, Tex Manchester Switch (Houston, Tex.).	Texas, the following counties: Bowie, Titus, Norris, Camp, Wood, Rains, Van Zandt, Kaufman, Ellis, Hill, Bosque, Hamilton, Coryell, Bell, Williamson, Travis, Blanco, Gillespie, Kimble, Sutton, Valverde, and all counties south thereof. Louisiana, the following parishes: Sabine, Vernon, Rapides, Grant, LaSalle, Catahoula, Concordia, Pointe Coupee, West Baton Rouge, Iberville, Ascension, St. John the Baptist, St. Charles, Orleans, Jefferson, St. Bernard and all parishes south and west thereof.
	Zone 66
San Antonio, Tex (Cementville, Longhorn, Tex.)	Texas, the following counties: Terrell, Crockett, Upton, Reagan, Sterling, Coke, Nolan, Taylor, Callahan, Eastland, Erath, Hood, Johnson, Ellis, Kaufman, Van Zandt, Rains, Wood, Camp, Titus, Morris, Bowie, and all counties south thereof.
	Zone 67
Rapid City, S. Dak	South Dakota: all counties. Nebraska, the following counties: Cedar, Knox, Antelope, Holt, Boyd, Keya Paha, Rock, Brown, Cherry, Thomas, Hooker, Grant, Sheridan, Dawes, Box Butte, Garden, Morrill, Kimball, Banner, Scotts Bluff, and Sioux. Wyoming, the following counties: Weston, Niobrara, Goshen, Converse, Campbell, Sheridan, Johnson, Natrona, Big Horn, Washakie, Park, Hot Springs, Fremont and Platte. Montana, the following counties: Powder River, Big Horn, Yellowstone, and Carbon. North Dakota, the following counties: Emmons, Burleigh, Sioux, Adams, Bowman, Slope, Hettinger, Grant, Morton, Oliver, Mercer, and McLean.
	Zone 68
Laramie, Wyo	Wyoming—all counties. Nebraska, the following counties: Sheridan, Grant, Hooker, McPherson, Lincoln, Frontier, Hitchcock, and all counties west thereof. Utah, the following counties: Weber, Davis, Morgan, Salt Lake, Summit, and Daggett. Colorado, the following counties: Moffat, Routt, Grand, Clear Creek, Jefferson, Douglas, El Paso, Pueblo, Huerfano, Las Animas, Otero, Lincoln, Cheyenne, and all counties north thereof. Montana, the following counties: Yellowstone, Big Horn, and Treasure. New Mexico, the following counties: Colfax, Union, Mora, Harding, Santa Fe, Bernalillo, San Miguel, and Quay.
	Zone 69
Boetteher, Colo	Wyoming—all counties. Nebraska, the following counties: Sioux, Dawes, Sheridan, Grant, Hooker, McPherson, Lincoln, Frontier, Redwillow, and all counties south and west thereof. Colorado—all counties.
	Zone 70
Portland, Colo	Colorado—all counties. New Mexico, all counties except—Otero, Dona Ana, Luna, Grant, and Hidalgo. Texas, the following counties: Bailey, Farmer, Deaf Smith, Randall, Swisher, Armstrong, Carson, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Dallam, Hartley, Moore, Oldham, and Potter. Kansas, the following counties: Meade, Gray, Finney, Lane, Ness, Gove, Sheridan, Thomas, Logan, Sherman, Wallace, Greeley, Wichita, Scott, Hamilton, Kearny, Stanton, Grant, Haskell, Morton, Stevens, and Seward. Oklahoma, the following counties: Cimarron, Texas, and Beaver.
	Zone 71
El Paso, Tex	Arizona, all counties except—Mohave and Yuma. New Mexico, all counties except—San Juan, Rio Arriba, and Taos. Texas, the following counties: Terrell, Crockett, Sutton, Schleicher, Tom Green, Coke, Sterling, Howard, Borden, Garza, Crosby, Floyd, Briscoe, Armstrong, Carson, Hutchinson, Hansford, and all counties west thereof.
	Zone 72
Trident, Mont	Montana—all counties. North Dakota, the following counties: Renville, Ward, McLean, Oliver, Burleigh, Morton, Sioux, and all counties west thereof. Wyoming, the following counties: Campbell, Johnson, Washakie, Hot Springs, Park, Big Horn, Sheridan, Yellowstone National Park.
	Zone 73
Inkom, Idaho	Idaho, the following counties: Fremont, Clark, Lemhi, Valley, Gem, Canyon, and all counties south thereof. Utah, the following counties: Box Elder, Cache, Rich, Weber, Morgan, Salt Lake, Utah, Tooele, and Davis. Wyoming, the following counties: Yellowstone National Park, Teton, and Lincoln.
	Zone 74
Devils Slide, Utah	Utah—all counties. Wyoming, the following counties: Yellowstone National Park, Teton, Sublette, Fremont, Lincoln, Uinta, and Sweetwater. Nevada, the following counties: Elko and White Pine.
	Zone 75
Salt Lake City, Utah	Utah—all counties. Nevada, the following counties: Elko and White Pine.
	Zone 76
Spokane, Wash Metaline Falls, Wash. Irvin, Wash.	Washington, the following counties: Okanogan, Chelan, Kittitas, Yakima, Klickitat, and all counties east thereof. Idaho, the following counties: Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho. Montana, the following counties: Hill, Liberty, Toole, Glacier, Glacier National Park, Flathead, Lincoln, Pondera, Lake, Sanders, Missoula, Mineral, Granite, and Ravalli.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 77
Bellingham, Wash	Washington, the following counties: Okanogan, Douglas, Grant, Benton, and all counties west thereof.
	Zone 78
Seattle, Wash Concrete, Wash.	Washington, the following counties: Whatcom, Okanogan, Douglas, Grant, Benton, and all counties south and west thereof.
	Zone 79
Grotto, Wash	Washington, the following counties: Okanogan, Douglas Grant, Yakima, Kittitas, Benton, Chelan, Snohomish, King, Pierce, Lewis, Thurston, Mason, Grays Harbor and Pacific.
	Zone 80
Orofino, Idaho	Idaho, the following counties: Idaho, Lewis, Latah, Benewah, Clearwater, Nez Perce, Shoshone, and Kootenai. Montana, the following counties: Sanders, Mineral, Missoula, and Ravalli. Washington, the following counties: Spokane, Stevens, Ferry, Lincoln, Grant, Adams, Whitman, Garfield, Asotin, Columbia, Walla Walla, Franklin, Benton and Yakima. Oregon, the following county: Umatilla.
	Zone 81
Oswego, Oreg	Oregon—all counties. Washington, the following counties: Cowlitz, Wahkiakum, Clark, Skamania, Klickitat and Benton.
	Zone 82
Lime, Oreg	Oregon—all counties. Idaho, the following counties: Adams, Valley, Boise, Elmore, Owyhee, Washington, Gem, Canyon, Ada, and Payette. Washington, the following counties: Cowlitz, Wahkiakum, Skamania, Clark, Benton, Walla Walla, Klickitat and Franklin.
	Zone 83
Gold Hill, Oreg	California, the following counties: Del Norte, Siskiyou, Trinity, Shasta, and Modoc. Washington, the following counties: Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat. Oregon, the following counties: Umatilla, Morrow, Wheeler, Jefferson, Deschutes, Lake, and all counties west thereof.
	Zone 84
San Andreas, Calif	California, the following counties: Santa Barbara, Kern, Tulare, Fresno, Mono, Sequoia National Park, and all counties north and west thereof. Nevada, the following counties: Mineral, Churchill, Lander, Eureka, White Pine, Elko, Humboldt, Washoe, Pershing, Storey, Lyon, Ormsby, and Douglas.
	Zone 85
Cowell, Calif	California, the following counties: Eldorado, Amador, Calaveras, Tuolumne, Yosemite National Park, Mariposa, Madera, Fresno, Sequoia National Park, Tulare, Monterey, San Luis Obispo, and all counties west and north thereof.
	Zone 86
Merced, Calif	California, the following counties: Eldorado, Amador-Calaveras, Tuolumne, Yosemite National Park, Mariposa, Madera, Fresno, Sequoia National Park, Tulare, Kern, Santa Barbara, and all counties north and west thereof. Nevada, the following counties: Elko, White Pine, Eureka, Lander, Churchill, Mineral, Esmeralda, Lyon, Douglas, Ormsby, Storey, Washoe, Humboldt, and Pershing.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 87
Redwood City, Calif San Juan Bautista, Calif.	California, all counties except—Mono, Inyo, San Bernardino, Riverside, Imperial, San Diego, Orange, Los Angeles and Ventura. Nevada, the following counties: Elko, Eureka, Lander, Churchill, Mineral, Esmeralda, Lyon, Douglas, Humboldt, Washoe, Pershing, Storey, and Ormsby.
	Zone 88
Los Altos, Calif	California, all counties except—Mono, Inyo, Ventura, Los Angeles, Orange, San Bernardino, Riverside, San Diego, and Imperial. Nevada, the following counties: Washoe, Humboldt, Lander, Pershing, Churchhill, Mineral, Esmeralda, Douglas, Lyon, Storey, and Ormsby.
	Zone 89
Davenport, Calif	California, the following counties: Mono, Fresno, Sequoia National Park, Tulare, Kern, Santa Barbara, and all counties west and north thereof. Nevada, the following counties: Washoe, Pershing, Churchill, Ormsby, Douglas, Lyon, Mineral, Esmeralda, and Storey.
	Zone 90
Monolith, Calif	Nevada, the following counties: Lincoln, and Clark; furthermore Mineral, Esmeralda and Nye Counties may be served by highway haulage direct or from Love Pine, California. Arizona, all counties except—Apache, Graham, Greenlee, Cochise and Santa Cruz. California, the following counties: Alpine, Mono, Madera, Fresno, Monterey, and all counties south thereof.
	Zone 91
Victorville, Calif	California, the following counties: Mono, Fresno, Kings, San Luis Obispo, and all counties south and east thereof. Nevada, the following counties: Lincoln, and Clark; furthermore Mineral, Esmeralda and Nye may be served by highway haulage direct or from Love Pine, California. Arizona, the following counties: Navajo, Gila, Pinal, Pima, and all counties west thereof.
	Zone 92
Westmore, Calif Oro Grande, Calif.	California, the following counties: Mono, Fresno, Kings, San Luis Obispo, and all counties south and east thereof. Arizona, all counties except—Apache and Greenlee. Nevada, the following counties: Lincoln, and Clark; furthermore Mineral, Esmeralda and Nye may be served by highway haulage direct or from Love Pine, California.
	Zone 93
Colton, Calif	California, the following counties: San Luis Obispo, Kern, Inyo, and all counties south thereof. Nevada, the following counties: Clark, and Lincoln; furthermore Mineral, Esmeralda and Nye may be served by highway haulage direct or from Love Pine, California. All Arizona except Gila, Graham and Greenlee.

[F. R. Doc. 43-13886; Filed, August 25, 1943; 11:16 a. m.]

PART 3199—MALTED GRAINS AND MALT SYRUPS

[Conservation Order M-288, as amended, Revocation]

§ 3199.1 *Conservation Order M-288,* as amended, having been superseded by Food Distribution Order 66, War Food Administration, is hereby revoked except that as to violations of said Conservation Order M-288, as amended, or rights accrued, liabilities incurred, or appeals taken, under said order, said Conservation Order M-288, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding, with respect to any such violation, right, or liability.

Issued this 25th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13887; Filed, August 25, 1943; 11:16 a. m.]

PART 3287—GOVERNMENT SERVICES [1]

[Limitation Order L-286 as Amended August 25, 1943]

AMMUNITION

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of ammunition for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3287.21 [1] *Limitation Order L-286*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Manufacturer" means any person engaged in the business of manufacturing ammunition.

(3) "Dealer" means any person engaged in the business of selling ammunition at retail to the public.

(4) "Distributor" means any person engaged in the business of selling ammunition other than a manufacturer or dealer.

(5) "Ammunition" means any cartridge loaded with gun powder and containing a metallic bullet or metallic shot, designed to be fired in a pistol, revolver, rifle, shotgun or submachine gun of the following caliber or gauge:

NOTE: Item 1 of list amended August 25, 1943.

.22 caliber rim fire
.25-35 caliber
.25-20 caliber
.270 caliber
.250-3000 caliber
.30-06 caliber
.30-30 caliber
.300 caliber (except .300 H & H Magnum)
.30 caliber
.32 caliber
.32-20 caliber
.35 caliber
.351 caliber
.38 caliber
.380 caliber
.357 caliber
.45 caliber
12-gauge
16-gauge
20-gauge
410-gauge

The term "ammunition" also includes primers, designed for re-loading fired cartridges, but does not include any tear gas cartridge or projectile, any re-loaded cartridge, or any cartridge not manufactured in North America.

(6) "Authorized purchaser" means any person for whom a quota is assigned in Schedule A of this order.

(7) "Defense plant" means any plant in which any product or material is manufactured, processed or assembled, pursuant to a contract or subcontract with, or for the account of the United States Government or any department or agency thereof.

(8) "Defense plant guard" means any person who is employed as a guard in a defense plant and who requires ammunition in connection with the performance of his duties.

(9) "Law enforcement agency" means any law enforcement agency of the United States Government, and any law enforcement agency of any State, county, city or other governmental subdivision, within the United States or any of its territories or possessions.

(10) "Law enforcement officer" means any member of a law enforcement agency regularly employed as such, who requires ammunition in connection with the performance of his official duties, but the term does not include defense plant guards.

(11) "Special guard" means any person who is employed as a guard by a public utility, a transportation or express company, a bank or trust company, a public warehouse or any company furnishing armored car service, or any payroll guard, who requires ammunition in connection with the performance of his duties and who is required by his employer to furnish all his own ammunition.

(12) "Farmer or rancher" means any person who as owner or tenant of owner operates a farm or ranch on which livestock, poultry, fowl, crops or other agricultural products are grown or produced for the purpose of sale. The term "farm or ranch" does not include a "Victory Garden".

(13) "Calendar quarter" means the several three months of the year commencing January 1, April 1, July 1, and October 1.

(b) *Restrictions on sale and delivery of ammunition.* No manufacturer, distributor or dealer shall sell or deliver any ammunition, and no person shall purchase or accept delivery of any ammunition from any manufacturer, distributor or dealer, except where such ammunition is sold or delivered:

(1) To fill any order for ammunition to be delivered to, or for the account of (i) the Army or Navy of the United States, Defense Supplies Corporation or the Office of Strategic Services; or, (ii) the Government of any foreign country if pursuant to specific authorization of the Army of the United States or the War Production Board.

(2) To fill any order placed by any agency of the United States Government for ammunition to be delivered to, or for the account of the government of any country, including those in the western hemisphere, pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) To a manufacturer, distributor or dealer.

(4) To any authorized purchaser not in excess of his current quota as fixed in Schedule A of this order, upon receipt of a certificate as provided in paragraph (c) of this order.

(5) To any person who has been specifically authorized to purchase or accept delivery of ammunition by the War Production Board pursuant to the provisions of paragraph (d) of this order or otherwise.

(6) From stock in the hands of any dealer on the effective date of this order if the retail value of said stock of ammunition according to maximum prices fixed by the regulations of the Office of Price Administration is less than $250.

(7) By the Army or Navy of the United States.

(c) *Certification.* Any authorized purchaser, prior to purchasing or accepting delivery of ammunition pursuant to the authorization in paragraph (b) (4) of this order, shall file with the seller, a purchase order, together with a written certificate signed by him in substantially the form hereinafter provided for such purchaser in this paragraph (c). Such certification shall constitute a representation by such purchaser to the seller and to the War Production Board, of the facts certified therein. No person shall make delivery of ammunition based on such certification who has reason to believe that any of the facts certified therein are false.

CERTIFICATE NO. 1

Law Enforcement Agencies

To ----------
Name of Seller

Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that the purchaser is familiar with the provisions of Limitation Order L-286; that purchaser is a law enforcement agency as defined in said order; that purchaser has ------ persons regularly employed as law enforcement officers on a full time basis to whom purchaser furnishes ammunition; that during the current calendar quarter, purchaser has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity to which purchaser is entitled under the applicable quota as established by Schedule A of Limitation Order L-286; that purchaser's present stock of ammunition is inadequate and that the ammunition ordered is necessary for the public safety; that said ammunition will not be used except in connection

[1] Formerly Part 3234, § 3234.1.

with the discharge of the official duties of the officers employed by purchaser.

Date: ----------

Legal Name of Purchaser

By ---
Authorized Official

Title of Official

Address of Purchaser

CERTIFICATE No. 2

Defense Plants

To ---
Name of Seller

Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Limitation Order L–286; that he is the operator of a defense plant as defined in said order; that he has ------ persons regularly employed as defense plant guards on a full time basis to whom he furnishes ammunition; that during the current calendar quarter he haa not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity to which he is entitled under the applicable quota as established by Schedule A, of Limitation Order L–286; and that the ammunition ordered is necessary for the protection of said plant; that said ammunition will not be used except in connection with the discharge of the official duties of the defense plant guards employed by purchaser.

Date ----------

Legal Name of Purchaser

By ---
Authorized Official

Title of Official

Address of Purchaser

CERTIFICATE No. 3

Special Guards

To ---
Name of Seller

Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Limitation Order L–286; that he is a special guard as defined in paragraph (a) (11) of said order; and that he is employed by ---, in
Name and address of employer
the capacity of ---; that he is required to furnish all his own ammunition; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity for said quarter to which he is entitled under the applicable quota as established by Schedule A of said order; that his present supply of ammunition is inadequate for the performance of his official duties and that he will not use any of the ammunition hereby ordered except in connection with the performance of his official duties.

Date ----------

Signature of Purchaser

Address of Purchaser

Approved by

Employer

No. 169——4

CERTIFICATE No. 4

Farmers and Ranchers

To ---
Name of Seller

Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Schedule A to Limitation Order L–286; that he operates a farm or ranch; that the ammunition ordered by the attached purchase order is necessary to protect livestock or crops from predatory animals or birds and that his present stock of ammunition is inadequate; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition hereby ordered) in excess of the quantity for said quarter to which he is entitled under the applicable quota established by Schedule A to Limitation Order L–286.

Date ----------

Signature of Purchaser

(d) *Application for authorization.* Any person other than an authorized purchaser seeking authorization to purchase ammunition and any authorized purchaser who, in any quota period requires ammunition in addition to the applicable quota as fixed in Schedule A shall make application on Form PD–860, which shall be filed with the Governmental Division, War Production Board, Washington, 25, D. C., Ref: L–286. Authorization, if granted, shall be delivered to the seller with the purchase order. In case of emergency, application may be made by telephone or telegraph stating all pertinent facts.

(e) *Miscellaneous provisions*—(1) *Records.* All manufacturers, distributors and dealers affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventory and sale of ammunition, including all certificates and purchase orders referred to in paragraph (c) and all authorizations by the War Production Board referred to in paragraph (d) of this order.

(2) *Reports.* All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as said Board shall from time to time request.

(3) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by authorized representatives of the War Production Board.

(4) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds for the appeal.

(6) *Communications.* A report required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Governmental Division, War Production Board, Washington, 25, D. C., Ref: L–286.

(7) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

Issued this 25th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A OF LIMITATION ORDER L–286

NOTE: Paragraphs (1) and (4) amended August 25, 1943.

(a) *Quotas.* Pursuant to the provisions of paragraph (b) (4) of Limitation Order L–286, quotaa of ammunition for authorized purchasers are established on a current quarterly basis as follows:

(1) To any law enforcement agency for each of its law enforcement officers, employed on a full-time basis to whom it furnishes all of the ammunition required in connection with the performance of his official duties:

20 rounds of pistol ammunition, except .22 caliber but no more than 10 rounds of .38 caliber special service, and not more than 10 rounds of .38 caliber midrange.

100 rounds of .38 caliber primers.

100 rounds of rifle ammunition, except .22 caliber.

200 rounds of .22 caliber long rifle cartridgea.

10 buck shot shells of any gauge.

(2) To the operator of any defense plant, for each defense plant guard whom he employs on a full-time basis and to whom he furnishes all of the ammunition required in connection with the performance of his duties:

The same quotas as listed in paragraph (1) of this paragraph (a).

(3) To any special guard:

The same quotas as listed in paragraph (1) of this paragraph (a).

(4) To any farmer or rancher:

100 rounds of .22 caliber rim fire cartridges.

40 rounds of center fire rifle ammunition.

25 rounds of shotgun shells of any gauge.

[F. R. Doc. 43–13888; Filed, August 25, 1943; 11:15 a. m.]

PART 3287—GOVERNMENT REQUIREMENTS

[Supplementary Limitation Order L–286–a]

AMMUNITION

§ 3287.22 *Supplementary Limitation Order L–286–a*—(a) *Purpose.* The purpose of this Supplementary Order is to permit farmers and ranchers and other persons to get a special quota of ammunition to kill animals and birds so as to protect crops and livestock and increase the food supply.

(b) *Special quota for farmers and ranchers.* In addition to the quota allowed to farmers and ranchers by Limitation Order L–286, any farmer or rancher may purchase fifty .22 caliber

rim fire cartridges and 20 center fire rifle cartridges, and 25 shotgun shells, subject to the following conditions:

(1) He must accept delivery or place a written order for such ammunition before October 1, 1943.

(2) He must sign and deliver to the seller at the time the purchase order is placed a certificate in substantially the following form:

CERTIFICATE No. 5

FARMERS' AND RANCHERS' SPECIAL QUOTA FOR 1943

[The order for which this certificate is made must be placed before October 1, 1943]

To:_____
Name of seller

_____
Address of seller

I hereby certify to the seller named above and to the War Production Board that I have this day ordered from the above named seller the following ammunition:

_____

(not to exceed fifty .22 caliber rim fire cartridges, 20 center fire rifle cartridges, and 25 shotgun shells) as the special quota of ammunition allowed to farmers and ranchers under Supplementary Order L–286–a; I operate a farm or ranch on which livestock, fowl, poultry, crops or other agricultural products are grown or produced for sale (not just a Victory Garden); I am the only person authorized to purchase this special quota of ammunition for such farm or ranch; I have not previously purchased or ordered such special quota; I am purchasing this ammunition for my own personal use or for use of my tenants and not for sale or gift.

Date:_____

_____
Signature of purchaser.

(c) *Special quota for 1943 for all persons except those who have received the farmers' and ranchers' special quota.* Any person except a farmer or rancher may purchase fifty .22 caliber rim fire cartridges, 20 center fire rifle cartridges, and 25 shotgun shells of any gauge, and any farmer or rancher who has not purchased or ordered his full quota allowed for farmers and ranchers under paragraph (b) of this order, may purchase the same quantities of ammunition less all ammunition purchased or ordered by him as his special quota under paragraph (b) hereof, subject to the following conditions:

(1) He shall not purchase, accept delivery of, or order such ammunition before October 1, 1943, or after November 15, 1943.

(2) He must sign and deliver to the seller at the time the purchase order is placed a certificate in substantially the following form:

CERTIFICATE No. 6

SPECIAL QUOTA FOR 1943 FOR ALL PERSONS EXCEPT THOSE WHO HAVE RECEIVED THE FARMERS' AND RANCHERS' SPECIAL QUOTA

[The order for which this certificate is made must be placed after September 30, 1943 and before November 16, 1943]

To:_____
Name of seller

_____
Address of seller

I hereby certify to the seller named above and to the War Production Board that I have this day ordered from the above named seller the following ammunition:_____

(not to exceed fifty .22 caliber rim fire cartridges, 20 center fire rifle cartridges, and 25 shotgun shells) as the special quota allowed under paragraph (c) of Supplementary Limitation Order L–286–a; I am purchasing this ammunition for my own personal use for shooting predatory and destructive animals and birds and not for sale or gift and not for target shooting; my present stock of ammunition on hand or on order from all sources including the special quota this day ordered from seller does not exceed one hundred .22 caliber rim fire cartridges, 20 center fire rifle cartridges, or 50 shotgun shells.

Date:_____ _____
Name of purchaser

_____
Address of purchaser

(d) *Special quotas are in addition to regular quotas.* The quotas allowed by paragraphs (b) and (c) of this Supplementary Order are special quotas and shall not be taken into account in determining the regular quota which any authorized purchaser is allowed under Schedule A of Limitation Order L–286.

(e) *Orders must be filled in the order placed.* All orders placed under the terms of this Supplementary Order shall be filled in the order in which they are placed provided that the customary terms of the seller are met, except that orders placed by farmers and ranchers for their fourth quarter regular quotas under L–286 must be given priority over orders placed in accordance with paragraph (c) of this Supplementary Order.

(f) *Records.* All manufacturers, distributors and dealers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory and sale of ammunition including all certificates and the purchase orders referred to in paragraphs (b) and (c) of this Supplementary Order.

(g) *Applicability of regulations.* This supplementary order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(h) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

Issued this 25th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13889; Filed, August 25, 1943; 11:16 a. m.]

PART 3290—TEXTILE, CLOTHING & LEATHER [1]

[Conservation Order M–298, as Amended August 25, 1943]

BLANKETS

Section 3290.291 [1] *Conservation Order M–298* is hereby amended to read as follows:

[1] Formerly Part 3220, § 3220.1.

§ 3290.291 *Conservation Order M–298*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Blanket manufacturer" means a person engaged in the business of manufacturing blankets for sale.

(2) "Blanket material" means yarn, sewing thread and binding fabric made from cotton.

(3) "Blanket line" has its customary trade significance.

(4) "Wool" means the fiber from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat, camel, alpaca, llama, and vicuna, which has never been reclaimed from any woven or felted wool product.

(5) "Reprocessed wool" means the resulting fiber when wool has been woven or felted into a wool product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state.

(6) "Reused wool" means the resulting fiber when wool or reprocessed wool has been spun, woven, knitted, or felted into a wool product which, after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state.

(7) "Percentages" herein, relating to blends of materials, are of the weights of finished products.

(c) *Assignment and application of preference rating.* Preference rating A-2 is hereby assigned to purchase or manufacturing orders placed by blanket manufacturers for blanket materials, subject to paragraph (d), below. Said rating shall be applied and extended in the manner provided by Priorities Regulation 3.

(d) *Restrictions on use of blanket materials secured pursuant to rating.* No blanket manufacturer shall use any blanket materials obtained pursuant to the application of the preference rating assigned by paragraph (c), above, in the manufacture of blankets, unless the blankets manufactured conform to the sizes, weights, colors and specifications applicable to the respective types and kinds of blankets, as set forth below:

(1) All cotton:
(i) Plaid:
66" x 76" 2 lbs. per pair—stitched ends only.
70" x 80" 2½ lbs. per pair—stitched ends only.
72" x 84" 3½ lbs. per pair—stitched ends or maximum 3" binding.
Colors: Rose and white—blue and white.
In pairs or singles of pairs.
(ii) White sheet blankets:
70" x 90"—single only—stitched ends only.
70" x 95"—single only—stitched ends only.
80" x 95"—single only—stitched ends only.
Weight or construction: Only one weight or construction produced by the blanket manufacturer during 1942 as regular number.
(iii) Jacquard blankets:
64" x 76" 1¾ lbs. per single—single only.
66" x 80" 2¼ lbs. per single—single only.
70" x 80" 5 lbs. per pair. Pairs or singles of pairs.
(iii) Jacquard blankets—Continued.
72" x 84" 5½ lbs. per pair. Pairs or singles of pairs.
Stitched or hemmed ends or with bindings not over 4".
Patterns: Only those for which cards were cut prior to April 17, 1943.
Colors: Not more than 4 color combinations to a pattern.
(2) 95% cotton and 5% wool waste, noils, reprocessed or reused wool:
(i) Plaid:
70" x 80" 3 lbs. per pair.
Colors: Rose and white—blue and white.
Binding: Not exceeding 3".
In pairs or singles of pairs.
(3) 95% cotton and 5% wool:
(i) Plaid:
72" x 84" 3¾ lbs. per pair.
Colors: Rose and white—blue and white—cedar and white.
Binding: Not exceeding 4".
In pairs or singles of pairs.
(4) 75% cotton and 25% wool:
(i) Plaid:
72" x 84" 3¾ lbs. per pair.
Colors: Rose and white—blue and white—cedar and white—green and white.
Binding: Not exceeding 4".
In pairs or singles of pairs.
(ii) Solid color single:
72" x 84" 2¾ lbs. per single.
72" x 84" 3¼ lbs. per single.
Colors: Rose, blue, green and cedar.
Binding: Not exceeding 4".
(iii) Jacquard single:
72" x 84" 2¾ lbs. per single.
Patterns: Only those for which the cards were cut prior to April 17, 1943.
Colors: Not more than 4 color combinations to a pattern.
Bindings: not exceeding 4".
(5) Rayon and other fibers:
(i) Solid color single:
Only one size—not exceeding 72" x 84"
Only one weight—not exceeding 3¼ lbs. per single.
Only one blend—as made during 1942 and containing not over 25% wool.
Colors: Rose, blue, green and cedar.
Bindings: Not exceeding 4".
(ii) Jacquard single:
Only one size—not exceeding 72" x 84"
Only one weight—not exceeding 3½ lbs.
Only one blend—as made during 1942 and containing not over 25% wool.
Patterns: Only those for which the cards were cut prior to August 25, 1943.
Colors: Not more than 4-color combinations to a pattern.
Bindings: Not to exceed 4".
(6) Wool:
Blends: Limited to the following ranges: 50% wool, 75% wool, 95% wool.
Width: Not to exceed 72".
Length: Not to exceed 84".
Weight: Not to exceed 4¼ lbs. per single or 8½ lbs. per pair.
Colors: In not more than four colors and white for each blanket line, or in case of jacquard blankets, in color combinations requiring not more than four colors and white.
Bindings: Not to exceed 4".
(7) Crib blankets:
(i) All cotton receiving blankets
26" x 34"
Either 27" x 36" or 28" x 37"
30" x 40"
36" x 50"
(ii) All cotton jacquard or double woven:
30" x 40"
36" x 50"
(iii) Rayon blend containing not more than 25% wool:
36" x 50"
(iv) 75% cotton and 25% wool:
36" x 50"
Colors: Pink, blue and white.
Binding: Not over 4" or with stitched ends.

(e) *General restrictions on manufacture of blankets.* No person shall manufacture for sale any blankets:

(1) Which exceed 84" in length except white cotton sheet blankets not more than 95" long, or

(2) In more than four colors and white for each blanket line, or in the case of jacquard blankets, in color combinations requiring more than four colors and white.

(f) *Tolerances.* 10% plus in wool content and 5% plus or minus in weight and size of a blanket are permitted.

(g) *Exceptions.* The restrictions of this order shall not apply to blankets:

(1) Manufactured upon specific orders for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(2) Made entirely by hand.

(h) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that blankets not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of blankets, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All communications shall, unless otherwise directed, in writing, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M–298.

Issued this 25th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–13892; Filed, August 25, 1943; 11:16 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER [1]

[Preference Rating Order P–131, as Amended August 25, 1943]

OFFICERS UNIFORMS

§ 3290.133 [1] *Preference Rating Order P–131*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Officers' uniforms" means only the apparel and accessories below enumerated, manufactured of officer's uniform materials, defined in subparagraph (3) of this paragraph (b), and in accordance with specifications prescribed by the applicable U. S. Army, Navy or other departmental or agency regulations, governing at the time of the application of the preference rating herein, viz:

(i) Ready-to-wear and made-to-individual-measurement overcoats, raincoats, coats, trousers, slacks, skirts, dresses, caps, web-belts, shirts and collars for:

(*a*) Officers of the U. S. Women's Army Corps (WACS);

(*b*) Officer nurses of the U. S. Army;

(*c*) Commissioned and warrant officers of the U. S. Marine Corps, except officers and officer training school students of the U. S. Women's Reserve of the U. S. Marine Corps Reserve;

(*d*) Officers of the U. S. Coast and Geodetic Survey; and

(*e*) Officers and nurses of the U. S. Public Health Service.

(ii) Made-to-individual-measurement overcoats, short overcoats, raincoats, coats, trousers and slacks, made of wool cloths weighing over 13 ounces per yard based on a width of 56 inches, and made-to-individual-measurement and ready-to-wear combinations of coats with matching trousers, made of wool cloths weighing 13 ounces or less per yard based on a width of 56 inches or of cotton, for commissioned and warrant officers of the U. S. Army.

(iii) Made-to-individual-measurement overcoats, raincoats, coats, trousers and skirts for commissioned, warrant, chief petty officers and officer nurses of the U. S. Navy (including aviation), the U. S. Coast Guard, the U. S. Maritime Commission and the War Shipping Administration, except officers of the Women's Naval Reserve (WAVES) and the Coast Guard Women's Reserve (SPARS).

(iv) Ready-to-wear coats and trousers, made of wool cloths weighing 13 ounces or less per yard based on a width of 56

[1] Formerly Part 1248, § 1248.1.

inches or of cotton, for commissioned, warrant and chief petty officers of the U. S. Navy (including aviation), the U. S. Coast Guard, the U. S. Maritime Commission and the War Shipping Administration, except officer nurses of the U. S. Navy, officers of the Women's Naval Reserve (WAVES) and the Coast Guard Women's Reserve (SPARS).

(v) Ready-to-wear and made-to-individual-measurement winter working uniform overcoats for the U. S. Naval Aviation commissioned and warrant officers.

(vi) Ready-to-wear and made-to-individual-measurement caps, web belts, shirts and collars for:

(*a*) Commissioned and warrant officers of the U. S. Army, except shirts in khaka shade No. 1 (suntan) of tropical worsted, 6 ounce and 8.2 ounce cotton cloths, and except shirts of wool or part wool cloths in shades 50, 51 and 54; and

(*b*) Commissioned, warrant and chief petty officers of the U. S. Navy (including aviation), the U. S. Coast Guard, the U. S. Maritime Commission and the War Shipping Administration, except officers of the Women's Naval Reserve (WAVES) and the Coast Guard Women's Reserve (SPARS).

(vii) OD handkerchiefs, and OD underwear for commissioned and warrant officers of the U. S. Army.

(2) "Producer" means any person who manufactured officers' uniforms prior to June 8, 1942.

(3) "Officers' uniform materials" means only those materials (except brass buckles for web belts, metal insignia and synthetic or partly synthetic materials for linings) conforming with the applicable U. S. Army, Navy or other departmental or agency regulations, governing at the time of the application of the preference rating herein. Whenever any such regulation does not specify or fully describe a component of an officer's uniform, the accepted commercial standard for a product most nearly like such officer's uniform shall apply.

(4) "Made-to-individual-measurement" and "ready-to-wear" shall have their usual and customary trade meaning.

(c) *Assignment of preference ratings.* Preference ratings are hereby assigned to a producer in order to obtain deliveries of officer's uniform materials for physical incorporation by him into officers' uniforms, viz:

(1) Preference Rating AA-3 for chinstrap braid, for stripes and corps devices, including shouldermarks, made of U. S. Navy standard or U. S. Navy approved gold lace;

(2) Preference Rating AA-5 for officers' uniform materials other than those listed in subparagraph (1) of this paragraph (c).

(d) *Conditions governing ratings.* (1) The ratings assigned by paragraph (c) of this order shall be applied and extended in accordance with Priorities Regulation No. 3, as amended from time to time, may be revoked or further conditioned as to any person or transaction, and any officer's uniform materials obtained pursuant thereto may be redistributed by the War Production Board, and;

(i) No producer shall apply such preference rating to an order for wool cloths, weighing over 13 ounces per yard based on a width of 56 inches, for officers' uniforms if his inventory, on hand and on order, of such wool cloths for officers' uniforms exceeds or would then exceed 25% of the yardage of such wool cloths for officers' uniforms cut by him for officers' uniforms during the period commencing January 1, 1943 and ending March 31, 1943;

(ii) No cloth jobber shall extend such preference rating or any other preference rating to an order for wool cloths for officers' uniforms if his inventory, on hand and on order, of wool cloths for officers' uniforms exceeds or would then exceed the yardage of wool cloths for officers' uniforms sold or delivered by him during the preceding 90 days.

(2) The preference rating previously assigned by this order and all applications and extensions thereof are hereby revoked as to any

(i) Synthetic or partly synthetic material for linings;

(ii) Undelivered wool or part wool cloths for shirts in shades 50, 51 and 54.

(e) *Use of seconds or reject material.* No person shall manufacture any officers' uniforms from materials graded as seconds or which have been rejected by any U. S. department or agency, but a made-to-individual-measurement officer's uniform may be cut from the portions of such materials complying with the departmental or agency regulations referred to in paragraph (b) (3) hereof.

(f) *Restrictions on sales of officers' uniforms.* (1) Except in the case of sale or delivery for purposes of resale, no person shall sell or deliver any officer's uniform, produced under this order, to anyone other than an officer or nurse for whom an officer's uniform is provided in paragraph (b) (1) hereof. Upon such sale or delivery the person selling or delivering the same shall make and maintain a record of the name, rank, service, and serial number, if any, of such officer or nurse. The requirement that such record be made, and maintained shall not apply to any army exchange, ship's service department, commissary or other enterprise operated under governmental supervision primarily for the benefit of such officers or nurses.

(2) No person shall sell, deliver or accept delivery of any officer's uniform or officer's uniform materials or use any officer's uniform materials, if he knows or has reason to believe that the same are or are to be sold, delivered or used in violation of this order.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating the grounds of the appeal.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 25th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13891; Filed, August 25, 1943; 11:16 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Limitation Order L-49 as Amended August 25, 1943]

BEDS, BED SPRINGS, MATTRESSES, AND DUAL SLEEPING EQUIPMENT

§ 3291.70[1] *General Limitation Order L-49*—(a) *Definitions.* For the purposes of this order:

(1) "Bedding products" means the following: coil, flat, box and fabric bedsprings (whether or not they are integral parts of beds or other sleeping equipment); innerspring mattresses, pads and pillows; studio couches, sofa beds and lounges designed for dual sleeping and seating purposes.

(2) "Base period" means the twelve month period ending June 30, 1941.

(3) "Iron and steel used" means the aggregate weight of iron and steel contained in a finished product.

(4) "Joining hardware" means the minimum amount of iron and steel required for nails, nuts, bolts, screws, clasps, rivets and similar joining purposes.

(5) "Manufacturer" means any person who manufactures or assembles bedding products or parts made specifically for incorporation into bedding products.

(6) "Renovator" means any person who repairs used bedding products.

(b) *Restrictions on production of mattresses, pads and pillows.* (1) On and after June 8, 1942, no manufacturer shall procure or acquire any wire to be used in the production of innerspring constructions for innerspring mattresses, pads and pillows from any source whatsoever, except from the inventories of other manufacturers of such products.

(2) On and after August 1, 1942, no manufacturer shall process, fabricate, work on or assemble any wire for use in the production of innerspring constructions for innerspring mattresses, pads and pillows.

(3) During the month of August 1942, no manufacturer shall use more wire in the aggregate production of innerspring mattresses, pads and pillows than 100% of the average monthly amount of wire used by him in the aggregate production of such products during the base period.

(4) On and after September 1, 1942, no manufacturer shall process, fabricate, work on or assemble any mattresses, pads and pillows containing any iron or steel, except

(i) Buttons, ventilators, handles or eyelets; or

(ii) A manufacturer may replace units contained in mattresses, pads and pil-

[1] Formerly Part 1099, § 1099.1.

lows previously sold by him if such replacement is specifically required by guarantee agreements entered into by such manufacturer.

(5) On and after August 1, 1942, no manufacturer shall procure or acquire any iron or steel to be used in the production of buttons, ventilators, handles or eyelets for mattresses, pads and pillows from any source whatsoever, except from the inventories of other manufacturers of such products.

(6) On and after September 1, 1942, no manufacturer shall process, fabricate, work on or assemble any buttons, ventilators, handles or eyelets for mattresses, pads and pillows if such buttons, ventilators, handles or eyelets contain any iron or steel.

(c) *Restrictions on production of coil, flat, box and fabric bed springs.* (1) On and after August 15, 1943, no manufacturer shall process, fabricate, work on or assemble any coil, flat, box or fabric bed springs containing more than the following amount of iron and steel:

Coil bed springs:

NOTE: Table added August 25, 1943.

Crimp top
- Coils and crimps, 14 lbs ..... 5% tolerance
  Coils—high carbon wire: Crimps—Bessemer or low carbon wire
- Border wire and crimp, 4 lbs..... 5% tolerance
  Bessemer or low carbon wire

Helical top
- Coils and helicals, 15 lbs..... 5% tolerance
  High carbon wire
- Border wire and crimp, 6 lbs..... 5% tolerance
  Bessemer or low carbon wire

Bottom frame for both crimp top and Helical top
- Angles, bands and crimps, 24 lbs.....10% tolerance
  Angle rerolled rail steel; bands, rerolled rail steel or secondary grade billets such as discarded top cuts or rejects; wire—Bessemer or low carbon

Flat and fabric bed springs:
- Fabric, bands, cables and helicals, 13 lbs. 10% tolerance
  Helicals—high carbon wire; fabric, bands or cables—Bessemer or low carbon steel
- Frames (angle or riser type) 30 lbs . . 10% tolerance
  Rerolled rail angle and rerolled rail tube

Box bed springs:
- Coils and border wire, 12 lbs.....10% tolerance
  Coils—high carbon wire; border and crimps—high carbon, Bessemer or low carbon wire

Tolerance specified are plus. Weights specified do not include joining hardware. Maximum weights are for full size new bed springs and new box bed springs 52 to 54 inches wide, by 72 to 75 inches long. Maximum weights for other than full size new bed springs and new box bed springs shall be increased or decreased in proportion to the size of the product produced.

(2) During the period of three months beginning July 1, 1943, no manufacturer shall use more iron and steel in his aggregate production of coil, flat, box and fabric bed springs (whether or not they are integral parts of beds or other sleeping equipment) than 10% of the iron and steel used by him in the aggregate production of coil, flat and fabric bed springs (which were not integral parts of beds or other sleeping equipment) during the base period, plus 6¼% of the iron and steel used by him in the production of box bed springs (whether or not they are integral parts of beds or other sleeping equipment) during the base period.

(3) The restrictions contained in paragraph (c) (2) shall not apply to manufacturers of parts made specifically for incorporation into coil, flat, box and fabric bed springs, but only to manufacturers of complete coil, flat, box and fabric bed springs.

(d) *Restrictions on production of studio couches, sofa beds and lounges.* (1) On and after August 1, 1942, no manufacturer of parts made specifically for incorporation into studio couches, sofa beds and lounges designed for dual sleeping and seating purposes shall procure or acquire any iron or steel to be used in the production of such parts from any source whatsoever, except from the inventories of other manufacturers of such parts.

(2) On and after September 1, 1942, no manufacturer shall process, fabricate, work on or assemble any parts made specifically for incorporation into studio couches, sofa beds and lounges designed for dual sleeping and seating purposes if such parts contain any iron or steel, other than joining hardware.

(3) On and after November 1, 1942, no manufacturer shall process, fabricate, work on or assemble any studio couch, sofa bed or lounge designed for dual sleeping and seating purposes which contains any iron or steel other than joining hardware, except that manufacturers may, after November 1, 1942, process, fabricate, work on or assemble final fabric covers on any such studio couch, sofa bed or lounge, provided that any such studio couch, sofa bed or lounge has otherwise been completely processed, fabricated, worked on or assembled prior to November 1, 1942.

(e) *Restrictions on renovators of bedding products.* On and after September 1, 1942, no renovator shall replace any unit contained in an innerspring mattress, pad, pillow, studio couch, sofa bed or lounge with a unit which has never been used by an ultimate consumer.

(f) *Special exemptions.* The restrictions contained in this order shall not apply to the production of bedding products for the following purposes:

(1) In fulfillment of a specific order of, or contract with, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, Civilian Aeronautics Authority, the National Advisory Commission for Aeronautics, Office of Scientific Research and Development and any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(2) In fulfillment of a specific order of, or contract with a hospital or sanitarium.

(g) *Inventory restrictions.* (1) The sales specified below shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13 (§ 944.34):

(i) Sales of wire by manufacturers of innerspring constructions for innerspring mattresses, pads and pillows, to other manufacturers of such products.

(ii) Sales of iron or steel by manufacturers of buttons, ventilators, handles or eyelets for mattresses, pads and pillows, to other manufacturers of such products.

(iii) Sales of iron or steel by manufacturers of parts made specifically for incorporation into studio couches, sofa beds and lounges designed for dual sleeping and seating purposes, to other manufacturers of such products.

(iv) Sales of wire by manufacturers of coil, flat, fabric or box bedsprings, to other manufacturers of such products.

(2) No manufacturer of bedding products shall accumulate for use in the manufacture of such products inventories of raw materials, semiprocessed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of bedding products at the rates permitted by this order.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(i) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as said board shall from time to time request.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Appeal.* Any appeal from the provisions of this order must be made on Form PD–500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(m) *Applicability of other orders.* Insofar as any other order issued, or to be issued hereafter, limits or may limit the use of any material in the production of bedding products to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(n) *Communications.* All reports to be filed, and other communications concerning this order should be addressed to the War Production Board, Washington, 25, D. C., Ref: L–49.

Issued this 25th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

Some question has arisen as to the effect of L–49 upon the repair and renovation of used coil, flat, and fabric bedsprings. Paragraph (a) (5) of L–49 defines a manufacturer as "any person who manufactures or assembles bedding products . . ." and paragraph (a) (6) defines a renovator as "any person who repairs used bedding products."

Persons who obtain new or used parts, or used bedsprings, which they tear down completely and which they thereafter reassemble into bedsprings are engaged in manufacturing operations regardless of the fact that only used parts may be involved. As manufacturers they become subject to weight and quota limitations on bedsprings contained in L–49. Persons who take used bedsprings and remove only worn parts of such springs which they replace with either new parts or parts which have been used in bedsprings other than the specific ones being repaired are renovators and as such are not subject to any restrictions contained in L–49. (Issued March 20, 1943.)

[F. R. Doc. 43–13893; Filed, August 25, 1943; 11:15 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURAL

[Rev. Procedural Reg. 1,[1] Amdt. 4]

ISSUANCE, ADJUSTMENT, AMENDMENT, PROTEST AND INTERPRETATION OF MAXIMUM PRICE REGULATIONS

Revised Procedural Regulation No. 1 is amended in the following respects:

1. In the second sentence of § 1300.21, the words after and including the word "except" are deleted and the comma preceding the word "except" is changed to a period.

2. In § 1300.42, the words after and including the word "except" are deleted and the comma preceding the word "except" is changed to a period.

3. In § 1300.52 (b), the second sentence is deleted.

This amendment shall become effective August 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–13830; Filed, August 24, 1943; 4:02 p. m.]

PART 1300—PROCEDURE

[Procedural Reg. 9,[1] Corr. of Amdt. 8]

UNIFORM APPEAL PROCEDURE UNDER RATION ORDERS

Amendment No. 8 to Procedural Regulation No. 9 is corrected by substituting the paragraph designation "(b)" in § 1300.611 for the paragraph designation "(c)" wherever said designation appears in the amendment.

This correction shall become effective August 26, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280; 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13826; Filed, August 24, 1943; 4:04 p. m.]

[1] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1305—ADMINISTRATION

[Supp. Order 51]

CHANGE IN REFERENCE TO CERTAIN SUPPLEMENTARY REGULATIONS

A statement of the reasons involved in the issuance of this supplementary order, issued simultaneously herewith has been filed with the Division of the Federal Register.*

§ 1305.71 *Change in reference to certain supplementary regulations.* (a) Any reference to Supplementary Regulation No. 12 or to Revised Supplementary Regulation No. 12 to the General Maximum Price Regulation in any price regulation heretofore issued by the Office of Price Administration shall hereafter be deemed to be to the Maximum Import Price Regulation.

(b) "Price regulation," as used in this Supplementary Order No. 51 means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, Maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto.

(c) This Supplementary Order No. 51 (§ 1305.71) shall become effective August 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13639; Filed, August 20, 1943; 4:40 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 58]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1340.224 (b), a price instruction, subparagraph (12), is added to read as follows:

(12) Washed egg coal in Size Group 4 produced at the Hull Mine, Mine Index No. 44, may be sold and purchased at a price not exceeding $3.40 per net ton f. o. b. mine for shipment by rail.

This amendment shall be effective August 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13842; Filed, August 24, 1943; 4:29 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6898, 7777, 7670, 7914, 7942, 8354, 8650, 8748, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1629, 1679, 1747, 1971, 2023, 2030, 2273, 2284, 2501, 2497, 2719, 2873, 2920, 2997, 2873, 2921, 3266, 3855, 4258, 4717, 4785, 5477, 6443, 7200, 8504, 9018, 10936.

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[1] Amdt. 15]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of Amendment No. 15 to Maximum Price Regulation No. 306 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.560 is added to read as follows:

§ 1341.560 *F. O. B. factory prices where the processor owns more than one factory.* For each item covered by this regulation for which regional flat prices are established, in cases where the processor owns more than one factory f. o. b. maximum prices shall be determined separately for each factory. For all other items covered by this regulation f. o. b. maximum prices shall also be determined separately for each factory except that if any group of two or more factories had the same f. o. b. factory price for the 1941 pack of an item, the maximum prices for such item for all the factories in the group shall be the maximum price of the factory in the group which had the largest volume of production during the 1941 pack.

2. Section 1341.561 (c) is added to read as follows:

(c) Any processor who sold or delivered any item covered by this regulation, packed by him during the calendar year 1941, from two or more of his factories on an established uniform delivered price basis by zone or area regardless of the factory from which shipment was made, may continue such practice and establish maximum delivered prices by averaging the maximum delivered prices computed in accordance with paragraphs (a) or (b) with respect to sales from each such factory on the basis of the proportion of actual deliveries of the 1943 pack of the item to be made from each of his respective factories.

3. Section 1341.564 is added to read as follows:

§ 1341.564 *Treatment of fractional parts of a cent in figuring maximum prices.* (a) Amounts computed in the process of, or as a step in, figuring a maximum price (other than the maximum price itself) shall be carried to four decimal places (hundredths of a cent). Any further fraction shall be disregarded.

(b) The final computation in figuring a maximum price, per dozen or other unit, on sales other than to government procurement agencies shall be rounded off to the next higher full cent if the fraction is one-half cent or more, and shall be reduced to the next lower full cent if the fraction is less than one-half cent. On sales to government procurement agencies, however, the final computation in figuring the maximum price shall be carried to four decimal places (hundredths of a cent) and any further fraction shall be disregarded.

[1] 8 F.R. 1114, 1313, 2921, 3732, 3953, 4179, 4633, 5266, 6617, 9291, 10304, 10558, 10725, 10824, 10986, 11247, 11296.

4. The headnote of § 1341.584 (a) is amended to read as follows:

(a) *Peas (except blackeye, crowder, cream and field peas).*

5. Section 1341.584 (a) (7) is revoked.

6. The item "Peas, blackeye, crowder, cream and field" is added to the list of miscellaneous canned vegetables in Group I of § 1341.585 (a).

7. The headnote of § 1341.586 (a) (1) is amended to read as follows:

(1) *Peas (except blackeye, crowder, cream and field peas).*

8. The terms "blackeye" and "crowder" are deleted from the fourth column of the table in § 1341.586 (a) (1).

9. Column 8 of the table in § 1341.584 (f) (1) is redesignated Column 9, and a new Column 8 is added to read as follows:

Col. 1		Col. 8	
Item No.		New Jersey	
		No. 2 cans	No. 10 cans
1		$3.50	
2		3.40	
3		3.30	
4		3.20	
5		3.10	
6		2.60	$13.60
7		1.60	7.50

10. The introductory clause of subparagraph (4) of § 1341.584 (f) is amended to read as follows:

(4) If the processor cannot establish a maximum price for any particular variety, style, grade, size and container size of asparagus, packed in tin, under the foregoing provisions:

11. Subdivision (i) of § 1341.584 (h) (6) is revoked, and a new subdivision (i) is added to read as follows:

(i) 96 percent of the maximum price for sales other than to government procurement agencies as established under paragraphs (2) and (4), respectively, plus

12. Section 1341.584 (h) (7) is added to read as follows:

(7) The processor's maximum price per dozen No. 10 cans of tomato catsup for sales to government procurement agencies, regardless of the provisions of paragraph (6), shall be at least equal to his maximum price per dozen for the same grade in 14 ounce bottles (determined under paragraph (6) multiplied by 6/5.

13. The item "Beans, fresh shelled" is added in its alphabetical order to the list of miscellaneous canned vegetables in Group II of § 1341.585 (a).

14. Section 1341.585 (a) (2) (i) (b) is amended by adding immediately after the last sentence the following:

Provided, That for fresh shelled beans use the support price of the War Food Administration for snap beans for the area where the processor's factory is located: *And provided further,* That where the processor purchases any of the raw vegetables in Group II in a support price area other than that in which his factory is located, he shall use the applicable support price for the area in which the raw vegetable was grown with respect to the quantities so purchased, and he may add with respect to such quantities the actual cost of transportation to his factory at the lowest contract or common carrier rate available.

15. Section 1341.586 (a) is amended by adding the states of Iowa and New Jersey in alphabetical order as set forth below:

a. In subparagraph (1) New Jersey is added to the list of states for Region I, and Iowa is added to the list of states for Region II.

b. In subparagraph (2) Iowa and New Jersey are added to the list of states for Region II.

c. In subparagraph (3) Iowa is added to the list of states for Region II, and New Jersey is added to the list of states for Region IV.

d. In subparagraph (4) New Jersey is added to the list of states for Region III, and Iowa is added to the list of states for Region IV.

16. Section 1341.586 (b) is amended by adding the states of Iowa and New Jersey in alphabetical order to the list of states in subparagraph (1), and to the group of states beginning with Colorado and ending with Wisconsin in subparagraph (2).

17. Section 1341.586 (c) is amended by adding the states of Iowa and New Jersey in alphabetical order as set forth below:

a. In subparagraph (1) New Jersey is added to the group of states consisting of Delaware and Maryland, and Iowa is added to the group of states beginning with Illinois and ending with Wisconsin.

b. In subparagraph (2) Iowa and New Jersey are added to the group of states beginning with Delaware and ending with Wisconsin.

c. In subparagraph (4) Iowa and New Jersey are added to the list of states.

18. Section 1341.586 (d) is amended by adding the states of Iowa and New Jersey in alphabetical order to each list of states in subparagraphs (1), (2), and (3).

19. In Section 1341.587 (a) (2) (ii) the list of raw berries is amended to read as follows:

Raw berry	*Maximum cost per pound*
Blueberries, except wild berries grown in Maine, Massachusetts, New Hampshire, and Vermont.	1942 cost per pound as required to be computed under MPR 185[1] plus $.03 per pound.
Cranberries, Huckleberries and Strawberries.	
Blackberries	$0.12
Blueberries, wild, grown in Maine, Massachusetts, New Hampshire and Vermont	.12
Boysenberries	.12
Gooseberries	.08
Loganberries	.12
Raspberries, black	.13
Raspberries, red	.15
Youngberries	.12

This amendment shall become effective August 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13831; Filed, August 24, 1943; 4:01 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 129,[1] Amdt. 17]

GUMMED PAPERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (a) (15) of § 1347.22 is amended to read as set forth below:

§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129, the term:

* * * * * *

(15) "Gummed papers" includes all types of paper and cloth materials gummed and sold in sheets or rolls except gummed Kraft sealing tapes as defined in Maximum Price Regulation No. 459. (gummed Kraft sealing tape).

This amendment shall become effective August 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4781)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13828; Filed, August 24, 1943; 4:04 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 459]

GUMMED KRAFT SEALING TAPE

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of gummed Kraft sealing tape by a separate price regulation. The Price Administrator has ascertained and given due consideration to manufacturers' prices for gummed Kraft sealing tape prevailing between October 1 and October 15, 1941,

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5172, 5780, 5943, 7974, 8939, 8948, 9131, 9724, 10152, 10812, 8 F.R. 1389, 2237, 4635.

inclusive, and has made adjustments for such relevant factors as he determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended; and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1347.1001 *Manufacturers' maximum prices for gummed Kraft sealing tape.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 459 (Manufacturers' Maximum Prices for Gummed Kraft Sealing Tape) which is annexed hereto and made part hereof, is hereby issued.

AUTHORITY: § 1347.1001 issued under Pub. Laws 421 and 729, 77th Cong., Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4781.

MAXIMUM PRICE REGULATION NO. 459—MANUFACTURERS' MAXIMUM PRICES FOR GUMMED KRAFT SEALING TAPE

CONTENTS

SEC
1. Prohibition against sales of gummed Kraft sealing tape above maximum prices.
2. Less than maximum prices.
3. To what transactions, commodities and persons this regulation applies, and the relation to other regulations.
4. Geographical applicability.
5. Export sales.
6. Federal and state taxes.
7. Marking of products.
8. Records and reports.
9. Enforcement.
10. Evasion.
11. Discounts and allowances.
12. Petitions for amendment.
13. Adjustable pricing.
14. Definitions.

Appendix A. Manufacturer's maximum delivered prices for sales of gummed Kraft sealing tape to distributors.

Appendix B. Manufacturer's maximum delivered prices for sales of gummed Kraft sealing tape to industrial and institutional users and to persons other than distributors.

SECTION 1. *Prohibition against sales of gummed Kraft sealing tape above maximum prices.* On and after August 30, 1943, regardless of any contract, agreement or other obligtion:

(a) No manufacturer shall sell, deliver, or transfer any gummed Kraft sealing tape at higher prices than the maximum prices set forth in Appendices A and B of this Maximum Price Regulation No. 459.

(b) No person shall buy or receive from a manufacturer any such gummed Kraft sealing tape in the course of trade or business at higher prices than the maximum prices set forth in Appendices A and B of this Maximum Price Regulation No. 459.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That the provisions of this Maximum Price Regulation No. 459 shall not apply to sales or deliveries of gummed Kraft sealing tape to a purchaser if prior to August 30, 1943, such gummed Kraft sealing tape has been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 459 may be charged, demanded, paid or offered.

SEC. 3. *To what transactions, commodities and persons this regulation applies, and the relation to other regulations.* The provisions of this Maximum Price Regulation No. 459 supersede the provisions of Maximum Price Regulation No. 129[1] with respect to sales and deliveries of gummed Kraft sealing tape for which maximum prices are established by this Maximum Price Regulation No. 459. The maximum prices established by this regulation are applicable to all persons at the manufacturers' level. Distributors' maximum prices for sales and deliveries of gummed Kraft sealing tape are established by Maximum Price Regulation No. 349. Maximum prices for sales and deliveries of gummed Kraft sealing tape by all persons other than manufacturers and distributors are governed by the General Maximum Price Regulation.

SEC. 4. *Geographical applicability.* The provisions of this Maximum Price Regulation No. 459 shall be applicable to the forty-eight states of the United States and the District of Columbia, but shall not be applicable to the territories and possessions of the United States.

SEC. 5 *Export sales.* The maximum prices at which a person may export gummed Kraft sealing tape shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration.

SEC. 6. *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of gummed Kraft sealing tape covered by this Maximum Price Regulation No. 459, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however*, That the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall for purposes of determining the applicable maximum price of any product covered by this Maximum Price Regulation No. 459 be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

SEC. 7. *Marking of products.* (a) Manufacturers of standard gummed Kraft sealing tape shall either:

(1) Securely affix an appropriate label on each bundle of such tape so that it is clearly visible and containing easily readable letters stating the name and address of the manufacturer and that such product is a standard gummed Kraft sealing tape, except that no such label need be affixed to bundles which are already prepared for shipment on August 29, 1943, or

(2) State on the invoice when selling such grade that the bundle contains standard gummed Kraft sealing tape.

(b) Manufacturers of superstandard gummed Kraft sealing tape shall either:

(1) Securely affix an appropriate label on each bundle of such tape so that it is clearly visible and containing easily readable letters stating the name and address of the manufacturer and that such product is a superstandard gummed Kraft sealing tape, except that no such label need be affixed to bundles which are already prepared for shipment on August 29, 1943, or

(2) State on the invoice when selling such grade that the bundle contains superstandard gummed Kraft sealing tape.

(c) Manufacturers of special gummed Kraft sealing tape shall either:

(1) Securely affix an appropriate label on each bundle of such tape so that it is clearly visible and containing easily readable letters stating the name and address of the manufacturer and that such product is a special gummed Kraft sealing tape, except that no such label need be affixed to bundles which are already prepared for shipment on August 29, 1943, or

(2) State on the invoice when selling such grade that the bundle contains special gummed Kraft sealing tape.

SEC. 8. *Records and reports.* (a) Every person making sales of gummed Kraft sealing tape covered by this Maximum Price Regulation No. 459 after August 29, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each sale, showing the date thereof, the name and address of the buyer, the price contracted for or received and the quantity and a description of each grade or type of such gummed Kraft sealing tape.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) Within 21 days after August 30, 1943, all manufacturers of superstandard and special gummed Kraft sealing tape shall file with the Office of Price Administration, Washington, D. C., their maximum prices for such grades, indicating the relationship between such maximum price and the maximum price for standard gummed Kraft sealing tape, and evidence that such relationship is in accordance with the provisions of paragraphs (b) and (c) of Appendix A.

(d) Within 21 days after August 30, 1943, all manufacturers of standard, superstandard or special gummed Kraft sealing tapes shall submit to the Office of Price Administration, Washington, D. C., a representative sample of each such grade. Each sample, appropriately designated, shall be in the minimum quantity necessary for laboratory analysis, and shall be accompanied by a statement from the manufacturer to the effect that it is representative of his current quality standards for such grade.

SEC. 9. *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 459 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 459 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to any gummed Kraft sealing tape, alone or in conjunction with any other commodity, by modifying, altering or discontinuing any trade practice, or by way of a commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement, or other trade understanding, or by splitting orders, or by deteriorating the quality of any gummed Kraft sealing tapes, or by changing the selection of products or by any other means.

SEC. 11. *Discounts and allowances.* Every manufacturer shall continue to grant to persons buying the commodities covered by this regulation differentials, discounts, and allowances not less favorable to the purchaser than those generally in effect during the period October 1-15, 1941, inclusive.

SEC. 12. *Petitions for amendment.* Any person seeking an amendment of any provisions of this Maximum Price Regulation No. 459 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[4] issued by the Office of Price Administration.

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 14. *Definitions.* (a) When used in this Maximum Price Regulation No. 459 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" includes any person who produces, (partially or completely) from any raw materials the products and/or supplies the services covered by this Maximum Price Regulation No. 459, and includes the agents and representatives of such persons.

(3) "Distributor" includes any person, other than a retailer who buys for the purpose of resale (whether as jobber, broker, dealer, or any similar person) any commodity covered by this Maximum Price Regulation No. 459. "Retailer" as used herein means a seller, the major portion of whose total sales are to ultimate consumers other than industrial, commercial, or institutional users, or government agency.

(4) "Standard gummed Kraft sealing tape" shall be any gummed Kraft sealing tape which complies with the minimum specifications set forth in Emergency Alternate Federal Specification #E-UU-T-111. It includes, but is not limited to, those grades of gummed Kraft sealing tape, which, during the period October 1-15, 1941, inclusive, were commonly accepted by the trade or designated either by trade name, number or otherwise as "standard" and sold in the same price line.

(5) "Superstandard gummed Kraft sealing tape" shall be any gummed Kraft sealing tape which, during the period October 1-15, 1941, inclusive, was sold by a manufacturer at a premium not in excess of $1.00 per 100 rolls one inch wide, above the price for the corresponding standard grades during such base period; shall exceed the minimum specifications set forth in Emergency Alternate Federal Specification #E-UU-T-111 by an appreciable margin and possesses qualities superior to those of the corresponding standard grade to a degree that warrants the price differential. (The Office of Price Administration may at any time require any manufacturer of superstandard gummed Kraft sealing tape to clearly establish the basis upon which such grade commands a price differential over the maximum price established by this regulation for the corresponding standard gummed Kraft sealing tape.)

(6) "Special gummed Kraft sealing tape" shall be any gummed Kraft sealing tape which, during the base period October 1-15, 1941, inclusive, commanded a price differential in excess of that provided for "superstandard gummed Kraft sealing tape" as established in paragraph (b) of Appendix A of this regulation, such price differential being warranted by the superior qualities of special gummed Kraft sealing tape compared to those possessed by standard and superstandard gummed Kraft sealing tape. (The Office of Price Administration may at any time require any manufacturer of special gummed Kraft sealing tape to clearly establish the basis upon which such grade commands a price differential over the maximum prices established by this regulation for the corresponding standard and superstandard gummed Kraft sealing tape.)

(7) "Zone 1" includes the states of Maine, Vermont, New Hampshire, New York, Pennsylvania, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, West Virginia, Virginia, Ohio, North Carolina, Kentucky, Tennessee, Indiana, Illinois, Missouri, Iowa, Minnesota, Wisconsin and Michigan, and the cities of Kansas City, Kansas; Omaha, Nebraska; and Sioux Falls, South Dakota.

(8) "Zone 2" includes the states of North Dakota, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina and South Dakota except Sioux Falls, Nebraska except Omaha, Kansas except Kansas City.

(9) "Zone 3" includes the states of Idaho, Montana, Wyoming, Utah, Nevada, Colorado, New Mexico and Arizona.

(10) "Zone 4" includes the states of Washington, Oregon and California.

(11) "Bundle" refers to the package in which 30 rolls 1'' wide (or its equivalent) of gummed Kraft sealing tape are sold.

(12) "Case" refers to the container in which 16 bundles of gummed Kraft sealing tape are sold.

(13) "Basis weight" refers to the weight in pounds of 500 sheets of paper, 24'' x 36''.

(14) "Direct cost" means the sum of direct labor and direct material costs. Direct labor costs shall in no event be computed on wage rates higher than those permitted by law, and direct material costs shall in no event be computed

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3178, 3242, 3554, 3176, 3668, 5172, 5780, 5943, 7974, 8939, 8938, 9131, 9724, 10152, 10812, 8 F.R. 1389, 2237, 4635.

[2] 8 F.R. 4132, 5987, 7662.

[4] 7 F.R. 9861; 8 F.R. 3313, 3533, 6173.

on prices higher than the maximum prices established by the applicable maximum price regulations.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Appendix A: Manufacturers' maximum delivered prices for gummed Kraft sealing tape—(a) *Manufacturers' maximum delivered prices for sales of standard gummed Kraft sealing tape to distributors.*

(1) *Maximum price for 100 rolls, 1 inch wide, 35# basis weight, 500 feet per roll.*

Color	Deliveries into zone 1		Deliveries into zone 2		Deliveries into zone 3		Deliveries into zone 4	
	c/l	l/c/l	c/l	l/c/l	c/l	l/c/l	c/l	l/c/l
1. Brown	$11.25	$11.60	$11.60	$12.30	$11.95	$13.00	$11.60	$12.30
2. Grey	11.75	12.10	12.10	12.80	12.45	13.50	12.10	12.80
3. All others	13.50	13.85	13.85	14.55	14.20	15.25	13.85	14.55

(2) *Maximum price for 100 rolls, 1 inch wide, 35# basis weight 800 feet per roll.*

Color	Deliveries into zone 1		Deliveries into zone 2		Deliveries into zone 3		Deliveries into zone 4	
	c/l	l/c/l	c/l	l/c/l	c/l	l/c/l	c/l	l/c/l
1. Brown	$15.75	$16.25	$16.25	$17.25	$16.75	$18.25	$16.25	$17.25
2. Grey	16.55	17.05	17.05	18.05	17.55	19.05	17.05	18.05
3. All others	19.00	19.50	19.50	20.50	20.00	21.50	19.50	20.50

(3) *Maximum prices for 100 rolls, 1 inch wide 60# basis weight, 600 feet per roll and 90# basis weight, 375 feet per roll.*

Color	Deliveries into zone 1		Deliveries into zone 2		Deliveries into zone 3		Deliveries into zone 4	
	c/l	l/c/l	c/l	l/c/l	c/l	l/c/l	c/l	l/c/l
1. Brown	$14.25	$14.75	$14.75	$15.75	$15.25	$16.75	$14.75	$15.75
2. Grey	15.25	15.75	15.75	16.75	16.25	17.75	15.75	16.75
3. All others	18.25	18.75	18.75	19.75	19.25	20.75	18.75	19.75

(4) *Maximum delivered price for 100 rolls in widths other than one inch to distributors.* Maximum prices for rolls having widths other than 1" (such as, but not limited to ¾", 1¼", 1½", 2¼", 3", or 4") shall be determined on a directly proportional basis with the maximum prices established in paragraphs (a) (1), (a) (2), and (a) (3) of this Appendix.

(b) *Manufacturers' maximum delivered prices for sales of superstandard gummed Kraft sealing tape to distributors.* Manufacturers' maximum prices for sales of superstandard gummed Kraft sealing tape to distributors shall be calculated as follows:

(1) Maximum delivered price for sales of standard gummed Kraft sealing tape as set forth in paragraph (a), of this Appendix plus the customary differential employed by the manufacturer during the period of October 1–15, 1941, inclusive, between the price of standard gummed Kraft sealing tape and the superstandard gummed Kraft sealing tape for which a maximum price is being established by this paragraph.

(c) *Manufacturers' maximum delivered prices for sales of special gummed Kraft sealing tape to distributors.* Manufacturers' maximum prices for sales of special gummed Kraft sealing tape to distributors shall be calculated as follows:

(1) Maximum delivered prices for sales of standard gummed Kraft sealing tape as set forth in paragraph (a) of this Appendix plus the customary differential employed by the manufacturer during the period of October 1–15, 1941, inclusive, between the price of standard gummed Kraft sealing tape and the special gummed Kraft sealing tape for which a maximum price is being established by this paragraph.

(d) *Manufacturers' maximum delivered prices for sales of all grades of gummed Kraft sealing tape which cannot be priced under paragraphs (a), (b), or (c) of this Appendix.* Manufacturers' maximum prices for sales of all grades of gummed Kraft sealing tape which cannot be priced under paragraphs (a), (b), or (c) of Appendix A shall be calculated as follows:

(1) Current direct cost (as defined in section 14 of this Maximum Price Regulation No. 459) of such grade, plus

The dollar and cent difference between the current direct cost of standard gummed Kraft sealing tape and the maximum price of such standard grade as established under paragraph (a) of Appendix A of this Maximum Price Regulation No. 459.

(2) Within ten (10) days of the date of the first sale of each grade priced under this paragraph, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., an application for approval of the maximum price thus computed, together with a statement setting forth all relevant facts used in arriving at the proposed maximum price; and a representative sample of such grade shall also be submitted in the minimum quantity necessary for laboratory analysis, accompanied by a statement from the manufacturer to the effect that it is representative of his current quality standards of such grade.

(3) The manufacturer may sell and deliver such grade of gummed Kraft sealing tape at his proposed maximum price, if, but only if, he expressly agrees with each customer to adjust such price, if necessary, and to conform with any decision of the Office of Price Administration, or a duly authorized representative thereof with respect thereto.

(4) Unless the Office of Price Administration or a duly authorized representative thereof shall, by letter mailed to the applicant within 21 days from the filing of such application, approve, disapprove, adjust, or extend the time within which to do any of the foregoing, such application shall be deemed to have been approved, subject to non-retroactive written disapproval or adjustment, at any time, by the Office of Price Administration.

(e) *Maximum price for sales in quantities of less than case (16 bundles) lots to distributors.* On sales of less than one case (16 bundles) lots, the manufacturer may add to the maximum less than carload price established by Appendix A, a differential not in excess of that which he customarily employed during the period October 1–15, 1941, inclusive, between the less than carload price and the less than case (16 bundles) price.

(f) *Manufacturers' maximum prices for shipments on other than delivered price basis.* Where a manufacturer makes shipments on other than a delivered price basis, his price, plus the actual freight charges incurred by the buyer, shall not exceed the maximum prices established by Appendix A of this section.

(g) *Differential for printing.* Only in those cases where it was the established practice of the manufacturer during the period July 1 to October 15, 1941, inclusive, to add a differential for printing, may he add a charge for such service to the maximum prices established by Appendix A. Such differential shall not exceed the customary charge employed by the manufacturer during the period July 1 to October 15, 1941, inclusive.

Appendix B: Manufacturer's maximum delivered prices on gummed Kraft sealing tape to industrial and institutional users and to persons other than distributors. (a) Manufacturers' maximum delivered prices for sales of gummed Kraft sealing tape to industrial and institutional users and to persons other than distributors shall not exceed the maximum prices to distributors set forth in Appendix A adjusted to reflect the customary differentials employed by the manufacturer during the period October 1–15, 1941, inclusive, between the price charged for the same grade of gummed Kraft sealing tape to distributors and that charged to persons other than distributors.

This regulation shall become effective August 30, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13827; Filed, August 24, 1943; 4:04 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280, Amdt. 32]

CHEESE

A statement of considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 280 is amended in the following respect:

The phrase "Neufchatel cheese" appearing in the list of cheeses set forth in § 1351.807 (a) is hereby deleted.

This amendment shall become effective August 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13832; Filed, August 24, 1943; 4:02 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 291,[1] Amdt. 6]

CERTAIN SYRUPS AND MOLASSES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 291 is amended in the following respects:

1. The opening text of § 1351.1369 (a) is amended to read as follows:

(a) Packers' maximum prices for delivery in the "Southern zone" for blends of corn syrup and cane syrup including Georgia cane syrup of the following percentages and containing not more than 5% by volume of sugar syrup shall be as follows:

2. The opening text of § 1351.1369 (b) is amended to read as follows:

(b) Packers' maximum prices for delivery in all places outside of the "Southern zone" for blends of corn syrup and cane syrup including Georgia cane syrup of the following percentages and containing not more than 5% by volume of sugar syrup shall be the following f. o. b. Cairo, Georgia prices, plus the lowest available freight rate on an identical quantity from Cairo, Georgia, to the point of destination.

3. The opening text of § 1351.1369 (c) is amended to read as follows:

(c) *Packers maximum prices for blends of Georgia cane syrup containing additional ingredients other than Louisiana cane syrup and corn syrup.* Packers may determine maximum prices for blends containing Georgia cane syrup of the percentages set out above and additional ingredients other than Louisiana cane syrup and corn syrup by calculations as follows:

4. Section 1351.1369 (c) (4) is added to read as follows:

(4) If the blend contains ingredients additional to and causing more cost than those set out in paragraphs (a) and (b) and if its maximum price calculated under subparagraph (2) of this paragraph, (c) is not as high as the March 1942 price which became the ceiling price provided by the General Maximum Price Regulation, the Office of Price Administration, Washington, D. C., may authorize a maximum price for such blend based on the increased cost of raw material ingredients between March 1942 and March 1943 upon application made within 60 days after the issuance of this amendment showing as to such blend: (1) ingredients, (2) itemized cost breakdown and selling price as of March 1942, (3) identical itemized cost breakdown as of March 1943, (4) calculation of maximum prices under subparagraph (2) above.

This amendment shall become effective August 30, 1943.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13833; Filed, August 24, 1943; 4:02 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 247,[1] Amdt. 1]

DOMESTIC CANNED CRABMEAT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 247 is amended in the following respects:

1. Section 1364.251 is amended by deleting the words "On and after October 30, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any domestic canned crabmeat, and no person in the course of trade or business shall buy or receive any domestic canned crabmeat" and inserting in their place the words "On and after October 30, 1942, regardless of any contract, agreement, or other obligation, no canner, or agent or other person acting on behalf, or under control, of such canner shall sell or deliver any domestic canned crabmeat, and no person in the course of trade or business shall buy or receive from a canner any domestic canned crabmeat."

2. Section 1364.252 (a) (1) is amended by deleting "$3.50" and inserting in its place "$4.00".

3. Section 1364.252 (a) (2) is amended by deleting "$3.00" and inserting in its place "$3.50".

4. Section 1364.253 is hereby revoked.

5. Section 1364.254 is amended to read as follows:

§ 1364.254 *Notification of change of maximum price.* With the first delivery after August 30, 1943, of any item of domestic canned crabmeat, in any case where a maximum price is determined pursuant to this regulation, the canner determining his maximum price shall supply each wholesaler and retailer who purchases from him with the following notice:

----, 1943.

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item) has been changed under the provisions of Maximum Price Regulation No. 247. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, and if we are your customary type of supplier, you must refigure your ceiling price for the item in accordance with the applicable pricing provisions of those regulations (see section 6 in each case).. You must refigure your ceiling price on the first delivery of this item to you on and after August 30, 1943.

For a period of 90 days after August 30, 1943, and with the first shipment after the 90-day period to each person who has not made a purchase within that time, the canner shall include in each case or carton containing the item the written notice set forth before.

6. Section 1364.255 is hereby revoked.

7. Section 1364.256 is amended to read as follows:

§ 1364.256 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 11002; 8 F.R. 2713, 2714, 3621, 6618.

[1] 7 F.R. 8653, 8948.

the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

8. Section 1364.260 is amended to read as follows:

§ 1364.260 *Records and reports.* (a) Every person making a sale subject to this regulation, and every person in the course of trade or business making a purchase of domestic canned crabmeat subject to this regulation, or otherwise dealing therein after October 30, 1942, shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and a description of the grade or brand, style of pack, and container size of domestic canned crabmeat.

(b) Each person shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

9. Section 1364.261 is hereby revoked.

10. Section 1364.263 is hereby revoked.

This amendment shall become effective August 30, 1943.

NOTE: The reporting and recording provisions of this amendment have been approved by the Bureau of the Budget according to the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13834; Filed, August 24, 1943; 4:02 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 19,[1] Amdt. 4]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 19 is amended in the following respects:

1. In Article V, Table 8, footnote 21 is amended by deleting the sentence reading "Such lumber must be clearly marked 'Special soft texture finish' ".

2. In Article VI, Table 19, footnote 5, the words "when grade marked" are deleted.

This amendment shall become effective August 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13836; Filed, August 24, 1943; 4:02 p. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS

[MPR 196,[2] Amdt. 4]

TURNED OR SHAPED WOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 196 is amended by deleting paragraph (b) of § 1384.54 and by renumbering paragraph (c) as (b).

This amendment shall become effective August 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13837; Filed, August 24, 1943; 4:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[3] Amdt. 57]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 6.8 (a) is amended by adding two new sentences at the end, to read as follows:

He may also use processed foods up to the amount of an allotment for any future period, at any time after he has been granted that allotment. However, if he uses any part of that allotment prior to the beginning of the period for which it was granted, he shall, for purposes of this paragraph, be considered to have used it in the period for which it was granted.

This amendment shall become effective August 28, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13838; Filed, August 24, 1943; 4:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[3] Amdt. 58]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. Section 10.7 (a) is amended by changing the second sentence to read as follows:

Also, no points need be given up for a transfer of processed foods as part of a judicial proceeding, or by operation of law, or for a transfer made under the direction of or pursuant to an order of a court, or by judicial process.

2. Section 10.7 (b) (3) is amended by adding the following:

(If he transfers the foods to any other person who is also entitled under this or any other section of this order to acquire them point-free he need not, of course, get points from the transferee, and he need not give up any to the district or State office.)

This amendment shall become effective August 28, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13839; Filed, August 24, 1943; 4:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[4] Amdt. 17 to Rev. Supp. 1]

PROCESSED FOODS: U, V, AND W STAMPS

Section 1407.1102 (e) (5) is added to read as follows:

(5) Stamps lettered U, V and W may be used from September 1 to October 20, 1943, inclusive.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5536, 6544, 6619, 8979, 10732.

[2] 7 F.R. 6878, 7254, 8016, 8945.

[3] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7353, 7490, 7589, 8357, 8705, 9012, 9024, 9216, 9305, 9459, 9629, 10511, 10665.

[4] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203, 10085, 10039, 10728.

This amendment shall become effective August 28, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13825; Filed, August 24, 1943; 4:08 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 57]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new sentence is added at the end of section 7.8 (a) to read as follows:

However, if he uses any part of that allotment prior to the beginning of the period for which it was granted, he shall, for purposes of this paragraph, be considered to have used it in the period for which it was granted.

This amendment shall become effective August 28, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13823; Filed, August 24, 1943; 4:08 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 58]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 11.9 (a) is amended by changing the second sentence to read as follows:

Also, no points need be given up for a transfer of foods covered by this order as part of a judicial proceeding, or by operation of law, or for a transfer made under the direction of or pursuant to an order of a court, or by judicial process.

2. Section 11.9 (b) is amended by adding the following at the end of the undesignated paragraph following § 11.9 (b) (3):

. (If he transfers the foods to another person who is also entitled under this or any other section of this order to acquire them point-free he need not, of course, get points from the transferee, and he need not give up any to the district or State office.)

This amendment shall become effective August 28, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; and Supp. Dir. 1-M 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13824; Filed, August 24, 1943; 4:08 p. m.]

PART 1408—GLASS AND GLASS CONTAINERS

[MPR 382,[1] Amdt. 3]

WIDE MOUTH GLASS CONTAINERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.8 is amended so that the second paragraph reads as follows:

All price or other differentials, whether published or unpublished, which were or would have been allowed on the sale of containers other than standard containers during July 1941 by any manufacturer to purchasers in contract or greater quantities, or to any other class of purchaser who resells the containers as such, must be maintained and continue to be so allowed. Similar price or other differentials are not required in the case of standard containers as defined in section 1.11 (a) (2) above.

This amendment shall become effective August 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13835; Filed, August 24, 1943; 4:01 p. m.]

PART 1444—ICE BOXES

[MPR 399,[1] Amdt. 3]

RETAIL CEILING PRICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 399 is amended in the following respects:

1. Section 14, Table A, "Retail ceiling prices in each state for sales of ice boxes by ice companies, and retail establishments controlled by ice companies," is amended by adding ceiling prices for a new model ice box as set forth below.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price
Globe Wood Products Co.	Globe	43	75#	$44.25

State:	*Price*
Alabama	$44.25
Arizona	44.75
Arkansas	44.25
California	44.75
Colorado	44.50
Connecticut	44.25
Delaware	44.25
District of Columbia	44.25
Florida	44.25
Georgia	44.25
Idaho	44.75
Illinois	44.25
Indiana	44.25
Iowa	44.25
Kansas	44.25
Kentucky	44.25
Louisiana	44.25
Maine	44.25
Maryland	44.25
Massachusetts	44.25
Michigan	44.25
Minnesota	44.25
Mississippi	44.25
Missouri	44.25
Montana	44.75
Nebraska	44.25
Nevada	44.75
New Hampshire	44.25
New Jersey	44.25
New Mexico	44.75
New York	44.25
North Carolina	44.25
North Dakota	44.25
Ohio	44.25
Oklahoma	44.25
Oregon	44.75
Pennsylvania	44.25
Rhode Island	44.25
South Carolina	44.25
South Dakota	44.25
Tennessee	44.25
Texas	44.50
Utah	44.75
Vermont	44.25
Virginia	44.25
Washington	44.75
West Virginia	44.25
Wisconsin	44.25
Wyoming	44.50

2. Section 16, Table C, "Ceiling prices in each state for all other sales of ice boxes at retail," is amended by adding

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6138, 6181, 6446, 6614, 6620, 6687, 6840, 6960, 6981, 7115, 7268, 7281, 7455, 7492, 8357, 8540, 8844, 8869, 9025, 9014, 9217, 9305, 9886, 10085, 10432, 10511, 10665, 10763.

[1] 8 F.R. 6275, 8839, 10618.

[1] 7 F.R. 7448, 9062.

ceiling prices for a new model ice box as set forth below.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price
Globe Wood Products Co....	Globe.....	43	75#	$49.95

State:	*Price*
Alabama	$51.00
Arizona	52.00
Arkansas	51.25
California	52.00
Colorado	51.75
Connecticut	50.25
Delaware	50.25
District of Columbia	50.25
Florida	51.00
Georgia	50.75
Idaho	52.00
Illinois	50.75
Indiana	50.75
Iowa	51.00
Kansas	51.25
Kentucky	50.75
Louisiana	51.25
Maine	50.50
Maryland	50.25
Massachusetts	50.25
Michigan	50.75
Minnesota	51.00
Mississippi	51.00
Missouri	51.00
Montana	52.00
Nebraska	51.25
Nevada	52.00
New Hampshire	50.50
New Jersey	50.25
New Mexico	52.00
New York	50.25
North Carolina	50.50
North Dakota	51.50
Ohio	50.50
Oklahoma	51.25
Oregon	52.00
Pennsylvania	50.25
Rhode Island	50.25
South Carolina	50.75
South Dakota	51.50
Tennessee	50.75
Texas	51.50
Utah	52.00
Vermont	50.50
Virginia	50.50
Washington	52.00
West Virginia	50.50
Wisconsin	50.75
Wyoming	51.75

This amendment shall become effective on the 30th day of August 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4631)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13829; Filed, August 24, 1943; 4:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1[1] to GMPR, Amdt. 26]

CERTAIN IMPORTED COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 is amended in the following respects:

1. Section 3.2 (k) is amended to read as follows:

(k) Purchases of commodities to be imported into the continental United States by any person who deals directly with a foreign seller whose place of business is located outside the continental United States or with his selling agent wherever located.

2. Section 4.3 (h) is amended to read as follows:

(h) Any imported commodity while in its imported state or after being subjected to a process that does not result in the production of a new and different article having a distinctive name, character or use, if sold to any person who certifies in writing to the seller that the commodity will be used to fulfill a contract with the United States or any agency thereof, or with such other government or any agency thereof, or to fulfill a sub-contract under such a contract. Such a contract shall be evidenced either by a signed contract between the contractor-buyer and the agency, or by a letter of intent from the agency to such a person that a contract will be forthcoming. Such a sub-contract shall be evidenced by a signed contract between the prime contractor and sub-contractor or between one sub-contractor and another or by a letter of intent from the prime contractor to the sub-contractor or from one sub-contractor to another that such a sub-contract will be forthcoming: *Provided, however,* That:

(1) This exception shall not apply to the following imported commodities:

(i) Fish and sea food: canned, salted, pickled, smoked or frozen.

(ii) Other foodstuffs processed after importation.

(iii) Silver bullion.

(iv) Crude rubber, balata, and guayule.

(v) Lumber and wood shingles produced in and imported from Canada or Mexico.

(2) The term "imported commodity," as above used, means any commodity transported into the continental United States from any place outside thereof. Goods entered in a foreign trade zone or a customs bonded warehouse shall be considered as "imported."

This amendment shall become effective August 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13840; Filed, August 24, 1943; 4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 95 Under § 1499.75 (a) (3) of SR 15 to GMPR]

PETROLEUM TRANSPORT INC.

For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1395 *Adjustment of maximum prices for contract carrier services of Petroleum Transport, Inc., of Lancaster, Pennsylvania.* (a) Petroleum Transport, Inc. of Lancaster, Pennsylvania, may sell and deliver contract carrier services to the Independent Oil Company, Inc., of Altoona, Pennsylvania and the Socony-Vacuum Oil Company, of New York City, New York, at rates not to exceed those set forth in Exhibit "D" annexed to its application for adjustment and shown in its contracts with the Independent Oil Company, Inc. and the Socony-Vacuum Oil Company, Inc., dated June 25, 1943, and July 15, 1943, respectively, a copy of each of which has been filed with this Office and with the Public Utilities Commission of Pennsylvania.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 95 (31499.1395) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 95 (31499.1395) shall become effective as of June 25, 1943, as to the Independent Oil Company, Inc., and as of July 15, 1943, as to the Socony-Vacuum Oil Company, Inc.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 24th day of August 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–13841; Filed, August 24, 1943; 4:01 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amdt. 74]

FUEL OIL RATIONING REGULATIONS

Correction

In F.R. Doc. 43–13258, appearing at page 11380 of the issue for Tuesday, August 17, 1943, the following changes should be made:

The first two lines in the middle column of page 11380 should be transposed to the end of the third column so that subparagraph (4) of § 1394.5851 (a) will read as follows:

(4) Table ID—Percentage adjustment to obtain normal consumption and maximum and minimum rations by heated floor area and by subzones, in Washington, Oregon, and Idaho:

In item 2 the sentence added to § 1394.5282 (a) should read as follows: "In Areas A and B, the designated subcolumn of Table ID shall be used to determine the range."

In the table on page 11381 the first of the inclusive numbers defining floor areas in square feet, opposite Subzone 27C, should read "400–449" instead of "400–499".

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[1] 8 F.R. 4978, 6055, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349, 7592, 7600, 7668, 8710, 8754, 9025, 9218, 9016, 9219, 10304, 10759.

*Copies may be obtained from the Office of Price Administration.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

APPLICATIONS FOR PERMITS TO CONSTRUCT OR CHANGE LOCAL CHANNEL STANDARD BROADCAST STATIONS

SUPPLEMENTAL STATEMENT OF POLICY

Upon consideration of a report and recommendation of its Committee on Critical Radio Materials, the Commission, on August 10, 1943, determined that under certain stated conditions it would be in the public interest to grant applications for permits involving the use of idle equipment to increase power of 100-watt local channel standard broadcast stations to 250 watts and for construction of new 100-watt or 250-watt local channel stations.

Applications for permits to construct new 100-watt and 250-watt local channel standard broadcast stations in cities or towns where no station is located at present and not located in metropolitan districts already served by radio stations, and applications to increase power of local channel stations to 250 watts may be granted upon a satisfactory showing that:

1. All required materials, except vacuum tubes, may be obtained without priority assistance.[1]

2. Such applications involve no inconsistencies with the Commission's Rules and Regulations.

3. Such applications tend toward a fair, efficient and equitable distribution of radio service, are consistent with sound allocation principles, offer substantial improvement in standard broadcast service, and

4. Such applications are otherwise in the public interest.

Applications for local channel stations or changes in such stations which have been dismissed without prejudice pursuant to the policies announced February 23, 1942 and April 27, 1942, may be reinstated for consideration in the light of the new circumstances upon submission of a petition within thirty days of this date showing (1) that such application is in conformity with the foregoing enumerated conditions; and (2) any and all changes with respect to facts and circumstances as represented in the original application.

Dated: August 10, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-13846; Filed, August 24, 1943; 11:19 a. m.]

[1] The Commission is informed by the War Production Board that building construction requires a clearance which may be obtained only when that agency is satisfied that a direct contribution toward winning the war is clearly indicated.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Special Direction ODT 7, Rev.-2, Amdt. 1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to Executive Order 8989, the first paragraph of § 522.901 of Special Direction ODT 7, Revised-2 (8 F.R. 10446) is hereby amended to read as follows:

§ 522.901 *Loading of tank cars.* Unless authorized by a general or special permit issued by the Office of Defense Transportation, specifically authorizing a departure from the loading requirements of Special Direction ODT 7, Revised-2, or Special Direction ODT 7, Revised-2, as amended, no person shall offer for shipment and no carrier shall accept for shipment, forward, or transport any tank car containing any commodity unless the commodity is loaded in such tank car in accordance with one of the following requirements:

* * * * *

(E.O. 8989, 6 F.R. 6725)

This Amendment 1 to Special Direction ODT, Revised-2 shall become effective on September 1, 1943.

Issued at Washington, D. C., this 25th day of August 1943.

A. V. BOURQUE,
Associate Director, Division of Petroleum and Other Liquid Transport.

[F. R. Doc. 43-13852; Filed, August 25, 1943; 11:05 a. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1838; Area Coordinator's Gen. Direction 1]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

FISHING VESSELS IN MONTEREY, SAN FRANCISCO PORTS

§ 401.2 *Coordinated Pilchard Production Plan.* * * *

Pursuant to the order entitled "Coordinated Pilchard Production Plan" (8 F.R. 9233), being Order No. 1838 of the Secretary of the Interior, and because I deem it necessary, in order to contribute to the maximum production of pilchard products and in order to effectuate the purposes of Order No. 1838, that provision be made for directing deliveries of pilchards from fishing vessels to particular persons, as contemplated by paragraph (i) of that order, I hereby issue the following direction for the observance of which the permittee shall be responsible:

A. Each time a pilchard fishing vessel enters the harbor at either one of the two fishing ports named below to deliver a catch of pilchard (sardines), its fishing captain shall report to the Port Supervisor of the Office of Coordinator of Fisheries or, in his absence, to the Assistant Port Supervisor of the port, and receive directions as to the delivery of the catch. At San Francisco, the Port Supervisor, or his Assistant, will be found adjacent to the St. Francis Yacht Club Harbor; at Monterey the Port Supervisor, or his Assistant, will be found at Naval Center Monterey Breakwater.

B. The catch shall be at once delivered according to the directions of the Port Supervisor or his Assistant.

Issued July 30, 1943.

O. E. SETTE,
Area Coordinator, Area II.

[F. R. Doc. 43-13850; Filed, August 25, 1943; 10:35 a. m.]

[Order 1838; Area Coordinator's Gen. Direction 2]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

FISHING VESSELS IN PORT OF MONTEREY

§ 401.2 *Coordinated Pilchard Production Plan.* * * *

Pursuant to paragraph (n) of the order entitled "Coordinated Pilchard Production Plan" (8 F.R. 9233), being Order No. 1838 of the Secretary of the Interior, and because I deem it necessary to accomplish the purposes of that order, I hereby issue the following general direction, for the observance of which by the fishing captain of any particular vessel the permittee thereof shall be responsible:

A. General Direction No. 1, issued July 30, 1943, shall not apply to vessels acting under directions issued pursuant to paragraph B. below.

B. The fishing captain of any vessel fishing from the port of Monterey in accordance with a permit properly granted, may be directed by the Port Supervisor or the Assistant Port Supervisor for that port to make deliveries during a specified period at Moss Landing. During that period the fishing captain shall deliver all catches according to the directions thus given: *Provided*, That if he shall find, upon attempting delivery of a particular catch at Moss Landing, that the conditions of sea, tide or weather make such delivery unduly hazardous, he shall report to the Port Supervisor for Monterey or his Assistant, at the Naval Center, Monterey Breakwater, receive directions for delivery of the catch, and shall deliver it accordingly.

Issued August 7, 1943.

O. E. SETTE,
Area Coordinator, Area II.

[F. R. Doc. 43-13851; Filed, August 25, 1943; 10:35 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Public Land Order 159]

Correcting land description in Executive Order No. 9311 of March 6, 1943,

enlarging the Squaw Creek National Wildlife Refuge, Missouri.

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, (8 F.R. 5516) it is ordered as follows:

The designation "N½SE¼" occurring in the last section of the land description contained in Executive Order No. 9311 of March 6, 1943 (8 F.R. 2913) enlarging the Squaw Creek National Wildlife Refuge, in Missouri, is hereby corrected to read "N½SW¼".

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 17, 1943.

[F. R. Doc. 43-13894; Filed, August 25, 1943; 10:20 a. m.]

[Public Land Order 160]

ENLARGING THE BOMBAY HOOK NATIONAL WILDLIFE REFUGE, DELAWARE

By virtue of the authority vested in the President and in order to effectuate further the purposes of the Migratory Bird Conservation Act, 45 Stat. 122 (U.S.C., title 16, secs. 715–715r), and pursuant to Executive Order No. 9337 of April 24, 1943, (8 F.R. 5516), *It is ordered*, as follows:

Subject to valid existing rights, the following-designated tracts of land in Kent County, Delaware, acquired by the United States under the authority of Title VII of the act of June 15, 1935, 49 Stat. 384, for wildlife-conservation purposes, are hereby reserved and set apart for the use of the Department of the Interior as a part of the Bombay Hook National Wildlife Refuge:

No. tract and acres	No. tract and acres	No. tract and acres
11e---- 57.36	11m---- 20.14	56e---- 7.37
11f---- 5.49	56a ----129.20	59 ----229.17
11g---- 4.48	56b ---- 12.84	59a---- 62.32
11h---- 7.60	56c ---- 1.48	61 ---- 9.52
11k----977.32	56d ---- 37.06	62 ---- 77.88

The above-listed tracts, aggregating 1,633 acres, are shown upon a Fish and Wildlife Service map entitled "Bombay Hook National Wildlife Refuge," dated April 24, 1943, filed in the records of the Fish and Wildlife Service at Chicago, Illinois, and hereby made a supplement to this public land order.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 17, 1943.

[F. R. Doc. 43-13895; Filed, August 25, 1943; 10:20 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 213]

BAKERY, BEVERAGE, AND MISCELLANEOUS FOOD INDUSTRIES

APPOINTMENT OF INDUSTRY COMMITTEE

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene for the Bakery, Beverage, and Miscellaneous Food Industries (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public: Clarence Updegraff, Chairman, Iowa City, Iowa, Glen E. Carlson, Redlands, California, J. Frederic Dewhurst, New York, New York, Alva W. Taylor, Nashville, Tennessee, Colston E. Warne, Amherst, Massachusetts.

For the employers: Fred L. Cobb, Green Bay, Wisconsin, R. H. Jennings, Jr., Orangeburg, South Carolina, Thomas F. Mansfield, Newark, New Jersey, J. Frank Rushton, Jr., Birmingham, Alabama, C. H. Wortz, Fort Smith, Arkansas.

For the employees: Edward H. Crawford, Newport, Kentucky, James Cross, Chicago, Illinois, David Kaplan, Washington, D. C., Andrew W. Myrup, Washington, D. C., Joseph Obergfell, Cincinnati, Ohio.

Such representatives have been chosen with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "Bakery, Beverage, and Miscellaneous Food Industries" means:

The manufacture or packaging of bakery products, beverages, ice, and miscellaneous food products and preparations.

a. It includes, but without limitation, bread, pastries, crackers, and pretzels; macaroni and other alimentary pastes; alcoholic and nonalcoholic beverages; natural, mineral, and carbonated waters; malt; baking powder, yeast, and other leavening compounds; corn syrup and corn sugar; starch; ice (including the harvesting of natural ice); coffee and tea; spices; ready-to-mix desserts with corn starch, tapioca, or gelatin bases; and potato chips.

b. *Provided, however,* That the definition shall not include any product the manufacture of which is covered by the definition of an industry for which the Administrator has already issued a wage order or appointed an industry committee.

3. The definition of the Bakery, Beverage, and Miscellaneous Food Industries covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That the definitions does not cover (a) such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department, physically segregated from other departments of an establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which are resold in the form in which purchased; and (b) employees engaged exclusively in clerical, maintenance, selling or shipping operations on articles purchased for resale in the form in which purchased; and *Provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. Any person who, in the opinion of the committee, having a substantial interest in the proceeding and who is prepared to present material pertinent to the question under consideration, may, with the approval of the committee, appear on his own behalf or on behalf of any other person. Moreover, any interested person may submit in writing pertinent data to the committee either through the Administrator or through the chairman of the committee.

5. The industry committee herein created shall meet at 10:00 a. m. on September 14, 1943 in Room 1001, 165 West 46th Street, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York, this 21st day of August, 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-13820; Filed, August 24, 1943; 2:16 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1993]

TRUST UNDER WILL OF MORRIS J. BLUEN

In re: Trust under the will of Morris J. Bluen, deceased; File D-28-1854; E. T. sec. 1493.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Johanna Bluen, as trustee, and the Fifth Avenue Bank of New York, as substitute trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Max Bluen, Germany.
George Bluen, Germany.
Franz Bluen, Germany.
Herta Bluen-Brettschneider, Germany.
Alice Bluen Bender, Germany.
Hedwig K. Neuburger, Germany.
And the descendants of each of them whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Max Bluen, George Bluen, Franz Bluen, Herta Bluen-Brettschneider, Alice Bluen Bender, Hedwig K. Neuberger, and their descendants, whose names are unknown, and each of them, in and to the trust created under the will of Morris J. Bluen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13853; Filed, August 25, 1943; 10:58 a. m.]

[Vesting Order 1994]

TRUST UNDER WILL OF BERNARDUS BOEKELMAN

In re: Trust under will of Bernardus Boekelman, deceased; File No. D-28-1638; E. T. sec. 437.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Central Hanover Bank & Trust Company, and Alfred V. Sims, trustees, acting under the judicial supervision of Surrogate's Court, New York County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Gisela Boekelman Kuenzel and her husband and her issue, whose names are unknown Germany.

Clodia Schoenrich, Germany.
Next of kin of Bernardus Boekelman, whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Gisela Boekelman Kuenzel and her husband and her issue, Clodia Schoenrich, and the next of kin of Bernardus Boekelman, and each of them, in and to the Trust Estate created under the Last Will and Testament of Bernardus Boekelman, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13854; Filed, August 25, 1943; 10:58 a. m.]

[Vesting Order 1995]

TRUST UNDER WILL OF FREDERICK BUTTERFIELD

In re: Trust under will of Frederick Butterfield, deceased, and Deed of Trust created by Dorothea Ballard Smith Marigliano dated July 12, 1921. File D-66-203; E. T. sec. 1436.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lucius H. Beers and Sherman Baldwin, both of 25 Broadway, New York, N. Y., as substituted Trustees under the Last Will and Testament of Frederick Butterfield, deceased, and Lucius H. Beers, William Wickham Hoffman and Allen Evarts Foster, Trustees under the Deed of Trust of Dorothea Ballard Smith Marigliano dated July 12, 1921, 25 Broadway, New York, N. Y., acting under the judicial supervision of the Supreme Court, Suffolk County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Dorothea Ballard Smith Marigliano and her next of kin, whose names are unknown, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(A) All right, title, interest, and claim of any kind or character whatsoever of Dorothea Ballard Smith Marigliano in and to the trust created under the Last Will and Testament of Frederick Butterfield, deceased; and

(B) All right, title, interest, and claim of any kind or character whatsoever of Dorothea Ballard Smith Marigliano and her next of kin, whose names are unknown, and each of them, in and to the trust created by herself as settlor and dated July 12, 1921;

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13855; Filed, August 25, 1943; 10:59 a. m.]

[Vesting Order 1996]

GUARDIANSHIP ESTATE OF GUIDO COLAINTA

In re: Guardianship estate of Guido Colainta; File D–38–546; E. T. sec. 5887.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the National Bank of Fayette County, Successor Guardian, acting under the judicial supervision of the Orphans' Court of Fayette County, Pennsylvania; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Guido Colainta, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Guido Colainta, of any nature whatsoever in the possession of the National Bank of Fayette County, as Successor Guardian of the estate of Guido Colainta,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13856; Filed, August 25, 1943; 10:59 a. m.]

[Vesting Order 1997]

GUARDIANSHIP ESTATE OF PAULINE COLAINTA

In re: Guardianship estate of Pauline Colainta; File D–38–548; E. T. sec. 5889.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the National Bank of Fayette County, Successor Guardian, acting under the judicial supervision of the Orphans' Court of Fayette County, Pennsylvania; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Pauline Colainta, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Pauline Colainta, of any nature whatsoever in the possession of the National Bank of Fayette County, as Successor Guardian of the estate of Pauline Colainta,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13857; Filed, August 25, 1943; 10:59 a. m.]

[Vesting Order 1998]

ESTATE OF WILHELMINA DAMBACH

In re: Estate of Wilhelmina Dambach, deceased; File D–28–1992; E. T. sec. 2041.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the Union County Orphans' Court, acting under the judicial supervision of the Union County Orphans' Court, Union County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Ernst Conzelmann, Germany.
Karolina Conzelmann, Germany.
Hilda Conzelmann, Germany.
Klara C. Haner, Germany.
Richard Conzelmann, Germany.
Oskar Conzelmann, Germany.
Carolina Conzelmann, Germany.
Karl Dambach, Germany.
Anna Dambach Nittel, Germany.
Domiciliary Administrator of the estate of Carolina Conzelmann, name unknown and/or his successors and assigns, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determination and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ernst Conzelmann, Karolina Conzelmann, Hilda Conzelmann, Klara C. Haner, Richard Conzelmann, Oskar Conzelmann, Carolina Conzelmann, Karl Dambach, Anna Dambach Nittel and the Domiciliary Administrator of the estate of Carolina Conzelmann, name unknown, and/or his successors and assigns, and each of them in and to the Estate of Wilhelmina Dambach, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13858; Filed, August 25, 1943; 10:59 a. m.]

[Vesting Order 1999]

TRUSTS UNDER WILL OF JOSEPHINE DEL DRAGO

In re: Trusts under the will of Josephine del Drago, deceased; File No. D–38–426; E. T. sec. 1876.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Corn Exchange Bank Trust Company of New York, New York, Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Marcel del Drago, Italy.
Clemente Francesco del Drago, Italy.
Any other children and children of any deceased children of Marcel del Drago (names unknown), Italy.
Francesco del Drago, Italy.
Alesandro del Drago, Italy.
Angela del Drago, Italy.
Maria Melagros del Drago, Italy.
Anna Maria del Drago, Italy.
Any other children and children of any deceased children of Clemente del Drago (names unknown), Italy.
Angela del Drago, Italy.
Maria del Drago, Italy.
Ferdinando del Drago, Italy.
Filippo del Drago, Italy.
Giovanna del Drago, Italy.
Any other children and children of any deceased children of Maria del Drago (names unknown), Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy, and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Marcel del Drago, Clemente Francesco del Drago, Any other children and children of any deceased children of Marcel del Drago (names unknown), Francesco del Drago, Alesandro del Drago, Angela del Drago, Maria Melagros del Drago, Anna Maria del Drago, Any other children and children of any deceased children of Clemente del Drago (names unknown), Angela del Drago, Maria del Drago, Ferdinando del Drago, Filippo del Drago, Giovanna del Drago, Any other children and children of any deceased children of Mario del Drago (names unknown), and each of them, in and to the trusts under the will of Josephine del Drago, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13859; Filed, August 25, 1943; 11:00 a. m.]

[Vesting Order 2000]

TRUST UNDER WILL OF EDWARD W. DUFFT

In re: Trust under the will of Edward W. Dufft, deceased; File D–28–1674; E. T. sec. 553.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Chase National Bank of the City of New York, Trustee, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Personal representative of Helene Schirlitz, deceased, name unknown, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of the personal representative of Helene Schirlitz, deceased, name unknown, in and to the Trust estate created under the will of Edward W. Dufft, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13860; Filed, August 25, 1943; 11:00 a. m.]

[Vesting Order 2001]

ESTATE OF MIHAL FEDOR

In re: Estate of Mihal Fedor, deceased; File D–34–116; E. T. sec. 3395.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Pauline Moy, Executrix, acting under the judicial supervision of the District Court of the Eighth Judicial District of the State of Montana in and for the County of Cascade,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Anuska Fedor, Hungary.
Juliska Thomas, Hungary.
Joseph Fedor, Hungary.
Rudy Fedor, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodan hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anuska Fedor, Juliska Thomas, Joseph Fedor and Rudy Fedor, and each of them, in and to the estate of Mihal Fedor, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13861; Filed, August 25, 1943; 11:00 a. m.]

[Vesting Order 2002]

CARL FISCHER

In re: Estate of Carl Fischer, deceased; File D–66–410; E. T. sec. 2823.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Registry of the Probate Court, Washington, D. C., acting under the judicial supervision of the District Court of the United States for the District of Columbia, Holding a Probate Court;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Hannah Fischer, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hannah Fischer, in and to the Estate of Carl Fischer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13862; Filed, August 25, 1943; 11:00 a. m.]

[Vesting Order 2003]

ESTATE OF EUGENIA GIRRATANO

In re: Estate of Eugenia Girratano, deceased; File D–38–1060; E. T. sec. 3094.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anthony Girratano, Executor, acting under the judicial supervision of the Union County Orphans' Court, Union County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Rosario Girratano, Italy.
Rosaria Girratano, Italy.
Sylvestro Girratano, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rosario Girratano, Rosaria Girratano and Sylvestro Girratano and each of them in and to the Estate of Eugenia Girratano, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13863; Filed, August 25, 1943; 11:01 a. m.]

[Vesting Order No. 2004]

ESTATE OF ALBERT A. GLOGGER

In re: Estate of Albert A. Glogger, deceased; File D–66–366; E. T. sec. 2223.

Under the Authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John M. Huston, Register of Wills and Clerk of the Orphans' Court, acting under the judicial supervision of the Orphans' Court, Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Glogger, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Glogger, in and to the Estate of Albert A. Glogger, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13864; Filed, August 25, 1943; 11:01 a. m.]

[Vesting Order 2005]

ESTATE OF MARIA ANNA HAGMANN

In re: Estate of Maria Anna Hagmann, also known as Maria A. Hagmann, deceased; File No. D–9–100–28–2056; E. T. sec. 2438.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Alois Schreiber, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Alois Schreiber in and to the Estate of Maria Anna Hagmann, also known as Maria A. Hagmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13865; Filed, August 25, 1943; 11:01 a. m.]

[Vesting Order 2006]

ESTATE OF VINCENT IRGONERI

In re: Estate of Vincent Irgoneri, also known as James Archani, deceased; File D–66–458; E. T. sec. 3022.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Beaver County Trust Company, Administrator, acting under the judicial supervision of the Orphans' Court of Beaver County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Executor, administrator, next of kin and heirs at law, names unknown, of Vincent Irgoneri, also known as Jamees Archani, deceased, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vest the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of the executor, administrator, next of kin and heirs at law, names unknown, of Vincent Irgoneri, also known as James Archani, deceased, and each of them, in and to the Estate of Vincent Irgoneri, also known as James Archani, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13866; Filed, August 25, 1943; 11:02 a. m.]

[Vesting Order 2007]

ESTATE OF RICHARD KLIER

In re: Estate of Richard Klier, deceased; File D–17–146; E. T. sec. 1179.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry P. Thorn, as Executor of the Estate of Richard Klier, deceased, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Emily Mack, whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Emily Mack, in and to the Estate of Richard Klier, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13867; Filed, August 25, 1943; 11:02 a. m.]

[Vesting Order 2008]

ESTATE OF THERESIA KORNER

In re: Estate of Theresia Korner, deceased; File D–6–154; E. T. sec. 3009.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation;

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the Gloucester County Orphans' Court of Gloucester County, New Jersey, acting under the judicial supervision of the Gloucester County Orphans' Court, Gloucester County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Antonia Schmidl, Germany (Austria).

Marie Schuetz and her issue whose names are unknown, Germany (Austria).

Katherina Kropf and her issue whose names are unknown, Germany (Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Antonia Schmidl; Marie Schuetz and her issue, whose names are unknown; Katherina Kropf and her issue, whose names are unknown, and each of them in and to the Estate of Theresia Korner, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13868; Filed, August 25, 1943; 10:54 a. m.]

[Vesting Order 2009]

ESTATE OF TONY NESHOFF

In re: Estate of Tony Neshoff, deceased; File D–11–61; E. T. sec. 6079.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by R. E. Homewood, Administrator, acting under the judicial supervision of the District Court of the Sixteenth Judicial District of the State of Montana, in and for the County of Custer;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Bulgaria, namely,

Nationals and Last Known Address

Neshoff Todoroff and his heirs or devisees, Bulgaria.

Tofil Evanoff and his heirs or devisees, Bulgaria.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Bulgaria; and

Having made all determinations and taken all action, after appropriate consulation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Neshoff Todoroff and his heirs or devisees and Tofil Evanoff and his heirs or devisees and each of them in and to the Estate of Tony Neshoff, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13869; Filed, August 25, 1943; 10:54 a. m.]

[Vesting Order 2010]

ESTATE OF JOE PARDINI

In re: Estate of Joe Pardini, deceased; File D–38–1099; E. T. sec. 3302.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mary Walsh, Administratrix, acting under the judicial supervision of the District Court of the Second Judicial District of the State of Montana in and for the County of Silver Bow;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Italy, namely,

National and Last Known Address

Elida Pardini, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elida Pardini in and to the Estate of Joe Pardini, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13870; Filed, August 25, 1943; 10:54 a. m.]

[Vesting Order 2011]

TRUST UNDER WILL OF HENRY PFALTZ

In re: Trust under will of Henry Pfaltz, deceased; File D–28–2338; E. T. sec. 3083.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity Union Trust Company, of Newark, New Jersey, acting under the judicial supervision of the Essex County Surrogate's Court, Essex County, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Adele Krill, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consutlation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Adele Krill in and to the trust created under the Last Will and Testament of Henry Pfaltz, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13871; Filed, August 25, 1943; 10:54 a. m.]

[Vesting Order 2012]

ESTATE OF CHARLES G. REERS

In re: Estate of Charles G. Reers, deceased; File No. D–28–1564; E. T. sec. 292.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William F. Kille and Betty E. Reers as co-executors acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Sullivan County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Grete Garwes whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Grete Garwes in and to the Estate of Charles G. Reers, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13872; Filed, August 25, 1943; 10:55 a. m.]

[Vesting Order 2013]

ESTATE OF GEORGE REINDLER

In re: Estate of George Reindler, deceased; File D–28–2079; E. T. sec. 2417.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Du Page, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Du Page County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Leonhard Reindler, Germany.
Margarethe Braun, Germany.
Marie Leichs, Germany.
Babette Buettner, Germany.
Eva Reiter, Germany.
Barbara Schneider, Germany.
Marie Struetzer, Germany.
Babette Uhlmann, Germany.
Margaretha Noelp, Germany.
Zacharius Tobias Grometer, Germany.
Georg Grometer, Germany.
Fritz Grometer, Germany.
Johann Grometer, Germany.
Babette Grometer, Germany.
Johanna Grometer, Germany.
Johann Kernstock, Germany.
Eva Barbara Buereiss, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Leonhard Reindler in the sum of $456.11, Margarethe Braun in the sum of $456.11, Marie Leichs in the sum of $456.11, Babette Buettner in the aum of $456.11, Eva Reiter in the sum of $456.12, Barbara Schneider in the sum of $456.12, Marie Struetzer in the sum of $456.12, Babette Uhlmann in the sum of $456.12, Margaretha Noelp in the sum of $1,824.44, Zacharius Tobias Grometer in the sum of $608.15, Georg Grometer in the sum of $608.15, Fritz Grometer in the sum of $152.04, Johann Grometer in the sum of $152.04, Babette Grometer in the sum of $152.03, Johanna Grometer in the sum of $152.04, Johann Kernstock in the sum of $912.22, Eva Barbara Buereiss in the sum of $912.22, which amounts were deposited with the Treasurer of Du Page County, Illinois, on January 29, 1943, pursuant to order of the court of January 28, 1943, to the credit of the aforesaid nationals,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13873; Filed, August 25, 1943; 10:55 a. m.]

[Vesting Order 2014]

ESTATE OF KAROLINE SALBER

In re: Estate of Karoline Salber, deceased; File No. D–28–1780; E. T. 1169.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Clarence A. Smith, Acting County Treasurer of Monroe County, acting under the judicial supervision of the Surrogate's Court, Monroe County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Lore Sonnentag, Germany.
Maria Magdalene Knoebel, Germany.
Agnes Irtenkauf, Germany.
Theresia Zeller, Germany.
Franz Xaver Schilling, also known as Xaver Schilling, Germany.
Klara Mueller, Germany.
Rosa Quadt, also known as Theresia Rosa Quadt, Germany.
Franz Xaver Sonnentag, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Lore Sonnentag, Maria Magdalene Knoeble, Agnes Irtenkauf, Theresia Zeller, Franz Xaver Schilling, also known as Xaver Schilling, Klara Mueller, Rosa Quadt, also known as Theresia Rosa Quadt and Franz Xaver Sonnentag, and each of them, in and to the Estate of Karoline Salber, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13874; Filed, August 25, 1943; 10:56 a. m.]

[Vesting Order 2015]

ESTATE OF ANNIE SCHNEIDER

In re: Estate of Annie Schneider, deceased; File D–28–2489; E. T. sec. 3495.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Security Trust Company, Executor, acting under the judicial supervision of the Register of Wills, New Castle County, Delaware;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely:

Nationals and Last Known Address

Albert Schober, Germany.
Emilie Schober, Germany.
Joseph Machate, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Albert Schober, Emilie Schober and Joseph Machate and each of them in and to the Estate of Annie Schneider, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R Doc. 43–13875; Filed, August 25, 1943; 10:56 a. m.]

[Vesting Order 2016]

ESTATE OF WILHELMINE SCHNEIDER

In re: Estate of Wilhelmine Schneider, also known as Wilhelmina Schneider, deceased; File No. D–9–100–38–1671; E. T. sec. 4958.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna H. Isenschmid, Executrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Margarethe Schneider, Bremen, Germany.
Helene Dokoutschaeff, Hanover, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Margarethe Schneider and Helene Dokoutschaeff, and each of them, in and to the estate of Wilhelmine Schneider, also known as Wilhelmina Schneider, deceased,

to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13876; Filed, August 25, 1943; 10:56 a. m.]

[Vesting Order 2017]

ESTATE OF ERNST JACOB STEFFEN

In re: Estate of Ernst Jacob Steffen, deceased; File D–28–1723; E. T. sec. 744.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Farmers and Mechanics Bank, 21 East Main Street, Galesburg, Illinois, Executor, acting under the judicial supervision of the County Court of the State of Illinois, in and for the County of Knox;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marie Steffen, Germany.
Ernst Steffen, Germany.
Herman Steffen, Germany.
Nieces and nephews of Ernst Jacob Steffen, deceased, names unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Marie Steffen, Ernst Steffen, Herman Steffen and nieces and nephews of Ernst Jacob Steffen, deceased, names unknown, and each of them, in and to the estate of Ernst Jacob Steffen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13877; Filed, August 25, 1943; 10:56 a. m.]

[Vesting Order 2018]

ESTATE OF KARL STEINHILBER

In re: Estate of Karl Steinhilber, deceased; File D–66–660; E. T. sec. 5318.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John M. Huston, Register of Wills and Clerk of Orphans' Court, Custodian, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Karl Steinhilber, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodan hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Karl Steinhilber, in and to the Estate of Karl Steinhilber, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13878; Filed, August 25, 1943; 10:57 a. m.]

[Vesting Order 2019]

ESTATE OF AUGUST WASCHKE

In re: Estate of August Waschke, deceased; File D–28–3432; E. T. sec. 5462.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mary Schubert, Administratrix, acting under the judicial supervision of the Hudson County Orphans' Court of Hudson County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Auguste Waschke, Germany.
Agoste Drogemuller, Germany.
Therese Bupjager, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Auguste Waschke, Agoste Drogemuller and Therese Bupjager and each of them in and to the Estate of August Waschke, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13879; Filed, August 25, 1943; 10:57 a. m.]

[Vesting Order 2020]

ESTATE OF NANCY WASSMAN

In re: Estate of Nancy Wassman, alias Nancy LaMotte, deceased; File D–28–4184; E. T. sec. 7253.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Helen Prill, 5030 North California Avenue, Chicago, Illinois, Administratrix, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of designated enemy countries, Germany and Rumania, namely.

National and Last Known Address

Anton Reiser, Rumania.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of designated enemy countries, Germany and Rumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $1,686.62 which is in the process of administration by, and is in the possession and custody of Helen Prill, Administratrix of the Estate of Nancy Wassman, alias Nancy LaMotte, deceased; also

All right, title, interest, and claim of any kind or character whatsoever of Anton Reiser in and to the estate of Nancy Wassman, alias Nancy LaMotte, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall

not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13880; Filed, August 25, 1943; 10:58 a. m.]

[Vesting Order 2021]

TRUSTS UNDER WILL OF HENRY WHITE

In re: Trusts under the will of Henry White, deceased; File D–66–512; E. T. sec. 4136.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lewis Spencer Morris and John Campbell White, Trustees, acting under the judicial supervision of the Supreme Court of the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Margaret Muriel, Seherr-Thoss, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Margaret Muriel Seherr-Thoss, in and to the trusts created under the will of Henry White, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F .R. Doc. 43–13881; Filed, August 25, 1943; 10:58 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 23, 1943.

Order Number and Name

MPR 11, Order 2, Fisher Mfg. Co.
MPR 120, Order 236, Duncan-Spangler Coal Co.
MPR 120, Order 237, James Barquin.
RMPR 122, Order 49, Philadelphia & Reading Coal & Iron Co.
MPR 136, Order 26, Am. 1, American Saw Mills Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–13843; Filed, August 24, 1943; 4:08 p. m.]

Regional, State and District Office Orders.

[Region II Order G–11 Under Rev. MPR 122]

PENNSYLVANIA ANTHRACITE IN COAL AREA II, N. J.

Order No. G–11 Under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers. Pennsylvania anthracite delivered by dealers in that portion of Hudson County east of the Hackensack River, State of New Jersey—Coal Area II.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered:*

(a) *What this order does—(1) Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" hereinafter called simply "anthracite") delivered to or at any point in Coal Area II. Coal Area II includes all of Hudson County in the State of New Jersey east of the Hackensack River.

(2) *Schedules of prices, charges and discounts.* The applicable prices and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area II, are set forth in Schedules I, II and III hereafter.

(3) *To what sales this order applies.* If you are a dealer in anthracite, you are bound by the prices and discounts, and by all other provisions of this order for all deliveries within Coal Area II, whether or not you are located in Coal Area II.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not—

(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay, or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by—

(i) Changing the discounts authorized herein, or

(ii) Charging for any service rendered in connection with the sale or delivery of anthracite subject to this order, or

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that the dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government, or

(iv) Using any other device by which a higher than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) *Use the schedule which covers your sale.* (Schedule I applies to "direct-delivery" sales of anthracite. You will find Schedule I in paragraph (d). Schedule II applies to "Yard Sales". You will find Schedule II in paragraph (e). Schedule III applies to sales of bagged coal in 50 lb., 25 lb. and 12 lb. paper bags. You will find Schedule III in paragraph (f).)

(2) *For "direct-delivery" sales.* (i) Take the dollar-and-cents figure given in the applicable schedule for the size and quantity you are selling.

(ii) Deduct from this figure the amount of the discount which you are required to give as specified in the schedule. (You will find discounts stated in paragraph (d) (2).) If the schedule makes no reference to any discount, you need give no discount. Where a discount is required, you must state it separately on your invoice.

(iii) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable schedule provides a discount on the basis of one ton or one half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton and 13¢ for one-quarter of a ton.

(iv) You shall not impose any charges with respect to such sales.

(3) *For "yard sales".* (i) The dollars-and-cents figure set forth in the applicable schedule for the sizes and quantities specified shall be the maximum price for sales of those sizes and in those quantities at the yard. You shall not impose any charges, and you are required to give no discounts, in connection with such sales.

(4) *For "sales in 50 lb., 25 lb. and 12 lb. paper bags".* (i) The dollars-and-cents figure set forth in the applicable schedule for the size of anthracite and type of sale there specified, shall be the maximum price. You shall not impose any charges, and you are required to give no discounts, in connection with such sales.

(d) *Schedule I: Sales on a "direct-delivery" basis.* Schedule I establishes maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area II.

(1) *For sales of anthracite of the sizes and in the quantities specified.*

Size	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than one-half ton
Broken, egg, stove, nut	$14.05	$7.30	$0.80
Pea	12.50	6.50	.70
Buckwheat	9.95	5.25	.65
Rice	8.95	4.75	----------
Barley	7.85	4.20	----------
Screenings	4.00	2.00	----------

(i) If you sell one size of anthracite commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if these sizes are separately weighed at the point of loading, the dealer may commingle these sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(2) *Required discounts.* (i) You shall deduct from the prices set forth above in this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made on delivery. Nothing in this sub-paragraph requires you to sell on other than a cash basis.

(ii) In addition, you shall deduct a discount of 75¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

(a) You shall not break up a single order in an attempt to avoid this discount.

(b) You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point.

(c) You must deduct this discount at or before the delivery of the fiftieth ton and continue to grant the discount on every subsequent delivery during the same twelve month period.

(e) *Schedule II: "Yard sales".*—(1) *Maximum prices for certain sizes of anthracite sold at the dealer's "yard" within Coal Area II.*

Size	Per net ton for sales of ½ ton or more	Per 100 lbs. for 100 lbs. or more, but less than one-half ton	
		Dealers	Consumer
Broken, egg, stove, nut	$11.05	$0.57	$0.65
Pea	9.50	.50	.55
Buckwheat	7.20	.40	.50
Rice	6.45	----------	----------
Barley	5.35	----------	----------
Screenings	2.05	----------	----------

(i) If you sell one size of anthracite commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if these sizes are separately weighed at the point of loading, the dealer may commingle these sizes in the truck or other vehicle in which purchaser accepts delivery. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(f) *Schedule III.* Schedule III establishes maximum prices for sales to dealers and to consumers within Coal Area II of the specified size of anthracite in 50 lb., 25 lb. and 12 lb. paper bags.

(1) *Maximum price per 50 lb. paper bag.*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.36	$0.40	$0.50

(2) *Maximum price per 25 lb. paper bag.*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.18	$0.20	$0.25

(3) *Maximum price per 12 lb. paper bag.*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.09	$0.10	$0.12

(4) If you sell one size of anthracite commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed before bagging, the dealer may commingle those sizes in the bags in which the anthracite is sold. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(g) *Ex Parte 148—Freight Rate Increase.* Since the Ex Parte 148 Freight Rate Increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(h) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(i) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. For convenience in billing, you may use on your invoice a rubber stamp reading: "Above price includes Federal Transportation Tax of 4¢ per ton."

(j) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(k) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(l) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(m) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the *licensing* and *registration* provisions of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but you may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(n) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, the same records you were required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(o) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(p) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Newark District Office of the Office of Price Administration.

(q) *Definitions and explanations.* When used in this Order No. G–11, the term—

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and delivery, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the State of Pennsylvania.

(5) The sizes of "Pennsylvania anthracite" described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to the same sizes of anthracite as were sold and delivered in the State of New Jersey—Coal Area II with such designation during December 1941.

(6) "Coal Area II" includes that portion of Hudson County in the State of New Jersey which lies east of the Hackensack River.

(7) "Direct delivery" means delivery to the buyer's bin or storage space.

(8) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(9) "Delivered at dealer's yard" as applied to sales of bagged coal in 50 lb., 25 lb. and 12 lb. paper bags, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(10) "Delivered to retail stores" as applied to sales of bagged coal in 50 lb., 25 lb. and 12 lb. paper bags, means deposit in that part of the store designated by the purchaser.

(11) "Sales to ultimate consumer" as applied to bagged coal in 50 lb., 25 lb. and 12 lb. paper bags, means sales by dealers, other than sales at a dealer's yard whether or not delivered to the consumer's premises.

(r) *Effect of order on revised maximum price regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122, except as to any sales or deliveries of solid fuels not specifically subject to this order.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: This order shall become effective August 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43–13753; Filed, August 23, 1943; 4:43 p. m.]

[Region II Order G–12 Under Rev. MPR 122]

PENNSYLVANIA ANTHRACITE IN COAL AREA III, N. J.

Order No. G–12 Under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers. Pennsylvania anthracite delivered by dealers in—Essex County, all of Hudson County west of Hackensack River, and the Townships of Union, Hillside, and Springfield, in Union County, State of New Jersey—Coal Area III.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered:*

(a) *What this order does*—(1) *Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in State of New Jersey—Coal Area III. Coal Area III includes the following portions of the State of New Jersey: All of Essex County, all of Hudson County West of the Hackensack River, and the Townships of Union, Hillside, and Springfield, in Union County.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area III are set forth in Schedules I, II, and III hereafter.

(3) *To what sales this order applies.* If you are a dealer in anthracite, you are bound by the prices, charges and

discounts, and by all other provisions of this order for all deliveries within Coal Area III, whether or not you are located in Coal Area III.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not—

(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay, or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by—

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) Use the schedule which covers your sale. (Schedule I applies to "Direct Delivery" sales of anthracite. You will find Schedule I in paragraph (d). Schedule II applies to "Yard Sales" by dealers who have normally sold exclusively to other dealers for resale, and by other dealers. You will find Schedule II in paragraph (e). Schedule III applies to sales of bagged coal in 50 lb., 25 lb., and 12 lb. paper bags. You will find Schedule III in paragraph (f).)

(2) Take the dollar-and-cents figure given in the applicable schedule for the size and quantity you are selling.

(3) Deduct from this figure the amount of the discount which you are required to give as specified in the schedule. (You will find discounts stated in paragraph (d) (2) and paragraph (e) (3).) If the schedule makes no reference to any discount, you need give no discount. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure derived from the preceding sub-paragraphs (2) and (3) no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized services charges are those provided for sales under Schedule I.

(5) If you deliver a fraction of a net ton, even if less than one half ton, and the applicable schedule provides a discount on the basis of one ton or one half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton and 13¢ for one-quarter of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I: Sales on a "direct-delivery" basis.* Schedule I establishes maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area III.

(1) *For sales of anthracite of the sizes and in the quantities specified.*

Size	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	$13.00	$6.75	$0.80
Pea	11.45	6.00	.70
Buckwheat	9.45	5.00	.65
Rice	8.70	4.60	----------
Barley	7.70	4.10	----------
Screenings	3.80	1.90	----------

(i) *Commingling.* If you sell one size of anthracite commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(2) *Required discounts.* (i) You shall deduct from the prices set forth above in this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(ii) In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

(a) You shall not break up a single order in an attempt to avoid this discount.

(b) You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point.

(c) You must deduct this discount at or before the delivery of the fiftieth ton and continue to grant the discount on every subsequent delivery during the same twelve month period.

(3) *Maximum authorized service charges.*

Special service rendered at the request of the purchaser:	*Maximum authorized charges (cents per net ton)*
"Carry" or "wheel" (except for sales in 100 lb. lots, amounting to less than one-half ton)	50
Carrying upstairs, for each floor above the ground floor (except for sales in 100 lb. lots, amounting to less than one-half ton). This charge shall be in addition to any charge for "carry" or "wheel"	50
"Trimming" coal in bin	15

(e) *Schedule II: "Yard sales".* Schedule II establishes maximum prices for certain sizes of anthracite sold at the dealer's "yard".

(1) *Sales by dealers except those who normally sold exclusively to other dealers for resale.*

Size	Sales to dealers		Sales to consumers	
	Per net ton for sales of ½ ton or more	Per 100 lbs. for 100 lbs. or more but less than ½ ton	Per net ton for sales of ½ ton or more	Per 100 lbs. for 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	$10.05	$0.55	$11.20	$0.65
Pea	8.35	.45	9.95	.55
Buckwheat	6.85	.40	7.95	.50
Rice	6.00	----------	7.20	----------
Barley	5.10	----------	----------	----------
Screenings	2.00	----------	----------	----------

(2) *Wholesale yard sales—(Sales from yards of dealers who have normally sold exclusively to other dealers for resale.)*

Size:	*Per net ton*
Broken, egg, stove, nut	$10.05
Pea	8.30
Buckwheat	6.85
Rice	6.00
Barley	5.15
Screenings	2.00

(3) *Required discounts on wholesale yard sales.* You shall deduct from the prices set forth in paragraph (e) (2) of this schedule, for payment within fifteen days after delivery, the following discounts:

Size:	*Discount per net ton (cents)*
Broken, egg, stove, nut	15
Pea and buckwheat	10
Rice and barley	5

(4) *Commingling.* If you sell one size of anthracite commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(f) *Schedule III.* Schedule III establishes maximum prices for sales to dealers and to consumers of certain sizes of anthracite in 50 lb., 25 lb., and 12 lb. paper bags.

MAXIMUM PRICES PER 50-LB. PAPER BAG

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer in lots of ½ ton or more	Sales to ultimate consumer in quantities under ½ ton
Nut	$0.35	$0.40	$0.40	$0.45
Pea	.30	.35	.35	.40

MAXIMUM PRICES PER 25-LB. PAPER BAG

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.18	$0.20	$0.25

MAXIMUM PRICES PER 12-LB. PAPER BAG

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.09	$0.10	$0.12

(4) *Commingling.* If you sell one size of anthracite commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed before bagging, the dealer may commingle those sizes in the bags in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(g) *Ex parte 148 Freight Rate Increase.* Since the Ex Parte 148 Freight Rate Increase has been rescinded by the Interstate Commerce Commission, the dealers' freight rates are the same as those of December, 1941. Therefore, you may not increase any schedule price on account of freight rates.

(h) *Addition of increase in supplier's maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(i) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased.

(j) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(k) *Storage services.* Notwithstanding any prohibitions in this order against the imposition of charges for services other than those specifically authorized herein, a dealer may request the Regional Administrator to establish a price for rendering storage services, where during December 1941, the dealer did not render the same or substantially similar storage service without charge. The application shall set forth in writing:

(1) A detailed description of the services to be rendered;

(2) The classes of purchasers to whom it will be rendered;

(3) Whether the service was rendered in December 1941 and, if so, the charge, if any, then imposed;

(4) Whether the service was rendered after December 1941 and, if so, the charge, if any, imposed;

(5) A proposed price for the service which shall be shown to the satisfaction of the Regional Administrator to be reasonable in relation to the actual costs the dealer will incur in rendering the service;

(6) Any other pertinent information the Regional Administrator may request.

Where the Regional Administrator believes that the establishment of a maximum price for such service will not impede essential distribution of anthracite within Coal Area III, and is otherwise warranted, he shall establish a maximum price therefor. The maximum price for such service shall be a price specifically authorized in writing by the Regional Administrator.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that a petition shall be filed with the Regional Administrator and acted upon by him.

(m) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(n) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the *licensing* and *registration* provisions of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but you may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(o) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, the same records you were required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(p) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(q) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Newark District

Office of the Office of Price Administration.

(r) *Definitions and explanations.* When used in this Order No. G–12, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and delivery, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the State of Pennsylvania.

(5) Sizes of "Pennsylvania anthracite" described herein as broken, egg, stove, nut, pea, buckwheat, rice, barley and screening shall refer to the same sizes of anthracite as were sold and delivered in the State of New Jersey—Coal Area III with such designations during December 1941.

(6) "Direct delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or vehicle or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct Delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(7) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from seller's truck in the course of "direct delivery".

(8) "Trim" refers in general to the movement of coal by shovel, in bin or storage space, usually for the purpose of making more room for coal to be delivered.

(9) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car or at a place of business of the seller other than at seller's truck or vehicle.

(10) "Wholesale yard sales" means sales from yards of dealers who have normally sold exclusively to other dealers for resale.

(11) "Delivered at dealer's yard" as applied to sales of bagged coal in 50 lb., 25 lb., and 12 lb. paper bags, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(12) "Delivered to retail stores" as applied to sales of bagged coal in 50 lb., 25 lb., or 12 lb. bags, means deposit in that part of the store designated by the purchaser.

(13) "Sales to ultimate consumers" as applied to bagged coal in 50 lb., 25 lb., or 12 lb. bags, means sales by dealers other than sales at the dealer's yard, whether or not delivered to the consumer's premises.

(s) *Effect of order on revised maximum price regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122, except as to any sales or deliveries of solid fuels not specifically subject to this order.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: This order shall become effective August 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43–13754; Filed, August 23, 1943; 4:44 p. m.]

[Region VI Order G–2 Under MPR 376, Amdt. 2]

CERTAIN FRESH VEGETABLES IN CHICAGO REGION

Amendment No. 2 to Order No. G–2 under Maximum Price Regulation 376—Certain Fresh Fruits and Vegetables. Adjusted maximum prices of certain fresh vegetables in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation 376, *It is hereby ordered:*

(1) Paragraph "D, Cabbage" and paragraph "F, Lettuce" of Appendix A as amended are hereby deleted.

(2) The undesignated listings of commodities in Appendix B headed "Iceberg Lettuce" and "Cabbage", respectively, are hereby deleted.

(3) Paragraph "G, Spinach" of Appendix A as amended is hereby amended to read as follows:

G. SPINACH

Point of origin:	
Dallas region (Ark., Kan., La., Mo., Okla., Texas)	Formula price
Denver region (Colo., Ida., Mont., N. Mex., Utah, Wyo.)	Formula price
California:	
Crates weighing approximately 75 lbs. iced with an approximate net weight of 40 lbs	$3.90
Other sizes or containers, per lb., net weight	.10
All other points:	
Bushel or hamper, minimum net weight 20 lbs.	1.80
Other containers, per lb., net weight	.09

* * * * *

(4) The undesignated listing headed "Spinach" in Appendix B is hereby amended to read as follows:

Commodity, container size and quantity	Region V, Dallas region, Arkansas, Kansas, Louisiana, Missouri, Oklahoma, Texas	Region VII, Denver region, Colorado, Idaho, Montana, N. Mexico, Utah, Wyoming
SPINACH		
Regular, bu. hamper min. net wt., 20 lbs.	$1.40	$1.40
Colorado Mountain, bu. hamper, min. net wt., 20 lbs.		1.80
Crates, min. net wt., 25 lbs.		2.25

This amendment to Order No. G–2 shall become effective July 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–13801; Filed, August 24, 1943; 11:11 a. m.]

[Region VIII Rev. Order G–2 Under 18 (c), Amdt. 13]

MILK AND CREAM IN CALIFORNIA

Amendment No. 13 to Revised Order No. G–2 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c) as amended of the General Maximum Price Regulation). Adjusted maximum prices of fluid milk and cream at wholesale and retail in certain localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That Revised Order No. G–2 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c) as amended of the General Maximum Price Regulation) be amended as set forth below:

(a) Schedule C as amended is hereby further amended by adding at the end thereof the following:

LAKE COUNTY

	Wholesale delivered	Retail
Quart container	$0.12	$0.14
Pint container	.065	.075
Half-pint container	.045	

This amendment shall become effective August 1, 1943.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13802; Filed, August 24, 1943; 11:09 a. m.]

[Region VIII Order G–3 Under MPR 165, Amdt. 1]

MILITARY LAUNDRY IN THE LOS ANGELES AREA

Amendment No. 1 to Order No. G–3 under Maximum Price Regulation No. 165 as amended—Services.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, *It is hereby ordered,* That Order No. G–3 under Maximum Price Regulation No. 165 as amended be amended in the following particulars:

Paragraph (b) is amended to read as follows:

(b) The adjusted maximum prices which power laundries located in the Los Angeles area may charge for military laundry, washed and dried or washed and returned finished ready for use, shall be the prices set forth in Appendix B attached hereto, except that where the camp laundry officer for reasons of military necessity has requested that the laundry be returned in four days or less from the time that it is received, the adjusted maximum prices shall be the prices set forth in Appendix B plus an additional 10% thereof.

Appendix B is amended by striking out the figure ".20" appearing opposite the word "Suntan" under the heading "Trousers", and substituting therefor the figure ".25."

Appendix C is amended by adding at the end thereof the following:

NOTE: The volume discounts shall not apply on sales to the United States government or any agency thereof.

This amendment shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of July, 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43–13803; Filed, August 24, 1943; 11:09 a. m.]

[Region VIII Order G–15 Under MPR 329]

MILK IN BENTON AND FRANKLIN COUNTIES, WASH.

Order No. G–15 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The adjusted maximum price at which any person whose place of business is located in Benton or Franklin County in the state of Washington may purchase milk from producers located in said counties shall be as follows:

(1) For purchases of milk from producers other than "new producers" either f. o. b. producer's dairy or delivered to the purchaser's plant, the adjusted maximum price shall be as follows:

Milk fat content:	Price per gallon
3.2% but less than 3.5%	$. 27
3.5% but less than 3.8%	.28
3.8% but less than 4.1%	.29
4.1% but less than 4.4%	.30
4.4% or more	.31

(2) For purchases of milk from "new producers" delivered to the purchaser's plant, the adjusted maximum price shall be the price as provided in paragraph (a) (1) above.

(3) For purchases of milk from "new producers" f. o. b. producer's dairy, the adjusted maximum price shall be the prices specified in paragraph (a) (1) above minus an allowance for transporting milk purchased from the producer's dairy to the purchaser's business location computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) If the minimum transportation allowance cannot be computed under the foregoing sub-divisions, the transportation allowance shall not be less than $.16 per hundred pounds of milk.

(b) *Definitions.* (1) "New producer" means a producer who did not regularly sell milk to distributors during June, 1942.

(2) "Distributor" means any person who buys milk for resale for human consumption as fluid milk.

(c) This order may be revoked, amended or corrected at any time.

This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of July, 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13804; Filed, August 24, 1943; 11:11 a. m.]

[Region VIII Order G–22 Under 18 (c), Amdt. 1]

TRANSPORTATION OF MANUFACTURING MILK IN CALIFORNIA

Amendment No. 1 to Order No. G–22 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjusted maximum prices for the transportation of manufacturing milk by carriers other than common carriers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended by the General Maximum Price Regulation, *It is hereby ordered,* That Order No. G–22 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended in the following particulars:

Paragraph (d) is amended to read as follows:

(d) *Definitions.* For the purposes of this order:

(1) "Manufacturing milk" means liquid cow's milk in a raw unprocessed state which is purchased by a milk manufacturing plant.

(2) A "milk manufacturing plant" includes any plant which, during the calendar month preceding the filing of the statements described in paragraph (a) of this order, used at least 35% of the milk purchased by it for purposes other than resale for human consumption as fluid milk.

This amendment shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13805; Filed, August 24, 1943; 11:09 a. m.]

[Region II Order G–1 Under 3 (b) (2)]

ELECTRIC IRONS SOLD BY RADIO SALES AND SERVICE CO.

Correction

In F. R. Doc. 43–13429 appearing on page 11459 of the issue for Wednesday, August 18, 1943, the introductory portion of the first sentence of paragraph (e) should read as follows:

"The applicant shall supply to each purchaser for resale before or at the time of its first delivery of the irons to such purchaser a written statement as follows: * * *."

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–778]

THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of August, 1943.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Milwaukee Electric Railway & Transport Company, a wholly-owned subsidiary of Wisconsin Electric Power Company, and by Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company; and

Notice is further given that any interested person may not later than September 6, 1943, at 5:30 P. M., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint declaration or application, as filed or as amended,

may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

(1) The Milwaukee Electric Railway & Transport Company proposes to (a) redeem on October 1, 1943 at par plus accrued interest $500,000 principal amount of its First Mortgage 4% Bonds owned by Wisconsin Electric Power Company and pledge as collateral to the latter company's Mortgage and Deed of Trust dated October 28, 1938 and (b) to purchase for cash at par for retirement 4,000 shares of its capital stock of the aggregate par value of $400,000 from Wisconsin Electric Power Company.

(2) Wisconsin Electric Power Company proposes to sell to The Milwaukee Electric Railway & Transport Company the said 4,000 shares of the capital stock of The Milwaukee Electric Railway & Transport Company for the consideration above specified.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13896; Filed, August 25, 1943; 11:55 a. m.]

WAR FOOD ADMINISTRATION.

[Docket No. AO 103-A 6]

NEW ORLEANS, LOUISIANA, MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, 1941 Supp., 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815), notice is hereby given of a hearing to be held at the St. Charles Hotel, New Orleans, Louisiana, beginning at 10 a. m., c. w. t., August 31, 1943, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. These amendments have not received the approval of the War Food Administrator.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the amendments or any modification thereof, which are hereinafter set forth. The amendments which have been proposed are set forth below.

Amendments Proposed by Dairy Farmers' Cooperative Association, Inc.

1. Delete from § 942.5 (a) (1) the phrase "$3.67 per hundredweight through March 1944, and $2.74 per hundredweight thereafter" and substitute therefor the phrase "$4.10 per hundredweight through March 1944, and $3.17 per hundredweight thereafter."

2. Delete § 942.5 (a) (2) and substitute therefor the following:

(2) Class II milk—$3.43 per hundredweight through March 1944 and $2.50 per hundredweight thereafter.

Amendments Proposed by Dairy and Poultry Branch, Food Distribution Administration

1. Delete § 942.1 (a) (1) and substitute therefor the following:

(1) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers or to perform the duties, pursuant to the act, of the War Food Administrator.

2. Review the price for Class III milk (§ 942.5 (a) (3)).

3. Delete the proviso from § 942.5 (a) (1).

4. Delete § 942.4 (a) (2) and substitute therefor the following:

(2) Class II milk means all milk disposed of as sweet or sour cream and as creamed cottage cheese.

5. Replace the term "Secretary" by the term "War Food Administrator" wherever the former appears in any section.

6. Following the words "United States Department of Agriculture" in § 942.5 (a) (3) add: "(or such other agency as may hereafter be authorized to perform this price reporting function)".

7. Delete § 942.12 and substitute therefor the following:

§ 942.12 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

8. Delete § 942.4 (d) (5) (ii).

Copies of this notice of hearing, of the tentatively approved marketing agreement, as amended, and the order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

Dated: August 24, 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43-13821; Filed, August 24, 1943; 3:34 p. m.]

FEDERAL REGISTER

VOLUME 8 NUMBER 170

Washington, Friday, August 27, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP-1943-16]

PART 701—AGRICULTURAL CONSERVATION PROGRAM [1]

PRODUCTION PRACTICE ALLOWANCES FOR FARMS IN THE WESTERN REGION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.405 (e) (2), the last paragraph thereof, is amended to read as follows:

§ 701.405 *Production practice goals, allowances, practices, and rates of payment.* * * *

(e) *Farm production practice allowance.* * * *

(2) *Farms in the Western Region.* * * * The county committee may adjust the preliminary production practice allowance, determined for any farm in accordance with the foregoing factors, by increasing or decreasing the preliminary allowance by not more than 30 percent on the basis of the type and degree of erosion, the topography of the land, the type of soil, the type of farming, the acreage in war crop goals, the need for maintaining and increasing soil fertility, the need for and practicability of water conservation, and the availability of labor, equipment and material required in carrying out needed practices. The preliminary production practice allowances for all farms after such adjustments are made by the county committee shall be increased by 20 percent and the amount so determined for any farm shall be the final production practice allowance for such farm. The sum of the final production practice allowances for all farms in the county shall not exceed 120 percent of an amount determined by the State Committee with the approval of the regional director, and for all counties in the region, shall not exceed 120 percent of the sum of the preliminary production practice allowances.

Issued at Washington, D. C., this 26th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13941; Filed, August 26, 1943; 11:21 a. m.]

[1] Subpart E, 1943.

Chapter XI—War Food Administration (Distribution Orders)

[FDO 13, Amdt. 1]

PART 1401—DAIRY PRODUCTS

CREAM

Food Distribution Order No. 13 (8 F.R. 1479), issued by the Secretary of Agriculture on February 2, 1943, is amended to read as follows:

§ 1401.13 *Restrictions with respect to cream*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "handler" means any person who engages in the sale, distribution, or transportation of milk, cream, or any other dairy product.

(3) The term "milk" means cow's milk.

(4) The term "cream" means the class of food which is the sweet, fatty liquid or semi-liquid separated from milk, with or without the addition thereto and the mixing therewith of sweet milk or sweet skim milk, irrespective of whether it is pasteurized or homogenized, and containing not less than 18 percent of milk fat; and such term includes light cream,

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
ALIEN PROPERTY CUSTODIAN:	
Vesting orders:	
Riccuiti, Angelo	11853
Rings, Elsie	11853
FOOD AND DRUG ADMINISTRATION:	
Insulin, certification of batches of drugs composed wholly or partly of	11837
INTERSTATE COMMERCE COMMISSION:	
Car service:	
Icing potatoes in Colorado and Utah	11852
Substitution of refrigerator cars	11852
LABOR DEPARTMENT:	
Fruit and vegetable packing and canning industries, overtime, Sunday and holiday pay	11844
NATIONAL WAR LABOR BOARD:	
Wage increases under total of 40 cents per hour, approval waived	11846
OFFICE OF DEFENSE TRANSPORTATION:	
Trucks, used; authority delegation for requisitioning and disposal	11852
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	11854
Bituminous coal (MPR 189, Am. 17)	11846
Hawaii, Kona coffee (MPR 373, Am. 12)	11849
Lumber:	
Southern pine (MPR 19, Am. 5)	11846
Western timber (MPR 460)	11850
Puerto Rico:	
Canned fruits and vegetables (RMPR 183, Am. 4)	11847
Textile bags (RMPR 183, Am. 3)	11847
Regional, state, and district office orders:	
Abalone, imported canned, Marine Products Co., San Diego, Calif	11858
Cane sugar molasses, Boulder, Colo	11857

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.
Regional, state and district office orders—Continued. Page
Community ceiling prices, list of orders filed 11861
Firewood, New Hampshire 11854
Fluid milk:
Galesburg, Ill 11859
Greenville and Spartanburg Counties, S. C 11862
Greenville County, S. C 11862
Harney, Oreg 11860
Headquarters, Idaho 11861
Lake County, Calif 11857
Lake County, Ind 11859
Maine 11859
Moses Lake, Soap Lake, and Ephrata, Wash 11861
North Carolina 11862
Prosser, Wash 11861
Fruit and vegetable hauling services, Cleveland, Ohio region 11857
Fuel wood, Southern California area 11858
Ice, Ocean Springs-Biloxi-Gulfport-Long Beach, Miss., area 11858
Power laundries:
Charleston, W. Va. (2 documents) 11856
Sterling, Colo 11860
Work gloves, Detroit, Mich. area 11857
Tires, tubes, recapping and camelback (RO 1A, Am. 48) 11846
Wines and spirits, distilled (MPR 445, Am. 1) 11851
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
General Gas & Electric Corp. 11863
General Trustees Co 11864
West Texas Utilities Co 11863
WAR FOOD ADMINISTRATION: Page
California, salaries and wages in picking of grapes and sun dried raisins 11844
Conservation program 1943, farm production practice allowance for farms in the western region 11835
Cream (FDO 13, Am. 1) 11835
Meat, authority delegation 11864
WAR PRODUCTION BOARD:
Natural gas, Appalachian area (L–31, Gen. Dir. 2) 11846
WAR SHIPPING ADMINISTRATION:
Requisitioned vessels, determination as to ownership 11864

coffee cream, table cream, whipping cream, heavy cream, plastic cream, and any other cream by whatever name known.

(5) The term "cream product" means cream to which there has been added any culture, stabilizer, or like agent or ingredient, irrespective of whether or not such product is pasteurized, homogenized, or sterilized.

(6) The term "milk fat", sometimes known as "butterfat", means the fat of milk; the proportionate content of such milk fat in milk, cream, or cream product to be determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 287, under "Fat, Babcock Method—Official."

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions on handlers.* (1) No handler may sell or deliver to any person, except to another handler, any cream or cream product having a milk fat content in excess of 19 percent: *Provided,* That a handler may deliver to any person cream having a milk fat content not exceeding by more than 1 percent the minimum milk fat content required by State law or administrative regulation in effect on November 25, 1942, in the State where such delivery is made. (For the purposes of this subparagraph the term "State" shall also mean the District of Columbia.)

(2) No handler may sell or deliver to any person, except to another handler, any cream or cream product to which there has been added evaporated milk, condensed milk, dry whole milk, or dry skim milk.

(c) *Exemptions.* (1) Notwithstanding the provisions of (b) hereof, a handler may deliver to or for any person or establishment engaged in the care and treatment of the sick, cream or cream products of such milk fat content and in such quantities as may be necessary for supervised medical treatment of the patients of such persons or establishment: *Provided,* That the handler is supplied with a written statement from the patient's physician or, in the case of an establishment engaged in the care and treatment of the sick, from a responsible official thereof who is a practicing physician, and such written statement shall be valid for a period of not to exceed sixty days from the date of issuance and shall specify (i) the milk fat content, (ii) the daily quantity of cream or cream product required for such use, and (iii) with regard to the necessity of such cream or cream product for supervised medical treatment.

(2) Upon application by one or more handlers in any marketing area and after demonstration to the satisfaction of the Director that compliance with the provisions of (b) (1) hereof will not tend to conserve milk fat for war and essential civilian needs, the Director may grant an exemption from the provisions of (b) (1) hereof to any or all handlers in such area.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of cream of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in cream.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Petition for relief from hardship.* Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Regional Director, Food Distribution Administration, War Food Administration, serving the area (8 F.R. 9315) in which such person resides or does business. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Regional Director, he may, by requesting the Regional Director therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order, shall be addressed to the Regional Director, Food Distribution Administration, War Food Administration, serving the area

(8 F.R. 9315) in which the person affected by the order resides or does business.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using cream, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(j) *Territorial extent.* This order shall apply only to the forty-eight States of the United States and the District of Columbia.

(k) *Saving clause.* (1) With respect to any violation of Conservation Order M–259 (7 F.R. 9811), as amended, issued by the War Production Board, during the time said order, as amended, was in effect, said Conservation Order M–259, as amended, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to such violation.

(2) With respect to any violation of Food Distribution Order No. 13, prior to the effective date hereof, Food Distribution Order No. 13, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding, with respect to any such violation.

(l) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., September 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 26th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–13940; Filed, August 26, 1943; 11:21 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC–35 and 35 (a)]

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act as amended (sec. 506, 55 Stat. 851; 21 U.S.C. 356, 1941 Supp.);

It is ordered, That the regulations for the certification of batches of drugs composed wholly or partly of insulin (7 F.R. 777) be amended to read as follows, and that as so amended such regulations be and they hereby are promulgated:

Sec.
144.1 Definitions and interpretations of terms.
144.2 Requests for certification; samples; storage; approvals preliminary to certification.
144.3 Certifications.
144.4 Conditions on the effectiveness of certificates.
144.5 Packaging.
144.6 Labeling.
144.7 Distinguishing colors on packages.
144.8 Records of distribution.
144.9 Authority to refuse certification service.
144.10 Fees.
144.11 Standards of identity, strength, quality, and purity for protamine zinc insulin.
144.12 Standards of identity, strength, quality and purity for globin insulin (with zinc).
144.13 Tests and methods of assay.

AUTHORITY: §§ 144.1 to 144.13, inclusive, issued under sec. 506, 55 Stat. 851; 21 U.S.C. Sup. 356.

§ 144.1 *Definitions and interpretations of terms.* For the purpose of the regulations in this part:

(a) The term "insulin" means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(b) The term "insulin U. S. P." means the insulin injection recognized in the United States Pharmacopoeia, Twelfth Revision.

(c) The term "protamine zinc insulin" means the insulin preparation described in § 144.11.

(d) The term "globin insulin (with zinc)" means the insulin preparation described in § 144.12.

(e) The term "master lot" means a quantity, which is purified and which has been mixed in one container so as to be homogeneous, of (1) a concentrated solution of insulin, or (2) the insulin-containing solids, in amorphous or crystalline form, derived from one or more such solutions.

(f) The term "batch" means a quantity of a drug, in labeled packages, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of (1) a single master lot or part thereof, or (2) a mixture of two or more master lots or parts thereof; except that such term means a portion of such quantity when certification of such portion is requested.

(g) The term "master lot mark" means an identifying mark or other identifying device assigned to a master lot by the manufacturer thereof.

(h) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer thereof.

(i) The term "Commissioner" means the Commissioner of Food and Drugs.

(j) The functions and duties of the Commissioner under the regulations in this part may be exercised by such other responsible officials of the Food and Drug Administration as the Commissioner may designate for that purpose.

(k) The definitions and interpretations of terms contained in section 201 of the Act shall be applicable to such terms when used in the regulations in this part.

§ 144.2 *Requests for certification; samples; storage; approvals preliminary to certification.* (a) A request for certification of a batch shall be addressed to the Commissioner, Food and Drug Administration, Federal Security Agency, Washington, D. C. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of (1) the equipment, methods, and processes used in diluting master lots and parts thereof, and in maintaining the identity, strength, quality, and purity of master lots and dilutions therefrom; (2) the tests and assays made on master lots and mixtures thereof, on dilutions and batches therefrom, and on ingredients used in such dilutions and batches; and (3) the laboratory facilities used in such controls. Such initial request shall also be preceded or accompanied by the keys to the master lot marks and batch marks used by such person. When any change is made in any of such facilities or controls, or in any such key, the next request for certification thereafter shall be accompanied by a full statement of such change.

(c) A person who requests certification of a batch shall submit in connection with his request statements showing:

(1) The master lot mark of each master lot used or to be used wholly or partly as an ingredient or component of an ingredient of the batch;

(2) The quantity of each such master lot so used;

(3) The original quantity of each such master lot (unless such information has been previously submitted);

(4) The quantity of the batch; and

(5) The batch mark.

(d) Except as otherwise provided in paragraphs (g) and (h) of this section, a person who requests certification of a batch shall submit in connection with his request and in the quantities hereinafter indicated, accurately representative samples of the following:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as an ingredient of the batch; in a quantity containing approximately 10,000 U. S. P. Units of insulin.

(2) A trial dilution made from such master lot or mixture, glycerin, phenol

or cresol, and hydrochloric acid, which dilution conforms to the standard of identity, strength, quality, and purity for insulin U. S. P., containing 20 U. S. P. Units or 40 U. S. P. Units of insulin per cubic centimeter; in a quantity containing approximately 2,500 U. S. P. Units of insulin.

(3) If the batch is to be insulin U. S. P., the bulk dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution, without further change, is intended to be filled into the containers of the finished batch; in a quantity containing approximately 2,500 U. S. P. Units of insulin.

(4) If the batch is to be protamine zinc insulin, the bulk dilution made from such master lot or mixture, protamine, zinc chloride, glycerin, phenol or cresol, and hydrochloric acid, which dilution is the sole insulin-containing ingredient intended to be filled into the containers of the finished batch, and which is intended to be so filled without further change; in a quantity containing approximately 2,500 U. S. P. Units of insulin.

(5) If the batch is to be protamine zinc insulin, the lot of protamine used as an ingredient of the bulk dilution referred to in subparagraph (4) of this paragraph; in a quantity of approximately 2 grams.

(6) If the batch is to be protamine zinc insulin, the buffer solution (solution of disodium phosphate) which, without further change, is intended to be filled into the container of the finished batch; in a quantity not less in volume than the volume of the sample submitted pursuant to subparagraph (4) of this paragraph.

(7) If the batch is to be protamine zinc insulin, a trial mixture of the bulk dilution and the buffer solution referred to in subparagraphs (4) and (6) of this paragraph, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,500 U. S. P. Units of insulin.

(8) If the batch is to be globin insulin (with zinc), the lot of globin hydrochloride from which the globin is to be prepared for use as an ingredient of the bulk dilution referred to in subparagraph (10) of this paragraph; in a quantity of approximately 5 grams.

(9) If the batch is to be globin insulin (with zinc), a trial mixture made from the master lot or mixture referred to in subparagraph (1) of this paragraph, globin, zinc chloride, hydrochloric acid, and phenol or cresol, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,500 U. S. P. Units of insulin.

(10) If the batch is to be globin insulin (with zinc), the bulk dilution made from such master lot or mixture, globin, zinc chloride, hydrochloric acid, and phenol or cresol, which dilution without further change, is intended to be filled into the containers of the finished batch; in a quantity containing approximately 2,500 U. S. P. Units of insulin.

(11) The finished batch; in a quantity not less than 5 packages, but in no case containing less than a total of 700 U. S. P. Units of insulin.

(e) Except as otherwise provided by paragraphs (g) and (h) of this section, a person who requests certification shall submit in connection with his request results of the tests and assays listed after each of the following materials, made by him on a sample of such material;

(1) The master lot or mixture, referred to in paragraph (d) (1) of this section: ash, nitrogen, potency, reaction, sterility, and zinc, if such master lot or mixture is a solution; ash, moisture, nitrogen, potency, and zinc, if such master lot or mixture is a solid.

(2) A trial dilution from such master lot or mixture, of the potency of the trial dilution referred to in paragraph (d) (2) of this section: ash, nitrogen, reaction, potency, and zinc.

(3) If the batch is to be insulin U. S. P., the bulk dilution referred to in paragraph (d) (3) of this section: ash, nitrogen, reaction, sterility, and zinc.

(4) If the batch is to be protamine zinc insulin, the bulk dilution referred to in paragraph (d) (4) of this section: nitrogen, reaction, sterility, and zinc.

(5) If the batch is to be protamine zinc insulin, the protamine referred to in paragraph (d) (5) of this section: moisture, nitrogen, and sulfate.

(6) If the batch is to be protamine zinc insulin, the buffer solution referred to in paragraph (d) (6) of this section: sterility.

(7) If the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (7) of this section: nitrogen, reaction, zinc, and biological reactions (by the tests prescribed in § 144.13 (b) or (c), and (d)).

(8) If the batch is to be globin insulin (with zinc), the globin hydrochloride referred to in paragraph (d) (8) of this section: moisture, nitrogen, chloride, and ash.

(9) If the batch is to be globin insulin (with zinc), the trial mixture referred to in paragraph (d) (9) of this section: nitrogen, reaction, zinc, and biological reaction (by the test prescribed in § 144.13 (e)).

(10) If the batch is to be globin insulin (with zinc), the bulk dilution referred to in paragraph (d) (10) of this section: nitrogen, reaction, sterility, and zinc.

(11) The finished batch: nitrogen, reaction, sterility, zinc, and if the batch is insulin U. S. P., ash.

(f) The results of tests and assays for the following shall be reported in the terms indicated:

Ash (except globin hydrochloride)—milligrams per 1,000 U. S. P. Units of insulin.

Ash in globin hydrochloride—percent by weight.

Chloride—percent by weight as HCl.

Moisture—percent by weight.

Nitrogen (except in globin hydrochloride and protamine)—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

Nitrogen in globin hydrochloride—percent by weight calculated to a moisture-free, ash-free, chloride-free basis.

Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

Potency—U. S. P. Units of insulin per cubic centimeter in the case of solutions, and U. S. P. Units of insulin per milligram in the case of solids.

Reaction—hydrogen ion concentration (pH).

Sulfate—percent by weight, as SO_4, calculated to a moisture-free basis.

Zinc—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(g) (1) No sample referred to in paragraph (d) (1) to (10) of this section, inclusive, and no result referred to in paragraph (e) (1) to (10) of this section, inclusive, is required if such sample or result has been submitted in connection with a previous request for certification. No sample referred to in paragraph (d) (7) of this section and no result referred to in paragraph (e) (7) of this section is required if the batch is to be protamine zinc insulin of 80-unit strength, and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (7) of this section of 40-unit strength, prepared from the same materials and in the same manner (except for adjustment of reaction of the buffer solution) as such batch of 80-unit strength is to be made.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (11) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal; in no case shall any such quantity be more than 10,000 packages. The collections shall cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraph (d) (2), (3), (4), (6), (7), (9), and (10) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which the sample was taken. Each sample submitted pursuant to paragraph (d) (11) of this section shall be accompanied by a statement showing the quantity of the bulk dilution and, if the batch is protamine zinc insulin, the quantity of buffer solution used in the batch.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for each of the components ash, nitrogen, and zinc submitted pursuant to subparagraphs (1), (2), and (3) of paragraph (e) may be calculated from the result of a test

therefor submitted pursuant to either subparagraph (1) or (2) of such paragraph. The result on potency required under subparagraph (1) of such paragraph may be calculated from the result of an assay therefor submitted pursuant to subparagraph (2) of such paragraph. The value for each of the components nitrogen and zinc, to the extent required under subparagraphs (4), (7), and (11) of such paragraph, may be calculated from the result of a test therefor submitted pursuant to either subparagraph (4) or (7) of such paragraph. The value for each of the components nitrogen and zinc, to the extent required under subparagraphs (9), (10), and (11) of such paragraph, may be calculated from the result of a test therefor submitted pursuant to either subparagraph (9) or (10) of such paragraph. The value for each of the components ash, nitrogen, and zinc required under subparagraph (11) of such paragraph may, if the batch is insulin U. S. P., be calculated from the result of a test therefor submitted pursuant to subparagraphs (1), (2), or (3) of such paragraph. Each calculated value shall be indicated as such.

(7) The information required under paragraph (c) (1), (2) and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section should be submitted before submission of the samples and results required in paragraphs (d) (3) to (10) of this section, inclusive, and (e) (3) to (10) of this section, inclusive; and the samples and results required under paragraphs (d) (3) to (10), inclusive, and (e) (3) to (10), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (11), and (e) (11) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section should be submitted at the same time as the samples to which they relate are submitted.

(h) The person who requests certification shall submit such information additional to that submitted pursuant to paragraphs (b), (c), (e), and (g) of this section, such additional samples of any substance referred to in paragraph (d) of this section, and such samples of any other substance used or to be used as an ingredient or as a component of an ingredient in the batch, as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements set forth by § 144.2 for the issuance of a certificate.

(i) After a sample required by paragraph (d) of this section is taken from any master lot or mixture of parts of two or more master lots, such master lot or master lots and all parts thereof, and all dilutions and batches and all parts thereof in which any such master lot is used as an ingredient or as a component of an ingredient, shall be stored at the establishment where manufactured until used up or shipped or otherwise delivered, at a temperature above freezing but not above 15° C. (59° F.), and under such other conditions as prevent, so far as practicable, any change in composition; except that master lots and parts thereof which are solids may be stored at ordinary room temperatures.

(j) As promptly as practicable after the samples submitted pursuant to paragraph (d) (1) and (2) of this section, and any other material or information relative thereto that may be required under this section, are received by the Commissioner, he shall notify the person who submitted such samples of his approval or refusal to approve the use of the master lot or mixture for the making of bulk dilutions. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (10) of this section, inclusive, of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(l) If, under the provisions of paragraph (j) or (k) of this section, the Commissioner has refused to approve any material for use in a subsequent operation, he shall examine no other sample required hereunder which includes such material as an ingredient or component of an ingredient, unless and until the person requesting certification makes an adequate showing that the cause for such refusal no longer exists.

§ 144.3 *Certifications.* (a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information, including result of tests and assays, and the samples, required by or pursuant to § 144.2 have been submitted and such information contains no untrue statement of a material fact;

(2) The batch complies with these regulations and conforms to the standards of identity, strength, quality, and purity for insulin U. S. P., protamine zinc insulin, or globin insulin (with zinc);

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of such certifications as are set forth in § 144.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to § 144.2, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) For the purposes of his investigations under the authority of this section, the Commissioner may accept, when he is satisfied as to the completeness and accuracy thereof the results of any tests or assays made by the control laboratory of the Insulin Committee of the University of Toronto, pursuant to a licensing agreement entered into prior to the date of enactment of Public Law 366, 77th Cong., 1st Sess. (1941).

§ 144.4 *Conditions on the effectiveness of certificates.* (a) A certificate shall not become effective:

(1) If it is obtained through fraud, or through misrepresentation or concealment of a material fact;

(2) With respect to any package unless its immediate container complies with the requirements of § 144.5 and such package has been so sealed that its contents cannot be used without destroying such package or seal; or

(3) With respect to any package unless its label and labeling bear all words, statements, and other information, and are distinguished by the color or colors, required by §§ 144.6 and 144.7.

(b) A certificate shall cease to be effective:

(1) With respect to any package of insulin U. S. P., 2 years after such package is removed from the storage required by § 144.2 (i);

(2) With respect to any package of protamine zinc insulin, 18 months after the immediate container therein was filled, but in no case shall a certificate remain effective with respect to any package more than 12 months after it is removed from the storage required by § 144.2 (i);

(3) With respect to any package of globin insulin (with zinc), 18 months after the immediate container therein was filled, but in no case shall a certificate remain effective with respect to any package more than 12 months after it is removed from the storage required by § 144.2 (i);

(4) With respect to any package, when such package or the seal thereof or the immediate container therein is broken, or when its label or labeling ceases to conform to any requirement of §§ 144.6 or 144.7; or

(5) With respect to any package when the drug therein so changes that it fails to meet the standards of identity, strength, quality, and purity upon the basis of which the batch was certified; except that those minor changes in potency (not exceeding 10 percent from the potency stated on the label, in the case of insulin U. S. P.) which occur before the expiration date, and which are normal and unavoidable in good storage and distribution practice, shall be disregarded.

§ 144.5 *Packaging.* Each batch shall be packaged in immediate containers of colorless transparent glass. Such containers shall be closed with a substance through which successive doses may be withdrawn by hypodermic needle without removing the closure or destroying its effectiveness. The containers and closures shall be sterile at the time the containers are filled and closed. The composition of the containers and closures shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor prescribed in applicable standards of strength, quality, and purity.

§ 144.6 *Labeling.* Each package from a batch that has been certified in accordance with the regulations in this part shall bear, on its label or labeling as hereinafter indicated; the following:

(a) On the outside wrapper or container and the immediate container of the retail package:

(1) The batch mark of such batch; and

(2) The strength of the drug in terms of U. S. P. Units of insulin per cubic centimeter.

(b) On the outside container or wrapper of the retail package:

(1) The statement "Expiration date ------", the blank being filled in with the date on which the certificate applicable to such batch expires with respect to such package, as provided in § 144.4 (b) (1), (2), or (3); and

(2) The statement "Keep in a cold place; avoid freezing".

(c) On the circular or other labeling of the retail package:

(1) A statement that the treatment of diabetes mellitus is an individual problem and that the use of the drug, the time of its administration, the number of daily doses and the quantity of each, as well as diet and exercise, are problems which require direct and continuous medical supervision;

(2) A statement explaining that the volume of the dose depends on the number of units of insulin per cubic centimeter stated on the label, and that the patient should understand the meaning of the volume markings on the syringe;

(3) A description of a practicable method for sterilizing the needle and syringe before use;

(4) A description of the technique of withdrawal from the vial and the use of an antiseptic on the stopper, and a caution against removal of the stopper;

(5) A description of the technique for cleansing, and the use of an antiseptic on, the site of injection;

(6) A statement that failure to comply with the techniques described in paragraphs (3), (4), and (5) of this section may lead to infection of the patient;

(7) A statement that injection should be subcutaneous, at a different site from that of the preceding injection, and a caution against intravenous or intramuscular use;

(8) An explanation of hypoglycemia and its relation to over-dosage, omission of meals, illness, and infection;

(9) A statement of the significance of sugar in the urine and of the necessity of tests therefor; and

(10) A caution against use after the expiration date shown on the outside wrapper or container.

(d) On the circular or other labeling of the retail package, if the batch is insulin U. S. P. (in addition to the information required by paragraphs (a), (b), and (c) of this section), a caution against use if the drug has become viscous or if its color has become other than water clear.

(e) On the outside wrapper or container and the immediate container of the retail package, if the batch is protamine zinc insulin (in addition to the information required by paragraphs (a), (b), and (c) of this section), the statement "Shake carefully", or "Shake well before using", or "Shake well".

(f) On the circular or other labeling of the retail package, if the batch is protamine zinc insulin (in addition to the information required by paragraphs (a), (b), (c), and (e) of this section:

(1) An explanation of the difference, as compared with insulin U. S. P., in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for insulin U. S. P., except on the advice and direction of a physician;

(3) A statement that a uniform suspension of the preparation is necessary and is brought about by careful shaking before use;

(4) A caution against use when the precipitate has become lumped or granular in appearance or has formed a deposit of solid particles on the wall of the container.

(g) On the circular or other labeling of the retail package, if the batch is globin insulin (with zinc), (in addition to the information required by paragraphs (a), (b), and (c) of this section):

(1) An explanation of the difference, as compared with insulin U. S. P. and with protamine zinc insulin, in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for insulin U. S. P. or protamine zinc insulin, except on the advice and direction of the physician; and

(3) A caution against use if any turbidity or precipitate has developed in the solution.

§ 144.7 *Distinguishing colors on packages.* (a) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of insulin U. S. P. shall be distinguished by the following colors:

Yellow, if it contains 20 U. S. P. Units of insulin per cubic centimeter;

Red, if it contains 40 U. S. P. Units of insulin per cubic centimeter;

Green, if it contains 80 U. S. P. Units of insulin per cubic centimeter;

Orange, if it contains 100 U. S. P. Units of insulin per cubic centimeter;

But if the master lot used was in crystalline form, the distinguishing colors, instead of those prescribed above, may be the following:

Blue and gray, or blue, gray, and yellow, if it contains 20 U. S. P. Units of insulin per cubic centimeter;

Red and gray, if it contains 40 U. S. P. Units of insulin per cubic centimeter;

Green and gray, if it contains 80 U. S. P. Units of insulin per cubic centimeter.

(b) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of protamine zinc insulin shall be distinguished by the following colors:

Red and white, if it contains 40 U. S. P. Units of insulin per cubic centimeter;

Green and white, if it contains 80 U. S. P. Units of insulin per cubic centimeter.

(c) The outside containers or wrappers of the packages, and the labels on the immediate containers, of globin insulin (with zinc) shall be distinguished by the following colors: Green and brown.

§ 144.8 *Records of distribution.* (a) The person to whom a certificate is issued shall keep complete records showing each shipment and other delivery (including exports) of each batch or part thereof, by the person requesting certification, and showing each such shipment and delivery into, or from any place in, any state or territory, made by any person subject to his control, including records showing the date and quantity of each such shipment and delivery and the name and postoffice address of the person to whom such shipment or delivery was made.

(b) Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee of the United States, acting on behalf of the Administrator, the person to whom a certificate is issued, at all reasonable hours within three years after disposal of all the batch covered by such certificate, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 144.9 *Authority to refuse certification service.* When the Administrator finds, after giving notice and opportunity for hearing, that a person has.

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 144.8; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by such section,

the Administrator may immediately suspend service to such person under these regulations and may continue such suspension unless and until such person shows adequate cause why such suspension should be terminated.

§ 144.10 *Fees.* (a) Fees for the services rendered under the regulations in this part shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(b) Each request for certification submitted, or the initial sample or samples submitted in connection therewith pursuant to § 144.2 (d), whichever is sent first to the Commissioner, shall be accompanied by an advance deposit of $100 to cover the fee; except, that, if the results of an assay made for potency on a sample of a trial dilution by the laboratory referred to in § 144.3 (c) are not submitted and are not to be submitted such advance deposit shall be $1,000.

(c) Each sample of trial mixture submitted pursuant to § 144.2 (d) (7) or (9) shall be accompanied by an advance deposit of $350 to cover the fee, unless the results of the tests for biological reactions made by the laboratory referred to

in § 144.3 (c), are submitted or are to be submitted.

(d) Whenever necessary to prevent arrears in payment of the fee, such additional advance deposits covering such fee shall be made as the Commissioner estimates to be necessary to prevent arrears in payment thereof.

(e) Advance deposits made pursuant to paragraphs (b), (c), and (d) of this section shall be charged with the fee for the service rendered. If the total of such advance deposits made by any person exceeds the fee for service to such person, the excess shall be returned to such person upon the completion of such service.

(f) All advance deposits required by these regulations shall be paid by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par, at Washington, D. C.

(g) All earned fees shall be deposited in the Treasury of the United States to the credit of Miscellaneous Receipts, Federal Security Agency.

§ 144.11 *Standards of identity, strength, quality, and purity for protamine zinc insulin.* Protamine zinc insulin is a preparation, in a buffered medium, of insulin modified by the addition of protamine and zinc chloride. The quantity of insulin used is such that each cubic centimeter of the finished preparation, when the precipitate therein is brought into uniform suspension, contains either 40 or 80 U. S. P. Units of insulin. The quantity of protamine used is such that the concentration of insulin in each cubic centimeter of the supernatant liquid, obtained by centrifuging the preparation, is not more than 1 U. S. P. Unit for the 40-unit preparation and not more than 1.5 U. S. P. Units for the 80-unit preparation; but in no case is the quantity of protamine used (calculated to a moisture-free basis) less than 1.0 milligram or more than 1.5 milligrams for each 100 U. S. P. Units of insulin used. The preparation also contains, for each 100 U. S. P. Units of insulin used, not less than 0.20 milligram and not more than 0.25 milligram zinc, and not more than 1.25 milligrams total nitrogen. Disodium phosphate (calculated as Na_2HPO_4) is used in a quantity not less than 0.15 percent and not more than 0.25 percent (w/v). The pH of the finished preparation is not less than 7.1 and not more than 7.4. If necessary, either hydrochloric acid or sodium hydroxide may be added to attain the required pH. The finished preparation also contains not less than 1.40 percent and not more than 1.80 percent (w/v) glycerin U. S. P., and either cresol U. S. P. in a quantity not less than 0.18 percent and not more than 0.22 percent (w/v) or phenol U. S. P. in a quantity not less than 0.22 percent and not more than 0.28 percent (w/v). The preparation is sterile. The protamine used is prepared from the sperm or mature testes of fish belonging to the family *Salmonidae*, genus *Oncorhynchus*, *Salmo*, or *Trutta*. When protamine is dried to constant weight at 100° C. its total nitrogen content is not less than 22.5 percent and not more than 25.5 percent, and its sulfate content, calculated as SO_4, is not less than 16 percent and not more than 19 percent.

§ 144.12 *Standards of identity, strength, quality, and purity for globin insulin (with zinc).* Globin insulin (with zinc) is a preparation, in a hydrochloric acid medium, of insulin modified by the addition of globin and zinc chloride. The quantity of insulin used is such that each cubic centimeter of the finished preparation contains 80 U. S. P. Units of insulin. The quantity of globin used (calculated as 6.0 times its nitrogen content) is not less than 3.6 milligrams and not more than 4.0 milligrams for each 100 U. S. P. Units of insulin used. The preparation also contains, for each 100 U. S. P. Units of insulin used, not less than 0.25 milligram and not more than 0.35 milligram zinc and not more than 1.50 milligrams total nitrogen. The pH of the finished preparation is not less than 3.4 and not more than 3.8. If necessary, either hydrochloric acid or sodium hydroxide may be added to attain the required pH. The finished preparation also contains not less than 0.15 and not more than 0.20 percent (w/v) cresol U. S. P., or not less than 0.20 percent and not more than 0.26 percent (w/v) phenol U. S. P. The preparation is sterile. The globin used is obtained from globin hydrochloride prepared from beef blood. The ash content of the globin hydrochloride is not more than 0.3 percent; its nitrogen content, calculated to a moisture, ash, and hydrochloric acid free basis, is not less than 16.0 percent and not more than 17.5 percent.

§ 144.13 *Tests and methods of assay.* The following tests and methods of assay are prescribed for the purposes of the regulations in this part. (All reagents specified herein shall be of U. S. P. quality or better.)

(a) *Tests and methods of assay for insulin U. S. P.* The tests and methods of assay for insulin U. S. P. shall be those set forth therefor in the United States Pharmacopoeia.

(b) *Biological reaction for protamine zinc insulin containing 40 U. S. P. Units of insulin per cubic centimeter.* The rate, amount, and duration of effect in lowering the blood sugar of rabbits by protamine zinc insulin is determined by comparing the average blood sugar concentrations at various intervals during not less than an 11-hour observation period following the administration of protamine zinc insulin subcutaneously into rabbits, with the average blood sugar concentrations similarly obtained by administration of protamine zinc insulin reference material prepared as hereinafter set forth.

(1) *Protamine zinc insulin reference material.* Prepare the protamine zinc insulin reference material to contain 40 U. S. P. Units of insulin per cubic centimeter from the following component solutions (or solutions of the same proportionate composition per cubic centimeter) by adding, with gentle shaking, to a suitable volume of Solution 4, accurately measured at room temperature, an equal volume of Solution 2. Test the reaction and if it is not within the limits of pH 7.1 to pH 7.4 discard and prepare a new mixture using a freshly prepared sample of Solution 2 in which the hydrogen ion concentration has been suitably adjusted by the addition of a solution of either sodium hydroxide or hydrochloric acid. Store in a refrigerator and do not use until at least 2 days, and in no event more than 6 months, have elapsed after preparation.

The solutions referred to above are:

Solution 1. Dissolve 0.183 gram zinc oxide in 60 cubic centimeters of approximately tenth-normal hydrochloric acid. Add 16 grams glycerin, 2.5 grams phenol (or 2 grams cresol), and sufficient distilled water to make the final volume 1,000 cubic centimeters.

Solution 2. Dissolve 4 grams disodium phosphate (calculated as Na_2HPO_4), 16 grams glycerin, and 2.5 grams phenol (or 2 grams cresol) in sufficient distilled water to make the final volume 1,000 cubic centimeters. Adjust the reaction, if necessary, as directed above.

Solution 3. Dissolve in Solution 1, in the proportion of 1 milligram per cubic-centimeter, not less than 100 milligrams of the reference protamine provided for in paragraph (1). Preserve this solution in a cold place and do not use after 6 months from the time of preparation.

Solution 4. Weigh accurately a suitable quantity of U. S. P. Zinc-Insulin Crystals Reference Standard and dissolve in a sufficient quantity of Solution 3 to yield a concentration of 80 U. S. P. Units of insulin per cubic centimeter. If necessary add 1 drop of dilute hydrochloric acid to effect complete solution. Store this solution in a refrigerator and do not use after 3 months from the time of preparation.

(2) *Test animal.* The test animal shall be the same as that described in the United States Pharmacopoeia for the assay of insulin U. S. P.

(3) *Volume of the protamine zinc insulin reference material to be injected.* The volume of the preparation to be injected shall be determined as described in the United States Pharmacopoeia for the assay of insulin U. S. P.

(4) *Conduct of the test.* Divide the animals into 2 similar groups of approximately equal numbers. With the rabbits in individual cages, withhold all food, except water, approximately 24 hours before the test. Weigh the rabbits within about two hours before beginning the test and thereafter withhold water until the final sample of blood has been taken. Handle the rabbits with such care as to avoid exciting them unduly. Obtain for the determination of the initial blood sugar concentration slightly more than 1 cubic centimeter of blood from a small incision in the marginal ear vein. Collect the blood in a suitable vessel containing about 3 milligrams of potassium or sodium oxalate. After obtaining this sample of blood, inject subcutaneously, without dilution, into the rabbits of one group the appropriate dose (determined as directed in subparagraph (3) of this paragraph) of protamine zinc insulin reference material and into the rabbits of the other group the same volume of the preparation to be tested. In the same manner as for the determination of the initial blood sugar concentration, obtain at least 4 samples of blood (in addition to the initial sample) from each rabbit at intervals of 2 to 3 hours, over a period

of not less than 11 hours after the injection. Determine the blood sugar concentration in each sample of blood. About 1 week later inject the preparation being tested into each rabbit of the group which received the protamine zinc insulin reference material; in a similar manner inject the protamine zinc insulin reference material into each rabbit of the group which received the preparation being tested. Obtain samples of blood in the same manner as described above and determine the concentration of sugar in each of them. The volume of each injection of the protamine zinc insulin reference material and of the preparation being tested shall be the same for each rabbit. Results on a total of not less than 30 rabbits shall constitute a test.

(5) *Blood sugar determination.* The method shall be that described for the assay of insulin U. S. P.

(6) *Interpretation of the data.* The index of the relative effect at each bleeding time of the preparation being tested compared with that of the protamine zinc insulin reference material is calculated from the formula:

$$\text{Index at time } x = \frac{\text{Average blood sugar concentration obtained at time } x \text{ by the protamine zinc insulin reference material}}{\text{Average blood sugar concentration obtained at time } x \text{ by the preparation being tested}}$$

The preparation tested is satisfactory if the index for each bleeding time except the last is between 0.92 and 1.08 and the average of all the indexes is between 0.95 and 1.05.

(c) *Biological reaction for protamine zinc insulin containing 80 U. S. P. Units of insulin per cubic centimeter.* Protamine zinc insulin containing 80 U. S. P. Units of insulin per cubic centimeter is tested according to the method prescribed in paragraph (b) of this section for the assay of protamine zinc insulin containing 40 U. S. P. Units of insulin per cubic centimeter, except that:

(1) The protamine zinc insulin reference material is so prepared as to contain 80 U. S. P. Units of insulin per cubic centimeter with zinc and protamine in the same relative proportions per unit of insulin as specified for the protamine zinc insulin reference material in paragraph (b) of this section; and

(2) In the interpretation of the data the index for each bleeding time other than the last is between 0.85 and 1.15 and the average of the indexes is between 0.90 and 1.10.

(d) *Biological reaction for the activity of the supernatant liquid.* Centrifuge the protamine zinc insulin under test and remove a sample of the clear supernatant liquid.

(1) *Standard solution.* The standard solution is the same as that described in the United States Pharmacopoeia for the assay of insulin U. S. P.

(2) *Diluent for standard solution and supernatant liquid.* Prepare a diluent, using distilled water, containing not less than 0.10 percent and not more than 0.25 percent (w/v) phenol or cresol, not less than 1.40 percent and not more than 1.80 percent (w/v) glycerin, and hydrochloric acid in such quantity that the pH of the finished solution is not less than 2.5 and not more than 3.5.

(3) *Dilution of the standard solution.* Dilute the standard solution with the diluent specified in subparagraph (2) so that 0.25 cubic centimeter of the standard solution so diluted will cause convulsions in approximately 50 percent of the test animals, but in no case in less than 30 percent or more than 75 percent of the test animals.

(4) *Dilution of the supernatant liquid.* Dilute the sample of the supernatant liquid with the diluent specified in subparagraph (2). On the assumption that 1 cubic centimeter of the sample of the supernatant liquid contains 1 U. S. P. unit of insulin for the 40-unit preparation and 1.5 U. S. P. units of insulin for the 80-unit preparation, make the dilution of the supernatant liquid such that the final concentration of insulin therein is the same as the concentrtation of insulin in the dilution of the standard solution.

(5) *Test animal.* Select for test purposes healthy white mice weighing not less than 17 grams, and not more than 21 grams and otherwise suitable. Withhold all food, except water, for at least 5 hours before the test. Divide the mice into 2 groups and identify by an appropriate mark all the mice of one group.

(6) *Conduct of the test.* Inject subcutaneously 0.25 cubic centimeter of the dilution of the standard solution into each mouse of one group and 0.25 cubic centimeter of the dilution of the supernatant liquid being tested into each mouse of the other group. Inject a total of not less than 100 mice with each dilution. Upon injection place the mice in containers, suitably ventilated and maintained at a uniform temperature of not less than 32° C. and not more than 38° C. so that each container will have an equal number of mice from each group. During the test the temperature should not fluctuate more than plus or minus 1° C. Observe all the mice for the same length of time, but not less than 60 minutes and not more than 90 minutes after injection. Record the number which are in collapse or show convulsions.

(7) *Interpretation of results.* When the number of mice in which collapse or convulsions are observed following the injection of the dilution of the supernatant liquid being tested does not exceed the number of mice in which collapse or convulsions occurred following the injection of the dilution of the standard solution, the preparation is considered as complying with the requirements of § 144.11 with respect to the insulin content of the supernatant liquid.

(e) *Biological reaction for globin insulin (with zinc).* The rate, amount, and duration of effect in lowering the blood sugar of rabbits by globin insulin (with zinc) is determined by comparing the average blood sugar concentrations at various intervals during not less than a 10-hour observation period following the administration of globin insulin (with zinc) subcutaneously into rabbits, with the average blood sugar concentrations similarly obtained by administration of globin insulin (with zinc) reference material prepared as hereinafter set forth.

(1) *Globin insulin (with zinc) reference material.* Prepare the globin insulin (with zinc) reference material to contain 80 U. S. P. Units of insulin per cubic centimeter from the following component solutions (or solutions of the same proportionate composition per cubic centimeter) by adding, with gentle shaking, to a suitable volume of Solution 2, accurately measured at room temperature, such volume of Solution 3 that the resulting mixture contains 38 milligrams of globin to each 1,000 U. S. P. Units of insulin. Dilute with distilled water to 19/20 of the final volume required and adjust the reaction with solutions of hydrochloric acid or sodium hydroxide until the reaction is within the limits of pH 3.4 to pH 3.8 Make up to the final volume required by adding distilled water. Store in a refrigerator and do not use after 6 months have elapsed from the date of preparation.

The solutions referred to above are:

Solution 1. Dissolve 0.5975 gram zinc oxide in 245 cubic centimeters, of approximately tenth-normal hydrochloric acid. Add 3.5 grams of cresol (or 4.6 grams of phenol) and sufficient distilled water to make the final volume 1,000 cubic centimeters.

Solution 2. Weigh accurately a suitable quantity of U. S. P. Zinc-Insulin Crystals Reference Standard and dissolve in such quantity of Solution 1 as to obtain a concentration of 160 U. S. P. Units of insulin per cubic centimeter. If necessary, add 1 drop of hydrochloric acid to effect complete solution. Store in a refrigerator; do not use after 3 months from the date of preparation.

Solution 3. With careful stirring dissolve globin hydrochloride in distilled water to make a 5-percent solution. Determine the least amount of tenth-normal sodium hydroxide necessary to cause a precipitate in a small, accurately measured sample of this solution, and calculate the amount required for the remaining solution. Add about 70 percent of the calculated amount of sodium hydroxide in the form of a normal sodium hydroxide solution very slowly, with gentle stirring over a period of 1½ hours. Allow the mixture to stand about ½ hour or longer and slowly add the remainder of sodium hydroxide as a tenth-normal solution. Centrifuge and carefully add small amounts of tenth-normal sodium hydroxide until no further precipitate forms. This occurs when the pH is approximately 6.3. Allow to stand for 1 hour and centrifuge. Determine the amount of nitrogen present in the supernatant liquid by the Kjeldahl method. Calculate the globin content by multiplying the nitrogen by 6.0. This solution should be freshly prepared before use.

(2) *Test animal.* The test animal shall be the same as described in the

United States Pharmacopoeia for the assay of insulin U. S. P.

(3) *Volume of the globin insulin (with zinc) reference material to be injected.* The volume of the preparation to be injected shall be such that at a period of from 6 to 8 hours after the administration of the test material, the blood sugar is not greater than approximately 90 percent of the initial value but the volume is not so great as to cause convulsions in more than 25 percent of the animals. Do not dilute the preparations to be injected to attain the above requirements. Make injections with a micrometer syringe.

(4) *Conduct of the test, blood sugar determination, and interpretation of the data.* Proceed as directed under paragraph (b) (4), (5) and (6) of this section for protamine zinc insulin, except that the samples of blood for the determination of blood sugar concentrations are obtained over a period of not less than 10 hours, instead of 11 hours, after the injection, and in the interpretation of the data the index for each bleeding time other than the last is between 0.85 and 1.15 and the average of the indexes is between 0.90 and 1.10.

(f) *Identification of protamine zinc insulin.* Acidify protamine zinc insulin so that the pH is not less than 2.5 and not more than 3.5. The precipitate dissolves giving a clear colorless liquid. Inject subcutaneously into 6 rabbits, from which food has been withheld for the previous 18 to 24 hours and which weigh 1.8 to 2.2 kilograms each, a quantity of this clear liquid which causes convulsions in at least 3 animals. Immediately after convulsions occur in an animal, inject intravenously into that animal 5 cubic centimeters of a 50 percent aqueous solution of dextrose. The convulsion is relieved and a majority of the animals which have shown convulsions remain alive for at least 3 days.

(g) *Identification of globin insulin (with zinc).* Adjust the acidity of globin insulin (with zinc) so that the pH is not less than 4.5 and not more than 5.5. A precipitate forms. Divide the sample containing the precipitate into two portions. Adjust the acidity of the first sample to a pH not less than 2.5 and not more than 3.5 and adjust the second sample to a reaction more alkaline than pH 11.0. In each case the precipitate dissolves giving a clear solution.

Inject subcutaneously into 6 rabbits, from which food has been withheld for the previous 18 to 24 hours and which weigh 1.8 to 2.2 kilograms each, a quantity of globin insulin (with zinc) which will cause convulsions in at least 3 animals. Immediately after convulsions occur in an animal, inject intravenously into that animal 5 cubic centimeters of a 50 percent aqueous solution of dextrose. The convulsion is relieved and a majority of the animals which have shown convulsions remain alive for at least 3 days.

(h) *Sterility of protamine zinc insulin and globin insulin (with zinc)*—(1) *Preparation of media.* Use one of the following media:

(i) *Fluid thioglycollate medium (Brewer).* Prepare broth base from the following ingredients, in the proportions indicated:

	Grams
Ground fresh beef (freed of fat)	500
Sodium chloride	5
Dipotassium phosphate (K_2HPO_4, anhydrous)	2
Peptone	10
	Cubic centimeters
Distilled water	1,000

Mix the ground meat thoroughly in the distilled water and allow to stand at 5° C. for 24 hours. Collect the liquid by straining through cloth and heat it for one hour in flowing steam, then for 30 minutes at not less than 15 pounds pressure (121° C.). Filter while hot through moistened filter paper and make up to the original volume with distilled water. Add the remaining ingredients and stir until solution is completed. So adjust the reaction with sodium hydroxide solution that the pH of the completed broth base is 7.5. Heat in flowing steam for 30 minutes and clear by filtration. If the broth base is to be stored, it is then sterilized at not less than 15 pounds pressure (121° C.) for not less than 20 minutes.

To 1,000 cubic centimeters of this broth base add the following ingredients:

	Grams
Dextrose (anhydrous)	10.0
Sodium thioglycollate	1.0
Agar (less than 15 percent moisture by weight)	.5
	Cubic centimeter
Methylene blue (certified by Commission on Standardization of Biological Stains), 0.2 percent solution	1.0

Add the agar to the broth base, mix well, and dissolve by heating gradually to the boiling point. Cool to approximately 80° C. and add the remaining ingredients. Stir until solution is completed and ingredients are uniformly distributed. So adjust the reaction with sodium hydroxide solution that the pH of the completed and sterile medium is not less than 7.4 and not more than 7.6. Filter clear while hot and add the methylene blue solution.

(ii) *Fluid thioglycollate medium (Linden).* Prepare this medium from the following ingredients, in the proportions indicated:

	Grams
Peptone	20.0
Dextrose (anhydrous)	5.0
Yeast extract (dehydrated)	2.0
Sodium thioglycollate	1.0
Sodium chloride	5.0
Agar (less than 15 percent moisture by weight)	.5
Dipotassium phosphate (K_2HPO_4, anhydrous)	2.5
	Cubic centimeters
Distilled water	1,000.0
Methylene blue (certified by Commission on Standardization of Biological Stains), 0.2 percent solution	1.0

Dissolve the agar in half the volume of distilled water by boiling or heating in flowing steam. Dissolve the remaining ingredients, except the methylene blue, in the remaining water with the aid of heat and mix the two solutions. So adjust the reaction with sodium hydroxide solution that the pH of the completed and sterile medium is not less than 7.4 and not more than 7.6. Filter clear while hot and add the methylene blue solution.

(iii) *Dehydrated media.* Any medium prepared from dehydrated materials which, when it is reconstituted for use, has growth-promoting, buffering, and oxygen tension controlling properties at least equal to those of either of the above media.

(iv) In the preparation of any of the foregoing media avoid all contamination with calcium. Do not use sodium thioglycollate which is yellow or yellowish-brown or has an abnormal odor.

(2) *Conduct of the test.* Using straight-walled, slender tubes of appropriate size, place in each, 15 cubic centimeters of the medium to be used for the sterility test and sterilize in an autoclave at not less than 15 pounds pressure (121° C.) for not less than 20 minutes. Test tubes 150 by 20 millimeters are satisfactory for this purpose.

After removal of the tubes from the autoclave, allow to cool to below 25° C. in order to set the agar. Store, protected from excessive light, at a temperature of not less than 15° C. and not more than 30° C. (storage at low temperatures increases absorption of atmospheric oxygen). If more than 20 percent of the uppermost portion of the medium has changed to a green color, it is not suitable for use. Under such circumstance one reheating in flowing steam to drive off the absorbed oxygen is permissible.

Test each lot of medium for its growth-promoting qualities by a trial run. Discard the medium unless it supports growth when inoculated with 1 cubic centimeter of 1:100,000 dilution of a 24-hour broth culture of *Clostridium novyi* and also when inoculated with 1 cubic centimeter of a 1:100,000 dilution of a 24-hour broth culture of *Escherichia coli.*

Test the sterility of protamine zinc insulin and globin insulin (with zinc) by inoculating 1 cubic centimeter thereof into each tube of medium used, under strict aseptic precautions. Incubate all tubes at 37° C. for seven days and examine on the second, fourth, and seventh days after inoculation. Agitate only after 48 hours' incubation to insure initial anaerobiosis. If at the end of the seven days 50 percent or more of the medium in any tube has changed from the color of the fresh medium to a green color, discard the test.

(i) *Chloride in globin hydrochloride*—(1) *Conduct of the test.* Weigh accurately approximately 0.5 gram of globin hydrochloride into a small beaker and dissolve in 10–15 cubic centimeters of distilled water. Add 10 cubic centimeters of tenth-normal silver nitrate, 5 cubic centimeters of nitric acid, and 5 cubic centimeters of a saturated solution of potassium permanganate. Stir and place on a steam bath for approximately one hour. If any brown color remains, stir again, rinse the sides of the beaker with distilled water and place on the steam bath until the brown color disappears. Transfer quantitatively to a 50-cubic centimeter volumetric flask and fill the flask to the mark with distilled water. Mix and filter through a dry filter paper into a dry vessel. Transfer

exactly 40 cubic centimeters of the filtrate to a flask, add 2 cubic centimeters of ferric ammonium sulfate Test Solution and titrate with tenth-normal ammonium thiocyanate. To obtain the percent chloride as HCl, subtract 1.25 times the number of cubic centimeters of ammonium thiocyanate used from 10; multiply this difference by 0.365 and divide by the weight of the sample in grams.

(2) *Reagents.* The reagents used are those described in the United States Pharmacopoeia.

(j) *Sulfate in protamine*—(1) *Conduct of test.* Weigh accurately about 10 milligrams of protamine into a small casserole or beaker, add 0.2 cubic centimeter of normal sodium hydroxide and evaporate carefully to dryness. Heat over a flame until a grayish-white ash results. Dissolve the ash in 1 cubic centimeter of tenth-normal hydrochloric acid, transfer quantitatively to a 50-cubic centimeter calibrated centrifuge tube, neutralize to litmus and make the volume to 10 cubic centimeters with distilled water.

To the neutral solution add 2 cubic centimeters of benzidine test solution, referred to in subparagraph (2) of this paragraph, and 4 cubic centimeters of 95 percent (w/v) solution of acetone in distilled water. Allow to stand for 10 minutes and centrifuge for not less than 15 minutes at approximately 3,000 revolutions per minute. Carefully remove the supernatant fluid by means of a pipette having a very small opening at the tip. Wash the precipitate twice, using 10 cubic centimeters of 95 percent acetone for each washing. Carefully remove the supernatant acetone and place the tube in a boiling water bath until the odor of acetone disappears. Suspend the precipitate with 10 cubic centimeters of distilled water, introduce 1 drop of phenolphthalein test solution U. S. P. and titrate while hot with fiftieth-normal sodium hydroxide to the first faint permanent pink, observing carefully whether all particles of the benzidine sulfate precipitate have dissolved and, if not, reheating to bring the last traces into solution. Use a burette graduated in divisions of not more than 0.05 cubic centimeter so that readings can be estimated to 0.01 cubic centimeter.

Each cubic centimeter of fiftieth-normal sodium hydroxide is equivalent to 0.960 milligram of sulfate (SO_4). Calculate the results to a moisture-free basis.

(2) *Reagent.* Benzidine test solution. Dissolve 4 grams of benzidine in 45 cubic centimeters of normal hydrochloric acid and dilute to 250 cubic centimeters with distilled water. Before use, remove by filtration through ash-free filter paper any brown residue present.

(k) *Sulfate in protamine zinc insulin.* Place an accurately measured quantity of 5 to 10 cubic centimeters of well mixed protamine zinc insulin in a small casserole or beaker. Add 0.2 cubic centimeter of normal sodium hydroxide and evaporate carefully to dryness. Heat over a flame until a grayish-white ash results. Dissolve the ash in 1 cubic centimeter of tenth-normal hydrochloric acid, transfer quantitatively to a 25-cubic centimeter volumetric flask and add concentrated ammonium hydroxide dropwise until the solution is faintly pink, and then introduce 5 cubic centimeters of 5 percent (w/v) solution of ammonium chloride in distilled water. Fill the flask to the mark with distilled water, mix and pour the liquid into a dry Erlenmeyer flask containing approximately 0.65 gram of finely powdered basic magnesium carbonate. Shake for one minute and transfer to a 9-centimeter filter paper, fitted into a funnel, enough of the suspension to approximately fill the filter paper. Collect the filtrate in the same flask from which the suspension was transferred until the filtrate becomes clear. Then begin the collection in a dry flask until filtration is complete. Transfer 10 to 15 cubic centimeters of the filtrate to a 50-cubic centimeter calibrated centrifuge tube and neutralize to litmus with sodium hydroxide. Proceed from this point with the test as described in paragraph (g) (1) for sulfate in protamine beginning with the sentence "To the neutral solution * * *".

(l) *Total nitrogen in protamine zinc insulin and globin insulin (with zinc).* Determine total nitrogen by the method described in the United States Pharmacopoeia for insulin U. S. P.

(m) *Total nitrogen in protamine and globin hydrochloride.* Determine total nitrogen by the method described in the United States Pharmacopoeia for insulin U. S. P., except that the sample taken for analysis is approximately 25 milligrams and the quantity of fiftieth-normal acid used is 25 cubic centimeters.

(n) *Zinc in insulin-containing solutions, in protamine zinc insulin, and in globin insulin (with zinc).* Use the method described in the United States Pharmacopoeia for insulin U. S. P.

(o) *Zinc in insulin-containing solids.* Dissolve 10 to 20 milligrams, accurately weighed, of insulin-containing solids in 5 to 10 cubic centimeters of distilled water containing 1 drop of five-normal hydrochloric acid, and proceed as directed in the United States Pharmacopoeia under the test for zinc in insulin U. S. P.

(p) The Commissioner shall, for the purposes of the tests and assays prescribed under this section, provide a suitable reference protamine and a suitable reference globin hydrochloride, and shall, at cost, furnish any person making written request therefor a sample thereof.

The foregoing regulations in this part shall become effective on the date of the publication of this order in the FEDERAL REGISTER.

Dated: August 24, 1943.

[SEAL] PAUL V. McNUTT,
Administrator.

[F. R. Doc. 43-13925, Filed August 26, 1943; 10:28 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—DETERMINATIONS RELATING TO OVERTIME, SUNDAY, AND HOLIDAY PAY

FRUIT AND VEGETABLE PACKING AND CANNING INDUSTRIES

Upon application of interested parties for an exemption of the Fruit and Vegetable Packing and Canning Industries from the provisions of Executive Order 9240 and after an investigation and consideration of the relevant factors bearing upon this application, I find that the nature and exigencies of operations in these Industries make it necessary and advisable for the successful prosecution of the war to determine that the provisions of Executive Order 9240 (7 F.R. 7159) shall not apply to the Fruit and Vegetable Packing and Canning Industries as defined herein.

Now, therefore, by virtue of the power vested in me by Executive Order 9248 (7 F.R. 7419), it is ordered that in the case of an employer engaged in the first processing of, or in canning or packing, perishable or seasonal fresh fruits and vegetables, the provisions of Executive Order 9240 shall not apply to his employees in any place of employment where he is so engaged.

Dated: August 25, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-13947; Filed, August 26, 1943; 11:43 a. m.]

Chapter IX—War Food Administration (Agricultural Labor)

PART 1104—SALARIES AND WAGES IN THE PICKING OF GRAPES FOR SUN DRIED RAISINS

WORKERS IN CERTAIN CALIFORNIA COUNTIES

Public notice with respect to increases in wages of pickers of grapes for sun dried raisins in Kern, Kings, Tulare, Fresno, Madera, Merced, Stanislaus and San Joaquin Counties, State of California.

Pursuant to the authority contained in the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. Law 729, 77th Cong.); Executive Order 9250 of October 3, 1942 (7 F.R. 7871); the regulations of the Economic Stabilization Director, approved by the President on October 27, 1942 (7 F.R. 8748), as amended November 30, 1942 (7 F.R. 10024); Executive Order 9322 of March 26, 1943 (8 F.R. 3807); and Executive Order 9334 of April 19, 1943 (8 F.R. 5423); and based upon relevant facts submitted to me by The Wage Board for California of the United States Department of Agriculture and by other sources, it is hereby determined that:

§ 1104.1 *Area, crop and classes of workers.* Persons engaged in the picking of grapes for sun dried raisins in Kern, Kings, Tulare, Fresno, Madera, Merced, Stanislaus and San Joaquin Counties, State of California, are agricultural workers as defined in § 4001.1 (1) of miscellaneous amendments of November 30, 1942 (7 F.R. 10024), to the regulations of the Economic Stabilization Director, approved by the President on October 27, 1942 (7 F.R. 8748).

§ 1104.2 *Wage rates.* The wages of the grape pickers in the counties mentioned in § 1104.1 are not substandard and no increases in the wages paid to such grape pickers in the counties stated

shall be made above the maximum wage rates set forth below without the approval of the War Food Administrator under the procedure provided for herein:

Wage Rates for Picking Grapes for Sun Dried Raisins

(a) *For Thompson and Sultana varieties.* Trays per unit:

(1) 500 or over 5 cents per tray.
(2) 400 to 500 5¼ cents per tray.
(3) 300 to 400 5½ cents per tray.
(4) 200 to 300 5¾ cents per tray.
(5) Less than 200 6 cents per tray.

(b) *For Muscat variety.* Trays per unit:

(1) 500 or over 6½ cents per tray.
(2) 400 to 500 6¾ cents per tray.
(3) 300 to 400 7 cents per tray.
(4) 200 to 300 7¼ cents per tray.
(5) Less than 200 7½ cents per tray.

As used herein the word unit means 500 bearing vines and the word tray means a tray containing 22 pounds of fresh grapes.

§ 1104.3 *Applications for adjustments.* Any appeals for relief from hardships resulting from this determination and any applications for adjustment in such wages shall be filed by the employer or employee with the Wage Board for California of the United States Department of Agriculture, 2288 Fulton Street, Berkeley, California, which Board, after conducting such investigation as may be required and reviewing such applications or appeals, shall have the authority to make such determinations as are consistent with the intent of this order. Each such ruling shall be final, subject only to the War Food Administrator's right of review on his own initiative. Any reversal or modification of such ruling by the War Food Administrator shall take effect from the date of its issuance; *Provided, however,* That if a ruling denying an application for permission to make a wage increase is overruled, the final ruling by the War Food Administrator shall incorporate the effective date of the adjustment.

§ 1104.4 *Delegation of authority.* (a) The Wage Board for California of the United States Department of Agriculture, hereinafter called the Board, is hereby authorized to act on behalf of the War Food Administrator, hereinafter called the Administrator, to conduct hearings, in accordance with the procedure set forth in § 1104.5 for the purpose of making findings of fact and recommendations with respect to alleged violations of §§ 1104.1 to 1104.3, both inclusive.

(b) Three members of the Board shall constitute a quorum for the purpose of conducting such hearings and the chairman of the Board shall act as presiding officer at the hearings, administer oaths and affirmations, and rule on motions, requests, and on the admission and exclusion of evidence.

§ 1104.5 *Procedure*—(a) *Preliminary investigation.* Preliminary investigations of alleged unlawful wage or salary payments shall be made by representatives of the Administrator. Each such report of investigation shall be submitted to the Regional Attorney, United States Department of Agriculture, for consideration. He shall forward the report, with his recommendations, to the Board. If, after consideration of the report and the recommendations, the Board is of the opinion that there is reasonable cause to believe that a violation has occurred, the Board shall request the alleged violator to appear at a hearing before the Board.

(b) *Notice.* Notice of the hearing shall be served on the alleged violator not less than ten (10) days prior to the date of the hearing. Such notice shall set forth (1) the time and place of the hearing, (2) a concise statement of the allegations of fact which constitute a basis for the proceeding, (3) a statement informing the alleged violator that he may be represented by counsel at the hearing and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charge, and (4) a statement informing the alleged violator that failure to appear will not preclude the Board from taking testimony, receiving proof and making findings and recommendations with respect to the charges.

(c) *Conduct of the hearing.* The rules of evidence prevailing in courts of law and equity shall not be controlling. The test of admissibility shall be the reliability, relevancy, and probative force of the evidence offered.

All testimony shall be given under oath and a written transcript of the hearing shall be made.

The presiding officer shall afford reasonable opportunity for cross-examination of the witnesses. At the close of the hearing, the presiding officer may, at his discretion, allow a short period for the presentation of oral argument or for a summary of the facts disclosed at the hearing and if he deems it advisable, may allow briefs to be filed within a period prescribed by him, not to exceed five (5) days.

(d) *Findings and recommendations.* Upon conclusion of the hearing, if a majority of the Board is satisfied that the charge has been sustained by a preponderance of the evidence, it shall find accordingly. Findings of fact and recommendations shall be prepared, subscribed by the concurring members of the Board and submitted to the Administrator, together with a transcript of the proceedings. A copy of the findings of fact and recommendations shall be served on the alleged violator. After consideration of the findings and recommendations, the Administrator shall determine whether the alleged violator has made salary or wage payments in contravention of §§ 1104.1 to 1104.3, both inclusive. A copy of such determination shall be served by registered mail on the alleged violator.

(e) *Petition for reconsideration.* Within five (5) days after receipt of a copy of the Administrator's determination, the alleged violator may file with the War Food Administrator, Washington, D. C., a petiton for reconsideration of such determination. Such petition may be accompanied by any affidavits or briefs which the alleged violator desires to submit. Within a reasonable time after receiving such a request for reconsideration, the Administrator shall affirm, modify or reverse his original determination, or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. The determination of the Administrator shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings.

(f) *Transmittal of determination to other Government agencies.* If a petition for reconsideration is not filed within the period stated above, or if a petition for reconsideration is filed and the Administrator affirms his original determination, he shall forward his determination to the violator, to the Commissioner of Internal Revenue, and, in appropriate cases, to the Attorney General for consideration of criminal prosecution.

§ 1104.6 *Effect of unlawful payments*—(a) *Amounts disregarded.* In any case where the Administrator determines that a salary or wage payment has been increased in contravention of §§ 1104.1 to 1104.3, both inclusive, the amount of the salary or wage paid or accrued at the increased rate, shall be disregarded by all executive departments and all other agencies of the Government for the purposes of:

(1) Determining costs or expenses of the employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof;

(2) Calculating deductions under the revenue laws of the United States; or

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

(b) *Criminal penalties.* Any person, whether an employer or an employee, who wilfully violates any provision of §§ 1104.1 to 1104.3, both inclusive, shall, upon conviction thereof, be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or to both such fine and imprisonment.

§ 1104.7 *Further delegations of authority by the Administrator.* Any or all functions, powers, or duties reserved to the Administrator by these regulations may be delegated by the Administrator to such other person or persons as he may designate.

(Pub. Law 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; Regulations of the Director of Economic Stabilization, dated Oct. 27, 1942, 7 F.R. 8748, as amended on Nov. 30, 1942, 7 F.R. 10024; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 26th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13939; Filed, August 26, 1943; 11:21 a. m.]

Chapter VI—National War Labor Board

[Gen. Order 30]

PART 803—GENERAL ORDERS

INCREASES IN WAGE OR SALARY RATES

General Order No. 30 is hereby amended by striking from the end thereof the words "provided that such increases shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justified reductions in such price ceilings," so that it shall read as follows:

§ 803.30 *General Order No. 30.* In accordance with the provisions of section 4 of Title II of Executive Order 9250, increases in wage or salary rates which do not bring such rates above 40¢ per hour may be made without the approval of the National War Labor Board.

(E.O. 9250, 7 F.R. 7871)

Adopted August 23, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-13919; Filed, August 26, 1943; 10:35 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter C—Director of War Utilities

PART 4500—POWER

[GENERAL DIRECTIVE 2 UNDER LIMITATION ORDER L-31]

NATURAL GAS IN APPALACHIAN AREA

Whereas, because of an increasing shortage of natural gas in the Appalachian area, the following restrictions upon deliveries, acceptance and use of natural gas in such area are necessary in order to protect gas deliveries to war industries and essential civilian services:

Now, therefore, pursuant to the provisions of paragraph (e) (5) of Limitation Order L-31: *It is ordered and directed:*

§ 4500.15 *General Directive No. 2 under Limitation Order L-31.* (a) From and after September 30, 1943, except as otherwise directed by the War Production Board, no person situated in the Appalachian area shall accept deliveries of natural gas to be employed as fuel in boilers, or shall utilize gas for such purpose, and no utility or non-utility supplier shall deliver natural gas to any person in the Appalachian area for such purpose, where the aggregate quantity of gas consumed by any such person as fuel in boilers exceeded 100,000 cubic feet in any one day during the 12-month period preceding August 26, 1943 or where there is reason to believe that subsequent to this date in excess of 100,000 cubic feet will be consumed in any day by such person as fuel in boilers.

(b) Any person affected by the provisions of paragraph (a) of this directive may, on or before September 10, 1943, file with the Office of War Utilities, War Production Board, an application on Form WPB-3177 for exemption or relief from the provisions of paragraph (a) on the ground that the gas-fired equipment of such consumer cannot be converted to the use of coal because of technological factors or that such conversion can be accomplished only with exceptional expense or hardship. The filing of such an application within the time provided above shall operate to suspend the effectiveness of paragraph (a) as to the applicant, until such time as the application has beeen denied in whole or in part by the War Production Board and the consumer's status thereby definitively determined.

(c) As used in this directive, Appalachian area shall include the States of Virginia, West Virginia, Maryland, Ohio, Pennsylvania, New York, the District of Columbia, and the following counties of the State of Kentucky: Bourbon, Boyd, Bracken, Bullitt, Campbell, Carter, Clark, Fayette, Floyd, Franklin, Greenup, Hardin, Harrison, Jefferson, Johnson, Kenton, Knott, Lawrence, Lewis, Martin, Mason, Magoffin, Meade, Menifee, Montgomery, Morgan, Pendleton, Pike, Scott, Shelby, and Woodford.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 26th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13921; Filed, August 26, 1943; 10:39 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 48]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (22) is amended by inserting the phrase "Grade C or" after the word "means".

2. Section 1315.201 (a) (36) is amended by deleting the phrase "or Grade C".

3. Section 1315.506 (a) (1) (ii) is added to read as follows:

(ii) No certificates for recapping service may be issued for tires to be mounted on farm tractors or farm implements.

4. Section 1315.806 (n) is revoked.

This amendment shall become effective August 25, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 25th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13898; Filed, August 25, 1943; 2:52 p. m.]

PART 1340—FUEL

[MPR 189,[1] Amdt. 17]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 189 is amended in the following respect:

In § 1340.313 (c) (3), the date, August 25, 1943, is amended to read December 31, 1943.

This amendment shall be effective August 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of August 1943.

CHESTER A. BOWLES,
Acting Administrator.

[F. R. Doc. 43-13899; Filed, August 25, 1943; 2:52 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 19,[2] Amdt. 5]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 19, Southern Pine Lumber, is amended in the following respects:

1. A new section 5a is added, to read as follows:

SEC. 5a. *Distributors' direct-mill sales*—(a) *Prices*—(1) *Wholesalers.* On direct-mill sales of southern pine lumber made by a wholesaler, the wholesaler may add 6 percent (but not more than $3.00 per M) to the regular f. o. b. mill prices in the price tables. For example, if the price in the tables is $30, the ceiling price on a sale made by a wholesaler is $31.80.

(2) *Commission men.* On direct-mill sales of southern pine lumber made through commission men, the ceiling price is 4 percent (but not more than $2 per M) higher than the regular f. o. b. mill price in the price tables. The mill must allow the commission man a commission at least equal to the excess over

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9752, 10079, 10085; 8 F.R. 10264, 10430, 10733.

[1] 8 F.R. 2973, 5566, 6444, 6842, 8504, 8680, 10936, 11143.

[2] 8 F.R. 5536, 6619, 6544, 8579, 10732.

the regular f. o. b. mill price. For example, if the price in the tables is $30, the mill's ceiling on a sale made through a commission man is $31.20 and the mill must allow the commission man at least $1.20.

(3) *Yards.* On direct-mill sales of southern pine lumber made by wholesale or retail distribution yards, a mark-up of 6 percent (but not more than $3 per M) may be made to the regular f. o. b. mill price in the price tables. This applies only to carload quantities (if by rail) or quantities of 18,000 feet or more if by truck. (As to smaller quantities see section 6 below.)

(4) *Mill's price or realization.* This section increases maximum prices only on sales by wholesalers, commission men or yards. It does *not* in any way affect the price that may be charged by mills. The mill's price (or realization after deducting the 4 percent commission) may never be higher than the regular price in the price tables. Moreover, although the mill *may* sell at a price or realization less than its regular ceiling, it is never required to do so.

(b) *Definitions*—(1) *Wholesaler.* For purposes of this section, a wholesaler is a person 75 percent of whose volume of lumber sales during all of the first six months of 1943, or during all of the year 1942, were sales in which he bought lumber from mills or concentration yards, took title to it, and delivered it directly to the buyer in substantially the same form in which it was bought. (The 6 percent increased price in paragraph (a) (1) applies only to this kind of sale.)

(2) *Commission man.* A commission man is a person who, during the first six months of 1943, or during all of the year 1942, represented and sold lumber for two or more mills or concentration yards at the same time, receiving his compensation in the form of commissions based on the amount or value of the lumber sold; who was independent of both buyer and seller; and 75 percent or more of whose business during either the first six months of 1943 or during the year 1942 consisted of the direct-mill sale of lumber in wholesale quantities.

(c) *Exceptions in case of financial control.* This section 5a does not in any case apply to the sale of lumber manufactured or concentrated by a mill or concentration yard controlled by the distributor, or controlling the distributor, or under common control with the distributor.

(d) *New distributors.* Any person who cannot meet the definitions of wholesalers or commission men may make special application to the Lumber Branch, Office of Price Administration, Washington, D. C. He may be given permission to qualify as one or the other, if he meets the following tests: He must provide evidence from banks or others, showing adequate financial responsibility. He must also agree with the Central Procuring Agency to fill orders totaling at least 1,000,000 feet of southern pine lumber for delivery within six months. If authorization is granted, the 6 percent or 4 percent addition to the price, as the case may be, must be held in escrow by a bank or other third party until the entire 1,000,000 feet of lumber has been successfully delivered within the six months' period. If this quantity is not successfully delivered within six months, the 6 percent or 4 percent addition will be returned to the buyers.

The authorization will not be granted if it appears that the purpose of the application is to evade the regulation by interposing an unnecessary middleman in the distribution of lumber, who will not in fact render the services characteristically rendered by the type of distributor in question. (For a corresponding provision on setting up new distribution yards, see section 2 (c).)

(e) *Effect on out-of-stock yard sales.* In computing maximum prices under Maximum Price Regulation 215, Distribution Yard Sales of Softwood, yards may increase the regular f. o. b. mill prices of southern pine lumber in the price tables by 4 percent (but not more than $2.00) before applying the mark-ups in Maximum Price Regulation 215. For example, if the f. o. b. mill price is $30, and if the sale is the type which carries a $5 and 10 percent mark-up in Maximum Price Regulation 215, a yard in figuring its price on southern pine under Maximum Price Regulation 215 may begin with $31.20 instead of $30, then add freight and the $5 handling charge, and finally apply the 10 percent mark-up to the total.

(f) *Pyramiding prohibited.* The price additions in paragraph (a) may not be made more than once to the same price, regardless of the number of people participating in the transaction. For example, if a commission man sells a car of $30 lumber to a yard, who in turn sells it to a consumer, for direct-mill shipment, the mill's ceiling price on the sale through the commission man is $31.20 (4 percent addition) and the yard's ceiling price to the consumer is $31.80 (6 percent addition). In other words, the yard cannot add its 6 percent to the $31.20, but only to the regular f. o. b. mill price of $30.00.

Moreover, none of the additions in paragraph (a) may be applied above the addition for direct-mill retail sales in section 6 below.

(g) *Invoicing.* The invoice on any distributor's direct-mill sale must be plainly marked "wholesaler's direct-mill sale", or "commission man's direct-mill sale" or "yard's direct-mill sale", as the case may be.

(h) *Licenses.* Wholesalers, commission men and yards are licensed under section 18. This means that if, for example, they ship lumber that is not up to grade and scale, they may, subject to the rules as to warning and other rules and procedures about suspension of licenses, lose their right not only to the price addition but even to continue in business.

The effective date of this amendment shall be August 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13900; Filed, August 25, 1943; 2:51 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 3]

PUERTO RICO; TEXTILE BAGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 49 is added to read as follows:

SEC. 49. *Maximum prices for second hand bags sold or delivered in the Territory of Puerto Rico*—(a) *Definitions.* When used in this section 49 the term:

(1) "Second hand bag" means an empty container composed of burlap, jute, sisal, istle, cotton cloth, gunny cloth, or other textile material which has either been previously used to package any commodity or is manufactured from any such textile material which material itself has been previously used to package any commodity or for any other commercial purpose. The term shall include an "unmendable" bag. It shall not include a bag containing a commodity packaged therein nor a container composed of any of the above textile materials which material has deteriorated to an extent that it is no longer sufficiently sound for reuse as a container, commonly referred to by the trade as "junk" or "waste" material.

(2) "Collector" means any person who gathers second hand bags from persons, who remove the contents from the bags, known in the trade as "emptiers".

(3) "Bag dealer" means any person who processes, reconditions, or places second hand bags in condition for reuse.

(4) "Consumer" means any person who uses second hand bags for packaging a commodity therein.

(5) "Capacity" means the number of pounds of the product which the bag was constructed to contain.

TABLE 40.—MAXIMUM PRICES FOR SECOND HAND BAGS

Capacity 100 lbs. and less:	*Capacity over 100 lbs. per bag*
To collectors, $0.10 per bag	$0.18
To dealers, $0.12 per bag	.21
To consumers, $0.165 per bag	.28

This amendment shall become effective as of August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13902; Filed, August 25, 1943; 2:51 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 4]

PUERTO RICO; CANNED FRUITS AND VEGETABLES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9532, 10763, 10906, 10937.

7. Section 25 Table 10 is amended by adding new brands to the categories "Canned asparagus", "Canned beets", "Canned corn", "Canned peas", "Canned tomatoes", "Lima beans" and "String beans"; and by adding the categories "Canned asparagus tips", "Canned mixed vegetables", "Canned peas and carrots", all to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Canned asparagus:				
Del Monte (Early garden)	Case of 24/#2 cans	$7.10	$8.17	$0.44
Supreme (Natural)	Case of 24/#2 tall	6.75	7.75	.42
Canned beets:				
Sliced:				
Libby (glass)	Case of 24/16 oz.	3.45	3.95	.21
S & W	Case of 24/#2 cans	3.75	4.30	.23
Whole:				
Libby	Case of 24/#2 cans	3.45	3.95	.21
Diced:				
S & W	Case of 24/#2 cans	2.94	3.33	.18
Red Alert	Case of 6/#10 cans	2.60	3.00	.65
Whole midget:				
S & W	Case of 24/#2 cans	5.80	6.65	.36
Cut:				
Deerfield	Case of 24/#2½ cans	2.95	3.40	.18
Del Monte	Case of 24/#2 cans	2.40	2.75	.15
Canned corn:				
Deloro whole kernel:				
S & W	Case of 24/#2 cans	4.10	4.65	.24
Country Gentleman whole kernel:				
Libby	Case of 24/#2 cans	3.60	4.10	.21
Canned peas:				
Dorlon Sugar:				
Libby	Case of 96/6 oz. cans	6.10	6.95	.00
Medium:				
S & W	Case of 6/#10 cans	5.65	6.45	1.33
Canned tomatoes:				
Country Gentleman:				
S & W	Case of 6/#10 cans	4.05	4.60	1.00
Lima beans:				
Small green:				
Libby	Case of 24/#2 cans	4.05	4.65	.25
String beans:				
Cross cut (Dark):				
S & W	Case of 24/#2 cans	5.40	6.20	.34
Extra Standard Florida Cut:				
Mountain fresh	Case of 24/#2 cans	3.65	4.20	.23
Canned asparagus tips:				
Del Monte (Extra garden)	Case of 24/#1 square cans	7.83	8.90	.48
Del Monte (Colossal green)	Case of 24/#1 square cans	7.83	8.90	.48
Del Monte (Picnic small)	Case of 48/10½ oz. cans	7.38	8.49	.24
Del Monte (Picnic early garden)	Case of 48/10½ oz. cans	7.38	8.67	.27
Eagle	Case of 24/#1 square cans	6.62	7.61	.41
Canned mixed vegetables:				
Libby	Case of 24/#2 cans	3.55	4.05	.22
Canned peas and carrots:				
Libby	Case of 24/16 oz. (glass)	4.25	4.90	.26

8. Section 39 Table 27a is added to read as follows:

TABLE 27A.—MAXIMUM PRICES FOR IMPORTED SPAGHETTI PRODUCTS

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per lb.
Macaroni tuvelloni pastalina	15 kilos (bulk)	$6.59	$7.58	$0.30
Spaghettoni pastalina	15 kilos (bulk)	6.59	7.58	.30
Soup paste pastalina (Fiocs rosca)	12 kilos (bulk)	5.28	6.07	.30
				Per 400 gms.
Entrefinos pastalina	20 kilos (50/400 gms. likes)	9.21	10.59	.28
Espaguettines pastalina	20 kilos (50/400 gms. likes)	9.21	10.59	.28

has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 20 Table 3 is amended by changing the price to wholesaler of Canned fruit salad, S & W, Case of 24 #2½ cans from "$9.40" to "$9.50".

2. Section 20 Table 3 is amended by changing the price at wholesale of Canned plums, Del Monte (DeLuxe), Case of 12 #2½ (glass) from "$2.63" to "$2.80".

3. Section 20 Table 3 is amended by adding new brands to the categories "Canned apples" and "Canned peaches"; and by adding the categories "Canned fruit cocktail" and "Canned pineapple", all to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per can
Canned apples:				
S & W (BAK-A Special)	Case of 6/#10 cans	$5.00	$5.75	$1.25
Canned peaches:				
Century Yellow Cling (Halves)	Case of 6/#10 cans	5.55	6.35	1.38
S & W				
Canned fruit cocktail:				
S & W	Case of 6/#10 cans	6.30	7.25	1.57
Canned pineapple:				
Sliced:				
S & W	Case of 24/#2½ cans	6.35	7.30	.40
S & W	Case of 24/#2 cans	5.20	6.00	.32

4. Section 21 Table 4 is amended to read as follows:

TABLE 4.—MAXIMUM PRICES FOR CERTAIN FRUIT JUICES

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Grapefruit juice:				
Double 111 Brand, natural unsweetened	Case of 24/#2 cans	$2.25	$2.65	$0.15
Pear juice:				
Golden Flow	Case of 24/12 oz. (glass)	2.95	3.40	.18
Peach juice:				
Golden Flow	Case of 24/12 oz. (glass)	2.95	3.40	.18

5. Section 24 Table 8 is amended by changing the title and by adding the category "Tomato puree", to read as follows:

TABLE 8.—MAXIMUM PRICES FOR CERTAIN TOMATO PRODUCTS

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Tomato puree:				
S & W	Case of 6/#10 cans	$4.16	$4.75	$1.00

6. Section 24 Table 9 is amended by adding a new brand to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Canned tomato juice Hurff (Fancy)	Case of 48/0 oz. tins	$3.65	$4.20	$0.11

*Copies may be obtained from the Office of Price Administration.

9. Section 44 Table 36 is amended by inserting the headings before the item "Garlic, white" to read as follows:

Sales to wholesalers (price per 50 lbs.)	Sales at wholesale (price per 50 lbs.)	Sales at retail (price per pound)

10. Section 48 (e) is added to read as follows:

(e) The direct cost of all lumber received in any one shipment shall be uniform despite variations in grade or dimensions unless the lumber has been purchased by the importer at different prices in accordance with varying grades and dimensions, in which case the differences in purchase price for such grades and dimensions may be reflected in the calculation of the direct cost.

This amendment shall become effective as of August 2, 1943, except for section 48 (e) which shall become effective August 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13904; Filed, August 25, 1943; 2:53 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 12]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII; KONA COFFEE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 46 is added to read as follows:

SEC. 46. *Maximum millers', producers' and roasters' prices for Kona coffee sold or delivered in the Territory of Hawaii*—(a) *Records and reports.* Notwithstanding the provisions of section 11 of this Maximum Price Regulation 373, every person making sales of the commodities covered by this section 46 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each purchase and each sale made by such person, showing the date thereof, name and address of the buyer and seller, the grade or brand and the price paid or received. Millers and roasters shall report to the Office of Price Administration, Honolulu, all 1942–43 crop green coffee inventories held on July 31, 1943, and shall make such further reports as the Office of Price Administration may from time to time require.

(b) *Definitions.* When used in this section 46 the term:

(1) "Kona coffee" means all coffee produced in the Territory of Hawaii.

(2) "Roaster" shall be synonymous with the term "wholesaler."

(3) "Crop year" for the purpose of this section 46 shall begin on August 1, 1943.

(c) *Gross income tax.* In the case of a sale to a buyer who does not have a gross income tax license, the seller may add to the maximum price one and one quarter percent (1¼%) of the selling price.

(d) *Geographical applicability.* The provisions of this section 46 shall be applicable to the entire Territory of Hawaii.

TABLE XXXIII—MAXIMUM PRICES FOR PARCHMENT, GREEN KONA AND KONA COFFEES

1 *Parchment coffee.* (a) The maximum price of parchment coffee, clean basis, delivered roadside shall be $0.1161 per pound.

(1) This maximum price is based on 125 pounds of parchment coffee yielding 100 pounds of the following green grades:

Grade of green	Percent yield	Maximum price of green delivered roadside
		Per lb.
No. 1 extra prime, Extra prime, Peaberry	67	$0.1525
Prime	20	.1425
No. 3X	8	.125
No. 3	5	.11

(1) Parchment coffee sold on a clean basis yielding grades higher than the percentages listed above may command a premium over the maximum price commensurate with the actual increased value. Should the yield be lower, a discount commensurate with the decreased value must be subtracted from the maximum price.

2. *Green coffee*—(a) *Used and returnable new bags.* All green coffee maximum prices established in this section 46 are for packing in good used bags, or in new bags returnable at the seller's expense. If the green coffee is sold in non-returnable new bags, or if the new bags are not returned, an additional charge of $0.16 per bag may be made.

(b) *Shipments via Hilo.* All maximum prices established are for shipments via Hilo. In the case of shipments via Kailua, Hawaii, the maximum price shall be computed by subtracting $0.0045 from the established maximum price. In the case of shipments from ports other than Hilo or Kailua, the maximum price will be established by the Office of Price Administration upon application of the seller or buyer.

(c) *War risk and marine insurance.* All maximum prices established (except f. o. b. mill) include an allowance of $0.0021 per pound freight, $0.15 per $100.00 value marine insurance and $0.50 per $100.00 value war risk insurance calculated on the green coffee cost ex-dock Honolulu. These allowances are based on present freight and insurance rates. In the event that such rates are increased, increased costs actually incurred by the seller may be added. In the event such rates are reduced, the maximum price shall be correspondingly reduced.

(1) In the event that such rates are subsequently changed, war risk and marine insurance shall be calculated on a basis not higher than:

	per lb.
No. 1 extra prime, Extra prime, Peaberry	$0.181
Prime	.17
No. 3X	.152
No. 3	.136

(d) *Grading.* No grades of green coffee other than specified in paragraph (e) may be sold without prior application to the Office of Price Administration for a maximum price.

(e) *Maximum prices.* The maximum prices for green coffee f. o. b. mill shall be as follows:

Grade	*Maximum price per lb.*
No. 1 extra prime, Extra prime, Peaberry	$0.1736
Prime	.1632
No. 3X	.1448
No. 3	.1288

(1) The maximum prices for green coffee ex-dock Honolulu and ex-warehouse Honolulu shall be as follows:

Grade	Maximum price ex-dock Honolulu	Maximum price ex-warehouse Honolulu
	Per lb.	*Per lb.*
No. 1 extra prime, Extra prime, Peaberry	$0.1824	$0.183
Prime	.1719	.1725
No. 3X	.1532	.1538
No. 3	.1372	.1378

(2) The maximum price of green coffee, ungraded basis, delivered ex-dock Honolulu shall be $0.17465 per pound.

(3) The maximum price of green coffee, ungraded basis, delivered ex-warehouse Honolulu shall be $0.17525 per pound.

(4) The maximum price of green coffee delivered at points other than Honolulu shall not exceed the f. o. b. mill price plus transportation charges from mill to place of destination.

(5) The maximum price of green coffee sold in quantities of less than 5 bags (approximately 500 lbs.) shall be an amount not to exceed 5% above the maximum prices listed in paragraph (e); the maximum price of green coffee sold in quantities of less than one bag (approximately 100 lbs.) shall be an amount not to exceed 10% above the maximum prices listed in paragraph (e).

3. *Roasted Kona coffee.* (a) The maximum prices for bulk and packaged coffees established below in paragraphs (d) to (j), inclusive, apply to sales of coffees made on the Island on which the coffees were roasted. Maximum prices for coffees received via another Island are set forth in paragraph (c) below. It is the intent of this section 46 to allow only one markup in the Territory of Hawaii at the wholesale distribution level. If a roaster or primary wholesaler sells to a second wholesaler or ships to another Island, he shall state on the invoice his maximum price determined in accordance with this section.

(b) No extra charges may be made for local delivery. For deliveries outside the local area, the seller by obtaining prior approval of the Office of Price Administration, Honolulu, may add to the ceiling price an amount not to exceed the prevailing local commercial trucking rates provided that during the calendar year 1941 it was his custom to make extra charges for such deliveries. Roasters making sales to other Islands may add to the maximum prices set forth below in paragraphs (d) to (j), inclusive, cartage charges from warehouse to dock computed at a rate not in excess of $1.20 per ton, weight or measurement, provided the coffee is moved to the dock at the roaster's expense.

(c) To the roaster's or primary wholesaler's maximum price, the distributor of Kona coffees received from or via another Island may add the following:

(1) The ocean transportation charges actually incurred including war risk and marine insurance, and Territorial tolls.

(2) Cartage charges in the port of destination from dock to warehouse computed at a rate not in excess of $2.65 per ton on Molokai and $1.20 per ton on all other Islands

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247.

*Copies may be obtained from the Office of Price Administration.

weight or measurement, provided that the coffee is moved from the dock at the secondary wholesaler's expense.

(d) The maximum wholesale bulk prices established in paragraph (e) below are for bulk coffees sold in paper bags. When sold in containers other than paper bags, the actual package costs may be added to the price.

(e) The maximum wholesale prices of roasted Kona coffees in bulk in paper bags shall be as follows:

ALL ISLANDS EXCEPT HAWAII

Grade of green	Maximum prices effective Aug. 1, 1943	Maximum prices effective Jan. 1, 1944	Maximum prices effective Apr. 1, 1944
No. 1 extra prime, Extra prime, Peaberry	*Per lb.* $0.246	*Per lb.* $0.264	*Per lb.* $0.277
Prime	.239	.253	.264
No. 3 X	.224	.233	.24
No. 3	.209	.215	.218

HAWAII

No. 1 extra prime, Extra prime, Peaberry	$0.238	$0.255	$0.269
Prime	.231	.245	.256
No. 3 X	.216	.225	.232
No. 3	.201	.207	.211

(f) *Formulas.* The maximum prices of bulk Kona coffees in paragraph (e) above are based upon the cost of the green coffees. If the formula of any roaster contains two or more grades selling at two or more different prices, the maximum price for that brand shall be the weighted average price of the maximum prices of the various grades contained in the roaster's formula. For example, if a particular brand of coffee roasted on Oahu has a formula of 60% Extra prime and 40% prime the maximum price would be:

.60 × $0.246 = $0.1476
.40 × 0.239 = 0.0956

Maximum wholesale price = $0.2432 per pound.

(1) Maximum prices as computed above may be reduced to the nearest lower tenth of a cent if the fraction is less than 5/100ths of a cent and may be increased to the nearest higher tenth of a cent if the fraction is 5/100ths of a cent or more.

(g) The maximum wholesale prices of packaged Kona coffees shall be the sum of the maximum prices listed in paragraph (h) below plus the cost of the package provided for in paragraph (i) below.

(h)

ALL ISLANDS EXCEPT HAWAII

Grade of green	Maximum prices effective Aug. 1, 1943	Maximum prices effective Jan. 1, 1944	Maximum prices effective April 1, 1944
No. 1 extra prime, Extra prime, Peaberry	*Per lb.* $0.249	*Per lb.* $0.267	*Per lb.* $0.28
Prime	.24	.254	.265
No. 3X	.225	.234	.241
No. 3	.21	.216	.22

HAWAII

No. 1 extra prime, Extra prime, Peaberry	$0.241	$0.258	$0.272
Prime	.232	.246	.257
No. 3X	.217	.227	.233
No. 3	.202	.209	.212

(i) To the maximum prices established in paragraph (h) above may be added the actual cost of the containers including the corrugated shipping cartons used for shipment to other Islands.

(j) *Formulas.* The maximum prices of packaged Kona coffees are based upon the cost of the green coffees. If the formula of any roaster contains two or more grades selling at two or more different prices, the maximum price for that brand shall be the weighted average price of the maximum prices of the various grades contained in the roaster's formula. For example, if a particular brand of packaged coffee roasted on Oahu has a formula of 80% Prime and 20% No. 3, the maximum price would be:

.80 × $0.24 = $0.1920
.20 × 0.21 = 0.042

Maximum wholesale price before addition of package cost = $0.234

(1) Maximum prices as computed above may be reduced to the nearest lower tenth of a cent if the fraction is less than 5/100ths of a cent and may be increased to the nearest higher tenth of a cent if the fraction is 5/100ths of a cent or more.

This amendment shall become effective as of August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13901; Filed, August 25, 1943; 2:52 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 460]

WESTERN TIMBER

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1426.251 *Maximum prices for western timber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 460 (Western Timber) which is annexed hereto and made a part hereof is hereby issued.

AUTHORITY: § 1426.251 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MPR 426—WESTERN TIMBER

CONTENTS

Sec.
1. Sales of Western timber at higher than maximum prices prohibited.
2. What products are covered.
3. What transactions are covered.
4. What persons are covered.
5. Maximum prices for publicly-owned western timber.
6. Maximum prices for privately-owned western timber.
7. Maximum prices for privately-owned western timber where section 6 cannot be applied.
8. Separate computation of non-timber values where land is sold with timber.
9. Records and reports.
10. Petitions for amendment.
11. Enforcement.

*Copies may be obtained from the Office of Price Administration.

SECTION 1. *Sales of western timber at higher than maximum prices prohibited*—(a) *General.* On and after August 31, 1943, no person shall sell, buy, or reappraise (or agree or attempt to sell or buy) western timber at higher than the maximum prices established in this regulation. Written firm contracts made before August 31, 1943 may be completed at the contract price (but where the contracts are reappraised or renegotiated, all the provisions of this regulation shall apply to the reappraisal or renegotiation).

SEC. 2. *What products are covered.* This regulation covers, under the name "Western timber", all timber (whether green or dead, standing or down, of all species, classes and sizes, where the timber has not been severed from the stump), west of the 100th meridian of longitude.

SEC. 3. *What transactions are covered.* (a) This regulation covers all sales of western timber if the primary purpose of the purchase is the acquisition of timber for commercial conversion into timber products. If the value of the timber constitutes 60 percent or more of the total consideration, it shall be conclusively presumed that the primary purpose of the purchase was the acquisition of timber for commercial conversion.

(b) This regulation does not cover transactions involving a timber value less than $1,000.

(c) This regulation does not cover or affect transactions where the purchaser does not have the right to cut any timber for a period of 10 years or more from the date of the contract.

SEC. 4. *What persons are covered.* Any person who makes the kind of sale or purchase covered by this regulation is subject to it. The term "person" includes: an individual, corporation, partnership, association, or any other organized group of persons, or their legal successors, or representatives; the United States, any State or any government, or any of its political subdivisions; or any agency of the foregoing.

SEC. 5. *Maximum prices for publicly-owned western timber.* The maximum prices for publicly-owned timber shall be the total of the appraised valuation for each species (or species price group) offered for sale, plus the additions set forth below. "Appraised value" for the purpose of this regulation shall be based on the appraisal principles used by the public agency during 1941. Where those principles are based on a percentage of outturn of logs, lumber, or primary forest products, the established ceiling price on the product to which it is related shall be used as the basis for the appraisal.

Where appraised value per 1000' log scale is:	*Addition per 1000' log scale*
$1.50 and under	$0.40
$1.51 to $2.00	.50
$2.01 to $3.00	.70
$3.01 to $4.00	.90
$4.01 to $5.00	1.05
$5.01 to $7.50	1.35
$7.51 to $10.00	1.60
$10.00 and over	1.85

SEC. 6. *Maximum prices for privately-owned western timber.* The maximum price for privately-owned western timber is the appraisal value on the nearest comparable tract of publicly-owned timber, sold since September 1, 1942 plus the additions given in the table in the preceding section. The tract will be considered comparable if it is in the same competitive region, and in any case not more than 500 miles away, and if it is comparable in species, composition, accessibility, density, and grade content.

In choosing the publicly-owned tract to be used for comparison, the basic rule is to take the nearest tract, geographically, that meets the general tests of similarity given above.

If the terms of sale or financial arrangements are different from those in the public sale selected for comparison, an appropriate adjustment must be made in the maximum price to reflect the value of the difference in financial terms and basis of measurement.

SEC. 7. *Maximum prices for privately-owned western timber where section 6 cannot be applied.* When the maximum price for privately-owned western timber cannot be determined under section 6 above, such as sales on percentages of sales of logs, profit sharing, or other arrangements which do not fix the price of the stumpage in specific dollars-and-cents per 1,000 ft., log scale, or when special conditions warrant a different ceiling than that resulting from operation of section 6, the buyer and seller should join in a request by letter to the Lumber Branch, Office of Price Administration, Washington, D. C., for an authorized price. The letter should contain a full description of all of the timber to be sold, including the cruise or estimated amount of timber of each species, the quality of each species and the proposed sales price for each species or group of species. The buyer must furnish evidence that the proposed price will not require an individual adjustment of the ceilings to which he is subject on logs, lumber, primary forest products or other timber products. If special conditions are the basis for the application, they should be fully described. The Office of Price Administration, by letter or telegram, will either authorize a price or arrangement, or give instructions on how to figure the maximum price. If within 60 days of the receipt of such application the Office of Price Administration has not authorized a price or provided a formula or requested additional information on which such price may be computed, the price or arrangement requested in the application shall be considered approved.

SEC. 8. *Separate computation of non-timber values where land is sold with timber.* If timber is sold together with land, any non-timber rights or interests forming part of the consideration may be separately evaluated. The non-timber rights or interests are not subject to this regulation.

SEC. 9. *Records and reports.* In all transactions involving more than $1,000 worth of western timber, both seller and purchaser must keep a record of the transaction for two years.

In both public sales and private sales the buyer must file a report for each purchase with the Lumber Branch, Office of Price Administration, Washington, D. C.

The records and reports must include the following:

(1) The state and county in which the timber is located and a legal description of the location;

(2) The sales or contract price, and where the selling price differs from the appraised price, also the appraised price for each species, or for each group of species if several having the same price are combined in a price group in the transaction;

(3) A statement of the estimated or actual total volume of timber sold, to be shown by species to the extent that species are separated in the estimate, or in actual log scale if available.

(4) In sales of privately-owned timber the records of buyer and seller and the reports of the buyer shall identify the tract of publicly-owned timber which was used as the basis for calculating maximum prices and shall give the appraisal value of the publicly-owned tract.

(5) In transactions involving both publicly-owned and privately-owned timber, the records and reports should indicate to what extent, if any, values other than timber values constituted a part of the consideration involved, together with data in support of these separate values.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration.

SEC. 11. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall become effective August 31, 1943.

Issued this 25th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13903; Filed, August 25, 1943; 2:53 p. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445,[2] Amdt. 1]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 445 is amended in the following respects:

1. Section 1.2 (b) is amended by changing the date "August 13, 1943" specified therein to "August 29, 1943."

2. Section 5.4 (b) (1) is amended to read as follows:

(1) *For sales to retailers.* A wholesaler's initial maximum price per case to retailers shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier, multiplied by the percentage mark-up for the item being priced as follows:

(i) 1.15 for distilled spirits other than cordials, liqueurs and specialties.

(ii) 1.25 for wine, wine based cordials and other rectified wines.

(iii) 1.20 for cordials, liqueurs and specialties to which (ii) does not apply; *Provided*, That any Regional Office of the Office of Price Administration may, by order, adjust downward the percentage mark-up so established for sales of one or more of such classes of commodities in any state within its jurisdiction, if it appears that such percentage mark-up will permit wholesalers in such state to obtain an excessive margin. In determining whether or not margins are excessive, the appropriate office shall consider margins prevailing in the particular state for wholesalers during March 1942 and the amounts of the costs to which they were applied. A percentage mark-up provided by any such order of a Regional Office shall have the same force and effect as if expressly provided herein for the particular sales to which it is applicable.

3. Section 5.5 (b) (1) is amended to read as follows:

(1) *For sales to consumers.* A retailer's initial maximum price per case to consumers shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier, multiplied by the percentage mark-up for the item being priced as follows:

(i) 1.333 for distilled spirits other than cordials, liqueurs and specialties.

(ii) 1.50 for wines, wine based cordials and other rectified wines.

(iii) 1.45 for cordials, liqueurs and specialties to which (ii) does not apply; *Provided*, That any Regional Office of the Office of Price Administration may by order adjust downward the percentage mark-up so established for sales of one or more of such classes of commodities in any state within its jurisdiction, if it appears that such percentage mark-up will permit retailers in such state to obtain an excessive margin. In determining whether or not margins are excessive the appropriate office shall consider margins prevailing in the particular state for retailers during March 1942 and the

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

[2] 8 F.R. 11161.

amounts of the costs to which they were applied. A percentage mark-up provided by any such order of a Regional Office shall have the same force and effect as if expressly provided herein for the particular sales to which it is applicable.

4. Section 5.10 is amended by changing the date "August 31, 1943" specified therein to "August 30, 1943".

5. Section 7.12 (a) (14) is added to read as follows:

(14) "Wine based cordials and other rectified wines" means those commodities made wholly from wine with added aromatics or other flavoring materials.

This amendment shall become effective August 25, 1943.

(56 Stat. 23, 765; Pub. Law. 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13915; Filed, August 25, 1943; 3:52 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[Service Order 149]

REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of August, A. D. 1943.

It appearing, that the supply of ice for icing perishables in both the States of Colorado and Utah is extremely short and such shortage is affecting both the intrastate and interstate movement of such traffic in refrigerator cars; in the opinion of the Commission an emergency exists requiring immediate action: *It is ordered*, That:

§ 95.318 *Reicing potatoes in Colorado or Utah prohibited.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall reice, or allow or permit to be reiced at any point or points in the States of Colorado or Utah a refrigerator car or cars loaded with potatoes.

(b) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(c) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10–(17))

It is further ordered, That this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-13897; Filed, August 25, 1943; 2:42 p. m.]

[Service Order 104, Amdt. 2]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of August, A. D. 1943.

At the request of the Office of Defense Transportation and upon further consideration of Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270) April 19, 1943, and it appearing that the empty movement of refrigerator cars to certain western states diminishes the use of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment:

It is ordered, That Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270) April 19, 1943, be, and it is hereby, further amended by substituting the following paragraphs (a) (1) and (a) (2) in lieu of paragraphs (a) and (d) of § 95.304, *Substitution of refrigerator cars:*

(a) (1) Except as provided in paragraph (a) (2) of this section any common carrier by railroad subject to the Interstate Commerce Act transporting (i) westbound transcontinental shipments, in carloads, destined to points in the States of California, Idaho, Arizona, Nevada, or Utah, or (ii) westbound shipments, in carloads, originating at points in the State of Utah and destined to points in the States of California or Nevada, shall when freight to be transported and facilities are suitable for loading in refrigerator cars, and when refrigerator cars are reasonably available, furnish and transport not more than three (3) refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(2) On shipments on which the carload minimum varies with the size of the car

(i) Two (2) refrigerator cars shall be furnished in lieu of one (1) box car ordered of a length 40'7" or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars shall be furnished in lieu of one (1) box car ordered of a length of over 40'7" but not over 50'7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

And by adding the following paragraph (g) to § 95.304, *Substitution of refrigerator cars:*

(g) *Appointment of agent.* R. B. Hoffman, Chicago, Illinois, is hereby appointed the agent of the Interstate Commerce Commission, subject to the direction of the Director of the Bureau of Service, and authorized to suspend the operation of this order with respect to any particular class of refrigerator cars of either private or railroad ownership. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., September 1, 1943; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-13942; Filed, August 26, 1943; 11:27 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 4]

PART 503—ADMINISTRATION

DELEGATIONS OF AUTHORITY TO DIVISION OF MOTOR TRANSPORT FOR REQUISITIONING AND DISPOSAL OF USED TRUCKS

Pursuant to the Act of October 16, 1941, as amended, Executive Order 8942, as amended, Executive Order 9294, and the Regulations under Requisitioning Acts issued by the Chairman of the War Production Board, *It is hereby ordered*, That:

§ 503.95 *Regional managers and district managers, Division of Motor Transport; authority to requisition and dispose of used trucks.* Each regional manager within his region, and each district manager within his district, Division of Motor Transport, Office of Defense Transportation, is authorized and directed to requisition and dispose of used commercial motor vehicles in accordance with the Act of October 16, 1941, as amended, Executive Order 8942,

as amended, Executive Order 9294, and the regulations under Requisitioning Acts issued by the War Production Board, to the extent and in the manner authorized by instructions and directions issued from time to time by the Director of the Office of Defense Transportation, and to do any or all things reasonably necessary or proper for the effective performance of the functions herein delegated. Each Regional Manager, or person designated by him, for the purpose of requiring and compelling a disclosure of information under Section 4 of the Act of October 16, 1941, as amended, may administer oaths and affirmations, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any documentary or physical evidence which may be relevant to the inquiry. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director, Division of Motor Transport, Office of Defense Transportation.

(55 Stat. 742, 50 U.S. Code 721; E.O. 8942, 6 F.R. 5909; E.O. 9294, 8 F.R. 221; Regulations under Requisitioning Acts, as amended, 7 F.R. 5746, 8 F.R. 8994)

This administrative order shall become effective on August 26, 1943.

Issued at Washington, D. C., this 26th day of August 1943.

JOSEPH B. EASTMAN,
Director of the Office of Defense Transportation.

[F. R. Doc. 43-13948; Filed, August 26, 1943; 11:45 a. m.]

Notices

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Amendment of Vesting Order 1457]

REAL AND PERSONAL PROPERTY OF ELSIE RINGS

Re: Real property, fire insurance policies and bank accounts owned by Elsie Rings.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation;

1. Finding that Elsie Rings is a resident of Germany, whose last known address is Matzkirch uber Ratibor, Germany, and is a national of a designated enemy country (Germany);

2. Finding that said Elsie Rings is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. Real property known as 3762 Olinville Avenue, situated in the County of Bronx, City and State of New York, particularly described in Exhibit "A" attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits, or for other payments arising from the ownership of such property,

b. All right, title and interest of Elsie Rings in, to and under fire insurance policies numbered 409884, 409876 and 409894, issued by the Boston Insurance Company of Boston, Massachusetts, through Hugo Wabst, underwriting agent, 115 East Lincoln Avenue, Mount Vernon, New York, insuring the premises at 3762 Olinville Avenue, Bronx, New York, referred to in subparagraph 3-a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Elsie Rings in and to any and all obligations contingent or otherwise and whether or not matured owing to her by the Bank for Savings, 1201 Third Avenue, New York, New York; the Central Savings Bank, 73rd Street and Broadway, New York, New York; and the Manhattan Savings Bank, 154 East 86th Street, New York, New York, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly:

(i) Savings Account No. B-7184 in the Bank for Savings, 1201 Third Avenue, New York, New York,

(ii) Savings Account No. 82788 in the Central Savings Bank, 73rd Street and Broadway, New York, New York, and

(iii) Savings Account No. 607854 in the Manhattan Savings Bank, 154 East 86th street, New York, New York.

all of which accounts are due and owing to, and held for and in the name of Elsie Rings.

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Bronx, in the County of Bronx, City and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of 2nd Avenue as laid down on a certain map entitled "Map of Olinville" which avenue is also known as Pleasant and Olinville Avenues at a point distant 600 feet north from the intersection of the easterly side of said Second Avenue with the northerly side of 2nd Street on said map, also known as 216th Street; running thence easterly at right angles with the easterly side of said 2nd Avenue 99.85 feet to the division line between Lots 66 and 109 on said map of Olinville, thence northerly along said division line 75 feet, thence westerly parallel with 2nd Street 99.85 feet to the easterly side of 2nd Avenue on said map; thence southerly along said easterly side of said 2nd Avenue 75 feet to the point or place of beginning. Save and except therefrom that part of the said premises which the City of New York has taken for the opening and widening of said Second or (Pleasant Avenue) Avenue.

[F. R. Doc. 43-13924; Filed, August 26, 1943; 10:57 a. m.]

[Amendment of Vesting Order 1185]

REAL PROPERTY OF ANGELO RICCUITI

Re: Certain real property in Waller County, Texas, owned by Angelo Riccuiti.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Angelo Riccuiti, whose last known address is S. Eufemia a Maiella, Pescara, Italy, is a resident of Italy, and is a national of a designated enemy country (Italy);

2. Finding that said Angelo Riccuiti is the owner of the real property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

Real property situated in Waller County, Texas, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on August 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that tract or parcel of land situated in Waller County, Texas in the J. E. Groce survey, more particularly described as follows:

Being lot or block no. 68 containing 52.13 acres of land as shown by map of record in Waller County, Texas, deed records in Vol. 37 page 640 to which map reference is here made for a more full and particular description of said land. Grantor to pay taxes for year 1912. A strip of land fifteen — wide along the north boundary line of the above described tract of land is expressly retained for road purposes, together with all and singular the rights, members, hereditaments and appurtenances to the same belonging or in anywise incident or appertaining.

[F. R. Doc. 43–13923; Filed, August 26, 1943; 10:57 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 25, 1943.

Order Number and Name

MPR 244, order 34, Enot Foundry Co.
MPR 280, order 2, Tupman Thurlow Co., Inc.
MPR 327, order 12, The Thomas Alabama Kaolin Co.
Supp. order 9, order 11, G. S. Stewart Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–13932; Filed, August 26, 1943; 11:02 a. m.]

Regional, State and District Office Orders.

[Region I Order G–1 Under SR 14, Amdt. 3]

FIREWOOD IN NEW HAMPSHIRE

Amendment No. 3 to order No. G–1 under Supplementary Regulation 14 to the General Maximum Price Regulation (New Hampshire); (formerly New Hampshire State Office Price Order No. 1). Firewood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That section E (8) and section E (12) be amended, that paragraph (3) be added to section Fa, and that section G, Appendix A, be amended, to read as set forth below:

E. * * *

(8) "Wood waste" means edgings, bobbin wood, clippings, and any other wooden material except sawdust, shavings, "bag wood" and slabwood produced in the course of milling or manufacturing wood.

(12) "Edgings" means the round-edge parts of boards removed in the process of sawing round-edge boards into square-edge boards. "Bundled edgings" means edgings that are tied with rope, twine, wire or other similar fastening into bundles of a convenient size for handling. "Bag wood" means edgings cut into lengths of not more than 8 inches each and sold for ultimate use as kindling wood.

Fa * * *

(3) Amendment No. 3 shall become effective July 26, 1943, at 12:01 a. m.

G. *Appendix A: Maximum prices for firewood.* The maximum prices for firewood sold or delivered in the State of New Hampshire shall be as follows: *Provided*, That, for the sale of fitted wood, the seller may add at the rate of one dollar per cord or at the rate of 60 cents per load to the prices established below for wood delivered: *And further provided*, That the maximum price for a three-quarters, or 60 cubic feet, load shall be three-quarters of the maximum price for the full load of 80 cubic feet.

The classifications of firewood listed herein in Appendix A may be mixed but the maximum price of the mixture shall be the same as the maximum price of the lowest classification therein.

APPENDIX A—TABLE 1—MAXIMUM PRICES FOR FIREWOOD IN MANCHESTER AND NASHUA, NEW HAMPSHIRE

	In the woods, per cord	At roadside, per cord	At mill, per cord	At retail yard and f. o. b. car, per cord	Delivered at buyers' premises, grounds only							
					Per cord	½ cord	⅓ cord	¼ cord	Load, 80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft.	$8	$10	.....	$12	$14	$7	.....	$3.75	.....	.....	.....	[3] $0.25
Hardwood cordwood—12", 16", 24"	.....	12	.....	16	18	9	$6.25	5.00	[1] $9.50	[1] $5.25	[1] $3.00	[3] [4] .25
Softwood cordwood—4 ft.	4	6	.....	7	8	4	.....	2.50	.....	.....	.....	.....
Softwood cordwood—12", 16", 24"	.....	8	.....	9	10	5	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[3] .20
Hardwood slabwood—4 ft.	.....	.....	$6.00	8	10	5	.....	3.00	.....	.....	.....	.....
Hardwood slabwood—12", 16", 24"	.....	.....	.....	10	12	6	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[3] .25
Softwood slabwood—4 ft.	.....	.....	2.00	4	6	3	.....	2.00	.....	.....	.....	.....
Softwood slabwood—12", 16", 24"	.....	.....	.....	.....	8	4	.....	2.50	[1] 4.50	[1] 2.50	[1] 1.50	[3] .20
Hardwood waste	.....	.....	[5] .00	.....	.....	.....	.....	.....	6.50	3.50	2.00	[3] .25
Softwood waste	.....	.....	[4] 1.00	.....	.....	.....	.....	.....	4.00	2.25	1.25	[3] .20
Softwood blocks	.....	.....	[2] 2.00	.....	.....	.....	.....	.....	4.50	2.50	1.50	[3] .20
Bundled edgings	.....	.....	2.50	.....	4	.....	.....	.....	.....	.....	.....	.....
Bagwood ($4 per cord f. o. b. car or truck)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less.
[4] Prices per load.

APPENDIX A—TABLE 1-a—MAXIMUM PRICES FOR FIREWOOD IN PORTSMOUTH, NEW HAMPSHIRE

	In the woods, per cord	At roadside, per cord	At mill, per cord	At retail yard and f. o. b. car, per cord	Delivered at buyers' premises, grounds only							
					Per cord	½ cord	⅓ cord	¼ cord	Load, 80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft.	$8	$10	.....	$14.00	$16.00	$8	.....	$4.25	.....	.....	.....	.....
Hardwood cordwood—12", 16", 24"	.....	12	.....	16.00	18.00	9	$6.25	5.00	[1] $9.50	[1] $5.25	[1] $3.00	[3] [4] $0.25
Softwood cordwood—4 ft.	4	6	.....	7.00	8.00	4	.....	2.50	.....	.....	.....	.....
Softwood cordwood—12", 16", 24"	.....	8	.....	9.00	10.00	5	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[3] .20
Hardwood slabwood—4 ft.	.....	.....	$6.00	8.00	10.00	5	.....	3.00	.....	.....	.....	.....
Hardwood slabwood—12", 16", 24"	.....	.....	.....	10.00	12.00	6	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[3] .25
Softwood slabwood—4 ft.	.....	.....	2.00	4.00	6.00	3	.....	2.00	.....	.....	.....	.....
Softwood slabwood—12", 16", 24"	.....	.....	.....	.....	8.00	4	.....	2.50	[1] 4.50	[1] 2.50	[1] 1.50	[3] .20
Hardwood waste	.....	.....	[5] .00	.....	.....	.....	.....	.....	6.50	3.50	2.00	[3] .25
Softwood waste	.....	.....	[4] 1.00	.....	.....	.....	.....	.....	4.00	2.25	1.25	[3] .20
Softwood blocks	.....	.....	[2] 2.00	.....	.....	.....	.....	.....	4.50	2.50	1.50	[3] .20
Bundled edgings	.....	.....	2.50	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bagwood ($4 per cord f. o. b. car or truck)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less.
[4] Prices per load.

APPENDIX A—TABLE 1-b—MAXIMUM PRICES FOR FIREWOOD IN BERLIN AND GORHAM, NEW HAMPSHIRE

	In the woods, per cord	At roadside, per cord	At mill, per cord	At retail yard and f. o. b. car, per cord	Delivered at buyers' premises, grounds only							
					Per cord	½ cord	⅓ cord	¼ cord	Load, 80 cu. ft	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft.	$8.00	$10.00	.....	$14.50	$16.50	$8.25	.....	$4.25	.....	.....	.....	.....
Hardwood cordwood—12", 16", 24"	.....	12.00	.....	16.50	18.50	9.25	$6.25	5.00	[1] $9.50	[1] $5.25	[1] $3.00	[3] [4] $0.25
Softwood cordwood—4 ft.	4.00	6.00	.....	7.00	8.00	4.00	.....	2.50	.....	.....	.....	.....
Softwood—cordwood 12", 16", 24"	.....	8.00	.....	9.00	10.00	5.00	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[3] .20
Hardwood slabwood—4 ft.	.....	.....	$6.00	8.00	10.00	5.00	.....	3.00	.....	.....	.....	.....
Hardwood slabwood—12", 16", 24"	.....	.....	.....	10.00	12.00	6.00	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[3] .25
Softwood slabwood—4 ft.	.....	.....	2.00	4.00	6.00	3.00	.....	2.00	.....	.....	.....	.....
Softwood slabwood—12", 16", 24"	.....	.....	.....	.....	8.00	4.00	.....	2.50	[1] 4.50	[1] 2.50	[1] 1.50	[3] .20
Hardwood waste	.....	.....	[5] .00	.....	.....	.....	.....	.....	6.50	3.50	2.00	[3] .25
Softwood waste	.....	.....	[4] 1.00	.....	.....	.....	.....	.....	4.00	2.25	1.25	[3] .20
Softwood blocks	.....	.....	[2] 2.00	.....	.....	.....	.....	.....	4.50	2.50	1.50	[3] .20
Bundled edgings	.....	.....	2.50	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bagwood ($4 per cord f. o. b. car or truck)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less.
[4] Prices per load.

APPENDIX A—TABLE 2—MAXIMUM PRICES FOR FIREWOOD FOR ALL OTHER NEW HAMPSHIRE COMMUNITIES NOT LISTED IN TABLES 1, 1-a, AND 1-b OF APPENDIX A

	In the woods pr. cd.	At roadside pr. cd.	At mill pr. cd.	At retail yard and f. o. b. car per cd.	Delivered at buyers' premises, grounds only							
					Per cd.	½ cd.	⅓ cd.	¼ cd.	Load 80 cu. ft.	½ load	¼ load	Bushel basket
Hardwood cordwood—4 ft.	$8.00	$10.00	.....	$12.00	$14.00	$7.00	.....	$3.75	.....	.....	.....	.....
Hardwood cordwood 12", 16", 24"	.....	12.00	.....	14.00	16.00	8.00	$5.50	4.50	$8.50	[1] $4.75	[1] $2.50	[2] [3] $0.25
Softwood cordwood—4 ft.	4.00	6.00	.....	7.00	8.00	4.00	.....	2.50	.....	.....	.....	.....
Softwood cordwood 12", 16", 24"	.....	8.00	.....	9.00	10.00	5.00	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[2] .20
Hardwood slabwood—4 ft.	.....	.....	$6.00	8.00	10.00	5.00	.....	3.00	.....	.....	.....	.....
Hardwood slabwood 12", 16", 24"	.....	.....	.....	10.00	12.00	6.00	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[2] .25
Softwood slabwood—4 ft.	.....	.....	2.00	4.00	6.00	3.00	.....	2.00	.....	.....	.....	.....
Softwood slabwood 12", 16", 24"	.....	.....	.....	.....	8.00	4.00	.....	2.50	[1] 4.50	[1] 2.50	[1] 1.50	[2] .20
Hardwood waste	.....	.....	[4] .00	.....	.....	.....	.....	.....	6.50	3.50	2.00	[2] .25
Softwood waste	.....	.....	[3] 1.00	.....	.....	.....	.....	.....	4.00	2.25	1.25	[2] .20
Softwood blocks	.....	.....	[1] 2.00	.....	.....	.....	.....	.....	4.50	2.50	1.50	[2] .20
Bundled edgings	.....	.....	2.50	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bagwood ($4 pr. cd., f. o. b., car or truck)	.....	.....	.....	.....	4.00	.....	.....	.....	.....	.....	.....	.....

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12-inch wood or less.
[4] Prices per load.

Issued this 23d day of July, 1943.

EDGAR J. DRISCOLL,
Acting Regional Administrator.

[F. R. Doc. 43–13906; Filed, August 25, 1943; 2:47 p. m.]

[Region III Order G–4 Under MPR 165]

POWER LAUNDRIES IN CHARLESTON, W. VA.

Order No. G–4 under Maximum Price Regulation No. 165, as amended—Services. Adjustment of prices for power laundries located within the corporate limits of Charleston, West Virginia.

Under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.–114 (d) of Maximum Price Regulation No. 165, as amended, and notwithstanding the provisions of § 1499.102 of Maximum Price Regulation No. 165, as amended, *It is hereby ordered:*

(a) *Applicability.* The provisions of this order shall apply only to the power laundries, including their branches and agencies, located within the corporate limits of the City of Charleston, West Virginia.

(b) *Maximum prices.* The maximum prices which may be charged by any power laundry located within the corporate limits of the City of Charleston, West Virginia, shall be as follows:

Maximum prices for family laundry services

(1) *Bundle services.*

	Maximum prices
Damp or wet wash, in which all laundry is washed and returned damp.	20 lbs. for 90¢, plus 4¢ for each additional pound. Minimum charge 90¢. If requested, shirts finished for an additional 12¢ each.
Thrifty or economy, in which all flat work, not including handkerchiefs, is washed and returned finished, ready for use. Other articles are washed and returned damp.	20 lbs. for $1.50, plus 7¢ for each additional pound. Minimum charge $1.50. If requested, shirts finished for an additional 11¢ each.
Rough or fluff dry, in which flat work, not including handkerchiefs, is washed and returned finished, ready for use. Other articles are washed and returned dry.	15 lbs. for $1.45, plus 9¢ for each additional pound. Minimum charge $1.45. If requested, shirts finished for an additional 10¢ each.
Family finish, in which all articles are washed and returned finished, ready for use.	Flat work 8¢ per pound. Wearing apparel 30¢ per pound. Minimum charge $2.00 before cash and carry discount. No extra charge for finishing shirts. Handkerchiefs to be priced as wearing apparel.

(2) *List price, in which all articles are washed and returned finished, ready for use.*

Shirts—work	.15
Shirts—regular	.18
Undershirts	.10
Union Suits	.20
Shorts	.10
Drawers	.10
Pajamas	.25
Men's sox	.06
Handkerchiefs	.03
Pants—slacks	.25
Pants—work	.25
Overall jackets	.20
Overall pants	.20
Bed spreads	.15
Napkins	.02
Towels—bath and roller	.04
Hose—ladies'	.06
Sweaters	.25
Coveralls	.35
Slips	.15
Aprons—house	.15
Under vests	.15
Stepins	.15
Waists—cotton	.25
Skirts	.25
Nurses' dresses (long sl.)	.35
Nurses' dresses (short sl.)	.30
Dresses—house	.35
Sheets	.08
Pillow slips	.03
Bed spreads—chenille	.50
Table cloths	.15
Towels—face and hand	.03
Ties—wash	.05

NOTE: The maximum prices for all items supplied on a list price basis but not set forth herein shall be the ceiling prices established by Maximum Price Regulation No. 165, as amended. In the list price services, a minimum charge of $1.00 for delivery customers and $.50 (before discount) for cash and carry customers may be imposed, unless picked up with a pound service bundle. For all family laundry service the cash and carry discount shall be no less than 15%.

(c) *Maximum prices for enlisted family laundry services.* The maximum price for any family laundry service which is not listed in paragraph (b) of this order but which provides more laundry service than the next lower price-listed service and offers less laundry service than the next higher price-listed service shall be the maximum price of the next lower price-listed service.

(d) *Articles customarily included or not included in particular service; supplying starch.* Every laundry to which this order pertains shall continue to accept in the bundle services listed in paragraph (b) (1) of this order all articles they have customarily accepted in such services, but may charge for all other articles at list price. Each such laundry shall, within thirty days from the effective date of this order, file with the Charleston District Office of the Office of Price Administration, Charleston, West Virginia, a list of all articles which such laundry has customarily refused to accept in its bundle services. In the finished services and the list service, starch must be supplied where it is necessary to the proper finishing of the article, unless the customer requests that no starch be added.

(e) *Definition.* "Family laundry services" means all laundry services except commercial or institutional services.

(f) *Posting requirements.* Each power laundry located in the City of Charleston, West Virginia, shall, within 30 days from the effective date of this order, post in its own establishment, in a place and manner clearly visible and readable by its customers, maximum prices for all laundry services offered, and shall distribute to all customers a list setting forth these maximum prices, together with all discounts offered on family laundry services.

(g) *Other services.* Maximum prices for all services, other than those listed in Paragraph (b) of this order shall be governed by Maximum Price Regulation No. 165, as amended, or other applicable regulation, and shall in no way be affected by this order: *Provided, however,* That a cash and carry discount of no less than 15% must be granted on all family laundry services.

(h) *Bundle service.* No laundry may discontinue any bundle service provided for herein which that laundry provided in March 1942 if a higher cost bundle service is to be retained.

(i) *Additional charges.* No additional charges of any kind, direct or indirect, may be added to the maximum prices set forth in this order. Notwithstanding the provisions of this paragraph (i), a separate charge may be made for insurance, to the extent such charge was made, and not in excess of the amount charged, during the six-month period immediately preceding the effective date of this order.

(j) *Less than maximum prices.* Lower prices than the maximum prices established by this order may be charged, offered, demanded, or paid.

(k) The following sections of Maximum Price Regulation No. 165, as amended, are incorporated in and made a part of this order:

§ 1499.104 *Transfers of business or stock in trade.*
§ 1499.105 *Federal and State taxes.*
§ 1499.108 *Base-period records and reports.*
§ 1499.109 *Non-disclosure of base-period records.*
§ 1499.110 *Sales slips and receipts.*
§ 1499.111 *Licensing.*
§ 1499.112 *Registration of licensees.*
§ 1499.113 *Enforcement.*
§ 1499.116 *Definitions and explanations.*
§ 1499.120 *Effect of other price regulations.*

(l) The applications for adjustment of prices made by certain of the laundries affected by this order, insofar as they are not granted by this order, are hereby denied.

(m) The applicants, or any of them, may, within 15 days after the date on which this order was mailed to them, file with the Regional Office, Region III of the Office of Price Administration, a request for a review of the denial of the applications for adjustment heretofore filed, insofar as such applications are denied by this order.

(n) This order may be revoked, amended or corrected at any time.

This order shall become effective May 24, 1943.

Issued this 17th day of May 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13907; Filed, August 25, 1943; 2:48 p. m.]

[Region III Order G–4 Under MPR 165, Amdt. 1]

POWER LAUNDRIES IN CHARLESTON, W. VA.

Amendment No. 1 to Order No. G–4 under Maximum Price Regulation No. 165 as amended—Services.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, *It is hereby ordered,* That Paragraph (h) be amended to read as set forth below:

(h) *Prohibition against indirect price increases.* A laundry may not refuse to supply any lower-priced laundry service which it supplied in March, 1942, if it supplies or offers to supply any higher-priced service which includes the same or substantially the same processes (with or without additional processes) as the lower-priced service.

This amendment to Order No. G–4 shall become effective June 28, 1943.

(Public Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of June 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13908; Filed, August 25, 1943; 2:48 p. m.]

[Region III Order G–29]

HAULING OF FRESH FRUITS AND VEGETABLES FOR CANNING AND PROCESSING IN INDIANA, KENTUCKY, MICHIGAN, ETC.

Order No. G–29 under §§ 1499.18 (c) and 1499.75 (a) (3) of the General Maximum Price Regulation and under § 1499.114 (d) of Maximum Price Regulation No. 165, as amended—Services. Adjustment of maximum prices for the hauling of fresh fruits and vegetables for canning and processing in Region III.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III under the provisions of §§ 1499.18 (c) and 1499.75 (a) (3) of the General Maximum Price Regulation, as amended, and under § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, *It is hereby ordered,* That:

(a) *Maximum price adjusted.* (1) Any person, other than a common carrier, hauling fresh fruits or vegetables from growing fields to receiving stations, canneries, or other processing plants, or from receiving stations to canneries or other processing plants, may increase his maximum prices, as established for the 1942 canning season, for such hauling service, by an amount not to exceed 20% of such established maximum prices.

(2) Any person, other than a common carrier, supplying transportation equipment by lease, rental, or otherwise, when such equipment is to be used for the hauling of fresh fruits or vegetables from growing fields to receiving stations, canneries, or other processing plants, or from receiving stations to canneries or other processing plants, may increase his maximum prices, as established for the 1942 canning season, for such service by an amount not to exceed 20% of such established price. The adjustment thus granted is for the use, rental or lease of the equipment only, and does not include wages paid for services performed by any person as an employee.

(b) *Limitation of grant.* Such granted increase shall be applicable only to the supply of transportation equipment for, and the service of, hauling fresh fruits and vegetables destined for ultimate commercial canning or processing.

(c) *Basis on which adjustment shall be determined.* Prices, as adjusted, shall be calculated under the same method of determining charges used during the 1942 canning season, whether the charge then made was per cwt., per ton, per basket, per hamper, per mile, per hour, or on any other basis.

(d) *Pricing for haulers who did not operate during 1942 canning season.* Any hauler, other than a common carrier, or fresh fruits or vegetables from growing fields to receiving stations, canneries, or other processing plants, or supplier of transportation equipment therefor who did not operate during the 1942 canning season and who for that reason or for any other reason, does not have established maximum prices for such service, shall take as his maximum prices the adjusted maximum prices of his most closely competitive seller of the same type of service in his vicinity.

(e) *1942 canning season.* "1942 canning season" for the purpose of this order shall be deemed to include the period from July 15, 1942 to October 15, 1942.

(f) *Geographical applicability.* This order shall apply only to the hauling services as set forth above when such services are performed within the states of Indiana (except the County of Lake), Kentucky, Michigan, Ohio, or West Virginia.

(g) *Revocability.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

(h) *Effective date.* This order shall become effective July 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued July 26, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13910; Filed, August 25, 1943; 2:47 p. m.]

[Region III Order G–30 Under 18 (c)]

WORK GLOVES IN DETROIT, MICHIGAN, AREA

Order No. G–30 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of maximum prices for manufacturers of work gloves in the Detroit, Michigan, Area. (3–18 (c)–G–30–4).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended: *It is hereby ordered:*

(a) *Adjustment of maximum prices.* All manufacturers of work gloves within the Detroit, Michigan, area are hereby granted the following maximum prices for the sale of work gloves:

Commodity	Description	Adjusted maximum price
Work gloves	8 oz.	$1.47½ per dozen.
Work gloves	10 oz.	$1.70 per dozen.
Work gloves	12 oz.	$1.90 per dozen.
Work gloves	Leather palm	$3.60 per dozen.

(b) This order shall become effective on Monday, July 26, 1943, and shall expire August 9, 1943, at 12:01 a. m., unless previously modified, amended or revoked.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued July 24, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–13912; Filed, August 25, 1943; 2:47 p. m.]

[Region VII Order G–43 Under 18 (c)]

SUGAR CANE MOLASSES IN BOULDER, COLO.

Order No. G–43 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of maximum prices for cane sugar molasses in Boulder, Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons stated in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *What this order does.* This order fixes a maximum price at which dealers in Boulder, Colorado, who receive cane sugar molasses (black strap) in carload lots may resell the same direct to livestock feeders f. o. b. the seller's place of business in Boulder, Colorado.

(b) *Specific maximum price for sales direct to feeders.* From and after the effective date of this order the maximum price that may be charged for cane sugar molasses (black strap) when sold by any dealer in Boulder, Colorado, direct to a livestock feeder shall be $38.00 per ton or $1.90 per cwt. delivered in bulk.

(c) *Applicability of other regulations.* Unless contradictory of or inconsistent with the terms and provisions of this Order No. G–43, all of the terms and provisions of the General Maximum Price Regulation shall apply to and be deemed to be a part of this order.

(d) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(e) *Effective date.* This order shall become effective as of July 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.)

Issued this 23d day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–13914; Filed, August 25, 1943; 2:49 p. m.]

[Region VIII Order G–16 Under MPR 329]

FLUID MILK IN LAKE COUNTY, CALIF.

Order No. G–16 Under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of

Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The adjusted maximum price at which any person whose place of business is located in Lake County in the State of California may purchase milk from a producer located in said county shall be as follows:

(1) For purchases of milk from producers f. o. b. the producer's dairy, the adjusted maximum price shall be $.31 per gallon.

(2) For purchases of milk delivered to the purchaser's plant, the adjusted maximum price shall be $.32 per gallon.

(b) This order may be revoked, amended, or corrected at any time.

This order shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13909; Filed, August 25, 1943; 2:49 p. m.]

[Region VIII Order G-29 Under 18 (c)]

FUEL WOOD IN SOUTHERN CALIFORNIA AREA

Order No. G-29 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjusted maximum prices for fuel wood in the Southern California area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum prices for the sale of fuel wood by the cord at wholesale and at retail delivered to the purchaser in the Southern California area shall be the prices set forth in Appendix A attached hereto.

(b) In the case of sales of fuel wood at retail delivered to the purchaser in quantities of less than one cord, the adjusted maximum prices shall be as follows:

(1) For sales of one-half cord or more, but less than one cord, the prices set forth in Appendix A, plus $.50 per one-half cord.

(2) For sales of less than one-half cord, the prices set forth in Appendix A, plus $.50 per quarter-cord.

(c) In the case of sales of fuel wood at retail where the purchaser requests the seller to stack the wood on the purchaser's premises, the seller may make an additional charge at a rate not to exceed $1.00 per cord, but the additional charge must be separately stated on any bill or invoice issued by the seller.

(d) *Definitions.* (1) "The Southern California area", as herein used, means the counties of Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, and Riverside in the State of California.

(e) This order may be revoked, amended, or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

APPENDIX A

Fuel wood lengths 24" and less	Maximum wholesale price per cord	Maximum retail price per cord
1. Oak	$22.00	$28.00
2. Juniper—Arizona	24.00	30.00
3. Juniper—Local	20.00	26.00
4. Eucalyptus	20.00	26.00
5. Orange	18.00	24.00
6. Lemon	18.00	24.00
7. Acacia	16.00	22.00
8. Walnut	16.00	22.00
9. Pine	16.00	22.00
10. Mesquite	18.00	24.00
11. Tamarack	16.00	22.00
12. Ironwood	18.00	24.00
13. Almond	16.00	22.00
14. Mill block, mill ends and scrap lumber	6.00	10.00

[F. R. Doc. 43-13911; Filed, August 25, 1943; 2:49 p. m.]

[Region VIII Order G-30 Under 18 (c)]

IMPORTED CANNED ABALONE IN CALIFORNIA, WASHINGTON, NEVADA, ETC.

Order No. G-30 under § 1499.18 (c) of the General Maximum Price Regulation, as amended. Imported canned abalone.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum price at which the Marine Products Co., of San Diego, California, may sell canned abalone, imported from Mexico, f. o. b. San Diego, California, shall be $13.75 per case of 48 12-ounce tins.

(b) The adjusted maximum price at which purchasers from Marine Products Co., other than sellers at wholesale and retail, may sell imported Mexican abalone f. o. b. their place of business, shall be $15.25 per case, plus actual freight or transportation costs from San Diego to seller's customary receiving point.

(c) The Marine Products Co., in connection with the first sale of imported canned abalone made after July 24th, 1943, shall attach to each case the following notice:

The Office of Price Administration has authorized us to inform you that if you are a wholesaler or a retailer pricing this item under Revised Maximum Price Regulations Nos. 237 or 238 you must recalculate your maximum price for this item under section 28 (c) (5) of Maximum Price Regulation 237 or section 25 (c) (5) of Maximum Price Regulation No. 238. If you are a seller other than a wholesaler or retailer under Revised Maximum Price Regulation No. 237 or Maximum Price Regulation No. 238 your maximum price shall be $15.25 per case, plus actual freight or transportation costs from San Diego to your customary receiving point. This recalculation shall apply only on your first purchase of this item after July 26th, 1943.

(d) This order will apply in the states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kottenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(e) *Definitions.* (1) "Sales at wholesale" shall mean sales to independent retail stores or to commercial, industrial, or institutional users, or sales by retailer-owned cooperative wholesalers to their retail customers.

(2) "Sale at retail" means a sale to ultimate consumer.

(f) This order may be amended or revoked at any time.

This order shall take effect upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13913; Filed, August 25, 1943; 2:48 p. m.]

[Miss. District Order G-1 Under MPR 154, Amdt. 2]

ICE IN OCEAN SPRINGS-BILOXI-GULFPORT-LONG BEACH, MISS., AREA

Amendment 2 to Order Number G-1 issued under Maximum Price Regulation 154 as Amended—Ice.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Mississippi District Office of the Office of Price Administration by § 1398.8 (e) (f) (g) of Maximum Price Regulation 154 and by Regional Delegation Order No. 4 issued by Region IV of the Office of Price Administration, dated April 15, 1943, *It is hereby ordered:*

(a) New subsection (a) (3), and (a) (4), and (a) (5) are hereby inserted in Order No. G-1, under Maximum Price Regulation 154, issued by the Mississippi District Office of the Office of Price Administration, as follows:

(3) All ice imported into the Ocean Springs - Biloxi - Gulfport - Long Beach Area from New Orleans, Louisiana, may be sold to the Armed Forces of the United States, upon compliance with certain provisions hereinafter stated, at a price determined by either of the following methods: *Provided,* That in no event shall such price exceed 37½¢ per cwt.:

(i) Actual invoice cost of ice purchased, plus actual freight and handling costs, or

(ii) Actual invoice cost of ice purchased plus 15¢ per cwt. for transportation by contract motor line carrier.

(4) Prior to making sales of imported ice to the Armed Forces of the United States under either of the pricing methods set forth in the preceding subsection (a) (3), written notice of such intention must be given to the District Price Officer, Mississippi District Office, Office of Price Administration, Tower Building, Jackson, Mississippi. Such notice shall state the following particulars:

(i) The amount of ice proposed to be imported.

(ii) The unit of the Armed Forces to which such sales are to be made.

(iii) The method of transportation of such ice to be used, and

(iv) The price at which such ice is to be sold.

(5) All persons importing ice from New Orleans, Louisiana, under the provisions of this regulation are required to submit a report to the District Price Officer, Mississippi District Office, Office of Price Administration, Tower Building, Jackson, Mississippi, on or before Saturday of each week, setting forth in detail the facts hereinafter noted. An exact carbon copy of such report shall likewise be filed with the Associate Enforcement Attorney, Gulfport Field Office, Office of Price Administration, Gulfport, Mississippi. Said report shall contain the following facts:

(i) Name and address of each person or supplier from whom ice was purchased during the preceding "week."

(ii) Total tonnage of ice purchased from each such person or supplier during the preceding "week."

(iii) Actual price per ton paid to such supplier for ice purchased during the preceding "week" with all delivery charges, loading costs, freight charges, or handling charges paid by the purchaser stated separately in exact amounts, or if transportation is by private truck or contract motor line carrier, actual price per ton paid to each supplier for ice purchased during the preceding "week" and statement of method of transportation.

(iv) Each report shall be certified to by the person selling ice imported from New Orleans under the terms of this regulation, or by a responsible agent in the following form: I hereby certify that the facts contained in this report are true and correct and the penalties for making a false representation in this report to the United States Government are known to me.

(b) Section (b) of Order No. G-1 issued under Maximum Price Regulation 154 is hereby redesignated as subsection (b) (1).

(c) A new subsection (b) (2) is hereby inserted in Order No. G-1 issued under Maximum Price Regulation 154, as follows:

(2) The term preceding "week" as used herein, shall mean the time beginning at 12:01 a. m. Wednesday and ending 12:01 a. m. the following Wednesday, the second Wednesday to be the last Wednesday prior to the Saturday on which reports are required.

(d) This amendment may be revoked, amended, or corrected at any time.

(e) This amendment shall become effective July 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this the 24th day of July 1943.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 43-13905; Filed, August 25, 1943; 2:50 p. m.]

[Region I Order G-21 Under 18 (c) of GMPR, MPR 280 and MPR 329, Amdt. 4]

FLUID MILK IN MAINE

Amendment No. 4 to Order Number G-21 under § 1499.18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the State of Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329, *It is hereby ordered,* That section (b) (4) be amended, that subsection (11) of section (b) be added, and that section (h) be amended, to read as set forth below:

(b) * * *

(4) The above "Price to producers" fixed for each zone shall be applicable to fluid milk of a butterfat content of 3.7% by weight bought or received from producers in Region I for ultimate resale for human consumption as fluid milk in any locality in such Zone. For each 1/10 of 1% by weight by which the butterfat content of such fluid milk exceeds or is less than 3.7% by weight, the appropriate "Price to producers" shall be increased or diminished, as the case may be, by 6 cents.

* * * * * *

(11) The maximum prices for buttermilk sold or delivered in any locality in each Zone shall be 1 cent per quart less than the maximum prices fixed in this order for standard milk sold or delivered in any locality in such Zone.

* * * * * *

(h) Amendments to Region I Order Number G-21 shall become effective as follows:

(1) Amendment No. 1 shall become effective June 1, 1943, at 12:01 a. m.

(2) Amendment No. 2 shall become effective June 3, 1943, at 12:01 a. m.

(3) Amendment No. 3 shall become effective June 15, 1943, at 12:01 a. m.

(4) Amendment No. 4 shall become effective July 29, 1943, at 12:01 a. m.

Issued this 28th day of July 1943.

FRANK O'NEIL,
Acting Regional Administrator.

[F. R. Doc. 43-13934; Filed, August 26, 1943; 11:02 a. m.]

[Region VI Order G-11 Under MPR 329]

FLUID MILK IN LAKE COUNTY, INDIANA

Order No. G-11 under Maximum Price Regulation No. 329—Purchase of Milk from Producers for Resale as Fluid Milk. Producers' milk prices in Lake County, Indiana.

For reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be the maximum price as determined under Maximum Price Regulation No. 329 plus 5½¢ for each 1/10 of a pound of butterfat in excess of 4% and less 4¢ for each 1/10 of a pound of butterfat below 4%.

(b) This order shall apply to all purchases of milk by distributors selling 50% or more of their total volume of milk within Lake County, Indiana.

(c) Unless the context otherwise required, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 29, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13933; Filed, August 26, 1943; 11:05 a. m.]

[Region VI Order G-87 Under 18 (c) of GMPR, 807 (a) of MPR 280, and MPR 329]

FLUID MILK IN GALESBURG, ILLINOIS

Order No. G-87 Under § 1499.18 (c) of the General Maximum Price Regulation, section 1351.807 (a) of Maximum Price Regulation No. 280, and under Maximum Price Regulation No. 329—Purchase of Milk From Producers as Fluid Milk. Adjustment of fluid milk prices in Galesburg, Illinois.

For reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, section 1351.807 (a) of Maximum Price Regulation No. 280 and by Maximum Price Regulation 329, *It is ordered:*

(a) *Maximum producer prices.* The maximum price for milk sold for human consumption in fluid form which may be paid to producers by distributors the majority of whose sales are made within the

city limits of Galesburg, Illinois, shall be $2.95 per cwt. for 4% milk, and 5¢ for each one tenth of a pound of butterfat in excess of 4%, and less 5¢ for each one tenth of a pound below 4%.

(b) *Maximum distributors' prices.* The maximum prices for the sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Galesburg, Illinois area shall be:

	Wholesale	Retail
	Cents	*Cents*
Standard and homogenized milk:		
Bulk, per gallon	34	
Gallons	41	49
Quarts	11	13
½ pints	3¼	5
Chocolate milk:		
Quarts	11	13
Pints	3¼	5
Buttermilk:		
Gallons	29	
Quarts	9	11
½ pints	3	5

(c) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Galesburg, Illinois, area shall mean:

i. All sales made within the city limits of Galesburg, Illinois, and all sales at or from an establishment located in Galesburg, Illinois.

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Galesburg, Illinois.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

4. Unless the context otherwise requires, the definitions set forth in section 1499.20 of the General Maximum Price Regulation, section 1351.816 of Maximum Price Regulation No. 280, and section 1351.404 of Maximum Price Regulation No. 329, as the case may be, and section 302 of the Emergency Price Control Act of 1942 as amended, shall be applicable to the terms used herein.

(d) This order may be revoked, amended or corrected at any time. This order shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13937; Filed, August 26, 1943; 11:05 a. m.]

[Region VII Order G-5 Under MPR 165]

LAUNDRY SERVICES IN STERLING, COLORADO

Order No. G-5 under Maximum Price Regulation No. 165, as amended—Services; Docket No. VII-165-114 (d)-42.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1499.114 (d) of Maximum Price Regulation No. 165, as Amended, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *What this order does.* This order modifies § 1499.101 (c) (36) of Maximum Price Regulation No. 165, as Amended, by establishing specific maximum prices for laundering services furnished by power laundries in Sterling, Colorado.

(b) *Specific maximum prices.* From and after the effective date of this order the maximum prices for laundering services performed by power laundries in Sterling, Colorado, shall be as follows:

Shirts, laundered and finished ready to wear, 18¢ each.

Overalls and jumpers, laundered and finished ready to wear, 25¢ each.

Coveralls, laundered and finished ready to wear, 40¢ each.

Aprons, laundered and finished ready to wear, 7¢ each.

Family finish, which means everything in the bundle, including shirts, laundered and finished ready to wear, a flat charge of $1.00 for a minimum of 12½ pounds or less, and an additional charge of 8¢ per pound for each pound in excess of said minimum of 12½ pounds.

Rough dry, meaning everything laundered and all flat work, including sheets, pillow cases and towels ironed, and aprons, housedresses and shirts starched if requested—8¢ per pound plus 1¢ for each handkerchief and each pair of shorts ironed.

(c) *Customary discounts or differentials need not be maintained.* From and after the effective date of this order it shall not be obligatory upon any power laundry in Sterling, Colorado, to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by it in the matter of supplying any kind of laundry service.

(d) *Applicability of other regulations.* Except as to the maximum prices for the services in question as modified hereby and the granting of customary allowances, discounts and differentials, all power laundries operating and selling laundering services in Sterling, Colorado, shall be and remain subject to the provisions and requirements of Maximum Price Regulation No. 165, as Amended, which are not inconsistent with or contradictory of this Order No. G-5.

(e) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(f) *Effective date.* This order shall become effective as of August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 27th day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13931; Filed, August 26, 1943; 11:03 a. m.]

[Region VII Order G-44 Under 18 (c)]

FLUID MILK IN HARNEY COUNTY, OREG.

Order No. G-44 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices at wholesale and retail in the county of Harney, State of Oregon.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *Specific maximum prices for milk at wholesale and retail.* From and after the effective date of this order the maximum prices for fluid milk sold and delivered at wholesale or retail in glass bottles or paper containers in the county of Harney in the State of Oregon, shall be as follows:

Glass bottles or paper containers	Grade	Wholesale	Retail
		Cents	*Cents*
Quarts	Approved.	11	13

(b) *Former discounts and differentials need not be maintained.* From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk at wholesale or retail in glass bottles or paper containers to maintain or continue to give any discount, quantity discount, customary allowance or differential heretofore established by him: *Provided, however,* That any such seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(c) *Notice to accompany first sale at higher price.* Any person making a first sale of milk to any consumer at a higher maximum price than that established by this order shall at the time of delivery furnish the buyer with either a printed or written slip containing the following information:

By Order No. G-44 issued by the Regional Administrator of the Office of Price Administration and effective August 2, 1943, the price of milk in Harney county in the State of Oregon has been fixed at 11¢ per quart wholesale, and 13¢ per quart retail.

(d) *Definitions.* "Milk" means cow's milk produced, processed or unprocessed and of approved grade, sold in glass bottles or paper containers for consumption in fluid form as whole milk.

(e) *Present existing higher maximum prices may be maintained.* Any seller who has established maximum prices under the General Maximum Price Regulation, or any applicable regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that are higher than the maximum prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(f) *Applicability of other regulations.* Except insofar as the same may be inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of the General Maximum Price Regulation shall remain in full force and effect and be applicable to sellers covered by this order, but all other orders and regulations, if any, are superseded by this order.

(g) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(h) *Effective date.* This order shall become effective as of August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R Doc. 43-13936; Filed, August 26, 1943; 11:03 a. m.]

[Region VIII Order G-31 Under 18 (c)]

FLUID MILK IN HEADQUARTERS, IDAHO

Order No. G-31 Under § 1499.18 (c) as amended of the General Maximum Price Regulation. Sales of fluid milk at wholesale and retail in certain localities in the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum price for sales of fluid milk at wholesale and retail in glass or paper containers other than sales to the Armed Forces and to Federal, State, County, and Municipal institutions, in the locality set forth below shall be the seller's previous maximum price as determined under section 2 of the General Maximum Price Regulation, or the applicable adjusted price specified in the schedule set forth below, whichever is higher:

THE TOWN OF HEADQUARTERS IN THE STATE OF IDAHO

	Wholesale price	Retail price
Quart container	$0.12	$0.13

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R Doc. 43-13938; Filed, August 26, 1943; 11:04 a. m.]

[Region VIII Order G-3 Under 18 (c), Amdt. 24]

FLUID MILK IN PROSSER, WASH.

Amendment No. 24 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation. (Formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended.) Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation: *It is hereby ordered,* That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by striking out the schedule of prices under the heading "City of Prosser" and substituting in place and stead thereof the following:

NOT LESS THAN 4.0 PERCENT MILK FAT

Quantity	Wholesale	Retail
Gallon container	$0.35	$0.40
Half-gallon container	.19	.23
Quart container	.11	.13

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13929; Filed, August 26, 1943; 11:04 a. m.]

[Region VIII Order G-3 Under 18 (c), Amdt. 25]

FLUID MILK IN GRANT COUNTY, WASH.

Amendment No. 25 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation. (Formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended.) Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation: *It is hereby ordered,* That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by striking out the schedule of prices under the heading "The Towns of Moses Lake, Soap Lake, and Ephrata in Grant County" and substituting in place and stead thereof the following:

NOT LESS THAN 3.6 PERCENT MILK FAT

Quantity	Wholesale price	Retail price
Quart container, glass	$0.11	$0.13
Quart container, fibre	.12	.14
Half-pint container, glass	.035	

This amendment shall become effective, upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13930; Filed, August 26, 1943; 11:04 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on August 24, 1943.

REGION II

New York Order 4, Amendment 6, Filed 11:53 a. m.
New York Order 5, Filed 4:14 p. m.

REGION III

Louisville Order 6, Filed 4:14 p. m.
Louisville Order 7, Filed 4:17 p. m.
Charleston Order 13, Amendment 1, Filed 4:12 p. m.
Charleston Order 14, Filed 4:11 p. m.
Detroit Order 5, Amendment 5, Filed 11:22 a. m.
Detroit Order 5, Amendment 6, Filed 11:22 a. m.

REGION IV

Atlanta Revised Order 3, Amendment 1, Filed 11:25 a. m.
Atlanta Revised Order 4, Filed 11:24 a. m.
Atlanta Revised Order 4, Amendment 1, Filed 4:16 p. m.
Atlanta Order 5, Amendment 1, Filed 11:25 a. m.
Atlanta Order 6, Amendment 1, Filed 11:24 a. m.
Nashville Order 4, Amendment 2, Filed 4:11 p. m.
Nashville Order 5, Amendment 1, Filed 4:11 p. m.
Richmond Order 4, Amendment 1, Filed 4:11 p. m.
Memphis Order 4, Amendment 2, Filed 11:52 a. m.
South Carolina Order 7, Filed 11:52 a. m.

REGION V

Little Rock Order 6, Filed 11:47 a. m.

REGION VI

Sioux City Order 5, Filed 4:16 p. m.
North Platte Order 6, Filed 11:17 a. m.

REGION VII

Utah Second Revised Order 1, Filed 11:37 a. m.
Utah Revised Order 2, Filed 11:37 a. m.
Utah Revised Order 3, Filed 11:47 a. m.
Utah Revised Order 4, Filed 11:38 a. m.
Utah Revised Order 5, Filed 11:38 a. m.

REGION VIII

Sacramento Order 3, Amendment 3, Filed 11:51 a. m.
Sacramento Order 4A, Filed 11:52 a. m.
Sacramento Order 5, Amendment 2, Filed 11:47 a. m.
Sacramento Order 6, Filed 11:51 a. m.
Portland Order 8, Filed 11:48 a. m.
Seattle Order 13, Filed 11:23 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head Editorial and Reference Section.

[F. R. Doc. 43-13926; Filed, August 26, 1943; 11:02 a. m.]

[Region IV Order G–1 Under MPR 329, Amdt. 2]

FLUID MILK IN NORTH CAROLINA

Amendment 2 to Order No. G–1 under § 1351.408 (a) of Maximum Price Regulation 329. Adjustment of milk prices for purchasers of milk for resale as fluid milk in North Carolina.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Atlanta Regional Office of the Office of Price Administration by § 1351.408 (d) of Maximum Price Regulation 329, *It is hereby ordered*, That paragraph (c) be amended to read as set forth below:

(a) • • •

(b) • • •

(c) "Producer" means, in addition to the definition set forth in Maximum Price Regulation 329, § 1351.404 (c), any person from whom a "purchaser" bought or received the entire production of milk during that portion of April, 1943, prior to the effective date of this order, except that a "purchaser" who did not buy or receive the entire production of a "producer" during the above mentioned portion of April, 1943, may not consider such seller a "producer" of milk in any greater proportion of total volume than the greatest proportionate volume bought or received from such seller at any time during the above mentioned portion of April, 1943.

This amendment to Order No. G–1 shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued July 24th 1943.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 43–13927; Filed, August 26, 1943; 11:06 a. m.]

[Region IV Order G–3 Under MPR 329]

FLUID MILK IN GREENVILLE AND SPARTANBURG COUNTIES, S. C.

Order No. G–3 under § 1351.408 (a) of Maximum Price Regulation 329. Adjustment of milk prices for purchase of milk for resale as fluid milk in Greenville and Spartanburg Counties, South Carolina.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Atlanta Regional Office of the Office of Price Administration by § 1351.408 (d) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) Regardless of any contract, agreement or other obligation, no purchaser in the course of trade or business shall buy or receive milk from any producer at a price higher than the maximum price permitted by this regulation. No purchaser shall agree, offer, solicit, or attempt to do any of the foregoing. Lower prices may be charged, demanded, paid or offered.

(1) The maximum price which a purchaser may pay for milk to a producer shall be the higher of the following:

(i) The maximum price established by a purchaser in payment for "milk" under the provisions of Maximum Price Regulation 329 as amended, or

(ii) The result of the following computation:

(a) $4.41 per cwt. for milk of a 4 percent butterfat content f. o. b. purchaser's plant, and

(b) For each 1/10 pound of butterfat above four pounds per cwt. the "purchaser" may add 4¢ per cwt. to the amount specified in paragraph (a) above, provided that the purchaser shall reduce the base price of $4.41 per cwt. by 4¢ for each 1/10 pound of butterfat content below four pounds per cwt.

(b) "Milk" means liquid cows' milk in a raw, unprocessed state which is purchased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(c) "Producer" means, in addition to the definition set forth in Maximum Price Regulation 329 as amended, § 1351.404 (c), such persons from whom a named purchaser bought and received the entire volume of milk production available for sale during June 1943.

(d) "Purchaser" means any person whose plant is located within Greenville or Spartanburg Counties, South Carolina, and who buys milk from a producer for resale for human consumption as fluid milk.

(e) Greenville and Spartanburg Counties, South Carolina, mean the territory included within the political boundaries of said counties.

(f) Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of Maximum Price Regulation 329, together with all amendments, supplementary regulations and orders which have been heretofore or may be hereafter issued.

(g) This order may be revoked, amended or corrected at any time.

(h) This order shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued: July 27, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43–13928; Filed, August 26, 1943; 11:06 a. m.]

[Region IV Order G–27 Under 18 (c)]

FLUID MILK IN GREENVILLE COUNTY, S. C.

General Order G–27 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of approved fluid milk prices in Greenville County, South Carolina.

The Regional Administrator of the Office of Price Administration, Region IV, has determined that a serious shortage of approved fluid milk both at wholesale and retail exists and threatens to increase in Greenville County, South Carolina. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of the war, that the existing shortage in Greenville County, South Carolina, will be minimized by adjusting the maximum price of sellers of fluid milk in Greenville County, South Carolina, to the extent permitted by this order, and that such adjustment will not create or tend to create a shortage or a need for increases in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

Therefore, under the authority vested in the Regional Administrator by section 1499.18 (c) of the General Maximum Price Regulation as amended, *It is hereby ordered:*

(a) *Adjusted maximum prices for approved fluid milk.* On and after July 31, 1943, the maximum price for approved fluid milk sold and delivered by any person within the boundaries of Greenville County, South Carolina, at wholesale or retail in glass containers of one quart or less shall be:

(1)

	Wholesale	Retail
	Cents	*Cents*
Quarts	15	17
Pints	8	9
Half pints	4¼	5½

(2) ⅓ Quart container sizes. The seller shall adjust his maximum wholesale price for ⅓ quart container sizes as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportional to the increases or decrease in a ceiling price for quart container sizes as a result of the foregoing listed maximum prices.

(3) Retail sales of approved fluid milk by hotels, restaurants, soda fountains, cafes, bars and other eating establishments for consumption on the premises. The seller may use his established maximum price under the General Maximum Price Regulation or he can determine his adjusted maximum price by adding to the wholesale price paid by him, 3¢ per pint, 2½¢ per ⅓ quart, and 2¢ per half pint.

(4) Retail sales other than out-of-store sales, home deliveries, and retail sales by hotels, restaurants, soda fountains, cafes, bars and other eating establishments for consumption on the premises, shall equal the listed wholesale prices, subject to any applicable discounts or allowances.

(b) *Exempt sales.* (1) The provisions of this order shall not apply to buttermilk, chocolate milk, or other flavored milks. Such sales remain subject in all respects to the provisions of the General Maximum Price Regulation.

(2) The maximum prices fixed by this order are not applicable to sales and deliveries to the Army or Navy under a contract entered into prior to March 6, 1943, during the term thereof.

(c) *Applicability of the General Maximum Price Regulation and other supplementary or adjustment orders of the Office of Price Administration.* (1) Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation together with all amendments, supplementary regulations and orders which have been heretofore or may be hereafter issued. Specifically, but not by way of limitation, unless the context of this order otherwise requires, the provisions of subdivision (vii) of § 1499.73 (amendments 124 and 188 to Supplementary Regulation 14 to General Maximum Price Regulation) shall be applicable and shall be considered a part of this order, including those subdivisions governing sales to the Army or Navy and sales of premium milk.

(d) *Calculations.* (1) On single sales at retail wherein the adjusted maximum price results in a fraction of a cent, the seller may adjust the price upward to the full cent if the fraction is ½¢ or more, and shall decrease the price to the lowest even cent if the fraction is less than ½¢. On sales of more than one unit, where the unit price is expressed in a fraction of a cent, the exact price established by the applicable subdivision shall be multiplied by the number of units. If the computation results in a fraction of a cent, the total shall be adjusted up or down to the nearest full cent, and, in such adjustment, a half-cent may be adjusted upward to the nearest full cent. Home-deliveries shall be considered multiple unit sales unless separate collections are made for single units delivered.

(e) *Definitions.* (1) "*Greenville* County" shall mean the area included within the established boundaries of such county.

(2) "Approved fluid milk" means fluid cows' milk, raw or pasteurized, at least satisfying the minimum butterfat content and sanitary and health requirements for fluid milk sold for human consumption in the particular area wherein it is delivered, including standards set by purchasing officers for sales to the Army or Navy.

(3) "Sales to the Army or Navy" means sales to the War Department or the Department of the Navy of the United States, including such Departments' sales stores, commissaries, ships' stores ashore, officers' messes, and stores operated as Army canteens, post exchanges or ships' activities.

(4) "Atlanta Regional Area" means the territory lying within the geographic boundaries of the following States: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

(5) "Premium milk" means certified milk, homogenized milk whose Vitamin D content has been artificially increased, and any other approved fluid milk for which the particular seller customarily charged a premium during January 1943, in excess of such seller's established maximum price for his standard approved fluid milk, or any other such milk as may be classified as Premium milk by any order issued by the Atlanta Regional Office of the Office of Price Administration pursuant to an application duly filed in accordance with the provisions of this order.

(6) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

(f) *Requirements of notification.* (1) Every person making sales and deliveries of approved fluid milk pursuant to this order shall post a copy of this order at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

(g) This order may be revoked, amended or corrected at any time.

This order shall become effective on July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued: July 27, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43–13935; Filed, August 26, 1943; 11:05 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–775]

GENERAL GAS & ELECTRIC CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of August 1943.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Gas & Electric Corporation, a registered holding company; and

All interested persons are referred to the said declaration which is on file in the office of the said Commission for a statement of the transaction therein proposed, which is summarized below:

General Gas & Electric Corporation, a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to pay out of capital or unearned surplus a quarterly dividend on its $5 Prior Preferred Stock for the quarterly period ended September 15, 1942. As proposed, the amount of the dividend on the 60,000 outstanding shares of this stock will be $75,000, of which approximately $40,125 will be paid to the public holders of 32,110.9 shares. The declaration as filed states that the remaining 27,889.1 shares outstanding are held by the Trustees of Associated Gas and Electric Corporation, who have, pending further order of the Commission, waived their right to the receipt of the dividend, which would otherwise be payable to them.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission promulgated hereunder be held on September 7, 1943, at 10 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed declaration of a quarterly dividend out of the capital or unearned surplus of General Gas & Electric Corporation is appropriate and in the public interest and the interest of investors;

(2) What terms or conditions, if any, should be imposed in the public interest or for the protection of investors;

(3) Whether the proposed action to be taken complies with the provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder and is not detrimental to the public interest or the interest of investors and consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–13945; Filed, August 26, 1943; 11:37 a. m.]

[File No. 70–449]

WEST TEXAS UTILITIES COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE, AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of August, 1943.

West Texas Utilities Company, a direct subsidiary of American Public Service Company, a registered holding company, and an indirect subsidiary of Central and South West Utilities Company and The Middle West Corporation, both registered holding companies, has filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder regarding the issue and sale of $18,000,000 principal amount of First Mortgage Bonds dated August 1, 1943, and maturing August 1, 1973 for the purpose of redeeming its outstanding 3¾% First Mortgage Bonds, due May 1, 1969; and has requested that the ten-day period for inviting bids, as provided by Rule U-50, be shortened to a period of six days; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its Findings and opinion herein;

It is ordered, That subject to Commission approval by further order, after the terms of the bond financing have been determined by competitve bidding, said declaration be and hereby is permitted to become effective, subject to the terms and conditions contained in Rule U-24, and

It is further ordered That the ten-day period for inviting bids, as provided by Rule U-50 (b), be shortened to a period of six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–13944; Filed, August 26, 1943; 11:37 a. m.]

[File No. 811–405]

GENERAL TRUSTEES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of August, A. D. 1943.

The Commission having reasonable cause to believe that General Trustees Company, a registered investment company, is out of existence and its assets distributed to its bondholders;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing be held on August 30, 1943, at 10:30 a. m., Eastern War Time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, to determine whether the Commission shall declare by order, pursuant to section 8 (f) of said Act, that General Trustees Company has ceased to be an investment company; and

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearings is hereby given to General Trustees Company and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–13946; Filed, August 26, 1943; 11:37 a. m.]

WAR FOOD ADMINISTRATION.

ADMINISTRATOR OR ALTERNATE ADMINISTRATOR OF FOOD DISTRIBUTION

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by Food Distribution Order 75 (8 F.R. 11119), and to effectuate the purposes of that order and of Food Distribution Order 75–2 (8 F.R. 11325), the Administrator or Alternate Administrator of Food Distribution Order 75–2,[1] is hereby authorized through individual written notices and subject to the supervision of the Chief of the Livestock and Meats Branch, Food Distribution Administration, War Food Administration:

(a) To allocate, to or among the persons or agencies specified in Director Food Distribution Order 75–2,[1] meats required to be set aside;

(b) To specify the cuts and grades of meat required to be set aside;

(c) To give instructions with respect to the selection and manner of processing, cutting, and packaging of meats required to be set aside, or to authorize any of the persons or agencies specified to issue such instructions; and

(d) To release, at any time and under such terms and conditions as he may prescribe, any or all of the meat required to be set aside.

All authority herein conferred shall be exercised in accordance with instructions issued by the Director of Food Distribution.

Nothing contained herein shall be construed as affecting any power or authority vested in the Director of Food Distribution.

Issued this 25th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–13943; Filed, August 26, 1943; 11:21 a. m.]

WAR SHIPPING ADMINISTRATION.

DETERMINATION AS TO OWNERSHIP OF CERTAIN REQUISITIONED VESSELS

Whereas titles to the following vessels (including all spare parts appertaining thereto, whether aboard or ashore) were requisitioned pursuant to Section 902 of the Merchant Marine Act, 1936, as amended, on the respective dates indicated:

Fred W. Sargent, December 4, 1942.
George D. Dixon, December 11, 1942.
Utica, December 11, 1942.
Alfred H. Smith, December 12, 1942.

[1] *Supra.*

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Cong.), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however*, That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *

Whereas just compensation for the said vessels has not been determined by the Administrator, War Shipping Administration, and no part thereof has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessels, their spare parts and appurtenances, are not required by the United States; and

Whereas, by mutual agreement between the Administrator, War Shipping Administration, and Great Lakes Transit Corporation, the latter has consented to the determination by the Administrator that the use rather than the title of the said vessels, their spare parts and appurtenances, shall be deemed to have been requisitioned as of the dates of the original taking thereof.

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above quoted provisions of law, do determine that the ownership of said vessels, their spare parts and appurtenances, is not required by the United States, and that the requisition of the above mentioned vessels, their spare parts and appurtenances, shall, from and after the date of publication hereof in the FEDERAL REGISTER, be deemed to have been, for all purposes, requisitions of the use rather than of the titles of the respective vessels, their spare parts and appurtenances, as of the dates of the original taking thereof, namely, *Fred W. Sargent*, December 4, 1942; *George D. Dixon*, December 11, 1942; *Utica*, December 11, 1942; *Alfred H. Smith*, December 12, 1942.

Dated: August 25, 1943.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 43–13922; Filed, August 26, 1943; 10:57 a. m.]

FEDERAL REGISTER

VOLUME 8 NUMBER 171

Washington, Saturday, August 28, 1943

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3555]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED STATES MALTSTERS ASSOCIATION, ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.24 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with the offering for sale, sale and distribution of malt in commerce, and on the part of respondent Association, and some 18 corporations, members thereof, and on the part of their respective officers, etc., entering into, continuing, cooperating in, or carrying out, or directing, instigating, or cooperating in, any planned common course of action, mutual agreement, understanding, combination, or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties hereto, to (1) establish, fix or maintain prices, terms, or conditions of sale for malt, or adhere to or promise to adhere to the prices, terms, or conditions of sale so fixed; (2) hold or participate in any meeting, discussion, or exchange of information among themselves or under the auspices of respondent United States Maltsters Association or any other medium or agency concerning proposed or future prices, terms, or conditions of sale; (3) exchange, distribute, or relay among manufacturing respondents, or any of them, or through respondent United States Maltsters Association or through any other medium or central agency, price lists or other information showing future prices, terms, or conditions of sale; or which show current prices, terms, or conditions of sale for the purpose, or which have the tendency or effect, of fixing prices for malt; (4) authorize or permit examination of the books or other records of the respondent manufacturers by any agent of the United States Maltsters Association or by any agent of the respondents, or any of them, to determine or check the prices at which any given respondent manufacturer had made sales, is currently making sales, or expects to make sales; (5) formulate, establish, put into operation, continue, or use in any way, any reporting plan using Chicago, Illinois, or any other common basing point, which results in the establishment and maintenance among the respondent members or any two or more of them of uniform delivered prices to any given destination; (6) quote prices, terms, and conditions of sale determined under a method or system of a common basing point for the purpose, or with the effect, of making the delivered price quotation of any two or more of the respondents the same to any given destination; (7) formulate or put into operation any other practice or plan which has the purpose, or the tendency or effect, of fixing prices for malt; or employ or utilize any of the acts or practices specifically prohibited herein as a means or instrumentality of otherwise restricting, restraining, or eliminating competition in the sale and distribution of malt; and (8) employ or utilize respondent United States Maltsters Association or any other medium or central agency as an instrument, vehicle, or aid in performing or doing any of the acts and practices prohibited by this order. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Modified cease and desist order, United States Maltsters Association, et al., Docket 3555, August 13, 1943]

In the Matter of United States Maltsters Association, Chilton Malting Company, The Columbia Malting Company, Froedtert Grain & Malting Co., Wm. E. Kreiner & Sons, Inc., The Kurth Malting Company, Interior Malt & Grain Co., The Ladish-Stoppenbach Company, George J. Meyer Malt & Grain Corp., Milwaukee Western Malt Company, Northwestern Malt & Grain Company, The Francis Perot's Sons Malting Co., Rahr Malting Co., H. W. Rickel & Company, L. Rosenheimer Malt & Grain Co., The Konrad Schreier Company, Albert Schwill & Company, Daniel D. Weschler & Sons, Inc., West Bend Malting Company, Wisconsin Malting Company

At a regular session of the Federal Trade Commission, held at its office in

(Continued on next page)

CONTENTS

RULES AND REGULATIONS

AGRICULTURAL AGENCIES. *See* War Food Administration.

	Page
COAST GUARD:	
Coast Guard Auxiliary, organization and administration	11876
War Department vessels, waiver of navigation and inspection laws	11876
DEFENSE SUPPLIES CORPORATION:	
Petroleum compensatory adjustments; revision of schedules	11873
FEDERAL COMMUNICATIONS COMMISSION:	
Broadcast services other than standard, substitution of letter calls for letter-numeral calls	11876
Fixed public radio services	11877
General rules, rules of practice, etc.:	
Discontinuance of operation	11876
Financial statements	11876
FEDERAL POWER COMMISSION:	
California Electric Power Co., notice of application	11877
Tennessee Gas and Transmission Co., hearing	11877
FEDERAL TRADE COMMISSION:	
Cease and desist orders:	
Dentists' Supply Co., New York	11868
Salt Producers' Assn	11867
U. S. Malsters' Assn., et al	11865
OFFICE OF DEFENSE TRANSPORTATION:	
Joint action plans:	
Florists, Detroit, Mich	11878
Ice dealers, Toledo, Ohio	11878
OFFICE OF PRICE ADMINISTRATION:	
Adjustment orders filed, list	11879
Adjustments, exceptions, etc.:	
Atlantic Pine Industries Corp	11872
Columbia Transfer Co	11872
Rudge, John	11873
Winter, J. C., & Co	11872
Cotton storage, Texas and Oklahoma	11873
Cotton yarns, combed (RPS 7, Am. 12)	11870
Food and drink sold for immediate consumption, California, Oregon, Washington, and Northern Idaho (2 documents)	11872

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Mica (MPR 347, Am. 3) 11871
Petroleum and petroleum products (RPS 88, Am. 123) 11871
Regional, State, and district office orders:
Fruit and vegetable transportation, California 11880
Milk:
Camp Hale, Colo 11880
Colorado (2 documents) 11879, 11880
Gilpin County area, Colo 11880
Wage increases approved before April 8, 1943 (SR 15, Am. 9) 11873
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Atlanta and Charlotte Air Line Railway Co 11882
Atlanta Gas Light Co 11881
General Electric Co., et al 11881
Manufacturers Light and Heat Co., et al 11882
North American Co 11882
North American Light & Power Co 11881
SELECTIVE SERVICE SYSTEM:
Supplement to Federal Government Request for Occupational Classification, form prescribed 11868
WAGE AND HOUR DIVISION:
Meat, poultry, and dairy products industry, minimum wage rates 11877
WAR FOOD ADMINISTRATION:
Meats and livestock, authority delegation 11883
Milk handling, St. Louis area 11883
WAR PRODUCTION BOARD
Approval of ODT orders:
Detroit, Mich., transportation and delivery of flowers (Certificate 119) 11885
Toledo, Ohio, transportation and delivery of ice (Certificate 118) 11884
Lumber and wood products machinery and equipment (L-311) 11869
Suspension orders:
Polar Water Co 11869
South Soo Lumber Co 11869

the City of Washington, D. C., on the 13th day of August, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before Robert S. Hall, a trial examiner of the Commission theretofore duly designated by it, report of Webster Ballinger, a trial examiner appointed to prepare and file a trial examiner's report upon the evidence (vice Robert S. Hall, deceased), and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having duly made and entered its findings as to the facts, conclusion, and order to cease and desist, dated December 29, 1942; and the Commission having further considered said order to cease and desist heretofore issued and being of the opinion that a modified order to cease and desist should be issued in said cause; and the Commission having given due notice to counsel for the respondents; and counsel for the respondents having waived objection to the issuance of said modified order; and transcript of the record in the proceeding not having been filed in any Circuit Court of Appeals of the United States; and the Commission, having duly considered the record and being now fully advised in the premises, issues this its modified order to cease and desist:

It is ordered, That the respondents, United States Maltsters Association, an unincorporated association; Chilton Malting Company, a corporation; The Columbia Malting Company, a corporation; Froedtert Grain & Malting Co., a corporation; Wm. E. Kreiner & Sons, Inc., a corporation; The Kurth Malting Company, a corporation; The Ladish-Stoppenbach Company, a corporation; George J. Meyer Malt & Grain Corp., a corporation; Milwaukee Western Malt Company, a corporation; Northwestern Malt & Grain Company, a corporation; Perot Malting Company, a corporation; Rahr Malting Co., a corporation; H. W. Rickel & Company, a corporation; L. Rosenheimer Malt & Grain Co., a corporation; Schreier Malting Company, a corporation; Albert Schwill & Company, a corporation; Daniel D. Weschler & Sons, Inc., a corporation; West Bend Malting Company, a corporation, and Wisconson Malting Company, a corporation, and their respective officers, agents, representatives, and employees, in connection with the offering for sale, sale, and distribution of malt in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out, or directing, instigating, or cooperating in, any planned common course of action, mutual agreement, understanding, combination, or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties hereto to do or perform any of the following acts or practices:

1. Establishing, fixing or maintaining prices, terms, or conditions of sale for malt, or adhering to or promising to adhere to the prices, terms, or conditions of sale so fixed.

2. Holding or participating in any meeting, discussion, or exchange of information among themselves or under the auspices of respondent United States Maltsters Association or any other medium or agency concerning proposed or future prices, terms, or conditions of sale.

3. Exchanging, distributing, or relaying among manufacturing respondents, or any of them, or through respondent United States Maltsters Association or through any other medium or central agency, price lists or other information showing future prices, terms, or conditions of sale; or which show current prices, terms, or conditions of sale for the purpose, or which have the tendency or effect, of fixing prices for malt.

4. Authorizing or permitting examination of the books or other records of the respondent manufacturers by any agent of the United States Maltsters Association or by any agent of the respondents, or any of them, to determine or check the prices at which any given respondent manufacturer had made sales, is currently making sales, or expects to make sales.

5. Formulating, establishing, putting into operation, continuing, or using in any way, any reporting plan using Chicago, Illinois, or any other common basing point, which results in the establishment and maintenance among the respondent members or any two or more of them of uniform delivered prices to any given destination.

6. Quoting prices, terms, and conditions of sale determined under a method or system of a common basing point for the purpose, or with the effect, of making the delivered price quotation of any two or more of the respondents the same to any given destination.

7. Formulating or putting into operation any other practice or plan which has the purpose, or the tendency or effect, of fixing prices for malt; or employing or utilizing any of the acts or practices specifically prohibited herein as a means or instrumentality of otherwise restricting, restraining, or eliminating competition in the sale and distribution of malt.

8. Employing or utilizing respondent United States Maltsters Association or

any other medium or central agency as an instrument, vehicle, or aid in performing or doing any of the acts and practices prohibited by this order.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to Interior Malt & Grain Co., a corporation.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-13986; Filed, August 27, 1943; 11:36 a. m.]

[Docket No. 4320]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SALT PRODUCERS ASSOCIATION, ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* (I) In connection with offer, etc., in commerce, of salt, and on the part of respondent Salt Producers Association, respondent corporate salt producers and their officers, etc., and on the part of respondent Stevenson, Jordan & Harrison, Inc., and respondents Charles R. Stevenson and D. M. Metzger, respectively president and treasurer of said corporation, and on the part of their agents, etc., or any two or more of said respondents, with or without the cooperation of others not party hereto, entering into, continuing, or carrying out, or directing, instigating, or cooperating in, any planned common course of action, mutual agreement, combination, or conspiracy, to fix or maintain the prices of salt or curtail, restrict or regulate the production or sale thereof, and pursuant to any such planned or agreed common course of action, (1) establishing or maintaining uniform prices for salt, or uniform terms and conditions in the sale thereof, or in any manner agreeing upon, fixing, or maintaining any prices, including terms and conditions of sale, at which salt is to be sold; (2) adhering, or promising to adhere, to filed or published prices or terms and conditions of sale for salt pending the filing of changes therein with the Salt Producers Association, or with any other agency, or with each other; (3) continuing the delivered price zones heretofore used for making quotations and sales of salt, or establishing or maintaining any delivered price zones which are similar to those heretofore used in that their use would result as heretofore in making the delivered prices of the respective corporations identical despite their different costs of delivery; (4) exchanging, directly or through the Salt Producers Association, or any other agency or clearing house, price lists, invoices, and other records of sale showing the quantity, current prices and terms and conditions of sale allowed by said corporations to dealers and distributors; subject to the provision, however, that nothing herein shall prevent said association from collecting and disseminating to the respective manufacturers figures showing the total volume of sales of salt without disclosing the sales volume of individual producers, for the purpose or with the effect of restraining competition in the offering for sale, or sale, of salt; (5) exchanging, directly or through the medium of the Salt Producers Association, or any other agency, the names of distributors or dealers who receive special discounts; for the purpose or with the effect of restraining competition in the offering for sale, or sale, of salt; (6) curtailing, restricting, or regulating the quantity of salt to be produced and sold by said corporations by any method or means during any given period of time for the purpose or with the effect of restraining competition in the offering for sale, or sale, of salt; and (7) doing, or causing to be done, any of the things forbidden by this order through the medium of said Stevenson, Jordan and Harrison, Inc., Charles R. Stevenson or D. M. Metzger, or any other corporation, firm or individual; and (II) doing or performing any of the things forbidden by this order, or aiding, assisting or cooperating in the performance thereof, on the part of respondents Stevenson, Jordan & Harrison, Inc., and respondents Charles R. Stevenson and D. M. Metzger, as officers thereof, and on the part of their agents, etc.; prohibited, subject to the proviso that nothing in this order is to be construed as prohibiting the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are not prohibited by the provisions of an Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, (the Sherman Act) as amended. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45i) [Modified cease and desist order, Salt Producers Association, et al., Docket 4320, August 10, 1943]

In the Matter of Salt Producers Association, a Corporation; Avery Salt Company; Barton Salt Company; Carey Salt Company; Cayuga Rock Salt Company; Colonial Salt Company; Detroit Rock Salt Company; Diamond Crystal Salt Company, Inc.; International Salt Company; Jefferson Island Salt Company, Inc.; Hardy Salt Company; Morton Salt Company; Myles Salt Company, Ltd.; Mulkey Salt Company; Ohio Salt Company; Ruggles & Rademaker Salt Company; Saginaw Salt Products Company; Union Salt Company; Watkins Salt Company; Worcester Salt Company; American Salt Corporation; and Stevenson Corporation, a Corporation, and Its Officers, Charles R. Stevenson, T. M. Harrison, C. H. Ferris, N. M. Perris, E. G. Ackerman, A. H. Dyer, R. E. Case, F. L. Sweetser, W. R. Guthrie, A. P. Nonweiler, S. M. Hudson, R. R. Bliss, L. B. Platt, Howard Marvin and D. M. Metzger, a Partnership, Doing Business Under the Firm Name of Stevenson, Jordan and Harrison

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1943.

This proceeding coming on for further hearing before the Federal Trade Commission, and it appearing that on November 10, 1941, the Commission made its findings as to the facts herein and concluded therefrom that respondents had violated the provisions of the Federal Trade Commission Act, and issued and subsequently served upon them its order to cease and desist; and it further appearing that respondents on January 9, 1942, filed in the United States Circuit Court of Appeals for the Seventh Circuit petition to review and set aside the Commission's order, and that on March 8, 1943, the said court rendered its opinion and on April 20, 1943, issued its decree modifying the aforesaid order of the Commission in certain particulars and affirming the order in other particulars:

Now, therefore, pursuant to the provisions of subsection (i) of sections 5 of the Federal Trade Commission Act, the Commission issues this its modified order to cease and desist in conformity with said decree:

It is ordered, That the respondents Salt Producers Association, a corporation, Avery Salt Company, a corporation, Barton Salt Company, a corporation, The Carey Salt Company, a corporation, Cayuga Rock Salt Company, a corporation, Colonial Salt Company, a corporation, Detroit Rock Salt Company, a corporation, Diamond Crystal Salt Co., Inc., a corporation, International Salt Company, a corporation, Jefferson Island Salt Company, Inc., a corporation, Hardy Salt Company, a corporation, Morton Salt Company, a corporation, Myles Salt Company, Ltd., a corporation, Mulkey Salt Company, a corporation, Ohio Salt Company, a corporation, Ruggles & Rademaker Salt Company, a corporation, Saginaw Salt Products Company, a corporation, Union Salt Company, a corporation, Watkins Salt Company, a corporation, Worcester Salt Company, a corporation, American Salt Corporation, a corporation, their officers, servants, agents and employees, and Stevenson, Jordan and Harrison, Inc., Charles R. Stevenson and D. M. Metzger, respectively president and treasurer of said Stevenson, Jordan and Harrison, Inc., and their agents, servants, and employees, or any two or more of said respondents, with or without the cooperation of others not parties hereto, in connection with the offering for sale, sale, and distribution of salt in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, or carrying out, or directing, instigating, or cooperating in, any planned common course of action, mutual agreement, combination, or conspiracy, to fix or maintain the price of salt or curtail, restrict or regulate the production or sale thereof, and from doing any of the following acts or things pursuant to

any such planned or agreed common course of action:

(1) Establishing or maintaining uniform prices for salt, or uniform terms and conditions in the sale thereof, or in any manner agreeing upon, fixing, or maintaining any prices, including terms and conditions of sale, at which salt is to be sold;

(2) Adhering, or promising to adhere, to filed or published prices or terms and conditions of sale for salt pending the filing of changes therein with the Salt Producers Association, or with any other agency, or with each other;

(3) Continuing the delivered price zones heretofore used for making quotations and sales of salt, or establishing or maintaining any delivered price zones which are similar to those heretofore used in that their use would result as heretofore in making the delivered prices of the respective corporations identical despite their different costs of delivery;

(4) Exchanging, directly or through the Salt Producers Association, or any other agency or clearing house, price lists, invoices, and other records of sale showing the quantity, current prices and terms and conditions of sale allowed by said corporations to dealers and distributors: *Provided, however,* That nothing herein shall prevent said association from collecting and disseminating to the respective manufacturers figures showing the total volume of sales of salt without disclosing the sales volume of individual producers, for the purpose or with the effect of restraining competition in the offering for sale, or sale, of salt;

(5) Exchanging, directly or through the medium of the Salt Producers Association, or any other agency, the names of distributors or dealers who receive special discounts; for the purpose or with the effect of restraining competition in the offering for sale, or sale, of salt;

(6) Curtailing, restricting, or regulating the quantity of salt to be produced and sold by said corporations by any method or means during any given period of time for the purpose or with the effect of restraining competition in the offering for sale, or sale, of salt;

(7) Doing, or causing to be done, any of the things forbidden by this order through the medium of said Stevenson, Jordan and Harrison, Inc., Charles R. Stevenson or D. M. Metzger, or any other corporation, firm or individual.

It is further ordered, That Stevenson, Jordan and Harrison, Inc., and Charles R. Stevenson and D. M. Metzger as officers thereof, and their agents, servants, and employees, do forthwith cease and desist from doing or performing any of the things forbidden by this order, or aiding, assisting, or cooperating in the performance thereof.

It is further ordered, That nothing in this order is to be construed as prohibiting the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are not prohibited by the provisions of an Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890 (the Sherman Act), as amended.

It is further ordered, That for the reasons appearing in the findings as to the facts the complaint herein be, and hereby is, dismissed as to the following respondents: T. M. Harrison, C. H. Ferris, N. M. Ferris, E. G. Ackerman, A. H. Dyer, R. E. Case, F. L. Sweetser, W. R. Guthrie, A. P. Nonweiler, S. M. Hudson, R. R. Bliss, L. B. Platt, and Howard Marvin.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-13985; Filed, August 27, 1943; 11:36 a. m.]

[Docket No. 4915]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DENTISTS' SUPPLY COMPANY OF NEW YORK

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Cumulative discounts:* § 3.45 (e) *Discriminating in price—Indirect discrimination—Discounts and allowances.* In connection with the offering for sale, sale and distribution of respondent's products, in commerce, discriminating in price under the circumstances stipulated by respondent and found by the Commission, or making use of any discrimination similar thereto, and more particularly (1) discriminating in price by giving and allowing to certain purchasers adjustments, rebates, or discounts in the form of cash or commodities while withholding same from other purchasers competitively engaged with said favored purchasers; (2) discriminating in price by giving and allowing adjustments, rebates, or discounts in the form of cash or commodities depending upon the cumulative total of purchases made during a year or other given period of time as distinguished from the amount purchased in one transaction; (3) discriminating in price by giving and allowing adjustments, rebates, or discounts in the form of cash or commodities to chain dental laboratories depending upon the total of separate purchases by the various units of such chains although separate deliveries are made to the respective units; and (4) requiring, providing, or arranging that respondent's dealers shall give and allow such discriminatory adjustments, rebates, or discounts as are forbidden under the preceding parts of this order; prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., sec. 13 (a)) [Cease and desist order, Dentists' Supply Company of New York, Docket 4915, August 17, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of August, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation of facts entered into between W. T. Kelley, Chief Counsel for the Commission, and Leroy Frantz, Vice President and Treasurer of the respondent, in which stipulation respondent waived hearings, the filing of briefs, oral argument, and all intervening procedure; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of section 2 (a) of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936:

It is ordered, That the respondent, Dentists' Supply Company of New York, a corporation, and its officers, directors, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from the discrimination in price under the circumstances stipulated by it and found by the Commission, and from any discriminations similar thereto, and more particularly from such discriminations by use of the following methods:

1. Discriminating in price by giving and allowing to certain purchasers adjustments, rebates, or discounts in the form of cash or commodities while withholding same from other purchasers competitively engaged with said favored purchasers.

2. Discriminating in price by giving and allowng adjustments, rebates, or discounts in the form of cash or commodities depending upon the cumulative total of purchases made during a year or other given period of time as distinguished from the amount purchased in one transaction.

3. Discriminating in price by giving and allowing adjustments, rebates, or discounts in the form of cash or commodities to chain dental laboratories depending upon the total of separate purchases by the various units of such chains although separate deliveries are made to the respective units.

4. Requiring, providing, or arranging that respondent's dealers shall give and allow such discriminatory adjustments, rebates, or discounts as are forbidden under the preceding parts of this order.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That Count II of the complaint herein be, and it hereby is, dismissed.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-13987; Filed, August 27, 1943; 11:36 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 201]

SUPPLEMENT TO FEDERAL GOVERNMENT REQUEST FOR OCCUPATIONAL CLASSIFICATION

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U. S. C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 42 Sup., entitled "Supplement to Federal Government Request for Occupational Classification," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

AUGUST 10, 1943.

[F. R. Doc. 43-13949; Filed, August 26, 1943; 3:05 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 9727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-339, Revocation]

POLAR WATER CO.

Polar Water Company, Pittsburgh, Pennsylvania, appealed from Suspension Order No. S-339 which was issued on June 7, 1943. In connection with the appeal new evidence was presented to the Deputy Chief Compliance Commissioner, who, on the basis of such new matter, determined that Suspension Order No. S-339 should be revoked.

In view of the foregoing: *It is hereby ordered,* That Suspension Order No. S-339 (§ 1010.339) issued June 7, 1943 be revoked.

Issued this 27th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13980; Filed, August 27, 1943; 11:01 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-410]

SOUTH SOO LUMBER CO.

South Soo Lumber Company, the Respondent, is engaged in the retail lumber business at 40th and Minnesota Streets, Sioux Falls, South Dakota. During the period from February 15, 1943 to March 8, 1943, the Respondent ordered approximately 307,000 board feet of Ponderosa Pine Lumber using a rating of AA-1 although he was entitled to use such rating for only 63,037 board feet of such lumber. This unauthorized use of the rating constituted a violation of Priorities Regulation No. 3 and of Conservation Order M-208.

Respondent, from the nature of its business and from the course of its business dealings, must be deemed to have known of these regulations. Such actions constituted wilful violations of Priorities Regulation No. 3 and Conservation Order M-208, diverted critical materials to uses unauthorized by the War Production Board and hampered and impeded the war effort of the United States. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.410 *Suspension Order No. S-410.* (a) Deliveries of softwood lumber to South Soo Lumber Company, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to South Soo Lumber Company, its successors or assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve South Soo Lumber Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 27, 1943 and shall expire on November 27, 1943.

Issued this 20th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13981; Filed, August 27, 1943; 11:01 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-311]

LOGGING, LUMBER, AND WOOD PRODUCTS MACHINERY AND EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in the production of woodworking machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1226.83 *General Limitation Order L-311*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person who produces, manufactures or assembles woodworking machinery.

(2) "Dealer" means any person engaged in the business of acquiring woodworking machinery for resale; it includes a wholesaler, distributor, jobber, retailer, branch warehouse or other distribution or sales outlet, whether or not owned or controlled by a producer, and any other person performing similar functions.

(3) "Woodworking machinery" means any new machinery or equipment of the kinds specified in Schedule A of this order.

(4) "Class I woodworking machinery" means any woodworking machinery which had a producer's list price on October 15, 1942, of more than $350 for any single machine or piece of equipment.

(5) "Class II woodworking machinery" means any woodworking machinery which had a producer's list price on October 15, 1942, of $350 or less for any single machine or piece of equipment.

(6) "Order" means any commitment or other arrangement for the delivery of woodworking machinery, whether by sale, lease, consignment or otherwise.

(7) "Producer's list price" means the sale price at which the producer's catalog or other price publication, listed the woodworking machinery, exclusive of the motor, motor drive or any attachments. However, where the motor, motor drive, or any attachments are initially built into the basic machine as an integral part of it, the "producer's list price" shall mean the sale price at which the producer listed the machine as an assembled unit.

(8) "Army, Navy, Maritime Commission, or War Shipping Administration" do not include any privately operated plant or shipyard financed by, or controlled by, any of those agencies, or operated on a cost-plus-fixed-fee basis.

(b) *Restrictions on sale or delivery of Class I woodworking machinery*—(1) *Authorization of purchase orders for Class I woodworking machinery required.* After September 11, 1943, no person shall place an order for Class I woodworking machinery with a producer or dealer, and no producer or dealer shall accept any order for Class I woodworking machinery, or deliver any Class I woodworking machinery to fill any order received after that date, unless the order has been authorized by the War Production Board on Form WPB-3131. Application for an authorization and for a preference rating must be made by the purchaser by filing Form WPB-3131 with the War Production Board as explained in the instructions which accompany the form.

(2) *Exemptions.* The restrictions contained in paragraph (b) (1) shall not apply to:

(i) Any orders for or deliveries of Class I woodworking machinery to be used directly by the Army, Navy, Maritime Commission or War Shipping Administration;

(ii) Any orders from or deliveries to a producer or dealer to enable him to fill orders authorized on Form WPB-3131

[1] Form filed as part of the original document.

which he has actually received or to replace woodworking machinery delivered by him from his inventory to fill orders authorized on Form WPB–3131.

(iii) Any order bearing a preference rating assigned pursuant to application on Form WPB–617 (formerly PD–200).

(3) *Certification of authorization which may be used.* Any person applying or extending a preference rating on any order which any of the provisions of this paragraph (b) permit him to place may add to the certificate applying or extending the rating a statement substantially as follows: "This purchase is permitted by Order L–311 which I am familiar with." Any person receiving a certification and rating with this statement shall be entitled to rely on the representation thereof unless he knows or has reason to believe it to be false. However, the application or extension of a preference rating on any purchase order which a person is permitted under this paragraph (b) to place shall not be invalid for failure to place this statement on the order.

(c) *Preference ratings on orders for Class II woodworking machinery.* After September 11, 1943, no manufacturer or dealer shall accept any order for Class II woodworking machinery or deliver any Class II woodworking machinery to fill any order received after that date unless it bears a preference rating of AA–5 or higher.

(d) *Restrictions on dealers' inventories of Class II woodworking machinery.* No dealer shall accept delivery of any Class II woodworking machinery which will increase his inventory of that size and type of machine or equipment (irrespective of manufacturing make) beyond five in number; and no producer or dealer shall deliver or cause to be delivered to any dealer any Class II woodworking machinery which he knows or has reason to believe will increase the receiving dealer's inventory of that size and type of machine or equipment (irrespective of manufacturing make) beyond five in number.

(e) *Restrictions on production of Class II woodworking machinery.* Beginning with October 1, 1943, no producer shall fabricate or assemble during any calendar month more Class II woodworking machinery by dollar value than 50% of the quantity by dollar value shipped by him during the second and third preceding months. For example, the dollar value of production in October cannot exceed 50% of the dollar value of shipments in July and August. However, a producer may exceed this limit to the extent necessary to permit him to fill specific purchase orders rated AA–5 or higher actually received by him.

(f) *Operations reports.* Each producer shall, on or before the 10th day of each month after September 1943, file with the War Production Board an operations report on Form WPB–3130 as explained in the instructions which accompany the form.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeals from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C., Ref: L–311.

(5) *Approval of reporting requirements.* The form of application specified in paragraph (b) (1) and the reporting requirement of paragraph (f) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

I. The following machinery and equipment is included in the definition of "woodworking machinery" under paragraph (a) (3):

(1) Dry kilns and redriers, including all machinery and equipment used for the purpose of reducing the moisture content of wood or wood products.

(2) Wood treatment machinery and equipment, including all machinery and equipment used for the purpose of making wood or wood products resistant to fire, decomposition, insect and marine parasites, fungal or bacterial growth, stain or discoloration, or for the purpose of preparing wood or wood products for further processing.

(3) Logging machinery and equipment, including all machinery and equipment used for the purpose of falling, bucking, skidding, yarding or loading timber.

(4) Saw mill machinery and equipment, including all machinery and equipment used for the purpose of converting logs into rough sawn lumber.

(5) Veneer and plywood machinery and equipment, including all machinery and equipment used for the purpose of converting logs into veneer or for making plywood from veneer.

(6) Planing mill machinery and equipment, including all machinery and equipment used for sizing, planing, matching, moulding or remanufacturing lumber into commercial sizes or to special specifications, including box shooks.

(7) Wood by-product machinery and equipment, including all machinery and equipment used for the processing of wood refuse products.

(8) Wood container manufacturing machinery, including the following specialized machinery used for the manufacture of wood or veneer containers:

(a) Nailing, splicing, and screw driving machines.

(b) Fruit and vegetable package machinery.

(c) Wood printing machines.

(d) Wire stitching machines used for stitching wood or wood veneer.

(e) Slack barrel and keg machines.

(f) Tight barrel and keg machines.

(g) Stave and barrel heading machines.

(h) Box board matchers and squeezers.

(i) Wire bound box making machinery.

(j) Tub and pail machinery.

(k) Wood hamper and basket machinery.

(l) Wood dish machinery.

(m) Bottle box machinery including strapping machines.

(n) Lock and dovetail corner machines.

(9) General woodworking machinery and equipment, including all machinery and equipment used for the purpose of processing lumber or wood into finished wood products or structures, machinery used for maintenance of wood products or structures, machinery and equipment used for the cutting, sawing, shaping, gluing, embossing, stamping, compressing or otherwise processing of wood or wood products, and machinery and equipment primarily designed for wood processing, but used or adapted for use in the processing of other materials.

(10) Service machinery and equipment, including the following machinery and equipment used for the purpose of maintaining woodworking machinery and equipment in sound operating condition:

(a) Cutter head grinders, including balancing and setting devices.

(b) Knife grinders, including balancing and setting devices.

(c) Band, circular and chain saw sharpening machines.

II. The following machinery and equipment is not considered to be "woodworking machinery" for the purposes of this order:

(1) Track-laying tractors and auxiliary equipment as defined in Limitation Order L–53; (2) Construction machinery and equipment as defined in Limitation Order L–192; (3) Farm wood sawing and splitting machines (for fuel wood), 5 horse power and less, including self-powered cross cut and drag saws, saw mandrels, and wood splitting machines; (4) Spray guns, spray booths and other machinery and equipment used for painting, varnishing or lacquering; (5) Floor finishing, floor sanding and floor maintenance machines as defined in Limitation Order L–222; (6) Portable power driven woodworking tools (except timber falling or bucking saws) which, in the course of normal use, are lifted, held and operated by not more than two persons; (7) Waste disposal and conveyor machinery and equipment other than that which is built into woodworking machinery as an integral part of it; (8) Hand tools; (9) Light power driven tools as defined in Limitation Order L–237, and (10) Component parts such as electric motors, electric switches, and compressors, when manufactured or sold as such and not as integral parts of woodworking machinery.

[F. R. Doc. 43–13979; Filed, August 27, 1943; 11:01 a. m.]

Chapter XI—Office of Price Administration

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[RPS 7,[1] Amdt. 12]

COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

[1] 7 F.R. 1221, 2000, 2132, 2277, 2393, 2509, 2737, 3160, 3551, 3664, 5481, 8948, 9732, 10469, 8 F.R. 972, 5755, 9285.

has been filed with the Division of the Federal Register.*

Section 1307.12 (d) (3) is amended by adding after the first paragraph of the section the following paragraph and footnote thereto:

For the purposes of this regulation a person is acting as an agent of a war procurement agency to purchase yarns at the maximum prices appearing in Column B only if his authority is conferred by or derived from an agency designation issued by a war procurement agency especially for such purpose.[4a]

[4a] War procurement agencies are using specially devised procedures for designation of purchasers as their agents for the purpose of this section. In the absence of any such specific designation a seller is not permitted to charge and a buyer is not permitted to pay the maximum prices appearing in Column B of this section. The mere fact that a purchaser has a contract covering goods to be furnished to a war procurement agency and/or a contract carrying a preference rating does not constitute him an agent (as the term is used herein) of a war procurement agency.

This amendment shall become effective the 1st day of September 1943.

(Public Laws 421 and 729, 77th Cong.; Public Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 8328, 8 F.R. 4681)

Issued this 26th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13951; Filed, August 26, 1943; 3:54 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 123]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 88 has been amended in the following respects:

1. Section 1340.159 (b) (11) (ii), (iv) and (v) are renumbered to be (iv), (vi) and (vii) respectively. Subparagraph numbered (iii) which begins with the words "For the purpose of" is renumbered as (v).

2. Section 1340.159 (b) (11) (i) is renumbered as (iii) and amended to read as follows:

(iii) Unless otherwise provided in this Paragraph (11) and notwithstanding any other provisions of § 1340.159 (b) a seller's maximum tank wagon price, in states other than those named in paragraph (i) above, for a particular grade of gasoline, kerosene, range or stove oil, distillate fuel oils, and tractor and Diesel fuel shall be the maximum price as determined under other porvisions of this schedule of the reference tank wagon seller named hereunder for the same grade at the same point provided the reference tank wagon seller's maximum price is higher than the maximum price which would otherwise be applicable.

3. Section 1340.159 (b) (11) (i) and (ii) are added to read as follows:

(i) Notwithstanding any other provisions of § 1340.159 (b) a seller's maximum tank wagon price for a particular grade of gasoline, kerosene, range or stove oil, distillate fuel oil, Diesel fuel, or tractor fuel, at a particular point in any of the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, or Wisconsin shall be either the hereinunder named reference tank wagon seller's normal price, as posted on October 1, 1941, for the same grade of the particular product at the same point or the sum of said reference seller's maximum tank wagon price for such product at the same point as established under other provisions of this schedule and .7¢ per gallon, whichever is the lower, except that in the case of tractor fuel if a tank wagon seller's maximum price as determined under other provisions of this schedule is higher then such maximum price shall remain in effect.

If the reference seller has no established maximum price at a particular point for a particular grade of any of the products named above, then a tank wagon seller's maximum price shall be his maximum price as determined by other provisions of this price schedule.

Any tank wagon seller whose maximum price to a retail dealer is increased pursuant to this paragraph (11) shall give notice to such retail dealer in accordance with § 1340.163 (c) of this schedule.

(ii) *Supplier's maximum prices.* In computing the supplier's maximum price for kerosene and fuel oil, the tank wagon price used in any computation under (*a*) and (*b*) hereunder shall be regarded as .3 of a cent less than the actual maximum price. A supplier's maximum price at a particular shipping point shall be his maximum price determined by other provisions of this Price Schedule. A supplier's maximum price, for a particular grade of one of the products named at a particular delivery point, to a tank wagon seller whose maximum price at such point is increased under the terms of sub-paragraph (i) shall be determined as follows:

(*a*) If there was a contract in effect on October 1, 1941, between the supplier and such tank wagon seller, and such contract provided for varying the price of the supplier to such tank wagon seller on the basis of the tank wagon price at the particular delivery point and if such tank wagon seller's maximum price is increased but not to the normal price of the reference seller as posted on October 1, 1941, then the supplier's maximum delivered price shall be increased only when the tank wagon seller's margin would be in excess of that called for in the contract had the tank wagon seller's price been increased to normal and the extent of such increase in the supplier's maximum price shall be the amount of such excess.

(*b*) If there was a contract in effect on October 1, 1941, as described in (*a*) above, and if such tank wagon seller's maximum price is increased at any point to the normal price of the reference seller as posted on October 1, 1941, then the supplier's maximum price shall be altered in accordance with the provisions of such contract.

(c) If a contract as described in (*a*) above was not in effect on October 1, 1941, then the supplier's maximum price shall be determined by other provisions of this schedule.

Illustrations. *The .3¢ per gallon increase permitted under Amendment No. 53 is excluded from these illustrations as it should be from similar computations.

	Cents per gal.
A. Reference Seller's Normal Posted Price as of October 1, 1941	9.0
Reference Seller's *Present maximum price	8.5
Amount below normal	0.5
Results:	
1. Present ceiling is increased to normal because the amount below normal is less than .7¢ per gallon and the new ceiling is **9.0¢ per gallon.	
2. Supplier's maximum price to the tank wagon seller may be changed in accordance with the provisions of Subdivision (*b*) above.	
B. Reference Seller's Normal Posted Price as of October 1, 1941	9.5
Reference Seller's *Present maximum price	8.5
Amount below normal	1.0
Results:	
1. Present ceiling is not increased to normal because the amount below normal is more than .7¢ per gallon but the entire .7¢ per gallon is added to the present ceiling and the new ceiling is **9.2¢ per gallon.	
2. Supplier's maximum price to the tank wagon seller may be changed in accordance with subdivision (*a*) above.	

**Plus the .3¢ per gallon increase authorized under Amendment No. 53.

This amendment shall become effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13952; Filed, August 26, 1943; 3:53 p. m.]

PART 1438—NONMETALLIC MINERALS

[MPR 347,[1] Amdt. 3]

MICA

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2a is added to read as follows:

SEC. 2a. *Maximum prices for sales or deliveries of pipe line enamel mica to*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718.

[1] 8 F.R. 3530, 6181, 8275.

the Barrett Division of the Allied Chemical and Dye Corporation. (a) Any person may sell or deliver to the Barrett Division of the Allied Chemical and Dye Corporation, Chicago, Illinois, and Fairfield, Alabama, pipe line enamel mica meeting the following specifications:

Screen Test:	
Through 35 mesh	99.8% minimum.
Through 60 mesh	90% minimum.
Through 100 mesh	60% minimum.
Loss on ignition	6% maximum.
Moisture	.20% maximum.

Must be free of carbonates.

at a delivered price not in excess of $30.00 per ton plus (1) railroad freight on the shipment from the seller's shipping point to the consumer's plant, or (2) railroad freight on such shipment from Spruce Pine, North Carolina to the consumer's plant, whichever is higher.

(b) The maximum price f. o. b. the seller's shipping point shall be his maximum delivered price as calculated under paragraph (a) minus freight from the seller's shipping point to the consumer's plant.

This amendment shall become effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13953; Filed, August 26, 1943; 3:53 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 8-1, Amdt. 2]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN CALIFORNIA, OREGON, WASHINGTON AND NORTHERN IDAHO

For the feasons set forth in the statement of considerations issued simultaneously herewith, Restaurant Maximum Price Regulation No. 8-1 is hereby amended in the following respects:

A new section is added following section 16, to read as follows:

SEC. 17. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment is operating under such hardship as to cause a substantial threat to the continuance of its operations.

(2) It is determined with reasonable certainty that such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation; and

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much as or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices[2] by submitting to your OPA District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period, and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement, or, if none is available, a statement showing earnings and expenses, for your restaurant business for the most recent 3 month accounting period.

(7) A profit and loss statement, or, if none is available, a statement showing earnings and expenses, for your restaurant business for your most recent full calendar year or fiscal year. If your last income tax return was filed separately for your restaurant business, you may, if you prefer, file a copy of your income tax return in place of the profit and loss statement.

Applications for adjustment under this section may be acted upon by any district office that has been authorized to do so by order of the Regional Administrator.

This amendment shall become effective August 15, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 12th day of August 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13954; Filed, August 26, 1943; 3:53 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 8-1, Correction]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN CALIFORNIA, OREGON, WASHINGTON AND NORTHERN IDAHO

The last sentence of paragraph (b) in section 7, of Restaurant Maximum Price Regulation 8-1, is hereby corrected to read as follows: "You are subject to the record requirements of section 9 and the posting requirements of section 10 immediately upon the opening of your place."

This correction shall be effective as of May 10, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13955; Filed, August 26, 1943; 3:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 74 Under SR 15 to GMPR, Amdt. 1]

COLUMBIA TRANSFER CO.

Amendment No. 1 to Order No. 74 under § 1499.75 (a) (3) of Supplementary Regulation No. 15; Docket No. GF3-3343.

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 74 is amended in the following respect. Paragraph (a) of § 1499.1374 is amended to read as follows:

(a) Columbia Transfer Company, a corporation, 713 West Pennway, Kansas City, Missouri, may charge and collect from Missouri Pacific Railroad Company, or any subsidiary or affiliated company, for contract carrier services performed in the States of Louisiana, Arkansas, and Mississippi on and after April 1, 1943, rates and charges not in excess of the following maximum prices:

For line haul service, 17½¢ per truck mile.
For pick-up and delivery service, 7¢ per 100 pounds.

This amendment shall become effective August 26, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13958; Filed, August 26, 1943; 3:52 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 27 Under § 1499.18 (c), as Amended, of GMPR]

J. C. WINTER AND CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1527 *Denial of application of J. C. Winter & Co., Inc., Red Lion, Pennsylvania, for adjustment of maximum price for "Happy Jim" scrap chewing tobacco.* (a) The application of J. C. Winter & Co., Inc., filed February 13, 1943, for adjustment of its maximum price for "Happy Jim" scrap chewing tobacco is hereby denied.

This Order No. 27 shall become effective August 26, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13959; Filed, August 26, 1943; 3:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 30 Under § 1499.29 of GMPR, Amdt. 1]

ATLANTIC PINE INDUSTRIES CORP.

For the reasons set forth in an opinion issued simultaneously herewith, § 1499.430 (a) (1) is amended by deleting from the list of named persons the name "Atlanta Pine Products, Kissim-

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[2] Copies may be obtained from the Office of Price Administration, Washington, D. C., or any of its District Offices.

mee, Florida" and substituting therefor the name "Atlantic Pine Industries Corporation, Kissimmee, Florida."

This amendment shall be effective as of June 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of August 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-13956; Filed, August 26, 1943; 3:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 94 Under SR 15 to GMPR]

JOHN RUDGE

Order No. 94 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3188.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1394 *Adjustment of maximum prices for contract carrier services furnished by John Rudge.* (a) John Rudge of Youngstown, Ohio, may sell and deliver contract carrier services to Ward Baking Company of Youngstown, Ohio in connection with the daily transportation of bread to and between Youngstown, Ohio and Franklin, Penna. at rates not to exceed $115 per week.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 94 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 94 (§ 1499.1394) shall become effective August 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.)

Issued this 26th day of August 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-13961; Filed, August 26, 1943; 3:52 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 21]

COTTON STORAGE IN TEXAS AND OKLAHOMA

The statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (6) is added to section 8.2 (b) of Revised Supplementary Regulation No. 14 to read as follows:

(6) *Storage of Cotton in Texas and Oklahoma.* (i) On and after July 26, 1943, cotton warehousemen in the States of Texas and Oklahoma who comply with the requirements of subdivision (ii) of this subparagraph may charge, for the services of storing, receiving, handling and compressing cotton and for miscellaneous services in connection with the warehousing of cotton, their maximum prices established by § 1499.2 of the General Maximum Price Regulation and Amendments 14 and 40 to Supplementary Regulation No. 14, plus a surcharge in the amount of 20%.

(ii) Warehousemen affected by the provisions of this amendment shall, within 30 days after the date of this amendment, file with the Transportation and Warehouse Section of the Regional Office of the Office of Price Administration, Fidelity Building, Dallas 2, Texas, copies of their tariffs or rate schedules in effect during the season of 1942-1943.

This amendment shall become effective August 26, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13960; Filed, August 26, 1943; 3:52 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 15 to GMPR, Amdt. 9]

WAGE INCREASES APPROVED BEFORE APRIL 8, 1943; REVOCATION

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.75 (a) (7) is revoked.

This amendment shall become effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13957; Filed, August 26, 1943; 3:53 p. m.]

Chapter XIX—Defense Supplies Corporation

PART 7001—PETROLEUM COMPENSATORY ADJUSTMENTS [1]

REVISION OF SCHEDULES

AUGUST 14, 1943.

The following are Revised Schedule B, Value of Compensable Products at the Normal Origin, and Revised Schedule C, Revenue Price Increases, issued by Defense Supplies Corporation in connection with Regulation No. 1.

Schedule B has been revised to provide that the value at the Normal Origin applicable to kerosene, range oil and stove oil and No. 1 fuel oil, regardless of the gravity thereof, shall be 3.875¢ per gallon for the period from January 1 through March 16, 1943, and 4.125¢ per gallon for the period subsequent to March 16, 1943.

The original Schedule C was issued on May 19, 1943. Shortly thereafter it was determined that revision of the Schedule would be necessary. Therefore, the original Schedule was not published in the FEDERAL REGISTER.

[1] 8 F.R. 6101, 10812.

REVISED SCHEDULE B—VALUE OF COMPENSABLE PRODUCTS AT THE NORMAL ORIGIN

Product	Value per gallon			
	Period from 8-1-42 through 12-31-42	Period from 1-1-43 through 3-2-43	Period from 3-3-43 through 3-16-43	Subsequent to 3-16-43
	Cents	*Cents*	*Cents*	*Cents*
Gasoline:				
Aviation:				
80 Octane A. S. T. M. Leaded	7.00	7.00	7.00	7.00
73 Octane A. S. T. M. Leaded	6.75	6.75	6.75	6.75
65 Octane A. S. T. M. Leaded	6.50	6.50	6.50	6.50
Motor:				
78-80 Octane A. S. T. M. Leaded	6.75	6.75	6.75	6.75
79-80 Octane A. S. T. M. Leaded	6.75	6.75	6.75	6.75
80 Octane (1939 Research) Leaded	6.00	6.00	6.00	6.00
72-74 Octane A. S. T. M. Leaded	5.75	5.75	5.75	5.75
72-74 Octane A. S. T. M. Unleaded	5.75	5.75	5.75	5.75
70-72 Octane A. S. T. M. Leaded	5.75	5.75	5.75	5.75
68-70 Octane A. S. T. M. Leaded	5.50	5.50	5.50	5.50
68-70 Octane A. S. T. M. Unleaded	5.75	5.75	5.50	5.50
65-67 Octane A. S. T. M. Unleaded	5.25	5.25	5.25	5.25
60-64 Octane A. S. T. M. Unleaded	5.00	5.00	5.00	5.00
Tractor fuel:				
56-62 Octane	4.75	4.75	4.75	4.75
42-45 Octane	4.50	4.50	4.50	4.50
35 Octane	4.25	4.25	4.25	4.25
Kerosene:				
41-43 Gravity—Water White	3.875	3.875	3.875	4.125
42-44 Gravity	4.00	3.875	3.875	4.125
42-45 Gravity	4.00	3.875	3.875	4.125
43-45 Gravity	4.00	3.875	3.875	4.125
44-46 Gravity	4.125	3.875	3.875	4.125
45 Gravity	4.125	3.875	3.875	4.125
46-48 Gravity	4.50	3.875	3.875	4.125
47-49 Gravity	4.50	3.875	3.875	4.125
Range oil and stove oil:				
41-43 Gravity	3.875	3.875	3.875	4.125
42-44 Gravity	4.00	3.875	3.875	4.125
Distillate fuel oils:				
No. 1	3.875	3.875	3.875	4.125
No. 2	3.75	3.75	3.75	3.75
No. 3	3.75	3.75	3.75	3.75
No. 4	3.75	3.75	3.75	3.75

*Copies may be obtained from the Office of Price Administration.

REVISED SCHEDULE B—VALUE OF COMPENSABLE PRODUCTS AT THE NORMAL ORIGIN—Continued

Product	Value per gallon: Period from 8-1-42 through 12-31-42	Period from 1-1-43 through 3-2-43	Period from 3-3-43 through 3-16-43	Subsequent to 3-16-43
Gas oils:	*Cents*	*Cents*	*Cents*	*Cents*
52 Diesel Index and below	4.125	4.125	4.00	4.00
53-57 Diesel Index	4.25	4.25	4.125	4.125
58 Diesel Index and above	4.375	4.375	4.25	4.25
	Value per barrel			
Residual fuel oils:				
No. 5	$1.05	$1.05	$1.05	$1.05
Navy Special	1.05	1.05	1.05	1.05
No. 6	.85	.85	.85	.85
Bunker "C"	.85	.85	.85	.85
12.9 gravity and below	----------	----------	.97	.97
13.0-15.9 Gravity	----------	----------	1.09	1.09
16.0-19.9 Gravity	----------	----------	1.21	1.21
20.0-24.9 Gravity	----------	----------	1.27	1.27
24.9 Gravity and over	----------	----------	----------	----------

REVISED SCHEDULE C—REVENUE PRICE INCREASES

Outlined herein are the amounts and effective dates of Revenues from price increases on petroleum products in District One authorized by the Office of Price Administration in connection with extra transportation costs involved in the use of Substitute Methods of Transportation.

Amounts in this schedule represent the full amounts of authorized Revenue Price Increases and shall be accounted for by sellers or consumers of these products in District One, excepting the tables on pages 5 through 8 where the amounts of Revenues to be accounted for are clearly distinguished from the full amounts of the authorized Revenue Price Increases.

Period	Product description	Amount of revenue to be credited to the "Plan" or D. S. C.: Florida* and Georgia	All other
	A. GASOLINE	*Cents per gallon*	*Cents per gallon*
8-1-42 through 8-4-42	1. All gasoline except aviation gasoline of 91 octane or higher.	2.4	3.7
8-5-42 through 1-3-43	2. All gasoline except aviation gasoline of 91 octane or higher.	.9	1.2
1-4-43 until revised	3. All gasoline except aviation gasoline of 87 octane or higher.	.9	1.2

*That portion of Florida east of the Apalachicola River.

Period	Product description	Amount of revenue to be credited to the "Plan" or D. S. C.
	B. DISTILLATE FUEL OILS	
8-1-42 through 8-4-42	1. Tractor fuels, gas house oils, distillate Diesel fuel oils, Nos. 2, 3 and 4 fuel oils. Kerosene, range oil and No. 1 fuel oil	2.0¢ per gallon. 2.4¢ per gallon.
8-5-42 through 1-3-43	2. Tractor fuels, gas house oils, distillate Diesel fuel oils, Nos. 1, 2, 3 and 4 fuel oils, kerosene and range oil.	1.5¢ per gallon.
1-4-43 until revised	3. All distillate and distillate type fuel oils having a viscosity below 85 seconds Saybolt Universal (at 100° F.) including but not limited to the following: tractor fuels, gas house oils, distillate Diesel fuel oils, Nos. 1, 2, 3 and 4 fuel oils, kerosene, range oil, standard light gas oil and Mirando and Mirandotype crude oil when sold as No. 4 fuel oil or other distillate fuel oil.	1.5¢ per gallon.
4-1-43 until revised	4. Distillate Diesel fuel oils sold through refineries and terminals located at certain named ports.	See Table 1 of this schedule.
	C. RESIDUAL FUEL OILS	
8-1-42 through 8-4-42	1. Residual fuel oils comprising No. 5 and No. 6 fuel oils, Bunker "C", Navy grade and residual Diesel fuel oils.	$0.45 per barrel.
8-5-42 through 1-8-43	2. Residual fuel oils comprising No. 5 and No. 6 fuel oils, Bunker "C", Navy grade and residual Diesel fuel oils.	$0.30 per barrel.
1-9-43* through 3-2-43	3. Residual and residual type fuel oils having a viscosity of 85 seconds Saybolt Universal (at 100° F.) and above, including but not limited to the following: No. 5 and No. 6 fuel oil, Bunker "C", Navy grade, residual Diesel fuel oils, residuum gas oils, heavy gas oils, heavy gas enrichment oils, gas house heavy fuel oil, N. E. gas enrichment oil, S. W. gas oil, Admiralty fuel oil, Navy special fuel oil, Mirando and Mirando type crude oil when sold as No. 5 fuel oil or other residual fuel oil or as a heavy gas enrichment oil*.	$0.30 per barrel.
3-3-43 until revised	4. Residual fuel oils as described under C-3 above including residual fuel oils sold on a gravity scale basis.	See Table 2 of this schedule.
11-1-42 through 1-8-43	5. No. 6 and Bunker "C" fuel oils sold through refineries and terminals located at certain named ports.	Do.
1-9-43 through 3-2-43	6. Residual and residual type fuel oils having a viscosity of 85 seconds Saybolt Universal (at 100° F.) and above, including but not limited to the following: No. 5 and No. 6 fuel oil, Bunker "C", Navy grade, residual Diesel fuel oils, residuum gas oils, heavy gas oils, heavy gas enrichment oils, gas house heavy fuel oil, N. E. gas enrichment oil, S. W. gas oil, Admiralty fuel oil, Navy special fuel oil, Mirando and Mirando type crude oil when sold as No. 5 fuel oil or other residual fuel oil or as a heavy gas enrichment oil, sold through refineries and terminals located at certain named ports.	Do.
3-3-43 until revised	7. Residual fuel oils as described under C-6 above including residual fuel oils sold on a gravity scale basis through refineries and terminals located at certain named ports.	Do.
	D. PRODUCTS PURCHASED FROM THE NAVY	
1-1-43 until revised	1. Where the Navy Department releases from Navy storage a sufficient quantity of gasoline, distillate fuel oil (including kerosene, range oil, etc.), or residual fuel oil to enable a supplier to make emergency deliveries of such products in District One, the following formula for calculating Revenues shall apply: The sum of: (1) The Navy's invoice price plus (2) the cost to the supplier of transporting the product to a destintion outside the area normally served from the point of purchase from the Navy, plus (3) 10¢ per barrel. Deducted from: The supplier's applicable Ceiling Price of the product at the destination where delivery is made. Will result in: The amount of Revenue to be reported on sales of products purchased from the Navy; in no event, however, should the amount of Revenue to be reported exceed the applicable Revenue Price Increases, as defined in section 1 (q) of Revised Regulation No. 1. If the supplier's applicable Ceiling Price will not permit him to realize all or part of the margin of 10¢ per barrel, the supplier may not deduct such unrealized margin from other Revenues for which he must account. Tanker freight charges should not be included in the computation of the supplier's applicable Ceiling Prices in cases where products are purchased from the Navy at prices which do not include tanker freight charges and are delivered by the supplier, at prices which do not include tanker freight charges, to vessels operated for the account of the War Shipping Administration.	

*If Revenue was collected by sellers prior to January 9, 1943, on products not listed under C-1 above, such Revenue should be reported. If sellers did not collect Revenue prior to January 9, 1943, on products not listed under C-1 above, they will not be required to account for such Revenue.

TABLE NO. 1.—DISTILLATE DIESEL FUEL OILS

TABLE OF REVENUE TO BE ACCOUNTED FOR ON SALES OF DISTILLATE DIESEL FUEL OILS THROUGH REFINERIES AND TERMINALS LOCATED AT CERTAIN PORTS

[See item B-4 on page 2 of this Schedule]

Ports	Authorized price increase (per barrel)	Amount of revenue to be retained by participants or applicants	Amount of revenue to be credited to the "Plan" or D. S. C.
Portland, Maine	$0.63	$0.07	$0.56
Portsmouth, New Hampshire	.63	.07	.56
Boston, Massachusetts	.63	.145	.485
Beverly, Massachusetts	.63	.145	.485
Chelsea, Massachusetts	.63	.145	.485
Quincy, Massachusetts	.63	.145	.485
West Cambridge, Massachusetts	.63	.145	.485
Fall River, Massachusetts	.63	.12	.51
Tiverton, Rhode Island	.63	.12	.51
Providence, Rhode Island	.63	.12	.51
Kettle Point, Rhode Island	.63	.12	.51
New Haven, Connecticut	.63	.12	.51
Albany, New York	.63	----------	.63
Rensselaer, New York	.63	----------	.63
New York, New York	.63	.10	.53
Bayonne, New Jersey	.63	.10	.53
Carteret, New Jersey	.63	.10	.53
Harrison, New Jersey	.63	.10	.53
Linden, New Jersey	.63	.10	.53
Newark, New Jersey	.63	.10	.53
Perth Amboy, New Jersey	.63	.10	.53
Sewaren, New Jersey	.63	.10	.53
Tremley Point, New Jersey	.63	.10	.53
Warners, New Jersey	.63	.10	.53
Philadelphia, Pennsylvania	.63	.10	.53
Paulsboro, New Jersey	.63	.10	.53
North Claymont, Delaware	.63	.10	.53
Wilmington, Delaware	.63	.10	.53
Marcus Hook, Pennsylvania	.63	.10	.53
Baltimore, Maryland	.63	.10	.53
Centerville, Maryland	.63	.10	.53
Curtis Bay, Maryland	.63	.10	.53
Sparrows Point, Maryland	.63	.10	.53
Norfolk, Virginia	.63	.08	.55
Wilmington, North Carolina	.63	.035	.595
Charleston, South Carolina	.63	.015	.615
Savannah, Georgia	.63	.17	.46
Brunswick, Georgia	.63	.17	.46
Port Wentworth, Georgia	.63	.17	.46
Jacksonville, Florida	.63	.155	.475
Miami, Florida	.63	----------	.63
Tampa, Florida	.63	.06	.57

TABLE NO. 2.—RESIDUAL FUEL OILS

TABLE OF REVENUE TO BE ACCOUNTED FOR ON SALES OF RESIDUAL FUEL OILS THROUGH REFINERIES AND TERMINALS LOCATED AT CERTAIN PORTS

[See Items C-5, C-6 and C-7 on Page 3 of this Schedule]

Ports	Authorized price increase (per barrel)	Amount of revenue to be retained by participants or applicants	Amount of revenue to be credited to the "Plan" or D. S. C.
Portland, Maine	$0.30	$0.13	$0.17
Portsmouth, New Hampshire	.30	.13	.17
Boston, Massachusetts	.30	.125	.175
Beverly, Massachusetts	.30	.125	.175
Chelsea, Massachusetts	.30	.125	.175
Quincy, Massachusetts	.30	.125	.175
West Cambridge, Massachusetts	.30	.125	.175
Fall River, Massachusetts	.30	.10	.20
Tiverton, Rhode Island	.30	.10	.20
Providence, Rhode Island	.30	.10	.20
Kettle Point, Rhode Island	.30	.10	.20
New Haven, Connecticut	.30	.10	.20
Albany, New York	.30	.08	.22
Rensselaer, New York	.30	.08	.22
New York, New York	.30	.08	.22
Bayonne, New Jersey	.30	.08	.22
Carteret, New Jersey	.30	.08	.22
Harrison, New Jersey	.30	.08	.22
Linden, New Jersey	.30	.08	.22
Newark, New Jersey	.30	.08	.22
Perth Amboy, New Jersey	.30	.08	.22
Sewaren, New Jersey	.30	.08	.22
Tremley Point, New Jersey	.30	.08	.22
Warners, New Jersey	.30	.08	.22
Philadelphia, Pennsylvania	.30	.08	.22
Paulsboro, New Jersey	.30	.08	.22
North Claymont, Delaware	.30	.08	.22
Wilmington, Delaware	.30	.08	.22
Marcus Hook, Pennsylvania	.30	.08	.22
Baltimore, Maryland	.30	.08	.22
Centerville, Maryland	.30	.08	.22
Curtis Bay, Maryland	.30	.08	.22
Sparrows Point, Maryland	.30	.08	.22
Norfolk, Virginia	.30	.045	.255
Wilmington, North Carolina	.30	.05	.25
Charleston, South Carolina	.30	.03	.27
Savannah, Georgia	.30	.025	.275
Brunswick, Georgia	.30	.025	.275
Port Wentworth, Georgia	.30	.025	.275
Jacksonville, Florida	.30	.01	.29
Miami, Florida	.30	----------	.30
Tampa, Florida	.30	----------	.30

GEORGE H. HILL, JR.
Executive Vice-President and General Counsel.

[F. R. Doc. 43-13920; Filed, August 26, 1943; 10:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 5—REGULATIONS, UNITED STATES COAST GUARD AUXILIARY

ORGANIZATION AND ADMINISTRATION

The Regulations, United States Coast Guard Auxiliary (6 F.R. 1356), as amended, are hereby further amended as follows:

Section 5.2 (a) is amended to read as follows:

§ 5.2 *Organization and administration.*—(a) *Organization.* The Auxiliary, a voluntary organization of citizens, who are owners of motorboats or yachts, shall be organized for the purpose of,

(1) Furthering interest in safety of life at sea and upon navigable waters,

(2) Promoting efficiency in the operation of motorboats and yachts.

(3) Fostering a wider knowledge of, and better compliance with, the laws, rules and regulations governing the operation of motorboats and yachts, and

(4) Facilitating operations of the Coast Guard.

Members shall be grouped into Flotillas each of which shall be designated by a number. Flotillas shall in turn be grouped into Divisions designated by appropriate geographical names. Divisions shall be subdivisions of Districts of the Auxiliary, which Districts shall coincide with and bear the same name as those of the Coast Guard with the exception that the Commandant may group Flotillas or Divisions under commands separate from Coast Guard District organizations when such a separation shall be deemed advisable to facilitate operations of the Coast Guard.

Paragraph (b) of § 5.2 is deleted and paragraphs (c), (d), and (e) of § 5.2 are relettered as paragraphs (b), (c), and (d) respectively.

L. T. CHALKER,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

Approved: August 25, 1943.

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 43-13972; Filed, August 27, 1943; 10:23 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

WAR DEPARTMENT VESSELS

WAIVER OF NAVIGATION AND INSPECTION LAWS

The Secretary of War having requested, pursuant to section 501 of the Second War Powers Act, 1942, 56 Stat. 180 (50 U.S.C., App., Sup. II, 635), that the Secretary of the Navy waive compliance with the navigation and vessel inspection laws administered by the Coast Guard to the following extent:

Whenever, with respect to any vessel owned, chartered, operated by, or carrying cargo or personnel for the War Department, an application under the procedure set forth in "Waiver of Navigation and Vessel Inspection Laws," 8 F.R. 9164, results in a denial to effectuate the waiver made in the order of the Acting Secretary of the Navy, dated October 1, 1942, 7 F.R. 7979, the navigation and inspection laws which were the subject of such application shall nevertheless be waived if the Commanding Officer of the port of embarkation or his duly authorized representative finds that military urgency outweighs the marine hazard involved and so states in writing to the District Coast Guard Officer or to his designated representative (or, in case of a vessel in a foreign port at which the Coast Guard has established facilities, to the designated representative of the Commandant) to whom the original application was made.;

And the Secretary of War having stated in such request that he deems such action necessary in the conduct of the war;

Now, therefore, pursuant to the direction in section 501 of the Second War Powers Act, 1942, I hereby waive compliance with the navigation and vessel inspection laws to the extent so requested by the Secretary of War.

FRANK KNOX,
Secretary of the Navy.

AUGUST 25, 1943.

[F. R. Doc. 43-13950; Filed, August 26, 1943; 3:22 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

FINANCIAL STATEMENTS

The Commission on August 24, 1943, effective immediately, amended § 1.361 as follows:

§ 1.361 *Financial statements.*[1] Each licensee of a standard broadcast station shall file with the Commission on or before March 1 of each year on such forms as may be prescribed by the Commission, a balance sheet showing the financial condition of the licensee as of December 31 of the preceding year and an income statement for the preceding calendar year. Each such form shall be subscribed as provided in § 1.121.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-13975; Filed, August 27, 1943; 9:45 a. m.]

[1] See also § 43.1 of the Rules and Regulations which requires the filing by licensees and permittees of all classes of broadcast stations of reports as to ownership, operation, interests therein, contracts, etc.

PART 2—GENERAL RULES AND REGULATIONS

DISCONTINUANCE OF RADIO STATION OPERATION

The Commission, on August 24, 1943, effective immediately, adopted a new section as follows:

§ 2.66 *Discontinuance of operation.* Unless otherwise required by the rules governing the particular service in which a radio station operates, the licensee of each fixed or land radio station, except stations operating in Alaska, shall notify the inspector in charge of the district where such station is located of any of the following changes in the status of such station at least two days before such change:

(a) Temporary discontinuance of operation for a period of ten days or more;

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more;

(c) Permanent discontinuance of operation. *Provided, however,* where any such discontinuance of operation is not voluntary and results from causes beyond the control of the licensee notice thereof shall be given not later than two days after such discontinuance of operation.

In all cases of permanent discontinuance of operation the licensee shall, in addition to notifying the inspector of intention to discontinue operation, immediately forward the station license to the Washington, D. C. office of the Commission for cancellation.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-13976; Filed, August 27, 1943; 9:45 a. m.]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

SUBSTITUTION OF LETTER CALLS FOR LETTER-NUMERAL CALLS

The Commission on August 24, 1943, adopted a plan to substitute letter calls for high frequency (FM) broadcast stations in place of the letter-numeral calls now being used by such stations. This change is based upon the past experience of FM broadcasters in the use of letter-numeral calls and the desirability of making the change at this time. Approximately 45 high frequency (FM) broadcast stations now in operation and all future licensees of such stations are affected.

The Commission's plan provides that four-letter calls be used for FM stations, except in cases where the licensee of an FM station is also the licensee of a standard broadcast station and both stations are located in the same city, the call letters of the standard broadcast station followed by the suffix "FM" may be requested for the FM station. No new three-letter calls will be assigned to FM stations.

In order that the change in station calls may be carried out in an orderly manner all FM stations are required to begin using the new calls on November 1, 1943 and in all cases where a request for call letters has not been received by the Commission on or before October 1, 1943, four-letter calls will be assigned at the discretion of the Commission.

FM licensees may request several of the four-letter station calls available in the order preferred, and in cases where the same letters are requested by two FM licensees, the request first received by the Commission will have prior consideration. Presently unassigned four-letter call lists are not available for mailing, but such lists may be inspected at the offices of the Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-13977; Filed, August 27, 1943; 9:45 a. m.]

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

RADIOTELEGRAPH AND RADIOTELEPHONE STATIONS

The Commission on August 24, 1943, effective immediately, amended §§ 6.9 and 6.10 to read as follows:

§ 6.9 *Radiotelegraph.* The term "radiotelegraph" as hereinafter used shall be construed to include A–0, A–1, A–2 and A–4 emission.

§ 6.10 *Radiotelephone.* The term "radiotelephone" as hereinafter used shall be construed to include type A–3 emission only.

The Commission also adopted the following new sections:

§ 6.11 *Use of A–3 emission by radiotelegraph stations.* The licensee of a point-to-point radiotelegraph station may be authorized to use type A–3 emission for the purpose of transmitting addressed program material as set forth in § 6.51 and for the purpose of controlling the transmission and reception of facsimile material.

§ 6.12 *Use of A–0, A–1 or A–2 emission by radiotelephone stations.* The licensee of a point-to-point radiotelephone station may be authorized to use type A–0, A–1 or A–2 emission for test purposes or for the exchange of service messages.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-13978; Filed, August 27, 1943; 9:45 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

MEAT, POULTRY AND DAIRY PRODUCTS INDUSTRY

MINIMUM WAGE RECOMMENDATION

Notice of opportunity to submit written briefs in the matter of the recommendation of Industry Committee No. 61 for minimum wages in the Meat, Poultry, and Dairy Products Industry.

Whereas, a hearing has been held on August 24, 1943, before Donald M. Murtha, Chief, Wage-Hour Section, Office of the Solicitor, United States Department of Labor, at which all persons interested in the report and recommendation of Industry Committee No. 61 concerning minimum wage rates for the Meat, Poultry, and Dairy Products Industry were given opportunity to be heard and to offer evidence, and

Whereas, the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given that the Administrator will receive written briefs (not fewer than twelve copies) on or before September 14, 1943, at the Office of the Administrator, Wage and Hour Division, United States Department of Labor, 65 West 46th Street, New York, New York, from any person who appeared at said hearing.

Signed at New York, New York, this 26th day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-13973; Filed, August 27, 1943; 10:34 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5849]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

AUGUST 25, 1943.

Notice is hereby given that on August 19, 1943, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Arizona, California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the sale and transfer of (a) all of its electrical transmission and distribution facilities devoted to and used in its electric operations in the County of Imperial, California and in that part of the County of Riverside, California, described in the application as "District Coachella Area" consisting of approximately fifty-four townships in said County of Riverside and including the area to be served with water from the Coachella branch of the All-American Canal, excepting, however, its Palo Verde Valley transmission line extending from Calipatria in the County of Imperial to Blythe in the County of Riverside, (b) two short sections of electric transmission lines in said Riverside County outside said District Coachella Service Area, and (c) its electric transmission line extending between Rincon in the County of San Diego, California and El Centro in said County of Imperial, to Imperial Irrigation District, a public agency of the State of California, for a consideration stated in the application to be $4,900,000, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

The proposed sale and transfer is to be made under a contract containing conditions providing for the segregation of service areas and which in general are said to limit the electric operations and sales of the District to Imperial County and to a portion of Riverside County designated in the contract as "District Coachella Service Area," and restrict the applicant from direct or indirect electric operations in the said areas allocated to the District, all subject to certain exceptions.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 11th day of September, 1943, file with the Federal Power Commission a petition or protest in accordance with the Rules of Practice and Regulations of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-13974; Filed, August 27, 1943; 10:42 a. m.]

[Docket No G–230]

TENNESSEE GAS AND TRANSMISSION COMPANY

ORDER GRANTING FURTHER HEARING

AUGUST 24, 1943.

Upon consideration of the petitions filed on August 3 and August 6, 1943, by Louisiana Public Service Commission, the Department of Conservation of the State of Louisiana, the Department of Commerce and Industry of the State of Louisiana, Anthracite Institute, National Coal Association, United Mine Workers of America, and Railway Labor Executives Association, for further hearing with respect to Commission's Opinion No. 93 and order of July 5, 1943, and upon further consideration of the evidence adduced of record and the briefs and order of July 5, 1943; and

It appearing to the Commission that:

(a) The hearing in the above proceeding is scheduled to reconvene on September 8, 1943, at 9:45 a. m., e. w. t. in the Commission's Hearing Room, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(b) Petitioners seek opportunity to submit additional testimony in support of their position and to be afforded further opportunity for oral argument;

(c) It may be in the public interest to permit the several interveners to submit evidence and make further oral argument;

The Commission orders that: At the aforesaid hearing heretofore set to be held commencing September 8, 1943, at 9:45 a. m. (e. w. t.), in the Commission's Hearing Room, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., or at any postponement or adjournment thereof, the petitioners shall be permitted to submit additional relevant and material evidence and afforded a further opportunity to argue with respect to the matters involved and the issues presented in this proceeding.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-13982; Filed, August 27, 1943; 11:08 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

BERRY FLOWER SHOP, ET AL., DETROIT FLORISTS

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), Louis Berry, doing business as Berry Flower Shop, Christopher J. Engel, doing business as Engel's Green House, and Alexander Ivan, doing business as Ivan Flower Shop, all of Detroit, Michigan, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in Detroit and contiguous municipalities west and south of Detroit.

The participants in the plan propose to eliminate waste in the transportation of flowers and related articles by rearranging delivery routes and by pooling the use of their trucks and by reducing and curtailing deliveries. Each participant will operate one truck every third week, making all deliveries for the three participants. Occasionally and with the consent of the other participants Christopher J. Engel will operate his truck, in addition, to transport fertilizer and other materials in connection with his greenhouse. All deliveries beyond a 10-mile radius will be discontinued; and not more than two deliveries a week will be made to hospitals beyond a 3-mile radius. The participants estimate that effectuation of the plan will result in savings of 6,000 truck-miles a year. Joint selling activities are not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 24th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-13964; Filed, August 26, 1943; 4:51 p. m.]

ICE DEALERS OF TOLEDO, OHIO

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), The Ice Delivery Company and 24 others listed in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of ice in Toledo, Ohio, and nearby towns in Ohio and Michigan.

The participants in the plan propose to eliminate wasteful operations in the transportation and delivery of ice by reducing the frequency of deliveries, whether wholesale, retail or "commercial". In Toledo all deliveries will be made only on Mondays, Tuesdays, Thursdays, Fridays, and Saturdays, except that "commercial" deliveries will be made on Wednesdays and Sundays to hospitals and to others where necessary for the preservation of perishable food in transit. Wholesale deliveries will be made on Wednesdays and Sundays only to cash-and-carry stations where required by limited storage space. Wholesale, retail and "commercial" deliveries will be made without exception in the other towns served as follows: In Holland and Sylvania, Ohio, on Mondays, Tuesdays, Thursdays, Fridays, and Saturdays; in Bono, Curtice, Harber View, Maumee, Trilby, and Williston, Ohio, on Mondays, Wednesdays, Fridays, and Saturdays; in Bay Shore, French Town, Monclova, Perrysburg, Reno Beach, Rocky Ridge, Waterville, and Whitehouse, Ohio, on Mondays, Tuesdays, Thursdays, and Saturdays; in Clay Center and Genoa, Ohio, on Tuesdays, Thursdays, and Saturdays; in Alliston and Martin, Ohio, on Mondays and Fridays; and in Ida, Samaria, and Temperance, Michigan, on Mondays, Wednesdays, Thursday, Fridays, and Saturdays. It is estimated that effectuation of the plan will result in savings of 132,000 truck-miles a year.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 24th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX A

CARRIERS SERVING TOLEDO, OHIO

(Domiciled in Toledo except as noted)

1. The Ice Delivery Company, 525 E. Woodruff Avenue.
2. Bert G. Flowers, Apt. 10, Birmingham.
3. Michael Gramza, 3410 Lagrange Street.
4. Charles Yost, 4204 Eastway.
5. Casper Michalski, 302 Burbank Avenue.
6. Mike Janikos, 3035 Brown Road.
7. Ray Edwards, 514 Lagrange Street.
8. Joe Besancon, 564 Yondota Street.
9. Ralph Wexler, 1232 Noble Street.
10. A. Gasman, 1026 Moore Street.
11. C. Hawkins, 1355 Felt Street.
12. John J. Purcell, 1317 Paxton Street.
13. Roy Fauble, 822 Magnolia Street.
14. Julius Simmons, 913 Woodland Avenue.
15. Danny Bugaj, 1429½ Belmont Avenue.
16. A. Carpenter, 1039 Baker Street.
17. James McPherson, Lambertville, Michigan.
18. Wm. Jarecki, 2022 Georgia Avenue.

CARRIERS SERVING HOLLAND AND SYLVANIA, OHIO

19. Carl V. Aiken, R. 1, Sylvania, Ohio.
20. G. Harding, Angola Road, Toledo, Ohio.

CARRIERS SERVING BONO, CURTICE, HARBOR VIEW, MAUMEE, TRILBY AND WILLISTON, OHIO

21. Roger Van Hoose, Curtice, Ohio.
22. Williams Bros., by Karl Williams, Perrysburg, Ohio.

CARRIERS SERVING BAY SHORE, FRENCH TOWN, RENO BEACH AND ROCKY RIDGE, OHIO

21. Roger Van Hoose, Curtice, Ohio.

CARRIERS SERVING ALLISTON, CLAY CENTER, GENOA AND MARTIN, OHIO

23. W. A. Gallup, Genoa, Ohio.

CARRIERS SERVING IDA, SAMARIA AND TEMPERANCE, MICHIGAN

24. Paul Bigelow, Temperance, Michigan.

CARRIERS SERVING MONCLOVA, PERRYSBURG, WATERVILLE AND WHITEHOUSE, OHIO

25. The Citizens Ice & Fuel Company, 525 E. Woodruff Avenue, Toledo, Ohio.

[F. R. Doc. 43-13965; Filed, August 26, 1943; 4:51 p. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 26, 1943.

Order number and name:

MPR 136, as amended, Order 94, American Brake Shoe Co.

MPR 244, Order 35, Gartland-Haswell Foundry Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-13988; Filed, August 27, 1943; 12:06 p. m.]

Regional, State and District Office Orders.

[Region VII Order G-7 Under 18 (c)]

FLUID MILK IN COLORADO

Order No. G-7 (formerly Order No. 7) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Order modifying maximum wholesale and retail prices for fluid milk in the State of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(1) a. The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in the Denver area of Colorado shall be, from and after the effective date of this order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
½ pints	Approved	0.03½	0.05
Pints	Approved	.06	.08
Quarts	Approved	.10½	.13
½ gallons	Approved	.20	.25
Gallons	Approved	.41	.48

b. The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in the Colorado Springs-Manitou area of Colorado shall be, from and after the effective date of this order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
½ pints	Approved	0.03½	0.05
Pints	Approved	.06	.07
Quarts	Approved	.11	.13
½ gallons	Approved	.21	.25
Gallons	Approved	.41	.48

c. The maximum prices of fluid milk sold and delivered in glass bottles or paper containers in the Pueblo area of Colorado shall be, from and after the effective date of this order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
½ pints	Approved	0.03½	0.05
Pints	Approved	.05	.07
Quarts	Approved	.10	.12
½ gallons	Approved	.19	.22
Gallons	Approved	.37	.44

d. The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in the Adams, Arapahoe, Jefferson, El Paso, Pueblo, Larimer, Weld, Logan, Morgan, Boulder, Gilpin, Clear Creek, Douglas, Teller, Otero and Huerfano area of Colorado shall be, from and after the effective date of this order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
½ pints	Approved	0.03½	0.05
Pints	Approved	.05	.07
Quarts	Approved	.10	.12
½ gallons	Approved	.19	.22
Gallons	Approved	.37	.44

e. The maximum prices of fluid milk sold and delivered at wholesale and retail in glass bottles or paper containers in the remainder area of Colorado shall be, from and after the effective date of this order, as follows:

In glass bottles or paper containers	Grade	Wholesale	Retail
½ pint	Approved	.03	.04
Pints	Approved	.05	.06
Quarts	Approved	.09	.11
½ gallons	Approved	.18	.21
Gallons	Approved	.23	.40

(2) From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(3) Any person making a first sale of milk to any customer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G-7 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. on December 23, 1942, the price of milk in this area of Colorado has been fixed at (here state each container size sold and the wholesale and retail prices for the same).

(4) Sellers and distributors of fluid milk who adjust any price upward upon the authority of this order shall, on or before the 20th day of February, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Denver, Colorado, the quantity of milk handled during each month, the source or sources of supply from which obtained and the price paid the producer therefor on a butter-fat basis, either directly by the seller or by his immediate or remote supplier who did purchase direct from the producer. This applies only to distributors who purchase some or all of their supply of fluid milk.

(5) *Definitions.* a. "Fluid milk" means cow's milk produced, processed or unprocessed and of approved grade sold in glass or paper containers for consumption in fluid form as whole milk.

b. The "Denver area of Colorado" means all that area lying east of a line drawn north and south through a point five miles east of the most easterly boundary of the municipality of Golden, Colorado, and south of a line drawn east and west through a point one mile north of the most northerly boundary of the platted area known as Westminster, Colorado, and west of a line drawn north and south through a point one mile east of the most easterly barracks or other building located on Buckley Field military reservation, and north of a line drawn east and west through a point one mile south of the most southerly boundary of the municipality of Littleton, Colorado.

c. The "Colorado Springs-Manitou area of Colorado" means all of the area lying east of a line drawn north and south through a point one mile west of the most westerly boundary of the municipality of Manitou, Colorado, and south of a line drawn east and west through a point four miles north of the most northerly boundary of the municipality of Colorado Springs, Colorado, and west of a line drawn north and south through a point one mile east of the most easterly boundary of the municipality of Fountain, Colorado, and north of a line drawn east and west through a point one mile south of the most southerly boundary of Fountain, Colorado.

d. The "Pueblo area of Colorado" means all that area lying east of a line drawn north and south through a point three miles west of the most westerly boundary of the municipality of Pueblo, Colorado, and south of a line drawn east and west through a point three miles north of the most northerly boundary of the municipality of Pueblo, Colorado, and west of a line drawn north and south through a point three miles east of the most easterly boundary of the municipality of Pueblo, Colorado, and north of a line drawn east and west through a point three miles south of the most southerly boundary of the municipality of Pueblo, Colorado.

e. The "Adams, Arapahoe, Jefferson, El Paso, Pueblo, Larimer, Weld, Logan, Morgan, Boulder, Gilpin, Clear Creek, Douglas, Teller, Otero and Huerfano area of Colorado" means all of the areas lying within the geographical boundaries of those counties of the State of Colo-

rado, except such parts and portions thereof as are included within either the "Denver area", "Colorado Springs-Manitou area", or the "Pueblo area", as hereinabove defined.

f. The "Remainder area of Colorado" means all that area within the geographical boundaries of the State of Colorado which is not included in any one of the areas described in sub-paragraphs b, c, d, and e of this paragraph (5).

(6) Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation, or any applicable price regulation supplementary thereto or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as Amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(7) In computing prices for a quantity purchase either at wholesale or retail, fractions of less than one-half cent shall be adjusted downward to the next cent, and fractions of one-half cent or more shall be adjusted upward to the next cent, and where a sale involves a single fractional unit or a single unit with a fractional price, the price shall be adjusted upward to the next cent. For example, a maximum price of 13½¢ for one unit wil be adjusted to 14¢.

(8) This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(9) This order becomes effective at 12:01 o'clock a. m. on December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–13916; Filed, August 24, 1943; 4:09 p. m.]

[Region VII Order G–7 Under 18 (c), Amdt. 1]

FLUID MILK IN CAMP HALE, COLORADO

Amendment No. 1 to Order No. G–7 (formerly Order No. 7) under § 1499.18 (c) of the General Maximum Price Regulation. Modifying maximum wholesale and retail prices for fluid milk in the State of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

Paragraph (1) of Order No. 7 modifying maximum wholesale and retail prices for fluid milk in the State of Colorado is hereby amended as follows:

Subparagraph e. is redesignated subparagraph f. and a new sub-paragraph e. is hereby inserted and added as follows:

e. The maximum prices for fluid milk and cream sold and delivered in glass bottles or paper containers, and of the other milk products named below sold to the Government purchasing agencies for Camp Hale, Colorado, and delivered there, shall, from and after the effective date of this amendment, be as follows:

In glass bottles or paper containers	Grade	Maximum prices
Milk	Approved	14¢ per quart.
Coffee cream (18% butterfat)	Approved	50½ per quart.
Buttermilk	Approved	11½ per quart.
Chocolate drink	Approved	13½ per quart.

Subparagraph (5) f. is hereby amended and redesignated sub-paragraph g. and a new sub-paragraph f. is hereby inserted and added as follows:

f. "Camp Hale, Colorado", means all that area within the geographical boundaries of the Camp Hale Military Reservation at Pando, Colorado.

This amendment order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

This amendment order becomes effective at 12:01 o'clock a. m. on January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–13917; Filed, August 24, 1943; 4:09 p. m.]

[Region VII Order G–7 Under 18 (c), Amdt. 2]

FLUID MILK IN GILPIN COUNTY AREA, COLO.

Amendment No. 2 to Order No. G–7 (formerly Order No. 7) under § 1499.18 (c) of the General Maximum Price Regulation. Wholesale and retail prices for fluid milk in the State of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(1) Paragraph (1) of Order No. G–7, as amended, modifying maximum wholesale and retail prices for fluid milk in the State of Colorado, is hereby amended as follows:

Subparagraph (f), as amended, is redesignated subparagraph (g) and a new subparagraph (f) is hereby inserted and added as follows:

(f) The maximum prices for fluid milk sold and delivered in glass bottles or paper containers in the Gilpin County area shall, from and after the effective date of this amendment, be as follows:

Container size	Grade	Kind of container	Wholesale	Retail
½ pints	Approved	Glass or paper	3½¢	5¢
Pints	Approved	Glass or paper	6¢	7¢
Quarts	Approved	Glass or paper	11¢	13¢
½ gallons	Approved	Glass or paper	21¢	25¢
Gallons	Approved	Glass or paper	41¢	48¢

(2) Subparagraph (5) (g), as amended, is hereby redesignated subparagraph (h) and a new subparagraph (g) is hereby inserted and added as follows:

(g) "Gilpin County area" means all that area within the geographical boundaries of the County of Gilpin, State of Colorado.

(3) This amended order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(4) This Amendment No. 2 becomes effective at 12:01 a. m. on February 3, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–13918; Filed, August 24, 1943; 4:09 p. m.]

[Region VII Order G–7 Under 18 (c), Revocation]

FLUID MILK IN COLORADO

Revocation of Revised Order No. G–7 under § 1499.18 (c) of the General Maximum Price Regulation. Fluid milk in Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered,* That:

(a) *Revised Order No. G–7 revoked.* Revised Order No. G–7, issued under § 1499.18 (c) of the General Maximum Price Regulation, is hereby revoked retroactively as of 12:01 a. m. on February 23, 1943.

(b) *Order No. G–7 and Amendments No. 1 and No. 2 thereto reinstated.* Order No. G–7, issued under § 1499.18 (c) of the General Maximum Price Regulation by this Regional Office on December 23, 1942, and Amendment No. 1 issued January 12, 1943, and Amendment No. 2 thereto issued January 31, 1943, are hereby reinstated and declared to be in full force and effect as of their respective effective dates.

(c) *Effective date.* This order shall become effective on August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.)

Issued this 9th day of August 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–13845; Filed, August 24, 1943; 4:08 p. m.]

[Region VIII Order G–23 Under 18 (c), Amdt. 1]

TRANSPORTATION OF FRUITS AND VEGETABLES IN CALIFORNIA

Amendment No. 1 to Order No. G–23 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjusted maximum prices for the trans-

portation of certain fruits and vegetables by motor carriers other than common carriers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G–23 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended in the following particulars:

Paragraph (c) is amended to read as follows:

(c) This order shall apply in the State of California.

Appendix A is amended to read as follows:

Appendix A

[Adjusted maximum prices in cents per hundred pounds]

Miles		Minimum weight		
Over	But not over	10,000 pounds	18,000 pounds	30,000 pounds
0	5	10.0	8.0	7.5
5	10	10.0	9.0	8.5
10	15	11.0	10.0	9.0
15	20	11.0	10.5	9.5
20	25	12.0	11.0	10.0
25	30	13.0	11.5	11.0
30	35	14.0	12.0	11.5
35	40	15.0	13.0	12.0
40	45	15.5	14.0	13.0
45	50	16.5	15.0	14.0
50	60	18.0	16.0	15.0
60	70	19.0	17.0	16.0
70	80	20.0	18.0	17.0
80	90	21.5	19.0	18.0
90	100	22.5	20.5	19.0
100	110	23.5	21.5	20.0
110	120	25.5	22.5	21.0
120	130	26.5	23.5	22.0
130	140	27.5	24.5	23.0
140	150	28.5	25.5	24.0
150	160	29.5	26.5	25.0
160	170	30.5	27.5	26.0
170	180	32.0	29.0	27.0
180	190	33.0	30.0	28.0
190	200	34.0	31.0	29.0
200	220	35.5	32.5	30.5
220	240	37.5	34.0	32.0
240	260	39.0	35.5	33.5
260	280	40.5	37.0	35.0
280	300	42.5	39.0	36.5
300	325	45.0	41.0	38.5
325	350	48.0	44.0	40.5

This amendment shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13844; Filed, August 24, 1943; 4:10 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–813]

ATLANTA AND CHARLOTTE AIR LINE RAILWAY CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of August, A. D. 1943.

The Baltimore Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the $100 Par Capital Stock of The Atlanta and Charlotte Air Line Railway Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 2:00 p. m. on Tuesday, September 7, 1943, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William W. Swift, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–13966; Filed, August 27, 1943; 9:48 a. m.]

[File No. 31–174]

GENERAL ELECTRIC COMPANY, ET AL.

ORDER GRANTING EXTENSION OF EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of August 1943.

In the matter of General Electric Company, Electrical Securities Corporation and G. E. Employees Securities Corporation.

General Electric Company, Electrical Securities Corporation and G. E. Employees Securities Corporation, direct or indirect owners of 307,005 shares of common stock and 35,000 shares of the Prior Lien Preferred and Preferred stocks of New England Public Service Company, a registered holding company, constituting 23.7% and 2.7%, respectively of the voting securities of said company, having filed a verified application for an extension to at least August 31, 1944 of the period of effectiveness of the exemption granted them pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 by our orders of March 16, 1938, August 18, 1941 and September 14, 1942, alleging in substance that they have been unable to dispose of their Prior Lien Preferred and Preferred stocks of New England Public Service Company at a price which they believe to be fair and that they will be unable so to do prior to the completion of the pending reorganization of that company, and offering to extend for any extended period of exemption their agreement to refrain from disposing of the common stock of New England Public Service Company until this Commission has approved a plan of reorganization for that company or until specific approval of such disposition is granted by this Commission; and the Commission having considered said application and the reasons in support thereof, and it appearing to the Commission that an extension of the period of effectiveness of said exemption should be granted;

It is ordered, That the period of effectiveness of the Commission's order of September 14, 1942, which order modified and extended the period of effectiveness of an order dated March 16, 1938, pursuant to section 3 (a) (3) of said Act with respect to General Electric Company, Electrical Securities Corporation and G. E. Employees Securities Corporation be and hereby is extended to the close of business on August 31, 1944 and that until such date, General Electric Company, Electrical Securities Corporation and G. E. Employees Securities Corporation be and they hereby are exempted from all those provisions of the Public Utility Holding Company Act of 1935 which, as a result of their present holdings of Prior Lien Preferred, Preferred and Common stocks of New England Public Service Company, would require them to register under said Act as a public utility holding company; and

It is further ordered, That the jurisdiction of this Commission be and hereby is further reserved for the purpose of modifying or revoking this order after notice and opportunity for hearing as the public interest or the interest of investors and consumers may warrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–13967; Filed, August 27, 1943; 9:49 a. m.]

[File Nos. 54–50, 59–39, 59–10]

NORTH AMERICAN LIGHT AND POWER CO., ET AL.

MEMORANDUM FINDINGS, OPINION AND ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of August 1943.

In the matter of North American Light & Power Company, File No. 54–50; North American Light & Power Company Holding-Company System and The North American Company, File No. 59–39; and The North American Company, et al., File No. 59–10.

Pursuant to our order of December 30, 1941, in the matter entitled North American Light & Power Company Holding Company System, and The North American Company (Holding Company Act Release No. 3233), requiring the liquidation of North American Light & Power Company (Light & Power) and the termination of its existence, Light & Power, a registered holding company and its sub-

sidiary, Illinois Traction Company (Traction), also a registered holding company, and Western Illinois Ice Company (Western), a wholly-owned non-utility subsidiary of Traction, engaged in the manufacture, storage and sale of ice have jointly filed application No. 6 and an amendment thereto under sections 9 (a), 10, 11 (b) and 12 (b), 12 (e) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-45 thereunder.

Said filing requests our approval of (1) the sale of all of the common stock of Western (1,500 shares) presently owned by Traction to Light & Power for $93,000 and (2) the payment by Western of all of its cash in banks as of June 1, 1943 (estimated at approximately $47,000) to Light & Power in reduction of the 7% income note of Western held by Light & Power on which there is an unpaid balance of $425,000, and (3) the surrender by Light & Power of said income note in its reduced amount to Western as a contribution to surplus in the approximate amount of $378,000, and upon the completion of the above recited transactions, (4) the sale by Light & Power to Union Service Corporation, a non-affiliated non-utility company, of the said 1,500 shares of the common stock of Western for a cash consideration of $93,000. The net result of these transactions is the transfer of all of the common stock of Western from Traction to Union Service Corporation, for a consideration of $93,000 cash and the relinquishing of Light & Power's claim for the balance due on the note after receipt of all of the cash of Western in banks as of June 1, 1943. Traction proposes to use a portion of the proceeds to retire the 217 shares of its cumulative preferred $100 par value 6% stock outstanding, 210 shares being held by the public and 7 shares by Light & Power. The matter of the retirement of Traction's outstanding preferred stock will be the subject of a separate application. This matter is not before us at this time and we make no findings as to the propriety of the contemplated use of the proceeds.

A public hearing has been held on said application after appropriate notice. Having examined the record, we find that no adverse findings are necessary under the applicable sections of the Act and the Rules promulgated thereunder, and that the transactions proposed are necessary to effectuate the provisions of section 11 (b) of said Act and our order of December 30, 1941, and are fair and equitable to the persons affected thereby.

It is therefore ordered, That the transactions proposed in application No. 6, as amended, be and are hereby approved as submitted, subject, however, to the provisions of Rule U-24. We reserve jurisdiction to determine the use of the proceeds of the sale received by Traction pending the filing of a separate application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13971; Filed, August 27, 1943; 9:49 a. m.]

[File No. 70-26]

MANUFACTURERS LIGHT AND HEAT CO., ET AL.

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION OR DECLARATION (OR BOTH)

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of August 1943.

In the matter of the Manufacturers Light and Heat Company, Manufacturers Gas Company, Pennsylvania Fuel Supply Company and Greensboro Gas Company on behalf of the Manufacturers Light and Heat Company and Columbia Gas & Electric Corporation, individually.

Columbia Gas & Electric Corporation, a registered holding company, and its subsidiaries, The Manufacturers Light and Heat Company, Manufacturers Gas Company, Pennsylvania Fuel Supply Company and Greensboro Gas Company, having filed a request to withdraw their joint application or declaration (File No. 70-26) regarding the issue and sale by a proposed new Manufacturers Light and Heat Company (to be created through the consolidation of said four subsidiaries) of $7,500,000 principal amount of 4½%, 30-year notes and the acquisition thereof by Columbia Gas & Electric Corporation, said request setting forth that, because of subsequent transactions, the issue of such note indebtedness is no longer required, and said proposal having been eliminated by amendment filed August 3, 1943; and

It appearing to the Commission that the withdrawal of said application or declaration is not detrimental to the public interest or to the interests of investors or consumers.

It is ordered, That the request of The Manufacturers Light and Heat Company, Manufacturers Gas Company, Pennsylvania Fuel Supply Company and Greensboro Gas Company be, and it hereby is, granted and said application or declaration is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13968; Filed, August 27, 1943; 9:48 a. m.]

[File No. 70-770]

THE NORTH AMERICAN COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of August 1943.

The North American Company, a registered holding company, has filed a declaration pursuant to section 12(d) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-44 of the General Rules and Regulations promulgated thereunder, regarding a proposal to pay a dividend on its common stock in the common capital stock of Pacific Gas & Electric Company having a par value of $25 per share, owned by The North American Company, at the rate of one share of such stock of Pacific Gas and Electric Company on each one hundred shares of the outstanding common stock of The North American Company. In lieu of certificates for fractions of shares of stock of Pacific Gas and Electric Company, cash will be paid at the rate of 29 cents for each 1/100th of a share of such stock of Pacific Gas and Electric Company, this rate being based on the approximate market price of $28.50 per share as of August 3, 1943, the date the proposed dividend was declared.

Said declaration having been filed on the 6th day of August 1943, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said declaration within the period specified in such amended notice, or otherwise, and not having ordered a hearing thereon; and

The commission finding that the requirements of section 12 (d) and Rules U-43 and U-44 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13969; Filed, August 27, 1943; 9:48 a. m.]

[File No. 70-776]

ATLANTA GAS LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of August, A. D. 1943.

Notice is hereby given that an application and declaration have been filed pursuant to the Public Utility Holding Company Act of 1935, by Atlanta Gas Light Company, a subsidiary of Consolidated Electric and Gas Company, a registered holding company.

All interested persons are referred to said application and declaration, which are on file at the offices of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Atlanta Gas Light Company proposes to publicly invite bids in accordance with Rule U-50 for the purchase of the following securities, which it proposes to issue and sell: (1) $7,500,000 principal amount First Mortgage Bonds, due 1963, the interest rate to be fixed by the successful bidder and in no event to exceed 3½% and such bonds to be sold for not less than the principal amount thereof plus accrued interest thereon from September 1, 1943 to the date of purchase; and (2) 20,000 shares of 5% Cumulative Preferred Stock, par value $100 per share, such stock to be sold for not less than the par value thereof plus accrued dividends thereon from September 1, 1943 to the date of purchase.

The proceeds from the sale of such securities are to be used by the applicant-declarant as follows: (a) to redeem $5,875,000 principal amount of its General Mortgage Bonds, 4½% Series, due 1955, at 104% of the principal amount thereof together with accrued interest thereon; (b) to redeem $2,150,000 principal amount of its General Mortgage Bonds, 3½% Series, due 1961 at 104½% of the principal amount thereof together with accrued interest thereon; (c) to redeem 13,000 shares of its 6% Cumulative Preferred Stock, $100 par value, at $110 per share plus accrued dividends thereon; and (d) to pay the expenses of such financing. In the event that the proceeds of sale of the New Bonds and New Preferred Stock are insufficient to redeem all of said General Mortgage Bonds and outstanding preferred stock and to pay said expenses, the deficiency will be paid from the general funds of the Company.

In addition, the applicant-declarant proposes to deposit with The New York Trust Company, as Successor Trustee under the Indenture of Mortgage, dated June 1, 1897, securing its presently outstanding First Mortgage Five Per Cent, Fifty Year Gold Bonds, due June 1, 1947 (outstanding in the principal amount of $306,000, as of June 30, 1943), an amount sufficient to pay the principal of all of said bonds presently outstanding, together with the interest accruing thereon to the expressed maturity date thereof. Applicant-declarant will use its general funds for this purpose.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter and that said application and declaration shall not be granted except pursuant to further order of this Commission.

It is ordered, That a hearing on said matter under the applicable provisions of said Act and rules of the Commission thereunder be held on September 8, 1942 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held. Notice is hereby given of said hearing to the above-named applicant-declarant and to all interested persons, said notice to be given to said applicant-declarant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application and declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed issuance and sale of bonds and preferred stock are solely for the purpose of financing the business of the company.

(2) Generally, whether in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the Act or the rules and regulations promulgated thereunder.

(3) Whether, if the proposed transactions are approved by the Commission, it is necessary and appropriate to impose terms and conditions in the public interest or for the protection of investors and consumers, and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13970; Filed, August 27, 1943; 9:48 a. m.]

WAR FOOD ADMINISTRATION.

MEATS AND LIVESTOCK

DELEGATIONS OF AUTHORITY TO ORDER ADMINISTRATOR, ETC.

Pursuant to the authority vested in me by Food Distribution Order 75 (8 F.R. 11119), and to effectuate the purposes of that order and of Director Food Distribution Order 75-1 (8 F.R. 11327), the following delegations of authority are hereby made, to be exercised in accordance with applicable procedure:

(a) *Order administrator.* The Administrator or Alternate Administrator of Director Food Distribution Order 75-1, *supra*, is authorized, subject to the supervision of the Chief of the Livestock and Meats Branch, Food Distribution Administration, War Food Administration, to grant or deny petitions for relief from hardship submitted by any slaughterer, and with respect to all slaughterers designated as "national packers" by the Livestock and Meats Branch, Food Distribution Administration, War Food Administration:

(1) To issue, suspend, or revoke licenses, and to deny applications for licenses;

(2) To establish, assign, adjust, revise, suspend, or revoke quotas or quota bases.

(b) *Regional directors.* Regional Directors of the Food Distribution Administration, War Food Administration, are authorized, with respect to custom slaughterers and all slaughterers except national packers as referred to in (a) hereof:

(1) To issue, suspend, or revoke licenses and permits, and to deny applications for licenses and permits;

(2) To establish, assign, adjust, revise, suspend, or revoke quotas and quota bases;

(3) To clasify and reclassify slaughterers; and

(4) To grant or deny petitions for relief from hardship.

(c) *State supervisors.* State supervisors of the Food Distribution Administration, War Food Administration, are authorized, subject to supervision by Regional Directors, to grant or deny petitions for relief from hardship submitted by Class 3 slaughterers.

(d) *Area supervisors.* Area supervisors of the Food Distribution Administration, War Food Administration, are authorized, subject to supervision by Regional Directors:

(1) To insure or deny permits to Class 3 slaughterers;

(2) To establish, assign, adjust, or revise quotas and quota bases for Class 3 slaughterers;

(3) In those counties where there are no County War Boards, to issue or deny permits authorizing any farmer to deliver, during any calendar year, not more than 400 pounds of meat derived from the slaughter of livestock for home consumption; and

(4) In those counties where there are no County War Boards, to authorize the slaughter of livestock in emergencies to avoid waste and to conserve meat.

(e) *County war boards.* County War Boards or authorized members thereof are authorized:

(1) To issue or deny permits authorizing any farmer to deliver, during any calendar year, not over 400 pounds of meat derived from the slaughter of livestock for home consumption; and

(2) To authorize the slaughter of livestock in emergencies to avoid waste and to conserve meat.

(f) All authority herein conferred shall be exercised in accordance with the provisions of the above-mentioned orders, and in accordance with instructions which have been or will be issued by the Director of Food Distribution.

(g) Nothing contained herein shall be construed to effect any power or authority vested in the Director of Food Distribution.

Issued this 26th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13983; Filed, August 27, 1943; 11:17 a. m.]

[Docket No. AO 10-A 9]

ST. LOUIS, MISSOURI, MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the St. Louis, Missouri, Marketing Area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq*), and in accordance with the applicable rules of practice and procedure (7 CFR, 1941 Supp., 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815), notice is hereby given of a hearing

to be held at the Forest Park Hotel, St. Louis, Missouri, beginning at 10 a. m., c. w. t., September 3, 1943, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. These amendments have not received the approval of the War Food Administrator.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the amendments or any modification thereof, which are hereinafter set forth. The amendments which have been proposed are set forth below.

Amendments Proposed by Sanitary Milk Producers

1. Delete from § 903.4 (a) (1) the figures "0.80", "1.00", and "0.90" and substitute therefor the figures "1.50", "1.80", and "1.60", respectively; or provide a percentage increase over the basic formula price to compensate producers equitably as basic prices fluctuate.

2. Delete from § 903.4 (a) (2) the figures "0.20", "0.40", and "0.25" and substitute therefor the figures "0.90", "1.10", and "0.95", respectively.

3. Amend the proviso of § 903.4 (a) (2) to eliminate the evaporated milk price for any delivery period when milk is received from sources other than producers.

4. Amend § 903.3 to provide for the allocation of producer milk to Class I prior to the allocation of any milk from other sources to such class.

5. Amend § 903.3 (b) (2) to reduce the plant shrinkage allowance from 3 percent to 2 percent.

6. Amend § 903.8 (c) to provide a butterfat differential of 3 cents per point of butterfat below 3.5 percent and a differential per point of butterfat above 3.5 percent as follows: add 20 percent of the price per pound of 92-score butter at Chicago to such butter price, and divide the resulting sum by 10.

7. Amend § 903.3 (e) and § 903.7 (a) to provide for the classification and pricing, according to use, of butterfat in excess of that shown to have been received by handlers.

Amendments Proposed by the Square Deal Milk Producers Association and the Cooperative Milk Producers of Missouri

1. Amend § 903.4 (a) (1) to provide that the price for Class I milk shall be the average price determined under subparagraph 3 of such section plus $1.80 per hundredweight: *Provided,* That the said premium ($1.80 per hundredweight) shall be decreased 20 cents per hundredweight during the months of April through June and 10 cents per hundredweight during the months of December through March if, during said months, no milk is being imported by handlers in this area from outside areas or markets, and also if, during said months, no emergency milk or uninspected milk is being permitted to be brought into the St. Louis marketing area by the health department of the City of St. Louis, in either of which events no such decrease shall be permitted for said months.

2. Amend § 903.4 (a) (2) to provide that the price for Class II milk shall be the average price per hundredweight determined under subparagraph 3 of such section plus $1.00 per hundredweight: *Provided,* That said premium ($1.00 per hundredweight) shall be decreased 10 cents per hundredweight during the months of April through June and 5 cents per hundredweight during the months of December through March if, during said months, no milk is being imported by handlers in this area from outside areas or markets, and also, if during said months, no emergency milk or uninspected milk is being permitted to be brought into the St. Louis marketing area by the health department of the City of St. Louis, in either of which events no such decrease shall be permitted for said months.

3. Amend § 903.4 (a) (2) to eliminate the proviso of such subparagraph during any delivery period when milk is brought in from outside markets or marketing areas, or when uninspected or lower grade milk is allowed to be brought into the St. Louis marketing area under emergency orders or permits of the health department of the City of St. Louis.

4. Amend § 903.3 to provide that credit be given to local St. Louis producers for all Class I milk and to prohibit the allocation of any milk imported from other sources to such class.

5. Amend §§ 903.3 (e) and 903.7 (a) to provide for the classification of butterfat (and the crediting to producers for the value of such butterfat) in excess of that shown by handlers to have been received.

Amendments Proposed by St. Louis Milk Handlers

1. Amend § 903.3 (b) (2) to provide for actual plant shrinkage not to exceed 3 percent on the total receipts of butterfat from all sources.

2. Amend § 903.4 (a) (2) to provide that the price of milk used by handlers for evaporated milk in hermetically sealed containers, or disposed of by handlers to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, shall be the average of the basic, or field, prices per hundredweight determined for the plants listed in subparagraph 3 of said section.

Amendments Proposed by the Dairy and Poultry Branch, Food Distribution Administration

1. Delete from § 903.1 (a) (3) the term "Carondelet Township" and substitute therefor the phrase "Lemay and Gravois Townships."

2. Review § 903.1 (a) (5) (definition of producer) in light of recent changes in health department regulations affecting producers.

3. Delete from § 903.8 (c) the reference "§ 903.4 (a) (1)" wherever it appears and substitute therefor the following reference "§ 903.4 (a) (3)."

4. Amend § 903.3 to clarify such provision regarding the proration of plant shrinkage between approved and unapproved milk receipts.

5. Add as § 903.1 (a) (9) the following:

(9) The term "emergency milk" means milk, skim milk, or cream received by a handler from sources other than producers under a permit to receive such milk, skim milk, or cream, issued to him by the proper health authorities.

6. Delete § 903.3 (e) (4) (ii) and substitute therefor the following:

(ii) Subtract from the hundredweight of Class II milk the hundredweight of emergency milk received; and

7. Amend § 903.5 to provide for the reporting of emergency milk.

8. Delete § 903.1 (a) (2) and substitute therefor the following:

(2) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator.

9. Amend § 903.3 to provide for the computation and accounting of milk in each class in terms of the skim milk and butterfat used in such class.

10. Add as § 903.4 (e) a paragraph to provide for a butterfat differential to handlers as distinguished from the butterfat differential to producers.

11. Review § 903.4 (d).

12. Amend § 903.7 to provide for the computation of a uniform price to producers irrespective of the utilization of their milk by the individual handlers who receive it (market-wide pool).

13. Add as § 903.14:

§ 903.14 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Copies of this notice of hearing, of the tentatively approved marketing agreement, as amended, and the order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

THOMAS J. FLAVIN.
Assistant to the War Food Administrator.

AUGUST 27, 1943.

[F. R. Doc. 43-13984; Filed, August 27, 1943; 11:17 a. m.]

WAR PRODUCTION BOARD.

[Certificate 118]

ICE DELIVERY IN TOLEDO AREA

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of ice in Toledo, Ohio, and nearby towns in Ohio and M[illegible]an."

[1] *Supra.*

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 24, 1943.

[F R. Doc. 43-13962; Filed, August 26, 1943; 4:51 p. m.]

[Certificate 119]

DELIVERY OF FLOWERS, ETC., IN DETROIT

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of flowers and related articles in Detroit, Michigan.[1]

[1] *Supra.*

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 24, 1943.

[F. R. Doc. 43-13963; Filed, August 26, 1943; 4:51 p. m.]

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FEDERAL REGISTER

VOLUME 8 NUMBER 172

Washington, Tuesday, August 31, 1943

The President

EXECUTIVE ORDER 9371

AMENDMENT OF SECTION 9 OF EXECUTIVE ORDER NO. 8384 OF MARCH 29, 1940, PRESCRIBING REGULATIONS RELATING TO ANNUAL LEAVE OF GOVERNMENT EMPLOYEES

By virtue of the authority vested in me by section 7 of the act of March 14, 1936, entitled "An Act to provide for vacations to Government employees, and for other purposes" (49 Stat. 1161), section 9 of Executive Order No. 8384 of March 29, 1940, prescribing regulations governing the granting of annual leave to Government employees,[1] is hereby amended by adding thereto the following subsection:

"(c) An employee whose active services are terminated as a result of the expiration of a statute in connection with the administration of which he is employed and who at the time of such expiration has not exhausted his accumulated and current accrued leave may be granted leave without pay or furlough for a maximum period of 12 months."

This order shall be effective as of August 23, 1943, and shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 24, 1943.

[F. R. Doc. 43-14116; Filed, August 30, 1943; 10:24 a. m.]

EXECUTIVE ORDER 9372

EXCEPTING CERTAIN PERSONS FROM THE CLASSIFICATION OF "ALIEN ENEMY" FOR THE PURPOSE OF PERMITTING THEM TO APPLY FOR NATURALIZATION

WHEREAS section 326 of the Nationality Act of 1940, approved October 14, 1940 (54 Stat. 1150; U.S.C., title 8, sec. 726), reads as follows:

"Sec. 326. (a) An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war may be naturalized as a citizen of the United States if such alien's declaration of intention was made not less than two years prior to the beginning of the state of war, or such alien was at the beginning of the state of war entitled to become a citizen of the United States without making a declaration of intention, or his petition for naturalization shall at the beginning of the state of war be pending and the petitioner is otherwise entitled to admission, notwithstanding such petitioner shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject.

"(b) An alien embraced within this section shall not have such alien's petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Commissioner to be represented at the hearing, and the Commissioner's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Commissioner may require.

"(c) Nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

"(d) The President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of an alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon such alien shall have the privilege of applying for naturalization."

NOW, THEREFORE, by virtue of the authority vested in me by the foregoing statutory provisions, and in order to carry out the purposes thereof, I hereby except from the classification "alien enemy" all persons whom the Attorney General, the Commissioner of Immigration and Naturalization, or any District Director of the Immigration and Naturalization Service shall, after investigation fully establishing their loyalty, certify as persons loyal to the United States.

This order supersedes Executive Order No. 9106 of March 20, 1942, entitled "Excepting Certain Persons from the

(Continued on p. 11889)

[1] 5 F.R. 1253.

CONTENTS

THE PRESIDENT

EXECUTIVE ORDERS: Page
- Alien enemy classification, certain persons exempted for purpose of permitting naturalization application 11887
- Annual leave of employees terminated as result of expiration of statute 11887

REGULATIONS AND NOTICES

AGRICULTURAL AGENCIES. *See* WAR FOOD ADMINISTRATION.

ALIEN PROPERTY CUSTODIAN:
- Vesting orders:
  - Canciamilla, Mariano 11975
  - Gianotti, Antoinetta 11974
  - Gussman, Gustav A 11975
  - Schine, Andrew 11975
  - Tag, Anna 11975

CIVIL AERONAUTICS ADMINISTRATOR:
- Amber civil airway, redesignation 11894

CIVIL AERONAUTICS BOARD:
- Airline transport pilot rating 11893
- Hearings:
  - Continental Airlines, Inc., et al 11967
  - Pan American-Grace Airways, Inc 11968

FEDERAL COMMUNICATIONS COMMISSION:
- Information as to ownership, operation, etc., filing requirement 11963

FEDERAL DEPOSIT INSURANCE CORPORATION:
- Savings bank life insurance advertisements, exemption from required inclusion of advertising statement 11893

FEDERAL POWER COMMISSION:
- Hearings:
  - Hope Natural Gas Co 11968
  - United Gas Pipe Line Co. (3 documents) 11968

INTERSTATE COMMERCE COMMISSION:
- Freight trains, special, movements restricted 11964
- Icing permits:
  - Any common carrier by railroad (3 documents) 11973-11974

(Continued on p. 11888)

FEDERAL REGISTER

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CONTENTS—Continued

INTERSTATE COMMERCE COMMISSION—Continued.
Icing permits—Continued. Page
Baltimore and Ohio Railroad Co ---- 11969
Baltimore and Ohio Railroad Co. and Chesapeake and Ohio Railway Co ---- 11970
Chesapeake and Ohio Railway Co. and Norfolk and Western Railway Co ---- 11970
Danville and Western Railway Co. and Norfolk and Western Railway Co ---- 11970
Long Island Rail Road Co. (2 documents) ---- 11969, 11974
Pacific Electric Railway Co. and Atchison, Topeka and Santa Fe Railway Co ---- 11971
Norfolk and Western Railway Co ---- 11969
Pennsylvania Railroad Co. (2 documents) ---- 11969, 11970
Reading Co ---- 11969
Southern Pacific, et al. (7 documents) ---- 11971–11973
Southern Pacific Co. and St. Louis Southwestern Railway Co ---- 11971
Southern Railway Co ---- 11970
Union Pacific Railroad Co. (5 documents) ---- 11972, 11973
MINES BUREAU:
White, James E., revocation of licenses ---- 11964
NATIONAL HOUSING AGENCY:
Private war housing, limitations on total monthly payments ---- 11894
OFFICE OF DEFENSE TRANSPORTATION:
Eastern States Trucking Co., et al., coordinated operations between Baltimore and Washington ---- 11975
Taxicab operations, coordination:
Daytona, Fla ---- 11981
Hattiesburg, Miss ---- 11980
Jackson, Miss ---- 11977
La Crosse, Wis ---- 11979
Memphis, Tenn ---- 11979
Meridian, Miss. (2 documents) ---- 11976, 11977
Ocala, Fla. (2 documents) ---- 11978, 11982
Orlando, Fla ---- 11982
St. Petersburg, Fla ---- 11978
Winona, Miss ---- 11980
OFFICE OF ECONOMIC STABILIZATION:
Wages and salaries, stabilization regulations revised (2 documents) ---- 11960
OFFICE OF ECONOMIC WARFARE:
French possessions in Africa, cancellation of certain general licenses ---- 11900
OFFICE OF PRICE ADMINISTRATION:
Adjustment orders filed, lists (2 documents) ---- 11983, 11984
Agricultural insecticides and fungicides, retail prices (MPR 144, Am. 3) ---- 11954
Apparel, men's and boys' tailored (MPR 177, Am. 7) ---- 11954
Cost-of-living commodities, filing of maximum prices (GMPR, Am. 57) ---- 11955
Food and drink sold for immediate consumption, Denver region ---- 11948
Frozen fruits, berries and vegetables (MPR 409, Am. 4) ---- 11952
Kerosene, Jacksonville, Florida (RPS 88, Am. 124) ---- 11956
Lumber, West Coast logs (RMPR 161, Order 27) ---- 11983
Meats, fats, fish and cheeses (RO 16, Am. 59) ---- 11955
Nylon hosiery (MPR 95, Am. 3) ---- 11959
Petroleum and petroleum products (RPS 88, Am. 122, 124) ---- 11948
Prunes and raisins, natural unpacked dried (MPR 461) ---- 11952
Regional, State and district office orders: Citrus fruit packing, San Francisco, Calif ---- 11987
Firewood:
Albemarle, N. C ---- 11985
Clearwater County, Idaho ---- 11995
Forest Grove, Hillsboro, Banks, Oreg., areas ---- 11994
LaGrande, Milton, Wallowa, and Enterprise areas, Oreg ---- 11994
Roanoke Rapids Township, N. C ---- 11985
Fluid milk:
Clatsop County, Oreg ---- 11988
Klamath County, Oreg. (2 documents) ---- 11987, 11994
Maricopa, et al., Ariz ---- 11988
Moses Lake area, Wash ---- 11993
OFFICE OF PRICE ADMINISTRATION—Continued.
Regional, State and district office orders—Continued.
Fluid milk—Continued. Page
Ohio ---- 11984
Pana, Ill., area ---- 11986
Stevens County, Wash ---- 11995
Fruits and seeds, cleaning, packing services, San Francisco, Calif., region ---- 11987
Fruit packing services, Washington ---- 11993
Hand laundries, Chicago, Ill., area ---- 11991
Ice, Denver, Colo ---- 11986
Power laundries, Los Angeles, Calif. area ---- 11993
Solid fuels:
Charlotte, N. C ---- 11989
Greeley, Colo., trade area ---- 11992
Savannah, Ga ---- 11990
Sausage products (MPR 389, Am. 7) ---- 11956
Secret contracts, exemption from price regulations (Supp. Order 42, Am. 1) ---- 11951
Seeds and bulbs, exemption from price control (Rev. SR 1, Am. 27) ---- 11951
Tires, tubes, recapping and camelback (RO 1A, Am. 47) ---- 11952
Tires and tubes, retail prices (RPS 63, Am. 13) ---- 11947
Typewriters (RO 4A, Am. 4) ---- 11948
PUBLIC HEALTH SERVICE:
Venereal disease control, grants to States for ---- 11963
RAILROAD RETIREMENT BOARD:
Applications, filing date ---- 11894
Employers' contribution reports, execution ---- 11894
Somers Lumber Co. and Glacier Park Co., reopening of determination as to status ---- 11995
RECLAMATION BUREAU:
Withdrawal from public entry, Blue River-South Platte project, Colo ---- 11965
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Consolidated Electric and Gas Co ---- 11996
Houston Gulf Gas Co ---- 11998
Idaho Power Co. and Electric Power & Light Corp ---- 11997
National Power & Light Co. and Memphis Generating Co ---- 11996
Northern Indiana Public Service Co ---- 11995
Northern Natural Gas Co. (Del.) ---- 11998
Scripps-Howard Investment Co ---- 11995
Standard Power and Light Corp ---- 11997
United Light and Power Co., et al ---- 11996
SELECTIVE SERVICE SYSTEM:
Family status, revision of form ---- 11900

(Continued on next page)

CONTENTS—Continued

SOLID FUELS ADMINISTRATION FOR WAR—Continued. Page
Pennsylvania anthracite, distribution (2 documents) 11897, 11898

STATE DEPARTMENT:
Proclaimed list of blocked nationals, cumulative supplement 11894

WAGE AND HOUR DIVISION:
Learner employment certificates, various industries (2 documents) 11965, 11967
Minimum wage rates, various industries:
Mattresses, bedding, and related products 11896
Miscellaneous textile, leather, fur, etc., and related products 11895
Wholesaling, warehousing, etc 11966

WAR DEPARTMENT:
Uniforms for Army Nurse Corps, physical therapy aides, and hospital dietitians 11891

WAR FOOD ADMINISTRATION:
Beef (FDO 75–2, Am. 1) 11890
California, wages for picking and canning tomatoes 11897
Onions, dry (FDO 77) 11889
Potatoes, importation into U. S 11889
Tobacco, cigar filler and binder types (FDO 68, Am. 1) 11891

WAR PRODUCTION BOARD:
Aircraft inventory transfers (Dir. 16, Am. 1) 11931
Anthracite coal rationing (Dir. 1W) 11900
Copper, zinc for printing plates (M–339) 11902
End products, Class A civilian type (CMP Reg. 1, Int. 15) 11905
Envelopes, commercial (L–120, Sch. VII) 11945
Hardware, marine joiner (L–236, Sch. II) 11903
Paper, tablet (L–120, Sch. IV) 11923
Paper, use in newspapers or magazines (L–120; Sch. XIV) 11926
Paper and paperboard, standardization (L–120) 11905
Paper and paperboard, use in book publishing (L–120, Sch. II) 11910
Paper and paperboard, use in commercial printing (L–120, Sch. I) 11905
Paper napkins (L–120, Sch. XIII) 11947
Paper stationery (L–120, Sch. VIII) 11945
Paper towels (L–120, Sch. VII) 11946
Papers, envelope (L–120, Sch. V) 11924
Papers, fine writing (L–120, Sch. III) 11913
Pipe, steel pressure (L–211, Sch. 11) 11933
Preference ratings for manufacturers not obtaining materials order CMP (PR 11B, Am. 1) 11932

CONTENTS—Continued

WAR PRODUCTION BOARD—Con. Page
Printing plates, obsolete (M–99) 11901
Pyrethrum (M–179) 11932
Steel pipe (L–211, Sch. 13) 11937
Stop construction orders (2 documents) 11999
Storage batteries, replacement materials (L–180) 11929
Subject chemicals (M–340) 11929
Suspension orders:
AAA Ace Baling Wire Co 11901
Amco Brass & Steel Supply Co 11932
Tablets, notebooks, pads, and looseleaf fillers (L–120, Sch. IX) 11946
Tubes, steel pressure (L–211, Sch. 12) 11935

Classification of 'Alien Enemy' for the Purpose of Permitting Them to Apply for Naturalization."[1]

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 27, 1943.

[F. R. Doc. 43–14115; Filed, August 30, 1943; 10:24 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[Reg. 7,[2] Amdt. 5]

PART 321—RESTRICTED ENTRY ORDERS

FOREIGN POTATOES

Introductory Note: Amendment No. 4 of Regulation 7, effective June 15, 1943, withdrew authorization for the entry of potatoes from the State of Chihuahua, Mexico, on account of the danger of introducing the potato weevil, *Epicaerus cognatus* Sharp, and at the same time authorized entry of potatoes from the State of Guanajuato, Mexico, field examinations there having indicated the absence of this potato pest and other injurious insect pests and potato diseases which are the subject of these regulations. On the basis of similarly favorable reports from surveys made in the States of Chiapas, Jalisco, Queretaro, and San Luis Potosi, provision is now made by further amendment of Regulation 7 for potato importations from these four States. As a further measure of protection the certificate of inspection referred to in Regulation 5 will be required with importations of potatoes from Mexico.

Pursuant to the authority conferred by the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 316; 7 U.S.C. 159), § 321.8 of the subpart entitled, "Foreign Potatoes" of Part 321, Chapter III, Title 7, Code of Federal Regulations (Regulation 7 of the rules and regulations governing the importation of potatoes into the United States, effective March 1, 1922, as amended June 15, 1943), is hereby further amended to read as follows:

§ 321.8 *Special provision for the importation of potatoes from the Dominion of Canada and Bermuda, the States of Chiapas, Guanajuato, Jalisco, Queretaro, San Luis Potosi, and Sonora, Mexico, and the Northern Territory of Baja California, Mexico, into the United States.* Potatoes may be imported from the Dominion of Canada and Bermuda into the United States or any of its Territories or Districts, free of any restrictions whatsoever, until otherwise ordered, under the Plant Quarantine Act of August 20, 1912.

Importations from the State of Sonora, Mexico, will be permitted to enter through the ports of Douglas, Naco, and Nogales, Ariz., and such other ports as may be designated in the permit; importations from the States of Chiapas, Guanajuato, Jalisco, Queretaro, and San Luis Potosi, Mexico, will likewise be permitted to enter through these ports and, in addition, through the ports of Brownsville, Laredo, Eagle Pass, and El Paso, Tex., and such other ports as may be designated in the permit.

Importations from the Northern Territory of Baja California, Mexico, will be permitted to enter through the ports of Calexico and San Ysidro, Calif., and such other ports as may be designated in the permit.

Importations of potatoes thus authorized entry from Mexico shall be in compliance with the provisions of §§ 321.2 to 321.7 inclusive (Regulations 1 to 6), of the regulations governing the importation of potatoes into the United States.

This amendment shall be effective on and after September 1st, 1943.

(Sec. 5, 37 Stat. 316; 7 U.S.C. 159; 7 CFR § 321.1)

Done at the city of Washington this 28th day of August, 1943. Witness my hand and the seal of the United States Department of Agriculture.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43–14051; Filed, August 28, 1943; 11:36 a. m.]

Chapter XI—War Food Administration

[FDO 77]

PART 1405—FRUITS AND VEGETABLES

DRY ONIONS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of dry onions for defense and private account; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.22 *Restrictions on the shipment of dry onions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof;

[1] 7 F.R. 2199.
[2] 8 F.R. 8097.

(1) The term "dry onions" means all onions except onion sets and onions with green tops.

(2) The term "dehydrator" means any person who produces dried onions by artificially produced heat under controlled conditions of humidity, temperature, and air flow, or by drying onions under reduced pressure ("vacuum"), where the factors of humidity and air flow are not controlled.

(3) The term "ship" means to convey dry onions, or cause dry onions to be conveyed (except as a common carrier of dry onions owned by another person) from a point within the States of California, Colorado, Idaho, Indiana, Michigan, Minnesota, New York, Nevada, North Dakota, Oregon, Utah and Washington, or such other States as the Director may hereafter designate, to any other point either within or without said States.

(4) The term "common storage" means storage space which has no facilities for refrigeration, and which is within 25 miles of the locality where the onions to be stored therein have been grown.

(5) The term "Director" means the Director of Food Distribution, War Food Administration.

(6) The term "person" means an individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(7) The term "governmental agency" means (i) the Armed Services of the United States; (ii) the Food Distribution Administration, War Food Administration; (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing dry onions in accordance with said Food Distrbution Regulation 2.

(8) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(b) *Restrictions.* (1) No person shall ship a quantity of dry onions in excess of 100 pounds and no person shall accept delivery of a quantity of dry onions in excess of 100 pounds unless the shipper thereof has obtained a permit to ship such onions from the Regional Director (or any employee of the United States Department of Agriculture designated by such Regional Director), War Food Administration, serving the area (8 F.R. 9315) in which the person affected by this order resides or does business: *Provided,* That any person who shipped onions into common storage during the calendar year 1942 may, during the period from August 27, 1943, to October 31, 1943, inclusive, ship dry onions into common storage without first obtaining a permit from the Regional Director.

(2) The respective Regional Director (or any employee of the United States Department of Agriculture designated by such Regional Director), upon the application of the shipper, (i) shall issue a permit to ship dry onions which have been sold to a dehydrator for use by such dehydrator in the fulfillment of an existing contract with a governmental agency, (ii) shall issue a permit to ship dry onions which have been sold to a governmental agency, and have been packed and graded pursuant to the requirements of such governmental agency, and (iii) may issue a permit to ship dry onions if he deems it necessary or desirable in order to fulfill essential civilian needs, for seed purposes, or to prevent the spoilage of such dry onions.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of dry onions of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in dry onions.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Regional Director, War Food Administration, serving the area (8 F.R. 9315) in which the person affected by the order resides or does business. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Regional Director, he may, by requesting the Regional Director therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using onions, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Regional Director, War Food Administration, serving the area (8 F.R. 9315) in which the person affected by this order resides or does business.

(i) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., August 31, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 27th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-14052; Filed, August 28, 1943; 11:36 a. m.]

[FDO 75-2, Amdt. 1]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Director Food Distribution Order No. 75-2 (8 F.R. 11325), § 1410.18, issued by the Director of Food Distribution on August 12, 1943, is amended to read as follows:

§ 1410.18 *Beef required to be set aside*—(a) *Quantity; storage; packaging.* Every Class 1 slaughterer shall set aside, reserve, and hold for delivery to the Army, Navy, Marine Corps and Coast Guard of the United States, War Shipping Administration, and contract schools and ship operators as defined in Food Distribution Regulation 2 (8 F.R. 7523) and subject to the provisions thereof, 45 percent of the conversion weight of each week's production of beef obtained from the slaughter of steers and heifers, the carcasses of which meet Army specifications for carcass beef or frozen boneless beef. Such beef shall be stored in such a manner as to maintain the quality thereof, and shall be prepared and packaged in accordance with Army specifications.

(b) *Permissible deliveries; credits.* Any beef, of the class and grade required to be set aside, delivered to any person or agency specified in (a) hereof, or any such beef which has been stamped by a representative of the United States Army and delivered to any processor for use in

the fulfillment of a contract with any such person or agency, may be used as a credit against the amount of beef required to be set aside under this order. No credit shall be allowed for such deliveries when made to processors unless, within 10 days after delivery, the slaughterer obtains a certificate signed by the processor, acknowledging receipt of the meat by him and containing the following:

(1) The name and address of both parties;

(2) The date or dates of delivery;

(3) The contract number of the contract between the processor and the person or agency specified in (a) hereof; and

(4) A statement by the processor that the beef so delivered will be or has been used in the fulfillment of such contract.

The slaughterer shall endorse on such certificate the conversion weight of such beef, and shall retain the certificate for delivery to the Director upon request. All statements contained in or accompanying such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false. (This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(c) *Existing contracts.* The provisions of this order shall not be construed as reducing the amount of meat which any Class 1 slaughterer is required to offer or to deliver under any existing contract with the agencies named in (a) hereof, or with the Food Distribution Administration (including, but not restricted to, the Federal Surplus Commodities Corporation), the United States Maritime Commission or the Veterans' Administration; but any meat required to be delivered after the effective date of this order to such agencies pursuant to preexisting contracts other than those entered into with the Food Distribution Administration, the United States Maritime Commission or the Veterans' Administration after June 11, 1943, may be used as a credit against the amount of meat required to be set aside and reserved pursuant to the provisions of this order.

(d) *Conversion weight.* For the purposes of this order conversion weights shall be computed in accordance with the provisions of § 1410.17 (p) of Director Food Distribution Order No. 75–1 (8 F.R. 11327).

This order shall become effective at 12:01 a. m., e. w. t., August 15, 1943: *Provided, however,* That any Class 1 slaughterer who, subsequent to the effective date of this order and prior to August 30, 1943, has delivered carcass beef which has been stamped by a representative of the United States Army to any processor for use by him in the fulfillment of a contract with a person or agency specified in (a) hereof, shall be entitled to the credit provided in (b) hereof if, within 10 days after August 30, 1943, he obtains a certificate in accordance with the provisions of (b) hereof.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 75, 8 F.R. 11119)

Issued this 30th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–14132; Filed, August 30, 1943; 11:18 a. m.]

[FDO 68, Amdt. 1]

PART 1450—TOBACCO

CIGAR FILLER AND BINDER TYPES OF TOBACCO

Food Distribution Order No. 68 (8 F.R. 10479), § 1450.11, issued by the War Food Administrator on July 26, 1943, is amended as follows:

1. By deleting the provisions of (a) (3) and inserting in lieu thereof:

(3) The term "Class A tobacco" means tobacco of the 1943 crop of cigar binder types numbered 51, 52, and 53 as defined in the Service and Regulatory Announcement No. 118 (7 CFR 30.1 *et seq.*) of the United States Department of Agriculture, promulgated by the Secretary of Agriculture on October 14, 1929.

(4) The term "Class B tobacco" means tobacco of the 1943 crop of cigar filler types numbered 41, 42, 43 and 44, and binder types numbered 54 and 55 as defined in the Service and Regulatory Announcement No. 118 (7 CFR 30.1 *et seq.*) of the United States Department of Agriculture, promulgated by the Secretary of Agriculture on October 14, 1929.

2. By deleting the provisions of (b) and inserting in lieu thereof the following:

(b) *Restrictions.* (1) No person shall, in any manner whatsoever, purchase, contract to purchase, or accept an option to purchase Class A tobacco during the period from the effective time hereof until October 15, 1943, inclusive.

(2) No person shall, in any manner whatsoever, purchase, contract to purchase, or accept an option to purchase Class B tobacco during the period from the effective time hereof until December 7, 1943, inclusive.

The provisions hereof shall become effective at 12:01 a. m., e. w. t., August 30, 1943. With respect to violations of said Food Distribution Order No. 68, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 68 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423).

Issued this 27th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–14053; Filed, August 28, 1943; 11:36 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

ARMY NURSE CORPS, PHYSICAL THERAPY AIDES, AND HOSPITAL DIETITIANS

The following regulations pertaining to the prescribed service uniform for the Army Nurse Corps, physical therapy aides, and hospital dietitians are hereby prescribed:

The regulations in §§ 79.70 to 79.81 are also contained in Army Regulations No. 600–37, 29 July 1943, the particular paragraphs being shown in brackets at end of sections.

Sec.
79.70 Winter service uniform.
79.71 Summer service uniform.
79.72 Headgear; cap, service.
79.73 Coats and jackets.
79.74 Skirt.
70.75 Overcoats.
79.76 One-piece dress.
79.77 Utility bag; design.
79.78 Slacks, design.
79.79 Buttons, jacket or coat.
79.80 Adopted standards of cloth.
79.81 Insignia.

AUTHORITY: §§ 79.70 to 79.81, inclusive, issued under R. S. 1295; 10 U. S. C. 1391.

§ 79.70 *Winter service uniform*—(a) *Winter service uniform for continental United States.* The winter service uniform for Army nurses, physical therapy aides, and hospital dietitians in the continental United States consists of the following items:

(1) Cap, garrison, blue, nurses', or cap, service, wool, blue, nurses'.
(2) Coat, wool, covert, blue, nurses', except when waist without coat is authorized.
(3) Skirt, wool, covert, blue, nurses', except when slacks are authorized.
(4) Waist, cotton, blue, nurses' or waist, cotton, white.
(5) Necktie, black, nurses'.
(6) Shoes, nurses', black.
(7) Hosiery, neutral shade.
(8) Gloves, leather, dress, black, women's,
(9) Tags, identification.

OPTIONAL

(10) Decorations, service medals, and badges.
(11) Ribbons, service.
(12) Overcoat, wool, covert, blue, removable lining, nurses'.
(13) Raincoat, parka type, women's, officers', or raincoat, dark blue.
(14) Muffler, wool, blue, nurses'.
(15) Overshoes, low, women's, or overshoes, arctic, women's 4-buckle.
(16) Bag, utility, nurses'. (§ 79.77)
(17) Slacks, women's, blue. (§ 79.78)

(b) *Winter service uniform for oversea theaters, departments, and base commands.* The winter service uniform for Army nurses, physical therapy aides, and hospital dietitians in oversea theaters, departments, and base commands consists of the following items:

(1) Cap, service, wool, olive-drab, nurses'.
(2) Jacket, wool, olive-drab, women's, nurses', except when waist without coat is authorized.
(3) Skirt, wool, olive-drab, dark, women's, officers', except when slacks are authorized.
(4) Waist, cotton, women's (khaki), or waist, wool, women's (khaki).
(5) Necktie, women's (khaki).

(6) Shoes, service, women's, low (Army russet).
(7) Hosiery, neutral shade.
(8) Gloves, leather, dress, women's (Army russet), or gloves, wool, olive-drab, women's.
(9) Tags, identification.

OPTIONAL

(10) Decorations, service medals, and badges.
(11) Ribbons, service.
(12) Overcoats, field, women's, officers'.
(13) Raincoat, parka type, women's, officers'.
(14) Scarf, women's (khaki).
(15) Overshoes, low, women's, or overshoes, arctic, women's 4-buckle.
(16) Bag, utility, nurses' (Army russet).
(17) Slacks, women's winter, dark olive-drab (§ 79.78). [Par. 5]

§ 79.71 *Summer service uniform*—(a) *Olive-drab summer service uniform.* The olive-drab summer service uniform for Army nurses, physical therapy aides, and hospital dietitians consists of the following items:

(1) Cap, service, summer, olive-drab.
(2) Jacket, service, summer, olive-drab, except when waist without coat is authorized.
(3) Skirt, service, summer, olive-drab, except when slacks are authorized.
(4) Waist, cotton, women's (khaki).
(5) Necktie, women's (khaki).
(6) Shoes, service, women's, low (Army russet).
(7) Hosiery, neutral shade.
(8) Tags, identification.

OPTIONAL

(9) Decorations, service medals, and badges.
(10) Ribbons, service.
(11) Gloves, leather, dress, women's (Army russet).
(12) Overshoes, low, women's.
(13) Bag, utility, nurses' (Army russet).
(14) Slacks, women's, summer, dark olive-drab.
(15) Raincoat, parka type, women's, officers'.

(b) *Beige summer service uniform.* The biege summer service uniform for Army nurses, physical therapy aides, and hospital dietitians consists of the following items:

(1) Cap, service, summer, beige.
(2) Jacket, service, summer, beige, except when waist without coat is authorized.
(3) Skirt, service, summer, beige.
(4) Waist, cotton, white.
(5) Necktie, maroon.
(6) Shoes, low, service, women's (Army russet), or shoes, white, nurses'.
(7) Hosiery, neutral shade.
(8) Tags, identification.

OPTIONAL

(9) Decorations, service medals, and badges.
(10) Ribbons, service, women's.
(11) Gloves, leather, dress (Army russet), or gloves, beige, cotton.
(12) Bag, utility, nurses' (Army russet).
(13) Raincoat, parka type, women's, officers'.

(c) *Seersucker summer service uniform.* In oversea areas the brown and white striped seersucker hospital uniform with the seersucker jacket will comprise the normal summer service uniform. This uniform will consist of the following items:

(1) Cap, service, summer, olive-drab, or cap, service, summer, beige, or cap, service, winter, olive-drab.
(2) Uniform, cotton, seersucker, nurses'.
(3) Jacket, cotton, seersucker, nurses'.
(4) Shoes, service, women's, low (Army russet).
(5) Hosiery, neutral shade.
(6) Tags, identification.

OPTIONAL

(7) Decorations, service medals, and badges.
(8) Ribbons, service.
(9) Gloves, leather, dress, women's (Army russet).
(10) Cape, olive-drab, nurses'.
(11) Raincoat, parka type, women's, officers'.
(12) Bag, utility, nurses' (Army russet). [Par. 6]

§ 79.72 *Headgear; cap service.* Of adopted design, made with a stitched semirigid visor covered with same material, 1⅞ inches in width at the center, with a front strap ¾ inch in width of same material and extending to back side seams. One center grommet 1⅜ inches below the top of crown to accommodate cap insignia. To be reinforced in the front with suitable material to support the weight of the insignia. [Par. 11]

§ 79.73 *Coats and jackets* — (a) *Jacket, service*—(1) *Design.* Of adopted design, peaked lapel collar, single-breasted; well fitted through the chest and shoulders and semifitted through the waistline to conform to the lines of the figure; lining, if desired, to be in matching color; to be closed with four large regulation coat buttons equally spaced; four-gore back with center seam.

(2) *Collar and lapel.* The collar to measure approximately 1¾ inches in width at the back, the opening between collar and lapel not to exceed ¼ inch. Lapels not more than ½ inch wider than collar end.

(3) *Shoulder loops.* On each shoulder a loop of same material as the coat, let into the sleeve head seam, placed slightly toward the front, with rounded point of the loop touching lower edge of the collar, buttoning to the coat with a small regulation coat button; loops to be about 1⅞ inches in width at lower end, and tapering to 1¼ inches in width at point of buttonhole.

(4) *Pockets.* Two pocket flaps simulating breast pockets placed so that they are horizontal. Center and both ends of pocket flap pointed and buttoned with small regulation coat buttons. Two lower hanging slash pockets set in on the diagonal, double piped with self material a full ⅛ inch in width without any visible stitching on the outside.

(5) *Ornamentation*—(i) *Sleeve.* Band of braid ½ inch in width, the lower edge 3 inches from end of sleeve.

(*a*) *Olive-drab uniform.* Olive-drab, shade No. 53.

(*b*) *Biege uniform.* Maroon, shade No. 57.

(ii) *Shoulder loop.* Cord edge braid.

(*a*) *Olive-drab uniform.* No piping.

(*b*) *Beige uniform.* Maroon, shade No. 57. [Par. 12]

§ 79.74 *Skirt.* Of adopted design, six-gore skirt, with a 1¼-inch waistband, and side opening with suitable closure. [Par. 13]

§ 79.75 *Overcoats*—(a) *Overcoat, field*—(1) *Design.* A utility coat, two ply throughout, with a buttoned-in removable wool lining and detachable hood; double-breasted with convertible style roll collar and notch lapel, buttoned down the front with a double row of large regulation overcoat buttons, five on each side, with the top buttons approximately 6¾ inches apart, and lower buttons approximately 5 inches apart. A rectangular throat piece is provided with two buttonholes for 24-ligne buttons. A detachable belt same material as coat with 2¼-inch tongueless bar buckle and belt keeper held in place by two side loops, and a strap keeper and belt strap. Adjustable tabs to button at cuff, with 30-ligne buttons.

(2) *Pockets.* Two diagonal hanging pockets cut hand opening in lining and finished with pointed flaps buttoning to the rear.

(3) *Shoulder loops.* On each shoulder a loop about 6 inches in length, 2⅛ inches in width at the lower end and 1¾ inches in width at the upper end, which is slightly pointed, same material as the coat, let in at the sleeve seam, buttoning at the upper end with a 30-ligne button.

(4) *Hood.* Detachable, two ply, of same material as overcoat, with five buttonholes for securing to overcoat. Closed at the face by a drawstring inserted in a tunnel.

(5) *Liner.* Made from an olive-drab wool fabric with inside yoke, extending down 3¼ inches below the armhole, faced with olive-drab rayon fabric, 12 buttonholes for buttoning into overcoat body. [Par. 16]

§ 79.76 *One-piece dress*—(a) *Design.* Of adopted design, a one-piece dress of tailored shirtwaist type with notched lapel collar; waist portion to be closed with three large regulation coat buttons equally spaced; bound buttonholes; four darts at shoulders and three at waistline to provide proper fit. One large regulation coat button fastening detachable belt 1½ inches in width; buttons all removable.

(b) *Shoulder loops.* On each shoulder a loop of same material as the dress, let into the sleeve head seam, placed slightly toward the front, with rounded point of the loop touching lower edge of the collar; buttoning to the dress with small regulation coat button; loops to be about 1⅞ inches in width at lower edge, including braid, and tapering to 1¼ inches in width at point of buttonhole.

(c) *Sleeve.* Long plain sleeve, with French cuff, having small regulation coat button links.

(d) *Skirt.* To have six gores with side opening with suitable closure.

(e) *Pockets.* Breast pockets of patch type with flap.

(f) *Ornamentation.* Same as specified for jacket, service, (§ 79.73 (a) (5)), except that sleeve braid is attached at top edge of cuff. [Par. 17]

§ 79.77 *Utility bag; design.* Of commercial design to conform to Quartermaster Corps specifications. [Par. 18]

§ 79.78 *Slacks; design.* Of commercial design having pleats and darts at waistline to provide proper fit; 2-inch

belt with adjustable button closure; left side opening over hip also with suitable closure; bottom of legs to be finished without cuffs but with sufficient hem to allow for alteration; slash pockets placed at side seams extending approximately 7 inches down from waistband. [Par. 20]

§ 79.79 *Buttons, jacket or coat.* Of gold or gold color metal, of suitable composition and weight, circular and slightly convex, with raised rim, coat of arms of the United States in clear relief against a horizontally lined background. To be 36-ligne (9/10 inch) for large, 25-ligne (5/8 inch) for small. [Par. 25]

§ 79.80 *Adopted standards of cloth.* The standards of cloth for Army nurses, physical therapy aides, and hospital dietitians are as follows:

(1) *Winter blue service uniform* (for wear in continental United States).

(i) *Coats; caps, garrison; caps, service; cape; overcoat; trench coat style with removable flannel lining*—(*a*) *Fabric.* Cloth, wool, covert, 12½-ounce.

(*b*) *Color.* Dark blue, shade No. 38.

(ii) *Skirts*—(*a*) *Fabric.* Cloth, wool, covert, 12½-ounce.

(*b*) *Color.* Medium blue, shade No. 39.

(iii) *Waists*—(*a*) *Fabric.* Cotton poplin or broadcloth.

(*b*) *Color.* White or light blue.

(2) *Winter olive-drab service uniform* (for wear in oversea areas).

(i) *Jackets; skirts; caps, service; cape*—(*a*) *Fabric.* Cloth, wool, barathea, 14-ounce.

(*b*) *Color.* Dark olive-drab, shade No. 51.

(ii) *Overcoat, field (trench coat)*—(*a*) *Fabric.* Cloth, cotton, wind resistant, type II (poplin).

(*b*) *Color.* Olive-drab, shade No. 2.

(iii) *Waist, cotton*—(*a*) *Fabric.* Cotton poplin or broadcloth.

(*b*) *Color.* Khaki, shade No. 1.

(iv) *Waist, wool*—(*a*) *Fabric.* Cloth, wool, flannel, 10½-ounce.

(*b*) *Color.* Olive-drab, shade No. 31.

(3) *Summer service uniform*—(i) *Jackets and skirts*—(*a*) *Fabric.* Cotton warp, mohair filling. Worsted, tropical. Rayon, plain or twill weave.

(*b*) *Color.* Dark olive-drab, shade No. 51. Beige, shade No. 55.

(ii) *Caps*—(*a*) *Fabric.* Cotton warp, mohair, filling. Worsted, tropical.

(*b*) *Color.* Dark olive-drab, shade No. 51. Beige, shade No. 55.

(iii) *Waist, cotton*—(*a*) *Fabric.* Cotton poplin or broadcloth.

(*b*) *Color.* Khaki, shade No. 1, for olive-drab uniform. White, for beige uniform.

(4) *Brown and white seersucker uniform—cap, jacket, uniform*—(i) *Fabric.* Cloth, cotton, seersucker, 4-ounce, brown stripe.

(ii) *Color.* Brown stripe, shade No. 11.

(5) *Dress, one-piece, nurses'*—(i) *Winter*—(*a*) *Fabric.* Gabardine, wool, 10½-ounce. Gabardine, 40 percent wool, 60 percent rayon, 10½-ounce. Suitable woven filament or spun rayon fabric.

(*b*) *Color.* Dark olive-drab, shade No. 51 (in oversea areas). Dark blue, shade No. 38 (in continental United States).

(ii) *Summer*—(*a*) *Fabric.* Suitable woven filament or spun rayon fabric.

(*b*) *Color.* Beige, shade No. 55. Dark olive-drab, shade No. 51.

(6) *Slacks*—(i) *Fabrics.*—(*a*) Cotton warp, mohair filling.

(*b*) Worsted, tropical.

(*c*) Barathea, wool, 14-ounce.

(*d*) Covert, wool, 12½ ounce.

(*e*) Flannel, wool.

(ii) *Color.* (*a*) Olive-drab shade No. 51 (fabrics in subdivision (1) (*a*) (*b*) and (*c*) of this subparagraph).

(*b*) Navy blue.

(b) *Samples and specifications.* Samples of the adopted shades and standard cloths, and of the several items of these prescribed uniforms, as approved by the Secretary of War, will be maintained on display in the Office of The Quartermaster General and in such other offices as he may prescribe. Specifications for the several articles of the uniforms and other clothing are published by The Quartermaster General. Prescribed articles of the uniforms will conform in quality, design, and color to the corresponding approved samples and specifications. [Par 26]

§ 79.81 *Insignia*—(a) *Cap, service.* The Army officers' cap insigia, consisting of the coat of arms of the United States, 2⅜ inches in height. (§ 79.23 (b) (1)).

(b) *Insignia on collar and lapel.* Distinctive collar and lapel insignia will be as follows:

(1) *Army Nurse Corps.* A caduceus with the letter "N" superimposed thereon.

(2) *Hospital dietitians.* A caduceus with the letters ¼ inch in height superimposed thereon.

(3) *Physical therapy aides.* A caduceus with the letters $\frac{P}{T}$ ¼ inch in height superimposed thereon. [Pars. 28 and 29]

The following regulations are changed or rescinded as indicated.

In § 79.2 paragraph (b) is amended as follows:

§ 79.2 *Adopted standards of cloths.* * * *

(b) *For enlisted men and aviation cadets.* As issued. (R. S. 1296; 10 U. S. C. 1391) [Par. 2, AR 600–35, 28 August 1941]

§ 79.18 *Army Nurse Corps clothing.* [Rescinded] See §§ 79.70 to 79.81.

§ 79.18a *Hospital dietitians and physical therapy aides' clothing.* [Rescinded] See §§ 79.70 to 79.81.

§ 79.24 *Insignia for collar and lapel of coat.* * * *

(b) *Other officers and warrant officers.* * * *

(2) *Insignia of arm, service, and bureau.* * * *

(xv) *Medical Department.* * * *

(*e*) *Army Nurse Corps.* [Rescinded] See § 79.81.

* * * * * *

(*h*) *Hospital dietitians.* [Rescinded] See § 79.81.

(*i*) *Physical therapy aides.* [Rescinded] See § 79.81.

* * * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–14000; Filed, August 27, 1943; 2:39 p. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

PART 303—ADVERTISEMENT OF MEMBERSHIP

EXEMPTION OF ADVERTISEMENTS OF SAVINGS BANK LIFE INSURANCE FROM REQUIREMENT FOR INCLUSION OF OFFICIAL ADVERTISING STATEMENT

Part 303, § 303.2 (c) (3) of this corporation's rules and regulations is amended

(1) By adding a new subdivision (xvi) as follows:

(xvi) Advertisements relating to Savings Bank Life Insurance.

(2) By changing subdivision (v) to read as follows:

(v) Advertisements not containing any advertising relating to the insured bank in addition to any or all of the following, its name, telephone number, address, announcement of membership in the Federal Reserve System, and subject matter specifically excluded under exemptions (i) through (xvi).

Part 303, § 303.2 (e) of this corporation's rules and regulations is amended to read as follows:

(e) *Outstanding bill board advertisements.* Where an insured bank has bill board advertisements outstanding, not excluded under exemptions (i) through (xvi) in paragraph (c) (3) of this section and has direct control either by possession or under the terms of a contract of such advertisements, it shall, if it can do so consistently with its contractual obligations, cause the official advertising statement to be included therein at such time as it would have been required to include the official advertising statement had the advertisement been newly issued rather than previously outstanding. (U.S.C., 1940 Ed., Title 12, sec. 264 (v) (2))

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
E. F. DOWNEY,
Secretary.

AUGUST 27, 1943.

[F. R. Doc. 43–14077; Filed, August 28, 1943; 1:18 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 21–8, Civil Air Regulations]

PART 21—AIRLINE TRANSPORT PILOT RATING

REVOKING OBSOLETE PROVISIONS FOR REINSTATEMENT OF AIRLINE PILOT CERTIFICATES EXPIRING PRIOR TO DECEMBER 7, 1941

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 25th day of August 1943.

Effective August 25, 1943, §§ 21.25 and 21.253 of the Civil Air Regulations are revoked.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-14043; Filed, August 28, 1943; 10:59 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 28]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF AMBER CIVIL AIRWAY NO. 7

AUGUST 12, 1943.

Acting pursant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By adding in § 600.10106 *Amber Civil Airway No. 7 (Key West, Fla., to Caribou, Maine)* after the words:

* * * and the Richmond, Va., radio range station; the following:

to the intersection of the center lines of the on course signals of the north leg of the Richmond, Va., radio range and the south leg of the Washington, D. C., radio range;

This amendment shall become effective 0001 E. W. T., August 31, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-14011; Filed, August 28, 1943; 10:01 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 210—EXECUTION AND FILING OF AN APPLICATION

FILING DATE

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. 1940 ed. 228j), § 210.3 of the Regulations of the Railroad Retirment Board under such Act (4 F.R. 1477) is amended, effective August 24, 1943, by Board Order 43-609 dated August 24, 1943, to read as follows:

§ 210.3 *Filing date.* An application, filed in the manner and form prescribed in § 210.2, shall be considered filed with the Board as of the date that it is received at an office of the Board, or the date that it is, in accordance with § 210.2, delivered into the custody of a duly authorized field agent, whichever date is earlier; or in a case in which a claim or application filed with the Social Security Board is, by virtue of § 210.2, an application for an annuity filed with the Railroad Retirement Board, the date on which such claim or application was filed with the Social Security Board shall be considered the date of filing with the Board: *Provided, however,* That if in the adjudication of any application for an annuity it is determined that the applicant died on a Sunday or a day observed by the Board as a legal holiday and that his application was received through the mails at an office of the Board, or, in a case specified in § 210.2, by the Social Security Board, on the first business day following such Sunday or such legal holiday, the application shall be deemed to have been filed with the Board or the Social Security Board, as the case may be, on such Sunday or such legal holiday, if it is established to the satisfaction of the Board that the application was mailed in sufficient time to have been received by the Board or the Social Security Board in the ordinary course of the mails on such Sunday or such legal holiday had it been a business day.

(Secs. 2, 10, 50 Stat. 309, 314; 45 U.S.C. 1940 ed. 228b, 228j)

By authority of the Board.
Dated: August 27, 1943.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 43-14117; Filed, August 30, 1943; 9:59 a. m.]

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

EXECUTION OF EMPLOYERS' CONTRIBUTION REPORTS

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 1940 ed. 362), the Railroad Retirement Board amends §§ 345.7 and 345.9 of the Regulations under the Railroad Unemployment Insurance Act as follows:

Section 345.7 is amended effective August 10, 1943, by Board Order 43-580 dated August 10, 1943, to read as follows:

§ 345.7 *Execution of employers' contribution reports.* Each contribution report on Form DC-1 shall be signed by (1) the individual, if the employer is an individual; (2) the president, vice president or other duly authorized officer, if the employer is a corporation; or (3) a responsible and duly authorized member or officer having knowledge of its affairs if the employer is a partnership or other unincorporated organization.

(Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. 1940 ed. 358, 362)

Section 345.9 is amended effective November 30, 1942, by Board Order 43-603 dated August 19, 1943, by amending the last sentence to read as follows:

If placed in the mails, the report shall be posted on or before the date on which the report is required to be filed.

By authority of the Board.
Dated: August 27, 1943.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 43-14118; Filed, August 30, 1943; 9:59 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supp. 5 to Rev. V of April 23, 1943]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Office of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 5 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision V of April 23, 1943 (8 F.R. 5435), is hereby promulgated.[1]

By direction of the President:

CORDELL HULL,
Secretary of State.

RANDOLPH PAUL,
Acting Secretary of the Treasury.

FRANCIS BIDDLE,
Attorney General.

JESSE H. JONES,
Secretary of Commerce.

LEO T. CROWLEY,
Director, Office of Economic Warfare.

NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

AUGUST 27, 1943.

[F. R. Doc. 43-14076; Filed, August 28, 1943; 12:05 p. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[NHA General Order 60-9]

PART 702—PRIVATE WAR HOUSING

LIMITATIONS ON TOTAL MONTHLY PAYMENTS

Sec.
702.25 General.
702.26 Definition of total monthly payments.
702.27 Applicability of this regulation.
702.28 Agency jurisdiction.
702.29 Tenant's responsibility.

AUTHORITY: §§ 702.25 to 702.29, inclusive, issued under 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 177, 50 U.S.C. 1152; E.O. 9024, 7 F.R. 329 as amended by E.O. 9040, 7 F.R. 527, E.O. 9125, 7 F.R. 2719, E.O. 9335, 8 F.R. 5425; WPB Directive 25, 8 F.R. 8801.

§ 702.25 *General.* The purpose of this regulation is to define more specifically the limitations applicable to total monthly payments for private war housing rented by war workers.

§ 702.26 *Definition of total monthly payments.* (a) The overall limitations on the total monthly payments which

[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

owners may accept from or require of tenants of private war housing rented by war workers are specified in section 3.01 of NHA General Order No. 60–3A[1] as follows:

> • • • the payments specified in the application for priority assistance or authority to begin construction submitted in connection with such dwelling units, which total monthly payments (unless otherwise authorized in section 4 hereof) shall in no event exceed $50 per month shelter rent per unfurnished dwelling unit plus a reasonable charge for tenant services (in no event, exceeding $3 per month per room), plus a reasonable price for garage space, plus the actual cost on a pro rata basis of tenant gas and electricity • • •

(b) The owner is required in return for the approved monthly payment to supply and suitably to maintain the dwelling unit and appurtenances described in the application.

(c) "Shelter rent," as used in connection with private war housing means the total rent approved pursuant to the PD–105, less additional charges and approved charges for tenant services.

(d) "Charges for tenant services," means the charges for those of the services listed below which are stipulated on the PD–105 and approved, and no other service charge shall be approved, allowed or collected by the owner for any other item or service:

(1) Heating and air conditioning, including heat and air conditioning supplied direct to tenants, pro rata charges for heating and air conditioning common hallways, stairways and rooms, and heating hot water for tenant use.

(2) Janitor or maid service to tenants, including cleaning of common hallways and rooms.

(3) Project lighting, including lighting of common hallways and rooms, common recreation areas and driveways, exclusive of tenant gas and electricity.

(4) Elevator service, maintenance and operating expenses, but not depreciation.

(5) Water, including cost of water supplied direct for tenant use and for use in common rooms such as laundries.

(6) Garbage and rubbish removal.

(7) Insect and rodent extermination.

(8) Extra equipment, including venetion blinds, telephone and buzzer equipment in tenant units; furniture, carpets, mats, stair treads, draperies, and recreation equipment in common areas, but not including project office furniture and similar management overhead.

(9) Cooking ranges and refrigerators or iceboxes.

NOTE: The National Housing Agency does not determine the charge permitted for household furniture and furnishings supplied for tenant use in dwelling units (as distinguished from furniture supplied in common hallways and common rooms). Such charges are determined by OPA.

(e) Other charges mentioned in the quotation in § 702.26 (a) are defined as follows:

(1) "Reasonable price for garage space" means a reasonable charge approved by the local FHA office and specified in the priority application. Such a charge will be approved only if the local FHA office determines that garage space need not be supplied as an essential part of the dwelling unit and included in the shelter rent.

(2) "Actual cost on a pro rata basis of tenant gas and electricity" means the cost to the landlord divided as equitably as possible among the tenants. Such charges need not be specified in the priority application or approved by the local FHA office.

§ 702.27 *Applicability of this regulation.* (a) This regulation is applicable to all private war housing rented by war workers for which a PD–105 application is submitted to the local office of the Federal Housing Administration on or after the effective date hereof.

(b) This regulation shall also apply to private war housing for which a PD–105 application was submitted to the local office of the Federal Housing Administration prior to the effective date hereof: *Provided,* That charges specifically authorized in the application for such housing will be permitted even though not permitted under § 702.26 of this order: *And provided further,* That no increase in total monthly payment for such housing shall be effected by this regulation except upon application to the Office of the Regional Representative of the National Housing Agency, through the local office of the Federal Housing Administration, if such housing is not yet occupied, or to the Office of Price Administration if occupancy has occurred. Any increase in total monthly payment for such housing shall, after the effective date of this regulation, be authorized only in accordance with the definitions in § 702.26.

§ 702.28 *Agency jurisdiction.* (a) Directive 25 of the War Production Board has delegated WPB jurisdiction over matters pertaining to rents chargeable for priority-assisted private war housing, including interpretation and formulation of policy, to the National Housing Agency, and such matters will be processed by the National Housing Agency.

(b) This jurisdiction applies only to the initial rental—established prior to initial occupancy—which may be charged for private war housing. Once the housing has been occupied the National Housing Agency has no jurisdiction over changes in the rent chargeable or the facilities, equipment and services which owners shall furnish. After initial occupancy, all such matters are within the jurisdiction of the Office of Price Administration.

(c) The local offices of the Federal Housing Administration shall, in certifying as eligible a project described in a PD–105, determine that the accommodations proposed to be provided are suitable for the persons for whom intended and that the total monthly payment stated in the application is consistent with the accommodations described therein.

(d) When local FHA offices are unable to determine any question of interpretation of this regulation, they may refer the case to the NHA regional representative for decision. Such references should be accompanied by a full statement of all the facts and circumstances relevant to the case, together with recommendations.

(e) When regional representatives are unable to interpret or apply any portion of this regulation, they shall refer the appropriate question to the Office of the Administrator.

§ 702.29 *Tenant's responsibility.* Although landlords are responsible for maintaining the construction, equipment and condition of private war housing, none of the provisions of this regulation shall be interpreted as relieving the tenant from legal liability for waste.

This regulation shall be effective September 1, 1943.

JOHN B. BLANDFORD, Jr.,
Administrator.

AUGUST 14, 1943.

[F. R. Doc. 43–13999; Filed, August 27, 1943; 2:37 p. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 637—MINIMUM WAGE RATE IN THE MISCELLANEOUS TEXTILE, LEATHER, FUR, STRAW, AND RELATED PRODUCTS INDUSTRIES

RECOMMENDATION OF INDUSTRY COMMITTEE

In the matter of the recommendation of Industry Committee No. 55 for a minimum wage rate in the miscellaneous textile, leather, fur, straw, and related products industries. Wage order.

Whereas on February 11, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 175, appointed Industry Committee No. 55 for the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries in accordance with section 8 of the Act; and

Whereas the Committee included twelve disinterested persons representing the public, a like number of persons representing employers in the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries are carried on; and

Whereas on March 5, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries; and

Whereas, after notice duly published in the FEDERAL REGISTER on March 11,

[1] Not filed with the Division of the Federal Register.

1943, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on March 30, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries, as defined by Administrative Order No. 175, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 55 for a Minimum Wage Rate in the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York,

Now, therefore, it is ordered, That:

Sec.
637.1 Approval of recommendation of Industry Committee No. 55.
637.2 Wage rate.
637.3 Posting of notices.
637.4 Definition of the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries.
637.5 Scope of the definition.
637.6 Effective date.

AUTHORITY: §§ 637.1 to 637.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C., sec. 208.

§ 637.1 *Approval of recommendation of Industry Committee No. 55.* The Committee's recommendation is hereby approved, and in accordance with such recommendation,

§ 637.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries; and

§ 637.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

§ 637.4 *Definition of the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries.* For the purposes of this order the term "Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries" means:

(a) The coating, impregnating, and other processing of textiles, including, but without limitation, the production of oilcloth, artificial leather, linoleum, and felt base floor coverings.

(b) The manufacture of any product from textile yarn or fabric (made from any animal, mineral, vegetable or synthetic fiber or mixtures of any of these fibers), impregnated or coated textiles, hair, bristles, straw, leather, feathers, and similar materials; except the weaving of fabric from mineral fibers or yarn.

(c) The dressing, dyeing, and other processing or handling of fur skins or pelts, and the manufacture of any product from fur skins or pelts.

(d) The manufacture of men's or boys' straw or harvest hats, the term "straw" being used in the trade sense and not being confined to materials made from natural fibers.

Provided, however, That this industry shall not include any product or part (other than men's and boys' straw or harvest hats) the manufacture of which is covered by the definition of an industry for which a wage order has been issued or for which an industry committee has been appointed under the Fair Labor Standards Act.

§ 637.5 *Scope of the definition.* The definition of the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale; *And provided, further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 637.6 *Effective date.* This wage order shall become effective September 20, 1943.

Signed at New York, New York, this 21st day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-14112; Filed, August 30, 1943; 10:10 a. m.]

PART 639—MINIMUM WAGE RATE IN MATTRESS, BEDDING, AND RELATED PRODUCTS INDUSTRY

RECOMMENDATION OF INDUSTRY COMMITTEE

In the matter of the recommendation of Industry Committee No. 54 for a minimum wage rate in the mattress, bedding, and related products industry. Wage order.

Whereas on February 11, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, hereinafter referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 174, appointed Industry Committee No. 54 for the Mattress, Bedding, and Related Products Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Mattress, Bedding, and Related Products Industry in accordance with section 8 of the Act; and

Whereas the Committee included six disinterested persons representing the public, a like number of persons representing employers in the Mattress, Bedding, and Related Products Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Mattress, Bedding, and Related Products Industry is carried on; and

Whereas on March 24, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Mattress, Bedding, and Related Products Industry; and

Whereas after notice duly published in the FEDERAL REGISTER on April 20, 1943, Donald M. Murtha, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on May 12, 1943 at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Mattress, Bedding, and Related Products Industry, as defined by Administrative Order No. 174, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 54 for a Minimum Wage Rate in the Mattress, Bedding, and Related Products Indus-

try," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

Now, therefore, it is ordered, That:

Sec.
639.1 Approval of recommendation of Industry Committee No. 54.
639.2 Wage rate.
639.3 Posting of notices.
639.4 Definition of the Mattress, Bedding and Related Products Industry.
639.5 Scope of the definition.
639.6 Effective date.

AUTHORITY: §§ 639.1 to 639.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C. sec. 208.

§ 639.1 *Approval of recommendation of Industry Committee No. 54.* The Committee's recommendation is hereby approved, and in accordance with such recommendation,

§ 639.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Mattress, Bedding, and Related Products Industry; and

§ 639.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Mattress, Bedding, and Related Products Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

§ 639.4 *Definition of the Mattress, Bedding, and Related Products Industry.* For the purposes of this order the term "Mattress, Bedding, and Related Products Industry" means:

(a) The manufacture, renovation, and repair of mattresses, boxsprings, bedsprings (except metal), bedding, and related products, including, but without limitation, sleeping bags, bolsters, upholstered bedrests, and hassocks.

(b) The processing of feathers to be used as filling.

Provided, however, That this industry shall not include any product or part the manufacture of which is covered by the definition of an industry for which a wage order has been issued or for which an industry committee has been appointed under the Fair Labor Standards Act.

§ 639.5 *Scope of the definition.* The definition of the mattress, bedding, and related products industry covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping, and selling occupations; *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 639.6 *Effective date.* This wage order shall become effective September 20, 1943.

Signed at New York, New York this 21st day of August, 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 48-14113; Filed, August 30, 1943; 10:10 a. m.]

Chapter IX—War Food Administration (Agricultural Labor)

PART 1103—SALARIES AND WAGES IN THE PICKING OF CANNING TOMATOES

WORKERS IN CERTAIN CALIFORNIA COUNTIES

Part 1103 (8 F.R. 11779) is hereby amended to include within the public notice the following counties in the State of California in addition to the counties stated in § 1103.1: Butte, Colusa, Placer, San Mateo, Santa Cruz, Sutter, and Yuba.

(Pub. Law 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; Regulations of the Director of Economic Stabilization, dated Oct. 27, 1942, 7 F.R. 8748, as amended on Nov. 30, 1942, 7 F.R. 10024; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 27th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-14054; Filed, August, 28, 1943; 11:36 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Order 4]

PART 601— ADMINISTRATIVE; GENERAL

LIMITED DISTRIBUTION OF ANTHRACITE TO CONSUMERS

Determining areas and times within which limited distribution of anthracite coal to consumers shall be made and the amount of anthracite available for that purpose.

The Solid Fuels Administrator for War has issued Revised Regulation No. 2 which makes provision for more equitable distribution of anthracite coal by wholesalers to equipped and unequipped retail dealers. In order to assure more equitable distribution of anthracite among consumers who use anthracite for space heating, domestic hot water and cooking purposes, it appears that some limitations should be imposed on the amount of anthracite which may be delivered to such consumers.

However, before any governmental program for limited distribution of anthracite coal to consumers may be instituted, it is for the Solid Fuels Administration for War to determine, pursuant to section 3 (g) of Executive Order No. 9332, the areas and times within which limited distribution should be effective and the available supply of anthracite for that purpose.

Accordingly, this order is issued pursuant to the provisions of Executive Order No. 9332 and in accordance with Solid Fuels Administration for War Revised Regulation No. 2.

§ 601.21 *Definitions.* (a) "Anthracite" means that coal which is generally referred to as Pennsylvania anthracite and is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna and Wayne.

(b) "Consumer" means any person who acquires anthracite coal for space heating, domestic hot water or domestic cooking except to the extent that he acquires anthracite coal for use in an industrial process, for the production of power, or for space heating which is incidental thereto.

§ 601.22 *Determinations.* After advising with the War Production Board:

(a) It is hereby determined that the areas within which the limited distribution of anthracite to consumers should be effective are: the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia.

(b) It is hereby determined that the times within which the limited distribution of anthracite to consumers should be effective are from September 1, 1943 to December 1, 1943, inclusive, subject to further order of the Solid Fuels Administrator for War.

(c) It is hereby determined that the amount of anthracite available for limited distribution to consumers during the period provided in this order is approximately 11,000,000 tons for all destinations in the aggregate.

§ 601.23 *Coordination of program for limited distribution to consumers with regulations of Solid Fuels Administration for War.* This order does not authorize any action inconsistent with Solid Fuels Administration for War Revised Regulation No. 2, any amendments thereof, or any other action which may be taken by the Solid Fuels Administration for War pursuant to Executive Order No. 9332.

This order shall take effect at 12:01 a. m., September 1, 1943.

Issued this 27th day of August 1943.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 43-14078; Filed, August 28, 1943; 2:32 p. m.]

[Reg. 2, Revised]

PART 602—GENERAL ORDERS AND DIRECTIVES

PENNSYLVANIA ANTHRACITE

The marked increase in fuel requirements incident to the wartime economy of the Nation threatened shortages and inequitable distribution of certain sizes of anthracite coal. Accordingly, Solid Fuels Administration for War Regulation No. 2 was issued on June 19, 1943 (8 F.R. 8663); and that regulation was amended on July 13, 1943 (8 F.R. 9744). It now appears necessary, in order to effectuate the purposes of Executive Order No. 9332, to revise Solid Fuels Administration for War Regulation No. 2, as amended, in various respects, including the insertion of provisions (a) modifying the emergency distribution requirements imposed by the regulation and making the regulation applicable to the period from April 1, 1943 to March 31, 1944, inclusive; (b) setting forth a method for securing additional anthracite for wholesalers whose tonnage of anthracite is insufficient to supply 90 per cent of the shipments to their customers during the base period; (c) requiring equitable distribution to unequipped retail dealers; and (d) subjecting to the regulation the distribution of No. 1 buckwheat and No. 2 buckwheat (rice). Accordingly, §§ 602.11 to 602.19, inclusive, of Solid Fuels Administration for War Regulation No. 2, as amended, are hereby superseded and revised to read as follows:

Sec.

602.3 Definitions.
602.4 Restrictions on shipments by wholesalers.
602.5 Limitations of deliveries to consumers expected.
602.6 Action under other regulations.
602.7 Directives under Solid Fuels Administration for War Regulation No. 1.
602.8 Limitations upon applicability of this regulation.
602.9 Evasion prohibited.
602.10 Regional Anthracite Distribution Committees; National Anthracite Distribution Committee; Supply and Distribution Committee.
602.11 Requests by dealers for supply of anthracite to meet additional needs.
602.12 Damages for breach of contract.
602.13 Reports.
602.14 Records.
602.15 Audits and inspection.
602.16 Violations.
602.17 Applications for modification and exceptions; inquiries and communications.
602.18 Short title.

AUTHORITY: §§ 602.3 to 602.18, inclusive, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176; E.O. 9125, 7 F.R. 2719; E.O. 9332, 8 F.R. 5355.

§ 602.3 *Definitions.* For purposes of this regulation:

(a) "Anthracite" means that coal which is generally referred to as Pennsylvania anthracite and is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna, and Wayne; and is limited to the sizes generally known as egg, stove, chestnut, pea, No. 1 buckwheat and No. 2 buckwheat (rice).

(b) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons.

(c) "Producer" means any person engaged in the business of mining or preparing anthracite.

(d) "Wholesaler" means any producer who sells anthracite to equipped retail dealers or unequipped retail dealers; any person who purchases and resells anthracite to equipped retail dealers; any person, except an equipped retail dealer, who purchases anthracite for resale to unequipped retail dealers; and any dock operator to the extent that he purchases and resells anthracite to persons other than the consumers thereof.

(e) "Equipped retail dealer" means any person who has storage facilities and truck scales, and who purchases anthracite from wholesalers for resale to consumers or unequipped retail dealers.

(f) An "unequipped retail dealer" means any person who is not an equipped retail dealer and who purchases anthracite from producers, wholesalers, or equipped retail dealers for resale to consumers.

(g) "Excess tonnage" means all tonnage of anthracite which exceeds 90 per cent of the tonnage of anthracite shipped to destinations, equipped retail dealers and unequipped retail dealers, during the base period as contemplated by the provisions of § 602.4 of this regulation.

(h) "Deficiency in tonnage" means the tonnage of anthracite which is less than 90 per cent of the tonnage of anthracite shipped to destinations, equipped retail dealers and unequipped retail dealers during the base period as contemplated by the provisions of § 602.4 of this regulation.

(i) "Consumer" means any person who acquires anthracite coal for space heating, domestic hot water or domestic cooking except to the extent that he acquires anthracite coal for use in an industrial process, for the production of power, or for space heating which is incidental thereto.

(j) "Destination" means any city, town, village, or community: *Provided, however,* That in respect to shipments to New York City, the boroughs of Manhattan and Bronx, as a unit, Brooklyn and Queens, as a unit and the borough of Richmond shall be treated as three separate destinations.

(k) "Base period" means the period from April 1, 1942 to March 31, 1943, inclusive.

§ 602.4 *Restrictions on shipments by wholesalers.* (a) All wholesalers (including producers who sell to equipped retail dealers or unequipped retail dealers) shall forthwith arrange their distribution schedules in respect to rail, water, truck and other movements so that by March 31, 1944, and on the basis of regular equal monthly shipments so far as practicable, they shall have supplied to the same destinations, equipped retail dealers, and unequipped retail dealers, to which they shipped anthracite during the base period, the same proportion of available tonnage, up to but not in excess of 90 per cent thereof, shipped to such destinations, equipped retail dealers and unequipped retail dealers during the base period. In arranging their distribution schedules wholesalers shall disregard the sequence in which orders on hand were received and shall afford preferences to orders from destinations, equipped retail dealers and unequipped retail dealers, which have not received from them during the period April 1, 1943, to the end of any calendar month commencing with August 31, 1943, the same proportions of tonnages (as compared with other destinations, equipped retail dealers and unequipped retail dealers) which they received from such wholesalers during the corresponding portion of the base period. In affording such preferences, wholesalers shall, so far as practicable, take, on a pro rata uniform percentage basis, the tonnage required to meet the preference orders from the non-preference orders of contract and non-contract customers. In complying with the provisions of this paragraph each wholesaler shall (1) consider all anthracite shipped subsequent to April 1, 1943, as part of the total tonnage required to be shipped by him during the entire period April 1, 1943 to March 31, 1944, inclusive, and (2) exclude tonnage excepted from this regulation pursuant to § 602.8.

(b) Each wholesaler shall report in writing to the Solid Fuels Administrator for War at Washington, D. C., on or before the 25th day of each month his actual tonnage shipped during the preceding full calendar month and his anticipated available tonnage for the succeeding full calendar month. The report shall set forth the tonnage of egg, stove, nut and pea as a single total covering domestic sizes and separately set forth the tonnage of buckweat and rice as a single total covering steam sizes. Each wholesaler whose anticipated available tonnage for the succeeding month is in excess of the maximum tonnage which may be shipped under § 602.4 (a) shall make all such excess tonnage available in equal weekly portions for allocation by the Solid Fuels Administrator for War. The Solid Fuels Administrator for War will allocate such excess tonnage currently to wholesalers with a deficiency in tonnage within the meaning of this regulation. Anthracite so allocated by the Solid Fuels Administrator for War shall be shipped for the account of the wholesaler to whom it is allocated in order that there may be equitable distribution to all destinations and equipped retail dealers.

If, but only if, the necessity of obtaining an adequate car supply so requires, a wholesaler with excess tonnage may, prior to the receipt of shipping instructions from a wholesaler to whom such excess tonnage has been allocated by the Solid Fuels Administrator for War, ship excess tonnage, to the extent necessary to relieve the car supply problem, to any destination or equipped retail dealer he wishes. Any wholesaler who takes such action shall forthwith notify the Solid Fuels Administrator for War by telegram of the circumstances necessitating the action, the tonnage shipped and the destination and equipped retail dealer to which the tonnage was shipped.

(c) Producers, wholesalers and equipped retail dealers shall forthwith

arrange their distribution schedules so that for the period April 1, 1943 to March 31, 1944, inclusive, they shall have supplied to each unequipped retail dealer to whom they sold anthracite during the base period, the same proportion of available tonnage up to but not in excess of 90 per cent thereof, of the tonnage sold to each such unequipped retail dealer during the base period.

§ 602.5 *Limitations of deliveries to consumers expected.* In addition to this regulation and in order to assure a more equitable distribution of anthracite among consumers, the Solid Fuels Administrator for War plans, pursuant to section 3 (g) of Executive Order No. 9332, to determine, immediately after the issuance of this regulation, the areas and times within which limitations of deliveries of anthracite to consumers should be effective and the amount of anthracite available for such limited distribution. It is expected that the program for limited distribution of anthracite to consumers will be administered by the Office of Price Administration, pursuant to directive of the War Production Board and subject to the determinations of the Solid Fuels Administrator for War under section 3 (g) of Executive Order No. 9332.

§ 602.6 *Action under other regulations.* Nothing contained in this regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1 or under any other regulation heretofore or hereafter promulgated by him.

§ 602.7 *Directives under Solid Fuels Administration for War Regulation No. 1.* Directives heretofore and hereafter issued by the Solid Fuels Administrator for War under Solid Fuels Administration for War Regulation No. 1 shall be complied with notwithstanding the provisions of this regulation.

§ 602.8 *Limitations upon applicability of this regulation.* This regulation shall not be applicable to and shall not in any wise be deemed to restrict shipments of anthracite to the Army, Navy, Marine Corps, Coast Guard of the United States, the Maritime Commission or the War Shipping Administration; or to any industrial plant for use in the process of manufacturing or generating steam for industrial use; or to any person for use in chicken brooders or hatcheries. In the computation of available tonnage and required shipments pursuant to this regulation all such excepted shipments shall be excluded.

§ 602.9 *Evasion prohibited.* All persons are prohibited from evading any of the provisions of this regulation in reliance upon a reincorporation, reorganization, contract, arrangement or device of any kind occurring prior or subsequent to the effective date of this regulation, and the successor in interest of any person shall be deemed fully bound by the provisions of this regulation with the same force and effect as though the predecessor had remained in existence. No person, subject to this regulation, shall change his method of doing business for the purpose of evading any of the provisions of this regulation and no such person shall continue any such evasive practice which may have been entered into subsequent to April 1, 1943. Any person who has any doubts concerning the applicability of this paragraph of this regulation to his business activities shall forthwith make written inquiry of the Solid Fuels Administrator for War, Washington, D. C.

§ 602.10 *Regional Anthracite Distribution Committees; National Anthracite Distribution Committee; Supply and Distribution Committee.* (a) The Regional Anthracite Distribution Committee created for each of the regions defined and set forth in Appendx A, attached hereto, and made a part hereof, shall continue to advise with and make recommendations to the Solid Fuels Administrator for War with reference to the administration of the provisions of this regulation for their respective regions. Each such committee shall continue to consist of two producers, one wholesaler, and two retail dealers appointed by the Solid Fuels Administrator for War.

(b) A representative of the Solid Fuels Administrator for War shall be designated to serve in each regional office of the Solid Fuels Administration for War and shall administer such duties as may be assigned to him from time to time, and shall, so far as practicable, advise with the Regional Anthracite Distribution Committee.

(c) There shall continue to be a National Anthracite Distribution Committee, consisting of the following representatives appointed by the Solid Fuels Administrator for War: One representative from each of the three anthracite producing regions (Wyoming, Lehigh and Schuylkill), two wholesalers, three retail dealers, and any other members the Solid Fuels Administrator for War may appoint. This committee shall continue to advise and make recommendations as to matters of general policy and administration.

(d) The Solid Fuels Administrator for War will designate from among the members of the Regional Anthracite Distribution Committees and the National Anthracite Distribution Committee, a committee of four persons to be known as the Supply and Distribution Committee. It shall be the function of the Supply and Distribution Committee to recommend to the Solid Fuels Administrator for War the allocations of excess tonnage which should be made in order to carry out the purposes and provisions of this regulation.

§ 602.11 *Requests by dealers for supply of anthracite to meet additional needs.* Any dealer requesting a supply of anthracite in excess of 90 per cent of the requirements of any destination or dealer during the base period in order to take care of additional needs resulting from increased population at any destination and the anthracite requirements thereof, shortage of other fuels and conversions of burning equipment, and other causes, shall submit an original and one copy of such request in writing to the Regional Anthracite Distribution Committee which under the supervision and direction of the regional representative of the Solid Fuels Administrator for War shall act upon such requests in a manner consistent with this regulation, and in appropriate cases shall recommend to the National Anthracite Distribution Committee that the matter be referred to the Solid Fuels Administrator for War in Washington, D. C. for appropriate action. Each such request referred to the Solid Fuels Administrator for War in Washington, D. C. shall be accompanied by the recommendation of such committees and the independent recommendation of the regional representative of the Solid Fuels Administrator for War.

§ 602.12 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this regulation.

§ 602.13 *Reports.* Each person participating in any transaction to which any portion of this regulation applies shall execute and file with the Solid Fuels Administrator for War such reports and questionnaires as he shall from time to time require. All reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942 and regulations issued thereunder.

§ 602.14 *Records.* Each person participating in any transaction to which any portion of this regulation applies shall keep and preserve for a period of two years accurate and complete records of all of the details of all such transactions.

§ 602.15 *Audit and inspection.* All records required to be kept by this regulation shall, upon request, be submitted for inspection, copy and audit by duly authorized representatives of the Solid Fuels Administration for War.

§ 602.16 *Violations.* Any person who violates any provision of this regulation or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the Solid Fuels Administrator for War, the Regional Anthracite Distribution Committees or the National Anthracite Distribution Committee, and any person who obtains a delivery of anthracite by means of a wilful, false or misleading statement, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administrator for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. sec. 80), or under the Second War Powers Act (Pub. Law 507, 77th Cong., March 27, 1942).

§ 602.17 *Applications for modification and exception; inquiries and communications.* (a) Any application for modification of or exception from any provision of this regulation shall be filed in triplicate with the Washington Office of the Solid Fuels Administration for War. The application shall set forth, in

detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such request for modification or exception.

(b) All complaints, inquiries, and communications with reference to the administration of this regulation shall be addressed to the Regional Office of the Solid Fuels Administration for War for the area primarily concerned with such complaint, inquiry or communication, or to the Solid Fuels Administration for War, Department of the Interior, Washington, D. C.

(c) The Washington Office of the Solid Fuels Administration for War may refer applications for modification of or exception from the provisions of this regulation or any complaints, inquiries and communications relating to the administration of the regulation to the appropriate Regional Office of the Solid Fuels Administration for War for advice and recommendation.

(d) Nothing herein shall be deemed to modify specific relief heretofore granted to any person pursuant to Solid Fuels Administration for War Regulation No. 2, as amended, and such relief shall continue in full force and effect.

§ 602.18 *Short title.* This regulation may be cited as "Solid Fuels Administration for War Revised Regulation No. 2."

This regulation shall take effect at 12:01 a. m., September 1, 1943.

Issued this 27th day of August 1943.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

APPENDIX A

Regional Anthracite Distribution Committees have been established for each of the following regions:

(a) Region No. 1: New York City (excluding Richmond County), and Westchester, Nassau, and Suffolk Counties;

(b) Region No. 2: State of New York, excluding that portion of the State described in Sections (a) and (c);

(c) Region No. 3: State of New Jersey and Richmond County, New York;

(d) Region No. 4: Pennsylvania;

(e) Region No. 5: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont;

(f) Region No. 6: Delaware, Maryland, District of Columbia, and that portion of the United States east of the Mississippi and South of the Ohio Rivers.

[F. R. Doc. 43-14079; Filed, August 28, 1943; 2:32 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 202]

REGISTRANT'S AFFIDAVIT; FAMILY STATUS AND DEPENDENTS

ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 41, entitled "Registrant's Affidavit—Family Status and Dependents," effective immediately upon the filing hereof with the Division of the Federal Register.[1] Upon receipt of the revised DSS Form 41, the use of the former supply of DSS Form 41 will be discontinued and all unused copies will be disposed of.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 25, 1943.

[F. R. Doc. 43-14010; Filed, August 28, 1943; 9:13 a. m.]

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amendment 94]

PART 802—GENERAL LICENSES

CANCELLATION OF CERTAIN GENERAL LICENSES

Paragraph (a) of § 802.3 *General license country groups* is hereby amended by placing before the names of the countries French Equatorial Africa, French Congo, Chad, Gabon, Middle Congo, Ubangi Shari, and French Cameroon the letter "a" wherever the names of such countries appear in this section.

Shipments of commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective September 1, 1943.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; Executive Order No. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

Dated: August 28, 1943.

C. VICTOR BARRY,
Chief of Office.
Office of Exports.

[F. R. Doc. 43-14103; Filed, August 30, 1943; 9:17 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1-W]

RATIONING OF ANTHRACITE COAL

§ 903.43 *Further delegation of authority to the Office of Price Administration with reference to rationing of anthracite coal.* (a) In order to permit the efficient rationing of anthracite coal, the authority delegated to the Office of Price Administration in § 903.1 (Directive No. 1[1]) is hereby extended to include the exercise of rationing control over the sale, transfer, delivery or other disposition of anthracite coal by any person to any consumer and over the use of anthracite coal by any consumer. This authority, however, shall not include the power to limit or restrict the quantity of such coal obtainable by the Army, Navy, Marine Corps, or Coast Guard of the United States; by government agencies or other persons to the extent to which they acquire such coal for export to and use in any foreign country; or by any person to the extent that he acquires anthracite coal for use in an industrial process, or for the production of power, or for space heating which is incidental thereto.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to regulate or prohibit the sale, transfer, delivery, or other disposition of anthracite coal to, or the acquisition or use of such coal by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The Office of Price Administration is authorized, in accordance with the provisions of Executive Order No. 9125, and to the extent that it may deem necessary to the enforcement of the authority delegated in paragraphs (a) and (b) of this supplementary directive:

(1) To require records and reports and to make audits of the accounts and inspections of the facilities of any person who uses or is involved in the sale, transfer, delivery, or other disposition of anthracite coal; and

(2) To require any person who uses or is involved in the sale, transfer, delivery, or other disposition of anthracite coal to comply with any rule, regulation, or procedure promulgated or established pursuant to the authority delegated in paragraph (a) of this supplementary directive.

(d) As used in this supplementary directive, the term "anthracite coal" means that coal generally referred to as Pennsylvania anthracite and which is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna, and Wayne; the term "consumer" means any person who acquires anthracite coal for space heating, domestic hot water or domestic cooking, but does not include any person to the extent that he acquires anthracite coal for use in an industrial process, or for the production of power, or for space heating which is incidental thereto; and the term "person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(P.D. Reg. 1, as amended, 6 F.R. 6680; WPB Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; Sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of August 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-14007; Filed, August 27, 1943; 5:13 p. m.]

[1] Form filed as part of the original document.

[1] 7 F.R. 562.

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Amdt. 1 to Suspension Order S-347]

AAA ACE BALING WIRE CO.

On June 19, 1943 Suspension Order S-347 was issued against Harry Rosenbaum, doing business as AAA Ace Baling Wire Company, of Philadelphia, Pennsylvania. It was provided that the order should take effect on June 21, 1943 and expire October 21, 1943. The company appealed from the suspension order, raising for the first time the point that its baling machines were not covered by General Limitation Order L-83. Respondent was granted a rehearing, which took place before a Compliance Commissioner of the War Production Board on July 24, 1943, and the Compliance Commissioner determined that the baling machines in question were covered by the terms of L-83. On July 22, 1943 the Chief Compliance Commissioner had directed a stay of execution of the suspension order pending final disposition of the appeal. Subsequent to the rehearing, on August 9, 1943, the Chief Compliance Commissioner denied the respondent's appeal, and directed that the stay should be of no force or effect after August 16, 1943. He further directed that paragraph (e) of Suspension Order S-347 be amended so as to provide that the expiration date should be November 10, 1943 instead of October 21, 1943, so as to compensate for the time that the Stay was in effect.

In view of the foregoing, it is hereby ordered, that paragraph (e) of § 1010.347, Suspension Order S-347, issued on June 19, 1943, be and hereby is amended to read as follows:

(e) This order shall take effect June 21, 1943 and expire November 10, 1943, after which latter date it shall have no further force or effect.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-14087; Filed, August 28, 1943; 3:29 p. m.]

PART 3133—PRINTING AND PUBLISHING[1]

[General Conservation Order M-99 as Amended August 28, 1943]

OBSOLETE PRINTING PLATES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, tin and zinc for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.25 *Conservation Order M-99*—(a) *Definitions.* For the purpose of this order. (1) "Plate" means any kind or shape of metal printing or marking plate or other metal form, used in the printing process, except such as are composed only of lead, tin and antimony.

(2) "Printing process" means the act or process of printing, impressing, or otherwise transferring on paper (or any paperlike substance) wood, fabric, metal or other material, any ink, color, pigment, mark, character or delineation, and includes any incidental or partial process required to prepare a plate for such use.

(3) A plate shall be deemed to be "obsolete" if, on July 1, 1942, or on the first day of any calendar quarter thereafter, it has been in existence for the period specified below and has not been used during such period:

(i) Newspaper printing: 1 year;

(ii) Magazine and periodical printing: 1 year;

(iii) Book printing: 4 years;

(iv) Container printing: 1 year;

(v) All other categories of printing: 2½ years.

(4) The re-graining or other preparation of a planographic or intaglio plate for re-use shall be deemed a "use" of such plate within the meaning of subparagraph (3) of this paragraph (a).

(5) Notwithstanding the provisions of subparagraph (3) of this paragraph (a), a plate shall not be deemed to be obsolete at any time when there is an assured future use for the same.

(6) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(7) "Restricted metal" means aluminum, antimony, chromium, copper, lead, nickel, tin, zinc, or any alloy thereof.

(8) [Paragraph (8) deleted from this order August 28, 1943. Provisions covering the subject matter of this paragraph are now to be found in Conservation Order M-339.]

(b) *Notices required to be given.* (1) Before September 1, 1942, every person who is in possession, as custodian or otherwise (but is not the owner), of any obsolete plates shall notify the owner (if known, or, if not, the consignor) thereof that such person has such plates in his possession, and shall identify such plates by title or subject matter. Such notice may be given by mailing a letter to the owner, or consignor, as the case may be, addressed to his last known address.

(2) Before September 1, 1942, every person owning obsolete plates which are subject to a contractual right of another person to purchase or otherwise acquire the same shall notify such other person of such contractual right and identify the plates. Such notice may be given by mailing a letter to the owner, or consignor, as the case may be, at his last known address. If by the close of business on September 20, 1942, such other person fails to exercise his contractual right, or to execute a release in writing of such contractual right, then the owner of the plates shall, not later than September 30, 1942, mail to the War Production Board a written report identifying the plates by title or subject matter, giving the name and address of the person having the contractual right pertaining thereto, and stating the estimated aggregate amount of each restricted metal in the plates.

(c) *Restrictions on receipt or use of restricted metal after September 30, 1942, by persons who fail to dispose of obsolete plates.* (1) If any person on October 1, 1942, or on the first day of any other calendar quarter thereafter, owns or is in possession of any obsolete plates, and, if subject to the provisions of paragraph (b) of this order, has not complied therewith, such person shall not, at any time during the same calendar quarter, acquire or take possession of any plates containing restricted metals or any restricted metals for conversion into plates for use in any printing process, and no such person shall use or cause to be used in any printing process any plates or restricted metals so received by him.

(2) On and after October 1, 1942, each person who acquires any plates or any restricted metal for conversion into plates for use in any printing process shall endorse on each purchase or other order for such plates or metal a statement in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purposes:

The undersigned hereby certifies that he is familiar with the terms of Conservation Order No. M-99, and is not prohibited thereby from receiving the material hereby ordered.

(Name of person)

By ---
(Duly Authorized Official)

(3) No person shall sell, deliver or otherwise dispose of any plates or restricted metal for conversion into plates or for use in the printing process, unless the purchase or other order shall contain thereon the endorsement required by subparagraph (2) of this paragraph (c).

(d) *Disposition of obsolete plates.* Any person owning obsolete plates may sell or deliver the same to any scrap metal dealer, secondary smelter, or refiner authorized to receive the same under the provisions of any order or regulation of the War Production Board.

(e) [Paragraph (e) deleted from this order August 28, 1943. Provisions covering the subject matter of this paragraph are now to be found in Conservation Order M-339.]

(f) [Paragraph (f) deleted from this order August 28, 1943. Provisions covering the subject matter of this paragraph are now to be found in Conservation Order M-339.]

(g) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the

[1] Formerly Part 1106, § 1106.1.

extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Reports.* All persons affected by this order shall execute and file with the War Production Board such further reports and questionnaires as the War Production Board shall from time to time require.

(3) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records of their inventory and sales of obsolete plates, subject to the inspection of the duly authorized representative of the War Production Board.

(4) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth the pertinent facts and the reasons he considers he is entitled to relief.

(5) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Branch, Washington 25, D. C. Ref.: M–99.

(6) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-14088; Filed, August 28, 1943; 3:27 p. m.]

PART 3133—PRINTING AND PUBLISHING

[Conservation Order M-339]

COPPER AND ZINC FOR PRINTING PLATES

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of copper, zinc and paper for the production of printed matter for defense; for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.30 *Conservation Order M–339*—(a) *Definitions.* Meaning of terms used in this order:

(1) A person "uses" copper, copper-base alloy, copper scrap, copper-base alloy scrap, or zinc when he first changes its form or shape in the production of printing plates by putting it into an electrolytic bath or etching or engraving it or re-using it in any way.

(2) The term "copper" as used hereafter includes copper, copper-base alloy, copper scrap and copper-base alloy scrap.

(3) The term "printing plate" means any kind or shape of printing or marking plate containing copper or zinc except plates made in plants or offices whose sole processing of plates is for use in connection with office machinery as listed in General Limitation Order L–54–c as amended from time to time.

(b) *Limitation on the use of zinc.* (1) In any calendar quarter after the second quarter of 1943, no person shall use more zinc in the production of printing plates than 50%, by weight, of the zinc which he used in the production of such plates during the same quarter of 1941. However, a person may use an additional 15% during one calendar quarter if he uses that much less during the next quarter. Also, if he uses less than this order allows for one quarter, he may increase his use in the next quarter by that amount.

(2) No person shall deliver zinc to any plate-maker and no plate-maker shall accept zinc, except to fill an order carrying an authorized preference rating of AA–5 or higher.

(c) *General Limitations on the use of copper.* In any calendar quarter after the second quarter of 1943, no person shall use more copper in the production of printing plates than 60%, by weight, of the copper which he used in the production of such plates during the same quarter of 1940. However, a person may use an additional 15% during one calendar quarter if he uses that much less during the next quarter. Also, if he uses less than this order allows for one quarter, he may increase his use in the next quarter by that amount.

(d) *Further provisions regarding the use of copper in certain processes*—(1) *Photoengraving.* In order to liquidate inventories of 16-gauge photoengravers' sheet copper which are now in the possession of photoengravers and suppliers, 25 percent of the weight of any copper finished as 16-gauge photoengravers' sheet before July 1, 1943 which a photoengraver uses after that date, shall not be counted in computing his allowed usage under paragraph (c) of this order. In other words, a photoengraver may use four pounds of such 16-gauge copper but he need charge only three pounds of the four against his allowable usage.

(2) *Electrotyping and gravure platemaking.* (i) For the third calendar quarter of 1943, three pounds or more out of every four pounds of copper used for electrotyping and gravure platemaking must be in the form of old printing plates or other copper scrap derived from plate-making operations. For the fourth calendar quarter of 1943 and for each calendar quarter after that, one pound or more out of every two pounds of copper used for electrotyping and gravure plate-making must be in the form of old printing plates or other copper scrap derived from plate-making operations.

(ii) If, in any calendar quarter, 95% or more of the copper which a person uses for electrotyping and gravure platemaking is in the form of old plates or other scrap derived from plate-making operations, he will be allowed a "bonus" equal to 10% of the copper which he used in that quarter for electrotyping and gravure plate-making. This "bonus" must be used in the form of old plates or other scrap derived from plate-making operations. It may not be used after the end of the quarter following the one in which it was "earned."

(iii) The delivery, acceptance and use of copper scrap for electrotyping and gravure plate-making, even when the scrap results from the plate-making operations of a person's own plant, is subject to approval under Supplementary Order M–9–b as amended from time to time.

(3) *Copperplate engraving.* (i) A person's entire allowable usage of copper for copperplate engravings must be composed of sheets which were in his possession on December 31, 1942 or old engraved plates, or a combination of the two.

(ii) Each copperplate engraver must deliver to a scrap dealer, or other person authorized by the War Production Board to accept the scrap, at least three pounds of old copperplate engravings for each pound of copper sheet or old engraved plates used by him in making new copperplate engravings. Such delivery must be made not later than fifteen days after the end of the calendar quarter in which the copper was used for this purpose. This paragraph exempts copperplate engravers from the provisions of Order M–9–b relating to the acceptance, delivery and use of old copperplate engravings in the production of new engraved plates.

(e) *Exceptions regarding copper and zinc.* (1) When plates are ordered by any department or agency of the United States Government or when plates are made exclusively for printed matter which is ordered directly from the producer of such printed matter, by any department or agency of the United States Government, the copper or zinc used in such plates need not be counted in estimating the plate-maker's allowable usage under paragraph (b) or (c) of this order if the purchase order is endorsed as provided in the following paragraph. This exemption shall not apply when the order for printed matter is placed by any person other than a department or agency of the United States Government even when the printed matter is delivered to such department or agency in the fulfillment of a government contract.

(2) Each person who orders plates for the purposes described in the first sentence of paragraph (e) (1) shall endorse on the purchase order for such plates a statement in substantially the following form signed manually, or as provided in Priorities Regulation No. 7 (§ 944.27), by an official duly authorized for such purpose:

The undersigned hereby certifies that the plates covered by this order are to be used in the production of printed matter as described in the first sentence of paragraph (e) (1) of Order M–339, such plates or printed matter being ordered, by a department or agency of the United States Government under Contract No. -------

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Name of person.

Duly authorized official.

(3) The gross weight of copper and of zinc used to fill orders endorsed in the manner set forth in the previous paragraph shall be reported to the Printing and Publishing Division of the War Production Board once every calendar quarter. Persons who apply for copper on Form CMP 4B or for zinc on Form PD–1A shall make this report in a letter attached to such application. Persons who do not apply on these forms shall report by letter not later than fifteen days after the end of each calendar quarter. The report shall state the weight of the metal and whether it is copper, zinc or electrotyping metal. In the case of electrotyping metal, the gross weight of the plates, including backing metal, shall be stated. The original records must be kept on file as long as this order remains in force and for two years after that. This reporting provision has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Effect of allocations, preference ratings, and inventories.* Notwithstanding any allocation number or symbol or any preference rating which may be extended to any person or which may be granted to any person on specific application or by any blanket symbol or rating procedure, the provisions of this order shall prevail with relation to the amount of copper and zinc which may be used by any person in the production of printing plates. The fact that a person has an inventory of copper or zinc, or an allocation or rating for copper or zinc, in excess of his allowable usage, or that he has received permission under Order M–9–b for the use of copper scrap does not justify his use of such copper or zinc in excess of his allowable usage as prescribed by this order.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected by it are subject to the regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(3) *Communications to the War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing & Publishing Division, Washington, D. C. Ref.: M.–339.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 3154—HARDWARE SIMPLIFICATION

[Schedule II to Limitation Order L–236]

MARINE JOINER HARDWARE

§ 3154.3 *Schedule II to Limitation Order L–236*—(a) *Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who manufactures, fabricates, assembles, melts, casts, extrudes, rolls, turns, spins, finishes, or otherwise processes Marine Joiner Hardware.

(2) "Marine joiner hardware" means locks; latches; door and cabinet trim including escutcheons, bolts, hooks, knobs, levers, tee handles, roses and turn pieces; butts and hinges; spring and floor hinges; door bumpers, closers and holders; dutch door sets; and miscellaneous hardware; as listed in Tables I through V of this Schedule, designed and constructed for marine use.

(3) "Marine use" means use on any commercial tugboat, cargo, combat, commercial fishing, passenger, transport ship or vessel.

(4) "Magnetic circle" means a circle on a ship or vessel having the ship's compass as its center and within which circle the presence of marine joiner hardware containing ferrous metal would influence the operation of the compass.

(5) "Secondary brass and secondary bronze" means a brass or bronze alloy which is produced without the use of refined copper or refined tin.

(b) *Simplified practices.* Pursuant to Limitation Order L–236 the sizes, styles, numbers, types, grades and materials set forth in this schedule and Tables I through V are established for the manufacture, fabrication or assembly of items of marine joiner hardware listed in these tables.

(c) *Effective date of simplified practices.* After the 27th day of September, 1943 no producer shall manufacture marine joiner hardware set forth in Tables I through V of this schedule which fails to conform with the simplified practices established by paragraph (b) of this schedule.

(d) *Exclusions from provisions of this schedule.* Manufacture, fabrication or assembly of the following is not limited or restricted by this schedule:

(1) Parts manufactured, fabricated or assembled for the purpose of repair of marine joiner hardware.

(2) Marine joiner hardware manufactured, fabricated or assembled from material or parts in the possession of the producer on or before the 28th day of August, 1943.

(3) Marine joiner hardware manufactured to fill a contract of the Army, Navy, Maritime Commission or War Shipping Administration, when such contract has been executed prior to the 28th day of August 1943.

(e) *Exceptions to provisions of Table I of this schedule.* Notwithstanding the restrictions established in Table I of this schedule as to the use of material, marine joiner hardware:

(1) Shall be furnished in non-ferrous metal where its installation is within the magnetic circle, and

(2) May be furnished in secondary brass or secondary bronze for application on exterior parts of a ship or vessel.

(f) *List of locks and latches to be produced under Table II of this schedule.* On or before the 17th day of September 1943 each producer shall file Form WPB–1902 (formerly PD–754) with the War Production Board, Building Materials Division, Washington 25, D. C., Ref L–236, listing the catalog number, size and style of each lock or latch listed in Table II of this schedule to be produced by him.

(g) *Reporting and application provisions.* The reporting requirements of paragraph (f) and the application provisions prescribed in paragraph (g) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE I—MATERIALS PERMITTED

(Subject to permissible exceptions in (e) of this schedule)

Mortise locks and latches, shall have cases and caps of secondary brass, secondary bronze, or malleable iron; fronts of wrought steel, cast iron, or malleable iron; strikes of wrought steel or malleable iron; latch bolts of secondary brass or secondary bronze; cylinders of brass or bronze; springs of phosphor bronze; cylinder keys of leaded brass; bit keys of ferrous metal or secondary brass.

Rim locks and latches, shall have cases, caps and strikes of secondary brass, secondary bronze or malleable iron; latch bolts of secondary brass or secondary bronze; cylinders of brass or bronze; springs of phosphor bronze; cylinder keys of leaded brass; bit keys of ferrous metal.

Rim cylinder night latches, shall have cases and strikes of cast iron or malleable iron; caps of steel; latch bolts of secondary brass or secondary bronze; cylinders of brass or bronze, springs of phosphor bronze; keys of leaded brass.

Cabinet locks, shall be steel with zinc die cast or brass cylinders.

Door knobs, shall be cast iron, malleable iron, wrought steel or plastics. A small secondary brass bushing or ferrule may be fitted into the knob when used with steel spindle.

Wardrobe knobs, shall be steel or plastics.

Turn knobs, shall be secondary brass, secondary bronze, malleable iron, or plastics.

Lever handles and quadrants for sliding doors, shall be secondary brass, secondary bronze, or malleable iron.

Spindles, shall be steel.

Roses, shall be wrought steel or cast iron.

Key plates or escutcheons, shall be wrought steel, cast iron or plastics.

Butts and hinges (except as permitted in Table IV), shall be steel.

Door closers, shall be standard commercial type, (cast iron body).

Door bumpers, shall be steel or malleable iron with scrap rubber or felt tip. When furnished with anti-rattle hook or with double

swivel hook, swivel joint and pin shall be secondary brass or secondary bronze.

Cabin door hooks or ajar hooks, shall be steel or malleable iron; swivel joints and pin shall be secondary brass or secondary bronze.

Anti-rattlers, shall be secondary brass or secondary bronze.

Lavatory bolts, plates or strikes, shall be steel or cast iron.

Bolts for double doors, shall be steel.

Bolts for Dutch doors, shall be steel, cast iron or malleable iron.

Dutch door brackets. Arms shall be steel. Brackets shall be secondary brass, secondary bronze, or malleable iron. Pins shall be brass or bronze.

Tee-handles for furniture, shall be cast iron or plastics.

Name plates, shall be cast iron or plastics.

Keys tags and links. Tags shall be fibre or plastics. Links shall be steel.

Coat and hat hooks, shall be cast iron, malleable iron or plastics.

All items made of ferrous metal may be furnished galvanized or zinc coated.

TABLE II—LOCKS AND LATCHES

Production shall be limited to one size and style for each manufacturer in each lock or latch described functionally in this table, except locks required for metal doors which may be made to template.

Locks and latches keyed alike shall be furnished with not more than one key per lock or latch. Other locks and latches shall be furnished with not more than two keys per lock or latch. Only six master keys may be furnished with each group of locks or latches when required to be master keyed.

Cylindrical locks and latches with comparable functions may be substituted for mortise locks and latches described hereinafter.

1. Mortise cylinder lock:
   Latch bolt—Swing type.
   Cylinder—1.
   Operation—Latch bolt by knobs from either side, dead bolt by key from outside and turn piece inside.
   NOTE: Inside cylinder in place of turn piece will be permitted where necessary.
2. Mortise cylinder lock:
   Latch bolt—Slide type.
   Cylinder—1.
   Operation—Latch bolt by knobs from either side, dead bolt by key from outside and turn piece inside.
   NOTE: Inside cylinder in place of turn piece will be permitted where necessary.
3. Mortise cylinder lock (panic proof):
   Construction—Latch bolt only.
   Latch bolt—Swing or slide type.
   Cylinder—1.
   Operation—Latch bolt by key from outside and by knob at all times from inside. Inside turn piece dead locks latch bolt but is automatically released when inside knob is operated. Outside knob always rigid.

3A. Mortise cylinder lock (panic proof):
   Construction—Latch bolt and dead bolt.
   Latch bolt—Slide type.
   Cylinder—1.
   Operation—Latch bolt and dead bolt by key from outside and by knob at all times from inside. Inside turn piece throws dead bolt but is automatically released when inside knob is operated. Outside knob always rigid.

4. Mortise cylinder lock:
   Latch—Antifriction type.
   Auxiliary latch—Swing or slide type.
   Operation—Latch bolt by knobs from either side except when outside knob is made rigid by stops in face then by key from outside. Inside knob always free. Auxiliary latch dead locks latch bolt.
5. Mortise cylinder lock or latch (fire doors):
   Latch—Antifriction type ¾" throw.
   Auxiliary latch—Swing or slide type.
   Cylinder—1.
   Operation—Latch bolt by knobs from either side except when outside knob is made rigid by stops in face, then by key from outside. Inside knob always free. Auxiliary latch dead locks latch bolt.
6. Mortise cylinder dead lock:
   Operation—Dead bolt by key only from outside and by turn piece from inside.

6A. Mortise cylinder dead lock—2 cylinder:
   Operation—Dead bolt by key only from both sides.

7. Rim cylinder lock (inboard and outboard swing):
   Cylinder—1.
   Operation—Latch bolt by knobs from either side at all times. Dead bolt by key from outside and turn knob from inside.
8. Bit key mortise lock:
   Construction—Easy spring.
   Latch—Swing type.
   Operation—Latch bolt by knobs from either side. Dead bolt by key from either side.
9. Bit key rim lock, flange type (wood doors):
   Latch—Swing type.
   Operation—Latch bolt by knobs from either side. Dead bolt by key from either side.
10. Bit key rim lock (steel plate doors):
   Operation—Latch bolt by knobs from either side. Dead bolt by key from outside and turn piece or key from inside.
11. Cylinder rim lock:
   Latch—Swing type.
   Operation—Latch bolt by knobs from either side. Dead bolt by key from outside and turn knob from inside.
12. Mortise communicating door lock:
   Latch—Swing or slide type.
   Operation—Latch bolt by knobs from either side. Split dead bolt by turn pieces from either side.
13. Mortise bathroom lock:
   Latch—Swing or slide type.
   Operation—Latch bolt by knobs from either side. Dead bolt by turn piece from inside and emergency key from outside.

13A. Mortise bathroom lock (panic proof):
   Latch—Swing or slide type.
   Operation—Latch bolt by knobs from either side except when outside knob is dead locked by inside turn piece. If turn piece has been thrown operation of the inside knob automatically releases the latch bolt. Access by emergency key from outside.

14. Mortise knob latch:
   Latch—Slide type.
   Operation—Latch bolt by knobs from either side.
15. Rim latch for steel plate doors and wood doors:
   Latch—Swing or slide type.
   Operation—Latch bolt by knobs from either side at all times.
16. Mortise latch for screen doors:
   Latch—Swing or slide type.
   Operation—Latch bolt by knob, lever handle or tee handle from either side.
17. Rim wardrobe latch:
   Latch—Slide type.
   Operation—Latch bolt by knobs from either side, or by knob outside and closet spindle inside.
18. Rim cylinder night latch:
   Cylinder—1.
   Operation—By key from outside and turn knob inside. Stop can be set to hold latch retracted.
19. Rim cylinder dead lock:
   Operation—By key from outside and turn knob inside. Stop can be set to hold latch retracted.
20. Mortise sliding door locks:
   Cylinder—1 or 2.
   Operation—Latch bolt by knobs or by vertical lever handles, except when dead locked by cylinder from either side.

NOTE: Lever handles or tee handles may be substituted for knobs when necessary in any of the above locks and latches.

TABLE III—DOOR AND CABINET TRIM (ESCUTCHEONS, BOLTS, HOOKS, KNOBS, LEVERS, TEE HANDLES, ROSES AND TURN PIECES)

1. Key plates or escutcheons:
   Key plates, approximately 1¾" x 1¼".
   Escutcheons, approximately 8" x 2¼".
   Escutcheons for screen doors, approximately 4" x 1⅜".
2. Door bolts, square—6" (approximate weight per doz. 6¼ lb.):
   Square neck—4" (approximate weight per doz. 4 lb.).
   Lavatory throw bolts—Approximately 2⅛" x ¾".
   (3⅞ bar).
3. Cabin door hooks—Navy type 42-H-5b limited to sizes 3½" or 4", 5", 6", and 8", to be furnished with two eyes where required:
   Ajar hooks—As Navy Type 42-H-5b with two eyes. (8" narrow base).
4. Knobs—ellipsoid type approximately 2½" x 1¾" (Marine type attachment to spindle.):
   Knob and lever for screen door sets—Knob approximately 1¾", lever approximately 2" long.
   Knob and closet spindle for wardrobe sets—Knob approximately 1¾", closet turn approximately 1⅜".
5. Vertical lever handles and quadrant for sliding doors—Levers approximately 5¼" x 2¼", quadrant approximately 3½" x 1".
6. Tee-Handles—Limited to two sizes.
7. Roses—2" round.
8. Turn pieces—Oval plate approximately 1¾" x 1¼" (crescent turn).

TABLE IV—BUTTS AND HINGES, SPRING AND FLOOR HINGES, DOOR CLOSERS, DOOR BUMPERS, DUTCH DOOR SETS

1. *Butts, hinges, spring hinges, floor hinges*—Sizes are limited to those permitted in Tables 1, 2, 3 and 9 of Schedule I of Limitation Order L-236. All permitted butts shall have brass pins and button tips.
   In addition the following butts are permitted:
   Navy Type 42-H-34c Tapered or Flat Leaves:
   3 x 2¾
   3½ x 3
   3½ x 3½
   4 x 3
   4 x 4
   5 x 4
   5 x 5
   5½ x 4½ (Extra Heavy)
   In addition the following spring hinges are permitted:
   4" half surface spring hinge (similar to Bommer No. 10,001).
   3" x 2" half surface spring cabinet hinge.
2. *Door closers.*—Closers shall be limited in use only to those installations as recommended in the specifications of the Navy, Maritime Commission and Army Engineers.
3. *Door bumpers.*—Limited to one size without anti-rattle hook. Door bumpers with holders—Limited to two sizes with anti-rattle hook.
4. *Dutch door sets.*—Set to consist of not more than two stay arms approximately 11" long, 1 pr. 2 x 2 tight pin butts approximate weight 5½ oz. per pair, 2 only friction catches approximately ⅜" x ⅜".

TABLE V—MISCELLANEOUS (NAME PLATES, SASH ANTI-RATTLER, SIDE SASH FASTENERS, WARDROBE & STATEROOM HOOKS, PADLOCKS AND CABINET LOCKS, KEY TAGS, RINGS, & LINKS)

1. *Name plates.*—Shall be limited to one design for each manufacturer. Approximate width 1", length as required by lettering.
2. *Sash anti-rattlers.*—Limited to one size and one design.
3. *Side sash fasteners.*—Limited to one size and one type. Furnished with either continuous strikes or single strikes.
4. *Wardrobe & stateroom hooks.*—Two prong type, approximate size projection 1¼". Approximate weight 3 oz. each. Navy size two prong type, approximate base 1¾" x 1⅝", projection 3½", weight 6½ oz. each.
5. *Cabinet locks and padlocks.*—Sizes are limited to those permitted in Tables 13 and 14 of Schedule I of Limitation Order L-236. Cabinet locks and padlocks keyed alike shall be furnished with not more than one key per cabinet lock or padlock.
6. *Key tags, rings, & links.*—Key tags, approximately 1". Connecting link to be "S" type, approximately 1".

[F. R. Doc. 43-14090; Filed, August 28, 1943; 3:27 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 15 to CMP Reg. 1]

CONFLICT IN PRODUCTION SCHEDULES OF CLASS A CIVILIAN TYPE END PRODUCTS

The following Interpretation 15 is issued with respect to CMP Regulation 1.

In § 3175.1 (a) paragraph (q) of CMP Regulation No. 1 provides that where a manufacturer discovers a conflict between accepted production schedules received from different persons, he should report the matter to the appropriate Industry Division (or Claimant Agency under certain circumstances) for instructions.

(b) Under the provisions of this paragraph, a manufacturer of a Class A civilian type end product who has received allotments and an authorized production schedule from various Claimant Agencies and from an Industry Division of the War Production Board, and who discovers, because of labor shortage, lack of capacity, delays in delivery of material, or other causes, that he is unable to meet both authorized production schedules, should report the details of this conflict to the appropriate Industry Division so it can furnish directions.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD [1]

[Limitation Order L-120 as Amended August 28, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of wood pulp and other materials and facilities used in the manufacture and distribution of paper, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3281.15 [1] *Limitation Order L-120*—(a) *Issuance of schedules for the standardization and simplification of paper.* War Production Board may from time to time issue schedules prescribing simplified and standardized practices and specifications for the manufacture, put up and manufacturer's packaging of paper, with particular respect to grades, weights, sizes, colors, coatings finish, furnish, markings, minimum manufacturing quantities, quantity of sheets per unit, size and shape of roll or pack, and any other detail or condition of manufacture, put up or manufacturer's packaging. From and after the effective date of any such schedule, and until such schedule may expire by its own terms or be revoked by the War Production Board, no person shall manufacture any paper with respect to which such schedule prescribes such practices or specifications otherwise than according to such practices and specifications.

(b) *Appeals.* Any appeal from the provisions of this order or of any schedule hereto shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(c) *Applicability of regulations.* This order and all transactions affected by this order or any Schedule hereto are subject to all applicable regulations of the War Production Board, as amended from time to time, except to the extent of any inconsistency, in which event the provisions of this order or of such schedule shall govern.

(d) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Pulp and Paper Division, Washington 25, D. C. Ref: L-120.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 28th day of August 1943.

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PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD [1]

[Schedule I as Amended August 28, 1943 to Limitation Order L-120]

PAPER AND PAPERBOARD FOR USE IN COMMERCIAL PRINTING

§ 3281.17 *Schedule I to Limitation Order L-120*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) The term "paper and paperboard" means and is limited to the kinds of paper and paperboard commonly described and distributed in the paper trade by the names used as captions in the Appendix below.

(2) The term "paper and paperboard for use in commercial printing" means all paper and paperboard commonly manufactured and distributed for use in printing, including but not limited to the printing of house organs, music, labels and posters; and excluding only those manufactured and distributed for use in printing newspapers and magazines, pamphlets published for resale, and books, or for conversion into another paper product or products otherwise than by printing.

(3) A "grade" means one particular quality within a kind of paper or paperboard such grade having the essential properties peculiar to such kind and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any common property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper or paperboard, or coating shall not be considered as resulting in a different grade.

(4) "Color" means any hue of the spectrum, including but not limited to ivory, india and green-white tints, and black, but not including white.

(5) The term "basis weight" means the weight in pounds per 500 sheets in the size indicated under the appropriate caption, or the equivalent weight of 500 sheets in any other size figured proportionately to the size specified.

(6) The term "thickness" means the thickness of a sheet of paper or paperboard expressed either in terms of plies or in terms of thousandths of an inch measured by the Cady Micrometer.

(7) An "item" means a quantity of paper or paperboard all of which is of the same size, grain, basis weight, finish, color and grade.

(8) The term "standard" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, a grade and color selected and a basis weight or thickness, and size specified under A of the appropriate caption in the appendix below.

(9) The term "special" as applied to grade, color, basis weight, and size means, with respect to each manufac-

[1] Formerly § 1223.1 of Part 1223.

[1] Formerly § 1223.2 of Part 1223.

turer, any grade, color, basis weight, thickness or size that is not standard.

(10) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one printer or consumer.

(11) The term "manufacture" includes all making and finishing operations prior to packaging or packing, including pasting whether by a primary manufacturer or otherwise.

(12) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Identification of the papers or paperboards subject to this schedule.* It shall be the duty of each person who manufactures paper or paperboard to determine in the first instance, but subject to review and official classification by the War Production Board at any time thereafter, under which caption, if any, of the Appendix belongs each of the "paper and paperboard for use in commercial printing" manufactured by him. There shall be taken into account in such determination, and in any review and reclassification by the War Production Board the designation by which the manufacturer heretofore identified or distributed the paper or paperboard in question, the common designation in the paper trade of similar papers or paperboards selling within the same general price range as the paper or paperboard in question, and the common designation in the paper trade of papers or paperboards possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper or paperboard in question. If a manufacturer is uncertain as to the proper caption under which to classify a particular kind of "paper or paperboard for use in commercial printing", or whether a particular kind of paper or paperboard is such a paper or paperboard at all or belongs under any caption of the Appendix to this schedule, he may apply to the War Production Board, in writing, for an official classification of such paper or paperboard, submitting with his application representative samples of the grade or grades in which he manufactures such paper or paperboard, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of paper or paperboard with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The War Production Board may on its own motion review a manufacturer's classification and substitute therefore an official classification. In any event, an official classification by the War Production Board by telegram or notice in writing sent to the manufacturer, shall, unless and until the War Production Board shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *Selection of grades for regular manufacture.* Each person who manufactures any kind of "paper or paperboard for use in commercial printing", shall select such "grade" or "grades" (if selection is indicated under the appropriate caption and has not already been made by him), not to exceed the number specified in A (1) of the appropriate caption of the Appendix below, as he may desire to adopt for regular manufacture, and shall forthwith notify the War Production Board of such selection on Form WPB 1295 (formerly PD-589). The manufacturer may thereafter apply to the War Production Board for leave to amend the original selection, but unless and until such leave is granted by the War Production Board, in writing, the original selection shall remain binding.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) under the appropriate caption of the Appendix below a manufacturer is permitted with respect to a particular grade of a kind of "paper and paperboard for use in commercial printing", to select a number of colors and such selection is indicated and has not already been reported by him, each person desiring to manufacture such grade in colors shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the appropriate caption, as he may desire to adopt for regular manufacture, and shall immediately notify the War Production Board of such selection on Form WPB 1295 (formerly PD-589). The manufacturer may thereafter apply to the War Production Board for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing, the original selection shall remain binding.

(e) *General limitations.* No person shall manufacture any kind of "paper or paperboard for use in commercial printing" in any grade, color, basis weight, or size other than those specified or selected as standard under A of the appropriate caption of the Appendix (where such standards are specified or selected under A of the appropriate caption), or contrary to any other provision under the appropriate caption. This general rule is, however, subject to the following exceptions:

(1) Tolerances and variations are permitted to the extent provided in paragraph (f).

(2) Cutting and slitting to various sizes are permitted to the extent provided in paragraph (g).

(3) Special provision is made for "jobs" and "seconds" in paragraph (h).

(4) Special provision is made for export orders in paragraph (i).

(5) Exceptions are made for "special making orders" under certain captions of the Appendix. However, regardless of these exceptions where special making orders are so permitted under any caption, the basis weight or thickness must not exceed the heaviest standard basis weight or thickness permitted under A of such caption.

(6) Paper or paperboard in process of manufacture on September 1, 1943, and conforming to the requirements of this order prior to the amendment effective that date, may be completed otherwise than by pasting.

(7) Paper or paperboard may be manufactured in any basis weight or thickness permitted for a particular use by any subsequent order, provided the basis weight or thickness does not exceed the maximum specified by the War Production Board for such use, and provided all other provisions of this or such subsequent order are fully complied with.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of the kind of paper or paperboard under each caption and to the normal variations in quantity manufactured customarily acceptable in the paper trade for such kind. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for rolls; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions, if any, applying to a "special size" under B of the appropriate caption in the Appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds" resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona fide attempt to manufacture "paper and paperboard" according to the terms of this revised schedule, provided that the manufacturer clearly informs the purchaser that such paper or paperboard is a "job lot" or "seconds" and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this revised schedule and of the provisions of Limitation Order L-120, a person may manufacture for export (but may not without permission in writing from the War Production Board sell in the domestic market) any "kind" of "paper or paperboard for use in commercial printing" in any size, basis weight or thickness required, regardless of quantity, provided all other provisions of this schedule are complied with and (if the basis weight or thickness is heavier than permitted) such person has received permission in writing from the War Production Board to manufacture the particular order in question in such heavier basis weight.

(j) *Records and reports.*—(1) *Standard samples.* Each person who manufactures any kind of "paper or paperboard for use in commercial printing" shall keep, readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the appropriate caption.

(2) *Special making orders.* On and after September 1, 1943, each person who manufactures any "special making order" permitted under B of the appropriate caption of the Appendix below shall require from the buyer a statement to the effect that such order is purchased for use by one printer or consumer, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board and shall submit reports of such orders to the War Production Board as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(3) *Export orders.* On and after September 1, 1943 each person who manufactures "paper or paperboard for use in commercial printing" for export shall require from the buyer a statement on his purchase order to the effect that such paper is purchased for export, shall keep such statement, together with a complete record of the order against which such paper is manufactured, readily available for inspection by the War Production Board, and shall submit reports of such orders to the War Production Board as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Effective date.* This revised schedule shall take effect on September 1, 1943.

NOTE: The reporting requirements of paragraphs (c) and (d) have been approved by the Bureau of the Budget pursuant to the Federal Reporta Act of 1942.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX TO REVISED SCHEDULE I

STANDARDIZATION AND SIMPLIFICATION OF BOOK PAPERS FOR USE IN COMMERCIAL PRINTING

UNCOATED ENGLISH (MACHINE) FINISH BOOK PAPERS

NOTE: Caption amended August 28, 1943.

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In one of the grades selected under A (1), White and India only. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 30, 35, 40, 45; and, if for use in printing sheet music, basis weight 85, provided that before the sale thereof the manufacturer shall require from the buyer a statement that the order is for use in printing sheet music. The manufacturer shall keep such statement together with a complete record of the order readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (10) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either white or any one color, standard or special; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing Schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Basis Weights below 30 pound. No restriction on grade, basis weights or sizes in basis weights below 30 pound.

UNCOATED BOOK PAPERS, SUPERCALENDERED

NOTE: Caption amended August 28, 1943.

A. *Grades, Colors, Weights and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule, provided they correspond to the two selected for Uncoated English (Machine) Finish Book Papers.

(2) Standard Colors: In one of the grades selected under A (1), White and India only. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 40, 45, 50.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (10) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A special basis weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing Schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

ANTIQUE (EGGSHELL) FINISH BOOK PAPERS

NOTE: Caption amended August 28, 1943.

A. *Grades, Colors, Weights and Sizes for regular manufacture.*

(1) Standard grades: Not more than two, selected according to paragraph (c) of the foregoing schedule, but only one may carry a watermark and/or a laid mark.

(2) Standard colors: In one of the grades selected under A (1), White and India only. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard basis weights (per 500 sheets 25" x 38"): 40, 45, 50; and, if in a standard watermarked text grade, basis weight 60.

(4) Standard sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (10) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A special basis weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing Schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

UNCOATED OFFSET BOOK PAPERS

A. *Grades, colors, weights and sizes for regular manufacture.*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: The grade selected under A (1) may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard basis weights (per 500 sheets 25" x 38"): 50, 60; and, if for use in multicolor printing on an offset press, 65 provided that before the sale thereof the manufacturer shall require from the buyer a statement that the order is for use in multicolor printing on an offset press. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):

Sheets: 22½ x 35, 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50, 41 x 54, 44 x 64.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

(5) Any fancy finish may be applied to any item conforming to the other conditions of this caption.

(6) No laid mark or other watermarks permitted.

(7) No supercalendered Offset Paper permitted.

B. *Exceptions for "special making orders"* as defined in (a) (10) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A special basis weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing Schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight, in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Any fancy finish may be applied to any item conforming to the other conditions of this caption.

(6) A laid mark or other watermark may be incorporated in a special making order of 5,000 pounds or more of any item conforming to the other conditions of this caption.

(7) A Supercalender Finish may be applied to fill a special making order for 2,000 pounds or more of any item conforming to the other conditions of this caption.

PROCESS (MACHINE) COATED BOOK PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture.*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

NOTE: A person may, upon application to and approval by the War Production Board select for regular manufacture not more than 2 additional grades of Process (Machine) Coated Book Papers, each in lieu of a grade of Glossy Coated Two Sides Book Papers and, if his application is granted, may not thereafter, unless and until permitted by the War Production Board, regularly manufacture the grade or grades of Glossy Coated Two Sides Book Papers thus replaced.

(2) Standard Colors: White only.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 45, 50, 60.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (10) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade, and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

COATED ONE SIDE BOOK PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture.*

(1) Standard Grades: Not more than one grade of body stock to which may be applied two grades of coating, selected according to paragraph (c) of the foregoing schedule, one for general use and the other suitable for varnishing and gloss ink printing.

(2) Standard Colors: White only.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 50, 60; and, if for use in printing cigarette cups, basis weight 70, provided that before the sale thereof the manufacturer shall require from the buyer a statement that the order is for use in printing cigarette cups. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (10) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Special Coating Formulae: Any glossy coated one side coating formula may be applied to the one grade of body stock permitted under A (1) to fill a special making order:

(a) In 5,000 pounds or more of one item in White only, and in any basis weight permitted under A (3); or

(b) In 10,000 pounds or more of White or any one color, standard or special, and in any one basis weight permitted, standard or special, with at least 5,000 pounds of each item.

GLOSSY COATED TWO SIDES BOOK PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In each of two of the grades selected under A (1), White and either India or Ivory but not both. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 60, 70.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (10) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight, or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Special Coating Formulae: Any glossy coated two sides coating formula may be applied to a grade of body stock regularly manufactured under A (1) to fill a special making order:

(a) In 5,000 pounds or more of one item in White only, and in any basis weight permitted under A (3); or

(b) In 10,000 pounds or more of White or any one color, standard or special, and in any one basis weight permitted, standard or special, and with at least 5,000 pounds of each item.

(6) Glossy Coated One Side: Any body stock and coating used for a standard grade of Glossy Coated Two Sides Book Papers may be used to manufacture a similar grade coated one side to fill a special making order, provided that:

(a) The quantity of each basis weight permitted for coated one side is at least 10,000 pounds; and

(b) The quantity of each item is at least 5,000 pounds.

COATED TWO SIDES OFFSET PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White only.

(3) Standard basis weights (per 500 sheets 25" x 38"): 60, 70.

(4) Standard Sizes (in inches):

Sheets: 22½ x 35, 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50, 41 x 54.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (10) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A special basis weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

DULL COATED BOOK PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: The grade selected under A (1) may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard basis weights (per 500 sheets 25" x 38"): 60, 70.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (10) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A special basis weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

PLAIN COATED COVER PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: The grade selected under A (1) may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard basis weights (per 500 sheets 20" x 26"): 50, 60.

(4) Standard Sizes (in inches):

Sheets: 29 x 26, 23 x 35, 26 x 40, 35 x 46.

Rolls: any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (10) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade, and

(b) The quantity of each permitted basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A special basis weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

BOGUS (TICKET) BRISTOL

Maximum basis weight permitted: 22½" x 28½—120.

POSTER PAPERS

Maximum basis weight permitted: 25" x 38"—60.

COATED POSTCARD BRISTOL

Maximum thickness permitted: .011 of an inch.

GROUNDWOOD PRINTING PAPERS

(All Grades)

Maximum basis weights permitted: Machine finish: 25" x 38"—45, Antique finish: 25" x 38"—50, Supercalendered: 25" x 38"—50.

NOVEL NEWS

Maximum basis weight permitted: 24" x 36"—32.

NEWSPRINT

Maximum basis weight permitted: 24" x 36"—32.

GROUNDWOOD DIRECTORY PAPERS

Maximum basis weight permitted: 24" x 36"—28.

RAILROAD MANILA

Maximum basis weight permitted: 17" x 22"—16.

[F. R. Doc. 43-14093; Filed, August 28, 1943; 8:29 p. m.]

PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD [1]

[Schedule II as to Limitation Order L-120 Amended August 28, 1943]

PAPER FOR USE IN BOOK PUBLISHING

§ 3281.18 [1] *Schedule II to Limitation Order L-120*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) The term "paper" means and is limited to the kinds of paper commonly described and distributed in the paper trade by the names used as captions in the Appendix below.

(2) The term "paper for use in book publishing" means all "paper" commonly manufactured and distributed for use in books and in publishing pamphlets for resale.

(3) A "grade" means one particular quality within a kind of paper, such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper or coating shall not be considered as resulting in a different grade.

[Paragraphs (a) (1), (2) and (3) amended August 28, 1943.]

(4) "Color" means any hue of the spectrum, including but not limited to ivory india and green-white tints, and black, but not including white.

(5) The term "basis weight" means the weight of a kind of paper in pounds per 500 sheets in the size indicated under the appropriate caption, or the equivalent weight of 500 sheets in any other size figured proportionately to the size specified.

(6) An "item" means a quantity of paper all of which is of the same size, grain, basis weight, finish, color and grade.

(7) The term "standard" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, a grade and color selected and a basis weight and size specified under A of the appropriate caption in the Appendix below.

(8) The term "special" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, any grade, color, basis weight or size that is not standard.

(9) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one printer or publisher.

(10) The term "manufacture" includes all making and finishing operations prior to packaging or packing, including pasting whether by a primary manufacturer or otherwise.

(11) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Identification of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the War Production Board at any time thereafter, under which caption of the Appendix, if any, belongs each of the "papers for use in book publishing" manufactured by him. There shall be taken into account in such determination, and in any review and reclassification by the War Production Board, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper caption under which to classify a particular kind of "paper for use in book publishing", or whether a particular kind of paper is such a paper at all or belongs under any caption of the Appendix to this schedule, he may apply to the War Production Board, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The War Production Board may on its own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the War Production Board by telegram or notice in writing sent to the manufacturer shall, unless and until the War Production Board shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

[Paragraph (b) amended August 28, 1943.]

(c) *Selection of grades for regular manufacture.* Each person who manufactures any kind of "paper for use in book publishing" shall, with respect to each such kind he manufactures select

[1] Formerly Part 1223, § 1223.3.

such "grade" or "grades" thereof (if such selection is indicated under the appropriate caption and has not already been reported by him to the War Production Board), not to exceed the number specified in A (1) of the appropriate caption of the Appendix below, as he may desire to adopt for regular manufacture, and shall immediately notify the War Production Board of such selection on Form WPB 1295 (formerly PD-589). The manufacturer may thereafter apply to the War Production Board for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing the original selection shall remain binding.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) under the appropriate caption of the Appendix below a manufacturer is permitted, with respect to a particular grade of a kind of "paper for use in book publishing", to select a number of colors, and such selection is indicated and has not already been reported by him to the War Production Board, each person desiring to manufacture such grade in colors shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the appropriate caption, as he may desire to adopt for regular manufacture and shall immediately notify the War Production Board of such selection on Form WPB 1295 (formerly PD-589). The manufacturer may thereafter apply to the War Production Board for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing the original selection shall remain binding.

(e) *General limitations.* No person shall manufacture any kind of "paper for use in book publishing" in any grade, color, basis weight, or size other than those specified or selected as standard under A of the appropriate caption of the Appendix (where such standards are specified or selected under A of the appropriate caption), or contrary to any other provision under the appropriate caption. This general rule is, however, subject to the following exceptions:

(1) Any item the manufacture of which is permitted under Schedule I to Limitation Order L-120 may be manufactured for use in books or in publishing pamphlets for resale.

(2) Tolerances and variations are permitted to the extent provided in paragraph (f).

(3) Cutting and slitting to various sizes are permitted to the extent provided in paragraph (g).

(4) Special provision is made for "jobs" and "seconds" in paragraph (h).

(5) Special provision is made for export orders in paragraph (i).

(6) Exceptions are made for "special making orders" under certain captions of the appendix. However, regardless of these exceptions where special making orders are so permitted under any caption, the basis weight or thickness must not exceed the heaviest standard basis weight or thickness permitted under A of such caption.

(7) Paper in process of manufacture on September 1, 1943, and conforming to the requirements of this order prior to the amendment effective that date, may be completed otherwise than by pasting.

(8) Paper may be manufactured in any basis weight or thickness permitted for a particular use by any subsequent order, provided the basis weight or thickness does not exceed the maximum specified by the War Production Board for such use, and provided all other provisions of this or such subsequent order are fully complied with.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of the kind of paper under each caption and to the normal variations in quantity manufactured customarily acceptable in the paper trade. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for roll paper; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions, if any, applying to a "special size" under B of the appropriate caption in the appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds", resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona fide attempt to manufacture paper according to the terms of this revised schedule, provided that the manufacturer clearly informs the purchaser that such paper is a "job lot" or "seconds" and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this revised schedule and of the provisions of Limitation Order L-120, a person may manufacture for export (but may not without permission in writing by the War Production Board sell in the domestic market) any kind of paper for use in book publishing in any size or basis weight required, regardless of quantity, provided all other provisions of this schedule are complied with and (if the basis weight is heavier than permitted by this schedule) such person has received permission in writing from the War Production Board to manufacture the particular order in question in such heavier basis weight.

(j) *Records and reports*—(1) *Standard samples.* Each person who manufactures any kind of "paper for use, in book publishing" shall keep readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the appropriate caption.

(2) *Special making orders.* On and after September 1, 1943, each person who manufactures any "special making order" permitted under B of the appropriate caption of the Appendix below shall require from the buyer a statement to the effect that such order is purchased for use by one printer or publisher, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board, and shall submit reports of such orders to the War Production Board as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(3) *Export orders.* On and after September 1, 1943, each person who manufactures "paper for use in book publishing" for export shall require from the buyer a statement on his purchase order to the effect that such paper is purchased for export, shall keep such statement, together with a complete record of the order against which such paper is manufactured, readily available for inspection by the War Production Board, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and shall submit reports of such orders to the War Production Board as it may from time to time require.

(4) *Buyer's statement of use.* On and after September 1, 1943, each manufacturer, before filling any order for "paper for use in book publishing" manufac-

tured after September 1, 1943, shall require from the buyer a statement that such order is for use in books or in publishing pamphlets for resale, and shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board.

(k) This revised schedule shall take effect on September 1, 1943.

NOTE: The reporting requirements of WPB 1295 (formerly PD 589) have been approved by the Bureau of the Budget pursuant to Federal Reports Act of 1942.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX TO REVISED SCHEDULE II TO LIMITATION ORDER L-120

STANDARDIZATION AND SIMPLIFICATION OF PAPER FOR USE IN BOOK PUBLISHING

UNCOATED ENGLISH (MACHINE) FINISH BOOK PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In the grades selected under A (1), White and India only.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 30, 35, 40, 45; and, if for use in printing text books for elementary school grades 1 and 2 or for juvenile books, basis weight 50, provided that before the sale thereof the manufacturer shall require from the buyer a statement that the order is for such use. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):
Sheets: 38 x 50, 41 x 61, 44 x 66, 46 x 69.
Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:
(a) The quantity of such special grade is at least 20,000 pounds, all in either white or any one color, standard or special; and
(b) The quantity of each permitted basis weight is at least 10,000 pounds; and
(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:
(a) The quantity of each special color is at least 20,000 pounds in one grade; and
(b) The quantity of each permitted basis weight is at least 10,000 pounds; and
(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:
(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and
(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:
(a) In a standard grade, standard color or standard basis weight; or
(b) In a special grade, special color or special basis weight in the quantities provided for under Exceptions (1), (2) and (3) above.

(5) Basis Weights below 30 pound. No restriction on grade, basis weights or sizes in basis weights below 30 pound.

UNCOATED BOOK PAPERS, SUPERCALENDERED

A. *Grades, Colors, Weights and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule, provided they correspond to the two selected for Uncoated English (Machine) Finish Book Papers.

(2) Standard Colors: In the grades selected under A (1), White and India Only.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 40, 45, 50.

(4) Standard Sizes (in inches):
Sheets: 38 x 50, 41 x 61, 44 x 66, 46 x 69.
Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:
(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and
(b) The quantity of each permitted basis weight is at least 10,000 pounds; and
(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:
(a) The quantity of each special color is at least 20,000 pounds in one grade; and
(b) The quantity of each permitted basis weight is at least 10,000 pounds; and
(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:
(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and
(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:
(a) In a standard grade, standard color or standard basis weight; or
(b) In a special grade, special color or special basis weight in the quantities provided for under Exceptions (1), (2) and (3) above.

ANTIQUE (EGGSHELL) FINISH BOOK PAPERS (INCLUDING HIGH BULK)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule, but only one may carry a watermark and/or a laid mark.

(A difference in bulk does not in itself constitute a difference in Grade.)

(2) Standard Colors: In the grades selected under A (1), White and India only.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 40, 45, 50; and, if in a standard watermarked text grade, basis weight 60.

(4) Standard Sizes (in inches):
Sheets: 38 x 50, 41 x 61, 44 x 66, 46 x 69.
Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:
(a) The quantity of such special grade is at least 20,000 pounds, all in either white or any one color, standard or special; and
(b) The quantity of each permitted basis weight is at least 10,000 pounds; and
(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:
(a) The quantity of each special color is at least 20,000 pounds in one grade; and
(b) The quantity of each permitted basis weight is at least 10,000 pounds; and
(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:
(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and
(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:
(a) In a standard grade, standard color or standard basis weight; or
(b) In a special grade, special color or special basis weight in the quantities provided for under Exceptions (1), (2) and (3) above.

UNCOATED OFFSET BOOK PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In the grade selected under A (1), White and India only.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 50, 60; and, if for use in multicolor printing on an offset press, 65, provided that before the sale thereof the manufacturer shall require from the buyer a statement that the order is for use in multicolor printing on an offset press. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):
Sheets: 38 x 50, 41 x 54, 44 x 64, 50 x 68¼.
Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

(5) Any fancy finish may be applied to any item conforming to the other conditions of this caption.

(6) No laid mark or other watermarks permitted.

(7) No supercalendered Offset Paper permitted.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:
(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and
(b) The quantity of each permitted basis weight is at least 10,000 pounds; and
(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:
(a) The quantity of each special color is at least 20,000 pounds in one grade; and
(b) The quantity of each permitted basis weight is at least 10,000 pounds; and
(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:
(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and
(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:
(a) In a standard grade, standard color or standard basis weight; or
(b) In a special grade, special color or special basis weight in the quantities provided for under Exceptions (1), (2) and (3) above.

(5) Any fancy finish may be applied to any item conforming to the other conditions of this caption.

(6) A laid mark or other watermark may be incorporated in a special making order of 5,000 pounds or more of any item conforming to the other conditions of this caption.

(7) A Supercalendar Finish may be applied to fill a special making order for 2,000 pounds or more of any item conforming to the other conditions of this caption.

COATED TWO SIDES BOOK PAPERS

(Including glossy coated, dull coated, and coated offset)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one in each of the three kinds included, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In the grade selected under A (1), White, and Ivory and India only.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 60, 70.

(4) Standard Sizes (in inches):
Sheets:
38 x 50, 41 x 61, 44 x 66, 46 x 69.
Rolls:
Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:
(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and
(b) The quantity of each permitted basis weight is at least 10,000 pounds; and
(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:
(a) The quantity of each special color is at least 20,000 pounds in one grade; and
(b) The quantity of each permitted basis weight is at least 10,000 pounds; and
(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured, subject to the provisions of paragraph (e) of the foregoing schedule, to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:
(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and
(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:
(a) In a standard grade, standard color or standard basis weight; or
(b) In a special grade, special color or special basis weight in the quantities provided for under Exceptions (1), (2), and (3) above.

PROCESS (MACHINE COATED) BOOK PAPERS

Maximum Basis Weight Permitted: 25" x 38"—60.

COATED ONE SIDE BOOK PAPERS

Maximum Basis Weight Permitted: 25" x 38"—60.

PLAIN COATED COVER

Maximum Basis Weight Permitted: 20" x 26"—60.

END LEAF PAPER

Maximum Basis Weight Permitted: 25" x 38"—80.

SCHOOL DRAWING PAPER

Maximum Basis Weight Permitted: 25" x 38"—50.

GROUNDWOOD PRINTING PAPERS

ALL GRADES

Maximum Basis Weights Permitted:
Machine Finish: 25" x 38"—45.
Antique Finish: 25" x 38"—50.
Supercalendered: 25" x 38"—50.

NOVEL NEWS

Maximum Basis Weight Permitted: 24" x 36"—32.

NEWSPRINT

Maximum Basis Weight Permitted: 24" x 36"—32.

GROUNDWOOD DIRECTORY PAPER

Maximum Basis Weight Permitted: 24" x 36"—28.

[F. R. Doc. 43-14094; Filed, August 28, 1943; 3:29 p. m.]

PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD [1]

[Schedule III to Limitation Order L-120, as Amended August 28, 1943]

FINE WRITING PAPERS

§ 3281.19 [1] *Schedule III to Limitation Order L-120—*(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) The term "fine writing papers" means and is limited to the kinds of paper commonly described and distributed in the paper trade by the names used as captions in the Appendix below.

(2) A "grade" means one particular quality within a kind of fine writing paper, such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper or coating shall not be considered as resulting in a different grade.

(3) "Color" means any hue of the spectrum, including but not limited to ivory, india and green-white tints, and black, but not including white.

NOTE: Former paragraphs (a) (5)-(a) (10) redesignated (a) (6)-(a) (11); paragraph (a) (5) added August 28, 1943.

(4) The term "substance weight" means the weight of a kind of fine writing paper in pounds per 500 sheets in the size indicated under the appropriate caption, or the equivalent weight of 500 sheets in any other size figured proportionately to the size specified.

(5) The term "thickness" means the thickness of a sheet of paper or paperboard expressed either in terms of plies or in terms of thousandths of an inch measured by the Cady Micrometer.

(6) An "item" means a quantity of paper all of which is of the same size, grain, substance weight, finish, color and grade.

(7) The term "standard" as applied to grade, color, substance weight, and size means, with respect to each manufacturer, a grade and color selected and a substance weight and size specified under A of the appropriate caption in the Appendix below.

(8) The term "special" as applied to grade, color, substance weight, and size means with respect to each manufacturer, any grade, color, substance weight or size that is not standard.

(9) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one printer, converter or consumer.

(10) The term "manufacture" includes all making and finishing operations prior to packaging or packing, including pasting whether by a primary manufacturer or otherwise.

(11) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other form of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Identification of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the War Production Board at

[1] Formerly Part 1223, § 1223.4.

any time thereafter, under which caption of the Appendix, if any, belongs each of the "fine writing papers" manufactured by him. There shall be taken into account in such determination, and in any review and reclassification by the War Production Board, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper caption under which to classify a particular kind of "fine writing paper," or whether a particular kind of paper is such a paper at all or belongs under any caption of the Appendix to this schedule, he may apply to the War Production Board, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The War Production Board may on its own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the War Production Board by telegram or notice in writing sent to the manufacturer shall, unless and until the War Production Board shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *Selection of grades for regular manufacture.* Each person who manufactures any kind of "fine writing paper" shall with respect to each such kind he manufactures, select such "grade" or "grades" thereof (if such selection is indicated under the appropriate caption and has not already been reported by him to the War Production Board) not to exceed the number specified in A (1) of the appropriate caption of the Appendix below, as he may desire to adopt for regular manufacture, and shall immediately notify the War Production Board of such selection on Form WPB 1295 (formerly PD–589). The manufacturer may thereafter apply to the War Production Board for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing the original selection shall remain binding. Each person who regularly manufactures any Extra 100 percent rag content grade of any kind of "fine writing paper" shall notify, as above, the War Production Board thereof on Form WPB 1295 (formerly PD–589), stating, in addition, in what respect each such grade differs from his standard 100 percent rag grade, and submitting with his statement representative samples of each such grade and a list of sizes, weights and colors regularly manufactured.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) under the appropriate caption of the Appendix below a manufacturer is permitted, with respect to a particular grade of a kind of "fine writing paper", to select a number of colors (each person desiring to manufacture such grade in colors and such selection is indicated and has not already been reported by him to the War Production Board), shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the appropriate caption, as he may desire to adopt for regular manufacture, and shall immediately notify the War Production Board of such selection on Form WPB 1295 (formerly PD–589). The manufacturer may thereafter apply to the War Production Board for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing the original selection shall remain binding.

(e) *General limitations.* No person shall manufacture any kind of "fine writing paper" in any grade, color, basis weight, or size other than those specified or selected as standard under A of the appropriate caption of the Appendix (where such standards are specified or selected under A of the appropriate caption), or contrary to any other provision under the appropriate caption. This general rule is, however, subject to the following exceptions:

(1) Tolerances and variations are permitted to the extent provided in paragraph (f).

(2) Cutting and slitting to various sizes are permitted to the extent provided in paragraph (g).

(3) Special provision is made for "jobs" and "seconds" in paragraph (h).

(4) Special provision is made for export orders in paragraph (i).

(5) Exceptions are made for "special making orders" under certain captions of the Appendix. However, regardless of these exceptions where special making orders are so permitted under any caption, the basis weight or thickness must not exceed the heaviest standard basis weight or thickness permitted under A of such caption.

(6) Paper or paperboard in process of manufacture on September 1, 1943, and conforming to the requirements of this order prior to the amendment effective that date, may be completed otherwise than by pasting.

(7) Paper or paperboard may be manufactured in any basis weight or thickness permitted for a particular use by any subsequent order, provided the basis weight or thickness does not exceed the maximum specified by the War Production Board for such use, and provided all other provisions of this or such subsequent order are fully complied with.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of the kind of "fine writing papers" under each caption and to the normal variations in quantity manufactured customarily acceptable in the paper trade. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for rolls; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions, if any, applying to a "special size" under B of the appropriate caption in the Appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds", resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona-fide attempt to manufacture "fine writing paper" according to the terms of this revised schedule, provided that the manufacturer clearly informs the purchaser that such paper is a "job lot" or "seconds" and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this revised schedule and of the provisions of Limitation Order L–120, a person may manufacture for export (but may not without permission in writing by the War Production Board sell in the domestic market) any kind of "fine writing paper" in any size or substance weight required, regardless of quantity, provided all other provisions of this schedule are complied with and (if the substance weight or thickness is greater than permitted by this schedule) such person has received permission in writing from the War Production Board to manufacture the particular order in question in such greater substance weight or thickness; and further, bonds, ledgers and writings may be manufactured with any percent of rag content specified by any foreign government to fill a special making order for such government.

(j) *Records and Reports*—(1) *Standard samples.* Each person who manufactures any kind of "fine writing paper" shall keep, readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the appropriate caption.

(2) *Special making orders.* On and after September 1, 1943, each person who manufactures any "special making order" permitted under B of the appropriate caption of the Appendix below shall require from the buyer a statement to the effect that such order is purchased for use by one printer, converter or consumer, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board, and shall submit reports of such orders to the War Production Board as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(3) *Export orders.* On and after September 1, 1943, each person who manufactures "fine writing paper" for export shall require from the buyer a statement on his purchase order to the effect that such paper is purchased for export and, in the case of a foreign government that such paper is purchased for such government, shall keep such statement, together with a complete record of the order against which such paper is manufactured readily available for inspection by the War Production Board, and shall submit reports of such orders to the War Production Board as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Effective date.* This revised schedule shall take effect on September 1, 1943.

NOTE: The reporting requirements of WPB 1295 (formerly PD–589) have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX TO REVISED SCHEDULE III TO LIMITATION ORDER L–120

FINE WRITING PAPERS

RAG CONTENT BOND PAPERS

A. *Grades, colors, weights and sizes for regular manufacture:*

(1) *Standard grades.* Any or all of the five following, selected in accordance with (c) of the foregoing Schedule:
25 percent rag content.
50 percent rag content.
75 percent rag content.
100 percent rag content.
Extra 100 percent rag content.

(2) *Standard colors.* White and Ivory and six other colors, selected according to paragraph (d) of the foregoing Schedule.

(3) Standard weights (per 500 sheets 17" x 22"): for Extra 100%, 100% and 75% rag content: substance weights 11, 13, 16, 20; for all other grades: substance weights 11, 13, 16; and, if for use in manufacturing envelopes, substance weight 20; or, if for use as a protective paper or for checks, substance weights 20 and 24 for all grades; provided that, before the sale thereof for any one of such uses, the manufacturer shall require from the buyer a statement that the order is for such particular use. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

(4) *Standard sizes* (in inches):

For White and Ivory

Sheets. 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34, 34 x 44.
Rolls. None permitted as standard.

For Other Colors

Sheets. 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34.
Rolls. None permitted as standard.
Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

(7) Extra 100 percent rag content: if selected, unrestricted in any respect except as to maximum weight permitted and except for the report required by paragraph (c) of the foregoing schedule.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) Special Grades: A person may manufacture any grade listed in A (1) above, whether or not selected by him, in White or in any color and size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 1,000 pounds, and the quantity of each special sheet size is at least 2,000 pounds, or the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a rag content bond paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT LEDGER PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than four of the following, selected according to Paragraph (c) of the foregoing Schedule:
25 percent rag content
50 percent rag content
75 percent rag content
85 percent rag content
100 percent rag content
and in addition to the four selected, Extra 100 percent rag content.

(2) Standard Colors: White and Blue, Buff and Green—White tint only.

(3) Standard Weights (per 500 sheets 17" x 22"): for Extra 100% and 100% rag content: Substance weights 24, 28, 32 and 36; for all other grades: Substance weights 24, 28.

(4) Standard Sizes (In inches):

White and Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22½ x 22½, 22 x 34, 24 x 38, 28 x 34.
Rolls. None permitted as standard.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

(7) Extra 100 percent rag content: if selected, unrestricted in any respect except as to maximum weight permitted and except for the report required by paragraph (c) of the foregoing schedule.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) Special Grades: A person may manufacture any grade listed in A (1) above, whether or not selected by him, in White or in any color and size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 1,000 pounds, and the quantity of each special sheet size is at least 2,000 pounds, or the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content Ledger Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT LOOSE LEAF LEDGER PAPERS

(Including Machine Posting Ledger Papers)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than four of the following, selected according to paragraph (c) of the foregoing schedule:

25 percent rag content
50 percent rag content
75 percent rag content
85 percent rag content
100 percent rag content

and in addition to the four selected, Extra 100 percent rag content.

(2) Standard Colors: White, and six colors, selected according to paragraph (d) of the foregoing Schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): for Extra 100% and 100% rag content: Substance weights 24, 28, 32 and 36; for all other grades: Substance weights, 24, 28.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 17½ x 22½, 19½ x 24½, 22½ x 22½, 22½ x 28½, 22½ x 35, 24½ x 24½, 24½ x 28½, 24½ x 30.

Rolls: None permitted as standard.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

(7) Extra 100 percent rag content: if selected, unrestricted in any respect except as to maximum weight permitted and except for the report required by paragraph (c) of the foregoing schedule.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) Special Grades: A person may manufacture any grade listed in A (1) above, whether or not selected by him, in White or in any color and size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 1,000 pounds, and the quantity of each special sheet size is at least 2,000 pounds, or the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content Loose Leaf Ledger Paper or Machine Posting Ledger Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT WRITING PAPERS

(Including Linens)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Any or all of the following three, selected according to paragraph (c) of the foregoing schedule:

25 percent rag content
50 percent rag content
100 percent rag content

(2) Standard Colors: White, and ivory and three other colors selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): for 100% rag content: substance weights 16, 20; for other grades: substance weight 16; and, if for use in manufacturing envelopes, substance weight 20; or if for use as a protective paper or for checks, substance weights 20 and 24 for all grades; provided that, before the sale thereof for any one of such uses, the manufacturer shall require from the buyer a statement that the order is for such particular use. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34.

Rolls: None permitted as standard.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade, and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 1,000 pounds, and the quantity of each special sheet size is at least 2,000 pounds, or the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content Writing Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT ONION SKIN PAPERS

(Including Manifold Papers)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Any or all of the three following, selected in accordance with (c) of the foregoing schedule.

25 percent rag content.
75 percent rag content (White only).
100 percent rag content.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance Weights 7 to 9 inclusive.

(4) Standard Sizes (in inches):

For White

Sheets: 21 x 32, 22 x 34, 24 x 38, 26 x 34, 28 x 34.

Rolls: None permitted as standard.

For Colors

Sheets: 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard.

Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

5. Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) Special Grades: Any person may manufacture any grade listed in A (1) above, whether or not selected by him, and in addition 50 percent rag content, in White or in any color and size, to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each item is at least 500 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 500 pounds of a sheet size or at least 500 pounds of a roll width:

(a) In a standard grade, standard color or White, standard weight and one finish; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 1,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each item is at least 500 pounds; and

(c) There is at least 1,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content Onion Skin Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT WEDDING PAPERS

(Including Wedding Bristols)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected (by percentage of rag content) according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and Ivory only.

(3) Standard Weights (per 500 sheets): substance weights (17" x 22")—20, 24 and 28; substance weights (22½" x 28½") 100 and 120.

NOTE: The sentence, "Pasted weights may be supplied in multiples of standard weights" revoked August 28, 1943.

(4) Standard Sizes (in inches):

For White

Sheets: 22 x 34, 22½ x 28½.

Rolls: None permitted as standard.

For Ivory

Sheets: 22 x 34.

Rolls: None permitted as standard.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

(7) Extra 100 percent rag content: if selected, unrestricted in any respect except as to maximum weights permitted and except for the report required by paragraph (c) of the foregoing schedule.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 1,000 pounds, and the quantity of each special sheet size is at least 2,000 pounds, or the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content Wedding Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT INDEX

A. *Grades, Colors, Weights and Sizes for regular manufacture:*

(1) Standard Grades: Not more than four of the following, selected according to paragraph (c) of the foregoing schedule.

25 percent rag content.
50 percent rag content.
75 percent rag content.
100 percent rag content.
Extra 100 percent rag content.

(2) Standard Colors: White, and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 25½" x 30½"): Substance weights 90, 110, 140.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 20½ x 24¾, 25½ x 30½.

Rolls: None permitted as standard.

(5) No restrictions as to finish.

(6) Extra 100 percent rag content: if selected, unrestricted in any respect except as to maximum weight permitted and except for the report required by paragraph (c) of the foregoing schedule.

B. *Exceptions for "Special Making Orders"* as defined in (a) (9) of the foregoing schedule:

(1) Special Grades: A person may manufacture any grade listed in A (1) above, whether or not selected by him, in White or in any color and size to fill a special making order for the United States Government in a standard substance weight.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds in one standard grade; and the quantity of each special size is at least 2,000 pounds.

(3) Special Weights; None permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or white and standard weight; or

(b) In a special color in the quantities provided for under Exceptions (2) and (3) above.

BASE STOCK FOR BLUEPRINT AND DIRECT LINE PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Any or all of the four following, selected in accordance with (c) of the foregoing schedule.

100 percent rag content.
50 percent rag content.
25 percent rag content.
No rag content

(2) Standard Colors: No restrictions.

(3) Standard Weights (per 500 sheets 17" x 22"): 100 percent rag content: substance weights 17, 20½ and 24; for all other grades; substance weights 17 and 20½.

(4) Standard Sizes:

Rolls only: 24, 30, 36, 42, 48, and 54 inches wide.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) Special Grades: Variations only because of different treatment in the beater or on the paper machine, or the use of different non-fibrous materials shall not be considered as resulting in a different grade.

(2) No Special Weights permitted.

(3) Special Width Rolls may be manufactured to fill a special making order in a quantity of 10,000 pounds, in a standard grade, in one shade and standard weight.

BASE STOCK FOR NEGATIVE PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Only the one following, if selected in accordance with (c) of the foregoing schedule: 100 percent rag content.

(2) Standard Colors: No restrictions.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weight 14.

(4) Standard Sizes:

Rolls only: 24, 30, 36, 42, 48, and 54 inches wide.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) Special Grades: Variations only because of different treatment in the beater or

on the paper machine, or the use of different non-fibrous materials shall not be considered as resulting in a different grade.

(2) No Special Weights permitted.

(3) Special Width Rolls may be manufactured to fill a special making order in a quantity of 10,000 pounds, in a standard grade, in one shade and standard weight.

RAG CONTENT ANTIQUE (MACHINE FINISH) COVER PAPERS

(Excluding Manuscript Covers)

A. *Grades, Colors, Weights, and Sizes for regular manufacture.*

(1) Standard Grades: Not more than two, selected (by percentage of rag content) according to paragraph (d) of the foregoing schedule.

(2) Standard Colors: White, and six colors in addition to either Ivory or India; or five colors in addition to Ivory and India, selected according to paragraph (c) of the foregoing schedule.

(3) Standard Weights: (per 500 sheets 20" x 26"): Substance weights 40, 50, 65.

(4) *Standard Sizes* (in inches):

White and Colors

Sheets: 20 x 26, 23 x 35, 26 x 40.

Rolls: None permitted as standard.

(5) Any secondary finish may be applied to any item conforming to the other conditions of this caption.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

CHEMICAL WOOD PULP ANTIQUE (MACHINE FINISH) COVER PAPERS

(Including Ground Wood Content Cover Papers but Excluding Manuscript Covers)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades:

Chemical Wood Pulp: Not more than two;

Ground Wood Content: Not more than one;

selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and six colors in addition to either Ivory or India; or five colors in addition to Ivory and India; selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 20" x 26"):

Chemical Wood Pulp: Substance Weights 40, 50, 65.

Ground Wood Content: Substance Weights 40, 50, 65.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 20 x 26, 23 x 35, 26 x 40.

Rolls: None permitted as standard.

(5) Any secondary finish may be applied to any item conforming to the other conditions of this caption.

B. *Exceptions for "special making orders"* (as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

SPECIALTY COVER PAPERS

(Fancy Coated, Embossed or Decorative Specialty Covers, and Including "S. and S. C. Cover")

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: With respect to each manufacturer, any grade or grades regularly stocked as an established cover line as of December 1, 1941, selected in accordance with paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and six colors in addition to Ivory or India or five colors in addition to Ivory and India, selected according to paragraph (c) of the foregoing schedule.

(3) Standard Weights: With respect to each manufacturer and each standard grade under A (1), any weight, not exceeding 25" x 38"—70 for "S. and S. C. Cover" or 20" x 26"—65 for other grades, regularly stocked as of December 1, 1941, such weight or weights to be reported, if not already reported, to the War Production Board as standard for each such grade; however a manufacturer whose standard basis weight, or weights, is heavier than basis weight 20" x 26"—65 for a particular grade may substitute in such grade basis weights 65 or any lower basis weight for such higher weight by notifying the War Production Board of such change in his standards, and thereafter such substituted basis weight shall be standard for him for such grade.

(4) Standard Sizes: With respect to each manufacturer and each standard grade under A (1), any size regularly stocked as of December 1, 1941, such size or sizes to be reported to the Director General for Operations, as standard for each such grade.

B. *Exceptions for "special making orders"* (as defined in (a) (9) of the foregoing schedule):

(1) Any Grade of Specialty Cover Papers may be manufactured by any person to fill a special making order, provided that:

(a) The quantity of such grade is at least 5,000 pounds, all in either White or any one color and finish; and

(b) The quantity of each permitted substance weight is at least 5,000 pounds; and

(c) The quantity of each item is at least 2,000 pounds; and

(d) Such person can show that such grade was manufactured by some person prior to December 1, 1941.

(2) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of an item in a standard grade, standard color or White and standard weight.

CHEMICAL WOOD PULP BOND PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture.*

(1) *Standard Grades:* Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) *Standard Colors:* White, and Ivory and six other colors, selected according to paragraph (d) of the foregoing schedule.

(3) *Standard Weights:* (per 500 sheets 17" x 22"): Substance weights 13, 16; and, if for use in manufacturing envelopes, substance weight 20; or if for use as a protective paper or for checks, or for use on an addressing machine, substance weights 20 and 24; provided that, before the sale thereof for any one of such uses, the manufacturer shall require from the buyer a statement that the order is for such particular use. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):

For White and Ivory

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34, 34 x 44.

Rolls: None permitted as standard.

For Other Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard.

Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or white and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or white and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in white or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Bond Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or white, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

CHEMICAL WOOD PULP LEDGER PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture.*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and Buff and Green-White tint only.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance Weights 24, 28.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34, 22½ x 22½, 22½ x 34½, 24½ x 24½, 24½ x 39.

Rolls: None permitted as standard.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in white or in any color or size to fill a special making order for the United States Government provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Ledger Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

CHEMICAL WOOD PULP WRITING PAPERS

(Wove or Laid)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White only.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights 14, 16; and, if to fill an order for the Federal Government substance weight 16; or if for use in manufacturing envelopes, substance weight 20; or if for use as a protective paper or for checks, substance weights 20 and 24; provided that before the sale thereof for any one of such uses, the manufacturer shall require from the buyer a statement that the order is for such particular use. The manufacturer such keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard.

(5) Standard Watermarks: Any mill watermarks if used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, White and standard weight; or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Writing Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

REGISTER, CONTINUOUS FORM, AND SALES BOOK CHEMICAL WOOD PULP BOND PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture and to be distributed only to fill a special making order or orders as defined in (a) (viii) in the foregoing schedule:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and five colors selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights 10, 12, 15.

(4) Standard Sizes: Any size, sheet or roll, if manufactured in a quantity of at least 5,000 pounds of a sheet item or 2,000 pounds of a roll item.

(5) Standard Watermarks: None permitted.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds

(3) No Special Weights permitted.

(4) Special Sizes: Only as permitted under A (4) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight; or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds

CHEMICAL WOOD PULP MANIFOLD PAPERS

(Including Onion Skin Papers)

A. *Grades, Colors, Weights, and Sizes for regular manufacture.*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights 7 to 9 inclusive.

(4) Standard Sizes (in inches):

White

Sheets: 21 x 32, 22 x 34, 24 x 38, 26 x 34, 28 x 34.
Rolls: None permitted as standard.

Colors

Sheets: 22 x 34, 24 x 38, 28 x 34.
Rolls: None permitted as standard.
Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: Any laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each item is at least 1,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 1,000 pounds of a sheet size or at least 1,000 pounds of a roll width:

(a) In a standard grade, standard color or white, and standard weight and one finish; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight; or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each item is at least 1,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Manifold Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

CHEMICAL WOOD PULP MIMEOGRAPH PAPERS

(Including rag content mimeograph)

A. *Grades, Colors, Weights, and Sizes for regular manufacture.*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights 16 and 18.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 17 x 22, 17 x 28, 22 x 34, 28 x 34.
Rolls: None permitted as standard.
Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) Special Weights: None permitted.

NOTE: Paragraphs (B) (3) (a), (b) revoked August 28, 1943.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content or Chemical Wood Pulp Mimeograph Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

NOTE: Paragraph (B) (5) (d) revoked August 28, 1943.

GELATIN AND SPIRIT PROCESSES

CHEMICAL AND WOOD PULP DUPLICATING PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Gelatin Process—Not more than two; Spirit Process—Not more than two; selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and six colors selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): For White: Substance weights 13, 16, and 20. For colors: Substance weights 16 and 20.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34.
Rolls: None permitted as standard.
Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller that 7¼ x 10½.

(5) Standard Watermarks. Any mill watermarks used to identify standard mill grades; none otherwise.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of papers under this caption for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

CHEMICAL WOOD PULP OPAQUE CIRCULAR PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White only.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights 13, 16.

(4) Standard Sizes (in inches):

Sheets: 17 x 22, 17 x 28, 22 x 34, 25 x 38, 28 x 34, 35 x 45, 38 x 50
Rolls: None permitted as standard.

(5) Standard Watermarks: Any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, White and a standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Opaque Circular Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, White, standard weight and standard size, and in the quantities required above for a special watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

CHEMICAL WOOD PULP VELLUM AND WEDDING PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and Ivory, Granite and six other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets in the size indicated): White: 22" x 34"—40, 48, 56. White: 35" x 45"—84, 101 and 118; White: 22½" x 28½"—100, 120. Ivory and Granite: 22" x 34"—40, 48, 56; Ivory and Granite: 35" x 45"—118. Other colors: 22" x 34"—40, 48 and 56. Other colors: 35" x 45"—118.

(4) Standard Sizes (in inches) for the weights indicated above: White:

Sheets: 22" x 34", 35" x 45", 22½" x 28½".
Rolls: None permitted as standard.

White

Sheets: 22 x 34, 35 x 45, 22½ x 28½.
Rolls: None permitted as standard.

Colors

Sheets: 22 x 34, 35 x 45.
Rolls: None permitted as standard.

(5) Standard Watermarks: Any mill watermarks used to identify standard mill grades; none otherwise.

(6) Standard Finishes: Any vellum primary finish and any secondary finish; none otherwise.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight; or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of Chemical Wood Pulp Vellum and Wedding Papers for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a special watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

(6) Deckle Edges: Papers under this caption may be manufactured deckle edge to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or a roll width:

(a) In a standard grade, standard color or White, standard weight and a primary finish; or

(b) In a special color in a quantity of at least 20,000 pounds in one standard grade; provided that:

(i) the quantity of each standard weight is at least 10,000 pounds; and

(ii) the quantity of each item is at least 5,000 pounds.

CONVERTING GRADES OF CHEMICAL WOOD PULP PAPETERIE PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture and to be distributed only to fill a special making order or orders as defined in (a) (9) of the foregoing schedule:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and Ivory and six other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights: 16, 20, 24.

(4) Standard Sizes: Any size, sheet or roll, if manufactured in a quantity of at least 5,000 pounds of a sheet item or 2,000 pounds of a roll item.

(5) Standard Watermarks: No laid or other watermark permitted.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in white or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) Special Sizes: Only as permitted under A (4) above.

(5) Any Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight; or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(6) Deckle Edges: Papers under this caption may be manufactured deckle edge to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or a roll width:

(a) In a standard grade, standard color or white, standard weight and a primary finish; or

(b) In a special color in a quantity of at least 20,000 pounds in one standard grade; provided that

(i) The quantity of each standard weight is at least 10,000 pounds; and

(ii) The quantity of each item is at least 5,000 pounds.

CHEMICAL WOOD PULP INDEX BRISTOLS

A. *Grades, Colors, Weights and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 25½" x 30½"): Substance weights 90, 110, 140.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 20½ x 24¾, 22½ x 28½, 25½ x 30½.
Rolls: None permitted as standard.

(5) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds.

(3) Special Weights: None permitted.

NOTE: Paragraphs (B) (3) (a), (b) revoked August 28, 1943.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under exceptions (2) and (3) above.

CHEMICAL WOOD PULP PRINTING BRISTOLS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 22½" x 28½"):

Substance weights 90, 100, 120.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 22½ x 28½.

Rolls: None permitted as standard.

(5) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

GROUND WOOD CONTENT BOND PAPERS (INCLUDING WRITING PAPERS)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights 13 and 16; and, if to fill an order for the Federal Government, substance weight 18; provided that before the sale thereof the manufacturer shall require from the buyer a statement that the order is for such use. The manufacturer shall keep such statement together with a complete record of the order readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard. Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restrictions as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Ground Wood Content Bond Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color, or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

GROUND WOOD CONTENT MIMEOGRAPH PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: No more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights 16 and 18.

(4) Standard Sizes (in inches):

Sheets: 17 x 22, 17 x 28, 22 x 34, 28 x 34.

Rolls: None permitted as standard. Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

1. A Special Grade may be manufactured in White or in any color or size, to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) Special Weights: None permitted.

NOTE: Paragraphs (B) (3) (a), (b) revoked August 28, 1943.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: Paragraph B (5) (d) revoked August 28, 1943.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Ground Wood Content Mimeograph Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

TEXT PAPERS

(Specialty, Deckle Edge, Fancy or Water Marked)

Maximum Substance Weight permitted: 25" x 38"—60.

UNCOATED POSTCARD BRISTOL

Maximum Substance Weight permitted: 22½" x 28½"—94.

MANUSCRIPT COVER

Maximum Substance Weight permitted: 18" x 31"—40.

[F. R. Doc. 43-14095; Filed, August 28, 1943; 3:29 p. m.]

PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD[1]

[Schedule IV as Amended and Revised August 28, 1943 to Limitation Order L-120]

TABLET PAPER

Section 3281.20 *Schedule IV to Limitation Order L-120* is hereby amended and revised to read as follows:

§ 3281.20[1] *Schedule IV to Limitation Order L-120*—(a) *Definitions.* For the purposes of this schedule, including the Appendix:

(1) The term "tablet paper" means the kind of paper commonly described and distributed in the paper trade by the designation "tablet paper."

(2) A "grade" means one particular quality of "tablet paper", such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, or in the dyes used in the paper shall not be considered as resulting in a different grade.

(3) "Color" means any hue of the spectrum, including but not limited to ivory, india and green-white tints, and black, but not including white.

(4) The term "basis weight" means the weight of a tablet paper in pounds per 500 sheets in the size indicated in the Appendix, or the equivalent weight of 500 sheets in any other size figured proportionately to the size specified.

(5) An "item" means a quantity of paper all of which is of the same size, basis weight, grain, finish, color and grade.

(6) The term "standard" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, a grade and color selected and a basis weight and size specified under A of the appropriate caption in the Appendix below.

(7) The term "special" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, any grade, color, basis weight or size that is not standard.

(8) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one converter or consumer.

(9) The term "manufacture" includes all making and finishing operations prior to packaging or packing.

(10) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management, or with a common sales organization.

(b) *Identification of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the War Production Board at any time thereafter, which papers manufactured by him belong under the caption "tablet paper" in the Appendix below. There shall be taken into account in such determination, and in any review and reclassification by the War Production Board, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to whether or not a particular paper manufactured by him is such a paper he may apply to War Production Board, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The War Production Board may on its own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the War Production Board, by telegram or notice in writing sent to the manufacturer shall unless and until the War Production Board shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *Selection of grades for regular manufacturer.* Each person who manufactures "tablet paper" shall select such "grade" or "grades" thereof, not to exceed the number specified in A (1) of the Appendix below, as he may desire to adopt for regular manufacture and shall immediately notify the War Production Board of such selection on Form WPB 1295 (formerly PD 589). The manufacturer may thereafter apply to the War Production Board for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing the original selection shall remain binding.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) of the Appendix below a manufacturer is permitted, with respect to a particular grade of "tablet paper", to select a number of colors, each person desiring to manufacture such grade in colors shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the Appendix, as he may desire to adopt for regular manufacture, and shall immediately notify the War Production Board of such selection on Form WPB 1295 (formerly PD 589). The manufacturer may thereafter apply to the War Production Board for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing the original selection shall remain binding.

(e) *General limitations.* (1) Except to the extent and upon the conditions indicated in paragraphs (e) (2), (f), (g), (h) and (i) of this revised schedule, or under B of the Appendix below, no person shall manufacture "tablet paper" in any grade, color, basis weight or size other than those selected or specified as standard under A of the Appendix, or contrary to any other provision under A of the Appendix; nor shall a manufacturer sell tablet paper otherwise than as provided under A of the Appendix.

(2) Exceptions to paragraph (e) (1). Nothing in this revised schedule shall prevent the manufacture of tablet paper in any basis weight not prohibited by the provisions of this schedule as previously amended, provided such tablet paper was in process of manufacture prior to September 1, 1943; nor shall the provisions of this revised schedule prevent the manufacture of tablet paper in any basis weight permitted for a particular use by any subsequent order, provided the basis weight does not exceed the maximum specified by the War Production Board for such use, and provided all other provisions of this or such subsequent order are fully complied with.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of "tablet papers" and to the

[1] Formerly Part 1223, § 1223.5.

normal variations in quantity manufactured customarily acceptable in the paper trade. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for roll paper; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions applying to a "special size" under B of the Appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds", resulting from faulty manufacture of overruns customarily unacceptable to the buyer, which occur during a bona fide attempt to manufacture "tablet paper" according to the terms of this revised schedule, provided that the manufacturer clearly informs the purchaser that such paper is a "job lot" or "seconds" and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this revised schedule and of the provisions of Limitation Order L–120, a person may manufacture for export (but may not without permission in writing from the War Production Board sell in the domestic market) any grade of "tablet paper" in any size or basis weight required, regardless of quantity, provided all other provisions of this schedule are complied with, and (if the basis weight is heavier than permitted under the appropriate caption) such person has received permission in writing from the War Production Board to manufacture the particular order in question in such heavier basis weight.

(j) *Records and reports*—(1) *Standard samples.* Each person who manufactures any grade of "tablet paper" shall keep, readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the Appendix below.

(2) *Special making orders.* On and after September 1, 1943 each person who manufactures any "special making order" permitted under B of the Appendix below shall require from the buyer a statement to the effect that such order is purchased for use by one converter or consumer, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board, and shall submit reports of such orders to the War Production Board as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(3) *Export orders.* On and after September 1, 1943 each person who manufactures "tablet paper" for export shall require from the buyer a statement on his purchase order to the effect that such paper is purchased for export, shall keep such statement, together with a complete record of the order against which such paper is manufactured, readily available for inspection by the War Production Board, and shall submit reports of such orders to the War Production Board as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Effective date.* This revised schedule shall take effect on September 1, 1943.

NOTE: The reporting requirements of WPB 1295 (formerly PD 589) have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX TO REVISED SCHEDULE IV TO LIMITATION ORDER L–120

TABLET PAPERS

(Including all grades regardless of finish)

NOTE: Items A (1), (2), (3), B (1) (b), (2) (b), (3), and (3) (a), amended August 28, 1943.

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

NOTE: "Tablet Papers" may be sold by a manufacturer only to fill individual orders, each placed by a single buyer for use by one converter or consumer.

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard colors: White, and two colors selected according to paragraph (d) of the foregoing schedule from the three following: Canary, Green-white tint, and Pastel Nile.

(3) Standard weights (per 500 sheets)
For Pencil Tablet—24" x 36"—32 ±.
For Other Grades—17" x 22"—16 ±.

(4) Standard Sizes: Any sheet size or roll width, if manufactured at one time in a quantity of at least 5,000 pounds of a sheet item or at least 2,000 pounds of a roll item.

(5) Standard Watermarks: None permitted.

(6) No restrictions as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order provided that:

(a) The quantity of such special grade is at least 40,000 pounds all in either White or any one color, standard or special; and

(b) The quantity of each standard weight is at least 10,000 pounds and the quantity of each special weight permitted is at least 40,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order provided that:

(a) The quantity of each such color is at least 20,000 pounds; and

(b) The quantity of each standard weight is at least 10,000 pounds and the quantity of each special weight permitted is at least 40,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Weight, if in basis weight 17" x 22"—14 ± may be manufactured to fill a special making order in a quantity of at least 40,000 pounds and at least 5,000 pounds of each item:

(a) In a standard grade, other than pencil tablet; or in a special grade, other than pencil tablet, in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or in a special color in the quantities provided for under Exception (2) above.

(4) Special Size: Any size may be manufactured in the quantities provided for under A (4) above.

(5) Any watermark may be used in manufacturing a special making order in a quantity of at least 20,000 pounds of continuous manufacture with one mark, provided all the other provisions of this caption are complied with.

[F. R. Doc. 43–14096; Filed, August 28, 1943; 3:29 p. m.]

PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD

[Schedule V to Limitation Order L–120, as Amended and Revised August 28, 1943]

ENVELOPE PAPERS

§ 3281.21[1] *Schedule V to Limitation Order L–120*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) The term "envelope papers" means and is limited to the kinds of paper commonly described and distributed in the paper trade by the names used as captions in the Appendix below.

(2) A "grade" means one particular quality within a kind of envelope paper, such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper and/or coating shall not be considered as resulting in a different grade.

(3) "Color" means any hue of the spectrum, including but not limited to ivory, india and green-white tints, and black, but not including white.

(4) The term "basis weight" means the weight of a kind of envelope paper in pounds per 500 sheets in the size indicated under the appropriate caption, or the equivalent weight of 500 sheets in any other size, figured proportionately to the size specified.

(5) An "item" means a quantity of paper all of which is of the same size, grain, basis weight, finish, color and grade.

(6) The term "standard" as applied to grade, color, basis weight and size means, with respect to each manufacturer, a grade and color selected and basis weight and size specified under A of the appropriate caption in the Appendix below.

(7) The term "special" as applied to grade, color, basis weight and size means with respect to each manufacturer, any grade, color, basis weight or size that is not standard.

(8) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one converter or consumer.

(9) The term "manufacture" includes all making and finishing operations prior to packaging or packing, including pasting whether by a primary manufacturer or otherwise.

(10) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Identification of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the War Production Board at any time thereafter, under which caption, if any, of the Appendix, belongs each of the "envelope papers" manufactured by him. There shall be taken into account in such determination, and in any review and reclassification by the War Production Board, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper caption under which to classify a particular kind of "envelope paper," or whether a particular kind of paper is such a paper at all or belongs under any caption of the Appendix to this schedule, he may apply to the War Production Board, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The War Production Board may on its own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the War Production Board, by telegram or notice in writing, sent to the manufacturer, shall, unless and until the War Production Board shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *Selection of grades for regular manufacture.* Each person who manufactures any kind of "envelope paper" shall, with respect to each such kind he manufactures, select such "grade" or "grades" thereof (if such selection is indicated under the appropriate caption and has not already been reported by him to the War Production Board), not to exceed the number specified in A (1) of the appropriate caption of the Appendix below, as he may desire to adopt for regular manufacture and shall immediately notify the War Production Board of such selection on Form WPB 1295 (formerly PD–589). The manufacturer may thereafter apply to the War Production Board for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing the original selection shall remain binding.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) under the appropriate caption of the Appendix below a manufacturer is permitted, with respect to a particular grade of a kind of "envelope paper", to select a number of colors and such selection is indicated and has not already been reported by him, each person desiring to manufacture such grade in colors, shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the appropriate caption, as he may desire to adopt for regular manufacture, and shall immediately notify the War Production Board of such selection on Form WPB 1295 (formerly PD–589). The manufacturer may thereafter apply to the War Production Board for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing the original selection shall remain binding.

(e) *General limitations.* (1) Except to the extent and upon the conditions indicated in paragraph (e) (2) and paragraphs (f), (g), (h) and (i) of this revised schedule, or under B of the appropriate caption in the Appendix below, no person shall manufacture any kind of "envelope paper" in any grade, color, basis weight or size other than those selected or specified as standard under A of the appropriate caption of the Appendix, or contrary to any other provision under A of the appropriate caption of the Appendix; nor shall a manufacturer sell any kind of "envelope paper" otherwise than as provided under A of the appropriate caption of the Appendix.

(2) *Exceptions to paragraph (e) (1).* Nothing in this revised schedule shall prevent the manufacture, otherwise than by pasting, of envelope paper in any basis weight not prohibited by the provisions of this schedule as previously amended, provided such envelope paper was in process of manufacture prior to September 1, 1943; nor shall the provisions of this revised schedule prevent the manufacture of envelope paper in any basis weight permitted for a particular use by any subsequent order, provided the basis weight does not exceed the maximum specified by the War Production Board for such use and provided all other provisions of this or such subsequent order are fully complied with.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of "envelope paper" and to the normal variations in quantity manufactured customarily acceptable in the paper trade. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for roll paper; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions applying to a "special size" under B of the appropriate caption in the Appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds," resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona-fide attempt to manufacture "envelope paper" according to the terms of this revised schedule, provided that the manufacturer informs the purchaser that such paper is a "job lot" or "seconds," and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this revised schedule and of the provisions of Limitation Order L–120, a person may manufacture for export (but may not

[1] Formerly § 1223.6 of Part 1223.

without permission in writing by the War Production Board sell in the domestic market) any kind of "envelope paper" in any size or substance weight required, regardless of quantity, provided all other provisions of this schedule are complied with, and (if the basis weight is heavier than permitted by this schedule) such person has received permission in writing from the War Production Board to manufacture the particular order in question in such heavier basis weight.

(j) *Records and reports*—(1) *Standard samples.* Each person who manufactures any kind of "envelope paper" shall keep, readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the appropriate caption.

(2) *Special making orders.* On and after September 1, 1943, each person who manufactures any "special making order" permitted under B of the appropriate caption of the Appendix below, shall require from the buyer a statement to the effect that such order is purchased for use by one converter or consumer, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board, and shall submit reports of such orders to the War Production Board as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(3) *Export orders.* On and after September 1, 1943, each person who manufactures "envelope paper" for export shall require from the buyer a statement on his purchase order to the effect that such paper is purchased for export, and shall keep such statement, together with a complete record of the order against which such paper is manufactured, readily available for inspection by the War Production Board, and shall submit reports of such orders to the War Production Board as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Effective date.* This revision schedule shall take effect on September 1, 1943.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX TO REVISED SCHEDULE V TO LIMITATION ORDER L–120

COMMERCIAL WOOD ENVELOPE PAPERS

(Book Grades)

NOTE: Caption amended August 28, 1943.

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

NOTE: "Commercial Wood Envelope Papers" may be sold by a manufacturer only to fill individual orders, each placed by a single buyer for use by one converter or consumer.

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and 6 colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard basis weights (per 500 sheets 17" x 22"): 16, 20, 24.

(4) Standard Sizes: Any sheet size or roll width, if manufactured at one time in a quantity of

(a) at least 5,000 pounds of an item in White; or

(b) at least 2,000 pounds of an item in a color.

(5) Watermarks: A laid mark, or a name or design mark used to identify a standard mill grade, may be incorporated in a continuous run of at least 5,000 pounds of paper under one mark. None otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each standard substance weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) Special Weight: None permitted.

(4) Special Size: Any size may be manufactured in the quantities provided for under A (4) above.

(5) Any Watermark may be used in manufacturing a special making order in a quantity of at least 10,000 pounds of continuous manufacture with one mark, provided all the other provisions of this caption are complied with.

[F. R. Doc. 43-14097; Filed, August 28, 1943; 3:28 p. m.]

PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD

[Schedule XIV to Limitation Order L–120]

PAPER FOR USE IN NEWSPAPERS OR MAGAZINES

§ 3281.30 *Schedule XIV to Limitation Order L–120*—(a) *Definitions.* For the purpose of this schedule, including the appendix:

(1) The term "paper for use in newspapers or magazines" means and is limited to the kinds of paper commonly described and distributed in the paper trade by the names used as captions in the appendix below.

(2) The term "basis weight" means the weight of a kind of paper in pounds per 500 sheets in the size indicated under the appropriate caption, or the equivalent weight of 500 sheets in any other size figured proportionately to the size specified.

(3) The term "manufacture" includes all making and finishing operations prior to packaging or packing, including pasting whether by a primary manufacturer or otherwise.

(4) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Identifications of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the War Production Board at any time thereafter, under which caption, if any, of the appendix, belongs each of the "papers for use in newspapers or magazines" manufactured by him. There shall be taken into account in such determination, and in any review and reclassification by the War Production Board, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper caption under which to classify a particular kind of "paper for use in newspapers or magazines," or whether a particular kind of paper is such a paper at all or belongs under any caption of the appendix to this Schedule, he may apply to the War Production Board, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The War Production Board may on its own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the War Production Board by telegram or notice in writing sent to the manufacturer shall, unless and until the War Production Board shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *General limitations.* (1) Except to the extent and upon the conditions indicated in paragraph (c) (2) and paragraphs (d), (e) and (f) of this Schedule, no person shall manufacture any kind of "paper for use in newspapers or magazines" in any basis weight heavier than the basis weight specified as the maximum for the kind of paper indicated by each caption in the Appendix below.

(2) Exceptions to paragraph (c) (1). Nothing in this schedule shall prevent the manufacture, otherwise than by pasting, of "paper for use in newspapers or magazines" in any basis weight exceeding the maximum specified, provided such paper was in process of manufacture prior to September 1, 1943, nor shall the provisions of this schedule prevent the manufacture of paper in any basis weight permitted for a particular use by any subsequent order, provided the basis weight does not exceed the maximum specified by the War Production Board for such use, and provided all other provisions of this or such subsequent order are fully complied with.

(d) *Tolerances and variations.* The prohibitions and restrictions of this schedule are subject to the normal tolerances customary in the manufacture of the kind of paper indicated by each caption and to the normal variations in quantity manufactured customarily acceptable in the paper trade.

(e) *Jobs and seconds.* Nothing in this schedule shall restrict the sale of "job lots" or "seconds" resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona fide attempt to manufacture "paper for use in newspapers or magazines" according to the terms of this schedule, provided that the manufacturer clearly informs the purchaser that such paper is a "job lot" or "seconds" and so indicates on each package.

(f) *Exception for export.* Regardless of the foregoing provisions of this schedule and of Limitation Order L–120, a person may manufacture for export (but may not without permission in writing from the War Production Board sell in the domestic market) any kind of "paper for use in newspapers or magazines" in any basis weight required, provided that (if the basis weight is heavier than permitted by this schedule) such person has received permission from the War Production Board to manufacture the particular order in question in such heavier basis weight.

(g) *Records and reports.* (1) Each person who manufactures "paper for use in newspapers or magazines" shall keep, readily available for inspection by the War Production Board, records of the basis weights of each manufacturing run of such paper.

(2) On and after September 1, 1943, each person who manufactures "paper for use in newspapers or magazines" for export shall require from the buyer a statement on his purchase order to the effect that such paper is purchased for export, shall keep such statement, together with a complete record of the order against which such paper is manufactured, readily available for inspection by the War Production Board, and shall submit reports of such orders to the War Production Board as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Effective date.* This schedule shall take effect on September 1, 1943.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX TO SCHEDULE XIV TO LIMITATION ORDER L–120

STANDARDIZATION AND SIMPLIFICATION OF "PAPER FOR USE IN NEWSPAPERS OR MAGAZINES"

The following maximum weight limitations do not prevent the manufacture of basis weights lower than the maximum specified.

Supercalendered rotogravure:
Maximum basis weight permitted:
25" x 38"—39.
Uncoated English (machine) finish book papers:
Maximum basis weight permitted:
25" x 38"—45.
Uncoated book papers, supercalendered:
Maximum basis weight permitted:
25" x 38"—50.
Antique (eggshell) finish book papers:
Maximum basis weight permitted:
25" x 38"—50.
Uncoated offset book papers:
Maximum basis weight permitted:
25" x 38"—60; and, if for use in multicolor printing on an offset press, 65, provided that before the sale thereof the manufacturer shall require from the buyer a statement that the order is for use in multicolor printing on an offset press. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.
Process (machine) coated book papers:
Maximum weights permitted:
Inside: 25" x 38"—60.
Cover: 25" x 38"—70.
Coated two sides book papers (Glossy coated, dull coated and coated offset):
Maximum basis weight permitted:
25" x 38"—70.
Coated one side book papers:
Maximum basis weight permitted:
25" x 38"—60.
Plain coated cover papers:
Maximum basis weight permitted:
20" x 26"—60.
Uncoated cover papers (all grades):
Maximum basis weight permitted:
25" x 38"—70.
Groundwood printing papers (all grades):
Maximum basis weights permitted:
For machine finish: 25" x 38"—45.
For antique finish: 25" x 38"—50.
For supercalendered: 25" x 38"—50.
Novel news:
Maximum basis weight permitted:
24" x 36"—32.
Newsprint:
Maximum basis weight permitted:
24" x 36"—32.

[F. R. Doc. 43-14098; Filed, August 28, 1943; 3:28 p. m.]

PART 3282—MISCELLANEOUS CHEMICALS

[Allocation Order M–340 as Amended August 28, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the chemicals subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3282.1 *Allocation Order M–340*—(a) *Definitions.* (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

(2) "Producer" means any person engaged in the production of any subject chemical and includes a person who imports any subject chemical or has it produced for him pursuant to toll agreement.

(3) "Distributor" means any person who buys any subject chemical for the purpose of resale without further processing and without changing the form thereof.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall deliver a subject chemical to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of a subject chemical which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form PD–602 which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver a subject chemical to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the subject chemical shall revert to inventory, and shall not be delivered, or used, without further instructions.

(c) *Exceptions for small deliveries.* (1) Specific authorization in writing of War Production Board is not required for delivery by any supplier to any person in any calendar month of a subject chemical in a quantity not exceeding the quantity stated in Column 3 of Appendix B.

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed the quantity which War Production Board shall in writing specifically authorize or direct such supplier to deliver in such month under paragraph (c) (1), on application made by such supplier (in the normal case on Form PD–602 filed pursuant to paragraph (g) hereof).

(d) *Exceptions for deliveries for other reasons.* Specific authorization in writing of War Production Board is not required for delivery of a subject chemical by any supplier to any other person for a purpose stated in Column 4 of Appendix B.

(e) *Restrictions on use.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall use a subject chemical except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for a subject chemical furnishes a certificate required by paragraph (f) shall use the subject chemical delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of a subject chemical to be delivered to, or then in inventory of, the prospective user.

(f) *Supplier to obtain from customer a certificate of use.* No supplier shall in any calendar month (beginning in the case of each subject chemical with the calendar month following the month in which the order becomes effective as to that chemical as stated in Appendix A) deliver to any person a greater quantity of such subject chemical than is stated in Column 3 of Appendix B, unless he shall have received from such person a certificate as to the use for which such person is ordering such subject chemical. Such certificate must be received by the supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver a subject chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(g) *Applications by suppliers for leave to deliver or use.* (1) Each supplier requiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form PD-602 in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) War Production Board may issue to any supplier other and further directions with respect to preparing and filing Form PD-602.

(h) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, 25 D. C. Ref: M-340.

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Chemicals subject to this order. (1) "Acetaldol" means the chemical known by that name and by the names aldol, beta hydroxy butyric aldehyde, oxybutanol, 3-hydroxy butanal.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(2) "ST-115" means the preparation known by that trade name, as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(3) "Dehydrol-O" means the chemical known by that trade name, as defined and specified in Appendix to Regulations No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(4) "G. C.-78" means the chemical known by that trade name.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(5) "By-product—phosphoric acid" means phosphoric acid obtained as a by-product in the manufacture of methyl methacrylate.

Effective date—September 1, 1943. Comes in the following grades: no grades.

APPENDIX B

NOTE: Item (5) added August 28, 1943.

1	2	3	4
Name of chemical	Unit of measure	Maximum quantity deliverable to any one person in any calendar month without specific authorization, and without certificate required by paragraph (f).	Purpose for which delivery may be made without specific authorization, regardless of quantity. (See par. (d).)
(1) Acetaldol	Gallon	54 gallons	None.
(2) ST-115	Gallon	54 gallons	None.
(3) Dehydrol-O	Gallon	54 gallons	None.
(4) G. C.-78	Gallon	54 gallons	None.
(5) By-product phosphoric acid	Ton	5 Tons	None.

APPENDIX C

CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-340, that the ---------- (specify subject chemical) ordered for delivery in ----------, 194--, Month will be used by him for the manufacture or preparation of the following product(s), and that such product(s), on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Gallons	Primary product	End use
(A)			
(B)			

Name of purchaser

By ----------
Date Duly authorized official Title

Instructions for customer's certificate.

(1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive more than the exempted quantity of each of two or more subject chemicals, a separate certificate shall be obtained as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the subject chemical will be used or incorporated. Distributors ordering the subject chemical for resale as such will specify "Resale". If purchase is for inventory, state "inventory".

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, he will give contract numbers in the case of military use or Lend-Lease, and in the case of export, export license numbers. A distributor ordering the subject chemical for resale as such will leave blank the "End Use" column.

APPENDIX D

SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM PD-602

(1) *Obtaining forms.* Copies of Form PD-602 may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-340, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) *Separate set for each chemical.* Where the supplier's application relates to deliveries of two or more subject chemicals, he will file a separate set of Form PD-602 for each.

(4) *Information at top of form.* In the heading, under "Name of Material", specify the subject chemical to which the Form PD-602 relates; under "Grade", specify grade stated in Appendix A, or if no grade specified, leave blank; under "WPB Order No.", specify "M-340"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure", specify unit of measure stated in Column 2 to Appendix B; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) *Listing of customers.* In Column 1 (except for small orders as explained in (7) below) list the name of each customer from whom an order for delivery of the subject chemical during the applicable month has been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show the grand total on last sheet which is the only one that need be certified.

(6) *Primary product and end use.* In Column 1-a (except for small orders as explained in (7) below), specify the product or products in the manufacture or preparation of which the subject chemical will be used by your customer, the end use to which such product or products will be put, and military or Lend-Lease contract numbers, and export license numbers, all as indicated by the certificate obtained under paragraph (f) of this order. The quantity of the subject chemical used in the manufacture or preparation of each primary product for each product use shall be shown separately. If the subject chemical ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the subject chemical ordered for each use.

(7) *Small orders.* The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) *Use by producers.* A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form PD-602, specifying quantity required and product manufactured. Written approval of War Production Board on such Form PD-602 shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes indicated in such approved form.

(9) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will show in Column 8 Grade, as stated in Appendix A, or if no Grade is there specified, will leave Column 8 blank.

[F. R. Doc. 43-14100; Filed, August 28, 1943; 3:27 p. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT [1]

[Limitation Order L-180 as amended August 28, 1943]

MATERIALS ENTERING INTO THE PRODUCTION OF REPLACEMENT STORAGE BATTERIES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of antimony, lead, tin, rubber, and other materials entering into the production of automotive replacement storage batteries used in the operation of passenger automobiles and light trucks, medium and heavy trucks, truck tractors, truck trailers, passenger carriers and off-the-highway motor vehicles, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3295.51 [1] *Limitation Order L-180.*—(a) *Certain orders hereby superseded.* This order, Limitation Order L-180, supersedes Supplementary Limitation Order L-4-b, issued April 25, 1942, and Limitation Order L-35, issued January 22, 1942, as amended.

(b) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of applicable priorities regulations, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(1) *Protection of production schedules.* Producers under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 (Part 944), schedule production of automotive replacement storage batteries without regard to purchase orders or contracts placed with them for other materials on ratings lower than A-2.

(c) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

[1] Formerly Part 3034, § 3034.1.

(2) "Passenger automobile" means any passenger vehicle, including station wagons and taxicabs, propelled by an internal combustion engine, and having a seating capacity of less than eleven (11) persons.

(3) "Light truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(4) "Medium and/or heavy motor truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(5) "Truck trailer" means a complete semi-trailer or full trailer having a load-carrying capacity of 10,000 pounds or more, as authorized by the manufacturer thereof, and designed exclusively for the transportation of property or persons, or the chassis therefor.

(6) "Passenger carrier" means a complete motor coach for passenger transportation, having a seating capacity of not less than eleven (11) persons.

(7) "Off-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public highway normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects.

(8) "Automotive replacement storage battery" means any electric storage battery which has been completely assembled and sealed, whether uncharged or charged, and which is designed and built for operating a starter, ignition system, lighting system, or electrical signaling device on any passenger automobile, light, medium and heavy motor truck, truck tractor, truck trailer, passenger carrier or off-the-highway motor vehicle, and which may be used to replace a storage battery delivered as original equipment for any such vehicle. Automotive replacement storage batteries are sometimes referred to hereafter for convenience as "replacement batteries."

(9) "Rebuilt automotive storage battery" means any used automotive storage battery which has been repaired, rebuilt in part or in whole and/or recharged for sale, referred to sometimes hereafter for convenience as "rebuilt batteries."

(10) "Loan or rental storage battery" means any new automotive replacement storage battery or any used automotive storage battery, repaired, rebuilt in whole or in part, and/or recharged to be used by any person for loaning, or renting, in order to permit the replacing, repairing, rebuilding and/or recharging of a battery.

(11) "Ampere hour capacity" means the ampere hour capacity of an automotive replacement storage battery as developed on or before the third discharge when tested at the 20-hour rate at 80 degrees Fahrenheit.

(12) "Group" means either (i) one division (of those numbered I, II, III, IV, V) of the "Table of Maximum Adjustment Units for Automobile Batteries in Passenger Car Service," as issued in 1939 by the National Battery Manufacturers Association, Inc., now known as Association of American Battery Manufacturers and referred to in paragraph (d) below as AABM; or (ii) A battery number, as shown in Table I, "Battery Classifications, Ratings and Dimensions," appearing on page 103 of the publication entitled "Storage Batteries for Motor Vehicles," issued in 1938 by the Society of Automotive Engineers, Inc., and referred to in paragraph (d) below as SAE.

(13) "Producer" means any individual, partnership, association, corporation, or other form of business enterprise engaged in the manufacture or rebuilding of automotive replacement storage batteries for sale.

(14) "Inventory" means a stock of automotive replacement storage batteries (new and rebuilt) on hand, on consignment, or held for the account of the owner thereof in any other name, manner or place.

(15) "Distributor" means any person not a producer whose business consists, in whole or in part of the sale from inventory of storage batteries, as defined in sub-paragraphs (8), (9) and (10) above. Distributor includes wholesalers, warehouses, jobbers, dealers, retailers and other persons performing similar functions.

(16) "Consumer" means the owner or operator of the automotive vehicle for which a replacement battery is acquired, or the user of such battery for any other purpose.

(17) "Double insulation" means, in battery construction, the use of a retaining sheet of porous or perforated material between the positive plate and the single separator.

(18) "Single insulation" means, in battery construction, the use of wood separators only.

(d) *Limitations on ampere hour capacities of replacement batteries for passenger automobiles and light trucks.* (1) On and after August 29, 1942, no producer shall manufacture any replacement batteries for passenger automobiles and light trucks except with single insulation and only in the following minimum ampere hour capacities:

AABM	SAE	Minimum ampere hour capacity 20-hour rate 80° F.
Group	*Group*	
I	1M	80
I	1H	90
I		100
IS		90
IS	2L	100
(E-116) (11E-125)	2ME	110
IIH F (Ford)		100
(II-115)	(2M-105) (2H-116)	110
IIS	3L	110
III	3M (3H-133)	120
(Special 12 Volt)		45-50

(2) Notwithstanding the limitations on insulation of replacement batteries specified in paragraph (d) (1) above, a producer may manufacture one (1) model with double insulation in not more than three of the above groups.

(3) From Groups IV and V of AABM, or from Groups 4H and 5H of SAE, a producer may manufacture only one battery in each group. However, such bat-

teries may be constructed either with single or double insulation.

(e) *Limitations on ampere hour capacities and container sizes of replacement batteries for medium and heavy trucks, truck tractors, truck trailers, passenger carriers and off-the-highway motor vehicles.* (1) On and after September 30, 1942, other than as permitted in sub-paragraph (2) below no producer shall manufacture any replacement batteries for medium and heavy trucks, truck tractors, truck trailers, passenger carriers and off-the-highway motor vehicles except one (1) in each size within the following minimum-maximum ampere hour capacities and minimum-maximum container sizes:

	Ampere hour capacity 20-hour rate 80° F.		Volts	Container sizes					
				Long		Wide		High	
	Minimum	Maximum		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
				For batteries with double insulation					
Size A	155	165	6	16	16¾	7¼	7¾	9¼	11
Size B	195	220	6	19⅜	20⅛	7¼	7¾	9¼	11
Size C	235	245	6	22½	23½	7¼	7¾	9¼	11
Size D	385	395	6	21½	22	10¾	10¾	12	12½
Size E	95	105	12	17½	18	7½	8	9¼	11
Size F	95	105	12	19¾	21½	7¼	7¾	9¼	11
Size G	115	125	12	20¼	21½	8½	9	9¼	11
Size H	135	145	12	20¼	21½	9	10	9¼	11
Size I	155	165	12	20¼	21½	10¼	11¼	9¼	11
				For batteries with single insulation					
Size J	195	205	6	16	16¾	6¼	7½	9	10¾
Size K	335	345	6	25	25½	7¼	7¾	9¼	11¼
Size L	140	155	12	20¼	21½	8½	9	9¼	11
Size M	150	170	12	20¼	21½	9	10	9¼	11
Size N	180	205	12	20¼	21½	10¼	11¼	9¼	11

(2) Producers may manufacture replacement batteries in capacities and sizes other than as specified in sub-paragraph (1) of this paragraph (e) only from materials on hand on August 29, 1942, provided:

(i) No additional material is required;

(ii) Such material cannot be consumed without change in form in manufacturing replacement batteries of the capacities and sizes specified in sub-paragraph (1) above;

(iii) Replacement batteries so produced be included in the number authorized for production in the periods specified in paragraph (f) below.

(f) *Restrictions on production of replacement batteries for passenger automobiles, light, medium and heavy trucks, truck tractors, truck trailers, passenger carriers and off-the-highway motor vehicles.* (1) No producer shall, during any calendar quarter of 1943, manufacture automotive replacement storage batteries in excess of the number (hereinafter referred to as "quota") obtained by multiplying the percentage shown below for that calendar quarter of 1943 by the total number of such batteries sold by him during the calendar year 1941:

Calendar Quarter of 1943:	*Percentage of 1941 sales*
January 1 to March 31	22½
April 1 to June 30	22½
July 1 to September 30	30
October 1 to December 31	25

(2) Notwithstanding subparagraph (1) of this paragraph (f), a producer may, in addition to the quotas permitted thereby,

(i) Manufacture during the second, third and fourth calendar quarters of 1943 that number of replacement batteries by which he failed to reach his full quota during the next preceding calendar quarter provided that this additional production does not exceed 5% of the number of replacement batteries sold by him during the calendar year 1941; and, in addition,

(ii) Manufacture during the first, second and third calendar quarters of 1943 not in excess of 5% of the number of such batteries sold by him during the calendar year 1941, provided he deducts such number from his quota for the next succeeding calendar quarter of 1943; *And Provided further,* That in no event shall any producer manufacture during the calendar year 1943 a number of such replacement batteries in excess of 100% of the number of such batteries which he sold during the calendar year 1941.

(3) *Additional 5% production authorized.* In addition to the production authorized by subparagraphs (1) and (2) (i) (ii) of this paragraph (f), producers may manufacture replacement batteries during the period July 1, 1943 to December 31, 1943 in an amount equal to 5% of the total number of such batteries sold by the producer during the calendar year 1941. In no event, however, shall the total production of any producer for the year 1943 exceed 105% of the number of replacement batteries sold by him during the year 1941.

(4) *Foregoing not applicable to producers of less than 25,000 units.* The restrictions on production of replacement batteries contained in this paragraph (f) (1) and (2) (i) (ii) and (3) shall not apply to a producer who during the year 1941 sold less than 25,000 replacement batteries; provided, however, that during the year 1943 his total production shall not exceed 25,000 units.

(5) *Plants in certain cities not authorized to increase their production.* Producers whose plants are located in Niagara Falls, New York; Los Angeles, California; San Francisco, California; Portland, Oregon; and Seattle, Washington; are not authorized to produce replacement batteries in those plants in the increased amounts provided for in subparagraphs (3) and (4) alone.

(g) *Restrictions on inventories of producers of automotive replacement batteries.* (1) No producer shall have in inventory on the first day in any month a stock of replacement batteries and rebuilt batteries as defined in paragraphs (c) (8) and (9) above, in excess of one third of the number of batteries sold by him during the calendar year 1941.

(h) *General restrictions*—(1) *Certificate of compliance required.* No distributor shall order and no distributor or producer shall deliver replacement batteries to a distributor unless each order (or written confirmation thereof, if such order is placed by telephone or telegraph) is accompanied by a certificate in the following form:

Certificate of Compliance with Order L–180

The quantity of replacement batteries on the attached purchase order does not exceed the quantity which I am entitled to order under the provisions of Limitation Order L–180, with the terms of which I am familiar.

(Signed) _____
Firm, partnership or corporation
By _____
Title of individual
_____
Address of firm, partnership or corporation

A copy of each such certificate must be retained by the seller as part of his records.

(2) *Return of used batteries.* On and after August 29, 1942, no producer or distributor shall sell or deliver a new or rebuilt replacement battery to any consumer unless such consumer delivers to the seller concurrently with his purchase one used battery of the same size or larger for each replacement battery delivered to such consumer. The provisions of this paragraph (h) (2) shall not apply to any Federal or Territorial department, bureau or agency, State or political subdivision thereof, which is forbidden by law from making such disposal of used batteries.

(3) *Consumer's certificate.* Notwithstanding the provisions of paragraph (h) (2) above, a producer or distributor may sell and deliver a replacement battery to a consumer without receiving a used battery in exchange therefor provided that: (i) The producer or distributor does not install such replacement battery in the consumer's vehicle; and (ii) the consumer signs and delivers to the producer or distributor with each purchase order (or written confirmation thereof if such order is placed by telephone or telegraph) a certificate in the following form:

Consumer's Certificate

I hereby certify that: (a) the replacement battery specified on this order is essential for the operation of a vehicle I now own or operate; (b) the replacement battery will be used only to replace a battery, which to the best of my knowledge, cannot be economically reconditioned; and (c) I will, within thirty days after receiving the replacement battery here ordered, dispose of through scrap channels a used automotive battery (excepting in the event of the loss or theft of such battery) of similar size for each replacement battery delivered to me.

(Signed) _____
Vehicle Owner or Operator
_____
Address

Date _____

A copy of each such certificate must be retained by the producer or distributor as part of his records.

(4) *Electric fence user's certificate.* Notwithstanding the provisions of paragraph (h) (2) above, a producer or distributor may sell or deliver a replacement battery to a consumer without receiving a used battery in exchange therefor, provided that the consumer purchases the battery for use in connection with an electric fence or other piece of farm machinery which had formerly been operated in whole or in part by dry cell batteries, and provided further that the producer or distributor secures from the consumer, for each purchase order (or written confirmation thereof if such order is placed by telephone or telegraph) the consumer's signature to a certificate, to be supplied by the producer or distributor, in the following form:

Electric Fence or Farm Equipment User's Certificate

I hereby certify that the battery purchased by me under this date is for use in connection with an electric fence or other farm equipment; that I have previously not used a storage battery for this purpose and, therefore, have no used battery to turn in.

(Signed) _____
Purchaser
_____
Address

Date _____

(i) *General restrictions on inventories.* (1) No distributor shall accept delivery of any replacement batteries and/or rebuilt batteries, which in combination with his existing inventory will aggregate more than a ninety (90) day supply. In any month a ninety (90) day supply means the aggregate number of replacement batteries and rebuilt batteries sold during the corresponding month in 1942 plus the number sold in the next two (2) succeeding months in 1942.

(2) No producer or distributor may keep in his possession, or under his control for a period of more than thirty (30) days any metal-containing parts of any used, traded-in, imperfect or condemned replacement battery or rebuilt battery for the purpose of repairing or rebuilding the same, or for any other purpose, but must dispose of such parts through customary disposal or scrap channels.

(3) The provisions of this paragraph (i) shall not apply to distributors located in Alaska, Hawaii, Panama Canal Zone, Puerto Rico or the Virgin Islands.

(j) *Exceptions to applicability of this order.* The limitations and prohibitions contained in this order shall not be applicable to the manufacture, sale or delivery of replacement batteries under contract or orders for delivery to or for the account of:

(1) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia;

(3) Any agency of the United States Government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(k) *Records.* Every person to whom this order applies shall keep and preserve for a period of not less than two years accurate and complete records of his inventories, production and sales.

(l) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(m) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

On or before February 15, 1943, each producer shall file with the Automotive Division of the War Production Board, Form PD–766 reporting total shipments of automotive replacement storage batteries for the years 1941 and 1942. On or before the 15th day of April, July, and October, 1943 and the 15th day of January 1944, each producer shall file Form PD–765 reporting its shipments of automotive replacement storage batteries during the preceding calendar quarter.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance by the War Production Board.

(o) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal by letter to the War Production Board, Automotive Division, Ref: L–180, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(p) *Communications to the War Production Board.* All reports required to be filed hercunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington 25, D. C., Ref.: L–180.

(q) [Revoked January 5, 1943.]

Issued this 28th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-14099; Filed, August 28, 1943; 3:28 p. m.]

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 16, Amdt. 1]

AIRCRAFT INVENTORY TRANSFERS

Section 903.28 *Aircraft inventory transfers* is hereby amended in the following respects:

(1) Paragraph (a) is amended by inserting after the words "Schedule A attached" appearing in the sixth line there of the following words ", as revised August 30, 1943,".

(2) Schedule B is amended by adding the following items:

11. Swaged cable terminals. Specifications; AN–666 through AN–669.

12. Elastic stop nuts or equivalent. Standard or equivalent catalog parts only. (No special drawing parts to be incl.)

13. Boots self-locking nuts or equivalent. Standard or equivalent catalog parts only. (No special drawing parts to be incl.)

14. Aircraft valves ("Parker," "Weatherhead," etc.). Standard AN, AC, and NAF part numbers only, but not including oxygen valves or high pressure valves.

15. Aircraft fittings ("Parker," "Weatherhead," etc.). Standard AC 811, AN and NAF part numbers only.

16. Spencer thermostats. Standard NAF and manufacturers catalog numbers (including specifications).

17. Flexible conduit. Standard AN numbers all sizes.

18. Conduit couplings. Standard AN numbers all sizes.

19. Aircraft switches and circuit breakers. Standard AN numbers or equivalent catalog parts numbers.

20. Plugs (cannon, breeze, amphenol, etc.). Standard AN numbers or equivalent catalog parts numbers only. (No special drawing parts to be included.)

21. Connectors. (Cannon, Breeze, Amphenol, etc.). Standard AN or equivalent catalog parts numbers only. (No special drawing parts to be included.)

22. Motors (electric). Fractional motors to 1¼ horse. Standard manufacturers catalog numbers.

23. Micro switches. Standard catalog numbers including special drawing parts numbers.

24. Temperature and pressure control bellows. Standard AN, AC and NAF part numbers only.

25. Resistors. Specifications NAF 1099 and standard catalog numbers only. No special drawings to be included.

26. Rheostats and potentiometers. Specifications NAF 1099 and standard catalog parts numbers only. No special drawings to be included.

27. Bearings as listed.

Guide rollers.
Needle rollers.
Fair-Leads.
Bell cranks.
Rod ends.
A-500.
Metric metal shielded.
Metric elt sealed.
Metric series.
Miscellaneous.
S-K.
S-D.
S-DD.
200S.
Cable and fittings.

List manufacturers name and catalog number where AN numbers do not apply.

28. Tachometer shafts. 2', 4', 5', 7', 8' lengths. Specification AN 94-9205 series.

29. Tachometer leads. 10', 15', 35', 40', 50' lengths. Specifications AN 94-27971.

30. High pressure air valves. "Parker," "Schrader" or "Dill." Specifications AN 812-1.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 366, 3696)

Issued this 30th day of August 1943.

C. E. WILSON,
Executive Vice Chairman and Chairman, Aircraft Production Board.

[F. R. Doc. 43-14146; Filed, August 30, 1943; 11:42 a. m.]

Subchapter B—Executive Vice Chairman

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 11B, Amdt. 1]

RATING FOR MANUFACTURERS NOT OBTAINING MATERIALS UNDER CONTROLLED MATERIALS PLAN

Section 944.32B *Priorities Regulation 11B* is amended as follows:

(1) By striking "manufacturers who do not obtain such materials under the controlled materials plan" from the first sentence of paragraph (a) and inserting, "the manufacture of products other than Class A or Class B products", and adding at the end of paragraph (a), "A manufacturer of a Class A or a Class B product cannot use this regulation to get priorities assistance to buy production materials needed for the manufacture of a Class A or a Class B product."

(2) By striking the second sentence of paragraph (b) (1).

(3) By striking "form PD-870" at the end of the first sentence of pargraph (c) and substituting, "form WPB-2613 (formerly PD-870)".

(4) By adding the following unnumbered paragraph to paragraph (c):

The application must show all production materials (including products to round out a line) for which priorities assistance is requested. If an applicant desires priority assistance for materials where under an order or regulation of the War Production Board specification of quality and quantity must be shown, (for example, M-328—"Textiles, Clothing, Leather and Related Products"), the applicant must describe the material on the application form in sufficient detail to meet the requirements of the order or regulation before priorities assistance will be granted.

(5) Change the title of paragraph (d) by striking, "form PD-870" and substituting, "form WPB-2613 (formerly PD-870)"; and striking "form PD-870" in the first sentence of paragraph (d) and substituting, "form WPB-2613 (formerly PD-870)".

(6) Change paragraph (e) by striking, "form PD-870" and substituting, "form WPB-2613 (formerly PD-870)", in the first sentence of subparagraph (1); and by striking, "form PD-870" and substituting, "form WPB-2613 (formerly PD-870)" in the first sentence of subparagraph (2).

(7) By adding a new paragraph (e-1) after paragraph (e) as follows:

(e-1) *Restrictions on use of ratings.* No ratings assigned on form WPB-2613 (formerly PD-870) may be used to buy any production material not listed on the form, nor may it be used to buy any item shown on List A of Priorities Regulation No. 3.

Issued this 28th day of August, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-14086; Filed, August 28, 1943; 3:27 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-412]

AMCO BRASS & STEEL SUPPLY CO.

Morris Cohen and Abraham Cohen, doing business as Amco Brass & Steel Supply Company, a partnership, located at 428 Broome Street, New York, New York, is engaged in buying and selling a miscellaneous line of prime and used metals, motors, dies, tools, general hardware and junk. During the period September 10, 1942, through January 27, 1943, the respondent delivered at least 3690 pounds of copper scrap without specific authorization as required by Supplementary Order M-9-b of the War Production Board. Respondent likewise violated General Preference Order M-9-a by making deliveries of copper without receiving proper preference ratings, and by receiving delivery of approximately 8,400 pounds of copper base alloy, knowing that such delivery was made in violation of that Order. Respondent, moreover, failed to keep proper records as required by Priorities Regulation No. 1. The respondents knew of these Orders, but failed to abide by them. These wilful violations of the respondents have hampered and impeded the war effort of the United States. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.412 *Suspension Order S-412.* (a) Deliveries of material to Morris Cohen and Abraham Cohen, individually or as partners, doing business as Amco Brass & Steel Supply Co., or otherwise, their successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment to Morris Cohen or Abraham Cohen individually, or as a partnership, doing business as Amco Brass & Steel Supply Co., or otherwise, shall be made of any materials or products, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Morris Cohen or Abraham Cohen, individually, or as a partnership, doing business as Amco Brass & Steel Supply Co., or otherwise, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 30, 1943, and shall expire on November 30, 1943.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-14147; Filed, August 30, 1943; 11:41 a. m.]

PART 1286—PYRETHRUM

[Allocation Order M-179, as Amended August 30, 1943]

Section 1286.1 *General reference Order No. M-179* is hereby amended to read:

§ 1286.1 *Allocation Order M-179*—(a) *Definitions.*

(1) "Pyrethrum" means pyrethrum flowers and the powder, dust or extract derived therefrom, excluding, however, pyrethrum insecticide.

(2) "Pyrethrum insecticide" means any compound containing pyrethrum combined with other liquid or dry materials whether active or inert, which is suitable for use as an insecticide.

(3) "Producer" means any person engaged in the import or sale of pyrethrum flowers or in the processing of pyrethrum flowers to make any powder, dust or extract derived therefrom.

(b) *Restrictions on manufacture.* (1) No person shall manufacture or process any pyrethrum insecticide containing rotenone.

(2) War Production Board may from time to time issue to producers or to manufacturers of pyrethrum insecticide, directions as to the kinds and grades of pyrethrum and of pyrethrum insecticide which may be produced.

(c) *Restrictions on deliveries.* (1) No producer shall deliver pyrethrum to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of pyrethrum which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by producers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form WPB-2947 (formerly PD-602) which is to be filed by the supplier with War Production Board as explained in paragraph (f) below.

(3) If a producer is authorized or directed by War Production Board to deliver pyrethrum to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, he must immediately notify War Production Board, Chemicals Division, Washington, D. C., Ref: M-179, and shall not deliver to anyone else, or use, the pyrethrum until he receives further instructions.

(d) *Restrictions on use.* (1) No producer shall use pyrethrum except as specifically authorized or directed in writing by War Production Board.

(2) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of pyrethrum to be delivered to, or then in the inventory of, the prospective user.

(e) *Consumers to furnish statement of use.* Each person who wishes to obtain pyrethrum from any producer in any calendar month, whether for his own consumption or resale, shall on or before the 10th day of the preceding month, file a statement with respect to the intended use thereof. Such statement shall be made on Form WPB 2945 (formerly PD-600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix A to this order. If there is any inconsistency between the general and special instructions the special instructions must be followed.

(f) *Applications by producers.* Each producer seeking to make delivery of, or use, pyrethrum during any calendar month, must file application on or before the 15th day of the preceding month. The application shall be filed on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B to this order. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(g) *Further provisions with respect to forms.* (1) Forms WPB 2945 and WPB 2947 referred to in paragraphs (e) and (f) hereof have been approved by the Bureau of the Budget pursuant to the Federal Report Act of 1942.

(2) War Production Board may from time to time issue other and further special instructions with respect to the preparation and filing of forms WPB 2945 and WPB 2947.

(h) *Agricultural use and distribution of pyrethrum insecticides.* Use of pyrethrum insecticides in agriculture and distribution of pyrethrum insecticides to agricultural consumers (which matters are not the subject of this order) are regulated by Food Production Order No. 11.

(i) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-179.

This order, as amended, shall take effect September 1, 1943.

Issued this 30th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD-600)

1. *Obtaining forms.* Copy of Form WPB 2945 may be obtained at local Field Offices of War Production Board.

2. *Number of copies.* Prepare an original and two copies. Forward the original to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-179, forward one copy to the producer with whom your order is placed, and retain the second copy for your files.

3. *Information at top of form.* In the heading under "Name of chemical" specify "pyrethrum"; under "WPB Order No. " specify "M-179;" under "Indicate unit of measure," specify "pounds."

4. In the heading at the top of Table I, specify the month and year for which the delivery is requested.

5. In Columns 1 and 11 (Grade) specify form, that is, whether dust, powder or liquid extract.

6. In Columns 3 and 4 (Primary product and product end use) specify the use to which pyrethrum ordered will be used, as follows:

(i) If your use is to be agricultural, whether on crops, in dairy barns or otherwise, specify "agricultural."

(ii) If use is by Army, Navy, U. S. Maritime Commission, War Shipping Administration, or other Government Agency, so state, and also indicate destination, preference rating, if any, and how material will be used.

(iii) If use is neither in agriculture nor by a government agency, state as accurately as possible specific purpose to which the pyrethrum ordered will be put.

(iv) If application is for resale, applicant will specify "resale" and will indicate the general class of use for which he proposes to resell the pyrethrum ordered.

(v) Applicant will fill out completely Table II, and will leave blank Tables III, IV, and V.

APPENDIX B—SPECIAL INSTRUCTIONS FOR PRODUCER'S FORM WPB 2947 (FORMERLY PD-602)

1. *Obtaining forms.* Copies of Form WPB 2947 may be obtained at local Field offices of the War Production Board.

2. *Number of copies.* Except as stated in the next paragraph, prepare original and four copies. File original and three copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-179, retaining the fourth copy for your files. The original must be signed on behalf of the applicant by a duly authorized official.

3. *Separate set for agriculture deliveries.* If the orders placed with you for pyrethrum are not only for agricultural uses but also for other uses, file a separate set of Form WPB 2947 for the agricultural use orders and a separate set for orders for all other uses. Also, in the case of each set of Form WPB 2947 which relates to orders for agricultural use, prepare and file with the War Production Board an original and four copies of such form.

4. *Information at top of form.* In the heading, under "Name of Material", specify "Pyrethrum"; under "WPB Order No.", specify "M-179"; under "Grade", specify form, that is, whether dust, powder or liquid extract; under "This schedule is for deliveries to be made during month/quarter ending ----------, 194-," strike out "quarter" and indicate the month and year for which authorization to make delivery is sought; under "Indicate unit of measure", specify "pounds".

5. *Listing of names.* In Column 1, list names of customers. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

6. *Use.* In Column 1a, specify the use to which the pyrethrum is to be put by your customer, as indicated on the Form WPB 2945, filed with you, pursuant to paragraph (e). If customer has two or more uses, show each use separately and the quantity applicable to each use.

7. *Producers' use.* A producer requiring permission to use all or part of his own production shall list his own name as customer on Form WPB 2947 specifying quantity required and the purpose for which required. Written approval of War Production Board on such Form WPB 2947 will constitute authority to the producer to use pyrethrum in the quantity and for the purposes indicated in such approved form.

8. *Table II.* Each producer will report production, deliveries and stocks as required by Columns 9 to 16 inclusive.

[F. R. Doc. 43-14148; Filed, August 30, 1943; 11:43 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 11 to Limitation Order L-211]

STEEL PRESSURE PIPE

§ 3102.12 *Schedule 11 to Limitation Order L-211*—(a) *Purpose and scope.* This schedule prescribes certain standards for the manufacture of steel pressure pipe, as herein defined. The schedule does not relate to use; steel pressure pipe made in accordance with this sched-

ule may be used for any purpose, subject to any restrictions contained in other War Production Board orders.

(b) *Definitions.* For the purpose of this schedule:

(1) "Steel pressure pipe" means carbon and alloy steel pipe applicable for conveying fluids at normal or elevated temperatures or pressures. The term does not include steel pressure tubes or steel pipe as defined in Schedules 12 and 13 to Limitation Order L–211, or alloy steel pipe containing more than 10 percent chromium or recoil tubing.

(2) "Government order" means an order placed:

(i) By the government of the United States or any department or agency thereof, or

(ii) By any other person covering material to be physically incorporated into material to be delivered to such government, department, or agency, or

(iii) By a warehouse which has been designated by such government, department, or agency as a source of supply for government orders, for delivery to a stock maintained for that purpose.

(c) *Restrictions on sizes and dimensions*—(1) *Government orders.* No person shall produce, fabricate or deliver any steel pressure pipe except in the sizes and dimensions set forth in the respective specifications of List 2 or Table 1 of this schedule.

(2) *Other orders.* No person shall produce, fabricate or deliver on any order not a government order any steel pressure pipe except in the sizes and dimensions set forth in Table I of this schedule.

(d) *Restrictions on specifications*—(1) *Government orders.* No person shall produce, fabricate, or deliver on a government order, any steel pressure pipe except to a specification set forth in List 1 or List 2 of this schedule.

(2) *Other orders.* No person shall produce, fabricate or deliver on any order not a government order, any steel pressure pipe except to a specification set forth in List 1 of this schedule.

(e) *Acceptance of delivery.* No person shall accept delivery of steel pressure pipe which he knows or has reason to believe was produced, fabricated, or delivered in violation of the provisions of paragraphs (c) and (d).

(f) *Exceptions.* The provisions of this schedule shall not prevent:

(1) Production, fabrication, delivery, or acceptance of steel pressure pipe for which an order was entered prior to August 30, 1943, provided shipment of the entire order is made on or before October 30, 1943.

(2) Delivery or acceptance of steel pressure pipe which because of errors in manufacture does not conform to the requirements of this schedule, provided such requirements are waived by the purchaser or procuring agency.

(3) Waiver by the purchaser or procuring agency of any of the inspection or test requirements of any specification.

(4) Production, fabrication, delivery, or acceptance of steel pressure pipe in other diameters or wall thicknesses for use in the manufacture of steel pipe fittings, boiler water walls, water screens, economizers, headers, or manifolds.

(5) Production, fabrication, delivery, or acceptance of steel pressure pipe not conforming to the requirements of paragraph (d) when certified by the United States Army or Navy to the producer, fabricator, or supplier and to the Steel Division, War Production Board, as being necessary to insure the military characteristics of the item for which the steel pressure pipe is required. Such certification shall specify the contract involved and the justification for the exception.

(6) Production, fabrication, delivery, or acceptance of steel pressure pipe specifically permitted in writing by the War Production Board. In the case of alloy steel pressure pipe, such permission may be granted with respect to chemical composition by the approval of a melting, production, or delivery schedule.

(g) *Records.* Each person owning or possessing steel pressure pipe excepted by the provisions of paragraph (f) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board. In addition, each person accepting an order for steel pressure pipe excepted by the provisions of paragraph (f) (5) shall furnish details of such order to the Steel Division, War Production Board, within ten days after such acceptance. The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 30th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1.—PERMISSIBLE SPECIFICATIONS FOR GENERAL USE, STEEL PRESSURE PIPE

Tensile strength psi and process	Composition	Specification designation and grade
Lap-welded:		
45,000 minimum	Carbon steel (Open-Hearth)	ASTM–A106–42T, Welded.
Seamless:		
48,000 minimum	Carbon steel (killed)	ASTM–A106–42T, Grade A.
60,000 minimum	Carbon steel (Silicon killed)	ASTM–A106–42T, Grade B.
55,000 minimum	Carbon-molybdenum (.40–.55Mo)	ASTM–A209–42T, Grade P1.
55,000 minimum	Carbon-molybdenum (.50–.55Mo)	ASME–S–45–1940, Grade P1.
60,000 minimum	Chromium-molybdenum (4.00–5.50Cr, .40–.55Mo).	ASTM–A158–42T, Grade P5a.
60,000 minimum	Chromium-molybdenum Stabilized (4.00–5.50–Cr, .40–.55Mo).	ASTM–A158–42T, Grade P5c.
60,000 minimum	Chromium-silicon-molybdenum (1.00–1.50Cr, .40–.55Mo).	ASTM–A158–42T, Grade P11.
60,000 minimum	7 Chromium (.50–1.00Si, 6.00–7.50Cr., .40–.55–Mo).	ASTM–A158–42T, Grade EP16.
60,000 minimum	9 Chromium (.50–1.00Si, 8.00–9.50Cr, .80–.95Mo).	ASTM–A158–42T, Grade EP17.
60,000 minimum	Chromium-molybdenum (4.00–5.50Cr, .40–.55Mo).	ASME–S–34–1940, Grade P5a.
60,000 minimum	Chromium-molybdenum stabilized (4.00–5.50–Cr, .40–.55Mo).	ASME–S–34–1940, Grade P5c.
60,000 minimum	Chromium-silicon-molybdenum (1.00–1.50Cr, .40–.55Mo).	ASME–S–34–1940, Grade P11.
60,000 minimum	7 Chromium (.50–1.00Si, 6.00–7.50Cr, .40–.55–Mo).	ASME–S–34–1940, Grade EP16.
60,000 minimum	9 Chromium (.50–1.00Si, 8.00–9.50Cr, .80–.95–Mo).	ASME–S–34–1940, Grade EP17.

NOTE: List 1, Titles of permissible specifications and applicable amendments thereto are as follows:

American Society for Testing Materials, tentative specifications:

ASTM–A106–42T—Lap-Welded and Seamless Steel Pipe For High Temperature Service.

ASTM–A158–42T — Seamless Alloy - Steel Pipe For Service At Temperatures From 750 to 1100 F., as amended by Emergency Alternate Provisions EA–A158, adopted June 1, 1943.

ASTM–A206–42T—Seamless Carbon-Molybdenum Alloy Steel Pipe For Service At Temperatures From 750 to 1000 F., as amended by Emergency Alternate Provisions EA–A206, adopted June 1, 1943.

American Society of Mechanical Engineers Boiler Construction Code, Material Specifications and Addenda thereto:

ASME–S–34–1940 — Seamless Alloy - Steel Pipe For Service At Temperatures From 750 to 1100 F.

ASME–S–45–1940—Seamless Carbon-Molybdenum Alloy-Steel Pipe For Service At Temperatures From 750 to 1000 F.

NOTE 1: The U. S. Coast Guard Specifications set forth in List 2 are applicable to List 1, for use on vessels subject to inspection under the Coast Guard Inspection and Navigation Regulations.

LIST 2.—PERMISSIBLE SPECIFICATIONS FOR GOVERNMENT USE ONLY, STEEL PRESSURE PIPE

Tensile strength psi and process	Composition	Specification designation and grade
Lap-Welded:		
45,000 Minimum	Carbon steel (Open-Hearth)	CG–MIN–51.11, Welded.
45,000 Minimum	Carbon steel	Navy 66P1, Classes SH300 & SH400.
48,000 Minimum	Copper-molybdenum (.40Cu Min., .05Mo Min.).	Navy 66P1, Classes SH300 & SH400.
Seamless:		
48,000 Minimum	Carbon steel (killed)	CG–MIN–51.11, Grade A.
60,000 Minimum	Carbon steel (killed)	CG–MIN–51.11, Grade B.
55,000 Minimum	Carbon-molybdenum (.40–.55Mo)	CG–MIN–51.11, Grade P1.
48,000 Minimum	Carbon steel	Navy 44T13, Types A, B, C, & D.
60,000 Minimum	Carbon steel (.10–.30Si)	Navy 44T13, Type E.
60,000 Minimum	Carbon-molybdenum (.40–.65Mo)	Navy 44T33, Types A, B, & C.
Electric-Resistance-Welded:		
45,000 Minimum	Carbon steel	Navy 66P1, Classes SH300, SH400, SH600, SH900, SH1500, A3500.
48,000 Minimum	Low carbon steel	Navy 44T43, Grade I.
60,000 Minimum	Medium carbon steel	Navy 44T43, Grade II.
48,000 Minimum	Carbon steel (killed)	Navy 44T41, Types A, B, C, & D.
48,000 Minimum	Copper-molybdenum (.40 Cu. Min., .05Mo Min.)	Navy 66P1, Classes SH300, SH400, SH600, SH900, SH1500, A3500.
Metallic arc or oxyacetylene gas welded:		
48,000 Minimum	Low carbon steel	Navy 44T43, Grade I.
60,000 Minimum	Medium carbon steel	Navy 44T43, Grade II.

CG–MIN—U. S. Coast Guard, Marine Inspection and Navigation.

NOTE: List 2, Titles of permissible specifications are as follows:

Coast Guard Specification MIN 51.11—Steel Pipe.

Navy Department, Bureau of Ships, Ad Interim Specification 44T13—Tubing, Steel, Seamless, For Oil, Steam Or Water.

Navy Department, Bureau of Ships, Ad Interim Specification 44T33—Tubing, Steel, Alloy, Molybdenum, Seamless.

Navy Department, Bureau of Ships, Ad Interim Specification 44T43—Tubing, Steel, Welded (Including Resistance Welded), For Oil, Steam, Or Water.

Navy Department Specification 44T41—Tubing, Steel, Resistance-Welded, For Oil, Steam, Or Water.

Navy Department, Bureau of Yards and Docks Tentative Specification 66P1—Power-Plant, Heating, And Ventilating Apparatus And Piping (Shore Use).

NOTE 1: The applicable issue of any of the specifications in List 2 above shall be the issue in effect on the date of the invitation to bid, or on the date of the purchase order or contract, or such subsequent issue acceptable to the producer as the procuring agency may substitute in the contract.

TABLE 1—STEEL PRESSURE PIPE SIZES PERMISSIBLE FOR GENERAL USE

Nominal pipe size, in.	Outside diameter, in.	Nominal wall thicknesses, in.									
		Schedule No.									
		10	20	30	40	60	80	100	120	140	160
⅛	0.405	------	------	------	0.068	------	0.095	------	------	------	------
¼	0.540	------	------	------	0.088	------	0.119	------	------	------	------
⅜	0.675	------	------	------	0.091	------	0.126	------	------	------	------
½	0.840	------	------	------	0.109	------	0.147	------	------	------	0.187
¾	1.050	------	------	------	0.113	------	0.154	------	------	------	0.218
1	1.315	------	------	------	0.133	------	0.179	------	------	------	0.250
1¼	1.660	------	------	------	0.140	------	0.191	------	------	------	0.281
1½	1.900	------	------	------	0.145	------	0.200	------	------	------	0.343
2	2.375	------	------	------	0.154	------	0.218	------	------	------	0.375
2½	2.875	------	------	------	0.203	------	0.276	------	------	------	0.437
3	3.5	------	------	------	0.216	------	0.300	------	------	------	------
3½	4.0	------	------	------	0.226	------	0.318	------	------	------	0.531
4	4.5	------	------	------	0.237	------	0.337	------	0.437	------	0.625
5	5.563	------	------	------	0.258	------	0.375	------	0.500	------	0.718
6	6.625	------	------	------	0.280	------	0.432	------	0.562	------	0.906
8	8.625	------	0.250	0.277	0.322	0.406	0.500	0.593	0.718	0.812	1.125
10	10.75	------	0.250	0.307	0.365	0.500	0.593	0.718	0.843	1.000	1.312
12	12.75	------	0.250	0.330	0.406	0.562	0.687	0.843	1.000	1.125	1.406
14 O. D.	14.0	0.250	0.312	0.375	0.437	0.593	0.750	0.937	1.062	1.250	1.562
16 O. D.	16.0	0.250	0.312	0.375	0.500	0.656	0.843	1.031	1.218	1.437	1.750
18 O. D.	18.0	0.250	0.312	0.437	0.562	0.718	0.937	1.156	1.343	1.562	------
20 O. D.	20.0	0.250	0.375	0.500	0.593	0.812	1.031	1.250	1.500	1.750	------
24 O. D.	24.0	0.250	0.375	0.562	0.687	0.937	1.218	1.500	1.750	------	------

NOTE 1: The decimal thicknesses listed for the respective pipe sizes represent their nominal or average wall dimensions.

[F. R. Doc. 43–14149; Filed, August 30, 1943; 11:43 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 12 to Limitation Order L–211]

STEEL PRESSURE TUBES

§ 3102.13 *Schedule 12 to Limitation Order L–211*—(a) *Definitions.* For the purpose of this schedule:

(1) "Steel pressure tubes" means carbon and alloy steel and open-hearth and charcoal iron, boiler, superheater, still, heat exchanger and condenser tubes, except alloy steel tubes having a chromium content in excess of 10 percent.

(2) "Government order" means an order placed:

(i) By the Government of the United States or any department or agency thereof, or

(ii) By any other person covering material to be physically incorporated into material to be delivered to such government, department, or agency, or

(iii) By a warehouse which has been designated by such government, department, or agency as a source of supply for government orders, for delivery to a stock maintained for that purpose.

(b) *Restrictions on specifications*—(1) *Government orders.* No person shall produce, fabricate or deliver steel pressure tubes except to a specification set forth in List 1 or List 2 of this schedule.

(2) *Other orders.* No person shall produce, fabricate or deliver on any order other than a government order, steel pressure tubes except to a specification set forth in List 1 of this schedule.

(c) *Acceptance of delivery.* No person shall accept delivery of steel pressure tubes which he knows or has reason to believe were produced, fabricated or delivered in violation of the provisions of paragraph (b).

(d) *Exceptions.* The provisions of this schedule shall not prevent:

(1) Production, fabrication, delivery, or acceptance of steel pressure tubes for which an order was entered prior to August 30, 1943, provided shipment of the entire order is made on or before December 31, 1943.

(2) Delivery or acceptance of steel pressure tubes which because of errors in manufacture do not conform to the requirements of this schedule, provided such requirements are waived by the purchaser or procuring agency.

(3) Waiver by the purchaser or procuring agency of any of the inspection and test requirements of any specification.

(4) Waiver by the purchaser or procuring agency of prescribed hydrostatic tests and the substitution therefor of an alternate non-destructive test acceptable to the producer.

(5) Production, fabrication, delivery, or acceptance of steel pressure tubes when certified by the United States Army or Navy to the producer, fabricator, or supplier and to the Steel Division, War Production Board, as being necessary to insure the military characteristics of the item for which the steel pressure tubes are required. Such certification shall specify the contract involved and the justification for the exception.

(6) Production, fabrication, delivery, or acceptance of steel pressure tubes specifically permitted in writing by the War Production Board. In the case of alloy steel pressure tubes such permission may be granted with respect to chemical composition by the approval of a melting, production or delivery schedule.

(e) *Records.* Each person owning or possessing steel pressure tubes excepted by the provisions of paragraph (d) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board. In addition, each person accepting an

HEAT EXCHANGER AND CONDENSER TUBES

	Designation and grade—Continued
Electric-resistance-welded:	
Low-carbon steel	ASTM-A214-42.
Seamless:	
Low-carbon steel	ASTM-A179-42.
Chromium-molybdenum steel (1.0–1.5 Cr., .40–.55 Mo)	ASTM-A199-40, Grade 1.
Chromium-molybdenum steel (2.0–2.5 Cr., .80–.95 Mo)	ASTM-A199-40, Grade 6.
Chromium-molybdenum steel (2.75–3.25 Cr., .80–.95 Mo)	ASTM-A199-40, Grade 5.
Chromium-molybdenum steel (4.0–5.5 Cr., .40–.55 Mo)	ASTM-A199-40, Grade 8.
Chromium-molybdenum steel (6.0–7.5 Cr., .40–.55 Mo)	ASTM-A199-40, Grade E7.
Chromium-molybdenum steel (8.0–9.5 Cr., .80–.95 Mo)	ASTM-A199-40, Grade E9.

STILL TUBES

Seamless:	
Low-carbon steel (killed)	ASTM-A161-40.
Carbon-molybdenum steel (.40–.55 Mo)	ASTM-A161-40.
Chromium-molybdenum steel (1.0–1.5 Cr., .40–.55 Mo)	ASTM-A200-40, Grade 1.
Chromium-molybdenum steel (2.0–2.5 Cr., .80–.95 Mo)	ASTM-A200-40, Grade 6.
Chromium-molybdenum steel (2.75–3.25 Cr., .80–.95 Mo)	ASTM-A200-40, Grade 5.
Chromium-molybdenum steel (4.0–5.5 Cr., .40–.55 Mo)	ASTM-A200-40, Grade 8.
Chromium-molybdenum steel (6.0–7.5 Cr., .40–.55 Mo)	ASTM-A200-40, Grade E7.
Chromium-molybdenum steel (8.0–9.5 Cr., .80–.95 Mo)	ASTM-A200-40, Grade E9.

NOTE: The Coast Guard Specifications set forth in List 2 are applicable to List 1 where regulations require their use on vessels subject to inspection by the Bureau of Marine Inspection and Navigation.

NOTE: Titles of permissible specifications of List 1 and effective amendments thereto are as follows:

American Society for Testing Materials Standard Specifications:

ASTM-A83-42—Lap-Welded and Seamless Steel and Lap-Welded Iron Boiler Tubes, as amended by Emergency Alternate Provision EA-A83, adopted August 18, 1942.

ASTM-A161-40—Seamless Low-Carbon and Carbon-Molybdenum Steel Still Tubes for Refinery Service, as amended by Emergency Alternate Provisions EA-A161 adopted August 18, 1942.

ASTM-A178-40—Electric-Resistance-Welded Steel and Open-Hearth Iron Boiler Tubes, as amended by Emergency Alternate Provision EA-A178 adopted August 18, 1942.

ASTM-A179-42—Seamless Cold-Drawn Low-Carbon Steel Heat-Exchanger and Condenser Tubes, as amended by Emergency Alternate Provision EA-A179 adopted August 18, 1942.

ASTM-A192-42—Seamless Steel Boiler Tubes for High-Pressure Service, as amended by Emergency Alternate Provision EA-A192 adopted August 18, 1942.

ASTM-A199-40—Seamless Cold Drawn Intermediate Alloy-Steel Heat Exchanger and Condenser Tubes, as amended by Emergency Alternate Provisions EA-A199 adopted August 18, 1942.

ASTM-A200-40—Seamless Intermediate Alloy-Steel Still Tubes for Refinery Service, as amended by Emergency Alternate Provisions EA-A200 adopted August 18, 1942.

ASTM-A200-41T—Seamless Carbon-Molybdenum Alloy-Steel Boiler and Superheater Tubes, as amended by Emergency Alternate Provisions EA-A200 adopted August 18, 1942.

ASTM-A210-40—Medium-Carbon Seamless Steel Boiler and Superheater Tubes.

ASTM-A213-42—Seamless Alloy-Steel Boiler and Superheater Tubes, as amended by Emergency Alternate Provisions EA-A213 adopted August 18, 1942.

ASTM-A214-42—Electric-Resistance-Welded Steel Heat-Exchanger and Condenser Tubes, as amended by Emergency Alternate Provisions EA-A214 adopted August 18, 1942.

ASTM-A226-40—Electric-Resistance-Welded Steel Boiler and Superheater Tubes for High-Pressure Service, as amended by Emergency Alternate Provisions EA-A226 adopted August 18, 1942.

ASTM-A250-41T—Electric-Resistance-Welded Carbon-Molybdenum Alloy-Steel Boiler and Superheater Tubes, as amended by Emergency Alternate Provisions EA-A250 adopted August 24, 1942.

Association of American Railroads Specifications:

AAR-M-108-40—Boiler Tubes, Lap-Welded, Electric Resistance Welded and Seamless Steel and Lap-Welded Charcoal Iron.

American Society of Mechanical Engineers Boiler Construction Code Material Specifications Edition 1940, as amended by Addenda thereto and Interpretations thereof (including Case No. 981) issued prior to the date of this Schedule.

ASME-S-17—Lap-Welded and Seamless Steel and Lap-Welded Iron Boiler Tubes.

ASME-S-32—Electric - Resistance - Welded Steel and Open-Hearth Iron Boiler Tubes.

ASME-S-40—Seamless Steel Boiler Tubes for High-Pressure Service.

ASME-S-48—Seamless Carbon - Molybdenum Alloy-Steel Boiler and Superheater Tubes.

ASME-S-49—Medium - Carbon Seamless Steel Boiler and Superheater Tubes.

ASME-S-52—Seamless Alloy-Steel Boiler and Superheater Tubes.

ASME-S-65—Electric - Resistance - Welded Carbon-Molybdenum Alloy-Steel Boiler and Superheater Tubes.

LIST 2: SPECIFICATIONS PERMISSIBLE FOR GOVERNMENT USE ONLY

STEEL PRESSURE TUBES

Boiler and Superheater Tubes

	Designation and grade
Lap-Welded:	
Low-Carbon Steel	Navy 44T11, Grade A.
Low-Carbon Steel	Federal WW-T-731, Grade A.
Low-Carbon Steel	C. G., MIN-51.9, Grade A.
Open-Hearth Iron	Navy 44T11, Grade B.
Open-Hearth Iron	Federal WW-T-731, Grade B.
Open-Hearth Iron	C. G., MIN-51.9, Grade B.
Charcoal Iron	Federal WW-T-721.
Charcoal Iron	C. G., MIN-51.9.
Electric Resistance Welded:	
Low-Carbon Steel	Navy 44T11, Grade A.
Low-Carbon Steel	Federal WW-T-731, Grade A.
Low-Carbon Steel	C. G., MIN-51.9a, Grade A.
Medium-Carbon Steel	C. G., MIN-51.9a, Grade C.
Carbon Steel (Killed)	Navy 44T42, Class a.
Carbon Steel (Silicon Killed)	C. G., MIN-51.9a, Grade D.
Open-Hearth Iron	Navy 44T11, Grade B.
Open-Hearth Iron	Federal WW-T-731, Grade B.
Open-Hearth Iron	C. G., MIN-51.9a, Grade B.
Seamless:	
Low-Carbon Steel	Navy 44T11, Grade A.
Low-Carbon Steel	Federal WW-T-731, Grade A.
Low-Carbon Steel	C. G., MIN-51.9, Grade A.
Carbon Steel (Killed)	Navy 44T3, Class a.
Carbon Steel (Killed)	C. G., MIN-51.10, High Pressure.
Medium-Carbon Steel (Killed)	C. G., MIN-51.10, Medium-Carbon.
Open-Hearth Iron	Navy 44T11, Grade B.
Open-Hearth Iron	Federal WW-T-731, Grade B.
Carbon-Molybdenum (0.40–0.55Mo)	C. G., MIN-51.10, Grade T1.
Carbon-Molybdenum (0.40–0.55Mo)	C. G., MIN-51.10, Grade T1a.
Chromium-Molybdenum (4.0–5.50Cr, 0.40–0.60Mo)	Navy 44T3, Class b.

NOTE: Titles of permissible specifications of List 2 are as follows:
Navy Dept. Specification 44T3—Tubes; Boiler, Seamless.
Navy Dept. Specification 44T11—Tubes; Boiler, Steel, Commercial.
Navy Dept. Specification 44T42—Tubes; Boiler, Resistance Welded.
Federal Specification WW-T-721—Tubes; Boiler, Charcoal-Iron, Lap-Welded.
Federal Specification WW-T-731—Tubes, Boiler, Steel.

Coast Guard Specification MIN-51.9—Lap-Welded and Seamless Steel and Lap-Welded Iron Boiler Tubes.

Coast Guard Specification MIN-51.9a—Electric-Resistance-Welded Steel and Open-Hearth Iron Boiler and Superheater Tubes.

Coast Guard Specification MIN-51.10—Seamless Steel Boiler Tubes for High-Pressure Service; Medium-Carbon Seamless Steel Boiler and Superheater Tubes; Carbon-Molybdenum Alloy-Steel Boiler and Superheater Tubes.

NOTE: The applicable issue of any of the specifications in List 2 above shall be the issue in effect on the date of the invitation to bid, or on the date of the purchase order or contract, or such subsequent issue acceptable to the producer as the procuring agency may substitute in the contract.

[F. R. Doc. 43-14150; Filed, August 30, 1943; 11:43 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 13 to Limitation Order L-211]

STEEL PIPE

§ 3102.14 *Schedule 13 to Limitation Order L-211*—(a) *Purpose and scope.* This schedule prescribes certain standards for the manufacture of steel pipe, as herein defined. The schedule does not relate to use: steel pipe made in accordance with this schedule may be used for any purpose, subject to any restrictions contained in other War Production Board orders.

(b) *Definitions.* For the purpose of this schedule:

(1) "Steel pipe" means carbon and alloy steel, open-hearth iron and wrought iron pipe including main and line pipe in diameters up to 48 inches inclusive, standard pipe, signal pipe, piling pipe and fusion welded casing. Excluded from the scope of this definition are forge welded pipe, mechanical tubing, structural tubing, recoil tubing, conduit tubing, conduit pipe, corrugated pipe, dredge pipe, alloy steel pipe and tubing having a chromium content in excess of 10 per cent, also oil country tubular goods, water well tubular products, steel pressure pipe and steel pressure tubing as defined in Limitation Order L-211, Schedules 9, 10, 11 and 12 respectively.

(2) "Government order" means an order placed:

(i) By the Government of the United States or any department or agency thereof, or

(ii) By any other person covering material to be physically incorporated into material to be delivered to such government department or agency, or

(iii) By a warehouse which has been designated by such government department or agency as a source of supply for government orders, for delivery to a stock maintained for that purpose.

(c) *Restrictions on sizes and dimensions*—(1) *Government orders.* No person shall produce, fabricate or deliver any steel pipe except in the sizes and dimensions set forth in Tables I and II of this schedule.

(2) *Other orders.* No person shall produce, fabricate or deliver on any order not a government order, any steel pipe except in the sizes and dimensions set forth in Table I of this schedule.

(d) *Restrictions on specifications.*—(1) *Government orders.* No person shall produce, fabricate, or deliver on a government order, any steel pipe except to a specification set forth in Lists 1 or 2 of this schedule.

(2) *Other orders.* No person shall produce, fabricate or deliver on any order not a government order, any steel pipe except to a specification set forth in List 1 of this schedule.

NOTE: Steel pipe ordered as pipe without reference to any specification, shall be produced to any applicable specification in List 1 or in accordance with Note 1 of List 1 of this schedule.

For use of Coast Guard Specifications on Merchant Marine Vessels see Note 2 of List 1.

(e) *Acceptance of delivery.* No person shall accept delivery of steel pipe

order for steel pressure tubes excepted by the provisions of paragraph (d) (5) shall furnish details of such order to the Steel Division, War Production Board, within ten days after such acceptance. The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 30th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

which he knows or has reason to believe was produced, fabricated, or delivered in violation of the provisions of paragraphs (c) or (d).

(f) *Exceptions.* The provisions of this schedule shall not prevent:

(1) Production, fabrication, delivery, or acceptance of steel pipe for which an order was entered prior to August 30, 1943, provided shipment of the entire order is made before October 30, 1943.

(2) Delivery or acceptance of steel pipe which because of errors in manufacture does not conform to the requirements of this schedule, provided such requirements are waived by the purchaser or procuring agency.

(3) Waiver by the purchaser or procuring agency of any of the inspection or test requirements of any specification.

(4) Substitution, in place of the test prescribed by any specification, of mill testing of steel pipe to a pressure that will produce a stress in the pipe material not to exceed 90 percent of the specified minimum yield point, provided such test procedure is acceptable to both the producer and the purchaser or procuring agency.

(5) Production, fabrication, delivery, or acceptance of steel pipe in other diameters or wall thicknesses for use in the manufacture of steel pipe fittings, boiler water walls, water screens, economizers, headers, or manifolds.

(6) Production, fabrication, delivery, or acceptance of steel pipe not conforming to the requirements of paragraph (d) when certified by the United States Army or Navy to the producer, fabricator, or supplier and to the Steel Division, War Production Board, as being necessary to insure the military characteristics of the item for which the steel pipe is required. Such certification shall specify the contract involved and the justification for the exception.

(7) Production, fabrication, delivery, or acceptance of steel pipe specifically permitted in writing by the War Production Board. In the case of alloy steel pipe, such permission may be granted with respect to chemical composition by the approval of a melting, production, or delivery schedule.

(g) *Records.* Each person owning or possessing steel pipe excepted by the provisions of paragraph (f) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board. In addition, each person accepting an order for steel pipe excepted by the provisions of paragraph (f) (6) shall furnish details of such order to the War Production Board within ten days after such acceptance. The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 30th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1—PERMISSIBLE SPECIFICATIONS FOR GENERAL USE

Steel: *Process of manufacture*	*Specification designation and grade*
Furnace-welded	ASTM-A120-42.
Furnace-welded	AAR-SS-122-39 (Note 3).
Furnace-welded	ASTM-A53-42.
Furnace-welded	ASME-S-18.
Furnace-welded	AAR-E-M-111-43.
Furnace-welded	API Std. No. 5-L, 8th Edition.
Furnace-welded	API Std. No. 5-L, 8th Edition, Class I.
Furnace-welded (Rephosphorized)	API Std No. 5-L, 8th Edition, Class II.
Furnace welded (Mill pipe)	AWWA-7A.4-1941-TR.
Furnace-welded	U. L. Sp. I. 888-38-43.
Furnace-welded (Pipe piling)	ASTM-A252-42T, Grade 1.
Furnace-welded (Pipe piling)	ASTM-A252-42T, Grade 2.
Furnace-welded (Pipe piling)	ASTM-A252-42T, Grade 3.
Seamless	ASTM-A120-42, Grade A.
Seamless	ASTM-A120-42, Grade B.
Seamless	ASTM-A53-42, Grade A.
Seamless	ASTM-A53-42, Grade B.
Seamless	ASME-S-18, Grade A.
Seamless	ASME-S-18, Grade B.
Seamless	AAR-E-M-111-43, Low carbon.
Seamless	AAR-E-M-111-43, Medium carbon.
Seamless	API Std. No. 5-L, 8th Edition, Grade A.
Seamless	API Std. No. 5-L, 8th Edition, Grade B.
Seamless	API Std. No. 5-L, 8th Edition, Grade C.
Seamless (Mill pipe)	AWWA-7A.4-1941-TR, Grade A.
Seamless	U. L. Sp. I.-888-38-43.
Seamless (Pipe piling)	ASTM-A252-42T, Grade 1.
Seamless (Pipe piling)	ASTM-A252-42T, Grade 2.
Seamless (Pipe piling)	ASTM-A252-42T, Grade 3.
Electric-welded	ASTM-A120-42.
Electric-resistance-welded	ASTM-A53-42, Grade A.
Electric-resistance-welded	ASTM-A53-42, Grade B.
Electric-resistance welded	ASME-S-18, Grade A.
Electric-resistance welded	ASME-S-18, Grade B.
Electric-resistance welded	AAR-E-M-111-43, Low Carbon.
Electric-resistance welded	AAR-E-M-111-43, Medium Carbon.
Electric-resistance-welded	U. L. Sp. I.—888-38-43.
Electric-resistance-welded	ASTM-A135-42, Grade A.
Electric-resistance-welded	ASTM-A135-42, Grade B.
Electric-resistance-welded	ASME-S-58, Grade A.
Electric-resistance-welded	ASME-S-58, Grade B.
Electric-resistance-welded (Mill pipe)	AWWA-7A.4—1941-TR, Grade A.
Electric-resistance-welded	API Std. No. 5-L, 8th Ed., Grade A.
Electric-resistance-welded	API Std. No. 5-L, 8th Ed., Grade B.
Electric-resistance-welded	API Std. No. 5-L, 8th Ed., Grade C.
Electric-fusion-welded	ASTM-A139-42, Grade A.
Electric-fusion-welded	ASTM-A139-42, Grade B.
Electric-fusion-welded (Mill pipe)	AWWA-7A.4—1941-TR, Grade A.
Electric-fusion-welded (Fabricated pipe)	AWWA-7A.4—1941-TR.
Electric-fusion-welded	U. L. Sp. I.—888-38-43.
Electric-fusion-welded	ASTM-A134-42.
Electric-fusion-welded	AWWA-7A.3—1940.
Electric-fusion-welded	ASTM-A211-40.
Electric-welded (Pipe piling)	ASTM-A252-42T, Grade 1.
Electric-welded (Pipe piling)	ASTM-A252-42T, Grade 2.
Electric-welded (Pipe piling)	ASTM-A252-42T, Grade 3.
Open-hearth iron:	
Furnace-welded	API Std. No. 5-L, 8th Edition.
Seamless	API Std. No. 5-L, 8th Edition.
Electric-resistance-welded	API Std. No. 5-L, 8th Edition.
Electric-fusion-welded	ASTM-A211-40.
Wrought iron:	
Furnace-welded	ASTM-A72-39.
Furnace-welded	ASME-S-19.
Furnace-welded	AAR-M-306-38.
Furnace-welded	AAR-SS-123-39.
Furnace-welded	API Std. No. 5-L, 8th Edition.

NOTE 1: Steel Pipe ordered to no specified tensile or chemical requirements such as "black" pipe, "galvanized" pipe etc., and that having special preparation for special applications shall conform to the applicable standard requirements of the American Iron and Steel Institute Steel Products Manual, Section 18, revised September 1942.

NOTE 2: U. S. Coast Guard Specifications set forth in List 2 are applicable to List 1, for use on vessels subject to inspection by the Merchant Marine Inspection Division of the U. S. Coast Guard.

NOTE 3: The Production of this grade of pipe is contingent on War Production Board Regulations covering the use of copper in carbon steel.

NOTE 4: Titles of permissible specifications and effective amendments thereto for List 1 are as follows:

American Society for Testing Materials, Standard Specifications

ASTM-A120-42.—Black And Hot-Dipped Zinc-Coated (Galvanized) Welded And Seamless Steel Pipe For Ordinary Uses, as amended by Emergency Alternate Provisions EA-A120, adopted August 24, 1942.

ASTM-A53-42.—Welded And Seamless Steel Pipe.

ASTM-A139-42.—Electric-Fusion-Welded Steel Pipe (Sizes 4 Inches To But Not Including 30 Inches) as amended by Emergency Alternate Provisions EA-A139a, adopted April 8, 1943.

ASTM-A135-42.—Electric-Resistance-Welded Steel Pipe, as amended by Emergency Alternate Provision EA-A135, adopted August 24, 1942.

ASTM-A134-42.—Electric-Fusion-Welded Steel Pipe, as amended by Emergency Alternate Provisions EA-A134, adopted August 18, 1942.

ASTM-A211-40.—Spiral-Welded Steel Or Iron Pipe, as amended by Emergency Alternate Provisions EA-A211, adopted August 18, 1942.

ASTM-A252-42T.—Welded And Seamless Steel Pipe Piles.

ASTM-A72-39.—Welded Wrought Iron Pipe.

Association of American Railroads, Manual of Standard And Recommended Practice

AAR-E-M-111-43.—Pipe, Furnace Welded, Electric Resistance Welded And Seamless Steel, adopted June 1, 1943.

AAR-M-306-38.—Welded Wrought Iron Pipe.

Association of American Railroads, Signal Section Specifications

AAR-SS-122-39.—One-Inch Welded Steel Pipe.

AAR-SS-123-39.—Wrought Iron Pipe.

American Water Works Association, Standard Specifications

AWWA-7A.4-1941-TR.—Steel Water Pipe Of Sizes Up To But Not Including 30 Inches, adopted March 1943 and as amended by Emergency Alternate Provisions, adopted June 19, 1943.

AWWA-7A.3-1940.—Electric Fusion Welded Steel Water Pipe Of Sizes 30 Inches and Over, as amended by Emergency Alternate Provisions, adopted July 24, 1943.

American Petroleum Institute, Specifications

API Std. No. 5-L, 8th Ed.—Line Pipe, as amended by Supplement No. 1 adopted November 1942.

Underwriters' Laboratories, Incorporated, Standard

U. L. Sp. I.-888-38-43.—Steel Pipe Lines For Underground Water Service, as amended by Emergency Alternate Specifications, adopted May 22, 1943.

American Society of Mechanical Engineers Boiler Construction Code, Material Specifications, Edition 1940, as amended by Addenda thereto approved September 30, 1941 and September 16, 1942.

ASME-S-18.—Welded And Seamless Steel Pipe.

ASME-S-19.—Welded Wrought-Iron Pipe.

ASME-S-58.—Electric - Resistance - Welded Steel Pipe.

LIST 2—PERMISSIBLE SPECIFICATIONS FOR GOVERNMENT USE ONLY

Steel: *Process of manufacture*	*Specification designation and grade*
Furnace-welded	Federal WW-P-403, Type I.
Furnace-welded (Copper-bearing)	Federal WW-P-403, Type II.
Furnace-welded	Navy 44P10, Class I.
Furnace-welded	CG-MIN-51.11a.
Seamless	Federal WW-P-403, Type I.
Seamless (Copper-bearing)	Federal WW-P-403, Type II.
Seamless	Navy 44P10, Class II.
Seamless	CG-MIN-51.11a, Grade A.
Seamless	CG-MIN-51.11a, Grade B.
Electric-resistance-welded	Federal WW-P-403, Type I.
Electric-resistance-welded (Copper-bearing)	Federal WW-P-403, Type II.
Electric-resistance-welded	Navy 44P10, Class I.
Electric-resistance-welded	CG-MIN-51.11a, Grade A.
Electric-resistance-welded	CG-MIN-51.11a, Grade B.
Electric-resistance-welded	CG-MIN-51.11b, Grade A.
Electric-resistance-welded	CG-MIN-51.11b, Grade B.
Spiral-welded	Navy 66P1.
Spiral-riveted	Navy 66P1.
Copper-Molybdenum Open-Hearth-Iron:	
Butt-welded (.40Cu Min., .05Mo Min.)	Federal WW-P-403, Type III.
Electric-resistance-welded (.40Cu Min., .05Mo Min.)	Federal WW-P-403, Type III.
Wrought Iron:	
Furnace-welded	CG-MIN-51.12.
Furnace-welded	Federal WW-P-441.
Furnace-welded	Navy 44P11.

CG-Min.=U. S. Coast Guard, Marine Inspection and Navigation.

NOTE: Titles of permissible specifications for List 2 are as follows:
Federal Specification WW-P-403—Pipe; Steel And Ferrous-Alloy, Wrought Iron-Pipe Size.

Federal Specification WW-P-441—Pipe; Wrought-Iron, Welded, Black And Zinc-Coated.

Navy Department Specification 44P10—Pipe, Steel, Seamless And Welded, Black And Zinc-Coated (Galvanized).

Navy Department Specification 44P11—Pipe, Iron, Wrought.

Navy Department Bureau of Yards And Docks Tentative Specification 66P1—Power-Plant, Heating, And Ventilating Apparatus And Piping (Shore Use).

Coast Guard Specification MIN-51.11a—Welded And Seamless Steel Pipe.

Coast Guard Specification MIN-51.11b—Electric-Resistance-Welded Steel Pipe.

Coast Guard Specification MIN-51.12—Welded Wrought-Iron Pipe.

NOTE.—The applicable issue of any of the specifications in List 2 above shall be the issue in effect on the date of the invitation to bid, or on the date of the purchase order or contract, or such subsequent issue acceptable to the producer as the procuring agency may substitute in the contract.

TABLE 1—PIPE SIZES PERMISSIBLE FOR GENERAL USE

Item	Nominal size (In.) Note (a)	O. D. size (in.)	Outside diameter (inches)	Wall thickness (inches)	A S T M-A 72 Note (b)	A A R-M-306 Note (c)	AAR-M-111	ASTM-A120	ASTM-A53	ASTM-A252	API-5-L	AWWA-7A.4	ASTM-A135	ASTM-A139	ASTM-A211	U. L. SPI 888	ASTM-A134	AWWA-7A.3
1	⅛ S		.405	.068	A72	M306	M111	A120	A53		5L	7A.4						
2	⅛ XS		.405	.095	A72	M306	M111	A120	A53		5L							
3	¼ S		.540	.088	A72	M111	M306	A120	A53		5L	7A.4						
4	¼ XS		.540	.119	A72	M306	M111	A120	A53		5L							
5	⅜ S		.675	.091	A72	M306	M111	A120	A53		5L	7A.4						
6	⅜ XS		.675	.126	A72	M306	M111	A120	A53		5L							
7	½ S		.840	.109	A72	M306	M111	A120	A53		5L	7A.4						
8	½ XS		.840	.147	A72	M306	M111	A120	A53		5L							
9	½ XXS		.840	.294	A72	M306	M111	A120	A53									
10	¾ S		1.050	.113	A72	M306	M111	A120	A53		5L	7A.4						
11	¾ XS		1.050	.154	A72	M306	M111	A120	A53		5L							
12	¾ XXS		1.050	.308	A72	M306	M111	A120	A53									
13	1 S	(d) (e)	1.315	.133	A72	M306	M111	A120	A53		5L	7A.4						
14	1 XS		1.315	.179	A72	M306	M111	A120	A53		5L							
15	1 XXS		1.315	.358	A72	M306	M111	A120	A53									
16	1¼ S		1.660	.140	A72	M306	M111	A120	A53		5L	7A.4						
17	1¼ XS		1.660	.191	A72	M306	M111	A120	A53		5L							
18	1¼ XXS		1.660	.382	A72	M306	M111	A120	A53									
19	1½ S		1.900	.145	A72	M306	M111	A120	A53		5L	7A.4				888		
20	1½ XS		1.900	.200	A72	M306	M111	A120	A53		5L							
21	1½ XXS		1.900	.400	A72	M306	M111	A120	A53									
22	2 S		2.375	.154	A72	M306	M111	A120	A53		5L	7A.4	A135			888		
23	2 XS		2.375	.218	A72	M306	M111	A120	A53		5L		A135					
24	2 XXS		2.375	.436	A72	M306	M111	A120	A53									
25	2½ S		2.875	.203	A72	M306	M111	A120	A53		5L	7A.4	A135			888		
26	2½ XS		2.875	.276	A72	M306	M111	A120	A53		5L		A135					
27	2½ XXS		2.875	.552	A72	M306	M111	A120	A53									
28		3½	3.500	.125							5L	7A.4	A135			888		
29		3½	3.500	.156							5L	7A.4	A135			888		
30		3½	3.500	.188							5L	7A.4	A135			888		
31		3½	3.500	.216							5L	7A.4	A135			888		
32	3 S		3.500	.216	A72	M306	M111	A120	A53		5L	7A.4	A135			888		
33		3½	3.500	.250							5L	7A.4	A135			888		
34		3½	3.500	.281							5L	7A.4	A135			888		
35		3½	3.500	.360							5L	7A.4	A135			888		
36	3 XS		3.500	.360	A72	M306	M111	A120	A53		5L		A135					
37	3 XXS		3.500	.600	A72	M306	M111	A120	A53									
38		4	4.000	.062									A135	A139	A211			
39		4	4.000	.078									A135	A139	A211			
40		4	4.000	.109								7A.4	A135	A139	A211			
41		4	4.000	.125							5L	7A.4	A135	A139	A211	888		
42		4	4.000	.141								7A.4	A135	A139	A211			
43		4	4.000	.156							5L	7A.4	A135	A139	A211	888		
44		4	4.000	.172									A135	A139	A211			
45		4	4.000	.188							5L	7A.4	A135	A139		888		
46		4	4.000	.226							5L	7A.4	A135	A139		888		
47	3½ S		4.000	.226	A72	M306	M111	A120	A53		5L	7A.4	A135	A139		888		
48		4	4.000	.250							5L	7A.4	A135	A139		888		
49		4	4.000	.281							5L	7A.4	A135	A139		888		
50		4	4.000	.318							5L	7A.4	A135	A139		888		
51	3½ XS	4	4.000	.318	A72	M306	M111	A120	A53		5L	7A.4	A135	A139		888		
52		4½	4.500	.062									A135	A139	A211			
53		4½	4.500	.078									A135	A139	A211			
54		4½	4.500	.109									A135	A139	A211			
55		4½	4.500	.125							5L	7A.4	A135	A139		888		
56		4½	4.500	.141									A135	A139	A211			
57		4½	4.500	.156							5L	7A.4	A135	A139		888		
58		4½	4.500	.172									A135	A139	A211	888		
59		4½	4.500	.188							5L	7A.4	A135	A139		888		
60		4½	4.500	.219							5L	7A.4	A135	A139		888		
61		4½	4.500	.237							5L	7A.4	A135	A139		888		
62	4 S		4.500	.237	A72	M306	M111	A120	A53		5L	7A.4	A135	A139		888		
63		4½	4.500	.250							5L	7A.4	A135	A139		888		
64		4½	4.500	.281							5L	7A.4	A135	A139		888		
65		4½	4.500	.312							5L	7A.4	A135	A139		888		
66		4½	4.500	.337							5L	7A.4	A135	A139		888		
67	4 XS		4.500	.337	A72	M306	M111	A120	A53		5L	7A.4	A135	A139		888		
68	4 XXS		4.500	.674	A72	M306	M111	A120	A53					A139				
69		5⁹/₁₆	5.563	.156							5L	7A.4	A135	A139		888		
70		5⁹/₁₆	5.563	.188							5L	7A.4	A135	A139		888		
71		5⁹/₁₆	5.563	.219							5L	7A.4	A135	A139		888		
72		5⁹/₁₆	5.563	.258							5L	7A.4	A135	A139		888		
73	5 S		5.563	.258	A72	M306	M111	A120	A53		5L	7A.4	A135	A139		888		
74		5⁹/₁₆	5.563	.281							5L	7A.4	A135	A139		888		
75		5⁹/₁₆	5.563	.312							5L	7A.4	A135	A139		888		
76		5⁹/₁₆	5.563	.344							5L	7A.4	A135	A139		888		
77		5⁹/₁₆	5.563	.375							5L	7A.4	A135	A139		888		
78	5 XS		5.563	.375	A72	M306	M111	A120	A53		5L	7A.4	A135	A139		888		
79	5 XXS		5.563	.750	A72	M306	M111	A120	A53					A139				
80		6	6.000	.062										A139	A211			
81		6	6.000	.078										A139	A211			
82		6	6.000	.109								7A.4		A139	A211			
83		6	6.000	.141								7A.4		A139	A211			
84		6	6.000	.172										A139	A211			
85		6	6.000	.188										A139				
86		6	6.000	.219										A139				

TABLE 1—PIPE SIZES PERMISSIBLE FOR GENERAL USE—Continued

Item	Nominal size (In.) Note (a)	O. D. size (in.)	Outside diameter (inches)	Wall thickness (inches)	A S T M-A 72 Note (b)	A A R-M-306 Note (c)	AAR-M-111	ASTM-A120	ASTM-A53	ASTM-A252	API-5-L	AWWA-7A.4	ASTM-A135	ASTM-A139	ASTM-A211	U. L. SPI 888	ASTM-A134	AWWA-7A.3
87		6⅝	6.625	.062										A139	A211			
88		6⅝	6.625	.078										A139	A211			
89		6⅝	6.625	.109										A139	A211			
90		6⅝	6.625	.141										A139	A211			
91		6⅝	6.625	.172										A139	A211	888		
92		6⅝	6.625	.188									5L	7A.4	A135	A139	888	
93		6⅝	6.625	.219									5L	7A.4	A135	A139	888	
94		6⅝	6.625	.250									5L	7A.4	A135	A139	888	
95		6⅝	6.625	.280									5L	7A.4	A135	A139	888	
96	6 S		6.625	.280	A72	M306	M111	A120	A53				5L	7A.4	A135	A139	888	
97		6⅝	6.625	.312									5L	7A.4	A135	A139	888	
98		6⅝	6.625	.344									5L	7A.4	A135	A139	888	
99		6⅝	6.625	.375									5L	7A.4	A135	A139	888	
100		6⅝	6.625	.432									5L	7A.4	A135	A139	888	
101	6 XS		6.625	.432	A72	M306	M111	A120	A53				5L	7A.4	A135	A139	888	
102	6 XXS		6.625	.864	A72	M306	M111	A120	A53									
103		7	7.000	.188												A139		
104		7	7.000	.219												A139		
105		7⅛	7.025	.188												A139		
106		7⅛	7.025	.219												A139		
107		8	8.000	.062												A139	A211	
108		8	8.000	.078												A139	A211	
109		8	8.000	.109										7A.4		A139	A211	
110		8	8.000	.141										7A.4		A139	A211	
111		8	8.000	.172												A139	A211	
112		8⅛	8.625	.062												A139	A211	
113		8⅛	8.625	.078												A139	A211	
114		8⅛	8.625	.109												A139	A211	
115		8⅛	8.625	.141												A139	A211	
116		8⅛	8.625	.172												A139	A211	
117		8⅛	8.625	.188									5L	7A.4	A135	A139	888	
118		8⅛	8.625	.219									5L	7A.4	A135	A139	888	
119		8⅛	8.625	.250									5L	7A.4	A135	A139	888	
120		8⅛	8.625	.277									5L	7A.4	A135	A139	888	
121	8 S		8.625	.277	A72	M306	M111	A120	A53				5L	7A.4	A135	A139	888	
122		8⅛	8.625	.312									5L	7A.4	A135	A139	888	
123		8⅛	8.625	.322						A252			5L	7A.4	A135	A139	888	
124	8 S		8.625	.322	A72	M306	M111	A120	A53				5L	7A.4	A135	A139	888	
125		8⅛	8.625	.344									5L	7A.4	A135	A139	888	
126		8⅛	8.625	.375									5L	7A.4	A135	A139	888	
127		8⅛	8.625	.438									5L	7A.4	A135	A139		
128		8⅛	8.625	.500									5L	7A.4	A135	A139		
129	8 XS		8.625	.500	A72	M306	M111	A120	A53				5L	7A.4	A135	A139		
130	8 XXS		8.625	.875	A72	M306	M111	A120	A53									
131		9⅝	9.625	.188											A135	A139		
132		9⅝	9.625	.250											A135	A139		
133		10	10.000	.062												A139	A211	
134		10	10.000	.078												A139	A211	
135		10	10.000	.109												A139	A211	
136		10	10.000	.141										7A.4		A139	A211	
137		10	10.000	.172												A139	A211	
138		10¾	10.750	.062												A139	A211	
139		10¾	10.750	.078												A139	A211	
140		10¾	10.750	.109												A139	A211	
141		10¾	10.750	.141												A139	A211	
142		10¾	10.750	.172												A139	A211	
143		10¾	10.750	.188									5L	7A.4	A135	A139	888	
144		10¾	10.750	.219									5L	7A.4	A135	A139	888	
145		10¾	10.750	.250									5L	7A.4	A135	A139	888	
146		10¾	10.750	.279									5L	7A.4	A135	A139	888	
147	10 S		10.750	.279	A72	M306	M111	A120	A53				5L	7A.4	A135	A139	888	
148		10¾	10.750	.307						A252			5L	7A.4	A135	A139	888	
149	10 S		10.750	.307	A72	M306	M111	A120	A53				5L	7A.4	A135	A139	888	
150		10¾	10.750	.344									5L	7A.4	A135	A139	888	
151		10¾	10.750	.365						A252			5L	7A.4	A135	A139	888	
152	10 S		10.750	.365	A72	M306	M111	A120	A53				5L	7A.4	A135	A139	888	
153		10¾	10.750	.438						A252			5L	7A.4	A135	A139		
154		10¾	10.750	.500						A252			5L	7A.4	A135	A139		
155	10 XS		10.750	.500	A72	M306	M111	A120	A53				5L	7A.4	A135	A139		
156		11¾	11.750	.188												A139		
157		11¾	11.750	.250												A139		
158		12	12.000	.062												A139	A211	
159		12	12.000	.078												A139	A211	
160		12	12.000	.109												A139	A211	
161		12	12.000	.141										7A.4		A139	A211	
162		12	12.000	.172												A139	A211	
163		12¾	12.750	.062												A139	A211	
164		12¾	12.750	.078												A139	A211	
165		12¾	12.750	.109												A139	A211	
166		12¾	12.750	.141												A139	A211	
167		12¾	12.750	.172												A139	A211	
168		12¾	12.750	.188										7A.4	A135	A139		888
169		12¾	12.750	.219									5L	7A.4	A135	A139		888
170		12¾	12.750	.250									5L	7A.4	A135	A139		888
171		12¾	12.750	.281									5L	7A.4	A135	A139		888
172		12¾	12.750	.312						A252			5L	7A.4	A135	A139		888
173		12¾	12.750	.330						A252			5L	7A.4	A135	A139		888
174	12 S		12.750	.330	A72	M306	M111	A120	A53				5L	7A.4	A135	A139		888
175		12¾	12.750	.341									5L	7A.4	A135	A139		888
176		12¾	12.750	.375						A252			5L	7A.4	A135	A139		888

TABLE I—PIPE SIZES PERMISSIBLE FOR GENERAL USE—Continued

Item	Nominal size (In.) Note (a)	O. D. size (In.)	Outside diameter (inches)	Wall thickness (inches)	A S T M-A 72 Note (b)	A A R-M-306 Note (c)	A A R-M-111	A S T M-A 120	A S T M-A 53	A S T M-A 252	A P I-5-L	A W W A-7A.4	A S T M-A 135	A S T M-A 139	A S T M-A 211	U. L. SPI 888	A S T M-A 134	A W W A-7A.3
177	12 s		12.750	.375	A72	M306	M111	A120	A53		5L	7A.4	A135	A139		888		
178		12¼	12.750	.438						A252	5L	7A.4	A135	A139				
179		12¼	12.750	.500						A252	5L	7A.4	A135	A139				
180	12 xs		12.750	.500	A72	M306	M111	A120	A53		5L	7A.4	A135	A139				
181		13⅜	13.375	.188										A139				
182		13⅜	13.375	.250										A139				
183		13⅜	13.375	.312										A139				
184		14	14.000	.062										A139	A211			
185		14	14.000	.078										A139	A211			
186		14	14.000	.109										A139	A211			
187		14	14.000	.141								7A.4		A139	A211			
188		14	14.000	.172										A139	A211			
189		14	14.000	.188								7A.4	A135	A139		888		
190		14	14.000	.219								7A.4	A135	A139		888		
191		14	14.000	.250							5L	7A.4	A135	A139		888		
192		14	14.000	.281							5L	7A.4	A135	A139		888		
193		14	14.000	.312							5L	7A.4	A135	A139		888		
194		14	14.000	.344							5L	7A.4	A135	A139		888		
195		14	14.000	.375	A72			A120	A53	A252	5L	7A.4	A135	A139		888		
196		14	14.000	.438						A252	5L	7A.4	A135	A139				
197		14	14.000	.500						A252	5L	7A.4	A135	A139				
198		15	15.000	.375	A72			A120	A53		5L			A139				
199		16	16.000	.062										A139	A211			
200		16	16.000	.078										A139	A211			
201		16	16.000	.109										A139	A211			
202		16	16.000	.141								7A.4		A139	A211			
203		16	16.000	.172										A139	A211			
204		16	16.000	.188								7A.4	A135	A139		888		
205		16	16.000	.219								7A.4	A135	A139		888		
206		16	16.000	.250							5L	7A.4	A135	A139		888		
207		16	16.000	.281							5L	7A.4	A135	A139		888		
208		16	16.000	.312							5L	7A.4	A135	A139		888		
209		16	16.000	.344							5L	7A.4	A135	A139		888		
210		16	16.000	.375	A72			A120	A53	A252	5L	7A.4	A135	A139		888		
211		16	16.000	.438						A252	5L	7A.4	A135	A139				
212		16	16.000	.500						A252	5L	7A.4	A135	A139				
213		17	17.000	.393	A72			A120	A53		5L			A139				
214		18	18.000	.062										A139	A211			
215		18	18.000	.078										A139	A211			
216		18	18.000	.109										A139	A211			
217		18	18.000	.141								7A.4		A139	A211			
218		18	18.000	.172										A139	A211			
219		18	18.000	.188								7A.4		A139		888		
220		18	18.000	.219								7A.4	A135	A139		888		
221		18	18.000	.250							5L	7A.4	A135	A139		888		
222		18	18.000	.281							5L	7A.4	A135	A139		888		
223		18	18.000	.312							5L	7A.4	A135	A139		888		
224		18	18.000	.344							5L	7A.4	A135	A139		888		
225		18	18.000	.375						A252	5L	7A.4	A135	A139		888		
226		18	18.000	.409	A72			A120	A53		5L		A135	A139				
227		18	18.000	.438						A252	5L	7A.4	A135	A139				
228		18	18.000	.500						A252	5L	7A.4	A135	A139				
229		20	20.000	.062										A139	A211			
230		20	20.000	.078										A139	A211			
231		20	20.000	.109										A139	A211			
232		20	20.000	.141								7A.4		A139	A211			
233		20	20.000	.172										A139	A211			
234		20	20.000	.188								7A.4		A139		888		
235		20	20.000	.219								7A.4	A135	A139		888		
236		20	20.000	.250							5L	7A.4	A135	A139		888		
237		20	20.000	.281							5L	7A.4	A135	A139		888		
238		20	20.000	.312							5L	7A.4	A135	A139		888		
239		20	20.000	.344							5L	7A.4	A135	A139		888		
240		20	20.000	.375						A252	5L	7A.4	A135	A139		888		
241		20	20.000	.409	A72			A120	A53		5L		A135	A139		888		
242		20	20.000	.438						A252	5L	7A.4	A135	A139		888		
243		20	20.000	.500						A252	5L	7A.4	A135	A139		888		
244		22	22.000	.062										A139	A211			
245		22	22.000	.078										A139	A211			
246		22	22.000	.109										A139	A211			
247		22	22.000	.141										A139	A211			
248		22	22.000	.172										A139	A211			
249		22	22.000	.188								7A.4		A139		888		
250		22	22.000	.219								7A.4		A139		888		
251		22	22.000	.250								7A.4	A135	A139		888		
252		22	22.000	.281									A135	A139		888		
253		22	22.000	.312							5L	7A.4	A135	A139		888		
254		22	22.000	.344							5L	7A.4	A135	A139		888		
255		22	22.000	.375						A252	5L	7A.4	A135	A139		888		
256		22	22.000	.438						A252	5L	7A.4	A135	A139		888		
257		22	22.000	.500						A252	5L	7A.4	A135	A139		888		
258		24	24.000	.062										A139	A211			
259		24	24.000	.078										A139	A211			
260		24	24.000	.109										A139	A211			
261		24	24.000	.141										A139	A211			
262		24	24.000	.172										A139	A211			
263		24	24.000	.188								7A.4		A139		888		
264		24	24.000	.219								7A.4		A139		888		
265		24	24.000	.250								7A.4	A135	A139		888		
266		24	24.000	.281									A135	A139		888		

TABLE I—PIPE SIZES PERMISSIBLE FOR GENERAL USE—Continued

Item	Nominal size (In.) Note (a)	O. D. size (In.)	Outside diameter (inches)	Wall thickness (inches)	A S T M-A 72 Note (b)	A A R-M-306 Note (c)	A A R-M-111	A S T M-A 120	A S T M-A 53	A S T M-A 252	A P I-5-L	A W W A-7A.4	A S T M-A 135	A S T M-A 139	A S T M-A 211	U. L. SPI 888	A S T M-A 134	A W W A-7A.3
267		24	24.000	.312							5L	7A.4	A135	A139		888		
268		24	24.000	.344							5L	7A.4	A135	A139		888		
269		24	24.000	.375							5L	7A.4	A135	A139		888		
270		24	24.000	.438							5L	7A.4	A135	A139		888		
271		24	24.000	.500						A252	5L	7A.4	A135	A139		888		
272		26	26.000	.062										A139	A211			
273		26	26.000	.078										A139	A211			
274		26	26.000	.109										A139	A211			
275		26	26.000	.141										A139	A211			
276		26	26.000	.172										A139		888		
277		26	26.000	.188								7A.4		A139		888		
278		26	26.000	.219								7A.4	A135	A139		888		
279		26	26.000	.250								7A.4	A135	A139		888		
280		26	26.000	.281								7A.4	A135	A139		888		
281		26	26.000	.312								7A.4	A135	A139		888		
282		26	26.000	.375								7A.4	A135	A139		888		
283		26	26.000	.438								7A.4	A135	A139		888		
284		26	26.000	.500														
285		28	28.000	.062										A139	A211			
286		28	28.000	.078										A139	A211			
287		28	28.000	.109										A139	A211			
288		28	28.000	.141										A139	A211			
289		28	28.000	.172										A139		888		
290		28	28.000	.188								7A.4		A139		888		
291		28	28.000	.219								7A.4		A139		888		
292		28	28.000	.250								7A.4		A139		888		
293		28	28.000	.281								7A.4		A139		888		
294		28	28.000	.312								7A.4		A139		888		
295		28	28.000	.375								7A.4		A139		888		
296		28	28.000	.438								7A.4		A139		888		
297		28	28.000	.500														
298		30	30.000	.062											A211			
299		30	30.000	.078											A211			
300		30	30.000	.109											A211			
301		30	30.000	.141											A211			
302		30	30.000	.172												888	A134	7A.3
303		30	30.000	.188												888	A134	7A.3
304		30	30.000	.250												888	A134	7A.3
305		30	30.000	.281												888	A134	7A.3
306		30	30.000	.312												888	A134	7A.3
307		30	30.000	.375												888	A134	7A.3
308		30	30.000	.438												888	A134	7A.3
309		30	30.000	.500														
310		36	36.000	.062											A211			
311		36	36.000	.078											A211			
312		36	36.000	.109											A211			
313		36	36.000	.141											A211			
314		36	36.000	.172													A134	7A.3
315		36	36.000	.188												888	A134	7A.3
316		36	36.000	.250												888	A134	7A.3
317		36	36.000	.312												888	A134	7A.3
318		36	36.000	.375												888	A134	7A.3
319		36	36.000	.438												888	A134	7A.3
320		36	36.000	.500														
321		42	42.000	.062											A211			
322		42	42.000	.078											A211			
323		42	42.000	.109											A211			
324		42	42.000	.141											A211			
325		42	42.000	.172													A134	7A.3
326		42	42.000	.188												888	A134	7A.3
327		42	42.000	.250												888	A134	7A.3
328		42	42.000	.312												888	A134	7A.3
329		42	42.000	.375												888	A134	7A.3
330		42	42.000	.438												888	A134	7A.3
331		42	42.000	.500														
332		48	48.000	.062											A211			
333		48	48.000	.078											A211			
334		48	48.000	.109											A211			
335		48	48.000	.141											A211			
336		48	48.000	.172													A134	7A.3
337		48	48.000	.188													A134	7A.3
338		48	48.000	.250												888	A134	7A.3
339		48	48.000	.312												888	A134	7A.3
340		48	48.000	.375												888	A134	7A.3
341		48	48.000	.438												888	A134	7A.3
342		48	48.000	.500														

NOTES: (a) In the column headed Nominal Size-Inches:
s denotes "Standard Weight" pipe:
xs denotes "Extra Strong" pipe:
xxs denotes "Double Extra Strong" pipe:

(b) and (c) The wall thickness of wrought iron pipe ((b) ASTM Specification A72 and (c) specification AAR-M-306) is 2-3 per cent greater than shown.

(d) One-inch Welded Wrought Iron Pipe, covered by Association of American Railroads Signal Section Specification 123-39 is permissible in this size.

(e) One-inch Welded Steel Pipe, covered by Association of American Railroads Signal Section Specification 122-39 is permissible in this size.

(f) The sizes permissible for ASTM-A72, ASTM-A53 and ASTM-A135, are applicable also to the identical American Society of Mechanical Engineers Boiler Construction Code, Material Specifications S-19, S-18 and S-58, respectively.

(g) When specified by the customer and when the producer has existing facilities for production, spiral welded pipe to Specifications A-211, 7A-3 and 7A-4 may be made to inside diameters, equivalent to the outside diameters set forth in Table I within the range from 4 to 30 inches inclusive, and to wall thicknesses of .062, .078, .109, .141, and .172 inch.

TABLE 2.—PIPE SIZES PERMISSIBLE FOR GOVERNMENT ORDERS ONLY

Item	Nominal size (inches) Note (a)		O. D. size (inches)	Outside diameter (inches)	Wall thickness (inches)	CG-MIN 51.12, note (c)	Federal WW-P-441, note (d)	Navy 44P11, note (e)	Federal WW-P-403	Navy 44P10	Navy 66P1, note (f)
1	⅛	S		.405	.068	51.12	441	44P11	403	44P10	
2	⅛	XS		.405	.095	51.12	441	44P11	403	44P10	
3	¼	S		.540	.088	51.12	441	44P11	40s	44P10	
4	¼	XS		.540	.119	51.12	441	44P11	403	44P10	
5	⅜	S		.675	.091	51.12	441	44P11	403	44P10	
6	⅜	XS		.675	.126	51.12	441	44P11	403	44P10	
7	½	S		.840	.109	51.12	441	44P11	403	44P10	
8	½	XS		.840	.147	51.12	441	44P11	403	44P10	
9	½	XXS		.840	.294	51.12	441	44P11	403	44P10	
10	¾	S		1.050	.113	51.12	441	44P11	403	44P10	
11	¾	XS		1.050	.154	51.12	441	44P11	403	44P10	
12	¾	XXS		1.050	.308	51.12	441	44P11	403	44P10	
13	1	S		1.315	.133	51.12	441	44P11	403	44P10	
14	1	XS		1.315	.179	51.12	441	44P11	403	44P10	
15	1	XXS		1.315	.358	51.12	441	44P11	403	44P10	
16	1¼	S		1.660	.140	51.12	441	44P11	403	44P10	
17	1¼	XS		1.660	.191	51.12	441	44P11	403	44P11	
18	1¼	XXS		1.660	.382	51.12	441	44P11	403	44P10	
19	1½	S		1.900	.145	51.12	441	44P11	403	44P10	
20	1½	XS		1.900	.200	51.12	441	44P11	403	44P10	
21	1½	XXS		1.900	.400	51.12	441	44P11	403	44P10	
22	2	S		2.375	.154	51.12	441	44P11	403	44P10	
23	2	XS		2.375	.218	51.12	441	44P11	403	44P10	
24	2	XXS		2.375	.436	51.12	441	44P11	403	44P10	
25			2.875	2.875	.120			44P11 (b)			
26	2½	S		2.875	.203	51.12	441	44P11	403	44P10	
27	2½	XS		2.875	.276	51.12	441	44P11	403	44P10	
28	2½	XXS		2.875	.552	51.12	441	44P11			
29			3½	3.500	.140			44P11 (b)			
30	3	S		3.500	.216	51.12	441	44P11	403	44P10	
31	3	XS		3.500	.300	51.12	441	44P11	403	44P10	
32	3	XXS		3.500	.600	51.12	441	44P11	403	44P10	
33			4	4.000	.148			44P11 (b)			
34	3½	S		4.000	.226	51.12	441	44P11	403	44P10	
35	3½	XS		4.000	.318	51.12	441	44P11	403	44P10	
36	3½	XXS		4.000	.636	51.12	441	44P11	403	44P10	
37			4½	4.500	.160			44P11 (b)			
38	4	S		4.500	.237	51.12	441	44P11	403	44P10	
39	4	XS		4.500	.337	51.12	441	44P11	403	44P10	
40	4	XXS		4.500	.674	51.12	441	44P11	403	44P10	
41			5⅝6	5.563	.200			44P11 (b)			
42	5	S		5.563	.258	51.12	441	44P11	403	44P10	
43	5	XS		5.563	.375	51.12	441	44P11	403	44P10	
44	5	XXS		5.563	.750	51.12	441	44P11	403	44P10	
45			6¼	6.625	.200			44P11 (b)			
46	6	S		6.625	.280	51.12	441	44P11	403	44P10	
47	6	XS		6.625	.432	51.12	441	44P11	403	44P10	
48	6	XXS		6.625	.864	51.12	441	44P11	403	44P10	
49			8	8.000	.109						66P1
50			8	8.000	.171						66P1
51			8¼	8.625	.225			44P11 (b)			
52	8	S		8.625	.277	51.12					
53	8	S		8.625	.322	51.12	441	44P11	403	44P10	
54	8	XS		8.625	.500	51.12	441	44P11	403	44P10	
55	8	XXS		8.625	.875	51.12	441	44P11	403	44P10	
56			10	10.000	.109						66P1
57			10	10.000	.171						66P1
58	10	S		10.750	.279	51.12					
59			10¾	10.750	.284			44P11 (b)			
60	10			10.750	.307	51.12					
61	10	S		10.750	.365	51.12	441	44P11	403	44P10	
62	10	XS		10.750	.500	51.12	441	44P11	403	44P10	
63			12	12.000	.109						66P1
64			12	12.000	.187						66P1
65			12¾	12.750	.250			44P11 (b)			
66			12¾	12.750	.320			44P11 (b)			
67	12	S		12.750	.330	51.12	441	44P11	403	44P10	
68	12	S		12.750	.375	51.12	441	44P11	403	44P10	
69	12	XS		12.750	.500	51.12	441	44P11	403	44P10	
70			14	14.000	.109						66P1
71			14	14.000	.187						66P1
72			14	14.000	.250			44P11 (b)			
73			15	15.000	.250			44P11 (b)			
74			16	16.000	.109						66P1
75			16	16.000	.218						66P1
76			16	16.000	.250			44P11 (b)			
77			18	18.000	.109						66P1
78			18	18.000	.218						66P1

TABLE 2.—PIPE SIZES PERMISSIBLE FOR GOVERNMENT ORDERS ONLY—Continued

Item	Nominal size (inches) Note (a)	O. D. size (inches)	Outside diameter (inches)	Wall thickness (inches)	CG-MIN 51.12, note (c)	Federal WW-P-441, note (d)	Navy 44P11, note (e)	Federal WW-P-403	Navy 44P10	Navy 66P1, note (f)
79		20	20.000	.140						66P1
80		20	20.000	.218						66P1
81		22	22.000	.140						66P1
82		22	22.000	.218						66P1
83		24	24.000	.140						66P1
84		24	24.000	.250						66P1
85		26	26.000	.140						66P1
86		26	26.000	.250						66P1
87		28	28.000	.140						66P1
88		28	28.000	.281						66P1
89		30	30.000	.140						66P1
90		30	30.000	.281						66P1

NOTE: (a) In the column headed Nominal Size-Inches:

s denotes "Standard Weight" pipe.
xs denotes "Extra Strong" pipe.
xxs denotes "Double Extra Strong" pipe.

(b) Actual wall thickness of the corresponding O. D. Sizes.

(c) (d) & (e) The wall thickness of wrought iron pipe (c) (Coast Guard Specification MIN 51.12, (d) Federal Specification WW-P-441 and (e) Navy Specification 44P11) is 2-3 per cent greater than shown.

(f) Navy Department Specification 66P1 covers light wall pipe in the sizes shown which may be either outside diameters or inside diameters.

(g) The sizes permissible for ASTM-A53 and ASTM-A135 set forth in Table 1 are applicable to U. S. Coast Guard Specifications CG-MIN-51.11a and CG-MIN-51.11b respectively.

[F. R. Doc. 43-14151; Filed, August 30, 1943; 11:43 a. m.]

PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD

[Schedule VII to Limitation Order L-120]

COMMERCIAL ENVELOPES

§ 3281.23 *Schedule VII to Limitation Order L-120*—(a) *Definitions:* For the purpose of this schedule:

(1) The term "commercial envelopes" means all envelopes, including envelopes for greeting cards and valentines, and envelopes equipped with mechanical closures, except

(i) Envelopes included within the definition of "paper stationery" in Schedule VIII of Limitation Order L-120.

(ii) Expansion type envelopes.

(iii) Envelopes made wholly of glassine or transparent film (transparent cellulose, plicfilm, etc.)

(2) The term "envelopes equipped with mechanical closures" means envelopes having attached thereto a mechanical device, such as clasp or string and button, for closing or securing the open flap of the envelope.

(b) *Limitations.* After September 29, 1943,

(1) *Papers.* No person shall manufacture commercial envelopes from paper the substance weight of which is greater than the substance weight indicated for such paper in the following table per 500 sheets—17" x 22":

Grade of paper:	*Substance weight*
Envelope manila	28
Envelope Kraft	28
Bonds	20
Rope and jute	28
Papers made principally from extra strong sulphite or extra strong sulphate pulps excluding white	28
Other grades	24

The following are excepted from this limitation on basis weight:

(i) Envelopes equipped with mechanical closures

(ii) Filing and document envelopes

(iii) Envelopes with safety fold

(iv) Envelopes used to package material, not including written or printed matter, the weight of which requires paper heavier than shown in the above table.

(v) Envelopes made prior to December 28, 1943, from papers which on August 30, 1943, were in the possession or manufactured for the account of the envelope manufacturer, regardless of the weight of such papers provided that such person complies with all other provisions of this schedule.

(2) *Styles.* No person shall manufacture commercial envelopes with linings.

(3) *Boxes.* No envelope manufacturer shall use for packaging commercial envelopes any paperboard boxes except boxes made in accordance with Table I of Schedule IV to General Limitation Order L-239.

(4) *Miscellaneous provisions.* (i) No person who manufactures commercial envelopes for resale in bunches through wholesale and retail outlets, or commercial announcement envelopes, shall fold such envelopes so as to bulk in excess of the thickness per bunch specified by the following tables:

Number of envelopes per bunch:	*Thickness of bunch (inches)*
24-25	1½
20-23	1¼
18-19	1⅛
15-17	1
10-14	¾
Under 10	½

(ii) No person who manufactures commercial envelopes equipped with mechanical closures shall include adhesives on the open or seal flap.

(iii) No person who manufactures commercial envelopes equipped with mechanical closures shall package same in containers, other than outside shipping containers, containing less than 250 envelopes.

Issued this 30th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD

[Schedule VIII to Limitation Order L-120]

PAPER STATIONERY

§ 3281.24 *Schedule VIII to Limitation Order L-120*—(a) *Definitions.* For the purpose of this Schedule the term "paper stationery" includes:

(1) Envelopes, correspondence paper and cards, manufactured for social correspondence.

(2) Envelopes with paper or cards to correspond manufactured for wedding invitations and wedding announcements.

(3) Envelopes with note paper or cards of corresponding size, packaged together in a single box, portfolio, or other common container, manufactured and assembled for resale as a unit (papeteries).

(b) *General limitations.* From and after September 29, 1943:

(1) *Papers.* (i) No person shall manufacture paper stationery from any paper the substance weight of which is greater than that specified for such paper in the following table per 500 sheets.

Grades	Substance weights		
	17" x 22"	22½" x 28½"	
	Envelopes	Note paper	Cards
Bonds, except extra 100% Rag Grade	20	16	-------
Bonds, Extra 100% Rag Grade	20	20	-------
Rag Content and Chemical Wood Wedding for use in manufacturing wedding invitations and wedding announcements only	24	24	120
Other grades	24	20	100

(ii) There is excepted from this limitation on basis weight, paper stationery made prior to December 29, 1943 from papers which on August 30, 1943, were in the possession or manufactured for

the account of the paper stationery manufacturer, regardless of their substance weight, provided that such person complies with all other provisions of this schedule.

(2) *Sizes and styles.* (i) No envelope size and style shall be manufactured other than those that can be manufactured from dies in existence on August 30, 1943.

(ii) No person shall manufacture paper stationery envelopes with linings.

(3) *Boxes.* No paper stationery manufacturer shall use for packaging paper stationery any paperboard boxes except boxes made in accordance with Tables 1 and 2 of Schedule 4 to Limitation Order L–239.

(4) *Miscellaneous.* (i) No person who manufactures or assembles paper stationery envelopes for resale in bunches through wholesale and retail outlets shall fold such envelopes in excess of the thickness per bunch specified by the following table:

Number of envelopes per bunch:	*Thickness of bunch (inches)*
24–25	1½
20–23	1¼
18–19	1⅛
15–17	1
10–14	¾
Under 10	½

(ii) No person who manufactures or assembles paper stationery envelopes for papeteries in bunches shall fold such envelopes so as to bulk in excess of the thickness per bunch specified by the following table, when such bunches whether banded or not, are enclosed in the papeterie box.

Number of envelopes per bunch:	*Thickness of bunch (inches)*
24–25	1½
20–23	1¼
18–19	1⅛
15–17	1
10–14	¾
Under 10	½

Exception. Paper stationery envelopes made prior to December 28, 1943 may be folded so as to bulk in excess of the limitations of the above table only for the purpose of being enclosed in papeterie boxes which are wholly or partially fabricated on August 30, 1943.

(iii) No person shall manufacture or assemble wedding invitation or wedding announcement stationery in bunches, boxes or other units containing more than 1 envelope per invitation or announcement unit.

(iv) No person shall manufacture or assemble wedding invitation or wedding announcement cabinets which contain less than 100 envelopes and 100 sheets per cabinet. The envelopes for said cabinets shall not be folded so as to bulk in more than 2" per 25 envelopes.

Issued this 30th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD

[Schedule IX to Limitation Order L–120]

TABLETS, NOTEBOOKS, PADS, AND LOOSELEAF FILLERS

§ 3281.25 *Schedule IX to Limitation Order L–120*—(a) *Applicability.* The following converted paper items are subject to the restrictions of this schedule:

(1) Memorandum and notebooks.
(2) Stenographer notebooks.
(3) Loose leaf fillers.
(4) Pads.
(5) Typewriter tablets.
(6) Writing tablets.
(7) School supplies including but not limited to—
(i) Blue books.
(ii) Composition books.
(iii) Music books.
(iv) Spelling books.
(v) Drawing tablets.
(vi) Examination tablets.
(vii) Spelling tablets.
(viii) Theme tablets.

(b) *General limitations.* From and after September 29, 1943:

(1) *Papers.* (i) No person shall manufacture tablets, notebooks, pads or loose-leaf fillers from any paper the substance weight of which is greater than that specified for such paper by the following table:

Article	Grade	Substance weight per 500 sheets
Drawing books, tablets and pads.	All grades	24" x 36"—60 lbs.
Writing tablets	Bond	17" x 22"—16 lbs.
	Newsprint	24" x 36"—32 lbs.
	Other grades	17" x 22"—20 lbs.
All articles not otherwise listed.	All grades	17" x 22"—16 lbs.

(ii) There are excepted from this limitation on basis weight, tablets, notebooks, pads and loose-leaf fillers made prior to December 28, 1943 from papers which on August 30, 1943, were in the possession or manufactured for the account of the manufacturer of tablets, notebooks, pads and loose-leaf fillers, regardless of this substance weight: *Provided*, That such person complies with all the provisions of this schedule.

(2) *Miscellaneous.* (i) No person shall manufacture tablets or pads with backboards heavier than the count specified in the following table:

Count of back-board (25" x 40"—50 lbs. per bundle)

Kind of tablet or pad:	*Sheets per bundle*
Tablets manufactured from newsprint grades	80
Tablets manufactured from rag and chemical wood grades	60
Pads, the sheet size of which is in excess of 60 square inches	60
Pads, the sheet size of which is 60 square inches or less	80

(ii) No person shall manufacture tablets with covers made from any of the following grades of paper or paperboard heavier than the weight indicated for such grade by the following table:

Grade of cover:	*Weight*
Uncoated cover	20" x 26"—80 (500 sheets)
Coated cover	20" x 26"—60 (500 sheets)
Bristols including Bogus.	22½" x 28½"—94 (500 sheets)
Imitation Press Board.	17" x 28"—70 (500 sheets)
Semi-genuine Press Board.	.008 Caliper.

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By J. JOSEPH WHELAN,
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PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD

[Schedule XII to Limitation Order L–120]

PAPER TOWELS

§ 3281.28 *Schedule XII to Limitation Order L–120*—(a) *Standard ream count.* On and after August 30, 1943, the basis weights for towels shall be calculated by reference to a standard ream of 500—24" x 36" with tolerance of 5% over or under the specified sheet, instead of by reference to the ream of 480—24" x 36" heretofore used.

(b) *Limitations.* Except as provided in paragraph (c) of this schedule no person shall manufacture or package any towels in roll or folded form, in any basis weight heavier than indicated in (i) under the appendix, or in any size, count or pack contrary to the provisions of (ii), (iii) and (iv) under the appendix.

(c) *Exceptions.* Notwithstanding the limitations of paragraph (b) of this schedule, any person may prior to October 29, 1943 manufacture and package towels in any basis weight, in any size, count or pack required to utilize inventories of paper cartons or shipping cases already in the possession or manufactured for the account of such person on August 30, 1943.

Issued this 30th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX

PAPER TOWELS

(i) *Maximum basis weight* (24" x 36"—500 sheets): 35# maximum single sheet.
(ii) *Size:* Industrial folded and roll, no restrictions.
Household roll, 7½ x 11, maximum.
(iii) *Count:* Narrow fold industrial type, 125 towels per package, minimum.
All other industrial roll and folded, also household roll, 150 towels per package, minimum.
Household roll towels to show count and size on label.
(iv) *Pack* (for shipping): Industrial roll and folded, 3750 towels to case, minimum.
Household roll, 7200 towels to case, minimum.

[F. R. Doc. 43–14156; Filed, August 30, 1943; 11:42 a. m.]

PART 3281—STANDARDIZATION AND SIMPLIFICATION OF PAPER AND PAPERBOARD

[Schedule XIII to Limitation Order L–120]

PAPER NAPKINS

§ 3281.29 *Schedule XIII to Limitation Order L–120.*—(a) *Standard ream count.* On or after August 30, 1943, the basis weights for napkins shall be calculated by reference to a standard ream of 500—24" x 36"—with tolerance of 5% over or under the specified sheet, instead of by reference to the ream of 480—24" x 36" heretofore used.

(b) *Limitations.* Except as provided in paragraph (c) of this schedule no person shall manufacture or package any napkins in any basis weight heavier than indicated in (i) under the appendix, or in any size, count, bulk or pack contrary to the provisions of (ii), (iii), (iv) and (v) under the appendix.

(c) *Exceptions.* Notwithstanding the limitations of paragraph (b) of this schedule, any person may prior to October 29, 1943, manufacture and package napkins in any basis weight, in any size, count, bulk or pack required to utilize inventories of paper cartons or shipping cases already in the possession or manufactured for the account of such person on August 30, 1943.

Issued this 30th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX

PAPER NAPKINS

(i) *Maximum basis weight* (24" x 36"—500 count): 14# maximum.
(ii) *Size:* 180 square inches, maximum.
(iii) *Count* (retail packages): 80 and 100 count only (The limitations as to "count" shall not apply to printed, decorated napkins).
(iv) *Bulk* (retail packages): 80 count—3 inches high, maximum; 100 count—3¾ inches high, maximum.
(v) *Packing:* All bulk and dispenser type—10,000 to case, minimum 80 and 100 count (retail package)—48 packages to case minimum.

[F. R. Doc. 43–14152; Filed, August 30, 1943; 11:44 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 63,[1] Amdt. 13]

RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 63 is amended in the following respects:

1. Section 1315.110 (m) (1) (ii) (*d*) is added to read as follows:

(*d*) HIGHWAY TREAD RAYON

Size	Ply	Maximum price
8.25–20	10	$76.40
9.00–20	10	91.15
10.00–20	12	115.55
11.00–20	12	136.65

2. Section 1315.110 (m) (8) (ii) (*a*) is amended to read as follows:

(*a*) JUMBO JUNIOR

Size:	*Maximum price*
8 x 3.00–4	$1.52
10 x 3.50–4	1.56
12 x 4.00–6	1.61
16 x 5.00–8	1.87
18 x 5.50–8	2.09
6.50–10	2.56

3. Section 1315.110 (m) (11) (i) is amended to read as follows:

(i) MUD AND SNOW

Size	Ply	Maximum price
6.00–16	6	$22.00
6.50–20 (32 x 6)	8	37.00
7.00–20 (32 x 6)	10	49.80
7.50–20	8	42.80
7.80–20 (34 x 7)	10	66.45
11.00–20	12	126.50

4. Section 1315.110 (m) (12) is added to read as follows:

(12) Dunlop Tire and Rubber Company: Maximum prices for the following sizes in the following brands of truck tires shall be:

(i) MUD AND SNOW

Size	Ply	Maximum price
7.50–16	6	$38.05

5. Section 1315.110 (m) (13) is added to read as follows:

(13) The Pharis Tire and Rubber Company: Maximum prices for the following sizes in the following brands of truck tubes shall be:

(1) HEAT PRUF

Size:	*Maximum price*
7.00–15	$3.69
7.50–15	5.54
7.50–16	3.14
7.00–16	3.54

6. Section 1315.110 (p) (2) (ii) (c) is amended to read as follows:

(c) ROCK SPECIAL

Size	Ply	Maximum price
9.00–20	12	$100.90
11.00–24	14	162.82

7. Section 1315.110 (p) (2) (ii) (*d*) is amended to read as follows:

(*d*) JUMBO JUNIOR

Size	Ply	Maximum price
8 x 3.00–4	4	$4.44
10 x 3.50–4	4	4.93
12 x 4.00–6	4	5.77
16 x 5.00–8	6	11.10
18 x 5.50–8	6	13.71

8. Section 1315.110 (p) (2) (iv) is amended to read as follows:

(iv) United States Rubber Company: (*a*) Maximum prices for the following sizes in the following brands of tires shall be:

(*f*) GILLETTE TRACTOR IMPLEMENT

Size	Ply	Maximum price
5.00–15	4	$11.55
5.50–16	4	12.65
6.00–16	4	14.40
7.50–10	4	23.95
7.50–18	4	22.00

(*g*) U. S. FARM TRACTOR—WIDE BASE

10–28	4	$47.45

(*h*) U. S. IMPLEMENT

5.00–15	4	$10.25

(*b*) Maximum prices for the following sizes in the following brands of tubes shall be:

(*1*) U. S. FARM TRACTOR

Size:	*Maximum price*
10–28	$8.40

(2) U. S. IMPLEMENT

5.00–15	2.10

9. Section 1315.110 (p) (2) (v) is added to read as follows:

(v) The Dayton Rubber Manufacturing Company: Maximum prices for the following sizes in the following brands of tires shall be:

(*a*) THOROBRED ROCK SERVICE AND LOGGER

Size	Ply	Maximum price
8.25–20	12	$83.20
9.00–20	12	100.50
10.00–20	14	125.70

10. Section 1315.110 (p) (2) (vi) is added to read as follows:

(vi) The Goodyear Tire and Rubber Company: Maximum prices for the following sizes in the following brands of tires shall be:

(*a*) TRIPLE RIB FRONT TRACTOR

Size	Ply	Maximum price
6.00–12	6	$18.70
6.00–12	8	21.05

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2110, 2663, 4332, 5746, 7597, 8860.

11. Section 1315.110 (p) (2) (vii) is added to read as follows:

(vii) Seiberling Rubber Company: Maximum prices for the following sizes in the following brands of tires shall be:

(a) ROCK SERVICE

Size	Ply	Maximum price
7.50-20	10	$68.05
8.25-20	12	83.20
9.00-20	12	100.90
10.00-20	14	123.70

12. Section 1315.111 (b) is amended by revoking the 21st item in the table in which item Cities Service Oil Company is listed as the distributor.

13. Section 1315.111 (d) is amended by revoking the 30th item in the table in which item Cities Service Oil Company is listed as the distributor.

14. Section 1315.111 (e) (2) is amended by revoking the 4th item in the table in which item Cities Service Oil Company is listed as the distributor.

This amendment shall become effective September 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14002; Filed, August 27, 1943; 4:31 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 122, Correction]

PETROLEUM AND PETROLEUM PRODUCTS

Item 9 in Amendment No. 122 is corrected to read, "In the second unnumbered paragraph of § 1340.159 the words 'petroleum or of' in the phrase, 'if, on his last sale of petroleum or of a petroleum product', and the words, 'petroleum or' in the phrase 'in connection with sales of petroleum or the same petroleum product', are deleted".

This correction shall become effective August 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14003; Filed, August 27, 1943; 4:31 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[RO 4A,[2] Amdt. 4]

TYPEWRITERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718.

[2] 7 F.R. 10306; 8 F.R. 1065, 1588, 5172, 7384.

Ration Order 4A is amended in the following respects:

1. Section 1398.121 is amended by deleting the words "Board of Economic Warfare" and substituting instead the words "Office of Economic Warfare."

This amendment shall become effective August 31, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; WPB Directive No. 1, Supplementary Directive No. 1-D, Conversion Order No. L-54a, 7 F.R. 526, 1792, 2130)

Issued this 27th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14004; Filed, August 27, 1943; 4:31 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[2d Rev. Restaurant MPR 7-1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DENVER REGION

Revised Restaurant Maximum Price Regulation No. 7-1 is redesignated as 2d Revised Restaurant Maximum Price Regulation No. 7-1, and is revised and amended to read as follows:

In the judgment of the Regional Administrator of Region VII, the prices of food and beverages sold for immediate consumption in the States of Colorado, Montana, New Mexico, Utah and Wyoming, and all that portion of the State of Idaho lying south of the southern boundary of Idaho County, and all of Harney and Malheur Counties in the State of Oregon, and all of Mohave and Coconino Counties in the State of Arizona, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Regional Administrator of Region VII, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act.

So far as practicable the Regional Administrator of Region VII gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (F.R. 7565), 77th Congress, 2d Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Regional Administrator of Region VII hereby issues this 2d Revised Restaurant Maximum Price Regulation No. 7-1, establishing as the maximum prices for food and drink sold for immediate consumption in the above mentioned states the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.601 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Regional Administrator of Region VII by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328 and General Order No. 50 issued by the Office of Price Administration, 2d Revised Restaurant Maximum Price Regulation No. 7-1 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made part hereof, is hereby issued.

AUTHORITY: § 1448.601 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

2D REVISED RESTAURANT MAXIMUM PRICE REGULATION NO. 7-1—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

Sec.
1. Sales at higher than ceiling prices prohibited.
2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.
3. How you figure ceiling prices for food items and meals you did not sell in the seven-day period.
4. How you figure ceiling prices if you are the proprietor of a seasonal eating place.
5. Classes of food items and meals.
6. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.
7. Prohibition against discontinuing meals at certain prices.
8. Evasion.
9. Rules for new proprietors.
10. Taxes.
11. Records.
12. Posting.
13. Operation of several places.
14. Relation to other maximum price regulations.
15. Geographical application.
16. Licensing.
17. Enforcement.
18. Definitions and explanations.
19. Exempt sales.
20. Special orders.
21. Applications for adjustment.
22. Petitions for amendment.
23. Revocation.

SECTION 1. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, delicatessen, soda fountain, boarding house, or any other eating or drinking place not expressly exempted herefrom, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (Sections 2 and 3). You may, of course, sell at lower than ceiling prices.

SEC. 2. *How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.* (a) Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price

at which you offered the same food item or meal in that seven-day period.

(b) As to any food item sold separately which is a bakery product under MPR 319, you may add to your ceiling price the amount, if any, by which the cost of such food item has been increased by your customary supplier since April 10, 1943.

SEC. 3. *How you figure ceiling prices for food items and meals you did not sell in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period as follows:

(a) Choose from the food items or meals for which a ceiling price has already been fixed the food item or meal which is most similar to the food item or meal you are pricing; and

(b) Figure a price "in line" with the ceiling price of that most similar food item or meal. A price is "in line" if the customer receives as much value for his money from the one item or meal as from the other, even though the two prices may be different. In comparing values, quality, size of portions, and the margin over food cost are the things that count; or

(c) If you prefer, take as your ceiling price the last price at which you offered the same food item or meal for sale before the seven-day period.

(d) Once your ceiling price for a food item or meal has been fixed, it may not be changed.

SEC. 4. *How you figure ceiling prices if you are the proprietor of a seasonal eating place.* If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of section 19 (f) you must figure your ceiling prices as follows:

(a) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2 and 3.

(b) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 9 (b).

(c) If you cannot price under subparagraphs (1) and (2) above, you must apply for a price to the OPA District Office for the area in which the place is located.

SEC. 5. *Classes of food items and meals.* (See definitions of "food item" and "Meal" contained in section 18.) (a) *The classes of food items.*

BREAKFAST ITEMS

(1) Fruits and fruit juices.
(2) Cereals.
(3) Egg and combination egg dishes served at breakfast.
(4) Bread, rolls, toast, etc., served at breakfast.
(5) Waffles and hot cakes.
(6) Breakfast meats.
(7) All other breakfast dishes.

OTHER ITEMS

(8) Appetizers and cocktails.
(9) Soups.
(10) Beef.
(11) Pork.
(12) Lamb, mutton.
(13) Veal.
(14) Poultry.
(15) Fish and shellfish.
(16) Miscellaneous and variety meats including liver, kidneys, and made dishes such as stews, casseroles, etc.
(17) Egg and cheese dishes which might be served as a main dish or entree in a meal.
(18) All other dishes which might be served as a main dish or entree in a meal, such as spaghetti, vegetable plate, baked beans, chop suey, etc.
(19) Potatoes.
(20) All other vegetables.
(21) Bread and butter.
(22) Salads (except as served as main course in a meal.)
(23) Cakes, cookies, pies, pastries, and other baked goods.
(24) Ice Cream and all fountain items.
(25) All other desserts including fruits, puddings, cheese, etc.
(26) Hot Sandwiches.
(27) Cold Sandwiches.
(28) All other food items.

BEVERAGES

(29) Nonalcoholic beverages.
(30) Beer and other malt beverages.
(31) Wines.
(32) Other alcoholic beverages.

(b) *The classes of meals.* For the purposes of this regulation there shall be ten classes of meals; namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays.

SEC. 6. *No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal than your highest ceiling price for food items or meals of the same class offered in the seven-day period, except that any proprietor who has customarily in the regular course of his business charged higher prices for meals or food items, including beverages, on any one or more of the following holidays: namely, New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas, and New Year's Eve, may continue to charge such higher prices on such holidays not, however, to exceed an increase of 15% above his regular Sunday price.

Example 1. If you figured an "in line" price for a new week-day dinner at $1.25, and your highest ceiling price in the week-day dinner class is $1.00, your ceiling price for the new dinner is $1.00.

Example 2. If your highest ceiling price for any soup offered by you during the seven-day period is 15 cents, you may not offer any other soup at a higher price than 15 cents.

SEC. 7. *Prohibition against discontinuing meals at certain prices.* You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless.

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the seven-day period, and unless

(b) You continue to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day that you select in the seven-day period, as you did on that day.

Example. If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, $1.00, $1.10, $1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 8. *Evasion.* You must not evade the provisions of this regulation by any scheme or device, including:

(a) Deteriorating quality or reducing quantity without making appropriate reductions in price;

(b) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(c) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking, or other special charges, or making such charges when they were not in effect in the seven-day period;

(d) Requiring as a condition of sale of an item or meal the purchase of other items or meals, except that you may refuse to sell coffee unless a customer also purchases another food item;

(e) Refusing to sell combination of food items as meals if such meals were offered in the seven-day period and the items making up the combination are being offered separately.

(f) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit or other similar food items with which sugar is served, to, but not less than, one teaspoonful.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish those curtailed items at an additional charge. For example, if during the seven-day period you furnished catchup and mustard, you may not now discontinue furnishing those items free and at the same time offer to furnish them for an additional charge.

SEC. 9. *Rules for new proprietors.* (a) If you acquire another's business and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor.

(b) If you open an eating or drinking place after the seven-day period, you

must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of Section 11 and the posting requirements of Section 12 immediately upon the opening of your place.

SEC. 10. *Taxes.* If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 11. *Records*—(a) *Filing of menus.* General Order No. 50 required you to file with your War Price and Rationing Board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) *Filing by proprietors not in operation during the seven-day period.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) above, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period from April 4–10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 12. *Posting.* (a) Beginning May 14, 1943, each menu must have clearly and plainly written on or attached to it the following statement:

All prices listed hereon are at or below our ceiling prices as of April 4 to 10, 1943.

If you do not use menus, you must post the statement by a sign which can be easily read by your customers and must be located near the cashier's desk, if any, or, if none, in such location that the customer can easily read same at the time of purchase.

(b) If you made menus available to customers in the seven-day period, you shall continue to make them available.

SEC. 13. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 14. *Relation to other maximum price regulations.* The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, in so far as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the base period of this regulation shall not become a maximum price under this regulation to the extent that it exceeded the maximum price established by another regulation applicable at that time. In such case the lawful maximum price applicable at that time shall be the maximum price hereunder.

SEC. 15. *Geographical application.* This 2d Revised Restaurant Maximum Price Regulation No. 7–1 applies to the states of Colorado, Montana, New Mexico, Utah and Wyoming, and all that portion of the State of Idaho lying south of the southern boundary of Idaho County, and all of Harney and Malheur Counties in the State of Oregon, and all of Mohave and Coconino Counties in the State of Arizona.

SEC. 16. *Licensing.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this 2d Revised Restaurant Maximum Price Regulation No. 7–1.

SEC. 17. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement action, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Eating or drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold except those places which are specifically exempted in Section 19 hereof.

(f) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 19. *Exempt sales.* Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Bona fide private clubs insofar as such clubs sell only to members and bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking place within the meaning of this regulation. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and otherwise is operated as a private club.

No club organized after the effective date of this regulation shall be exempt unless and until it has filed a request for exemption with the nearest State or District Office of the Office of Price Administration, furnishing such information as may be required, and has received communications from such office authorizing exemption as a private club.

(b) Eating and drinking places located on church premises and operated in connection with special church, Sunday School and other religious occasions.

(c) Public and private hospitals insofar as such hospitals serve food to patients. Public and private hospitals are covered by the regulation insofar as such hospitals sell meals to visitors, employees, and private nurses.

(d) Eating and drinking places when operated by a school, college, university or other educational institution, or a student fraternity or other student organization or association primarily for the convenience and accommodation of students and faculty, and not for profit as a commercial or business enterprise or undertaking.

(e) Eating and drinking places located on board common carriers, when operated as such, including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars. Provided, however, that peddlers aboard railroad cars who make no sales outside of the states enumerated in Section 15 shall not be exempt but shall be covered by the regulation.

(f) If you are the proprietor of a seasonal eating or drinking place that:

(1) Was not open during the base period from April 4 to 10, 1943,

(2) Received 90 percent or more of its total annual revenue during four calendar months of the year,

(3) Is located in an area for which no Maximum Rent Regulation has been issued,

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order No. 50, and you are still subject to the provisions of Section 20 of this regulation. Pursuant to this latter section the Administrator will by special order establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

SEC. 20. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328.

SEC. 21. *Application for adjustment.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period,[1] and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present and requested, adjusted maximum prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by any District Office that has been authorized to do so by order of the Regional Office.

SEC. 22. *Petitions for amendment.* You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted on by the Regional Administrator.

SEC. 23. *Revocation.* This regulation may be revoked, amended or corrected at any time.

This regulation shall become effective August 25th, 1943.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–14005; Filed, August 27, 1943; 4:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Supp. Reg. 1 to GMPR,[2] Amdt. 27]

FLOWERS, SEEDS, BULBS EXCEPTED FROM GENERAL MAXIMUM PRICE REGULATION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2.12 (1) (3) is amended to read as follows:

(3) All natural flowers and floral products, whether fresh or dried and all seeds and bulbs for planting purposes are deemed to be raw and unprocessed agricultural commodities and so are included within this exception.

This amendment shall become effective September 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of August 1943.

PRENTISS M. BROWN,
Administrator.

Approved August 7, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–14006; Filed, August 27, 1943; 4:31 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 42,[1] Amdt. 1]

EXCEPTION OF SALES TO GOVERNMENT AGENCIES PURSUANT TO SECRET CONTRACTS OR SUBCONTRACTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1305.57 (a) is amended to read as follows:

§ 1305.57 *Exception of sales to Government agencies pursuant to secret contracts or subcontracts.* (a) No price regulation of the Office of Price Administration shall apply to sales or deliveries of any commodity or service made under a contract or subcontract that is officially classified as "Secret" and certified as such to the Office of Price Administration by the United States or any agency thereof, or by the government or any agency thereof of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." Such certification shall set forth the date of the secret contract or subcontract and its number or other designation. The certifying Government agency shall notify the contractor or subcontractor and the Office of Price Administration whenever such contract ceases to be secret. Upon receipt of such notification by the contractor or subcontractor, this exception shall not apply.

This amendment shall become effective September 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of August 1943.

CHESTER W. BOWLES,
Acting Administrator.

[F. R. Doc. 43–14061; Filed, August 28, 1943; 11:54 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[1] 8 F. R. 4968.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 47]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 1A is amended in the following respects:

1. Section 1315.201 (a) (39) is amended to read as follows:

(39) "Vehicle" means a passenger automobile, bus, motor cycle, farm implement, farm tractor, commercial motor vehicle, vehicle designed for use for road-grading, earth-moving, or similar off-the-road purposes, or animal drawn vehicle, which, if propelled or drawn by mechanical power, would be a commercial motor vehicle.

2. The text of § 1315.501 is amended by deleting "or 1315.511", by substituting therefor "1315.511, or 1315.515", and by placing a comma after "1315.507".

3. The text of § 1315.504 is amended to read as follows:

§ 1315.504 *Additional proof of need for commercial motor vehicle and animal drawn vehicle.* In addition to meeting all the conditions of § 1315.501, an applicant for a tire, tube, or recapping service for a commercial motor vehicle or an animal drawn vehicle must meet the following conditions:

4. Section 1315.504 (b) is amended by deleting the words "tube, or recapping service" and the comma following the word "tire".

5. Section 1315.505 (b) is amended to read as follows:

(b) *List B.* A certificate for recapping service or for a new tube may be granted for a commercial motor vehicle used for any purpose which meets the applicable requirements of §§ 1315.501 and 1315.504.

6. Section 1315.506 (a) (2) is amended by deleting the word "or", by placing a comma after the word "automobiles" and by inserting at the end of the words "or animal drawn vehicles".

7. Section 1315.515 is added to read as follows:

§ 1315.515 *Eligibility of animal drawn vehicle.* If tires are essential for its operation, a certificate may be granted for:

(a) Any type of used tire, or new tube, or for recapping service for an animal drawn vehicle, which if propelled or drawn by mechanical power would be eligible under § 1315.505 (a), and which meets the applicable conditions of §§ 1315.501 and 1315.504;

(b) Recapping service or for a new tube for an animal drawn vehicle, which if propelled or drawn by mechanical power would be eligible under § 1315.505 (b), and which meets the applicable conditions of §§ 1315.501 and 1315.504: *Provided, however,* That no certificate shall be issued under this Section to equip an animal drawn vehicle which is eligible for a tire, new tube, or recapping service under § 1315.506.

This amendment shall become effective September 2, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 28th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14055; Filed, August 28, 1943; 11:52 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 409,[1] Amdt. 4]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 409 is amended in the following respects:

1. In section 2, the second sentence of the first undesignated paragraph following the list of prices is amended to read as follows:

Such reduction shall be shown on the packer's invoice as an allowance to the purchaser on the selling price, except in sales to United States agencies.

2. Section 3 (b) (2) is amended by adding the following sentence:

Any packer who has two seasonal packs of the commodity during the calendar year may figure maximum prices as if each pack were a separate commodity.

3. In section 3 (j) the last sentence is amended to read as follows:

Such reduction shall be shown on the packer's invoice as an allowance to the purchaser on the selling price, except in sales to United States agencies.

4. A new paragraph (n) is added to section 3, as follows:

(n) *Uniform prices where the packer has more than one factory.* Any packer who packs an item at more than one factory and whose maximum prices for the items vary by factory may establish a uniform maximum price for the item for any group of factories by figuring a weighted average of their separate maximum prices. For any two or more factories selected by the packer, this weighted average maximum price shall be figured by him as follows: He shall (1) determine the total estimated receipts which would have been obtained if his production of the 1942 pack of the item at those factories had been sold at the separate maximum prices which are in effect (under this regulation) on the date of calculation, and (2) divide that figure by the total number of pounds or other units of the item included in that production.

This amendment shall become effective August 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14057; Filed, August 28, 1943; 11:50 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 461]

NATURAL CONDITION UNPACKED DRIED PRUNES AND RAISINS

Pursuant to the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and No. 9328. A statement of the considerations involved in the issuance of the regulations has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1341.603 *Natural condition unpacked dried prunes and raisins.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 461 (Natural Condition Unpacked Dried Prunes and Raisins), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1341.603 issued under Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 461—NATURAL CONDITION UNPACKED DRIED PRUNES AND RAISINS

CONTENTS

Sec.
1. Prohibition against dealings in natural condition unpacked dried prunes and raisins above maximum prices.
2. Maximum prices for natural condition unpacked dried prunes and raisins sold by producers, dehydrators or dry-yard operators.
3. Adjustments for transportation and payment after test.
4. Petitions for amendment.
5. Evasion.
6. Records.
7. Enforcement.
8. Applicability.
9. Sales for export.
10. Applicability of other maximum price regulations to sales of natural condition unpacked dried prunes and raisins by producers, dehydrators, or dry-yard operators.
11. Definitions.

SECTION 1. *Prohibition against dealings in natural condition unpacked dried prunes and raisins above maximum prices.* (a) On and after the effective date of this regulation, regardless of any contract or other obligation, no producer, dehydrator or dry-yard operator shall sell or deliver any natural condition unpacked dried prunes or raisins of the 1943 crop at a price higher than the maximum price established by this regulation. Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

(b) No person in the course of trade or business shall buy or receive any natural condition unpacked dried prunes or raisins of the 1943 crop from a producer, dehydrator or dry-yard operator at a price higher than the maximum price established by this regulation; and

(c) No producer, dehydrator, dry-yard operator or other person shall agree, offer, solicit or attempt to do any of the foregoing.

SEC. 2. *Maximum prices for natural condition unpacked dried prunes and raisins sold by producers, dehydrators or dry-yard operators.* (a) The maximum price per ton for sales by producers, dehydrators, or dry-yard operators of natural condition unpacked dried prunes shall be as set forth in the following table:

Number of dried prunes per pound	California 3 district, dollars per ton	California outside and northwest, dollars per ton
75	175	170
76	174	169
77	173	168
78	172	167
79	171	166
80	170	165
81	169	164
82	168	163
83	167	162
84	166	161
85	165	160
86	164	159
87	163	158
88	162	157
89	161	156
90	160	155
91	159	154
92	158	153
93	157	152
94	156	151
95	155	150
96	154	149
97	153	148
98	152	147
99	151	146
100	150	145
101	149	144
102	148	143
103	147	142
104	146	141
105	145	140
106	144	139
107	143	138
108	142	137
109	141	136
110	140	135
111	139	134
112	138	133
113	137	132
114	136	131
115	135	130
116	134	129
117	133	128
118	132	127
119	131	126
120	130	125
121	129	124
122	128	123
123	127	122
124	126	121
125	125	120
126	124	119
127	123	118
128	122	117
129	121	116
130	120	115
131	119	114
132	118	113
133	117	112
134	116	111

(b) The maximum price per ton for sales by producers, dehydrators, or dry-yard operators of natural condition unpacked raisins shall be as follows:

Item 1. Natural Thompson seedless raisins	$155.00
Item 2. Natural Sultana raisins	150.00
Item 3. Natural Muscat raisins	165.00

SEC. 3. *Adjustments for transportation and payment after test.* (a) The word "seller", when used in this section, shall mean the producer, dehydrator or dry-yard operator.

(b) Each seller shall ascertain the rail shipping point nearest to his ranch or place of business. The maximum price of the seller shall include delivery to the purchaser at that point.

(c) In the event that the seller and purchaser desire to have delivery made to a point other than the nearest rail shipping point mentioned above, the transportation charges shall be adjusted or allowance made for transportation, as follows:

(1) If delivery is made by a vehicle owned or controlled by the seller, the seller may charge the purchaser the amount by which the truck rate from the seller's ranch or place of business to the actual point of delivery exceeds $1.25 per ton. For the purpose of computing the truck rate the following schedule of mileages and rates applicable thereto shall be used:

Miles		Rate (In cents per 100 pounds)
Over	But not over	
0	3	4½
3	5	5½
5	10	6
10	15	6½
15	20	7
20	25	7½
25	30	8
30	35	9
35	40	9½
40	45	10
45	50	10½
50	60	11½
60	70	13
70	80	14
80	90	15
90	100	16½
100	110	17½
110	120	18½
120	130	20
130	140	21
140	150	22
150	160	23½
160	170	24½
170	180	25½
180	190	27
190	200	28
200	220	30
220	240	31½
240	260	33½
260	280	35

(2) If delivery is made by a vehicle owned or controlled by the purchaser, the purchaser shall deduct the sum of $1.25 per ton from the seller's maximum price.

(3) Any deduction or credit for hauling or transportation shall be itemized by the purchaser on the settlement sheet rendered to the seller.

(d) The maximum price established by this regulation, or a lower price as agreed upon between the seller and purchaser, for natural condition unpacked dried prunes, shall be paid according to sack or box test at the purchaser's receiving point or actual grader test made at the time of delivery to the purchaser's plant and payment shall not be made on estimates of grade or on visual grading.

(e) The maximum prices established by this regulation, or a lower price as agreed between the seller and purchaser, for natural condition unpacked raisins of any type covered by this regulation, shall be paid according to test at purchaser's receiving point and the weight of sand, as determined by actual test, shall be deducted from the net weight of the raisins sold or delivered.

SEC. 4. *Petitions for amendment.* Any person seeking an amendment to this regulation of general applicability may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration.

SEC. 5. *Evasion.* (a) The maximum prices set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to natural condition unpacked dried prunes or raisins, alone or in conjunction with any other commodity or by way of any commission, or other charge

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724; 8 F.R. 9752, 10079, 10085, 10264, 10430, 10431, 10733.

[1] 8 F.R. 5358, 9298.

or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

(b) The practice known as toll packing, by which a producer, dehydrator or dry-yard operator arranges to have his fruit processed by a packer and to pay a fee for processing or packing, shall be and it hereby is prohibited, as a device used for evasion of this regulation, except when the following conditions are complied with:

(1) The owner of the fruit must retain title during the processing or packing.

(2) The owner of the fruit must assume all risk of loss or spoilage during the processing or packing, except for such loss as is occasioned by the misconduct or neglect of the processor or packer, for which the processor or packer would be legally liable.

(3) The processor or packer shall not negotiate the sale of the fruit for the owner nor act as agent for selling the fruit for the owner nor receive any fee or commission in connection with the sale of the fruit by the owner.

(4) The processor or packer shall return to the owner the identical fruit delivered by the owner for processing or packing and shall not substitute other fruit on a quantity equivalent or other basis.

(5) The owner shall not sell the fruit to the processor or packer who performed the processing or packing for the owner and the processor or packer shall not purchase such fruit from the owner.

(c) No purchaser shall pay and no producer, dehydrator or dry-yard operator shall receive any buying commission or other consideration in addition to the price, directly or indirectly, in connection with the sale of his fruit.

SEC. 6. *Records.* Every producer, dehydrator, or dry-yard operator shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 shall remain in effect, all records of the same kind as he has customarily kept, relating to the prices which he charged for natural condition unpacked dried prunes or raisins sold on and after the effective date of this regulation.

SEC. 7. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages, provided for by the Emergency Price Control Act of 1942.

SEC. 8. *Applicability.* The provisions of the regulation shall be applicable only in the United States and the District of Columbia.

SEC. 9. *Sales for export.* The maximum price at which a person may export natural condition unpacked dried prunes or raisins shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation[1] issued by the Office of Price Administration.

SEC. 10. *Applicability of other Maximum Price Regulations to sales of natural condition unpacked dried prunes and raisins by producers, dehydrators, or dry-yard operators.* This regulation supersedes the provisions of any other maximum price regulation with respect to sales or deliveries of natural condition unpacked dried prunes or raisins, of the 1943 crop, for which maximum prices are established by this regulation.

SEC. 11 *Definitions.* (a) When used in this regulation the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any agency thereof, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Producer" means anyone who grows prunes or raisin variety grapes (including currants) and dries or dehydrates them or has them dried or dehydrated by another person.

(3) "Dehydrator" or "dry-yard operator" means a person who dries or dehydrates prunes or raisin variety grapes (including currants) for other persons or who purchases prunes or raisin variety grapes (including currants) and dries or dehydrates them.

(4) "Natural condition unpacked", as applied to dried prunes, means dried prunes in sacks or lug boxes or in bulk as usually delivered by producers to packers for packing; and as applied to raisins, means raisins (including currants) unstemmed in sweat boxes or picking boxes as usually delivered by producers to packers for packing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

This regulation shall become effective August 28, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

Approved: August 20, 1943. To expire not later than one year following date of issue.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-14056; Filed, August 28, 1943; 11:50 a. m.]

[1] 7 F.R. 6951, 8 F.R. 3313, 3533, 6173.

PART 1372—SEASONAL COMMODITIES

[MPR 144,[1] Amdt. 3]

RETAIL PRICES FOR AGRICULTURAL INSECTICIDES AND FUNGICIDES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1372.57 (b) is amended to read as follows:

(b) On or before July 1, 1942, every person offering to sell cost-of-living commodities at retail shall file with the "appropriate War Price and Rationing Board" of the Office of Price Administration a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it.

This amendment shall become effective September 3, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14058; Filed, August 28, 1943, 11:53 a. m.]

PART 1389—APPAREL

[MPR 177,[1] Amdt. 7]

MEN'S AND BOYS' TAILORED CLOTHING

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 177 is amended in the following respects:

1. Section 1389.114 (d) is amended to read as follows:

(d) *Lists to be filed.* On or before August 1, 1942, every person offering to sell men's and boys' tailored clothing at retail shall file with the appropriate War Price and Rationing Board a list showing identification of every such garment, the maximum price for each garment then offered for sale, with an appropriate identification of every such garment. Every person thereafter establishing a new place of business for the sale of men's and boys' tailored clothing at retail shall, within 10 days after opening such new establishment, likewise file with the appropriate War Price and Rationing Board a statement showing his maximum price for each such garment, together with an appropriate description or identification of the garment.

2. Section 1389.116 (b) is amended to read as follows:

(b) *Prices to be listed and filed.* On and after August 1, 1942, every person offering to sell men's and boys' "tailored to the trade" or "made to measure" clothing at retail shall display to every customer a written list which shall plainly show with respect to every garment offered to such customer, the selling price at which the garment is offered, the maximum price of the garment, indicated in the form "Ceiling Price $____" or "Our ceiling $____," and an appropriate identification of the garment so offered. A complete list containing the same information shall be filed by every such person with the appropriate War Price and Rationing Board on or before August 1, 1942. Every person thereafter establishing a new place of business for the sale of such garments at retail shall, within 10 days after opening such new establishment, likewise file with the appropriate War Price and Rationing Board a statement showing his maximum price for each such garment, together with an appropriate description or identification of the garment.

This amendment shall become effective September 3, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14059; Filed, August 28, 1943; 11:51 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 59]

MEATS, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 1.3 (b) is amended by inserting, in the first sentence, between the words "War Ration Book Two" and the comma, the words "and the brown stamps in War Ration Book Three".

2. Section 2.5 (a) is amended by deleting in the first sentence, the word "red"; by deleting, in the first sentence, the words "War Ration Book Two" and substituting the words "war ration book"; by inserting, in the second sentence, between the comma and the word "with", the words "and, in the case of War Ration Book Two,".

3 Section 2.3 (b) is amended by inserting in the fourth sentence, between the words "War Ration Book Two" and the words "may be used", the words "and the brown stamps in War Ration Book Three".

4. Section 2.3 (d) is amended by deleting, in the first sentence, the words "the red" and the words "from War Ration Book Two".

5. Section 2.3 (e) is amended by deleting, in the first sentence, the words "War Ration Book Two" and substituting the words "war ration book".

6. Section 2.4 (a) is amended by deleting, in the first sentence, the words "War Ration Book Two" and substituting the words "his war ration book".

7. Section 2.5 (a) is amended by deleting, in the second sentence, the word "red"; by deleting, in the second sentence, the words "War Ration Book Two" and substituting the words "war ration book".

8. Section 2.5 (b) is amended by deleting, in the second sentence, the word "red"; by deleting, in the second sentence, the words "War Ration Book Two" and substituting the words "war ration book"; by deleting, in the third sentence, the word "red".

9. Section 2.6 (a) is amended by deleting the words "War Ration Book Two" and substituting the words "a war ration book".

10. Section 3.2 (a) is amended by deleting the word "red".

11. Section 9.4 (a) is amended to read as follows:

(a) *Stamps.* A person who has a ration bank account may not deposit stamps later than one month and ten days after the last date on which they were good for use by a consumer. (The period during which particular stamps are good for use by consumers are fixed in the supplement to this order.) If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month.

12. Section 10.4 (d) is amended by deleting the word "red"; by deleting the words "War Ration Book Two" and substituting the words "war ration book".

13. Section 10.4 (f) is amended by deleting, in the first sentence, the words "War Ration Book Two" and substituting the words "a war ration book".

14. Section 10.4 (g) is amended by deleting, in the third sentence, the word "Stamps" and substituting the words "Red stamps".

15. Section 10.5 (e) (1) is amended by deleting the first sentence and inserting in its place the following:

No stamp may be accepted from the transferee more than one month after the last date on which it was good for use by a consumer. If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this subparagraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month.

16. Section 20.2 (a) is amended by deleting, in the second sentence, the words "War Ration Book Two" and substituting the words "war ration book".

17. The definition of "Stamp" in section 24.1 (a) is amended to read as follows:

"Stamp" means a red stamp in, or taken from, a War Ration Book Two or a brown stamp in, or taken from, a War Ration Book Three.

This amendment shall become effective September 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 28th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14060; Filed, August 28, 1943; 11:51 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amdt. 58 to GMPR[1]]

FILING MAXIMUM PRICES OF COST-OF-LIVING COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.13 (b) is amended to read as follows:

(b) On or before July 1, 1942, every person offering to sell cost-of-living commodities at retail shall file with the "appropriate War Price and Rationing Board" of the Office of Price Administration a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it. Every person thereafter establishing a new place of business for the sale of cost-of-living commodities at retail shall, within 10 days after opening such new establishment, likewise file with the appropriate War Price and Rationing Board a statement showing his maximum price for each such commodity, together with an appropriate description or identification of the commodity.

This amendment shall become effective September 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14062; Filed, August 28, 1943; 11:54 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3720, 5665, 7248.

[2] 8 F.R. 4132, 5987, 7662, 5987.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5182, 7475, 6792, 7100, 7944, 9030, 8940, 8948, 10559.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7281, 7455, 7492, 8357, 8540, 8614, 8644, 8869, 9014, 9025, 9217, 9205, 9886, 7005, 10085, 10432, 10511, 10665, 10963.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3095, 3849, 4317, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9951.

PART 1340—FUEL

[RPS 88,[1] Amdt. 124]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 88 is amended in the following respects:

1. Section 1340.159 (c) (3) (vii) is amended to read as follows:

(vii) *Florida.* The maximum price of kerosene f. o. b. Jacksonville, Florida, for delivery in tank cars shall be 7.05 cents a gallon.

2. Section 1340.161 is amended to read as follows:

§ 1340.161 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. Where a petition for adjustment or amendment is pending the buyer and seller may agree that prices for deliveries made during the pendency of the petition shall be determined in accordance with the disposition of the petition. The new maximum prices established in accordance with the disposition of the petition will be permitted to apply to the deliveries which were made while the petition was pending if the deliveries are necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

This amendment shall become effective September 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14081; Filed, August 28, 1943; 2:46 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 389,[2] Amdt. 7]

CEILING PRICES FOR CERTAIN SAUSAGE ITEMS AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 389 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this regulation does—*(a) *In general.* This regulation fixes dollar and cents ceiling prices on certain sausage products and places certain limitations upon the volume of sausage that may be sold. On and after June 1, 1943, the date this regulation takes effect, no person may sell or deliver, except at retail, and except to a canner for the manufacture of canned sausage for a war procurement agency, and no person in the course of trade or business except such a canner may buy or receive sausage, at prices higher than the prices permitted by this regulation. But lower prices may be charged or paid.

(b) *Sausage products not covered by this regulation.* The provisions of this regulation do not apply to the following sausage products:

(1) Liver sausage, liver loaf, liver cheese, liver puddings, and braunschweiger or other similar liver products, containing at least 30% liver;

(2) Meat loaves;

(3) Head cheese, souse, scrapple or similar products containing a substantial amount of cereal;

(4) The following products provided they are not kosher and provided they have either a final yield not in excess of 103% of the ingredients used or a fat content which is less than 15% of the finished product: Berliner, New England, minced luncheon, luncheon roll, pork roll, fresh thuringer, brattwurst, bockwurst, mettwurst, Polish sausage, blood sausage, blood and tongue, tongue roll, jellied tongue, jellied corned beef, Chili-con-carne and dry and semi-dry sausage.

(5) Sausage products subject to Maximum Price Regulation No. 286 when sold to a war procurement agency.

2. Section 2 (b) is amended to read as follows:

(b) *Determining the zone in which the point of delivery is located—*(1) *Point of delivery.* The point of delivery is the point at which the product is delivered to the buyer. If local delivery is made, the seller may at his option, treat the point at which local delivery begins as the point of delivery.

(i) Local delivery means delivery by any vehicle, other than a rail carrier, made by the seller to the place of business of the buyer. A truck is not a place of business.

(ii) If the seller does not treat the point at which local delivery begins as the point of delivery, the point at which the product is delivered to the buyer is the point where actual physical possession is taken by the buyer or where the product, consigned to the buyer:

(*a*) Is received by a rail carrier for shipment at the railroad carload rate; or

(*b*) Is received by a common or contract carrier, other than a railroad or an express company; or

(*c*) Is received by an express company for shipment by express to a purveyor of meals; or

(*d*) In the case of kosher sausage, all beef sausage, and special pork sausage type 1, only, is received by a common or contract carrier.

Provided, That the charges of such carrier in all four instances are paid directly to such carrier by the buyer.

3. Section 3 (a) is amended to read as follows:

(a) *Relation to other regulations.* (1) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation,[3] and Revised Maximum Price Regulation No. 169[4] with respect to sales other than at retail of all kosher sausage and of all other sausage except that which is expressly excluded from this regulation by section 1.

(2) The maximum price at which a person may export sausage shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[5] issued by the Office of Price Administration.

4. Section 4 is amended to read as follows:

SEC. 4. *Types of sausage and descriptive labelling requirements—*(a) *What sausage may be sold.* After this regulation takes effect, no sausage, other than those kinds of sausage the sale of which is excluded from this regulation by section 1, may be manufactured for sale, offered for sale, or sold, or bought in the course of trade or business, unless such sausage meets the requirements for one of the kinds and types of sausage for which prices are established by this regulation.

(b) *Descriptive labelling requirements—*(1) *All sausage must be labelled.* No sausage subject to this regulation may be manufactured for sale, held for sale, offered for sale, or sold, or bought in the course of trade or business, unless it bears a descriptive label in accordance with the provisions of this paragraph.

(2) *Where the label must be placed.* A label satisfying the requirements of this paragraph shall appear on each one and one-half pounds of frankfurters and pork or breakfast sausage other than bulk, and once on each piece of bologna or other sausage of similar form, or pork or breakfast sausage stuffed in artificial casings or cloth bags. The label may be a band or tag securely affixed to the sausage or printed or stamped upon the casing. A similar label shall also be stamped upon the carton or other immediate container in which the sausage is placed.

(3) *What must appear on the label.* Each label shall contain prominently and in easily legible form: (i) The name of the kind of sausage as used in this regulation; (ii) The word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more ingredients, not counting curing materials, condiments, spices, and water. If there is only one ingredient, not counting curing materials, condiments, spices, and water, and if the name of the kind of sausage includes the name of the ingredient, the ingredient need not be separately stated. The list of ingredients shall state the common or usual names of the ingredients in the order of their predominance by weight, except that curing materials, spices, condiments, and water need not be shown, unless required by some other federal, state, or local regulation. The name of the ingredient shall be a specific name, not a general name, such as, but not limited to, "pork", "beef", "pork head meat", "beef cheek meat", "hearts", "livers", "tripe", "cereal", "dried skimmed milk", etc. The word "pork", "beef", "veal", "mutton", "goat" shall be used in connection with all skeletal meat ingredients. If more than 3½% of extender is used the label shall so state. (iii) Whatever of the following letters or words are appropriate to show the kind of casing used: H. C. for hog casing; S. C. for sheep casing; A. C. for printed artificial casing; skinless, where artificial casings have been removed by the manufacturer. Where the same price applies to the sausage in more than one kind of natural casings, the letters N. C., indicating natural casing may be used. (iv) In the case of kosher sausage, the word "Kosher".

(4) *Temporary use of other labels.* Until November 1, 1943, the seller may, if he so desires, use labels which properly show the type of sausage by letters, and the kind of casing by numbers, as required by this regulation prior to August 27, 1943, instead of the labelling required by subsection (3) of this paragraph.

(5) *Description on invoice.* The name and type of sausage and the kind of casing in which the sausage is sold must be shown on the seller's invoice. Kosher and all beef sausage shall be invoiced as such.

5. Section 6 (a) is amended to read as follows:

(a) After this regulation takes effect every person making a sale, other than at retail, and every person making a purchase in the course of trade or business of sausage subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a complete record of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price charged and the price received, a description of the product including the kind, the type, the kind of casing, or other wrapping employed, and the quantity sold. Kosher sausage shall be shown separately.

6. Section 7 is amended to read as follows:

SEC. 7. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall indirectly charge or receive for sausage subject to this regulation a price higher than the maximum prices permitted by this regulation. No person shall as a condition of selling any such sausage require a purchaser to buy any other meat or any other product. However, a payment by a buyer to a seller for icing services performed by the seller after June 1, 1943, and before delivery of sausage to a railroad whose charges are paid directly to such railroad by the buyer, if the charge for such icing services is no higher than the costs actually incurred by the seller in performing such services and no higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad, shall not be construed as an evasion.

7. Section 12 (a) is amended to read as follows:

(a) *Table of base prices.* All prices are on a dollar per hundredweight basis and include packaging or boxing costs, except where such costs are specifically provided for in paragraph (c) (3). Type 1 pork sausage is in one pound cartons only.

Item Kind of sausage and kind of casing	Type 1 Special pork	Type 2 Skeletal meat	Type 3 Meat; byproducts; cereal to 3½%	Type 4 Meat byproducts; cereal over 3½%
(1) Pork or breakfast sausage:				
(i) Fresh:				
Sheep casings (S. C.)	$33.25	$31.00	$26.50	$20.50
Hog casings (H. C.)	----------	28.00	23.50	17.50
Artificial casings, including cloth bags (A. C.)	----------	26.50	22.00	16.00
Bulk	26.75	24.50	----------	12.00
(ii) Smoked:				
Hog casings (H. C.) or artificial casings removed by manufacturer (skinless)	----------	31.75	27.50	21.00
Printed artificial casings (A. C.)	----------	31.25	27.00	20.50
	Skeletal meat	Meat; 3½% cereal added		
(2) Frankfurters:				
Sheep casings (S. C.)	26.75	26.25	23.75	20.50
Hog casings (H. C.) or artificial casings removed by manufacturer (skinless)	23.75	23.25	20.75	17.50
Printed artificial casings (A. C.)	23.25	22.75	20.25	17.00
(3) Bologna:				
Natural casings (N. C.)	21.75	21.25	18.75	15.50
Artificial casings (A. C.)	21.00	20.50	18.00	14.75
(4) Kosher sausage:				
(i) Salami	$29.50			
(ii) Bologna and knackwurst:				
Natural casings (N. C.)	24.25			
Artificial casings (A. C.)	23.50			
(iii) Frankfurters:				
Sheep casings (S. C.)	29.25			
Artificial casings removed by manufacturer (skinless)	26.25			
Printed artificial casings (A. C.)	25.75			
(5) All beef sausage:				
Frankfurters:				
Sheep casings (S. C.)	28.25			
Hog casings (H. C.) or artificial casings removed by manufacturers (skinless)	25.25			
Printed artificial casings (A. C.)	24.75			
Bologna and knackwurst:				
Natural casings (N. C.)	23.25			
Artificial casings (A. C.)	22.50			
Salami:				
Artificial casings (A. C.)	28.25			

8. Section 12 (b) is amended to read as follows:

(b) *Table of zone differentials.* Depending upon the location of the point of delivery, add to the base price per hundredweight the applicable one of the following zone differentials:

Zone	Pork or breakfast sausage	Frankfurters, bologna, or knackwurst	Kosher sausage
1	$2.50	$2.00	$2.00
2	1.50	1.00	1.00
3	1.25	.75	.75
4	.75	.50	.50
4A	.25	.50	.50
5	.50	.75	.75
7	.75	1.00	1.00
8	1.00	1.25	1.25
9	1.25	1.50	[1] 3.00 [2] 1.50
10	1.50	1.75	1.75

[1] North of the Potomac River.
[2] South of the Potomac River.

9. Section 12 (c) (1) (i) is amended to read as follows:

(i) One of the following amounts may be added to cover the cost of selling:

On sales to wholesalers, peddler truck sellers and hotel supply houses	$0.50
On sales to retailers and purveyors of meals made by other than hotel supply houses	1.50
On peddler truck sales to retailers and purveyors of meals	2.50
On sales to purveyors of meals by hotel supply houses	2.75

10. Section 12 (c) (4) is added to read as follows:

(4) *Boxing.* The following amounts may be added for boxing and/or packaging:

Container	Net weight (pounds)	Permitted addition per hundredweight: Kosher and all beef sausage	Permitted addition per hundredweight: Other sausage
Keg, brine on	25 or less	$2.50	$1.75
Keg, brine on	25 to 50	2.00	1.25
Keg, brine on	50 to 100	1.75	1.00
Barrel, brine on	100 to 200	1.50	.75
Tierce, brine on	Over 200	1.00	.25
Wood box (salami only)	All weights	.50	----------

Per hundredweight

For Type 2 pork sausage in sheep casings packaged in one-pound paper cartons ---------- $1.00

11. Section 12 (c) (5) is added to read as follows:

(5) *Transportation addition for intermediate distributors.* If a hotel supply

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718.

[2] 8 F.R. 5903, 6958, 6945, 8185, 8677, 10906, 10907.

[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[4] 8 F.R. 4097, 4786, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8311, 8677, 8756, 9066 9300, 10362, 9995, 10363, 10671, 11298, 11445.

[5] 8 F.R. 4132, 7662, 5987.

house, wholesaler, or peddler truck seller has paid transportation charges to a common or contract carrier pursuant to section 2 (b) (1) (ii) (d), he may upon resale, add the amount of such transportation charge to the base price, in addition to any other amounts permitted to be added by this paragraph.

12. The definitions of "hotel supply house", "peddler truck seller" and "purveyor of meals" in section 13 (a) are amended to read as follows:

(a) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other distributive establishment; which is engaged in the fabrication of meat cuts and in the sale of fabricated meat cuts, variety meats and other meat products to purveyors of meals; and which, during the base period of September 15 to, and including, December 15, 1942, sold to purveyors of meals, other than war procurement agencies, 70 per cent of the total weight volume of meat, variety meats, and other meat products sold by it.

"Peddler-truck sale" means a sale of sausage from a truck in quantities of not more than 50 pounds of sausage and not more than 150 pounds of meats, edible meat by-products and sausage in any one day, where the first record of the transaction is made by the salesman concurrently with the delivery of the products sold, (1) By a person who purchases meat, meat by-products or sausage at or below the ceiling price from a seller with whom he has no other financial affiliation or relationship, who takes delivery at the seller's place of business, and who does not sell or deal in sausage in any manner other than sales out of stock carried in a truck owned and driven by him; or (2) By a person who makes all his sales of sausage out of stock carried in a truck driven by him but owned by a person who used such truck exclusively for this type of sale during the month of March, 1942. The term "peddler-truck sale" does not include deliveries made pursuant to prior orders.

"Purveyors of meals" means: (1) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration; (2) The War Shipping Administration of the United States; (3) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, to the extent that meat is delivered to him as ship's stores for consumption aboard such vessel; (4) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state or local government or agency thereof; (5) Contract school meaning any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned officer or other authorized representative of the armed services of the United States.

13. Section 13 (b) is amended to read as follows:

(b) "Beef" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass, head off, of cattle in good health at the time of slaughter. It does not include the fat which has been detached from the striated muscle.

"Beef fat" means the detached fat from the carcass of beef.

"Cheek meat" means the lean muscle on the inside and outside of the lower jaw, trimmed free of the salivary glands, with no more than 20% of trimmable fat when taken from cattle and hogs.

"Condiments" means pepper, pimientos, pickles, onions, nuts, macaroni, cheese, olives, peanut butter, tomatoes, puree, eggs, etc.

"Cooked" means a sausage which (1) has been heated to an internal temperature of at least 145° F., for sufficient time to assume the characteristics of a cooked product and (2) is ready to serve without further heating.

"Extender" means any cereal, vegetable starch, vegetable flour, dried or dry skimmed milk, or any other similar substance, either singly or in any combination.

"Fat content" means the fat content of the finished product by chemical analysis.

"Federal inspection" means inspection under the provisions of the Act of March 4, 1907 (34 Stat. 1260) as amended; 21 U. S. C. 1940 ed. 71, and as extended by Public Law 602, 77th, Cong., 2d Sess., approved June 10, 1942 (56 Stat. 351), and the rules and regulations promulgated thereunder.

"Goat" means that part of the triated muscle, with or without attached overlying fat, which is part of the dressed carcass, head off, of goats in good health at the time of slaughter. It does not include the fat which has been detached from the striated muscle.

"Head meat" means the lean meat, exclusive of cheek meat, trimmed from the heads of cattle, calves, sheep, and hogs.

"Kosher sausage" means sausage which is made from skeletal meat, and detached beef fat derived from animals slaughtered, approved and stamped as kosher under rabbinical supervision and which is marked as kosher and sold under rabbinical supervision to a person who maintains a selling establishment, at or through which he regularly and generally sells kosher meat as such, or to a person who is a purveyor of kosher meats.

"Meat, skeletal" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass of cattle, swine, sheep, and calves, in good health at the time of slaughter, including head and cheek meat from cattle or swine.

"Meat by-products" means dressed edible parts other than skeletal meat from cattle, sheep or swine in good health at the time of slaughter. It includes by-products from goats where expressly so provided.

"Mutton" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass, head off, of lambs or sheep in good health at the time of slaughter. It does not include the fat which has been detached from the striated muscle.

"Pork" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass, head off, of swine in good health at the time of slaughter. It includes skinned jowls but does not include clear plates, fat backs, or any other fat which has been detached from the striated muscle.

"Pork fat" means the detached fat from the carcass of pork, including clear plates and fat backs.

"Sausage" means chopped, ground, or comminuted skeletal meat, or meat by-products, or any combination thereof, seasoned with spices and/or condiments, and to which salt, sugar, sodium nitrate, sodium nitrite, and and extender may or may not be added.

"Smoked" means a sausage which has been subjected to the smoke of burning wood, sawdust or similar substance in such manner as to impart a smoked flavor.

"Veal" means that part of the striated muscle, with or without attached overlying fat, which is part of the dressed carcass, head off, of veal or calves in good health at the time of slaughter. It does not include the fat which has been detached from the striated muscle.

"Yield" means the finished weight divided by the original weight of the meat and extender used.

14. Section 13 (c) is amended to read as follows:

(c) *Bologna and frankfurters.* "Bologna" means a sausage stuffed in beef casings, including bungs, bladders, rounds, weasands, middles, and sewed middles, or any artificial casings of a similar size, which has been smoked and cooked. It does not include Lebanon bologna.

"Frankfurters" means a sausage stuffed in sheep casings, hog casings, or in artificial casings of a similar size, which has been smoked and cooked. It includes all products commonly known as wieners, red hots, and other similar names.

"Type 1 frankfurters or bologna" means sausage which has as major ingredients, other than spices, condiments, and water, any two or more of the following: Beef, pork, veal, pork cheek meat, pork head meat, mutton; which may have pork fat as a minor ingredient; which has a fat content not in excess of 35%; which contains no more than 10% added moisture or water; and which contains no extender.

"Type 2 frankfurters or bologna" means sausage that is the same as type 1 except that it may contain extender not exceeding 3½% of the finished weight.

"Type 3 frankfurters or bologna" means sausage: (i) Which contains one or more of the following as major ingredients: Beef, pork, veal, pork cheek meat, pork head meat, beef cheek meat, beef head meat, mutton, and goat meat, and not more than one meat or meat by-product as a minor ingredient; or which contains two or more of the listed items as major ingredients, and not more than three meats or meat by-products as minor ingredients; or which contains three or more of the listed items as major ingredients and not more than five meats or meat by-products as minor ingredients. But in no case shall the quantity of any minor ingredient used be greater than the quantity of any one of the major ingredients. The by-products may include those derived from goats; (ii) which has a fat content not in excess of 35%; (iii) which may contain extender not exceeding 3½% of the finished weight; (iv) and which contains no more than 10% added moisture or water.

"Type 4 frankfurters or bologna" means sausage containing any proportions of meat and meat by-products, including that derived from goats, and which may contain extender not exceeding 15% of the finished weight.

"All beef frankfurters, bologna, and knackwurst" means smoked sausage containing no meat other than beef and beef fat; and containing no meat by-products; which has a fat content not in excess of 25% which contains no more than 10% added moisture or water; which contains no extender; and which has been made under federal inspection;

"All beef salami" means smoked sausage stuffed in artificial casings containing no meat other than beef and beef fat; and containing no meat by-products; which has the texture, form and flavor customary for salami made in accordance with good commercial practice; which has a fat content not in excess of 15%; which has a final yield not in excess of 85%; which contains no extender; and which has been made under federal inspection.

15. Section 13 (d) is amended to read as follows:

(d) *Pork or breakfast sausage.* "Pork, or breakfast sausage" means sausage stuffed in sheep or hog casings, cloth bags, or artificial casings, or sold in bulk, including all sausage of the kinds commonly known as pure pork sausage, breakfast sausage, or country sausage. If artificial casings are used on smoked pork or smoked breakfast sausage they must either be removed before sale or have printed on them the words, "Before Heating or Eating Remove Artificial Casing" repeated so as to appear at least once on each link or piece. Artificial casings used on fresh pork or fresh breakfast sausage include cellulose, cloth bags, parchment or cellophane wrappings containing not more than one pound of sausage, which are put on by the manufacturer, and which are left on the sausage until removed by the ultimate consumer. Sausage packed in a larger artificial casing shall be considered as bulk.

"Type 1 special pork sausage" means sausage made from pork which contains at least 45% of boneless hams, shoulders and loins, stuffed into sheep or lamb casings, or sold as bulk sausage meat; which is packed in one-pound cartons, on which shall be a printed statement that the sausage contains at least 45% of boneless hams, shoulders and loins; which contains no extender; to which water or ice not exceeding 3% may be added to facilitate chopping; and which has been made under federal inspection.

"Type 2 fresh pork sausage" means pure pork sausage made from fresh pork; which has a fat content not in excess of 50%; and to which no more than 3% water or ice has been added to facilitate chopping or grinding.

"Type 3 fresh breakfast sausage" means sausage made from one or more of the following as major ingredients: Beef, pork, veal, pork cheek meat, pork head meat, mutton; and no more than an equal number of other meats or meat by-products as minor ingredients. But in no case shall the quantity of any other meat or meat by-product used as a minor ingredient be greater than the quantity of any one of the major ingredients. It shall have a fat content not in excess of 50%; and it may contain extender not exceeding 3½% of the finished weight.

"Type 4 fresh breakfast sausage" means sausage made from any proportions of fresh meat and meat by-products, including that derived from goats, and which may contain extender not in excess of 15% of the finished weight. Water or ice may be added.

"Type 2 smoked pork sausage" means sausage made from pork, cured before or during processing, stuffed in hog casings or artificial casings, with a fat content not in excess of 45%, and with a final yield not in excess of 88%. It shall not contain extender.

"Type 3 smoked sausage" means sausage made from the same meat and meat by-product ingredients as permitted in Type 3 fresh breakfast sausage, but cured before or during processing, stuffed in hog casings or artificial casings. It shall have a fat content not in excess of 45%, and a yield not in excess of 90%, and it may contain extender not exceeding 3½% of the finished weight.

"Type 4 smoked sausage" means sausage made from any proportions of meat and meat by-products, including that derived from goats, cured before or during processing, and stuffed in hog casings or artificial casings. It may contain extender not exceeding 15% of the finished weight. Water or ice may be added.

16. A new section 13 (e) is added to read as follows:

(e) "Kosher frankfurters, bologna and knackwurst" means kosher sausage which has been smoked and cooked in the smokehouse; which is stuffed in casings; which has a fat content not in excess of 25%; which contains no more than 10% added moisture or water; and which contains no extender.

"Kosher salami" means kosher sausage which has been smoked and cooked in the smoke-house; which has the texture, form and flavor customary for salami made in accordance with good commercial practice, stuffed in artificial casings; which has a fat content not in excess of 15%; which has a final yield not in excess of 85%; and which contains no extender.

This amendment shall become effective August 27, 1943.

NOTE: The record keeping and reporting provisions of this amendment have been approved by the Bureau of the Budget according to the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14082; Filed, August 28, 1943; 2:45 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[MPR 95,[1] Amdt. 3]

WOMEN'S NYLON HOSIERY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In Tables 1, 2 and 3 of § 1401.2 (a) of MPR 95, items C are amended to read as follows:

(1) *Sales at Retail* • • •

TABLE No. 1

Construction	First quality	Substandard quality			
		Irregulars	Seconds	Thirds	Fourths
• •	•	•	•	•	•
C. Cut and sewn lace hosiery:					
1. Nylon leg	$2.35	$2.15	$1.75	$1.20	$0.60
2. All nylon	2.50	2.25	1.90	1.25	.65

(2) *Sales at wholesale* • • •

TABLE No. 2

Construction	First quality	Substandard quality			
		Irregulars	Seconds	Thirds	Fourths
• •	•	•	•	•	•
C. Cut and sewn lace hosiery:					
1. Nylon leg	$18.70	$16.55	$14.00	$9.35	$4.65
2. All nylon	19.80	17.80	14.85	9.90	4.95

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8521, 8948, 9492; 8 F.R. 8502.

(3) *Sales by manufacturers* • • •

TABLE No. 3

Construction	First quality	Substandard quality			
		Irregulars	Seconds	Thirds	Fourths
• •	•	•	•	•	•
C. Cut and sewn lace hosiery:					
1. Nylon leg	$17.00	$15.30	$12.75	$8.50	$4.25
2. All nylon	18.00	16.20	13.50	9.00	4.50

This amendment shall become effective August 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14083; Filed, August 28, 1943; 2:45 p. m.]

Chapter XVIII—Office of Economic Stabilization

PART 4001—WAGES AND SALARIES

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the President by the Constitution and the laws of the United States, and particularly by the Act of October 2, 1942, entitled "An Act To amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public Law 729, 77th Congress), and vested in turn by the President in the Economic Stabilization Director by Executive Order 9328 (8 F.R. 4681) and in order to conform the regulations promulgated by the Director of Economic Stabilization, with the approval of the President, dated October 27, 1942 (7 F.R. 8748) to the provisions of the Public Debt Act of 1943, entitled "An Act To increase the debt limit of the United States, and for other purposes", the following amendment to these regulations are hereby promulgated, effective as of October 2, 1942.

1. The preamble is amended to read as follows:

By virtue of the authority vested in the President by the Constitution and the laws of the United States, and particularly by the Act of October 2, 1942, entitled "An Act To amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public Law 729, 77th Congress), as amended by the Public Debt Act of 1943, entitled "An Act To increase the debt limit of the United States, and for other purposes" (Public Law 34, 78th Congress), and vested in turn by the President in the Economic Stabilization Director by Executive Order 9328 (8 F.R. 4681) the following amended regulations are hereby promulgated.

2. The table of contents is amended by deleting the following:

4001.9 Limitation on certain salaries.

and inserting after "4001.5 Rules and regulations of Commissioner" the following:

4001.5a Authority of the War Food Administrator.
4001.5b. Wage and salary increases for agricultural labor.
4001.5c Wage and salary decreases for agricultural labor.
4001.5d Rules, orders and regulations of the Administrator.

3. Section 4001.1 (a) is amended to read as follows:

(a) The term "Act" means the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public Law 729, 77th Congress), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (Public Law 34, 78th Congress).

4. Section 4001.2 is amended by deleting from the first sentence the following: ", and 9", and by inserting before the figure "8" the word "and".

5. Section 4001.7 is amended by inserting at the end thereof the following:

The words "for any particular work" in the first sentence of this section refer to the particular work of the particular employee and not merely to a particular type of work.

6. Section 4001.9 is deleted.

7. The last sentence of § 4001.10 (a) is deleted.

FRED M. VINSON,
Economic Stabilization Director.

AUGUST 27, 1943.

[F. R. Doc. 43-14084; Filed, August 27, 1943; 4:07 p. m.]

PART 4001—WAGES AND SALARIES

REVISION OF REGULATIONS

By virtue of the authority vested in the President by the Constitution and the laws of the United States, and particularly by the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public No. 729, 77th Congress, 2d Session), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (Public No. 34, 78th Congress, 1st Session), and vested in turn by the President in the Economic Stabilization Director by Executive Order 9328 (8 F.R. 4681) the following amended regulations are hereby promulgated, completely revising the regulations promulgated by the Director of Economic Stabilization with the approval of the President, dated October 27, 1942 (7 F.R. 8748), as amended.

Sec.
4001.1 Definitions.
4001.2 Authority of National War Labor Board.
4001.3 Rules, orders and regulations of Board.
4001.4 Authority of the Commissioner.
4001.5 Rules and regulations of Commissioner.
4001.6 Authority of the War Food Administrator.
4001.7 Wage and salary increases for agricultural labor.
4001.8 Wage and salary decreases for agricultural labor.
4001.9 Rules, orders and regulations of the Administrator.
4001.10 Salary increases.
4001.11 Limitation on wage and salary increases.
4001.12 Increases subject to approval of Economic Stabilization Director.
4001.13 Decreases in salaries of less than $5,000.
4001.14 Decreases in salaries of over $5,000
4001.15 Effect of unlawful payments.
4001.16 Exempt employers.
4001.17 Salary allowances under Internal Revenue Code.
4001.18 Statutory salaries and wages.
4001.19 Territories and possessions.
4001.20 Applicability.
4001.21 Regulations of Economic Stabilization Director.

AUTHORITY: §§ 4001.1 to 4001.21, inclusive, issued under 56 Stat. 765; 50 U.S.C. App. 961, *et seq.*; Pub. Law 34, 78th Cong.; E.O. 9328, 8 F.R. 4681.

§ 4001.1 *Definitions.* When used in these regulations, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(a) The term "Act" means the Act of October 2, 1942, (Public No. 729, 77th Congress) entitled "an Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes", as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States and for other purposes", (Public No. 34, 78th Congress).

(b) The term "Board" means the National War Labor Board created by Executive Order No. 9017, dated January 12, 1942 (7 F.R. 237).

(c) The term "Commissioner" means the Commissioner of Internal Revenue.

(d) The term "Code" means the Internal Revenue Code, as amended and supplemented.

(e) The term "salary" or "salary payments" means all forms of direct or indirect compensation which is computed on a weekly, monthly, annual or other comparable basis, except a wage basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, loans, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount).

(f) The term "salary rate" means the rate or other basis at which the salary for any particular work or service is computed either under the terms of a contract or agreement or in conformity with an established custom or usage.

(g) The term "wages" or "wage payments" means all forms of direct or indirect compensation which is computed on an hourly or daily basis, a piece-work basis, or other comparable basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, commissions, loans, fees, and any other remuneration in any form or medium whatsoever (but excluding insurance and pension benefits in a reasonable amount).

(h) The term "insurance and pension benefits in a reasonable amount" means:

(1) Contributions by an employer to an employees' retirement plan which meets the requirements of section 165 (a) of the Code but does not include contributions of an employer to a stock bonus or profit-sharing plan providing benefits distributable other than on the death, retirement, sickness or disability of the employee.

(2) Amounts, not to exceed 5 percent of the employee's annual salary or wages determined without the inclusion of insurance and pension benefits and without the inclusion of bonuses or other additional compensation, paid by an employer on account of premiums on insurance on the life of the employee, and amounts, regardless of the amount of salary otherwise received annually by the employee, paid by the employer on account of premiums for participation in group life insurance without cash surrender value covering the lives of his employees or in group hospitalization policies or group health and accident insurance policies, the beneficiaries of which are employees. The type of insurance on the life of the employee referred to in this section is the ordinary or whole life policy which does not provide for a cash surrender or loan value, or both, amounting to a large percentage of the premiums paid.

(i) The terms "approval by the Board" and "determination by the Board" shall, except as may be otherwise provided in the regulations or orders of the Board, include an approval or determination by an agent of the Board, duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Board, shall nevertheless for the purpose of these regulations, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following the reversal or modification or until such later date as the Board may direct.

(j) The terms "approval by the Commissioner" and "determination by the Commissioner" shall, except as may be otherwise provided in regulations prescribed by the Commissioner, include an approval or determination by an agent of the Commissioner duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Commissioner, shall nevertheless for the purpose of these regulations, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following reversal or modification or until such later date as the Commissioner may direct.

(k) The terms "approval by the War Food Administrator" and "determination by the War Food Administrator" shall, except as may be provided in regulations prescribed by the Administrator, include an approval or determination by an agent or agents of the Administrator duly authorized to perform such act.

(l) The term "agricultural labor" shall mean persons working on farms and engaged in producing agricultural commodities whose salary or wage payments exclusive of bonuses and additional compensation and without the contemplated adjustment are not in excess of $2,400 per annum. The War Food Administrator may by regulation issue such interpretations of this term as he finds necessary.

(m) The term "in contravention of the Act" means in contravention of the Act, these regulations, Executive Order 9250, Executive Order 9328, or any other orders, rulings or regulations promulgated under the Act.

§ 4001.2 *Authority of National War Labor Board.* The Board shall, subject to the provisions of sections 1, 2, 3, 4, and 8 of Title II of Executive Order No. 9250, of October 3, 1942, and except as otherwise provided in Executive Order No. 9299, of February 4, 1943, prescribing regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act, have authority to determine whether any:

(a) Wage payments, or

(b) Salary payments to an employee where the rate at which the salary, exclusive of bonuses and additional compensation and without regard to the contemplated adjustment, computed on an annual basis, is not in excess of $5,000 per annum, and where such employee

(1) In his relations with his employer is represented by a duly recognized or certified labor organization, or

(2) Is not employed in a bona fide executive, administrative, or professional capacity

are made in contravention of the Act, or any rulings, orders or regulations promulgated thereunder. Any such determination by the Board, made under rulings and orders issued by it, that a payment is in contravention of the Act, or any rulings, orders, or regulations promulgated thereunder, shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulation, either heretofore, or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Board made pursuant to the authority conferred on it shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings.

§ 4001.3 *Rules, orders and regulations of Board.* The Board may make such rulings and issue such orders or regulations as it deems necessary to enforce and otherwise carry out the provisions of these regulations.

§ 4001.4 *Authority of the Commissioner of Internal Revenue.* The Commissioner, except as otherwise provided in Executive Order 9299, of February 4, 1943, prescribing regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act, shall have authority to determine, under regulations to be prescribed by him with the approval of the Secretary of the Treasury, whether any salary payments other than those specified in paragraph (b) of § 4001.2 and § 4001.6 of these regulations are made in contravention of the Act, or any regulations or rulings promulgated thereunder. Any such determination by the Commissioner, made under such regulations, that a payment is in contravention of the Act, or any rulings or regulations promulgated thereunder, shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulations, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Commissioner made pursuant to the authority conferred on him shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings. No increase in a salary rate approved by the Commissioner shall increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices or furnish the basis of further wage or salary increases.

§ 4001.5 *Rules and regulations of Commissioner.* The Commissioner may prescribe such regulations with the approval of the Secretary of the Treasury, and make such rulings as he deems necessary, to enforce and otherwise carry out the provisions of these regulations.

§ 4001.6 *Authority of the War Food Administrator.* Notwithstanding the provisions of §§ 4001.2, 4001.4, 4001.10 and 4001.13, the War Food Administrator shall have the authority to determine whether any salary or wage payments to agricultural labor are made in contravention of the Act or any rulings, orders or regulations promulgated thereunder: *Provided, however,* That the provisions hereof shall not be construed to affect the authority of the Board under the provisions of Executive Order No. 9017 (7 F.R. 237) as extended by Section 1, Title III of Executive Order No. 9250 (7 F.R. 7871, 7873). Any such determination by the Administrator shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of an employer for the purpose of any law or regulations, either heretofore or hereafter enacted or promulgated, including the Emergency Price

Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Administrator made pursuant to the authority conferred on him shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings.

§ 4001.7 *Wage and salary increases for agricultural labor.* Considering that the general level of salaries and wages for agricultural labor is substandard, that a wide disparity now exists between salaries and wages paid labor in agriculture and salaries and wages paid labor in other essential war industries, and that the retention and recruitment of agricultural labor is of prime necessity in supplying the United Nations with needed foods and fibers, no increases in wages and salaries of agricultural labor shall, notwithstanding any other provision of any rules, orders or regulations under the Act of October 2, 1942, be deemed in violation of the Act or of any rules, orders or regulations thereunder; unless and until the War Food Administrator determines and gives public notice of his determination that, with respect to areas, crops, classes of employers, or otherwise, increases in salaries or wages for agricultural labor may no longer be made without the approval of the War Food Administrator.

§ 4001.8 *Wage and salary decreases for agricultural labor.* No employer shall decrease wages or salaries paid to agricultural labor below the highest salary rate or wage paid for such work between January 1, 1942, and September 15, 1942, without the approval of the War Food Administrator.

§ 4001.9 *Rules, orders and regulations of the Administrator.* The War Food Administrator may make such rulings and issue such orders or regulations as he deems necessary to enforce or otherwise carry out the provisions of the regulations in this part.

§ 4001.10 *Salary increases.* In the case of a salary rate of $5,000 or less per annum existing on October 27, 1942, or established thereafter, and in the case of a salary rate of more than $5,000 per annum existing on October 3, 1942, or established thereafter, no increase shall be made by the employer except as provided in regulations, rulings, or orders promulgated under the authority of these regulations. Except as herein provided, any increase made after such respective dates shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder from the date of the payment if such increase is made prior to the approval of the Board or the Commissioner, as the case may be.

In the case, however, of a reasonable increase in the rate at which the salary (exclusive of bonuses and additional compensation) is computed, made both in accordance with the terms of a salary plan or a salary rate schedule and as a result of

(a) Individual promotions or reclassifications,

(b) Individual merit increases within established salary rate range,

(c) Operation of an established plan of salary increases based on length of service within established rate ranges,

(d) Increased productivity under incentive plans,

(e) Operation of a trainee system, or

(f) Such other reasons or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations,

no prior approval of the Board or the Commissioner is required. No such adjustment shall increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices or furnish the basis of further wage or salary adjustments.

§ 4001.11 *Limitation on wage and salary increases.* (a) No further increase in wages or salaries shall after April 8, 1943 be authorized by the Board or the Commissioner, as the case may be, except in the following cases:

(1) Such increases as are clearly necessary to correct substandards of living,

(2) Such wage or salary readjustments as may be deemed appropriate and may not have heretofore been made to compensate, in accordance with the Little Steel formula as heretofore defined by the Board, for the rise in the cost of living between January 1, 1941, and May 1, 1942,

(3) Salary and wage adjustments necessary to adjust salaries or wages up to the minimum of the tested and going rates paid for the same work in the same or most nearly comparable plants or establishments in the same labor market, except in rare and unusual cases in which the critical needs of war production require the setting of a wage or salary at some point above the minimum of the going wage or salary bracket.

(4) Reasonable adjustments in wages or salaries in case of promotions, reclassifications, merit increases, incentive wages or the like, provided that such adjustments do not increase the level of production costs appreciably or furnish the basis either to increase prices.

(b) In connection with the approval of wage or salary adjustments necessary to eliminate substandards of living or to give effect to the Little Steel Formula or in connection with the adoption of a longer work week, nothing herein contained shall be construed to prevent the approval of a wage or salary adjustment for workers in immediately interrelated job classifications to the extent required to keep minimum differentials between immediately interrelated job classifications necessary for the maintenance of productive efficiency. Such adjustments are to be tapered off rigorously in application to higher job classifications so as to apply only in those classifications and only to the extent necessary for productive efficiency in the interrelated job classifications.

§ 4001.12 *Increases subject to approval of Economic Stabilization Director.* All wage adjustments made by the Board which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings, or if no price ceilings are involved which may increase the production costs above the level prevailing in comparable plants or establishments, shall become effective only if also approved by the Economic Stabilization Director.

§ 4001.13 *Decrease in salaries of less than $5,000.* In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of less than $5,000 per annum for any particular work, no decrease shall be made by the employer below the highest salary rate paid for such work between January 1, 1942, and September 15, 1942, unless to correct gross inequities or to aid in the effective prosecution of the war. Any decrease in such salary rate after October 3, 1942, shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder, if such decrease is made prior to approval of the Board or the Commissioner, as the case may be. The words "for any particular work" in the first sentence of this section refers to the particular work of the particular employee and not merely to a particular type of work. For example, the Act does not invalidate or prohibit a wage stabilization order establishing maximum wages for any particular type of work, so long as exception is made allowing the payment of wages higher than such maximum wages to any particular employee for the particular type of work where such higher wages were being paid to such employee for such work at the time the order was issued.

§ 4001.14 *Decreases in salaries of over $5,000.* In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of $5,000 or more per annum, no decrease in such rate made by the employer shall be considered in contravention of the Act and the regulations promulgated thereunder (see section 5 (b) of the Act); *Provided, however,* That if by virtue of such decrease the new salary paid to the employee is less than $5,000 per annum, then the validity of such decrease below $5,000 shall be determined under the provisions of § 4001.13 of these regulations.

§ 4001.15 *Effect of unlawful payments.* (a) If any wage or salary payment is made in contravention of the Act or the regulations, rulings or orders promulgated thereunder, as determined by the Board, the Commissioner, or the War Food Administrator, as the case may be, the entire amount of such payment shall be disregarded by the Executive Departments and all other agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses of any contract made by or on behalf of the United States. The term "law or regulations" as used herein includes any law or regulation hereafter enacted or promulgated. In the case of wages or salaries decreased in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the amount of the wage or salary paid or accrued. In the case of wages or salaries increased in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the amount of the wage or salary paid or accrued and not merely an amount representing an increase in such wage or salary.

(b) Payments made or received in violation of any regulations, rulings, or orders promulgated under the authority of the Act are subject to the penal provisions of the Act.

§ 4001.16 *Exempt employers.* The provisions of §§ 4001.10, 4001.11, 4001.13 and 4001.14 shall apply only in the case of an employer who employs more than eight individuals.

§ 4001.17 *Salary allowances under Internal Revenue Code.* No provision of these regulations shall preclude the Commissioner from disallowing as a deduction in computing Federal income tax any compensation paid by an employer (regardless of the number of employees and of the amount paid to any employee) in excess of a "reasonable allowance" in accordance with the provisions of section 23 (a) of the Code.

§ 4001.18 *Statutory salaries and wages.* These regulations shall be applicable to any salary or wages paid by the United States, any State, territory or possession, or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, except where the amount of such salary or wages is fixed by statute.

§ 4001.19 *Territories and possessions.* The Board, the Commissioner, and War Food Administrator shall have the authority to exempt from the operation of these regulations any wages or salaries paid in any Territory or possession of the United States where deemed necessary for the effective administration of the Act and these regulations.

§ 4001.20 *Applicability.* These amended regulations supersede as of their effective date the regulations promulgated by the Director of Economic Stabilization, with the approval of the President, dated October 27, 1942 (7 F.R. 8748), as amended and are applicable to all salary adjustments within the authority of the Commissioner, the Board, or the War Food Administrator, as the case may be, which are made after that date.

§ 4001.21 *Regulations of Economic Stabilization Director.* The Director shall have authority to issue such regulations as he deems necessary to amend, modify or rescind these regulations.

FRED M. VINSON,
Economic Stabilization Director.

AUGUST 28, 1943.

[F. R. Doc. 43-14085; Filed, August 28, 1943, 3:14 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—United States Public Health Service, Federal Security Agency

PART 10—GRANTS TO STATES FOR VENEREAL DISEASE CONTROL

SUBPART E—FISCAL YEAR 1943 AND EACH YEAR THEREAFTER

Pursuant to authority contained in section 4d of Chap. XV of the Act of July 9, 1918, as added by the Act of May 24, 1938, 52 Stat. 439 (U.S.C. title 42, sec. 25d) § 10.404, 10.407, and paragraph (d)[1] of § 10.415 are amended to read as follows:

§ 10.404 *Allotments.* The Surgeon General, pursuant to the authority contained in section 4d of the act, has determined that $10,276,200 (or 77.78%) of the total amount available for the fiscal year 1944 shall be allotted to the States. Allotments have been made in accordance with the following bases, and then have been adjusted for the unexpended balances in the States from previous allotments under the act:

(a) *Population.* Allotments amounting to 17.93 percent of the available appropriations will be made to the several States in the ratio which the civilian population of each State bears to the population of the United States as shown by provisional estimates of the civilian population made by the Bureau of the Census for March 1, 1943.

(b) *Extent of the venereal disease problem.* Allotments amounting to 42.18 percent of the available appropriations will be made to the several States on the bases of:

(1) The varying composite and racial prevalence rates for syphilis.

(2) The extent to which treatment facilities have been provided as evidenced by the population under treatment for syphilis.

(3) The varying costs of providing equal services as determined by the inverse function of the syphilitic density, and the direct function of the size of the population of each State and Territory.

(4) The need for training centers and demonstrations in selected areas.

(5) The need for facilities for the prevention and control of the venereal diseases in localities where armed forces or civilian employees engaged in war activities are concentrated.

(6) The anticipated scope of the programs necessitated by the war.

(c) *Financial needs.* Allotments amounting to 17.67 percent of available appropriations will be made to the several States on the basis of their financial needs, as determined by the ability of the States to raise revenue expressed in terms of per capita income differences obtained from data supplied by the Bureau of Foreign and Domestic Commerce for the five-year period 1938-1942.

§ 10.407 *Training and administration.* When Federal funds paid hereunder are utilized for the training of venereal disease control personnel, each State shall conform to "Training Policies of the United States Public Health Service" as amended to July 1, 1943. Each State shall establish and maintain (1) acceptable administrative and fiscal procedures; and (2) a system of personnel administration on a merit basis in accordance with "Merit System Policies of the United States Public Health Service" as amended to May 15, 1942.

§ 10.415 *Required minimal services.* * * *

(d) Free distribution of drugs for the treatment of syphilis and gonorrhea shall be made on the request of any physician authorized by the law of his State to administer such drugs for the treatment of his patients: *Provided,* That where health departments have established the policy of furnishing such drugs to the physician conditional upon receiving a morbidity report on the case to be treated, such policy will not in any way be altered by this regulation.

WARREN F. DRAPER,
Acting Surgeon General.

AUGUST 24, 1943.

Approved: August 25, 1943.

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 43-14119; Filed, August 30, 1943; 10:42 a. m.]

[1] 7 F.R. 6223.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 43—REPORTS (RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.)

INFORMATION AS TO OWNERSHIP, OPERATION, ETC.

The Commission on August 24, 1943, effective immediately, amended § 43.1 *Information as to ownership, operation, interests therein, contracts, etc.* by insertion of a footnote reference after the section number and the addition of the following footnote:

*See also § 1.361 of the Rules of Practice and Procedure which requires the filing by each licensee of a standard broadcast station of financial statements.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-14001; Filed, August 27, 1943; 9:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Service Order 150]

PART 95—CAR SERVICE

SPECIAL FREIGHT TRAIN MOVEMENTS RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of August, A. D. 1943.

It appearing, that common carriers by railroad subject to the Interstate Commerce Act are operating freight trains on expedited schedules at a charge in addition to the applicable class or commodity rates or are operating on an expedited schedule freight trains which are assembled in accordance with instructions given to such carriers by consignors; consignees, or agents, of such consignors or consignees, which impede the use, control, supply, movement, and distribution of cars and equipment and the supply of trains necessary to a full utilization of the transportation facilities, and result in a wasteful use of cars and locomotives and interfere with the free flow of intrastate and interstate traffic necessary for the present emergency; and upon petition of the Office of Defense Transportation that the Commission take appropriate action to prohibit the operation of such freight trains during the present emergency, except under permits to be issued by the Interstate Commerce Commission or its agents; in the opinion of the Commission an emergency exists requiring immediate action, *It is ordered*, That:

§ 95.27 (a) *Definition of special freight train.* A special freight train as used in paragraph (b) of this section means a freight train which is operated on an expedited schedule at a charge in addition to the applicable class or commodity rates, or a freight train which is assembled in accordance with instructions given to a rail carrier by a consignor, consignee, or any agent of a consignor or consignee, but shall not include a freight train operated for the purpose of transporting impedimenta correlated to a movement of trooops.

(b) *Special freight train movements restricted.* No common carrier by railroad subject to the Interstate Commerce Act shall operate or participate in the operation of any special freight train except as provided in paragraph (c) of this section.

(c) *Special permits.* The provisions of this order shall be subject to any special permits issued to meet specific needs or exceptional circumstances by agents designated in paragraph (d) of this section.

(d) *Appointment of agents.* Mr. W. G. Curren, New York, N. Y., Mr. J. M. Hood, Washington, D. C., and Mr. W. F. Kirk, Chicago, Ill., are hereby appointed agents of the Interstate Commerce Commission, subject to the direction of the Director of the Bureau of Service, and are authorized to issue special permits to applicants in their respective jurisdictions as defined by the Office of Defense Transportation. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 A. M., August 28, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-14016; Filed, August 28, 1943; 10:27 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

JAMES E. WHITE

PROCEEDINGS FOR REVOCATION OF LICENSES

Order revoking licenses, directing surrender of licenses and requiring records to be furnished.

To: James E. White, R. F. D., Route 8, Argonne and Broadway, Spokane, Washington.

Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following findings of fact.

1. On July 7, 1943, a Specification of Charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto of which you were accused, was mailed to you giving you notice to mail an answer within 15 days answering the charges against you and requesting an oral hearing if you wished.

2. More than 30 days have elapsed since July 7, 1943. The length of time required for mail to be delivered to the office of the Bureau of Mines, Washington, D. C., from Spokane, Washington, does not exceed 7 days. The only communication which I have received from you is your answer dated July 15. You have not requested an oral hearing.

3. You have admitted that on and after March 20, 1942, you sold explosives to persons not licensed under the Federal Explosives Act and you have not denied that you thereby violated section 2 of the act. I find that you did make such sales and that you did violate section 2 of the act.

4. You have admitted that you placed your explosives in the custody of a person not licensed under the Federal Explosives Act and you have not denied that you thereby violated section 2 of the act and section 20 (b) of the regulations. I find that you did place your explosives in the custody of an unlicensed person and that you did violate section 2 of the act and section 20 (b) of the regulations.

5. You have admitted that there are errors in your record of explosives transactions and operations and you have not denied that you thereby violated section 5 of the Federal Explosives Act and section 14 (d) of the regulations. I find that there were such errors and that you did violate section 5 of the act and section 14 (d) of the regulations.

6. You have not denied that in July 1942 and thereafter you stored explosives in five magazines which were not properly constructed, safely located and securely locked and that the explosives were not otherwise protected against theft or that you thereby violated section 17 (a) of the regulations under the Federal Explosives Act. Your answer does allege that certain improvements have now been made in one of your magazines and that you no longer use two of your other magazines. I find that you did not take proper precautions to protect your explosives against theft and that you did violate section 17 (a) of the regulations.

7. You have not denied that you have failed and refused to furnish to my authorized representatives certain information concerning your business in so far as it relates to explosives by failing to reply to requests for such information sent to you by the Chief and Assistant Chief of the Explosives Control Division, Bureau of Mines, or that you thereby violated section 10 of the Federal Explosives Act. I find that you did fail and refuse to furnish the information and that you did violate section 10 of the act.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations pursuant thereto, I hereby *Order*

1. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked at the expiration of three weeks from the date of this order;

2. That within three weeks from the date of this order, you shall sell or otherwise dispose of, to properly licensed persons, all explosives and ingredients of explosives owned or possessed by you or consigned to you, or which are in your custody;

3. That after having disposed of all of the explosives and ingredients as required by paragraph 2 of this order, you shall, within three weeks from the date of this order, deliver or mail to L. H. McGuire, Engineer in Charge, United States Bureau of Mines, 233 Federal Office Building, Seattle 4, Washington, a sworn statement of your transactions in explosives and ingredients beginning with the date of this order and ending with the final disposition of the explosives and ingredients as required above. The statement shall set forth the amount of each kind of explosives or ingredients which you had on hand at each location at the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, and the names and addresses of the person from whom acquired, the amount of each kind sold or otherwise disposed of by you, the dates on which disposed of and the names and addresses and Federal explosives license numbers and dates of the persons to whom disposed of;

4. That within three weeks from the date of this order, you shall surrender all licenses issued to you under the Federal Explosives Act and all certified and photographic copies thereof by mailing or delivering them to L. H. McGuire, Engineer in Charge, United States Bureau of Mines, 233 Federal Office Building, Seattle 4, Washington.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the Federal Register.

Dated: August 26th, 1943.

R. R. SAYERS, *Director.*

[F. R. Doc. 43-14012; Filed, August 28, 1943; 9:54 a. m.]

Bureau of Reclamation.

BLUE RIVER-SOUTH PLATTE PROJECT, COLO.

FIRST FORM RECLAMATION WITHDRAWAL

AUGUST 7, 1943.

THE SECRETARY OF THE INTERIOR.

Sir: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

BLUE RIVER-SOUTH PLATTE PROJECT

SIXTH PRINCIPAL MERIDIAN, COLORADO

Empire Reservoir Site

T. 3 S., R. 74 W.
- Sec. 26, lots 6 to 23, inclusive, lots 56 to 73, inclusive;
- Sec. 27, lots 1 to 41, inclusive, lots 43, 45, 47, 48, 51, 52, 53, and lots 56 to 60, inclusive;
- Sec. 28, lots 1 to 10, inclusive, lot 23, lots 25 to 36, inclusive, lots 42, 43 and 44;
- Sec. 33, lots 1, 2, 3, 8, 9, 10, 21 and NW¼SW¼;
- Sec. 34, lots 3, 4, 5, lots 8 to 14, inclusive, lots 17, 18, 28, 29 and 30.

T. 4 S., R. 74 W.,
- Sec. 4, lots 3, 4 and S½NW¼;
- Sec. 5, lots A, B, C, D, E and F, lots 1, 6, 7 and 8, N½SW¼NE¼, SW¼SW¼NE¼, E½E½NE¼SE¼;
- Sec. 8, lots 1 to 4, inclusive, lots 6 to 12, inclusive, lots 26, 27, lots 30 to 37, inclusive, lots 39, 40, 41, 43, 50, 55, 57, 58, 59, 60, 75, 76, 77, 86, 87, 89, 92, 93, 94, 98 and 99;
- Sec. 17, lots 1, 9 and 10.

Respectfully,

H. W. BASHORE, *Commissioner.*

I concur: August 17, 1943.

FRED W. JOHNSON, *Commissioner of the General Land Office.*

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS, *First Assistant Secretary.*

AUGUST 23, 1943.

[F. R. Doc. 43-14108; Filed, August 30, 1943; 9:54 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Apparel Industry

Wm. B. Kessler, Incorporated, Pleasant & Tilton Streets, Hammonton, New Jersey; Men's clothing, WAAC overcoats, Naval Cadet pants, aviation Navy pea jackets; 9 learners (T); effective August 23, 1943, expiring August 22, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Archbald Sewing Company, Cherry Street, Archbald, Pennsylvania; Children's dresses; 25 learners (E); effective August 25, 1943, expiring February 24, 1944. (This certificate replaces the one previously issued, effective August 4, 1943 and expiring February 4, 1944.)

Berne Manufacturing Company, 260 W. Main Street, Berne, Indiana; Work garments, school togs; 10 learners (T); effective September 4, 1943, expiring September 3, 1944.

Hilb & Company, Inc., Manufacturing Division, 1731 Arapahoe Street, Denver, Colorado; Ladies' slack suits and skirts; 5 learners (T); effective August 30, 1943, expiring August 29, 1944.

S. Liebovitz and Sons, Incorporated, Cedar Street, Kutz own, Pennsylvania; Wool and gabardine Zelan coats, reversible coats; 20 learners (E); effective August 25, 1943, expiring February 24, 1944.

Petaluma Manufacturing Company, 300 Main Street, Petaluma, California; One piece herringbone suits; 10 percent (T); effective August 25, 1943, expiring August 24, 1944.

Reliance Manufacturing Company, Anamosa, Iowa; Men's cotton work shirts; 20 percent (A. T.); effective August 25, 1943, expiring February 24, 1944.

Royal Trouser Manufacturing Company, 37 Chestnut Street, Norwich, Connecticut; Work and semi-dress pants; 10 learners (T); effective August 25, 1943, expiring August 24, 1944.

Edward Shuwall & Company, Incorporated, Penn & Hanover Streets, Pottstown, Pennsylvania; Children's dresses; 20 percent (A. T.); effective August 26, 1943, expiring February 25, 1944.

Stylerite Dress Company, 510 First Avenue North, Minneapolis, Minnesota; Street dresses; 10 percent (T); effective August 26, 1943, expiring August 25, 1944.

Hosiery Industry

Argus Hosiery Mills, Incorporated, Sevierville, Tennessee; full-fashioned hosiery; 5 learners (T); effective August 26, 1943, expiring August 25, 1944.

Interwoven Stocking Company, Morristown, Tennessee; Seamless hosiery; 10 percent (A. T.); effective August 23, 1943, expiring February 22, 1944.

Sweetwater Hosiery Mills, Sweetwater, Tennessee; Seamless hosiery; 20 learners (A. T.); effective September 1, 1943, expiring February 28, 1944.

Walton Hosiery Mills, Incorporated, Fourth & Wise Streets, Statesville, North Carolina;

Seamless hosiery; 5 learners (T); effective August 24, 1943, expiring August 23, 1944.

Textile Industry

Lakedale Mills, Fayetteville, North Carolina; Cotton duck yarns, knitting yarns; 3 percent (T); effective August 24, 1943, expiring August 23, 1944.

Cigar Industry

Parodi Cigar Company of New York, Incorporated, 441 N. Main Avenue, Scranton, Pennsylvania; Cigars; 10 percent (T); Hand cigar making for a learning period of 960 hours and Cigar packing for a learning period of 320 hours at 75% of the applicable minimum wage, effective August 27, 1943, expiring August 26, 1944.

Signed at New York, N. Y., this 28th day of August 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-14111; Filed, August 30, 1943; 10:10 a. m.]

WHOLESALING, WAREHOUSING, OTHER DISTRIBUTION INDUSTRIES

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION

Notice of hearing on the minimum wage recommendation of Industry Committee No. 63 for the wholesaling, warehousing, and other distribution industries to be held September 16, 1943.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on July 20, 1943, by Administrative Order No. 208, appointed Industry Committee No. 63 for the wholesaling, warehousing, and other distribution industries, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 63, on August 17, 1943, recommended a minimum wage rate for the Wholesaling, Warehousing, and Other Distribution industries and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on August 18, 1943 pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 63 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 63 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Wholesaling, Warehousing, and Other Distribution Industries (as defined in Administrative Order No. 208) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Wholesaling, Warehousing, and Other Distribution Industries as set forth in Administrative Order No. 208, issued July 20, 1943, is as follows:

The wholesaling, warehousing, and other distribution of commodities.

a. It includes, but without limitation, the activities of jobbers, textile converters, industrial distributors, mail order and retail selling establishments, brokers and agents, public warehouses, and physically segregated wholesaling and selling departments of other than selling and warehousing establishments (including the activities of any employees in such establishments who are engaged exclusively in selling products purchased for resale).

b. *Provided, however,* That there shall not be included any activity in connection with selling and warehousing which is covered by any wage order or by any administrative order appointing an industry committee.

III. The full text of the report and recommendation of Industry Committee No. 63 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:00 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.
New York, New York, Parcel Post Building, 341 Ninth Avenue.
Richmond, Virginia, 215 Richmond Trust Building.
Atlanta, Georgia, Fifth Floor, Carl Witt Building, 249 Peachtree Street NE.
Birmingham, Alabama, 1007 Comer Building.
Cleveland, Ohio, 4094 Main Post Office, West Third and Prospect Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Baltimore, Maryland, 401-411 Old Town Building, Gay and Fallsway Streets.
Jacksonville, Florida, 456 New Post Office Building.
Cincinnati, Ohio, 1312 Traction Building, Fifth and Walnut Streets.
Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.
St. Louis, Missouri, 316 Old Customs House, 815 Olive Street.
San Francisco, California, 800 Humboldt Bank Building, 785 Market Street.
Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.
Seattle, Washington, 305 Post Office Building, Third Avenue and Union Street.
Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.
Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.
Detroit, Michigan, David Stott Building, 1150 Griswold Street.
Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue and Seventh Street.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
New Orleans, Louisiana, 916 Union Building.
Nashville, Tennessee, 509 Medical Arts Building.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
Kansas City, Missouri, 3000 Fidelity Building, 911 Walnut Street.
Los Angeles, California, 417 H. W. Hellman Building, Spring and Fourth Streets.
San Juan, Puerto Rico, Post Office Box 112.
Washington, District of Columbia, Department of Labor, First Floor.
New York, New York, 165 West 46th Street.

Copies of the committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

IV. A public hearing will be held on September 16, 1943, before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, at 10:00 a. m. in Room 1001, United States Department of Labor, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 63 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 63 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided,* That not later than September 13, 1943, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 63.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 63 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the Wholesaling, Warehousing, and Other Distribution Industries will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, Economic Factors Bearing on the Establishment of Minimum Wages in the Wholesaling, Warehousing, and Other Distribution Industries, prepared by the Economics Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor, August 1943.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or Presiding Officer as are deemed appropriate.

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, a complete record of the proceedings shall be filed with the Administrator. No intermediate report shall be filed unless so directed by the Administrator. If a report is filed it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 26th day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-14109; Filed, August 30, 1943; 10:10 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Florida Press, 143 E. Church Street, Orlando, Florida; Printing and Publishing; 1 learner (T); Printer for a learning period of 480 hours at 30 cents per hour; effective August 30, 1943, expiring November 29, 1943.

Forde, Printing, Incorporated, 120 South Front Street, Mankato, Minnesota; Commercial Printing; 1 learner (T); Platen Press Feeder and Bindery Helper for a learning period of 480 hours at 30c for the 1st 320 hours and 35c per hour for the next 160 hours; effective August 20, 1943, expiring March 1, 1944.

Journal Printing Company, 119 S. Elson Street, Kirksville, Missouri; Printing and Publishing; 1 learner (T); Job Pressman for a learning period of 480 hours at 30 cents per hour; effective August 26, 1943, expiring February 25, 1944.

Kansas Bank Note Company, 5th & Jefferson Streets, Fredonia, Kansas; converted paper products; 4 learners (T); bindery girl and platen press feeder for a learning period of 480 hours at 30 cents for the 1st 320 hours and 35 cents for the next 160 hours; effective August 26, 1943, expiring February 26, 1944.

Nord-Buffum Pearl Button Company, 101 S. Carolina Street, Louisiana, Missouri; fresh water pearl buttons; 3 learners (T); finished button sorter for a learning period of 480 hours and automatic machine operator for a learning period of 160 hours; finished button sorter 30 cents per hour for the 1st 320 hours and 35 cents for the next 160 hours; automatic machine operator 30 cents per hour; effective September 1, 1943, expiring March 1, 1944.

Joseph Ruzicka, 606 North Eutaw Street, Baltimore, Maryland; library bookbinding; 2 learners (T); collator, sewing machine operator for a learning period of 480 hours at the rate of 30 cents per hour for the 1st 320 hours and 35 cents per hour for the next 160 hours; effective August 30, 1943, expiring March 1, 1944.

The Valley Citizen, Main Street, Valley View, Pennsylvania; printing and publishing; 1 learner (T); printer for a learning period of 480 hours at 30 cents per hour; effective August 26, 1943, expiring February 25, 1944.

Signed at New York, N. Y., this 28th day of August 1943.

MERLE D. VINCENT,
Authorized Representative, of the Administrator.

[F. R. Doc. 43-14110; Filed, August 30, 1943; 10:10 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 2-401-B-2, 2-401-B-3, 193, 199, 206, 390, 504, 508, 509, 906 and 924]

CONTINENTAL AIRLINES, INC., ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Continental Airlines, Inc., Braniff Air-

ways, Inc., Essair, Inc., Transcontinental & Western Air, Inc., and American Airlines, Inc., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and the petitions of Fort Stockton, Tex., Alpine, Tex., and Brownwood, Tex.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned for September 6, 1943, 10:00 a. m. (Eastern War Time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board, to be held in two parts, (1) with respect to service proposed by Continental Airlines, Inc., Braniff Airways, Inc., and American Airlines, Inc., between El Paso and San Antonio via various intermediate points, (2) with respect to service proposed by Essair and with respect to service proposed by Essair, Inc., Braniff Airways, and Transcontinental & Western Air, Inc., between Austin and Houston, Tex.

Dated Washington, D. C., August 26, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 43-14044; Filed, August 28, 1943; 10:59 a. m.]

[Docket No. 892]

PAN AMERICAN-GRACE AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the compensation for transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith for Pan American-Grace Airways, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned to be held on September 10, 1943, 10:00 a. m. (eastern war time) in Room No. 3237 of the Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D. C.

Dated Washington, D. C., August 28, 1943.

HERBERT K. BRYAN, *Examiner.*

[F. R. Doc. 43-14114; Filed, August 30, 1943; 10:24 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-485]

UNITED GAS PIPE LINE COMPANY

ORDER FIXING DATE OF HEARING

AUGUST 24, 1943.

Upon consideration of the application filed by United Gas Pipe Line Company on July 19, 1943, seeking authority under section 7 (b) of the Natural Gas Act to remove approximately 8 miles of 12¾ inch pipe line extending in a southwesterly direction from what is known as the Waskom Area, located in Harrison County, Texas, and Caddo Parish, Louisiana, to the vicinity of applicant's Latex compressor station; The Commission *orders*, That:

(A) A public hearing be held commencing on September 15, 1943, at 9:45 a. m. (E. W. T.), in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding;

(B) Interested State Commissions may participate in this hearing as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-14013; Filed, August 28, 1943; 9:54 a. m.]

[Docket No. G-486]

UNITED GAS PIPE LINE COMPANY

ORDER FIXING DATE OF HEARING

AUGUST 24, 1943.

Upon consideration of the application filed by United Gas Pipe Line Company on July 19, 1943, seeking authority under section 7 (b) of the Natural Gas Act to remove approximately 30.6 miles of 18-inch pipe line extending in a southerly direction from an interconnection with the pipe line of Southern Natural Gas Company at a point near the town of Benton, Mississippi, to a point near Tougaloo College, Madison County, Mississippi; the Commission *Orders*, That:

(A) A public hearing be held commencing on September 15, 1943, at 2:00 p. m. (E. W. T.), in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding;

(B) Interested State Commissions may participate in this hearing as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-14014; Filed, August 28, 1943; 9:54 a. m.]

[Docket Nos. G-491 and G-492]

UNITED GAS PIPE LINE COMPANY

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

AUGUST 24, 1943.

Upon consideration of the application filed by United Gas Pipe Line Company on August 3, 1943 (Docket No. G-491), seeking authority under section 7 (c) of the Natural Gas Act, as amended, to construct and operate approximately 2.5 miles of 4½-inch pipe line from the South Houma gas field, Terrebonne Parish, Louisiana, to connect with the applicant's proposed DeLarge extension; and

Upon consideration of the application filed by United Gas Pipe Line Company on August 3, 1943 (Docket No. G-492), seeking authority under section 7 of the Natural Gas Act, as amended, to remove from applicant's pipe line extending from Baton Rouge to New Orleans, Louisiana, approximately 108,000 feet of 16-inch loop line and to relocate such pipe and construct and operate approximately 18 miles of loop line to applicant's existing line extending from the Lake Long gas field in LaFourche Parish, Louisiana, to a point of connection with applicant's Baton Rouge-New Orleans line near St. Rose, St. Charles Parish, Louisiana; and

It appearing to the Commission that:

The facts and issues in the above matters may be related, and the applicant requests that the proceedings thereon be consolidated for hearing;

The Commission *Orders*, That:

(A) The proceedings in the above matters be and they hereby are consolidated for the purposes of hearing;

(B) A public hearing be held commencing on September 16, 1943, at 9:45 a. m. (E. W. T.), in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding;

(C) Interested State Commissions may participate in this hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-14015; Filed, August 28, 1943; 9:54 a. m.]

[Docket No. G-481]

HOPE NATURAL GAS COMPANY

ORDER POSTPONING HEARING

AUGUST 28, 1943.

Upon consideration of the petition filed August 28, 1943, by the National Coal Association, United Mine Workers of America, Brotherhood of Locomotive Engineers, and others, for continuance of the hearing in the above-entitled matter now set for August 31, 1943; the Commission orders that:

The hearing in this matter now set to commence on August 31, 1943, be and the same is hereby postponed to September 21, 1943, at 9:45 a. m. (E. W. T.) in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-14128; Filed, August 30, 1943; 11:19 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 18 Under Service Order 126]

PENNSYLVANIA RAILROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033; 8 F.R. 11089), permission is granted for:

The Pennsylvania Railroad Company to initially ice to capacity at Huntingdon, Pennsylvania, not more than 15 refrigerator cars containing potatoes, shipped by the War Foods Administration from the Greencastle Ice and Cold Storage Company, Greencastle, Pennsylvania, consigned to the St. Marys Packing Company, Leipsic, Ohio.

Not more than four cars shall be iced under this permit on any one calendar day.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 17th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-14017; Filed, August 28, 1943; 10:27 a. m.]

[Special Permit 14 Under Service Order 126]

THE READING COMPANY

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033; 8 F.R. 11089), permission is granted for:

The Reading Company to initially ice to capacity not more than 3 refrigerator cars containing potatoes, shipped by the War Foods Administration from the Harrisburg Ice and Cold Storage Company, Harrisburg, Pennsylvania, consigned to the St. Marys Packing Company, Leipsic, Ohio.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 17th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-14018; Filed, August 28, 1943; 10:27 a. m.]

[Special Permit 15 Under Service Order 126]

LONG ISLAND RAIL ROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033; 8 F.R. 11089), permission is granted for:

The Long Island Rail Road Company to initially ice (but not in excess of 7,500 pounds of ice per car) not more than 5 refrigerator cars per day containing potatoes at Riverhead, Long Island, consigned to Army and naval installations at points in the States of Alabama, Florida, Georgia, or South Carolina, or at New Orleans, Louisiana; also, The Pennsylvania Railroad Company to initially ice (but not in excess of 7,500 pounds of ice per car) at Potomac Yard, Virginia, not more than 5 refrigerator cars per day containing potatoes originating in New Jersey and consigned to Army and naval installations at points in the States of Alabama, Florida, Georgia, or South Carolina, or New Orleans, Louisiana.

One reicing in transit will be permitted on each car of no more than enough ice to bring the bunkers to three-fourths capacity.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

This permit expires at 12:01 a. m., September 15, 1943.

Issued at Washington, D. C., this 18th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-14019; Filed, August 28, 1943; 10:27 a. m.]

[Special Permit 16 Under Service Order 126]

BALTIMORE AND OHIO RAILROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033; 8 F.R. 11089), permission is granted for:

The Baltimore and Ohio Railroad Company to initially ice (but not in excess of 8,000 pounds per car) not more than 18 refrigerator cars containing potatoes, shipped by the War Foods Administration from C. L. Robinson Storage, Winchester, Virginia, to Fackler, Langford and Taylor, Meansville, Georgia.

Not more than eight cars shall be iced under this permit on any one calendar day.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 18th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-14020; Filed, August 28, 1943; 10:27 a. m.]

[Special Permit 17 Under Service Order 126]

NORFOLK AND WESTERN RAILWAY CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033; 8 F.R. 11089), permission is granted for:

The Norfolk and Western Railway Company to initially ice to capacity not more than 14 refrigerator cars containing potatoes, shipped by the War Foods Administration from Moore and Dorsey, Berryville, Virginia, to Franklinton, Georgia.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 18th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-14021; Filed, August 28, 1943; 10:27 a. m.]

[Special Permit 18 Under Service Order 126]

CHESAPEAKE AND OHIO RAILWAY CO., AND NORFOLK AND WESTERN RAILWAY CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033; 8 F.R. 11089), permission is granted for:

Either The Chesapeake and Ohio Railway Company or the Norfolk and Western Railway Company to initially ice to capacity not more than 18 refrigerator cars containing potatoes, shipped by the War Foods Administration from the Inland Service Storage, Waynesboro, Virginia, consigned to the Georgian Canning Company, Wayside, Georgia.

Not more than five cars shall be iced under this permit on any one calendar day.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 18th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14022; Filed, August 28, 1943; 10:27 a. m.]

[Special Permit 19 Under Service Order 126]

BALTIMORE AND OHIO RAILROAD CO., AND CHESAPEAKE AND OHIO RAILWAY CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033; 8 F.R. 11089), permission is granted for:

Either The Baltimore and Ohio Railroad Company or The Chesapeake and Ohio Railway Company to initially ice to capacity not more than 5 refrigerator cars containing potatoes, shipped by the War Foods Administration from the Salin Cold Storage Company, Huntington, West Virginia, consigned to the Dorgan Packing Company, Columbia, Mississippi.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 18th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14023; Filed, August 28, 1943; 10:28 a. m.]

[Special Permit 20 Under Service Order 126]

DANVILLE AND WESTERN RAILWAY CO., AND NORFOLK AND WESTERN RAILWAY CO.

ICING AND REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033; 8 F.R. 11089), permission is granted for:

Either the Danville and Western Railway Company or the Norfolk and Western Railway Company to initially ice to capacity not more than 30 cars containing potatoes, shipped by the War Foods Administration from the Patrick Henry Storage, Martinsville, Virginia, consigned to the Cherokee Products Company, Haddock, Georgia.

Not more than three cars shall be iced under this permit on any one calendar day.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 18th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14024; Filed, August 28, 1943; 10:28 a. m.]

[Special Permit 21 Under Service Order 126]

SOUTHERN RAILWAY CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033; 8 F.R. 11089), permission is granted for:

The Southern Railway Company to initially ice to capacity not more than 30 refrigerator cars containing potatoes, shipped by the War Foods Administration from the Mutual Cold Storage Company, Broadway, Virginia, consigned to the Cherokee Products Company, Haddock, Georgia.

Not more than five cars shall be iced under this permit on any one calendar day.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 18th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14025; Filed, August 28, 1943; 10:28 a. m.]

[Special Permit 22 Under Service Order 126]

PENNSYLVANIA RAILROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033; 8 F.R. 11089), permission is granted for:

The Pennsylvania Railroad Company to initially ice (but not in excess of 7,500 pounds of ice per car) at Potomac Yard, Virginia, FGEX 50048 and FGEX 54340 containing potatoes, shipped by Scheidler Brothers, Trenton, New Jersey, consigned to the Office of Inter-American Affairs at New Orleans, Louisiana, for export.

One reicing with no more than enough ice to bring the bunkers to three-fourths capacity shall be allowed at Atlanta, Georgia.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 18th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14026; Filed, August 28, 1943; 10:28 a. m.]

[Special Permit 41 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago and North Western Railway Company (Charles M. Thomson, Trustee), The New York Central Railroad Company, or the Boston and Maine Railroad to initially ice or reice, with both bunker and top or body ice, SFRD 38128 containing carrots, shipped by Arena Co., Salinas, California, consigned to National Storage Co., Summerville, Massachusetts.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 23d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14030; Filed, August 28, 1943; 10:28 a. m.]

[Special Permit 42 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING AND REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company to initially ice or reice, with both bunker and top or body ice, URTX 15407 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to the Quartermaster Market Center, El Paso, Texas; The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), or The New York, Chicago and St. Louis Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 50856 containing carrots in bags (without tops), shipped by E. D. Ball, Los Angeles (loaded at Ontario, California, consigned to Cavalier, Gulling & Wilson, Inc., Cleveland, Ohio; The Atchison, Topeka and Santa Fe Railway Company to initially ice or reice, with both bunker and top or body ice, SFRD 22263 containing green corn, shipped by Wm. Carillo Co., (Sunny Sally Products), Los Angeles, California, consigned to the United States Army, Ono, California; also, The Pacific Electric Railway Company or The Atchison, Topeka and Santa Fe Railway Company to initially ice or reice, with both bunker and top or body ice, PFE 96362 containing green corn, shipped by the Consolidated Produce Co., Los Angeles, California, consigned to the United States Army, Ono, California.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 23d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14031; Filed, August 28, 1943; 10:28 a. m.]

[Special Permit 43 Under Service Order 133]

PACIFIC ELECTRIC RAILWAY CO., AND ATCHISON, TOPEKA AND SANTA FE RAILWAY

ICING OR REICING OF FRUITS AND VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, permission is granted for:

The Pacific Electric Railway Company or The Atchison, Topeka and Santa Fe Railway Company to initially ice or reice, with both bunker and top or body ice, PFE 23011 containing mixed fruit and vegetables, shipped by the Keim Produce Co., Los Angeles, California, consigned to Babbitt Brothers Trading Co., Winslow, Arizona; also, The Southern Pacific Company or The Atchison, Topeka and Santa Fe Railway Company to initially ice or reice, with both bunker and top or body ice, MDT 16702 containing green corn, shipped by the Sunrise Produce Co., Los Angeles, California, consigned to the U. S. Army, Ono, California.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 24th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14032; Filed, August 28, 1943; 10:28 a. m.]

[Special Permit 44 Under Service Order 133]

SOUTHERN PACIFIC CO. AND ST. LOUIS SOUTHWESTERN RAILWAY CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, permission is granted for:

The Southern Pacific Company or the St. Louis Southwestern Railway Company (Berryman Henwood, Trustee) to initially ice or reice, with both bunker and top or body ice, PFE 62006 containing celery, honeydew melons, rhubarb and asparagus, shipped by the Consolidated Produce Co., Los Angeles, California, consigned to Tyler Produce Co., Tyler, Texas (for partial unloading by Miller Produce Co., Waco, Texas).

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14033; Filed, August 28, 1943; 10:28 a. m.]

[Special Permit 45 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING OR REICING OF FRUITS AND VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, The Texas and Pacific Railway Company, or the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to initially ice or reice, with both bunker and top or body ice, PFE 41600 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to Sales Officer, Camp Commissary, U. S. Army, Camp Claibourne (near Alexandria), Louisiana; The Southern Pacific Company to initially ice or reice, with both bunker and top or body ice, PFE 95318 containing celery, shipped by the American Fruit Growers Inc., Oxnard, California, consigned to the Chief Quartermaster, Section of Supplies & Service, Fort Bliss, Texas (near El Paso); The Southern Pacific Company or The Atchison, Topeka and Santa Fe Railway Company to initally ice or reice, with both bunker and top or body ice, GARX 68865 containing green corn, shipped by the Sunrise Produce Co., Los Angeles, California, consigned to the Supply Officer, U. S. Army, Ono, California; also, the Pacific Electric Railway Company or The Atchison, Topeka and Santa Fe Railway Company to initially ice or reice, with both bunker and top or body ice, PFE 93055 containing mixed fruit and vegetables, shipped by the Keim Produce Co., Los Angeles, California, consigned to Babbitt Brothers Trading Co., Flagstaff, Arizona.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car serv-

ice and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 27th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14034; Filed, August 28, 1943; 10:29 a. m.]

[Special Permit 46 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago and North Western Railway Company (Charles M. Thomson, Trustee), the Indiana Harbor Belt Railroad Company, or the Erie Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 18618 containing broccoli, shipped by D'Arrigo Bros. Co., Castroville, California, consigned to D'Arrigo Bros. Co., New York, New York.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 30th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14035; Filed, August 28, 1943; 10:29 a. m.]

[Special Permit 47 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, the Indiana Harbor Belt Railroad Company, or the Erie Railroad Company to initially ice or reice, with both bunker and top or body ice, PGEX 37632 containing broccoli, shipped by D'Arrigo Bros. Co., Castroville, California, consigned to D'Arrigo Bros. Co., New York, New York.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 31st day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14036; Filed, August 28, 1943; 10:29 a. m.]

[Special Permit 48 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, the Indiana Harbor Belt Railroad Company, or the Erie Railroad Company to initially ice or reice, with both bunker and top or body ice, PFE 91477 containing broccoli, shipped by D'Arrigo Bros. Co., San Jose, California, consigned to D'Arrigo Bros. Co., Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 4th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14037; Filed, August 28, 1943; 10:29 a. m.]

[Special Permit 3 Under Service Order 145]

UNION PACIFIC RAILROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, as amended (8 F.R. 11487), permission is granted for:

The Union Pacific Railroad Company to initially ice to capacity a refrigerator car or cars loaded with potatoes, originating at Group B points in Oregon or Idaho, at either Nampa or Pocatello, Idaho, or Ogden, Utah.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 18th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14038; Filed, August 28, 1943; 10:29 a. m.]

[Special Permit 4 Under Service Order 145]

UNION PACIFIC RAILROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, as amended (8 F.R. 11487, permission is granted for:

The Union Pacific Railroad Company to reice, but not in excess of three-fourths of the bunker capacity, at Las Vegas, Nevada, PFE 34183 containing potatoes, shipped by A. M. Moore, Caldwell, Idaho, to Los Angeles, California.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 19th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14039; Filed, August 28, 1943; 10:30 a. m.]

[Special Permit 5 Under Service Order 145]

UNION PACIFIC RAILROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, as amended (8 F.R. 11487), permission is granted for:

The Union Pacific Railroad Company to initially ice to capacity a refrigerator car or cars loaded with potatoes originating at Group B points in Oregon or Idaho, at either Nampa or Pocatello, Idaho, or Ogden, Utah.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 19th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14040; Filed, August 28, 1943; 10:30 a. m.]

[Special Permit 6 Under Service Order 145]

UNION PACIFIC RAILROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, as amended (8 F.R. 11487), permission is granted for:

The Union Pacific Railroad Company to reice, but not in excess of three-fourths of the bunker capacity, at Las Vegas, Nevada, FGEX 50089 and PFE 90979 containing potatoes, shipped from Caldwell, Idaho, consigned to John L. Chase & Son, Los Angeles, California.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 19th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14041; Filed, August 28, 1943; 10:30 a. m.]

[Special Permit 7 Under Service Order 145]

UNION PACIFIC RAILROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, as amended (8 F.R. 11487), permission is granted for:

The Union Pacific Railroad Company to reice at Las Vegas, Nevada, with no more than enough ice to bring the bunkers to three-fourths capacity, a refrigerator car or cars loaded with potatoes originating at Group B points in Idaho or Oregon or at Group C points in Idaho.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 21st day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14042; Filed, August 28, 1943; 10:30 a. m.]

[Special Permit 2 Under Service Order 147]

SOUTHERN PACIFIC CO., ET AL.

ICING OR REICING OF FRUITS AND VEGETABLES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.317, 8 F.R. 11390) of Service Order No. 147 of August 13, 1943, permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, or the Wabash Railroad Company to accord standard refrigeration to PFE 61942, containing fresh fruits or vegetables, destined to St. Louis, Missouri; The Southern Pacific Company, the Union Pacific Railroad Company, The Alton Railroad Company (Henry A. Gardner, Trustee), The New York, Chicago and St. Louis Railroad Company to accord standard refrigeration to PFE 60534, containing fruits and vegetables, destined to Cleveland, Ohio; The Southern Pacific Company, the Union Pacific Railroad Company, or The Alton Railroad Company (Henry A. Gardner, Trustee) to accord standard refrigeration to PFE 42577, containing fruits and vegetables, destined to Chicago, Illinois; The Southern Pacific Company, the Union Pacific Railroad Company, the Illinois Central Railroad Company, or The Pennsylvania Railroad Company to accord standard refrigeration to PFE 30482, containing fruits and vegetables, destined to Pittsburgh, Pennsylvania; The Southern Pacific Company, the Union Pacific Railroad Company, the Chicago and North Western Railway Company (Charles M. Thomson, Trustee), the Erie Railroad Company, The Delaware and Hudson Railroad Corporation, or the Boston and Maine Railroad to accord standard refrigeration to PFE 15397, containing fruits and vegetables, destined to Boston, Massachusetts; also, The Southern Pacific Company, the Union Pacific Railroad Company, or the Chicago, Saint Paul, Minneapolis and Omaha Railway Company to accord standard refrigeration to PFE 50521, containing fruits and vegetables, destined to Minneapolis, Minnesota.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 19th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14027; Filed, August 28, 1943; 10:31 a. m.]

[Special Permit 3 Under Service Order 147]

COMMON CARRIERS BY RAILROAD

ICING OF FRUITS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.317, 8 F.R. 11390) of Service Order No. 147 of August 13, 1943, permission is granted for:

Any common carrier by railroad to initially ice, with enough ice to bring ice to three-fourths of the refrigerator car bunker capacity, a refrigerator car or cars to be loaded with precooled oranges originating in California, prior to tender to the carrier for transportation.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 21st day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14028; Filed, August 28, 1943; 10:31 a. m.]

[Special Permit 4 Under Service Order 147]

COMMON CARRIERS BY RAILROAD

ICING OR REICING OF FRUITS, MELONS, AND VEGETABLES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.317, 8 F.R. 11390) of Service Order No. 147 of August 13, 1943, permission is granted for:

Any common carrier by railroad to initially ice to capacity, and reice once to capacity at the first reicing station, a refrigerator car or cars loaded with deciduous fruits, melons, and vegetables originating at points in the States of Arizona or California, and,

Any common carrier by railroad to initially ice to capacity a refrigerator car or cars, after being loaded with citrus fruits, originating at points in the States of Arizona or California, and tendered for transportation.

The waybills shall show reference to this special permit.

This permit shall become effective at 12:01 a. m. August 23, 1943.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 21st day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14029; Filed, August 28, 1943; 10:31 a. m.]

[Revocation of Special Permit 3 Under Service Order 147]

COMMON CARRIERS BY RAILROAD

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.317, 8 F.R. 11390) of Service Order No. 147 of August 13, 1943.

Special Permit No. 3 of August 21, 1943, is hereby revoked, effective at 12:01 a. m., August 26, 1943.

A copy of this revocation has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this revocation shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14129; Filed, August 30, 1943; 11:16 a. m.]

[Amended Special Permit 4 Under Service Order 147]

COMMON CARRIERS BY RAILROAD

REICING FRUITS AND VEGETABLES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.317, 8 F.R. 11390) of Service Order No. 147 of August 13, 1943, permission is granted for:

Any common carrier to initially ice to capacity and reice once in transit to capacity at the first regular icing station a refrigerator car or cars loaded with citrus or deciduous fruits, melons, or vegetables originating at points in the States of Arizona or California.

The provisions of paragraph (b) of § 95.317 of Service Order No. 147 shall have no application to cars loaded under the preceding paragraph.

The waybills shall show reference to this special permit.

This permit shall become effective at 12:01, August 26, 1943.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14131; Filed, August 30, 1943; 11:16 a. m.]

[Special Permit 23 Under Service Order 126]

LONG ISLAND RAIL ROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Long Island Rail Road Company to accept for transportation 38 refrigerator cars containing potatoes (10 cars from Southold and 6 cars from Cutchogue shipped by I. M. Young, Riverhead, Long Island; 6 cars from Greenport, 8 cars from Southold, and 2 cars from Calverton shipped by Long Island Produce and Fruit Company, Riverhead; 6 cars from Riverhead shipped by Fanning and Houser, Riverhead, Long Island) and for The Pennsylvania Railroad Company to initially ice said cars at Potomac Yards, Virginia, with no more than enough ice than to bring the ice in the bunkers to ¾ bunker capacity; also for the Southern Railway Company to reice at Atlanta, Georgia, with no more than enough ice than to bring the ice in the bunkers to ¾ bunker capacity.

All cars are consigned to the United States Army, New Orleans, Louisiana, for export.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-14130; Filed, August 30, 1943; 11:16 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Amendment of Vesting Order 1254]

REAL PROPERTY OF ANTOINETTA GIANOTTI

Re: Real property situated at North Bergen, New Jersey, and a claim, owned by Antoinetta Gianotti.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Antoinetta Gianotti is a citizen of Italy, whose last known address is Cucceglio, Canavese, Aosta, Italy, and is a national of a designated enemy country (Italy);

2. Finding that said Antoinetta Gianotti is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. Real property situated at 311 72nd Street, North Bergen, New Jersey, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever, of Antoinetta Gianotti in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Antoinetta Gianotti by Harry V. Moser, Inc., 850 Bergen Avenue, Jersey City, New Jersey, and represented on the books of Harry V. Moser, Inc., as a credit due Antoinetta Gianotti, including but not limited to all security rights, in and to any and all collateral, for any or all of such obligations and the right to enforce and collect such obligations,

is property within the United States owned by a national of a designated enemy country (Italy);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order.

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising, as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on August 20, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, in the Township of North Bergen, Hudson County, New Jersey, known and described as lot number fifty-one (51) block number seventeen B (#17-B) on a certain map entitled "Map 'D' a portion of the property belonging to the Woodcliff Land Improvement Co., Township of North Bergen, Hudson County, N. J., made by T. H. McCann and R. Beyer, C. E. April, 1906" duly filed in the Register's Office of the said County of Hudson on the 29th day of October nineteen hundred and six, and which lot may be more particularly described as follows:

Beginning at a point in the southerly line of 28th Street, westerly six hundred and eighty-five (685) feet from the southwest corner of Broadway and 28th Street, as said streets are laid down on said map; thence (1) southerly and at right angles to 28th Street one hundred (100) feet to a point; thence (2) westerly and at right angles to the first course twenty-five (25) feet to a point; thence (3) northerly and parallel with the first course one hundred (100) feet to the southerly line of 28th Street; thence (4) easterly and along the southerly line of 28th Street twenty-five (25) feet to the point or place of beginning.

[F. R. Doc. 43-14123; Filed, August 30, 1943; 10:56 a. m.]

[Amendment of Vesting Order 1446]

ESTATE OF MARIANO CANCIAMILLA

Whereas by Vesting Order Number 1446 of May 11, 1943, the undersigned vested among other items, all right, title, interest and estate of Mariano Cancianilla in and to certain real property described on Exhibit "A" attached to that Vesting Order and by reference made a part thereof; and

Whereas the real property description in said Exhibit A was set forth inadvertently in clerical error;

Now therefore Vesting Order Number 1446 is hereby amended as follows and not otherwise:

Exhibit A attached to said Vesting Order and by reference made a part thereof is hereby deleted, and the following substituted therefor:

EXHIBIT A

All the real property, situated, lying and being in the City of Sacramento, County of Sacramento and State of California, known, designated and described as:

The north one-quarter (¼) of lot number five (5) in the block or square bounded in and by "S" and "T" and Fifth and Sixth Streets, as same is shown upon the official map or plan of said City of Sacramento,

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

All other provisions of said Vesting Order 1446 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on August 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-14124; Filed, August 30, 1943; 10:56 a. m.]

[Amendment of Vesting Order 1870]

TRUST UNDER WILL OF ANNA TAG

In re: Trust under Will of Anna Tag, deceased; File D-28-1743; E. T. sec. 837.

Whereas in Vesting Order Number 1870 the undersigned stated that the Trustee is acting under the judicial supervision of the Surrogate's Court, King's County, State of New York;

Whereas the name of said King's County was inserted in said order inadvertently and through clerical error; and

Whereas the said Trustee is in fact acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

Now, therefore, Vesting Order Number 1870 is hereby amended as follows and not otherwise:

By deleting "King's County" in the sixth line of subparagraph (1) of said Vesting Order and by inserting in place and lieu thereof "New York County".

All other provisions of said Vesting Order Number 1870 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on August 20, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-14125; Filed, August 30, 1943; 10:56 a. m.]

[Amendment of Vesting Order 1899]

ESTATE OF ANDREW SCHINE

In re: Estate of Andrew Schine, deceased; File D-38-1647; E. T. sec. 3564.

Whereas in Vesting Order Number 1899 dated July 29, 1943, the name of the Court was stated therein through clerical error to be "Orphans' Court in and for the County of Cascade, State of Montana";

Whereas the proper name of said Court is in fact "District Court of the Eighth Judicial District in and for the County of Cascade, State of Montana";

Now, therefore, Vesting Order Number 1899 is hereby amended as follows and not otherwise:

By deleting "Orphans' Court in and for County of Cascade, State of Montana" in subparagraph 1 of said Vesting Order, and substituting therefor "District Court of the Eighth Judicial District in and for the County of Cascade, State of Montana".

All other provisions of said Vesting Order Number 1899 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-14126; Filed, August 30, 1943; 10:56 a. m.]

[Amendment of Vesting Order 1944]

ESTATE OF GUSTAV A. GUSSMANN

In re: Estate of Gustav A. Gussmann, also known as Gustav Adolf Gussmann, deceased; File F-28-51; E. T. sec. 2278.

Whereas through clerical error, the last paragraph of Vesting Order Number 1944 was omitted,

Now, therefore, Vesting Order Number 1944 is hereby amended as follows and not otherwise by adding the following paragraph immediately preceding the date and signature of said order:

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

All other provisions of such Vesting Order Number 1944 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: August 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-14127; Filed, August 30, 1943; 10:56 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Rev. 56]

EASTERN STATES TRUCKING COMPANY AND JOSEPH M. DIGNAN & SON

COORDINATED OPERATIONS BETWEEN BALTIMORE, MD., AND WASHINGTON, D. C.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Joseph S. Wernig Express Co., Inc., doing business as Eastern States Trucking Company, Baltimore, Maryland, and Joseph M. Dignan, Sr. and Joseph M. Dignan, Jr., a copartnership, doing business as Joseph M. Dignan & Son, Baltimore, Maryland, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their opera-

[1] Filed as part of the original document.

tions as common carriers of property by motor vehicle between Baltimore, Maryland, and Washington, D. C., by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the carriers are directed to put the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–56" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective September 3, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–14133; Filed, August 30, 1943; 11:36 a. m.]

[Supplementary Order ODT 20A–7]

MERIDIAN, MISSISSIPPI, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of and between Meridian, Key Field, and points in Lauderdale County, Mississippi, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. No supervisor or checker employed by the operators pursuant to subparagraph (g) of paragraph 5 of the plan shall use coercive methods in effectuating compliance with the plan, and each such supervisor or checker shall report to the Office of Defense Transportation all violations of orders issued by the Office of Defense Transportation applicable to taxicab operations and all failures to comply with the plan that may be observed by them. No operator participating in the plan shall be denied or refused further participation without the prior aproval of the Office of Defense Transportation.

3. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations effected by this order.

4. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possession or obtaining the requisite operating authority.

5. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

8. Communications concerning this order should refer to "Supplementary Order ODT 20A–7" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

9. This order shall become effective August 30, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August, 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Robert M. Mitchell, Meridian, Mississippi.
Grady Thomass, Meridian, Mississippi.
Pat Stewart, Meridian, Mississippi.
D. S. Denton, Meridian, Mississippi.
E. E. Johnson, Meridian, Mississippi.
Jack Rogers, Meridian, Mississippi.
A. W. Richburg, Meridian, Mississippi.
J. N. Warren, Meridian, Mississippi.
P. J. Thomas, Meridian, Mississippi.
Bernice Daniels, Meridian, Mississippi.
Herman Neal, Meridian, Mississippi.
E. E. Belvin, Meridian, Mississippi.
M. L. Cope, Meridian, Mississippi.
O. L. Rawlings, Meridian, Mississippi.
Mrs. Clydine Brown, Meridian, Mississippi.
B. F. Germany, Meridian, Mississippi.
Mrs. Beverly Rawlings, Meridian, Mississippi.
Victor Woods, Meridian, Mississippi.
Morris Covington, Meridian, Mississippi.
C. E. Weldon, Meridian, Mississippi.
Claude Belvin, Meridian, Mississippi.
J. C. Ethridge, Meridian, Mississippi.
Lewis H. Thompson, Meridian, Mississippi.
W. C. James, Meridian, Mississippi.
J. R. Rose, Meridian, Mississippi.
T. L. Thames, Meridian, Mississippi.
M. A. Cumberland, Meridian, Mississippi.
Mrs. Alice Rawlings, Meridian, Mississippi.
L. E. Chaney, Meridian, Mississippi.
C. B. Simmons, Meridian, Mississippi.
Alfred Copeland, Meridian, Mississippi.
Frank Hicks, Meridian, Mississippi.
Willard Pool, Meridian, Mississippi.
C. A. Farley, Meridian, Mississippi.
L. Lummus, Meridian, Mississippi.
C. H. Grace, Meridian, Mississippi.
E. L. Timbull, Meridian, Mississippi.

[F. R. Doc. 43–14134; Filed, August 30, 1943; 11:36 a. m.]

[Supplementary Order ODT 20A–8]

MERIDIAN, MISSISSIPPI, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of and between Meridian, Key Field, and points in Lauderdale County, Mississippi, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. No supervisor or checker employed by the operators pursuant to subparagraph (g) of paragraph 5 of the plan shall use coercive methods in effectuating compliance with the plan, and each such supervisor or checker shall report to the Office of Defense Transportation all violations of orders issued by the Office of Defense Transportation applicable to taxicab operations and all failure to comply with the plan that may be observed by them. No operator participating in the plan shall be denied or refused further participation without the prior approval of the Office of Defense Transportation.

3. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

4. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possession or obtaining the requisite operating authority.

5. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

8. Communications concerning this order should refer to "Supplementary Order ODT 20A–8" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

9. This order shall become effective August 30, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August, 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Sam Watson, Meridian, Mississippi.
Robert McElroy, Meridian, Mississippi.
Dewitt Marshall, Meridian, Mississippi.
John H. Moody, Meridian, Mississippi.
Olivar Brown, Meridian, Mississippi.
Alexander Pringle, Meridian, Mississippi.
Herman Bishop, Meridian, Mississippi.
Willie Lashly, Meridian, Mississippi.
Lowry Ann Roland Hardy, Meridian, Mississippi.
Luther Jones, Meridian, Mississippi.
Nick Sparrow, Meridian, Mississippi.
Eugene Henderson, Meridian, Mississippi.
Henry Brown, Meridian, Mississippi.
Bob Robertson, Meridian, Mississippi.
Albert Jones, Meridian, Mississippi.
James E. Kidd, Meridian, Mississippi.
Arnold Bailey, Meridian, Mississippi.
George Anderson, Meridian, Mississippi.
Lloyd G. Henderson, Meridian, Mississippi.
John Bourdeaux, Meridian, Mississippi.

[F. R. Doc. 43–14135; Filed, August 30, 1943; 11:36 a. m.]

[Supplementary Order ODT 20A–9]

JACKSON, MISSISSIPPI, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Jackson and between points in Hinds and Rankin Counties, Mississippi so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies

[1] Filed as part of the original document.

[1] Filed as part of the original document.

having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–9" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX I

Jackson Transportation Co., d/b/a Yellow Cab Co., Jackson, Mississippi.
C. H. Warren, d/b/a Jolly Cab Co., Jackson, Mississippi.
D. V. Henley, Jackson, Mississippi.
Clayton Renfroo, Jackson, Mississippi.
R. L. Hawkins, Jackson, Mississippi.
H. E. Smith, Jackson, Mississippi.
W. E. Rodgers, Jackson, Mississippi.
Paul Thibideaux, Jackson, Mississippi.
W. A. Baxley, Jackson, Mississippi.

[F. R. Doc. 43-14136; Filed, August 30, 1943; 11:37 a. m.]

[Supplementary Order ODT 20A–10]

OCALA, FLORIDA, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Ocala, Florida, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–10" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX I

Walter H. Smith, Ocala, Florida.
Mrs. Raymond Proctor, Ocala, Florida.
Frank M. Estes, Ocala, Florida.
Nolan Gates, Ocala, Florida.

[F. R. Doc. 43-14137; Filed, August 30, 1943; 11:37 a. m.]

[Supplementary Order ODT 20A–11]

ST. PETERSBURG, FLORIDA, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of St. Petersburg, Florida, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–11" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[1] Filed as part of the original document.

APPENDIX I

Rite Rate Cab Co., Inc., St. Petersburg, Florida.
Sun Cab Co., Inc., St. Petersburg, Florida.
Yellow Cab Co., Inc., St. Petersburg, Florida.

[F. R. Doc. 43-14138; Filed, August 30, 1943; 11:38 a. m.]

[Supplementary Order ODT 20A–12]

MEMPHIS, TENNESSEE, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of the City of Memphis, Shelby County, Tennessee, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named therein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–12" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX I

Strickland Cab Company, Memphis, Tennessee.
Johnny Cab Company, Memphis, Tennessee.
Deluxe Cab Company, Memphis, Tennessee.
Y. & Y. Cab Company, Memphis, Tennessee.
Streamline Cab Company, Memphis, Tennessee.
Todd Cab Company, Memphis, Tennessee.
Colored Taxi Company, Memphis, Tennessee.
Busy Bee Cab Company, Memphis, Tennessee.
Porter Taxi Company, Memphis, Tennessee.
Howard Radio Taxi Service, Memphis, Tennessee.

[F. R. Doc. 43-14139; Filed, August 30, 1943; 11:38 a. m.]

[Supplementary Order ODT 20A–13]

LA CROSSE, WISCONSIN, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of La Crosse, Wisconsin, so as to assure maximum utilization of their facilities,

[1] Filed as part of the original document.

services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–13" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois.

8. This order shall become effective August 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX I

City Car Company, La Crosse, Wisconsin.
Yellow Cab Company, La Crosse, Wisconsin.

[F. R. Doc. 43–14140; Filed, August 30, 1943; 11:39 a. m.]

[Supplementary Order ODT 20A–14]

WINONA, MISSISSIPPI, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Winona, Mississippi and vicinity so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–14" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX I

Hugh Bowen, Winona, Mississippi.
David Dotson, Winona, Mississippi.
Dell Collins, Winona, Mississippi.
J. C. Land, Winona, Mississippi.

[F. R. Doc. 43–14141; Filed, August 30, 1943; 11:39 a. m.]

[Supplementary Order ODT 20A–15]

HATTIESBURG, MISSISSIPPI, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereto (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of and between Hattiesburg, Camp Shelby, and points in Forrest County, Mississippi, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. No supervisor or checker employed by the operators pursuant to subparagraph (g) of paragraph 5 of the plan shall use coercive methods in effectuating compliance with the plan, and each such supervisor or checker shall report to the Office of Defense Transportation all violations of orders issued by the Office of Defense Transportation applicable to taxicab operations and all failures to comply with the plan that may be observed by them. No operator participating in the plan shall be denied or refused further participation without the prior approval of the Office of Defense Transportation.

3. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

4. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possession or obtaining the requisite operating authority.

5. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

8. Communications concerning this order should refer to "Supplementary Order ODT 20A–15" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

9. This order shall become effective August 30, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

M. G. Kingsberry, Hattiesburg, Mississippi.
G. A. Brand, Hattiesburg, Mississippi.
Isaiah Green, Hattiesburg, Mississippi.
Bob Blackburn, Hattiesburg, Mississippi.
C. C. Gibson, Hattiesburg, Mississippi.
Ben Taylor, Hattiesburg, Mississippi.
Norval Denson, Hattiesburg, Mississippi.
Emmett Boone, Hattiesburg, Mississippi.
Jimmie Grayson, Hattiesburg, Mississippi.
J. W. Montague, Hattiesburg, Mississippi.
Purvis O. Brand, Hattiesburg, Mississippi.
V. M. Messer, Hattiesburg, Mississippi.
J. N. Cutrer, Hattiesburg, Mississippi.
W. H. Cochran, Hattiesburg, Mississippi.
C. S. (Skipper) Reed, Hattiesburg, Mississippi.
A. D. Rodgers, Hattiesburg, Mississippi.

[F. R. Doc. 43–14142; Filed, August 30, 1943; 11:39 a. m.]

[Supplementary Order ODT 20A–16]

DAYTONA BEACH, FLORIDA, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20 A (8 F. R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Daytona Beach, Florida, and vicinity, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–16" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 30, 1943 and shall remain in full

[1] Filed as part of the original document.

[1] Filed as part of the original document.

force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX I

J. F. Roberts, Daytona Beach, Florida.
Mrs. J. G. Smith, Daytona Beach, Florida.
Walter L. Dobbins, Daytona Beach, Florida.
F. N. Kipp, Daytona Beach, Florida.
H. O. Williams, Daytona Beach, Florida.
C. W. Carr, Daytona Beach, Florida.
Roy A. Ward, Daytona Beach, Florida.
James McHale, Daytona Beach, Florida.
H. Ronald Smith, Daytona Beach, Florida.
Chas. A. Burnsed, Daytona Beach, Florida.
C. L. McLarty, Daytona Beach, Florida.
Fred A. Springer Estate, by W. O. Bascom, Daytona Beach, Florida.
Harold M. Hatfield, Daytona Beach, Florida.
E. L. Budque, Daytona Beach, Florida.
Oscar L. Sanders, Daytona Beach, Florida.

[F. R. Doc. 43-14143; Filed, August 30, 1943; 11:39 a. m.]

[Supplementary Order ODT 20A-17]

OCALA, FLORIDA, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Ocala, Florida, so as to assure maximum Utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-17" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX I

Charlie Jones, Ocala, Florida.
James Summers, Ocala, Florida.
Albert Gris, Ocala, Florida.
Peter Elliott, Ocala, Florida.
H. C. Rice, Ocala, Florida.
Johnie Taylor, Ocala, Florida.
H. B. Brown, Ocala, Florida.
Johnnie Cummings, Ocala, Florida.
Bronson S. Shuler, Ocala, Florida.
George Taylor, Ocala, Florida.
Moses Maple, Ocala, Florida.
Cleophas Richard, Ocala, Florida.
Chester Tugerson, Ocala, Florida.
James W. Roberts, Ocala, Florida.
C. T. Kirkland, Ocala, Florida.
Lee Martin, Ocala, Florida.

[F. R. Doc. 43-14144; Filed, August 30, 1943; 11:39 a. m.]

[1] Filed as part of the original document.

[Supplementary Order ODT 20A-18]

ORLANDO, FLORIDA, AREA

COORDINATED OPERATION OF TAXICABS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Orlando, Florida, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-18" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective August 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX I

Economy & Yellow Cab, Inc., Orlando, Florida.
City Cab Company, Orlando, Florida.

[F. R. Doc. 43-14145; Filed, August 30, 1943; 11:40 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 27 Under Rev. MPR 161]

WEST COAST LOGS

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.156 of Revised Maximum Price Regulation No. 161—West Coast Logs, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) *New authorizations.* The following persons being on a 48-hour week, may add to the maximum prices of all logs produced and sold by them, $1.00 per thousand feet, log scale, on sales made on and after the effective date indicated:

Name and Address:	*Effective date*
B & W Logging Co., Scio, Oreg.	July 26, 1943
Bosler & Gladson, Hoquiam, Wash.	June 12, 1943
R. J. Buzzard, Winlock, Wash.	June 30, 1943
Clackamas Logging Co., Portland, Oreg.	July 1, 1943
Clark & Logsdon, Mehama, Wash.	June 15, 1943
W. J. Cramp, Sequim, Wash.	May 1, 1943
Franks & Sherin, Sedro Woolley, Wash.	July 1, 1943
Larson Logging Co., Naselle, Wash.	Apr. 15, 1943
Olympic Hardwood Co. (Mill No. 2), Aberdeen, Wash.	June 1, 1943
P & S Logging Co., Sweet Home, Oreg.	May 1, 1943
Puget Sound Plywood, Inc., Tacoma, Wash.	July 1, 1943
Schmand Logging Co., Grays River, Wash.	May 1, 1943
Torden Thomsen, Tacoma, Wash.	June 22, 1943
Wilson Bros. Logging Co., Tacoma, Wash.	July 1, 1943

The following persons being on a 54-hour week, may add to the maximum prices of all logs produced and sold by them, $1.50 per thousand feet, log scale, on sales made on and after the effective date indicated:

Name and Address:	*Effective date*
Beebe Constructors, Inc., Swisshome, Oreg.	May 27, 1943
Loyd McCord, Garibaldi, Oreg.	July 17, 1943
Montgomery Logging Co., Veneta, Oreg.	June 1, 1943
Yew Creek Logging Co., Corvallis, Oreg.	June 15, 1943

(c) The following persons being on a 60-hour week, may add $2.00 per thousand feet, log scale, to the maximum prices of all logs produced and sold by them, on and after the effective date indicated.

Name and Address:	*Effective date*
B. O. C. Logging Co., Aberdeen, Wash.	June 1, 1943
F. Boothman Co., Forest Grove, Oreg.	July 10, 1943
J. Jacobin Co., Hamilton, Wash.	June 21, 1943

(d) *Change of status.* The following persons, who have been heretofore authorized to make specific additions, are now authorized to make the following additions, since the number of hours maintained have been changed, effective on the day indicated:

Name	Address	New number of hours	Effective date
Al Clements	Eugene, Oreg.	54	July 12, 1943
Ray Hanson Logging Co.	Nehalem, Oreg.	54	July 1, 1943
Walter F. Kelly	Brinnon, Wash.	54	May 1, 1943
Lyle McNeil Logging Co.	Bellingham, Wash.	48	July 14, 1943
Prouty Lumber & Box Co.	Warrenton, Oreg.	54	July 17, 1943
Western Logging Co.	Portland, Oreg.	54	July 3, 1943

(e) *Cancellations.* The following authorizations are cancelled, and no additions are permitted on sales made on and after the effective date indicated.

Name and address:	*Effective date*
F. D. Hobi Co., Aberdeen, Wash.	June 1, 1943
Peterman Manufacturing Co., Tacoma, Wash.	July 1, 1943
Wm. H. Schmel & Oscar Larson, Longbranch, Wash.	July 20, 1943
O. A. Schultz, Tillamook, Oreg.	May 1, 1943

(f) *Corrections.* Through error, in Overtime Order No. 25, the name of Du-Bois Lumber Company was certified, and this name is hereby corrected to read Du-Bois Logging Company.

This order shall become effective August 30, 1943.

Issued this 28th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-14063; Filed, August 28, 1943; 11:54 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 27, 1943.

Order Number and Name

Supp. Order 9, Order 12, Cook Paint and Varnish Co.

MPR 113, Order 4, Amendment 1, North Range Mining Co.

MPR 382, Order 1, Amendment 1, Olean Glass Co.

MPR 220, Order 4, Michael Graboi Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial & Reference Section.

[F. R. Doc. 43-14080; Filed, August 28, 1943; 2:45 p. m.]

List of Individual Orders Under Price Regulations

The following order was filed with the Division of the Federal Register on August 28, 1943.

Order Number:	*Name*
RMPR 161, Order 27---	B & W Logging Co., et al.

Copies of this order may be obtained from the Office of Price Administration.

Ervin H. Pollack,
Head, Editorial and Reference Section.

[F. R. Doc. 43-14157; Filed, August 30, 1943; 11:45 a. m.]

Regional, State, and District Office Orders.

[Region III Order G-25 Under 18 (c), Amdt. 2]

Fluid Milk in Ohio

Amendment No. 2 to Order No. G-25 under § 1499.18 (c) of the General Maximum Price Regulation. General order adjusting the maximum prices of approved fluid milk and special milk in the State of Ohio.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation No. 280, Order No. G-25 under § 1499.18 (c) of the General Maximum Price Regulation is hereby amended in the following respects:

(a) Paragraph I of Schedule A is amended to read as follows:

I. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the Counties of Butler, Columbiana, Cuyahoga, Hamilton, Lucas, Mahoning, Montgomery, Portage, Stark and Summit, and in the Townships of Colerain, Mead, Pease, Pultney, Richland and York in the County of Belmont; the Townships of Addison, Cheshire, Clay, Gallipolis, Guyan and Ohio in the County of Gallia; the Townships of Bainbridge, Chardon, Chester, Munson and Russell in the County of Geauga; the Townships of Cross Creek, Island Creek, Knox, Saline, Steubenville, Warren and Wells in the County of Jefferson; the Townships of Concord, Kirtland, Mentor, Painsville and Willoughby in the County of Lake; the Townships of Fayette, Hamilton, Perry, Rome, Union and Upper in the County of Lawrence; the Townships of Avon, Avon Lake, Black River, Carlisle, Columbia, Eaton, Elyria, Grafton, LaGrange, Ridgeville and Sheffield in the County of Lorain; the Townships of Brunswick, Granger, Hinckley, Liverpool, Sharon and Wadsworth in the County of Medina; the Townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Vienna, Warren and Weathersfield in the County of Trumbull; and the Townships of Lake, Perrysburg, and Ross in the County of Wood, all in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	51¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	28¢ per one-half gallon.
Retail	Glass or paper	One quart or multiples thereof	15¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per one-half pint.
Retail	Glass or paper	One gallon or multiples thereof	48¢ per gallon.
Wholesale	Glass or other	One-half gallon or multiples thereof	25¢ per one-half gallon.
Wholesale	Glass or paper	One quart or multiples thereof	13¢ per quart.
Wholesale	Glass or paper	One pint	8¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per one-half pint.

(b) Paragraph II of Schedule A is amended to read as follows:

II. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the Counties of Ashtabula and Clark; and in the Township of Miami in the County of Greene; the Townships of Auburn, Burton, Claridon, Hambden, Huntsburg, Middlefield, Montville, Newbury, Parkman, Thompson, and Troy in the County of Geauga; the Townships of Leroy, Perry and Madison in the County of Lake; the Townships of Bloomfield, Bristol, Farmington, Greene, Gustavus, Johnston, Kinsman, Mecca, Mesopotamia and Vernon in the County of Trumbull, all in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	50¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	30¢ per one-half gallon.
Retail	Glass or paper	One quart or multiples thereof	14½¢ per quart.
Retail	Glass or paper	One pint	8½¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per one-half pint.
Retail	Glass or paper	One-half pint	4½¢ per gallon.
Wholesale	Glass or other	One gallon or multiples thereof	27¢ per one-half gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	12½¢ per quart.
Wholesale	Glass or paper	One quart or multiples thereof	7½¢ per pint.
Wholesale	Glass or paper	One pint	3¾¢ per one-half pint.
Wholesale	Glass or paper	One-half pint	

(c) Paragraph III of Schedule A is amended to read as follows:

III. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the Counties of Adams, Allen, Ashland, Athens, Auglaize, Brown, Carroll, Champaign, Clermont, Clinton, Coshocton, Crawford, Delaware, Erie, Fairfield, Fayette, Franklin, Green County (except Miami Township), Guernsey, Hardin, Harrison, Hancock, Highland, Hocking, Holmes, Huron, Jackson, Knox, Licking, Logan, Madison, Marion, Meigs, Miami, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Perry, Pickaway, Pike, Preble, Richland, Ross, Sandusky, Seneca, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, Washington, Wayne and Wyandot; and in the Townships of Flushing, Goshen, Kirkwood, Somerset, Smith, Union, Warren, Washington, Wayne, and Wheeling in the County of Belmont; the Townships of Green, Greenfield, Harrison, Huntington, Morgan, Perry, Raccoon, Springfield, and Walnut in the County of Gallia; the Townships of Brush Creek, Springfield, Ross, Salem, Wayne, Smithfield and Mt. Pleasant in the County of Jefferson; the Townships of Aid, Decatur, Elizabeth, Lawrence, Mason, Symmes, Washington and Windsor in the County of Lawrence; the Townships of Amherst, Brighton, Brownhelm, Camden, Henrietta, Huntington, Penfield, Pittsfield, Rochester, Russia and Wellington in the County of Lorain; the Townships of Chatham, Guilford, Harrisville, Homer, LaFayette, Litchfield, Medina, Montville, Spencer, Westfield and York in the County of Medina; the Townships of Bloom, Center, Freedom, Grand Rapids, Henry, Jackson, Liberty, Middleton, Milton, Montgomery, Perry, Plain, Portage, Troy, Washington, Webster, and Weston in the County of Wood, all in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	26¢ per one-half gallon.
Retail	Glass or paper	One quart or multiples thereof	14¢ per quart.
Retail	Glass or paper	One pint	8¢ per pint.
Retail	Glass or paper	One-half pint	6¢ per one-half pint.
Retail	Glass or paper	One-half pint	45¢ per gallon.
Wholesale	Glass or other	One gallon or multiples thereof	23¢ per one-half gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	12¢ per quart.
Wholesale	Glass or paper	One quart or multiples thereof	6½¢ per pint.
Wholesale	Glass or paper	One pint	3½¢ per one-half pint.
Wholesale	Glass or paper	One-half pint	

(d) Any person who changes his price or prices for the sale of approved fluid milk at retail or wholesale by virtue of the provisions of this amendment shall give notice and report of such change of price in the manner provided in Order No. G-25 under § 1499.18 (c) of the General Maximum Price Regulation as originally issued.

(e) This Amendment No. 2 shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued July 29, 1943.

Clifford J. Houser,
Acting Regional Administrator.

[F. R. Doc. 43-13989; Filed, August 27, 1943; 12:06 p. m.]

[Region IV Gen. Order G-28 Under 18 (c)]

Oak Firewood in Albemarle, N. C.

General Order G-28 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of oak firewood prices in Albemarle, North Carolina and immediate vicinity.

The Regional Administrator of the Office of Price Administration, Region IV has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of oak firewood are inadequate to insure a sufficient supply of such firewood to meet the heating requirements in Albemarle, North Carolina and immediate vicinity. The Regional Administrator has ascertained and given due consideration to the increased costs of production and transportation which sellers of oak firewood in Albemarle, North Carolina must incur in order to produce such firewood compared with such cost in March, 1942, and in any earlier months in which such firewood was generally produced in Albemarle, North Carolina. So far as practicable, the Regional Administrator has advised and consulted with sellers of such firewood who will be affected by this order.

In the judgment of the Regional Administrator, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established under § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of oak firewood in Albemarle, North Carolina and immediate vicinity.

Therefore, under the authority vested in the Regional Administrator under § 1499.18 (c), as amended, of the General Maximum Price Regulation, this Regional Order No. G-28 is hereby issued:

(a) *Maximum prices for oak firewood.* On and after July 26, 1943, regardless of any contracts or other obligations, no person shall sell or deliver in Albemarle, North Carolina, and the area within a radius of five miles from the City Hall of Albemarle, North Carolina, any oak firewood at retail higher than the maximum prices set forth below:

(1) The maximum prices for sales or deliveries at retail of oak firewood shall be:

(i) One cord, $6.75.
(ii) One load, $2.25.

The prices established in this Order include delivery at purchaser's premises and other services incident to the sale of oak firewood customarily performed by the seller in March, 1942.

All credit terms, discounts, allowances and price differentials offered by the seller during March, 1942, shall be maintained.

(b) *Definitions.* When used in this Regional General Order No. G-28, the term:

(1) "Oak firewood" means any mixture of wood of deciduous trees prepared and intended for consumption as fuel of which at least 75 per cent is oak and which is sawed and split into pieces varying from ten to eighteen inches in length.

(2) "A cord." A cord shall contain 128 cubic feet of wood.

(3) "A load". A load shall contain 42⅔ cubic feet of wood, when stacked, irrespective of whether or not the wood be stacked or thrown in at random at the time of loading.

(4) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

(c) *Records and reports.* (1) Every seller at retail whose maximum prices are established by this order must keep posted at a conspicuous place in his place of business a copy of this order.

(2) Every seller whose maximum prices are established by this order shall keep for inspection by the Office of Price Administration a record of each sale of oak firewood made by him on and after the effective date of this order. Such record must show the date of delivery, the kind and quantity of wood sold, the name of the purchaser and the amount charged for the sale.

(3) Every seller at retail whose maximum prices are established by this order shall deliver to the purchaser with respect to each sale thereof a written bill or invoice which shall contain:

(i) The date on which the sale or contract of sale was made;

(ii) A description of the size, kind, quality, quantity or oak firewood involved in the transaction;

(iii) The price charged; and,

(iv) The following statement: "By Order No. G-28 issued by the Atlanta Regional Office on July 29, 1943 and effective July 26, 1943, the Office of Price Administration established maximum prices for oak firewood sold or delivered in Albemarle, North Carolina, and the area within a radius of five miles from the City Hall of Albermarle, North Carolina, at $6.75 per cord and at $2.25 per load, each load to contain 42⅔ cubic feet of wood when stacked. Copy of said order may be inspected at the place of business of the above named seller."

(d) *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all of the provisions of the General Maximum Price Regulation, together with all amendments and supplementary regulations that have been heretofore or may be hereafter issued.

(e) *Revocation of North Carolina Price Order No. 1.* North Carolina Price Order No. 1 is hereby revoked.

(f) This order may be revoked or amended by the Regional Administrator of Region IV of the Office of Price Administration at any time.

This order shall become effective on July 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued: July 29, 1943.

Alexander Harris,
Acting Regional Administrator.

[F. R. Doc. 43-13991; Filed, August 27, 1943; 12:07 p. m.]

[Region IV Gen. Order G-29 Under 18 (c)]

Firewood in Roanoke Rapids, N. C.

General Order G-29 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of firewood prices in Roanoke Rapids Township, North Carolina.

The Regional Administrator of the Office of Price Administration, Region IV, has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet the requirements in Roanoke Rapids Township, North Carolina. The Regional Administrator has ascertained and given due consideration to the increased cost of production and transportation which sellers of firewood in Roanoke Rapids Township, North Carolina must incur in order to produce firewood compared with such cost in March, 1942, and in any earlier months in which firewood was generally produced in Roanoke Rapids Township, North Carolina. So far as practicable, the Regional Administrator has advised and consulted with sellers of firewood who will be affected by this order.

In the judgment of the Regional Administrator, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established under § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in Roanoke Rapids Township, North Carolina.

Therefore, under the authority vested in the Regional Administrator under § 1499.18 (c), as amended, of the General Maximum Price Regulation, this Regional Order No. G-29 is hereby issued:

(a) *Maximum prices for firewood.* On and after July 26, 1943, regardless of any contracts or other obligations, no person shall sell or deliver in Roanoke Rapids Township, North Carolina any firewood at retail at prices higher than the maximum prices set forth below:

(1) The maximum prices for sales or deliveries of pine firewood in 4 foot lengths shall be:

(i) One cord, $7.50.
(ii) One half cord, $3.75.
(iii) One quarter cord, $1.90.

(2) The maximum prices for sales or deliveries of pine firewood in lengths from 10 to 20 inches shall be:

(i) One cord, $8.00.
(ii) One half cord, $4.00.
(iii) One quarter cord, $2.00.

(3) The maximum prices for sales or deliveries of oak firewood in 4 foot lengths shall be:

(i) One cord, $7.00.
(ii) One half cord, $3.50.
(iii) One quarter cord, $1.75.

(4) The maximum prices for sales or deliveries of oak firewood in lengths from 10 to 20 inches shall be:

(i) One cord, $7.50.
(ii) One half cord, $3.75.
(iii) One quarter cord, $1.90.

The prices established in this order include delivery at the purchaser's premises and other services incident to the sale of firewood customarily performed by the seller in March, 1942.

All credit terms, discounts, allowances and price differentials offered by the seller during March, 1942, shall be maintained.

(b) *Definitions.* When used in this order the term:

(1) "Pine firewood" means pine wood prepared and intended for consumption as fuel which is sawed and split into either 4 foot lengths or into pieces varying from 10 to 20 inches in length.

(2) "Oak firewood" means any mixture of wood of deciduous trees prepared and intended for consumption as fuel of which at least 75 percent is oak and which is sawed and split into either 4 foot lengths or into pieces varying from 10 to 20 inches in length.

(3) "A cord". A cord shall contain 128 cubic feet of wood.

(4) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

(c) *Records and reports.* (1) Every seller at retail whose maximum prices are established by this order must keep posted at a conspicuous place in his place of business a copy of this order.

(2) Every seller whose maximum prices are established by this order shall keep for inspection by the Office of Price Administration a record of each sale of firewood made by him on and after the effective date of this order. Such record must show the date of delivery, the kind and quantity of wood sold, the name of the purchaser and the amount charged for the sale.

(3) Every seller at retail whose maximum prices were established by this order shall deliver to the purchaser with respect to each sale thereof a written bill or invoice which shall contain (1) the date on which the sale or contract of sale was made; (2) a description of the size, kind, quality and quantity of firewood involved in the transaction; (3) the prices charged; and (4) the following statement:

By Order No. G–29 under § 1499.18 (c) of the General Maximum Price Regulation, issued by the Regional Office, Region IV, on July 29, 1943, effective July 26, 1943, the office of Price Administration established maximum prices for firewood sold or delivered at retail in Roanoke Rapids Township, North Carolina, as follows:

(i) Pine firewood in 4 foot lengths:
(a) One cord, $7.50.
(b) One half cord, $3.75.
(c) One quarter cord, $1.90.
(ii) Pine firewood in lengths from 10 to 20 inches:
(a) One cord, $8.00.
(b) One half cord, $4.00.
(c) One quarter cord, $2.00.
(iii) Oak firewood in 4 foot lengths:
(a) One cord, $7.00.
(b) One half cord, $3.50.
(c) One quarter cord, $1.75.
(iv) Oak firewood sawed in lengths from 10 to 20 inches:
(a) One cord, $7.50.
(b) One half cord, $3.75.
(c) One quarter cord, $1.90.

Copy of said order may be inspected at the place of business of the above named seller.

(d) *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all of the provisions of the General Maximum Price Regulation, together with all amendments and supplementary regulations that have been heretofore or may be hereafter issued.

(e) *Revocation of North Carolina Price Order No. 2.* North Carolina Price Order No. 2 is hereby revoked.

(f) This order may be revoked or amended by the Regional Administrator of Region IV of the Office of Price Administration at any time.

This order shall become effective on the 26th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued: July 29, 1943.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 43–13990; Filed, August 27, 1943; 12:06 a. m.]

[Region VI Order G–88 Under 18 (c)]

FLUID MILK IN PANA, ILL.

Order No. G–88 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices, for Pana, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for the sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Pana, Illinois area, as hereinafter defined, are hereby established as follows:

	Wholesale	Retail
Regular standard milk & chocolate milk:	*Cents*	*Cents*
Gallons	36	45
Quarts	10½	13
Pints	6	7
½ Pints	3	5
Buttermilk:		
Gallons	25	30
Quarts	7	9

(b) *Definitions:* For the purposes of this order:

(1) Sales and deliveries shall mean:

(i) All sales and deliveries made within the city limits of Pana, Illinois and all sales by sellers located in Pana, Illinois.

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Pana, Illinois.

(2) Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–13992; Filed, August 27, 1943; 12:07 p. m.]

[Region VII Order G–1 Under MPR 154]

ICE IN DENVER, COLO.

Order No. G–1 under Maximum Price Regulation No. 154. Ice. Establishment of specific maximum prices for dealers in Denver, Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1393.8 (e) of Maximum Price Regulation No. 154, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *What this order does.* This order establishes specific maximum prices for ice sold by dealers f. o. b. their loading platforms, docks or places of business in the Denver, Colorado, area.

(b) *Specific maximum prices for ice sold by dealers.* From and after the effective date of this order the maximum price for ice sold by dealers in the Denver, Colorado, area shall be 50¢ per cwt. f. o. b. the dealer's loading platform, dock or place of business.

(c) *Former discounts and differentials need not be maintained.* From and after the effective date of this order it shall not be mandatory upon any dealer in the Denver, Colorado, area to grant, maintain or give discounts, differentials or allowances which he may formerly have maintained or allowed. But any dealer may if he so desires continue to allow such discounts, differentials and allowances and he may sell at a price lower than the maximum price established hereby.

(d) *Denver, Colorado, area defined.* "The Denver, Colorado, area" means all of the area contained within the municipal boundaries of the city and county of Denver and extending a distance of three miles beyond at all points except on the west where said area shall extend to a line drawn north and south through a point three miles east of the most easterly boundary of the municipality of Golden, Colorado.

(e) *Applicability of other regulations.* Except insofar as the same may be inconsistent with or contradictory of the provisions of this order, all of the terms and provisions of Maximum Price Regulation No. 154 shall remain in full force and effect and be applicable to all ice dealers in the Denver, Colorado, area.

(f) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This order shall become effective as of July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–13993; Filed, August 27, 1943; 12:08 p. m.]

[Region VIII Order G–25, Under 18 (c), Amdt. 1]

FLUID MILK IN OREGON AND WASHINGTON

Amendment No. 1 to Order No. G–25 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Fluid milk prices at wholesale and retail in the state of Oregon and certain portions of the state of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation it is hereby ordered that Order No. G–25 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended as set forth below:

(a) Paragraph (a) is hereby amended by striking from said paragraph the heading "County of Klamath in the state of Oregon" and the schedule of prices thereunder and substituting in place and stead thereof the following:

COUNTY OF KLAMATH IN THE STATE OF OREGON

	Wholesale	Retail
Quart container	$0.12	$0.14
Pint container	.065	.08
Half pint	.04	

This amendment to Order No. G–25 shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–13995; Filed, August 27, 1943; 12:09 p. m.]

[Region VIII Rev. Order G–1 Under MPR 165 as Amended]

CITRUS FRUIT PACKING IN WEST COAST REGION

Revised Order No. G–1 under Maximum Price Regulation No. 165, as amended—Services.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, it is hereby ordered that Order No. G–1 under Maximum Price Regulation No. 165 as amended (formerly Order No. 8 under § 114 (d) of Maximum Price Regulation No. 165 as amended) be amended and revised to read in its entirety as follows:

(a) The adjusted maximum price for the service of packing citrus fruits, including related services, but not including canning, sold and supplied by any person located in Region VIII, for all pools opened after May 1, 1943 shall be the sum of the following:

(1) The highest price charged by the seller for the particular service or services during the 1941–1942 season.

(2) The increase in direct labor costs and direct material costs in rendering the service or services during the current season over such costs during the 1941–1942 season.

(3) The increase in incidental and overhead costs over the incidental and overhead costs allocated to the same unit of service during the 1941–1942 season using the same method of charging and allocating such costs as was used during the 1941–1942 season: *Provided, however,* That this item shall not include any increase in the total amount of executives' salaries or bonuses charged to the particular service.

(b) Any seller whose records, prior to the date of this order, have been lost or destroyed, and who as a consequence cannot determine the increase in costs mentioned in paragraph (a) above, shall determine his adjusted maximum price by adding to the highest price charged by him, during the 1941–1942 season for the particular service, the same increased costs added by his closest competitor of the same class who has determined an adjusted maximum price under paragraph (a) above for the same service.

(c) The adjusted maximum price for a service which was not performed by a particular seller during the 1941–1942 season shall be the adjusted maximum price established under paragraph (a) or (b) above, for the same service by his most closely competitive seller of the same class.

(d) A seller may estimate his adjusted maximum price upon the above basis and announce at the start of the particular season a tentative "retain", or charge; but no payment shall be made or received in excess of the adjusted maximum price established by paragraphs (a), (b) or (c) above.

(e) Any seller taking advantage of the provisions of this order shall, within 30 days after the close of the particular season, prepare a signed statement, and keep it available for inspection by the Office of Price Administration at any time, showing the following:

(1) A description of the particular service;

(2) The highest price charged during the 1941–1942 season by the seller;

(3) The seller's adjusted maximum price determined under the provisions of this order;

(4) The increase in direct labor, direct material costs, and incidental and overhead costs, in rendering the service during the current season, over such costs during the 1941–1942 season: *Provided, however,* That if the seller has determined his adjusted maximum price under paragraphs (b) or (c) above he shall set forth the name and address of his closest competitor of the same class and in addition, if paragraph (b) above is used, the competitor's increase in costs over the 1941–1942 season in rendering the particular service.

(f) *Definitions.* (1) "Direct material costs" as herein used means costs of materials, not to exceed the applicable maximum prices, used directly in performing the service, and does not include, for instance, cost of plant improvements or repairs.

(2) "Direct labor costs" as herein used means wages paid employees performing services directly in the matter of the packing, drying, dehydrating and related services, and does not include, for instance, salaries of executives, office employees or employees engaged in plant repair and maintenance. The portion of any wage paid in excess of that permitted by existing law shall not be used in the calculation.

(3) "Incidental and overhead costs" as herein used, means indirect costs such as drayage, insurance, rent, power, administration and similar items of expense, but does not include any element of profit, dividends or other proprietary gain.

(4) "1941–1942 season" as herein used means any period during the year beginning May 1, 1941, and ending April 30, 1942.

(5) "Region VIII" as herein used means the states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonnner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho,

(g) This order may be revoked, amended or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of July 1943.

L. F. GENTNER,
Actg. Regional Administrator.

[F. R. Doc. 43–13994; Filed, August 27, 1943; 12:08 p. m.]

[Region VIII Order G–5 Under MPR 280]

FOOD PRODUCTS IN SAN FRANCISCO AREA, CALIF.

Order No. G–5 under Maximum Price Regulation No. 280. Maximum prices for specific food products.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.807 of Maximum Price Regulation No. 280 as amended, *It is hereby ordered:*

(a) The maximum price for sales of fluid cream sold and delivered at wholesale other than in glass or fibre containers to stores, hotels, restaurants, and institutions in the city and county of San Francisco in the state of California shall be the seller's maximum price, as determined under § 1351.807 of Maximum Price Regulation No. 280 as amended, or the adjusted maximum price specified below, whichever is higher:

(1) For sales of fluid cream which has customarily been sold on an "overage" basis delivered to the buyer's customary receiving point, the adjusted maximum price shall be $1.60 per gallon.

(b) *Definitions.* "Fluid cream which has customarily been sold on an 'average' basis" means fluid cream whose price has customarily been computed by adding a premium to the market price of butter.

(c) This order may be revoked, amended or corrected at any time.

This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13998; Filed, August 27, 1943; 12:09 p. m.]

[Region VIII Rev. Order G-6 under MPR 329]

FLUID MILK IN DESIGNATED COUNTIES OF ARIZONA

Revised Order No. G-6 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329: *It is hereby ordered*, That Order No. G-6 under Maximum Price Regulation No. 329 be amended and revised so as to read in its entirety as follows:

(a) The maximum price delivered to the purchaser's plant at which any person whose place of business is located in the counties of Maricopa, Pinal, Pima, Graham and Yuma in the State of Arizona, may purchase milk from a producer for resale for human consumption as fluid milk, except as provided in paragraph (c) below, shall be the purchaser's previous maximum price for such producer as determined under Maximum Price Regulation No. 329 or the adjusted maximum price as specified below, whichever is higher.

(1) For purchases of milk on a milk fat basis by purchasers whose plants are located in Maricopa or in Pinal Counties, the adjusted maximum price shall be $.90 per pound milk fat.

(2) For purchases of milk on a milk fat basis by purchasers whose plants are located in Pima County, the adjusted maximum price shall be $.99 per pound milk fat for non-mechanically refrigerated milk and $1.04 per pound milk fat for mechanically refrigerated milk.

(3) For purchases of milk by purchasers whose plants are located in Maricopa, Pinal, Pima, Graham and Yuma Counties, on a gallon basis the adjusted maximum price shall be the purchaser's previous maximum price as determined under Section 1351.402 of Maximum Price Regulation No. 329, plus $.02 per gallon.

(b) For purchases from producers of milk f. o. b. producer's dairy, the adjusted maximum price shall be the price determined under the applicable provision of paragraph (a) above, minus an allowance for transporting the milk from the producer's dairy to the purchaser's plant computed as follows:

(1) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(2) Where the milk is transported by means of facilities operated or controlled by the purchaser, the transportation allowance shall not be less than the amount which the purchaser charged the same producer for the same transportation service in January, 1943.

(3) If the transportation allowance cannot be computed under the foregoing sub-paragraphs the transportation allowance shall not be less than the amount which the purchaser allowed a producer for the same or a similar haul during January, 1943, and in no event shall said allowance be less than $.03 per pound milk fat if milk is purchased on a milk fat basis and $.01 per gallon if milk is purchased on a gallon basis.

(c) Anything in paragraphs (a) and (b) to the contrary notwithstanding, the maximum price at which any person whose place of business is located in any of the localities enumerated in this order, may purchase milk from a producer who, during the period July 1 to July 15, 1943, sold milk to another purchaser for resale for human consumption as fluid milk, shall not exceed that amount per pound milk fat or per gallon, whichever is applicable, which will net the producer the same return f. o. b. his dairy which he realized from the purchaser to whom he sold milk during said period.

(d) *Definitions.* (1) "Fluid milk" means liquid cows' milk in a raw, unprocessed state meeting the minimum health and sanitary requirements specified by state and local health agencies, which is purchased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(2) "Person" means an individual, corporation, partnership, corporate association of producers, or any other organized group of persons, legal successor, or representative of any of the foregoing.

(3) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operations of a farm on which milk is produced. Farmer's Cooperatives are producers, when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do not own or lease physical facilities for receiving, processing, or distributing milk, but they act as selling agents for producers whether members or not.

(4) "Purchaser" means any person who buys fluid milk from producers for resale for human consumption as fluid milk.

(5) Where the producer has customarily placed milk to be picked up by purchasers at a platform or other pickup point at or near his dairy, the term "f. o. b. producer's dairy" shall mean placed at such point.

(6) "Non-mechanically refrigerated milk" means water-cooled milk, ice-cooled milk, or milk which is cooled by means other than by mechanical refrigeration.

This revised order shall become effective August 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13997; Filed, August 27, 1943; 12:09 p. m.]

[Region VIII Order G-12 Under MPR 329, Amdt. 1]

FLUID MILK IN CLATSOP COUNTY, OREGON

Amendment No. 1 to Order No. G-12 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, Order No. G-12 under Maximum Price Regulation No. 329 is hereby amended as follows:

(a) Paragraph (a) (1) is hereby amended by striking from said paragraph the words "Clatsop County" and the accompanying maximum price and substituting therefor the following.

Clatsop County—except the city of Astoria	$0.85
City of Astoria	.90

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13996; Filed, August 27, 1943; 12:09 p. m.]

[Region IV Order G-5 Under Rev. MPR 122]

SOLID FUELS IN CHARLOTTE, N. C.

Order No. G-5 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the city of Charlotte, in the state of North Carolina.

Pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, it is ordered:

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of Charlotte in the state of North Carolina. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point in the city of Charlotte in the state of North Carolina; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(2) This order contains a price schedule applicable to sales of Pennsylvania anthracite, low volatile and high volatile bituminous coal from District Nos. 7 and 8, respectively.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-5 but less than maximum prices may at any time be charged, paid, or offered,

(2) Obtain a higher than maximum price by

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this Order.

(ii) Charging a price higher than the schedule price for a service,

(iii) Making any charge for the extension of credit,

(iv) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(v) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule; sales on a "direct delivery or domestic" basis*—(1) *Retail sales.* The price schedule sets forth maximum prices for retail sales of specified sizes, kinds and quantities of solid fuels delivered to consumers at any point within the corporate limits of the city of Charlotte in the state of North Carolina.

LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 7

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Egg	$10.80	$5.65	$3.00
Stove size (jr. egg)	10.55	5.53	2.94
Nut size	9.80	5.15	2.75
Pea size stoker	9.50	5.00	2.68
Domestic run-of-mine (screened)	9.60	5.05	2.70
Straight run-of-mine	9.40	4.95	2.65

HIGH VOLATILE COAL FROM DISTRICT NO. 8

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Lump	$10.10	$5.30	$2.68
Egg	9.75	5.13	2.74
Stoker	9.55	5.03	2.69
Domestic run-of-mine (screened)	8.80	4.65	2.50
Nut and slack	8.80	4.65	2.50

(2) *Sale of coal in sacks.* Dealer may charge not more than 70 cents for 100 lb. sack of any kind of coal listed in the above schedule or more than 60 cents if said sack is picked up at dealer's yard by purchaser.

(3) *Maximum authorized service charges and deductions.*

(i) *Carry or wheel service.* If buyer requests such service the dealer may charge not more than 50 cents per ton for such service.

(ii) *Carry up or down stairs.* If buyer requests such service the dealer may charge not more than $1.00 per ton for such service.

(iii) *Sacking.* Dealer may not charge more than five cents per sack for service of sacking coal in sales of one ton or more.

(iv) *Yard sales.* When the buyer picks up coal at the dealer's yard the dealer must reduce the domestic price $1.00 per ton.

(v) *Quantity.* When buyer purchases forty tons or more per year in less-than-carload deliveries the dealer must reduce the domestic price $1.00 per ton. On carload sales the dealer must reduce the domestic price $1.50 per ton.

(vi) *Sales tax.* The state sales tax of 3% may be added to the price shown in Price Schedule I.

(vii) *Credit.* Prices listed in schedule above are for terms of 30 days net on coal sold in quantities of one or more tons. If payment is made in cash or within 15 days from delivery the dealer shall reduce the prices herein set out 50 cents per ton.

(d) *Ex parte 148 freight rate increase: transportation tax*—(1) *The freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by Section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (n) (2). But no part of that tax may be collected in addition to the maximum price on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

PENNSYLVANIA ANTHRACITE, BRIQUETTES AND COKE

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Pa. Anthracite nut	$18.50	$9.50	$4.93
Briquettes	11.50	6.00	3.18
Alabama coke	11.65	6.08	3.22

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occuring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(g) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(h) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation. sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(i) *Records and reports.* Every dealer subject to this order shall preserve, keep and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(j) *Posting of maximum prices: sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (n) (2) shall not apply to sales of quanti-

ties of less than one-quarter ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Charlotte, North Carolina, District Office of the Office of Price Administration.

(k) *Definitions and explanations.* When used in this Order No. G–5 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The term "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or any fuel in quarter ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "wheel" and "carry up or down stairs" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, sack or stairs or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(8) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the State of Pennsylvania.

(9) "High volatile bituminous coal" and "low volatile bituminous coal" refers to coal produced in certain sections of the producing districts specified herein.

(10) "Lump, egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943, except that "domestic run-of-mine" and "straight run-of-mine" shall be that size sold as such by the dealer.

(11) "Alabama coke" is coke produced by any process in the State of Alabama but shall not include byproduct foundry and blast furnace coke.

(12) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(l) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this Order supersede Revised Maximum Price Regulation No. 122.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–5 shall become effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 8781; E.O. 9328, 8 F.R. 4681)

Issued August 28, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43–14065; Filed, August 28, 1943; 11:57 a. m.]

[Region IV Order G–6 Under Rev. MPR 122]

FUELS IN SAVANNAH, GA.

Order No. G–6 under § 1340.260 of Revised Maximum Price Regulation No. 122—Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the city of Savannah, in the state of Georgia.

Pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, *It is ordered:*

(a) *What this order does.* (1) This order established maximum prices for sales of specified solid fuels made within the corporate limits of Savannah in the state of Georgia. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point in the city of Savannah in the state of Georgia; they are also the highest prices that any buyer in the course of trade or business may pay for them. Special provisions are included for deliveries made outside of the corporate limits of Savannah and into the County of Chatham, Georgia.

(2) This order contains a price schedule applicable to sales of high volatile bituminous coal from District No. 8.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–6 but less than maximum prices may at any time be charged, paid, or offered,

(2) Obtain a higher than maximum price by

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this Order,

(ii) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule, sales on a "direct delivery or domestic" basis*—(1) *Retail sales.* The price schedule sets forth maximum prices for retail sales of specified sizes, kinds and quantities of solid fuels delivered to consumers at any point within the corporate limits of the city of Savannah, in the state of Georgia.

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Egg	$10.70	$5.60	$2.93
Lump	11.20	5.85	3.05
Stoker	8.70	4.60	2.43
Nut and slack	7.20	3.85	2.05
Run-of-mine	9.50	5.00	2.63

(2) *Sale of coal in sacks.* Dealer may charge not more than 75 cents for 80 lb. sack of any kind of coal—including sack—listed in the above schedule.

(3) *Maximum authorized service charges and deductions.*

(i) *Carry or wheel service.* If buyer requests such service the dealer may charge not more than 50 cents per ton for such service.

(ii) *Yard sales.* When the buyer picks up coal at the dealer's yard the dealer must reduce the domestic price $1.00 per ton.

(iii) *Credit.* Prices listed in the schedule above are for terms of 30 days net.

(iv) *Delivery charges; for deliveries of coal beyond the city limits of Savannah, Georgia, in the county of Chatham.* On deliveries from Savannah, Georgia, beyond the corporate limits of the city of Savannah and within the county of Chatham, in the state of Georgia, dealer may make an additional charge of not more than ten cents per mile per ton for each mile beyond the corporate limits of the city of Savannah, with a minimum charge of fifty cents per ton for such deliveries.

(d) *Ex parte 148 freight rate increase: transportation tax.* (1) *The freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by Section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (n) (2). But no part of that tax may be collected in addition to the maximum price on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occuring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(g) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(1) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing and registration provisions of Sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(h) *Records and reports.* Every dealer subject to this order shall preserve, keep and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(i) *Posting of maximum prices: sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (n)(2) shall not apply to sales of quantities of less than quarter-ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Savannah, Georgia District Office of the Office of Price Administration.

(k) *Definitions and explanations.* When used in this Order No. G–6 the term

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or any fuel in quarter ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(8) "High volatile bituminous coal" refers to coal produced in certain sections of the producing districts specified herein.

(9) "Lump, egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943, except that "run-of-mine" shall be that size sold as such by the dealer.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(l) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–6 shall beccme effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 8781; E.O. 9328, 8 F.R. 4681)

Issued August 28, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43–14064; Filed, August 28, 1943; 11:55 a. m.]

[Region VI Order G–3 Under MPR 165, Amdt. 1]

HAND LAUNDRY SERVICES IN CHICAGO, ILL.

Amendment No. 1 to General Order No. G–3 under Maximum Price Regulation No. 165, as amended—Services. Adjusted prices for hand laundries in the Chicago metropolitan area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended—Services, *It is hereby ordered as follows:*

(a) The expiration date of General Order No. G–3 under Maximum Price Regulation No. 165, as amended—Services issued April 29, 1943 is extended indefinitely until it is revoked or superseded at any time hereafter either by special order or by any maximum price regulation issued hereafter or by any supplement or amendment hereafter issued as to any price regulations, the provisions of which may be contrary to the order.

(b) This amendment No. 1 to Order No. G–3 shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of July 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–14066; Filed, August 26, 1943; 11:59 a. m.]

[Region VII Order G–7 Under Rev. MPR 122]

FUELS IN GREELEY, COLO.

Order No. G–7 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Greeley trade area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *Geographical applicability.* This order shall apply to all of the area contained within the municipal boundaries of the city of Greeley, Colorado. The above described area is referred to herein as the "Greeley Trade Area."

(b) *What this order does.* If you are a dealer in bituminous and/or subbituminous coal, you will find set forth in this order the maximum prices which you may charge for sales and deliveries made by you from your place of business in the Greeley trade area; and if you are a purchaser in the course of trade or business, the prices set forth herein are the maximum prices which you may pay any coal dealer in the Greeley trade area for the kinds, sizes and quantities of coal specified herein when purchased at his place of business in the Greeley trade area.

(c) *To what sales this order applies.* If you sell coal of the kind specified herein and make delivery thereof to any person within the Greeley trade area, the maximum prices which you may charge therefor and the customary discounts and allowances which you must give are those set forth in this order.

(d) *Specific maximum delivered prices.* (1) If you sell and deliver in the Greeley trade area any one or more of the kinds and sizes of coal named in Table I set forth below, your maximum prices therefor are those specified in said Table I.

TABLE I

Kind	Size	Price per ton	Price per ½ ton
Bituminous coal produced in District 17's sub-district 1, Walsenburg.	#6—8 x 1½ grate	$9.75	$5.15
Sub-district 4, Oak Hills	#3—2½ lump or egg	9.75	5.15
Sub-bituminous coal produced in District 16, in:			
Sub-districts #1 and #2—Louisville & Lafayette.	#2—8" lump	7.45	4.00
Sub-district #1—Louisville	#3, #5, and #6—2½ lump, 2½ x 8 egg, and 2½ x 4 nut.	6.80	3.65
Sub-district #6—Erie	#2, #3 and #5—8" lump, 2½ lump, and 2½ x 8 egg.	6.25	3.40
	#8—2½ x 1¼ nut	5.75	3.15
	#9—1½ x ¾ pea	[1] 4.80	
All sub-districts of District 16	#10—2½ x 0 slack	[1] 4.15	
	#11—1½ x 0 slack	[1] 4.05	

[1] Pea and slack prices per net ton are based on loads of 2 tons or more. For delivery of less than 2 tons add 25¢ to the above pea and slack per net ton price.

(2) If in connection with a sale and delivery of coal made by you in the Greeley trade area you at the request of the purchaser wheel the coal in because the conditions will not permit unloading directly into the bin, you may make a maximum charge of 50¢ per ton, or 35¢ per half-ton, for such service. And if at the request of the purchaser you perform a "pull-back" or "trimming" service in order to fill the bin approximately to capacity, the maximum charge which you may make for such service is 25¢ per ton, or 15¢ per half ton. And if, in addition to the services hereinabove specified, you at the request of the purchaser perform any other special labor service, the maximum price which you may charge for such special service shall be at the rate of 60¢ per man hour of labor furnished. If at the request of the purchaser you give the coal an oil or chemical treatment, the maximum price which you may charge for such service is 25¢ per ton, or 15¢ per half ton.

(3) If you sell coal at your yard, your maximum prices for the kinds and sizes of bituminous and sub-bituminous coal are as set forth below in Table II.

TABLE II

Kind	Size	Price per net ton	
		To dealers	To others
Sub-bituminous coal produced in District 16, in:	#2—8" lump	$6.45	$6.95
Sub-districts #1 and #2—Louisville & Lafayette.	#3, #5 and #6—2½ lump, 2½ x 8 egg, and 2½ x 4 nut.	5.50	6.80
Sub-district #1—Louisville	#2, #3 and #5—8" lump, 2½" lump, and 2½ x 8 egg.	5.25	5.75
Sub-district #6—Erie	#8—2½ x 1¼ nut	5.00	5.50
	#9—1½ x ¾ pea	4.30	4.80
All sub-districts of District 16	#10—2½ x 0 slack	3.65	
	#11—1½ x 0 slack	3.65	

(e) *When Federal transportation tax may be collected.* If on any purchase of coal made by you you are required to pay the Federal transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in subparagraphs (1), (2), and (3) of paragraph (d) hereof, collect from the buyer the amount of such tax actually incurred and paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased, provided you state separately on your sales invoice, slip, ticket or other memorandum, the amount of such Federal tax so collected by you.

(f) *Applicability of other regulations.* Except as inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Revised Maximum Price Regulation No. 122, except paragraph (c) of § 1340.262 thereof, shall apply to all dealers selling and delivering coal in the Greeley trade area with like force and effect as though the same were re-written herein. If you sell solid fuel of a kind or size not specifically priced by this order, all such sales and deliveries remain subject to the provisions of Revised Maximum Price Regulation No. 122.

(g) *What you must not do.* Regardless of any contract or other obligation which you may have heretofore entered into, you shall not: (1) Sell, or in the course of trade or business, buy bituminous or subbituminous coal of the kinds and sizes covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such coal at lower prices than such maximum prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Changing or withdrawing your customary discounts, differentials or allowances;

(ii) Charging for any service which is not expressly requested by the buyer; or

(iii) Charging for any service for which a charge is not specifically authorized by this order; or

(iv) Charging a price for any service higher than the price authorized by this order for such service; or

(v) Increasing your delivery charges, if any, for delivery outside the Greeley trade area, or increasing any interest rate on delinquent and past-due accounts over the rate or charge made by you in December 1941; or

(vi) Using any tying agreement whereby the buyer is required or persuaded to purchase anything other than the fuel requested by him; or

(vii) Using any other device by which a price higher than your maximum price is obtained either directly or indirectly.

(h) *An increase in your supplier's prices does not authorize you to increase your prices.* You must not increase the specific maximum prices established for you by this order to reflect in whole or in part any subsequent increase to you in your supplier's maximum prices for the fuel covered by this order. These specific maximum prices established for you by this order reflect all of the increases in the maximum prices of your supplier to the date hereof. If increase in your supplier's maximum prices shall occur after the effective date of this order, you may bring that fact to the attention of the Regional Administrator whereupon he will take such appropriate action in the premises as the then existing facts and circumstances justify.

(i) *Adjustable pricing.* You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the coal; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(j) *Petition for amendment.* If you desire an amendment of any provisions of this order, you may file a petition therefor with the Regional Administrator and in accordance with the provisions of Revised Procedural Regulation No. 1.

(k) *Definitions.* (1) "Carry" or "wheel-in" means to transport coal from the vehicle in which delivery is made and place the same in the buyer's bin or storage space when the physical condition of the premises are such as to prevent dumping or unloading directly into such bin or storage space.

(2) "Pull-back" or "trimming" means to arrange and place coal in the buyer's bin by re-handling the same for the purpose of filling the bin to capacity.

(3) "Direct delivery" means delivery to the buyer's bin or storage space by dumping, chuting, or shoveling directly from the seller's truck or vehicle.

(4) "Yard sales" mean sales accompanied by physical transfer to the buyer's truck or vehicle at the seller's coal yard or stock pile.

(5) "Dealer" means any person selling bituminous or sub-bituminous coal of any kind or size for which a maximum price is established by this order for sales made in the Greeley trade area and does not include transactions whereby a producer or distributor makes a sale at or from a mine or preparation plant operated as an adjunct of a mine.

(6) "Bituminous coal" means coal produced in District 17 and any subdistrict thereof as set forth in the minimum price schedules of the Bituminous Coal Division of the Department of the Interior.

(7) "Sub-bituminous coal" means coal produced in District 16 and any subdistrict thereof as set forth in the minimum price schedules of the Bituminous Coal Division of the Department of the Interior. This "sub-bituminous coal" produced in District 16 is commonly referred to as "lignite."

(l) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(m) *Effective date.* This order shall become effective as of July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–14067; Filed, August 28, 1943; 11:59 a. m.]

[Region VIII Order G–3 Under MPR 165, Amdt. 2]

LAUNDRY SERVICES IN LOS ANGELES, CALIF.

Amendment No. 2 to Order No. G–3 under Maximum Price Regulation No. 165 as amended—Services.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, *It is hereby ordered,* That Order No. G–3 under Maximum Price Regulation No. 165 as amended be amended in the following particulars:

Paragraph (d) (2) is amended to read as follows:

(2) "Power laundries" includes all establishments offering laundry services for sale, except hotels and apartment houses offering, in their own names as principals, laundry services primarily to their own guests, and except hand laundries. "Hand laundries" shall include any establishment where laundry is not washed on its premises by means of power machinery. Laundry agencies are bound by the prices of the principals they represent. Establishments excepted from this order remain subject to the provisions of Maximum Price Regulation No. 165, as amended—Services.

This amendment shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–14070; Filed, August 28, 1943; 12:01 p. m.]

[Region VIII Order G–4 Under MPR 165, Amdt. 2]

FRUIT PACKING, ETC., SERVICES IN WASHINGTON

Amendment No. 2 to Order No. G–4 under Maximum Price Regulation No. 165 as amended—Services.

For the reasons set forth in an opinion issued simultaneouly herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, *It is hereby ordered,* That Order No. G–4 under Maximum Price Regulation No. 165 as amended be amended in the following particulars:

The portion of paragraph (a) which precedes subparagraph (1) thereof is amended to read as follows:

(a) The adjusted maximum price for the service of cleaning seed and for the service or services of packing, drying and dehydrating fruits (except citrus fruit and except apples and pears grown in Chelan, Okanogan, Douglas and Grant Counties in the State of Washington), vegetables, or rice, including related services, but not including canning, sold and supplied by any person located in Region VIII, shall be the sum of the following:

This amendment shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–14069; Filed, August 28, 1943; 12:00 p. m.]

[Region VIII Order G–17 Under MPR 329]

FLUID MILK IN MOSES LAKE, WASHINGTON

Order No. G–17 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration under § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The adjusted maximum price f. o. b. producer's dairy at which any person whose place of business is located in the city of Moses Lake in the state of Washington may purchase milk from producers shall be $0.80 per pound milk fat.

(b) *Definitions.* (1) The term "City of Moses Lake" shall include the territory within a radius of three miles from the corporate limits of said city.

(2) All other terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329 unless the context clearly requires otherwise.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14068; Filed, August 28, 1943; 12:00 p. m.]

[Region VIII Order G-25 Under 18c, Amdt. 2]

FLUID MILK IN OREGON AND WASHINGTON

Amendment No. 2 to Order No. G-25 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Fluid milk at wholesale and retail in the state of Oregon and certain portions of the state of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered,* That Order No. G-25 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended as set forth below:

(a) Paragraph (a) is hereby amended by striking from said paragraph the heading "County of Klamath in the state of Oregon" and the schedule of prices thereunder and substituting in place and stead thereof the following:

COUNTY OF KLAMATH IN THE STATE OF OREGON

	Wholesale	Retail
Quart container	$0.1175	$0.135
Pint container	.06	.08
Half pint container	.04	

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14071; Filed, August 28, 1943; 12:01 p. m.]

[Region VIII Order G-32 Under 18 (c)]

FIREWOOD IN EASTERN OREGON

Order No. G-32 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Adjusted maximum prices for firewood in certain areas in eastern Oregon.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation, or to any Supplementary Regulation thereto, for sales and deliveries of the types of firewood specified below in the areas specified below, are hereby modified so that the maximum prices therefor shall be:

Area	Type of firewood	Maximum prices per cord delivered to premises of buyer
LaGrande	4' Cordwood	$11.00
LaGrande	Forest wood in 12" or 16" lengths.	12.00
Milton	4' Cordwood	11.00
Milton	Forest wood in 12" or 16" lengths.	12.00
Wallowa	4' Cordwood	9.00
Wallowa	Forest wood in 12" or 16" lengths.	10.00
Enterprise	4' Cordwood	10.00
Enterprise	Forest wood in 12" or 16" lengths.	11.00

(b) *Definitions.* (1) "LaGrande area" as herein used means the city of LaGrande in Union Counuty, state of Oregon, and that part of Union County within a radius of 5 miles from the city limits of LaGrande.

(2) "Milton area" as used herein means the city of Milton in Umatilla County, state of Oregon, and that part of Umatilla County within a radius of 5 miles from the city limits of Milton.

(3) "Wallowa area" as herein used means the city of Wallowa, in Wallowa County, state of Oregon, and that part of Wallowa County within a radius of 5 miles from the city limits of Wallowa.

(4) "Enterprise area" as herein used means the city of Enterprise in Wallowa County, state of Oregon, and that part of Wallowa County within a radius of 5 miles from the city limits of Enterprise.

(c) No seller shall evade any of the provisions of this Order No. G-32 by changing the customary allowances, discounts or other price differentials unless such change results in a lower price.

(d) This order may be revoked, amended or corrected at any time. This order shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14073; Filed, August 28, 1943; 12:05 p. m.]

[Region VIII Order G-33 Under 18 (c)]

FIREWOOD IN WESTERN OREGON

Order No. G-33 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Adjusted maximum prices for firewood in certain areas in western Oregon.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation, or to any Supplementary Regulation thereto, for sales and deliveries of the types of firewood specified below in the areas specified below, are hereby modified so that the maximum prices therefor shall be:

Area	Type of firewood	Maximum price per cord delivered to premises of buyer
Forest Grove	No. 1 old growth fir in 4' lengths.	$9.75
	No. 1 old growth fir in 16" or 12" lengths.	11.00
	No. 2 old growth fir or second growth fir in 4' lengths.	8.75
	No. 2 old growth fir or second growth fir in 16" or 12" lengths.	10.00
	Oak, maple, dogwood, ash and alder in 4' lengths.	12.25
	Oak, maple, dogwood, ash and alder in 16" or 12" lengths.	14.00
Hillsboro	No. 1 old growth fir in 4' lengths.	10.75
	No. 1 old growth fir in 16" or 12" lengths.	12.00
	No. 2 old growth fir or second growth fir in 4' lengths.	9.75
	No. 2 old growth fir or second growth fir in 16" or 12" lengths.	11.00
	Oak, maple, dogwood, ash and alder in 4' lengths.	$12.75
	Oak, maple, dogwood, ash and alder in 16" or 12" lengths.	14.50
Banks	No. 1 old growth fir in 4' lengths.	8.75
	No. 1 old growth fir in 16" or 12" lengths.	10.00
	No. 2 old growth fir or second growth fir in 4' lengths.	8.25
	No. 2 old growth fir or second growth fir in 16" or 12" lengths.	9.50
	Oak, maple, dogwood, ash and alder in 4' lengths.	11.25
	Oak, maple, dogwood, ash and alder in 16" or 12" lengths.	13.00

(b) *Definitions.* (1) "Forest Grove area" as herein used means the City of Forest Grove in the County of Washington, State of Oregon, and that part of Washington County within a radius of 3 miles from the city limits of Forest Grove.

(2) "Hillsboro area" as herein used means the City of Hillsboro in the County of Washington, State of Oregon, and that part of Washington County within a radius of 3 miles from the city limits of Hillsboro.

(3) "Banks area" as herein used means the City of Banks in the County of Washington, State of Oregon, and that part of Washington County within a radius of 4 miles from the city limits of Banks.

(c) No seller shall evade any of the provisions of this Order No. G-33 by changing the customary allowances, discounts or other price differentials unless such change results in a lower price.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14074; Filed, August 28, 1943; 12:04 p. m.]

[Region VIII Order G-34 Under 18 (c)]

FIREWOOD IN STEVENS CO., WASH.

Order No. G-34 under § 1499.18 (c) as amended of the General Maximum Price Regulation—Certain firewood in Stevens County, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices for certain sales and deliveries of specified kinds of firewood in Stevens County, Washington, as established by Sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth in paragraph (b).

(b) The maximum prices for sales of fir, tamarack, and pine forest wood, green or dry, delivered to the premises of the consumer at any point in Stevens County, Washington, shall be:

(1) For wood cut in 4 ft. lengths, $10.00 per cord.

(2) For wood cut to 16 in. lengths or less, $12.00 per cord.

(c) If in March, 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(d) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(e) This order may be revoked, amended, or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7671)

Issued this 30th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14075; Filed, August 28, 1943; 12:02 p. m.]

[Region VIII Order G-35 Under 18 (c)]

FIREWOOD IN CLEARWATER CO., IDAHO

Order No. G-35 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Certain firewood in Clearwater County, Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices for certain sales and deliveries of specified kinds of firewood in Clearwater County, Idaho, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth in paragraph (b).

(b) The maximum prices for sales of fir, tamarack, and pine forest wood, green or dry, delivered to the premises of the consumer at any point in Clearwater County, Idaho, shall be:

(1) For wood cut in 4 ft. lengths, $9.00 per cord.

(2) For wood cut in 16 in. lengths or less, $12.00 per cord.

(c) If in March, 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(d) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(e) This order may be revoked, amended, or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7671)

Issued this 30th day of July 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-14072; Filed, August 28, 1943; 12:02 p. m.]

RAILROAD RETIREMENT BOARD.

[Docket No. 22]

SOMERS LUMBER CO.

ORDER REOPENING INITIAL DETERMINATION

Somers Lumber Company and the "Somers Lumber Division" of the Glacier Park Hotel Company (now the Glacier Park Company) St. Paul, Minnesota.

Order reopening General Counsel's initial determination on the status of the Somers Lumber Company and the "Somers Lumber Division" of the Glacier Park Hotel Company (now the Glacier Park Company) under the Railroad Unemployment Insurance Act.

Pursuant to §§ 319.42 and 319.45[1] of the regulations under the Railroad Unemployment Insurance Act, the General Counsel of the Railroad Retirement Board orders and directs that:

(1) The General Counsel's determination of August 10, 1943 (Opinion L-43-581), relating to the status as an "employer" under the Railroad Unemployment Insurance Act of the Somers Lumber Company and the "Somers Lumber Division" of the Glacier Park Hotel Company (now the Glacier Park Company), be, and it hereby is reopened for further consideration and proceedings in accordance with Regulations, Part 319; and that

(2) The record on which the General Counsel made the determination hereby reopened shall constitute the record in the proceedings under Part 319 of the Regulations unless on or before September 16, 1943, a properly interested party expresses an intention to present additional evidence and argument in accordance with §§ 319.42 and 319.45 of the regulations.

Order made this 26th day of August 1943.

JOSEPH H. FREEHILL,
General Counsel.

AUGUST 27, 1943.

[F. R. Doc. 43-14050; Filed, August 28, 1943; 11:35 a. m.]

[1] 7 F.R. 4774, June 27, 1942.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-178]

SCRIPPS-HOWARD INVESTMENT CO.

NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of August, A. D. 1943.

An application having been duly filed by Scripps-Howard Investment Company for an order, pursuant to section 6 (b) and/or section 6 (c) of the Investment Company Act of 1940, exempting the applicant from the provisions of said Act and the Rules and Regulations promulgated by the Commission thereunder; and

It appearing that a stipulation between counsel for the applicant and counsel for the Corporation Finance Division was entered into which modified the application to constitute it a request for partial exemption from said Act, and that the hearing in this matter was conducted on the basis of the application as so modified; and

It appearing further that on the basis of said stipulation counsel for the American Newspaper Guild withdrew their request for permission to file a memorandum or brief in support of the contentions of the American Newspaper Guild with respect to complete exemption of the applicant from the provisions of said Act; and

It appearing further that after the hearing in this matter was closed counsel for the applicant filed a memorandum requesting complete exemption of the applicant from the provisions of said Act subject to certain specified conditions; and

It appearing to the Commission that it is appropriate to permit the applicant to amend its application in accordance with Rule N-2 prescribed by the Commission pursuant to said Act and to reconvene the hearing in this matter;

It is ordered, That the applicant be permitted to file a formal amendment to its application on or before September 15, 1943; and

It is further ordered, That the record in this matter be reopened and that the

hearing ordered by this Commission under section 40 (a) of the Investment Company Act of 1940 be reconvened on September 28, 1943, at 10 A. M. Eastern War Time in Room 318, of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Robert P. Reeder, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing so ordered. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant, to the American Newspaper Guild, and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-14045; Filed, August 28, 1943; 11:03 a. m.]

[File No. 70-763]

NATIONAL POWER AND LIGHT CO. AND MEMPHIS GENERATING CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of August, A. D. 1943.

National Power & Light Company ("National") and its subsidiary, Memphis Generating Company ("Memphis"), having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder relating to a proposal by National to sell to Memphis for a cash consideration of $350,000, 3500 shares of the 50,500 shares of outstanding capital stock of Memphis, having a par value of $100 per share, all of which are owned by National, and a proposal by Memphis to purchase from National the said 3500 shares, retire them and effect a reduction of its capital in the amount of $350,000; and

Said joint application and declaration having been filed on the 21st day of July, 1943, and the last amendment thereto having been filed on the 24th day of July, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said joint application and declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed sale by National to Memphis of the securities hereinabove described is a step in compliance with the order of the Commission dated August 23, 1941, issued pursuant to the provisions of section 11 (b) (2) of the Act, directing the dissolution of National, and is not in contravention of the provisions of the Act or any Rules or Regulations promulgated thereunder, that the proposed transactions satisfy the requirements of sections 10 and 12 of the Act and Rules U-42, U-43 and U-44 thereunder, insofar as they are applicable, and that it is appropriate in the public interest and in the interest of investors and consumers that said application be granted and said declaration be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid joint application be granted and the aforesaid declaration be permitted to become effective forthwith.

It is further ordered, That the sale and transfer by National to Memphis of said 3,500 shares of the capital stock of Memphis and the purchase and acquisition thereof by Memphis are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-14046; Filed, August 28, 1943; 11:03 a. m.]

[File No. 70-751]

NORTHERN INDIANA PUBLIC SERVICE CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of August, 1943.

The Commission having by order dated July 26, 1943, granted the application of Northern Indiana Public Service Company, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of Midland Utilities Company, a registered holding company, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof, of the issue and sale, in accordance with Rule U-50 promulgated under the Act, of $45,000,000 principal amount of First Mortgage Bonds, Series C, due August 1, 1973; and having by said order reserved jurisdiction over the fee of $15,000 of Chapman and Cutler, Chicago, counsel for the underwriters of the said bonds; and

The Commission having examined the record and testimony with respect to the services performed by Chapman and Cutler, and said firm having notified the Commission that the services have been fully performed with certain minor exceptions; and it appearing to the Commission that the fee of Chapman and Cutler is not unreasonable, and that jurisdiction over such fee should be released;

It is ordered, That jurisdiction over the fee of Chapman and Cutler, in connection with the said application, be and hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-14047, Filed, August 28, 1943; 11:03 a. m.]

[File Nos. 59-11, 59-17, 54-25]

THE UNITED LIGHT AND POWER CO., ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of August 1943.

In the matter of the United Light and Power Company, Continental Gas and Electric Corporation Eastern Kansas Utilities, Inc., et al.

The Commission having, by its order of July 16, 1942 entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed, among other things, that Eastern Kansas Utilities, Inc., a subsidiary of Continental Gas & Electric Corporation, a registered holding company, dispose of its ice and cold storage businesses within

Eastern Kansas Utilities, Inc. having filed an application pursuant to section 11 (c) of said Act setting forth that while it expects to be able to sell the properties on an acceptable basis it has not been able to dispose of them within the initial period specified in the order, due to the unsatisfactory physical condition of the ice manufacturing machinery, and requesting an extension of time of one year within which to comply with said provisions of said order; and

The Commission having found, in the light of the particular circumstances, that Eastern Kansas Utilities, Inc. has been unable in the exercise of due diligence to comply with said provisions of said order within the time prescribed therein and that an extension of time is necessary and appropriate in the public interest and for the protection of investors and consumers;

It is ordered, That Eastern Kansas Utilities, Inc., be, and hereby is, granted an additional period of one year from July 16, 1943 within which to comply with the provisions of the order of July 16, 1942 directing disposition by Eastern Kansas Utilities, Inc. of its interest in the ice and cold storage businesses.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-14048; Filed, August 28, 1943; 11:03 a. m.]

[File No. 70-756]

CONSOLIDATED ELECTRIC AND GAS CO.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of August, A. D. 1943.

Consolidated Electric and Gas Company, a registered holding company, having filed declarations pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 12 (d) and 12 (c) thereof, regarding the sale of all the common stock of its subsidiary public utility company, Lynchburg Gas Company, and the use of the proceeds of the said sale for the purchase in the open market and the retirement of Consolidated Electric and Gas Company's Collateral Trust Gold Bonds; and

A public hearing having been held after appropriate notice; the Commission having considered the record in this matter, and having made and filed its findings and opinion therein;

It is ordered, That the said declarations be and hereby are permitted to become effective forthwith, subject to the conditions enumerated below;

(1) That at least seven days before purchases are commenced Consolidated shall advise by letter each known holder of its Consolidated Bonds fully with respect to its intention to make such purchases and the method to be employed, the form of such letter to be submitted to the staff of the Public Utilities Division prior to release;

(2) That Consolidated shall not solicit or cause to be solicited from individual bondholders the sale of any bonds to the company;

(3) That no purchases shall be made directly or indirectly from persons or corporations in any way associated or affiliated with Consolidated; and

(4) That Consolidated shall furnish to the Commission, promptly after the last day of each month, a schedule showing for each day covered by such report the number of bonds purchased, the prices at which purchased, and the name of the broker through whom purchased.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-14049; Filed, August 28, 1943; 11:03 a. m.]

[File Nos. 59-13, 70-774]

STANDARD POWER AND LIGHT CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of August 1943.

In the matter of Standard Power and Light Corporation, File No. 59-13; in the matter of Standard Power and Light Corporation, File No. 70-774.

On June 19, 1942, in the matter of Standard Power and Light Corporation, File No. 59-13, the Commission entered an order pursuant to section 11 (b) (2), requiring the liquidation and termination of the existence of Standard Power and Light Corporation and further providing "that before Standard Power and Light Corporation takes any step or action for the divestment of its securities or other assets held by it for the purpose of enabling the said Standard Power and Light Corporation to comply with the provisions of section 11 of said Act or with the provisions of this order, such step or action shall be the subject of an application or applications to this Commission for the entry of necessary or appropriate orders."

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Standard Power and Light Corporation, a registered holding company.

Notice is further given that any interested party may, not later than September 16, 1943, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interests, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Standard Power and Light Corporation proposes to sell in the open market on the New York Stock Exchange, the following portfolio securities:

$5,000 principal amount of First Consolidated 4% bonds, due 1952 of Atlantic Coast Line Railroad Company
$5,000 principal amount of First Refunding 4% Bonds, due 1949 of Central Pacific Railway Company
$5,000 principal amount of General 4% Bonds, due 1958 of Chicago, Burlington and Quincy Railroad Company
$5,000 principal amount of Consolidated, 4% Bonds, due 1998 of New York Central Railroad Company
$5,000 principal amount of First Consolidated, 5% Bonds, due 1994 of Southern Railway Company
$5,000 principal amount of First Refunding 4% Bonds, due 1955, of Southern Pacific Railroad Company
$5,000 principal amount of 3% Debentures due 1965, of Texas Corporation

Declarant also proposes to sell either 13 shares of the common stock of Mountain States Power Company or 182 shares of the Class A stock of Southern Colorado Power Company in the open market on the New York Curb Exchange.

Declarant states that it will use the proceeds from the sales of the foregoing securities to purchase obligations of the Government of the United States of America.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-14104; Filed, August 30, 1943; 9:54 a. m.]

[File Nos. 70-753, 70-752]

IDAHO POWER CO. AND ELECTRIC POWER & LIGHT CORP.

NOTICE OF FILING OF AMENDMENT AND ORDER RECONVENING HEARING AND DESIGNATING A NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of August, A. D. 1943.

In the matters of Idaho Power Company, Electric Power & Light Corporation, File No. 70-753; and Electric Power & Light Corporation, File No. 70-752.

Notice is hereby given that an amendment to a declaration in the File No. 70-752 proceedings herein has been filed with this Commission by Electric Power & Light Corporation ("Electric"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized as follows:

On June 26, 1943, Electric filed a declaration under which it proposed to sell 450,000 shares of $20 par value common stock of Idaho Power Company ("Idaho"). On July 29, 1943, the Commission issued its order granting an application by Electric for exemption of said sale from the competitive bidding requirements of Rule U-50 (Holding Company Act Release No. 4458), subject to certain terms and conditions and to certain reservations of jurisdiction including jurisdiction to pass, in case of sale of such shares, upon the price to be received therefor by Electric, the spread between the price to Electric and the offering price to the public, and all other matters relating to the terms and conditions of said sale. Electric proposes in said amendment to accept the offer, received pursuant to negotiations for the sale of said shares, of Blyth & Co., Inc. and Lazard Freres & Co. on behalf of and as representatives of an underwriting group, to purchase said shares, the price at which such shares are to be offered to the public and the spread to the underwriters to be supplied by a further amendment.

It appearing to the Commission that the hearing herein, previously continued, should be reconvened for the purpose of taking additional testimony necessitated by such amendment, and

It appearing that the Trial Examiner heretofore designated to preside at the hearings in these consolidated proceedings will be unable to do so,

It is hereby ordered, That the hearing in the above entitled matter be reconvened on August 30, 1943 at 2:00 P. M., E. W. T., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing room clerk, in room 318, will advise as to the room where such hearing will be held. At such hearing cause shall be shown

why such amended declaration shall become effective. Notice is hereby given of said reconvened hearing to Electric Power & Light Corporation and to all interested persons, and additional notice is to be given to Electric Power & Light Corporation by confirmed telegraphic notice, and said notice shall be published in the FEDERAL REGISTER.

It is further ordered, That Robert P. Reeder, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said amendment otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the price to be received for such shares by Electric, and whether the spread between such price and the offering price to the public, are reasonable.

2. Whether the fees and expenses incurred by Electric in connection with said sale are reasonable under the circumstances.

3. Whether all other matters relating to terms and conditions of said sale are appropriate and in the public interest and in the interest of investors.

4. Whether there has been a maintenance of competitive conditions in connection with such sale.

5. Whether it is necessary or appropriate to impose any terms or conditions in the public interest or for the protection of investors, including any terms and conditions to insure that after said sale Idaho will not be subject to the control or controlling influence of Electric or Electric Bond and Share Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-14105; Filed, August 30, 1943; 9:54 a. m.]

[File No. 70-777]

NORTHERN NATURAL GAS COMPANY (DELAWARE)

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of August 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Northern Natural Gas Company (Delaware), a registered holding company. All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Northern Natural Gas Company proposes to modify and amend the Company's presently outstanding First Mortgage and First Lien Bonds, Series A, 3¼%, due 1954 and the indenture securing the same to the extent necessary to accomplish the following purposes:

(1) To extend the maturity date of said bonds from July 1, 1954, to December 31, 1961;

(2) To provide for uniform sinking fund payments of $1,000,000 per annum commencing with the year 1946, and continuing until December 31, 1961, payable in semi-annual installments of $500,000 each;

(3) To fix the price at which the extended bonds shall be redeemable (otherwise than for sinking fund) at any time and from time to time prior to maturity at 103 if redeemed on or before December 31, 1951; and at varying decreasing amounts if redeemed thereafter, the redemption price being the principal amount of said bonds if the redemption occurs subsequent to December 31, 1959.

Northern Natural Gas Company requests an exemption from the requirements of Rule U-50 pursuant to the provisions of subparagraph (a) (5) of said Rule.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission:

It is ordered, That a hearing in this proceeding be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on the 15th day of September, 1943, in such room as may be designated on such day by the hearing room clerk. At such hearing, cause shall be shown why such declaration shall become effective or such application shall be granted.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided in Rule XVII of the Commission's Rules of Practice on or before September 4, 1943.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Northern Natural Gas Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of the issues presented by such application or declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed transaction complies with the requirements of Section 7 of the Act;

(2) Whether the proposed transaction should be exempt pursuant to the provisions of subparagraph (a) (5) of Rule U-50 from the requirements of subparagraphs (b) and (c) of said Rule;

(3) Generally, whether, in any respect, the proposed transaction is detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the Act or the Rules, Regulations, or Orders promulgated thereunder;

(4) Whether, if the transaction proposed is authorized by the Commission, it is appropriate in the public interest and in the interest of investors and consumers that any terms or conditions be imposed in connection with such authorization, and, if so, what such terms and conditions should be.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-14106; Filed, August 30, 1943; 9:54 a. m.]

[File No. 70-685]

HOUSTON GULF GAS CO.

ORDER PERMITTING POST-EFFECTIVE AMENDMENT TO DECLARATION AND DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of August A. D. 1943.

Houston Gulf Gas Company, an indirect subsidiary of United Gas Corporation, a subsidiary of Electric Power & Light Corporation, a registered holding company which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935; and

The Commission having on March 15, 1943 issued its notice of said filing (Holding Company Act Release No. 4171) in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and having summarized therein the transactions proposed in said filing as follows:

"Houston Gulf Gas Company ("Houston Gulf"), an indirect subsidiary of United Gas Corporation, a subsidiary of Electric Power & Light Corporation, which in turn is a subsidiary of Electric Bond and Share Company, both registered holding companies, proposes to issue its promissory note dated on or about April 15, 1943 in the principal amount of $600,000 bearing interest at the rate of 2% per annum, payable six months from the date thereof to the First National Bank of Boston ("Bank") and to use the cash proceeds therefrom to construct natural gas transmission facilities and make changes in existing equipment, the cost of which is estimated at $600,000. This expenditure is alleged to be necessary to enable Houston Gulf to convey to Defense Plant Corporation for a cash purchase price of $2,625,000 its 14" and 16" natural gas transmission line extending from Refugio, Refugio County, Texas to Pierce Junction, Harris County, Texas, for conversion into an oil pipe line. The proposed sale and conversion are stated to be necessary for the more effective prosecution of the war.

Houston Gulf is presently indebted to Bank in the sum of $3,000,000 representing the unpaid balance on a 2½% note in the principal amount of $6,000,000 dated August 29, 1940, maturing August 29, 1945, and payable in semi-annual installments of $600,000. The note provides that the proceeds of the sale of any of the Houston Gulf's properties, in excess of $50,000 in any twelve month period, shall be applied toward the payment of the principal amount thereof.

Houston Gulf proposes to use the proceeds of the sale of its natural gas transmission line above described, to which the Bank has agreed, as follows:

To payment of note proposed to be issued as described above	$600,000
For other corporate purposes	400,000
To partial prepayment of the unpaid balance on the note held by the Bank as described above	1,500,000
Increase in Declarant's cash	125,000
Total	$2,625,000

Following the consummation of the previously described transactions, declarant proposes to issue to the Bank a new 2½% note in the principal amount of $1,500,000 payable in semi-annual installments of $300,000 and maturing on August 29, 1945. This note together with a like principal amount of cash as indicated above will be used to prepay the unpaid balance on the declarant's note dated August 29, 1940, which will be surrendered and cancelled;

and

The Commission having on April 8, 1943 issued its order herein (Holding Company Act Release No. 4232) pursuant to Rule U-23 and the applicable provisions of the Act in which it stated that the Commission had not received any request for hearing with respect to said declaration within the period prescribed in said Notice or otherwise and had not ordered a hearing thereon and that all applicable statutory requirements were met and in which it therefore ordered that the declaration as amended be permitted to become effective; and

The Declarant having on August 26, 1943 filed a post-effective amendment to the said declaration in which it states that it has been unable to consummate the conveyance of its pipe line to Defense Plant Corporation under the contract dated February 9, 1943 and as a consequence has not yet received the consideration to be paid to it by Defense Plant Corporation and is therefore not in a position to meet the installment of $600,000 payable to the First National Bank of Boston under the terms of Declarant's note dated August 29, 1940 and that the obligation of the First National Bank of Boston to accept $1,500,000 in cash and a new note in the principal amount of $1,500,000 will terminate on August 29, 1943 unless extended, and that Declarant and the First National Bank of Boston have entered into a supplemental agreement extending the time for payment of the above-mentioned installment of $600,000 from August 29, 1943 to September 28, 1943 and extending for the same period the obligation of the First National Bank of Boston to accept a payment in cash and a new note in full payment of the note of August 29, 1940 and that approval is sought of said extension agreement; and

It appearing to the Commission to be appropriate in the public interest and in the interest of investors and consumers that said amendment and said declaration as so amended be permitted to become effective;

It is ordered, That said amendment and said declaration as so amended be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-14107; Filed, August 30, 1943; 9:55 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain Revocation Orders listed in Schedule A below, revoking Preference Rating Orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon Preference Ratings, construction of the project and delivery of materials therefor, the Builder and Suppliers affected shall refer to the specific order issued to the Builder.

Issued August 27, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-19-h	97225	Peerless Mattress Co., 816 S. Saginaw St., Flint, Michigan.	Flint, Michigan	8/19/43
P-19-e	39139	Kentucky Dept. of Highways Frankfort, Kentucky.	On Henderson-Morganfield Road (U. S. 60) from Henderson County line to Morgan field.	8/20/43
P-19-e	40403	Kentucky Dept. of Highways, Frankfort, Kentucky.	U. S. Hwy. 60 extending from Union County Line to the Junction with U. S. Hwy. 41 near Henderson.	8/20/43
P-19-e	94646	Convenience, Incorporated, Greenville, South Carolina.	Greenville, S. C.	8/19/43
P-19-h	95924	Humble Oil & Refining Co., Post Office Box 2180, Houston, Texas.	Baytown, Texas	8/26/43

[F. R. Doc. 43-14009; Filed, August 27, 1943; 5:13 p. m.]

[Serial No. 12455-E]

TULLAHAMA-SHELBYVILLE PROJECT, TENNESSEE

CANCELLATION OF REVOCATION ORDER

Builder: Tennessee Department of Highways & Public Works, Nashville, Tennessee.

Project: Between Tullahama & Shelbyville, S. R. #16, Identified as: AW-FAP 274-B (1).

The revocation of Preference Rating issued on May 1, 1943, Serial No. 12455 is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued August 27, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-14008; Filed, August 27, 1943; 5:13 p. m.]